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

**WEDNESDAY, APRIL 19, 2006, 7:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance

Invocation – Pastor Jerry Boschen, First Assembly of God

**PROCLAMATIONS / RECOGNITIONS**

RECOGNITION OF THE INVESTIGATIVE EFFORTS OF POLICE OFFICER ED  
PRESCOTT – RALPH BELCASTRO IS DONATING TO THE WESTERN SLOPE  
CENTER FOR CHILDREN ON BEHALF OF THE GRAND JUNCTION POLICE  
DEPARTMENT

PROCLAIMING APRIL 20, 2006 “ARBOR DAY” IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL 23 THROUGH APRIL 29, 2006 AS “ADMINISTRATIVE  
PROFESSIONALS WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL 30 THROUGH MAY 6, 2006 AS “MUNICIPAL CLERKS WEEK”  
IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

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

*Action: Approve the Minutes of the April 5, 2006 Regular Meeting*

2. **Private Street for the Proposed Legends East Subdivision** [File #PP-2004-158] [Attach 2](#)

The petitioners, Greedy Group, LLC, wish to propose a private street to be located within their proposed residential subdivision (Legends East) that they wish to develop near Patterson Road & 28 ½ Road. In accordance with Section 6.7 E. 5. of the Zoning & Development Code, only the City Council may authorize any development that would be served by a private street.

Resolution No. 29-06 – A Resolution to Approve a Proposed Private Street (Tract C) for the Legends East Subdivision

*®Action: Adopt Resolution No. 29-06*

Staff presentation: Scott D. Peterson, Senior Planner

3. **Setting a Hearing on Woodridge Subdivision Right-of-Way Vacations** [File #FPP-2005-240] [Attach 3](#)

The Woodridge Subdivision is a 29-lot proposal for both attached and detached single family housing on the remaining parcels of land (total 7.8 acres) that were originally part of the Wilson Ranch Planned Development. A Planned Development (PD) zoning ordinance and Preliminary Development Plan were approved by City Council on October 20, 2005. The Final Plat and Plan are in the final stages of administrative review. The proposed vacations were contemplated but not heard with the Preliminary review thus are being requested at this time. The sewer easement vacation will be considered at second reading of the right-of-way vacation ordinance.

Proposed Ordinance Vacating Rights-of-Way for 25-3/4 and G-1/2 Roads in the Vicinity of 2561 G-1/2 Road Within the Property Known as the Woodridge Subdivision

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

Staff presentation: Kristen Ashbeck, Senior Planner

4. **Setting a Hearing for the Arbogast Annexation Located at 785 24 Road** [File #GPA-2006-064] [Attach 4](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 18.05 acre Arbogast Annexation consists of 1 parcel and is a 2 part serial annexation.

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

Resolution No. 30-06 – 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, Arbogast Annexation, Located at 785 24 Road

*®Action: Adopt Resolution No. 30-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #1, Approximately 4.40 Acres Located at 785 24 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #2, Approximately 13.65 Acres Located at 785 24 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006*

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting as Hearing for the Charlesworth Annexation Located at 248 28 Road** [File #GPA-2006-062] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.85 acre Charlesworth Annexation consists of 2 parcels.

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

Resolution No. 31-06 – 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, Charlesworth Annexation, Located at 248 28 Road

®Action: *Adopt Resolution No. 31-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Charlesworth Annexation, Approximately 10.85 Acres, Located at 248 28 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006*

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing for the GPD Global/Woomer Annexation Located at 2322 and 2328 I-70 Frontage Road** [File #GPA-2006-065] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 37.57 acre GPD Global/Woomer Annexation consists of 3 parcels.

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

Resolution No. 32-06 – 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, GPD Global/Woomer Annexation Located at 2322 and 2328 I-70 Frontage Road Including a Portion of I-70 and 23 Road Rights-of-Way

®Action: *Adopt Resolution No. 32-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, GPD Global/Woomer Annexation, Approximately 37.57 Acres Located at 2322 and 2328 I-70 Frontage Road Including a Portion of I-70 and 23 Road Rights-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006*

Staff presentation: Senta L. Costello, Associate Planner

7. **Purchase of 2006 Vactor P Ramjet Sewer Vacuum Truck** [Attach 7](#)

This purchase is for the replacement of one 1996 International Ramjet Truck. The vehicle is 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 One 2006 Sterling/Vactor L7500/P-Series Ramjet Sewer Vacuum Truck, from Boyle Equipment Company, Commerce City, Colorado for the Amount of \$110,401.00*

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

8. **Award Contract for 2006 Curb, Gutter, and Sidewalk Replacement Program, Phase A** [Attach 8](#)

The project consists of replacing sections of hazardous or deteriorating curb, gutter, and sidewalk in various locations on Street Department's schedule to be chip sealed later this year. The project also includes median improvements, on Patterson Road and South Broadway.

*Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Curb, Gutter, and Sidewalk Replacement, Phase A Project to BPS Concrete, Inc. in the Amount of \$169,096.68*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

9.\*\*\* **Rehearing Request Regarding the April 5, 2006 Consideration of a Rezone and Right-of-way Vacation for the VanGundy Property** [File #RZ-2006-022] [Attach 14](#)

On April 5, 2006, the City Council considered a request to rezone and vacate right-of-way for property known as the VanGundy property, in the vicinity of 1018 South 5<sup>th</sup> Street. The City of Grand Junction and owners of the adjacent property, Sterling Corporation, were the applicants. After a duly noticed public hearing, the

City Council voted to reject the proposed ordinances, thus denying the requests. On April 17, 2006, the City received a request to rehear the matter, based on the contention that the City Council was not presented all the evidence.

City Council should first consider the request to rehear the matter. If the decision is made to rehear the application, then City Council can decide when to rehear the matter, up to 45 days out, including at this meeting.

*®Action: Consider the Request to Rehear the Rezone and Right-of-Way Proposals for Property in the Vicinity of 1018 South 5th and Schedule the Rehearing for a Date Certain*

Staff presentation: Kristen Ashbeck, Senior Planner  
Jim Shanks, Riverside Parkway Project Manager

10. **Public Hearing – Assessments for Sanitary Sewer Improvement District No. SS-47-05 (26 Road and F ½ Road Area)** [Attach 9](#)

Sanitary sewer improvements have been completed for the 26 Road and F ½ Road Area Sewer Improvement District No. SS-47-05 as petitioned by a majority of the property owners to be assessed.

Ordinance No. 3884 – An Ordinance Approving the Assessable Cost of the Improvements made in and for Sanitary Sewer Improvement District No. SS-47-05, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3884*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

Staff introduced the SSIDs Manual (Submittal Standards for Improvements and Developments) at the April 5 City Council Meeting. 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.

Ordinance No. 3885 – An Ordinance Amending the City of Grand Junction’s Submittal Standards for Improvements and Developments (“SSID”) and Authorizing Publication of the Amendments by Pamphlet

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3885*

Staff presentation: Tim Moore, Public Works Manager

12. **Public Hearing – Adoption of the 2000 St. Mary’s Master Plan and Amendments** [File #FPA-2005-288] [Attach 11](#)

Final consideration 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 7<sup>th</sup> Street and is zoned principally Planned Development (PD).

Ordinance No. 3888 – An Ordinance Approving and Amending the Master Plan for St. Mary’s Hospital and Environs Located at 2635 North 7<sup>th</sup> Street

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3888*

Staff presentation: Lisa E. Cox, Senior Planner

13. **Public Hearing – Amending the PD Zoning and Approve the Preliminary Plan, 10 Overlook Subdivision** [File #PP-2005-209] [Attach 12](#)

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 located at Hillview and Ridge Circle, Redlands Mesa.  
Ordinance No. 3889 – An Ordinance Amending the PD Zoning for Land Located West of Hillview Drive in the Ridges known as 10 Overlook Subdivision

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3889*

Staff presentation: Kathy Portner, Assistant Director of Community Development

14. **Public Hearing – Amendment to Action Plan for 2005 Program Year Community Development Block Grant (CDBG) Program and Subrecipient Contract with The Salvation Army** [File #CDBG-2005-02] [Attach 13](#)

Hold a public hearing to amend the City’s 2005 Action Plan for the Community Development Block Grant (CDBG) 2005 Program Year to utilize \$25,000 granted to the Salvation Army for operational funds for the Adult Rehabilitation Program (ARP) rather than to expand the program.

If the amendment for the Adult Rehabilitation Program (ARP) is approved as stated above, the Subrecipient Contract will formalize the City’s award of \$25,000 to The Salvation Army for operation of the ARP.

Action: *1) Approve the Amendment to the City’s CDBG 2005 Action Plan to Reflect the Revisions Summarized Above; 2) Authorize the City Manager to Sign the Subrecipient Contract with The Salvation Army*

Staff presentation: Kristen Ashbeck, Senior Planner

15.\*\*\* **Meeting Schedule Revision** [Attach 15](#)

Due to scheduling conflicts, the City Council has determined it is necessary to change the June 21, 2006 meeting to June 19, 2006.

Resolution No. 33-06 – A Resolution of the City of Grand Junction Amending the City Council 2006 Meeting Schedule

®Action: *Adopt Resolution No. 33-06*

Staff presentation: Kelly Arnold, City Manager

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

17. **OTHER BUSINESS**

18.\*\*\* **EXECUTIVE SESSION – DISCUSSION OF PERSONNEL MATTERS UNDER SECTION 402(4) (f) (I) OF THE OPEN MEETINGS LAW**



19. **ADJOURNMENT**

## **Attach 1**

### **Minutes from April 5, 2006 City Council Meeting**

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

**April 5, 2006**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of April 2006, at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Coons led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Mark Harris.

#### **PROCLAMATIONS / RECOGNITIONS**

Council President Hill recognized Commissioners Janet Rowland and Craig Meis in attendance. He also recognized Boy Scout Troop 303 and Webelos Pack 353 in attendance.

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**

There were none.

#### **CONSENT CALENDAR**

Council President Pro Tem Palmer noted that item #3, the purchase of trash trucks, using a local vendor has been discussed in the past and it is his preference to use a local vendor when possible. He will vote no on this item. Councilmember Coons concurred stating there was no reason other than price to go with an out of town vendor.

Council President Hill stated that the purchase of the seven bridge structures are being purchased from an in-state vendor.

Councilmember Spehar advised that a continuance of item #9 was discussed at pre-meeting. Council President Hill concurred that any motion should include that change.

It was moved by Councilmember Spehar, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #13 with item #9 being scheduled for public hearing at the June 7, 2006 Council meeting, and Council President Pro Tem Palmer and Councilmember Coons voting NO on item #3.

1. **Minutes of Previous Meeting**

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

2. **Mesa County Animal Services Agreement**

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*

3. **Trash Collection Truck**

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*

4. **Concession Food and Products Distributor**

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*

5. **Three Type III Ambulances**

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*

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

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 7<sup>th</sup> 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 7<sup>th</sup> Street

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

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

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*

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

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*

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

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*

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

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*

11. **Setting a Hearing to Create the El Poso Area Street Improvement District, ST-06, Phase B**

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*

12. **Asbestos Abatement Contract for the Rood Avenue Parking Structure**

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 4<sup>th</sup> 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*

13. **Pedestrian Bridge Superstructures for the Riverside Parkway Project**

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*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

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

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.

The public hearing was opened at 7:25 p.m.

Interim Community Development Director Sheryl Trent introduced this item. She noted that since Zoning and Development Code amendment requests continue to come forward, a focus group has been formed to discuss these requests. Therefore there will be more amendments coming forward as well as a regular (annual) update to the Code.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She noted that many of the items being amended are minor corrections. She highlighted the changes:

A. Section 2.6.A, Code Amendment and Rezoning.

A revision to the criteria for rezoning to clarify that when there is an error, no other criteria need to be met. Also for rezoning, there need not be a finding that the infrastructure needs to be in place, as that is dealt with in the subdivision process.

The review criteria for zoning map amendments are proposed to be changed for more clarification. Specifically, criteria relating to infrastructure capacity and impacts of potential development are removed; these are addressed at the development design stage (platting or site plan review). The benefit derived from any potential rezone is focused at the community-wide level as opposed to just the neighborhood level.

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

Under the campaign signs section, 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.

C. 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).

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

This is a new section to clarify how facade 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.

E. 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.

F. 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.

G. 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. 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.

Two sections of the Zoning and Development Code are at issue as a result of a citizen petition to change the Code relative to rabbits.

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.

The Planning Commission recommended approval of the Staff’s recommended changes and not approve the citizen initiated request regarding rabbits. The Staff recommendation is to approve the ordinance with three modifications: new language under Section 2.19.D.1.c and to delete the changes to Sections 3.8.A.3f, 2.8.C.5, and 2.12.D.6.

Council President Hill questioned if the ordinance included those modifications or will the motion have to include that. City Attorney Shaver said it will have to be included in



the motion. Ms. Portner noted that if Council decides to approve the changes to the animal section, that too will have to be added into the ordinance.

Council President Pro Tem Palmer asked for clarification on the change to 3.8.A.3.f. regarding non-conforming uses. Ms. Portner explained that there are some higher density units in the downtown area that were built prior to the Code changes, which will make them now non-conforming and if they were destroyed by fire they could not be rebuilt. She said the Associated Members of Growth and Development (AMGD) is asking for additional language that would allow a unit that is destroyed by more than 50% be rebuilt, but it would have to meet the setbacks and other provisions. Therefore, it is recommended that the proposed change be removed from the current ordinance until satisfactory language can be drafted.

Council President Pro Tem Palmer questioned signs under Section 4.2.F.2.f. Ms. Portner explained that, in some cases, murals are incorporated into signs and said there is additional wording to exclude murals in the measurement part of the sign code.

Larry Rasmussen, AMGD, 3086 Bookcliff Ave, echoed Ms. Portner's report and expressed appreciation in working with Staff on this project.

James Lindwedel, 2699 Malibu Drive, Paradise Hills, board member of the HOA, said it is important that additional restrictions be placed on any change regarding the keeping of rabbits as petitioned by a citizen. He and the neighbors are concerned with insects and odors as a result of rabbit feces.

Julie Weinke, 2694 Malibu Drive, the petitioner, presented caged rabbits as exhibits and then reviewed the regulations. She said that there may be six rabbits caged outdoors. She then listed animals that can be maintained in any quantity inside and said that she received a verbal approval by Code Enforcement to keep her rabbits and was then told that she had to remove the rabbits. She said rabbits are not defined as agricultural animals, they are pets and said commercial rabbits are raised for meat and pelts. She said that she is not talking about farming rabbits, but has thirty bunnies in her garage. Ms. Weinke said Guinea pigs are rodents but are considered in the rabbit family for show. She related that there are several other breeders in City limits of various animals such as frogs, birds, cats, and bunnies and is asking for the opportunity to keep her household pets. She said any complaints about fleas should not be directed at her as neither her rabbits or dogs have fleas. There were no other public comments.

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

Council President Pro Tem Palmer asked about household businesses. Mr. Shaver advised that are specific regulations regarding home occupations and lawful businesses are defined.

Ms. Portner said in Section 4.3.a, the keeping of animals shall not become a nuisance or a public health problem, so it could be dealt with no matter the number. She said the Code also addresses animal boarding and sales which is not an allowed home occupation.

Councilmember Coons questioned the number of household pets of any one species. Ms. Portner said a maximum of three adult pet species and total not to exceed six with the exception of small animals like rodents, frogs, small birds, and reptiles.

Councilmember Beckstein questioned if the limit is six. Ms. Portner said yes but the citizen wants to be considered under the definition of small animals where the number would be unlimited.

Councilmember Coons stated that her husband is a veterinarian and said that he would not consider a rabbit as a pocket pet, a term used by the petitioner.

Council President Hill questioned City Attorney Shaver about what the HOA covenants could state and if they could be compared to the City Code. Attorney Shaver stated that covenants are basically a contract between the homeowner and the neighborhood. He said the question is the number of pets, the odor, and the feces that may trigger a violation of the covenants. He said the City Code addresses general nuisances that could also violate the covenants.

Council President Hill questioned if the covenants could be more restrictive than the City Code. Attorney Shaver said they certainly could.

Council President Hill questioned if the covenants could be less restrictive. Attorney Shaver said yes, but the City's Code would also be in force as well.

Council President Hill asked Ms. Portner to summarize the ordinance and the modifications. Ms. Portner said section 2.19.d.1.c was modified as presented and said the security may be extended for one additional year as is necessary for the bond to be called or the improvements to be installed or replaced. The other modifications are to delete Section 3.8.A.3.f., Section 2.8.C.5 and Section 2.12.B.6.

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

Councilmember Beckstein moved to adopt Ordinance No. 3876 as amended on Second Reading and ordered it published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Council President called a recess at 8:10 p.m.

The meeting reconvened at 8:18 p.m.

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

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.

The public hearing was opened at 8:18 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She reviewed the request for annexation and zoning. She said the requested zoning is RSF-2. Ms. Bowers reviewed the history of the process including the letters of opposition received. She said the property is a serial annexation, contiguity being obtained through the Bluffs West area. The parcel is 1.40 acres and the owners want to subdivide. Ms. Bowers said it is Staff's opinion that the Bellhouse Annexation complies with State Statutes regarding the annexation. The Future Land Use Map designates the property as residential medium low 2 to 4 units per acre. The applicant is requesting RSF-2 which is in conformance with the Growth Plan and the surrounding properties. She said it meets the criteria of the Zoning and Development Code and it is therefore recommended that the property be annexed and zoned as requested.

Council President Pro Tem Palmer questioned why a serial annexation. Ms. Bowers said a serial annexation is based off of the building blocks system to meet the 1/6 contiguity. Council President Pro Tem Palmer questioned if the end result is that the Bellhouse property wants to subdivide so the property must be annexed. Ms. Bowers said yes and the reason for annexing the right-of-way is for contiguity purposes. Council President Pro Tem Palmer said so the adjacent properties are not being annexed. Ms. Bowers said that is correct.

Carol Bellhouse, 2381 South San Miguel Drive, the applicant, said that she wants to split the lot and sell it to a nice family that wants to build a Mediterranean style house and they have a child that will go to Scenic Elementary. Ms. Bellhouse said the requirements have been met and the property is in the 201 Persigo boundary. She said any issues regarding traffic will be addressed at the next step of the process. Ms. Bellhouse said that she lives in the neighborhood and doesn't want to hurt it and said there is only one remaining lot in the subdivision that is not developed. She stated that the covenants were filed in the mid 50's and they stated that there will be no additional splits allowed, except for lots 1 through 5 in block 3. She said that she purchased the property based on the Future Land Use Designation.

Merlin Schreiner, 2387 South San Miguel Drive, president of the HOA and over sees the water supply for the neighborhood, said that he believes the zoning of RSF-2 will be non-conforming. He said RSF-2 zoning requires a lot width of 100 feet measured at the front set back line. He said the proposed lot split will leave 40 feet on the new lot front width and 70 feet on the existing lot. The Code requires a 20 foot setback. He said the new lot line will become the line for the existing structure; then there will only be a 7 to 8 foot setback. Mr. Schreiner said he has consulted with the utilities and Fire Department who made no negative comments and said the water service is now requiring a six inch service line where there is an existing 1 ½ inch line. He said there are no fire hydrants on that line either so no flow tests can be done. Mr. Schreiner said that he had visited with Fire Marshall (Masterson) and said the Marshall said the nearest hydrant is 1/2 mile away. Mr. Schreiner wanted to know why there were no negative comments and was told it is too much of a burden to make one residence pay for that extension to install a fire hydrant. Therefore, the Fire Department will require the new home to have a fire protection system installed which he feels is a band-aid approach.

Council President Hill said the comments are now moving into issues that are not under consideration tonight and asked speakers to stay on track.

Richard Perske, 502 Riverview Drive, owns Lot 4, gave a brief background on the subdivision. He said regarding the zoning, his lot is not unbuildable and it is vacant. He said the annexation and zoning is not compatible to the existing houses. He said the pathway between his lot and the Bellhouse's lot is used by school children. Mr. Perske said he has a letter from the School Principal regarding traffic and pedestrian conflicts in the cul-de-sac. He believes the lot cannot be subdivided and be legally conforming.

Elizabeth Baltzer, 2375 South San Miguel Drive, said that she has kids that go to Scenic Elementary and wanted to know why the driveway has to be adjacent to where the kids walk. She read a letter from Doug Levinson, Scenic Elementary School, that stated that the pathway is used heavily by school kids and said it is the only safe walking path in the neighborhood.

Walter Boigegrain, 2389 South San Miguel Drive, purchased his property in 1984. He said he has worked hard on his property to improve it and said the annexation should not take place. He said the driveway exit will be too small and also the cul-de-sac is too small for another driveway. He said three cars can fill the cul-de-sac and the traffic in the driveway will be dangerous to children, even with the offer from the owner to build a wall.

Doug Gray, 134 Vista Grande Road, stated that he does not live in the subdivision and said that he has 1 ¼ acres that is adjacent to the west of the subdivision. He said at first he was not against seeing a house being built there but with further consideration, he said that he walks this area every day and said that him and his wife purchased their house 35 years ago and they do not want to be in the City limits. He said there were cars all over the cul-de-sac with 17 parents and kids and said the trail is a beautiful trail for the kids to go to school and feels that some child will get hurt there if this goes through.

Jane Perske, 502 Riverview Drive, owns Lot 4, wants Council to pay attention to what is being said about the pathway and the kids. She said a former owner always parked in the driveway backwards to prevent backing over a child.

Bob Eggen, 2379 South San Miguel Drive, reiterated what Perske's said.

Eric Hanson, 2385 1/2 South San Miguel Drive, said that Ms. Perske's property does not currently have a driveway now, but it will.

Gary Heaton, 2388 South San Miguel Drive, said his house was built in 1930 and has owned it since 1960. He said there have been a lot of changes in neighborhood and said without this annexation these changes won't happen.

Patricia Linn, owns Lot 5, said that her property was divided in the 70's. She said that for most people, property is the biggest investment a person could ever have. She said that she is fine with being annexed into the City but is not in favor of it being part of a piecemeal annexation. She requested that Council hold off and think about how it will change the culture of the neighborhood. She stated that there is not enough room to build another home on that lot.

Claire McCullough, 124 ½ Vista Grande Drive, said she is opposed to the annexation and said that she doesn't want to see the character of the neighborhood change.

Susan Robertson, 116 Vista Grande Drive, is opposed to the annexation.

Shawn Hart, 122 Vista Grande Drive, said she has concerns for the young children that use the trail and the wildlife around the area. She said she likes the rural setting and opposes the annexation.

Carol Bellhouse, the applicant, said the access is still up in the air and it could be located elsewhere. She said the traffic, utilities, the character of the neighborhood and setbacks will be addressed in the next step.

The public hearing was closed at 9:15 p.m.

Councilmember Spehar asked for clarification regarding the trail ownership. Lori Bowers, Senior Planner, said the trail is owned by the School District.

Councilmember Coons asked for more clarification on what is being annexed. Ms. Bowers said the lot and portions of the right-of-way.

Council President Pro Tem Palmer questioned if enclaving is unlikely in the near future. Ms. Bower said that is correct.

Councilmember Coons asked if there will be an opportunity for public comment on the subdivision itself. Ms. Bower said if approved administratively there is an appeal process to the Planning Commission.

Council President Hill questioned if the property meets the setbacks and questioned if the current house is zoned RSF-4, does that make it non-conforming. Ms. Bowers said the City cannot create a non-conforming lot. She said this is a flag lot so annexing this property does not make it non-conforming.

Council President Hill questioned City Attorney Shaver if there was no Persigo Agreement and a property owner wanted to split their lot, how would that happen. Attorney Shaver said the Persigo Agreement creates a method to administer development consistently, without the Persigo Agreement; this would have gone to Mesa County for a lot split. The assumption is that all property in the 201 boundary will ultimately be in the City, based on voluntary requests for an annexation.

Councilmember Doody questioned if the City doesn't annex this property, would Ms. Bellhouse have to be removed from the 201 boundary. Attorney Shaver said theoretically yes. He said this creates other inconsistencies since the sewer has already been provided, adding it is unfortunate the neighbors see this as being negative. Attorney Shaver said the fact is that by being annexed into the City, the City will be reviewing the development.

Councilmember Spehar questioned if there is an RSF-1 zone designation. Ms. Portner said the City does, but under the Persigo Agreement and the Future Land Use

Designation this property can only be zoned RSF-2 or RSF-4, any other zoning would require a Growth Plan Amendment.

**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

Councilmember Coons moved to adopt Resolution No. 25-06 and Ordinances Nos. 3879, 3880, 3881, 3882, and 3883 on Second Reading and ordered them published. Councilmember Doody seconded the motion.

Councilmember Spehar stated that he will vote in favor as it is in conformity and he is reluctant to disallow in favor of the issues raised. He said it is unfortunate but the neighborhood can't expect others to provide open space for wildlife.

Councilmember Coons stated that the neighborhood will have the opportunity to work with the planning and subdivision phase to mitigate the affects of the impacts and said that she will vote in favor of adopting the Resolution and Ordinances.

Councilmember Thomason said this was a tough decision but will also vote in favor.

Council President Pro Tem Palmer said that he appreciates the neighborhood bringing forward their concerns. He said the neighborhood is pretty much built out and said that

he has also walked on the trail. He said that he tried hard to find a reason to deny but will have to vote in favor.

Councilmember Beckstein stated this is an appropriate decision according to Zoning and Development Code, so that she will also support the decision.

Councilmember Doody said the proposed zoning is less than the County's existing zoning and said he also supports the decision.

Council President Hill found this difficult but the applicant is asking for the low end of the allowed zoning. He said that the safety issues will be dealt with and said the bigger picture is maximizing services to the community to have a more livable and viable community.

Motion carried by roll call vote.

Council President Hill called a recess at 9:40 p.m.

The meeting reconvened at 9:49 p.m.

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

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

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

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location which is a remnant from the Riverside Parkway right-of-way and some properties to be purchased. The remnant is currently used by the Van Gundy Salvage operation. She described the surrounding Future Land Use Designation and the surrounding zoning. The requested zoning is compatible with the Future Land Use designation. She said the Planning Commission found the request to meet the rezone criteria and recommends approval.

Councilmember Spehar asked for a review of the 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.*

Councilmember Spehar questioned if there will be any chance that the Parkway will not proceed if this request is not approved. Mark Relph, Public Works & Utilities Director, said the first step is to relocate the business and said the next step will be to address screening and landscape issues.

Councilmember Coons questioned what would happen if one of the requests is approved and not the other. Mr. Relph said the rezone is the most important and said by not vacating the alley it might be problematic. He said the vacation would give them more flexibility in planning the site.

Councilmember Spehar questioned if all of the criteria have to be met. City Attorney John Shaver said all of the criteria would have to be met, but not necessarily for the reasons stated.

Dan Wilson, Coleman, Williams and Wilson, attorney for the Van Gundy's, stated the Van Gundy's have been on the property for 60 years. He said the Van Gundy's have accepted the fact of the Riverside Parkway and therefore entered into an agreement with the City, agreeing to move down to a smaller site. He said without the vacation it would create access issues. Attorney Wilson said it is difficult to develop and is hoping to get in front of the Planning Commission next week for the site plan. He said the deadline for the Van Gundy's to vacate the land is August 1<sup>st</sup> and said they have had some coordination problems getting through the process; plus they have a lot of stuff to move. Attorney Wilson said if this is not approved, the family would be out of business. He said City Staff spent months looking for an alternative site and said it could not be found. He stated that what makes this business work is the rail and truck route access. The Van Gundy's recycle items that would end up in the desert and said no other site with the needed zoning has rail and truck access. He said the perfect zoning for the site is I-2 but that is inconsistent with the Growth Plan. The requested I-1 zoning forces a Conditional Use Permit process.

There were no other comments.

The public hearing was closed at 10:13 p.m.

Councilmember Coons questioned if the sign code would apply. City Manager Kelly Arnold said yes, that it is in the moratorium area.

Council President Pro Tem Palmer said the criteria for a rezone is that there has been a change to the character of the neighborhood. He said by changing it to commercial this could be an opportunity to continue the improvements in that area and said if it is changed to industrial it would be a step backwards. He said that he will not support the rezone.

Councilmember Spehar said that he does not feel that the criteria is being met. He said criteria #1, zoning was in error, is not the case. There are clear reasons for the site to be commercial. He said to make zoning changes ahead of the process would be an error and said the value of property was anticipated in 2000 when it was zoned commercial. He said that the area is changing because of the Riverside Parkway and there are other properties in other areas of the valley that could supply this kind of property in the community.

Council President Pro Tem Palmer said this will go against many of the goals of the Strategic Plan.

Councilmember Coons feels that this is not a true relocation. She said that the Parkway will proceed if this goes through or not. She can see the value of the operation and the need for it in the area, but is not sure it needs to be in the City limits. She said that the neighborhood is changing and the City is trying to beautify that area. She is opposed to the request.

Councilmember Doody said he feels that the area in the Van Gundy's vicinity is industrial and said there is a need for industrial use in this area.

Councilmember Thomason said that he supports the comments that have been said so far and has nothing to add.

Councilmember Beckstein said that she supports this request and said a salvage yard does serve a purpose. She feels this is an appropriate direction.

Council President Hill stated that there is a need for this type of operation. He said the Parkway will be a beautiful roadway, but the original zoning was I-2 for over 70 years and the owner did not request the change; the City changed the zoning, so that is where the error lies. He feels that north of the Parkway should be industrial and the City should maximize its resources and infrastructure. He is very supportive and feels that it would benefit the community and that it does bring in jobs into the community as well. He said that it sets the stage of good quality uses.

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

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

Councilmember Spehar moved to reject Ordinances Nos. 3884 and 3885. Council President Pro Tem Palmer seconded the motion.

Councilmember Spehar said the purchase option for the property did not guarantee the rezone or vacation.

Council President Hill agreed, but said that it should be an untainted process, regardless of knowing what business, this zoning would fit within the north area of the railroad tracks. He feels this is appropriate.

Councilmember Doody agreed that this is a perfect fit for the City of Grand Junction.

Councilmember Thomason stated that there is a need for a business like this, but he can't get past that the City paid for relocation and not just to have them shift to another corner. He feels the City needs to improve the gateway and that he is not in favor.

Councilmember Beckstein said that she is supportive of this and said the new operation will have to be up to the current Code. She said this service provides a necessary outlet for the community to get rid of things and said there were moot points as there are other salvage yards in the area, but City Staff would be working with the Van Gundy's to make sure they are up to Code and to see that it will not look like it does today.

Council President Pro Tem Palmer called the question. The vote was 6 to 1 to call the question.

Motion carried by roll call vote 4 to 3 to REJECT with Council President Hill, Councilmember Doody and Councilmember Beckstein voting NO.

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

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.

The public hearing was opened at 10:40 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the request, location, the current use, the surrounding Future Land Use Designation and zoning. She said the existing zoning in Mesa County is RSF-4. She said Staff finds that the request meets the criteria of the State Law and the Zoning Development Code and said Staff and the Planning Commission recommended approval.

The applicant was not present.

There were no public comments

The public hearing was closed at 10:43 p.m.

**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

Councilmember Spehar moved to adopt Resolution No. 26-06 and Ordinances Nos. 3886 and 3887 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Creation of Avalon Theatre Advisory Committee**

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.

Councilmember Beckstein recused herself and had submitted a letter to the City Clerk regarding a conflict of interest. She left the room.

David Varley, Assistant City Manager, reviewed this item. He said the recommendation came out of a workshop discussion which was to form a committee, the ATAC, and have representation from the CAI, the Avalon Board, the DDA, and citizens representing other expertise from the community.

Councilmember Spehar asked for more clarification on the board member requirements. He said the way it is written it is not limited to one member from each area of expertise and said he would not want to limit the number of applicants by making the qualifications

so narrow. City Attorney John Shaver recommended deleting the words “at least” and to change the word “appointed” to “recommendation” in Resolution No. 27-06.

There was a discussion on terms. It was noted that adjustments could be made if needed.

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

Councilmember Coons moved to adopt Resolution No. 27-06. Councilmember Doody seconded the motion.

There were two amendments:

Councilmember Spehar moved to amend his motion by changing “appointed” to “recommended”. Council President Pro Tem Palmer seconded the amended motion. Motion carried.

Councilmember Spehar moved to delete the words “at least” thus further amending Resolution No. 27-06. Councilmember Coons seconded the amended motion. Motion carried.

Motion on amended Resolution carried six to zero.

Councilmember Beckstein returned to the dais.

### **Transfer Agreement of the Drain D Storm Water System**

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

City Manager Kelly Arnold introduced this item. He noted that it is a very important item and said it is a historic drain. The last rural drain has always been an issue when development takes place in this area. He deferred to Mark Relph, Public Works & Utilities Director.

Mr. Relph said this has been a long process and said this has been a struggle even before City Manager Kelly Arnold got here. He said the waste ditch system was constructed in the early 1900's. The Bureau of Reclamation, the owner of the system, a few years back created a policy that was not going to allow additional storm water from new developments to drain into the system. He said the City Staff has had several discussions with the Bureau of Reclamation regarding the policy and in the end the developers were the ones that got caught in the squeeze. He said the Bureau of Reclamation did not maintain the system to a high enough level so it could not take on additional run off. Mr. Relph said the City has maintained an open ditch to take on the additional drainage but the City cannot maintain that long term. He said the Bureau of Reclamation is quit claiming the property to the City but there is no legal description and said there is no money being exchanged for the property.

Attorney Shaver said the City has been working on this since 1994.

Mr. Relph said Staff has sent a camera through the drain system and has fixed a lot of the problems. He believes that the system will be manageable.

Councilmember Coons questioned if the City will control the entire ditch system. Mr. Relph said yes.

Councilmember Thomason questioned if there are any other liability issues if the City assumes this system. City Attorney Shaver said that his only concern is that this was agricultural and said since being agricultural there could be some environmental risks, but said the risk is low enough to go forward anyway.

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

### **Purchase of Properties at 2389, 2395, and 2399 River Road for the Riverside Parkway Project**

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.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the properties and noted that this is number three of the last three properties needed. He said these properties are various pieces belonging to Mays Concrete (Clifford Mays, Sr.,) the total purchase price is \$65,582. Other costs include moving access points and closing costs. He said Mays Concrete will be constructing and paying for the construction of a retaining wall.

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

Council President Pro Tem Palmer moved to adopt Resolution No. 28-06.

Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

City Manager Kelly Arnold reviewed the Future Workshop Agendas. He asked that Council schedule the Meth Street Task Force and the 24 Road Corridor on the 17<sup>th</sup> of April. Councilmember Beckstein said that she would prefer the 24 Road Corridor not be on the 17<sup>th</sup> as she will not be in attendance. Councilmember Spehar suggested Item #4, the request from Fire Retirement Board, be scheduled for the 17<sup>th</sup> of April.

Council President Hill said to schedule the 24 Road Corridor on May 1<sup>st</sup> and wanted BLM meeting set up as soon as possible; the 17<sup>th</sup> of April if possible. Councilmember

Coons said she would like to see the City Purchasing Policy moved up as a priority.

**ADJOURNMENT**

The meeting adjourned at 11:25 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

**Private Street for the Proposed Legends East Subdivision  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Approval of a private street for the proposed Legends East Subdivision							
<b>Meeting Date</b>	April 19, 2006							
<b>Date Prepared</b>	April 4, 2006				<b>File #PP-2004-158</b>			
<b>Author</b>	Scott D. Peterson		Senior Planner					
<b>Presenter Name</b>	Scott D. Peterson		Senior Planner					
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:** The petitioners, Greedy Group, LLC, wish to propose a private street to be located within their proposed residential subdivision (Legends East) that they wish to develop near Patterson Road & 28 ½ Road. In accordance with Section 6.7 E. 5. of the Zoning & Development Code, only the City Council may authorize any development that would be served by a private street.

**Action Requested/Recommendation:** Request approval of the Resolution to approve a proposed private street (Tract C) as identified on the approved Preliminary Plat by the Planning Commission for Legends East.

**Attachments:**

1. Background Information/Staff Analysis
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City Zoning Map
4. Preliminary Plat
5. Resolution



## **Background Information:**

In accordance with Section 6.7 E. 5. of the Zoning & Development Code, only the City Council may authorize any development that would be served by a private street. The proposed Legends East subdivision would contain a total of 63 single-family attached/detached lots and 29 townhouse/condominium lots to be developed over three (3) phases. Current zoning for the subdivision is RMF-8, Residential Multi-Family – 8 units/acre. The proposed private street that is yet to be named (Tract C – See Preliminary Plat) would access 29 townhouse units and six (6) single-family dwelling units and would be developed during Phase 3.

In accordance with Chapter 13.0 of the TEDS Manual (Transportation Engineering Design Standards), Private Streets, Shared Driveways and Loop Lanes, a private street must meet all the requirements as specified in Section 13.1. The developer has demonstrated that the proposed private street:

1. provides flexibility in residential street access due to design or topographic conditions and
2. encourages more creative design including but not necessarily limited to the clustering of units in residential development and
3. provides an immediate and continuing public benefit, e.g., by reducing public street maintenance costs and
4. provides a safe residential environment and
5. promotes attractive streetscapes that give neighborhoods character and identity e.g., by allowing alternative street surfaces, finishes and designs.

The private street is proposed to be 20' wide and will be deeded and dedicated to the Homeowner's Association for ownership and maintenance. Forty-seven (47) off-street parking spaces will be provided in addition to the two (2) off-street parking spaces for each lot as no on-street parking is proposed. All properties will have access to a pedestrian walkway.

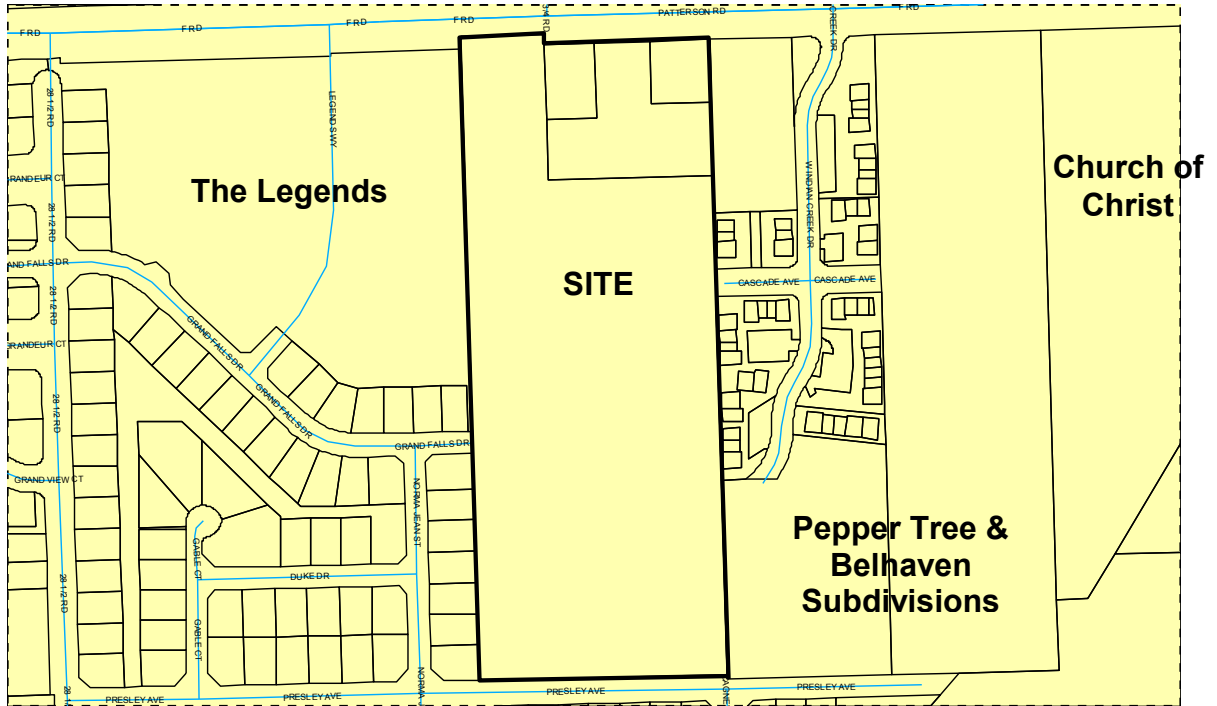
## **Findings:**

City Community Development and City Engineering staffs have reviewed the proposal and have found the proposed private street to meet all the requirements of the Zoning & Development Code and TEDS manual. The Planning Commission approved the Preliminary Plat for Legends East at the March 14, 2006 meeting.

**Recommendation:** City staff and the Planning Commission recommend approval of the private street (Tract C).

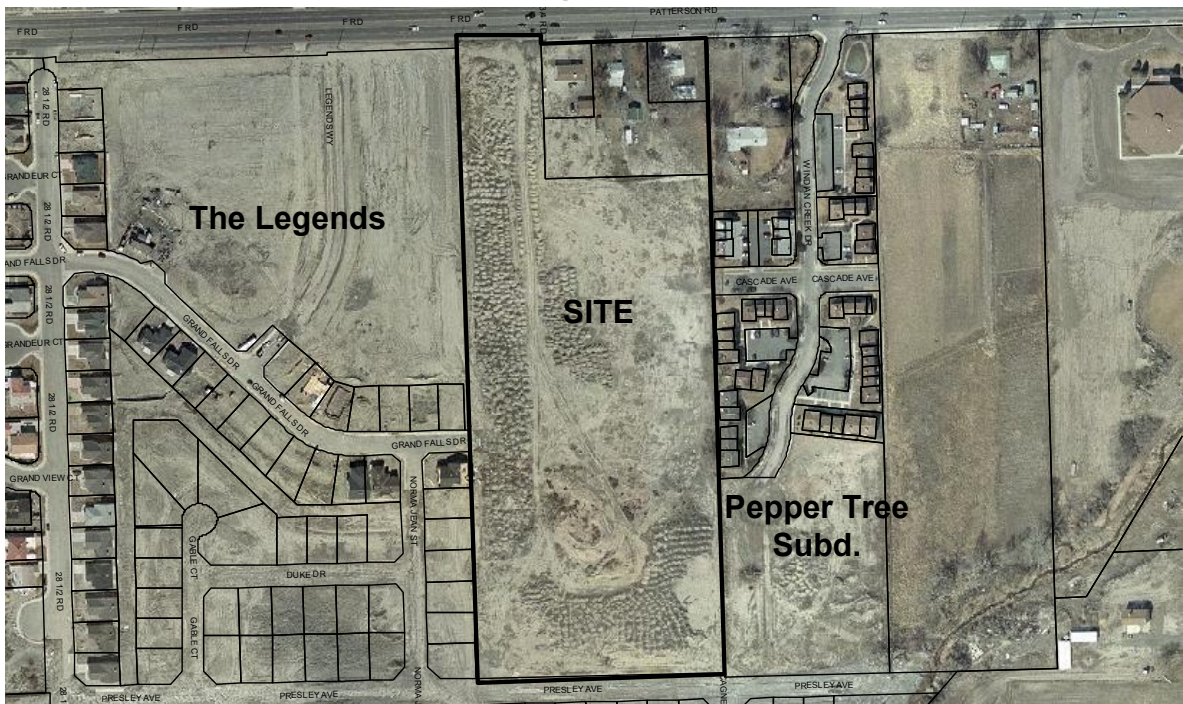
# Site Location Map – Legends East

Figure 1



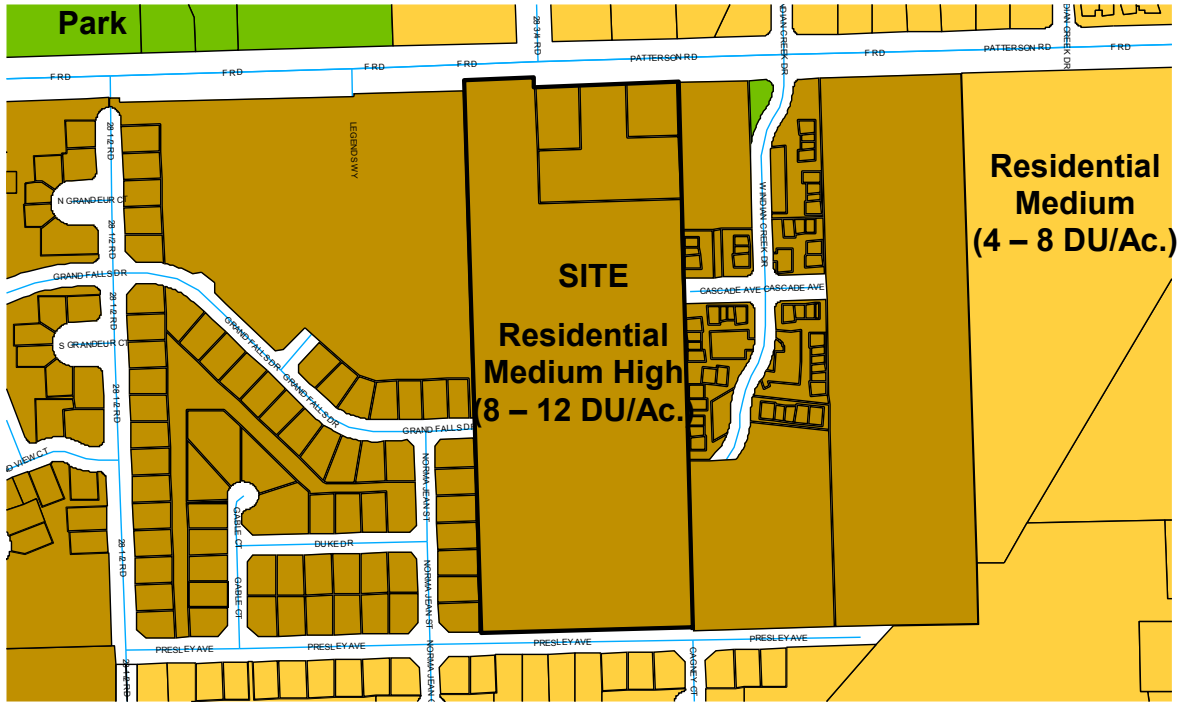
# Aerial Photo Map – Legends East

Figure 2



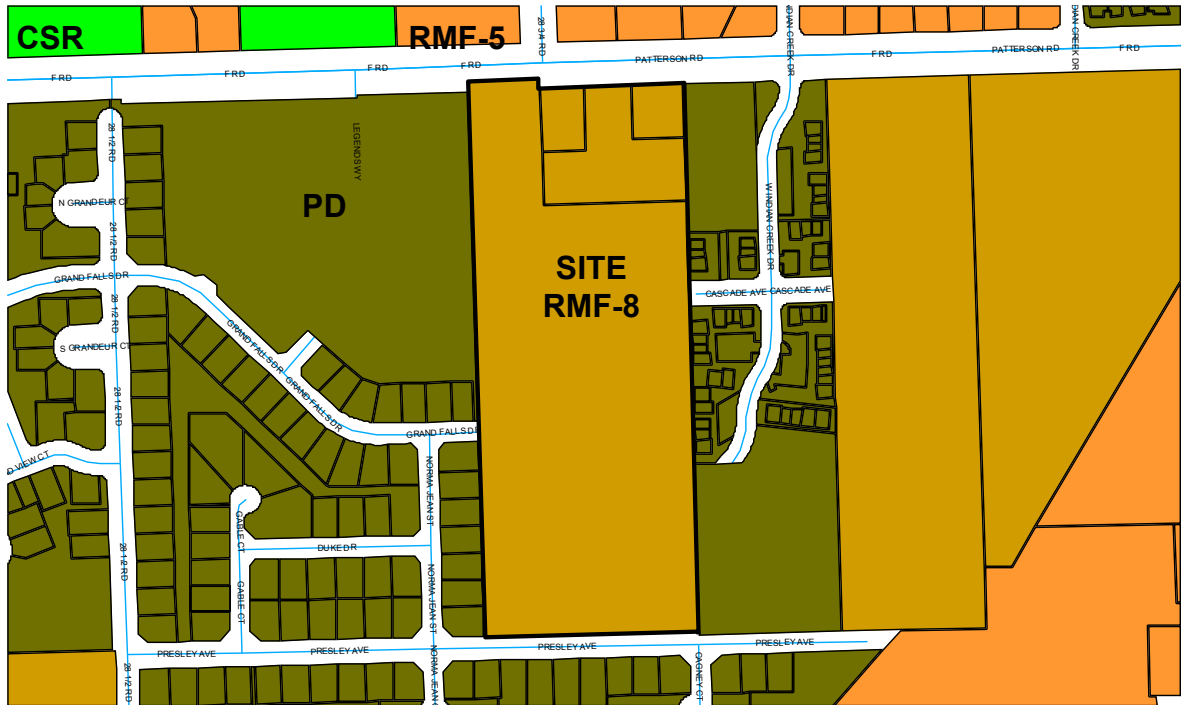
# Future Land Use Map – Legends East

Figure 3



# Existing City Zoning – Legends East

Figure 4

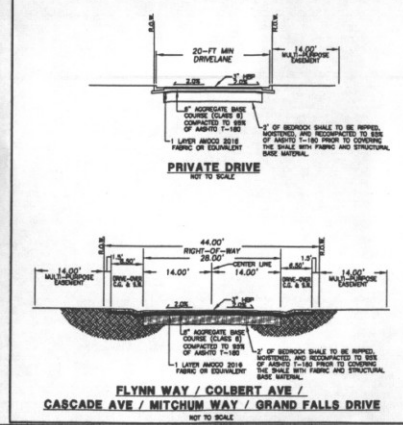
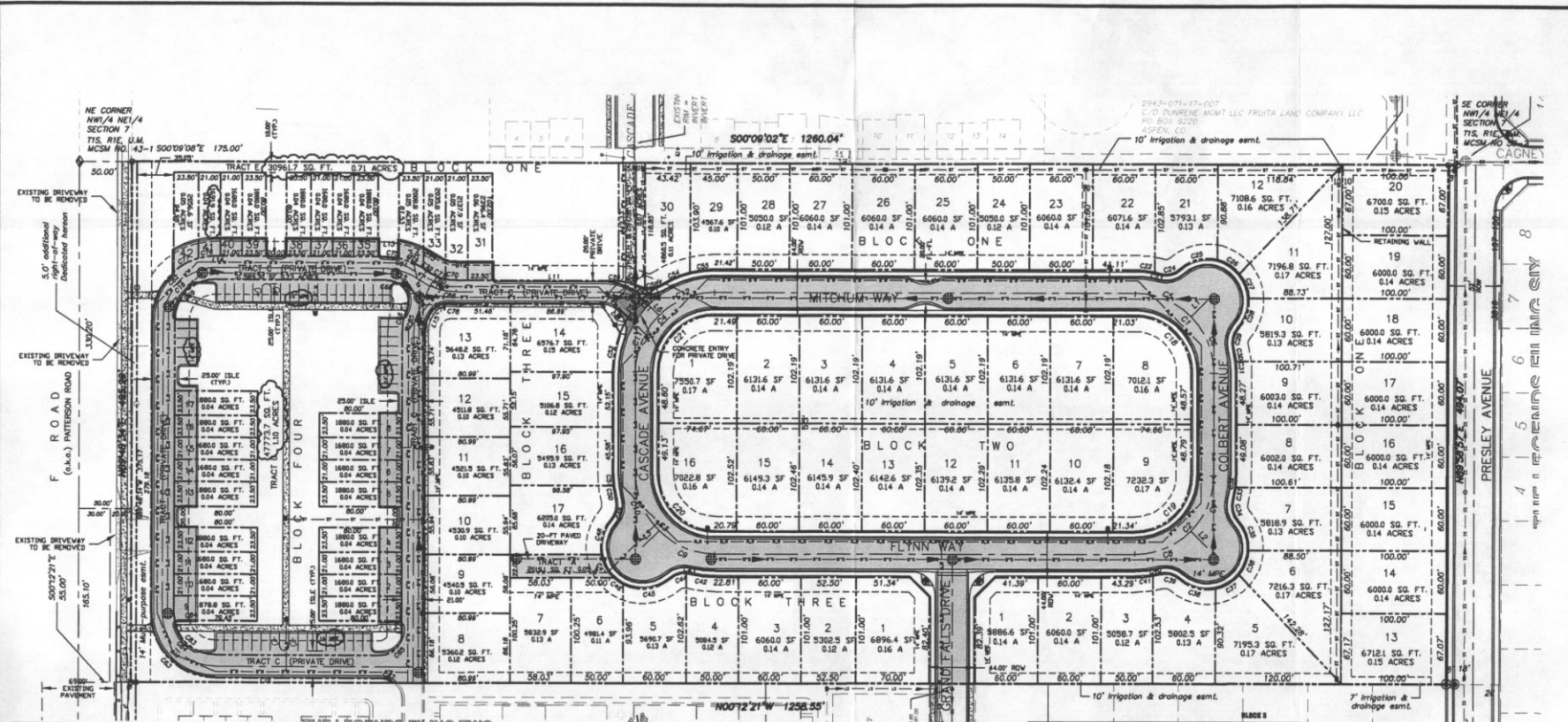


NE CORNER  
NW/4 NE1/4  
SECTION 7  
T1S. R1E. U.M.  
MCSM #0 43-1 500'09"08" E 175.00'

500'09"02" E 1260.04'

2943-0714-17-007  
C/O FURBERE MOUNT LLC FRUITA LAND COMPANY LLC  
P.O. BOX 8238  
ASPEN, CO  
81611

SE CORNER  
NW/4 NE1/4  
SECTION 7  
T1S. R1E. U.M.  
MCSM #0 43-1 500'09"08" E 175.00'



**CURVE TABLE**

CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH
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1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01
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1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07
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1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

**SHARED LAND USE**

LOCATION	OWNER	USE
TRACT A	LEGIS EAST	SHARED DRIVEWAY / UTILITY EASEMENT
TRACT B	HOMEOWNERS ASSOCIATION	UTILITY / PESTICIDE ACCESS EASEMENT
TRACT C	HOMEOWNERS ASSOCIATION	PRIVATE ROAD/UTILITY EASEMENT
TRACT D	HOMEOWNERS ASSOCIATION	OPEN SPACE / PARKING / UTILITY EASEMENT
TRACT E	HOMEOWNERS ASSOCIATION	OPEN SPACE / UTILITY EASEMENT

**SUBDIVISION NAME: LEGENDS EAST**  
**TOTAL ACRES: 14.30**  
**ZONING: RMF-B**

**LAND USE SUMMARY**

LAND USE	ACRES	PERCENT
RESIDENTIAL SINGLE-FAMILY	11.80	82.52%
RESIDENTIAL CONDO	1.50	10.49%
COMMERCIAL	0.80	5.60%
TOTAL	14.30	100.00%

**TOTAL SINGLE FAMILY UNITS: 63**  
**TOTAL CONDO UNITS: 20**  
**TOTAL UNITS: 83**  
**DENSITY: 5.80 UNITS/ACRE**

**CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT**  
 PRELIMINARY APPROVAL

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

- GENERAL NOTES:**
- NO PARKING WILL BE ALLOWED ON PRIVATE STREETS OR SHARED DRIVEWAYS. NO PARKING SIGNS SHALL BE PROVIDED AS PART OF THE FINAL PLAN APPROVAL.
  - ALL GARAGES ALONG SHARED-PRIVATE STREET SHALL BE SETBACK A MINIMUM OF 20-FT FROM PROPERTY LINE.
  - AN ANNUAL MAINTENANCE FUND SHALL BE ESTABLISHED BY THE HOA FOR MAINTENANCE OF ALL PRIVATE STREETS.
  - ALL EXISTING DRIVEWAY ACCESS IS ALONG PATTERSON ROAD SHALL BE REMOVED AND REPLACED WITH 6" VERTICAL CURB AND GUTTER. A NEW DETACHED SIDEWALK SHALL BE PROVIDED ALONG THE PATTERSON ROAD FRONTAGE.



**LEGENDS EAST**  
**PRELIMINARY PLAN**  
 PREPARED BY:  
**GREEDY GROUP**

**A-C-G**  
**AUSTIN CIVIL GROUP, INC.**  
 Land Planning / Civil Engineering / Development Services  
 338 Main Street, Suite 209 Grand Junction, Colorado 81501  
 (970) 242-1500

**LEGENDS EAST**  
**PRELIMINARY PLAN**  
 PREPARED BY:  
**GREEDY GROUP**

DATE: 12-14-05  
 SCALE: 1"=50'  
 SHEET NO: P-1

CITY OF GRAND JUNCTION

RESOLUTION NO. \_\_-06

A RESOLUTION TO APPROVE A PROPOSED PRIVATE STREET (TRACT C) FOR  
THE LEGENDS EAST SUBDIVISION

**Recitals.**

Greedy Group, LLC, wish to propose a private street (Tract C) to be located within their proposed residential subdivision (Legends East) that they wish to develop near Patterson Road & 28 ½ Road. In accordance with Section 6.7 E. 5. of the Zoning & Development Code, only the City Council may authorize any development that would be served by a private street. The Planning Commission found that this request conforms to the Zoning & Development Code and Chapter 13 of the TEDS (Transportation Engineering Design Standards) Manual and recommended approval of the private street at its March 14, 2006 meeting.

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

City Council finds that the private street meets the criteria set forth in Section 6.7 E. 5. of the Zoning & Development Code and Chapter 13 of the TEDS Manual and in accordance therewith the following described private street is hereby approved:

Tract C, Legends East Subdivision

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

ATTEST:

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

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

**Attach 3**  
**Setting a Hearing on Woodridge Subdivision Right-of-Way Vacations**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Woodridge Subdivision Right-of-Way Vacations					
<b>Meeting Date</b>		April 19, 2006					
<b>Date Prepared</b>		April 13, 2006			<b>File:</b> FPP-2005-240		
<b>Author</b>		Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>		Kristen Ashbeck		Senior Planner			
<b>Report results back to Council</b>		X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>			<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The Woodridge Subdivision is a 29-lot proposal for both attached and detached single family housing on the remaining parcels of land (total 7.8 acres) that were originally part of the Wilson Ranch Planned Development. A Planned Development (PD) zoning ordinance and Preliminary Development Plan were approved by City Council on October 20, 2005. The Final Plat and Plan are in the final stages of administrative review. The proposed vacations were contemplated but not heard with the Preliminary review thus are being requested at this time. The sewer easement vacation will be considered at second reading of the right-of-way vacation ordinance.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed ordinance and set a Public Hearing for May 3, 2006 for the vacation ordinance.

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

**Attachments:**

- Site Location and Aerial Photo Maps
- Future Land Use and Existing Zoning Maps
- Proposed Woodridge Subdivision
- Planning Commission Minutes (to be provided at second reading)
- Proposed Rights-of-way Vacation Ordinance & Exhibit

BACKGROUND INFORMATION					
<b>Location:</b>		2561 G-1/2 Road			
<b>Applicants:</b>		Owner: 759 Investments LLC Developer: Same Representative: Thompson-Langford, Jim Langford			
<b>Existing Land Use:</b>		Vacant			
<b>Proposed Land Use:</b>		19 detached single family units 10 attached single family units			
<b>Surrounding Land Use:</b>	North	Interstate 70 and Large Lot Single Family Residential			
	South	Grand Valley Canal, Large Lot Single Family Residential and Single Family Residential (Wilson Ranch)			
	East	Large Lot Single Family Residential and Commercial (Bookcliff Gardens)			
	West	Grand Valley Canal and Single Family Residential			
<b>Existing Zoning:</b>		Planned Development (PD)			
<b>Proposed Zoning:</b>		Same			
<b>Surrounding Zoning:</b>	North	County Zoning: Agricultural Forestry Transition (AFT)			
	South	Planned Development (PD-Wilson Ranch)			
	East	Residential Single Family 2 units per acre (RSF-2)			
	West	PD (Wilson Ranch)			
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac			
<b>Zoning within density range?</b>		X	Yes		No

**BACKGROUND:** The Woodridge Subdivision site is located at 2561 G-1/2 Road just west of Bookcliff Gardens on the remaining parcels of land (total 7.8 acres) that were originally part of the Wilson Ranch Planned Development. The site is just between the Grand Valley Canal and Interstate 70. Wilson Ranch was initially developed in the County and then annexed to the City in the early 1990s – later filings were developed in the City. The entire subdivision was zoned Planned Residential 4.3 units per acre at the time of annexation. The

detached single family phases have all been built out but the remaining areas proposed as the Woodridge Subdivision were initially planned to be developed as a multifamily residential project. Several plans for multifamily development were proposed for the site during the mid-1990s but none of them were approved. The land remains vacant, with the property split by the existing G-1/2 Road alignment. The Woodridge project plans for the development of 19 single-family detached units and 10 single-family attached units, for a total of 29 dwelling units on the site. The right-of-way for G-1/2 Road encompasses approximately 1.4 acres, which leaves 6.4 acres thus a resulting proposed density of 4.5 dwelling units per acre.

The plan involves the relocation/realignment of G-1/2 Road to eliminate substandard curves and create a configuration of land more conducive to residential development. The subdivision will be accessed from a single street (Woodridge Court) off of G-1/2 Road. The existing right-of-way for G-1/2 Road within the site is requested to be vacated to allow for the reconstruction as stated. In addition, an unnecessary remnant of undeveloped right-of-way along the alignment of 25-3/4 Road is also being requested to be vacated.

The third vacation being requested is for a small portion of an existing sewer easement along the southern boundary of the site. The vacated portion will be replaced by the sewer system to be constructed in the street and Tract F within the project.

Consistency with the Growth Plan: The Future Land Use Map of the Growth Plan shows this area as Residential Medium 4 to 8 units per acre. The entire Wilson Ranch subdivision, including these vacant parcels, is zoned PD with a density of 4.3 units per acre. The proposed density of Woodridge Subdivision of 4.5 units per acre is lower than was originally proposed for this portion of Wilson Ranch but is still consistent with the Future Land Use density and the overall density of the Wilson Ranch project. The proposed vacations do not impact this analysis of consistency.

## **ANALYSIS:**

**Section 2.11 of the Zoning and Development Code:** Requests for vacation of easements and rights-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;

*25-3/4 Road is an undeveloped remnant of right-of-way that serves no purpose for development of a future road network since it is already bisected by the developed right-of-way for Interstate 70 and it does not appear on the Grand Valley Circulation Plan in this area of the City.*



*G-1/2 Road is classified as a Minor Collector on the Grand Valley Circulation Plan. Vacation of this segment of it in order to reconstruct it within the site will improve the overall safety and function of the roadway, furthering the Circulation Plan.*

*Vacation of the small segment of the sanitary sewer easement will be inconsequential to the Growth Plan and other adopted plans and policies – sanitary sewer will be replaced in the street network and tracts within the proposed Woodridge Subdivision.*

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

*Provided that G-1/2 Road is reconstructed and the plat recorded designating the new right-of-way as planned, there will be no parcels being landlocked by vacating this right-of-way nor will there be by the vacation of the 25-3/4 Road right-of-way.*

*This criterion is not applicable to the proposed sewer easement vacation.*

- 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;

*As stated above, provided the project is constructed as proposed, there will be no property accesses affected by the proposed vacations.*

*Access to sewer service will not be affected by the proposed easement vacation.*

- 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. Vacation of the rights-of-way will ultimately allow for and improve the safety and function of the G-1/2 Road corridor and the sewer service in the area will be unaffected by the vacation of the sewer easement.*

- 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 these rights-of-way and easement. Service will be improved as stated above.*

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

*The proposed vacations will benefit the City by the improvement to the safety and function of the traffic circulation along G-1/2 Road in the vicinity of the proposed Woodridge Subdivision.*

**FINDINGS OF FACT/CONCLUSIONS:** After reviewing the Woodridge Subdivision application, FPP-2005-240 for vacation of rights-of-way and easement, Planning Commission made the following findings of fact and conclusions:

#### Easement Vacation

1. The requested vacation is consistent with the Growth Plan.
2. The review criteria of Section 2.11 of the Zoning and Development Code have all been met.
3. This vacation shall be effective upon the recording of the Woodridge Subdivision Final Plan and Plat which shall contain the new Tract and Easements replacing the vacated portion of easement and the new sewer line is reconstructed and accepted in accordance with the approved plans contained within Community Development Department File FPP-2005-2004.

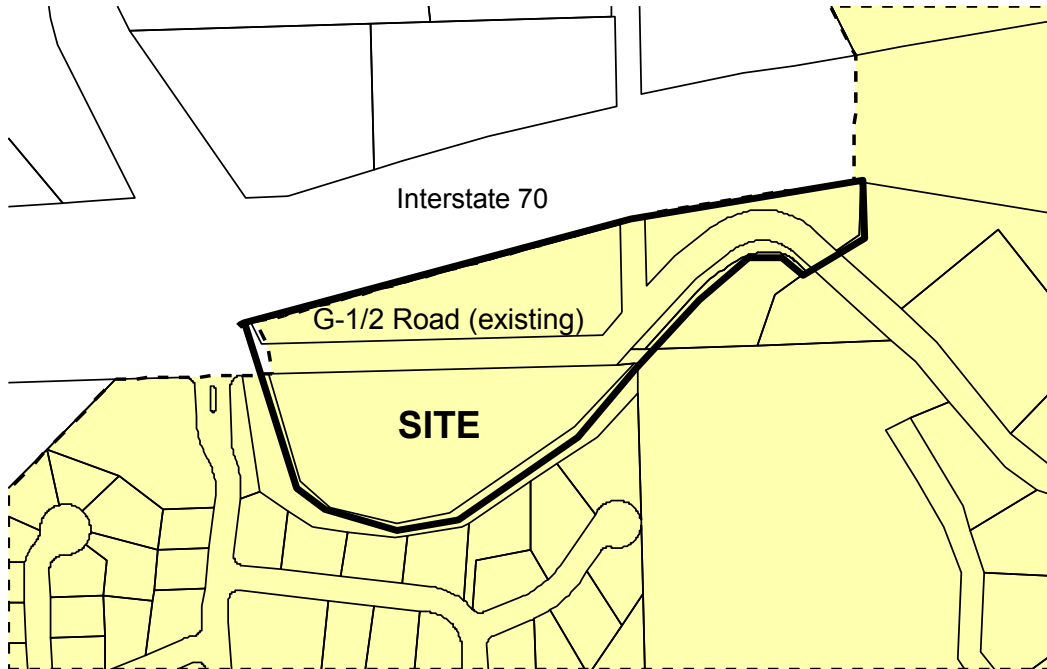
#### Rights-of-Way Vacations

1. The requested vacations are consistent with the Growth Plan.
2. The review criteria of Section 2.11 of the Zoning and Development Code have all been met.
3. The vacation of G-1/2 Road shall be subject to and contingent upon: 1) the recording of the Final Plat and Plan for the Woodridge Subdivision per section 2.12.D. of the Zoning and Development Code; 2) reconstruction and acceptance of G-1/2 Road per the approved plans contained within Community Development Department File FPP-2005-240; and 3) relocation and approval of utilities per the same approved plans stated above.

**PLANNING COMMISSION RECOMMENDATION:** Planning Commission will hear this item at its April 11, 2006 meeting. Minutes of that meeting will be provided to Council with the Staff Report for second reading.

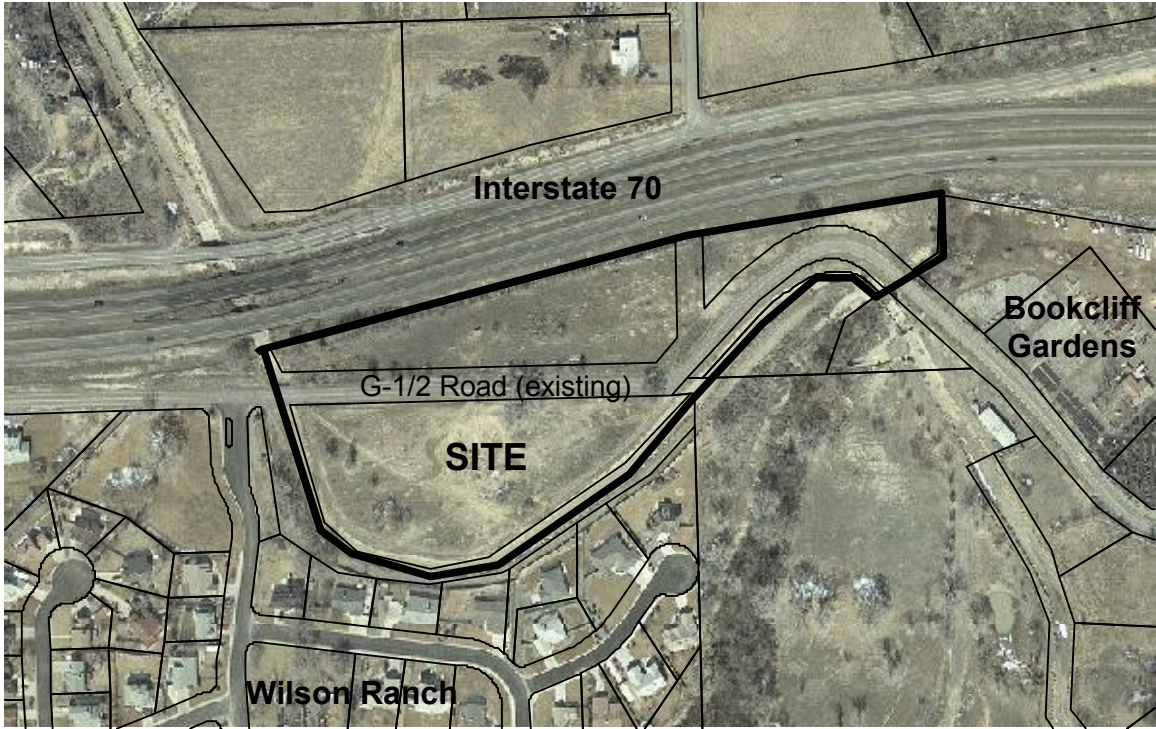
## Site Location Map

Figure 1



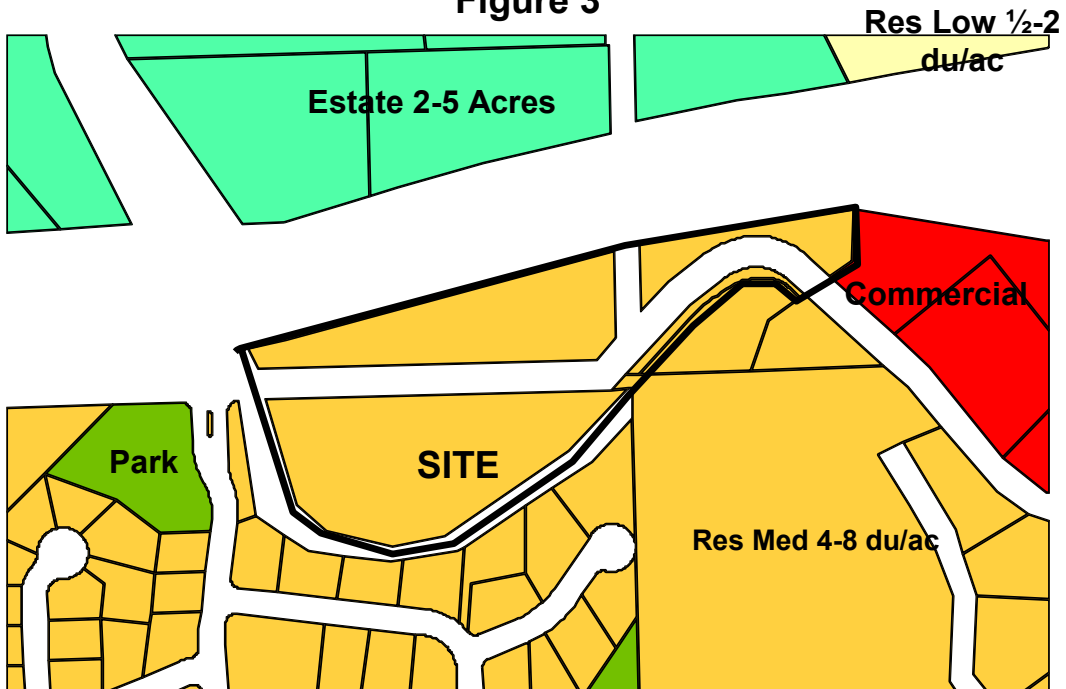
## Aerial Photo Map

Figure 2



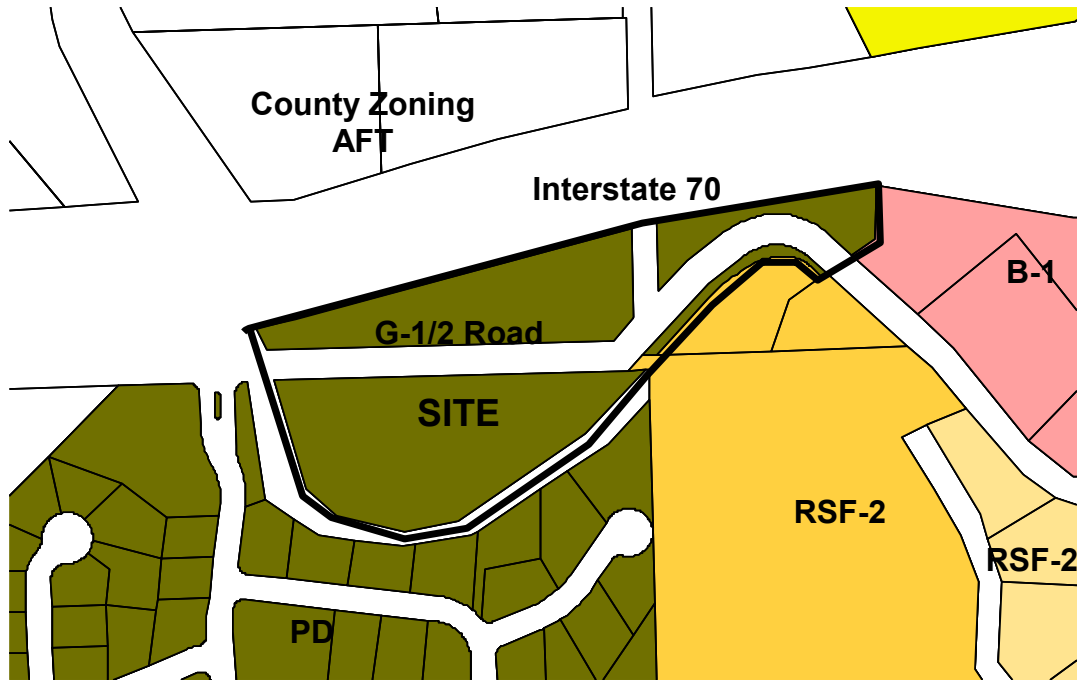
## Future Land Use Map

Figure 3

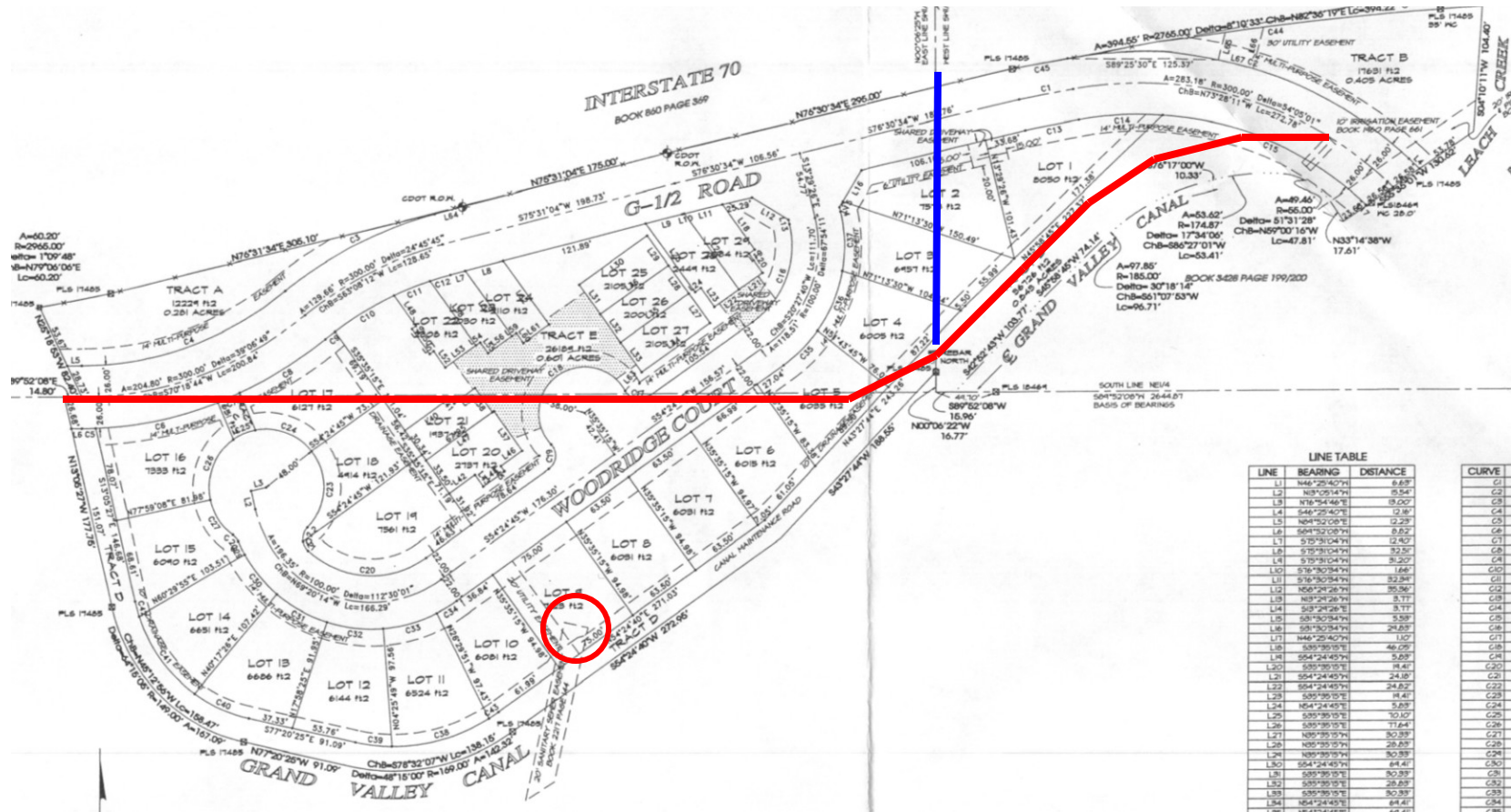


## Existing City and County Zoning




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."



### Woodridge Subdivision Proposed Development Plan

-  Approximate Current G-1/2 Road Alignment
-  Approximate Location 25-3/4 Road Right-of-Way
-  Area of Easement Vacation

**CITY OF GRAND JUNCTION**

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

**AN ORDINANCE VACATING RIGHTS-OF-WAY FOR 25-3/4 AND G-1/2 ROADS IN  
THE VICINITY OF 2561 G-1/2 ROAD  
WITHIN THE PROPERTY KNOWN AS THE WOODRIDGE SUBDIVISION**

Recitals

A vacation of a segment of undeveloped remnant right-of-way along the alignment of 25-3/4 Road as further described above is requested. The right-of-way is not necessary for future development of the street network since it is already bisected by the developed Interstate 70 right-of-way. The properties surrounding it are concurrently being platted into a new residential project to be known as the Woodridge Subdivision and the right-of-way impedes the redevelopment of the property.

In addition, a vacation of a segment of G-1/2 Road right-of-way as further described above is requested. The road is currently developed but the vacation is requested in order to realign the roadway making the property more conducive to development and improving the safety and function of G-1/2 Road.

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

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

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

The following described dedicated public rights-of-way are hereby vacated:

**25-3/4 Road:** All of the right-of-way for 25-3/4 Road as it crosses the following described parcels of land:

PARCEL 1

Commencing at the Northwest corner of the SE1/4 of said Section 34, thence North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 596.23 feet to the True Point of Beginning, thence continuing North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 12.60 feet, thence North 25°08'30" West 82.68 feet to a point on the South right-of-way of Interstate 70,

thence along said South right-of-way of Interstate 70 by the following 4 courses and distances;

- 1) along the arc of a curve to the left whose radius is 2965.00 feet and whose long chord bears North 79°15'22" East 60.20 feet,
- 2) North 76°40'49" East 305.10 feet,
- 3) North 75°40'19" East 175.00 feet,
- 4) North 76°39'26" East 229.99 feet, thence South 00°03'30" West 247.06 feet to a point on the North bank of the Grand Valley Canal, thence along the North and East bank of the Grand Valley Canal by the following 7 courses and distances:
  - 1) South 29°34'51" West 6.54 feet,
  - 2) South 45°29'19" West 171.38 feet,
  - 3) South 56°44'15" West 301.17 feet,
  - 4) South 80°30'15" West 107.47 feet,
  - 5) North 74°13'45" West 135.85 feet,
  - 6) North 47°02'00" West 80.36 feet,
  - 7) North 14°08'30" West 217.97 feet to the True Point of Beginning.

## PARCEL 2

Commencing at the Northwest corner of the SE1/4 of said Section 34, thence North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 608.83 feet, thence North 25°08'30" West 82.68 feet to a point on the South right-of-way of Interstate 70, thence along said South right-of-way of Interstate 70 by the following 4 courses and distances:

- 1) along the arc of a curve to the left whose radius is 2965.00 feet and whose long chord bears North 79°15'22" East 60.20 feet,
- 2) North 76°40'49" East 305.10 feet,
- 3) North 75°40'19" East 175.00 feet,
- 4) North 76°39'26" East 229.99 feet to the True Point of Beginning, thence along the South right-of-way of Interstate 70 by the following 2 courses and distances:
  - 1) North 76°41'12" East 64.92 feet,
  - 2) along the arc of a curve to the right whose radius is 2765.00 feet and whose long chord bears North 82°45'20" East 393.80 feet to a point on the centerline of Leach Creek, thence along the centerline of Leach Creek by the following 2 courses and distances:
    - 1) South 04°18'03" West 104.14 feet,
    - 2) South 55°42'53" West 131.26 feet to the centerline of the Grand Valley Canal, thence along the centerline of the Grand Valley Canal the following 6 courses and distances:
      - 1) North 64°03'24" West 59.02 feet,
      - 2) South 88°41'25" West 35.29 feet,
      - 3) South 79°34'22" West 41.79 feet,
      - 4) South 61°21'09" West 89.95 feet,
      - 5) South 45°25'42" West 125.11 feet,



6) South 29°34'51" West 30.01 feet to a point in the North line of the SE1/4 of said Section 34, thence South 90°00'00" West along said North line of the SE1/4 of Section 34 a distance of 25.52 feet to the Northeast corner of the NW1/4 SE1/4 of said Section 34, thence North 00°03'30" East 252.74 feet to the True Point of Beginning.

All in the City of Grand Junction, Mesa County, Colorado.

**G-1/2 Road:** All of the right-of-way for G-1/2 Road as described in a road petition in Road Book 2 at Page 203, dated April 4, 1910; and all of the road right-of-way shown on the plat of Pomona Park as it crosses the following described parcels of land:

#### PARCEL 1

Commencing at the Northwest corner of the SE1/4 of said Section 34, thence North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 596.23 feet to the True Point of Beginning, thence continuing North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 12.60 feet, thence North 25°08'30" West 82.68 feet to a point on the South right-of-way of Interstate 70, thence along said South right-of-way of Interstate 70 by the following 4 courses and distances;

- 1) along the arc of a curve to the left whose radius is 2965.00 feet and whose long chord bears North 79°15'22" East 60.20 feet,
- 2) North 76°40'49" East 305.10 feet,
- 3) North 75°40'19" East 175.00 feet,
- 4) North 76°39'26" East 229.99 feet, thence South 00°03'30" West 247.06 feet to a point on the North bank of the Grand Valley Canal, thence along the North and East bank of the Grand Valley Canal by the following 7 courses and distances:
  - 1) South 29°34'51" West 6.54 feet,
  - 2) South 45°29'19" West 171.38 feet,
  - 3) South 56°44'15" West 301.17 feet,
  - 4) South 80°30'15" West 107.47 feet,
  - 5) North 74°13'45" West 135.85 feet,
  - 6) North 47°02'00" West 80.36 feet,
  - 7) North 14°08'30" West 217.97 feet to the True Point of Beginning.

#### PARCEL 2

Commencing at the Northwest corner of the SE1/4 of said Section 34, thence North 90°00'00" East along the North line of the SE1/4 of said Section 34 a distance of 608.83 feet, thence North 25°08'30" West 82.68 feet to a point on the South right-of-way of Interstate 70, thence along said South right-of-way of Interstate 70 by the following 4 courses and distances:

- 1) along the arc of a curve to the left whose radius is 2965.00 feet and whose long chord bears North 79°15'22" East 60.20 feet,
- 2) North 76°40'49" East 305.10 feet,
- 3) North 75°40'19" East 175.00 feet,

4) North 76°39'26" East 229.99 feet to the True Point of Beginning, thence along the South right-of-way of Interstate 70 by the following 2 courses and distances:

1) North 76°41'12" East 64.92 feet,

2) along the arc of a curve to the right whose radius is 2765.00 feet and whose long chord bears North 82°45'20" East 393.80 feet to a point on the centerline of Leach Creek, thence along the centerline of Leach Creek by the following 2 courses and distances:

1) South 04°18'03" West 104.14 feet,

2) South 55°42'53" West 131.26 feet to the centerline of the Grand Valley Canal, thence along the centerline of the Grand Valley Canal the following 6 courses and distances:

1) North 64°03'24" West 59.02 feet,

2) South 88°41'25" West 35.29 feet,

3) South 79°34'22" West 41.79 feet,

4) South 61°21'09" West 89.95 feet,

5) South 45°25'42" West 125.11 feet,

6) South 29°34'51" West 30.01 feet to a point in the North line of the SE1/4 of said Section 34, thence South 90°00'00" West along said North line of the SE1/4 of Section 34 a distance of 25.52 feet to the Northeast corner of the NW1/4 SE1/4 of said Section 34, thence North 00°03'30" East 252.74 feet to the True Point of Beginning.

All in the City of Grand Junction, Mesa County, Colorado.

See 25-3/4 and G-1/2 Road Vacation Exhibit attached hereto and incorporated by this reference as if fully set forth.

The vacation of G-1/2 Road shall be subject to and contingent upon: 1) the recording of the Final Plat and Plan for the Woodridge Subdivision per section 2.12.D. of the Zoning and Development Code; 2) reconstruction and acceptance of G-1/2 Road per the approved plans contained within Community Development Department File FPP-2005-240; and 3) relocation and approval of utilities per the same approved plans stated above.

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

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

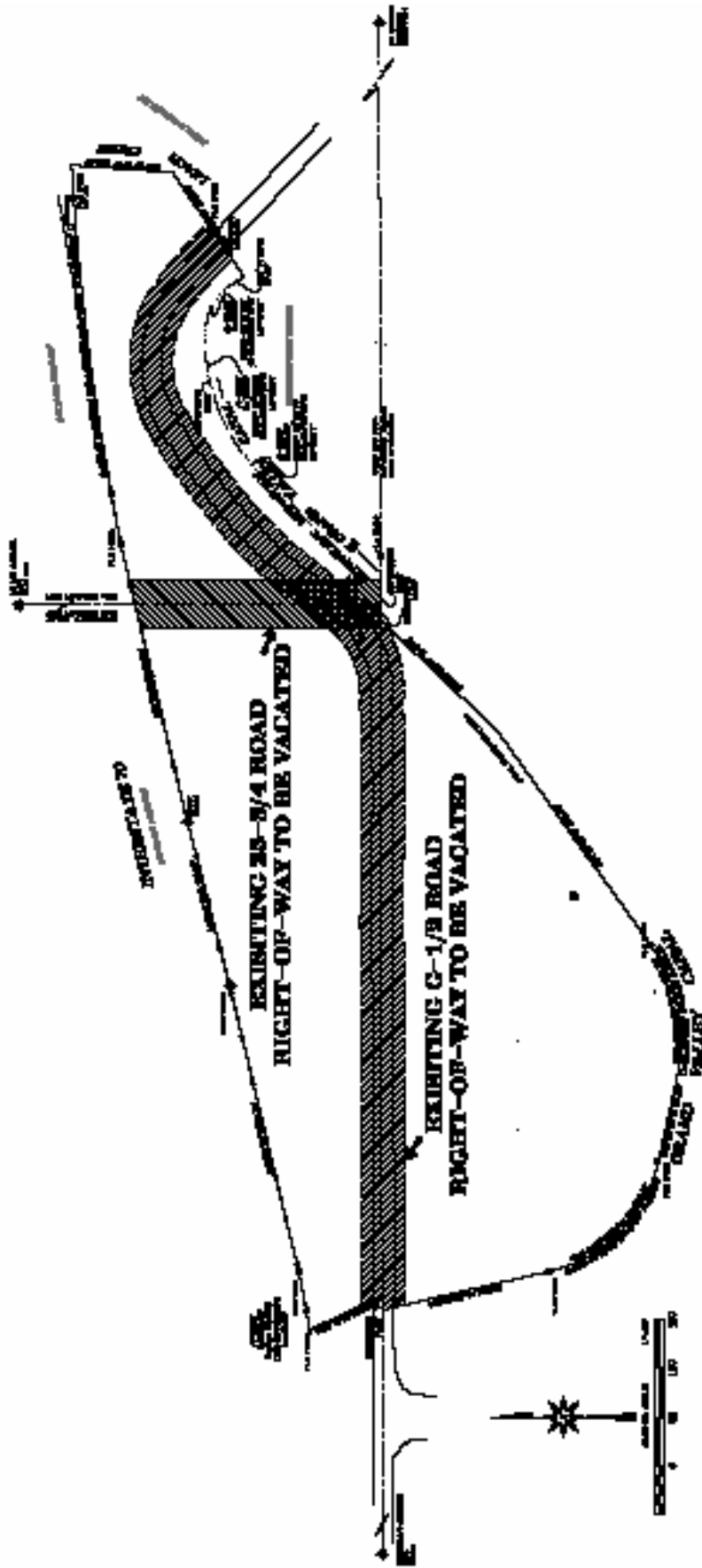
ATTEST:

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

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

**RIGHT OF WAY VACATION EXHIBIT**

**G-1/2 ROAD IN THE NE 1/4 & SE 1/4 OF SECTION 84, T1N, 81W, UTM MERIDIAN  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO**



**Attach 4**

**Setting a Hearing for the Arbogast Annexation Located at 785 24 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Arbogast Annexation located at 785 24 Road						
<b>Meeting Date</b>	April 19, 2006						
<b>Date Prepared</b>	April 13, 2006				File #GPA-2006-064		
<b>Author</b>	Senta L. Costello		Associate Planner				
<b>Presenter Name</b>	Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 18.05 acre Arbogast Annexation consists of 1 parcel and is a 2 part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Arbogast Annexation petition and introduce the proposed Arbogast Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 7<sup>th</sup> day of June, 2006.

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

**Attachments:**

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		785 24 Road			
<b>Applicants:</b>		Owner: Steve Arbogast; Developer: Sonshine II Construction & Development – Paul Johnson			
<b>Existing Land Use:</b>		Trucking Company / Vacant Land			
<b>Proposed Land Use:</b>		Housing Subdivision			
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential / Agriculture			
	<b>South</b>	Single Family Residential / Agriculture			
	<b>East</b>	Single Family Residential / Agriculture			
	<b>West</b>	Single Family Residential / Agriculture			
<b>Existing Zoning:</b>		County RSF-R			
<b>Proposed Zoning:</b>		Requesting GPA to Residential Medium Low 2-4 du/ac and an RSF-4 zone district			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R / City B-1			
	<b>South</b>	County RSF-R			
	<b>East</b>	County RSF-R			
	<b>West</b>	County RSF-R			
<b>Growth Plan Designation:</b>		Current: Estate 2-5 du/ac Requesting: Residential Medium Low 2-4 du/ac			
<b>Zoning within density range?</b>		w/ GPA	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 18.05 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

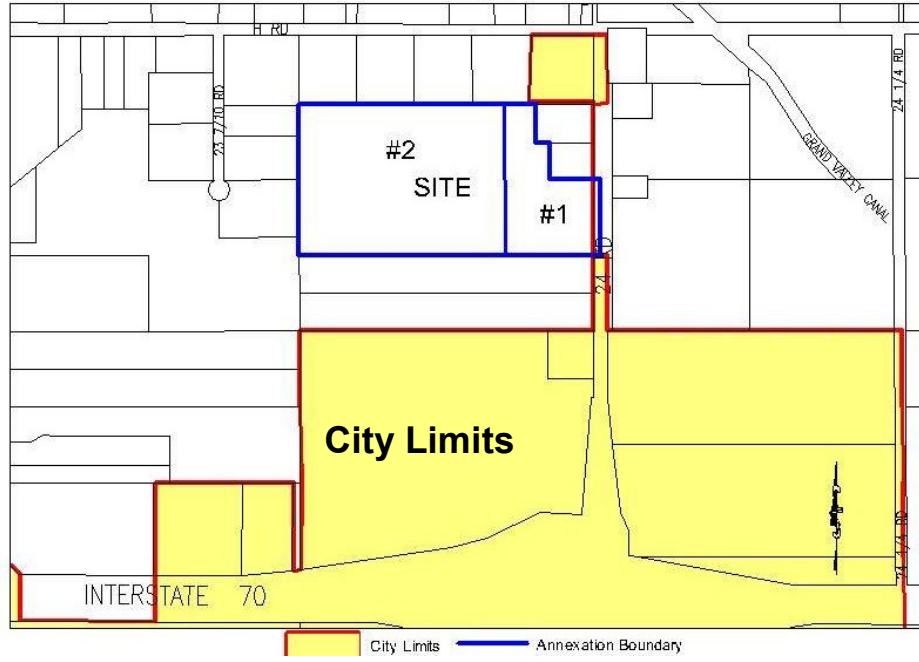
<b><u>ANNEXATION SCHEDULE</u></b>	
<b>April 19, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>To be scheduled after GPA</b>	Planning Commission considers Zone of Annexation
<b>To be scheduled after GPA</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>To be scheduled after GPA</b>	Public Hearing on the Zoning by City Council
<b>July 9, 2006</b>	Effective date of Annexation

**ARBOGAST ANNEXATION SUMMARY**

<b>File Number:</b>	GPA-2006-064	
<b>Location:</b>	785 24 Road	
<b>Tax ID Number:</b>	2701-321-00-027	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	18.05 acres	
<b>Developable Acres Remaining:</b>	17.81 acres	
<b>Right-of-way in Annexation:</b>	0.0 acres	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Trucking Company / Agricultural	
<b>Future Land Use:</b>	Housing Subdivision	
<b>Values:</b>	<b>Assessed:</b>	= \$14,660
	<b>Actual:</b>	= \$184,240
<b>Address Ranges:</b>	781 – 787 24 Road (odd only)	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation / Grand Jct Drainage District
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	None

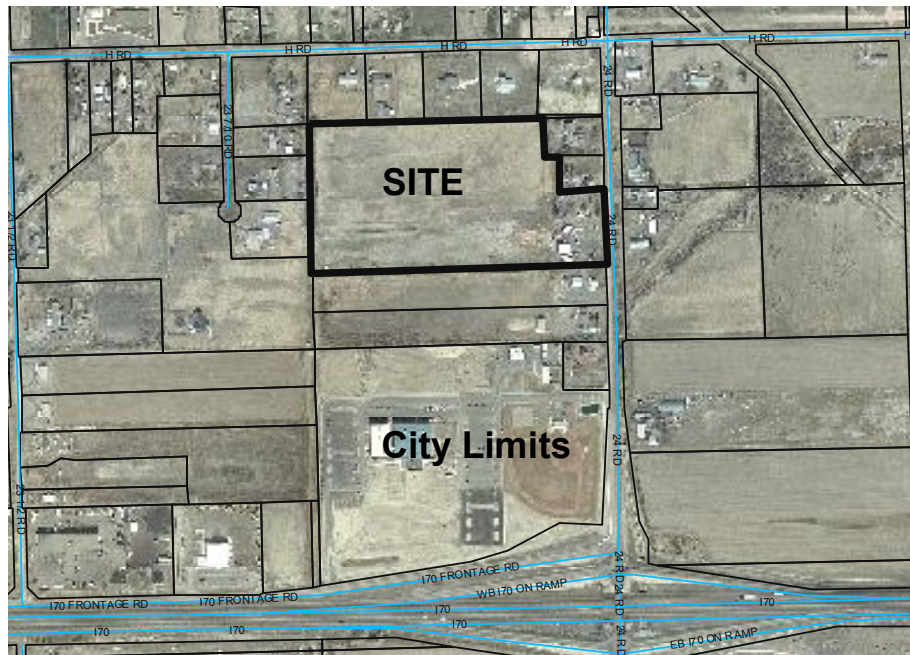
# Site Location Map

Figure 1



# Aerial Photo Map

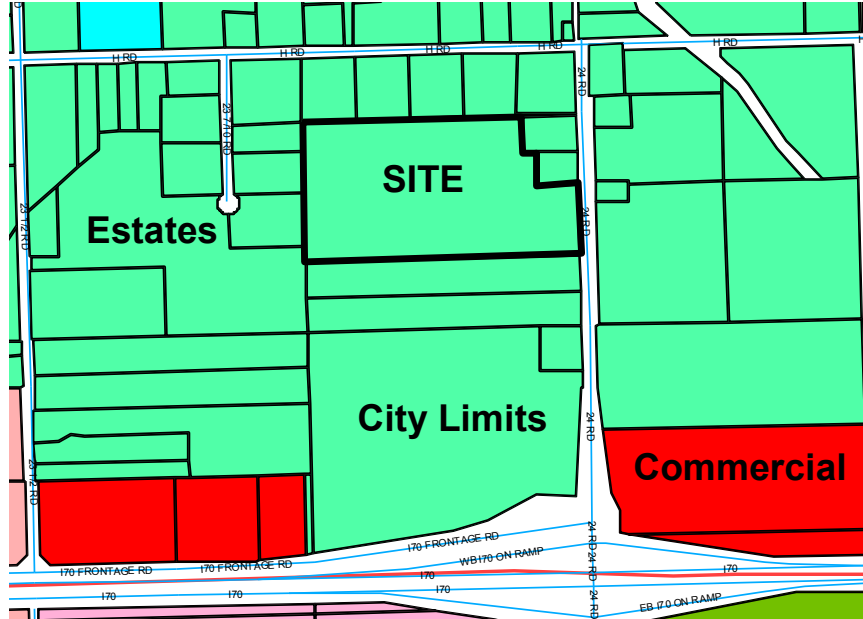
Figure 2





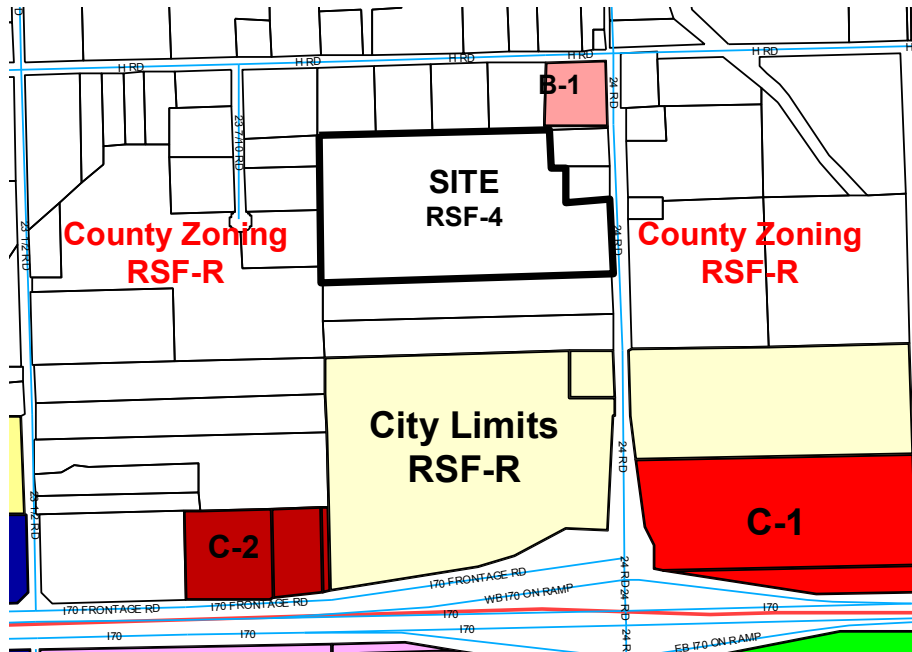
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 19<sup>th</sup> 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**

**ARBOGAST ANNEXATION**

**LOCATED AT 785 24 ROAD**

WHEREAS, on the 19th 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:

**ARBOGAST ANNEXATION NO. 1**

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County, Colorado public records, a distance of 417.58 feet; thence N00°03'00"E a distance of 660.40 feet to a point on the South line of Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 133.83 feet; thence S00°03'00"W along a line a distance of 170.00 feet, said line being a Boundary Agreement recorded in Book 4132, Page 607-15 of the Mesa County, Colorado public records; thence S89°58'17"E a distance of 61.00 feet; thence S00°03'00"W a distance of 160.21 feet; thence S89°58'07"E a distance of 222.75 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence S00°03'00"W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning.

Said parcel contains 4.40 acres (191,254 square feet), more or less, as described.

## ARBOGAST ANNEXATION NO. 2

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County, Colorado public records, a distance of 417.58 feet to the Point of Beginning; thence N89°57'56"W continuing along the North line of said Parcel A, a distance of 900.49 feet to point on the West line of the NE 1/4 NE 1/4 of said Section 32; thence N00°04'03"E along the West line of the NE 1/4 NE 1/4 of said Section 32 a distance of 660.32 feet to the Southeast corner of Lot 1, Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 900.29 feet; thence S00°03'00"W a distance of 660.40 feet to the Point of Beginning.

Said parcel contains 13.65 acres (594,584 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 7<sup>th</sup> day of June, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon,

has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

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

ADOPTED this \_\_\_\_\_ 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><b>DATES PUBLISHED</b></i>
<b>April 21, 2006</b>
<b>April 28, 2006</b>
<b>May 5, 2006</b>
<b>May 12, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**ARBOGAST ANNEXATION #1**

**APPROXIMATELY 4.40 ACRES**

**LOCATED AT 785 24 ROAD**

**WHEREAS**, on the 19<sup>th</sup> 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 7<sup>th</sup> day of June, 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:

**ARBOGAST ANNEXATION NO. 1**

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of

the Mesa County, Colorado public records, a distance of 417.58 feet; thence N00°03'00"E a distance of 660.40 feet to a point on the South line of Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 133.83 feet; thence S00°03'00"W along a line a distance of 170.00 feet, said line being a Boundary Agreement recorded in Book 4132, Page 607-15 of the Mesa County, Colorado public records; thence S89°58'17"E a distance of 61.00 feet; thence S00°03'00"W a distance of 160.21 feet; thence S89°58'07"E a distance of 222.75 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence S00°03'00"W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning.

Said parcel contains 4.40 acres (191,254 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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**ARBOGAST ANNEXATION #2**

**APPROXIMATELY 13.65 ACRES**

**LOCATED AT 785 24 ROAD**

**WHEREAS**, on the 19<sup>th</sup> 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 7<sup>th</sup> day of June, 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:

**ARBOGAST ANNEXATION NO. 2**

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County,

Colorado public records, a distance of 417.58 feet to the Point of Beginning; thence N89°57'56"W continuing along the North line of said Parcel A, a distance of 900.49 feet to point on the West line of the NE 1/4 NE 1/4 of said Section 32; thence N00°04'03"E along the West line of the NE 1/4 NE 1/4 of said Section 32 a distance of 660.32 feet to the Southeast corner of Lot 1, Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 900.29 feet; thence S00°03'00"W a distance of 660.40 feet to the Point of Beginning.

Said parcel contains 13.65 acres (594,584 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 5**

**Setting as Hearing for the Charlesworth Annexation Located at 248 28 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>		Setting a hearing for the Charlesworth Annexation located at 248 28 Road						
<b>Meeting Date</b>		April 19, 2006						
<b>Date Prepared</b>		April 13, 2006				File #GPA-2006-062		
<b>Author</b>		Senta L. Costello		Associate Planner				
<b>Presenter Name</b>		Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	When		
<b>Citizen Presentation</b>			Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.85 acre Charlesworth Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Charlesworth Annexation petition and introduce the proposed Charlesworth Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 7<sup>th</sup> day of June, 2006.

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

**Attachments:**

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		248 28 Road		
<b>Applicants:</b>		Owner: Darrell & Eldora Charlesworth Developer: LaCima III, LLC – JayKee Jacobson Representative: Ciavonne Roberts & Associates – Keith Ehlers		
<b>Existing Land Use:</b>		Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Sorter Construction		
	<b>East</b>	Single Family Residential / Agricultural		
	<b>West</b>	Commercial		
<b>Existing Zoning:</b>		County PD		
<b>Proposed Zoning:</b>		Requesting GPA to Residential Medium 4-8 du/ac and an RMF-5 zone district		
<b>Surrounding Zoning:</b>	<b>North</b>	City RSF-4		
	<b>South</b>	County PD/C-2		
	<b>East</b>	City RMF-5		
	<b>West</b>	County C-2/City C-1		
<b>Growth Plan Designation:</b>		Requesting Residential Medium 4-8		
<b>Zoning within density range?</b>		<b>W/ GPA</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

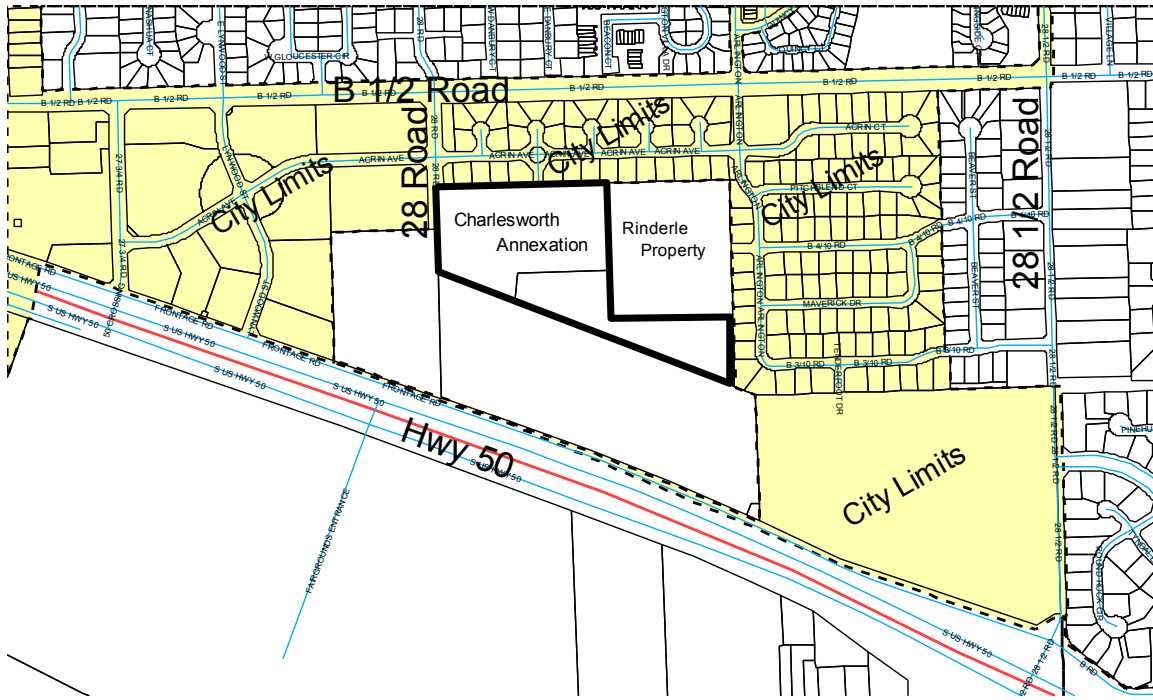
This annexation area consists of 10.85 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires 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 Charlesworth 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 Charlesworth Annexation inadvertently completes an enclave of incorporated land. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. Included in the Persigo Agreement is a provision to close all enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. State Annexation statutes require a minimum of 3 years before an area that is enclaved by a City to be unilaterally annexed by that city.

The 6.547 acre James D. Rinderle property located at 2823 B ½ Road (see map below) is located within this enclave. No dates have been established at this point for annexing the Rinderle property as an enclave annexation, but under the Persigo Agreement it shall occur within 5 years. The owners of the property will be notified by mail of this enclave happening as a result of the Charlesworth Annexation, then when the enclave annexation is scheduled sometime between 3 and 5 years from now, the owner will be notified again with an established timeline.



The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>April 19, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>To be scheduled after GPA</b>	Planning Commission considers Zone of Annexation
<b>To be scheduled after GPA</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>To be scheduled after GPA</b>	Public Hearing on the Zoning by City Council
<b>July 9, 2006</b>	Effective date of Annexation

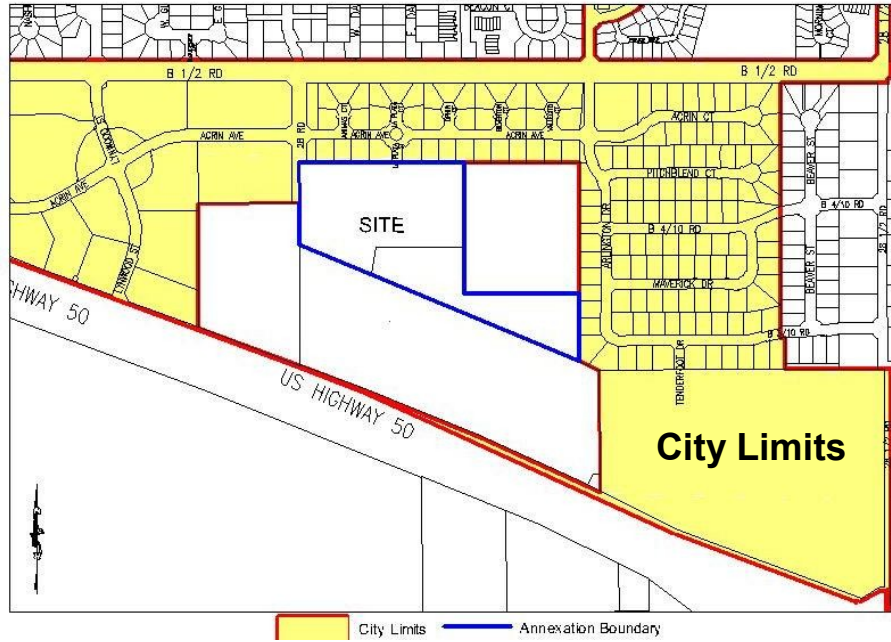
**CHARLESWORTH ANNEXATION SUMMARY**

<b>File Number:</b>	GPA-2006-062	
<b>Location:</b>	248 28 Road	
<b>Tax ID Number:</b>	2943-303-00-213/226	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	10.85 acres	
<b>Developable Acres Remaining:</b>	10.85 acres	
<b>Right-of-way in Annexation:</b>	0.0 acres	
<b>Previous County Zoning:</b>	County PD	
<b>Proposed City Zoning:</b>	City RMF-5	
<b>Current Land Use:</b>	Residential / Agricultural	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$9,810
	<b>Actual:</b>	= \$110,010
<b>Address Ranges:</b>	248 28 Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Orchard Mesa Sanitation
	<b>Fire:</b>	GJ Rural
	<b>Irrigation/ Drainage:</b>	Orchard Mesa Irrigation
	<b>School:</b>	Mesa Country School Dist #51
	<b>Pest:</b>	Grand River Mosquito

# Site Location Map

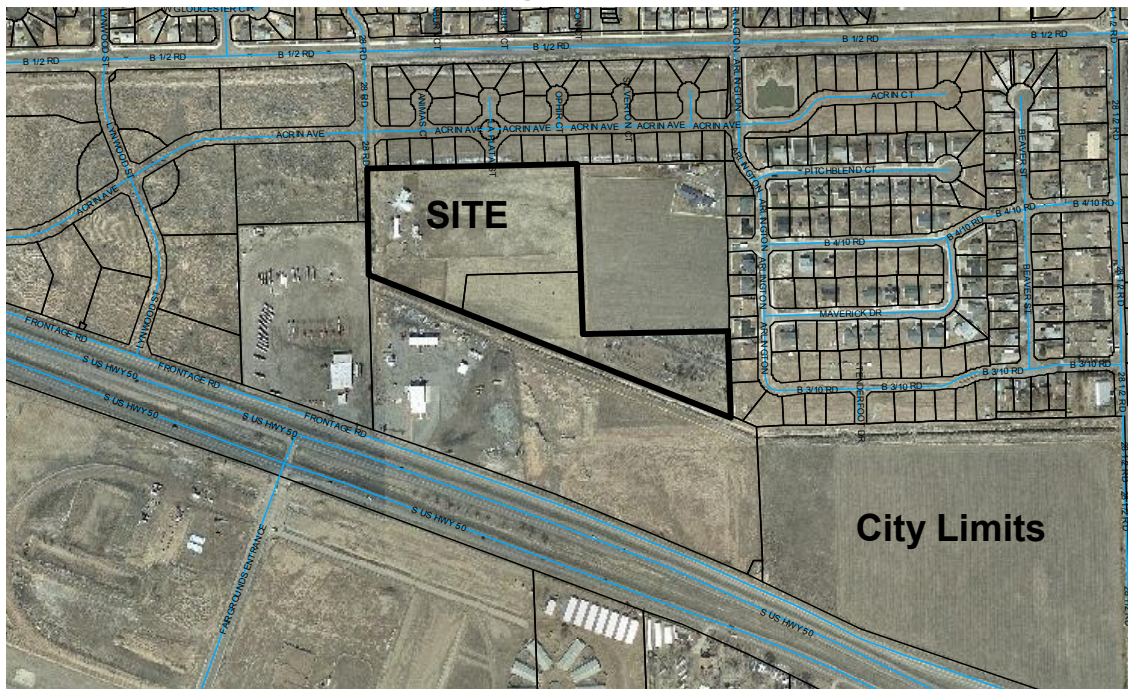
Figure 1

Charlesworth Annexation  
Figure 5



# Aerial Photo Map

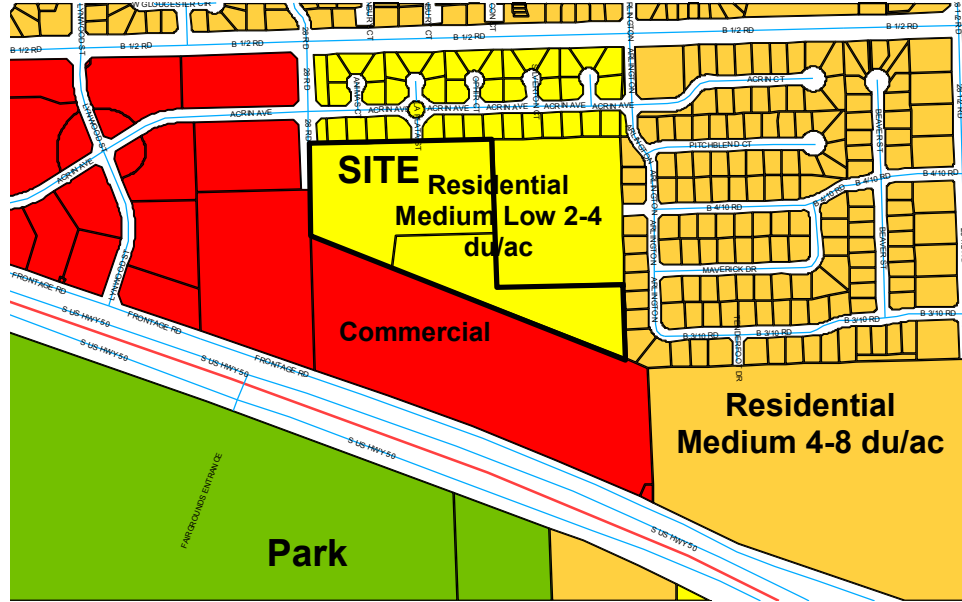
Figure 2





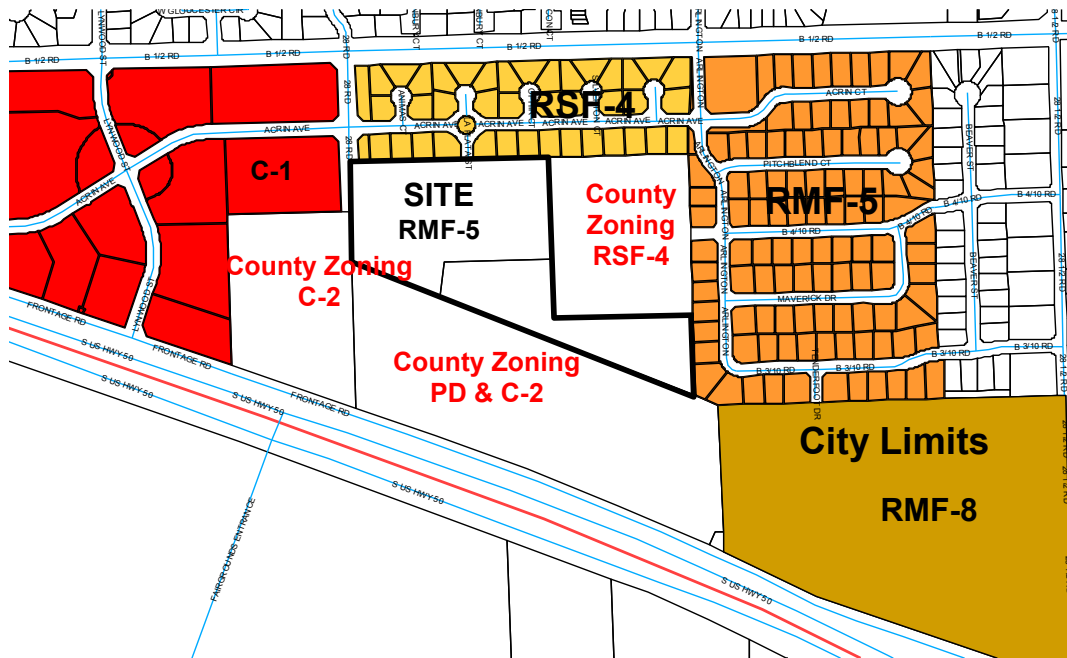
# Future Land Use Map

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 19<sup>th</sup> 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**

**CHARLESWORTH ANNEXATION**

**LOCATED AT 248 28 ROAD**

WHEREAS, on the 19<sup>th</sup> 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:

**CHARLESWORTH ANNEXATION**

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

Commencing at the Southwest Corner of the NW 1/4 SW 1/4 of said Section 30 and assuming the West line of the NW 1/4 SW 1/4 of said Section 30 to bear N00°03'02"W with all bearings contained herein relative thereto; thence N00°03'02"W along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 555.63 feet to the Point of Beginning; thence N00°03'02"W continuing along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 359.30 feet; thence S89°54'15"E along the Southerly line and the Westerly extension of Durango Acres Filing One, recorded in Plat Book 19, Pages 105 and 106, and Durango Acres Filing Two, recorded in Plat Book 20, Page 49 of the Mesa County, Colorado public records a distance of 733.78 feet; thence S00°03'45"W a distance of 580.99 feet; thence S89°54'15"E a distance of 509.96 feet to a point on the West line of Arrowhead Acres II Filing No. 3, recorded in Plat Book 18, Page 329 and 330 of the Mesa County, Colorado public records; thence S00°04'39"W along the West line of said Arrowhead Acres II Filing No. 3 a distance of 296.71 feet; thence N67°16'10"W a distance of 1347.01 feet to the Point of Beginning.

Said parcel contains 10.85 acres (472,670 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 7<sup>th</sup> day of June, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this \_\_\_\_\_ 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><b>DATES PUBLISHED</b></i>
<b>April 21, 2006</b>
<b>April 28, 2006</b>
<b>May 5, 2006</b>
<b>May 12, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CHARLESWORTH ANNEXATION**

**APPROXIMATELY 10.85 ACRES**

**LOCATED AT 248 28 ROAD**

**WHEREAS**, on the 19<sup>th</sup> 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 7<sup>th</sup> day of June, 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:

**CHARLESWORTH ANNEXATION**

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

Commencing at the Southwest Corner of the NW 1/4 SW 1/4 of said Section 30 and assuming the West line of the NW 1/4 SW 1/4 of said Section 30 to bear N00°03'02"W with all bearings contained herein relative thereto; thence N00°03'02"W along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 555.63 feet to the Point of Beginning; thence N00°03'02"W continuing along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 359.30 feet; thence S89°54'15"E along the Southerly

line and the Westerly extension of Durango Acres Filing One, recorded in Plat Book 19, Pages 105 and 106, and Durango Acres Filing Two, recorded in Plat Book 20, Page 49 of the Mesa County, Colorado public records a distance of 733.78 feet; thence S00°03'45"W a distance of 580.99 feet; thence S89°54'15"E a distance of 509.96 feet to a point on the West line of Arrowhead Acres II Filing No. 3, recorded in Plat Book 18, Page 329 and 330 of the Mesa County, Colorado public records; thence S00°04'39"W along the West line of said Arrowhead Acres II Filing No. 3 a distance of 296.71 feet; thence N67°16'10"W a distance of 1347.01 feet to the Point of Beginning.

Said parcel contains 10.85 acres (472,670 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 19<sup>th</sup> day of April, 2006 and ordered published.

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

Attest:

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

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

**Attach 6**  
**Setting a Hearing for the GPD Global/Woomer Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Setting a hearing for the GPD Global/Woomer Annexation located at 2322 / 2328 I-70 Frontage Road					
<b>Meeting Date</b>		April 19, 2006					
<b>Date Prepared</b>		April 13, 2006			File #GPA-2006-065		
<b>Author</b>		Senta L. Costello		Associate Planner			
<b>Presenter Name</b>		Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 37.57 acre GPD Global/Woomer Annexation consists of 3 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the GPD Global/Woomer Annexation petition and introduce the proposed GPD Global/Woomer Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 7<sup>th</sup> day of June, 2006.

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

**Attachments:**

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance



STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		2322 / 2328 I-70 Frontage Road	
<b>Applicants:</b>		Owner: GPD Global, Inc – G. Michael Ferris Owner: Woomer Family, LLC – Tod Woomer Representative: Younge & Hockensmith, P.C. – Kirk Rider	
<b>Existing Land Use:</b>		Vacant commercial	
<b>Proposed Land Use:</b>		Commercial/Industrial	
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural	
	<b>South</b>	I-70/Industrial park	
	<b>East</b>	Industrial	
	<b>West</b>	Industrial / Office Park	
<b>Existing Zoning:</b>		County PC	
<b>Proposed Zoning:</b>		Requesting GPA to Commercial / Industrial and an I-1 zone district	
<b>Surrounding Zoning:</b>	<b>North</b>	County AFT	
	<b>South</b>	City I-1	
	<b>East</b>	City I-1	
	<b>West</b>	City I-O	
<b>Growth Plan Designation:</b>		Current: Commercial Requesting: Commercial / Industrial	
<b>Zoning within density range?</b>		<b>W/ GPA</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 37.57 acres of land and is comprised of 3 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 GPD Global/Woomer Annexation is eligible to be annexed because of compliance with the following:

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

The following annexation and zoning schedule is being proposed.

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>April 19, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>To be scheduled after GPA</b>	Planning Commission considers Zone of Annexation
<b>To be scheduled after GPA</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>To be scheduled after GPA</b>	Public Hearing on the Zoning by City Council
<b>July 9, 2006</b>	Effective date of Annexation

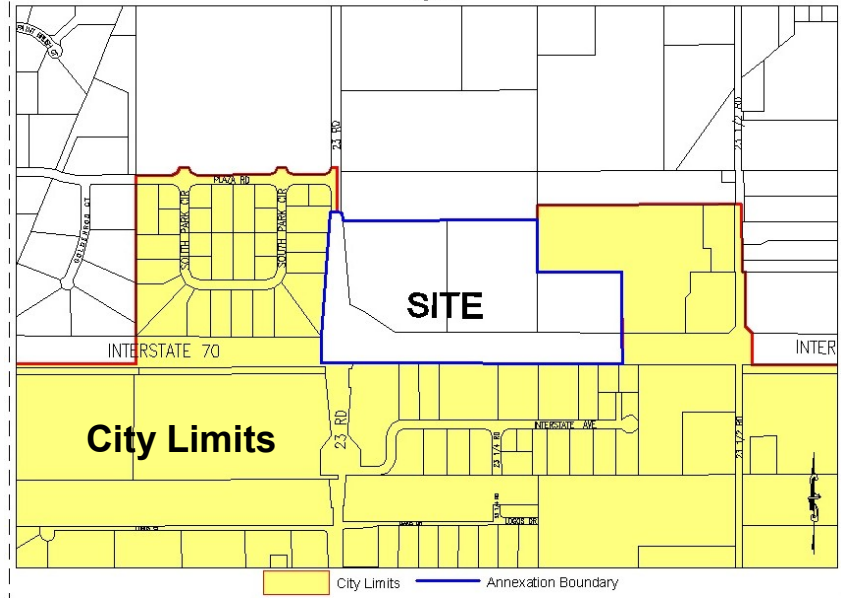
**GPD GLOBAL/WOOMER ANNEXATION SUMMARY**

<b>File Number:</b>	GPA-2006-065	
<b>Location:</b>	2322 / 2328 I-70 Frontage Road	
<b>Tax ID Number:</b>	2701-322-07-002; 2701-322-07-004; 2701-322-06-001	
<b>Parcels:</b>	3	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	37.57 ac	
<b>Developable Acres Remaining:</b>	25.3 ac	
<b>Right-of-way in Annexation:</b>	12.27 ac of I-70 and 23 Road	
<b>Previous County Zoning:</b>	PC	
<b>Proposed City Zoning:</b>	I-1	
<b>Current Land Use:</b>	Vacant Commercial	
<b>Future Land Use:</b>	Commercial / Industrial	
<b>Values:</b>	<b>Assessed:</b>	= \$892,290
	<b>Actual:</b>	= \$3,076,810
<b>Address Ranges:</b>	2322-2328 I-70 Frontage Road (even only)	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Jct Drainage Dist
	<b>School:</b>	Mesa Co. School District #51
	<b>Pest:</b>	None

# Site Location Map

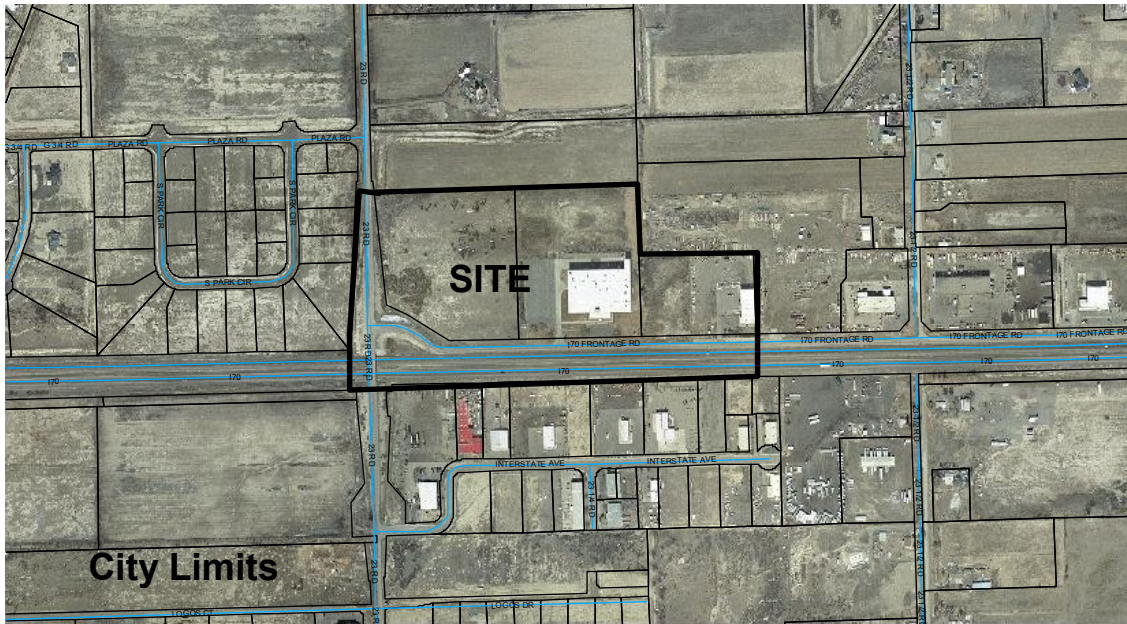
Figure 1

GPD Global/Woomer Annexation  
Figure 5



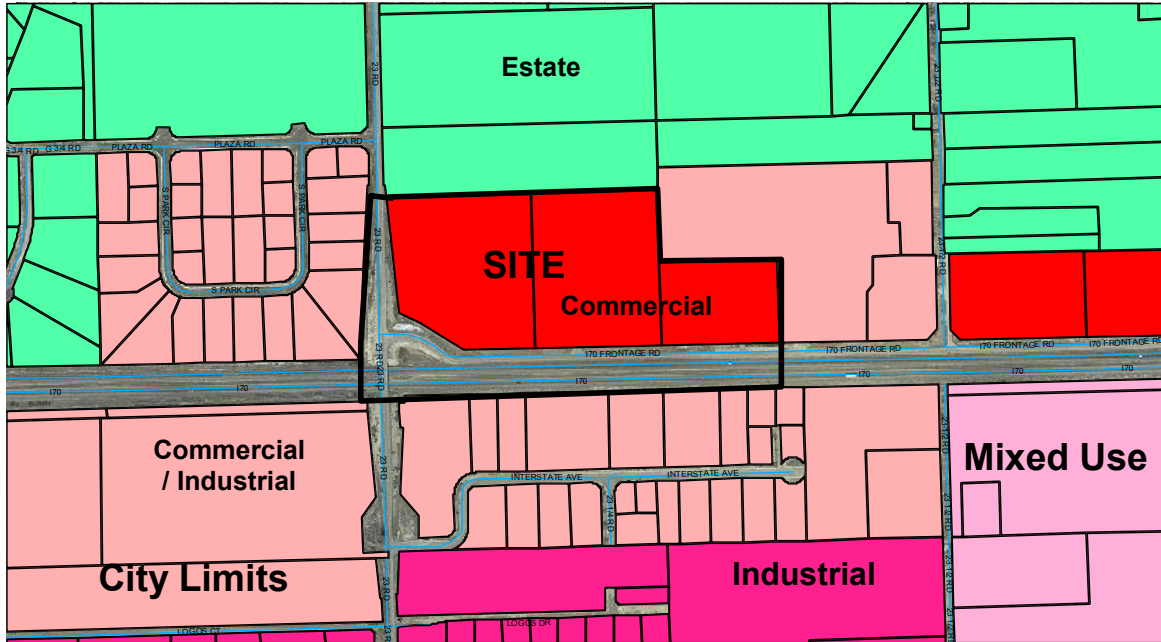
# Aerial Photo Map

Figure 2



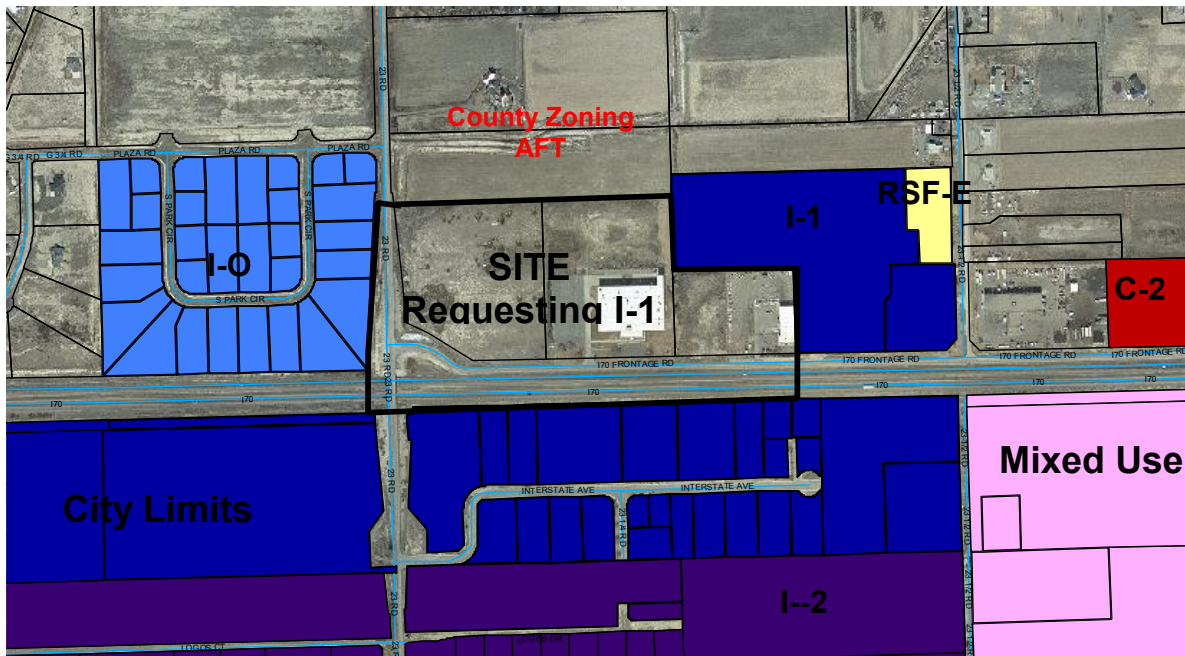
# Future Land Use Map

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 19<sup>th</sup> 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**

**GPD GLOBAL/WOOMER ANNEXATION**

**LOCATED AT 2322 AND 2328 I-70 FRONTAGE ROAD INCLUDING A PORTION OF I-70 AND 23 ROAD RIGHTS-OF-WAY**

WHEREAS, on the 19<sup>th</sup> 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:

**GPD GLOBAL/WOOMER ANNEXATION**

A certain parcel of land located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section 32 and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 31, Township One North, 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 Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32 and assuming the West line of the SW 1/4 NW 1/4 of said Section 32 to bear S00°03'12"W with all bearing contained herein relative thereto; thence S00°03'12"W along the West line of the SW 1/4 NW 1/4 of said Section 32 a distance of 265.04 feet to the Point of Beginning; thence N89°59'12"E a distance of 36.06 feet to a point on the Easterly right of way of 23 Road as recorded in Book 875 Page 969 of the Mesa County, Colorado public records; thence S04°45'48"E along the Easterly right of way of said 23 Road a distance of 54.50 feet to the Northwest corner of Lot 3, Appleton West Planned Commercial Park as recorded in Plat Book 12, Page 364 of the Mesa County, Colorado public records; thence S89°59'06"E along the Northerly line of Lots 2 and 3 of said Appleton West Planned Commercial Park a distance of 1279.32 feet to the Northeast corner of said Lot 2 also being a point on the East line of the SW 1/4 NW 1/4 of said Section 32; thence S00°03'24"W along the East line of the SW 1/4 NW 1/4 of said Section 32 a distance of 341.29 feet to the Northwest corner of Lot 1, Elder, Quin, & McGill Inc. Planned Commercial Park as recorded in Plat Book 12, Page 338 of the Mesa County, Colorado public records; thence S89°58'48"E along the North line of said Lot 1 a distance of 553.67 feet to the Northeast corner of said Lot 1; thence S00°03'32"W along the East line and the

Southerly projection of the East line of said Lot 1, a distance of 596.41 feet to a point on the Northerly line of the Interstate Annexation No. 2, Ordinance No. 2522, City of Grand Junction; thence N89°42'54"W along the Northerly line and the Westerly projection of the Northerly line of said Interstate Annexation No. 2 a distance of 1873.56 feet to a point on the West line of the SW 1/4 NW 1/4 of said Section 32, whence the Southwest corner of the SW 1/4 NW 1/4 of said Section 32 bears S00°03'12"W a distance of 73.23 feet; thence continuing along the Westerly projection of the North line of said Interstate Annexation No. 2 N89°37'19"W a distance of 101.25 feet to the Southeast corner of Twenty Three Park Plaza Annexation, Ordinance No. 3779, City of Grand Junction; thence along the Easterly line of said Twenty Three Park Plaza Annexation the following two (2) courses: (1) N00°22'41"E a distance of 167.00 feet; (2) N04°09'11"E a distance of 816.50 feet; thence N89°58'41"E a distance of 41.93 feet to a point on the Westerly line of the SW 1/4 NW 1/4 of said Section 32; thence N00°03'12"E along the Westerly line of the SW 1/4 NW 1/4 of said Section 32 a distance of 1.17 feet to the Point of Beginning.

Said parcel contains 37.57 acres (1,636,558 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 7<sup>th</sup> day of June, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning



approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this \_\_\_\_\_ 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><b>DATES PUBLISHED</b></i>
<b>April 21, 2006</b>
<b>April 28, 2006</b>
<b>May 5, 2006</b>
<b>May 12, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**GPD GLOBAL/WOOMER ANNEXATION**

**APPROXIMATELY 37.57 ACRES**

**LOCATED AT 2322 AND 2328 I-70 FRONTAGE ROAD INCLUDING A PORTION OF  
I-70 AND 23 ROAD RIGHTS-OF-WAY**

**WHEREAS**, on the 19<sup>th</sup> 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 7<sup>th</sup> day of June, 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:

**GPD GLOBAL/WOOMER ANNEXATION**

A certain parcel of land located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section 32 and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 31, Township One North, 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 Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32 and assuming the West line of the SW 1/4 NW 1/4 of said Section 32 to bear S00°03'12"W with all bearing contained herein relative thereto; thence S00°03'12"W along the West line of the SW 1/4 NW 1/4 of said Section 32 a distance of 265.04 feet to the Point of Beginning; thence N89°59'12"E a

distance of 36.06 feet to a point on the Easterly right of way of 23 Road as recorded in Book 875 Page 969 of the Mesa County, Colorado public records; thence S04°45'48"E along the Easterly right of way of said 23 Road a distance of 54.50 feet to the Northwest corner of Lot 3, Appleton West Planned Commercial Park as recorded in Plat Book 12, Page 364 of the Mesa County, Colorado public records; thence S89°59'06"E along the Northerly line of Lots 2 and 3 of said Appleton West Planned Commercial Park a distance of 1279.32 feet to the Northeast corner of said Lot 2 also being a point on the East line of the SW 1/4 NW 1/4 of said Section 32; thence S00°03'24"W along the East line of the SW 1/4 NW 1/4 of said Section 32 a distance of 341.29 feet to the Northwest corner of Lot 1, Elder, Quin, & McGill Inc. Planned Commercial Park as recorded in Plat Book 12, Page 338 of the Mesa County, Colorado public records; thence S89°58'48"E along the North line of said Lot 1 a distance of 553.67 feet to the Northeast corner of said Lot 1; thence S00°03'32"W along the East line and the Southerly projection of the East line of said Lot 1, a distance of 596.41 feet to a point on the Northerly line of the Interstate Annexation No. 2, Ordinance No. 2522, City of Grand Junction; thence N89°42'54"W along the Northerly line and the Westerly projection of the Northerly line of said Interstate Annexation No. 2 a distance of 1873.56 feet to a point on the West line of the SW 1/4 NW 1/4 of said Section 32, whence the Southwest corner of the SW 1/4 NW 1/4 of said Section 32 bears S00°03'12"W a distance of 73.23 feet; thence continuing along the Westerly projection of the North line of said Interstate Annexation No. 2 N89°37'19"W a distance of 101.25 feet to the Southeast corner of Twenty Three Park Plaza Annexation, Ordinance No. 3779, City of Grand Junction; thence along the Easterly line of said Twenty Three Park Plaza Annexation the following two (2) courses: (1) N00°22'41"E a distance of 167.00 feet; (2) N04°09'11"E a distance of 816.50 feet; thence N89°58'41"E a distance of 41.93 feet to a point on the Westerly line of the SW 1/4 NW 1/4 of said Section 32; thence N00°03'12"E along the Westerly line of the SW 1/4 NW 1/4 of said Section 32 a distance of 1.17 feet to the Point of Beginning.

Said parcel contains 37.57 acres (1,636,558 square feet), more or less, as described. Be and is hereby annexed to the City of Grand Junction, Colorado.

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

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

Attest:

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

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

**Attach 7**

**Purchase of 2006 Vactor P Ramjet Sewer Vacuum Truck  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of 2006 Vactor P Ramjet Sewer Vacuum Truck					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 13, 2006				<b>File #</b>	
<b>Author</b>	Shirley Nilsen			<b>Senior Buyer</b>		
<b>Presenter Name</b>	Ronald Watkins Mark Relph			Purchasing Manager Public Works and Utilities Director		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This purchase is for the replacement of one 1996 International Ramjet Truck. The vehicle is currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

**Budget:** The Fleet Division has budgeted \$130,000.00 for replacement of this vehicle in 2006. The budget for this replacement has been approved in the 2006 fiscal year budget. The purchase price for the replacement sewer truck is \$125,401.00 less \$15,000.00 trade for a net cost of \$110,401.00.

**Action Requested/Recommendation:** Authorize the City Purchasing Division to purchase one 2006 Sterling/Vactor L7500/P-Series Ramjet Sewer Vacuum Truck, from Boyle Equipment Company, Commerce City, Colorado for the amount of \$110,401.00

**Background Information:** The solicitation was advertised in the Daily Sentinel, and invitations were sent to 27 potential bidders. Four responsive and responsible bids were received as shown below. The Fleet Manager and Purchasing Manager agree with this recommendation.

Company	Location	Price	Trade In	Total Less Trade
Boyle Equipment	Commerce City, CO	\$125,401.00	\$15,000.00	\$110,401.00
Hanson Equipment	Grand Junction, CO	127,350.00	15,000.00	112,350.00
Transwest Trucks	Commerce City, CO	136,304.00	10,000.00	126,304.00
Terex Utilities	Commerce City, CO	\$154,906.00	\$10,000.00	\$144,906.00

**Attach 8**

**Award Contract for 2006 Curb, Gutter, & Sidewalk Replacement Program, Phase A  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Construction Contract for 2006 Curb, Gutter and Sidewalk Replacement Phase A					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 13, 2006	File # - N/A				
<b>Author</b>	Justin J. Vensel	Project Manager				
<b>Presenter Name</b>	Mark Relph	Public Works and Utilities Director				
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

**Summary:** The project consists of replacing sections of hazardous or deteriorating curb gutter and sidewalk in various locations on the Street Departments schedule to be chip sealed later this year. The project also includes median improvements, on Patterson Road and South Broadway.

**Budget:** Project No.: 2011-F00900

Project costs:

Construction contract (low bid)	\$169,096.68
Design	\$8,600.00
Construction Inspection and Administration (est.)	<u>\$14,000.00</u>
<b>Total Project Costs</b>	<b>\$191,696.68</b>

Project funding:

<u>Capital Fund</u>	<u>2005 Budget Current Balance</u>	<u>Allocation for this Contract</u>	<u>Remaining Budget after Contract</u>
Fund 2011-F00900 Curb, Gutter and Sidewalk Replacement	\$ 233,831.00	\$ 160,696.68	\$ 73,131.32
Fund 2011-F00401 Contract Street Maintenance	\$ 153,182.65	\$ 31,000.00	\$ 122,182.65



**Attach 9**

**Public Hearing – Assessments for Sanitary Sewer Imp. District No. SS-47-05  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Assessments for Sanitary Sewer Improvement District No. SS-47-05					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 13, 2006				<b>File #</b>	
<b>Author</b>	Mike Grizenko		Real Estate Technician			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Sanitary sewer improvements have been completed for the 26 Road and F 1/2 Road Area Sewer Improvement District No. SS-47-05 as petitioned by a majority of the property owners to be assessed.

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

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

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

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

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



**Action Requested/Recommendation:** Conduct a Public Hearing and Consider Final Passage and Final Publication of the Ordinance for Sanitary Sewer Improvement District No. SS-47-05.

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

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

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

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

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

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

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

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

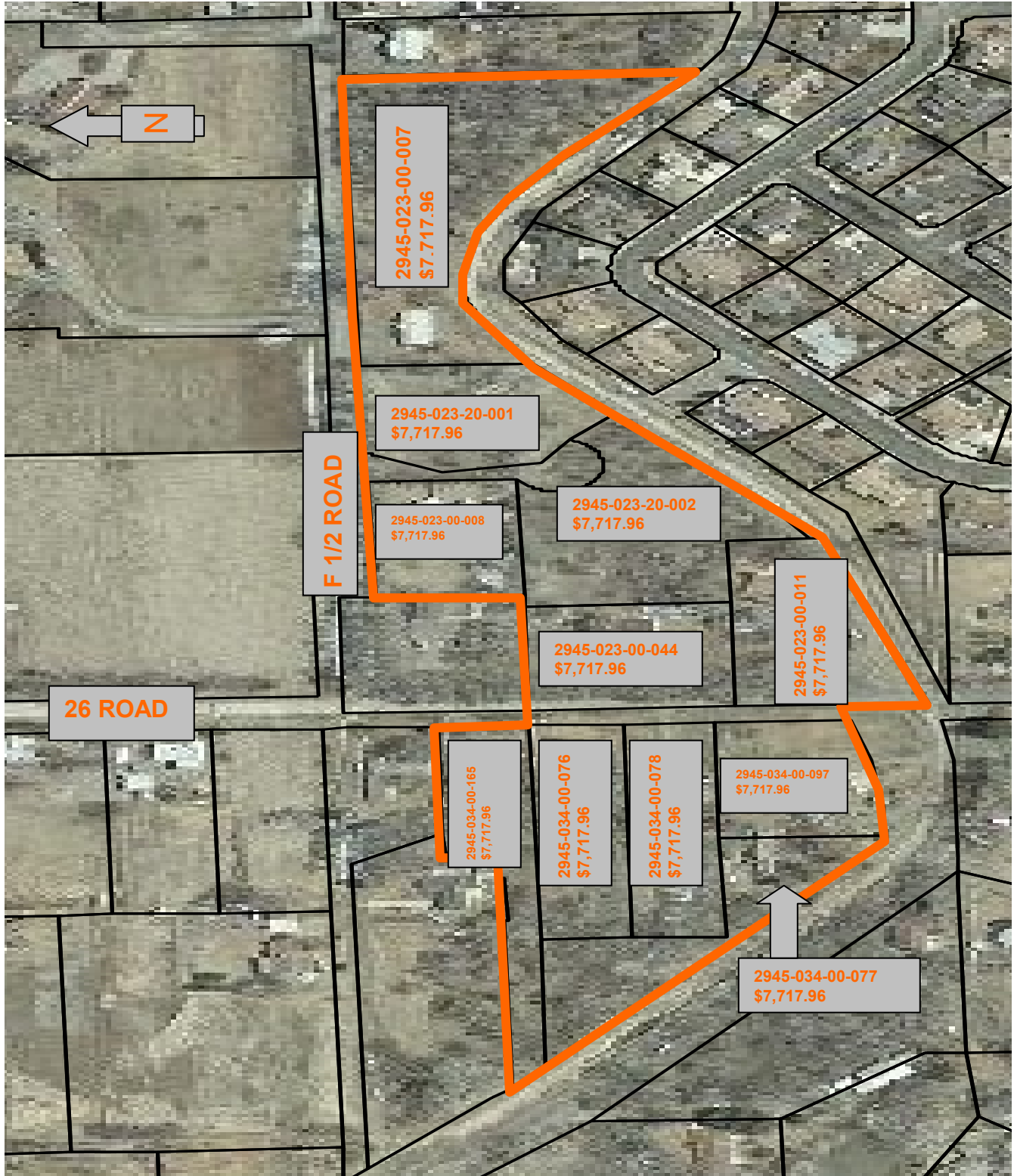
The City will extend each service line from the sewer main to the property line during construction. The property owner is responsible for extending the service line from their property line to the building to be sewerred and will be responsible to maintain the entire service line in the future.

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

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

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

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



## OWNERSHIP SUMMARY

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

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

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

\*\* Power of Attorney for Sewer Improvements

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

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

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

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

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

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

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

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

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

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

	land as described in Quit Claim Deed recorded in Book 955 on Page 544 of the Mesa County records, City of Grand Junction	
2945-034-00-097	Beginning at a point 400 feet South of the Northeast Corner of the NE 1/4 SE 1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence west 247.8 feet; thence South to the North bank of the Grand Valley Irrigation Company Canal; thence in an Easterly direction along the said North bank of the Grand Valley Irrigation Company Canal to a point South of the point of beginning; thence North to the Point of Beginning, City of Grand Junction	\$7,717.96
2945-034-00-165	Beginning 100 feet South of the E1/4 corner of Section 3, Township 1 South, Range 1 West of the Ute Meridian; thence West 230 feet; thence South 60 feet; thence West 511.9 feet; thence South 42°16' East 52.24 feet; thence East 705.6 feet; thence North 100 feet to the point of beginning. EXCEPT the East 30 feet thereof for road right-of-way; AND Beginning 100.00 feet South and 230.00 feet West of the E1/4 corner of said Section 3; thence South 90°00'00" West 12.44 feet; thence South 05°35'48" East 59.62 feet; thence North 89°54'45" West 43.76 feet; thence South 01°42'01" East 0.73 feet; thence South 90°00'00" East 50.36 feet; thence North 00°00'00" West 60.00 feet to the point of beginning. EXCEPT Beginning 160.00 feet South and 280.36 feet West of the E1/4 corner of said Section 3; thence South 01°42'01" East 5.86 feet thence South 89°13'19" West 82.47 feet thence North 03°30'03" West 6.99 feet; thence North 90°00'00" East 82.72 feet to the point of beginning. City of Grand Junction	\$7,717.96
2945-023-00-007	All that part of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section Two (2) in Township One (1) South, Range One (1) West of the Ute Meridian, lying North of the Right of Way of the canal of The Grand Valley Irrigation Company; EXCEPT the East 5 feet thereof; AND ALSO EXCEPT the North 35 feet thereof; AND ALSO EXCEPT Beginning at a point 35 feet South 00°01' West and 5 feet South 89°50' West from the Northeast Corner of the Northwest	\$7,717.96



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

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

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

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

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

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

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of eight percent (8%) per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at the rate of eight percent (8%) per annum as aforesaid; and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

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

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

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

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

**INTRODUCED** and **ORDERED PUBLISHED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

Attest:

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

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

**Attach 10**  
**Public Hearing – Revisions to the SSIDs Manual**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Proposed Revisions for the Submittal Standards for Improvements and Development (SSIDs)					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 13, 2006				<b>File #</b>	
<b>Author</b>	Laura Lamberty			<b>Development Engineer</b>		
<b>Presenter Name</b>	Tim Moore			<b>Public Works Manager</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** Staff introduced the SSIDs Manual (Submittal Standards for Improvements and Developments at the April 5 City Council Meeting. 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:** Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance for the SSIDs Manual.

**Attachments:**

List of Detailed Changes  
 Proposed Ordinance

Note: The revised manual has been provided to Council under separate cover).

**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 of 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") was introduced on first reading this 5<sup>th</sup> day of April, 2006.

Passed and adopted on second reading this \_\_\_\_\_ day of 2006.

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

Attest:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 11**

**Public Hearing – Adoption of the 2000 St. Mary’s Master Plan and Amendments  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Adoption of the 2000 St. Mary’s Master Plan and Amendments					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	March 27, 2006				File #FPA-2005-288	
<b>Author</b>	Lisa E. Cox, AICP			<b>Senior Planner</b>		
<b>Presenter Name</b>	As above			<b>As above</b>		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Final consideration 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 7<sup>th</sup> Street and is zoned principally Planned Development (PD).

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the proposed ordinance.

**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 <sup>th</sup> 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 7<sup>th</sup> 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 11<sup>th</sup> 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:

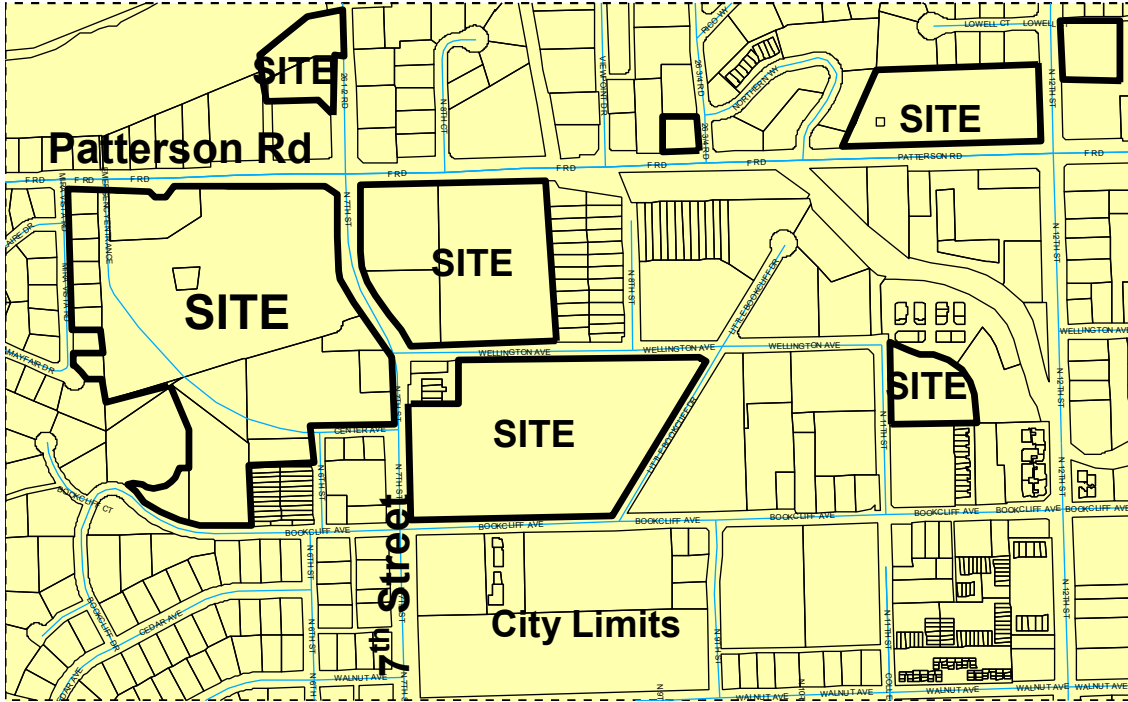
1. The proposed amendments to the 2000 Master Plan for St. Mary's Hospital are consistent with the goals and policies of the Growth Plan and Future Land Use Map.
2. The proposed amendments are consistent with the intent and purpose of the Zoning and Development Code.

## 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.

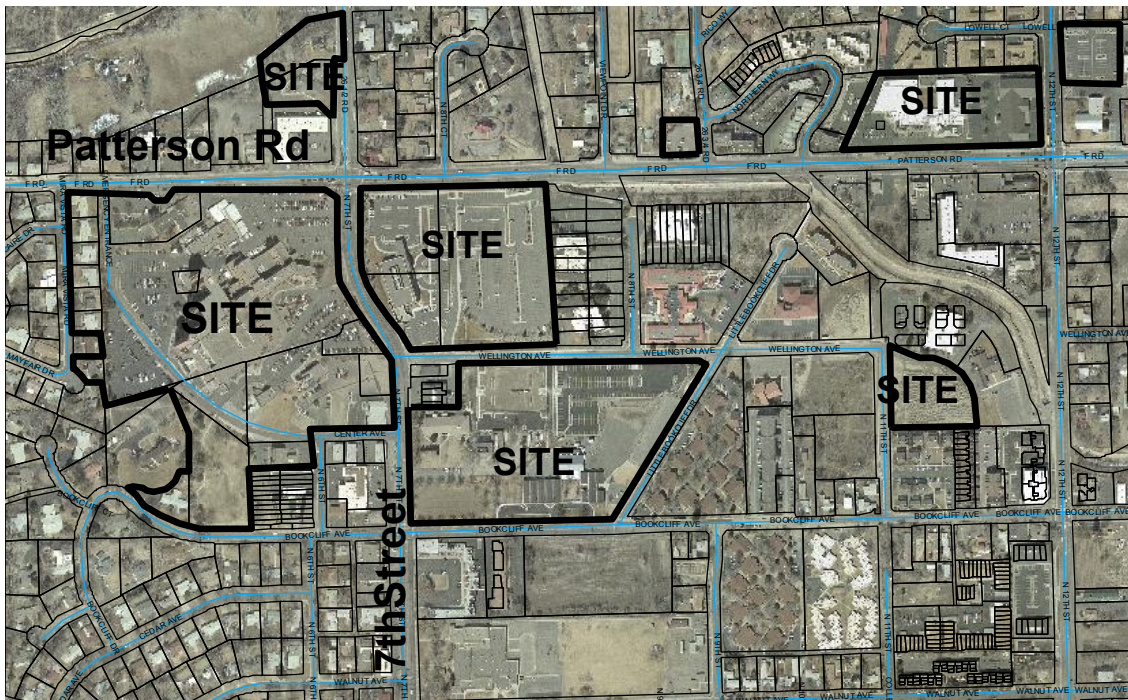
# Site Location Map

Figure 1



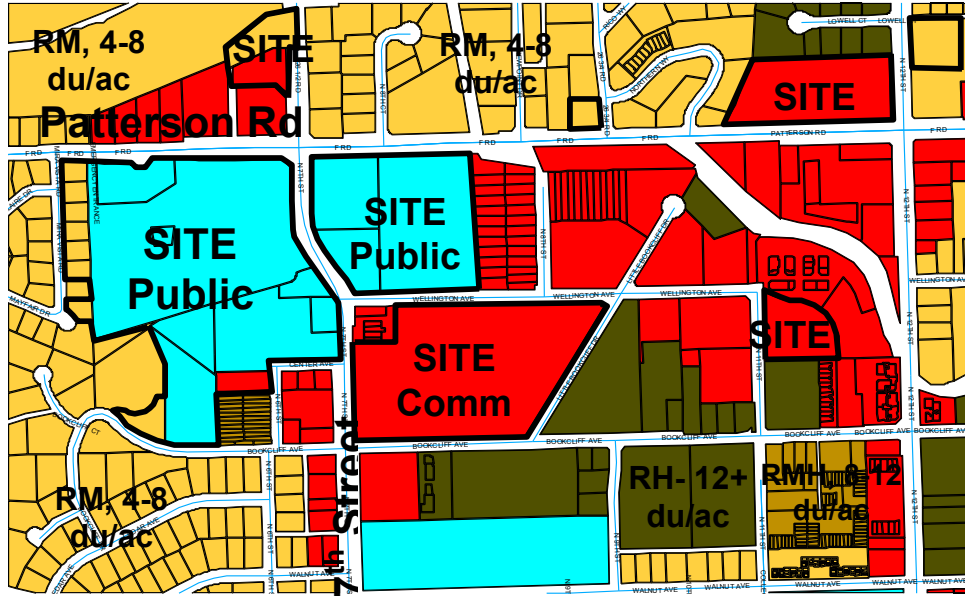
# Aerial Photo Map

Figure 2



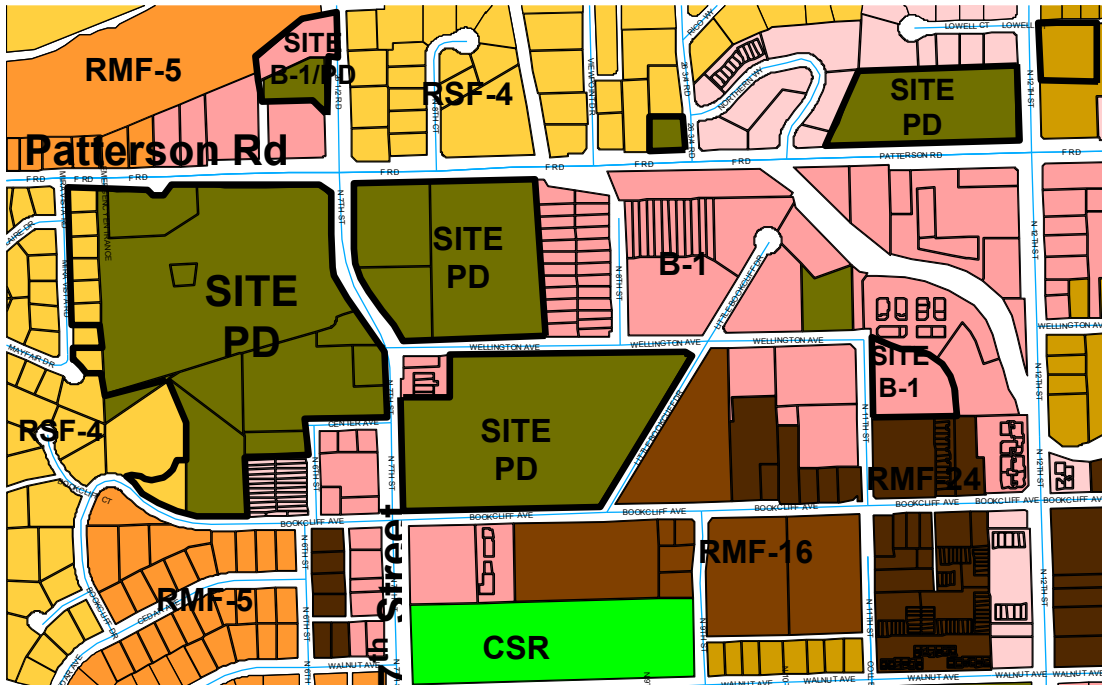
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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."



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

**AN ORDINANCE APPROVING AND AMENDING THE MASTER PLAN FOR ST. MARY'S HOSPITAL AND ENVIRONS LOCATED AT 2635 NORTH 7<sup>TH</sup> 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 28<sup>th</sup> 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

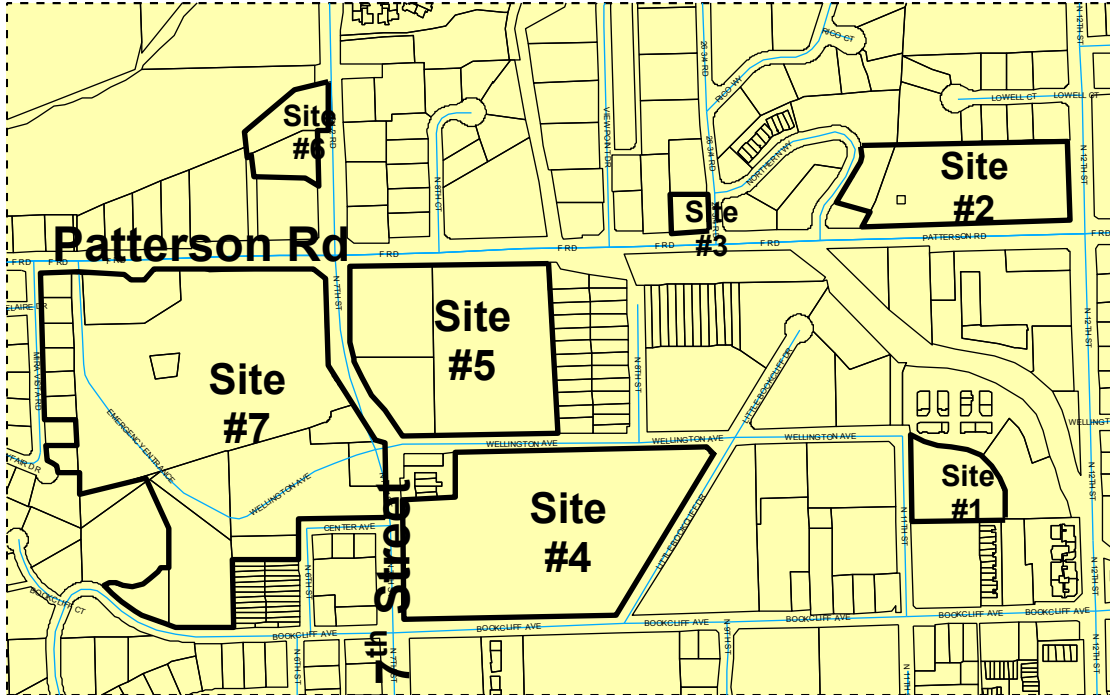
following described parcel of land; Beginning at a point 598 feet North of the Southeast corner of the SW 1/4 of Section 2; thence South 78°58' West 132 feet; thence South 51°20' West 225 feet; thence South 54 feet to the Northerly boundary of Fairmount Heights Subdivision as recorded in Plat Book 6 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.

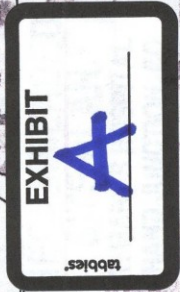
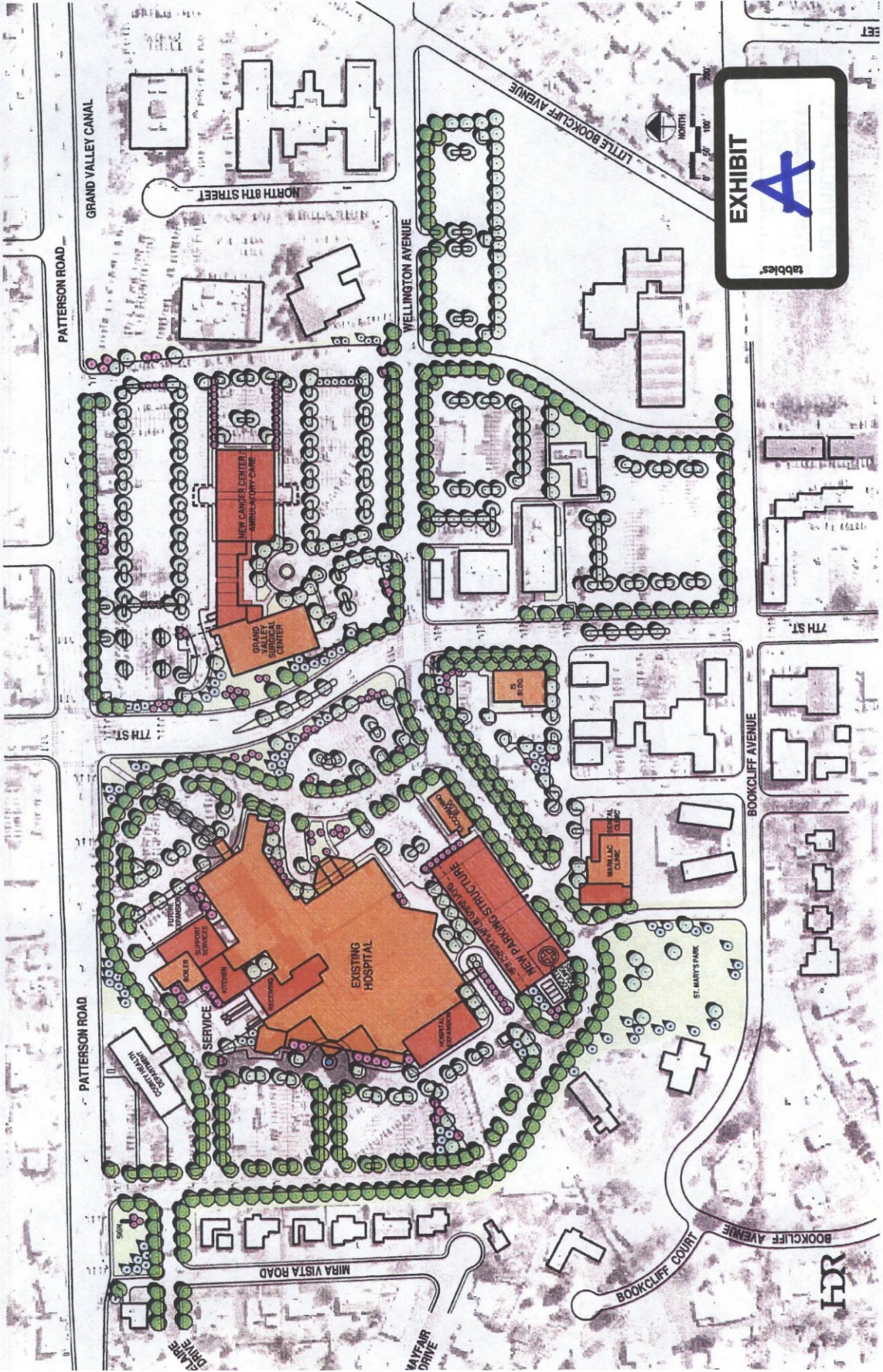
Attest:

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Bruce Hill  
Mayor and President of the Council

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Stephanie Tuin  
City Clerk






HDR

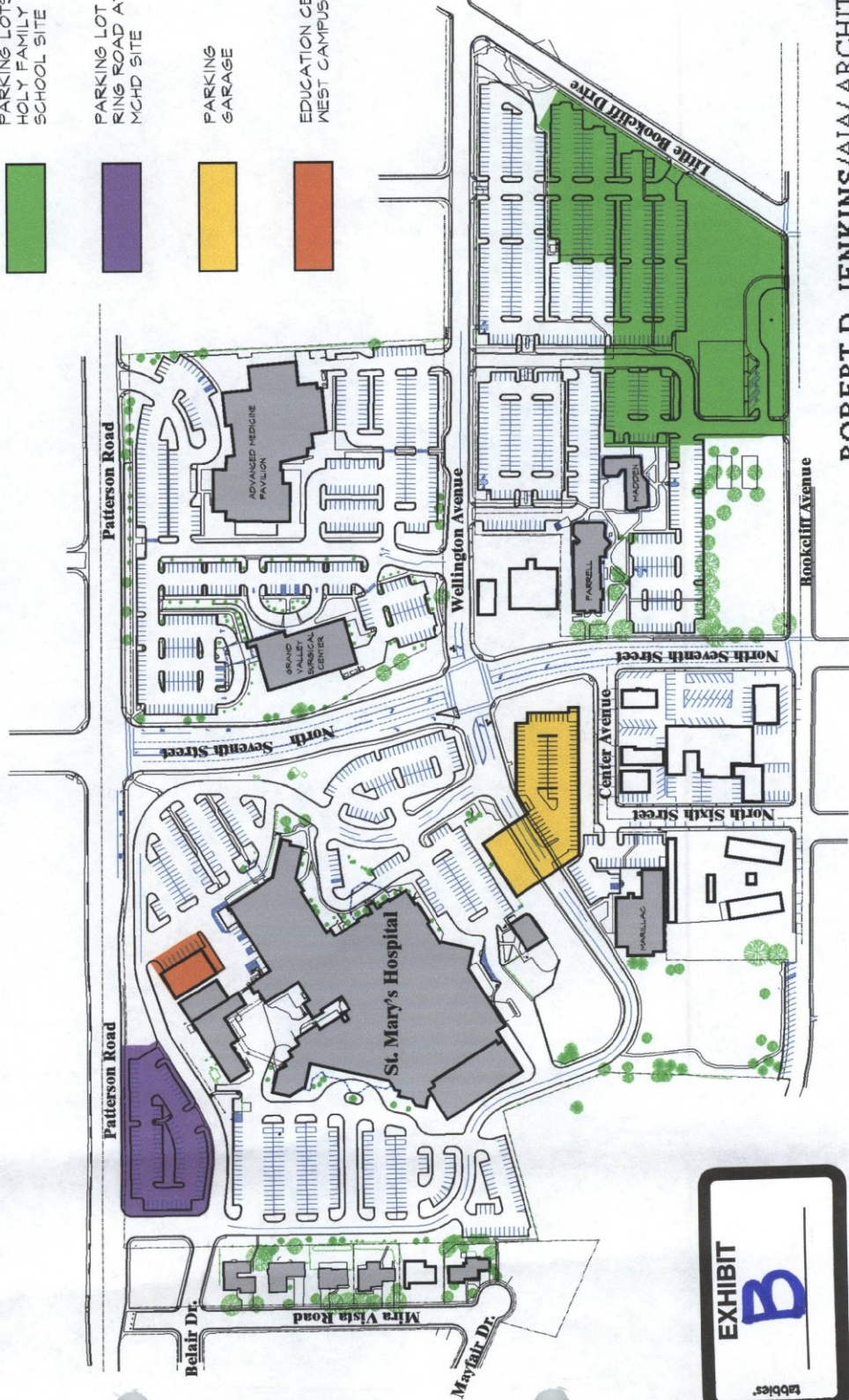
APPROVED AUGUST, 2003  
REVISED 11/03/03



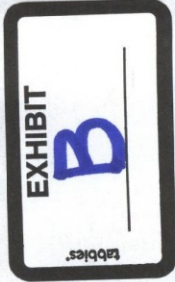
# Master Site Plan

## AMENDMENTS 2003

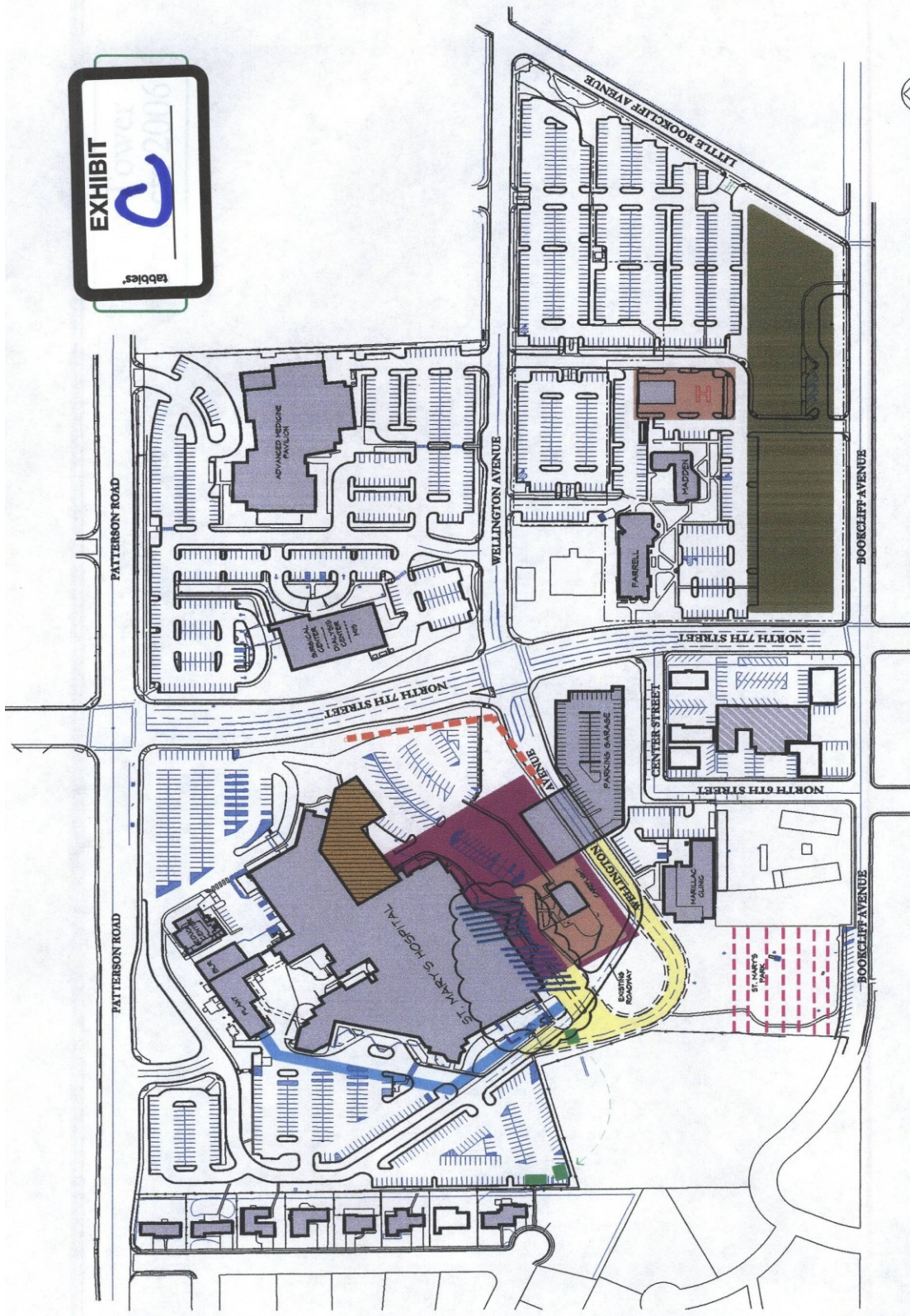
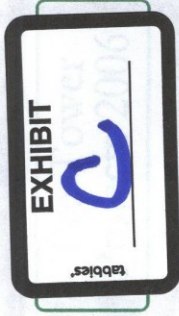
-  PARKING LOTS, HOLY FAMILY SCHOOL SITE
-  PARKING LOT & RING ROAD AT MCHD SITE
-  PARKING GARAGE
-  EDUCATION CENTER WEST CAMPUS



ROBERT D. JENKINS/AIA/ ARCHITECT



*Master Plan amended to show 7<sup>th</sup> street access closed (also enlarges parking lot at Holy Family.)*



- TEMPORARY CONTRACTOR PARKING
- RELOCATE HELICOPTER, DEMOLISH EXISTING HANGAR & PAD
- UNDERGROUND STORMWATER DETENTION
- UTILITY TUNNEL
- RELOCATE AMBULANCE ENTRANCE
- DEMOLISH AMBULATORY ENTRANCE
- EXCAVATION AND SHORING FOR BUILDING ADDITION

**Attach 12**

**Public Hearing – Amending the PD Zoning and Approve the Preliminary Plan, 10 Overlook Subdivision**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Amending the PD Zoning and approve the Preliminary Plan – 10 Overlook Subdivision						
<b>Meeting Date</b>	April 19, 2006						
<b>Date Prepared</b>	April 10, 2006				File # PP-2005-209		
<b>Author</b>	Kathy Portner		Assistant Director of Community Development				
<b>Presenter Name</b>	Kathy Portner		Assistant Director of Community Development				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** 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 located at Hillview and Ridge Circle, Redlands Mesa.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage of an Ordinance Amending the PD Zoning.

**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 and approve the Preliminary Plan – 10 Overlook Subdivision

ACTION REQUESTED: Hold a Public Hearing and Consider Final Passage of an Ordinance Amending the PD Zoning.

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 Subdivision, 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:

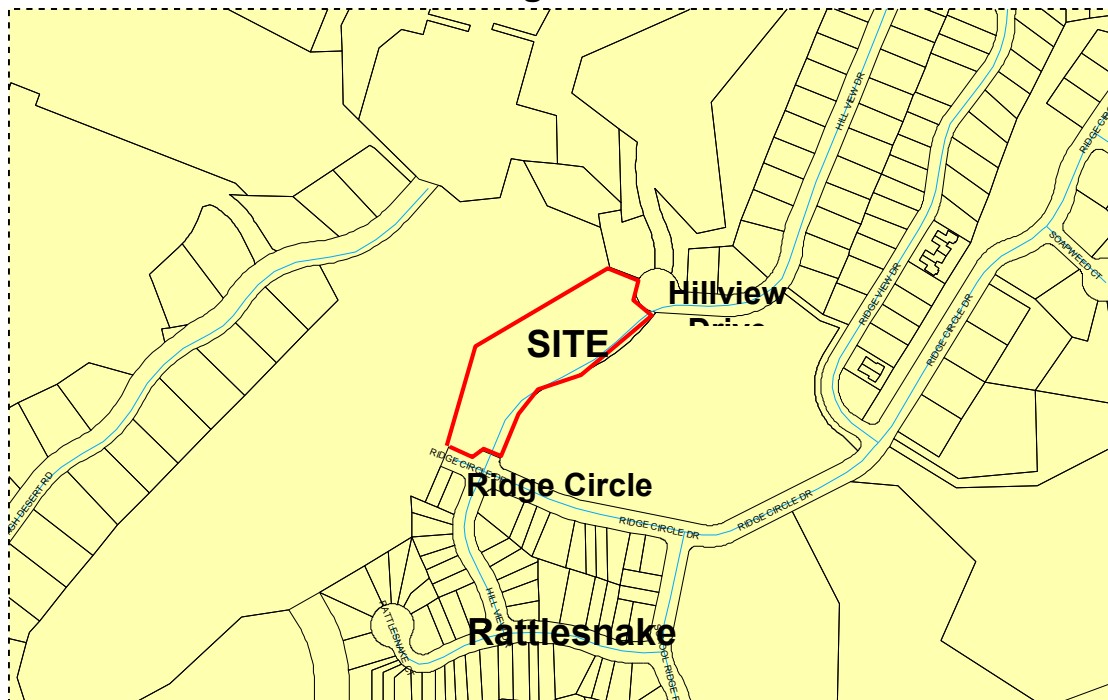
[At their March 28, 2006 hearing, Planning Commission recommended approval of the PD zoning and Preliminary Plan and Plat.](#)

Attachments:

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

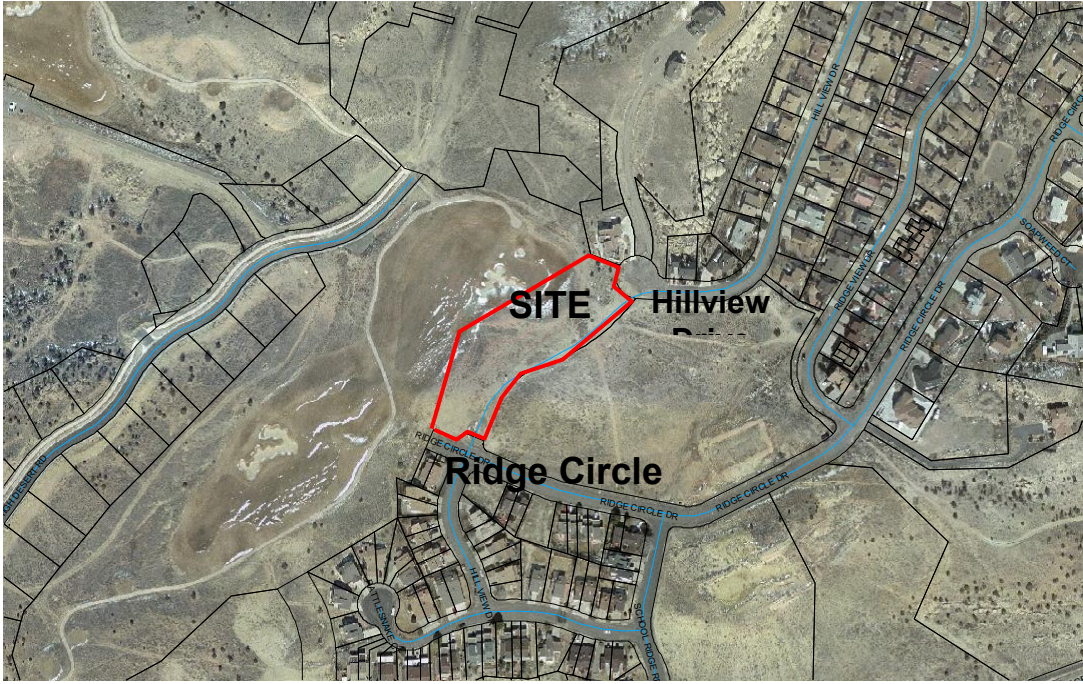
## Site Location Map

Figure 1



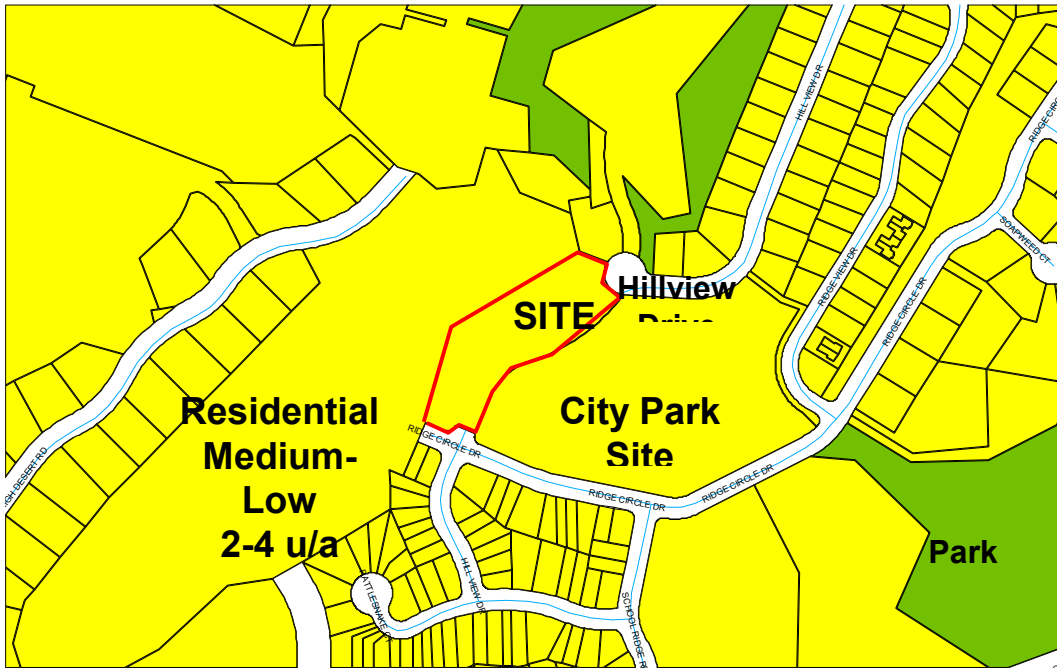
## Aerial Photo Map

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

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 5<sup>th</sup> day of April, 2006.

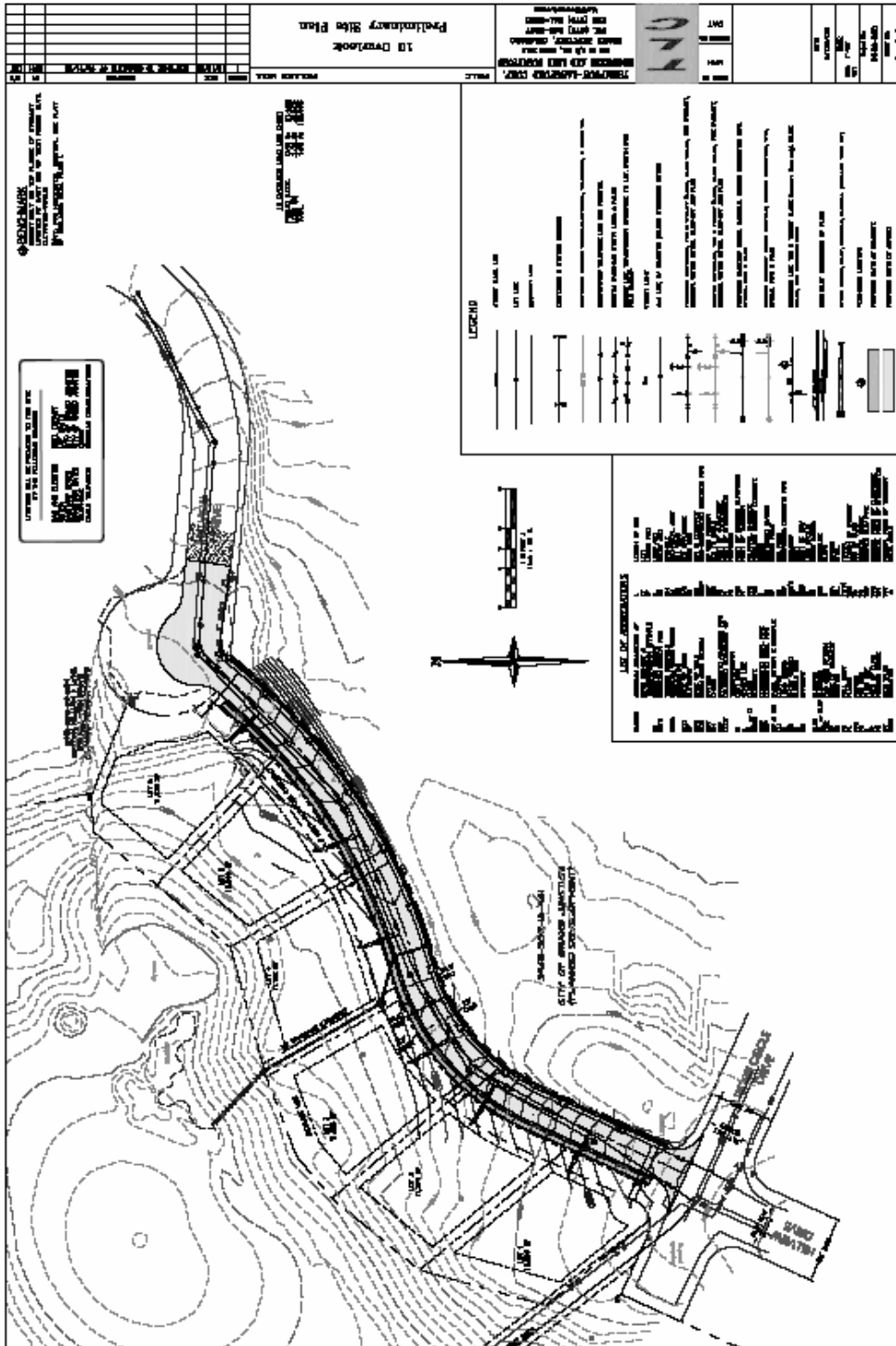
PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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

Exhibit A



**Attach 13  
Public Hearing – Amendment to Action Plan for 2005 CDBG Program  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	PUBLIC HEARING: Amendment to Action Plan for 2005 Program Year Community Development Block Grant (CDBG) Program and Subrecipient Contract with The Salvation Army					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 10, 2006				<b>Files:</b> CDBG 2005-02	
<b>Author</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		Senior Planner			
<b>Report Results Back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a public hearing to amend the City's 2005 Action Plan for the Community Development Block Grant (CDBG) 2005 Program Year to utilize \$25,000 granted to the Salvation Army for operational funds for the Adult Rehabilitation Program (ARP) rather than to expand the program.

If the amendment for the Adult Rehabilitation Program (ARP) is approved as stated above, the Subrecipient Contract will formalize the City's award of \$25,000 to The Salvation Army for operation of the ARP.

**Budget:** The City will reallocate \$25,000 2005 CDBG grant funds to The Salvation Army for operational needs for the ARP.

No budget impacts from approval of the Subrecipient Contract.

**Action Requested:**

1. Approve the amendment to the City's CDBG 2005 Action Plan to reflect the revisions summarized above;
2. Authorize the City Manager to sign the Subrecipient Contract with The Salvation Army

**Background Information:** The City develops a five-year Consolidated Plan and a one-year Action Plan for each program year as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plan summarizes how the funds for each year are to be allocated.

The 2005 Action Plan granted \$25,000 to the Salvation Army to expand the Adult Rehabilitation Program (ARP) to include 10 additional beds allowing the Salvation Army to serve an additional 20 persons per year. ARP is an intensive confidential, clinical and highly structured six-month residential treatment program for men and women. The ARP provides counseling, education, structure, housing, meals and other needs for successful recovery. The goal is to successfully discharge clients to the community with the ability to become active, healthy, productive, law-abiding community members no longer dependent on local social programs, prepared to enter society substance free, gainfully employed and with adequate permanent housing of their own. The program currently has 32 beds, 18 for men and 10 for women and a 4-bed transitional living center.

Since the grant was awarded in mid-2005, the ARP finances have changed for the worse in overall lower thrift store sales (the main funding for the program), and ever-increasing operational expenses. Through cost-cutting, store changes, and going to a small fee-based system, the Salvation Army has been able to keep this needed program open, but feel it is not fiscally responsible to add to the program at this time.

Therefore, the Salvation Army is now requesting that the City amend its 2005 Action Plan to expend the \$25,000 towards the same program but to be used in different ways. Instead of spending the grant funds to expand the number of beds in the program, the proposal is to use the funds for operational needs as outlined below:

Scholarships for Participants	\$12,000
Direct Program Expenses	\$12,000
Administration	\$ 1,000

**CITIZEN PARTICIPATION PLAN:** Following the City's Citizen Participation Plan, the proposal was advertised and this public hearing is being conducted to amend the City's CDBG Consolidated Plan and Action Plan for Program Year 2005. A summary of this proposed amendment was published March 14, 2006 followed by a 30-day public comment period.

**SUBRECIPIENT CONTRACT:** For project CDBG 2005-02 summarized above, The Salvation Army is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2005 Program Year CDBG funds to The Salvation Army but the City remains responsible for the use of these funds. This contract with The Salvation Army outlines the duties and responsibilities of each party and is used to ensure that The Salvation Army will comply with all Federal rules and regulations governing the use of these funds. This contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the

contract (attached) contains the specifics of the project and how the money will be used by The Salvation Army for the Adult Rehabilitation Program.

**Attachments:**

1. Summary Sheets of Amendment as Drafted for Public Comment
2. Exhibit A, Subrecipient Contract

USER PROJECT

ORIGINAL PROJECT 2005-02

Project Title

Salvation Army ARP Expansion

Description

Funding in the amount of \$25,000 to include 10 additional beds for the Adult Rehabilitation Program (ARP). The additional beds will allow the Salvation Army to serve an additional 20 persons per year. ARP is an intensive confidential, clinical and highly structured six-month residential treatment program for men and women. The program currently has 32 beds, 18 for men and 10 for women and a 4-bed transitional living center.

Project ID

--

Local ID

2004-08

Activity

Public Service

Funding

Community Development (CDBG)

\$25,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 6,000 per client

TOTAL

\$25,000 + \$6,000 per client

Prior Funding

\$ 0

Eligibility

Type of Recipient

Private Non-Profit

Performance

Number of Clients Served

Location Type

Address

903 Grand Avenue and Various Off-Site Facilities



USER PROJECT

NEW PROJECT 2005-02

Project Title

Salvation Army ARP Operation Costs

Description

Funding in the amount of \$25,000 for the ARP as follows: \$12,000 – Scholarships for Participants; \$12,000 – Direct Program Expenses including food, gas and utilities and other applicable operational expenses; \$1,000 – Program Administration. The ARP provides counseling, education, structure, housing, meals and other needs for successful recovery. The goal is to successfully discharge clients to the community with the ability to become active, healthy, productive, law-abiding community members no longer dependent on local social programs, prepared to enter society substance free, gainfully employed and with adequate permanent housing of their own.

Project ID

--

Local ID

2005-02

Activity

Public Service

Funding

Community Development (CDBG)

\$25,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 6,000 per client

TOTAL

\$25,000 + \$6,000 per client

Prior Funding

\$ 0

Eligibility

Type of Recipient

Private Non-Profit

Performance

Number of Clients Served

Location Type

Address

903 Grand Avenue and Various Off-Site  
Facilities

**2005 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH  
THE SALVATION ARMY ARP  
  
EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement the Salvation Army ARP \$25,000 from its 2005 Program Year CDBG Entitlement Funds for operation of the Adult Rehabilitation Program (ARP). The general purpose of this program and this project is to provide counseling, education, structure, housing, meals and other needs for successful recovery. CDBG funds will be used to operate the program.
2. The Salvation Army certifies that it will meet the CDBG National Objective of low and moderate income clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to low and moderate income persons in Grand Junction, Colorado.
3. The ARP is an intensive confidential, clinical and highly structured six-month residential treatment program for men and women. The program currently has 32 beds, 18 for men and 10 for women and a 4-bed transitional living center. The goal of the program is to successfully discharge their clients to the community with the ability to become active, healthy, productive, law-abiding community members no longer dependent on local social programs, prepared to enter society substance free, gainfully employed and with adequate permanent housing of their own. It is understood that the City's grant of \$25,000 in CDBG funds shall be used solely for operating this program with direct program expenses to include food, gas, utilities and other applicable operational costs.
4. This project shall commence upon the full and proper execution of the 2005 Subrecipient Agreement as amended and the completion of all appropriate environmental, Code, permit review and approval and compliance. The project shall be completed on or before December 31, 2007.
5. The proposed budget for expenditure of the funds for the ARP is as follows:

Scholarships for Participants	\$ 12,000
Direct Program Expenses	\$ 12,000
Administration	\$ 1,000
TOTAL	\$ 25,000

\_\_\_\_\_ Salvation Army

- \_\_\_\_\_ City
6. The Salvation Army estimates that approximately sixty persons per year will be served with the ARP.
  7. The City of Grand Junction shall monitor and evaluate the progress and performance of the Salvation Army to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Salvation Army shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
  8. The Salvation Army shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
  9. The Salvation Army understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. The Salvation Army shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Salvation Army shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
  10. A formal project notice will be sent to the Salvation Army once all funds are expended and a final report is received.

\_\_\_\_\_ Salvation Army  
\_\_\_\_\_ City

**Attach 14**

**Rehearing Request Regarding the April 5, 2006 Consideration of a Rezone and Right-of-way Vacation for the VanGundy Property  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Rehearing Request on the Van Gundy North Rezone and Right-of-Way Vacation					
<b>Meeting Date</b>	April 19, 2006					
<b>Date Prepared</b>	April 19, 2006				<b>File</b> RZ-2006-022	
<b>Author</b>	Stephanie Tuin		City Clerk			
<b>Presenter Name</b>	Kelly Arnold Kristen Ashbeck Jim Shanks		City Manager Senior Planner Riverside Parkway Project Manager			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** On April 5, 2006, the City Council considered a request to rezone and vacate right-of-way for property known as the VanGundy property, in the vicinity of 1018 South 5<sup>th</sup> Street. The City of Grand Junction and owners of the adjacent property, Sterling Corporation, were the applicants. After a duly noticed public hearing, the City Council voted to reject the proposed ordinances, thus denying the requests. On April 17, 2006, the City received a request to rehear the matter, based on the contention that the City Council was not presented all the evidence.

City Council should first consider the request to rehear the matter. If the decision is made to rehear the application, then City Council can decide when to rehear the matter, up to 45 days out, including at this meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Consider the Request to Rehear the Rezone and Right-of-Way Proposals for Property in the Vicinity of 1018 South 5th and Schedule the Rehearing for a Date Certain

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

**Attachments:**

Previous Staff Report which includes:

- 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

Letter from Joseph Coleman dated April 17, 2006

Letter from City Manager Kelly Arnold dated April 17, 2006.

Excerpt from the April 5, 2006 City Council Minutes (VanGundy portion)

Transcript of the VanGundy Portion of the April 5, 2006 Meeting

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Van Gundy North Rezone and Right-of-Way Vacation					
<b>Meeting Date</b>	April 5, 2006					
<b>Date Prepared</b>	March 27, 2006			<b>File</b> RZ-2006-022		
<b>Author</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		Senior Planner			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	X	<b>Yes</b>		<b>No</b>	<b>Name</b>	Jim Shanks, Riverside Parkway
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

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

**Budget:** N/A

**Action Requested/Recommendation:** 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

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

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



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

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

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

## **ANALYSIS:**

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

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

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

*When the zoning was changed in 2000, the intent was to look at current uses on properties as well as the types of uses that were appropriate for properties throughout the community. It was thought at the time that this area should shift from the Heavy Industrial uses to General Commercial type uses. The Commercial/Industrial land use designation would allow for C-2, I-O or I-1 zoning to be considered. The I-1 zone district seems to be*

*appropriate to allow for the types of uses on the property without going back to the I-2 zone district.*

- e. 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.*

- f. 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.)*

- g. 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.*

- h. 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.*

- i. 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.*

- j. 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.

- g. 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.*

- h. 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.*

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

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

- j. 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.*

- k. 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.*

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

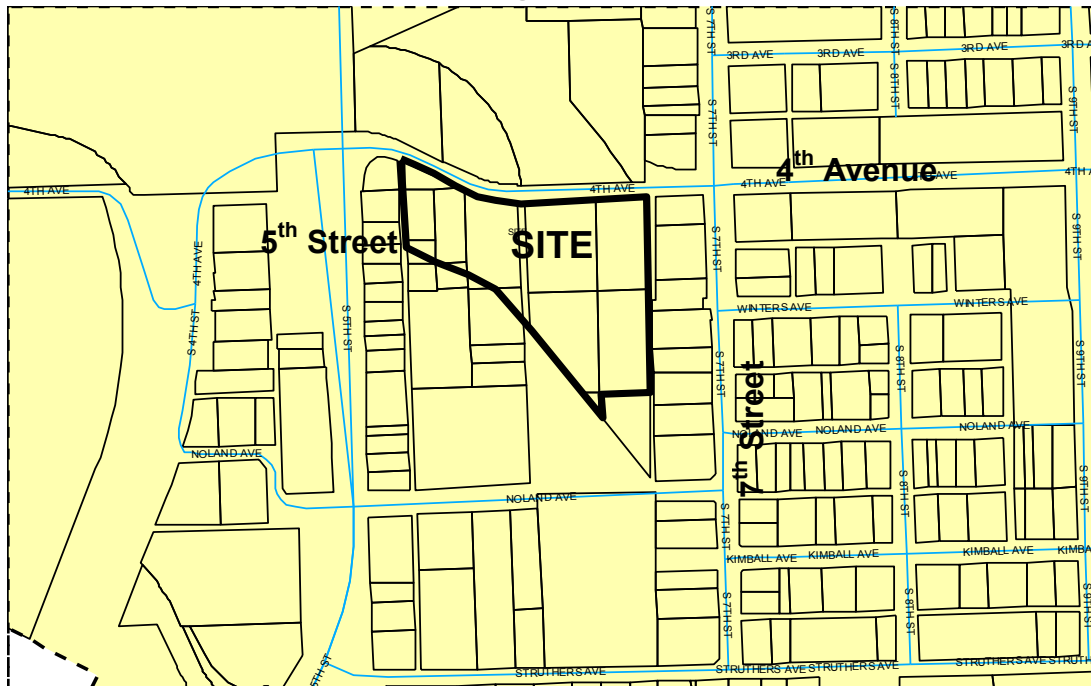
*The alley that is being requested to be vacated is not developed as an alley for vehicular traffic. It contains a rail spur that travels into the properties on the south side of 4th Avenue. The only property that uses the spur is the salvage yard and will continue to be used for that use once the alley 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:

4. 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.

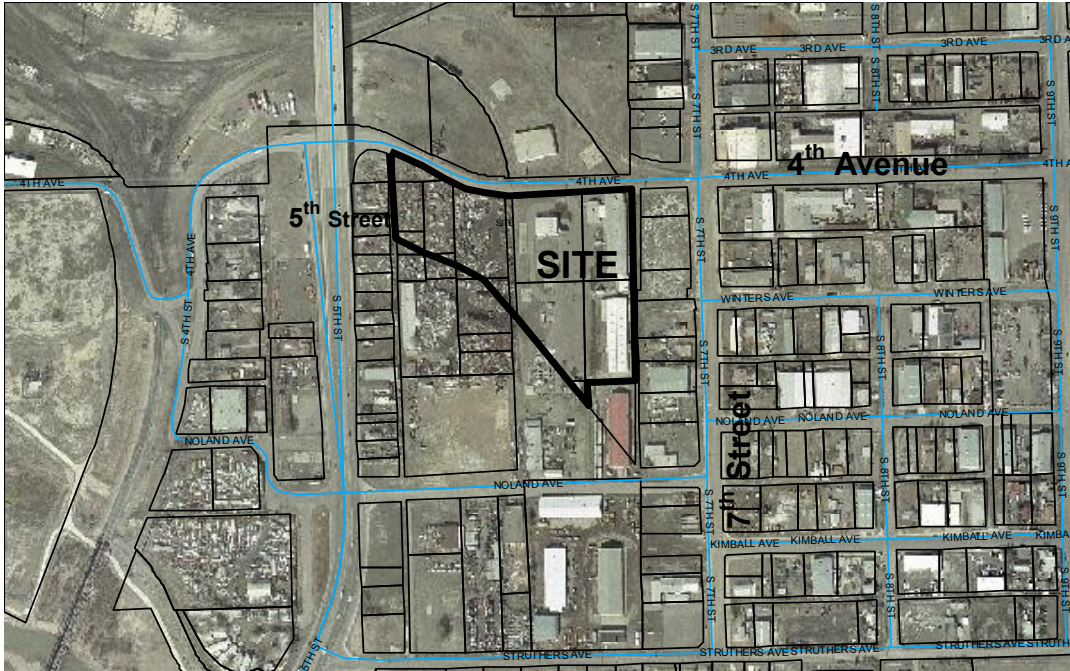
## Site Location Map

Figure 1



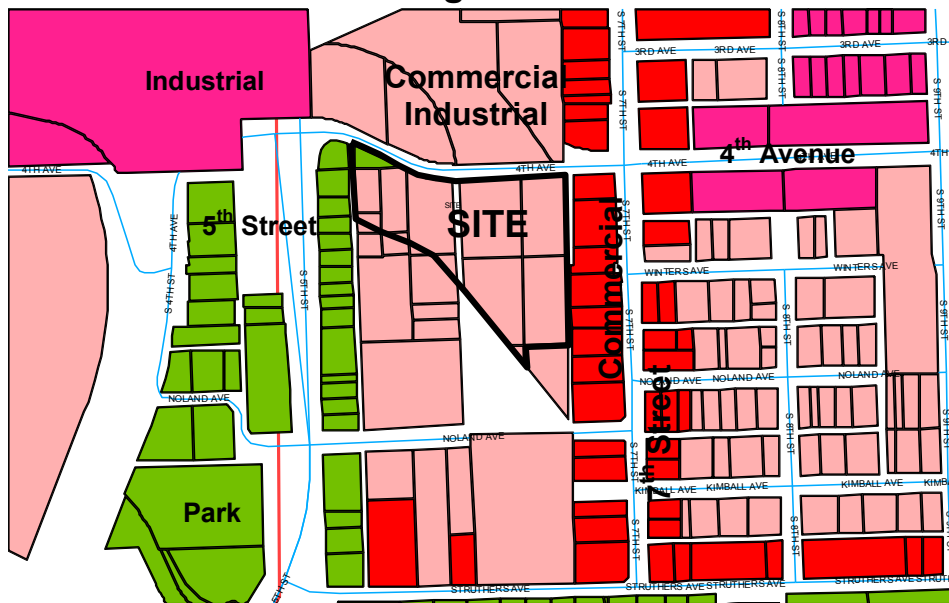
## Aerial Photo Map

Figure 2



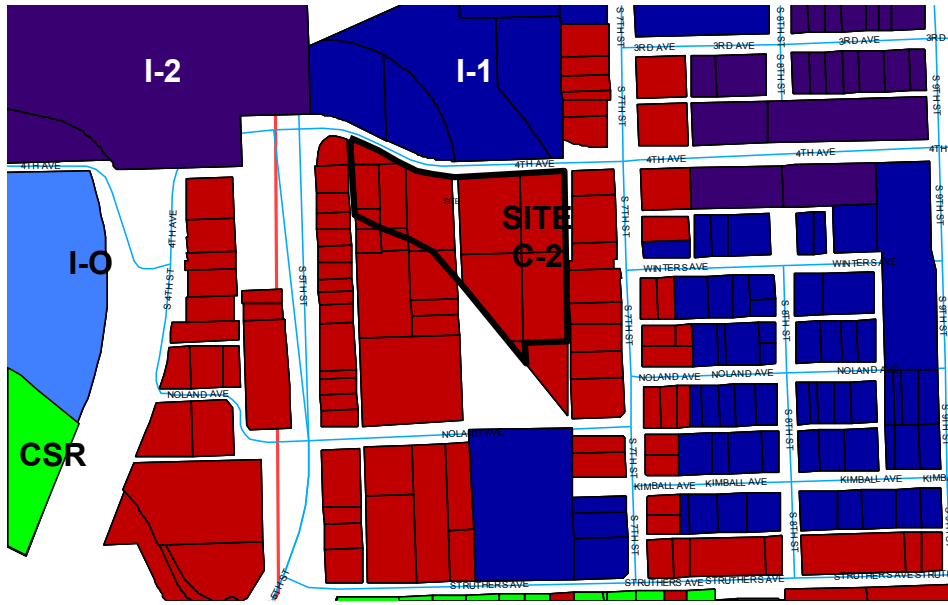
## Future Land Use Map

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."**

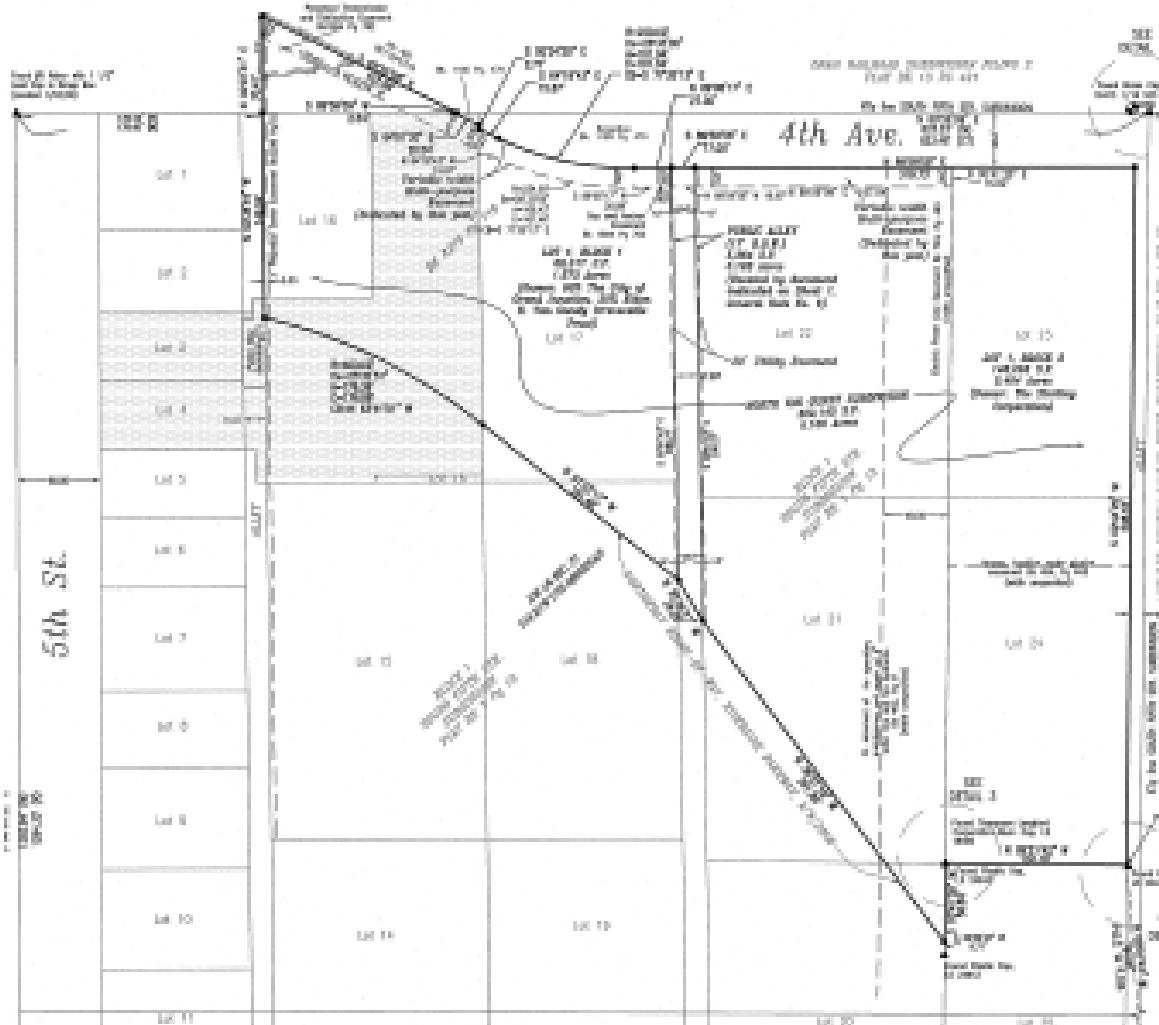
Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

**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."**

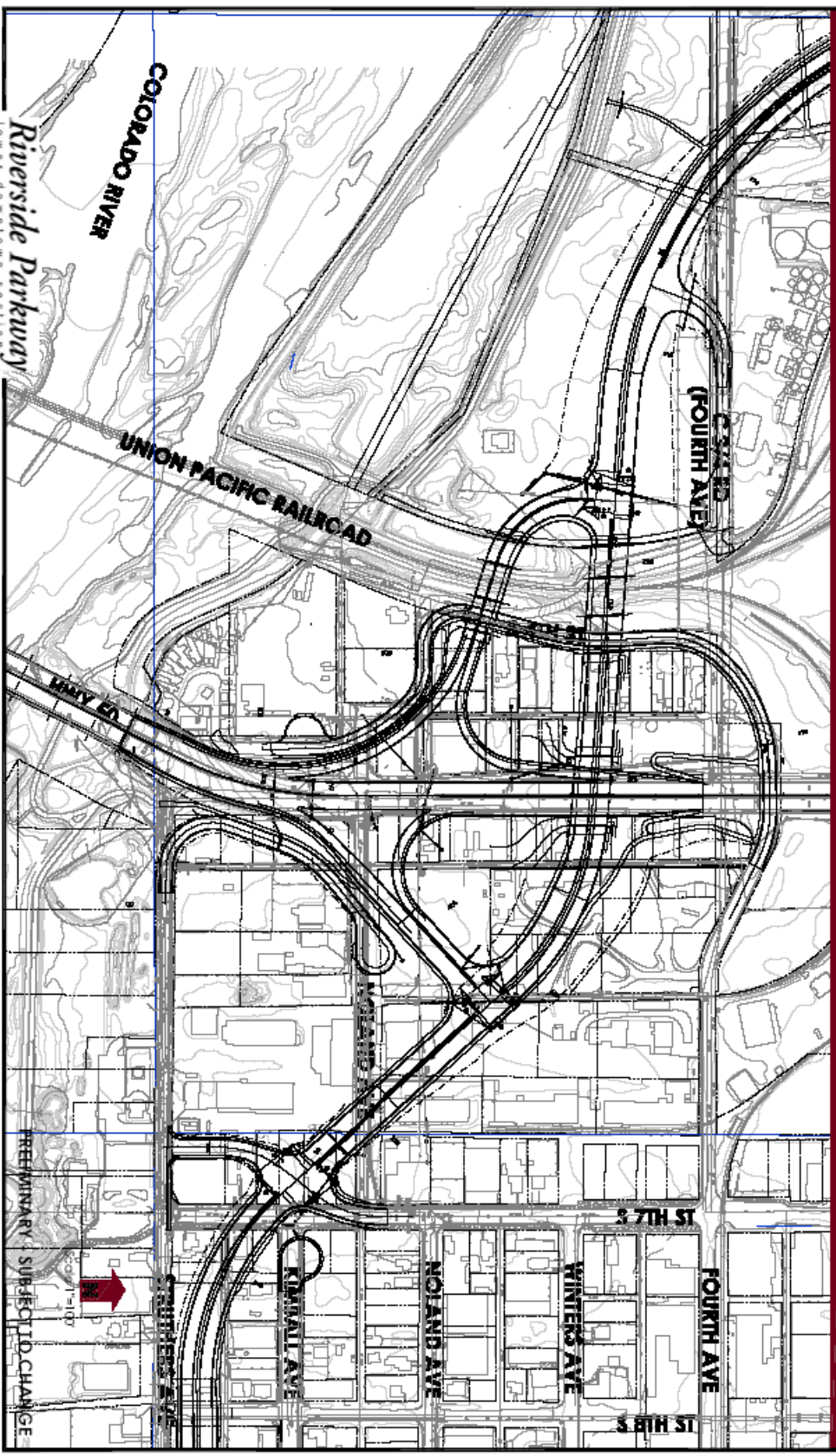
Commissioner Pitts seconded the motion. Commissioner Lowrey felt that the City should hold onto the alley right-of-way in case it was ever needed. If the railroad ever removed its rail spur, the alley right-of-way could be a valuable asset. A vote was called and the motion passed by a vote of 6-1, with 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 5<sup>th</sup> STREET SOUTH OF 4<sup>th</sup> AVENUE**  
**BETWEEN 5<sup>th</sup> and 7<sup>th</sup> STREETS**  
**KNOWN AS THE VAN GUNDY NORTH PROJECT**

Recitals

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

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

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met and recommended that the vacation be approved 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 4<sup>th</sup> Avenue, a distance of 17.00 feet; THENCE S00°51'43"E, along the easterly line of Lots 22 & 21, a distance of 330.27 feet to the POINT OF BEGINNING.

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

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

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

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

Introduced on first reading this 15<sup>th</sup> day of March, 2006 and ordered published.

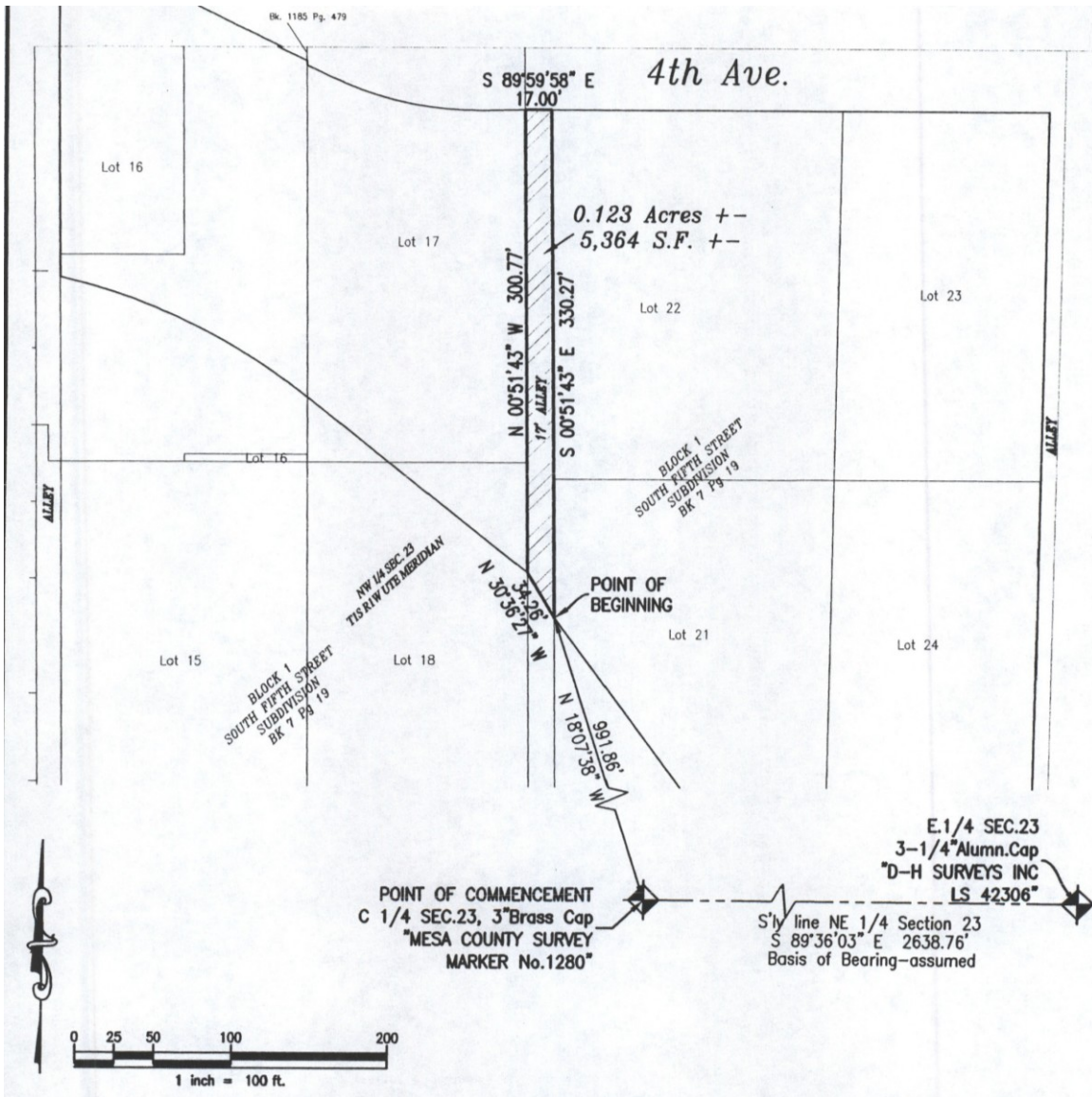
Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

Recitals.

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

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

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

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

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

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

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

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

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

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

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

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

THENCE S63°32'58"E along the northeasterly line of said tract of land described in Book 2279 at Page 718 a distance of 157.99 feet; THENCE S89°59'09"W along the southerly line of said tract of land described in Book

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

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

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

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

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

INTRODUCED on first reading on the 15th day of March, 2006 and ordered published.

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

ATTEST:

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

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

## COLEMAN WILLIAMS &amp; WILSON

ATTORNEYS AT LAW  
2454 Patterson Road, Suite 210  
Grand Junction, CO 81505Joseph Coleman  
Dan E. Wilson

Whitman Robinson

Of Counsel  
John WilliamsTelephone  
(970) 242-3311  
Facsimile  
(970) 242-1893

April 17, 2006

VIA FACSIMILE (970)244-1456

John Shaver  
Grand Junction City Attorney  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: Van Gundy/Ampco, Inc. Rezoning/Vacation Denial

Dear John:

As Dan Wilson indicated in his e-mail of April 11th, and as I confirmed in my subsequent letter to you, the City has a duty to request the rehearing on behalf of Mr. Van Gundy and Ampco Inc. The City contractually agreed: "at no cost or expense to Van Gundy" to proceed with the subdivision, vacation and rezoning representing "both itself and Van Gundy" relative to applications, all required meetings and presentations relative to the subdivision, vacation and rezoning obligation assumed by the City. Four members of counsel acted contrary to the evidence in the record and the four members remain aligned (as indicated by their recent newspaper pronouncement which confirmed that they acted on "factors" not presented at the public hearing). This mistake does not absolve the City of its contract obligation. **We need the City to seek reconsideration or at least provide us with direct letters of support from the seven individuals noted in our April 11<sup>th</sup> letter.**

Your e-mail of April 10<sup>th</sup> and your April 12th letter indicate that the City has unilaterally decided that it will not represent Van Gundy to present the rehearing report (supported by City administrators with the relevant expertise). This letter is Mr. Van Gundy's and Ampco's (collectively "Van Gundy") final request that the City, as a Van Gundy agent, treat Van Gundy as a principal is to be represented by an agent.

To minimize the damages that are presently occurring following the City's breach, please request a scheduled rehearing for the April 19<sup>th</sup> agenda. Time is of the essence so the hearing on the merits of the reconsideration of the rezoning/vacation ordinances must be on the same agenda. If not, we ask that the merits of the rehearing on the zoning/vacation ordinances be heard at the latest on May 3<sup>rd</sup>.

To support the petition and at the hearing on the merits, the "City" should present the in-person and unqualified endorsements of the rezoning and vacation ordinances by: Jim Shanks; Tim Moore; Mark Relph; the DDA; the Community Development director, the City Manager and Kristen Ashbeck. The details of the aesthetic screening and buffering should be detailed, including evidence

John Shaver  
April 17 2006  
Page 2

that the new site will not be visible from the Parkway in light of Van Gundy's proposed screening and improvements. The recent newspaper article by the opposing Council members suggests an amicable solution. The City has capable experts to alleviate the fears of the opposing Council members. The Community of Grand Junction is served by insuring that a "misunderstanding" does not lead to needless litigation. Let City experts prove that screening can allow Van Gundy to operate without a negative visual impact. Also, City promotion of recycling, simply by recognizing that a central location is an asset, not a detriment, can be explained best by City experts.

The basis for a request is that the City Council, in light of the language in the Zoning and Development Code, Section 2.18 D(1)C, either: failed to consider or misunderstood the record that was presented to it at the April 5<sup>th</sup> hearing; or information crucial to its decision was not presented at the time of that hearing, including the testimony of Jim Shanks and other City experts noted above.

Mr. Shanks' testimony is critical because he was involved throughout the negotiations with Mr. Van Gundy and understands the basis of the City's obligations regarding the purchase and eventual rezoning of the Van Gundy property. Even more importantly, Mr. Shanks would have emphasized to the Council, as he did to the Planning Commission, that the closure of access from Fourth Avenue will, in fact, limit the use of the remnant-Sterling property to uses such as Mr. Van Gundy's. If the City imposes some perceived "ideal" as the zoning, disregarding Mr. Shanks' observations about closure of access from Fourth Avenue, this will leave the property in an economically undesirable condition. The City will face a repeat of the 24 Road zoning which may have been a perceived "ideal" but which the marketplace realizes is impracticable.

Mr. Shanks could have clearly presented to the Council reasons why the esthetics of the area would be greatly improved. In fact, the Parkway, as we understand Mr. Shanks' design, will be built so that the traveling public will not be able to see the "new" Van Gundy site from the Parkway.

Addressing Section 2.18D(3), the "pertinent facts in the hearing record" are contained within the record that was referred to at the April 5<sup>th</sup> hearing, namely the staff reports and the minutes of the March 14, 2006 Planning Commission meeting (both of which supported the joint City/Van Gundy position). In addition, while the Mayor would not accept information relating to the CUP, such information is critical for the Council to understand why the rezoning request met the criteria set forth in the City Zoning Code. The CUP application that was previously submitted to the City contains sufficient detail to resolve what concerns were voiced by the Council. The concerns now being raised by the four Council members would have been alleviated by a full presentation by the City.

The City, (pursuant to its contract obligation to make all presentations) should have but did not provide the CUP information to the Council. We ask that the CUP application, which consisted of a general project report, request for variances and the associated maps and visual aids, be incorporated into a rehearing request to assist the Council in determining the merits of the zoning and vacation requests.

Addressing the last sentence of Section 2.18D(3)(a), Mr. Van Gundy and Ampco, Inc.,

John Shaver  
April 17 2006  
Page 3

individually and through their agent, the City, presented testimony to the Council at the April 5<sup>th</sup> hearing. As the agent of Van Gundy, the City must act to protect Van Gundy's right to bring this section to Council's attention.

In addressing the "criteria" of Section 2.6 of the Zoning and Development Code, the only evidence that was before the Council fulfilled all of the rezoning requirements of the Code. The Planning Department's written record, including the minutes of the Planning Commission and the City staff's application (and associated documents) for the rezoning and alley vacation, along with the subdivision plat, which was to be approved administratively, were supportive. The testimony provided by Kristin Ashback (and confirmed by the Van Gundy) was the only evidence in the record<sup>1</sup>. Because there is no contrary evidence "in the record", the rezoning must be granted and a petition for rehearing allows the City to avoid the costs of a full Rule 106 appeal.

The C-2 zoning was in error for the property when the zoning was adopted in the year 2000. This conclusion is bolstered by the staff reports to the Planning Commission and the staff report to the City Council. The existing facts, projects or trends that were not accounted for included the Parkway (which creates an entirely different character for the property north of the Parkway and south of the railroad tracks which is now only accessed via Fourth Avenue).

Access to Fourth Avenue from the west is being terminated; the Van Gundy remnant and Sterling property will effectively be on a dead-end street. A dead-end street is a detriment to commercial uses (a matter Mr. Shanks can again confirm) but such a condition can be accommodated by an industrial use such as Van Gundy's where there is ready access to the Parkway once it is constructed. Clearly, the Parkway is a "project" that was not accounted for in the year 2000.

Councilmen Spehar and Palmer both vaguely referred to their personal visions, but their "visions" do not constitute the adopted plans and policies of the City Council, nor is either relevant to the Code's criteria. There was one vague reference to a strategic plan, but that is not a basis to deny the rezoning. Again, discussion of Council is distinguishable from evidence in the record.

The record confirms that no current "master" plan had been adopted by the City that would be inconsistent with Van Gundy's current or proposed uses. Hence, any reference to inconsistency with a plan is incorrect as a basis for the denial of this rezoning.

When the C-2 zone was erroneously adopted in 2000, the industrial Van Gundy operation was lawful as were the other uses in the area, all of which are compatible with the "new" location and uses in the current application. The neighbors also support the Van Gundy's continuation in the area. Since 2000, the Parkway plans and the closure of West Fourth Avenue represent significant subsequent events which have invalidated the original premises and findings of the C-2 zoning.

<sup>1</sup> Council members' statements and their personal beliefs are not evidence in the sense used by the Zoning and Development Code and cannot be relied upon for denying rezoning. A Council member is entitled to his/her opinion, but one Council person's "opinion" does not constitute "evidence in the record" upon which any council member can factually rely to support a vote.

John Shaver  
April 17 2006  
Page 4

A petition for rehearing could also address some Council concern about community needs for recycling (noted in recent newspaper articles released by Council members). Instead of unfounded "opinions", why not allow true City experts to address the correlation between efficient community recycling and convenient community location? Leaving legal arguments aside for the moment, a rehearing that gives Van Gundy and City staff an opportunity to dispel misconceptions would benefit everyone. The "new" site cannot be seen from the new Parkway as it is planned. An eight-foot wall and fence will screen the site from the only other adjacent public street. Van Gundy proposes evergreens on the west side to reduce any limited visibility from the 5<sup>th</sup> Street viaduct. Van Gundy has asked CDOT to permit some form of opaque "drape" along the viaduct. If allowed (the City's support of such a request would be very helpful), the new site will be nearly invisible. In terms of esthetics, Van Gundy's use certainly will be equal to or better than other industrial uses and better than a perpetually failing commercial area which will ultimately be forced to less desirable uses (e.g. "Cheer's" reincarnated) because of its dead-end location. Let us show the Council and the community how all can benefit by simply using a rehearing request to avoid allowing a lack of information to lead to a Rule 106 appeal.

The City should submit a simple request for rehearing, noting that the seven City representatives noted above wish to be heard in support of the grant of the subdivision, vacation and rezone. You can also simply attach a copy of my letter to confirm Van Gundy's support for reconsideration.

Consistent with the contract, signed by the City Manager himself, the City Manager should be the one to sign the request. The City Manager committed the City, no cost or expense to Van Gundy, to submit all applications and presentations relating to the subdivision, vacation and rezone. The petition for rehearing is part of the process.

While this letter simply repeats many discussions and prior communications, Van Gundy wants this letter to document his efforts to explore every non-litigation option.

Very truly yours,

COLEMAN, WILLIAMS & WILSON



Joseph C. Coleman  
joe@cwlaw.com

xc: Van Gundy





ADMINISTRATION

April 17, 2006

Grand Junction City Council  
c/o Sheryl Trent, Interim Community Development Director  
250 N. 5th Street  
Grand Junction, CO 81501

Re: RZ-2006-022 - Van Gundy North Right-of-Way Vacation and Rezone

Via Hand Delivery

Dear Mayor Hill and City Council Members,

Pursuant to Section 2.18.D of the Grand Junction Zoning and Development Code ("Code"), I request that the City Council rehear the application for the rezone and vacation of right-of-way for RZ-2006-022. I understand that the City has been questioned on whether it presented all the pertinent facts and whether those facts were presented appropriately at the first hearing. Although the staff presentation was not inappropriate, the City Council may benefit from more information, some of which could be considered as crucial in deciding this application. Therefore, in support of a request for a rehearing, please consider the following information:

1. The City of Grand Junction is the applicant for this development application. Staff members for the City who spoke on the official record concerning the application at the hearing included: Kelly Arnold, City Manager; Mark Relph, Director of Public Works and Utilities; and Kristen Ashbeck, Senior Planner for Community Development.
2. This request is being submitted within ten calendar days. As the 10th day fell on a Saturday, this request is made on April 17, 2006, the next day that the Community Development Department was open for business.
3. In making its decision on April 5, 2006 ("Hearing") the City Council members may have failed to consider and/or misunderstood pertinent facts in the record. In addition, information that Council may consider to be crucial was not made available at the time of the hearing. The facts and information are more fully set forth below.

A portion of the land included within the rezone request is owned by the City. The City obtained the land through its acquisitions for the Riverside Parkway. The City property at issue in the rezone is a remnant from the larger property. Other than to obtain the necessary land for the Riverside Parkway, the City did not have a specific intent or public use/public purpose for the land.

Mayor Hill and City Council

April 17, 2006

Page 2

Jim Shanks, program manager for the Riverside Parkway, did not testify at the Hearing. He did, however, present the application to the Planning Commission as the applicant's representative. In his testimony before the Planning Commission he stated his opinion that the land will be well utilized if zoned I-1. He stated that it is one of a few parcels of land in the City that has existing access to a rail spur. According to Mr. Shanks, industrial uses are more likely to have need of a rail spur than a commercial use. He said that it is not anticipated that additional spur lines will be available except at great expense.

Mr. Shanks also presented the history of the City's parcel and the adjoining area. He pointed out that many I-2 uses continue in the area and noted that the expected design of the Riverside Parkway was described including the location, circulation patterns, screening and landscaping of the Parkway. Of interest was Mr. Shanks' explanation that an industrial site in this area would be limited visually from a motorist's view approaching downtown via Highway 50.

Mr. Shanks further explained that due to the location of the Riverside Parkway, access to the parcel to be rezoned will be limited. He said that it is unlikely that the alley applied to be vacated would ever be extended or used for more than its present purpose as the location of a sewer line. Conditioning the vacation with the retaining of an easement and an additional three feet of easement being granted, protects the City's use and needs, now and as anticipated for the future. The City's overall maintenance costs would be reduced.

Because of the presentation by Mr. Wilson, attorney for the Van Gundys, and some of the references in the staff report, a council member or members may have decided the rezoning question specific to the anticipated use by the Van Gundy operation, rather than on the general considerations of whether I-1 zoning is appropriate. The City Council may wish to deliberate, in the context of a rehearing, whether it duly considered I-1 zoning, as was explained to and debated by the Planning Commission. As is clear from the record, the Future Land Use map allows for an I-1 zone to be lawfully placed on this property.

Because the anticipated salvage yard use described by and advocated by Mr. Wilson, is not an allowed use in an I-1 zone, a Conditional Use Permit must be approved by the Planning Commission before the use would be permitted on the property. A member of the Planning Commission was especially concerned about the site elements/the Conditional Use Permit. The City Council may find a rehearing beneficial in order to reconcile the records of its Hearing and the hearing before the Planning Commission.

Mayor Hill and City Council

April 17, 2006

Page 3

At the Hearing, Councilmember Spehar requested that the criteria be outlined. It is not clear from the record if that request was fully satisfied: the staff presented the criteria for a rezone; the criteria for vacation of the alley were presented only in the staff report.

The staff report did not elaborate on the South Downtown Plan ("Plan") planning process. Factors anticipated in the Plan or which have not yet occurred, such as commercial growth in the area, may not have been fully understood. Further explanation and elaboration of the South Downtown Plan may be important to fully understand if or how the land applied to be rezoned will be accounted for in that Plan.

The videotape recording of the Hearing is incomplete. The staff's presentation was not recorded. Apparently, the recorder was not operating or was operated incorrectly. A rehearing would provide the opportunity for the preparation of a complete record.

For the foregoing reasons a rehearing would be just and proper. The City relies on the information presented in this written request as the basis for its rehearing. The City should be given the opportunity to fully present the application, call witnesses, cross examine adverse witnesses and answer questions raised by the City Council.

Sincerely,

THE CITY OF GRAND JUNCTION

by: 

Kelly Arnold, City Manager

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

**April 5, 2006**

The meeting reconvened at 9:49 p.m.

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

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

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

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location which is a remnant from the Riverside Parkway right-of-way and some properties to be purchased. The remnant is currently used by the Van Gundy Salvage operation. She described the surrounding Future Land Use Designation and the surrounding zoning. The requested zoning is compatible with the Future Land Use designation. She said the Planning Commission found the request to meet the rezone criteria and recommends approval.

Councilmember Spehar asked for a review of the 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.*

- k. 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.*

- l. 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.)*

- m. 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.*

Councilmember Spehar questioned if there will be any chance that the Parkway will not proceed if this request is not approved. Mark Relph, Public Works & Utilities Director, said the first step is to relocate the business and said the next step will be to address screening and landscape issues.

Councilmember Coons questioned what would happen if one of the requests is approved and not the other. Mr. Relph said the rezone is the most important and said by not vacating the alley it might be problematic. He said the vacation would give them more flexibility in planning the site.

Councilmember Spehar questioned if all of the criteria have to be met. City Attorney John Shaver said all of the criteria would have to be met, but not necessarily for the reasons stated.

Dan Wilson, Coleman, Williams and Wilson, attorney for the Van Gundy's, stated the Van Gundy's have been on the property for 60 years. He said the Van Gundy's have accepted the fact of the Riverside Parkway and therefore entered into an agreement with the City, agreeing to move down to a smaller site. He said without the vacation it would create access issues. Attorney Wilson said it is difficult to develop and is hoping to get in front of the Planning Commission next week for the site plan. He said the deadline for the Van Gundy's to vacate the land is August 1<sup>st</sup> and said they have had some coordination problems getting through the process; plus they have a lot of stuff to move. Attorney Wilson said if this is not approved, the family would be out of business. He said City Staff spent months looking for an alternative site and said it could not be found. He stated that what makes this business work is the rail and truck route access. The Van Gundy's recycle items that would end up in the desert and said no other site with the needed

zoning has rail and truck access. He said the perfect zoning for the site is I-2 but that is inconsistent with the Growth Plan. The requested I-1 zoning forces a Conditional Use Permit process.

There were no other comments.

The public hearing was closed at 10:13 p.m.

Councilmember Coons questioned if the sign code would apply. City Manager Kelly Arnold said yes, that it is in the moratorium area.

Council President Pro Tem Palmer said the criteria for a rezone is that there has been a change to the character of the neighborhood. He said by changing it to commercial this could be an opportunity to continue the improvements in that area and said if it is changed to industrial it would be a step backwards. He said that he will not support the rezone.

Councilmember Spehar said that he does not feel that the criteria is being met. He said criteria #1, zoning was in error, is not the case. There are clear reasons for the site to be commercial. He said to make zoning changes ahead of the process would be an error and said the value of property was anticipated in 2000 when it was zoned commercial. He said that the area is changing because of the Riverside Parkway and there are other properties in other areas of the valley that could supply this kind of property in the community.

Council President Pro Tem Palmer said this will go against many of the goals of the Strategic Plan.

Councilmember Coons feels that this is not a true relocation. She said that the Parkway will proceed if this goes through or not. She can see the value of the operation and the need for it in the area, but is not sure it needs to be in the City limits. She said that the neighborhood is changing and the City is trying to beautify that area. She is opposed to the request.

Councilmember Doody said he feels that the area in the Van Gundy's vicinity is industrial and said there is a need for industrial use in this area.

Councilmember Thomason said that he supports the comments that have been said so far and has nothing to add.

Councilmember Beckstein said that she supports this request and said a salvage yard does serve a purpose. She feels this is an appropriate direction.

Council President Hill stated that there is a need for this type of operation. He said the Parkway will be a beautiful roadway, but the original zoning was I-2 for over 70 years and the owner did not request the change; the City changed the zoning, so that is where the error lies. He feels that north of the Parkway should be industrial and the City should maximize its resources and infrastructure. He is very supportive and feels that it would benefit the community and that it does bring in jobs into the community as well. He said that it sets the stage of good quality uses.

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

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

Councilmember Spehar moved to reject Ordinances Nos. 3884 and 3885. Council President Pro Tem Palmer seconded the motion.

Councilmember Spehar said the purchase option for the property did not guarantee the rezone or vacation.

Council President Hill agreed, but said that it should be an untainted process, regardless of knowing what business, this zoning would fit within the north area of the railroad tracks. He feels this is appropriate.

Councilmember Doody agreed that this is a perfect fit for the City of Grand Junction.

Councilmember Thomason stated that there is a need for a business like this, but he can't get past that the City paid for relocation and not just to have them shift to another corner. He feels the City needs to improve the gateway and that he is not in favor.

Councilmember Beckstein said that she is supportive of this and said the new operation will have to be up to the current Code. She said this service provides a necessary outlet for the community to get rid of things and said there were moot points as there are other salvage yards in the area, but City Staff would be working with the Van Gundy's to make sure they are up to Code and to see that it will not look like it does today.

Council President Pro Tem Palmer called the question. The vote was 6 to 1 to call the question.

Motion carried by roll call vote 4 to 3 to REJECT with Council President Hill, Councilmember Doody and Councilmember Beckstein voting NO.





**GRAND JUNCTION CITY COUNCIL  
TRANSCRIPT OF THE REGULAR MEETING  
(VANGUNDY PORTION ONLY)**

**April 5, 2006**

**Public Hearing – VanGundy North Right-of-Way Vacation and Rezone** [File #RZ-2006-022]

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

Bruce Hill: Just double checking, we're now on item number 16. This is a Public Hearing. This is the VanGundy right-of-way vacation and rezone. Who would like to start?

Ashbeck: Kristen Ashbeck with the City Community Development Department. Feel kind of naked up here without drawings and the rabbits or anything, but

Jim Spehar: We've got rabbit fever coming up here, would you like some of that?

Hill: Yeah

Ashbeck: The property that we are calling the VanGundy North, and that's because that what the, uh, little subdivision's named as, it's the area northeast quadrant to the proposed Riverside Parkway 5<sup>th</sup> Street Intersection from the outlying red area. The site is comprised of area, certain remnants of the property the City acquired for the Riverside Parkway, uh, that we really aren't going to use as well as some properties that are going to, or proposed to be acquired from a private property owner. It's generally south of, uh, this is 4<sup>th</sup> Avenue, it currently goes under a viaduct and out, it's generally south of that and in between 5<sup>th</sup> and 7<sup>th</sup>, but it doesn't go all the way to 5<sup>th</sup> nor does it go all the way to 7<sup>th</sup>. The western side of the property that's the remnant, is, is currently used for a portion of the VanGundy salvage yard operation. The property that's to be acquired, are vacant warehouses and a shop building that are currently vacant previously used, I believe, by the C.D. Smith distributing company, and so, they are vacant as is, as is the site. The growth plan future land use map shows the area as commercial/industrial with the park designation to the west and commercially designated properties along the east that front 7<sup>th</sup> Street. The current zoning of the property is general commercial C-2, C-2, and properties both east and west of it are

also C-2, north and south are, light industrial or I-1. The request is to rezone VanGundy north property to I-1, its, its current, so it is compatible with the commercial/industrial land use category, which says that it could be, could go commercial or industrial. So it's compatible with, with the growth plan and it's also compatible with infrastructure in the area. There is a rail spur that goes south down through the alley that's proposed to be vacated. This is the proposed subdivision plat that will consolidate the remnant area, over here with the properties to be acquired. The alley proposed to be vacated is, runs right down the middle and that's where the rail spur is. There's also a sewer line in that alley, and the City is requesting that we retain a 20 foot, easement down that alley for the sewer, the sewer line that will remain on the site. This is just an enlargement of, of the alley, and currently the alley is only 17 feet wide, but we're going to be retaining a 20 foot easement once the plat is recorded. The Planning Comp., the Planning Commission heard this at its March 14<sup>th</sup>, meeting and they found the rezone consistent with the growth plan. They also found it met the criteria for a rezone in Section 2.6 of our Code, uh, and it also met the, the review criteria for right-of-way vacation, in Section 2.11. Their recommendation to you is approval. Uh, we don't have a petitioner presentation tonight. That would have been Mar, Jim Shanks, but Mark, I think is here, available for any questions, if you have any.

Spehar: I guess what I'd like you to do is go through those review criteria Kristen for rezoning.

Ashbeck: The specific review criteria?

Spehar: Uh huh.

Ashbeck: The first one is the existing zoning in error at the time of adoption, the current property zoning, uh, C-2, uh, was established in the year 2000 when the new city wide zoning was adopted and the Zoning Code was adopted. Prior to that, it was zoned I-2. So by creating a C-2 zone, well it was consistent with what we showed in the growth plan and it made the, some of the uses on some of this property, non-conforming. The second criteria is there's been a change in the character in the neighborhood due to the installation of public utilities, uh, largely that's the construction of the Riverside Parkway, and our acquisition of properties that are impacting businesses in that area. 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 already heavily commercial and industrial, because of the railroad and, the warehousing that goes on in that area. The proposal conforms with and furthers the goals and policies of the growth plan, other adopted plans, and the policies and requirements of the code. There are three specific goals I listed in my staff report that, that this one, that this proposal meets. The goal 1 is to achieve a balance of open space, agriculture, residential, non residential land use opportunities that reflects, their natural environment. Goal five is to ensure that urban growth and

development make efficient use of investments in street utilities and other public facilities. Goal 11 is to promote stable neighborhoods and land use compatibility throughout the community. In addition, it's, we, we try to make uh, a goal, well, we have, we have a limited amount of industrial land in the area, in the City as a whole, and this one takes advantage of, of some of the facilities that are already there, such as the railroad, spur. Uh, what, another criteria is the adequate public facilities and services available. They're already public facilities, uh, available to the, and, that service this area as well as the specific site. We'd be looking at the specific requirements of a future use, when we're looking at potential for VanGundy's occupying this site, we'll be looking at their criteria of a conditional use permit and site plan review at the, at the next, phase of development. Uh, in area just number f, letter f, there is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning, the community needs. This rezone request is with specific use in mind that has specific needs such as access to the rail spur. There's little land uh, in this area that has access, the valley as a whole that has access to the railroad, to service this kind of use or any industrial use. The community or neighborhood will benefit from the proposed zone, the community or neighborhood will benefit from the change in zoning due to its allowing the relocation of the business that is currently located where Riverside Parkway will be constructed, therefore allowing the Parkway to proceed as planned. That, those are the specific rezone criteria.

Spehar: As specific to that last one, is there any danger that the Parkway is not going to proceed if we don't do this? I don't think so.

Ashbeck: Not that I'm aware of.

Spehar: Yeah, ok. It's just that one struck me as strange.

Ashbeck: We do own the property though.

Spehar: Yeah, that's right.

Ashbeck: There is a need to relocate the existing build, business that's there though.

Spehar: Ok. Thank you.

Hill: Ok, so, the applicant like to make a comment?

Relph: Mark Relph, Public Works and Utilities Director, just a couple of comments, uh, I think, uh, Kristen did a good job of kind of summarizing the issue in general here, but, again this is kind of the first step in the process of the VanGundy's looking at relocating their business. If the Council acts favorably on the rezone, then yes, we would be coming back through a process of a conditional use permit and a site plan and that really is the process that gets much more into the specifics of screening, landscaping,

and those kinds of issues. Uh, so again, tonight, it's really just the rezone issue and the alley vacation, is the specific topic for tonight. And, I'd be more than happy to answer any other questions if, uh, Council has any.

Coons: Mark, uh, I don't whether this is a more appropriate question for you or for Kristen, but, can we do one or the other, in other words, if we didn't vacate the alley and approve the rezone, what happens or vice a versa? If we approve the alley vacation and not, and not the rezone?

Relph: Well, I might have to look to Mr. Shaver to help me answer that one, but it's the, uh, obviously the rezone, at least in my mind would be the most important. Not vacating the alley is a little problematic, uh, I'm thinking specifically the plat, but.

Coons: I mean, does that in effect make it impossible to do what the VanGundy's would like to do on that property?

Relph: I think it gives them much more flexibility to vacate the alley.

Coons: Ok.

Relph: Maintain the easement, I think that really is important in the long term use of the property. Certainly, I'm perhaps speaking for them, but, uh, uh, the easement gives us more flexibility.

Coons: Thank you.

Hill: Any additional questions for Mark at this time?

Spehar: Well, I guess John, I'd, I'd have a question for John. And that's that uh as Kristen went through this criteria, do all of them have to be met, or some have to be met, what's

Shaver: All of, all of them have to be met, but they don't necessarily have to be met for the reasons that she gave.

Spehar: Ok.

Shaver: Obviously that's the staff's findings and certainly what was presented to Planning Commission, but there can be other satisfaction on those criteria.

Spehar: Ok.

Hill: Ok, with that, we'll open up the public hearing portion of this, this evening, if you're in attendance this evening and wish to speak to this issue, please come forward now and state your name and address for the record.

Wilson: Mayor, members of the Council, my name is Dan Wilson. I'm with the firm Coleman, Williams, & Wilson. I'm here on behalf of the VanGundy family. As you know, this is an awkward one because their lives are very much tied up in this property, and normally would, they would be the applicant. Again, just to, just to tell you things that you already know, but I think to set the stage for them as well, they didn't want to make the change, they've been on the property for some 60 years, but the Parkway is the logical choice so they accepted that fact and entered into an agreement, in fact several agreements uh, with the City late last year. The point of that is really, it, it, for them, it feels like an imposition because they're really moving from 6 acres in a what they always felt a constrained site down to 5.1 which would include the vacated alley, and relating to that, to that issue specifically, I don't know if we've really thought about, could it happen without it, but I can tell you it would remove even more land and it would really create access problems getting from the west side to the new side if they were to close with the Sterling property and create all kinds of issues using 4<sup>th</sup> Avenue, so it would be, we, we'd have to think about that more, but I think it would be really difficult, the way they viewed the plan. The, the other thing I wanted to say is what we've heard as sort of the comment, will come later at CUP and site planning, and I want to tell you that we're working hard on that, in fact hoping to get in front of the Planning Commission a week from, it's on the 11<sup>th</sup>, so next week, and hoping to get a site plan done, because the deadline that you're probably aware of that we didn't talk about tonight, the City has said through the Parkway project, that the VanGundys have to be off August 1...

Coons: Right

Wilson: in order to make the project go forward in a timely fashion, and if you can imagine, the coordination problems, that are involved with first getting through this evening, then trying to exercise the option of the property that connects west. There is, as we all know, living in the community, a lot of stuff to move, and it is going be very difficult to do it. The staff has been very gracious and really working with us with our time frames. But if we were not to get your approval today, honestly, I don't know what we'd do, uh because the time is so short, the effect of that would be that this family would essentially be out of business. One of the reports that went to the Planning Commission, now I don't know if it's in your record tonight, but so I wanted to mention it is that, City staff spent months last year, along with the VanGundy's, looking for any other alternative site in the City of Grand Junction that could be properly zoned to put this use in place and there were none that were available, and obviously the City wasn't willing to consider condemnation at that point and so the staff of the City, the Parkway staff of the City primarily, but other staff working with the VanGundy's concluded that even though this is a much smaller site, at just over 5 acres, it could work. But, the point for you is there is no other choice for the VanGundy's in Grand Junction, and Mr. Dean VanGundy who's here and can speak to this if you have questions, uh, but we've talked about it in detail. As you know, it been in the business for decades and his son

Randy has been in the business with him for over 2 decades, and what makes this business work for them is basically the central, industrial section of Grand Junction with rail, and easy truck access, and believe it or not, and this is a two edged sword visibility, so that people, instead of taking things and dumpin 'em in the desert, on the street, or wherever, will bring them to this site and the VanGundy's will actually pay people money for what is normally our industrial junk and recycle it at various mills around the country. And I know, you, you realize that, but, the point of it really is, oddly enough in a City this size, there really is no other site that will work for the VanGundy's. And I'm not even talking about the time frames, I'm just talking about the realities of the City zoning, rail, and of course truck access. I wanted to simply, I guess, compliment the, the City staff. I thought the, both the Planning Commission packet, which I believe you have reference to uh tonight as well us the supplement really nails, I thought the criteria and at least from a legal perspective, I think addresses all of the concerns of the City Code. I wanted to touch on a couple that were sort of related but not, not specifically related, uh, to the report. Compatibility is sort of the buzz word that we use to talk about zoning. Will this zoning allow for compatible uses? The maps that uh Kristen showed shows commercial east and west on the zoning, but recognize that the immediate uses today are of course heavy industrial I-2, because that is the current VanGundy operation. The disadvantage with the new site for the VanGundy's and the reason that we have to go to the CUP, the perfect zoning for the operation is I-1 because it allows for the heaviest kind of industrial uses. But the growth plan, that would have been inconsistent, and so that forced the VanGundy's to go through, I'll call it the, the trauma, from their perspective and, and the worry of getting through a CUP because a CUP now requires that for salvage operations, arguably. There is an argument that I hope we do not, never have to raise, that this issue, this operation is grandfathered. But that's for a different day and Mr. Shaver and I have discussed it and we've agreed to disagree on that and hopefully your action tonight will approve this and we can simply move through the planning process and get open in time. I believe that the record will have, I believe that there's no evidence in the record that would not force you to approve the rezoning given the information that I've seen in the record, and unless something else comes out tonight, it fits the criteria perfectly. The Parkway is, of course, the biggest factor, for the change of use, and change of conditions, excuse me, and to justify the current zoning now. Again, it is not their choice, they didn't want to do this. They will make it work because that's the kind of folks they are. We need your help in terms of getting the zoning process done tonight so that we can move forward, so that if we have any chance of meeting the City's August 1 deadline while allowing the family to continue their livelihood and employing 18 employees plus Dean VanGundy and Randy VanGundy. That information you won't see because that's going before Planning Commission but that's already been received by the City staff and is being reviewed. The area from, without looking at the zoning map, if you look at it, looks like a heavy industrial area, and I don't mean that in a technical sense, just if you drive in that neighborhood, you have Grand Junction Steel, you have Elam, you have the Railroad, you have the VanGundy current site. The difficulty from the things that we've heard is really aesthetics, and that's the one concern that I will tell you, believe it

or not, I think there's good news here, in the sense that it's going to be better. We're not going to get into the site planning issue tonight, but I will tell you, just obvious from the information you have, this is going to move further east away from the viaduct. From the street level, from 4<sup>th</sup> Avenue, which will be the only access to the property, we're proposing, and the Code requires an 8 foot wall. Now that's a site planning issue, but that's part of your Code requirements, so from a pedestrian and travel perspective of the road system, most of what is now highly visible, without any screening, because of course it's non-conforming since it started 60 years ago, will be greatly improved as we go through the process. The Parkway staff, as we understand it, and this is not trying to bind them but just what they've told us, intends to design, a, they say a 6 to 8 foot, but they haven't decided yet, and I assume that is subject to your approval later, but a screen...

Hill: Well Dan, let me, let me, you are jumping ahead and lets, lets stay focused I guess on the rezone because you're talking about things that are coming, would come further down the road.

Wilson: It's true technically, but it's also very much part of compatibility. And so I will hit the high points but I think in terms of community compatibility, what we've heard for years, is the aesthetic view of the entrance to downtown, from the new Parkway, which is going to be now the main sort of east/west corridor, you will not, as we understand it, be able to see any of the yard from the Parkway. We think that's a huge improvement to the extent that traffic is now going to be diverted that way, that's a major improvement from today. You'll still see it somewhat from the viaduct. Now, this is where you'll have to cut me off Mr. Mayor, but the site planning will improve that with screening and buffering, but I won't go into the details, that's for Planning Commission. But that's an improvement as far as aesthetics for the community in general. I wanted to clarify one thing, there is, there is, there really two rail spurs that we're talking about. We're asking you, I guess City Staff is asking you to vacate what I'm going to call the west rail spur that is currently being used by the VanGundy operation. On the east side of the Sterling property, so it is really not affected by the rezoning tonight, is another rail. But I wanted to make it clear that there will be rail service to the property if the project goes forward, it's just going to be on the east side instead of in the middle. As far as zoning, we, you talked a little bit earlier about conformity. This project will make this site much more conforming for the community on multiple levels, all of which, you're right Mr. Mayor, are being or will be dealt with at site planning and CUP, but as far as public benefit and compatibility, it will be more conforming than it has been for 60 years. And more efficient, from the VanGundy perspective. I think all factors, or if you will, in the vernacular slam dunks as far as a rezoning and the vacation, the aesthetics issue will be greatly improved, but it will be seen. It is an industrial area. We think that the key, and I hope everyone agrees, I guess function of a society that you get rid of recyclables, so we need that somewhere in the City. I'll repeat myself one last time and sit down. This is the only place in the City that we're aware of that it can go and we believe the staff can confirm it, so we hope you approve tonight.



Hill: Additional comments? Ok, I'll ask one last time for additional public comment. Hearing none, we'll close the public hearing portion, turn it back to Council for additional questions, discussion, comments or applicant rebuttal.

Coons: This probably is a site planning issue but I'm curious will the Parkway sign code apply in this case, I mean would it affect this property?

Arnold: It's the uh, it's in the current moratorium area. And as, as we're proposing, the ordinance will include this area.

Wilson: We don't believe that to be an issue.

Palmer: Well, if there's no other question I guess I'll start with a comment. And, what it really comes down to is that the, the property is not properly zoned at this particular point and they're coming to us asking to change it from commercial to industrial. And, part of the criteria is reflected on the change of character of the neighborhood, and when we look at that neighborhood, you know it was originally plotted in 1881 or 82 and the, the river was of great value and it, it became a dumping ground over the years. We have seen a resurgence down there. We reclaimed Watson Island, the Jarvis property, we built a butterfly house, we've got the river, uh, or the, the uh trail system down there. I think that this is an area that is in fact changing and it's changing in a way that would indicate to me that it should be commercial with the uh Parkway going through there I think that there's great opportunity to see continued growth in the south downtown area, uh the south downtown plan, while not anywhere near fruition is certainly still a viable plan and one I think that the DDA is still working on and I think that that needs time to d, to, to continue to develop. I think that we're really kind of at a crossroads here, we've got an opportunity to continue that which we have done as far as the improvements in that area, the continued expansion of retail and commercial activity there, it's, it's zoned for that activity and not industrial. I think that if we go back to an industrial use we are in a sense taking a step backwards. I prefer that we continue to recognize the change that is happening down there, and move forward in that regard and my vote will be to move forward with the continued change and not support the rezone.

Spehar: Where I'm having trouble with this is, is, is the criteria. I mean I think this is a long way from slam dunk. And I don't think that the criteria are, are being met, uh, and especially all of them being met if that's uh, if that's the bar that we have to cross, uh, in the case of criteria number 1, uh, we have to decide that the zoning was an error at the time of adoption. And clearly there were clear reasons for the zoning to be made C, to move from commercial to, from industrial to commercial at the time of adoption. Indeed there's been progress in implementing that along the way. Uh, uh, we've, we've done a great deal of work and, and, and, uh, and planning in here in two weeks the Jarvis property redevelopment, plan and, and make decisions on how we'll go forward with

that. Uh, that's certainly within this area, and, and that, that, that is progress. I think uh to do the south downtown plan is scheduled to be done later this year, and to make a zoning change now ahead of that planning process, I think uh, uh, I think that would be the error. Uh, but certainly I can't get to the place where I can, where I believe that, that, uh the conscious decision in 2000 to, to zone to commercial from industrial was an error so I can't get past that part, and certainly, I think part of what made it worth 1.78 million dollars, at least in my mind will be, just that, was the ability to then further implement what was anticipated in 2000 and that's to uh to uh move toward a different kind of south downtown. Uh, certainly the area is, is changed and will be changed because of the Parkway. Uh, so the area changed, uh, so I think uh, but the change was the beginning of the Parkway project last year, and the ongoing work on the nearby Jarvis property, I think demonstrates that there is an active effort underway to change the character of this area to reflect that 2000 zoning, and that's a, that's a effort that I don't think that we shouldn't go backwards on. Uh, you know, I, I, I'm having trouble getting to the point where I, where I agree that every use has to be accommodated in every neighborhood, however you define that neighborhood, certainly uh having been involved over the period of time and looking of 19 different sites and trying to work with the VanGundy's on this effort, we did work from their current site outward, uh, but the, the boundaries that were set were not entirely our boundaries. We heard in the course of that, uh, that effort for instance that uhhhh, that contrary to the fact, I guess the implication that this is the only place this kind of recycling can be done that, one of the reasons they wanted to stay in that core is, and I think Dean said it to me directly is they did not want to go up and beyond Bonner Supply which they consider to be their, their competitor. And so, we were unable to look at any properties past that point and I think there are other properties in Fruita and elsewhere that have rail that would be suitable places for this kind of activity. And as to the absence of industrial and there's certainly no absence of industrial land in this, is we saw, where we did, in, in connection with Persigo discussion whether it's available at a price that, that any particular user is willing to pay or whether there's, there's a difference of, of uh, opinion as to the value of that property maybe true. But, uh, but there's certainly uh, uh fair supply of this kind of uh, of property in the community. It may not all have rail access, but, uh, I, I'm just not going to be able to support this rezoning for the reasons I stated in, in particularly because it's uh it would be a step backward from the direction the community set in 2000 and has been working actively since that time to, to implement.

Palmer: Well, and I, I want to make one more comment and then I'll be quiet and let the others speak. One of the things that I had thought hard and long about and failed to mention was all of the work that we put into our Strategic Plan. And, the fact that I have great faith in that Plan being correct and that Plan talks a lot about the gateways to the community, the community appearance, and a vision for an improved community image and I really think that when we take the totality of, of everything we're doing there, I think that in order to stay true to our Strategic Plan we need to continue to move forward in that area as well.

Coons: I guess I follow those comments, with a couple of comments of my own. On the, this criteria g, the community in your neighborhood will benefit from the proposed zone, Council and Spehar commented on this already, but, I, I failed to see how the community benefits by moving the business. This isn't a true relo, relocation to me. It's moved slightly over, but it truly isn't relocated which was the point that was made here, and as, as we noted the Parkway will proceed whether or not the business moves from its current site to the proposed site. So that criteria I think, or the argument for that doesn't really, make a lot sense to me although there may be another reason, another way of satisfying that criteria, the one that's given doesn't make sense to me. I, I'll, be, you know one of the first to say that I, I see the value of the recycling business and the need for it in our area. I'm not sure that it has to be exactly within the City limits to be of value to the City, and I, I agree that the, that neighborhood is changing and I think it's important that we let the south downtown redevelopment plan proceed. I think that, when the City was purchasing property, other properties for the Riverside Parkway along the river front, along that area going east we intentionally purchased larger pieces and more of properties than we actually needed to for the Parkway and a couple of cases with the idea that we would enhance the, the change that's occurring in the neighborhood right now, and really focus on beautifying that area, so, I'm, I'm concerned about doing this rezoning and uh, uh approving the uh vacation of the right-of-way.

Doody: Mark, the Murphy property, what's that zoned, right now? And point it out for us, would ya, so that I can see it?

Portner: I, I believe this is the property and it's also zoned C-2.

Doody: And what business is Mr. Murphy in?

Portner: That's also a, that's, that's salvage yard from my understanding.

Doody: Ok, So, I would almost make the argument that the zoning a C-2 is, is not conforming and that, and that there is an error. It was an I-2, I believe in 2000. The other thing that uh, I heard, there was a south downtown plan that's going to come about later this year.

Spehar: It's in the budget and, and scheduled.

Doody: Ok, when do we start implementing that, I, I'm not sure.

Arnold: Develop it Jim. It's going to be developed, it's, it's planned to start a planning process. It's nothing on the books right now.

Doody: Ok, but there was talk about it in 2000? But, it never, it never came about, is that correct?

Arnold: It's been talked about for at least two years. But I don't know specifically when

Spehar: The rezoning occurred in 2000.

Doody: Ok, and then we were talking about uh, and this is what I wanted to ask you Jim. Is, we sat in a couple of meetings together and I thought for sure that, that the conversation was there wasn't enough I-1, I-2 left in the City of Grand Junction and that we, and I think from you, you were saying we were going to move, try to negotiate with Fruita to bring some of that I-1 and I-2 down there.

Spehar: A different conversation. Different kind of conversation, that was relative to the request to uh create more commercial/industrial in north of I-70 and the intended infrastructure needs and we would do that and my specific comment that it may behoove us to have discussions with Fruita about spending less money, helping them further develop their 1200 to 1700 acres out there. Then to go, uh, then to respond affirmatively to the land owner request to create more commercial/industrial land north of I-70.

Doody: Well, when I look down here at this area with the, you know the railroad tracks, we've got uh the Jarvis property there with power lines running through it, uh, we've got a whole area here with Grand Junction Steel's just down the other, the other way. This all looks to me like it could be industrial with the railroad tracks running through it. I think, I think what I'm seeing in, in criteria number 2 also is uh the, the change is, is the Parkway. But the Parkway is kind of like a river that runs through it, it's just, it's just is going by, and I can, I can see the north side of the railroad tracks is downtown and commercial and retail, but when I look to the south side between the Parkway, and the railroad tracks, I see much needed industrial use for the City.

Thomason: I've nothing to add other than, well actually anything that I would add at this point would just be redundant because uh the comments that have been made so far. I would certainly support and, have gone into my thought process as well so there's, there's nothing for me to add at this point.

Beckstein: John, when we were negotiating with VanGundy to buy the property, there was a clause put in there where they would have first right or first option, remember Kelly, I asked you for a copy

Spehar: Combine the remnants, yeah.

Beckstein: Yeah, combine the remnants.

Shaver: We've been talking about the option parcels here tonight.

Beckstein: Right, and that they had until August, or January of next year.

Shaver: It's, it's actually next year, 07, at which to exercise the option

Beckstein: To exercise, so that was part of our negotiation with VanGundy, we would give them the option to buy these remnants.

Shaver: Correct, and the remnants are shown in the upper, on the map left of that map and the area that's outlined in black.

Beckstein: Ok, alright, I'm going to support this mainly for the fact that it is an area where there is another salvage yard across 5<sup>th</sup> Street, there is another salvage yard, there's railroad tracks, there's electrical main power towers, it's not an area that we're going to be able to turn into a park and to me it, it serves a purpose, people use it, it benefits, it keeps debris out of our deserts, and from what we negotiated with, I feel like this would be the appropriate uh what direction to go with this.

Hill: Well, I uh, I recall a conversation with a, a friend of mine and I can't, it was either just prior to being elected or after it was close to talking about Riverside Parkway and he, he cautioned me on the need for the type of, of business, type of facility that he had in this kind of lower downtown area that all of a sudden, I mean just the concern, I mean because you talk about the Parkway and this is uh, uh a new roadway in our community that will be a beautiful roadway to travel and walk by and ride your bike and, and be by, but cautioned me that, that area the, you know, if, if you didn't have those uses down there, you know, where, where will they be in the community, and that was a much lighter use than what we're considering right now. And it's in, interesting to me that, with, we pulled out our paint brushes in 2000 and we started coloring things the way we wanted them to be. This was, and I think it's 70 years that this business has been in this location operating as an I-2, and that was what the original zoning was and all of sudden we changed it. They didn't ask for it to be changed. The property owner didn't come, like we saw earlier this evening and say I need to change this. We changed it for them, and there's where the error lies, is that, we changed it, right out from under them and Jim pointed out another user that's in violation technically, I mean, it's that we've, we've changed the color. And he's, he operates I-2 and I would, I would think that, that you know part of our role is, is helping shape and form our community and I can't think of a better opportunity that north of the Parkway to the railroad tracks is, it's industrial. It should be industrial and maybe there are places and opportunities for more commercial use, lighter uses, but it has to me a, a flavor that that's our corridor, that's a maximizing of resources and infrastructure which is part of our role to see that we do, and going, going back to what Persigo's about. It's maximizing our roadways, our sewer, our water, our, our ability to move goods and services and product in and out of this community. Uh, we can't, well we could, but we just going to have to save up to move the railroad somewhere else so that we don't have the need for people with industrial uses to be next to it, so I, I'm very supportive of this because I

think it starts to set the stage of, of good quality uses for infrastructure that's in place that we maximize, that we encourage business, we create jobs uh for our community to be able to afford housing and not, not the other way around, so I, I can both support the vacation, the, the, I think the, there as I just stated, our community benefit is maximizing the infrastructure, the, the other piece I want to just point out that, our Codes have changed, we're talking about zoning, but the Codes that will change it from what a business started 70 years ago to what it will be for the next 70 years are so, so much different that that's a comfort point to me and I jumped ahead like Dan jumped ahead but I'm saying the same things that we have in place are, are going to help us move forward and, and co-exist, for these uses to be in our community. So, I, I can find a number of ways to fill in the blanks of, of these questions that have to be answered. And I can, I can support it in affirmative for the zoning change. With that, I'd entertain a motion.

Spehar: Mr. Mayor, in the, in the matter of the uh, I'm trying to get back here to the top of this, I. In, in the uh, in the matter of the VanGundy north right of way vacation and rezone, I would move that we deny, or that we reject Ordinances number 3884 and 3885.

Palmer: Second

Hill: Motion by Councilmember Spehar, seconded by Mayor Pro Tem Palmer not to accept the rezone Ordinances number 3884 and the vacation of the alley way 3885. Actually, the other way around. So, to provide clarity and voting no on this would approve the vacation of the right-of-way and the rezone. Vote of yes would, would not. Every, Everyone's clear on that? Any, any additional Council discussion?

Spehar: I just want to say in response to, to, to one of the remarks that uh, uh, the purchase option on this remnant property specifically did not guarantee any rezoning or any right to use. It was the ability to purchase the property and go through the process which in that has been provided.

Hill: I, I think your, your point's accurate as it should be. That this should be an untainted process that we, we, we let it come through as anyone else would. I would, would say that, that was probably a, a good negotiation on both parties part because one, we could uh, unload a remnant that we, that we have no need for, put dollars back into our own coffers, but I would, I would say irregardless of that issue, that agreement, I would be in favor of this rezone regardless of knowing who was going there that it fits with that area, north of the Parkway to the railroad tracks.

Doody: Yeah, I agree, I think it's a, a perfect fit. Uh, you know then going, I know how much work that uh Mark and his group did, and John, uh just trying to find Dean, a, a place to relocate, and when you're talking a, a rail spur at 3 million dollars a mile, you know, it just, and then some of the deals just kind of fell through, this to me looks, looks

like a great deal for the City of Grand Junction and for an established business of over 70 years, so, that's where I'm at.

Thomason: I would like to say that I would like to preface my, my statement by saying this, this, yes this is a viable, necessary needed business, but the thing that I can't get past is, is the fact that we, we offered up the money for a relocation. Relocation means not to another corner, but to relocate the business and, and that's what I'm having a hard time with, and so, you know, it, it's a very viable business, very necessary, keeps, keeps things out of the desert, as Bonnie said, but I think the point that I'm trying to make is that we do need to improve the, the gateway to our communities, and, and that is something has been, the wheels have been put into motion in that regard and, and so I, I can't support this.

Beckstein: I can support this because as Bruce stated is that, first of all, they will have to be up to Code which means there's going to be protection from the site with walls, there's going to be landscaping. Again, it provides a necessary outlet for uh people to get rid of things and not just dumping them anywhere. Unless we're going to get rid of the, the, the railroad service, unless we can get rid of the electrical towers, unless we are going to get rid of all the other unsightly uh salvage yards in the area, it's a, it's a moot point. I can, I can see why I, I would prefer it not being there to be honest, it's not something I like to see but the same time it's part of an agreement to give them option, part of the agreement that they know that they have to go through zoning and Codes to, to come into compliance with the standards that the City requires now and I guess I support it based on the fact that I think that the uh planners will work with VanGundy to make sure that it's reasonably attractive or not what it is today, and so I still say that I think it's a viable necessity for the City of Grand Junction.

Palmer: Well, and I don't want to be redundant in, in any of the things that I've talked about too, so Mr. Mayor I'd ask that we have a motion and a second to deny this and I would ask that we call the question.

Hill: Well, if you're going to ask to call the question, we need to vote on that. We can't suspend that discussion on one person's say so, those in favor of calling the question, signify by saying aye.

Multiple voices: aye.

Hill: Opposed? No. So, Stephanie Please call the roll.

Tuin: Gregg Palmer

Palmer: Yes

Tuin: Jim Spehar

Spehar: Yes

Tuin: Doug Thomason

Thomason: Yes

Tuin: Bonnie Beckstein

Beckstein: No

Tuin: Teresa Coons

Coons: Yes

Tuin: Jim Doody

Doody: No

Tuin: Bruce Hill

Hill: No. So, if I counted correctly, the, the motion passed with a vote of 4 to 3 which means we denied rezoning and the vacation of the right-of-way.



**Attach 15  
Meeting Schedule Revision**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Amending the 2006 City Council Meeting Schedule							
<b>Meeting Date</b>		April 19, 2006							
<b>Date Prepared</b>		April 19, 2006				<b>File #</b>			
<b>Author</b>		Stephanie Tuin			<b>City Clerk</b>				
<b>Presenter Name</b>		Kelly Arnold			<b>City Manager</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Due to scheduling conflicts, the City Council has determined it is necessary to change the June 21, 2006 meeting to June 19, 2006.

**Budget:** NA

**Action Requested/Recommendation:** Adopt Resolution

**Attachments:**

Proposed Resolution

**Background Information:** NA

CITY OF GRAND JUNCTION

RESOLUTION NO. \_\_-06

A RESOLUTION OF THE CITY OF GRAND JUNCTION  
AMENDING THE CITY COUNCIL 2006 MEETING SCHEDULE

Recitals.

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

On January 4, 2006, the City Council adopted Resolution No. 01-06 that set the meeting schedule for the year 2006.

The City Council desires to amend that schedule due to a conflict in June.

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

1. The meeting schedule for the regular meetings of the City Council is hereby amended to reschedule the June 21, 2006 meeting to June 19, 2006 at the hour of 7:00 p.m.

Read and approved this \_\_\_\_\_ day of April, 2006.

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

ATTEST:

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