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

**WEDNESDAY, MARCH 15, 2006, 7:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – David Eisner, Congregation Ohr Shalom

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the February 27, 2006 Workshop and the Minutes of the March 1, 2006 Regular Meeting*

2. **Fire Act Grant** [Attach 2](#)

The Grand Junction Fire Department requests City Council approval to submit a federal Fire Act Grant application for thirteen (13) Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box and the Intergraph operating system.

*Action: Authorize the Fire Chief to Submit a Federal Fire Act Grant Application for 13 Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box and the Intergraph Operating System*

Staff presentation: Rick Beaty, Fire Chief

3. **Setting a Hearing Zoning the Bellhouse Annexation, Located at 2381 South San Miguel Drive** [File #ANX-2005-264] [Attach 3](#)

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 RSF-2 Zoning Designation.

Proposed Ordinance Zoning the Bellhouse Annexation to RSF-2, Located at 2381 South San Miguel Drive Excluding any Right-of-Way

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

Staff presentation: Lori V. Bowers, Senior Planner

4. **Setting a Hearing for the CR Nevada Annexation, Located at 487 22 ¼ Road** [File #ANX-2006-030] [Attach 4](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.73 acre CR Nevada Annexation consists of one parcel.

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

Resolution No. 18-06 – 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, CR Nevada Annexation, Located at 487 22 ¼ Road

*®Action: Adopt Resolution No. 18-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, CR Nevada Annexation, Approximately 19.73 Acres, Located at 487 22 ¼ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for May 3, 2006*

Staff presentation: Senta L. Costello, Associate Planner

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

Introduction of a proposed zoning ordinance to zone the Chipeta Heights Annexation RSF-4, located at 203 and 221 29 Road.

Proposed Ordinance Zoning the Chipeta Heights Annexation to RSF-4, 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 for the Van Gundy North Rezone and the Right-of-Way Vacation** [File #RZ-2006-022] [Attach 6](#)

This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5<sup>th</sup> Street and South 7<sup>th</sup> Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5<sup>th</sup> Street, including remnants created by right-of-way acquisition for the Riverside Parkway from C-2 to an I-1 zone district. A plat consolidating all of the parcels and remnants into a single parcel is being concurrently reviewed administratively.

Proposed Ordinance Rezoning Property in the Vicinity of 1018 South 5<sup>th</sup> Street South of 4<sup>th</sup> Avenue between 5<sup>th</sup> and 7<sup>th</sup> Street from General Commercial (C-2) to Light Industrial (I-1) known as the Van Gundy North Project

Proposed Ordinance Vacating Right-of-way for an Alleyway in the Vicinity of 1018 South 5<sup>th</sup> Street South of 4<sup>th</sup> Avenue between 5<sup>th</sup> and 7<sup>th</sup> Streets known as the Van Gundy North Project

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

Staff presentation: Kristen Ashbeck, Senior Planner

7. **Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05 and Setting a Hearing on the Assessments** [Attach 7](#)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners in the area of 26 Road and F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public

hearing and second reading of the proposed assessing ordinance will be scheduled for the April 19, 2006 Council meeting.

Resolution No. 19-06 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05 and Giving Notice of a Public Hearing

Proposed Ordinance Approving the Assessable Cost of the Improvements made in and for Sanitary Sewer Improvement District No. SS-47-05, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, As Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*®Action: Adopt Resolution No.19-06 and Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Construction Contract for 2006 Alley Improvement District** [Attach 8](#)

This project consists of construction of concrete pavement and replacement of one deteriorated sewer line. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing gas lines in one alley.

*Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Alley Improvement District with Reyes Construction, Inc. in the Amount of \$354,814.00.*

Staff presentation: Mark Relph, Public Works and Utilities Director

9. **Garage Doors for City Shops** [Attach 9](#)

This request is for the replacement of seventeen garage doors and operators for the City Fleet Maintenance facility.

*Action: Authorize the City Purchasing Manager to Contract for All Labor and Materials Needed to Replace Seventeen Garage Doors and Operators from E&E Door and Window, Grand Junction, Colorado in the Amount of \$57,550.*



Staff presentation: Mark Relph, Public Works and Utilities Director

10. **2006 Police Patrol Vehicles** [Attach 10](#)

Replacement purchase of four Police Patrol vehicles. These units are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Division to Purchase four Ford Crown Victoria Police Patrol Vehicles from Western Slope Auto, Grand Junction, CO in the Amount of \$97,520.00*

Staff presentation: Mark Relph, Public Works and Utilities Director

11. **Design Services for Visitor and Convention Center Remodel** [Attach 11](#)

This request is for two phases of professional architectural services from G.S. Robson-Architecture, Inc. The first phase is to design the addition and interior remodel of the Grand Junction Visitor Center, the second phase is to oversee and administer actual construction.

*Action: Authorize the City Purchasing Manager to Contract the Architectural Services from G.S. Robson-Architecture, Inc. for the Addition and Remodel of the Grand Junction Visitor Center in the Amount of \$39,000*

Staff presentation: Debbie Kovalik, Executive Director VCB  
Mark Relph, Public Works and Utilities Director

12. **Intergovernmental Agreement with CDOT for Construction of C-340 (Broadway) Improvements** [Attach 12](#)

The Riverside Parkway Project includes improvements to the intersection of Riverside Parkway and C-340 (Broadway). The addition of a new ramp connection at this intersection and the lengthening of the CDOT bridges over the Union Pacific Railroad requires an Intergovernmental Agreement with CDOT.

Resolution No. 20-06 – A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding C-340/Riverside Parkway Intersection

*®Action: Adopt Resolution No. 20-06*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

13. **Mesa County School District #51 Agreement for the Construction of an Expanded Gymnasium at Pear Park Elementary School** [Attach 13](#)

Previously the City Council authorized an expenditure of \$47,000 for the development, design and bidding of an expanded shared use gymnasium at the new Pear Park Elementary School. On September 29, 2005 bids were opened by the School District, with an overall low bid for the construction of Peak Park Elementary School being submitted by FCI Contractors of Grand Junction, Colorado. The City Council directed the City Manager to work with School District #51 Superintendent, Dr. Tim Mills on the expanded shared use gymnasium agreement for Pear Park Elementary School.

*Action: Authorize the City Manager to Sign an Agreement with School District #51 Authorizing the Use of the Facility and Setting Forth the Terms and Conditions for the Shared Use Gymnasium at Pear Park Elementary School*

Staff presentation: Joe Stevens, Parks and Recreation Director

14. **Acquisition of Real Estate at 717 Kimball by Condemnation for the Riverside Parkway Project** [Attach 14](#)

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 717 Kimball Avenue.

Resolution No. 21-06 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

*®Action: Adopt Resolution No. 21-06*

Staff presentation: Mark Relph, Public Works and Utilities Director

15. **Public Hearing - Amendments to the Zoning and Development Code** [File #TAC-2004-231] [Attach 15](#)

Ordinance to adopt proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff and recommended by the Planning Commission. Based on subsequent comments by the development community, staff is proposing two modifications to the proposed ordinance.

Ordinance No. 3876 – An Ordinance Amending the City of Grand Junction Zoning and Development Code to be Published in Pamphlet Form

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3876*

Staff presentation: Kathy Portner, Assistant Director of Community Development

16. **Public Hearing - Autumn Glenn II Annexation and Zoning, Located at 428 30 Road** [File # ANX-2005-303] [Attach 16](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Autumn Glenn II Annexation. The Autumn Glenn II Annexation is located at 428 30 Road and consists of 1 parcel on 6.08 acres. The zoning being requested is RMF-8.

**a. Accepting Petition**

Resolution No. 22-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Autumn Glenn II Annexation, Located at 428 30 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3877 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Autumn Glenn II Annexation, Approximately 6.08 Acres, Located at 428 30 Road

**c. Zoning Ordinance**

Ordinance No. 3878 – An Ordinance Zoning the Autumn Glenn II Annexation RMF-8, Located at 428 30 Road.

®Action: *Adopt Resolution No. 22-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3877 and Ordinance No. 3878*

Staff presentation: Lisa E. Cox, Senior Planner

17. **NON-SCHEDULED CITIZENS & VISITORS**
18. **OTHER BUSINESS**
19. **ADJOURNMENT**

**Attach 1**  
Minutes

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY  
February 27, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, February 27, 2006 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, and President of the Council Bruce Hill. Councilmember Doug Thomason entered at 7:05 p.m.

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

- 1. RIVERSIDE PARKWAY PHASE 2 UPDATE:** Mark Relph, Public Works and Utilities Director, introduced the update. He cautioned the City Council that the price of the construction materials and noted the efforts being made by the Parkway Staff trying to try to keep the project cost as efficient as possible. Jim Shanks, Riverside Parkway Project Manager, presented Phase 2 regarding the scope, schedule, construction sequencing, and reviewed the budget for this phase of the Riverside Parkway. He updated Council on the progress of Phase 1 and Phase 2 and said Phase 2 is located at the west end of the roadway, starting at Redlands Parkway and the River Road intersection. He said the plan is to complete the entire project by 2008 and said Phase 2 bids will be opened April 11, 2006. The cost estimate for Phase 2 is \$24 to \$27 million and said one third of the cost is bridges and walls. Mr. Shanks said the urban design and landscaping features are still intact and the costs are about 4.6% and said the storm sewer is about 10% of the project. He identified the materials where the costs have really gone up. Mr. Shanks then described each section of Phase 2, illustrating the alignments. He said the adjustments to the existing structures will be made to accommodate the new road and pedestrian facilities that will accompany the construction. He then described the bridge structures, the landscaping/urban design techniques, and the bridge rails. He talked about the construction sequencing and said the area around 25 Road will be closed while that bridge and accompanying structures are being built. Mr. Shanks said while the Broadway piece is under construction traffic will be restricted to two lanes going out and one lane going into town and said that area will be under construction 9 to 10 months.

Councilmember Doody inquired about what has been done to save money. Mr. Shanks responded that changes have been made to the bridges regarding profile, height, and length. He said timing on traffic control and giving the contractor more flexibility are two other cost-saving measures.

Council President Pro Tem Palmer asked if there are any areas where the cost is going to be a concern. Mr. Shanks said the issues will be known when Staff opens the bids, but certainly the asphalt costs and fuel costs are the major concerns. He said commodities are also in a state of flux, but once the bids are opened for Phase 2, they will have a good idea as to the cost of Phase 3.

**Action summary:** The City Council thanked Mr. Shanks for the update.

Council President Hill called a recess at 8:42 p.m.

The meeting reconvened at 8:47 p.m.

2. **SPRING CLEANUP UPDATE:** Tim Moore, Public Works Manager, introduced this item. He detailed the changes to the 2006 program and said the collection of tires is very costly. He said it has been limited to car and truck tires with a maximum of eight tires per household. He suggested that tire collection be a separate program taking place after the clean-up program. He felt there would be more control and said the number could be controlled as well as customers would be verified as City residents.

Councilmember Thomason suggested a tire drop off program for the City residents.

Councilmember Beckstein agreed.

Councilmember Coons liked the separate program idea, but wanted to make sure the program continues because old tires that collect water breed mosquitoes that can carry West Nile Virus.

Councilmember Spehar agreed and said he does not want to see tires being disposed of in the desert.

Council President Pro Tem Palmer and Councilmember Doody agreed.

Mr. Moore said hazardous materials are also a problem and the Department would like to raise awareness to the City residents. Mr. Moore said the last issue is the maximum load per household. He said the current policy is asking residents to call ahead and then the disposer is later billed for the extra service. He said the recommendation is to take a little more liberal approach and not limit the quantity but document any overages.

**Action summary:** It was City Council's direction to separate the tire program and make it a drop off program, increase education and raise awareness on hazardous materials and regarding quantities, the maximum amounts will be viewed more liberally, i.e. the overages will be picked up, yet Staff will continue to monitor the situation.

**ADJOURN**

The meeting adjourned at 9:15 p.m.

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

**March 1, 2006**

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

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

**PRESENTATIONS**

Council President Hill called Mike Wiggins, Daily Sentinel Reporter, to the podium. The following day was his birthday and it was recognized by Council and each had a small gift for Mr. Wiggins.

Ned Williams, President of the American Public Works Association (APWA) Colorado Chapter (and Public Works Director for the City of Boulder) presented Doug Cline, Streets Superintendent, with the 2005 William E. Korbitz Award.

Mr. Williams then presented an APWA 2005 Certificate of Achievement to the City of Grand Junction for the Combined Sewer Elimination Project.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING MARCH 5<sup>TH</sup> – 11<sup>TH</sup> “WOMEN IN CONSTRUCTION WEEK” IN THE CITY OF GRAND JUNCTION

**CITIZEN COMMENTS**

Alan Moore, 2315 Logos, addressed Council regarding a roundabout at 23 and G Roads. He noted that roundabouts can be efficient and effective if designed correctly. He collected 360 signatures on a letter that he read into the record (see attached) and described various design elements that the signers would like to see taken into consideration.

**CONSENT CALENDAR**



It was moved by Council President Pro Tem Palmer, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar items #1 through #12.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the Special Meeting on February 9, 2006, the Summary of the February 13, 2006 Workshop and the Minutes of the February 15, 2006 Regular Meeting*

2. **Funding Recommendations for Arts and Cultural Events and Projects**

Arts Commission recommendations to the City Council for grants to support 18 arts and cultural events, projects, and programs in Grand Junction for local citizens.

*Action: Approve Recommendations from the Commission on Arts and Culture for Grant Funding*

3. **Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation** [File #ANX-2005-076]

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the March 1, 2006 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the May 17, 2006 City Council Meeting.

*Action: Continue Annexation Public Hearing Regarding Approval of the Resolution Accepting a Petition for Annexation and Final Passage of the Annexation Ordinance until the May 17, 2006 City Council Meeting*

4. **Continue Public Hearing on Proposed Amendments to the Zoning and Development Code** [File #TAC-2004-231]

Request to continue the Public Hearing to adopt proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff. City staff is requesting the continuation until March 15, 2006 City Council Meeting.

*Action: Continue Public Hearing to March 15, 2006 City Council Meeting*

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

Introduction of a proposed zoning ordinance to zone the Autumn Glenn II Annexation RMF-8, located at 428 30 Road.

Proposed Ordinance Zoning the Autumn Glenn II Annexation RMF-8, Located at 428 30 Road.

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

6. **PVC Pipe for Lincoln Park Golf Course Irrigation System**

This request is for the purchase of PVC pipe as part of a larger project to repair and upgrade the irrigation system at Lincoln Park Golf Course.

*Action: Authorize the City Purchasing Manager to Purchase PVC Pipe for Lincoln Park Golf Course from Grand Junction Pipe and Supply, Grand Junction, Colorado, in the Amount of \$72,538*

7. **Pictometry Oblique Air Photos and Ortho Photos**

Contract with Pictometry International, Corp., a Delaware company with offices at 100 Town Center Drive, Suite A, Rochester, NY 14623, to update the City's air photos and provide oblique photo capabilities. The contract recommended is a six year contract allowing the City to take advantage of additional discounts during the second and third flight years of the contract.

*Action: Authorize the City Manager to Execute a Six Year Contract with Pictometry International, Corporation, a Delaware Company, for Oblique Air Photos in the Amount of \$188,897.60*

8. **Infrared Spectrometer and Microscope**

Request is being made by the Police Department to purchase a Nicolet 380 Fourier Transformer Infrared (FTIR) Spectrometer and Centaurus Microscope for the Crime Lab from Thermo Electron North America LLC.

*Action: Authorize the Purchasing Division to Purchase the Nicolet 380 Fourier Transform Infrared (FTIR) Spectrometer and Centaurus Microscope for the Crime Lab from Thermo Electron North America LLC in the Amount of \$69,499*

9. **TacNet System Manager**

Request is being made by the Police Department to purchase TacNet equipment for use in 13 patrol cars. TacNet is developed and manufactured by Visteon Corporation and is sold only by PCS (Portable Computer Systems) of Golden, Colorado. PCS is the authorized dealer for the western United States.

*Action: Authorize the Purchasing Division to Purchase the TacNet Equipment in the Amount of \$137,500 from Portable Computer Systems of Golden, Colorado*

10. **2006 Backhoe Loader**

This purchase is for the replacement of one (1) 1998 John Deere backhoe-loader combination for the Pipeline Maintenance Division. The unit is currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase One 2006 410G John Deere Backhoe Loader from Honnen Equipment Company, Grand Junction, CO in the Amount of \$75,824*

11. **Construction Contract for 2006 Concrete Repair for Street Overlays**

The 2006 Concrete Repair for Street Overlays consists of removal and replacement of miscellaneous sections of concrete curb, gutter, sidewalks, drainage pans, fillets and asphalt patching along the street sections to be overlaid later this year.

*Action: Authorize the City Manager to Execute a Construction Contract in the Amount of \$239,870.20 with Vista Paving for the 2006 Concrete Repair for Street Overlays*

12. **Construction Contract for 2006 Asphalt Overlay Project**

The 2006 Asphalt Overlay project consists of asphalt resurfacing on 10 streets selected throughout the City and Mesa County.

*Action: Authorize the City Manager to Execute a Construction Contract for the 2006 Asphalt Overlay Project to Elam Construction in the Amount of \$1,837,251.15*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**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 additions to the Fleet; one for Fire Code Enforcement and one for Public Works Development Inspector.

Ronald Watkins, Purchasing Manager, and Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Watkins reviewed the process on this purchase thus far and said the new price from Dellenbach Chevrolet was less on the shipping costs.

Council President Pro Tem Palmer asked for further explanation on the reduced delivery costs. Mr. Watkins explained how the delivery costs are computed and said that it is the dealer's discretion to reduce those delivery costs.

Councilmember Coons inquired if the vehicles will be serviced locally. Mr. Watkins responded the General Motors authorized dealers will service the vehicles, so service will be local.

Councilmember Coons inquired about the thirty day difference in the delivery dates, with Dellenbach stating 60 days and Fuoco quoting a 90 day delivery date. Mr. Watkins said it is only an estimate, the true date will not be known until the trucks are in production.

Council President Pro Tem Palmer thanked the Purchasing Division for its work on the project, but other than price, he noted that buying local has additional benefits. He is not supporting a preferred purchasing policy but would rather look at purchases on a case by case basis. He said with the difference being \$2,500, more than that amount will be returned to the community by buying local.

Administrative Services and Finance Director Ron Lappi advised that the City Purchasing Policy is such that Staff always brings a recommendation to the City Council for the lowest bid. It is the best practice and the best policy for the taxpayers and the local businesses. Adopting a local preference policy might preclude the local businesses from having opportunities in other communities.

Councilmember Spehar said it is unwise to expect Staff to determine what bids are close enough to buy local even though higher. The policy has been in place for some time and has been a good practice. He said looking at bids on a case by case basis might do long-term harm and it could also harm local businesses if reciprocal policies were to be put into place in other communities. He concluded by saying it is the City Council's responsibility to get the best possible price.

Councilmember Coons noted that service on the vehicles will take place locally and although she sees the benefit of buying locally she was concerned about protectionists policies. She compared the possibility of placing such restrictions on local businesses

that they were required to buy locally. She said the Dellenbach bid was lower despite the delivery charge. She was opposed to going against the policy on a case by case basis.

Councilmember Thomason supported purchasing the vehicles from the low bidder.

Councilmember Doody agreed with Council President Pro Tem Palmer based on the benefit of the money staying local.

Councilmember Beckstein agreed with adhering to the current policy and said if Council wants to change the method, the policy should be changed first. She supports local business but she would support the current policy until such time as it is changed.

Council President Pro Tem Palmer said he is not in support of a local preference policy but feels in this case it is worth paying the additional to support the businesses that support the community.

Council President Hill said his business does business regionally. The local bid does not put the purchase over the budget, so he would support the purchase local.

Councilmember Spehar noted that the Chamber of Commerce does not support local preference. If local preference is implemented, it will affect the number of future competitive bids the City will receive.

Councilmember Spehar moved to authorize the City Purchasing Manager to purchase eleven (11) Chevy Silverado 1500 pickup trucks from Dellenbach Chevrolet for the amount of \$165,986.00. Councilmember Beckstein seconded the motion. Motion carried with Council President Hill, Pro Tem Palmer and Councilmember Doody voting NO.

### **7<sup>th</sup> Street Corridor Project**

The Downtown Development Authority (DDA) has requested that the 7<sup>th</sup> Street Corridor Project be expanded to reconstruct 7<sup>th</sup> Street from Grand Avenue to Ute Avenue. DDA has agreed to provide an additional \$2,000,000 in funding because of the City funding limitations.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the two phases planned and said the intersection of 7<sup>th</sup> and Grand is not included. He said the construction is planned for the construction season in 2007. The resolution includes adoption of the 7<sup>th</sup> Street Project Plan dated October 3, 2005, the elimination of the 7<sup>th</sup> and Grand intersection from the project, the inclusion of the financial contribution from DDA, that the City and DDA will begin to design improvements to Colorado Avenue, that the City Council will consider prioritizing construction in the 2008-2009 capital improvement plan, and lastly, no later than 2008, the City and the

DDA will plan for the renovation of Main Street with target completion to coincide with the 50<sup>th</sup> anniversary of Project Foresight (year 2012).

City Manager Arnold advised that if the resolution is not approved, the City is still prepared to move forward with Phases 1 and 2 in the 2006 construction season and said Phase 3 (the intersection at 7<sup>th</sup> and Grand) will be designed and built in 2007.

Councilmember Coons appreciated DDA for offering the additional funds as it allows the project to be completed sooner. She supports the resolution.

Council President Pro Tem Palmer inquired about the original scope of work including the DDA funds. Administrative Services and Finance Director Ron Lappi advised that DDA was going to contribute \$700,000 to the project. Public Works and Utilities Director Mark Relph advised that the other funding is coming from the City and an enhancement grant.

Council President Pro Tem Palmer asked about the effect on the TIF funding for the DDA to contribute the additional funding. Councilmember Spehar echoed such concerns. Mr. Lappi explained the capacity for bonding of the TIF funds and the projections. He said it appeared that the TIF has sufficient capacity.

Council President Hill asked if the growth estimates were conservative. Mr. Lappi said they are somewhat; in recent years there has been some large increases but whether that will be maintained cannot be predicted with certainty.

It was noted that the current TIF districts will expire in 2011 (still collecting revenues through 2012) and any new TIF district(s) will have to be approved by the voters.

Councilmember Spehar reviewed a number of projects where City funds will be needed in the out years. Public Works and Utilities Director Relph added the I-70B and 29 Road interchange which is a joint project with the County and said it is also a future project that may need additional City funding.

Councilmember Coons inquired if completion within a shorter time frame is an advantage due to the increase in construction costs. Mr. Relph said yes, as with the Riverside Parkway. Councilmember Spehar pointed out that it also means more funds might be needed for ongoing projects, such as the Riverside Parkway.

Councilmember Doody favored doing the construction in one swoop. He commended the DDA board members that were present for their work including 7<sup>th</sup> Street, the parking garage, and the new breezeway. He mentioned the commitment to improve Colorado Avenue. He supports the resolution.

Karen Vogel, DDA Board President, addressed the City Council. Councilmember Spehar asked if the downtown merchants contacted the DDA about their proposal. Ms. Vogel said they have not. She gave an overview of the planning that has taken place during her

term. Council President Hill recalled some the discussions during his terms on the DDA regarding the location of the parking structure. Council President Pro Tem Palmer noted that there have been discussions for a number of years for improvements on Colorado Avenue. Ms. Vogel said it would be their preference to bond all of the TIF money now and do all the projects right away. Councilmember Coons noted that Mr. Lappi did a good job of explaining on how the money is there as long as planning and phasing is done properly. Councilmember Spehar asked if the DDA board is comfortable with no definite commitment for funding for those future projects. Ms. Vogel said the DDA board is comfortable with the wording in the resolution. Councilmember Spehar encouraged the DDA board to do a better job reaching out to the other merchants and downtown business people, especially those on Colorado Avenue.

Council President Pro Tem Palmer favored moving the 7<sup>th</sup> Street project forward.

Councilmember Spehar agreed that it is beneficial to accelerate the project but he is concerned with revenues in the out years. He asked for a couple of amendments/clarifications in the resolution.

Council President Hill agreed with Ms. Vogel's comfort in the wording because he supports the cooperative effort as does the DDA board members.

Councilmember Spehar did not disagree; he is concerned with the City's uncertainty in their future revenues and funding availability. Councilmember Coons noted that it is not a question of whether they will do this project; it is a matter of timing.

Resolution No. 15-06 – A Joint Resolution of the City Council and the Downtown Development Authority Concerning 7<sup>th</sup> Street Construction and the Funding of Other Downtown Improvements

Councilmember Spehar moved to adopt Resolution No. 15-06 amending the resolution by a deletion of verbiage in section 4 and noting there is no attachment to the resolution. Councilmember Thomason seconded the motion. Motion failed with Council President Hill, Pro Tem Palmer and Councilmembers Beckstein and Coons voting NO.

Council President Pro Tem Palmer moved to adopt Resolution No. 15-06 as presented. Councilmember Coons seconded. Motion carried unanimously.

### **Downtown Parking Structure**

Joint resolution between the Downtown Development Authority and the City of Grand Junction regarding the construction of a four level parking structure between 4<sup>th</sup> and 5<sup>th</sup> Streets, south of Rood Ave.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the change to the original proposal and said an additional deck is proposed to maximize the

construction costs. Mr. Relph said it will bring the estimated cost to \$7.38 million without the land and said the resolution outlines the understanding with the DDA that is summarized as follows: the top deck will be uncovered but a roof could be added at a later time, the structure shall contain 437 spaces using cast-in-place construction. He said the majority of the spaces will be sold and said there will be some flexibility for the DDA's 60 spaces, some to be on the top deck and some to be on the second floor. He said the design and aesthetic of the front is to be storefront in character (stated in general terms to keep costs in mind). He said the common ownership of the property is to be platted as one lot. He said an amendment to the existing MOA is so that the DDA is able to realize the proceeds from the development of the balance of the property, and lastly the target budget. Mr. Relph deferred the financial explanation to Administrative Services and Finance Director Ron Lappi.

Council President Hill asked City Attorney John Shaver about the platting under joint ownership. City Attorney Shaver advised that paragraph 5 allows the DDA to realize the revenues. Council President Hill asked if the ownership was given exclusively to the DDA, what would be the downside, that is, if the DDA were to dissolve, would the assets become the City's. Mr. Shaver said that is true.

Councilmember Spehar asked if there is a down side to joint ownership. Mr. Shaver said with the single lot, there really aren't any issues either way.

Resolution No. 16-06 – A Joint Resolution of the City Council and the Downtown Development Authority Concerning the Downtown Parking Structure and Amending the Parking System Management Memorandum of Agreement

Councilmember Coons moved to adopt Resolution No. 16-06. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

**Petition for Exclusion from the Downtown Grand Junction Business Improvement District**

On December 16, 2005, Mr. Paul Parker filed a petition and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 741 Main Street and the adjacent parking lots. On January 18, 2006, City Council referred the matter to the Downtown Grand Junction business Improvement District (DGJBID) board. DGJBID heard the request on January 26, 2006 and denied the request.

John Shaver, City Attorney, reviewed this item. He explained the matter is consideration of the record of the first hearing held by the DGJBID board and Mr. Paul Parker appeared before the board. He said the board considered his request to be excluded from the BID district. The purpose is for the City Council to review the record, i.e., the transcript. The City Council's position is to determine if the BID board's



decision was arbitrary and capricious, not to take new testimony. Rather to determine if the evidentiary standard was met.

Council President Hill asked Council for comments.

Councilmember Coons said she sees nothing about the hearing being arbitrary or capricious and said she sees no reason to overturn the decision.

Council President Pro Tem Palmer moved to uphold the decision of the DGJBID board. Councilmember Coons seconded the motion. Motion carried.

Council President Hill called a recess at 9:00 p.m.

The meeting reconvened at 9:11 p.m.

### **Public Hearing – Amending the Municipal Election Code Concerning the Circulation of Nomination Petitions**

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 91<sup>st</sup> day prior to the election and returning them to the City Clerk by the 71<sup>st</sup> 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 91<sup>st</sup> day and ending on the 71<sup>st</sup> day before the election, as allowed under the Uniform Election Code.

The public hearing was opened at 9:12 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She explained the purpose of the request and presented three reasons for the Council to consider the ordinance favorably. First, in a mail ballot election, ballots are sent out between the 25<sup>th</sup> and 15<sup>th</sup> day prior to election. Under the Municipal Election Code, nomination petitions can be circulated up until the 30<sup>th</sup> day before the election; the proposal allows nomination petition circulation from the 91<sup>st</sup> day to the 71<sup>st</sup> day prior to the election. The current time frame does not allow enough time to print the ballots. Secondly, the additional time gives candidates a chance to campaign. Thirdly, it allows the City to meet the requirement of the County Clerk to certify the ballot contents 60 days prior to the election. Otherwise, the County would not agree to run the City's mail ballot election.

There were no public comments.

The public hearing was closed at 9:16 p.m.

Ordinance No. 3869 – An Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning the Circulation of Nomination Petitions

Council President Pro Tem Palmer moved to adopt Ordinance No. 3869 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Mims Annexation and Zoning, Located at 492 30 Road** [File #ANX-2005-293]

Acceptance of a petition to annex and consider the annexation and zoning for the Mims Annexation. The Mims Annexation is located at 492 30 Road and consists of 1 parcel on 5.88 acres. The zoning being requested is B-1.

The public hearing was opened at 9:17 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He explained the reason for the annexation request and stated City Staff finds that the annexation does meet the statutory requirements. The proposal also meets the zoning criteria. The Planning Commission recommends approval.

Councilmembers asked for clarification on the location and the surrounding zoning.

Stacy Mascarenas, Mesa County Real Estate Division, noted the County purchased this property and would now like to sell the remaining property that is not needed by the County. She encouraged approval of the annexation and zoning.

There were no public comments.

The public hearing was closed at 9:22 p.m.

Councilmember Spehar concurred with the recommendation.

**a. Accepting Petition**

Resolution No. 17-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Mims Annexation, Located at 492 30 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3870 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mims Annexation, Approximately 5.88 Acres, Located at 492 30 Road

**c. Zoning Ordinance**

Ordinance No. 3871 – An Ordinance Zoning the Mims Annexation to B-1, Located at 492 30 Road

Council President Pro Tem Palmer moved to adopt Resolution No. 17-06 and Ordinance No. 3870 and Ordinance No. 3871 on Second Reading and ordered them published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

**Public Hearing – Zoning the Arbors Subdivision, Located at 2910 Orchard Avenue**

[File #PP-2005-105]

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

The public hearing was opened at 9:24 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, surrounding uses, future land use designation, and the existing zoning. In working with the developer, Staff recommended a zoning change to Planned Development as the project lends itself to the design features allowed under Planned Development zoning. He said this site plan uses a mixture of street sections. The different size streets being proposed must be reviewed by the TED's committee and approved. He said the design slows traffic and encourages pedestrian access as well as improves the streetscape. Mr. Blanchard said there will be a mixture of housing types and said the plan includes additional sub units over the garages but the Code specifically excludes that from the density calculation. He said easements are provided for a trail and said the criteria reviewed included consistency with the Growth Plan, review criteria for Outline Development Plans and for Planned Development as well as the rezone criteria. The applicant is requesting a deviation to the front yard setback for the houses, however the garages will meet the standard setback. He said another variation is a request to reduce the multipurpose easement from 14 feet to 9 feet. Staff finds that all of the reviewed criteria have been met and the Planning Commission recommended approval unanimously. The applicant is present for comments.

Councilmember Coons noted that the design is very much like old downtown and said that she favors this type of development. She dubbed it as retro-urbanism.

Council President Pro Tem Palmer commended Mr. Blanchard for the job he has done for the City as this is his last meeting.

Ron Abeloe, the developer, commended Staff for their support of this innovative design. He said this area needs renovation and the project can be considered infill. He said the homes will be moderately priced and he agreed that although called "new urbanism" he agreed with Councilmember Coons' characterization.

Council President Hill agreed that it will change that area and be welcomed by the surrounding property owners.

There were no public comments.

The public hearing was closed at 9:41 p.m.

Council President Pro Tem Palmer agreed that this is an infill project.

Ordinance No. 3872 – An Ordinance Rezoning the Arbors Subdivision Located at 2910 Orchard Avenue to PD (Planned Development)

Councilmember Coons moved to adopt Ordinance No. 3872 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Councilmember Thomason thanked Mr. Blanchard for his service to this community. Council President Hill expressed his appreciation, as well did Councilmembers Spehar and Coons.

### **Public Hearing – Amending Ordinance No. 2725 Concerning the Bluffs West Annexation**

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.

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

John Shaver, City Attorney, reviewed this item. He explained the reason for the amendment. He said there was a discrepancy brought to his attention by the City Surveyor during the processing of the Bellhouse Annexation. He said the change does not affect the Bellhouse Annexation, but it is important to correct the discrepancy.

There were no public comments.

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

Ordinance No. 3873 – 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

Council President Pro Tem Palmer moved to adopt Ordinance No. 3873 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Establishing the City Manager’s Salary for 2006**

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.

The public hearing was opened at 9:48 p.m.

Bruce Hill, Mayor, reviewed this item.

There were no public comments.

The public hearing was closed at 9:49 p.m.

Ordinance No. 3874 – An Ordinance Amending Ordinance No. 3854, Adding Section 3, Setting the Salary of the City Manager

Councilmember Spehar moved to adopt Ordinance No. 3874 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Councilmember Doody voting NO.

### **Public Hearing – Amending Chapter 36 (Traffic) of the Code of Ordinances Concerning Towing Abandoned Vehicles**

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.

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

John Shaver, City Attorney, reviewed this item. He noted the ordinance will reconcile the Municipal Code with the State Law. The Code allowed for the towing of abandoned vehicles from private property but did not make the abandonment of the vehicle on private property illegal.

Councilmember Coons noted it makes it illegal to abandon a vehicle on someone else's property. Mr. Shaver answered that is correct. He identified the section that addresses abandoning vehicles on one's own property.

Councilmember Doody inquired what happens to the towed vehicle. City Attorney Shaver said first it would be investigated to ensure it is not a stolen vehicle, then once in the tow operator's possession, he may dispose of it as allowed by law.

There were no public comments.

The public hearing was closed at 9:54 p.m.

Ordinance No. 3875 – An Ordinance Amending Part of Chapter 36 of the City of Grand Junction Code of Ordinances Relating to Abandoned Vehicles

Councilmember Beckstein moved to adopt Ordinance No. 3875 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.

Council President Hill noted the presence of a representative from the League of Women's Voters.

#### **OTHER BUSINESS**

There was none.

#### **ADJOURNMENT**

The meeting adjourned at 9:55 p.m.

Stephanie Tuin, MMC  
City Clerk

Jan. 16, 2006

Mayor Bruce Hill:  
City Manager Kelly Arnold  
Members of the  
Grand Junction City Council

We, the undersigned, are concerned about the proposed new intersection at G and 23 Roads. We are not opposed to the construction of a roundabout at that intersection. However, because 23 Road is an important route to a heavily industrialized part of the city, serving a number of businesses that must utilize large trucks as part of their operations, we want to be sure that the new interchange is designed in a manner that adequately addresses the clearance and safety needs of these trucks and the traveling public.

Beyond the immediate issue, we want to be certain that as Grand Junction continues to make much-needed improvements to intersections throughout the city, appropriate thought will be given to the needs of large trucks, both to facilitate commerce and to improve safety.

Specifically, loads in excess of 160 feet in length and widths in excess of 18 feet, with as little as 3 inches of ground clearance, may sometimes be required to move equipment or inventories from industrialized or developing areas of the city. To accommodate such loads, approaches and curbs in roundabouts should be gently sloping and free of abrupt or sharp edges that can damage tires, cause blowouts and damage city infrastructure as well. Additionally, signs and light posts should be strategically positioned to avoid damage.

We do not represent a specific group or organization, but all of us are involved directly in or are dependent upon, commercial trucking. We would like to be notified and given the opportunity to comment as the design process moves forward. Through such input, we hope that we might be able to help the city avoid design problems that could cause conflicts in the future.

**Attach 2**  
Fire Act Grant

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		<b>Fire Act Grant - FEMA</b>					
<b>Meeting Date</b>		<b>March 15, 2006</b>					
<b>Date Prepared</b>		<b>March 10, 2006</b>				<b>File #</b>	
<b>Author</b>		<b>Jim Bright</b>			<b>Operations Chief</b>		
<b>Presenter Name</b>		<b>Rick Beaty</b>			<b>Fire Chief</b>		
<b>Report results back to Council</b>		<b>X</b>	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>			<b>Yes</b>	<b>X</b>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<b>X</b>		<b>Formal Agenda</b>	<b>X</b>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The Grand Junction Fire Department requests City Council approval to submit a federal Fire Act Grant application for thirteen (13) Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box and the Intergraph operating system.

The Mobile Data Computers will allow the GJFD to integrate with the new records management program, HighPlains, which will be Countywide this year. It will provide a constant link with the Communication Center so the appropriate fire apparatus will be dispatched on 911 calls reducing the 'Code Three' response distances. In addition, department personnel will have access to detailed information on building occupancies, be able to electronically input patient care reports and the utilization of the Status Box will help to minimize radio traffic.

**Budget:** Cost of the thirteen (13) Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box is estimated at \$6200 each, which would be approximately \$80,600.00. The estimated cost of the Intergraph operating system is \$142,000.00; for an approximate total of \$222,600.00. This would also include installation and training. If awarded the grant, the City share would be 20% of the estimated cost or approximately \$44,520.00, of which we already budgeted for in our current budget.

The Fire Department has made offers to other local fire agencies to include them in the process for a possible Regional Grant. This would increase the cost incrementally by \$6200 per unit requested.



As a federal grant program, there is no TABOR impact.

**Action Requested/Recommendation:** Authorize the Fire Chief to submit a Fire Act Grant application.

**Attachments:** None.

**Background Information:** The Fire Act Grant program is a federal grant program administered through the Federal Emergency Management Agency (FEMA). The Fire Act Grant is in its sixth year with over 29,509 grant applications approved since 2001. This year, \$539,000,000.00 has been appropriated for the grant program. There are approximately 32,000 fire departments eligible for grant funding under the Fire Act.

All grant applications must be project specific and fit into one of two categories. The two categories are: 1). Operations and Firefighter Safety, and 2). Firefighting Vehicle Acquisition. The proposed Grand Junction Fire Department application falls within the Operations and Firefighter Safety category.

Conditions for the grantee include:

- 1). Share in the cost of the project is noted above.
- 2). Maintain one year of operating cost (the program is intended to supplement, not replace funding).
- 3). Retain grant files and supporting documentation for three years.
- 4). Ensure that all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition.
- 5). Report to FEMA on the progress made on the grant after six months and at closeout.
- 6). Make grant-related files available and, if necessary, perform an audit to ensure compliance with any program requirement.
- 7). Provide and participate in the National Fire Incident Report System (NFIRS) administered by the U.S. Fire Administration.

**Attach 3**

Setting a Hearing Zoning the Bellhouse Annexation, Located at 2381 South San Miguel Drive

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Introduction of a proposed Ordinance zoning the Bellhouse Annexation						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 7, 2006				File #ANX-2005-264		
<b>Author</b>	Lori V. Bowers		Senior Planner				
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The applicants for the 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 RSF-2 Zoning Designation.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed ordinance zoning the Bellhouse Annexation to RSF-2 and set a public hearing for April 5, 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. Zoning Ordinance

<b>STAFF REPORT / BACKGROUND INFORMATION</b>			
<b>Location:</b>		2381 S San Miguel Drive	
<b>Applicants:</b>		Carol Bellhouse	
<b>Existing Land Use:</b>		Single Family Residential	
<b>Proposed Land Use:</b>		Single Family Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential	
	<b>South</b>	Single Family Residential	
	<b>East</b>	Single Family Residential	
	<b>West</b>	Single Family Residential	
<b>Existing Zoning:</b>		County RSF-4	
<b>Proposed Zoning:</b>		City RSF-2	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4	
	<b>South</b>	County RSF-4	
	<b>East</b>	County RSF-4	
	<b>West</b>	County RSF-4	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

ANALYSIS:

1. Background:

The property owner has requested annexation into the City as a result of a desire to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City. The applicant is requesting the zoning designation of RSF-2 (Residential Single-family, not to exceed 2 dwelling units per acre). The current County zoning is RSF-4, (Residential Single-family not to exceed 4 dwelling units per acres).

2. Consistency with the Growth Plan:

The requested zone district is consistent with the Future Land Use designation of Residential Medium Low 2-4 du/ac and therefore consistent with the Growth Plan.

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

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

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

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

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

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

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

3. The proposed 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 zone district is compatible with the neighborhood. Any issues that arise with development of the property will be reviewed with that portion of the 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 polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

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

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

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

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

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

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. RSF-4

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Bellhouse Annexation, ANX-2005-264 for a Zone of Annexation, staff and the Planning Commission make the following findings of fact and conclusions:

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

#### PLANNING COMMISSION RECOMMENDATION:

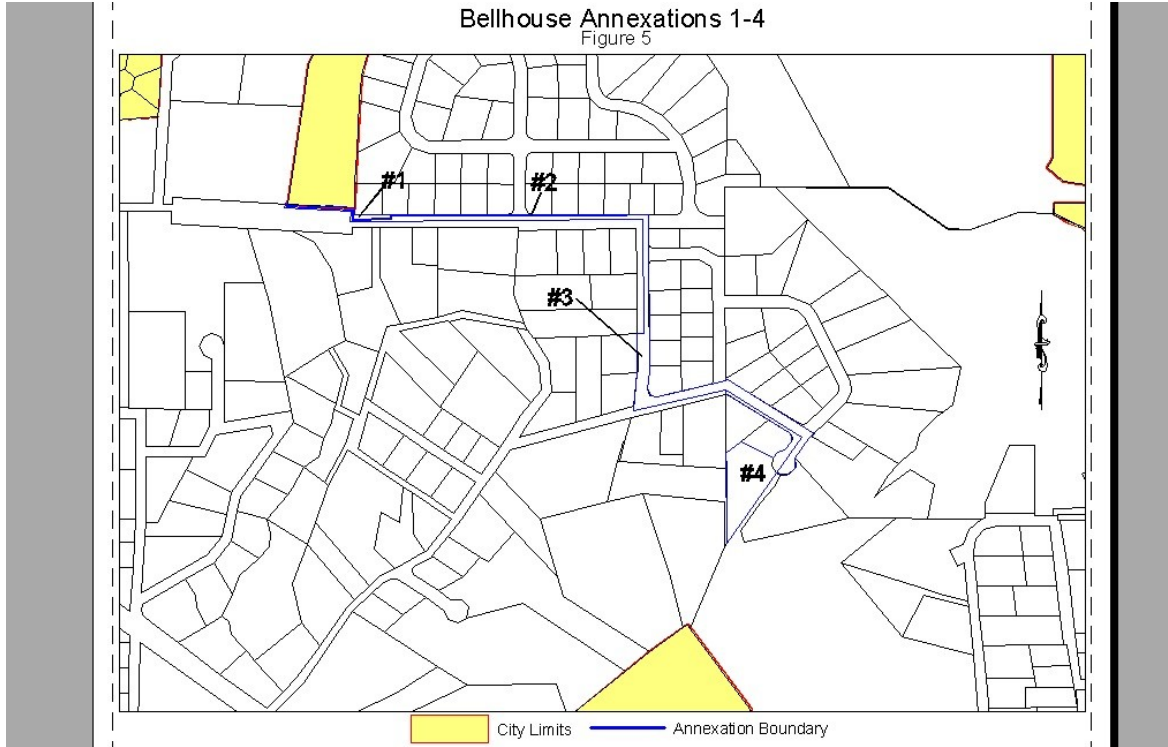
At their regularly scheduled meeting of February 14, 2006, the Planning Commission made the recommendation to City Council for approval of the requested zoning designation of RSF-2, for the Bellhouse Annexation, file number ANX-2005-264, with the findings and conclusions listed above.



# Site Location Map

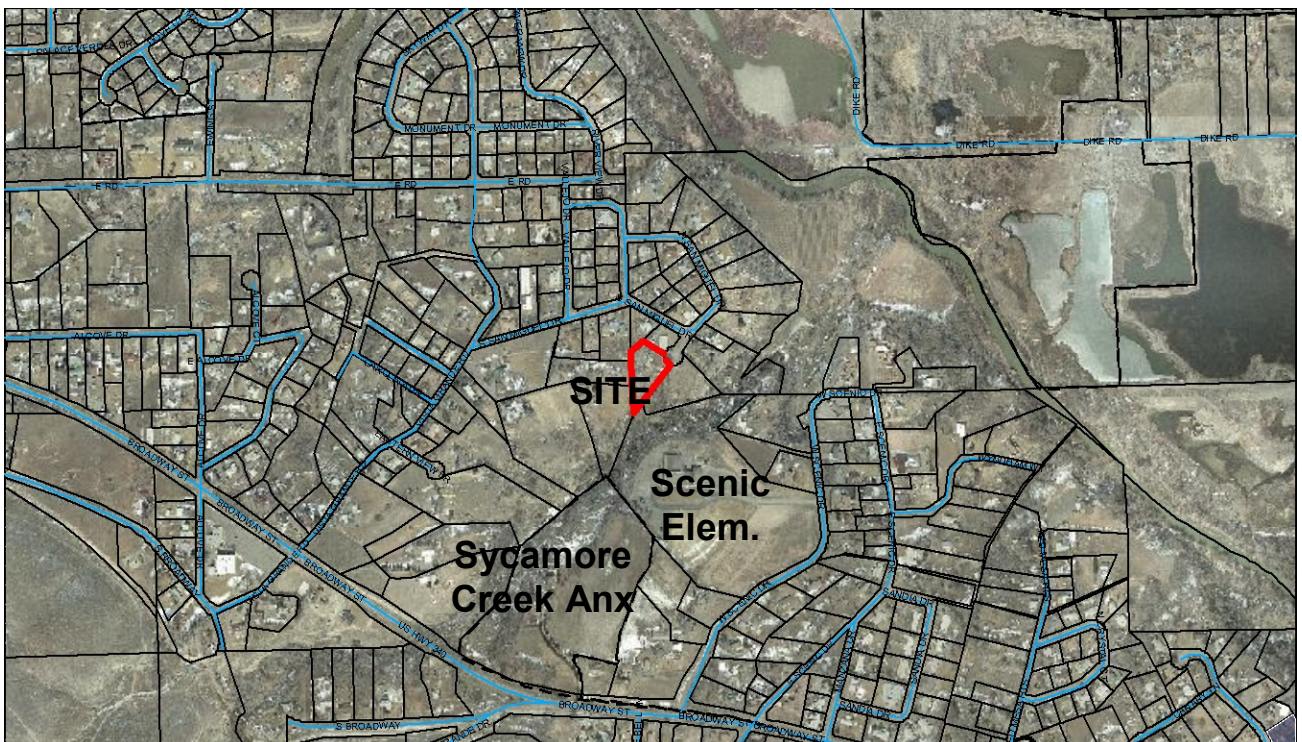
2381 S. San Miguel

Bellhouse Annexations 1-4  
Figure 5



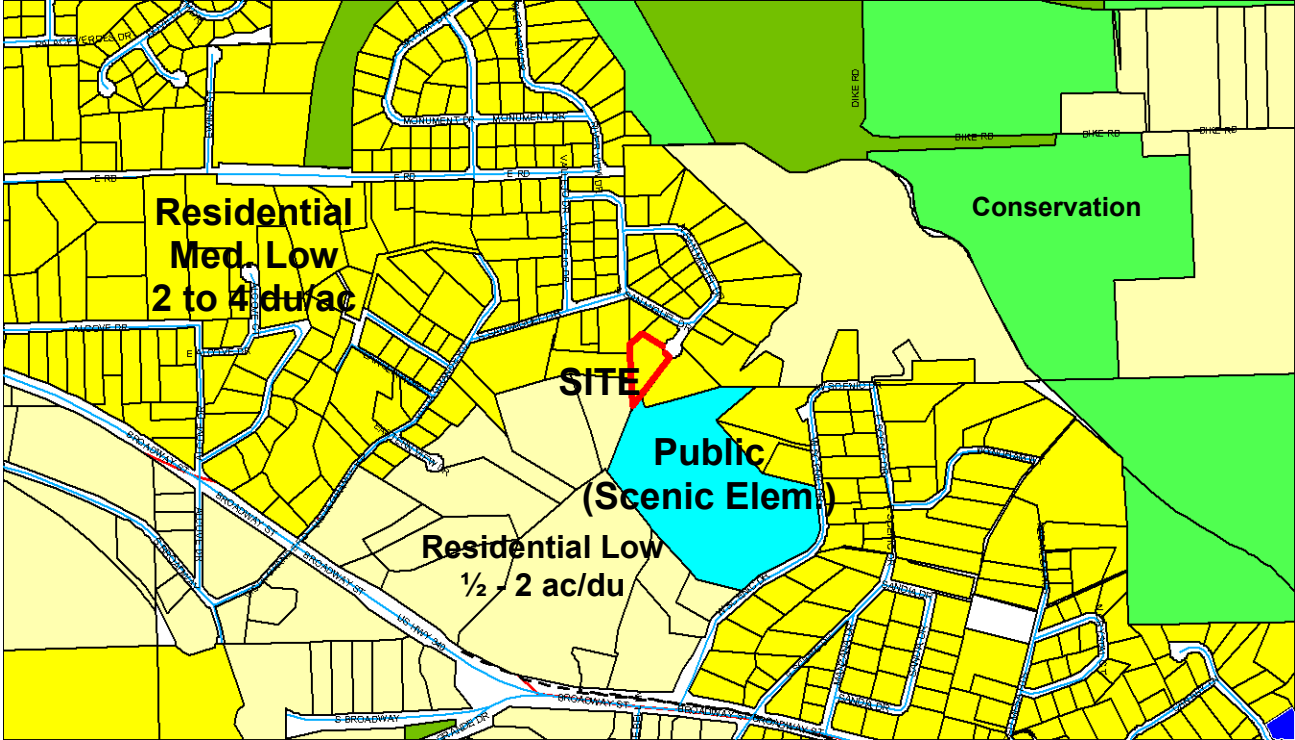
# Aerial Photo Map

2381 S. San Miguel



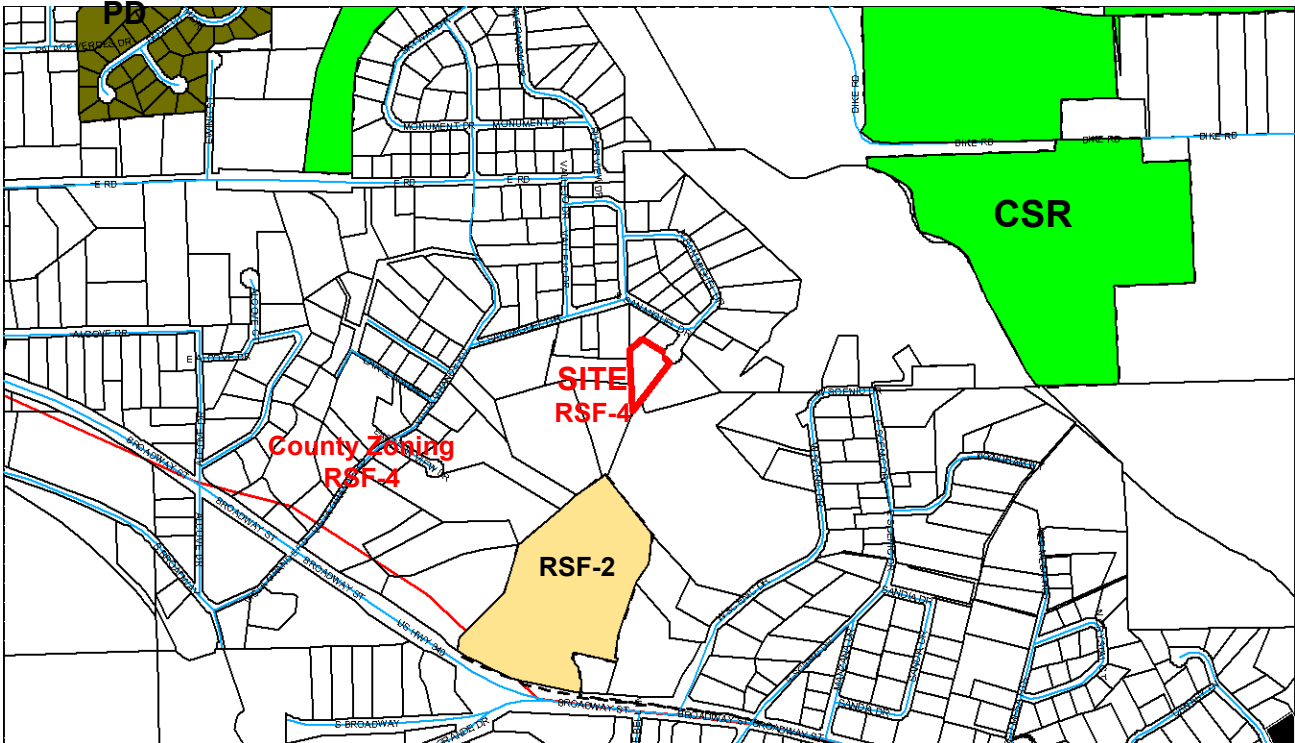
# Future Land Use Map

2381 S. San Miguel



## Existing City and County Zoning

2381 S. San Miguel





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE BELLHOUSE ANNEXATION TO  
RSF-2**

**LOCATED AT 2381 SOUTH SAN MIGUEL DRIVE EXCLUDING ANY RIGHT-OF-WAY**

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 Bellhouse Annexation to the RSF-2 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 zone district be established.

The Planning Commission and City Council find that the RSF-2 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-2 with a density not to exceed 2 units per acre.

**BELLHOUSE ANNEXATION**

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE1/4) of said Section 17 and assuming the West line of the NE 1/4 NE1/4 of said Section 17 to bear N00°17'59"W with all bearings contained herein relative thereto; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a

distance of 252.67 feet to the most Southerly corner of Lot 1, Block 3, Vallejo Subdivision Second Amendment recorded in Plat Book 7, Page 66, Mesa County, Colorado public records; thence N51°50'00"E along the Northwesterly line of Lot 3, of said Block 3, a distance of 71.60 feet; thence S64°13'47"E along the Northwesterly line of said Lot 3 a distance of 143.72 feet; thence 60.44 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 69°15'47" and a chord bearing N60°24'07"E a distance of 56.83 feet; thence N35°02'00"E a distance of 42.79 feet; thence 40.78 feet along the arc of a 25.00 foot radius curve concave Southwest, having a central angle of 93°27'00" and a chord bearing N11°41'30"W a distance of 36.40 feet; thence N58°25'00"W a distance of 297.64 feet to the West line of said NE 1/4 NE1/4 of said Section 17; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a distance of 25.67 feet; thence S58°25'00"E along the centerline of San Miguel Drive being 50.00 feet in width, as shown on said Vallejo Subdivision Second Amendment a distance of 365.37 feet; thence S35°33'47"W a distance of 529.57 feet to the most Southerly corner of said Lot 3; thence N00°17'59"W a distance of 107.42 feet to the Point of Beginning.

Said parcel contains 1.37 acres (59,554 square feet), more or less, as described.

Introduced on first reading this 1<sup>st</sup> day of February, 2006 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Mayor

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ATTEST:

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City Clerk

**Attach 4**

Setting a Hearing for the CR Nevada Annexation, Located at 487 22 ¼ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the CR Nevada Annexation located at 487 22 ¼ Road						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 9, 2006				File #ANX-2006-030		
<b>Author</b>	Senta L. Costello		Associate Planner				
<b>Presenter Name</b>	Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.73 acre CR Nevada Annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the CR Nevada Annexation petition and introduce the proposed CR Nevada Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 3<sup>rd</sup> day of May, 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					
<b>Location:</b>		487 22 ¼ Road			
<b>Applicants:</b>		Owner: CR Nevada Associates, LLC – Jay Cooke Representative: Hill & Holmes - Mark Kareus			
<b>Existing Land Use:</b>		Vacant			
<b>Proposed Land Use:</b>		Single Family Residential Subdivision			
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant / Single Family Residential			
	<b>South</b>	Vacant			
	<b>East</b>	Single Family Residential / Duplexes / 4-plexes			
	<b>West</b>	Vacant			
<b>Existing Zoning:</b>		County RSF-4			
<b>Proposed Zoning:</b>		Applicant Request: RSF-1 Staff Recommendation: RSF-E			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4			
	<b>South</b>	City PD – 2 (Plat note: “because of steep terrain, might be difficult, if not impossible, to develop in a manner acceptable to the City of Grand Junction)			
	<b>East</b>	County RSF-4			
	<b>West</b>	County RSF-4 / City RSF-R			
<b>Growth Plan Designation:</b>		Residential Low ½ - 2 ac/du			
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 19.73 acres of land and is comprised of 1 parcel. 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 CR Nevada Annexation is eligible to be annexed because of compliance with the following:

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

The following annexation and zoning schedule is being proposed.

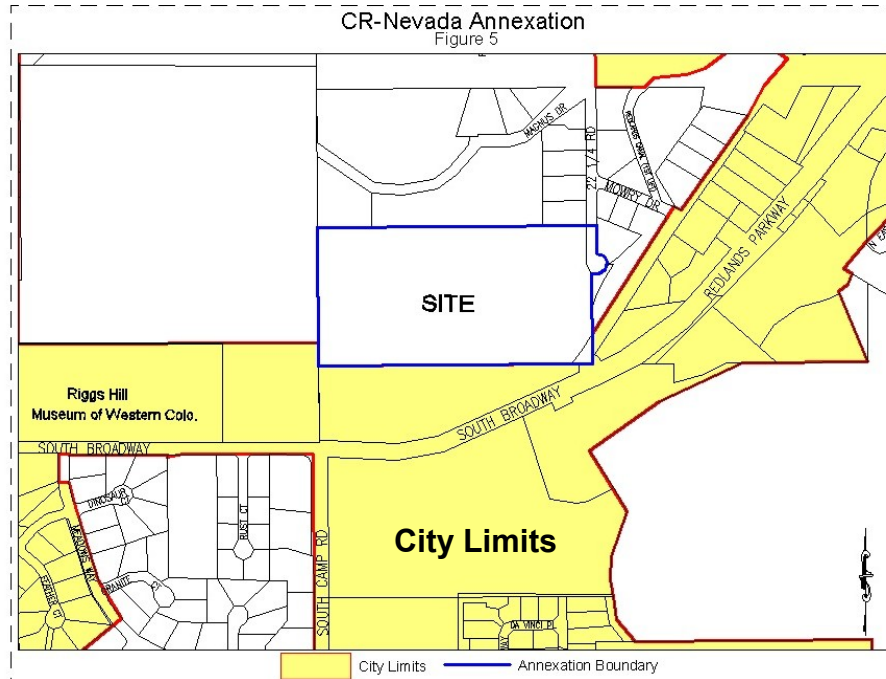
<u><i>ANNEXATION SCHEDULE</i></u>	
<b>March 15, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>April 11, 2006</b>	Planning Commission considers Zone of Annexation
<b>April 19, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>May 3, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>June 4, 2006</b>	Effective date of Annexation and Zoning

**CR NEVADA ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-030	
<b>Location:</b>	487 22 ¼ Road	
<b>Tax ID Number:</b>	2945-182-00-026	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	19.73 acres	
<b>Developable Acres Remaining:</b>	19 acres	
<b>Right-of-way in Annexation:</b>	0.0 acres	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	Applicant Request: RSF-1 Staff Recommendation: RSF-E	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Single Family Residential Subdivision	
<b>Values:</b>	<b>Assessed:</b>	= \$58,280
	<b>Actual:</b>	= \$200,970
<b>Address Ranges:</b>	487 22 ¼ Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Jct Rural
	<b>Irrigation/Drainage :</b>	Redlands Water & Power
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	None

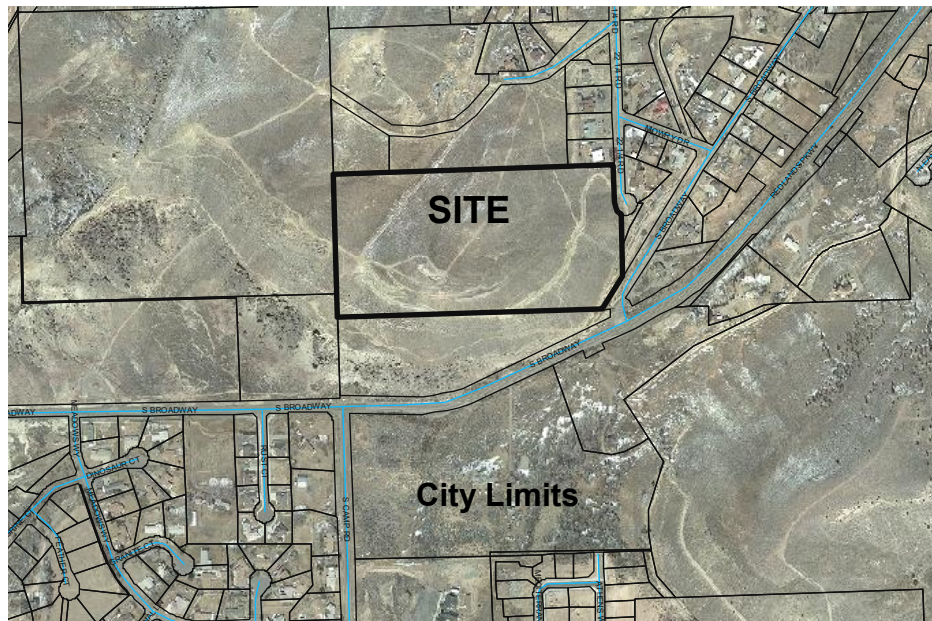
# Site Location Map

Figure 1



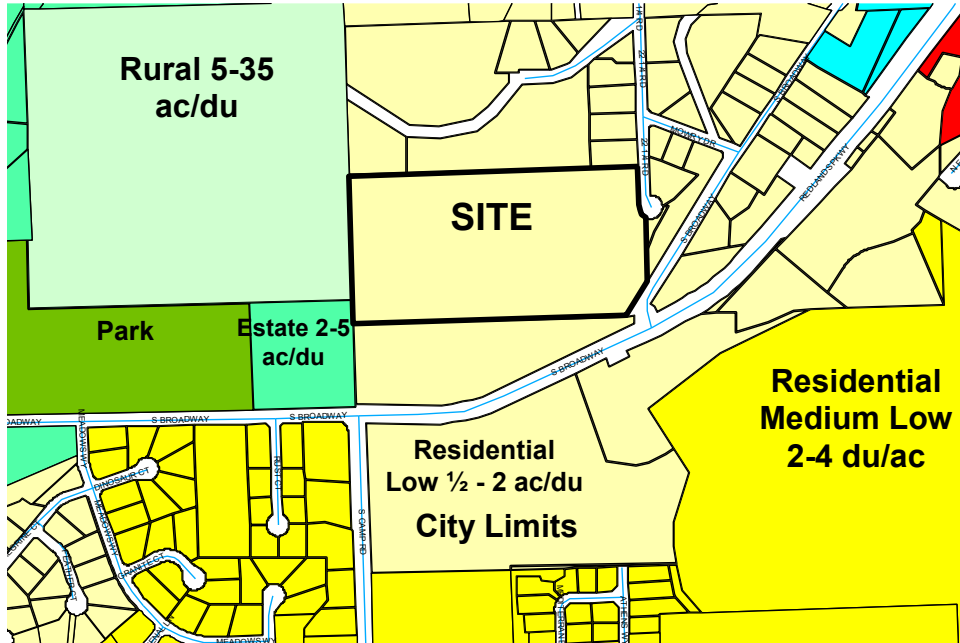
# Aerial Photo Map

Figure 2



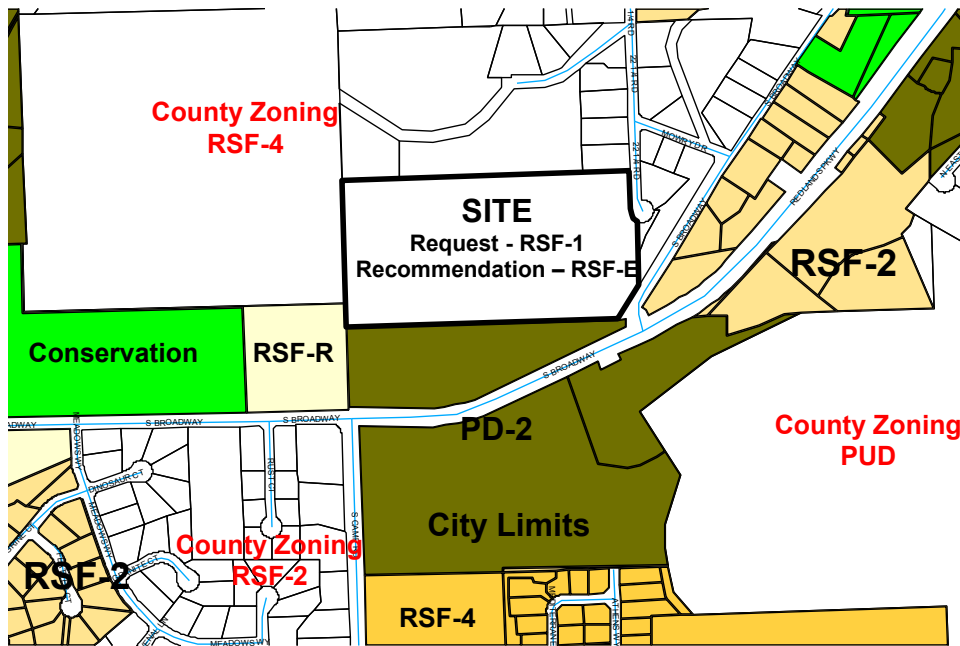
# Future Land Use Map

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 15<sup>th</sup> of March, 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**

**CR NEVADA ANNEXATION**

**LOCATED AT 487 22 1/4 ROAD.**

WHEREAS, on the 15<sup>th</sup> day of March, 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:

**CR NEVADA ANNEXATION**

A certain parcel of land located in the South Half (S 1/2) of Lot 1, and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of Lot 1 of said Section 18 also being the Northwest corner of Pumphouse Subdivision as recorded in Plat Book 15, Pages 222 and 223 , Mesa County, Colorado public records and assuming the West line of said Lot 1 to bear N00°18'32"W with all bearings contained herein relative thereto; thence N00°18'32"W along the West line of the S 1/2 of said Lot 1 a distance of 659.00 feet to the Northwest corner of the S 1/2 of said Lot 1; thence N89°50'26"E along the North line of the S 1/2 of said Lot 1 a distance of 1338.03 feet to a point on the Easterly right of way of 22 1/4 Road as shown on the plat of South Broadway Subdivision No. 2, as recorded in Plat Book 9, Page 130 of the Mesa County, Colorado public records; thence S00°10'49"E along the Easterly right of way of said 22 1/4 Road a distance of 131.86 feet; thence continuing along the Easterly right of way of said 22 1/4 Road 183.26 feet along the arc of a 50.00 foot radius curve concave West, having a central angle of 210°00'00" and a chord bearing S14°49'11"W a distance of 96.59 to a point on the East line of the S 1/2 of said Lot 1; thence S00°10'49"E along the East line of the S 1/2 of said Lot 1 a distance of 433.87 feet to the Southeast corner of said Lot 1; thence S89°50'33" along the South line of said Lot 1 also being the North line of said Pumphouse Subdivision a distance of 1311.55 feet to the Point of Beginning.

Said parcel contains 19.73 acres (852,711 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 3<sup>rd</sup> day of May, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> 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 15<sup>th</sup> day of March, 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><b>DATES PUBLISHED</b></i>
<b>March 17, 2006</b>
<b>March 24, 2006</b>
<b>March 31, 2006</b>
<b>April 7, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CR NEVADA ANNEXATION**

**APPROXIMATELY 19.73 ACRES**

**LOCATED AT 487 22 ¼ ROAD**

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

**CR NEVADA ANNEXATION**

A certain parcel of land located in the South Half (S 1/2) of Lot 1, and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of Lot 1 of said Section 18 also being the Northwest corner of Pumphouse Subdivision as recorded in Plat Book 15, Pages 222 and 223 , Mesa County, Colorado public records and assuming the West line of said Lot 1 to bear N00°18'32"W with all bearings contained herein relative thereto; thence N00°18'32"W along the West line of the S 1/2 of said Lot 1 a distance of 659.00 feet to the Northwest corner of the S 1/2 of said Lot 1; thence N89°50'26"E along the North line of the S 1/2

of said Lot 1 a distance of 1338.03 feet to a point on the Easterly right of way of 22 1/4 Road as shown on the plat of South Broadway Subdivision No. 2, as recorded in Plat Book 9, Page 130 of the Mesa County, Colorado public records; thence S00°10'49"E along the Easterly right of way of said 22 1/4 Road a distance of 131.86 feet; thence continuing along the Easterly right of way of said 22 1/4 Road 183.26 feet along the arc of a 50.00 foot radius curve concave West, having a central angle of 210°00'00" and a chord bearing S14°49'11"W a distance of 96.59 to a point on the East line of the S 1/2 of said Lot 1; thence S00°10'49"E along the East line of the S 1/2 of said Lot 1 a distance of 433.87 feet to the Southeast corner of said Lot 1; thence S89°50'33" along the South line of said Lot 1 also being the North line of said Pumphouse Subdivision a distance of 1311.55 feet to the Point of Beginning.

Said parcel contains 19.73 acres (852,711 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 15<sup>th</sup> day of March, 2006 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**Attach 5**

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

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Zoning the Chipeta Heights Annexation, located at 203 and 221 29 Road.					
<b>Meeting Date</b>		March 15, 2006					
<b>Date Prepared</b>		March 9, 2006			<b>File #ANX-2006-008</b>		
<b>Author</b>		Senta L. Costello		Associate Planner			
<b>Presenter Name</b>		Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed zoning ordinance to zone the Chipeta Heights Annexation RSF-4, located at 203 and 221 29 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for the 5<sup>th</sup> of April, 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*

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

**Staff Analysis:**

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

states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

**Response:** The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this 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 zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that arise with the proposal to develop the property will be addressed through 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.

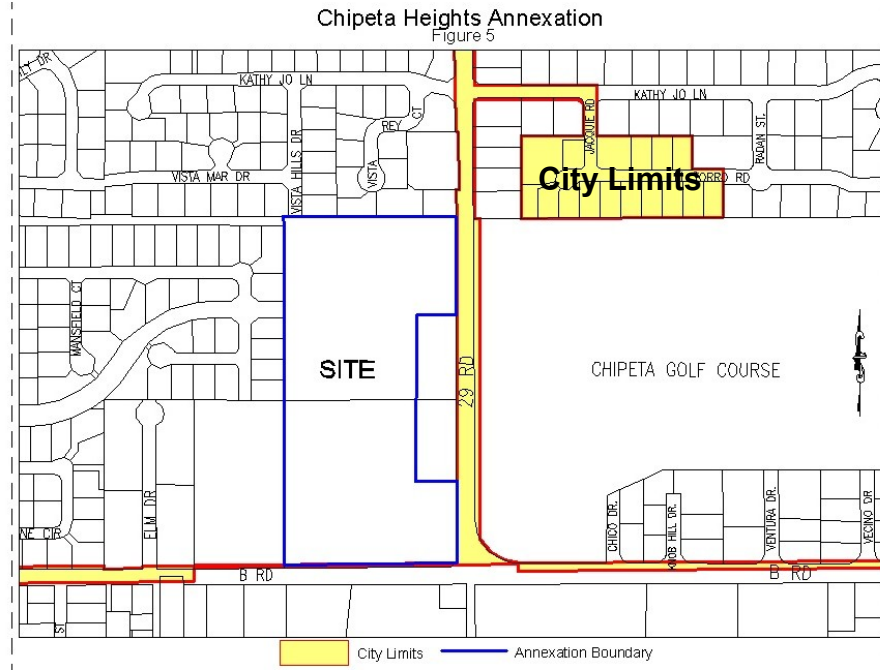
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- b. RSF-2

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

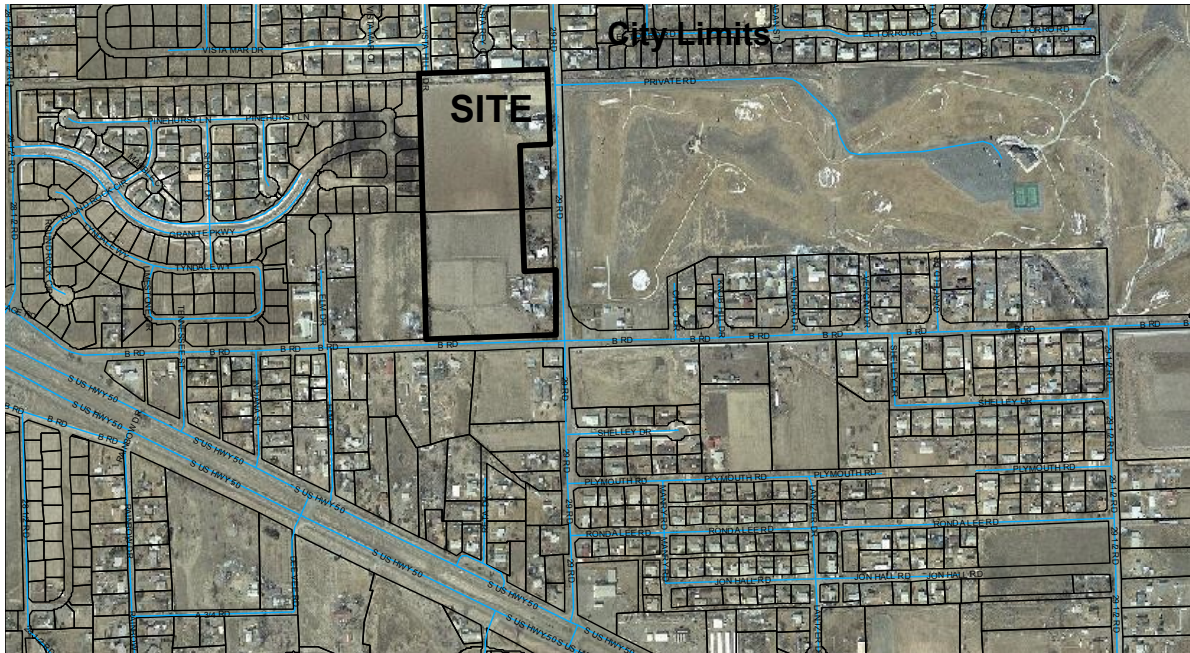
# Site Location Map

Figure 1



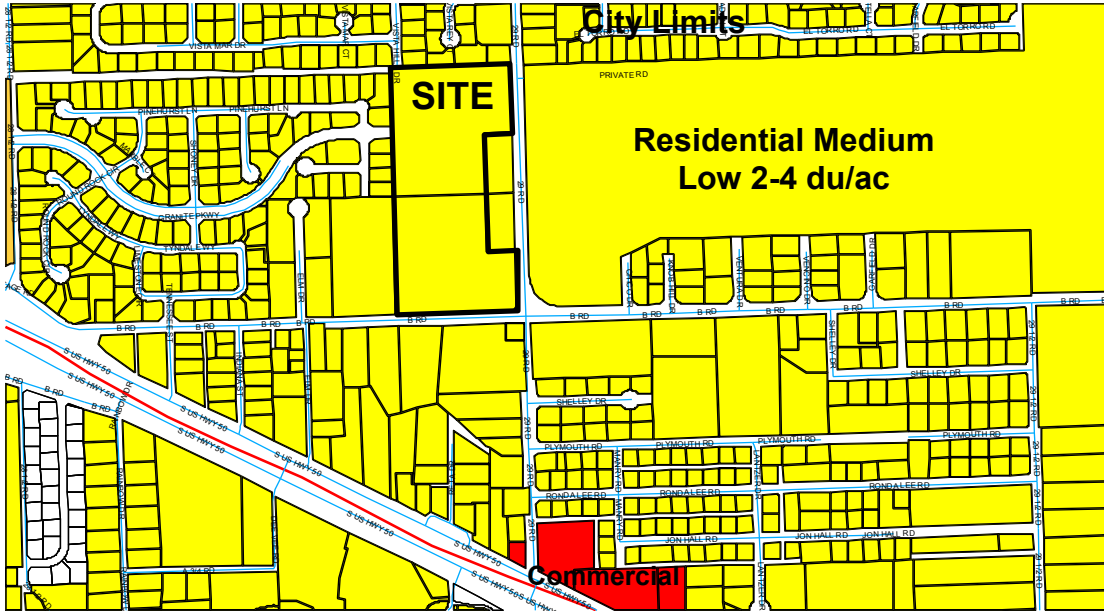
# Aerial Photo Map

Figure 2



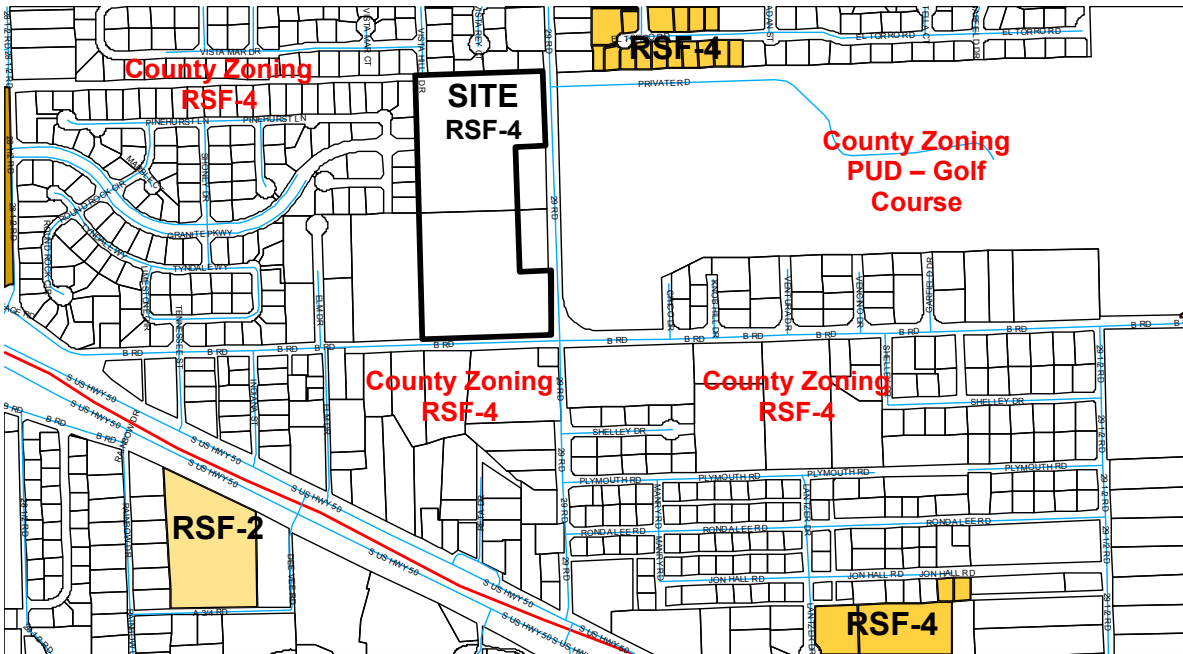
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CHIPETA HEIGHTS ANNEXATION TO  
RSF-4**

**LOCATED AT 203 AND 221 29 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 Chipeta Heights Annexation to the RSF-4 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-4 with a density not to exceed 4 units per acre.

**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.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 6**

Setting a Hearing for the Van Gundy North Rezone and ROW

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>		Van Gundy North Rezone and Right-of-Way Vacation						
<b>Meeting Date</b>		March 15, 2006						
<b>Date Prepared</b>		March 6, 2006			<b>File</b> RZ-2006-022			
<b>Author</b>		Kristen Ashbeck		Senior Planner				
<b>Presenter Name</b>		Kristen Ashbeck		Senior Planner				
<b>Report results back to Council</b>		X	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>			<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5<sup>th</sup> Street and South 7<sup>th</sup> Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5<sup>th</sup> Street, including remnants created by right-of-way acquisition for the Riverside Parkway from C-2 to an I-1 zone district. A plat consolidating all of the parcels and remnants into a single parcel is being concurrently reviewed administratively.

**Budget:** N/A

**Action Requested/Recommendation:** First reading and set a Public Hearing for April 5, 2006 for both the zoning and vacation ordinances.

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

**Attachments:**

- Site Location and Aerial Photo Maps
- Future Land Use and Existing Zoning Maps
- Letter from Downtown Development Authority
- Proposed Van Gundy North Subdivision
- Proposed Riverside Parkway Alignment
- Proposed Rezone Ordinance
- Proposed Vacation Ordinance



BACKGROUND INFORMATION			
<b>Location:</b>	South of 4 <sup>th</sup> Avenue between 5 <sup>th</sup> and 7 <sup>th</sup> Streets		
<b>Applicants:</b>	Owners: Van Gundy Irrevocable Trust, Sterling Corporation and City of Grand Junction Developer: City of Grand Junction Representative: Jim Shanks, Riverside Parkway		
<b>Existing Land Use:</b>	Salvage yard, warehouse and vacant		
<b>Proposed Land Use:</b>	Industrial		
<b>Surrounding Land Use:</b>	North	Railroad Operations	
	South	Future ROW for Riverside Parkway	
	East	Industrial – Warehouse	
	West	US Highway 50 and Future ROW for Riverside Parkway	
<b>Existing Zoning:</b>	General Commercial (C-2)		
<b>Proposed Zoning:</b>	Light Industrial (I-1)		
<b>Surrounding Zoning:</b>	North	I-1	
	South	C-2	
	East	C-2	
	West	C-2	
<b>Growth Plan Designation:</b>	Commercial/Industrial		
<b>Zoning within density range?</b>	NA	Yes	No

**PROJECT BACKGROUND:** In 2003 the citizens of Grand Junction approved a bond issue to construct the Riverside Parkway which extends from 24 Road on the West and 29 Road on the East. One of the main issues of concern that required implementation of mitigation measures was the displacement of some businesses and residences within the Lower Downtown area. This project is part of the relocation efforts for some of the property owners affected by the Riverside Parkway alignment.

The submittal request is for the vacation of the north/south alley right-of-way south of Fourth Avenue midway between South 5<sup>th</sup> Street and South 7<sup>th</sup> Street (approximately lines up with 6<sup>th</sup> Street to the north), a rezone of the properties to I-1, and a concurrent Simple Subdivision to combine all of the lots (or residual portions of lots) into one parcel.

The project site is located generally between South 5<sup>th</sup> Street and South 7<sup>th</sup> Street on the south side of 4th Avenue. The site consists of all/or portions of 12 properties, tax parcels: 2945-232-00-069, 2945-232-02-005, 2945-232-02-004, 2945-232-02-008, 2945-232-02-006, 2945-232-02-038, 2945-232-02-014, 2945-232-02-015, 2945-232-02-027, 2945-232-02-026, 2945-232-02-029, 2945-232-02-028. The total project area is 5.10 acres in size (includes area of right-of-way to be vacated). Upon completion of all reviews of the property, the proposed use of the property is the new location for the Van Gundy Salvage Yard, to be moved from its current location to the west of the project site. If the rezone to I-1 is approved, a Conditional Use Permit would be required for the proposed use.

Consistency with the Growth Plan: The Growth Plan Future Land Use Map shows this area of south downtown as Commercial/Industrial which is intended for heavy commercial, offices and light industrial uses with outdoor storage, but no outdoor operations other than sales. Some yard operations may be permitted through Conditional Use or Planned Development processes where adequate screening and buffering can be provided to ensure compatibility with existing and proposed uses in the vicinity.

#### **ANALYSIS:**

**Section 2.6 of the Zoning and Development Code:** Requests for a rezone must demonstrate conformance with all of the following criteria.

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

*The current property zoning of C-2 was established in 2000 when new City wide zoning was adopted. The zoning of the property prior to 2000 was I-2. By the adoption of the C-2 zoning for this property, the established uses on the property were made non-conforming.*

*When the zoning was changed in 2000, the intent was to look at current uses on properties as well as the types of uses that were appropriate for properties throughout the community. It was thought at the time that this area should shift from the Heavy Industrial uses to General Commercial type uses. The Commercial/Industrial land use designation would allow for C-2, I-O or I-1 zoning to be considered. The I-1 zone district seems to be appropriate to allow for the types of uses on the property without going back to the I-2 zone district.*

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

*The construction of the Riverside Parkway is necessitating the relocation of some existing property owners along its alignment. This rezone request is needed to facilitate the relocation of the Van Gundy Salvage Yard from its current location just to the west of the project site.*

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

*The surrounding area is heavy commercial and industrial uses (i.e. railroad, warehousing, construction company, etc.)*

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

*The following goals of the Growth Plan are implemented by this change in zoning.*

**Goal 1:** *To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of*

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

**Goal 11:** *To promote stable neighborhoods and land use compatibility throughout the community.*

*In addition, the goals and policies of the Zoning and Development Code are implemented by promoting the health, welfare, and safety of the citizens and residents of the City by adding needed additional industrial zoning to the already predominately industrially used and zoned area of the community.*

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

*Public facilities and services are available in the area. Any specifics to this requirement will be reviewed with the Conditional Use Permit and Site Plan Review phases of the project.*

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

*This rezone request is with a specific use in mind that has specific needs such as access to a rail spur, and there is very little land in the correct zone district that has access to the railroad. The existence of the rail spur in this area indicates the intent for industrial uses.*

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

*The community and neighborhood will benefit from the change in zoning due to it allowing the relocation of the business that is currently located where the Riverside Parkway will be constructed and therefore allowing the Parkway to proceed as planned.*

**Section 2.11 of the Zoning and Development Code:** Requests for vacation of right-of-way shall conform to the criteria listed below.

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

*In addition to Goal 5 stated above, the request for vacation implements the following goals of the Growth Plan.*

**Goal 23:** *To foster a well-balanced transportation system that supports the use of a variety of modes of transportation, including automobile, local transit, pedestrian and bicycle use.*

**Goal 24:** *To develop and maintain a street system which effectively moves traffic throughout the community.*

*The proposed vacation does not inhibit the implementation or go against the Grand Valley Circulation Plan, and is in conformance with the Zoning and Development Code.*

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

*There are no parcels being landlocked by vacating this alley contingent on the filing of the Simple Subdivision plat.*

- 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;

*Property accesses are not affected by the proposed vacation contingent on the filing of the Simple Subdivision plat.*

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

*There are no adverse impacts 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 will not be reduced.*

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 6 of this Code; and

*Public facilities and services are not inhibited to any property by the vacation of this alley.*

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

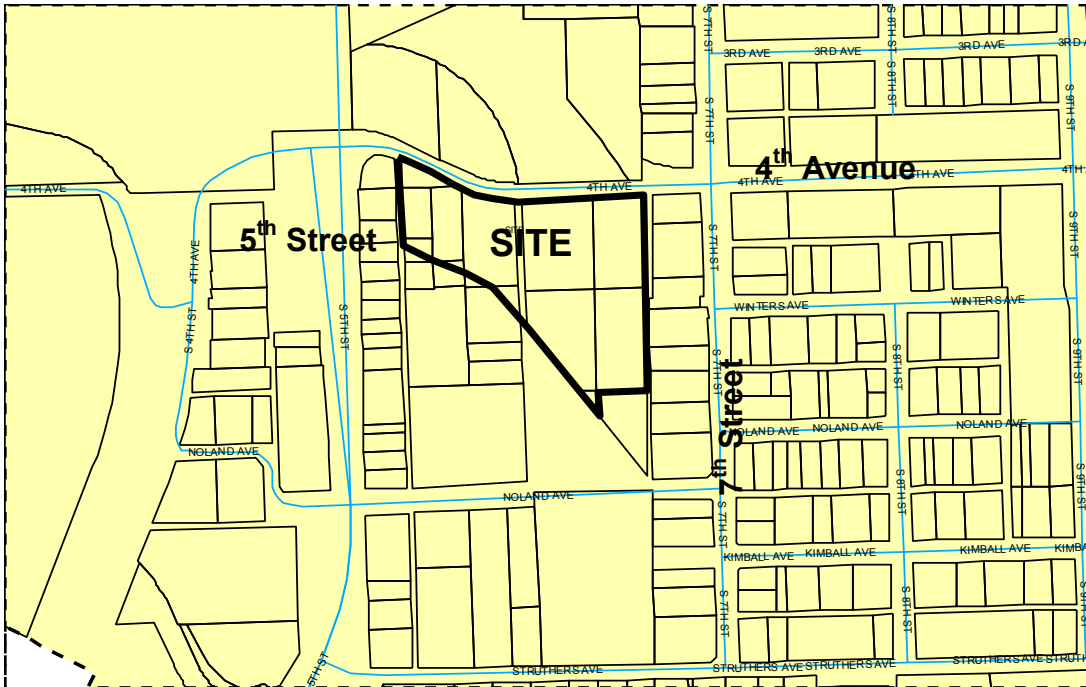
*The alley that is being requested to be vacated is not developed as an alley for vehicular traffic. It contains a rail spur that travels into the properties on the south side of 4th Avenue. The only property that uses the spur is the salvage yard and will continue to be used for that use once the alley is vacated. The City benefits from the reduced maintenance requirements for the alley right-of-way. The alley will need to be retained as an easement for a sewer line that is located within the alley right-of-way.*

**PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS:** Planning Commission will hear this item at its March 14, 2006 meeting. After reviewing the Van Gundy North application, RZ-2006-022 for a Rezone and Right-of-Way Vacation, staff recommended approval to Planning Commission with the following findings of fact and conclusions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6 of the Zoning and Development Code have all been met.
3. The review criteria of Section 2.11 of the Zoning and Development Code have all been met.

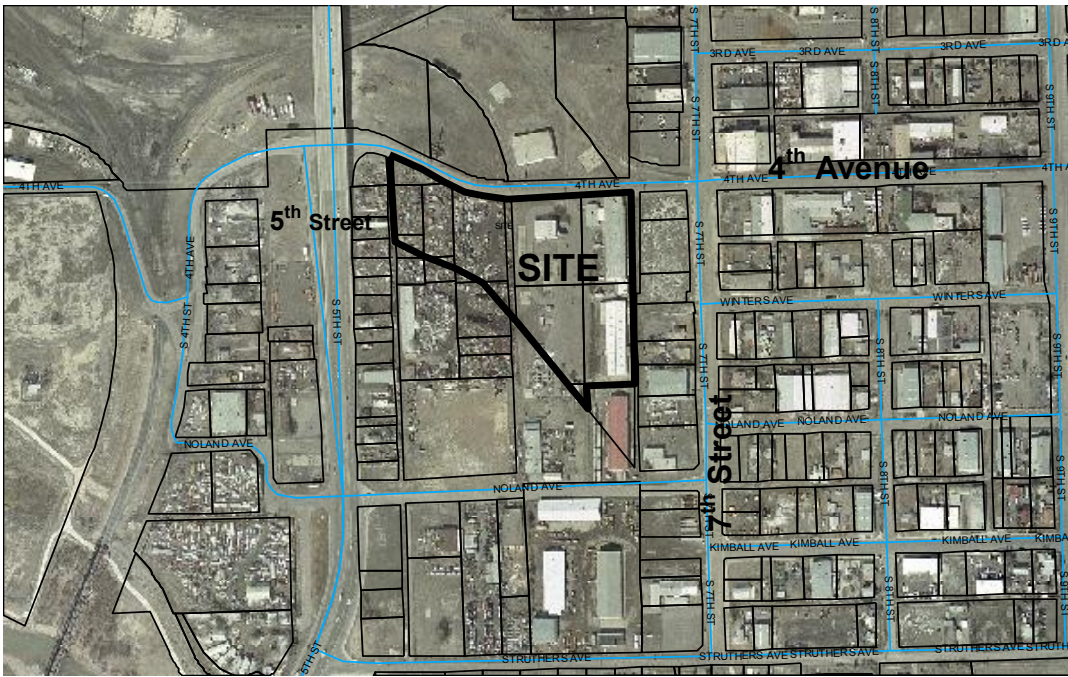
# Site Location Map

Figure 1



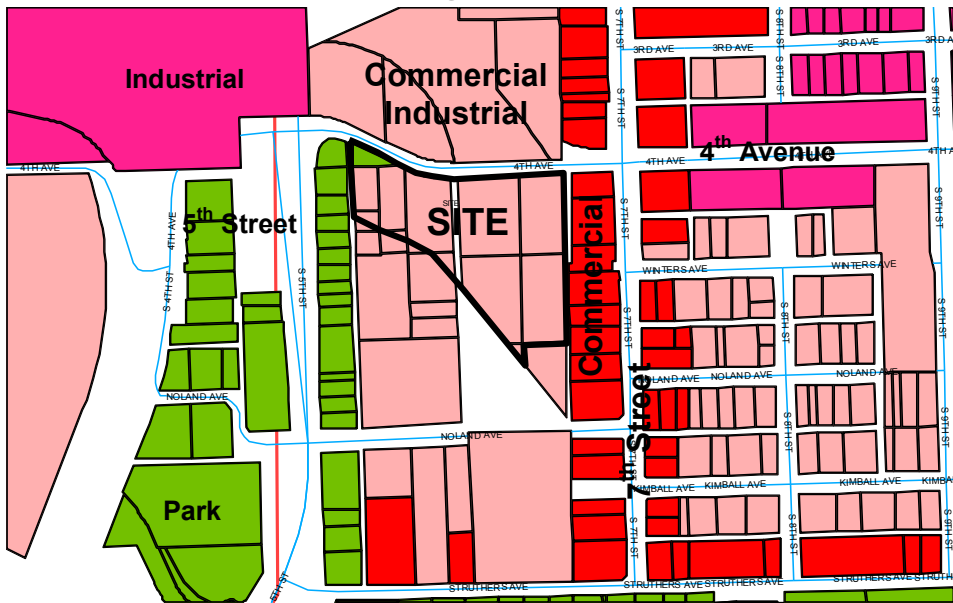
# Aerial Photo Map

Figure 2



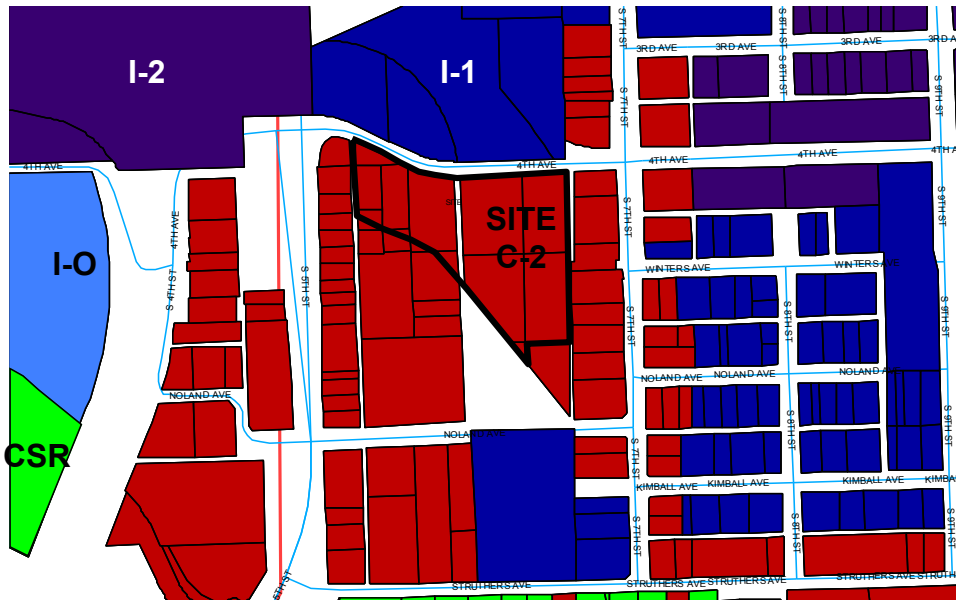
## Future Land Use Map

Figure 3



## Existing City Zoning

**Figure 4**

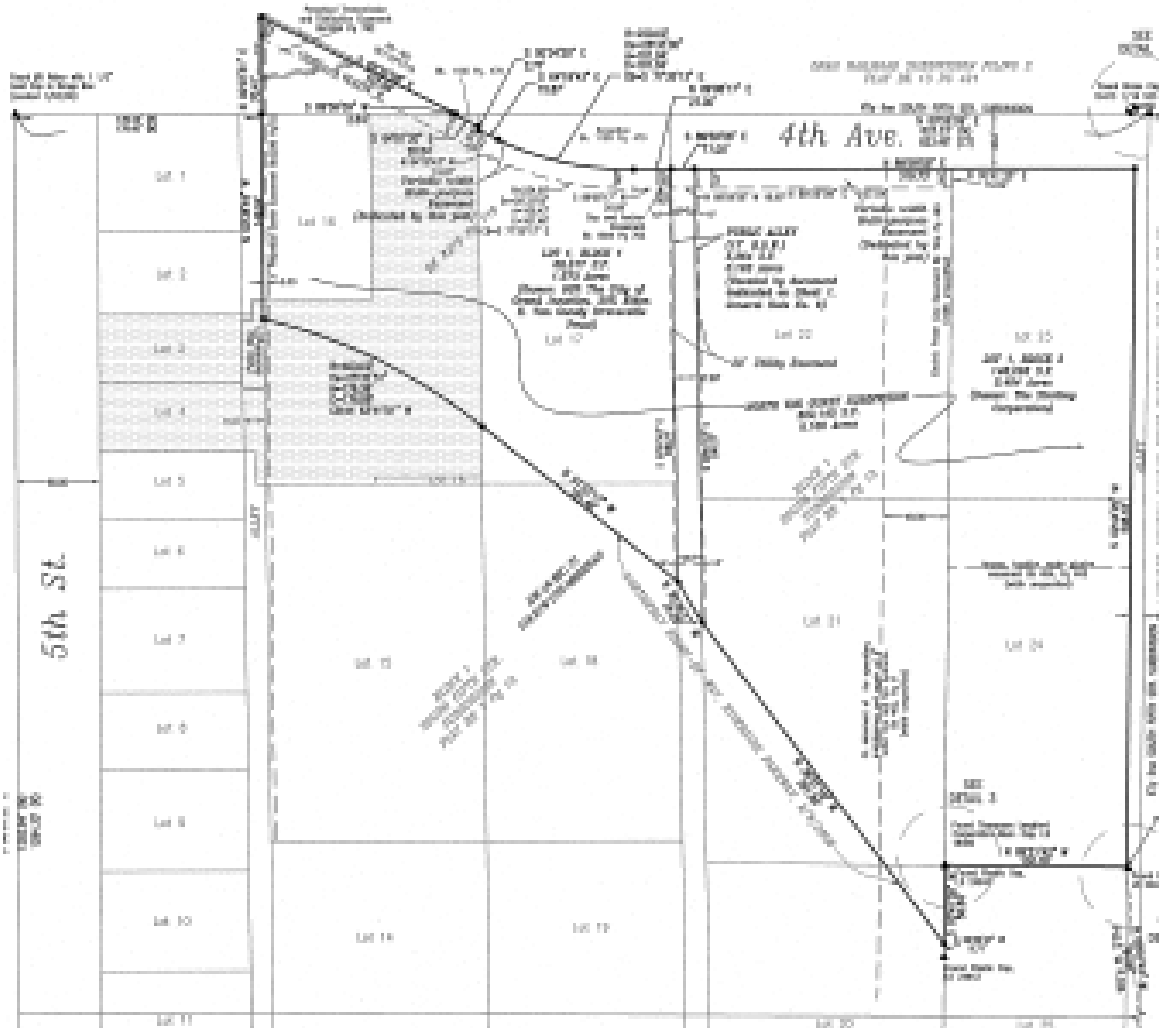


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

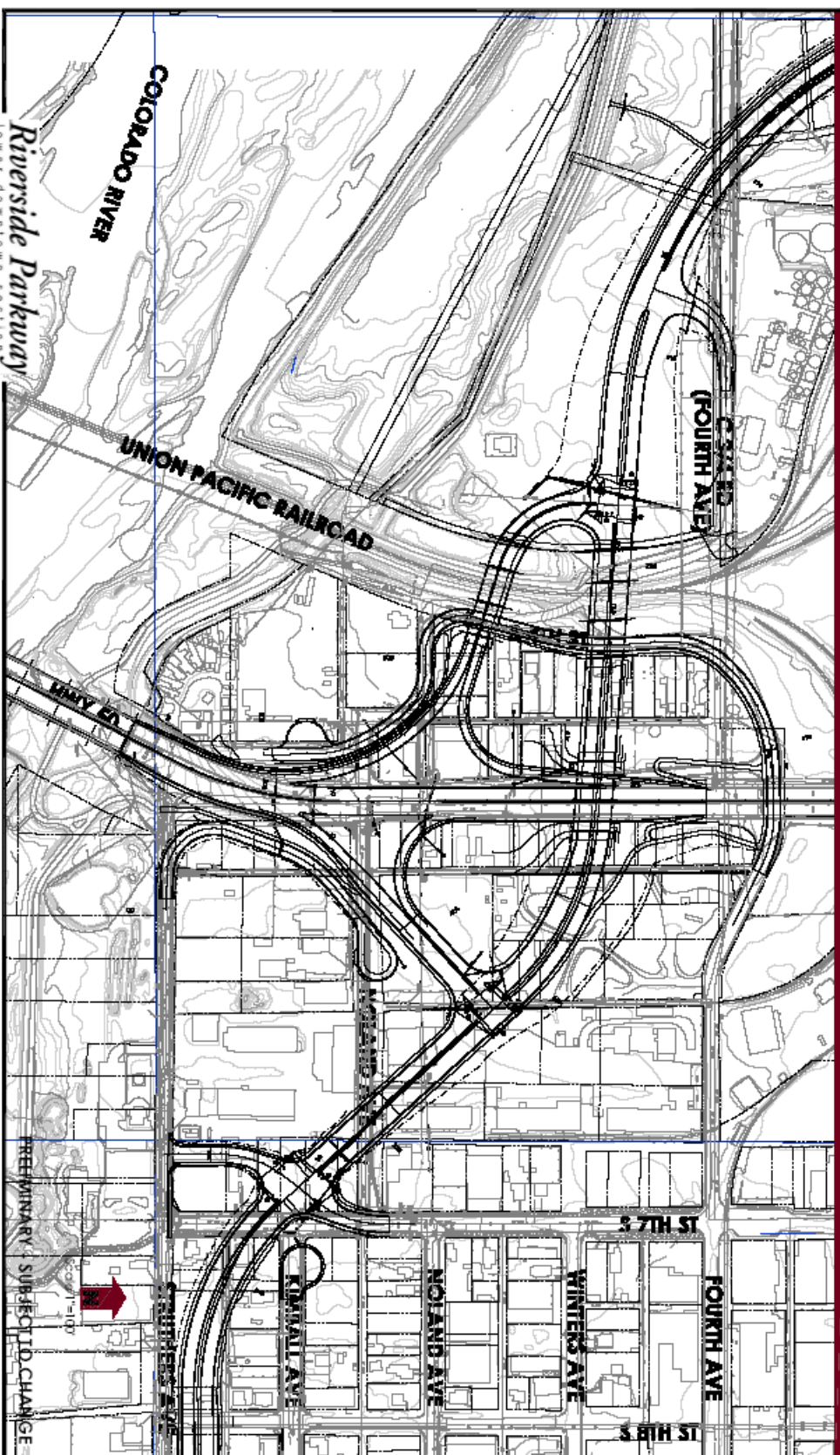


# VAN GUNDY NORTH SUBDIVISION

PLAT OF LOTS 22, 23, 24 AND A PORTION OF LOTS 16, 17, 18, 20, 21, THE  
ON TRACT OF SOUTH FIFTH STR. SUBDIVISION AND A PARCEL IN THE NW  $\frac{1}{4}$  Q  
1S, R1W, UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



# Riverside Parkway Layout - Lower Downtown



*Riverside Parkway*  
lower downtown section

PRELIMINARY SUBJECT TO CHANGE



Downtown Development Authority

February 24, 2006

Kristin Ashbeck, Senior Planner  
Community Development Department  
City of Grand Junction  
250 N. Fifth Street  
Grand Junction, CO 81501

Dear Kristen,

The Grand Junction Downtown Development Authority Board of Directors wishes to object the rezoning of the Van Gundy property, as well as the proposed abandonment of the adjacent alley.

Although the City's land use policy may permit Industrial (I) zoning in this neighborhood, the land is currently zoned Commercial/Industrial and this change may not be appropriate given the long term uses contemplated in the City's master plan. Additionally, this use (Industrial) may not be desirable at the gateway to downtown and entrance to Grand Junction. The development of the Riverside Parkway is an opportunity to fully realize the potential to have this area of the City not only provide commercial services, but also serve as the entrance to the many visitors to our community that are critical to our commercial and retail viability.

The proposed abandonment of the alley should be considered only if adequate compensation is received from the applicant to the City in payment for this valuable right of way and access to rail service.

In conclusion the DDA wishes to object to these changes and encourage the applicant to locate in a more appropriate area that is properly zoned and that does not require the increased zoning authority that is defined as Industrial. This may lead to a spread of Industrial zoning in this highly visible area that would be better served as a commercial entry to the community.

Cordially yours,

Karen Vogel, Chairperson



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING PROPERTY IN THE VICINITY OF 1018 SOUTH 5<sup>th</sup> STREET SOUTH OF 4<sup>th</sup> AVENUE BETWEEN 5<sup>th</sup> and 7<sup>th</sup> STREETS FROM GENERAL COMMERCIAL (C-2) TO LIGHT INDUSTRIAL (I-1) KNOWN AS THE VAN GUNDY NORTH PROJECT**

Recitals.

In 2003 the citizens of Grand Junction approved a bond issue to construct the Riverside Parkway which extends from 24 Road on the West and 29 Road on the East. One of the main issues of concern that required implementation of mitigation measures was the displacement of some businesses and residences within the Lower Downtown area. The Van Gundy North project is part of the relocation efforts for some of the property owners affected by the Riverside Parkway alignment.

The project site is located generally between South 5<sup>th</sup> Street and South 7<sup>th</sup> Street on the south side of Fourth Avenue. The site consists of all/or portions of 12 properties, tax parcel #'s: 2945-232-00-069, 2945-232-02-005, 2945-232-02-004, 2945-232-02-008, 2945-232-02-006, 2945-232-02-038, 2945-232-02-014, 2945-232-02-015, 2945-232-02-027, 2945-232-02-026, 2945-232-02-029, 2945-232-02-028.

The Grand Junction Planning Commission, at its March 14, 2006 hearing, recommended approval of the rezone request.

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

The following described property is hereby rezoned to Light Industrial (I-1):

A parcel of land being a portion of a tract of land described in Book 2279 at Page 718, recorded November 15, 1995 in the Mesa County Clerk and Recorder's Office, and a portion of Lots 20 and 21, and all of Lots 22, 23 and 24, Block 1, SOUTH FIFTH STREET SUBDIVISION recorded in Book 7 at Page 19, at Mesa County Clerk and Recorder's Office on November 29, 1946, lying in the Northwest Quarter of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 23 (a 3" brass cap stamped "MESA COUNTY SURVEY MARKER-C 1/4 S23-NO1280")  
WHENCE the East Quarter Corner of said Section 23 (a 3 1/4" aluminum cap stamped "D-H SURVEYS INC T1SR1W 1/4 23/24 LS 42306") bears S89°36'03"E a distance of

2638.76 feet; THENCE N00°01'18"W a distance of 764.81 feet to the southeast corner of said Lot 24, being the POINT OF BEGINNING;

THENCE N89°21'42"W along the southerly line of said Lot 24 a distance of 132.21 feet to the southwest corner of said Lot 24; THENCE S00°41'38"W along the easterly line of said Lot 20 a distance of 56.84 feet; THENCE N36°57'10"W distance of 291.80 feet to a point on the westerly line of said Lot 21;

THENCE N30°36'27"W a distance of 34.26 feet to a point on the easterly line of said tract of land described in Book 2279 at Page 718, also being the easterly line of Lot 18, Block 1 of said SOUTH FIFTH STREET SUBDIVISION;

THENCE N51°23'17"W, non-tangent with the following described curve, a distance of 181.48 feet; THENCE along the arc of a curve to the left, having a central angle of 25°32'51", a radius of 400.00 feet, a chord bearing of N63°41'51"W a distance of 176.88 feet, and an arc distance of 178.36 feet to a point on the easterly line of a tract of land described in Book 559 at Page 271 recorded on January 10, 1952 at Mesa County Clerk and Recorder's Office;

THENCE N00°38'44"W along the easterly line of said tract of land described in Book 559 at Page 271 and the westerly line of Lot 16, Block 1 of said SOUTH FIFTH STREET SUBDIVISION, non-tangent with the last described curve, a distance of 149.04 feet; THENCE N00°07'31"E along a westerly line of said tract of land described in Book 2279 at Page 718 a distance of 70.41 feet;

THENCE S63°32'58"E along the northeasterly line of said tract of land described in Book 2279 at Page 718 a distance of 157.99 feet; THENCE S89°59'09"W along the southerly line of said tract of land described in Book 2279 at Page 718 a distance of 2.54 feet; THENCE S64°01'20"E along the southwesterly line of a tract of land described in Book 1185 at Page 479 recorded February 2, 1972 in the Mesa County Clerk and Recorder's Office a distance of 20.54 feet; THENCE S00°34'20"E along the westerly line of said Lot 17 a distance of 2.77 feet; THENCE the following three (3) courses along the southerly line of said tract of land described in Book 1185 at Page 479:

- 1) S64°18'43"E, tangent with the following described curve, a distance of 15.87 feet;
- 2) THENCE along the arc of a curve to the left, having a central angle of 26°33'00", a radius of 220.00 feet, a chord bearing S77°35'13"E a distance of 101.04 feet, and an arc distance of 101.94 feet;
- 3) THENCE N89°08'17", tangent with the last described curve, a distance of 27.00 feet to a point on the easterly line of said tract of land described in Book 2279 at Page 718;

THENCE S89°59'58"E a distance of 17.00 feet to the northwest corner of said Lot 22; THENCE N89°59'09"E along the northerly line of said Lots 22 and 23 a distance of 319.74 feet to the northeast corner of said Lot 23; THENCE S00°43'45"W along the easterly lines of said Lots 23 and 24 a distance of 508.18 feet to the POINT OF BEGINNING.

Containing 222173 square feet (5.100 Acres) more or less.

Basis of Bearing: N89°58'01"E between Mesa County Local Coordinate System points Southwest Corner of Section 15 (2-1/2"Alumn.Cap in Monument Box Stamped: AES T1S R1W S16/S15/S21/S22 2002 PLS 24320) and the Southeast Corner of Section 15, (2-1/2"Brass Cap Stamped: COUNTY SURVEY MARKER 828-1 15/14/22/23), both in Township 1 South, Range 1 West Ute P.M.

INTRODUCED on first reading on the \_\_\_ day of \_\_\_\_\_, 2006 and ordered published.

PASSED on this \_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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

**CITY OF GRAND JUNCTION**  
**Ordinance No. \_\_\_\_\_**  
**AN ORDINANCE VACATING RIGHT-OF-WAY FOR AN ALLEYWAY**  
**IN THE VICINITY OF 1018 SOUTH 5<sup>th</sup> STREET SOUTH OF 4<sup>th</sup> AVENUE BETWEEN**  
**5<sup>th</sup> and 7<sup>th</sup> STREETS**  
**KNOWN AS THE VAN GUNDY NORTH PROJECT**

Recitals

A vacation of a north-south alley way located as described above is requested. The alley is not developed for vehicular traffic but is used as a rail spur and a City sewer line is located within it underground. The properties surrounding it are concurrently being platted into a single parcel to be used for one use. The rail spur will be retained for private use but the alley is not needed since it will dead end at the southern end at the Riverside Parkway once it is constructed.

The City Council finds that the vacation is consistent with the Growth Plan and meets the criteria of section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated public right-of-way is hereby vacated:

A parcel of land being a portion of the alley in Block 1 of SOUTH FIFTH STREET SUBDIVISION as recorded in Book 7, Page 19 recorded at the Mesa County Clerk and Recorder's Office on November 29, 1946 lying in the Northwest Quarter of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Center Quarter corner of Section 23 (a found 3" Brass Cap "MCSM C1/4 S23"), WHENCE the East Quarter Corner of Section 23 (a found 3 1/2" Aluminum Cap "D-H SURVEYS INC LS42306"), bears S89°36'03"E (Basis of Bearing-assumed) a distance of 2638.76 feet;  
THENCE N18°07'38"W a distance of 991.86 feet to the POINT OF BEGINNING;

THENCE N30°36'27"W, a distance of 34.26 feet;

THENCE N00°51'43"W, along the easterly line of Lots 18 & 17, a distance of 300.77 feet;

THENCE S89°59'58"E, along the south right-of-way line of 4<sup>th</sup> Avenue, a distance of 17.00 feet; THENCE S00°51'43"E, along the easterly line of Lots 22 & 21, a distance

of 330.27 feet to the POINT OF BEGINNING.

Containing 0.123 Acres (5,364 Sq.Ft.), more or less.

See Alley Vacation Exhibit attached hereto and incorporated by this reference as if fully set forth.

The vacation shall be subject to and contingent upon the City's approval of a Simple Subdivision per section 2.2.E.4. of the Zoning and Development Code.

The vacation shall be subject to and contingent upon dedication of an easement for the existing sanitary sewer line within the alley.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_\_, 2006 and ordered published.

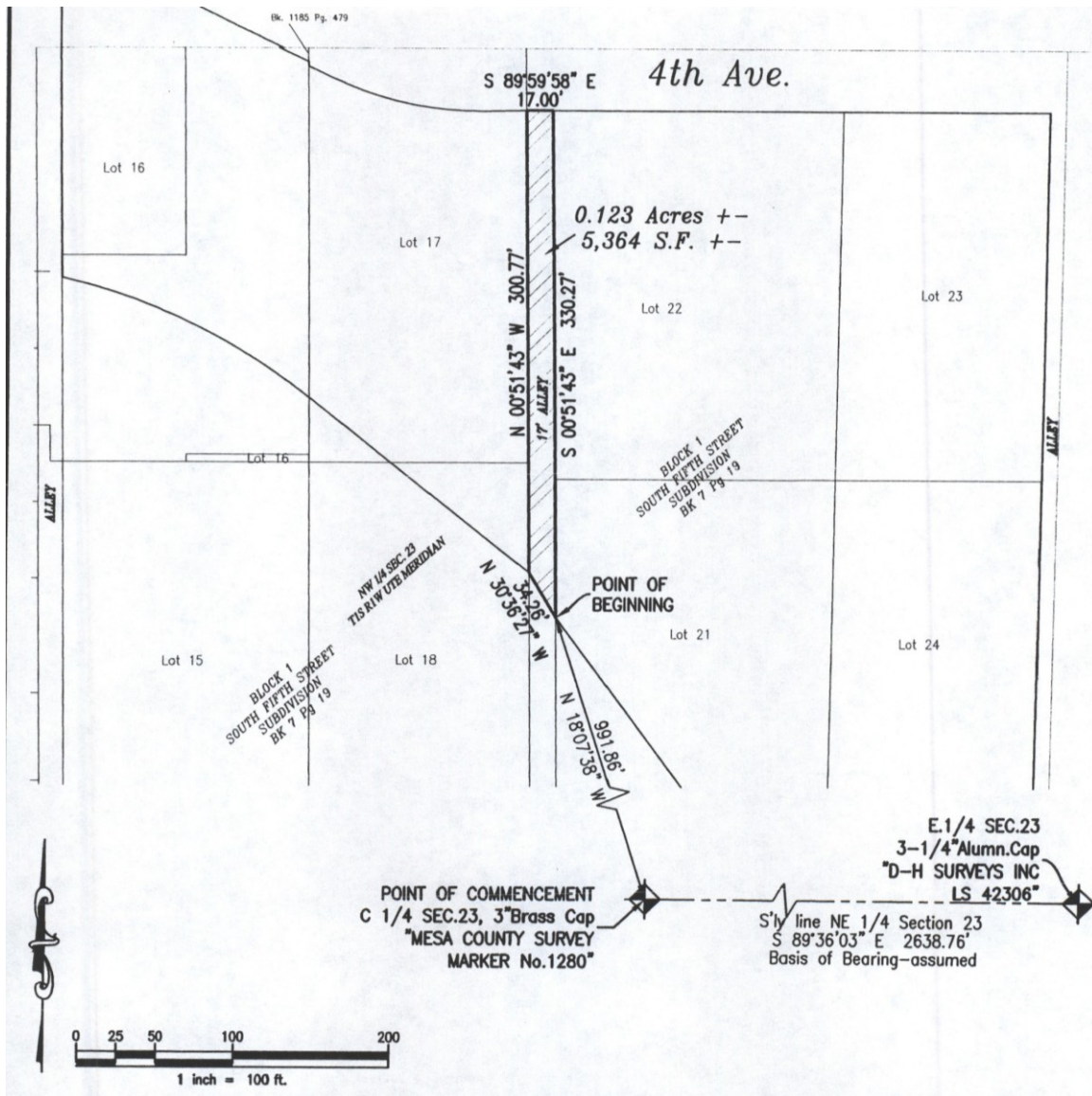
Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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





**ALLEY VACATION EXHIBIT**

**Attach 7**

Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05 and Setting a Hearing on the Assessments

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05, Giving Notice of a Hearing, and Setting a Hearing on the Assessing Ordinance					
<b>Meeting Date</b>		March 15, 2006					
<b>Date Prepared</b>		March 9, 2006			<b>File #</b>		
<b>Author</b>		Mike Grizenko		Real Estate Technician			
<b>Presenter Name</b>		Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners in the area of 26 Road and F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the April 19, 2006 Council meeting.

**Budget:** Sufficient funds were transferred in 2005 from Fund 902 - the Sewer System General Fund, to Fund 906 – the Septic System Elimination Fund, to support expenses related to this project. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the eleven benefiting properties. The estimated versus actual costs and assessments are as follows:

Item	Original Estimate	Actual	Difference
Total Project Costs*	\$ 117,096.39**	\$114,417.23	- \$ 2,679.16
30% Contribution	\$ 34,528.92	\$ 34,325.17	- \$ 203.75
Per Lot Assessment***	\$ 7,506.13	\$ 7,281.10	- \$ 225.03

\* Total Project Costs include design, construction, inspection and administration.

\*\* Included estimated cost of easements (\$2000) which do not figure into the 30% contribution. Easements were actually acquired for no cost.

\*\*\*Assessments do not include Plant Investment Fees, Trunk Line Extension Fees and costs to connect to the sewer main.

**Action Requested/Recommendation:** Adopt a Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05, give notice of a Hearing, and conduct the First Reading of the Assessing Ordinance.

**Attachments:** 1) Ownership Summary Sheet; 2) Vicinity Map; 3) Proposed Resolution; 4) Assessing Ordinance.

**Background Information:** Improvement Districts are a cost-sharing program between the City and property owners who request the City's assistance in installing new or improved infrastructure to their neighborhood. People's Ordinance No. 33 authorizes the City Council to create Improvement Districts when petitioned by a majority of the property owners to be assessed. The petition for this Improvement District was signed by 64% of the property owners.

A summary of the process that follows submittal of the petition is provided below. Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. ► Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
7. ► Council conducts the first reading of the proposed Assessing Ordinance.
8. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.

9. The adopted Ordinance is published for three consecutive days.
10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

Property owners are assessed for the actual costs of design, construction, inspection and administration. Under current policy adopted by a joint resolution between the City and Mesa County, Persigo Septic System Elimination Funds pay 30% of the assessable costs.

In addition to assessments, the property owners are responsible for bearing the following expenses:

- ◆ Costs to physically connect their service line to the building to be sewerred;
- ◆ Plant Investment Fees;
- ◆ Trunk Line Extension Fees.

The City is responsible for extending each service line from the sewer main to the property line. The property owner is responsible for extending the service line from their property line to the building to be sewerred.

The Plant Investment Fee is currently \$1,750 for each sewer connection. The Plant Investment Fee will be raised to \$2,000 in 2007.

Trunk Line Extension Fees apply only if a trunk line was extended to the neighborhood. Trunk Line Extension Fees are \$1,250 for properties whose area is less than 1/3 acre, \$1,500 for properties between 1/3 acre and 1 acre and \$1,750 for properties 1 acre or greater in area.

The published assessable costs of \$7,717.96 per lot include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by May 26, 2006. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.

## OWNERSHIP SUMMARY

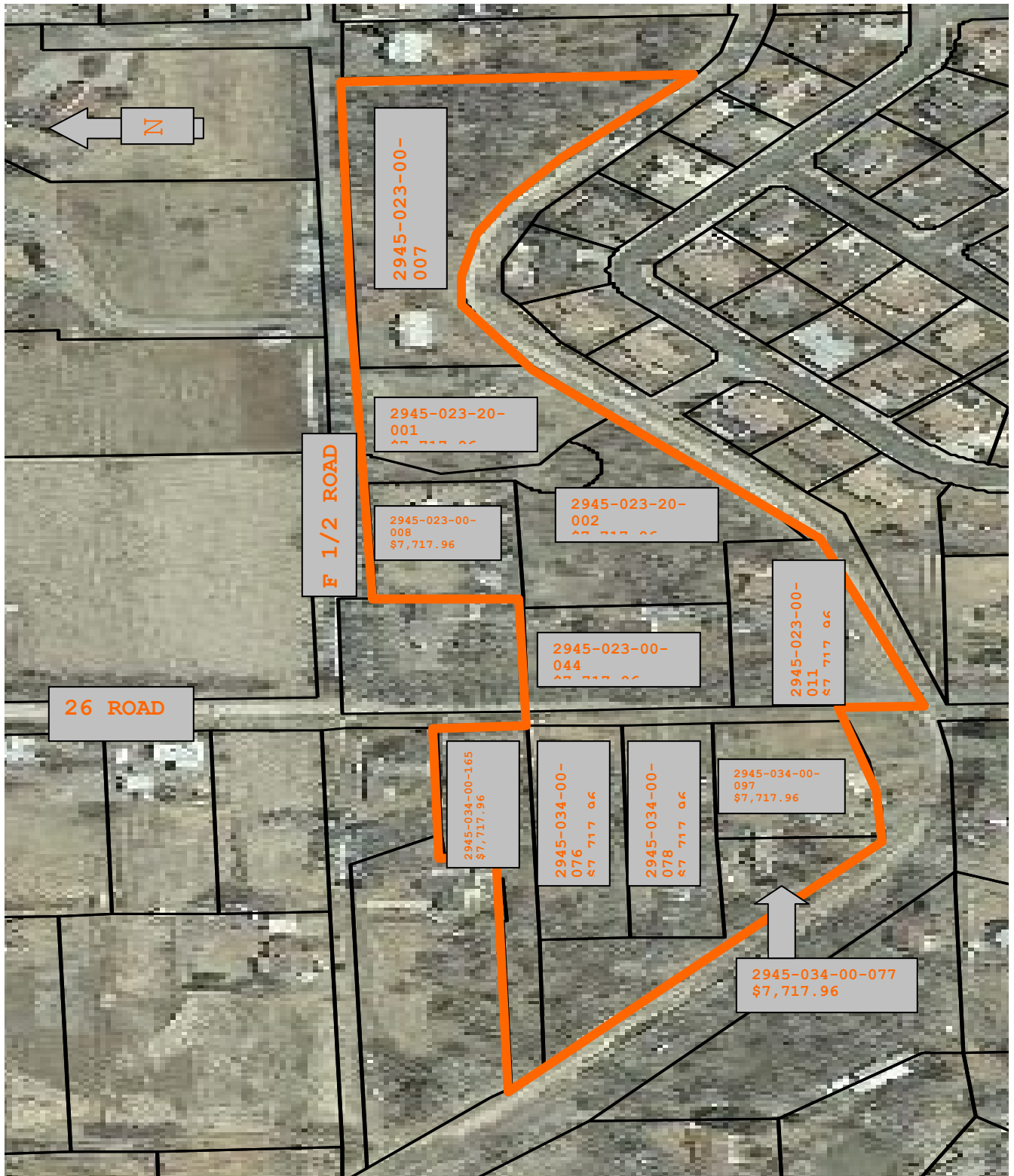
### 26 ROAD & F 1/2 ROAD SANITARY SEWER IMPROVEMENT DISTRICT No. SS-47-05

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQD.
2945-034-00-076	• Arleen L. Hache & Jeff M. Davis	643 26 Road	
2945-034-00-077	Larry Lee Crosser	637 1/2 26 Road	
2945-034-00-078	Wendi & Robbie Alan Novak	641 26 Road	
2945-034-00-097	Morgan Freitas	637 26 Road	Yes
2945-034-00-165	• Raymond C. & Margaret G. Pilcher	645 26 Road	
2945-023-00-007	Peter C. & Julia C.S. Vernon, Trustees	2615 F 1/2 Road	
2945-023-00-008	• Roger A. & Dorri J. Thompson	2605 F 1/2 Road	Yes
2945-023-00-011	• Richard I. & Bonny F. Rininger	636 26 Road	Yes
2945-023-00-044	• Berndt C. & Frances C. Holmes	640 26 Road	Yes
2945-023-20-001	• Max A. & Barbara K. Smith**	2611 F 1/2 Road	
2945-023-20-002	• Christopher E. & Patricia A. Jones	vacant	

● Indicates property owners signing petition = 7 of 11 or 64%

\*\* Power of Attorney for Sewer Improvements

**BOUNDARY OF THE 26 ROAD AND F 1/2 ROAD SANITARY  
SEWER IMPROVEMENT DISTRICT**



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

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS  
CONNECTED WITH SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-47-05  
AND GIVING NOTICE OF A PUBLIC HEARING**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Sanitary Sewer Improvement District No. SS-47-05; and

WHEREAS, the City Council has caused to be prepared a statement showing the total assessable costs associated with Sanitary Sewer Improvement District No. SS-47-05 to be apportioned upon and levied against the real property comprising the District Lands which specifically benefit from the improvements associated with said District.

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

1. That the improvements connected with Sanitary Sewer Improvement District No. SS-47-05 be, and the same are hereby, approved and accepted; that the statement showing the total assessable costs associated with said District be, and the same is hereby, approved and accepted as the statement of the assessable costs of said Sanitary Sewer Improvement District No. SS-47-05.
2. That the costs connected with Sanitary Sewer Improvement District No. SS-47-05 be apportioned upon and levied against the real property comprising the District Lands.
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share to be apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the City Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, being Ordinance No. 178, as amended, and People's Ordinance No. 33.



PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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President of the Council

Attest:

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City Clerk

## NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for April 19, 2006, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Sanitary Sewer Improvement District No. SS-47-05, and all persons interested therein, as follows:

That the City of Grand Junction has completed and the Grand Junction City Council has accepted the improvements connected with Sanitary Sewer Improvement District No. SS-47-05. Said District and improvements are authorized by and in accordance with the terms and provisions of City Resolution No. 148-05, passed and adopted by the Grand Junction City Council on the 7th day of September, 2005, whereby said City Council declared its intention to create said District, and by City Resolution No. 165-05, passed and adopted by the Grand Junction City Council on the 19th day of October, 2005, whereby the Grand Junction City Council created and established said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of said City, being Ordinance No. 178, as amended.

That the whole cost of the improvements connected with said District and to be assessed against the District Lands, as hereinafter described, has been definitely ascertained and is in the sum of \$84,897.56. Said sum includes a one-time charge of six percent (6%) for costs of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the city of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements; and that the owner(s) so paying shall be entitled to an allowance of six percent (6%) for costs of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice; that any such complaints or objections will be heard and determined by the said City Council at a public hearing on Wednesday, April 19, 2006, at 7:00 p.m. in the City Council Chambers located at Grand Junction City Hall, 250 North 5<sup>th</sup> Street in Grand Junction, Colorado, at which time the said City Council will consider passage of a proposed ordinance to assess the cost of said improvements against the real estate in said District, and against the respective owners of said real estate, as by law provided.

That the sum of \$84,897.56 for improvements connected with Sanitary Sewer Improvement District No. SS-47-05 is to be apportioned against the real estate in said

District and against the owners respectively as by law provided in the following proportions and amounts severally, as follows, to wit:

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-034-00-076	Beginning at a point 200 feet South of the Northeast corner of the SE1/4 of Section 3, T1S, R1W, of the Ute Meridian; thence West 435.6 feet; thence South 100 feet; thence East 435.6 feet; thence North 100 feet to the point of beginning, City of Grand Junction.	\$7,717.96
2945-034-00-077	Beginning 400 feet South and 247.8 feet West of the NE corner of the NE1/4SE1/4 Section 3, T1S, R1W, of the Ute Meridian; thence West 187.8 feet; thence North 200 feet; thence West to the northerly right-of-way of the Grand Valley canal; thence southeasterly along the said northerly right-of-way to a point due South of the point of beginning; thence North to the beginning, City of Grand Junction	\$7,717.96
2945-034-00-078	Beginning at a point 300 feet South of the Northeast corner of the NE1/4SE1/4 of Section 3 in Township 1 South, Range 1 West of the Ute Meridian; thence West 435.6 feet; thence South 100 feet; thence East 435.6 feet; thence North 100 feet to the point of beginning; EXCEPT a tract of land as described in Quit Claim Deed recorded in Book 955 on Page 544 of the Mesa County records, City of Grand Junction	\$7,717.96
2945-034-00-097	Beginning at a point 400 feet South of the Northeast Corner of the NE 1/4 SE 1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence west 247.8 feet; thence South to the North bank of the Grand Valley Irrigation Company Canal; thence in an Easterly direction along the said North bank of the Grand Valley Irrigation Company Canal to a point South of the point of beginning; thence North to the Point of Beginning, City of Grand Junction	\$7,717.96

2945-034-00-165	Beginning 100 feet South of the E1/4 corner of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence West 230 feet; thence South 60 feet; thence West 511.9 feet; thence South 42°16' East 52.24 feet; thence East 705.6 feet; thence North 100 feet to the point of beginning. EXCEPT the East 30 feet thereof for road right-of-way; AND Beginning 100.00 feet South and 230.00 feet West of the E1/4 corner of said Section 3; thence South 90°00'00" West 12.44 feet; thence South 05°35'48" East 59.62 feet; thence North 89°54'45" West 43.76 feet; thence South 01°42'01" East 0.73 feet; thence South 90°00'00" East 50.36 feet; thence North 00°00'00" West 60.00 feet to the point of beginning. EXCEPT Beginning 160.00 feet South and 280.36 feet West of the E1/4 corner of said Section 3; thence South 01°42'01" East 5.86 feet thence South 89°13'19" West 82.47 feet thence North 03°30'03" West 6.99 feet; thence North 90°00'00" East 82.72 feet to the point of beginning. City of Grand Junction	\$7,717.96
2945-023-00-007	All that part of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section Two (2) in Township One (1) South, Range One (1) West of the Ute Meridian, lying North of the Right of Way of the canal of The Grand Valley Irrigation Company; EXCEPT the East 5 feet thereof; AND ALSO EXCEPT the North 35 feet thereof; AND ALSO EXCEPT Beginning at a point 35 feet South 00°01' West and 5 feet South 89°50' West from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 2; thence South 0°01' West parallel to the East line of the Northwest Quarter of the Southwest Quarter of said Section 2, 432.66 feet to the canal; thence along the canal North 73°23' West 75.21 feet; thence North 53°13' West 40.81 feet, thence North 00°01' East 386.41 feet; thence South 89°50' East parallel to the North line of the Southwest Quarter of said Section 2, 104.80 feet to the point of beginning, City of Grand Junction	\$7,717.96

2945-023-00-008	Beginning at a point 2421 feet North and 217.8 feet East of the Southwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence North 200 Feet; thence East 217.8 feet; thence South 200 feet; thence West 217.8 feet to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-00-011	Beginning at a point 1988.4 feet North of the Southwest Corner of Section 2, Township 1 South, Range 1 West, Ute Meridian; thence North 210 feet; thence East 313 feet; thence South 107.8 feet; thence South 71°54' West 329.3 feet to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-00-044	Beginning 2198.4 feet North of the SW corner Section 2, T1S, R1W, of the Ute Meridian; thence North 222.6 feet; thence East 195.69 feet; thence South 222.6 feet; thence West to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-20-001	Lot 1 Knoll Ridge Subdivision TOGETHER WITH that portion of a vacated road as described in Book 2651, Page 809 in the Mesa County records, City of Grand Junction	\$7,717.96
2945-023-20-002	Lot 2, Knoll Ridge Subdivision, City of Grand Junction	\$7,717.96

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

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-47-05, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11<sup>TH</sup> DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT**

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Sanitary Sewer Improvement District No. SS-47-05, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Sanitary Sewer Improvement District No. SS-47-05, and the apportionment of cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Sanitary Sewer Improvement District No. SS-47-05, in the City of Grand Junction, Colorado, which said Notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on March 17, 2006, and the last publication thereof appearing on March 19, 2006); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Sanitary Sewer Improvement District No. SS-47-05, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer Improvement District No. SS-47-05 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$84,897.56, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-034-00-076	Beginning at a point 200 feet South of the Northeast corner of the SE1/4 of Section 3, T1S, R1W, of the Ute Meridian; thence West 435.6 feet; thence South 100 feet; thence East 435.6 feet; thence North 100 feet to the point of beginning, City of Grand Junction.	\$7,717.96
2945-034-00-077	Beginning 400 feet South and 247.8 feet West of the NE corner of the NE1/4SE1/4 Section 3, T1S, R1W, of the Ute Meridian; thence West 187.8 feet; thence North 200 feet; thence West to the northerly right-of-way of the Grand Valley canal; thence southeasterly along the said northerly right-of-way to a point due South of the point of beginning; thence North to the beginning, City of Grand Junction	\$7,717.96
2945-034-00-078	Beginning at a point 300 feet South of the Northeast corner of the NE1/4SE1/4 of Section 3 in Township 1 South, Range 1 West of the Ute Meridian; thence West 435.6 feet; thence South 100 feet; thence East 435.6 feet; thence North 100 feet to the point of beginning; EXCEPT a tract of land as described in Quit Claim Deed recorded in Book 955 on Page 544 of the Mesa County records, City of Grand Junction	\$7,717.96

2945-034-00-097	Beginning at a point 400 feet South of the Northeast Corner of the NE 1/4 SE 1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence west 247.8 feet; thence South to the North bank of the Grand Valley Irrigation Company Canal; thence in an Easterly direction along the said North bank of the Grand Valley Irrigation Company Canal to a point South of the point of beginning; thence North to the Point of Beginning, City of Grand Junction	\$7,717.96
2945-034-00-165	Beginning 100 feet South of the E1/4 corner of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence West 230 feet; thence South 60 feet; thence West 511.9 feet; thence South 42°16' East 52.24 feet; thence East 705.6 feet; thence North 100 feet to the point of beginning. EXCEPT the East 30 feet thereof for road right-of-way; AND Beginning 100.00 feet South and 230.00 feet West of the E1/4 corner of said Section 3; thence South 90°00'00" West 12.44 feet; thence South 05°35'48" East 59.62 feet; thence North 89°54'45" West 43.76 feet; thence South 01°42'01" East 0.73 feet; thence South 90°00'00" East 50.36 feet; thence North 00°00'00" West 60.00 feet to the point of beginning. EXCEPT Beginning 160.00 feet South and 280.36 feet West of the E1/4 corner of said Section 3; thence South 01°42'01" East 5.86 feet thence South 89°13'19" West 82.47 feet thence North 03°30'03" West 6.99 feet; thence North 90°00'00" East 82.72 feet to the point of beginning. City of Grand Junction	\$7,717.96



2945-023-00-007	All that part of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section Two (2) in Township One (1) South, Range One (1) West of the Ute Meridian, lying North of the Right of Way of the canal of The Grand Valley Irrigation Company; EXCEPT the East 5 feet thereof; AND ALSO EXCEPT the North 35 feet thereof; AND ALSO EXCEPT Beginning at a point 35 feet South 00°01' West and 5 feet South 89°50' West from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 2; thence South 0°01' West parallel to the East line of the Northwest Quarter of the Southwest Quarter of said Section 2, 432.66 feet to the canal; thence along the canal North 73°23' West 75.21 feet; thence North 53°13' West 40.81 feet, thence North 00°01' East 386.41 feet; thence South 89°50' East parallel to the North line of the Southwest Quarter of said Section 2, 104.80 feet to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-00-008	Beginning at a point 2421 feet North and 217.8 feet East of the Southwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence North 200 Feet; thence East 217.8 feet; thence South 200 feet; thence West 217.8 feet to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-00-011	Beginning at a point 1988.4 feet North of the Southwest Corner of Section 2, Township 1 South, Range 1 West, Ute Meridian; thence North 210 feet; thence East 313 feet; thence South 107.8 feet; thence South 71°54' West 329.3 feet to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-00-044	Beginning 2198.4 feet North of the SW corner Section 2, T1S, R1W, of the Ute Meridian; thence North 222.6 feet; thence East 195.69 feet; thence South 222.6 feet; thence West to the point of beginning, City of Grand Junction	\$7,717.96
2945-023-20-001	Lot 1 Knoll Ridge Subdivision TOGETHER WITH that portion of a vacated road as described in Book 2651, Page 809 in the Mesa County records, City of Grand Junction	\$7,717.96
2945-023-20-002	Lot 2, Knoll Ridge Subdivision, City of Grand Junction	\$7,717.96

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty (30) days shall be conclusively considered and held an election on the part of such owner to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of eight percent (8%) per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to

become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of eight percent (8%) per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at the rate of eight percent (8%) per annum as aforesaid; and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty (30) days after the final publication of this Ordinance, and an allowance of the six percent (6%) added for cost of collection and other incidentals shall be made on all payments made during said period of thirty (30) days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Sanitary Sewer Improvement District No. SS-47-05 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Sanitary Sewer Improvement District No. SS-47-05, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading, shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten (10) days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the city of Grand Junction.

Introduced on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed and Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2006

Attest:

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City Clerk  
the Council

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President of

**Attach 8**

Construction Contract for 2006 Alley Improvement District

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	2006 Alley Improvement District					
<b>Meeting Date</b>	March 15, 2006					
<b>Date Prepared</b>	March 9, 2006			File # - N/A		
<b>Author</b>	Mike Curtis, Project Engineer					
<b>Presenter Name</b>	Mark Relph, Public Works & Utilities Director					
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** This project consists of construction of concrete pavement and replacement of one deteriorated sewer line. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing gas lines in one alley.

The work will take place in 7 alleys and a section of 14<sup>th</sup> Street between North Avenue and Glenwood Avenue which is not part of the 2006 Alley Improvement District.

**Budget:** This project is funded under Funds 2011 and 905 for Program Year 2006.

The estimated project costs are:

	14 <sup>th</sup> Street Sewer Replacement	14 <sup>th</sup> Street Reconstruction	Alley Construction
Construction Contract	\$20,548.20	\$37,854.95	\$296,410.86
Design	\$838.52	\$0.00	\$15,461.72
Construction Inspection & Admin	\$3,000.00	\$3,000.00	\$19,000.00
<b>Total Project Costs</b>	<b>\$24,386.72</b>	<b>\$40,854.95</b>	<b>\$330,872.58</b>
Budget (14 <sup>th</sup> Street Sewer Fund 905 F10312)	\$0.00		
Budget (14 <sup>th</sup> Street 2011 F00468)		\$0.00	
Budget Fund 905 F10300	\$168,300.00		

Budget (Alley Fund-2011 F00709)			\$370,000.00
Balance in 2006	\$143,913.28		\$39,127.42

\$23,548.20 for the 14<sup>th</sup> Street sewer replacement will be reallocated within Fund 905 from Sewer Line replacements Alley Reconstruction to Sewer Line replacements in Collection System. The shortfall of \$40,854.95 for the 14<sup>th</sup> Street reconstruction will be transferred into 2011-F00468 from 2011-F00400 (Contract Street Maintenance).

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **2006 Alley Improvement District** with Reyes Construction, Inc. in the amount of \$354,814.00.

**Attachments:** none

**Background Information:**

Bids for the project were opened on February 28, 2006. The low bid was submitted by Reyes Construction, Inc. in the amount of \$354,814.00. The following bids were received:

Bidder	From	Bid Amount
Reyes Construction Inc.	Grand Junction	\$354,814.00
BPS Concrete, Inc.	Grand Junction	\$364,694.99
Engineers Estimate		\$386,552.00

The sanitary sewer is being replaced in this street and the street reconstructed with concrete pavement. The locations are tabulated below:

5 <sup>th</sup> to 6 <sup>th</sup> Street between Teller Ave. and Belford Ave.; pavement
10 <sup>th</sup> to 11 <sup>th</sup> Street between Rood Ave. and Main Street.; pavement
11 <sup>th</sup> to 12 <sup>th</sup> Street between Rood Ave. and Main Street.; pavement
Hall Ave. to Orchard Ave. between 17 <sup>th</sup> and 18 <sup>th</sup> Street.; pavement
Walnut Ave. to Bookcliff Ave. between 21 <sup>st</sup> and 22 <sup>nd</sup> Street; pavement
Orchard Ave. to Walnut Ave. between 22 <sup>nd</sup> Street and Linda Lane; pavement
Grand Ave. to Ouray Ave. between 23 <sup>rd</sup> to 24 <sup>th</sup> Street; pavement
14 <sup>th</sup> Street between North Ave. and Glenwood.; sewer and pavement (not part of Alley Improvement District)

The project schedule is as follows:

Xcel Energy Gas Relocation Start	March 2006
2006 Alley Improvement District Construction Start	March 27, 2006
2006 Alley Improvement District Construction Completed	July 28, 2006

**Attach 9**

Garage Doors for City Shops

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Purchase and Installation of Garage Doors for City Shops						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 9, 2006						
<b>Author</b>	Scott Hockins		Senior Buyer				
<b>Presenter Name</b>	Mark Relph		Public Works & Utilities Director				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This request is for the replacement of seventeen garage doors and operators for the City Fleet Maintenance facility.

**Budget:** It is estimated this expenditure will be \$57,550. \$75,000 has been budgeted and approved in the 2006 Capital Improvement Fund for Fleet Facility Improvements.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to contract for all labor and materials needed to replace seventeen garage doors and operators from E&E Door and Window, Grand Junction, Colorado in the amount of \$57,550.

**Attachments:** N/A

**Background Information:** Due to age and condition, the garage doors on the Fleet Maintenance Facility are in need of repair. A formal solicitation (IFB-1616-06-SDH) was prepared seeking bids from interested and qualified companies. Six local companies were notified, and a legal advertisement was placed in a Sunday edition of the Daily Sentinel. Three companies responded with formal bids in the following amounts:

- Overhead Door Company, Grand Junction      \$64,701
- Bratton Window and Door, Grand Junction      \$68,548
- E&E Door and Window, Grand Junction      \$57,550

The new doors will have improved safety features, will be more energy efficient, and will have a tempered glass section to allow for more natural light.



**Attach 10**  
2006 Police Patrol Vehicles

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Purchase Four 2006 Police Patrol Vehicles						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 9, 2006						
<b>Author</b>	Shirley Nilsen		Senior Buyer				
<b>Presenter Name</b>	Ron Lappi Mark Relph		Administrative Services Director Public Works & Utilities Director				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Replacement purchase of four Police Patrol vehicles. These units are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

**Budget:** \$112,000.00 has been budgeted and approved in the Fleet replacement budget for replacement of these units in 2006.

**Action Requested/Recommendation:** Authorize the City Purchasing Division to purchase four Ford Crown Victoria Police Patrol Vehicles from Western Slope Auto, Grand Junction, CO in the amount of \$97,520.00.

**Background Information:** The solicitation was advertised in the Daily Sentinel and invitations were sent to Thirty-three (33) potential Bidders. Two (2) responsive and responsible bids were received. The bid tabulation is found below. The Fleet Manager and Purchasing Manager agree with this recommendation.

<b>Company</b>	<b>Each Price</b>	<b>Total of 4</b>
Western Slope Ford	\$24,380.00	\$ 97,520.00
Lakewood Fordland (State of Colorado Award)	\$25,008.00	\$100,032.00

**Attach 11**

Design Services for Visitor and Convention Center Remodel

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Design Services for the Visitor Convention Center Remodel						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 6, 2006						
<b>Author</b>	Scott Hockins		Senior Buyer				
<b>Presenter Name</b>	Debbie Kovalik Mark Relph		Executive Director, VCB Public Works and Utilities Director				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>		
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This request is for two phases of professional architectural services from G.S. Robson-Architecture, Inc. The first phase is to design the addition and interior remodel of the Grand Junction Visitor Center, the second phase is to oversee and administer actual construction.

**Budget:** Phase 1 costs will be \$24,600, Phase 2 will be \$14,400 for a total expenditure of \$39,000. \$275,000 has been budgeted and approved in the 2006 and 2007 FY Capital Improvement Visitor and Convention Bureau budget for the completion of the proposed remodel.

**Action Requested/Recommendation:** Authorize the City Purchasing Division to contract the architectural services from G.S. Robson-Architecture, Inc. for the addition and remodel of the Grand Junction Visitor Center, in the amount of \$39,000.

**Attachments:** N/A

**Background Information:** The addition and remodel are proposed to alleviate space constraints and address inadequacies in the current building, specifically the HVAC system, location of mechanical and telephone equipment, and storage needs

- G.S. Robson Architecture, Inc. conducted a space needs utilization study in December 2005, then prepared schematic designs after discussing current and future use patterns with the facility's administration staff.

- The proposed design indicates a 1,068 square foot addition to the existing building and a re-design of the current space to more effectively service the customers of the City of Grand Junction.
- The Architectural Services (Phase 1) include the Architectural design, Civil Engineer, Structural Engineer, Mechanical Engineer, Electrical Engineer, and the Landscape Architect, for a fixed fee of \$24,600.
- Contract Administration (Phase 2) services include site observations, general construction review, shop drawings review, Contractor's Application for Payment review, and general availability to the Contractor for questions, for a fixed fee of \$14,400.

After discussions among City staff and Public Works engineers, it has been determined that it is in the best interest of the City of Grand Junction, to take advantage of G.S. Robson-Architecture's, architectural expertise based on previous Visitor Center building projects and is recommended as the best use of City resources. Council approval is requested for the full amount of \$39,000 for both Architectural Services and Contract Administration.

**Attach 12**

Intergovernmental Agreement with CDOT for Construction of C-340 (Broadway) Improvements

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Intergovernmental Agreement with CDOT for the Construction of C-340 (Broadway) Improvements					
<b>Meeting Date</b>		March 15, 2006					
<b>Date Prepared</b>		March 9, 2006			<b>File #</b>		
<b>Author</b>		Jim Shanks		Riverside Parkway Program Manager			
<b>Presenter Name</b>		Mark Relph		Public Works & Utilities Director			
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The Riverside Parkway Project includes improvements to the intersection of Riverside Parkway and C-340 (Broadway). The addition of a new ramp connection at this intersection and the lengthening of the CDOT bridges over the Union Pacific Railroad requires an Intergovernmental Agreement with CDOT.

**Budget:** There are no budget impacts with this IGA. The City of Grand Junction will be paying for all of the improvements. CDOT will pay for their staff time to review the plans and construction.

**Action Requested/Recommendation:** Pass and adopt attached resolution.

**Attachments:** Proposed Resolution

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

Phase 2 of Riverside Parkway includes an improved connection at C-340 Highway (Broadway). This connection includes a new ramp to Riverside Parkway and will include the lengthening of the CDOT bridges over the Union Pacific Railroad to accommodate Riverside Parkway. City and CDOT responsibilities are as follows:

**DESIGN**

**The City of Grand Junction shall:**

- Develop and provide for CDOT review, plans and specifications for work within and on CDOT right-of-way utilizing current applicable State and Federal design guidelines and manuals, including CDOT's 2005 Standard Specifications for Road and Bridge Construction.
- Coordinate and conduct meetings with CDOT for review of construction plans and specifications.
- Coordinate with all affected utility owners and railroads to identify existing facilities, determine where conflicts exist, and negotiate relocation requirements.
- Provide a Professional Engineer (PE) registered in Colorado who will be in responsible charge of the work and stamp the project construction plans.
- Advertise project to perspective bidders and award contract.

**CDOT shall:**

- Attend and participate in scheduled design meetings as reasonably required by CDOT or the City on an as-needed basis.
- Review submittals, plans and specifications for work within CDOT right-of-way and participate in design and construction coordination with the City. CDOT review may include but not be limited to: roadway geometry within CDOT right of way, traffic signal equipment to be installed on CDOT facilities (controllers, mast arms, signs, etc.) and structural design and detail elements of bridges. CDOT may require as part of its review any and all Federal or CDOT bridge specifications and/or construction inspection and testing procedures.
- Review submittals, plans and specifications within a maximum 10 days from receipt.
- Upon CDOT's approval of the plans, specifications and required project documentation for work within CDOT's right of way, CDOT will issue a Notice to Proceed for Advertisement.

**CONSTRUCTION**

**The City of Grand Junction shall:**

- Issue Notice to Proceed to the contractor.
- Conduct Preconstruction Conference and invite CDOT to the conference.
- Provide a Professional Engineer registered in Colorado who will be in responsible charge of the construction supervision.

- The City shall make provisions to allow CDOT full and unimpeded access and cooperation to inspect any and all elements of work within CDOT right-of-way.
- Complete all Quality Control and Quality Assurance testing for all Materials incorporated into all work elements constructed within CDOT right-of-way.
- Complete all Owner Verification Tests for all Materials incorporated into all work elements constructed within CDOT right-of-way.
- Complete additional Materials tests on work elements constructed within CDOT right-of-way as requested by CDOT.
- Complete and document all inspections/audits of construction within CDOT right-of-way.
- Provide CDOT 'Final As-Built' plans for all work elements constructed within CDOT right-of-way stamped by a Licensed Professional Engineer registered in the State of Colorado.
- Verify and certify all Construction elements and materials are completed in compliance with Plans and Standards by requiring the "Designer of Record" to perform on-site field inspections of work designed under their supervision and Professional Engineer License.
- Provide documentation of Materials Testing Results to CDOT weekly for all work elements completed within CDOT right-of-way.
- Provide for review to CDOT all remedial or corrective actions taken in response to all Non Compliance elements of work completed within CDOT right-of-way.
- Ensure and Verify all work and field conditions within CDOT right-of-way are designed, constructed and maintained in accordance with required Environmental Compliance Regulations and Best Management Practices.

**CDOT shall:**

- Attend and participate in construction coordination meetings as needed/requested.
- Review all submittals for CDOT specified Traffic Signal Equipment.
- Review all submittals for CDOT specified Bridge Structural requirements.
- Review and approve concrete and hot bituminous pavement mix designs for work elements within CDOT right-of-way.
- Perform all Independent Assurance Tests for all materials testing processes of Materials tested for work elements completed within CDOT right-of-way.
- Perform project construction site inspections to monitor work and compliance.
- Perform inspections of documents prepared by the City to verify compliance.
- Perform inspections and review documents for bridge girder erection to help the City enforce the Contractor's compliance with requirements of the specifications, particularly Section 509 and Section 618 of the 2005 CDOT Standard Specifications for Road and Bridge Construction.
- Review working day / hour restrictions on our CDOT systems.

- Review lane closure restrictions on CDOT systems or minimal level of service to be maintained at all times during the work.
- Pay its estimated cost(s). The City shall not be liable for any amount in excess of the estimate nor shall it claim right to payment for any cost(s) that are saved or avoided.

**.Recommendation:** Adopt the Resolution authorizing the City Manager to sign the Intergovernmental Agreement with CDOT for the design and construction of the C-340 connection to Riverside Parkway.

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

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF GRAND JUNCTION AND THE COLORADO DEPARTMENT  
OF TRANSPORTATION (CDOT) REGARDING C-340 / RIVERSIDE PARKWAY  
INTERSECTION.**

RECITALS:

The City of Grand Junction's Riverside Parkway project includes an improved intersection with C-340 Highway including a new ramp and an extension of the CDOT bridges over the Union Pacific Railroad. These new improvements to the CDOT facilities require that the City enter into an Intergovernmental agreement with CDOT.

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

- a. The agreement attached hereto outlines construction and maintenance responsibilities is authorized and approved.
- b. Approval of the agreement authorizes the expenditure(s) as provided by the agreement and for the purposes of the agreement.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2006

CITY OF GRAND JUNCTION, COLORADO

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

ATTEST:

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



## INTERGOVERNMENTAL AGREEMENT

**THIS INTERGOVERNMENTAL AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_ 2005, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation hereinafter referred to as the State and CITY OF GRAND JUNCTION, 250 North 5<sup>th</sup> Street, Grand Junction, Colorado, 81501, FEIN: 846000592, hereinafter referred to as the “City” or the “Local Agency.”

### **RECITALS**

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Appropriation Code 010, Organization Number 9991, Program 2000, Function 3020 Object 2312 1N Phase D, Reporting Category 3410, Contract Encumbrance Number 15062, (Contract Encumbrance Amount: \$0.00).
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Pursuant to 43-2-104.5 C.R.S. as amended, the State may contract with Local Agencies to provide maintenance and construction of highways that are part of the state (or local agency) highway system.
4. Pursuant to 43-2-144 C.R.S., as amended, 43-3-101 C.R.S., as amended, 43-2-147 C.R.S., as amended, 29-1-203 C.R.S., as amended, and State Highway Access Code, 2 CCR 601-1, as amended, the State may contract with Local Agencies to provide for the design, construction, and maintenance of highways that are part of the state highway system or that are part of the Local Agency’s road system.
5. Local Agency anticipates a project on SH 340 to extend two CDOT railroad overpass bridges over the Riverside Parkway and intersection improvements at River Road, referred to as the “Project” or the “Work”, by the date of execution of this Intergovernmental Agreement, the Local Agency and/or the State has completed and submitted a Scope of Work (Exhibit A) describing the general nature of the Work. That Scope of Work is acceptable to the parties.
6. The State will provide design and construction review services for the project at its own cost and expense.
7. The Local Agency has funds available and desires to provide 100% of the funding for its own design and construction costs of the work.

8. The Local Agency has estimated the total cost of the work and is prepared to provide the funding required for the work, as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this Intergovernmental Agreement and to expend its funds for the work under the project. A copy of that ordinance or resolution is attached hereto and incorporated herein as Exhibit B.

9. For the purposes of this IGA, "Local Agency Project" shall be defined as the proposed improvements, as illustrated on the map included in Exhibit A.

10. The Local Agency has determined that it will be able to meet the Maintenance Activities of the Work, which will continue into the indefinite future.

11. This Intergovernmental Agreement is executed under the authority of §§ 29-1-203, 43-1-110; 43-1-116, 43-2-101(4)(c) and 43-2-144, C.R.S. and Exhibit B.

12. The parties hereto desire to agree upon the division of responsibilities with regard to the project as outlined in Exhibit A.

## **THE PARTIES NOW AGREE THAT:**

### **Section 1. Scope of Work**

The Project or the Work under this Intergovernmental Agreement shall consist of design and construction by the Local Agency and design and construction review services by CDOT for the work within CDOT Right of Way, in Grand Junction, Colorado, as more specifically described in Exhibit A, which is attached hereto and made a part hereof.

### **Section 2. Order of Precedence**

In the event of conflicts or inconsistencies between this Intergovernmental Agreement and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. This Intergovernmental Agreement
2. Exhibit A (Scope of Work)
3. Exhibit C (Contract Modification Tools)
4. Other Exhibits in descending order of their labeling.

### **Section 3. Term**

This Intergovernmental Agreement shall be effective upon approval of the State Controller or designee, or on the date made, whichever is later. The term of this Intergovernmental Agreement shall continue through the completion and final acceptance of the Project by the State and the Local Agency.

#### **Section 4. Project Funding Provisions**

A. Each party shall pay for its respective project costs at its own expense. The financial obligations of each party are subject to annual appropriation of funds.

B. The parties hereto agree that this intergovernmental agreement is contingent upon all funds designated for the Project being made available, appropriated and lawfully expended. Should these sources fail to provide necessary funds as agreed upon herein, the intergovernmental agreement may be terminated, by either party, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

#### **Section 5. State and Local Agency Commitments**

A. The Local Agency shall be responsible to perform all:

1. pre-construction activities and
2. construction activities and,
3. maintenance activities as described in Section 10.

B. CDOT shall provide design and construction review and oversight services including oversight of the environmental assessment of the project and shall perform the maintenance activities described in Section 10.

C. In performing each of the tasks comprising the Work, each of the Parties agrees to comply with:

1. applicable requirements and standards in applicable laws, regulations, policies, procedures, and guidelines.
2. applicable terms and conditions of this IGA, including those process and task requirements and standards stated below.

D. The Local Agency shall:

1. all applicable, current requirements of Federal and State law and regulations;
- and
2. all applicable CDOT Manuals and Standards (including, e.g., the State's Roadway and Bridge Design Manuals and 2005 Standard Specifications for Road and Bridge Construction); and
  3. That all the applicable requirements of the latest edition of the American Association of State Highway Transportation Officials (AASHTO) manual are reasonably satisfied.

E. The State will perform a final inspection of the work within the CDOT right of way prior to acceptance of the Work. When all Work has been completed in accordance with the plans and specifications and applicable legal and regulatory standards, as certified through City's oversight and inspections, CDOT will accept the Work.

## **Section 6. ROW Acquisition and Relocation**

A. The parties do not anticipate acquiring any additional CDOT right of way. If any additional right of way is needed for the State Highway System, acquisition/relocation activities must comply with all federal and state statutes, regulations, CDOT policies and procedures, 49 CFR Part 24, the government wide Uniform Act regulation, the FHWA Project Development Guide and CDOT's Right of Way Operations Manual.

The City will certify in writing that all right of way has been acquired in accordance with the applicable State and federal regulations, or that no additional right of way is required.

Allocation of Responsibilities can be as follows:

- Federal participation in right of way acquisition (3111 charges), relocation (3109 charges) activities, if any, and right of way incidentals (expenses incidental to acquisition/relocation of right of way- 3114 charges);
- Federal participation in right of way acquisition (3111 charges), relocation (3109 charges) but no participation in incidental expenses (3114 charges);  
or
- No Federal participation in right of way acquisition (3111 charges) and relocation activities (3109 expenses).

Regardless of the option selected above, the State retains oversight responsibilities. The Local Agency's and the State's responsibilities for each option is specifically set forth in CDOT's Right of Way Operation Manual. The manual is located at <http://www.dot.state.co.us/DevelopProjects/DesignSupport>.

## **Section 7. Utilities**

A. The Local Agency will be responsible for obtaining the proper clearance or approval from any utility company which may become involved in this Project. Prior to this Project being advertised for bids, the Local Agency will certify in writing to the State that all such clearances have been obtained.

## **Section 8. Railroads**

A. The City acknowledges that review and/or approval by the Public Utilities Commission of the proposed improvements may be required. The City agrees that it shall not proceed with that part of the Work over which the PUC has jurisdiction without PUC approval.

B. The City has negotiated with the railroad and by the time of completion of construction the City will have a written agreement concerning:

1. what Work is to be accomplished and the location(s) thereof.
2. the railroad's estimate of the cost of the Work it will perform, if any.
3. future maintenance responsibilities for the proposed installation.
4. future use or dispositions of the proposed improvements in the event of abandonment or elimination of a grade crossing.
5. future repair and/or replacement responsibilities in the event of accidental destruction or damage to the installation.

## **Section 9. Environmental Obligations**

A. The Local Agency shall perform all Work in accordance with the applicable requirements of the current federal and state environmental regulations including the National Environmental Policy Act of 1969 (NEPA). A Storm Water Management Plan shall be incorporated into the bid plans that comply with the Colorado Department of Public Health and Environment regulations.

## **Section 10. Maintenance Obligations**

The Local Agency will maintain and operate the improvements constructed under this contract which are not located on the state highway system, at its own cost and expense during their useful life, in a manner satisfactory to the State. The Local Agency will maintain and operate all the landscaping and lighting features installed on this project that lie within the CDOT right of way, at its own cost and expense during their useful life, in a manner satisfactory to the State. The Local Agency will make proper provisions for such maintenance obligations each year. Such maintenance and operations shall be conducted in accordance with all applicable statutes, ordinances and regulations which define the Local Agency's obligations to maintain such improvements. The State and FHWA will make periodic inspections of the project to verify that such improvements are being adequately maintained. Maintenance for improvements located on the state highway system will be performed by the State or by separate contract.

## **Section 11. Record Keeping**

A. The parties shall maintain a complete file of all records, documents, communications, and other written materials, which pertain to the costs incurred under this Intergovernmental Agreement. The parties shall maintain such records for a period of six (6) years after the date of termination of this Intergovernmental Agreement or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. The parties shall make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of either party and FHWA to inspect the project and to inspect, review and audit the project records.

## **Section 12. Termination Provisions**

This Intergovernmental Agreement may be terminated as follows:

A. Termination for Convenience. The State may terminate this Intergovernmental Agreement at any time the State determines that the purposes of the distribution of moneys under the Intergovernmental Agreement would no longer be served by completion of the project. The State shall effect such termination by giving written notice of termination to the Local Agency and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.

B. Termination for Cause. If, through any cause, the Local Agency shall fail to fulfill, in a timely and proper manner, its obligations under this Intergovernmental Agreement, or if the Local Agency shall violate any of the covenants, agreements, or stipulations of this Intergovernmental Agreement, the State shall thereupon have the right to terminate this Intergovernmental Agreement for cause by giving written notice to the Local Agency of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Local Agency under this Intergovernmental Agreement shall, at the option of the State, become its property, and the Local Agency shall be entitled to receive just and equitable compensation for any services and supplies delivered and accepted. The Local Agency shall be obligated to return any payments advanced under the provisions of this Intergovernmental Agreement.

Notwithstanding the above, the Local Agency shall not be relieved of liability to the State for any direct damages sustained by the State by virtue of any breach of the Intergovernmental Agreement by the Local Agency, and the State may withhold payment to the Local Agency for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Local Agency is determined.

If after such termination it is determined, for any reason, that the Local Agency was not in default or that the Local Agency's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and

obligations of the parties shall be the same as if the Intergovernmental Agreement had been terminated for convenience, as described herein.

### **Section 13. Legal Authority**

A. The Local Agency warrants that it possesses the legal authority to enter into this Intergovernmental Agreement and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Intergovernmental Agreement and to bind the Local Agency to its terms. The person(s) executing this Intergovernmental Agreement on behalf of the Local Agency warrants that such person(s) has full authorization to execute this Intergovernmental Agreement.

### **Section 14. Representatives and Notice**

A. The State will provide liaison with the Local Agency through the State's Region Director, Region 3, 222 6<sup>th</sup> Street, Room 317, Grand Junction, Colorado 81501, (970) 248-7225. Said Region Director will also be responsible for coordinating the State's activities under this Intergovernmental Agreement and will also issue a "Notice to Proceed" to the Local Agency for commencement of the Work. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region 3 and the Local Agency. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either party may from time to time designate in writing new or substitute representatives.

If to State:  
Ed Fink  
Region Transportation Director  
CDOT Region 3  
222 South 6<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 248-7225

If to the Local Agency:  
Project Manager  
Jim Shanks  
City of Grand Junction  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 244-1543

### **Section 15. Successors**

A. Except as herein otherwise provided, this Intergovernmental Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

### **Section 16. Third Party Beneficiaries**

A. It is expressly understood and agreed that the enforcement of the terms and conditions of this Intergovernmental Agreement and all rights of action relating to such enforcement, shall be strictly reserved to the State and the Local Agency. Nothing

contained in this Intergovernmental Agreement shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the Local Agency that any such person or entity, other than the State or the Local Agency receiving services or benefits under this Intergovernmental Agreement shall be deemed an incidental beneficiary only.

### **Section 17. Governmental Immunity**

A. Notwithstanding any other provision of this Intergovernmental Agreement to the contrary, no term or condition of this Intergovernmental Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as now or hereafter amended. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of either party, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of § 24-10-101, et seq., C.R.S., as now or hereafter amended and the risk management statutes, §§ 24-30-1501, et seq., C.R.S., as now or hereafter amended.

### **Section 18. Severability**

A. To the extent that this Intergovernmental Agreement may be executed and performance of the obligations of the parties may be accomplished within the intent of the Intergovernmental Agreement, the terms of this Intergovernmental Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

### **Section 19. Waiver**

A. The waiver of any breach of a term, provision or requirement of this Intergovernmental Agreement shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

### **Section 20. Entire Understanding**

A. This Intergovernmental Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved pursuant to the State Fiscal Rules.

### **Section 21. Survival of Intergovernmental Agreement Terms**



A. Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this Intergovernmental Agreement and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the Intergovernmental Agreement shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

## **Section 22. Modification and Amendment**

A. This Intergovernmental Agreement is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Intergovernmental Agreement on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this Intergovernmental Agreement shall be effective unless agreed to in writing by both parties in an amendment to this Intergovernmental Agreement that is properly executed and approved in accordance with applicable law.

## **Section 23. Funding Letters**

A. The State may allocate more or less funds available on this Intergovernmental Agreement using a Funding Letter substantially equivalent to Exhibit C and bearing the approval of the State Controller or his designee. The funding letter shall not be deemed valid until it shall have been approved by the State Controller or his designee.

## **Section 24. Disputes**

A. Except as otherwise provided in this Intergovernmental Agreement, any dispute concerning a question of fact arising under this Intergovernmental Agreement which is not disposed of by agreement will be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, the Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the Local Agency shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Local Agency shall proceed diligently with the performance of the Intergovernmental Agreement in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals will be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this Intergovernmental Agreement, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

## **Section 25. Single Audit Act Amendment**

All state and local government and non-profit organization Sub-Grantees receiving more than \$500,000 from all funding sources, that are defined as federal financial assistance for Single Audit Act Amendment purposes, shall comply with the audit requirements of OMB Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements that apply to Sub-Grantees receiving federal funds are as follows:

- a) If the Sub-Grantee expends less than \$500,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.
- b) If the Sub-Grantee expends more than \$500,000 in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.
- c) If the Sub-Grantee expends more than \$500,000 in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.
- d) Single Audit can only be conducted by an independent CPA, not by an auditor on staff.

An audit is an allowable direct or indirect cost.

**THE PARTIES HERETO HAVE EXECUTED THIS INTERGOVERNMENTAL AGREEMENT**

**CONTRACTOR:**

**STATE OF COLORADO:**

**BILL OWENS**

**GOVERNOR**

**CITY OF GRAND JUNCTION, COLORADO**

By \_\_\_\_\_

Legal Name of Contracting Entity

For Executive Director

Department of Transportation

**846000592**

Social Security Number or FEIN

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Print Name & Title of Authorized Officer

**CORPORATIONS:**

(A corporate seal or attestation is required.)

**Attest (Seal) By** \_\_\_\_\_

(Corporate Secretary or Equivalent, or Town/City/County Clerk)

## **Riverside Parkway and SH 340 IGA Scope of Services**

**Scope of Work: The City of Grand Junction anticipates a project on SH 340 in the City of Grand Junction to extend two CDOT railroad overpass bridges over the Riverside Parkway and intersection improvements at River Road. The work shall consist of design and construction by the City of Grand Junction and design and construction review services by CDOT for the work within CDOT right-of-way.**

### **DESIGN**

#### **The City of Grand Junction shall:**

- Develop and provide for CDOT review, plans and specifications for work within and on CDOT right-of-way utilizing current applicable State and Federal design guidelines and manuals, including CDOT's 2005 Standard Specifications for Road and Bridge Construction.
- Coordinate and conduct meetings with CDOT for review of construction plans and specifications.
- Coordinate with all affected utility owners and railroads to identify existing facilities, determine where conflicts exist, and negotiate relocation requirements.
- Provide a Professional Engineer (PE) registered in Colorado who will be in responsible charge of the work and stamp the project construction plans.
- Advertise project to perspective bidders and award contract.

#### **CDOT shall:**

- Attend and participate in scheduled design meetings as reasonably required by CDOT or the City on an as-needed basis.
- Review submittals, plans and specifications for work within CDOT right-of-way and participate in design and construction coordination with the City. CDOT review may include but not be limited to: roadway geometry within CDOT right of way, traffic signal equipment to be installed on CDOT facilities (controllers, mast arms, signs, etc.) and structural design and detail elements of bridges. CDOT may require as part of its review any and all Federal or CDOT bridge specifications and/or construction inspection and testing procedures.
- Review submittals, plans and specifications within a maximum 10 days from receipt.

- Upon CDOT's approval of the plans, specifications and required project documentation for work within CDOT's right of way, CDOT will issue a Notice to Proceed for Advertisement.

## **CONSTRUCTION**

### **The City of Grand Junction shall:**

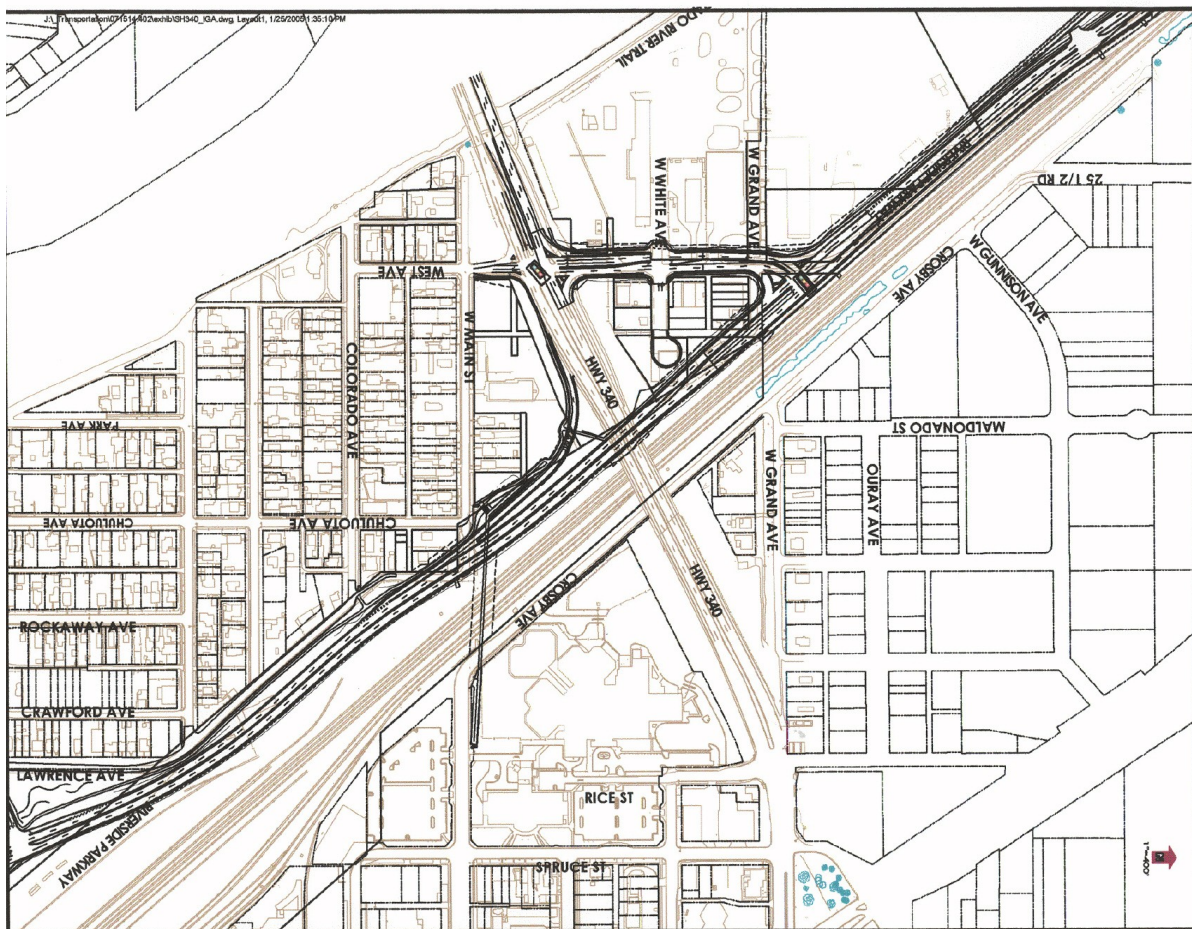
- Issue Notice to Proceed to the contractor.
- Conduct Preconstruction Conference and invite CDOT to the conference.
- Provide a Professional Engineer registered in Colorado who will be in responsible charge of the construction supervision.
- The City shall make provisions to allow CDOT full and unimpeded access and cooperation to inspect any and all elements of work within CDOT right-of-way.
- Complete all Quality Control and Quality Assurance testing for all Materials incorporated into all work elements constructed within CDOT right-of-way.
- Complete all Owner Verification Tests for all Materials incorporated into all work elements constructed within CDOT right-of-way.
- Complete additional Materials tests on work elements constructed within CDOT right-of-way as requested by CDOT.
- Complete and document all inspections/audits of construction within CDOT right-of-way.
- Provide CDOT 'Final As-Built' plans for all work elements constructed within CDOT right-of-way stamped by a Licensed Professional Engineer registered in the State of Colorado.
- Verify and certify all Construction elements and materials are completed in compliance with Plans and Standards by requiring the "Designer of Record" to perform on-site field inspections of work designed under their supervision and Professional Engineer License.
- Provide documentation of Materials Testing Results to CDOT weekly for all work elements completed within CDOT right-of-way.
- Provide for review to CDOT all remedial or corrective actions taken in response to all Non Compliance elements of work completed within CDOT right-of-way.
- Ensure and Verify all work and field conditions within CDOT right-of-way are designed, constructed and maintained in accordance with required Environmental Compliance Regulations and Best Management Practices.

### **CDOT shall:**

- Attend and participate in construction coordination meetings as needed/requested.
- Review all submittals for CDOT specified Traffic Signal Equipment.
- Review all submittals for CDOT specified Bridge Structural requirements.
- Review and approve concrete and hot bituminous pavement mix designs for work elements within CDOT right-of-way.
- Perform all Independent Assurance Tests for all materials testing processes of Materials tested for work elements completed within CDOT right-of-way.
- Perform project construction site inspections to monitor work and compliance.

- Perform inspections of documents prepared by the City to verify compliance.
- Perform inspections and review documents for bridge girder erection to help the City enforce the Contractor's compliance with requirements of the specifications, particularly Section 509 and Section 618 of the 2005 CDOT Standard Specifications for Road and Bridge Construction.
- Review working day / hour restrictions on our CDOT systems.
- Review lane closure restrictions on CDOT systems or minimal level of service to be maintained at all times during the work.
- Pay its estimated cost(s). The City shall not be liable for any amount in excess of the estimate nor shall it claim right to payment for any cost(s) that are saved or avoided.

FOR BOTH THE DESIGN AND CONSTRUCTION ELEMENTS OF THE WORK CDOT AND THE CITY SHALL ESTABLISH, AND FOR THE TERM OF THE PROJECT SHALL OPERATE, A SINGLE POINT OF CONTACT ACCESSIBLE VIA TELEPHONE AND/OR EMAIL DURING WORKING HOURS OF THE PROJECT.



**Exhibit B**

LOCAL AGENCY  
ORDINANCE  
or  
RESOLUTION

**COLORADO DEPARTMENT OF TRANSPORTATION  
CONTRACT FUNDING INCREASE/DECREASE AND**

**APPROVAL LETTER** Region: Complete section 1 and submit to CDOT Controller's office.

**AUTHORITY:**

State Controller Policy letter on June 12, 1996  
CDOT Controller letter on May 23, 1996

(1) This form to be used for the following contracts/situations only (check the appropriate situation):  
 \_\_\_ indefinite quantity, order more/add more \_\_\_ utility/railroad, underestimated total cost  
 \_\_\_ CDOT construction, sum of CMO's \_\_\_ LA construction, underestimated cost  
 \_\_\_ CDOT construction, underestimated total cost \_\_\_ CDOT consultant, underestimated cost

**SECTION 1 (Region use)**

Date: (2)		Project code (3)	
To: CDOT Controller (FAX #(303) 757-9573 or e-mail CONTROLLER)		Project # (4)	
From: Region # (5)	Office: (5)	Phone # (5)	FAX # (5)

CDOT has executed a contract with: (6)

Address: (6)

FEIN # (6)				Contract routing # (7)			COFRS encumbrance # (indicate PO, SC or PG #) (8)	
Fund (9)	Orgn. (9)	Appro. (9)	Prgm. (9)	Func (9)	Object/Sub-obj N/P (9)	GBL (9)	Reporting Catg. (9)	Proj/Sub/Phase (9)

Original contract amount \$ (10)	Has a Budget Request been processed to cover the contract amount increase? yes no (14)
----------------------------------	---

Previous Funding Letter(s) total \$ (11) (Funding letter #1 thru #___)	Preparer's name (15)  PHONE NO:
---	---------------------------------------

This Funding Letter total \$ (12) (#___)	Contract Administrator's/Business Manager's Approval (16)  PHONE NO:
---	--

Adjusted contract amount \$ (13)	CDOT Designee Approval (17)
	Local Agency approval (18)

**SECTION 2 (Controller's Office use) (19)**

Total allotment amount \$ (19)	Commission budget \$ (19)
--------------------------------	---------------------------

If construction: ___ CE pool elig. (19)	CE charges \$ (19)	Indirect chgs \$ (19)	Adjusted contract amount plus total CE & indirect charges calculation \$ (19)
--	--------------------	-----------------------	---

I have reviewed the financial status of the project, organization, grant and have determined that sufficient funds are available to cover this increase, effective as of \_\_\_\_\_ (19)

State Controller or Delegee (20)	Date (20)
----------------------------------	-----------



**Attach 13**

Mesa County School District #51 Agreement for the Construction of an Expanded Gymnasium at Pear Park Elementary School

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Mesa County School District #51 Agreement for the construction of an expanded gymnasium in conjunction with the construction of Pear Park Elementary School.					
<b>Meeting Date</b>	March 15, 2006					
<b>Date Prepared</b>	March 2, 2006				<b>File #</b>	
<b>Author</b>	Joe Stevens			Parks & Recreation Director		
<b>Presenter Name</b>	Joe Stevens			Parks & Recreation Director		
<b>Report results back to Council</b>		<b>No</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Previously the City Council authorized an expenditure of \$47,000 for the development, design and bidding of an expanded shared use gymnasium at the new Pear Park Elementary School. On September 29, 2005 bids were opened by the School District, with an overall low bid for the construction of Peak Park Elementary School being submitted by FCI Contractors of Grand Junction, Colorado. The City Council directed the City Manager to work with School District #51 Superintendent, Dr. Tim Mills on the expanded shared use gymnasium agreement for Pear Park Elementary School.

**Budget:** The engineers estimate for construction of a second gym at Pear Park Elementary School was \$625,350. The actual construction bid was \$412,410 after including the related soft costs of building permit, construction contingency, construction management fee, bonds, and other associated fees; the project cost is \$512,550 or \$112,800 below the engineer's estimate. This amounts to an excellent bid of \$90.16/sq. ft. for 5,685 sq. ft. allowing for contingencies, The City's adopted budget includes expenditure not to exceed \$562,000 for the construction and related contingencies related to the building of an expanded gymnasium at Pear Park Elementary School. Funding for this project is derived from the Colorado Lottery Trust Fund proceeds and from local impact fees.

Operationally, the agreement that is being proposed commits the City to maintaining the grounds around Pear Park Elementary School. If City Council adopts the agreement, as drafted, approximately two acres will be maintained by the Parks and Recreation Department. In exchange for providing this service, Mesa County School District #51 will pay for all the utility cost for the school and the expanded gymnasium. In 2007 it is

projected that grounds maintenance costs will be \$10,176 for Pear Park Elementary School and utility costs for the school will total \$41,079. During deliberations, it was suggested that the City pay half the utility cost (est. \$20,540 in 2007) and or pay to have separate meters installed to service the expanded gymnasium. Staffs for both entities agreed separate meters for water, sewer, electricity and gas would be costly, redundant, and not in the community's best interest. From a School District and City staff perspective, the Parks and Recreation Department is better equipped to perform grounds and landscape maintenance as evidenced by cooperative experiences at Pomona Elementary School and most recently Wingate Elementary School. Anticipated costs for grounds maintenance are not currently in the 2006/2007 operating budget.

Recreationally, Pear Park will be programmed in a comparable manner to the agreement that City Council adopted for Wingate Elementary School. After School, during holidays, and summer vacations, recreation staff will provide activities ranging from Summertime Sports and Recreation to multi-generation programs, adult, and youth sports. The entire School and grounds will be available for City use in accordance with terms and conditions of the agreement. A number of activities will be addressed with staffs that have been appropriated at the Bookcliff Activity Center and or an extension of existing programs. Programming will evolve to address needs of this growing area of the City consistent with adopted cost recovery policies of the City. Additional funding for new recreation programs has not been incorporated into the budget but 2006 impacts will be minimal.

**Action Requested/Recommendation:** Authorize the City Manager to sign an agreement with School District #51 (copy attached) that will authorize the use of the facility, as well as lay out the terms and conditions for shared use gymnasium at Pear Park Elementary School. The agreement is modeled after similar agreements, with Mesa County Community School District 51, for Wingate Park and School and Bookcliff Middle School and Activity Center.

\$562,000 in City funds is budgeted in the 2006 Capital Improvement Program (G43700).

**Attachments:** School District #51 Agreement

**Background Information:** The Grand Junction City Council and the Mesa County School District #51 Board of Directors have endorsed the concept of developing strategic partnerships and have worked cooperatively at Pomona Elementary School, Pomona Park, Eagle Rim Park, Orchard Mesa Community Center Pool, Wingate Park/School, and Bookcliff Middle School and Activity Center. With the passage, in 2004, of a major School District capital improvement program, staffs for both the City and the School District were encouraged to explore additional opportunities. The Pear Park Elementary School neighborhood was identified as being deficient in affording recreational opportunities. The City Council previously authorized a \$47,000 expenditure at Pear Park for development, design, and bid document fees with the

understanding that the City Council, at its discretion, might want to develop recreational amenities at these locations.

## INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into as of the 21st day of February, 2006, by and between THE CITY OF GRAND JUNCTION, a Colorado Home Rule City, hereinafter called "City," and MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, a Colorado Public School District, hereinafter called "District;" collectively the "Parties."

### R E C I T A L S

The District is the owner of real property situated in Mesa County, Colorado, known as Mountain Valley Elementary School ("School") site. The school land is Located at 30 1/4 and D 1/2 as shown on Exhibit A attached hereto. The property is currently being developed and the District is planning for construction of the School in 2006, with a target date for completion in August of 2006.

In 2002, the City adopted a ten (10) year Strategic Plan with a goal of supporting the Comprehensive Parks and Recreation Master Plan. Strategic Plan objectives support the development of neighborhood parks and specifically school/park recreational development when deemed in the best interest of the Parties.

In support of the City's Strategic Plan initiatives and the District's desire to make facilities available for public use, the District has altered its construction plans to provide a gymnasium larger than originally designed, the City agrees to pay for the costs of the expansion, and the parties agree to a joint use arrangement of the gymnasium (herein the "Gymnasium") for recreation programming and activities as more fully described herein. In furtherance of the allowed recreation uses at the Gymnasium, the City agrees to provide for the landscape maintenance and upkeep of the entire Mountain Valley Elementary School grounds once the Gymnasium is completed for the term of this Agreement.

The Gymnasium will be dedicated to public use pursuant to an arrangement for shared use and with the objective of maximizing public access consistent with the Parks and Recreation Master Plan and the City's Strategic Plan and with its primary function as a public educational and recreational facility, as is more fully described herein.

An intergovernmental agreement for such purpose is authorized pursuant to Section 18, Article XIV of the Colorado Constitution, Section 29-1-203, C.R.S., Section 22-32-110(1)(f), C.R.S., and other applicable laws.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other valuable consideration the sufficiency of which is acknowledged, the Parties agree as follows:

1. This Intergovernmental Agreement (herein "IGA") shall be for a term of ninety-nine (99) years, beginning with the opening date of the Gymnasium and ending December 31, 2105, subject to termination only as provided in paragraphs 7 and 8.

2. The District will erect the enlarged Gymnasium (designed and bid as an alternate to the original project design) as part of the School bond construction project. The increased cost of the alternate over and above the cost of the original gymnasium design, presently estimated to be \$507,843.00, shall be borne by the City.

3. During the term of this IGA the District will, at its own expense, operate, repair and maintain the Gymnasium and its amenities to standards observed by the District in maintenance and operation of other District facilities to include, without limitation, all utilities and custodial services.

4. The District shall have priority use of the Gymnasium during school hours and for District-wide basketball and volleyball tournaments (on at least six (6) months' advance notice to the City's Parks and Recreation Director and/or designee). The City's Parks and Recreation Director and/or designee will be responsible for the scheduling, supervision, use and operation of the Gymnasium during periods not reserved for School use. The parties, through their designated representatives, shall mutually agree upon fee schedules for non-Party users of the Gymnasium. All fees shall inure to the benefit of the District. Community use and recreational activities scheduled for the City's Parks and Recreation Department when the Gymnasium is not reserved for School use shall have priority over all other uses; however, with City approval, which shall not be unreasonably withheld, and on at least 48 hours' notice, at times when the Gymnasium is not otherwise reserved for School, community or City use, the District shall be free to use the Gymnasium for its after-school educational, extracurricular and co-curricular activities, without charge. With District Approval, which shall not be unreasonably withheld, and on at least 48 hours' notice, the District will allow the City priority use of the Gymnasium during school hours and on days when school is not in session and in accordance with existing District Building Use Policies, but without charge. The City will be responsible for

extraordinary cleanup and repair necessitated by its usage and by community users occupying the Gymnasium under City authorization.

5. In order to preserve the tax exempt status of District General Obligation Bonds, the City agrees to make the Gymnasium available to the general public, to not grant any long-term contracts on the Gymnasium, to not engage private management firms for its portion of the occupancy and to allow only limited private business use of the facility.

6. Except as provided in paragraph 7, from and after five years from the date hereof either party may terminate this IGA on not less than twelve (12) months' written notice to the other party. Such notice shall set a termination date not less than 12 months from the date of the notice. Termination shall free the Parties their obligations hereunder from and after the termination date, provided that if the District elects termination and termination is without cause, the District shall pay the City as follows:

If termination is after February 21, 2011, but before February 21, 2012	The District will Pay the City \$338,563.00
If termination is after February 21, 2012, but before February 21, 2013	The District will Pay the City \$304,707.00
If termination is after February 21, 2013, but before February 21, 2014	The District will Pay the City \$270,851.00
If termination is after February 21, 2014, but before February 21, 2015	The District will Pay the City \$236,995.00

If termination is after February 21, 2015, but before February 21, 2016	The District will Pay the City \$203,139.00
If termination is after February 21, 2016, but before February 21, 2017	The District will Pay the City \$169,283.00
If termination is after February 21, 2017, but before February 21, 2018	The District will Pay the City \$135,427.00
If termination is after February 21, 2018, but before February 21, 2019	The District will Pay the City \$101,571.00
If termination is after February 21, 2019, but before February 21, 2020	The District will Pay the City \$67,715.00
If termination is after February 21, 2020, but before February 21, 2021	The District will Pay the City \$33,859.00
After February 21, 2021	The District will Pay the City \$0.00

Upon termination the Gymnasium improvements, as then existing, together with fixtures associated therewith shall become the property of the District. All Gymnasium moveable equipment purchased or provided by the City shall then remain the property of the City.

7. Should either party fail to substantially perform its obligations hereunder, the other party may give written notice of the exact nature of the default. The party in default shall correct the default or provide written schedule of when and how the default will be corrected within forty-five (45) days from receiving such notice. Failure to perform shall entitle the non-defaulting party to terminate this IGA or to pursue any other remedy in law or equity to enforce the terms hereof. In the event of termination, all Gymnasium improvements, as then existing, together with fixtures associated therewith, shall remain the property of the District. All Gymnasium moveable equipment purchased or provided by the City shall then remain the property of the City.

8. Nothing contained herein shall be construed as a limitation upon the District's right to construct, maintain, continue or discontinue the use of the School site as an educational facility, nor shall anything herein be construed as a limitation upon the District's right to utilize any portion of the School site for school purposes subject to the limitations set forth in paragraph 4; provided, however, that any such change in use which materially alters or interferes with City's landscape maintenance and

repair functions as set forth in paragraphs 3 and 4 shall free the City from any such functions as applies to that portion of property subjected to any such change in use; and provided further that a twelve (12) month notice shall be given to the City in the event the District wishes to substantially modify or expand the Gymnasium.

9. This IGA shall be binding upon and inure to the benefit of the successors in interest of the respective parties.

10. The City's rights and obligation hereunder may not be assigned without the District's written consent, and any attempt to do so will be deemed a default by the City for failure to substantially perform a material covenant and obligation hereunder.

11. The District's rights and obligations hereunder may not be assigned without the City's written consent, and any attempt to do so will be deemed a default by the District for failure to substantially perform a material covenant and obligation hereunder.

12. General Provisions

a. Entire Agreement – Merger – Modifications – No Waiver.

This IGA contains the entire understanding of the Parties and is intended as a complete and final expression of their agreement and of the terms thereof. All prior statements and representations, including those which may have been negligently made, and all prior understandings and agreements are merged herein. The Parties specifically waive any claims they may have for negligent misrepresentations in the formation of this IGA. This IGA shall not be modified except by a writing signed by the Parties hereto or their duly authorized representatives. No waiver by either Party of any default shall be deemed a waiver of any subsequent default.

b. Time of the Essence. Time is of the essence of this IGA, and in the event of the failure of either Party to perform any term or condition hereof, including but not limited to, terms pertaining to delivery and payment, such party shall be in default and the other party shall be entitled to all remedies provided by law and the terms of this IGA.

c. Governing Law. This IGA shall be governed by and construed in accordance with the laws of the City of Grand Junction, State of Colorado. Venue for all actions connected herewith shall be in Mesa County, State of Colorado.



d. Invalidity. If any clause or provision of this IGA be determined to be illegal, invalid or unenforceable under present or future laws, then it is the intention of the parties that the other terms and provisions of this IGA shall not be affected thereby.

e. Captions. Article titles and paragraph titles or captions contained in this IGA are inserted only as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of this IGA or the intent of any provisions thereof.

f. Pronouns. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine or neuter, singular or plural, as the identity of the person, persons, entity or entities may require.

g. Attorney's fees. If, on account of any breach or default by a Party hereto under the terms and conditions hereof, it shall become necessary or appropriate for the other Party to employ or consult with an attorney concerning the enforcement of defense of its rights or remedies hereunder, the Party breaching or in default hereunder shall pay all reasonable attorney's fees so incurred by the other Party.

CITY OF GRAND JUNCTION, COLORADO

BY \_\_\_\_\_  
City Manager

ATTEST:

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

MESA COUNTY VALLEY SCHOOL DISTRICT NO.  
51

By \_\_\_\_\_  
Ron Rowley, President

ATTEST:

\_\_\_\_\_

**Attach 14**

Acquisition of Real Estate at 717 Kimball by Condemnation for the Riverside Parkway Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Authorize the Acquisition of Real Estate by Condemnation for the Riverside Parkway Project							
<b>Meeting Date</b>		March 15, 2006							
<b>Date Prepared</b>		March 9, 2006			<b>File #</b>				
<b>Author</b>		Jim Shanks		Riverside Pkwy Program Manager					
<b>Presenter Name</b>		Mark Relph		Public Works and Utilities Director					
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 717 Kimball Avenue.

**Budget:** Sufficient funds exist in the 2006 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this right-of-way:

<b>Project Right-of-Way Budget</b>	<b>\$19,554,715</b>
Project Right-of-Way Related Expenses to Date:	\$16,641,166
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$19,000
Moving Costs	\$3,500
Closing Costs	\$500
<b>Total Costs Related to This Request</b>	<b>\$23,000</b>
Other Acquisitions Approved but not Closed	<b>\$1,974,000</b>
<b>Project Remaining Right-of-Way Funds</b>	<b>\$916,549</b>
<b>Estimated Cost to Complete Right-of-Way Acquisition</b>	<b>\$2,023,150</b>
<b>Total Project Budget</b>	<b>\$96,022,096</b>
Estimated Project Costs:	
<b>Right-of-Way &amp; Land Purchases / relocation expenses</b>	<b>\$19,554,715</b>
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$55,254,337
Total Estimated Project Costs	\$96,022,096

**Action Requested/Recommendation:** Pass and adopt proposed resolution.

**Attachments:**

1. Proposed Resolution.

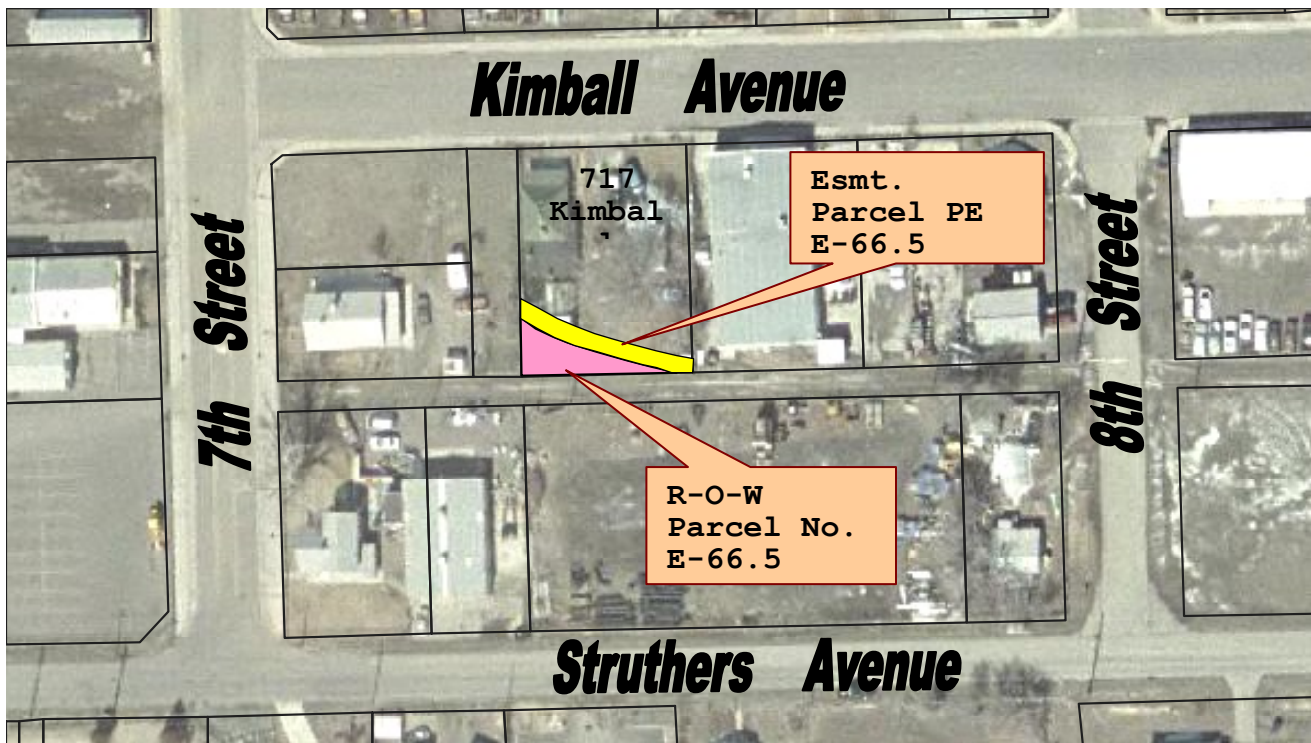
**Background Information:** On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The City Council has adopted details, plans, schedules and funds for the construction of the Riverside Parkway. Acquisition of the right-of-way at 717 Kimball is required to complete Phase 3 over Riverside Parkway which consists of the interchange at 5<sup>th</sup> Street.

The proposed right-of-way acquisition consists of 1,080 square feet of right-of-way and 1,298 square feet of permanent multi-purpose easement. This acquisition includes the purchase of garage, storage shed and fencing. The City's appraisal for the acquisition was \$18,900 and the owner's appraisal was \$19,468. The City's final offer was \$19,000. The owner's initial counter-offer was for the City to purchase the entire property for \$100,000.

The City rejected this offer. The owner made a verbal offer to trade the right-of-way for some adjacent remnant properties. The City accepted this offer and sent Mr. Krohn a Memorandum of Agreement outlining the terms of a land trade. Mr. Krohn has been unresponsive for over a month and will not return phone calls.

**VICINITY MAP**



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

**A RESOLUTION DETERMINING THE NECESSITY OF  
AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY,  
BY EITHER NEGOTIATION OR CONDEMNATION,  
FOR MUNICIPAL PUBLIC FACILITIES**

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that certain property be acquired for public street, sidewalk, parking, utility and drainage purposes. The necessary property as hereafter described in Section 3, is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of said property is hereby specifically approved and authorized. The property sought to be acquired is to be used for municipal public purposes associated with the Riverside Parkway project.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the property which is legally described and set forth in the following section, which is hereby determined to be necessary to be acquired to be used for public street, sidewalk, parking, utility and drainage purposes. The City Attorney is further authorized to request immediate possession of the parcels hereinafter set forth.

Section 3. Interests to be acquired: Fee simple absolute and perpetual multi-purpose easement.

Section 4. The City Council hereby finds and resolves, in the event that acquisition by condemnation of the parcels described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to design and construction deadlines.

Section 5. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**Attach 15**

Public Hearing – Amendments to the Zoning and Development Code

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Proposed Amendments to the Zoning and Development Code						
<b>Meeting Date</b>	March 15, 2006						
<b>Date Prepared</b>	March 9, 2006				File #TAC-2004-231		
<b>Author</b>	Bob Blanchard		Community Development Director				
<b>Presenter Name</b>	Kathy Portner		Assistant Director of Community Development				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>No</b>	<b>Name</b>
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Ordinance to adopt proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff and recommended by the Planning Commission. Based on subsequent comments by the development community, staff is proposing two modifications to the proposed ordinance.

**Budget:** N/A

**Action Requested/Recommendation:** Approve Planning Commission recommended amendments to the Zoning and Development Code, with two proposed modifications. Deny a citizen request to amend Section 4.3.A of the Zoning and Development Code dealing with animal regulations.

**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

Draft Planning Commission Minutes, February 14, 2006  
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.

**Note: After meeting with representatives from AMGD, staff is proposing a modification to section 2.19.D.1.c as follows:**

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 *one (1) additional year as may be necessary for the bond to be called or* for the improvements to be repaired, modified or replaced in a manner that satisfies the City.

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.

**Note: After meeting with representatives from AMGD, staff is recommending that this section be deleted from consideration at this time.**

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.

PLANNING COMMISSION RECOMMENDATION:

On February 14, 2006, the Planning Commission voted to forward a recommendation of approval for the staff initiated Code amendments and denial of the citizen initiated request.

**Staff is recommending that the City Council adopt the ordinance as proposed with the following modifications:**

**1. Modify section 2.19.D.1.c as follows:**

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 one (1) additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified or replaced in a manner that satisfies the City.

**2. Delete Section 3.8.A.3.f, Nonconforming Uses/Structures/Sites**

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.

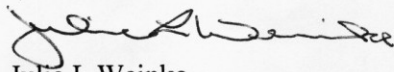
9 CFR 1.1.1 (Title 9 of the United States Code of Federal Regulations) states "Pet animal means any animal that has **commonly been kept as a pet** in family households in the United States, such as dogs, cats, guinea pigs, **rabbits** and hamsters. Rabbits are defined by the United States Department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

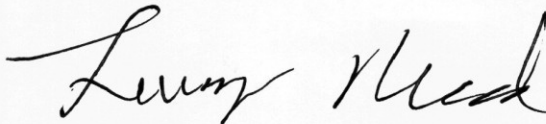
Rabbits can become pets, but in numbers greater than 3 they should be raised on agriculturally zoned land and not on a city lot zoned residential where houses are close together. Living close to a larger number of rabbits creates undesirable odors and fears of disease for the neighbors, especially when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

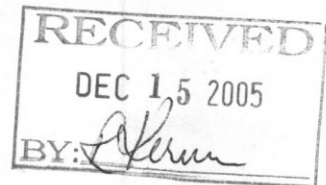


Larry Reed  
President, Paradise Hills Home Owners Association



December 11, 2005

City of Grand Junction  
Community Planning Code Enforcement Office  
250 North 5<sup>th</sup> 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 (IBC).

### **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 <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	C C	ZBOA	Public	Mail	Sign
<b>ADMINISTRATIVE PERMITS</b>									
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	<u>M</u> (Major Only)	-

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	C C	ZBOA	Public	Mail	Sign
<b>OTHER APPLICATIONS</b>									
Zoning of Annexation	-	M	R	<u>R</u>	D	-	M	M <sup>6</sup>	M <sup>6</sup>
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 <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>														
			Director	PC	C C	ZBOA	Public	Mail	Sign												
<p><b>KEY:</b></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> <p><b>Footnotes:</b></p> <p><sup>1</sup> 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><sup>2</sup> Some administrative review does require notice. See section 2.2.B.3.</p> <p><sup>3</sup> The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Joint Urban Planning Area.</p> <p><sup>4</sup> A neighborhood meeting is required for Growth Plan amendment or rezoning to a greater intensity/density.</p> <p><sup>5</sup> A neighborhood meeting is required if thirty-five (35) or more dwellings or lots are proposed.</p> <p><sup>6</sup> 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><sup>7</sup> The Director shall be the decision-maker for nonresidential condominium preliminary plans for platting.</p> <p><sup>8</sup> The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).</p> <p><sup>9</sup> 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>										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																		

**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.<sup>6</sup> 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:

- ~~(1)~~a. Be located on a lot or parcel that is authorized for development by this Code;
- ~~(2)~~b. Be consistent with the zone and use provisions established in Chapter Three of this Code;

---

<sup>6</sup> A planning clearance is required. A building permit is required if it is required under the City's adopted building 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.<sup>7</sup>~~

E. **Other Administrative Permits.**

~~2. **Sign Permit.**~~

4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments not in dispute and ~~Plat~~ 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 ~~Plats~~;
  - ~~(E) Correct an error in a legal description of adjacent property;~~
  - ~~(F)~~ (G)

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



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**

<b>Type of Submittal or Request</b>	<b>Published Notice When Published <sup>1</sup></b> (minimum calendar days before hearing)	<b>Mailed Notice First Class Mail <sup>2</sup></b>	<b>Sign Notice Required <sup>3,4</sup></b>
Grand Valley Circulation Plan Amendment	7 days	Not Applicable	No

**Footnotes:**

<sup>1</sup> All published notices shall be published in a local newspaper of general circulation recognized by the City.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> One (1) sign per street frontage is required for zones of annexation of multiple parcels.

<sup>5</sup> 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.

9. **Public Hearing Procedures.**

d. **Continuance.** The decision making body may grant a continuance of the public hearing.

~~(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 ~~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.
  - b. 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. **ApprovalCriteria.** 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 p~~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 <sup>(1)</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front <sup>(8)</sup> (ft.)	Side (ft.)	Rear <sup>(8)</sup> (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>B-2</b>	N/A	N/A	N/A	15/25 <sup>(7)</sup>	0/0 <sup>(5)</sup> <del>(10)</del>	0/0 <sup>(5)</sup>	N/A	4.800	65 <sup>(4)</sup>
<b>I-1</b>	1 Acre	100	N/A	15/25	5/5 <sup>(5)</sup> <del>(10)</del>	10/10	N/A	2.00	40
<b>I-2</b>	1 Acre	100	N/A	15/25	0/0 <sup>(10)</sup>	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.

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)



environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use classification.

**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/industrial, 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	<del>Non-Residential</del> Nonresidential: 0.50 FAR
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) ~~a~~ All 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) ~~a~~ All construction is in compliance with current construction codes, such as the fire and building codes;
  - (D) ~~a~~ A 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) tThe number of dwelling units does not increase;

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

(F) tThe 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 non-conforming 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 3.8.2.

**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.

c. (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) **Facade 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)(1)(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)(1)(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 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 Ssection; 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 ~~at~~ the dwelling with ~~at~~ 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 ( $\leq 1$ unit per 5 acres)	Y	30 <sup>Note 1</sup>	30 <sup>Note 1</sup>	N
<del>Residential (<math>\leq 1</math> unit per 5 acres)</del> Residential ( <del>4 units per acre</del> >1 unit per 5 acres)	<del>Y</del>	C30 <sup>Note 1</sup>	<del>C30</del> <sup>Note 1</sup> N	N
<p><b>LEGEND</b></p> <p><b>Y:</b> Yes</p> <p><b>C:</b> Requires Conditional Use Permit</p> <p><b>N:</b> No</p> <p><b>25:</b> Measures to achieve Noise Level Reduction (NLR) of 25dB must be incorporated into the design and construction of structures.</p> <p><b>30:</b> 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;"><b>Note 1:</b> 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> <del>these districts</del>, residential <del>development</del> may be permitted at a <del>density</del> 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. (See 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

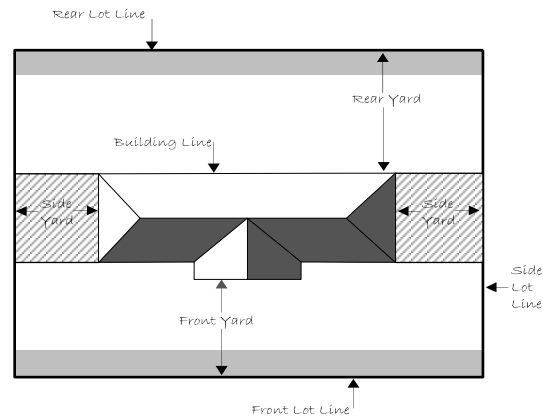
Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter Four, typically for ~~three~~ four months or less.

## 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.)

**DRAFT PLANNING COMMISSION MINUTES  
FEBRUARY 14, 2006**

**TAC-2004-231 TEXT AMENDMENT, CODE--AMENDMENTS TO THE ZONING AND DEVELOPMENT CODE  
A request for approval of the proposed changes to the Zoning and Development Code.**

**Petitioner: City of Grand Junction**

**STAFF'S PRESENTATION**

Bob Blanchard said that presented for consideration were a number of amendments proposed by City staff. Opportunities for public comment had been offered early in the compilation process. Available for consideration were changes to Code sections 2.6.A, 2.8.C.5, 2.19.C, 3.8.A.3.f, 4.2.C.1.m, 4.2.F.2.a, 4.2.F.2.f, 4.3.Q, and 6.5.F.1, which were outlined in the February 14, 2006 staff report. Approval of other minor "housekeeping" changes was also requested. Mr. Blanchard reiterated that a separate request, dealing with the animal regulations portion of the Code, would be addressed separately and would require a separate motion.

Mr. Blanchard asked planning commissioners to exclude from their packets a letter from TML Enterprises containing comments on a formboard survey, an amendment originally included but later removed from the list of amendments currently under consideration. Mr. Blanchard overviewed each of the proposed amendments in greater detail.

## PUBLIC COMMENTS

Larry Rasmussen, representing AMGD, a communications liaison between the City and the Realtors Association, the Homebuilders Association, ABC Contractors Association, Western Colorado Contractors, and local landscapers. He referenced an e-mail he'd sent previously to Mr. Blanchard and asked that the final plat lapse time period be changed from 3 years to 5 years and that the preliminary plat approval time period be extended from 1 year to 3 years. He still had some concerns over the Non-Conforming section of the Code and felt that this section needed further review.

## QUESTIONS

Chairman Dibble asked staff to comment on the points raised by Mr. Rasmussen. Mr. Blanchard said that the final plat time period of 3 years was based upon the final plat's approval, not submittal date. The preliminary plan approval time period of 1 year had been in the Code for quite some time. Many Codes in other communities did not require full approval of a final plat within 12 months of preliminary plat approval; rather, they just required that a final plat be submitted within that 12-month timeframe. Because Grand Junction's Code had consistently required full approval of a complete final plat or a specific phase of a final plat, staff did not recommend changing the current timeline references.

With regard to the Non-Conforming section of the Code, Mr. Blanchard said that the amendment specifically addressed non-conforming condominiums and leaseholdings. The amendment would require condominium documents to warn potential buyers that if a condominium in a non-conforming structure were damaged by 50% or more of its fair market value, the condominium may not be rebuilt as it existed or may not be rebuilt at all. The amendment was intended to put potential buyers on notice that their investment could be at risk.

Commissioner Pitts asked if the extension allowance contained in Code section 2.8.C.5 would still be the equivalent of a 5-year time period. Mr. Blanchard said that it would be the equivalent to 4 years, since each of the two allowed extension periods was for 6 months. Since there was no real review criteria for extensions, staff primarily considered whether the developer was pursuing development and moving forward in good faith.

## DISCUSSION

Commissioner Cole said that with regard to the 5-year versus the 3-year final plat timeline, he felt that the existing 3 year time period along with the two 6-month extensions was sufficient for most developments. Dragging out development of a property would be a disservice to those properties surrounding the development site. He was not in favor of changing the time periods established in 2.8.C.5.

Chairman Dibble thanked legal and development staff for their diligence in recognizing where changes in the Code were appropriate and in facilitating those changes. He asked if developers would still be granted extensions if a 5-year timeframe were approved. Mr. Blanchard said that that depended on the verbiage contained in the motion. He noted that, as written, the Code section implied that while the approval was voidable, it was not automatically voided, suggesting a level of additional staff review. He added that with either time period option, it was important that a developer move forward with an approved development. No monitoring of the approval was undertaken unless the developer came forward with requested changes to the original approval. Only at the point where an approval was approaching expiration was a developer contacted, and sufficient time was given to the developer for filing an extension if one was needed.

Commissioner Pitts felt that if a 5-year reference provided developers with more clarification, he could support amending the applicable Code section, provided that there were no additional extensions.

Commissioner Cole felt that based on comments made by Commissioner Pitts, he too could support an extension of the 3-year time period to 5 years as long as no additional extensions were permitted.

Commissioner Lowrey felt that the referenced timelines were fine the way they were.

Commissioner Putnam said that he would feel uncomfortable rewriting this section of the Code on the "spur of the moment" without the benefit of review and additional discussion.

**MOTION: (Commissioner Putnam) "Mr. Chairman, on item TAC-2004-231, the proposed amendments to the Zoning & Development Code, I move that we forward a recommendation of approval of all staff initiated amendments to the City Council."**

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Pitts opposing.



Mr. Blanchard said that the second part of the text amendment request had to do with a citizen's keeping of rabbits. He recounted how Code Enforcement staff had responded to a complaint that a citizen was keeping of a large number of rabbits and rabbit cages against a 6-foot privacy fence. The Code defined rabbits as agricultural animals and limited their numbers. The rabbits were subsequently moved to the garage, and the animals' owner was requesting an amendment to the Code to define "house rabbits" as household pets, categorizing them as small animals kept within a residence such as fish, small birds, rodents and reptiles. If approved, this would exempt them from being limited in numbers when kept inside. Other communities had been contacted to compare similar regulations. Staff findings were made a part of the February 14, 2006 staff report and had been included in planning commissioner packets. Staff concluded that the City's regulations were not out of line, and denial of the request to amend Code section 4.3.A. was recommended.

### **PETITIONER'S PRESENTATION**

Judy Weinke, petitioner, brought forward for presentation two cages of rabbits. She said that the Code limited the number of rabbits kept outside to no more than six, but there didn't seem to be any verbiage preventing her from bringing her rabbits indoors. While in agreement that she was prevented from keeping all of her rabbits outside, she regarded her rabbits as pets and small enough to qualify under the section pertaining to household pets. She maintained that the U.S. Department of Agriculture did not regard rabbits as agricultural animals, and according to the American Rabbit Breeder's Association (ARBA), there was a clear distinction between commercial rabbits and "fancy bunnies." Ms. Weinke referred to a cage containing what ARBA referred to as a commercial rabbit. The animal was borrowed and not among those she kept on site. According to ARBA, commercial rabbits were larger, heavier, and used primarily for food. The National Rabbit Society, the National Humane Society, and veterinarians all classified fancy bunnies as "pocket pets." She held up one of her own rabbits from another cage. The animal was smaller, approximately the size of a guinea pig, and much lighter weight. She said that her fancy bunnies were used for show and were kept as pets. They were meticulously cared for, with cages cleaned regularly and medical care routinely provided. Her property had been inspected twice by animal services, with no problems noted.

Ms. Weinke noted that as the Code was written, someone could legally keep a house full of white rats; yet, the Code prevented her from keeping her fancy bunnies. She asked that the Code be rewritten to make the distinction between commercial rabbits and fancy bunnies and to consider the latter in the same Household Pets category as dogs, cats, fish, small birds, rodents and reptiles.

### **QUESTIONS**

Commissioner Lowrey asked if the weight of fancy bunnies ever exceeded 4 pounds. Ms. Weinke said that the one exception was a breed called the Flemish Giant. That particular rabbit would never be used for commercial purposes, she said, because it grew much too slowly and didn't gain the kind of weight that commercial rabbits did. The Flemish Giant was used as a pet or show animal. The minimum showable weight for a Flemish Giant was 13 pounds. She had three of them, which she kept outside. Cages for such animals had to be large, and she understood that she was presently limited to keeping no more than six of her rabbits outside.

Commissioner Lowrey asked if a reasonable way of distinguishing between commercial and fancy bunnies was to limit the weight of fancy bunnies to not more than 4 pounds. He suggested revising the last sentence under Code section 4.3.A to read, "However, this requirement does not apply to small animals kept within a residence as household pets such as...and fancy rabbits not to exceed 4 pounds." Ms. Weinke noted that some rats grew to weights exceeding 5 pounds, but she was amenable to establishing a weight criterion.

Commissioner Wall asked how many rabbits the applicant had, to which Ms. Weinke responded 36, each individually caged and all currently housed within her garage.

Commissioner Pitts asked the petitioner how she dealt with the odor issue. Ms. Weinke reiterated that Animal Services had visited her property twice. She did not feel that her rabbits impacted her neighbors, and keeping them in individual cages prevented spontaneous breeding activity. She noted that she'd originally been told by City staff that she could keep her rabbits as long as they were not housed outside. Staff later rescinded that position.

Mr. Blanchard said that there existed a difference of opinion in the interpretation of the Code. The City limited the number of animals per parcel, regardless of whether they were housed inside or outside of the home.

Commissioner Pavelka-Zarkesh wondered what would prevent someone from making a pet out of a commercial rabbit. They too were cute.

Commissioner Lowrey thought that fancy bunnies represented a certain species of rabbit. Ms. Weinke said that the difference was in the breed.

Commissioner Pitts asked the petitioner if her garage was finished and heated, to which Ms. Weinke replied affirmatively.

Chairman Dibble noted that other communities also regarded rabbits as livestock. Ms. Weinke said that that was part of an ongoing argument that the U.S. Department of Agriculture had with local communities.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Larry Reed (P.O. Box 4329, Grand Junction), president of the Paradise Hills Homeowners Association, referenced a letter he'd written to staff opposing the petitioner's request to keep more than the currently permitted number of rabbits. He asked that the City's animal regulations regarding the keeping and definition of rabbits remain unchanged. The regulations were appropriate for urbanized areas where houses were situated closer together. He expressed concerns over odors and disease as a result of inadequate feces removal.

Tom Whitaker (2695 Lanai Court, Grand Junction) said that he'd been the one to initiate the complaint against the petitioner. He disagreed with Ms. Weinke's statement that her rabbits did not impact her neighbors. He said that for at least two months out of the year he and his family were unable to go outside and enjoy their backyard because of odors emanating from the petitioner's rabbits. The odor from her rabbits also wafted through his swamp cooler to infiltrate his home. He said he'd had to spray for fleas and other insects that he attributed to Ms. Weinke's rabbits. Mr. Whitaker asked that the City's regulations be retained and not changed. If approved, what would prevent people coming forth with requests to house additional numbers of ferrets or mink or other small animals? Keeping so many animals did affect one's neighbors, and he again urged denial of the petitioner's request.

### **PETITIONER'S REBUTTAL**

Ms. Weinke said that she'd moved her rabbits into her garage last summer. The problems experienced by her neighbor originated when she'd kept her animals outside. Her garage was both heated and air conditioned, and she didn't think that any of the issues mentioned by Mr. Whitaker had been experienced since she'd moved her animals inside. She maintained that her animals didn't have fleas and were routinely taken to her veterinarian for check-ups and inoculation. If Mr. Whitaker was spraying for fleas, likely they were coming from some of the neighborhood dogs. She noted that, unlike dogs, rabbits were not required by law to be inoculated.

Chairman Dibble asked if her garage were vented during the summer months. Ms. Weinke said that she cracked her garage window to allow for circulation. She routinely added a chemical to the animals' feces to deodorize it and make it less objectionable. Ms. Weinke added that ferrets were considered rodents and thus already considered "legal" by the Code's definition of household pets.

Commissioner Lowrey asked legal counsel if there were other Code sections that dealt with nuisance issues, to which Ms. Kreiling responded affirmatively.

### **DISCUSSION**

Commissioner Pitts said that it appeared there was conflicting testimony about odors emanating from the property. While he could see and understand both sides of the issue, he could not find any compelling reason to change the Code.

Commissioner Lowrey said the he wouldn't mind redefining the household pets Code section to include fancy rabbits if their sizes were limited; however, since densities were higher within urbanized areas, not to restrict the numbers of pets kept on a property was to invite problems. If the County allowed additional numbers of animals kept on a parcel, perhaps those who wanted to keep more animals should consider living where the keeping of more animals was allowed.

Commissioner Putnam noted that there was a big difference between keeping 36 guppies and keeping 36 rabbits in 36 cages in a garage. He felt he could not support the petitioner's request to change the Code.

Commissioner Cole said that while the petitioner herself may be meticulous in the care of her pets, he knew of others who were not so diligent. The Code's criteria had to be applicable to all. He was leaning towards leaving the Code's applicable sections as they were.

Commissioner Pavelka-Zarkesh agreed that the Code was written to be applicable to all the City's citizens, not necessarily the special circumstances outlined by the petitioner. Grand Junction was a growing community, and densities were increasing. While she was sympathetic to the petitioner's situation, she didn't feel that there was sufficient justification to warrant changing the Code.

Commissioner Wall asked the petitioner if her intent was to raise and sell her rabbits for profit. Ms. Weinke said that her rabbits were not for sale; they were pets.

Chairman Dibble said that the Grand Junction area was becoming less agricultural and more metropolitan. Urbanized areas didn't really lend themselves well to the raising and keeping of so many animals in one location. It was hard to visualize 36 of any type of animal as pets. He was concerned that approval of the request might set a precedent. He noted that other communities also defined rabbits as agricultural animals, and it appeared that Grand Junction was consistent with other like-sized communities elsewhere. Since he also found no compelling reason to change the Code, he supported leaving the language of applicable Code sections as they were.

**MOTION: (Commissioner Lowrey) "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, that we allow fancy rabbits not to exceed 4 pounds to be considered a household pet, that the requirement does not apply as they would be considered a small animal kept within a residence and be added to the list of fish, small birds, rodents and reptiles."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a unanimous vote of 0-7.

A brief recess was called at 9 p.m. The hearing reconvened at 9:08 p.m.

Chairman Dibble said that the last item on the agenda, GPA-2005-148, had been pulled prior to the onset of the meeting and would be heard at a later date.

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 15<sup>th</sup> DAY of FEBRUARY, 2006.

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

ATTEST:

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

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

**Attach 16**

Public Hearing – Autumn Glenn II Annexation & Zoning, Located at 428 30 Road

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Annexation and zoning of the Autumn Glenn II Annexation located at 428 30 Road					
<b>Meeting Date</b>	March 15, 2006					
<b>Date Prepared</b>	March 9, 2006				<b>File #ANX-2005-303</b>	
<b>Author</b>	Lisa E. Cox		Senior Planner			
<b>Presenter Name</b>	Lisa E. Cox		Senior Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		Consent	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Autumn Glenn II Annexation. The Autumn Glenn II Annexation is located at 428 30 Road and consists of 1 parcel on 6.08 acres. The zoning being requested is RMF-8.

**Budget:** N/A

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

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

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Planning Commission Minutes (if necessary)
5. Acceptance Resolution
6. Annexation Ordinance
7. Zoning Ordinance

<b>STAFF REPORT / BACKGROUND INFORMATION</b>				
<b>Location:</b>		428 30 Road		
<b>Applicants:</b>		Owner: Pamela L. Brown; Developer: Darren Davidson; Representative: Rhino Engineering – George Kornfeld		
<b>Existing Land Use:</b>		Single Family Residential		
<b>Proposed Land Use:</b>		Single Family Residential Subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>	Autumn Glenn Subdivision		
	<b>South</b>	Single Family Residential / Agricultural		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	City RMF-8		
	<b>South</b>	County RSF-R/City RSF-4		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R/PD 4.65 du/ac		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		X	Yes	No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 6.08 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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 Autumn Glenn II Annexation is eligible to be annexed because of compliance with the following:

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

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

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

**Zone of Annexation:** The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

**Response:** The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this 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 zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that arise with the proposal to develop the property will be addressed through 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 polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.**

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

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

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

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

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

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

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.

- c. RSF-4
- d. RMF-5

#### STAFF RECOMMENDATION

**Staff recommends approval of the RMF-8 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

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

The following annexation and zoning schedule is being proposed.



*ANNEXATION SCHEDULE*

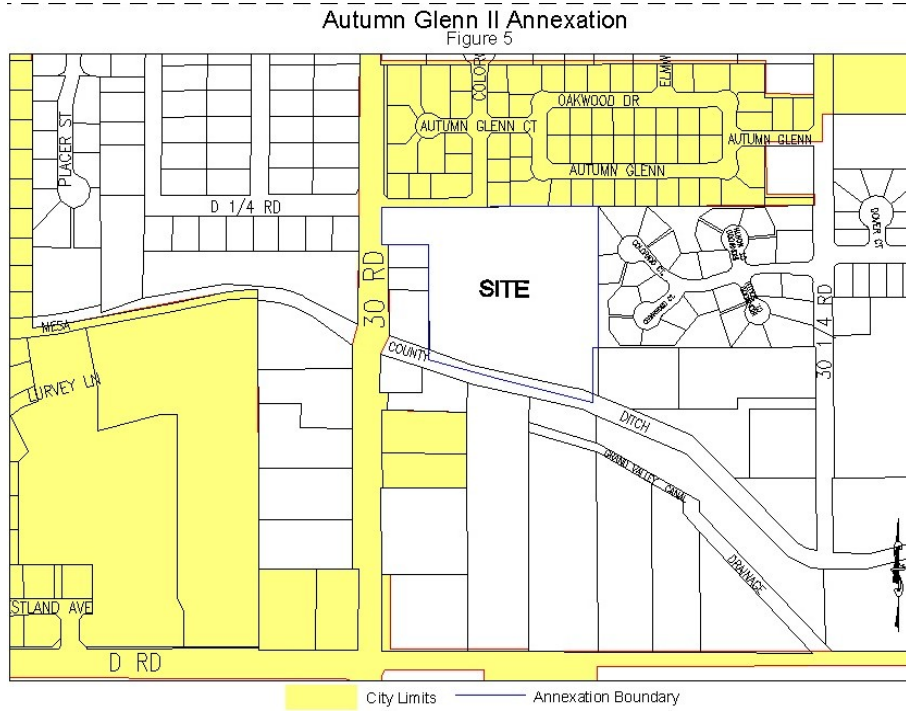
<b>February 1, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>February 14, 2006</b>	Planning Commission considers Zone of Annexation
<b>March 1, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>March 15, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>April 16, 2006</b>	Effective date of Annexation and Zoning

**AUTUMN GLENN II ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-303	
<b>Location:</b>	428 30 Road	
<b>Tax ID Number:</b>	2943-163-00-078	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	6.08 acres	
<b>Developable Acres Remaining:</b>	5.89 acres	
<b>Right-of-way in Annexation:</b>	0.00 acres	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-8	
<b>Current Land Use:</b>	Single Family Residential	
<b>Future Land Use:</b>	Single Family Residential Subdivision	
<b>Values:</b>	<b>Assessed:</b>	= \$7,700
	<b>Actual:</b>	= \$79,960
<b>Address Ranges:</b>	428 30 Rd & 3001-3007 D ¼ Rd (odd only)	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	Upper Grand Valley Pest

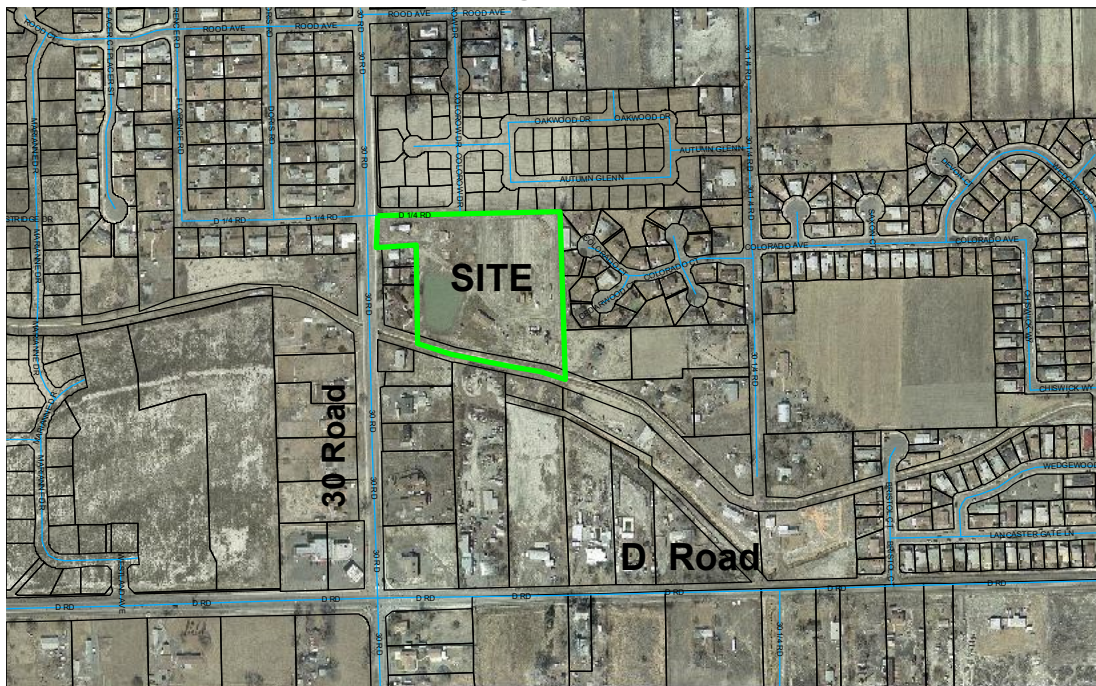
# Site Location Map

Figure 1



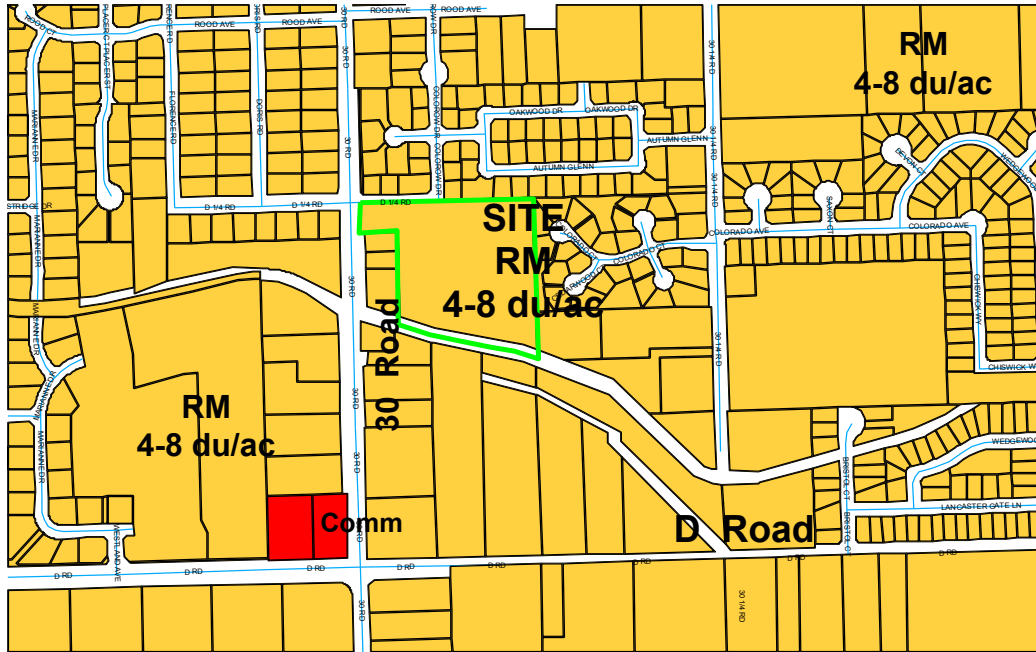
# Aerial Photo Map

Figure 2



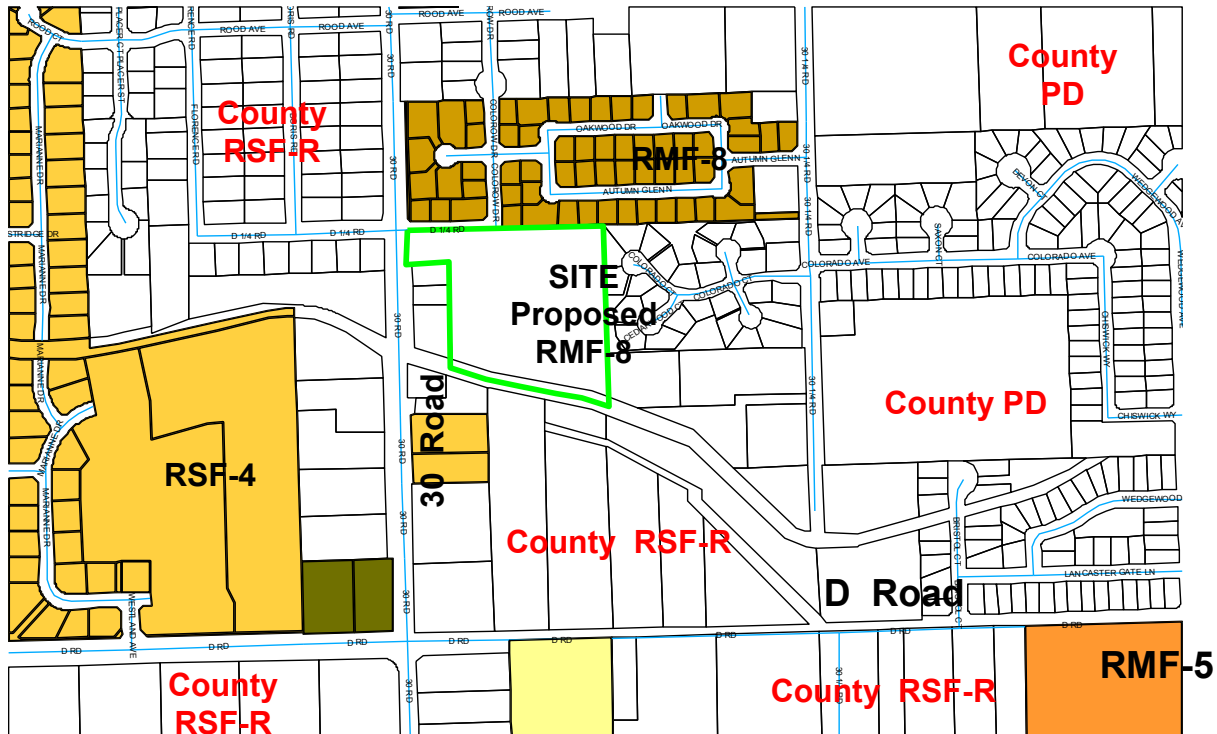
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

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

**A RESOLUTION ACCEPTING A**

***PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE***

**AUTUMN GLENN II ANNEXATION**

*LOCATED AT 428 30 ROAD*

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 1<sup>st</sup> day of February, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**AUTUMN GLENN II ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 SW 1/4 of said Section 16 and assuming the North line of the SW 1/4 SW 1/4 of said Section 16 to bear N89°55'08"E with all bearing contained herein relative thereto; thence N89°55'08"E along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to the Point of Beginning; thence N89°55'08"E continuing along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 630.39 feet to the Northwest corner of Ironwood Subdivision as recorded in Plat Book 12, Page 454 of the Mesa County, Colorado public records; thence S00°03'08"W along the West line of said Ironwood Subdivision a distance of 411.00 feet to the Southwest corner of said Ironwood Subdivision; thence S89°55'08"W a distance of 14.61 feet; thence S00°03'08"W along the West line of that certain parcel of land described in Book 2779, Pages 133 and 134 of the Mesa County, Colorado public records, a distance of 157.00 feet more or less to the centerline of the Grand Valley Canal; thence N76°21'53"W along said centerline a distance of 267.00 feet; thence N74°14'56"W continuing along said centerline a distance of 230.00 feet to a point on the Southerly projection of the East line of Tierra Amarilla as recorded in Plat Book 12, Page 239 of the Mesa County, Colorado public records; thence N00°03'05"E along said line a distance of 332.00 feet more or less to the Northwest corner of said Tierra Amarilla; thence N89°56'35"W along the North line of Lot 1, of said Tierra Amarilla and the Westerly projection thereof a distance of 134.95 to a point on the Easterly right of way of 30 Road; thence N00°01'23"E along the East right of way of 30 Road a distance of 110.05 to the Point of Beginning.

Said parcel contains 6.08 acres (264,745 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 15<sup>th</sup> day of March, 2006; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**AUTUMN GLENN II ANNEXATION**

**APPROXIMATELY 6.08 ACRES**

**LOCATED AT 428 30 ROAD**

**WHEREAS**, on the 1<sup>st</sup> 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 15<sup>th</sup> day of March, 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:

**AUTUMN GLENN II ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 SW 1/4 of said Section 16 and assuming the North line of the SW 1/4 SW 1/4 of said Section 16 to bear N89°55'08"E with all bearing contained herein relative thereto; thence N89°55'08"E along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to the Point of Beginning; thence N89°55'08"E continuing along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 630.39 feet to the Northwest corner of Ironwood Subdivision as recorded in Plat Book 12, Page 454 of the Mesa County, Colorado public records; thence S00°03'08"W along the West line of said Ironwood Subdivision a distance of 411.00 feet to the Southwest corner of said Ironwood Subdivision; thence S89°55'08"W a distance of 14.61 feet; thence S00°03'08"W along the West line of that certain parcel of land described in Book 2779, Pages 133 and 134 of the Mesa County, Colorado public records, a distance of 157.00 feet more or less to the centerline of the Grand Valley Canal; thence N76°21'53"W along said centerline a distance of 267.00 feet; thence N74°14'56"W continuing along said centerline a

distance of 230.00 feet to a point on the Southerly projection of the East line of Tierra Amarilla as recorded in Plat Book 12, Page 239 of the Mesa County, Colorado public records; thence N00°03'05"E along said line a distance of 332.00 feet more or less to the Northwest corner of said Tierra Amarilla; thence N89°56'35"W along the North line of Lot 1, of said Tierra Amarilla and the Westerly projection thereof a distance of 134.95 to a point on the Easterly right of way of 30 Road; thence N00°01'23"E along the East right of way of 30 Road a distance of 110.05 to the Point of Beginning.

Said parcel contains 6.08 acres (264,745 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 1<sup>st</sup> day of February, 2006 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE AUTUMN GLENN II ANNEXATION TO  
RMF-8**

**LOCATED AT 428 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 Autumn Glenn II Annexation to the RMF-8 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

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

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

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

**AUTUMN GLENN II ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 SW 1/4 of said Section 16 and assuming the North line of the SW 1/4 SW 1/4 of said Section 16 to bear N89°55'08"E with all bearing contained herein relative thereto; thence N89°55'08"E along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to the Point of Beginning; thence N89°55'08"E continuing along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 630.39 feet to the Northwest corner of Ironwood Subdivision as recorded in Plat Book 12, Page 454 of the Mesa County, Colorado public records; thence S00°03'08"W along the West line of said Ironwood Subdivision a distance of 411.00 feet to the Southwest corner of said Ironwood Subdivision; thence S89°55'08"W a distance of 14.61 feet; thence S00°03'08"W along the West line of that certain parcel of land described in Book 2779, Pages 133 and 134 of the Mesa County, Colorado public records, a distance of 157.00 feet more or less to the centerline of the Grand Valley Canal; thence N76°21'53"W along said centerline a distance of 267.00 feet; thence N74°14'56"W continuing along said centerline a



distance of 230.00 feet to a point on the Southerly projection of the East line of Tierra Amarilla as recorded in Plat Book 12, Page 239 of the Mesa County, Colorado public records; thence N00°03'05"E along said line a distance of 332.00 feet more or less to the Northwest corner of said Tierra Amarilla; thence N89°56'35"W along the North line of Lot 1, of said Tierra Amarilla and the Westerly projection thereof a distance of 134.95 to a point on the Easterly right of way of 30 Road; thence N00°01'23"E along the East right of way of 30 Road a distance of 110.05 to the Point of Beginning.

Said parcel contains 6.08 acres (264,745 square feet), more or less, as described.

Introduced on first reading this 1<sup>st</sup> day of March, 2006 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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