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**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, SEPTEMBER 21, 2005, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Mark Quist, New Life Church

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE RIVERFRONT COMMISSION

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING OCTOBER 2005 AS “PHYSICAL THERAPY MONTH” IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 1, 2005 AS “OKTOBERFEST DAY” IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 2005 AS “KIDS VOTING MONTH” IN THE CITY OF GRAND JUNCTION

*** PROCLAIMING OCTOBER AS “BREAST CANCER AWARENESS MONTH” IN THE CITY OF GRAND JUNCTION AND MESA COUNTY

APPOINTMENTS/ENDORSEMENTS

RATIFY APPOINTMENTS TO THE URBAN TRAILS COMMITTEE

RESOLUTION NO. 152-05 – A RESOLUTION ENDORSING COUNCIL PRESIDENT BRUCE HILL’S APPLICATION FOR A LEADERSHIP POSITION ON THE NLC COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE AND DIRECTING THAT A LETTER OF ENDORSEMENT BE SENT TO NLC ON THE CITY COUNCIL’S BEHALF

[Attach 1](#)

CITIZEN COMMENTS

Ron Kelley to address the City Council regarding emergency preparedness and asset protection.

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 2](#)

Action: Approve the Minutes of the September 7, 2005 Special Session and the Minutes of the September 7, 2005 Regular Meeting

2. **Asphaltic Road Material (Road Oil)** [Attach 3](#)

The purchase of Asphaltic Road Material (Road Oil) required for the City chip seal projects for the year 2005 is estimated at 72,000 gallons of HFMS-2P.

Action: Authorize the Purchase of an Estimated 72,000 Gallons of Asphaltic Road Materials on an as-needed basis for the Budgeted Amount of \$78,000.00 for the Year 2005

Staff presentation: Mark Relph, Public Works and Utilities Director

3. **Change Order #4 to the Contract for the Duck Pond Park Lift Station Elimination Project** [Attach 4](#)

Approve contract change order #4 for fill of annular space between casing pipe and 24" sewer carrier pipe to Mendez, Inc. in the amount of \$22,904.00 to the Duck Pond Park Lift Station Elimination Project construction contract for a revised contract amount of \$2,143,663.59. There has already been \$120,159.59 approved for Change Orders 1, 2, and 3.

Action: Authorize the City Manager to Approve Contract Change Order #4 to the Duck Pond Lift Station Elimination Project in the Amount of \$22,904.00 with Mendez, Inc. for Filling Annular Space between Casing and Sewer Carrier Pipe with Fly Ash Material

Staff presentation: Mark Relph, Public Works and Utilities Director

4. **Setting a Hearing to Rezone Lots 1 & 2, Chiroconnection Simple Subdivision from RMF-8, Residential Multi-Family – 8 Units/acre to RO, Residential Office, Located at 1705 & 1715 N. 1st Street** [File # RZ-2005-153] [Attach 5](#)

The petitioner, William C. Weimer, is requesting approval to rezone two properties located at 1705 & 1715 N. 1st Street from RMF-8 to RO. The two properties total 0.41 acres. The Planning Commission recommended approval at its September 13, 2005 meeting.

Proposed Ordinance Rezoning the Property Known as the Weimer Properties
Rezone Located at 1705 & 1715 N. 1st Street

Action: *Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2005*

Staff presentation: Scott D. Peterson, Associate Planner

5. **Setting a Hearing for the Ankarlo Annexation Located at 385 31 5/8 Road** [File #ANX-2005-194] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.31 acre Ankarlo Annexation consists of 1 parcel.

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

Resolution No. 153-05 – 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, Ankarlo Annexation, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

Action: *Adopt Resolution No. 153-05*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ankarlo Annexation, Approximately 10.31 Acres, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

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

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing for the Emmanuel Baptist Church Annexation Located at 395 31 5/8 Road** [File #ANX-2005-215] [Attach 7](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.36 acre Emmanuel Baptist Church Annexation consists of 1 parcel.

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

Resolution No. 154-05 – 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, Emmanuel Baptist Church Annexation, Located at 395 31 5/8 Road

@Action: *Adopt Resolution No. 154-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Emmanuel Baptist Church Annexation, Approximately 4.36 Acres, Located at 395 31 5/8 Road

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

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing on an Ordinance Amending the Dog Regulations, Chapter 6 of the Code of Ordinances** [Attach 8](#)

Amendments to Article III (Dogs and Cats) of Chapter 6 (Animals) of the Grand Junction Code of Ordinances concerning impoundment and licensing of dogs, control of dangerous dogs, exceptions to the prohibition of dogs at large, a surcharge on fines for dog at large and correction of scribes' errors are proposed.

Proposed Ordinance Amending Parts of Chapter 6, Article III of the City of Grand Junction Code of Ordinances Relating to Licensing and Impoundment of Dogs, Dogs at Large, Control of Dogs, Dangerous Dogs, A Surcharge on Fines for the Purpose of Funding Dog Park(s) and Correction of Scribes' Errors and Authorize the Publication in Pamphlet Form

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2005

Staff presentation: John Shaver, City Attorney

*** 8. **Request for Incentives for Colorado Bureau of Investigation** [Attach 20](#)

The Grand Junction Economic Partnership is requesting consideration of an incentive in the amount of \$200,000 for the Colorado Bureau of Investigation (CBI) to relocate to the City of Grand Junction. This incentive would be based on a written agreement between the parties and is based on the intent of CBI to move, hire, and retain a certain number of employees for a specified period of time.

Resolution No. 157-05 – A Resolution Authorizing an Economic Incentive for the Colorado Bureau of Investigation for \$200,000 to Relocate to the City of Grand Junction

®Action: Adopt Resolution No. 157-05

Staff presentation: Sheryl Trent, Assistant to the City Manager

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

9. **Advertising Services Contract for the Visitor and Convention Bureau** [Attach 9](#)

The general scope of this contract includes professional advertising, marketing and promotional services with the primary purpose of promoting Grand Junction as a visitor destination. Agencies were required to submit a plan that focused on utilizing the budget available focusing on advertising, but also included the integration of public relations, research, and promotions. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Action: Authorize the City Manager to Sign a Contract with Hill and Company in the Amount Not to Exceed \$325,000 for 2006 Advertising Services for the Visitor and Convention Bureau

Staff presentation: Ronald Watkins, Purchasing Manager
Debbie Kovalik, Executive Director, VCB

10. **Web Site Marketing Contract for the Visitor and Convention Bureau** [Attach 10](#)

The general scope of this contract includes professional internet marketing services with the primary purpose of promoting GJVCB's website as the official site for vacation planning information about the Grand Junction area. Agencies were required to submit a plan that focused on utilizing the budget available focusing on hosting the web site, maintaining the current site, enhancements and search engine optimization. This contract was part of the Advertising contract, but was pulled out for this solicitation due to the ever expanding and changing web environment. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Action: Authorize the City Manager to Sign a Contract with Miles Media Group in the Amount Not to Exceed \$75,000 for 2006 Web Site Marketing for the Visitor and Convention Bureau

Staff presentation: Ronald Watkins, Purchasing Manager
Debbie Kovalik, Executive Director, VCB

11. **Amending the 24 Road Corridor Subarea Plan** [File# GPA-2005-148] [Attach 11](#)

A request to amend the 24 Road Corridor Subarea Plan in the Mixed Use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Action: Consideration of a Request to Amend the 24 Road Corridor Subarea Plan

Staff presentation: Kathy Portner, Planning Manager

12. **Request to Rehear Pomona Commons Rezone for Property Located at 589 25 ½ Road** [File #RZ-2005-163] [Attach 12](#)

Consideration of a request to rehear the August 17, 2005 consideration of a rezone for property known as Pomona Commons located at 589 25 ½ Road. The applicant had requested a rezone from RMF-5 to RMF-12. Council zoned the property RMF- 8.

Action: Consider the Petitioner's Request to Rehear the Public Hearing Rezoning Property Located at 589 25 ½ Road

Staff presentation: Bob Blanchard, Community Development Director

13. **Public Hearing – Vacating a Portion of the Public Sidewalk Right-of-Way, Located at 201 and 205 Colorado Avenue** [File #VR-2005-204] [Attach 13](#)

In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Ordinance No. 3825 – An Ordinance Vacating a Portion of the Public Sidewalk Right-of-Way Located at 201 and 205 Colorado Avenue

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3825

Staff presentation: Bob Blanchard, Community Development Director

14. **Public Hearing – Vacating Right-of-Way Previously Dedicated through the City-owned Painted Bowl Property, Located Northwest of Monument Road and Mariposa Drive** [File # FP-2005-167] [Attach 14](#)

Redlands Mesa, Filing 7, requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975, a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

Ordinance No. 3826 – An Ordinance Vacating Right-of-Way Dedicated Across the City-owned Painted Bowl Property

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3826

Staff presentation: Kathy Portner, Planning Manager

15. **Public Hearing – Amendment to Action Plan for 2004 CDBG Program Year and Three Subrecipient Contracts for Projects within the City's 2004 and 2005 Program Years Community Development Block Grant (CDBG) Program** [File #'s CDBG 2004-11, CDBG 2005-03, CDBG 2005-05] [Attach 15](#)

The amendment to the 2004 CDBG Action Plan is to utilize the grant funds to replace the roof instead of replacing windows at the Hope Haven facility. The Subrecipient Contracts formalize the City's award of a total of \$52,500 to various

non-profit organizations and agencies allocated from the City's 2004 and 2005 CDBG Program as previously approved by Council.

®Action: Hold a Public Hearing and Approve the Amendment to the City's CDBG 2004 Action Plan for the Revision and Authorize the City Manager to Sign the Three Subrecipient Contracts.

Staff presentation: Dave Thornton, CDBG Program Manager

16. **Design Contract for I-70/Horizon Drive Interchange Landscape Improvements Project** [Attach 16](#)

Carter & Burgess, Inc. was selected through a Qualifications Based Selection (QBS) process to design the I-70/Horizon Drive Interchange Landscape Improvements Project. Six proposals were received. Based on an evaluation of the proposals, three firms were invited to make presentations to the selection committee. Carter & Burgess, Inc. was the preferred firm to provide these professional design services.

Action: Authorize the City Manager to Execute a Contract for Design of the I-70B/Horizon Drive Interchange Landscape Improvements Project to Carter & Burgess, Inc. of Denver in the Amount of \$72,400.00

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Construction Contract Award for Riverside Parkway Phase I** [Attach 17](#)

Riverside Parkway, Phase I generally consists of four miles of new and reconstructed minor arterial roadway and replacement of 12,600 linear feet of sewer line, 11,551 linear feet of irrigation facilities, and 12,200 linear feet of storm drain facilities. Two bids were opened on Tuesday, September 13, 2005.

Action: Authorize the City Manager to Sign a Construction Contract for the Riverside Parkway Phase I to SEMA Construction, inc., in the Amount of \$13,777,777.11

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Purchase of Property at 2911 D Road for the Riverside Parkway Project** [Attach 18](#)

The City has entered into a contract to purchase a portion of the property at 2911 D Road from Wilbur C. and Nona F. Vanwinkle. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 155-05 – A Resolution Authorizing the Purchase of Real Property at 2911 D Road from Wilbur C. and Nona F. Vanwinkle

®Action: *Adopt Resolution No. 155-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

19. **Purchase of Property at 2854 Patterson Road for Matchett Park** [Attach 19](#)

The City has entered into a contract to purchase the property at 2854 Patterson Road. The contract is contingent on City Council's ratification.

Resolution No. 156-05 - A Resolution Authorizing the Purchase of Real Property at 2854 Patterson Road from Timothy W. Smith and Susan F. Smith

®Action: *Adopt Resolution No.156-05*

Staff presentation: Kelly Arnold City Manager
John Shaver, City Attorney

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

21. **OTHER BUSINESS**

22. **ADJOURNMENT**

Attach 1

Resolution Endorsing Council President Bruce Hill to NLC

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -05

A RESOLUTION ENDORSING COUNCIL PRESIDENT BRUCE HILL'S
APPLICATION FOR A LEADERSHIP POSITION ON THE NLC
COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE
AND DIRECTING THAT A LETTER OF ENDORSEMENT BE
SENT TO NLC ON THE CITY COUNCIL'S BEHALF

WHEREAS, Bruce Hill is serving his first term on the City Council for the City of Grand Junction and is currently the President of the Council; and

WHEREAS, Council President Bruce Hill has participated on the Colorado Municipal League's Policy Board for two years and has attained Certificate and Leadership levels through the CML leadership program; and

WHEREAS, Council President Hill has participated on the National League of Cities Community and Economic Development Steering Committee with perfect attendance in his first year of service and has attained Bronze, Silver and Gold levels through the NLC Leadership Training Institute leadership program; and

WHEREAS, Council President Hill represents the Grand Junction City Council on the Grand Junction Economic Partnership, the Chamber of Commerce Legislative Committee, the Economic Development Partners, Western Colorado Business Development Center, and the Public Development Rights Committee; and

WHEREAS, Council President Hill represents the City of Grand Junction in an exemplary manner and serves the City of Grand Junction well in that representation.

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

1) Bruce Hill be endorsed as a candidate for a leadership position on the National League of Cities' Community and Economic Development Steering Committee for 2006; and

2) City Staff be directed to forward a letter of endorsement to the NLC President on behalf of the City Council.

Adopted this _____ day of September, 2005.

ATTEST:

President of the Council

City Clerk

Attach 2

Minutes of September 7th Special Session and Regular Meeting

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

SEPTEMBER 7, 2005

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, September 7, 2005 at 6:00 p.m. in the Administration Conference Room, 2nd Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Gregg Palmer, Jim Spehar (arrived 6:05 p.m.), Doug Thomason, and President of the Council Bruce Hill. Absent was Councilmember Jim Doody. Also present was City Manager Kelly Arnold.

Other staff members present were Assistant City Manager David Varley, City Attorney John Shaver, Administrative Services Director Ron Lappi, Assistant Parks & Recreation Director Don Hobbs and Management Intern Mario Ramos.

Council President Hill called the meeting to order.

Councilmember Coons moved to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest pursuant to Section 402(4) (a) of the Open Meetings Act relative the Matchett Park Property and will not be returning to open session. Council President Pro Tem Palmer seconded the motion. The motion carried.

The City Council convened into executive session at 6:03 p.m.

Stephanie Tuin, MMC
City Clerk

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

SEPTEMBER 7, 2005

The City Council of the City of Grand Junction convened into regular session on the 7th day of September 2005, at 7:07 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Absent was Councilmember Jim Doody. 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 Doug Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Deb Hoefer was present to receive her certificate.

TO THE RIVERFRONT COMMISSION

John Gormley and Dave Soker were present to receive their certificates.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING SEPTEMBER 17 – 23, 2005 AS “CONSTITUTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING SEPTEMBER 18 – 24, 2005 AS “YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF NOVEMBER, 2005 AS “HOSPICE MONTH” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ORGANIZATION – PATTERSON GARDENS

Assistant to the City Manager, Sheryl Trent, introduced Becky Brown representing the Patterson Gardens neighborhood group and presented her with the neighborhood recognition. She showed a slide presentation of the neighborhood and described its location. She said there are approximately 40 homes and the issues they identified in their applications are safety and the speed of traffic on Patterson. Ms. Trent said the program will be addressing the open space and landscaping needs, converting the

existing green area to xeriscape and also, beautification of the fence along the perimeter of the property. Ms. Brown thanked the City Council for the grant to beautify the corner. Councilmember Beckstein presented a certificate of recognition to Ms. Brown for the Patterson Gardens neighborhood on behalf of the Council.

Council President Hill recognized a representative from Boy Scout Troop 303 in attendance.

CITIZEN COMMENTS

Charlie Kerr, president of Western Colorado Congress and representing a number of other organizations, addressed the City Council. He stated they wanted to make a presentation to the Council regarding the Bangs Recreation Area Management Plan which they feel is fatally flawed. He said there are a number of archaeological sites in the area and it is widely enjoyed for hiking, biking, and various limited motorized activities. Mr. Kerr said the three alternatives being presented by the BLM allow extreme motorized use and this area has been protected due to lack of access. The BLM's new plan is proposing a cut through access. Mr. Kerr said the new trail will become popular and advertised nationally and there will not be sufficient protection of the resource. He asked the Council to ask the BLM to extend the comment period which is presently too short and also asked that Council, after reviewing the plan, to recommend that the trail connection not be made.

Paul Nelson, 333 Acoma Court, addressed the City Council to make changes in order to reduce the number of people that are running red lights in the City. He gave an example of an accident from a red light being run in front of his building. Mr. Nelson said the traffic problem has increased and the light at that intersection is too short but there are many streets with problems as well. He said the Riverside Parkway will not solve all the problems and he asked Council to research, study, and examine the problem by way of a traffic symposium on a Saturday at Two Rivers Convention and have them weigh and examine the problems.

CONSENT CALENDAR

It was moved by Council President Pro Tem Palmer, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #10.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the August 17, 2005 Regular Meeting

2. **Setting a Hearing on Vacating a Portion of the Public Sidewalk Right-of-Way, Located at 201 and 205 Colorado Avenue**

In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Proposed Ordinance Vacating a Portion of the Public Sidewalk Right-of-Way Located at 201 and 205 Colorado Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

3. **Setting a Hearing on Vacating Right-of-Way Previously Dedicated through the City-owned Painted Bowl Property, Located Northwest of Monument Road and Mariposa Drive** [File # FP-2005-167]

Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

Proposed Ordinance Vacating Right-of-Way Dedicated Across the City-owned Painted Bowl Property

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

4. **Setting a Hearing for the Ace Hardware Annexation, Located at 2140 Broadway** [File # ANX-2005-177]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.3 acre Ace Hardware Annexation consists of 1 parcel and is a 3 part serial annexation.

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

Resolution No. 145-05 – 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, Ace Hardware Annexations #1-3, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #1, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #2, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #3, Approximately 2.24 Acres, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005

5. **Setting a Hearing for the Abeyta-Weaver Annexation, Located at 3037 D ½ Road and 432 30 ¼ Road** [File # GPA-2005-188]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels and is a 2 part serial annexation.

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

Resolution No. 146-05 – 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, Abeyta-Weaver Annexations #1 and #2, Located at 3037 D ½ Road and 432 30 ¼ Road

Action: Adopt Resolution No. 146-05

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #1, Approximately 0.07 Acres, Located at 3037 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #2, Approximately 12.75 Acres, Located at 3037 D ½ Road and 432 30 ¼ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005

6. **Setting a Hearing on Accepting Improvements for Alley Improvement Districts 2005**

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue
- The South ½ off the North/South Alley, 6th St. to 7th St., between Grand Avenue and Ouray Avenue

Resolution No. 147-05 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement Districts No. ST-05 and No. ST-05, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Resolution No. 147-05, Introduction of Proposed Ordinance and Set a Hearing for October 19, 2005

7. **Setting a Hearing on the Intent to Create 26 Road & F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05**

A majority of the owners of real estate located in the area of 26 Road and F ½ Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 148-05 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City, 26 Road and F ½ Road Sanitary Sewer Improvement District No. SS-47-05, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

Action: Adopt Resolution No. 148-05 and Set a Hearing for October 19, 2005

8. **Construction Contract for Reed Mesa Sewer District**

A majority of the owners (77 supporting, 32 opposing, 2 split) of real estate located west of South Broadway, east of Meadowlark Lane, south of Hwy. 340, and north of Desert Hills Estates have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties.

Action: Authorize the City Manager to Enter into a Construction Contract with M.A. Concrete Construction, Inc. in the Amount of \$1,172,373.75, Contingent on the Formation of the Local Improvement District by the County Commissioners on September 19, 2005.

9. **Construction Contract for 2005 Curb, Gutter, and Sidewalk Replacement**

The project consists of replacing sections of hazardous or deteriorated curb, gutter, and sidewalk in various locations throughout the City.

Action: Authorize the City Manager to Sign a Construction Contract for the 2005 Curb, Gutter, and Sidewalk Replacement Project to BPS Concrete, Inc. in the Amount of \$59,538.54

10. **Construction Contract for New Curb, Gutter, and Sidewalk – Grand Avenue from 24th Street to 28 Road and Riverside Sidewalk Improvement**

This project includes installation of new monolithic curb, gutter, and sidewalk along the south side of Grand Avenue from 24th Street to 28 Road. In the Riverside neighborhood, new sidewalk will be installed along the east side of Chuluota

Avenue from Colorado Avenue to Hale Avenue. There will also be new sidewalk installed along the east side of Park Avenue, from Fairview Avenue to Riverside Drive.

Action: Authorize the City Manager to Sign a Construction Contract for the New Curb, Gutter, and Sidewalk – Grand Avenue, from 24th Street to 28 Road and Riverside Sidewalk Improvement to Reyes Construction in the Amount of \$120,904.60

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Sister City Request – San Pedro Perulupan

This is a request for the City of Grand Junction to enter into a “Sister City” relationship with the village of El Espino, San Pedro Perulupan, El Salvador, Central America.

David Varley, Assistant City Manager, reviewed this item. He reviewed how this request came forward including that the group of students formed a non-profit organization called The Foundation for Cultural Exchange. He said their letter says the “Sister City” recognition will allow for the exchange of people, ideas, culture, education and technology.

Council President Hill asked if Council took any action when the request came forward previously. Mr. Varley said Council wanted more information and deferred the request.

Anna Stout, a junior at Mesa State, President of the Foundation for Cultural Exchange was present with another Foundation member David Harmon. She said the government of El Espino is willing and wants to sign a reciprocal document.

Councilmember Coons questioned what the “Sister City” relationship would be.

Ms. Stout said the relationship of the “Sister City” is the knowledge and cultural exchange. She said a sister parish relationship has been established with Immaculate Heart of Mary Church here. She said they perform fundraisers and help them carry on projects and said the current project is a water project. Ms. Stout said other projects include roads, school, and hospitals. Ms. Stout said there are about 400 families in El Espino.

Council President Hill asked for more information about the Foundation.

Ms. Stout said they are waiting for the 501(c)(3) status and are currently registered with the State. She said the Foundation is non-profit and they have a six member board. Ms. Stout said the foundation is striving to bring awareness to El Espino and Grand Junction. Particularly what CAFTA is (Central American Free Trade Agreement).

Council President Hill asked what the goal is for the next 3 to 5 years.

Ms. Stout said that Foundation will take multiple delegations to the area, organize functions and activities to bring awareness to the area. She said over time they hope to grow their board members and to work on much larger projects.

Council President Pro Tem Palmer asked if the Foundation has thoughts of bringing any of their residents here.

Ms. Stout said they are talking about bringing one person to the States but, it is very difficult to get VISAs.

Councilmember Coons asked if this is only for symbolic support and no financial support.

Ms. Stout confirmed and said they are asking for permission to use the City's name in fundraising and advertising.

Council President Pro Tem Palmer said he is in support of the request since there is no financial commitment and it involves use of the City's name only.

Councilmember Thomason and Councilmember Coons agreed.

Councilmember Beckstein said she admired the cause and the students for their support for the foundation.

Council President Hill said that he appreciated the group coming to Council and the quality of the relationship will reflect the quality of the people representing it.

Council President Pro Tem Palmer moved to approve a "Sister City" relationship between the City of Grand Junction, Colorado and the Village of El Espino, San Pedro Perulapan, El Salvador, Central America through an organization known as the Foundation for Cultural Exchange. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing – Zoning the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70 [File #GPA-2005-045] CONTINUED FROM AUGUST 17, 2005

Hold a public hearing and consider final passage of the ordinance to zone the 35.52 acre Twenty Three Park Plaza Annexation I-O (Industrial/Office Park).

The public hearing was opened at 7:55 p.m.

Kathy Portner, Planning Manager, reviewed this item. She said the property was annexed some time ago and the zoning has been under review. She located the property and gave a brief history. The Future Land Use Plan allows C-2, I-1 or I-2; however C-2 is

not an option due to it being adjacent to residential. She said the original request was I-1 and the Planning Commission recommended IO. The applicant went to City Council and asked for a continuance to reconsider. She said the applicant is now in agreement with the IO zoning for the entire piece.

Douglas Gilliland, 9285 Hunting Square, Texas, the applicant's representative, said he is in agreement with the Staff's presentation and having met with the adjoining property owners and understanding their concerns. He now concurs with the IO and has discussed the traffic flow with the residents and said that he will continue to work with them.

Jack Wernet, 756 Goldenrod Court, lives adjacent to site. He appreciates the I-1 zoning withdrawal but still feels that residential zoning is most appropriate. He said the developer thinks industrial is the highest and best use but the media says low inventory for residential lots so he disagrees. Mr. Wernet said the closest industrial property is across I-70 to the south and there is no industrial property to the north for a distance each way. He said the property directly north is zoned residential. Mr. Wernet showed two different staff reports which conflicted with the surrounding land uses. He then referred to rezone criteria #3 which states that it will not create adverse impacts such as capacity, safety, street networks, drainage and lighting, etc. He believes the street network capacity has not been adequately addressed and described how the developer will connect various roads that will increase the effect of traffic. He noted there is poor sight distance pulling out from the site and said the children's safety is an issue as there is a bus stop at Foxfire Court. He said the developer stated several times they would be willing to close off Plaza Road, for which he is grateful. Mr. Wernet said if approved, he would appreciate that traffic be addressed. He asked how criteria #7 is met, and how a neighborhood can benefit from an industrial development. He feels that IO is not compatible and showed his concerns on the Future Land Use Map which shows it being surrounded by residential. He asked the matter be remanded back to Planning Commission for residential zoning. If not, he asked for consideration on how the property will be developed.

Council President Hill asked Mr. Wernet if he is representing himself not the HOA. Mr. Wernet said that is correct.

George Rink, 775 Foxfire Court, president of the HOA, said the request is not compatible with the surrounding areas. He said going to industrial, there will be real estate issues and there are many small children in the neighborhood with a bus stop at end of Foxfire Court. He feels there will be a threat of truck traffic through the neighborhood and asked if approved, the street be blocked off. Mr. Rink said he would like residential to be considered.

Council President Hill asked if Mr. Rink is the president of the HOA. Mr. Rink said yes. Council President Hill asked Mr. Rink if there was an official meeting of the homeowners

and his remarks reflected those of the HOA. Mr. Rink answered there was a board meeting held and input was solicited and his statements reflect those concerns.

Council President Hill called a recess at 8:22 p.m.

The meeting reconvened at 8:38 pm

Teresa Wilkerson, 785 Foxfire Court, said the neighborhood doesn't hear much road noise from I-70. She displayed pictures of the neighborhood and stated there is money in residential development. She said the commercial designation no longer belongs in that vicinity and even if Plaza Road is closed, it will still increase traffic on H Road. She said the streets are not compatible for heavy loads. Ms. Wilkerson described the views, the wildlife that will be affected, that there are no sidewalks in the subdivision which is a huge safety issue, and that property values will be adversely affected. She said there is a day care center in the vicinity and Appleton Elementary School that will be affected as well. Ms. Wilkerson said there is no buffer zone between the residential and the proposed industrial development.

Council President Pro Tem Palmer asked Ms. Wilkerson if she was aware of the Land Use Designation of this property when she moved there. She said she knew it was office space, but that was zoned before the residential went in.

Sean Norris, 778 23 Road, said in his area it is zoned AFT, which has a lot of agricultural ground in that location. Mr. Norris thought it was zoned commercial in the County. Councilmember Spehar said that it was not commercial but was Planned Industrial. Mr. Norris said that he is in the oil and gas industry and has tried to acquire some of the industrial ground to the south but the land is not able to be developed yet so there is not a shortage of industrial land at this time. He said the area to the north is planned to also be changed to industrial by the developers. Mr. Norris said he doesn't want an industrial park in his backyard and the plan to block off 23 Plaza Drive will leave only one access for the industrial park.

Amy Aragon, 759 Goldenrod Court, said they cannot see any industrial from her house. She said her and her husband bought a little piece of country, they have a residential horse property, the surrounding area is agricultural, and they have a beautiful unique neighborhood. She said they received a notice that said the property was going to be zoned residential and doesn't understand how it was changed. Ms. Aragon said there is a lot of vacant land on the south side across the interstate. She said they have small children that go to Appleton Elementary School and is concerned about the increased traffic on H Road that runs in front of the school.

Chris Deboer, 2277 G ¾, voiced concerns on the traffic.

Bonnie Jones, 795 Foxfire Court, said every board member from Bookcliff Ranches is represented here. She said they had a HOA meeting August 21st and had Mr. Rink and Mr. Wernet speak on their behalf.

The public hearing was closed at 9:07 p.m.

Doug Gilliland, representing the developer, said he agrees with the residents, but the property was designated industrial in 2000 and the property to the north is zoned industrial. Mr. Gilliland said their goal is to recognize the neighbors' concerns. He said they originally looked at residential but was told they had to build 5 acre tracts. He said they would not put 5 acre tracts there by the highway, he said that was poor planning at that time. Mr. Gilliland said they will try to be a good neighbor and work with the surrounding property owners.

Councilmember Spehar asked for a review of the allowed uses.

Kathy Portner, Planning Manager, said that the main difference between the I-1 and IO is the outdoor operations and outdoor storage. She said the outdoor operations require a Conditional Use Permit. Ms. Portner said contractors and trade shops with outdoor storage require a CUP, also those without outdoor storage also require CUP. Ms. Portner said IO is primarily for office use.

Councilmember Spehar asked if the CUP is a public process.

Ms. Portner responded affirmatively.

Councilmember Spehar asked if the Conditional Use Permit would it require things like lighting and screening to be addressed. Ms. Portner said yes.

Councilmember Coons asked what the Future Land Use plan is for that area. Ms. Portner said that commercial/industrial is the designation for this parcel and to the west has a commercial designation.

Councilmember Coons questioned how long has this been in place.

Ms. Portner said since 1996, but the plan has been updated since then and the commercial/industrial designation was to reflect the County zoning.

Council President Pro Tem Palmer questioned if it was converted to residential in the adjacent neighborhood.

Ms. Portner said she cannot confirm that but, believed that to be so.

Councilmember Beckstein asked what the zoning is for the surrounding areas.

Ms. Portner said that it could be either zone as it is in the County or consistent with the Land Use Plan. She said the recommendation would be C-1 or C-2. The 201 includes this area and the two adjacent areas. Ms. Portner said the reasons are that it was platted as industrial is so it was included in the 201 in the year 2000.

Council President Hill asked about the pictures that were shown by Ms. Wilkerson, if that what would be allowed in IO.

Ms. Portner said the uses in the photos shown would require a CUP, but there is no guarantee that would be approved. Ms. Portner said more likely mitigation would be looked at, also screening and noise mitigation.

Council President Hill questioned if buffering would be required.

Ms. Portner said yes, that an 8 foot masonry wall and a landscape buffer would be required.

Council President Pro Tem Palmer wanted to know if there are any other options that Council could look at.

Councilmember Spehar also wanted to know if there are any other limitations that Council should be aware of.

City Attorney John Shaver said there are 3 different zone districts, I-1, IO and C-2, for this Land Use Designation, but C-2 is not allowed next to residential. He said initially the Planning Commission was presented with a request for I-1, which was turned down, subsequently through reconsideration and working with the neighbors, the applicant withdrew I-1 and agreed to IO. Mr. Shaver said approval of I-1 zoning would require a supermajority. He said the Growth Plan and Land Use categories assume there are zones to implement those categories. Mr. Shaver said originally it was zoned industrial and shown as a C/I growth plan category. Mr. Shaver said staff is comfortable bringing forward IO.

Councilmember Coons wanted to clarify that Council cannot zone residential without a Growth Plan Amendment.

Mr. Shaver replied correct and added it is unfortunate but no fault of the property owner.

Councilmember Coons asked about the traffic issues and also will there be any impact from the Riverside Parkway.

Mr. Relph said he is not familiar with the traffic model for this area.

Councilmember Beckstein questioned the rural area and the no sidewalks issue. She asked if this goes forward, how the City will attempt to prevent or work with the County to protect the children and maintain a safe traffic pattern in the area.

Councilmember Spehar also asked if there is the ability to take into account the road connection between the two uses.

Ms. Portner said there will be a staff review for building the subdivision, construction drawings, getting approval, signing a DIA to provide guarantee of those improvements, and other options to discourage truck traffic. She said the City will work with the County staff as it will impact their infrastructure and they will make sure it is brought up to current standards with the traffic impact to the north. Ms. Portner said staff will look at traffic and the traffic patterns to see if other controls are needed to mitigate impacts.

Councilmember Thomason asked Mr. Gilliland about the attempt to be good neighbor, such as closing streets. Mr. Thomason wanted to know how far is the developer will take that statement.

Mr. Gilliland said they talked about the closure of the road at the neighborhood meeting and they are willing to close off the road. Mr. Gilliland said safety will be the key issue when creating the construction drawings along with other issues that came up in the neighborhood meeting.

Council President Pro Tem Palmer emphasized the need to continue to work with the County and agreed that it was poor planning. He said it is unfortunate for the residents but IO the least offensive option for zoning.

Councilmember Coons said it would have been nice to have residential as an option but they don't. She is encouraged that the developers are willing to work with the neighborhood, mitigate traffic, lights, and to show the least amount of impact on the neighborhood.

Councilmember Beckstein also said she wished there was a different option as well. She said she appreciates the homeowners understanding and asked that they stay involved and said she will have to vote for IO.

Councilmember Thomason said that it is nice to see that the applicant has a cooperative attitude. He noted that Council can not undo what has already been done, and unfortunately IO is the only choice.

Council President Hill noted that some things in the Code are for protecting the homeowners such as the City not allowing C-2 next to a residential area. He said there are other processes for the neighborhood to be heard and that everyone gets due process. Mr. Hill said that he must support the IO zoning.

Ordinance No. 3819 – An Ordinance Zoning the Twenty Three Park Plaza Annexation to I-O (Industrial/Office Park), Located at the NW corner of 23 Road and I-70

Councilmember Spehar moved to adopt Ordinance No. 3819 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Loggains Annexation and Zoning, Located at 2234 Railroad Avenue [File #ANX-2005-162]

Acceptance of a petition to annex and consider the annexation and zoning for the Loggains Annexation. The Loggains Annexation is located at 2234 Railroad Avenue and consists of 1 parcel on 5.69 acres. The zoning being requested is I-1.

The public hearing was opened at 9:44 p.m.

Kathy Portner, Planning Manager, reviewed this item. She reviewed the location, the Future Land Use Designation, and the existing surrounding City and County zoning. She said the applicant is asking for I-1 zoning which is consistent with the Growth Plan. Staff recommends annexation and approval of the zoning. The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 9:46 p.m.

a. Accepting Petition

Resolution No. 149-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Loggains Annexation, Located at 2234 Railroad Avenue is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3820 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Loggains Annexation, Approximately 5.69 Acres, Located at 2234 Railroad Avenue

c. Zoning Ordinance

Ordinance No. 3821 – An Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

Council President Pro Tem Palmer moved to adopt Resolution No. 149-05 and Ordinances No. 3820 and 3821 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue [File #RZ-2005-121]

Request to rezone 302 West Grand Avenue, comprised of .358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office). Planning Commission recommended approval of the rezone at its August 9, 2005 meeting.

Councilmember Beckstein disclosed she has a working relationship with the applicants.

Council had no problem with her participation in the review of the request.

The public hearing was opened at 9:47 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and identified the site as previously being a gas station. The applicant wants to place a parking lot on the site and at the time of development it would require buffering and screening to the residential to the west (El Poso). She said the requested zoning is RO which is consistent with the Growth Plan and said it will be a transitional site.

Council President Hill asked about the size of the lot.

Ms. Edwards said .35 of an acre. She said there will be landscaping required and the parking area has to have another use such as public parking instead of strictly private parking.

Merritt Sixby, the applicant, said he supports staff's presentation and they hope for 33 spaces, giving that corner a better look.

There were no public comments.

The public hearing was closed at 9:55 p.m.

Council President Pro Tem Palmer noted that it will be a nice improvement to the area.

Ordinance No. 3822 – An Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 West Grand Avenue

Council President Pro Tem Palmer moved to adopt Ordinance No. 3822 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council President Hill complimented the development at First and Grand and commended the applicant.

Public Hearing – Vacating Right-of-Way Located at 1531, 1559, and 1561 High Street [File #VR-2005-079]

The applicant proposes to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line. The Planning Commission recommended approval of the right-of-way vacation on August 9, 2005, making the Findings of Fact/Conclusion identified in the staff report.

The public hearing was opened at 9:56 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the current use is a residential access. The City has retained a sewer easement and the vacated property will go the adjacent owner which is the applicant. She said the applicant is trying to gain an additional road right-of-way from CDOT. She said that no properties will be landlocked and there are no adverse impacts. Ms. Edwards said the City will benefit as it won't have to maintain the right-of-way any longer. She said the Planning Commission recommended approval.

City Attorney John Shaver said the vacation is actually an exchange for the sewer easement.

There were no public comments.

The public hearing was closed at 10:01 p.m.

Ordinance No. 3823 – An Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

Councilmember Spehar moved to adopt Ordinance No. 3823 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

The Council President called a recess at 10:01 p.m.

The meeting reconvened at 10:10 p.m.

Public Hearing – Grand Junction Storm Water Ordinance

City Council reviewed the proposed Storm Water Ordinance at the July 18th City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7th with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

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

Tim Moore, Public Works Manager, reviewed this item. The ordinance is for the purpose of controlling stormwater and the federal law requires such regulations. He said an additional inspector will need to be hired to enforce the regulations as of the effective date of the ordinance which is January 1, 2006.

Council President Pro Tem Palmer asked if an employee monitor is a requirement of the federal government.

Mr. Moore said there are a number of functions that are required. He said the ordinance addresses illicit discharge, detection and elimination of construction site stormwater runoff control, and post-construction storm water management. He said the department has accomplished a tremendous amount of public outreach and public involvement. Mr. Moore said a stormwater focus group included the 5-2-1 Drainage Authority, the Associated Builders, the North West Home Builders Association, Western Colorado Contractors and the Associated Managers of Growth and Development. He said the City is one of the first organizations to have to have these regulations due to its permit but Fruita will have to follow shortly.

Council President Hill said a stormwater management plan will be required for developers now.

Mr. Moore said on some of the larger CIP projects the contractors are currently following the stormwater management regulations. He said this ordinance may affect some of the smaller developments.

Council President Hill asked to get feedback as to how it is working and how folks are trying to comply.

Mr. Moore said requirements affect the detention ponds in developments so it will also have an impact on HOA's.

Council President Pro Tem Palmer questioned how dirt and rocks are now considered pollutants.

Councilmember Spehar said it is ironic that drilling sites are exempt.

Larry Rasmussen, 3086 Bookcliff Avenue, representing the Homebuilders Association, said the initial review included paragraphs that were ultimately eliminated. Mr. Rasmussen said he is in agreement with staff for an informal agreement that will bring matters to the attention of the focus group. Mr. Rasmussen thanked Mr. Moore and other staff members for their efforts to communicate.

Councilmember Spehar thanked Mr. Rasmussen and the other participants for their participation.

Rebecca Wilmarth, 1950 Hwy 6 & 50, Fruita, said she had some concerns but Tim Moore helped address some of those concerns. Ms. Wilmarth said that she has been monitoring the guidelines and knew this was coming. Ms. Wilmarth appreciated the steps taken to make implementation smoother.

There were no other comments.

The public hearing was closed at 10:28 p.m.

Council President Hill thanked Mr. Rasmussen and Ms. Wilmarth for their comments and said he is glad to hear positive comments and is appreciative of the 5-2-1 Authority for their work as well.

Ordinance No. 3824 – An Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

Councilmember Coons moved to adopt Ordinance No. 3824 on Second Reading and ordered it published in pamphlet form. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Purchase of Property at 2741 D Road for the Riverside Parkway Project

The City has entered into a contract to purchase a portion of the property at 2741 D Road from Parkerson Brothers LLC. 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 described the location of the parcel. Mr. Relph said the City and the owner both obtained appraisals and the negotiated price was agreed at \$847,356 plus relocation costs and the closing will occur this month. Mr. Relph said this piece is critical for the first phase of the project.

Council President Hill questioned if this is the last parcel needed for the first phase.

Mr. Relph said there are others yet to be acquired but the City is close, at 98%.

Resolution No. 150-05 – A Resolution Authorizing the Purchase of Real Property at 2741 D Road from Parkerson Brothers LLC

Council President Pro Tem Palmer moved to adopt Resolution No. 150-05.
Councilmember Coons seconded the motion. Motion carried by roll call vote.

Purchase Order for North-South River Road (East of City Shops) to 4th Avenue Undergrounding and Authorization to Public Service Company of Colorado to Use City Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Project

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This contract will underground approximately 1.3 miles of power line from approximately River Road east of City Shops to 4th Avenue west of Koch Asphalt. The “invoice” from Xcel Energy states that the undergrounding cost is estimated at \$613,786. The City/Public Service 1% underground fund is proposed to back all of this project and \$386,214 of previously approved Riverside Parkway undergrounding for a total of \$1,000,000.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said this project is also part of the Riverside Parkway and the fund has been reevaluated. Mr. Relph said there are additional funds available that can be applied to this project, from projects that are already completed, which will raise the Riverside Parkway funds. Mr. Relph said that will affect other projects but those can be addressed in other ways. He said the underground funds are 1% of the electric revenue per the franchise agreement and it is greater than anticipated. Mr. Relph said funds are available to the City three years in advance and even with this proposal, there will still be funds left over for the use on other projects.

Council President Hill inquired how about for the 7th Street to 8th Street, Rood, and White Street projects. Mr. Relph said yes, that is a possible project for these funds.

Council President Pro Tem Palmer asked if the unfunded projects are being delayed or canceled.

Mr. Relph said that some of the projects could be done once the fund balance comes up.

Resolution No. 151-05 – A Resolution Authorizing Public Service Company of Colorado d/b/a Xcel Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Improvement Project as Established in the Ordinance Granting a Franchise Signed November 4, 1992

Councilmember Coons moved to adopt Resolution No. 151-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Design Contract for Downtown Parking Structure

A request for qualifications process was used to select Blythe Design + co. of Grand Junction as the Design Professional for the Downtown Parking Structure. Four proposals were submitted on June 30, 2005. All four firms were interviewed. Blythe Design + co. was selected over Watry Design, Inc. of Redwood City, California, Short Elliott Hendrickson Inc. of Grand Junction and Newman Cavender & Doane of Denver.

Mark Relph, Public Works and Utilities Director, reviewed this item. He reviewed the history. He said a Memorandum of Agreement was signed with the DDA for the City to build this garage. He said a Parking Management Group was formed to discuss how the firm would be selected and how the project would be managed. Mr. Relph said the proposal from Blythe Design + co. was within the reasonable cost of the design less than 10%. Mr. Relph said the team will consist of Blythe Design + co, the Lawrence Group, Walker Parking Consultants, and other consultants such as RLR Engineering and Roland Engineering.

Council President Pro Tem Palmer asked if the selection was based on qualifications rather than a low bid. Mr. Relph said yes, it was first determined who was the most qualified then the staff looked at their fee proposal to make sure it is in line with normal costs. Mr. Relph said if it was in line with the qualification and the costs, then the other proposals were returned to the bidders unopened.

Council President Pro Tem Palmer asked if the process allowed the City to select a firm they are most comfortable with and did it make it more difficult for others to be selected.

Mr. Relph said that was not his experience, the participating groups usually are different.

Council President Pro Tem Palmer moved to authorize the City Manager to execute a contract for design of the downtown parking structure to Blythe Design + Co. in the amount of \$398,850. Councilmember Beckstein seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

Jeannie Briscoe, 280 West Parkview Drive said that 12 men came into the Village Fair parking lot on Saturday, August 27th and said people were fighting. Ms. Briscoe said she called 911 and wanted Council to know that it took too long for police to respond. She said only one motorcycle cop came after they left.

Councilmember Spehar said Council will have the City Manager check into the response time and follow up with her.

Council President Hill asked that Ms. Briscoe to leave contact information with the City Manager, Kelly Arnold.

Council President Pro Tem Palmer appreciated Ms. Briscoe bringing it forward to the City Council.

OTHER BUSINESS

FUTURE WORKSHOP AGENDA

Council President Hill suggested that Council look at the workshop agenda on September 19th, due to the lateness of the hour.

City Manager Kelly Arnold noted the schedule for October 18th lunch with the School District 51.

BANGS RECREATION AREA MANAGEMENT PLAN

Council President Pro Tem Palmer asked about the request to extend the review period for the Bangs Recreation area.

City Manager Arnold said when he looked at the plan there were no concerns. He said the comments tonight were the first he had heard of it. Mr. Arnold said he would get Council more information relative to plan and its affect on the City property.

Councilmember Coons said the City will need to respond to Mr. Kerr concerns.

Councilmember Spehar said there was no harm in asking the BLM for an extension. The rest of Council agreed.

City Manager Arnold stated the reasons that should be included in the extension request letter are the citizens concerns regarding the Bangs Canyon that just came to Council's attention tonight and that there should be more time allowed for the review period.

Council President Pro Tem Palmer also said another reason is the City is a nearby property owner.

Councilmember Beckstein said the reasons that are stated on the back of the handout from Mr. Kerr could be included in the letter.

OTHER

Council President Hill acknowledged the presence of the representative for the League of Women Voters.

ADJOURNMENT

The meeting adjourned at 11:14 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 3
Asphaltic Road Material

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Asphaltic Road Material (Road Oil)						
Meeting Date	September 21, 2005						
Date Prepared	August 31, 2005						
Author	Julie M. Hendricks			Buyer			
Presenter Name	Mark Relph			Public Works & Utilities Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The purchase of Asphaltic Road Material (Road Oil) required for the City chip seal projects for the year 2005 is estimated at 72,000 gallons of HFMS-2P.

Budget: The road oil budget for the chip seal program is \$78,000.00. Sufficient funds are budgeted in account number 100-61624-61380-30-101620.

Action Requested/Recommendation: It is recommended that the City Council authorize the purchase of an estimated 72,000 gallons of Asphaltic Road Materials on an as needed basis for the budgeted amount of \$78,000.00 for the year 2005.

Background Information: The State of Colorado Department of Transportation (CDOT) solicited bids and award Koch Asphalt (a.k.a. Simms) contract #HAA 01-057-TW for Asphaltic Road Material for the Grand Junction Area (zone 14). The State allows for cooperative use of this state bid by Local Governments and political subdivisions in the state of Colorado.

Attach 4

Change Order #4 to Duck Pond Park Lift Station

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Change Order #4 to the Contract for the Duck Pond Park Lift Station Elimination Project							
Meeting Date		September 21, 2005							
Date Prepared		September 15, 2005							
Author		Bret Guillory			Utility Engineer				
Presenter Name		Mark Relph			Public Works and Utilities Director				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Approve Contract Change Order #4 for **Fill of annular space between casing pipe and 24” sewer carrier pipe** to Mendez, Inc. in the amount of \$22,904.00 to the Duck Pond Park Lift Station Elimination Project construction contract for a revised contract amount of \$2,143,663.59. There has already been \$120,159.59 approved for Change Orders 1, 2, and 3.

Budget:

Duck Pond Left Station Elimination Project Original Contract Amount	\$2,000,000.00
Previous Change Orders #1 through #3	\$120,759.63
Change Order #4	\$22,904.00
Revised Contract Amount	\$2,143,663.59

After executing this change order we will have \$183,213.00 in Fund 904 unallocated fund balance budgeted for 2005.

Action Requested/Recommendation: Authorize the City Manager to approve contract Change Order #4 to the Duck Pond Park Lift Station Elimination Project in the

amount of \$22,904.00 with Mendez, Inc. for filling annular space between casing and sewer carrier pipe with fly ash material.

Background Information:

The aggregate of change orders 1 through 4 for this construction contract is \$143,663.63. In accordance with the City of Grand Junction purchasing manual, Section 8.1.D, City Council approval is required when the aggregate of change orders is greater than \$50,000.

Previous change orders for the project were executed as follows:

Change Order #1 – Deductive change order based on value engineering in the amount of \$-177,619.96. Approved by City Council March 16, 2005

Change Order #2 – Additional days added to contract time for water line work.

Change Order #3 – Additional 24” water line replacement due to old cast iron line leaking under Highway 50 \$298,379.55. Approved by City Council July 20, 2005.

We are pursuing change order #4 due to higher than anticipated ground water encountered in the field at the bore pit excavations. Preliminary geotechnical investigation did not indicate that ground water would be present in these excavations.

We have a bid item for fly ash in the current contract that was to fully support the carrier pipe within the casing pipe by filling the annular space to just below spring line of the carrier pipe. Given the presence of ground water in the bore pit excavations, we are now concerned that water may enter the casing pipe causing the carrier pipe to float. To eliminate this possibility, we are proposing to completely fill the annular space between the casing and carrier pipe that will eliminate the possibility of the new 24” sewer pipe moving within the casing.

Attach 5

Setting a Hearing Rezone Lots 1 & 2 Chiroconnection Simple Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a Hearing to rezone Lots 1 & 2, Chiroconnection Simple Subdivision from RMF-8, Residential Multi-Family – 8 units/acre to RO, Residential Office – 1705 & 1715 N. 1 st Street					
Meeting Date	September 21, 2005					
Date Prepared	September 14, 2005				File # RZ-2005-153	
Author	Scott D. Peterson		Associate Planner			
Presenter Name	Scott D. Peterson		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The petitioner, William C. Weimer, is requesting approval to rezone two (2) properties located at 1705 & 1715 N. 1st Street from RMF-8 to RO. The two (2) properties total 0.41 acres. The Planning Commission recommended approval at its September 13, 2005 meeting.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance and set hearing for October 5, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff Report/Background Information
2. Site Location Map / Aerial Photo
3. Future Land Use Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		1705 & 1715 N. 1 st Street			
Applicant:		William C. Weimer, Owner			
Existing Land Use:		Two (2) Single-Family Homes - Vacant			
Proposed Land Use:		Future Offices			
Surrounding Land Use:	North	West Middle School			
	South	Duplex			
	East	Single-Family Residential			
	West	West Middle School parking lot			
Existing Zoning:		RMF-8, Residential Multi-Family – 8 units/acre			
Proposed Zoning:		RO, Residential Office			
Surrounding Zoning:	North	CSR, Community Services & Recreation			
	South	RMF-8, Residential Multi-Family – 8 units/acre			
	East	RMF-5, Residential Multi-Family – 5 units/acre			
	West	CSR, Community Services & Recreation			
Growth Plan Designation:		Residential Medium (4 – 8 DU/Acre)			
Zoning within density range?		X	Yes		No

Staff Analysis:

The applicant, William C. Weimer, is requesting to rezone his two (2) properties located at 1705 & 1715 N. 1st Street (Lots 1 & 2, Chiroconnection Simple Subdivision) to RO, Residential Office in order to market and/or develop the property for future office use. In February 2002, the parcel of land was officially subdivided into three (3) residential lots (Chiroconnection Simple Subdivision – City file # RZ-2001-199) that also included the property located at 1703 N. 1st Street (Lot 3, Chiroconnection Simple Subdivision). In May 2002, a duplex was constructed on Lot 3 (1703 N. 1st Street), at the corner of N. 1st Street and Mesa Avenue.

As part of the subdivision review process for City file # RZ-2001-199, the zoning of the parcel of land also changed from RMF-5, Residential Multi-Family – 5 units/acre to the current zoning of RMF-8, Residential Multi-Family – 8 units/acre, in order to accommodate the construction of the duplex on Lot 3. It should be noted that the

original property owners in 2001 had originally proposed to rezone this property to RO, Residential Office, however at the Neighborhood Meeting at that time, the neighborhood spoke in opposition to the proposed rezoning of RO. Due to this opposition, the property owners decided to move forward with the RMF-8 Zoning District rather than RO which was approved by City Council in December, 2001. The Planning Commission did not hear any neighborhood opposition during the public hearing at this present time to the proposed rezoning to RO, Residential Office and there was also no attendance at the recent Neighborhood Meeting for this application.

The RO District was established to provide low intensity, non-retail, neighborhood service and office uses that would be compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

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

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

The RO District was not available until the year 2000 with the adoption of the new Zoning & Development Code and provides a transitional land use along corridors between single-family residential and more intense land uses.

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 area near the proposed rezoning request consists of existing RO, Residential Office and PD, Planned Development commercial zoning located along the west side of N. 1st Street. To the north and west of the proposed rezoning is West Middle School and the City Market complex zoned B-1, Neighborhood Business. To the east are single-family homes. The areas adjacent to major streets in the community, which does include N. 1st Street, have become more commercialized with fewer housing developments over time. The City's enactment in 2000 to adopt the RO Residential Office Zoning District was intended to provide a compatible buffer for areas such as this for near-by existing residential development.

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 RO 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 RO 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 proposed RO Zoning District implements the Residential Medium land use classifications of the Growth Plan. The RO District is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive land uses.

- 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 RO zone district. A Site Plan Review application will be required at the time of development of an RO land use on the properties for review and approval by City staff.

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

The land available in the surrounding area could accommodate the RO Zone as schools and residential land uses are all permitted in the RO District. There are currently four (4) other properties located between North Avenue and Orchard Avenue that are presently zoned RO. The other office uses (Sylvan Learning Center and The Nickel Want Ads) are currently zoned PD, Planned Development.

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

The community and neighborhood will benefit from the proposal as it will provide an upgrade for the properties which are now two (2) single-family homes that are currently vacant and in need of maintenance.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Weimer Rezone application, RZ-2005-153 for a rezone, the Planning Commission at their September 13, 2005 meeting made 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.

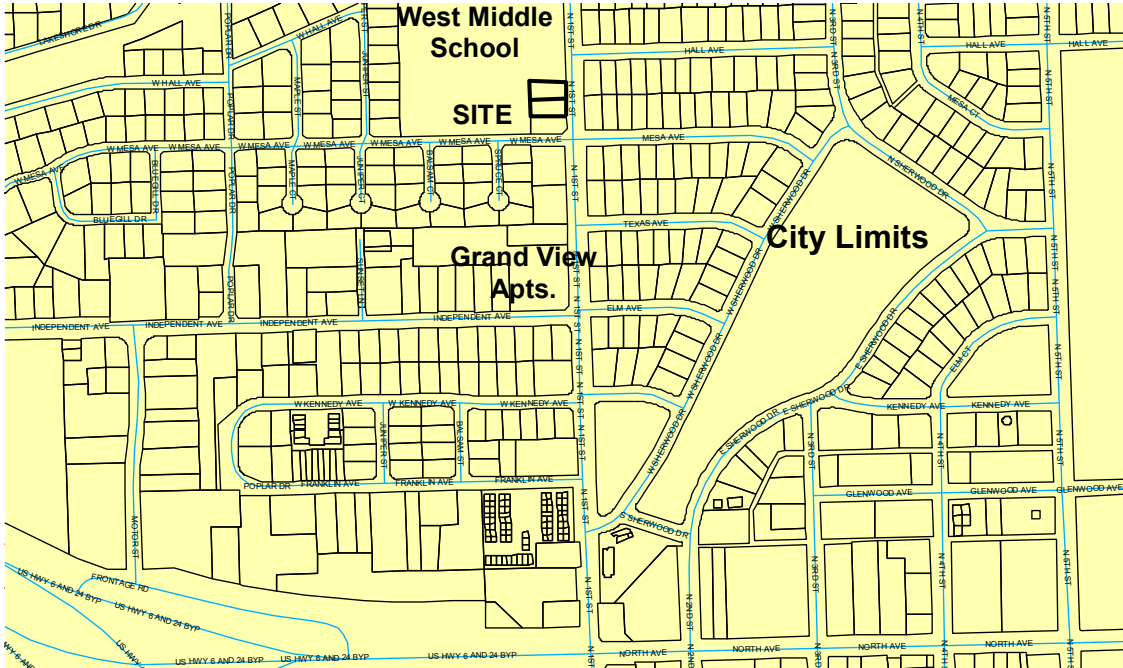
Action Requested/Recommendation: Recommend First Reading of the Ordinance for the rezone of Lots 1 & 2, Chiroconnection Simple Subdivision from RMF-8, Residential Multi-Family – 8 units/acre, to RO, Residential Office – 1705 & 1715 N. 1st Street, finding the request consistent with the Growth Plan and Section 2.6 A. of the Zoning & Development Code.

Attachments:

1. Site Location Map / Aerial Photo
2. Future Land Use Map / Zoning Map
3. Zoning Ordinance

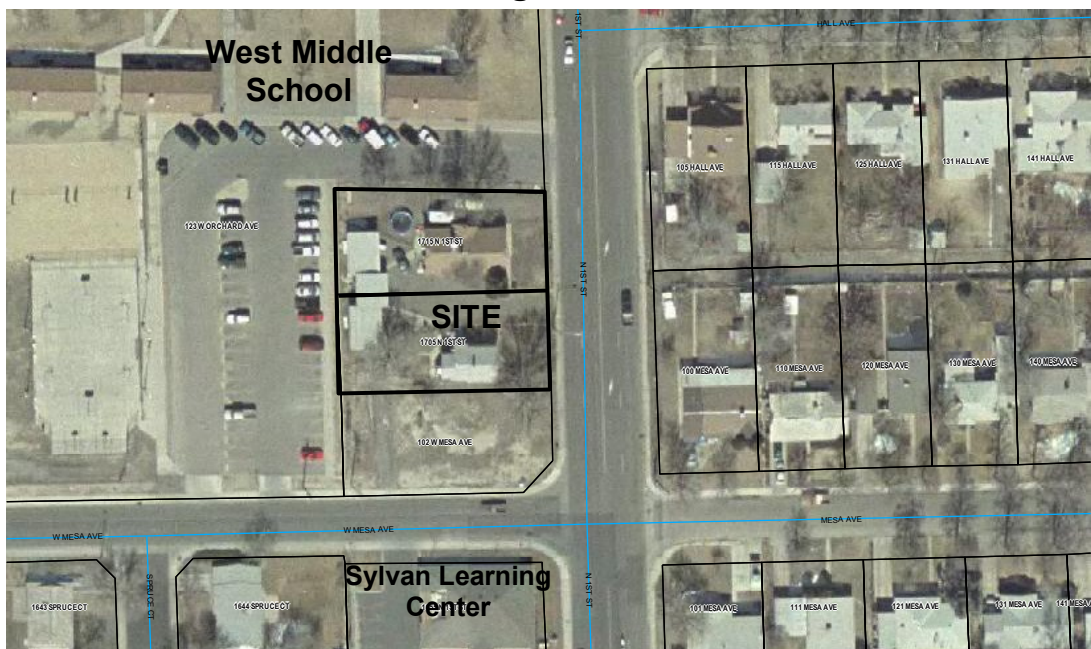
Site Location Map – 1705 & 1715 N. 1st

Figure 1



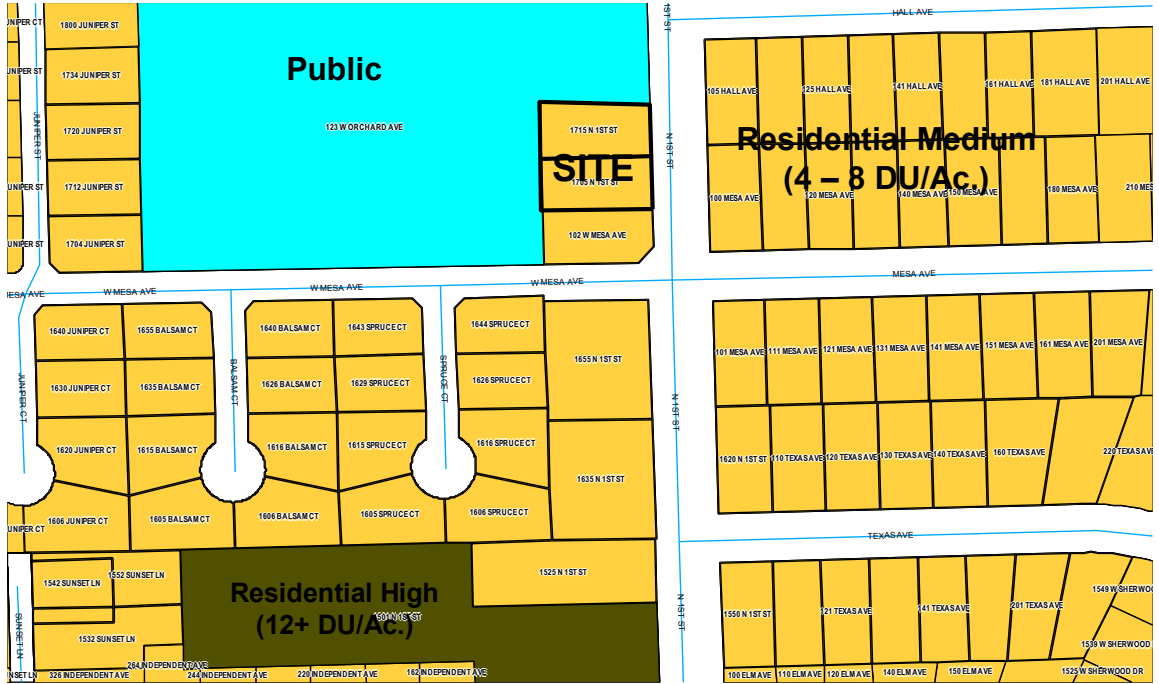
Aerial Photo Map – 1705 & 1715 N. 1st

Figure 2



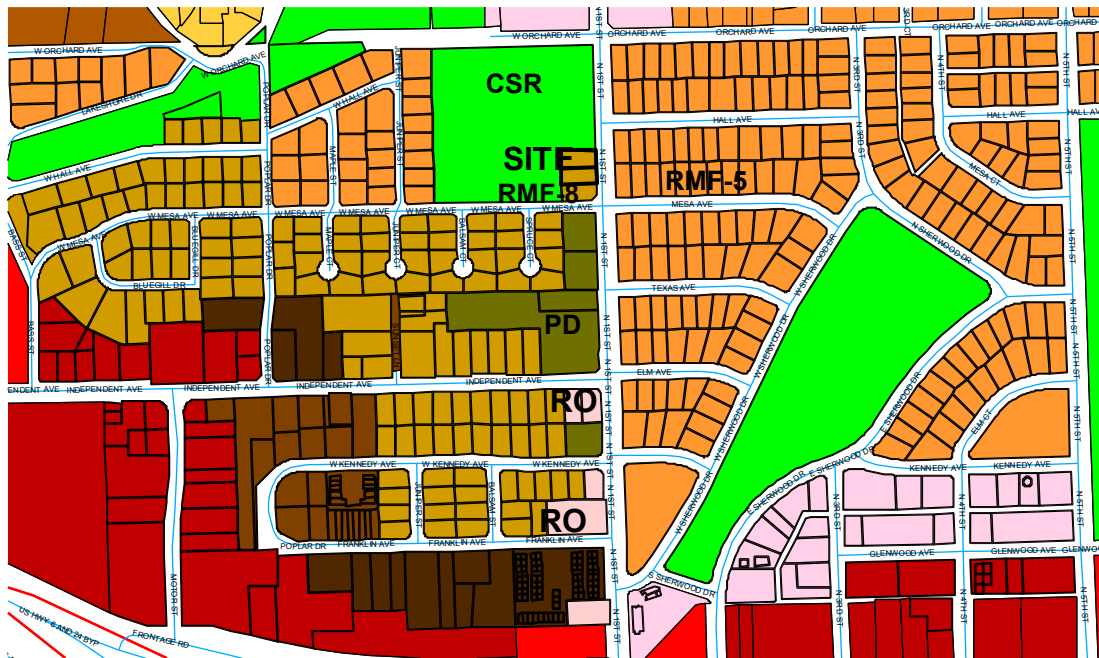
Future Land Use Map – 1705 & 1715 N. 1st

Figure 3



Existing City Zoning – 1705 & 1715 N. 1st

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE
WEIMER PROPERTIES REZONE**

LOCATED AT 1705 & 1715 N. 1st Street

Recitals.

The Grand Junction Planning Commission, at its September 13th, 2005 public hearing, recommended approval of the rezone request from the RMF-8, Residential Multi-Family – 8 units per acre, to RO, Residential Office Zoning District.

A rezone from RMF-8, Residential Multi-Family – 8 units per acre, to RO, Residential Office Zoning District, has been requested for the properties located at 1705 & 1715 N. 1st Street. 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 DU/Ac.). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning & Development Code have all been satisfied.

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 RO (RESIDENTIAL OFFICE) ZONING DISTRICT:

Includes the following tax parcel: 2945-104-36-001 (1715 N. 1st Street)

Lot 1, Chiroconnection Simple Subdivision

Includes the following tax parcel: 2945-104-36-002 (1705 N. 1st Street)

Lot 2, Chiroconnection Simple Subdivision

CONTAINING a total of 0.41 Acres (18,215 Sq. Ft.), more or less, as described.

Introduced on first reading this 21st day of September, 2005 and ordered published.

Adopted on second reading this _____ day of _____, 2005.

Mayor

ATTEST:

City Clerk

Attach 6

Setting a Hearing for Ankarlo Annexation Located at 385 31 5/8 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Ankarlo Annexation located at 385 31 5/8 Road						
Meeting Date	September 21, 2005						
Date Prepared	September 12, 2005				File #ANX-2005-194		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		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 10.31 acre Ankarlo Annexation consists of 1 parcel.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Ankarlo Annexation petition and introduce the proposed Ankarlo Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for November 2, 2005.

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. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		385 31 5/8 Road		
Applicants:		Owner: Ron Ankarlo; Developer: Ankarlo Hillday LLC – Ben Hill; Representative: MDY Consulting Engineers – Mark Young		
Existing Land Use:		Residential / Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential / Agricultural		
	South	Residential / Agricultural		
	East	Industrial Park		
	West	Agricultural		
Existing Zoning:		County RSF-R		
Proposed Zoning:		Applicant Request:: RMF-8 Staff Recommendation: Depending on outcome of Mineral Resource Study and Review - RSF-R or RSF-4		
Surrounding Zoning:	North	County RSF-R		
	South	County AFT		
	East	City C-2; County PD – Halliburton		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium 4-8		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.31 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

This property is identified in the Pear Park Neighborhood Plan as having potential mineral resources. Therefore, Section 7.2.1 of the Zoning and Development Code applies to this property. This section of the Code must be satisfied before the property can be zoned or developed.

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 Ankarlo Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
September 21, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be determined	Planning Commission considers Zone of Annexation
To be determined	Introduction Of A Proposed Ordinance on Zoning by City Council
November 2, 2005	Acceptance of Petition and Public Hearing on Annexation by City Council
December 4, 2005	Effective date of Annexation

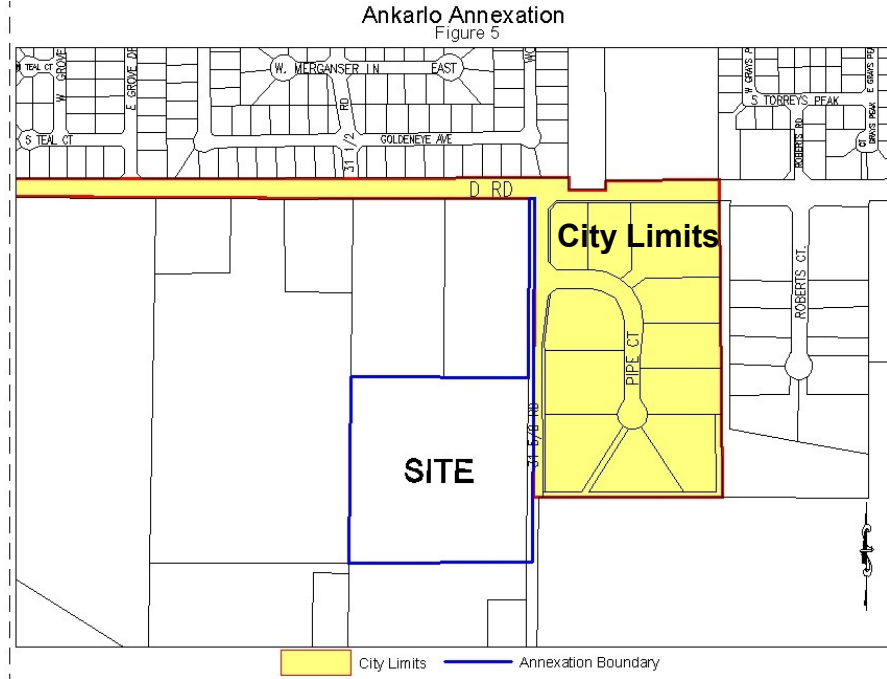
ANKARLO ANNEXATION SUMMARY

File Number:	ANX-2005-194	
Location:	385 31 5/8 Road	
Tax ID Number:	2943-221-00-105	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	10.31 acres	
Developable Acres Remaining:	9.66	
Right-of-way in Annexation:	28,376 sq ft of 31 5/8 Road right-of-way	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	Applicant Request:: RMF-8 Staff Recommendation: Depending on outcome of Mineral Resource Study and Review - RSF-R or RSF-4	
Current Land Use:	Residential / Agricultural	
Future Land Use:	Residential	
Values:	Assessed:	= \$9,350
	Actual:	= \$101,590
Address Ranges:	385 31 5/8 Road	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa Co School District #51
	Pest:	Upper Grand Valley Pest

Site Location Map

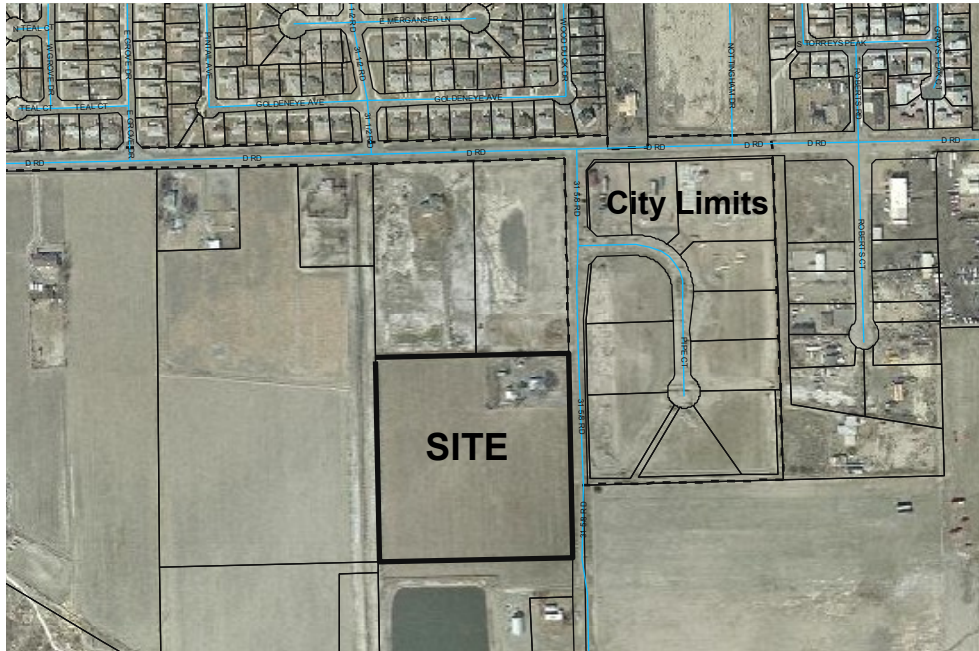
Figure 1

Ankarlo Annexation
Figure 5



Aerial Photo Map

Figure 2



**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 21st of September, 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**

ANKARLO ANNEXATION

LOCATED AT 385 31 5/8 ROAD AND A PORTION OF THE 31 5/8 ROAD RIGHT-OF-WAY.

WHEREAS, on the 21st day of September, 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:

ANKARLO ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 22, and assuming the West line of the NW 1/4 NE 1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.91 feet to the Northwest corner of Parcel 1A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records, and the Point of Beginning; thence S89°53'08"E along the North line of said Parcel 1A, a distance of 634.55 feet to the Northeast corner of said Parcel 1A; thence N00°26'48"E along the East line of Parcel 2A of said Ronnie Ankarlo Simple Land Division a distance of 626.91 feet to the Northeast corner of said Parcel 2A, and the Southerly line of Snidow Annexation No. 2, Ordinance No. 3345, City of Grand Junction; thence S89°53'08"E along the Southerly line of said Snidow Annexation a distance of 22.00 feet to the Westerly line of said Snidow Annexation No. 2; thence S00°26'48"W along the Westerly line of said Snidow Annexation No. 2 and the Southerly extension thereof, a distance of 1289.83 feet to the South line of the NW 1/4 NE 1/4 of said Section 22; thence N89°53'21"W along the South line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.88 feet to the Southwest corner of the NW 1/4 NE 1/4 of said Section 22; thence N00°28'30"E along

the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 662.96 feet to the Point of Beginning.

Said parcel contains 10.31 acres (449,147 square feet), 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 2nd day of November, 2005, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 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 21st day of September, 2005.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
September 23, 2005
September 30, 2005
October 7, 2005
October 14, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANKARLO ANNEXATION

APPROXIMATELY 10.31 ACRES

**LOCATED AT 385 31 5/8 ROAD AND A PORTION OF THE 31 5/8 ROAD RIGHT-OF-
WAY**

WHEREAS, on the 21st day of September, 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 November, 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:

ANKARLO ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 22, and assuming the West line of the NW 1/4 NE 1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.91 feet to the Northwest corner of Parcel 1A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17,

Page 283, Mesa County, Colorado records, and the Point of Beginning; thence S89°53'08"E along the North line of said Parcel 1A, a distance of 634.55 feet to the Northeast corner of said Parcel 1A; thence N00°26'48"E along the East line of Parcel 2A of said Ronnie Ankarlo Simple Land Division a distance of 626.91 feet to the Northeast corner of said Parcel 2A, and the Southerly line of Snidow Annexation No. 2, Ordinance No. 3345, City of Grand Junction; thence S89°53'08"E along the Southerly line of said Snidow Annexation a distance of 22.00 feet to the Westerly line of said Snidow Annexation No. 2; thence S00°26'48"W along the Westerly line of said Snidow Annexation No. 2 and the Southerly extension thereof, a distance of 1289.83 feet to the South line of the NW 1/4 NE 1/4 of said Section 22; thence N89°53'21"W along the South line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.88 feet to the Southwest corner of the NW 1/4 NE 1/4 of said Section 22; thence N00°28'30"E along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 662.96 feet to the Point of Beginning.

Said parcel contains 10.31 acres (449,147 square feet), more or less, as described.

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

INTRODUCED on first reading on the 21st day of September, 2005 and ordered published.

ADOPTED on second reading this ____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing Emmanuel Baptist Church Annexation Located at 395 31 5/8 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Emmanuel Baptist Church Annexation located at 395 31 5/8 Road						
Meeting Date	September 21, 2005						
Date Prepared	September 12, 2005			File #ANX-2005-215			
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		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 4.36 acre Emmanuel Baptist Church Annexation consists of 1 parcel.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Emmanuel Baptist Church Annexation petition and introduce the proposed Emmanuel Baptist Church Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for November 2, 2005.

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. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		395 31 5/8 Road		
Applicants:		Owner/Applicant: Emmanuel Baptist Church – Dave Wens; Representative: Zao Engineers, LTD – Keith Mendenhall		
Existing Land Use:		Dormant Agricultural		
Proposed Land Use:		Church		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential / Agricultural		
	East	Industrial Park		
	West	Single Family Residential / Agricultural		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-R		
	South	County RSF-R		
	East	City C-2		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.36 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a request to develop the property in a non-residential manner in the County. Under the 1998 Persigo Agreement all non-residential developments 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 Emmanuel Baptist Church Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u><i>ANNEXATION SCHEDULE</i></u>	
September 21, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
September 27, 2005	Planning Commission considers Zone of Annexation
October 19, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
November 2, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 4, 2005	Effective date of Annexation and Zoning

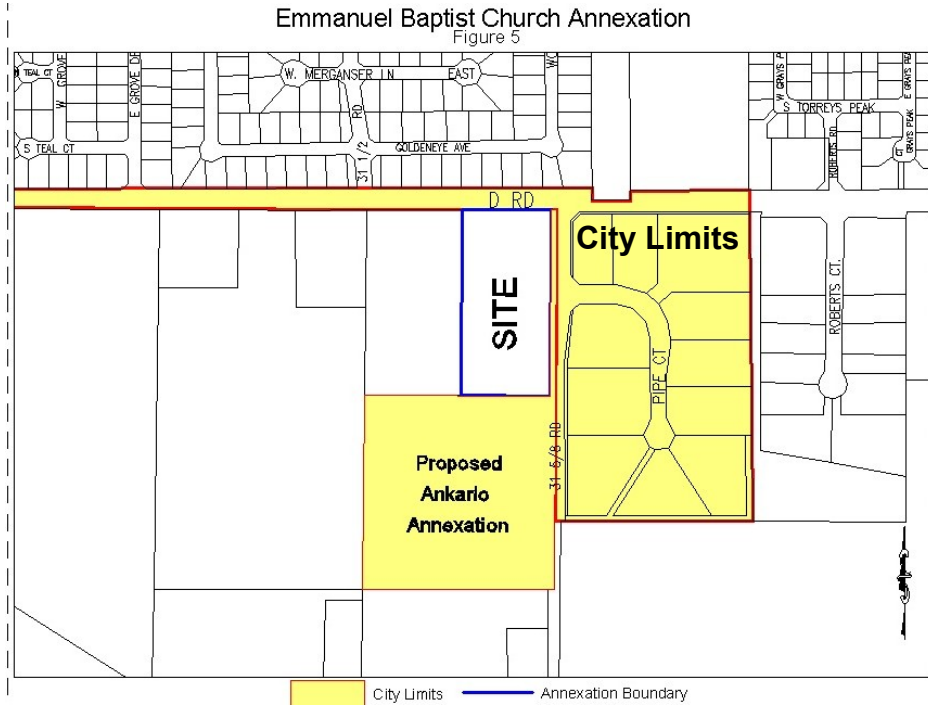
EMMANUEL BAPTIST CHURCH ANNEXATION SUMMARY

File Number:	ANX-2005-215	
Location:	395 31 5/8 Road	
Tax ID Number:	2943-221-00-106	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	4.36 acres	
Developable Acres Remaining:	4.358 acres	
Right-of-way in Annexation:	0.0 acres	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RSF-4	
Current Land Use:	Dormant agricultural	
Future Land Use:	Church	
Values:	Assessed:	= \$20,300
	Actual:	= \$70,000
Address Ranges:	387-395 31 5/8 Rd (odd only); 3159 D Rd	
Special Districts:	Water:	Clifton Water & Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa Co School District #51
	Pest:	Upper Valley Pest

Site Location Map

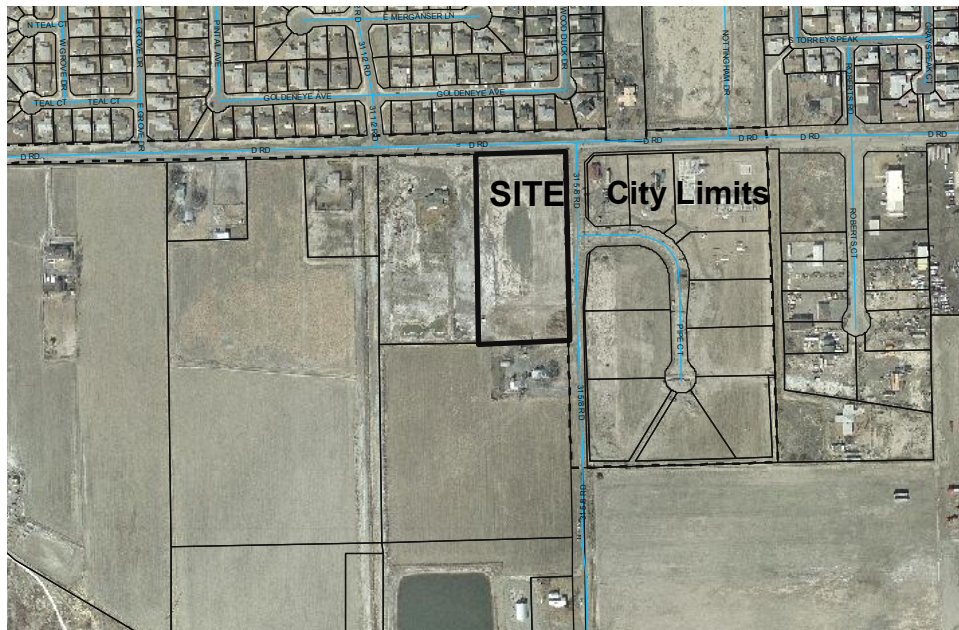
Figure 1

Emmanuel Baptist Church Annexation
Figure 5



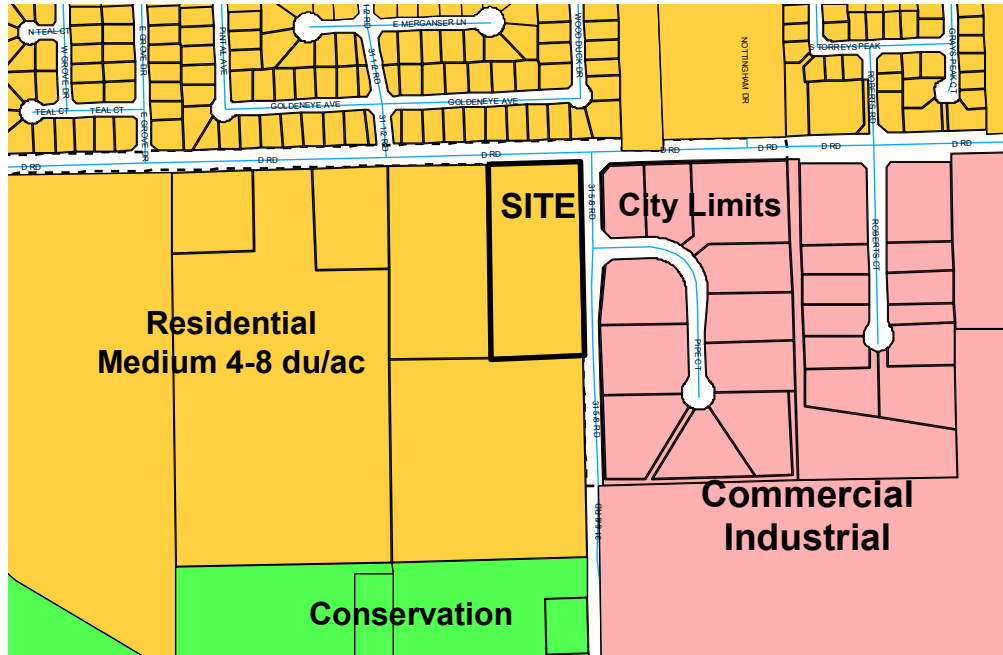
Aerial Photo Map

Figure 2



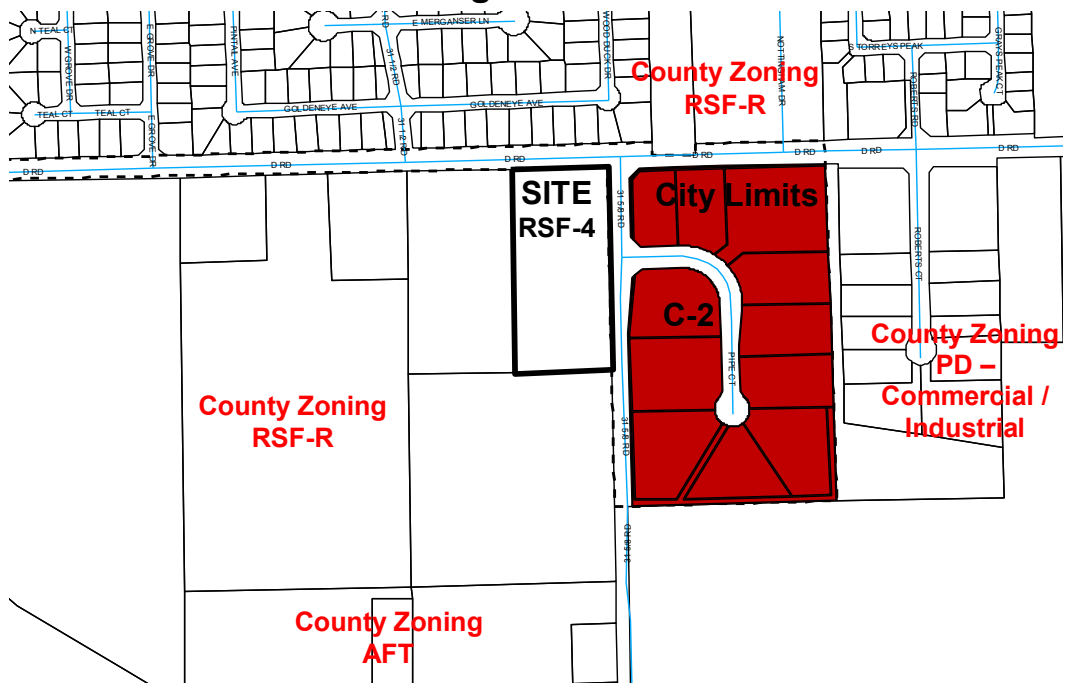
Future Land Use Map

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."

**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 21st of September, 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**

EMMANUEL BAPTIST CHURCH ANNEXATION

LOCATED AT 395 31 5/8 ROAD.

WHEREAS, on the 21st day of September, 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:

EMMANUEL BAPTIST CHURCH ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 NE1/4 of said Section 22 and assuming the North line of the NW1/4 NE1/4 of said Section 22 to bear S89°53'08"E with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW1/4 NE1/4 of said Section 22 a distance of 30.00 feet to a point on the Southerly right of way of D Road; thence S89°53'08"E along said Southerly right of way of D Road a distance of 331.57 feet to the Northwest corner of Parcel 2A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records and the Point of Beginning; thence continuing S89°53'08"E along said Southerly right of way of D Road a distance of 302.67 feet to the Northeast corner of said Parcel 2A also being the Westerly right of way of 31 5/8 Court as recorded in Book 2390, Page 867; thence S00°26'48"W along the Westerly right of way of said 31 5/8 Court, a distance of 626.91 feet to the Southeast corner of said Parcel 2A; thence N89°53'08"W a distance of 302.98 feet to the Southwest corner of said Parcel 2A; thence N00°28'30"E along the West line of said Parcel 2A a distance of 626.91 feet to the Point of Beginning.

Said parcel contains 4.36 acres (189,841 square feet), 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 2nd day of November, 2005, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 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 21st day of September, 2005.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
September 23, 2005
September 30, 2005
October 7, 2005
October 14, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

EMMANUEL BAPTIST CHURCH ANNEXATION

APPROXIMATELY 4.36 ACRES

LOCATED AT 395 31 5/8 ROAD

WHEREAS, on the 21st day of September, 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 November, 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:

EMMANUEL BAPTIST CHURCH ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 NE1/4 of said Section 22 and assuming the North line of the NW1/4 NE1/4 of said Section 22 to bear S89°53'08"E with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW1/4 NE1/4 of said Section 22 a distance of 30.00 feet to a point on the Southerly right of way of D Road; thence S89°53'08"E along said Southerly right of way of D Road a distance of 331.57 feet to the Northwest corner of Parcel 2A, Ronnie

Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records and the Point of Beginning; thence continuing S89°53'08"E along said Southerly right of way of D Road a distance of 302.67 feet to the Northeast corner of said Parcel 2A also being the Westerly right of way of 31 5/8 Court as recorded in Book 2390, Page 867; thence S00°26'48"W along the Westerly right of way of said 31 5/8 Court, a distance of 626.91 feet to the Southeast corner of said Parcel 2A; thence N89°53'08"W a distance of 302.98 feet to the Southwest corner of said Parcel 2A; thence N00°28'30"E along the West line of said Parcel 2A a distance of 626.91 feet to the Point of Beginning.

Said parcel contains 4.36 acres (189,841 square feet), more or less, as described.

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

INTRODUCED on first reading on the 21st day of September, 2005 and ordered published.

ADOPTED on second reading this ____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 8
Dog Ordinance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendments to Dog Regulations					
Meeting Date	September 21, 2005					
Date Prepared	September 7, 2005				File #	
Author	Shelly Dackonish			Staff Attorney		
Presenter Name	John Shaver			City Attorney		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes	x	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Amendments to Article III (Dogs and Cats) of Chapter 6 (Animals) of the Grand Junction Code of Ordinances concerning impoundment and licensing of dogs, control of dangerous dogs, exceptions to the prohibition of dogs at large, a surcharge on fines for dog at large and correction of scriveners' errors are proposed.

Budget: Additional administration effort and time would be required of City staff in processing fines.

Action Requested/Recommendation: First reading of the ordinance and set hearing for October 5, 2005 to consider and adopt amendments to Article III (Dogs and Cats) of Chapter 6 (Animals) of the Grand Junction Code of Ordinances concerning impoundment and licensing of dogs, control of dangerous dogs, exceptions to the prohibition of dogs at large and correction of scriveners' errors. Amend GJCO §6-59 to include a \$25.00 surcharge on fines for dog at large violations, with the surcharge revenue to be used to create a fund for establishment and maintenance of a dog park or parks.

Attachments: Proposed amendments to Chapter 6, GJCO. Ordinance including proposed amendments. Note: Two alternate versions of dog park surcharge ordinance amending GJCO §6-59 are attached. Not all definitions in §6-57 are included, only those pertinent to the Council's consideration of the proposed amendments.

Background Information:

Impoundment and licensing of dogs. State laws regarding impoundment and licensing of dogs have changed to allow for a shorter holding period for impounded animals and a three-year license to coincide with the three-year rabies vaccine now

available. Also, state law has changed the designation “vicious dog” to “dangerous dog,” without any change in the definition thereof. Mesa County will be incorporating those changes into its animal control resolutions. Because the City contracts with Mesa County Animal Services for enforcement of City animal laws, better and more consistent enforcement and simpler administration is afforded where there is substantial similarity in County and City animal control laws. The shorter minimum impoundment period allows animal control to make efficient decisions as to use of finite resources and disposal of animals in custody. The change of “vicious” to “dangerous” is desirable because the popular or common meaning of the word “vicious” does not coincide with the definition in the ordinance, and creates a misconception that may hinder officers in the field. Also proposed is a correction of a scrivener’s error in §6-58.

Failure to control dogs, provocation defense. The ordinance prohibiting failure to control a dog provides that no violation occurs if the dog bites with provocation; however, the ordinance is less clear than it could be as to whether the defense of provocation applies and what constitutes provocation. Staff recommends amendments such that in order to be a defense the act of provocation to be objectively unreasonable to an ordinary person and clarifying that the defense applies where the dog’s response is proportional to provoking act.

Dog-at-large “training” exception. The present dog-at-large ordinance carries an exception for animals that are in training or being trained for certain activities. Problems with enforcement arise when individuals with dogs off lead assert they are training. An elimination of the broad and loosely defined training exception is proposed, substituting an exception for participation in organized dog training or obedience classes. Staff feels that this amendment would preserve the intent behind the exception without imposing unnecessary and time-consuming challenges to enforcement and prosecution. In addition, with the proposed dog park up and running, there will be a better place for off-lead activities such that the need for this exception will be alleviated.

Dog park surcharge. The alternate proposed amendments to the Grand Junction Code of Ordinances (GJCO) §6-59 add a surcharge on fines for dog-at-large violation, the purpose of which is to create a fund for maintenance of a dog park or parks. One amendment applies the surcharge to all dog at large violations which result in a fine, while the other limits the surcharge to dog at large violations which occur in the public parks. (Another option could be to impose a smaller surcharge on all dog at large violations.)

Fines for dog-at-large are prescribed by §6-68 and are as follows: First offense, up to \$50; second offense, up to \$100; third offense, up to \$250; fourth and subsequent offenses up to \$500. Pursuant to the contract between the City and Mesa County Animal Services, fines go to Mesa County Animal Services. At this time, staff recommends the addition of a \$25.00 surcharge to fines for dog at large, with surcharge revenues going to a dog park fund. The fund could help absorb some of the costs associated with the establishment and maintenance of one or more dog park(s). Because dog owners receive the benefit of a dog park, it is appropriate that dog owners, and particularly those who fail to comply with the dog at large ordinance, bear a portion of such costs.

The following statistics are available for consideration: In the year 2004, a total of 374 dog at large tickets were handled by the Municipal Court, generating \$18,460 in fine revenues. In the first seven months of 2005, a total of 212 dog at large tickets were processed, generating \$11,340 in fine revenues. Although no breakdown is available for violations occurring in the parks, staff estimates that these comprise approximately $\frac{1}{4}$ or fewer of the total. It should also be considered that the number of dog at large violations, especially those in public parks, is expected to decline once a dog park becomes available.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF CHAPTER 6, ARTICLE III OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO LICENSING AND IMPOUNDMENT OF DOGS, DOGS AT LARGE, CONTROL OF DOGS, DANGEROUS DOGS, A SURCHARGE ON FINES FOR THE PURPOSE OF FUNDING DOG PARK(S) AND CORRECTION OF SCRIVENERS' ERRORS AND AUTHORIZE THE PUBLICATION IN PAMPHLET FORM

RECITALS:

It is beneficial to the health, safety and welfare of the citizens of the community to substitute the word "vicious" with the word "dangerous" throughout Article III of Chapter 6 in order to add clarity and consistency;

It is also beneficial to allow for a three-year license to coincide with the three-year rabies vaccine;

It is desirable for Mesa County Animal Services to manage its resources by changing the minimum impound periods to concord with those set by the County and by state law;

Clarification of the availability and establishment of the defense of provocation to failure to control a dog is needed because the ordinance is not clear and judicial determinations have been inconsistent;

Clarification is also needed with respect to the "training" exception to the prohibition of dogs at large;

Dog owners that lawfully use and benefit from a dog park should expect some of the costs associated with the establishment and maintenance of dog park(s) to be borne by dog owners who violate the leash law. Therefore establishment of a surcharge on dog at large violations may help achieve this goal;

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

Chapter 6, Article III of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Sec. 6-57. Definitions

At large means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash or other mechanism of control. This requirement does not apply to any dog while actually working livestock, locating or retrieving wild game in a lawful season for a licensed

hunter, assisting law enforcement officers, or participating in an organized obedience training class, dog show or an obedience trial, ~~or while being trained for any of these pursuits~~. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed at large if the owner or custodian of such dog is not immediately present. This general definition of “at large” shall be superseded by the following if the animal is within the following geographic areas:

(1) Downtown Grand Junction: defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue.

(2) The North Avenue corridor: One-half block north and south of North Avenue from First Street on the west to 29 Road on the east.

In these areas, “at large” is defined as an animal off the premises of the owner or custodian and not under the direct physical control by means of a leash.

Bodily injury means any physical pain, illness, impairment of physical or mental condition, or physical injury wherein the skin is broken, bleeding occurs, bruising occurs, or bone, tissue, or muscle damage is suffered or emergency medical treatment becomes reasonably necessary for a person or animal.

Provocation means teasing, threatening, striking, or attacking an animal or its owner in the animal’s presence, by either a person or another animal, which is objectively unreasonable to an ordinary person. “Provocation” shall not include the lawful presence of an individual or animal in close proximity to but not within or upon property of another, or where a dog is tied, kept, kenneled or harbored.

Serious bodily injury means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

Dangerous ~~*Vicious*~~ dog means a dog which:

- (1) Causes serious bodily injury to a person;
- (2) Causes bodily injury to a person or animal on two or more occasions;
- (3) Is infected with rabies;
- (4) Is of wild extraction and that on any occasion causes bodily injury to a person or animal by biting, whether or not provoked, or is known to be infected with rabies;
- (5) Causes bodily injury to a person or animal and the bodily injury occurs off the dog owner’s premises;

- (6) Is at large and exhibits repeated or continuous aggressive behavior;
- (7) Has engaged in a dogfighting contest with the owner's knowledge; or
- (8) Has been specifically found to be ~~vicious~~ dangerous by any court or jury;

provided, however, that a dog which attacks, terrorizes or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be ~~vicious~~ dangerous if the dog owner establishes such facts as an affirmative defense to a charge for violation of section 6-60 or to the satisfaction of the investigating animal control officer. Any dog which is found to be ~~vicious~~ dangerous as defined by subsections (1), (2), (3), or (4) hereof may be destroyed in accordance with section 6-64(c)(1).

All other provisions of the Sec. 6-57 shall remain in full force and effect.

Sec. 6-58. Licensing and vaccination.

- (a) *Vaccination Required.* No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older, ~~including for purposes of this Section~~ shall comply with this article within thirty days afterward. If any dog or cat has bitten any person or animal within the last ten days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the animal control facility, and no rabies vaccine shall be administered to that dog or cat until after the ten-day observation period.
- (b) *Certificate of vaccination and license.* After vaccinating a cat for rabies, the veterinarian shall give the owner written certification of such vaccination. After vaccinating a dog for rabies, the veterinarian shall take the dog owner's payment for a county license and give the dog owner a county license certificate or dog tag. Dogs must have a current license. A dog owner may choose to buy a county dog license certificate and tag from the animal control center rather than a veterinarian. If so, the veterinarian shall give the owner written certification of the dog's current vaccination, which the owner shall show to an animal control officer when purchasing a county license and tag. The term of any license issued cannot exceed the date the rabies vaccination expires. A dog owner may choose to license annually or may choose to purchase a license that expires concurrently with the rabies vaccination. Fees for licenses shall be established by resolution of the City Council and on file in

the City Clerk's office. Certificates of license shall contain the following information:

- (1) The name, street address, and telephone number of the owner of the vaccinated dog;
- (2) The veterinarian's name, rabies tag number and expiration date;
- (3) The breed, age, color and sex of the dog; and
- (4) The county license number, license year or term of issue, license fee, and licensing agent.

Vaccination of dogs of wild extraction is required, as is the above information required for licensure of a dog of wild extraction.

- (f) *Harboring unvaccinated dogs or cats.* No person shall own or harbor any dog or cat which has not been vaccinated against rabies ~~within the last year as provided in this article.~~ or whose most recent rabies vaccination has expired. This subsection shall apply to dogs of wild extraction.

All other provisions in Section 6-58 shall remain in full force and effect

Section 6-59. Dogs running at large.

(a) *Confinement required.* No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of the dog, shall fail to prevent the dog from being or running at large. any dog off its owner's premises shall be under leash control by its owner.

(b) *Dogs in common and public areas.* No dog owner, or any person who harbors a dog, shall fail to prevent his dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds, unless permission is posted by public authorities allowing dogs at large.

(c) *Confinement during estrus.* Any unsprayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the dog to a boarding kennel, veterinary hospital or the animal control center or be served with a penalty assessment notice. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal

order of an animal control officer shall be a violation of this article and any unsprayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

(d) *Evidence of running at large.* It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's, harborer's or keeper's sight, or if the dog goes upon public or private property without the property owner's manager's or tenant's consent.

All provisions of Section 6-59 shall remain in full force and effect.

Sec. 6-60. ~~Vicious~~ Dangerous dogs.

(a) *Prohibited.* No person shall own or harbor a ~~vicious~~ dangerous dog within the City, except as provided in this article. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in section 6-63, and may be subject to disposition as provided by section 6-64(c).

(b) *Control of dogs.* No owner of a dog shall fail to prevent it from causing serious bodily injury to, ~~or biting without provocation,~~ any person or animal, including pets, domestic livestock, fowl or wildlife. No owner of a dog shall fail to prevent it from causing bodily injury to or biting, without provocation, any person or animal, including pets, domestic livestock, fowl or wildlife. Provocation is not a defense to this section 6-57 where the response of the dog is not in proportion to the claimed act of provocation.

All other provisions of Section 6-60 shall remain in full force and effect.

Sec. 6-63. Seizure and impoundment.

(d) *Length of impoundment.*

(1) Minimum period. Any animal impounded at Animal Control which is not reclaimed by the owner shall be held by Animal Control for a minimum of five (5) days after acquisition by Animal Control, before it may become available for adoption or otherwise disposed of at the discretion of Animal Control, except that an Animal Control supervisor may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three (3) days if such supervisor determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under Section 6-64.

(3) ~~Vicious~~ Dangerous dog. A ~~vicious~~ dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of

section 6-60(a). If no such action has been or will be commenced, such dog shall be disposed of pursuant to section 6-64.

All other provisions in Section 6-63 shall remain in full force and effect.

Sec. 6-64. Redemption from impoundment and disposition.

(c) *Disposition of ~~vicious~~ dangerous dogs.*

- (1) A dog found to be ~~vicious~~ dangerous by any court, as defined by subsections 6-57(1), (2), (3), or (4) of this article, shall be finally disposed of by humane euthanasia.
- (2) The owner of a dog which is found to be ~~vicious~~ dangerous as defined by subsections 6-57(5), (6), (7) or (8) of this article shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public or to abate a public nuisance. Such order and condition shall require payment of all fines and fees and expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.
- (4) A dog found or declared not to be ~~vicious~~ dangerous shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

Section 6-65. Enforcement.

- (f) *Search and seizure of dogs.* An animal control officer shall have the right to enter upon private property when necessary to seize a ~~vicious~~ dangerous dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance as defined in this article, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an animal control officer. Noncompliance with such order shall be grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance dog or abandoned, abused or neglected animals in order to preserve evidence or to protect the public safety and welfare. An animal control office seizing a public nuisance dog may impound the dog, release the dog in lieu of impoundment and/or issue a penalty assessment notice or a summons and

complaint to the dog owner, unless otherwise required by court order or this article.

All other provisions of Section 6-65 shall remain in full force and effect.

Section 6-68. Penalty assessment; fine schedule.

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to)	\$ 50.00
Second offense (up to)	\$100.00
Third offense (up to)	\$250.00
Fourth and subsequent offenses (up to)	\$500.00

Penalties for violation of Section 6-59, dogs running at large, shall include a surcharge of \$25.00 payable to the City of Grand Junction Parks and Recreation Department for the establishment and maintenance of dog park(s). Fines shall not be suspended or waived in order to offset the surcharge.

All other provisions of Section 6-68 shall remain in full force and effect.

ALL OTHER PROVISIONS OF CHAPTER 6 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published in pamphlet form by the City Council of the city of Grand Junction, Colorado this _____ day of _____, 2005.

PASSED AND ADOPTED on second reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2005 on Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF CHAPTER 6, ARTICLE III OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO LICENSING AND IMPOUNDMENT OF DOGS, DOGS AT LARGE, CONTROL OF DOGS, DANGEROUS DOGS, A SURCHARGE ON FINES FOR THE PURPOSE OF FUNDING DOG PARK(S) AND CORRECTION OF SCRIVENERS' ERRORS AND AUTHORIZE THE PUBLICATION IN PAMPHLET FORM

RECITALS:

It is beneficial to the health, safety and welfare of the citizens of the community to substitute the word "vicious" with the word "dangerous" throughout Article III of Chapter 6 in order to add clarity and consistency;

It is also beneficial to allow for a three-year license to coincide with the three-year rabies vaccine;

It is desirable for Mesa County Animal Services to manage its resources by changing the minimum impound periods to concord with those set by the County and by state law;

Clarification of the availability and establishment of the defense of provocation to failure to control a dog is needed because the ordinance is not clear and judicial determinations have been inconsistent;

Clarification is also needed with respect to the "training" exception to the prohibition of dogs at large;

Dog owners that lawfully use and benefit from a dog park should expect some of the costs associated with the establishment and maintenance of dog park(s) to be borne by dog owners who violate the leash law. Therefore establishment of a surcharge on dog at large violations may help achieve this goal;

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

Chapter 6, Article III of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Sec. 6-57. Definitions

At large means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash or other mechanism of control. This requirement does not apply to any dog while actually working livestock, locating or retrieving wild game in a lawful season for a licensed

hunter, assisting law enforcement officers, or participating in an organized obedience training class, dog show or an obedience trial, ~~or while being trained for any of these pursuits~~. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed at large if the owner or custodian of such dog is not immediately present. This general definition of “at large” shall be superseded by the following if the animal is within the following geographic areas:

(1) Downtown Grand Junction: defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue.

(2) The North Avenue corridor: One-half block north and south of North Avenue from First Street on the west to 29 Road on the east.

In these areas, “at large” is defined as an animal off the premises of the owner or custodian and not under the direct physical control by means of a leash.

Bodily injury means any physical pain, illness, impairment of physical or mental condition, or physical injury wherein the skin is broken, bleeding occurs, bruising occurs, or bone, tissue, or muscle damage is suffered or emergency medical treatment becomes reasonably necessary for a person or animal.

Provocation means teasing, threatening, striking, or attacking an animal or its owner in the animal’s presence, by either a person or another animal, which is objectively unreasonable to an ordinary person. “Provocation” shall not include the lawful presence of an individual or animal in close proximity to but not within or upon property of another, or where a dog is tied, kept, kenneled or harbored.

Serious bodily injury means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

Dangerous ~~*Vicious*~~ dog means a dog which:

- (1) Causes serious bodily injury to a person;
- (2) Causes bodily injury to a person or animal on two or more occasions;
- (3) Is infected with rabies;
- (4) Is of wild extraction and that on any occasion causes bodily injury to a person or animal by biting, whether or not provoked, or is known to be infected with rabies;
- (5) Causes bodily injury to a person or animal and the bodily injury occurs off the dog owner’s premises;

- (6) Is at large and exhibits repeated or continuous aggressive behavior;
- (7) Has engaged in a dogfighting contest with the owner's knowledge; or
- (8) Has been specifically found to be ~~vicious~~ dangerous by any court or jury;

provided, however, that a dog which attacks, terrorizes or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be ~~vicious~~ dangerous if the dog owner establishes such facts as an affirmative defense to a charge for violation of section 6-60 or to the satisfaction of the investigating animal control officer. Any dog which is found to be ~~vicious~~ dangerous as defined by subsections (1), (2), (3), or (4) hereof may be destroyed in accordance with section 6-64(c)(1).

All other provisions of the Sec. 6-57 shall remain in full force and effect.

Sec. 6-58. Licensing and vaccination.

- (a) *Vaccination Required.* No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older, ~~including for purposes of this Section~~ shall comply with this article within thirty days afterward. If any dog or cat has bitten any person or animal within the last ten days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the animal control facility, and no rabies vaccine shall be administered to that dog or cat until after the ten-day observation period.
- (b) *Certificate of vaccination and license.* After vaccinating a cat for rabies, the veterinarian shall give the owner written certification of such vaccination. After vaccinating a dog for rabies, the veterinarian shall take the dog owner's payment for a county license and give the dog owner a county license certificate or dog tag. Dogs must have a current license. A dog owner may choose to buy a county dog license certificate and tag from the animal control center rather than a veterinarian. If so, the veterinarian shall give the owner written certification of the dog's current vaccination, which the owner shall show to an animal control officer when purchasing a county license and tag. The term of any license issued cannot exceed the date the rabies vaccination expires. A dog owner may choose to license annually or may choose to purchase a license that expires concurrently with the rabies vaccination. Fees for licenses shall be established by resolution of the City Council and on file in

the City Clerk's office. Certificates of license shall contain the following information:

- (1) The name, street address, and telephone number of the owner of the vaccinated dog;
- (2) The veterinarian's name, rabies tag number and expiration date;
- (3) The breed, age, color and sex of the dog; and
- (4) The county license number, license year or term of issue, license fee, and licensing agent.

Vaccination of dogs of wild extraction is required, as is the above information required for licensure of a dog of wild extraction.

- (f) *Harboring unvaccinated dogs or cats.* No person shall own or harbor any dog or cat which has not been vaccinated against rabies ~~within the last year as provided in this article.~~ or whose most recent rabies vaccination has expired. This subsection shall apply to dogs of wild extraction.

All other provisions in Section 6-58 shall remain in full force and effect

Section 6-59. Dogs running at large.

(a) *Confinement required.* No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of the dog, shall fail to prevent the dog from being or running at large. any dog off its owner's premises shall be under leash control by its owner.

(b) *Dogs in common and public areas.* No dog owner, or any person who harbors a dog, shall fail to prevent his dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds, unless permission is posted by public authorities allowing dogs at large.

(c) *Confinement during estrus.* Any unsprayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the dog to a boarding kennel, veterinary hospital or the animal control center or be served with a penalty assessment notice. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal

order of an animal control officer shall be a violation of this article and any unsprayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

(d) *Evidence of running at large.* It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's, harborer's or keeper's sight, or if the dog goes upon public or private property without the property owner's manager's or tenant's consent.

All provisions of Section 6-59 shall remain in full force and effect.

Sec. 6-60. ~~Vicious~~ Dangerous dogs.

(a) *Prohibited.* No person shall own or harbor a ~~vicious~~ dangerous dog within the City, except as provided in this article. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in section 6-63, and may be subject to disposition as provided by section 6-64(c).

(b) *Control of dogs.* No owner of a dog shall fail to prevent it from causing serious bodily injury to, ~~or biting without provocation,~~ any person or animal, including pets, domestic livestock, fowl or wildlife. No owner of a dog shall fail to prevent it from causing bodily injury to or biting, without provocation, any person or animal, including pets, domestic livestock, fowl or wildlife. Provocation is not a defense to this section 6-57 where the response of the dog is not in proportion to the claimed act of provocation.

All other provisions of Section 6-60 shall remain in full force and effect.

Sec. 6-63. Seizure and impoundment.

(d) *Length of impoundment.*

(1) Minimum period. Any animal impounded at Animal Control which is not reclaimed by the owner shall be held by Animal Control for a minimum of five (5) days after acquisition by Animal Control, before it may become available for adoption or otherwise disposed of at the discretion of Animal Control, except that an Animal Control supervisor may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three (3) days if such supervisor determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under Section 6-64.

(3) ~~Vicious~~ Dangerous dog. A ~~vicious~~ dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of

section 6-60(a). If no such action has been or will be commenced, such dog shall be disposed of pursuant to section 6-64.

All other provisions in Section 6-63 shall remain in full force and effect.

Sec. 6-64. Redemption from impoundment and disposition.

(c) *Disposition of ~~vicious~~ dangerous dogs.*

- (1) A dog found to be ~~vicious~~ dangerous by any court, as defined by subsections 6-57(1), (2), (3), or (4) of this article, shall be finally disposed of by humane euthanasia.
- (2) The owner of a dog which is found to be ~~vicious~~ dangerous as defined by subsections 6-57(5), (6), (7) or (8) of this article shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public or to abate a public nuisance. Such order and condition shall require payment of all fines and fees and expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.
- (4) A dog found or declared not to be ~~vicious~~ dangerous shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

Section 6-65. Enforcement.

- (f) *Search and seizure of dogs.* An animal control officer shall have the right to enter upon private property when necessary to seize a ~~vicious~~ dangerous dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance as defined in this article, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an animal control officer. Noncompliance with such order shall be grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance dog or abandoned, abused or neglected animals in order to preserve evidence or to protect the public safety and welfare. An animal control office seizing a public nuisance dog may impound the dog, release the dog in lieu of impoundment and/or issue a penalty assessment notice or a summons and

complaint to the dog owner, unless otherwise required by court order or this article.

All other provisions of Section 6-65 shall remain in full force and effect.

Section 6-68. Penalty assessment; fine schedule.

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to)	\$ 50.00
Second offense (up to)	\$100.00
Third offense (up to)	\$250.00
Fourth and subsequent offenses (up to)	\$500.00

Penalties for violation of Section 6-59, dogs running at large, shall include a surcharge of \$25.00 payable to the City of Grand Junction Parks and Recreation Department for the establishment and maintenance of dog park(s), where the dog is found to be at large in a public park. Fines shall not be suspended or waived in order to offset the surcharge.

All other provisions of Section 6-68 shall remain in full force and effect.

ALL OTHER PROVISIONS OF CHAPTER 6 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published in pamphlet form by the City Council of the city of Grand Junction, Colorado this _____ day of _____, 2005.

PASSED AND ADOPTED on second reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2005 on Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 9

Advertising Services Contract for the VCB

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA					
Subject	Visitor & Convention Bureau Advertising Agency Services				
Meeting Date	September 21, 2005				
Date Prepared	September 15, 2005				
Author	Julie M. Hendricks	Senior Buyer			
Presenter Name	Ronald Watkins Debbie Kovalik	Purchasing Manager GJVCB Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The general scope of this contract includes professional advertising, marketing and promotional services with the primary purpose of promoting Grand Junction as a visitor destination. Agencies were required to submit a plan that focused on utilizing the budget available focusing on advertising, but also included the integration of public relations, research, and promotions. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Budget: GJVCB 2006 Advertising Budget is \$350,000. Media is billed as a net cost to the GJVCB. Out-of-pocket expenses for typography, photography, illustration, broadcast production, printing, etc. shall be billed to the City at the agency's cost with no markup. All services rendered by subcontractors will be billed through the agency and the GJVCB will authorize payment to the agency at cost without markup.

Action Requested/Recommendation: Authorize the City Manager to sign a contract with the selected firm, Hill & Company, Edwards Colorado, not to exceed \$325,000.

Background Information: A history of the advertising agency RFP is attached. This Statement of Qualifications Solicitation was advertised in the Daily Sentinel and was sent to 78 potential suppliers. Six (6) responsive and responsible proposals were received. Three (3) agencies were chosen as short listed finalists that participated in an oral interview/presentation process with the selection committee:

Name of Agency	Location	Total Points	Average Points
Hill & Company	Edwards, Colorado	2323	211
Cohn Marketing	Denver, Colorado	2037	185
Ryan Whitney & Company	Grand Junction, Colorado	1319	120

The selection committee included Debbie Kovalik, GJVCB Executive Director; Barbara Bowman, Irene Carlow and Tamara Vliek, GJVCB Staff members; Ronald Watkins,

Purchasing Manager; Joe Stevens, Parks and Recreation Director; and members of the GJVCB Board. At its September 13 meeting, the Board voted unanimously to accept the recommendation of the committee to award this contract to Hill & Company.

ADVERTISING CONTRACT HISTORY

The VCB has issued a Request for Qualifications/Request for Proposals for advertising services five times: 1990, 1994, 1997, 2000 and 2005.

- 1990 RFQ sent to 71 agencies
15 responses received
6 presentations (1 local)
8 selected, 2 withdrew
- 1994 4 responses received (no locals)
1 additional response not considered; agency did not respond as required
2 presentations
- 1997 2 responses received (no locals)
Received letters from 3 Denver agencies declining to submit
1 presentation (Hill & Co.)
1 respondent's qualifications were insufficient
- 2000 RFQ sent to 56 agencies
4 responses received (no locals)
Received letter from 1 Denver agency and 1 GJ agency declining to submit
3 presentations
- 2005 Sent to 78 potential suppliers
6 responses for the advertising services
7 responses for website marketing services

Hill & Co. (formerly Hill & Tashiro Marketing & Advertising, formerly Tashiro Marketing & Advertising) was awarded the advertising contract the first four times the RFP was issued. The contract is renewable annually. The first three contracts were for a maximum period of three years and the most recent contract was extended a total of 4 times (5 years total) at the discretion of the VCB

Annual contract amounts follow:

2006	\$325,000 – advertising agency services \$ 75,000 – website marketing services
2005	\$375,000
2004	\$375,000
2003	\$375,000
2002	\$360,000
1999-2001	\$300,000
1997-1998	\$275,000
1993-1996	\$250,000

1991-1992

\$225,000

Attach 10

Web Site Marketing Contract for VCB

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Web Site Marketing Services					
Meeting Date	September 21, 2005					
Date Prepared	September 15, 2005					
Author	Julie M. Hendricks		Senior Buyer			
Presenter Name	Ronald Watkins		Purchasing Manager			
	Debbie Kovalik		GJVCB Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: The general scope of this contract includes professional internet marketing services with the primary purpose of promoting GJVCB's website as the official site for vacation planning information about the Grand Junction area. Agencies were required to submit a plan that focused on utilizing the budget available focusing on hosting the web site, maintaining the current site, enhancements and search engine optimization. This contract was part of the Advertising contract, but was pulled out for this solicitation due to the ever expanding and changing web environment. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Budget: GJVCB 2006 Advertising Budget is \$75,000. Media is billed as a net cost to the GJVCB. Out-of-pocket expenses shall be billed to the City at the agency's cost with no markup. All services rendered by subcontractors will be billed through the agency and the GJVCB will authorize payment to the agency at cost without markup.

Action Requested/Recommendation: Authorize the City Manager to sign a contract with the selected firm, Miles Media Group, Sarasota, Florida, not to exceed \$75,000.

Background Information: A history of the advertising agency RFP is attached. This Statement of Qualifications Solicitation was advertised in the Daily Sentinel and was sent to 78 potential suppliers. Seven (7) responsive and responsible proposals were received. Three (3) agencies were chosen as short listed finalists that participated in an oral interview/presentation process with the selection committee:

Name of Agency	Location	Total Points	Average
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			Points
Miles Media and Company	Sarasota, Florida	1794	150
Hill & Company	Edwards, Colorado	1842	153
Usdm.net	Corpus Christie, Texas	No show	

The points indicated a virtual tie between Miles Media Group and Hill & Company. The committee felt that overall Miles Media would be a better selection because they specialize in destination (tourism) web design. Their expertise and staffing levels position them – technologically – to be highly competitive in this transitional marketplace. Miles Media also comes with excellent references in the destination tourism community. The selection committee included Debbie Kovalik, GJVCB Executive Director; Barbara Bowman, Irene Carlow and Tamara Vliek, GJVCB Staff members; Ronald Watkins, Purchasing Manager; Joe Stevens, Parks and Recreation Director; Fred Stroh, Information Systems Manager and members of the GJVCB Board. At its September 13 meeting, the Board voted unanimously to accept the recommendation of the committee to award this contract to Miles Media.

Attach 11

Amending the 24 Road Corridor Subarea Plan

CITY OF GRAND JUNCTION

PLANNING COMMISSION						
Subject	24 Road Corridor Subarea Plan					
Meeting Date	September 21, 2005					
Date Prepared	September 13, 2005				File GPA-2005-148	
Author	Kathy Portner			Planning Manager		
Presenter Name	Kathy Portner			Planning Manager		
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes		No	Name	
	Workshop	<input checked="" type="checkbox"/>		Formal Agenda		Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: A request to amend the 24 Road Corridor Subarea Plan in the Mixed Use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Budget: N.A.

Action Requested/Recommendation: Consideration of a request to amend the 24 Road Corridor Subarea Plan

Attachments:

24 Road Corridor Subarea Plan, Future Land Use Designation
 1996 Growth Plan, Future Land Use Designation
 24 Road, Existing Zoning
 24 Road, Zoning Pre-2000
 Original Staff Report, November 1, 2000
 Planning Commission Minutes, October 17, 2000
 City Council Minutes, November 1, 2000
 Reconsideration Staff Report, November 15, 2000
 City Council Minutes, November 15, 2000
 Amendment Request Letter, January 21, 2005
 Amendment Request Memo, May 6, 2005
 Planning Commission Minutes, August 31, 2005

Background Information: See attached report.

AGENDA TOPIC: GPA-2005-148 24 Road Corridor Subarea Plan

ACTION REQUESTED: Consideration of a request to amend the 24 Road Corridor Subarea Plan

BACKGROUND INFORMATION	
Location:	24 Road Corridor Area
Applicants	Property Owners in 24 Road area Representative: Tom Volkmann

PROJECT DESCRIPTION: A request to amend the 24 Road Corridor Subarea Plan in the Mixed Use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

RECOMMENDATION:

Planning Commission recommended a review of the 24 Road Corridor Subarea Plan and the policies of the Growth Plan regarding the 24 Road Corridor in accordance with a major review process, including a Citizens Review Committee pursuant to Chapter 6, Section D of the Growth Plan.

ANALYSIS

1. Background

The 1996 Growth Plan designated the area west of 24 Road, south of G Road as Commercial/Industrial. The area east of 24 Road and that area west of 24 Road, north of G Road was designated Residential Medium-High (8-12 units per acre) (see attachment). In 1999 a year long study was initiated to reconsider the validity of these designations in the 24 Road Corridor. The process included a steering committee made up of property owners, realtors, bankers, developers and other citizens. It involved many public meetings and opportunities for input. The 24 Road Corridor Subarea Plan was adopted by Planning Commission and City Council in 2000, along with a zoning map and Design Standards and Guidelines.

The adopted plan included a new designation of Mixed Use (MU) on either side of 24 Road, between F ½ Road and G Road, as well as the west side of 24 Road, north of G

Road. The Mixed Use zoning that implements the MU land use designation is based on the IO (Industrial Office) zone district, but also includes a required residential component. It is a zone district that allows for the widest range of uses of any zone district, ranging from residential to industrial. It generally allows for business park development with limited retail and required residential.

In February, 2005, we received a request from Tom Volkman representing property owners in the 24 Road Corridor Planning Area to amend the text of the Mixed Use zone district which implements the Mixed Use plan designation in the 24 Road Corridor Plan and Growth Plan. Specifically they have requested:

- Reduce the minimum required residential density from 12 units per acre to 4 units per acre;
- Delete the requirement that residential development is required as 20% of the overall commercial project; and,
- Remove the maximum of 30,000 square feet for retail buildings or land uses.

It has been determined that in order to proceed with the requested zone text amendment, that Growth Plan amendments would be required first. Specific sections that would need to be amended include:

- Section V.D. Future Land Use Classes
Mixed Use. Mixed Use development to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as small (eight to ten acres) nodal development.
- Exhibit V.2: Future Land Use Categories Table
Land Use: Mixed Use. Intensity: Urban—12 to 24 DU/A, non-residential intensity based on location/services. Typical Uses: Employment, residential and open space, with limited retail.

In addition, parts of the 24 Road Corridor Subarea Plan may need to be amended:

- Section 6: “Preferred Plan” for the 24 Road Corridor, Land Use—Mixed Use Development: Mixed-use development is encouraged in the remaining areas to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as a small (eight to ten acres) nodal development at 24 Road and G Road intersection.
- Executive Summary, Market Analysis-...an important element of the 24 Road Subarea Plan and implementation will be to limit the types of retail commercial uses in the area. This would avoid undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment/commercial uses for which there are suitable alternative sites (i.e.

large acreage) in the Grand Junction area. While this particular section might not require amendment, this is an important base assumption in the plan.

Residential Requirement and Density

The applicant is requesting that the 20% residential requirement be deleted and that the required minimum density be reduced from 12 units per acre to 4 units per acre.

The original recommendation by the Steering Committee allowed for residential, but did not require it. The City Council was concerned with losing the opportunity for medium-high density residential in this area. The 20% residential requirement is based on the total number of residential units this area would have had under the 1996 land use designation of Residential Medium-High for the area east of 24 Road, south of G Road and the area west of 24 Road, north of G Road. The Council was concerned that if we did not make the residential component a requirement, that the properties would develop without housing and we would lose the opportunity to provide housing at this end of the Valley where there are services and employment.

The Future Land Use Map and zoning designated 440 acres as Mixed Use, which requires residential densities of 12 to 24 units per acre. Under the original Growth Plan, 160 acres of the 440 was designated as Residential, 8 to 12 units per acre, for a range of 1,280 to 1,920 residential units. The remainder of the 440 acres was designated for commercial/industrial development. Applying various percentage requirements for the residential component of the Mixed use designation would result in the following number of units:

- 25% results in 1,320 to 2,640 potential residential units
- 20% results in 1,056 to 2,112 potential residential units
- 15% results in 792 to 1,584 potential residential units

Based on the above percentages, 25% would guarantee the minimum number of units that would have been built under the original Growth Plan. If the 15% or 20% options were built out at 12 units per acre, which is the minimum required in the Mixed Use zone district, the low end of the original Growth Plan numbers would not be achieved. The City Council opted for the 20% requirement, assuming that densities would likely be higher than 12 units per acre to maximize return and be more compatible with surrounding uses.

If the City considers deleting the residential requirement, and reducing the density to 4 units per acre, staff would recommend consideration of redesignating 160 acres as Residential Medium-High densities to maintain the balance established with the original Growth Plan.

Retail Development

The request to delete the 30,000 s.f. maximum area allowance for retail uses would allow for retail big-box development, which is a specific use avoided in the plan. The Market Analysis formed many of the base assumptions used in the plan. The analysis stresses that an important element of the 24 Road Subarea Plan and implementation is to limit the types of retail commercial uses in the area. This avoids undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment/commercial uses for which there are suitable alternative sites in the Grand Junction area. A large area, south of F ½ Road, was designated Commercial, which allows for large-scale retail development (see attached maps).

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.

Staff finds that there was no error in the plan in designating 20% of the land area in the Mixed Use to be residential densities of 12-24 units per acre and limiting the size of retail development. It fit with the vision that was established for the corridor.

- b. Subsequent events have invalidated the original premises and findings.

The fact that development has not yet occurred within the Mixed Use designation does not necessarily invalidate the original premises and findings. The Mixed Use concept is new for Grand Junction and might take some time to implement, but if the property is developed now as commercial or low density residential, the City will lose the opportunity.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable.

The character of the area has not changed since the adoption of the plan in 2000.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

The amendment changes the fundamental framework of the plan. Specifically, the proposed amendments are in conflict with the following sections of the Growth Plan and the 24 Road Corridor Subarea Plan:

- *Chapter 5, Section E., page V.10, the Growth Plan describes the land use category for Mixed Use to include residential and retail commercial only as a secondary use.*
- *Section F., page V.14, Policy 1.1 states that “The City and County will use the future land use categories listed and described in Exhibit V.2 (Future Land Use Categories, Page 15) to designate appropriate land uses within the Joint Planning Area identified in Exhibit V.1 (Joint Planning Area, Pages 3-4). City and County action on land use proposals within the Joint Planning Area will be consistent with the plan.”*
- *Policy 1.2 (also page V.14) states that “The City and County will use Exhibit V.2 (Future Land Use Categories, Page 15) to guide decisions on the gross density of residential development.*
- *The intensity described in the table in Exhibit V.2 indicates that it is to be 12 to 24 dwelling units per acre for residential purposes. Typical uses described in the table are limited retail.*
- *Policy 8.6: The City will encourage the conversion of heavy commercial and industrial uses along 24 Road, Patterson Road, and Highway 6/50 near the Mall to a mixture of retail/service commercial and multi-family uses.*
- *The 24 Road Plan states on page 2 that “an important element of the 24 Road Subarea Plan and implementation will be to limit the types of commercial retail uses in the area. This would avoid undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment/commercial uses for which these are suitable alternative sites (i.e. large acreage) in the Grand Junction area.”*
- *In Section 6 of the 24 Road Plan, page 42, Mixed Use is described as employment, residential, and open space. Retail is again limited as a secondary use as appropriate.*

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.

Facilities are adequate or can be provided for the proposed development.

- f. An inadequate supply of suitably designated land is available in the proposed land use.

The changes proposed would change the uses allowed to more of a Commercial designation and a medium-low density residential. The applicant has not shown that there is an inadequate supply of commercial property or residential property, at 4 units per acre, available.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The benefits derived from the proposed changes will be to the property owners in possibly being able to develop their property for large-scale retail or medium-low density residential, which they have indicated is the current market. The community will not have the benefit of having property available for mixed-use development and high density residential.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the 24 Road Growth Plan Amendment proposal, GPA-2005-148, staff makes the following findings of fact and conclusions:

1. The proposed amendment is not consistent with the purpose and intent of the Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have not been met.
3. The proposed changes would fundamentally change the assumptions of the plan. If Planning Commission and City Council want to consider the proposed changes, staff recommends that a planning process be undertaken to re-evaluate the Plan in it's entirety.

PLANNING COMMISSION RECOMMENDATION:

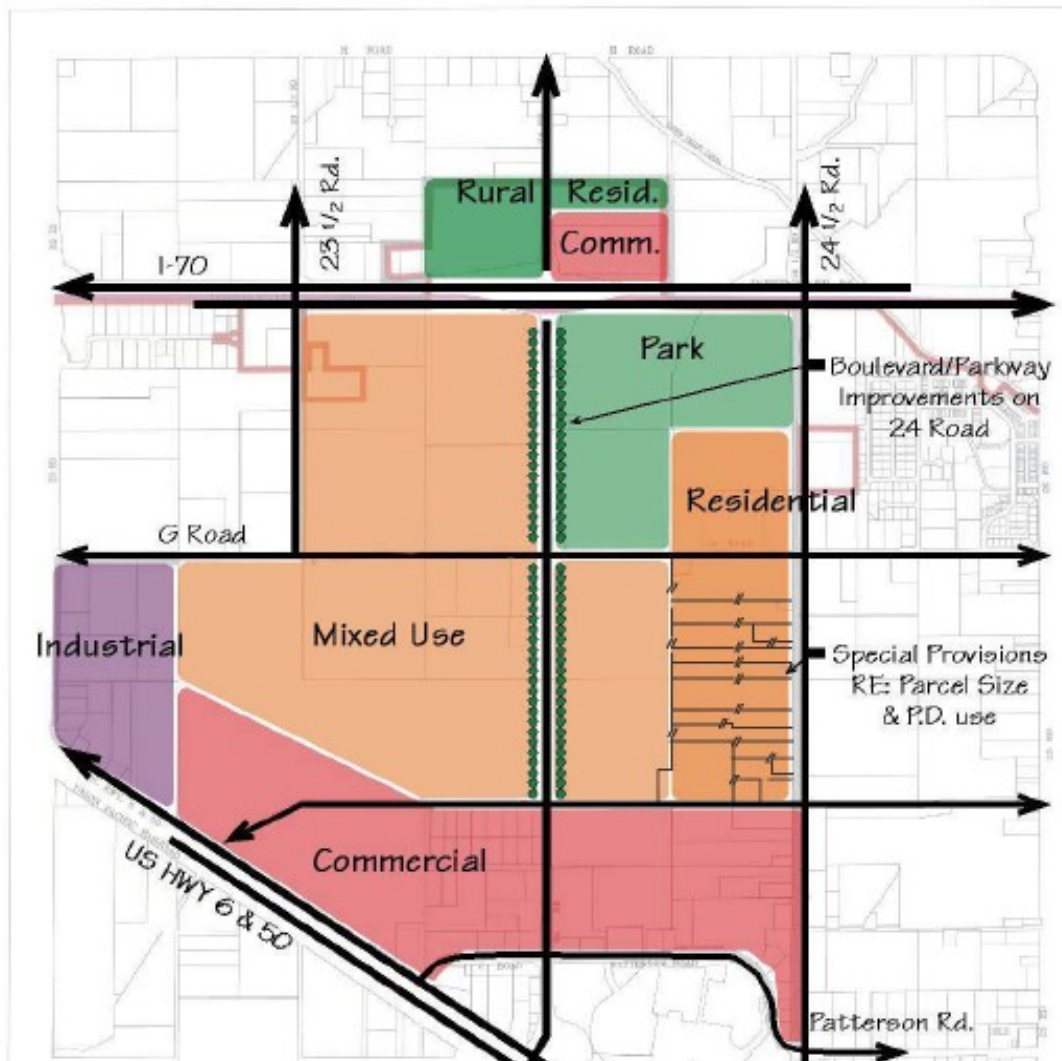
Planning Commission was advised that any recommendation to the City Council to consider the requested Growth Plan Amendments in the affirmative should include the recommendation that the Citizen Review Committee be convened, as is set forth in Chapter 6 of the Growth Plan. That process is similar to the original process on which the Planning Commission and City Council relied for providing the necessary information to set policies for the 24 Road Corridor element of the Growth Plan. They were advised that changes to policy should not be made in a vacuum, but considered with the Growth Plan as a whole.

The Planning Commission, at the August 31, 2005 hearing, recommended a review of the 24 Road Corridor Subarea Plan and the policies of the Growth Plan regarding

the 24 Road Corridor in accordance with a major review process, including a Citizens Review Committee pursuant to Chapter 6, Section D of the Growth Plan.

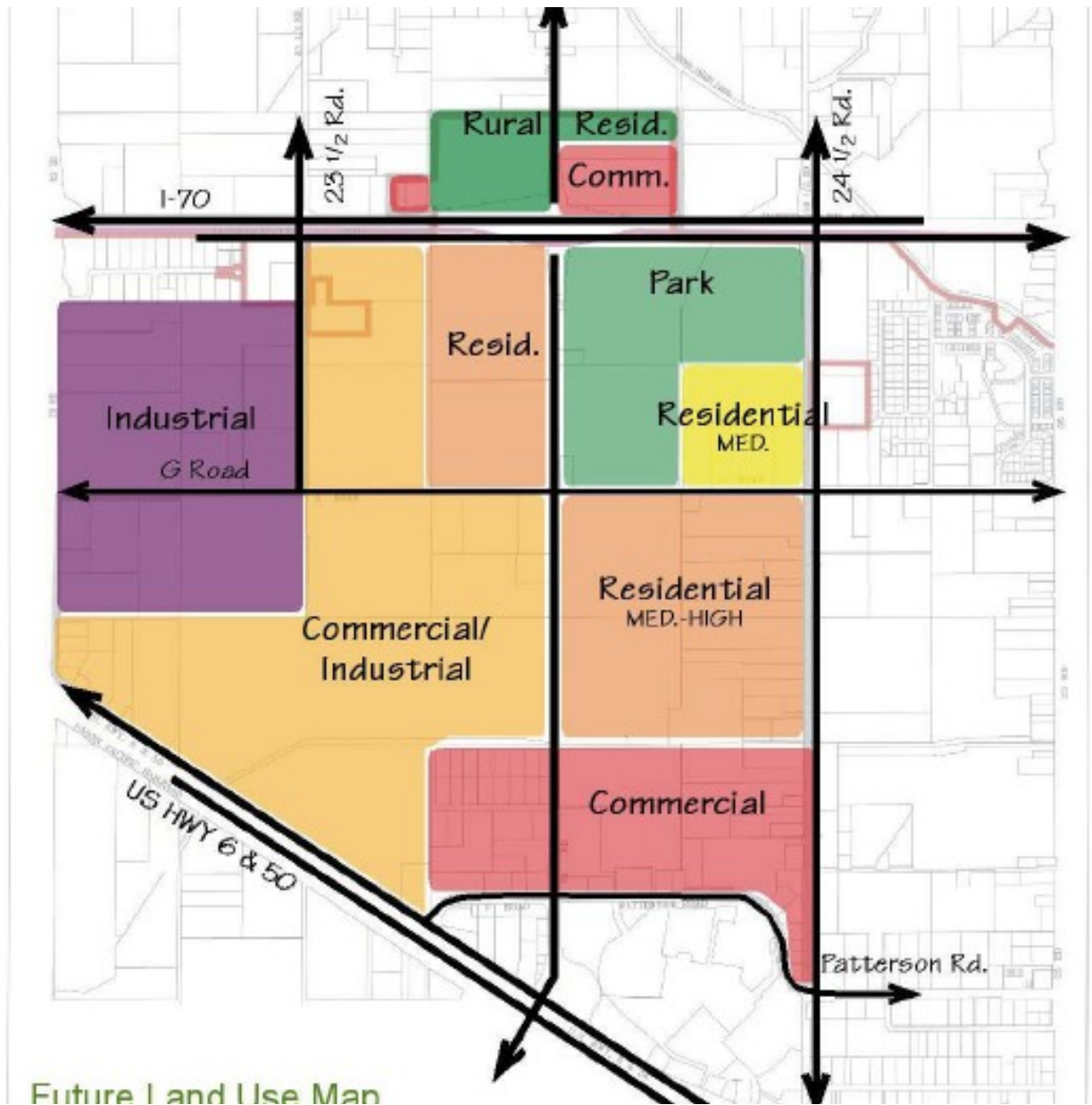
CITY COUNCIL OPTIONS:

1. Deny the request to consider the Growth Plan Amendments.
2. Approve the recommendation by the Planning Commission for a review of the 24 Road Corridor Subarea Plan.
3. If the Council is inclined to consider approval of the amendments without a larger review process, this item must be remanded to the Planning Commission for a specific recommendation.



24 Road Corridor Subarea Plan

Future Land Use Designation



1996 Growth Plan

Future Land Use Designation

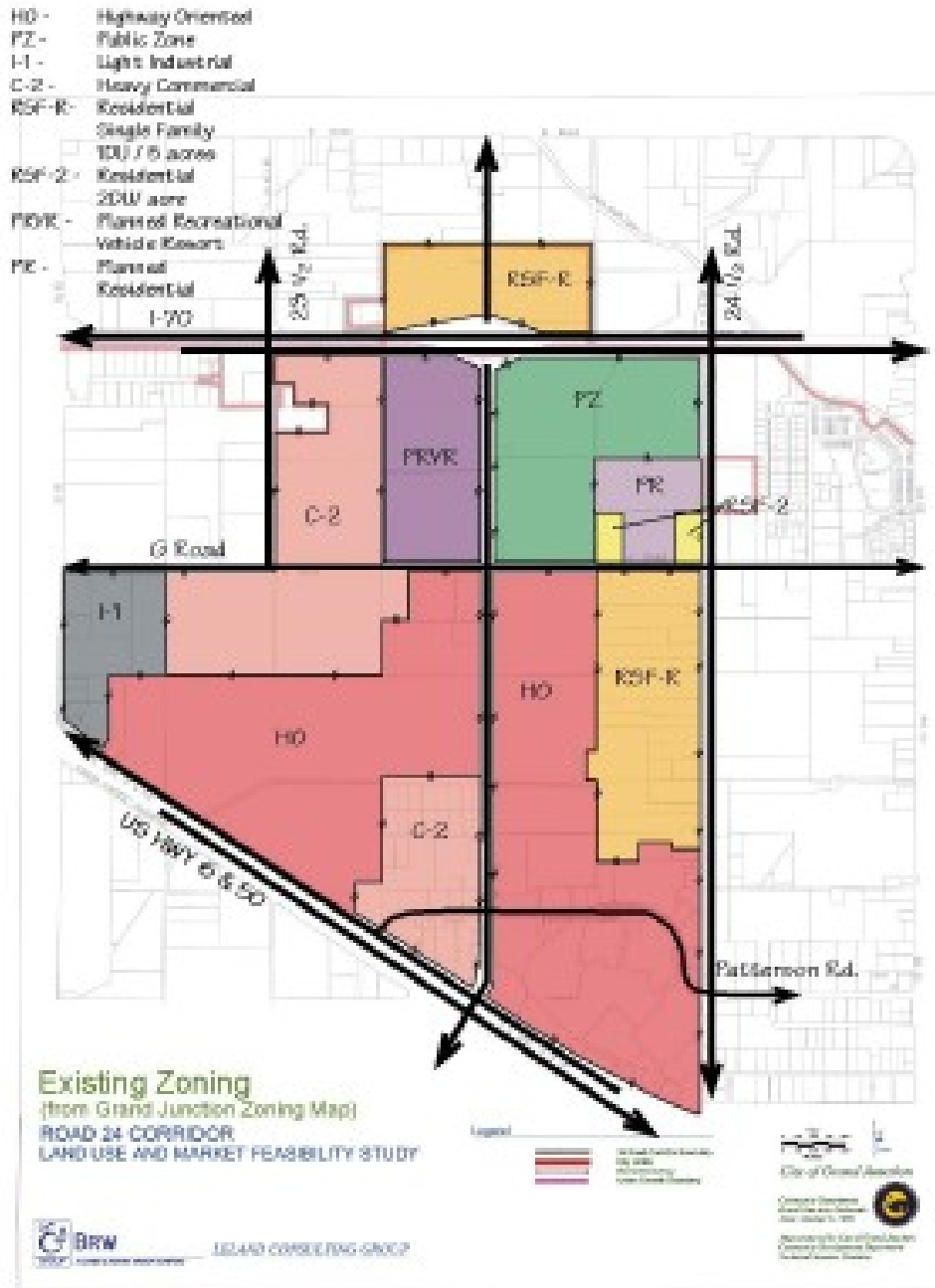
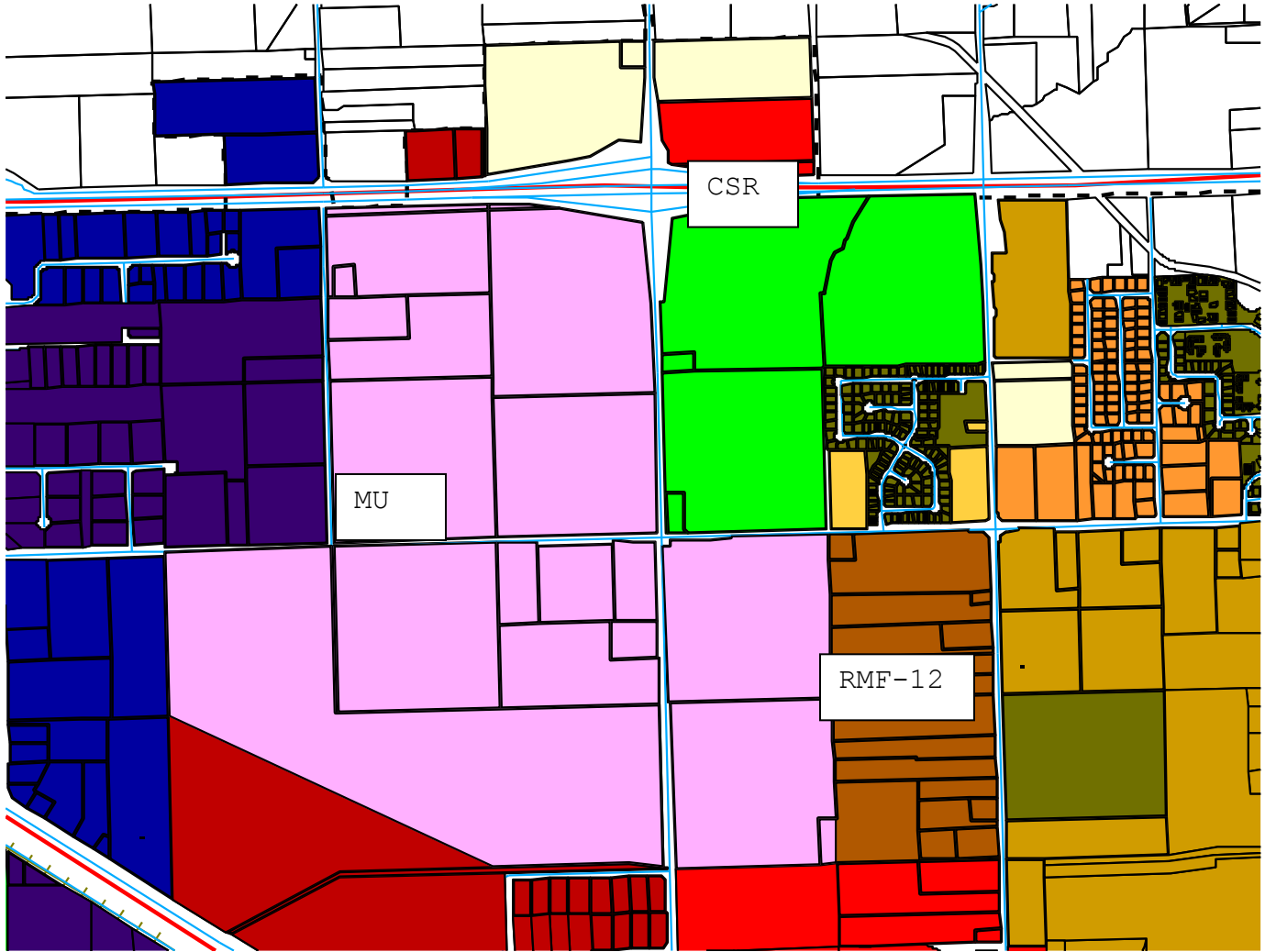


Figure 4: Existing Zoning



24 Road Area

Existing Zoning

CITY COUNCIL
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>		
Subject:	Adopting the 24 Road Corridor Subarea Plan, Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District and Finalizing the Zoning, Design, Standards and Guidelines for the 24 Road Corridor	
Meeting Date:	November 1, 2000	
Date Prepared:	October 25, 2000	
Author:	Kathy Portner	Planning Manager
Presenter Name:	Kathy Portner	Planning Manager
	Workshop	x Formal Agenda

Subject:

- 1) Proposed Resolution Adopting the 24 Road Corridor Subarea Plan
- 2) Proposed Ordinance Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District
- 3) Proposed Ordinance Adopting a Zoning Map for the 24 Road Corridor Subarea
- 4) Proposed Ordinance Adopting the 24 Road Corridor Design Standards and Guidelines

Summary:

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

Background Information:

After over a year of study, the 24 Road Steering Committee has made a recommendation on the future land use of the 24 Road Study area, which is generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north. There are four documents that will be considered by the City Council on November 1, 2000. Those are:

1. **The 24 Road Corridor Subarea Plan**—This is the planning document that outlines the proposed general land uses for the area, as well as a vision for the area and implementation strategy. This subarea plan would become an element of the City’s adopted Growth Plan and replace those sections that refer to this area. The subarea plan proposes to change the Future Land Use Map of the Growth Plan along the 24 Road corridor, north of F ½ Road. The original Growth Plan had designated the properties east of 24 Road as Residential Medium-High density, 8 to 12 units per acre and the area west of 24 Road as

Commercial/Industrial. The proposed subarea plan proposed most of that area as Mixed Use, which is primarily for employment type uses, but would allow a mix of office, manufacturing, residential and limited retail. The subarea plan retains the residential designation along 24 ½ Road and the commercial designation for much of Patterson Road and HYW 6 & 50.

2. **Code Amendment Adding the Mixed-Use Zoning District**—One of the recommendations of the Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. Retail use is limited to neighborhood commercial with a 30,000 square foot maximum building size for retail. Staff is also proposing that for parcels greater than 5 acres in size, 25% of the land area must be designated for residential to ensure a true “mixed-use” development.

The Planning Commission also recommended general retail sales, indoor operations, display and storage be changed from an allowed use to require a Conditional Use Permit; adding a provision to allow for the transfer of the required 25% residential density within the mixed use zone district; and to change the maximum building height from 40’ to 65’ if the building front yard setback is at least 1.5 times the overall height of the building. For example, a 50-foot building requires a 75’ front yard setback and a 65’ building requires a 97.5’ setback. In addition, a minimum of 50 percent of the resulting front yard setback area must be landscaped per Code requirements.

One of the concerns raised with the proposed Mixed-Use designation for much of the 24 Road corridor was the lost potential for medium to high density residential, as was contemplated with the Growth Plan. The attached chart titled “Residential Units in the 24 Road Corridor Study Area” shows a comparison of potential residential units under the existing Growth Plan versus potential residential with the Mixed Use requiring 25% in residential. Under the Growth Plan, the potential number of units ranges from 2240 to 3440. Applying the Mixed Use zoning, with a 25% residential requirement, results in the potential number of units ranging from 2159 to 3809.

3. **Zoning of the 24 Road Plan Area**—At the time the City adopted the new zoning map, zoning in the 24 Road study area was not changed pending the outcome of this study. A new zoning map is proposed to implement the recommendations of the plan. The area along Patterson and HWY 6 & 50 is proposed to remain commercial, the area along 24 ½ Road is proposed as RMF-12, and the 24 Road corridor north of F ½ Road is proposed as the new Mixed Use zone.

The Planning Commission recommended a modification to the proposed zoning map as shown on the new attached map. The modification changed the line between the MU and Commercial zoning, west of 24 Road, to a diagonal and to designate the entire commercial west of 24 Road as C-2 rather than having some C-1 and some C-2. Those changes were made in response to a request by the property owner and a recommendation by staff.

4. **Adoption of the 24 Road Corridor Design Standards and Guidelines**—The final component is a set of Design Standards and Guidelines that are proposed for the entire study area. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs. Some of the elements of the proposed standards are as follows:
- a. Leach Creek is proposed as an amenity, requiring gently sloping sides and naturalized vegetation and including a pathway system adjacent to it.
 - b. Site development that orients buildings into a campus-like setting where possible, preserves view corridors, and presents a buildings best sides to the public streets and open spaces.
 - c. Creates standards for setbacks for buildings and parking to enhance the streetscapes.
 - d. Creates special sign standards that limit the maximum height of signs to 12' from grade and maximum size to 100 s.f. per sign.

The Planning Commission recommended approval of the Design Standards and Guidelines with the following changes, as recommended by staff:

- a. Changes to the “Guideline” paragraph on p.2 to read, “Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.” And the following verbiage changes for the second paragraph under “Administration...” on p.2: “These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.” The remaining paragraph would be deleted.
- b. That the staff would review the document to make any other necessary changes for further clarification.

Staff also recommends that the following changes be made:

- a. Table 3.1 on page 29 should be clarified as follows:
24 Road –east; building setback—35’ from edge of Leach Creek Corridor
Note (2) All measurements are from the right-of-way line, unless otherwise noted
- b. Architectural Design, Building Form and Scale Standards: #8 on page 48 should be deleted. In the review of large retail structures, staff has found that the height often exceeds 35’ to incorporate the required roofline variations.

Action Requested/Recommendation: Staff and Planning Commission recommend approval with the changes as recommended.

CITY OF GRAND JUNCTION, COLORADO

Resolution No.

ADOPTING THE 24 ROAD CORRIDOR SUBAREA PLAN

Recitals:

After over a year of study and public input, the 24 Road Steering Committee has made a recommendation on the future land use of the 24 Road Study area, which is generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north. The 24 Road Corridor Subarea Plan is a planning document that outlines the proposed general land uses for the area, as well as a vision for the area and implementation strategy. This subarea plan would become an element of the City's adopted Growth Plan and replace those sections that refer to this area. The subarea plan proposes to change the Future Land Use Map of the Growth Plan along the 24 Road Corridor, north of F ½ Road to Mixed Use. The subarea plan retains the residential designation along 24 ½ Road and the commercial designation for much of Patterson Road and HYW 6 & 50.

The Grand Junction Planning Commission, at their October 17, 2000 hearing, recommended approval of the 24 Road Corridor Subarea Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE 24 ROAD CORRIDOR SUBAREA PLAN IS HEREBY ADOPTED AND MADE A PART OF THE GRAND JUNCTION GROWTH PLAN.

PASSED on this _____ day of _____, 2000.

ATTEST:

City Clerk
Council

President of

ORDINANCE NO.

**AMENDING TABLES 3.2 AND 3.5 AND SECTION 3.2.H.4, AND ADDING SECTION
3.4.J
TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO CREATE A
MIXED-USE ZONE DISTRICT**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. This zone district is being added to the Zoning and Development Code and will be applied to the area designated as "Mixed-Use" on the Future Land Use Map of the 24 Road Corridor Subarea Plan. The zone district would also be available for other areas of the City if found to be appropriate.

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

The Zoning and Development Code is hereby amended to add section 3.4.J and amend tables 3.2 and 3.5 as shown on attachment A and amend the first sentence of section 3.2.H.4 to read as follows:

"The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and **MU**, additional height shall only be granted by a variance."

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

M-U: Mixed Use

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and non-residential use areas.

2. Summary.

Primary Uses: Employment, residential, limited retail, open space.

Maximum Non-Residential Intensity: 0.50 FAR

Maximum Residential Density: 24 units per acre

Minimum Residential Density: 12 units per acre

Maximum Building Size: 150,000 sf; 30,000 sf for retail

3. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U District.

4. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:

- a. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.50;
- b. Non-residential minimum lot size shall be one acre, except where a continuous commercial center is subdivided;
- c. Maximum building size shall be 150,000 sf, unless a Conditional Use Permit is issued; 30,000 sf for retail
- d. Maximum gross residential density shall not exceed 24 units per acre.
- e. Minimum net residential density shall be 12 units per acre.
- f. Development parcels and/or projects containing greater than 5 acres shall have a minimum of 25% of the gross land area in residential development. The required 25% may be transferred between parcels that are being planned at the same time.

5. M-U Performance Standards.

- a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
- b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
- c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U District without continuously meeting the following minimum standards regarding

vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
 - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 db at any point on the property line.
 - (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
 - (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.
- d. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.

ORDINANCE NO.
ADOPTING A NEW ZONING MAP FOR THE 24 ROAD CORRIDOR AREA

RECITALS. The City has adopted the 24 Road Corridor Subarea Plan as a part of the Growth Plan.. The Subarea Plan includes a future land use map identifying uses for parcels within the study area. As a part of the implementation of the plan, a zoning map has been created that is consistent with the future land use map and vision as identified in the plan.

The Grand Junction City Council has determined that this new map for the 24 Road Corridor Area is necessary for the preservation of health, safety, and general welfare of the citizens of Grand Junction.

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

1. The existing maps depicting and describing the zones and districts of lands within the 24 Road Corridor Subarea of the City, which are a part of the City’s Zoning and Development Code (the “Zoning Code”) are hereby repealed and reenacted with the attached map. The Clerk may publish this map in conjunction with publication of the 24 Road Corridor Design Standards and Guidelines by pamphlet.
2. This reenactment shall not be construed to revive any ordinance or part thereof that had been previously repealed.
3. Nothing in this ordinance, nor any provision repealed by the adopted of this ordinance, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date hereof.
4. Unless another provision is expressly provided in the Zoning Code, every person convicted of a violation of any provision of these newly provisions and maps shall be punished according to the City of Grand Junction Code of Ordinances, Chapter 1, Section 1-9.
5. If any zoning map or portion thereof adopted hereby or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these zoning maps which can be given effect without the invalid provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

ORDINANCE NO.

AMENDING THE ZONING AND DEVELOPMENT CODE TO ADD SECTION 7.5 24 ROAD CORRIDOR DESIGN STANDARDS AND GUIDELINES

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create design standards and guidelines to implement the plan. The Steering Committee has recommended the 24 Road Corridor Design Standards and Guidelines be adopted as an overlay zone district to apply to the entire study area.

Overlay zoning is one way to create a more flexible and discretionary alternative to traditional zoning. An overlay zone is defined as “a mapped overlay district superimposed on one or more established zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program”.

An overlay zone supplements the underlying zone with additional requirements or incentives while leaving underlying zoning regulations in place. Examples might include special requirements such as design standards or guidelines, additional setbacks or height limits. A parcel within the overlay zone will thus be simultaneously subject to two sets of zoning regulations: the underlying and the overlay zoning requirements.

Overlay zone boundaries are also not restricted by the underlying zoning districts’ boundaries. An overlay zone may or may not encompass the entire underlying zoning district. Likewise, an overlay zone can cover more than one zoning district, or even portions of several underlying zoning districts.

The 24 Road Corridor Design Standards and Guidelines are being proposed as an overlay district to cover the entire 24 Road planning area, generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north, and including several parcels north of I-70. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs.

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

The Zoning and Development Code is hereby amended to add section 7.5 entitled “24 Road Corridor Design Standards and Guidelines” to be applied to the area shown on Attachment A and authorizes the Clerk to publish the amendment by pamphlet.

Introduced on first reading this 18th day of October, 2000.
Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

PLANNING COMMISSION MINUTES 10-17-00

PLN-2000-192 PLAN—24 ROAD CORRIDOR SUBAREA PLAN

A request for: 1) approval of the 24 Road Corridor Subarea Plan; 2) approval of an amendment to the Zoning and Development Code, adding a Mixed-Use zoning district; 3) approval of zoning for the 24 Road Corridor subarea; and 4) approval of the 24 Road Corridor Design Standards and Guidelines.

Petitioner: City of Grand Junction

Disclosures were offered by both Commissioners Dibble and Prinster. Commissioner Dibble indicated that he owned land adjacent to the subject area but that he would receive no economic gain by the Plan's adoption. Commissioner Prinster said that he worked for City Market who owns property in the subject area. He also professed to have no financial interest, nor did he expect any financial gain, by the Plan's adoption.

Mr. Shaver said that he had spoken with each planning commissioner individually and could find no basis for conflict of interest. Chairman Elmer asked Commissioner Dibble if his property would receive a different zoning with adoption of the Plan, to which Commissioner Dibble responded negatively.

Having determined that no conflict of interest existed for either planning commissioner, both were permitted to participate in deliberations.

PETITIONER'S PRESENTATION

Kathy Portner presented a brief overview of the Plan and its facets. She recounted the history of the Plan and City Council's formation of a 24 Road Corridor steering committee. She suggested separate consideration of each facet of the application.

SUBAREA PLAN

Overheads of the 24 Road Mission Statement, Subarea Plan Concept and Subarea Plan Elements were presented (as contained in the file). Elements, she said, had changed from the original vision foreseen by the Growth Plan. Proposed changes to the Future Land Use Map reflected residential uses along 24 ½ Road but did not change uses north of I-70. It included Commercial along F Road, extending along the Hwy 6 & 50 corridor. Industrial would be located along 23 Road, and the bulk of area would be reflected as the newly proposed Mixed-Use zoning. The steering committee defined Mixed-Use as a combination of employment-based uses (e.g., manufacturing/business parks, office, office warehouse) and residential.

QUESTIONS

Commissioner Nall asked if there was any provision for commercial uses within the Mixed-Use zone district. Ms. Portner anticipated limited commercial development although the zoning district dictated the uses more specifically than did the Growth Plan.

PUBLIC COMMENTS

John Beilke (2450 Pheasant Trail, Grand Junction) asked planning commissioners to reconsider zoning at the northeast corner of I-70 and 24 Road. He said that the site's partial RSF-R zoning did not make sense given the magnitude of street improvements that would be required upon development of that property. "No developer of low-density residential units would be able to pay for the required overpass and other infrastructure improvements with such an impediment." Mr. Beilke referenced his previous submittal that had contained mixed uses and open space but had been denied by both the Planning Commission and City Council. Mr. Beilke felt that the City had an unrealistic expectation for that corner and again asked for reconsideration of either Mixed-Use or Commercial zoning for the entire tract.

When asked by Commissioner Putnam what Mr. Beilke foresaw for the corner, Mr. Beilke expressed disappointment that his project hadn't been taken more seriously. His project, he said, would have paid \$1.5M towards infrastructure improvements, provided approximately 150 high paying jobs and provided open space and water features. In keeping with the direction of the North Central Valley Plan, he reiterated that the entire tract should be zoned either Commercial or Mixed-Use. Not doing this, he said, would result in the routing of commercial traffic from the C-1 zoned portion of the tract through the residential portion.

Jim Langford (529 – 25 ½ Road, Grand Junction), representing clients interested in submitting a commercial development proposal within the subject area, said that the City's intention of providing some mix of residential uses along the north side of F ½ Road would be contrary to his clients' interests. He contended that residential development would not generate sufficient funds necessary for F ½ Road improvements. He urged consideration of commercial zoning along the north side of F ½ Road of a transitional zone.

Ed Hokanson (2277 Rio Linda, Grand Junction) felt that the market should dictate uses along the 24 Road corridor. Proposed restrictions, he said, would limit shopping opportunities. He said that the City was making it difficult for those who wanted to develop the subject area with more commercial-based uses. He agreed with previous comments that the high cost of infrastructure improvements could not be offset by residential development. Mr. Hokanson requested greater flexibility from the City.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction), member of the 24 Road Steering Committee, disagreed with Mr. Hokanson's comments. He believed there were a number of creative ways to deal with land uses.

Mary Locke (2322 I Road, Grand Junction), member of the 24 Road Steering Committee, extolled the beautiful views of the National Monument as seen from the north. A lot of people cared about protecting those views, she said. The Committee specifically didn't want to see the area become another Horizon Drive or North Avenue with a proliferation of commercial uses and signage. The Community, she said, should not have to accept what developers say they have to accept. The proposed plan represented a way to show the rest of the valley that quality could be both promoted and achieved. She said that a lot of time and effort went into the proposed Plan and it represented a labor of love. She said that "if developers didn't like the Plan, they wouldn't build there." She didn't feel that that was altogether negative since others could and would locate there.

DISCUSSION

Commissioner Nall asked for elucidation on Mr. Beilke's proposal, which was provided by Chairman Elmer.

Commissioner Prinster asked staff if they were prepared to address the residential requirement mentioned by Mr. Langford. Ms. Portner replied that this element would be discussed in a later facet of the Plan.

Commissioner Dibble referenced Mr. Langford's comments and asked staff if his general contention was that "big box" commercial uses would be allowed to the south of F ½ Road while the Mixed-Use zone district to the north may require some residential development. Ms. Portner replied affirmatively.

Commissioner Dibble recollected that the access off of I-70 had been a major issue with regard to development of the northeast corner referenced by Mr. Beilke. He thought there had been discussion over timing of CDOT's work on the overpass, reconstruction of that section of 24 Road and access requirements further north. Ms. Portner said that what had been decided was that until staff had the design of the new overpass, the City didn't know what the access to that property would be. She recalled that discussions from both Planning Commission and City Council, some members seemed to concur that Mr. Beilke's proposal was premature.

Chairman Elmer said that one of the major findings of the corridor study was confirmation that there were sufficient numbers of commercially-zoned properties available in other areas of the valley. Mixed-Use zoning offered greater flexibility and consideration of market conditions.

Commissioner Grout agreed and expressed support for this section of the request as presented. He didn't feel that Mixed-Use zoning would cause any undue stress on development flexibility.

Commissioners Putnam and Nall concurred. Commissioner Putnam didn't feel that development of an area should be entirely market-driven; the City should appropriately have a say in what an area should look like. Commissioner Nall said that the current request basically put forth the notion that "we can do better than average." He too supported this facet as presented.

Commissioner Binder said that in Denver there are huge areas of strip malls; in other towns she'd visited there were more mixed-use development. The mixture of uses, she said, always appeared to be of higher quality and accommodated people more effectively. She agreed that the Mixed-Use zone district provided the flexibility needed for the 24 Road corridor.

Commissioner Dibble felt that the current Plan would provide an aesthetic entryway into the City, something the community as a whole could be proud of.

Commissioner Binder added that the market study referenced by Chairman Elmer not only verified the existence of sufficient commercially-zoned properties; the study also encouraged commercial development in this area to occur closer to the mall.

MOTION: (Commissioner Grout) "Mr. Chairman, on item PLN-2000-192, I move we recommend approval to City Council of the 24 Road Subarea Plan."

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MIXED-USE ZONE DISTRICT

Kathy Portner passed out copies of the Mixed-Use (MU) zone district standards proposed for inclusion in the Development Code, the two options for height variance within the MU zone, and a letter from George Pavlakis (5670 East Evans Avenue, #200, Denver). Mr. Pavlakis served on the 24 Road Steering Committee and expressed reservations over making the residential component of the MU zone mandatory. Referencing an overhead outlining key points of the proposal, she noted that the maximum retail building size for this zone would be 30,000 square feet, with no CUP option to allow for increased size. With regard to the residential component, staff was concerned that if the entire MU area were to develop commercially, the City would lose the potential for residential uses in that area. Ms. Portner passed out copies of a table outlining the number of residential units possible within the MU zone. While the approach would differ from that of the Growth Plan, the resultant number of units would be very similar. The MU zone would be available for use in other areas of Grand

Junction as well. The two building height variance options were outlined. Both would permit building heights of up to 65 feet, but the first option included specifications for front yard building setback. Under no circumstances could the 65-foot restriction be exceeded.

QUESTIONS

Commissioner Prinster asked if the 30,000-square-foot figure applied to just the retail building footprint, or did it apply to all units within a given commercial node (e.g., Eastgate Shopping Center)? Ms. Portner replied that the figure pertained to the gross square footage of any one building. Using Eastgate as an example, staff considered the entire Eastgate Shopping Center as one building.

Commissioner Dibble wondered about the type of uses this zone would preclude. Ms. Portner gave examples that included drive-thru restaurants, outdoor-oriented operations, indoor manufacturing and production with outdoor storage and operations and manufacturing and production with indoor operations and outdoor storage (the latter requiring a CUP). Vehicle service uses (e.g., car washes, gas stations, quick lubes) would require a CUP, while vehicle repair shops would not be allowed.

Chairman Elmer wondered how someone would interpret the definition of “limited retail.” Ms. Portner said that they would have to refer to building size to make that distinction since 30,000 square feet would preclude larger shopping centers and typical, larger grocery stores. There would be nothing to preclude a proposal containing several smaller-sized retail buildings and a cluster of retail uses on a single property, but Ms. Portner didn’t think that, from a practical standpoint, that option would be desirable to most commercial developers. To allay concerns, Ms. Portner said that one option available could include requiring a CUP for all general retail sales proposed within a MU zone.

Commissioner Grout wondered how the 25 percent residential figure had been derived. Ms. Portner said that one of the prime motivators for including a residential component was to better ensure that the entire zone would not develop strictly as commercial.

Chairman Elmer said that property owners could utilize the option of transferring density rights within the zone (TDR’s). Mr. Shaver confirmed that addressing TDR’s within the specific Subarea Plan was possible. Chairman Elmer remarked that TDR specifics could be addressed following adoption of the overall Plan. Mr. Shaver agreed, adding that TDR’s could be addressed as an implementation item. Reminding the Commission to require a “giving” and a “receiving” parcel, at the same, was essential. As a member of the Growth Plan Steering Committee, Chairman Elmer said that he wanted to ensure protection of residential uses within this area.

PUBLIC COMMENTS

Jim Langford (529 – 25 ½ Road, Grand Junction) expressed support for the TDR option and felt that it would provide his clients with an equitable solution to their current development dilemma. He said that the biggest problems arising with any development usually involved transportation issues.

Ed Hokanson (2277 Rio Linda, Grand Junction) agreed that the 24 Road corridor served as a gateway into the community but he disagreed with limiting retail building sizes. If the variance options allowed building heights to extend to 65 feet, he felt that the building's "mass" should also be increased to accommodate larger buildings. He again asked the City for flexibility.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction) supported the 65-foot height variance since he thought there were areas where a hotel might be feasible. He felt that the view corridor could still be protected, even with inclusion of this option.

DISCUSSION

Commissioner Binder supported the TDR option for property owners/developers within the MU zone. She felt that there were a number of ways available to achieve desired goals of the Plan. She also supported the CUP requirement for all limited retail uses. The height variance would not be a problem as long as the Design Standards and Guidelines were in place to protect the view corridor.

Commissioner Dibble expressed support for height variance option 1 which provided for additional setback. The community, he said, wanted assurances that the view corridor would be protected.

There was general assent among planning commissioners and staff that the first height variance option was preferable.

Commissioner Dibble asked how front yard setback would be determined, which was explained by Ms. Ashbeck.

Commissioner Nall asked staff if there had been any analysis to determine how the 65-foot height variance would impact the view corridor. Kristen Ashbeck explained the rationale behind the first height variance option. Commissioner Nall acknowledged that with the increased setback provision, the view may be better protected, with amenities such as additional landscaping possible.

Commissioner Prinster asked if the 1.5 multiplier for front yard setback applied also to side and rear yard setbacks. Ms. Ashbeck said that planning commissioners may want to consider it; however, the option, as written, only pertained to the front yard setback.

A brief discussion ensued over extending the 1.5 multiplier to side and rear yard setbacks. Chairman Elmer opposed this since it would effectively reduce the area available for parking. Ms. Portner agreed, adding that the Design Standards addressed specific building placement/orientation and buffering between uses.

Planning commissioners discussed formation of the motion. Chairman Elmer acknowledged the close proximity of the residential density figures as outlined in both the new Plan and the current Growth Plan. He felt that the 25 percent residential requirement should remain for the MU zone.

Commissioner Nall asked if the Code's 10 percent building height variance would also apply to buildings that were granted the 65-foot height variance. Ms. Portner acknowledged that staff had not previously addressed this element. She said that the current Code would allow up to a 25 percent height variance unless the MU zone was included under the "exceptions" category. General assent was received from planning commissioners that staff should include the MU zone as part of the exceptions category, limiting building height to no more than 65 feet under any circumstance.

MOTION: (Commissioner Grout) "Mr. Chairman, on item PLN-2000-192, I move that we recommend to City Council approval of the Code amendment to add the Mixed-Use zone district with the following conditions: 1) general retail sales for indoor operations, display, and storage uses will require a Conditional Use Permit; 2) to recommend to City Council some options being presented to allow for density transfers within the residential uses of the Mixed-Use zone only, to achieve a minimum of 2,000 dwelling units for the Mixed-Use subarea as shown on the Subarea Plan, with the maximum number to be as stated in the 1996 Growth Plan; 3) for purposes of the Mixed-Use zone, the maximum building height shall be 65 feet with no increases allowed with the provision for the increased setback if it's above 40 feet as worded by the staff [to read...Maximum building height may be increased to 65 feet provided the building front yard setback is at least 1.5 times the overall height of the building.]."

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

PROPOSED ZONING MAP CHANGES

Kathy Portner presented an overhead visual of proposed zoning changes. She outlined changes and the areas affected. Ms. Portner referred to a section of C-1 zoned property along Hwy 6 & 50 belonging to Mr. Pavlakis. Mr. Pavlakis's letter stated a preference for following the original Growth Plan designation which would extend the commercial zoning diagonally to include a triangular portion of property directly adjacent to the F ½ Road alignment (an area denoted on the currently proposed zoning map as MU). Staff took no issue with Mr. Pavlakis's request. Mr. Pavlakis also requested C-2

zoning for his property instead of C-1. Given the implementation of proposed Design Standards, staff felt this request to be reasonable as well. Ms. Portner noted that property owners within this subarea would still retain the right to come before the City and request a rezoning of their properties.

QUESTIONS

Commissioner Grout asked for clarification on the demarcation line for Mr. Pavlakis's property, which was given.

PUBLIC COMMENTS

Greg Schaefer (3845 Horizon Glen Court, Grand Junction) referenced the northeast corner of the I-70/24 Road intersection mentioned previously by Mr. Beilke and acknowledged that perhaps it too should be more consistently zoned. He suggested MU zoning for the entire parcel.

DISCUSSION

Commissioner Binder agreed with Mr. Schaefer that it made more sense to zone the residential portion of the northeast corner to something other than Residential. The MU zone would provide a viable alternative. Mr. Shaver explained that a rezone for that property had already been considered by both the Planning Commission and City Council within the last year, the request having been denied by both bodies.

Commissioner Dibble concurred with Mr. Schaefer and Commissioner Binder's statements. He did not feel that the corner lent itself well to the split uses of commercial and low-end residential. He acknowledged statements made previously by Mr. Beilke that commercial traffic would end up being routed through a residential area. Noting that the I-70 intersection would be closed for some time in 2006 for improvements, he thought the issue would require revisiting at some point but agreed that now was not the time.

Chairman Elmer expressed support for changing Mr. Pavlakis's property to the alignment and C-2 zone designation requested. Commissioner Binder also supported this request.

MOTION: (Commissioner Dibble) "Mr. Chairman, on item PLN-2000-192, I move we recommend approval of the Zoning Map of the 24 Road area as proposed by staff with the change as shown by staff tonight, with the diagonal line between 23 ¼ and 23 ¾ Roads, approximately, and the area currently depicted north of that line as Commercial will be designated as Mixed-Use, and the property currently

depicted south of that line that's shown as C-1 in the small portion of Mixed-Use would now be shown as C-2."

Commissioner Binder asked if there were enough design criteria in place to control the appearance of the C-2 zone, if approved. Ms. Portner said that if the proposed Design Standards and Guidelines were approved, there would be control over screening of outdoor uses, storage, building height, orientation, etc.

Commissioner Prinster seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

24 ROAD DESIGN STANDARDS AND GUIDELINES

Kathy Portner referenced the Design Standards and Guidelines booklet passed to planning commissioners previously. Photos of examples of open spaces, public parks, trail systems, roadway systems, storm drainage areas, and streetscaping designs were presented. Photos of examples of key gateways, intersections and entries, architectural design variations, and signage design configurations were also presented. Ms. Portner briefly overviewed this section.

Mr. Shaver advised that on page 2, under "Guidelines," language be modified to make it very clear what a guideline was. He suggested verbiage to suggest that guidelines were something more akin to mandatory standards. This addition, he said, would clarify for both the staff and the community. Also on page 2, second paragraph under "Administration of the Design Standards and Guidelines," he suggested amending this section to preclude what these things aren't but to say instead what they are. He recommended deletion of the paragraph, replacing it with the following verbiage, "These standards and guidelines supplement City minimum requirements and may be more restrictive than other developed regulations." On page 8, the note at the bottom of Figure 2.2 referenced slope ratios; however, he could find no text to support them. He proposed having staff provide the Planning Commission with additional clarification. On page 29, Table 3.1, the parking setback referencing Leach Creek Corridor was unclear. What was the Leach Creek Corridor? Similarly, reference to Figure 2.3 in the Notes section of that table was also unclear since Figure 2.3 had no dimension. He suggested either adding a dimension or deleting the notation altogether. Page 30, paragraph 3 under "Standards," he felt that clarification was needed for the term "higher traffic streets." Page 32, paragraph 1 under "Standards," the last full line of the paragraph should be reworded to say either that driveways either are or aren't allowed. The term "shall minimize" wasn't clear. On page 38, there was a strange symbol included next to the number 50 when referencing a typical commercial setback. He surmised that this symbol was included in error. On page 42, number 2, references to two-way bikeways were probably a misnomer because it suggested that there was such a thing as a one-way bikeway. On page 50, number 5, references to "first floors" were

probably meant to reference “first stories.” He indicated a number of other small “fixes” may be required.

PUBLIC COMMENTS

Jim Langford (529 – 25 ½ Road, Grand Junction) suggested that the City needed to come up with ways to pay for its vision of recommended improvements. He said that for improvements that were more of a community benefit, the City should take the burden off of the individual developer and spread it out over a wider area (e.g., via special districts). He thought that perhaps now was the time for the City to consider acquiring additional right-of-way to better ensure that some of these desired amenities would come to fruition.

Ed Hokanson (2277 Rio Linda, Grand Junction) reiterated his request for flexibility and latitude. The property owner, he said, should have some say in how his land developed. He urged adoption of clear and definable standards.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction) was convinced that the type of quality development sought for the corridor could and would be built.

DISCUSSION

Ms. Portner agreed that the City needed to consider other mechanisms for accommodating infrastructure; she said that a number of options are currently under investigation. Mr. Shaver reminded planning commissioners that the TEDS manual was also undergoing revision.

Commissioner Putnam supported the City’s investigation of other payment options for development of infrastructure. He wondered how best to address Mr. Shaver’s revision comments. Mr. Shaver said that with the exception, perhaps, of defining “guidelines,” all other issues could be directed to staff for clarification between now and the City Council hearing.

A brief discussion ensued over defining the term “guidelines.” The following verbiage was recommended by Mr. Shaver: Changes to the “Guideline” paragraph on page 2, to read “Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.” He also recommended the following verbiage changes for the second paragraph under “Administration...” on page 2: “These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.”

Commissioner Grout noted that if a term was “negotiable” and the Planning Director was authorized to make the final decision, the Planning Commission would only be involved if the decision were appealed. This idea met with general assent by planning commissioners.

Commissioner Nall acknowledged that the development community needed some idea of what their costs would be in complying with adopted Design Standards and Guidelines.

Discussion over how best to handle Leach Creek standards ensued. Chairman Elmer said that direction on this issue would have to originate with City Council and fall outside the purview of the Planning Commission.

MOTION: (Commissioner Grout) “Mr. Chairman, on item PLN-2000-192, I move we recommend approval to the City Council of the 24 Road Corridor Design Standards and Guidelines with the additions of Mr. Shaver’s verbiage [Changes to the “Guideline” paragraph on page 2 to read ‘Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.’ and the following verbiage changes for the second paragraph under ‘Administration...’ on page 2: ‘These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.’] and also that the staff look at details to further define the document in part by some issues.”

Commissioner Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the meeting was adjourned at 11:45 P.M.

CITY COUNCIL MINUTES 11-1-00

PUBLIC HEARING - AMENDING THE ZONING AND DEVELOPMENT CODE, ADDING A MIXED-USE ZONING DISTRICT AND FINALIZING THE ZONING, DESIGN STANDARDS AND GUIDELINES FOR THE 24 ROAD CORRIDOR

FILE #PLN-2000-192]

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

The public hearing opened at 8:04 p.m.

Kathy Portner, Planning Manager, reviewed this four-part item that is the result of over a year of work of a very dedicated committee. She outlined the four parts for Council to consider. It was suggested that Kathy Portner make her presentation first before any voting takes place. Councilmember Terry inquired if the adoption of the plan will effectively amend the Growth Plan. Ms. Portner said yes.

Ms. Portner started her presentation by reviewing the 24 Road Corridor Subarea Plan. The committee took a broad look through a vision statement. She then outlined the elements in the document including the image as a gateway into the City, open space and public facilities as an anchor for the development, circulation, land use and implementation.

Councilmember Spehar asked about what would be the changes from the current Growth Plan. Ms. Portner pointed those out, noting the biggest changes being in the mixed use area.

Kathy Portner gave the reason for the creation of the mixed use zone district as being the City did not have a zone district that allowed the variety of uses being contemplated. It was patterned after the industrial/office zone district as in the newly adopted Code which includes a residential component that the existing industrial/office zone does not. Any retail use will require a Conditional Use Permit to be site specific as to where those retail centers would be approved.

Councilmember Terry asked if there is a minimum acreage that a mixed use zone district can be applied.

Ms. Portner said in the study area shown it is not an issue as the smallest parcel is 4.2 acres. Using the zone district in other areas in town that question will have to be addressed. The Conditional Use Permit will allow the Planning Commission to review the compatibility on a case by case basis.

Councilmember Spehar stated his concern with the housing component which is not required on parcels of less than 5 acres. He wondered what is to prevent this area from being subdivided into 5-acre parcels to avoid the requirement. Kathy Portner said that would be looked at the time of subdivision during the public hearing process.

Kathy Portner stated another key part of the Plan is residential densities would be 12 to 24 units per acre and that a minimum of 25% of the gross land area shall be in residential development. Maximum building height can be increased up to 65' providing the building front yard setback is 1.5 times height of building. Planning Commission questioned applying that to rear and side yard setbacks and is now recommending that to be applied to all sides. Taller buildings will have increased setback requirements all around the building.

Councilmember Terry said there is a need for medium to high density residential and asked if that goal is still in the plan. Ms. Portner said yes.

Kathy Portner, in discussing the recommendation for mixed use, referred to the recommendation sheet and noted the options. The Planning Commission recommended that 25% of the land be dedicated to residential, which can be transferred within the mixed use zone district if two projects are planned simultaneously.

Councilmember Terry was concerned about recommendation 2 d in that the developer is tied to the originally approved schedule. This could be somewhat problematic as building is often subject to the market demand. City Attorney Dan Wilson said that should include any amendments to that schedule granted in a public hearing, to delay or change the schedule. The intent is that the Community Development Department can pick and choose between 2 a thru e or any or combination thereof.

Ms. Portner reviewed the new zoning map being proposed and identified the changes from the current map. Councilmember Payne asked if there are currently any businesses in the area that are in violation of the C-2 zoning. Ms. Portner said C-2 does allow for those businesses and they would be considered grandfathered in.

Lastly, Ms. Portner highlighted the Corridor Design Standards and Guidelines.

She reviewed the recommendations for change to the proposed ordinance and clarified that the guidelines will apply to the entire study area, not just the mixed use.

Councilmember Terry thought the design standards might be a problem for the small parcels. Ms. Portner answered that they would look at the building location and how they will screen and buffer. She felt they could still be applied to the small parcels. Councilmember Terry asked about building materials. Ms. Portner said those would be the same. Councilmember Spehar confirmed that existing uses would be grandfathered. Ms. Portner said yes.

Public comment was divided into the three sections.

Mixed Use Zone District

Mary Ann Jacobson, 702 Golfmore Drive, displayed an aerial photo and complimented some of the things that have been done but felt this plan is too restrictive. She told the Council about several companies that have approached her and feel the plan is too restrictive. Also, the requirement that the landowners would be putting in the additional lanes on 24 Road is a very onerous requirement. The roundabout at 12th Street is too narrow and not convenient for the semi-trucks and was not planned out carefully. She feels this same kind of vision is being applied to this corridor.

Councilmember Theobold asked which element in particular was too restrictive.

Ms. Jacobson said height restrictions. Hotels want to build something similar to what is found in a larger city.

Councilmember Payne said 65' allows six stories. Ms. Jacobson said they wanted higher.

Councilmember Theobold said one reason for the height restrictions concerns the fire department and the problem of fighting fires in high rise buildings.

Kathy Portner confirmed that 65' is the maximum height under the current proposal.

Councilmember Theobold responded to Ms. Jacobson's concerns on the roadway, stating the City will be widening 24 Road over a few years. If the property owners want it sooner, then they would have to make a monetary contribution toward the construction of the roadway. Councilmember Spehar said the interchange is scheduled for 2006 – 2007.

Ms. Jacobson asked if the hotel were to come in, if it would be required to widen the street. Councilmember Terry said it would depend on the impact. They might have to contribute in terms of the building's impact.

Mike Joyce, Development Concepts, 2765 Compass Drive, an interested citizen, said they have done a lot of work on this plan. His concerns were like Ms. Jacobson's, motels and hotels could not be built in the mixed use.

Kathy Portner clarified that lodging is a separate category from retail, and 150,000 sq. ft. could be allowed without a Conditional Use Permit and site review for non-retail. Lodging would not be subject to the 30,000 sq. ft. limitation.

Mr. Joyce commented that one item that came up during several discussions is the higher intensity of commercial use at the intersection of I-70 and 24 Road. He had additional comments on the 25% residential requirement being too limiting. Councilmember Spehar asked how Mr. Joyce's suggestions would fit with the mixed use plan as opposed to the

more traditional zoning. Mr. Joyce said he was viewing mixed use as more of neighborhood commercial along with industrial and commercial use. He feels residential belongs more along 24½ Road.

Attorney Tom Volkmann, 422 White Avenue, referred to the recent change of the increase in setbacks around the buildings. He also referred to the proposal to move Leach Creek to the east of the property. Then, in addition, the residential requirement would be part of the mix. All these issues will really limit projects. He said it is prudent to plan this corridor as a gateway to the City, however the standards require high density residential with enhanced planning designs and guidelines that will further increase the cost of housing with the median income in Grand Junction being \$24,000, he wonders what the rental rates would be for these units. He said it seems that high-density housing is to go here because no one else wants it anywhere else. The guidelines will make these expensive multi-family housing and the market will not support it. When asked, he said he is not representing anyone in particular tonight. He doesn't think this experiment will work. He feels the 25% residential requirement is ill-advised for this corridor and that it be reconsidered. Councilmember Terry asked if the percent were lowered, would it be acceptable. Mr. Volkmann said the lower the better.

Councilmember Theobald asked why it is expensive. It seemed to him that commercial real estate is worth more than residential. The original Growth Plan has this property designated as residential. The reason the City is even looking at mixed use is because property owners there asked to be allowed to have some commercial. The value is based on location and use. It is premature to say the land is valuable based on zoning it does not currently have.

Councilmember Spehar said there is no shortage of commercial land in the community. The Growth Plan has created an opportunity, although the market does not demand it today, to site in a terrific location higher density housing. He was willing to take the chance on the mixed use concept and that this may be a noble experiment. He was not willing to give up the housing component totally.

Councilmember Payne said the per acre price does not seem too high for housing.

Stan Seligman, 3032 I-70 Business Loop, said the lack of location for major "big box" stores to come in was his main concern. He understood the mixed use concept, and generally the limitation is placed on retail space. He referred to Park Meadows in Denver. He said that is the future Grand Junction needs to look to. He agreed with Mr. Volkmann's comments on the multi-family. It is difficult to justify the cost for multi-family use in that area when compared to potential revenues lost from less retail.

Ed Hokason, realtor, 2277 Rio Linda Lane, expressed his concern from a realtor's point of view. He agrees with previous speakers, this is an opportunity for Grand Junction but the Council and Planning Department is also challenged to look 20 to 40 years into the future. There is a need for increased shopping opportunities and developers need to provided

with what they need and want to be able to provide these services. I-70 is a regional high traffic corridor, and limiting retail to 30,000 sq. ft. is not feasible. Several components of the Plan give the perception of micro managing the market. It is also a mistake not to allow fast food or service station opportunities. A good Code needs to include everything that a developer needs to know and not be too subjective. The simpler the better. This corridor will be very important in the future. The increased traffic along the corridor would not be compatible with the residential component.

Jim Langford, Thompson-Langford Corp., 529 25½ Road, is working on a Super Target project for the area. His concerns are that this development company only does retail, not multi-family. They would have to build F½ Road and several roundabouts. He has worked on other major projects and it always comes down to transportation and off-site street improvements being major issues. The City almost lost Home Depot due to these issues and there is not a forum where these concerns can be shared with Council and how they all tie together.

Councilmember Terry defended Council in that the development community has been given ample opportunity to contact Council, and have not followed up on it.

Councilmember Spehar said Council shouldn't be hearing so much detail about a project that might be coming before Council in the future.

Mr. Langford said he would like to see some flexibility with the northern boundary for commercial use. When asked which plan he prefers, the old Growth Plan or the new proposal, he said neither.

Richard Mason, a resident living in the area north on the other side of I-70, said he would like Council to consider the elements of this Plan with a look to the future. There are plenty of campuses of big box stores in Denver. He didn't want to see it in his backyard. A certain amount of residential component will prevent the pollution of a lot of commercial venues.

RECESS

Mayor Kinsey called for a brief recess at 9:55 p.m. Upon reconvening at 10:05 p.m., all members of Council were present.

The Mayor asked the speakers to stay focused on the issue.

George Pavlakis, Denver, is a representative of the landowners of a larger tract, and was also on the 24 Road Corridor Steering Committee. He said the multi-use zoning concept was formulated as method of letting the market drive the use for these areas, as a compromise between the Growth Plan, the landowners' wishes and the desire to develop the area in an attractive and aesthetically pleasing way. The 25% residential component is appropriate in that it meets the old Growth Plan numbers but it takes away flexibility, as

does the requirement for commercial. As the representative of the landowner, he agrees with the mixed use concept, however, he objects to the specific requirements of the 25% residential and the limitations on the commercial.

Councilmember Theobald asked if the market dictates, then how will it work in regards to the residential component? Mr. Pavlakis said the projections equated to a 20 to 30 year build-out, therefore certain areas would lend themselves to other uses including the residential.

John Usher, from Saratoga, California, bought some land in the study area in the 80's to help some people out financially. He became involved two years ago during a public meeting when asked what his vision was, and was asked to display drawings to assist Council to better understand the vision for his land. He wanted to have mainly office buildings and build for better jobs with some residential. The proposed guidelines are too onerous and a waste of taxpayers money. Multi-use is a great idea but he feels the market should drive it.

Councilmember Terry asked if he had specific concerns.

Mr. Usher said it is full of too specifics, size of signs, type of trees, setbacks, etc. He felt that guidelines were more appropriate than standards.

Brian Harris, 415 Morning Dove Court, had a question regarding Leach Creek and trail. Is this to be built by the City and end up under the Parks and Recreation Department? Councilmember Theobald said the wash itself is not the City's. As far as the trail location is concerned, it is intended to be at street level and is anticipated to be a City construction project at this point.

Mr. Harris asked about the housing requirement, clarifying the number of units on the ten acres.

Ted Munkres, Freestyle, Inc. Design & Building, 121 Chipeta, states he has no interest in the properties, but believes the idea of putting residential in with commercial and retail is not such a great idea. If there is to be mixed use, then reduce requirements and allow some transfers of the multi-use. High density is typically for empty nesters or young couples, whereas parks are more for family use. He stated that low residential density near the park is more appropriate than the higher density. He would like to see meaningful dialogue between concerned parties and Council.

Councilmember Spehar asked what his ideas were on transferring densities or uses within this plan and make it work. Mr. Munkres said it needs to be well thought out and addressed in some way. Commercial builders are not the same as residential builders. The commercial builder may be able to sell the property for the residential use. The idea of 25% residential is a high percentage for that type of development.

Gary Crist, 3173½ William Drive, is not representing anyone, asked where is this mixed use zoning used now in the State of Colorado and how can it be applied to Grand Junction? Kathy Portner said it is used in other areas such as Denver and resort communities.

Councilmember Spehar said another example would be the City Market store in Vail.

Mr. Crist questioned the size restrictions of the City Market compared to the 30,000 sq. ft. requirement as stated in this Plan. Councilmember Spehar replied there is plenty of opportunities to build that size store (119,000) and asked Ms. Portner to explain. Ms. Portner responded that retail development could be located in any of the commercial zones in the City. Virtually the entire 6 & 50 frontage is zoned commercial and the east end of valley. Mr. Crist said there is a need for grocery store in this location. Councilmember Spehar confirmed with Ms. Portner that a grocery store could be constructed anywhere in the commercial area.

Warren Jacobson, resides on the southwest corner of I-70 and 24 Road, said the committee has listened to everyone involved, and he disagrees with the 25% requirement. He asked if the State Highway Department might be interested in landscaping along the interstate. Both Councilmembers Theobald and Terry indicated the City has discussed landscaping with CDOT, who responded they do not do landscaping. They will be pursuing that issue with the State.

Roy Blythe, representing Dr. Merkel, said Dr. Merkel's idea of mixed use is quite different from the proposal. His perception of multi-use includes retail and commercial with some residential. He feels 25% is too large of a percentage for residential. Several property owners conducted feasibility studies and have had a difficult time making projects work economically with these requirements. Some specifics include whether the Council is looking at FAR ratios, and height restrictions and setback requirements. He stated there is no gain to go higher because of the required increased setbacks. He also asked if the square footage is regarded as a footprint or actual square footage. As an architect, he is looking for guidelines not standards. The setback requirements also do not make sense in that they will force parking along 24 Road, which is something the Plan intends to avoid.

Councilmember Theobald asked for clarification. Ms. Portner said the maximum is 30,000 gross square foot of retail space, and the remaining floors could be office space.

Pat Edwards, who has no special interest in this project, wanted to discuss what he knows is going in around the Mall area. A new bank, and Chiles is being constructed around the Mall and they have been pounded pretty heavy with traffic requirements. The City has enjoyed a lot from the sales tax from the Mall area and feels that the City needs to step up and participate in the traffic impacts. Retail sales generate more revenue and will pay for the traffic impacts but they are being put to the iron test of a Conditional Use Permit.

Terri Binder, 2148 Redcliff Circle, stated it was a privilege to serve on the 24 Road Committee. The Committee heard many of these same things that have been discussed tonight. She believed it is the best the Planning Commission could do with all the concerns they heard. Grand Junction is changing, which always brings discomfort. This is something new, and is an opportunity to raise the bar of expectations for development in the City's last major corridor. This corridor can be an inviting corridor that will say there is something here for travelers to check out. Every community deals with traffic. Where does one put high-density homes, this is a place where it can be done. She listed examples that are working in other places. An example was Steve Reimer, Hawthorne Suites, the land was zoned residential, and now with mixed use is more valuable. The Committee began discussing the design standards and guidelines after being shown the vision of one of the large property owners.

Councilmember Scott asked if the Committee discussed a percentage. She responded no, but it was put forward by the Planning Commission to get the same number of units as in the current Growth Plan.

John Usher, the property owner Ms. Binder talked about, said, that in theory, the high density was to solve the traffic problem in Silicon Valley with people moving to where they worked, but it did not solve the traffic problem. His mixed use vision was more commercial, office and retail. The land is currently zoned Highway Oriented, not residential.

Councilmember Theobald said the Council would have changed the zoning to conform with the Master Plan had the Council not exempted this area out for further study.

Mary Ann Jacobsen said when she bought the land in the early 1960's it was commercial. Councilmember Theobald asked if one of the parcels she owned, at one point, was going to be an RV park? Ms. Jacobsen said no. Mr. Usher said it was his property.

There were no other public comments. The hearing closed at 11:00 p.m.

Councilmember Terry asked about the history of the 25% requirement for residential.

Kathy Portner stated discussions began with the Planning Commission, Steering Committee and Council wanting assurance of a residential component. Staff started working on the numbers and what would be a reasonable percentage. The goal was to maintain the total number of units within that area under the existing Growth Plan.

Councilmember Scott said the big problem is the 25% residential component.

Councilmember Theobald said his impression is that it is any percent and that people are also longing for a past that never was. There have been a lot of zoning perceptions that have not existed, or what they think it should be. The Growth Plan zoning, original zoning

or the proposed zoning would not have allowed what they believe should be allowed there. Mr. Usher's dream started this, and unfortunately he is not happy with how it turned out. Restrictions wouldn't have to be created if everyone stuck to the standards.

Councilmember Terry said the Growth Plan was very specific on additional retail, and she felt strongly about that document. There has been plenty of opportunity for big box in this community. Planning and market-driven development do not always coincide. One of the primary elements of this study is a market analysis. As far as street projects, Council spent over \$20 million in capital improvement projects this year. She was concerned on the 25% requirement and would be willing to do a range alternative if feasible.

Councilmember Enos-Martinez supported the concept, but she was struggling with the 25% residential component.

Councilmember Theobald liked where the 25% came from, that is, based on the number of units in the original Growth Plan.

Councilmember Spehar said that given those comments, discussions could include reducing the percent or talking about how the 25% was originally arrived at. It is possible to have the other more profitable uses be developed first, as long as it is planned up front, and have the development of some of those uses trigger the need to complete the 25%. He states that this is not too restrictive but more expansive, and too expensive when figured on a speculative use. The lack of opportunity for big box has been answered and there are plenty of opportunities to build the larger stores. In speculating what will this look like in 20 years, the plan was developed with that in mind. He suggested the Council proceed with the plan, stay close to the 25% and work on the trigger for that requirement.

City Attorney Dan Wilson gave some options for approving the draft at this point.

Councilmember Terry was concerned with the percentages. She wanted to look at the other options.

Councilmember Spehar would be willing to have more discussion on the percentages and trigger points. He suggested adopting recommendation a & b, and leaving c & d for further discussion.

Councilmember Payne would like more discussion to determine if the density can be lower than 25%. He believes that this is a good plan and suggests that the Council look at the Crossroads area, a multi-use area that works. He wants the 24 Road Corridor to be different.

There were no other comments. The hearing closed at 11:25 p.m.

a. Resolution

Resolution No. 109-00 - A Resolution Adopting the 24 Road Corridor Subarea Plan Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried by roll call vote, Resolution No. 109-00 was adopted. Councilmember Terry noted adoption of Resolution No. 109-00 creates an amendment to the Master Plan.

b. Ordinances

- (1) Ordinance No. 3304 – An Ordinance Adopting a New Zoning Map for the 24 Road Corridor Area
- (2) Ordinance No. 3305 – An Ordinance Amending the Zoning and Development Code to Add Section 7.5, 24 Road Corridor Design Standards and Guidelines

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3303 Amending the Sections 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zoning District with recommendations 1, 2 a, b, e, was adopted on second reading and ordered published, leaving c and d for future discussion.

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, the residential requirement was designated at 25% subject to revision within two weeks and further discussion of the guarantees necessary to assure the construction.

It was moved by Councilmember Payne and seconded by Councilmember Enos-Martinez that Ordinances No. 3304 and 3305, with the recommended changes be adopted on second reading and ordered published.

Councilmember Payne amended the motion by adding adopting Ordinance No. 3305 with the recommended changes except for #5. Councilmember Enos-Martinez seconded the amendment.

Roll was called upon the amended motion and the motion carried.

**CITY COUNCIL
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Reconsideration of Ordinance 3303, Regarding the Residential Requirement in the Mixed Use Zone District		
Meeting Date:	November 15, 2000		
Date Prepared:	November 8, 2000		
Author:	Kathy Portner	Planning Manager	
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	x	Formal Agenda

Subject:

Reconsideration of Ordinance 3303 regarding the residential requirement in the Mixed Use Zone District.

Summary:

At the November 1st hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also, Council may want to discuss enforcement mechanisms for the residential requirement.

Background Information:

- Code Amendment Adding the Mixed-Use Zoning District**—One of the recommendations of the Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. Retail use is limited to neighborhood commercial with a 30,000 square foot maximum building size for retail and for parcels greater than 5 acres in size, 25% of the land area must be designated for residential to ensure a true “mixed-use” development.

A concern raised with the proposed Mixed-Use designation for much of the 24 Road corridor was the lost potential for medium to high density residential, as was contemplated with the Growth Plan. At the last hearing the City Council was shown a chart comparing the number of residential units possible under the original growth plan and the number of

residential units possible with the proposed zoning for the 24 Road area. Under the original Growth Plan, the potential number of units ranged from 2240 to 3440. Applying the Mixed Use, with a 25% residential requirement, results in the potential number of units ranging from 2159 to 3809.

The above numbers include the total number of residential units possible in the entire study area, not just the Mixed Use zone district. To simplify the comparison, the following numbers reflect the possible number of residential units in the area designated as Mixed Use.

The zoning map adopted by City Council at the last hearing established 440 acres as Mixed Use zoning, which requires residential densities of 12 to 24 units per acre. Under the original Growth Plan, 160 acres of the 440 was designated as Residential, 8 to 12 units per acre, for a range of **1,280 to 1,920 residential units**. The remainder of the 440 acres was designated for commercial/industrial development. Applying various percentage requirements for the residential component of the Mixed Use designation would result in the following number of units:

- 25% results in 1,320 to 2,640 potential residential units
- 20% results in 1,056 to 2,112 potential residential units
- 15% results in 792 to 1,584 potential residential units

Based on the above percentages, 25% would guarantee the minimum number of units that would have been built under the original Growth Plan. If the 15% or 20% options were built out at 12 units per acre, which is the minimum required in the Mixed Use zone district, the low end of the original Growth Plan numbers would not be achieved. However, it's likely that residential built in this area would be built toward the upper end of the density range to maximize return and be more compatible with surrounding uses.

Ordinance 3303, approved by the Council on November 1st (see attached) also revised the proposed section 3.4.J.4.f to add the following:

- a. Final plans for the required residential component must be submitted and approved with the overall project.
- b. The required residential component must be built with the overall project.
- c. Residential units may be built as part of the retail/commercial structure.

Other options to assure the required residential is built could include any of the following or any combination. These are listed in order of staff preference.

1. The required residential component shall be finally planned (receives final plan approval) prior to any structure being built anywhere within the overall project. All of the infrastructure (streets, open space and utilities) necessary for the residential development shall be included in a Development Improvements Agreement and Guarantee with the first phase of the development plan for the property. [This option would replace "a" and "b" above.]

2. All of the required residential component shall receive final plan approval with the first development plan that is considered for the property and at least 10% (or some percentage) of the required residential component must be built with the first phase of the project, with the rest of the residential units to be built in stages proportional with the other stages of the overall project. [This option would replace “a” and “b” above.]
3. A deed restriction shall be recorded against the title to all portions of the property, including each non-residential component, requiring that the required residential component be built within the approved development schedule. The City may enforce the deed restriction against the owners of any portion of the overall project, jointly and severally.

Staff recommends option 3 as the enforcement mechanism for the residential requirement.

1. Possible amendment to modify the required residential percentage.
2. Possible amendment(s) to modify or enhance the enforcement mechanism to assure the residential component is built.

**Adopted November 1, 2000
Publication Pending**

ORDINANCE NO.

**AMENDING TABLES 3.2 AND 3.5 AND SECTION 3.2.H.4, AND ADDING SECTION
3.4.J
TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO CREATE A
MIXED-USE ZONE DISTRICT**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. This zone district is being added to the Zoning and Development Code and will be applied to the area designated as "Mixed-Use" on the Future Land Use Map of the 24 Road Corridor Subarea Plan. The zone district would also be available for other areas of the City if found to be appropriate.

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

The Zoning and Development Code is hereby amended to add section 3.4.J and amend tables 3.2 and 3.5 as shown on attachment A and amend the first sentence of section 3.2.H.4 to read as follows:

"The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and **MU**, additional height shall only be granted by a variance."

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

CITY COUNCIL MINUTES 11-15-00

RECONSIDERATION OF ORDINANCE NO. 3303 CONCERNING THE RESIDENTIAL REQUIREMENT IN THE MIXED USE ZONING DISTRICT [FILE #PLN-2000-192]

At the November 1st hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also Council may want to discuss enforcement mechanisms for the residential requirement.

a. Reconsideration of Ordinance No. 3303

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, Ordinance No. 3303 was reopened for reconsideration for the limited purpose of discussing the residential requirement percentage amount and possible enforcement mechanisms for this requirement.

Residential Percentage Requirement – Mixed Use

Kathy Portner, City Community Development Department, presented information on the 25% residential requirement for the Mixed Use areas. This would apply to parcels greater than 5 acres. The staff did complete a comparison study using 15%, 20% and 25%. This report illustrates the Mixed Use area only to simplify matters. The 25% actually corresponds with the requirements under the original Growth Plan. Based on the 25% there would be 12-24 units/acre, which is required under the approved Mixed Use plan. This would result in 1320 to 2640 residential units.

Councilmember Spehar clarified that with the percentages there may be some reduction or improvements in number of units. It would be up to the property owner to make a value judgment or financial judgment as to the range they wanted to develop. Ms. Portner concurred.

Councilmember Terry asked Ms. Portner to comment on this type of zone district relative to creating a real Mixed Use and how the concept of using a percentage for determining residential was arrived at. Ms. Portner responded that the Steering Committee developed and recommended the land use, zoning and the Mixed Use concept. Their recommendation did not include a residential requirement as part of the mix. The developer would have a range of options. This was considered a good opportunity to create residential/urban density near employment and shopping areas in the 24 Road Corridor. It was felt the 25% would accomplish this goal.

Ms. Portner distributed a handout to the Council regarding residential mixed use concerns provided by Ed Hokason.

Councilmember Theobold stated the 20% range seems to come closer to the original plan. This area, as in Ms. Portner's assessment, would tend to develop in the highest end and feels the 20% to 25% range would be appropriate.

Councilmember Terry asked Ms. Portner if there was any basis for the number of residential units in the original Master Plan. Ms. Portner responded she was not sure if the exact number was looked at that closely. There are varying ranges of densities they were trying to accommodate to create a good mix of densities. This area was the easiest in which to accomplish this.

Councilmember Theobold stated as much as is focused on the 24 Road Corridor, it is important to keep in mind the values as a whole. Development is market driven and the overall market in the valley should be looked at rather than trying to squeeze whatever the market might dictate into this area. It makes sense to designate a high-density component somewhere in the valley for the long term without having to expand growth boundaries. By designating high growth in an area that is currently undeveloped and where there are no neighbors, the City can make everything compatible with each other and still honor the need for high density in either the short or long term. He stated he is willing to make this area a Mixed Use area and honor the residential component.

Ordinance No. 3303 – An Ordinance Amending Tables 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zone District

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, Ordinance No. 3303 was amended to reflect the percentage of residential requirement for Mixed Use zone requirement was adjusted from 25% to 20%.

Enforcement Issues

Ms. Portner recapped the provisions that were discussed at the November 1, 2000 meeting. These included: final plans for the required residential component must be submitted and approved with the overall project and the required residential component must be built in a determined period of time. Other options include: residential component shall receive final plan approval prior to any structure being built on the overall project; all infrastructure necessary for the residential development shall be included in a development improvement agreement with a guarantee for the first phase of the development plan. This would assure the developer has invested substantial finances in the infrastructure which would more likely indicate the residential component would be constructed in a certain period of time; at least 10% of the residential component must be

built with the first phase of the project, the remaining in relation with the remainder of the project; the infrastructure would be tied to the title of the property.

Councilmember Terry asked if the first requirement was a change of procedure from how business is currently done. Ms. Portner responded now the infrastructure requirement is part of the first phase. Under the new requirement the developer would be required to put the money up front for all improvements for any of the residential requirement. Residential infrastructure must be in place before they are able to proceed with any commercial construction. Councilmember Terry asked about the feasibility of requiring the infrastructure for all residential up front. Ms. Portner said it depends on how the project is designed.

The general discussion of Council was that they do not favor #1 as it may not be logical, or reasonable, from a business standpoint.

Councilmember Spehar recommended a substitute for "b" stating that the residential component must be completed when the development of any other combination of Mixed Use exceeds 50% of the approved square footage in the development plan.

Councilmember Payne felt it was more appropriate to use acreage than square footage.

Dan Wilson, City Attorney, clarified the language, using the word "shall" rather than "must." He also stated that it would be more consistent with the Plan to use square footage instead of acreage. Mr. Wilson also recommended considering Item #3.

Councilmember Terry added that this whole area would not involve large retail.

Councilmember Theobald stated that there would be large commercial with some retail.

Councilmember Terry asked Mr. Wilson if having the residential component tied to the title, would this ensure the development will be completed as approved. Current practice is to make notations on the plat. Mr. Wilson responded that including the requirement on the title would have the same result.

Councilmember Theobald asked Ms. Portner to clarify item "b" in relation to the current plan. Ms. Portner responded that her interpretation is that the City would expect the development and purchase agreement to include everything needed for both the commercial and residential components.

Mr. Wilson stated some trigger mechanism is important for City staff to have some idea of the time line required for a developer to complete the residential component.

Councilmember Theobald and Councilmember Spehar expressed their concerns on having a trigger mechanism. One concern stated was that any type of trigger mechanism would be artificial. Councilmember Spehar stated his concern was that if the residential

was left until the final phase of development, there was the chance the residential component would be not be fulfilled.

Mayor Kinsey stated the goal was to have a true Mixed Use development planned together so it will fit together.

Ms. Portner confirmed that this applies to parcels over 5 acres, most of which were 40-acre parcels. At the time of subdividing the Mixed Use plan would need to be in place.

Mr. Wilson clarified the definition of property in the existing development code as being all of the holdings of a developer. This would indicate the overall project would be looked at as a whole.

Mayor Kinsey asked if there were any comments or questions from the audience regarding the enforcement of the 20% requirement.

Mary Ann Jacobson, 702 Golfmore Drive, strongly opposes the zoning requirements for 24 Road. Her objections focused on the requirement planning for the entire acreage. Ms. Jacobson stated the plan, as stated, would require a party to purchase all the property, even if they did not want all of the property, expect them to pay for all the infrastructure and fulfill all the requirements of this plan. They own 42 acres, which was originally zoned as commercial and now is zoned as Mixed Use. Mayor Kinsey reminded Ms. Jacobson that the discussion was to focus on the enforcement issue. She stated she felt that the Council should also consider the perspective of potential buyers along with their decision-making.

Councilmember Theobald again reiterated the issue at hand is to ensure that 20% of the property would be developed residential. Ms. Jacobson commented that Council was not understanding her point and asked to finish her comments. Councilmember Theobald stated her concerns were discussed at great length two weeks ago and that the enforcement of the residential aspect is the issue at hand.

Ms. Jacobson stated it would be impossible for a buyer to purchase property and then be required to build the residential portion up front. This is market driven and the Plan cannot be so restrictive.

Councilmember Spehar asked if Ms. Jacobson had any suggestions as to how to regulate and ensure that the 20% residential component would be built and not left to chance or to the end. Ms. Jacobson responded it would be more practical to have the residential component built later on, instead of up front. It would be difficult to have all planning completed up front.

Councilmember Spehar commented on an e-mail Council received regarding transferring obligations between parcels. Ms. Portner stated the ordinance approved allows for residential requirements to be transferred between parcels that are being planned at the

same time. She cautioned on allowing the splits stating this area has large parcels that will better accommodate the compatible planning.

Ms. Jacobson asked that the Council delay their decision on the zoning so that market factors may be further evaluated.

Terry Fleming, 691 Country Meadows, was a member of the Steering Committee. The Committee wanted to keep this plan as flexible as possible. They were confident they could move forward with more restrictive requirements, standards and guidelines to meet their vision of the area. He cautioned Council about establishing a triggering mechanism. Mr. Fleming suggested in some situations the residential requirement possibly may be traded for open space.

Mr. Fleming was asked by Councilmember Terry if he felt the 50% was realistic. He stated that when considering non-local developers, the 50% trigger might not have any affect. They will do what they want within the City's parameters. However, when addressing local developers, the 50% trigger would be too stringent for them to move further.

Councilmember Scott asked if the Committee discussed open space and percentages. Mr. Fleming stated the Committee did not specifically address any percentages of residential. They were wanting to keep the Plan as flexible as possible to keep with the market.

Councilmember Spehar stated he was willing to make some compromises with this Plan but not willing in the context of can it be open space instead of housing. This area has high density housing opportunities and this is a logical area for it.

Mayor Kinsey stated zoning is restricted by its nature. With the Mixed Use zone it allows more flexibility with the property than if the property was zoned all commercial or all residential.

Mr. Fleming stated the Committee wanted to present a plan that would be flexible but as each item is reviewed, it seems to be becoming more rigid. Speaking for the Chamber, he stated that they do not endorse pushing a developer to develop any property, either commercially or residentially, where there is no market. That is the reason for the Mixed Use concept.

Councilmember Theobald asked Mr. Fleming if he had suggestions for enforcing the development of the residential component should there be no residential market. Mr. Fleming stated the developer would present the plan showing the various components and that no rezoning could take place. There would not be a time limit.

Kelly Arnold, City Manager, stated the staff recommended #3. It allows the developer to present a development schedule that is attached to a plat, which, if approved by

Council, would be filed and a time line established. This still allows the developer to come back if the market changes and request modifications if necessary.

Ed Hokason, 2277 Rio Linda Lane, realtor, commented that the simplicity of the process the Council is discussing is critical for the development of the 24 Road Corridor. He asked that Council have the 20% requirement be as flexible as possible. He feels the standards and guidelines are adequate to provide for market changes.

Councilmember Spehar is concerned that if the 20% residential is left to the end of the development it may not be the attractive high density housing meeting Council's and the Steering Committee's expectations. Mr. Hokason responded that by following the standards and guidelines the area will attract people who want to live in that area.

Councilmember Theobald stated his concern is that if the 20% is left to the end, what means can be used to ensure an attractive and compatible development would occur.

Mr. Hokason again reiterated the use of the standards and guidelines which were finely written. He also suggested Council consider the market and who will be purchasing homes in that area.

Councilmember Terry asked City Manager Arnold if the development schedules are required to have a specific time line or just to have the phases in order.

Mr. Wilson, City Attorney, responded that the current code has a default of 12-18 months. If the plan is set up in phases, that would be part of the approval. The plan does have an end date that is negotiated with Council per Mr. Arnold, City Manager.

Councilmember Terry asked that should Council approve item #3, the wording be clarified.

Mayor Kinsey stated his understanding of the vision was coherent planning. There must be a trigger mechanism for the residential component to prevent a great disparity in the age of the buildings.

Councilmember Enos-Martinez questioned forcing a developer to build residential when there is no market. Councilmember Spehar indicated that this being a true Mixed Use, the planning would be developed with both in mind and if a developer wanted only commercial there are other opportunities in the area for that specific use.

Councilmember Theobald is inclined to go with Item #3 alone.

Councilmember Terry feels there should be more flexibility and the 20% requirement would satisfy the Mixed Use concerns. She recommended the Council stay with the original "a", "b" and "c" as it stands and require Item #3 with the following language

change as suggested by Mr. Wilson, City Attorney, "The condition of approval and development schedule be recorded..."

Councilmember Payne did not agree with having the property owner forced to build residential units when the market does not support it.

b. Amending Ordinance No. 3303

It was moved by Councilmember Terry and seconded by Councilmember Theobald, regarding the language in Ordinance No. 3033: to leave in existence as it is worded in sections "a", "b", and "c" and include "d" with the following language: "Conditions of approval and a development schedule shall be recorded. The City will enforce the development schedule against the owners of any portion of the overall project jointly and separately."

It was moved by Councilmember Spehar and seconded by Councilmember Payne to amend the motion to add the rest of the language listed in #3 to condition D which is: "Conditions of approval and development schedule shall be recorded against the title to all portions of the property including each non-residential component requiring that the required residential component be built within the approval development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately."

The amended motion passed.

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP

ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON

JOHN P. GORMLEY
THOMAS C. VOLKMANN

January 21, 2005

Robert Blanchard, Director
Community Development Department
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81501-2668

RECEIVED
JAN 21 2005
COMMUNITY DEVELOPMENT
DEPT.

Re: Proposed Text Amendment and Matrix Revisions to MU Zoning Designation

Dear Bob:

As we have discussed, please accept this letter as an application for a text amendment to the Zoning and Development Code. It is my understanding that your staff has certain proposed revisions pending in the process. It is my understanding that this proposal will be considered in connection with those other proposals, although I understand and expect that it may be our obligation to shepherd the proposal through the process. Should you desire additional copies of this letter or the attachments, please let me know and I will get them to you immediately.

This office represents the owners of property along the 24 Road Corridor identified on Exhibit A hereto (the "Applicants"). All of the properties owned by the Applicants along 24 Road are within the 24 Road Corridor Plan and have been zoned "MU" under the City Development and Zoning Code. The Applicants listed on Exhibit A hereto contacted this office recently to discuss a proposal to the City to amend the text of the Code. This letter constitutes the application for the text amendment, as contemplated in Section 2.6.C.1. of the Code.

The 24 Road Corridor represents a primarily undeveloped gateway to western Grand Junction from Interstate 70. In recognition of this gateway characteristic, the City has created certain amenities and improvement (i.e., Canyon View Regional Park, 24 Road improvements, etc.) to the area.

In November, 2000, the City Council adopted the 24 Road Corridor Plan (the "Plan") setting forth certain development standards applicable to this unique portion of the City. In addition, the City imposed upon this area the "MU" zone, which appears to be applicable exclusively to the properties along 24 Road, most of which are owned by the Applicants.

The Applicants, as owners of property subject to the MU zone along 24 Road, understand the uniqueness of the property, as well as the purposes and desired effects of the development standards provided in the Plan and the 24 Road Corridor Design Standards and Guidelines (the "Guidelines"). Therefore, the Applicants do not take issue with the imposition of these

Robert Blanchard, Director
Community Development Department
City of Grand Junction
January 21, 2005
Page 2

regulations to the subject properties. However, the full scope of the terms and restrictions of the MU zone render development of the subject property effectively impossible.

The development of the subject properties for commercial and retail use, which appears to be the properties' highest and best use, and the one for which a market exists, is prevented by the requirement that twenty percent (20%) of the space be planned and developed as high density residential (12 to 24 units per acre).

The purpose for the zoning, the Plan, and the Guidelines was to provide 24 Road's development as a "gateway to Grand Junction" from Interstate 70. However, in attempting to serve that purpose, the City Council tied the development of high density residential to any commercial or retail development along that corridor. As owners of several of the subject properties stated at the meeting, this imposition of high density residential in connection with commercial and retail represented a combination of apples and oranges that was going to prevent any development or sales activity in the area.

As evidence of this expressed concern, since the adoption of the MU zoning standard to the properties, no sales or development activity has occurred on any of the properties to which the zone applies. Numerous cases exist of interested buyers contacting the owners, only to back away upon a discovery of the terms and conditions of the MU zone. Thus, this entire area has remained stagnant since the adoption of that zone. Strangely, there appear to have been no developments in the entire valley at the residential densities required in the MU zone, even on properties to which the heightened design standards do not apply (resulting in such development being less expensive). The zone mandates the creation of a residential product for which no market exists in the valley, yet requires that such development occur at higher than market costs.

In short, none of the market opportunities identified in Table 8 of the Plan, either Short-Term or Mid-Term, have been experienced by any of the Applicants, notwithstanding the passage of over four years since the adoption of the Plan, Guidelines and zoning for the subject properties.

PROPOSED REVISIONS

The Applicants do not propose wholesale revisions to the terms and conditions of the MU zone, nor do they seek a re-zone of their property. Rather, they seek three (3) revisions to the terms and conditions of the MU zone provisions of the Code, found at page 32 of Chapter Three, to facilitate development in the area otherwise in compliance with the Plan. No changes are required to the Plan or the Guidelines in connection with this request.

The proposed changes are as follows:

1. Reduction of the minimum residential density from 12 units per acre to 4 units per acre;
2. Deletion of the reference to residential development being required as a twenty percent (20%) component of properties developed for commercial or retail uses; and
3. Removal of the 30,000 square foot maximum size for retail buildings.

Copies of the proposed changes, in the form of redlined versions of the MU zone standards and appurtenant revisions to the zone matrix, are attached hereto as Exhibit "B".

In support of these requests, the Applicants submit the following:

1. Reduction of Minimum Residential Density. The minimum residential density applied to this property, 12 units an acre, is nearly unobtainable in this area, as is evidenced from the fact that it does not generally exist in the Grand Junction market. Although the Applicants are aware of the City's desire for higher density residential development within the City limits, the inactivity on the subject property since the adoption of the MU zone shows that desired result cannot be obtained simply by attaching such a desired residential density to a piece of property.

The level of density required in residential projects within the MU zone is particularly inappropriate in light of the handling of residential density in the RO zone, which also provides or mixed-use development. That zone designation implements the medium, medium-high, and high residential densities and commercial future land use classifications in the Growth Plan. Yet, in the RO zone, as reference on page 18 of Chapter Three of the Code, the minimum residential density is set at 4 units per acre. Contrast this with the 12 units per acre minimum residential density in the MU zone, which by its terms implements the commercial, commercial/industrial and industrial future land use classifications of the Growth Plan.

Stranger yet is the fact that the RO zone minimum residential density provisions do not apply to "mixed use properties," yet the development of property within the MU zone requires 12 units per acre as a minimum regardless of the nature of the mixed use of the property.

2. Deleting Residential Development Requirements. Tying the residential development to the commercial and retail developments also renders sale or development practically impossible. It appears the purpose for tying the two together is an attempt to accomplish a subsidization of high-density residential development by the commercial or retail

Robert Blanchard, Director
Community Development Department
City of Grand Junction
January 21, 2005
Page 4

development in the area. However, there simply is no amount of margin in the development of commercial property sufficient to subsidize residential development that has no market or independent financial viability.

As can be seen by the total lack of actual activity in the area, this level of discrepancy renders any commercial or retail development with the appurtenant residential development, economically infeasible. The fact that numerous parties have inquired of the owners, placed properties in the area under contract, and/or met with City staff to discuss the parameters and application of the MU zone, only to walk away, evidences this fact.

The Guidelines provide significant and stringent requirements on the design, development, and construction of this 24 Road Corridor. In keeping with the concept of the Gateway to the City of Grand Junction, these requirements in the Guidelines would create what, for this valley would be a unique and new concept in multi-unit residential development. However, the market has not been a driven development at the required densities, even without those standards. Clearly, by anyone's estimation, the application of the Guidelines to multi-unit residential development will increase the cost of such development, as well as the lease for purchase applicable to the units.

3. Removal of Retail Maximum Square Footage. A maximum retail building size of 30,000 square feet was placed on the property, apparently to prevent or prohibit the placement of retail stores in the area. The existence of large retail stores would not detract from or minimize the "Gateway to Grand Junction" concept. Rather, the high density residential contemplated in the MU zone, would, in fact, have that effect, and yet was required to be planned and developed under the MU zone. The proximity of the subject properties to Mesa Mall and other retailers in western Grand Junction, make this property an appropriate extension for the allowance of large retailers. The big box retail standards of Section 4.3.M. of the Code, in combination with the heightened design and development standards included in the Plan and Guidelines, prevent such large retail development from detracting from the corridor as a gateway to the City.

It is also expected, and history confirms, that the development of the corridor will require extensive, and expensive, infrastructure and public improvements. These costs mandate development on large enough scales to be able to pay them. The limitation on the size of retail buildings in the MU zone severely inhibits the development's ability to accomplish the required improvements. Lastly, the existence of large retailers provides the economic and customer base for the placement of ancillary and satellite retail and commercial uses in the area. These anchor stores in retail developments are a necessary component of the retail development in the area.

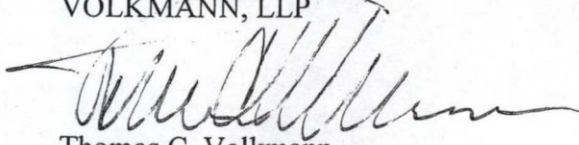
Robert Blanchard, Director
Community Development Department
City of Grand Junction
January 21, 2005
Page 5

The cap of 30,000 square feet in the retail building size represents only twice the maximum retail building size in the B-1 Neighborhood Business zone. However, as the gateway to the City, in the immediate vicinity of Mesa Mall, on a major connection from Interstate 70, such a limitation is inappropriate. The prospects for large retail uses in the corridor were recognized not only in Table 8 of the Plan, referred to above, but in the Guidelines, at page 32, relative to parking restrictions. The nature of retail development in this area will not be limited to a neighborhood or local portion of the City, but will instead be a regional retail and commercial center. Ironically, the only neighborhood to be served by the development under the existing standards under the zone would be the neighborhood that the zone requires the developers to create. In that there remains no market for such a neighborhood in this corridor, the treatment is effectively and logically backwards.

For the above reasons, and based upon the total lack of activity since the adoption of the MU zone for this area, the Applicants respectfully request that the above three changes be made to the text of the Code for the MU zone. Without such changes, no development will occur, and the planning efforts will have been wasted, for there is no benefit to planning where there is, in fact, no development.

Very truly yours,

SPIECKER, HANLON, GORMLEY &
VOLKMANN, LLP



Thomas C. Volkmann

TCV:jmd
Enclosures

cc:

Exhibit A

Applicants - 24 Road Corridor Text Amendment

John A. Usher

USHOV, LLC

WDM Corporation

W&D Merkel Family LLLP

Harold & Elizabeth Woolard

Marion Jacobson

TO: Kelly Arnold, City Manager
Dave Varley, Assistant City Manager

FROM: Bob Blanchard, Community Development Director *BB*

DATE: May 6, 2005

SUBJECT: 24 Road Corridor Growth Plan Amendment and Rezone Requests

We have received a request from Tom Volkman representing property owners in the 24 Road Corridor Planning Area to amend the text of the Mixed Use zone district which implements the Mixed Use plan designation in the 24 Road Corridor Plan and Growth Plan. Specifically they have requested:

- o Reduce the minimum required residential density from 12 units per acre to 4 units per acre;
- o Delete the requirement that residential development is required as 20% of the overall commercial project; and,
- o Remove the maximum size of 30,000 square feet for retail buildings.

City staff has determined that in order to proceed with the requested zone text amendment that Growth Plan amendments would be required as well. Specific sections that would be amended include:

- o Section V.D, Future Land Use Classes
 - Mixed Use. Mixed Use development to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as small (eight to ten acres) nodal development.
- o Exhibit V.2: Future Land Use Categories Table
 - Land Use: Mixed Use. Intensity: Urban – 12 to 24 DU/A, non residential intensity based on location/services. Typical Uses: Employment, residential and open space, with limited retail

In addition, parts of the 24 Road Corridor Subarea Plan may need to be amended:

- o Section 6: "Preferred Plan" for the 24 Road Corridor, Land Use – Mixed Use Development: Mixed-use development is encouraged in the remaining areas to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as a small (eight to ten acres) nodal development at 24 Road and G Road intersection.
- o Executive Summary, Market Analysis - ...an important element of the 24 Road Subarea Plan and implementation will be to limit the types of retail commercial uses in the area. This would avoid undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment / commercial uses for which there are suitable alternative sites (i.e. large acreage) in the Grand Junction area. While this particular section might not require amendment, this is an important base assumption in the plan.

The 24 Road Plan was adopted in 2000. Since then, we have reviewed several projects within the planning area that were subject to the 24 Road Design Standards and Guidelines, but have not reviewed any projects within the Mixed Use area, although we've recently had several inquiries. Because of the uniqueness of this planning area, and having only one Council member that was a part of the approval process for the 24 Road Plan, we suggest scheduling a review and discussion of the Corridor Plan as a workshop item. The workshop would be an opportunity to bring the current Council up to speed on the history and specifics of the 24 Road Plan and Design Standards and Guidelines. It would also allow a discussion as to the willingness of Council to reconsider any parts of the Plan.

Depending on the direction from the workshop, Community Development staff could advise the applicants of the correct process to follow: Integrate their request into the reconsideration of the Plan or proceed with a Growth Plan map amendment to change the Mixed Use designation. If there are any questions regarding this request, please contact me. Staff is prepared to discuss the Plan at any of the upcoming workshops.

cc: John Shaver, City Attorney
Jamie Kreiling, Assistant City Attorney
Kathy Portner, Planning Manager
Pat Cecil, Development Review Supervisor

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 31, 2005 MINUTES
7:00 p.m. to 10:58 p.m.**

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

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), William Putnam, Lynn Pavelka-Zarkesh, Bill Pitts, Tom Lowrey, John Redifer and Roland Cole.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director) and Kathy Portner (Planning Manager).

Also present was Jamie Kreiling (Assistant City Attorney).

Terri Troutner was present to record the minutes.

There were approximately 16 interested citizens present during the course of the hearing.

I. FULL HEARING

GPA-2005-148 GROWTH PLAN AMENDMENT--24 ROAD CORRIDOR SUBAREA PLAN

A request to amend the 24 Road Corridor Subarea Plan in the mixed use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Petitioner: John Usher, William Merkel, Harold Woolard, and Marion Jacobson

Location: 24 Road Corridor

Chairman Dibble disclosed that he owned property within the 24 Road Corridor; however, it was not located within the specific area to be discussed. He said that since he would not gain financially or otherwise on the outcome of the evening's hearing, he didn't feel that there would be a conflict of interest. He would, however, leave the final decision of his participation up to the remaining planning commissioners and the City's legal counsel.

Jamie Kreiling concluded that no conflict of interest existed, which drew assent from the remaining planning commissioners.

INTRODUCTION

Ms. Kreiling said that the petitioners had originally requested a text amendment to the Zoning & Development Code; however, the requested changes would conflict with the language contained within the Growth Plan. As a result, the Planning Commission would first need to address the Growth Plan Amendment; then, if approved, the text amendment could be addressed. She said that the conflict pertained specifically to the Mixed Use land use classification contained in Chapter 5 of the Growth Plan, which required a certain level of residential density (12-24 du/acre) and limited retail building sizes to no more than 30,000 square feet. Larger buildings were typically considered under the City's Big Box standards and were no longer regarded as neighborhood retail. The petitioners' request conflicted with Growth Plan policies 1.1, 1.2, and 8.6.

Chapter 6 of the Growth Plan, page VI.2, set forth the specific manner in which policy amendments should be considered. It called for the formation of a citizen review committee comprised of merchants, developers, and other community interests. Ms. Kreiling said that this request was the first of its kind to come before the Planning Commission, one that was not parcel specific. Therefore, the request was more representative of a policy review rather than a Future Land Use Map amendment. She advised that any affirmative recommendation to City Council include the recommendation that a citizen review committee be convened. She urged planning commissioners to carefully consider staff testimony, especially as it related to policies 1.1, 1.2, and 8.6. Findings could include that the criteria of the Growth Plan Amendment (GPA) had been met, or that additional information would be required.

QUESTIONS

Commissioner Lowrey asked if the request could be tabled if the Planning Commission determined that additional information was necessary before rendering a decision. What was the threshold at which planning commissioners determined whether or not sufficient information was available? Ms. Kreiling offered that the Planning Commission could decide to have the City re-review individual policies (which was recommended by the Growth Plan at 3-5 year intervals). Planning Commissioners could find that with additional information a decision on the GPA could be rendered. In that case, the policy review described in Chapter 6 of the Growth Plan could be undertaken. If the Planning Commission decided that additional information was required, the request could be tabled as allowed by the Code.

STAFF'S PRESENTATION

Kathy Portner gave a PowerPoint presentation containing the following slides: 1) overview of the 24 Road Corridor Plan; 2) map showing land uses prior to adoption of the Growth Plan in 1996; 3) Future Land Use Map adopted in conjunction with the Growth Plan in 1996; 4) 24 Road Corridor Subarea Plan vision statement 5) 24 Road Corridor Subarea Plan elements; 6) proposed zoning map for the 24 Road Corridor Subarea; 7) outline of Mixed Use zone district components; 8) requested changes to the Growth Plan's policies; 9) Growth Plan framework/goals outline; 10) overview of

Growth Plan policies 1.1, 1.2, and 8.6; 11) outline of number of residential units based on 15%, 20% and 25% density requirements; and 12) Growth Plan Amendment criteria outline.

Ms. Portner overviewed the zoning in place along the 24 Road Corridor prior to adoption of the Growth Plan in 1996. Once the Growth Plan had been adopted, the City formed a steering committee to aid in the re-assessing the Future Land Use designation of the affected properties. The City had also held a design charette and community meetings. Recommendations had been forwarded to Planning Commission and then to City Council for consideration and included adoption of the 24 Road Subarea Plan; adding a Mixed Use zoning district; amending the Zoning and Development Code; and finalization of zoning, design, standards, and guidelines for the 24 Road Corridor.

The 24 Road Corridor Subarea Plan vision statement was read into the record as were the elements comprising the Plan itself. The Mixed Use zoning district required at least 20% of developed property to be residential (12-24 du/acre), a figure that had been determined by City Council. The Mixed Use district promoted neighborhood commercial by limiting retail building sizes to no more than 30,000 square feet. Ms. Portner explained that the 20% residential component was regarded as necessary to assure a minimum number of residential units at this end of the valley. It was felt that a greater balance of residential could be achieved on the west end of town, thus reducing commuting distances, lessening impacts to streets and intersections, and reducing transportation costs.

The petitioners were requesting the following changes to the Mixed Use designation: 1) that the amount of residential development be reduced from a minimum 12 units/acre to 4 units/acre; 2) that the 20% residential component be deleted entirely; and 3) that retail building sizes be allowed to exceed 30,000 square feet in size. Ms. Portner noted that during the Plan's initial review, the consensus of the Planning Commission had been to disallow buildings in excess of 30,000 square feet. Changes in the Mixed Use zoning district would open the area up to more and potentially larger scale commercial development.

Staff concluded that the proposed GPA did not meet the intent of the 24 Road Corridor Subarea Plan; that it did not meet the review criteria outlined in Code section 2.5.C; and approval of the request would fundamentally change the assumptions of the Subarea Plan. Staff recommended denial of the request; however, if the Planning Commission and City Council wanted to consider the requested changes, staff recommended that the planning process outlined previously by Ms. Kreiling be undertaken to first reevaluate the Plan in its entirety.

QUESTIONS

Commissioner Lowrey wondered how many total acres were contained within the Mixed Use zoning district. Ms. Portner was unsure; however, Chairman Dibble quickly calculated roughly 1,000 acres.

Commissioner Putnam asked about the number of changes in property ownership within the Mixed Use area, to which Ms. Portner was unsure.

Commissioner Lowrey wondered why no development of the area had occurred over the last five years, especially when it seemed that development was occurring everywhere else in the Grand Valley. Ms. Portner was unsure why development had not yet occurred in the subject area; she said, however, that it was the City's responsibility to try and plan for the future needs of the community, not just to focus on current trends.

Chairman Dibble recalled that at the time of the Plan's adoption there had been a great deal of discussion over the residential component. He asked staff about the number of units that would be created if the Mixed Use lands were developed to the required 20% residential figure. Ms. Portner replied that between 1,000 to 2,000 units could potentially be constructed. When asked if the residential component could be situated around a commercial node, Ms. Portner replied affirmatively. She said that there was a great deal of flexibility on where and how the residential component was placed on a parcel.

A brief discussion ensued over the possibility of density transfers and the transfers of rights between property owners. Ms. Porter said that the transfers were possible but were only possible when the plans of multiple properties were submitted concurrently.

Commissioner Pitts asked if the 20% requirement applied to individual parcels or to the entire 24 Road Corridor. Ms. Portner answered that the requirement was specific to the Mixed Use zone district and applicable to the individually owned properties situated within that district.

Chairman Dibble asked staff if it was known how long City Council had anticipated it would take for the community to get to a point where development of the Mixed Use property would be feasible. Ms. Portner said that discussions had not included a projected timetable.

Chairman Dibble asked if current interest in the area had been primarily commercial. Ms. Portner responded that staff had received inquiries from both commercial developers and those who were interested in developing the area with 100% residential uses.

Commissioner Cole remarked that the City had been criticized in the past for its lengthy planning processes. Was there any way to expedite the process, or would a re-review of the Plan take another year to complete? In addressing the current process, Mr. Blanchard explained that the proposed text amendment changes to the Code related to very specific sections of the Growth Plan and 24 Road Corridor Subarea Plan. Therefore, before any text amendment could be considered, the Planning Commission would have to change the premise upon which the text amendment was based, namely the Growth Plan. That's why it was necessary to first go through the GPA process. City Council had also previously requested that changes to the Growth Plan and Code be submitted separately for individual consideration. This resulted in a very linear process. If the re-review of the 24 Road Corridor were reopened, City Council could always adjust the timelines; however, those adjustments would likely affect planning staff workloads and priorities. City Council members would just need to be made aware of the potential impacts that such an adjustment would create.

PETITIONER'S PRESENTATION

Tom Volkmann, legal counsel for the petitioners, referenced his January 21, 2005 letter submitted to staff outlining the request and referencing the list of represented owners in Exhibit A. Subject properties were the only ones in the Grand Valley to have had the designation of Mixed Use applied by the City. It was felt by those property owners that the Mixed Use zone district was not working as the City originally intended. While not asking that the overall corridor design standards be changed, area property owners were requesting the three changes to the Subarea Plan as outlined previously by staff, namely: 1) that the amount of residential development be reduced from a minimum 12 units/acre to 4 units/acre; 2) that the 20% residential component be deleted entirely; and 3) that retail building sizes be allowed to exceed 30,000 square feet in size. Given the high price of land, it would be difficult for smaller neighborhood businesses to support the required infrastructure costs associated with residential development. Larger commercial enterprises would be better able to subsidize residential development because they were typically willing to pay more for the land.

Mr. Volkmann expressed continued support for the intent behind the Mixed Use zone district, and he reiterated that area property owners were not asking to eliminate entirely the residential component, only to reduce the overall required density. Only then, he said, would the community recognize the flexibility afforded by the Mixed Use zone district. The market would dictate the types and scale of uses. Referencing several Denver-based mixed-use developments as comparisons, he said that higher density residential components worked there because the prices of residential units were high (\$250K to \$300K) and could support nearby commercial development. People there were willing to pay those prices to avoid the long commutes to and from their places of work. Grand Junction did not reflect the same variables, so a similar development would not work here.

In response to Commissioner Putnam's earlier inquiry, no transfers of ownership had occurred on any of the properties over the last five years. If a re-review of the Plan

were undertaken, Mr. Volkmann wondered how the new steering committee would evaluate the merit of the requested changes. He wanted some reassurance that they would be given due consideration. To go through the same lengthy planning process without that due consideration would render the process moot. His clients were currently stuck. They would like the opportunity to do business with people who were knowledgeable in how their land should be developed, but until the current impasse was broken, they were unable to move forward.

QUESTIONS

Chairman Dibble asked if there would be any community benefits derived from approval of the request. Mr. Volkmann responded that the tax base would increase with larger scale commercial development. He reiterated that property owners were not asking to eliminate the residential component, only to reduce the required density, which would allow for greater design flexibility.

Chairman Dibble said that if the residential mandate were eliminated, what would prevent the corridor from being developed into a string of big box retail outlets? Mr. Volkmann felt that the cost of infrastructure, parking requirements, and development standards would prevent that possibility. He didn't feel that there was that level of demand for big box retail currently in the Grand Valley.

Chairman Dibble wondered what type of development property owners typically foresaw for their lands. Mr. Volkmann suggested the question be directed to individual property owners. When asked if he thought that the 24 Road Corridor Vision Statement was in error or had changed, Mr. Volkmann responded affirmatively. He'd participated in the Plan's initial review and had commented at that time that he didn't think the Mixed Use zone district would work given the limitations on the larger scale commercial development that would typically fund the residential component. The City's 20% mandate would drive up the price of high-density residential development, and he didn't think that the market would support it.

Chairman Dibble asked Mr. Volkmann if he thought the Mixed Use zoning to be premature for the Grand Junction area. Mr. Volkmann felt that the purpose of mixed use zoning districts was to promote, not hinder, development flexibility.

Commissioner Redifer asked Mr. Volkmann if he was suggesting that the City allow any use at all in the Mixed Use district. Mr. Volkmann replied negatively, although he said that any use proposed should be supported by the market or they wouldn't be successful. Commissioner Redifer asked Mr. Volkmann if he thought the current Plan was a bad one. And if so, should it be reviewed in its entirety versus in piecemeal fashion? Mr. Volkmann said that the concept of a mixed use zone district was not the problem; rather, its application. And the application of the current Plan had effectively rendered the subject properties undevelopable.

Commissioner Pitts reiterated a previous concern that if the zoning district were opened up to any type and scale of commercial uses, the area could potentially be developed with "a string of big box shopping centers." Mr. Volkmann hesitantly replied that in theory he supposed there would be no Code prohibition to prevent such a hypothetical situation.

Chairman Dibble said that he'd participated on the Growth Plan's steering committee and acknowledged that they hadn't discussed a timeframe for when they thought the community's growth patterns would change. He agreed that it was unusual that this prime area hadn't developed over the last five years, but he wondered at what point the City should consider that perhaps the Plan wasn't working as originally intended. Was a five-year timeframe reasonable? Mr. Volkmann felt that a reasonable timeframe had already come and gone. The lack of any development in the area supported that conclusion. And if the City decided that the area should be given 20 or even 50 years to justify the zone district, the end result would be representative of the City's "taking the land," since property owners would still be effectively prevented from developing their land but continue to be responsible for paying property taxes.

Chairman Dibble commented that if the area was no longer unique, or if the variables that had gone into the first Plan were no longer applicable, it made sense to consider re-review of the document in its entirety. But the community as a whole should be in synch with whatever direction was put into place for the area.

Commissioner Lowrey remarked that perhaps due to the lack of the long commutes inherent to the Denver area, the Mixed Use zone district was not as great a priority as it was for the Eastern Slope. However, many of the same problems could be found in both areas. There were sufficient traffic problems to justify the City's moving forward with the F 1/2 Road realignment and the south downtown beltway project. He concurred with staff's assessment that residential uses were located primarily in the eastern portion of the valley while the larger scale commercial uses were primarily situated in the west end. Having lived in the Portland, Oregon area, he'd seen many very successful mixed use developments; however, the one common denominator that they'd all had in common was that the amount of property owned by a single developer was substantial. The fact that the petitioners' properties were all individually owned would continue to be a major hindrance to their being developed with mixed uses. He wondered if there might be some chance that the City could draft a master plan for the area, to give property owners some idea of what types of uses would be appropriate and where they would best be located. If that were possible, it would provide property owners with some much needed direction.

John Usher, co-petitioner, felt that the Planning Commission needed to understand the difference between vertical and horizontal mixed uses. He believed that when the City Council approved the Plan in its current form, they had contemplated horizontal mixed uses. He personally didn't like big box retail, and he didn't want to see all of the design elements of the Corridor Plan changed, only some facets of it. He said he'd had dozens

of inquiries into his property but all had been repelled by the City's mixed use requirement. He said that one inquiry had been for a driving range on his 40-acre parcel, but the developer had only wanted 10 acres. The City had told the developer that he would have to submit a development plan for the remaining 30 acres and include the 20% residential component. The loss of that development, he said, represented a \$10 million investment loss to the community and losses in tax revenue to the City. Other developers who'd made inquiries decided instead to relocate to Fruita or other communities. Mr. Usher reiterated that commercial uses would pay more for the same acreage than residential. Why should property owners be forced to sell their property for \$100K/acre when they could get \$250K/acre? Lessening the residential requirement to 4 units/acre would still bring residential development to the area but not so much as to drive away commercial developers.

Mr. Usher felt somewhat betrayed by the City in that he'd donated approximately 2 1/2 acres of his property to the City to accommodate the F 1/2 Road realignment; yet, when he needed some level of reasonable flexibility from the City, he continued to be denied.

Chairman Dibble asked for clarification on the difference between vertical and horizontal mixed uses, which was provided by Mr. Blanchard. Mr. Blanchard added that in the Mixed Use zone district, there could be any combination of vertical and horizontal uses.

Commissioner Cole asked Mr. Usher if he had the names of those developers or businesses that had inquired about his property. Mr. Usher said that he would be happy to provide planning commissioners and staff with a list. Commissioner Cole expressed concern that if the Plan were driving businesses to locate elsewhere, the City was inadvertently contributing to urban sprawl. Mr. Usher responded that there were other locations in the Grand Valley better suited for residential uses. The fact that no property within this prime corridor had been sold in the last five years should tell the City something.

When Chairman Dibble asked Mr. Usher how he felt the Plan's vision had changed with respect to his property, Mr. Usher responded that his vision had changed from what it once was. Given his current level of frustration with the City, he was no longer interested in developing his property, only in selling it.

A brief recess was called at 8:58 p.m. The public hearing reconvened at 9:05 p.m.

John Murray (724 23 1/2 Road, Grand Junction), co-petitioner, said that he too had had many people interested in his property over the last five years; however, none remained interested once they found out about the restrictions inherent to the Mixed Use zone district.

Harold Woolard (1110 24 Road, Grand Junction), co-petitioner, said that he'd been approached by representatives of Peterbuilt and Camping World, but both had been

dissuaded from purchasing because of the Mixed Use residential restrictions. The loss of Camping World was significant to the community. That particular business typically maintained an \$8 million inventory, spent approximately \$1 million on advertising for each new store, and would have brought in additional revenue to the City by virtue of its construction of a Cracker Barrel restaurant and an upscale motor home park. Craig Springer from Home Loan, representing the business, had been told by City staff that the business could not locate the business within the 24 Road Corridor since its building size would exceed 30,000 square feet.

Mr. Woolard said that the Assembly of God church had also expressed an interest in his property. They'd wanted to construct an upscale church that would be a "masterpiece" in the community. But they had been discouraged by the residential component. They were just interested in building their church, not in constructing a housing development. So they'd ended up buying another parcel located near the old stockyard further west of town. Mr. Woolard felt that the City was exercising too much control over its citizens and individual property rights. If people couldn't sell their property for a reasonable price, then their investment was basically worthless. He felt that the current Plan wasn't working as intended, and that the City should reconsider the elements outlined in their request.

Chairman Dibble asked if there were other factors involved in the relocation of those businesses, or had it been the restrictions of the Plan alone that had dissuaded them. Mr. Woolard said that with regard to Camping World, his property had represented a prime site because of its interstate frontage. They and church representatives had both pulled out because neither wanted to construct residential units.

Jeff Over (1760 10 1/2 Road, Mack), co-petitioner and owner of Western Slope Iron, said that he'd spent the better part of a year participating on the steering committee. While a residential component had been discussed in conjunction with the Mixed Use zone district, at no time had the committee made a recommendation for a fixed percentage of residential units. He had been appalled by the City Council's decision, since it hadn't been discussed previously by the citizenry nor had it been a recommendation of the steering committee. He couldn't remember how the 30,000 square-foot building size limitation had been derived but he remembered being in opposition to it. He concurred that the proposed changes should be reconsidered, even if that meant going through the planning process all over again to effect those changes.

Marion Jacobson (726 Golfmore Drive, Grand Junction), co-petitioner, said that she'd purchased her 40-acre parcel in 1963. It had been zoned commercial at the time and remained in commercial zoning up until the adoption of the 24 Road Corridor Subarea Plan. She'd expressed opposition to the Mixed Use zone district restrictions at the time and continued to oppose them. She felt that her property would be a perfect location for a hotel and restaurant. She felt that Grand Junction could be further promoted as a destination spot. Had the driving range been constructed, that would have been one more entertainment option appealing to out-of-town vacationers. The area was also

ripe for development of a sports complex. She thought that at some point, consideration could be given to developing a walkway between her property and Canyon View Park. The development of a grocery store would benefit that entire area. She was disappointed to hear about the loss of the upscale motor home park since that would have been a perfect use for the area. Ms. Jacobson said that she currently had a buyer interested in her property but only if the residential component were reduced to no more than 4 units/acre. This represented only one inquiry into her property; however, all previous inquiries had been discouraged by the high-density residential component. She added that one reason why Commissioner Lowrey's proposed alternative to master plan the area wouldn't work was that, depending on the locations of individual parcels, some property was more valuable than others for commercial uses.

PUBLIC COMMENT

David Berry (530 Hall Avenue, Grand Junction) said that while the City had a vision of what the 24 Road Corridor should look like, it appeared they were unwilling to share that vision with the property owners. The property owners, themselves, also had a vision, but they were prevented by the City from executing it. He pointed out that the Colorado Highway Patrol had looked to build its new facility in the 24 Road Corridor. But because of the Mixed Use district's residential component, they'd decided to relocate their new offices to Fruita. He urged planning commissioners to let the market dictate growth. He felt that the City should stick to regulating health, safety, and welfare issues but should refrain from regulating aesthetics.

Dale Beede (2059 Baseline Drive, Grand Junction), realtor, said that the only way this Mixed Use area would ever develop would be if a single investor came in and bought up all of the individual parcels. While such an investor might be willing to pay \$1 per square foot for the land, it was unlikely that property owners would want to sell their land at that price.

Cherlyn Crawford (2551 Mayfair Drive, Grand Junction) said that she'd just moved back to the area and took a different position. She felt that requiring a higher density residential component in the west end of town was essential to achieve the City's desired balance between residential and commercial uses. Areas of mixed uses sustain a community, and she expressed support for the planning process. She felt that the current 24 Road Corridor Plan should be left intact.

John Beilke (2450 Pheasant Trail, Grand Junction) presented a plan that he'd proposed in 1998-1999 (Northeast corner of I-70 and 24 Road). While it represented everything the City said that it wanted for the 24 Road Corridor, it had been denied by both the Planning Commission and City Council. His plan had been 100% sold out and would have provided thousands of jobs, over a million square feet of retail space, and millions of dollars in tax revenue to the City. While he no longer had an interest in pursuing his initial proposal, he felt it important that this historical reference be presented because of his plan, which had purported to deliver all of the components required by the City,

could not be approved, what hope was there for any other mixed use proposal? He pointed out that if the dollars and cents didn't make a project viable, there would be no development. Property owners should have the opportunity to develop their properties as the market dictated. The City's regulations, he said, were too strict, and he agreed that the lack of property sales in the area should tell the City something about that level of regulation. If there were no changes made to the Plan, the City and property owners could expect the same level of development inactivity seven years hence.

Rocky Arnott (2336 Interstate Avenue, Grand Junction) observed that the City was missing out on some pretty substantial opportunities for tax revenue. He envisioned the 24 Road Corridor being developed into a beautiful gateway into Grand Junction and urged planning commissioners to allow property owners the chance to develop their lands.

Jana Gerow (2350 G Road, Grand Junction) said that her business was in development and construction management. While not having any current involvement with any of the property owners present, she saw value in the architectural and design standards of the current Plan. However, the three requests made by area property owners seemed reasonable. Not to change them would continue to overburden area property owners. She added that one factor for area properties not selling might be that their prices were very high, so that only commercial uses could afford to buy them.

Dusty Grandmontagne (707 1/2 Wallow Creek, Grand Junction) said that he was associated with the recently approved Regal Theatre project. He'd once worked for a planning and development department in Topeka, Kansas. There, the Mixed Use zone district gave developers design flexibility but didn't mandate specific percentages for differing uses. If the City allowed for that same flexibility, likely they would see that one developer would come in with a proposal for high-density residential while another would come in with a plan for commercial, thus achieving the overall vision of mixing residential and commercial uses.

Sid Squirrell (389 W. Morrison, Grand Junction), real estate broker, said that he'd worked with several clients to try and purchase properties within the Mixed Use area, but the Plan's requirements for so much residential and too little commercial were just too restrictive, resulting in all of his clients backing out of potential deals. Larger commercial enterprises, he said, often served as anchors for smaller businesses and would help defray some of the costs associated with developing residential uses. He felt that a good example of how Mixed Use zoning worked well in the City could be found on Main Street, where people were allowed to live in lofts above commercial businesses. That same flexibility should be afforded to 24 Road Corridor property owners. He urged planning commissioners to consider the changes requested to help slow the steady progression of developers who, in trying to bring viable growth to Grand Junction, decide to go elsewhere because of the City's overregulation.

PETITIONER'S REBUTTAL

Mr. Volkmann felt that this was an excellent opportunity for a win-win situation. Everyone was in agreement that the area should be developed in a specific way, and he reiterated his clients' support for the overall concept and design standards contained in the 24 Road Corridor Guideline. However, he hoped a package could be created that would both have a market attraction and be in keeping with the overall vision for the area.

QUESTIONS

When Chairman Dibble asked staff to clarify some of the points brought forth by the public, Ms. Portner reaffirmed that both horizontal or vertical densities could be incorporated into the Mixed Use zone district. She reiterated that the 30,000 square foot requirement was applicable to individual retail building sizes.

Chairman Dibble asked if larger retail building sizes were permitted south of F 1/2 Road. Ms. Portner said that Commercial zoning existed south of F 1/2 Road. Beginning at the 50,000 square-foot threshold, developers were also required to meet big box standards. The intent of the 24 Road Subarea Plan was to reserve the Mixed Use area for neighborhood commercial uses. She added that the residential component need not include "low-income" or "affordable" housing, although developers were often given incentives by the Code for offering that type of product.

Commissioner Pitts expressed concern over the fact that the 20% residential component and the 30,000 square-foot retail building restriction had been imposed independent of the steering committee's recommendations. Ms. Portner agreed that the specific thresholds had never been recommended by the steering committee. However, the committee had talked about disallowing the larger regional retail businesses within the Mixed Use zone district. The committee had been primarily involved in both the overall concept plan for the 24 Road Corridor and in the development of the design standards and guidelines. They had come up with the idea of creating a place where people could live and work and recreate, all in one area. Creating the actual Mixed Use zone district fell within the purviews of the Planning Commission and City Council.

Commissioner Redifer asked for confirmation that the intent behind requiring a certain level of housing had been to support the expected neighborhood commercial development, which was given. If that residential component were deleted, Commissioner Redifer asked if that would so dramatically change the overall vision of the area as to negate the effectiveness of the Mixed Use zone district. Mr. Blanchard said that the type of retail envisioned by the Plan would be secondary to employment. Neighborhood retail was typically supported not only by residents living in the area but also the other businesses located there.

DISCUSSION

Chairman Dibble referenced the October 17, 2000 City Council minutes and noted that the 20% residential figure had originally been offered as a suggestion, one that had been later adopted by City Council.

Commissioner Cole said that all the testimony he'd heard seemed to suggest that everyone supported giving the Mixed Use zone district a try before acknowledging that it either did or didn't work. The fact that no development had yet occurred in that area over the last five years seemed a testament to the zone district not working as it had been originally envisioned. He was concerned that so many businesses were choosing to go elsewhere when there were organizations trying hard to promote Grand Junction and bring viable businesses to the area. He was pleased to see that the property owners were not necessarily opposed to the Mixed Use zone district, but he agreed with their position that the requested changes were reasonable. While also concerned that the process to make the effected changes would take so long, he felt it represented a worthwhile undertaking.

Commissioner Pitts shared similar concerns over businesses electing to move to other areas because of the 20% residential requirement. He agreed that after five years, it was apparent that the Plan wasn't working as intended. He felt a re-review of the Plan would be prudent although he too was dismayed that the requested changes were likely to take a long time to accomplish.

Commissioner Putnam felt that the Planning Commission was in a position to consider the City's long-range planning efforts. He pointed out, however, that it was not within their purview to make decisions based on the potential economic gains or losses of a property owner or developer. While he felt that a re-review of the Plan was probably warranted, he didn't want the area's property owners to automatically assume that adoption of their proposed changes was guaranteed.

Commissioner Pavelka-Zarkesh concurred with Commissioner Putnam. She acknowledged that no plan was perfect, adding that some changes in growth could only be recognized over a long period of time. While not suggesting that the proposed changes were the most appropriate, she felt that approval of the Regal Theatre represented the first retail foothold in the area. Other factors that would dictate area growth patterns included oil and gas development. She didn't want to see the residential component removed entirely or to see the 24 Road Corridor become another North Avenue.

Commissioner Redifer sympathized with area property owners. They raised good questions, ones that needed to be addressed. He felt that the City should consider the losses in tax revenue resulting from current restrictions. He felt that there were ways to develop the corridor into the gateway envisioned by the City while preserving and protecting personal property rights. He felt that the current vision for the 24 Road

Corridor would likely be impacted by approving the requested changes. But just because those requested changes did not meet the current Growth Plan Amendment criteria, it didn't mean that a re-review of the Plan wasn't merited. Commissioner Redifer expressed support for recommending that the City Council re-review the Plan to see if there was some way of preserving individual property rights while still maintaining the City's original vision for that gateway area.

Commissioner Lowrey felt that the overall vision for the area was correct. The problem seemed to be more with the expectation of just how individual property owners would get together to make that vision happen. The City could potentially buy the property and sell it all to a single developer. The City could also apply other zoning districts to the currently designated Mixed Use area. He felt that the goals inherent to the Mixed Use zone were good ones. With rising gas prices and continued traffic impacts to area streets, it was important that citizens try to reduce their dependence on automobiles. Commissioner Lowrey could support a re-review of the Plan but he didn't want to see the residential component of the Mixed Use zone eliminated entirely. The City needed to find some way of effectively implementing the zone district given that property ownership was so fractured. He believed that there was an error in the Plan, one that failed to address just how development of the Mixed Use designated property would actually occur. He expressed support for the Plan's re-review, and he hoped that any future steering committee would take into account the comments made during tonight's hearing.

Commissioner Putnam reiterated that concern over tax revenues were not within the Planning Commission's purview.

Chairman Dibble said that it never ceased to amaze him how long things took to accomplish. He hoped that the Plan's re-review wouldn't take as long to complete as had adoption of the original Plan. He didn't feel that the goals or vision of the original Plan had changed. Everyone seemed to agree that the residential component was perhaps a little too dense. He concurred with Ms. Jacobson's remark that a recreational facility would be a great addition to the area. It was clear to him that something needed to be done to change the Plan and make it more workable, and he supported forwarding a motion on to City Council recommending that a review committee be formed, using the same resources that had been available to the first steering committee.

MOTION: (Commissioner Cole) "Mr. Chairman, on GPA-2005-148, a request to amend the Growth Plan, I move we forward a recommendation to the City Council for a review of the 24 Road Corridor Subarea Plan and the policies of the Growth Plan regarding the 24 Road Corridor in accordance with a major review process, including a citizens review committee, pursuant to Chapter 6, Section D of the Growth Plan."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

II. GENERAL DISCUSSION

Mr. Blanchard said that the next public hearing had only one item on the agenda. He suggested that the scheduled workshop be cancelled. This drew general assent from planning commissioners.

With no further business to discuss, the public hearing was adjourned at 10:58 p.m.

Attach 12

Request to Rehear Pomona Commons Rezone Located at 589 25 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Consideration of a request for rehearing, Pomona Commons rezone request							
Meeting Date	September 21, 2005							
Date Prepared	September 12, 2005			File #RZ-2005-163				
Author	Bob Blanchard		Community Development Director					
Presenter Name	Bob Blanchard		Community Development Director					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Consideration of a request to rehear the August 17, 2005 consideration of a rezone for property known as Pomona Commons located at 589 25 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Consider the petitioners request to rehear the public hearing rezoning property located at 589 25 1/2 Road. The applicant had requested a rezone from RMF-5 to RMF-12. Council zoned the property RMF- 8.

Background Information: See attached Staff Report/Background Information

Attachments:

- Vicinity Map
- Application for Rehearing
- August 17, 2005 City Council Minutes

ANALYSIS: On August 17, 2005, the City Council heard a request to rezone property located at 589 ½ Road from the RMF-5 zone district to RMF-12. The Planning Commission had forwarded a recommendation of the approval for the RMF-12 zone district. City Council overturned the Planning Commission recommendation and zoned the property RMF-8.

A rehearing is one of the options available to individuals aggrieved by a decision of the City Council. The rehearing request must be supported by the information listed in Section 2.18 D. of the Zoning & Development Code (attached). The applicant has addressed the criteria in their letter requesting the rehearing.

The City Council has the option of granting the rehearing or denying the rehearing request. The Council at its discretion may permit limited testimony as to the nature of and ground for the rehearing request itself before making the decision to rehear the project.

If the Council decides to rehear the project, a motion to rehear must be made by a Council member who was in the majority that made the decision on the project.

If there is no motion or no second to the motion, the rehearing request is automatically denied. If a rehearing is granted, a specific date for the new hearing should be set.

In granting a request for a rehearing, the City Council must:

Find that the person requesting the rehearing was present at the original hearing or other wise on the official record concerning the development application.

The person requesting the rehearing is the applicant for the rezone request. He was not present at the August 17, 2005 Council meeting.

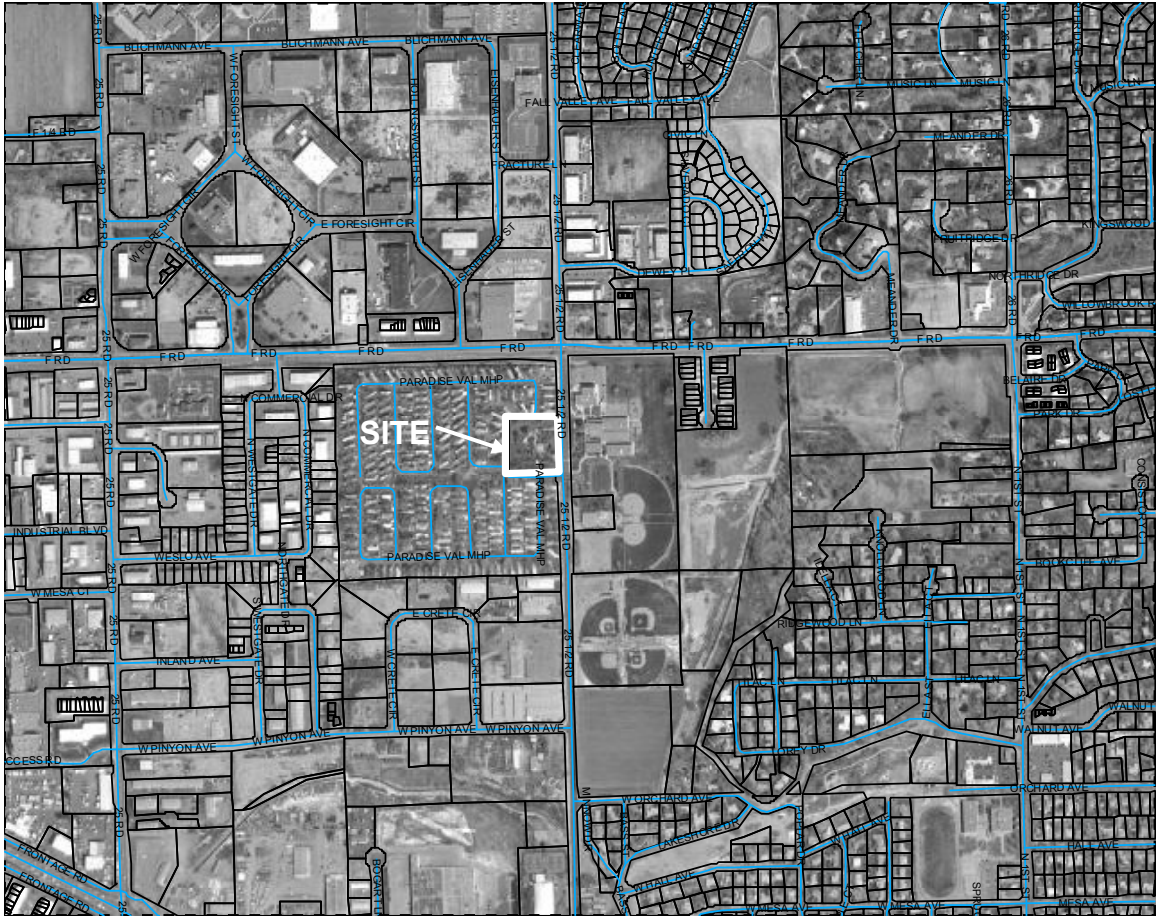
Find that the rehearing was requested in a timely manner.

The request for a rehearing was received by the Community Development Department on August 29, 2005, twelve (12) calendar days after the original hearing.

Find that in making its decision, the City Council may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.

Staff does not provide analysis of this criterion since the City Council must make their own determination based on their original hearing or any testimony taken while considering this rehearing request.

VICINITY MAP



RECEIVED

AUG 29 2005

COMMUNITY DEVELOPMENT
DEPT.

Application for Rehearing

Pomona Commons
589 25 ½ Road
Grand Junction, CO 81503

Submitted by
IFI Construction Corporation
PO Box 321
Grand Junction, CO 81502

This is a request for a rehearing of the rezone of 589 25 ½ Road (Pomona Commons). This request is made in accordance with Chapter 2, Page 2, Section 2.18.D of the City Zoning and Development Code.

City Council passed an ordinance on August 17 th, 2005 changing the zoning from RMF-5 to RMF-8. The Applicant requested (and the Planning Commission recommended) a zoning of RMF-12.

The applicant feels there are two major areas of misunderstanding, and/or pertinent facts relevant to the rezone. These two areas are:

1. Traffic and safety issues.
2. Pertinent information crucial to the decision that was not made available at or prior to the decision being made.

In accordance with Chapter 2, page two, section 2.18.D there are three approval criteria in granting a request for a rehearing.

The approval criteria are:

- a) Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application;
- b) Find that the rehearing was requested in a timely manner as; and
- c) Find that in making its decision, the decision-maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.

The applicant makes the following response to the approval criteria:

- 1) The applicant is on the official record as the applicant for the rezone.
- 2) A preliminary request for a rehearing was made on August 22nd, 2005, 5 days after the ordinance was passed.

Pertinent facts related to the request were added on August 29th, 2005, (more than the 10 calendar day limit which fell on August 27th, 2005 in this case a Saturday). The pertinent information was added that following Monday.

In response to c. the applicant makes the following points:

The subject property is across the street from Pomona Elementary School.

Traffic and Safety Issues:

1. Dave Lens resident manager of Paradise Valley Mobile Home Park testified that we would be adding 2 entrances onto 25 ½ Road.

Our current plans (supported by phone conversations with Traffic and Control) calls for one entrance. Traffic (vehicle and pedestrian) would be controlled by signage and with a crosswalk monitor (currently in place) for peak school foot traffic.

The Mobile Home Park (also directly across from Pomona) has 255 spaces and one entrance onto 25 ½ Road controlled with signage and a cross walk monitor.

Mr. Lens also testified that the improvements to 25 ½ Road and the signage system worked “very well” for them.

If the system works “very well” for 255 residences, the system should certainly be adequate for 23 residences the applicant is requesting.

2. The school cross walk is adjacent to the entrance to the mobile home park. See Exhibit A directly across 25 ½ Road is a newly constructed parking lot with 86 spaces.

Mr. Lens also testified “He can look out of his office at this intersection (25 ½ Road, entrance to the mobile home park, and the new expanded parking lot all adjacent to the children’s crosswalk) “and the traffic flow works very well”.

If the system works will (as testified to) with this intersection then an entrance 350 feet away accommodating the applied for 23 residences should be adequate.

3. Information not made available to the council prior to the decision is traffic counts. Attached are exhibits reflecting the traffic counts in front of some of the other schools within the infill boundary. These traffic counts were obtained from the Grand Junction City GIS Web page.

- Exhibit B. Pomona School 5368
- Exhibit C. West Middle School 11337
- Exhibit D. Grand Junction High School 3359
- Exhibit E. Tope Elementary 17510
- Exhibit F. East Middle School and Columbine Elementary 3500
- Exhibit G. Orchard Avenue Elementary 7669
- Exhibit H. Nisley Elementary 4232
- Exhibit I. Each school in relation to where traffic counts were taken.

Pomona is about in the middle of the traffic counts.

As such 25 ½ Road is not nearly as congested as Mr. Lens might have the council believe. If these higher traffic counts and the recent improvements to 25 ½ Road are any indication of things to come, the request for a higher density on the subject property is further justified.

4. Further up and down 25 ½ Road new parking lots and entrances to 25 ½ Road have been approved and constructed.

The Pomona Elementary parking lot has 55 spaces and the public parking lot (reserved for Pomona Elementary Monday through Friday 8:00 am to 4:00 pm) contains 86 parking spaces. The park next to the fire station has 119 spaces and the little league field has a gravel parking lot that appears larger than the one next to the fire station. The Moose lodge also has a large parking lot. All of these generate way more activity than the subject property could even dream of generating.

As such the request for 12 units per acre appears very reasonable.

To summarize the traffic points:

The applicant feels that a safe entrance onto 25 ½ Road across from the school can be constructed and that a zoning of 12 units verses 8 units to the acre will not overwhelm 25 ½ Road.

Information not known to the council but crucial to the decision:






Sanitary Sewer:

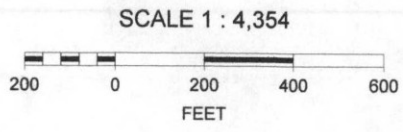
1. The mobile home park has a private sewer system that drains to the west. Even if the owner were to allow the applicant to tie into their sewer line, the system is unusable. The system is old and riddled with problems. The system would have to be replaced to make it useable and that makes the applicant's project cost prohibitive.
2. There is sewer on the east side of 25 ½ Road. Currently the only user of the sewer is the school. The fire station and the little league field are not on this line. As such there is more than sufficient sewer capacity to support a zoning of 12 units to the acre.
3. The sewer, however, is very shallow. The school has to pump into the manhole on the end of the line. There is a slightly deeper manhole at the south end of the Pomona School, close to the intersection with the parking lot.
4. To use this manhole the subject property will have to have substantial fill imported. The fill required to build single family homes or even town homes is cost prohibitive. As such condominiums or apartments are the likely choices. The applicant is proposing condominium with attainable pricing.
5. The improvements to 25 ½ Road are new. The sewer is on the opposite side of the street in between are storm sewer, phone, gas, electrical and maybe more utilities. Crossing 25 ½ Road (relocating utilities) could become very expensive.
6. The storm sewer in 25 ½ Road is adequate for drainage of the subject property. It appears, however, that a pump system will have to be installed to make this work, again expensive.
7. Draining onto the mobile home park is not a viable alternative.

Given the parameters of attainable housing – surrounded by trailer park, expensive to build, (sewer, drainage, fill, etc.) this project may very well be too expensive to construct with a zoning of RMF 8.

The applicant respectfully requests a rehearing and that the council adopts the planning commission's recommendation and zone the subject property RMF 12.

City of Grand Junction GIS Transportation Map ©

-  Redline
- Air Photos**
-  2005 Photos
-  Highways
-  School Buildings
-  Streets 2

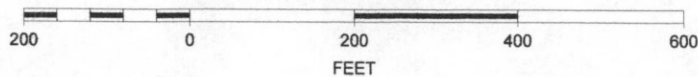


City of Grand Junction GIS Transportation Map ©







- Redline
- Traffic Counts
- Air Photos
- 2002 Photos
- Highways
- School Buildings
- Streets 2



SCALE 1 : 2,301

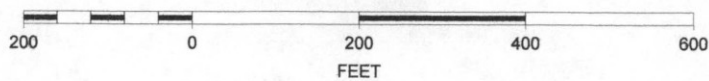


City of Grand Junction GIS Transportation Map ©







-  Redline
-  Traffic Counts
- Air Photos
 -  2002 Photos
 -  Highways
 -  School Buildings
 -  Streets 2



SCALE 1 : 2,301

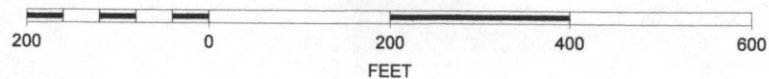


City of Grand Junction GIS Transportation Map ©

-  Redline
-  Traffic Counts
- Air Photos**
 -  2002 Photos
 -  Highways
 -  School Buildings
 -  Streets 2



SCALE 1 : 2,145

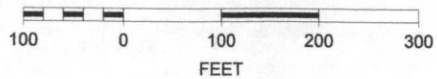


City of Grand Junction GIS Transportation Map ©







- Redline
- Traffic Counts
- Air Photos
 - 2002 Photos
- Highways
- School Buildings
- Streets 2



SCALE 1 : 1,967

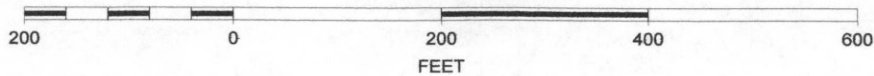


City of Grand Junction GIS Transportation Map ©







-  Redline
-  Traffic Counts
- Air Photos**
 -  2002 Photos
 -  Highways
 -  School Buildings
 -  Streets 2



SCALE 1 : 1,995

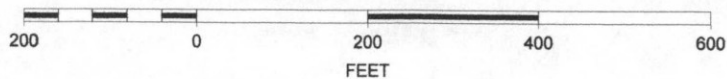


City of Grand Junction GIS Transportation Map ©







-  Redline
-  Traffic Counts
- Air Photos
 -  2002 Photos
-  Highways
-  School Buildings
-  Streets 2



SCALE 1 : 2,262

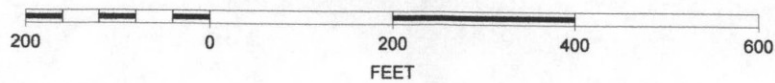


City of Grand Junction GIS Transportation Map ©





-  Redline
-  Traffic Counts
- Air Photos
 -  2002 Photos
-  Highways
-  School Buildings
-  Streets 2

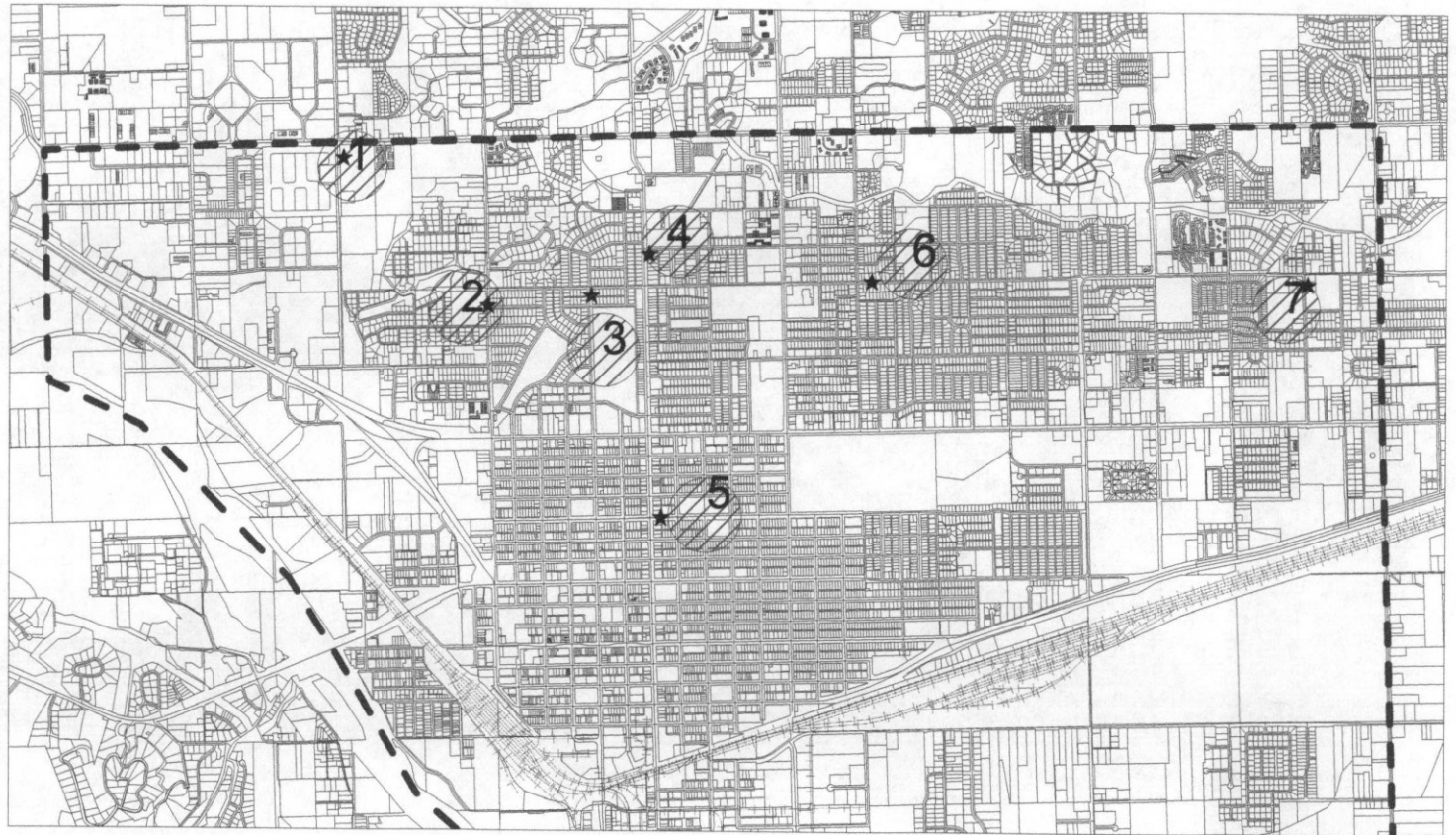


SCALE 1 : 2,153



City of Grand Junction GIS Growth Plan Map ©

-  Redline
-  Infill Area Boundary
-  Streets
-  Rail Roads



N



City Council Minutes, August 17, 2005

Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road

[File #RZ-2005-163]

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

The public hearing was opened at 10:40 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the location and noted the site is surrounded by the Paradise Valley Mobile Home Park with the Pomona School across the street. The current zoning is inconsistent with the Growth Plan so the property must be rezoned to develop it. The applicants are asking for RMF-12 which is consistent with the Growth Plan. A required neighborhood meeting was held and ten neighbors were present. The concerns were traffic and noise. The Planning Commission found the request is consistent with the Growth Plan and recommended approval.

Councilmember Coons asked Ms. Bowers to address the concerns of traffic and noise. Ms. Bowers stated that recent improvements have been done to 25 Road to accommodate growth in the area, new sewer lines and water lines have been installed so all utilities are there.

Councilmember Palmer asked if RMF-8 is also consistent with the Growth Plan. Ms. Bowers stated yes, the zoning could be RMF-8 or RMF-12 and still be consistent.

Ms. Bowers stated that the applicant is not present but some citizens are present.

Dave Landis, manager of Paradise Hills Mobile Home Park, stated that the Park zoning is 7 units per acre, and it was built at 6.7 units per acre. Improvements to the road have made things better. The proposed project will add two accesses just up from the school, and that concerns him. He feels that 8 units per acre would be a better number. He sits on the Pomona Accountability Committee and the school officials are concerned about traffic going in and out directly across from the bus area. Paradise Hills Mobile Home Park has about 55 children that walk to school. They are concerned for the safety of the kids.

Councilmember Thomason asked if there is only one entrance into the facility. Mr. Landis said yes and it has been working better with improvements but will be affected by this development.

There were no other public comments.

The public hearing closed at 10:48 p.m.

Councilmember Beckstein asked how additional traffic will be handled. Ms. Bowers stated that originally interconnectivity was asked for into the mobile home park, but was cut from the plan.

Council President Hill asked what the proposed zoning would accommodate. Ms. Bower stated single family homes, attached townhomes, apartments, and condos.

Council President Hill believes that the zoning in higher densities allows closeness to amenities, access to school and parks.

Councilmember Spehar agrees with Council President Hill, particularly in areas where the facilities exist, higher densities need to be considered. He feels this location is appropriate.

Councilmember Thomason is okay with the zoning change but is concerned with what will go in with that space. He supports zone change, but would have to take a longer look.

President of the Council Pro Tem Palmer's initial reaction when seeing the property was there would be a lot of people in that spot, directly across from the school, and he would be more comfortable with RMF-8.

Councilmember Doody is familiar with area, and is more comfortable with RMF-8, and knowing density of mobile home park, is more comfortable with RMF-8. Councilmember Coons stated that the location of school is both a plus and minus. She is in favor of a higher density because higher density needs to be looked at for opportunity, but RMF-8 fits the community better.

Councilmember Beckstein stated that she is leaning toward RMF-8 because of the traffic concerns and only one street access. She believes it would be safer with lower density.

President of the Council Hill asked City Attorney Shaver if, because Planning Commission recommended RMF-12, a supermajority is needed. City Attorney Shaver said no, Council would not be overturning a denial, there are two zoning designation possibilities.

Ordinance No. 3818 – An Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road, Pomona Commons, to RMF-12

Councilmember Palmer moved to adopt Ordinance No. 3818 amending the zoning to RMF-8 on second reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote with Spehar and Hill voting NO.

Attach 13

Public Hearing Vacating a Portion of the Public Sidewalk ROW at 201 & 205 Colorado Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Vacating a Portion of the Public Sidewalk Right of Way Located at 201 and 205 Colorado Avenue							
Meeting Date		September 21, 2005							
Date Prepared		September 14, 2005			File #VR-2005-204				
Author		Pat Cecil		Development Services Supervisor					
Presenter Name		Bob Blanchard		Community Development Dept. Director					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X		Formal Agenda			Consent	X	Individual Consideration

Summary: In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Budget: No impact.

Action Requested/Recommendation: Conduct the public hearing and adopt the Ordinance vacating a portion of the public sidewalk right-of-way located at 201 and 205 Colorado Avenue. The Planning Commission at the September 13th meeting recommended that the City Council approve the vacation of portions of the public right-of-way, as part of the Commission’s consent agenda.

Attachments: Staff report
Vicinity map
Aerial Photo
Growth Plan Map

Zoning Map
Draft Ordinance
Exhibit "A"

ANALYSIS:

1. Background : The Grand Junction Downtown Development Authority is the owner of Lots 1 and 2, Block 123 of the City of Grand Junction also know as 201 and 205 Colorado Avenue.

The DDA, in order to facilitate the sale of the property to a private party, has requested that the City vacate a portion of the sidewalk into which the building located on the property encroaches. The title company required a survey. The survey showed that the building encroaches on the adjacent sidewalks. The extent of encroachment varies with the maximum encroachment being .43 feet. The sidewalks are within the public rights-of-way for Colorado Avenue and South 2nd Street as dedicated on the original plat of the City of Grand Junction.

Vacating the public rights-of-way will accommodate renovation of the building façade.

2. Consistency with the Growth Plan : The proposed vacation is not in conflict with the Goals and Policies of the Growth Plan.

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

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

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

The proposed vacation conforms to the Growth Plan, the major street plan and other adopted plans and policies of the City.

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

The vacation will not result in the land-locking of any lots or parcels.

- 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.

The vacation will not result in the restricting of access to any other properties.

- 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).

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

The vacation will not result in any impacts to public services.

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

With approval of the vacation the DDA will be able to pass clear title for the Cheers building so it can be renovated.

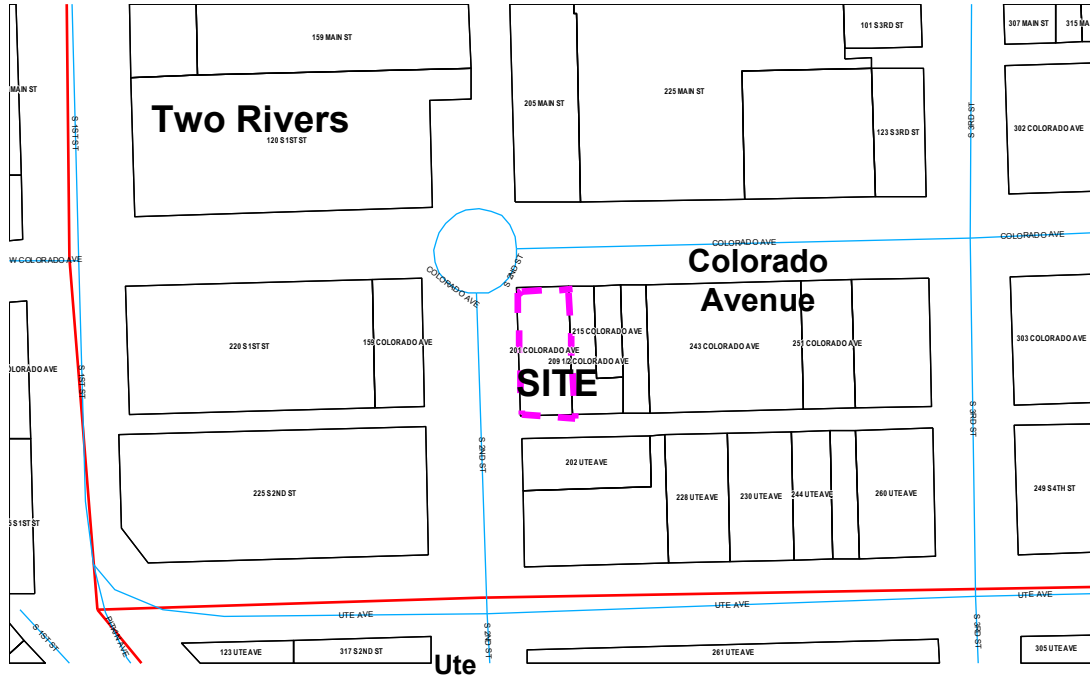
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the vacation of a portion of Public Right-of-Way application, VR-2005-203, for the vacation of a portion of public right-of-way located at 201 and 205 Colorado Avenue, the Planning Commission made the following findings of fact and conclusions:

4. The requested right-of-way vacation is consistent with the Growth Plan.
5. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

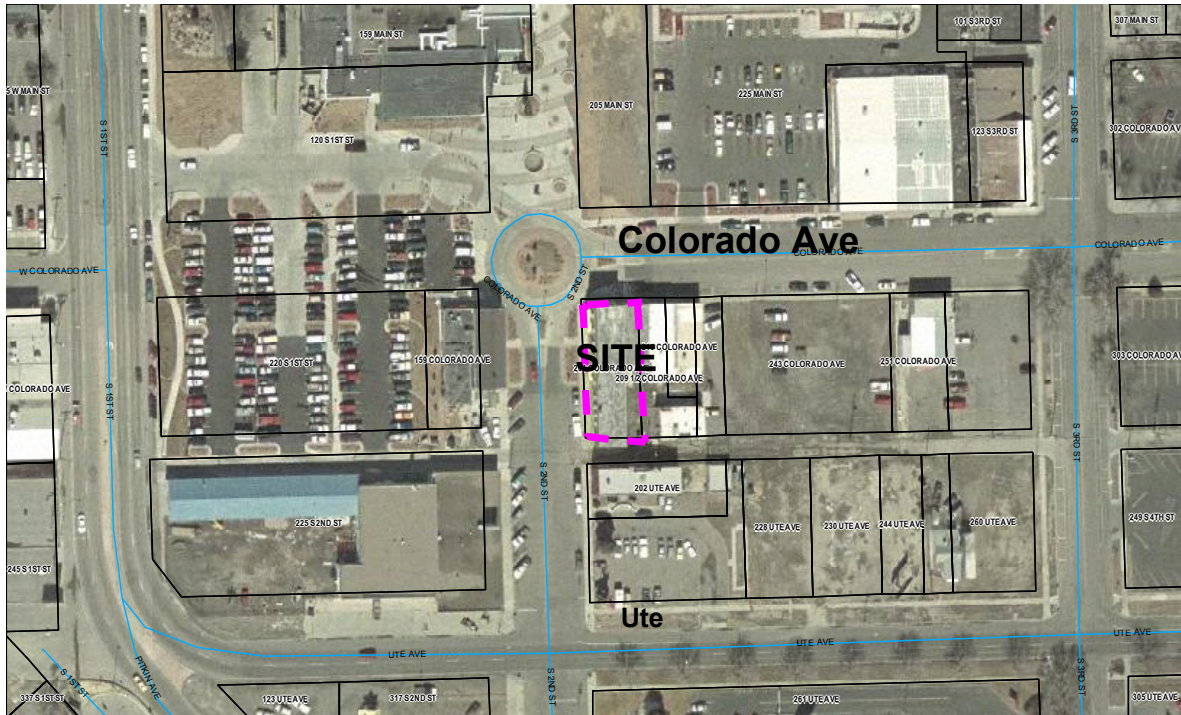
Site Location Map

Figure 1



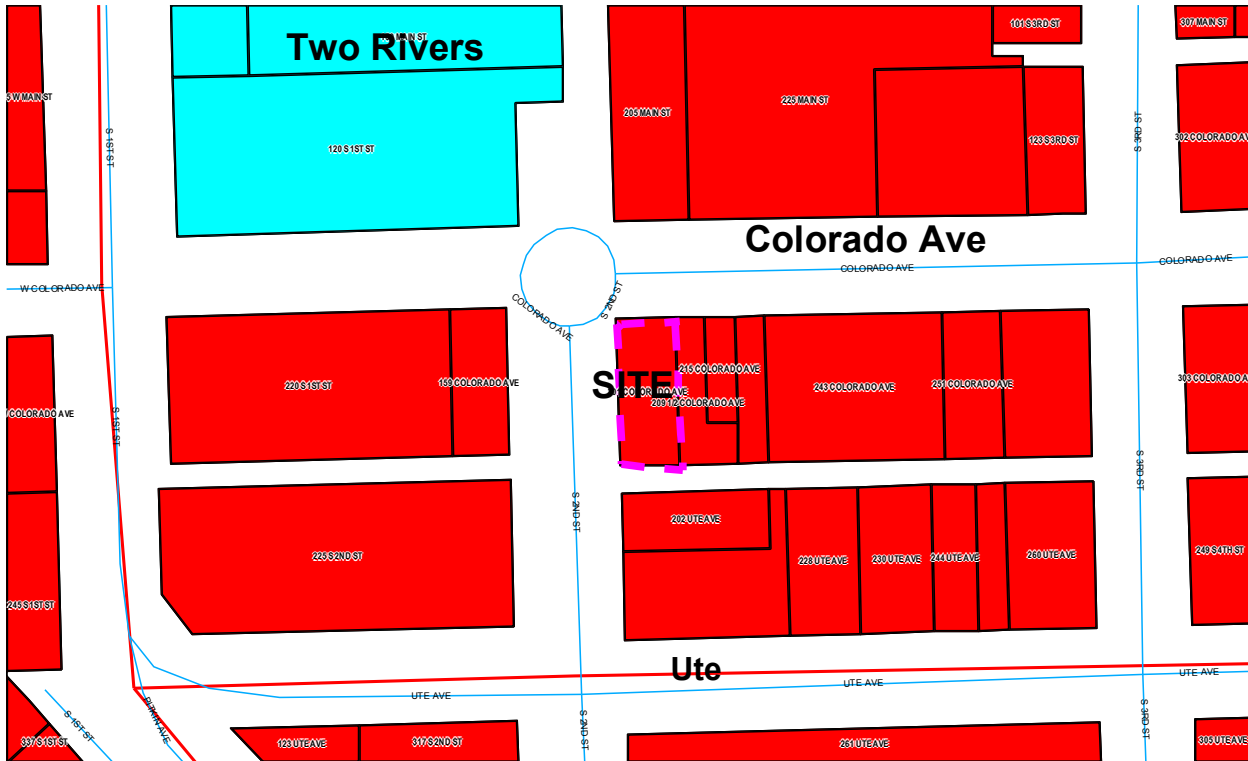
Aerial Photo Map

Figure 2



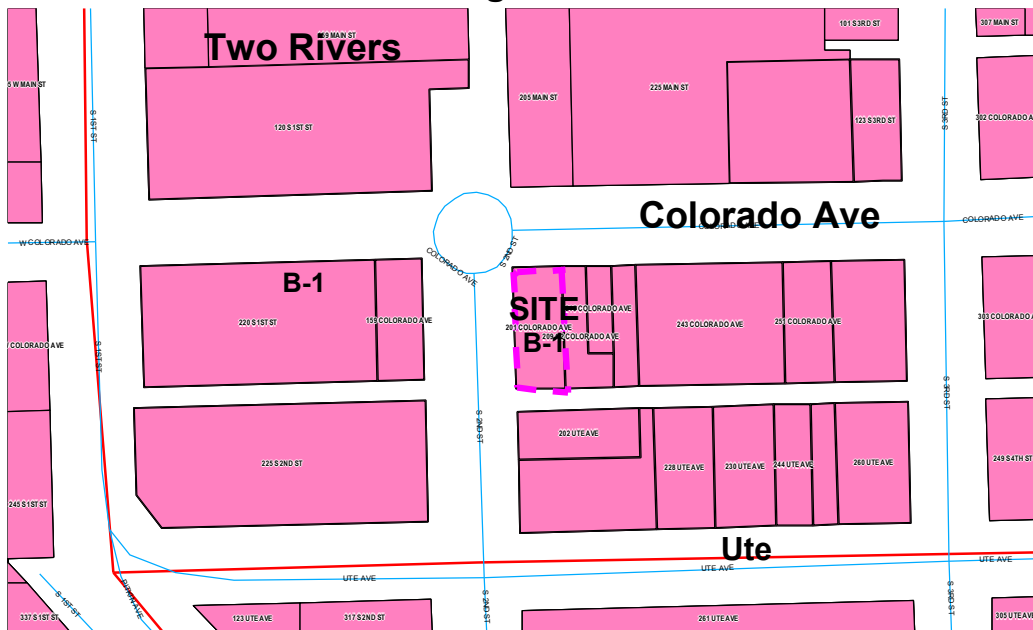
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION

Ordinance No. _____

AN ORDINANCE VACATING A PORTION OF THE PUBLIC SIDEWALK RIGHT OF WAY LOCATED AT 201 AND 205 COLORADO AVENUE

Recitals.

The Grand Junction Downtown Development Authority, hereinafter referred to as the DDA, is the owner of the following described real property, to wit: Lots 1 and 2, Block 123 of the City of Grand Junction, also known as 201 and 205 Colorado Avenue in the City of Grand Junction.

The DDA, in order to facilitate the sale of the property to a private party, has requested that the City vacate a portion of the sidewalk into which the building located on the property encroaches. The sidewalks are within the public rights-of-way for Colorado Avenue and South 2nd Street as dedicated on the original plat of the City of Grand Junction.

In order to insure title to the property, the title company required a survey. The survey, which is incorporated by reference, showed that the building encroaches on the adjacent sidewalks. The extent of encroachment varies with the maximum encroachment being .43 feet. To resolve any question or claim of ownership, vacation of a portion of the sidewalk right of way is proposed. The vacation will accommodate renovation of the building facade

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

City Council finds that the vacation meets the criteria set forth in Section 2-11 of the Zoning and Development Code and in accordance therewith does vacate the area of encroachment not to exceed .43 feet as shown on the improvement survey plat dated August 9, 2005, which survey is on file in the Mesa County land survey records. Said survey is incorporated herein as if fully set forth.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of September 2005.

PASSED on SECOND READING this day of 2005.

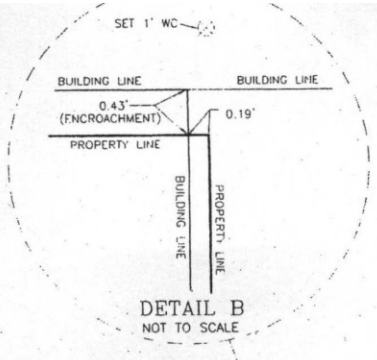
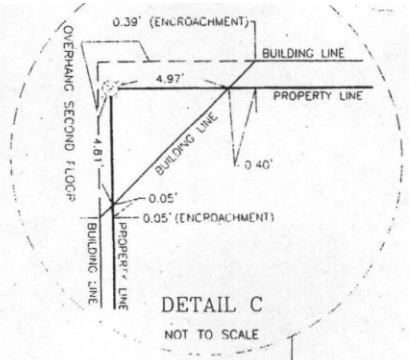
ATTEST:

Stephanie Tuin

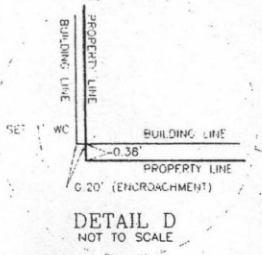
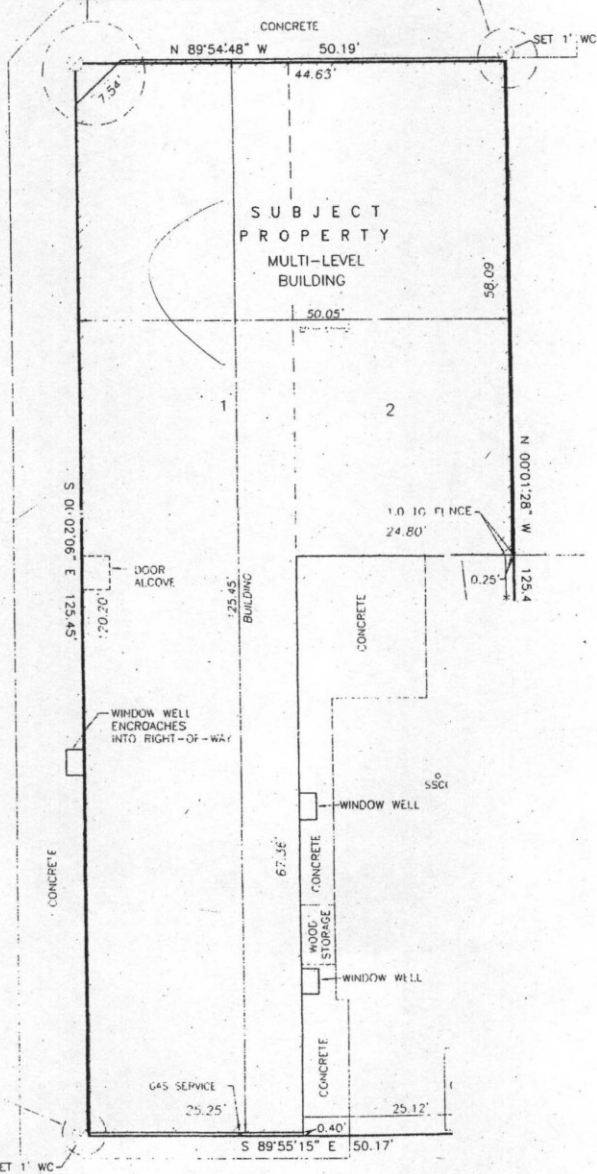
Bruce Hill

City Clerk

Mayor and President of City Council



SECOND STREET



ALLEY

Exhibit "A"

Attach 14

Public Hearing Vacating ROW Painted Bowl Property

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacating right-of-way previously dedicated through the City-owned Painted Bowl property, located northwest of Monument Road and Mariposa Drive					
Meeting Date	September 21, 2005					
Date Prepared	September 12, 2005			File # FP-2005-167		
Author	Kathy Portner		Planning Manager			
Presenter Name	Kathy Portner		Planning Manager			
Report results back to Council	x	No		Yes	When	
Citizen Presentation	x	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of an ordinance vacating right-of-way.

Attachments:

1. Staff report/Background information
2. Vicinity Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Resolution No. 112-05
5. Ordinance

Background Information:

See attached.

AGENDA TOPIC: Vacation of Public Right-of-Way, Redlands Mesa, Filing 7 (FP-2005-167)

ACTION REQUESTED: Hold a public hearing and consider final passage of an ordinance vacating right-of-way.

BACKGROUND INFORMATION					
Location:		Northwest of Monument Road and Mariposa Drive			
Applicants:		Sunflower Investments, LLC			
Existing Land Use:		Unimproved right-of-way			
Proposed Land Use:		Relocate the right-of-way			
Surrounding Land Use:	North	Public			
	South	Public			
	East	Public			
	West	Residential Medium Low/Park			
Existing Zoning:		CSR			
Proposed Zoning:		No change			
Surrounding Zoning:	North	CSR			
	South	CSR			
	East	CSR			
	West	PD (Planned Development)			
Growth Plan Designation:		Public			
Zoning within density range?			Yes		No

PROJECT DESCRIPTION: Introduction of a proposed ordinance to vacate right-of-way previously dedicated through the City-owned Painted Bowl property.

RECOMMENDATION: Staff and Planning Commission recommend approval.

ANALYSIS

1. Background

Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property (just to the south of this proposed right-of-way) to provide access to the Ridges (Book 1037, Page 381-382). The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

2. Consistency with the Growth Plan

The vacation of the right-of-way and subsequent designation of the alternative location provides a secondary access to the Redlands Mesa development, as well as the Ridges and is consistent with the Growth Plan. It is also consistent with the approved Outline Development Plan for Redlands Mesa.

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.
- h. No parcel shall be landlocked as a result of the vacation.
- 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.
- 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).
- 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.
- l. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The vacation of the existing dedicated, unimproved right-of-way conforms to the above criteria.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa right-of-way vacation application, FP-2005-167, for the vacation of a public right-of-way, staff makes the following findings of fact and conclusions:

6. The requested right-of-way vacation is consistent with the Growth Plan.
7. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

RECOMMENDATION:

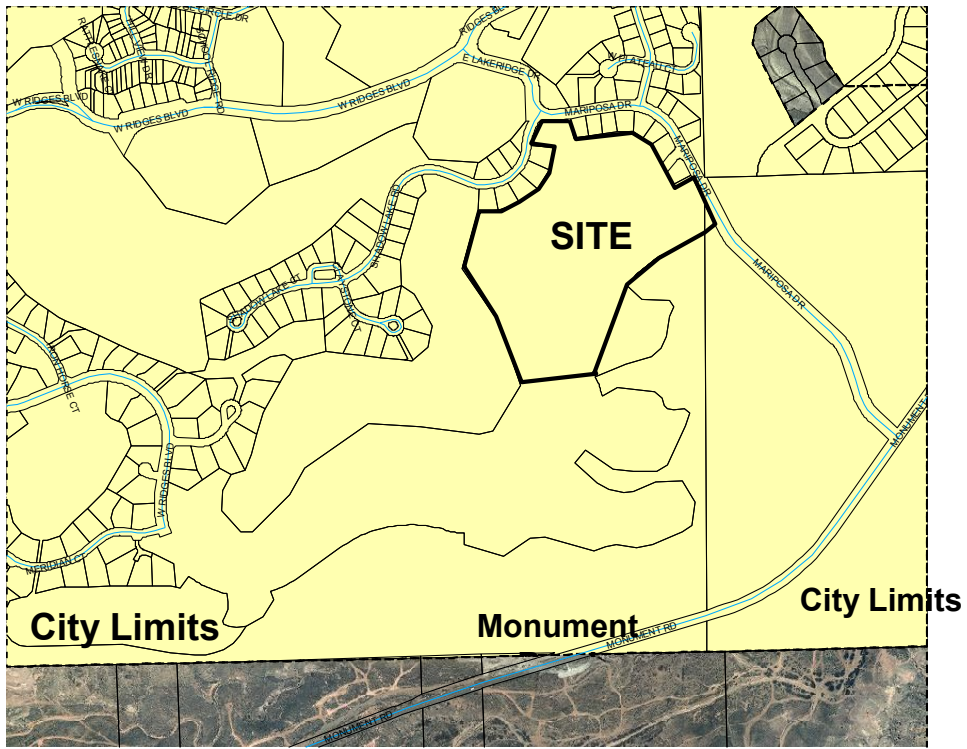
Staff and Planning Commission recommend approval of the requested right-of-way vacation with the findings and conclusions listed above.

Attachments:

Vicinity Map/Aerial Photo
Growth Plan Map/Zoning Map
Resolution No. 112-05
Ordinance

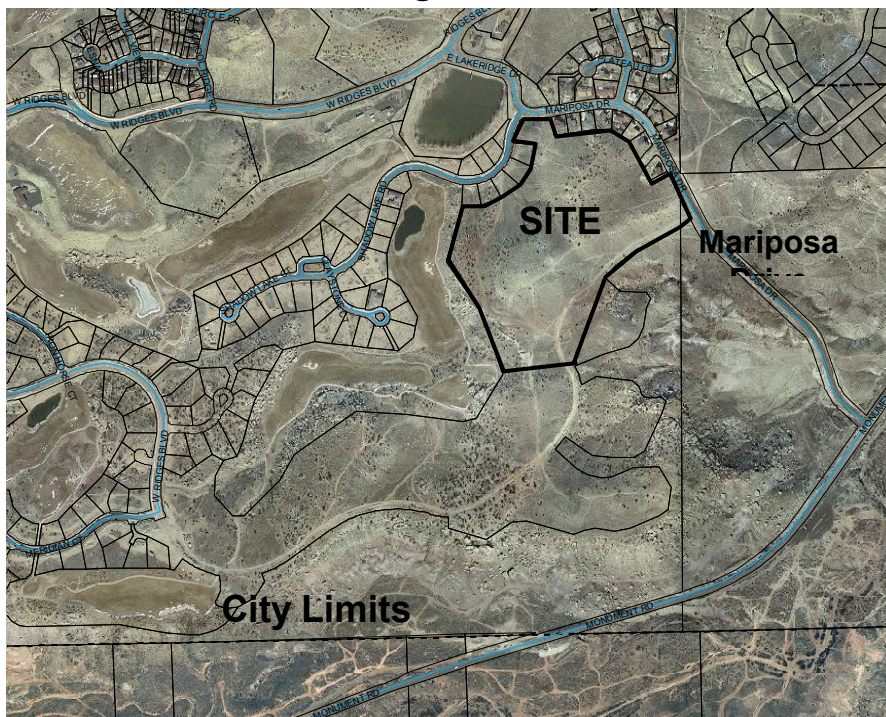
Site Location Map

Figure 1



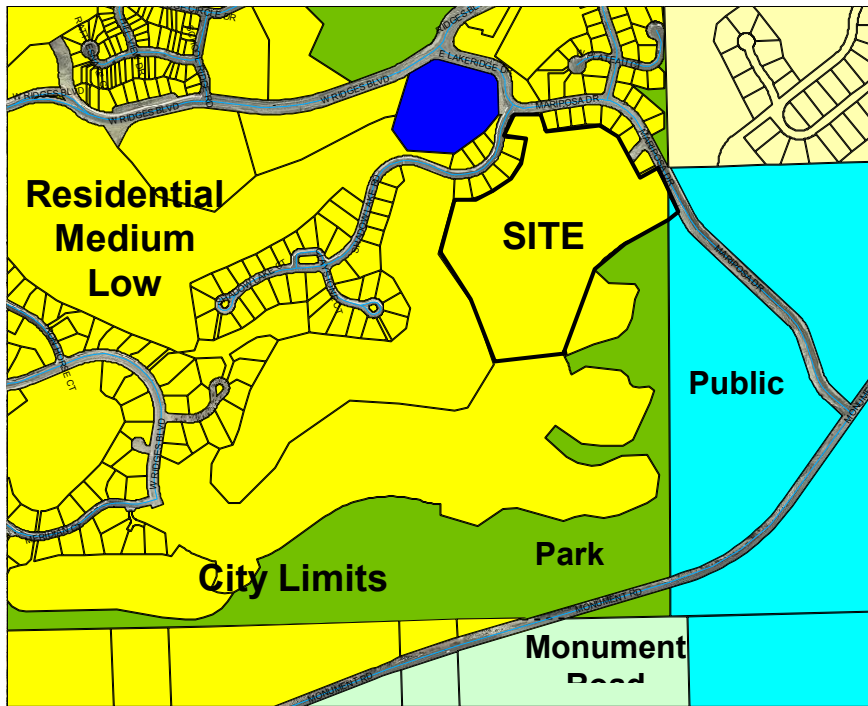
Aerial Photo Map

Figure 2



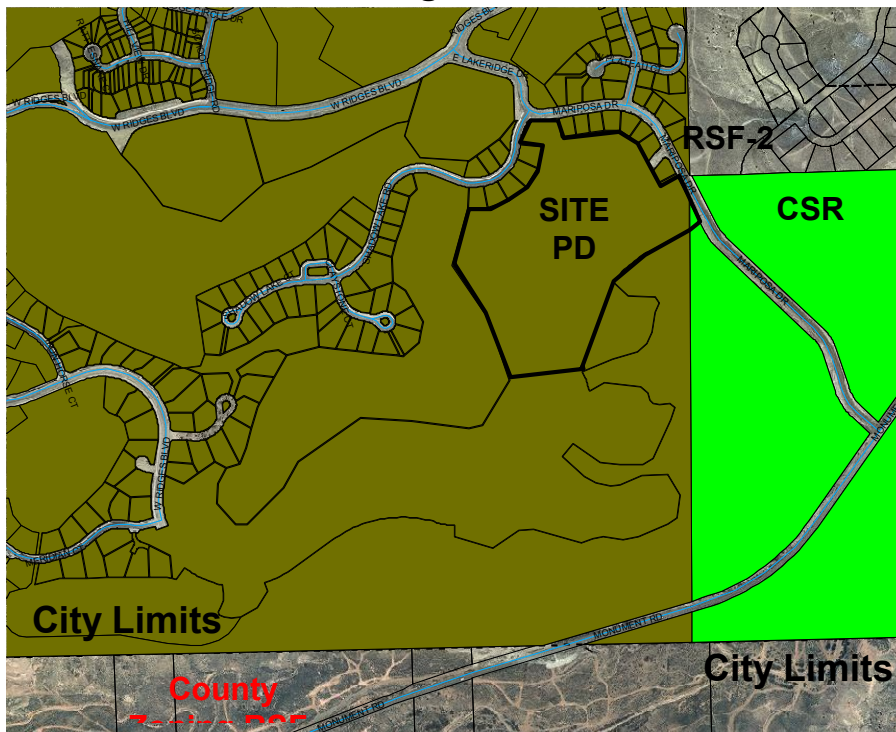
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. 112-05

A RESOLUTION APPROVING DESIGNATION OF CITY OWNED LAND AS RIGHT-OF-WAY

Recitals

Sunflower Investment, LLC has applied to the City to develop Redlands Mesa, Phase IV as a Planned Development. The proposed development is for Block 3 of Redlands Mesa Filing No. 5, recorded with the Mesa County Clerk & Recorder in the public records in Plat Book 3553, Pages 918-923. Sunflower Investment has requested City Council to designate City owned land as right-of-way for access to the parcel.

The Planning Commission has recommended that City Council approve the proposed Preliminary Plan and Planned Development Ordinance with the condition that the right-of-way access must be obtained.

City staff has reviewed the proposed use of the City land as right-of-way. Staff recommends that the City Council designate the land included in the legal description set forth in the attached Exhibit A and depicted in the accompanying sketch, incorporated herein as if fully rewritten, as right-of-way for the use and benefit of Sunflower Investment for the purposes of the Redlands Mesa subdivision.

City Council has considered the value of the land and the benefit of designating the land for use as right-of-way and consents to the same.

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

Upon the vacation of the Right-of-Way granted by Resolution and recorded at Book 1037, Pages 381-382, Mesa County Clerk and Recorder, the City shall designate the land described in the attached Exhibit A as right-of-way.

PASSED, ADOPTED AND SIGNED this 15th day of June, 2005.

President of City Council

ATTEST:

City Clerk

EXHIBIT A

A parcel of land situated in the northwest quarter of the southwest quarter of Section 21, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the west quarter corner of said Section 21;
Thence along the west line of said Section 21 South 1°14'38" West, a distance of 151.69 feet to a point on the west edge of a right-of-way described in Book 1136 at Page 301, being the Point of Beginning;
Thence along said right-of-way South 26°04'06" East, a distance of 161.42 feet;
Thence South 76°05'00" West, a distance of 76.74 feet to the west line of said Section 21;
Thence along said west line North 01°14'38" East, a distance of 163.49 feet to the Point of Beginning.

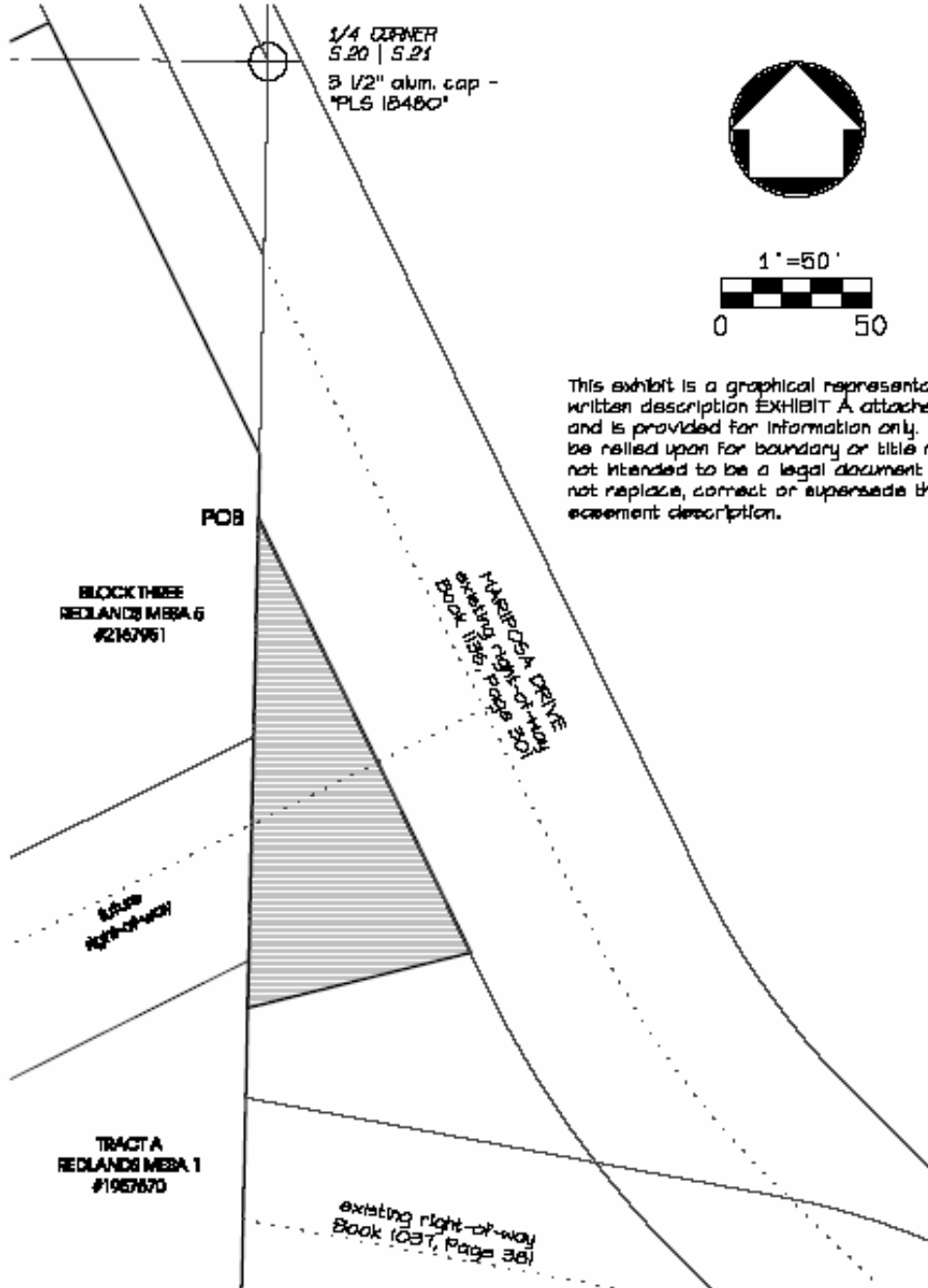
Containing 0.139 acres, more or less.

All bearings herein are relative to a bearing of South 1°14'38" East from the west quarter corner of said Section 21 (a 2" pipe with a 3 ½" cap marked "PLS 18480") to the south sixteenth corner on the west line of said Section 21, (Mesa County Survey Marker #1209).

See EXHIBIT B attached for a representative sketch of this description.

EXHIBIT B

RIGHT-OF-WAY



This exhibit is a graphical representation of the written description EXHIBIT A attached hereto, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached easement description.

THOMPSON-LANGFORD CORP. 529 25 1/2 ROAD - B-210 Grand Junction CO 81505	Section 21, Township 1 South, Range 1 West, Ute Meridian	
	S:\Survey\0356 redlands\000 misc\RMell.pro	Date: Jun 7, 2006
	Drawn: ket	Checked: dra
		Job No. 0356-02704

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY DEDICATED ACROSS THE CITY-OWNED PAINTED BOWL PROPERTY

Recitals:

Sunflower Investment, LLC has applied to the City to develop Redlands Mesa, Filing 7 as a Planned Development and has requested City Council designate City owned land as right-of-way for access to the property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property, just to the south of the requested access (Book 1037, Page 381-382). Said dedication was to provide access to the Ridges. Another alignment has been proposed and found to be the better option.

On June 15th the City Council adopted Resolution No. 112-05 authorizing the designation of the requested land as right-of-way upon the vacation of the existing right-of-way.

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

That all of that public roadway dedicated over and across the Painted Bowl property to provide access to the Ridges, as recorded in Book 1037, Page 381-382, is hereby vacated (see Exhibit A). All of the right-of-way, by virtue of Book 1136, Page 301, shall remain.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of September, 2005.

PASSED on SECOND READING this ____ day of _____, 2005.

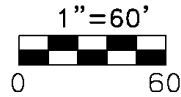
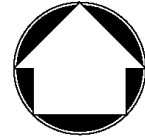
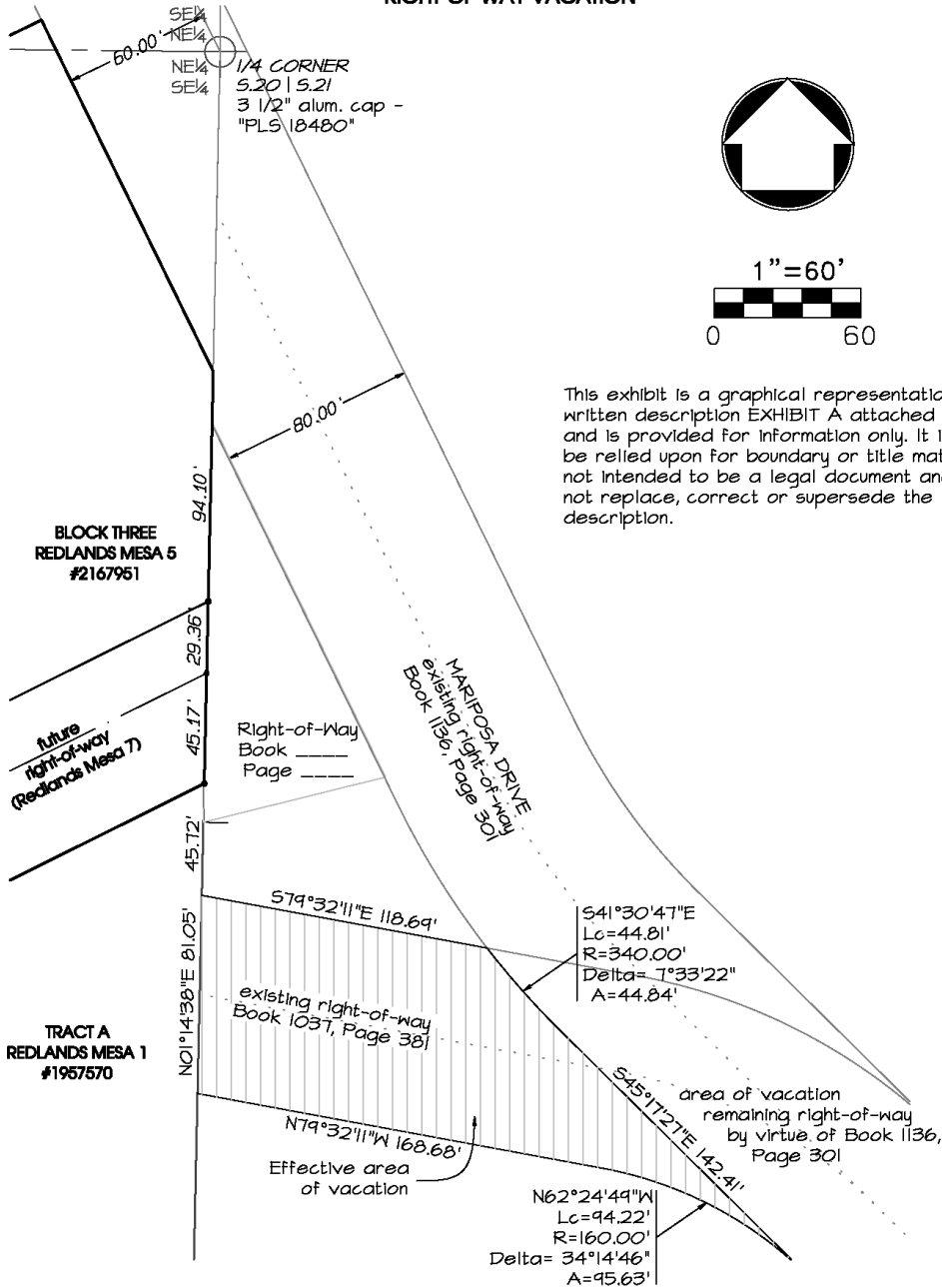
ATTEST:

City Clerk

President of City Council

EXHIBIT A

RIGHT-OF-WAY VACATION



This exhibit is a graphical representation of the written description EXHIBIT A attached hereto, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached description.

THOMPSON-LANGFORD CORP. 529 25 1/2 ROAD - B-210 Grand Junction CO 81505	Section 21, Township 1 South, Range 1 West, Ute Meridian	
	S:\Survey\0356 redmesa\027 f7\027.pro	Date: Sep 12, 2005
	Drawn: kst Checked: drs	Job No. 0356-02704

Attach 15

Public Hearing Amendment to Action Plan for 2004 CDBG and 3 Subrecipient Contracts for Projects with the City's 2004, 2005 Program Years CDBG Program

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment to Action Plan for 2004 CDBG Program Year and Three Subrecipient Contracts for Projects within the City's 2004 and 2005 Program Years Community Development Block Grant (CDBG) Program					
Meeting Date	September 21, 2005					
Date Prepared	September 14, 2005			Files: CDBG 2004-11 CDBG 2005-03 CDBG 2005-05		
Authors	Kristen Ashbeck		Senior Planner			
Presenters Names	Dave Thornton		CDBG Program Manager			
Report Results Back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The amendment to the 2004 CDBG Action Plan is to utilize the grant funds to replace the roof instead of replacing windows at the Hope Haven facility. The Subrecipient Contracts formalize the City's award of a total of \$52,500 to various non-profit organizations and agencies allocated from the City's 2004 and 2005 CDBG Program as previously approved by Council.

Budget: Community Development Block Grant (CDBG) Funds

Action Requested: Hold a Public Hearing and approve the amendment to the City's CDBG 2004 Action Plan for the revision summarized above and authorize the City Manager to sign the three subrecipient contracts.

Background Information:

CDBG 2004-11 Hope Haven Roof Replacement (Amendment to Action Plan and Subrecipient Contract): The City developed a Consolidated Plan and an Action Plan for Program Year 2004 as part of the requirements for use of CDBG funds under its status as an entitlement city. The 2004 Action Plan summarized how the funds for the year are to be allocated and included a project that was to allocate \$7,500 to be used for window replacement for energy conservation purposes for the Hope Haven Residence

and Education Center for Pregnant Teens and Their Babies, Inc. (Hope Haven) located at 811 Ouray Avenue (CDBG 2004-11).

The Hope Haven staff has successfully negotiated with Western Colorado Housing Resources to have storm windows placed on the residence at no charge in lieu of replacing the windows using the CDBG funds. Hope Haven has since identified another rehabilitation need on the structure to which they would like to apply the CDBG funds. The new project would involve the same appropriation of 2004 CDBG program year funds for tear-off and replacement of the roof materials on the same facility at 811 Ouray Avenue. The new roof will arrest any problems being experienced due to a failing roof system as well as improve energy efficiency for the residence.

The City of Grand Junction Citizen Participation Plan: The City followed its Citizens Participation Plan and advertised and will hold this public hearing to amend the City's CDBG Action Plan for Program Year 2004 on September 21, 2005. A summary of this proposed amendment was advertised on September 11, 2005 which will be followed by a 30-day public comment period. A copy of the proposed amendment is available for review at the City Clerk's Office and at the main branch of the Mesa County Public Library. Any public comment is to be submitted in writing to the Community Development Department by October 11, 2005.

CDBG 2005-03 Partners – Purchase 12-Passenger Van (Subrecipient Contract): Mesa Youth Services, Inc. (Partners) will purchase a new 12-passenger van for the purpose of transporting at-risk youth, who are referred by the Municipal, County and District Courts to complete Community Service Hours, to and from jobs. The City is granting \$15,000 to Partners from its CDBG 2005 Program Year funds for purchase of the van. Any remaining balance for the cost of the van will be paid by other funds secured by Partners.

CDBG 2005-05 Transitional Housing for Homeless Veterans Accessibility Upgrade (Subrecipient Contract): The City has awarded Housing Resources of Western Colorado \$30,000 for construction of ADA-compliant access to the housing units at its Transitional Housing for Homeless Veterans facility located at 1333 North 13th Street. The work will entail the construction of a concrete ramp to access at least one of the 8 units in the complex as part of an overall rehabilitation of the building being undertaken by Housing Resources of Western Colorado. The complex was purchased earlier this year, in part, with a contribution from City 2004 CDBG funds

These organizations are considered "subrecipients" to the City. The City will "pass through" a portion of its 2004 and 2005 Program Year CDBG funds to these organizations but the City remains responsible for the use of these funds. These contracts outline the duties and responsibilities of each party/program and are used to ensure that the organizations and agencies 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) contains the specifics of the projects and how the money will be used by the organizations and agencies.

Attachments

1. Summary Sheets of Action Plan Amendment as Drafted for Public Comment
2. Hope Haven Location Map and Photograph
3. Exhibit A, Subrecipient Contract Hope Haven Residence and Education Center for Pregnant Teens and Their Babies
4. Exhibit A, Subrecipient Contract Mesa Youth Services, Inc. dba Partners
5. Exhibit A, Subrecipient Contract Housing Resources of Western Colorado

USER PROJECT

ORIGINAL PROJECT 2004-11

Project Title Hope Haven Window Replacement

Description Hope Haven Residence and Education Center for Pregnant Teens and Their babies, Inc. will use CDBG funds to replace windows in its facility located at 811 Ouray Avenue for security purposes and to improve the energy efficiency of the building.

Project ID --

Local ID 2004-11

Activity Rehabilitation project for a low/moderate clientele benefit

Funding

Community Development (CDBG) \$7,500

Homeless (ESG) \$ 0

Housing (HOME) \$ 0

HIV/AIDS (HOPWA) \$ 0

Other Funding \$ 0

TOTAL \$7,500

Prior Funding \$ 0

Eligibility

Type of Recipient Private Non-Profit

Performance Completion and certified inspection of new windows

Location Type Address

811 Ouray Avenue

USER PROJECT AMENDED PROJECT 2004-11

Project Title Hope Haven Roof Replacement

Description Hope Haven Residence and Education Center for Pregnant Teens and Their babies, Inc. will use CDBG funds to tear-off existing and replace with new roofing materials at its facility located at 811 Ouray to improve the energy efficiency of the building.

Project ID --
Local ID 2004-11

Activity Rehabilitation project for a low/moderate clientele benefit

Funding
Community Development (CDBG) \$7,500
Homeless (ESG) \$ 0
Housing (HOME) \$ 0
HIV/AIDS (HOPWA) \$ 0
Other Funding \$ 0
TOTAL \$7,500

Prior Funding \$ 0

Eligibility
Type of Recipient Private Non-Profit

Performance Completion and certified inspection of new roof

Location Type Address
811 Ouray Avenue



CDBG 2004-11 HOPE HAVEN ROOF REPLACEMENT

811 OURAY AVENUE

**2004 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
HOPE HAVEN RESIDENCE AND EDUCATION CENTER
FOR PREGNANT TEENS AND THEIR BABIES, INC..**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay subject to the subrecipient agreement Hope Haven Residence and Education Center for Pregnant Teens and Their Babies, Inc. (Hope Haven) \$7,500 from its 2004 Program Year CDBG Entitlement Funds for the Roof Replacement project located at 811 Ouray Avenue in Grand Junction, Colorado ("Property" or "the Property"). The general purpose of the project is to improve this historic home to arrest any problems occurring due to a failing roof system and improve energy efficiency.
2. Hope Haven certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.201(c)), Public Facilities and Improvements. It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.208(a)(2)(A), limited clientele activity.
3. The entire project consists of tear-off of existing and replacement with new roof materials on the Hope Haven residence located at 811 Ouray Avenue. The Property is owned by Hope Haven who will continue to operate on the site. It is understood that the City's grant of \$7,500 in CDBG funds shall be used only for the improvements mentioned above. Costs associated with any other elements of the project or costs above and beyond \$7,500 required for the roof replacement shall be paid for by other funding sources obtained by Hope Haven.
4. This project shall commence upon the full and proper execution of the 2004 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before October 31, 2006.

_____ Hope Haven
_____ City

5. The project shall entail the following activities to be undertaken at the 811 Ouray Avenue facility:

Roof Tear-Off and Replacement Materials & Labor \$ 7,500** (City CDBG)

** City CDBG funds up to \$7,500 shall be used for roof replacement costs only. City CDBG funds will not be used for any other interior or exterior renovation of the building or site. Source of funds for all other costs shall be Hope Haven, other grants received by Hope Haven and in-kind services/materials.

6. Hope Haven served 16 young women and 7 infants in the past year and expects to increase service by 35% upon completion of renovation of the residence.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of Hope Haven 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. Hope Haven shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. Hope Haven 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. During a period of five (5) years following the date of completion of the project the use of the Property improved may not change unless: 1) the City determines the new use meets one of the National Objectives of the CDBG Program, and 2) Hope Haven provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If Hope Haven decides, after consultation with affected citizens that it is appropriate to change the use of the Property to a use which the City determines does not qualify in meeting a CDBG National Objective, Hope Haven must reimburse the City a prorated share of the City's \$7,500 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Property shall be in effect.

_____ Hope Haven
_____ City

10. Hope Haven 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. Hope Haven 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. Hope Haven shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
11. 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.
12. A formal project notice will be sent to Hope Haven once all funds are expended and a final report is received.

Hope Haven
City

**2005 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH MESA YOUTH SERVICES, INC dba PARTNERS**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement Mesa Youth Services, Inc. dba Partners (Partners) \$15,000 from its 2005 Program Year CDBG Entitlement Funds for purchase of a 12-passenger van. The general purpose of the project is to transport "at risk" youth, who are referred by the Justice System to complete Community Service Hours, to and from jobs via referrals from the Municipal, County and District Courts (Partners Restitution Program)
2. Partners certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services – Youth Services.
3. The entire project consists of purchase of a 12-passenger van for the use and benefit of the clients of Partners. It is understood that the City's grant of \$15,000 in CDBG funds shall be used only for the purchase of the van. Costs associated with any other elements of the Partners programs shall be paid for by other funding sources obtained by Partners. Partners shall provide a copy of evidence of insurance for the vehicle with the first subrecipient drawdown request.
4. This project shall commence upon the full and proper execution of the 2005 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review approval and compliance. The project shall be completed on or before June 30, 2006.
5. The budget for the entire project is as follows:

<u>Project Activity</u>	<u>Estimated Cost</u>	<u>Source of Funds</u>
Purchase of 12-Passenger Van	\$15,000	\$15,000 CDBG Funds*
6. Partners estimates that it will transport approximately 1,100 individuals in the Restitution Program over the next year.

_____ Partners

_____ City of Grand Junction

7. The City of Grand Junction shall monitor and evaluate the progress and performance of Partners 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. Partners shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. Partners 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 once the project is completed.
9. During a period of five (5) years following the date of completion of the project the use or planned use of the property improved may not change unless 1) the City determines the new use meets one of the National Objectives of the CDBG Program, and 2) Partners provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Partners decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, Partners must reimburse the City a prorated share of the City's \$15,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions on use of the property shall be in effect.
10. Partners 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. Partners 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. Partners shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
11. 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.
12. A formal project notice will be sent to Partners once all funds are expended and a final report is received.

_____ Partners

_____ City of Grand Junction

**CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH HOUSING RESOURCES OF WESTERN COLORADO**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay to the Subrecipient, subject to the subrecipient agreement, \$30,000 from its 2005 Program Year CDBG Entitlement Funds for the Accessibility Upgrade project located at 1333 North 13th Street in Grand Junction, Colorado ("Property" or "the Property"). The general purpose of the project is to provide ADA compliant access to the units in Transitional Housing for Homeless Veterans facility through construction of a ramp.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.201(c)), Public Facilities and Improvements. It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(k), removal of architectural barriers.
3. The project consists of construction of an ADA-compliant accessible ramp addition to the Transitional Housing for Homeless Veterans facility located at 1333 North 13th Street as part of a larger rehabilitation project for the property. The Property is owned by Phoenix, LLP with Housing Resources of Western Colorado as a majority partner. Housing Resources will continue to operate the facility. It is understood that the City's grant of \$30,000 in CDBG funds shall be used only for the accessible ramp improvements described in this agreement. Costs associated with any other elements of the project/program shall be paid for by other funding sources obtained by the Subrecipient.
7. This project shall commence upon the full and proper execution of the 2005 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2006.

_____ Subrecipient/Phoenix, LLP
_____ City

8. The entire project budget for the improvements to the 1333 North 13th Street

facility is as listed below.

ITEM	COST	FUND SOURCE
Replace Appliances/Coolers	\$10,450	Other
Soffit/Gutter Repair	1,500	Other
Window Coverings	1,200	Other
Painting	5,600	Other
Carpet Replacement	8,000	Other
Shed Repair	800	Other
ADA Unit Remodel	5,950	Other
Weatherization	8,000	Other
Accessible Ramp	30,000	CDBG
Contingency	7,150	Other
TOTAL PROJECT COST	\$78,650	

City CDBG funds up to \$30,000 shall be used for construction of the accessible ramp. City CDBG funds will not be used for any other elements of the project. Source of funds for all other costs shall be Housing Resources of Western Colorado, other grants received by Housing Resources of Western Colorado and/or in-kind services/materials.

7. It is anticipated that the programs and services provided by the Transitional Housing for Homeless Veterans will provide approximately 2,900 bed nights for homeless veterans in 2005-2006.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of the Subrecipient 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. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient 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. During a period of five (5) years following the date of completion of the project the use of the Property improved may not change unless: 1) the City determines the new use meets one of the National Objectives of the CDBG Program, and 2) the Subrecipient provides affected citizens with reasonable notice and an opportunity to

_____ Subrecipient/Phoenix, LLP
_____ City

comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Property to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$30,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Property shall be in effect.

10. The Subrecipient 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. The Subrecipient 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. The Subrecipient shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
11. 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.
13. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

____ Subrecipient/Phoenix, LLP
____ City

Attach 16

Design Contract for I70/Horizon Drive Interchange Landscape Improvements

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Design Contract for I-70/Horizon Drive Interchange Landscape Improvements Project					
Meeting Date	September 21, 2005					
Date Prepared	September 15, 2005				File #	
Author	D. Paul Jagim		Project Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Carter & Burgess Inc. was selected through a Qualifications Based Selection (QBS) process to design the I-70/Horizon Drive Interchange Landscape Improvements Project. Six proposals were received. Based on an evaluation of the proposals, three firms were invited to make presentations to the selection committee. Carter & Burgess Inc. was the preferred firm to provide these professional design services.

Budget: Project No.: F47500

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Professional Design Contract (Carter Burgess)	\$72,400
Conceptual Design Costs (2005 Expenditures):	
Conceptual Design Contract (Carter Burgess),	
City Administration and Coordination	\$21,842
Construction, Administration, Inspection, Testing	<u>\$905,758</u>
Totals:	\$1,000,000

Project Funding:

<u>Funding</u>	<u>Estimated Funding</u>
2005 Funds allocated to F47500	\$250,000
2006 Funds allocated to F47500	<u>\$750,000</u>

Totals:

\$1,000,000

Action Requested/Recommendation: Authorize the City Manager to execute a contract for design of the I-70/Horizon Drive Interchange Landscape Improvements Project with Carter & Burgess, Inc., in the amount of \$72,400.00.

Attachments: A summary of the design fee proposal is attached.

Background Information:

The Strategic Plan for the City of Grand Junction identifies the goal of creating City entrances and corridors that reflect the natural beauty of the area. In harmony with this goal, the City is proceeding with projects designed to beautify major gateways to the community. These projects will incorporate common elements that have been developed by the Gateway Committee. The list of upcoming projects that will incorporate recommendations from the Gateway Committee includes: the I-70 Interchange with Horizon Drive, the I-70 Interchange with 24 Road, and the Riverside Parkway.

Planning for the Landscape Improvements at the I-70 Horizon Drive Interchange began in 2004. Working closely with the Horizon Drive Business Improvement District and the Colorado Department of Transportation, the City and its consultant, Carter Burgess, developed a conceptual plan for improvements. This contract for professional services will finalize the plans, with a proposed construction start date in 2006.

A selection committee was created that consisted of representatives from the City's Engineering, Parks, Planning, and Purchasing Divisions as well as two members of the Horizon Drive Business Improvement District's Board of Directors.

A request for proposals for professional design services for the final design of landscape improvements was issued through the City's Purchasing Division in June 2005. Six proposals were received on July 21, 2005. Based on an evaluation of the proposals, three firms were invited to make presentations to the selection committee. The short listed firms were: Carter Burgess from Denver, the team of Winston Associates and Ciavonne, Roberts & Associates from Boulder and Grand Junction, and Shapins Associates from Boulder.

Letters were sent to the three short listed firms inviting them to be interviewed. A list of detailed questions developed by the selection committee was included in the letter. The firms were asked to address these items in their presentations. The questions were:

- What will be your process for establishing the key message, functions, and theme of this City gateway?

- How will you build a sense of ownership for the project among the Horizon Drive Business Improvement District members?
- How do you propose to utilize the work previously accomplished during the conceptual phase of this project?
- How do you propose to develop and implement the Public Art portion of the project?
- What is your proposed division of tasks among your team of consultants? Who will be tasked with preparation of the final plans and bid documents?
- How will you insure that the project harmonizes with the needs and requirements of the Colorado Department of Transportation?
- What are your recommendations regarding the proposed schedule?

Additionally, the short listed firms were asked to provide a list of standard fees and payment schedule requirements in a separate sealed envelope.

Presentations to the selection committee took place on August 25. The presentations were evaluated and ranked based on:

- Qualifications of Key Personnel
- Firm Experience
- Overall Approach/Process
- Ability to work with Affected Interests
- Accessibility and Availability of Consultant
- Ability to meet or improve the project schedule

After careful consideration, the selection committee decided that Carter Burgess was the first preference for providing professional services on this project. The fee proposal submitted by Carter Burgess was opened and appeared satisfactory as the fee percentage of construction cost was within the range expected from past City projects.

Construction of the landscape improvements will take place in 2006.

September 9, 2005

Mr. D. Paul Jagim, P.E.
Project Engineer
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

**RE: I-70/Horizon Drive Interchange
Landscape Improvement Project
RFP # 1187-05-RS**

Mr. Jagim,

We are delighted to have been selected to assist the City and Stakeholders for the I-70/Horizon Drive Interchange project. I can assure you that we will provide the City with service and product to meet the expectations of this opportunity.

I have prepared an outline Scope of Services and related Fees for your review. As soon as possible I would like to initiate the CDOT contact and the schedule for meetings. I will contact Thompson-Langford to discuss schedule for survey – field work.

I have revised the Scope relative to our phone conference call earlier today.

Contact me at your earliest convenience to determine a Final Scope and Fee to meet your schedule with Council at (303) 820-5289 or Renee Henningfeld at (303) 820-4872.

Cordially,

Steve Wilensky, RLA
Vice President

Exhibit “A”

I-70 / Horizon Drive Interchange Landscape Improvements Project

Technical Proposal

Task One: Survey / Base mapping

The consultant will provide a field survey and corresponding mapping of the project area including:

- Horizon Drive roadway geometry and grades
- I-70 Bridge elevated structure, relationships including structure limits, pavement limits, on and off ramps, abutments, walls, barriers, railings and associated physical improvements.
- Signage
- Lighting
- Curb and gutter
- Sidewalks, ramps
- Inlets and drainage structures
- Adjacent frontage roads
- Utilities, easements and rights of way
- Topographic survey

The City will coordinate and request, from CDOT, an access permit for all survey and field work. The Consultant will prepare exhibits for permit including: Geographical Boundary Identification and Traffic Control Plan for survey activities.

The City will coordinate and request locates from the utility providers/owners in the area and the Consultant will survey identified locates. Potential conflicts will be identified and the City will procure potholing at the City’s cost, and the Consultant will be present to document and survey potholing information.

Products:

- This field information will be documented and prepared on a project base mapping file at a scale of 1” = 30’-0”.
- Traffic Control Plans for survey activity.
- Geographic Boundary exhibit of survey area.

Task Two: Coordination with stakeholders / final plan

Based upon the prepared conceptual plan, the consultant will visit with staff from CDOT. This initial meeting will include discussions of the components of the conceptual plan and provide CDOT an opportunity to review and comment. The outcome of this meeting will be identification of criteria to be utilized in refinement of the conceptual plan. Additionally, maintenance will be discussed. Designation of maintenance will be identified; City forces, the Horizon Drive B.I.D. or

Exhibit “A” (continued)

CDOT. This will have a major influence on what improvements will be considered by the City and CDOT. The City Project Manager will be required to attend all meetings with CDOT. As-Builts of improvements will be requested at this time.

The final design concept will be developed for a construction budget of approximately \$750,000.00.

Utility providers, both public and private, will be consulted to discuss general criteria of planned improvements and any potential conflicts. Service connections and metering for electrical and water service will be discussed to determine location and associated improvements and project costs.

Upon the initial meetings with CDOT, City staff and the utility providers, the consultant will document and prepare a “project criteria” memo identifying specific points of discussion, opportunities and potential conflicts.

The consultant will review the conceptual plan and develop refinements to that plan. Alternatives for specific design elements illustrated in the conceptual plan will be developed for discussion with public stakeholders.

Carter & Burgess will develop up to two layouts, as directed and approved by the City, for a roundabout interchange (roundabouts on both sides of I-70) that consider different circle sizes and horizontal locations. This will be a sketch-level design that will be done without the benefit of turning volumes, unless turning volumes are provided by the City of Grand Junction. The goal of the layouts is to identify the range of horizontal area in which roundabouts might fit so that those areas can be considered when developing the urban design concept.

Meetings will take place with the Horizon Drive B.I.D., Gateway Committee, local businesses and the general public. At each of these meetings, alternatives will be presented, discussed and prioritized for further review or dismissal.

The conceptual plan will then be refined, including comments from all stakeholders as directed by the City. Cost analysis will be completed at each level of refinement, for all alternatives, to understand impacts to the budget.

This final plan will then be presented to all entities and stakeholders for final review and comment.

This final plan will include plans, sketches, materials samples, photos, review of other City improvements to be incorporated, and final cost analysis. This plan will be utilized for submission to CDOT for a Landscape permit and Special Use permit. The Consultant will prepare exhibits and applications for a City submitted application for permit to CDOT.

Exhibit “A” (continued)

Products:

- Cost analysis/evaluation
- Plans/sketches
- Material samples
- Round about concepts
- Refinement of conceptual plan
- Meetings
 - City staff (4)
 - CDOT (4)
 - Utility providers (3)
 - Horizon Drive BID (3)
 - Gateway committee (2)
 - Public open house (1)
 - Grand Junction Arts Commission (2)
- Final plan
- Exhibits for City submitted permit applications to CDOT
- Estimate of construction costs

Task Three: Final Design Documents

Final design documents will be developed at the direction of the city, upon review and acceptance from the city staff and departments, CDOT, utility providers, Gateway Committee and the Horizon Drive B.I.D. This approval will include assignment of a construction cost amount, approximately \$750,000, derived from consultants prepared estimates and local contractor input.

All documents will be submitted electronically, in Auto CADD 2004 format, one hard copy 11X17 and one 24x36 hard copy.

Public Art (call for entries):

The Consultant will work with the Grand Junction Arts Commission and develop a “call for entries” to solicit local artist participation. The Consultant will coordinate artist contact and submissions for a City panel to select an artist. The Consultant will then work with the selected artist to incorporate artist work and products into the design documents.

Upon artist selection, the City will negotiate a fee with the selected artist and borne all artist design fees. The Consultant will subconsultant with the artist for payment if the City desires.

Directional Signage:

The Consultant will review and coordinate with CDOT and MUTCD for required signage and incorporate Horizon Drive BID identification and “Branding” as appropriate.

Exhibit "A" (continued)

Bid Services:

The Consultant will attend a Pre-Bid meeting and be available during the Bid process for RFI's clarifications and assist the City with all addenda.

Products:

The final design documents will include 100% Construction Documents:

- Layout plans
- Grading/walls
- Traffic control
- Sidewalks, curb/gutter, guardrail and fencing
- Lighting
- Irrigation
- Planting
- Decorative concrete paving
- Concrete flatwork
- Monuments
- Public art (call for entries)
- Directional Signage
- Plans (CDOT format) Auto CADD 2004
- Specifications/special provisions (CDOT format)
- Engineers estimate
- QA/QC
- FOR, if required
- Services during the Bid period

Exhibit "B"

Fee Schedule

The following fee schedule is based upon the attached scope of work "Exhibit A".

Task One: Survey and base mapping	\$ 8,000.00
Task Two: Coordination with stakeholders/final plan	\$26,000.00
Task Three: Final design documents	\$28,000.00
Artist Fees	TBD
Total labor – including subconsultants	\$62,000.00
Expenses:	
Travel – 8 trips (2 people)	\$ 6400.00
Hotel – 8 nights (2 people)	\$ 1120.00
Meals – 20/day @ 8 trips (2 people)	\$ 1280.00
Travel allowance	\$ 8800.00
Printing/reproduction	\$ 1200.00
Phone/fax/delivery	\$ 400.00
Total expenses allowance	\$ 10400.00
<hr/>	
Total fee:	\$72,400.00

Exhibit "B" (continued)

I-70 / Horizon Drive Interchange Landscape Improvements Project

List of standard fees/billing rates

Carter & Burgess

Steven Wilensky	\$ 170.00/hr.
Renee Henningfeld	\$ 77.00/hr.
Ricky Fahlstedt	\$ 60.00/hr.
Matt Kinsella	\$ 122.00/hr.
James Krogman	\$ 70.00/hr.
Ellen Newcomer	\$ 60.00/hr.
Jay Brasher	\$ 170.00/hr.
Diane Yates	\$ 100.00/hr.
Fee:	\$42,000.00

Subconsultants

IDC - Irrigation	
Steve Nelson	\$75.00/hr.
CADD support	\$55.00/hr.
Fee:	\$6,000.00

Clanton & Associates - Lighting	
Nancy Clanton	\$120.00/hr.
Greg Adams	\$ 90.00/hr.
CADD support	\$ 50.00/hr.
Fee:	\$6,000.00

Thompson-Langford - Survey	Lump Sum Fee:	\$8,000.00
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Payment schedule

Invoices will be mailed to the City of Grand Junction, Project Manager, monthly for the duration of the project. Invoices will summarize, by task, hourly charges by each project personnel and billed as a percentage complete for the pre-negotiated cost amount for each task. Invoices will include timesheets for each project personnel delineating hours of effort on a weekly basis.

The project fee will be negotiated with the City at the time of a detailed work plan is accepted. The fee will stipulate work product deliverables, number of meetings, type of meeting with a fixed fee not to exceed maximum amount.

Expenses will be billed directly, at cost, with pre-approval from the city project manager prior to expenses being incurrent.

Exhibit “C”

Project Schedule

- | | |
|--|----------------|
| I. Existing Conditions Survey
October 21 | September 26 - |
| II. Coordination with Stakeholders/Final Plan
November 10 | September 26 – |
| III. Final Design Documents
– December 20 | November 1 |

Attach 17

Construction Contract Award for Riverside Parkway Phase I

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract Award for Riverside Parkway Phase I					
Meeting Date	September 21, 2005					
Date Prepared	September 15, 2005			File #		
Author	Jim Shanks Trent Prall		Riverside Parkway Program Manager Riverside Parkway Project Manager			
Presenter Name	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Award of a Construction Contract to SEMA Construction, Inc. in the amount of \$13,777,777.11 for the Riverside Parkway Phase I.

Budget: The Riverside Parkway is funded through Fund 204 / F04600. The overall project budget and this construction contract are as follows:

Budget	Expenses
Right-of-Way & Relocations	\$19,554,715
General fund property purchases	\$886,044
1601 study and 30% plans	\$5,486,000
Construction Oversight	\$4,200,000
City administration expenses	\$2,800,000
Stipends	\$150,000
Attorneys Fees	\$165,000
Utility relocations	\$1,000,000
Street lights and undergrounding	\$3,532,000
Final Design	\$2,994,000
Construction	\$55,254,337
Construction - Phase I - This contract	\$13,777,777
Total	\$96,022,096

Some of the construction work will be reimbursed by Mesa County and utility companies. Central Grand Valley Sanitation District will reimburse the City \$1,958,262 while Ute Water and Tri-State Communications will responsible for \$436,830 and

\$74,580 respectively. Revenue from Mesa County for the 29 Road portion is estimated at \$2,670,148. Total revenue for construction reimbursement to be received from non-City sources is \$5,139,820.

The portion of the project to be funded by the Riverside Parkway is \$8,637,957.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **Riverside Parkway Phase I** to SEMA Construction, Inc. in the amount of **\$13,777,777.11**.

Attachments: none

Background Information:

The project generally consists of four miles of new and reconstructed minor arterial roadway and replacement of 12,600 linear feet of sewer line, 11,551 linear feet of irrigation facilities, and 12,200 linear feet of storm drain facilities.

The project was bid in three schedules. Schedule A represented the west half of the project from 9th Street to 28 Road. Schedule B included the east half of the project from 28 Road to 29 Road and south on 29 Road to the Colorado River Bridge. Schedule C was for those contractors that were interested in the entire job instead of just one half or the other.

Contractors could bid any of the schedules with the only criteria that the City would pick the lowest cost combination of A and B or schedule C.

Two bids were opened on Tuesday, September 13, 2005. Both contractors bid Schedule C:

Contractor	From	Bid
Sema Construction	Englewood, CO	\$ 13,777,777.11
United Companies	Grand Junction, CO	\$ 15,336,125.40
Engineer's Estimate		\$ 14,502,000.00

Attach 18

Purchase of Property at 2911 D Road for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 2911 D Road for the Riverside Parkway Project					
Meeting Date	September 21, 2005					
Date Prepared	September 15, 2005				File #	
Author	Trent Prall			Riverside Pkwy Project Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The City has entered into a contract to purchase a portion of the property at 2911 D Road from Wilbur C and Nona F Vanwinkle. 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:

2005 Right-of-Way Budget	\$10,000,000
2005 Right-of-Way Related Expenses to Date:*	\$8,360,570
Costs Related to this Property Purchase:	
Purchase Price	\$107,588
Closing Costs	\$500
Environmental Inspections	\$0
Asbestos Removal	\$0
Demolition and Misc environmental cleanup	\$2,000
Total Costs Related to This Request	\$110,088
2005 Remaining Right-of-Way Funds	\$1,529,342
Total Project Budget	\$92,967,759
Estimated Project Costs:	
Right-of-Way & Land Purchases / relocation expenses	\$19,554,715
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$52,200,000
Total Estimated Project Costs	\$92,967,759

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 2911 D Road from Wilbur C and Nona F Vanwinkle.

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 property is located on the southeast corner of 29 Road and D Road. The project requires the following from 19.281 acre property:

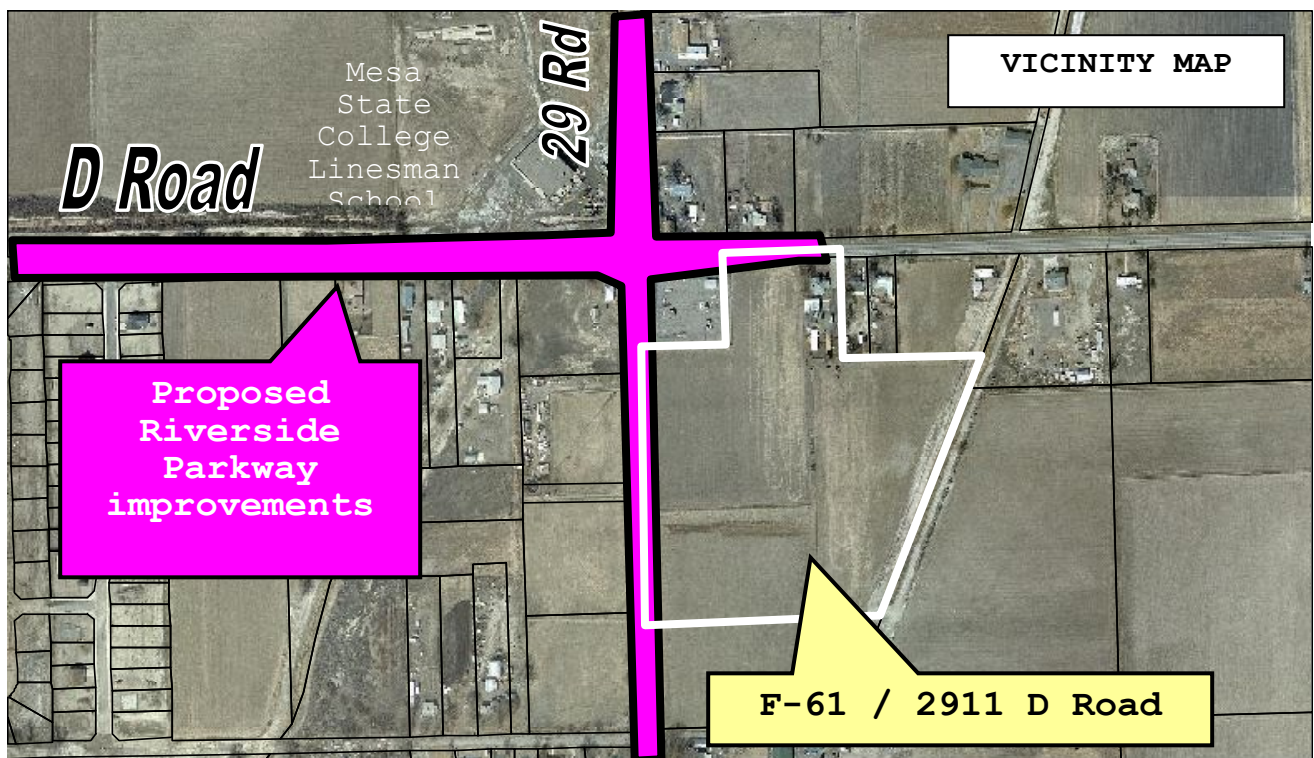
Parcel	Total ROW	Historic ROW	Net	Utility Easement
F-61 A	9,874	8,114	1,760 sf	4,450 sf
F-61 B	45,648	13,678	31,970 sf	4,528 sf
Totals	55,522	21,792	33,730 sf	8,978 sf
	1.275	0.500	0.774 ac	0.206 ac

The City is only obligated to pay a nominal amount, in this case \$10.00, for the 21,792 sq ft of right of way that has historically been used for road purposes on 29 Road and D Road. The remaining ROW and utility easement needed for the project is purchased at fair market value.

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 City's appraisal determined the value to be \$107,588. The property owner is encouraged, but not required, to also obtain an appraisal. The owner's appraisal estimated the value at \$56,000. The owner's appraiser was given an opportunity to revisit his appraisal which he declined. The two appraisals each used different comparable sales data. The City is bound by statute to offer at least its appraised amount.

Closing is set for to occur on or before September 30, 2005. Staff recommends this purchase as it is necessary for the construction of the proposed Riverside Parkway.



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 2911 D ROAD FROM WILBUR C AND NONA F VANWINKLE

Recitals.

A. The City of Grand Junction has entered into a contract with Wilbur C and Nona F Vanwinkle, for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway.

Project Number	Schedule #	Address	Zoned	Current Use	ROW Reqd (Sq ft)	Easement Req (SF)
F-61	2943-202-00-059	2911 D Road	Commercial	Agricultural	55,522	8,978

B. The purchase contract provides that on or before September 21, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the 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 portions of the property at 2911 D Road.

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 \$107,588. 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. The sum of \$107,588 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:
Council

President of the

City Clerk

Attach 19

Purchase of Property at 2854 Patterson Road for Matchett Park

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 2854 Patterson Road					
Meeting Date	September 21, 2005					
Date Prepared	September 15, 2005				File #	
Author	John Shaver		City Attorney			
Presenter Name	Kelly Arnold John Shaver		City Manager City Attorney			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered into a contract to purchase the property at 2854 Patterson Road. The contract is contingent on City Council's ratification.

Budget: Sufficient funds exist in the City Council contingency and Parks Department budgets for the acquisition.

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 2854 Patterson Road.

Attachments:

Proposed Resolution.

Background Information: The City of Grand Junction has entered into a contract with Timothy W. Smith and Susan F. Smith, for the purchase by the City of real property located adjacent to the Matchett farm property on Patterson Road. The street address of the property is 2854 Patterson Road and the Mesa County Assessor parcel number is 2943-064-00-036. The purchase of this property will eliminate an in-holding in the Matchett property, facilitate future development and prevent conflict between public uses and the residential use of this property.

The purchase contract provides that the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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.

Closing is set for early October to allow the owner to move. Staff recommends this purchase.

RESOLUTION NO. ____-05

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 2854 PATTERSON ROAD FROM TIMOTHY W. SMITH AND SUSAN F. SMITH

Recitals.

The City of Grand Junction has entered into a contract with Timothy W. Smith and Susan F. Smith, for the purchase by the City of real property located adjacent to the Matchett farm property on Patterson Road. The street address of the property is 2854 Patterson Road and the Mesa County Assessor parcel number is 2943-064-00-036. The purchase will eliminate an in-holding in the City property.

The purchase contract provides that the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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 \$197,500. 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. The amount of \$197,500.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.
3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing 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.

President of the Council

Attest:

City Clerk

Attach 20

Request for Incentive for CBI

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Request for Incentives for Colorado Bureau of Investigation					
Meeting Date	September 21, 2005					
Date Prepared	September 13, 2005				File #	
Author	Sheryl Trent		Assistant to the City Manager			
Presenter Name	Sheryl Trent		Assistant to the City Manager			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The Grand Junction Economic Partnership is requesting consideration of an incentive in the amount of \$200,000 for the Colorado Bureau of Investigation (CBI) to relocate to the City of Grand Junction. This incentive would be based on a written agreement between the parties and is based on the intent of CBI to move, hire, and retain a certain number of employees for a specified period of time.

Budget: The request for \$200,000 could be funded from the Economic Development Fund, which has a current projected year end available amount of \$316,278.

Action Requested/Recommendation That the attached resolution authorizing the expenditure of \$200,000 for reimbursement of incurred relocation costs for Colorado Bureau of Investigation be authorized.

Attachments: Letter of request from Grand Junction Economic Partnership (GJEP) regarding CBI. Letter from IDI donating the land for the location of CBI.

Background Information:

Currently the Colorado Bureau of Investigation has a crime lab facility located in Montrose, Colorado. They are leasing their facilities from the hospital, and must move from those buildings no later than the summer of 2008. Currently CBI has sixteen (16) employees working at that location, all of which would be expected to work out of a new location. CBI sent out requests for relocation, to which the City of Grand Junction responded. GJEP coordinated this effort and several variations on location and building sites were discussed. Industrial Developments Inc (IDI) has offered two tracts of land in the Air Tech Park subdivision at no cost to CBI for purposes of relocation. After a lengthy and time consuming review process, CBI determined that the site offered in the City of Grand Junction was best suited for their purposes.

At the same time CBI is approaching the Colorado legislature to obtain a significant increase in funding. This will allow them to increase their employment from sixteen to thirty-seven (37) employees and finance the payment on the new building. That process will begin shortly and may be dependent upon the election this November. At this time it is unclear that they will have the ability to add new employees and/or finance the payments for the lease of a new building.

The \$200,000 will be a reimbursement of actual billed costs based on the expense to move and relocate both equipment and employees.

At this time, GJEP and CBI have signed a Memorandum of Understanding regarding the relocation. This MOU sets forth, between GJEP and CBI as the only parties, the specifics related to the move of the facilities to Grand Junction. While the MOU mentions some financial assistance from the City in the potential form of relocation costs and bonding capacity, it does not bind the City of Grand Junction in any way nor does it commit the City to the performance of certain tasks.

Considerations for Discussion

- The amount requested is \$200,000. The current balance of the Economic Development Fund is expected to be \$316, 278 at the end of 2005. We know of at least one more infill and redevelopment request in the amount of \$30,000.
- The cash grant will be provided based upon the full-employment as specified in the CBI needs analysis. At full employment CBI anticipates 37 full time positions which, due to the highly skilled nature, will pay significantly higher than the Mesa County average wage. This means that if the sixteen current employees of CBI do not move to Grand Junction, no reimbursement would be made, and if CBI is unsuccessful at obtaining approval from the legislature, no reimbursement would be made.
- The cash grant can only be used for the reimbursement of relocation costs and the disbursement will occur accordingly. CBI will receive the lesser of \$200,000 or the costs of relocation and moving incurred. Again, this will solely be based on the number of employees that relocate to Grand Junction.
- The County has indicated that they will not contribute cash incentives to the relocation of CBI to Grand Junction.
- IDI will be requesting financial assistance, in the approximate amount of \$150,000, to assist in the infrastructure for the two CBI parcels they have donated. Staff is researching other funding options, but should that not be available the Economic Development Fund may need to be augmented with an additional transfer.
- CBI is a state agency, and not a primary employer. While GJEP feels that CBI meets the definition of primary employer as the funding for the program comes from outside the area (from Denver), staff does not view CBI as a primary employer. This will be the first time that the City of Grand Junction would fund this nature of incentive.

Mayor Hill and Council Members
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

August 3, 2005

Dear Mayor Hill and Council Members,

As you know the Grand Junction Economic Partnership has been working with the Colorado Bureau of Investigations to establish their Western Slope Facility in Grand Junction. In May 2005 GJEP presented a proposal to CBI with a number of site and financing options for its facility. Included in our proposal was a cash grant to offset the relocation costs of CBI from its current facility. Based upon our proposal the CBI announced in June that it had selected a Grand Junction site for its new facility. We would therefore like to proceed to request the formal approval of this cash grant. Details on the incentive request are:

- . The amount requested is \$200,000.
- . The cash grant will be provided based upon the full-employment as specified in the CBI needs analysis. At full employment CBI anticipates 37 full time positions which, due to the highly skilled nature, will pay significantly higher than the Mesa County average wage.
- . The cash grant can only be used for the reimbursement of relocation costs and the disbursement will occur accordingly. CBI will receive the lesser of \$200,000 or the costs of relocation and moving incurred.
- . Based upon economic impact modeling, the economic impact of this project is estimated to be almost \$22 million on the Grand Junction economy in the first five years.

Due to the significant economic impact of this project and the benefits to our local economy, the Grand Junction Economic Partnership Board of Directors believes the cash grant to CBI merits your approval. Given this, we request time on the agenda as for the your consideration and approval of our request.

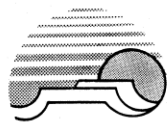
Thank you for your assistance in creating quality jobs for our local residents.

Sincerely,

A handwritten signature in black ink that reads "Ann Driggers".

Ann Driggers President

cc. Norm Franke, Chair, GJEP Prospect Committee



Industrial Developments, INC.

360 Grand Avenue, Grand Junction, Colorado 81501 242-3214

April 7, 2005

Mr. Kelly Arnold
City of Grand Junction
225 North 5th Street
Grand Junction, CO 81501

Dear Kelly;

On behalf of Industrial Developments, Inc. (IDI) Board of Directors I am writing to determine if the City is willing to partner with our organization in making land available at no cost for inclusion in a community proposal currently being prepared by the Grand Junction Economic Partnership to lure a new facility to the community that would generate significant economic impact.

This project would generate new job positions at an average wage in the low 60s and is highly desirable in terms of the positive economic impact it would have on the area.

IDI is in the process of contracting with an engineering firm to develop a 10-acre site along Landing View Road immediately north of 3D Systems. The concept is to construct the interior roads and infrastructure needed to convert this property into five 2-acre parcels that would be available for expanding and relocating light industrial firms. Any proceeds from sale of the developed lots would be used to begin infrastructure improvements at Bookcliff Technology Park. Cost of development is estimated at up to \$50,000 an acre. At a meeting earlier this week the Board voted to offer two of these lots at no cost to the GJEP Prospect in order to make the community proposal more competitive if:

- The City of Grand Junction would assist in expediting this 10-acre development through the City planning process in order to get it completed in a more timely fashion and
- The City of Grand Junction would transfer its interests in Bookcliff Technology Park to IDI.

The City of Grand Junction assisted IDI in buying Bookcliff Technology Park (formerly known as the Benson Ranch development) in 1996 in exchange for IDI transferring 10 acres to 3D Systems as part of an overall incentive agreement. The City

contribution was approximately \$200,000 and a purchase agreement was executed whereby the City would realize two thirds of the selling price when Bookcliff Technology Park was sold. A copy of the agreement is attached.

IDI will have to make considerable cash investment (in addition to the land costs that have already been expended) in order to have the lots along Landing View Road fully developed and ready for the location of the GJEP Prospect facility (estimates are \$50,000 per acre for a total of at least \$200,000). By receiving full interest in the Bookcliff Technology Park, IDI will be able to continue to develop and have property available for future economic development projects. The City of Grand Junction will be able to make this community much more competitive for location of a high impact economic development project that could provide a significant number of high paying professional positions and enhance our location as the regional hub for the Western Slope of Colorado.

As you are well aware, time is of the essence with the Grand Junction proposal for this prospect is due in early May. Therefore, the IDI Board respectfully requests that the City act upon this matter at your earliest convenience and reply no later than May 2nd.

IDI appreciates the relationship that has existed between the City of Grand Junction and our organization in the past as we jointly work to improve the economy of the Valley. We look forward to continuing that relationship and working on even more exciting projects like this in the future.

Please feel free to contact any IDI Board member if you have any questions or need further assistance in considering this request.

Sincerely,

The Board of Industrial Developments, Inc.
Jim Fleming, President
Robert Bray, Vice President
Rob Bickley, Secretary/Treasurer

RESOLUTION NO. _____-05

A RESOLUTION AUTHORIZING AN ECONOMIC INCENTIVE FOR THE COLORADO BUREAU OF INVESTIGATION FOR \$200,000 TO RELOCATE TO THE CITY OF GRAND JUNCTION

RECITALS:

1. The City of Grand Junction Economic Development Fund was created by the City Council in 1988 to be used for economic development efforts.
2. The fund has a current balance of uncommitted resources of \$316,278 available for economic development.
3. The Grand Junction Economic Partnership (GJEP) has requested \$200,000 from the City to be paid to the Colorado Bureau of Investigation (CBI) to assist with its relocation to the City of Grand Junction.
4. Industrial Developments, Inc. has offered two tracts of land in the Air Tech Park subdivision at no cost to CBI for purposes of relocation. After the review process, it was determined that the site offered in the City of Grand Junction was best suited for their purposes.
5. GJEP & CBI have signed a Memorandum of Understanding regarding the relocation. This MOU sets forth, between GJEP & CBI as the only parties, the specifics related to the move of the facilities to Grand Junction.

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

- a) An expenditure to GJEP for the benefit of the Colorado Bureau of Investigation for \$200,000 for its relocation to the City of Grand Junction is hereby approved.
- b) The Finance Director and the City Manager are hereby directed to use funds available in the Economic Development Fund for this expenditure, in accordance with the final incentive agreement.

ADOPTED AND APPROVED THIS _____ day of _____, 2005.

President of the Council

ATTEST:

City Clerk