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

WEDNESDAY, APRIL 5, 2006, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Retired Pastor Mark Harris

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING APRIL AS “CHILD ABUSE PREVENTION MONTH” IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL AS “MONTH OF THE YOUNG CHILD” IN THE CITY OF GRAND JUNCTION

PROCLAIMING MACKENZIE MATAROZZO AS “WESTERN COLORADO MDA 2006 AMBASSADOR” IN THE CITY OF GRAND JUNCTION

PROCLAIMING GRAND JUNCTION’S “SUPPORT OF ENERGY CONSERVATION EFFORTS” IN THE CITY OF GRAND JUNCTION

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meeting**

[Attach 1](#)

Action: Approve the Minutes of the March 15, 2006 Regular Meeting

2. **Mesa County Animal Services Agreement** [Attach 2](#)

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the County a percentage of the Animal Services budget based upon the City's percentage of total calls for service. The City's share of the budget for 2006 is 42.7% for a total of \$273,377. Payments are made to the County on a quarterly basis.

Action: Authorize the Mayor to Sign the Animal Control Services Agreement with Mesa County in the Amount of \$273,377

Staff presentation: Harry Long, Services Captain

3. **Trash Collection Truck** [Attach 3](#)

Purchase one 2006 Front Loading Trash Collection Truck for the City of Grand Junction Solid Waste Division.

Action: Authorize the City Purchasing Division to Purchase one (1) Mack MR6005/New Way Mammoth Front Loading Collection Truck from Elliot Equipment Company, Davenport, Iowa, in the Amount of \$138,331.00

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

4. **Concession Food and Products Distributor** [Attach 4](#)

Provide concession food and products at Stocker Stadium, Moyer Pool and Canyon View Park for the Parks and Recreation Department.

Action: Authorize the City Purchasing Division to Award Concession Foods and Products Distributorship to Shamrock Foods Company, Commerce City, CO

Staff presentation: Tim Seeberg, General Manager, TRCC/Avalon Theatre
Joe Stevens, Parks and Recreation Director

5. **Three Type III Ambulances** [Attach 5](#)

This purchase is for three 2006 Life Line Superliner Type III Ambulances for providing emergency and non-emergency ambulance services for Grand Junction Ambulance Service area.

Action: Authorize the City Purchasing Division to Purchase Three Life Line Superliners from Rocky Mountain Emergency Vehicles, Denver, CO in the Amount of \$348,375.00

Staff presentation: Ron Watkins, Purchasing Manager
Rick Beaty, Fire Chief

6. **Setting a Hearing for the Adoption of the 2000 St. Mary's Master Plan as Amended** [File #FPA-2005-288] [Attach 6](#)

Introduction of a proposed ordinance to adopt the 2000 St. Mary's Master Plan, including various amendments which reflect updates to the prior plans that will enable the hospital to prepare for the upcoming Century Project. St. Mary's Hospital is located on the southwest and southeast corners of Patterson Road and 7th Street and is zoned principally Planned Development (PD).

Proposed Ordinance Approving and Amending the Master Plan for St. Mary's Hospital and Environs Located at 2635 North 7th Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

Staff presentation: Lisa E. Cox, Senior Planner

7. **Setting a Hearing for the Free Annexation, Located at 462 East Scenic Drive** [File #ANX-2006-046] [Attach 7](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.11 acre Free Annexation consists of 1 parcel.

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

Resolution No. 23-06 – 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, Free Annexation, Located at 462 East Scenic Drive

®Action: Adopt Resolution No. 23-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Free Annexation, Approximately 3.11 Acres, Located at 462 East Scenic Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 17, 2006

Staff presentation: Senta L. Costello, Associate Planner

8. **Setting a Hearing to Amend the PD Zoning and Approve the Preliminary Plan, 10 Overlook Subdivision** [File #PP-2005-209] [Attach 8](#)

Request approval to amend the PD zoning ordinance and approval of the Preliminary Plan and Plat for 10 Overlook Subdivision, consisting of 6 residential lots on 1.96 acres.

Proposed Ordinance Amending the PD Zoning for Land Located West of Hillview Drive in the Ridges known as 10 Overlook Subdivision

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

Staff presentation: Kathy Portner, Assistant Director of Community Development

9. **Setting a Hearing on Amending the 24 Road Corridor Guidelines** [File #GPA-2005-148] [Attach 9](#)

A request to amend the 24 Road Corridor Subarea Plan and the Mixed Use Zoning to implement the recommendations of the Planning Commission, based upon the recommendations from the 24 Road Steering Committee. A Growth Plan Amendment resolution will be presented at second reading.

Proposed Ordinance Amending Section 3.3.J of the Zoning and Development Code, Mixed Use

Action: Introduce the Proposed Ordinance and Set a Hearing for April 19, 2006

Staff presentation: Lori V. Bowers, Senior Planner

10. **Setting a Hearing for the Revisions to the Submittal Standards for Improvements and Developments (SSIDs) Manual** [Attach 10](#)

Staff will review the proposed revisions to the Submittal Standards for Improvements and Developments (SSID) Manual with Council. The major goals of the revision were to streamline the document, correct errors, and restructure conflicting language, incorporate input from the public and remove requirements duplicated in other City Codes. Planning Commission has reviewed the proposed changes and recommends Council adopt the Manual as proposed.

Proposed Ordinance Amending the City of Grand Junction's Submittal Standards for Improvements and Developments ("SSID") and Authorizing Publication of the Amendments by Pamphlet

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

Staff presentation: Tim Moore, Public Works Manager

11. **Setting a Hearing to Create the El Poso Area Street Improvement District, ST-06, Phase B** [Attach 11](#)

A successful petition has been submitted requesting a Local Improvement District to be created to reconstruct streets in the El Poso area within the following limits:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue

A public hearing is scheduled for the May 17, 2006 City Council meeting.

Resolution No. 24-06 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Street Improvement District No. ST-06, Phase B and Authorizing the City Engineer to Prepare Details and Specifications for the Same

®Action: Adopt Resolution No. 24-06

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Asbestos Abatement Contract for the Rood Avenue Parking Structure** [Attach 12](#)

This project is for the asbestos abatement of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4th Street) on the Rood Avenue Parking Structure site.

Action: Authorize the City Manager to Execute an Asbestos Abatement Contract for the Valley Office Supply Building and the Commercial Federal Bank Building with the Project Development Group in the Amount of \$21,100.00 for Option 2

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **Pedestrian Bridge Superstructures for the Riverside Parkway Project** [Attach 13](#)

The City opened bids for the purchase of 7 Pedestrian bridge superstructures for the Riverside Parkway project. These superstructures will be fabricated by the manufacturer and delivered to Grand Junction. The Phase 2 roadway contractor will construct the abutments and piers and erect the superstructures. The bridge spans vary from 54 feet to 168 feet.

Action: Authorize the City Manager to Execute a Contract with Big R Manufacturing of Greeley, Colorado, in the Amount of \$584,990.00 for the Pedestrian Bridge Superstructures for the Riverside Parkway Project

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

14. **Public Hearing – Amendments to the Zoning and Development Code** [File #TAC-2004-231] **Continued from March 15, 2006** [Attach 14](#)

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 three 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

15. **Public Hearing - Bellhouse Annexation and Zoning, Located at 2381 South San Miguel Drive** [File #ANX-2005-264] [Attach 15](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Bellhouse Annexation. The Bellhouse Annexation is located at 2381 South San Miguel Drive and consists of 1 parcel on 3.34 acres. The zoning being requested is RSF-2.

a. Accepting Petition

Resolution No. 25-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Bellhouse Annexation, Located at 2381 South San Miguel Drive and Including portions of the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3879 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #1, Approximately 0.10 Acres, Located within the E Road Right-of-Way

Ordinance No. 3880 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #2, Approximately 0.16 Acres, Located within the E Road Right-of-Way

Ordinance No. 3881 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #3, Approximately 1.71 Acres, Located within the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

Ordinance No. 3882 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #4, Approximately 1.37 Acres, Located at 2381 South San Miguel Drive and Including Portions of South San Miguel Drive

c. Zoning Ordinance

Ordinance No. 3883 – An Ordinance Zoning the Bellhouse Annexation to RSF-2, Located at 2381 South San Miguel Drive Excluding any Right-of-Way

®Action: Adopt Resolution No. 25-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances Nos. 3879, 3880, 3881, 3882, and 3883

Staff presentation: Lori V. Bowers, Senior Planner

16. **Public Hearing - Van Gundy North Right-of-Way Vacation and Rezone** [File #RZ-2006-022] [Attach 16](#)

This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5th Street and South 7th Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5th 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.

Ordinance No. 3884 – An Ordinance Vacating Right-of-way for an Alleyway in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Streets known as the Van Gundy North Project

Ordinance No. 3885 – An Ordinance Rezoning Property in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Street from General Commercial (C-2) to Light Industrial (I-1) known as the Van Gundy North Project

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances Nos. 3884 and 3885

Staff presentation: Kristen Ashbeck, Senior Planner

17. **Public Hearing - Chipeta Heights Annexation and Zoning, Located at 203 and 221 29 Road** [File #ANX-2006-008] [Attach 17](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Chipeta Heights Annexation. The Chipeta Heights Annexation is located at 203 and 221 29 Road and consists of 2 parcels on 16.48 acres. The zoning being requested is RSF-4.

a. Accepting Petition

Resolution No. 26-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Chipeta Heights Annexation, Located at 203 and 221 29 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3886 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Chipeta Heights Annexation, Approximately 16.48 Acres, Located at 203 and 221 29 Road

c. Zoning Ordinance

Ordinance No. 3887 – An Ordinance Zoning the Chipeta Heights Annexation to RSF-4, Located at 203 and 221 29 Road

®Action: Adopt Resolution No. 26-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances Nos. 3886 and 3887

Staff presentation: Senta L. Costello, Associate Planner

18. **Creation of Avalon Theatre Advisory Committee** [Attach 18](#)

In January of this year, a workshop was held between City Council, City Staff and other stakeholder interests regarding the Avalon Theatre. The purpose of the workshop was to establish common direction and to gauge the level of support for the Avalon's existence, operations, and management strategies. The City Council recommended the formation of an Avalon Theatre Advisory Committee (ATAC). The ATAC's primary role would be to focus on and help prioritize and identify capital funding sources and to make general operational and programming recommendations for the Avalon Theatre.

Resolution No. 27-06 – A Resolution Creating the Avalon Theatre Advisory Committee

®Action: *Adopt Resolution No. 27-06*

Staff presentation: David Varley, Assistant City Manager

19. **Transfer Agreement of the Drain D Storm Water System** [Attach 19](#)

Agreement for the transfer of ownership of the “Drain D” Storm Water System from the Bureau of Reclamation to the City of Grand Junction.

Action: *Authorize the City Manager to Execute the Transfer Agreement for the Drain D Storm Water System from the Bureau of Reclamation to the City of Grand Junction*

Staff presentation: Mark Relph, Public Works and Utilities Director

20. **Purchase of Properties at 2389, 2395, and 2399 River Road for the Riverside Parkway Project** [Attach 20](#)

The City has entered into a contract to purchase a portion of the properties located at 2389, 2395, & 2399 River Road owned by Clifford L. Mays, Sr. for the Riverside Parkway project.

Resolution No. 28-06 - A Resolution Authorizing the Purchase of Real Property at 2389, 2395 & 2399 River Road from Clifford L. Mays, Sr.

®Action: *Adopt Resolution No. 28-06*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

22. **OTHER BUSINESS**

Review Future Workshop Agendas

[Attach 21](#)

23. **ADJOURNMENT**

Attach 1

Minutes from March 15, 2006

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

March 15, 2006

The City Council of the City of Grand Junction convened into regular session on the 15th day of March 2006, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Doug Thomason and Council President Pro Tem Gregg Palmer. Absent were Council President Bruce Hill and Councilmembers Bonnie Beckstein and Jim Spehar. Also present were Assistant City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Palmer called the meeting to order. Councilmember Doody led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Thomason, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #12. Council President Pro Tem Palmer read the list of items on the Consent Calendar for the benefit of the audience.

1. Minutes of Previous Meetings

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

2. Fire Act Grant

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

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

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the 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

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

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

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

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

6. **Setting a Hearing for the Van Gundy North Rezone and the Right-of-Way Vacation** [File #RZ-2006-022]

This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5th Street and South 7th Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5th 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 5th Street South of 4th Avenue between 5th and 7th 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 5th Street South of 4th Avenue between 5th and 7th Streets known as the Van Gundy North Project

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

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

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 11th Day of June, 1910, As Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said 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

8. **Construction Contract for 2006 Alley Improvement District**

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.

9. **Garage Doors for City Shops**

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.

10. **2006 Police Patrol Vehicles**

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

11. **Design Services for Visitor and Convention Center Remodel**

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

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

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 require 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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Council President Pro Tem Palmer announced that the public hearing on the Zoning and Development Code Amendments will be tabled until April 5, 2006.

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

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 the School District #51 Superintendent, Dr. Tim Mills on the expanded shared use gymnasium agreement for Pear Park Elementary School.

Joe Stevens, Parks and Recreation Director, reviewed this item. He advised that the Pear Park Elementary School is currently under construction and the City Council directed Staff to negotiate use of a shared gymnasium facility as an activity center. He said the proposed agreement sets forth the terms and conditions of the shared use and the term is for a period of 99 years. The Parks and Recreation Department will maintain the entire site in exchange for the shared use.

Councilmember Coons inquired about the payment schedule within the agreement. Mr. Stevens explained that is the payment schedule in the event that either party wants to terminate the agreement. City Attorney Shaver added that there are certainly financial issues and said the schedule recognizes the business relationship of that agreement in that there is significant investment that the City is making at the facility.

Councilmember Doody asked for clarification of the utility bill part of the agreement. Mr. Steven explained that on week-ends and holidays the City has exclusive use of the facility and said there was a discussion for separate meters but that was considered to be cumbersome, so the agreement as set forth in the proposal was agreed upon by both parties.

Councilmember Coons moved to 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. Councilmember Thomason seconded the motion. Motion carried.

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

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

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that some negotiations took place with the owner but the owner has not returned telephone calls now for several months. As timing is of the essence, Staff is asking for authorization to go forward with condemnation if necessary. In the negotiations stage, the owner, Mr. Krohn, counter-offered for the City to purchase the entire parcel for \$100,000. The City only needs a portion of the property so declined and made a final offer on the property of \$19,000. Mr. Krohn offered a trade for some adjacent remnant properties and the City agreed to that. Since then Mr. Krohn has been unresponsive. Mr. Relph advised that this property needs to be in the City's possession for it to go to bid for the third phase of the Riverside Parkway to be bid out later this year.

Council President Pro Tem Palmer inquired about the details of the residents, specifically how the roadway will affect the house remaining on the property and the residents. Mr.

Relph said both appraisals stated that the roadway proximity will not damage the property and the offer takes that impact into account.

City Attorney John Shaver noted that the roadway may actually increase the valuation of the property.

Council President Pro Tem Palmer asked City Attorney Shaver to detail the steps in a condemnation process, which he did. Council President Pro Tem Palmer then asked about the timing. City Attorney Shaver identified the time frames needed.

Councilmember Doody expressed that without knowing what Mr. Krohn's issues are, this is the tool Staff will need to use to go forward and said he will support it. Councilmembers Coons and Thomason agreed.

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

Councilmember Doody moved to adopt Resolution No. 21-06. Councilmember Coons seconded the motion. Motion carried by roll call vote with Council President Pro Tem Palmer voting NO.

Public Hearing - Amendments to the Zoning and Development Code [File #TAC-2004-231]

Ordinance to adopt the 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.

Council President Pro Tem Palmer explained that Council would like to have all members present for this discussion so he is asking for a motion to continue.

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

Councilmember Coons moved to table the public hearing on the amendments to the Zoning and Development Code to April 5, 2006. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing - Autumn Glenn II Annexation and Zoning, Located at 428 30 Road [File # ANX-2005-303]

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.

The public hearing was opened at 7:35 p.m.

Lisa Cox, Senior Planner, reviewed this item. She described the site location, the current zoning, surrounding uses, and Future Land Use designation. She stated the request meets the criteria for rezoning and said both Staff and the Planning Commission recommend approval. She said the applicant is asking for the upper end of the range for zoning allowed in the Land Use Designation and said Staff felt the request is appropriate.

Councilmember Doody asked if the property line runs to the center line of the ditch. Ms. Cox said that it does. City Attorney Shaver explained that the properties adjacent to the canals are not described to the center of the canal. He suspects that when the ditches were first constructed the property did go to the center line of the ditch, but over the years owners have excluded ditches from their boundaries. He said it is likely that this situation was never conveyed separately by deed and whoever wrote the description was careful and described the property as such. City Attorney Shaver said that many times canals have blanket easements with the location of the ditch not specified.

The petitioner was present but did not wish to speak.

The public hearing was closed at 7:42 p.m.

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

Councilmember Coons moved to adopt Resolution No. 22-06, Ordinance No. 3877 and
Ordinance No. 3878 on Second Reading and ordered them published. Councilmember
Thomason seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:44 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Mesa County Animal Services Agreement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Mesa County Animal Services Agreement					
Meeting Date		5 April 2006					
Date Prepared		26 February 2006				File #	
Author		Michael A. Nordine			Lieutenant		
Presenter Name		Harry Long			Services Captain		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary:

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the County a percentage of the Animal Services budget based upon the City's percentage of total calls for service. The City's share of the budget for 2006 is 42.7% for a total of \$273,377. Payments are made to the County on a quarterly basis.

Budget:

The Police Department budgeted \$250,000 for this service during the 2006 budget process. The actual amount will be \$273,377, an increase of \$23,377 over the original budget, is the result of a carry over of actual expenses incurred by Animal Services in 2005. The amount budgeted in 2005 was \$250,000 which was \$53,752 more than was charged by the County. The Police Department will be requesting a carry forward of \$23,377 from 2005 to cover the 2006 increase in the contract amount.

Action Requested/Recommendation:

It is recommended that the 2006 agreement for Animal Control Services be approved in the amount of \$273,377.

Attachments:

Copy of the Animal Services Agreement.
Electronic copy of the Animal Services Annual Report

Background Information:

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

AGREEMENT

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

The City of Grand Junction, (“City”) and Mesa County (“County”) or (“Animal Services”) have determined to provide for animal services within the City of Grand Junction by Animal Services, pursuant to the City’s home rule powers and under the provisions of 29-1-201, et. Seq., C.R.S. as amended. The Agreement entered into _____, is intended to provide the basis for animal services for the year April 1, 2006 through March 31, 2007.

AGREEMENT

- 1) The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of Ordinances, (“Code” or “the Code”) for the control of animals within the City. The City hereby agrees to provide the County with authority necessary to administer and enforce City regulations (“Code”), relating to animal control, within the City.**
- 2) The County agrees to enforce the Code as codified and amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.**
- 3) During the term hereof, the City will pay to the County, Two Hundred Seventy-three Thousand, Seven Hundred Seventy-seven dollars and 00/100, (\$273,777.00). One-fourth of that amount, Sixty-eight Thousand, Four Hundred Forty-four dollars and 00/100, (\$68,444.00) shall be paid quarterly on a prorated basis based on the number of days remaining in the quarter in relation to the total days in said quarter. All fines and shelter/impoundment revenues derived from enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered.**
- 4) The consideration paid by the City for the operation of the Animal Services Division of the County is sufficient to support this Agreement and the same is determined as follows:**

Animal Services’ projected 2006 expenditures shall be reduced by the actual 2005 carry-overs and the projected 2006 revenues. The resulting amount represents the budgeted 2006 (“the Budget” or “Budget”) taxpayer expense of the overall, combined city-county animal services program.

As part of this Agreement (and past Agreements), Animal Services’ dispatch and patrol stops are logged within a database. The percentage of Animal Services’ workload

attributable to the City is calculated from this data after administrative stops have been deleted.

AGREEMENT

Page 2

Multiplying the Budget by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due Mesa County under this Agreement for providing animal control services in 2006.

Listed below is the calculation:

\$877,393.00	projected 2006 expenditures
\$270,000.00	projected 2006 revenues
\$607,393.00	2006 cost of city-county program
33,770.43	actual 2005 carry-overs
\$641,163.43	overall cost of program
X 42.7	City's percentage of Animal Control Responses (January 2004 through December 2004)
\$273,777.00	contract amount due Mesa County in 2006. Contract amount divided by four (4) quarterly payments.
\$ 68,444.00	QUARTERLY PAYMENTS DUE Mesa County

Note: Both Parties agree that at the time this agreement is executed the 42.7% is a fair and reasonable projection of the City's percentage of responses during the term of this agreement. This 42.7% factor shall be reviewed by both Parties in January 2007 and the actual responses for the period of January 1, 2006 through December 31, 2006 shall be calculated to determine a revised percentage. This revised percentage shall then be substituted in the calculation of the Contract amount due Mesa County. In the event the revised percentage amount results in a change to the Contract amount due Mesa County

(either an increase or decrease in such dollar amount); such increase or decrease shall be recalculated and prorated in entirety to the carryover section of the contract for 2007 or prorated and submitted as a separate payment due.

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

AGREEMENT

Page 3

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

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

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

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

In the event that the claim, demand or cause of action alleges tortuous or other wrongful acts on the part of both the City and the County arising out of or under this Agreement, the parties agree that each will abide by the determination of a court of competent jurisdiction with respect to the allocation of the expenses, costs, damages and payments of moneys based on the relative misconduct of each. The parties agree that claims, demands and causes of action arising out of allegedly tortuous acts or tortuous failure(s) to act and claims, demands and causes of actions which allege a violation of the federal Civil Rights Act are included within the hold harmless and indemnity provisions set forth herein.

9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on March 31, 2007 if the parties to this contract enter into a new contract for the provision of animal control services in the succeeding year as set forth below. Notice to terminate if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

10) It shall be the responsibility of the County to provide the City with a proposed Animal Services contract for 2006 animal control services no later than February 1, 2006. After review of the proposed contract the City of Grand Junction will, on or before March 1, 2007, either issue a preliminary acceptance of the proposed contract or a
AGREEMENT

Page 4

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

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

12) The terms and rates for the six months service continuation period after notice of termination shall be those agreed to by the parties in the 2006 contract, unless the six months extends beyond March 31, 2007, in which case the remainder of the six months shall be controlled by the terms and rates of the proposed contract which shall be effective during the service period following March 31, 2007 until the completion of the six months termination period.

13) If terms and conditions of the proposed contract are not accepted by the parties in the form of a signed written contract on or before March 31, 2007, the provision of animal services to the City of Grand Junction shall cease September 30, 2007.

Attest: City of Grand Junction

City Clerk: Stephanie Tuin

Mayor:

Date: _____

Date _____

Attest: County of Mesa

County Clerk: Monika Todd

**Board of County Commissioners
Chairperson:**

Date: _____

Date: _____



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ANNUAL REPORT-MESA COUNTY ANIMAL SERVICES



2005



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MISSION STATEMENT

MESA COUNTY ANIMAL SERVICES ENFORCES THE ANIMAL ORDINANCE TO PROTECT THE HEALTH AND WELFARE OF THE CITIZENS OF OUR COUNTY. WE PROTECT AND MANAGE THE ANIMAL POPULATION. OUR OBJECTIVE IS TO PLACE AS MANY UNWANTED ANIMALS AS POSSIBLE INTO SUITABLE HOMES AND PROVIDE COMMUNITY EDUCATION THAT ENCOURAGES RESPONSIBLE PET OWNERSHIP.



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WHERE THEY COME FROM

MESA COUNTY ANIMAL SERVICES (MCAS) WELCOMES ANY STRAY OR OWNED DOG AND ANY DOMESTICATED ANIMAL THAT IS IN NEED OF HUMANE CARE. WE CHARGE NO FEE TO RELEASE AN ANIMAL TO MCAS AS WE WOULD PREFER AN OWNER OR CONCERNED CITIZEN BRING THE ANIMAL TO US RATHER THAN ABANDON IT IN THE COMMUNITY. DOGS RUNNING AT LARGE OR ANIMALS THAT ARE SICK OR INJURED CAN BE A PUBLIC SAFETY RISK.

HUMANE EUTHANASIA IS ALSO AVAILABLE FOR PETS WHEN REQUESTED BY THE OWNER OR IF STAFF DEEMS IT TO BE NECESSARY FOR MEDICAL OR BEHAVIORAL REASONS. WE ALSO HOLD ANIMALS AT OUR SHELTER FOR RABIES QUARANTINE (NORMALLY 10 DAYS) OR VICIOUS AND NUISANCE ANIMALS PENDING A DISPOSITION ORDER BY THE COURT.

MESA COUNTY ANIMAL SERVICES HAS A FULL SERVICE CONTRACT WITH THE CITY OF GRAND JUNCTION TO PROVIDE BOTH ENFORCEMENT AND SHELTERING. WE ALSO PROVIDE SHELTER SERVICES AND EMERGENCY BACKUP FOR ANIMAL CONTROL ISSUES WHEN REQUESTED BY LAW ENFORCEMENT FOR THE TOWNS OF DEBEQUE, COLLBRAN, PALISADE AND FRUITA.

FINALLY, WE PROVIDE PROTECTIVE CUSTODY FOR ANIMALS WHOSE OWNERS ARE INVOLVED IN ACCIDENTS, ARE INCARCERATED BY LAW ENFORCEMENT OR HAVE AN EMERGENCY SITUATION THAT INVOLVES HUMAN SERVICES.





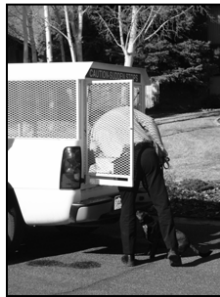
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ANIMALS SHELTERED

	DOGS	CATS	OTHER	TOTAL 2005
OWNER RELEASE	731	1419	14	2164
EUTHANASIA REQUEST	89	32	2	123
HUMANE INTAKE	72	544	22	638
QUARANTINE/COURT HOLD	88	21	1	110
ENFORCEMENT (DOG AT LARGE)	1843			1843
MUNICIPAL CONTRACTS	142	74	5	221
OTHER (PROTECTIVE CUSTODY)	11	12	12	35
TOTAL ANIMALS SHELTERED				5134

THE SHELTER POPULATION CONTINUES TO INCREASE, ALBEIT AT A LEVEL THAT IS LESS THAN WOULD BE EXPECTED CONSIDERING THE GROWTH IN MESA COUNTY AND A NATION-WIDE INCREASE IN PET OWNERSHIP. THIS WOULD INDICATE THAT PROJECT PUPs (MCAS' SUBSIDIZED SPAY/NEUTER PROGRAM) AND AN INCREASED FOCUS ON EDUCATIONAL PROGRAMMING ARE HAVING THE DESIRED IMPACT.

THIS YEAR STAFF FOCUSED ON PERSONALIZING THE IMPOUND INTERVIEW SO THAT WE COULD IDENTIFY OWNERS WHO MIGHT BE OPEN TO OTHER PLACEMENT OPTIONS. OUR INTAKE COUNSELOR PROVIDED ALTERNATIVE RESOURCES FOR PET OWNERS NEEDING TO REHOME THEIR PETS AND BEHAVIOR TIPS FOR THOSE OWNERS WHO WERE WILLING TO CONSIDER KEEPING THEIR PETS IF THEY COULD OBTAIN ASSISTANCE IN TRAINING "OUT" OFFENSIVE BEHAVIOR IN THEIR PET. THIS EFFORT DID HAVE AN IMPACT BUT WAS UNFORTUNATELY OFFSET BY ENFORCEMENT IMPOUNDS THAT INCREASED BY 9%.





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2005 WAS A GOOD YEAR FOR ANIMALS WHO FOUND SHELTER AT MCAS. BY FORGING ALLIANCES WITH OTHER ANIMAL WELFARE AGENCIES WITHIN OUR COMMUNITY AND ACROSS THE STATE, THE NUMBER OF ANIMALS RE-HOMED WAS INCREASED BY 32% OVER 2004. THIS IS A RECORD ACCOMPLISHMENT FOR MESA COUNTY.

FINALLY, FINDING A DOG OR CAT A NEW HOME IS ONLY THE FIRST STEP. BECAUSE THESE ANIMALS MAY HAVE NOT HAD ANY BASIC OBEDIENCE TRAINING, OWNERS MAY NEED ASSISTANCE IN MANAGING THE TRANSITION. THIS YEAR WE IMPLEMENTED AN ADOPTION FOLLOW UP PROGRAM. VOLUNTEERS CONTACT ADOPTERS AT TWO WEEKS AND AGAIN AT ONE MONTH TO OFFER ASSISTANCE WITH ANY ISSUES NEEDING ATTENTION. WE ARE HOPEFUL THAT THE LONG-TERM BENEFITS OF THIS PROGRAM WILL BE FEWER RETURNS AND A SMOOTHER TRANSITION FOR THE PET OWNER .

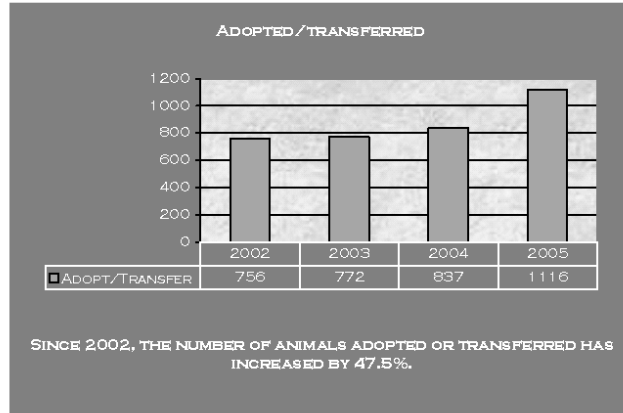
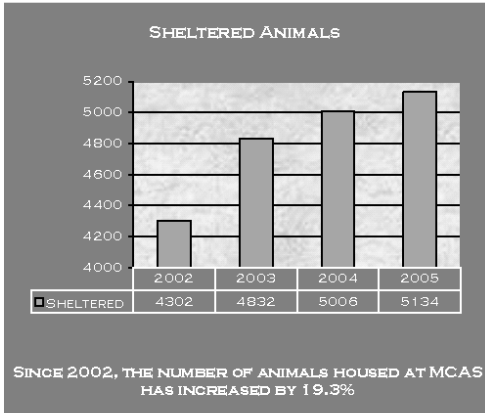
IN ADDITION TO INCREASING ADOPTIONS AND TRANSFERS AND IN AN EFFORT TO MANAGE THE DAILY POPULATION, OFFICERS RETURNED 282 DOGS DIRECTLY HOME TO THEIR OWNERS RATHER THAN IMPOUNDING THEM TO OUR ALREADY CROWDED FACILITY.

ANIMALS ADOPTED		ANIMALS REUNITED	
DOGS OR PUPPIES	561	DOGS OR PUPPIES	1080
CATS OR KITTENS	276	CATS OR KITTENS	23
OTHER ANIMALS	29	OTHER ANIMALS	4
TRANSFERS	250		
TOTAL	1116	TOTAL	1107

ANIMALS EUTHANIZED	
UNADOPTABLE DOGS	1107
HEALTHY DOGS	71
UNADOPTABLE CATS	1293
HEALTHY CATS	198
FERAL CATS	136
EU REQUESTED BY OWNER	123
OTHER ANIMALS	6
TOTAL EUTHANIZED	2934



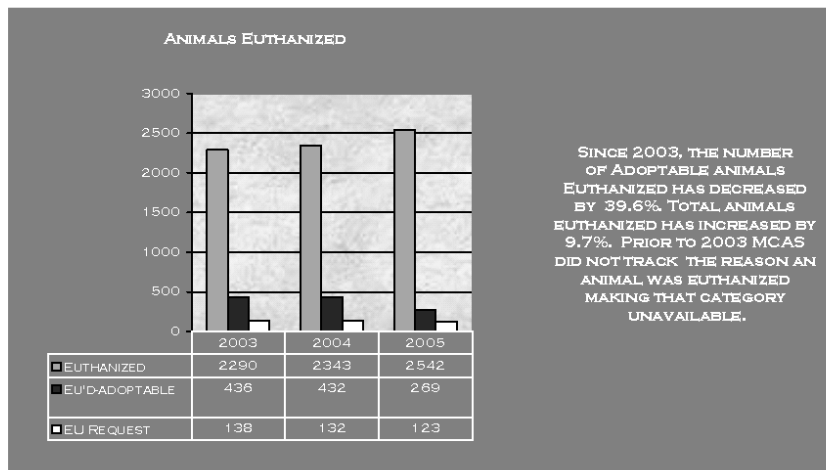
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WHILE WE STILL EUTHANIZE HEALTHY ANIMALS AT MCAS, WE HAVE MADE PROGRESS TOWARD ACHIEVING THE GOAL OF NOT EUTHANIZING ANIMALS DUE TO LACK OF SPACE.

WE HAVE WORKED HARD TO ADDRESS THE NUMBER OF HEALTHY ANIMALS EUTHANIZED FOR SEVERAL REASONS:

- **AVERAGE TURNOVER IN THE ANIMAL WELFARE INDUSTRY FOR POSITIONS THAT WORK DIRECTLY WITH ANIMALS IS 68%. THIS IS COMMONLY KNOWN AS COMPASSION FATIGUE. BASED ON THE COSTS OF RETRAINING STAFF, THIS LEVEL OF TURNOVER IS A DRAIN ON RESOURCES AND CAN BE MITIGATED IF WE DECREASE THE NUMBER OF HEALTHY ANIMALS EUTHANIZED.**
- **IN ORDER FOR MCAS TO HAVE AN IMPACT ON PUBLIC PERCEPTIONS REGARDING PUBLIC SAFETY AND RESPONSIBLE PET OWNERSHIP, WE NEED TO BE RESPECTED AS ANIMAL WELFARE PROFESSIONALS. THE PUBLIC EXPECTS MCAS TO DO ALL THAT CAN BE DONE TO ENSURE THAT ANIMALS THAT ARE BEHAVIORALLY AND MEDICALLY HEALTHY FIND HOMES.**





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PUBLIC SAFETY IS THE CORNERSTONE OF OUR PHILOSOPHY. PROTECTING THE PUBLIC MAY INVOLVE AN OFFICER CAPTURING AN AGGRESSIVE DOG, ENSURING ADEQUATE QUARANTINE FOR AN UNVACCINATED ANIMAL WHO HAS BITTEN A CHILD OR STAFF MAKING SURE THAT CITIZENS WHO COME TO OUR SHELTER ARE ENTERING A SAFE ENVIRONMENT.

WE CONTINUE TO INVESTIGATE COMPLAINTS OF NEGLECT AND ABUSE AGAINST INNOCENT ANIMALS THAT CAN'T SPEAK FOR THEMSELVES. A SIGNIFICANT INCREASE IN THE PET POPULATION IN MESA COUNTY ALONG WITH PUBLIC AWARENESS THAT IT IS UNACCEPTABLE TO ALLOW PETS TO BE HOUSED IN CONDITIONS THAT ARE NOT HUMANE, HAS RESULTED IN A RECORD NUMBER OF CALLS FOR SERVICE. THIS INCREASE ALONG WITH MORE CALLS COMING FROM THE FAR REACHES OF THE VALLEY HAS BEEN A DRAIN ON OUR RESOURCES. IN ORDER TO MANAGE THIS INCREASE, WE HAVE RE-EVALUATED PRIORITY RESPONSES AND ELIMINATED OFFICER RESPONSES TO CALLS THAT MIGHT BE HANDLED VIA PHONE OR LETTER.



HOWARD CAME TO US AS THE RESULT OF AN ABUSE INVESTIGATION. HE WAS ALMOST 30 POUNDS UNDER THE DESIRED BODY WEIGHT AND HIS TOE NAILS HAD GROWN SO LONG THAT THEY HAD CURLED INTO HIS PAWS AND HAD TO BE SURGICALLY REMOVED. ONCE HOWARD WAS STABILIZED, WE CONTACTED BASSETT HOUND RESCUE AND HE WAS TRANSFERRED INTO A LOVING AND HAPPY HOME TO RECOVER. . HOWARD'S PREVIOUS OWNER HAS BEEN CITED FOR ANIMAL CRUELTY.



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IN 2005, MCAS INVESTIGATED AND/OR ACTED ON THE FOLLOWING:

	2003	2004	2005
CALLS FOR SERVICE	9,529	9,526	10,836
TOTAL CITATIONS ISSUED	1,241	1,369	1,342
ABUSE/NEGLECT CITATIONS	10	14	18
DANGEROUS DOG CITATIONS	98	87	106
MANDATORY COURT CITATIONS	173	169	159
OTHER CITATIONS	960	1,099	1,059
DOG BITES/CAT BITES	362/148	321/85	409/80
WELFARE CHECKS WITH ACTIONS	319	459	320
WELFARE CHECKS UNFOUNDED	194	197	457
TOTAL WARNINGS ISSUED	742	608	510
LICENSES SOLD	18,095	18,349	19,178
COURT/ADMINISTRATIVE	NOT TRACKED	136	805
PAGER (AFTER HOUR CALLS)	260	393	572
MILEAGE	76,151	78,570	81,042

IN 2005 MCAS EXPERIENCED A 14% INCREASE IN REQUESTS FOR SERVICE OVER THE PREVIOUS YEAR. IN ADDITION TO THESE CALLS, AFTER HOUR EMERGENCY CALLS INCREASED BY 45%. HOWEVER, CITATIONS ISSUED DECREASED SLIGHTLY. UNFORTUNATELY, DANGEROUS DOG AND ABUSE/NEGLECT VIOLATIONS REQUIRE MORE INVESTIGATION TIME AND REQUIRE MORE COURT APPEARANCES. THUS, WE HAVE LESS TIME FOR FOLLOW UP ON LESS SERIOUS INFRACTIONS.

FOR EXAMPLE, MANY CITIZENS DO NOT RECLAIM THEIR PETS IN ORDER TO AVOID PAYING FOR FEES OR BEING SERVED A DOG AT LARGE CITATION. WHEN WE HAVE OWNER INFORMATION, WE TRY TO TRACK DOWN THE OWNER SO THEY ARE HELD ACCOUNTABLE FOR BOARDING FEES. OUR PHILOSOPHY IS THAT AN OWNER SHOULD NOT BE ALLOWED TO ABANDON THEIR DOG AT A LOCAL SHELTER AND NOT FACE CONSEQUENCES FOR IRRESPONSIBLE PET OWNERSHIP. HOWEVER, WITH THE INCREASE IN CALLS AND ANIMALS SHELTERED, WE HAVE FOUND LITTLE TIME TO CHASE DOWN OWNERS OF THESE ABANDONED PETS. THIS IS UNFORTUNATE BECAUSE THE OWNER WHO IS ACTING RESPONSIBLY AND RECLAIMS THEIR PET IS ACTUALLY BEING HELD TO A HIGHER STANDARD THAN THE PET OWNER WHO VIEWS THEIR DOG AS DISPOSABLE.



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REACHING OUT TO MAKE A DIFFERENCE

MEDIA EXPOSURE

WE FEATURE A "PET OF THE WEEK" AND SCHEDULED PET CARE SEGMENTS ON KEKB RADIO, KREX-TV AND KJCT-TV. IN ADDITION, PUBLIC SERVICE ANNOUNCEMENTS AND STORIES FOCUSING ON SPECIAL EVENTS, PET CARE, ANIMAL CARE AND PUBLIC SAFETY APPEARED REGULARLY ON/IN THE FOLLOWING:

THE DAILY SENTINEL
KKCO-TV
KJCT-TV
CHANNEL 12

KEKB FM
KREX-TV
THE FRUITA TIMES
THE FREE PRESS

COMCAST SPOTLIGHT: ANIMAL PLANET, LIFETIME, OXYGEN, TBS, FAMILY AND ESPN

WEB-SITE

IN ADDITION TO MCAS' OFFICIAL COUNTY WEB-SITE THAT FOCUSES ON THE ENFORCEMENT SIDE OF OUR PROGRAM, WE HAVE A DEDICATED VOLUNTEER WHO MANAGES A "SHELTER SIDE" WEB-SITE AND OUR LINK TO PETFINDER.COM. MCAS PET PICTURES WERE ACCESSED 66,252 TIMES VIA PETFINDER.COM AND OUR SHELTER SIDE WEB-SITE RECEIVED OVER 12,000 HITS.

THE BARKY BUS (AKA THE CAT-MOBILE)

THE BARKY BUS WAS VERY BUSY IN 2005. WE OPERATED THE BARKY BUS AT LOCAL FUNCTIONS THROUGHOUT THE SPRING AND FALL AT LOCAL MERCHANTS, FESTIVALS AND PARADES.

IN DECEMBER WE TEAMED UP WITH THE REGIONAL CENTER, GRAND RIVERS HUMANE, THE LOMA CAT HOUSE, DALMATION RESCUE AND VOLUNTEERS TO PROVIDE AN ENTERTAINING ENTRY IN THE PARADE OF LIGHTS. THE REGIONAL CENTER PROVIDED THE DECORATED FLOAT AND FILLED IT WITH THEIR STAFF AND RESIDENTS DRESSED AS DALMATIONS. WE PROVIDED THE BARKY BUS, MORE DALMATIONS AND A REFORMED CRUELLA DE VILLE. PUSS 'N BOOTS SHOWED UP TO GIVE HUGS TO EAGER CHILDREN IN THE CROWD.

COLLABORATIONS

IN MAY OF 2005, GRAND RIVERS HUMANE (GRH) WAS FORMED WITH THE SOLE PURPOSE OF FINDING HOMES FOR MCAS ANIMALS. THEIR MISSION FOCUSES ON RE-HOMING MCAS ADOPTABLE ANIMALS AND PROVIDING SERVICES THAT MESA COUNTY DOES NOT HAVE RESOURCES TO PROVIDE. DURING DECEMBER ALONE, MCAS TRANSFERRED OWNERSHIP OF 40 ANIMALS TO GRAND RIVERS HUMANE. MANY OF THESE WERE CATS WHO FOUND PERMANENT HOMES VIA PETCO AND PETSMAART.

IN ADDITION, GRAND RIVERS HUMANE AND SEVERAL ANIMAL RESCUES ACROSS THE STATE HAVE ELECTED TO BOARD DOGS AT A LOCAL BOARDING FACILITY, THE PET SPA, WHEN MCAS HAS MORE DOGS THAN SPACE. THIS GIVES THE RESCUES AND GRH TIME TO ARRANGE TRANSPORTATION TO A RESCUE OR PERMANENT PLACEMENT.

THE PARTNERSHIPS BETWEEN MCAS, GRAND RIVERS HUMANE, PETSMAART, PETCO, THE PET SPA AND LOCAL VETERINARIANS HAS BEEN INCREDIBLY SUCCESSFUL AND THE PETS OF MESA COUNTY ARE THE LUCKY BENEFICIARIES.



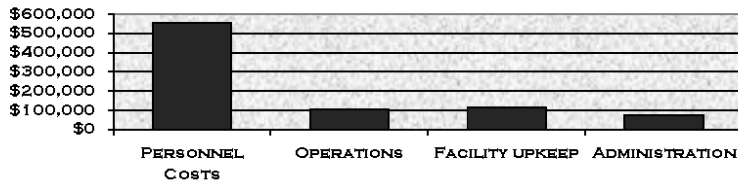
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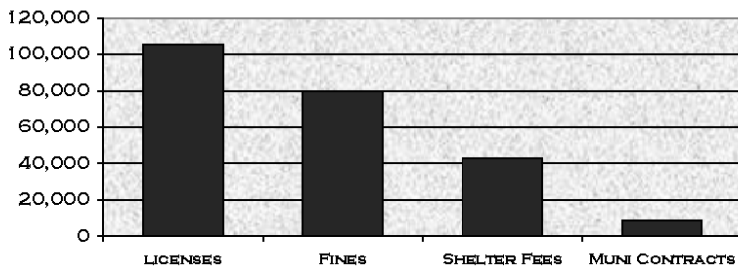
EXPENSES



EXPENSES

PERSONNEL	\$ 554,563.94
OPERATIONS	\$ 104,156.70
FACILITY REPAIR + UTILITIES	\$ 31,768.09
ADMINISTRATION COSTS	\$ 114,701.00
TOTAL EXPENSES	\$ 805,189.64

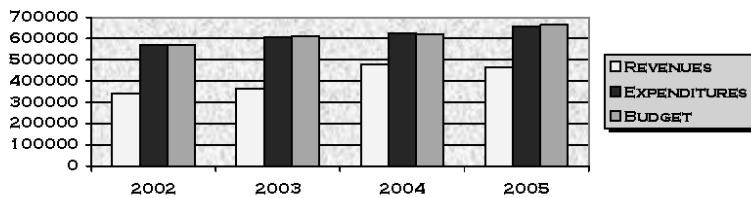
REVENUE



REVENUE

LICENSES	\$ 105,594.50
MUNICIPAL CONTRACTS	\$ 8,579.00
SHELTER FEES	\$ 43,060.34
FINES	\$ 109,053.30
MISCELLANEOUS	\$ 220.00
TOTAL REVENUE	\$ 266,507.14

REVENUES, EXPENDITURES AND BUDGET FOR 2002-2005*



*REVENUE FIGURES REFLECTED ON THIS CHART INCLUDE FUNDS RECEIVED FROM THE CITY OF GRAND JUNCTION CONTRACT. THESE FIGURES DO NOT INCLUDE PROJECT PUPS OR SNAPS



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SOURCE OF REVENUE:

SHELTER FEES	\$ 43,060.34	
FINES	\$ 109,053.30	
LICENSES	\$ 105,594.50	
MUNICIPAL CONTRACTS	\$ 8,579.00	
MISCELLANEOUS	\$ 220.00	
TOTAL REVENUES		\$266,507.14

EXPENDITURES

PERSONNEL COSTS	\$554,563.94	
OPERATING EXPENSES	\$104,156.70	
FACILITY REPAIR AND UTILITIES	\$ 31,768.00	
ADMINISTRATION	\$114,701.00	
TOTAL EXPENSES		(\$805,189.64)

COST OF OPERATING PROGRAM IN 2005 \$538,682.50

MESA COUNTY AND THE CITY OF GRAND JUNCTION SPLIT THE COST OF OPERATING MESA COUNTY ANIMAL SERVICES BASED ON OVERALL CALLS HANDLED BY ANIMAL SERVICES FOR EACH ENTITY. IN 2005, 57.3% OF CALLS WERE LOCATED IN MESA COUNTY AND 42.7% IN THE CITY OF GRAND JUNCTION. GRAND JUNCTION'S PORTION OF COST FOR 2005 WAS \$224,588.00. THE AMOUNT PAID BY THE CITY OF GRAND JUNCTION IN 2005 WAS BASED ON BUDGET PROJECTIONS AND NOT ACTUAL COSTS. THEY PAID \$196,247.00 BASED ON THE 2005 CONTRACT AND WILL BE BILLED \$33,770.43 IN THE CARRYOVER SECTION OF THE 2006 CONTRACT. THE ADDITIONAL AMOUNT DUE FROM GRAND JUNCTION IS THE RESULT OF AN INCREASE IN CALLS FOR SERVICE, ANIMALS SHELTERED, OVERTIME FROM EMERGENCY ON-CALL RESPONSES, UTILITY AND FUEL COSTS AND THE PERCENTAGE OF OVERALL CALLS RESPONDED TO FROM WITHIN THE CITY OF GRAND JUNCTION. MESA COUNTY'S COST FOR ANIMAL CONTROL SERVICES WAS \$314,094.50.



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2005 ACHIEVEMENTS

1. CONTINUING OUR PHILOSOPHY OF INCREASED ENFORCEMENT THAT INCLUDES EDUCATION, RATHER THAN EDUCATION PRECLUDING ENFORCEMENT WE IMPLEMENTED AN EDUCATIONAL CAMPAIGN ENTITLED "THERE'S NO PLACE LIKE HOME". THIS CAMPAIGN INCLUDED BILLBOARDS, PUBLIC SERVICE ANNOUNCEMENTS ON RADIO AND TELEVISION, CERTIFICATES FOR RESPONSIBLE PET OWNERS AND EDUCATIONAL MATERIALS THAT ENCOURAGES PET OWNERS TO KEEP THEIR PETS SAFE AT HOME OR ON A LEASH WHEN OFF THEIR PROPERTY. THE FEEDBACK HAS BEEN POSITIVE AND WE PLAN TO EXPAND THE CAMPAIGN INTO 2006.
2. IN JULY, WE IMPLEMENTED A NEW LICENSING PROGRAM. MESA COUNTY LICENSES NOW EXPIRE ON THE EXPIRATION DATE OF THE CURRENT RABIES VACCINATION. THIS MEANS THAT WE OFFER TWO LICENSES, ONE GOOD FOR NO MORE THAN ONE YEAR AND ONE THAT IS GOOD FOR NO MORE THAN THREE YEARS. THIS CHANGE WILL EVENTUALLY DECREASE THE AMOUNT OF DATA ENTRY AND PROVIDES A REQUESTED CUSTOMER SERVICE TO MESA COUNTY CITIZENS. IN ADDITION, WE RAISED SEVERAL OF THE FEES THAT WE CHARGE TO THE PUBLIC FOR IMPOUNDING AND HOUSING ANIMALS WHICH WILL INCREASE REVENUES.
3. IT WAS A CHALLENGING YET PRODUCTIVE YEAR WITH REGARD TO MANAGING SPACE CONSTRAINTS. IN THE SUMMER OF 2004, WE STARTED WORKING WITH RESCUES AND OTHER AGENCIES TO ASSIST WITH THE RE-HOMING OF HEALTHY PET ANIMALS. IN 2005 WE CONTINUED TO DEVELOP THOSE RELATIONSHIPS AND EXPANDED TO INCLUDE LOCAL VETERINARIANS AND PET BUSINESSES. IN MAY, GRAND RIVERS HUMANE (GRH) WAS FORMED WITH A MISSION TO ASSIST MESA COUNTY ANIMAL SERVICES IN FINDING PERMANENT HOMES FOR ANIMALS THAT ARE PHYSICALLY AND BEHAVIORALLY HEALTHY. WHILE (GRH) IS A FLEDGLING AGENCY, THEY HAVE BEEN ABLE TO ASSIST US BY TRANSPORTING ANIMALS TO FRONT RANGE RESCUES AND HUMANE SOCIETIES, ACCEPTING ANIMALS AS TRANSFERS IN THEIR FOSTER HOMES AND PROMOTING ADOPTIONS ON THE BARKY BUS AND AT LOCAL PET STORES. IN ADDITION, WHEN WE ARE OUT OF SPACE, THEY FUND PLACEMENT FOR ADOPTABLE ANIMALS AT LOCAL KENNELS UNTIL PERMANENT PLACEMENT IS AVAILABLE. THESE COLLABORATIONS HAVE RESULTED IN AN INCREASE IN ADOPTIONS/TRANSFERS OF 32% WHICH WAS A RECORD HIGH FOR MCAS.

IN LIGHT OF THE SUCCESS WE HAVE SEEN WITH THESE COLLABORATIONS, WE HAVE CONTACTED VARIOUS AGENCIES THROUGHOUT THE WESTERN SLOPE AND ARE IN THE PROCESS OF FORMALIZING THE WESTERN SLOPE SHELTER ALLIANCE THAT WILL INCLUDE SHELTERS, RESCUES, HUMANE SOCIETIES, AND VETERINARIANS FROM DELTA, MESA, MONTROSE, GARFIELD AND PITKIN COUNTIES. THE HOPE IS THAT BY FORMING RELATIONSHIPS, TRACKING STATISTICS BASED ON AGREED UPON CRITERIA AND SHARING INFORMATION, WE WILL BE ABLE TO IDENTIFY THE SCOPE OF THE PROBLEMS AS THEY RELATE TO PET ANIMALS IN MESA COUNTY AND THE WESTERN SLOPE. ACCURATE STATISTICS SHOULD INCREASE THE AVAILABILITY OF INFORMATION THAT CAN BE USED FOR GRANT REQUESTS. HOPEFULLY, THIS WILL INCREASE THE FUNDING AVAILABLE FROM FOUNDATIONS TO ASSIST WITH ANIMAL WELFARE ISSUES ON THE WESTERN SLOPE. ANY ADVANCEMENT MADE BY PRIVATE AGENCIES AND NON-PROFITS WILL RESULT IN LESS PRESSURE BEING PLACED ON MCAS TO PROVIDE ADDITIONAL SERVICES.

Attach 3
Trash Collection Truck

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase Trash Collection Truck					
Meeting Date	April 5, 2006					
Date Prepared	March 30, 2006					
Author	Shirley Nilsen		Senior Buyer			
Presenter Name	Ronald Watkins		Purchasing Manager			
	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent
						Individual Consideration

Summary: Purchase one 2006 Front Loading Trash Collection Truck for the City of Grand Junction Solid Waste Division.

Budget: The 2006 Fleet replacement budget estimated cost for this unit is \$170,000.00. The purchase price for the replacement trash truck is \$169,150.00 less \$30,819.00 trade for a net cost of \$138,331.00.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase one (1) Mack MR6005/ New Way Mammoth front loading collection truck from Elliot Equipment Company, Davenport, Iowa for the amount of \$138,331.00

Background Information: The existing 1996 Mack Trash compactor front loading truck is currently identified by the annual review of the fleet replacement committee for replacement. The solicitation was advertised in the Daily Sentinel, and invitations were sent to sixteen (16) potential bidders. Five (5) responsive and responsible bids were received as shown below. The Fleet Manager and Purchasing Manager agree with this recommendation.

Company	Price	Trade In	Total price less trade In
Elliot Equipment Company	\$169,150.00	\$30,819.00	\$138,331.00

Grand Junction Peterbilt	169,263.00	\$29,000.00	140,263.00
	195,705.00	12,000.00	183,705.00
	179,324.00	12,000.00	167,324.00
Western Colorado Truck	180,058.00	14,000.00	166,058.00
	169,997.00	14,000.00	155,997.00
	196,439.00	14,000.00	182,439.00
Auto Car	169,411.00		169,411.00
	\$187,453.00	\$12,000.00	\$175,453.00

Attach 4

Concession Food Products Distributor

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Concession Food and Products Distributor							
Meeting Date	April 5, 2006							
Date Prepared	March 22, 2006				File #			
Author	Shirley Nilsen		Senior Buyer					
Presenter Name	Tim Seeburg Joe Stevens		General Manager – TRCC/Avalon Theatre Parks and Recreation Parks and Recreation Director					
Report results back to Council		No		Yes	When			
Citizen Presentation		Yes		No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Summary: Provide concession food and products at Stocker Stadium, Moyer Pool and Canyon View Park for the Parks and Recreation Department.

Budget: Funds to provide the concession foods and products distributor service are available in the Parks and Recreation concession budget. The budgeted amount is \$83,500.00.

Action Requested/Recommendation: Authorize the City Purchasing Division to award concession foods and products distributorship to Shamrock Foods Company, Commerce City, CO.

Background Information: The solicitation was advertised in the Daily Sentinel and invitations were sent to sixteen (16) potential providers. Three (3) responsive and responsible proposals were received from:

- US Foodservice Centennial, CO
- Shamrock Foods Commerce City, CO
- Sysco International West Jordan, UT

All three food providers have a presence and local representation in Mesa County, but the majority of the food and products are delivered to Grand Junction from the front-range or West Jordan, UT with multiple weekly deliveries.

The concession food and products purveyor was selected through a competitive request for proposal process using the following criteria:

- Cost
- Service
- Responsiveness of RFP
- Experience
- Demonstrated Business Authority

Proposals were opened and the representative pricing for high usage commodities was reviewed. The three providers were invited to meet with the evaluation committee to address specific service questions, minimum order dollar limitations, on-line ordering capabilities and account billing. The evaluation team was made up of representatives from TRCC, Parks and Recreation and Purchasing. The TRCC/Avalon Theatre Parks and Recreation General Manager and Purchasing Manager agree with this recommendation.

Attach 5

Three Type III Ambulances

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Purchase Three Ambulances					
Meeting Date		April 5, 2006					
Date Prepared		March 30, 2006			File #		
Author		Shirley Nilsen		Senior Buyer			
Presenter Name		Ron Watkins Rick Beaty		Purchasing Manager Fire Chief			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This purchase is for three 2006 Life Line, Superliner, Type III, Ambulances for providing emergency and non-emergency ambulance services for Grand Junction Ambulance Service area.

Budget: \$340,848 was the estimated cost included in the Fire Department proposal that was endorsed by the City Council. Sufficient savings are available within the line item amounts in training and protective equipment in the start-up funding plan to cover the shortfall amount.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase three Life Line Superliners from Rocky Mountain Emergency Vehicles, Denver, CO for the amount of \$348,375.00.

Background Information: The solicitation was advertised in the Daily Sentinel and invitations were sent to 53 potential providers. Three responsive and responsible proposals were received from:

Company	Unit Price
Medtec Ambulance Corporation Boulder, CO	\$112,500.00
Rocky Mountain Emergency Vehicles * Denver, CO	\$116,125.00*

Taylor Made Ambulance Newport, Arizona	\$107,471.00
---	--------------

*Recommended award

The Type III Ambulances were selected through a competitive Request for Proposal process using the following evaluation criteria:

- Delivery Time
- Net Cost
- Responsiveness to the RFP
- Demonstrated Capability
- Compliance with Specifications
- Proven Performance
- Ease of Operation
- Vendor Performance History
- Compatibility with existing equipment
- Parts and/or Supplies
- Service parts/availability
- Advantageous superior design features

Proposals were opened and evaluated by a team of representatives from the Fire Department and Purchasing. After contacting seven Taylor Made Ambulance customers the over all consensus of the committee is that Taylor Made quality is not equal to that of the Life Line or the Medtec ambulance and good parts and service may be challenging from Taylor Made. The Fire committee members also denoted old electrical technology in the Taylor Made. Delivery date is critical. Life Line can provide one unit by June 15th and two units in September/October. Medtec Ambulance stated October 1, but after contacting Medtec customers we were informed that delivery dates are not consistently being met.

The Life Line Superliner IIIs were chosen because of the following

- Standardization of medical equipment and consistent training requirements.
- The City has two Life Line Ambulances already and is pleased with the quality and service.
- City Shops maintenance personnel are currently certified to provide warranty work for Lifeline units.
- Delivery of repair parts has been excellent.

- A Life Line box can be remounted in the future. (Taylor Made had only 1 customer that has performed a remount).

The evaluation committee is recommending the Life Line Superliner III and the Fire Chief agrees with this recommendation.

These three units are additions to the fleet.

Attach 6

Setting a Hearing for the Adoption of the 2000 St. Mary's Master Plan as Amended

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Adoption of the 2000 St. Mary's Master Plan						
Meeting Date	April 5, 2006						
Date Prepared	March 27, 2006				File #FPA-2005-288		
Author	Lisa E. Cox, AICP			Senior Planner			
Presenter Name	As above			As above			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to adopt the 2000 St. Mary's Master Plan, including various amendments which reflect updates to the prior plans that will enable the hospital to prepare for the upcoming Century Project.

St. Mary's Hospital is located on the southwest and southeast corners of Patterson Road and 7th Street and is zoned principally Planned Development (PD).

Budget: N/A

Action Requested/Recommendation: Introduce and pass for publication on first reading a proposed ordinance to adopt the 2000 St. Mary's Master Plan and set a public hearing for April 19, 2006.

Background Information: See attached Staff report/Background information

Attachments:

1. Vicinity Map (Figure 1)
2. Aerial Photo (Figure 2)
3. Growth Plan Map (Figure 3)
4. Zoning Map (Figure 4)
5. Ordinance with 2000 Master Plan (as approved)

BACKGROUND INFORMATION			
Location:	2635 North 7 th Street		
Applicants:	St. Mary's Hospital-Keith Estridge Rob Jenkins, representative		
Existing Land Use:	Institutional/Hospital		
Proposed Land Use:	same		
Surrounding Land Use:	North	Commercial	
	South	Hospital/Clinic	
	East	Hospital/Clinic	
	West	Residential	
Existing Zoning:	PD with B-1 default zone district		
Proposed Zoning:	n/a		
Surrounding Zoning:	North	B-1	
	South	R-O/B-1	
	East	PD with B-1 default	
	West	RSF-4	
Growth Plan Designation:	Public		
Zoning within density range?	X	Yes	No

ANALYSIS

1. Background

In an effort to avoid reviewing and approving piecemeal expansions, and at the direction of the Grand Junction Planning Commission, St. Mary's Hospital prepared a Master Plan in 1995. The purpose of the Plan was to set forth the Hospital's plans for upgrades, improvements and expansions to St. Mary's facilities and campus over a 5-year period. The Plan allowed the Planning Commission an opportunity to consider the proposed improvements in a comprehensive manner.

The initial Master Plan was adopted by the Planning Commission with the stipulation that the Plan be re-adopted, or updated, in five years. As a condition of approval of the Master Plan it was determined that the final plans for each of the phases or projects implementing the Plan would be reviewed and approved through a public hearing process with the Planning Commission. Since the adoption of the 2000 Master Plan by

the Planning Commission, the Zoning and Development Code has been revised to include a process for Institutional and Civic Facility Master Plans, which gives final authority for approval of the Master Plan or amendments to the Plan, to the City Council. Henceforth, all new Master Plans, or amendments to the existing Plan, for St. Mary's Hospital are required to be approved by City Council.

In accordance with the approval process of the initial Master Plan, St. Mary's Hospital submitted an updated Master Plan which was approved in December 2000 by the Planning Commission. The 2000 Plan constitutes the current Master Plan for St. Mary's Hospital (as amended to include projects which furthered the efforts of the original Plan). Both the 1995 and 2000 Plans sought to improve site access, traffic flow, pedestrian safety, in addition to meeting then-current and forecasted parking needs.

St. Mary's Hospital recently submitted several proposed amendments to its Plan. The proposed amendments include projects to be accomplished in preparation for The Century Project. The Century Project will add to and remodel the existing hospital. The Century Project is outlined and detailed in the most recent 5-year Master Plan amendment that St. Mary's Hospital has recently submitted to the City for approval. An application to review that proposed plan is currently in the City's process, and will ultimately come before the Planning Commission and City Council under the Institutional and Civic Facility Master Plan provisions of the Zoning and Development Code.

Because the Zoning and Development Code requires City Council approval of Master Plans or Plan amendments, staff recommends that the City Council adopt the 2000 St. Mary's Master Plan and subsequent Plan amendments.

The proposed amendments consist of the following five groups and have been grouped according to construction sequence and logistics:

Group A: Construction of a utility tunnel between the Central Plant and the new hospital addition.

Group B: Helicopter Services:

1. Construction of a temporary helicopter landing pad, storage facility, and new crew quarters (a mobile RV) on the east campus, directly east of the Madden Building.
2. Removal of the existing underground fuel tank.
3. Demolition of the existing landing pad and hangar.
4. Installation of a new underground fuel tank.

Group C: Construction of new underground storm water detention facilities in St. Mary's Park and preparation of the park to serve as a construction staging area for the duration of the construction project, including the interior remodeling of the main hospital building.

Group D: Construction of temporary parking for construction personnel on the east campus. The temporary parking will be located at the site of Holy Family Park and the previous Holy Family School parking lot. This request is for approval for the east half of the proposed temporary construction personnel parking to eventually become permanent parking to be used for construction personnel parking during The Century Project and for hospital staff parking following construction of The Century Project. The west half of the temporary construction parking (located at Holy Family Park, corner of 7th Street and Bookcliff Avenue) will be temporary and will be returned to park space following completion of The Century Project.

Group E: Main hospital building activities:

1. Construction of new ambulance entrance and canopy on the west side of the hospital building.
2. Demolition:
 - i. Demolish the existing Ambulance Entrance Canopy and close the existing Ambulance Entrance.
 - ii. Demolish the existing Outpatient and Ambulatory Emergency Entrance.
3. Excavate and shore for the hospital building addition construction.
4. Utilization of the property owned by St. Mary's at 11th Street and Wellington Avenue as a construction materials staging area for The Century Project. It is intended that this site will be utilized as a staging area throughout the entire construction period with its use as a staging area to be terminated at the conclusion of The Century Project.

It should be noted that St. Mary's has acknowledged that while the projects included in their request to amend the existing 2000 Master Plan relate to The Century Project, St. Mary's fully understands the risks involved in proceeding with the projects while the new 5-year Master Plan amendment is being reviewed.

2. Section 2.20 of the Zoning and Development Code

In reviewing a Master Plan or a proposed amendment, the following criteria must be addressed:

1. Conformance with the Growth Plan and other area, corridor or neighborhood plans. *The proposed amendments to the 2000 St. Mary's Master Plan comply with the goals and policies of the Growth Plan, Grand Valley Circulation Plan, the Zoning and Development Code and the TEDS manual.*
2. Conformance with the Major Street Plan and general transportation planning requirements. *The proposed amendments to the 2000 St. Mary's Master Plan is in compliance with the Grand Valley Circulation Plan and the Transportation Engineering Design Standards (TEDS) manual.*

3. Compatibility with the surrounding neighborhood in terms of capacity of safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential. *The proposed amendments to the 2000 St. Mary's Master Plan have been reviewed and found to be either compliant or to have the ability to be fully compliant upon final engineering and design with all required provisions of this criterion.*

4. Adequacy of public facilities and services. *Adequate public facilities or services have either been provided to the site or are being upgraded to accommodate the needs of the hospital and site development.*

5. Community benefits from the proposal. *The proposed amendments to the 2000 St. Mary's Master Plan will provide numerous community benefits as they will allow the western hospital campus to be prepared for the significant undertaking of The Century Project, a 12-story patient tower addition to the main hospital building.*

3. Consistency with the 2000 Master Plan

The proposed five groups of amendments to the 2000 Master Plan are consistent with the goals and objectives of the 2000 Master Plan.

4. Consistency with the Growth Plan

The proposed amendments to the 2000 Master Plan are consistent with the goals and policies of the Growth Plan and ensure the provision of needed parking, improved traffic circulation and improved pedestrian access/movement on both the east and west hospital campuses.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Amendment to St. Mary's Master Plan application, FPA-2005-288, requesting approval to amend the 2000 Master Plan for St. Mary's Hospital, the Planning Commission made the following findings of fact and conclusions:

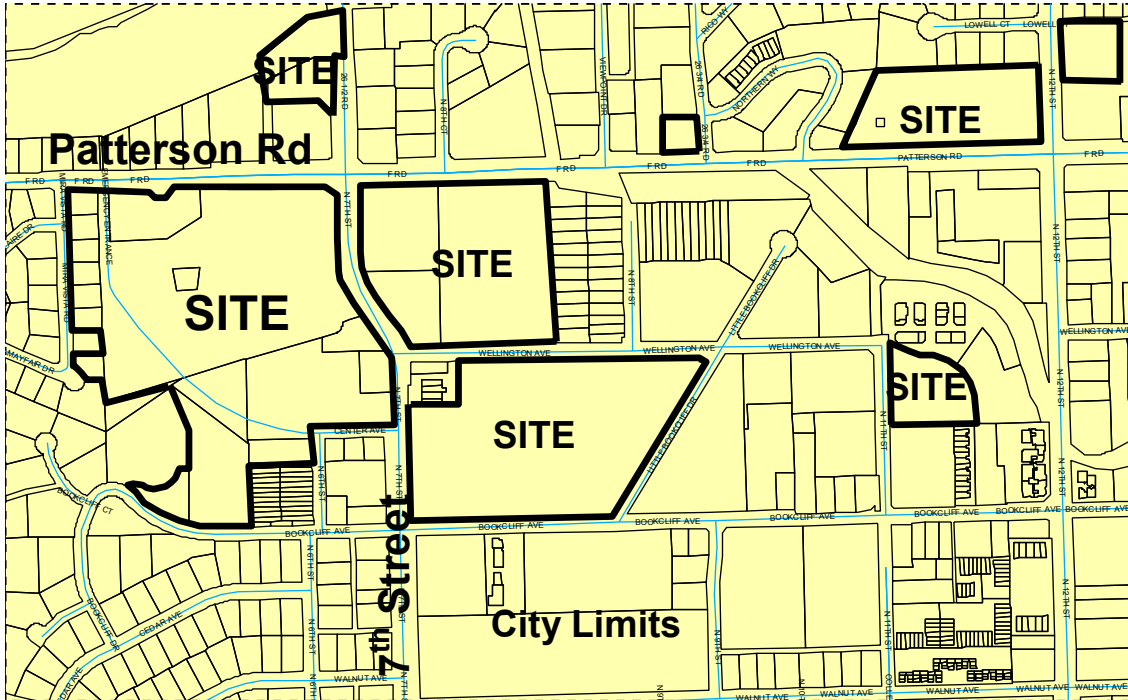
1. The proposed amendments to the 2000 Master Plan for St. Mary's Hospital are consistent with the goals and policies of the Growth Plan and Future Land Use Map.
2. The proposed amendments are consistent with the intent and purpose of the Zoning and Development Code.

RECOMMENDED PLANNING COMMISSION MOTION:

The Planning Commission recommended to City Council that the request to amend the 2000 St. Mary's Master Plan with various proposed amendments with the findings and conclusions as outlined in the staff report be approved.

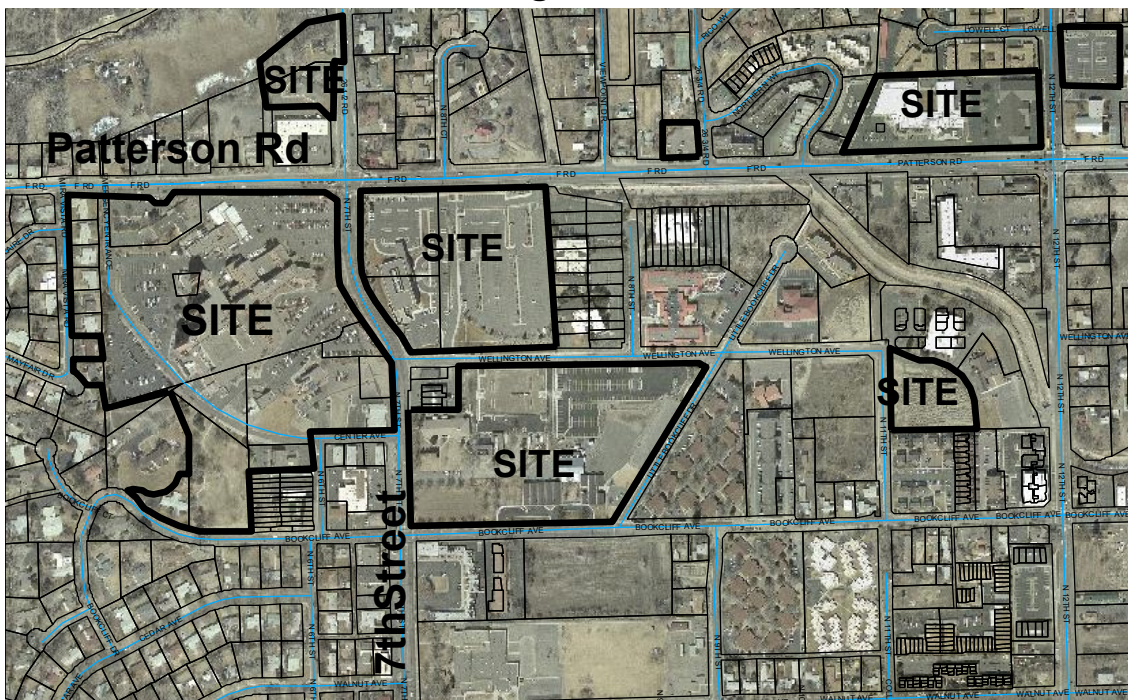
Site Location Map

Figure 1



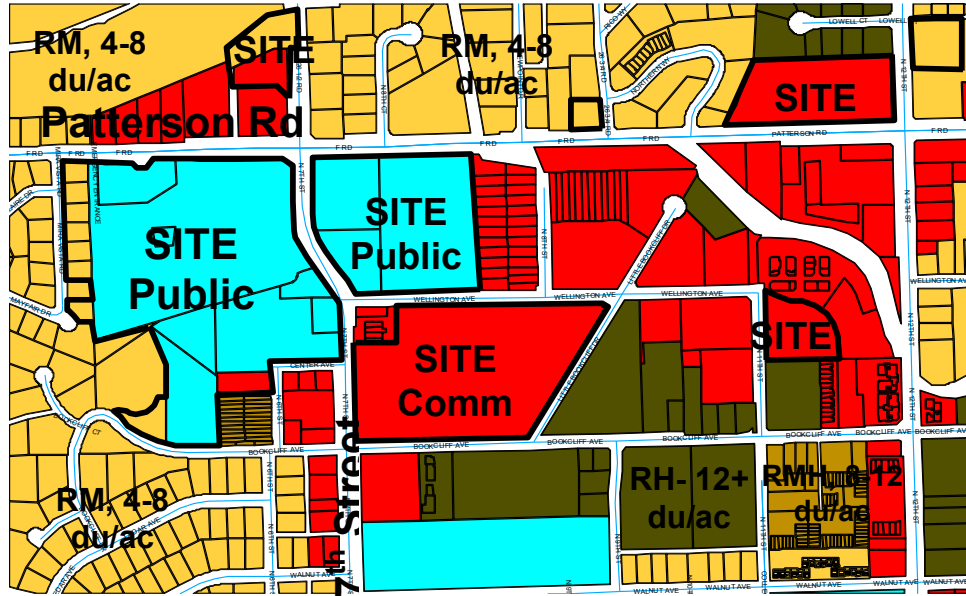
Aerial Photo Map

Figure 2



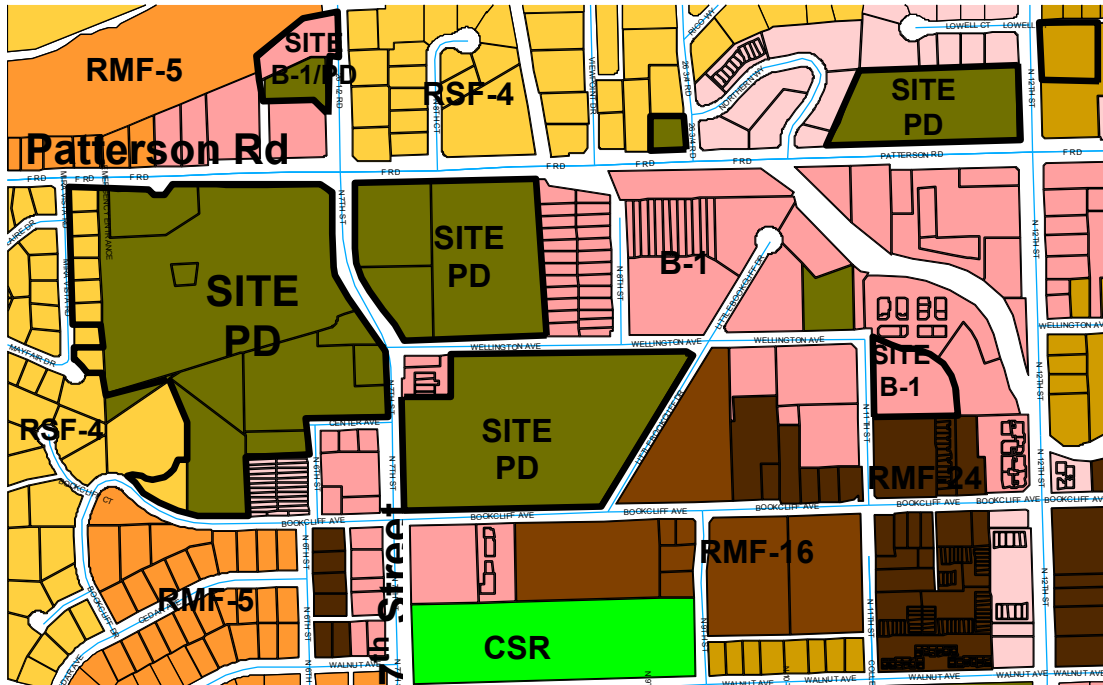
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND AMENDING THE MASTER PLAN FOR ST. MARY'S HOSPITAL AND ENVIRONS LOCATED AT 2635 NORTH 7TH STREET

RECITALS.

In the year 2000 St. Mary's hospital submitted to the City a master plan for the development of the hospital and the lands near to it that are dedicated to the provision of patient services. The City approved that plan.

The approved Plan detailed the construction of a parking structure, surface parking lots, office buildings, an outpatient surgical center and other improvements all for the betterment of the hospital.

St. Mary's hospital continues to grow and expand and with that growth and expansion the hospital has begun its next planned expansion. The plan for that growth, including the elements proposed with this ordinance, amends the 2000 Plan and it begins the largest ever re-development and expansion of the hospital. The project, known as the Century Project, when it is fully designed and adopted will serve to fully amend and implement the 2000 Plan.

Since the St. Mary's Plan was adopted in 2000, the City has added Section 2.20 to its Zoning and Development Code. That section is for an Institutional and Civic Master Plan process. With the introduction of that section of the Code, plans such as that advanced by St. Mary's are now specifically encouraged and recognized as important planning tools. In this case the adopted plan as it is amended over time will be a guiding document on which both the community and the hospital can rely for many years to come.

On the 28th day of February 2006, the Grand Junction Planning Commission reviewed the planning staff's recommendation and determined that the 2000 Master Plan as amended for St. Mary's hospital and its environs (the complete legal description of which is included herein below) complies with the provisions of the Growth Plan, Section 2.20 of the Zoning and Development Code, and other applicable legal requirements. After due consideration, the Planning Commission forwarded a recommendation to City Council to adopt the Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE 2000 St. Mary's Master Plan is approved and amended as generally shown on the attached Exhibits A, B, and C, and more particularly described in the appropriate Community Development Department files.

Adoption of this ordinance with the amendments referenced in Exhibit C shall constitute a repeal of inconsistent terms and provisions of the existing Plan including the analytical and descriptive materials which were adopted by reference in previous approval.

The legal description of St. Mary's property subject to this ordinance is as follows:

St. Mary's Hospital Parcel Descriptions

No. 1

A certain parcel of land located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

Lot 3R, Wellington Business Park Replat, as same is recorded in Plat Book 15, Pages 71 and 72, Public Records of Mesa County, Colorado.

No. 2

A certain parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

Lot 1, St. Mary's Rehabilitation Center, as same is recorded in Plat Book 18, Page 45, Public Records of Mesa County, Colorado.

No. 3

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

Lot 2, Bennett Subdivision, as same is recorded in Plat Book 11, Page 218, Public Records of Mesa County, Colorado, TOGETHER WITH, that certain right of way vacated by Ordinance Number 2314 of the City of Grand Junction recorded in Book 1617, Page 787, Public Records of Mesa County, Colorado and that certain Utility Easement vacated by Ordinance Number 2145 of the City of Grand Junction recorded in Book 1459, Page 850, Public Records of Mesa County, Colorado.

No. 4

A certain parcel of land located in the Northeast Quarter (NE 1/4) of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

ALL of the lands lying North of the North right of way for Bookcliff Avenue, South of the South right of way for Wellington Avenue, East of the East right of way for Seventh (7th) Street and West of the Westerly right of way for Little Bookcliff Drive, LESS HOWEVER, the Replat of 2352 North 7th Professional Condominium Complex, as same is recorded in Condominium Book 2, Pages 78, 79 and 80, Public Records of Mesa County, Colorado, and LESS the North 43 feet of the West 150 feet of Lot 1, Yocum Subdivision, as same is recorded in Plat Book 5, Page 14, Public Records of Mesa County, Colorado.

Subject to any easements, reservations and rights of way of record, if any shall exist.

No. 5

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

ALL the lands lying North of the North right of way for Wellington Avenue, South of the South right of way for Patterson (F) Road, East of the East right of way for North Seventh (7th) Street and West of the West line of the West line of Lots 1 and 2, Wellington Medical Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 126, Public Records of Mesa County, Colorado.

Subject to any easements, reservations and rights of way of record, if any shall exist.

No. 6

A certain parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

Lots 1 and 2 of P.D.C. Subdivision filing No. Two, as same is recorded in Plat Book 13, Page 123 and Lot A, Fairmount Heights Subdivision, as same is recorded in Plat Book 6, Page 12, all in the Public Records of Mesa County, Colorado, TOGETHER WITH the following described parcel of land; Beginning at a point 598 feet North of the Southeast corner of the SW 1/4 of Section 2; thence South 78°58' West 132 feet; thence South 51°20' West 225 feet; thence South 54 feet to the Northerly boundary of Fairmount Heights Subdivision as recorded in Plat Book 6 at Page 12; thence North 68°54' East 325.6 feet, more or less along the Northerly boundary of Fairmount Heights Subdivision to the East line of said SW 1/4; thence North 104 feet more or less to the Point of Beginning; except the East 35 feet thereof for road right of way.

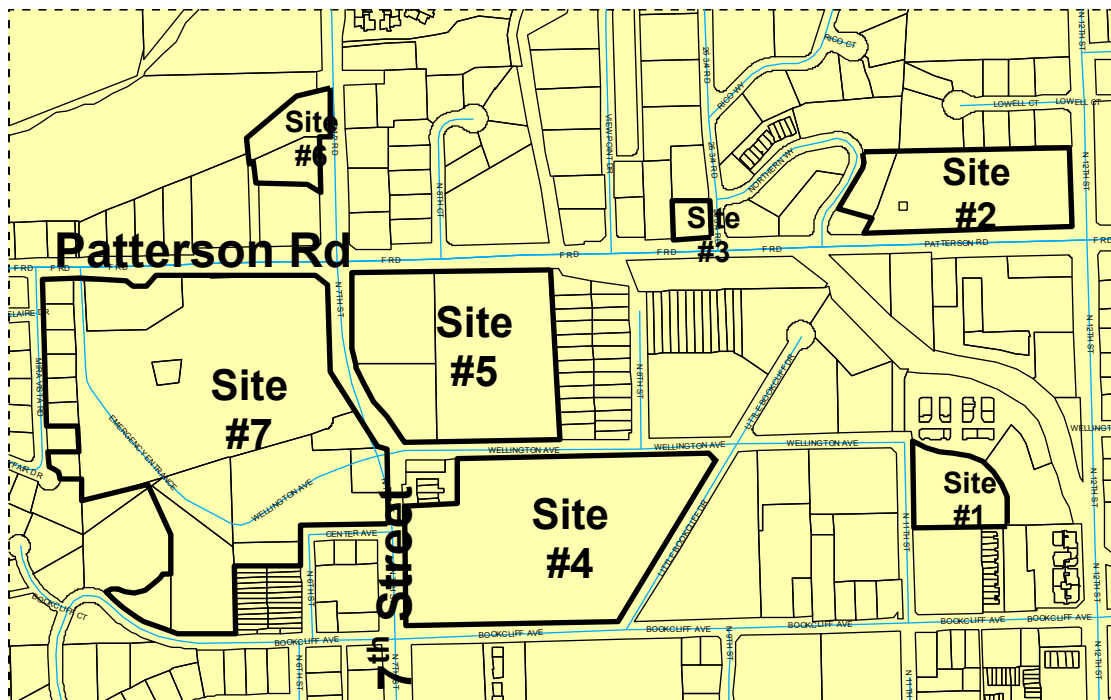
No. 7

A certain parcel of land located in the Northwest Quarter (NW 1/4) of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, City of Grand Junction and being more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6 and 8 of Vanderen-Ford Heights Replat, as same is recorded in Plat Book 8, page 94 TOGETHER WITH all the lands lying East of the East line, and the Southerly projection thereof, of said Vanderen-Ford Heights Replat; South of the South right of way for Patterson Road; West of the West right of way for North Seventh (7th) Street; North of the North right of way for Bookcliff Avenue and LESS all the lands lying South of the North right of way for Center Avenue and East of the West right of way for North 6th Street, and LESS Villa Del Oro Condominium as same is recorded with Reception Number 1209969, and LESS Villa Del Oro Condominium Second Amendment as same is recorded with Reception Number 1265343, all recorded in the Public Records of Mesa County, Colorado, and LESS those two parcels of land described in Book 3499, Page 904

and Book 1834, Pages 758 through 762, inclusive, Public Records of Mesa County, Colorado, being portions of Lots 16 and 17, Bookcliff Heights subdivision, as same is recorded in Plat Book 7, Page 72, Public Records of Mesa County, Colorado.

Site Location Map-St. Mary's Hospital



The Plan shall be and remain valid to and through 2011, as amended.

All phases of the project shall be in conformance with the approved Plan.

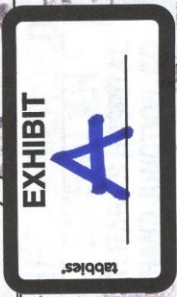
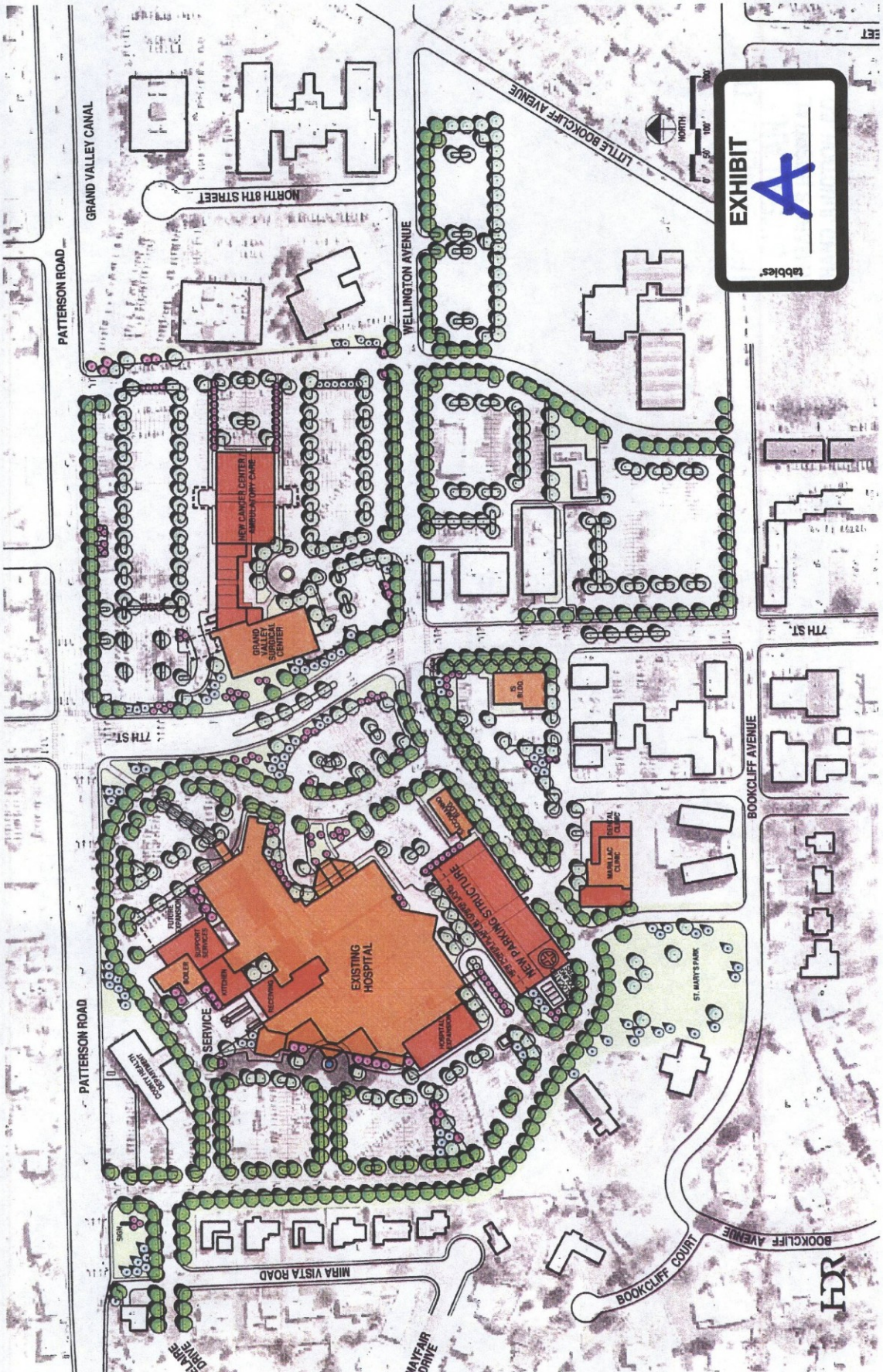
INTRODUCED for FIRST READING and PUBLICATION on this ___ day of March 2006.

PASSED and ADOPTED this ____ day of April 2006.

Attest:

Bruce Hill
Mayor and President of the Council

Stephanie Tuin
City Clerk



LDX

APPROVED AUGUST, 2003
REVISED 11/03/03



Master Site Plan

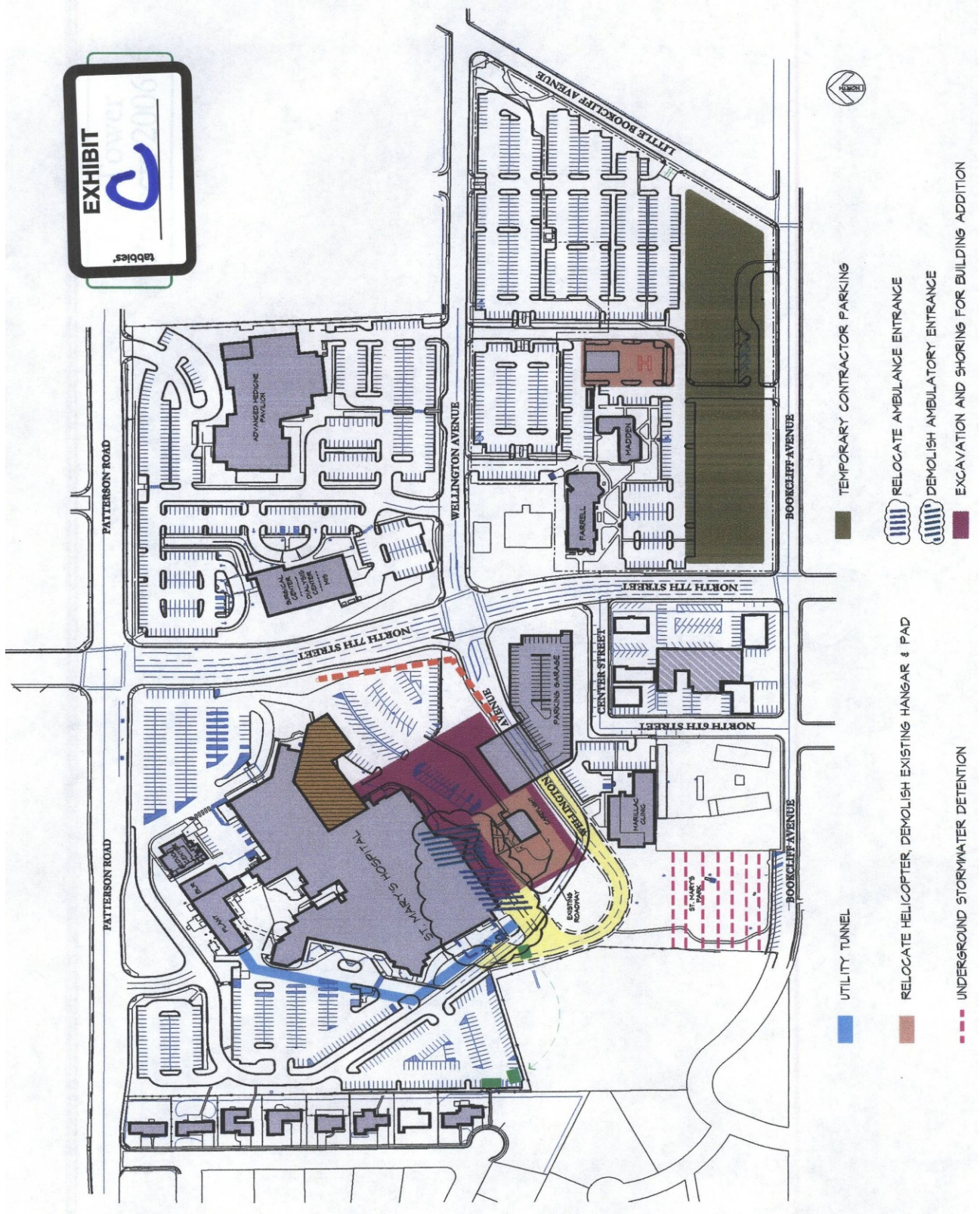
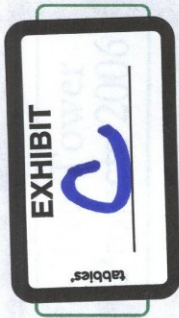
AMENDMENTS 2003

- PARKING LOTS, HOLY FAMILY SCHOOL SITE
- PARKING LOT & RING ROAD AT MCHD SITE
- PARKING GARAGE
- EDUCATION CENTER WEST CAMPUS



ROBERT D. JENKINS/AIA ARCHITECT

Master Plan amended to show 7th Street access closed (also enlarges parking lot at Holy Family.)



Attach 7

Setting a Hearing for Free Annexation, Located at 462 East Scenic Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Free Annexation located at 462 East Scenic Drive					
Meeting Date	April 5, 2006					
Date Prepared	March 30, 2006				File #ANX-2006-046	
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.11 acre Free Annexation consists of 1 parcel.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Free Annexation petition and introduce the proposed Free Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 17th 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					
Location:		462 E Scenic Drive			
Applicants:		Owner: John Free & Lisa Fenton Free Developer: Nick Lobato			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Single Family Residential			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RSF-4			
Proposed Zoning:		City RSF-2			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-4			
	West	County RSF-4			
Growth Plan Designation:		Residential Medium Low			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.11 acres of land and is comprised of one 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 Free 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.

<i>ANNEXATION SCHEDULE</i>	
April 5, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
April 11, 2006	Planning Commission considers Zone of Annexation
May 3, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
May 17, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 18, 2006	Effective date of Annexation and Zoning

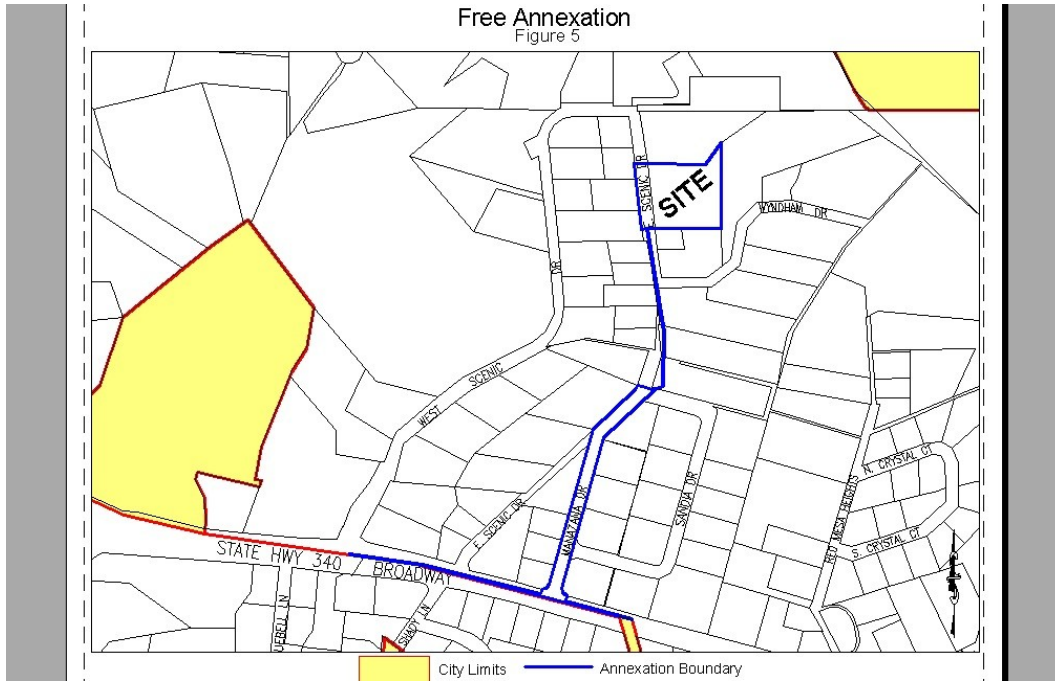
FREE ANNEXATION SUMMARY

File Number:	ANX-2006-046	
Location:	462 E. Scenic Drive	
Tax ID Number:	2945-162-00-295	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	3.11	
Developable Acres Remaining:	1.55	
Right-of-way in Annexation:	1.56	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-2	
Current Land Use:	Single Family Residential	
Future Land Use:	Single Family Residential	
Values:	Assessed:	\$19,150
	Actual:	\$240,640
Address Ranges:	462 E Scenic Drive	
Special Districts:	Water:	Ute Water
	Sewer:	Grand Junction
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Redlands Water and Power
	School:	District 51
	Pest:	Grand River Mosquito District

Site Location Map

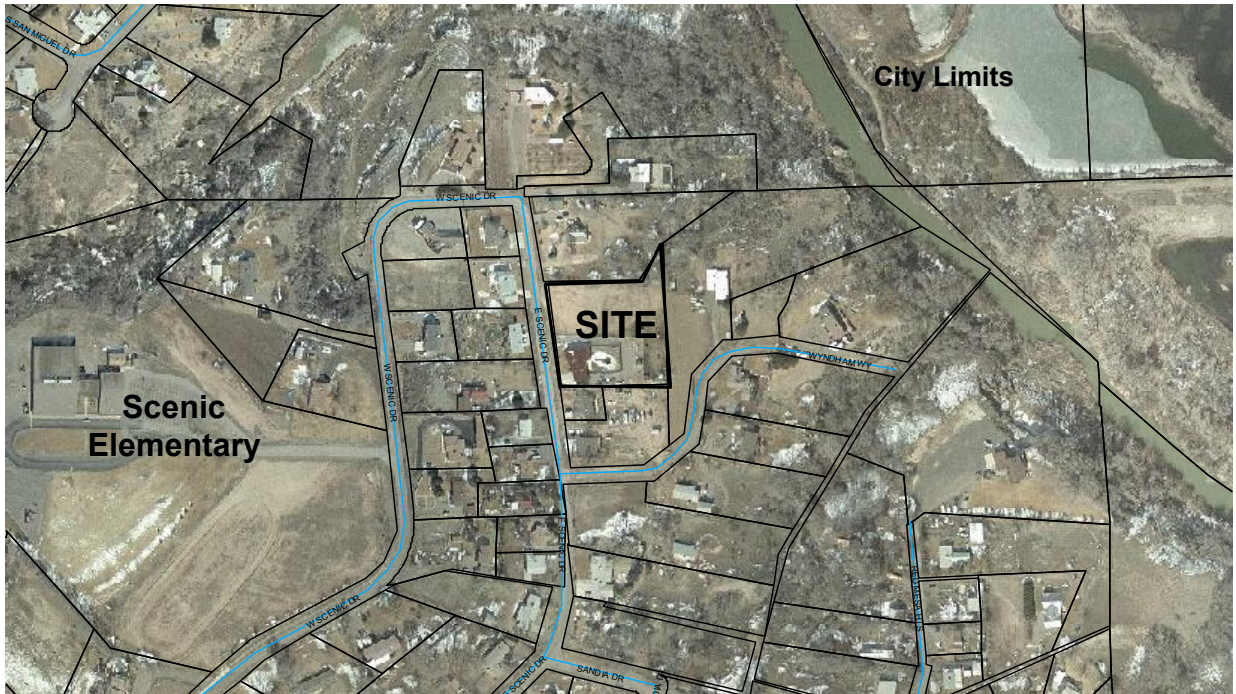
Figure 1

Free Annexation
Figure 5



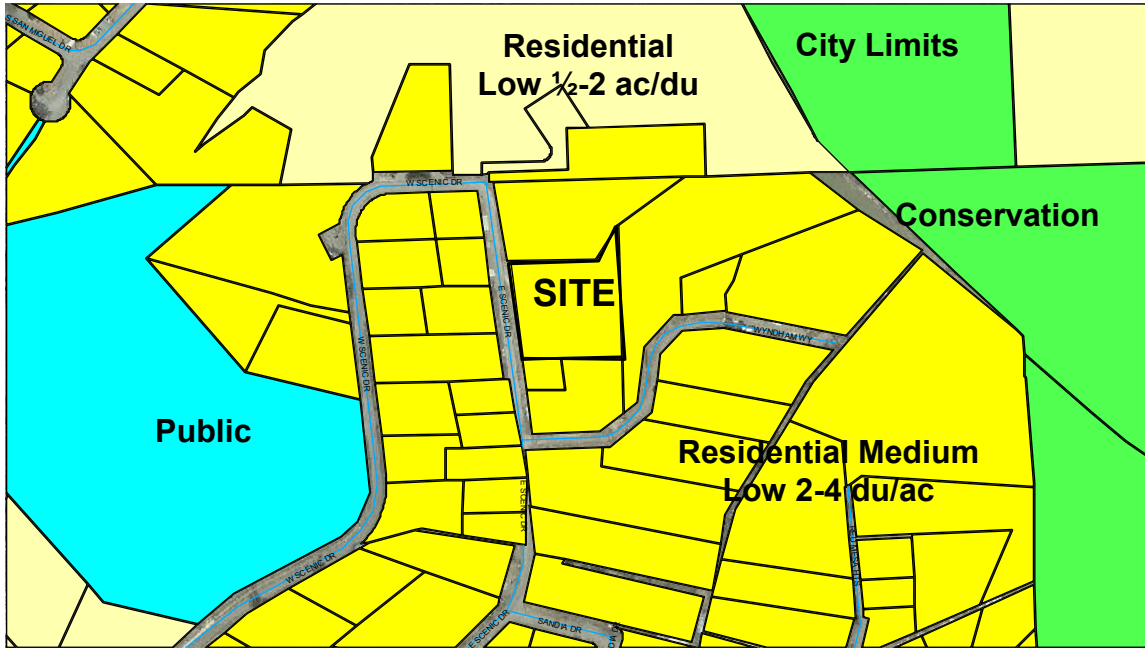
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th of April, 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**

FREE ANNEXATION

LOCATED AT 462 E. SCENIC DRIVE

WHEREAS, on the 5th day of April, 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:

FREE ANNEXATION

A certain parcel of land located in the East Quarter (E 1/4) of Section 17 and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado, and being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 NW 1/4 of said Section 17 and assuming the West line of the SW 1/4 NW 1/4 of said Section 17 to bear S00°44'08"E with all bearings contained herein relative thereto; thence S00°44'08"E along the West line of the SW 1/4 NW 1/4 of said Section 17 a distance of 198.26 feet to the Point of Beginning; thence S89°39'00"E a distance of 255.74 feet; thence N35°20'00"E a distance of 103.00 feet; thence S00°39'00"E a distance of 327.57 feet to the Northeast corner of Lot 2, Bemis Subdivision recorded in Plat Book 18, Page 214 of the Mesa County, Colorado public records; thence S89°06'00"W along the North line of said Bemis Subdivision a distance of 282.40 feet; thence S09°08'50"E a distance of 398.34 feet; thence S01°42'52"W a distance of 209.35 feet; thence S72°50'24"W a distance of 31.72 feet; thence S46°37'47"W along the Northeasterly extension of the Easterly right of way of Manzana Drive as shown on the plat of Hermosa Subdivision, recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 264.72 feet; thence continuing along the Easterly right of way of said Manzana Drive the following two (2) courses: (1) S15°37'47"W a distance of 595.42 feet; (2) thence 39.36 feet along the arc of a 25.00 foot radius curve, concave Northeast, having a central angle of 90°13'00" and a chord bearing S29°28'43"E a distance of 35.42 feet; thence S15°37'47"W a distance of 32.00 feet; thence S74°35'13"E along a line being 4.00 feet

North of and parallel with the Northerly line of Sycamore Creek Annexation No. 2, Ordinance No. 3752, City of Grand Junction a distance of 264.64 feet; thence S15°24'47"W a distance of 4.00 feet to a point on the Northerly line of said Sycamore Creek Annexation No. 2; thence N74°35'13"W along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 837.53 feet; thence N84°02'09"W continuing along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 262.47 feet; thence N05°57'51"E a distance of 4.00 feet; thence along a line being 4.00 feet North of and parallel with the Northerly line of said Sycamore Creek Annexation No. 2, the following two (2) courses: (1) S84°02'09"E a distance of 263.13 feet; (2) thence S74°35'13"E a distance of 472.89 feet; thence N15°37'47"E a distance of 32.00 feet to a point on the Northerly right of way of Colorado Highway 340; thence 39.18 feet along the arc of a 25.00 foot radius curve, concave Northwest, having a central angle of 89°47'00" and a chord bearing N60°31'17"E a distance of 35.29 feet to a point on the Westerly right of way of said Manzana Drive; thence N15°37'47"E along the Westerly right of way and the Northeasterly extension of said Manzana Drive a distance of 609.67 feet to a point on the Westerly right of way of East Scenic Drive; thence N46°37'47"E along the Westerly right of way East Scenic Drive a distance of 226.84 feet; thence N18°12'47"E continuing along the Westerly right of way of East Scenic Drive a distance of 17.20 feet; thence S68°12'52"E a distance of 20.04 feet; thence S74°46'13"E a distance of 36.28 feet; thence N72°50'24"E a distance of 41.18 feet; thence N01°42'52"E a distance of 206.30; thence N09°08'50"W a distance of 398.73 feet; thence S89°06'00"W a distance of 20.08 feet to a point on the Westerly right of way of East Scenic Drive; thence N05°59'00"W along the Westerly line of East Scenic Drive a distance of 251.35 feet; thence S89°39'00"E a distance of 13.67 feet to the Point of Beginning.

Said parcel contains 3.11 acres (135,576 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 17th day of May, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of

the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
April 7, 2006
April 14, 2006
April 21, 2006
April 28, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FREE ANNEXATION

APPROXIMATELY 3.11 ACRES

LOCATED AT 462 E. SCENIC DRIVE

WHEREAS, on the 5th day of April, 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 17th 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:

FREE ANNEXATION

A certain parcel of land located in the East Quarter (E 1/4) of Section 17 and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado, and being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 NW 1/4 of said Section 17 and assuming the West line of the SW 1/4 NW 1/4 of said Section 17 to bear S00°44'08"E with all bearings contained herein relative thereto; thence S00°44'08"E along the West line of the SW 1/4 NW 1/4 of said Section 17 a distance of 198.26 feet to the Point of Beginning; thence S89°39'00"E a distance of 255.74 feet; thence N35°20'00"E a

distance of 103.00 feet; thence S00°39'00"E a distance of 327.57 feet to the Northeast corner of Lot 2, Bemis Subdivision recorded in Plat Book 18, Page 214 of the Mesa County, Colorado public records; thence S89°06'00"W along the North line of said Bemis Subdivision a distance of 282.40 feet; thence S09°08'50"E a distance of 398.34 feet; thence S01°42'52"W a distance of 209.35 feet; thence S72°50'24"W a distance of 31.72 feet; thence S46°37'47"W along the Northeasterly extension of the Easterly right of way of Manzana Drive as shown on the plat of Hermosa Subdivision, recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 264.72 feet; thence continuing along the Easterly right of way of said Manzana Drive the following two (2) courses: (1) S15°37'47"W a distance of 595.42 feet; (2) thence 39.36 feet along the arc of a 25.00 foot radius curve, concave Northeast, having a central angle of 90°13'00" and a chord bearing S29°28'43"E a distance of 35.42 feet; thence S15°37'47"W a distance of 32.00 feet; thence S74°35'13"E along a line being 4.00 feet North of and parallel with the Northerly line of Sycamore Creek Annexation No. 2, Ordinance No. 3752, City of Grand Junction a distance of 264.64 feet; thence S15°24'47"W a distance of 4.00 feet to a point on the Northerly line of said Sycamore Creek Annexation No. 2; thence N74°35'13"W along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 837.53 feet; thence N84°02'09"W continuing along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 262.47 feet; thence N05°57'51"E a distance of 4.00 feet; thence along a line being 4.00 feet North of and parallel with the Northerly line of said Sycamore Creek Annexation No. 2, the following two (2) courses: (1) S84°02'09"E a distance of 263.13 feet; (2) thence S74°35'13"E a distance of 472.89 feet; thence N15°37'47"E a distance of 32.00 feet to a point on the Northerly right of way of Colorado Highway 340; thence 39.18 feet along the arc of a 25.00 foot radius curve, concave Northwest, having a central angle of 89°47'00" and a chord bearing N60°31'17"E a distance of 35.29 feet to a point on the Westerly right of way of said Manzana Drive; thence N15°37'47"E along the Westerly right of way and the Northeasterly extension of said Manzana Drive a distance of 609.67 feet to a point on the Westerly right of way of East Scenic Drive; thence N46°37'47"E along the Westerly right of way East Scenic Drive a distance of 226.84 feet; thence N18°12'47"E continuing along the Westerly right of way of East Scenic Drive a distance of 17.20 feet; thence S68°12'52"E a distance of 20.04 feet; thence S74°46'13"E a distance of 36.28 feet; thence N72°50'24"E a distance of 41.18 feet; thence N01°42'52"E a distance of 206.30; thence N09°08'50"W a distance of 398.73 feet; thence S89°06'00"W a distance of 20.08 feet to a point on the Westerly right of way of East Scenic Drive; thence N05°59'00"W along the Westerly line of East Scenic Drive a distance of 251.35 feet; thence S89°39'00"E a distance of 13.67 feet to the Point of Beginning.

Said parcel contains 3.11 acres (135,576 square feet), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 8

Setting a Hearing to Amend to the PD Zoning and Approve the Preliminary Plan, 10 Overlook Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amending the PD Zoning and Approve the Preliminary Plan – 10 Overlook Subdivision					
Meeting Date	April 5, 2006					
Date Prepared	March 27, 2006			File # PP-2005-209		
Author	Kathy Portner		Assistant Director of Community Development			
Presenter Name	Kathy Portner		Assistant Director of Community Development			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Request approval to amend the PD zoning ordinance and approval of the Preliminary Plan and Plat for 10 Overlook Subdivision, consisting of 6 residential lots on 1.96 acres.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Zoning Ordinance and set a hearing for April 19, 2006.

Attachments:

Vicinity Map/Aerial Photo
Growth Plan Map/Zoning Map
Ordinance

Preliminary Development Plan/Plat

Background Information: See attached report and background information.

AGENDA TOPIC: PP-2005-209 Amending the PD Zoning Ordinance and Preliminary Plan approval– 10 Overlook Subdivision

ACTION REQUESTED: Approve an amended PD zoning ordinance and Preliminary Plan and Plat

BACKGROUND INFORMATION				
Location:		Hillview and Ridge Circle		
Applicants:		Red Junction, LLC – Ron Austin Thompson-Langford Corp.—Doug Thies		
Existing Land Use:		Undeveloped		
Proposed Land Use:		Residential Single Family		
Surrounding Land Use:	North	Golf Course		
	South	Residential		
	East	Residential		
	West	Golf Course		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD		
	South	PD		
	East	PD		
	West	PD		
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/AC)		
Zoning within density range?		x	Yes	No

PROJECT DESCRIPTION: Request approval to amend the PD zoning ordinance and approval of the Preliminary Plan and Plat for 10 Overlook, consisting of 6 residential lots on 1.96 acres.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The proposed 10 Overlook Subdivision is a part of the northeastern portion of Redlands Mesa. This parcel was included as a part of the golf land in the approved Outline Development Plan (ODP) for Redlands Mesa. Because this portion of the property is not needed for the golf course, and because of the proximity of services and infrastructure, a 6 lot subdivision is being proposed on 1.96 acres.

The site consists of varied topography and site conditions. There are small areas of steep slopes that have been addressed with the lot configuration and building envelopes. The development meets the requirements of 7.2.G, Hillside Development, of the Zoning and Development Code. The lots will be accessed from the extension and connection of Hillview Drive.

The default zone for this PD is RSF-4 (Residential Single Family, 4 units per acre). The developer is not proposing any deviations from the bulk standards of the default zone. However, at final plat, specific building envelopes might be proposed that exceed the required default setbacks.

2. Consistency with the Growth Plan

The following policies in the Growth Plan must be considered in the review of this project:

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

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

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

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

Policy 23.8: The City will require vehicular, bike and pedestrian connections between adjacent projects when such connections improve traffic flow and safety.

The Future Land Use Map designates this area as Residential Medium Low, 2 to 4 units per acre. The overall density of Redlands Mesa is at the low end of the density range, with the exclusion of the golf course, open space and undevelopable land. Specifically, the 10 Overlook project is within the designated density range.

10 Overlook is consistent with the goals and policies of the Growth Plan.

In addition to the Growth Plan, the Amended Final Plan for the Ridges, adopted by the City in 1994, also has the following general development standards for the Ridges:

- A. Site planning and design shall preserve, to the maximum extent possible, the existing natural features that enhance the attractiveness of the area and shall blend harmoniously with all uses and structures contained within the surrounding area.*
- B. Land which is unsuitable for development because of geologic constraints shall be preserved in its natural state. This shall include drainageways, steep terrain (slopes in excess of 30%) and rock outcroppings to be identified and mapped by the developer. Areas of "no disturbance" shall be identified around all proposed building sites as applicable.*
- C. Existing trails, whether or not improved or legally dedicated, within the platted and unplatted Ridges shall be preserved, improved and enhanced with future development. For the portion of the Ridges not already platted, each development shall integrate with an overall plan that serves to link existing trails with both new trails and trails which serve other areas.*
- D. All structures shall be setback a minimum of 20' from all bluff lines (to be identified and mapped by the developer) to maintain visual corridors within the Ridges. For ravines, drainages and washes which are defined by a district "rim"*

or “rimrock”, structures shall be set back far enough that a person 6 feet tall cannot see any portion of a structure while standing in the thread of the stream bed.

- E. All development in the Ridges, notwithstanding zoning potential or other approvals, will be limited by geologic and transportation system constraints, as well as other infrastructure constraints.*

The proposed 10 Overlook is consistent with the Amended Plan for the Ridges.

3. Zoning and Development Code

Section 2.11.C.1.b of the Code states that rezoning to Planned Development shall occur simultaneously with preliminary development plan review. This property was originally zone PUD with the Ridges development, and subsequently incorporated into the Redlands Mesa PD upon approval of the ODP (Outline Development Plan). Since the property is already zoned PD, a rezoning is not necessary, but an amendment to the Redlands Mesa PD ordinance is required to specify the allowed uses, density and default zoning.

Section 2.11.C.2

A preliminary development plan shall demonstrate conformance with all of the following:

- a. The ODP review criteria in Section 2.12.B
 - *The request is consistent with the Growth Plan, major street plan and other adopted plans and policies;*
 - *The request is consistent with the rezone criteria of section 2.6.A;*
 - *The request meets the planned development requirements of Chapter 5;*
 - *The plan meets the requirements of 7.2.G, Hillside Development;*
 - *Adequate public services and facilities will be provided;*
 - *Adequate circulation and access will be developed;*
 - *Screening and buffering is not required;*
 - *An appropriate density is proposed;*
 - *Minimum standards proposed are appropriate;*
 - *The project will be developed as one phase;*
 - *The property is a part of the larger Redlands Mesa development.*
- b. The applicable preliminary plat criteria in Section 2.8.B
 - *The proposal is consistent with the preliminary plat criteria, specifically:*

- *The project will have little or no adverse or negative impacts on the natural or social environment;*
 - *The project is compatible with development on adjacent properties;*
 - *The project will not cause an undue burden on the City.*
- c. *The applicable site plan review criteria in Section 2.2.D.4—Not applicable.*
 - d. *The approved ODP, if applicable—This piece is being removed from the Redlands Mesa approved ODP.*
 - e. *The approved PD rezoning ordinance, if adopted with an ODP—an amended PD ordinance is being proposed to designate the uses and default zone.*
 - f. *Six single family lots are being proposed.*
 - g. *The parcel was originally a part of the larger Redlands Mesa development.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the 10 Overlook application, PP-2005-209, for an amended zoning ordinance and Preliminary Plan/Plat, staff makes the following findings of fact and conclusions:

3. The requested amended zoning ordinance and Preliminary Development Plan is consistent with the Growth Plan and the Amended Plan for the Ridges.
4. The review criteria in Section 2.11.C.2 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends approval of the requested amendment to the PD zoning ordinance and Preliminary Development Plan and Plat, PP-2005-209, with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

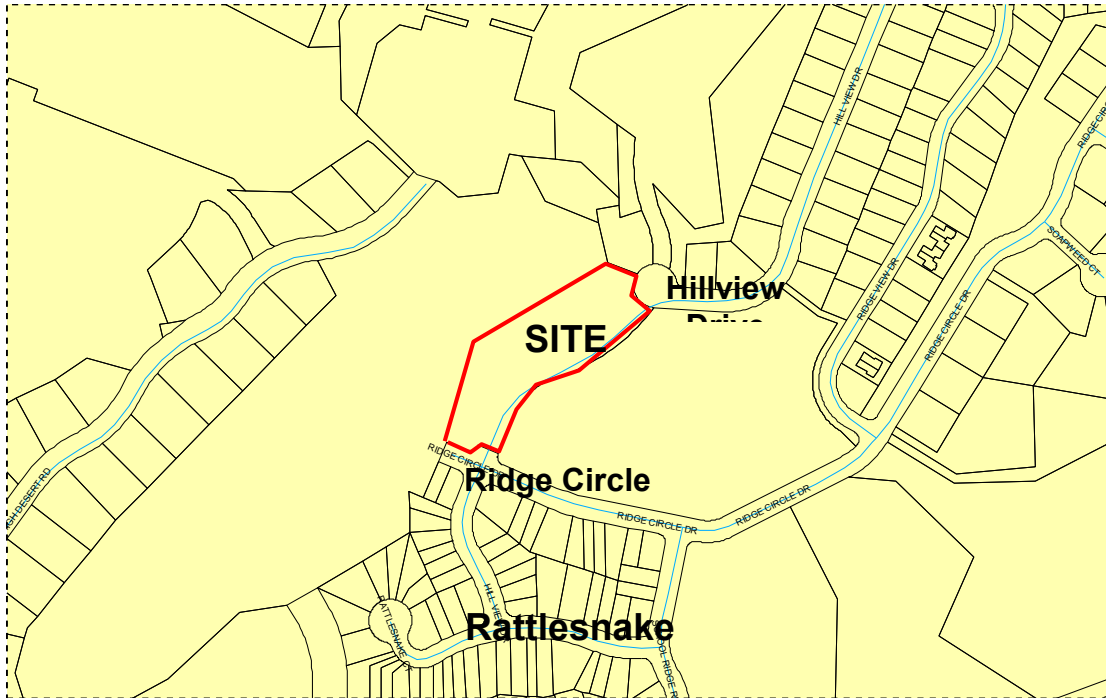
At their March 28, 2006 hearing, Planning Commission recommended approval of the PD zoning and Preliminary Plan and Plat.

Attachments:

- Vicinity Map/Aerial Photo
- Growth Plan Map/Zoning Map
- Ordinance
- Preliminary Development Plan/Plat

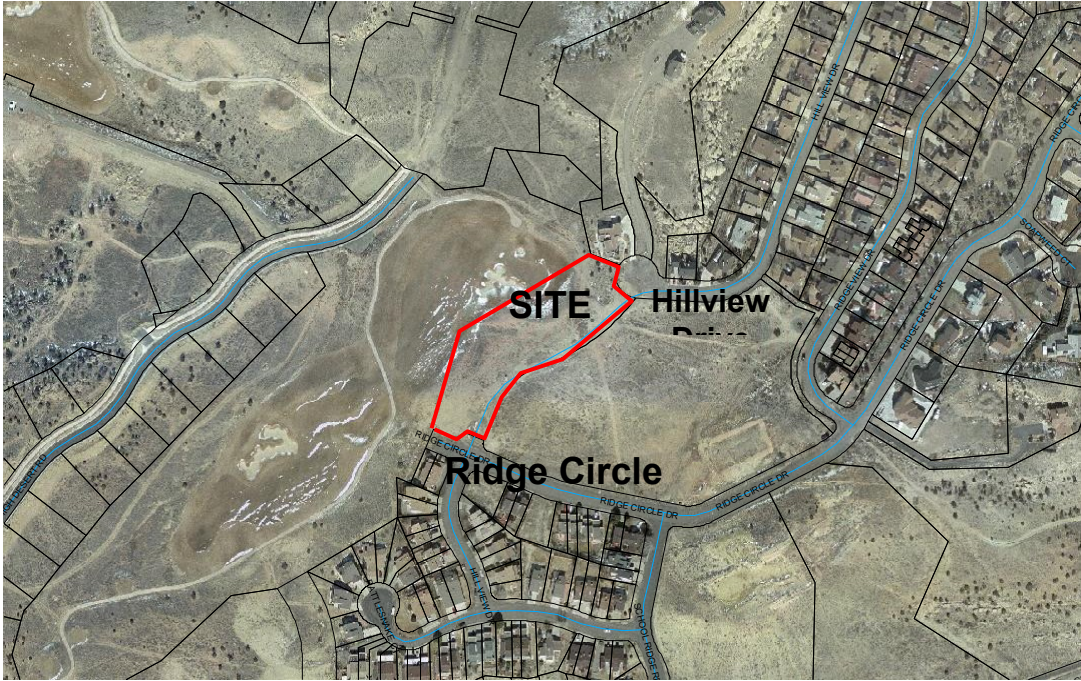
Site Location Map

Figure 1



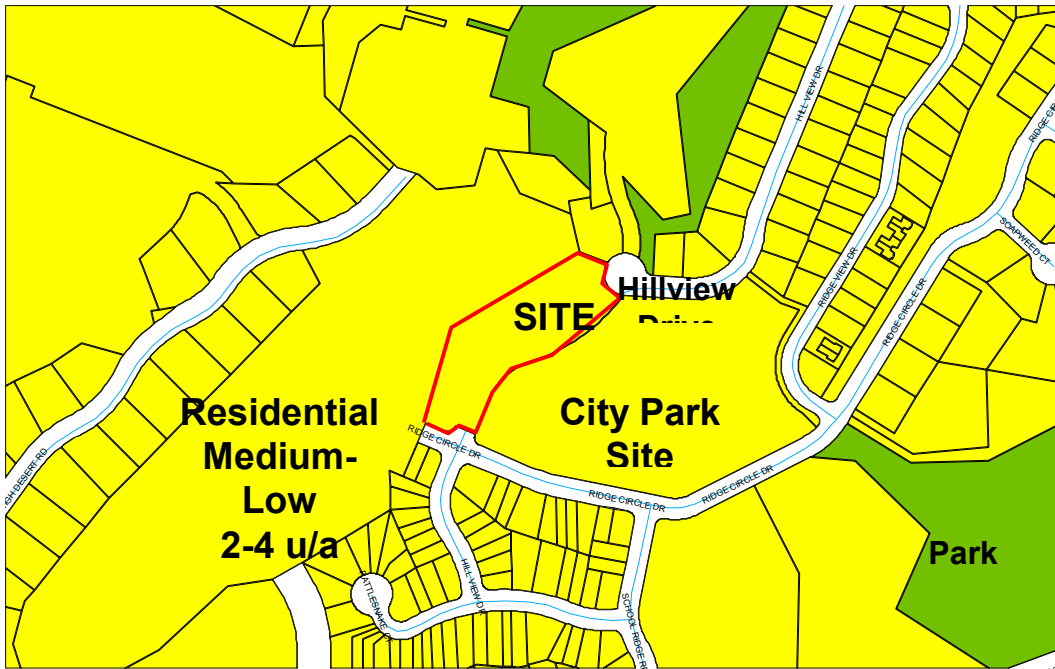
Aerial Photo Map

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

ORDINANCE NO.

AN ORDINANCE AMENDING THE PD ZONING FOR LAND LOCATED WEST OF HILLVIEW DRIVE IN THE RIDGES KNOWN AS 10 OVERLOOK SUBDIVISION

Recitals:

The proposed 10 Overlook subdivision was originally a part of the Ridges PUD (Planned Unit Development), and later incorporated as a part of the Redlands Mesa PD (Planned Development). The proposal is to develop 1.96 acres adjacent to the Redlands Mesa Golf Course into 6 single family lots. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the land described below is hereby zoned PD (Planned Development) with the allowed uses being a maximum of 6 single-family homes, with a default zoning of RSF-4, subject to the approved Preliminary Plan (attached as exhibit A).

Legal Description:

A parcel of land situated in Golf Block 12 of Redlands Mesa Filing 1, a plat recorded in Mesa County at Reception No. 1957570, and being situated in the east half of the northwest quarter of Section 20, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northern boundary point common to Hillview Drive as platted and recorded at Reception No. 1246291 as a Replat of portions of The Ridges Filing No. Five;

Thence along the common boundary of the aforementioned subdivisions the following six (6) courses:

1. 104.65 feet southwesterly, southerly, southeasterly and easterly along the arc of a 50.00 foot radius curve concave to the northeast, through a central angle of 119°55'32", with a chord bearing South 25°03'53" East, a distance of 86.57 feet to a point of cusp on a curve, from which the radius point bears North 52°12'04" West;
2. Thence southwesterly and westerly a distance of 283.58 feet along the arc of said curve concave to the northwest, having a radius of 444.99 feet and a central angle of 36°30'48" to a point of reverse curvature;

3. Thence 130.87 feet along the arc of a 150.00 foot radius curve to the left, through a central angle of 49°59'21", with a chord bearing South 49°19'02" West, a distance of 126.76 feet;
 4. Thence South 24°19'20" West tangent to said curve, a distance of 97.00 feet;
 5. Thence North 65°40'40" West, a distance of 50.00 feet to a point on a 20.00 foot radius non-tangent curve to the right, whence the radius point bears North 65°40'40" West;
 6. 19.37 feet along the arc of said curve, through a central angle of 55°30'22", with a chord bearing South 52°04'31" West, a distance of 18.62 feet;
- Thence North 39°34'43" West, a distance of 101.78 feet;
 Thence North 15°35'24" East, a distance of 99.70 feet;
 Thence North 39°17'39" East, a distance of 85.78 feet;
 Thence North 50°10'13" East, a distance of 41.88 feet;
 Thence North 69°09'47" East, a distance of 63.88 feet;
 Thence North 74°29'06" East, a distance of 101.98 feet;
 Thence North 40°12'28" East, a distance of 136.77 feet;
 Thence North 89°54'09" East, a distance of 28.54 feet;
 Thence South 68°50'18" East, a distance of 72.62 feet to the Point of Beginning.

Containing 1.957 acres, more or less.

INTRODUCED for FIRST READING and PUBLICATION this 5th day of April, 2006.

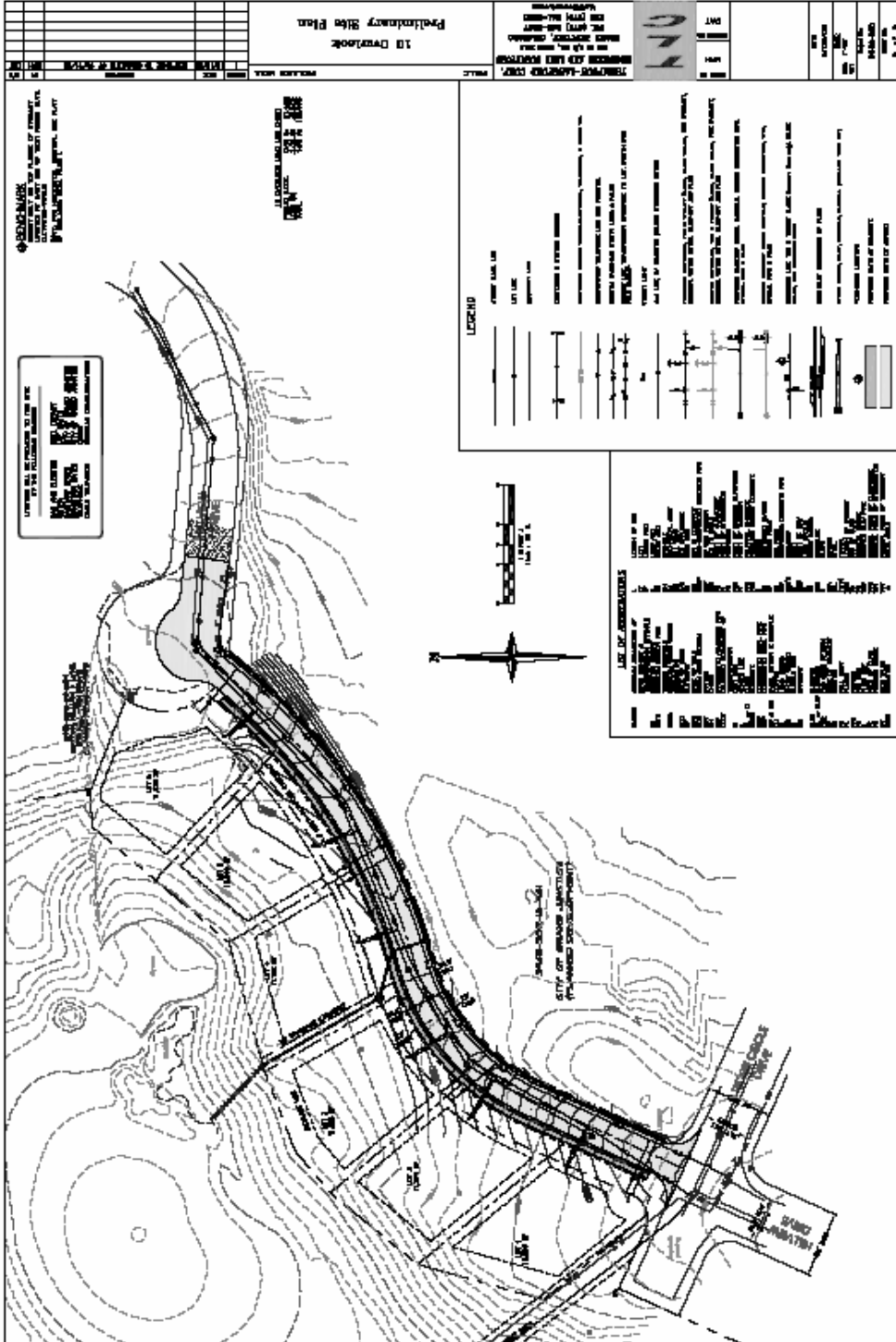
PASSED on SECOND READING this ____ day of _____, 2006.

ATTEST:

 City Clerk

 President of City Council

Exhibit



Attach 9

Setting a Hearing on Amending the 24 Road Corridor Guidelines

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	24 Road Amendments					
Meeting Date	April 5, 2006					
Date Prepared	March 27, 2006			File # GPA-2005-148		
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Jeff Over, Chairman of the 24 Road Steering Committee
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: A request to amend the 24 Road Corridor Subarea Plan and the Mixed Use Zoning to implement the recommendations of the Planning Commission, based upon the recommendations from the 24 Road Steering Committee.

Budget: N/A

Action Requested/Recommendation: Consideration of an Ordinance amending the 24 Road Mixed Use Area, and set a Public Hearing for April 19, 2006.

Background Information: See the attached Staff report and Minutes.

Attachments:

1. Staff report/Background information
2. Location / Air photo Map
3. Future Land Use / Current Zoning Map
4. ¼ Mile Map
5. Steering Committee Minutes
6. Planning Commission Minutes
7. Memo from Jeff Over, Chairman of Steering Committee

8. Resolution/Ordinance – to be provided prior to Council Hearing

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

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

RECOMMENDATION:

The 24 Road Steering Committee has recommended that the residential density be reduced to 8 units per acre; the 20% residential requirement be deleted; and the maximum retail square footage of 30,000 s.f. be eliminated in the Mixed Use within ¼ mile either side of 24 Road and south of I-70 and that the retail square footage be increased to 50,000 s.f. for the remainder of the area.

On February 28, 2006, after consideration of the Steering Committee's recommendation the Planning Commission made the following recommendations. 1) to reduce the minimum required density from 12 du/ac to 8 du/ac and that the Growth Plan be amended to comply with that recommendation. The vote was 7-0. 2a) Delete the requirement for 20% of property to be residential in the ¼ mile from 24 Road to the west and east and ¼ mile south of the interstate and allow residential development to be option and that the Growth Plan be amended to comply with this recommendation. The vote was 5-2 (Commissioners Wall and Putnam opposing). 2b) Retain the requirement for residential in the remainder of the Mixed Use land use designation (the part that is not within the ¼ mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council and that the Growth Plan be amended to comply with that recommendation. The vote was 6-1 (Commissioner Wall opposing). 3) Limit retail development to a maximum of 30,000 sq. ft. (within a larger building or as stand-alone development) be deleted within the Mixed-Use designation within the ¼ mile corridor on either side of 24 Road and south of I-70 and that a maximum retail square footage of 50,000 sq. ft. be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development) and that the Growth Plan be amended to comply with that recommendation. The vote was 6-1 (Commissioner Putnam opposing).

ANALYSIS:

1. Background:

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

The adopted plan included a new designation of Mixed Use (MU) on either side of 24 Road, between F ½ Road and G Road, as well as the west side of 24 Road, north of G Road. The Mixed Use zoning that implements the MU land use designation is based on the IO (Industrial Office) zone district, but also includes a residential component. It is a zone district that allows for the widest range of uses of any zone district, ranging from residential to industrial. It generally allows for business park development with limited retail and required residential.

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

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

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

- Section V.D. Future Land Use Classes

Mixed Use. Mixed Use development to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as small (eight to ten acres) nodal development.

- Exhibit V.2: Future Land Use Categories Table

Land Use: Mixed Use. Intensity: Urban—12 to 24 DU/A, non-residential intensity based on location/services. Typical Uses: Employment, residential and open space, with limited retail.

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

- Section 6: “Preferred Plan” for the 24 Road Corridor, Land Use—Mixed Use Development: Mixed-use development is encouraged in the remaining areas to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as a small (eight to ten acres) nodal development at 24 Road and G Road intersection.
- Executive Summary, Market Analysis-...an important element of the 24 Road Subarea Plan and implementation will be to limit the types of retail commercial uses in the area. This would avoid undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment/commercial uses for which there are suitable alternative sites (i.e. large acreage) in the Grand Junction area. While this particular section might not require amendment, this is an important base assumption in the plan.

2. 24 Road Corridor Plan Update

In October, 2005, City Council instructed staff to undertake a process to consider these three requests. A committee was to be formed, discussion was to be limited solely to the applicants requests and a recommendation was to be presented back to Council in March 2006.

A committee made up of 15 property owner, realtors, bankers, developers and other citizens was appointed by Council. As much as possible, members of the original committee were asked to serve again. The committee met seven times between October and February and a public open house was held January 12, 2006.

The steering committee is making the following recommendations:

The requirement for a mandatory 20% residential component to any development be deleted. Residential development would be allowed but would be optional;

The minimum residential density be reduced from 12 dwelling units per acre to 8 dwelling units per acre; and,

The requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand alone development) be deleted within the mixed Use designation within a ¼ mile corridor on either side of 24 Road and south of Interstate 70 and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand alone development).

3. Implementation of committee recommendations

To implement the Steering Committee's recommended changes to the 24 Road Corridor, the following sections of the Growth Plan, 24 Road Corridor Subarea Plan and Zoning and Development Code would need to be amended.

Growth Plan

Policy 8.6: To encourage the conversion heavy commercial and industrial uses along 24 Road, Patterson Road and US Highway 6/50 near Mesa Mall to a mixture of retail/service commercial and multi-family uses.

Policy 8.8: To ensure that capital improvement and land use decisions are consistent with the development of 24 Road as an arterial parkway and community gateway.

Chapter 5, D: 15. Mixed Use (employment, residential, open space and limited retail)

Chapter 5; D, page V.10: Mixed Use. Mixed Use development to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as small (eight to ten acres) nodal development.

24 Road Corridor Subarea Plan

Page 42: Mixed-Use Development: Mixed-use development is encouraged in the remaining areas to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as a small (eight to ten acres) nodal development at 24 Road and G Road intersection.

Zoning and Development Code

Section 3.2.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.

2. 3.c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for tetail shall be 30,000 square feet;

3. 3.e. Minimum net residential density shall be 12 units per acre.

4. 3.f. Development parcels and/or projects containing greater than 5 acres shall have a minimum of 20% of the gross land area in residential development. The required 20% may be transferred between parcels in the Mixed Use Zone District that rare being planned at the same time.

5. 5.a. The following standards shall apply to the required residential component.

- (1) Final plans for the required residential component must be submitted and approved with the overall project.
- (2) The required residential component must be built with the overall project, in accordance with the approved development schedule.
- (3) Residential units may be built as part of any retail/commercial structure.
- (4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each non-residential component be built within the approved development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.

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

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

Because the recommendations come from the steering committee, staff is not making findings.

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.
- 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 change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.
- e. Public and community facilities are adequate to serve the type and

scope of the land use proposed.

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

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

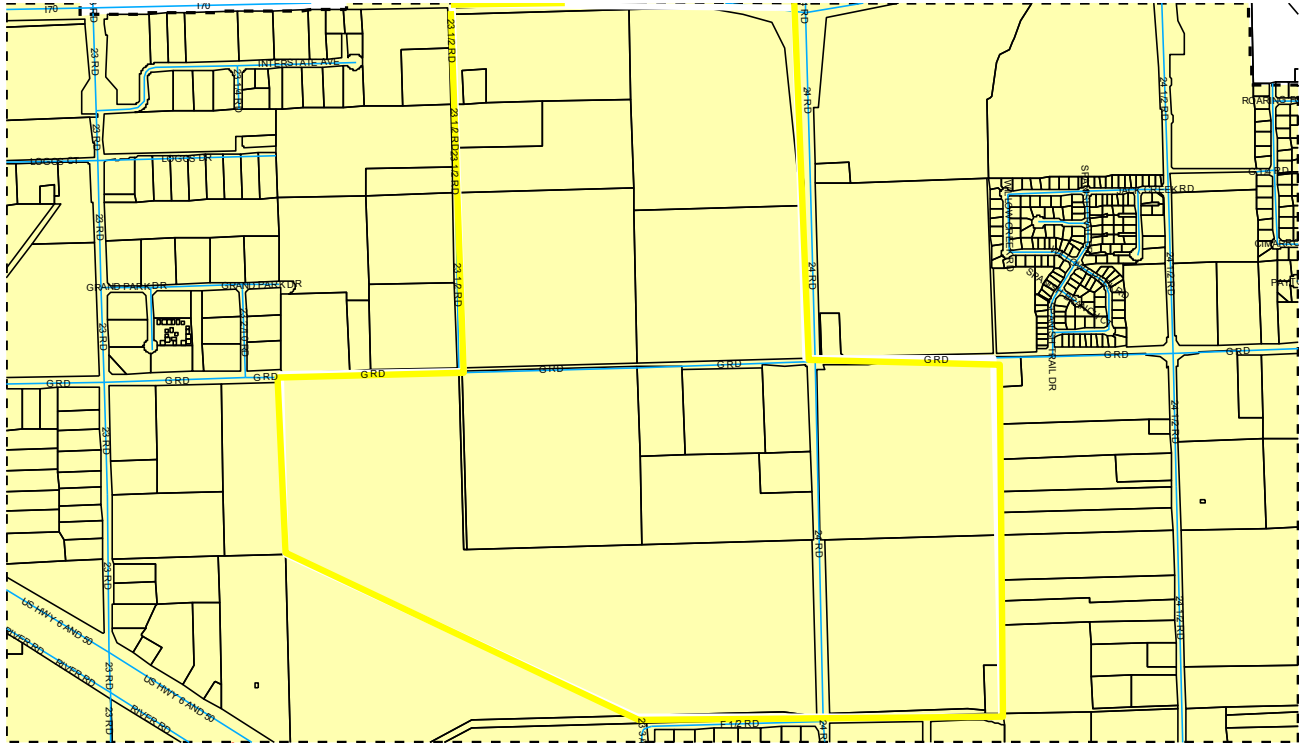
PLANNING COMMISSION RECOMMENDATION:

On February 28, 2006 the Planning Commission made the following recommendations:

1. Reduce the minimum required density from 12 du/ac to 8 du/ac and that the Growth Plan be amended to comply with that recommendation. Vote 7-0.
- 2a. Delete the requirement for 20% of property to be residential in the ¼ mile from 24 Road to the west and east and ¼ mile south of the interstate and allow residential development to be option and that the Growth Plan be amended to comply with this recommendation. Vote 5-2 (Commissioners Wall and Putnam opposing)
- 2b. Retain requirement for residential in the remainder of the Mixed Use land use designation (the part that is not within the ¼ mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council and that the Growth Plan be amended to comply with that recommendation. Vote 6-1 (Commissioner Wall opposing)
3. Limit retail development to a maximum of 30,000 sq. ft. (within a larger building or as stand-alone development) be deleted within the Mixed-Use designation within the ¼ mile corridor on either side of 24 Road and south of I-70 and that a maximum retail square footage of 50,000 sq. ft. be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development) and that the Growth Plan be amended to comply with that recommendation. Vote 6-1 (Commissioner Putnam opposing).

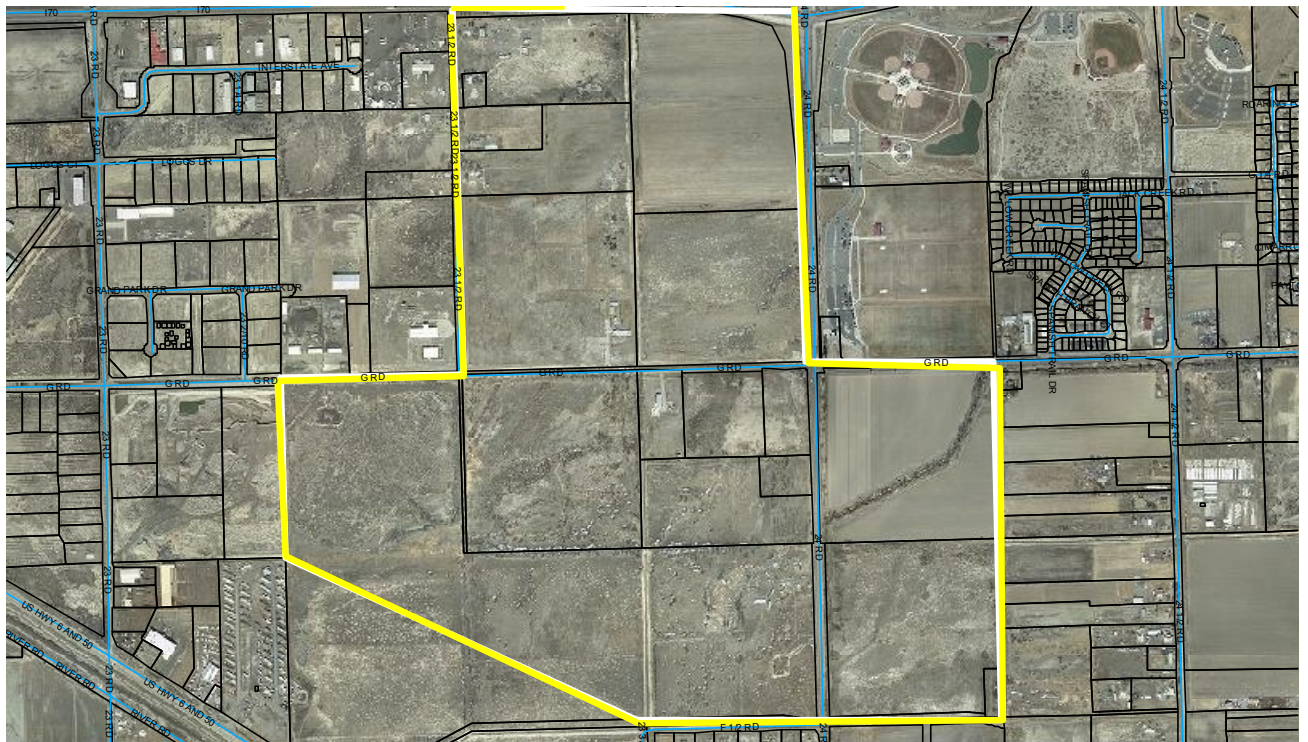
Site Location Map

SITE City Limits Figure 1



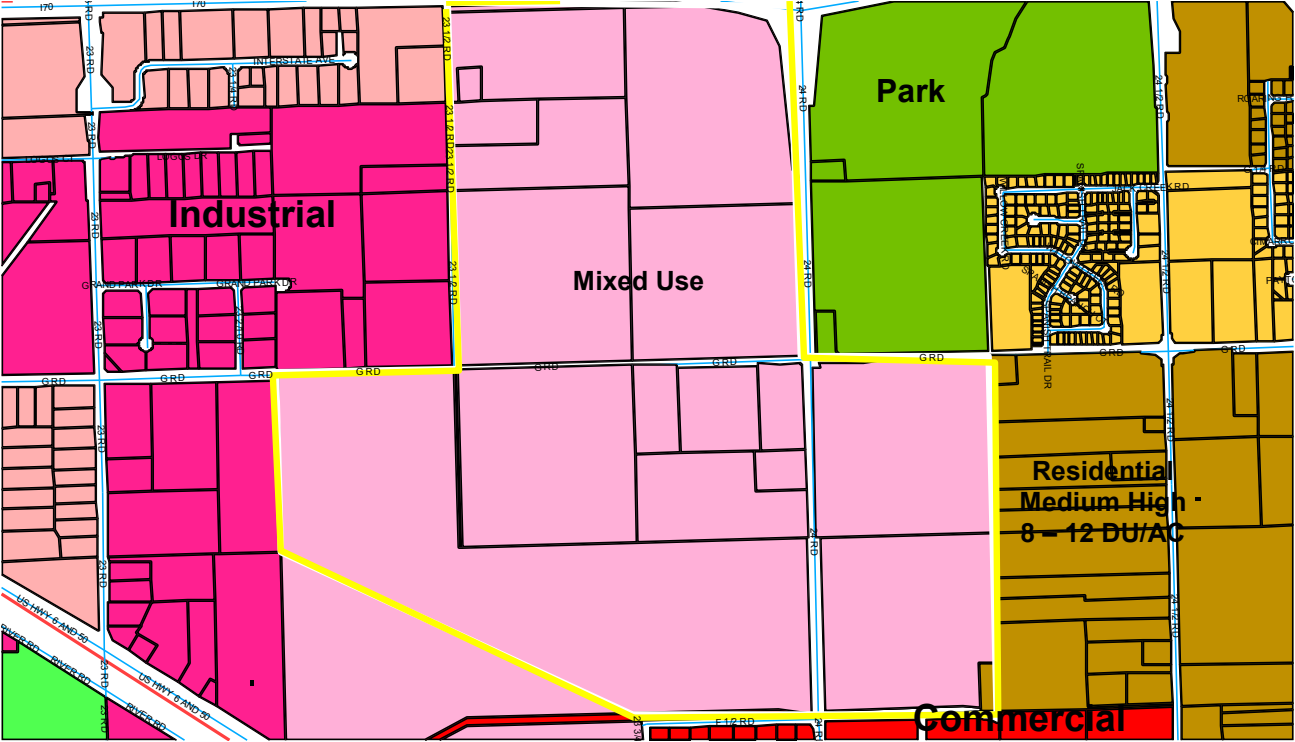
Aerial Photo Map

SITE City Limits Figure 2



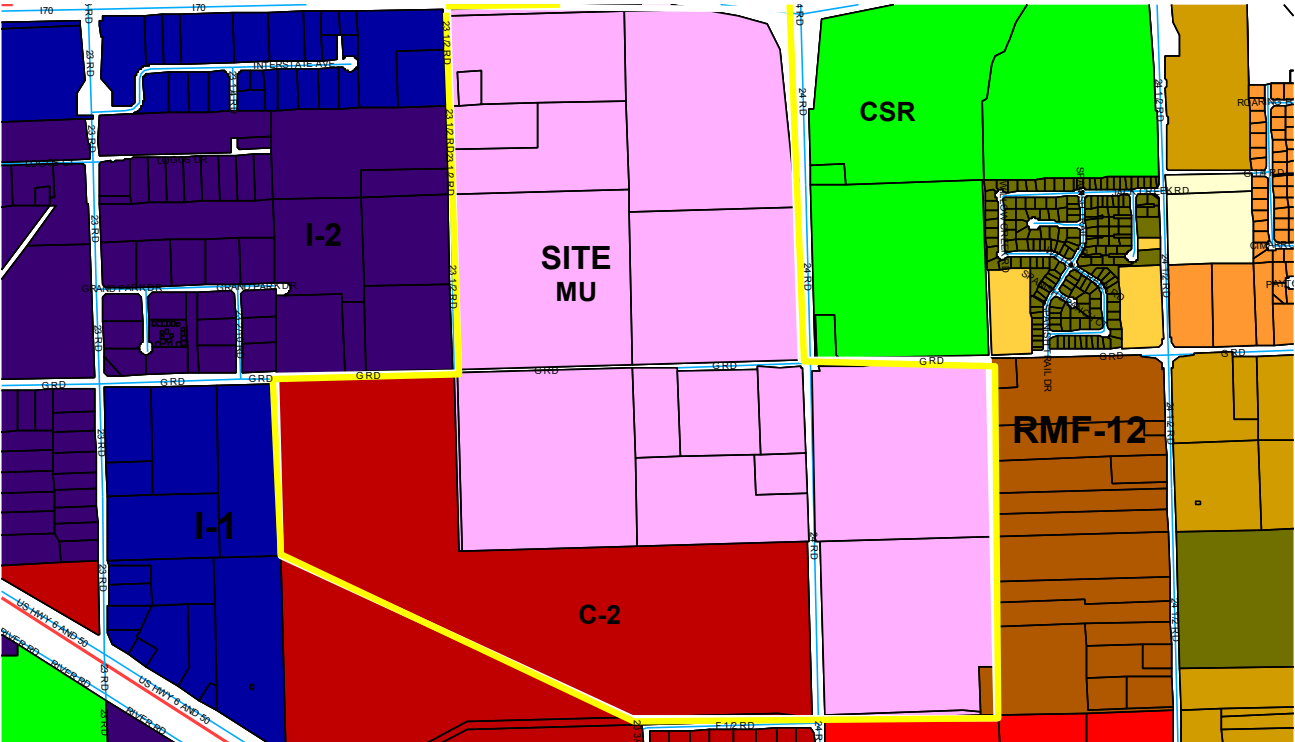
Future Land Use Map

Figure 3



Existing City and County Zoning

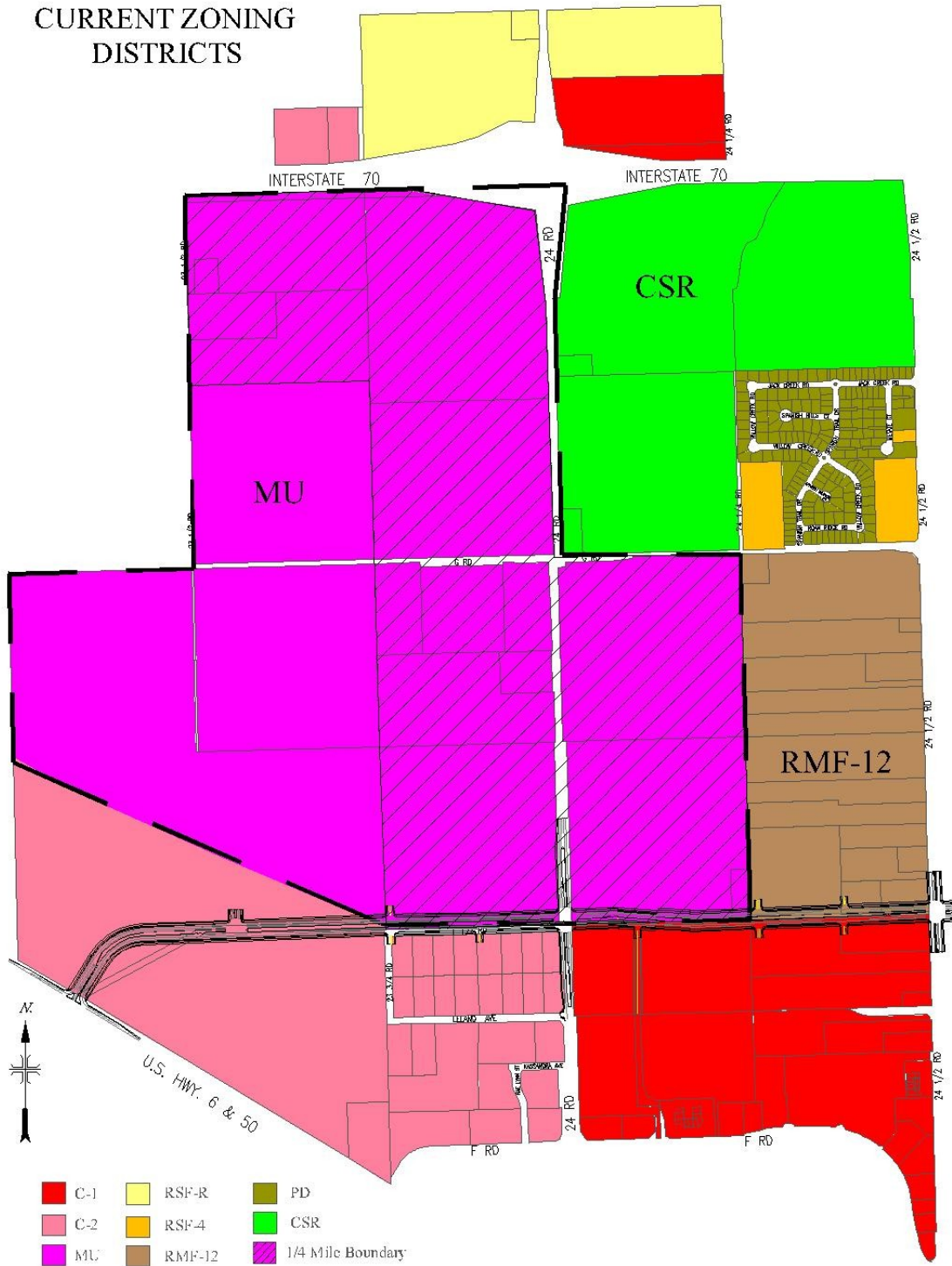
Figure 4



24 ROAD CORRIDOR STUDY AREA



CURRENT ZONING DISTRICTS



- | | | |
|-----|--------|-------------------|
| C-1 | RSF-R | PD |
| C-2 | RSF-4 | CSR |
| MU | RMF-12 | 1/4 Mile Boundary |

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
October 13, 2005
7:30 A.M.

24 Road Subarea Plan Committee members present:

Jeff Over, Property Owner, original committee member
Don Campbell, Community representative, original committee member
Dick Scariano, Realtor, original committee member
Paul Dibble, Planning Commissioner, original committee member
Steve Reimer, Developer, original committee member
Greg Motz, Builder, original committee member
Tom Lowrey, Planning Commissioner
Terry Fleming, Community Representative
Paul Peterson, Mesa Mall (arrived latter part of meeting)

The following members were not able to attend:

Larry Feather, Business Owner, original committee member
George Pavlakis, Property Owner, original committee member
Greg Schaefer, Realtor, original committee member
Lynn Sorlye, Horizon Drive Association
Terri Binder, Community Representative
T. Scott Sullivan, Chamber Representative

City Staff members present:

Bob Blanchard, Director, Community Development
Lori Bowers, Senior Planner, Community Development
Dave Thornton, Principle Planner, Community Development
Kristen Ashbeck, Senior Planner, Community Development
Senta Costello, Associate Planner, Community Development
Eric Hahn, Development Engineer, Public Works & Utilities
Kathy Portner, Planning Manager, Community Development
Scott List, GIS Analyst, Administrative Services Department
Bobbie Paulson, Administrative Specialist, Community Development

Meeting Overview

Lori Bowers introduced staff members and briefed the committee on what staff's role will be in this process which is to answer questions and facilitate discussion. Ms. Bowers explained that this committee has been brought together to review and consider three amendment requests to the 24 Road Corridor Subarea Plan. The first request is to consider reducing the minimum residential density in the Mixed Use Zone from 12 units per acre to 4 units per acre; the second request is to delete the 20% requirement for residential development; and the third is to allow for large-scale retail development over 30,000 square feet which is commonly known as Big Box.

Ms. Bowers summarized the contents in the notebooks that were given to staff and the committee members. The notebooks include minutes of prior meetings, staff reports, letters and several maps detailing zoning, land use, etc. in the 24 Road Corridor Subarea Plan. Subarea plans were made available for those members who did not have a copy.

To help facilitate meetings, the members discussed protocol for future meetings and selected a chairperson. Jeff Over was chosen as the committee chairperson. Committee members agreed to limit meetings to 1 ½ hours. Breakfast will be served at 7:15 a.m. and the meeting will begin at 7:30 a.m. and will end at 9:00 a.m. For voting purposes, the committee agreed to a show of hands. In addition to the committee meetings, it was suggested to hold at least two community meetings, one in November and one in December for stakeholders and other interested parties.

Mr. Blanchard pointed out the importance of the committee keeping with the timeline established by the City Council. He also added that the committee might want to consider giving property owners and stakeholders an opportunity to speak at one or more of their committee meetings. Committee members suggested allowing property owners to attend meetings but only be allowed to participate the last 15 minutes or so. Committee Member Dick Scariano suggested inviting Tom Volkmann, an attorney who is representing four of the larger property owners in the 24 Road area, to the next meeting.

Kathy Portner gave a PowerPoint presentation of the history and background of the 24 Road Corridor Plan.

Ms. Portner presented maps that outlined the boundaries of the Plan, displayed zoning that was in place on the properties in 2000 when the plan was undertaken, and showed the future land use designation for this area that was adopted in 1996. Prior to the plan being adopted in 2000, both sides of 24 Road were zoned HO (Highway Oriented). Ms. Portner noted that the HO Zone is no longer a zone district in the City's Zoning and Development Code. In addition to the HO zone, properties just south of I-70 were zoned commercial PRVR (Planned Recreational Vehicle Resort). Ms. Portner stated that prior to the adoption of the 24 Road Plan, there was a proposal for an RV business just south of I-70, west of 24 Road hence the PRVR zone designation.

The City and County Future Land Use Plan was adopted in 1996. The Future Land Use Plan showed commercial/industrial type land uses for the 24 Road Corridor except for north of G Road where the PRVR designation was. It also showed residential on both sides of 24 Road and Residential Medium-High on the east side of 24 Road, south of Canyon View Park.

In 1999, the City hired a consultant and went through a year long process with a steering committee to create a vision for the 24 Road Corridor. The process included a design charette, stakeholder, property owner and community meetings. The steering committee then formulated their recommendations and presented them to the Planning Commission and City Council.

The result of that year long process was the adoption of the 24 Road Corridor Subarea Plan, the Mixed Use Zone District, zoning properties within the subarea plan and the 24 Road Design Standards and Guidelines in the year 2000.

Some of the initial efforts of the 24 Road committee was to come up with a vision for this corridor. The vision included the following goals:

- Achieve high quality development in the corridor in terms of land use, site planning and architectural design.
- Provide for market uses that complement existing and desired uses and benefit the Grand Junction Community.
- Take advantage of and expand upon existing public facilities in the corridor to create a “civic” presence.
- Achieve a distinctive “parkway” character along the roadway that can serve as a gateway to the Grand Junction community.
- Encourage development that is consistent with the Grand Junction Growth Plan.
- Adjust and/or amend the Grand Junction land use code and Growth Plan to achieve the 24 Road vision, concept and plan and to create a predictable environment for future development of the area.

The plan itself includes many sections. It includes image, open space, public facilities and a transportation component that was completed in more detail after the plan was adopted. It also included designated land use and an implementation strategy.

The proposed future land use that came out of that plan ultimately was adopted including the concept of mixed use. Mixed use was a brand new zone for the city. The area south of F ½ Road is designated commercial, 24 ½ Road area is designated residential but the bulk of the 24 Road Plan area has the Mixed Use designation.

The Mixed Use Zone District is patterned after the I/O (Industrial/Office) Zone District which is intended for high-tech business park type development but also has a residential component. Primary uses in the MU Zone include employment, residential, limited retail and open space.

One of the implementations that came out of the process was how to put the committee's vision into regulation. For limited retail the actual zone district limits the retail business building size to 30,000 square feet and any retail use requires a conditional use permit to provide for limited neighborhood commercial. There are very specific objectives in the plan itself that limit that retail component. Again the implementation of that plan included the designation of what the appropriate residential densities would be which encouraged higher density residential 12 to 24 units per acre. Ultimately through the public hearing process it was also decided that there be a minimum requirement for residential to assure that a certain number of residential units would be achieved in this area and that is 20%. The other component that came out of the 24 Road Subarea Plan was the design standards and guidelines. The Design Standards and Guidelines include many sections that deal specifically with what development will look like in this corridor, *i.e.*, view corridors, building heights and setbacks. Also, included in these guidelines is wording that identifies Leach Creek as an amenity to this area and for that reason there are specific requirements, design standards and guidelines as to how development should occur along the creek.

Also included in the Plan are streetscape requirements and gateways on the north and south end of 24 Road. Organizing features are another requirement. Organizing features are public open spaces around which a development is focused. There are several 40+/- acre parcels so this allows for the opportunity to plan the entire acreage and tie it altogether with some organizing feature. Building design and transitions between neighborhoods and commercial/industrial neighborhoods, building form and scale, architectural detail, building materials and limiting the types and size of signs allowed in the 24 Road Corridor are also included.

Some of the basic framework of the plan itself and the goals included a market analysis that looked at the need for different types of land use community wide and then applied that to the 24 Road area. In the market analysis one of the major components was a recommendation to limit the retail uses in the mixed use. The conclusion was that there was enough area south of F ½ Road to accommodate the larger retail uses. In the plan itself it also talks about concept of mixed use that includes employment, residential and open spaces with limited retail. Part of the discussions that this group had was the opportunity to create a mixed use at the west end of the valley and perhaps get some residential density where there are already a lot of services. One of the major traffic issues that the valley has is dealing with the east-west migration. Moreover there is very little of the Mixed Use density of 12 to 24 units/acre throughout the urban area. When Planning Commission and City Council were considering the adoption of the Plan, they discussed the need for higher density in the west end of the valley which resulted in the 20% requirement for residential in the MU zone district and the density at 12-24 units per acre.

The Planning Commission and City Council went through an exercise in trying to achieve the same number of units that would have been achieved under the old 1996 plan. The original adoption by City Council had a 25% requirement. There was a request to rehear that and it came back to City Council and was lowered to 20%. The 20% of the total mixed use area at 12-24

units per acre would achieve the same number of units as the old growth plan that showed residential on the east side of 24 Road.

The requested changes that came forward to the Planning Commission and City Council from some of the property owners are only specific to the Mixed Use designation not the entire corridor. Also, the property owners have stated that they do not have a problem with the adopted Design Standards and Guidelines.

Planning Commission heard the request by the property owners in August, 2005 and their recommendation, based upon the City's recommendation under the growth plan, was that this type of request needed to come back through the committee for review. The City Council agreed with the recommendation but also had some discussion and debate on how broad the committee's scope should be, the Council's direction was very specific that this committee consider only three items.

The three requests are:

- Consider reducing of the minimum required residential density from 12 units per acre to 4 units per acre.
- Delete the 20% residential requirement.
- Allow retail buildings larger than 30,000 square feet (big box)

Staff realizes as the committee goes through this process it may be difficult to not consider some of the other implications, so staff will try to keep the discussion focused on the three issues.

Ms. Portner said the City Council will be updated frequently as to what the committee has discussed/accomplished.

Committee members requested staff to gather additional information to help facilitate their review. These items include:

- Maps showing the percentage of industrial / commercial vs. residential zone districts, specifically higher density residential 8 and above
- Number of applications/general meetings in undeveloped areas of 24 Road
- Market study of area
- Transportation component/impacts
- Visuals/examples of densities 4 units up to 24 units

Committee members also requested that staff contact Tom Volkmann and invite him to the next committee meeting.

The meeting was adjourned. The next 24 Road Subarea Committee meeting will be on October 27th at Two Rivers Convention Center at 7:15 a.m.

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
October 27, 2005
7:30 a.m.

Those in attendance, representing the 24 Road Subarea Plan Committee, included:

Jeff Over, Committee Chairman (property owner/original committee member)
Don Campbell (community representative/original committee member)
Dick Scariano (Realtor/original committee member)
Dr. Paul Dibble (Planning Commission Chairman/original committee member)
Greg Motz (original committee member)
Tom Lowrey (planning commissioner)
Terry Fleming (community representative)
Paul Peterson (Mesa Mall)
Greg Schaefer (Realtor/original committee member)
Lynn Sorlye (Horizon Drive Association)
Terri Binder (community representative)
T. Scott Sullivan (Chamber representative)
Mr. Peterson arrived during the latter part of the meeting.

The following 24 Road Subarea Plan Committee members were unable to attend:

Larry Feather (business owner/original committee member)
Steve Reimer (developer/original committee member)
George Pavlakis (property owner/original committee member)

Those City staff in attendance included:

Bob Blanchard (Director, Community Development Department)
Lori Bowers (Senior Planner, Community Development Department)
Dave Thornton (Principal Planner, Community Development Department)
Kristen Ashbeck (Senior Planner, Community Development Department)
Senta Costello (Associate Planner, Community Development Department)
Kathy Portner (Planning Manager, Community Development Department)
Bobbie Paulson (Administrative Specialist, Community Development Department)
Eric Hahn (Development Engineer, Public Works & Utilities)
Scott List (GIS Analyst, Administrative Services)
Jody Kliska (Traffic Engineer, Public Works & Utilities)
Ken Simms (Mesa County MPO)

Guests present:

Tom Volkmann, legal counsel for property owners whose land is zoned Mixed Use (MU), was also present.

CONSIDERATION OF MINUTES

The minutes of the October 13, 2005 meeting were approved as presented.

TOM VOLKMANN PRESENTATION

Tom Volkmann began by saying that while he did not represent all of the property owners within the Mixed Use (MU) zone, he did represent all but one or two of them. In January of 2005, he'd come before the City Planning Commission to ask for elimination of three specific criteria of the MU zone: 1) the requirement that at least 20 percent of each parcel be developed with residential uses; 2) that the density requirement for those residential uses be between 12-24 du/acre; and 3) a prohibition against retail structures larger than 30,000 square feet. He pointed out that property owners were not asking to change any of the design standards that had been adopted for the 24 Road Corridor. Property owners agreed that the 24 Road Corridor represented a gateway into the City of Grand Junction and should be thoughtfully developed. They also agreed that the MU zone conceptually provided for varying uses, a positive aspect of the zone district. However, retail developers were being forced to integrate a residential component into their designs at a density generally believed to be unfeasible for the 24 Road Corridor. Mr. Volkmann stated that generally a use was constructed when it was deemed there was a market for it. Requiring commercial developers to develop 20 percent of their properties in residential uses had effectively discouraged all development of MU zoned properties. Property owners were not asking for a rezoning of their properties, just the modifications as requested above.

Mr. Volkmann said that property owners were also not asking for a total elimination of the residential component in the MU zone, merely a reduction in the required density, from 12-24 du/acre to 4 du/acre. He said that the costs associated with developing high-density residential uses were generally offset in other areas by large-scale retail development. Restricting retail structures to no more than 30,000 square feet would drive up the costs of residential development to a point that rendered those units unmarketable. Since smaller retail business development wouldn't be able to offset that level of expense, development of any kind on MU zoned properties had been and would continue to be forestalled. Mr. Volkmann referenced Denver's Bel Mar project (formerly Villa Italia), which had been developed with mixed uses. Its residential component consisted of condominiums selling for \$240K to \$400K. To help offset those development costs, the project also contained some large-scale commercial, and it had received both federal and state funding. He understood that City Council wanted to situate some of the Valley's high density housing to the west side of the city to help alleviate traffic congestion; however, while people in Denver might be willing to spend \$240K on a one bedroom condo to avoid a two hour commute, that same impetus was not present in the Grand Valley. Mr. Volkmann pointed out that locating more commercial uses along 24 Road instead of along Highway 6 & 50 would reduce the number of intersections along that state highway and make better use of Interstate 70 for carrying east-west traffic.

Mr. Volkmann expressed concern that when the original Subarea Plan had been adopted, the 30,000 square-foot retail limitation, the 20 percent residential component, and 12-24 du/acre density requirement had not been recommendations originating from the Subarea Planning Steering Committee. Rather, those recommendations had been inserted by City Council members and approved without benefit of Steering Committee review and discussion. Since City Council was authorizing a reformation of the Steering Committee to re-review those criteria, Mr. Volkmann asked current Steering Committee members to

consider eliminating them, since property owners felt they were not necessary and appropriate for the advancement of the MU zone district.

DISCUSSION

Bob Blanchard recalled that during original Steering Committee discussions, retail commercial uses were to be secondary to residential. Greg Shaefer disagreed. In his review of the recommendation originally passed on to City Council, there had been no statement made that placed more emphasis on residential development. Mr. Blanchard clarified that retail commercial had been considered a secondary use. He noted that no one had yet talked about the corridor in terms of employment and other commercial uses.

When Mr. Volkmann asked for the definition of "employment," Mr. Blanchard said that that could include offices, light manufacturing, R&D, and other clean industries. Mr. Volkmann said that while his clients would love to sell their properties to such enterprises, as a member of the Economic Partnership Board, he said that attracting such industries to the area was proving to be very difficult. There just wasn't a market for those uses. And while he understood that planning had to look into the future, the timeframe had to be reasonable. A 30-year timeframe wasn't reasonable. He encouraged the Steering Committee to consider market conditions as they realistically existed.

Mr. Schaefer remarked that because the cost of land in the 24 Road Corridor was so much higher than in other areas of the City, it was unlikely that office and other "employment" uses would ever situate there.

Paul Dibble recalled discussions from the original Steering Committee that included the desire to prevent the 24 Road Corridor from becoming filled with Big Box retail outlets and looking like another Horizon Drive. The intent, he said, was to have the area developed in a more park-like manner. Mr. Volkmann felt that that would be achieved through adherence to the design standards.

Dr. Dibble asked Mr. Volkmann to project out ten years and predict what the corridor would look like if the three elements mentioned previously were deleted. Mr. Volkmann anticipated that there would be a couple of larger-scale uses with some smaller satellite commercial and retail uses. Further away from 24 Road, he anticipated the development of residential uses to a density less than 12-24 du/acre. He didn't feel that the buying base was such that it could support a string of Big Box retailers, but development of a hotel and community center might be possibilities.

Dr. Dibble wondered if enough diversity existed in the "visions" of individual property owners to actually result in a true mix of uses. Mr. Volkmann acknowledged the difficulty in getting 10-12 individual property owners together to collectively map out the direction of their lands. That challenge had been noted by City Planning Commissioner Tom Lowrey during January's public hearing. Dr. Dibble said that without the referenced restrictions, and if property owners were allowed to develop their lands in any way they chose, the entire area could conceivably develop according to a single vision. Mr. Volkmann said that while that might be true, he felt that the market demand for a variety of uses would see them to fruition.

Terri Binder said that as an original Steering Committee member, she also recalled discussions that sought to preclude the 24 Road Corridor from becoming another Horizon Drive. She also recalled that projections had been over a 20-year timeframe. One big concern that had been discussed by the original committee was over Big Box retailers. Historically, as they sought to expand, they would leave their

former buildings and construct even bigger buildings elsewhere. Then the problem became what to do with the vacated structure. With the 24 Road Corridor being a gateway into the City, the Steering Committee had wanted to ensure that more enduring uses would prevail. Mr. Volkmann encouraged current Steering Committee members to review the specifics of adopted 24 Road Corridor design standards. He felt that those more restrictive standards would prohibit builders from erecting poor quality developments and prevent the area from looking like another Horizon Drive. While it may be 20 years before the cost of housing rises to a point that makes a true mixed use development feasible, property owners should be allowed to do something with their lands in the meantime, something other than "keeping it in feed corn."

Dick Scariano asked if there were market studies available that would demonstrate the unfeasibility of the 12-24 du/acre density requirement for the residential component. He also asked if a list containing "unacceptable inquiries" might be available for Committee review. What had been the nature of those inquiries? What were the standards applicable to those inquiries, and which standards needed to be resolved before those inquiries could come to fruition? Mr. Scariano also wondered if Mr. Volkmann could go to his clients and get some sort of consensus on just what standards would be acceptable; *i.e.*, how did individual property owners see their lands being developed. Mr. Volkmann said that he would endeavor to obtain the requested information.

Don Campbell noted that while eliminating the three criteria mentioned previously would give property owners the greatest amount of flexibility, he felt that the criteria were essential to guaranteeing a true mix of uses along the 24 Road Corridor. He felt uncomfortable with the "all or nothing" approach and wondered if property owners could get together to put forth some alternatives that would satisfy their concerns and still meet the intent of the MU zone district. Mr. Volkmann felt the request to be reasonable. A timetable of two weeks for securing and submitting alternatives was mentioned.

Tom Lowrey predicted that the larger, more intense uses would situate directly off of 24 Road. The further away from 24 Road properties were, he could envision less intense commercial uses and the construction of higher density housing. Properties furthest away from 24 Road would be perfect for lower density residential. Mr. Volkmann concurred with Mr. Lowrey's projection. Mr. Lowrey suggested looking at properties currently within the MU zone district and considering other zoning alternatives based on that growth projection. Mr. Volkmann asked that he be permitted to present that and other proffered suggestions to his clients for their consideration before responding.

Mr. Schaefer felt that the market would result in the types and intensities of businesses and residential uses locating as Mr. Lowrey projected. Citing the Grand Mesa Center, he noted that the Big Box standards had resulted in a very attractive development. Since the 24 Road Corridor Guidelines were even more restrictive, he felt confident that any Big Box development along 24 Road would be of good quality and aesthetics. Mr. Volkmann noted that Big Box standards would still apply to any development over 50,000 square feet, and that those standards would be imposed in conjunction with the 24 Road Corridor Design Standards.

Dr. Dibble noted that the term Big Box applied to the development's footprint. There could potentially be a number of smaller businesses (less than 50,000 square feet) included as part of that overall footprint.

STAFF PRESENTATIONS

Ken Simms gave a PowerPoint presentation containing population and traffic projections for the year 2030, using 2000 as the base year. Referenced were slides of the Grand Valley Circulation Plan; a map of the F 1/2 Road Parkway Alignment; Levels of Service legend; and 24 Road Corridor traffic projections; the 2030 Traffic Model, including the completed Riverside Parkway, the north-south corridor from Highway 50 to Interstate 70, and the F 1/2 Road Parkway. Mr. Simms pointed out areas of anticipated congestion along the 24 Road Corridor. The model reflected a four-laned I-70B; however, CDOT anticipated expanding I-70B to six lanes from 24 Road to the North Avenue interchange. He noted that population and employment figures had been factored into the model.

Senta Costello referenced a handout outlining all of the general meetings held by Community Development staff on 24 Road Corridor properties since the year 2001. The list contained 26 development inquiries for the Commercial zone district; 5 for Residential; and 8 for Mixed Use, 2 of which were in a category split between Mixed Use and Heavy Commercial (C-2). She referenced the market study contained within the 24 Road Corridor Plan beginning on page 10 of the 24 Road Corridor Plan. She referenced various photographs of residential developments that had been constructed with densities from 4 units/acre to 16 units/acre, to provide density comparisons. She also referenced some eastern slope mixed-use developments that could be overviewed by Committee members via the internet.

Dave Thornton provided updated maps of 24 Road Corridor development by year. He noted that the majority of development activity had occurred north of Mesa Mall and included expansion of Canyon View Park and development of the Spanish Trails Subdivision. The area around Mesa Mall was a major employment center for the community, and growth continued to occur within the nearby vicinity of the Mall. Most of the commercial inquiries mentioned previously by Ms. Costello had been within the Commercially zoned areas directly south of the F 1/2 Road Corridor. In looking at the patterns of growth over the last five years, there was no reason to think that growth was not occurring in the way that it should. Businesses would continue to want to locate as close to the Mall as possible since that's where the traffic is. Market conditions were only just beginning to recognize the 24 Road Corridor as viable for commercial uses. Mr. Thornton cited current and pending development of a new multi-plex theatre, the Canyon View Marketplace, a new bowling alley, restaurant, several banks, and the new Holiday Inn Express hotel.

Mr. Thornton referenced a map denoting a vacant parcel analysis for properties zoned RMF-8 through RMF-24. Excluded were several parcels already in the preliminary/final platting stages. The analysis pointed out that there were few areas remaining where higher density housing could be located.

QUESTIONS

Jeff Over asked about the number of traffic lanes anticipated by the model for 24 Road. Mr. Simms said that five lanes were anticipated for the corridor.

Ms. Binder wondered if the model took into account the roundabout planned for I-70B at 24 Road, to which Mr. Simms responded affirmatively.

Dr. Dibble asked staff if there was any demand for residential development west of 24 1/2 Road. Mr. Thornton felt that to be a natural progression given that not too long ago the area between 25 and 25 1/2 Roads had been an open field. Lori Bowers added that there had been some general meetings regarding

residential projects west of 24 1/2 Road. Mr. Thornton said that the natural progression of growth included residential moving further west while commercial development was moving further north.

Dr. Dibble asked if there had been any development inquiries made based on construction of the F 1/2 Road Parkway. Mr. Thornton said that there had been some interest expressed between 24 1/2 and 25 Roads. There was also some residential development activity occurring east of 24 1/2 Road. Overall densities increased as one traveled further west of First Street. Dr. Dibble remarked that there seemed to be a barrier at 24 1/2 and F 1/2 Roads. Mr. Thornton disagreed and felt that residential growth was occurring sequentially from east to west as it should. The same sequential growth pattern was occurring with commercial development from south to north.

Ms. Binder wondered when the F 1/2 Road Parkway would be constructed. Eric Hahn said that a consultant had been hired to design the Parkway. Actual construction was tied to the City's TCP program and would be undertaken as development occurred in the area.

Mr. Scariano asked if the City had received any public housing development inquiries. That might be one way to ensure greater densities. Kathy Portner knew of no inquiries that had been made.

Dr. Dibble asked about the current price range for apartment units. Mr. Thornton thought that the average price for a condo was probably close to \$120K, with townhomes ranging from about \$150K to \$180K. Dr. Dibble asked staff if they would provide by the next meeting a vacant parcel analysis of available commercial properties, similar to what had been presented for the higher density residential properties. He was especially interested in those properties that could accommodate a Big Box retail development. Mr. Thornton said that the requested analysis would be undertaken and made available to Steering Committee members in accordance with that timeframe.

Ms. Binder also asked for a list of sample commercial uses already constructed that contained between 30,000 and 50,000 square feet. She felt that the comparison would be helpful.

Mr. Campbell asked staff if they could come up with some alternatives to the deleted criteria option, similar to what he'd requested of Mr. Volkmann. Ms. Portner asked if the basis would be presupposing the deletion of the 20 percent residential requirement, then asking the question "How could that density be achieved somewhere else in the area?" Mr. Campbell felt that that would be helpful but he thought that options other than "all or nothing" must surely be available.

CONCLUSION

Ms. Bowers said that Committee members should consider the venue and timeframe for public opinion. A general discussion ensued, and it was suggested that an open house should be held on Monday, November 28, 2005 from 4:00 to 7:00 p.m. at Two Rivers Convention Center. (Staff suggests the committee consider having the open house on Wednesday, November 30th so there is less conflict with the Thanksgiving weekend.) The next 24 Road Subarea Plan Committee meeting will be held on November 10, 2005 at 7:30 a.m.; breakfast will be served at 7:15 a.m.

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
November 10, 2005
7:30 a.m.

Those in attendance, representing the 24 Road Subarea Plan Committee, included:

Jeff Over (Property Owner/Original Committee Member)
Don Campbell (Community Representative/Original Committee Member)
Dick Scariano (Realtor/Original Committee Member)
Dr. Paul Dibble (Planning Commission Chairman/Original Committee Member)
Greg Motz (Original Committee Member)
Tom Lowrey (Planning Commissioner)
Terry Fleming (Community Representative)
Paul Peterson (Mesa Mall)
Greg Schaefer (Realtor/Original Committee Member)
Lynn Sorlye (Horizon Drive Association)
Terri Binder (Community Representative)
Larry Feather (Business Owner/Original Committee Member)
T. Scott Sullivan (Chamber Representative)

The following 24 Road Subarea Plan Committee members were unable to attend:

Steve Reimer (Developer/Original Committee Member)
George Pavlakis (Property Owner/Original Committee Member)

Those City staff in attendance included:

Bob Blanchard (Director, Community Development Department)
Lori Bowers (Sr. Planner, Community Development Department)

Dave Thornton (Principle Planner, Community Development Department)
Senta Costello (Assoc. Planner, Community Development Department)
Kathy Portner (Planning Manager, Community Development Department)
Bobbie Paulson (Administrative Specialist, Community Development Department)
Eric Hahn (Development Engineer, Public Works & Utilities)
Scott List (GIS Analyst, Administrative Services)

Guest Mac Cunningham was also present.

CONSIDERATION OF MINUTES

The minutes of the October 27, 2005 meeting were available for consideration. A correction was made to delete the second paragraph on page 3 beginning with "Mr. Schaefer remarked..." and ending with "...would ever situate there." Also, Mr. Peterson asked that the sentence referencing his arrival under 24 Road Subarea Plan Committee attendees also be deleted. The minutes were approved with those two modifications.

DISCUSSION OF REQUESTED ALTERNATIVES FOR MIXED USE ZONE DISTRICT

Jeff Over said that he'd spoken with Tom Volkmann, legal counsel for many of the property owners within the Mixed Use zone district. Those property owners had directed him not to pursue the matter further. Mr. Over read a brief statement into the record indicating how affected property owners had, over time, outlined the issues that were preventing them from developing their properties. They were not asking for any changes to the design guidelines and did agree with them in concept. Property owners were hesitant to propose any compromise to their proposed changes since a lot of careful thought had gone into crafting their initial request. The only area where compromise might be possible was in the proposed density change from 12-24 du/acre to 4 du/acre. They would be willing to consider a minimum residential density range of 6-8 du/acre. It was believed that that would still leave properties commercially viable. They felt that the requirement of a minimum density of 12 du/acre imposed an undue burden on residential developers. Property owners believed that the City's desire for higher density housing would be better satisfied on other lower value, perhaps redevelopment, properties within the City. Their position was more apparent given the design standards and guidelines applicable to properties within the 24 Road Corridor, which made higher residential densities even less likely.

Property owners believed strongly that the only way that that type of development, in accordance with the plans and guidelines, could be cost-effective, was to allow large anchor-type developments within the Corridor. While property owners were willing to consider other uses as and when they became available, the primary development interest expressed thusfar had been for hotels, motels, and larger retail. The current 30,000 square foot cap effectively prevented the latter. Although open to the concept of mixed uses and while understanding its logic, property owners did not feel that requiring 20 percent of their properties to be developed in high density residential was necessary or appropriate. That restriction had also inhibited property development as evidenced by the lack of any development occurring on Mixed Use-zoned lands over the last five years. None of the property owners had conducted informal studies regarding the number of high-density residential developments in the Grand Junction market. They thought that perhaps the City's Community Development Department might have that information.

One of the requests made during the last Steering Committee meeting was for a list of potential purchasers who'd contacted the property owners within the 24 Road Corridor. Property owners seemed hesitant to identify any of those specific businesses. Mr. Over thought that perhaps one of the property owners could be convinced to attend an upcoming open house and provide input.

Terry Fleming didn't think the Committee needed the actual names of interested buyers, only some idea of how many serious inquiries had been made. Had imposed standards eliminated the potential development of a couple of projects or fifty projects? Mr. Over said that he was aware of at least 10-12 serious inquiries and every offer made had been contingent upon getting their request successfully through the City's development process. The three restrictions brought forth during the last Steering Committee meeting were what had killed those projects.

Dick Scariano said that the intent was to get some idea whether the 30,000 square foot limitation or other specific restrictions, other than the multi-family requirement, were impediments to developers moving forward.

Tom Lowrey asked if all the inquiries thusfar had been commercial retail. Mr. Over said that the ones of which he was aware were commercial/retail. One developer has looked at the property for factory outlet

stores. Kathy Portner said that staff had also spoken to a couple of residential developers about potential projects in the area.

Terry Fleming asked if hard copies of PowerPoint presentations could be made and distributed to committee members for reference.

STAFF PRESENTATION: I-70 / 24 ROAD TRAFFIC ENHANCEMENTS

Eric Hahn said that he'd been able to find out very little about the roundabout planned for I-70B at 24 Road. He was hoping for more information from CDOT and thought that he would have more to present at the next Steering Committee meeting.

Terry Fleming wondered what utilities would be brought across the interstate at the time of the roundabout's development. Mr. Hahn thought that any utilities extension would be limited. He was unaware of any intention to extend City sewer across the interstate at that point but said that he would get his information verified. He also believed that completion of the roundabout was expected by the summer of 2006, adding that he would try to get that information verified as well.

Tom Lowrey asked if the 24 Road bridge going over the interstate would be two-laned or four-laned. Mr. Hahn said that there were three lanes planned--two southbound lanes and one northbound lane. Terri Binder wondered if three lanes would be sufficient to provide for future traffic. Mr. Hahn presumed that CDOT's engineers had taken future traffic considerations (20 year projection) into account. He acknowledged that there was more traffic moving southbound than northbound in the area. Ms. Binder asked if CDOT considered land uses to the north and the levels of development that might occur. Mr. Hahn felt that while some of that might have been taken into consideration, CDOT looked primarily at traffic volumes in the intersection relative to the interstate. Kathy Portner said that CDOT used the split-diamond concept in its improvements planning process. Mr. Hahn briefly explained the concept to committee members. Mr. Lowrey asked how far south on 24 Road improvements would extend. Mr. Hahn said that improvements should extend all the way to the Canyon View Park intersection. If the committee wanted a CDOT representative to offer additional information, Mr. Hahn offered to make the request.

Greg Motz asked if a roundabout was planned for 24 and G Roads. Mr. Hahn said that although he and others would like to see one there, none had been proposed nor planned.

Mr. Over asked about the City's timeline for five-laning 24 Road. Mr. Hahn said that the latest projections were for 2009-2010.

Mr. Over asked if construction of the new theatre would provide the impetus for construction of the new F 1/2 Road parkway, to tie into 24 Road. Mr. Hahn said that theatre's developer was responsible for providing access to the theater site. The developer was participating in improvement costs; however, the City was coordinating the actual design and construction. All that was needed prior to their opening was completion of 20-foot-wide asphalt lanes and some minor curb, gutter and sidewalk.

When asked by Mr. Over if a full-scale bridge would be constructed across Leach Creek, Mr. Hahn responded affirmatively.

Mr. Schaefer asked if a traffic light would be installed at the intersection of 24 and F 1/2 Roads. Mr. Hahn responded affirmatively but added that installation would occur only when traffic volumes warranted it. When asked if City Market would have access rights to 24 Road, Mr. Hahn said that that was currently under discussion but nothing definitive had been decided.

Mr. Over asked if the new bowling alley would eventually receive access from F 1/2 Road. Greg Motz said that access would run from 24 1/2 Road west along the property line, then run north to F 1/2 Road.

STAFF PRESENTATION: BUILDING SIZE COMPARISONS

Senta Costello said that at the last meeting she'd been asked to provide examples of existing commercial retail buildings to give committee members a perspective on building sizes and what buildings in the 24 Road Corridor could look like. She provided a list and photos of commercial shopping centers in the area, including neighborhood convenience centers, neighborhood shopping centers, and regional retail/big box. Neighborhood convenience center sizes ranged from 14,000 to 42,000 square feet. Neighborhood shopping center sizes ranged from about 45,000 to 86,000 square feet. Regional retail/big box shopping centers were of sizes similar to the Grand Mesa Center and Rimrock Marketplace. Village Fair shopping center at 12th Street and Patterson Road was approximately 33,000 square feet. The Ridges commercial area was about 14,000 square feet in size. The PetSmart building was roughly 27,125 square feet, and the Sportsman's Warehouse was a little over 47,000 square feet in size.

Mr. Schaefer added that the Toys R Us building was approximately 30,100 square feet.

Mr. Fleming asked if all the separate buildings within the Village Fair shopping center made up the 33,000 square foot figure. Ms. Costello replied affirmatively, adding that the bank building and the Ale House had both been included in that calculation to determine parking requirements.

Dr. Paul Dibble asked if the Village Fair shopping center was considered a strip mall, or did it qualify as an example of a 30,000 square foot building? Bob Blanchard said that the term "strip mall" was vernacular for a type of development. A strip mall could also be 30,000 square feet.

Mr. Fleming asked if the 30,000 square foot restriction applied to the actual building footprint. Could multiple buildings make up this total square footage? Mr. Blanchard said that the restriction pertained solely to retail. If an entire building was devoted to retail, it would be considered a single building footprint and the restriction would apply. If there were multiple retail business divided by fire walls within a single building footprint, it would be considered a single building and the restriction would also apply. If multiple uses occupied a single building, then that building could be larger (appx. 130K-140K square feet without a Conditional Use Permit), but the retail portion of that building would still be limited to 30,000 square feet. Retail uses were distinctly different from office uses in that retail was typically defined as where one went to purchase goods.

Mr. Blanchard said that the Grand Mesa Center was considered all one building up to the breezeway.

Mr. Fleming wondered how the City regulated the type of uses going into a building. Ms. Portner said that for buildings constructed to accommodate a number of tenants, each tenant's use was reviewed to

determine parking requirements. The City was also alerted to the specific use when a tenant came in for a sign permit. Mr. Blanchard said that it became more problematic as tenants changed; it often then became an enforcement issue. Ms. Costello added that the City was also alerted as businesses applied for sales tax licenses.

Greg Motz said that if various retail businesses moved into a large building, would those uses have to be contiguous? Ms. Portner said that those uses could be spread out within the building.

Dr. Dibble asked for confirmation that if a developer built a 60,000 square foot building and retail uses comprised only 30,000 square feet, the building's larger square footage would still be allowed. Staff confirmed Dr. Dibble's assessment.

Ms. Binder asked if motels and hotels were typically considered big box retail, to which Ms. Costello replied affirmatively. Ms. Portner interjected that hotels and motels had not been held to the 30,000 square foot restriction within the 24 Road Corridor.

Ms. Costello continued listing examples of various retail shopping center sizes. Monument Village was roughly 45,000 square feet. The Redlands Marketplace was at about 86,000 square feet. The Grand Mesa Center, an example of a regional center/big box, was just short of 250K square feet. The Rimrock Marketplace was just over 500K square feet, including the pad sites. Mr. Blanchard added that the smaller businesses constructed on the pad sites of a big box development fell under the same big box standards. Ms. Costello said that the freestanding and attached commercial sites in town (*e.g.*, Rite Aid at 1st Street and Grand Avenue) began at about 13,000 square feet. Examples of stand alone retail sites included the Rite Aid at 30 and F Roads, which was 13,712 square; Carmike Cinemas, which was 22,500 square feet; Office Depot at a little over 32,000 square feet; the Holiday Inn Express at a little over 53,000 square feet; K-Mart at 90,610 square feet; and the Home Depot site at 148,500 square feet. The Lowe's building was at 203K square feet, with Wal-Mart in the Rimrock Marketplace at 256K square feet. An analysis of non-retail buildings in town was conducted and ranged in size from 14,000 square feet 48,000 square feet for offices and 20,000 to 262,500 square feet for commercial industrial buildings. Examples of office building sizes included the Canyon View offices at 14,000 square feet; Fidelity Mortgage at 7th and Belford at 27,216 square feet; the new City Hall building at 48,103 square feet; and the new Home Loan Building at just under 40,000 square feet. Examples of commercial industrial buildings included the new Pyramid Printing building at 20,000 square feet; and the Post Office on Burkey Street was just under 30,000 square feet. Ms. Costello said that she would be providing committee members with hard copies of her list.

Mr. Fleming asked what criteria had been used for the Holiday Inn Express building. Ms. Costello said that the development had been reviewed under the 24 Road Corridor Design Guidelines and Standards; however, since the development was not constructed in a Mixed Use zone district, it did not have to adhere to that zone's standards.

Ms. Binder asked if parking areas were included in square footage calculations, to which Ms. Costello replied negatively.

Mr. Fleming asked if the Holiday Inn Express could have been constructed in a Mixed Use zoned area. Mr. Blanchard said that it would have had to meet the residential requirement. He reiterated that

hotels/motels weren't considered retail uses in Mixed Use Zone District's restriction on retail building size.

Mr. Scariano asked if there was some confusion over how the 30,000 square foot restriction was defined. Ms. Portner said that it represented the total square footage of retail, regardless of the building's size or the number of levels it had. Typically, there weren't any multi-level retail structures, especially in Grand Junction.

Greg Schaeffer remarked that there were only so many retail commercial corridors in the City, and to artificially restrict one of them didn't make any sense. It hadn't made any sense at the time it was discussed during original Steering Committee meetings either. The Grand Mesa Center is an excellent example of how a big box development could be designed to be both accommodating and nice looking. He could see no reason to retain the 30,000 square foot restriction.

Mr. Scariano reiterated how knowing the types of businesses that had been restricted from moving into the 24 Road Corridor would be helpful. What exactly had the community lost? Mr. Over said that he would see what he could do to get that information.

Greg Motz asked if, in a scenario where three 50,000 square foot buildings were constructed on a single property, would all three be allowed a maximum of 30,000 square feet of retail? Mr. Blanchard replied affirmatively.

STAFF PRESENTATION: COMMERCIAL VACANT LAND

Scott List said that a calculation had been done of all commercial uses within C-1, C-2, and PD zones. A determination had been made to find out how much of that land was still vacant, and then a percentage was calculated. The same formula had been used for land within the Mixed Use zone. Referencing a series of maps, he said that staff had not looked at the potential for redevelopment sites. He pointed out an area near 29 Road and the interstate that was primarily Planned Development (PD) with Commercial zoning attached to it.

Mr. Lowrey asked if the vacancy rate would radically decline if the 29 Road/interstate area just referenced had been excluded. Mr. List said that the vacancy rate would then be about 18 percent, since the referenced area contained approximately 250 acres. Mr. Lowrey wondered what would be allowed on that property given its proximity to the airport. Dave Thornton noted that the property was not located within the airport's critical zone so there were no special Code restrictions applicable.

Dr. Dibble noted that most of the available commercial areas (C-1 and C-2) were located in the west central part of town off Highway 6&50. He conjectured that businesses wanting to move into Grand Junction were more likely to look to those areas. Dr. Dibble asked if staff had factored in the Pear Park commercial areas. Mr. List said that much of the Pear Park area was still County-zoned. Mr. Thornton said that one area for potential commercial uses was located at 29 and D Roads. Mr. List said that he'd considered including the area to I-70B and the Highway 141 interchange out in Clifton but those areas hadn't been included in the current analysis.

Mr. Scariano said that if all the Mixed Use property were developed, how many housing units would that provide? Mr. Thornton said that he would cover that in his presentation.

Mr. Blanchard said that calculating the amount of vacant land was easy enough for staff to do. Greg Schaefer had provided valuable input on how much of that was actually available for sale. If only a percentage of vacant lands were available for sale, it could represent a perceived shortage, whether for residential or commercial. That's why it was important to qualify any analysis made and get a planning perspective on how that played into the issue of what was enough, what was too much, and what was not enough.

STAFF PRESENTATION: PROJECTED BUILDOUT SCENARIOS

Mr. Thornton said that redevelopment opportunities represented another important qualifier, and he referenced the Grand Mesa Center as an example. Mr. Thornton referenced the document entitled "24 Road Plan Summary," which looked at the commercial needs of the Grand Valley long term. Looking at the 2010 table, there was an annual corridor development absorption for retail of 25,000 square feet. Office use needs were projected to be 50,000 square feet; industrial at 45,000 square feet; and multi-family, 135 units. The Other category included parks, churches, and similar uses. Retail projections over the next 10 years included only a 23-acre absorption.

Mr. Fleming said that those figures had come from a market study, which later became part of the Growth Plan. That study had been conducted prior to development of Rimrock Marketplace and the Grand Mesa Center and suggested to the original Steering Committee that in the area of retail, the community would absorb approximately 100K to 150K square feet per year for the next ten years. In office space, it was anticipated that 300K square feet would be absorbed for the first five years and 370K square feet for the next five years. Since that time, hundreds of thousands of square feet of retail had been developed in the first five years, with only a miniscule amount of office space developed. He felt that the reality of how development was occurring, and to the extent that it was occurring, rendered that earlier market study moot. And the magnitude of that flaw, he felt, contributed to the ongoing misperceptions of growth in the 24 Road Corridor.

Mr. Thornton referenced Table 13 extracted from the Growth Plan and projections of what could be expected at build-out. Staff considered three scenarios: 1) the Mixed Use Plan as it was today; 2) 1996 Growth Plan before the Mixed Use Zone was applied; and 3) looking at changing the Mixed Use category to include residential development at 4 du/acre and allowing big box retail buildings. Almost 1.4 million square feet of retail would be permitted in the Mixed Use zone today, and the 1996 Growth Plan provided for less than a million square feet of retail. Under the third scenario, residential and retail would be at about a 50/50 split, with 926,500 square feet of retail. Office space allowed under the three scenarios would have reflected almost 1.7 million square feet under scenario 1, less than 1.2 million square feet in scenario 2, and 831K square feet under scenario 3. Industrial stayed fairly even. With regard to residential development, over 2,000 units would be provided in scenario 1, between 1,200 and 1,800 units under scenario 2, and 842 units in scenario 3. Assumptions for the three scenarios included 10,900 square feet per acre for retail, 13,200 square feet per acre for office, 8,600 square feet per acre for industrial.

Mr. Lowrey referenced the handouts provided by Mr. Thornton and Mr. List and observed that without restrictions, it was likely that the majority of the Mixed Use area would be developed as commercial.

Greg Schaefer disagreed, saying that the further away from the 24 Road frontage the property was, the less attractive it would be for commercial uses. Mr. Lowrey said that from a commercial standpoint, the west central part of town had the greatest availability of vacant land on which to build. That area would be naturally attractive to businesses wanting to locate in the Grand Junction area.

Mr. Thornton said that while Ms. Costello provided committee members with a list of businesses and their respective building sizes, there had been no mention of how many acres that represented. Mr. Thornton suggested that acreage be included in the table.

Dr. Dibble remarked that if commercial were located on both sides of 24 Road, it would still result in a lot of open view area because of the design standards and parking requirements. He referenced Harmony Road in Fort Collins as a prime example of how commercial development had occurred in an area that still protected views and promoted landscaping. Mr. Blanchard was familiar with the reference and said that the design standards in that area required an 80-foot setback before any commercial development could occur, including parking, which resulted in a very park-like corridor.

Ms. Binder recalled that the original Steering Committee had discussed bringing buildings closer to 24 Road and having the majority of parking located behind businesses. That was to eliminate people having to look at a sea of parking lots down 24 Road, and she also thought that that might have been the impetus for limiting the sizes of retail buildings.

STAFF PRESENTATION: RESIDENTIAL COMPONENT ALTERNATIVES

Lori Bowers offered some alternatives to the residential component issue: 1) the transfer of density rights (TDR); 2) payment to a fund that would go towards construction of an affordable housing project. The positive thing about that option was that Grand Junction's Housing Authority could be involved and could take care of the extensive bookkeeping that would be required; or 3) include a public/private partnership between the City and property owners where both sides would work together through sales taxes, tax incremental funding, etc. to meet the City's original vision.

DISCUSSION / OPEN HOUSE

Mr. Over asked on what date the open house had been set. Ms. Bowers said that it had been scheduled for Wednesday, November 30, from 4:00 to 7:00 p.m. Mr. Over said that two additional meetings were planned after the open house, and he encouraged those present to get their ideas out on the table for discussion.

Dr. Dibble said that there was still some sensitivity surrounding what had originally gone to City Council from the original Steering Committee and what hadn't. He felt that the Steering Committee's original position should be clarified. Conversely, he thought that the committee should be provided with a rationale for why its original recommendations had been changed. Mr. Schaefer observed that City Council clearly hadn't agreed with the recommendations made by the committee since the changes that had been made were fairly significant. Dr. Dibble thought it unfortunate that no actual minutes were taken for the previous Steering Committee. Mr. Schaefer said that he had a copy of the original committee's recommendation made to City Council. Mr. Lowrey wasn't sure that revisiting what happened five years ago would be helpful. Mr. Fleming said that he'd not heard any good arguments

thusfar for why the 20 percent requirement had been inserted. He'd also not heard any good reasons to support the 12-24 du/acre density requirement.

Mr. Blanchard felt that a good starting point would be to review City Council's minutes detailing their discussion on those issues. If the committee chose, a verbatim transcript could also be provided. Ms. Portner said that much of City Council's discussion began at one of their workshops. Their meeting minutes, however, pretty clearly outlined their rationale for the 20 percent residential requirement. Their rationale for the 30,000 square foot retail limitation may not have been as clear but their intent was to acknowledge that while retail development in the area was fine, the type of retail should be limited. That limitation excluded big box developments. That did not preclude, say, 200K square feet of retail as long as it was located in multiple 30,000 square foot buildings. She said she would review City Council's minutes further to see if additional clarification could be provided.

Mr. Fleming asked staff on what basis City Council had imposed that restriction. Had it been based on a market study that the original committee had not seen, one that foresaw such a demand? Had it been based on a Council member wanting to see residential development in the area? Ms. Portner recalled Council discussions where there had been a desire to see more residential development at that end of the Grand Valley.

Mr. Scariano observed that regardless of what had come from earlier meetings, the end result was that what was currently in place wasn't working. He felt that the focus should be on coming up with a realistic solution that would satisfy land owners and be something that the market would accept.

Mr. Over suggested that whatever solutions were proposed should be put in a strongly worded recommendation from the committee.

A brief discussion ensued over how the upcoming open house would be conducted. Staff would be present to answer questions and maps would be available for public review. Ms. Bowers suggested posting the three primary issues and soliciting public comment on them. Comment cards would be made available.

Dr. Dibble felt that committee members were in a better position to ask questions rather than to make statements. Input to the questions posed would help guide future discussions.

Ms. Binder felt that visual presentations and examples of what had been discussed would also be helpful to give people an idea of what a particular thing would look like.

Mr. Lowrey felt that people would be better able to respond to presented scenarios. He suggested offering various scenarios and outlining the positive elements for each. He didn't think that the committee was ready to hold an open house and should instead develop concept drawings of what those scenarios would look like.

Mr. Over felt that the development of scenarios would be difficult since no one really knew how the area would actually develop.

Mr. Schaeffer said that a lot of the committee's earlier discussions on mixed-use land uses had arisen from photos depicting such developments on the eastern slope. There were some very beautiful mixed-use developments in the Denver area. And while that might be attainable in major metropolitan areas, that same level of mixed use development may not be possible in a town the size of Grand Junction.

Mr. Lowrey felt that it was possible to provide the public with a rough idea of what the area might look like based on committee discussions. If it was logical to show residential development on lands further away from 24 Road; if more retail development were permitted along the actual corridor; and if a greater square footage were allowed for commercial retail buildings (*e.g.*, 75K or 100K square feet), he believed it was possible to present the public with some idea of what that might look like. If a recommendation were made to reduce the residential density to somewhere between 4 and 12 du/acre, it would be possible to provide the public with some idea of what that density range would look like. He reiterated that it was premature to solicit public comment without first having something to present.

Ms. Binder felt that people would walk into an open house already having an idea of what they wanted, and that could be limited to their just wanting a specific store to be built in the area. For many people, that's the extent to which they would want to be involved in the process.

Don Campbell felt that if the committee focused on the three proposed changes, it would simplify the process. Use the mission, goals, and objectives currently outlined in the Growth Plan and address the three proposed changes in terms of whether or not their implementation would help achieve those goals. The answer might be yes, no, or a point somewhere in between.

Dr. Dibble asked staff to provide a one-page outline of things to be aware of during the open house, including what the mission was and where we were now.

Ms. Bowers suggested that staff pull together committee comments made on the three pertinent issues and put together a presentation for committee review of what members might want to present to the public.

CONCLUSION

The decision was made to cancel the open house scheduled for November 30 and instead plan another committee meeting for December 1. At that time, the committee would review staff's proposed presentation materials and consider whether additional materials were needed. Based on what was presented, the committee might be better able to set a date for the public open house.

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
December 1, 2005
7:30 a.m.

Those in attendance, representing the 24 Road Subarea Plan Committee, included:

Jeff Over (Property Owner/Original Committee Member)
Don Campbell (Community Representative/Original Committee Member)
Dick Scariano (Realtor/Original Committee Member)
Dr. Paul Dibble (Planning Commission Chairman/Original Committee Member)
Tom Lowrey (Planning Commissioner)
Paul Peterson (Mesa Mall)
Greg Schaefer (Realtor/Original Committee Member)
Terri Binder (Community Representative)
Larry Feather (Business Owner/Original Committee Member)
T. Scott Sullivan (Chamber Representative)
George Pavlakis (Property Owner/Original Committee Member)

The following 24 Road Subarea Plan Committee members were unable to attend:

Steve Reimer (Developer/Original Committee Member)
Greg Motz (Original Committee Member)
Terry Fleming (Community Representative)
Lynn Sorlye (Horizon Drive Association)

Those City staff in attendance included:

Bob Blanchard (Director, Community Development Department)
Lori Bowers (Senior Planner, Community Development Department)
Senta Costello (Associate Planner, Community Development Department)
Scott Peterson (Associate Planner, Community Development Department)
Kathy Portner (Planning Manager, Community Development Department)
Eric Hahn (Development Engineer, Public Works & Utilities)

Guests in attendance:

Mac Cunningham

CONSIDERATION OF MINUTES

The minutes of the November 10, 2005 meeting were available for consideration. The minutes were approved (motion made by Greg Schaefer and seconded by Tom Lowrey).

The committee divided into three groups to discuss three changes to the 24 Road Area Plan that a group of landowners have requested them to consider. After spending approximately 45 minutes discussing alternatives and considering various compromises to the requests, each group presented and discussed their ideas with the entire committee. Below is a summary of that exercise.

Group 1: Greg Schaefer, George Pavlakis, Paul Peterson, Jeff Over, Dick Scariano

- In favor of commercial designation on both sides of F ½ Road
- Generally like the intent of the MU zoning
- Keep residential density at 8-24 units per acre
- Group feels a boulevard along 24 Road will “create” the corridor
- Delete the 20% residential requirement
- Encourage event center and hotels across adjacent to Canyon View Park
- Delete 30,000 square foot restriction for retail

Group 2: Tom Lowrey, Larry Feather, Scott Sullivan

- Group 2 supports the original vision—including favoring the corridor being a mix of commercial and residential
- Designate specific land uses upfront
- Increase the 30,000 square foot retail maximum to 50,000 square feet

Group 3: Paul Dibble, Don Campbell, Terri Binder

- Group 3 supports the original Plan
- Keep residential density at 8-24 units per acre
- Decrease the required residential percentage
- Maintain the 30,000 square foot retail maximum size

The December 8, 2005 committee meeting was cancelled. An open house will be scheduled on January 12, 2006 from 4:30 PM to 6:30 PM at Two Rivers Convention Center. A follow-up 24 Road committee meeting is also scheduled on January 19, 2006.

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
January 25, 2006
7:30 a.m.

Those in attendance, representing the 24 Road Subarea Plan Committee, included:

member)	Jeff Over (property owner/original committee
committee member)	Don Campbell (community representative/original
Chairman/original committee member)	Dick Scariano (Realtor/original committee member) Dr. Paul Dibble (Planning Commission
member)	Tom Lowrey (Planning Commissioner) Paul Peterson (Mesa Mall) Lynn Sorlye (Horizon Drive Association) Larry Feather (business owner/original committee

The following 24 Road Subarea Plan Committee members were unable to attend:

Steve Reimer (developer/original committee member)
Greg Schaefer (Realtor/original committee member)
Terri Binder (original committee member)
Terry Fleming (community representative)
T. Scott Sullivan (Chamber representative)
Greg Motz (original committee member)
George Pavlakis (property owner/original committee member)

City staff in attendance included:

Lori Bowers (Senior Planner, Community Development Department)
Dave Thornton (Principle Planner, Community Development Department)
Kathy Portner (Assistant Director, Community Development Department)

Bobbie Paulson (Administrative Specialist, Community Development Department)
Eric Hahn (Development Engineer, Public Works & Utilities)
Senta Costello (Associate Planner, Community Development Department)
Scott Peterson (Senior Planner, Community Development Department)
Jody Kliska (Traffic Engineer, Engineering Department)
Scott List (GIS Analyst, Administrative Services)

Guests Present:

Mac Cunningham

CONSIDERATION OF MINUTES

The minutes of the January 19, 2006 work session were available for consideration. Mr. Campbell referenced the second paragraph in the Discussion section where he was purported to have said "... some of the comments from realtors, developers and business owners seemed to promote their own interests." While he may have felt that way, he didn't recall having made that statement. Mr. Over remembered a couple of the committee members voicing that sentiment, and while that group had been well represented at the open house, other people had also been there.

The minutes were approved by a vote of 8-0 with no formal amendment offered.

In Favor: Jeff Over, Don Campbell, Dick Scariano, Paul Dibble, Tom Lowrey, Paul Peterson, Lynn Sorlye and Larry Feather

Against: None

DISCUSSION REGARDING TRANSFER OF DEVELOPMENT RIGHTS (TDRs)

The first subject broached by Mr. Over was the transfer of development rights (TDRs). He referenced the informative January 24, 2006 memo received by committee members from Kathy Portner. Given that several committee members who'd expressed the greatest interest were absent, he wondered if that discussion should be tabled.

Mr. Campbell suggested passing on, as one of the committee's recommendations, a request that staff look into opportunities and incentives that would help achieve some of the goals of the 24 Road Corridor Plan (Plan); certainly TDRs could be included.

Mr. Lowrey thought that TDRs were already included as part of the Plan. Ms. Portner said that a variation of it provided for the transfer of development rights between properties that were developing at the same time. Staff could expand that option to include TDRs for properties not developing concurrently. Mr. Lowrey expressed support for that expanded provision. It would provide property owners with increased flexibility.

Mr. Scariano felt that the concept of TDRs was good; however, property owners often found TDR's very difficult to manage and implement.

Ms. Sorlye commended Ms. Portner on her memo and noted that four different alternatives had been presented.

Mr. Over referenced previous discussions that suggested eliminating the residential component altogether for properties fronting 24 Road. How would those properties be affected by TDRs? He agreed that, while a good concept, he didn't think TDRs would be utilized much in the 24 Road Corridor.

Dr. Dibble thought that the option should be made available. Whether or not property owners choose to pursue the option would be up to them.

LETTERS FROM COMMITTEE MEMBERS

Mr. Over passed out copies of handouts generated by Mr. Campbell containing his thoughts. Mr. Over also read into the record a brief letter from Terry Fleming, who was absent and who had designated Mr. Over as his proxy. Mr. Fleming's position included eliminating the mandatory residential component on any land because it was unfair to have this component applicable to some parcels and not others. Mr. Fleming also indicated that if something reasonable on TDRs could be worked out, he would support it. He also felt that residential development should be allowed anywhere within the corridor but not required. He could also support a residential density of 6-24 du/acre, and he supported a higher square footage of retail space (but not unlimited). Mr. Fleming wondered if some kind of TDR could be developed applicable to retail square footage. He also favored the committee's suggestion that these individual elements be put into place now, with the overall Vision to be revisited later in light of the projection errors contained in the original market study.

DISCUSSION REGARDING RESIDENTIAL DENSITY

Mr. Over recapped from last week's discussion and said that over two-thirds of the committee members were in favor of reducing the minimum residential requirement from 12 du to 8 du; a couple people recommended going down to 6 du. He suggested addressing that issue before moving on to remaining issues.

Dr. Dibble felt that the 20% residential requirement went hand-in-hand with the density question. Ms. Portner suggested looking at the issue in terms of, if residential is proposed, what is the appropriate density range. Mr. Thornton reaffirmed Ms. Portner's interpretation.

A straw poll was called on the question of changing the residential density range from 12-24 du/acre to 8-24 du/acre. The straw vote yielded 8 in favor and 0 opposed.

A straw poll was called on the issue of changing the residential density range from 12-24 du/acre to 6-24 du/acre. The straw vote yielded 2 in favor and 6 opposed.

Dr. Dibble noted that densities could be comprised of single-family as well as multi-family units. Did the committee want to add any restriction to limit residential development to strictly multi-family units? Ms. Portner suggested leaving it open-ended, citing the Fountain Greens development that, at 8 du/acre, had a complete mix, from single-family to high-density condos.

MOTION: (Mr. Lowrey) "I make a motion that the [residential] density in the area be reduced to 8 to 24 u/a from the present zone."

Mr. Feather seconded the motion. A vote was called and the motion passed unanimously by 8-0.

In Favor: Jeff Over, Don Campbell, Dick Scariano, Paul Dibble, Tom Lowrey, Paul Peterson, Lynn Sorlye and Larry Feather

Against: None

DISCUSSION REGARDING RESIDENTIAL REQUIREMENT IN MIXED USE ZONE

The next item brought forth for discussion was the 20% residential requirement.

Mr. Campbell felt that the residential component was appropriate and necessary to achieve the stated goals for the 24 Road Corridor. If it were eliminated, that would represent a substantial and fundamental change to the Plan's overall Vision. He would be in favor of reducing the requirement to 15% or even 10% but not eliminating it altogether.

Dr. Dibble disagreed. Lowering the percentage only made it more difficult for developers of smaller parcels to incorporate that percentage into their developments. That's why last week's discussion on creating a line of demarcation was so important, because there were some areas where residential should be mandated and other areas where the restriction was unnecessary. He maintained that for those properties fronting 24 Road, between Patterson Road and I-70 and extending 1/4-mile on either side of 24 Road and 1/4-mile south of I-70, the residential component should not be required. Housing could still go in on those properties, but residential development would not be mandatory. Dr. Dibble suggested that the committee support either incorporating a line of demarcation to divide the mandatory residential component or eliminating it altogether. He felt that the percentage (20%) as it currently applied to all properties within the Mixed-Use zone should not be reduced.

Mr. Lowrey felt that he could support the line of demarcation suggestion that would eliminate the mandatory residential requirement for the area referenced previously by Dr. Dibble. For the remaining parcels within the Mixed-Use zone, he felt that the 20% residential component should be preserved. TDRs should be permissible so that landowners could effect some trading.

Mr. Paul Peterson favored eliminating the residential requirement altogether and letting the market dictate the use.

Ms. Sorlye wondered if it would be fair to impose the requirement solely on those properties located outside of the 1/4-mile strip but not impose it on other parcels. Following a brief discussion, Ms. Sorlye expressed her support for Dr. Dibble's proposal. She felt that imposing the 20% restriction on properties within that 1/4-mile area defeated "the whole mission of the zone." She was, however, in favor of retaining the 20% requirement for parcels located outside of the 1/4-mile area.

Dr. Dibble felt that the committee should ask itself, what would happen to the area if the residential component were eliminated entirely. Would there be any residential at all?

Mr. Scariano said that in a perfect world residential should be required; however, he agreed with Dr. Dibble that to require 20% residential development on a 5-acre parcel didn't make much sense and didn't facilitate good development.

Dr. Dibble suggested using the term "allowable" when referring to residential development instead of "mandatory." If something were allowed to occur, then the market forces could dictate how the property developed. "Allowable" granted a measure of flexibility in keeping with the Plan's Vision without dictating.

Mr. Over agreed with using the term "allowable." Given the wide variety of parcel sizes in the Mixed-Use area, if the 20% residential requirement were maintained, it would result in hodge-podge development. That wasn't representative of good planning. He felt that market forces would dictate how the area developed.

Dr. Dibble proposed making residential development "allowable" within the area he'd previously defined (¼ mile East and West of 24 Road and ¼ mile South of I-70) but restricting it on the properties further away from 24 Road.

Mr. Lowrey could not support eliminating the residential component altogether since, by doing so, it defeated the Plan's overall Vision for the area. But he reiterated his support of making residential development "allowable" within the 1/4-mile strip previously identified along 24 Road.

Mr. Campbell was willing to be flexible on this issue and agreed that reducing the percentage could create some problems. While opposed to eliminating the residential component altogether, he could support Dr. Dibble's suggestion of making residential development allowable within the 1/4-mile strip identified previously.

Mr. Scariano felt that it was unfair to require residential development on those parcels outside of the 1/4-mile demarcation area. While the market might naturally facilitate residential development of those properties, it should not be mandated.

Mr. Paul Peterson agreed. It was unlikely that the area would end up with 1,000 acres of commercial and retail development. Residential would occur naturally on some of those properties. He reiterated that if the component were eliminated altogether, the market would dictate how those properties developed.

Ms. Sorlye said that if the residential component were eliminated altogether, it would significantly change the intention of the Mixed-Use zone.

Mr. Campbell remarked that if the residential component were eliminated, it would so totally change the Plan's vision as to render moot the amendments currently being discussed. Elimination of the component should, in his view, require a re-review of the entire Plan.

Mr. Over recalled the lengthy City Council discussions on this very issue, and their vote of 4-3 had been nowhere near unanimous. He reminded committee members that while everyone's views would be represented in the minutes, City Council had the ultimate say in what was or wasn't approved.

Dr. Dibble noted that the aesthetics of the Corridor, and the view that it represented a western gateway into Grand Junction had factored heavily into the Plan's initial Vision. However, while the Mixed-Use zone might be successful in other communities, it clearly hadn't worked thusfar in Grand Junction. He felt that the entire concept of Mixed-Use developments and that facet of the Plan's Vision should be reconsidered.

Mr. Lowrey recommended taking a straw poll on the question to eliminate the residential requirement on all of the Mixed-Use properties. A straw vote yielded 4 in favor and 4 against.

A straw poll was then taken on the question to eliminate the residential requirement for the properties lying within the 1/4-mile strip along 24 Road but require the component for properties outside of that strip. A straw vote yielded 6 in favor and 2 against.

Dr. Dibble reminded committee members that eliminating the residential component altogether was tantamount to eliminating the Mixed-Use zone district. And if the 20% requirement were eliminated, how could anyone be sure that that level of residential development would occur? He suspected that it wouldn't.

Mr. Over noted that the 20% restriction had never been a recommendation made by the original committee.

Mr. Scariano asked committee members to envision the 4-acre parcel known as Independence Plaza next to Sam's Club. If that site had had a 20% residential requirement, it would have resulted in 7 residential dwelling units directly adjacent to all of that commercial. If the residential component could not be eliminated, he thought that raising the percentage to something like 40% would result in a better end product. But he felt strongly that the market would dictate the best use for the land.

Mr. Peterson agreed, adding that there would be land pockets that would be more suitable for residential development.

Mr. Lowrey thought that if the committee could somehow promote Planned Unit Developments (PUDs), the community would see true Mixed-Use developments.

MOTION: (Mr. Lowrey) "I'll make a motion that we have no residential requirement on the 1/4-mile strip along [both sides of, East and West of] 24 Road and [South of] I-70 but that residential be permitted in that 1/4-mile strip, and that there be a residential requirement on the other part of the Mixed-Use, what I call the interior."

Ms. Sorlye asked if a setback should be included on the new F 1/2 Road Corridor as well. Dr. Dibble didn't think that the F 1/2 Road Corridor was the same kind of strip as 24 Road and so shouldn't be included.

Mr. Dibble seconded the motion.

Ms. Bowers clarified the motion to include both sides of 24 Road and that area south of the interstate.

Mr. Scariano felt that not taking the intricacies of the F 1/2 Road Corridor into consideration was tantamount to spot zoning. The projections outlined in the original market survey had not come to pass, and he felt that that reality should be faced.

Dr. Dibble said that the market survey projected 20 years out. Just because the projections had not come to pass over the last five years did not mean that they wouldn't occur at all. There was a lot of growth starting up in the area already. Growth took place when it was needed and desired.

A vote was called and the motion failed by a tie vote of 4-4.

In Favor: Dick Scariano, Tom Lowrey, Paul Peterson and Larry Feather

Against: Paul Dibble, Lynn Sorlye, Don Campbell and Jeff Over

Mr. Over said that while he had voted against the motion, that had only been because he wanted to see what the committee's views were on eliminating the requirement altogether. If that became unlikely, he would be willing to cast his vote to support the previous motion. Mr. Lowrey noted the tie in the straw poll on the question of eliminating the requirement altogether.

Dr. Dibble felt that without the requirement, the area was likely to develop with some properties being entirely commercial and others being entirely residential. While that might not be wrong, one still had to ask whether, in 20 years, there would be any Mixed-Use developments in that area at all. And if not, the Mixed-Use zone should be reconsidered in terms of whether it was even viable for the Grand Junction area. Eliminating the three components currently being discussed would effectively result in eliminating the Mixed-Use zone.

Mr. Over disagreed. He noted that none of the three elements under current discussion had been original committee recommendations. The committee's original Vision for the Mixed-Use zone had not been allowed to occur because City Council had not allowed it to occur in the way the committee had originally envisioned. It seemed to him that the current committee was striving to get back to the point achieved by the original committee.

Mr. Lowrey said that in the scenario proposed by the previous motion, the area with the required residential component would be much smaller than before. As well, the area targeted for residential was more suitable for that type of development. He felt it would encourage the use of PUDs. Market forces were not good for long-range planning, so he cautioned against relying too heavily on what the market dictated. If the committee imposed a residential requirement on those properties better suited to such development, and if in 5 years there turned out to be no interest, the issue could again be revisited. But at this point, he felt it would be a mistake to eliminate the component altogether.

MOTION: (Mr. Dibble) "I move that we remove the 20% restriction from the Mixed-Use component and allow residential and commercial to be developed together or separately."

Mr. Paul Peterson seconded the motion. A vote was called and the motion passed by a vote of 5-3.

In Favor: Jeff Over, Dick Scariano, Paul Dibble, Paul Peterson and Larry Feather

Against: Don Campbell, Tom Lowrey and Lynn Sorlye

Mr. Over observed that the minutes would adequately reflect the committee's struggle over this issue.

Mr. Scariano thought he'd heard the majority of committee members saying that while some kind of residential component was desirable, no one wanted to dictate it. He favored some kind of resolution to encourage City Council's development of procedures or incentives that would foster Mixed-Use development.

MOTION: (Mr. Scariano) "Mr. Chairman, I'd like to make a motion that the committee give the Council encouragement to develop and investigate certain procedures and incentives that would encourage Mixed-Use development in this area."

Mr. Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 8-0.

In Favor: Jeff Over, Don Campbell, Dick Scariano, Paul Dibble, Tom Lowrey, Paul Peterson, Lynn Sorlye and Larry Feather

Against: None

DISCUSSION REGARDING THE RETAIL COMPONENT

The final discussion item involved whether or not to retain the 30,000 square-foot retail restriction.

Mr. Campbell suggested keeping the 30,000 square-foot maximum for properties along 24 Road; however, allow the square footage to expand for properties in western part of the Mixed-Use zone. Realizing that the limit could be raised or eliminated, he felt that in terms of preserving a quality entryway into the City, this represented a key component in the 24 Road Corridor Plan. Community Development Director Bob Blanchard said that while retail uses might be desirable as secondary uses, limiting the type and size of retail/commercial space was an important Plan element.

Dr. Dibble asked how many committee members wanted to see Big Box developments the size of Grand Mesa Center and Rimrock along the 24 Road Corridor. If so, he felt the 30,000 square-foot restriction should be eliminated entirely. If Big Box developments were not desirable in that area, the committee could still recommend raising the retail square footage limit to 50,000 square feet, the maximum for larger-scale retail developments. Retail developments larger than 50,000 square feet would be subject to Big Box standards. Developers could still propose developments larger than 50,000 square feet, but the retail component of those developments would be limited without the developer first securing a Conditional Use Permit.

Mr. Over asked if grocery stores were considered retail developments, to which Ms. Portner responded affirmatively.

Mr. Lowrey spoke in favor of allowing Big Box developments on both sides of 24 Road within that 1/4-mile strip. However, for the other properties located within the Mixed-Use zone, he favored raising the restriction to 50,000 square feet.

Mr. Peterson noted the absence of any restriction in the original committee's recommendation. How had that 30,000 square-foot restriction come about? Ms. Portner said that the restriction had been imposed in keeping with the Plan's Vision, which viewed retail as a secondary use.

Mr. Scariano said that while in favor of eliminating the restriction altogether, if Big Box developments were reserved for properties located within that 1/4-mile strip along 24 Road, what would prevent a Wal-Mart from moving in at 24 and G Road? Big Box developments along that corridor could dramatically change the area's traffic patterns and the characteristics of traffic as originally envisioned. He envisioned more "benign" retail developments occurring along that Corridor.

Mr. Feather noted that a lot of changes had occurred in the community over the last five years. If there was a gateway into the community, it existed in the eastern end of the Valley, with all of the energy workers coming into the area. And the view that Big Box retailers wouldn't go into any structure less than 85,000 square feet hadn't been a true statement five years ago. Given the magnitude of changes occurring in the area since adoption of the previous Plan, it tended to support adoption of a new Plan rather than tweaking the old Plan.

A straw poll was taken on the question of eliminating the 30,000 square-foot restriction altogether. A straw vote yielded 4 in favor and 4 opposed.

A straw poll was then taken on the question of eliminating the 30,000 square-foot restriction within the 1/4-mile strip along both sides (East and West) of 24 Road and South of I-70. A straw poll yielded 6 in favor and 2 opposed.

A straw poll was taken on the question of eliminating the 30,000 square-foot restriction within the 1/4-mile strip along both sides of 24 Road and south of I-70 and raising the restriction for all other Mixed-Use zone properties to 50,000 square feet. A straw vote yielded 6 in favor and 2 opposed.

MOTION: (Dr. Dibble) "I move that we remove the restriction of 30,000 square feet from the Corridor for 1/4-mile east and west of 24 Road and south 1/4-mile from I-70 and raise the square footage restriction from 30,000 to 50,000 on the remainder of the property in the Mixed-Use zone."

Mr. Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6-2.

In Favor: Jeff Over, Dick Scariano, Paul Dibble, Tom Lowrey, Paul Peterson and Larry Feather

Against: Don Campbell and Lynn Sorlye

MISCELLANEOUS DISCUSSION

Mr. Lowrey asked if there should be some direction given to City Council regarding TDRs. Mr. Over felt that Mr. Scariano's previous motion regarding City Council included TDRs.

Dr. Dibble suggested that Mr. Over draft a cover letter to go with the committee's motion and asked staff for procedural clarification on the next steps of the process. Ms. Bowers said that consideration of the committee's recommendations would go first to the Planning Commission and then to City Council. She would also be drafting a staff report. She was hoping to get the item on Planning Commission's February 14th hearing agenda.

With no further business, the meeting was adjourned at 8:45 a.m.

24 Road Subarea Plan Committee Meeting
Two Rivers Convention Center
February 16, 2006
7:30 a.m.

Those in attendance, representing the 24 Road Subarea Plan Committee, included:

Jeff Over (property owner/original committee member)
Don Campbell (community representative/original committee member)
Dr. Paul Dibble (Planning Commission Chairman/original committee member)
Tom Lowrey (planning commissioner)
T. Scott Sullivan (Chamber representative)
Terri Binder (original committee member)
Greg Schaefer (Realtor/original committee member)
Larry Feather (business owner/original committee member).

The following 24 Road Subarea Plan Committee members were unable to attend:

Steve Reimer (developer/original committee member)
Terry Fleming (community representative)
Greg Motz (original committee member)
Dick Scariano (Realtor/original committee member)
Paul Peterson (Mesa Mall)
Lynn Sorlye (Horizon Drive Association)
George Pavlakis (property owner/original committee member)

Those City staff in attendance included:

Bob Blanchard (Community Development Director)
Lori Bowers (Sr. Planner, Community Development Department)
Dave Thornton (Principle Planner, Community Development Department)
Kathy Portner (Assistant Community Development Director, Community Development Department)
Bobbie Paulson (Administrative Specialist, Community Development Department)
Eric Hahn (Development Engineer, Public Works & Utilities)
Scott Peterson (Senior Planner, Community Development Department)
Jody Kliska (Traffic Engineer, Engineering Department)
Ken Simms (Regional Transportation Planning Office Planner)
Scott List (GIS Analyst, Administrative Services)

Guest present:

Mac Cunningham, 24 Road Area Property Owner
Bonnie Beckstein, City Council Member

DISCUSSION

Bob Blanchard said that before recommendations were brought before the Planning Commission for its consideration, transportation modeling should be discussed by the Steering Committee. Modeling for the current and proposed plans, he said, had been based on worst-case scenarios, which represented a typical starting point in land use planning. Transportation planning generally resulted in the most visual impacts to a community and required the greatest level of public expenditure.

Ken Simms overviewed the basics of transportation modeling and forecasting as outlined in a handout he'd distributed to committee members. The four steps making up the model included 1) trip generation, 2) trip distribution, 3) mode choice, and 4) trip assignment. The model used the year 2030 as its "target year." Traffic projections had been calculated based on certain land use assumptions given him by the City's Community Development staff.

Mr. Schaefer felt that basing traffic projections on a worst-case scenario was erroneous since the probability of a worst-case actually occurring was unlikely. Mr. Blanchard said that staff often wrestled with estimating land use percentages used in such a scenario (*e.g.*, would an area be built out with 12% office uses or 20%). While the general understanding was that worst-case scenarios generally didn't occur, he felt it important to "model backwards."

Mr. Schaefer conjectured that the problem lay with the Mixed Use zone district since there was no real way of knowing for sure just how properties within such a zone would develop. Currently, it was guesswork. The only way to project traffic impacts with any level of accuracy would be to discard the Mixed Use zone and go back to straight zoning. Only then would the City know for sure just what type of use would be situated on a piece of property and be able to calculate traffic impacts based on that use.

Mr. Blanchard responded that as a result of opening the 24 Road Corridor up to more commercial and retail uses, sales tax revenues would be shunted even more to the western end of the valley. Traffic impacts were inevitable. It would be irresponsible of City staff not to analyze traffic impacts and the level of those impacts on public infrastructure. He reiterated that using the worst-case scenario provided a starting point, and he reiterated that actual impacts would likely be less. If the committee felt that another number should be used to determine the worst-case scenario, it was certainly open for discussion.

Mr. Simms briefly explained the rationale for using the proffered worst-case scenario.

Mr. Lowrey said that given the fact that several hundred thousand square feet of retail would be coming into the area over the next 20 years; given that the population of the Grand Valley was likely to double over that same 20-year time period; and given the future expansion of St. Mary's Hospital; he wondered what the roads would look like in 20 years. Mr. Simms said that while he hadn't brought a graphic of that scenario, he said that the differences in impacts to the area's street network from 2000 to 2030 would be dramatic. Using available maps as reference, if Mr. Lowrey's numbers were entered into the model, he noted a number of areas where service levels would be at or approaching Level F. The new F 1/2 Road Parkway was expected to relieve a lot of the congestion occurring in and around the Mesa Mall area. Mr. Simms added that elements contained in 2030 projections included the Riverside Parkway, the F 1/2 Road Parkway, and the completed 29 Road extension.

Mr. Blanchard reminded committee members that before their recommendations went before the Planning Commission and City Council for consideration, it was important for the committee to consider the level of traffic impacts likely to occur as a result of those recommendations.

Mr. Schaefer wondered if staff could present three different traffic scenarios--best, worst, and something in between. Mr. Blanchard said that it was possible if some consensus could be reached on a number used to define "worst-case."

Mr. Thornton explained that a worst-case scenario could include retail/commercial levels equivalent to the square footage retail of three Mesa Malls.

Mr. Over referenced the Current and Proposed Land Use Plan Travel Demand Forecasting Results maps and didn't think that the differences in impacts as projected were all that great. If those maps represented worst-case scenarios, and all agreed that those worst-cases were unlikely to occur, it didn't seem to him that the resultant impacts were so severe that they couldn't be dealt with through regular planning processes.

Dr. Dibble referenced a traffic projection spreadsheet handout and asked what the 20.2%, 37.6%, and 34.1% increases really meant to I-70B east of F 1/2 Road, I-70B west of 24 1/2 Road, and I-70B east of 24 1/2 Road, respectively. Ms. Kliska provided a brief explanation. Dr. Dibble asked why those increases seemed so dramatic. Mr. Simms said that in conjunction with increased levels of traffic in the area, the model also looked at congestion levels. As traffic increased, movement of that traffic slowed. As traffic speeds slowed down on one corridor, the model assigned traffic to faster moving corridors. The model may go through 20 iterations before it attained "equilibrium," where no additional time could be saved by vehicles switching to another corridor. Mr. Simms noted that traffic volumes would change as new roads in the area were constructed. When those new street connections were added to the model, it would result in a shifting of traffic volumes. The more critical numbers, he said, were those found on the second page of the spreadsheet, which showed increases in the number of vehicle miles traveled, an increase in the amount of time people spent in their vehicles as a result of traffic impacts and an increase in the number of trips generated.

Dr. Dibble asked if, by removing the 20% required residential component and allowing the 24 Road Corridor to develop with more commercial and retail uses, it would result in dramatic changes to the area's infrastructure. Mr. Simms affirmed that it would.

Dr. Dibble asked if any analysis had been done using the current scenario over a lesser time period; say, 5-10 years hence. Mr. Simms said that he did not have those figures available. When asked to guess at the percentage of traffic increase in the area by 2030 using the current scenario, Mr. Simms thought that traffic would likely double between now and then. Referencing available handouts, Dr. Dibble concluded that if no changes were made to the Mixed Use Zone currently in place, it would result in little or no congestion along the 24 Road Corridor, with the exception of the previously references areas along I-70B east and west of F 1/2 Road and along I-70B east of 24 1/2 Road.

Mr. Schaefer thought he'd heard that a consultant had been retained to complete some facet of a traffic study in the western end of the Valley. Mr. Blanchard said that he was unaware of any such consultant retained by the City.

Mr. Schaefer asked again for staff's idea of a best-case scenario. Mr. Blanchard said that the committee currently had traffic models for both the current and proposed plans. He suggested the committee use some in-between point based on what it foresaw as realistic growth occurring over the next 20-25 years. He added that staff had used 10,000 square feet per acre to determine commercial/retail densities in the proposed scenario. Mr. Blanchard asked Ms. Portner if the previous 24 Road Corridor had been modeled. She thought that the 1996 approved Corridor Plan had been.

Ms. Binder felt that traffic impacts were a very important issue and should be carefully considered. She personally felt that more commercial development should be located in the eastern end of the Valley but it didn't seem that developers were interested in doing so. People typically chose the fastest, easiest, and shortest routes when traveling. She was very concerned that in the proposed scenario traffic impacts would result in whole neighborhoods getting angry over how those impacts were affecting them. She pointed out that she routinely traveled through the 24 Road/Patterson Road intersection and hated the traffic signal there. She surmised that 20 years hence people would be asking "What was the City thinking putting traffic lights so close together; why did they allow so much to go out here"? The committee's elimination of a residential component would result in more retail coming into the corridor. While the model may not represent the corridor as being all retail, without the residential component, it was highly likely that the 24 Road Corridor would be comprised of primarily retail. And the influx of so much new retail would result in a lot more traffic problems. She'd agreed with the original plan to include more residential and employment uses and less retail in part to reduce projected traffic impacts. The original plan had been intended as long-term (*i.e.*, 20 years out) and contain a variety of uses. If the corridor were allowed to develop with primarily retail uses, the land would sell at a premium and develop as retail/commercial because of high land costs.

Mr. Blanchard reiterated his original suggestion that the committee come up with what it felt might be a more realistic projection of how the area would build out, upon which would be based a new traffic model. It would give the public an idea of how the area might actually develop and the incremental traffic impacts associated with that development.

Mr. Lowrey said that 85% of all City sales tax revenues originated from the following City zones: 1) North Avenue, 2) downtown, 3) north-central, 4) northwest, 5) southwest, and 6) Mesa Mall. In 1995, 31% of those revenues came from the northwest and Mesa Mall areas. That percentage had increased over the years to its current level of 42%. Right now, half of the 85% portion of sales tax receipts came from the northwest and Mall areas. If the proposed plan were implemented, approximately 2/3 of all sales tax revenues would originate from that area by the year 2030. Communities had generally recognized the greatest numbers of traffic impacts when they'd put all of their residential development in one area and all of their commercial development in another. Grand Junction was only now being faced with those issues and responding by constructing a bypass and the F 1/2 Road Parkway. With implementation of the proposed plan came significant increases in the infrastructure required to carry expected traffic volumes. Allowing retailers to move to the 24 Road Corridor area just because they wanted to move there, without looking at the bigger picture, was tantamount to no planning at all. Admittedly, the committee was not looking at the big picture because that had been City Council's direction.

Dr. Dibble noted that even with the current plan for the Mixed Use zone, there would be traffic impacts. If the residential component were eliminated, traffic impacts would increase. So the question became how fast and to what extent those impacts would occur over a 20-year period.

Mr. Lowrey felt that it was appropriate to encourage residential and office uses in the 24 Road Corridor, which would reduce the amount of retail. However, he was concerned about the potential relocation of businesses currently officed in the downtown area to the northwest part of town. That could impact the vitality of the downtown area.

Mr. Schafer asked where else in the Grand Valley might larger-scale development locate since there were no other properties sized or zoned as those in the 24 Road Corridor. Retailers needed exposure. The proposed plan still created opportunities for residential development; however, elimination of the residential component served to facilitate retail/commercial development as well.

Mr. Over said that while the committee had made several recommendations in a previous meeting, it hadn't taken into consideration expected traffic impacts. He believed that the committee should stick with its original recommendations but present traffic analyses along with those recommendations to show the public and the decision-makers what could happen if those recommendations were implemented. Let the Planning Commission and City Council look at the current and worst-case scenarios and allow them to derive their own conclusions.

Mr. Campbell agreed that the committee's recommendations should move forward. He felt that presenting the current and worst-case traffic projections along with those recommendations would be appropriate. Since there was no real way of projecting accurately an "in-between" figure, he suggested that a model be generated based on a halfway point between the two existing scenarios.

Mr. Blanchard suggested that models could be created showing impacts based on a 1/3 and 2/3 build-out.

Dr. Dibble said that in looking at good, better, and best scenarios, the currently "good" scenario had been voted down by the committee (*i.e.*, requiring the 20% residential component). The ultimate outcome should balance the needs of individual property owners with the overall goals of the City. If traffic analyses influenced committee members to reconsider the "best" available option (*i.e.*, eliminating the residential component altogether), perhaps the committee should rethink its recommendations and come up with a "better" alternative.

Mr. Schaefer disagreed with the assumption that the entire 200-400 acre area would develop out as retail/commercial. Retailers considered population figures, average incomes, and other denominators. As a community grew, certainly there would be more retail, but to presume that the entire corridor would develop with retail uses just didn't make sense to him.

Dr. Dibble asked Mr. Schaefer what he foresaw developing adjacent to Big Box projects. Mr. Schaefer said that in other communities the areas surrounding Big Box developments included a mix of smaller-scale retail and office uses. He felt that office and employment uses would locate along the corridor because the zoning there was conducive to their doing so. Since the traffic analysis figures were arbitrary anyway, he suggested coming up with models reflecting projected impacts from 1/3 retail, 1/3 office/employment and 1/3 residential. He didn't feel that the committee's recommendations should be changed.

Mr. Campbell reiterated his previous suggestion to move the committee's recommendations forward; however, he agreed that presenting alternative impact analyses to the decision-making boards would give them several scenarios to consider. Ultimately, the decision was City Council's.

Mr. Blanchard said that staff would provide an "in-between" model as well as a model reflecting Mr. Schaefer's 1/3, 1/3, 1/3 scenario.

Mr. Thornton stated that the current 24 Road Plan traffic Model consisted of approximately (1/5) 20% residential, (1/5) 20% retail and (3/5) 60% office/employment.

With no further business, the meeting was adjourned at 8:45 a.m.

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 28, 2006 MINUTES
7:04 p.m. to 9:25 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:04 p.m. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, William Putnam, and Reggie Wall.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Assistant Community Development Director), Scott Peterson (Senior Planner), Lisa Cox (Senior Planner), Dave Thornton (Principal Planner), and Lori Bowers (Senior Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were 34 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the January 24, 2006 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for adoption of the minutes for January 24, 2006 as written."

Commissioner Wall seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2005-170 (Preliminary Plat--Chatfield 3 Subdivision)
2. FPA-2005-288 (Final Plan Amendment--Amendment to St. Mary's Master Plan)
3. ANX-2006-008 (Zone of Annexation--Chipeta Heights Subdivision)
4. PP-2004-287 (Preliminary Plat--Cloverglen Subdivision)
5. CUP-2006-007 (Conditional Use Permit--Tavern on the Pointe)
6. CUP-2005-300 (Conditional Use Permit--Precision Energy Services)

Vice-Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At staff's request, item CUP-2006-007 was pulled and placed on the Full Hearing Agenda. Lisa Cox came forward and referenced a revised staff report for item FPA-2005-288 that had been distributed to planning commissioners prior to the meeting. The report's suggested motion had been revised to indicate that Planning Commission would be recommending approval to City Council. The motion from the original report had the Planning Commission rendering the final decision. She recommended the item stay on the Consent Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the approval of the Consent Agenda for items 1, 2, 3, 4, and 6 [PP-2005-170 (Preliminary Plat--Chatfield 3 Subdivision), FPA-2005-288 (Final Plan Amendment--Amendment to St. Mary's Master Plan), ANX-2006-008 (Zone of Annexation--Chipeta Heights Subdivision), PP-2004-287 (Preliminary Plat--Cloverglen Subdivision), and CUP-2005-300 (Conditional Use Permit--Precision Energy Services)] as presented."

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

IV. FULL HEARING

CUP-2006-007 CONDITIONAL USE PERMIT--TAVERN ON THE POINTE

A request for approval of a Conditional Use Permit to establish a tavern in Unit D (1,890 sq. ft.) of Palace Pointe Marketplace.

Petitioner: Ken Strychalski (owner) and James and Silvia Craig (tenants)

Location: 2938 North Avenue, Unit D

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5)

condominium maps of Palace Pointe Marketplace; 6) proposed floorplan from the south entrance; and 7) findings of fact and conclusions. A brief overview of the request was given. Two letters of opposition had been received and were entered into the record. Finding that the request satisfied Code requirements and was consistent with Growth Plan recommendations, staff recommended approval.

PETITIONER'S PRESENTATION

Silvia Craig, co-petitioner, said that the neighborhood tavern would be very small and low-key. Arrangements had been made to provide ride-home services to patrons too intoxicated to drive.

James Craig, co-petitioner, added that the tavern would be a place for people to meet after work or just sit and visit. There would be no loud music and no bands.

Vice-Chairman Cole advised the audience that only the Conditional Use Permit was being discussed; there would be no discussion involving the tavern's liquor license. A separate liquor license hearing would be held tomorrow, March 1, at 9 a.m. in the City Hall Auditorium.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Coleen Arnold (2941 Bunting Avenue, Unit 6, Grand Junction) said that approximately 25 feet separated the back door of the business from the rear barrier wall. Another 19 feet separated the barrier wall from the nearest residence. She maintained that there was insufficient separation or buffering between the residential and commercial uses and felt that the barrier wall would do little to quell noise from the business. Since the back door was alarmed, she was also concerned that the alarm would be going off during the night or as employees entered and exited the building. This would be a real detriment to herself and her neighbors. Ms. Arnold said that while the applicants had agreed to keep noise levels down and close the business at midnight, she just felt that it was just the wrong type of business for that particular location, especially given the problems experienced by residences abutting the nightclub at 5th Street and North Avenue.

PETITIONER'S REBUTTAL

Ms. Craig said that it was not their intention to have a loud and noisy bar. There were no immediate plans to provide a sound system. She felt that the 6-foot-high retaining wall, along with the bushes and other landscaping present, would provide sufficient buffering. She pointed out that she and her husband had cleaned up the alley, adding that the alley would not be used for deliveries. Ms. Craig said that the alarm on the back door was just to prevent customers from running out on their bills. She didn't think that the alarm would be loud enough to disrupt the neighbors. She said that this was a very different business from the one at 5th and North. The occupancy of that business was 250 people; the occupancy of this business was only 50 people.

Mr. Craig added that a 10-foot bathroom area at the rear of the building would serve as an additional sound barrier between the main business area and the back door. He felt that there was sufficient buffering present.

QUESTIONS

Commissioner Pitts asked if Ms. Craig's reference to a sound system implied that one could be installed at some future date. And if so, what kind of system would it be? Mr. Craig emphasized that this was intended to be a quiet bar, one offering an atmosphere conducive to conversation. That could not be accomplished if there were loud music. Any future sound system would be conservative. Anyone would be welcome to visit the business at any time to judge the sound level for him or herself.

DISCUSSION

Commissioner Carlow asked if the Planning Commission's charge was just to determine the appropriateness of the use. Mr. Blanchard clarified that planning commissioners needed to ascertain whether the series of review criteria had been met. Since staff had determined that those criteria had been satisfied, planning commissioners could either agree with staff's conclusions or, if disagreeing with staff's analysis, they could provide findings to support another conclusion.

Commissioner Lowrey concurred with Mr. Blanchard's clarification. He expressed concern over the compatibility of the proposed use so close to a residential neighborhood. He would be willing to approve the request, but only if there was some way to restrict the sound level. He suggested perhaps setting a maximum acceptable decibel level. Limiting the noise emanating from such a business was especially important after 9 or 10 p.m. If this could not be done, he didn't feel he could support the request.

Commissioner Pitts expressed similar concerns over the noise the applicants' business might produce. Fifty feet of distance to separate a commercial use from a residential use was not that much, even with a 6-foot-high wall. He didn't feel he could support the request as presented.

Vice-Chairman Cole concurred and agreed that the use was incompatible with the neighborhood.

Commissioner Lowrey suggested rescheduling the item for a later date, to give the applicants time to mitigate noise concerns. Mr. Blanchard suggested remanding the item back to staff, who would assess the decibel levels of sound systems. The item could be reheard at a later date. Mr. Blanchard quelled the applicants' concerns by saying that the proposed action did not represent a denial.

MOTION: (Commissioner Lowrey) "I would recommend that we remand CUP-2006-007 back to staff, to work with the applicant to see if they can mitigate sound issues,

particularly going out the back of the establishment, and that we come back for a rehearing later."

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

GPA-2005-148 GROWTH PLAN AMENDMENT--24 ROAD SUBAREA

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

Petitioners: John Usher, William Merkel, Harold Woolard, Marion Jacobson and Tom Volkman

Location: 24 Road Corridor

Mr. Blanchard reminded planning commissioners that they were considering the recommendations only, not the actual Growth Plan amendments. Discussions should focus on whether or not the Planning Commission concurred with the steering committee's recommendations. If so, staff would come back at a later date with Growth Plan Amendment verbiage for consideration.

Vice-Chairman noted that there were likely to be a number of viewpoints brought forth for consideration. He advised planning commissioners not to put too much weight on any single point.

STAFF'S PRESENTATION

Lori Bowers gave a PowerPoint presentation containing the following slides: 1) the three requests made by the applicants, which included a) reduce the minimum required residential density from 12 units per acre to 4 units per acre; b) delete the requirement that residential development is required as 20% of the overall commercial project; and c) remove the maximum size of 30,000 square feet for retail buildings; 2) a list of steering committee members, many of whom had served on the original 24 Road Corridor Plan steering committee; 3) an acknowledgement of the committee's having met seven times, with one open house held on January 12, 2006; 4) primary zoning map; 5) steering committee recommendations, that included a) deletion of the requirement for a mandatory 20% residential component to any development; residential development would be allowed but would be optional; b) a reduction in the minimum residential density from 12 dwelling units per acre to 8 dwelling units per acre; and c) the requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within 1/4 mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development).

Ms. Bowers turned the podium over to Mr. Jeff Over, steering committee chairman, and referenced a letter he'd written to the City Council dated February 8, 2006. Copies of the letter had been distributed to planning commissioners prior to the hearing.

Mr. Over said that the steering committee's meetings had been very productive. Each committee member had been able to express his or her point of view; no one had been left out. There had been a lot to discuss within a relatively short timetable, but he was pleased with the final result. He reiterated the committee's recommendations (as stated above), affirming that many of the committee's current members had also participated on the original 24 Road Corridor Plan steering committee. He noted that the three issues of concern to the applicants had not originally been a part of recommendations made by the original steering committee; they had been added later by City Council. He hoped that the Planning Commission and City Council would strongly consider adopting the recommendations made by the steering committee.

Vice-Chairman Cole thanked Mr. Over and the other steering committee members for their diligence and fine work.

Commissioner Lowrey extended his special thanks to Mr. Over for the fine work he'd done as chairman for the committee. As a member of the steering committee himself, Commissioner Lowrey said that the meetings were always of high quality.

The podium was then turned over to Dave Thornton, who gave a Powerpoint presentation on traffic modeling for the 24 Road Subarea. Traffic modeling helped the City plan for future impacts on roads within a particular study area and those occurring outside of the study area. Since changes were being proposed to the 24 Road Corridor, it was important to assess the potential effects of those changes. Mr. Thornton briefly explained how traffic modeling was undertaken and said that the Grand Junction area had been divided up into Traffic Analysis Zones (TAZs). Having the 24 Road Corridor build out as 100% retail/commercial represented the "worst-case scenario" in terms of traffic impacts. The traffic model provided estimates of trip generation, taking socioeconomic data and estimating the number of person trips produced and attracted within each TAZ.

Mr. Thornton said that steering committee members had asked that three scenarios be modeled for comparison: 1) build-out to include 20% residential, 20% retail and 60% employment/office; 2) build-out at 0% residential and 100% retail; and 3) a 1/3, 1/3, 1/3 split with residential, retail, and employment/office figures split evenly at 33% build-out each. For each of the three scenarios, the following assumptions had been used: 1) build-out residential densities of 12 units/acre; 2) employment/office uses having 3 employees per 1,000 square feet of floor area, and each acre having 10,000 square feet of building; and 3) retail/commercial uses having 2 employees per 1,000 square feet of floor area, and each acre having 10,000 square feet of building. Mr. Thornton referenced a slide showing the results of the modeling. General findings concluded that retail development generated four times more traffic than employment/office uses.

If the steering committee's current changes were adopted and the corridor developed with 100% retail uses, the number of vehicle trips within the study area were projected to increase by 21.5% over those projections made in conjunction with the originally adopted 24 Road Corridor Plan. Mr. Thornton presented slides depicting projected traffic impacts within the study area. Slides included 1) travel demand forecasting results, 2000 base model; 2) 2030 traffic demand forecasting results based on the currently adopted 24 Road Corridor Plan; 3) 2030 travel demand forecasting results based on the steering committee's proposed land use plan; 4) 2030 travel demand forecasting results based on a 1/3, 1/3, 1/3 land use plan; and 5) a graphic depiction and definition of Levels of Service.

QUESTIONS

Commissioner Pitts asked if steering committee members had been made aware of traffic modeling projection data before making their recommendations. Mr. Thornton said that staff had made the information available to committee members at their last meeting. The modeling presented to them showed how their recommendations were likely to impact the study area.

PUBLIC COMMENTS

Harold Woolard (746 23 1/2 Road, Grand Junction) felt that there was clear evidence to suggest that the old plan wasn't working and needed fixing. He noted that there had been a great deal of developer interest in the area, and a number of proposals had been brought forth for consideration. All had failed because of the current regulations. He didn't feel it right to ask a property owner to hold on to his property and pay taxes on it every year without being allowed to develop it. He noted that Camping World representatives had spent two days in the area talking with Community Development staff et al. but had been told "to go somewhere else." Others wanted to build a church within the 24 Road Corridor but had been discouraged because of the City's mandatory residential requirement. They were only interested in building their church, not in constructing high-density residential housing. Mr. Woolard said that developers had approached him with six different proposals; yet, all had been "shot down" as a result of the City's current regulations.

Vice-Chairman Cole asked Mr. Woolard if he'd had a chance to review the steering committee's recommendations. If so, did he have any thoughts?

Mr. Woolard felt that each project should be considered on its own merits. He didn't think it right to establish a set of rules that everyone had to follow without exception.

William Merkel (2136 Baniff Court, Grand Junction) expressed support for the committee's recommendations. As an owner of property located within the 24 Road Corridor, he'd been approached by several people interested in developing his land. However, because of the City's current requirements, they'd changed their minds. One developer had been interested in developing the entire intersection at 24 and G Roads. After "being pushed out" as a result of the 24 Road Corridor development criteria, that developer had tried developing property on the north

side of I-70. His project had been subsequently turned down twice by both the Planning Commission and City Council. Mr. Merkel recalled comments made by former City planner, Michael Drollinger, who'd described beautifully how the 24 Road Corridor should be envisioned. That vision had set the tone for development in the area. However, the added restrictions adopted afterwards "basically killed the idea of the second entrance into Grand Junction." He felt that there was still an opportunity to develop the corridor in accordance with the original vision. As an aside, he noted that there was only one lane going north across the interstate and two lanes going south. There were no frontage roads to connect 24 Road with either 24 1/2 or 23 1/2 Roads. That didn't make sense to him since most municipalities constructed frontage roads in conjunction with major interchanges. Given the expected traffic increases in the area, it seemed that there should be better traffic circulation.

Marion Jacobson (no address given), owner of property within the 24 Road Corridor, said that she'd just returned from a trip to San Bernadino, California. While there, she'd visited a 320,000 square foot Costco store that she said had been beautifully laid out and expertly landscaped. A similar development in the Grand Junction area would definitely be an asset. She felt that Grand Junction had been a regional center for a number of years, and it was important that Grand Junction remain competitive with other communities. If businesses were prevented from locating in the Grand Junction area, they would go to Glenwood Springs, Moab, or some other outlying community. The amount of regulation, she said, should depend on the retailer. All of those out-of-town developers represented lost sales tax revenues. She did not believe that people wanted to live so close to commercial development and busy streets. They preferred living in quiet cul-de-sacs, so requiring the construction of residential uses directly adjacent to commercial uses didn't make much sense. She also felt that the market should determine building sizes.

Rocky Arnot (747 23 1/2 Road, Grand Junction) said that he'd owned his 24 Road Corridor property since 2000. He pointed out that while a lot of growth had occurred across the Grand Valley, nothing much was happening in the 24 Road Corridor. He expressed support for the steering committee's recommended changes.

DISCUSSION

Commissioner Wall said that while talk of nice buildings in other towns, and how nice Grand Junction could be was all well and good, what it really boiled down to was money and how much of it the 24 Road Corridor property owners stood to get for their land. He didn't blame them for wanting to make a profit on their investment, and he agreed that some plans didn't work. The City invested a lot of time and effort in making the community a nice place to live for everyone. The development of plans took time. This didn't mean that the City was unresponsive to property owners. He commended the City and the steering committee for their "going back to the drawing board" and for their recommendations. He felt that the changes were good ones. We either have a nice community or we don't, he said. People would continue to come to Grand Junction to shop. If people wanted to pay a sales tax rate of 9.75%, they could go to Glenwood Springs, but

Grand Junction's taxes weren't that high and this area had more to offer. He urged property owners not to "let the almighty dollar get in the way of what the City was trying to do."

Commissioner Pitts said that when Mr. Crawford first laid out Grand Junction, he'd had a plan for the area between 1st Street and 12th Street, South Avenue and North Avenue, a place for churches along White Avenue and Grand Avenue. Growth began there and moved outward. Growth was now more prevalent in the northwest area, at least according to sales tax revenues. While he understood that property owners wanted to get the most money from their land, there seemed to be little focus on moving people to and from the area. Traffic was a big concern. Traveling down Highway 6 & 50 was already a nightmare. The potential influx of so many large-scale retail/commercial developments to the 24 Road Corridor would result in significant traffic impacts. He would hate to see the 24 Road Corridor develop in the same way that the Highway 6 & 50 Corridor had. Regarding high-end residential, he pointed out that some of the area's most expensive homes were located close to I-70. Commissioner Pitts commended the efforts of the steering committee; they'd done an outstanding job.

Commissioner Putnam observed that this was the first long-range planning item he'd seen in quite some time. The Planning Commission was charged with trying to ensure the greatest long-term good for the community. He agreed that in considering any long-range plan, one had to consider potential traffic and other impacts related to that plan. If not, it would be anyone's guess as to how that plan would ultimately turn out. Clearly, the impetus for the changes proposed by the applicants resulted from their inability to sell their property. However, he didn't feel that the rationale of "letting the market decide" was the right approach. That same rationale had guided development along both North Avenue and Horizon Drive. Could the community truly be proud of the results? He wasn't. While the Daily Sentinel may not always be seen as responsive to community planning efforts, on February 6, 2006 there had been an editorial regarding a similar situation faced by Mesa County. He read the article into the record, the point being that municipalities had the right to guide development, and that private property rights didn't include guaranteeing the highest dollar for the land. In the minutes of one of the steering committee meetings, he read an excerpt where someone had noted the beautiful Mixed Use developments in the Denver area. That person went on to say that it might not be possible to have the same level of Mixed Use development in a community the size of Grand Junction. He felt that the original vision statement of the 24 Road Corridor Plan was still valid. To that end, he felt that the original Plan should be affirmed to City Council without any changes.

Commissioner Pavelka-Zarkesh said that retail centers come and go. When looking toward the long-term stability of the Grand Junction area, it was important to provide opportunities for businesses other than retail to ensure a stable economic base.

Vice-Chairman Cole reflected that the Planning Commission had three options available: 1) affirm the current 24 Road Corridor Plan with no changes; 2) recommend adopting the changes requested by the applicants; or 3) recommend adopting the changes proposed by the steering

committee. Ms. Kreiling said that the process was actually more complicated. Before the Zoning & Development Code could be changed, changes would first have to occur to both the 24 Road Subarea Plan and the Growth Plan. The current request did not offer the actual text needed to affect those changes. City Council was looking for direction rather than specific language to amend the Growth Plan. She suggested that the Planning Commission provide City Council with more generalized direction, to either follow the same direction or provide direction that the recommendations go back to staff to ascertain the changes needed and draft the verbiage required for changing the 24 Road Subarea Plan. Following review and approval of those changes by the Planning Commission, a recommendation for adoption of those changes would then be forwarded to City Council.

Vice-Chairman Cole proposed having the Planning Commission address the question of affirming the current plan with no changes. Commissioner Lowrey said that City Council had given the steering committee very clear direction to address the three issues brought forth by the applicants, which the committee did. In response to City Council's direction, he felt that the focus should be on the steering committee's recommendations to either accept them, reject them, or come up with some other alternative. He noted that the Planning Commission didn't have much discretion to consider anything beyond the three issues before them. Ms. Kreiling suggested that Planning Commission's recommendations be consistent with either those made by the applicants or those made by the steering committee. However, alternate recommendations could also be made.

Commissioner Putnam suggested acknowledging receipt of the steering committee's findings to City Council; however, after examining them and finding them "wanting," he proposed that the Planning Commission let City Council know that they were not in agreement with the committee's findings.

Commissioner Lowrey suggested considering each of the three steering committee recommendations individually. That would be in keeping with the approach taken by the steering committee. While he agreed with some of the recommendations formally made by the committee, he didn't agree with all of them and thought that additional discussion might be in order.

Commissioner Carlow agreed that the issues should be discussed separately. That approach would illicit additional discussion and provide for the possibility of some modification.

When asked if the committee voted on each individual recommendation, Commissioner Lowrey said that not only had they been individually considered and voted on, there had also been discussions and motions made on other aspects of the issues. For example, on the 20% mandated residential requirement, there had been discussions and a vote on whether that recommendation would apply to different areas within the Corridor. Commissioner Lowrey asked for confirmation of those discussions from committee chairman, Jeff Over. Mr. Over said that while

he recalled those discussions having taken place, the final vote had been to eliminate the residential requirement altogether.

Vice-Chairman Cole asked that motions include a request that staff bring back actual verbiage changes for consideration by the Planning Commission in response to the recommendations made.

Commissioner Pitts felt that the taking of each fraction into consideration rather than considering the whole created the biggest problem. He asked if the requirements would be applicable to the entire 24 Road Corridor or to each project. Mr. Blanchard responded that requirements were applied on a project-by-project basis.

(Recommendations were considered in the order preferred by planning commissioners.)

Recommendation #2: To reduce the minimum residential density from 12 dwelling units per acre to 8 dwelling units per acre.

Ms. Kreiling said that the Planning Commission could also consider the proposals brought forth by the applicants. They'd actually requested that the minimum residential density be reduced from 12 dwelling units per acre to 4 dwelling units per acre.

Vice-Chairman Cole advised planning commissioners to stick with steering committee recommendations.

MOTION: (Commissioner Pitts) "I move that the Planning Commission approve recommendation 2, the minimum residential density be reduced from 12 dwelling units per acre to 8 dwelling units per acre."

Commissioner Pavelka-Zarkesh seconded the motion.

Ms. Kreiling proposed modifying the recommendation, adding that the Growth Plan be amended to comply with that recommendation. Both Commissioners Pitts and Pavelka-Zarkesh agreed to the proposed modification. The motion was revised as follows:

MOTION: (Commissioner Pitts) "I move that the Planning Commission approve recommendation 2, the minimum residential density be reduced from 12 dwelling units per acre to 8 dwelling units per acre, and that the Growth Plan be amended to comply with that recommendation."

Commissioner Pavelka-Zarkesh seconded the motion.

Commissioner Lowrey felt that he could vote in favor of the motion because the higher density was one of the reasons for the lack of development within the 24 Road Corridor. The proposed motion would reduce just the lower-end range from 12 du/acre to 8 du/acre. That should give more flexibility to both the landowners and developers. He felt that it might also result in a reduction of traffic impacts to the area given the potential for reduced density. He expressed a willingness to support reduction of the lower-range density to something below 8 du/acre if other planning commissioners wanted to discuss that as an option. No additional discussion was offered.

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

Recommendation #1: The requirement for a mandatory 20% residential component to any development be deleted. Residential development would be allowed but would be optional.

Commissioner Lowrey said that the committee talked about not requiring residential development within a 1/4-mile strip along 24 Road and south of I-70. There had been a general consensus from committee members on that aspect. More contentious was the discussion on whether a residential component should be required for properties outside of that 1/4-mile strip. While the committee ultimately voted to eliminate the requirement altogether, the vote had been close. He would be willing to support the elimination of the residential component within the 1/4-mile strip; however, he could not support eliminating the requirement for those properties outside the strip because it would create the potential for more intense development and more traffic impacts.

Commissioner Lowrey referenced a recent article from the Daily Sentinel regarding sales tax receipts (overhead presented). The article pointed out that the majority (approximately 50%) of sales tax revenues currently originated from the northwest and mall areas. If the 24 Road Corridor were opened up to retail/commercial development, likely there would be an influx of Big Box retailers. If that occurred, in the next 10-20 years, he predicted that anywhere between 65-80% of sales tax revenues would originate from the northwest and mall areas. The historical trend between 1995 and 2005 for the northwest and mall areas was that sales tax revenues had been steadily increasing at a rate of 1% per year. If Big Box and other retail/commercial uses were allowed to proliferate along the 24 Road Corridor, that rate of increase would be accelerated, resulting in tremendous traffic problems. The F 1/2 Road bypass was intended to alleviate some of the traffic pressures from retail/commercial development already out in the area. An influx of new business uses would only exacerbate the problem. And the costs associated with building more traffic infrastructure were significant. He referenced another article from the Daily Sentinel stating that the City was wondering where it would receive the money for parks development on land it already owned. If more and more dollars were siphoned off for construction of road infrastructure, the City would not be left with enough funds for parks development. He surmised that without any requirement for residential, parcels in the Mixed Use zone were likely to develop with primarily commercial uses because landowners would be

able to get more money for their properties. Landowners would all hold out and wait for commercial developers; they had, in fact, done so for the last six years. But he didn't think it a sign of a healthy community to have such a lopsided balance of retail development in the northwest area with nothing much located elsewhere in the community. It created huge traffic imbalances that were expensive to deal with. A scenario was being created where people lived in one part of town (east) and drove huge distances to do their shopping in another part of town (west/northwest). Commissioner Lowrey continued by saying that he hoped City Council would seek a more even dispersal of retail throughout the City. At a minimum, the City should not delete the residential requirement for those properties lying outside of the 1/4-mile strip along 24 Road and south of I-70.

When asked if his preference was to retain the 20% minimum, Commissioner Lowrey said that he was open to other percentage alternatives. In fact, he would prefer a higher percentage of residential for the "interior" properties given elimination of the component within the 1/4-mile strip.

Vice-Chairman Cole didn't think that retail development was "all that bad." He felt that increased sales tax revenues would provide the funds needed for parks development. He agreed that traffic problems were likely; however, requiring a church to build high-density residential housing on land outside of the 1/4-mile strip was impractical. He agreed that problems could arise as a result of eliminating the residential component; however, the committee had discussed it and had voted to eliminate it. He felt he could support the committee's recommendation as proposed.

Commissioner Pitts felt that Commissioner Lowrey had "hit the nail right on the head." Even with the City's plans to construct the Riverside Parkway, F 1/2 Road bypass, and the extension of 29 Road, those projects would not eliminate all the traffic problems expected for the northwest area. Unless a residential requirement is effected for the 24 Road Corridor, there would be some serious bottlenecking of traffic. The end result could very well be that people would be expected to live in the eastern end of town and travel to the western end of town to do all of their shopping. Short of the City's providing air transport, he couldn't see how that many people were expected to get to and from that end of town. The 20% requirement might pose some difficulties for the owners of smaller parcels in the Mixed Use area.

Commissioner Putnam concurred with Commissioners Lowrey and Pitts.

Commissioner Wall agreed with the committee's recommendation to delete the 20% residential component. The land was zoned Mixed Use. While it was up to City staff, the Planning Commission, and City Council to ensure that development occurred in a clean and organized manner, he didn't feel it appropriate to dictate the percentage of residential development required for a piece of property.

Commissioner Putnam posed the question, "What then does Mixed Use mean"? Commissioner Wall said that it meant that landowners could develop their properties as retail/commercial, residential, or both as they chose. Commissioner Lowrey disagreed with that definition because that would mean that people could put whatever they wanted in that area, even if that ended up being 100% retail. The whole concept of Mixed Use was that at least some residential development would be required, not that landowners could do one or the other. If the residential component were deleted, there would effectively be no Mixed Use zone. He reiterated his proposal to eliminate the residential component for the 1/4-mile strip but not to delete it for other properties within the Mixed Use zone. Commissioner Wall felt that Commissioner Lowrey's scenario would result in Big Box development situated directly adjacent to residential uses. The City could expect homeowner complaints about the traffic, noise, etc. He didn't feel that the City should mandate residential development nor should it impose a percentage on just how much residential development was appropriate for a parcel.

Commissioner Pitts reiterated his concerns about fractionalizing the requirement. Even within the 1/4-mile strip, there were differently sized parcels in that zone to consider. While in support of a residential requirement, he wasn't sure just how the requirement should be implemented.

Mr. Blanchard said that the Planning Commission should not focus on the specifics of implementing the proposed recommendations. There were a number of ways to implement the recommendations, e.g., the transfer of development rights (TDRs). Commissioner Lowrey remarked that the concept of TDRs had been discussed and was supported by steering committee members.

Vice-Chairman Cole suggested amending the steering committee's recommendation to include the TDR option.

Commissioner Wall felt that the recommendation would just be more confusing with the added verbiage. He agreed that implementation strategies should be left up to staff.

At Planning Commission's prompting, Mr. Over came forward and said that the committee had struggled with the issue no less than the Planning Commission. A secondary motion had been made by committee member Dick Scariano regarding TDRs, which read, "Mr. Chairman, I'd like to make a motion that the committee give the Council encouragement to develop and investigate certain procedures and incentives that would encourage Mixed Use development in this area." That motion had been made in conjunction with discussions on the residential component. Mr. Over noted that all members of the committee had voted to approve that motion.

A brief discussion ensued between planning commissioners and staff over whether a motion should include Mr. Scariano's verbiage pertaining to TDRs or whether a separate motion would be required. Mr. Blanchard advised that if planning commissioners wanted to include Mr. Scariano's verbiage as part of their recommendation, a separate motion should be made.

MOTION: (Commissioner Pitts) "I move that the requirement for a mandatory 20% residential component to any development be deleted. Residential development would be allowed but would be optional, and that the Growth Plan be amended to comply with that recommendation."

Commissioner Wall seconded the motion.

Commissioner Lowrey said that he intended to vote against the motion because the recommendation would encompass the entire Mixed Use area. He would, however, be willing to make an alternate motion to delete the requirement within the 1/4-mile strip previously referenced should the current motion fail.

Commissioner Pitts asked if the inclusion of Mr. Scariano's verbiage would satisfy Commissioner Lowrey's concerns. Commissioner Lowrey said that because the use of TDRs were optional, he felt it tantamount to "wishful thinking."

A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Lowrey, Putnam, and Carlow opposing.

MOTION: (Commissioner Lowrey) "Mr. Chairman, I'd like to make a motion that the requirement for a mandatory 20% residential component to any development be deleted in an area 1/4-mile from 24 Road to the west and east and 1/4-mile south of the interstate, but residential development would be allowed in that 1/4-mile strip but it would be optional, [and that the Growth Plan be amended to comply with that recommendation]."

Commissioner Carlow seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Wall and Putnam opposing.

MOTION: (Commissioner Lowrey) "I would make a motion that there be a residential requirement in that interior portion [all parcels within the 24 Road Corridor designated Mixed Use but lying outside of the 1/4-mile strip on either side of 24 Road and 1/4-mile south of the interstate], that the transfer of development rights be permitted, [and that the percentage of residential required be 40%]."

Additional discussion ensued over the percentage of residential required. Commissioner Wall suggested leaving that actual percentage up to City Council.

Mr. Blanchard asked that instead of referencing "the interior" of the land use designation, reference be made to "the remainder of the Mixed Use land use designation." Commissioner Lowrey agreed to revise his motion accordingly.

A revised motion is as follows:

MOTION: (Commissioner Lowrey) "I would make a motion that there be a residential requirement in the remainder of the Mixed Use land use designation, the part that is not within the 1/4-mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council, and that the Growth Plan be amended to comply with that recommendation."

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

Recommendation #3: The requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development).

Commissioner Lowrey expressed support for the committee's recommendation as proposed because it provided for added flexibility. The Corridor's design standards would ensure desirable development even for buildings larger than 30,000 square feet.

MOTION: (Commissioner Lowrey) "[I make a motion that] the requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development), and that the Growth Plan be amended to comply with that recommendation."

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

V. GENERAL DISCUSSION

Vice-Chairman Cole referenced a letter received from Loren Ennis representing the Ridgewood Heights Development, LLC. Mr. Ennis requested that the item be moved up from its originally scheduled hearing date of March 28 to March 14.

Ms. Kreiling advised against moving up the date of the scheduled hearing because there would be insufficient time available for public notification. Given that there had been a number of neighbors who had expressed concerns about the request when it was first heard, she felt that advancing the hearing date would do a disservice to those neighbors and other interested persons.

No action was taken by planning commissioners, which resulted in leaving its original March 28 hearing date intact.

Sheryl Trent from the City Manager's office came forward to remind planning commissioners of Mr. Blanchard's pending departure. She thanked Mr. Blanchard for his years of service to the City and said that an "open house" would be held in the Community Development Department from 9:30 a.m. to 11:00 a.m. on Friday, March 3. Refreshments would be served.

With no further business to discuss, the public hearing was adjourned at 9:25 p.m.

MEMORANDUM

To: Grand Junction City Council

From: Jeff Over – Chairman
24 Road Citizens Review Committee

Date: February 8, 2006

RE: 24 Road Sub-area Plan

Council Members:

As Chairman of the 24 road Review Committee, I would like to thank you for the opportunity to address the Mixed Use zone designation within the 24 Road Corridor Sub-area Plan. More specifically, the three areas of contention were to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Maintaining focus on the three issues at hand was a tough task; however as a committee I believe we were able to keep that focus a majority of the time. Over the course of six committee meetings, and one public open house, everyone was able to give ample input, all in a constructive manner. Staff was also very helpful in getting us the information we requested and required.

In the end we came up with the following recommendations:

- Reduce the minimum density requirement from 12 units per acre to 8 units per acre (not to 4 units per acre). Maintain the maximum density requirement of 24 units per acre.
- Remove the 20% requirement for residential development.
- Remove the restriction of 30,000sf for retail development for ¼ mile east and west of 24 Road, as well as ¼ mile south of I-70. Raise the restriction from 30,000sf to 50,000sf in the remainder of the Mixed Use zone.

The committee also passed a motion to give the City Council encouragement to investigate and develop certain procedures and incentives that would encourage mixed use development in this area.

We all know that City Council has the ultimate authority on these matters. Since this the second time that a committee has looked at this area in the past six years, it is our hope that you not take our recommendations lightly, and that you revise the 24 Road Corridor Sub-area Plan accordingly.

Jeff Over

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3.4.J OF THE ZONING AND DEVELOPMENT CODE, MIXED USE

Recitals:

Section 3.4.J, Mixed Use (MU), of the Zoning and Development Code was adopted in 2000 to implement the recommendations of the 24 Road Corridor Subarea Plan for an area of "Mixed Use". In February, 2005, the City received a request from a group of property owners to amend the text of the Mixed use zone district, specifically: 1) reduce the minimum required residential density from 12 units per acre to 4 units per acre; 2) delete the requirement that residential development is required as 20% of the overall commercial project; and 3) remove the maximum size of 30,000 square feet for retail buildings.

A Citizen's Review Committee was formed to consider the property owner request and make a recommendation to the Planning Commission and City Council. The Planning Commission considered the Steering Committee recommendation and is proposing a revised recommendation. The City Council finds that the amendments are consistent with the 24 Road Corridor Subarea Plan and Growth Plan, as amended, and are necessary or required by law and are in accordance with the law.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT SECTION 3.3.J OF THE ZONING AND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

1. Subsection **1. Purpose**. is hereby amended to read:
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.
2. Under Subsection 3., paragraph c is amended to read as follows:
c. Maximum building size ~~for all non-retail uses~~ shall be 150,000 square feet unless a Conditional Use Permit is issued. ~~Maximum building size for retail shall be 30,000 square feet;~~ Maximum building size for retail use in that area of the Mixed Use in the 24 Road Corridor, other than ¼ mile on the east and west side of 24 Road and ¼ mile south of I-70, shall be 50,000 square feet.
3. Under Subsection 3., paragraph e is amended to read as follows:

Minimum net residential density shall be 42 ~~8~~ units per acre.

4. Under Subsection 3, paragraph f is deleted.

~~Development parcels and/or projects containing greater than 5 acres shall have a minimum of 20% of the gross land area in residential development. The required 20% may be transferred between parcels in the Mixed Use Zone District that are being planned at the same time.~~

5. Subsection 5 is hereby deleted.

5. a. ~~The following standards shall apply to the required residential component.~~

~~(1) Final plans for the required residential component must be submitted and approved with the overall project.~~

~~(2) The required residential component must be built with the overall project, in accordance with the approved development schedule.~~

~~(3) Residential units may be built as part of any retail/commercial structure.~~

~~(4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each non-residential component be built within the approved development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.~~

INTRODUCED AND PASSED ON FIRST READING AND ORDERED PUBLISHED ON _____ DAY OF _____, 2006.

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED ON _____ DAY OF _____, 2006.

ATTEST:

City Clerk

President of Council

Attach 10

Setting a Hearing for the Revisions to the SSID Manual

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Update of Submittal Standards for Improvements and Development Manual (SSID)						
Meeting Date	April 5, 2006						
Date Prepared	March 30, 2006				File #		
Author	Laura Lamberty			Development Engineer			
Presenter Name	Tim Moore			Public Works Manager			
Report results back to Council		No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Staff will review the proposed revisions to the Submittal Standards for Improvements and Developments (SSID) Manual with Council. The major goals of the revision were to streamline the document, correct errors, and restructure conflicting language, incorporate input from the public and remove requirements duplicated in other City Codes. Planning Commission has reviewed the proposed changes and recommends Council adopt the Manual as proposed.

Budget: N/A

Action Requested/Recommendation: Introduction of proposed Ordinance and set a hearing for April 19, 2006.

Attachments:

- List of Detailed Changes
- Proposed Ordinance

Background Information:

SSID's provides the definition of components for each development application type; both for the application and review part of the project as well as the construction component. Each submittal component, whether it be a drawing, a report, a form or a survey is described and defined for content and format. The goal of the manual has been consistency and clarity. The manual is technical in nature, and a companion

user's guide will be published although not made a part of the Municipal Code to help novice users understand the processes and requirements.

These standards pertain to all development activity as defined by the City of Grand Junction's Zoning and Development Code. The Departments of Community Development and Public Works have the responsibility to enforce the provisions of the SSID and the Zoning and Development Code.

Public Involvement

Since the last update to SSID's the City has received informal comments from developers, architects, engineers, land surveyors and planners which have led to many of the major changes in the SSID requirements. Some of the major changes that were initiated by comments from the general public were as follows:

- Remove the requirement for current (90 Day) title work with every response to comments.
- Remove requirement for a Professional Engineer to prepare and stamp the Site Plan Drawing. A professional competent in the field must prepare the site plan drawing.
- Reduce requirements for Site Plan drawings for Minor Site Plans and minor applications to allow businesses or home owners to prepare their own drawings.
- Revisit the SSID requirements in general and remove unnecessary requirements.

The City of Grand Junction staff has met with members of the engineering community and the development community to review the proposed key changes and advise them of our progress on this update. These meetings generated some limited responses and some to these changes were incorporated into this update.

SUMMARY OF MAJOR CHANGES:

Administrative Changes

- Deleted Chapter II: Use and Definition (Contained elsewhere in Code)
- Deleted Chapter III: Application Process (Defined in Zoning and Development Code)
- Deleted Chapter XI: Miscellaneous Reports and Forms will be included on the website and not made a specific part of the Code.

Checklist Changes

- Changed requirement for 90 day current title work to Ownership Information and Statement. Plats will still require title work but only once immediately prior to platting.
- Reduced number of standard base review agencies on 20 types of applications.
- Reduced drawing and report submittal quantity to Development Engineers from 2 to 1.
- Lowered requirement for Site Plan to Site Sketch on seven application types

Graphic Standards Changes

- Removed requirement for the use of City standard drafting symbols and line weights.
- Amended standard to provide for a site sketch in lieu of full-blown site plan for simple applications that would not have to be professionally drafted or require full site information

Drawing Standards Changes

- Changed requirement for Site Plan from the necessity to be prepared by a licensed engineer to a “professional competent in the field” to accommodate applications by architects and land planners familiar with requirements
- Removed six Drawings from Drawing Standards
- Added a Site Sketch intended for use on simple applications to lessen burden on applicants
- Split Preliminary Plan into Preliminary Subdivision Plan and Preliminary Composite Plan to conform to Code requirements and intent, meet Fire Department need and provide improved graphic clarity
- Added Drawing requirements for Boundary Line Dispute Resolution and Survey Sketch

Report Standards Changes

- All drainage report requirements are referenced to Stormwater Management Manual to avoid duplication.

Miscellaneous Form Changes

- Added a form for Ownership Information and Statement
- Added a form for Survey Plat Correction Certification.
- All forms to be maintained and made available on the City website, and will not be made a part of the Municipal Code.

Construction Submittal Changes

- Consolidated all Construction Submittal requirements into one chapter
- Reduced as-built drawing requirements from one mylar, four paper and an electronic copy to a single paper copy and an electronic copy.
- Clarified intent for Construction Observation Reporting for report content and individual conducting observation
- Reformatted Construction Submittal Checklist for ease of use

2006 Submittal Standards for Improvement and Development

Detailed List of Changes

- **Preface**
 - a. Condensed Preface, removing language not appropriate for inclusion in the Municipal Code.
- I. **Purpose and Scope**
 - a. Condensed to remove superfluous language.
- II. **Submittal Checklist Changes**
 - a. Added Checklist for Annexation
 - b. Added Checklist for Boundary Dispute Agreement
 - c. Changed Evidence of Title Lease Agreement to Ownership Information and Statement on all application types (title work)
 - d. Changed Boundary Survey and Abstracted Survey to Improvement Survey
 - e. Reduced number of drawings and reports submitted to Development Engineer from 2 to 1.
 - f. Reduced number of application packages routinely routed to City Attorney for review (26 application types)
 - g. Reduced number of application packages routinely routed to Development Engineer (3 application types)
 - h. Reduced suggested submittal requirements for Planned Development-Preliminary
 - i. Developed a Preliminary Subdivision Plan and Preliminary Utility Composite to be consistent with Code requirements.
 - j. Removed Phase II Environmental Site Assessment from suggested checklist items
 - k. Changed all references to City Real Estate Manager to City Surveyor
 - l. Updated references for item requirements
- III. **Submittal Format**
 - a. Mylars and four sets of paper copies will no longer be required for as-builts. A single paper copy with electronic copies is required.
 - b. Softened some of the submittal format requirements from “shall” to “should” to indicate City preferences versus absolute requirements.
 - c. Format Checklist is moved to the User’s Guide.
- IV. **General Submittal Items**
 - a. Added descriptions of the following submittal items
 - i. Boundary Agreement
 - ii. Haul Route Plan

- iii. Ownership Information and Statement (changed from Evidence of Title/Title Commitment)
 - b. Deleted descriptions of the following elements
 - i. Application fee
 - ii. Application form
 - iii. Common Elements Agreement(s)
 - iv. Construction – Prior Notice
 - v. Construction Schedules and Updates
 - vi. Flowline grade sheets
 - vii. As-builts
 - viii. Sewer Line lamping and pressure testing
 - ix. Water Line Pressure and Disinfection Tests
 - c. Moved descriptions for the following elements
 - i. City Approval of Construction Drawings
 - ii. City Initial Inspection
 - iii. City Final Inspection
 - d. Improved description of the following elements
 - i. Appraisal of Vacant Land
 - ii. Easement
 - iii. Power of Attorney
 - iv. Sign Plan/Sign Package
- V. **Drawing and Graphic Standards**
 - a. Moved all as-built drawings to Construction Phase section
 - b. Consolidated all Utility Plan and Profile Drawing descriptions on to one sheet.
 - c. All Drainage Maps and Drawings standards are deleted and will be contained in a future upcoming edition of Mesa County/City of Grand Junction Stormwater Management Manual.
 - d. Updated Plat requirements.
 - e. Deleted Vicinity Sketch - similar to Site Sketch
 - f. Deleted check-off columns, right hand side of checklists.
 - g. Added the following drawings:
 - i. Preliminary Utility Composite and Preliminary Subdivision Plan: This splits the Preliminary Plan into two components for clarity.
 - ii. Site Sketch: for minor site plan reviews and other simple applications
 - iii. Sketch for (Legal) Descriptions: Clarifies the requirements for the exhibit or graphic depiction of a legal description of an easement, conveyance or a vacation
 - iv. Map for Disputed Boundary Agreement: Describes required graphic content for the agreement area depiction
 - h. Graphic Standards Revisions
 - i. Deleted requirement to use City Standard Drafting Abbreviations and Symbols. These sample pages are no longer included in SSID.

- ii. Deleted requirement to use City Standard Drafting Line Weights and Types. These sample pages are no longer included in SSID.
- iii. Made City Standard Autocad Drafting Abbreviations, Symbols, Line Weights and Types Drawing Files available to the public for their use.

VI. Report Standards

- a. Reporting requirements for Phase I Environmental Site Assessment were added (combined with Phase II).
- b. Reporting requirements for Transaction Screen Process and Phase I/II Environmental Site Assessments were updated to meet most current ASTM/ Federal standards.
- c. Added requirement in General Project Report to address all Zoning and Development Code approval criteria associated with the application type(s)
- d. Deleted OK/NA checklist columns
- e. Preliminary and Final Drainage Report requirements are being moved to the upcoming Mesa County/City of Grand Junction Stormwater Management Manual
- f. Construction Observation Reports were moved to the Construction Phase Submittal Section
- g. Platting Submittal Standards were deleted from the Report Standards as they were duplicated in the drawing standards.

VII. Construction Phase Submittals

- a. Consolidated all construction phase requirements into this chapter including:
 - i. Construction Observation Reports
 - ii. As-built Drawings
- b. Moved definitions from General Submittal Items for the following elements
 - i. Construction Notice
 - ii. Approval of Construction Drawings
 - iii. Initial Inspection
 - iv. Final Inspection
 - v. Maintenance Guarantee
 - vi. Sewerline Lamping
 - vii. Water Line Pressure and Disinfection Tests
 - viii. Work within the Right-of-way Permit
- c. Deleted requirements to locate all crosses, bends and tees on waterlines.
- d. Included definitions for materials testing reports.
- e. Expanded and clarified requirements for construction observation reporting, inspection and responsibility of required quality control and quality assurance.
- f. Deleted requirement for Construction Schedule and flowline grade sheets

- g. Restructured Construction Phase Submittal Checklist for better organization
 - h. Deleted the following forms
 - i. Construction Approval and Progress (Combined information with Construction Phase Submittal Checklist)
 - ii. Submittal Requirements for Initial Acceptance of Improvements (Combined information with Construction Phase Submittal Checklist)
 - iii. Substantial Completion Inspection Checklist (no need to include in Municipal Code)
- VIII. **Use and Definitions (Old Chapter II)**
- a. This Chapter has been deleted from the Municipal Code in its entirety.
 - b. (Former Part A) Instructions on use of these regulations were removed from the portion of the regulations and expanded explanatory language will be included in a user's guide to be published, but not adopted formally by City Council.
 - c. (Former Part B) List of Development Standards: This list was subject to change from time to time with the adoptions of new or updated plans, policies and standards. This list will be included in the user's guide discussed above.
 - d. (Former Part C and D) Definitions and abbreviations sections were deleted as it repeats many definitions in the Municipal Code. Necessary definitions and abbreviations not found in the Code currently will be added to the Code with the Code updates.
- IX. **Application Process (Old Chapter III)**
- a. This Chapter has been deleted from the Municipal Code in its entirety.
 - b. Most of this process is governed by the Zoning and Development Code.
 - c. Process explanation will be included in the User's Guide.
- X. **Miscellaneous Forms (Old Chapter XI)**
- a. This Chapter has been deleted from the Municipal Code in its entirety.
 - b. All forms will not be included in the Municipal Code to allow for periodic amendment. All required forms for the subject application type should be included in the application packet supplied to the applicant. All development forms will be available at the Community Development Department front counter and on the City website.
 - c. New forms for 2006 include:
 - i. Ownership Information and Statement
 - ii. Initial Plat Submittal Surveyor Verification
 - iii. Final Mylar Plat Surveyor Verification
 - iv. City of Grand Junction Stormwater Permit
 - v. Development Construction Notice

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION'S SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENTS ("SSID"), AND AUTHORIZING PUBLICATION OF THE AMENDMENTS BY PAMPHLET

RECITALS:

The City of Grand Junction's Submittal Standards for Improvements and Development ("SSID") were last revised by City Council in April 2004. When SSID was first included as part of the Zoning and Development Code ("Code"), Council requested Staff perform annual update of the Code to determine whether any changes are needed.

Staff has met with and worked with the public, developers, engineers, architects, land planners and surveyors in the community to improve SSID. The proposed amendments come from the input of Staff and these members of the community. The major goals of this revision are to: a. Streamline the document; b. Create a more understandable document; and c. Incorporate the public's input.

Approval of this ordinance will replace the previous SSID manual adopted with Ordinance No. 3623. The Planning Commission recommended approval of the amendments at the March 28, 2006 hearing.

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

The City's Submittal Standards for Improvements and Development as presented and approved by the City Council at the April 19, 2006, hearing, are hereby adopted and replace the SSID manual previously adopted by way of ordinance.

Due to the length of this document, and because it is available in a readily used bound pamphlet the City Clerk is authorized to publish the Submittal Standards for Improvements and Development adopted with this Ordinance by pamphlet. The pamphlet may be reviewed in the City's Community Development Department and the Clerk's office at 250 N. 5th Street, Grand Junction, between 8:00 a.m. to 5:00 PM Monday through Friday, except holidays.

The bound pamphlet containing the approved Submittal Standards for Improvements and Development ("SSID") will be introduced on first reading this _____ day of _____, 2006.

Passed and adopted on second reading this _____ day of 2006.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 11

Setting a Hearing to Create the El Poso Area Street Improvement District, ST-06, Phase B

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Intent to Create the El Poso Area Street Improvement District, ST-06, Phase B						
Meeting Date	April 5, 2006						
Date Prepared	March 30, 2006				File #		
Author	Michael Grizenko			Real Estate Technician			
Presenter Name	Mark Relph			Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: A successful petition has been submitted requesting a Local Improvement District be created to reconstruct streets in the El Poso area within the following limits:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

A public hearing is scheduled for the May 17, 2006 City Council meeting.

Budget:

Project Budget	\$1,742,000
Estimated Project Costs	\$1,380,000
Estimated Balance	\$ 362,000

Action Requested/Recommendation: Review and adopt the proposed resolution.

Attachments: 1) Summary Sheet 2) Map 3) Resolution 4) Notice

Background Information: People's Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed.

Residential property owners on each side of a street improvement each pay for 1/3 of the cost of building the improvements along their frontage. The City pays the remaining 1/3 of the cost. Commercial properties on each side pay the full cost of their half of the street improvement. Those commercial properties on the North side of West Chipeta Avenue which have signed a Power of Attorney for Alley Improvements for West Chipeta shall be assessed at the alley commercial rate of \$31.50/foot.

Grant money in the amount of \$500,000 has been obtained and will apply directly to lower the amount of assessments. As a result the maximum residential assessment is \$21.98/foot and the maximum commercial assessment is \$88.37/foot. Those commercial properties receiving the commercial alley assessment are not eligible for grant money.

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. The public hearing is for questions regarding validity of the submitted petitions.
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, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts a first reading of a proposed Assessing Ordinance.

7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
8. The adopted Ordinance is published for three consecutive days.
9. 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.

OWNERSHIP SUMMARY

PROPOSED EL POSO STREET IMPROVEMENT DISTRICT NO. ST-06, PHASE B

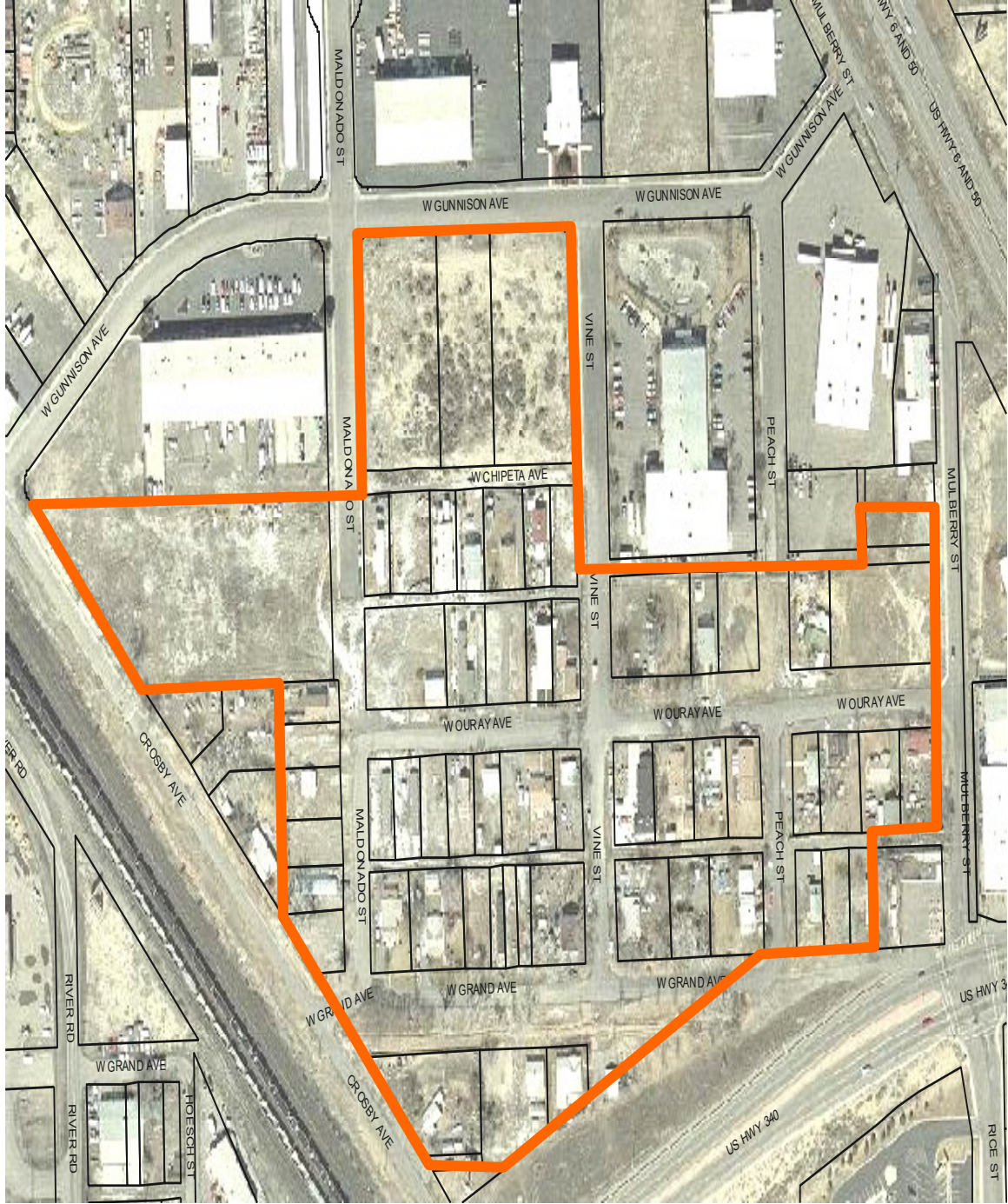
* Estimates, discounted by grant

OWNER	FRONTAGE	COST/FT*	ASSESSMENT*
Charlie & Luisa F. Cordova	75	\$ 21.98	\$ 1,648.50
• Jennie Trujillo & Esther Lujan	75	\$ 21.98	\$ 1,648.50
• Margarito & Genevieve Diaz	50	\$ 21.98	\$ 1,099.00
• John & Virginia Trujillo	150	\$ 21.98	\$ 3,297.00
• John & Virginia Trujillo	125	\$ 21.98	\$ 2,747.50
• John & Virginia Trujillo	125	\$ 21.98	\$ 2,747.50
• Edmond & Petra L. Ybarra	125	\$ 21.98	\$ 2,747.50
Adam & Charlene Bera	100	\$ 21.98	\$ 2,198.00
Bill M. & Shauna Lee Williams	25	\$ 21.98	\$ 549.50
• Isidore & Rosie M. Garcia	50	\$ 21.98	\$ 1,099.00
• Isidore & Rosie M. Garcia	50	\$ 21.98	\$ 1,099.00
Emma Weston & Thomas Brunz	50	\$ 21.98	\$ 1,099.00
• Alma Bera	125	\$ 21.98	\$ 2,747.50
Darren Davidson	25	\$ 21.98	\$ 549.50
Darren Davidson	25	\$ 21.98	\$ 549.50
Mary Dell Montoya, etal	50	\$ 21.98	\$ 1,099.00
• Frank & Julia M. Maldonado	125	\$ 21.98	\$ 2,747.50
Mac & Bernice E. Bera	100	\$ 21.98	\$ 2,198.00
Mac & Bernice Bera	50	\$ 21.98	\$ 1,099.00
Douglas F. & Kelly M. Murphy	50	\$ 21.98	\$ 1,099.00
Eugene D & Charles A Cordova	75	\$ 21.98	\$ 1,648.50
• Greg & Amy R. Varela	75	\$ 21.98	\$ 1,648.50
• Lance S. & Roberta L. Moore	53.5	\$ 21.98	\$ 1,175.93
Felix Maldonado, Jr.	64	\$ 21.98	\$ 1,406.72
• Isabel Serrano	57	\$ 21.98	\$ 1,252.86
• Robert & Barbara Yurick	57	\$ 21.98	\$ 1,252.86
• Frank Maldonado	74.9	\$ 21.98	\$ 1,646.30
Kim R. DeCoursey, etal	53.5	\$ 21.98	\$ 1,175.93
• Theresa Yribia	125	\$ 21.98	\$ 2,747.50
• Theresa Yribia	50	\$ 21.98	\$ 1,099.00
• Theresa Yribia	50	\$ 21.98	\$ 1,099.00
• Theresa Yribia	50	\$ 21.98	\$ 1,099.00
• Theresa M. Yribia	125	\$ 21.98	\$ 2,747.50

• John J. & Virginia S. Trujillo	75	\$ 21.98	\$ 1,648.50
• John J. & Virginia S. Trujillo	62.5	\$ 21.98	\$ 1,373.75
• Juanita A. & John J. Trujillo	125	\$ 21.98	\$ 2,747.50
• Frank & J.M. Maldonado	125	\$ 21.98	\$ 2,747.50
Alberto Maldonado Estate	75	\$ 21.98	\$ 1,648.50
• Frank Joe & Lois J. Jimenez	125	\$ 21.98	\$ 2,747.50
• Dolores S. Trujillo	150	\$ 21.98	\$ 3,297.00
• Gene Taylor	50	\$ 21.98	\$ 1,099.00
• Theresa M. Yribia	75	\$ 21.98	\$ 1,648.50
Bobby L. Ulibarri & Betty I. Padilla	75	\$ 21.98	\$ 1,648.50
• Gene Taylor's Sporting Goods	25	\$ 21.98	\$ 549.50
Jesus Hernandez & Jaime Olivas	75	\$ 21.98	\$ 1,648.50
• Randy L. & Leah B. Rowe	75	\$ 21.98	\$ 1,648.50
• Marcia M. & Frank M. Cordova	75	\$ 21.98	\$ 1,648.50
• Ruby Varela	125	\$ 21.98	\$ 2,747.50
• Dolores E. Zamora	125	\$ 21.98	\$ 2,747.50
Linda Cole	50	\$ 21.98	\$ 1,099.00
Lynn G. Pleasant	50	\$ 21.98	\$ 1,099.00
• 725 Scarlett, LLC	150.19	\$ 31.50	\$ 4,730.99
• 725 Scarlett, LLC	100	\$ 31.50	\$ 3,150.00
• Storage Storage, LLC	151.33	\$ 31.50	\$ 4,766.90
• C B & G Partnership	104.72	\$ 88.37	\$ 9,254.11
Dionicia & Jose Arrieta, Sr.	210	\$ 21.98	\$ 4,615.80
• Jason M. Gulley	125	\$ 21.98	\$ 2,747.50
• Frank M. & Marcia Cordova	75	\$ 21.98	\$ 1,648.50
TOTALS	4913.64		\$118,776.65

- Indicates owners signing in favor of improvements are 39/58 or 67% and 74% of the assessable footage.

**BOUNDARY OF THE PROPOSED EL POSO
STREET IMPROVEMENT DISTRICT**



RESOLUTION NO. _____

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL
OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE
WITHIN SAID CITY STREET IMPROVEMENT DISTRICT NO. ST- 06, PHASE B,
AND AUTHORIZING THE CITY ENGINEER TO PREPARE
DETAILS AND SPECIFICATIONS FOR THE SAME.**

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that a Street Improvement District be created for the construction of improvements as follows:

Location of Improvements:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

Type of Improvements - To include base course material under a mat of Hot Mix Bituminous Pavement and construction of concrete curb, gutter and sidewalk and storm drainage facilities as deemed necessary by the City Engineer; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of lands to be assessed is described as follows:

Lots 1 through 3, inclusive, Trujillo Subdivision, and also;
Lots 1 through 6, inclusive, Maldonado Subdivision, and also;
Lots 9 through 22, inclusive, Block 3, Carpenter's Subdivision No. 2, and also;
Lots 1 through 22, inclusive, Block 4, Carpenter's Subdivision No. 2, and also;
Lots 3, 4, and Lots 12 through 22, inclusive, Block 1 Carpenter's Subdivision No. 2, and also;
Lots 12 through 22, inclusive, Block 2, Carpenter's Subdivision No. 2, and also;
Lots 1 through 3, inclusive, and Lots 9 through 17, inclusive, Block 7, Carpenter's Subdivision No. 2, and also;
Lots 1 and 2, Coleman Subdivision, and also;
Lot 10, Block 6, Six and Fifty West Subdivision, Filing No. Two, and also;
Lots 4 and 5, inclusive, Block 7, Six and Fifty West Subdivision, Filing No. Two, and also;
Lot 1, DeRush Subdivision, and also;
Lot 1, Reman Simple Subdivision, and also;

The East 460 feet of the South 660 feet of the SW 1/4 NE 1/4 of Section 15, T1S, R1W, of the Ute Meridian. All in the City of Grand Junction, Mesa County, Colorado.

2. That the total assessable costs of the District Improvements are estimated to be \$618,776.65. Grant money in the amount of \$500,000 shall be applied to reduce assessments. The total assessable costs shall be assessed against the District lands and apportioned based on front footage and at the following maximum rates, which as shown are adjusted by the amount of the grant:

\$21.98/foot for residential properties;

\$88.37/foot for commercial properties not included as follows;

\$31.50/foot for those commercial properties having previously signed a Power of Attorney for Alley Improvements on West Chipeta Avenue.

If the actual assessable costs are less than the estimated amount of \$618,776.65, the front footage costs will be decreased accordingly.

3. That the assessments to be levied against the properties in said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided, however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals, as required by the Mesa County Treasurer's office, which shall be added to the principal payable in ten (10) annual installments, the first of which 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 8 percent per annum on the unpaid principal, payable annually.

4. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

5. That Notice of Intention to Create said El Poso Area Street Improvement District No. ST-06, Phase B, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

NOTICE

OF INTENTION TO CREATE STREET IMPROVEMENT DISTRICT NO. ST-06, PHASE B, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create El Poso Area Street Improvement District No. ST-06, Phase B, in said City for the purpose of reconstructing and paving certain streets to serve the property hereinafter described which lands are to be assessed with the cost of the improvements, to wit:

Lots 1 through 3, inclusive, Trujillo Subdivision, and also;
Lots 1 through 6, inclusive, Maldonado Subdivision, and also;
Lots 9 through 22, inclusive, Block 3, Carpenter's Subdivision No. 2, and also;
Lots 1 through 22, inclusive, Block 4, Carpenter's Subdivision No. 2, and also;
Lots 3, 4, and Lots 12 through 22, inclusive, Block 1 Carpenter's Subdivision No. 2, and also;
Lots 12 through 22, inclusive, Block 2, Carpenter's Subdivision No. 2, and also;
Lots 1 through 3, inclusive, and Lots 9 through 17, inclusive, Block 7, Carpenter's Subdivision No. 2, and also;
Lots 1 and 2, Coleman Subdivision, and also;
Lot 10, Block 6, Six and Fifty West Subdivision, Filing No. Two, and also;
Lots 4 and 5, inclusive, Block 7, Six and Fifty West Subdivision, Filing No. Two, and also;
Lot 1, DeRush Subdivision, and also;
Lot 1, Reman Simple Subdivision, and also;
The East 460 feet of the South 660 feet of the SW 1/4 NE 1/4 of Section 15, T1S, R1W, of the Ute Meridian. All in the City of Grand Junction, Mesa County, Colorado.

Location of Improvements:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

Type of Improvements: To include base course material under a mat of Hot Bituminous Pavement and construction of concrete curb, gutter and sidewalk and storm drainage facilities as deemed necessary by the City Engineer.

2. That the total assessable costs of the District Improvements are estimated to be \$620,425.15. Grant money in the amount of \$500,000 shall be applied to reduce assessments. The total assessable costs shall be assessed against the District lands and apportioned based on front footage and at the following maximum rates, which as shown are adjusted by the amount of the grant:

\$21.98/foot for residential properties;

\$88.37/foot for commercial properties not included as follows;
\$31.50/foot for those commercial properties having previously signed a Power of Attorney for Alley Improvements on West Chipeta Avenue.

If the actual assessable costs are less than the estimated amount of \$618,776.65, the front footage costs will be decreased accordingly.

To the total assessable cost of \$618,776.65 to be borne by the property owners, there shall be, as required by the Mesa County Treasurer's Office, added six (6) percent for costs of collection and incidentals. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals, as required by the Mesa County Treasurer's Office, which shall be added to the principal payable in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight (8) percent per annum shall be charged on unpaid installments.

On May 17, 2006, at the hour of 7:00 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this _____ day of _____, 2006.

**BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO**

By: _____
City Clerk

PASSED and **ADOPTED** this _____ day of _____, 2006.

President of the Council

Attest:

City Clerk

Attach 12

Asbestos Abatement Contract for the Rood Avenue Parking Structure

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Asbestos Abatement for the Rood Avenue Parking Structure						
Meeting Date	April 5, 2006						
Date Prepared	March 30, 2006				File #		
Author	Mike Curtis			Project Engineer			
Presenter Name	Mark Relph			Public Works and Utility Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This project is for the asbestos abatement of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4th Street) on the Rood Avenue Parking Structure site.

Budget: Project No.: F63300

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Part 1 Pre-Construction Services (Shaw Construction)	\$41,482
Parking Structure Design Contract (Blythe Design)	\$459,850
Site Demo (Envir. Cleanup, Building Demolition, Walsh)	\$408,507
Asbestos Abatement Contract (Argus)	\$21,100
Construction, Administration, Inspection, Testing	\$6,473,630
Land Acquisition	\$1,960,947
Totals:	\$9,344,416

Project Funding:

<u>Funding Sources</u>	<u>Estimated Funding</u>
Alpine Bank Spaces (108)	\$1,662,012
DDA/Site Demo, Clean, Firewalls	\$658,507
DDA/Land Acquisition	\$1,960,947
DDA/Dalby Wendland spaces (23)	\$353,947

DDA/4 th floor spaces (60)	<u>\$923,340</u>
Totals: DDA & Alpine Bank	5,558,753
Cash Contribution from the City's Parking Fund	\$500,000
Sale of 3 rd & Main Studio 119 Parking Lots	<u>\$325,000</u>
Totals:	\$6,383,753
 Amount to Finance	 \$2,960,663

Action Requested/Recommendation: Authorize the City Manager to execute an asbestos abatement contract for the Valley Office Supply building and the Commercial Federal Bank building with the Project Development Group in the amount of \$21,100.00 for Option 2.

Attachments: none

Background Information:

Bids for the project were opened on March 29, 2006. The low bid was submitted by the Project Development Group in the amount of \$21,100.00 for Option 2. The following bids were received:

Bidder	From	Bid Amount Option 1	Bid Amount Option 2
Project Dev. Group	Las Vegas, NV	\$45,700.00	\$21,100.00
Kingston Environ.	Kansas City, MO	\$51,069.00	\$29,586.00
U.S. Environmental	Aurora	\$66,500.00	\$40,000.00
Air Systems (Misers)	Englewood	\$84,943.00	\$44,025.00
Colorado Envir. Serv.	Denver	\$99,960.00	\$73,290.00
Excel Environmental	Aurora	\$104,888.00	\$54,507.00
DLM, Inc.	Denver	\$114,711.00	\$50,665.00
Argus Contracting	Colorado Springs	\$148,510.00	\$83,950.00
EAS of Denver	Denver	\$166,928.00	\$86,045.00
Engineers Estimate		\$100,000.00	\$85,000.00

Option 2 is for the removal of all materials except for floor tiles and associated mastics. The State of Colorado has indicated that the floor tiles and associated mastics can be disposed of as normal construction debris. Mesa County Landfill will accept the floor tiles and associated mastics with an approval letter from the state which is in process. Option 1 is for the removal of all materials. Walsh Environmental is confident that the floor tile and associated mastics can be disposed of as normal construction debris. If they can't, the building demolition contractor will be required to line their trucks with plastic and separate the floor tiles and associated mastics and dispose of separately at

the Mesa County Landfill. The building demolition contractor can accomplish this task for less than the difference between Option 1 and Option 2.

Walsh Environmental Scientists and Engineers, LLC (WALSH) was awarded a Professional Services contract by City Council on February 15, 2006 for asbestos abatement management and petroleum contamination assessment for the Rood Avenue Parking Structure site. WALSH has prepared bid documents for the abatement of asbestos from the Valley Office Supply and Commercial Federal Bank buildings.

The Valley Office Supply building is currently vacant. The Commercial Federal building is anticipated to be vacant the end of May. The proposed schedule to abate asbestos from Valley Office Supply is May 1 through May 15. The schedule to abate asbestos from Commercial Federal Bank is June 1 through June 15. After asbestos abatement, the City will hire a demolition Contractor to demolish the Commercial Federal and Valley Office Supply buildings. Demolition will take approximately two to four weeks. Construction of the Rood Avenue Parking Structure is scheduled to start July 2006 and be completed by August 2007.

Attach 13

Pedestrian Bridge Superstructures for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase of the Pedestrian Bridge Superstructures for the Riverside Parkway Project						
Meeting Date	April 5, 2006						
Date Prepared	March 30, 2006				File #		
Author	Jim Shanks		Riverside Pkwy Program Manager				
Presenter Name	Mark Relph		Public Works and Utilities Director				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The City opened bids for the purchase of 7 Pedestrian bridge superstructures for the Riverside Parkway project. These superstructures will be fabricated by the manufacturer and delivered to Grand Junction. The Phase 2 roadway contractor will construct the abutments and piers and erect the superstructures. The bridge spans vary from 54 feet to 168 feet.

Budget: Sufficient funds exist in the Riverside Parkway budget to complete this phase of construction. The City received a \$500,000 Energy Impact grant from the Department of Local Affairs towards the construction of the West Main Street pedestrian bridge.

Riverside Parkway Construction Budget	\$55,285,412
Construction Contracts to date:	\$13,536,013
Pedestrian Bridge Superstructures	\$584,990
Remaining Construction Budget	\$41,164,409

Background Information: On March 21, 2006 the City opened bids for purchase of 7 steel pedestrian bridge superstructures for Phase 2 of the Riverside Parkway project. The longest 3 bridges will span the Union Pacific Railroad at West Main Street. Two bridges will be used on the down ramp on the west side of West Main Street railroad crossing. The other two bridges will be used at the south end of the 25 Road bridge. This City received the following four bids from bridge manufacturers:

\$584,990.00	Big R Manufacturing	Greely, CO
\$814,750.00	Continental Bridge	Alexandria, MN
\$874,999.00	Steadfast Bridges	Fort Payne, AL

Wheeler Lumber, LLC
\$899,568.00
Engineer's Estimate
\$721,125.00

Bloomington, MN

Action Requested/Recommendation: Authorize the City Manager to Execute a Contract with Big R Manufacturing of Greeley, Colorado, in the Amount of \$584,990.00 for the Pedestrian Bridge Superstructures for the Riverside Parkway Project.

Attach 14

Public Hearing – Amendments to the Zoning and Development Code

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Proposed Amendments to the Zoning and Development Code							
Meeting Date	April 5, 2006							
Date Prepared	March 29, 2006			File #TAC-2004-231				
Author	Bob Blanchard		Community Development Director					
Presenter Name	Kathy Portner		Assistant Director of Community Development					
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When			
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name			
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

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 three modifications to the proposed ordinance.

Budget: N/A

Action Requested/Recommendation: Approve Planning Commission recommended amendments to the Zoning and Development Code, with three 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.6).

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

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**
- 3. Delete Section 2.8.C.5, Subdivisions and Section 2.12.D.6, Planned Developments**

2694 Malibu Drive
Grand Junction, CO 81506

24 June 2005

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

RECEIVED

JUN 27 2005

COMMUNITY DEVELOPMENT
DEPT.

Dear Mr. Blanchard,

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

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

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

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

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

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

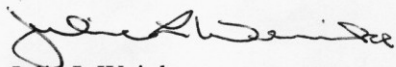
9 CFR 1.1.1 (Title 9 of the United States Code of Federal Regulations) states "Pet animal means any animal that has **commonly been kept as a pet** in family households in the United States, such as dogs, cats, guinea pigs, **rabbits** and hamsters. Rabbits are defined by the United States Department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

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

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

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

Sincerely yours,



Julie L. Weinke

**PARADISE HILLS
HOMEOWNERS ASSOCIATION**

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

December 5, 2005

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

RECEIVED
DEC 06 2005
COMMUNITY DEVELOPMENT
DEPT.

Dear Chairman:

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

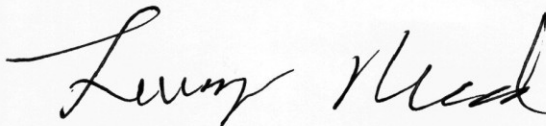
Rabbits can become pets, but in numbers greater than 3 they should be raised on agriculturally zoned land and not on a city lot zoned residential where houses are close together. Living close to a larger number of rabbits creates undesirable odors and fears of disease for the neighbors, especially when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

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

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

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

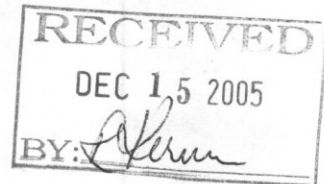
Thank you for your consideration of no change to the city code in reference to this matter.



Larry Reed
President, Paradise Hills Home Owners Association

December 11, 2005

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



Dear Sir or Madam:

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

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

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

Respectfully submitted

Thomas E Whitaker

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

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

CHAPTER ONE GENERAL PROVISIONS

1.1 TITLE

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

1.6 RULES OF CONSTRUCTION

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

1.11 CITY COUNCIL

The City Council shall:

C. Hear and decide all requests for:

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

1.12 PLANNING COMMISSION

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

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

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

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

1.13 ZONING BOARD OF APPEALS (ZBOA)

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

1.14 BUILDING CODE BOARD OF APPEALS

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

1.15 DIRECTOR OF COMMUNITY DEVELOPMENT

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

CHAPTER TWO PROCEDURES

2.1 REVIEW AND APPROVAL REQUIRED

Table 2.1
REVIEW PROCEDURES SUMMARY

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

Table 2.1

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

2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

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

~~1.~~ Planning Clearance.

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

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

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

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

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

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

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

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

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

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

~~2.~~ **Building Permit.**

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

E. **Other Administrative Permits.**

2. **Sign Permit.**

4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments not in dispute and ~~P~~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 ~~P~~plats;

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

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

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

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

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

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

5. Disputed Boundary Adjustments.

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

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

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

2.3 PERMITS REQUIRING PUBLIC HEARING

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

**Table 2.3
PUBLIC HEARING NOTICE PROVISIONS**

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

9. **Public Hearing Procedures.**

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

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

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

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

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

2.5 GROWTH PLAN AMENDMENT (GPA)

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

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

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

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

D. Decision-Maker.

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

2.6 CODE AMENDMENT AND REZONING

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

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

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

B. **Decision-Maker.**

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

2.8 SUBDIVISIONS

B. **Preliminary Plat.**

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

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

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

D. **Construction Plans.**

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

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

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

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

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

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

F. **Guarantees for Public Improvements.**

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

2.10 VACATION OF PLATS

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

2.11 VACATIONS OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS

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

2.12 PLANNED DEVELOPMENT (PD)

D. Final Development Plan (FDP)

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

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

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

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

2.13 CONDITIONAL USE PERMITS (CUPs)

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

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

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

2.14 ANNEXATIONS

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

2.16 VARIANCES

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

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

2.17 REVOCABLE PERMIT

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

2.18 REHEARING AND APPEALS

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

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

2.19 DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIAs)

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

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

D. Maintenance Bond for DIA.

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

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

- ~~2.~~ To guarantee and warrant required improvements which have been addressed by a DIA, the City may require the owner to continue or extend the security, or post new security, in an amount equal to the estimated costs of repair, replacement or warranty work, plus twenty percent (20%).
- ~~3-2.~~ If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least fifty percent (50%) of the cost of the required improvements.

H. Extension of Development Improvements Agreement and Security.

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

2.20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS

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

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

CHAPTER THREE

ZONING

3.2 DIMENSIONAL STANDARDS

Table 3.2
ZONING DISTRICTS DIMENSIONAL STANDARDS

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

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

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

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

FOOTNOTES:

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

E. Setbacks.

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

3.3 RESIDENTIAL ZONING DISTRICTS

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

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

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

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

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

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

J. RMF-24: Residential Multifamily - 24

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

3.4 NONRESIDENTIAL ZONING DISTRICTS

A. RO: Residential Office

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

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

E. C-2: General Commercial

5. **Performance Standards.**

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

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

I. CSR: Community Services and Recreation

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

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

J. M-U: Mixed Use

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial, commercial/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	Non-Residential <u>Nonresidential: 0.50 FAR</u>
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 12 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

3.5 USE/ZONE MATRIX

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

3.8 NONCONFORMING USES/STRUCTURES/SITES

A. Nonconforming Uses.

2. Nonresidential Uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Nonconforming Structures and Sites.

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

CHAPTER FOUR

ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS

4.1 ACCESSORY USES

B. Accessory Structures and Uses Permitted.

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

F. **Storage of Vehicles.**

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

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

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

I. **Outdoor Storage and Display.**

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

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

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

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

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

J. Fences.

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

4.2 SIGN REGULATION

B. Prohibited Signs.

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

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

C. **Exemptions.**

1. The following signs are exempt from all the provisions of this Code, except as otherwise required by construction or safety regulations, or the following requirements:
 - h. **Temporary Signs not advertising a Product or Service.** Products or services offered for sale and not in excess of six (6) square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed ten (10) days.
 - m. **Campaign Signs.** Noncommercial speech signs, such as political signs used for campaigning purposes, shall be allowed for a time period not to exceed sixty (60) days prior to the scheduled primary election and shall be removed no later than ten (10) days after the election date in which the office, issue or ballot question is decided. Signs shall not be placed in any public right-of-way, including medians, except that adjacent property owners may place campaign signs in a landscaped right-of-way area between the sidewalk and curb adjacent to private property. Signs placed on private property shall not obstruct the vision of motorists or pedestrian traffic due to size or location.

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

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

F. **General Requirements.**

2. The following shall apply to the measurement of signs:
 - a. The total surface area of one (1) sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, other than a single or double pole support, shall be counted as part of the sign's surface area.
 - f. The area of a façade sign shall be determined to be the sum of the area of each of the smallest perimeter(s) enclosing the limits of each work and written or graphic representation, including letter(s), number(s),

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

G. **Sign Standards by Zone.**

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

a. **Residential Zones – Types Allowed**

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

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

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

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

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

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

(2) **Types Allowed.**

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

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

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

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

- (A) The sign allowance shall be calculated on the basis of the area of the one (1) building facade that is most nearly parallel to the street that it faces. Each building facade, which faces a dedicated public street, shall have its own separate and distinct sign allowance. The sign allowance for façade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. 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 facade on which it is being placed.
- (B) Two (2) square feet of sign area shall be allowed for each linear foot of building facade for façade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to twelve ~~(12)~~ inches (12") from the face of the building if the base of the sign is at least eight ~~(8)~~ feet (8') above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)
- (C) On any building which allows façade signs, flush wall signs, roof signs, or projecting signs, a maximum of two (2) of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two (2) square feet per linear foot of building may be divided between the two (2) types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

- (8) **Off-Premise (Outdoor Advertising Sign).** Off-Premise signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (General Commercial) and I-1 and I-2 (Industrial) zones, subject to the following conditions:
- (C) **Location.** A sketch, drawn to scale, depicting the size and location of the proposed billboard. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.
- ~~(C)~~(D) Service clubs may be allowed one common off-premise sign, in any zone, adjacent to each major highway, to a maximum of five (5) signs. These signs do not have to comply with (A) and (B) above but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.

4.3 USE-SPECIFIC STANDARDS

M. Superstore/Big Box Development/Shopping Center.

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

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

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

Q. Group Living Facility.

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

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

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

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

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

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

- 10. The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:
 - a. The group living facility has a valid Colorado license, if any is required;
 - b. The group living facility is at least seven hundred and fifty (750) feet (750') from every other group living facility;
 - c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
 - d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
 - e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
 - f. The group living facility complies with the parking requirements of this Code; and
 - g. The maximum number of residents allowed is not exceeded.
- ~~12. A facility shall only be located or operated on a lot or parcel that contains:
 - a. At least five hundred (500) square feet for each person residing in the group living facility, and;
 - b. The Director determines that public facilities and the neighborhood will not be adversely affected by the number of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.~~
- ~~13. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:
 - a. Public and private services such as street, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
 - b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;
 - c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
 - d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. The following proof is provided that:

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

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

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

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

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

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

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

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

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

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

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

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

R. Telecommunication Facilities/Towers.

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

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

S. Transit Shelters and Benches.

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

CHAPTER FIVE

PLANNED DEVELOPMENT (PD)

5.1 PURPOSE

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

CHAPTER SIX

DESIGN & IMPROVEMENT STANDARDS

6.2 INFRASTRUCTURE STANDARDS

A. General.

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

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

B. Streets, Alleys, Trails and Easements.

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

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

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

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

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

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

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

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

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

E. Sanitary Sewer System.

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

F. Storm water Management.

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

6.4 SCHOOL LAND DEDICATION FEE

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

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

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

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

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

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

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

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

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

6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

F. Fences, Walls and Berms.

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

D. Lot Layout and Design.

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

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

6.8 STANDARDS FOR REQUIRED REPORTS, STUDIES AND SPECIAL PLANS

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

6.9 TRANSPORTATION ENGINEERING DESIGN STANDARDS

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

CHAPTER SEVEN SPECIAL REGULATIONS

7.3 AIRPORT ENVIRONS OVERLAY ZONING DISTRICT (AE)

Table 7.3
Airport Land Use Compatibility Standards Matrix

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

CHAPTER EIGHT

ADMINISTRATION & ENFORCEMENT

8.6 CRIMINAL PENALTY

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

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

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

CHAPTER NINE

DEFINITIONS

9.32 TERMS DEFINED

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

BUSINESS RESIDENCE

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

DUPLEX

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

FENCE

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

SIGN

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

SIGN, FACADE

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

SIGN, PORTABLE

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

STRUCTURE

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

TEMPORARY, USE OR STRUCTURE

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

WALL

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

YARD, FRONT

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

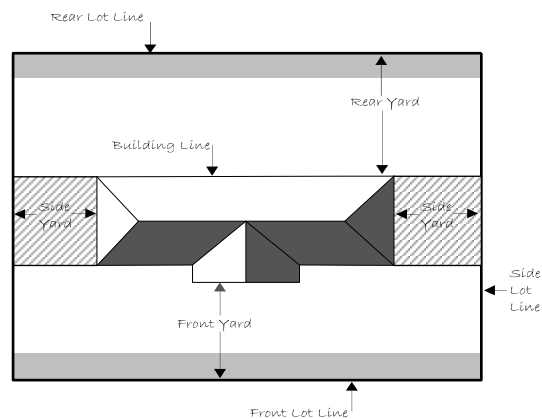


EXHIBIT 9.9

(Exhibit has changed but original does not appear.)

YARD, REAR

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

YARD, SIDE

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

**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 15TH 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 15

Public Hearing – Bellhouse Annexation & Zoning

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Annexation and zoning of the Bellhouse Annexation located at 2381 South San Miguel Drive						
Meeting Date	April 5, 2006						
Date Prepared	March 29, 2006				File #ANX-2005-264		
Author	Lori V. Bowers			Senior Planner			
Presenter Name	Lori V. Bowers			Senior Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	Name
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Acceptance of a petition to annex and consider the annexation and zoning for the Bellhouse Annexation. The Bellhouse Annexation is located at 2381 South San Miguel Drive and consists of 1 parcel on 3.34 acres. The zoning being requested is RSF-2.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

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

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.34 acres of land and is comprised of 1 parcel. 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.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

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

Zone of Annexation: The requested zone of annexation to the RSF-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

STAFF RECOMMENDATION

Staff recommends approval of the RSF-2 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-2 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
February 1, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 14, 2006	Planning Commission considers Zone of Annexation
March 15, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council

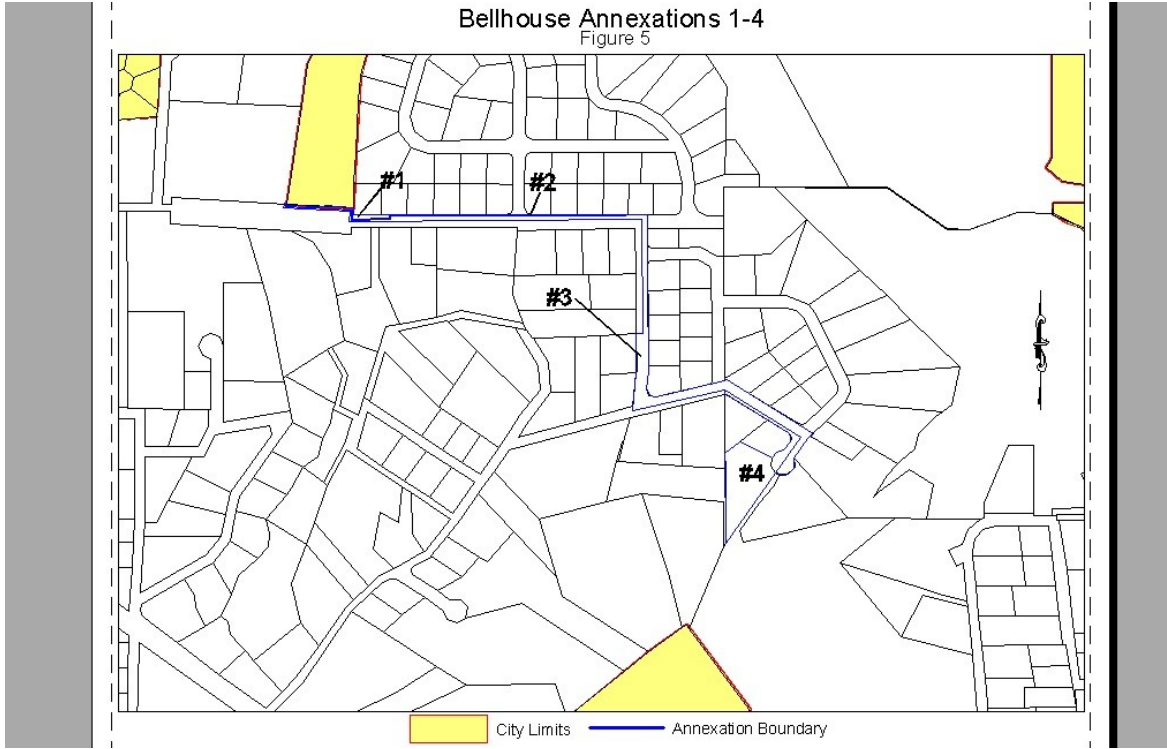
April 5, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 7, 2006	Effective date of Annexation and Zoning

BELLHOUSE ANNEXATION SUMMARY		
File Number:	ANX-2005-264	
Location:	2381 S San Miguel Drive	
Tax ID Number:	2945-171-05-012	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	3.34 acres	
Developable Acres Remaining:	1.04 acres	
Right-of-way in Annexation:	99,371 square feet of E Road, Vallejo Drive and South San Miguel Drive rights-of-way	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-2	
Current Land Use:	Single Family Residential	
Future Land Use:	Single Family Residential	
Values:	Assessed:	= \$14,820
	Actual:	= \$186,160
Address Ranges:	2381 S San Miguel Drive	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Redlands Water & Power
	School:	Mesa Co School District #51
	Pest:	Grand River Mosquito

Site Location Map

2381 S. San Miguel

Bellhouse Annexations 1-4
Figure 5



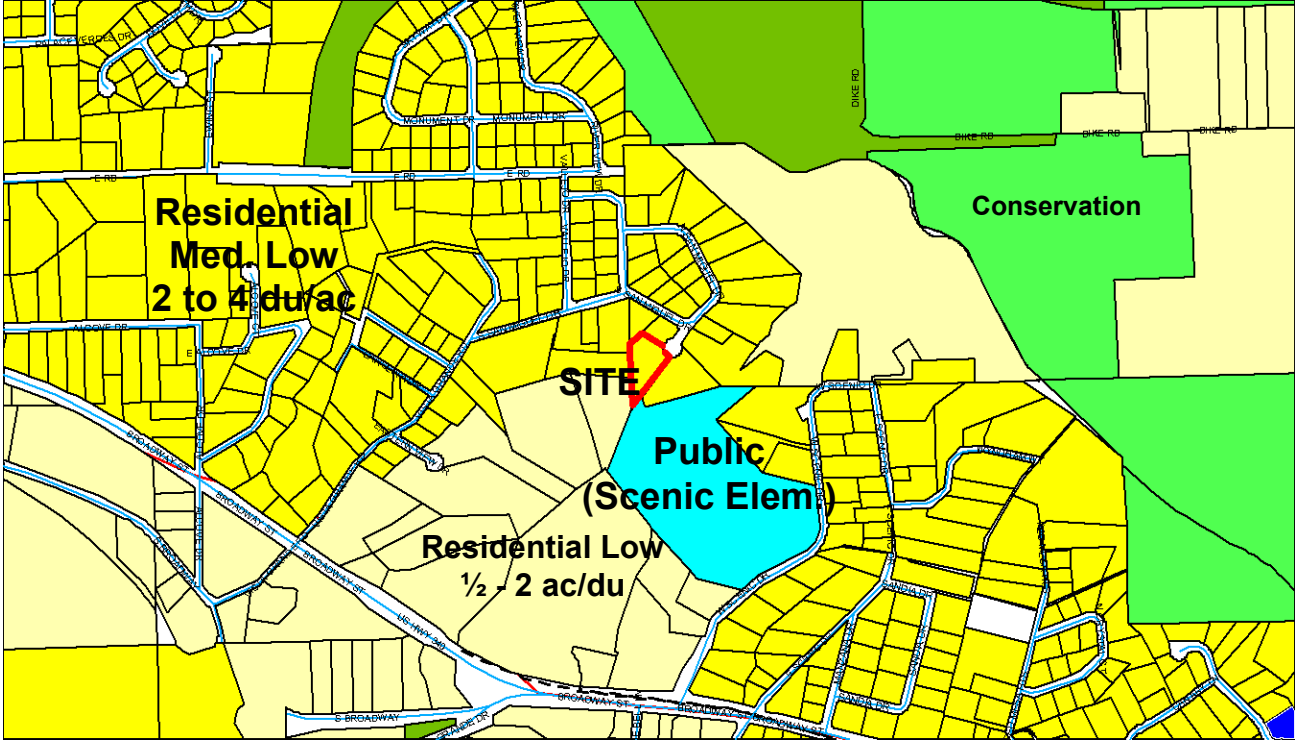
Aerial Photo Map

2381 S. San Miguel



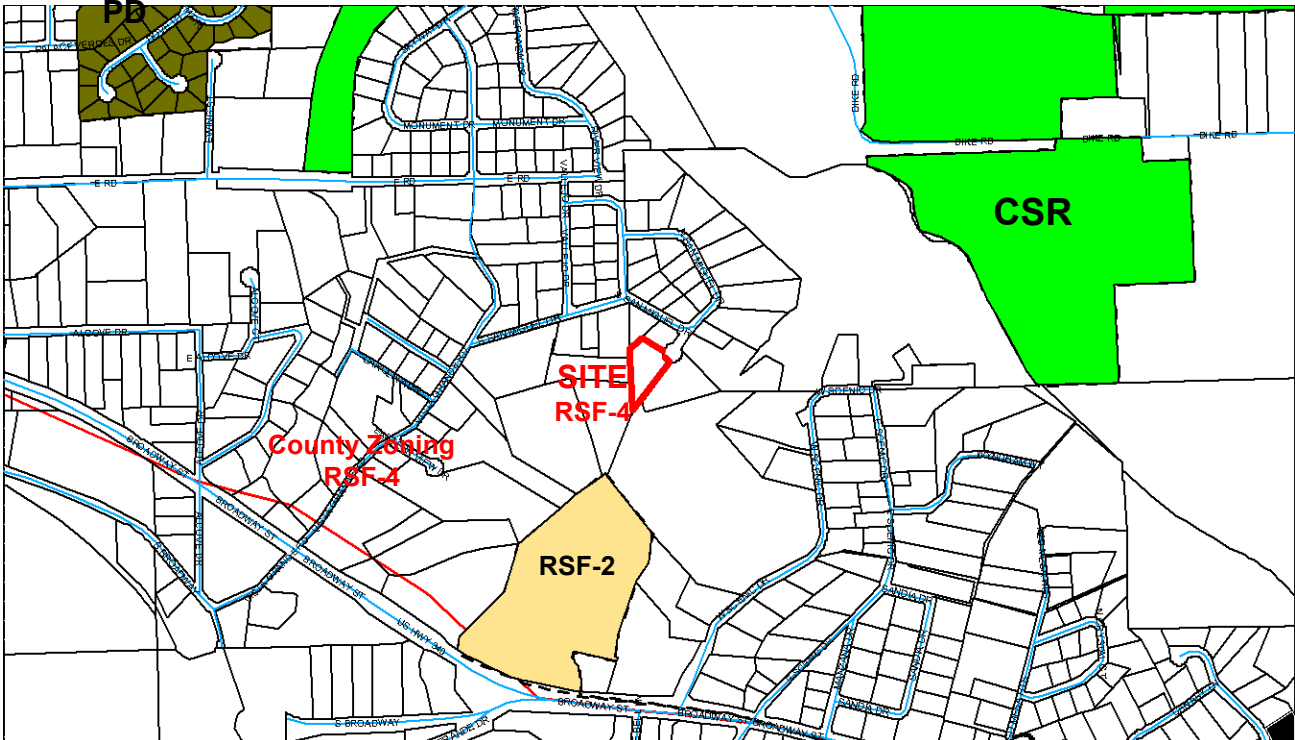
Future Land Use Map

2381 S. San Miguel



Existing City and County Zoning

2381 S. San Miguel



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

BELLHOUSE ANNEXATION

**LOCATED AT 2381 S SAN MIGUEL DRIVE AND INCLUDING PORTIONS OF
THE E ROAD, VALLEJO DRIVE, AND SOUTH SAN MIGUEL DRIVE RIGHTS-
OF-WAY.**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of January, 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:

Bellhouse Annexation No. 1

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 Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W along a line being 15.00 feet South of and parallel with said North right of way a distance of 149.97 feet; thence N00°05'59"W a distance of 37.35 feet; thence N86°48'03"W along a line being 9.65 feet South of and parallel with the North right of way of E Road as recorded in Book 1005, Page 411, of the Mesa County, Colorado public records a distance of 266.21 feet; thence N08°49'04"E a distance of 9.70 feet to the said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 4.67 feet; thence S86°48'03"E a distance of 148.67 feet; thence N09°36'01"E a distance of 4.68 feet to the Southwest corner of Lot 1, Block No. 1 of said Second Amendment Rio Vista Subdivision; thence S86°48'03"E along the South line of said Lot 1 a distance of

115.96 feet to the West line of said Lot 2; thence S00°05'59"E along the West line of said Lot 2 a distance of 31.73 feet to the Point of Beginning.

Said parcel contains 0.10 acres (4,280 square feet), more or less, as described.

Bellhouse Annexation No. 2

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:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet to the Point of Beginning; thence N89°54'02"E continuing along the South line of Second Amendment Rio Vista Subdivision a distance of 940.00 feet; thence S00°05'58"E a distance of 5.00 feet; thence S89°54'02"W along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W a distance of 159.97 feet; thence N00°05'59"W a distance of 37.63 feet; thence N86°48'03"W along a line being 14.65 feet South of and parallel with the North right of way of E Road as described in Book 1005, Page 411 of the Mesa County, Colorado public records a distance of 267.01 feet; thence N08°49'04"E a distance of 14.72 feet to said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 9.70 feet; thence S86°48'03"E along a line being 9.65 feet South of and parallel with said North right of way of E Road a distance of 266.21 feet; thence S00°05'59"E a distance of 37.35 feet; thence N89°54'02"E a distance of 149.97 feet; thence N00°00'00"W a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.16 acres (7,120 square feet), more or less, as described.

Bellhouse Annexation No. 3

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:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second

Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being a point on the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 1085.00 feet to the Point of Beginning; thence N89°54'02"E along the South line of Second Amendment Rio Vista Subdivision a distance of 91.06 feet to a point on the Northerly projection of the East right of way of Vallejo Drive as shown on Vallejo Subdivision recorded in Plat Book 8, Page 90, Mesa County, Colorado public records; thence S00°18'39"E along said line a distance of 637.73 feet; thence S06°06'21"W along said line a distance of 69.26 feet; thence 56.90 feet along the arc of a 30.00 foot radius curve, concave Northeast, having a central angle of 108°39'39" and a chord bearing S49°02'52"E a distance of 48.75 feet to a point on the Northerly right of way of San Miguel Drive as shown on said Vallejo Subdivision; thence N76°37'06"E along the Northerly right of way of said San Miguel Drive and the Northeasterly projection thereof a distance of 281.36 feet to the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17; thence N00°18'19"W along the East line of the NW 1/4 NE 1/4 said Section 17 a distance of 7.55 feet; thence S58°25'00"E along the Southwesterly line of Lots 3, 4, and 5, Block 2 and the Southeasterly projection thereof, as shown on Vallejo Subdivision Second Amendment recorded in Plat Book 9, Page 66, Mesa County, Colorado public records a distance of 414.14 feet to a point on the Northwesterly line of Lot 5, Block 3 of said Vallejo Subdivision Second Amendment; thence S46°05'00"W along the Northwesterly line of said Lot 5, Block 3 a distance of 29.87 feet; thence S35°02'00"W continuing along the Northwesterly line of said Lot 5, Block 3 a distance of 93.48 feet to the Northeast corner of Lot 4, of said Block 3; thence 131.36 feet along the arc of a 50.00 foot radius curve concave Northwest, having a central angle of 150°31'47" and a chord bearing S50°17'53"W a distance of 96.71 feet; thence N35°33'47"E a distance of 186.07 feet; thence N58°25'00"W a distance of 365.37 feet to the East line of the NW 1/4 NE 1/4 said Section 17; thence S76°37'06"W along the centerline of said San Miguel Drive being 50.00 feet in width, a distance of 379.88 feet to a point on the Southerly projection of the West right of way of said Vallejo Drive; thence N06°06'21"E along said line a distance of 152.68 feet; thence N00°18'39"W along said line a distance of 154.75 feet to the Northeast corner of Lot 5, Vallejo West Subdivision recorded in Plat Book 11, Page 115, Mesa County, Colorado public records; thence N87°25'00"E a distance of 25.02 feet to a point on the centerline of said Vallejo Drive, being 50.00 feet in width; thence N00°18'39"W along the centerline of said Vallejo Drive a distance of 454.29 feet; thence S89°54'02"W a distance of 1166.16 feet; thence N00°05'59"W a distance of 42.91 feet; thence S86°48'03"E a distance of 5.01 feet; thence S00°05'59"E a distance of 37.63 feet; thence N89°54'02"E a distance of 159.97 feet; thence N00°00'00"E a distance of 15.00 feet; thence N89°54'02"E along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence N00°05'58"W a distance of 5.00 feet to the Point of Beginning.

Said parcel contains 1.71 acres (74,403 square feet), more or less, as described.

Bellhouse Annexation No. 4

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 9, 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 Northeasterly line of said Lot 3 a distance of 143.72 feet to a point on the Northwesterly right of way of San Miguel Drive; thence along the Northwesterly right of way of San Miguel Drive the following three (3) courses: (1) 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; (2) thence N35°02'00"E a distance of 42.79 feet; (3) 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 to a point on the Southerly right of way of San Miguel Drive; thence N58°25'00"W along the Southerly right of way of San Miguel Drive 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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of February, 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**

BELLHOUSE ANNEXATION #1

APPROXIMATELY 0.10 ACRES

LOCATED WITHIN THE E ROAD RIGHT-OF-WAY

WHEREAS, on the 18th day of January, 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 15th day of February, 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:

BELLHOUSE ANNEXATION #1

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 Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W along a line being 15.00 feet South of and parallel with said North

right of way a distance of 149.97 feet; thence N00°05'59"W a distance of 37.35 feet; thence N86°48'03"W along a line being 9.65 feet South of and parallel with the North right of way of E Road as recorded in Book 1005, Page 411, of the Mesa County, Colorado public records a distance of 266.21 feet; thence N08°49'04"E a distance of 9.70 feet to the said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 4.67 feet; thence S86°48'03"E a distance of 148.67 feet; thence N09°36'01"E a distance of 4.68 feet to the Southwest corner of Lot 1, Block No. 1 of said Second Amendment Rio Vista Subdivision; thence S86°48'03"E along the South line of said Lot 1 a distance of 115.96 feet to the West line of said Lot 2; thence S00°05'59"E along the West line of said Lot 2 a distance of 31.73 feet to the Point of Beginning.

Said parcel contains 0.10 acres (4,280 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 18th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

BELLHOUSE ANNEXATION #2

APPROXIMATELY 0.16 ACRES

LOCATED WITHIN THE E ROAD RIGHT-OF-WAY

WHEREAS, on the 18th day of January, 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 15th day of February, 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:

BELLHOUSE ANNEXATION #2

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:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet to the Point of Beginning; thence N89°54'02"E continuing along the South line of Second Amendment Rio Vista Subdivision a distance of

940.00 feet; thence S00°05'58"E a distance of 5.00 feet; thence S89°54'02"W along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W a distance of 159.97 feet; thence N00°05'59"W a distance of 37.63 feet; thence N86°48'03"W along a line being 14.65 feet South of and parallel with the North right of way of E Road as described in Book 1005, Page 411 of the Mesa County, Colorado public records a distance of 267.01 feet; thence N08°49'04"E a distance of 14.72 feet to said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 9.70 feet; thence S86°48'03"E along a line being 9.65 feet South of and parallel with said North right of way of E Road a distance of 266.21 feet; thence S00°05'59"E a distance of 37.35 feet; thence N89°54'02"E a distance of 149.97 feet; thence N00°00'00"W a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.16 acres (7,120 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 18th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

BELLHOUSE ANNEXATION #3

APPROXIMATELY 1.71 ACRES

**LOCATED WITHIN THE E ROAD, VALLEJO DRIVE, AND SOUTH SAN MIGUEL
DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 18th day of January, 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 15th day of February, 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:

BELLHOUSE ANNEXATION #3

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:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being a point on the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 1085.00 feet to the Point of Beginning; thence

N89°54'02"E along the South line of Second Amendment Rio Vista Subdivision a distance of 91.06 feet to a point on the Northerly projection of the East right of way of Vallejo Drive as shown on Vallejo Subdivision recorded in Plat Book 8, Page 90, Mesa County, Colorado public records; thence S00°18'39"E along said line a distance of 637.73 feet; thence S06°06'21"W along said line a distance of 69.26 feet; thence 56.90 feet along the arc of a 30.00 foot radius curve, concave Northeast, having a central angle of 108°39'39" and a chord bearing S49°02'52"E a distance of 48.75 feet to a point on the Northerly right of way of San Miguel Drive as shown on said Vallejo Subdivision; thence N76°37'06"E along the Northerly right of way of said San Miguel Drive and the Northeasterly projection thereof a distance of 281.36 feet to the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17; thence N00°18'19"W along the East line of the NW 1/4 NE 1/4 said Section 17 a distance of 7.55 feet; thence S58°25'00"E along the Southwesterly line of Lots 3, 4, and 5, Block 2 and the Southeasterly projection thereof, as shown on Vallejo Subdivision Second Amendment recorded in Plat Book 9, Page 66, Mesa County, Colorado public records a distance of 414.14 feet to a point on the Northwesterly line of Lot 5, Block 3 of said Vallejo Subdivision Second Amendment; thence S46°05'00"W along the Northwesterly line of said Lot 5, Block 3 a distance of 29.87 feet; thence S35°02'00"W continuing along the Northwesterly line of said Lot 5, Block 3 a distance of 93.48 feet to the Northeast corner of Lot 4, of said Block 3; thence 131.36 feet along the arc of a 50.00 foot radius curve concave Northwest, having a central angle of 150°31'47" and a chord bearing S50°17'53"W a distance of 96.71 feet; thence N35°33'47"E a distance of 186.07 feet; thence N58°25'00"W a distance of 365.37 feet to the East line of the NW 1/4 NE 1/4 said Section 17; thence S76°37'06"W along the centerline of said San Miguel Drive being 50.00 feet in width, a distance of 379.88 feet to a point on the Southerly projection of the West right of way of said Vallejo Drive; thence N06°06'21"E along said line a distance of 152.68 feet; thence N00°18'39"W along said line a distance of 154.75 feet to the Northeast corner of Lot 5, Vallejo West Subdivision recorded in Plat Book 11, Page 115, Mesa County, Colorado public records; thence N87°25'00"E a distance of 25.02 feet to a point on the centerline of said Vallejo Drive, being 50.00 feet in width; thence N00°18'39"W along the centerline of said Vallejo Drive a distance of 454.29 feet; thence S89°54'02"W a distance of 1166.16 feet; thence N00°05'59"W a distance of 42.91 feet; thence S86°48'03"E a distance of 5.01 feet; thence S00°05'59"E a distance of 37.63 feet; thence N89°54'02"E a distance of 159.97 feet; thence N00°00'00"E a distance of 15.00 feet; thence N89°54'02"E along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence N00°05'58"W a distance of 5.00 feet to the Point of Beginning.

Said parcel contains 1.71 acres (74,403 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 18th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

BELLHOUSE ANNEXATION #4

APPROXIMATELY 1.37 ACRES

**LOCATED AT 2381 S SAN MIGUEL DRIVE AND INCLUDING PORTIONS OF
SOUTH SAN MIGUEL DRIVE**

WHEREAS, on the 18th day of January, 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 15th day of February, 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:

BELLHOUSE ANNEXATION #4

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 9, 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 Northeasterly line of said Lot 3 a distance of 143.72 feet to a point on the Northwesternly right of way of San Miguel Drive; thence along the Northwesternly right of way of San Miguel Drive the following three (3) courses: (1) 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; (2) thence N35°02'00"E a distance of 42.79 feet; (3) 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 to a point on the Southerly right of way of San Miguel Drive; thence N58°25'00"W along the Southerly right of way of San Miguel Drive 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.

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

INTRODUCED on first reading on the 18th day of January, 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 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 9, 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 Northeasterly line of said Lot 3 a distance of 143.72 feet to a point on the Northwesterly right of way of San Miguel Drive; thence along the Northwesterly right of way of San Miguel Drive the following three (3) courses: (1) 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; (2) thence N35°02'00"E a distance of 42.79 feet; (3) 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 to a point on the Southerly right of way of San Miguel Drive; thence N58°25'00"W along the Southerly right of way of San Miguel Drive 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 1st day of February, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 16

Public Hearing – Van Gundy North ROW Vacation and Rezone

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject		Van Gundy North Rezone and Right-of-Way Vacation				
Meeting Date		April 5, 2006				
Date Prepared		March 27, 2006			File RZ-2006-022	
Author		Kristen Ashbeck		Senior Planner		
Presenter Name		Kristen Ashbeck		Senior Planner		
Report results back to Council		X	No		Yes	When
Citizen Presentation		X	Yes		No	Name Jim Shanks, Riverside Parkway
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5th Street and South 7th Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5th 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: Public hearing for consideration of 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
- Planning Commission Minutes
- Proposed Van Gundy North Subdivision
- Proposed Riverside Parkway Alignment
- Proposed Rezone Ordinance
- Proposed Vacation Ordinance

BACKGROUND INFORMATION					
Location:		South of 4 th Avenue between 5 th and 7 th Streets			
Applicants:		Owners: City of Grand Junction and Sterling Corporation Developer: City of Grand Junction Representative: Jim Shanks, Riverside Parkway			
Existing Land Use:		Salvage yard, warehouse and vacant			
Proposed Land Use:		Industrial			
Surrounding Land Use:	North	Railroad Operations			
	South	Future ROW for Riverside Parkway			
	East	Industrial – Warehouse			
	West	US Highway 50 and Future ROW for Riverside Parkway			
Existing Zoning:		General Commercial (C-2)			
Proposed Zoning:		Light Industrial (I-1)			
Surrounding Zoning:	North	I-1			
	South	C-2			
	East	C-2			
	West	C-2			
Growth Plan Designation:		Commercial/Industrial			
Zoning within density range?		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 5th Street and South 7th Street (approximately lines up with 6th 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 5th Street and South 7th 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.

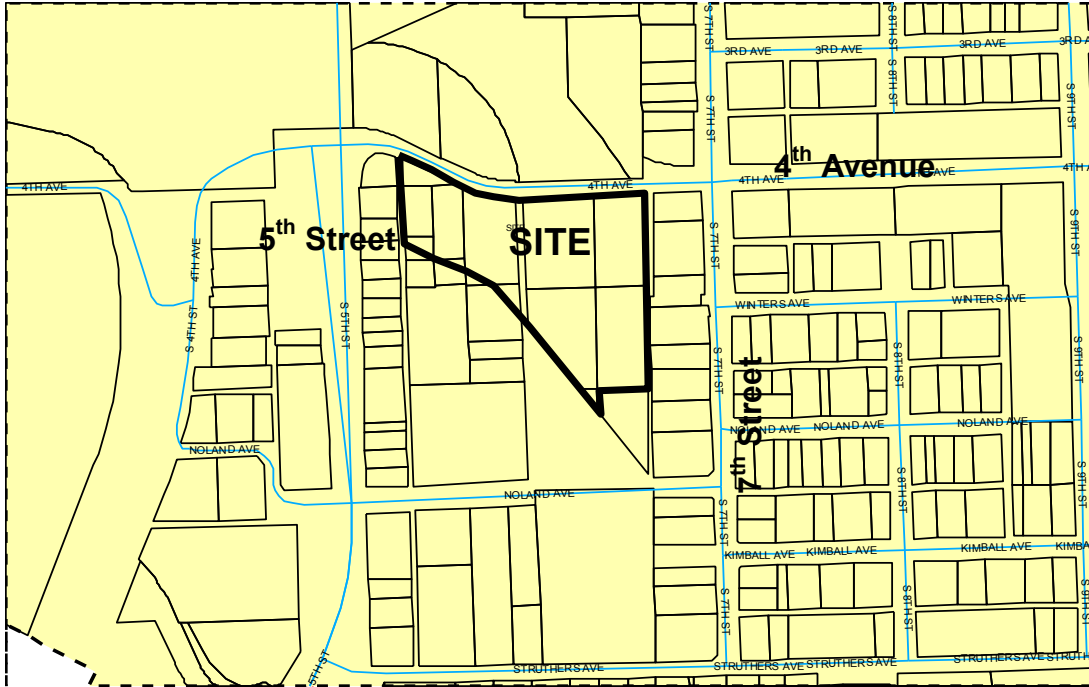
The alley that is being requested to be vacated is not developed as an alley for vehicular traffic. It contains a rail spur that travels into the properties on the south side of 4th Avenue. The only property that uses the spur is the salvage yard and will continue to be used for that use once the alley 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 heard 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, Planning Commission recommended approval of both the rezone and the vacation with the following findings of fact and conclusions subject to the condition that the vacation not be effective unless and until a Simple Subdivision Plat is recorded that dedicates a 20-foot sewer easement to the City within the vacated right-of-way:

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.

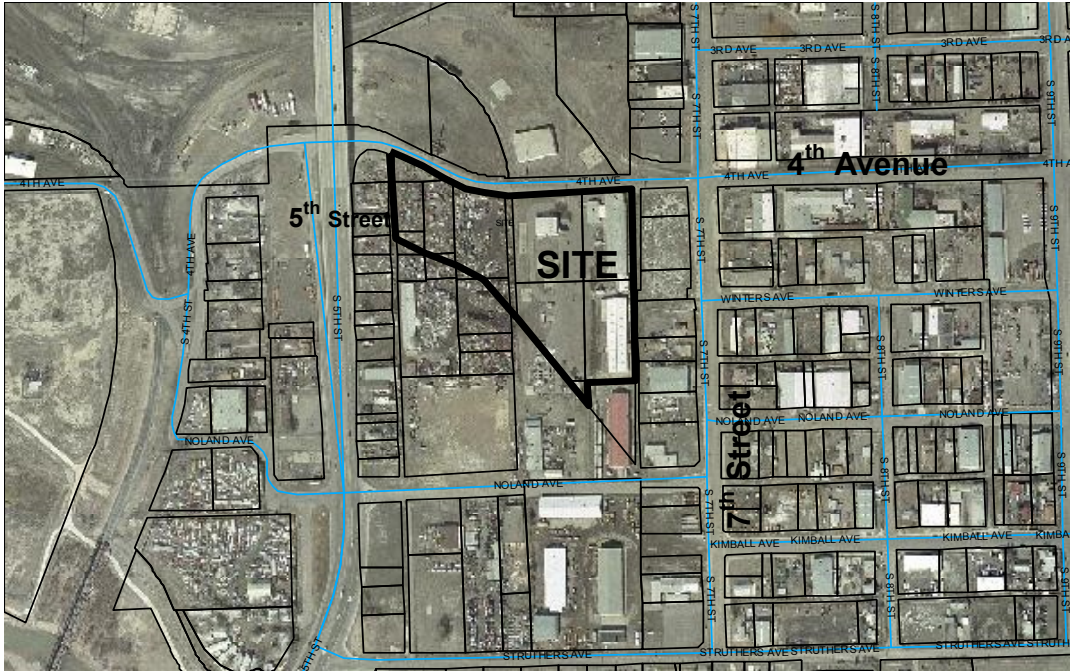
Site Location Map

Figure 1



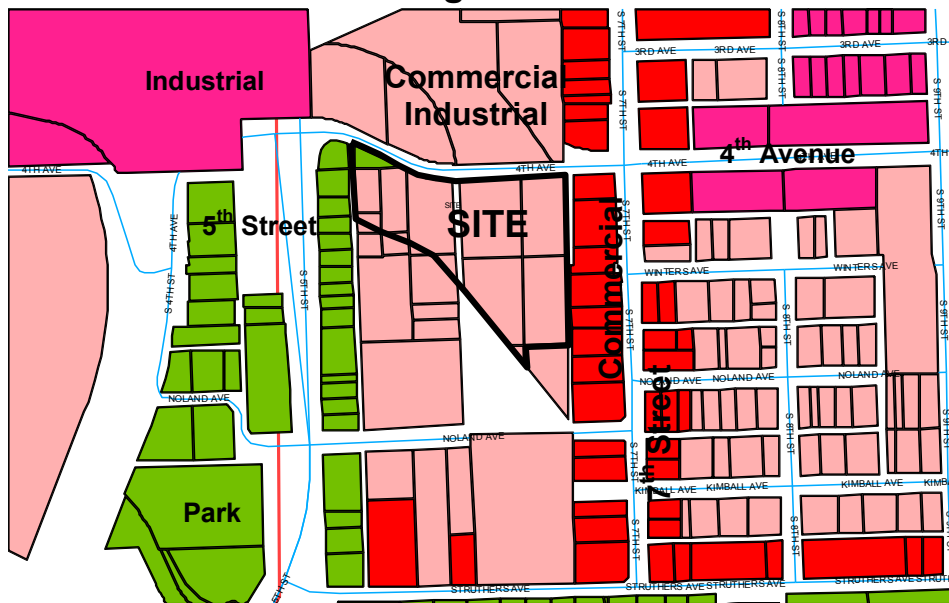
Aerial Photo Map

Figure 2



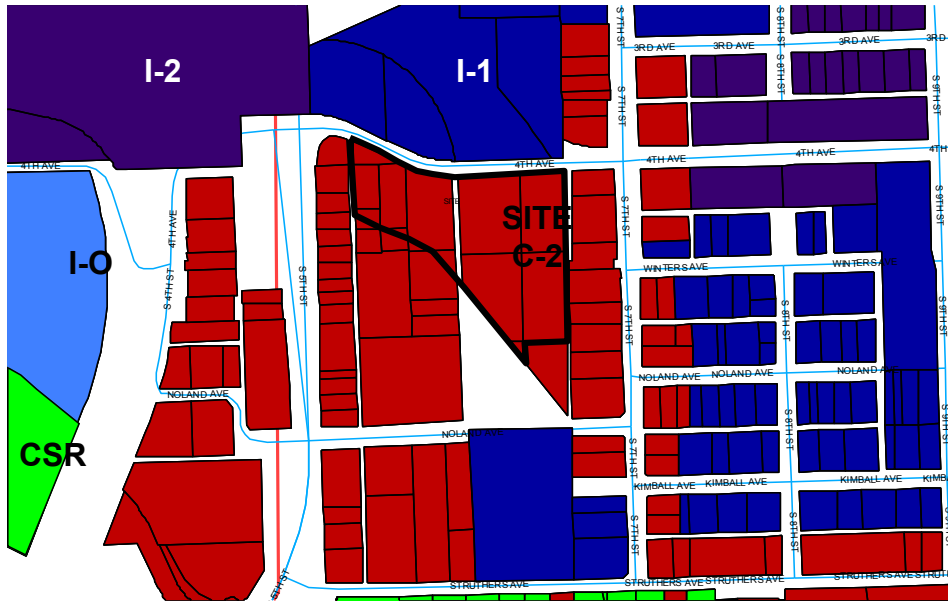
Future Land Use Map

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."



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

RZ-2006-022 REZONE & RIGHT-OF-WAY VACATION--VAN GUNDY NORTH

A request for approval to 1) rezone 5.1 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district in the vicinity of 1018 South 5th Street, and 2) vacation of the north/south alley right-of-way south of 4th Avenue between 5th and 7th Streets.

Petitioner: Jim Shanks, City of Grand Junction

Location: South of 4th Avenue between 5th and 7th Streets

STAFF'S PRESENTATION

Dave Thornton gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) proposed rezone/subdivision area map; 6) proposed alley vacation summary; 7) Riverside Parkway/Lower Downtown Area Map; and 8) findings and conclusions.

The 5.1-acre site was comprised of 12 individual lots. Van Gundy's salvage yard could move onto the site if approval of the rezone and approval of a Conditional Use Permit (not part of the current submittal) was granted. Relocation of the business would facilitate construction of the Riverside Parkway, proposed to extend from 24 Road on the west to 29 Road on the east. The existing alleyway was 17 feet wide and contained a rail spur. The vacation request proposed eliminating the right-of-way since it was not needed and overlaying that area with a 20-foot-wide easement. The easement would accommodate both the sewer line and existing rail spur.

Mr. Thornton said that the only two requests before the Planning Commission for consideration were the rezone and alley vacation. Planning commissioners were asked to consider the range of uses allowed within the proposed I-1 zone district. He recalled how the area had been previously zoned I-2, and most of the uses within the subject area had historically been industrial. Van Gundy's salvage yard was partially located on the site. In 2000, and in anticipation of future development, the Future Land Use Map had been changed to reflect a C-2 zone district. However, with approval of the Riverside Parkway bond in 2003, the direction of that area's development had changed. There were very few rail spurs in the Grand Junction area, and because they were so expensive to construct, it was unlikely that new ones would be built anytime soon. As such, the existing rail spur would remain to serve as a community benefit. But while used often in conjunction with industrial uses, they were seldom used by commercial businesses. The I-1 zone district was more closely aligned with the area's existing infrastructure.

Having determined that both requests met Code criteria, approval of both the rezone and vacation requests was recommended.

QUESTIONS

Commissioner Cole asked if the rail spur was located entirely within the alley right-of-way, to which Mr. Thornton replied affirmatively.

Commissioner Putnam asked if the I-1 zone permitted outdoor storage, to which Mr. Thornton again answered affirmatively.

Chairman Dibble asked staff to list the type of uses that would be permitted within an I-1 zone. Mr. Thornton read this information into the record from the Code's Use/Zone Matrix.

Commissioner Putnam asked where the beginning of the Riverside Parkway's northbound overpass entrance would be located. Mr. Thornton referenced the Riverside Parkway/Lower Downtown Area Map but felt that Mr. Shanks could better answer the question.

Commissioner Putnam noted that the staff report had twice mentioned that the proposed use of the property would be the new location of the Van Gundy salvage yard, which would be moved from its present location to the proposed site. He asked for clarification on the salvage yard's current and proposed locations, which was provided.

Commissioner Cole observed that the northwest corner of the proposed site was currently comprised, in part, of Van Gundy's salvage yard. Mr. Thornton confirmed the commissioner's observation but added that until the Conditional Use Application was submitted along with a revised site plan, it was unclear at this point just where the business would ultimately be located.

Commissioner Lowrey noted receipt of a letter received from the Downtown Development Authority (DDA) suggesting that the proposed I-1 zone may not be compatible with the goals and long-term uses contemplated for the area in the City's Master Plan. Mr. Thornton said that the City had been looking to undertake and complete a South Downtown plan for years; however, such a plan could not be completed until the status of the Riverside Parkway project was known. The Growth Plan showed the area to be Commercial/Industrial. The property owners were not asking for a Growth Plan Amendment, so no change to the City's Master Plan was being proposed. The currently proposed industrial zone district would remain consistent with Growth Plan recommendations.

PETITIONER'S PRESENTATION

Jim Shanks, program manager for the Riverside Parkway project and the City's engineering director, said that he represented the property owners involved in the current request. He noted the location of a piece of property adjoining the site presently owned by the City. He provided a brief history and said that industrial uses had been situated there since at least 1929. The rail spur was located at approximately the 6th Street alignment. It would remain within a 20-foot-wide easement that would be rededicated in conjunction with the alley's vacation. He reiterated that while the right-of-way itself was not needed, the easement would accommodate the City's sewer line. In talking with railroad representatives, they were concerned about traffic to and from individual rail spurs interfering with coal traffic. Since that traffic was expected to increase over the next few years, the railroad was reluctant to construct new spurs.

Mr. Shanks reiterated that the request was consistent with Growth Plan recommendations. He pointed out that there were many I-2 uses in the area. Access to the site would be via 4th Avenue, which would dead-end in a cul-de-sac at the proposed site. The Riverside Parkway, he said, would limit accessibility to the property. Referencing the Riverside Parkway/Lower Downtown Area Map, he clarified design plans for the Riverside Parkway, its location, and circulation pattern. Approaching the downtown area via Highway 50, motorists would see a large embankment with landscaping planted on the interiors of all loops. A screen wall would be installed on the north side of the Parkway just west of 7th Street. It would fit in well with the aesthetics planned for the intersection. Plans included installing and lining a new sewer line underneath the Parkway.

QUESTIONS

Commissioner Putnam asked for confirmation that the City owned the property directly to the west of the adjacent site, which was given.

Commissioner Pitts asked if there were plans to reconfigure 7th Street to accommodate access to the proposed site. Mr. Shanks noted the location of 7th Street in relation to the proposed site and said that there were no plans to reconfigure it.

Commissioner Lowrey wondered why the City would want to vacate the alley when plans were to leave the rail spur intact. Mr. Shanks said that the alley itself was not needed; it didn't go anywhere. Vacating the right-of-way would relieve the City of any future maintenance. A 20-foot-wide easement would replace the 17-foot-wide right-of-way and sufficiently accommodate both the rail spur and sewer line. When asked if there were various property owners currently located on either side of the rail spur, Mr. Shanks replied affirmatively.

Commissioner Lowrey asked for the rationale behind construction of the Parkway's retaining wall. Mr. Shanks said that the retaining wall would contribute to the project's overall visual aesthetics.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Karen Vogel (no address given), representing the DDA, came forward and referenced the letter she'd submitted previously. She just questioned whether rezoning the area should occur without the benefit of a downtown area Master Plan. She expressed support for the relocation of the salvage yard, stating that doing so would significantly improve the aesthetics of that southern entrance into the City. The salvage yard provided a necessary service to the community, and she felt that the I-1 zone was probably a "necessary evil." The DDA was ready to see the request move on to the CUP review stage.

Commissioner Lowrey remarked that a 6-foot-high retaining wall would screen the industrial use from view. If it was so objectionable, why propose an industrial zone for the site? That seemed to him to be "self-defeating." Chairman Dibble felt that the question could be better answered by staff.

Denny Wynne (732 Winters Avenue, Grand Junction) said that while not opposed to the current request, he would like to see fencing installed to screen the site from his property.

PETITIONER'S REBUTTAL

Mr. Shanks offered no additional testimony.

DISCUSSION

Commissioner Wall noted that when the City rezoned the property in 2000 to C-2 they'd had good intentions, but the zone was inconsistent with the uses in place at the time. Returning to an I-1 zone was more consistent with those existing uses. He agreed that Van Gundy's provided a valuable community service, and he expressed support for both the rezone and vacation requests.

Commissioner Pitts concurred, adding that the I-1 zone conformed more closely to the uses already there.

Commissioner Pavelka-Zarkesh said that given the impending construction of the Riverside Parkway, the existing industrial uses, and the presence of the rail spur, she agreed that the I-1 zone made the most sense.

Commissioner Cole said that he'd originally been opposed to the request. However, after listening to the testimony presented, he also agreed that the I-1 zone made sense. The details of the site, including the uses to be located there, would be better discussed during CUP review. He noted that the City had done a lot with the Parkway's design to mitigate any negative effects from the uses in that area. He agreed that it was important to improve the aesthetics of entrances into the City. The blanket rezoning of the area in 2000 had not been appropriate. Governments needed to consider existing uses when contemplating an area-wide rezone.

Commissioner Putnam agreed.

Commissioner Lowrey disagreed with staff's recommendation and thought that the DDA had made some good points. Contending that Grand Junction could have a better future, he didn't feel he could support either request.

Chairman Dibble expressed support for both the rezone and vacation request.

MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2006-022, the request for approval of a rezone from C-2 to I-1 for the Van Gundy North project, I move that the Planning Commission recommend approval to the City Council with the findings of fact and conclusions listed in the staff report."

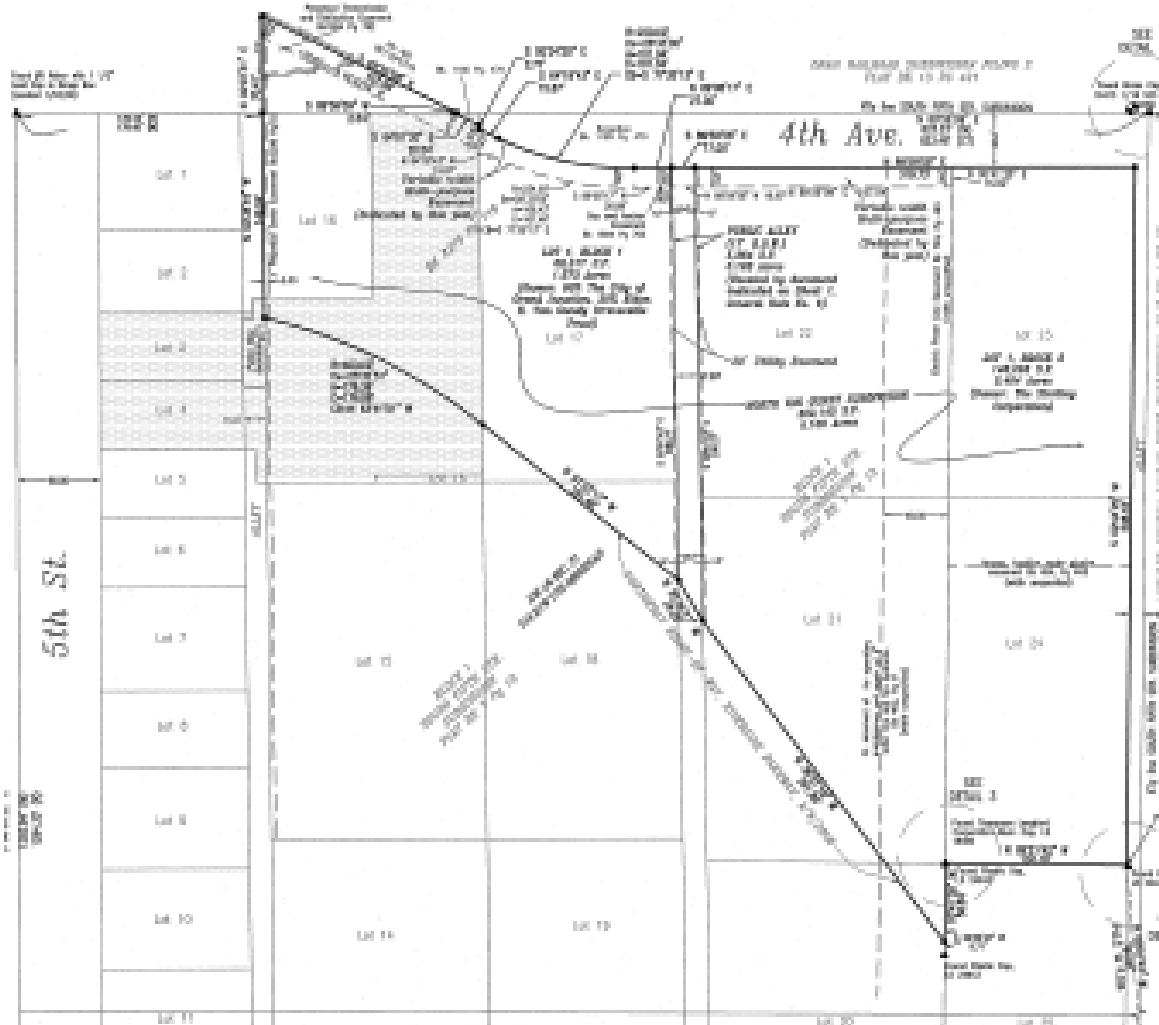
Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2006-022, the request for approval of vacation of an alley right-of-way within the Van Gundy North project, I move that the Planning Commission recommend approval to the City Council with the findings of fact and conclusions listed in the staff report subject to the condition that the vacation not be effective unless and until a Simple Subdivision Plat is recorded that dedicates a sewer easement to the City within the vacated right-of-way."

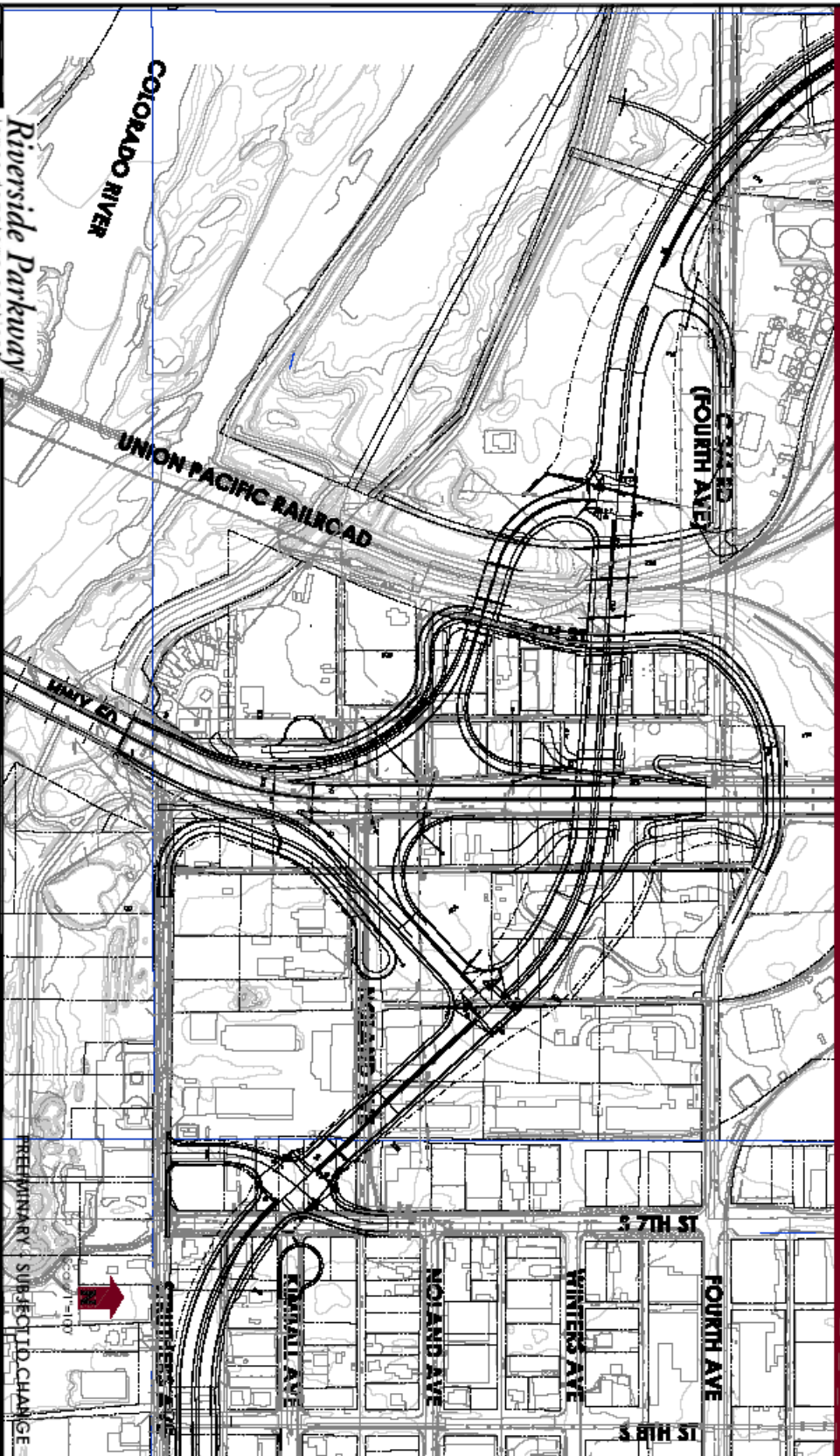
Commissioner Pitts seconded the motion. Commissioner Lowrey felt that the City should hold onto the alley right-of-way in case it was ever needed. If the railroad ever removed its rail spur, the alley right-of-way could be a valuable asset. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

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 $\frac{1}{4}$ OF
1S, 11W, UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



Riverside Parkway Layout - Lower Downtown



Riverside Parkway
lower downtown section

CITY OF GRAND JUNCTION
Ordinance No. _____
AN ORDINANCE VACATING RIGHT-OF-WAY FOR AN ALLEYWAY
IN THE VICINITY OF 1018 SOUTH 5th STREET SOUTH OF 4th AVENUE
BETWEEN 5th and 7th 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 subject to the condition that the vacation not be effective unless and until a Simple Subdivision Plat is recorded that dedicates a sewer easement to the City within the vacated right-of-way.

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 4th 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.

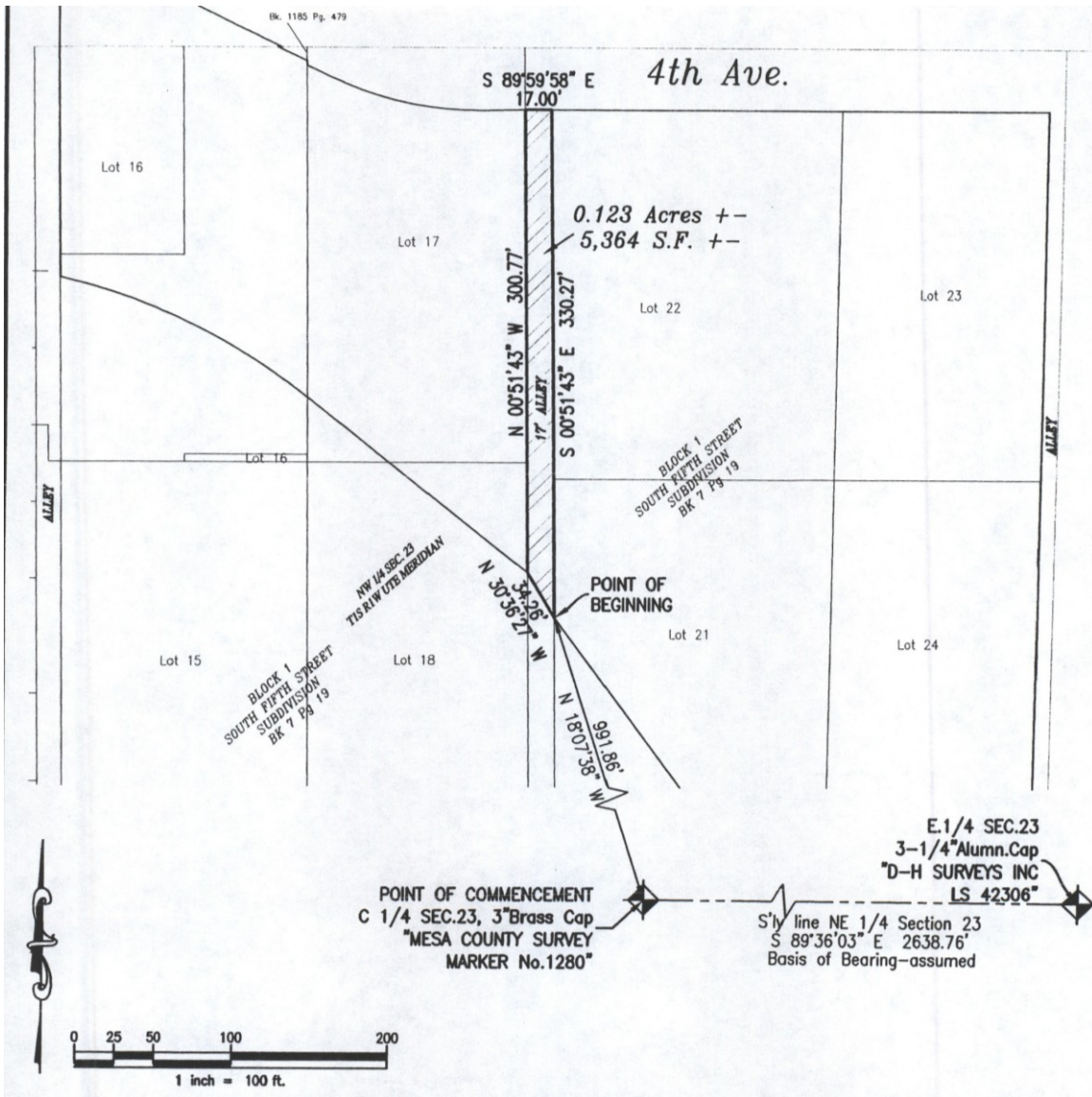
Introduced on first reading this 15th day of March, 2006 and ordered published.

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

ATTEST:

City Clerk

President of Council



ALLEY VACATION EXHIBIT

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. ____

AN ORDINANCE REZONING PROPERTY IN THE VICINITY OF 1018 SOUTH 5th STREET SOUTH OF 4th AVENUE BETWEEN 5th and 7th 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 5th Street and South 7th 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 15th day of March, 2006 and ordered published.

PASSED on this ____ day of _____, 2006.

ATTEST:

City Clerk

President of Council

Attach 17

Public Hearing – Chipeta Heights Annexation and Zoning Located at 203 and 221 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Annexation and zoning of the Chipeta Heights Annexation located at 203 and 221 29 Road					
Meeting Date	April 5, 2006					
Date Prepared	March 30, 2006			File #ANX-2006-008		
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: Acceptance of a petition to annex and consider the annexation and zoning for the Chipeta Heights Annexation. The Chipeta Heights Annexation is located at 203 and 221 29 Road and consists of 2 parcels on 16.48 acres. The zoning being requested is RSF-4.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

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

Staff Analysis:

ANNEXATION:

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

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;

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

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 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.

- 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.

The following annexation and zoning schedule is being proposed.

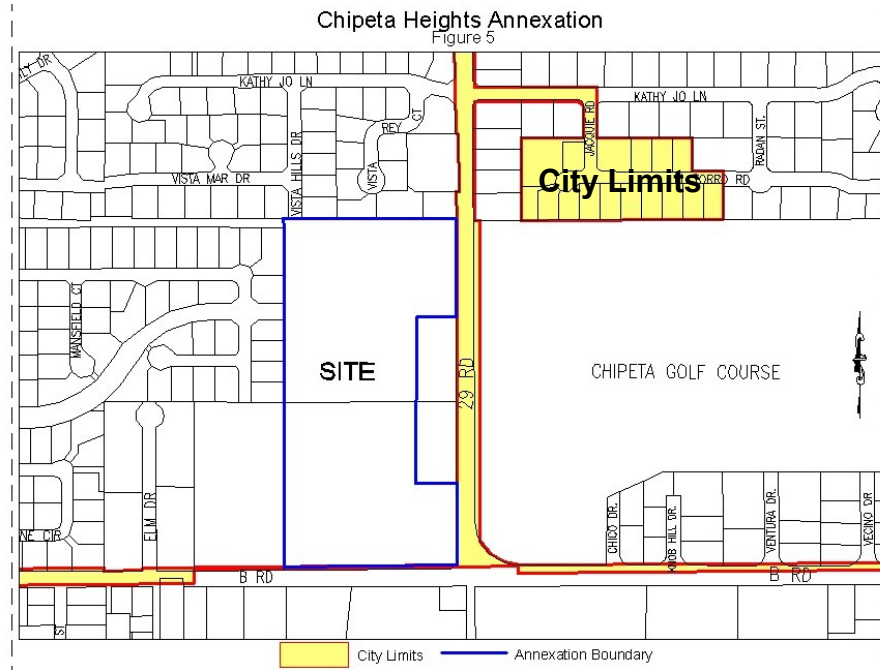
<i>ANNEXATION SCHEDULE</i>	
February 15, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 28, 2006	Planning Commission considers Zone of Annexation
March 15, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
April 5, 2006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

CHIPETA HEIGHTS ANNEXATION SUMMARY

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

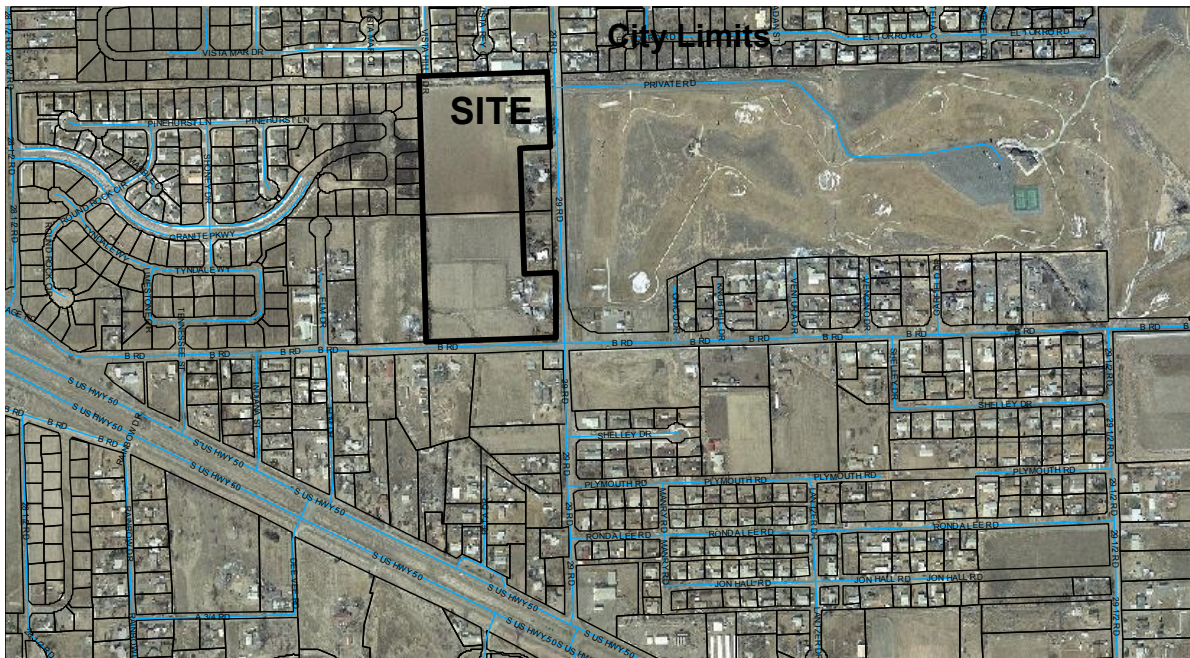
Site Location Map

Figure 1



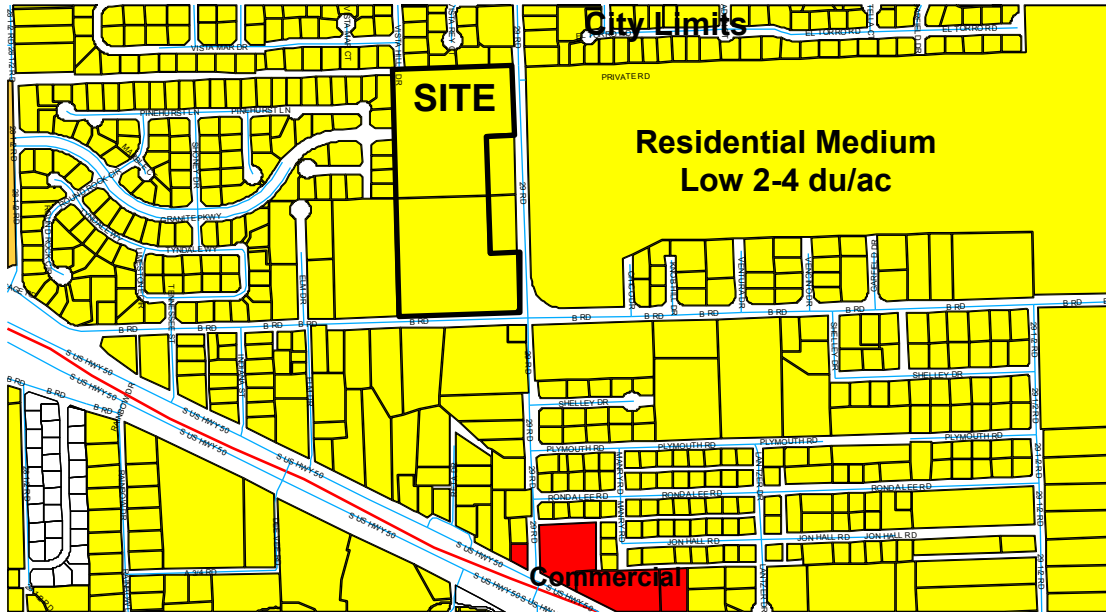
Aerial Photo Map

Figure 2



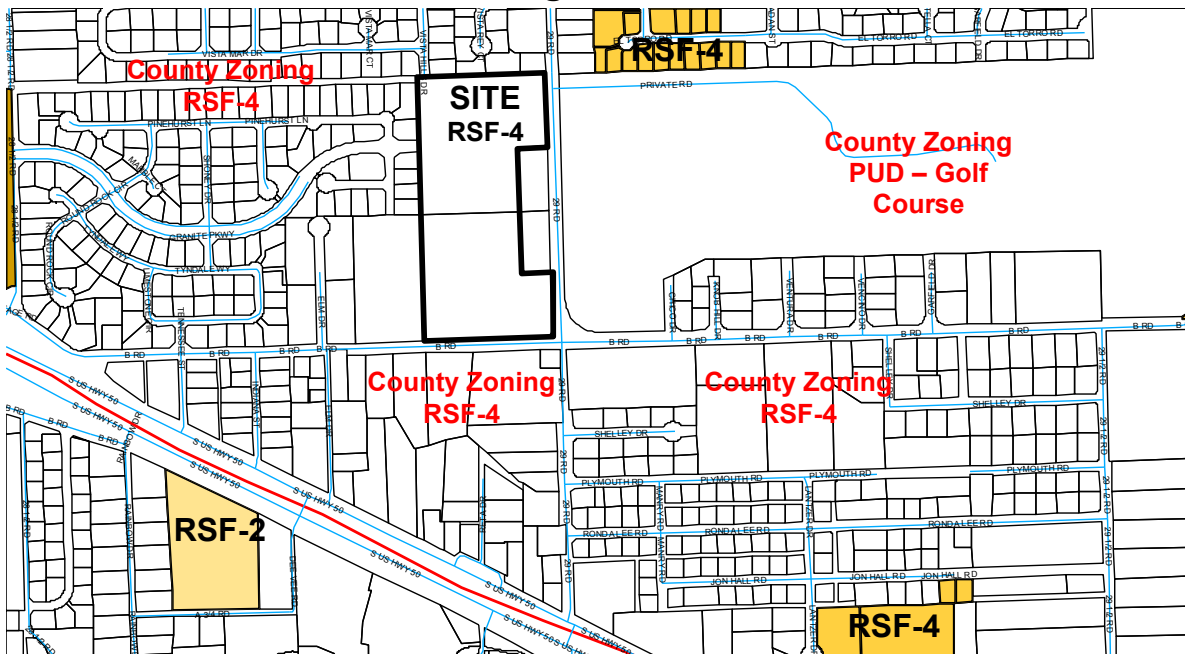
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

CHIPETA HEIGHTS ANNEXATION

LOCATED AT 203 AND 221 29 ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 15th 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:

CHIPETA HEIGHTS ANNEXATION

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

Commencing at the Northeast corner of the SE 1/4 SE 1/4 of said Section 30 and assuming the East line of the SE 1/4 SE 1/4 of said Section 30 to bear S00°10'38"E with all bearings contained herein relative thereto, thence N89°58'28"W along the North line of the SE 1/4 SE 1/4 of said Section 30 a distance of 30.00 feet to a point on the Westerly right of way of 29 Road as described in Book 3628, Page 471 of the Mesa County, Colorado public records, being the Point of Beginning; thence S00°10'38"E along said Westerly right of way of 29 Road a distance of 367.46 feet; thence S89°57'41"W a distance of 146.70 feet; thence S00°06'38"E a distance of 600.00 feet; thence N89°57'41"E a distance of 147.40 feet to a point on the Westerly right of way as described in Book 3580, Page 799 of the Mesa County, Colorado public records; thence S00°10'38"E along said Westerly right of way a distance of 313.50 feet to a point on the Easterly projection on the Northerly right of way of B Road as described in Book 894, Page 202, of the Mesa County, Colorado public records; thence S89°57'46"W along said right of way line of B Road a distance of 629.35 feet to the Southwest corner of Lot 32, of The Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as recorded in Plat Book 1, Page 26, of the Mesa County, Colorado public records; thence N00°06'25"W along the Westerly line of Lot 32 and Lot 25 of said Grand Junction Orchard Mesa Land Company's Orchard Subdivision a distance of 1282.54 feet to the Northwest Corner of said Lot 25; thence S89°58'28"E

along the Northerly line of said Lot 25 a distance of 627.81 feet to the Point of Beginning.

Said parcel contains 16.48 acres (717,739 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of February, 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**

CHIPETA HEIGHTS ANNEXATION

APPROXIMATELY 16.48 ACRES

LOCATED AT 203 AND 221 29 ROAD

WHEREAS, on the 15th day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of April, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

CHIPETA HEIGHTS ANNEXATION

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

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

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

Said parcel contains 16.48 acres (717,739 square feet), more or less, as described.

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

INTRODUCED on first reading on the 15th 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 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 15th day of March, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 18

Creation of Avalon Theatre Advisory Committee

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Avalon Theatre Advisory Committee					
Meeting Date	April 5, 2006					
Date Prepared	March 28, 2006				File #	
Author	Joe Stevens			Parks & Recreation Director		
Presenter Name	David Varley			Assistant City Manager		
Report results back to Council		No	X	Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: In January of this year, a workshop was held between City Council, City Staff and other stakeholder interests regarding the Avalon Theatre. The purpose of the workshop was to establish common direction and to gauge the level of support for the Avalon's existence, operations, and management strategies going forward. General discussion revealed that overall support of the Avalon's existence and general purpose and service to the community was strong. However, many expressed concerns about the lack of funds available for needed capital improvements. Such improvements will be necessary to support core functional purposes of the Avalon Theater, including, but not limited to, 1) life/safety issues, 2) operational upgrades, 3) creature comforts, and 4) other accruements. In recent years, funds to facilitate improvements have been spartan or non-existent. Subsequent fundraising efforts have been insufficient to address major capital improvements. After further discussion about possible solutions to funding issues while maintaining the "historic" preservation of the Avalon's purpose and direction, The City Council recommended the formation of an Avalon Advisory Committee (ATAC). The ATAC's primary role would be to focus on and help prioritize and identify capital funding sources and to make general operational and programming recommendations for the Avalon Theatre. The committee will operate under City Council's authority. The ATCC will report back to Council periodically on their progress in key areas of responsibility, and will advise and make recommendations to the City on Avalon Theatre improvements.

Budget:

Action Requested/Recommendation: It is recommended that City Council adopt resolution creating the Avalon Theatre Advisory Committee (ATAC).

Attachments: A resolution creating the Avalon Theatre Advisory Committee

Background Information: Together with the cooperation of the City, community stakeholders and key theatre user groups, the Avalon Advisory Committee shall exist to preserve, enhance and further the functional, aesthetic and cultural value of The Avalon Theatre and related operations in a financially responsible manner. The committee is initially best served by appointing several key stakeholders of The Avalon. This representation should be complimented by individuals whose disciplines can help determine the mission and goals of the Theatre. It is recommended that the initial seven (7) member committee structure and composition be appointed as follows:

- One member appointed by the Downtown Development Authority and confirmed by City Council
- One member appointed by the Avalon Foundation Board, Inc. and confirmed by City Council
- One member appointed by the Cinema At The Avalon Board and confirmed by City Council
- Four at large members to be confirmed by City Council with at least one member representing one or more of the following desirable disciplines to the satisfaction of a majority of the City Council:

Marketing/Business Management/Tourism/Event Management – This member should exhibit marketing creativity, have a strong business operations sense, understand the concept and value of tourism to Grand Junction and most importantly, have an understanding of event promotions/management, possibly a representative of Sandstone Entertainment or VCB staff or board.

Fund Raising/Capital Improvement Management/Grant Writing – This member will have a thorough knowledge of fundraising strategy and execution. He/she will understand capital improvement project management and be familiar with capital improvement logistics. He/she will also understand the value of grant writing with the knowledge to tap this fund raising resource.

Arts Community/Historic Preservation/Cultural Influences – This member should be involved with and be an advocate of the arts community, as well as be in tune with historic issues and values. He/she will have connections in cultural circles; keeping in touch with the opinions and values of such influences.

Citizen/Avalon Patron – This individual shall represent the citizens of the City and preferably be a patron of the Avalon/represent a consumer of Avalon Theatre services.

Total representation will be seven (7) members with the ACC selecting a Chair and a Vice-Chair to serve a one (1) year team beginning July 1, 2006 and ending on June 30, 2007. The Chair and Vice-Chair may serve more than one (1) year terms in office, subject to annual confirmation by a majority of sitting committee members. Initially, two (2) appointees will serve a one year term, two (2) appointees will serve two year terms, and three (3) appointees will serve three year terms. The City Council will determine (by blind draw) who will serve which staggered term. All ACC members may serve two terms or a total not to exceed six (6) years. The ACC will on or before March 30 of each year, submit an annual written report to the City Council documenting fund raising efforts and recommended capital improvement projects for the Avalon Theatre that the ACC is or would like authorization to pursue. Unless reauthorized by City Council, the ACC will sunset and cease to exist on June 30, 2012.

The Director of Parks & Recreation or his/her designee will serve as an Ex-officio representative to the committee and shall be responsible for record keeping. Representatives supported by the Avalon Foundation of the Downtown Development Authority, and Cinema at the Avalon will provide written and oral updates on fund raising activities, contemplated usage, and areas of concentration or interest at regular meetings of the ACC and will report regularly to the body from which he/she was appointed.

A RESOLUTION CREATING THE AVALON THEATRE ADVISORY COMMITTEE

Recitals:

The City, as owner of the historic Avalon Theatre, has determined that it would benefit from the formation of a single advisory board. That board, which shall be known as the Avalon Advisory Committee, together with the cooperation of City staff, shall act to enhance and further the functional, aesthetic and cultural value of the Avalon Theatre. The committee shall have, as one of its principal missions the coordination of key stakeholders and Theater user groups. The committee shall strive to direct the operations of the Theatre such that the Theatre will function in a financially responsible manner and continue to meet the needs of the users and the City.

To those ends the City Council has determined that a seven (7) member committee shall be appointed. The structure and composition of the committee shall be as follows:

- One member appointed by the Downtown Development Authority and confirmed by City Council;
- One member appointed by the Avalon Foundation Board, Inc. and confirmed by City Council;
- One member appointed by the Cinema At The Avalon Board and confirmed by City Council;
- Four at large members to be confirmed by City Council with at least one member representing one or more of the following desirable disciplines to the satisfaction of a majority of the City Council :

Marketing/Business Management/Tourism/Event Management – This member should exhibit marketing creativity, have a strong business operations sense, understand the concept and value of tourism to Grand Junction and most importantly, have an understanding of event promotions/management, possibly a representative of Sandstone Entertainment or the VCB staff or board.

Fund Raising/Capital Improvement Management/Grant Writing – This member shall have a thorough knowledge of fundraising strategy and execution. He/she will understand capital improvement project management and be familiar with capital improvement logistics. He/she will also understand the value of grant writing with the knowledge to tap this fund raising resource.

Arts Community/Historic Preservation/Cultural Influences – This member shall be involved with and be an advocate for the arts community, as well as be

in tune with historic issues and values. He/she will have connections in cultural circles; keeping in touch with the opinions and values of such influences.

Citizen/Avalon Patron – This member shall represent the citizens of the City and preferably be a patron of the Avalon /represent a consumer of Avalon Theatre services.

The committee shall develop by laws, which shall provide for a Chair and a Vice-Chair to each serve a one year term beginning July 1, 2006 and ending on June 30, 2007. The Chair and Vice-Chair may serve more than one term subject to annual confirmation by a majority of the committee of the whole. Two members will serve a one year term, two members will serve two year terms and three members will serve three year terms.

The City Council will determine (by blind draw) which members will serve which terms.

One and two year members may serve three uninterrupted terms; three year members shall may serve two uninterrupted terms.

The committee by and through its Chair shall on or before March 30 of each year, submit an annual written report to the City Council documenting fund raising efforts and recommended capital improvement projects for the Avalon Theatre. Unless reauthorized by City Council, the committee will sunset and cease to exist on June 30, 2012.

The Director of Parks & Recreation or his/her designee will serve as an ex-officio member of the committee and shall be responsible for record keeping.

The Avalon Foundation, DDA and Cinema at the Avalon committee members shall provide any and all written material or information reasonably necessary or required by the committee to evaluate budget(s), fund raising activities, capital contribution, operating revenues and losses and anticipated usage. Those members shall regularly report to and from the body from which those members are appointed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

There is hereby created the Avalon Theatre Advisory Committee which shall be duly constituted as a board of the City until June 30, 2012. Members of the committee shall be separately designated by further action of the City Council.

PASSED and ADOPTED this ____ day of April 2006.

Bruce Hill,
President of the City Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 19

Transfer Agreement of the Drain D Storm Water System

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Transfer Agreement of the Drain D Storm Water System							
Meeting Date	April 5, 2006							
Date Prepared	March 30, 2006				File #			
Author	Mark Relph			Public Works & Utilities Director				
Presenter Name	Mark Relph			Public Works & Utilities Director				
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Agreement for the transfer of ownership of the “Drain D” Storm Water System from the Bureau of Reclamation to the City of Grand Junction.

Budget: None

Action Requested/Recommendation: Authorize the City Manager to execute the transfer agreement for the Drain D Storm Water system from the Bureau of Reclamation to the City of Grand Junction.

Attachments:

- Transfer Agreement with Exhibits A through G

Background Information: The Drain D Storm Water collection system was originally developed in the early 1900’s as part of the “Grand Valley Project” (Project), also known as the Grand Valley irrigation canal. The Drain D System is owned by the Bureau of Reclamation and operated by contract with the Grand Valley Water Users Association. The Drain D system was intended to collect excess irrigation water from the Project and adjacent irrigated lands and ultimately direct the flows to the Colorado River.

The Drain D system is generally located north of Patterson Road where it starts within the City’s Matchett property and flows westerly to where it crosses Patterson Road approximately 750 feet west of 12th Street. At that point, the system is known as the Buthorn Drain where it eventually drains to the Colorado River near 25 Road and I-70B. The Buthorn Drain is owned and managed by the Grand Junction Drainage Authority. Exhibit G of the agreement provides a good location map of the Drain D facility.

When the Drain D system was constructed, it was generally along the low lying areas where it also collected the historic storm water runoff. Over the past 5 to 10 years, the Bureau has developed a policy where they would not allow any storm water runoff from

new development, even though there had always been historic flows. The City had always taken exception to this policy and has been negotiating an agreement that would allow the Bureau to maintain their mission and allow for new development to continue using the system for storm water flows.

Over this same period, new development (e.g. Hilltop's the "Commons" and the "Knolls" subdivision both on 27.5 Road) have been caught in the middle of conflicting regulations and policies. The City in the past has placed the burden of working out the issues upon the developer, which has been time consuming and frustrating for the developers.

As a result of these years of conflicts, staff is recommending the attached agreement which transfers the ownership of the system to the City. There is no payment made to either party, but in essence the Bureau quit claims its interests to the City. In exchange the City will allow specific irrigation return flows into the system and the City will own, operate and regulate the system.

As part of the agreement, the Bureau has completed a series of improvements to the system, which include removal of vegetation in several of the open ditch sections and the placement of concrete pipe adjacent to some of the more developed areas (i.e. south of Lowell Lane from 15th Street to 27.5 Road).

The area over time has made a significant transition from agricultural to urban. As a result the Drain D system has taken on more of a need as an urban storm water conveyance system. The Bureau is not in the business of maintaining an urban system and their level of maintenance over the years has been far less than what the City believes is appropriate to manage the urban runoff from new development. Therefore, staff believes it is in the best interest of the City to take ownership of the system as presented in the agreement.

AGREEMENT FOR TRANSFER OF DRAIN D

Contract No. 7-LM-4A-00070

Revised 01-24-06

THIS AGREEMENT (Agreement) is made this ____ day of _____, 2006, between the United States of America, the Grand Valley Water Users Association, and the City of Grand Junction.

The United States acts in pursuance of the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto, and the Federal Property and administrative Services Act of 1949 (40 U.S.C. 472), acting by and through the Bureau of Reclamation, Department of the Interior, hereinafter referred to as the "United States", represented by the officer executing this Agreement.

The Grand Valley Water Users Association, hereinafter referred to as the "Association", is a Colorado nonprofit corporation.

The City of Grand Junction, hereinafter referred to as the "City", is a Colorado home rule city, authorized by Article XX of the Colorado Constitution and the City's home rule charter, and acts through its City Manager.

RECITALS:

A. The United States represents that it owns Drain D and its associated easements, right-of-ways and interests in land (collectively, "Drain D"), as part of the Grand Valley Project. The United States has not maintained or operated Drain D as an urban storm water drain (36 Stat.835); however, it has been used as such over the years, without authorization from the United States.

B. The City is an urban service provider. One of the services provided by the City, in portions of the City, for its citizens, is storm water drainage.

C. The Association operates and maintains Drain D under the provisions of a contract with the United States, Contract No. ILR-644 dated January 27, 1945, and other contracts supplementary or amendatory thereto (collectively, the United States-Association Contract). For purposes of historical records and in order to establish maintenance standards, the United States-Association Contract is attached as Exhibit A.

D. Drain D is described by the United States as a United States right-of-way and facility of the Grand Valley Project, State of Colorado. The Drain D facility is a series of drainage ditches constructed on rights-of-ways reserved for the United States through the Association's Subscriptions for Stock ("Stock Subscriptions"). The Association operates and maintains the Grand Valley Project on behalf of the United States. Through the Stock Subscriptions (specifically, Article XV, Section 2 thereof), landowners obtained the use of Grand Valley Project water while granting to the United States rights-of-way necessary for the construction, operation and maintenance of the Project and its associated facilities. The Stock Subscriptions are recorded in the records of Mesa County, Colorado; however, not each or every Stock Subscription specifically describes the area claimed or burdened by the Project. Exhibit B, entitled "Subscription for Stock Drawing," attached hereto and incorporated herein by reference, generally indicates those lands subject to the Stock Subscriptions and pertaining to Drain D.

E. The original purpose of Drain D was to collect administrative spills of agricultural water from laterals 1 and 2 of the Grand Valley Project ("Administrative Spills") and irrigation return flows, which consist of seepage, surface drainage and unused waters, from the lands served by the Grand Valley Project ("Irrigation Drainage"). The United States has concluded that Drain D currently carries a majority of its volume as unauthorized storm water discharges from streets, undeveloped areas and residential and light commercial subdivisions within the City limits. The balance of Drain D's volume is from Administrative Spills and Irrigation Drainage.

F. Local governments, as part of the land use and development review processes, require that developers plan for storm water drainage. Historically, developers have constructed storm water discharges into Drain D without authorization from the United States. The United States has determined that it is not authorized to operate and maintain Drain D for non-agricultural use.

G. In order to accommodate the storm water drainage needs of the community and recognizing that residential, commercial and other development will continue to expand into the area historically served by Drain D, the City has indicated its willingness to, pursuant to this written Agreement, accept future ownership, maintenance and operational control of Drain D.

H. The United States has determined that ownership of Drain D is no longer necessary and that project purposes and needs can be served by transferring ownership to the City while reserving a right to continue to discharge Administrative Spills and Irrigation Drainage into Drain D.

NOW, THEREFORE, the parties agree as follows:

1. The United States agrees:
 - A. To execute and deliver a quit claim deed to the City for all of its right, title, and interest in and to Drain D, except as may otherwise be stated herein. The parties further agree that the Association shall also execute and deliver a quit claim deed to the City for any right, title, and interest it may have in and to Drain D, except as may otherwise be stated herein. The quit claim deeds shall be in the form attached hereto as Exhibits C and D, and shall be collectively referred to herein as the "Quit Claim Deeds."
 - B. To conduct an updated Hazardous Waste Survey for Drain D. A copy of the October 1996 Hazardous Waste Survey conducted by the United States is attached as Exhibit E and incorporated herein by reference. The updated survey, dated November 2005 is attached as Exhibit F and incorporated herein by reference.
 - C. The United States declares, states and affirms that it and its employees and agents are aware of no other data or information showing that Drain D contains any materials or substances in quantities regulated or prohibited by an federal or State of Colorado law, including but not limited to, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSA) or oils, gasoline or other hydrocarbons and/or petrochemicals. Effective on the date of delivery of the Quit Claim Deeds to the City, the United States shall not be liable to the City for damages of any kind arising out of any act, omission, or occurrence relating to Drain D, except for damages caused by acts of negligence committed by the United States or by its employees, agents or contractors prior to the date of delivery of the Quit Claim Deeds ("U.S. Pre-Delivery Damages"). Nothing herein shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. 2671, et. seq.
2. The City agrees:
 - A. Effective on the date of delivery of the Quit Claim Deeds to it, to accept liability for and relating to any and all loss or damage of every description or kind whatsoever from the City's construction, operation and maintenance of Drain D after the date of delivery.
 - B. On and after the date of delivery of the Quit Claim Deeds to it, to accept existing amounts and patterns of Irrigation Drainage and Administrative Spills into Drain D, until such time that there are no Irrigation Drainage or Administrative Spills to discharge. With respect to Administrative Spills only, the points of discharge and estimated amounts of the Administrative Spills are shown on Exhibit G, entitled "Aerial Map of Drain D," attached hereto and incorporated herein by reference.

C. That Drain D is quitclaimed by the United States and the Association and acquired by the City on an "AS-IS, WHERE-IS" basis with no representations, warranties or covenants of any kind (other than the indemnity stated in Paragraph 1.C., above, and in Paragraph 3.C., below), express or implied, either oral or written, made by the United States or the Association, or any agent or representative of such parties, including without limitation: (i) the physical or structural condition of Drain D; (ii) the compliance of Drain D with any laws, ordinances, or regulations of any federal, state, local or other governmental entity; (iii) title to Drain D; and (iv) the suitability or fitness of Drain D for any purpose, including without limitation use as a storm water facility, all of which representations, warranties and covenants the United States and the Association hereby expressly disclaim.

D. To assume all costs incident to the operations and maintenance of Drain D, subsequent to the date the Quit Claim Deeds are delivered to the City.

3. With respect to the Association, the parties agree as follows:

A. Effective on the date of delivery of the Quit Claim Deeds to the City, the Association shall have no further obligation, under the United States-Association Contract or otherwise, to operate or maintain Drain D. The Association agrees that it will, on an as-needed basis and for a period of 2 (two) years after the effective date of this Agreement, consult with the City, at no cost to the City, regarding the operation and maintenance of Drain D. The Association further agrees to provide the City with copies of any and all maps, plats, drawings and/or other documents in its possession related to the operation and maintenance of Drain D.

B. After the Quit Claim Deeds are delivered to the City, the Association may continue to make Administrative Spills of agricultural water into Drain D in connection with the operation of the Grand Valley Project at the points and in the estimated amounts set forth on Exhibit D, pursuant to the provisions of Paragraph 2.B., above. Such Administrative Spills may continue for as long as the Association operates the Grand Valley Project. The parties acknowledge that the Administrative Spill discharge amounts set forth on Exhibit G are estimated amounts, and that the actual amounts discharged may vary from such estimated amounts. The City shall not impose any charges against the Association for Administrative Spill discharges into Drain D.

C. Effective on the date of delivery of the Quit Claim Deeds to the City, the Association shall not be liable to the City for damages of any kind arising out of any act, omission or occurrence relating to Drain D, except for damages caused by acts of negligence committed by the Association or its employees or agents prior to the date of delivery of the Quit Claim Deeds ("Association Pre-Delivery Damages"). The Association shall indemnify the City and hold the City harmless from any Association Pre-Delivery Damages. Nothing herein shall be deemed to be a waiver, extension, or modification of any statutes of limitation or other defenses relating to any alleged acts of negligence by the Association.

4. With respect to this Agreement, all parties agree:

A. The execution and delivery of the Quit Claim Deeds and the other obligations of the parties under this Agreement shall be done and performed as soon as reasonably possible. The parties shall schedule a mutually agreeable date for delivery of the Quit Claim Deeds, and the executed Quit Claim Deeds shall be delivered to the City on such date.

B. This Agreement shall be binding on the successors and assigns of the parties hereto, and all persons claiming through the parties.

C. Each party warrants and represents to the other that such party has taken all actions necessary to make this Agreement a valid obligation binding upon the party, and that all

requirements of any applicable law, regulation, order, Charter, ordinance or statute have been met. By signing below, each party warrants that it is authorized to sign on behalf of the party that he/she represents.

D. This Agreement constitutes the complete and entire agreement of the parties.

E. This Agreement is for the benefit of the parties; any direct or indirect benefit to a third party shall be deemed incidental.

F. Failure of any party to enforce any provision of this Agreement shall not act as a waiver to prevent enforcement of the same provisions at some later time.

G. This Agreement was produced as a result of negotiations between the parties and shall not be construed against any party as the drafter of this Agreement.

H. This Agreement shall be effective on the last date that it is executed by any of the parties.

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

UNITED STATES OF AMERICA

GRAND VALLEY WATER USERS
ASSOCIATION

By: _____
Rick Gold, Regional Director
Upper Colorado Region
Bureau of Reclamation
Department of the Interior

By: _____
, President

CITY OF GRAND JUNCTION

ATTEST:

By: _____
Kelly Arnold, City Manager

Stephanie Tuin, City Clerk

- Exhibit A: United States-Association Contract No. IIR-644
- Exhibit B: Subscription for Stock Drawing No. 1295-417-4017
- Exhibit C: Quit Claim Deed (United States Grantor)
- Exhibit D: Quit Claim Deed (Association Grantor)
- Exhibit E: October 1996 Hazardous Waste Survey
- Exhibit F: November 2005 Hazardous Waste Survey
- Exhibit G: Aerial Map of Drain D

Grand Valley Project

440

232. --

Jan 27, 1945

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

GRAND VALLEY PROJECT, COLORADO

AMENDATORY CONTRACT BETWEEN THE UNITED STATES AND THE GRAND VALLEY
WATER USERS' ASSOCIATION

Symbol IIR-644

*See Also
Supplemental Contract
dated 4/27/84*

I N D E X

No.	Article	Page
2-7	Explanatory Recitals	1, 2, 3
8	Scope of Amendatory Contract	3
9	Definitions	4
10	Association's Construction Charge Obligation	4, 5
11	Temporarily Unproductive Lands	6, 7, 8
12	Payment and Determination of Annual Instalments To be Paid by Association	8, 9, 10, 11, 12, 13
13	Annual Instalments to be Subject to Increase or Decrease	13, 14, 15, 16, 17
14	Association to Reimburse United States Cost of Rehabilitation and Repair of Tunnel No. 3	17, 18
15	Provision for Completion of Construction of Loma Extension	18, 19
16	Provision for Completion of Construction of Garfield Pumping Division	19
17	Computation of Cost	20
18	General Obligations of the Association	20, 21
19	Assessments by Association	21, 22
20	Receipts from Certain Repayment Contracts	22, 23

EXHIBIT A

Revised 1/24/06

EXHIBIT C
QUIT CLAIM DEED

The UNITED STATES OF AMERICA, acting pursuant to the provisions of the Act of June 17, 1902 (32 Stat. 388), and Acts and regulations amendatory thereof or supplementary thereto, which Acts are commonly known and referred to as Reclamation Laws, particularly, the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), GRANTOR, for One Dollar (\$1.00) and other good and valuable consideration, hereby quitclaims and conveys to the CITY OF GRAND JUNCTION, GRANTEE, a Colorado home rule city, authorized by Article XX of the Colorado Constitution and the City of Grand Junction's home rule charter, with its principal offices located at 250 North 5th Street, Grand Junction, Colorado 81501, all of its right, title, and interest in and to the following described interests in real property located in Mesa County, Colorado:

Any and all easements, rights-of-way and other interests in land for the water drainage system known as Drain D, a facility of the Grand Valley Project, a federal reclamation project, as shown on the Drain D Drainage System Drawing which is attached hereto and made a part hereof. The Drain D drainage system is located in Sections 1, 2, 11 and 12, Township 1 South, Range 1 West, Ute P.M., and in Section 6, Township 1 South, Range 1 East, Ute P.M. The Drain D drainage system is comprised of a series of drainage ditches and pipes constructed on interests in land reserved for the United States through the Grand Valley Water Users Association's Subscriptions for Stock (Article XV, Section 2). The easements, rights-of-way and other interests in land for the Drain D drainage system encompass approximately 7.7 acres.

RESERVING TO THE GRANTOR, as provided in Paragraphs 2.B. and 3.B. of the Agreement for Transfer of Drain D, Contract No. 7-LM-4A-00070, dated _____, between the City of Grand Junction, the Grand Valley Water Users Association, and the United States of America ("Transfer Agreement"), the right to continue to discharge Irrigation Drainage and Administrative Spills (as those terms are defined in the Transfer Agreement) into Drain D. This deed is intended to fulfill the terms of the Transfer Agreement.

WITNESS the hand of the Grantor, this _____ day of _____, 2006.

UNITED STATES OF AMERICA

Approved: _____

By:

Office of the Regional Solicitor

Rick Gold, Regional Director
Upper Colorado Region
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

State of Utah }
 } ss.
County of Salt Lake }

On the ____ day of _____, 2006, personally appeared before me _____, known to me to be the Regional Director of the Bureau of Reclamation, Upper Colorado Region, United States Department of the Interior, the signer of the above instrument, who duly acknowledged to me that he executed the same on behalf of the United States of America.

Notary Public in and for
the State of Utah
Residing at _____

(NOTARY SEAL)

My commission expires:

Revised 1/23/06

EXHIBIT D
QUIT CLAIM DEED

The GRAND VALLEY WATER USERS ASSOCIATION (Association), a Colorado nonprofit corporation, GRANTOR, for One Dollar (\$1.00) and other good and valuable consideration, hereby sells and quitclaims to the CITY OF GRAND JUNCTION, GRANTEE, a Colorado home rule city, authorized by Article XX of the Colorado Constitution and the City of Grand Junction's home rule charter, with its principal offices located at 250 North 5th Street, Grand Junction, Colorado 81501, all of its right, title and interest in and to the following described interests in real property located in Mesa County, Colorado:

Any and all easements, rights-of-way and other interests in land for the water drainage system known as Drain D, a facility of the Grand Valley Project, a federal reclamation project, as shown on the Drain D Drainage System Drawing which is attached hereto and made a part hereof. The Drain D drainage system is located in Sections 1, 2, 11 and 12, Township 1 South, Range 1 West, Ute P.M., and in Section 6, Township 1 South, Range 1 East, Ute P.M. The Drain D drainage system is comprised of a series of drainage ditches and pipes constructed on interests in land reserved for the United States through the Association's Subscriptions for Stock (Article XV, Section 2). The easements, rights-of-way and other interests in land for the Drain D drainage system encompass approximately 7.7 acres.

RESERVING TO THE GRANTOR, as provided in Paragraphs 2.B. and 3.B. of the Agreement for Transfer of Drain D, Contract No. 7-LM-4A-00070, dated _____, between the City of Grand Junction, the Grand Valley Water Users Association, and the United States of America ("Transfer Agreement"), the right to continue to discharge Irrigation Drainage and Administrative Spills (as those terms are defined in the Transfer Agreement) into Drain D. This deed is intended to fulfill the terms of the Transfer Agreement.

WITNESS the hand of the Grantor, this _____ day of _____, 2006.

GRAND VALLEY WATER USERS
ASSOCIATION

By: _____
President

ATTEST:

Secretary

ACKNOWLEDGMENT

State of Colorado }
 } ss.
County of Mesa }

The foregoing Quit Claim Deed was acknowledged before me this ____ day of _____,
2006, by _____, _____ as President and
_____ as Secretary of Grand Valley Water Users Association, Grantor.

My commission expires:
Witness my hand and official seal.

_____ Notary Public

**Low-Intensity
Rural, Residential, Crop/Agricultural, etc.
Real Property Questionnaire Checklist
Phase I**

EXHIBIT E

INSTRUCTIONS: Circle for each question. Explain briefly on back if a "yes" or "unknown" are circled. Indicate whether a phase II assessment will be recommended. Attach a legal description of the real estate property covered by this survey.

A. Background Information.

Region UC Region
 Project Grand Valley Project
 Property ID "D" drain County Mesa State CO (see map)
 Owner(s) Reclamation has easement; numerous underlying fee owners
 Date of survey 10/30/96

Question	Owner/and or Occupant			Observed during visual inspection		
	Yes	No	Unk	Yes	No	Unk
1. Currently or in the past has the property or any adjoining property being or been used for an industrial use such as: gasoline station, motor repair facility, junkyard or landfill, or recycling facility?				Yes	<u>No</u>	Unk
2. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded vehicle batteries, or pesticides, paints, or other chemicals (disregard petroleum products) in individual containers of greater than 25 gal in volume or 100 gal in the aggregate, stored on or used on the property or at the facility?	Yes	No	Unk	Yes	No	<u>Unk</u>
3. Are there currently, or to the best of your knowledge have there been previously, any drums (typically 55 gal or sacks of chemicals materials stored on the property or at the facility?	Yes	No	Unk	Yes	<u>No</u>	Unk
4. Has III material been brought onto the property that originated from a hazardous material contaminated site?	Yes	No	Unk	Yes	<u>No</u>	Unk
5. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds, or lagoons located on the property associated with waste treatment or waste disposal?	Yes	No	Unk	Yes	<u>No</u>	Unk
6. Is there currently, or to the best of your knowledge has there been previously, any significantly stained soils on the property?	Yes	No	Unk	Yes	No	<u>Unk</u>
7. Are there currently, or to the best of your knowledge have there been previously, any leaking storage tanks (above or underground) located on the property?	Yes	No	Unk	Yes	No	<u>Unk</u>
8. If the property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed guidelines applicable to the water system?	Yes	No	Unk	Yes	<u>No</u>	Unk
9. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the property?	Yes	No	Unk	<u>Yes</u>	<u>Na</u>	<u>Unk</u>
10. To the best of your knowledge, has any part of the area been used as a spray operation base: air strip, equipment parking area?	Yes	No	Unk	<u>Yes</u>	<u>No</u>	<u>Unk</u>
11. Is their currently, or to the best of your knowledge has their been structures containing asbestos located on the property and/or has any asbestos been buried on the property?	Yes	No	Unk	Yes	No	<u>Unk</u>
12. Is their evidence of chemical contamination e.g., vegetation different from surrounding for no apparent reason, bare ground, sterile water bodies etc?	Yes	No	Unk	Yes	<u>No</u>	Unk
13. Is there a transformer, capacitor, or any hydraulic equipment for which there is documentation indicating the presence of PCBs?	Yes	No	Unk	Yes	<u>No</u>	Unk

Unk = "unknown" or "no response."

Public Records/Historical Sources Inquiry

14. Do any of the following Federal government record systems list the property or any property within the circumference of the area noted below:	Yes	No
National Priorities List—within 1.0 mile (1.6 Km)?	Yes	<input checked="" type="radio"/> No
CERCLIS List—within 1.5 mile (0.8 Km)?	Yes	<input checked="" type="radio"/> No
RCRA TSD Facilities—within 1.0 mile (1.6 Km)?	Yes	<input checked="" type="radio"/> No
15. Do any of the following state record systems list the property or any property within the circumference of the area noted below:	Yes	<input checked="" type="radio"/> No
List maintained by state environmental agency of hazardous waste sites identified for investigation or remediation that is the state agency equivalent to NPL—within approximately 1.0 mile (1.6 Km)?	Yes	<input checked="" type="radio"/> No
List maintained by state environmental agency of sites identified for investigation or remediation that is the state equivalent to CERCLIS—within 0.5 mile (0.8 Km)?	Yes	<input checked="" type="radio"/> No
Leaking Underground Storage Tank (LUST) List—within 0.5 mile (0.8 Km)?	Yes	<input checked="" type="radio"/> No
Solid Waste/Landfill Facilities—within 0.5 mile (0.8 Km)?	Yes	<input checked="" type="radio"/> No

Certification (CHECK ONE).

I hereby certify that to the best of my knowledge no contaminants are present on this real estate, and there are no obvious signs of any effects of contamination. (See attachment)

On the basis of the information collected to complete this form, it is possible to reasonably conclude that there is a potential for contaminants, or the effects of contaminants, to be present on that real estate. Phase II assessment will be performed.

Examiner

Examiner represents that to the best of his/her's knowledge the above statements and facts are true and correct.

Signed [Signature] Print Name Stephen K McCall
Date 10/30/96 Title Env Spec

Approving Official

I concur with the above certification

Signed [Signature] Print Name Ed Warner
Date 10/30/96 Title Acting Northern Division Resource Manager

Additional information

Question # ___ Comment

Question # ___ Comment

Question # ___ Comment

Unk = "unknown" or "no response."

Reclamation has an easement for "D" Drain in Mesa County. This drain was originally constructed to drain irrigated lands of the Grand Valley Project. All lands that the drain is constructed on are private. Reclamation is considering transferring their interests in the drain to another entity.

At the present time there is only a remnant of irrigated land in the approximately 1.5 square miles served by the drain. The primary land use now is residential housing and church buildings, although near the mouth of the drain, there is a commercial complex with small retail shops and a physical rehabilitation center. The majority of the drain has been placed in buried pipes under subdivisions. Several ponds have also been developed on the drain.

Historically the land involved was used for irrigated farms and most likely had pesticides and petroleum products stored on the land as is typical of farms in the area. There is no evidence of industrial use of the land.

Along areas of the drain that are visible, there are no obvious signs of pollution; however most of the drain cannot be seen. There are no readily apparent past land uses that would cause concerns with hazardous waste pollution. The drain water has not been sampled but similar drains in the Grand Valley normally have elevated levels of total dissolved solids and selenium.

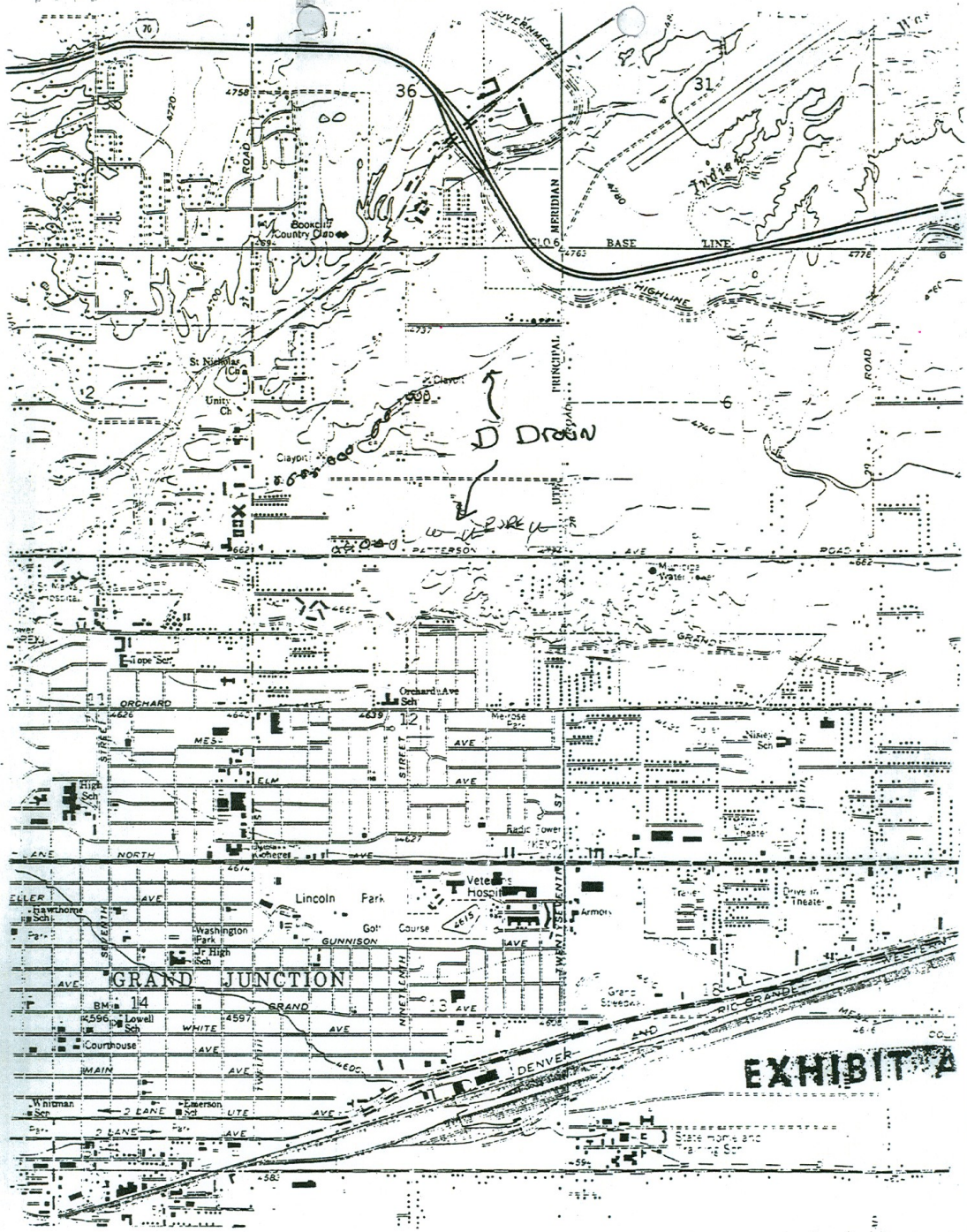


EXHIBIT A

**Low-Intensity
Rural, Residential, Crop/Agricultural, etc.
Real Property Questionnaire Checklist
Phase I**

EXHIBIT F

INSTRUCTIONS: Circle for each question. Explain briefly on back if a "yes" or "unknown" are circled. Indicate whether a phase II assessment will be recommended. Attach a legal description of the real estate property covered by this survey.

A. Background Information.

Region Upper Colorado

Project Grand Valley Project

Property ID Drain D-Grand Junction CO (see attached map) County Mesa State Colo

Owner(s) Drain D is constructed on easement owned by United States across numerous private and city properties

Date of survey November 2005

Question	Owner/land or Occupant (Grand Valley Water Users manager-November 2005)			Observed during visual inspection		
1. Currently or in the past has the property or any adjoining property being or been used for an industrial use such as: gasoline station, motor repair facility, junkyard or landfill, or recycling facility?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
2. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded vehicle batteries, or pesticides, paints, or other chemicals (disregard petroleum products) in individual containers of greater than 25 gal in volume or 100 gal in the aggregate, stored on or used on the property or at the facility?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
3. Are there currently, or to the best of your knowledge have there been previously, any drums (typically 55 gal or sacks of chemicals materials stored on the property or at the facility?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
4. Has fill material been brought onto the property that originated from a hazardous material contaminated site?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
5. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds, or lagoons located on the property associated with waste treatment or waste disposal?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
6. Is there currently, or to the best of your knowledge has there been previously, any significantly stained soils on the property?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
7. Are there currently, or to the best of your knowledge have there been previously, any leaking storage tanks (above or underground) located on the property?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
8. If the property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed guidelines applicable to the water system?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
9. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the property?	Yes	<input checked="" type="radio"/> Yes-X (see explanation)	No- Unk			
10. To the best of your knowledge, has any part of the area been used as a spray operation base: air strip, equipment parking area?	Yes	<input checked="" type="radio"/> No-x	Unk			
11. Is there currently, or to the best of your knowledge has there been structures containing asbestos located on the property and/or has any asbestos been buried on the property?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
12. Is there evidence of chemical contamination e.g., vegetation different from surrounding for no apparent reason, bare ground, sterile water bodies etc?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk
13. Is there a transformer, capacitor, or any hydraulic equipment for which there is documentation indicating the presence of PCBs?	Yes	<input checked="" type="radio"/> No-x	Unk	Yes	<input checked="" type="radio"/> No-x	Unk

Unk = "unknown" or "no response."

Public Records/Historical Sources Inquiry

14. Do any of the following Federal government record systems list the property or any property within the circumference of the area noted below:

Yes No-x

National Priorities List--within 1.0 mile (1.6 Km)?

Yes No-x

CERCLIS List--within 1.5 mile (0.8 Km)?

Yes No-x

RCRA TSD Facilities--within 1.0 mile (1.6 Km)?

Yes No-x

15. Do any of the following state record systems list the property or any property within the circumference of the area noted below:

Yes No-x

List maintained by state environmental agency of hazardous waste sites identified for investigation or remediation that is the state agency equivalent to NPL--within approximately 1.0 mile (1.6 Km)?

Yes No-x

List maintained by state environmental agency of sites identified for investigation or remediation that is the state equivalent to CERCLIS--within 0.5 mile (0.8 Km)?

Yes No-x

Leaking Underground Storage Tank (LUST) List--within 0.5 mile (0.8 Km)?

Yes No-x

Solid Waste/Landfill Facilities--within 0.5 mile (0.8 Km)?

Yes No-x

#9-Tires have been used by a landowner to stabilize their backyard along portion of Drain D in the vicinity of Patterson Road but do not represent a hazardous material problem. May be removed as part of piping this section.

Certification (CHECK ONE).

I hereby certify that to the best of my knowledge no contaminants are present on this real estate, and there are no obvious signs of any effects of contamination.

On the basis of the information collected to complete this form, it is possible to reasonably conclude that there is a potential for contaminants, or the effects of contaminants, to be present on that real estate. Phase II assessment will be performed.

Unk = "unknown" or "no response."

Examiner

Examiner represents that to the best of his/or her's knowledge the above statements and facts are true and correct.

Signed [Signature] Print Name Stephen K McCull
Date 11/29/2005 Title Evo Spec

Approving Official

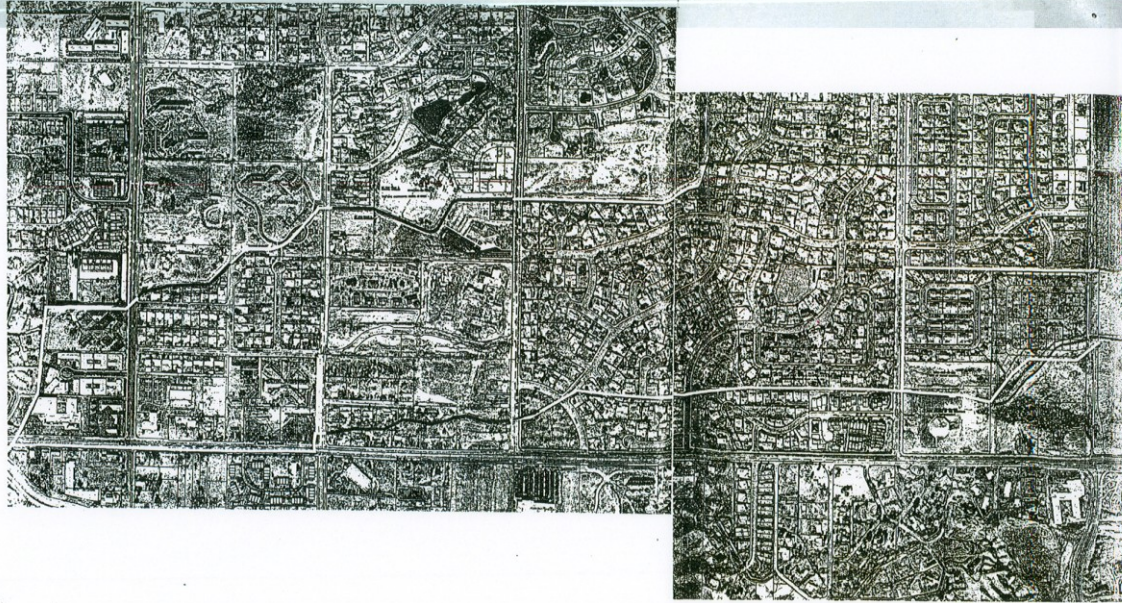
I concur with the above certification

Signed [Signature] Print Name Ed Warner
Date 11-30-05 Title Resources Division Manager

Additional information

Drain D was originally constructed as an agricultural drain for the Grand Valley Project. Lands served by the drain were irrigated fields are now primarily residential or city parks. There is some commercial use, primarily health care-related, in the vicinity of the drain. There is no industrial land use that might result in release of hazardous material. The majority of the drain has been placed in pipe with approximately 2500 feet remaining as an open drain.

Unk = "unknown" or "no response."



DRAW D

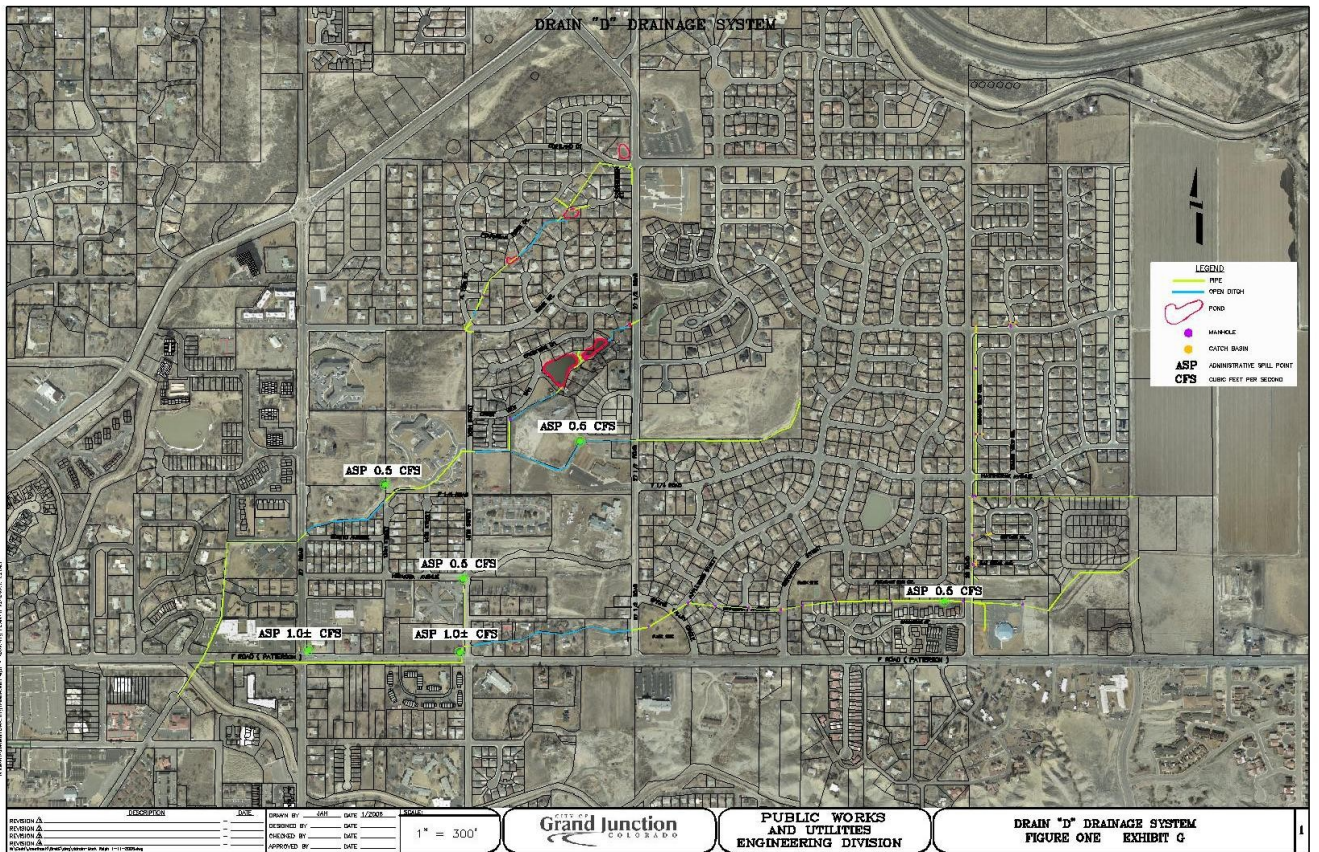


Exhibit G

Attach 20

Purchase of Properties at 2389, 2395, and 2399 River Road for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of a Portion of Properties Located at 2389, 2395 & 2399 River Road for the Riverside Parkway Project					
Meeting Date	April 5, 2006					
Date Prepared	March 30, 2006				File #	
Author	Jim Shanks		Riverside Pkwy Program Manager			
Presenter Name	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered into a contract to purchase a portion of the properties located at 2389, 2395, & 2399 River Road owned by Clifford L. Mays, Sr. for the Riverside Parkway project.

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:

Project Right-of-Way Budget	\$19,554,715
Project Right-of-Way Related Expenses to Date:	\$16,696,174
Costs Related to this Property Purchase:	
Purchase Price	\$65,582
Moving Costs	\$2,500
Closing Costs	\$500
Total Costs Related to This Request	\$68,582
Other Acquisitions Approved but not Closed	\$2,247,108
Project Remaining Right-of-Way Funds	\$542,851

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of a portion of property located at 2389, 2395 & 2399 River Road.

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. Expenditure of the authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The subject property includes the following: 4,679 sq. feet of right-of-way, 12,275 sq. feet of permanent easement and 33,127 sq. feet of temporary construction easement. The amounts to be paid are based on a City appraisal. The owner did not get an appraisal. In addition to the amounts to be paid the City will reconstruct the driveway on the east side of the property and close an existing drive on River road, including the replacement of a fence and gate. The property owner will construct, at his expense a 250 foot long, 4 foot high retaining wall along the east side of 24 Road.

Staff recommends that the City Council approve the Resolution authorizing the purchase the property for right-of-way for Riverside Parkway.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY AT 2389,
2395 & 2399 RIVER ROAD FROM CLIFFORD L. MAYS, SR.**

Recitals.

A. The City of Grand Junction has entered into a contract with Clifford L. Mays, Sr. for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway.

B. The purchase contract provides that on or before April 5, 2006, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase portions of the property at 2389, 2395 & 2399 River Road.

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

1. The above described property shall be purchased for a price of \$65,582. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$65,582 is authorized to be paid at closing, in exchange for conveyance of the fee simple title, permanent easements and temporary construction easements to the described property.

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

PASSED and ADOPTED this _____ day of _____ 2006.

Attest:

President of the Council

City Clerk

Attach 21

Review Future Workshop Agendas

FUTURE CITY COUNCIL WORKSHOP AGENDAS

(29 March 2006)

APRIL 2006

↳ **APRIL 17, MONDAY 11:30 AM**

11:30 JARVIS REDEVELOPMENT MASTER PLAN:
Review and Discuss



↳ **APRIL 17, MONDAY 7:00PM**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE
WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 APPOINTMENTS TO BOARDS & COMMISSIONS
7:35 OPEN

MAY 2006

↳ **MAY 1, MONDAY 11:30 AM in the Administration Conference Room**

11:30 STRATEGIC PLAN: Discuss update process, format and timetable.

↳ **MAY 1, MONDAY 7:00PM**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE
WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 STRATEGIC PLAN UPDATE
7:35 OPEN

↳ **MAY 8, MONDAY 11:30 AM ◀ in the Administration Conference Room**

11:30 Special meeting to Review CDBG Applications

↳ **MAY 15, MONDAY 11:30 AM in the Cemetery Office**

Building on Orchard Mesa

11:30 PARKS & RECREATION DEPARTMENT
PRESENTATION: City Cemeteries



↳ **MAY 15, MONDAY 7:00PM**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 APPOINTMENTS TO BOARDS & COMMISSIONS
7:35 OPEN

JUNE 2006

↪ **JUNE 5, MONDAY 11:30 AM in the Administration Conference Room**
11:30 OPEN

↪ **JUNE 5, MONDAY 7:00PM**
7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 OPEN

↪ **JUNE 19, MONDAY 11:30 AM in the Administration Conference Room**
11:30 OPEN

↪ **JUNE 19, MONDAY 7:00PM**
7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 APPOINTMENTS TO BOARDS & COMMISSIONS
7:35 OPEN

↪ **BIN LIST** ↪

1. Strategic Plan Update Report from Team #1: (Evaluate zoning & infrastructure as tools to encourage development along major corridors)
2. Meth Street Task Force: review staff report
3. Meeting with the U.S. Bureau of Land Management to discuss the process of oil and gas leases.
4. Request from the new hire/fire retirement board (1/2 hour: see attached letter)
5. Discuss City purchasing policy
6. Discussion of TABOR policy
7. Meeting with the Visitor & Convention Bureau Board of Directors (August)



2006 Department Presentations to City Council

1. Police Department: Tour the Crime Lab and Quonset hut.
2. Administrative Services? (GIS) *Geographic Information System*_____
3. Public Works: Water Treatment Plant (June ?)
4. Visitor & Convention Bureau: Visitor Center



FIRE

March 23, 2006

Mayor Hill and Grand Junction City Council
250 North 5th Street
Grand Junction, CO 81501

Mayor Hill and Honorable City Council:

On February 28, 2006 the New Hire Fire Retirement Board met to consider whether to support a change from our current Defined Contribution Plan to the Fire and Police Pension Association's (FPPA) Defined Benefit Plan. After much deliberation, the Board voted to change to the FPPA Defined Benefit Plan.

The next step in the process is for the City Council to consider the Board action and, if Council concurs with the recommendation to join FPPA, then for the Council to authorize City management and legal staff to make the necessary steps to affect the change.

Therefore, on behalf of the Board, I am requesting that the City Council schedule a Monday workshop meeting during which this proposed change may be discussed with you. More information about the FPPA Defined Benefit Plan will be provided to you in preparation for the meeting. Once scheduled, I will rely on the City Manager to inform me and the balance of the Board.

Sincerely,

John Williams, Administrative Fire Officer
Chairman, New Hire Fire Retirement Board

- c: New Hire Fire Retirement Board Members
 - Kelly Arnold, City Manager
 - Ron Lappi, Administrative Services Director
 - Claudia Hazelhurst, Human Resources Manager
 - Rick Beaty, Fire Chief
 - John Hall, Fire Unit Supervisor
 - Jim Houlihan, Fire Unit Supervisor
 - John Shaver, City Attorney