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

WEDNESDAY, FEBRUARY 15, 2006, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Rob Storey, River of Life Alliance Church

PRESENTATION OF CERTIFICATE OF APPOINTMENT

COMMISSION ON ARTS AND CULTURE

CITIZEN COMMENTS

David Berry, a participant of the GJ101 program, wants to address Council on a variety of issues.

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the January 30, 2006 Workshop and the Minutes of the February 1, 2006 Regular Meeting and February 8, 2006 Special Session

2. **Setting a Hearing on Amending the Municipal Election Code Concerning the Circulation of Nomination Petitions**

[Attach 2](#)

The City of Grand Junction, under the Municipal Election Code had, until recently, the authority to allow candidates for City Council to circulate nomination petitions beginning on the 91st day prior to the election and returning them to the City Clerk by the 71st day prior to the election. HB 04-1430 changed the law so that those time periods may be used only in a coordinated election. The proposed ordinance amending the Election Code will allow nomination petitions to be circulated for municipal elections starting the 91st day and ending on the 71st day before the election, as allowed under the Uniform Election Code.

*** Indicates New Item

® Requires Roll Call Vote

Proposed Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning the Circulation of Nomination Petitions

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: Stephanie Tuin, City Clerk
John Shaver, City Attorney

3. **Setting a Hearing for Proposed Amendments to the Zoning and Development Code** [File #TAC-2004-231] [Attach 3](#)

Ordinance to consider proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff.

Proposed Ordinance Amending the City of Grand Junction Zoning and Development Code to be Published in Pamphlet Form

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: Bob Blanchard, Director of Community Development

4. **Setting a Hearing Zoning the Arbors Subdivision, Located at 2910 Orchard Avenue** [File #PP-2005-105] [Attach 5](#)

Introduction of a proposed ordinance zoning the Arbors Subdivision to PD, Planned Development, located at 2910 Orchard Avenue.

Proposed Ordinance Rezoning the Arbors Subdivision Located at 2910 Orchard Avenue to PD

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing for the Chipeta Heights Annexation, Located at 203 and 221 29 Road** [File #ANX-2006-008] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 16.48 acre Chipeta Heights Annexation consists of 2 parcels.

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

Resolution No. 12-06 – 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, Chipeta Heights Annexation, Located at 203 and 221 29 Road

®Action: *Adopt Resolution No. 12-06*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Chipeta Heights Annexation, Approximately 16.48 Acres, Located at 203 and 221 29 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for April 5, 2006*

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing Zoning the Mims Annexation, Located at 492 30 Road** [File #ANX-2005-293] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Mims Annexation B-1, located at 492 30 Road.

Proposed Ordinance Zoning the Mims Annexation B-1, Located at 492 30 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006*

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing on an Ordinance Amending Ordinance No. 2725 Concerning the Bluffs West Annexation** [Attach 8](#)

In January of 1994 the City Council annexed land to the City by Ordinance No. 2725. That ordinance described an area known as the Bluffs West Annexation.

In February 2006 the City exercised land use jurisdiction for the annexation of the proposed Bellhouse Subdivision. During the course of preparing the Bellhouse Annexation, an error in the description of the Bluffs West Annexation was discovered. Specifically Lot 1, Block 1 of the Rio Vista Subdivision was erroneously described as part of the Bluffs West Annexation.

This ordinance amends the description contained in Ordinance No. 2725 and by adoption thereof serves to exclude from the Bluffs West Annexation the area described in the ordinance.

Proposed Ordinance Amending Ordinance No. 2725 Annexing Territory to the City of Grand Junction, Colorado – Bluffs West Annexation Located East of 23 Road and North of E Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: John Shaver, City Attorney

8. **Setting a Hearing Amending Chapter 36 (Traffic) of the Code of Ordinances Concerning Towing Abandoned Vehicles** [Attach 9](#)

Amendment to Chapter 36 (Traffic) of the Code of Ordinances making it unlawful to abandon vehicles on private property within the City and authorizing private towing of vehicles abandoned on private property.

Proposed Ordinance Amending Part of Chapter 36 of the City of Grand Junction Code of Ordinances Relating to Abandoned Vehicles

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: John Shaver, City Attorney

9. **Sole Source Purchase of Rain Bird Irrigation Equipment** [Attach 10](#)

This request is for a sole source purchase of Rain Bird manufactured equipment for upgrade of parks irrigation to automated systems at Lincoln Park. This is the third and final year of a three year project.

Action: Authorize the City Purchasing Manager to Purchase Rain Bird Manufactured Equipment for this Project from Grand Junction Pipe and Supply, Grand Junction, Colorado in the Amount of \$78,120

Staff presentation: Ronald Watkins, Purchasing Manager
Don Hobbs, Assistant Parks and Recreation Director

10. **Sole Source Purchase of Steelcase Furniture for Community Development Remodel** [Attach 11](#)

This request is Steelcase furniture and work stations for Community Development. The purchase is from Office Outfitters in Grand Junction, the only authorized Steelcase dealer on the Western Slope. The pricing used is U.S.

Communities contract which the City of Grand Junction is eligible to use as part of cooperative purchasing agreements.

Action: Authorize the City Purchasing Manager to Purchase Steelcase Furniture and Work Stations for this Project from Office Outfitters in Grand Junction, in the Amount of \$83,883.85

Staff presentation: Ronald Watkins, Purchasing Manager
Bob Blanchard, Community Development Director

11. **Sole Source Agreement for Environmental Consulting Services** [Attach 12](#)

A sole source justification has been prepared to award a Professional Services contract to Walsh Environmental Scientists and Engineers, LLC for Asbestos Abatement Management and Petroleum Contamination removal (Environmental Cleanup) on the Rood Avenue Parking structure site.

Action: Authorize the City Manager to Execute a Professional Services Contract for the Downtown Parking Structure with Walsh Environmental Scientist and Engineers in the Amount of \$27,581

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Setting a Hearing on Establishing the City Manager's Salary for 2006** [Attach 13](#)

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by Ordinance. The City Council has determined the salary for the Grand Junction City Manager to be \$125,000.

Proposed Ordinance Amending Ordinance No. 3854, Adding Section 3, Setting the Salary of the City Manager

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Staff presentation: Bruce Hill, Mayor

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

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

***13. **Designating Ambulance Service Provider for the Grand Junction Ambulance Service Area** [Attach 22](#)

As per the Mesa County resolution adopted regarding standardizing emergency medical response throughout Mesa County, the City is recommending the Grand Junction Fire Department as the designated service provider for its ambulance service area.

Resolution No. 14-06 – A Resolution Recommending the Grand Junction Fire Department as the Designated Ambulance Service Licensee for the Grand Junction Ambulance Service Area

®Action: Adopt Resolution No. 14-06

Staff presentation: Kelly Arnold, City Manager
Rick Beaty, Fire Chief

14. **Gormley Property Growth Plan Consistency Determination, Located at the Southwest Corner of First Street and Patterson Road** [File #GPC-2005-296] [Attach 4](#)

A request to officially determine consistency of a proposed Outline Development Plan with the Growth Plan's Future Land Use Designations of Commercial, Residential Medium High and Residential Medium, located at the southwest corner of First Street and Patterson Road.

Action: Find that the Proposed Outline Development Plan is Consistent with the Growth Plan Map Designations of Commercial, Residential Medium High and Residential Medium

Staff presentation: Bob Blanchard, Community Development Director

15. **Request to Apply for State EMS Grant** [Attach 14](#)

The Grand Junction Fire Department requests approval to submit a Colorado State EMS Grant application for 10 laptop computers for placement into frontline fire and EMS apparatus. The application would be part of a multi-agency Northwest Regional EMS and Trauma Advisory Council (NWRETAC) grant application.

Action: Request Approval for the Fire Department to Submit through the NWRETAC a State EMS Grant Application for 10 Laptop Computers

Staff presentation: Rick Beaty, Fire Chief

16. **Public Hearing - Right-of-Way Vacation for Swan Lane** [File #PP-2005-145]

[Attach 15](#)

Consider final passage of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley Subdivision.

Ordinance No. 3865 - An Ordinance Vacating Undeveloped Right-of-Way Along Swan Lane

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3865

Staff presentation: Lori V. Bowers, Senior Planner

17. **Public Hearing - Vacation of a 20' East/West Alley Located at 411 West Main Street** [File #VR-2005-012]

[Attach 16](#)

The petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision in anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five properties into four residential lots. Three of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Ordinance No. 3866 - An Ordinance Vacating a 20' Wide Alley Right-of-Way Located East of Chuluota Avenue and Crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision Known as 411 W. Main Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3866

Staff presentation: Scott D. Peterson, Senior Planner

18. **Public Hearing - Future Land Use Designation and Zoning for the West Main Parking Lot** [File #RZ-2005-265]

[Attach 17](#)

The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use

map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel.

Resolution No. 13-06 - A Resolution Revising the City of Grand Junction Growth Plan Future Land Use Map to Designate Approximately 0.24 Acres, Located at 820 West Main Street as Public/Institutional

Ordinance No. 3867 - An Ordinance Zoning the Property at 820 West Main Street Community Services and Recreation (CSR)

®Action: Adopt Resolution No. 13-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3867

Staff presentation: Kristen Ashbeck, Senior Planner

19. **Public Hearing - Amending the Contractors Insurance Requirement**

[Attach 18](#)

A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Ordinance No. 3868 - An Ordinance Amending Chapter 10, Businesses, Article IV, Contractors, of the City of Grand Junction Code of Ordinances, Specifically Section 10-87, Duties of Building Official; Requirements for Issuance of License

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3868

Staff presentation: John Shaver, City Attorney

20. **Construction Contract for 2006 Crack Sealing Project** [Attach 19](#)

The 2006 Crack Sealing Project consists of 30 street locations. Streets to be crack sealed are primarily in the Redlands area and along Patterson Road from 1st Street to 27 ½ Road.

Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Crack Sealing Project to Bonneville Asphalt and Repair in the Amount of \$76,238.00.

Staff presentation: Mark Relph, Public Works and Utilities Director

21. **Construction Contract for 24 ½ Road Sewer Trunk Extension** [Attach 20](#)

This project involves extension of a sewer trunk line along the 24 ½ Road corridor between Patterson Road and G Road. The project was requested by the developer of the proposed Brook Willow Subdivision located on 24 ½ Road.

Action: Authorize the City Manager to Execute a Construction Contract in the Amount of \$632,497.50 with M.A. Concrete Construction for the 24 ½ Road Sewer Trunk Extension

Staff presentation: Mark Relph, Public Works and Utilities Director

22. **Construction Contract for Independent Alley Improvement Project for the Riverside Parkway Project** [Attach 21](#)

The City opened bids for the construction of the Independent Alley from the south frontage road of US 6 & 50 west of 25 Road to Independent Avenue. This alley connection is necessary because the south frontage road will no longer be connected to 25 Road. The project is a requirement of CDOT for the access permit to perform the work at the highway. The alley will provide circulation between the south frontage road and Independent Avenue. This project will be constructed prior to the 25 Road bridge construction in order to provide access to adjacent properties.

Action: Authorize the City Manager to Execute a Construction Contract in the Amount of \$248,291.90 with Mountain Valley Contracting for the Independent Alley Improvement Project

Staff presentation: Mark Relph, Public Works and Utilities Director

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

24. **OTHER BUSINESS**

25. **ADJOURNMENT**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
January 30, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, January 30, 2006 at 7:03 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Jim Doody, Gregg Palmer, Doug Thomason and President of the Council Bruce Hill. Absent were Councilmembers Bonnie Beckstein, Teresa Coons, and Jim Spehar.

Summaries and action on the following topics:

- 1. INTRODUCE NEW CITY EMPLOYEES:** Department Directors introduced their new employees to the City Council.
- 2. MEET WITH THE PARKS & RECREATION ADVISORY BOARD:** Joe Stevens, Parks & Recreation Department Director, introduced those Parks & Recreation Advisory Board (PRAB) members in attendance: Tom Dixon, Chair, and board members Jack Neckels, David Detwiler, Bernie Goss, and Dennis Teeters. He referred to the material provided for discussion and turned the discussion over to the City Council.

Council President Hill expressed his lack of clarity as to the purpose of the meeting. He noted that the Master Plan is a utilized document, but the City Council also takes advantage of different opportunities that come along such as the partnerships with the schools for the activity centers. He agreed with having a dialogue with the Board and said he looks forward to the next two years as to what is planned. Chair Tom Dixon distributed an excerpt from the Master Plan and asked for feedback as to how the PRAB has proceeded in meeting the highlighted goals. Mr. Dixon said the completion of Canyon View Park is on the list, however the Board knows there is no money budgeted but does not want Phase III of Canyon View to be forgotten. Mr. Dixon summarized what is included in Phase III: more tennis courts, a concession stand/pro shop, a water splash ground, plus other items. The development of new neighborhood parks is also on the list. He said Wingate Park was completed last year and some improvements were made to some of the neighborhood parks and schools, again he mentioned the partnership with the schools that is in process right now. Lastly, the canal trail development is still being worked on.

Council President Pro Tem Palmer inquired if the new partnerships with the schools changed the plan for neighborhood parks in those same areas. Parks and Recreation Director Stevens said the plan has not

changed but as with the rest of the City they are still chasing growth and looking for opportunities for neighborhood parks in those new areas. Council President Pro Tem Palmer asked about the development of Burkey Park. Mr. Stevens noted that the City has other properties for park development such as the Matchett Park, Saccomanno Park, and with the Riverside Parkway project, Los Colonias might be a prime opportunity. However, the Department has 58 parks and open space areas they maintain; the number of pocket parks is more than what people realize. Council President Pro Tem Palmer asked if there are small things that could be done to various properties that would make them more usable. Mr. Stevens said that PRAB could develop some possibilities and look at some tiered development that would start with some informal activities and noted there are such opportunities but many times that starts to raise expectations and also controversy.

Council President Hill noted there is no dedicated funding source for development of parks and said sometimes things don't get finished. He said there needs to be a balance of the regional park needs with the neighborhood's needs. Also, any designation of a piece of ground that is a park requires approval of the voters to be disposed of and the voters never approve that.

Tom Dixon, Chair, agreed that the completion of Canyon View Park should not take precedence over other park development. He noted a small improvement such as a trail can increase the use of a park tremendously. Mr. Dixon noted with the upcoming meeting with Mesa County, the City Council may re-initiate discussions on the formation of a Parks District. He said that could eliminate the resident and non-resident differential in fees, and a District would create a dedicated fee for parks and facilities development.

Council President Hill expressed it is his experience any formation would require specifics for a chance of acceptance by the voters. He said relative to a resident versus non-resident fee, the Parks Board minutes indicate the Board is in favor of retaining the differential, whereas the Parks Staff says it is a nightmare administratively. He stated that he would like to see more data.

Mr. Dixon said the Board's discussion resulted in a split opinion. He summarized the differing opinions and said the Board decided to keep it as is and ask Council for their opinion.

Council President Pro Tem Palmer asked if it was unanimously voted on to retain. Mr. Dixon said yes it was.

Council President Pro Tem Palmer questioned if a significant amount of sales tax comes from non-residents. Jack Neckels, Board member, said the reason the Board voted unanimously to retain the differential is because it was decided that it was a political decision so should be deferred to City Council.

Joe Stevens, Parks and Recreation Department Director, said it is a tool that goes back 30 or 35 years which allows a 20% discount for residents. He said with the current system, residents can register on the internet and said the Parks and Recreation Department does verify residency.

Council President Hill questioned if the Parks and Recreation Board thought about the opportunity of providing outdoor basketball courts at some of the facilities.

Mr. Dixon said that is not a big discussion item but there are examples of similar activities such as Frisbee Golf at Westlake Park.

Mr. Stevens said the Parks and Recreation Department was contacted from several groups that would like to start a "Friends of Dog Park" group and a volleyball area. He said additional swimming facilities are needed also.

Jack Neckels said he thought the Master Plan is in good shape and said there is no need to revise the Plan, but maybe some site plan updates. He said one suggestion is to look at how to partner with others valley-wide and look for other opportunities to acquire more land.

Regarding the canal trails development, City Manager Kelly Arnold said the Urban Trails Committee Chair will be writing a letter to Council. He said there are legal items that are still pending which hopefully will be clarified soon. Mr. Arnold said then the strategies are to be laid out for Council.

Councilmember Thomason said it is very important to have a good dialogue with the various boards and keep the communication open, which is helpful and necessary for Council to give clear direction.

Board member Bernie Goss said he has been on the board for six years and said it is important to step back and take a look at the progress and changes that have occurred within the last six years. He would like to encourage the review of the Master Plan every couple of years and get some insight from the Council that is currently seated.

Council President Hill agreed with staying in touch with the various boards, exchange ideas and keep in mind some of the ideas brought forward tonight.

Action Summary: The City Council appreciated the service of the Parks and Recreation Advisory Board members and thanked the members for presenting their ideas tonight, noting the number of options available.

Council President Hill called a recess at 9:01 p.m.

The meeting reconvened at 9:16 p.m.

3. **METHAMPHETAMINE TASK FORCE REPORT:** Interim Police Chief Bill Gardner reviewed the Methamphetamine Task Force Report including the newly released white paper. He summarized the key elements as to what led up to the formation of the Task Force, the highlights of the white paper, and listed some of the strategies to reduce the problem.

Chief Gardner listed the tragic statistics and the direct affect locally. He said the strategies include reducing the supply and the demand; he then listed a number of goals. Chief Gardner stated that Captain Troy Smith and another officer attended a Methamphetamine Task Force meeting in Las Vegas. He stated that there are two common themes; the first is that there needs to be a drug court system to get early offenders into treatment. He said District Attorney Hautzinger and Deputy District Attorney Rubenstein are working on getting that drug court up and running. Chief Gardner said Mesa County is also funding the construction of a treatment center and said the local enforcement is specifically targeting drug dealers. He said there is additional training that is needed for all local police officers to effectively fight this problem; however, there are only so many resources to direct at this problem. He said the other option is to not stop the support of the regional task force, and said it would be a mistake to remove Grand Junction from the Drug Enforcement Agency Task Force. Chief Gardner said a street crime task force would consist of uniformed officers in marked cars that are highly trained in this area and led by an experienced supervisor, which is not just for drug enforcement, but would also be involved in related crimes of burglary, theft, etc. He said the challenge of staffing such a unit and with reassignments, that it could threaten some of the current programs. Chief Gardner said the Methamphetamine Task Force is requesting a contribution of \$5,000 from each entity to fund a coordinator position for the Task Force.

Council President Hill suggested expediting the hiring of the five 2007 police officers to 2006 and look at ways to realign the existing manpower. He questioned how many officers are needed. Chief Gardner said six

officers are needed and said that he needs the City Council and the City Manager to hear this as a priority and grant the authority to use every opportunity to create this task force.

Ron Lappi, Finance Director, said four of the officers to be hired were to be funded through traffic enforcement revenue, that is traffic patrol would offset the cost.

Council President Pro Tem Palmer said that given the impact of this problem, it should be a high priority.

Chief Gardner said the responsibility to maintain a strong resource officer program in the school is still a high priority but their focus could be shifted to specifically address methamphetamine.

City Manager Arnold said the School District should help fund the resource officers and he could approach the School District on that issue.

Councilmember Doody favored the acceleration of hiring of the 2007 officers.

City Manager Arnold cautioned Council that it may not be a temporary situation.

Action Summary: The City Council was supportive of making the Methamphetamine Task Force a priority and work with Staff and the City Manager.

ADJOURN

The meeting adjourned at 9:58 p.m.

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

February 1, 2006

The City Council of the City of Grand Junction convened into regular session on the 1st day of February 2006, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Doug Thomason and President of the Council Bruce Hill. Absent was Councilmember Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Council President Pro Tem Palmer led in the pledge of allegiance. The audience remained standing for the invocation by David Varley, Assistant City Manager, in the absence of Howard Hays, First Church of the Nazarene.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

PLANNING COMMISSION/ZONING BOARD OF APPEALS

Bill Pitts was present to receive his certificate for the Planning Commission.

Ken Sublett was present to receive his certificate for the Planning Commission/Board of Appeals.

APPOINTMENTS

TO THE COMMISSION ON ARTS AND CULTURE

Councilmember Beckstein moved to appoint Robert Oppenborn for a three year term until February 2009 to the Commission on Arts and Culture. Councilmember Thomason seconded the motion. Motion carried.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Council President Hill explained the purpose for the Consent Calendar. Merlin Schreiner, 3827 South San Miguel Drive representing a group of neighbors for the Vallejo Subdivision, asked that the Bellhouse Annexation item be taken off the Consent Calendar.

Council President Hill granted the request to remove item #2, the Bellhouse Annexation.

It was moved by Council President Pro Tem Palmer, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #9 with the exception of item #2, the Bellhouse Annexation.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 16, 2006 Additional Workshop, the Summary of the January 16, 2006 Workshop and the Minutes of the January 16, 2006 Special Session, the Minutes of the January 18, 2006 Special Session, and the Minutes of the January 18, 2006 Regular Meeting

2. **Setting a Hearing for the Bellhouse Annexation, Located at 2381 South San Miguel Drive** [File #ANX-2005-264] Moved to Individual Consideration

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

3. **Setting a Hearing for the Right-of-Way Vacation for Swan Lane** [File #PP-2005-145]

Introduction of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley Subdivision, and set a public hearing for February 15, 2006.

Proposed Ordinance Vacating Undeveloped Right-of-Way Along Swan Lane

Action: Introduction of Proposed Ordinances and Set a Hearing for February 15, 2006

4. **Setting a Hearing for the Vacation of a 20' East/West Alley, Located at 411 West Main Street** [File #VR-2005-012]

The petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's

First Subdivision in anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five (5) properties into four (4) residential lots. Three (3) of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Proposed Ordinance Vacating a 20' Wide Alley Right-of-Way Located East of Chuluota Avenue and Crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision Known as 411 W. Main Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

5. **Setting a Hearing for the Autumn Glenn II Annexation, Located at 428 30 Road** [File # ANX-2005-303]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.08 acre Autumn Glenn II Annexation consists of 1 parcel.

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

Resolution No. 11-06 – 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, Autumn Glenn II Annexation, Located at 428 30 Road

Action: Adopt Resolution No. 11-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Autumn Glenn II Annexation, Approximately 6.08 Acres, Located at 428 30 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 15, 2006

6. **Setting a Hearing on Future Land Use Designation and Zoning for the West Main Parking Lot** [File #RZ-2005-265]

The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel. The resolution for the Growth Plan designation will be considered at second reading of the zoning ordinance.

Proposed Ordinance Zoning the Property at 820 West Main Street
Community Services and Recreation (CSR)

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

7. **Grant Application for Colorado Safe Routes to School Program**

This is a request that the City Council authorize the application of a grant for \$250,000 from the Colorado Safe Routes to School for the installation of pedestrian routes for the Nisley Elementary School area. The requested funding will allow the project to be completed by June 1, 2008.

Action: Authorize the Application for a Grant in the Amount of \$250,000 with the Colorado Safe Routes to School

8. **Setting a Hearing for Amending the Contractors Insurance Requirement**

A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Proposed Ordinance Amending Chapter 10, Businesses, Article IV, Contractors, of the City of Grand Junction Code of Ordinances, Specifically Section 10-87, Duties of Building Official; Requirements for Issuance of License

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Setting a Hearing for the Bellhouse Annexation, Located at 2381 South San Miguel Drive [File #ANX-2005-264]

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

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

Resolution No. 08-06 – 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, Bellhouse Annexation, Located at 2381 South San Miguel Drive and Including portions of the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #1, Approximately 0.10 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #2, Approximately 0.16 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #3, Approximately 1.71 Acres, Located within the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #4, Approximately 1.37 Acres, Located at 2381 South San Miguel Drive and Including Portions of South San Miguel Drive

Council President Hill explained that two members (himself and Councilmember Beckstein) will be absent on the scheduled hearing date of March 15, 2006 so they have proposed to change the public hearing to April 5, 2006. The agenda item tonight is to schedule the hearing and advertise the public hearing which then allows anyone and everyone who is interested in this item to come and speak to the matter.

City Attorney Shaver concurred and offered to speak to anyone in attendance to answer any additional questions regarding the process.

Councilmember Doody moved to adopt Resolution No. 08-06 and Set a Hearing on the Proposed Ordinances for April 5, 2006. Councilmember Thomason seconded. Motion carried.

Purchase of Chevy Silverado 1500 Pick-ups

This purchase is for a total of eleven (11) 2006 Chevy Silverado 1500 pickups. Nine (9) of these pickups are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee. Two (2) units are new 2006 additions to the Fleet; one for Fire Code Enforcement and the other for the Public Works Development Inspector.

Ronald Watkins, Purchasing Manager, reviewed this item. He explained that due to the questions on the pricing that came up Monday at the workshop regarding the best value for the City, the Purchasing Department contacted all the local dealers with the specifications for the pickups to be purchased and is presenting the result of that information gathering to the City Council.

Council President Pro Tem Palmer advised that he talked to Bob Fuoco and Western Slope Chrysler and both had only received the request yesterday afternoon and felt more time was needed to get accurate pricing. He said Bozarth indicated they did not receive a solicitation.

Council President Hill asked if servicing can still be done locally if the trucks are purchased in Denver. Mr. Watkins answered affirmatively.

Council President Hill suggested that a formal bid process be followed. City Manager Kelly Arnold clarified that in the formal bid process, the solicitation list will include both regional and statewide dealers. Mr. Watkins concurred.

Councilmember Coons inquired if all of the local dealers had the opportunity to bid on the State contract. Mr. Watkins said they would have had the opportunity and said that he could find out if they actually did bid or not.

Council President Pro Tem Palmer moved to direct the Purchasing Manager to initiate a formal bid process for the purchase of the pickup trucks. The motion died due to lack of a second.

Councilmember Coons moved to authorize the City Purchasing Manager to purchase eleven (11) Chevy Silverado 1500 Pickup Trucks from Dallenbach Chevrolet for the amount of \$168,481.00. Councilmember Doody seconded the motion.

A discussion ensued. Councilmember Coons said that although she agrees with buying locally, the State bid process took place and the local dealers had the opportunity to participate in that process, so she does not feel the City should change its procedure for this one purchase. Council President Hill expressed that due to the closeness of the costs, it is worth taking the time to look at local dealers more closely.

Motion failed with Council President Hill, Council President Pro Tem Palmer and Councilmember Beckstein voting NO.

City Manager Arnold recommended that the City go out to bid for the trucks. Administrative Services and Finance Director Ron Lappi advised that is the default position, to go back out to bid and the Purchasing Department will do that. City Manager Arnold cautioned that the bid will be regional and the low bid may not be a local dealer.

Councilmember Coons concurred with the result but suggested the procedure be reviewed for future purchases.

Construction Contract for Appleton #3 Sewer Improvement District

The Appleton #3 Sewer Improvement District project consists of septic system elimination by installing a 6" sanitary sewer line along 23 7/10 Road south of H Road.

Trent Prall, Engineering Manager, reviewed this item. He noted that the sewer district is part of the septic elimination program and is a small district. He said the bids for the construction came in higher than anticipated but the property owners still want to go forward. Mr. Prall said the groundwater is high in that area. The low bid was M.A. Concrete Construction and said the award of the bid is contingent on the formation of the district by the Board of County Commissioners.

Council President Pro Tem Palmer asked for clarification as to the City's involvement since the area is outside the City limits. Mr. Prall explained that the City is the manager of the Persigo Wastewater Treatment Plant and does the engineering and design of the sewer extensions. Mr. Prall said the area will not be subject to annexation as per the 1998 Persigo Agreement.

Councilmember Coons moved to authorize the City Manager to execute a Construction Contract for the Appleton #3 Sewer Improvement District with M.A. Concrete Construction in the amount of \$48,860.60. Award is to be contingent on the formation of the District by the Mesa County Board of County Commissioners. Council President Pro Tem Palmer seconded the motion. Motion carried.

Public Hearing - Action Plan for 2004 Program Year Community Development Block Grant (CDBG) Program and Subrecipient Contract with the Grand Junction Housing Authority [File #CDBG-2004-08, 2004-08(b), 2004-08(c) and 2004-14]

Hold a public hearing to amend the City's 2004 Action Plan for the Community Development Block Grant (CDBG) 2004 Program Year to:

1. Utilize a portion of the funds earmarked for the 2004 neighborhood program for the Next Step Housing Program;
2. Utilize a portion of the funds earmarked for the 2004 neighborhood program to construct an addition to the City Senior Recreation Center; and
3. Utilize any remaining balance in the Senior Recreation Center architectural services project towards the construction of the addition.

If the amendment for the Housing Program is approved as stated above, the Subrecipient Contract will formalize the City's award of \$26,850 to the Grand Junction Housing Authority (GJHA) for administration of the Next Step Housing Program. These funds are to be allocated from the City's 2004 CDBG Neighborhood Program funds.

The public hearing was opened at 7:40 p.m.

David Thornton, Principal Planner, reviewed this item. On January 16, 2006 staff came to the workshop and introduced the requests being presented. He said there are funds remaining in a previous year program, so the request is to reallocate those funds for the Next Step Housing Program and the remodel for the Senior Recreation Center. Mr. Thornton said that will still leave some funds in the architectural fund for the Senior Recreation Center and those funds could be reallocated to the construction. The amendments will also require approval of the subrecipient contracts that correspond to these changes.

Council President Pro Tem Palmer asked what happens with the high cost of utilities if the housing recipient is not be able to pay their portion of the rent and utilities.

Jody Kole, Grand Junction Housing Authority Director, answered that 30% of the monthly household income goes first toward utilities and the rest to the rent and said the voucher program then pays the difference in rent. She said sometimes even the 30% is not enough to pay the utilities so the voucher program will reimburse the family for any additional amount needed for utilities.

Councilmember Coons asked Ms. Kole to explain how the City funding will assist this program.

Ms. Kole listed the organizations involved and how the City funding leverages grants from the Division of Housing. Local support is looked at for grant approval and the Division of Housing also looks at the income level of the recipients. Ms. Kole said this program targets one of the lowest income groups, young families with small children.

There were no public comments.

The public hearing was closed at 7:47 p.m.

Council President Pro Tem Palmer moved to 1) approve the amendments to the City's CDBG 2004 Action Plan to reflect the revisions summarized above; 2) authorize the City Manager to sign the Subrecipient Contract with Grand Junction Housing Authority. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing – Zoning the Ankarlo Annexation, Located at 385 31 5/8 Road
[File #ANX-2005-194]

Hold a public hearing and consider final passage of the zoning ordinance to zone the Ankarlo annexation RSF-4, located at 385 31 5/8 Road. The Ankarlo

Annexation consists of 1 parcel on 10.31 acres and the zoning being requested is RSF-4.

The public hearing was opened at 7:50 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, the parcel size, and the date of annexation. He then described the current use of the site, the Future Land Use designation, the requested zoning, and the surrounding zoning. He listed the zoning criteria set forth in the Code that apply such as compatibility and infrastructure impacts, furthering the goals and policies of the Growth Plan, and the availability of public facilities. Mr. Blanchard said the Planning Commission has forwarded a recommendation of approval.

Bill Balaz, with Balaz and Associates, representing the applicant, was present and asked for approval but had nothing additional to present.

The public hearing was closed at 7:53 p.m.

Ordinance No. 3857 – An Ordinance Zoning the Ankarlo Annexation to RSF-4, Located at 385 31 5/8 Road

Councilmember Thomason moved to adopt Ordinance No. 3857 on Second Reading and ordered it published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Amendments to Chapter 16 of the Code of Ordinances Regarding Weeds

As part of City Council's Strategic Plan and specifically Goal 17 of the Strategic Plan, and in response to dissatisfaction expressed in a citizen satisfaction survey, a team was formed to review and evaluate weed management issues. Part of Team 4's efforts included a review of Chapter 16, Article II of the Code of Ordinances, Junk, Rubbish and Weeds, to determine if changes to the current ordinance would help increase awareness of the ordinance, clarify responsibilities and thereby improve public satisfaction.

The public hearing was opened at 7:54 p.m.

John Shaver, City Attorney, reviewed this item. He explained the amendments are a result of the committee borne out of the Strategic Plan Action item. Ivy Williams, Code Enforcement Supervisor, was present and reviewed the purpose and effort to develop the amendments.

Council President Pro Tem Palmer asked that Staff highlight the changes. City Attorney Shaver said the first change is the State Law reference and the changes need to be consistent with State Law. Secondly, the amendments clarify the

requirements for agricultural lands. Thirdly, the time between the notice and hearing has been shortened so the time period to address the problem is shortened. Lastly, additional costs will be imposed for weed violation penalties, plus there will be tracking of repeat offenders.

Council President Hill asked for clarification on the surcharge and asked 25% of what will be assessed. City Attorney Shaver said it is 25% of the cost of cutting (labor and equipment). He said there is also a minimum time of work as set by the City Manager. Mr. Shaver noted that the surcharge covers the administrative costs and all the other costs associated with administering the program.

There were no public comments.

The public hearing was closed at 8:03 p.m.

Councilmember Thomason thanked City Attorney Shaver for putting the teeth into the ordinance, as well as Ms. Williams for her work on the project.

Council President Pro Tem Palmer reviewed the names of those involved and thanked them for their efforts.

Ordinance No. 3864 – An Ordinance Amending Chapter 16, Article II, Junk, Rubbish and Weeds, of the Code of Ordinances, City of Grand Junction, Specifically Section 16-26, Definitions; Section 16-27, Duties of Property Owner and Lessee, Unlawful Accumulations, Inspections; Section 16-30, Notice to Abate; Cutting, Removal by City; Section 16-31, Assessing Costs; and Section 16-33, Collection of Assessments

Councilmember Thomason moved to adopt Ordinance No. 3864 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

FEBRUARY 8, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, February 8, 2006 at 11:30 a.m. in the Administration Conference Room, 2nd Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Council President Hill called the meeting to order.

Councilmember Beckstein moved to go into executive session to discuss personnel matters under section 402(4)(f)(I) of the Open Meetings Law relative to City Council employees and will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 11:44 a.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Setting a Hearing on Amending the Municipal Election code Concerning the Circulation of Nomination Petitions

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Amending the Municipal Election Code Concerning the Circulation of Nomination Petitions					
Meeting Date		February 15, 2006					
Date Prepared		February 6, 2006			File #		
Author		Stephanie Tuin		City Clerk			
Presenter Name		Stephanie Tuin John Shaver		City Clerk City Attorney			
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 City of Grand Junction, under the Municipal Election Code had, until recently, the authority to allow candidates for City Council to circulate nomination petitions beginning on the 91st day prior to the election and returning them to the City Clerk by the 71st day prior to the election. HB 04-1430 changed the law so that those time periods may be used only in a coordinated election. The proposed ordinance amending the Election Code will allow nomination petitions to be circulated for municipal elections starting the 91st day and ending on the 71st day before the election, as allowed under the Uniform Election Code.

Budget: Other than publication of the ordinance, there is no budgetary impact.

Action Requested/Recommendation: Introduce the ordinance on first reading and schedule a public hearing for March 1, 2006.

Attachments:

Proposed Ordinance

Background Information: Because the City does not coordinate its municipal election with Mesa County's election in November, the enactment of HB 1430 revoked the authority to circulate nomination petitions for the twenty day time period in January in a municipal election year. This law change had the effect of requiring nomination petitions be circulated in the time frame established for polling place elections, starting on the 50th day prior to the election and returning the petitions by the 30th day prior. Because ballots in a mail ballot election are mailed starting the 25th day prior to the election, the 30 day time frame does not allow enough time for printing of the ballot or provide much time for candidates to campaign before the ballots are mailed out. Furthermore, a petition with insufficient signatures can be amended up until the 22nd day prior to the election, making it impossible to mail out ballots starting the 25th day prior if the municipality has a candidate amending a petition. Mesa County, in order to conduct the election on the City's behalf, requires that the City be able to certify the content of the ballot to them by the 60th day prior to the election.

The proposed amendment will allow the new time frames regardless of whether the City holds the election by mail ballot or by polling place. For the 2007 election, the proposed new timeframe will allow for nomination petitions to be circulated starting on January 2, 2007 and returned by January 22, 2007. Candidates needing to amend their petitions will have until January 26. The ballots will go out starting March 9. The election is scheduled for April 3, 2007.

The new time frame will allow for a smoother election process.

**CITY OF GRAND JUNCTION
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE COLORADO MUNICIPAL ELECTION
CODE OF 1965, IN THE CITY OF GRAND JUNCTION CONCERNING THE
CIRCULATION OF NOMINATION PETITIONS**

Recitals.

The City of Grand Junction is a home rule municipality, established by Charter in 1909. Article XX of the Colorado Constitution confers upon home rule cities the power over all matters pertaining to municipal elections.

The City of Grand Junction has adopted the “Colorado Municipal Election Code of 1965” by reference (hereinafter “Election Code”).

The Charter of the City of Grand Junction does not address when nomination petitions shall be available to municipal candidates nor the period of time a candidate may circulate such petitions. The Charter also does not establish a period of time for amending insufficient nomination petitions.

The Election Code establishes such time periods but does not allow sufficient time in advance of the printing mail ballots when the City is conducting a mail ballot election.

Mesa County Clerk and Recorder, as the contractor for conducting a mail ballot election, requires the content of the ballot be certified to them no later than sixty days prior to the election.

Until the enactment of House Bill 04-1430, municipalities were authorized to use the time frames established in the Uniform Election Code, 1-4-805, C.R.S., in lieu of the much shortened time frames in the Municipal Election Code. Without this ordinance, the shorter Municipal Election Code timelines are controlling.

NOW, THEREFORE, BE IT ORDAINED THAT:

Chapter 14 of the Grand Junction Municipal Code is hereby amended by the addition of Section 14-2 to read as follows: (Additions are in all caps; deletions are shown by strike-through)

Sec. 14-2 Amendments to the Colorado Municipal Election Code of 1965 (as made applicative to elections in the City of Grand Junction).

1. **31-10-302** (2) Nomination petitions may be circulated and signed beginning on the NINETY-FIRST day and ending of the SEVENTY-FIRST day prior to the day of the election. AS PROVIDED IN THE CITY CHARTER, EACH PETITION SHALL BE SIGNED BY NOT LESS THAN FIFTY REGISTERED ELECTORS OF THE CITY.

2. The last sentence of **31-10-302** (4) shall be amended to read:
Any petition may be amended to correct or replace those signatures which the clerk finds are not in apparent conformity with the requirement of this section at any time prior to SIXTY-SEVEN days before the day of the election.

Introduced on first reading this _____ day of _____, 2006

Adopted on second reading and ordered published this _____ day of _____, 2006.

President of the Council

ATTEST:

City Clerk

Attach 3

Setting a Hearing for Proposed Amendments to the Zoning and Development Code

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Proposed Amendments to the Zoning and Development Code					
Meeting Date	February 15, 2006					
Date Prepared	February 8, 2006			File #TAC-2004-231		
Author	Bob Blanchard		Community Development Director			
Presenter Name	Bob Blanchard		Community Development Director			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Ordinance to consider proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff.

Budget: N/A

Action Requested/Recommendation: Set a hearing date of March 1, 2006 to consider text amendments to the Zoning and Development Code

Attachments:

- Letter from Julie Weinke requesting a Code Amendment
- Letter from Paradise Hills Homeowners Association
- Letter from Thomas Whitaker
- Proposed Zoning and Development Code Amendments
With additions and deletions
- Proposed Adoption Ordinance

Background Information: See attached report and background information.

ANALYSIS

1. Background

A major rewrite of the City's Zoning and Development Code occurred in 2000 which replaced the former Code which had been last updated in June, 1997. The 2000 Code more completely implemented the 1996 Growth Plan and created new zoning districts (such as the Residential Office district) as well as introducing contemporary design standards (such as the Superstore / Big Box Development / Shopping Center).

As staff worked with the newly adopted Code, several implementation issues were identified and the first amendments occurred in the fall of 2001. The City has offered other opportunities for both staff and outside users of the Code to suggest changes since that time resulting in additional amendments occurring in 2002 and 2003. Additional opportunities to amend the Code were suspended in 2004 to allow a complete compilation of proposed amendments leading up to the recodification of the entire Municipal Code which is expected to occur early in 2006.

The proposed amendments reflect changes proposed by City staff. Opportunities for public suggestions were offered early in the compilation process. Only one outstanding issue remains which is discussed later in this staff report. Proposed additions to the Zoning and Development Code are underlined and deletions are shown as ~~strikethrough~~.

2. Consistency With The Growth Plan

All proposed changes are consistent with the intent and policies of the Growth Plan.

3. Major Proposed Amendments

Staff considers the following proposed changes to be substantive (all others are considered minor changes or "cleanup"):

A. Section 2.6.A, Code Amendment and Rezoning

Review criteria for zoning map amendments are proposed to be changed for clarification. Specifically, criteria relating to infrastructure capacity and impacts of potential development are removed, recognizing that these are addressed at the development design stage (platting or site plan review); and, the benefit derived from any

potential rezone is focused at the community-wide level as opposed to the neighborhood level.

B. Section 2.8.C.5, Subdivisions

This is a new section defining when a final plat approval lapses (three years) and what infrastructure must be installed within that time period to keep the approval valid. Two extensions to this time period are allowed. (NOTE: This provision is also added to the Planned Development section of the Code as Section 2.12.D.4.f).

C. Section 2.19.C, Subdivision Bonds for Development Improvement Agreements (DIA) and Section 2.19.D, Maintenance Bond for Maintenance Guarantees

These new sections provide additional options for DIA security and to be used as guarantees against defects in workmanship and materials for any required improvements in addition to letters of credit or cash escrow. Additionally, if an extension to the one year time frame for the guarantee is required, the length of the extension will be made by the Public Works Manager.

D. Section 3.8.A.3.f, Nonconforming Uses/Structures/Sites

This is a new section addressing newly created non-conforming condominiums and leaseholdings. This situation typically occurs when an existing non-conforming structure is turned into a condominium and there are more dwelling units in the structure than allowed by the current zoning. This new Code provision identifies language to be included in the declarations that states that if the structure is damaged by 50% or more of its fair market value, the condominium units may not be rebuilt as it currently exists or rebuilt at all.

E. Section 4.2.C.1.m, Sign Regulation

This new section codifies the current practice of limiting political campaign signs to 60 days prior to the election, requiring removal within 10 days of the election and limiting their placement outside the public right of way.

F. Section 4.2.F.2.a, Sign Regulation

This section deals with how signs are measured and expands the area to be measured to include all support structures and features other

than a single or double pole except when specifically stated otherwise (Residential and Residential Office districts).

G. Section 4.2.F.2.f, Sign Regulation

This is a new section to clarify how façade signs are measured when a graphic is included as part of the sign. This issue has surfaced as building murals have become more prevalent. This section limits what is included in a sign to words, characters and logos. Murals are specifically excluded from measurement as part of a sign and will be allowed in all cases.

H. Section 4.3.Q, Group Living Facilities

While the changes appear extensive, this is basically a reordering of the Code requirements for ease of use and understanding. No substantive changes have been made.

I. Section 6.5.F.1, Fences, Walls and Berms

Language relating to “back to back” fences and/or walls is being clarified. Revised language makes it clear that it is the responsibility of development of higher intensity zoned parcels to buffer lower intensity zone districts. It also references the table that details the required buffering between different zoning districts.

4. Requests Not Recommended For Change

In early 2005, a Code Enforcement action was initiated with an individual keeping rabbits outdoors. The complaint came from a neighbor complaining about a large number of rabbits and rabbit cages against a six foot privacy fence between properties. After a Code Enforcement officer visited the property, the owner of the animals was given time to reduce the number of rabbits to six, the number of small agricultural animals allowed in the RSF-4 zone district. Prior to final inspection, the officer received information indicating the rabbits were not being removed from the property but rather placed in the garage. This was confirmed by the owner with the indication the rabbits should be considered pets rather than agricultural animals as stated in the Zoning and Development Code.

The animals' owner has made a formal request to amend the Zoning and Development Code to classify “house rabbits” as household pets

(rather than small agricultural animals) and categorize them with small animals kept within a residence as household pets such as fish, small birds, rodents and reptiles which would exempt them from being limited in numbers when kept inside (see attached letter from Julie Weinke).

Two sections of the Zoning and Development Code are at issue:

Definitions:

Agricultural Animals: The following animals are considered agricultural animals to an agricultural use whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

Household Pets: Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards)

Section 4.3.A , Animal Regulations:

Agricultural Animals: A maximum of six adult animals are allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, fifteen adult animals are allowed per acre.

Household Pets: The Code limits adult household pets to a maximum of three per species with a total number limited to six. However, this requirement does not apply to small animals kept within a residence as household pets, e.g. fish, small birds, rodents and reptiles.

In considering this request, several other communities were surveyed to determine how rabbits were regulated. In all cases, no difference was made between “house” rabbits and any other type of rabbit. In addition, there was no common regulation addressing the number of animals allowed. Examples from other communities include:

Arvada allowed up to 15 small animals including rabbits.

Fort Collins has a general definition of a “pet animal” which includes those that are raised to live in or about human habitation and are dependent on people for food and

shelter. No specific limitation is set on numbers. Rather it is limited based on the ability to maintain healthy conditions for the animal keepers and to not constitute a nuisance to neighbors.

Greely only defines household pets and does not include rabbits. Limitations on numbers are based on “animal units” which is applied based on parcel sizes and zoning districts. In no case, can rabbits exceed 10 per acre for urban zone districts.

Loveland considers household pets an accessory use and defines them the same as Fort Collins.

Pueblo allows up to ten rabbits.

Thornton defines rabbits as livestock and specifically limits rabbits to three on any one premise.

Westminster specifically limits the maximum number of rabbits to three on residentially zoned properties.

Review of our Code requirements does not find that the City’s regulations regarding rabbits are out of line and in fact are more lenient than many of our peer communities. Therefore, the requested changes are not recommended.

FINDINGS AND CONCLUSIONS

The Zoning and Development Code does not include any specific review criteria for individual requests to amend the text of the Code. The staff initiated changes are being recommended to provide additional direction and clarification in many areas throughout the Code that have been identified as needing this type of action.

As noted, the citizen request to alter the Code requirements for rabbits does not, in the staff’s opinion, offer any compelling justification for changing the current Code requirements.

STAFF RECOMMENDATION:

Staff suggests that the Planning Commission forward a recommendation of approval of the proposed amendments to the Zoning and Development Code to the City Council with the exception of the citizen request to amend Section 4.3.A, Animal Regulations.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item TAC-2004-231, the proposed amendments to the Zoning and Development Code, I move that we forward a recommendation of approval of all staff initiated amendments to the City Council.

Mr. Chairman, on item TAC-2004-231, the proposed amendments to the Zoning and Development Code, I move that we forward a recommendation of approval of the citizen initiated amendment to section 4.3.A, Animal Regulations to the City Council.

2694 Malibu Drive
Grand Junction, CO 81506

24 June 2005

Robert E. Blanchard
Community Development Director
250 North 5th Street
Grand Junction, CO 81501

RECEIVED

JUN 27 2005

COMMUNITY DEVELOPMENT
DEPT.

Dear Mr. Blanchard,

This letter is a follow-up to our meeting of 2 June 2005. I am writing to request that the City of Grand Junction amend Chapter 4.3.4.b of the Zoning and Development Code to include house rabbits.

Chapter 9 of the Grand Junction Zoning and Development code defines rabbits as "agricultural animals to an agricultural use." The code defines "Household Pets" as "those animals which are **commonly kept as pets**: dogs, cats, fish, small birds (e.g. Parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

Chapter 4.3.3.c(3) of the Grand Junction Zoning and Development Code states: "Small animals e.g., chickens and rabbits, which are **kept outside the residence**, shall be confined by a fence, cage, or pen...maximum of six (6) adult animals shall be allowed on parcels of one-half acre or less."

Chapter 4.3.4 of the Grand Junction Zoning and Development Code states: "a. In all districts, a maximum of three (3) adult...household pets, e.g. dogs and cats, per species, shall be allowed...b. The requirements of a) above shall not apply to those small animals kept within a residence as household pets, **e.g.**, fish, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (non-poisonous snakes, lizards)."

Chapter 4.3.3.c(3) of the Grand Junction Zoning and Development Code addresses requirements for rabbits housed outdoors. Chapter 4.3.4 of the Grand Junction Zoning and Development Code provides an example list of small animals kept as household pets. Example is defined by The Random House Dictionary as one of a number of things taken to show the meaning of the whole. An example list is therefore not a complete and exhaustive list. The current Grand Junction Zoning and Development Code does not address rabbits kept as household pets.

Article 80 of the Statutes of the State of Colorado addresses Pet Animal Care Facilities Act. 35-80-102(10) states that the term "Pet animal" means dogs, cats, **rabbits**, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, ... other... domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, as defined in subsection (9)" Rabbits are defined by the Colorado Department of Agriculture as non-agricultural animals.

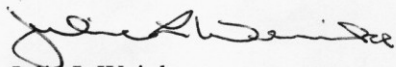
9 CFR 1.1.1 (Title 9 of the United States Code of Federal Regulations) states "Pet animal means any animal that has **commonly been kept as a pet** in family households in the United States, such as dogs, cats, guinea pigs, **rabbits** and hamsters. Rabbits are defined by the United States Department of Agriculture as non-agricultural animals.

House rabbits are classified by veterinarians in the same category as hamsters, gerbils and guinea pigs. They are known as "pocket pets." The term "pocket pets" refers to small animals, often rodents that are kept as pets and could fit in your pocket. This definition has expanded to include a few animals that are not quite that small, but that are housed in cages. According to the Humane Society and the National House Rabbit Society, rabbits are the most popular household small animal pet, or pocket pet, in the United States.

House rabbits are commonly kept as household pets throughout the United States. Rabbits are defined as pets, non-agricultural animals, by both the Colorado and United States Departments of Agriculture. I am therefore asking that Chapter 4.3.4 of the Grand Junction Zoning and Development Code be amended to read "b. The requirements of a) above shall not apply to those small animals kept within a residence as household pets, **e.g.**, fish, small birds (parakeets, parrots), rodents (mice, rats), **rabbits** and reptiles (non-poisonous snakes, lizards)."

Thank you in advance for your cooperation and attention in this matter.

Sincerely yours,



Julie L. Weinke

**PARADISE HILLS
HOMEOWNERS ASSOCIATION**

P.O. BOX 4329 - GRAND JUNCTION, COLORADO 81502

December 5, 2005

Grand Junction
City Planning Commission
250 North 5th Street
Grand Junction, Colorado 81501
Attention Bob Blanchard

RECEIVED
DEC 06 2005
COMMUNITY DEVELOPMENT
DEPT.

Dear Chairman:

It has come to my attention as President of the Paradise Hills Home Owners Association that Julie Wienke at 2694 Malibu Drive has filed with your office a request to define rabbits as small household pets. If changing this definition would allow more rabbits in a household we oppose that change. As I understand the current wording of the city code, households are allowed 6 adult animals and no more than 3 of one kind.

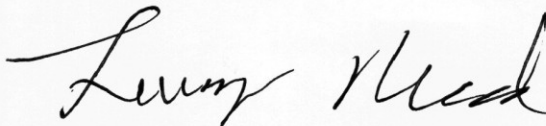
Rabbits can become pets, but in numbers greater than 3 they should be raised on agriculturally zoned land and not on a city lot zoned residential where houses are close together. Living close to a larger number of rabbits creates undesirable odors and fears of disease for the neighbors, especially when feces are not disposed of properly.

Apparently the household at 2694 Malibu Drive has been boarding well over the allowed number of rabbits. This fact came to a neighboring land owner's attention in August of 1994. (Numbers can undoubtedly be obtained from code enforcement officers who have visited the property, with the owners consent). The foul odor is what drew the neighbor's attention to the rabbits.

It is our hope that the party wishing to increase the numbers of legally held rabbits in her yard not be allowed to exceed the currently allowed legal number and that rabbits not be defined as small household pets.

If the number of rabbits being kept exceeds what the city code allows, other neighborhood landowners expect that the code will be enforced and Ms Wienke will be obligated to comply with the code.

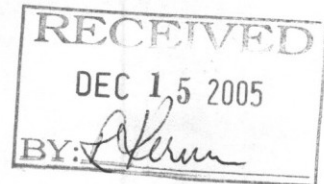
Thank you for your consideration of no change to the city code in reference to this matter.



Larry Reed
President, Paradise Hills Home Owners Association

December 11, 2005

City of Grand Junction
Community Planning Code Enforcement Office
250 North 5th Street
Grand Junction, CO 81501-2668



Dear Sir or Madam:

I request that the petition to allow more than 6 rabbits on the property located on Malibu Drive in Paradise Hills be denied. There should be no Conditional Use Permit nor any change in the code to reclassify rabbits as small household pets. The home owner, Roger Weinke already has 3 adult dogs.

Last summer, the odor from the property was excessive and during the hot months of July and August, the odor coming from the Weinke property was nauseating. My backyard was not usable for days at a time. There were excessive mosquitoes and flies in the surrounding land parcels that came from the Weinke property where all the rabbits are being kept. The rabbit droppings are not removed and cages are not cleaned on any regular schedule.

Paradise Hills subdivision is not an agricultural area and raising rabbits either for pets or commercial use should not be allowed. The rabbits present a significant health issue to the surrounding neighbors besides the odor problem.

Respectfully submitted

Thomas E Whitaker

Thomas Whitaker
Adjacent Property Owner
2695 Lanai Ct
Grand Junction, CO

***NOTE: In all places where Preliminary Plat or preliminary plat is referred to in the Code or the proposed changes for the Code, it will now read Preliminary Subdivision Plan. In all places where Preliminary Plats or preliminary plats are referred to in the Code or the proposed changes for the Code, it will now read Preliminary Subdivision Plans.**

CHAPTER ONE GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code (“Code”). The Code has been adopted pursuant to Ordinance No. 3240, effective on April 22, 2000, and as amended thereto.

1.6 RULES OF CONSTRUCTION

- A.———To help interpret and apply this Code, the following rules shall apply:
- 1A. The particular controls the general;
 - 2B. The text shall control if there is a difference of meaning or implication between the text and any caption or title;
 - 3C. The words “shall” and “must” are always mandatory. The words “may” and “should” are permissive and are at the discretion of the decision-maker;
 - 4D. Words used in the present tense include the future;
 - 5E. Words in the singular include the plural;
 - 6F. Words of one gender include all other genders, unless the context clearly indicates otherwise;
 - 7G. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended. Words not defined shall be defined by reference to ~~the~~*The New Latest Illustrated Book of Development Definitions, 1997 2004*. Absent guidance there, words not found in this book shall be defined by reference to the *Webster’s Third New International Dictionary Unabridged, 1993*;
 - 8H. Unless otherwise indicated, the term “days” means calendar days, if the period of time referred to is more than thirty (30) days. If the period of time referred to is for less than thirty (30) days, “days” means days when the City is open for business;
 - 9I. If the last day of a submission date, period or other deadline is a Saturday, Sunday or a holiday recognized by the City, the period shall end on the last business day; and
 - 10J. Use of words like “City Council,” “Planning Commission,” “Director,” “Engineer” includes City officials and staff.

1.11 CITY COUNCIL

The City Council shall:

C. Hear and decide all requests for:

7. Appeal of a Planning Commission decision; ~~and~~
8. Fee in-lieu of land dedication waiver; and
9. Sewer variances.

1.12 PLANNING COMMISSION

A. **Membership and Meetings.** The Planning Commission for the City shall consist of seven (7) regular members and two (2) alternate members. The alternate members shall otherwise have the qualification of regular members of the Commission. At the time of appointment, the City Council shall designate one (1) alternate member as the first alternate and the other as second alternate. Each alternate member shall attend all meetings and shall serve during the temporary unavailability, including recusal, of any regular Commission member as may be required. Alternate members, in addition to other duties prescribed by this Code, shall be allowed to vote in the absence of regular members according to their priority: the first alternate shall fill the first vacancy and both alternates shall vote in the absence of two (2) regular members. When a regular member resigns, is removed or is no longer eligible to hold a seat on the Commission, the first alternate shall fill the vacancy and the second alternate shall be designated as the first alternate. The City Council shall then name a replacement second alternate. The Planning Commission Alternates, the Chairman and two (2) other persons to serve at-large, shall serve as the Zoning Board of Appeals and shall discharge the duties of the Board as described and provided for in this Code. The Director of the Grand Junction Community Development Department and/or his appointed representative shall serve as staff to the Commission.

B. **Identity of Members.** The members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office nor be a contractor with the City. The Commission members shall be selected from the fields of engineering, planning, architecture construction trades, and law and citizens-at-large. BC. **Term.** Members of the Commission shall serve terms of four (4) years. ~~There shall be no limit on the number of terms, including consecutive terms, that any member may serve.~~ Members are limited to two (2) consecutive terms.

CD. **Vacancies.** All vacancies shall be filled by appointment of the City Council. If a Commission member ceases to reside in the City, his membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.

- DE. **Removal.** Members of the Commission may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.
- EF. **Meetings/Voting.** Planning Commission meetings shall be regularly scheduled not less than once a month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law. The presence of four (4) voting members is necessary to constitute a quorum.
- FG. **Compensation.** All members of the Commission shall be compensated, as the City Council deems appropriate by resolution.
- H. **Commission Powers and Duties.** Except as otherwise provided by the Code, ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by 31-23-201, *et seq.*, C.R.S. The Commission and other city officials mentioned in 31-23-201, *et seq.*, C.R.S. shall have all the powers provided for therein and shall be governed by the procedures set forth by this Code and/or law, ordinance, rule regulation or policy of the City Council. The Planning Commission's powers and duties include, but are not limited to:
2. Hear and recommend to the City Council all requests for:
 - d. Planned development preliminary plans, if no previous valid outline development plan; ~~and~~
 - e. A vested right as a part of any site specific development plan; ~~and~~
 - f. Sewer variances.
 3. Decide all requests for:
 - ~~g. Variances to any provision of this Code not otherwise assigned to another review body;~~
 - hg. Appeals of Director's decisions pertaining to the Use/Zone Matrix Table 3.5 of this Code; ~~and~~
 - ih. Appeals of decisions by the Director on administrative development permits.
 - i. Variances to the Landscape, Buffering, and Screening Requirements;
 - j. Variances in Planned Developments; and
 - k. Variances to the 24 Road Corridor Design Standards and Guidelines.
 4. Other tasks as assigned by the City Council.

1.13 ZONING BOARD OF APPEALS (ZBOA)

- C. **Term.** Members of the Board shall serve terms of four (4) years coincident to their terms on the Planning Commission. ~~There shall be no limit on the number of terms, including consecutive terms, that any member may serve.~~ Members are limited to two (2) consecutive terms.
- I. **Powers and Duties.** Except as otherwise provided by this Code, ordinance, rule, policy or regulation of the City Council the Zoning Board of Appeals shall be governed by Section 31-23-307, C.R.S.
1. The Board shall have the power and duty to decide:
 - a. Appeals of Director's decisions made pursuant to this Code;
 - b. Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this Code; ~~and~~
 - c. Requests for relief from the Nonconforming provisions established in Section 3.8 of this Code; ~~and~~
 - d. Variances to any provision of this Code not otherwise assigned to another review body.

1.14 BUILDING CODE BOARD OF APPEALS

For appeals relating to building codes, see Section 10512 of the ~~Uniform~~ International Building Code (UBC).

1.15 DIRECTOR OF COMMUNITY DEVELOPMENT

- A.—The Director of the Community Development Department (“Director”) serves at the direction of the City Manager. The Director shall decide requests for a:
- 1A. Planning ~~e~~Clearance;
 - 2B. Home Occupation permit;
 - 3C. Temporary Use permit;
 - 4D. Change of Use permit;
 - 5E. ~~m~~Major ~~s~~Site ~~p~~Plan ~~r~~Review;
 - 6F. ~~m~~Minor ~~s~~Site ~~p~~Plan ~~r~~Review;
 - 7G. Fence permit;
 - 8H. Sign permit;
 - I. Disputed Boundary Adjustments; (reletter remaining section)
 - 9J. Floodplain development permit;
 - 10K. Simple Subdivision;
 - 11L. Major Subdivision final plat;
 - 12M. Major Subdivision construction plan;
 - 13N. ~~m~~Minor amendment to Planned Development preliminary plans;
 - 14O. Planned Development final plan;
 - 15P. Planned Development final plan amendment;
 - 16Q. ~~m~~Minor deviations to any Zoning district bulk standard; and
 - 17R. Development Improvement Agreement.

CHAPTER TWO PROCEDURES

2.1 REVIEW AND APPROVAL REQUIRED

Table 2.1
REVIEW PROCEDURES SUMMARY

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	PC	C C	ZBOA	Public	Mail	Sign
ADMINISTRATIVE PERMITS									
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	<u>M</u> (Major Only)	-

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	PC	C C	ZBOA	Public	Mail	Sign
OTHER APPLICATIONS									
Zoning of Annexation	-	M	R	<u>R</u>	D	-	M	M ⁶	M ⁶
Simple Subdivision	<u>M</u>	-	D	A	-	-	-	M	-
<u>Disputed Boundary Adjustment</u>	<u>M</u>	=	<u>D</u>	<u>A</u>	=	=	=	=	=

Table 2.1

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²														
			Director	PC	C C	ZBOA	Public	Mail	Sign												
<p>KEY:</p> <table> <tr> <td>M</td> <td>Mandatory</td> <td>R</td> <td>Review Body</td> </tr> <tr> <td>O</td> <td>Optional/Recommended</td> <td>D</td> <td>Decision Maker</td> </tr> <tr> <td>-</td> <td>No/Not Applicable</td> <td>A</td> <td>Appeal Body</td> </tr> </table>										M	Mandatory	R	Review Body	O	Optional/Recommended	D	Decision Maker	-	No/Not Applicable	A	Appeal Body
M	Mandatory	R	Review Body																		
O	Optional/Recommended	D	Decision Maker																		
-	No/Not Applicable	A	Appeal Body																		
<p>Footnotes:</p> <p>¹ Where required, a General Meeting with City staff must occur before a development application will be accepted. In addition, a Preapplication Conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects, as the best way to ensure the success of a project.</p> <p>² Some administrative review does require notice. See section 2.2.B.3.</p> <p>³ The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Joint Urban Planning Area.</p> <p>⁴ A neighborhood meeting is required for Growth Plan amendment or rezoning to a greater intensity/density.</p> <p>⁵ A neighborhood meeting is required if thirty-five (35) or more dwellings or lots are proposed.</p> <p>⁶ Mailed notice and sign posting is not required for Growth Plan map amendments, rezonings or zoning of annexations relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.</p> <p>⁷ The Director shall be the decision-maker for nonresidential condominium preliminary plans for platting.</p> <p>⁸ The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).</p> <p>⁹ Even though a General Meeting may not be required, applicants should confer with City staff regarding potential issues with a proposed development, and to receive a submittal checklist.</p>																					

2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

C. Administrative Permits - General Types Planning Clearance and Building Permit

1. Planning Clearance.

a.1. No person shall establish, construct, modify or expand a use or a structure, ~~other than a fence or sign regulated by this Code,~~ until both a planning clearance and a building permit, if required, have been issued.⁶ This section does not apply to a permit for a fence or sign, as both are otherwise regulated by this Code.

b.2. Approval Criteria. The proposed development shall:

(+)a. Be located on a lot or parcel that is authorized for development by this Code;

⁶ A planning clearance is required. A building permit is required if it is required under the City's adopted building code .

~~(2)b.~~ Be consistent with the zone and use provisions established in Chapter Three of this Code;

~~(3)c.~~ Be served by the required public facilities and services; and

~~(4)d.~~ Have received all applicable local, state and federal permits.

e.3. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B, ~~except that:~~

~~(1) Planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such six (6) month period, the planning clearance shall be valid for as long as the building permit remains valid. for the planning clearance. The building permit shall be approved by the Mesa County Building Department, and any appeal shall be heard by the Building Code Board of Appeals.~~

4. **Validity.** A planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such 180 day period, the planning clearance shall be valid for as long as the building permit remains valid.

2. **Building Permit.**

a. ~~No person shall construct, modify or use a structure until a planning clearance has been obtained and a building permit has been issued.~~⁷

E. **Other Administrative Permits.**

2. **Sign Permit.**

4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments not in dispute and Pplat corrections)

a. **Purpose.** The simple subdivision process allows the Director to approve ~~a minor lot consolidations, boundary adjustments not in dispute, and~~ a lot split, and to correct a minor error in a plat.

b. **Applicability.** If requested in writing by every owner and consented to by every lienor, the Director may allow the simple subdivision process to be used to:

(1) Consolidate one (1) or more lots;

(2) Create only one (1) additional lot;

(3) Change a nondisputed boundary line between two (2) abutting lots or parcels; or

(4) Change a plat to:

(A) Correct an error in the description;

~~(B) Indicate monuments set after death, disability or retirement of the engineer or surveyor;~~

~~(C) (B)~~ Correct any monument;

~~(D) (C)~~ Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded Pplats;

⁷ ~~“Construct” “use” or “modify” means, in this context, that a building permit is required under the adopted Building Code.~~

~~(E) Correct an error in a legal description of adjacent property;
F) (G)~~

c. **Approval Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:

- (1) All lots comply with this Code, including the density/intensity provisions in Section 3.6.B;
- (2) ~~There is no~~ Any change to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
- (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
- (4) The character of the plat and the neighborhood will not be negatively impacted; ~~and~~
- (5) If a new lot is being created, no portion of the property may have been the subject of a ~~lot split~~ previous simple subdivision creating a new lot within the preceding ten (10) years; ~~and~~
- (6) The final approval shall be the recording of the plat.

d. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B.; ~~except;~~

- ~~(1) A general meeting is required;~~
- ~~(2) A perfected appeal of a Director's decision shall be reviewed by the Planning Commission; and~~
- ~~(3) The final approval shall be the recording of the plat.~~

5. Disputed Boundary Adjustments.

a. **Purpose.** The process for the disputed boundary adjustments allows the Director to approve boundary line adjustments as allowed by state law.

b. **Approval Criteria.** A disputed boundary adjustment pursuant to Section 38-44-112, C.R.S., or as amended from time to time, is permitted if approved by the Director. The applicant(s) must comply with the statute. The boundary agreement must be submitted for review. A map accompanying the agreement at a minimum shall be a sketch drawn to scale of the legal descriptions, showing a graphical depiction of the intents and limits of each lot, tract, or parcel of land included within the boundary agreement as the lots, tracts, or parcels of land shall exist henceforth as agreed. The sketch shall include a graphical depiction of all easements on each lot, tract, or parcel of land. All adjoining properties shall be identified. The sketch shall be signed and sealed by a professional licensed land surveyor. If a plat accompanies the agreement, it shall comply with the requirements set forth in the SSID manual. The final approval shall be the recording of the boundary agreement with the map or plat.

c. Application and Review Procedures. See Table 2.1 and Section 2.2.B.

2.3 PERMITS REQUIRING PUBLIC HEARING

B. **Common Elements of Procedures.** The following requirements are common to all application. The times for the City to act are maximums stated in terms of working days. The Director may shorten any time frame specified herein.

**Table 2.3
PUBLIC HEARING NOTICE PROVISIONS**

Type of Submittal or Request	Published Notice When Published ¹ (minimum calendar days before hearing)	Mailed Notice First Class Mail ²	Sign Notice Required ^{3, 4}
Grand Valley Circulation Plan Amendment	7 days	Not Applicable	No
<p>Footnotes:</p> <p>¹ All published notices shall be published in a local newspaper of general circulation recognized by the City.</p> <p>² All mailed notices must be postmarked no less than ten (10) days before a Public Hearing and must include each homeowner’s associations (HOAs) or other group registered with the Community Development Department within 1,000 feet.</p> <p>³ Signs must be posted at least ten (10) calendar days before the initial Public Hearing and remain posted until the day after the final hearing.</p> <p>⁴ One (1) sign per street frontage is required for zones of annexation of multiple parcels.</p> <p>⁵ Mailed Notice and Sign Posting is not required for Growth Plan map amendments, rezonings, or zoning of annexations for requests relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.</p>			

9. **Public Hearing Procedures.**

- d. **Continuance.** The decision making body may grant a continuance of the public hearing. ~~to:~~
- (1) ~~Increase the efficiency of the development review process;~~
 - (2) ~~Reassess a design or a position;~~

- ~~(3) Reconsider an application; and/or~~
- ~~(4) Obtain coordinated and harmonious development.~~

15. **Revocation of Permit or Approval.**

- a. Director Duties. If the Director determines there are one (1) or more reasons to revoke a development permit or approval, he/she shall revoke such permit or approval, set a hearing before the decision-maker. ~~If the Director made the planning clearance decision, then the Zoning Board of Appeals shall conduct the hearing. If the City Council decided, it may refer the proposed revocation to the Planning Commission for a recommendation hearing. Any appeal of the Director's decision shall be heard by the Zoning Board of Appeals in accordance with Section 2.18.B.~~
- b. Notice and Hearing. Notice and hearings for a revocation are the same as for the original application.
- c. Decision and Appeals. A decision to revoke a Development permit shall become ~~final fourteen (14) calendar days after the date the decision is rendered, unless appealed effective immediately.~~ After such effective date of revocation of any permit or approval, any activities continuing pursuant to such permit or approval shall be deemed to be in violation of the Code.
- d. Right Cumulative. The Director's right to revoke any approval, development permit, or other privilege or right, shall be cumulative to any other remedy.

~~16. **City Initiated Requests.** The City Manager, any Department Director or City Council may apply for a Development permit on behalf of the City, without payment of fees.~~

2.5 GROWTH PLAN AMENDMENT (GPA)

- B. **Applicability.** All proposed amendments to the text of the Growth Plan or Future Land Use Map shall comply with the provisions of this Section 2.5. Any proposed development that is inconsistent with any goals or policies of the Growth Plan or Future Land Use Map shall first receive approval of a Growth Plan amendment. The Growth Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Valley Circulation Plan, the Urban Trails Master Plan, and all other elements adopted as a part of the Growth Plan.
- C. **Approval Criteria.**
 - 1. The City and County shall amend the plan~~the~~ Growth Plan, neighborhood plans, corridor plans, and area plans if each finds that the amendment is consistent with the purpose and intent of the Growth Plan, and if:
 - 1a. There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or
 - 2b. Subsequent events have invalidated the original premises and findings;

- 3c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;
- 4d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;
- 5e. Public and community facilities are adequate to serve the type and scope of land use proposed;
- 6f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
- 7g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

2. The City and County shall amend the Grand Valley Circulation Plan and Urban Trails Master Plan if:

- a. There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or
- b. Subsequent events have invalidated the original premises and findings;
- c. The character and/or condition of the area have changed enough that the amendment is acceptable;
- d. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;
- e. The change will facilitate safe and efficient access for all modes of transportation; and
- f. The change furthers the goals for circulation and interconnectivity.

D. Decision-Maker.

- 2. **Inside of City.** Concerning property within the City, or which will be annexed, the Director and City Planning Commission shall recommend, and the City Council's action is the City's final action. City Council shall hold a public hearing prior to any decision regarding a Growth Plan Amendment within the City.

2.6 CODE AMENDMENT AND REZONING

- A. **Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:
 - 1. The existing zoning was in error at the time of adoption; or
 - 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth/growth

trends, deterioration, redevelopment transitions, etc. were not anticipated and are not consistent with the plan;

3. ~~The proposed rezone is compatible with the neighborhood, and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances; conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations and guidelines;~~
4. ~~The proposal conforms with and furthers the goals and policies of the Growth Plan, and other adopted plans and policies, the requirements of this Code, and other City regulations and guidelines; Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;~~
5. ~~Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development~~ The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs, and;
6. ~~There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and~~ The community will benefit from the proposed zone
7. ~~The community or neighborhood will benefit from the proposed zone.~~

B. **Decision-Maker.**

1. ~~The Director and Planning Commission shall make recommendations and the City Council shall make the final decision. Either the Planning Commission or the City Council may add additional property to be considered for a zoning change if such additional property is identified in the notice, in accordance with Section 2.3.B.6.~~

2.8 SUBDIVISIONS

B. **Preliminary Plat.**

2. ~~Review~~ **Approval Criteria.** A preliminary plat ~~will~~ shall not be approved unless the applicant proves compliance with the purpose portion of Section 2.8 and with all of the following criteria:
 - a. The preliminary plat shall be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Master Plan, and other adopted plans;
4. **Application and Review Procedures** are in Table 2.1 and Section 2.3.B.
 - a. ~~Application Requirements.~~ In an effort to expedite final plat approval, the applicant may provide more detailed information than is required for preliminary plat review.

- b.
- C. **Final Plat.**
4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
- a. ~~Review of Covenants. The City Attorney shall review and approve all covenants and restrictions prior to final plat approval.~~
- a. If the Subdivision is a "common interest community" as defined in Section 38-33.3-103(8), C.R.S., then the following shall apply:
- (1) Include a declaration pursuant to Sections 38-33.3-201, 38-33.3-205, and 38-33.3-209, C.R.S.;
- (2) Address the exercise of development rights pursuant to Section 38-33.3-210, C.R.S.;
- (3) Include the association bylaws pursuant to Section 38-33.3-306, C.R.S. as applicable; and
- (4) An association shall be formed pursuant to Section 38-33.3-301, C.R.S. and filed with the Colorado Secretary of State.
- b. A title commitment no older than five (5) days shall be provided before the filing of the final plat for all of the platted property.
- bc. Notice. Notice of a final plat is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with a preliminary plat.
- cd. Form of Final Action. The form of final approval by the Director shall be the recording of the plat as per Section 2.8.E. If the Planning Commission approves the final then the applicant's surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The plat shall then be recorded within one (1) year of action by the Planning Commission or as directed in the approved phasing plan/development schedule.
5. **Validity.** Within a maximum of three (3) years following the recording of a final plat, the applicant must undertake, install, and complete all engineering improvements (water, sewer, streets, curb, gutter and storm drainage) in accordance with City codes, rules and regulations, the approved plat, and the Development Improvements Agreement(s). Failure to undertake and complete the development within three (3) years shall result in the approval of the final plat being considered voidable. The Director may require resubmission of all materials and new approval of a preliminary and final plat. All dedications that occurred as a result of the original approval and recording shall remain valid unless vacated in accordance with this Code. The Director may grant two (2) consecutive extensions of six (6) months each upon a finding that the plan complies

with all Use Specific Standards (Chapter Four) and all Design Improvement Standards (Chapter Six) in effect at the time of the application for extension. If the approval of a recorded plat is voidable under this Section, the City may vacate the plat in accordance with Section 2.10 of this Code.

D. Construction Plans.

4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with Section 2.2.B., ~~with the following modifications:~~ In addition, Construction plans shall be prepared for all subdivision improvements and public improvements for all developments as required by and in accordance with this Code, the SSID Manual, the TEDS Manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA) for the public improvements and acceptable guarantee is required to be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.

~~a. Application Requirements. Construction plans shall be prepared for all subdivision improvements and public improvements for all other developments as required by and in accordance with this Code, the SSID Manual, the TEDS Manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA) for the public improvements and acceptable guarantee is required to be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.~~

E. Recording of Subdivisions. The Director shall record all final plats and related documents as follows:

1. The original plat, together with any other required documentation such as, but not limited to the following, shall be submitted for recording along with all necessary recording fees: a Mylar copy and one (1) 11" x 17" Mylar reduction; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; ~~evidence of incorporation of homeowners association~~; deeds conveying property to the homeowners association; *etc.* The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures on the plat shall be in permanent black ink.

a final plat within one (1) year of approval of the preliminary plat, the plat shall require another review and processing as per Section 2.8 and shall then meet all the requirements of the current Code and regulations at that time. One (1) extension of six (6) months may be granted by the Director for

good cause. Any additional extensions must be granted by the Planning Commission. The Planning Commission must find good cause for granting the extension.

F. **Guarantees for Public Improvements.**

1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved construction plans.
2. The plat shall not be recorded until the improvements have been completed or as a condition of final plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

2.10 VACATION OF PLATS

- A. **Purpose.** This Section is intended to provide a process for the vacation of plats, maps, and subdivisions that are no longer viable and to ensure the vacation minimizes will not have any adverse impacts on the applicant(s), surrounding property owners, and the City.
- B. **Applicability.** If a plat has not been developed, ~~or~~ has been partially developed, or has not been developed as approved, and then the owner(s) or the City desires to vacate the undeveloped portion thereof, then the owner may apply for a vacation of the plat.
- C. **Approval Criteria.** The vacation of the plat shall conform to all of the following:
1. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;
 5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a plat vacation. If the plat to be vacated includes rights-of-way or easements, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve, or deny all applications for a plat vacation.
- E. **Application and Review Procedures.** The procedures for plat vacations are the same as those required ~~for a major subdivision in Section 2.8,~~ except that no preliminary plat is required.

2.11 VACATIONS OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS

- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a vacation of a right-of-way or easement. Vacation of right-of-way shall be determined by the passing of an ordinance by City Council. Vacation of an easement shall be determined by resolution of the City Council. The Director shall approve the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument and not dedicated on a plat or map.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, ~~with the following modifications:~~
1. ~~**Recording.** All vacations shall be recorded with the Mesa County Clerk and Recorder.~~
- F. **Recording.** All vacations shall be recorded with the Mesa County Clerk and Recorder.

2.12 PLANNED DEVELOPMENT (PD)

D. Final Development Plan (FDP)

Approval Criteria. A final development plan application shall demonstrate conformance with all of the following:4. **Application and Review**

Procedures. Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:

e5. **Recording.** Upon final approval, the plan and plat shall be recorded in accordance with Section 2.8.E. The final plat shall, at a minimum, contain all of the following information that is pertinent to the PD: the bulk standards; a list of approved and/or specifically excluded uses; and any pertinent conditions or stipulations that were previously made or imposed.

6. **Validity.** Within a maximum of three (3) years following the recording of a final plan and/or plat, the applicant must undertake, install, and complete all engineering improvements (water, sewer, streets, curb, gutter and storm drainage) in accordance with City codes, rules and regulations, the approved plat and/or plan, and the Development Improvements Agreement(s). Failure to undertake and complete the development within three (3) years shall result in the approval of the final plat being voidable. The Director may require the resubmission of all materials and new approval of the preliminary and final plan and/or plat consistent with the approved Planned Development ordinance. All dedications that occurred as a result of final approval and recording shall remain valid unless vacated in accordance with this Code. The Director may grant two (2) consecutive extensions of six (6) months each upon a finding that the plan complies with all Use Specific Standards (Chapter Four) and all Design and Improvement Standards (Chapter Six) in effect at the time of the application for extension. If the approval of a recorded plat is voidable under this Section, the City shall vacate the plat in accordance with Section 2.10 of this Code.

2.13 CONDITIONAL USE PERMITS (CUPs)

C. **Approval Criteria.** The Application shall demonstrate that the proposed development will comply with the following:

2. **District Standards.** The underlying zoning districts standards established in Chapter Three, except density when the application is pursuant to Section 3.8.A.3.e;

- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B., ~~with the following modification:~~
1. ~~**Validity.** Once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of twelve (12) consecutive months.~~
- F. **Validity.** Once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of twelve (12) consecutive months.

2.14 ANNEXATIONS

- C. **Approval Criteria.** The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Community Development Department.
- F. **Zoning of Annexed Properties.** Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan and the criteria set forth in Section 2.6.A.3, 4, and 5 or consistent with existing County zoning.

2.16 VARIANCES

- C. **Approval Criteria.**
3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.2.B., ~~with the following modification:~~ In addition, the applicant shall provide proof that the requested minor deviation does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested minor deviation does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the minor deviation is approved.
- a. ~~**Consistency with Covenants.** The applicant shall provide proof that the requested minor deviation does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested minor deviation does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the minor deviation is approved.~~

8. **Variances to Landscape, Buffering and Screening Requirements, the 24 Road Corridor Design Standards and Guidelines, other Corridor or area overlay design standards and guidelines, and sewer requirement.** A variance may be granted from the provisions or requirements of the Landscape, Buffering and Screening Requirements, Corridor or area overlay design standards and guidelines, and sewer requirement only if the applicant establishes that all of the criteria of Section 2.16.C.4., a. through h., are satisfied.

2.17 REVOCABLE PERMIT

- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve, or deny all applications for a revocable permit, except the Director shall approve, conditionally approve, or deny all applications for a revocable permit for landscaping and/or irrigation in a public right-of-way.

2.18 REHEARING AND APPEALS

- E. **Appeal of Action on Nonadministrative Development Permits.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a final decision of the Planning Commission may appeal the action in accordance with Table 2.1 and Section 2.18E.
1. **Approval Criteria.**
 - a. Findings. In granting an Appeal to action on a nonadministrative development permit, the appellate body shall find:
 - (5) In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application. ~~The appellate body shall also find that the appellant requested a rehearing before the decision-maker in accordance with Section 2.18.D.~~
 3. **Decision-Maker.** The appellate body for a particular development permit shall be as specified on Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the decision-maker's action. ~~An affirmative vote of five (5) members of the appellate body shall be required to approve rezones and Growth Plan Amendment(s).~~
- F. **Planning Commission Recommendation to City Council.** All recommendations, including recommendations of denial, which the Planning Commission makes to the City Council (i.e., the Planning Commission is not the final decision-maker) shall be heard by the City Council without necessity of Appeal. The applicant may

withdraw in writing an application that has been heard by the Planning Commission and recommended for denial. Such hearings shall be de novo before the Council. An affirmative vote of five (5) members of the City Council shall be required to approve rezones and Growth Plan Amendments recommended for denial by the Planning Commission. Supermajority and other procedural requirements provided elsewhere in this Code shall be applicable.

2.19 DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIAs)

- A. **Development Improvements Agreement Authorized.** The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the Applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.
- ~~1. The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the Applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.~~
- B. **Agreement to Run with the Land.** The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIA's may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lienholders shall be required to subordinate their liens to the guarantees contained in the DIA.
- ~~—— The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIA's may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lienholders shall be required to subordinate their liens to the guarantees contained in the DIA.~~
- C. **Performance Security.**
1. Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The

security shall be in the form of a cash deposit made to the City, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, or a completed, unrecorded plat. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the City Attorney.

D. Maintenance Bond for DIA.

1. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director, ~~in an amount reflecting twenty percent (20%) of the cost of the completed improvements.~~
 - a. If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting twenty percent (20%) of the cost of the completed improvements.
 - b. If the form of security is a maintenance bond, it must be in a form acceptable to the City Attorney, in the principal amount of twenty percent (20%) of the value of the project's public improvements, for a period of one (1) year from the date of final acceptance by the City of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.
 - c. If repairs, replacement or modifications to the project's public improvements are made by the applicant(s) or are required to be made by the City during the one (1) year maintenance period, then the City, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement or modification costs plus twenty percent (20%). If the Public Works Director has reason to believe that the security will be extended beyond the one (1) year initial term, then the Public Works Director shall notify the applicant(s) in writing no later than thirty (30) days before expiration of the security. Mailing of an extension notice shall cause the applicant(s) to extend the security (bond, cash or letter of credit) for an additional twelve (12) months. The extension shall be on the same terms as the security being extended. The security may be extended for a period/number of times as is necessary for the improvements to be repaired, modified or replaced in a manner that satisfies the City. If the Public Works Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security may be released after the initial one (1) year period. In making the decision to extend the security the Public Works Director may consider any facts or information deemed relevant, which may include but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute

life, health and/or imminent safety hazard(s); whether other phase(s) or filing(s) depend on the improvements and/or the degree of failure(s) of the improvements.

~~2. To guarantee and warrant required improvements which have been addressed by a DIA, the City may require the owner to continue or extend the security, or post new security, in an amount equal to the estimated costs of repair, replacement or warranty work, plus twenty percent (20%).~~

~~3.2.~~ If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least fifty percent (50%) of the cost of the required improvements.

H. Extension of Development Improvements Agreement and Security.

1. If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he shall provide written notice of same to the Director at least thirty (30) calendar days prior to the deadline of the milestones he will be unable to meet. The applicant shall make a formal written request for an extension of the completion date for performance in the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA.

2.20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS

C. Approval Criteria. In reviewing a Master Plan, the decision-making body shall consider the following:

1. Conformance with the Growth Plan and other area, corridor or neighborhood plans;

CHAPTER THREE

ZONING

3.2 DIMENSIONAL STANDARDS

Table 3.2
ZONING DISTRICTS DIMENSIONAL STANDARDS

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
B-2	N/A	N/A	N/A	15/25 ⁽⁷⁾	0/0 ⁽⁵⁾ <u>(10)</u>	0/0 ⁽⁵⁾	N/A	4 <u>8</u> .00	65 ⁽⁴⁾
I-1	1 Acre	100	N/A	15/25	5/5 ⁽⁵⁾ <u>(10)</u>	10/10	N/A	2.00	40

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
I-2	1 Acre	100	N/A	15/25	0/0 ⁽¹⁰⁾	10/10	N/A	2.00	40

GENERAL NOTE: See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

FOOTNOTES:

- (1) Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- (2) Minimum street frontage on cul-de-sac is thirty feet (30').
- (3) RSF-R through RMF-5, the FAR (Floor Area Ratio) applies only to nonresidential uses; RMF-8 through RMF-24, the FAR applies to multifamily and nonresidential uses.
- (4) Maximum height is forty feet (40') if adjacent to any residential zoning district.
- (5) 10/5 foot setback if abutting a residential zone or use.
- (6) Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- (7) Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.
- (8) The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- (9) Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.
- (10) A minimum side yard setback of six feet (6') will be required where perimeter side yard landscaping is required.

E. Setbacks.

2. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:
 - p. Required parking where not specifically prohibited; ~~and~~
 - q. Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three (3) feet to the lot line; ~~;~~
and
 - r. In-ground swimming pools.

3.3 RESIDENTIAL ZONING DISTRICTS

- E. **RSF-4: Residential Single Family - 4**
 - 4. **Performance Standards.** Development shall conform to the standards established in this Code.
 - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- F. **RMF-5: Residential Multifamily – 5**
 - 4. **Performance Standards.**
 - a. No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
 - b. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- G. **RMF-8: Residential Multifamily - 8**
 - 4. **Performance Standards.**
 - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- H. **RMF-12: Residential Multifamily - 12**
 - 4. **Performance Standards.**
 - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- I. **RMF-16: Residential Multifamily - 16**

c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

J. RMF-24: Residential Multifamily - 24

c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

3.4 NONRESIDENTIAL ZONING DISTRICTS

A. RO: Residential Office

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

b. Minimum lot size shall be 5,000 square feet for the first use on any lot, whether the use is all-nonresidential-uses and for or an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;

E. C-2: General Commercial

5. **Performance Standards.**

a. ~~**Rezone.** Rezoning to C-2 shall not be permitted adjacent to any residential single family zone.~~

~~b.~~ Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

I. CSR: Community Services and Recreation

1. **Purpose.** To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available. The CSR District would include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. This District implements the *parks, public, conservation* and *Institutional* land use classifications of the GROWTH PLAN. The District may also be used for public property, environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use classification.

Primary Uses	Parks, open space, schools, libraries, recreational facilities.
Max. Intensity	FAR 1.0 for public/Institutional FAR 0.4 for recreation/conservation uses
Max. Bldg. Size	80,000 sq. ft. (except subject to a CUP)

J. 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/industrial₂, and industrial, and mixed use* future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.

Primary Uses	Employment, residential, limited retail, open space
Max. Intensity	Non-Residential <u>Nonresidential: 0.50 FAR</u>
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 12 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

3.5 USE/ZONE MATRIX

(See attached Table 3.5 Use/Zone Matrix with changes)

3.8 NONCONFORMING USES/STRUCTURES/SITES

A. Nonconforming Uses.

2. Nonresidential Uses.

b. **Change of Use.** No use shall be changed to a conforming use until the Director has determined that the requirements of the zone will be met. No other change to a nonconforming use is allowed, even if to a less intensive use.

3. **Residential Uses.** As used in this Section, a “nonconforming residential structure” is a structure which contains more dwellings than allowed by the zone or dwelling(s) located in a nonresidential zone that does not permit residential uses.

c. **Destruction.** Nonconforming residential structures that are damaged may be rebuilt in accordance with the following:

(1) A structure damaged to less than fifty percent (50%) of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored provided ~~that~~ the following criteria are met:

~~(A)~~ aAll portions of the structure being restored are not and were not on or over a property line;

~~(B)~~ †The number of dwelling units does not increase;

~~(C)~~ aAll construction is in compliance with current construction codes, such as the fire and building codes;

~~(D)~~ aA building permit is obtained within one (1) year from the date of the damage; and

~~(E)~~ †The certificate of occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.

(2) A structure damaged to fifty percent (50%) or greater of its fair market value, based on a market appraisal performed by a certified appraiser, may be rebuilt to its existing density provided ~~that~~ the following criteria are met:

~~(A)~~ the structure was registered with the City Community Development Department in accordance with this Section 3.8.A;

~~(A)~~ aAll portions of the structure being restored are not and were not on or over a property line;

~~(B)~~ †The number of dwelling units does not increase;

~~(C)~~ †The structure and property are in compliance with all regulations of this Code, other than density;

~~(D)~~ aAll construction is in compliance with current construction codes, such as the fire and building codes;

(E) ~~a~~A building permit is obtained within one (1) year from the date of the damage; and

(F) ~~†~~The certificate of occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.

- e. **Rebuilding.** All ~~reconstructed~~ structures damaged to fifty percent (50%) or greater of the fair market value shall comply with all provisions of this Code, other than density, including, but not limited to, setbacks, building height, parking, landscaping and open space. Although the property shall retain the right to re-establish the same number of dwelling units, changes may be required to the size and type of units and the configuration of the structures in order to meet the other Code requirements. If the property does not conform to all requirements of this Code, other than density, approval of a conditional use permit shall be required in order to vary from the requirements. In addition to complying with the Conditional Use Permit criteria, other than for density, the applicant shall demonstrate that the proposed redevelopment of the property complies with the Code requirements to the maximum extent practical, given it is the intent of this Code that the property be permitted to retain its density and remain viable.

- f. **Creation of Residential Condominium or Residential Common Interest Community Leasehold.** The declarations for a residential Condominium or residential common interest community Leasehold created with a nonconforming residential structure shall provide notice to a potential owner that the property is nonconforming and the consequences if the structure is damaged to fifty percent (50%) or greater of the fair market value. The notice shall be clear, legible and conspicuously noted in the declarations. The following language or applicable language shall be included in the declarations:

The Condominiums are considered to be “nonconforming” pursuant to Section 3.8.A. of the City of Grand Junction’s Zoning and Development Code (“Code”), as amended from time to time. Unit Owners are on notice that as the Condominiums are nonconforming, if the residential structure is damaged by fifty percent (50%) or greater of its fair market value, the Unit may only be rebuilt if the structure and property are in compliance with all requirements of the Code other than density and all applicable construction codes. Changes may be required for the Units, including but not limited to configuration, location, type, reduction in size, and number of Units in order to meet the other Code requirements. The Owner is not guaranteed that the Unit may be rebuilt as it existed. In fact, it is

unlikely that the Unit will be rebuilt as it existed, and it is possible it may not be rebuilt at all. If any damage of the structure occurs, the rebuilding of the structure must occur within a certain time period or density will need to be complied with under the Code. Refer to the Code for the applicable time period.

B. Nonconforming Structures and Sites.

2. **Maintenance and Restoration.** In any continuous twelve (12) month period, interior and exterior remodeling of nonconforming structures that requires a building permit shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering in accordance with this section. The cost of the remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or ~~a market-an~~ appraisal performed by a certified general appraiser licensed to do business in the State of Colorado utilizing the "cost" approach. This appraisal shall be performed at the applicant's expense. ~~or as determined by the Mesa County Assessor.~~
3. **Expansion.** In any continuous five-year period, additions to structures on nonconforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.
 - a. Complete redevelopment or expansions which would result in a thirty-five percent (35%) or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements of this Code. The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage/display, including expansions of existing parking lots.
 - d. For purposes of Section 3.8.B, the conversion of nonconforming commercial and/or residential structures and sites to condominiums shall be treated as an expansion of the nonconforming structure/site, requiring that the site be brought into compliance with all parking, lighting, and landscaping requirements of this Code.

CHAPTER FOUR

ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS

4.1 ACCESSORY USES

B. Accessory Structures and Uses Permitted.

5. In residential zone districts with a density of two (2) units per acre or higher (RSF – 2 and above), the size of accessory structures will be limited to a maximum of seventy-five percent (75%) of the square footage of the principal structure. For all other residential zone districts, accessory structures will be allowed up to a maximum of seventy-five percent (75%) of the square footage of the principal structure or ten percent (10%) of the parcel size whichever is greater. All activities meeting the definition of Agriculture in Section 9.27 will be exempt from these size regulations.

F. **Storage of Vehicles.**

1. Storage of recreational vehicles or commercial vehicles is governed by the following:
 - b. No recreational vehicle shall be used for living, sleeping or housekeeping purposes for longer than two (2) weeks total during any twelve (12) month period when parked in any location not zoned and approved for such use. Any use of this provision shall be limited to one (1) recreational vehicle per lot. Persons shall not live, sleep or housekeep in a recreational vehicle parked on a public street ~~or, a~~ public or private parking lot, or any vacant lot; and

G. **Residential Subunit/Accessory Dwelling Unit.**

1. Residential subunits and accessory dwelling units shall comply with the following standards:
 - n. Accessory dwelling units ~~are may be attached to the principal structure or freestanding, but~~ and in no case located in front of the principal structure. ~~If detached, †~~The accessory unit shall be located on the rear half of the parcel.

I. **Outdoor Storage and Display.**

1. **Residential Outdoor Storage.**
 - d. A maximum of two (2) vehicles intended for repair or restoration, also known as “junk vehicles,” may be stored on a property provided all of the following conditions are satisfied:
2. **Nonresidential Outdoor Storage.** Where outdoor storage is permitted in nonresidential districts it shall be subject to the provisions of this Code. Nonresidential outdoor storage are materials stored outside of business or commercial uses for a period of longer than forty-eight (48) consecutive

hours and occupying a volume of more than one hundred fifty (150)cubic feet:

- b. If the principal use of the property is other than a legal vehicle repair operation, impound lot, junkyard/salvage yard or fleet vehicle service center; a maximum of two (2) vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
 - (1) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicle(s) are located:
 - (2) The vehicle(s) shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and
 - (3) There shall be no outdoor storage of vehicle parts.
- c. **Existing Salvage/Recycling and Impound Lots:** If the principal use of the property is recycling to include car/auto recycler, end recycler (salvage yard) or wrecking yard storing inoperable vehicles, vehicle parts, dismantled machinery and associated parts, appliance recycler and impound lot and if the use was an existing legal use as of January 1, 2002, outdoor storage shall meet the following conditions.
 - (1) Storage and dismantling areas shall require screening along all street frontages and along the first fifty feet (50') of the side perimeter from the street. Sites may use opaque slats in existing chain link fences or vegetation to meet the screening requirement as long as the screening is at least six (~~6~~) feet (6') in height. Any new fencing shall be a minimum of six (~~6~~) feet (6').
 - (2) If the recycler abuts a property with zoning which is not C-2, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone that is not C-2, I-1 or I-2. Buildings on property lines shall serve as screening.
 - (3) No item shall be allowed to project above the screening except: integral units as defined in Chapter Nine of this Code; and stacking of no more than two (2) vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (~~20~~) feet (20') in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.
 - (4) Each owner, operator, independent contractor and employee of a recycling business, and every other person who dismantles, repairs or installs motor vehicle parts or appliances or other equipment containing any fluid, gas or liquid or other regulated substance shall, in accordance with applicable laws and rules, control, contain, collect, and dispose of all fluids, hazardous wastes, and other regulated fluids in or generated by the dismantling, shredding, baling or storage of motor vehicles,

appliances, other equipment or parts, including but not limited to oils, antifreezes, CFC's, transmission fluids, diesel fuel, and gasoline.

- (5) Tires shall be stored as required by the Grand Junction Code of Ordinances.
 - (6) A recycler shall have a five (5) day grace period to remove items placed outside of a perimeter fence. If the City gives a notice after the fifth working day, the recycler shall remove such items within five (5) working days.
- f. All nonresidential outdoor storage shall meet the following additional requirements, as applicable:
- (1) All storage shall conform to the Specific Zone Performance Criteria in Section 3.4 and the use-specific requirements of that particular use;
 - (2) Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a residential or business zone;
 - (3) Except for integral units, stored items shall not project above the screening;
 - (4) Dumpsters and refuse containers for new uses in all zones except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six (6) feet (6') tall. Nonconforming sites shall comply with Section 3.8.

J. Fences.

- 1. Fences in all residential zones, including the Residential Office (RO) district, shall meet the following standards:
 - b. Unless the approval of the development required a landscape strip, fences up to six (6) feet (6') in height are permitted within front yard setbacks along arterial or major collector roads provided they are in accordance with adopted corridor overlay zone standards, TEDS and all other engineering standards and meet the following minimum standards:
 - (3) Perimeter fences and walls in new developments must meet the requirements of Section 6.5.G., Residential Subdivision Perimeter Enclosures.

4.2 SIGN REGULATION

B. Prohibited Signs.

- 1. Prohibited signs are signs which:
 - d. Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background; except that one (1)

portable sign per business will be allowed next to the building in shopping areas that are designed to invite pedestrian traffic. In no case shall a portable sign be placed in a parking lot or in any median. No sign shall be allowed that creates a hazard for or impedes motorists or pedestrians. Signs may not exceed twelve (12) square feet in size and may not exceed three 3 feet (3') in width;

C. **Exemptions.**

1. The following signs are exempt from all the provisions of this Code, except as otherwise required by construction or safety regulations, or the following requirements:

h. **Temporary Signs not advertising a Product or Service.** Products or services offered for sale and not in excess of six (6) square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed ten (10) days.

m. **Campaign Signs.** Noncommercial speech signs, such as political signs used for campaigning purposes, shall be allowed for a time period not to exceed sixty (60) days prior to the scheduled primary election and shall be removed no later than ten (10) days after the election date in which the office, issue or ballot question is decided. Signs shall not be placed in any public right-of-way, including medians, except that adjacent property owners may place campaign signs in a landscaped right-of-way area between the sidewalk and curb adjacent to private property. Signs placed on private property shall not obstruct the vision of motorists or pedestrian traffic due to size or location.

D. **Temporary Signs.** The following on-premise temporary signs shall be allowed in all zones and shall not require a permit, ~~except as provided for in this section~~ unless otherwise indicated.

6. Wind-driven signs are subject to the following:

a. A special events permit shall be required prior to any use of wind-driven signs, except for those allowed under Section 4.2.C.1.f, Temporary Decorations or Display.

F. **General Requirements.**

2. The following shall apply to the measurement of signs:

a. The total surface area of one (1) sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, other than a single or double pole support, shall be counted as part of the sign's surface area.

f. The area of a façade sign shall be determined to be the sum of the area of each of the smallest perimeter(s) enclosing the limits of each work and written or graphic representation, including letter(s), number(s),

character(s), and/or logo(s) used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.

G. **Sign Standards by Zone.**

1. Only signs as described below and within this Section shall be permitted in any zone.

a. **Residential Zones – Types Allowed**

b. (4) **Location.** Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight (8) feet (8') above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.

e. (5) **Illumination.** Indirect or internal illumination only shall be utilized for letter faces and/or logos.

(6) **Sign Area.** Sign enhancement features such as bases, pillars, and other decorative elements shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

d. b. **Residential Office Zone.**

(5) **Sign Area.** The area of flush wall signs and monument signs shall be calculated as per Exhibit 4.2. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

e. c. **Business, Commercial, Industrial Zones.**

(2) **Types Allowed.**

(A) Signs in the business, commercial, and industrial zones may include façade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones. Real estate signs in these zones may be a maximum of twenty (20) square feet.

(B) A temporary street banner across a public right-of-way which announces an event sponsored by a local, state, or federal governmental unit(s), charitable organizations, or other nonprofit organizations may be allowed, if the sponsoring entity obtains a permit from the Director which shall specify the time and limits of the banner, size in square footage, and exact location. Street banners will only be allowed on Main Street from the 300 block to the 600

block. One (1) banner will be allowed for each block, as determined by the City's Parks and Recreation Department.
Street banners shall be installed, removed, and maintained by the City. A street banner authorized by this section shall refer only to the event in question and shall not contain advertising for any private product or service offered for sale except a logo or logos of the sponsoring entity if the total area of the logo(s) does not exceed five ~~(5)~~ percent (5%) of the banner area.

(5) **Façade Signs, Flush Wall Signs and Roof Signs.**

- (A) The sign allowance shall be calculated on the basis of the area of the one (1) building facade that is most nearly parallel to the street that it faces. Each building facade, which faces a dedicated public street, shall have its own separate and distinct sign allowance. The sign allowance for façade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building façade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two (2) square feet of sign area per linear foot of the façade on which it is being placed.
- (B) Two (2) square feet of sign area shall be allowed for each linear foot of building facade for façade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to twelve ~~(12)~~ inches (12") from the face of the building if the base of the sign is at least eight ~~(8)~~ feet (8') above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)
- (C) On any building which allows façade signs, flush wall signs, roof signs, or projecting signs, a maximum of two (2) of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two (2) square feet per linear foot of building may be divided between the two (2) types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

- (8) **Off-Premise (Outdoor Advertising Sign).** Off-Premise signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (General Commercial) and I-1 and I-2 (Industrial) zones, subject to the following conditions:

(C) Location. A sketch, drawn to scale, depicting the size and location of the proposed billboard. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.

- ~~(C)~~(D) Service clubs may be allowed one common off-premise sign, in any zone, adjacent to each major highway, to a maximum of five (5) signs. These signs do not have to comply with (A) and (B) above but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.

4.3 USE-SPECIFIC STANDARDS

M. Superstore/Big Box Development/Shopping Center.

2. Big Box shall provide outdoor spaces and amenities to link structures with the community. Bus stops, drop-off/pick-up points, as well as pedestrian circulation routes shall be integrated with traffic patterns on the site. Special design features enhance the building's function with its relationship to the community.
 - a. Big Box shall provide at least two (2) of the following design features:
 - (7) Clock tower; ~~or~~
 - (8) Public Art; or
 - (9) Other features approved by the Planning Commission.
6. Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.
 - d. Nonenclosed areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the colors on the building. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles, or required parking spaces.

- f. ~~Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces. Portable outdoor display shall be allowed and shall be placed so that a minimum of eight (8) feet (8') of sidewalk remains open at all times in the display area. Display shall not be placed in the drive aisles or required parking spaces.~~
- g. One outdoor vendor shall be allowed for each tenant over 50,000 square feet. The area established for the vendor shall be identified on the site plan.
- h. Any special event occurring in any outdoor area, including pedestrian ways and parking lots, shall comply with Section 2.2.D.2 of this Zoning and Development Code.

17. All applications for any Superstore/Big Box Development/Shopping Center development shall submit, as part of their site plan review, a complete sign package consistent with the latest edition of the SSID manual.

Q. Group Living Facility.

1. Group Living Facility (“facility” or “group living facility”).
 - b. For the purpose of this Section only, the following definitions shall apply:
 - (4) **Related.** Related means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See, Chapter Nine, Group Living Facility, Family and Household.)
2. Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved, the Director or the applicant may refer such matters to the Planning Commission.
3. Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See Table 3.5 Use/Zone Matrix. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A Community Corrections Facility, as defined by this Code is not a group living facility, and thus, shall not exist in a residential zone.
 - a. “Adult Day Treatment Facility” is a facility for the care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the ~~resident~~ adult resides at the facility.
 - c. "Alternate Care Facility" is defined in ~~C.R.S. §~~ Section 26-4-603(3),

C.R.S.

- e. "Community Residential Home" is defined in ~~C.R.S. § Section~~ 27-10.5-102(4), C.R.S.
- f. "Family Child Care Home" is defined in ~~C.R.S. § Section~~ 26-6-102(4), C.R.S.
- h. "Group Home for Persons with Mental Illness" is defined in ~~C.R.S. § Section~~ 30-28-115(2)(b.5), et seq., C.R.S.
- i. "Group Home for the Developmentally Disabled" is defined in ~~C.R.S. § Section~~ 30-28-115(2)(a), C.R.S.
- l. "Institutions providing life care" as "life care" is defined in ~~C.R.S. § Section~~ 12-13-101(5), C.R.S.
- ~~m. "Non-profit group home for the developmentally disabled" is defined in C.R.S. § 30-28-115(2)(b)(I)(A). (reletter subsequent sections)~~
- m. "Nursing Facility" is defined in ~~C.R.S. § Section~~ 26-4-103(11), C.R.S.
- n. "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability and a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services.
- ~~m. "Owner Operated Group Home" is defined in C.R.S. § 30-28-115(2)(b)(I)(B).~~
- ~~p. "Personal Care Boarding Home" is defined in C.R.S. § 25-27-102(8). (reletter subsequent sections)~~
- o. "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four (4) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.
- p. "Residential Child Care Facility" is defined in ~~C.R.S. § Section~~ 26-6-102(8), C.R.S.
- q. "Residential Substance Abuse Treatment Home" means a residential facility that provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment,

habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.

- r. "Secure Residential Treatment Center" is defined in ~~C.R.S. § Section~~ Section 26-6-102(9), C.R.S.
 - s. "Staff Secure Facility" is defined in ~~C.R.S. § Section~~ 19-1-103 (101.5), C.R.S.
 - t. "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.
 - u. "Transitional Victim Home" means a residential facility which provides twenty-four (24) hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care may be provided.
- ~~7. If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. "Density" for the purpose of Group Living Facilities is defined in Section 3.6.B.5 of this Code. (renumber subsequent sections)~~
7. A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.
8. No person shall own, operate or manage any group living facility unless the facility(ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.
- a. Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.
 - b. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
9. **Continuance.**
- a. All group living facilities which were in existence as such prior to ~~the effective date of this ordinance~~ January 21, 2001 may continue without regard to the provisions of this section, with the exception of ~~all~~

registration requirements. Such use may continue until the occurrence of any of the following:

- (5) Any expansion due to damage or destruction of the facility, as provided in Sections 3.8.C and 3.8.E of this Code; or
- (6) Abandonment of the group living facility use for a period of more than twelve (12) months.

10. The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:

- a. The group living facility has a valid Colorado license, if any is required;
- b. The group living facility is at least seven hundred and fifty (750) feet (750') from every other group living facility;
- c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
- d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
- e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
- f. The group living facility complies with the parking requirements of this Code; and
- g. The maximum number of residents allowed is not exceeded.

~~12. A facility shall only be located or operated on a lot or parcel that contains:~~

- ~~a. At least five hundred (500) square feet for each person residing in the group living facility, and;~~
- ~~b. The Director determines that public facilities and the neighborhood will not be adversely affected by the number of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.~~

~~13. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:~~

- ~~a. Public and private services such as street, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;~~
- ~~b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;~~
- ~~c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or~~
- ~~d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-~~

mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.

e. ~~When considering whether an adverse impact exists, the Director shall consider the following:~~

(1) ~~Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;~~

(2) ~~The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or~~

(3) ~~Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.~~

~~14. Services provided within the group living facility shall be restricted to the residents of the facility. Any use which provides services for those other than current residents, which facility is located in a residential zone may allow additional persons up to the total number of residents permitted in that particular group living facility or the number of persons permitted in an Adult Day Care Center (twelve) to use the services of the use. For example, if there are currently eight (8) residents at the facility, no more than four (4) nonresidents may use the services the facility provides;~~

~~15. If the group living facility proposes to use or convert existing multi-family residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.~~

~~16. Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within five hundred (500) feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within one thousand (1000) feet of the group living facility.~~

~~b. At the meeting, the applicant shall describe the facility and its proposed uses.~~

~~c. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.~~

~~d. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.~~

- e. ~~The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that information when making a decision.~~
- ~~17. Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.~~
- ~~18. At least twenty (20) days in advance of any change of use, as defined by this section, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.~~
 - a. ~~The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.~~
 - b. ~~If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
 - (1) The twenty day period has elapsed; or
 - (2) The Director's decision to disallow, allow or refer.~~
- ~~19. At least once each twelve (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.~~
 - a. ~~A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.~~
 - b. ~~Within twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.~~
 - c. ~~Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance~~

with Chapter Two of this Code. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.

~~20. Each group living facility for accused, convicted or adjudicated juveniles or adults is designed and located to assure the security of the facility itself, adjoining properties and the neighborhood. As a basis for this decision for renewal or denial of registration, the Director may rely on the number, type and frequency of police and/or other emergency responses at the Facility in the preceding twelve (12) month period;~~

11. A group living facility shall only be located or operated on a lot or parcel that contains at least five hundred (500) square feet (500') for each person residing in the group living facility.

12. In a residential zone, any use which provides services for those other than current residents in a group living facility may allow additional persons up to the total number of residents permitted in that particular group living facility to use the services. For example, if there are currently eight (8) residents at a large group living facility, no more than four (4) nonresidents may use the services the facility provides;

13. If the group living facility proposes to use or convert existing multifamily residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.

14. Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within five hundred (500) feet (500') from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within one thousand (1000) feet (1000') of the group living facility.

a. At the meeting, the applicant shall describe the facility and its proposed uses.

b. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.

c. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.

d. The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The

Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that information when making a decision.

15. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.

16. Every group living facility for adult or juvenile offenders, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed for original approval and annually when the facility applies for registration as follows:

- a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.
- b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
- c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.
- d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.

17. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning

Commission decision made under this paragraph 18-17 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).

18. Prior to the Director approving an application, the following proof must be provided:

- a. The group living facility has a valid Colorado license, if any is required;
- b. The group living facility is at least seven hundred and fifty (750) feet (750') from every other group living facility;
- c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
- d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
- e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
- f. The group living facility complies with the parking requirements of this Code; and
- g. The maximum number of residents allowed is not exceeded.

19. At least once each twelve (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.

- a. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
- b. Within twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this Section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.
- c. Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter Two of this Code. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.

20. For renewal to be granted the Director must determine the following:

a. The public facilities and the neighborhood have not been adversely affected by the number of residents and/or any uses offered or by the aggregate number of group living facilities in the neighborhood. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:

(1) Public and private services such as street, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;

(2) The group living facility interferes with the peace, quiet and dignity of the neighborhood;

(3) The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or

(4) The group living facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, instigated by neighbors or for nonmandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.

(5) When considering whether an adverse impact exists, the Director shall consider the following:

(A) Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;

(B) The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or

(C) Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.

b. Group living uses occurring in each structure, if more than one (1) structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one (1) structure.

c. The following proof is provided that:

(1) The group living facility has a valid Colorado license, if any is required;

(2) The group living facility is at least seven hundred and fifty (750) feet (750') from every other group living facility;

- (3) The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
- (4) The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
- (5) Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
- (6) The group living facility complies with the parking requirements of this Code; and
- (7) The maximum number of residents allowed is not exceeded.

21. At least twenty (20) days in advance of any change, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.

- a. The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
- b. If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
 - (1) The twenty (20) day period has elapsed; or
 - (2) The Director's decision to disallow, allow, or refer.

~~21. Every group living facility for adult or juvenile offenders, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed annually when the facility applies for annual registration.~~

- ~~a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.~~
- ~~b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.~~

~~e. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.~~

~~d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.~~

~~22. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.~~

~~23. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 18 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).~~

~~24. After one year of the effective date of this ordinance, the City Council shall examine the ordinance's effectiveness. If the Council determines at that time that the provisions have been effective, the review shall occur every three years thereafter.~~

R. Telecommunication Facilities/Towers.

10. No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision making body, that the following are satisfied:

g. **Location.** Shared use/colocation of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Director. Any 911 antenna that colocates on an existing tower, structure, or building shall have the application fee waived.

S. Transit Shelters and Benches.

16. The permittee shall not place a bench or shelter with a sign or advertising on or incorporated into it except on a principal arterial; minor arterial, major collector or designated Dial-A-Ride stop; provided by the adjacent property is not zoned for residential use.

CHAPTER FIVE

PLANNED DEVELOPMENT (PD)

5.1 PURPOSE

- A. The planned development (PD) zone applies to mixed-use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter Three. Planned development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:
1. More effective infrastructure;
 2. Reduced traffic demands;
 3. A greater quality and quantity of public and/or private open space;
 4. Other recreational amenities;
 5. Needed housing types and/or mix;
 6. Innovative designs; ~~and/or~~
 7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or
 8. Public art.

CHAPTER SIX

DESIGN & IMPROVEMENT STANDARDS

6.2 INFRASTRUCTURE STANDARDS

A. General.

1. **Public Improvements.** The improvements described in this Section must be built by the applicant and constructed in accordance with adopted standards, unless otherwise indicated. The applicant/developer shall either complete construction of all such improvements (in this section “infrastructure”) prior to final City approval (such as a subdivision plat) or shall execute a Development Improvements Agreement. No improvements shall be made until the following required plans, profiles and specifications have been submitted to, and approved by, the City:

The City may elect to require the developer to coordinate construction with the City as required in this Chapter. If the developer, in order to provide safe access and circulation, must build or improve an arterial or collector street, the City may choose to participate in paying for a portion of the costs of paving these streets, including engineering, site preparation, base and pavement mat.

B. Streets, Alleys, Trails and Easements.

1. **Design Standards.**
 - c. A developer shall dedicate to the City such rights-of-way (*e.g.*, streets, sidewalks, trails, bicycle paths and easements) needed to serve the project in accordance with:
 - (1) The adopted Functional Classification Map and Grand Valley Circulation Plan as amended from time to time; and
 - (2) The Urban Trails Master Plan, sidewalks, trails and/or bicycle plans and maps including riverfront trails.
 - d. Streets, alleys, sidewalks, trails and bike paths shall be constructed in accordance with applicable City standards. If needed to provide safe and adequate access and circulation for residents, visitors, users and occupants, the applicant shall provide off-site infrastructure.
3. **Existing Residential Streets.** Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing residential streets do not have curb, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well-established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one (1) of these well-established neighborhoods chooses to subdivide a lot or parcel, unless such improvements

are extended off-site to connect to a larger system, these "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends to other connecting facilities. The Public Works and Utility Director shall determine the acceptable minimum improvements. The Public Works and Utility Director shall require the improvements be constructed unless the following criteria are met:

- a. The development is for three (3) or less residential lots;
- b. The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
- c. The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1000 average daily traffic ("ADT") based on an assumed typical ten (10) trips per day per residence and the volume is expected to be less than 1000 ADT when the neighborhood or block is fully developed;
- d. At least eighty percent (80%) of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well-established;
- e. If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic exists, and it cannot be improved or remedied by the street improvements being built; and
- f. There is at least 250 feet from any point on the development to the nearest existing street improvements(s) that substantially comply with the City standard(s) for the particular kind of improvements.

If all of the criteria have been met, instead of requiring these "short run" improvements, the Public Works and Utility Director may in his or her discretion accept a signed agreement from the owner(s) to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney.

34. **Public Right-of-Way and Private Parking Lot Use.**

- d. Overnight camping shall not be allowed in public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use. Parking of an RV or any vehicle for more than seventy-two (72) hours shall not be allowed in a public right-of-way: or on any vacant lot.

45. **Partially Dedicated Street.** Prior to any development or change of use which is projected to increase traffic generation by the greater of five percent (5%) or ten (10) vehicle trips per day, the applicant shall dedicate right-of-way required to bring abutting streets into compliance with the adopted street classification map, or as otherwise approved by the City Engineer. Upon receipt of the appropriate

deed, and if all other requirements have been met, the final development permit shall be issued.

56. **Street Naming and Addressing System.** A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, mail), reduce public costs for administration, and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. The Director shall check all new street names for compliance to this system and issue all street addresses. Existing streets and roads not conforming to this system shall be made conforming as the opportunity occurs.

E. Sanitary Sewer System.

All lots and uses must be served by a sewer system connected to a public wastewater treatment facility. Requests for variances to this requirement shall be decided by the City Council, upon recommendation by the Planning Commission, in accordance with Section 2.16.C.8. Sewer variance requests shall also be subject to "Permit Application for Sewer Variance" administered by the Manager of the Persigo Wastewater Treatment Plant.

F. Storm water Management.

2. Drainage Fee In Lieu Of Providing Drainage Detention/Retention Facilities. Detention/retention and metered outlet facilities shall be required unless the Director of Public Works and Utilities, pursuant to the City's adopted storm water drainage impact fee ordinance, finds:
 - a. ~~€~~The site runoff to private property will not increase due to development; and
 - b. ~~€~~The Director, or his designee, determines that off-site public streets or other public drainage conveyance facilities are adequate to receive and convey additional runoff from the proposed development site without adversely impacting the public's facilities, interest, health, or safety.

6.4 SCHOOL LAND DEDICATION FEE

A. Standard for School Land Dedication. Dedication of Suitable School Lands for school purposes shall be required of any development if the school district determines that such development includes within it land which is necessary for implementing a school plan. In all other cases, the fee required under Section 6.4.A.2 shall be paid in lieu of a school land dedication.

1. **Standard for Fee in Lieu of School Land Dedication.** Except in cases where a school land dedication is required in accordance with this Chapter, or an exemption under this Chapter applies, all development and all projects which contain a new dwelling shall be subject to fees in lieu of school land dedication (SLD Fee) in an amount per dwelling unit determined by resolution of the City Council. SLD Fees shall be collected by the City for the exclusive use and benefit of the school district in which such development is located, and shall be

expended by the school district solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the school district for sums expended to acquire such property or interests. Revenues from such fees shall be used only for such purposes.

2. **Payment, Prepayment, Exemption, Credit, and Refund of SLD Fee.**
 - a. No building permit shall be issued for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one (1) or more dwelling units until and unless the SLD fee for such dwelling unit(s) in effect at the time such permit is applied for has been paid as required by this Section.
 - b. Nothing in Section 6.4.A.1 shall preclude a holder of a development permit for a residential development or mixed use development containing a residential development component from prepaying the SLD Fees to become due under this Section for one (1) or more dwellings, multiple-family dwellings or multifamily dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for residential development, at the SLD Fee rate then in effect and in the amount which would have been due had a building permit application for such dwelling(s) been pending at the time of prepayment. A subsequent building permit for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one (1) or more dwelling units for which the SLD Fees have been prepaid shall be issued without payment of any additional SLD Fees. However, if such permit would allow additional dwelling units for which SLD Fees have not been prepaid, such permit shall not be issued until the SLD Fees for such additional dwelling units have been paid at the rate per dwelling unit in effect at the time the building permit application was made.
 - c. Any prepayment of SLD Fees in accordance with this Section shall be documented by a memorandum of prepayment which shall contain, at minimum, the following:
3. **Exemptions.** The following shall be exempted from payment of the SLD Fee:
 - d. The installation of a replacement mobile home on a lot or other parcel when a fee in lieu of land dedication for such mobile home has previously been paid pursuant to this Section or where a residential mobile home legally existed on such site on or before the effective date of this section;
5. **Refund of Fees Paid.**
 - a. Any SLD Fee which has not been expended by the school district within five (5) years of the date of collection shall be refunded, with interest at the rate of five percent (5%) per annum compounded annually, to the person who paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent (3%) of the principal amount

to be refunded, for the costs incurred by the City in the refund of such fee. The City shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the City within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this Section.

B. Fees In Lieu of School Land Dedication (SLD Fees).

3.2. The SLD Fee and the value of the variables in the formula to determine the SLD Fee shall be set by resolution of the City Council in accordance with the following formula:

Average Cost per Acre of Suitable School Lands within the School District	X	Student Generation Fee Factor	=	SLD Fee Per Dwelling Unit
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(For example, if the average cost of suitable school lands within the school district is \$15,000 per acre and the student generation fee factor is .023, the SLD Fee per dwelling unit would be \$15,000 x .023, or \$345.)

3. The average cost per acre of suitable school lands within the school district ("Average Cost per Acre for SLD Fee") and the student generation fee factor ("SGF Factor") shall be determined by City Council. Before City Council considers modification of either, a sixty (60) day prior written notice shall be provided to the school district. If a written request for a public hearing specifying which factor(s), the Average Cost per Acre for SLD Fee and/or the SGF Factor, the school district wants to be heard on is received by the City from the school district at least thirty (30) days before the matter is scheduled to be determined by City Council a public hearing shall occur. At a hearing where City Council is considering the modification of the Average Cost per Acre for SLD Fee, City Council shall consider the school district's long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district. At a hearing where City Council is considering the modification of the SGF Factor, City Council shall consider the school district's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the school district.
4. The SLD Fee in effect as of January 1, 2006 was \$460.00. The SGF Factor used to determine the SLD Fee was .023. This SLD Fee and SGF Factor shall continue until otherwise modified by City Council as set forth in this Code.

6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

F. Fences, Walls and Berms.

1. **Fences and Walls.** ~~Nothing in this Code shall require the “back-to-back” placement of fences and/or walls.~~ When a higher density or intensity zoning district abuts a lower density or intensity zone district, it is the responsibility of the higher density or intensity property to buffer the abutting zone district according to Table 6.5. ~~If~~ When an existing fence or wall substantially meets the requirements of this section, and Table 6.5 requires the same form of buffering, an additional fence on the adjacent developing property shall not be required. However, if the new development requires the placement of a wall, and a fence exists on the adjacent property, the wall shall be required. If a wall is required and a fence is in place, the wall must be placed adjacent to the fence. (Table 6.5 should be referenced to determine when a wall or a fence is required. The more stringent standard shall apply *i.e.*, if a wall is required and a fence is in place, the wall must be placed adjacent to the fence.) Fences and walls must meet the following:

D. Lot Layout and Design.

4. Zero Lot Line Development. In a zero lot line development, dwellings are “shifted” to one (1) side of the lot to provide greater usable yard space on each lot. To work, all of the dwellings must be located at the same time. Because the location of each house is predetermined, greater flexibility in site development standards are possible while creating a single family detached character for a neighborhood.
 - b. The outside boundary of the permissible building envelope for each lot must be graphically depicted on a map, to be recorded with the plat. ~~monumented on the plat or clearly and continuously staked with monumentation installed within thirty days of the sale of the lot. The corresponding plat shall note the existence of the building envelope map and reference its recording information.~~
 - d. All zero lot line development shall comply with the following:
 - (1) The minimum distance between adjacent structures in the development must be equal to twice the required side setback of the zone unless changed pursuant to a cluster. The eaves, including any gutters, on the side of a the dwelling with a the reduced setback may encroach up to eighteen inches (18”) into the abutting lot within the project. The building envelope map ~~plat~~ shall note the extent and location of the potential encroachment. Appropriate easements shall be created for

- maintenance/repair purposes.
- (2) ~~The plat shall create a~~ A maintenance/repair easement shall be created when the eaves or side wall of a proposed house would be within four feet (4') of the abutting property. In addition, ~~the plat must restrict~~ any structure on the abutting lot is restricted to one (1) or more feet from the common boundary so that after construction of both dwellings there remains at least five feet (5') between the structures at all points, except when the structure is attached dwelling units.
- (3) If the side wall of a house is on, or within three feet (3') of the property line, no windows or other openings in the wall are allowed, for privacy and due to the building and fire codes.
5. **Cluster Developments.**
- d. Unless provided otherwise by the subdivision approval, cluster rules are:
- (4) Bulk requirements for clustered lots are those of the zone which has the closest lot sizes. For example, if an RSF-2 area is developed with thirty percent (30%) open space then the bulk requirements of the RMSF-4 zone apply.
7. **Loop Lane.** Single family lots may be located on a loop lane, provided TEDS are met. TEDS also identifies special setbacks and lot size reductions for properties located on loop lanes.
- E. **Circulation.**
1. **General.**
- g. Commercial subdivisions shall provide for vehicular circulation between adjacent lots and must dedicate or grant appropriate easements accordingly.
- F. **Location and Use of Open and Undeveloped Space.**
10. Landscape Buffer. See Section 6.5.G.5.

6.8 STANDARDS FOR REQUIRED REPORTS, STUDIES AND SPECIAL PLANS

The applicant shall submit to the ~~Administrator~~ Director those materials as listed in the SSID ~~M~~manual (under separate cover). All projects shall comply with the applicable requirements in SSID.

6.9 TRANSPORTATION ENGINEERING DESIGN STANDARDS

All projects shall comply with applicable requirements for the Transportation Engineering Design Standards (under separate cover).

CHAPTER SEVEN SPECIAL REGULATIONS

7.3 AIRPORT ENVIRONS OVERLAY ZONING DISTRICT (AE)

Table 7.3
Airport Land Use Compatibility Standards Matrix

LAND USE	SUBDISTRICTS			
	A	B	C	D
Residential (≤ 1 unit per 5 acres)	Y	30 ^{Note 1 1}	30 ^{Note 1 1}	N
Residential (1 unit per 5 acres 4 units per acre) (>1 unit per 5 acres)	Y	C30 ^{Note 1 1}	C30 ^{Note 1} N	N
<p>LEGEND</p> <p>Y: Yes</p> <p>C: Requires Conditional Use Permit</p> <p>N: No</p> <p>25: Measures to achieve Noise Level Reduction (NLR) of 25dB must be incorporated into the design and construction of structures.</p> <p>30: Measures to achieve Noise Level Reduction (NLR) of 30dB must be incorporated into the design and construction of structures.</p> <p style="margin-left: 400px;">Note 1 1: Where possible no residential development shall be permitted within Subdistricts B and C; however, for properties substantially or wholly burdened by <u>Subdistrict C</u> these districts, residential Ddevelopment may be permitted at a Ddensity not to exceed one (1) unit per five (5) acres. Clustering of homes outside of Subdistricts B and C shall, where possible, be used.</p>				

CHAPTER EIGHT

ADMINISTRATION & ENFORCEMENT

8.6 CRIMINAL PENALTY

A violation(s) of any provision of this Code or any requirement or condition imposed pursuant to this Code, including violations of standards and requirements adopted by reference shall be a misdemeanor. Upon conviction, any person found in violation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both fine and/or imprisonment, for each violation. Violations of Section 4.32.D, Temporary Signs, by the same owner and/or occupant which involves enforcement action more than once within a one (1) year period are subject to the following fine schedule:

Second offense (up to).....\$ 50.00
Third offense (up to).....\$250.00

Each person violating this Code or any requirement or condition imposed pursuant to this Code, whether the person directly commits the act or aids or abets the same, whether present or absent, may be prosecuted and punished as a principal.

CHAPTER NINE

DEFINITIONS

9.32 TERMS DEFINED

Words contained in this section are those having a special meaning relative to the purposes of this Code. Words not listed in this section shall be defined by reference to The ~~New~~ Latest Illustrated Book of Development Definitions, ~~1997~~ 2004. Absent guidance there, words not found in this book shall be defined by reference to the Webster's Third New International Dictionary unabridged, 1993.

BUSINESS RESIDENCE

A single residential dwelling unit, accessory to, and located within a structure primarily devoted to business or commercial uses (see Section ~~4.124.3.I~~ and Table 3.5).

DUPLEX

A building under one (1) ownership containing two (2) single-family dwelling units totally separated from each other by an unpierced common wall extending from ground to roof.

FENCE

An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls interior to the property, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

SIGN

Any device, fixture, placard, structure, painted surface, or part thereof that uses any color, ~~form~~ word, written representation, graphic symbol, logo, letters, illumination, ~~symbol~~, numbers, or writing to advertise, announce or identify the purpose of, a person or entity, to advertise or merchandise a product or service, or to communicate written information ~~of any kind~~ to the public. (sSee Exhibit 9.8)

SIGN, FACADE

A façade sign is a sign painted on a wall(s) of a building with or without a background.
A façade sign shall not project from the building on which it is painted.

SIGN, PORTABLE

A sign which is not permanently attached to the ground or a structure. A sign that is mounted, ~~painted~~ or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign.

STRUCTURE

Anything constructed or erected which requires location on or in the ground, or is attached to something having a location on the ground or anything defined by the International Building Code. Structures do not include ditches and their appurtenances, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on grade slabs, walkways, driveways, landscaping materials or fences, except that fences in excess of six feet (6') shall be considered a structure. (See also Building.)

TEMPORARY, USE OR STRUCTURE

Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter Four, typically for ~~three~~ four months or less.

WALL

1. The vertical exterior surface of a building;
2. Vertical interior surfaces that divide a building's space into rooms; or
3. A vertical architectural partition used to divide, separate or enclose an outside area, a masonry fence (see definition of Fence).

YARD, FRONT

A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For Flag Lots, see Side

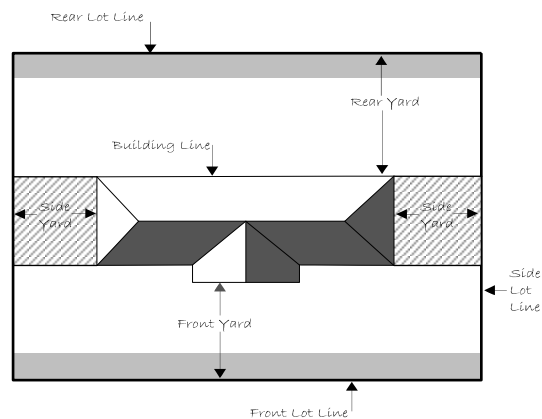


EXHIBIT 9.9

(Exhibit has changed but original does not appear.)

YARD, REAR

A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. (See Exhibit 9.9.)

YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. (See Exhibit 9.9.)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO BE PUBLISHED IN PAMPHLET FORM

Recitals:

Ordinance No. 3390 adopted the City of Grand Junction Zoning and Development Code in January, 2000. Since the adoption of the Zoning and Development Code there have been several amendments approved, the most recent in November, 2005 with Ordinance 3838. Many of the amendments proposed for adoption in this ordinance are corrections to the format/formatting of the Zoning and Development Code. The proposed amendments were made available for review in the Community Development Department and the City Clerk's office.

The Planning Commission has recommended approval of the amendments. The City Council finds that the amendments are consistent with the Growth Plan and are necessary or required by law and are in accordance with law.

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

1. The Zoning and Development Code is hereby amended. Due to the length of this document, and because it is available in a readily used bound pamphlet form, the Clerk is authorized to publish the Zoning and Development Code adopted with this Ordinance by pamphlet.
2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.
3. The remainder of the Zoning and Development Code will remain in full effect.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED IN PAMPHLET FORM ON ____ day of _____, 2006.

PASSED on SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON ____ day of _____, 2006.

ATTEST:

City Clerk

President of Council

Attach 4

Gormley Property Growth Plan Consistency Determination, Located at the Southwest Corner of First Street and Patterson

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Gormley Property Growth Plan Consistency Determination					
Meeting Date		February 15, 2006					
Date Prepared		February 8, 2006			File #GPC-2005-296		
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		X	Consent	Individual Consideration

Summary: A request to officially determine consistency of a proposed Outline Development Plan with the Growth Plan’s Future Land Use Designations of Commercial, Residential Medium High and Residential Medium, located at the southwest corner of First Street and Patterson Road.

Budget: N/A

Action Requested/Recommendation: Find that the proposed Outline Development Plan is consistent with the Growth Plan map designations of Commercial, Residential Medium High and Residential Medium

Background Information: See attached Staff Report/Background Information

Attachments:

- Aerial Photo
- Growth Plan Map
- Growth Plan Consistency Application With Maps

1. Background

The subject property consists of 20.7 acres located at the southwest corner of First Street and Patterson Road. The property consists of four parcels: Parcel 1 is approximately 17.6 acres in size; Parcel 2 is approximately 0.3 acres; Parcel 3 is approximately 2.1 acres; and, Parcel 4 is approximately 0.7 acres. All four parcels are zoned RMF-12, Residential Multi-Family 12 Units Per Acre. This zoning would allow 165 to 248 dwelling units.

In 2003, the Future Land Use Designations of the Growth Plan were amended to designate the northern 300 feet of Parcel 1 Commercial (approximately 8.8 acres) with the remainder of Parcel 1 and all of Parcel 2 Residential Medium High (approximately 9.1 acres) which allows a residential density range of 8 to 12 dwelling units per acre. The graphic representation of the boundary between the two land use designations was a straight line paralleling Patterson Road separating the Commercial and Residential designations.

The property subject to this Growth Plan Consistency request has significant meandering topographical relief. The Consistency request is that this topography be recognized and that the actual boundary between the Commercial and Residential development portrayed on the proposed Outline Development Plan be allowed to meander and adapt to the topography.

2. Zoning and Development Code, Section 2.4.E, Growth Plan Consistency Review, Application and Review Procedures

Consistency with the Growth Plan is always a consideration when reviewing any development application. Staff will always make a finding of consistency or inconsistency when recommending an action on an application. However, the Zoning and Development Code also allows for a separate, formal determination of Consistency during the review of development requests. In this particular case, the request is not for an overall consistency review of the submitted Outline Development Plan – that will occur during review of the application. Rather, the request is specific to determining the appropriateness of deviating from the straight line boundary between the Commercial and Residential land use designations on the property to allow the boundary to more closely follow the topography.

The Code does not establish any specific review criteria for determining consistency with the Growth Plan. Typically, analysis of development applications not only include the Future Land Use Map but also goals and policies of the Plan. In this case, the consistency request is specific to the established boundary between Commercial and Residential uses.

3. Analysis

The southwest corner of First Street and Patterson Road has long been a landmark in the City given its unique topography and uses including a structure located on a promontory overlooking the property and the frequent existence of grazing sheep. While these particular uses won't be retained with the future development of the property, the unique character of the property can be retained with creative planning and development.

When the current Growth Plan Future Land Use designations were applied in 2003, there was no attempt to reflect the contours of the property's topography although it was represented that any future development would recognize the character of the property as much as possible. For convenience of graphic representation and to generally establish the location and extent of future commercial and residential development, a boundary that was parallel to Patterson Road was selected.

While there are limited references to maintaining the existing topography in either the Growth Plan or the Zoning and Development Code, those that do exist recommend limiting the amount of cut and fill along hillsides when planning for development. Strict adherence to the Growth Plan would result in significant cut and fill while recognizing the topography on site and allowing adjustments to the boundary to reflect the site characteristics and reasonable changes to the actual amount of acreage dedicated to different land uses will allow the site to be maintained with minimal disturbance.

A comparison of allowed acreage and residential density with strict adherence to the Growth Plan and as proposed in the Outline Development Plan indicates minor deviations:

Commercial: Existing Acreage.....8.8 Acres
Proposed Acreage.....8.8 Acres (plus 1.8 Acres
open space)

Residential: Existing Acreage.....11.9 Acres

Proposed Acreage.....10.1 Acres
Existing Allowable Units.....84 to 131
Proposed Units.....70 to 111

FINDINGS AND CONCLUSIONS

After reviewing the Growth Plan Consistency request, GPC-2005-296, staff makes the following findings of fact and conclusions:

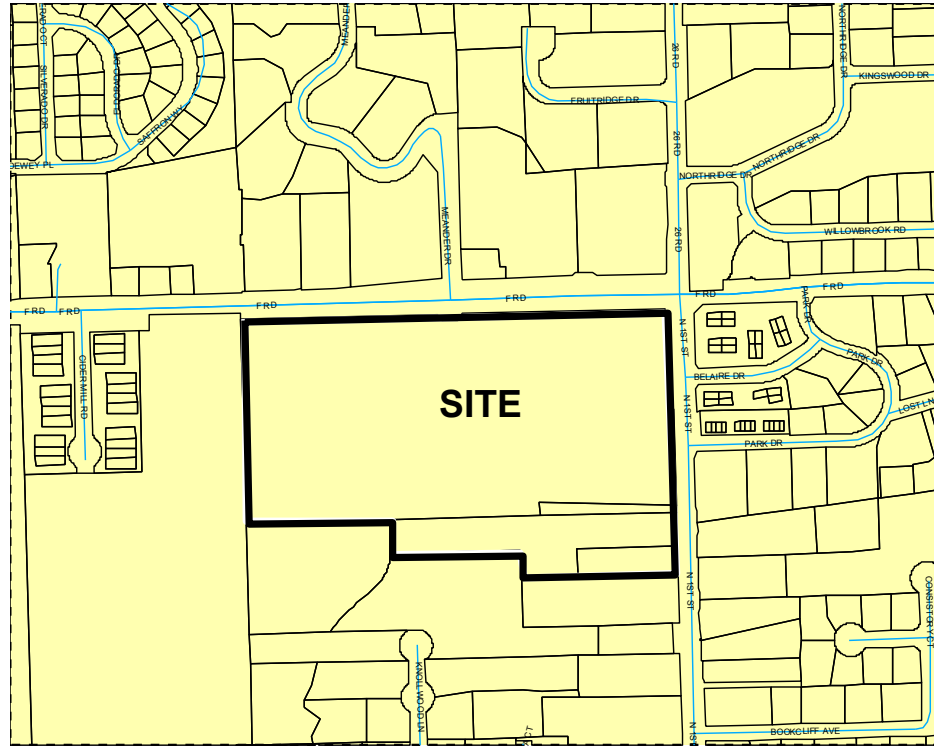
1. The proposed Outline Development Plan which varies the boundary between Commercial and Residential land uses meets the intent of the Growth Plan and Zoning and Development Code to minimize cut and fill of the hillside.
2. Allowing the boundary between Commercial and Residential land uses to vary and more closely follow the topography of the site results in minimal differences the amount and intensity of allowed land uses.
3. Allowing the boundary between Commercial and Residential land uses to vary and more closely follow the topography of the site allows more creative site planning and design that will maintain the unique character of the property.

PLANNING COMMISSION RECOMMENDATION

On January 24, 2006, the Planning Commission passed a motion recommending that City Council find that the proposed Outline Development Plan is consistent with the Growth Plan map designations.

Site Location Map

Figure 1



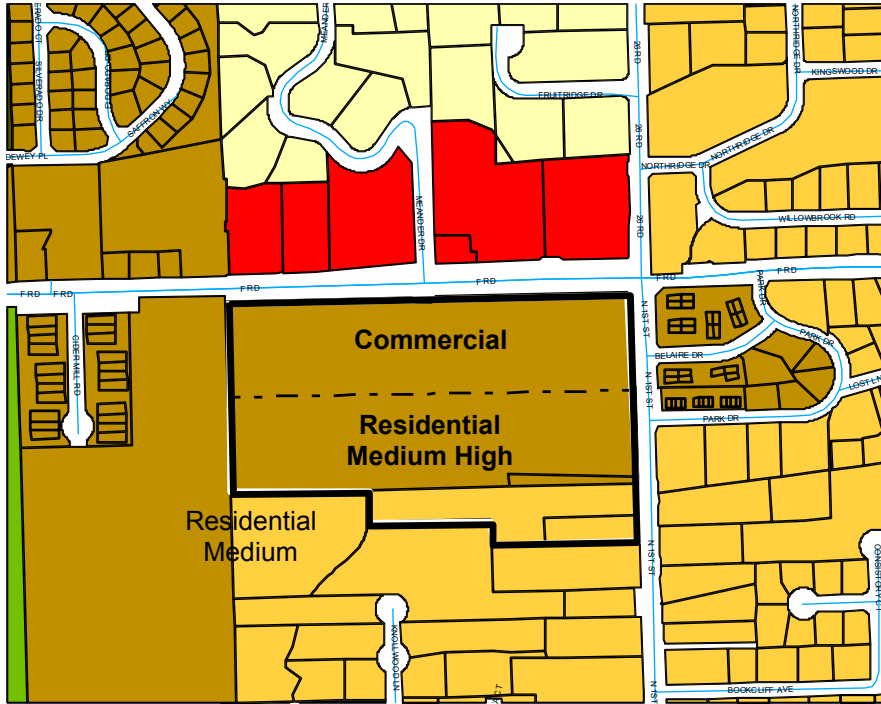
Aerial Photo Map

Figure 2



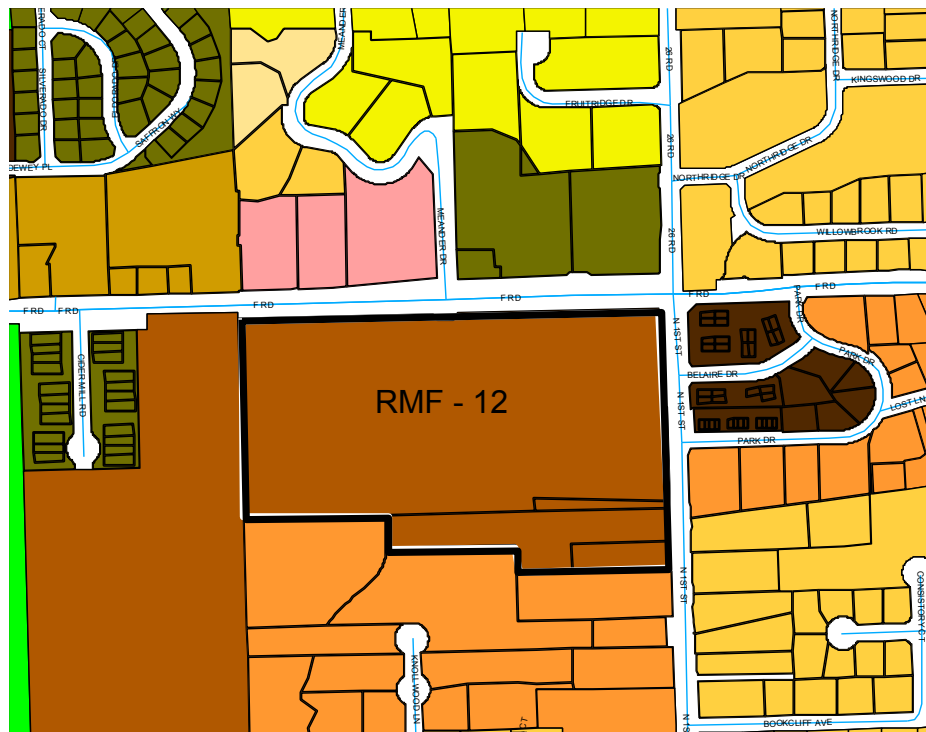
Future Land Use Map

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

Growth Plan Consistency Review North 1st Street and Patterson Road A Proposed Planned Development

SUMMARY

Per Section 2.4 of the Grand Junction Zoning and Development Code, the property owners (Gormley Family) and Constructors West, Inc., (Bruce Milyard) request a Growth Plan Consistency Review for properties located at the southwest corner of the intersection of N 1st Street and Patterson Road. This Growth Plan Consistency Review precedes an Outline Development Plan (ODP) submittal for the noted properties. Although an ODP approval is inclusive of a Growth Plan Consistency Review, the Community Development Department felt it prudent to isolate the Growth Plan Consistency Review process.

The Growth Plan Consistency Review is being requested because the current geometric shaped Growth Plan Land Use designations denoted on these properties will not be strictly adhered to within the proposed ODP. Land uses, use areas, and densities will be consistent with the Growth Plan, but will adapt to the topography of the land and promote a curvilinear and appropriately intermixed blending of commercial and residential uses.

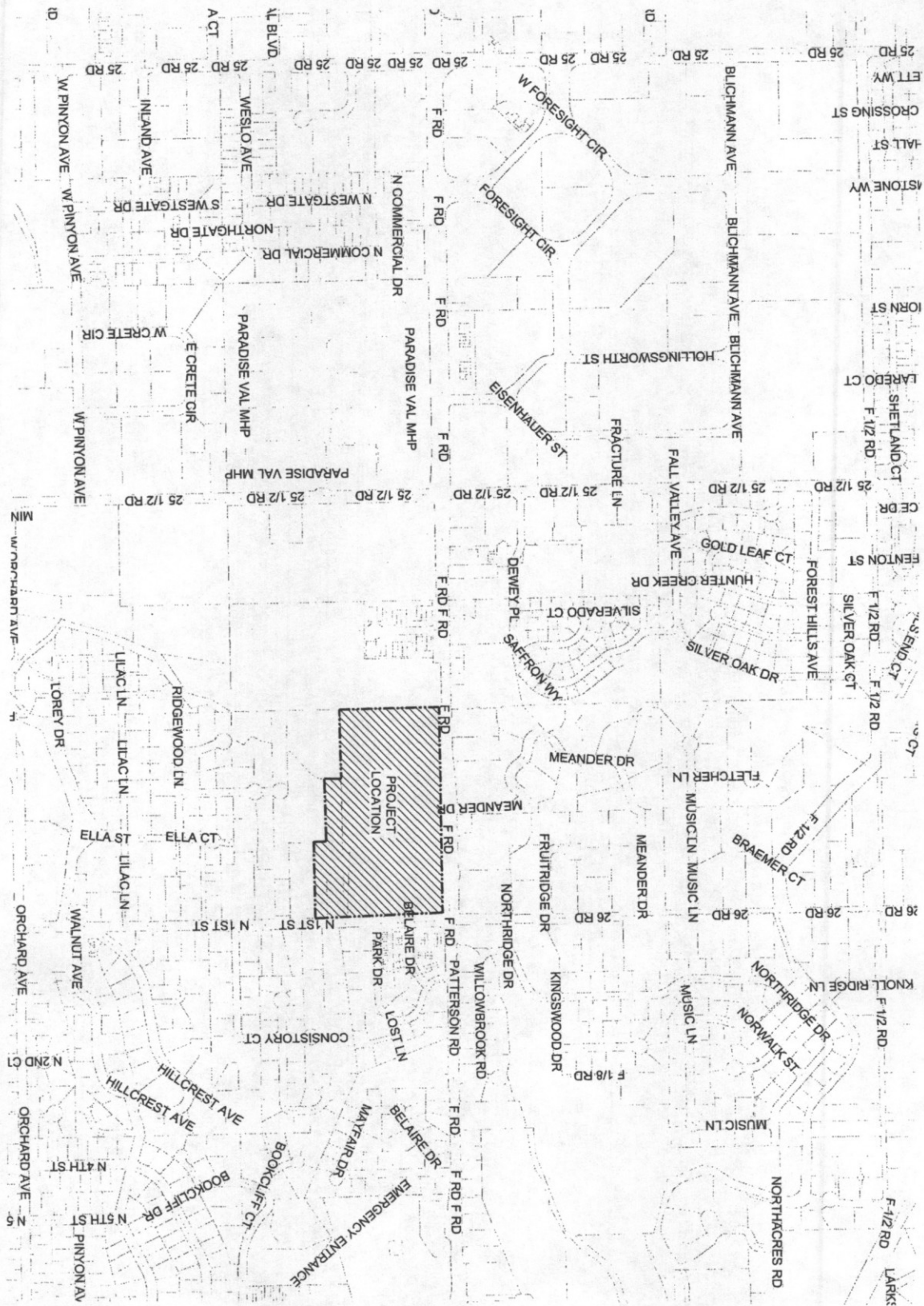
PROPERTY, ZONING AND GROWTH PLAN LAND USE

The 20.7 acre project located on the southwest corner of N 1st Street and Patterson Road is comprised of four parcels, all currently zoned City RMF-12 (which would allow 165 to 248 dwelling units). Parcel 1 is approximately 17.6 acres; parcel 2 is approximately 0.3 acres; parcel 3 is approximately 2.1 acres; parcel 4 is approximately 0.7 acres. Parcel 1 is currently used for occasional grazing and has one residential dwelling which faces N 1st Street; the remaining three parcels have total of two residential dwellings which both facing N 1st Street (see attached Parcel Exhibit).

There are three Growth Plan designations on the noted four properties: a \pm 8.8 acre Commercial area paralleling Patterson Road on a portion of Parcel 1; a \pm 9.1 acre area of Residential Medium High (8-12 DU/Acre = 73 to 109 dwelling units) on the remainder of Parcels 1 and all of Parcel 2, south of the noted Commercial area; a \pm 2.7 acre area of Residential Medium (4-8 DU/Acre = 11 to 22 dwelling units) on Parcels 3 and 4 (see attached Growth Plan Land Use Exhibit). When these properties received their current Growth Plan designations, there was discussion that the line separating the Commercial and Residential uses was not 'fixed' and should be allowed to curve and meander.

The forthcoming ODP for this property respects the intent of the Growth Plan, approximate acreages of designated uses, and density ranges for residential development. The proposed plan, however, meanders the boundary between commercial and residential uses in an effort to provide greater respect for the topography of the site, adjacent land uses, existing residential structures on the property, and existing circulation (see attached Growth Plan Consistency Review Exhibit).

We seek your confirmation that this configuration is consistent with the Growth Plan.

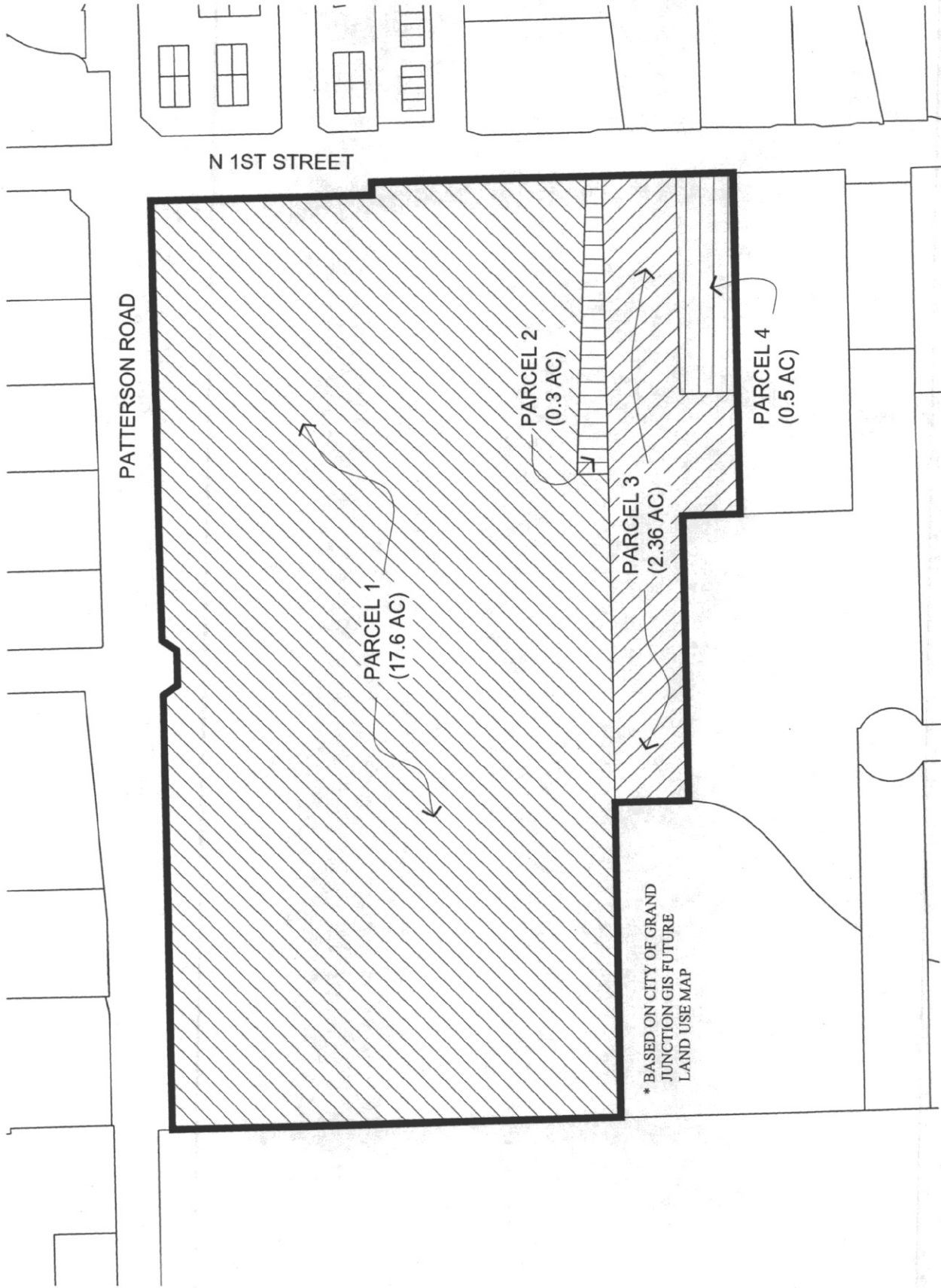


VICINITY MAP
NO SCALE

FIRST AND PATTERSON PLANNED DEVELOPMENT

DRAWING NO.	0533-1-05-2
SHEET NO.	2 OF 2
STATUS	000 PRELIMINARY 001 CONSTRUCTION
DATE	11/29/05
REVISIONS	
CHECKED BY	STC
DATE	11/29/05
DESIGNED BY	STC
DATE	11/29/05
REVISIONS	

CLAVONNE ROBERTS & ASSOC., INC.
LANDSCAPE ARCHITECTS
44 GRAND AVE
SUITE 200
PATTENSON, TX 75074
TEL: 972-241-0155
FAX: 972-241-0156
EMAIL: INFO@CRAI.COM



1st & PATTERSON PLANNED DEVELOPMENT

COOWTH PLAN LAND USE EXHIBIT

DRAWING # 0533-05_11_29-GWTH PLAN REVIEW.dwg



CIAVONNE, ROBERTS & ASSOCIATES, INC.
LANDSCAPE AND PLANNING ARCHITECTS
844 GRAND AVENUE
GRAND JUNCTION, CO 81501

PATTERSON ROAD

N 1ST STREET

COMMERCIAL
±8.8 ACRES

RESIDENTIAL, MEDIUM HIGH
±9.1 ACRES, 73 TO 109 UNITS

RESIDENTIAL, MEDIUM
±2.8 ACRES, 11 TO 22 UNITS

• 84 TO 131 UNITS
• 7 TO 11 DU/AC
AVERAGE

* BASED ON CITY OF GRAND
JUNCTION GIS FUTURE
LAND USE MAP

1st & PATTERSON PLANNED DEVELOPMENT

1st & PATTERSON PLANNED DEVELOPMENT COWTH PLAN LAND USE EXHIBIT

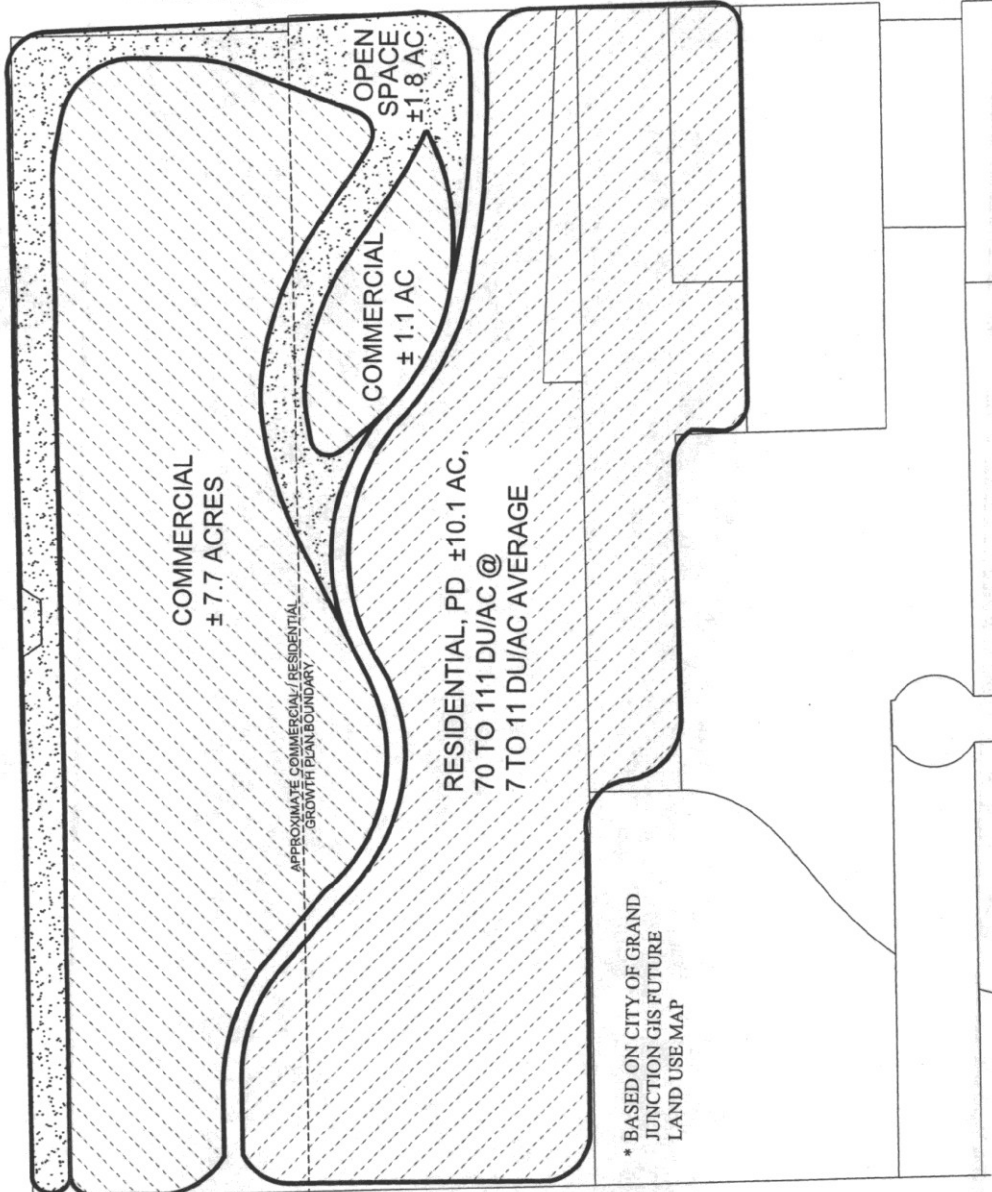
DRAWING # 0539-05 11 29-GWTH PLAN REVIEW.dwg



CIAVONNE, ROBERTS & ASSOCIATES, INC.
LANDSCAPE AND PLANNING ARCHITECTS
844 GRAND AVENUE
GRAND JUNCTION, CO 81501

PATTERSON ROAD

N 1ST STREET



1st & PATTERSON PLANNED DEVELOPMENT

GROWTH PLAN LAND USE EXHIBIT



CLAVONNE, ROBERTS & ASSOCIATES, INC.
LANDSCAPE AND PLANNING ARCHITECTS
844 GRAND AVENUE

Attach 5

Setting a Hearing Zoning the Arbors Subdivision Located at 2910 Orchard Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	The Arbors Subdivision Planned Development						
Meeting Date	February 15, 2006						
Date Prepared	February 6, 2006				File #PP-2005-105		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior 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: Introduction of a proposed ordinance zoning the Arbors Subdivision to PD, Planned Development, located at 2910 Orchard Avenue.

Budget: N/A

Action Requested/Recommendation: Introduction of a proposed Ordinance zoning the Arbors Subdivision to PD-5.04, (Planned Development, not to exceed 5.04 dwelling units per acre) and set a date to March 1, 2006, to hold a public hearing.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Vicinity Map / Aerial Photo
2. Growth Plan Map / Zoning Map
3. Outline Development Plan (2 pgs)
4. Planned Development Rezone Ordinance

ANALYSIS:

I. Background: The property was annexed into the City as The Arbors Annexation. The annexation became effective in January of 2005. Upon annexation the property was zoned to RMF-8, (Residential Multi-family, not to exceed eight dwelling units per acre). The subdivision is bounded on the north side by the Grand Valley Main Line Canal. The Myrtle Subdivision lies to the east between the Arbors and 29 ¼ Road. The Sunrise Subdivision is north of the Arbors across the canal. The Woods Subdivision and Ditto Addition lie to the west between the subdivision and 29 Road. The Racquet Club Apartments Subdivision is to the south across Orchard Avenue.

The property was historically used for agricultural purposes as part of the Parkerson Farm. For the proposed plan to work, a variance was needed for the front setback which differed from the required 20-foot setback required in the RMF-8 zoning district. It was then discussed with the applicants that a Planned Development may be more appropriate for this property rather than requesting a variance for this deviation of the Code. This proposal includes some alleys where access to the garage would be from the alley. This will greatly improve the streetscape in this subdivision. The subdivision will be unique in that it provides some alley ways with other homes having front loaded garages. With a set back of 20 feet from the edge of the right-of-way for the garage, and the house set back 15 feet from the right-of-way, all garages will be recessed from the house, which should provide a much more pleasant streetscape. Twenty feet will accommodate parking in front of the garage. Detached and attached sidewalks are provided throughout the subdivision and parking pods will accommodate guest on street parking. The proposed streets will be narrow to calm traffic. The alleys are proposed to be landscaped. The alleys will provide for ancillary services such as trash collection and delivery and dry utilities. This should add to the neo-traditional feel of the neighborhood.

The site will be developed with single-family attached and detached homes with sub units over selected garages. The sub units do not count towards the overall density of the project. Another variation will be the reduction of the 14-foot multi-purpose easement on the interior lots. On those properties that have alley access, the dry utilities will be placed in the alley, leaving a 9-foot multi-purpose easement along the front. The UCC (Utility Coordinating Committee) have had discussions with the developer on working with them on this concept.

The project should meet the Purpose of Section 5.1 of the Zoning and Development Code by providing innovative design and a mix of needed housing types. This proposal should also make for more effective infrastructure. Utility boxes and pedestals will be in the alley and out of the streetscape.

II. Consistency with the Growth Plan: The Growth Plan shows this area as Residential Medium development with a density range of 4 to 8 dwelling units per acre. This project is consistent with that designation. The applicants propose a density of 5.04 dwelling units per acre. The proposed sub units are not part of the density calculation.

III. Review criteria of Section 2.12.C.2 of the Zoning and Development Code

Requests for a Preliminary Development Plan shall demonstrate conformance with all of the following:

The Outline Development Plan review criteria in Section 2.12.B:

a) The Growth Plan, Major street plan and other adopted plans and policies. The Arbors Subdivision, implements the goals and objectives of each of the various plans by designing a neighborhood in an area identified by the Growth Plan for medium density multifamily projects. With a density of 5.04 units per acre, this meets the goals of the Growth Plan. The project furthers the goals of the Master Street Plan by connecting to existing right-of-ways. The subdivision will connect with Walnut Avenue on the east and Pinyon Street on the west. The main entrance to the subdivision will be from Orchard Avenue on the south. The Alternate Residential Street Standard request was approved by the TEDS Committee on Dec. 2, 2005, with the conditions that the proposed reduction in multi-purpose easement width from 14' to 9' is conditional upon the specific approval by the Utility Coordinating Committee; and that only standard alley sections will be approved.

b) The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

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

The zoning was not in error at the time of adoption, this request is for a Planned Development zoning designation which should provide a more unique and innovative design.

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

Orchard Avenue has been recently upgraded with paving, sidewalk curb and gutter. Orchard Mesa Middle School is being re-built. The subdivision will fill in the large vacant lot between two existing subdivisions.

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

The proposed rezone (PD Ordinance) should be compatible with the future redevelopment of this area. The proposed plan has addressed the street network, extra parking has been provided, storm water and drainage issues have been reviewed.

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

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

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

Adequate public facilities are currently available or will be made available and can address the impacts of development consistent with the RMF-8 zone district.

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

The request is for a Planned Development Zoning Designation with the underlying zoning being RMF-8. This zoning designation will accommodate the zoning and community needs.

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

The proposed PD zone will benefit the community by providing more efficient infrastructure and provide interconnectivity from two established neighborhoods through the developing neighborhood.

c) The planned development requirements of Chapter Five of the Zoning and Development Code, specifically Section 5.4.F:

1. Setback Standards – The front setback for garages will be 20 feet. This matches the intent of the bulk requirement which is to provide for adequate parking for each home. The homes planned for this subdivision will be designed specifically for the front and rear setbacks in accordance with all the relevant design codes. The house itself will have a 15-foot setback. Rear setbacks will be 10 feet for the principal structure and 5 feet for accessory structures. Side setbacks will be 5 feet, except where there are attached units, then the 0 setback will apply. Those lots are 55 feet in width or less. Accessory structures will be located in the rear half of the lot, the side setback will be 3 feet. This is similar to the RMF-8 zoning district. RMF-8 zoning allows for a maximum height of 35 feet. The applicants propose a maximum height of 35 feet.

2. Open Space – Each lot meets the minimum lot size for an RMF-8 zoning district. Additional open space for this project is provided by an easement along the north property line next to the Grand Valley Canal for future trails. The property is owned to the center of the canal and the owners are in negotiations for purchase of the other side of the canal (north). A trail may make more sense on the north side rather than the south side of the canal. An easement will be provided so when the trail is constructed it will be on the side of the canal that makes the most sense. A trail connection is provided to the Canal area on the north end of the project, across from Pine Meadows Drive. Ownership of the canal area has been resolved and the applicants are working on obtaining the additional property. The total open space area is 1.242 acres, but exceeds that when the additional canal property is acquired.

3. Fencing/Screening – Fencing and screening will be provided along Orchard Avenue. The Code requires that a 14-foot landscape buffer with perimeter fence. The applicants will comply with this requirement. We have discussed the issue of privacy fences and the future canal path. That will need some resolution at Final design.

4. Compatibility – The project is compatible because it is a residential project between other residential subdivisions. The proposed plan connects existing residential subdivisions with a new residential subdivision in close proximity to schools in the area.

5. Landscaping – Landscaping shall conform to applicable requirements. The entrance off Orchard Avenue will have a landscaped area and possibly an entry sign. Signage shall comply with the Code requirements. The alleys are proposed to be landscaped as well.

6. Parking – The design of the proposed subdivision will allow that adequate parking (20 feet) will be available in front of each garage. On street parking is limited to parking pod areas grouped, alternating from each side of the street.

7. Street Development Standards – The Alternate Residential Street Standard request was approved by the TEDS Committee on Dec. 2, 2005, with the following conditions and/or exceptions:

- Approval of the proposed reduction in multi-purpose easement width from 14' to 9' is conditional upon the specific approval by the Utility Coordinating Committee. To date, City staff has not received any information indicating that the UCC has granted such approval, just a copy of the minutes indicating that they are willing to work with the developer to achieve an alternative.
- The proposed non-standard alley section was not approved as presented. The applicants have been informed that a traditional alley must be provided.

The alleyways will also be utilized as alternate routes for stormwater runoff for lots with split drainage. The development will have three access points. The site will be accessed via Orchard Avenue on the south, Pinyon Street through the Wood Subdivision on the west, and Walnut Avenue through the Myrtle Subdivision on the east.

Detached walks are provided on the interior lots; attached walks and a pedestrian path to the canal easement will be provided on the outer ring of lots in the subdivision.

- d) The applicable corridor guidelines and other overlay districts in Chapter Seven.

This property does not lay in any overlay district or fall under any applicable corridor guidelines.

- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public services are currently available or will be made concurrent with the development of the property. Ute is the water provider; sewer is provided by Central

Grand Valley Sanitation District; gas and electric are provided by Xcel Energy; Irrigation is provided by Grand Valley Irrigation and the property lies within the Grand Junction Drainage District.

- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

As stated earlier, the site will be accessed via Orchard Avenue on the south, Pinyon Street through the Wood Subdivision on the west, and Walnut Avenue through the Myrtle Subdivision on the east.

- g) Appropriate screening and buffering of adjacent property and uses shall be provided.

Surrounding and adjacent uses are residential, therefore no additional screening or buffering are being required of the applicant.

- h) An appropriate range of density for the entire property or for each development pod/area to be developed.

As addressed earlier, the density for the property is in conformance with the underlying zoning and with the Growth Plan for this area. The proposed density is 5.04 dwelling units per acre. This density does not include the sub-units over selected garages, nor does it count the acreage of the canal.

- i) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The default zoning is RMF-8. The setbacks proposed are deviant from that bulk standard as stated above in under Setback Standards.

- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The project is proposed to be built in three phases. The first filing proposed to begin upon Final approval, in 2006. For each subsequent filing, a submittal will occur within 2 years of the previous. The applicant hopes that the project moves along faster than the proposed scheduling, but should unforeseen circumstances occur the following schedule is being proposed: Phase 1, submitted for review in 2006, phase 2 will be submitted in 2008, and the final phase to be submitted for review no later than 2010.

- k) The property is at least twenty (20) acres in size.

This parcel is 20.394 acres in size. With the additional property being acquired along the canal, the property will exceed this amount.

d) The planned development requirements of Chapter Five of the Zoning and Development Code, specifically Section 5.4.G, Deviation from Development Default Standards:

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation the listed amenities to be provided shall be in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to Density bonus provisions in Chapter Three. These amenities include:

1. Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;

The applicants feel they have provided a pedestrian friendly neighborhood by providing detached and attached sidewalks throughout the development. The canal path dedication and access conveniently situated to access the future path have been provided. The acquisition of additional canal property north of the center line of the canal, for the purpose of future paths is helpful in fulfilling the desired trail system in this area.

2. Open space, agricultural land reservation or land dedication of 20% or greater;

The additional open space for this project totals 6.5% of the site. When the additional Canal property is acquired that also will count towards the open space calculations. Since each lot meets the minimum requirement for lot sizes for the RMF-8 zone district, each owner has their own individual yard, meeting the requirement of open space for an RMF-8 zoning district.

3. Community facilities for provision of public services beyond those required for development within the PD;

Bookcliff Middle School is located diagonally across the street and is a public facility. Staff feels this project does not need further community facilities.

4. The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than twenty (20) years.

While the project does not provide housing in accordance with HUD requirements the applicant is proposing a mix of housing types with low priced rental units provided with the sub-units over selected garages.

5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

The community benefit of this project is innovative design. It is not a cookie cutter designed subdivision. The applicant is providing alleyways, something that the community has not seen in recent applications for subdivisions. With a mix of single-family attached and detached units and some sub-units over selected garages this provides for a neo-traditional neighborhood. The garages along the alleyways will provide a 20-foot setback to the garage so parking may occur behind the garage and not in the alleyway itself. With the majority of dry utilities in the alley all pedestals and transformer boxes can be hidden from the street view. There will be a mix with front loaded and rear loaded garages throughout the subdivision, which should result in a more pleasing streetscape.

2.12.C.2.b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

- a) The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans. – This has been addressed above.
- b) The purposes of this Section 2.8.A. – Staff feels those purposes have been met.
- c) The Subdivision standards (Section 6.7) – Have been addressed and will conform at Final Plat and Plan stage.
- d) The Zoning standards (Chapter 3) – Have been addressed.
- e) Other standards and requirements of the Zoning and Development Code and other City policies and regulations. – These items have been addressed and stated in the above report.
- f) Adequate public facilities and services will be available concurrent with the subdivision. – As stated in the above report, they will be concurrent.
- g) The project will have little or no adverse or negative impacts upon the natural or social environment. – There should be no negative impacts on the natural or social environment.

- h) Compatibility with existing and proposed development on adjacent properties. – Compatibility exists as provided in the above report
- i) Adjacent agricultural property and land uses will not be harmed. – There are no apparent agricultural uses adjacent to this property.
- j) Is neither piecemeal development nor premature development of agricultural land or other unique areas. – It is not piecemeal nor premature.
- k) There is adequate land to dedicate for provision of public services. – Yes there is adequate land for provision of services as stated previously.
- l) This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities. – Proof of the formation of the HOA and a copy of the proposed Covenants, Conditions and Restrictions will be provided at Final review. The maintenance of all common areas will be provided for by the HOA, therefore relieving the City of any undue burden.
- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code. - The site plan review criterion is part of the Final Plan process. The project will be reviewed for conformance at the Final Plan phase.
- d) The approved ODP, if applicable. – There is no approved ODP.
- e) The approved PD rezoning ordinance, if adopted with an ODP. – The PD zoning ordinance is attached to this staff report.
- f) An appropriate, specific density for all areas included in the preliminary plan approval. – The density is for the overall subdivision and is appropriate as it is in compliance with the Growth Plan and the underlying zoning designation of RMF-8
- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP. – The area is over 5 acres in size.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Arbors Subdivision application, file number PP-2005-105 for a Planned Development, Preliminary Development Plan, staff makes the following findings of fact and conclusions:

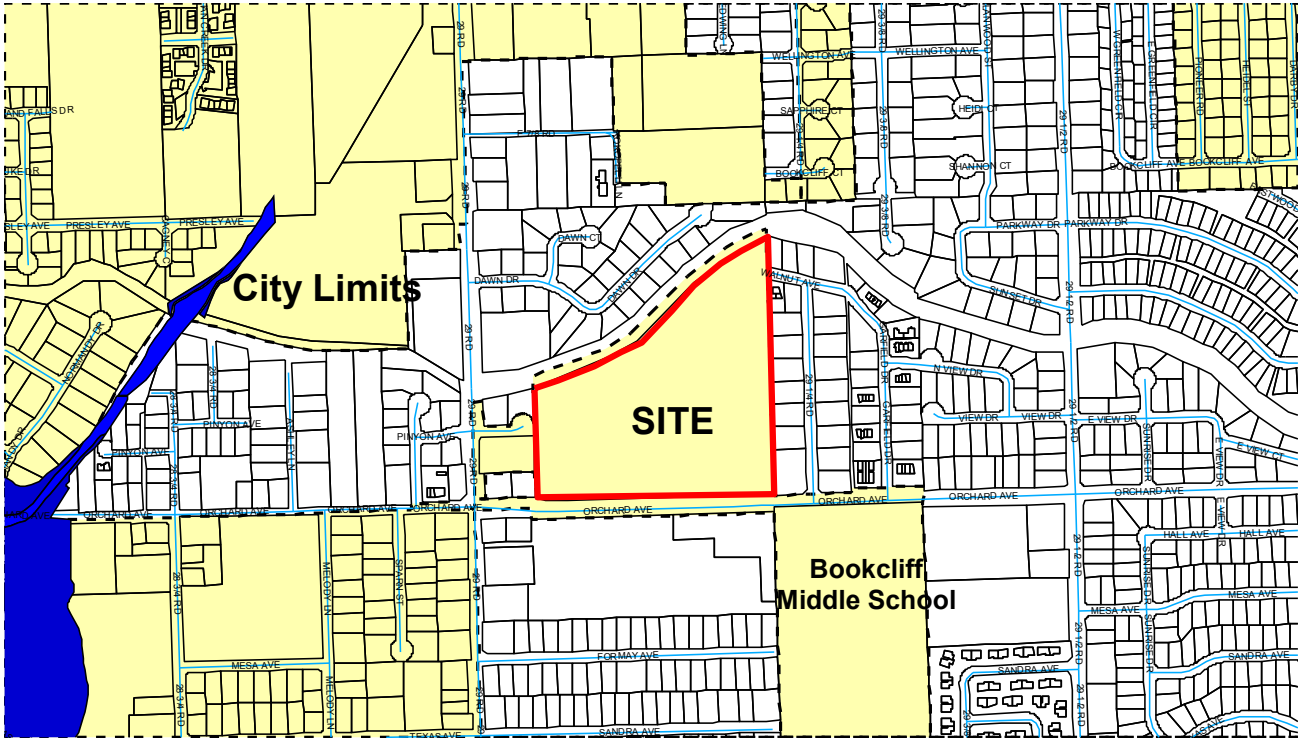
1. The requested Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.2.D.4 of the Zoning and Development Code (Major Site Plan Review) will be met at Final Plan phase.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of February 14, 2006, the Planning Commission forwarded a recommendation of approval to the City Council for the Arbors Subdivision Planned Development; file number PP-2005-105.

Site Location Map

2910 Orchard Avenue



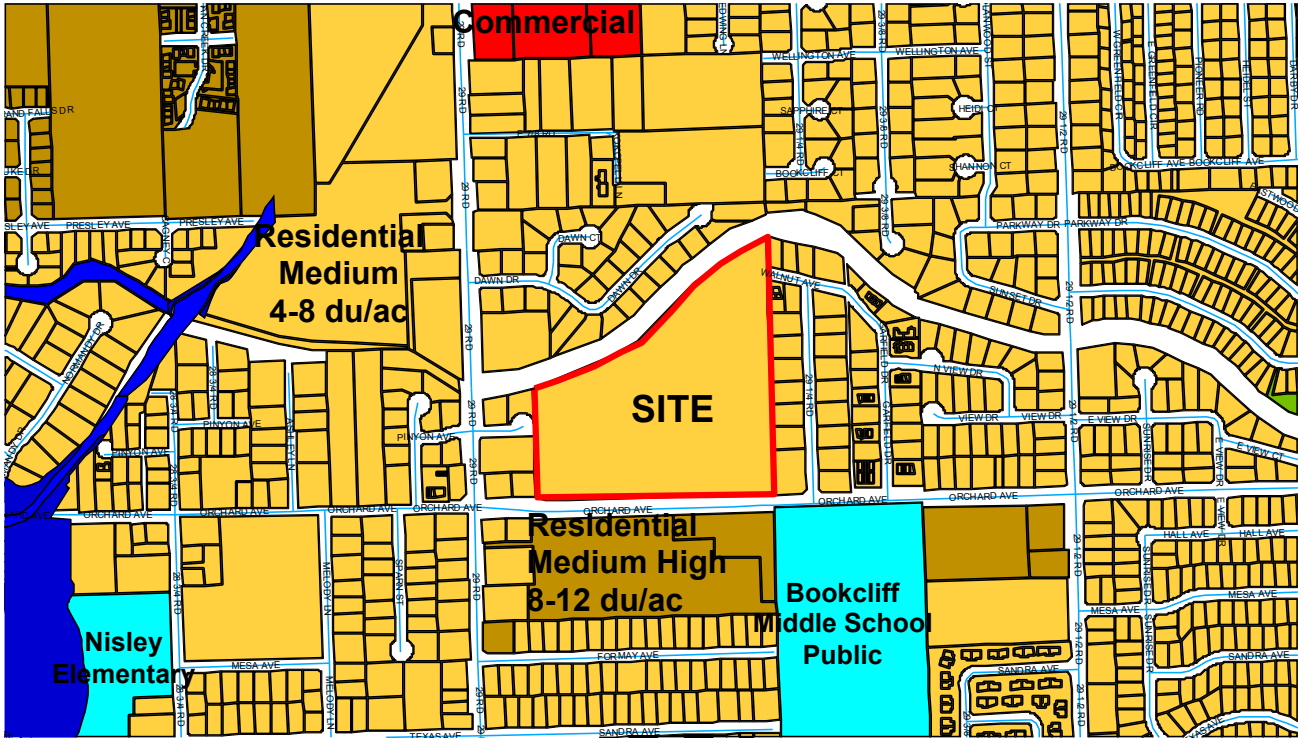
Aerial Photo Map

2910 Orchard Avenue



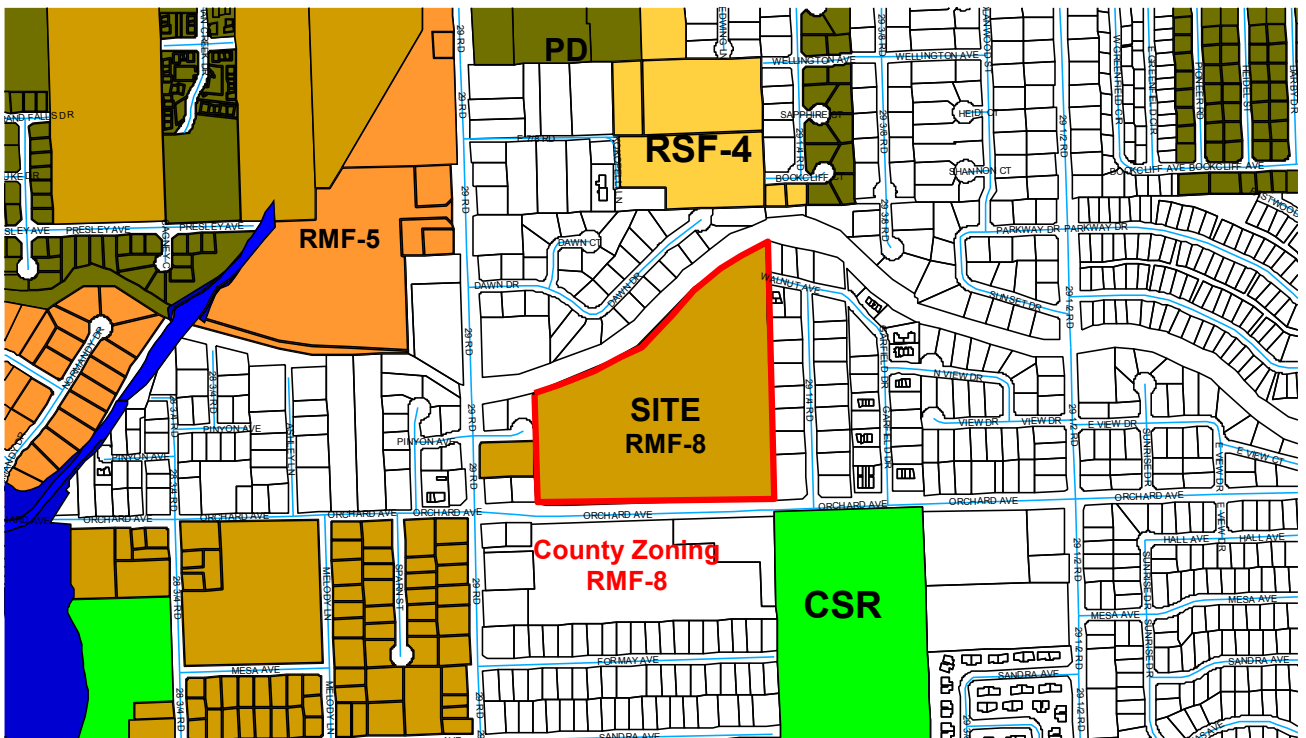
Future Land Use Map

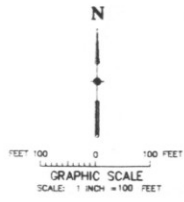
2910 Orchard Avenue













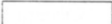

Existing City and County Zoning

2910 Orchard Avenue





LEGEND

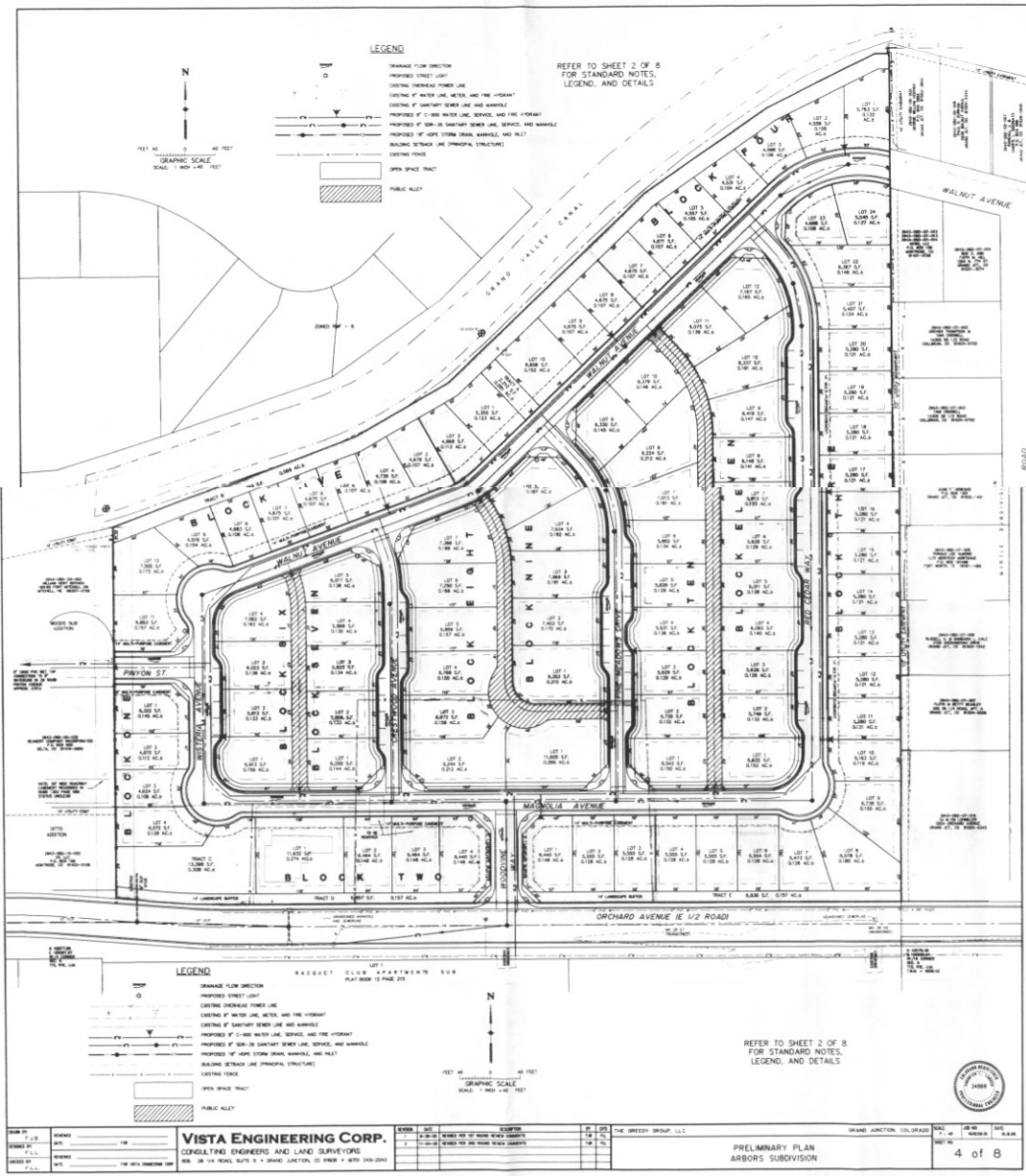
-  DRAINAGE FLOW DIRECTION
-  PROPOSED STREET LIGHT
-  EXISTING OVERHEAD POWER LINE
-  EXISTING 8" WATER LINE, METER, AND FIRE HYDRANT
-  EXISTING 8" SANITARY SEWER LINE AND MANHOLE
-  PROPOSED 8" C-900 WATER LINE, SERVICE, AND FIRE HYDRANT
-  PROPOSED 8" SDR-35 SANITARY SEWER LINE, SERVICE, AND MANHOLE
-  PROPOSED 18" HOPE STORM DRAIN, MANHOLE, AND INLET
-  BUILDING SETBACK LINE (PRINCIPAL STRUCTURE)
-  EXISTING FENCE
-  OPEN SPACE TRACT
-  PUBLIC ALLEY

PUBLIC FACILITIES

- ER Ute Water Conservancy District
- ER Central Grand Valley Sanitation District
- & ELECTRIC Xcel Energy
- LE TELEVISION Broadband Communications
- PHONE Qwest
- ATION Grand Valley Irrigation
- INAGE Grand Junction Drainage District



REV2.dwg, 11/4/2005 1:46:18 PM, Owner.



RANCES

DATE	BY	CHKD	APP'D	DESCRIPTION	DATE	BY	CHKD	APP'D	DESCRIPTION
11/4/2005	J.L.	J.L.	J.L.	PRELIMINARY PLAN	11/4/2005	J.L.	J.L.	J.L.	PRELIMINARY PLAN

VISTA ENGINEERING CORP.
CONSULTING ENGINEERS AND LAND SURVEYORS
200 - 2014 ROAD, SUITE 200 • GRAND JUNCTION, CO 81505 • 970-244-2222

THE GREENE GROUP, LLC

GRAND JUNCTION, COLORADO

PRELIMINARY PLAN
ARROWS SUBDIVISION

4 of 8

CITY OF GRAND JUNCTION, COLORADO

Ordinance No.

AN ORDINANCE REZONING THE ARBORS SUBDIVISION
LOCATED AT 2910 ORCHARD AVENUE TO PD (PLANNED DEVELOPMENT)

Recitals.

A rezone from RMF-8 (Residential Multi-Family, not to exceed eight dwelling units per acre) to Planned Development 5.04 dwelling units per acre (PD-5.04) has been requested for the property located at 2910 Orchard Avenue, as part of the "Arbors Subdivision", for purposes of developing a residential project of single-family attached and single-family detached dwelling units on 20.394 acres of land, with some sub-units allowed over selected garages. The total number of residential lots is 96. This does not count the allowed number of sub-units, nor are the sub-units part of the density calculation.

The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (4 to 8 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its February 14, 2006 hearing, recommended approval of the rezone request from RMF-8 to PD-5.04 and approval of the Preliminary Planned Development (PD) for the Arbors Subdivision.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT FIVE PLUS UNITS PER ACRE (PD-5.04):

THE ARBORS SUBDIVISION

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

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

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

- 1) The uses allowed for this zone and property shall be single-family attached and single family detached units.

- 2) Sub-units will be allowed over garages that can provide adequate off-street parking. Such units do not count towards the overall density. Sub-units shall meet the requirements of Section 4.1 of the Zoning and Development Code, Ordinance No. 3390, effective January 20, 2002.
- 3) The underlying zoning is RMF-8.
- 4) The ordinance allows for a deviation from the required setbacks of the RMF-8 zoning district. The following setbacks are as follows:

BLOCK	FRONT		REAR			SIDE (NOTE *)	
	PRINCIPAL	GARAGE	PRINCIPAL	GARAGE	ACCESSORY	PRINCIPAL	ACCESSORY
1	15'	20'	10'	N/A	5'	5'	3'
2	15'	20'	10'	N/A	5'	5'	3'
3	15'	20'	10'	N/A	5'	5'	3'
4	15'	20'	10'	N/A	5'	5'	3'
5	15'	20'	10'	N/A	5'	5'	3'
6	15'	N/A	10'	20'	5'	5'	3'
7	15'	N/A	10'	20'	5'	5'	3'
8	15'	N/A	10'	20'	5'	5'	3'
9	15'	N/A	10'	20'	5'	5'	3'
10	15'	N/A	10'	20'	5'	5'	3'
11	15'	N/A	10'	20'	5'	5'	3'

* ALL LOTS 55 FEET IN WIDTH OR LESS MAY HAVE ZERO SIDEYARD SETBACKS TO ACCOMMODATE ATTACHED DWELLINGS.

- 5) A deviation from the required 14-foot multipurpose easement is allowed along those streets that are served by an alley. The multi-purpose easement is reduced to 9 feet along the streets of Blocks 6, 7, 8, 9, 10 and 11. An easement for utilities will be provided in the alleyways of those Blocks.

- 6) Further clarification can be found in the project narrative and the preliminary plans dated "revised December 22, 2005", in file number PP-2005-105.

This PD Ordinance shall become effective upon recoding of the Final Plat. If the Planned Development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the RMF-8 zoning district.

INTRODUCED on first reading on the ___ day of ____, 2006 and ordered published.

PASSED on this _____ day of _____, 2006.

ATTEST:

City Clerk

President of Council

Attach 6

Setting a Hearing for the Chipeta Heights Annexation Located at 203 and 221 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Setting a hearing for the Chipeta Heights Annexation located at 203 and 221 29 Road					
Meeting Date		February 15, 2006					
Date Prepared		February 9, 2006			File #ANX-2006-008		
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 16.48 acre Chipeta Heights Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Autumn Glenn II Annexation petition and introduce the proposed Autumn Glenn II Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 5th day of April, 2006.

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:		203 and 221 29 Road	
Applicants:		Owner/Developer: Level III, LLC – Bill Ogle; Representative: Tom Logue	
Existing Land Use:		Single Family Residential / Agricultural	
Proposed Land Use:		Single Family Residential Subdivision	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential / Agricultural	
	East	Single Family Residential / Golf Course	
	West	Single Family Residential / Agricultural	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4 / PUD (Golf Course)	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 16.48 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Chipeta Heights Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

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

The following annexation and zoning schedule is being proposed.

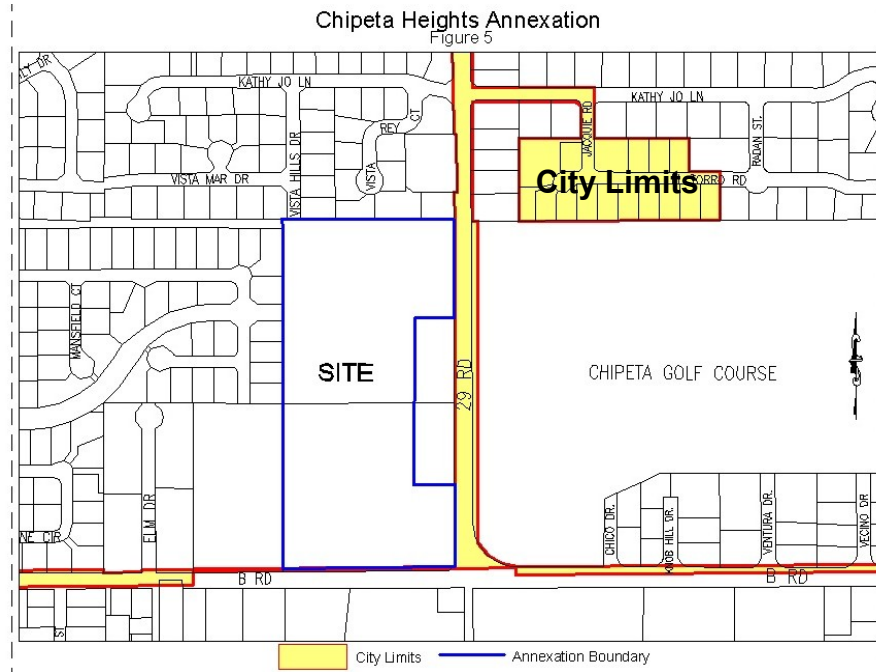
<u>ANNEXATION SCHEDULE</u>	
February 15, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 28, 2006	Planning Commission considers Zone of Annexation
March 15, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
April 5, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 7, 2006	Effective date of Annexation and Zoning

CHIPETA HEIGHTS ANNEXATION SUMMARY

File Number:	ANX-2006-008	
Location:	203 and 221 29 Road	
Tax ID Number:	2943-304-00-138 / 142	
Parcels:	2	
Estimated Population:	5	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	2	
Acres land annexed:	16.48 acres	
Developable Acres Remaining:	16.48 acres	
Right-of-way in Annexation:	0.00 acres	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-4	
Current Land Use:	Single Family Residential / Agricultural	
Future Land Use:	Single Family Residential Subdivision	
Values:	Assessed:	= \$21,540
	Actual:	= \$226,750
Address Ranges:	2886-2898 B Rd (even only) / 201-205 & 219-223 29 Rd (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	GJ Rural
	Irrigation:	Orchard Mesa Irrigation
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito

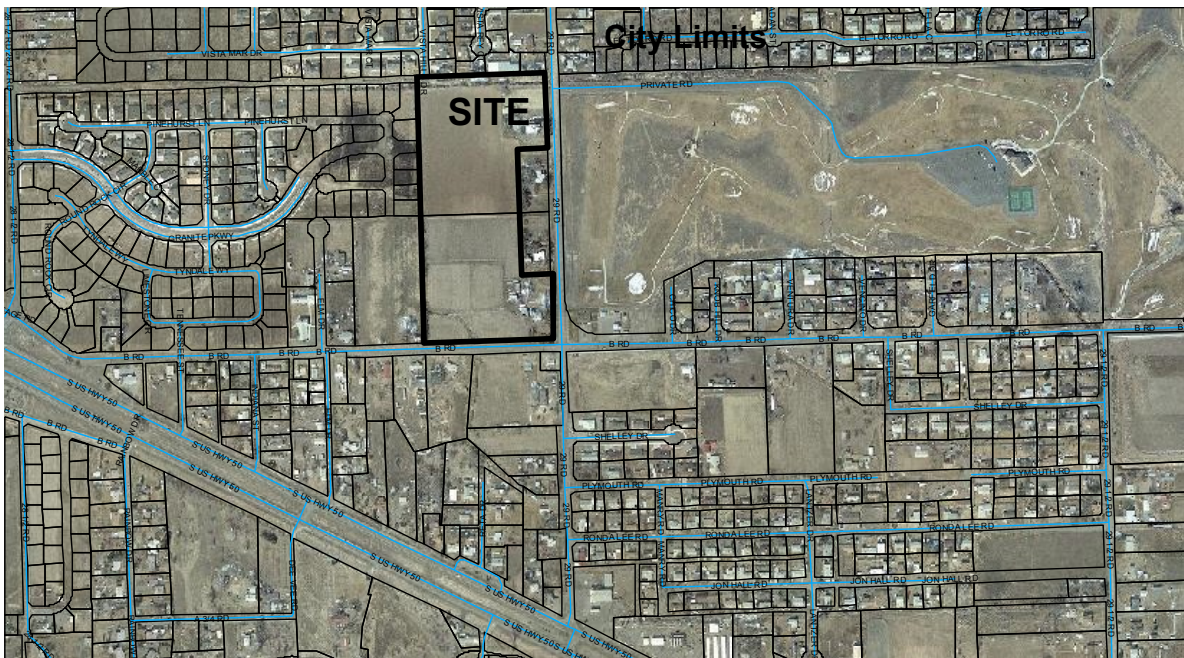
Site Location Map

Figure 1



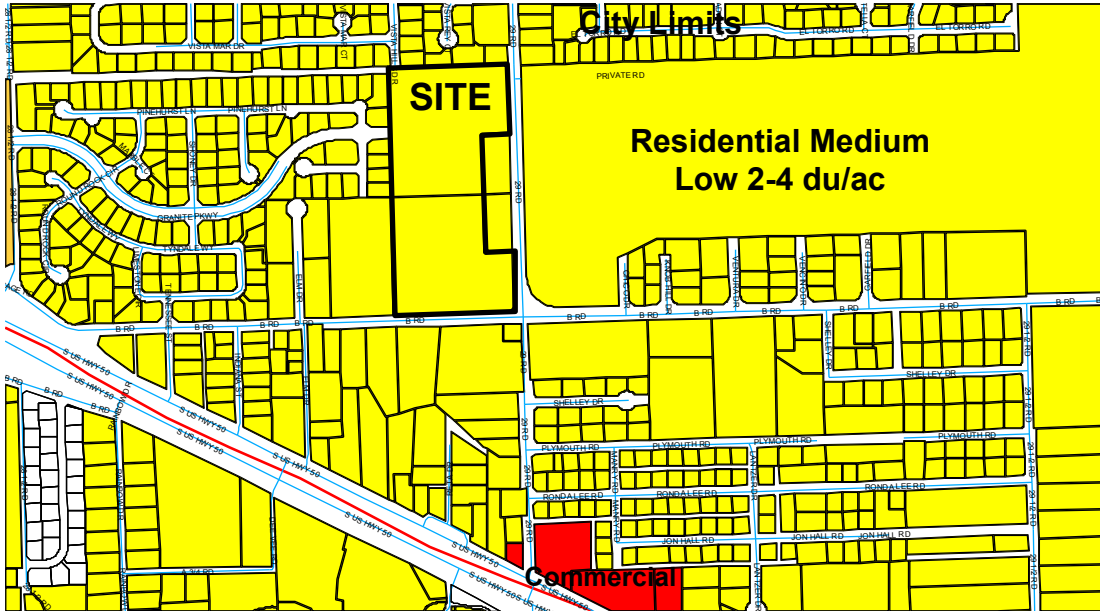
Aerial Photo Map

Figure 2



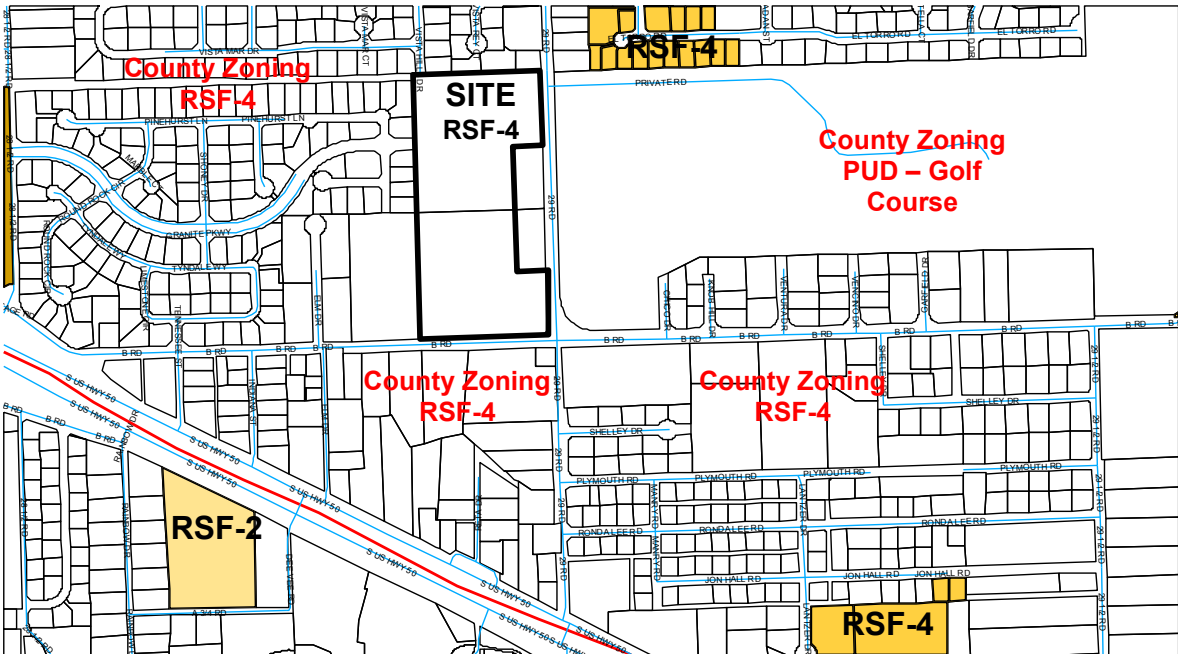
Future Land Use Map

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."

**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 15th of February, 2006, 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**

CHIPETA HEIGHTS ANNEXATION

LOCATED AT 203 AND 221 29 ROAD.

WHEREAS, on the 15th day of February, 2006, 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:

CHIPETA HEIGHTS ANNEXATION

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

Commencing at the Northeast corner of the SE 1/4 SE 1/4 of said Section 30 and assuming the East line of the SE 1/4 SE 1/4 of said Section 30 to bear S00°10'38"E with all bearings contained herein relative thereto, thence N89°58'28"W along the North line of the SE 1/4 SE 1/4 of said Section 30 a distance of 30.00 feet to a point on the Westerly right of way of 29 Road as described in Book 3628, Page 471 of the Mesa County, Colorado public records, being the Point of Beginning; thence S00°10'38"E along said Westerly right of way of 29 Road a distance of 367.46 feet; thence S89°57'41"W a distance of 146.70 feet; thence S00°06'38"E a distance of 600.00 feet; thence N89°57'41"E a distance of 147.40 feet to a point on the Westerly right of way as described in Book 3580, Page 799 of the Mesa County, Colorado public records; thence S00°10'38"E along said Westerly right of way a distance of 313.50 feet to a point on the Easterly projection on the Northerly right of way of B Road as described in Book 894, Page 202, of the Mesa County, Colorado public records; thence S89°57'46"W along said right of way line of B Road a distance of 629.35 feet to the Southwest corner of Lot 32, of The Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as recorded in Plat Book 1, Page 26, of the Mesa County, Colorado public records; thence N00°06'25"W along the Westerly line of Lot 32 and Lot 25 of said Grand Junction Orchard Mesa Land Company's Orchard Subdivision a

distance of 1282.54 feet to the Northwest Corner of said Lot 25; thence S89°58'28"E along the Northerly line of said Lot 25 a distance of 627.81 feet to the Point of Beginning.

Said parcel contains 16.48 acres (717,739 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 5th day of April, 2006, 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 _____ day of _____, 2006.

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>
February 17, 2006
February 24, 2006
March 3, 2006
March 10, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CHIPETA HEIGHTS ANNEXATION

APPROXIMATELY 16.48 ACRES

LOCATED AT 203 AND 221 29 ROAD

WHEREAS, on the 15th day of February, 2006, 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 5th day of April, 2006; 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:

CHIPETA HEIGHTS ANNEXATION

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

Commencing at the Northeast corner of the SE 1/4 SE 1/4 of said Section 30 and assuming the East line of the SE 1/4 SE 1/4 of said Section 30 to bear S00°10'38"E with all bearings contained herein relative thereto, thence N89°58'28"W along the North line of the SE 1/4 SE 1/4 of said Section 30 a distance of 30.00 feet to a point on the Westerly right of way of 29 Road as described in Book 3628, Page 471 of the Mesa

County, Colorado public records, being the Point of Beginning; thence S00°10'38"E along said Westerly right of way of 29 Road a distance of 367.46 feet; thence S89°57'41"W a distance of 146.70 feet; thence S00°06'38"E a distance of 600.00 feet; thence N89°57'41"E a distance of 147.40 feet to a point on the Westerly right of way as described in Book 3580, Page 799 of the Mesa County, Colorado public records; thence S00°10'38"E along said Westerly right of way a distance of 313.50 feet to a point on the Easterly projection on the Northerly right of way of B Road as described in Book 894, Page 202, of the Mesa County, Colorado public records; thence S89°57'46"W along said right of way line of B Road a distance of 629.35 feet to the Southwest corner of Lot 32, of The Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as recorded in Plat Book 1, Page 26, of the Mesa County, Colorado public records; thence N00°06'25"W along the Westerly line of Lot 32 and Lot 25 of said Grand Junction Orchard Mesa Land Company's Orchard Subdivision a distance of 1282.54 feet to the Northwest Corner of said Lot 25; thence S89°58'28"E along the Northerly line of said Lot 25 a distance of 627.81 feet to the Point of Beginning.

Said parcel contains 16.48 acres (717,739 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 ____ day of _____, 2006 and ordered published.

ADOPTED on second reading this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing Zoning the Mims Annexation Located at 492 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Mims Annexation, located at 492 30 Road.					
Meeting Date		February 15, 2006					
Date Prepared		February 9, 2006			File #ANX-2005-293		
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: Introduction of a proposed zoning ordinance to zone the Mims Annexation B-1, located at 492 30 Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for the 1st of March, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		492 30 Road	
Applicants:		Owner/Representative: Mesa County – Stacey Mascarenas	
Existing Land Use:		Vacant	
Proposed Land Use:		Future Commercial	
Surrounding Land Use:	North	Railroad tracks	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Commercial/Industrial	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City B-1	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4	
	West	County I-2	
Growth Plan Designation:		Commercial	
Zoning within density range?		X	Yes
			No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the B-1 district is consistent with the Growth Plan density of Commercial. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

Response: The proposed B-1 (Neighborhood Business) is compatible with the neighborhood and will not create any adverse impacts. Any issues that do arise with the development of the property will be addressed with the review of that project.

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

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

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

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

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

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

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

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

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. R-O
- b. C-1
- c. C-2

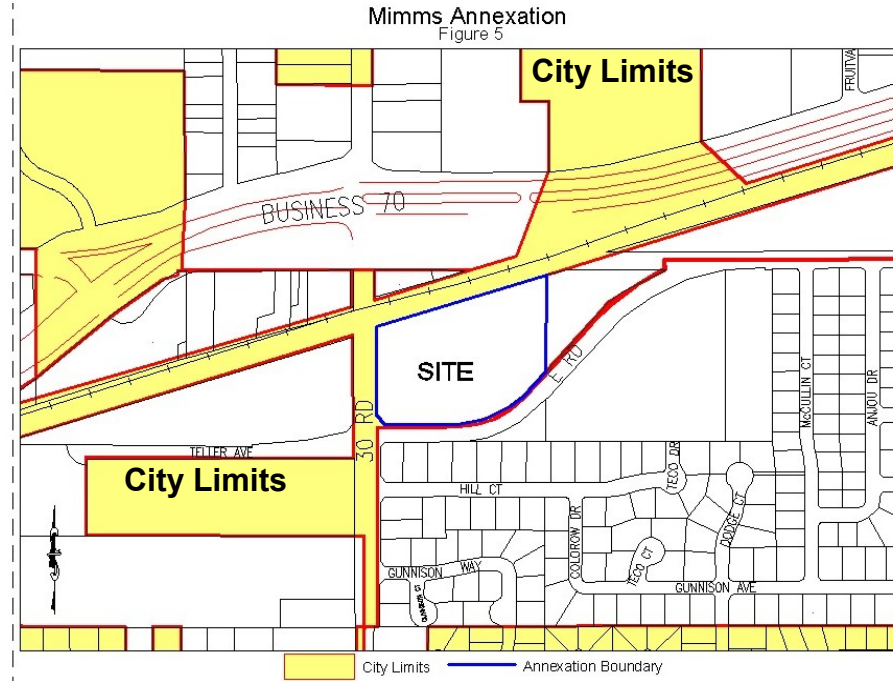
RECOMMENDATION FROM PLANNING COMMISSION:

The Planning Commission forwarded a recommendation of approval to City Council for the B-1 (Neighborhood Business) district for the Mims Annexation, #ANX-2005-293, with the facts and conclusions listed in the staff report.

Site Location Map

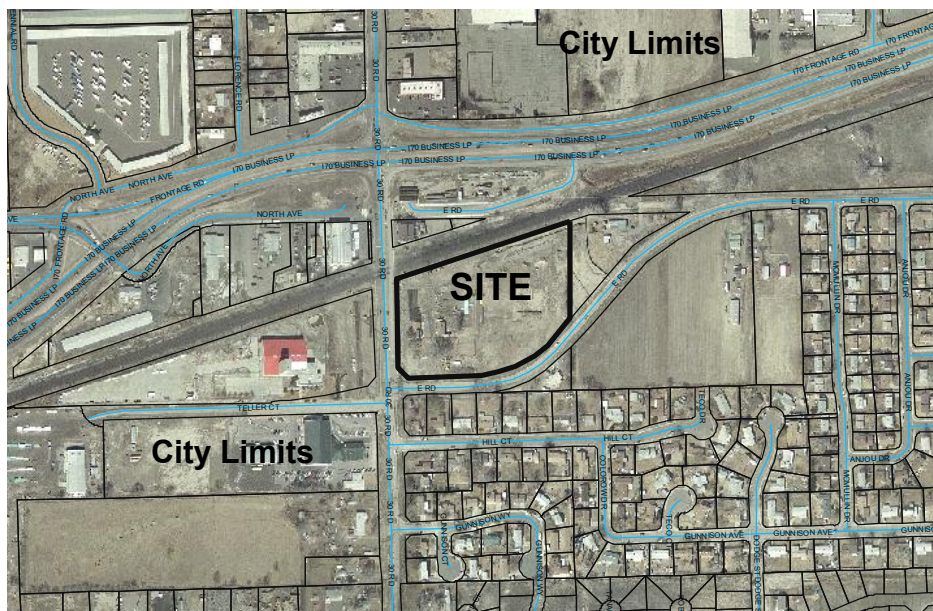
Figure 1

Mimms Annexation
Figure 5



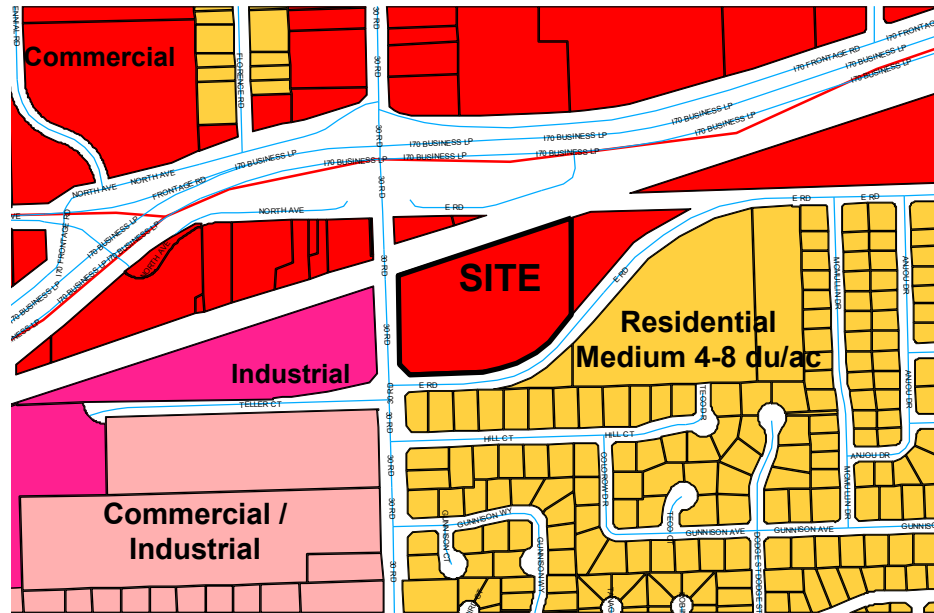
Aerial Photo Map

Figure 2



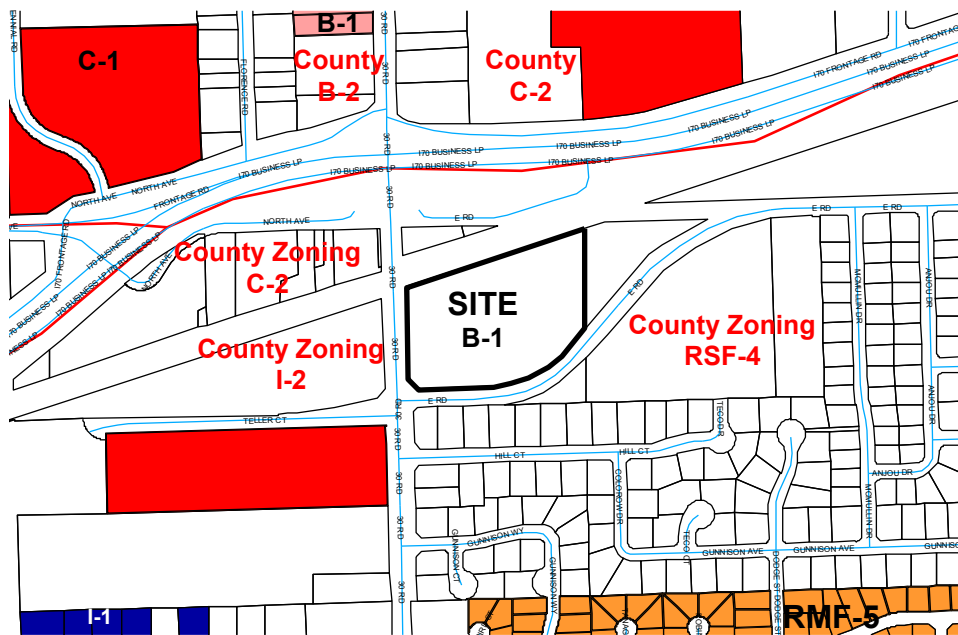
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MIMS ANNEXATION TO
B-1**

LOCATED AT 492 30 ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Mims Annexation to the B-1 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the B-1 zone district be established.

The Planning Commission and City Council find that the B-1 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned B-1.

Mims ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of Section 16, Township 1 South, Range 1 East, Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of said Section 16 and assuming the West line of said Section 16 to bear S00°00'43"E with all bearings contained herein relative thereto; thence S00°00'43"E along the West line of said Section 16 a distance of 241.80 feet; thence N89°59'17"E a distance of 40.00 feet to a point on the East right of way of 30 Road as recorded in book 1524, page 9, Mesa County, Colorado public records being

the Point of Beginning; thence N73°00'00"E along the Southerly right of way of the Union Pacific Railroad a distance of 649.20 feet; thence S00°00'56"E a distance of 349.54 feet to a point on the Northerly right of way of E Road as recorded in book 1524, page 10, of the Mesa County, Colorado public records; thence along the Northerly right of way of said E Road the following seven (7) courses: (1) S43°07'55"W a distance of 115.38 feet; (2) thence S49°34'49"W a distance of 68.11 feet; (3) thence 132.92 feet along the arc of a 325.10 foot radius curve, concave Northwest having a central angle of 23°25'36" and a chord bearing S66°11'51"W a distance of 132.00 feet; (4) thence S82°48'51"W a distance of 68.11 feet; (5) thence S88°54'43"W a distance of 74.90 feet; (6) thence S89°54'37"W a distance of 196.77 feet; (7) thence N45°09'52"W a distance of 42.48 feet to a point on the East right of way of said 30 Road; thence N00°00'43"W along the East right of way of said 30 Road a distance of 321.66 feet to the Point of Beginning.

Said parcel contains 5.88 acres (256,163 square feet), more or less, as described.

Introduced on first reading this 15th day of February, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 8

Setting a Hearing on an Ordinance Amending Ordinance No. 2725 Concerning the Bluffs West Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Amending Ordinance 2725 Concerning the Bluffs West Annexation					
Meeting Date		February 15, 2006					
Date Prepared		February 9, 2006			File #		
Author		John Shaver		City Attorney			
Presenter Name		John Shaver		City Attorney			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop		Formal Agenda		X	Consent	Individual Consideration

Summary: In January of 1994 the City Council annexed land to the City by Ordinance No. 2725. That ordinance described an area known as the Bluffs West Annexation.

In February 2006 the City exercised land use jurisdiction for the annexation of the proposed Bellhouse Subdivision. During the course of preparing the Bellhouse Annexation, an error in the description of the Bluffs West Annexation was discovered. Specifically Lot 1, Block 1 of the Rio Vista Subdivision was erroneously described as part of the Bluffs West Annexation.

This ordinance amends the description contained in Ordinance No. 2725 and by adoption thereof serves to exclude from the Bluffs West Annexation the area described in the ordinance.

Budget: Minimal impact. Staff time and publication costs

Action Requested/Recommendation: Introduction of a proposed Ordinance amending Ordinance No. 2725 concerning the Bluffs West annexation and setting a hearing for March 1, 2006.

Attachments: Proposed Ordinance

Background Information: See summary.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 2725 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - BLUFFS WEST ANNEXATION LOCATED EAST OF 23 ROAD AND NORTH OF E ROAD

Recitals:

In January of 1994 the City Council annexed land to the City by Ordinance 2725. That ordinance described an area known as the Bluffs West Annexation.

In February 2006 the City exercised land use jurisdiction for the annexation of the proposed Bellhouse subdivision. During the course of preparing the Bellhouse annexation an error in the description of the Bluffs West annexation was discovered. Specifically Lot 1, Block 1 of the Rio Vista Subdivision was erroneously described as part of the Bluffs West annexation.

This ordinance amends the description contained in Ordinance 2725 and by adoption thereof serves to exclude from the Bluffs West annexation the area described.

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

That Ordinance 2725 is hereby amended to wit:

A certain parcel of land located in the South Half (S 1/2) of Section 8 and the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, Ute Principal Meridian, County of Mesa, City of Grand Junction, State of Colorado.

Being a portion of the Bluffs West Annexation, Ordinance No. 2725 of the City of Grand Junction that was improperly described and included lands described as follows:

All that portion of said Bluffs West Annexation lying within Block No. 1, Second Amendment Rio Vista Subdivision, recorded in Plat Book 9, Page 199 of the Mesa County, Colorado public records and lying within the right of way of E Road as recorded in Book 1005, Page 411, of the Mesa County, Colorado public records directly South of and coincident with said Block No. 1, Second Amendment Rio Vista Subdivision being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Block No. 1 of said Second Amendment Rio Vista Subdivision and assuming the South line of said Block No. 1 to bear N89°54'01"E with all bearings contained herein relative thereto; thence N00°10'59"E along the West line of said Lot 2 a distance of 27.09 feet to the Point of Beginning; thence N86°48' 03"W a distance of 116.37 feet; thence N09°36'01"E a distance of 103.70 feet; thence N19°54'01"E along the Westerly line of said Block No. 1 a distance of 200.54 feet; thence N14°58'01"E continuing along the Westerly line of said Block No. 1 a distance of 234.85 feet to the Northwest corner of Lot 14, of said Block No. 1; thence S03°59'16"W a distance of 427.16 feet; thence S00°10'59"W a distance of 98.06 feet to the Point of Beginning.

The intent of this document is to describe the land to be removed from the Bluffs West Annexation.

Said parcel contains 0.69 acres (30,132 square feet), more or less, as described.

INTRODUCED for FIRST READING and PUBLICATION on this ____ day of _____ 2006.

PASSED and ADOPTED this ____ day of March, 2006.

Attest:

Bruce Hill
Mayor and President of the Council

Stephanie Tuin
City Clerk

Attach 9

Setting a Hearing Amending Chapter 36 (Traffic) of the Code of Ordinances Concerning Towing Abandoned Vehicles

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Towing abandoned vehicles					
Meeting Date	February 15, 2006					
Date Prepared	February 6, 2006				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			Formal Agenda	X	Consent
						Individual Consideration

Summary: Amendment to Chapter 36 (Traffic) of the Code of Ordinances making it unlawful to abandon vehicles on private property within the City and authorizing private towing of vehicles abandoned on private property.

Budget: N/A

Action Requested/Recommendation: Introduction of proposed ordinance and setting a hearing for March 1, 2006.

Attachments: Proposed ordinance.

Background Information: Chapter 36, Section 6 of the Grand Junction Code of Ordinances governs treatment of abandoned vehicles in the City. Presently the Code does not outlaw abandonment of vehicles on private property, yet requires the towing of vehicles from private property.

State law renders unlawful the abandonment of vehicles on private property and allows private towing of such vehicles (C.R.S. §42-4-2103). Accordingly, the proposed amendment authorizes private citizens to tow vehicles abandoned on their property and makes abandonment of vehicles on private property illegal. The amendment, consistent with state law, also requires tow companies to report such vehicles to the Police Department for crime tracking purposes.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 36 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO ABANDONED VEHICLES

Recitals.

It is desirable to modify Chapter 36, Section 6 of the Grand Junction Code of Ordinances to make it unlawful to abandon vehicles on private property within the City and to authorize private citizens within the City to tow vehicles abandoned on their property.

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

Chapter 36, Section 6 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows (amendments are underlined and shown in red; deletions are shown by strike through):

Sec. 36-6. Abandoned Vehicles and Authority to Impound Vehicles.

(a) No person shall abandon any motor vehicle upon private property within the City other than his or her own. Subject to other provisions of law concerning junk and/or inoperable motor vehicles, any owner or lessee of property within this municipality, or the owner or lessee's agent, may have an abandoned motor vehicle removed from his or her property by having it towed and impounded by a tow operator.

(b) With respect to any vehicle towed pursuant to subsection (a) of this Section 36-6, the tow operator having in his or her possession any motor vehicle that was abandoned on private property shall, within one hour of impoundment, notify the Grand Junction Police Department of the following: name of tow operator in possession of the abandoned vehicle, the location of the impound lot where the vehicle is located, a description of the abandoned motor vehicle, including make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number.

(c) (a) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within this municipality in such a manner as to constitute a violation of Section 10-5 of the 1977 version of the Model Traffic Code, or left unattended for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by 42-4-~~2~~102(2) and 42-4-~~1~~103(2) C.R.S., such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

~~In the event of abandonment of a vehicle on property within this municipality other than public rights of way, the owner of such property may, in addition to his other remedies, notify the police department, and such police shall after a period of 72 hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.~~

(d) Notice and hearing ~~(b) Impoundment~~

(1) As to any vehicle impounded pursuant to this chapter by or at the request of the City, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the City within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or his agent and to the garage where the vehicle is stored within 48 hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(2) A hearing shall be conducted before a hearing officer designated by the City Manager within 48 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

“Probable cause to impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer’s decision in no way affects any criminal proceeding in connection with the impounding in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

(3) The hearing officer shall only determine that as to the vehicle in issue, either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. If

the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the City in accordance with arrangements made between the City and the official police garage. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within 24 hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

(4) This subsection (d) shall not apply if the vehicle was towed from private property.

All other provisions of Chapter 36 shall remain in full force and effect.

PASSED for first reading this _____ day of _____, 2006.

PASSED AND ADOPTED this _____ day of _____, 2006 on
Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 10

Sole Source Purchase of Rain Bird Irrigation Equipment

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase of Rain Bird Irrigation Equipment						
Meeting Date	February 15, 2006						
Date Prepared	January 31, 2006						
Author	Scott Hockins			Senior Buyer			
Presenter Name	Ronald Watkins Don Hobbs			Purchasing Manager Assist. Parks and Recreation 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: This request is for a sole source purchase of Rain Bird manufactured equipment for upgrade of parks irrigation to automated systems at Lincoln Park. This is the third and final year of a three year project.

Budget: It is estimated this year's equipment expenditure will be \$78,120. \$79,000 has been budgeted and approved in the 2006 FY Capital Improvement Parks and Recreation budget for the completion of the project.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase Rain Bird manufactured equipment for this project from Grand Junction Pipe and Supply, Grand Junction, Colorado in the amount of \$78,120.

Attachments:

- Irrigation Sole Source request from Don Hobbs
- City of Grand Junction Parks and Recreation Central Control Irrigation diagram.

Background Information: This is the third year of a three year project to centralize City of Grand Junction parks irrigation to a main computer system at Lincoln Park. Equipment compatibility is essential. The following is being provided as the sole source justification for this purchase.

- Throughout this three-year project, the department has used Rain Bird manufactured equipment to centralize irrigation systems to a computer at Lincoln Park to more efficiently control the use of irrigation water.

- Much of the equipment currently in use can be easily upgraded if compatibility with Rain Bird is maintained.
- The only Rain Bird Master Distributor on the Western Slope is Grand Junction Pipe and Supply.
- Grand Junction Pipe and Supply has been supporting products purchased by the City of Grand Junction and participates in seminars and is willing to train staff in every aspect of irrigation.

TO: Ron Watkins

FROM: Don Hobbs

DATE: January 30, 2006

RE: Sole Source Request and Justification

In 2004, 2005, and continuing this year, the Parks and Recreation Department is converting the majority of the automated irrigation systems from site-based controllers to a centrally controlled computerized system. The conversion includes the purchase of central processing units for eight sites and new controllers and radio / telephone connection equipment for the majority of the parks. In order to maintain compatibility and conformity with City-owned equipment we are again requesting City Council authorization for a sole source equipment purchase from a locally owned and operated sole source vendor. It is estimated this year's equipment expenditure will be \$78,120.

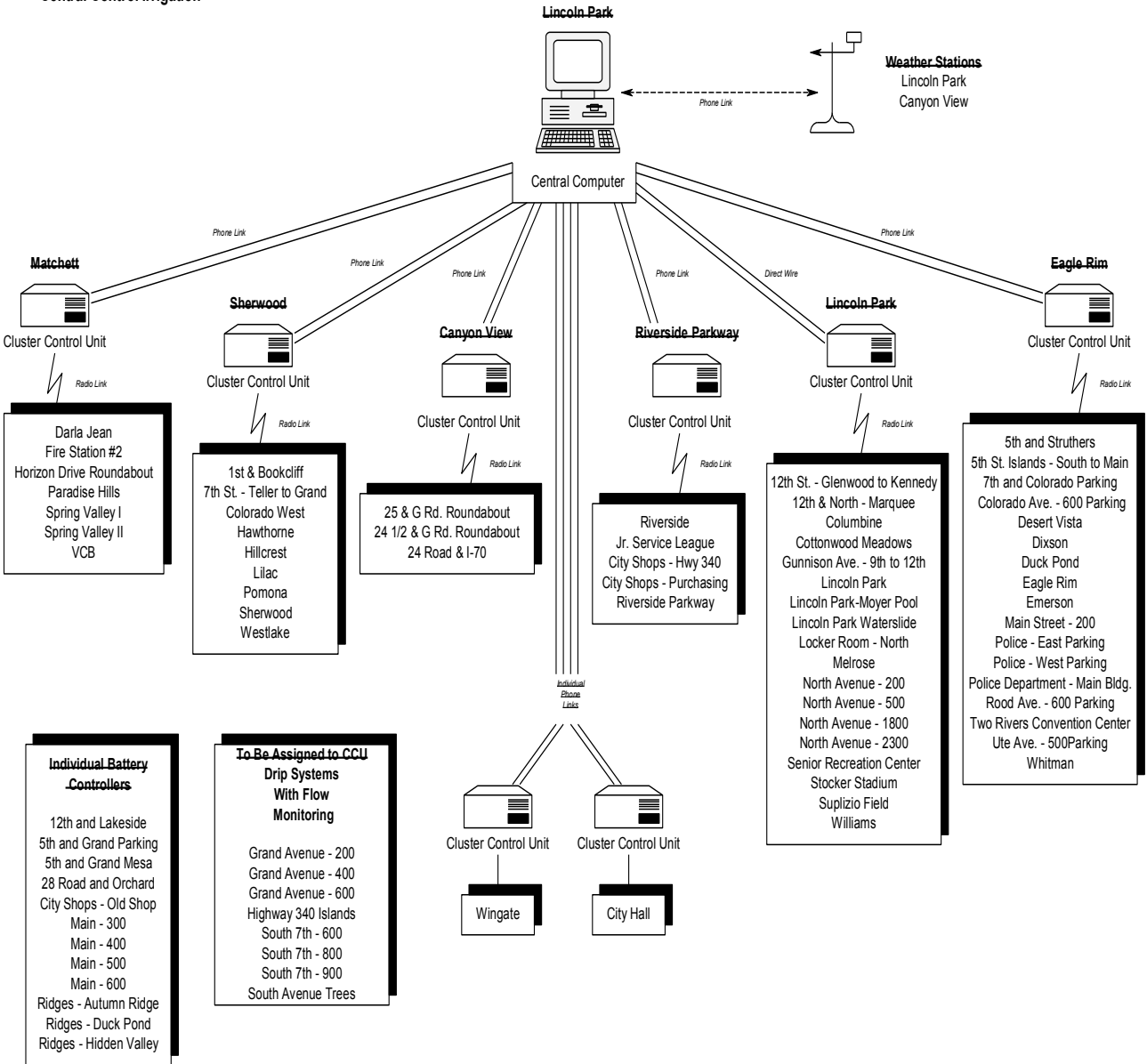
For several years, and throughout this three-year project, the department has used Rain Bird manufactured equipment purchased through the only Rain Bird Master Distributor on the Western Slope, locally owned and operated Grand Junction Pipe and Supply. Many of the controllers (clocks) currently in use throughout the park system will have to be replaced as part of the centralization; much of the equipment currently in use can be upgraded if compatibility with Rain Bird is maintained.

In 2004 the controllers at twenty sites in the south part of Grand Junction were converted and can now communicate with the central computer. Twenty-seven additional sites were added to the system in 2005. By the end of 2006 the central computer in Lincoln Park will communicate with eight central processing units, sending information to seventy-four clocks, controlling over 700 valves, and nearly 11,700 individual sprinklers. Depending on the site, the communication between central computer and the central processing unit is accomplished either via direct wire or direct wired phone lines. In most cases a UHF two-way radio link connects the central processing unit to the park site irrigation clock. The weather stations in Lincoln Park and Canyon View Park (A station is also located at Tiara Rado) send evapotranspiration (ET) rates and weather condition information, used in calculating the run-times for each irrigation valve, to the central computer.

As this is the third year of a three year project it would not make sense to change from Rain Bird and have to convert the components currently in use with a brand other than Rain

Bird's Maxicom system, dollars aren't the only reason to stay with the local distributor. Grand Junction Pipe and Supply has been supporting products purchased by the City, and in particular, the Parks and Recreation Department since they opened their doors. Their staff is well trained, participates in seminars, and is willing to train staff in every aspect of irrigation. Anytime we have experienced a problem they are literally a phone call away and usually able to be on site in no time at all. As we continue in this new age of irrigation technology our confidence in the Rain Bird product and the local distributorship is vital to the transition from site-base automated irrigation to centrally controlled automation. Expense savings, efficiency, outstanding support services, and quality of the product are compelling reasons to approve Grand Junction Pipe and Supply as the sole source for this project.

**City of Grand Junction
Parks and Recreation Department
Central Control Irrigation**



Attach 11

Sole Source Purchase of Steelcase Furniture for Community Development Remodel

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Steelcase Furniture for Community Development Remodel					
Meeting Date	February 15, 2006					
Date Prepared	February 2, 2006					
Author	Scott Hockins		Senior Buyer			
Presenter Name	Ronald Watkins		Purchasing Manager			
	Bob Blanchard		Community Development 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: This request is Steelcase furniture and work stations for Community Development. The purchase is from Office Outfitters in Grand Junction, the only authorized Steelcase dealer on the Western Slope. The pricing used is U.S. Communities contract which the City of Grand Junction is eligible to use as part of cooperative purchasing agreements.

Budget: It is estimated this equipment expenditure will be \$83,883.85. \$82,700 has been budgeted and approved in the 2006 General Fund Operations for furniture and fixtures in the Community Development budget for the completion of the project. Additional funding in the amount of \$1,183.85 will be provided from appropriated money from Community Development Contract Services budget.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase Steelcase furniture and work stations for this project from Office Outfitters in Grand Junction, Colorado in the amount of \$83,883.85.

Attachments: N/A

Background Information: This Steelcase office furniture and work space purchase is for the redesign of the Community Development offices in City Hall, for better utilization of limited space.

- Steelcase furniture is used through out City Hall to insure uniformity of work spaces and present professional appearances to the customers of the City of Grand Junction.
- Office Outfitters of Grand Junction is the Western Slopes only authorized Steelcase distributor.
- Pricing was competitively solicited and awarded using a U.S. Communities contract.
- Budgeted amounts include all labor and materials to professionally install the furniture and workspaces by Office Outfitters.

Attach 12

Sole Source Agreement for Environmental Consulting Services

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Sole Source Agreement for Environmental Consulting Services for the Downtown Parking Structure					
Meeting Date	February 15, 2006					
Date Prepared	February 9, 2005				File #	
Author	Mike Curtis			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: A sole source justification has been prepared to award a Professional Services contract to Walsh Environmental Scientists and Engineers, LLC for Asbestos Abatement Management and Petroleum Contamination removal (Environmental Cleanup) on the Rood Avenue Parking structure site.

Budget: Project No.: F63300

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Part 1 Pre-Construction Services (Shaw Construction)	\$41,482
Parking Structure Design Contract (Blythe Design)	\$398,850
Construction, Administration, Inspection, Testing	\$3,949,251
Land Acquisition	\$1,942,409
Site Work (Envir. Cleanup, Building Demolition)	<u>\$411,333</u>
Totals:	\$6,743,325

Project Funding:

<u>Funding Sources</u>	<u>Estimated Funding</u>
Alpine Bank	\$1,574,964
DDA/TIF (Land Purchases and Site Work)	\$2,353,742
Cash Contribution from the City's Parking Fund	\$500,000
Amount To Be Financed, Intra-City Loan	<u>\$2,314,619</u>
Totals:	\$6,743,325

Action Requested/Recommendation: Authorize the City Manager to execute a Professional Services Contract for the Downtown Parking Structure with Walsh Environmental Scientists and Engineers in the amount of \$27,581.00.

Attachments: A summary of the Professional Services proposal is attached along with the Sole Source Justification form and Sole Source Justification memo.

Background Information:

Walsh Environmental Scientists and Engineers, LLC (WALSH) has submitted a proposal for asbestos abatement management and a proposal for petroleum contamination assessment, both dated January 23, 2006. WALSH is proposing to perform environmental consulting services for the Rood Avenue Parking Structure site (south side of Rood Avenue bounded by the alley and 4th and 5th Streets). WALSH previously conducted asbestos inspections of the Commercial Federal, Valley Office Supply, and Snap Photo buildings. The results of the inspections are presented in the respective final reports submitted to the Downtown Development Authority. State regulations require abatement of friable asbestos prior to demolition of structures. Asbestos in the Commercial Federal and Valley Office Supply buildings will be removed and the buildings demolished. The three properties also have petroleum contamination in the soil and groundwater. WALSH will pre-characterize the soil for disposal at the Mesa County Landfill to allow the building demolition contractor to transport and dispose of the soil at the landfill as a part of the demolition work. WALSH has been monitoring groundwater levels on the Rood Avenue Parking Structure site and sampling the groundwater for petroleum contamination. WALSH will close eleven groundwater monitoring wells following Colorado State Engineer's Office standards for well closure. Once the new parking structure is completed (11 months of construction), WALSH will install approximately six new wells at locations to be determined by WALSH, the Division of Oil and Public Safety, and the City.

WALSH is being recommended as the sole source to perform the environmental consulting services because they are extremely knowledgeable with the existing asbestos and petroleum contamination that exists on the Rood Avenue Parking Structure site. There are other local environmental consultants that can assess the petroleum contamination, but WALSH is the only locally available consultant that can manage the asbestos abatement and assess the petroleum contamination removal. An outside consultant would have a learning curve since they would not be familiar with the project and would have to review all the existing asbestos inspection reports and environmental monitoring. It is economically advantageous to the City to use their environmental consulting services for this project.

The Commercial Federal Buildings are anticipated to be vacant the first week of May 2006. With WALSH's assistance, the City will hire an Asbestos Abatement Contractor in April 2006 to remove asbestos from the Commercial Federal buildings and Valley Office Supply. After asbestos abatement, the City will hire a demolition Contractor to demolish the Commercial Federal Buildings and Valley Office Supply. Once the Mesa County Building Department approves the construction plans, construction of the parking structure can begin. Construction of the structure should begin early July 2006 and be complete by the May 2007.



Environmental Scientists and Engineers, LLC

January 23, 2006

Mr. Mike Curtis
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Subject: Proposal for Petroleum Contamination Assessment
400 Block Rood Avenue
Grand Junction, Colorado
WALSH Proposal No. 1104-999

Dear Mr. Curtis:

Walsh Environmental Scientists and Engineers, LLC (WALSH) is pleased to provide you with a proposal to perform environmental consulting services at the above-referenced site. WALSH has performed investigations of petroleum contamination in soil and groundwater at the Commercial Federal and Valley Office Supply buildings. WALSH will pre-characterize the soil for disposal at the Mesa County Landfill to allow the demolition contractor to transport and dispose of the soil at the landfill as a part of demolition work. WALSH will also close and reconstruct groundwater monitoring wells as required by the Colorado Division of Oil and Public Safety (OPS). Costs to perform soil characterization, removal, disposal, and groundwater monitoring well closure and re-construction might be reimbursable by the OPS. WALSH will also investigate reimbursement options as part of this contract.

Petroleum-Impacted Soil Management

Petroleum-impacted soil and groundwater exist at the site. WALSH will pre-characterize the soil for disposal as special waste at the Mesa County Landfill. WALSH will obtain several samples of petroleum-impacted soil and have them analyzed for landfill acceptance parameters. This information will be submitted to the landfill and disposal approval will be obtained prior to excavation of the site.

WALSH will provide an environmental technician to observe excavation and to direct segregation of petroleum-impacted soil for disposal at the landfill. The technician will watch for other potential environmental contaminants and will notify the City if other suspect materials are encountered.

The technician will collect confirmation soil samples from the excavation. Samples of contaminated soil will be collected from the excavation boundaries. Soil samples will be analyzed for benzene, toluene, ethylbenzene, and xylene (BTEX), total volatile petroleum hydrocarbons (TVPH), and total extractable petroleum hydrocarbons (TEPH).

Closure and Replacement of Monitoring Wells

WALSH will close 11 groundwater monitoring wells following Colorado State Engineer's Office standards for well closure. Once the new parking structure is completed, WALSH will install approximately six new

Page 1 of 2

Western Slope Division:

535 Grand Avenue . Grand Junction, Colorado 81501-2790 . Phone (970) 241-4636 . FAX (970) 241-4312 . walshenv.com

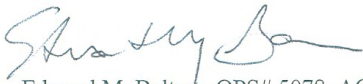
Corporate Office:

4888 Pearl East Circle, Suite 108 . Boulder, Colorado 80301-2475 . Phone (303) 443-3282 . FAX (303) 443-0367

wells at locations to be determined by WALSH, the Division of Oil and Public Safety, and the City. Well closure and installation costs will conform to OPS reimbursement rates. WALSH will work with the OPS to design and install appropriate remediation structures to remediate any remaining petroleum contamination, and will work to obtain cost reimbursement for these tasks.

A cost estimate is attached to this proposal. This estimate does not include technician time for excavation oversight, since the time necessary to accomplish this task cannot be accurately estimated. WALSH is prepared to initiate this project upon your approval. If you have any question please call me at (970) 241-4636.

Sincerely,
Walsh Environmental Scientists and Engineers, LLC



Edward M. Baltzer, OPS# 5078, AQCC# 4166
District Manager

Attachment: Cost Estimate



Exhibit B
January 13, 2004

Petroleum-contaminated Soil Disposal Arrangement, Oversight, Sampling, and Reporting
Monitoring Well Closure and Re-Installation

400 Block Road Avenue
Grand Junction, Colorado
WALSH Proposal # 1104-999

	Soil Disposal Acceptance	Well Closure	Well Installation	Sample Shipping/Analysis	Summary Report Prep.	Total Units	Rate	Unit	Total Dollars
UST Removal Coordination									
Corporate Principal Review/ Oversight	1.5	1	2		8	12.5	\$ 130.00	hour	\$1,625
Project Manager/ Scientist - Solicit bids for removal, evaluate bids, utility locate, inert tank, soil screening and sampling, final report preparation.		3	8		3	14	\$ 90.00	hour	\$1,260
Staff Scientist - Project oversight, sample handling and shipping, soil screening and sampling, draft report preparation	4		32	1	5	42	\$ 65.00	hour	\$2,730
								<i>sub total</i>	\$5,615
Other Direct Costs									
Misc. Field Supplies			1			1	\$ 23.00	day	\$23
Photoionization Detector			1			1	\$ 50.00	day	\$50
Combustible Gas Meter			1			1	\$ 50.00	day	\$50
Well closure		275				275	\$ 7.82	foot	\$2,151
Well installation/soil sampling	75		150			225	\$ 33.03	event	\$7,432
Reproduction/shipping					1	1	\$ 50.00	report	\$50
								<i>sub total</i>	\$9,755
Analytical Costs									
BTEX/ TVPH Analysis	1					7	\$ 108.00	sample	\$756
TEPH Analysis	1			6		7	\$ 85.00	sample	\$595
RCI characteristics	1			6		1	\$ 115.00	sample	\$115
Sample shipping	1			1		2	\$ 50.00	shipment	\$100
								<i>sub total</i>	\$1,566
								PROJECT TOTAL	\$16,936

Sample analytical costs assume that contamination will be identified and six samples will require collection and analysis.



Environmental Scientists and Engineers, LLC

January 23, 2006

Mr. Mike Curtis
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Subject: Proposal for Asbestos Abatement Management
400 Block Rood Avenue
Grand Junction, Colorado
WALSH Proposal No. 1104-999

Dear Mr. Curtis:

Walsh Environmental Scientists and Engineers, LLC (WALSH) is pleased to provide you with a proposal to perform asbestos consulting services at the above-referenced site. WALSH previously conducted asbestos inspections of the Commercial Federal and Valley Office Supply buildings. The results of the inspections are presented in the final reports submitted to the Downtown Development Authority. State regulations require abatement of friable asbestos prior to demolition of structures.

Asbestos Abatement Project Designs

WALSH will prepare Asbestos Project Designs and bid documents for both structures, and will solicit bids from asbestos abatement contractors. The designs will outline removal procedures for each identified ACM, containment configuration requirements, and approximate square/ linear footages of each material. In addition, the designs will contain:

1. Qualifications for the asbestos abatement contractor.
2. EPA, OSHA and Colorado Standards and Regulations pertaining to asbestos abatement training, transportation, removal, and disposal.
3. Submittals such as references, certificates, workplans, notifications, disposal procedures, training requirements, and a listing of violations.
4. Worker protection procedures.
5. Work area preparation and containment procedures.
6. Final clearance of decontaminated areas.

Asbestos Abatement – Solicitation of Bids and Contractor Selection

WALSH will provide the completed Project Designs to at least four asbestos abatement contractors. The contractors will have one week to review the specifications before a scheduled bid walk. The bidders will be provided one additional week to provide bids and a proposed schedule for the project. The contractors will submit bids to the City of Grand Junction and a bid opening will be scheduled. WALSH will assist the City with evaluating the bids and reviewing the selected abatement contractor's submittals.

Page 1 of 2

Western Slope Division:

535 Grand Avenue . Grand Junction, Colorado 81501-2790 . Phone (970) 241-4636 . FAX (970) 241-4312 . walshenv.com

Corporate Office:

4888 Pearl East Circle, Suite 108 . Boulder, Colorado 80301-2475 . Phone (303) 443-3282 . FAX (303) 443-0367

Asbestos Abatement – Project Surveillance

WALSH will perform the following tasks as part of asbestos abatement:

1. Attend preconstruction and periodic construction conferences with the contractor and building owner's representative.
2. Provide independent performance and progress evaluation of the asbestos abatement contractor. Assist the contractor in ensuring all compliance requirements are met.
3. Work with the abatement contractor in solving onsite abatement engineering problems.

The asbestos removal contractor's schedule will be coordinated to coincide with the City of Grand Junction and consultant's schedules.

Asbestos Abatement – Air Monitoring Services

Air monitoring requirements for the project will be performed by WALSH. Clearance air monitoring will be completed by a state certified air-monitoring specialist (AMS) at the conclusion of abatement activities in each area. Based on the configuration of the structures there will likely be seven abatement areas requiring clearances.

Air monitoring services will include the following tasks:

1. Final visual inspection and clearance air monitoring inside each work area.
2. Final reports of air monitoring after the completion of the project.
3. Additional analysis by transmission electron microscopy (if warranted) will be performed upon authorization of the building owner's representative.

A cost estimate for these services is attached to this proposal. WALSH is prepared to initiate this project with your approval. If you have any question please call me at (970) 241-4636.

Sincerely,

Walsh Environmental Scientists and Engineers, LLC



Edward M. Baltzer, CHMM, AQCC# 4166
District Manager

Attachment: Cost Estimates



Form A

**CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM**

Date: <u>January 31, 2006</u>	Requested By: <u>Mike Curtis</u>
Department: <u>Public Works & Utilities</u>	Division: <u>Engineering</u>
Vendor Name: <u>Walsh Environmental</u>	Net Cost Delivered: \$ <u>27,581</u>

**SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)**

Material/Service Description: Asbestos Abatement Management and Petroleum Contamination Removal

1. - The Vendor is the original equipment manufacturer and there are no regional distributors;
2. - The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
3. - The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. - No other equipment is available that shall meet the specialized needs of the department or perform the intended function; or
5. - Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
6. mpc - Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval:

Signed: [Signature], PW&U Director, 2/6/06
title date

Purchasing Approval:

Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Purchasing Manager Approval: _____ Date: _____

Final Authorization

City Council Approval Required (\$25K and over) yes / no
City Manager Approval Required (\$10K to less than \$25K) yes / no

Attach Justification Documentation and Forward to City Purchasing Manager

TO: Ron Watkins, Purchasing Manager
FROM: Mike Curtis, Project Engineer
DATE: February 6, 2006
**SUBJECT: Sole Source Justification Memo for Asbestos Abatement
Management and Petroleum Contamination Removal for Rood Avenue Parking
Structure Site**

Walsh Environmental Scientists and Engineers, LLC (WALSH) has submitted a proposal for asbestos abatement management and a proposal for petroleum contamination assessment, both dated January 23, 2006. WALSH is proposing to perform environmental consulting services for the Rood Avenue Parking Structure site (south side of Rood Avenue bounded by the alley and 4th and 5th Streets). WALSH previously conducted asbestos inspections of the Commercial Federal, Valley Office Supply, and Snap Photo buildings. The results of the inspections are presented in the respective final reports submitted to the Downtown Development Authority. State regulations require abatement of friable asbestos prior to demolition of structures. Asbestos in the Commercial Federal and Valley Office Supply buildings will be removed and the buildings demolished. The three properties also have petroleum contamination in the soil and groundwater. WALSH will pre-characterize the soil for disposal at the Mesa County Landfill to allow the building demolition contractor to transport and dispose of the soil at the landfill as a part of the demolition work. WALSH has been monitoring groundwater levels on the Rood Avenue Parking Structure site and sampling the groundwater for petroleum contamination. WALSH will close eleven groundwater monitoring wells following Colorado State Engineer's Office standards for well closure. Once the new parking structure is completed (11 months of construction), WALSH will install approximately six new wells at locations to be determined by WALSH, the Division of Oil and Public Safety, and the City.

I recommend that WALSH be the sole source to perform the environmental consulting services as described above and in the attached proposals because they are extremely knowledgeable with the existing asbestos and petroleum contamination that exists on the Rood Avenue Parking Structure site. WALSH is the only locally available consultant that can manage the asbestos abatement and assess the petroleum contamination removal. An outside consultant would have a learning curve since they would not be familiar with the project and would have to review all the existing asbestos inspection reports and environmental monitoring. It is economically advantageous to the City to use their environmental consulting services for this project.

Attach 13

Setting a Hearing on Establishing the City Manager's Salary for 2006

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Establishing the City Manager's Salary for 2006						
Meeting Date	February 15, 2006						
Date Prepared	February 8, 2006				File #		
Author	Stephanie Tuin			City Clerk			
Presenter Name	Bruce Hill			Mayor			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager to be \$125,000.

Action Requested/Recommendation: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

Attachments: Proposed Ordinance

Background Information: The City Council has completed their annual review and has determined that the City Manager salary for 2006 shall be \$125,000. The increase shall be effective January 1, 2006.

Ordinance No. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3854, ADDING SECTION 3,
SETTING THE SALARY OF THE CITY MANAGER

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

That commencing January 1, 2006, the annual salary of the City Manager of the City of Grand Junction, Colorado shall be \$125,000.

Introduced on first reading this _____ day of _____, 2006.

PASSED AND ADOPTED this _____ day of _____, 2006.

Attest:

City Clerk

President of the Council

Attach 14

Request to Apply for State EMS Grant

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Request to apply for State EMS Grant					
Meeting Date		February 15, 2006					
Date Prepared		February 6, 2006				File #	
Author		John Howard			EMS Coordinator		
Presenter Name		Rick Beaty			Fire Chief		
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 Grand Junction Fire Department requests approval to submit a Colorado State EMS Grant application for 10 laptop computers for placement into frontline fire and EMS apparatus. The application would be part of a multi-agency Northwest Regional EMS and Trauma Advisory Council (NWRETAC) grant application.

Budget: Initial cost is \$4965.96/unit which includes installation in the apparatus. Ten units total initial cost of \$49,659.60. The Grant would fund up to one half of \$4000 for each unit. Consequently the State would fund \$20,000 of \$49,659.60. The City share would be \$29,659.60.

The City budget includes funds to implement mobile computing on the Fire Department's apparatus (\$74,000 in 2006 and \$60,000 in 2007). These funds would be used to complete hardware purchases for the other FD apparatus, as matching funds to the State grant and would pay additional costs over the \$4000 allowed. The State funding would in effect, lower the City's cost of the upcoming project by \$20,000.

Action Requested/Recommendation: City Council approval for the Fire Department to submit through the NWRETAC a State EMS grant application for 10 laptop computers

Attachments: Cost breakdown

Background Information: The Colorado Emergency Medical and Trauma Services Section (EMTS) of the Colorado Department of Public Health and Environment will begin requiring mandatory data reporting as of July 1st, 2006. In order to support this

new program the Section is emphasizing data collection and technology upgrades in this years provider grants program.

The EMTS has developed guidelines on technology upgrades that include laptop computers for first response vehicles. The maximum recommended State Grant purchase price for these laptops is \$4,000. The State requires that the provider agency provide a 50% match for these funds. An agency with our call volume can purchase up to 10 laptop units under this program.

The Grand Junction Fire Department would like to apply for this funding to support a planned, county-wide, records management system that links all of the EMS agencies in Mesa County, the Mesa County Medical Director, the Mesa County EMS Office and the local hospitals. Already, a DOLA grant has been awarded to help offset the cost of the software application. Additional funding will come from the County's ambulance transport fee and from individual agency funds.

The GJFD request is for hardware (10 laptops) that would be placed in frontline response units. This would give GJFD crews the ability to complete patient care reports and efficiently pass on critical patient information to the physicians and staff at the receiving hospitals. This is a planned upgrade in the 2006-2007 budget process. A State award would enable us to begin the project sooner. Funds already approved in the 2006 and 2007 City budget for mobile computing would be used as the City match, for replacement accruals and for I.S. support.

The Northwest RETAC (Regional Emergency Medical and Trauma Advisory Council) is preparing a regional grant application to support regional needs for data collection and our request for 10 laptops will be included (as will other Mesa County agencies) in that grant application. The NWRETAC application gives the option of doing a separate request for proposal process to participating agencies.

This \$20,000, if awarded, will not have a TABOR impact.

Attachment: Cost Breakdown

Mobile Computer Estimate

(Based on Grand Junction Police Department mobile computing project costs)

Itronix Go Book	2560.77
USB CD Rom	171.84
Aircard	400.00
3 Year Emerald Warranty	<u>433.35</u>
Unit Total	3565.96

Mount Package	<u>1400.00</u>
Total	4965.96

10 Units 49,659.60

Initial Cost	
State maximum	20,000.00
City	<u>29,659.60</u>
Total	49,659.60

Current Budget (to support costs over \$4000/unit, City's match, & replacement)

Account #s: 100-5213-700623-22-E01400
 100-5213-81200-22-E01400

Mobile Data Terminals	2006	2007
	\$74,000	\$60,000

Replacement Accruals 11,886.50 per year

3 year lifespan total \$35,595

Attach 15

Public Hearing – ROW Vacation for Swan Lane

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Right-of-way vacation on Swan Lane – Redlands Valley Sub.					
Meeting Date	February 15, 2006					
Date Prepared	February 6, 2006			File #PP-2005-145		
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Consider Final Passage of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley subdivision.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage of vacation of ROW ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

BACKGROUND INFORMATION					
Location:		501, 503, 505, 507, 509 and an unaddressed parcel on Swan Lane			
Applicants:		Robert C. Smith, owner; Rolland Engineering, representative.			
Existing Land Use:		Vacant land			
Proposed Land Use:		12 lot single family subdivision			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-4			
Proposed Zoning:		RSF-4			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-4			
	West	County RSF-4			
Growth Plan Designation:		Residential Medium Low 2 to 4 DU/AC			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request for approval for a vacation of right-of-way for dedicated but unimproved section of Swan Lane, approximately 0.69 acres in size.

ANALYSIS:

1. Background: The property was annexed into the City of Grand Junction as the Swan Lane Annexation in June, 2005. The property consists of 6 parcels of land totaling 2.87 acres. Five parcels on the west side of Swan Lane were part of the Mockingbird Heights Subdivision but subsequent re-plats and property line adjustments have altered the size and shape of that portion of the subdivision. Swan Lane extends southwesterly from Broadway (State Highway 340) for some 600 feet. A dedicated but not yet constructed cul-de-sac was provided at the end of Swan Lane. This application is a request to vacate the end of that cul-de-sac and dedicate new right-of-way for this

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

2. Consistency with the Growth Plan: The property was zoned RSF-4 upon annexation into the City. The Growth Plan calls for “Residential Medium Low” density, 2 to 4 dwelling units per acre, therefore making it consistent with the Growth Plan. The Growth Plan and its recommended densities for surrounding properties will not be affected by the granting of the vacation.

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

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

- a. **The Growth Plan, major street plan and other adopted plans and policies of the City.** Swan Lane is designated as a local street. The dedicated yet un-constructed cul-de-sac is located on the west side of Swan Lane. With the new configured lots for this subdivision the cul-de-sac will be realigned to the east. Since the street was never constructed vacating this undeveloped portion of Swan Lane should not adversely impact the adjacent or surrounding properties. The Growth Plan and its recommended zoning for surrounding properties will not be affected by the granting of the vacation.
- b. **No parcel shall be landlocked as a result of the vacation.** The proposed vacation of this unimproved section of Swan Lane will not landlock any lot or parcel of land since a new road dedication will occur and a re-platting of existing lots will occur simultaneously with the project.
- 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 unused and unimproved nature of this right-of-way reflects the fact that it has never really served as a reasonable or feasible means of access. The requested vacation therefore should not change or result in unreasonable or prohibitive circumstances for access purposes and should not have an adverse affect on property values of any property. The proposed subdivision does incorporate a new road dedication to replace the vacated Swan Lane right-of-way.
- d. **There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities**

and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services). There are no identifiable adverse impacts that would result from vacating this portion of Swan Lane. With the proposed subdivision a new right-of-way section will be dedicated and necessary easements for public facilities and services will be provided.

- e. **The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.** Existing and future public facilities and services should not be inhibited to this or any other nearby property. Approval of the new subdivision should provide better public facilities and services to the property and surrounding neighborhood.
- f. **The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.** The elimination of an unused and unimproved section of road alignment will eliminate future maintenance and nuisance concerns for the City without interfering with existing or future traffic circulation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Redlands Valley Subdivision application, file number PP-2005-145, for a request for the vacation of a portion of Swan Lane right-of-way, staff makes the following findings of fact and conclusions:

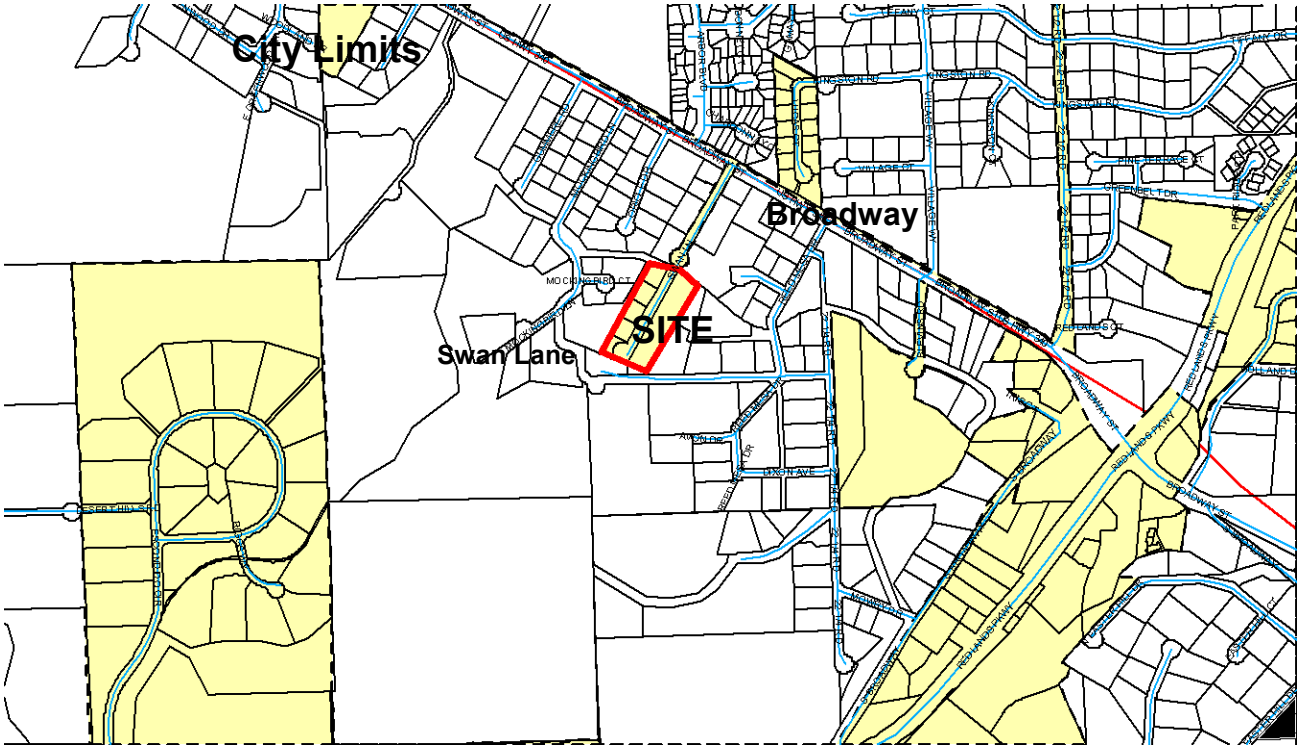
- 5. The proposed vacation is consistent with the Growth Plan.
- 2. The review criteria in Section 2.11.c of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regularly scheduled meeting of January 24, 2006, recommend to the City Council approval of the vacation of the excess right-of-way on Swan Lane as set forth in the attached legal description, finding that the vacation is in compliance with the Growth Plan, Section 2.11 of the Zoning and Development Code and the conditions and conclusions listed in the staff report.

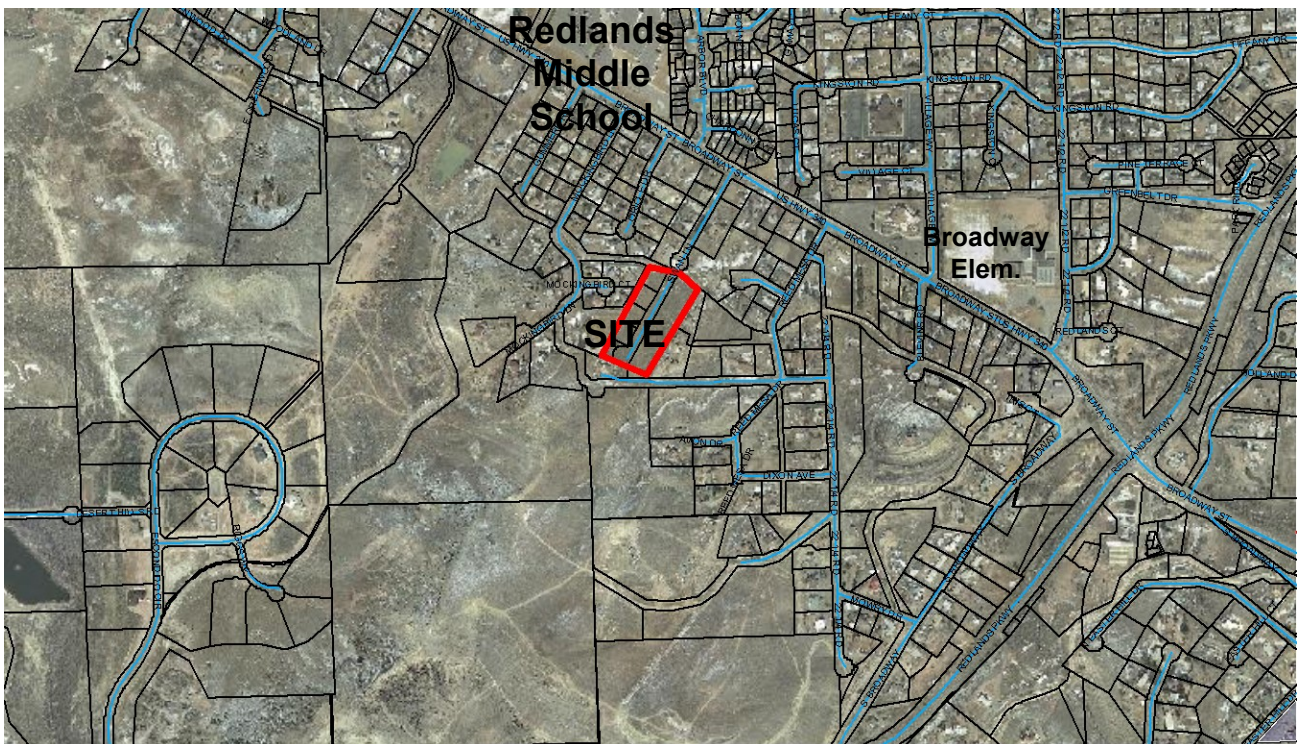
Site Location Map

Redlands Valley Subdivision



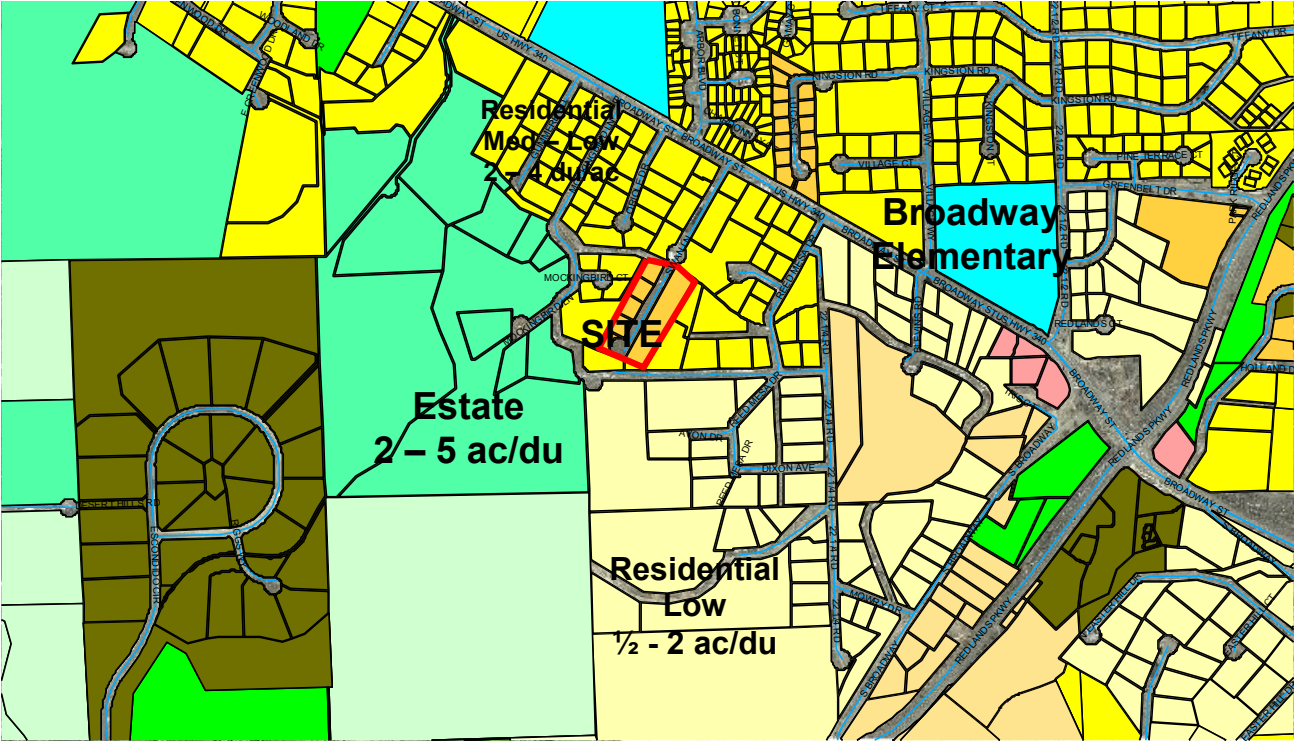
Aerial Photo Map

Redlands Valley Subdivision



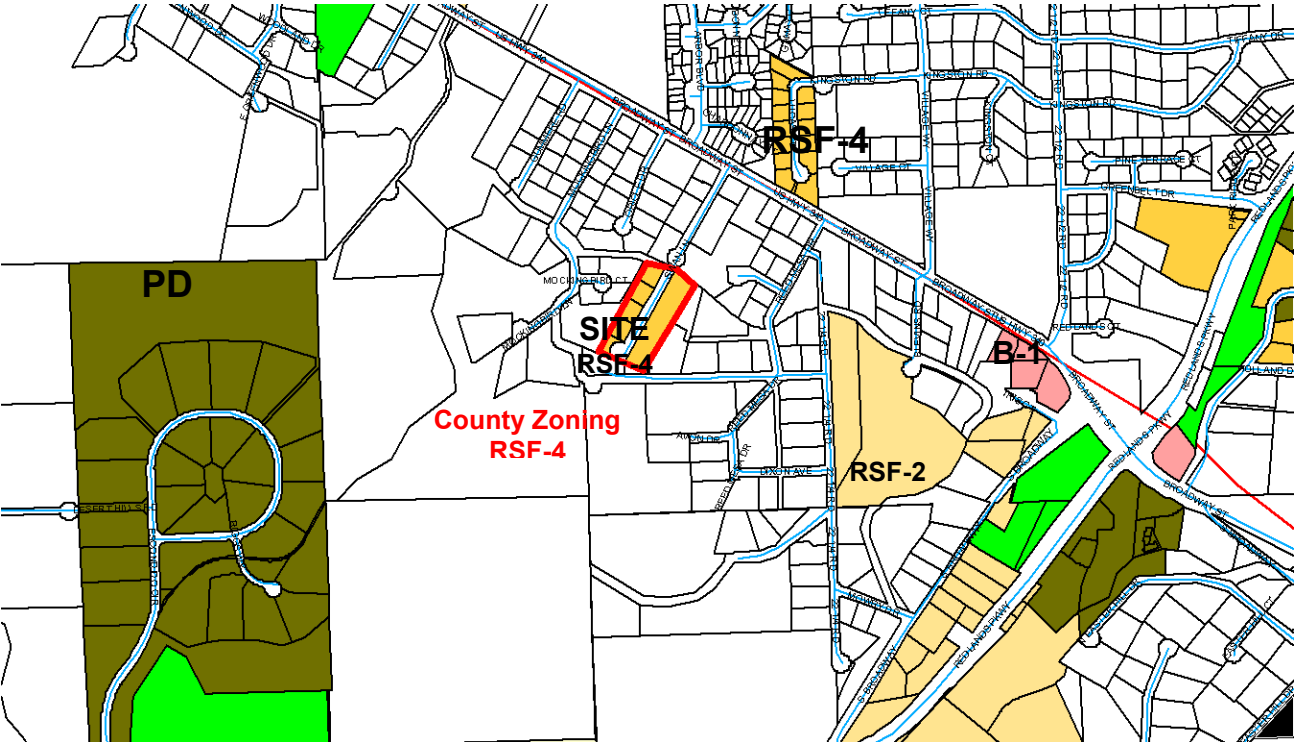
Future Land Use Map

Redlands Valley Subdivision



Existing City and County Zoning

Redlands Valley Subdivision



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING UNDEVELOPED RIGHT-OF-WAY
ALONG SWAN LANE**

Recitals.

A vacation of a portion of the undeveloped right-of-way along Swan Lane has been requested by the property owner. The vacation request is a result of the Redlands Valley Subdivision's proposal to develop 12 single family lots on 2.8 acres of vacant land, zoned RSF-4. The request to vacate is specifically for that dedication recorded in the Mesa County Clerk & Recorder's records at Book 10 Page 21, less any portion of the described land in the deed actually lying within the Swan Lane right-of-way otherwise dedicated for right-of-way purposes. The legal description prepared by Patrick Grogan, for Rolland Engineering reflects this (Exhibits A and B).

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code. This Ordinance shall not become effective until the recording of the Final Plat for the Redlands Valley Subdivision.

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

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

The following described dedicated right-of-way, as described on "Exhibit A", and shown on "Exhibit B", for Swan Lane is hereby vacated:

Dedicated right-of-way to be vacated:

All that part of a certain right-of-way situate in the W1/2 of the SW ¼ Section 7, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Colorado as dedicated on MOCKING BIRD HEIGHTS SUBDIVISION in Plat Book 10 at Page 21, Reception No. 915560 in the Office of the Mesa County Clerk and Recorder, the perimeter of which is more particularly described as follows:

Beginning at the Southeasterly corner of Lot 5, Block 2, MOCKING BIRD HEIGHTS SUBDIVISION from whence a GLO brass cap for the SW corner section 7, Township 1 South, Range 1 West of the Ute Meridian of said section 7 bears S 11° 05'43" W a

distance of 885.15 feet, and considering the south line of said section 7 to bear N 89° 50'31" E with all bearings herein contained relative thereto, thence S 68° 18'47" E a distance of 50.67 feet, thence N 30° 59'13" E a distance of 576.36 feet, thence N 89° 31'47" W a distance of 58.04 feet, thence, S 30° 59'13" W a distance of 455.08 feet, thence along a non-tangent 50 radius curve whose chord bears S 30° 59'13" W a chord with a delta angle of 180° 00'00" and a distance of 100 feet to the point of beginning.

(Containing 32,213 square feet).

Introduced on first reading this 1st day of February, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

EXHIBIT A

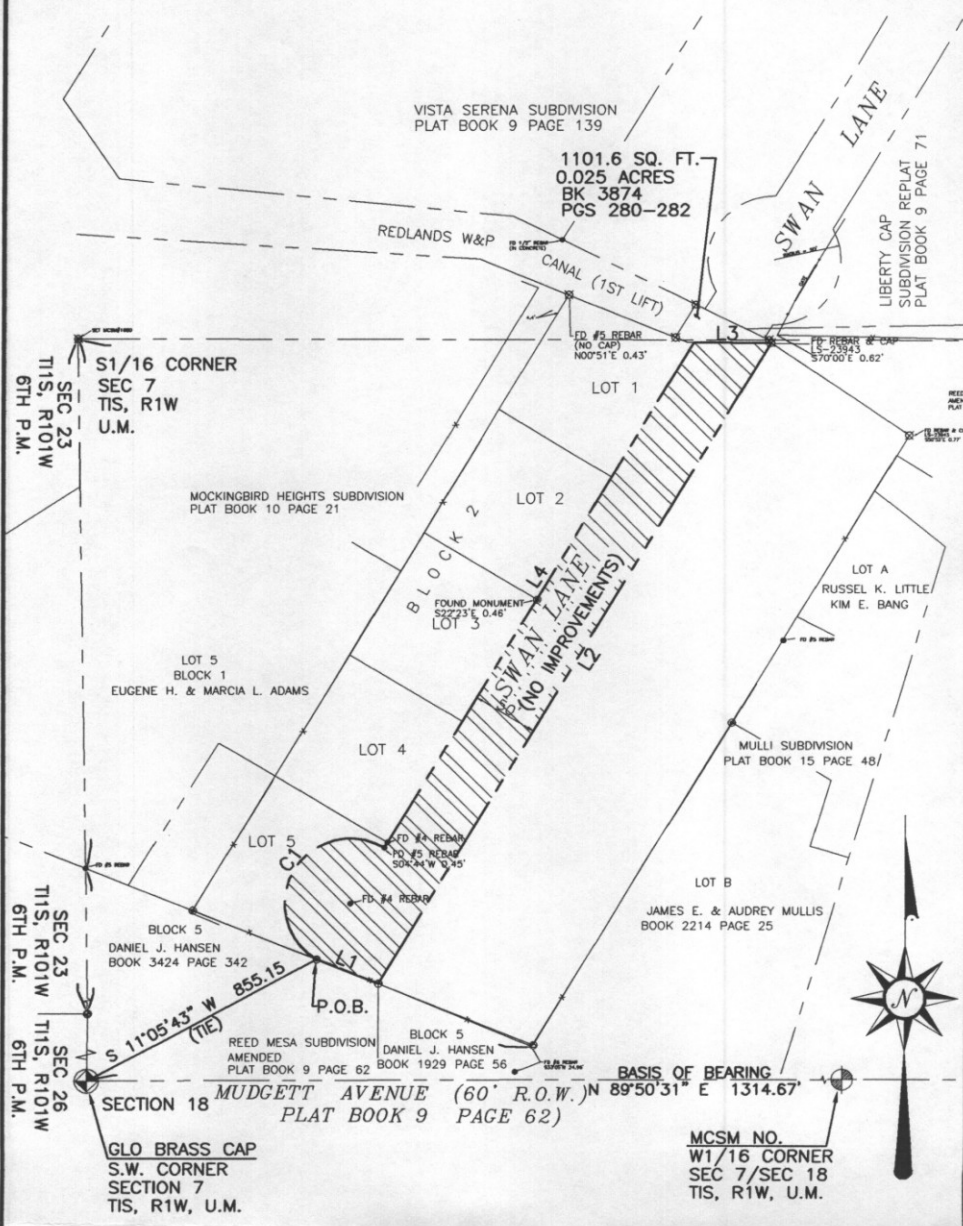
All that part of a certain right-of-way situate in the W1/2 of the SW ¼ Section 7, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Colorado as dedicated on MOCKING BIRD HEIGHTS SUBDIVISION in Plat Book 10 at Page 21, Reception No. 915560 in the Office of the Mesa County Clerk and Recorder, the perimeter of which is more particularly described as follows:

Beginning at the Southeasterly corner of Lot 5, Block 2, MOCKING BIRD HEIGHTS SUBDIVISION from whence a GLO brass cap for the SW corner section 7, Township 1 South, Range 1 West of the Ute Meridian of said section 7 bears S 11° 05'43" W a distance of 885.15 feet, and considering the south line of said section 7 to bear N 89° 50'31" E with all bearings herein contained relative thereto, thence S 68° 18'47" E a distance of 50.67 feet, thence N 30° 59'13" E a distance of 576.36 feet, thence N 89° 31'47" W a distance of 58.04 feet, thence, S 30° 59'13" W a distance of 455.08 feet, thence along a non-tangent 50 radius curve whose chord bears S 30° 59'13" W a chord with a delta angle of 180° 00'00" and a distance of 100 feet to the point of beginning.

(Containing 32,213 square feet).


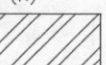
LINE	BEARING	DISTANCE
L1	S 68°18'47" E	50.67'
L2	N 30°59'13" E	576.36'
L3	N 89°31'47" W	58.04'
L4	S 30°59'13" W	455.08'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	50.00'	157.08'	100.00'	N 30°59'13" E	180°00'00"	-



C:\PROJECTS\0653\0653ROWVAC.dwg, ROW VAC, 6/13/2005 4:56:43 PM

LEGEND

 MCSM MESA COUNTY SURVEY MARKER
 (CALC.) CALCULATED RECORD
 (R) RECORD
 AREA TO BE VACATED (PLAT BOOK 10 PAGE 21)



ROLLAND ENGINEERING
 405 Ridges Blvd
 Grand Jct, CO 81503
 (970) 243-8300

File Name: C:\UNNAMED			
SWAN LANE ROW VACATION EXHIBIT			
IN THE W1/2 SW1/4 SECTION 7 T1S, R1W IN THE UTE MERIDIAN MESA COUNTY COLORADO			
Designed	Checked	Printed	Sheet
Drawn	Date	Plt	Of
KTS	6/13/05	4053	1

Exhibit B

Attach 16

Public Hearing – Vacation of a 20' E/W Alley Located at 411 West Main Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of a 20' east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision – 411 W. Main Street					
Meeting Date	February 15, 2006					
Date Prepared	February 6, 2006			File #VR-2005-012		
Author	Scott D. Peterson		Senior Planner			
Presenter Name	Scott D. Peterson		Senior Planner			
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 petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision in anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five (5) properties into four (4) residential lots. Three (3) of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct the Public Hearing and approve the Vacation Ordinance.

Attachments:

1. Background Information/Staff Analysis
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City Zoning Map
4. Ordinance & Exhibit A

BACKGROUND INFORMATION			
Location:		411 W. Main Street	
Applicant:		City of Grand Junction & Spendrup & Associates Inc., Owners	
Existing Land Use:		Un-improved platted City alley	
Proposed Land Use:		Residential Subdivision	
Surrounding Land Use:	North	Single-Family Residential	
	South	Single-Family Residential	
	East	Railroad property	
	West	Single-Family Residential	
Existing Zoning:		RMF-8, Residential Multi-Family – 8 units/acre	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	RMF-8, Residential Multi-Family – 8 units/acre	
	South	RMF-8, Residential Multi-Family – 8 units/acre	
	East	N/A (Railroad right-of-way)	
	West	RMF-8, Residential Multi-Family – 8 units/acre	
Growth Plan Designation:		Residential Medium (4 – 8 DU/Acre)	
Zoning within density range?		N/A	Yes
			No

Staff Analysis:

The applicant, City of Grand Junction, wishes to vacate the existing 20' wide east/west alley right-of-way that presently divides a portion of Lot 2, Block 9, Richard D. Mobley's First Subdivision located east of Chuluota Avenue. The alley has never been constructed. Upon the approval of the requested vacation by the City, a 20' wide Utility Easement will be dedicated via a new subdivision plat for future utilities that will serve the newly platted lots. The proposed subdivision will incorporate a total of 0.81 acres of land and will also dedicate additional right-of-way for the Riverside Parkway.

Presently there are three (3) single-family homes on the five (5) properties.

Consistency with the Growth Plan:

The site is currently zoned RMF-8, Residential Multi-Family – 8 units/acre with the Growth Plan Future Land Use Map showing this area as Residential Medium (4 – 8 DU/Ac.).

Section 2.11 C. of the Zoning and Development Code:

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

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

Granting the request to vacate the existing 20' alley right-of-way does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this alley 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.

Access will not be restricted.

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

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

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the 20' alley right-of-way will be converted to a 20 Utility Easement for the benefit of the newly proposed platted lots. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as a new 20' Utility Easement will be dedicated through a subdivision plat.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the alley vacation application located at 411 W. Main Street, VR-2005-012, for the vacation of a 20' alley right-of-way, the Planning Commission at their January 10th, 2006 meeting made the following findings of fact and conclusions:

6. The requested 20' alley right-of-way vacation is consistent with the Growth Plan.
7. The review criteria in Section 2.11 C. of the Zoning & Development Code have all been met.
8. Approval of the alley vacation request is contingent upon the approval and filing of the subdivision plat and the dedication of the 20' Utility Easement.

Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the Ordinance vacating a 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision – 411 W. Main Street, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

1. Site Location Map/Aerial Photo Map
2. Future Land Use Map/Existing City Zoning Map
3. Ordinance & Exhibit A

Site Location Map - 411 West Main

Figure 1



Aerial Photo Map - 411 West Main

Figure 2



Future Land Use Map – 411 West Main

Figure 3



Existing City Zoning – 411 West Main

Figure 4



CITY OF GRAND JUNCTION

Ordinance No. _____

AN ORDINANCE VACATING A 20' WIDE ALLEY RIGHT-OF-WAY LOCATED EAST OF CHULUOTA AVENUE AND CROSSING LOT 2, BLOCK 9, RICHARD D. MOBLEY'S FIRST SUBDIVISION
KNOWN AS: 411 W. MAIN STREET

RECITALS:

In conjunction with the filing of a Subdivision Plat and in anticipation of future residential development and construction of the Riverside Parkway, the applicant proposes to vacate a 20' wide alley right-of-way which will be converted to a 20' Utility Easement.

The Planning Commission, having heard and considered the request on January 10th, 2006 and found the criteria of the Code to have been met, recommend that the vacation be approved.

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

1. The following described 20' alley right-of-way is hereby conditionally vacated:

All that part of that certain alley situate in the SE1/4 of Section 15, T1S, R1W of the Ute Meridian, lying in Block 9 of Richard D. Mobley's First Subdivision to Grand Junction, and granted to the City of Grand Junction by deed recorded in Book 100 at Page 3 of the Office of the Mesa County Clerk and Recorder, which part is more particularly described as follows:

All of the east-west alley crossing Lot 2 in said Block 9 lying east of the easterly right-of-way line of Chuluota Avenue and extending easterly to the easterly line of said Lot 2. See attached Exhibit "A."

This 20' alley right-of-way vacation is conditioned and contingent upon the approval and filing of the Subdivision Plat and the dedication of the 20' Utility Easement for the benefit of future and anticipated utilities.

INTRODUCED on First Reading on the 1st day of February, 2006 and ordered published.

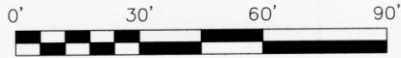
ADOPTED on Second Reading this _____ day of February, 2006.

ATTEST:

City Clerk

President of City Council

EXHIBIT A



W. MAIN STREET

CHULJUOTA AVENUE

N.E. CORNER
LOT 2

MOBLEY'S SUBDIVISION
LOT 2
BLOCK 9

EAST LINE
LOT 2

SPENDRUP & ASSOC. INC
BOOK 2188 PAGE 755

SPENDRUP & ASSOC. INC
BOOK 2193 PAGE 313

N 00°06'50" E
20.00'

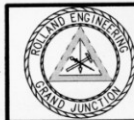
N 89°59'33" E 141.20'
SUBJECT ALLEY (BK 100 PG 3)
S 89°59'33" W 141.20'

S 00°05'19" W 155.00'

20.00'
S 00°05'19" W

CITY OF
GRAND JUNCTION

SPENDRUP & ASSOC. INC
BOOK 2170 PAGES 740-741



ROLAND ENGINEERING
405 Ridgess Blvd
Grand Jct, CO 81503
(970) 243-8300

File Name: C:\PROJECTS\4017A\4017ASPENDX.DWG

EXHIBIT
ALLEY VACATION
IN THE SE1/4 SECTION 15
T1S, R1W OF THE UTE MERIDIAN
GRAND JUNCTION, COLORADO

Designed	Checked	Proj	Sheet
		4017A	1
Drawn	Date	By	Of
	12/27/05		1

Attach 17

Public Hearing – Future Land Use Designation and Zoning for the West Main Parking Lot

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	West Main Parking Lot – Future Land Use and Zoning					
Meeting Date	February 15, 2006					
Date Prepared	February 6, 2006			File RZ-2005-265		
Author	Kristen Ashbeck		Senior Planner			
Presenter Name	Kristen Ashbeck		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Mike Best, Riverside Parkway
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel.

Budget: N/A

Action Requested/Recommendation: Public hearing for consideration of resolution for Future Land Use designation and zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- Site Location and Aerial Photo Maps
- Future Land Use and Existing City Zoning Maps
- Planning Commission Minutes from 1/24/06 Hearing
- Proposed Growth Plan Future Land Use Map Resolution
- Proposed Zoning Ordinance

BACKGROUND INFORMATION				
Location:		820 West Main Street		
Applicant:		Owner: City of Grand Junction Developer: Same Representative: Same		
Existing Land Use:		Vacant		
Proposed Land Use:		Public Parking Lot		
Surrounding Land Use:	North	State Highway 340 and City Shops		
	South	Residential		
	East	New Dual Immersion Academy School		
	West	Colorado River		
Existing Zoning:		None		
Proposed Zoning:		Community Services and Recreation (CSR)		
Surrounding Zoning:	North	Light Industrial (I-1)		
	South	Residential Multifamily 8 units per acre (RMF-8)		
	East	CSR		
	West	None		
Growth Plan Designation:		None		
Zoning within density range?		NA	Yes	No

PROJECT BACKGROUND/DESCRIPTION: The City owns the property at 820 West Main Street in the Riverside Neighborhood and is proposing to develop a public parking lot on the property and on an adjacent area of surplus right-of-way for State Highway 340. The City-owned parcel has never been assigned a Future Land Use category on the Growth Plan Future Land Use Map and the property has never been zoned. A Future Land Use category of Public/Institutional and zoning of CSR are proposed. The Site Plan is currently being reviewed administratively.

The site is presently used for overflow parking during celebration events in the Riverside Neighborhood. The City is proposing to construct the parking facility to accommodate the additional parking needs for the Riverside School, provide a parking location to replace the parking facility that was proposed in the City Shops area for Colorado River Trail access, provide additional parking for nearby Riverside Park, and to provide a designated parking location for other neighborhood celebrations.

The new parking facility will be accessed by a new driveway located west of the intersection of West Avenue and West Main Street. There will also be a driveway located at the new cul-de-sac located at the western terminus of West Main Street.

Utilities required for the site are domestic water for irrigation and electricity for street lights and sprinkler controls. Both are already adjacent to the site. The existing natural gas line located across the site will need to be lowered to accommodate the parking facility. The existing overhead utility line will remain on the site.

Once the Site Plan is approved, the City will be entering into a lease with the Colorado Department of Transportation (CDOT) in order to construct a portion of the parking facility within the State Highway 340 right-of-way. The City anticipates construction to start in March 2006 and be completed in 45 days.

ANALYSIS: This application is not a request to change either the Growth Plan Future Land Use Map or the zoning map. Rather it is a request to apply a future land use category and zoning to a parcel that has not been designated or zoned. Thus, there are no applicable criteria to be considered for review of the project.

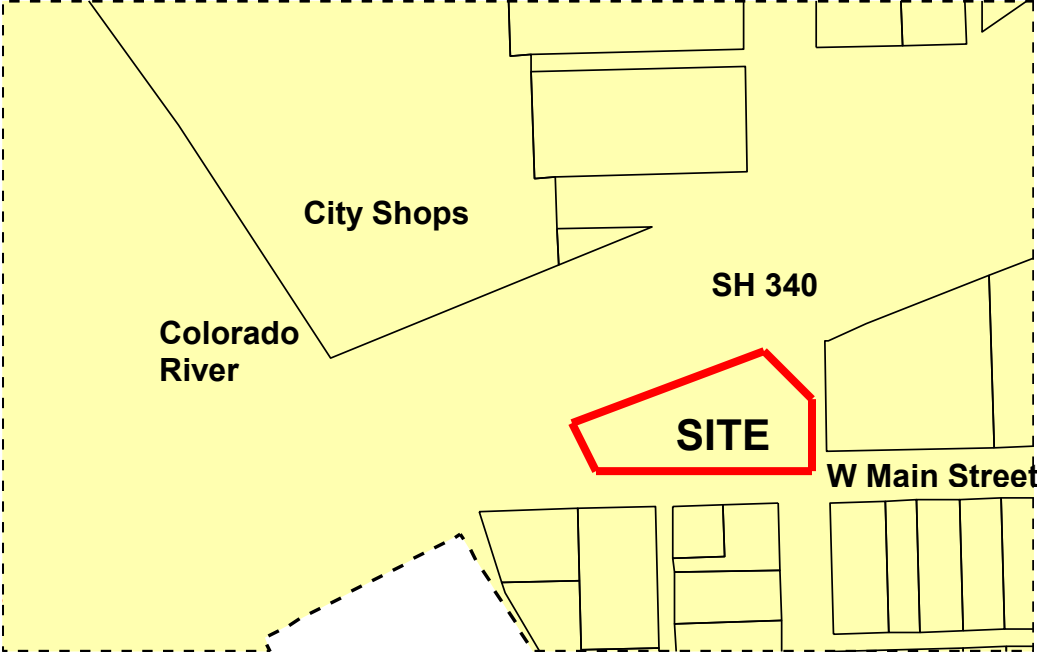
The proposed Public/Institutional land use category is consistent with the intent and goals of the Growth Plan which states that parcels designated Public/Institutional be public and quasi-public uses such as schools and government facilities. Thus, as a proposed use accessory to the adjacent school and nearby park, the Public/Institutional land use category is appropriate. Similarly, the proposed zoning of CSR is consistent with the purpose of the zone district to implement the Parks, Conservation and Public/Institutional land use classifications of the Growth Plan. It is also the same zoning as the adjacent school and nearby park.

PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS AND

RECOMMENDATION (hearing 1/24/06): After reviewing the West Main Street Future Land Use and Zoning request, RZ-2005-265 for Public/Institutional land use category and a CSR zoning, Planning Commission found the proposal is consistent with the intent and goals of the Growth Plan and general purpose of the CSR zone district and recommended approval of: 1) the designation of the property at 820 West Main Street as Public on the Growth Plan Future Land Use Map; and 2) zoning the property Community Services and Recreation (CSR).

Site Location Map

Figure 1



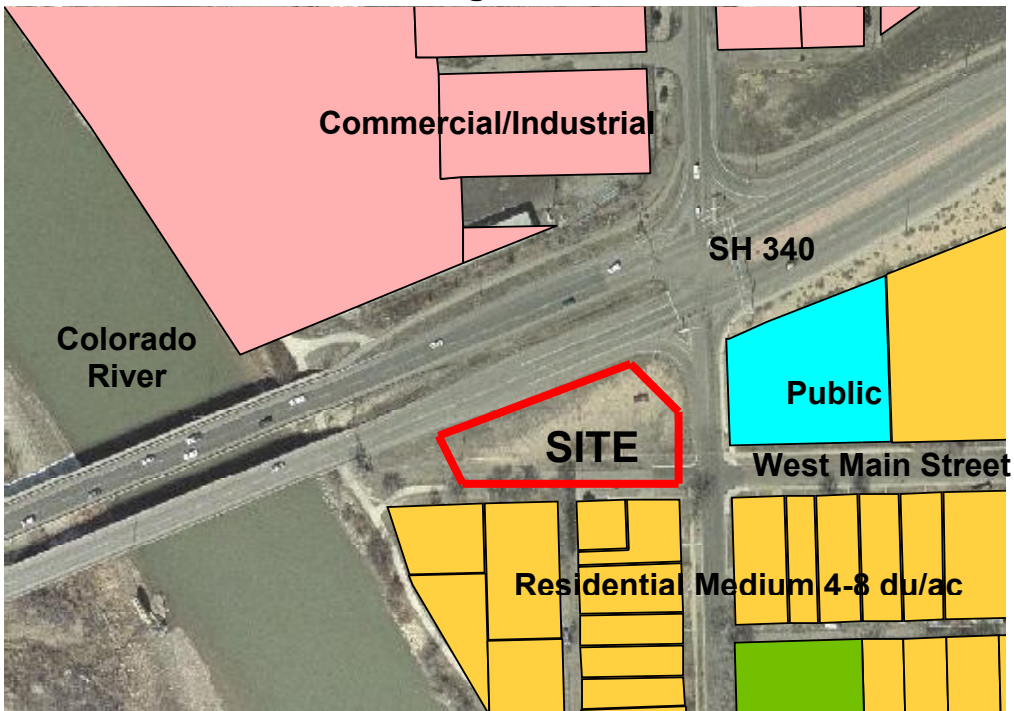
Aerial Photo Map

Figure 2



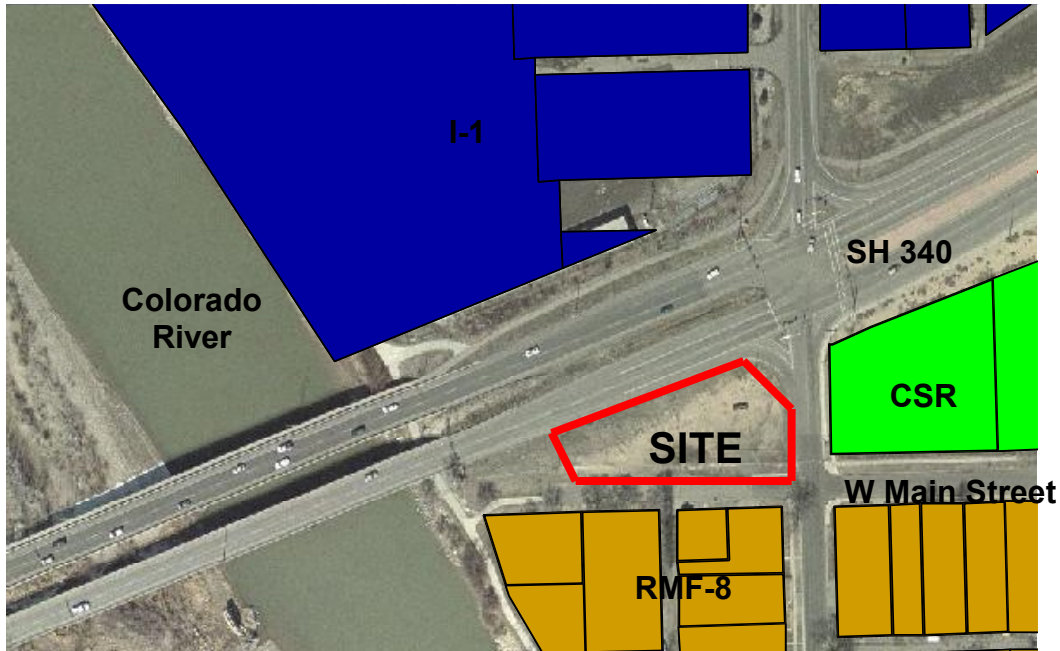
Future Land Use Map

Figure 3



Existing City 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."

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 24, 2006 MINUTES
7:00 p.m. to 10:10 p.m.**

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

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, Roland Cole, and Reggie Wall. William Putnam was absent. In attendance, representing the City's Community Development Department, were Kathy Portner (Assistant Community Development Director), Kristen Ashbeck (Senior Planner), Lisa Cox (Senior Planner), and Lori Bowers (Senior Planner). Also present were Jamie Kreiling (Assistant City Attorney, and Eric Hahn and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 39 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Dibble indicated that item PP-2005-216 had been pulled from the evening's agenda, and a request had been made to continue item ANX-2005-264 to the February 14, 2006 public hearing. (The motion for continuance had originally been made at the end of the public hearing.)

MOTION: (Commissioner Cole) "So moved [to continue item ANX-2005-264 to the February 14, 2006 public hearing."

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

II. APPROVAL OF MINUTES

Available for consideration were the minutes from the December 13, 2005 public hearing.

MOTION: (Commissioner Cole) "Mr. Chairman, I move [for] approval of the December 13th minutes as presented."

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Lowrey and Pitts abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2004-153 (Preliminary Plat--Ridgewood Heights Subdivision)
2. PP-2005-145 (Preliminary Plat--Redlands Valley Subdivision)
3. RZ-2005-265 (Rezone--West Main Parking Lot)
4. GPC-2005-296 (Growth Plan Consistency Review-Gormley Planned Development)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At citizen request, items PP-2004-153 and GPC-2005-296 were pulled and placed on the Full Hearing Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining items.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move [for] approval of the Consent Agenda, items 2 and 3 [PP-2005-145 and RZ-2005-265]."

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

CITY OF GRAND JUNCTION, COLORADO

Resolution No. ____

A RESOLUTION REVISING THE CITY OF GRAND JUNCTION GROWTH PLAN FUTURE LAND USE MAP TO DESIGNATE APPROXIMATELY 0.24 ACRES LOCATED AT 820 WEST MAIN STREET AS *PUBLIC/INSTITUTIONAL*

Recitals:

A request for the Growth Plan designation has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that approximately 0.24 acres located at 820 West Main Street be designated *Public/Institutional* on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan designation and determined that it is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:

That approximately .024 acres of property, located at 820 West Main Street is designated as *Public/Institutional* on the Future Land Use Map. The boundary description of the area being more fully described as follows:

A parcel of land in the NW1/4 SE1/4 of SEC 15. T1S, R1W of the UM, described as follows; Commencing at the Center East 1/16 COR of said SEC 15 whence the E1/4 COR of said SEC bears N89°42'17"E for a basis of bearings; thence S47°01'29"E 1445.22 ft to the SE COR of Block 3 of the Grand River Subdivision the True POB; thence N89°54'32"W 204.37 ft along the South line of said Block 3 to the southerly ROW line of Highway 340; thence along said ROW N63°26'28"E 200.69 ft and N86°58'57"E 25.04 to the East line of said Block 3; thence along the East line S0°05'28"W 91.37 ft to the True POB.

PASSED on this ____ day of _____, 2006.

ATTEST:

President of Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

**ORDINANCE NO. _____
AN ORDINANCE ZONING THE PROPERTY AT 820 WEST MAIN STREET
COMMUNITY SERVICES AND RECREATION (CSR)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the property at 820 West Main Street CSR finding that: 1) the CSR zone district is consistent with and implements the land use category as shown on the Growth Plan Future Land Use Map (Public/Institutional); 2) is consistent with the Growth Plan's goals and policies; and 3) is generally compatible with appropriate land uses located in the surrounding area.

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

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT THE FOLLOWING PROPERTY SHALL BE ZONED COMMUNITY SERVICES
AND RECREATION (CSR):**

A parcel of land in the NW1/4 SE1/4 of SEC 15. T1S, R1W of the UM, described as follows; Commencing at the Center East 1/16 COR of said SEC 15 whence the E1/4 COR of said SEC bears N89°42'17"E for a basis of bearings; thence S47°01'29"E 1445.22 ft to the SE COR of Block 3 of the Grand River Subdivision the True POB; thence N89°54'32"W 204.37 ft along the South line of said Block 3 to the southerly ROW line of Highway 340; thence along said ROW N63°26'28"E 200.69 ft and N86°58'57"E 25.04 to the East line of said Block 3; thence along the East line S0°05'28"W 91.37 ft to the True POB.

Said parcel contains 0.24 acres more or less as described.

INTRODUCED on FIRST READING this 1st day of February, 2006 and ordered published.

ADOPTED on SECOND READING this ____ day of _____, 2006.

President of Council

Attest:

City Clerk

Attach 18

Public Hearing – Amending the Contractors Insurance Requirement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Ordinance Amendment Regarding Contractors Insurance Requirement					
Meeting Date	February 15, 2006					
Date Prepared	February 8, 2006				File #	
Author	Mary Lynn Kirsch		Paralegal			
Presenter Name	John Shaver		City Attorney			
Report results back to Council	<input 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		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Budget: Adoption of the ordinance will be budget neutral.

Action Requested/Recommendation: Consider final passage and publication of the proposed ordinance.

Attachments: Letter from Blue Star Industries, Inc.
Proposed Ordinance

BLUE STAR INDUSTRIES, LLC

Defining the Way the World Builds

January 5, 2006

Mr. John Shaver
City Attorney
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Dear John:

Thank you for taking the time to discuss the liability insurance requirement associated with the City's Contractor's License.

We discussed the purpose of the \$25,000 requirement, and how it really did not protect the City or the residents. This is probably a very old law that has been on the books for many years, but no longer serves its intended purpose.

You also mentioned your previous conversations with John Davis about trying to do away with this portion of the regulation. You indicated that you would make every effort to get the proposed changes to the City Council for consideration by February 1, but that it would take at least 60 days before the legislation could pass.

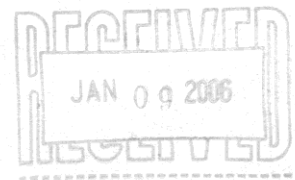
Please let me know if there is anything I can do to assist you in your efforts. I appreciate your assistance in this matter. I hope you're feeling better soon, and your voice is back to normal!

Sincerely,



Tricia Hausenbauer
Executive Assistant

cc: John Davis
Jeanie Jones



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE IV, CONTRACTORS, OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES, SPECIFICALLY SECTION 10-87, DUTIES OF BUILDING OFFICIAL; REQUIREMENTS FOR ISSUANCE OF LICENSE

RECITALS:

The current Section 10-87 (b)(3) of the Code of Ordinances includes the requirement that Contractors licensed by the City “maintain public liability insurance with minimum limits of not less than \$15,000 for one person and \$30,000 for any one accident and property damage insurance with a minimum limit of less than \$10,000, and a license and permit bond in an amount as required by the Building Official consistent with and pursuant to the type and category of license held (or applied for) by every Contractor.”

It has been determined that:

- 1) the time and effort spent on reviewing, approving and maintaining insurance certificates by the City and County may not be cost effective given the large volume of licenses, and
- 2) the insurance requirements significantly add to the cost of a home being developed and sold, and
- 3) the required amount of insurance is insufficient to provide meaningful relief to an aggrieved homeowner, and
- 4) an aggrieved homeowner may seek relief from defective work and materials under the Colorado Construction Defect Reform Act.

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

That Section 10-87 (b)(3) of the Code of Ordinances be amended to read as follows:

Sec. 10-87. Duties of building official; requirements for issuance of license.

(b) Prior to issuing a contractor's license, the building official shall see that the following conditions are met:

- (3) Every Contractor shall be required to maintain at all times, Colorado employee's liability (or worker's compensation insurance).; ~~public liability insurance with minimum limits of not less than \$15,000 for one person and \$30,000 for any one accident, and property damage insurance with a minimum limit of less than~~

~~\$10,000 and a license and permit bond in an amount as required by the Building Official consistent with and pursuant to the type and category of license held (or applied for) by every Contractor.~~ If there are no employees, a waiver of Worker's Compensation, in a form as required by the Building Official, shall be permitted.

Automobile insurance, in any form, shall neither be offered in satisfaction nor found to satisfy these requirements.

Introduced on first reading this 1st day of February, 2006.

PASSED and ADOPTED on _____ day of _____, 2006.

President of the Council

Attest:

By: _____
Bruce Hill, Mayor

Stephanie Tuin, City Clerk

Attach 19

Construction Contract for 2006 Crack Sealing Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2006 Crack Sealing Project					
Meeting Date	February 15, 2006					
Date Prepared	February 9, 2006	File # - N/A				
Author	Justin J. Vensel	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 2006 Crack Sealing Project Consists of 30 street locations. Streets to be crack sealed are primarily in the Redlands area and along Patterson Road from 1st Street to 27 ½ Road.

Budget: Project No.: 2011-F00400

Project costs:

Construction contract (low bid)	\$76,238.00
Design	\$4,000.00
Construction Inspection and Administration (est.)	<u>\$8,000.00</u>
Total Project Costs	\$88,238.00

Project funding:

Fund 2011-F00400 Contract Street Maintenance	\$1,800,000.00
Crack Sealing Project Cost	<u>\$88,238.00</u>
Balance	\$1,711,762.00

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2006 Crack Sealing Project to Bonneville Asphalt and Repair** in the amount of **\$76,238.00**

Attachments: none

Background Information:

A list of candidate streets was compiled through both citizen participation as well as visual inspection. These streets were rated on size and magnitude of cracks, rating from #1 to #3 with #1 being the worst case. Twenty-seven streets were selected in the Redlands area along with Patterson Road were the streets selected. The total estimated quantity of sealer to be applied is 50,000 pounds on the following streets.

Redlands Area

- South Camp Road from Rim Rock Rd to South Broadway
- E Dakota Dr, Dakota Ct ,Dakota Dr, Burro Canyon Ct, Coke Ovens Ct and Red Canyon Ct.
- Altamira Ave, Montero St, Altamira Ct, and Miranda Ct.
- South Rim Dr., Promontory Ct, Flacon Point Ct, and Dove Ct.
- Rio Linda Dr, Casa Rio Ct, Rio Borde Ct and El Monte Ct

Patterson Road

- Patterson Road from 1st Street to 27 ½ Road

The following bids were opened on January 31, 2006:

Bidder	From	Bid Amount
Bonneville Asphalt and Repair	Orem, UT	\$76,238.00
G & G Paving	Grand Junction	\$85,499.00
Asphalt Specialist and Supply	Grand Junction	\$89,500.00
Vista Paving	Grand Junction	\$99,494.00
Engineer's Estimate		\$113,353.20

The Project is scheduled to begin on February 27, 2006 and be completed on March 28, 2006.

Attach 20

Construction Contract for 24 ½ Road Sewer Trunk Extension

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		24½ Road Sewer Trunk Extension								
Meeting Date		February 15, 2006								
Date Prepared		February 9, 2006				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: This project involves extension of a sewer trunk line along the 24½ Road corridor, between Patterson Road and G Road. The project was requested by the developer of the proposed Brook Willow subdivision located on 24½ Road.

Budget Information: The project would be funded out of the Sewer Line Trunk Extension Fund (903).

Project Fund: Sewer Line Trunk Extension (903)	
Fund 903 Balance as of January 2006	
\$ 903,140	
Fund 903 15% Project Cost Contribution for 2,600 feet	\$
61,971	
of Trunk Extension made by proposed 24½ Rd development	
Available 903 Funds 2006	
\$ 965,111	

Project Costs:	
24½ Rd Trunk Extension Construction Contract	
\$ 632,497.50	
Engineering Design Costs for 24½ Rd Trunk	Ext.
\$ 17,485.65	
Construction Management for 24½ Rd Trunk	Ext. (estimated)
<u>25,328.10</u>	\$
Total Project Costs	

\$ 675,311.25	
Remaining Available 903 Sewer Line Trunk Ext. Funds (estimated)	\$
289,799.75	

Note: The projected 2006 revenues for Fund 903 are estimated to be \$ 257,248 including the revenues from the proposed 24½ Road trunk extension.

Action Requested/Recommendation: Authorize the City Manager to execute a construction contract in the amount of \$ 632,497.50 with M.A. Concrete Construction for the 24½ Road Sewer Trunk Extension.

Attached: Project Map of the area

Background Information: It is the intention of the City as managers of the Joint Sewer System to extend trunk extensions into drainage basins whenever the need meets the criteria set up in the City and County Resolutions passed in November 1993 and there is available funding through the Trunk Extension Fund. This project meets the criteria established for justification. On December 7, 2005, City Council passed a motion authorizing staff to move forward with design review, receiving bids, and revision of the Trunk Extension Fund’s 2005 and 2006 budget contingent on approval by the Mesa County Commissioners. The Mesa County Commissioners approved the revision to the Trunk Extension Fund’s 2005 and 2006 budget on December 12, 2005.

The 24½ Road Trunk Extension will provide service to a developing and already partially developed area in the north part of Grand Junction. This extension not only opens up new service area within the existing 201 boundary, but allows for greater flexibility in serving areas north of I-70 that are being considered for amendment to the 201 boundary.

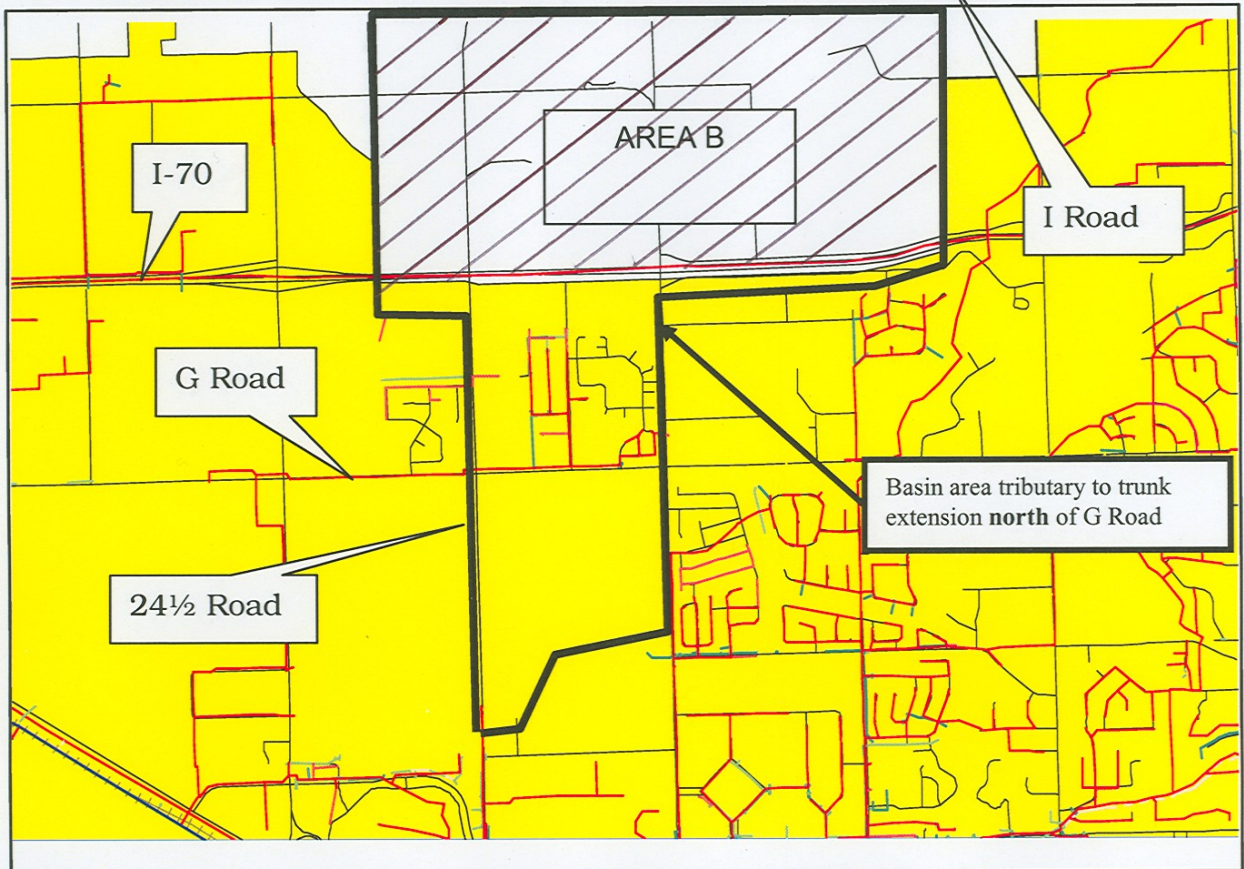
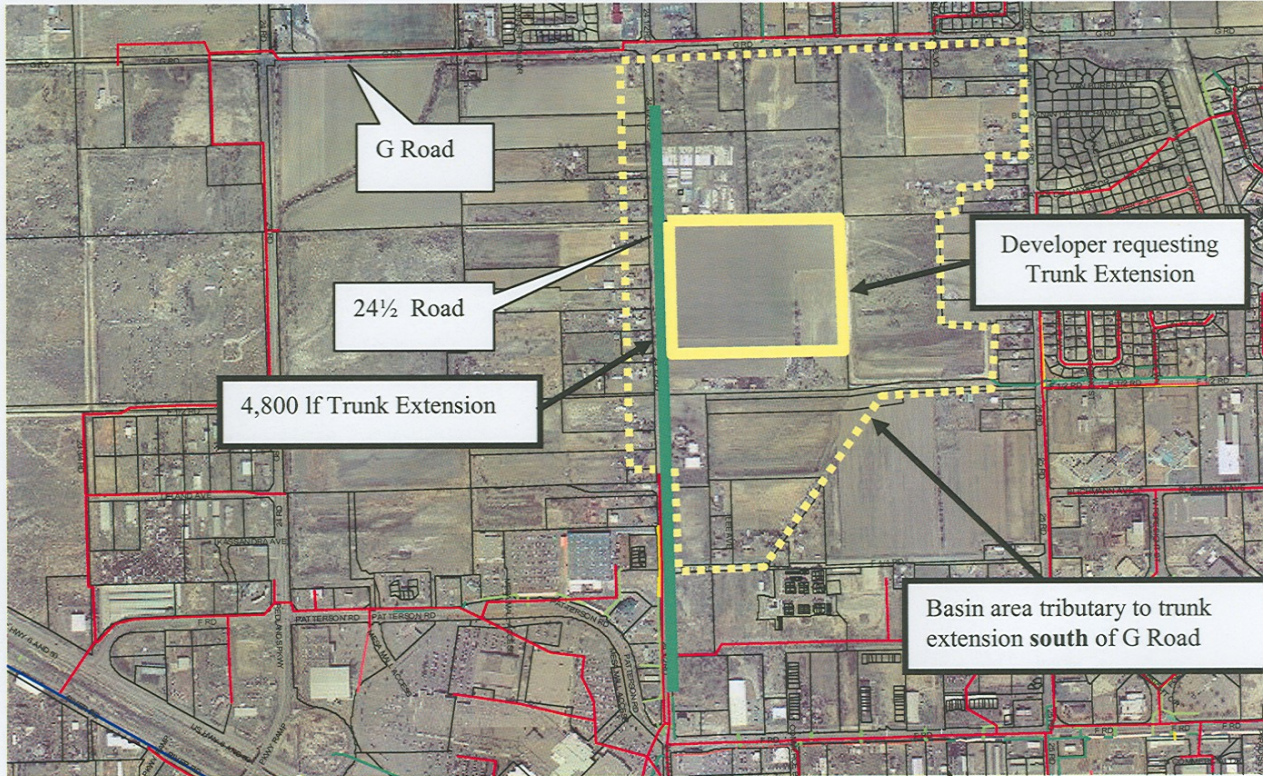
The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	
<u>Bid Amount</u>		
M.A. Concrete Co., Inc.	Grand Junction	\$
632,497.50		
Mendez, Inc.	Grand Junction	\$
725,357.75		
Sorter Construction, Inc.	Grand Junction	\$
871,650.00		

Engineer's Estimate
\$ 694,277.50

If awarded, the construction is scheduled to begin in late February or early March and be completed by mid June 2006.

PROJECT MAP:



Attach 21

Construction Contract for Independent Alley Improvement Project for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Independent Alley Project for the Riverside Parkway Project								
Meeting Date		February 15, 2006								
Date Prepared		February 9, 2006					File #			
Author		Jim Shanks			Riverside Pkwy Program Manager					
Presenter Name		Mark Relph			Public Works and Utilities Director					
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When				
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name				
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda				Consent	<input checked="" type="checkbox"/>	Individual Consideration	

Summary: The City opened bids for the construction of the Independent Alley from the south frontage road of US 6 & 50 west of 25 Road to Independent Avenue. This alley connection is necessary because the south frontage road will no longer be connected to 25 Road. The project is a requirement of CDOT for the access permit to perform the work at the highway. The alley will provide circulation between the south frontage road and Independent Avenue. This project will be constructed prior to the 25 Road bridge construction in order to provide access to adjacent properties.

Budget: Sufficient funds exist in the Riverside Parkway budget to complete this phase of construction.

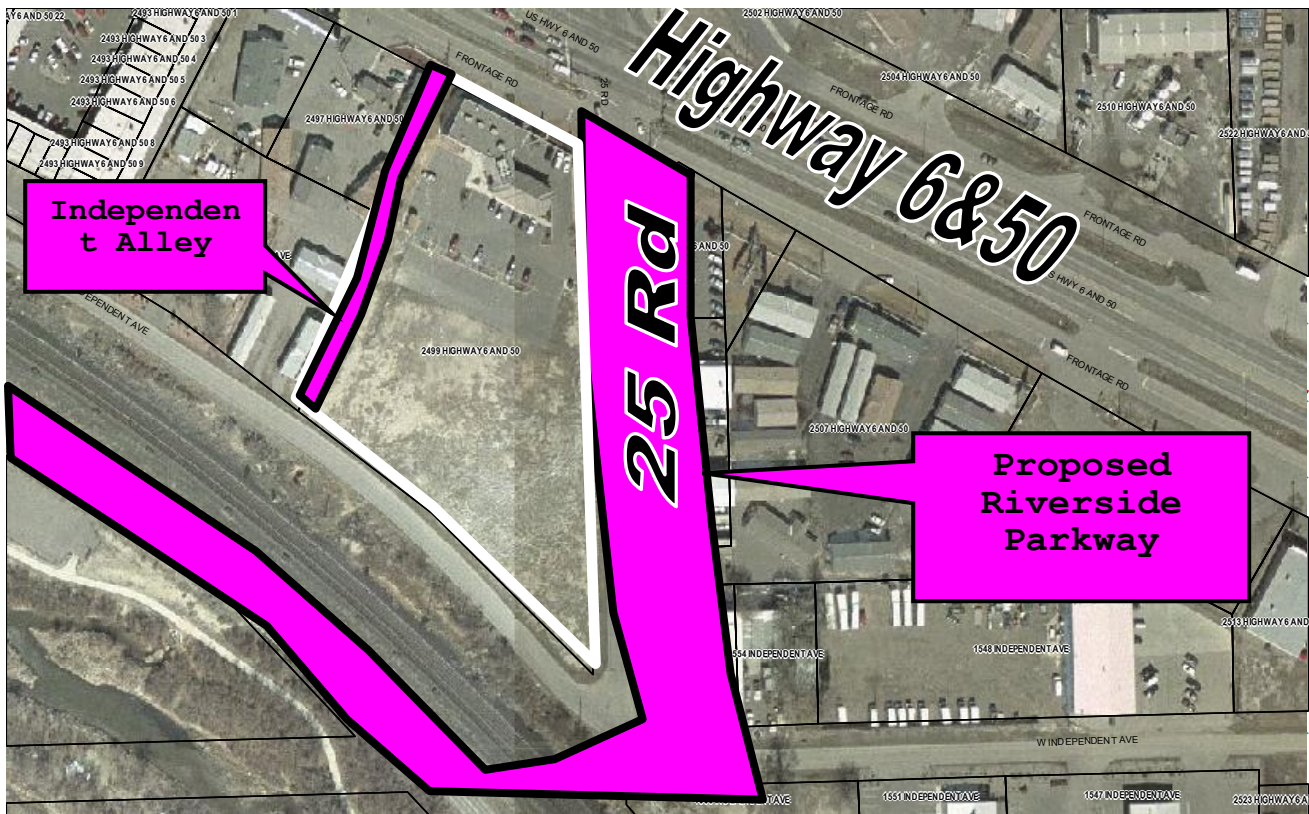
Riverside Parkway Construction Budget	\$55,285,412
Construction Contracts to date:	\$13,287,722
Independent Alley Contract	\$248,291
Remaining Construction Budget	\$41,749,399

Background Information: On February 7, 2006 the City opened bids for the construction of the Independent Alley project. This City received the following two bids from local contractors:

Mountain Valley Contracting	\$248,291.90
United Companies	\$312,864.00
Engineer's Estimate	\$323,535.00

Action Requested/Recommendation: Authorize the City Manager to Execute a Construction Contract in the Amount of \$248,291.90 with Mountain Valley Contracting for the Independent Alley Improvement Project.

VICINITY MAP



Attach 22

GJ Fire Department Ambulance Service Licensee

RESOLUTION NO. ____

**A RESOLUTION RECOMMENDING THE GRAND JUNCTION FIRE DEPARTMENT
AS THE DESIGNATED AMBULANCE SERVICE LICENSEE FOR THE GRAND
JUNCTION AMBULANCE SERVICE AREA**

Recitals.

The City Council of the City of Grand Junction, as authorized by Mesa County Resolution 2004-220-2 providing for the regulation of ambulances and creating procedures for the licensing of ambulance service providers, has conducted a selection process for the designation of the ambulance service licensee for the Grand Junction Ambulance Service Area (“GJASA” or “ASA”). The County resolution confers authority on the City to develop a process to recommend one or more licensees to serve the GJASA.

The process has allowed the City an opportunity to carefully evaluate and determine from competitive proposals the ambulance licensee that can best serve the residents of the City, the additional area of the GJASA outside of the incorporated City limits and the balance of Mesa County as is contemplated under the County resolution. In order to better integrate the emergency medical system and emergency response capabilities Countywide, the City Council recommends that the Board of County Commissioners accept the City’s recommendation and consistent with the City’s implementation plan thereafter license the Grand Junction Fire Department as the ambulance service provider for the Grand Junction ASA.

Upon acceptance of the City recommendation and licensing of the Grand Junction Fire Department as the Grand Junction Ambulance Service Area provider, the City by and through the Fire Department will serve the entire Grand Junction ambulance service area. Once licensed, the Fire Department will maintain the required licenses and permits and it will otherwise abide by the terms of the County resolution.

The recommendation and designation of the Grand Junction Fire Department as the ambulance service provider is consistent with the City’s legal authority and obligation to promote the health, safety and general welfare of the citizens and residents of the City. To that end the City Council does hereby direct the City Manager to take any and all lawful actions necessary or required to fully implement this resolution.

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

The foregoing Recitals are adopted as the policy of the City Council; the City Manager shall act consistently therewith and shall forthwith forward this resolution to the Chairperson of the Board of the Mesa County Commission for consideration and adoption of the provider recommendation made herein.

PASSED and ADOPTED this _____ day of _____ 2006

Attest:

Bruce Hill
President of the Council

Stephanie Tuin
City Clerk