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

**WEDNESDAY, MAY 17, 2006, 7:00 P.M.**

**Call To Order**

Pledge of Allegiance  
Invocation – Pastor Howard Hays, First Church of the  
Nazarene

**Presentations**

Presentation of Appreciation Plaque to Outgoing President of the Council Bruce Hill

**Proclamations / Recognitions**

Proclaiming May 15 through June 3, 2006 as “Colorado Click It or Ticket Campaign” in  
the City of Grand Junction

Proclaiming the Month of May, 2006 as "ALS Awareness Month" in the City of Grand  
Junction

Proclaiming the week of May 15 through May 21, 2006 as “National Salvation Army  
Week” in the City of Grand Junction

**Citizen Comments**

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\* \* \* **CONSENT CALENDAR** \* \* \*®

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

*Action: Approve the Summary of the May 1, 2006 Workshop, the Minutes of the March 22, 2006 Annual Joint Persigo Meeting, the Minutes of the May 1, 2006 Special Session, the Minutes of the May 3, 2006 Regular Meeting, and the Minutes of the May 6, 2006 Special Session*

2. **Setting a Hearing on Amending the Smoking Ordinance** [Attach 2](#)

The City adopted Ordinance No. 3540 regulating smoking in public places on July 2, 2003. Amendments were made to that ordinance on October 19, 2005 with Ordinance No. 3829. On March 27, 2006, Governor Owens signed House Bill 06-1175 concerning the enactment of the "Colorado Clean Indoor Act," prohibiting smoking in indoor enclosed areas. The State law is effective as of July 1, 2006. Parts of the State law are more restrictive than the City's ordinance. Parts of the City's ordinance are more restrictive than the State law. It is proposed that Ordinance No. 3829 be amended to be in conformance with the stricter terms of the Colorado Clean Indoor Act.

Proposed Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

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

Staff presentation: John Shaver, City Attorney

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

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the May 17, 2006 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the August 16, 2006 City Council Meeting.

*Action: Continue Annexation Public Hearing Regarding Approval of the Resolution Accepting a Petition for Annexation and Also Final Passage of the Annexation Ordinance Until the August 16, 2006 City Council Meeting*

Staff presentation: Scott D. Peterson, Senior Planner

4. **Setting a Hearing to Rezone Four Unplatted Parcels Located at 2809, 2811, 2813 & 2815 Elm Avenue** [File # RZ-2006-080] [Attach 4](#)

The petitioner, Intrepid Services LLC, is requesting approval to rezone four (4) properties located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12. The four (4) properties total 3.16 acres. The Planning Commission recommended approval at its April 25, 2006 meeting.

Proposed Ordinance Rezoning the Property Known as the Capstone Village Rezone Located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12

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

Staff presentation: Scott D. Peterson, Senior Planner

5. **Setting a Hearing on Amending The Ridges Planned Development Zoning and Preliminary Development Plan for Redlands Vista, Located at Ridges Blvd., School Ridge Road and Ridge Circle Drive** [File #PP-2005-294] [Attach 5](#)

Consideration of an Amendment to the Planned Development zoning ordinance for The Ridges PD and Preliminary Development Plan for a parcel within The Ridges containing private streets.

Proposed Ordinance Zoning Lot 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four Known as Redlands Vista in The Ridges

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

Staff presentation: Lori V. Bowers, Senior Planner

6. **Setting a Hearing on Zoning the Kresin Annexation, Located at 530 South Broadway** [File #ANX-2006-084] [Attach 6](#)

Introduction of a proposed zoning ordinance to zone the Kresin Annexation RSF-2, located at 530 South Broadway.

Proposed Ordinance Zoning the Kresin Annexation to RSF-2, Located at 530 South Broadway

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

Staff presentation: Lori V. Bowers, Senior Planner

- 7. **Setting a Hearing on Zoning the CR Nevada Annexation, Located at 22 ½ Road and South Broadway** [File #ANX-2006-030] [Attach 7](#)

Introduction of a proposed ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway.

Proposed Ordinance Zoning the CR Nevada Annexation to RSF-E, Located at 22 ½ Road and South Broadway

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

Staff presentation: Senta L. Costello, Associate Planner

- 8. **Setting a Hearing on Zoning the Thunder Hog Estates Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court** [File #ANX-2006-072] [Attach 8](#)

Introduction of a proposed zoning ordinance to zone the Thunder Hog Estates Annexation located at 3079 F ½ Road and 3088 Shadowbrook Court, RSF-4.

Proposed Ordinance Zoning the Thunder Hog Estates Annexation to RSF-4, Located at 3079 F ½ Road and 3088 Shadowbrook Court

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

Staff presentation: Senta L. Costello, Associate Planner

- 9. **Setting a Hearing for the Carpenter Annexation, Located at 3137 D ½ Road** [File #ANX-2006-094] [Attach 9](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.05 acre Carpenter 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. 41-06 – 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, Carpenter Annexation, Located at 3137 D ½ Road



®Action: *Adopt Resolution No. 41-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #1, Approximately 0.05 Acres Located at 3137 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #2, Approximately 5.00 Acres Located at 3137 D ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for June 19, 2006*

Staff presentation: Senta L. Costello, Associate Planner

10. **Setting a Hearing for the Pumpkin Ridge Annexation, Located at 2887**

**Unawep Avenue** [File #ANX-2005-189]

[Attach 10](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 8.47 acre Pumpkin Ridge Annexation consists of 2 parcels.

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

Resolution No. 42-06 – 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, Pumpkin Ridge Annexation, Located at 2887 Unawep Avenue Including a Portion of Unawep Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

®Action: *Adopt Resolution No. 42-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pumpkin Ridge Annexation, Approximately 8.47 Acres Located at 2887 Unawep Avenue Including a Portion of Unawep Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

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

Staff presentation: Senta L. Costello, Associate Planner

11. **Vacation of 15 feet of an Existing 50 Foot Irrigation and Drainage Easement Located at 724 Centuari Drive** [File #VE-2006-098] [Attach 11](#)

A request to vacate 15 ft. of an existing 50 ft. irrigation and drainage easement on the East side of the property to allow for the construction of a 528 sq. ft. detached garage.

Resolution No. 43-06 – A Resolution Vacating a Portion of an Irrigation and Drainage Easement Located at 724 Centauri Drive

*®Action: Adopt Resolution No. 43-06*

Staff presentation: Faye Hall, Associate Planner

12. **Fairway Villas Growth Plan Consistency Review, Located at 2065 South Broadway** [Attach 12](#)

This is a request to officially determine the consistency of the proposed zoning of PD 4.4 with the Growth Plan's Future Land Use Designation of RMH 8 – 12. The current zoning of PD 4.4 was established by City Ordinance Number 2782 and is specific to this parcel of land. The Planning Commission recommended approval at their May 9, 2006 meeting.

*Action: Determine that the Proposed PD 4.4 Land Use and Zoning is Consistent with the Growth Plan as Amended in 2003*

Staff presentation: Sheryl Trent, Interim Community Development Director

13. **Construction Contract for 2006 Waterline Replacements Project** [Attach 13](#)

This project generally consists of the installation of 3,000 L.F. of 12" PVC water main, 700 L.F. of 6" PVC water main, and 800 L.F. of 8" PVC sewer main in Orchard Avenue between 15<sup>th</sup> and 23<sup>rd</sup> Streets. Work will also include restoration of disturbed areas including asphalt patching, concrete flatwork, and sod.

*Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Waterline Replacements Project with Berry Bro's. General Contractors, Inc. in the Amount of \$568,716.40*

Staff presentation: Trent Prall, Engineering Manager

14. **Construction Contract for New Sidewalk Construction Project** [Attach 14](#)

The 2006 New Sidewalk project consists of installation of sidewalk in 5 locations. To be considered for this project, the areas must first have curb and gutter adjacent to the property. These selected areas were petitioned in 2004 and 2005. The streets that received a majority vote are the ones that will have the new sidewalk installed.

*Action: Authorize the City Manager to Sign a Construction Contract for the New Sidewalk Construction to G&G Paving Construction, Inc. in the Amount of \$165,500.00*

Staff presentation: Trent Prall, Engineering Manager

15. **Change Order to 24 ½ Road Sewer Trunk Extension Contract** [Attach 15](#)

This project involves extension of a sewer trunk line along the 24 ½ Road corridor, between Patterson Road and G Road. Change Order #1 is for additional quantity of Imported Trench Backfill material. Placement of import material is necessary due to the soft, wet soils on the project which are unsuitable for use as backfill. During construction of the south half of the project, the amount of saturated soil that needs to be removed has been larger than anticipated.

*Action: Authorize the City Manager to Approve a Contract Change Order #1 to the 24 ½ Road Sewer Trunk Extension in the Amount of \$114,112.50 with M.A. Concrete Construction for an Increase in the Quantity of Imported Backfill*

Staff presentation: Trent Prall, Engineering Manager

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

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

16. **Public Hearing – Creating the El Poso Area Street Improvement District, ST-06, Phase B** [Attach 16](#)

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct streets in the El Poso area within the following limits: From Madonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

Resolution No. 44-06 – A Resolution Creating and Establishing Street Improvement District No. ST-06, Phase B Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Streets and

Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

®Action: *Adopt Resolution No. 44-06*

Staff presentation: Trent Prall, Engineering Manager

17. **Construction Contract for El Poso Street Improvement Project** [Attach 17](#)

Award of a Construction Contract to Oldcastle SW Group, dba United Companies of Mesa County, in the amount of \$870,279.75 for the El Poso Street Improvement District. This contract will construct curb, gutter, and sidewalks in the El Poso neighborhood.

Action: *Authorize the City Manager to Sign a Construction Contract for the El Poso Street Improvement District to Oldcastle SW Group, dba United Companies of Mesa County, in the Amount of \$870,279.75*

Staff presentation: Trent Prall, Engineering Manager

18. **Undergrounding of Overhead Utilities for El Poso Street Improvement District** [Attach 18](#)

The construction of the El Poso Street Improvement District will require the relocation of many overhead power lines. This project will underground all of the utilities in the El Poso neighborhood. The attached letter is an "invoice" from Xcel Energy stating that the undergrounding cost is estimated at \$385,355. If the district is formed, the purchase order with Xcel should be approved in order to relocate the overhead utilities.

Action: *Authorize the City Manager to Sign a Purchase Order with Xcel Energy to Relocate the Existing Overhead Power Lines Underground in the El Poso Street Improvement District*

Staff presentation: Trent Prall, Engineering Manager

19. **Construction Contract for West Ouray Outfall Project** [Attach 19](#)

The project will construct 450 feet of water lines, 340 feet of sewer services, and 1730 feet of 48 and 54 inch storm drain line prior to the construction of the El Poso Street Improvement District.

*Action: Authorize the City Manager to Sign a Construction Contract for the West Ouray Outfall to Sorter Construction, Inc. in the Amount of \$585,991.00*

Staff presentation: Trent Prall, Engineering Manager

20. **Public Hearing – Niblic Drive Growth Plan Amendment, Located at 718 Horizon Drive, Adjacent to Niblic Drive** [File #GPA-2006-061] [Attach 20](#)

A Resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Residential Medium Low.

Resolution No. 45-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .53 Acres, Located at 718 Horizon Drive Adjacent to Niblic Drive, from Commercial to Residential Medium Low

®Action: *Adopt Resolution No. 45-06*

Staff presentation: Kathy Portner, Assistant Director of Community Development

21. **Public Hearing – Walcher Growth Plan Amendment, Located Adjacent to 2483 River Road** [File #GPA-2006-059] [Attach 21](#)

A Resolution amending the Growth Plan, to change the Future Land Use Designation from Conservation to Commercial/Industrial.

Resolution No. 46-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .44 Acres, Located Adjacent to 2483 River Road, from Conservation to Commercial/Industrial

®Action: *Adopt Resolution No. 46-06*

Staff presentation: Kathy Portner, Assistant Director of Community Development

22. **Public Hearing – Graff Dairy Growth Plan Amendment, Located at 581 29 Road** [File #GPA-2006-060] [Attach 22](#)

A Resolution amending the Growth Plan, to change the Future Land Use Designation from Residential Medium to Commercial.

Resolution No. 47-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .67 Acres, Located at 581 29 Road, from Residential Medium to Commercial

®Action: *Adopt Resolution No. 47-06*

Staff presentation: Kathy Portner, Assistant Director of Community Development

23. **Public Hearing – GPD Global Growth Plan Amendment, Located at I-70 Frontage Road, Between 23 and 23 ½ Road** [File# GPA-2006-065] [Attach 23](#)

A Resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Commercial/Industrial.

Resolution No. 48-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 25 Acres, Located at I-70 Frontage Road Between 23 and 23 ½ Road, from Commercial to Commercial/Industrial

®Action: *Adopt Resolution No. 48-06*

Staff presentation: Kathy Portner, Assistant Director of Community Development

24. **Public Hearing – Jones Rezone, Located at 2591 G Road** [File #RZ-2006-070] [Attach 24](#)

Request to rezone 2591 G Road, comprised of 13.109 acres, from RSF-1 (Residential Single Family – 1 unit per acre) to RSF-2 (Residential Single Family – 2 units per acre). Planning Commission recommended denial at its April 25, 2006 meeting.

Ordinance No. 3894 – An Ordinance Rezoning a Parcel of Land from Residential Single Family – One Unit per Acre (RSF-1) to Residential Single Family – Two Units per Acre (RSF-2) Located at 2591 G Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3894*

Staff presentation: Ronnie Edwards, Associate Planner

25. **Public Hearing – Right-of-Way Vacation Located Adjacent to 215 Franklin Avenue** [File #VR-2006-054] [Attach 25](#)

A request to vacate the southern 3 feet of the Franklin Avenue right-of-way, incorporating the subject area into a 14' multi-purpose easement. The Planning Commission recommended approval of the right-of-way vacation on April 25, 2006.

Ordinance No. 3895 – An Ordinance Vacating Right-of-Way Located Adjacent to 215 Franklin Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3895*

Staff presentation: Ronnie Edwards, Associate Planner

26. **Public Hearing – Free Annexation and Zoning, Located at 462 East Scenic Drive** [File #ANX-2006-046] [Attach 26](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Free Annexation. The Free Annexation is located at 462 East Scenic Drive and consists of 1 parcel on 3.11 acres. The zoning being requested is RSF-2.

**a. Accepting Petition**

Resolution No. 49-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Free Annexation, Located at 462 East Scenic Drive is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3896 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Free Annexation, Approximately 3.11 Acres, Located at 462 East Scenic Drive Including a Portion of the Broadway, Manzana Drive, and East Scenic Drive Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3897 – An Ordinance Zoning the Free Annexation to RSF-2, Located at 462 E. Scenic Drive

*®Action: Adopt Resolution No. 49-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3896 and 3897*

Staff presentation: Senta L. Costello, Associate Planner

27. **Public Hearing – Vacating Alleys Between 6<sup>th</sup> and 7<sup>th</sup> Streets, Pitkin, and South Avenues and a 15' Utility Easement** [File #VR-2006-076] [Attach 27](#)

Consideration of a request to vacate the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues and a 15' utility easement. The owner of the adjacent property is requesting the vacation to facilitate the expansion of the Mesa County Corrections and Treatment Facility located to the south.

Ordinance No. 3898 – An Ordinance Vacating Rights-of-Way for an Alleyway Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues

Resolution No. 50-06 – A Resolution Vacating a 15' Utility Easement Across Block 149 of the Grand Junction Colorado, Second Division Survey as Amended, Located at 636 South Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3898 and Adopt Resolution No. 50-06*

Staff presentation: Senta L. Costello, Associate Planner

28. **Public Hearing – 2006 CDBG Program Year Funding for the 2006 Action Plan, a Part of the 2006 Five-Year Consolidated Plan** [Attach 28](#)

City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for Community Development Block Grant (CDBG) projects for the 2006 Program Year.

*Action: 1) Receive Public Input on the Use of the City's 2006 CDBG Funds, 2) Consider the CDBG City Council Subcommittee Recommendation for Funding Two Projects for the City's 2006 CDBG Program Year Action Plan, 3) Set a Hearing for Final Adoption of the CDBG 2006 Action Plan, 2006 Five-year Consolidated Plan, and the 2006 Analysis of Impediments to Fair Housing Study for June 19, 2006*

Staff presentation: David Thornton, Principal Planner

29. **Staffing for Adequate Fire and Emergency Response Grant** [Attach 29](#)

The Grand Junction Fire Department requests City Council approval to submit a federal Staffing for Adequate Fire and Emergency Response (SAFER) grant application to provide funding for 9 firefighter/paramedic and 9 firefighter/EMT positions. These positions are part of the GJFD proposal to initiate ambulance transport services in the Grand Junction Ambulance Service Area beginning July



1. If awarded, the City must commit to a 5 year performance period for each position.

*Action: Authorize the Interim Fire Chief to Submit a Staffing for Adequate Fire and Emergency Response Grant Application*

Staff presentation: Jim Bright, Interim Fire Chief

30. **Public Hearing – First Supplemental Appropriation Ordinance for 2006**

[Attach 30](#)

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Ordinance No. 3899 – An Ordinance Making Supplemental Appropriations to the 2006 Budget of the City of Grand Junction

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3899*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

31. **Non-Scheduled Citizens & Visitors**

32. **Other Business**

33. **Adjournment**

**Attach 1**  
Minutes

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY  
May 1, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, May 1<sup>st</sup>, 2006 at 7:02 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Bruce Hill.

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

1. **ART FOR THE ACTIVITY CENTERS:** Presentation of the recommendation from the Commission on Arts and Culture to the City Council for art work to be displayed at the new City Activity Center at Bookcliff Middle School and the new joint-use gymnasium at Pear Park Elementary School. Allison Sarmo, Cultural Arts Coordinator, reviewed this item. She said the Commission reviewed the proposals along with the Parks and Recreation Department and representatives from the two schools. She said the artists were interviewed and a single artist was selected for the art work at both schools. Ms. Sarmo said the piece located at Bookcliff Middle School will be next to the door of the Activity Center and at Pear Park Elementary School, the piece will be displayed on the west side of the school. City Council wanted assurance that the materials would be able to withstand the climate in Grand Junction. Ms. Sarmo said the Arts Commission members asked the same question and they have been assured the materials are durable and will withstand the heat of the sun. She said the pieces will be installed prior to the beginning of the next school year.

**Action summary:** The City Council was comfortable with the selections and thanked the Arts Commission members, noting that the formal action is scheduled for Wednesday, May 3, 2006 meeting.

2. **RIVERSIDE PARKWAY PROJECT REVIEW:** Mark Relph, Public Works and Utilities Director, updated the City Council on the Riverside Parkway Project and reviewed the bids received for Phase 2. Mr. Relph advised that last week there was a significant bid opening for Phase 2 of the Riverside Parkway. He said the award of that bid is on the City Council agenda for Wednesday, May 3, 2006. Mr. Relph noted that there is a \$5 million dollar shortfall and presented some options for addressing that shortfall. He said there was a \$5 million contingency in the budget so the total shortfall is \$10 million. Mr. Relph said Phase 2 is the largest portion of the Parkway and said the cost of materials is just one factor as is the labor shortage due to the oil and gas industry. He said petroleum, cement, and steel are the materials that have increased in cost and it is hoped that the

prices will stabilize until the Phase 3 is bid out, but said there is no way to predict the cost. He said the price increase is a problem both statewide and nationwide.

Mr. Relph said the current estimate is still lower than the proposal received through the design-bid process and said the time frames are still on schedule. He reviewed some of the options for meeting the shortfall that includes delaying projects in the capital improvement fund and using additional sales tax. Mr. Relph said they are not recommending deleting any aspects of the Parkway. Administrative Services Director Ron Lappi explained some of the revenue figures that were presented, specifically the bond proceeds and the interest income.

Project Manager Jim Shanks then addressed Council on the preparation of the engineer's estimate and the difficulty in getting current prices with the volatility of the cost of asphalt. He said the bulk of the cost is the cost of bridges and all the related appurtenances. Next is the cost of paving and asphalt. He detailed the rest of the major costs and the landscaping and aesthetic pieces were left in because that was not a significant factor. Mr. Shanks said street lighting is not in the contract and that contract is with Xcel to install the street lights, but there is a budget for the installation of the conduit for that lighting.

City Engineer Trent Prall displayed the Sales Tax Capital Improvement Program and identified projects to be eliminated or delayed. Mr. Prall said first Staff is proposing to use the increased sales tax. He said Staff also proposes that the Ute/Pitkin/1<sup>st</sup> Street project be deleted as Colorado Department of Transportation (CDOT) has included the completion of that project in their budget. Regarding the 29 Road Viaduct, it is proposed to use Mesa County's contribution for the right-of-way acquisition, starting in 2007 and the City's contribution would come later. Mr. Prall said there are some intersection improvements that Staff plans to move out three years. He said Staff will continue to pursue grants for these improvements.

Mr. Relph noted that moving these projects will significantly affect some of the costs for the same reasons the cost for the Riverside Parkway has increased. He said there are two projects that are proposed to be shifted out which are the 29 Road and I-70 interchange and 29 Road, from F Road to I-70. He said there will still be some significant funding issues with the I-70 interchange even with Mesa County's contribution of \$15 million.

Council President Hill noted that the additional lanes for I-70 may not need to be added until the future and as long as there is a plan to add those lanes, having the funding later may be acceptable.

Councilmember Spehar asked Mr. Lappi about the additional sales tax and its relation to the TABOR limit. Mr. Lappi said their projection is that Staff will still be

within the limitations and said if sales tax were to stay at 14%, then Staff will be back to discuss the TABOR implications.

Council President Hill asked if the budget for storm water needs will be allocated to the Parkway. Mr. Relph said there are no other resources for the storm water and said that will need to be included with the Parkway project.

**Action summary:** The City Council thanked Mr. Relph and asked when the decision needs to be made regarding the other projects that are projected to be delayed. City Manager Arnold said Staff would like Council to award the bid at the Wednesday, May 3, 2006 meeting and any budget adjustment will be proposed in the fall. Councilmember Spehar said he would rather delay these projects rather than scaling back any part of the Parkway project. Councilmember Coons agreed. Mr. Lappi concurred that the fall is when the second and final supplemental budget appropriation is proposed and at that time, Phase 3 will have been bid and Staff will have a better handle on the shortfall.

Council President Hill called a recess at 8:58 p.m.

The meeting reconvened at 9:10 p.m.

3. **24 ROAD SUBAREA PLAN:** Discussion of the 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.

Council President Hill asked City Attorney John Shaver to review the history of these deliberations. City Attorney Shaver said the review committee was reconstituted and composed mostly of members that were on the original committee to create the 24 Road Subarea Plan. He said the committee reviewed the plan and made recommendations to the Planning Commission.

Council President Hill asked if the results were two recommendations and questioned if Council will determine if the item needs to be sent back to the Planning Commission. City Attorney Shaver said Council can always remand any matter back to the Planning Commission. He said there were three recommendations and Council could handle each one individually or as a whole.

Lori Bowers, Senior Planner, presented an overview of the process. She said the revitalized committee was asked to look at the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

The committee's recommendations are to reduce the residential density to 8 units per acre; the 20% residential requirement be deleted; and the maximum retail square footage of 30,000 square foot be eliminated in the Mixed Use within a ¼ mile on either side of 24 Road and south of I-70, and that the retail square footage be increased to 50,000 square feet for the remainder of the area.

The Planning Commission considered the Steering Committee recommendations and made the following recommendations: 1) reduce the minimum required density from 12 du/ac to 8 du/ac and amend the Growth Plan to comply with that recommendation. 2a) delete the requirement for 20% of property to be residential in the ¼ mile from 24 Road to the west and east and ¼ mile south of the interstate and allow residential development to be an option and amend the Growth Plan to comply with this recommendation. 2b) retain the requirement for residential in the remainder of the Mixed Use land use designation (the part that is not within the ¼ mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council and amend the Growth Plan to comply with that recommendation. 3) delete the limit for retail development of a maximum of 30,000 sq. ft. (within a larger building or as stand-alone development) within the Mixed-Use designation within the ¼ mile corridor on either side of 24 Road and south of I-70 and that a maximum retail square footage of 50,000 sq. ft. be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development) and amend the Growth Plan to comply with that recommendation.

Public Works Manager Tim Moore then addressed the traffic impacts for these changes. He said Staff's traffic modeling showed that the changes as proposed would increase the vehicle trips in the study area by 21.5%. He said the Riverside Parkway, the 29 Road/I-70 interchange, G Road widening, and F ½ Road are assumed completed by the traffic modeling. Although the model shows a 21.5% increase, there are many projects that are planned that will take care of the increases with the exception of G Road but the increases will be manageable.

Council President Hill asked if a commercial project would generate more Transportation Capacity Payment (TCP) funds than a residential project, which might be able to fund additional improvements. Mr. Moore said yes, in fact TCP is some of the funding that is being planned on for the construction of F ½ Road and other improvements. The underlying zoning is taken into account for the traffic modeling.

The chair of the Steering Committee, Jeff Over, said the committee did a lot of good work and lauded Staff for their assistance. The Planning Commission's

recommendation differed under one item, that is to keep the residential component in one area.

Councilmember Coons asked if the Committee felt these were the three issues that needed to be addressed. Mr. Over said yes, and they were the same items they were concerned about three years ago. He said the Committee believes there will be residential in that area, but felt the market should dictate that.

Council President Hill asked about the discussions of residential being adjacent to industrial zoning and between commercial zoning. Mr. Over said that specifically was not discussed.

Councilmember Spehar recalled the reasoning behind the 20% residential requirement. Kathy Portner, Assistant Community Development Director, responded that its purpose was to take the Growth Plan Designation regarding residential and spread it out over the larger area. Councilmember Spehar said he wanted to retain the high density housing opportunity, even if a new zoning designation must be created.

Council President Hill said neither recommendation eliminates the opportunity, it is just not mandated.

Councilmember Coons noted that zoning will encourage the higher density.

Council President Hill brought up the final piece of the recommendation, the big box size limitation. He said various philosophies were debated as to what should drive the development of this area.

**Action summary:** Staff was directed to bring forward the ordinance with the Planning Commission's recommendation along with verbiage for the one piece that the Steering Committee recommended differently.

## ADJOURN

The meeting adjourned at 10:32 p.m.

**CITY OF GRAND JUNCTION CITY COUNCIL  
and  
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY**

**ANNUAL JOINT PERSIGO MEETING  
MARCH 22, 2006**

**Call to Order**

The Grand Junction City Council and the Mesa County Commissioners met at 9:00 a.m. on March 22, 2006 at the County Annex Multi Purpose Room, 544 Rood Avenue for the Joint Persigo meeting.

Commission Chair Tilman Bishop convened the meeting at 9:07 a.m. City Councilmembers present were and Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Jim Spehar, Doug Thomason, Council President Pro Tem Gregg Palmer and President of the Council Bruce Hill.

From Mesa County, County Commissioners present were Commissioners Janet Rowland, Craig Meis, and Chairman Tilman Bishop.

Also present were City staffers City Manager Kelly Arnold, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, Utilities Manager Greg Trainor, Assistant to the City Manager/Interim Community Development Director Sheryl Trent, Assistant Community Development Director Kathy Portner, Utilities Engineer Bret Guillory and City Clerk Stephanie Tuin.

County staffers present were County Administrator Jon Peacock, County Attorney Lyle Dechant, Assistant County Attorney Valerie Robison, Planning and Economic Development Director Kurt Larsen, Development Planner Linda Dannenberger, Public Works Director Pete Baier, Public Information Officer Jessica Peterson, and Clerk to the Board Bert Raley.

Commission Chair Bishop had City and County governing bodies and staffs introduce themselves. He then thanked the committee that has studied the areas under consideration at this hearing. President of the Council Hill then addressed the audience and explained that any decisions must be approved by both bodies. This meeting is really a continuation of the August 10, 2005 meeting. At that meeting it was determined that the bodies needed more information on the areas in question in order to make a decision. That was the reason for forming the ad hoc committee which did gather and study the areas under consideration.

The Public Hearing was opened at 9:16 a.m. Staff then reviewed what took place at the previous meeting on August 10, 2005. Development Planner Dannenberger stated that at the August 10<sup>th</sup> meeting there were several properties requesting inclusion. She listed those properties:

WT Hall Property (Parcel #2701-312-00-520) - properties north and northeast of the I-70 and Hwy 6 & 50 interchange, along 22 Road

Alex Mirrow Property (Parcel 2701-311-00-518) - properties at the southwest quadrant of H and 23 Road

Merkel Properties (Parcels #2701-332-00-133 & #2701-332-00-023) - properties east of the 24 Road and I-70 intersection (located 24 ½ Road and north of I-70)

Fox Property (Parcel #2701-233-00-562) - property at the northwest quadrant of I Road and 26 ½ Road

The Joint Persigo Board decided on August 10, 2005 to review the larger areas before making any decision on these individual requests. The ad hoc study committee consisted of Councilmembers Bonnie Beckstein and Jim Spehar and County Commissioner Janet Rowland. They studied the following general areas:

- Area 1W: Properties west of 22 Road and west to 21 Road and south of the canal;
- Area 2: Study Area 2 fills in a gap in the Persigo 201 service area between 22 Road and the 23 ¼ Road alignment, north of I-70;
- Area 3: The area east of 24 Road to 25 ¾ Road; the canal could be considered a logical physical boundary, north of I-70 and south of H Road;
- Area 1E: The area is between 26 ¼ Road and 26 ½ Road, bounded by I ¼ on the north and H ¾ Road on the south.

Development Planner Dannenberger advised that open houses were held in these areas and around 500 notices were sent out. She said about 80 folks attended the open houses.

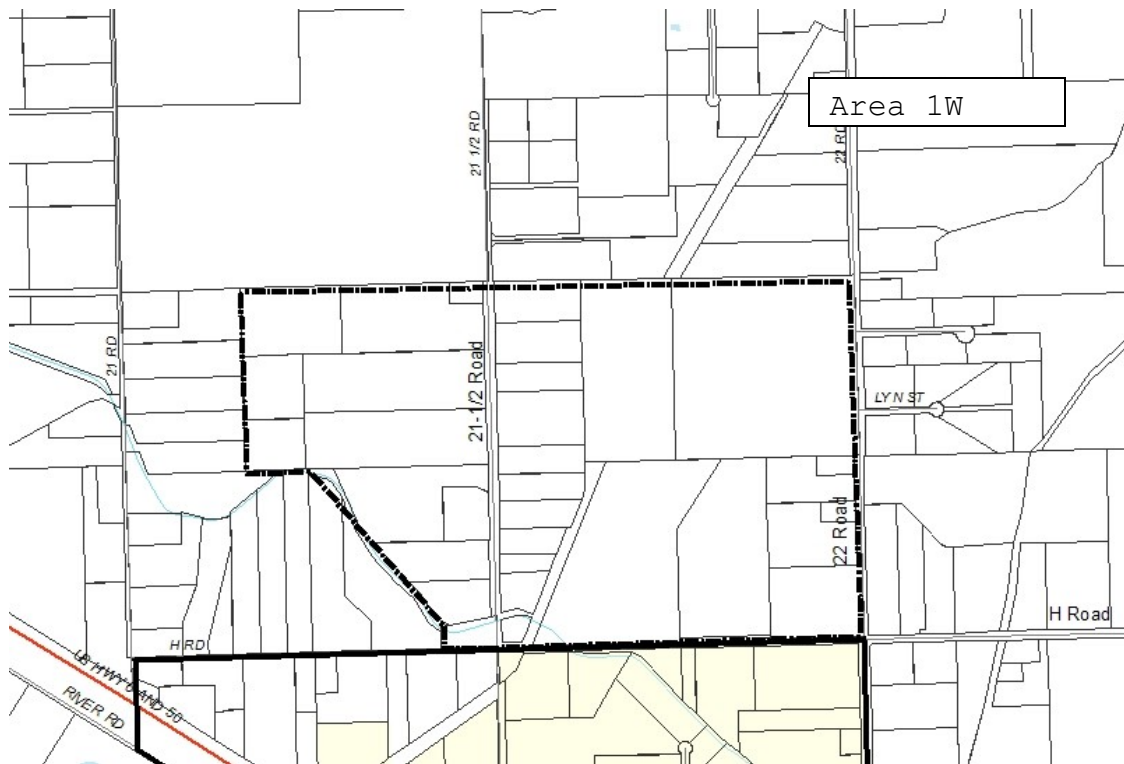
Development Planner Dannenberger then addressed the recommendations for the committee regarding each area.

### **Area 1W**

A portion of this area is recommended to be included within the Persigo 201 boundary. Properties west of 21 ½ Road and west and south of the canal are currently in rural residential land use and are not recommended for inclusion as shown by the dashed lines on the map. The canal is a physical division between these residences and the businesses that are located along 21 ½ Road. Various contractor shops and offices,



Jobsite manufacturing and a Quikrete processing facility line 21 ½ Road from H Road to the H ½ Road line.



There are no physical constraints to service for this area. Staff recommends that these businesses have sewer service available to them but is not recommending that the entire area be included. A petition from property owners in that area was submitted indicating they did not want to be included in the 201 boundary. It will not be a problem to provide sewer service to this area.

A petition was submitted by many of the businesses along 21 ½ Road objecting to sewer service. Discussions with some of the business owners at the public open houses in November disclosed their concerns that inclusion of the Jobsite operation would force them to pay for sewer extensions. Jobsite appears to be willing to participate in a sewer line extension to their site.

Council President Hill opened the public hearing on this area at 9:29 a.m.

Glen Younger, owner of 43 acres in the area, 2172/2176 H Road, asked if all of this area will be considered commercial or industrial if included in the 201 boundary.

Councilmember Spehar responded that is a separate process; this hearing is not dealing with the zoning or land use designations, it is dealing with sewer service which does not impact zoning. However, a rezoning can be requested later.

Mr. Younger supported the inclusion as the water table is high in that area so sewer is a problem; sewer service would be a good thing.

Dennis Lucas, 848 21 ½ Road, submitted a copy of the petition from business property owners in the vicinity that were opposed to being annexed but want the sewer. He also referred to a letter from Carol Jane Denton, resident at the corner of H & 21 ½ Road, which was submitted (letter in opposition).

Dale Beede, a real estate broker, questioned, with the high water table, why the sewer line will not be extended further east down H Road.

Lanita Renfro, owning property at Ranchriders Ditch and H Road, 2223 ½ H Road, stated she does not have a high water table and her septic system works ,so she doesn't want any part of the sewer service. If it helps others fine but she doesn't want to hook up especially since her home is down 1800 feet from the road. It would be very costly.

President of the Council Hill advised Ms. Renfro that her property is already in the 201 boundary so no change to her property is proposed.

Marcia Claussen, 2137 H Road, a commercial property, said she is excited to see the development; she encourages it and supports it. She also has a residential property at 856 21 ½ Road which is currently on septic. She doesn't know if that property is affected.

Gary Feltes, regarding Quikrete on 21 ½ Road, inquired if this will automatically bring the property into the City. Council President Hill replied it will not; however, once an area is within the boundary; any further development will require annexation. It was noted that this property has already gone through the approval process through the County. Therefore, annexation will not be required.

There were no further comments.

The public comment portion was closed.

Commissioner Craig Meis asked for the rationale for including the area east to 22 Road into the 201 boundary. Councilmember Spehar advised that both the Mirrow property and another area that is already developed is in need of sewer service and rather than go through this process multiple times, the Committee studied and recommends inclusion of the entire area. Assistant Director of Community Development Kathy Portner added that there is potential for the area to redevelop in the future as there are large parcels which are not constrained, so from a service standpoint it makes sense.

Utilities Engineer Bret Guillory added that the area can be served and the reason for including the entire area is to avoid piecemealing.

Council President Hill asked if the Committee recommendation is the same as the staff recommendation. County Commissioner Rowland advised that the Committee agreed to let the whole area in, up to the Ranchmen's Ditch.

Councilmember Coons asked if there are any septic failures in that area. Engineer Guillory replied there are no issues currently but there is high groundwater so any new septic systems have to be an engineered or mounded system.

Mr. Glen Younger advised there have been several failures in the area and it is costly to put in mounded systems. Therefore it is a problem and it will be good to have sewer service available.

Councilmember Spehar noted that although the decision on inclusion will not change zoning or land use designation, it won't be long before the argument will be brought forward that once sewered, it will be prime for development. Commissioner Rowland agreed.

Commissioner Meis asked about the cost for hookup and to landowners. Public Works and Utilities Director Relph deferred to Engineer Guillory to summarize the expected costs. Mr. Guillory advised that the 3,000 foot sewer extension is estimated to cost \$225,000 to \$300,000. Allocating that to individual owners, the cost is about \$17,000 per lot, or \$3,600 per acre. Costs have increased since 2003 when the estimates were done, so today the estimate would be increased by 10 to 15%. That gets the sewer to the area; the developer is responsible to extend the sewer service line back into parcels.

Council President Pro Tem Palmer noted that the service line is the obligation of the property owner. The individual property owners don't have to hook up but if a district is formed, they will have to participate in the district, whether they hook up or not. Staff concurred.

(Persigo employees Manager Dan Tonello and Larry Brown entered at 9:55 a.m.)

Public Works and Utilities Director Relph noted it does take a majority to form a sewer improvement district.

City Attorney Shaver noted that if a failed system is within 400 feet of sewer service, the property owner must connect to the sewer line.

Engineer Guillory advised that more infrastructure is needed for the now broader area defined. Public Works and Utilities Director Relph added that it can be designed efficiently to reduce the cost.

There was additional discussion on the accuracy of the estimates provided based on the increased construction costs.

Councilmember Beckstein moved to include the recommended area (modified Area 1W) in the 201 Persigo boundary. Council President Pro Tem Palmer seconded. Motion carried unanimously by roll call vote.

County Commissioner Meis moved to include modified area 1W in the 201 boundary. Commissioner Rowland seconded. Motion carried unanimously.

The meeting was recessed at 10:00 a.m. so that it could be moved to the City Hall Auditorium, 250 N. 5<sup>th</sup> Street.

The meeting reconvened in City Hall Auditorium at 10:14 a.m.

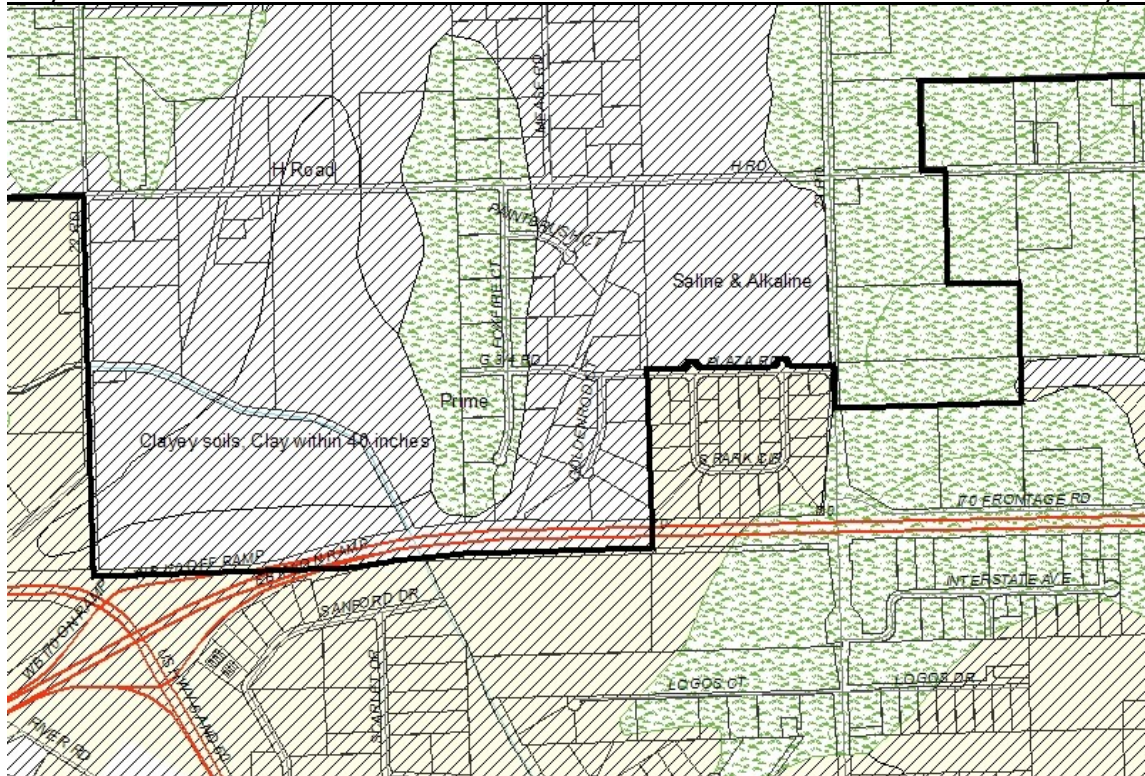
Council President Hill apologized for the inconvenience but felt the location change will allow everyone to hear and thus expedite the process.

Council President Hill then recapped the first portion of the meeting.

Development Planner Dannenberger then addressed Area 2.

**Area 2**

Staff recommends inclusion of this entire area into the Persigo 201 district. Groundwater problems exist in Bookcliff Ranches and possibly on adjacent properties with the same poor soils.



There is potential for additional commercial/industrial development at the I-70/22 Road interchange. The west side of 22 Road has the availability of sewer service. Federal Express and a Gay Johnson's facility are located within this study area on the north side of the canal and east of 22 Road in the TIC Industrial Park.

The inclusion of Study Area 2 fills in a gap in the Persigo 201 service area between 22 Road and the 23 ¼ Road alignment. The engineers' comments state that the most efficient route for service is along the entire southern boundary of this area (north of I-70) back to 22 Road.

Comments from the public were mixed in favor of and against inclusion. Concerns were expressed regarding additional industrial development around Bookcliff Ranches.

Development Planner Dannenberger advised that most of the area is designated as Estate on the Future Land Use Map. There are existing businesses and in order to develop these areas with sewer, there will need to be a change jointly between the City and the County to the Land Use Map. Staff and the ad hoc committee agree the entire area needs to be included in the 201 area. There are groundwater problems so the area could benefit from the availability of sewer. The majority of residents are not opposed to availability of sewer but are concerned about future land use and what would happen to their property values. Staff and the Committee do recommend the inclusion of the entire area.

Council President Hill opened the public hearing at 10:20 a.m.

Doug Colaric, speaking on behalf of the Hall property and on behalf of the Gay Johnson property, said they support inclusion.

Doug Gilliland, Texas, Taurus Industries, owns the Mirrow property, which he recently purchased along with the 35 acres to the south. He ultimately wants to develop the entire property as industrial so he supports the inclusion.

Councilmember Coons asked what are the options if the property is not included; would it be developed as I/O with septic? Mr. Gilliland replied that the only option would be to develop it into one to two acre sites that is compatible with septic.

Patty Perrott, 791 Foxfire Court (Bookcliff Ranches), said she does not care if sewer is extended or not as she has had good luck with her septic; the soils are salty but she can get things to grow. Ms. Perrot asked what impact sewer will have on them as she is concerned about development around her.

Lanita Renfro, H Road, asked for clarification of the lines, which was provided.

Tom Volkmann, 225 N. 5<sup>th</sup>, attorney representing John Usher, advised his client is very interested in his property being included in the 201 boundary.

Council President Pro Tem Palmer asked what the current zoning is on the property. Development Planner Dannenberger responded that it is designated Estate on the Future Land Use Map but is currently zoned AFT.

Sean Norris, 778 23 Road, is currently not within the boundary. He is not concerned about having sewer as his septic system is working, but he knows adjacent parcels will ask for annexation. He said his neighbors are concerned about the expansion of industrial/commercial properties into the rural areas, noting that City Council has assured the neighborhood that wouldn't happen.

Jack Wernet, an owner in Bookcliff Ranches, 756 Goldenrod Court, stated his concern with industrial development in the area. He noted there are no other industrial properties nearby and he is concerned about development of the property directly to the north. Mr. Wernet asked where the information that there is a problem with groundwater in Bookcliff Ranches came from, denying there is a problem and advising that such claims will hurt their property values.

County Commissioner Meis asked Mr. Wernet if he is the President of the Homeowners' Association. Mr. Wernet replied he is the vice president.

Commissioner Meis inquired if a special district were to be created, then would all have to participate? Public Works and Utilities Director Relph replied yes, if the majority says yes, then the fee is imposed upon everyone in the district.

Commissioner Meis asked if the entire area would be assessed or if the developer pays and is then reimbursed as it is developed. Mr. Relph responded that it could be handled either way.

Development Planner Dannenberger advised that the information concerning the soils came from Curtis Swift of the State Extension Office and his assessment was that there are problem areas, but not every parcel has a problem.

George Rink, a property owner in Bookcliff Ranches and President of the HOA, said he has had zero problems with his septic system. There have been a few problems with a couple of the septic systems, but he doesn't know the details. He contended that the subdivision does not have a groundwater problem and was concerned that if the area is brought into the 201 boundary and a sewer district is formed, the area would have to be annexed. Council President Hill told him it would not have to be annexed, that only occurs when property wants to develop. Commissioner Meis noted annexation can occur without development, if the area is enclaved.

Mr. Rink inquired where the trunk line will run. Utilities Engineer Guillory answered the preferred alternative is to run the line north under I-70 then east which will be a gravity fed line. Another alternative would require a lift station, which would be more costly and would not serve all of the properties.

There were no additional public comments.

Council President Hill closed the public hearing at 10:50 a.m.

Councilmember Spehar said the committee was in agreement that this area should be included. There is a variety of development in the area; inclusion will square up the boundary. He suggested the Joint Board accept the staff recommendation. Commissioner Rowland concurred.

Commissioner Meis inquired about the cost analysis for sewer line extension and questioned if the analysis considered the whole area. Councilmember Spehar advised that the preferred option becomes workable with the entire area included. Utilities Engineer Guillory noted that a 10" line will adequately serve the entire basin.

County Commissioner Rowland moved to approve including Area 2 into the Persigo boundary. Commissioner Meis seconded the motion noting since there is growth, option 2 makes sense. The motion carried unanimously.



Council President Pro Tem Palmer noted that the staff recommendation rests to some degree on the existence of groundwater problems. He did not feel that squaring off the boundary is a good reason; that inclusion is perhaps overreaching particularly in light of the fact that he is not hearing a lot of support.

Councilmember Beckstein said she supports this inclusion noting the Committee spent a lot of time and conducted research to develop the recommendation. She pointed out that most of the concerns expressed relate to what will happen to the area once sewer is provided. She contended that any development will be reviewed and surrounding areas will be respected.

Councilmember Coons said there are good reasons to include the whole area and that it doesn't make sense to split the area; besides excluding the Bookcliff Ranches would have the same impact, that is, allowing any development will still be a concern to the neighbors.

Councilmember Spehar moved to include Area 2 as recommended by staff.  
Councilmember Beckstein seconded.

A discussion ensued.

Council President Hill pointed out that the concerns raised do not relate to inclusion into the 201 boundary but rather are land use issues. He noted that it is the responsibility of the community to maximize the infrastructure and some of the best roadways in the community are in that area.

Councilmember Spehar added that decisions were made in the past, which created some inconsistent growth areas and the current governing bodies are left to deal with it.

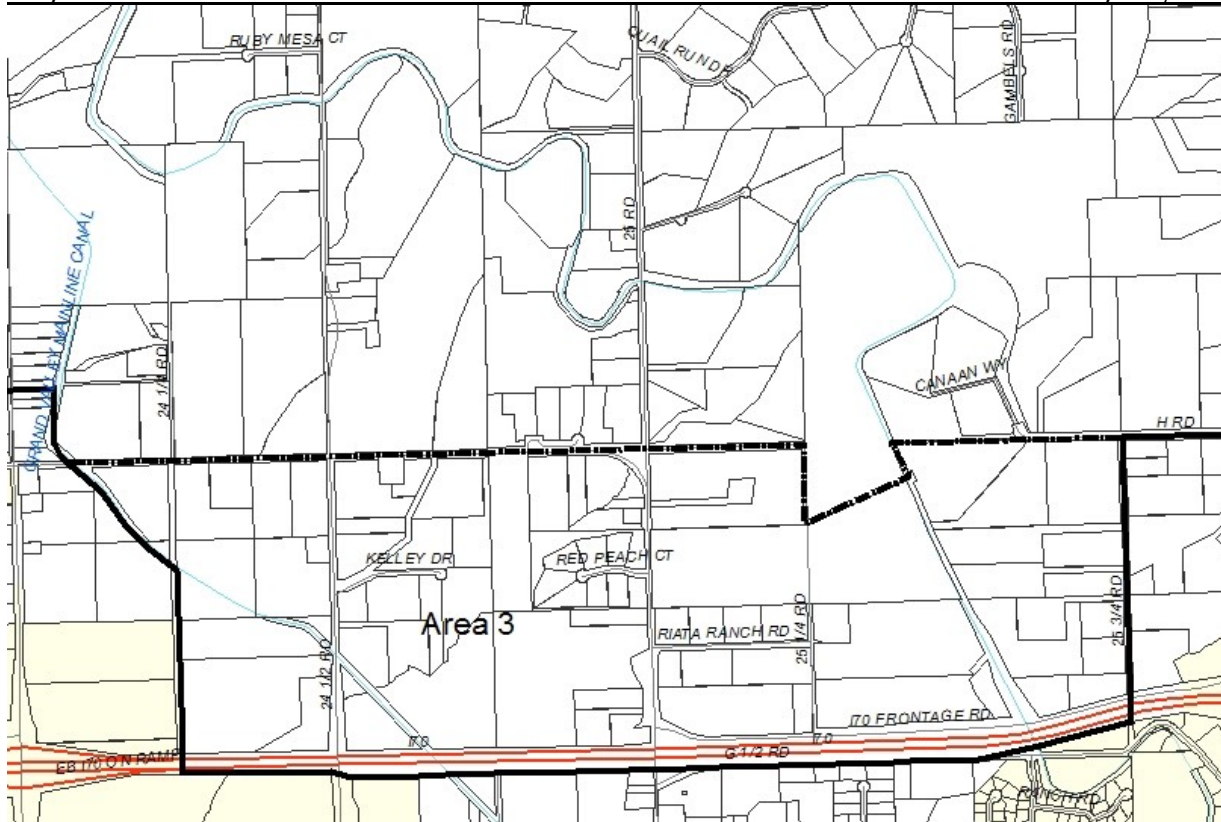
Councilmember Doody felt it would be best in the long run to include Area 2.

Roll was called with the motion carrying 6 to 1 with Council President Pro Tem Palmer voting NO.

### **Area 3**

This property is located east of 24 Road and north of Interstate 70 in the northwest quadrant of I-70 and 24 ½ Road and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. The North Central Valley Plan map shows this property located within an area identified as Estate, 2 – 5. County zoning is AFT, Agriculture, Forestry, and Transitional.





Development Planner Dannenberger described Study Area 3 which encompasses a few Planned Unit areas, which are zoned RSF-E. The entire area is classified as Estate but zoned AFT. The staff recommendation is to not bring in any of Area 3 into the 201 Boundary. The majority against inclusion thought I-70 should remain a boundary. The Appleton Church came to an open house and expressed interest in sewer service. The subcommittee discussed including one small portion of the area, the area to include the Merkel properties, bounded by the ditch.

Council President Hill asked if the canal bisects the 4.5 acre property shown. Ms. Dannenberger said it does not and staff is not recommending bisecting any property. The subcommittee wanted to wait on making a recommendation pending hearing public comment.

Commission Chair Bishop asked how the attendance was at the open house to which Ms. Dannenberger replied there was good attendance.

Commissioner Rowland asked for the zoning for the two properties to the west of the Merkel properties. Ms. Dannenberger replied they are zoned C-1 and RSF-R.

Council President Hill asked the reason the study area got so big. Ms. Dannenberger replied that the committee thought they should look at the entire area.

The public hearing was opened at 11:14 a.m.

Larry Beckner, attorney on behalf of Merkel property (Merkel Amendment Request Parcel #2701-332-00-133 & #2701-332-00-023), stated they are only interested in the Merkel property being included. He noted the comments from the open houses did not oppose including the Merkel property, so he asked that the Joint Persigo Board focus on the area south of the canal. He recalled that staff recommended last year that the Highline Canal be the northern boundary of the 201 sewer district. He stated it makes sense and is appropriate to include the Merkel properties so that they can be developed in conjunction with other Merkel property that is already in the 201. A developer has to have enough property to make development worthwhile. The access for the Merkel properties will be 24 Road and the interchange is currently being improved. It is the logical place for development to occur, and the logical extension for the sewer is from the park right across the interstate. Mr. Beckner said staff noted no technical concerns in serving this area. He advised that when the 201 boundaries were looked at in the early 1990's, these properties were originally included. The properties were then taken out, but City Council noted it would be put back in once studies were complete.

John Kelleher, 2506 Riata Ranch Road, said if sewer comes into the entire area, there will be pressure to develop, and his area could be enclaved. He felt that the existence of sewer causes an increase in density.

H. McNish, from Denver with Oppus Northwest, the contract holder on the Merkel property, said his business is family-owned and he is planning a landmark project which will enhance the gateway into Grand Junction at 24 Road. He would like to move forward in fulfilling the vision of 24 Road Subarea Plan. If the Merkel properties are included in the 201, he will be back for development review.

Dave Zollner, 2545 Canaan Way, of his 27 acres, 10 acres are in the study area and the balance is outside the study area. He asked what the committee recommendation was.

Commissioner Rowland explained there was not agreement on the committee for a recommendation. It appears that the majority of the residential owners do not want to be included. Some committee members were, however, in favor of including the area south of the canal.

Commissioner Spehar clarified that the committee all agreed that whole area should not be included, but the committee has not decided on the Merkel piece.

Mr. Zollner felt the inclusion of the area would result in a zoning change. He agreed that the Merkel property inclusion makes some sense. He said he was involved in the Appleton Plan and the North Central Valley Plan; both processes had a lot of

participation. The plans concluded that a transition area was needed, and recommended the use of natural and existing manmade barriers for the 201 boundary. For example, I-70 creates a natural break. He advised that for his vacant 10 acres he has planned future development for kids and grandkids and a boundary change would alter that plan and would require hook up to sewer. It would also change the complexion of the neighborhood. He asked the Joint Board to reject the broader section for inclusion with the exception being the Merkel properties.

Council President Hill noted that they have a copy of Mr. Zollner's letter for the record.

Don McBee, 773 25 ¼ Road, has 11 acres. The area is currently rural and he wants a rural environment. He is farming the property now and he agrees with Dave Zollner. He said he has no position on the Merkel property but asked the Board to deny inclusion of the entire area.

Mary Coombs, 2465 Kelley Drive, said she moved there for the rural atmosphere. She has a 3-acre lot. She asked if the area to the south is included and her septic fails, if the 400-foot rule is to the property line or to the house. Council President Hill answered it is to the property line. Ms. Coombs had concerns then because she would be affected.

Bill Merkel, the applicant, 2136 Banff Court, said he attended all the meetings for the North Central Valley Plan. He said when he bought the properties they all had the same designation. He was asked then to bisect it and was told the balance would be brought back into the 201 boundary. He said he has met every landowner in that area and has not received one objection for development of that property. Further, the North Central Valley Plan states that the property in question should be designated for development.

Ester Castor, 2520 Riata Ranch Road, said she searched the area for two years looking for the right property. The area had 5-acre lots on average which has now changed to a 2-acre average. A right-of-way was forced on them for 25 ¼ Road which was never built. Plum trees were removed and it has become a trash dump. She pointed out that wildlife is affected by development and is concerned with the Merkel property and how many homes will be built. She said she circulated a petition opposing the request (copy provided) noting her concern about property values. She doesn't want a change.

Bret Pomrenke, 2479 H Road, concurred with his neighbors. He said he is not for or against inclusion of the Merkel property, but is concerned about traffic. He would welcome 2-5 acre per unit subdivisions and felt that I-70 is a good border.

Commission Chair Bishop said it appears the study option was aggressive. He felt there was no reason to keep taking testimony on the broader area and suggested the Joint Board focus on the smaller area, separating them into a 3a and 3b.

Council President Hill agreed, he saw no support for including the broader area, but he wanted to make sure everyone had the opportunity to speak.

Councilmember Spehar offered to make a motion to separate the two areas into 3a and 3b. President of the Council Hill determined from a show of hands that there were about five people still wanting to be heard, so the Joint Board decided to continue forward asking for the rest of the public comment.

Terry Shepherd, property owner at the corner of H and 25 Road, 791 25 Road, noted his septic still works with care. If his septic were to fail, he will need an engineered septic, which would require 3,000 square feet at a cost of \$20,000 to \$35,000. He thought it made sense to look at other alternatives. He was in favor of further study although he agreed with inclusion of the Merkel property. However, he would like to have service available to his property.

Katelynteria Tagan Fisk, owning property adjacent to the Merkel development, said she spent a lot of time looking for property and selected this area for the views, the rural atmosphere, and the comfortable distance between neighbors. Her husband, Michael Fisk, echoed her comments adding that they do not have septic problems and they don't want to lose their rural lifestyle. If a district were formed, they would have to pay. He feels that I-70 is the dividing line, so he opposes inclusion of Area 3, including the Merkel property.

Pam Fox, a property owner to the north, 2517 I Road, said she is in favor of the sewer extension to this area as it is needed and smaller acreage is the trend. She said there is a high water table on her property.

Cindy Waller, 761 25 <sup>3</sup>/<sub>4</sub> Road, opposed being brought into the 201 boundary.

Ben Hill, managing member of two LLC's that own the larger pieces, one of which could be included with the Merkel properties, stated he had no knowledge of the proposal prior to this meeting. He advised there is a tremendous desire for folks to buy houses in the north area, and there are no lots available. He is currently working on a project for 25 lots and they are all spoken for. He hopes to use the rest of the property for more homes, but if he is constrained to larger lots, then the result is \$500,000 to \$1 million dollar homes. He therefore supports the extension of sewer into the area.

Tom Harding, the developer of Red Peach Farm Subdivision, said he realizes that land use is a big part of the question, but the availability of sewer starts that "tail that wags the dog". His subdivision has already been approved for septic and there has been no problem with percolation tests. Once sewer is there then higher density follows, so he is opposed to the entire Area 3 being included in the 201.

Fritz Warner, 2282 H Court, is opposed to inclusion of Area 3.

There were no further public comments.

The public hearing was closed at 12:10 p.m.

Councilmember Beckstein asked staff to address the applicant's statement that the Merkel property was originally in the 201 boundary.

Assistant Community Development Director Kathy Portner advised that she has seen a map where the subject property had a commercial designation, but as far as inclusion she was not sure.

Councilmember Beckstein asked for clarification.

Dr. Merkel advised that between 1994 and 1996, a top City official asked him and his partners to agree to the subject property being excluded with the understanding that in two years it would be put back into the boundary. Dr. Merkel said he has written 5-6 letters asking for this to be addressed, and has spoken to a previous Mayor who remembers the situation.

Councilmember Spehar stated that he has been involved in the research trying to find the maps to back up Dr. Merkel's statements and those maps cannot be located. Dr. Merkel's requests have not been ignored, neither the City nor the County has been able to substantiate his recollection.

Councilmember Coons asked what happens with the Hill properties if a piece of their property is included. Development Planner Dannenberger replied that they are separate parcels.

Councilmember Spehar clarified that there are other ownerships in the area called the "Merkel properties" and there is not agreement on this piece. He felt it is clearly the intent to make Dr. Merkel's property commercial; right now it is residential with large lots. If it is to become commercial, it will need additional access, yet 24 ½ Road access extends the impacts of any development on that parcel. He opposes allowing expansion of the boundary.

Council President Hill noted the original question was inclusion of the Merkel property. He is supportive of using the canal as a northern boundary but not sure about extending the boundary across 24 ½ Road. He agreed that will impact the underpass with additional traffic.

Commissioner Rowland advised that the subcommittee looked at the big picture, looking at lines that don't really exist. The subcommittee considered comments heard

that there is not enough commercial/industrial property available in the community. She felt it makes sense to deal with this, and so she is in favor of including the 3a portion (the "Merkel properties").

Commissioner Meis noted that there is a huge demand for property in the north area and little supply. The infrastructure is there with the exception of sewer availability. He advised that the County intends to conduct a study of this area and identify the cost of development. He felt it is unfavorable to create 2 to 5 acre-lots on septic. He supported holding off on including the entire area 3 until additional studies can be conducted but had no problem with including the Merkel area. He suggested a conditional inclusion in that access would be from 24 Road, not 24 ½ Road.

City Attorney Shaver recommended against a conditional inclusion; noting the access restriction can be addressed administratively.

Commissioner Meis asked then that the access be addressed at site plan review; making the criteria that the property gain access from 24 Road.

Councilmember Coons asked if there is a problem making the boundary at 24 ½ Road versus the canal. Public Works and Utilities Director Relph advised that it makes no difference service-wise.

Councilmember Spehar agreed with using 24 ½ Road as the boundary.

Councilmember Spehar moved to exclude the area south of the canal and west of 24 ½ Road and deny the broader expansion. Councilmember Coons seconded the motion. Motion carried.

County Commissioner Rowland moved to include the Merkel property into the 201 boundary with the eastern boundary being 24 ½ Road and the northern boundary being the canal; I-70 is the southern boundary. Commissioner Meis seconded. Motion carried unanimously.

Council President Pro Tem Palmer moved to include the Merkel property into the 201 boundary with the eastern boundary being 24 ½ Road and the northern boundary being the canal; I-70 being the southern boundary. Councilmember Beckstein seconded.

City Council had a discussion. Councilmember Spehar expressed his disappointment as the consistent message heard from that area has been that this area is appropriate for large lot development, not as being proposed by the property owner.

Councilmember Beckstein said she supports the inclusion and feels that such issues can be resolved through the planning process.

Motion carried with Councilmembers Spehar and Thomason voting NO.

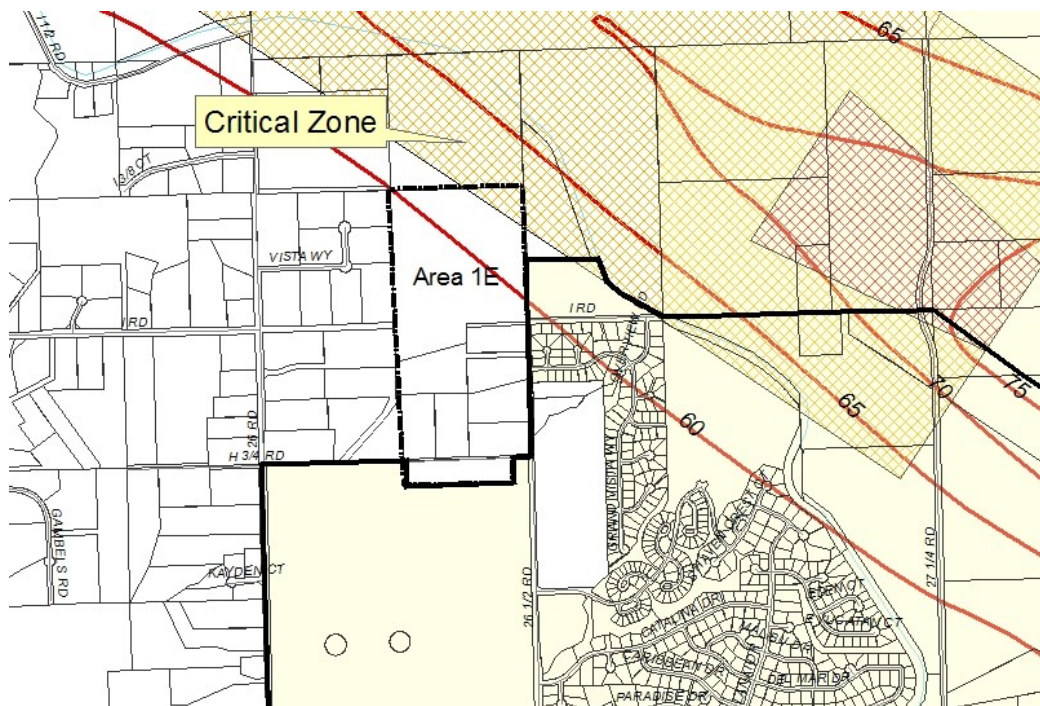
Commission Chair Bishop advised that at some point in time the City and the County will be addressing the septics in this area and although he agrees the bigger area was premature there will be continued pressure for sewer availability.

Council President Hill called for a recess at 12:44 p.m.

The meeting reconvened at 1:00 p.m.

### **Area 1E**

Between 26 ¼ Road and 26 ½ Road, north of H ¾ Road and south of I ¼ Road. This area, while close to the Grand Vista Subdivision, is subject to higher noise levels from Walker Field air traffic as seen below. Properties closer to H ¾ Road are large estate lots with some possibility for each to subdivide an additional lot as most are over 4 acres in size. The Fox property at the north end of the area is set back from the road and isolated from surrounding RSF-4 development. A pump station is required to serve this area, which is a long-term maintenance issue for the District. Staff recommends that this area not be included in the Persigo 201 boundary. The specific request is: Fox Amendment Request, Parcel #2701-233-00-562.



County Development Planner Dannenberger reviewed the last area for consideration. This property is located at the northwest quadrant of I Road and 26 ½ Road and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. The North Central Valley Plan map shows this property located within an area identified as Estate, 2 – 5. County zoning is AFT, Agriculture, Forestry, and Transitional. The property is bordered by Del's Country Estates on the south (a 5-acre subdivision), Autumn Brook Farms to the southwest (a 5-acre subdivision) and North Valley Subdivision (RSF-E) directly to the west. The subject property is partially constrained in the northeast corner by the Airport Critical Zone. Where possible, no residential development is permitted within the Critical Zone, and if property is wholly or substantially burdened with this designation, residential densities are limited to one unit per five acres. There are more urban densities in this area. She described the subject property known as the Fox property. Ms. Dannenberger identified the encroachment of the airport noise contours pointing out that a corner of the property is in the critical zone for the airport. No urban development would be allowed in that area. Staff recommended against inclusion of the study area due to flight area plus service would require a force main and pump station. Even if the developer pays for the installation, there would still be the long term maintenance. The ad hoc study committee did not make a recommendation pending further public comments. She described two estate 2 to 4 acre parcel subdivisions nearby, noting they would not be conducive to additional development.

Councilmember Beckstein advised the committee was against inclusion.

Commissioner Rowland noted that the developer was also willing to contribute to the long term maintenance of the pump station.

Utilities Engineer Bret Guillory estimated that a life time (15 year life) maintenance is estimated at \$248,400. The developer would pay as development takes place.

Commissioner Rowland questioned what the issue is since the developer is willing to pay.

Mr. Guillory replied the issue is having another pump station, but if the developer pays, cost is not really an issue.

Commissioner Meis inquired if the property just south is in or out of the 201 boundary. Ms. Dannenberger replied those properties are inside the Persigo boundary but outside City limits.

The public hearing was opened at 1:10 p.m.



Pam Fox, owner and petitioner, stated she would like the property to be included in the 201 sewer boundary. Sewer is available across the street and is available within 500 feet. It was her opinion that it would blend well to have it in the sewer district.

Rex Tippetts, Walker Field Airport manager, voiced opposition for the request. Inclusion into the 201 boundary will make the development a higher density and the airport is already having issues with existing densities. The airport noise contour lines are not precise and there are noise issues 200 feet either side of those contour lines. Most of the noise complaints are generated due to smaller aircraft. The aircraft in general are getting quieter, but housing is getting closer to the airport.

Commission Chair Bishop noted that there may be another runway in the future and he could foresee that residents in that area will oppose expansion of the airport.

Councilmember Coons pointed out that the number of smaller aircraft is increasing.

Airport Manager Tippetts agreed stating that the airport is growing in all directions and the niche market is 50 to 70 passenger jets.

There were no other comments.

The hearing was closed at 1:17 p.m.

Councilmember Doody stated his problem is with lift stations; the City has been looking to eliminate lift stations so it makes little sense to add any new ones.

Councilmember Coons was concerned with the development's proximity to the airport noting that even when potential homeowners are told about the noise, there are still complaints.

Councilmember Spehar pointed out that 26 ½ Road is a clear boundary. The reality is that expanding the boundary leads to more density.

Councilmember Thomason felt it is not a good idea to build that far out.

Councilmember Beckstein stated her biggest concern is the noise factor. She thought it should stay as is, excluded from the 201.

Council President Hill agreed that the boundary should remain at 26 ½ Road.

Council President Pro Tem Palmer moved to deny the request for inclusion of Area 1E. Councilmember Coons seconded. Motion carried unanimously.

Commissioner Meis said he would like to see sewer in the subject area regardless of density, however, he felt that until the development study is conducted it is premature.

Commissioner Rowland said there is a case to be made that there should be a higher density in that area but looking at the airport critical zone, even though the property owner is willing to pay, the pump station would only serve this area. She agreed with not including the property in the 201.

Commission Chair Bishop expressed appreciation at the owner's willingness to foot the bill, but he too agreed that inclusion would be premature. He noted it needs to be looked at for development, probably at a lower density.

Commissioner Meis moved to deny the request for inclusion of Area 1E into the 201 Persigo boundary. Commissioner Rowland seconded. Motion carried unanimously.

Commission Chair asked if there is additional business for the joint board.

Commissioner Meis asked if this board could have a broader discussion on the 201 agreement sometime in the future. Council President Hill noted that the City and County are getting together on April 11<sup>th</sup> and could convene into a Persigo workshop. Commissioner Meis expressed the desire to avoid checkerboard services.

City Manager Arnold noted the annual meeting is every July and they could discuss it then.

### **Adjournment**

There being no additional business, Council President Hill adjourned the meeting at 1:30 p.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**MAY 1, 2006**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, May 1, 2006 at 12:59 p.m. in the Executive Conference Room, 2<sup>nd</sup> Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and Parks and Recreation Director Joe Stevens.

Council President Hill called the meeting to order.

Council President Pro Tem Palmer moved to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under section 402(4)(a) of the Open Meetings Law relative to the Saccomanno property and land in proximity to Tiara Rado Golf Course and will not be returning to open session. Councilmember Spehar seconded the motion. The motion carried.

The City Council convened into executive session at 1:00 p.m.

Debbie Kemp, CMC  
Deputy City Clerk

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

**May 3, 2006**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of May 2006, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Council President Pro Tem Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Jim Hale, Spirit of Life Christian Fellowship.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

Horizon Drive Association Business Improvement District Board

Eileen Blanchard, Dale Reese, and Richard Tally were present to receive their certificates for the Horizon Drive Association Business Improvement District Board.

**PRESENTATIONS**

Presentation of the 2005 "Best in Colorado" City Street Resurfacing Project to the City and United Companies of Mesa County for Paving Last Summer in Grand Junction presented by Tom Peterson, Executive Director of C.A.P.A.

Mr. Tom Peterson addressed the City Council regarding the award for Best in Colorado, recognizing the City, the Public Works Department, and United Companies. Only 1% of the paving projects in Colorado are recognized by C.A.P.A.

**PROCLAMATIONS / RECOGNITIONS**

Proclaiming May 4, 2006 as "National Day of Prayer" in the City of Grand Junction

Proclaiming May as "Asthma Awareness Month" in the City of Grand Junction

Proclaiming May 13, 2006 as "Kids Day America/International" in the City of Grand Junction

Proclaiming May 13, 2006 as "Stamp Out Hunger Day" in the City of Grand Junction

Proclaiming May 13 through May 21, 2006 as “National Tourism Week” in the City of Grand Junction

### **CITIZEN COMMENTS**

Patrick Liot, 249 Vallecito Drive, addressed the City Council regarding a City fence on his property. He was told previously that the fence would be moved within a few months. It has been a year and the fence has not been removed. Mr. Liot was referred to the City Manager.

### **CONSENT CALENDAR**

It was moved by Councilmember Beckstein and seconded by Councilmember Thomason to approve Consent Calendar items #1 through #11.

Council President Hill noted under Item #2, setting a hearing on the first supplemental appropriation ordinance, he has a concern on the ambulance transport amount. He asked that that information be provided at the hearing.

The motion carried by roll call vote.

#### **1. Minutes of Previous Meetings**

*Action: Approve the Summary of the April 17, 2006 Workshop, the Minutes of the April 18, 2006 Special Session and the April 19, 2006 Regular Meeting*

#### **2. Setting a Hearing on the First Supplemental Appropriation Ordinance for 2006**

The request is to appropriate specific amounts for several of the City’s accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2006 Budget of the City of Grand Junction

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

3. **1% for the Arts Artwork for Activity Centers at Bookcliff Middle School and Pear Park Elementary School**

The Commission on Arts and Culture recommends to the City Council commissioning tile artwork for the new City Activity Center at Bookcliff Middle School and the new joint-use gymnasium at Pear Park Elementary School through the 1% for the Arts Program.

*Action: Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate a Contract with Latka Studios (Tom and Jean Latka) for the Creation and Installation of Two Ceramic Tile Murals*

4. **Purchase of Two Wide Area Mowers**

Sole source purchase for the Parks and Recreation Department of two 2006 Toro Groundsmaster 4100-D mowers from LL Johnson Distributing Company, Denver, Colorado.

*Action: Authorize the City Purchasing Division to Purchase Two Wide Area Mowers from LL Johnson Distributing Company, Denver, CO in the Amount of \$87,038.06*

5. **Setting a Hearing for the Jones Rezone Located at 2591 G Road** [File #RZ-2006-070]

Request to rezone 2591 G Road, comprised of 13.109 acres, from RSF-1 (Residential Single Family – 1 unit per acre) to RSF-2 (Residential Single Family – 2 units per acre). Planning Commission recommended denial at its April 25, 2006 meeting.

Proposed Ordinance Rezoning a Parcel of Land from Residential Single Family – One Unit per Acre (RSF-1) to Residential Single Family – Two Units per Acre (RSF-2) Located at 2591 G Road

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

6. **Setting a Hearing for a Right-of-Way Vacation Located Adjacent to 215 Franklin Avenue** [File #VR-2006-054]

A request to vacate the southern 3 feet of the Franklin Avenue right-of-way, incorporating the subject area into a 14' multi-purpose easement.

Proposed Ordinance Vacating Right-of-Way Located Adjacent to 215 Franklin Avenue

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

7. **Setting a Hearing for the Kresin Annexation Located at 530 South Broadway** [File #ANX-2006-084]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 8.20 acre Kresin Annexation consists of 2 parcels.

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

Resolution No. 34-06 – 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, Kresin Annexation, Located at 530 South Broadway

*Action: Adopt Resolution No. 34-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kresin Annexation, Approximately 8.20 Acres Located at 530 South Broadway

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

8. **Setting a Hearing for the Fox Annexation Located at 3000 F Road** [File #GPA-2006-087]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.92 acre Fox Annexation consists of 1 parcel.

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

Resolution No. 35-06 – 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, Fox Annexation, Located at 3000 F Road Including a Portion of the 30 Road Right-of-Way

*Action: Adopt Resolution No. 35-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fox Annexation, Approximately 1.92 Acres Located at 3000 F Road Including a Portion of the 30 Road Right-of-Way

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

**9. Setting a Hearing for the Thunder Hog Annexation Located at 3079 F ½ Road and 3088 Shadowbrook Court [File #ANX-2006-072]**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 13.76 acre Thunder Hog Annexation consists of 2 parcels and is a 2 part serial annexation.

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

Resolution No. 36-06 – 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, Thunder Hog Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court Including a Portion of the F ½ Road Right-of-Way

*Action: Adopt Resolution No. 36-06*

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



Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Annexation #1, Approximately 0.09 Acres Located Within the F ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Annexation #2, Approximately 13.67 Acres Located at 3079 F ½ Road and 3088 Shadowbrook Court Including a Portion of the F ½ Road Right-of-Way

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

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

Introduction of a proposed zoning ordinance to zone the Free Annexation RSF-2, located at 462 E. Scenic Drive.

Proposed Ordinance Zoning the Free Annexation to RSF-2, Located at 462 E. Scenic Drive

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

11. **Setting a Hearing on Vacating Alleys Between 6<sup>th</sup> and 7<sup>th</sup> Streets, Pitkin, and South Avenues** [File #VR-2006-076]

Introduction of a proposed ordinance to vacate the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues. The owner of the adjacent property is requesting the vacation to facilitate the expansion of the Mesa County Corrections and Treatment Facility located to the south.

Proposed Ordinance Vacating Rights-of-Way for an Alleyway Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues

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

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Construction Contract for the Riverside Parkway Project, Phase 2**

Award of a Construction Contract to SEMA Construction, Inc. in the amount of \$31,555,555.55 for the Riverside Parkway Phase 2.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that this phase is the largest Public Works project ever in the City of Grand Junction. He described the phase which goes from 24 Road, down along River Road, under Highway 340, across the railroad tracks, through the Riverside neighborhood and ending at Highway 50. He listed the bids and recommended the award to go to SEMA Construction. He said there was a lengthy discussion at the workshop Monday night about the estimated shortfall of \$5 million and said it is the same contractor that is doing Phase 1.

Councilmember Doody moved to authorize the City Manager to sign a construction contract for the Riverside Parkway Phase 2 to SEMA Construction, Inc., in the amount of \$31,555,555.55. Councilmember Beckstein seconded the motion. Motion carried.

### **Public Hearing – The Plaza on North Avenue Growth Plan Amendment Located at 506 and 510 Pear Street** [File # GPA-2006-058]

Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from "Residential Medium 4-8 du/ac" to "Commercial" for 2 properties located at 506 and 510 Pear Street.

The public hearing was opened at 7:39 p.m.

David Thornton, Principal Planner, reviewed this item. He described the location, the designation on the Future Land Use Map of this property and the surrounding properties. He said the applicant is asking for a change to the designation to commercial so the applicant can develop it as commercial. Mr. Thornton said much of the current zoning around the property is already commercial, all but these two properties.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:43 p.m.

Resolution No. 37-06 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate Two Properties Located at 506 and 510 Pear Street from "Residential Medium 4-8 du/ac" to "Commercial"

Councilmember Thomason moved to adopt Resolution No. 37-06. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

**Public Hearing – CR Nevada Annexation, Located at 487 22 ¼ Road** [File #ANX-2006-030]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the CR Nevada Annexation, located at 487 22 ¼ Road. The 19.73 acre CR Nevada Annexation consists of 1 parcel.

The public hearing was opened at 7:45 p.m.

Kathy Portner, Planning Manager, reviewed this item. She said the request is to annex the property that is located in the Redlands. She said the zoning will be before Council at a later date.

A representative of the applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 7:46 p.m.

Councilmember Beckstein asked why staff is recommending a different zoning than what the applicant is requesting. Ms. Portner said that is under review and said Staff's concerns are the steep slopes. More review is taking place which is why the zoning has been delayed.

**a. Accepting Petition**

Resolution No. 38-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the CR Nevada Annexation, Located at 487 22 ¼ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3890 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, CR Nevada Annexation, Approximately 19.73 Acres, Located at 487 22 ¼ Road

Council President Pro Tem Palmer moved to adopt Resolution No. 38-06 and Ordinance No. 3890 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Woodridge Subdivision Easement and Right-of-Way Vacations**

[File #FPP-2005-240]

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 public hearing was opened at 7:48 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location, the existing Future Land Use Designation, and existing zoning. She said the proposed Final Plat is being finalized and the vacations being presented are needed in order to finalize the Final Plat. She identified the location of the sewer easement and explained why it should be vacated.

Council President Pro Tem Palmer asked about moving the road. Ms. Ashbeck identified the new alignment of the road, but said it will not affect the canal crossing. She said the Planning Commission reviewed the request last month and recommended approval and said the vacations will be effective upon the recordation of the plat which will ensure the dedication of the new right-of-way.

The applicant's representative, Jim Langford, Thompson-Langford, agreed with Ms. Ashbeck's presentation and was available to answer questions.

There were no public comments.

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

Councilmember Spehar said that he is familiar with the road and said the new alignment will be an improvement.

Resolution No. 39-06 – A Resolution Vacating a Sewer Easement Within the Property Located at 2561 G-1/2 Road Also Known as the Woodridge Subdivision

Ordinance No. 3891 – 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

Councilmember Spehar moved to adopt Resolution No. 39-06 and Ordinance No. 3891 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 7:55 p.m.

The meeting reconvened at 8:07 p.m.

**Rehearing – Consideration of a Right-of-Way Vacation and Rezone for the Van Gundy North Property** [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 parcels is being concurrently reviewed administratively.

The public hearing was opened at 8:10 p.m.

City Manager Kelly Arnold introduced this item. He said a rehearing of this item was requested two weeks ago. He stated City Attorney John Shaver will speak next outlining the procedure and David Thornton, Community Development Principal Planner, will then make a presentation followed by Jim Shanks, Riverside Parkway Project Manager. Mr. Arnold then stated Staff's findings regarding the request.

City Attorney Shaver summarized the background of the request and the procedural rules. He said this is a rehearing and there will be no legal constraints limiting it to just the

record of the previous hearing. He said this is a full evidentiary hearing and there will be opportunity to hear all of the evidence. He said in Section 2.18 of the Zoning and Development Code, the conduct of the rehearing shall be the same as the original hearing. He said it is customary for the parliamentary procedures to apply like they do when deciding whether to have a rehearing. He said there is not a supermajority requirement as it is not an overturn of a previous decision, so only a simple majority is required. City Attorney Shaver defined what constitutes evidence. He said evidence is what is heard tonight, not what has been discussed or what Council has heard outside this hearing. He cautioned Council to keep that in mind when making the findings. He said this is the opportunity for the evidence to be completely heard. City Attorney Shaver said the Riverside Parkway project can be taken into consideration. He said that is an important and unique piece for the City and said that is the reason these applications are being brought before Council. He said it may be considered under the Rezone Criteria 2, 3, 4, 5, or 7 in Section 2.6 of the Code and said the City Council determines the weight of any evidence, whether it be persuasive evidence, and the conclusion or motion needs to be clear for the record. City Attorney Shaver said, regarding the contracts, he offered to answer any questions before hearing the merits of the request. He then entered into the record the equitable conversion of interest, which will eliminate any conflict of interest with the Scarianos, which gives the Van Gundy's a clear standing to address Council.

Dave Thornton, AICP, Principal Planner, reviewed this item. Mr. Thornton said a South Downtown Plan steering committee was formed and a preferred alternative was developed but it was never brought forward to Council to be adopted. He said in 1996, the Growth Plan map was developed and prior to that the zoning for the subject property was I-2. He said the site on the Future Land Use Map in 1996 was 5.1 acres and the site was designated as commercial/industrial which allows the current zoning to be C-2 as well as the requested zoning I-1. Mr. Thornton then asked Project Manager Jim Shanks to talk about the Riverside Parkway.

Council President Pro Tem Palmer noted that the staff report did not mention the South Downtown Plan. Mr. Thornton advised that the South Downtown Plan took a back seat when the Growth Plan process began. He said it was also thought that the City would get back to the South Downtown Plan but that hasn't happened due to the fact that the Riverside Parkway has become a major piece of the planning in that area. So the South Downtown Plan was again put on hold to see how the Riverside Parkway would be aligned.

Council President Hill said the plan showed the South Downtown Plan was somewhat implemented in the Growth Plan. Mr. Thornton said it was taken somewhat into consideration when the Growth Plan was developed.

Jim Shanks, Program Manager for the Riverside Parkway, described the Riverside Parkway and how it will interact in this area. He described the planned construction of the Parkway in that area and said the interchange was determined through the 1601 process. He stated that the subject site only has access to 4<sup>th</sup> Avenue.

Council President Pro Tem Palmer asked what is visible from the Parkway itself. Mr. Shanks identified the areas of landscaping in the interchange area and a screened wall about 800 feet long.

Mr. Shanks then addressed the rail spur locations. He said with the exception of two spurs, one on River Road by CoorsTek, and one at 23 Road by Railhead; all other spurs are in the downtown area. He said the spur in the alley that is proposed to be vacated extends further down to the Parkway and the other spur goes down 4<sup>th</sup> Avenue down to Grand Junction Steel. He said the team looked at a lot of different sites and sites that are near the railroad. Mr. Shanks said to add a rail spur it costs \$150,000 for the switch, plus \$3 million per mile for the track. Mr. Shanks said the railroad is very particular where they will allow spurs.

Council President Hill asked if the 1601 process addressed this. Mr. Shanks said one of the last things that made this alignment to be selected is the absence of having to cross rail spurs.

Councilmember Coons questioned if there are safety issues with the spur being so close to the Parkway and if there are spurs outside the City limits. Mr. Shanks said Staff looked at one location that could take a spur but it would be too costly. He said Staff also looked at sites west of Fruita and areas around Persigo but no spurs could be installed. Mr. Shanks said, regarding the safety issue, the Parkway project will take part of that spur out and said the Parkway is 15 feet higher at that location so there will not be any safety issues.

Mr. Shanks showed a picture of 4<sup>th</sup> Avenue as it exists today. He said Staff estimated the volume of traffic on 4<sup>th</sup> Avenue will be 150 vehicles per day after the Parkway is constructed; it will be a long cul-de-sac with very limited traffic.

Council President Hill questioned if the Parkway will only cross one rail spur. Mr. Shanks said the Parkway will cross a spur at Coorstek, which will have safety crossing controls.

Councilmember Doody questioned where the power poles would be located. Mr. Shanks said just east of 5<sup>th</sup> Street and north of 4<sup>th</sup> Avenue.

David Thornton, Principal Planner, then addressed the zoning analysis. He said there is an existing industrial use and the site is surrounded by industrial uses. He said the view from 5<sup>th</sup> Street toward the site is a 30 foot embankment. He showed pictures to show the site as it is today and said the subject site will not have high visibility from the Parkway. Mr. Thornton said, regarding the zoning request, the Code requires Staff to look at the Growth Plan Consistency. He said the I-1 Zone District does implement the commercial/ industrial land use classifications and said Staff also finds that the rezone will achieve a blend of nonresidential land use opportunities. He said commercial uses need good accessibility and good visibility from major traveled corridors and high traffic counts, neither of which will be at the subject site.

Council President Pro Tem Palmer questioned what uses are allowed in the C-2 zoning. Mr. Thornton referred Council to the Use /Zone Matrix in the staff report and explained the allowed uses and the uses that require a conditional use permit. He then reviewed the matrix in detail.

Councilmember Spehar questioned if a business like Coorstek with indoor operations and needing a rail spur could be located there. Mr. Thornton said yes.

Council President Pro Tem Palmer said there are a number of commercial uses that do not need the high traffic that could locate there under the current zoning. Mr. Thornton concurred.

Council President Pro Tem Palmer asked if the I-1 zone district would allow a dairy under a Conditional Use Permit (CUP). Mr. Thornton said yes. Mr. Thornton said the size of the property will restrict the placement of some of the uses on that site.

Council President Hill asked for the definition of an impound lot. Mr. Thornton said a place where vehicles are towed to and stored and said under a CUP the use could be denied.

Councilmember Spehar questioned if there are commercial uses that do not require high traffic. Mr. Thornton said generally industrial uses are more likely to need direct access to rail service to transport goods and materials.

Council President Pro Tem Palmer questioned if I-1 still requires a CUP for a junk yard. Mr. Thornton said that is correct.



Council President Pro Tem Palmer questioned if industrial land is more valuable than commercial land. Mr. Thornton said that he is not qualified to answer that question. He said generally commercial developers are looking for accessibility and visibility.

Mr. Thornton then addressed the rezone criteria.

A. Existing zoning was in error at the time of adoption.

He said the C-2 zoning was established in 2000 when the new City-wide zoning was established.

Councilmember Coons questioned what the purpose of zoning is. Mr. Thornton said zoning is a tool used to implement a plan for the community.

Mr. Thornton stated that the rail spur was not considered at the time of the rezone as C-2 and said that it should have been. He said there are more uses of I-1 in the area than C-2.

Council President Pro Tem Palmer questioned if there are any requirements to consider for rail spurs. City Attorney Shaver stated that in the Code there are none and said the court has said that all things like that can be considered, so it is proper.

Councilmember Coons questioned if by zoning it C-2 would the City have not negated the value of the rail spur. Mr. Thornton said there are more I-1 than C-2 and said it is Staff's finding that the rezone of C-2 was in error because the rail spur should have been considered.

Councilmember Beckstein questioned if all other rail spurs within the City limits are zoned I-1 and asked if this was the only one zoned C-2. Mr. Thornton said all but one are zoned I-1 and said that specific one may be able to be accessed by a C-2 or I-1 in that area.

Mr. Thornton then continued with the findings.

B. There has been a change of character in the neighborhood.

Mr. Thornton said the change in character is due to the Riverside Parkway and the affect it has on surrounding properties.

C. The proposed rezone is compatible with the neighborhood and will not create adverse impacts.

Mr. Thornton advised that the surrounding area is heavy commercial and industrial uses and any potential impacts will be mitigated through the CUP.

D. The proposal conforms with and furthers the goals and policies of the Growth Plan.

Mr. Thornton reviewed a few specific goals from the Growth Plan that fits this request. He said Goal 1 is to achieve a balance of opportunities for the area and Goal 5 is to ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities. Goal 11 relates to compatibility with surrounding uses.

E. Adequate public facilities and services are available.

Mr. Thornton said there are already public facilities and services in the area. Additionally, the rail spur accesses this property.

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

Mr. Thornton reviewed that the rail spur and proximity to the rail yard indicates that the property should be industrial. He said there are 9 existing rail spurs in the Grand Junction vicinity and said 7 of which are located between 2<sup>nd</sup> Street and 12<sup>th</sup> Street. He said all but this spur access property that is zoned industrial.

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

Mr. Thornton said the community and neighborhood will benefit from the change in zoning to industrial and industrial is appropriate due to the access and the rail spur.

Mr. Thornton concluded by saying there have been comments that this will set a precedent for the south Downtown. He said Staff wants to protect the riverfront but said the embankment will buffer the river from this site. He said the Parkway could be used as a buffer for this site instead of 4<sup>th</sup> Avenue. He said this will not hurt the future opportunities for the south Downtown. Mr. Thornton said that Staff is recommending approval from Council for the rezone of I-1.

Council President Hill called a recess at 10:15 p.m.

The meeting reconvened at 10:25 p.m.

Mr. Thornton asked if there were any additional questions. There were none.

Mr. Thornton then addressed the alley vacation. He said the alley is 17 feet wide and said the rail spur and a sewer line are located in the right-of-way. He said the request is to vacate the right-of-way and overlay a sewer easement to be retained by the City.

Councilmember Coons questioned what happens if vacated and then the parcels are sold separately. Mr. Thornton said the alley vacation is contingent on the sewer easement dedication.

City Attorney Shaver said another contingency is that the plat would have to be of record before the vacation is effective.

Mr. Thornton then reviewed the Planning Commission's findings and conclusions, then outlined the Staff's recommendation which included a recommendation of approval for both requests.

Joseph Coleman, attorney representing Dean Van Gundy, said he wanted to clarify some of the statements that have been made. He said the City staff report was 100% in favor of this rezoning request. He said Council has discretion but their decision has to be based on evidence. Mr. Coleman said the contract affords rights to Dean Van Gundy. He said if a court read the City's recommendation, it would believe that the City felt this would be appropriate. Mr. Coleman said the court could void the contract based on two parties that made a wrong assumption and if the court voids the contract then Mr. Van Gundy will own the property and the City will have to proceed with condemnation. Mr. Coleman stated that the staff report said there were no other locations available. Regarding the South Downtown Plan, Mr. Coleman said it does not make a difference as it was not adopted. Mr. Coleman said the next issue is the screening of the property. He said Mr. Shanks did a good job and said there will be a thirty foot rise with an eight foot wall screening the industrial zoning. Also, CDOT is open to additional screening from the 5<sup>th</sup> Street bridge. Mr. Coleman said 14 different sites were investigated and said that Mr. Van Gundy doesn't need experts, he has the entire City of Grand Junction on his side and stated they have 243 signed petitions.

Council President Hill questioned if there will be one person speaking on behalf of the petitioners. Mr. Coleman said that Mr. Van Gundy is the only one that he knows of.

Mr. Coleman said, regarding non conforming uses, the City is pushing Mr. Van Gundy off of his land that his family has had for 77 years. He said the City should not use zoning as an issue to take out someone's business. Mr. Coleman said that the Planning Department admitted that they made a mistake and did not consider the real value of the

rail spur to its fullest extent. In summary, Mr. Coleman confirmed that Mr. Van Gundy is the party with the most real interest in this transaction. He said with the contract issues and the environmental issues there is no court that will impose the \$5,000 per day fine if there is no place for him to move. He said the City will lose \$575,000 that Mr. Van Gundy will be paying for the option property and said that money is needed for the City and is planned for the Parkway. Mr. Coleman said the City should use this as an opportunity to have success. He said the City has experts on staff for a reason. He said Council should not rely on the South Downtown Plan because it was never adopted. He said the City should admit that there was a mistake and preserve the City's money. He said the City should avoid a challenge of CDOT's environmental challenge. Mr. Coleman said Council approved the contract and they should take responsibility for the contract. Mr. Coleman said his goal is to keep the City and Mr. Van Gundy out of litigation and he cannot do this alone, he needs the help of the City Council.

Council President Hill asked if there were any other questions. There were none so he opened it up for public comment.

Carl Santy, 840 Kennedy, stated that in the invocation it stated to treat others as you want to be treated. He said that he wondered to himself what if it was him. Mr. Santy wanted to make a recommendation that the people's representative should be paid by the federal government.

Lee Warren, Orchard Mesa, said that a railroad spur is extremely critical for this type of a business. He said a railroad locomotive holds a ton of freight and only uses one gallon of diesel fuel for every 209 miles. He said that he has been acquainted with Mr. Van Gundy while serving on the junk ordinance committee and said Mr. Van Gundy does a good job for the community regarding all of the recycling that is sent out through his business. He said humans make mistakes, not admitting them is foolish.

Larry Jaudon, 2112 Teton, said that he just moved off of the property that the Van Gundy's want to buy. Mr. Teton said that he owns a moving company and said the way that the roads are currently set up with the Riverside Parkway going in, there will only be an access to 7<sup>th</sup> Street and the access to 4<sup>th</sup> Avenue will close. He said this particular property would be good for an industrial company like the Van Gundy's and said that he supports the rezone.

Diana Dalton, 367 ½ Rosevale Road, said this business is a benefit to the City and also helps to keep our community clean. She said that she just inherited a distressed property that has a lot of junk and said that she needs a place to take the junk vehicles. She

asked Council to please pass the rezone and said that she is not the only resident in this community that needs a place to take unwanted items.

Janet Terry, 3120 Beechwood, said that she served on the City Council from 1995 to 2003. Ms. Terry said that she was present during the public hearings that addressed the Land Use Plan and also the change in the Zoning and Development Code. She said the rezoning was not an error at the time and the discussions did not revolve around the South Downtown Plan. She said there were thousands of discussion hours and lots of public input. Ms. Terry said this was not an easy discussion because this is a difficult area and the Council at that time knew in the long run in the Master Plan that this area was moving toward C-2. She said it was not intended to move anyone out and it was to be voluntary. Ms. Terry said the rail spur was not discussed but it would have been dismissed because that zoning was what the community demanded at the time.

M. J. Fulmer, 680 Bean Ranch Road, was here to represent the environment. He said the Van Gundy's provide an essential business to the community and said they must have the ability to ship out metal by the railroad. He said within the last 3 weeks he has seen a lot of appliances out for spring clean up to go out to the land fill. He said the community cannot go backward on the recycling effort. Mr. M. J. Fulmer said that he supports the rezone.

Richard Watts, Hayden, 169 North Pine, said this has been a great service for this community for many years and Mr. Van Gundy has created his own wealth and this business has increased the value of every property in Mesa County because that business has helped to clean up this community.

Jerry Garner, 674 Peony Drive, said that he hopes that the four Councilmembers will change their minds and let this rezone pass. He said that he doesn't know what the City will do without a recycling plant for this community. He said the Van Gundy's have served this town well and that area will never be a resort area. He said there is no reason not to rezone that area and the impression that the City Council has not acted in good faith, that impression will never go away.

David Murphy, 244 Sherman Drive, said that he owns a business located at 544 Noland Avenue, Any Auto Wrecking. He said that he disagrees with Janet Terry and at the time the businesses in the area did not even know the properties were going to be rezoned. He said it was done at a late night Council meeting. He said that he tows a lot of wrecked cars and abandoned vehicles on the side of the road. He said that he scraps out most of the cars and the remainder goes to Mr. Van Gundy. He said that he has stopped hauling abandoned vehicles 3 weeks ago because he did not have anywhere to take those cars

and the junk cars are already piling up. Mr. Murphy said Mr. Van Gundy is the end user to recycle the metal.

Leon Winters, 3065 Hwy 50, said that he owns the salvage yard located on Hwy. 50 and he has a car crusher. Mr. Winters said that he will not deal with washers or dryers and that he will not be taking cars in support of Mr. Van Gundy.

Karl Antunes, 3169 D ½ Road, read a statement and said that Council's decisions were not based on all of the facts. He did not understand why the City Council would downzone this one property with a rail spur to C-2 and have the rest of the rail spurs I-1. He is in support of the rezone.

John Younker, 2151 F Road, said that he works in the area and his company generates a lot of scrap metal. He said if Van Gundy is not there to take scrap it will cause a problem with the business. He said that he has a concern with the trust of the City Council and the rail spur is the reason Mr. Van Gundy's business is located there.

Ralph Carp, "K.C.", a Grand Valley resident, said that he has lived in the valley since the age of 5 and that he was from a family of farmers. Mr. Carp said they did not have much money to buy what was needed to fix their equipment so they would go to Van Gundy's and get what they needed at a fair price. He said that he supports the zoning change.

Chris Fox, 563 Shoshone Street, said he was here to represent the auto mechanics in the valley. He said as an auto mechanic he takes auto scrap regularly to Van Gundy's. He said the public will pay in the long run because the land fill will start to charge disposal fees.

Rena Barberson, Orchard Mesa, said not taking advice from the Planning Commission or Staff is wrong, the citizens are whom Council should listen to. She said she never noticed the Van Gundy's until it was in the papers. She said they provide a useful service to the community.

Kenny Fulmer, 680 Bean Ranch Road, said he is the father of Colleen Van Gundy. He said it was wrong of the City Council to shut the Van Gundy's down. He said the Van Gundy's do a great service for the community.

Gary Mathews, 1915 White Avenue, questioned who will pay for the litigation bill if this goes to court. He said the industry puts money in the working man's pocket and Mr. Van Gundy has provided a great service to the community over the years.

Judy Corsi, 380 Ridgely Drive #B, said this has been decided on politics and lack of focus for the local businesses. She said Mr. Van Gundy treats everyone kindly and she supports the rezone.

Joel Jacobs, said that he works at the Van Gundy's and he is homeless. He does not know where he will go if Mr. Van Gundy is forced to close the doors.

Chip Palmer, 279 West Circle Drive, said he supports Mr. Van Gundy. He said this business is good for the community and asked Council to keep Mr. Van Gundy in business, do the fair thing.

Tim Fry, 348 Serpents Trail Drive, said he owns a small manufacturing company and it is a challenge to have a manufacturing business in Grand Junction and without Mr. Van Gundy this would be one more challenge for his business. He said Mr. Van Gundy's business helps his business.

Council President Hill said that he got an email from Mr. Fry and said it is in the record. He said there has been 21 people speak in favor plus 241 petitions that are also in favor of Mr. Van Gundy's business and only 1 that is not in favor of changing the rezone request.

Lenny Miller, 3006 D Road, said that he owns a small company and it scares him that the Council is putting Mr. Van Gundy out of business. He said it is not fair or right.

There were no additional comments.

The hearing was closed at 12:10 a.m.

City Manager Kelly Arnold offered to answer questions.

Joseph Coleman, Van Gundy's attorney, said there are very few people that could fill an auditorium and keep them here until midnight. He said Mr. Van Gundy has earned respect within this community and then entered another petition into the record. He said Janet Terry offered her input and said that he wished that she was still here. He questioned what facts she presented noting she believes it was not in error for the zone of C-2, yet Ms. Terry admitted that they overlooked the value of a rail spur. He asked that Council listen to their professional staff and also to the community.

Council President Hill called a recess at 12:16 a.m.

The meeting reconvened at 12:30 a.m.

Council President Hill asked if there were any questions for Staff.

Council President Pro Tem Palmer asked if the complete packet was provided to the Van Gundy's. City Attorney Shaver said yes. Council President Pro Tem Palmer asked to put into the record, March 7, 2000 minutes, February 1, 2000 minutes, February 10, 2000 minutes, and February 22, 2000 minutes.

Councilmember Spehar said and also the January 25, 2000 minutes.

Councilmember Coons asked that the letters and emails be entered into the record. City Attorney Shaver said the City Clerk Stephanie Tuin has the letters and will include those into the record.

City Attorney Shaver said there will also be some items from Mr. Van Gundy that will also be in record.

Council President Hill asked that Council forward all emails to Ms. Tuin for the record and also any voicemails for the record.

Councilmember Spehar asked that the copy of the article that was read by Mr. Coleman be entered into the record.

Council President Hill asked Mr. Thornton to compare light industrial to heavy industrial and questioned that some of the uses are acceptable in I-1 without a CUP.

Mr. Thornton said there is generally not a large difference between I-1 and I-2, referring to the full Use/Zone Matrix.

Councilmember Beckstein asked if businesses were contacted in 2000 regarding the rezoning. Ms. Portner said notices were in the newspaper.

Councilmember Spehar noted that in looking at minutes for that period of time, there are several of the business names that appear in the minutes.

Council President Hill questioned what the green indicates on Future Land Use Map. Mr. Thornton said a park. Council President Hill asked if it is a buffer for the industrial zoning. Mr. Thornton said yes.

Councilmember Coons asked for more clarification. Mr. Thornton said the zone was not changed to implement the park land use designation.



Council President Hill asked if the zoning is approved will the Van Gundy's have to meet the criteria for the CUP. City Attorney Shaver said yes.

There were no other questions.

Council President Hill stated that the Planning Commission recommended approval of the rezoning. City Attorney Shaver affirmed that is part of the record.

Council President Hill said the request is for the rezone and the alley right-of-way vacation and said the discussion on the rezone change must be first.

Council President Pro Tem Palmer said this is a very difficult issue and said everyone recognizes the value of having recycling business in the community. He said the rezone is not about the business or people, it's about the land use to rezone from C-2 to I-1. He said it is hard to believe that the zoning was in error. He said Council has gone through the testimony and listened to the entire community's input.

Councilmember Spehar said that he appreciates everyone being here and said that Council has gone through all of the materials. He said the rail spur is valuable and acknowledged that recycling is valuable to the community. He said the visibility from the Parkway has not been an issue for him. He said that he does not believe the zoning of C-2 was in error and said the existence of the rail spur that was not considered generally serves industrial uses. He feels there are other sites that would accommodate the use and there are benefits for the existing zone. He said that he won't be able to vote to rezone.

Councilmember Coons thanked everyone and said she received a lot of comments via email and voicemails. She said there are a number of commercial uses that do not require high visibility and accessibility. She also questioned if the zoning was in error but she didn't think that was the case. She said the rail spur can be valuable in a C-2 zoning and that is not a suitable argument. She said zoning is used as a tool for future plans and there was a lot of discussion in the community about the vision for this area. She said that she doesn't disagree that there is a benefit to the salvage yard. She said there is no disadvantage of the property being zoned C-2.

Councilmember Thomason said that he came into the meeting open minded. He said this is not an easy decision to make and said that he has heard a very compelling case. He said the City did not threaten condemnation and he is not going to be influenced by bullying and threats. He said everyone will have to wait and see on his vote.

Councilmember Doody said that he agrees with the Planning Commission. He said that part of land is perfect for this kind of business and that area is industrial. He said Staff gave a good presentation of what the Parkway will look like. He said it alleviated any fear of the views being obstructed. He feels that this needs to be zoned I-1.

Councilmember Beckstein said that Staff has presented the seven criteria and the whole area is industrial. She said City Staff has proven that this area should not have been rezoned and she cannot see a benefit of this being C-2.

Council President Hill said that his fellow Councilmembers are stuck on the error, when a significant facility such as rail is not being considered. He said that area was zoned I-2 and said I-1 does not go outside the Future Land Use. He said the Van Gundy's know their business will have to look different under the CUP. He questioned why some of the rail spurs were zoned I-1. He said 100% of the Staff is behind this and the planners say this fits the Master Plan. He said this is a perfect place for this type of zoning and is allowable by the Growth Plan. He said this is the highest and best use of the rail spurs and the community will benefit from this. He said that he is extremely comfortable with Staff's recommendation.

Council President Hill asked for the motion in the affirmative.

Ordinance No. 3892 – 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. 3893 – 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 adopt Ordinance Nos. 3892 and 3893 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Council Pro Tem Palmer and Councilmembers Spehar and Coons voting NO.

Council President Hill called a recess at 1:40 a.m.

The meeting reconvened at 1:43 a.m.

**Election of Mayor and Mayor Pro Tem/Administer Oaths of Office and Council Assignments for 2006-2007**

**a. Election of Mayor and Mayor Pro Tem/Administer Oaths of Office**

Councilmember Doody was elected as President of the Council/Ex Officio Mayor. Councilmember Beckstein was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem.

City Clerk Stephanie Tuin administered the oaths of office.

**b. Council Assignments for 2006-2007**

City Council discussed Council assignments and were in agreement that Councilmembers would keep the same assignments. It was suggested that someone start learning water issues since Councilmember Spehar, the current water expert, will be in his final year on Council. Councilmember Beckstein said she could take on another assignment. Councilmember Thomason volunteered to represent City Council at the Youth Council meetings.

Councilmember Hill said that he believes that the Grand Junction Economic Partnership (GJEP) and the Economic Development (ED) require that the City representative to be the Mayor. Staff will research that requirement.

Resolution No. 40-06 – A Resolution Appointing and Assigning the City Councilmembers to Represent the City on Various Boards and Organizations

Councilmember Hill moved to adopt Resolution No. 40-06, knowing that some adjustments might have to be made and assigning Councilmember Thomason to the Youth Council. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

The meeting adjourned at 2:00 a.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**MAY 6, 2006**

The City Council of the City of Grand Junction, Colorado met in Special Session on Saturday, May 6, 2006 at 11:30 a.m. in the Hot Springs Lodge and Pool, Glenwood Springs, Colorado. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were City Manager Kelly Arnold and City Attorney John Shaver.

Council President Doody called the meeting to order.

Councilmember Palmer moved to go into executive session to discuss personnel under the Colorado Open Meetings Law, 24-6-402 (4)(f) and will not be returning to open session. Councilmember Hill seconded the motion. The motion carried with Councilmembers Spehar and Coons voting NO.

The City Council convened into executive session at 11:30 a.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Smoking Ordinance Amendments				
<b>Meeting Date</b>		May 17, 2006				
<b>Date Prepared</b>		December 19, 2011			<b>File #</b>	
<b>Author</b>		Jamie B. Kreiling		<b>Assistant City Attorney</b>		
<b>Presenter Name</b>		John Shaver		<b>City Attorney</b>		
<b>Report results back to Council</b>		<input 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 type="checkbox"/>	<b>No</b>	<b>Name</b>
<input type="checkbox"/>	<b>Workshop</b>	<input type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** The City adopted Ordinance No. 3540 regulating smoking in public places on July 2, 2003. Amendments were made to that ordinance on October 19, 2005 with Ordinance No. 3829. On March 27, 2006, Governor Owens signed House Bill 06-1175 concerning the enactment of the "Colorado Clean Indoor Act," prohibiting smoking in indoor enclosed areas. The State law is effective as of July 1, 2006. Parts of the State law are more restrictive than the City's ordinance. Parts of the City's ordinance are more restrictive than the State law. It is proposed that Ordinance No. 3829 be amended to be in conformance with the stricter terms of the Colorado Clean Indoor Act.

**Budget:** Nominal costs for printed material.

**Action Requested/Recommendation:** Set a Hearing for consideration of an Ordinance amending Ordinance No. 3829.

**Attachments:** A copy of the tracked proposed changes and the proposed ordinance.

**Background Information:** After great deliberation and much public input City Council adopted Ordinance No. 3540 on July 2, 2003 which became effective on January 1, 2004. The ordinance was amended on October 19, 2005, for clarification purposes.

House Bill 06-1175 was approved by the State House of Representatives and Senators. Governor Bill Owens signed the bill into law on March 27, 2006. The law, known as the "Colorado Clean Indoor Act," will become effective on July 1, 2006.

The State law is more restrictive than the City's ordinance presently in effect. To avoid confusion in the enforcement and understanding of both laws, it is proposed that the City's ordinance be amended to be more in conformity with the State law as presented in the attached documents.

## ARTICLE VI. AIR POLLUTION

### Sec. 16-127. Smoking in workplaces and public places.

(1) **Definitions.** The following words and phrases, whenever used in this Section 16-127 shall have the following meanings:

*Bar* means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

*Bingo Hall* means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law and in which food service for consumption on the premises is incidental to the games of bingo.

*Bowling Alley* means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to bowling and related activities.

*Business* means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or non-profit purposes, including retail establishments where goods or services are sold, as well as professional corporations and limited liability companies. *Business* includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other services are delivered.

*Employee* means any person whether such person is referred to as an employee, contractor, independent contractor, volunteer or by any other designation or title who:

- a. Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or
- b. Provides uncompensated work or services to a business or nonprofit entity.

*Employer* means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons.

*Enclosed Area* means all space between a floor and ceiling within a structure or building which is closed in on all sides by solid walls, doors or windows which extend from the floor to the ceiling.

*Indoor Area* means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area to an outdoor area.

*Person* means a natural person or any entity or business recognized by law or formed to do business of any sort.

*Place of employment* means any indoor place and any public place or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

*Private Club* means any establishment which restricts admission to members of the club and their guests. See *Public Place*.

*Private Function* means any activity which is restricted to invited guests in a nonpublic setting and to which the general public is not invited.

*Public Meeting* means any meeting open to the public pursuant to Part 4 of Article 6 of Title 24, C.R.S., on any other applicable law.

*Public Place* means any area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, Laundromats, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility.

*Restaurant* means a business in which the principal business is the sale of food or meals prepared on site, typically for consumption on site. Examples of restaurants, without limitation, are coffee shops, cafeterias, sandwich stands, private or public school or other cafeterias, and other eating establishments



which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

*Retail Tobacco Store* means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

*Service Line* means any indoor or outdoor line at which one or more ( $\geq 1$ ) persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

*Smoke-free* means that air in an enclosed area is free from smoke caused by smoking.

*Smoke* or *Smoking* means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.

*Sports Arena* means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

*Structure* is defined in the International Building Code, including the International Residential Code, (“IBC”) as adopted by the City from time-to-time. The term *structure* includes the term *building*, also defined by the IBC.

*Tobacco* is defined in § 25-14-203(17), C.R.S.

*Work Area* means an enclosed area in which one or more ( $\geq 1$ ) employees are routinely assigned and perform services for or on behalf of the employer.

## **(2) Application to City property.**

All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this Section 16-127 as though such areas and vehicles were public places.

## **(3) Prohibition of Smoking in Public Places and Indoor Areas.**

a. Except as provided herein smoking shall be prohibited in all public places and indoor areas within the City, including, but not limited to, the following:

1. Elevators.
2. Restrooms, lobbies, reception areas, hallways and any other common-use areas.

3. Buses, taxicabs, other means of public transit while operating within the City limits, and ticket, boarding and waiting areas of public transit systems including stops, bus benches, shelters and depots.
4. Service lines.
5. Retail stores.
6. All areas available to and customarily used by the public in all businesses and non-profit entities patronized by the public, including, but not limited to, professional and other offices, banks, and Laundromats.
7. Restaurants and bars, except that smoking is allowed in outdoor seating areas of restaurants and bars that are not enclosed and are not under a roof (or a projection of a roof) as defined by the IBC as a *roof assembly*, such as patios, and any person smoking is at least fifteen feet (15') from the front or main doorway.
8. Aquariums, galleries, libraries, museums and similar facilities.
9. Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.

Sports arenas whether enclosed or outdoors

Public meeting places .

12. Health care facilities including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.
13. Restrooms, lobbies, hallways, and other common areas in public and private buildings including but not limited to apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

Billiard or pool halls. 15. Polling places.

16. Facilities in which games of chance are conducted.
17. To the extent not otherwise provided in Section 25-14-103.5, C.R.S., public and nonpublic schools.
18. Other educational and vocational institutions.
19. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least

seventy-five percent (75%) of the sleeping quarters within a hotel or motel that are rented to guests.

20. Any place of employment that is not exempted in Section 16-127(6).

b. Notwithstanding any other provision of this Section 16-127, any person or business who controls any business or facility may declare that entire establishment, facility or grounds as smoke-free.

**(4) Smoke-free Workplace.**

In the case of employers who own facilities otherwise exempted by Section 16-127(6), each such employer shall provide a smoke-free area for each employee requesting a smoke-free area. Every employee shall have the right to work in a smoke-free area.

**(5) Smoke-free Exits and Entrances.**

Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic may be affected or so close that the operation of the doors, exits or entrances is affected or diminished. No smoking shall occur within fifteen feet (15') of the front or main doorway leading into a building or facility.

**(6) Where indoor smoking is not prohibited.**

a. Notwithstanding any other provision of this Section 16-127 to the contrary, the following areas shall be exempt from the prohibition contained in Section 16-127(3):

- (i) Private homes and residences, except when used as a child care, adult day care or health care facility.
- (ii) Retail tobacco stores.
- (iii) Private vehicle, except if the private vehicle is being used for the public transportation of children or as part of health care or day care transportation.
- (iv) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent (25%).
- (v) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees ( $\leq 3$ ).

A private, nonresidential building on a farm or ranch, as defined in Section 39-1-102, C.R.S., that has annual gross income of less than Five Hundred Thousand Dollars.

- (vii)

b. Notwithstanding any other provision of this Section 16-127, any owner, operator, manager or other person who controls any establishment described in this Section 16-127(6) may declare that entire establishment, facility, or grounds as smoke-free.

**(7) Signs.**

a. Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:

- (i) “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this Section 16-127.
- (ii) In public places where smoking is allowed pursuant to this Section 16-127, a sign with the words “Smoking is Allowed Inside” at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.

b. All signs referred to in this Section 16-127(7) shall be a minimum size of twenty (20) square inches and must be placed at a height of between four to six feet (4’ – 6’) above the floor.

**(8) Optional Prohibitions.**

The owner or manager of any place not specifically listed in Section 16-127(3), including a place otherwise exempted in Section 16-127(6), may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited pursuant to the Section 16-127.(ii) The certification required below has been made.

**(9) No Retaliation.**

No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this Section 16-127.

**(10) Violations and Penalties.**

a. It shall be unlawful for any person or business that owns, manages, operates or otherwise controls the use of any premises, enclosed area, public place, or place of employment subject to regulation under this Section 16-127 to fail to comply with any of its provisions.

b. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Section 16-127.

c. Each violation of any provision of Section 16-127 shall be deemed to be a separate violation. Each day shall be treated as a separate violation for continuing violations of Section 16-127(4), (7), and (9)

(11) **Other Applicable Laws.**

This Section 16-127 shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(12) **Severability.**

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE VI, SECTION 16-127,  
OF THE  
CODE OF ORDINANCES (SMOKING)**

Recitals:

After a full public hearing and much deliberation, Ordinance No. 3540 regulating smoking in public places was adopted on July 2, 2003 and went into effect on January 1, 2004. City Council approved amendments to the ordinance as codified in the Code of Ordinances ("Code") in Chapter 16, Article VI: Air Pollution, Section 16-127 on October 19, 2005 with Ordinance No. 3829. On March 27, 2006, Governor Bill Owens signed into law the new "Colorado Clean Indoor Air Act" ("Act"). City Council has reviewed and considered the terms of the Act that are more restrictive than the City's requirements. City Council has determined that it is necessary and conducive to the protection of the public health, safety, welfare and economic well-being to provide for the maintenance of smoke-free areas. To be more in conformity with State law, City Council deems it appropriate to amend the City's Code regarding smoking.

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

Chapter 16, Article VI, Section 16-127. Smoking in workplaces and public places of the Code is hereby amended as set forth in the attached Exhibit A which is incorporated herein as if fully rewritten.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

Passed and Adopted on second reading this \_\_\_\_\_ day of 2005.

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

Attest:

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

## EXHIBIT A

### ARTICLE VI. AIR POLLUTION

#### Sec. 16-127. Smoking in workplaces and public places.

(1) **Definitions.** The following words and phrases, whenever used in this Section 16-127 shall have the following meanings:

*Bar* means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

*Bingo Hall* means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law and in which food service for consumption on the premises is incidental to the games of bingo.

*Bowling Alley* means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to bowling and related activities.

*Business* means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or non-profit purposes, including retail establishments where goods or services are sold, as well as professional corporations and limited liability companies. *Business* includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other services are delivered.

*Employee* means any person whether such person is referred to as an employee, contractor, independent contractor, volunteer or by any other designation or title who:

- a. Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or
- b. Provides uncompensated work or services to a business or nonprofit entity.

*Employer* means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons.

*Enclosed Area* means all space between a floor and ceiling within a structure or building which is closed in on all sides by solid walls, doors or windows which extend from the floor to the ceiling.

*Indoor Area* means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area to an outdoor area.

*Person* means a natural person or any entity or business recognized by law or formed to do business of any sort.

*Place of Employment* means any indoor place and any public place or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

*Private Club* means any establishment which restricts admission to members of the club and their guests. See *Public Place*.

*Private Function* means any activity which is restricted to invited guests in a nonpublic setting and to which the general public is not invited.

*Public Meeting* means any meeting open to the public pursuant to Part 4 of Article 6 of Title 24, C.R.S., on any other applicable law.

*Public Place* means any area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, Laundromats, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility.

*Restaurant* means a business in which the principal business is the sale of food or meals prepared on site, typically for consumption on site. Examples of restaurants, without limitation, are coffee shops, cafeterias, sandwich stands, private or public school or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

*Retail Tobacco Store* means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

*Service Line* means any indoor or outdoor line at which one or more ( $\geq 1$ ) persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

*Smoke-free* means that air in an enclosed area is free from smoke caused by smoking.

*Smoke* or *Smoking* means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.

*Sports Arena* means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools,



roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

*Structure* is defined in the International Building Code, including the International Residential Code, (“IBC”) as adopted by the City from time-to-time. The term *structure* includes the term *building*, also defined by the IBC.

*Tobacco* is defined in § 25-14-203(17), C.R.S.

*Work Area* means an enclosed area in which one or more ( $\geq 1$ ) employees are routinely assigned and perform services for or on behalf of the employer.

**(2) Application to City property.**

All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this Section 16-127 as though such areas and vehicles were public places.

**(3) Prohibition of Smoking in Public Places and Indoor Areas.**

a. Except as provided herein smoking shall be prohibited in all public places and indoor areas within the City, including, but not limited to, the following:

1. Elevators.
2. Restrooms, lobbies, reception areas, hallways and any other common-use areas.
3. Buses, taxicabs, other means of public transit while operating within the City limits, and ticket, boarding and waiting areas of public transit systems including stops, bus benches, shelters and depots.
4. Service lines.
5. Retail stores.
6. All areas available to and customarily used by the public in all businesses and non-profit entities patronized by the public, including, but not limited to, professional and other offices, banks, and Laundromats.
7. Restaurants and bars, except that smoking is allowed in outdoor seating areas of restaurants and bars that are not enclosed and are not under a roof (or a projection of a roof) as defined by the IBC as a *roof assembly*, such as patios, and any person smoking is at least fifteen feet (15') from the front or main doorway.

8. Aquariums, galleries, libraries, museums and similar facilities.
9. Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.
10. Sports arenas whether enclosed or outdoors
11. Public meeting places .
12. Health care facilities including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.
13. Restrooms, lobbies, hallways, and other common areas in public and private buildings including but not limited to apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
14. Billiard or pool halls.
15. Polling places.
16. Facilities in which games of chance are conducted.
17. To the extent not otherwise provided in Section 25-14-103.5, C.R.S., public and nonpublic schools.
18. Other educational and vocational institutions.
19. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent (75%) of the sleeping quarters within a hotel or motel that are rented to guests.
20. Any place of employment that is not exempted in Section 16-127(6).

b. Notwithstanding any other provision of this Section 16-127, any person or business who controls any business or facility may declare that entire establishment, facility or grounds as smoke-free.

**(4) Smoke-free Workplace.**

In the case of employers who own facilities otherwise exempted by Section 16-127(6), each such employer shall provide a smoke-free area for each employee requesting a smoke-free area. Every employee shall have the right to work in a smoke-free area.

**(5) Smoke-free Exits and Entrances.**

Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic may be affected or so close that the operation of the doors, exits or entrances is affected or diminished. No smoking shall occur within fifteen feet (15') of the front or main doorway leading into a building or facility.

**(6) Where indoor smoking is not prohibited.**

a. Notwithstanding any other provision of this Section 16-127 to the contrary, the following areas shall be exempt from the prohibition contained in Section 16-127(3):

- (i) Private homes and residences, except when used as a child care, adult day care or health care facility.
- (ii) Retail tobacco stores.
- (iii) Private vehicle, except if the private vehicle is being used for the public transportation of children or as part of health care or day care transportation.
- (iv) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent (25%).
- (v) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees ( $\leq 3$ ).
- (vi) A private, nonresidential building on a farm or ranch, as defined in Section 39-1-102, C.R.S., that has annual gross income of less than Five Hundred Thousand Dollars.

b. Notwithstanding any other provision of this Section 16-127, any owner, operator, manager or other person who controls any establishment described in this Section 16-127(6) may declare that entire establishment, facility, or grounds as smoke-free.

**(7) Signs.**

c. Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:

- (i) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this Section 16-127.

- (ii) In public places where smoking is allowed pursuant to this Section 16-127, a sign with the words “Smoking is Allowed Inside” at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.
- b. All signs referred to in this Section 16-127(7) shall be a minimum size of twenty (20) square inches and must be placed at a height of between four to six feet (4’ – 6’) above the floor.

**(8) Optional Prohibitions.**

The owner or manager of any place not specifically listed in Section 16-127(3), including a place otherwise exempted in Section 16-127(6), may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited pursuant to the Section 16-127.

**(9) No Retaliation.**

No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this Section 16-127.

**(10) Violations and Penalties.**

a. It shall be unlawful for any person or business that owns, manages, operates or otherwise controls the use of any premises, enclosed area, public place, or place of employment subject to regulation under this Section 16-127 to fail to comply with any of its provisions.

b. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Section 16-127.

c. Each violation of any provision of Section 16-127 shall be deemed to be a separate violation. Each day shall be treated as a separate violation for continuing violations of Section 16-127(4), (7), and (9)

**(11) Other Applicable Laws.**

This Section 16-127 shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

**(12) Severability.**

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Attach 3**

Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the August 16, 2006 City Council Meeting					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 8, 2006				<b>File #ANX-2005-076</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	<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:** Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the May 17, 2006 City Council Meeting. The request to Continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be Continued until the August 16, 2006 City Council Meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Request to Continue Annexation Public Hearing regarding Approval of the Resolution accepting a Petition for Annexation and also final passage of the Annexation Ordinance until the August 16, 2006 City Council Meeting.

**Attach 4**

Setting a Hearing to Rezone Four Unplatted Parcels, Located at 2809, 2811, 2813 & 2815 Elm Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Rezone four (4) unplatted parcels from RMF-8, Residential Multi-Family – 8 units/acre to RMF-12, Residential Multi-Family – 12 units/acre – 2809, 2811, 2813 & 2815 Elm Avenue					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 8, 2006				<b>File # RZ-2006-080</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 petitioner, Intrepid Services LLC, is requesting approval to rezone four (4) properties located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12. The four (4) properties total 3.16 acres. The Planning Commission recommended approval at its April 25, 2006 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** First reading of the Ordinance and set hearing for June 7, 2006.

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

**Attachments:**

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

4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>	2809, 2811, 2813 & 2815 Elm Avenue		
<b>Applicant:</b>	Warren Living Trust, Owner Intrepid Services LLC, Applicant		
<b>Existing Land Use:</b>	Four (4) single-family homes and various accessory structures		
<b>Proposed Land Use:</b>	Townhouse/Condominium residential development		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Residential	
	<b>South</b>	Single-Family Residential	
	<b>East</b>	Townhouse residential development (Eastgate Village Townhomes)	
	<b>West</b>	Vacant land (Neighborhood Business)	
<b>Existing Zoning:</b>	RMF-8, Residential Multi-Family – 8 units/acre		
<b>Proposed Zoning:</b>	RMF-12, Residential Multi-Family – 12 units/acre		
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-8, Residential Multi-Family – 8 units/acre	
	<b>South</b>	C-1, Light Commercial	
	<b>East</b>	PD, Planned Development	
	<b>West</b>	B-1, Neighborhood Business	
<b>Growth Plan Designation:</b>	Residential Medium High (8 – 12 DU/Ac.)		
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

The applicant, Intrepid Services, LLC, is requesting to rezone four (4) unplatted properties located at 2809, 2811, 2813 & 2815 Elm Avenue to RMF-12 (Residential



Multi-Family – 12 units/acre) to market and develop the property for a future residential townhouse/condominium development.

The existing properties each contain a single-family home along with various accessory buildings. These homes would be removed prior to development of the new subdivision.

The purpose of the RMF-12 Zoning District is to provide for high density residential development allowing several types of residential units. The RMF-12 District may serve as a transitional district between single family and trade districts.

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

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

The proposed zoning of RMF-12 is consistent with the Growth Plan Future Land Use Map. The Future Land Use designation of Residential Medium High would allow for RMF-8 or RMF 12 zoning.

**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 existing properties are located in an area of existing residential & neighborhood commercial development with all public utilities in the area. The area to the west is zoned as neighborhood business and contains an office complex and a credit union along with additional vacant property. The properties to the east are single-family townhouse development with a density of 7.74 +/- dwelling units per acre (Eastgate Village Townhomes). The changes in the neighborhood have been consistent with the Growth Plan.

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

The proposed zoning of RMF-12 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion E which requires that public facilities and services are available when the impacts of any

proposed development are realized. The Planning Commission has determined that public infrastructure can address the impacts of any development consistent with the RMF-12 Zoning District, therefore this criterion is met.

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

The proposed RMF-12 Zoning District implements the Residential Medium High land use classification of the Growth Plan. The RMF-12 District may be considered compatible with the surrounding properties as part of the transitional corridor between neighborhood business and residential land uses. Policy 10.1 from the Growth Plan is to encourage private investment that contribute to stable residential areas and encourage redevelopment of transitional areas in accordance with the Future Land Use Map.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RMF-12 Zoning District. A Preliminary Plat and/or Site Plan will be required at the time of development of an RMF-12 land use on the properties for review and approval by City staff and the Planning Commission.

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

The RMF-12 zone district implements the Future Land Use Designation of Residential Medium High.

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

The adjacent Eastgate Village Townhomes are zoned PD, Planned Development and has a density average of 7.74 dwelling units/acre. The proposal for this subdivision would have a maximum density of 12 units per acre and a minimum density of 8 units to the acre. Development of the property will result in appropriate infill consistent with the Growth Plan.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the rezone application, RZ-2006-080, the Planning Commission at their April 25, 2006 meeting made the following findings of fact and conclusions:

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

**Action Requested/Recommendation:** Recommend First Reading of the Ordinance for the rezone of four (4) unplatted parcels of land from RMF-8, Residential Multi-Family – 8 units/acre, to RMF-12, Residential Multi-Family – 12 units/acre – 2809, 2811, 2813 & 2815 Elm Avenue, finding the request consistent with the Growth Plan and Section 2.6 A. of the Zoning & Development Code.

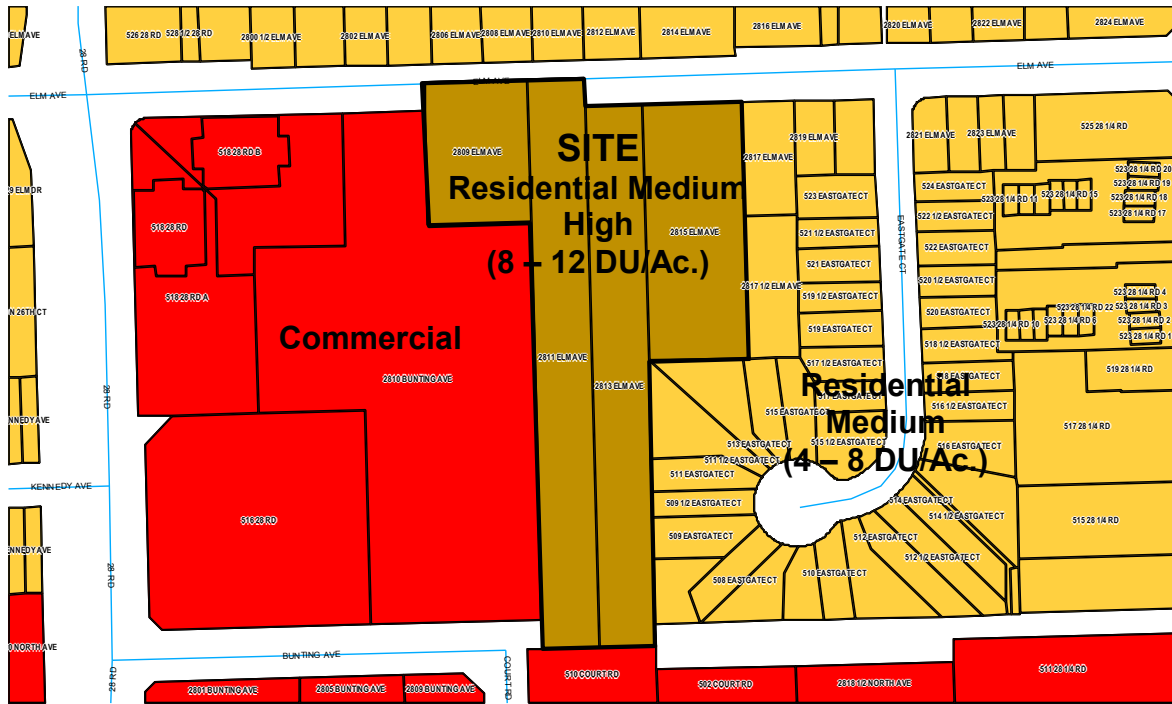
Attachments:

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



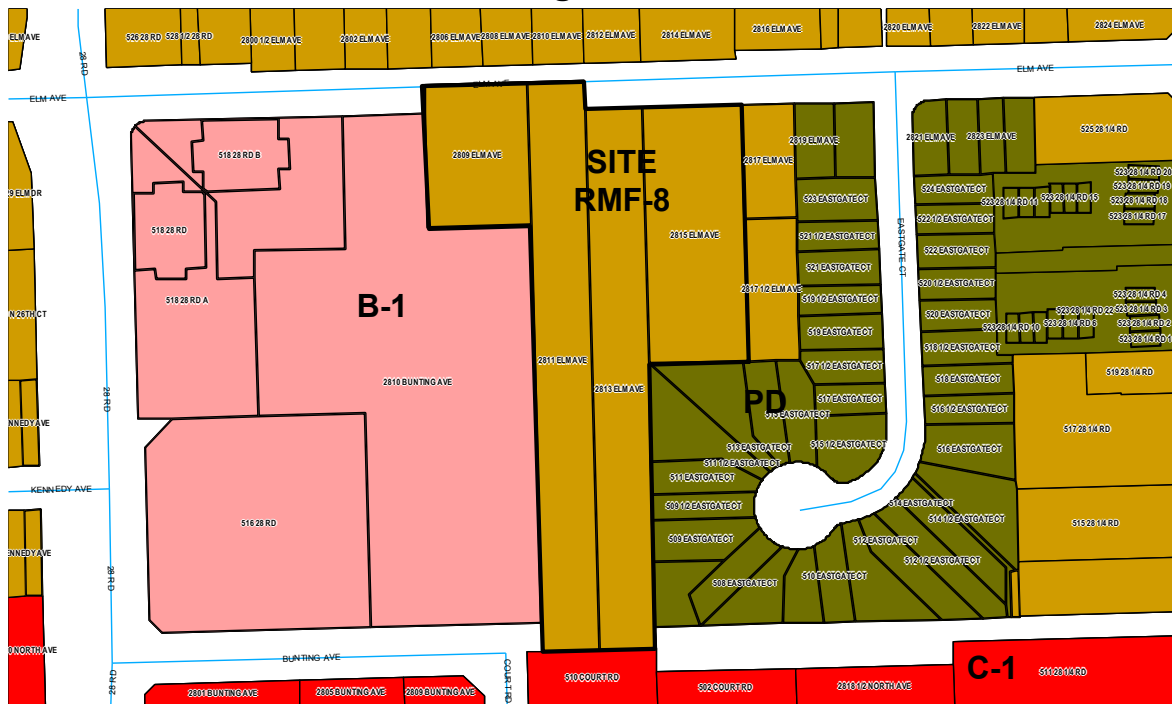
# Future Land Use Map – Capstone Village

Figure 3



# Existing City Zoning – Capstone Village

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE  
CAPSTONE VILLAGE REZONE**

**LOCATED AT 2809, 2811, 2813 & 2815 ELM AVENUE FROM RMF-8 TO RMF-12**

Recitals.

The Grand Junction Planning Commission, at its April 25<sup>th</sup>, 2006 public hearing, recommended approval of the rezone request from the RMF-8, Residential Multi-Family – 8 units per acre, to RMF-12, Residential Multi-Family – 12 units per acre Zoning District.

A rezone from RMF-8, Residential Multi-Family – 8 units per acre, to RMF-12, Residential Multi-Family – 12 units per acre Zoning District, has been requested for the properties located at 2809, 2811, 2813 & 2815 Elm Avenue. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (Residential Medium High 8 - 12 DU/Ac.). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning & Development Code have all been satisfied.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL (S) DESCRIBED BELOW IS HEREBY ZONED TO THE RMF-12, RESIDENTIAL MULTI-FAMILY – 12 UNITS PER ACRE ZONING DISTRICT:**

Includes the following tax parcel: 2943-073-00-075 (2809 Elm Avenue)

Commencing at the Northwest Corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, Township 1 South, Range 1 East of the Ute Meridian; thence East 408 feet to a point of beginning; thence South 165 feet; thence East 120 feet; thence North 165 feet; thence West 120 feet to the Point of Beginning; EXCEPT right of way for irrigation ditch. County of Mesa, State of Colorado.

Includes the following tax parcel: 2943-073-00-076 (2811 Elm Avenue)

Beginning at a point 66 feet West of the Northeast Corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, Township 1 South, Range 1 East of the Ute Meridian;

thence West 66 feet; thence South 660 feet, more or less to the South boundary line of said NW ¼ of the SW ¼ of the SW ¼; thence East 66 feet; thence North 660 feet, more or less, to the point of beginning; EXCEPT a right of way for a road and irrigation ditch along the North side of subject property. County of Mesa, State of Colorado.

Includes the following tax parcel: 2943-073-00-230 (2813 Elm Avenue)

The East 66 feet of the NW ¼ of the SW ¼ of the SW ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian; EXCEPT the North 30 feet for street and utility right of way as conveyed to the City of Grand Junction by instrument recorded August 11, 1961 at Reception Number 797717 in Book 808 at Page 312. County of Mesa, State of Colorado.

Includes the following tax parcel: 2943-073-00-079 (2815 Elm Avenue)

The West 116 feet of the N ½ of the NE ¼ of the SW ¼ of the SW ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian. County of Mesa, State of Colorado.

CONTAINING a total of 3.16 Acres (137,650 Sq. Ft.), more or less, as described.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 5**

Setting a Hearing Amending The Ridges Planned Development Zoning and Preliminary Development Plan

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Redlands Vista In The Ridges - Ridges Blvd, School Ridge Road & Ridge Circle Drive					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 10, 2006				File # PP-2005-294	
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>	X	Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Consideration of an Amendment to the Planned Development zoning ordinance for The Ridges PD and Preliminary Development Plan for a parcel within The Ridges containing private streets to be known as Redlands Vista.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a Public Hearing for June 7, 2006.

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

**Attachments:**

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



BACKGROUND INFORMATION					
Location:		Ridges Blvd.; School Ridge Rd.; Ridge Circle Drive			
Applicants:		Western Slope Partnership c/o Gary Williams Real Estate – owners; Harvest Holdings Group – developer; PCS Group, Paul Shoukas – representative.			
Existing Land Use:		Vacant land			
Proposed Land Use:		32 residential units – Patio homes			
Surrounding Land Use:	North	Single-family residential			
	South	Ridges Blvd.			
	East	Open space			
	West	Single-family and multi-family residential			
Existing Zoning:		PD			
Proposed Zoning:		PD			
Surrounding Zoning:	North	PD			
	South	PD			
	East	PD			
	West	PD			
Growth Plan Designation:		RML Residential Medium Low (2-4 du/ac)			
Zoning within density range?		X	Yes		No

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ANALYSIS:

1. Background: The 8.3 acre “Redlands Vista in the Ridges” parcel is part of the Ridges Planned Development. The parcel is designated for multi-family use within the overall PD. The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970s. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous developed parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of uses including a variety of housing types - from apartments to detached single family units - offices and neighborhood commercial uses. In 1992 the developed and undeveloped areas of the Ridges were annexed into the City of Grand Junction. Upon annexation an amended plan and zoning ordinance for the Ridges was adopted, zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. The parcels were designated "A", "B" or "C" lots or, if originally planned as a multifamily site, a specific density was assigned. The Redlands Vista parcel is one of the latter, with an assigned maximum density of 7.5 units per acre.

The applicants propose to develop 32 single family patio homes on two parcels within the Ridges Planned Development that was previously approved for a maximum density of 7.5 dwelling units per acre. The plan consists of 18 ranch style and 14 two-story homes, for a total of 32 dwelling units on 8.3 acres, resulting in a density of 3.8 units per acre. The application also includes a request for approval of private streets within the development.

2. Consistency with the Growth Plan: The Growth Plan Future Land Use Map shows the Ridges as Residential Medium Low, 2 to 4 dwelling units per acre. The Ridges overall density is 4 units per acre, and includes the higher density multifamily parcels. This density is consistent with the Growth Plan. Density is calculated as a gross density for the entire development, not site specific development.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following. Those applicable to this project are further discussed below.

1. The Outline Development Plan (ODP) review criteria in Section 2.12.B;
2. The applicable Preliminary Plat criteria in Section 2.8.B;
3. The applicable Site Plan Review Criteria in Section 2.2.D.4. (not applicable to this request);
4. The ODP, if applicable;
5. The approved PD rezoning ordinance, if adopted with an ODP;
6. An appropriate specific density for all area included in the Preliminary Plan approval; and
7. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

Criterion 1. The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code (note: this is not a request to approve an ODP. However, the PDP must meet the ODP criteria):

A. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies.

Redlands Vista in the Ridges implements the goals, policies and objectives of each of the various community adopted plans by designing a neighborhood in an area identified as multifamily development with a density to not exceed 7.5 dwelling units per acre. In addition the project meets the following specific principles, goals and policies of the Growth Plan and the Redlands Neighborhood Plan:

“Maintain a compact development pattern to concentrate urban growth, use existing infrastructure most efficiently and cost-effectively and support/enhance existing neighborhoods - this project is the development of an infill site that is surrounded by existing development, which utilizes existing infrastructure”.

“Develop and maintain an interconnected system of neighborhood and community parks, trails and other recreation facilities. Specific design details of this project will provide pedestrian access and connectivity that has historically informally existed on this site”.

The Grand Valley Circulation Plan does not address local streets. Private streets are being proposed for this subdivision, which requires approval by City Council per Section 6.7.E.5 of the Zoning and Development Code. The proposed roadway, designed with a 24-foot pavement width and pods of off street parking (in addition to 4 parking spaces provided on-site for each unit) meets or exceeds the design standards of the Transportation Engineering Design Standards (TEDS) manual. TEDS requires a minimum 20-foot pavement section and one off-street space per two units (16 required

for this project, 18 provided). Access to the development will be from Ridges Circle Drive and School Ridge Road.

Criterion 2. The applicable Preliminary Plat criteria of Section 2.8.B of the Zoning and Development Code.

- a. The Preliminary Plat is in conformance with the Growth Plan as previously discussed.
- b. The subdivision standards in Chapter 6 have been met.
- c. The Zoning standards proposed are discussed in detail under item 1, of the Bulk Stands of this staff report. There is only one request for deviation.
- d. Other standards and requirements of the Code and other City policies and regulations have been addressed.
- e. Adequate public facilities are currently available or will be made available concurrent with and can address the impacts of development consistent with the PD zone district.
- f. The project is designed to minimize disturbance to the natural environment.
- g. The project is a compatible use. The proposed amended zoning is compatible with the surrounding existing residential uses of varying densities. It serves as a buffer between the existing single family development and the major collector corridor of West Ridges Boulevard. The proposed plan lowers the allowable density thereby making the development more compatible with the neighborhood.
- h. Not applicable - there are no adjacent agricultural properties.
- i. This project is part of a Planned Development that has been developing over the past 30 years - development of this parcel within the overall plan is neither piecemeal nor premature development. There has been other similar development within the Ridges over the years including the Redlands Mesa community has started to develop to the south of the older part of the Ridges and there have been other infill sites developed in the Ridges over the past few years.
- j. There is adequate land to dedicate for provision of public facilities within the development.
- k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

Criteria 4, 5 and 6. The approved ODP, PD rezoning ordinance and the appropriate specific density. The project is consistent with the overall plan (ODP) approved at the time the Ridges was annexed to the City of Grand Junction. This parcel was shown as a multifamily parcel with a maximum density assigned to it of up to 7.5 units per acre. The proposed amended PD zoning ordinance is to establish the underlying zoning and a more specific use according to the proposed Preliminary Development Plan. The

proposed density of 3.8 units per acre is less than the density assigned this parcel with the approved PD zoning.

Criterion 7. The area of the plan is at least five acres in size or as specified in an applicable approved plan. The overall size of this parcel is 8.3 acres. It is two parcels, Lot 1 is 4.424 acres and Lot 2 is 3.876 acres. These lots have not changed since the original plan for the Ridges.

The rezoning criteria provided in Section 2.6 of the Zoning and Development Code: Not applicable since this is an amendment to and further refinement of the existing PD zone district.

The planned development requirements of Chapter Five of the Zoning and Development Code: The application has been developed in conformance with the purpose of Chapter Five of the Zoning and Development Code by providing more effective infrastructure, and a needed housing type and/or mix.

A. General. Planned Development shall minimally comply with the development standards of the default zone and all other applicable Code provisions.

As previously described and in the discussion of development standards that follows, this proposed development does comply with the overall Ridges PD plan, the default zone district, the Growth Plan and other applicable Code provisions. The proposed plan has addressed the street network, extra parking has been provided, storm water and drainage issues have been reviewed as well as lighting discussions for conformance with the Redlands Area Plan.

B. Residential Density. Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Growth Plan or default zone.

The proposed project within the overall Ridges PD is consistent with the Growth Plan. The zoning map has shown this area to be zoned PD since the annexation of this area in 1992. While there are other areas within the Ridges designated for multifamily use, this property has been designated as a multifamily site since the original PUD was approved in the County in the 1970s.

C. Minimum District Size. A minimum of five (5) acres shall be required for a planned development.

The total of the two parcels 8.3 acres therefore over 5 acres. This has not changed since the original ODP for the Ridges.

D. Development Standards. Planned developments shall meet the development standards of the default zone.

A default zone of Residential Multifamily 8 units per acre (RMF-8) is proposed for the Redlands Vista In The Ridges project.

1. Bulk Standards. For the purposes of single family homes, with minimal lot area, the setbacks are measured from the exterior lot lines to the building envelope for each unit. RMF-8 setbacks are: front 20 feet; side 5 feet and rear 10 feet, resulting in minimum building separations of 10 feet side to side and 20 feet back to back. The Final Amended Ridges Plan allows for 10 feet between buildings. The only deviation requested to these setbacks is for the front yard setback for Lot 1. This is considered a double frontage lot, resulting in two front-yard setbacks. A small portion of the side living area of this unit encroaches into the 20-foot required setback. The garage on this unit still meets the 20-foot setback as required by TEDS for the private street. The deviation requested is to allow the following front yard setback for the living areas:

Unit 1 - Minimum 18.5 feet (North-west corner)

All other setback requirements have been met on the site.

RMF-8 zoning allows for a maximum height of 35 feet. There are 18 ranch style homes and 14 two-story units proposed in the development. The Ridges ACCO states that height will be measured from the highest natural grade line immediately adjoining the foundation or structure. No height limit is provided in the Ridges plan for the parcels designated for multifamily use, but since these are single-family units they must comply with the Ridges requirement of a maximum of 35 feet. The Ridges ACCO had no comment on the proposed plan.

Per section 6.5.D.1. of the Zoning and Development Code, a 14-foot wide landscaped tract is required adjacent to the public right-of-way of a major collector - in this case, along Ridges Boulevard. This requirement has been met. This area, which has been placed in a Tract, also contains a natural preservation area, adjacent to Ridges Boulevard. A retaining wall will also separate this area from the subdivision. Other retaining walls will add to landscaping of this area.

2. Open Space. The property is adjacent to Open Space owned by the City. The overall project will provide 4.67 acres of open space. Building coverage is 2.32 acres. The remaining 1.31 acres will be street, driveways and off-street trail. In addition, at the final phase of development, open space (10% of value of raw land) and parks fees (\$225 per unit) will be required per Code.

3. Fencing/Screening. Planned Developments are required to comply with subdivision perimeter fencing per Chapter 6. These regulations require the landscape buffer as described above and a perimeter enclosure if deemed necessary. In this case, the enclosure was not determined necessary due to the surrounding properties and the topography of the site. The provision of the required 14-foot landscape buffer which is provided by the preservation of natural vegetation area, and the provision of decorative retaining walls throughout the project adequately meets this intent.

4. Landscaping. Landscaping shall conform to applicable requirements. The entrances off Ridge Circle Drive and School Ridge Road have a landscaped entry with entry bollards and entry signs. Signage shall comply with the Code requirements. The street crossings will have a patterned cross-walk. All entry design features such as decorative paving, conspicuous signage, and architectural entry features are to clearly distinguish the private street from the public streets.

5. Parking. Parking is provided in excess of the Code requirements. Two parking spaces are required per unit, off street. Each unit will have a double car garage and can accommodate two additional vehicles per unit in the driveways. An additional 19 guest parking spaces have been provided, as no parking is allowed on the proposed private streets. Signage will need to be provided to that effect and shown on the final plans.

7. Street Development Standards. The proposed private streets were reviewed per the City Transportation Engineering Design Standards (TEDS) manual. The design and use of private streets requires a recommendation from the Planning Commission to City Council for approval within this project. There are two accesses to the site; one from Ridge Circle Drive and the other from School Ridge Road. The internal roads are designed with a 24-foot pavement width, with standard curb and gutter on one side. The 5-foot sidewalk will run along the eastern most side of Vista Ridge Drive and the southern most side of Mount View. This is proposed to minimize pavement and runoff while increasing the amount of green space. It also results in fewer disturbances when grading the streets. The streets, landscaping and building exteriors will be maintained by the homeowners' association.

The applicants must replace the existing detached path along West Ridges Blvd to meet current City standards for pedestrian/bike paths (10' concrete path), and must dedicate additional right-of-way to include the path. They have done so. In addition there is another trail easement to be constructed between Lots 2 and 3, to connect to the City's Open Space area.

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

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

The applicants feel they have provided a pedestrian-friendly neighborhood by replacing the off-street trail along West Ridges Boulevard and providing a connection that is ADA compliant to the Open Space area owned by the City to the east of the project.

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

The open space within this project totals 55% of the site.

PHASING SCHEDULE: The applicant has not outlined a specific Phasing Schedule. The default schedule per section 2.8.B.4. of the Zoning and Development Code is that the Preliminary Development Plan shall be valid for one year from the date of approval, during which the applicant shall obtain Final Plat approval for all or a portion of the property.

FINDINGS OF FACT/CONCLUSIONS: After reviewing Redlands Vista in the Ridges application, PP-2005-294 for a Planned Development, Preliminary Development Plan, staff and the Planning Commission make the following findings of fact and conclusions:

1. The requested amended Planned Development zoning ordinance and the proposed Preliminary Development Plan is consistent with the Growth Plan.

2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.

3. The applicable ODP review criteria in Section 2.12.B. of the Zoning and Development Code have been met.

4. The applicable preliminary plat criteria in Section 2.8.B. of the Zoning and Development Code have been met.



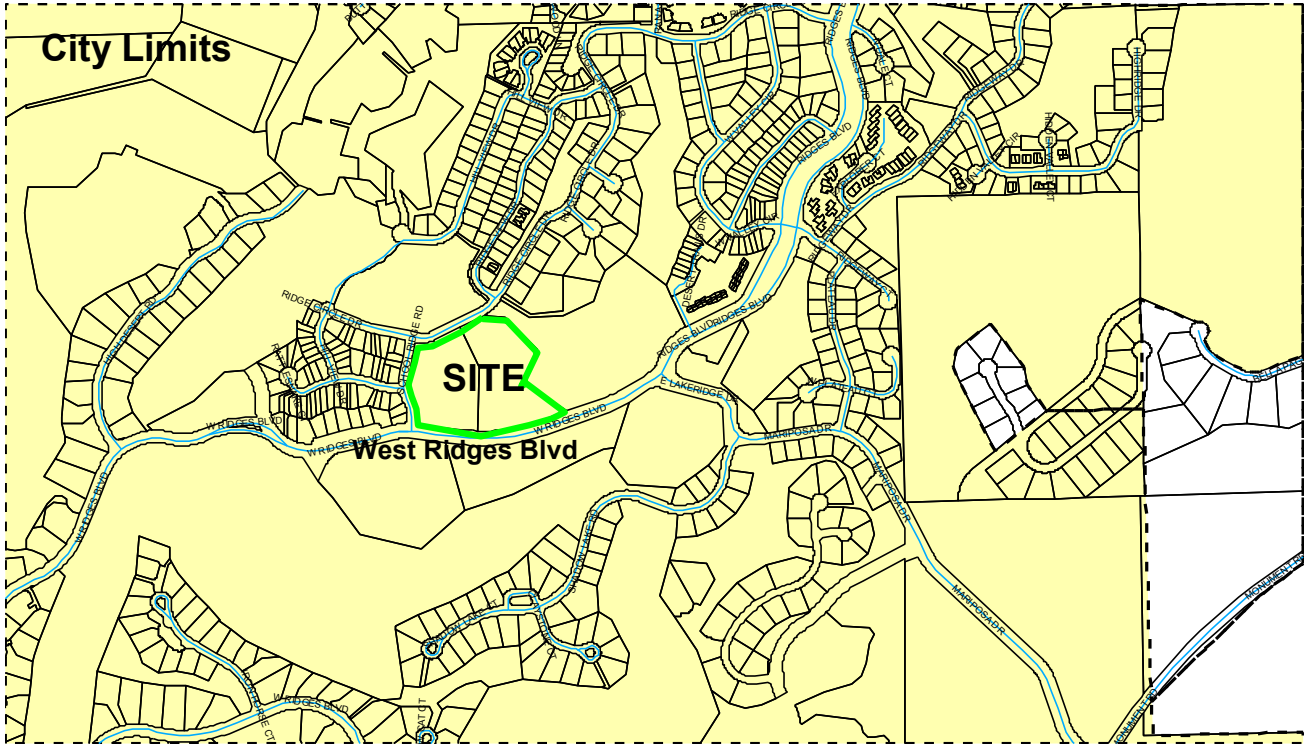
5. This project is consistent with the revised Ridges ODP as approved with the annexation of the Ridges.

6. The proposed private streets meet the requirements of TEDS.

**STAFF AND PLANNING COMMISSION RECOMMENDATION:** Staff and the Planning Commission recommend approval of the amended Planned Development zoning ordinance, Preliminary Development Plan and private street design within Redlands Vista in the Ridges (File PP-2005-294) with the findings and conclusions listed above.

# Site Location Map

Redlands Vista in the Ridges



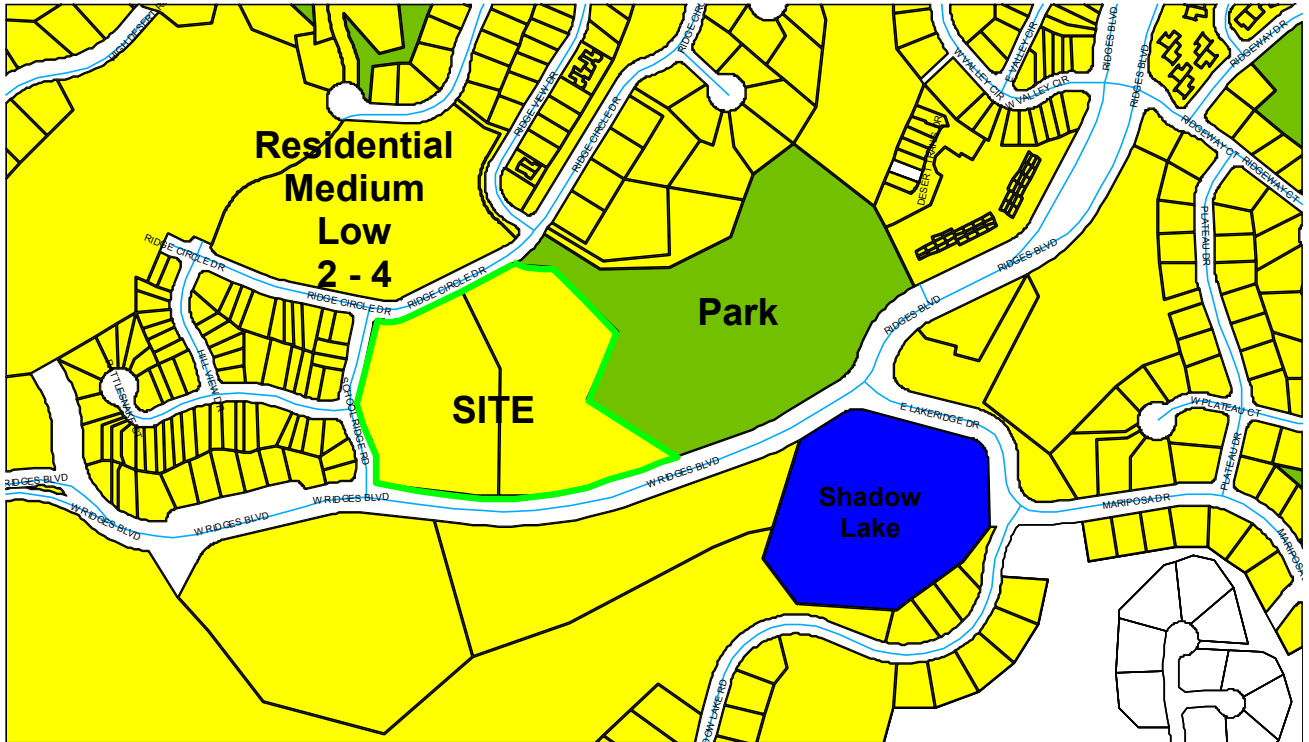
# Aerial Photo Map

All Within City Limits Redlands Vista in the Ridges



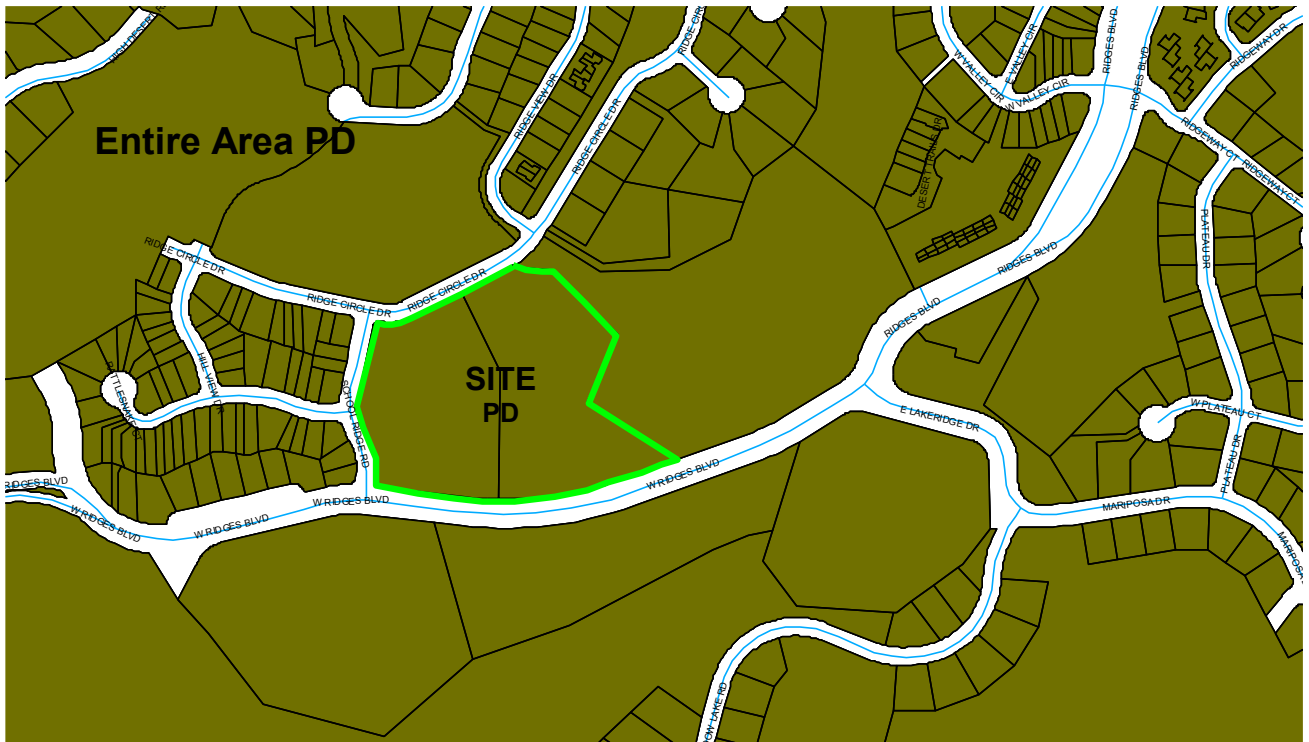
# Future Land Use Map

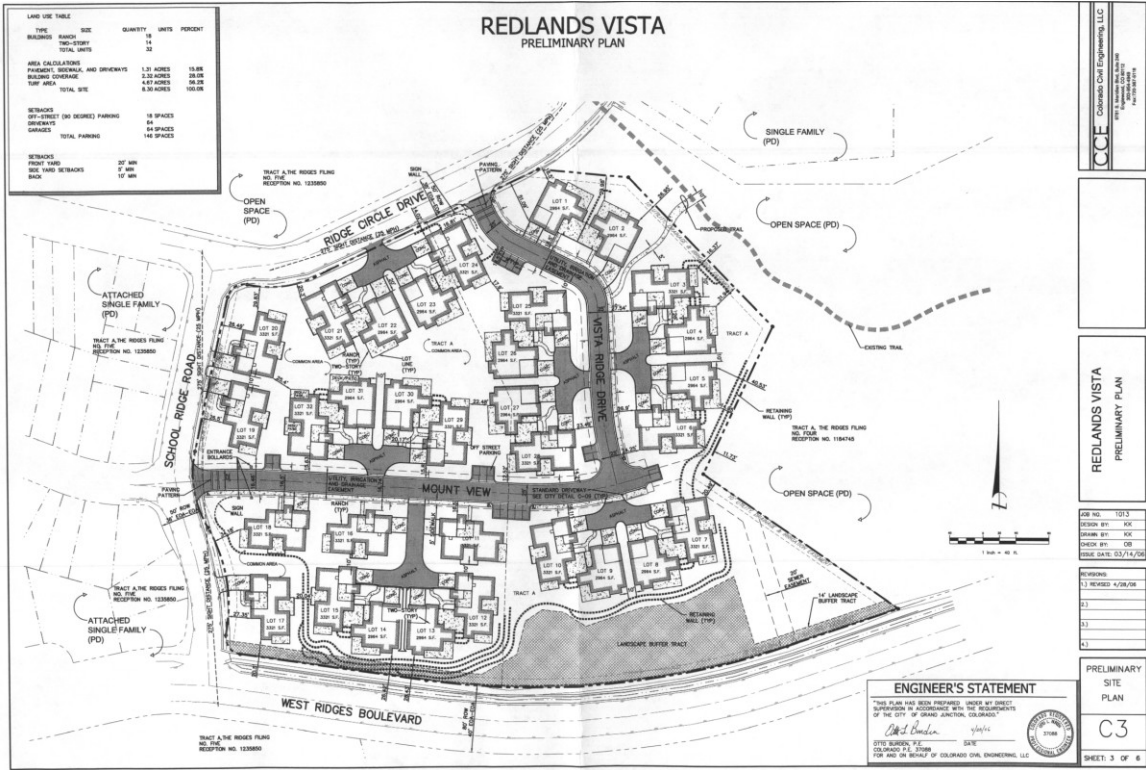
Redlands Vista in the Ridges



## Existing City and County Zoning

Redlands Vista in the Ridges





LAND USE TABLE				
TYPE	QUANTITY	UNITS	PERCENT	
RESIDENTIAL	14			
TOTAL UNITS	14			
AREA CALCULATIONS				
PAVEMENT, SIDEWALKS, AND DRIVEWAYS	1.31 ACRES		13.00%	
BUILDING FOOTPRINTS	2.32 ACRES		23.00%	
LANDSCAPE BUFFER	0.97 ACRES		9.70%	
TOTAL SITE	8.50 ACRES		100.00%	
SEWERAGE				
SEWERAGE (200 SQUARE FEET)	18 SPACES			
SEWERAGE	64			
TOTAL PARKING	148 SPACES			
SEWERAGE				
SEWERAGE	27' MIN			
SIDE YARD SEWERAGE	7' MIN			
SEWERAGE	17' MIN			

**CCF** Colorado Civil Engineering, LLC  
 1000 W. 10th Avenue, Suite 100  
 Denver, CO 80202  
 PHONE: 303.733.1111  
 FAX: 303.733.1112

REDLANDS VISTA  
 PRELIMINARY PLAN

DATE: 03/17/2017  
 DESIGN BY: JAC  
 DRAWN BY: JAC  
 CHECK BY: JAC  
 ISSUE DATE: 03/17/2017

NO.	REVISION
1	ISSUED FOR PERMIT
2	
3	
4	

PRELIMINARY  
 SITE  
 PLAN  
**C3**  
 SHEET 3 OF 6

**ENGINEER'S STATEMENT**  
 THIS PLAN HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND ACCORDING WITH THE REQUIREMENTS OF THE CITY OF GRAND JUNCTION, COLORADO.  
 [Signature]  
 DATE: 03/17/2017  
 TITLE: CIVIL ENGINEER  
 FIRM: COLORADO CIVIL ENGINEERING, LLC



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING LOT 1 AND LOT 2, BLOCK TWENTY-ONE, THE RIDGES  
FILING NO. FOUR KNOWN AS REDLANDS VISTA IN THE RIDGES**

Recitals.

A rezone from Planned Unit Development 7.5 units per acre (PUD 7.5) to Planned Development 3.8 units per acre (PD 3.8) has been requested for the property located on Lot 1, and Lot 2, Block Twenty-One, The Ridges Subdivision, Filing Number 4, known as Redlands Vista In The Ridges, for purposes of developing a residential project of single-family patio homes on 8.3 acres, as follows: eighteen (18) ranch style single family detached homes and fourteen (14) two-story homes, for a total of 32 dwelling units. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (2 to 4 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its May 9, 2006 hearing, recommended approval of the rezone request from PUD -7.5 to PD 3.8, approval of the Preliminary Planned Development (PD) for Redlands Vista In The Ridges, and use of private streets within this subdivision.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT 3.8 UNITS PER ACRE (PD 3.8):

Lots 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four, as recorded in Plat Book 12 at Page 18 of the records of Mesa County. Said parcels are within the City of Grand Junction, Mesa County, State of Colorado.

- 1) The uses allowed for this zone and property shall be 32 single-family patio homes, consisting of 18 ranch style homes and 14 two-story homes.
- 2) The underlying zoning is RMF-8.
- 3) The development will contain at a minimum a public pedestrian pathway to connect to the City owned park property to the east.

- 4) The ordinance further allows for private streets within this subdivision. All street crossings shall be marked for safe pedestrian crossing.
- 7) Lot 1 is allowed a front-yard setback of 18.5 feet on the north-west corner.
- 8) The preliminary development plan shall be effective for one year from the date of this Ordinance.

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

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

ATTEST:

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

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



**Attach 6**

Setting a Hearing on Zoning the Kresin Annexation, Located at 530 South Broadway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Kresin Annexation, located at 530 South Broadway.						
<b>Meeting Date</b>	May 17, 2006						
<b>Date Prepared</b>	May 11, 2006				File #ANX-2006-084		
<b>Author</b>	Lori V. Bowers		Senior Planner				
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner				
<b>Report results back to Council</b>	X	No		Yes	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:** Introduction of a proposed zoning ordinance to zone the Kresin Annexation RSF-2, located at 530 South Broadway.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for the 7<sup>th</sup> of June, 2006.

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

**Attachments:**

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Applicant's Request
5. Planning Commission Minutes (to be provided with 2<sup>nd</sup> reading)
6. Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		530 South Broadway		
<b>Applicants:</b>		Owner/Developer: Bruce Kresin Representative: Brynn Vasboe		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential / Tiara Rado Driving Range		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family / Multi-Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-2		
	<b>South</b>	County PUD (undeveloped) / City CSR		
	<b>East</b>	County RSF-2		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The applicants requested the zoning designation of RSF-4 for the annexation. The property is currently zoned RSF-4 in the County and the zone of annexation to the RSF-4 district finds that it is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. Staff supported the request. However, the Planning Commission has recommended zoning the property RSF-2 (Residential



Single-family, not to exceed 2 units per acre) which is also consistent with the Growth Plan. The following review is for the recommended RSF-2 zoning.

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

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

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

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

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

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

Response: The proposed zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that arise with the proposal to develop the property will be addressed through the review of that project.

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

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

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

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

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

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

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

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

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

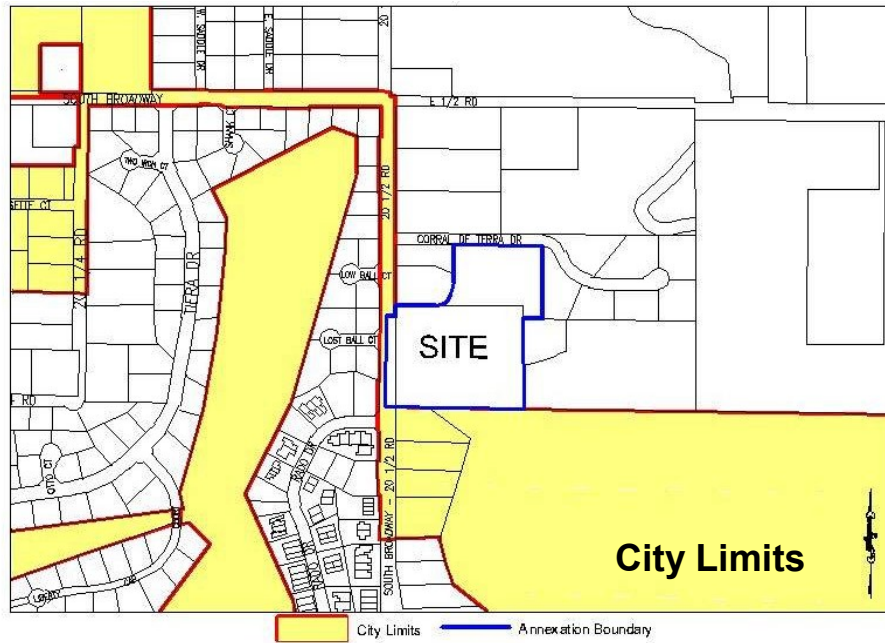
1. RSF-4

**PLANNING COMMISSION RECOMMENDATION:** At their May 9, 2006 hearing, the Planning Commission recommended denial of the request for RSF-4 zoning and recommended approval of the RSF-2 zoning, finding the RSF-2 zoning to be more compatible with the surrounding residential uses.

If the City Council considers the RSF-4 zoning, it would take an affirmative vote of 5 Council members (super-majority) to overturn the Planning Commission recommendation of denial. If the Council considers the RSF-2 zoning, approval requires a simple majority.

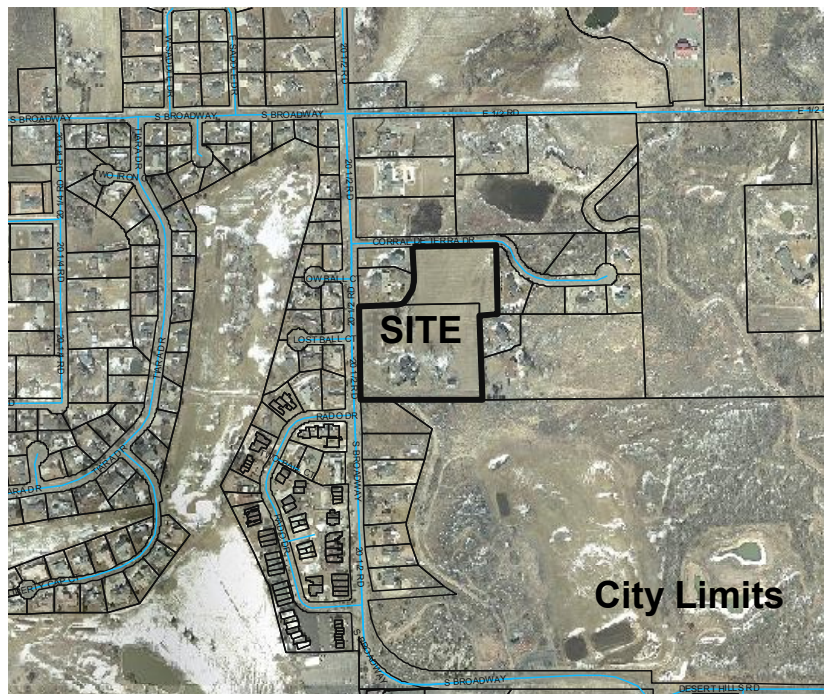
# Site Location Map

Figure 1



# Aerial Photo Map

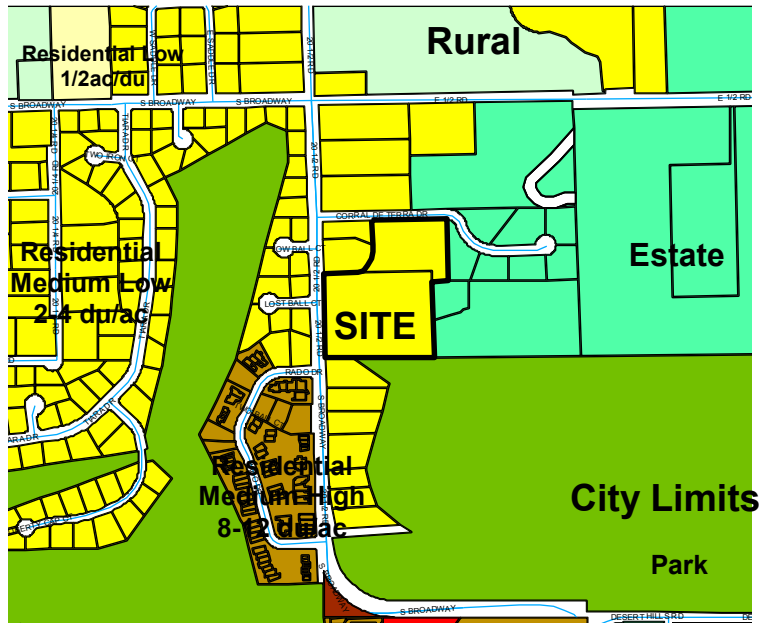
Figure 2





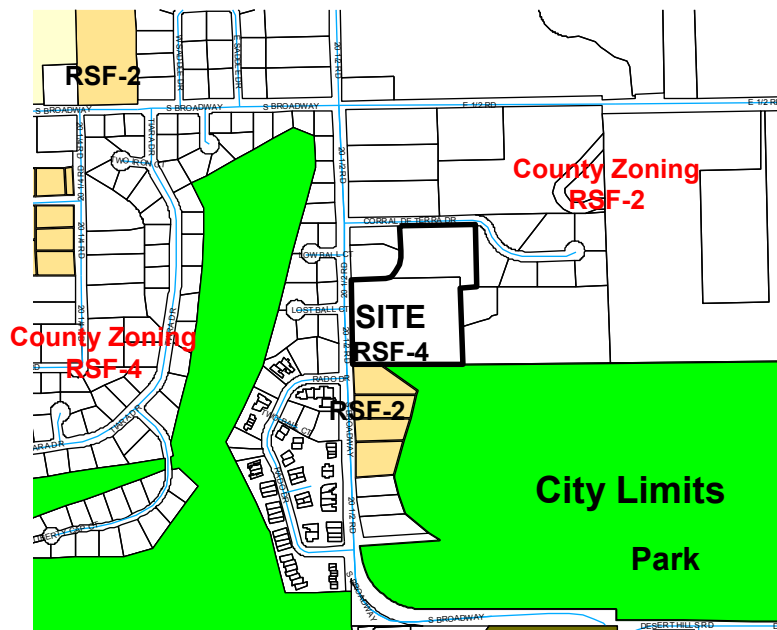
# Future Land Use Map

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."

Code Amendment and Rezoning

1. Not Applicable, as this is an annexation only.
2. Not Applicable, as this is an annexation only. The only new utilities which will be installed will be related to the lots on the site. The zoning will go from RSF-4 in the county to RSF-4 in the city.
3. There will not be many additional drivers to impact the capacity or safety of the street network. There is already a driveway onto South Broadway and now there will be an access onto South Broadway and an access onto Coral De Terra. Parking will only occur on lots, and possibly on the streets. There should be no stormwater or drainage problems because water should all run to the detention pond. There should be very little pollution and no excessive nighttime lighting.
4. The proposal appears to conform to the goals and policies of the Growth Plan.
5. Adequate public facilities are available for this project.
6. Not Applicable, as this is an annexation only.
7. Not Applicable, as this is an annexation only.

If there are any questions, please feel free to contact me.

Brynn Vasboe, E.I.  
*Rhino Engineering*  
241-6027

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LOCATED AT 530 SOUTH BROADWAY**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Kresin Annexation to the RSF-2 zone district for the following reasons:

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

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

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

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

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

**KRESIN ANNEXATION**

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of the NW 1/4 SE 1/4 of said Section 22, and considering the West line of the NW 1/4 SE 1/4 of said Section 22 to bear N00°02'27"E with all bearings contained herein being relative thereto; thence from said Point of Beginning, N00°02'27"E along the West line of the NW 1/4 SE 1/4 of said Section 22, a distance of 384.00 feet; thence S88°55'36"E a distance of 40.00 feet; thence N00°02'27"E along a line 40.00 feet East of and parallel to the West line of the NW 1/4 SE 1/4 of said Section 22, being the East right of way for 20 1/2 Road (South Broadway), a distance of 43.70 feet; thence S89°49'32"E a distance of 168.46 feet; thence N80°33'41"E a distance of 31.91 feet; thence N56°51'28"E a distance of 12.67 feet; thence N40°38'16"E a distance of 19.41 feet; thence N30°05'02"E a distance of 20.67 feet; thence N20°52'08"E a distance of 19.81 feet; thence N17°46'08"E a distance of 20.00 feet; thence N12°27'37"E a distance of 19.83 feet; thence N05°01'09"E a distance of 20.36 feet; thence N00°02'27"E a distance of 136.20 feet to a point on the South line of that certain 50 foot utility easement and road right of way for Corral de Terra Drive, as same is shown on the Plat of Corral de Terra, recorded in Plat Book 13, Page 124, Public Records of Mesa County, Colorado; thence S89°34'33"E along said South line, a distance of 380.00 feet to a point being the Northwest corner of Lot 7, said Plat of Corral de Terra; thence S00°02'27"W, along the West line of said Plat of Corral de Terra, a distance of 311.19 feet to a point on the North line of Bonatti Subdivision, as same is recorded in Plat Book 14, Page 69, Public Records of Mesa County, Colorado; thence N88°56'45"W, along said North line, a distance of 83.70 feet to a point being the Northwest corner of said Bonatti Subdivision; thence S00°06'03"E, along the West line of said Bonatti Subdivision, a distance of 383.00 feet to a point on the South line of the NW 1/4 SE 1/4 of said Section 22; thence N88°56'45"W, along said South line, a distance of 590.02 feet, more or less, to the Point of Beginning.

Said parcel contains 8.20 acres (357,249 square feet), more or less, as described.

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

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

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Mayor

ATTEST:



City Clerk

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**Attach 7**

Setting a Hearing on Zoning the CR Nevada Annexation, Located at 22 ½ Road & South Broadway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the CR Nevada Annexation, located at 22 ½ Road and South Broadway.					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006				File #ANX-2006-030	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for the 7<sup>th</sup> of June, 2006.

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

**Attachments:**

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Site Analysis
5. Planning Commission minutes (to be provided with second reading)
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		22 ½ Road and South Broadway	
<b>Applicants:</b>		Owner: CR Nevada Associates, LLC – Jay Cooke Representative: Hill & Holmes – Mark Kareus	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		Residential Subdivision	
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant Residential	
	<b>South</b>	Vacant Residential	
	<b>East</b>	Residential	
	<b>West</b>	Vacant Residential	
<b>Existing Zoning:</b>		County RSF-4	
<b>Proposed Zoning:</b>		City RSF-E	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4	
	<b>South</b>	City PD - 2	
	<b>East</b>	County RSF-4	
	<b>West</b>	County RSF-4	
<b>Growth Plan Designation:</b>		Residential Low ½ - 2 ac/du	
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The Future Land Use Designation for this property is Residential Low ½ -2 ac/du. The existing County zoning is RSF-4 (Residential Single Family 4 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

The original request from the applicant was for the RSF-1 zone district. With this request in mind, staff reviewed the site, and determined that a Site Analysis was needed for the property to make a recommendation on zoning of the site. After reviewing the Site Analysis provided by the applicant, staff determined that the RSF-E zone district was the most appropriate zoning for the property due to the amount of the property that has slopes greater than 30% and between 20-30% and the Hillside/Ridgeline requirements. The applicant requested to proceed to Planning Commission with their request of the RSF-1 zone district. After hearing the Planning Commission recommendation of the RSF-E zone district, the applicant has re-evaluated the property and the requirements of the Zoning and Development Code, and changed the zoning request to the RSF-E zone district.

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

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

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

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

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

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

Response: This property is subject to the Hillside (Section 7.2.G) and Ridgeline (Section 7.2.H) requirements and standards of the Zoning and Development Code. Due to the amount of the property that has slopes greater than 30% and between 20-30%, the Hillside/Ridgeline requirements, and the Site Analysis information provided by the applicant, staff is recommending a RSF-E zone district.

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

Response: The RSF-E zone district is in conformance with the following goals and policies of the Growth Plan and Redlands Area Plan: Policies 20.7, 20.9, 20.10, Goal 21, Policy 21.2 and 21.3

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

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

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

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

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

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

Alternatives: In addition to the requested zoning, the following zone districts would also be consistent with the Future Land Use designation for the subject property.

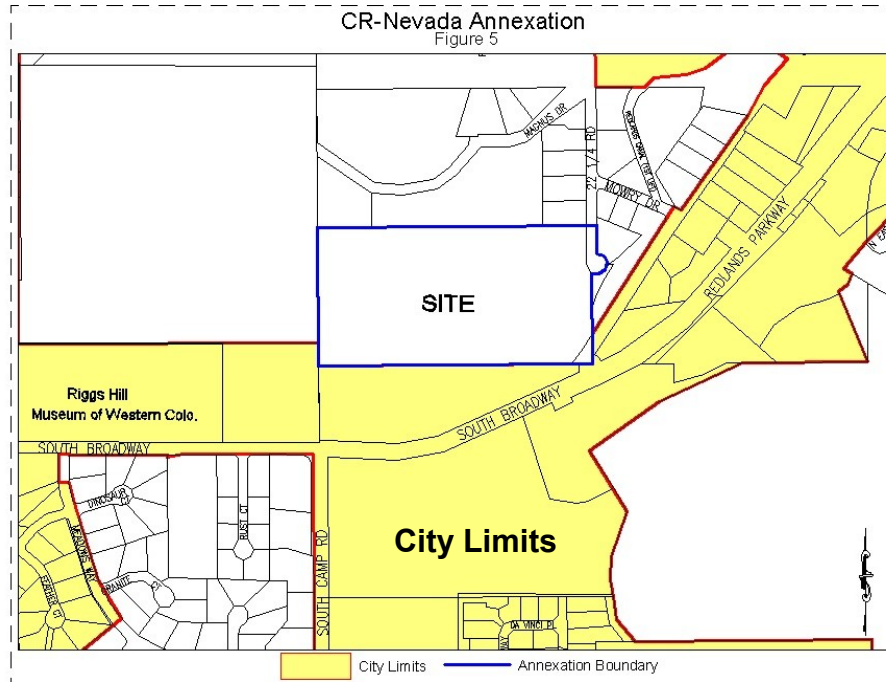
- a. RSF-1
- b. RSF-2

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended denial of the requested RSF-1 zoning and approval of the staff recommendation of RSF-E to the City Council, finding the zoning of RSF-E district to be more consistent than the RSF-1 with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.



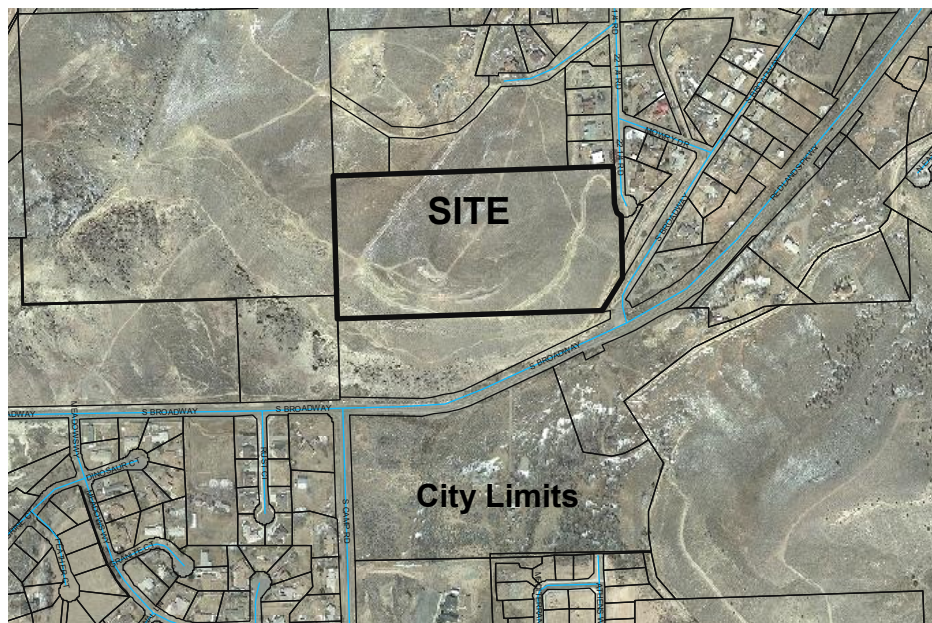
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2









**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CR NEVADA ANNEXATION TO  
RSF-E**

**LOCATED AT 22 ½ ROAD AND SOUTH BROADWAY**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the CR NEVADA Annexation to the RSF-E zone district for the following reasons:

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

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

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

The following property shall be zoned RSF-E with a density not to exceed 2 acres per unit.

**CR NEVADA ANNEXATION**

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

Beginning at the Southwest corner of Lot 1 of said Section 18 also being the Northwest corner of Pumphouse Subdivision as recorded in Plat Book 15, Pages 222 and 223 , Mesa County, Colorado public records and assuming the West line of said Lot 1 to bear

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

Said parcel contains 19.73 acres (852,711 square feet), more or less, as described.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 8**

Setting a Hearing on Zoning the Thunder Hog Estates Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>		Zoning the Thunder Hog Estates Annexation, located at 3079 F ½ Road and 3088 Shadowbrook Ct.						
<b>Meeting Date</b>		May 17, 2006						
<b>Date Prepared</b>		May 11, 2006				<b>File #ANX-2006-072</b>		
<b>Author</b>		Senta L. Costello		Associate Planner				
<b>Presenter Name</b>		Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	When		
<b>Citizen Presentation</b>			Yes	X	No	Name		
	Workshop	X	<b>Formal Agenda</b>			X	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to zone the Thunder Hog Estates Annexation located at 3079 F ½ Road and 3088 Shadowbrook Ct, RSF-4.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for June 7, 2006.

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

**Attachments:**

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

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		<i>3079 F ½ Road / 3088 Shadowbrook Ct</i>
<b>Applicants:</b>		Owner: Billie J. Dodd; Owner: TD Investments of Grand Junction, LLC – Thad Harris; Developer: TDSM, Inc. – Merl Unruh; Representative: Ciavonne, Roberts & Associates – Keith Ehlers
<b>Existing Land Use:</b>		<i>Vacant / Agricultural</i>
<b>Proposed Land Use:</b>		<i>Residential</i>
<b>Surrounding Land Use:</b>	<b>North</b>	<i>Single Family Residential / Agricultural</i>
	<b>South</b>	Single Family Residential 3.4 du/ac
	<b>East</b>	Single Family Residential / Agricultural
	<b>West</b>	Thunder Mountain Elementary / Vacant
<b>Existing Zoning:</b>		County RSF-R / PD 3.4
<b>Proposed Zoning:</b>		City RSF-4
<b>Surrounding Zoning:</b>	<b>North</b>	<i>County RSF-R</i>
	<b>South</b>	PD 3.4 du/ac
	<b>East</b>	County RSF-R
	<b>West</b>	<i>County RSF-R</i>
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac

Zoning within density range?	X	Yes		No
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**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-R / PD 3.4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning. The properties being zoned include 13.484 acres, proposed for future development, as well as 1 existing lot in the Shadowbrook Subdivision Filing #4.

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

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

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

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

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

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

**Response:** The proposed zone district is compatible with the neighborhood and will not create any adverse impacts as the development in the area consists on lots in the density range of 3-5 du/ac. Any issues that arise with the proposal to develop the property will be addressed through the review of that project. The single family lot in Shadowbrook Subdivision will not be changing its character or proposing any development with the annexation of the property.

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

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

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

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

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

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

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

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

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

- c. RSF-2

#### STAFF RECOMMENDATION

**Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

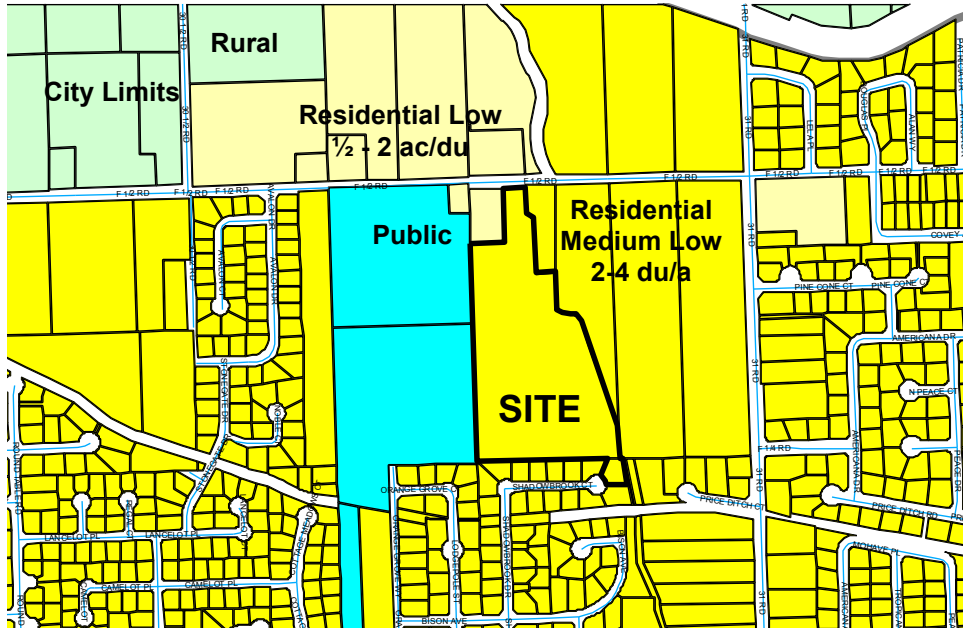
**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development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





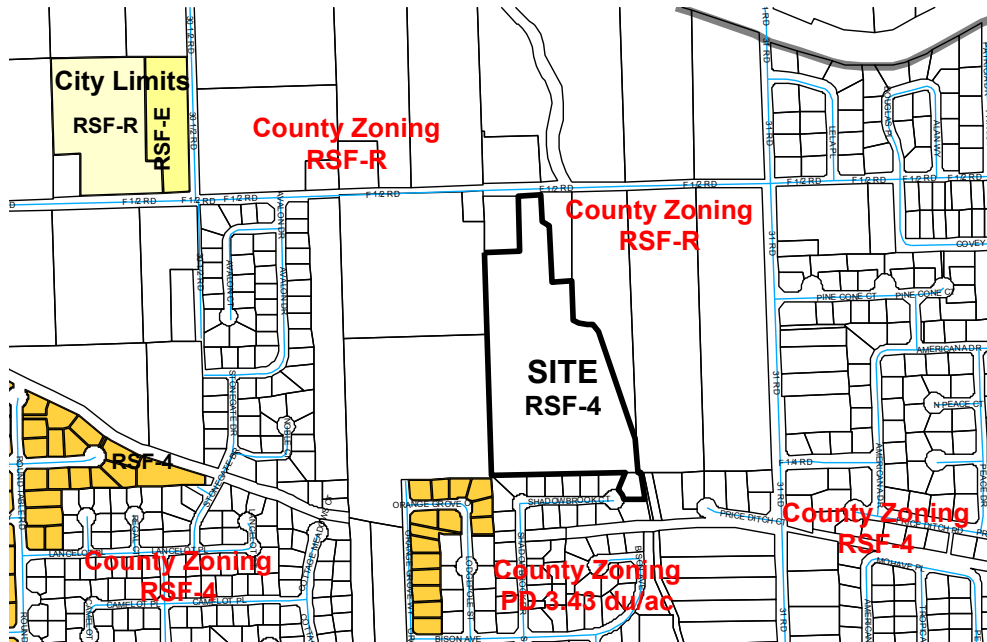
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE THUNDER HOG ESTATES ANNEXATION TO  
RSF-4**

**LOCATED AT 3079 F ½ ROAD AND 3088 SHADOWBROOK COURT**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Thunder Hog Annexation to the RSF-4 zone district for the following reasons:

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

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

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

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

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

**THUNDER HOG ESTATES ANNEXATION #1**

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the NW1/4 SE1/4 of said Section 4 and assuming the North line of the NW1/4 SE1/4 of said Section 4 bears N89°58'34"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S00°15'03"E along the East line of the NW1/4 SE1/4 of said Section 4 a distance of 2.00 feet; thence S89°58'34"W along a line being 2.00 feet South of and parallel with the North line of the NW1/4 SE1/4 of said Section 4 a distance of 1320.18 to a point on the West line of the NW1/4 SE1/4 of said Section 4; thence S89°58'03"W along a line being 2.00 feet South of and parallel with the North line of the NE1/4 SW1/4 of said Section 4, a distance of 660.47 feet; thence N01°28'59"E a distance of 2.00 feet to a point on the North line of the NE1/4 SW1/4 of said Section 4; thence N89°58'03"E along the North line of the NE1/4 SW1/4 of said Section 4, a distance of 660.42 to the Northeast corner of the NE1/4 SW1/4 of said Section 4; thence N89°58'34"E along the North line of the NW1/4 SE1/4 of said Section 4, a distance of 1320.17, more or less to the POINT OF BEGINNING.

Said parcel contains 0.09 acres (3961 square feet), more or less, as described.

#### THUNDER HOG ESTATES ANNEXATION # 2

A certain parcel of land located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the NE1/4 SE1/4 of said Section 4 and assuming the North line of the NE1/4 SE1/4 of said Section 4 bears N89°58'59"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning; thence N89°58'59"E along the North line of the NE1/4 SE1/4 of said Section 4, a distance of 275.22 feet; thence S00°15'04"E a distance of 33.00 feet to the Northeast corner of Lot 2 Didier Subdivision, as same is recorded in Plat Book 13, page 288, of the Mesa County, Colorado Public Records; thence S89°58'51"W a distance of 275.22 feet; thence N00°14'52"W a distance of 29.00 feet; thence S89°58'34"W along a line 4.00 feet South of and parallel with the North line of NW1/4 SE1/4 of said Section 4 a distance of 809.98 feet; thence S00°10'13"E a distance of 29.00 feet to the Northeast corner of Lot 1 of Stonegate Subdivision Filing No. 3, as same is recorded in Plat Book 14, pages 122 and 123, of the Mesa County, Colorado Public Records; thence S89°58'34"W along the North line of said Stonegate Subdivision Filing No. 3 a distance of 510.17 feet to the West line of NW1/4 SE 1/4 of said Section 4; thence N00°13'11"W along West line NW1/4 SE1/4 of said Section 4 a distance of 31.00 feet; thence N89°58'34"EW along a line 2.00 feet South of and parallel with the North line of

NW 1/4 SE 1/4 of said Section 4 a distance of 1320.18 feet; thence N00°15'03"W a distance of 2.00 feet, more or less to the POINT OF BEGINNING, together with Lot 2 , Didier Subdivision, as same is recorded in Plat Book 13, page 288 and Lot 9, Shadowbrook Subdivision Filing No. 4, as same is recorded in Plat Book 16, Page 115, Public Records of Mesa County, Colorado.

Said parcel contains 13.67 acres (595,625.51 square feet), more or less, as described.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 9**

Setting a Hearing for the Carpenter Annexation, Located at 3137 D ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Carpenter Annexation located at 3137 D ½ Road						
<b>Meeting Date</b>	May 17, 2006						
<b>Date Prepared</b>	May 11, 2006				File #ANX-2006-094		
<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 5.05 acre Carpenter 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 Carpenter Annexation petition and introduce the proposed Carpenter Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<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>		3137 D ½ Road		
<b>Applicants:</b>		Owner/Developer: Larry & Gertrude Carpenter Representative: Vista Engineering Corp – David Chase		
<b>Existing Land Use:</b>		Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential / Agricultural		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential 3.96 du/ac		
	<b>South</b>	Residential 4.32 du/ac		
	<b>East</b>	Residential / Agricultural		
	<b>West</b>	Residential 3.75 du/ac		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-5		
<b>Surrounding Zoning:</b>	<b>North</b>	City RMF-5		
	<b>South</b>	County RMF-5		
	<b>East</b>	County RSF-R		
	<b>West</b>	County PD 3.75 du/ac		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 5.05 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 Carpenter 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>May 17, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 23, 2006</b>	Planning Commission considers Zone of Annexation
<b>June 7, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 23, 2006</b>	Effective date of Annexation and Zoning



**CARPENTER ANNEXATION SUMMARY**

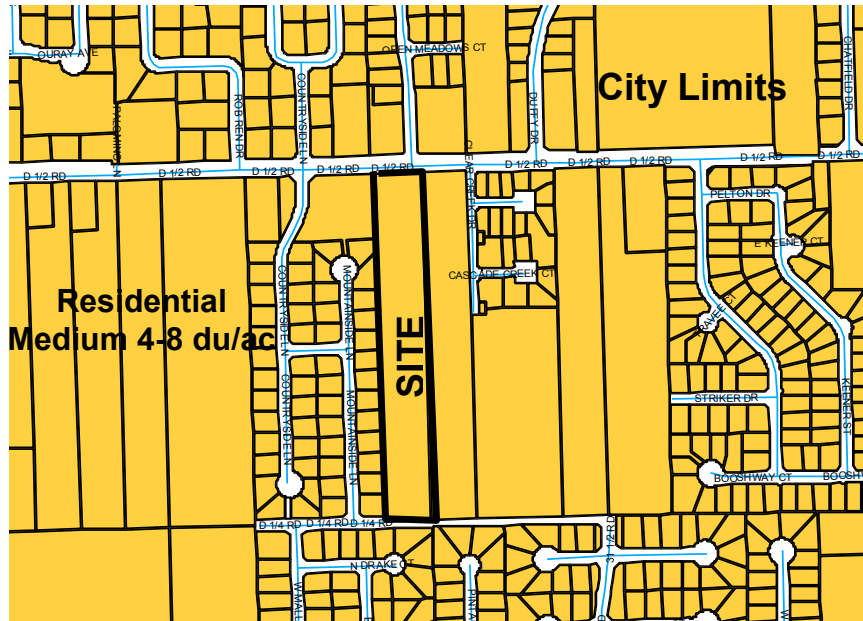
<b>File Number:</b>	ANX-2006-094
<b>Location:</b>	3137 D ½ Road
<b>Tax ID Number:</b>	2943-153-00-154
<b>Parcels:</b>	1
<b>Estimated Population:</b>	2
<b># of Parcels (owner occupied):</b>	1
<b># of Dwelling Units:</b>	1
<b>Acres land annexed:</b>	5.05 acres
<b>Developable Acres Remaining:</b>	3.096
<b>Right-of-way in Annexation:</b>	0.0 acres
<b>Previous County Zoning:</b>	RSF-R
<b>Proposed City Zoning:</b>	RMF-5
<b>Current Land Use:</b>	Residential / Agricultural
<b>Future Land Use:</b>	Residential / Agricultural
<b>Values:</b>	<b>Assessed:</b> = \$13,930
	<b>Actual:</b> = \$175,030
<b>Address Ranges:</b>	3137 D ½ Road / 3134-3138 D ¼ Road (even only)
<b>Special Districts:</b>	<b>Water:</b> Clifton Water
	<b>Sewer:</b> Central Grand Valley Sanitation
	<b>Fire:</b> Clifton Fire Dist
	<b>Irrigation/Drainage:</b> Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b> Mesa County School Dist #51
	<b>Pest:</b> Grand River Mosquito





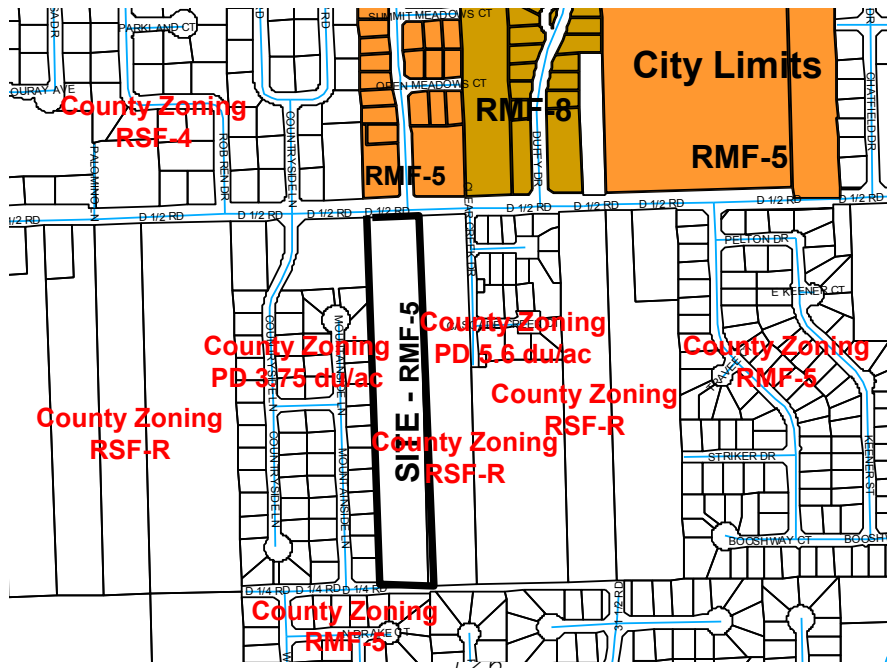
# Future Land Use Map

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 June, 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**

**CARPENTER ANNEXATION**

**LOCATED AT 3137 D ½ ROAD.**

WHEREAS, on the 17<sup>th</sup> day of May, 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:

**CARPENTER ANNEXATION #1**

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 SW 1/4 of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears N89°57'40"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°57'40"W along the North line of the NE 1/4 SW 1/4 of said Section 15, a distance of 662.94 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S00°19'12"E along the East line of that certain parcel of land described in book 2076, page 897 and 898 of the Mesa County Colorado Public Records, a distance of 230.00 feet; Thence N89°57'40"W a distance of 75.00 feet; Thence N00°19'12"W a distance of 5.00 feet; Thence S89°57'40"E a distance of 70.00 feet; Thence N00°19'12"W along a line being 5.00 feet West of and parallel with the East line of said Parcel a distance of 220.00 feet; Thence N89°57'40"W along a line being 5.00 feet South and parallel with the North line of NE 1/4 SW 1/4 of said section 15 a distance of 159.97 feet to the West line of said parcel and the northerly projection of the East line of Grove Creek filing 3, as same is recorded in plat book 16, page 303 and 304, of the Mesa County, Colorado Public Records; Thence N00°06'22"W along the West line of said parcel a distance of 5.00 feet to the North line of NE 1/4 SW 1/4 of

said section 15; Thence along the North line of NE 1/4 SW 1/4 of said section 15 a distance of 164.95 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 0.05 acres (2300 square feet), more or less, as described.

## CARPENTER ANNEXATION #2

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 SW 1/4 of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears N89°57'40"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°57'40"W along the North line of the NE 1/4 SW 1/4 of said Section 15, a distance of 827.89 feet; Thence S00°06'22"E along the West line of that certain parcel of land described in book 2076, page 897 and 898 of the Mesa County, Colorado Public Records and the northerly projection of the East line of Grove Creek filing 3, as same is recorded in plat book 16, page 303 and 304, of the Mesa County, Colorado Public Records; a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S89°57'40"E along a line being 5.00 feet South of and parallel with the North line of NE 1/4 SW 1/4 of said section 15 a distance of 159.97 feet; Thence S00°19'12"W along a line being 5.00 feet West of and parallel with the East line of said Parcel a distance of 220.00 feet; Thence N89°57'40"W a distance of 70.00 feet; Thence S00°19'12"E a distance of 5.00 feet; Thence S89°57'40"E a distance of 75.00 feet to the East line of said parcel; Thence S00°19'12"E along the East line of said parcel a distance of 1089.90 feet to the South line of NE 1/4 SW 1/4 of said section 15; Thence along the South line of NE 1/4 SW 1/4 of said section 15 a distance of 169.88 feet to the Southeast Corner of said parcel; Thence along the West line of said parcel and the East line of said Grove Creek filing 3, a distance of 1314.83 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 5.00 acres (218,661 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 19<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>May 19, 2006</b>
<b>May 26, 2006</b>
<b>June 2, 2006</b>
<b>June 9, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CARPENTER ANNEXATION #1**

**APPROXIMATELY 0.05 ACRES**

**LOCATED AT 3137 D ½ ROAD**

**WHEREAS**, on the 17<sup>th</sup> day of May, 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 19<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:

**CARPENTER ANNEXATION NO. 1**

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 SW 1/4 of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears N89°57'40"W with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N89°57'40"W along the North line of the NE 1/4 SW 1/4 of said Section 15, a distance of 662.94 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S00°19'12"E along the East line of that certain parcel of land described in book 2076, page 897 and 898 of the Mesa County Colorado Public Records, a distance of 230.00 feet; Thence N89°57'40"W a distance of 75.00 feet; Thence N00°19'12"W a distance of 5.00 feet; Thence S89°57'40"E a distance of 70.00 feet; Thence N00°19'12"W along a line being 5.00 feet West of and parallel with the East line of said Parcel a distance of 220.00 feet; Thence N89°57'40"W along a line being 5.00 feet South and parallel with the North line of NE 1/4 SW 1/4 of said section 15 a distance of 159.97 feet to the West line of said parcel and the northerly projection of the East line of Grove Creek filing 3, as same is recorded in plat book 16, page 303 and 304, of the Mesa County, Colorado Public Records; Thence N00°06'22"W along the West line of said parcel a distance of 5.00 feet to the North line of NE 1/4 SW 1/4 of said section 15; Thence along the North line of NE 1/4 SW 1/4 of said section 15 a distance of 164.95 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 0.05 acres (2300 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**

**CARPENTER ANNEXATION #2**

**APPROXIMATELY 5.00 ACRES**

**LOCATED AT 3137 D ½ ROAD**

**WHEREAS**, on the 17<sup>th</sup> day of May, 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 19<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:

**CARPENTER ANNEXATION NO. 2**

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 SW 1/4 of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears N89°57'40"W with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N89°57'40"W along the North line of the NE 1/4 SW 1/4 of said Section 15, a distance of 827.89 feet; Thence S00°06'22"E along the West line of that certain parcel of land described in book 2076, page 897 and 898 of the Mesa County, Colorado Public Records and the northerly projection of the East line of Grove Creek filing 3, as same is recorded in plat book 16, page 303 and 304, of the Mesa County, Colorado Public Records; a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S89°57'40"E along a line being 5.00 feet South of and parallel with the North line of NE 1/4 SW 1/4 of said section 15 a distance of 159.97 feet; Thence S00°19'12"W along a line being 5.00 feet West of and parallel with the East line of said Parcel a distance of 220.00 feet; Thence N89°57'40"W a distance of 70.00 feet; Thence S00°19'12"E a distance of 5.00 feet; Thence S89°57'40"E a distance of 75.00 feet to the East line of said parcel; Thence S00°19'12"E along the East line of said parcel a distance of 1089.90 feet to the South line of NE 1/4 SW 1/4 of said section 15; Thence along the South line of NE 1/4 SW 1/4 of said section 15 a distance of 169.88 feet to the Southeast Corner of said parcel; Thence along the West line of said parcel and the East line of said Grove Creek filing 3, a distance of 1314.83 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 5.00 acres (218,661 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 10**

Setting a Hearing for the Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Pumpkin Ridge Annexation located at 2887 UnawEEP Avenue						
<b>Meeting Date</b>	May 17, 2006						
<b>Date Prepared</b>	May 11, 2006					File #ANX-2005-189	
<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 8.47 acre Pumpkin Ridge Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Pumpkin Ridge Annexation petition and introduce the proposed Pumpkin Ridge Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<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>		2887 UnawEEP Avenue			
<b>Applicants:</b>		Owner/Developer: Okagawa, LLC – Steve Nieslanik; Representative: Aibonito Design, LLC – Hiram Reyez			
<b>Existing Land Use:</b>		Vacant			
<b>Proposed Land Use:</b>		Residential			
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential			
	<b>South</b>	Single Family Residential			
	<b>East</b>	Single Family Residential			
	<b>West</b>	Single Family Residential			
<b>Existing Zoning:</b>		County RSF-4			
<b>Proposed Zoning:</b>		City RSF-4			
<b>Surrounding Zoning:</b>	<b>North</b>	City RSF-4			
	<b>South</b>	County RSF-4			
	<b>East</b>	County RSF-4			
	<b>West</b>	City RSF-4			
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac			
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 8.47 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 Pumpkin Ridge 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>May 17, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 23, 2006</b>	Planning Commission considers Zone of Annexation
<b>June 7, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 23, 2006</b>	Effective date of Annexation and Zoning

**PUMPKIN RIDGE ANNEXATION SUMMARY**

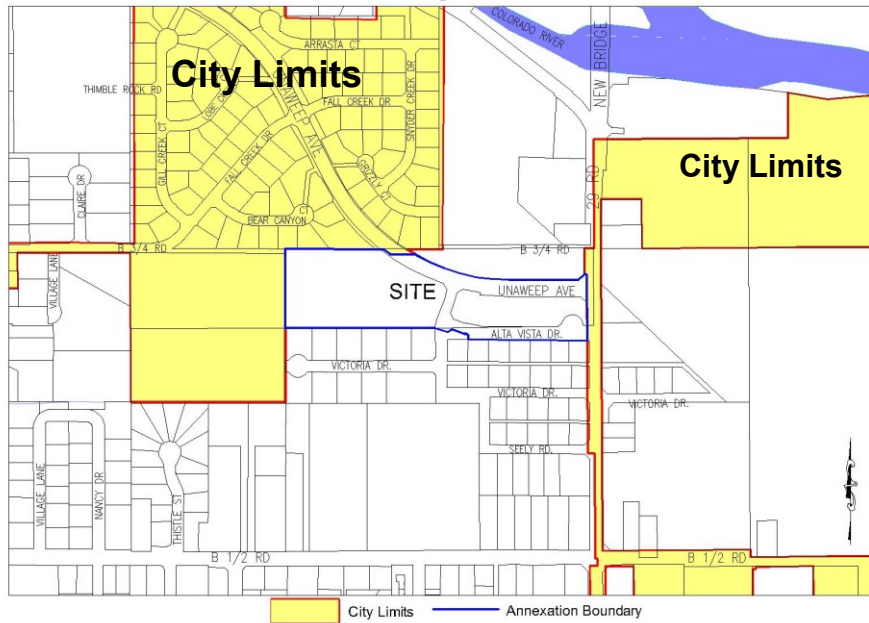
<b>File Number:</b>	ANX-2005-189	
<b>Location:</b>	2887 Unaweep Avenue	
<b>Tax ID Number:</b>	2943-301-94-001 / 2943-301-94-003	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	8.47 acres	
<b>Developable Acres Remaining:</b>	6.26 acres	
<b>Right-of-way in Annexation:</b>		
<b>Previous County Zoning:</b>	County RSF-4	
<b>Proposed City Zoning:</b>	City RSF-4	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$1,010
	<b>Actual:</b>	= \$3,490
<b>Address Ranges:</b>	288 to 2898 Alta Vista Dr/2879-2899 Unaweep Ave	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Orchard Mesa Sanitation
	<b>Fire:</b>	Grand Jct Rural
	<b>Irrigation/Drainage:</b>	Orchard Mesa Irrigation
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	None



# Site Location Map

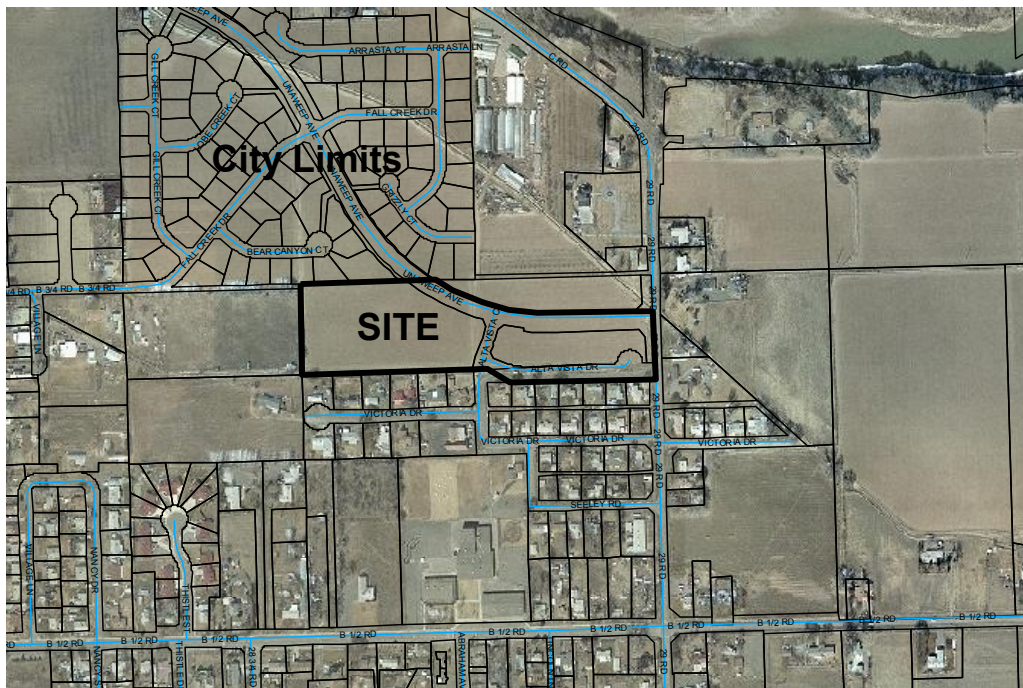
Figure 1

Pumpkin Ridge Annexation  
Figure 5



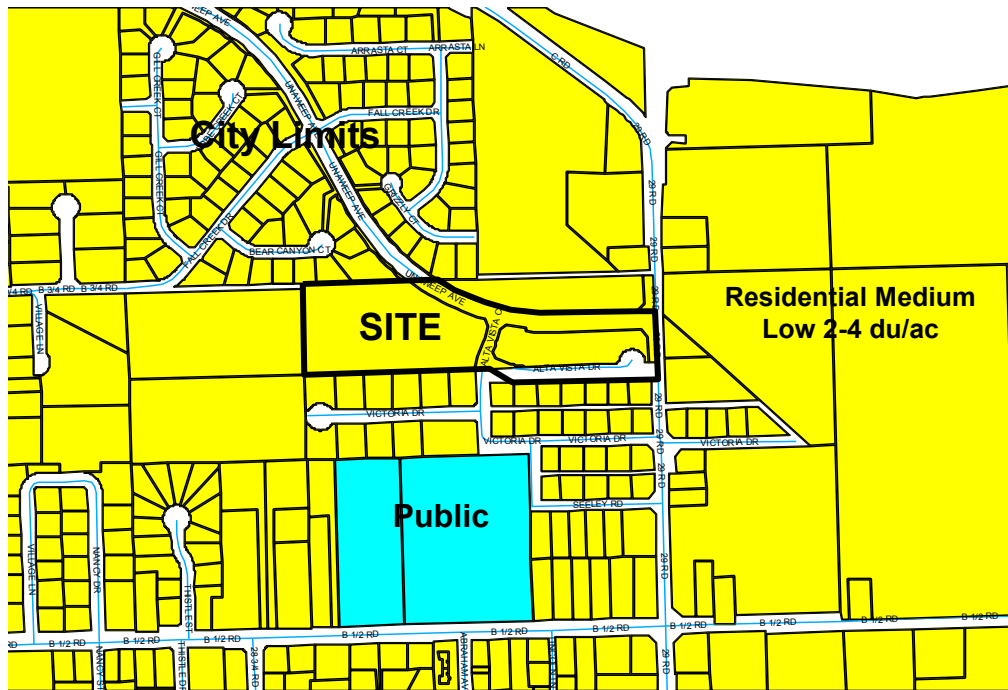
# Aerial Photo Map

Figure 2



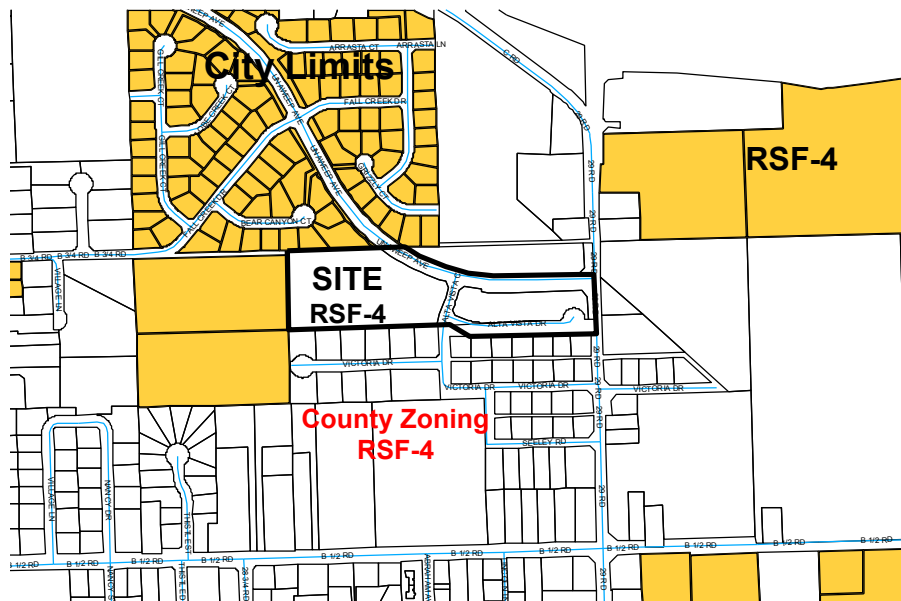
# Future Land Use Map

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 17<sup>th</sup> of May, 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**

**PUMPKIN RIDGE ANNEXATION**

**LOCATED AT 2887 UNAWEEP AVENUE INCLUDING A PORTION OF UNAWEEP  
AVENUE, ALTA VISTA COURT, AND ALTA VISTA DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 17<sup>th</sup> day of May, 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:

**PUMPKIN RIDGE ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 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:

Beginning at the Northwest corner of the SE 1/4 NE 1/4 of said Section 30 and assuming the North line of the SE 1/4 NE 1/4 of said Section 30 to bear N89°58'41"E with all bearings contained herein relative thereto; thence N89°58'41"E along the North line of the SE 1/4 NE 1/4 of said Section 30 a distance of 402.06 feet to a point on the Southerly right of way of UnawEEP Avenue as recorded in Book 3268, Page 262 of the Mesa County, Colorado public records; thence along the Southerly right of way of said UnawEEP Avenue 41.01 feet along the arc of a 880.00 foot non-tangent radius curve concave Northeast, having a central angle of 02°40'11" and a chord bearing S52°22'39"E a distance of 41.00 feet; thence N89°58'41"E a distance of 109.35 feet to a point on the Northerly right of way of said UnawEEP Avenue; thence along the Northerly right of way of UnawEEP Avenue the following four (4) courses: (1) 431.80 feet along the arc of a 820.00 foot non-tangent radius curve concave Northeast, having a central angle of 30°10'15" and a chord bearing S74°58'01"E a distance of 426.83 feet; (2) thence N89°56'51"E a distance of 294.49 feet; (3) thence N44°52'27"E a distance of 35.31 feet; (4) thence N89°48'01"E a distance of 12.05 feet to a point on the

Westerly right of way of 29 Road; thence  $S00^{\circ}11'59''E$  along the Westerly right of way of 29 Road a distance of 266.07 feet to the Northeast corner of Lot 28, Lincoln Heights Subdivision, recorded in Plat Book 8, Page 16 of the Mesa County, Colorado public records, thence along the Northerly line of said Lincoln Heights Subdivision the following five (5) courses:  $S89^{\circ}48'01''W$  a distance of 522.16 feet to the Northwest corner of Lot 23 of said Lincoln Heights Subdivision; (2) thence  $N00^{\circ}19'37''W$  along the East line of Lot 22 of said Lincoln Heights Subdivision a distance of 19.82 feet; (3) thence 10.03 feet along the arc of a 222.00 f non-tangent foot radius curve, concave Northeast, having a central angle of  $02^{\circ}35'19''$  and a chord bearing  $N70^{\circ}56'09''W$  a distance of 10.03 feet; (4) thence  $N69^{\circ}38'31''W$  a distance of 59.97 feet; (5) thence  $S58^{\circ}44'42''W$  a distance of 24.80 feet; thence  $N79^{\circ}09'21''W$  a distance of 41.93 feet to the Southeast corner of Lot 1, Pumpkin Ridge Subdivision as recorded in Book 3774, Page 967 of the Mesa County, Colorado public records; thence  $S89^{\circ}58'16''W$  along the South line of said Lot 1, said line being a boundary agreement recorded in Book 4123, Pages 334 through 355, a distance of 637.40 feet to the Southwest corner of said Lot 1 and a point on the Easterly line of UnawEEP Heights Annexation No. 4, Ordinance No. 3744, City of Grand Junction; thence  $N00^{\circ}07'22''W$  along the West line of said Lot 1 and the Easterly line of said UnawEEP Heights Annexation No. 4 a distance of 339.44 feet to the Northwest corner of said Lot 1; thence  $N89^{\circ}58'41''E$  along the North line of said Lot 1 a distance of 5.13 feet to the Point of Beginning.

Said parcel contains 8.47 acres (368,773 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 19<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>May 19, 2006</b>
<b>May 26, 2006</b>
<b>June 2, 2006</b>
<b>June 9, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PUMPKIN RIDGE ANNEXATION**

**APPROXIMATELY 8.47 ACRES**

**LOCATED AT 2887 UNAWEEP AVENUE INCLUDING A PORTION OF UNAWEEP  
AVENUE, ALTA VISTA COURT, AND ALTA VISTA DRIVE RIGHTS-OF-WAY**

**WHEREAS**, on the 17<sup>th</sup> day of May, 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 19<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:

**PUMPKIN RIDGE ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 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:

Beginning at the Northwest corner of the SE 1/4 NE 1/4 of said Section 30 and assuming the North line of the SE 1/4 NE 1/4 of said Section 30 to bear N89°58'41"E

with all bearings contained herein relative thereto; thence N89°58'41"E along the North line of the SE 1/4 NE 1/4 of said Section 30 a distance of 402.06 feet to a point on the Southerly right of way of Unawep Avenue as recorded in Book 3268, Page 262 of the Mesa County, Colorado public records; thence along the Southerly right of way of said Unawep Avenue 41.01 feet along the arc of a 880.00 foot non-tangent radius curve concave Northeast, having a central angle of 02°40'11" and a chord bearing S52°22'39"E a distance of 41.00 feet; thence N89°58'41"E a distance of 109.35 feet to a point on the Northerly right of way of said Unawep Avenue; thence along the Northerly right of way of Unawep Avenue the following four (4) courses: (1) 431.80 feet along the arc of a 820.00 foot non-tangent radius curve concave Northeast, having a central angle of 30°10'15" and a chord bearing S74°58'01"E a distance of 426.83 feet; (2) thence N89°56'51"E a distance of 294.49 feet; (3) thence N44°52'27"E a distance of 35.31 feet; (4) thence N89°48'01"E a distance of 12.05 feet to a point on the Westerly right of way of 29 Road; thence S00°11'59"E along the Westerly right of way of 29 Road a distance of 266.07 feet to the Northeast corner of Lot 28, Lincoln Heights Subdivision, recorded in Plat Book 8, Page 16 of the Mesa County, Colorado public records, thence along the Northerly line of said Lincoln Heights Subdivision the following five (5) courses: S89°48'01"W a distance of 522.16 feet to the Northwest corner of Lot 23 of said Lincoln Heights Subdivision; (2) thence N00°19'37"W along the East line of Lot 22 of said Lincoln Heights Subdivision a distance of 19.82 feet; (3) thence 10.03 feet along the arc of a 222.00 f non-tangent foot radius curve, concave Northeast, having a central angle of 02°35'19" and a chord bearing N70°56'09"W a distance of 10.03 feet; (4) thence N69°38'31"W a distance of 59.97 feet; (5) thence S58°44'42"W a distance of 24.80 feet; thence N79°09'21"W a distance of 41.93 feet to the Southeast corner of Lot 1, Pumpkin Ridge Subdivision as recorded in Book 3774, Page 967 of the Mesa County, Colorado public records; thence S89°58'16"W along the South line of said Lot 1, said line being a boundary agreement recorded in Book 4123, Pages 334 through 355, a distance of 637.40 feet to the Southwest corner of said Lot 1 and a point on the Easterly line of Unawep Heights Annexation No. 4, Ordinance No. 3744, City of Grand Junction; thence N00°07'22"W along the West line of said Lot 1 and the Easterly line of said Unawep Heights Annexation No. 4 a distance of 339.44 feet to the Northwest corner of said Lot 1; thence N89°58'41"E along the North line of said Lot 1 a distance of 5.13 feet to the Point of Beginning.

Said parcel contains 8.47 acres (368,773 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 11**

Vacation of 15' of an Existing 50 foot Irrigation & Drainage Easement Located at 724 Centuari Drive

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	Easement Vacation – 724 Centauri Drive						
<b>Meeting Date</b>	May 17, 2006						
<b>Date Prepared</b>	May 10, 2006				File #VE-2006-098		
<b>Author</b>	Faye Hall			Associate Planner			
<b>Presenter Name</b>	Faye Hall			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:** A request to vacate 15 ft of an existing 50 ft irrigation and drainage easement on the East side of the property to allow for the construction of a 528 sq ft detached garage.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of a Resolution vacating a portion of the easement. Staff and Planning Commission recommended approval.

**Attachments:**

1. Staff Report
2. Site/Aerial Map
3. Future Land Use/Zoning Map
4. Resolution

5. Galaxy Subdivision plat

**Background Information:** See attached

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		724 Centauri Drive		
<b>Applicants:</b>		Owner: Tiffney Johnson Representative: Mor Storage Sales – Chad Schneider		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential / Park		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-2		
<b>Proposed Zoning:</b>		RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-2		
	<b>South</b>	RSF-2		
	<b>East</b>	RSF-2 / CSR		
	<b>West</b>	RSF-2		
<b>Growth Plan Designation:</b>		Residential Medium Low (2-4 du/ac)		
<b>Zoning within density range?</b>		N/A	<b>Yes</b>	<b>No</b>

**PROJECT DESCRIPTION:** A request to vacate 15 ft of an existing 50 ft irrigation and drainage easement on the East side of the property to allow for the construction of a 528 sq ft detached garage.

**ANALYSIS:**

1. Background:

The subject property is located on the North 100 ft of Lot 9, Block 4 within the Galaxy Subdivision which was platted in Mesa County in August of 1960. The property was platted with a 50 ft wide by 100 ft long irrigation and drainage easement on the East side of the property for the Grand Valley Water Users Association Lateral 6 CA open concrete ditch. The subdivision was annexed into the City of Grand Junction in 1992. The owner of Lot 9 is requesting to vacate

15 ft of this 50 ft easement in order to build a 528 sq ft detached garage and is willing to provide 100 linear feet of 100 PSI 18 inch diameter PVC pipe in order to bury the existing 100 linear feet of the open concrete ditch. Grand Valley Water Users Association will install the pipe during the non-irrigation season between November 2006 and March 2007 and is in agreement with the requested vacation. Discussion with Dick Proctor at Grand Valley Water Users verified that no conditions are required on the easement vacation, provided a signed agreement between Grand Valley Water Users and the applicant is executed prior to approval of the resolution vacating the easement. The Utility Coordinating Committee reviewed and approved the vacation request at their May 10, 2006 meeting.

2. Consistency with the Growth Plan:

Not applicable

3. Section 2.11.c of the Zoning and Development Code:

Requests to vacate any public right-of-way or easement must conform to all of the following:

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

The proposed easement vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with this proposed easement vacation. The subject property will continue to have access off Centauri Drive.

- 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.

Access will not be restricted. The proposal is only affecting the applicant's parcel.

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



There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced by this vacation request.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Provision of adequate public facilities and services will not be inhibited to any property. Access will be retained via the existing 20 ft irrigation and utility easement which runs along the North side of the subject property. The resulting easement width of 35' will be adequate for the pipe to be installed.

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

The City will benefit from the partial vacation of this easement in that the existing open irrigation ditch will be piped thus eliminating the possibility of overflow and flooding of this property and Centauri Drive.

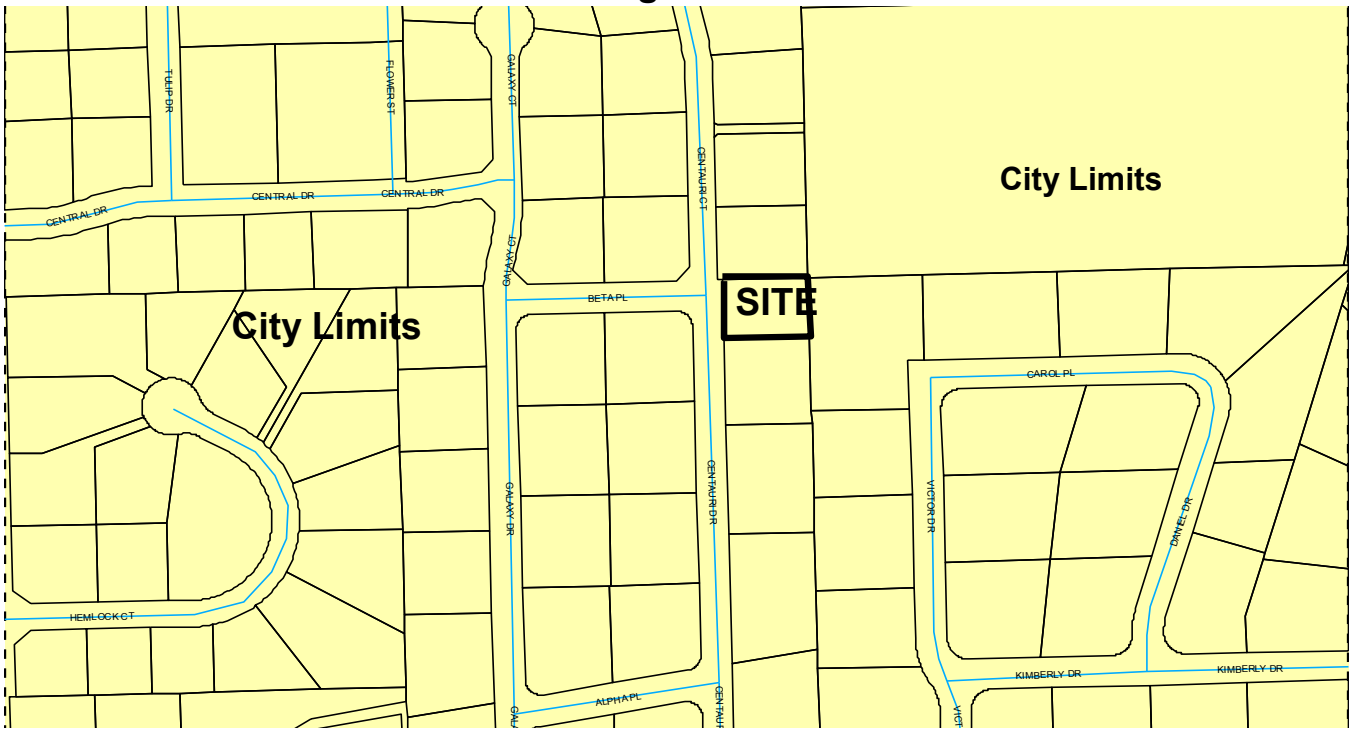
#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Partial Easement Vacation application, VE-2006-098, for the vacation of 15 ft of an existing 50 ft irrigation and drainage easement, staff makes the following findings of fact and conclusions:

- The requested easement vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

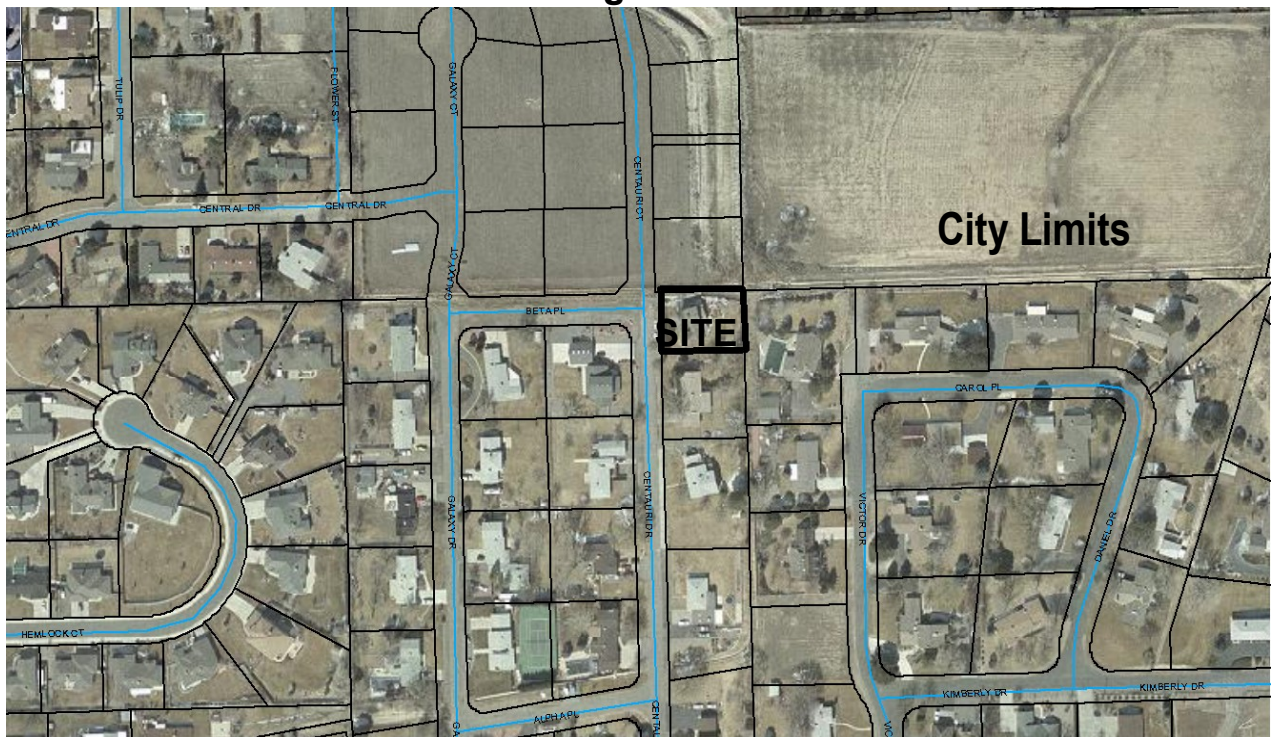
# Site Location Map

Figure 1



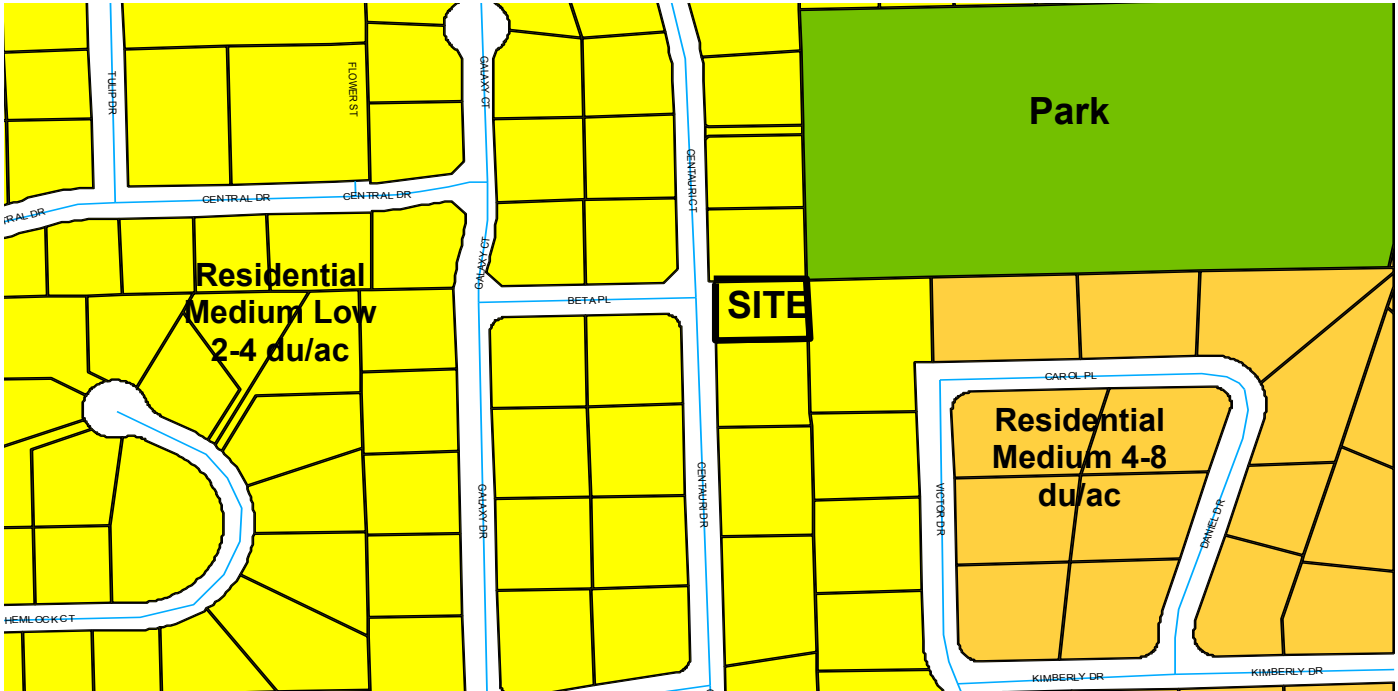
# Aerial Photo Map

Figure 2



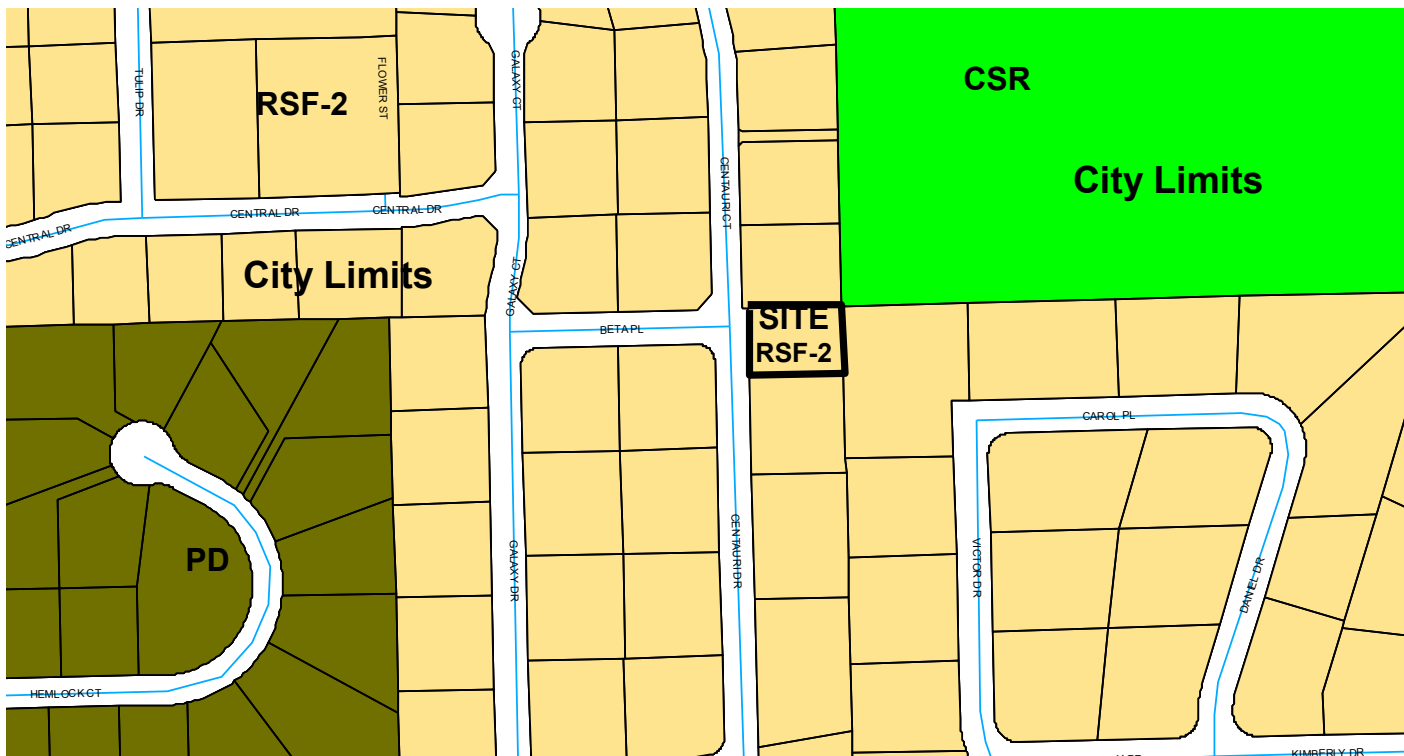
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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**

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

**A RESOLUTION VACATING A PORTION OF AN IRRIGATION AND DRAINAGE  
EASEMENT LOCATED AT 724 CENTAURI DRIVE**

**RECITALS:**

The applicant proposes to vacate 15 ft of an existing 50 ft irrigation and drainage easement dedicated by plat in Book 9, Page 119. The easement is located on the North 100 ft of Lot 9, Block 4 of the Galaxy Subdivision.

At the May 9, 2006 hearing the Grand Junction Planning Commission recommended approval of the 15 ft easement vacation. The City Council finds that the vacation of easement request meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code.

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

The portion of the easement as shown on "Exhibit A" and described below is hereby vacated.

Easement legal description to be vacated:

Commencing at the NE corner of Lot 9, Block 4, Galaxy Subdivision, Mesa County, Colorado whence the NW Corner of said Lot 9 bears S 90°00'00" W a distance of 140.00 feet for a basis of bearings with all bearings contained herein relative thereto; thence S 00°06'00" E a distance of 20.00 feet; thence S 90°00'00" W a distance of 35.00 feet to the Point of Beginning; thence S 00°06'00" E a distance of 80.00 feet; thence S 90°00'00" W a distance of 15.00 feet; thence N 00°06'00" W a distance of 80.00 feet; thence N 90°00'00" E a distance of 15.00 feet to the Point of Beginning.

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

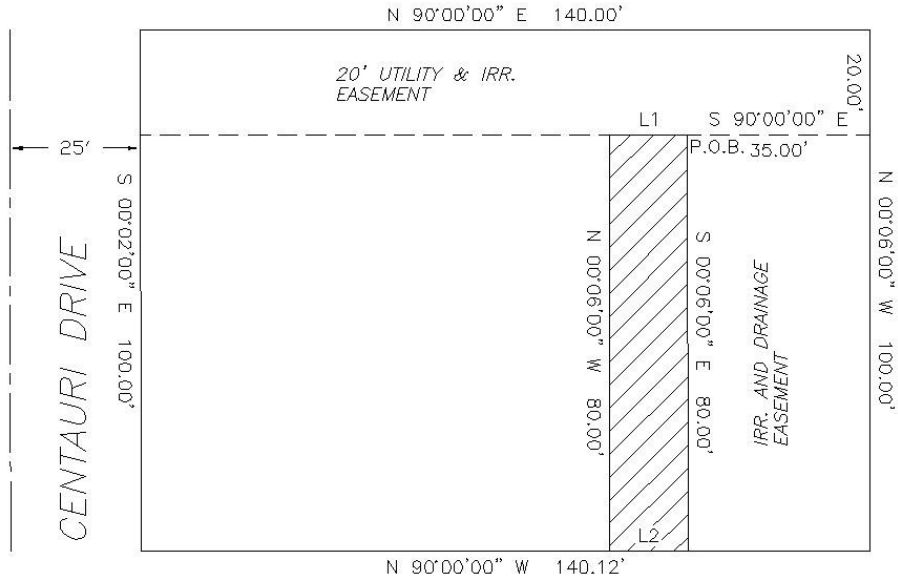
ATTEST:

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

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

# EXHIBIT "A"

NORTH 100' OF LOT 9, BLOCK 4, GALAXY SUBDIVISION, MESA COUNTY, COLORADO  
724 CENTAURI DRIVE



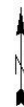
LINE	BEARING	DISTANCE
L1	N 90°00'00" E	15.00'
L2	S 90°00'00" W	15.00'

Vacation Description

*Commencing at the NE Corner of Lot 9, Block 4, Galaxy Subdivision, Mesa County, Colorado whence the NW Corner of said Lot 9 bears S 90°00'00" W a distance of 140.00 feet for a basis of bearings with all bearings contained herein relative thereto; thence S 00°06'00" E a distance of 20.00 feet; thence S 90°00'00" W a distance of 35.00 feet to the Point of Beginning; thence S 00°06'00" E a distance of 80.00 feet; thence S 90°00'00" W a distance of 15.00 feet; thence N 00°06'00" W a distance of 80.00 feet; thence N 90°00'00" E a distance of 15.00 feet to the Point of Beginning.*

Jeffrey C. Fletcher, Colorado PLS #24953

JOB NO. 06-55



SCALE: 1" = 30'

**HIGH DESERT SURVEYING, LLC**  
P.O. BOX 40017, GRAND JCT., COLORADO 81504  
TEL: 970.254.8649 FAX: 970.241.0451

**Attach 12**

Fairway Villas Growth Plan Consistency Review, Located at 2065 South Broadway

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Growth Plan Consistency Review – Fairway Villas					
<b>Meeting Date</b>		May 17, 2006					
<b>Date Prepared</b>		May 10, 2006				File #	
<b>Author</b>		Sheryl Trent		Interim Community Development Director			
<b>Presenter Name</b>		Sheryl Trent		Interim Community Development Director			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** This is a request to officially determine the consistency of the proposed zoning of PD 4.4 with the Growth Plan's Future Land Use Designation of RMH 8 – 12. The current zoning of PD 4.4 was established by City Ordinance Number 2782 and is specific to this parcel of land (please see attached). The Planning Commission recommended approval at their May 9, 2006 meeting.

**Budget:** N/A.

**Action Requested/Recommendation:** That the City Council approve that the proposed PD 4.4 land use and zoning are consistent with the Growth Plan.

**Attachments:** Staff report to Planning Commission

**Background Information:** Please see attached.

AGENDA TOPIC: GPC-2006-116

ACTION REQUESTED: Determine consistency of proposed development density of 4 units per acre with the Growth Plan

<b>BACKGROUND INFORMATION</b>		
Location:		<b><i>2065 South Broadway</i></b>
Applicants:		Redlands Development, LLC Cliff Anson Ted Ciavonne – Ciavonne, Roberts and Associates
Existing Land Use:		<b><i>Residential, Vacant</i></b>
Proposed Land Use:		<b><i>Residential</i></b>
<b>Surrounding Land Use:</b>	<b>North</b>	<b><i>Tiara Rado Golf Course</i></b>
	<b>South</b>	<b>Seasons, Residential</b> <b><i>Tiara Rado Golf Course</i></b>
	<b>East</b>	<b>Desert Hills, Residential</b>
	<b>West</b>	<b>Redlands Swim and Fitness Club</b> <b><i>Tiara Rado Golf Course</i></b>
Existing Zoning:		PD 4.4
Proposed Zoning:		PD 4.4
<b>Surrounding Zoning:</b>	North	CSR
	South	Planned Development CSR
	East	RSF - E



	West	CSR		
Growth Plan Designation:	RMH 8 - 12			
Zoning within density range?		Yes	X	No

**PROJECT DESCRIPTION:** A request to officially determine consistency with the Growth Plan of the proposed development density of 4 units per acre.

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation of approval that the proposed density of 4 units per acre is consistent with the Growth Plan.

## ANALYSIS

### I. Background

The subject property located at 2065 South Broadway consists of 11.5 acres and is located on the Tiara Rado Golf Course. It is southwest of the intersection at South Broadway and Desert Hill Road just north of the Tiara Rado Golf Course and The Season's at Tiara Rado. The proposed development consists of 46 lots for a density of 4 units per acre.

The current zoning of PD 4.4 was established upon annexation by City Ordinance Number 2782 and is specific to this parcel of land (please see attached), as well as a much larger area known as The Seasons at Tiara Rado. The ordinance zoning the annexation incorporated the standards established with the original Planned Unit Development (PUD) approved by Mesa County. The zoning established an overall density for The Seasons at Tiara Rado, not to exceed 4.4 units per acre and maximum commercial square footage of 12,000 s.f.

In the original PUD, the Official Development Plan designated this property as a part of Tract 9. The original Tract 9 included 11.9 acres, with a clubhouse pool and tennis courts (currently developed as The Beach) and 117 multifamily units. As a result of those approved uses in the PUD, the 1996 Growth Plan designated the clubhouse area as Commercial and the remainder of Tract 9 as Residential Medium High, 8-12 units per acre. One other multifamily area of the Seasons was designated as Residential Medium High, reflecting the built densities, and the remainder of the development was designated as Residential Medium Low, 2-4 units per acre.

Ordinance Number 2782 established the allowed non-residential uses for Tract 9, limiting it to no more than 12,000 square feet. The ordinance also established the overall density for the Seasons as 4.4 units per acre and a maximum density of 8 units per acre in all phase except Tract 9.

A letter (attached) dated January 16, 2006 from Richard Krohn as the attorney for the applicant requested clarification regarding the conflicting ordinance and the Growth Plan. In a response dated February 28, 2006 (attached) from Bob Blanchard as the Community Development Director, the zoning designation is discussed, but Mr. Blanchard did not feel as if he had the administrative authority to simply change the Growth Plan.

According to an email dated March 28, 2006, the City Attorney John Shaver stated that, "As you are aware it is my opinion that the zoning (PD 4.4) is controlling and accordingly that the Growth Plan is in error."

Upon further staff meetings and consultation with the City Attorney, staff has determined that the appropriate method to address this issue is to request a consistency determination from the Planning Commission and the City Council. Staff feels that the ordinance as referenced should be controlling and since the zoning ordinance did not establish required minimum densities, the applicant should be allowed to proceed.

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

Consistency with the Growth Plan is always a consideration when reviewing any development application. Staff makes a finding of consistency or inconsistency when recommending an action on an application. However, the Zoning and Development Code also allows for a separate, formal determination of Consistency during the review of development requests. This request is to determine the appropriateness of applying the overall density established with the zoning ordinance, rather than the Growth Plan density of 8-12 units per acre. The Code does not establish any specific review criteria for determining consistency with the Growth Plan.

When the Growth Plan was originally established in 1996, it established density ranges. However, zoning at that time only established maximum density. There were not minimum density requirements until the adoption of the 2000 Zoning and Development Code. The Growth Plan designation of Residential Medium High on this property was put in place to recognize the ability for the property to be developed at higher density. However, since the original PUD and the subsequent annexation zoning ordinance predates the establishment of minimum density requirements, staff finds that the proposal to develop at 4 units per acre is consistent with the Growth Plan.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing GPC-2006-116, for Growth Plan Consistency Review, staff finds that the proposed density of 4 units per acre is consistent with the Growth Plan.

#### PLANNING COMMISSION:

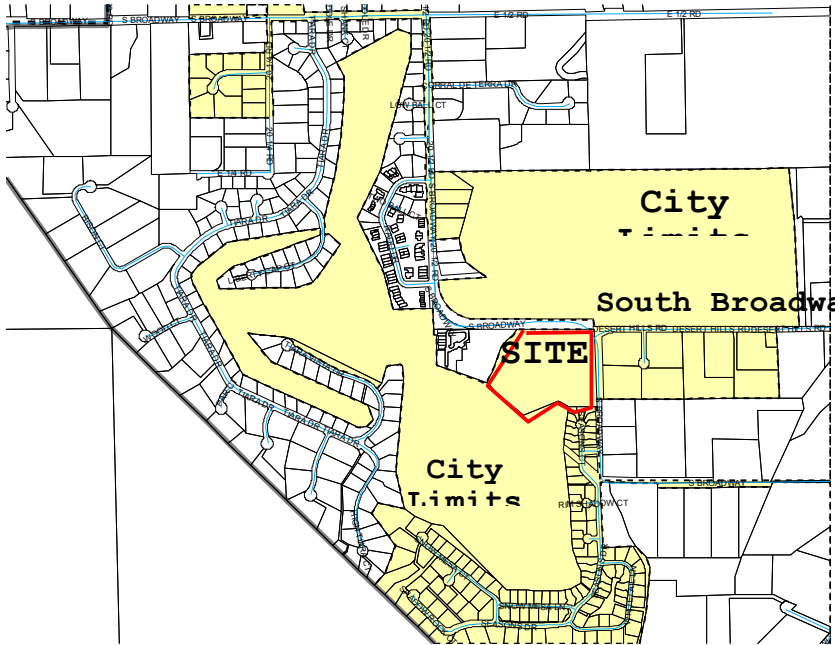
At the May 9, 2006 hearing, the Planning Commission recommended approval of the Growth Plan Consistency review finding that the proposed development of the remainder of Tract 9 in the Seasons at Tiara Rado at 4 units per acre is consistent with the Growth Plan.

Attachments:

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Letter from Applicant  
Letter from Bob Blanchard

**Site Location Map**

**Figure 1**



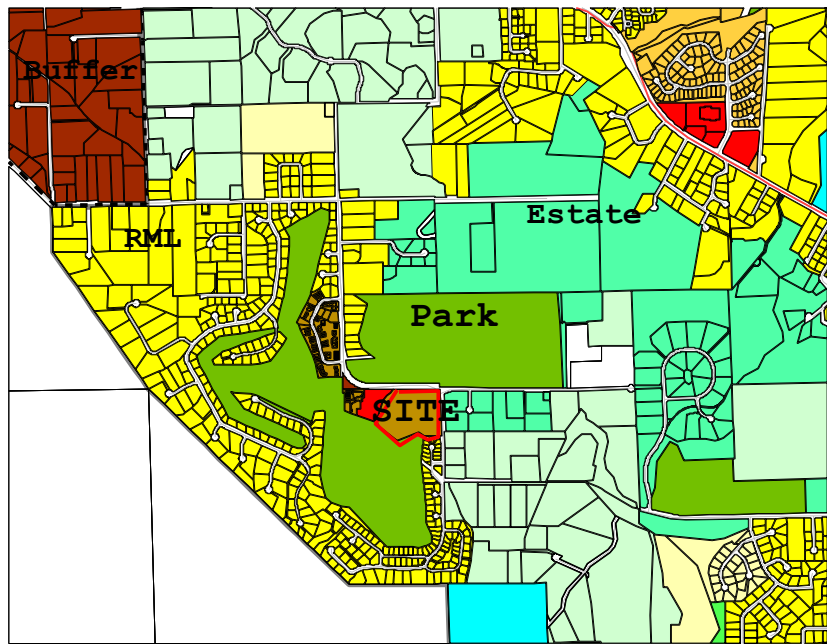
**Aerial Photo Map**

**Figure 2**



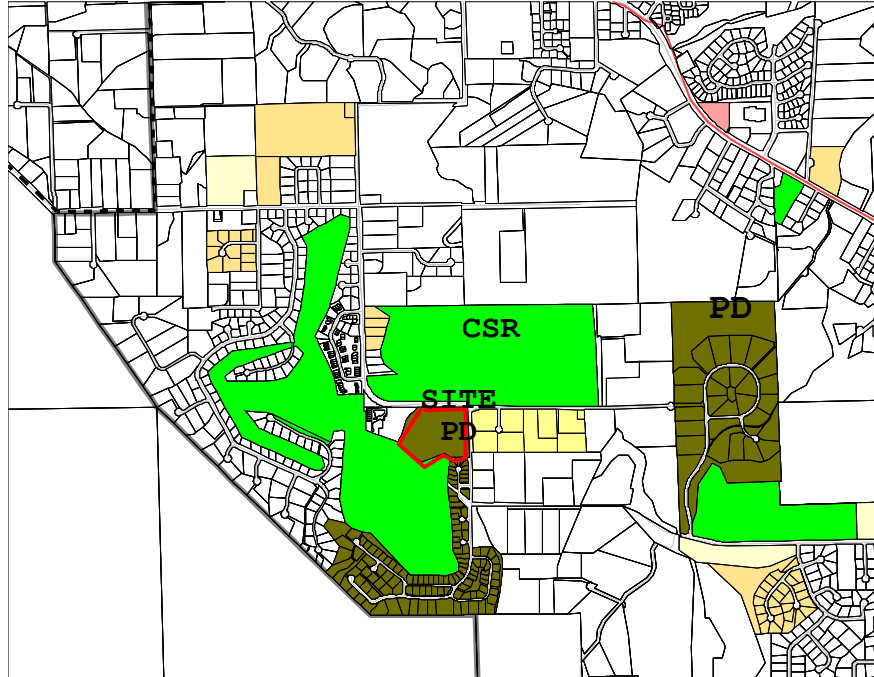
Future Land Use Map

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."



**DUFFORD WALDECK  
MILBURN & KROHN LLP**  
Attorneys at Law

William H. T. Frey  
Nathan A. Keever  
Richard H. Krohn  
Christopher G. McAnany\*  
Laird T. Milburn  
John R. Pierce+  
Sam D. Starritt †

•  
William S. DeFord  
Michael A. Kuzminski\*  
Cindy C. Lay

•  
William G. Waldeck  
Retired

•  
Flint B. Ogle  
Of Counsel

•  
D. J. Dufford  
(1919-1998)

•  
+ Also Admitted in Oregon  
\* Also Admitted in Utah  
† Admitted in Wyoming

January 16, 2006

**HAND DELIVERY**

Robert Blanchard, Director  
Community Development Department  
City of Grand Junction  
250 N. Fifth Street  
Grand Junction, CO 81501

Re: 2065 South Broadway  
Mesa County Tax Parcel No. 2947-271-00-028

Dear Bob:

Our firm represents Redlands Investment Properties, LLC ("Redlands") concerning its application for development of the above property. A general meeting on that proposed development is scheduled for today, so I do not believe that a file number has yet been assigned for this application.

In the course of preliminary development steps related to this application, a perceived problem concerning zoning was raised by your staff. In that regard, a copy of general meeting notes by Lisa Cox from a meeting dated January 17, 2005 is enclosed. Please see her comments on page 2 relative to Chapter 3. She states that a density of less than 8 units per acre will require a Growth Plan Amendment prior to submitting the application to request subdivision approval.

This is not correct. I refer you to City Ordinance No. 2782 dated November 2, 1994. A copy is enclosed for your easy reference. Note that this Ordinance makes it clear that the subject property was zoned Planned Unit Development at the time of its annexation, and that this zoning is accompanied by a specific stated density of not to exceed 4.4 units per acre. The Future Land Use Map associated with the Growth Plan adopted after the subject property was annexed and zoned under the Ordinance cited above cannot change the zoning of the property as set by that Ordinance.

John Shaver and I have met and reviewed the facts surrounding this issue. He agrees with my conclusion that the existing zoning of this property is not changed or impacted by the Growth Plan.

Our conclusion from my meeting with John was that this situation constitutes an inadvertent clerical error in the Future Land Use Map. John tells me that the proper

GRAND JUNCTION, COLORADO  
744 Horizon Court  
Suite 300  
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Colorado 81506  
TEL 970.241.5500  
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970.249.4500

MOAB, UTAH  
TEL 435.259.2225

www.dwmk.com  
dwmk@dwmk.com



Robert Blanchard, Director  
Community Development Department  
City of Grand Junction  
January 16, 2006  
Page 2

procedural way to address and correct this situation is that Redlands request a correction or reconciliation of that mapping error to accurately reflect the PUD/4.4 units per acre zoning of the property described above.

John also tells me that this is an administrative action to be taken by your office, and that it is proper for the request for that administrative action to be made by a letter directed to you. Please accept this letter as that request on behalf of Redlands that you take the administrative action described above to correct the error in the Future Land Use Map of the Growth Plan to reflect the zoning of the subject property, which at all relevant times has been and is PUD/4.4 units per acre.

Feel free to contact me if you would like to discuss this situation further. Thank you in advance for your assistance.

Sincerely,



Richard H. Krohn

RHK/saj

Enclosures

cc: Cliff Anson

John Shaver

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**CITY OF GRAND JUNCTION, COLORADO**

**Ordinance No. 2782**

**Ordinance Zoning the Seasons at Tiara Rado,  
Part of the South Camp 1,2 & 3 Annexation, to PR-4.4**

**Recitals:**

The following property has been annexed to the City of Grand Junction as part of the South Camp Annexation and requires a City zoning designation be applied to the property. The property was zoned Planned Unit Development (PUD) in the County. Surrounding County zoning is PR-4 (Planned Residential) and R-2.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the zone of annexation to Planned Residential with a maximum density of 4.4 units per acre and Planned Commercial uses not to exceed 12,000 sq. ft.

The City Council finds that the requested zoning is in conformance with the stated criteria of Section 4-4-4 and Section 4-11 of the Grand Junction Zoning and Development Code.

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

The attached described properties are zoned Planned Residential with a maximum of 4.4 units per acre and Planned Commercial not to exceed 12,000 sq. ft. and with the following provisions:

*Permitted Uses:*

1. Residential Single Family, attached  
Single Family, detached  
Duplexes  
Multifamily (maximum of 12 units per building)
2. Non-residential

Nonresidential development is permitted only on Tract 9 and is limited to the following uses:

The following uses shall be allowed uses on and within Tract 9:

Video store; beauty shop; barber/hair care shop; self-service laundromat; medical and/or dental clinic; professional offices; pharmacy; cafe or small restaurant (maximum seating capacity of 25); neighborhood convenience goods

store

The following uses may be allowed upon issuance of a conditional use permit by the Planning Commission:

Restaurant (seating capacity greater than 25)

The following use(s) may be allowed upon the issuance of a special use permit by the Director of Community Development:

Dance or music school; automatic teller machine (ATM)

All nonresidential development shall be adequately buffered from residential uses. Tract 9 shall be planned and designed as a single parcel.

*Gross Density:* Not to exceed 4.4 units/acre. Density not to exceed eight units per acre in any phase except Tract 9. Nonresidential development to be limited to Tract 9 and shall be limited to no greater than 12,000 square feet.

*Minimum Setbacks from Golf Course:*

To be determined on a lot by lot basis for each future phase with design considerations to minimize potential conflicts between residential uses and the golf course.

*Minimum Required Open Space:*

Within all multifamily residential phases, a minimum of 20% developed active and/or passive recreation/open space area shall be provided.

INTRODUCED for FIRST READING and PUBLICATION this 19th day of October, 1994.

PASSED and ADOPTED on SECOND READING this 2nd day of November, 1994.

ATTEST:

/s/ Stephanie Nye  
City Clerk

/s/ R.T. Mantlo  
President of City Council



COMMUNITY  
DEVELOPMENT

February 28, 2006

Richard H. Krohn  
Dufford Waldeck Milburn & Krohn, LLP  
744 Horizon Court  
Suite 300  
Grand Junction, CO 81506

Dear Rich:

This is in response to your January 16, 2006 letter regarding property located at 2065 South Broadway. In that letter, you suggest that the Growth Plan designation of Residential Medium High, 8 to 12 dwelling units per acre was placed on the property in error and that I administratively change the Plan map.

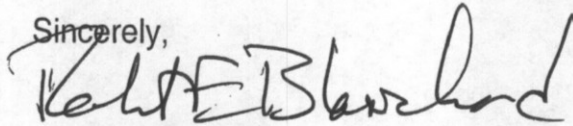
Regarding the issue of whether the Plan map designation was placed in error, it is staff's recollection that the previous owner of this property requested the current Plan designation during the development of the Redlands Area Plan which was adopted in 2002. However, a search of the files has not shown any documentation of this. Regardless, Ordinance 2782 which zoned the Seasons at Tiara Rado Planned Residential and Planned Commercial and drawings titled Revised ODP / Official Development Plan in the development file (File No. 154-94) does provide some indication that this property (tract 9 of the Seasons at Tiara Rado) would be developed with either a higher density residential or non-residential development.

Even if the zoning ordinance disagrees with the Growth Plan, I do not agree that I have the authority to administratively change a map designation. In fact, a finding that a designation was assigned in error is one of the approval criteria contained in Section 2.5, Growth Plan Amendment, of the Zoning and Development Code. The Growth Plan Amendment procedure is the appropriate process to request a change to the map.

You are probably aware that the deadline for Growth Plan Amendments is to February 28, 2006. Because of the extended time that it's taken to discuss this issue internally, that deadline will be extended for your client until March 31.

Should you have any questions regarding this issue, please contact Kathy Portner at 244-1430.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Blanchard". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert E. Blanchard, AICP  
Community Development Director

cc: John Shaver, City Attorney  
Kathy Portner, Assistant Community Development Director  
Scott Peterson, Associate Planner

**Attach 13**

Construction Contract for 2006 Waterline Replacements Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Construction Contract for 2006 Waterline Replacements					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006	File # - N/A				
<b>Author</b>	Mike Curtis, Project Engineer					
<b>Presenter Name</b>	Trent Prall, Engineering Manager					
<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:** This project generally consists of the installation of 3,000 L.F. of 12" PVC water main, 700 L.F. of 6" PVC water main, and 800 L.F. of 8" PVC sewer main in Orchard Avenue between 15<sup>th</sup> and 23<sup>rd</sup> Streets. Work will also include restoration of disturbed areas including asphalt patching, concrete flatwork, and sod.

**Budget:** This project is funded under Funds 301 (water) and 905 (sewer) for Program Year 2006.

The estimated project costs and Fund use are:

<b>Budget (2006 Waterline Replacements 3011-F04800)</b>	<b>\$563,623</b>
Other Fund 3011/F04800 commitments for 2006	\$219,000
<b>2006 Waterline Replacement Fund 3011/F04800</b>	
Construction Contract	\$469,436.40
Design	\$16,389
Construction Inspection & Admin	\$12,000
<b>Total This Project Fund 3011/F04800</b>	<b>\$497,825.40</b>
** To be allocated in Fall 2006 appropriations	\$160,000

Available Fund 3011/F04800	\$6,797.60

\*\* \$160,000 will be transferred from 301 fund balance during fall 2006 appropriations to cover anticipated costs for 2006 Waterline Replacement efforts and completion of the 2005 Waterline replacements.



<b>Budget (2006 Sewerline Replacements 905-F10200)</b>	<b>\$522,168</b>
--	------------------

Other Fund 905/F10200 commitments for 2006	\$258,000
--	-----------

<b>Sewerline Replacement Fund 905</b>	
Construction Contract	\$99,280
Design	\$0.00
Construction Inspection & Admin	\$3,000
<b>Total This Project Fund 905</b>	<b>\$102,280</b>
Available Fund 905/F10200	\$161,880

\$522,168 is budgeted within Fund 905/F10200 for the 2006 Sewer Line Replacements.

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **2006 Waterline Replacements** with Berry Brothers in the amount of \$568,716.40.

**Attachments:** none

**Background Information:**

Bids for the project were opened on May 9, 2006. The low bid was submitted by Berry Brothers in the amount of \$568,716.40. The following bids were received:

Bidder	From	Bid Amount
Berry Brothers	Meeker, CO	\$568,716.40
BWR Constructors	Cortez, CO	\$624,970.40
Engineers Estimate		\$484,020.00

To minimize the impact to Orchard Avenue Elementary School, this project has been scheduled for construction during the school summer break. An ESY (special needs students) program is scheduled each day Monday through Thursday from June 5 through July 13 from 9:00 a.m. to 3:00 p.m. The contractor and the City will work with the school to minimize any impact during construction.

2006 Waterline Replacements Construction Start

May 30, 2006



2006 Waterline Replacements Construction Completed

August 17, 2006

**Attach 14**

Construction Contract for New Sidewalk Construction Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	New Sidewalk Construction					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006	File # - N/A				
<b>Author</b>	Justin J. Vensel	Project Manager				
<b>Presenter Name</b>	Trent Prall	Engineering Manager				
<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:** The 2006 New Sidewalk projects consist of the installation of sidewalk in 5 locations. To be considered for this project, the areas must first have curb and gutter adjacent to the property. These selected areas were petitioned in 2004 and 2005. The streets that received a majority vote are the ones that will have the new sidewalk installed.

**Budget:** Project No.: 2011-F01300

Project costs:

Construction contract (low bid)	\$165,500.00
Design	\$5,000.00
Construction Inspection and Administration (est.)	<u>\$20,000.00</u>
<b>Total Project Costs</b>	<b>\$190,500.00</b>

Project funding:

<u>Capital Fund</u>	<u>2006 Budget Unencumbered Balance</u>	<u>Allocation for this Contract</u>	<u>Remaining Budget after Contract</u>
Fund 2011-F01300 Sidewalk Improvements	\$ 150,000.00	\$ 150,000.00	\$ 00.00

Fund 2011-F00900

Curb, Gutter, and Sidewalk Repair	\$ 68,389.00	\$ 6,300.00	\$ 62,089.00
Fund 2011-02000 Accessibility	\$ 31,000.00	\$ 8,000.00	\$ 23,000.00
Fund 2011-F00400 Contract Street Maintenance	<u>\$ 147,695.00</u>	<u>\$ 26,200.00</u>	<u>\$ 121,495.00</u>
Totals:	\$ 397,084.00	\$ 190,500.00	\$ 206,584.00

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **New Sidewalk Construction to G & G Paving Construction Inc.** in the amount of **\$165,500.00**.

**Attachments:** none

**Background Information:**

A list of candidate streets was compiled, a survey was sent out in early March of 2005 to determine if the property owners were interested in have sidewalks installed. We received a majority response in favor of sidewalks on all the streets surveyed in 2005. One street that was approved by the citizens in the 2004 survey will be completed under this contract. Of the 17 streets surveyed in 2005, sidewalks were constructed on 7 streets in 2005. Of the remaining 10 streets 5 are proposed for construction in 2006. The streets where sidewalk is to be installed include:

- East Sherwood Dr. – S Sherwood Dr. to N. Sherwood Dr
- Hall Ave – 5<sup>th</sup> Street to 6<sup>th</sup> Street
- Cedar Avenue – Walnut Avenue to 6<sup>th</sup> Street
- Texas Avenue- 15<sup>th</sup> Street to 16<sup>th</sup> Street
- 16<sup>th</sup> Street – Texas Avenue to tie in at mid block

This contract is scheduled to begin on June 5, 2006 and be completed on August 16, 2006.

The following bids were opened on May 2, 2006:

Bidder	From	Bid Amount
G & G Paving	Grand Junction	\$165,500.00
Vista Paving	Grand Junction	\$179,716.50
BPS Concrete	Grand Junction	\$198,801.75

Engineer's Estimate		\$198,590.70

**Attach 15**

Change Order to 24 ½ Road Sewer Trunk Ext. Contract

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Change Order to the 24½ Road Sewer Trunk Extension Contract					
<b>Meeting Date</b>		May 17, 2006					
<b>Date Prepared</b>		May 11, 2006			File #		
<b>Author</b>		D. Paul Jagim		Project Engineer			
<b>Presenter Name</b>		Trent Prall		Engineering Manager			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** This project involves extension of a sewer trunk line along the 24½ Road corridor, between Patterson Road and G Road. Change Order #1 is for additional quantity of Imported Trench Backfill material. Placement of import material is necessary due to the soft, wet soils on the project which are unsuitable for use as backfill. During construction of the south half of the project, the amount of saturated soil that needs to be removed has been larger than anticipated.

**Budget Information:** The change order would be funded out of the Sewer Line Trunk Extension Fund (903).

<b>Project Fund:</b> Sewer Line Trunk Extension (903)	
Fund 903 Balance as of January 2006	
	\$ 914,488
Fund 903 15% Project Cost Contribution for 2,600 feet	\$
61,971	
of Trunk Extension made by proposed 24½ Rd development	

<b>Available 903 Funds 2006</b> <b>\$ 976,459</b>
--

<b>Project Costs:</b>		
24½ Rd Trunk Extension Construction Contract		
\$ 632,497.50		
Engineering Design Costs for 24½ Rd Trunk	Ext.	
\$ 17,485.65		
Construction Management for 24½ Rd Trunk	Ext. (estimated)	\$
<u>25,328.10</u>		
<b>Total Project Costs</b>		
<b>\$ 675,311.25</b>		
<b>Change Order No. 1</b>		<b>\$ 114,112.50</b>
<b>Remaining Available 903 Sewer Line Trunk Ext. Funds (estimated)</b>		<b>\$</b>
<b>187,035.25</b>		

Note: The projected 2006 revenues for Fund 903 are estimated to be \$ 257,248 including the revenues from the proposed 24½ Road trunk extension.

**Action Requested/Recommendation:** Authorize the City Manager to approve a contract Change Order #1 to the 24½ Road Sewer Trunk Extension in the amount of \$ 114,112.50 with M.A. Concrete Construction for an increase in the quantity of Imported Backfill.

**Attached:** Project Map of the area

**Background Information:** Construction on the 24½ Road Trunk Extension began on March 27, 2006 at the south end of the project. During the design phase it was anticipated that Imported Trench Backfill material would be required due to the soft, wet soils in this area. The saturated soil cannot be reused as backfill because, once excavated, it cannot be re-compacted sufficiently to support the roadway above.

An estimated quantity was determined based on soil samples taken along the corridor, and a test hole dug near the project site. That quantity was included in the construction contract awarded to M.A. Concrete in March 2006. However, the actual depth at which the existing soil becomes saturated has been shallower than anticipated, making it necessary to use more than the estimated amount of Imported Trench Backfill.

Approximately 60% of the 4,250 linear feet of new 15" sewer main has been installed. A revised estimated quantity for Imported Trench Backfill has been calculated based on the amount of Imported Trench Backfill placed to date.

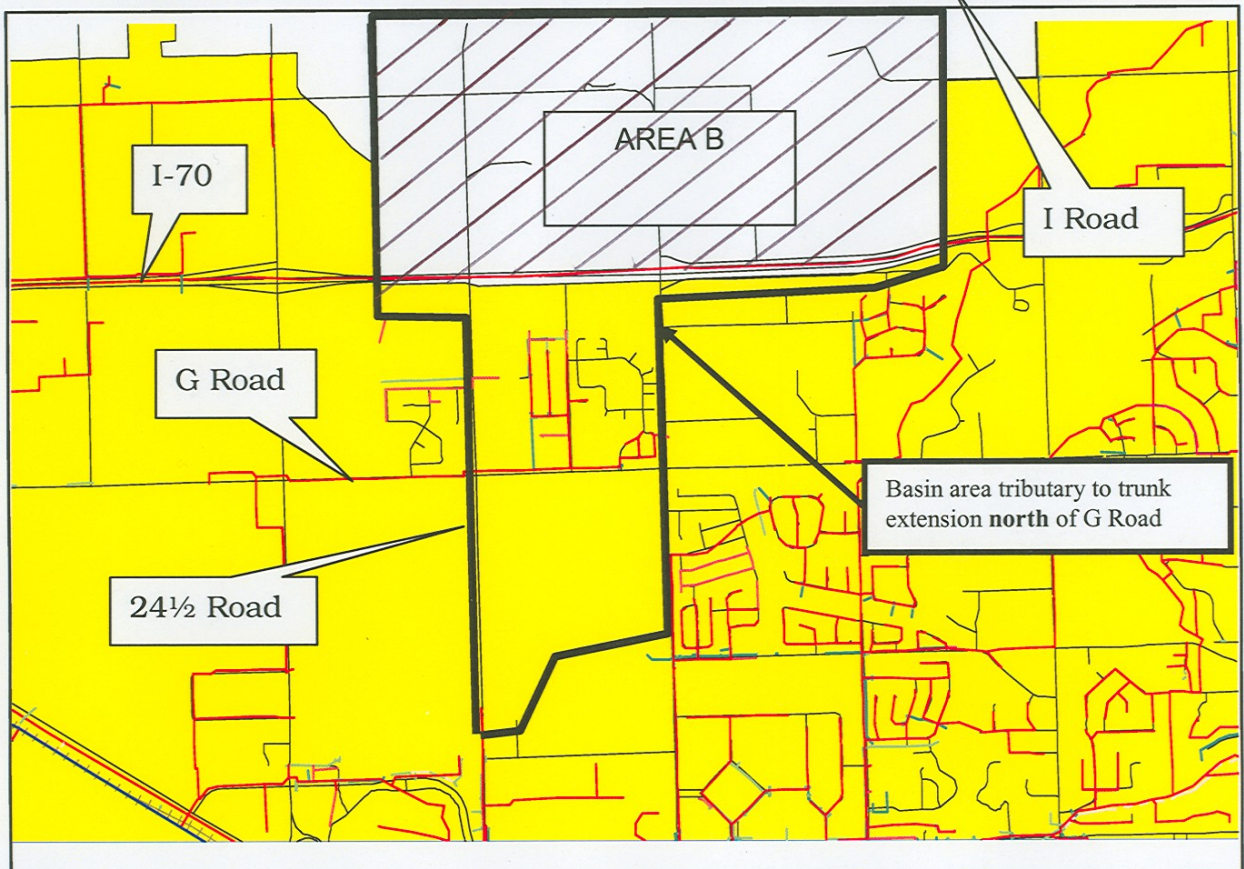
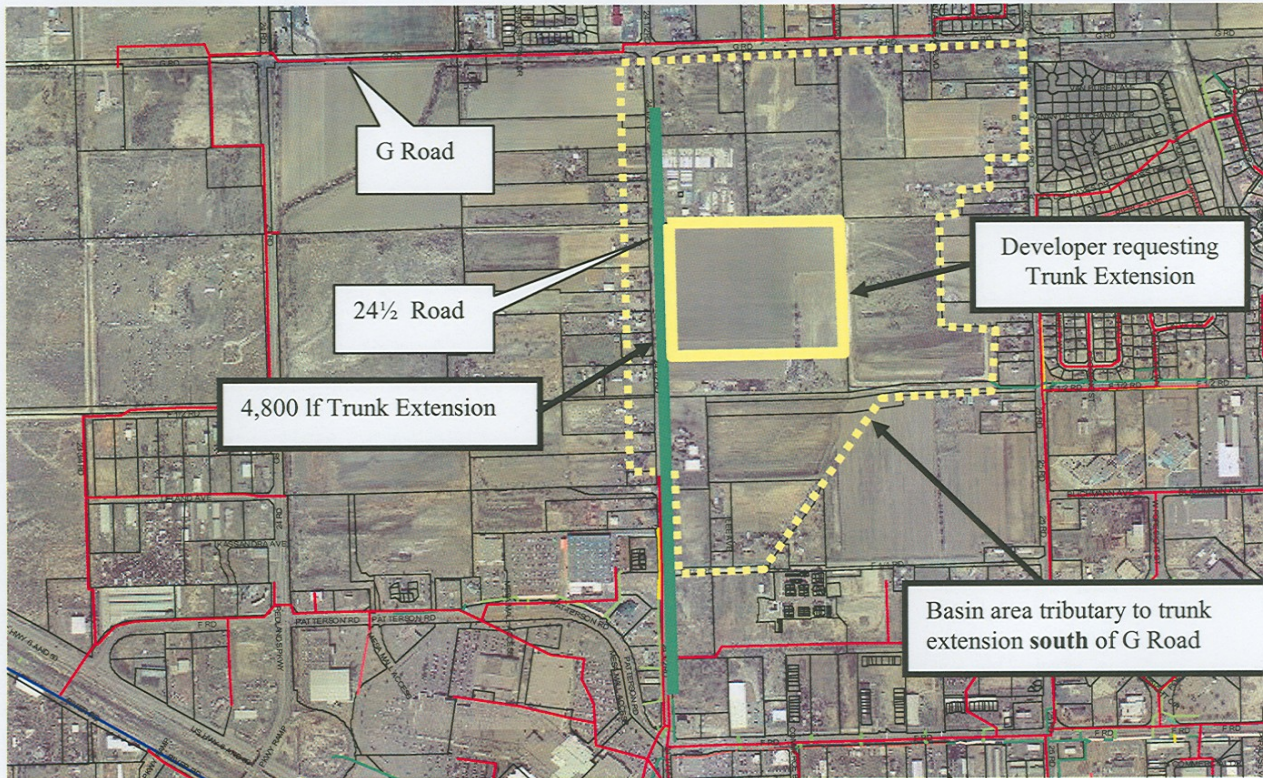
The additional quantity of Imported Trench Backfill will be paid for at the Contract Unit Price of \$8.50/Ton. The following are the unit prices received at the Bid Opening for this project:

<u>Contractor</u>	<u>Item</u>	
	<u>Bid Contract Unit Price</u>	
M.A. Concrete Co., Inc.	Imported Trench Backfill	\$ 8.50 / Ton
Mendez, Inc.	Imported Trench Backfill	\$ 8.95 / Ton
Sorter Construction, Inc.	Imported Trench Backfill	\$ 11.00 / Ton
Engineer's Estimate	Imported Trench Backfill	\$ 10.00 / Ton





**PROJECT MAP:**







**Attach 16**

Public Hearing – Creating the El Poso Area Street Improvement District ST-06, Phase B

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Create El Poso Area Street Improvement District ST-06, Phase B					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006				<b>File #</b>	
<b>Author</b>	Michael Grizenko Trent Prall		Real Estate Technician Engineering Manager			
<b>Presenter Name</b>	Trent Prall		Engineering Manager			
<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>	<b>Any Interested Citizen</b>
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

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

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

**Budget:**

The budget depicted below identifies an additional 2011 CIP Fund Impact of \$99,724 over current budget. This is a combination of an additional \$32,500 in costs over what was originally anticipated and a decrease in assessment revenue of \$67,224. The decrease in assessment revenue is due to the apportionment of grant to benefit only the properties to be assessed rather than the overall project.

The \$99,724 project shortfall is proposed to be funded through deletion of the \$330,000 capital project that would reconstruct Orchard Ave from 7<sup>th</sup> to Cannell (F50800). Although the project is not funded until 2007, there is 2011 Fund balance available to cash flow the project in 2006. The reconstruction will be moved to 2015 when there is fund balance available to fund the project.

Revenue	Current Budget	Projected	Net Change
Fund 2011	\$ 711,500	\$ 811,224	\$ 99,724
CDBG Grant	\$ 500,000	\$ 500,000	\$ -
Assessments	\$ 186,000	\$ 118,776	\$ (67,224)
Total Revenue	\$ 1,397,500	\$ 1,430,000	\$ 32,500
<b>Expenses</b>			
Total Project Budget	\$ 1,397,500	\$ 1,430,000	\$ 32,500
2006 Project Budget	\$ 1,370,000	\$ 1,402,500	\$ 32,500



**Action Requested/Recommendation:** Conduct public hearing and review and adopt proposed resolution.

**Attachments:** 1) Summary Sheet 2)Map 3) Resolution

**Background Information:** People's Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed.

Residential property owners on each side of a street improvement each pay for 1/3 of the cost of building the improvements along their frontage. The City pays the remaining 1/3 of the cost. Commercial properties on each side pay the full cost of their half of the street improvement. Those commercial properties on the North side of West Chipeta Avenue which have signed a Power of Attorney for Alley Improvements for West Chipeta shall be assessed at the alley commercial rate of \$31.50/foot.

A Community Development Block Grant in the amount of \$500,000 has been obtained and will apply directly to lower the amount of assessments. As a result the maximum residential assessment is \$21.98/foot and the maximum commercial assessment is \$88.37/foot. Those commercial properties receiving the commercial alley assessment are not eligible for grant money.

A summary of the process that follows submittal of the petition is provided below.

Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

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

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

**OWNERSHIP SUMMARY  
PROPOSED EL POSO  
STREET IMPROVEMENT DISTRICT  
No. ST-06, PHASE B**

\* Estimated maximum assessments, discounted by grant, but with \$77,000 worth of contingencies built into the calculation of the maximums, which amount was used for the petition process.

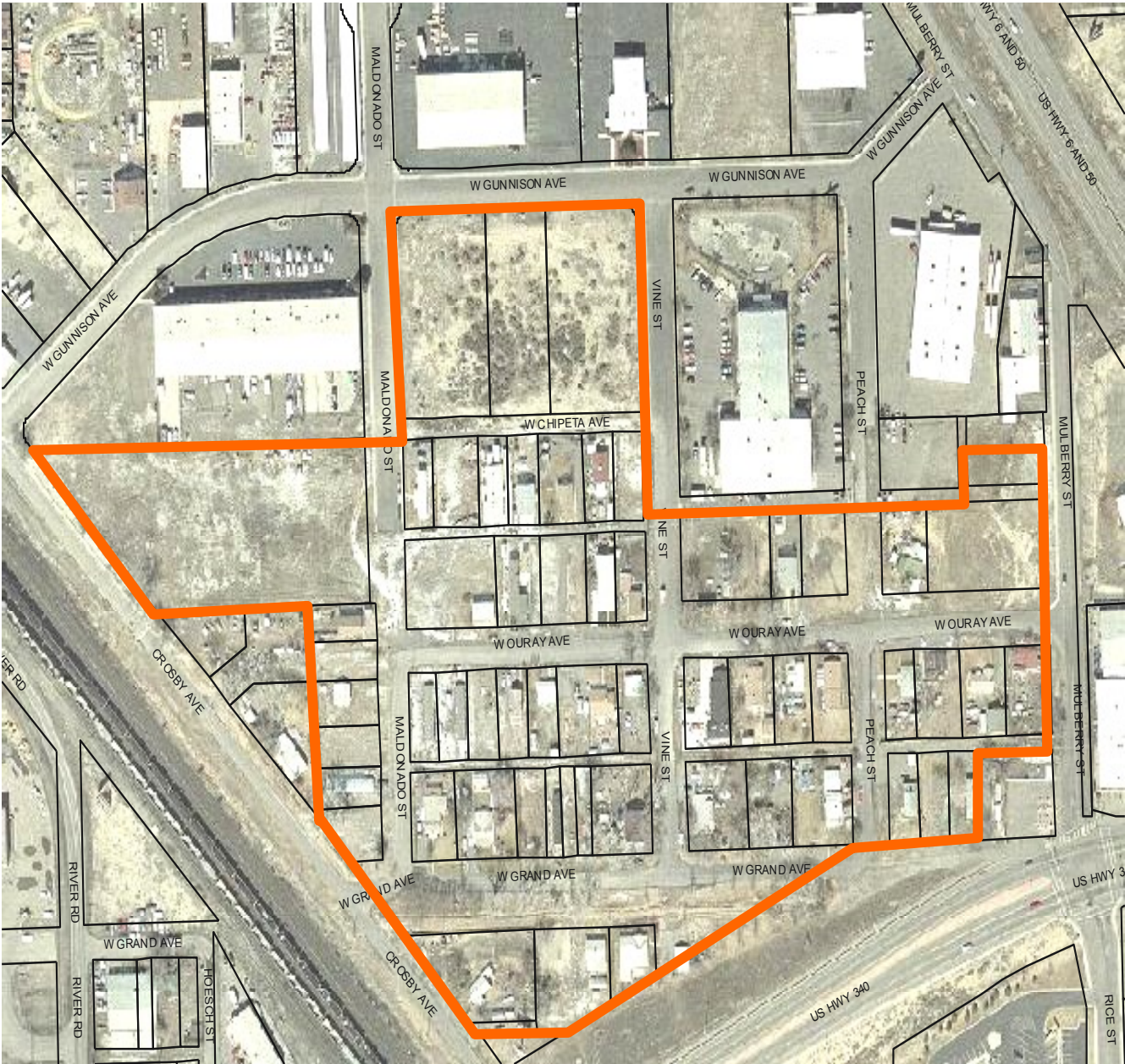
<b>OWNER</b>	<b>PROPERTY ADDRESS</b>	<b>FRONTAGE</b>	<b>COST/FT*</b>	<b>ASSESSMENT*</b>
• Luisa F. Cordova, etal	410 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Jennie Trujillo & Esther Lujan	417 W Chipeta Avenue	75	\$ 21.98	\$ 1,648.50
• Margarito & Genevieve Diaz	550 Maldonado Street	50	\$ 21.98	\$ 1,099.00
• John & Virginia Trujillo	Vacant	150	\$ 21.98	\$ 3,297.00
• John & Virginia Trujillo	402 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
• John & Virginia Trujillo	401 W Chipeta Avenue	125	\$ 21.98	\$ 2,747.50
• Edmond & Petra L. Ybarra	403 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
Adam & Charalene Bera	415 W Ouray Avenue	100	\$ 21.98	\$ 2,198.00
Bill M. & Shauna Lee Williams	404 W Grand Avenue	25	\$ 21.98	\$ 549.50
• Isidore & Rosie M. Garcia	503 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
• Isidore & Rosie M. Garcia	501 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
• Emma Weston & Thomas Brunz	505 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
• Alma Bera	416 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
Darren Davidson	408 W Grand Avenue	25	\$ 21.98	\$ 549.50
Darren Davidson	406 W Grand Avenue	25	\$ 21.98	\$ 549.50
Mary Dell Montoya, etal	Vacant	50	\$ 21.98	\$ 1,099.00
• Frank & Julia M. Maldonado	402 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
Mac & Bernice E. Bera	414 W Grand Avenue	100	\$ 21.98	\$ 2,198.00
Mac & Bernice Bera	459 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
Douglas F. & Kelly M. Murphy	411 W Chipeta Avenue	50	\$ 21.98	\$ 1,099.00
• Eugene D & Charles A Cordova	460 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Greg & Amy R. Varela	408 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Lance S. & Roberta L. Moore	501 Maldonado Street	53.5	\$ 21.98	\$ 1,175.93
Felix Maldonado, Jr.	431 Maldonado Street	64	\$ 21.98	\$ 1,406.72
• Isabel Serrano	421 Maldonado Street	57	\$ 21.98	\$ 1,252.86

• Robert & Barbara Yurick	411 Maldonado Street	57	\$ 21.98	\$ 1,252.86
• Frank Maldonado	510 W Grand Avenue	74.9	\$ 21.98	\$ 1,646.30
• Kim R. DeCoursey, etal	451 Maldonado Street	53.5	\$ 21.98	\$ 1,175.93
• Theresa Yribia	509 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
• Theresa Yribia	405 W Chipeta Avenue	50	\$ 21.98	\$ 1,099.00
• Theresa Yribia	404 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
• Theresa Yribia	413 W Chipeta Avenue	50	\$ 21.98	\$ 1,099.00
• Theresa M. Yribia	357 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
• John J. & Virginia S. Trujillo	323 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• John J. & Virginia S. Trujillo	321 W Ouray Avenue	62.5	\$ 21.98	\$ 1,373.75
• Juanita A. & John J. Trujillo	319 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
• Frank & J.M. Maldonado	350 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
Alberto Maldonado Estate	324 W Grand Avenue	75	\$ 21.98	\$ 1,648.50
• Frank Joe & Lois J. Jimenez	320 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
• Dolores S. Trujillo	350 W Ouray Avenue	150	\$ 21.98	\$ 3,297.00
• Gene Taylor	320 W Ouray Avenue	50	\$ 21.98	\$ 1,099.00
• Theresa M. Yribia	318 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Bobby L. Ulibarri & Betty I. Padilla	314 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Gene Taylor's Sporting Goods	Vacant	25	\$ 21.98	\$ 549.50
• Jesus Hernandez & Jaime Olivas	305 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Randy L. & Leah B. Rowe	307 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Marcia M. & Frank M. Cordova	315 W Ouray Avenue	75	\$ 21.98	\$ 1,648.50
• Ruby Varela	317 W Ouray Avenue	125	\$ 21.98	\$ 2,747.50
• Dolores E. Zamora	230 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
Linda Cole	314 W Grand Avenue	50	\$ 21.98	\$ 1,099.00
• Lynn G. Pleasant	310 W Grand Avenue	50	\$ 21.98	\$ 1,099.00
• 725 Scarlett, LLC	555 W Gunnison Avenue	150.19	\$ 31.50	\$ 4,730.99
• 725 Scarlett, LLC	Vacant	100	\$ 31.50	\$ 3,150.00
• Storage Storage, LLC	575 W Gunnison Avenue	151.33	\$ 31.50	\$ 4,766.90
• C B & G Partnership	531 Maldonado Street	104.72	\$ 88.37	\$ 9,254.11
Dionicia & Jose Arrieta, Sr.	445 Crosby Avenue	210	\$ 21.98	\$ 4,615.80
• Jason M. Gulley	407 W Grand Avenue	125	\$ 21.98	\$ 2,747.50
• Frank M. & Marcia Cordova	401 W Grand Avenue	75	\$ 21.98	\$ 1,648.50
TOTALS		4913.64		\$118,776.65



- Indicates owners signing in favor of improvements are 46/58 or 79% and 83% of the assessable footage.

# BOUNDARY OF THE PROPOSED EL POSO STREET IMPROVEMENT DISTRICT



Resolution No. \_\_\_\_\_

**A RESOLUTION CREATING AND ESTABLISHING  
STREET IMPROVEMENT DISTRICT NO. ST-06, PHASE B  
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,  
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN STREETS AND  
ALLEYS,  
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING  
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

**WHEREAS**, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that a Street Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to particular streets in the following area:

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

**WHEREAS**, the City Council has found and determined, and does hereby find and determine, that the construction of street improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

**WHEREAS**, on the 5th day of April, 2006, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Street Improvement District No. ST-06, Phase B, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

**WHEREAS**, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

**WHEREAS**, Notice of Intention to create said District was duly published.

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

1. That the real property (also known as the “District Lands”) to be assessed with a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 1 through 3, inclusive, Trujillo Subdivision, and also;  
Lots 1 through 6, inclusive, Maldonado Subdivision, and also;  
Lots 9 through 22, inclusive, Block 3, Carpenter’s Subdivision No. 2, and also;  
Lots 1 through 22, inclusive, Block 4, Carpenter’s Subdivision No. 2, and also;  
Lots 3, 4, and Lots 12 through 22, inclusive, Block 1 Carpenter’s Subdivision No. 2, and also;  
Lots 12 through 22, inclusive, Block 2, Carpenter’s Subdivision No. 2, and also;  
Lots 1 through 3, inclusive, and Lots 9 through 17, inclusive, Block 7, Carpenter’s Subdivision No. 2, and also;  
Lots 1 and 2, Coleman Subdivision, and also;  
Lot 10, Block 6, Six and Fifty West Subdivision, Filing No. Two, and also;  
Lots 4 and 5, inclusive, Block 7, Six and Fifty West Subdivision, Filing No. Two, and also;  
Lot 1, DeRush Subdivision, and also;  
Lot 1, Reman Simple Subdivision, and also;  
The East 460 feet of the South 660 feet of the SW 1/4 NE 1/4 of Section 15, T1S, R1W, of the Ute Meridian. All in the City of Grand Junction, Mesa County, Colorado.  
All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and bituminous paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer (“District Improvements”), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the street, as follows:

(a) The maximum Residential assessment rate shall be \$21.98 per each linear foot of property abutting the right-of-way. The Residential assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The maximum Commercial assessment rate shall be \$88.37 per each linear foot of property abutting the right-of-way for all commercial properties except those discussed in Section 3(c) below. The Commercial assessment rate shall apply to all

properties which are used and occupied for any purpose other than residential purposes, and all vacant properties located within any zone other than residential;

(c) For those commercial properties on the north side of West Chipeta Avenue having previously signed a Power of Attorney for Alley Improvements, the fixed Special Commercial assessment rate shall be \$31.50 per each linear foot of property abutting the West Chipeta Avenue right-of-way. The Special Commercial assessment rate shall apply to all said properties which are used and occupied for any purpose other than residential purposes, and all vacant properties located within any zone other than residential;

(d) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (8%) per annum on the unpaid balance and 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 until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

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

---

President of the Council

**Attest:**

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City Clerk

**Attach 17**

Construction Contract for El Poso Street Improvement Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Construction Contract for El Poso Street Improvement District							
<b>Meeting Date</b>	May 17, 2006							
<b>Date Prepared</b>	May 11, 2006	File # - N/A						
<b>Author</b>	T. Kent Harbert	Project Engineer						
<b>Presenter Name</b>	Trent Prall	Engineering Manager						
<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:** Award of a Construction Contract to Oldcastle SW Group, dba United Companies of Mesa County, in the amount of \$870,279.75 for the El Poso Street Improvement District. This contract will construct curb, gutter, and sidewalks in the El Poso neighborhood.

**Budget:** Project No: 2011-F59300

Total 2006 Project Budget	\$1,370,000
<b>This construction contract</b>	<b>\$870,280</b>
Additional 2006 estimated project expenditures	\$532,220
Total 2006 Estimated project expenditures	\$1,402,500
2006 Balance	(\$32,500)
<b>Total Project Budget</b>	<b>\$1,397,500</b>
<b>Construction Contract (THIS COUNCIL ITEM)</b>	<b>\$870,280</b>
Storm drain (in W. Ouray Project)	\$20,780
Electrical undergrounding and street lights	\$385,355
Residential conversions for undergrounding	\$29,900
Telephone undergrounding	\$25,000
ROW acquisition and SID Admin	\$10,000
Design	\$42,900
Inspection and Administration	\$45,785
<b>Total Estimated Project Costs</b>	<b>\$1,430,000</b>
Remaining Funds / Contingency	(\$32,500)

Costs have escalated primarily due to increased costs in the conversion of utilities from overhead to underground.

Additional resources necessary to fund the \$32,500 shortfall was discussed in the El Poso Street Improvement District formation staff report.

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **El Poso Street Improvement District to Oldcastle SW Group, dba United Companies of Mesa County**, in the amount of **\$870,279.75**

**Attachments:** none

**Background Information:**

This project includes 5900 Lin. Ft. of curb, gutter, and sidewalk in the El Poso Improvement District and reconstruction of the streets in this area.

The following bids were opened on March 7, 2006:

Bidder	From	Bid Amount
Oldcastle SW Group, dba United Companies of Mesa County	Grand Junction	\$ 870,279.75



M.A. Concrete Construction, Inc.	Grand Junction	\$ 898,470.00
Elam Construction, Inc.	Grand Junction	\$ 978,773.00
Engineer's Estimate		\$ 960,580.00

**Attach 18**

Undergrounding of Overhead Utilities for El Poso Street Improvement District

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	El Poso Street Improvement District - Approval of Purchase Order for Undergrounding of Overhead Utilities					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006				<b>File #</b>	
<b>Author</b>	Trent Prall			Engineering Manager		
<b>Presenter Name</b>	Trent Prall			Engineering 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>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The construction of the El Poso Street Improvement District will require the relocation of many overhead power lines. This project will underground all of the utilities in the El Poso neighborhood. The attached letter is an "invoice" from Xcel Energy stating that the undergrounding cost is estimated at \$385,355. If the district is formed, this purchase order with Xcel should be approved in order to relocate the overhead utilities.

**Budget:** The table below summarizes the budget for the undergrounding of this Xcel's overhead utilities in the El Poso neighborhood.

Total 2006 Project Budget	\$1,370,000
<b>This Xcel undergrounding Purchase Order</b>	<b>\$385,355</b>
Additional 2006 estimated project expenditures	\$1,017,145
Total 2006 Estimated project expenditures	\$1,402,500
2006 Balance	(\$32,500)
<b>Total Project Budget</b>	
	<b>\$1,397,500</b>
Construction Contract	\$870,280
Storm drain (in W. Ouray Project)	\$20,780
<b>Electrical undergrounding and street lights (this purchase order)</b>	<b>\$385,355</b>
Residential conversions for undergrounding	\$29,900
Telephone undergrounding	\$25,000
ROW acquisition and SID Admin	\$10,000
Design	\$42,900
Inspection and Administration	\$45,785
<b>Total Estimated Project Costs</b>	<b>\$1,430,000</b>
Remaining Funds / Contingency	(\$32,500)

Costs have escalated primarily due to increased costs in the conversion of utilities from overhead to underground.

Additional resources necessary to fund the \$32,500 shortfall was discussed in the El Poso Street Improvement District formation staff report.

**Action Requested/Recommendation:** Authorize City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground in the El Poso Street Improvement District.

**Attachments:**

1. Xcel El Poso Street Improvement District Estimate

**Background Information:** On May 17, 2006, the City Council will contemplate formation of the street improvement district at the request of the residents. If the district is formed, this purchase order with Xcel should be approved in order to relocate the overhead utilities.

This work is expected to be completed by summer of 2006 at the same time the construction occurs.

**Attach 19**

Construction Contract for West Ouray Outfall Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Construction Contract for West Ouray Outfall					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006	File # - N/A				
<b>Author</b>	T. Kent Harbert		Project Engineer			
<b>Presenter Name</b>	Trent Prall		Engineering Manager			
<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:** Award of a Construction Contract to Sorter Construction, Inc., in the amount of \$585,991.00 for the West Ouray Outfall. The project will construct 450 feet of water lines, 340 feet of sewer services, and 1730 feet of 48 and 54 inch storm drain line prior to the construction of the El Poso Street Improvement District.

**Budget:** Project No: F63900

Project expenses:

<b>Construction contract (This Council Item)</b>	<b>\$585,991</b>
Design	15,000
Construction Inspection and Administration (est.)	15,009
<b>Total Project Costs</b>	<b><u>\$616,000</u></b>

Project funding:

City budgeted funds	
Community Development Block Grant	\$172,644
Water Fund	6,800
Sewer Fund	9,800
El Poso Street Improvement District	20,800
Crosby Avenue Street Reconstruction Project	126,600
Reprioritized 2011 CIP projects.	<u>279,356</u>

Total Funds

\$616,000

This project was originally part of the El Poso Street Improvement District, however with the Community Development Block Grant, this element of work was pulled out as a separate project. With escalating construction costs, the project has exceeded the original planned expenditure of \$336,000 by \$279,356.

This shortfall is proposed to be funded in part by postponing the \$330,000 capital project that would reconstruct Orchard Ave from 7<sup>th</sup> to Cannell (F50800). Although the project is not funded until 2007, there is 2011 Fund balance available to cash flow the project in 2006. The balance of the shortfall will be funded through a rescoping of 24 1/2 Road Pedestrian Improvements which has a 2007 budget of \$250,000.

Both projects will be reprioritized this August when the CIP is revisited by staff and by Council.

In summary the proposed funding of the shortfall is as follows:

Project ID	Project Name	Year	Amount
F50800	Orchard Ave: 7th to Cannell	2006-2007	\$330,000
F51000	24 1/2 And Patterson Pedestrian Improvements	2007	\$250,000
Total Available funds			\$580,000
Projects requiring additional resources			
F59300	El Poso Street Improvement District shortfall		\$99,724
F63900	West Ouray Storm Drain Outfall		\$279,356
Total of resources needed			\$379,080
Remaining balance available for "rescoped" 24 1/2 Rd Pedestrian Imp			\$200,920

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **West Ouray Outfall** to **Sorter Construction, Inc.**, in the amount of **\$585,991.00**.

**Attachments:** none

**Background Information:**

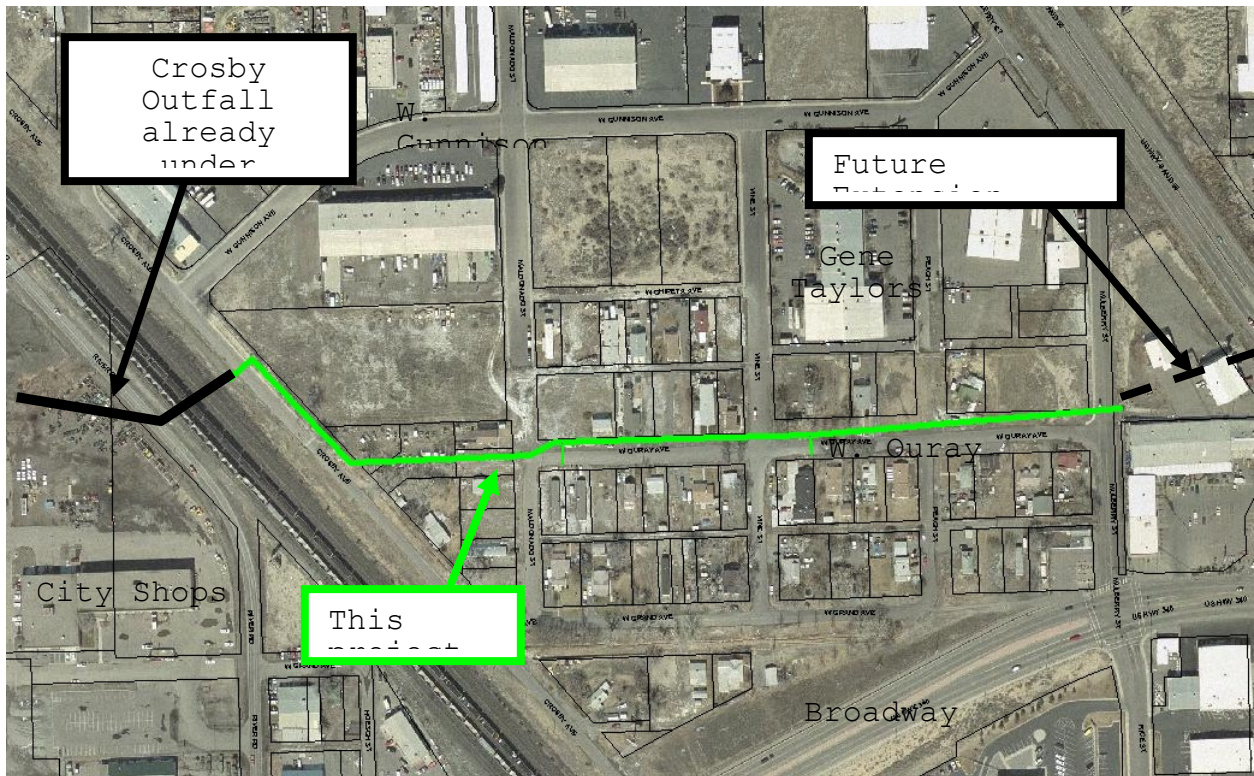
The following bids were opened on May 2, 2006:

Bidder	From	Bid Amount
Sorter Construction, Inc.	Grand Junction	\$ 585,991.00
M.A. Concrete Constr., Inc.	Grand Junction	\$ 832,060.00

Engineer's Estimate		\$ 499,907.50

This project is a continuation of the storm drain lines that are currently being installed across the City Shops property and under the railroad (*Crosby Avenue Pipe Bores and Storm Outfall Project*).

This project begins at the end of the railroad bore on the southwest side of Crosby Avenue where a new inlet box will be installed on both sides of Crosby Avenue. These boxes are design to fit with the proposed *Crosby Avenue Reconstruction Project*. Two hundred feet of 54" pipe will be installed along the northeast side of Crosby Avenue to where the line will turn to the east, in line with West Ouray Avenue. The line will continue east in West Ouray Avenue, through the El Poso neighborhood, to Mulberry Street. Midway through the neighborhood the pipe size reduces from 54" to 48". Eventually the 48" line will be continued on east to the intersection of First Street and Ouray Avenue. In conjunction with the *El Poso Street Improvement District Project* storm drain inlets will be installed on this new line to serve the El Poso neighborhood.



**Attach 20**

Public Hearing – Niblic Drive Growth Plan Amendment, Located at 718 Horizon Dr.  
Adjacent to Niblic Drive

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Niblic Drive Growth Plan Amendment, located at 718 Horizon Drive, adjacent to Niblic Drive							
<b>Meeting Date</b>	May 17, 2006							
<b>Date Prepared</b>	May 11, 2006			File #GPA-2006-061				
<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>	X	No		Yes	When			
<b>Citizen Presentation</b>	X	Yes		No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** A Resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Residential Medium Low.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

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

**Attachments:**

6. Staff report/Background information
7. Vicinity/Aerial Photo
8. Future Land Use Map/Zoning Map
9. Applicant's General Project Report
10. Resolution





AGENDA TOPIC: GPA-2006-061 Growth Plan Amendment—Horizon/Niblic Drive

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Commercial to Residential Medium Low.

BACKGROUND INFORMATION			
Location:		718 Horizon—adjacent to Niblic Drive	
Applicants:		Owner: Stanislaw & Krystyna Lupinski	
Existing Land Use:		Commercial and vacant	
Proposed Land Use:		Commercial and residential	
Surrounding Land Use:	North	Commercial	
	South	Residential Medium Low	
	East	Residential Medium Low	
	West	Commercial	
Existing Zoning:		C-1	
Proposed Zoning:		Residential	
Surrounding Zoning:	North	RMF-5 (Residential Multifamily, 5 u/a)	
	South	RMF-5	
	East	RMF-5	
	West	C-1 (Light Commercial)	
Growth Plan Designation:		Commercial (Residential Medium proposed)	
Zoning within density range? NA		<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Commercial to Residential Medium Low for .53 acres adjacent to Niblic Drive.

RECOMMENDATION: Staff recommends approval.

## ANALYSIS

### 1. Background

The area proposed for a Growth Plan Amendment is a part of a larger parcel at 718 Horizon Drive that is developed as the Country Inn of America. The .53 acre piece is topographically higher than the portion along Horizon Drive, and is adjacent to Niblic Drive, a part of the Partee Heights Subdivision, consisting of residential development. The petitioner is seeking a Growth Plan Amendment to change the Future Land Use designation of the .53 acres from Commercial to Residential Medium Low, consistent with the adjacent neighborhood. If approved, the petitioner will proceed with a Simple Subdivision to create two parcels, one containing the motel development, and one for future residential development.

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

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

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

*The Growth Plan designation of Commercial recognized that there was one parcel with a commercial use on it. The potential for subdivision was not considered at that time.*

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

*The owners of the motel property have determined that the portion of the property along Niblic Drive is not appropriate for commercial development.*

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

*Given the topographic difference and the nature of Niblic Drive, it is more appropriate that the .53 acres develop consistent with the adjacent residential property.*

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

*The proposed amendment is consistent with the following goals and policies of the Growth Plan:*

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

*Goal 10: To retain valued characteristics of different neighborhoods within the community.*

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

*Policy 11.2: The City will limit commercial encroachment into stable residential neighborhoods.*

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

*All services are available to the site for residential use.*

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

*Changing the .53 acres to residential will allow for infill development in the neighborhood.*

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

*Changing the designation from Commercial to Residential Medium Low is more compatible with the neighborhood.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Horizon/Niblic Drive application, GPA-2006-061, for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

3. The proposed amendment is consistent with the purpose and intent of the Plan.
4. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-061, to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

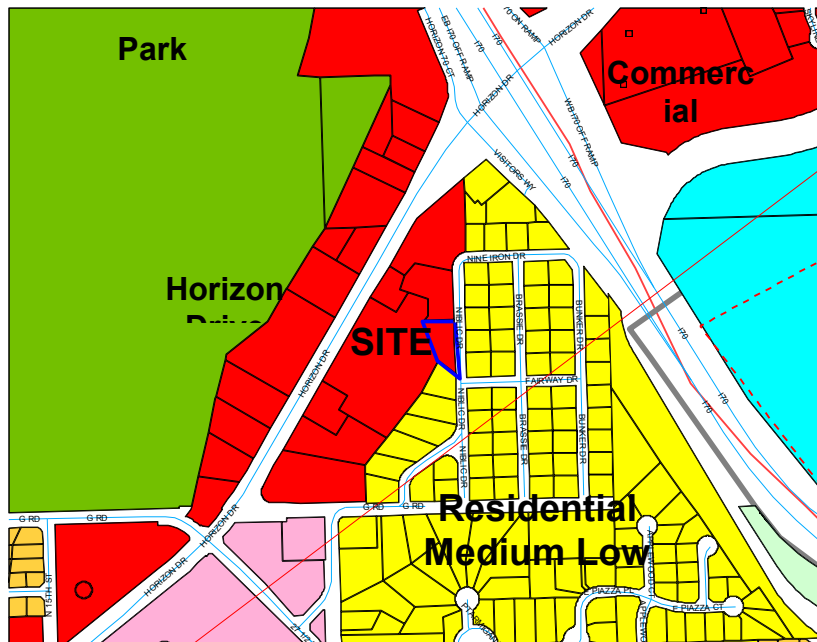
At the April 25, 2006 hearing, Planning Commission recommended approval of the Growth Plan Amendment.





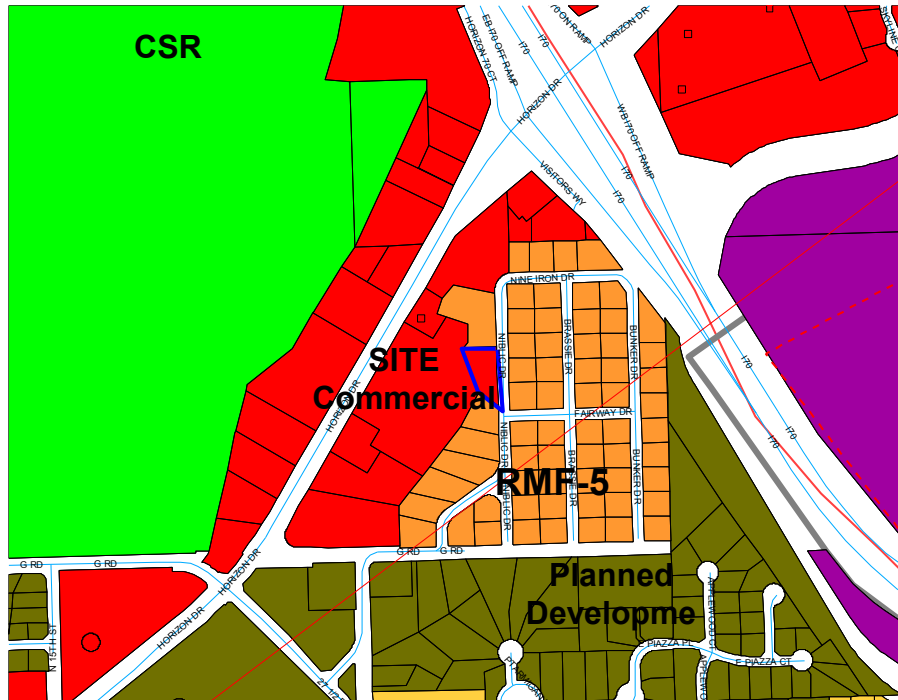
# Future Land Use Map

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."

## **GROWTH PLAN AMENDMENT**

### **REVIEW CRITERIA**

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

An error was made in the original plot plan. In as much as the property in question should have been included in the Partee Subdivision as residential simply because of the topography.

2. Subsequent events have invalidated the original premises and findings;

Because of the completion of the Partee Subdivision and the construction of the Motel property has left this property un-developed.

3. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

The area has changed. A portion of this property was planned to have a road connecting the Subdivision with the lower portion of the property but topography made this impossible.

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

The requested change can be within the growth plan and particularly with an in-fill project.

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

Public facilities are adequate to serve the proposed project.

6. An inadequate supply of suitable designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use;

Not an issue.

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

The community will benefit from the proposed change by permitting a building in a developed residential neighborhood.



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY .53 ACRES, LOCATED AT 718 HORIZON DRIVE ADJACENT TO NIBLIC DRIVE, FROM COMMERCIAL TO RESIDENTIAL MEDIUM LOW**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately .53 acres, located along Niblic Drive be redesignated from Commercial to Residential Medium Low on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM COMMERCIAL TO RESIDENTIAL MEDIUM LOW ON THE FUTURE LAND USE MAP.

A parcel of land situate in the SW1/4 SE1/4 of Section 36, Township 1 North, Range 1 West, Ute Meridian, County of Mesa, State of Colorado being more particularly described as follows:

Commencing at the S1/4 corner of Section 36, Township 1 North, Range 1 West, Ute Meridian, monumented with a 3 1/2--inch aluminum cap (unreadable), whence the W1/16 corner on the south line of said Section 36, monumented with a 2 1/2--inch aluminum cap, LS 17485, bears S89°59'42"W, a distance of 1320.98 feet with all other bearings contained herein being relative thereto;  
thence N43°41'47"E, a distance of 862.16 feet to the northeast corner of Lot 6 Block 5 of the Partee Heights subdivision at the westerly right-of-way line of Niblic Drive as filed in the Mesa County, Colorado, Clerk and Recorder's records at Plat Book 9, Page 64, said point being the POINT OF BEGINNING, monumented by a 1--inch plastic cap on a 5/8--inch rebar, LS 16413;  
thence N00°46'23"E along said westerly line, a distance of 252.81 feet to the southeast corner of Lot 2 Block 8 of the Partee Heights subdivision, monumented by a 1 1/2 -inch aluminum cap on a 5/8--inch rebar, LS 16835; thence, N89°55'06"W along the south line of said Lot 2, a distance of 137.82 feet to the southwest corner of said Lot 2, monumented by a 2--inch aluminum cap on a 5/8--inch rebar, LS 31160;  
thence, S16°55'53"E, a distance of 198.62 feet to the northwest corner of Lot 6 Block 5 of said Partee Heights subdivision, monumented with a 1 1/2--inch plastic cap on 5/8--inch rebar, LS 13835;  
thence, S50°33'45"E along the north line of said Lot 6, a distance of 99.13 feet to the POINT OF BEGINNING; containing 0.53 acres by these measures.

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

ATTEST:

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

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

**Attach 21**

Public Hearing – Walcher Growth Plan Amendment, Located Adjacent to 2483 River Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>	Walcher Growth Plan Amendment, located adjacent to 2483 River Road							
<b>Meeting Date</b>	May 17, 2006							
<b>Date Prepared</b>	May 11, 2006				File #GPA-2006-059			
<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>	X	No		Yes	When			
<b>Citizen Presentation</b>	X	Yes		No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** A Resolution amending the Growth Plan, to change the Future Land Use Designation from Conservation to Commercial/Industrial.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

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

**Attachments:**

1. Staff report/Background information
2. Vicinity/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's General Project Report
5. Resolution

AGENDA TOPIC: GPA-2006-059 Growth Plan Amendment—Walcher River Road

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Conservation to Commercial/Industrial.

BACKGROUND INFORMATION			
Location:		Adjacent to 2483 River Road	
Applicants:		Owner: Warren P. Walcher Representative: John Potter	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Commercial/Industrial	
Surrounding Land Use:	North	Commercial	
	South	Residential Medium Low	
	East	Residential Medium Low	
	West	Commercial	
Existing Zoning:		CSR (Community Services and Recreation)	
Proposed Zoning:		I-1	
Surrounding Zoning:	North	C-2 (General Commercial)	
	South	CSR	
	East	CSR	
	West	I-1	
Growth Plan Designation:		Conservation (Commercial/Industrial proposed)	
Zoning within density range? NA		<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Conservation to Commercial/Industrial for .44 acres located adjacent to 2438 River Road.

RECOMMENDATION: Staff recommends approval.

## ANALYSIS

### 1. Background

The property proposed for a Growth Plan Amendment is located between 2483 River Road and an existing trailhead for the Colorado Riverfront Trail. The 1996 Growth Plan designated many of the properties located along the River, including those owned by the City or Colorado Riverfront Foundation, as Conservation. It appears from a Quit Claim Deed from the Colorado Riverfront Foundation, Inc. to Hytech Hydronic Systems, Inc. in 2004, that this property was originally a part of the publicly owned property to the east. The property is not needed for the trail or the trailhead parking and is now under private ownership. A portion of the property is within the 100-year floodplain and would be subject to those restrictions.

The current owner is requesting a Growth Plan Amendment to change the Future Land Use designation from Conservation to Commercial/Industrial, which is the same designation of their adjacent property to the west. If the Growth Plan Amendment is approved, the applicant will request an I-1 zone district, consistent with the adjacent property.

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

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

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

*It is unclear what the ownership of the property was in 1996, and whether it was anticipated that it would be needed for the Riverfront Trailhead.*

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

*The ownership issues have been resolved, and this property is not needed for conservation or park purposes.*

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

*The Riverfront Trail and trailhead have been established and this property is not needed for that purpose.*

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

*The proposed amendment is consistent with the following goals and policies of the Growth Plan:*

*Goal 4: To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.*

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

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

*All services are available to the site for residential use.*

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

*Changing the land use designation to Commercial/Industrial will allow for the expansion and addition to the adjacent commercial/industrial property.*

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

*The Commercial/Industrial designation is compatible with the adjacent properties.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Walcher River Road application, GPA-2006-059, for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

5. The proposed amendment is consistent with the purpose and intent of the Plan.
6. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

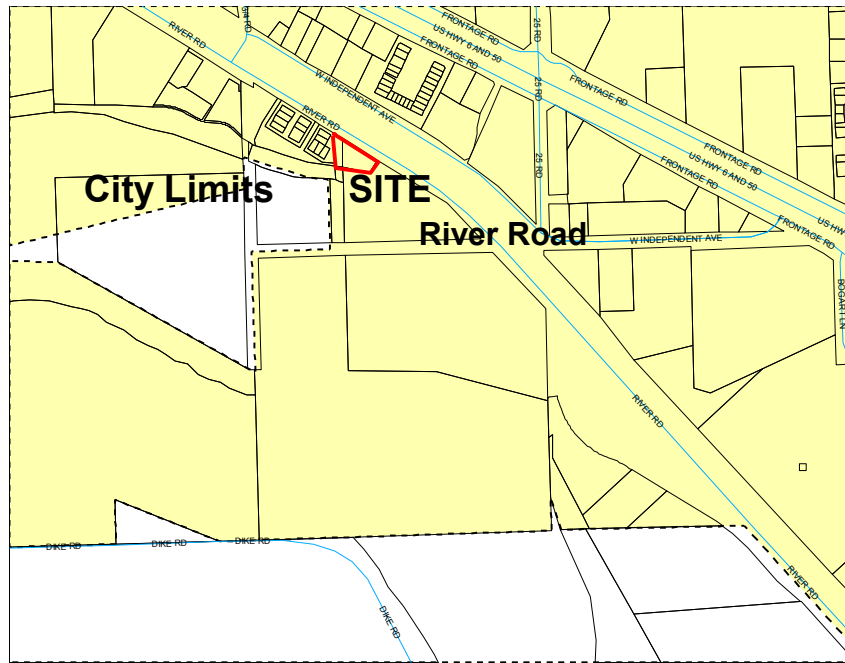
Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-059, to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

At the April 25, 2006 hearing, Planning Commission recommended approval of the Growth Plan Amendment.

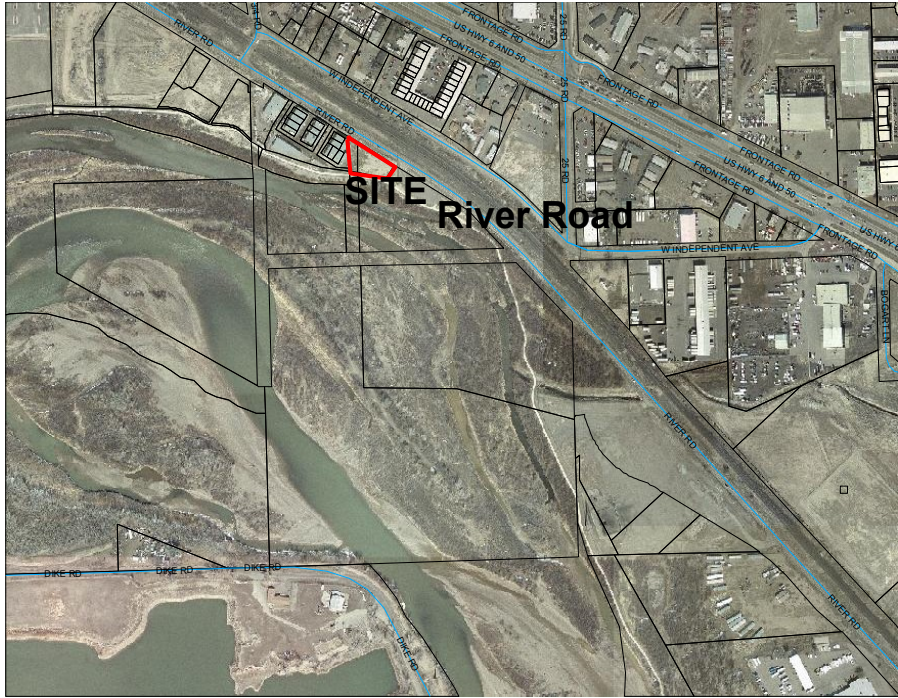
# Site Location Map

Figure 1



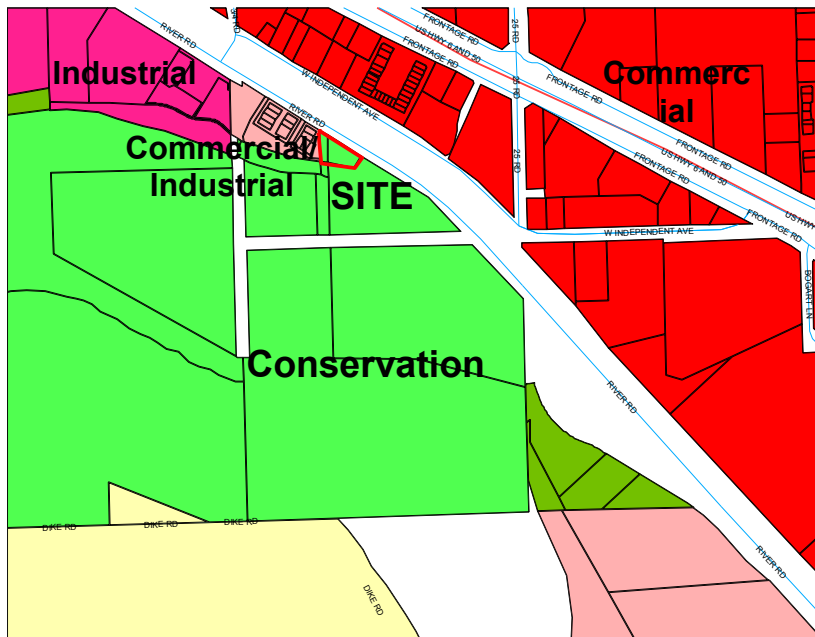
# Aerial Photo Map

Figure 2



# Future Land Use Map

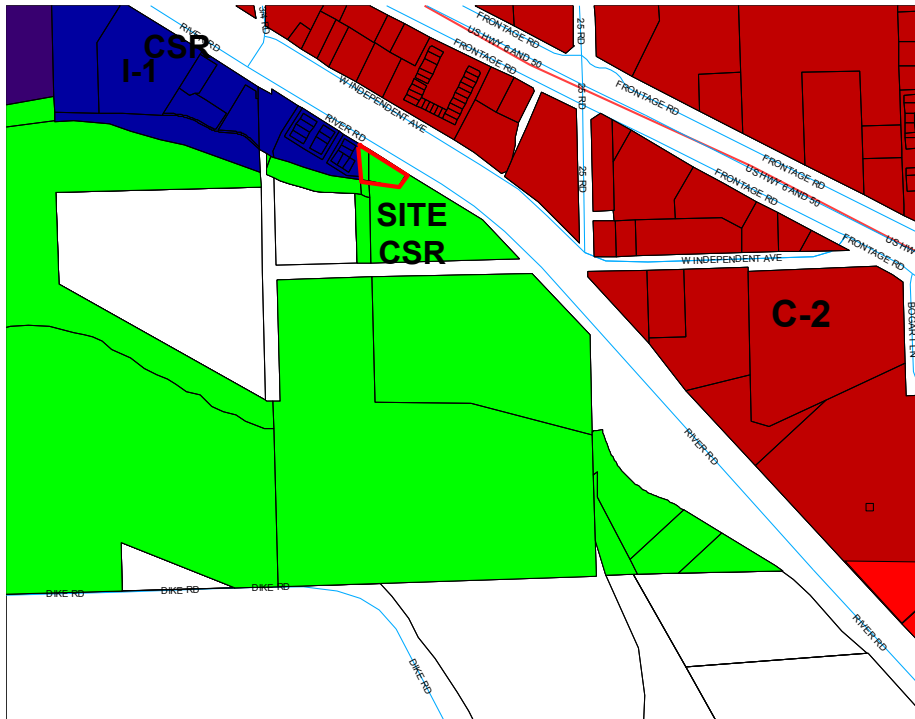
Figure 3





# 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."

# GENERAL PROJECT REPORT

WALCHER RIVER ROAD GROWTH PLAN AMENDMENT  
2483 RIVER ROAD

## A. Project Description:

1. Location: Approximately 2483 River Road, Mesa County Assessor parcels 2945-094-00-173 and 177.
2. Acreage: 0.33 (173) and 0.11 (177) acres – total 0.44 acres
3. Proposed Uses: Retail Sales and Service, Contractors and Trade Shops, Indoor Operations and Outdoor Storage, as taken from Table 3.5 of the Zoning and Development Code.

B. **Public Benefit:** The parcels in question were mistakenly zoned CSR. Intended/proposed zoning is I-1. Proposed use is exactly the same as those abutting them to the west. This GPA would correct the past mistake.

C. **Neighborhood Meeting:** Required for Growth Plan Amendment to a higher density/intensity per Table 2.1 of ZDC. Owner will schedule/conduct within the next 30 days. There is not time to meet the 10 calendar days notice requirement between the General Meeting held on February 17, 2006 and the February 28, 2006 GPA submittal deadline.

## D. Project Compliance, Compatibility and Impact:

1. Adopted policies: The parcels are currently zoned CSR, in which the proposed use is Not Allowed per Table 3.5 of the Zoning and Development Code. The owner was involved in a land swap with the City and the Colorado Riverfront Commission several years back and as part of the process, the parcels mistakenly became zoned CSR when they were supposed to remain I-1, just like those abutting them to the west. Only the parcels that became City and Riverfront Commission property were to be zoned CSR.
2. Land Use in the Surrounding Area: The parcels abut River Road and the railroad to the north with C-2 zoning across them (retail sales/service uses). To the east and south is more CSR zoning (parks/open space uses). To the west is I-1 zoning (retail sales/service and manufacturing/production uses).
3. Site Access and Traffic Patterns: Access will be off River Road with a single full-movement driveway.
4. Availability of Utilities: Xcel Energy gas and power, City sewer, Ute water, Qwest telephone and Bresnan cable are available in River Road.
5. Special or Unusual Demands on Utilities: None anticipated.

6. Effects on Public Facilities: No appreciable effects anticipated.
  7. Site Soils and Geology: Classified as "Urban" by NRCS maps. The parcels slope very slightly to the south.
  8. Impact of Project on Site Geology and Geological Hazards: The southern edges of the parcels are shown to be slightly in the 100-year and 500-year floodplains. This will have to be dealt with in design of the site.
  9. Hours of Operation: Normal business hours (8 – 5, Monday – Friday, except holidays).
  10. Number of Employees: Approximately 5 - 10.
  11. Signage Plans: A modest building wall-mounted sign for identification.
- E. **Development Schedule and Phasing:** The owner would like to begin development immediately upon approval.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY .44 ACRES, LOCATED ADJACENT TO 2483 RIVER ROAD, FROM CONSERVATION TO COMMERCIAL/INDUSTRIAL

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately .44 acres, located adjacent to 2483 River Road be redesignated from Conservation to Commercial/Industrial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM CONSERVATION TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP.

A portion of Lot 10 of Riverside Subdivision as recorded in Plat Book 1 Page 28 of the Mesa County records, County of Mesa, State of Colorado, said parcel being described on a Boundary Line Adjustment Plat on file with the Mesa County Surveyor's Office at Reception No. 1531-97 as follows:

NOTE: All bearings cited herein are relative to S89°49'18"E between the BLM monument for the West one-sixteenth corner and the Mesa County Survey Monument for the one-quarter corner common to Sections 10 and 15 of Township 1 South, Range 1 West of the Ute Meridian.

Commencing at the Northeast corner of Matthews Subdivision as marked by a number five rebar, said corner being on the North line of said Lot 10;

Thence along the North line of said Lot 10, S 56°33'26" E, a distance of 28.86 feet to the East line of the West sixty feet of said Lot 10, the **Point of Beginning**;

Thence continuing along the North line of said Lot 10, S 56°33'26" E, a distance of 95.69 feet;

Thence continuing along the North line of said Lot 10, 107.76 feet along the arc of a 3711.12 foot radius curve to the right, through a central angle of 01°39'49", with a chord bearing S 55°43'32" E, a distance of 107.76 feet;

Thence S 35°06'09" W, a distance of 65.71 feet;

Thence N 77°20'25" W, a distance of 134.37 feet to the East line of the West sixty feet of said Lot 10;

Thence along said East line, N 00°05'48" W, a distance of 137.72 feet to the **Point of Beginning**.

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

ATTEST:

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

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

**Attach 22**

Public Hearing – Graff Dairy Growth Plan Amendment, Located at 581 29 Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Graff Dairy Growth Plan Amendment, located at 581 29 Road					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006				File #GPA-2006-060	
<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>	X	No		Yes	When	
<b>Citizen Presentation</b>	X	Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** A Resolution amending the Growth Plan, to change the Future Land Use Designation from Residential Medium to Commercial.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

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

**Attachments:**

1. Staff report/Background information
2. Vicinity/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant’s General Project Report
5. Public Comment
6. Resolution

AGENDA TOPIC: GPA-2006-060 Growth Plan Amendment—Graff Dairy

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Residential Medium to Commercial.

BACKGROUND INFORMATION			
Location:		581 29 Road	
Applicants:		Owner: David and Judy Graff Nichols	
Existing Land Use:		Residential Medium with a Commercial use	
Proposed Land Use:		Commercial	
Surrounding Land Use:	North	Residential Medium (4-8 units per acre)	
	South	Residential Medium	
	East	Residential Medium	
	West	Residential Medium	
Existing Zoning:		RSF-5 (Residential Single Family, 5 units per acre)	
Proposed Zoning:		C-1 (General Commercial)	
Surrounding Zoning:	North	RMF-5	
	South	RMF-5	
	East	County RSF-4	
	West	RMF-5	
Growth Plan Designation:		Residential Medium	
Zoning within density range? NA		<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Residential Medium to Commercial for one parcel consisting of approximately .67 acres.

RECOMMENDATION: Staff recommends approval.



## ANALYSIS

### 1. Background

Graff Dairy, consisting of approximately .67 acres, was annexed into the City in 1981 (Ordinance No. 1988). At the time of annexation, the larger area being annexed was zoned PR-19.4 (Planned Residential, 19.4 units per acre) in conjunction with a proposed development plan known as Woodsmoke. In 1991, the PR zoning was reverted, and most, if not all of the property, including the dairy, was zoned RSF-R (Residential Single Family, Rural). In 1996 the Growth Plan was adopted, designating the property and surrounding area as Residential Medium (4-8 units per acre). In 1998, the Graff Minor Subdivision was approved, creating 4 lots, with the dairy on lot 1. With the subdivision, lots 1 and 2 were zoned RSF-2 and lots 3 and 4 were zoned RSF-4. In 2000, the area was zoned RMF-5, with the Citywide rezoning.

The dairy is now a non-conforming use in the RMF-5 zone district. As such, it is subject to section 3.8.A of the Zoning and Development Code, Non-Conforming Uses and Structures. The dairy can continue to operate as it has for 40 years, but is restricted for expansion.

The property owners are requesting a Growth Plan Amendment to change the Future Land Use designation from Residential Medium (4-8 units per acre) to Commercial to allow them the option of remodeling and expanding.

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

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

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

*The Future Land Use Designation of Residential Medium, adopted with the Growth Plan in 1996, was a very broad brush application and did not take into account the historic use of this piece of property as a dairy.*

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

*Since 1996, 29 Road has been identified as a major north-south corridor, and projects have been funded, including the completion of the upgrade of the road adjacent to Graff Dairy, as well as the planned completion of the River bridge and viaduct over the*

*railroad. It is also anticipated that there will eventually be an interchange at 29 Road and I-70.*

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

*The character of the area has been changing, consistent with the Future Land Use designations in the area. The completion of the Safeway Center at 29 Road and Patterson is a very significant commercial center in the area.*

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

*The proposed change is consistent with the following Policies of the Growth Plan:*

*Policy 1.6: The City may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.*

*Policy 1.7: The City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.*

*The City Community Development Department's work program for 2007 includes a 29 Road Corridor Plan.*

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

*All services are available to the site for additional development.*

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

*The Growth Plan Amendment will allow for this site to continue operating as a commercial use, as it has for 40 years.*

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

*This site, as a commercial use, has been an integral part of the neighborhood for 40 years.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Graff Dairy application, GPA-2006-060, for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

7. The proposed amendment is consistent with the purpose and intent of the Plan.
8. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

## STAFF RECOMMENDATION:

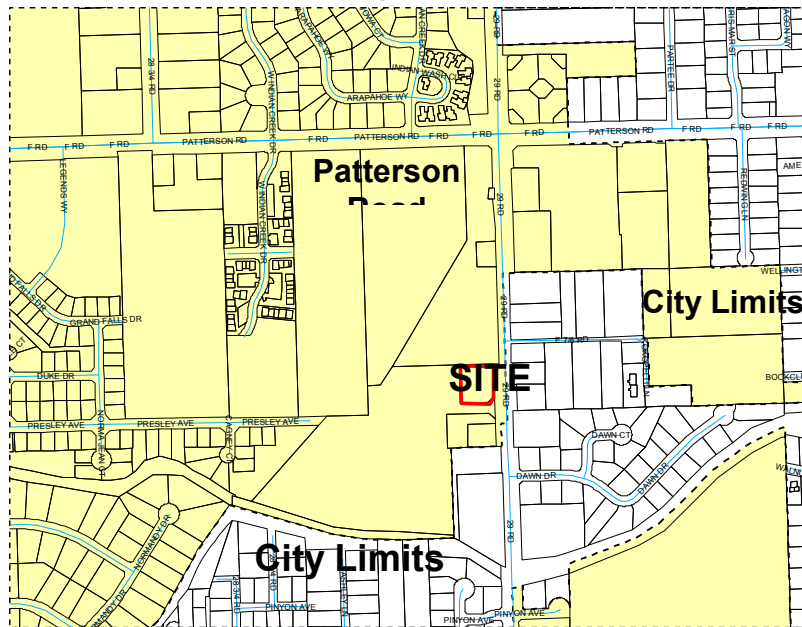
Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-060, to the City Council with the findings and conclusions listed above.

## PLANNING COMMISSION MOTION:

At the April 25, 2006 hearing, the Planning Commission recommended approval of the Growth Plan Amendment.

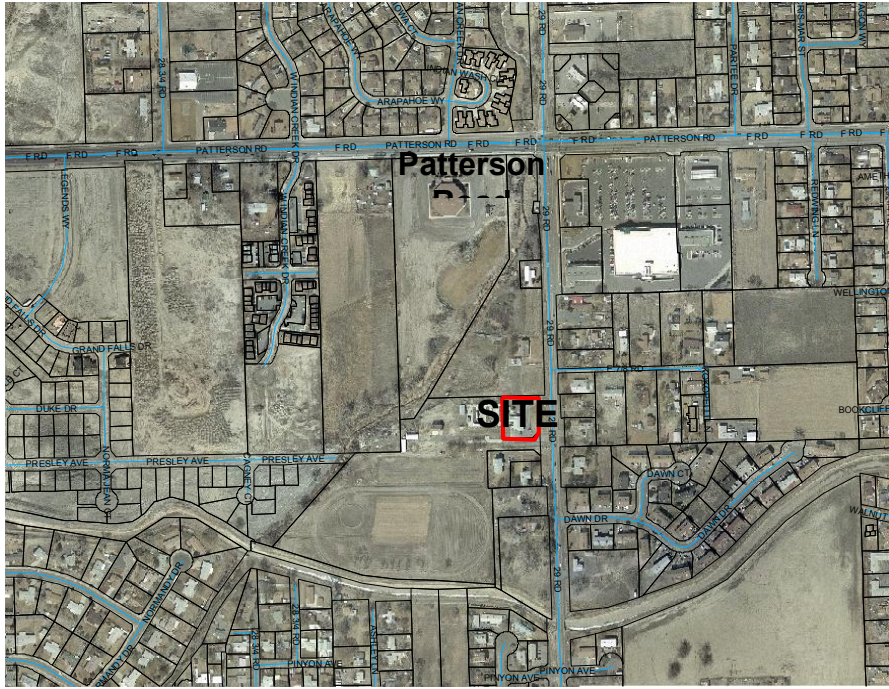
# Site Location Map

Figure 1



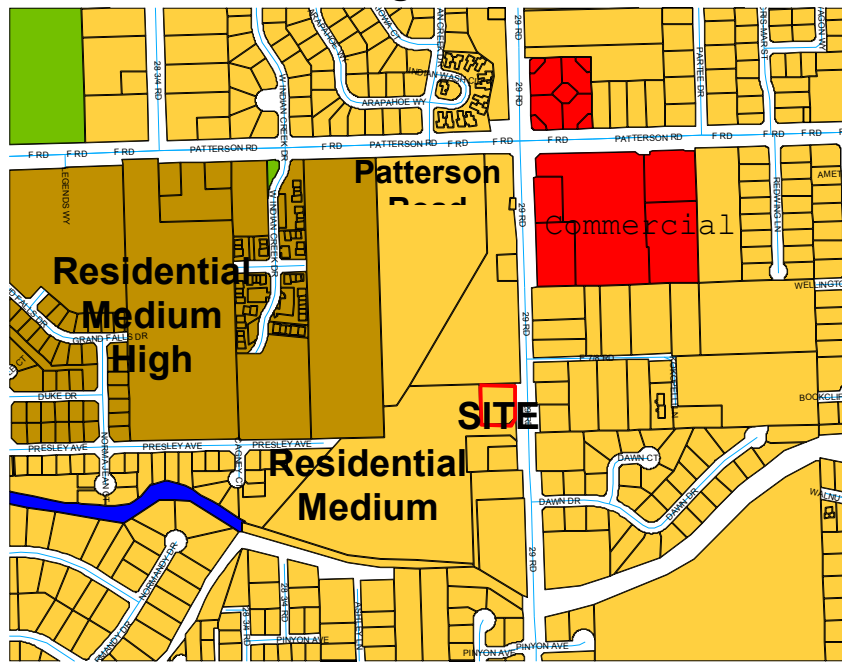
# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3





General Project Report  
Graff Dairy, LLC  
Growth Plan Amendment

Graff Dairy, LLC and the Graff Family Trust request a Growth Plan amendment to change in the Future Land Use designation of 581 29 Road, Grand Junction, Colorado, legal description LOT 1 GRAFF MINOR SUB SEC 7 1S 1E – 0.67 AC, from Residential Medium (4-8 u/a) to Commercial.

The Graff Family began operating the dairy on this property in 1966, and has been serving the community continuously for the past forty years, processing and packaging dairy products for wholesale and retail sales. The proposed amendment to the growth plan will allow for a zoning consistent with the historical and current use of the property.

Graff Dairy, LLC provides the community with fresh, high quality dairy products. We provide an average of over 50 tours of our facility each year to local schools and youth groups. Many students who tour our plant comment that their parents came to Graff Dairy on field trips when they were young. We are known throughout the community for our support of area schools, churches and youth organizations through donations of products. We are proud of having consistently providing our community with the freshest, highest quality products available for the past 40 years. Our milk and cream are pasteurized, homogenized and bottled on the same day it comes from the cow. In the event of a catastrophe or emergency situation preventing goods from being transported into the Grand Valley, Graff Dairy, LLC could continue to provide the community with local dairy products. A commercial land use designation will allow us to update our forty year old facility to provide for better/easier maintenance and sanitation, to reroute traffic so as to eliminate congestion on 29 Road, to provide our customers with better service and to provide an updated and more aesthetically pleasing storefront in our neighborhood.

Graff Dairy, LLC is open to the public between the hours of 7:00 a.m. to 7:00 p.m. during the winter months and from 7:00 a.m. to 9:00 p.m. during the summer. We have 6 full time and 8 part time employees, and anticipate no significant changes in these numbers.

A neighborhood meeting is scheduled for..... Proof of those attending and minutes of the meeting will be provided to the City Community Development Department on.....

Growth Plan Amendment Criteria (section 2.5.C of the Zoning and Development Code)

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

We believe that when the City of Grand Junction Growth Plan for this area was adopted in 1996, this plot was designated residential in error, without accounting for the historical use of the land.

2. *Subsequent events have invalidated the original premises and findings;*

The operation of Graff Dairy, LLC is consistent with the other land use along 29 Road, use that has come into being subsequent to our establishment here. The Safeway shopping complex, housing a grocery store, restaurants, other retail stores, a nail salon and post office is less than 0.2 miles to the north of us on 29 Road. A new Walgreen's store is being built on 29 Road 0.75 miles south of us. Two gas stations/convenience stores and a car wash are along 29 Road within 0.75 miles of our facility. 29 Road is evolving into the locale where people in the neighborhood look to

obtain many of their everyday goods and services, and Graff Dairy, LLC is compatible with the nature of the surrounding area.

3. *The character and/or condition of the area have changed enough that the amendment is acceptable;*

As the 29 Road Corridor plan, connecting I-70 with Hwy 50 on Orchard Mesa, comes to completion, a remodeled Graff Dairy will be an asset to the community, enhancing the improvements to 29 Road.

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

Policy 1.6: The City may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.

Policy 1.7: The City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

The City Community Development Department's work program for 2007 includes a 29 Road Corridor Plan.

5. *Public and community facilities are adequate to serve the type and scope of land use proposed;*

A commercial zoning will allow us to remodel our site, redirecting drive through traffic around our store, thus reducing congestion on 29 Road that now occurs at peak times during the day. This congestion will only increase with the completion of the 29 Road Corridor plan. We hope to improve safety to motorists and pedestrians in front of our store on 29 Road.

Our operations contribute very little to large truck traffic in the neighborhood. Raw milk is delivered daily at 3:00 a.m. We receive, on average, only one other shipment per month via semi truck and trailer. The requested change in land use designation will effect no change on the current use of utilities or public facilities.

6. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and*

Graff Dairy has operated at this location for over 40 years.

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

The use of this land has been commercial for the past forty years, and Graff Dairy, LLC has been and is an integral part of the existing neighborhood, providing a valuable service to the community.



**Neighborhood Meeting Notice Letter**

Dear Property Owner:

This letter is to invite you to a neighborhood meeting to be held at (time), on (day and date), at (location). The meeting is being held to inform you of Graff Dairy's request to amend the City of Grand Junction Growth Plan to acknowledge the historic use of the property for the Dairy, and to seek appropriate zoning to allow for the continuation and expansion of the Dairy.

If you are unable to attend the meeting, you can contact us at (your phone number) with questions. We look forward to seeing you at this meeting and to your support of our request.

Sincerely,

(Name)  
Graff Dairy

## **Citizen Comments**

I lived in Grand Junction for about 30 years, and still have many close ties there. I understand that there is a problem with Graff Dairy's zoning.

I would like very much to ask those who make the decision to please allow Graff Dairy to remain in business. They are a definite asset to the community and do a lot of good in the area.

I've known the Graff family for many years and would hate to see their livelihood ended because of a zoning problem. It IS something that can be corrected if you will all see that the rezoning is done.

Thank you,  
Kathleen W. Hall

Please allow Graff Dairy to make the upgrades that they need to do to stay in business. My wife and I grew up on Graff milk and ice cream our entire lives and even through college (we both graduated from Mesa State) and even though we don't live in Grand Junction anymore we visit often to see all of our family members there. Every time we come "home" we always go get some milk and ice cream from Graff. It is a wonderful, little, one of a kind place there in Grand Junction that gives the town such great character and value.

I remember growing up in Spring Valley the field across the street was full of onions and a wonderful smell would blow into my bedroom window on summer nights. Now that farm is gone and it has been replaced with houses...sad as that may be if a farmer chooses to cash out and trade in his ag business for the cash offered by residential developers then that is his prerogative. Please don't force out another locally owned ag business that actually wants to remain there in our hometown.

Thank you,

**Ky Christensen**, Directory Advertising Consultant  
See the Dex Advantage at [www.dexonline.com/advantage](http://www.dexonline.com/advantage)

Phone - 719.444.1111 or Toll Free 800.733.7510 x 1111  
Fax - 719.444.1198

Dex - An R.H. Donnelley Company  
5725 Mark Dabling Blvd. Suite 100  
Colorado Springs, CO 80919

I support the change of zoning of the Graff Dairy property from residential to commercial.--Bruce Davis

Hello,

I understand Graff dairy needs a revision to the zoning area they are in.

It seams, they were zoned residential instead of commercial.

I support this change. I believe the Dairy is a valuable asset to the community, located exactly were it is. In the heart of where we live, not 25 miles out of town.

The Dairy was there long before all the new houses. They should be Grandfathered, and it should have occurred when the zone was mapped.

Thank you

Patrick McAllister

Patrick McAllister  
676-1 Brentwood Dr.  
Palisade CO. 81526

I'm writing on behalf of Graff Dairy. They employed me along with many of my young friends through high school and college. I would like to put in my request to have the land that the dairy is on to be zoned commercial. That way they can make the necessary enhancements to better Graff Dairy and the Grand Junction community.

Thank you,  
Chantalle Yearsley

I live close to Graff Dairy and support their request to be rezoned to commercial. Please approve their request.

Thank you,

David G. Winstead, MBA/HCM

[2884 Orchard Ave-80501](#)

WE HAVE BEEN GOING TO GRAFF DAIRY SINCE THEY OPENED!!!!  
ON 29 ROAD, DURNING THE LATE SIXTIES OR EARLY SEVENTIES.  
WE STILL GO PURCHASE THE BEST ICE CREAM CONES IN TOWN....  
ON IN THE WORLD THAT AREA EVER GOT ZONES RESIDENTIAL I DON'T KNOW.  
1: THAT AREA OF 29 ROAD IS BUSINESS (BOOKCLIFF VETERINARY)  
(THE SOPPHING CENTER WITH SAFEWAY AND OTHER BUSINESS) APARTMENTS  
COMPLEXES::  
THAT IS A BUSINESS AREA, I CAN ONLY FIGURE OUR GREAT CITY MINDS AS USUAL ONLY  
LISTENED TO THE FEW AND NOT THE MAJORITY A USUAL FOR THIS CITY!!!!  
AND AS YOU SEE I AM NOT A NEW RESIDENT FROM CALIF., OR BACK EAST...  
THANK YOU TAKING THE TIME TO READ THIS> I DO HOPE IT WILL HELP, BUT  
I REALLY DON'T THINK IT WILL DO ANY GOOD!!! AS THE CITY SEEMS TO DO WHAT IS  
WANTS NOT WHAT WE WANT!!!!!!  
AND WE ARE CITY RESIDENTS AND HAVE BEEN SINCE 1962!!!!  
WHEN WE MOVED DOWN HERE TO WORK FOR THE CITY YOU HAD TO LIVE IN THE CITY  
LIMITS!!!!  
NOW I WOULD BET OVER 75% OF THE CITY EMPLOYEES LIVE IN THE COUNTY!!!  
BUT THEY ARE TELLING WE IN THE CITY WHAT TO DO!!!!  
THANK YOU AGAIN..  
JUANITA GORBY  
2238 NO 20TH STREET

It seems in the last few years in this valley the small home owned businesses have taken a back seat to box stores and manufacturers. The trend seems to be to pay businesses to come into the valley but ignore helping the established small ones.

We pride ourselves in the hometown flavor of this valley, and yet once again an old established business is being threatened by a governing entity.

Thank goodness there is time to correct the zoning mistake and let Graff Dairy continue to serve their customers.

Please consider changing the zoning to commercial.

Long standing customer of Graff Dairy,

Diane H. Prisk  
1860 Bittern Court  
Grand Junction, CO 81506

I'm writing in support of Graff Dairy to be able to make improvements to their business. Even though I am a new customer, I know they have been there a long time and are established. They deserve to have the zoning they need to expand their business. It would be a shame for them to lose money because of a zoning error.

Thanks, Carole Gardner

I wish that you would zone Graff Dairy commercial. It is one of the only mom and pop businesses left in town and we need to keep it that way. They have the best ice cream and milk in town and have been in business for 40 years. Lets grant them this zoning. Thanks Richard and Kay Bailey

**HOW CAN THE CITY ZONE A PROPERTY LIKE GRAFF DAIRY SOMETHING BESIDES WHAT IT IS, WHEN IT HAS BEEN IN THE SAME PLACE SO LONG? SOMEONE NEEDS TO ADMIT THAT THERE HAS BEEN A MISTAKE AND FIX THIS PROBLEM.**

**I AM NOT THE ONLY PERSON WHO FEELS THIS WAY, AS I AM SURE YOU ALREADY KNOW.**

**MANY OF THE RESIDENTS OF THIS CITY FEEL THAT THERE HAS BEEN A LOT OF MISTAKES MADE REGARDING ZONING, DEVELOPEMENT, ETC. YOU ASK US TO COME TO MEETINGS ABOUT SUCH THINGS IN OUR NEIGHBORHOODS TO VOICE OUR OPPINIONS, YET NO ONE LISTENS. OUR WORDS FALL ON DEAF**

EARS, AND THEN THE CITY DOES WHAT EVER IT WANTS TO DO,  
AND WHAT IT WAS GOING TO DO FROM THE BEGINNING. IT IS ALL  
ABOUT THE MONEY\$\$\$!!! NOT ABOUT WHAT IS BEST FOR THE  
CITY OR ITS RESIDENTS.

PLEASE DO WHAT IS BEST AND WHAT IS RIGHT FOR GRAFF DAIRY  
AND ITS OWNERS.

THANK YOU,

S. MILLER

Our family also supports the need to revise the zoning to keep the Graff Dairy where it is and to allow them to update and add to their existing structures to support their business. We purchase our dairy products from them and find that is one of the unique characteristics of the GJ area to have a small dairy within our neighborhood. Thanks for listening to us.

Regards,  
Lawrence White  
669 36 1/4 Road  
Palisade, CO 81526

We LOVE the Graff Dairy. When we heard that the property was to be rezoned and the hardship this would cause the family, we knew we had to do something. The Graff Dairy has been one of the founding businesses of Grand Junction. They have long been tax payers and for years have provided families with whole foods. We want the Graff Dairy remain in its location on 29 road. Mir'iam Connelly, Ron Tomoson

Please reconsider about the zoning that will effect Graff's Dairy. That business is a wonderful example of the fast disappearing "family owned" enterprises in the area. It seems so unfair when large businesses or institutions can get adjustments on zoning without any problem. These tactics are used in other parts of the world but now we seem to not care about the little man trying to make an honest living. Bill and Wanda Wooters.

We wanted to let you know how important we think it is for the Community Development Board to zone Graff Dairy as a commercial property. If Graff isn't able to do the remodeling they need we wonder how long they will be able to stay in business? We own a local coffee shop and do business with Graff at least 4 times a week. If they were not there we would have to get our 40 to 60 gallons of milk per week at the grocery store. We also live in the neighborhood and frankly it is a great asset to have it there. We just feel the City should support the local people as much as possible that way, hopefully, the entire city won't be Box stores and Starbucks!

Thank you for your time,

Kellie McKeehan and Dawn Sagar - owners

The Coffee Studio  
2913 F Road

This email is in regard to the rezoning for Graff Dairy. I am writing in favor of rezoning so that the business will be able to stay opened. Graff Dairy has been in business for many years and is a staple to this area of the city. Our children have enjoyed many ice cream cones and of dairy products at that site.

It is community orientated, giving many field trips to hundreds of children a year. I have taken Girl Scout troops, Cub Scout troops, Head Start groups as well as school groups to the dairy. Dave gives a great educational lesson to the children that come there.

There is value in not only their product but to the way they serve the community as a whole. It just would not be right to shut them down because no one was paying attention to the zoning. I hope you consider and implement the zoning in the proper way.

Thanks so much~!

Mike and Terri Nelson~

Six children with grandchildren now

Grand Junction

Please support Graff Dairy in their quest to rezone. They have been a part of our community since I moved here in 1975 and we still do business with them even though we moved across town more than ten years ago. They are committed to a great product and have provided many hours and ice cream cones to help teachers get across to students the values of work and business. Thank you, Bob Sherrill

I am writing to you in regards to Graff Dairy. I have been going there for about 10 years, and have enjoyed every experience. I have wonderful childhood memories, and I hope to be able to bring my children there some day also. I have found that the Dairy has also been of an educational benefit to me and the community. There have been numerous field trips that have educated the youth of the community about how things work at a place such as this. It would be a mistake to force them into closing because of the zoning. I sincerely hope that you will consider not only the business side of this deal, but also the feelings of the members of the community and the benefits of keeping such a memorable place in business. Thank you for your time.

Sincerely,

Diana Nelson

My husband and I just wanted to write a note asking the city to reconsider the zoning for Graff Dairy. We were both born and raised here and have shopped at Graff's since they opened. They are a landmark! They have provided this valley with wonderful products and service and we hope they will be able to stay in business at their same location.

Sincerely,

Rhonda & Leonard Brest

I am very disturbed by the recent decisions made regarding Graff Dairy. This is a long standing small business that has serviced many people in the

area. Zoning this area as residential and not allowing them to make building improvements is without conscience and regard. In essence, this is a contemptable action that will drive yet another small business out of commission. The reputation of the Grand Junction City Planning is one that is calloused and unconcerned for small businesses. It was my understanding that the city was trying to remove itself from this type of reputation. However, this is just another fine example of the GJ City's policy of "doing to others what we do not want done to us." Please put yourself in other people's shoes and understand that this is something that you would not want done to yourself.

I believe that it would be in your favor to honor a long standing community business and change the zoning to commercial so that this dairy/store can continue its business and upgrades to it's facilities. With the already zoned commercial properties of Safeway and other businesses just down the street from Graffs, this will make good sense.

Donna J. Owen

RE: The zoning of GRAF Dairy.

Please re-zone that area as commercial as it should have been all along.

It is such a convenience when wanting just some Dairy products to be able to go to Graf Dairy and pick up those nice fresh Dairy Products. I have never in all the years I have been trading there not been greeted with a smile and a friendly greeting.

Please change this at your earliest convenience.

Sincerely  
Dorothy Hetherington  
2969 1/2 Texas Avenue  
Grand Junction, Co. 81504

As a native of Grand Junction and long time customer of Graff Dairy, I would like to voice my opinion on rezoning the property that Graff Dairy now occupies. I would like to see it zoned Commercial.

Thank you.

Patty A. Kelly

I visited the Dairy this week. I can not even remember when I first went through the drive thru for my first Graff Ice Cream. The road improvements made on their street in the past year could not have been good for their drive up business, yet they stuck it out. According to the article in the paper, this business has been supporting the community for nearly 40 years...long before I came to Junction, when I am sure they were stuck in the middle of a corn field or pasture for their cows.

The immediate residents have lived, purchased their properties and been surrounded by the business for many years. They were there before Safeway and all of the commercial businesses that have placed themselves within an eye shot of this local independent business.

This business should be allowed to improve their building...if you used this business you would realize that space is too tight and people keep hitting the roof at the drive up.

Do the right thing, rezone so this business can continue to serve the community and make the improvements to their property and building...better yet, go by and get a gallon of milk and an ice cream and see for yourself.

Sincerely,

Susan Dorris  
370 33 102 Road  
Palisade, CO 81526  
970-434-0604

Attn: Community Development

This is our request to change the zoning for Graff Dairy, LLC to COMMERCIAL. We have lived in this neighborhood for 8 years and have enjoyed the folks at Graffs as friends and neighbors for all that time and feel that they are truly an asset to our community. They are friendly, clean and reliable. They have hired many of our young people on their first job where they are treated fairly and started on many great careers. They always welcome families to their place and give our dog a special treat when he gets to go along. This is a friendly neighborhood and feel they add to the ambiance by welcoming us all with a smile and sometimes on a first name basis. We feel it would be a huge loss to the community if they were gone. Thank you very much as we give them our total support. Roy and Grace Gilley, 3037 1/2 Kings Ct, Grand Junction 81504, 434-9463

Grand Jct. Community Development Department,

Please consider changing the mistaken zoning of Graff Dairy, LLC, from residential to commercial so that future improvements to the property may be made.

Sheila Yeager

This is a letter in support of Graff Dairy getting their property zoned commercial. I see no reason why they should not get the proper zoning change that is needed for them to stay in business at their current location. It is only an oversight that it wasn't done long ago. They supply a much needed service to the neighborhood and the community, providing fresh dairy products and some of the best ice cream you can buy. They cause no problems and help young people by providing them with their first job. We need to support independent businesses like this and help to keep us from just doing business with the big box stores. We need them, they need us and they need your help. All they want to do is grow a little. Help them out.

By the way, we live less than a mile from their store, and support them whole heartedly.

Thank you,  
Pat & Larry Seidl

I would like you to consider zoning Graff Dairy to commercial. I personally like to get all my dairy products there because it's fresh. On the other hand, I know they employ a lot of students for first jobs. Thank you for your time.



LaDawn Wangelin

Please allow the expansion of Graff Dairy. They have become an icon to the area and supply jobs for the local youth. It is encouraging to see that small businesses such as this one can compete against the super stores. It would be a shame to lose such a valuable resource. Sincerely, Diane Davis

**I am emailing in support of Graff Dairy, and the zoning laws. I do hope something can be worked out, so they don't have to close. I am a very frequent customer of the dairy. Thank you for your consideration.**

**Carolyn Engels**

I was sent the article regarding the possible fact that the city of Grand Junction might not approve the zoning requests, etc for Graff Dairy.

I am sending in my vote to keep Graff Dairy up and running. It is a Grand Junction institution! I grew up on Graff Dairy milk and can remember it back when they delivered it to your front door.

Colorado, Grand Jct., and the US needs the mom and pop businesses! I couldn't imagine Grand Jct. without Graff Dairy. Graff Dairy is the very principal this country was built on.

Graff Dairy gets my vote! Not to mention they have the best milk and ice cream in the country!

Sincerely,

Kelly Naughton

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Graff Dairy gets my vote! Not to mention they have the best milk and ice cream in the country!

Sincerely,

Kelly Naughton

Hello Kathy. My name is LauraAnn Hansen and I have lived here in the Grand Valley since 1976 after I moved here from Glenwood. Ever since I can remember the Graff folks have been serving our Community with much needed products and services, and giving us something we couldn't get anywhere else in town, natural unadulterated homeade local Milk, Cream, Eggs and Ice Cream. These folks have been an asset to Grand Junction for years and I feel they deserve the Re-zoning status they need to expand their business. These are GOOD people that love what they do and allowing them to build the business larger can only bring something FINANCIALLY POSITIVE to the whole community!! LETS GIVE THEM THE SERVICE WITH A SMILE that they give everyone who does business with them.  
Thank-you, LauraAnn Hansen



FARMERS

**Tracy Insurance Services**  
845 Grand Ave  
Grand Junction, CO 81501  
Bus: 970-242-4118  
Fax: 970-243-3644

## ***Congratulations!***

**From everyone at Tracy Insurance Services, Inc.**

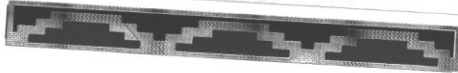
Dear Colleen,

It was great to read about you in the Sentinel last week. We sure hope everything goes well with the Zoning. The Grabb Dairy story is awesome and we are very proud to have you in our community. I thought you might like a copy of the article for the Dairy so I've enclosed it.

Sincerely,

Holly Zechin  
and the Tracy Bunch





Gerald & Gay Dyer  
643 Tomahawk Cir  
Grand Junction, CO 81504-5980

4/8/06

Community Development Dept.  
250 N 5th St.  
Grand Junction, CO 81501

Please please rezone the property which Dairy owns on 29 Road so they may make improvements. The dairy has been there a long time - a commercial

property - - how can it now be residential?! Business has come to 29 Rd with the Sufeway complex, a real estate office, a veterinary clinic - -

It is nonsense to zone it residential and harm the business that have long standing. Stacy Dyer and Gerald Dyer



April 5, 2006

Kathy Fortner:

I have been a faithful customer of Traff Dairy since they opened. Please allow their business to stay in our neighborhood by letting them improve their building and keep us supplied with the best dairy products available anywhere. Changing zoning to commercial will be the right thing to do. Thanks.

Romaine Webb

632 Middle Ridge  
Clifton, CO 81520  
April 5, 2006

Ms Kathy Portner  
Community Development Dept.  
250 N 5<sup>th</sup> Street  
Grand Junction, CO 81501

Gentlemen:

I have done business with Graff Dairy ever since I moved from the City to F Rd. and Partee in 1972. At that time the dairy had the cows in corrales directly behind the dairy and I purchased milk from them in the existing building.

I can see no reason why they should not be allowed to rezone their property back to Commercial.

In my opinion the property should have been Grandfathered as Commercial and the lot that they built the house on should have been rezoned as Residential.

Sincerely yours,

  
T. Dennis Price





Keep a wish for tomorrow in your heart...

3-31-06

**RECEIVED**

APR 04 2006

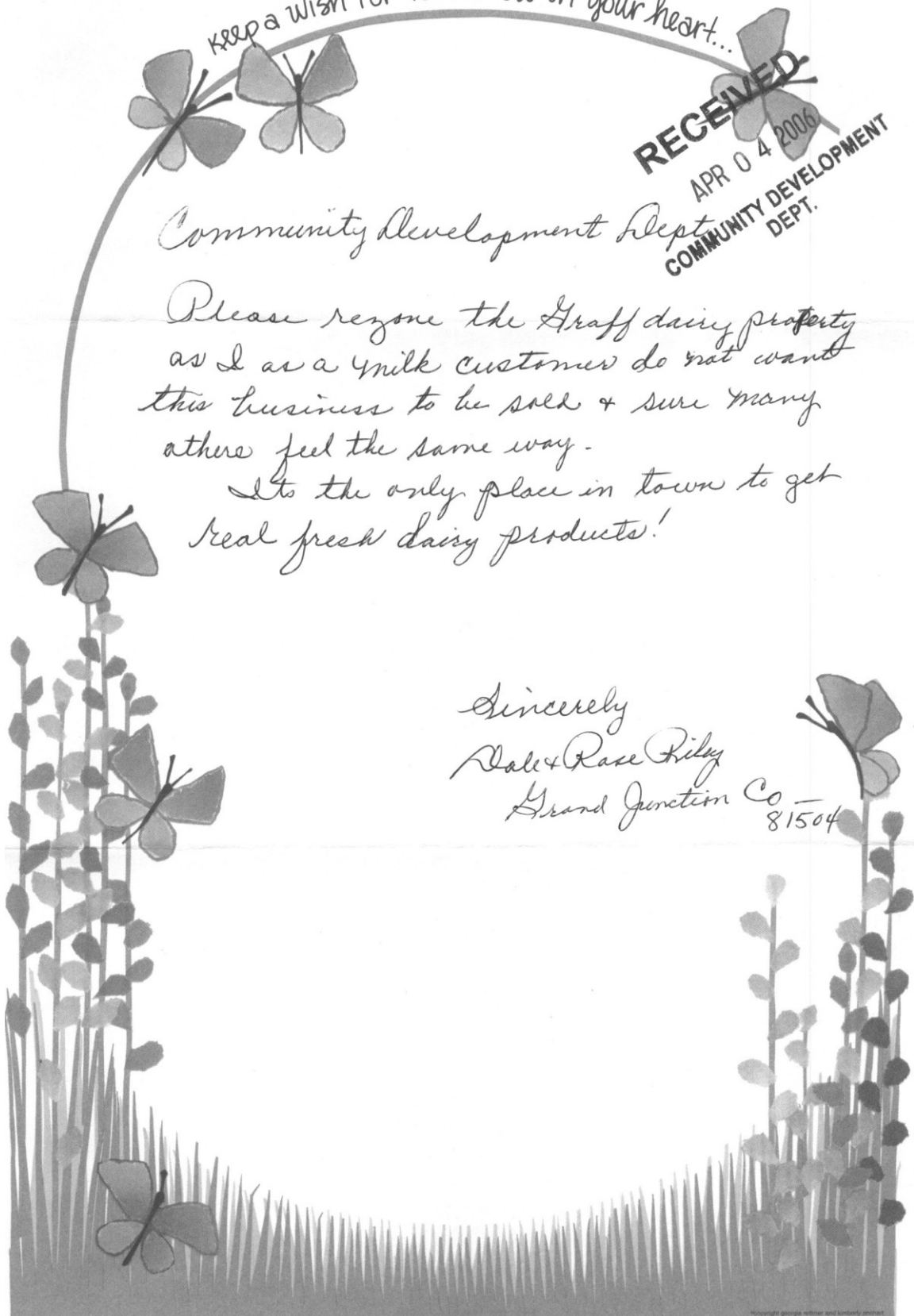
COMMUNITY DEVELOPMENT  
DEPT.

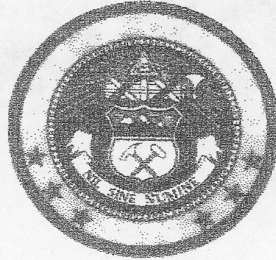
Community Development Dept.

Please rezone the Graff dairy property  
as I as a milk customer do not want  
this business to be sold & sure many  
others feel the same way.

Its the only place in town to get  
Real fresh dairy products!

Sincerely  
Dale & Rose Riley  
Grand Junction Co. 81504





Colorado House of Representatives  
State Representative Josh Penry  
State Capitol, Room 271  
Denver, CO 80203

I grew up eating your ice cream and drinking your milk. Please let me know if there is ever anything I can do to be of assistance to you or your business.

Sincerely,

Josh 4/28/08

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY .67 ACRES, LOCATED AT 581 29 ROAD, FROM RESIDENTIAL MEDIUM TO COMMERCIAL**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately .67 acres, located at 581 29 Road be redesignated from Residential Medium to Commercial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL MEDIUM TO COMMERCIAL ON THE FUTURE LAND USE MAP.

Lot 1 Graff Minor Subdivision SEC 7 1S 1E—0.67 acres

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

ATTEST:

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

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

**Attach 23**

Public Hearing – GPD Global Growth Plan Amendment, Located at I-70 Frontage Road, between 23 and 23 ½ Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>	GPD Global Growth Plan Amendment, located at I-70 Frontage Road, between 23 and 23 ½ Road							
<b>Meeting Date</b>	May 17, 2006							
<b>Date Prepared</b>	May 11, 2006				File #GPA-2006-065			
<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>	X	No		Yes	When			
<b>Citizen Presentation</b>	X	Yes		No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** A Resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Commercial/Industrial.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

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

**Attachments:**

1. Staff report/Background information
2. Vicinity/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's General Project Report
5. Resolution

AGENDA TOPIC: GPA-2006-065 Growth Plan Amendment—GPD Global Annexation

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Commercial to Commercial/Industrial.

BACKGROUND INFORMATION				
Location:		I-70 Frontage Road, between 23 and 23 ½ Road		
Applicants:		Owner: GPD Global, Inc.; Woomer Family, LLC Representative: Kirk Rider		
Existing Land Use:		Commercial		
Proposed Land Use:		Commercial/Industrial		
Surrounding Land Use:	North	Estate (2-5 acres/unit)		
	South	Commercial/Industrial		
	East	Commercial/Industrial		
	West	Commercial/Industrial		
Existing Zoning:		County PC (Planned Commercial)		
Proposed Zoning:		I-1 (request to follow GPA request)		
Surrounding Zoning:	North	County AFT		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	I-O (Industrial/Office)		
Growth Plan Designation:		Commercial (Commercial/Industrial proposed)		
Zoning within density range?		NA	Yes	No

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Commercial to Commercial/Industrial for three parcels consisting of approximately 25 acres.

RECOMMENDATION: Staff recommends approval.

## ANALYSIS

### 1. Background

The three parcels, consisting of approximately 25 acres, are currently being annexed into the City as a part of the request for a Growth Plan Amendment. The parcel at the NE corner of I-70 Frontage Road and 23 Road includes a 70,000 square foot building, as well as parking and delivering area for GPD Global, Inc. The adjacent parcel to the east is undeveloped. The remaining parcel is currently occupied by Triune, Inc., and includes three buildings, totaling 14,900 square feet and parking.

The Growth Plan, adopted in 1996, designated the properties along the I-70 Frontage Road, between 23 and 23 ½ Road, Commercial. Subsequently, the former Webb Crane properties, at the NW corner of I-70 Frontage Road and 23 ½ Road, were changed from a Commercial designation to a Commercial/Industrial designation.

The property owners are requesting a Growth Plan Amendment to change the Future Land Use designation from Commercial to Commercial/Industrial to allow them the option of requesting an Industrial zone district.

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

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

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

*The GPD plant was constructed in 1979 by Joy Technologies for manufacturing and servicing massive mining machinery. It has six 10-ton overhead cranes traversing its floor; large expanses of the shop floor are covered with ¾ " diamond plate steel to allow large tracked equipment to move through the facility. Compressed air, natural gas and nitrogen gas are available throughout the building, along with 3-phase 480V electrical service. The building was clearly constructed for industrial-type uses. The Growth Plan designation of Commercial did not recognize the Industrial nature of the building and original occupant.*

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

*Subsequent to the Growth Plan adoption in 1996 and the adoption of the North Central Valley Plan in 1998, the owners of the former Webb Crane property, to the east, requested a Growth Plan Amendment to change the Future Land Use designation from Commercial to Commercial/Industrial, which was approved.*

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

*The character of the area has been changing, consistent with the Commercial/Industrial Future Land Use designation. The property to the east is developing with heavy commercial/light industrial uses. The property at the NW corner of I-70 Frontage Road and 23 Road was recently annexed and zoned I-O (Industrial/Office).*

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

*The Growth Plan and North Central Valley Plan recognizes this north area as being appropriate for a variety of commercial and industrial uses. In addition the following goals and policies support the request for a commercial/industrial designation:*

*Goal 18: To maintain the City's position as a regional provider of goods and services.*

*Policy 18.1: The City will coordinate with appropriate entities to monitor the supply of land zoned for commercial and industrial development and retain an adequate supply of land to support projected commercial and industrial employment.*

*Policy 18.2: The City will protect industrial land from residential development which limits the community's industrial development potential.*

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

*All services are available to the site for heavy commercial/light industrial uses.*

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

*Going from a Commercial designation to a Commercial/Industrial designation would allow for a greater range of zoning options for the property, more appropriate for the existing building and prior uses.*



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

*There will be community benefits in allowing for the re-use of the building for light industrial uses, as it was originally intended.*

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the GPD Global application, GPA-2006-065, for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

- 9. The proposed amendment is consistent with the purpose and intent of the Plan.
- 10. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

#### STAFF RECOMMENDATION:

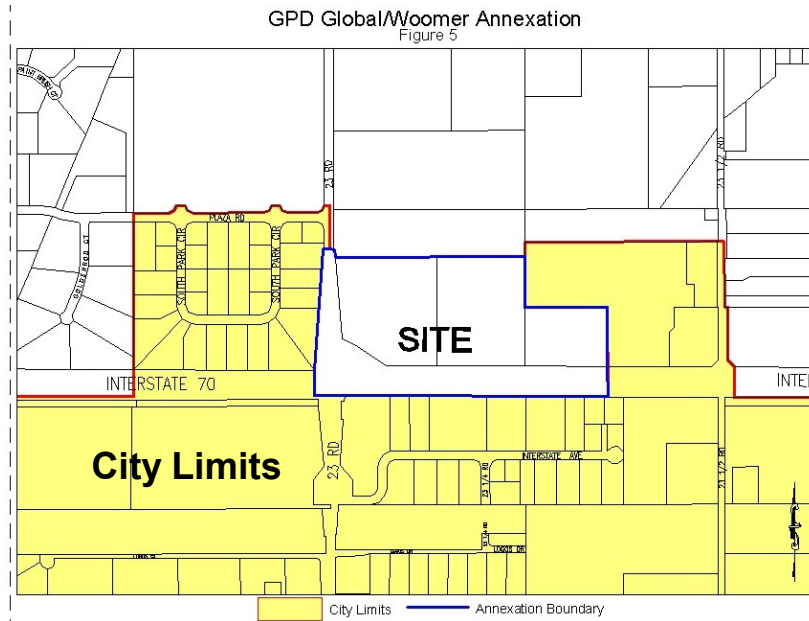
Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-065, to the City Council with the findings and conclusions listed above.

#### PLANNING COMMISSION RECOMMENDATION:

At the April 25, 2006 hearing, Planning Commission recommended approval of the Growth Plan Amendment.

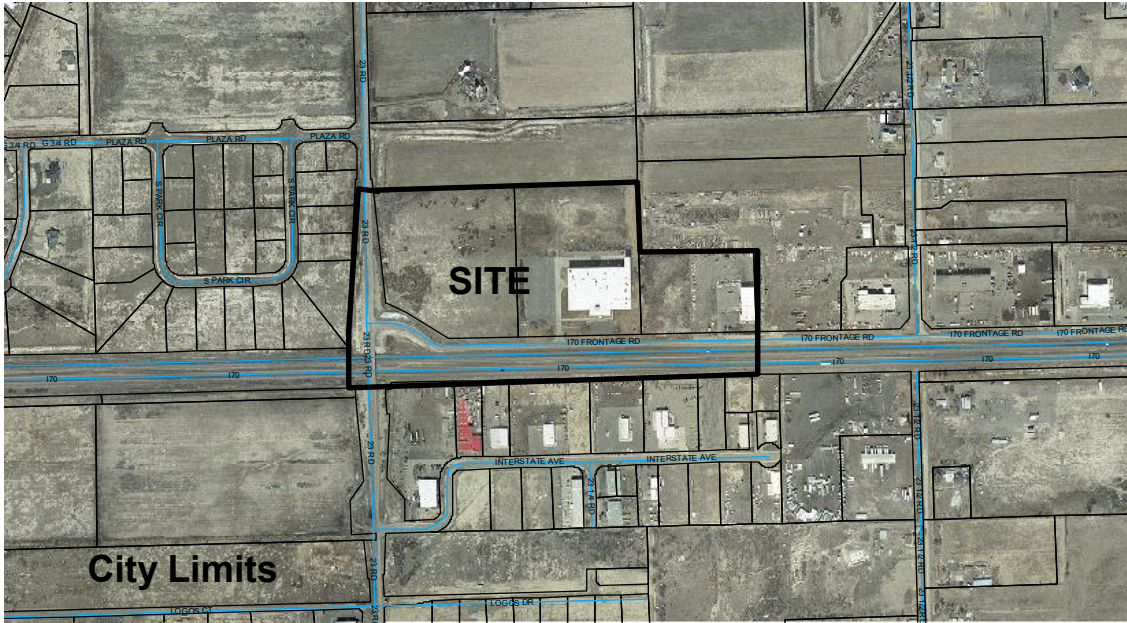
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3

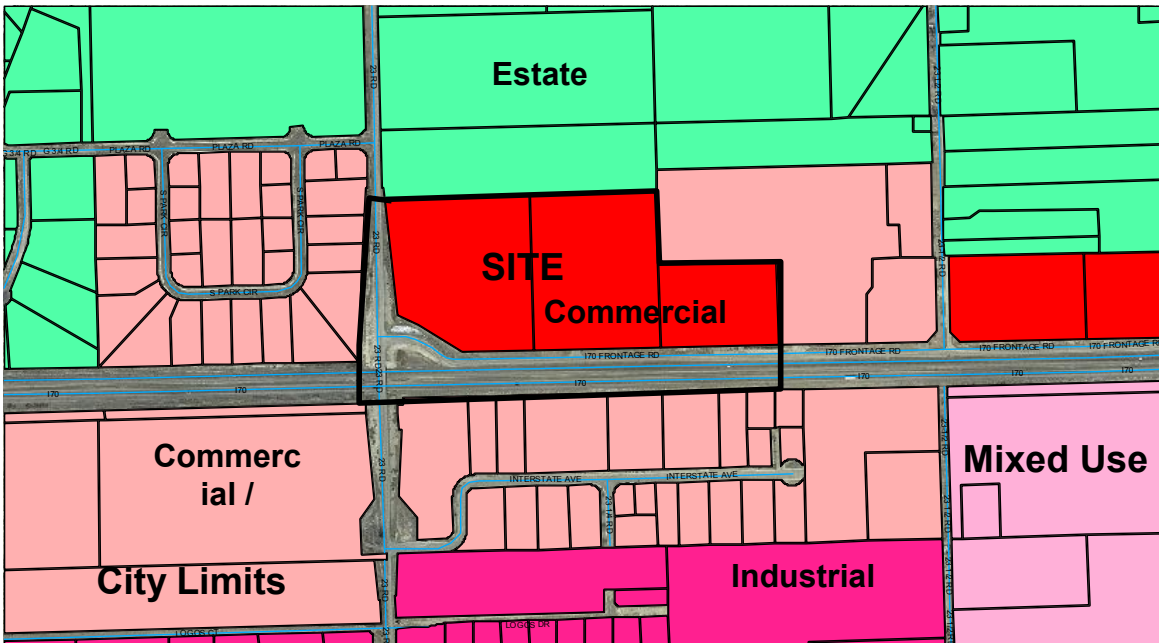




Table 1  
 Growth Plan Future Land-use Categories  
 I-70 Northern Frontage Road

Land Use		Intensity	Typical Uses
Urban	Commercial	Urban-intensity based on location/services	Wide range of commercial, development - offices, retail, service, lodging, entertainment - with no outside storage or operations. Mixed commercial and residential developments will be encouraged in some areas
Urban	Commercial/Industrial	Urban - intensity based on location/services	Heavy Commercial, offices and light industrial uses with outdoor storage, but no outdoor operations other than sales (e.g., office/warehouse uses, auto sales, auto repair shops, lumber yards, light manufacturing). Some yard operations may be permitted through the planned development process where adequate screening and buffering can be provided to ensure compatibility with existing and planned development in the vicinity of proposed uses. Residential uses are not appropriate.
Rural	Estate	Rural - 2 acre minimum lot size	Typical "estate" style single family homes on large lots of 2 to 5 acres. Centralized services might be needed depending on site conditions and proximity to existing services. Zoning will regulate the intensity of agricultural operations permitted in Estate parcels.

The following criteria are to be used to determine if the *Growth Plan* amendment should be approved:

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

Petitioners did not participate in the development of the *Growth Plan* document. Had they done so, they would have drawn attention to the fundamentally industrial character of their properties and those that adjoin them to the East, West and South across I-70.

The GPD plant was constructed in 1979 by Joy Technologies for manufacturing and servicing massive mining machinery. It has 6 10-ton overhead cranes traversing its floor; large expanses of the shop floor are covered with 3/4" diamond plate steel to allow large tracked equipment to move through the facility. Compressed air, natural gas and nitrogen gas are available throughout the building, along with 3-phase 480V electrical service. Attachment 8 illustrates the robust industrial nature of this building.



GPD bought the facility after Joy Technologies ceased operations, but has used only a fraction of the building's capabilities in its light manufacturing operations. Nevertheless, the facility is undeniably industrial in character, as are those in its whole neighborhood. The truly industrial nature of the neighborhood along the I-70 Frontage Road is recognizable from the uses there, which include Hanson International's new facility, the Webb Crane property, and MHC Kenworth (which remains outside the City). In fact, the Webb Crane and Hanson properties sought and obtained Commercial-Industrial *Growth Plan* designation in recent years, in recognition of the existing uses and neighborhood character.

The *Growth Plan* is considered to be a "living" document. The *Growth Plan* effort was developed to provide generalized land uses in the City of Grand Junction and unincorporated Mesa County from 1996 to 2010. While no conscious errors were made in drafting the *Growth Plan*, certain facts, projects and trends have occurred since the adoption in 1996 of the *Growth Plan* document.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and growth trends.

Both the City and the County experienced substantial population increases between 1990 and 2000. In 1990, the Grand Junction area was declared an "urbanized area" which qualified it to become an MSA once the total metropolitan population exceeded 100,000 people. The County is the entirety of the metropolitan area. On June 30, 1995, Grand Junction was declared a metropolitan statistical area ("MSA") by the U. S. Census Bureau. The County's population grew 2.2% from July 2002 to July 2003 and now totals more than 125,000 people, with the City's population reaching almost 47,000 people. The following table sets forth population and age distribution figures for the County and the State.

<b>Population</b>				
<u>Year</u>	<u>Mesa County</u>	<u>Percent Increase</u>	<u>Colorado</u>	<u>Percent Increase</u>
1950	38,974	--	1,325,089	--
1960	50,715	30.1%	1,753,947	32.4%
1970	54,374	7.2%	2,209,596	26.0%
1980	81,530	49.9%	2,889,735	30.8%
1990	93,145	14.2%	3,294,394	14.0%
2000	116,255	24.8%	4,301,261	30.6%
2001	120,122	2.1%	4,446,529	2.6%
2002	122,463	1.9%	4,521,484	1.7%
2003	125,072	2.1%	4,586,455	1.4%

Source: Figures for 1950 through 2000 were obtained from the U.S. Department of Commerce, Bureau of the Census; figures for 2001 through 2003 are estimates provided by the Colorado Department of Local Affairs, Division of Local Government, and are subject to periodic revision.





As stated by the Entrepreneurial Business Institute at Mesa State College:

The economic indicators for third quarter 2005 present the current relative strength of the economy. Overall, sales tax receipts are up, construction is up both city and county, properties sold and the dollar volume is up, as are the tourism indicators. The job market continues to remain strong. All of these indicators are signs of a growing economy. *EBI EconoBiz, Volume 1, Issue One, Q3 2005.*

The following chart shows how the population of Mesa County is anticipated to continue increasing.

Mesa County Population  
Historical and Projected

1960	51,700
1970	55,287
1980	81,530
1990	93,145
2000	116,255
2005	130,150 *Projected
2010	145,066 *Projected
2015	161,833 *Projected
2020	182,159 *Projected
2025	199,866 *Projected

Source: Western Colorado Economic Alliance; Colorado Dept. of Local Affairs

The following table sets forth the real estate sales indicators for Mesa County for the years 2000 through 2003 which shows an increase in properties transferred each year from 2000 to 2003.

**Real Estate Indicators  
 Total Properties Transferred  
 (Mesa County 2000-2003)**

<u>Month</u>	<u>2000 Properties Transferred</u>	<u>2001 Properties Transferred</u>	<u>2002 Properties Transferred</u>	<u>2003 Properties Transferred</u>
January	320	304	373	305
February	356	312	368	442
March	434	411	403	437
April	442	500	572	533
May	465	464	640	553
June	468	517	457	529
July	440	525	523	554
August	467	523	462	649
September	393	370	435	585
October	427	451	504	556
November	381	394	336	425
December	345	380	439	496
<b>TOTALS</b>	<b>4938</b>	<b>5151</b>	<b>5512</b>	<b>6064</b>

Source: Mesa County Clerk and Recorder; First American Heritage Title Company.

The 1996 *Growth Plan* did not take into account the industrial character of this area. The *Growth Plan* amendment **MEETS** this review criterion.

2. Subsequent events have invalidated the original premises and findings;

Events subsequent to the adoption of the *Growth Plan* and the *North Central Valley Plan* have invalidated the original premises and findings due to the changes taking place in the surrounding area and the continued economic and community growth in the City of Grand Junction, Mesa County and other areas. The current energy boom, with its intense demand for industrial real estate, could not have been, and in fact was not, anticipated when the *Growth Plan* was adopted. Even at the last *Growth Plan* update, most landowners were seeking to change their industrial *Growth Plan* designations to commercial, because no one foresaw any demand to speak of for industrial real estate. Industrial property is now in such short supply that energy companies are being forced to locate their facilities outside of Mesa County if newspaper stories are to be believed. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

3. The character and/or condition of the area has changed enough that the amendment is acceptable;

The non-residential character of the surrounding area has only advanced with the development of the MHC-Kenworth Trucking facility, Honnen Equipment, Hanson International and the Moondance RV Resort.

The Ramstetters' property to the north of the Property has a designated future land use as Estate pursuant to the *Growth Plan* and the *North Central Valley Plan*. However, pursuant to approval obtained in February of 2003, the Ramstetters' property is being developed into the Moondance RV Resort. All property bordering the Property, other than the Ramstetters, is designated Commercial/Industrial (*Growth Plan*).

West of 23 Road is a platted subdivision, 23 Road Commercial Park. This subdivision's *Growth Plan* Land Uses category is "Commercial/ Industrial."

The character and/or condition of the area has changed such that the proposed amendment **MEETS** this review criterion.

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

The *North Central Valley Plan*, adopted by the City of Grand Junction on June 3, 1998, indicates that the corridor along I-70 between 23 and 23½ Road be designated as "Non-residential" land-uses. This change is consistent with the North Central Valley Plan and **MEETS** this review criterion.

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

Petitioners do not have current plans to expand operations and are not asking for such at this time.

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Commercial/Industrial zone. The Property is currently served by:

- XCel Energy - Natural Gas
- Grand Valley Rural Power - Electric, including 480V 3-phase
- Grand Valley Irrigation Company - Irrigation Water
- Grand Junction Drainage District - Drainage
- City of Grand Junction - Sanitary Sewer (available but not connected)
- Ute District - Potable Water (several fire hydrants are currently installed on the Property)
- Qwest - Telephone
- Grand Junction Rural Fire Protection District -- contract with City of Grand Junction Fire Department - Fire Protection
- Mesa County Sheriff's Department/Grand Junction Police - Law Enforcement

The *Growth Plan* amendment **MEETS** this review criterion.

6. An inadequate supply of suitably designated land is available in the community as defined by the presiding body, to accommodate the proposed land use.

Since the *Growth Plan* was completed in 1996 and the *North Central Valley Plan* in 1998, the Grand Junction area has had strong economic growth and population growth. (Please see the response to criterion "1" above for supporting statistics.)

The general area around the Property is designated as Commercial/Industrial (*Growth Plan*); and Non-residential (*North Central Valley Plan*) (except the Ramstetters' Moondance RV Resort). No anticipated area for business growth of the existing commercial/industrial land-uses was accounted for in these Plans, especially to the north. The Petitioners, as well as the other commercial/industrial land-uses, have made substantial investment in their properties. For many of the existing businesses, to not be allowed the opportunity to expand and/or enhance their existing development is a wasteful use of the City's, County's and companies' existing infrastructure.

As currently zoned, an adequate supply of suitably designated land does not exist in the I-70 Frontage Road area between 23 and 23½ Roads, or anywhere near an I-70 interchange. (See Attachment 5 - newspaper article from *The Daily Sentinel*.) By allowing the proposed *Growth Plan* Amendment, the continuation of the historic commercial/industrial land-uses located along the frontage road of the I-70 corridor will be preserved. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

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

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and population growth trends. The public will benefit from this project by i) potential creation of jobs as land is developed and more industry moves in; ii) the efficient use of existing resources such as roads as this would be an "infill" area already served by good infrastructure; iii) the locating of industrial activities away from concentration of residences and near other similar activities, but still in Mesa County; and iv) limiting heavy truck and equipment traffic to I-70, thus sparing local highways.

This will allow the City and County to collect additional sales tax and property tax revenue. Sales tax revenue will be derived, not only from the sales and rental of Petitioners product lines, but also from the expanded use and increased possible development.

The approval of this *Growth Plan* Amendment will also enhance and increase the use of the City's, County's and federal investment in the utility infrastructure and transportation facilities.

The proposed *Growth Plan* Amendment **MEETS** this review criterion.

D.2. **Surrounding Land Use/Zoning.**

**Land Use.** The following Land-uses surround the Property:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 25 ACRES, LOCATED AT I-70 FRONTAGE ROAD BETWEEN 23 AND 23 ½ ROAD, FROM COMMERCIAL TO COMMERCIAL/INDUSTRIAL**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 25 acres, located along the I-70 Frontage Road, between 23 and 23 ½ Roads be redesignated from Commercial to Commercial/Industrial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM COMMERCIAL TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP.

All that certain portion of the SW1/4NW1/4 and the SE1/4NW1/4 of Section 32 in Township One North in Range One West of the Ute Meridian, County of Mesa, State of Colorado, described as follows:

All of Appleton West Planned Commercial Park, as recorded on April 8, 1981, in Plat Book 12 at Page 364, Reception Number 1253174 in the Office of the Mesa County Clerk and Recorder, TOGETHER WITH all of Elder, Quinn & McGill Inc. Planned Commercial Park, as recorded on December 17, 1980, in Plat Book 12 at Page 338, Reception Number 1243099 in said Office of the Mesa County Clerk and Recorder.

The perimeter of said Tract (or Tracts) is more particularly describe by the following: Commencing at a Mesa County Survey Marker for the N1/16 Corner on the westerly line of said Section 32, from whence a Mesa County Survey Marker for the W1/4 Corner of said Section 32 bears S 00°03'17" W, as determined by the values of the Mesa County Land Coordinate System, for a distance of 1321.43 feet; thence S 00°03'17" W, on said westerly line, for a distance of 266.27 feet to the northerly right-of-way line of U.S. Interstate 70 (I-70); thence, continuing on said right-of-way line, N 89°55'26" E for a distance of 37.88 feet; thence, continuing on said right-of-way line, S 04°49'34" E for a distance of 53.32 feet to the N.W. Corner of said Appleton West Planned Commercial Park and the Point of Beginning; thence S 89°59'01" E for a distance of 1277.57 feet to the N.E Corner of said Appleton West Planned Commercial Park; thence S 00°03'32" W on the common line between said Appleton West Planned Commercial Park and Hanson Subdivision, as recorded on October 06, 2005, in Book 4010 at Page 196, Reception Number 2279499 in said Office of the Mesa County Clerk and Recorder, for a distance of 341.19 feet to the N.W. Corner of said Elder, Quinn & McGill Inc. Planned Commercial Park; thence S 89°58'46" E, on the common line between said Elder, Quinn & McGill Inc. Planned Commercial Park and said Hanson Subdivision, for a distance of 553.64 feet to the N.E. Corner of said Elder, Quinn and McGill Inc. Planned Commercial Park; thence continuing on said common line, S 00°03'32"W for a distance of 395.76 feet to the S.E. Corner of said Elder, Quinn & McGill Inc. Planned Commercial Park and the northerly right-of-way line of U.S. Interstate 70 (I-70) as recorded on January 16, 1964, in Book 862 at Page 507 in said Office of the Mesa County Clerk and Recorder; thence N89°40'34" W on

said northerly right-of-way line for a distance of 553.65 feet to the S.W. Corner of said Elder, Quinn & McGill Inc. Planned Commercial Park; thence continuing on the northerly right-of-way line of said U.S. Interstate 70 (I-70), as recorded on January 27, 1964 in Book 803 at Page 240 in said Office of the Mesa County Clerk and Recorder, N 89°40'34" W for a distance of 931.66 feet; thence, continuing on said right-of-way line, N 56°39'04" W for a distance of 238.51 feet; thence, continuing on said right-of-way, line N 63°06'34" W for a distance of 111.80 feet; thence, continuing on said right-of-way line, N 04°49'34" W for a distance of 549.38 feet to the Point of Beginning.

Containing 25.297 Acres more or less

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

ATTEST:

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

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

**Attach 24**

Public Hearing – Jones Rezone, Located at 2591 G Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Jones Rezone located at 2591 G Road					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 3, 2006			File #RZ-2006-070		
<b>Author</b>	Ronnie Edwards		<b>Associate Planner</b>			
<b>Presenter Name</b>	Ronnie Edwards		<b>Associate Planner</b>			
<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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Request to rezone 2591 G Road, comprised of 13.109 acres, from RSF-1 (Residential Single Family – 1 unit per acre) to RSF-2 (Residential Single Family – 2 units per acre). Planning Commission recommended denial at its April 25, 2006 meeting.

**Budget:** N/A

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

**Attachments:**

1. Vicinity Map/Aerial Map
2. Growth Plan/Zoning Map
3. Planning Commission Minutes
4. Zoning Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>2591 G Road</b>		
<b>Applicants:</b>		<b>Donald and Cheryl Jones</b>		
<b>Existing Land Use:</b>		<b>Vacant</b>		
<b>Proposed Land Use:</b>		<b>Residential Subdivision</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family (The Estates)</b>		
	<b>South</b>	<b>Residential Single Family</b>		
	<b>East</b>	<b>Residential Single Family</b>		
	<b>West</b>	<b>Residential Single Family</b>		
<b>Existing Zoning:</b>		<b>RSF-1</b>		
<b>Proposed Zoning:</b>		<b>RSF-2</b>		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-2 and RSF-4</b>		
	<b>South</b>	<b>RSF-1</b>		
	<b>East</b>	<b>RSF-1</b>		
	<b>West</b>	<b>RSF-R, RSF-2 and RSF-4</b>		
<b>Growth Plan Designation:</b>		<b>Residential Low (1/2 – 2 ac/du)</b>		
<b>Zoning within density range?</b>		<b>N/A</b>	<b>Yes</b>	<b>No</b>

1. BACKGROUND:

The subject property was annexed in August of 2000 with the G Road South Enclave. The property was zoned RSF-1 with the annexation as that was equivalent to the existing Mesa County zone district. The Future Growth Plan designation for this property and those parcels adjacent to the south and east is Residential Low (1/2-2 ac/du). Properties to the west and north have designations of Residential Medium Low (2–4 du/ac) and Residential Medium (4–8 du/ac), which demonstrates diversity in the density in the area between 25 Road and 27 Road from F Road to G 1/2 Road. The subdivisions that have developed in this area since 2000 have zone districts ranging from RSF-2 (Residential Single Family – 2 du/ac) to RMF-5 (Residential Multi-Family – 5 du/ac). A majority of the surrounding parcels adjacent to the subject property are less than one acre, which results in these parcels not meeting the current RSF-1 (Residential Single Family – 1 du/ac) zone district bulk standards.

The properties in the area have developed residentially, consistent with the Growth Plan and Future Land Use Map. The requested zoning of RSF-2 provides a transition from the higher densities to the west and north to the lower



densities to the south and east. The bulk standards for RSF-1 and RSF-2 include the same required setbacks for principal structures.

2. Consistency with the Growth Plan:

Policy 1.3 states that City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

Policy 5.2 states that the City will encourage development that uses existing facilities and is compatible with existing development.

The RSF-2 zone district is consistent with Growth Plan policies and is providing a development transition between residential neighborhoods.

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

Rezone requests must meet all of the following criteria for approval:

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

The existing zone district of RSF-1 was imposed only because it was equivalent to Mesa County zoning at the time of annexation. The proposed RSF-2 zoning is consistent with the Growth Plan.

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.*

Property in the area has been developing as residential consistent with the Growth Plan, with zone densities ranging from two to five dwelling units per acre. This rezone request provides a transition between the higher densities to the west and north and the lower densities to the south and east.

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

The proposed rezone will allow future developments that will be compatible with existing and surrounding land uses, and will not create adverse impacts. The subject property is located on G Road, which is classified as a Minor Arterial. Any residential development will require landscape buffering, which would alleviate impacts.

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

The proposed zoning district of RSF-2 supports the land use classification of Residential Low and is consistent with the goals and policies of the Growth Plan and Future Land Use Map. Any future development will be reviewed for consistency with other adopted plans and City regulations.

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

Adequate public facilities are currently available adjacent to the site.

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

The Future Land Use designation of Residential Low (1/2-2 acres/unit) would allow for a range of densities, as RSF-E, RSF-1 and RSF-2. The RSF-2 zone district provides a transition between the varying densities in the area.

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

The proposed rezone would allow for future subdivision development, resulting in sewer extensions, roadway interconnectivity and transitional density within the neighborhood.

#### FINDINGS OF FACT/CONCLUSIONS:

Staff makes the following findings of fact:

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

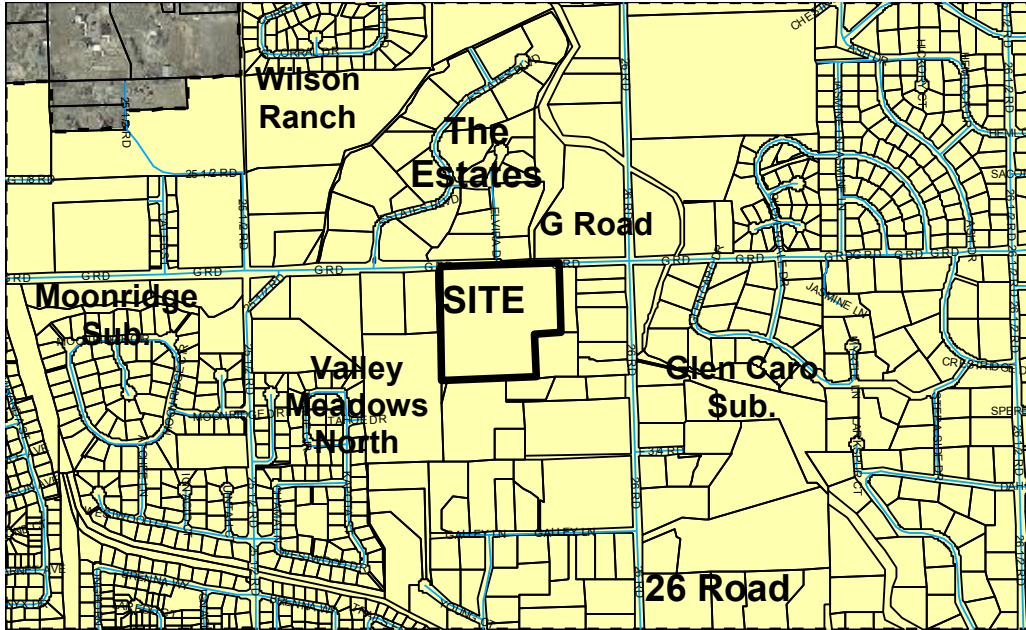
#### PLANNING COMMISSION RECOMMENDATION:

At their April 25, 2006 hearing, the Planning Commission denied the request for rezone.

**Note: An affirmative vote of 5 members of the City Council is required to reverse the Planning Commission recommendation of denial.**

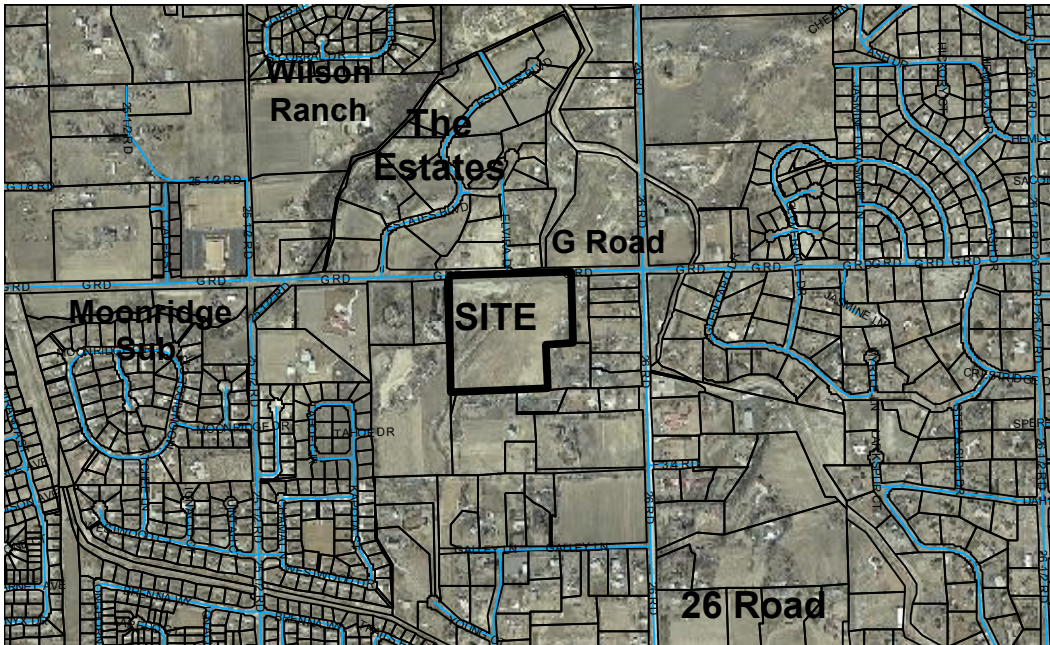
# Site Location Map

Figure 1



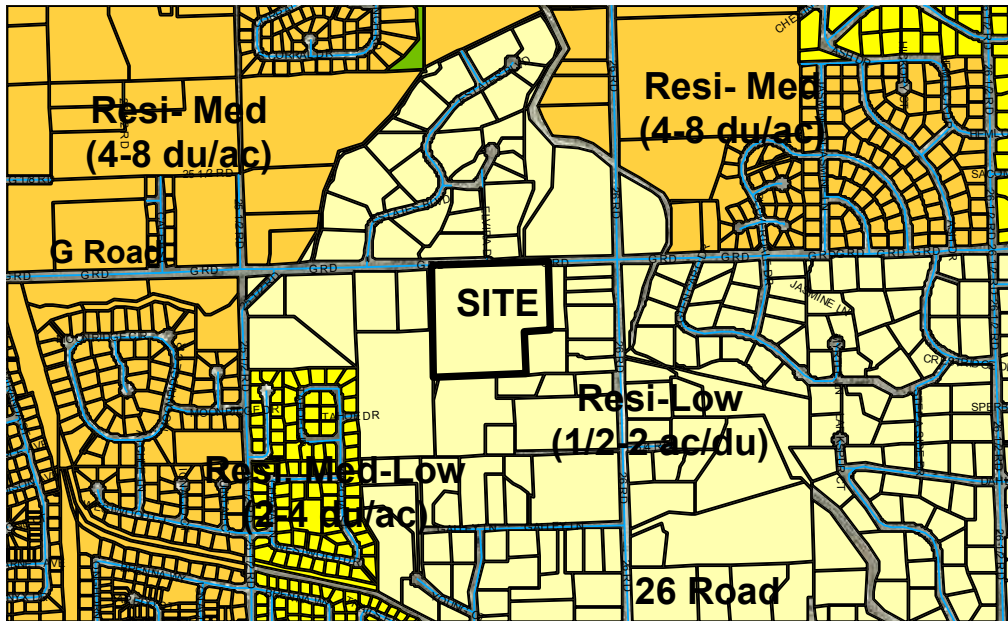
# Aerial Photo Map

Figure 2



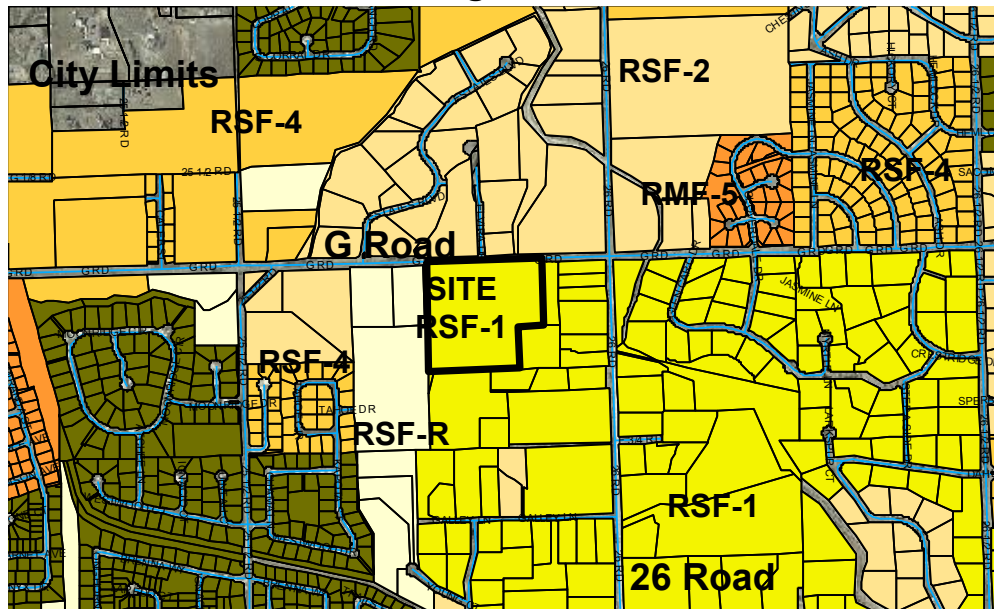
# Future Land Use Map

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."

**GRAND JUNCTION PLANNING COMMISSION**  
**APRIL 25, 2006 MINUTES**  
**7:00 p.m. to 11:28 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Kathy Portner (Assistant Community Development Director), Pat Cecil (Planning Services Supervisor), Scott Peterson (Senior Planner), and Ronnie Edwards (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney), and Rick Dorris and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 53 interested citizens present during the course of the hearing.

**I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes of the March 28, 2006 public hearing.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the minutes for March 28."**

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

**III. CONSENT AGENDA**

Available for consideration were items:

1. VR-2006-076 (Vacation of Right-of-Way, Meth Treatment)
2. PP-2005-043 (Preliminary Plat--Hawks Nest Subdivision)
3. RZ-2006-080 (Rezone--Capstone Village)
4. VR-2006-054 (Vacation of Right-of-Way, Franklin Avenue)

5. GPA-2006-065 (Growth Plan Amendment--GPD Global)
6. GPA-2006-061 (Growth Plan Amendment--Niblic Drive)
7. GPA-2006-059 (Growth Plan Amendment--Walcher River Road)
8. GPA-2006-060 (Growth Plan Amendment--Graff Dairy)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At citizen request, item RZ-2006-080 was pulled and placed on the Full Hearing agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent items.

Commissioner Pitts said that he would be abstaining from voting on item GPA-2006-061 since there could be a construed conflict of interest.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the Consent Agenda, including items 1, 2, 4, 5, 6, 7, and 8 [VR-2006-076 (Vacation of Right-of-Way, Meth Treatment), PP-2005-043 (Preliminary Plat--Hawks Nest Subdivision), VR-2006-054 (Vacation of Right-of-Way, Franklin Avenue), GPA-2006-065 (Growth Plan Amendment--GPD Global), GPA-2006-061 (Growth Plan Amendment--Niblic Drive), GPA-2006-059 (Growth Plan Amendment--Walcher River Road), and GPA-2006-060 (Growth Plan Amendment--Graff Dairy)]."**

Commissioner Sublett seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0 for items 1, 2, 4, 5, 7, and 8, and by a vote of 6-0 for item 6, with Commissioner Pitts abstaining.

#### **IV. FULL HEARING**

##### **RZ-2006-080 REZONE--CAPSTONE VILLAGE**

**A request for approval to rezone 3.16 acres from an RMF-8 (Residential Multi-Family, 8 units/acre) to RMF-12 (Residential Multi-Family, 12 units/acre) zone district.**

**Petitioner: Intrepid Services, LLC**

**Location: 2809, 2811, 2813, and 2815 Elm Avenue**

##### **STAFF'S PRESENTATION**

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; and 6) findings and conclusions. The Future Land Use Map designated the site as appropriate for Residential Medium-High zoning (8-12 du/acre), and the RMF-8 and RMF-12 zones were all possible zoning alternatives. However, with a B-1 zone and commercial uses to the east of the site, and a Residential-Medium zoned subdivision situated to the west, the RMF-12 would provide a good transition zone between the two uses. Commercial zoning lay directly to the south and southwest of the site as well. Having found that the request met Growth Plan recommendations and Code criteria, staff recommended approval of the rezone to RMF-12. Mr. Peterson said that one call in opposition had been received earlier in the day but that person had not elected to leave a name.

##### **QUESTIONS**

Chairman Dibble said that since this zoning would serve to transition the uses directly to the east and west of the site, would any walls or fences be required? Mr. Peterson said that solid fencing would be required to buffer the commercial B-1 use to the west. No walls or fences would be required to buffer the eastern property, since a fence already existed.

Commissioner Cole asked for the density of the eastern property. Mr. Peterson said that its density was approximately 7.7 du/acre.

### **PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, said that a neighborhood meeting had been held on March 7, 2006. Seven people had attended the meeting, and no issues had been expressed at that time. Offering no additional testimony, he asked that his comments be deferred until the citizenry had a chance to speak.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Linda Gunberg (509 1/2 Eastgate Court, Grand Junction), treasurer for the Eastgate Village Homeowners Association, said that she appreciated the developer's handling of the neighborhood meeting and enjoyed meeting the principals involved. She pointed out the location of her property at the end of the Eastgate Court cul-de-sac directly adjacent to the site. If she walked out into her backyard and through her gate, only five steps lay between her property line and the curb and gutter of the developer's proposed street. Across that street would be high-density multi-family structures. Ms. Gunberg said that the area was very attractive, with triplexes, a lot of open area, and tree plantings. A lower density development would allow the developer to provide for more open space and vegetative plantings. She was concerned that two-story units would be constructed, resulting in a loss of privacy for her and her neighbors. While not necessarily against development of the site, she felt that a lower density zone would be more appropriate.

Commissioner Cole asked Ms. Gunberg if she was speaking for just herself or other Eastgate residents. Ms. Gunberg said that she spoke for herself and eight other neighbors.

Gerry Tucker (420 High Point, Grand Junction) noted the location of his property on the corner of 28 Road and Elm Avenue. He noted where the applicant's property extended out into the Elm Avenue right-of-way and wondered if Elm Avenue would receive only half-street improvements in that area. Mr. Peterson said that the portion of property currently jutting into the Elm Avenue right-of-way would be dedicated to the City by the applicant. A portion of the applicant's property to the south, in the Bunting Avenue right-of-way, would be dedicated to the City as well.

Chairman Dibble asked if staff knew for sure which streets would be constructed and where they would be located. Mr. Peterson said that staff was in possession of a preliminary drawing; however, nothing was certain at this point.



Chairman Dibble asked staff if the developer could actually build to a density of 12 du/acre. Mr. Peterson said that once the streets, infrastructure, and open space were deducted from calculations, the site's overall density would probably be more in the area of 10 du/acre.

Lester Miller (520 1/2 Eastgate Court, Grand Junction) said that Elm Avenue in that area was very narrow. He expressed concern over so much additional traffic being funneled onto that street.

### **PETITIONER'S REBUTTAL**

Mr. Ciavonne said that it was typical for him to present an initial plan to folks attending his neighborhood meetings. However, no formal submission of any plan had yet been made. The property presented some unique challenges. He didn't feel he could address traffic issues at this point, but reiterated that the zoning request did meet the City's requirements. The height of proposed structures wouldn't be affected by the application of an RMF-8 or RMF-12 zone; in those zones, the building height restriction was the same. He maintained that the higher density zone provided a better transition between the uses situated directly to the east and west of the site.

### **QUESTIONS**

Commissioner Carlow asked staff if the rear yard setback for proposed lots would change if the project's density were reduced. Kathy Portner said that rear yard setback requirements for RMF-8 through RMF-12 zones were the same.

Commissioner Pitts asked if a southern access to Bunting Avenue would be provided. Mr. Peterson said that no formal plan had been submitted. It was unclear at this point whether a Bunting Avenue connection would be possible.

Chairman Dibble asked about the street classifications of both Elm and Bunting Avenues. Mr. Peterson believed them both to be residential collector streets. When asked if build-out of the developer's project would adversely impact either street, Mr. Peterson said that traffic impacts were better addressed during the Preliminary Plan review stage.

Commissioner Pitts asked if constructed streets would include curb, gutter and sidewalk. Mr. Peterson noted the absence of sidewalks along Elm Avenue in the subject area. The developer would be required to meet City standards and construct curb, gutter and sidewalks on all internal streets as well as along the property's frontage of both Elm and Bunting Avenues.

Chairman Dibble remarked that actual development plans would be "fleshed out" during the Preliminary Plan stage. Mr. Peterson said that if the rezone received approval, the developer would then submit a Preliminary Plan. Property owners situated within the notification area would again be contacted.

### **DISCUSSION**

Commissioner Cole noted staff's comments regarding the build-out of the project. Since it was unlikely the project would build out to an actual density of 12 du/acre, he felt he could support the request.

Commissioner Pitts didn't feel that the RMF-12 zone was compatible with the surrounding area; however, given the site's topography and the unlikelihood of it building out to a density of 12 du/acre, he too felt he could support the request.



Commissioners Lowrey and Sublett concurred.

Chairman Dibble felt that the RMF-12 zone provided a good buffer zone between the commercially zoned property to the west and the residentially zoned property to the east.

**MOTION: (Commissioner Cole) "Mr. Chairman, on the Capstone Village rezone, RZ-2006-080, I move that the Planning Commission forward a recommendation of approval to the City Council on the request to rezone from RMF-8 to RMF-12 with the findings of fact and conclusions as listed in the staff report."**

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

**VAR-2005-299 VARIANCE--BOOKCLIFF MANUFACTURING, INC.**

**A request for approval of a variance to the landscaping requirements in an I-2 (General Industrial) zone district.**

**Petitioner: Bill Love, Bookcliff Mfg.**

**Location: 716 Arrowest Road**

**STAFF'S PRESENTATION**

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City Zoning Map; 6) landscaping plan. Mr. Peterson said that two variances were being requested; the first, to waive the landscaping requirements from the original landscaping plan approved in 2002 (file #SPR-2002-193) requiring a minimum 16% upgrade to the site, and second, to waive future landscaping requirements that would be triggered as part of City file #SPR-2005-221. The latter variance was in conjunction with a requested 4,000 square foot building addition necessitating another 13% landscaping upgrade to the site. The applicant had entered into a Development Improvements Agreement (DIA) in 2002 and had posted a financial security at that time to ensure compliance; yet no landscaping had ever been installed. Future landscaping requirements were subject to the requirements of Code sections 3.8.B and 6.5.H.

Mr. Peterson outlined the variance criteria contained in the City's Development Code. Staff had concluded that the hardship was self-inflicted since there were no exceptional conditions specific to the site; that approval of the variance requests would confer a special privilege, since all properties within the same zoning district were subject to the same development requirements; and that other variance criteria either had not been met or were not applicable. Having determined that the requests did not meet Code criteria and were not consistent with Growth Plan recommendations, staff recommended denial of both requests. With regard to condition of approval #3 as contained in the April 25, 2006 staff report, Mr. Peterson said that because the City's Code Enforcement Department could monitor compliance administratively, if the variance requests were denied, that approval condition would be rendered unnecessary and could be deleted.

**QUESTIONS**

Commissioner Cole asked if any of the other adjacent industrial properties had been subject to the same landscaping requirements. Mr. Peterson was unsure, adding that surrounding industrial uses had been in place prior to the applicant's initial request for development. There was some measure of landscaping on those properties at present. If those businesses sought to expand, however, they would be subject to the same site improvements criteria as the applicant.

Commissioner Pitts asked if the second variance had been triggered as a result of the applicant's expansion request, to which Mr. Peterson replied affirmatively. At planning commissioner request, Mr. Peterson referenced the previously approved 2002 landscaping plan and noted the locations where plantings were to have occurred. He added that at the time, a re-review of landscaping requirements for industrial zones had been undertaken. As a result, a planning clearance had been issued to the applicant so that construction of the building could begin prior to completion of the re-review. The applicant signed a DIA guaranteeing the installation of those improvements pending the outcome of that re-review.

Commissioner Cole asked how the Code's requirements had been changed, if at all, as a result of staff's re-review of that landscaping section. Mr. Peterson said that in 2004 adopted changes necessitated installation of a 14-foot landscaping strip on the applicant's property adjacent to the right-of-way and a 6-foot-wide by 50-foot-long landscaping strip along the side property lines. Parking spaces directly adjacent to the building would also require landscaping.

#### **PETITIONER'S PRESENTATION**

Bill Love, petitioner, said that he'd owned his company since 1985. He provided a brief history of how his business had been located on the property initially in 1997. When it failed, the property was then leased to Mesa Wireline. That business had been so successful that construction of an addition had been requested in 2002. A planning clearance had been issued to allow construction, but he'd never been in agreement with the landscaping requirements. He'd applied for a variance but staff then informed him of a pending re-review of the Code's landscaping provisions for industrial zones. He'd decided to sign the DIA so that Mesa Wireline could get its Certificate of Occupancy (CO). Nothing more was heard, and he hadn't pursued the matter after that.

In April of 2005, another 4,000-square-foot addition was requested, but this time the request was held up pending compliance with the first DIA as well as compliance with the additional landscaping triggered by the new expansion request. Mr. Love felt that the landscaping requirements created an undue hardship for his property. He noted the location of the building in relation to the adjacent cul-de-sac. Referencing the location of the building's loading doors, he said that the 6-foot-wide landscaping strip would pose a safety hazard to delivery trucks and other Mesa Wireline vehicles since it would take up half the available space between the building and the loading doors. The building had been constructed right up to the property line. Reducing the width of the required landscaping strip to 3 feet would make more sense. Installation of landscaping in other areas would result in the destruction of part of an existing fence, which would be detrimental to the property.

Mr. Love felt that the hardship was as a result of the property's uniqueness. The rear portion of the property was not really used; thus, none of the landscaping required for that area would be seen. A drainage ditch was located near the rear property line, and no other streets existed or were proposed

nearby. Landscaping could only be viewed from the cul-de-sac, and visitors to the wholesale business consisted primarily of employees and vendors. He would not be opposed to installing the landscaping if his property were fronting on Patterson Road or other major street. He was even willing to pay the City for improvements (appx. \$10K) if only they could be installed somewhere else. Installing so much landscaping on his property would hurt it, not help it. He did not feel that approval of the variances would confer a special privilege. The site, in its present condition, was compatible with surrounding businesses. Citing Code section 1.4, he felt that the Code provided for a measure of flexibility and he asked that that flexibility be applied in his circumstance.

### **QUESTIONS**

Commissioner Carlow asked if any retail business was conducted on the site, to which Mr. Love responded negatively.

Commissioner Sublett asked for confirmation of the petitioner's statement that the area located on the northeast portion of the site (rear yard area) was unusable. Mr. Love said that it was usable, just not very valuable. Mesa Wireline used it primarily for parking. He added that Mesa Wireline's plans were to at some point move from the site.

Commissioner Sublett asked if he'd actually been involved in the building's construction, or had the building been there when he purchased the property. Mr. Love said that he'd purchased the property with the building already on it.

Chairman Dibble said that when the CO was issued in 2002, what had been the petitioner's understanding? Mr. Love said that he understood that without a CO there could be no occupancy of the building. He noted that a year had gone by without any further word from planning staff, and he'd been content to leave things as they were. When asked if he'd understood that the DIA required installation of the site's landscaping improvements, Mr. Love replied affirmatively. Staff had stated that the improvements mandated by the DIA were non-negotiable.

Chairman Dibble asked the applicant if he felt that the requirements should not apply to him and his property, how should staff determine to whom they applied? Mr. Love said that planning staff should look at each application individually. If properties were located on major arterials, or if they fronted along an interstate, then landscaping should be required. His property fronted neither type of street. The Code did not cover every situation, and all properties were different. If planning staff wanted his input in landscaping discussions, he'd be more than willing to oblige.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

### **QUESTIONS**

Mr. Peterson remarked that the applicant had given an accurate representation of how the current situation had progressed and its timeline.

Chairman Dibble asked if all industrially zoned properties had to adhere to the same Code requirements, to which Mr. Peterson responded affirmatively. The variance process was available should an applicant feel that their situation warranted special review or consideration.

Chairman Dibble asked staff if the ramifications of signing a DIA was fully explained to applicants, to which Mr. Peterson replied that it was standard policy to fully explain the specifics of any DIA to the applicant or a designated representative.

Chairman Dibble asked if anyone reading the conditions of the applicant's DIA would understand that issuance of the CO was subject to compliance with stated conditions. Mr. Peterson said that he had not been involved with the applicant's initial submittal in 2002; however, if the applicant entered into a DIA, there had been money set aside to cover the costs of required improvements. Anyone setting aside money for development improvements was well aware of what the situation was.

Chairman Dibble asked if the applicant had been given all pertinent Code information applicable to his situation, to which Mr. Peterson replied affirmatively.

Commissioner Lowrey asked staff about the level of landscaping the Code required of the applicant. Mr. Peterson reiterated that the Code required installation of a 14-foot landscaping strip on the applicant's property adjacent to the right-of-way and a 6-foot-wide by 50-foot-long landscaping strip along the side property lines. Parking spaces directly adjacent to the building would also require landscaping. He pointed out the landscaping islands that would be required to meet the parking space landscaping requirements.

Chairman Dibble asked for clarification on the level of landscaping requirements the applicant had agreed to install per the 2002 DIA. Mr. Peterson said that in 2002 the DIA required a 6-foot-wide landscaping strip along the northwest property line to buffer the parking spaces from the adjacent property. Before the City could approve a new application, compliance with the conditions of the 2002 application must first be met.

Commissioner Cole noted what appeared to be a right-of-way along the southeast portion of the property. Was a ditch located there? Mr. Peterson clarified that the referenced easement belonged to Grand Valley Irrigation Company; its canal was located there. When asked if the City had any plans to construct additional roadways in the immediate area, Mr. Peterson responded negatively.

Chairman Dibble asked if the landscaping plan approved in 2002 had been submitted by the applicant. Mr. Peterson replied that the plan had been submitted by the applicant's representative; the applicant was now asking for a waiver of the requirements indicated on that plan.

Commissioner Lowrey asked staff if, as the applicant had suggested, the landscaping nearest the loading doors would conflict with delivery vehicle movements. Mr. Peterson referenced the location of the bay doors. He was unsure of the exact measurement from the edge of the bay doors to the property line.

Chairman Dibble said that if the building had been constructed up to the property line as the applicant stated, the 6-foot-wide landscaping boundary would extend beyond the building wall to the inside of the

building. Mr. Peterson confirmed the observation but added that in looking at available drawings, the bay door appeared to be more than 6 feet from the property line. Mr. Love amended that the bay door was actually 12 feet from the property line.

### **DISCUSSION**

Commissioner Pitts commended planning staff on their ability to interpret Code criteria. He'd long taken issue with landscaping requirements for businesses in industrial zones. He felt that the requirement to install landscaping would create an undue hardship to the petitioner, and that a reasonable use of the property could not be derived if those requirements were imposed. He also felt that criterion f. regarding compatibility with surrounding uses had also been met. He expressed support for the variance requests.

Commissioner Cole concurred. Staff's position was that without the required landscaping there would be no separation of uses; however, in the current case, the surrounding uses were all industrial. He agreed that since there would be no one there to see the landscaping once installed, waiving the requirement made sense.

Jamie Kreiling said that the Planning Commission must find that all variance criteria had been met before a variance could be granted. If planning commissioners concluded that the criteria had been met, their findings must be stated for the record.

Commissioner Lowrey felt that there was more to the application of landscaping requirements than just to have it where people could see it. He did not feel that a hardship not of the petitioner's making existed, and other variance criteria had also not been met. He could support some flexibility in requiring less landscaping for the area nearest the bay doors, in the interest of safety and to better facilitate vehicle movements. Instead of a 6-foot-wide landscape strip, he would be more apt to favor a strip 3-4 feet wide, and perhaps taper that area so that it started at 3-4 feet at the entrance to the site and taper it to the required 6-foot width.

Commissioner Carlow felt that the property's characteristics were unique. As such, he felt he could support the variance requests.

Commissioner Pavelka-Zarkesh said that she'd visited the site recently. She agreed with the rationale to taper the landscaping nearest the bay doors and allow a reduced width in that area. She agreed that landscaping wasn't just about aesthetics. She didn't feel she could support the variance requests.

Commissioner Sublett concurred with Commissioner Lowrey's comments. Being somewhat familiar with the property, the entire area was "pretty rough." He felt that anything done to improve the appearance of properties in the area would be welcomed. He found it surprising that the applicant was objecting so strenuously to this minor amount of landscaping, especially when he had previously signed a DIA acknowledging the requirement. He too would agree to reducing the width of the landscape strip in the area of the bay doors but not waiving the other landscape requirements.

Chairman Dibble said that the Code was in place and applicable to all equally. The applicant acknowledged his understanding of the DIA he signed. He didn't feel that an undue hardship would be

created, and he believed that approval of the variances would indeed convey a special privilege. The Planning Commission couldn't "cherry pick" Code criteria.

A brief discussion ensued over how to craft a motion that allowed for the deviation mentioned previously by Commissioner Lowrey.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item VAR-2005-299, I move that we approve the variance request to waive the landscaping requirements from the original approved landscaping plan for City file #SPR-2002-193, finding the request to be consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Pavelka-Zarkesh, Lowrey, and Sublett opposing.

Additional discussion ensued on whether to amend the variance request to include the landscaping deviation at the bay door entrance. Ms. Kreiling suggested that planning commissioners first act on the applicant's request. If that request were denied, a condition couldn't be added to it. Since the petitioner's testimony included an alternate request to reduce the landscape width along the property line nearest the bay doors, the Planning Commission could make a third motion addressing that deviation; however, planning commissioners must find that variance criteria for any recommended deviation had been met.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item VAR-2005-299, I move that we approve the request for a variance from sections 3.8.B and 6.5.H of the Zoning and Development Code for the proposed 13% landscaping upgrade to the site as part of the City file #SPR-2005-221, finding the request to be consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code."**

Commissioner Sublett seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Pavelka-Zarkesh, Lowrey, and Sublett opposing.

**MOTION: (Commissioner Lowrey) "On item VAR-2005-299, I move that we approve the request for a variance from section 3.8.B and 6.5.H of the Zoning and Development Code for the proposed landscaping upgrade to the site, as part of the City file SPR-2005-221, that a variance be granted for the 50-foot-long strip on the very southwest corner of this property for landscaping, and that the variance allow instead of 6-foot-wide landscaping, that at the extreme southwest corner it start with 4-foot-wide landscaping and at the other end, the east end of that 50-foot-long strip, is 3-foot-wide landscaping, so it goes from a 4- to a 3-foot-wide landscaping as it moves east, and that is consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code, with all other criteria for landscaping to remain."**

Mr. Peterson provided clarification of the motion to planning commissioners.

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

Chairman Dibble remarked that the conditions of the first application must be met before any current or future plans could move forward. Mr. Peterson affirmed that before a planning clearance could be issued for the new building addition, the landscaping requirements from the 2002 application must first be installed.

A brief recess was called at 8:50 p.m. The public hearing reconvened at 8:54 p.m.

Due to the potential for conflict of interest, Commissioner Carlow recused himself from participating in the next item.

#### **RZ-2006-070 REZONE--JONES REZONE**

**A request for approval to rezone 13 acres from an RSF-1 (Residential Single-Family, 1 unit/acre) to an RSF-2 (Residential Single-Family, 2 units/acre) zone district.**

**Petitioner: Donald Jones**

**Location: 2591 G Road**

#### **STAFF'S PRESENTATION**

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; and 6) findings and conclusions. A brief history of the property was provided. The Future Land Use Map's designation for the property was Residential-Low (1/2 du to 2 du/acre). Properties to the west and north had designations of Residential Medium Low (2-4 du/acre) and Residential Medium (4-8 du/acre). Subdivisions developing since the area's annexation in 2000 had zone districts ranging from RSF-2 to RMF-5. The majority of parcels surrounding the site were less than one acre in size, which meant that those parcels did not meet current RSF-1 zone district bulk standards. The Growth Plan allowed for any one of the following zones within the subject area: RSF-E, RSF-1 or RSF-2. The proposed RSF-2 zone district would be compatible with Growth Plan recommendations and provide a good transitional zone for the area. Ms. Edwards referenced the letters received by the public on the current item; she wanted the public to be assured that copies of all letters had been given to planning commissioners for their review.

Ms. Edwards read the rezone criteria into the record. Having determined that the request met both Growth Plan recommendations and Code criteria, approval of the request was recommended.

#### **PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, felt that staff had done a good job of overviewing the project. A neighborhood meeting had been held on February 15, 2006, and it had been well attended. With nothing further to add at the present time, he availed himself for questions.

#### **QUESTIONS**

Chairman Dibble noted that some of the public's comments pertained to the actual plan, which was not before the Planning Commission for consideration. That discussion would occur at a later date.

#### **PUBLIC COMMENTS**

**FOR:**

Don Jones, petitioner, said that he'd owned the property for 41 years and it represented his and his wife's retirement fund. He and his family had very deep roots in the community. Mr. Ciavonne was working on what he felt was a very nice plan, even though it was not up for discussion. He hoped the Planning Commission would approve the rezone request.

Todd Rowell (2593 G Road, Grand Junction) said that he supported both the RSF-2 rezone request and the developer's plan for the property.

Commissioner Lowrey asked how large Mr. Rowell's property was, to which he responded that his property was a little over an acre in size.

Sharon Walker (687 1/2 26 Road, Grand Junction) felt that the developer had presented a very nice plan. Looking at other zone districts in the area, she felt much more comfortable with RSF-2 zoning than some of the other higher density alternatives.

John Burnell (2575 G Road, Grand Junction) said that his property directly abutted the applicant's and had perhaps the greatest amount of abutting area of any parcel surrounding the site. He too expressed support for the rezone request.

Susan Crawford (687 26 Road, Grand Junction) also supported the rezone request. She'd seen the plan and thought it excellent.

Erwin K. (695 26 Road, Grand Junction) expressed his support for the request as well.

Petty Fennell (699 26 Road, Grand Junction) agreed that the proposed density was far better than a higher density alternative.

**AGAINST:**

Nancy Hackett (2573 G Road, Grand Junction) said that her lot was approximately 2.16 acres in size. She recognized the applicant's right to develop his property but she felt that the RSF-2 zone district was too high and incompatible with the surrounding area. The developer's request stated that his property was currently zoned RSF-E; she thought that it was actually RSF-R. There were a number of concerns expressed at the developer's neighborhood meeting; however, she didn't see where those had been reflected in the minutes of that meeting. If 26 homes were constructed on the applicant's property, that density would be inconsistent with the surrounding neighborhood. An RSF-1 zone district would be much more in keeping with the area. She'd contacted the applicant's representative hoping to come to some sort of compromise. The only compromise offered included constructing a fence and planting a few more trees. Ms. Hackett expressed a concern that the developer would try to put as many houses as possible on the site. She'd asked that additional green space be integrated into the plan. In response, she'd been told that there would be a detention pond location on the property, and a landscaping strip would be installed along the site's G Road frontage. She felt that so dense a development would negatively impact the area and result in a loss of privacy for existing area residents. She was concerned about the level of traffic generated by the development and the safety issues that would arise as a result.



David Turner (300 Main Street, Grand Junction), legal counsel for Mr. and Mrs. Hackett referenced a handout submitted previously to planning commissioners and cited Code section 2.6.A. He contended that the current zoning of the applicant's property was not in error. The RSF-1 zone was the appropriate zone.

Commissioner Pitts asked if Mr. Turner's presentation included the same facts outlined previously by Ms. Hackett. In response, Mr. Turner said that the RSF-2 zone was a higher density zone, one inconsistent with surrounding zoning and the current area trend towards low-density development. The area was not filled with 17,000 square-foot lots, which was what the developer was proposing.

Mr. Turner said also that the request also failed to meet rezone criterion 4 as outlined in the staff report. The area's infrastructure was based on RSF-1 zoning. His clients had concerns about increases in traffic and safety. He didn't feel that the applicant had sufficiently demonstrated how the RSF-2 zone would benefit the community. Mr. Turner said that there was no reason why the RSF-1 zone couldn't be supported and allowed to continue. There were also several unresolved title issues: 1) encroachment of a fence on the west side of the property; 2) encroachment of a road located on the west side of the property; and 3) the Beehive Drain, a part of which lay outside of its dedicated easement. Those were very important issues and ones that should be resolved prior to the request moving forward.

Brian Mahoney (2567 G Road, Grand Junction) said that he had been a member of the Northwest Task Force on zoning in 1976. At that time, the task force realized that there would be a lot of development activity from First Street west. Further north, there would be more open areas and green space. The applicant's property was very beautiful with a lot of open green space, a waterway, and wildlife in evidence. In some ways he felt conflicted. While he felt he couldn't support the proposed RSF-2 zone district, he wondered if that might represent some "lesser evil." Referencing the development of property across the street and to the north, that parcel had originally been projected by City staff to be RSF-4. Fortunately, the developers had asked for a less dense zone district, which had been granted. Another property directly north of that one had been projected to develop at an RSF-4 density but the developer reduced the density of that parcel as well. A large hill and Leach Creek separated the applicant's property from other properties to the east, so there were topographical considerations. The densities of both Valley Meadows East and Moonridge Subdivisions had both been reduced. Mr. Mahoney felt that the site was better suited for something in the neighborhood of 20 homes. He also hoped that such a reduced density would result in added open green space. He said that because there was no plan, the only thing up for discussion was whether to go with RSF-1 or RSF-2 zoning. He felt that RSF-2 zoning would be more palatable if the overall site density was less than the 26 lots currently being proposed.

Bob Arcieri (867 25 Road, Grand Junction) felt there to be a fine line between the current zoning request and a Site Plan review. The presence of the hill mentioned previously created sight distance problems. Given that the developer was likely to give the City a TCP payment in lieu of mitigating the problem, he didn't want the hill's presence to be viewed as a non-issue. The developer shouldn't be let off the hook that easily, he said. However, if the hill were lowered at all, it would result in impacting driveways and cutting off irrigation flows to area properties. The presence of the Beehive Drain traversing the property was also an issue since it went to the site's carrying capacity. The existing drain was likely to be piped, buried and covered up by asphalt. The nearby Estates Subdivision was zoned RSF-2 and had an overall density of approximately 1.78 du/acre. The developer of that property had lowered the number of units

by almost half, yet provided an abundance of open space, pedestrian trails, water features and other amenities. The City offered a density bonus provision that the developer could take advantage of if the RSF-1 zoning were left in place. Why give density away without creating a public benefit? Mr. Arcieri said that he'd met with reputable real estate broker and developer and asked them if integrating such amenities into a plan was feasible. Their responses had been that there were more ways to make a project profitable than by just increasing its density. They suggested that perhaps it would result in a paradigm shift to a different market. He'd seen the developer's proposed plan, and while comments on it were not appropriate at this time, he felt that the plan could be better if those previously mentioned elements were integrated into it. He hoped that one day, people driving by the site would look at it and be pleased with the outcome.

Judy Golden (671 26 Road, Grand Junction) said that she was also representing her sister and her sister's husband, who lived adjacent to the petitioner's property. She urged planning commissioners to maintain the existing integrity of the area and consider the quality of life enjoyed by residents currently living there. Right now there was a lot of wildlife in the area; the loss of that amenity to over-development would really be a shame. Children should be able to see and enjoy nature.

#### **PETITIONER'S REBUTTAL**

Mr. Ciavonne reminded planning commissioners that the current request concerned just the property's zoning, not the development plan. He'd met with the Hacketts once or twice to talk with them about their concerns. With regard to the RSF-R versus RSF-E zoning, that was essentially the same zoning; the only difference was that one zone was City, the other was County. While there was much discussion about a compromise, no promises could really be made at a zoning hearing. With an RSF-1 zoning, there might be a maximum 10 or 11 lots that could be developed on the site. He was unsure at this point whether open green space areas would be proposed. Traffic always increased with any new development, and the City's Code required interconnectivity of neighborhoods. He had to rely on staff's feedback to determine whether applicable Code sections had been met. With regard to the title issues mentioned by Mr. Turner, staff had just taken the position that they needed to be addressed prior to Preliminary Plan review.

Mr. Ciavonne said that the minimum lot size for lots within an RSF-2 zone was 17,000 square feet, with a maximum of 26,000 square feet permitted. That didn't mean that all lots would be one size or the other.

Mr. Arcieri had made some assertions about the hillside and Beehive Drain that he didn't feel he could respond to at this point. With regard to his comments about taking advantage of the City's density bonus provision, that would only result in one or two additional lots (13 lots versus 11). Mr. Arcieri was correct in stating that to do as he suggested would result in a paradigm shift to another market. Lots could only be afforded by the wealthy, but that wasn't consistent with the applicant's plans for the property. Mr. Ciavonne noted the presence of RSF-2 zoning to the north. Higher densities were located throughout the area and had been for quite some time. The Growth Plan was designed to put density in areas where the infrastructure was present to support it. He maintained that the currently requested RSF-2 zone was appropriate and did provide a good transitional density for the area. He noted staff's comments, stating that in the area between 25 and 27 Roads, from F to G 1/2 Roads, subdivisions developed in that area since 2000 had zonings of between RSF-2 and RSF-5. Ms. Edwards also noted the presence of many parcels in the area that were less than an acre in size; consequently, it would be difficult for those properties to ever meet Code or Growth Plan requirements. The current request met all Code and Growth Plan criteria, and it provided benefits to the community by providing housing, provided

opportunities to reduce commuting distances, reduced the demand for urban sprawl, etc. Having already received support from City staff, he felt it deserved favorable consideration from the Planning Commission as well.

### **DISCUSSION**

Commissioner Pitts said that since he lived out in the area, he'd driven by that property for more than 40 years. He was seeing a trend where people in the area were remodeling their older homes and not subdividing. He agreed that the site posed some topographic challenges. With regard to traffic, he agreed that any new development brought with it increases in traffic. He recalled similar challenges inherent to The Estates property. In that instance, Elvira Drive had been eliminated to help alleviate the traffic problems on G Road. There was a lot of open space in that area. Given the amount of property in the area zoned RSF-1, he felt he could not support the higher density of RSF-2 zoning.

Commissioner Cole said that based on the testimony given regarding drainage issues and topographic constraints, he felt that the plan would ultimately be submitted with a lesser density. He felt he could support the RSF-2 zone, although the legal issues mentioned previously should be addressed.

Commissioner Lowrey did not feel that RSF-2 zoning was compatible with the surrounding neighborhood, even if it did meet Code and Growth Plan requirements. He supported leaving the RSF-1 zoning in place.

Commissioner Sublett said he had no trouble supporting the petitioner's request for RSF-2 zoning.

Commissioner Pavelka-Zarkesh said that given the site's topography and drainage concerns, there were some ecological issues that needed to be taken into account. While a believer in transition zones, she felt that in this case the RSF-1 zone was more appropriate.

Chairman Dibble could see no compelling reason to change the site's zoning. This was a natural resource area, with features more inherent to a rural setting. In his review of Code criteria, he could draw the same conclusions for support of the RSF-1 zone that staff had drawn in support of the RSF-2 zone. He didn't feel the developer had complied with rezone criteria 3 and 7. Given the site's topography and the character of the area, the site would be more compatible with the existing area if the RSF-1 zone district were retained.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Jones rezone, #RZ-2006-070, I move we forward a recommendation of approval to City Council on the request to rezone from RSF-1 (Residential Single-Family with a density not to exceed 1 unit per acre) zone district to RSF-2 (Residential Single-Family with a density not to exceed 2 units per acre) zone district, with the findings and conclusions listed in the staff report."**

Commissioner Cole seconded the motion. A vote was called and the motion failed by a vote of 2-4, with all but Commissioners Cole and Sublett opposing.

Commissioner Carlow returned and was present for deliberations on the next item.

**PP-2005-130 PRELIMINARY PLAT--RED TAIL RIDGE II**

**A request for approval of the Preliminary Plat to develop 53 lots on 19.77 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.**

**Petitioner: Jay Kee Jacobson, La Cima I, Inc.**

**Location: 29 3/4 Road and A 1/2 Road**

**STAFF'S PRESENTATION**

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) aerial photo map; 3) Preliminary Plat; 4) Future Land Use Map; 5) Existing City and County Zoning Map; 6) overall area plan. Ms. Edwards said that the development would have an overall density of 2.68 units/acre. Tract A and the detention pond area were noted. A 6-foot-high perimeter privacy fence would be constructed along the north and west sides of the subdivision for screening. Drainage would be released via underground piping from the detention basin to the east and then northerly within a drainage easement to drain under Highway 50 to an existing channel at 29 1/2 Road. Access to the site would be provided via Circling Hawk Street and Great Plains Drive. A neighborhood meeting had been held on April 18, 2005.

The application before the planning commission is an appeal of an administrative decision regarding the proximity of agricultural animals next to an urban development. The interpretation stated that the fencing requirement for large agricultural animals applied only when adjoining residential structures predated the keeping of the animals. If a house was built on a parcel adjacent to existing fenced areas for the animals, the separation requirement was not applied, and the premise of "first in time shall be first in right" was applied. The appeal was denied and the director's interpretation had been upheld.

The request also included a variance to the lot widths of irregularly shaped lots 6-12, 18, 19, 32, 33, and 37-39. Staff concluded that the request met both Code criteria and Growth Plan recommendations. Approval of the Preliminary Plat and lot width variances, as previously stated, was recommended.

**QUESTIONS**

Chairman Dibble asked staff to point out where the proposed fencing would be installed, which was shown.

Commissioner Pitts asked if lots located in the northern portion of the site were higher in elevation, to which Ms. Edwards responded affirmatively. The grade difference between those lots and adjacent lots was approximately 10 feet. She was unsure at this point how the developer intended to address the elevation difference but she acknowledged that there were some topography issues inherent to the site.

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, referenced the Site Plan and said that varying lot widths on irregularly-shaped lots was not unusual, especially for lots situated along cul-de-sacs. He was confident that homes would all fit on all proposed lots. When the site's zoning was approved, comments had been made suggesting that the density should be closer to 3 du/acre than 4 du/acre. The density on the current project was only 2.68 du/acre. Comments had also been made requesting that larger lots be situated along the conservation lands to the south, which had been done.

## **PUBLIC COMMENTS**

### **FOR:**

There were no comments for the request.

### **AGAINST:**

Alan Gibson (2959 Highway 50, Grand Junction) noted on the developer's Preliminary Plat the location of his property directly north of the developer's proposed lots 27 and 28. The terrain in that area was steep. His primary concerns involved drainage. Homes on lots 27 and 28 would be built on property that was higher in elevation. Noting what he felt was a significant difference in elevations between his property and the petitioner's, he asked if retaining walls would be constructed to keep drainage from flowing downhill onto his property. How would stormwater and irrigation runoff be conveyed to the site's proposed detention pond? If the plan was to direct stormwater runoff from both the upper 10-acre parcel and the lower 10-acre parcel to the detention pond situated to the north, just how would that occur? The verbiage on the Preliminary Plat regarding drainage suggested that stormwater would be directed to the west and east sides of the LDS Church. He knew that would not be supported by the church. Any breach of the nearby canal would channel potentially huge amounts of water onto his property. Would the petitioner's detention pond contain that water in the event of such a breach? Mr. Gibson passed out copies of the January 11, 2006 Board of Appeals minutes pertaining to the appeal he'd filed against the petitioner. Mr. Ciavonne, the petitioner's representative, had stated for the record that a 15-foot landscaping strip and fencing would be installed to buffer the proposed development from his property. Yet, in the current request, he could find no mention of the 15-foot buffering provision. He asked that the minimum 25-foot rear yard setback for lots 27 and 28 be exceeded to provide added buffering.

Jerry Jones (2951 Highway 50, Grand Junction) noted the location of his property. He said that he'd been told by the applicant at the time Filing 1 was developed that drainage plans would completely mitigate stormwater runoff. The reality was that every time it rained, his property was flooded. The applicant had removed a 15-inch pipe from their spillway. Runoff from internal streets now flowed into a 6-inch pipe, which didn't make much sense. As he understood, the developer was now proposing to direct runoff through another pipe past the church, to dump out onto Highway 50. That would only make the current situation worse. His property was situated substantially lower in elevation than the applicant's. His basement could very easily be flooded. Mr. Jones was also concerned about all the added traffic that would be funneled to Buena Vista Drive and the frontage road. He didn't feel that the frontage road was capable of handling the additional traffic. That 29 1/2 Road/Highway 50 intersection was already very dangerous. The developer was also supposed to have taken measures to prevent trash from blowing onto his property from Filing 1, but he'd already had to call the City's code enforcement staff to complain. There were also issues with dust and trucks having uncovered loads traveling to and from the site. Those problems had yet to be mitigated by the developer. In addition, for two years, a huge pile of dirt had been placed across the street adjacent to Buena Vista Drive. When would that be removed? It seemed to him that the current request should not be allowed to move forward until the developer resolved the issues arising from development of the first filing.

David Reinertson (142 Larry Drive, Grand Junction) echoed the concerns expressed previously by Mr. Jones regarding traffic and drainage. What were the developer's plans for irrigation and how would those plans affect him and his neighbors?

Ed Gannon (140 Larry Drive, Grand Junction) said that traffic in the area was already very bad. He mirrored the concerns expressed by his neighbors.

### **PETITIONER'S REBUTTAL**

Mr. Ciavonne referenced an elevation map and noted internal street configurations. Those streets, he said, had to meet certain grades. Grading would be kept on the property, and City staff would ensure compliance. Lots would drain into the streets. Drainage from lots 27 and 28 would be directed to the road. The detention pond was dug into the ground approximately 6 feet; however, surface grades were consistent with adjacent lots. The detention pond was not built up above adjacent lots or properties. The grades referenced by Mr. Gibson were based on old, erroneous information. Proper grading would be maintained. There was a difference in elevation between Mr. Gibson's property and lots 27 and 28 of about 6-8 feet.

Chairman Dibble asked if drainage would be directed from those lots onto Mr. Gibson's property. Mr. Ciavonne replied that about 20 percent of total drainage would drain towards Mr. Gibson's property but that was far less than current historical drainage. Following development, approximately 20 feet of hillside would continue to slope towards Mr. Gibson's property; currently, the entire area sloped towards his property. The City mandated that historic drainage rates could not be exceeded. Slopes were at 4:1, so that the 8-foot difference in elevation occurred over approximately 24 feet. There was some thought to going to a 3:1 slope ratio but he emphasized that the difference in elevation was not as extreme as may have been presented. A 10-foot buffer had been provided, which would be maintained by the subdivision's homeowners association. There had never been any promise to provide a 15-foot buffer but he noted that the detention pond had been relocated to minimize the number of lots abutting Mr. Gibson's property. An additional buffer area had been volunteered along the rear yards of northern lots, not something required by the Code. A 6-foot-high fence had been proposed to further buffer Mr. Gibson's property.

Chairman Dibble asked about the type of fencing materials proposed for the 6-foot-high fence. Mr. Ciavonne said that it would be solid vinyl. There would be no need for a retaining wall.

Commissioner Sublett asked for clarification on the east-west drainage proposed near the church. Mr. Ciavonne set that he'd met with church representatives about that issue. The language previously referenced by Mr. Gibson was no longer current. Drainage would be conveyed along the east side of the church, and drainage improvements would be undertaken to the benefit of the church.

Commissioner Pitts asked if there was data to substantiate a reduction in historic drainage rates from the site. Mr. Ciavonne was unsure what the percentage was but he estimated it to be roughly 90 percent. John Kornfeld (1229 North 23rd Street, Grand Junction), an engineer representing the petitioner, came forward and said that nearly all of the existing drainage would be funneled into one of two proposed drainage basins.

Chairman Dibble asked about the drainage problems referenced by Mr. Jones. Mr. Kornfeld briefly described the existing drainage system. There was a lot of bare ground in that area so the runoff potential was very high. He concurred that there were indeed issues with flooding, including additional flooding

further downstream. With development, runoff would increase but that runoff would be directed to the streets, conveyed to the detention basins, and released at less than historic rates.

Commissioner Carlow asked if the flooding problems expressed by Mr. Jones would in any way be mitigated with the current development. Mr. Kornfeld said that the 15-inch pipe running from the detention basin to Highway 50 was oversized and was never expected to fill. The water released from the detention pond through the outlet came through a 6-inch orifice. The 6-inch line had been installed by CDOT as a kind of underdrain.

Laura Lamberty came forward and added that the 6-inch line located along the frontage road had been intended to convey irrigation tailwater. While not what the City would have done, the frontage road belonged to CDOT and the City deferred to its judgment. She noted the location of a sizeable ditch alongside the road. In a heavy rain event, similar to the one experienced the year before, the ditch had filled but hadn't overflowed. While the City was aware of flooding complaints, no evidence had been submitted to substantiate flood damage or to show where water had left the right-of-way and encroached onto adjacent properties. While runoff from Filing 1 drained to Buena Vista and along the frontage road, to cross Highway 50, the drainage from that subdivision did not cross Mr. Jones' property. If there was flooding that originated from the hillside, it was naturally occurring and not as a result of development.

Chairman Dibble asked if Mr. Ciavonne's drainage mitigation figures of 90 percent were accurate. Mr. Kornfeld felt that mitigation would actually be improved in the area of Mr. Gibson's property more than 90 percent.

Mr. Ciavonne said that with regard to traffic generated by the development, a traffic study had been undertaken and reviewed by both the City and CDOT. Interconnectivity of the neighborhood should actually lessen traffic impacts.

Referencing what appeared to be a partially constructed access into Filing 1, Chairman Dibble asked if improvements would be made to that street section to bring it up to full street standards, to which Mr. Ciavonne replied affirmatively. Ms. Lamberty said that the A 1/4 Road right-of-way within the subdivision would be a 44-foot-wide street, with curb and gutter on both sides of the street. The connection from the boundary of the subdivision a quarter-mile over to 29 3/4 Road was currently a 22-foot-wide asphalt surface with drainage ditches and other utilities located within its 50-foot right-of-way. That provided a secondary access point.

Mr. Ciavonne said that irrigation water availability ran with the land. The applicant had participated in the costs of lining the ditch, which improved the soundness of the ditch and allowed it to contain more water. The proposed irrigation system to the subdivision would be an internal loop system. It originated from a headgate (shown) and looped around the subdivision. For the most part, where the irrigation water was not being used, it would stay in the ditch. There were some places, however, where the water kept flowing even if not in use (e.g., water provided to the church). As a result, he expected that less water would be used overall than what was available. The CCR's promoted the use of xeriscaping.

## **QUESTIONS**

Chairman Dibble asked if lots 15, 16, and 17 were buildable since they appeared to be within a steep slope area. Mr. Ciavonne replied affirmatively, adding that the slopes in that area weren't as severe as they might seem on the elevation drawing. Ute Water had been contacted and there was sufficient pressure to provide water to those lots.

Mr. Gibson spoke up and contended that his issues did not appear to have been addressed. A brief summary of previous discussions was provided by Ms. Lamberty. Chairman Dibble said that planning commissioners relied upon the expertise of City staff to ensure the mitigation of all outstanding issues.

### **DISCUSSION**

Commissioner Cole said that he was satisfied with the project's engineering. The site's zoning was appropriate for the type of development proposed, and as staff concluded, all City requirements had been met. He felt he could support the request.

Commissioner Pitts said that he'd visited the site and thought that the applicant had done an outstanding job mitigating the site's topographic challenges. The issues of trash and dirt on or near the road were code enforcement issues and not something that should affect the outcome of the current request. He expressed support.

Commissioners Carlow, Lowrey, Sublett and Pavelka-Zarkesh concurred.

Chairman Dibble remarked that this was a very difficult piece of property to develop. He appreciated that the project's overall density would be less than 3 du/acre, and he felt that the City's engineering staff would do a great job of ensuring that the concerns expressed by the citizenry were mitigated.

**MOTION: (Commissioner Pitts) "Mr. Chairman, on item PP-2005-130, request for Preliminary Plat approval for the Red Tail Ridge Filing #2 Subdivision, I move that we approve, with the findings of fact and conclusions listed in the staff report."**

Commissioner Cole noted that the findings of fact included the variances of lot widths as outlined previously by staff.

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

With no further business to discuss, the public hearing was adjourned at 11:28 p.m.



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**Heath & Co. Realtors**

605 25 Road, Suite 100  
Grand Junction, CO 81505



City Planning Department of Grand Junction  
City Council of Grand Junction

Re: the rezoning of the Don Jones Property to 2 units per acre

Ladies and Gentlemen,

I am part of the group trying to help Mr. Jones get the rezone.

I want to simply share that the rezoning and development of the Don Jones property on G road to two units per acre is common sense and good land planning.

This area fits the in fill theme for use of sewer and infrastructure. As a city, the development of this land to 2 units per acre fits the growth plan, is supported by the majority of neighbors and accommodates economic reality.

I am in support of the rezone to 2 units per acre.

Thank you for thinking this through and helping the City.

A handwritten signature in black ink, appearing to read "Hal Heath", is written over the typed name.

Hal Heath  
Heath & Company Realtors



Business (970) 243-3376 • FAX (970) 245-6495 • 1-800-561-5427  
Direct (970) 263-2898 • Cellular (970) 250-9515



**John & Arline Burnell**  
**2575 G Road**  
**Grand Junction, Co 81505**  
**970.256.9696**  
**Drburnell@hotmail.com**

**RECEIVED**

APR 25 2006  
COMMUNITY DEVELOPMENT  
DEPT.

**To whom it may concern:**

**We do not object to the rezoning of Don & Cheryl  
Jones' property on G Road from RF1 to RF2.**

John R Burnell 3/12/06

**John R Burnell**

Arline H Burnell 3/12/06

**Arline H Burnell**

2573 G Road  
Grand Junction, CO 81505  
April 18, 2006

Community Development  
250 N 5<sup>th</sup> Street  
Grand Junction, CO 81501

Attention: Ronnie Edwards

Re: Proposed rezone of 2591 G Road from RSF-1 to RSF-2

Community Development Department:

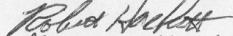
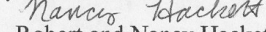
We, Bob and Nancy Hackett, believe that the Don and Cheryl Jones have every right, of course, to develop their land at 2591 G Road at the current RSF-1 level. We are opposed however, to rezoning at the RSF-2 level for the following reasons.

1. Traffic safety: This property is east of a hill on G Road which occludes vision from both east/west directions. Even if the entrance to the proposed development is on the east end of the property, back-up traffic could and very likely would not be visible from eastward traveling vehicles until they were 'on top' of the cars backed up on G Rd. This problem will only be magnified if this property is rezoned to accommodate 26 homes rather than the 13 for which it is currently zoned. Alternatively, if the city tries to "fix" the hill (by lowering it), huge problems are created with respect to irrigation to our property, our driveway and the driveway to Ted Martin's home @ 2580 G Road.
2. Animal habitat, tree preservation and drainage. The Beehive Drainage which runs through the Jones property affords habitat for wildlife and birds. It also has two very old cottonwood trees adjacent to the drainage which the Department of Wildlife tells me are around 100 years old. They request a 50' easement around such trees. If the property is rezoned and up to 26 homes are placed there, this habitat may be destroyed, not to mention the trees losing their water source. Our property of 2 acres and our neighbors' adjacent property of 2.8 acres (Mahoney) are certainly aware of the habitat 'squeeze' as deer, raccoons, birds and other creatures infiltrate our green space. If the Beehive Drainage is put underground, not only the habitat and trees are in jeopardy, but the land is also subject to exposure from the canal should another breach occur without a drainage outlet. Zoning at the current level would better afford the drainage to function as drainage, space around it could continue to be animal and tree habitat and green space.

3. Non compatibility with the neighborhood. Parcels to the east are zoned RSF 1. Our parcel to the west is zoned RSF-R, 2.165 acres. (The 'Jones Property Rezone, Surrounding Land Use, Page 2', refers to our property as RSF-E). Placing land zoned RSF-2 between parcels zoned RSF-1 and RSF-R is, I repeat, not compatible with the neighborhood: This rezoning of the Jones property to RSF-2 would put a 'pocket' of high density between two otherwise less densely populated areas. Please refer to the attached schematics which show the Jones Property divided as hypothetical RSF-1 and the proposed RSF-2.

The properties to the northeast (The Estates and Fox Run) are zoned RSF-2. The developers of these properties have chosen, however, to make their lots more spacious than the zoning allows: I believe 'The Estates' lots average 1.5 acres per lot and have dedicated 10% of the land to open space. Fox Run lots are, by my calculations, around .8 acres per lot.

Respectfully submitted,

  
  
Robert and Nancy Hackett

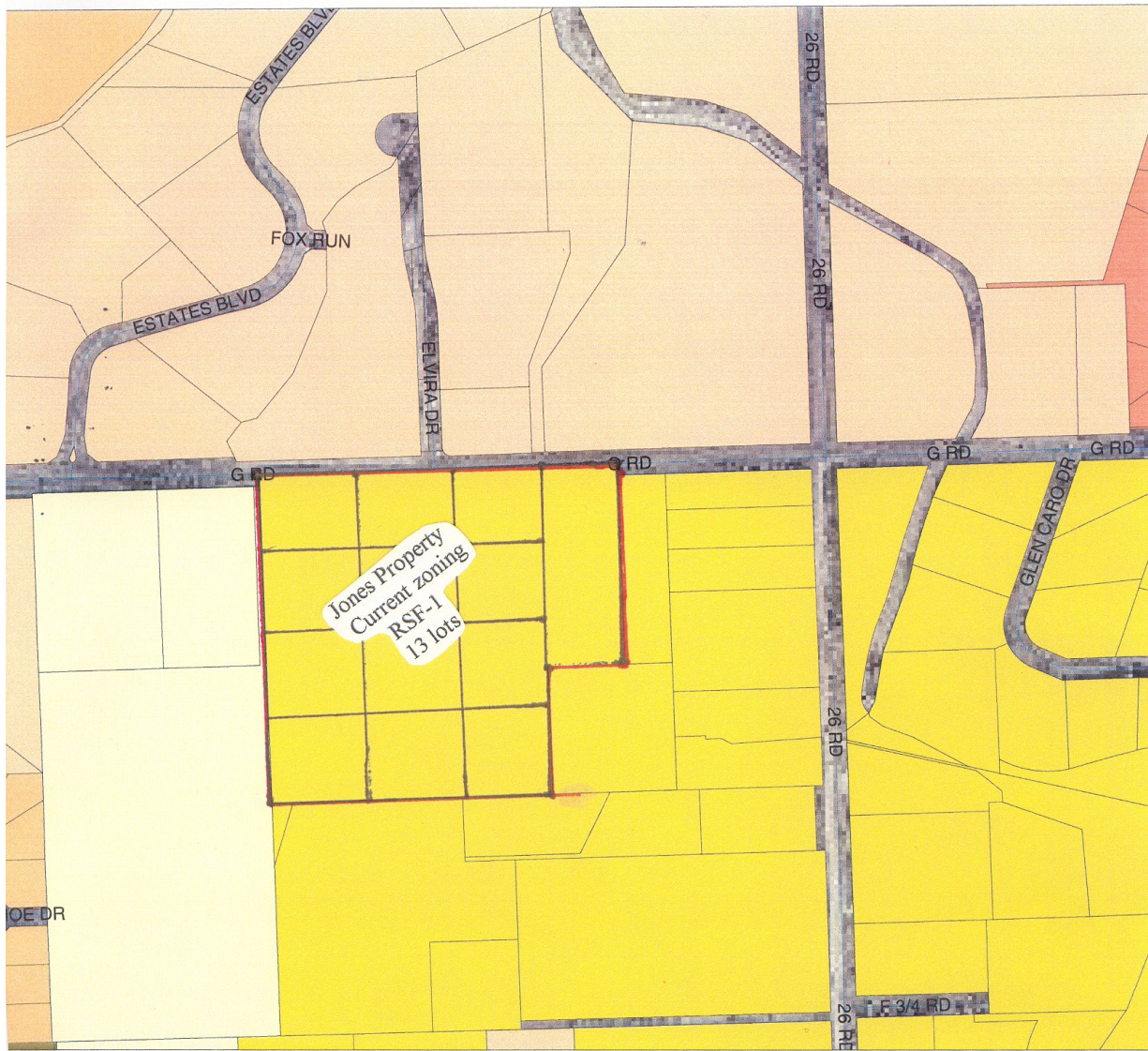


ZONING BY DISTRICT TYPE

- RSF-R
- RSF-E
- RSF-1
- RSF-2
- RSF-4
- RMF-5
- RMF-8
- RMF-12
- RMF-16

# City of Grand Junction

## GIS Zoning Map ©



3 of 4 Hachest



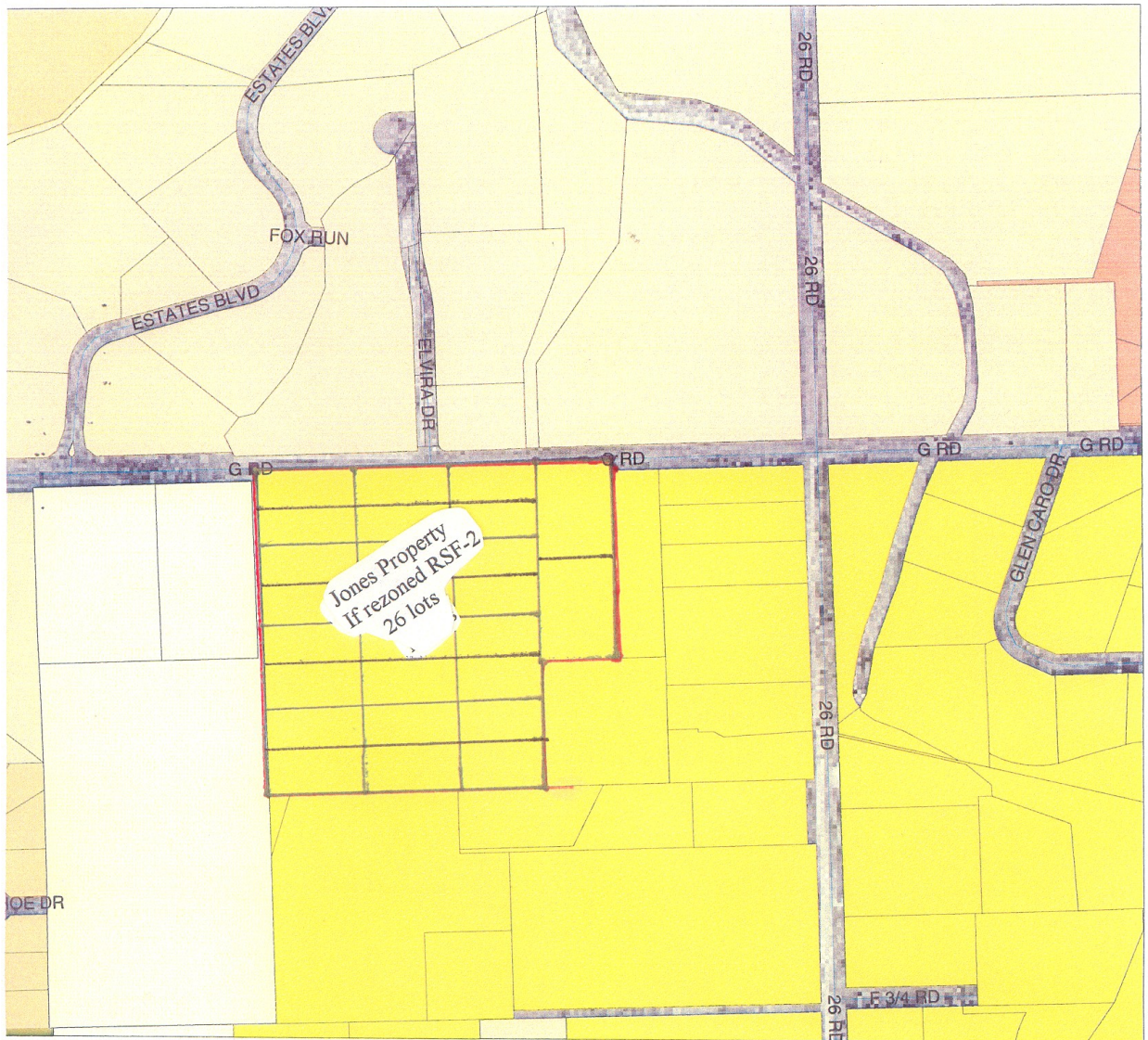


ZONING BY DISTRICT TYPE

- RSF-R
- RSF-E
- RSF-1
- RSF-2
- RSF-4
- RMF-5
- RMF-8
- RMF-12
- RMF-16

# City of Grand Junction

## GIS Zoning Map ©



4 of 4 Hochee



April 24, 2006

Community Development  
250 N 5<sup>th</sup> Street  
Grand Junction, Co. 81501

Attention: Ronnie Edwards

Re: Proposed rezone of 2591 G Road from RSF-1 to RSF-2

Community Development Department:

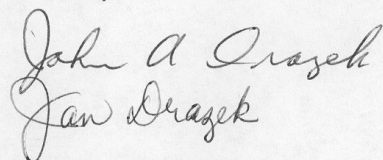
This letter concerns our opposition to the rezoning of the Jones property at 2591 G Road from RSF-1 to RSF-2.

First of all, it will not be compatible with the character of the neighborhood. The change of this property from RSF-1 to RSF-2 is just a continuation of the process by the City to forcibly change the character of this area even though many of the residents oppose these changes. If the character of this area is changing it is only because the City is approving subdivisions such as this with a higher density than currently exists.

We are also opposed to this development because it will increase the traffic flow on all roads in the area. This is especially true on G Road because of the sight distance problem created by the steep hill and aggravated by the narrow road making a dangerous situation worse than it already is.

In closing, we hope you will take into consideration, regardless of your Growth Plan and Future Land Use Map, that this proposed subdivision is not compatible with the surrounding area or the wishes of many of the area residents.

Sincerely,



John and Jan Drazek  
685 ¼ 26 Road  
Grand Junction, CO 81506

**RECEIVED**

APR 25 2006

COMMUNITY DEVELOPMENT  
DEPT.



**From:** "John Toolen" <jtoolen@bresnan.net>  
**To:** <rhondae@gjcity.org>  
**Date:** Tuesday, April 25, 2006 1:51 pm  
**Subject:** Jones Re-Zone

**CC:** <dmlt@bresnan.net>, <kathyp@gjcity.org>

Ronnie,

I am writing to oppose the Jones re-zone on tonight's Planning Commission agenda. Another commitment (I'm running my own public meeting tonight in Rifle) prevents me from attending this evening's meeting.

My wife and I and our two children live at 685 26 Road. We have one acre and prefer that the area remains at the current one-acre zoning. We've lived at this location for 15-1/2 years and have had no problem with planning and zoning actions anyone has applied for in this area as long as they are within the current zoning.

It is my understanding that the proponents of the re-zone to 0.5 acres are applying for that density because they cannot make the development project work financially for them. If that is the case, I suggest that they are paying too much for the property. The city does not owe them a rezone so they can make their project work financially. Nor does the city owe the current owner a re-zone so he can increase his sale price compared to the current zoning.

I have nothing against the development proponents; in fact I know them personally and would rather have them doing a development in my area than anyone else, but I bought in the area because of the existing zoning and would like it to remain one acre. If this re-zone is allowed, the rest of the large parcel owners in the area will want to re-zone to half acre as well.

As a final note, current zoning has not apparently warranted urban amenities such as sidewalks, curbs, and bikelanes. If we're going to move to urban densities, let's get those things in place first. I have not seen much of this taking place in other areas where zoning density has increased to half an acre. I can understand where the city may find it desirable for a variety of reasons to increase the density in areas this close in to the main part of town, but if we're going to be living in a high density area, give us the high-density amenities. Right now it's pretty dangerous to be a bicyclist or a pedestrian in the 26 and G area, and that will only get worse if this re-zone is approved. Our location is not far enough from West Middle School or Grand Junction High for our children to ride the bus to either school, so they must get a ride, walk, or walk north at least a third of a mile to catch the last bus stop that is 1.5 or 2 miles from each school. That location depends on where that last student that's outside the minimum distance lives along that bus route.

Please call me if you have any questions or comments. My cell phone number is 985-9089, home number is 245-2027.

Sincerely,



## Memorandum

05-10-06

**To:** Grand Junction City Counsel

**From:** Todd Rowell

**Re:** Jones Rezone 2591 G Rd

To Whom It May Concern,

I am the owner and the resident of 2593 G Rd, which directly borders 2591 G Rd, to the East. This memorandum is to show my support for this property to be rezoned from RSF-1 to RSF-2, which was denied by the planning commission on April 25, 2006.

I believe that the request by the developers to place two houses per acre on this piece of property is very reasonable and within the City of Grand Junction's growth plan. Property within a half a mile of this property has been approved for development at RSF-4. As this City grows, there will be a desire for citizens to live within two miles of St Mary's Hospital. This property is located within that two mile radius and is close to other services which citizens will use in the future. To not allow RSF-2 on this property would increase growth further away from the services our community offers.

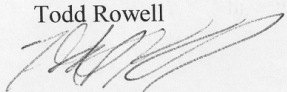
I own the residence which is most directly affected by this zoning change, as my house sets about 15 feet from the property line. Although I understand the desire for others to keep this land as it is, I understand that this will not be possible as our City continues to grow.

At the hearing on April 25<sup>th</sup>, 2006, I listened as the majority of the neighbors spoke in favor of the rezone. I only heard two speak against the rezone. Their complaints were focused around the view they have enjoyed over the years and the increased traffic. I believe the view, which they do not own, could be affected by something worse than 2 houses per acre. The traffic increase that will be brought to the area, should be determined as part of the pre planning and planning hearing. Not the rezoning hearing.

I felt that the planning commission was strongly influenced in their decision by an attorney for the opposition. Although I did not hear the Attorney say any reason why the land should not be rezoned RSF-2, he did recite a lot of legal codes. I felt this may have intimidated the Planning Commission.

I would request that the counsel review this decision that their staff originally approved. I believe this would be an excellent opportunity for growth, without sacrificing the tranquility of the area.

Respectfully Submitted,  
Todd Rowell



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MAY 12 2006

COMMUNITY DEVELOPMENT  
DEPT.

Bob and Sharon Walker  
687 1/2 26 RD  
Grand Junction, CO 81506

May 11, 2006

Grand Junction City Council  
City Administration Building  
Grand Junction, CO 81506

Re: Don and Cheryl Jones's request for rezoning

Dear City Council,

The letter is written in support of Don and Cheryl Jones request for a change of their land designation from R1 to R2. We own the house and 2 1/3 acres located adjacent to and west of the property in question.

We have known Don and Cheryl since we bought our property about twenty years ago. They have been wonderful neighbors. They raised two children and have helped raise several foster children on their property. We have watched them work from sunup to well after sundown to eke out a living on this property. Don worked shoeing horses until it physically became too difficult for him. He and Cheryl now give riding lessons to supplement their social security. They both have recently been hurt handling their horses and it is doubtful because of their age that they will be able to keep up with the rigors of operating a horse operation for many more years.

The sale of this land that they have tolled on for so many years will give them a chance to live out their remaining years without additional worries. Some who are against the rezoning feel they should ask less for the land so it can sell and still be R1. How do you put a price on land that some one has spent a lifetime taking care of? A physician extracts a goodly fee for his years of training; is this more than he deserves? I could not be the judge of this but he bases his fee on other physicians and the publics' ability to pay. Realtors do comparables and set the value according to what has sold in the area and of course the publics' ability to pay.

There has also been the argument that changing the zoning will disturb the wildlife in the area. No one enjoys the wildlife more than we do but whether there is one or two houses per acre will make no difference to the wildlife both will disturb them. We did not want to be annexed into the city but the growth pattern of the Grand Junction seemed to mandate we be annexed and in this process it was obvious we would eventually lose our rural way of life. This is progress and even though we hate it we cannot stop it and will have to learn to accept the changes.

We attended the planning commission hearing and heard some rather grandiose ideas on what can be done with this property. The reality is this is not ideal property. The physical

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MAY 12 2006

COMMUNITY DEVELOPMENT  
DEPT.

location is great but the property itself is far from desirable. It sits lower than the surrounding property and has a large drainage ditch going through it. It will need extensive excavation work to make it suitable for homes. If the irrigation canal should happen to breach as it did recently it will be a flood area. To keep this property as R1 would mean a developer would have to build houses in the million-dollar category and we truly doubt that this property would attract buyers in that category. This property although it is close to the Estates, will not come close to supporting the type of house that it will attract.

We have talked with the potential developers of the property and it is felt they are trying to create a subdivision that will fit into the area. Sure we would prefer to have the vacant land below us but realize that as the city grows the area around us will fill in and sometime down the road some other body might think R4 or greater might be in order and to object to this project is only delaying the inevitable.

Thank you for allowing us to express our opinion.

Very sincerely,

*Bob Walker*  
*Sharon Walker*

Bob and Sharon Walker

RECEIVED

MAY 12 2006

COMMUNITY DEVELOPMENT  
DEPT.

Grand Junction Planning Department  
250 North 5<sup>th</sup> Street  
Grand Junction, CO. 81502

To Whom It may concern;

I do not object to the rezoning of Don & Cheryl Jones' property at 2591 G Road from RSF-1 to RSF-2 .

Sincerely yours,

May Olson  
689 26 Road  
Grand Jct, CO 81506



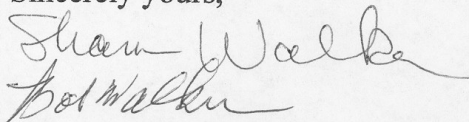
687 1/2 26 RD  
Grand Junction, CO 81506  
Bob and Sharon Walker

Grand Junction Planning Department  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81502

To Whom It May Concern:

We live adjacent to the Jones's property on the East side. We understand a request is being made to rezone this property from R1 to R2 and we would not object to this rezoning.

Sincerely yours,

Handwritten signatures of Sharon Walker and Bob Walker. Sharon's signature is written in a cursive style, and Bob's signature is also cursive and appears to be written below Sharon's.

Bob and Sharon Walker

May 16, 2006

Mr. Jim Doody  
Grand Junction City Council  
City Hall  
250 North 5<sup>th</sup> St.  
Grand Junction, CO 81501

Re: Proposed rezone of 2591 G Road from RSF-1 to RSF-2

Dear Mr. Doody:

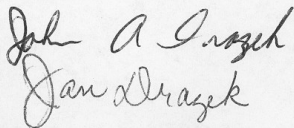
This letter concerns our opposition to the rezoning of the Jones property at 2591 G Road from RSF-1 to RSF-2.

First of all, it will not be compatible with the character of the neighborhood. The change of this property from RSF-1 to RSF-2 is just a continuation of the process by the City to forcibly change the character of this area even though many of the residents oppose these changes. If the character of this area is changing it is only because the City is approving subdivisions such as this with a higher density than currently exists.

We are also opposed to this development because it will increase the traffic flow on all roads in the area. This is especially true on G Road because of the sight distance problem created by the steep hill and aggravated by the narrow road making a dangerous situation worse than it already is.

In closing, we hope you will take into consideration, regardless of your Growth Plan and Future Land Use Map, that this proposed subdivision is not compatible with the surrounding area or the wishes of many of the area residents.

Sincerely,

Handwritten signatures of John and Jan Drazek in cursive script.

John and Jan Drazek  
685 ¼ 26 Road  
Grand Junction, CO 81506

**From:** Stephanie Tuin  
**To:** Kemp, Debra  
**Date:** 5/17/2006 9:33 am  
**Subject:** Fwd: Denial of rezone appeal for 2591 G Road

Jim

>>> "Keith Mendenhall" <[zaokpm@bresnan.net](mailto:zaokpm@bresnan.net)> 5/16/2006 8:18:05 pm >>>  
Dear Public Servants,

My wife and I live in the Estates Subdivision, less than 1000 feet from the subject property. You reached the right decision when you denied the rezone request of the subject property. Please do the right thing once again by denying the appeal as well.

As evidenced by the Future Land Use Map, the rural, country feel of this area is rapidly vanishing. This is a direct result of developing to the maximum allowed zoning density. If this property is allowed to rezone to RSF-2, the developer will undoubtedly try to pack 26 homes within 13 acres. This density will destroy the country feel, not to mention the devaluation of the larger lots completely surrounding this site.

From a practical viewpoint, this site sustains valuable animal habitat. Obvious drainage concerns would be magnified as the density increases. G Road traffic access issues will worsen with higher density.

We believe the current zone limited 1 du/ac is still too dense, but in this case, is better than 2 du/ac. Please look again at the Future Land Use Map, realize the ramifications of the request and do the right thing once more by denying the appeal and uphold the rezone denial.

Thank you for your efforts.  
Respectfully,

Keith and Julie Mendenhall  
705 Estates Blvd.  
241-4249

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING A PARCEL OF LAND FROM  
RESIDENTIAL SINGLE FAMILY – ONE UNIT PER ACRE (RSF-1) TO  
RESIDENTIAL SINGLE FAMILY – TWO UNITS PER ACRE (RSF-2)  
LOCATED AT 2591 G ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended denial of the rezone request from RSF-1 zone district to the RSF-2 zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Residential Low (1/2 – 2 ac/du). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED RSF-2 (RESIDENTIAL SINGLE FAMILY – TWO UNITS PER ACRE):**

The North 1173 links of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T1S, R1W of the UM; EXCEPT Beginning at the NE corner of the NE $\frac{1}{4}$  of Section 3, T1S, R1W of the UM; thence South 774.18 feet; thence West 663.28 feet; thence North 300.3 feet; thence East 180.04 feet; thence North 474. 15 feet; thence East 482.38 feet to the Point of Beginning; and the South 12 feet of the following described tract: Beginning at a point 372.38 feet West of the NE corner of Section 3, T1S, R1W of the UM; thence South 474. 18 feet, thence West 110 feet, thence North 474.18 feet, thence East 110 feet to the Point of Beginning, Mesa County, Colorado.

Introduced on first reading on the 3<sup>rd</sup> day of May, 2006.

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

Attest:

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

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



**Attach 25**

Public Hearing – ROW Vacation Located Adjacent to 215 Franklin Avenue

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Right-of-Way Vacation – 215 Franklin Avenue					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 3, 2006				File #VR-2006-054	
<b>Author</b>	Ronnie Edwards		Associate Planner			
<b>Presenter Name</b>	Ronnie Edwards		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>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** A request to vacate the southern 3 feet of the Franklin Avenue right-of-way, incorporating the subject area into a 14’ multi-purpose easement. The Planning Commission recommended approval of the right-of-way vacation on April 25, 2006.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the Right-of-Way Vacation ordinance.

**Background Information:** See attached.

**Attachments:**

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

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		215 Franklin Avenue			
<b>Applicants:</b>		201 Franklin, LLC – Jim Laudadio			
<b>Existing Land Use:</b>		Right-of-Way			
<b>Proposed Land Use:</b>		Multi-purpose Easement			
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Single Family			
	<b>South</b>	Vacant Land			
	<b>East</b>	Vacant/Apartment Complex			
	<b>West</b>	Residential Single Family			
<b>Existing Zoning:</b>		RMF-24			
<b>Proposed Zoning:</b>		RMF-24			
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-8			
	<b>South</b>	RMF-24			
	<b>East</b>	RMF-24			
	<b>West</b>	RMF-24			
<b>Growth Plan Designation:</b>		Residential-High (12+du/ac)			
<b>Zoning within density range?</b>		N/A	<b>Yes</b>		<b>No</b>

**PROJECT DESCRIPTION:** The proposal is to vacate the 3 feet of the Franklin Avenue right-of-way, incorporating the subject area into a multi-purpose easement.

**ANALYSIS:**

1. Background:

The subject area is presently vacant and is adjacent to the vacant lot to the south, which is 215 Franklin Avenue. This area was previously dedicated for use as right-of-way but was never constructed as part of Franklin Avenue. Per Chapter 5 of the Transportation Engineering Design Standards (TEDS), the current standard for a local residential street width is 44 feet. The existing Franklin Avenue right-of-way in this location is 50 feet wide. The proposed vacation of 3 feet will result in a width of 47 feet.

The applicant will be required to dedicate a 14 feet multi-purpose easement to accommodate existing and proposed utilities.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

3. Section 2.11.c of the Zoning and Development Code:

Requests to vacate any public right-of-way or easement must conform to all of the following:

*g. The Growth Plan, major street plan and other adopted plans and policies of the City.*

Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

*h. No parcel shall be landlocked as a result of the vacation.*

No parcel will be landlocked by the requested vacation as the adjacent property will continue to have direct access off Franklin Avenue and the subject area will be incorporated into a required multi-purpose easement for future utilities.

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

Access to the adjoining parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any property.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced.

- k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.*

Provision of adequate public facilities and services will not be inhibited to any property. A 14' multi-purpose easement will be dedicated for existing and proposed utilities.

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

This proposal provides a benefit to the City as the vacated area will become the responsibility of the owner of the abutting property for maintenance. The remaining right-of-way will still exceed street standards. Utility providers and the City will retain the benefit of use of the property with the area being dedicated as a multi-purpose easement.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the right-of-way Vacation application, VR-2006-054, for the vacation of the southern 3 feet of right-of-way adjacent to 215 Franklin Avenue, City Council makes the following findings of fact and conclusions:

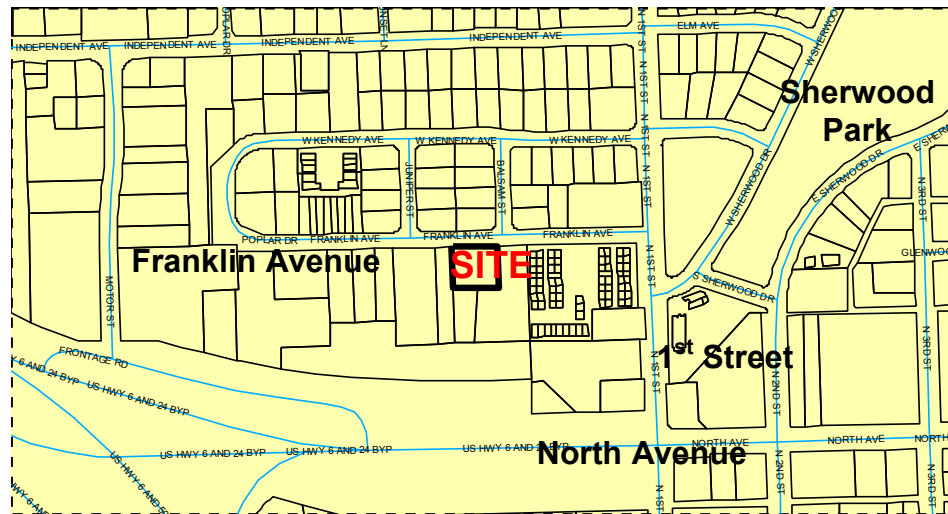
- The requested right-of-way vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
- The area of the requested right-of-way vacation will be incorporated into a multi-purpose easement for existing and proposed utilities.

#### PLANNING COMMISSION RECOMMENDATION:

At their April 25, 2006 hearing, Planning Commission recommended approval of the Right-of-Way Vacation request.

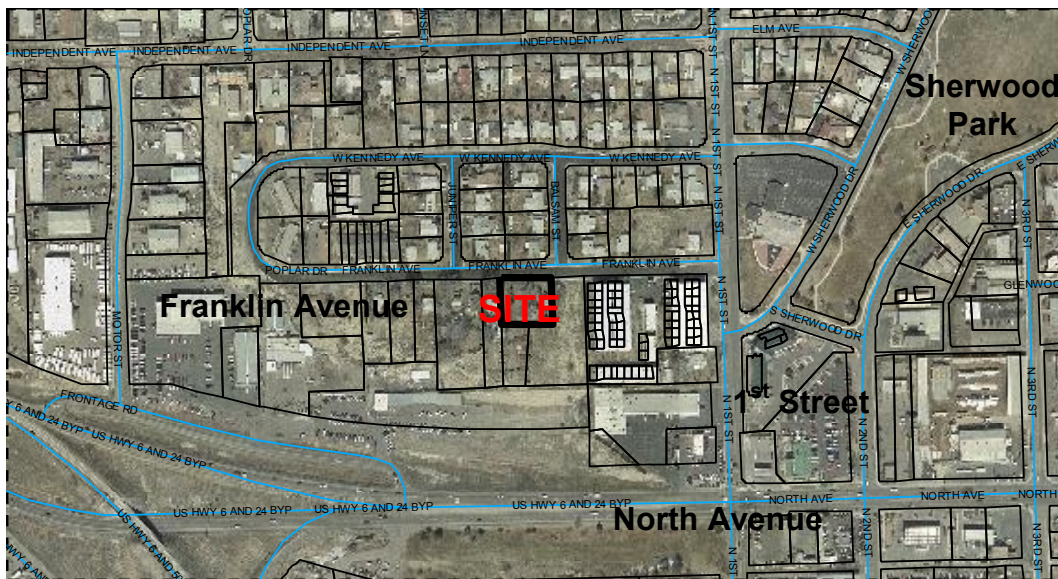
# Site Location Map

Figure 1



# Aerial Photo Map

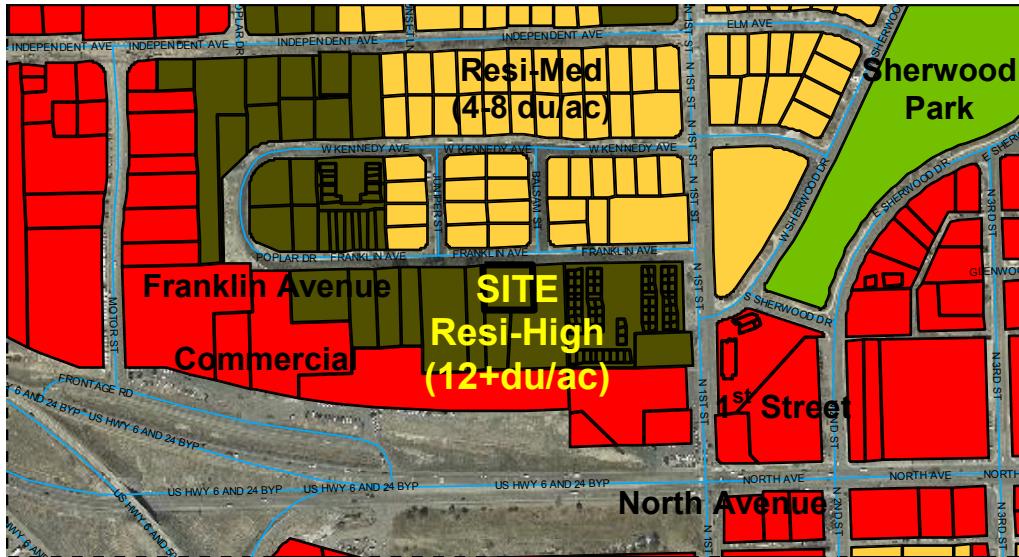
Figure 2





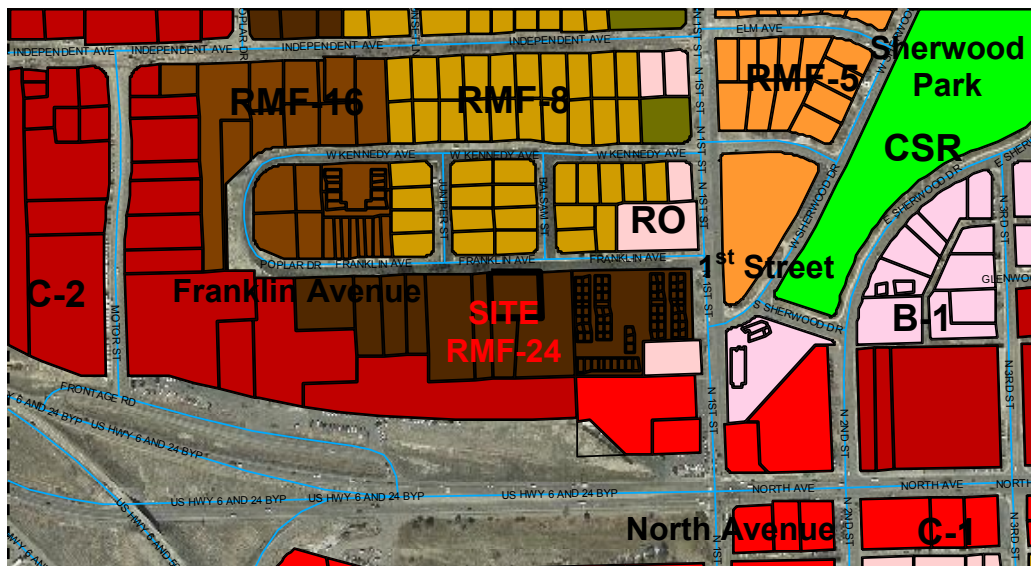
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED ADJACENT TO  
215 FRANKLIN AVENUE**

Recitals:

A request to vacate the southern 3 feet of right-of-way adjacent to 215 Franklin Avenue has been submitted to the City of Grand Junction. The City will reserve and retain the area by incorporating the area into a 14' Multi-Purpose Easement.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommended that the vacation be approved as requested subject to the condition that the City shall reserve and retain the area in a Multi-Purpose Easement.

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

1. The following described right-of-way is hereby conditionally vacated:

**EXHIBIT A**

A parcel of land for a Three foot (3') Wide Right-of-Way Vacation located in the South Half of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 10, Township 1 South, Range 1 West of the Ute Meridian, and being more particularly described as follows:

BEGINNING at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 10, T1S, R1W of the U.M.; whence the Northwest corner of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, bears N89°56'41"W, a distance of 1319.87 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence S00°15'47"E, a distance of 655.50 feet, along the East line of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, to a point at the intersection of said East line and the North line of the South Half of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10; thence N89°52'11"W, a distance of 493.00 feet, along said North line of S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10; thence S00°29'34"W, a distance of 22.00 feet to



the POB; thence S00°29'34"W, a distance of 3.00 feet; thence N89°52'11"W, a distance of 143.03 feet; thence N00°16'02"W, a distance of 3.00 feet; thence S89°52'11"E, a distance of 143.07 feet to the POB. Said parcel containing an area of 0.010 acres, as described and depicted on Exhibit B, attached.

This right-of-way vacation is conditioned and contingent upon the dedication of the 14' multi-purpose easement for the benefit of future and anticipated utilities.

2. The City hereby reserves and retains the said area in a Multi-Purpose Easement on, long, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Multi-Purpose Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities. Street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

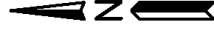
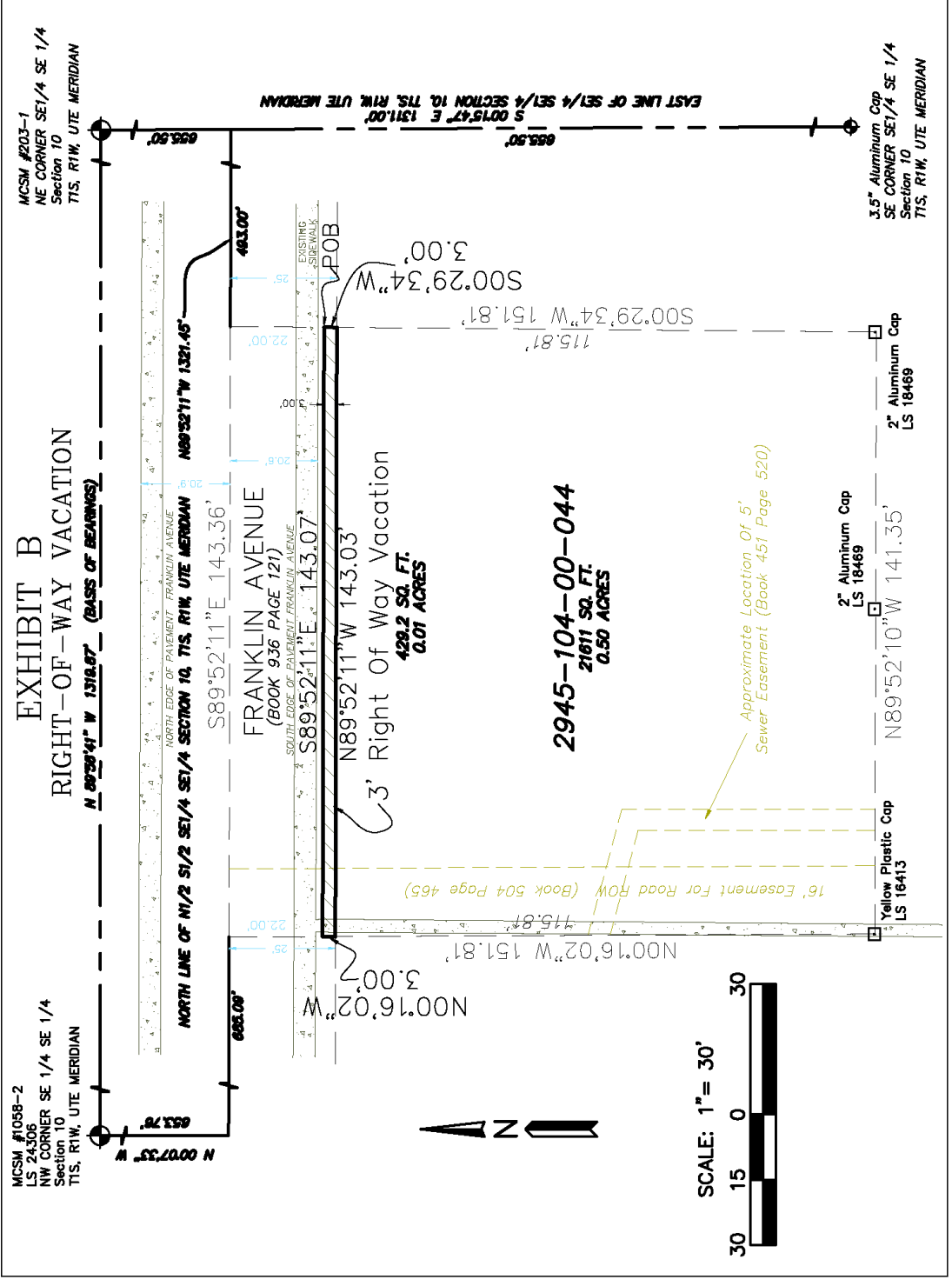
Introduced for first reading on this 3<sup>rd</sup> day of May, 2006

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

ATTEST:

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

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



**Attach 26**

Public Hearing – Free Annexation & Zoning, Located at 462 E. Scenic Dr.

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Annexation and zoning of the Free Annexation located at 462 East Scenic Drive						
<b>Meeting Date</b>	May 17, 2006						
<b>Date Prepared</b>	May 11, 2006				File #ANX-2006-046		
<b>Author</b>	Senta L. Costello		Associate Planner				
<b>Presenter Name</b>	Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<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 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:** Acceptance of a petition to annex and consider the annexation and zoning for the Free Annexation. The Free Annexation is located at 462 East Scenic Drive and consists of 1 parcel on 3.11 acres. The zoning being requested is RSF-2.

**Budget:** N/A

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

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

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		462 E Scenic Drive		
<b>Applicants:</b>		Owner: John Free & Lisa Fenton Free Developer: Nick Lobato		
<b>Existing Land Use:</b>		Single Family Residential		
<b>Proposed Land Use:</b>		Single Family Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 3.11 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

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

<b>FREE ANNEXATION SUMMARY</b>		
<b>File Number:</b>		ANX-2006-046
<b>Location:</b>		462 E. Scenic Drive
<b>Tax ID Number:</b>		2945-162-00-295
<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>		3.11
<b>Developable Acres Remaining:</b>		1.55
<b>Right-of-way in Annexation:</b>		1.56
<b>Previous County Zoning:</b>		RSF-4
<b>Proposed City Zoning:</b>		RSF-2
<b>Current Land Use:</b>		Single Family Residential
<b>Future Land Use:</b>		Single Family Residential
<b>Values:</b>	<b>Assessed:</b>	= \$19,150
	<b>Actual:</b>	= \$240,640
<b>Address Ranges:</b>		462 E Scenic Drive
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Grand Junction
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/Drainage :</b>	Redlands Water and Power
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand River Mosquito District

**Staff Analysis:**

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

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

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

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

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

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

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

Response: The zoning request of RSF-2 (Residential Single Family 2 du/ac) is compatible with the neighborhood and adjacent zoning as the surrounding properties range in size from ¼ acre to over 1 acre lots.

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

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

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

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

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

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

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

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

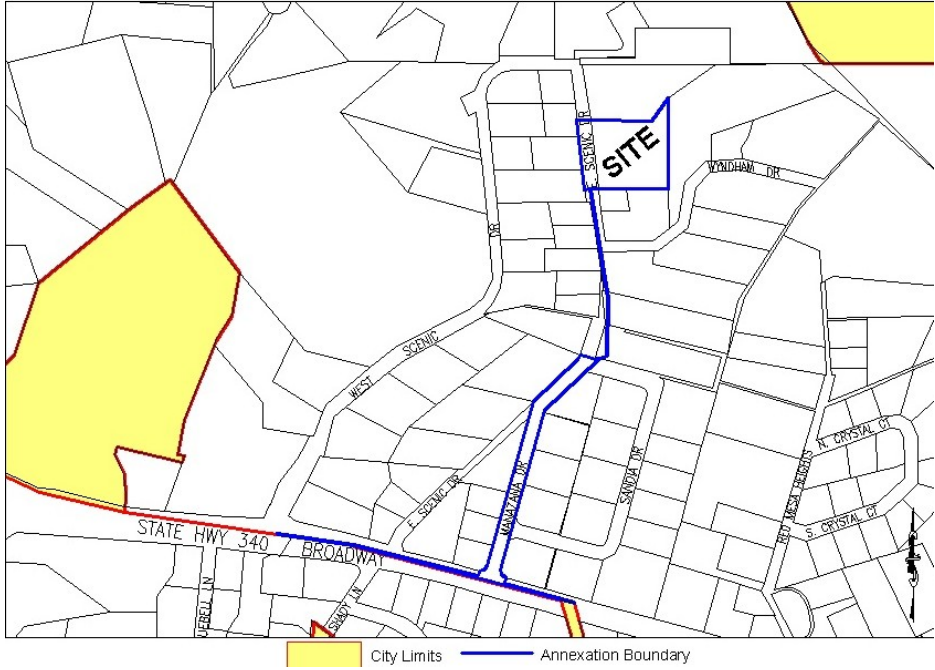
**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding

the zoning to the RSF-2 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.



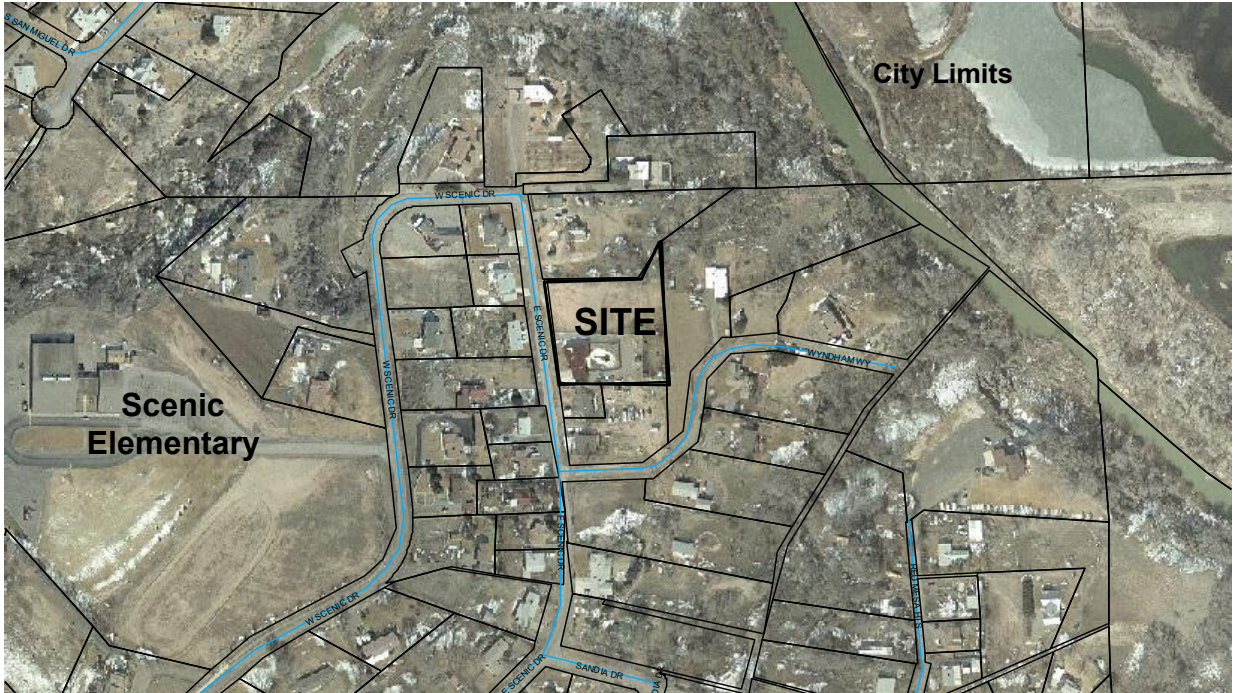
# Site Location Map

Figure 1



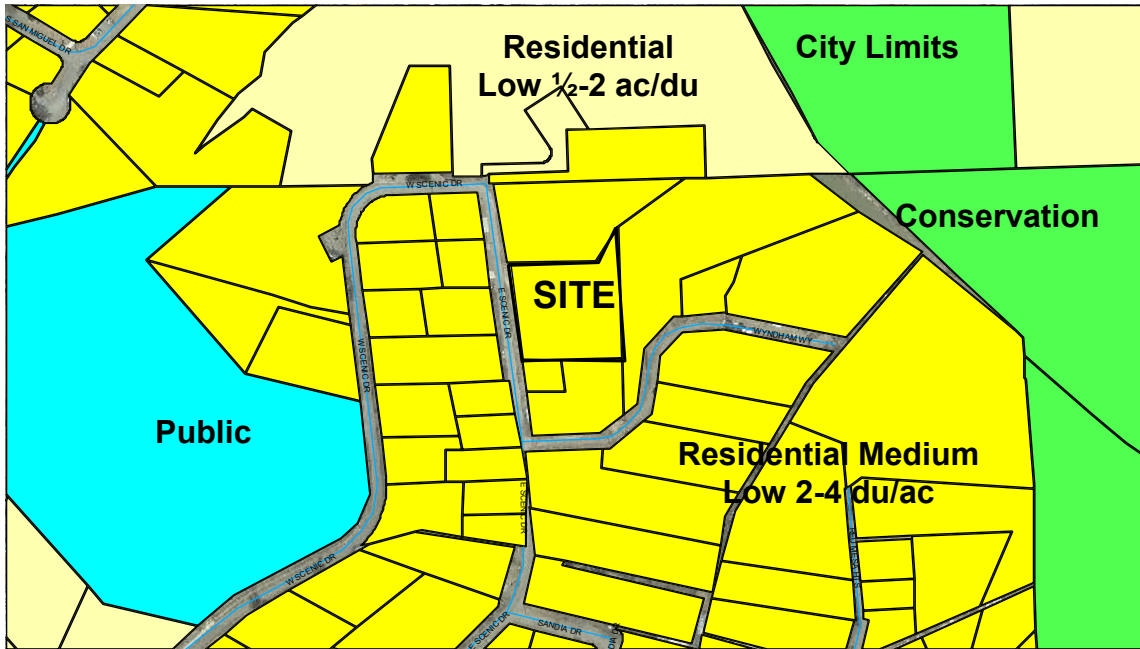
# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**FREE ANNEXATION**

**LOCATED AT 462 EAST SCENIC DRIVE**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 5<sup>th</sup> day of April, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**FREE ANNEXATION**

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

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

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

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

WHEREAS, a hearing on the petition was duly held after proper notice on the 17<sup>th</sup> day of May, 2006; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation

in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**FREE ANNEXATION**

**APPROXIMATELY 3.11 ACRES**

**LOCATED AT 462 E. SCENIC DRIVE INCLUDING A PORTION OF THE BROADWAY,  
MANZANA DRIVE, AND EAST SCENIC DRIVE RIGHTS-OF-WAY**

**WHEREAS**, on the 5<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 17<sup>th</sup> day of May, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**FREE ANNEXATION**

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

Commencing at the Northwest corner of the SW 1/4 NW 1/4 of said Section 17 and assuming the West line of the SW 1/4 NW 1/4 of said Section 17 to bear S00°44'08"E with all bearings contained herein relative thereto; thence S00°44'08"E along the West

line of the SW 1/4 NW 1/4 of said Section 17 a distance of 198.26 feet to the Point of Beginning; thence S89°39'00"E a distance of 255.74 feet; thence N35°20'00"E a distance of 103.00 feet; thence S00°39'00"E a distance of 327.57 feet to the Northeast corner of Lot 2, Bemis Subdivision recorded in Plat Book 18, Page 214 of the Mesa County, Colorado public records; thence S89°06'00"W along the North line of said Bemis Subdivision a distance of 282.40 feet; thence S09°08'50"E a distance of 398.34 feet; thence S01°42'52"W a distance of 209.35 feet; thence S72°50'24"W a distance of 31.72 feet; thence S46°37'47"W along the Northeasterly extension of the Easterly right of way of Manzana Drive as shown on the plat of Hermosa Subdivision, recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 264.72 feet; thence continuing along the Easterly right of way of said Manzana Drive the following two (2) courses: (1) S15°37'47"W a distance of 595.42 feet; (2) thence 39.36 feet along the arc of a 25.00 foot radius curve, concave Northeast, having a central angle of 90°13'00" and a chord bearing S29°28'43"E a distance of 35.42 feet; thence S15°37'47"W a distance of 32.00 feet; thence S74°35'13"E along a line being 4.00 feet North of and parallel with the Northerly line of Sycamore Creek Annexation No. 2, Ordinance No. 3752, City of Grand Junction a distance of 264.64 feet; thence S15°24'47"W a distance of 4.00 feet to a point on the Northerly line of said Sycamore Creek Annexation No. 2; thence N74°35'13"W along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 837.53 feet; thence N84°02'09"W continuing along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 262.47 feet; thence N05°57'51"E a distance of 4.00 feet; thence along a line being 4.00 feet North of and parallel with the Northerly line of said Sycamore Creek Annexation No. 2, the following two (2) courses: (1) S84°02'09"E a distance of 263.13 feet; (2) thence S74°35'13"E a distance of 472.89 feet; thence N15°37'47"E a distance of 32.00 feet to a point on the Northerly right of way of Colorado Highway 340; thence 39.18 feet along the arc of a 25.00 foot radius curve, concave Northwest, having a central angle of 89°47'00" and a chord bearing N60°31'17"E a distance of 35.29 feet to a point on the Westerly right of way of said Manzana Drive; thence N15°37'47"E along the Westerly right of way and the Northeasterly extension of said Manzana Drive a distance of 609.67 feet to a point on the Westerly right of way of East Scenic Drive; thence N46°37'47"E along the Westerly right of way East Scenic Drive a distance of 226.84 feet; thence N18°12'47"E continuing along the Westerly right of way of East Scenic Drive a distance of 17.20 feet; thence S68°12'52"E a distance of 20.04 feet; thence S74°46'13"E a distance of 36.28 feet; thence N72°50'24"E a distance of 41.18 feet; thence N01°42'52"E a distance of 206.30; thence N09°08'50"W a distance of 398.73 feet; thence S89°06'00"W a distance of 20.08 feet to a point on the Westerly right of way of East Scenic Drive; thence N05°59'00"W along the Westerly line of East Scenic Drive a distance of 251.35 feet; thence S89°39'00"E a distance of 13.67 feet to the Point of Beginning.

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

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

**INTRODUCED** on first reading on the 5<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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LOCATED AT 462 E SCENIC DRIVE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Free Annexation to the RSF-2 zone district for the following reasons:

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

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

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

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

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

**FREE ANNEXATION**

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

Commencing at the Northwest corner of the SW 1/4 NW 1/4 of said Section 17 and assuming the West line of the SW 1/4 NW 1/4 of said Section 17 to bear S00°44'08"E with all bearings contained herein relative thereto; thence S00°44'08"E along the West line of the SW 1/4 NW 1/4 of said Section 17 a distance of 198.26 feet to the Point of Beginning; thence S89°39'00"E a distance of 255.74 feet; thence N35°20'00"E a distance of 103.00 feet; thence S00°39'00"E a distance of 327.57 feet to the Northeast corner of Lot 2, Bemis Subdivision recorded in Plat Book 18, Page 214 of the Mesa County, Colorado public records; thence S89°06'00"W along the North line of said Bemis Subdivision a distance of 282.40 feet; thence S09°08'50"E a distance of 398.34 feet; thence S01°42'52"W a distance of 209.35 feet; thence S72°50'24"W a distance of 31.72 feet; thence S46°37'47"W along the Northeasterly extension of the Easterly right of way of Manzana Drive as shown on the plat of Hermosa Subdivision, recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 264.72 feet; thence continuing along the Easterly right of way of said Manzana Drive the following two (2) courses: (1) S15°37'47"W a distance of 595.42 feet; (2) thence 39.36 feet along the arc of a 25.00 foot radius curve, concave Northeast, having a central angle of 90°13'00" and a chord bearing S29°28'43"E a distance of 35.42 feet; thence S15°37'47"W a distance of 32.00 feet; thence S74°35'13"E along a line being 4.00 feet North of and parallel with the Northerly line of Sycamore Creek Annexation No. 2, Ordinance No. 3752, City of Grand Junction a distance of 264.64 feet; thence S15°24'47"W a distance of 4.00 feet to a point on the Northerly line of said Sycamore Creek Annexation No. 2; thence N74°35'13"W along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 837.53 feet; thence N84°02'09"W continuing along the Northerly line of said Sycamore Creek Annexation No. 2 a distance of 262.47 feet; thence N05°57'51"E a distance of 4.00 feet; thence along a line being 4.00 feet North of and parallel with the Northerly line of said Sycamore Creek Annexation No. 2, the following two (2) courses: (1) S84°02'09"E a distance of 263.13 feet; (2) thence S74°35'13"E a distance of 472.89 feet; thence N15°37'47"E a distance of 32.00 feet to a point on the Northerly right of way of Colorado Highway 340; thence 39.18 feet along the arc of a 25.00 foot radius curve, concave Northwest, having a central angle of 89°47'00" and a chord bearing N60°31'17"E a distance of 35.29 feet to a point on the Westerly right of way of said Manzana Drive; thence N15°37'47"E along the Westerly right of way and the Northeasterly extension of said Manzana Drive a distance of 609.67 feet to a point on the Westerly right of way of East Scenic Drive; thence N46°37'47"E along the Westerly right of way East Scenic Drive a distance of 226.84 feet; thence N18°12'47"E continuing along the Westerly right of way of East Scenic Drive a distance of 17.20 feet; thence S68°12'52"E a distance of 20.04 feet; thence S74°46'13"E a distance of 36.28 feet; thence N72°50'24"E a distance of 41.18 feet; thence N01°42'52"E a distance of 206.30; thence N09°08'50"W a distance of 398.73 feet; thence S89°06'00"W a distance of 20.08 feet to a point on the Westerly right of way of East Scenic Drive; thence N05°59'00"W along the Westerly line of East

Scenic Drive a distance of 251.35 feet; thence S89°39'00"E a distance of 13.67 feet to the Point of Beginning.

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

Introduced on first reading this 3<sup>rd</sup> day of May, 2006 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 27**

Public Hearing – Vacating Alleys between 6<sup>th</sup> & 7<sup>th</sup> Streets, Pitkin, and S. Ave and a 15' Utility Easement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Vacation of the eastern 250' of the east/west alley and the north/south alley between 6 <sup>th</sup> and 7 <sup>th</sup> Streets and Pitkin and South Avenues and a 15' utility easement							
Meeting Date	May 17, 2006							
Date Prepared	May 11, 2006				File #VR-2006-076			
Author	Senta L. Costello		Associate Planner					
Presenter Name	Senta L. Costello		Associate Planner					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

**Summary:** Consideration of a request to vacate the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues and a 15' utility easement. The owner of the adjacent property is requesting the vacation to facilitate the expansion of the Mesa County Corrections and Treatment Facility located to the south.

**Budget:** N/A

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

Background Information: See attached Staff report/Background information

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Zoning Map
4. Vacation Resolution
5. Vacation Ordinance

6. Exhibit "A"

AGENDA TOPIC: Vacation of Public Alley Right-of-Way and 15' Utility Easement, VR-2006-076.

ACTION REQUESTED: Vacation of Public Alley Right-of-Way and a 15' Utility Easement

<b>BACKGROUND INFORMATION</b>		
Location:	<b><i>636 South Avenue - the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues and a 15' Utility Easement</i></b>	
Applicants:	Owner/Developer: Mesa Co – Sue Gormley Representative: Integrated Construction Solutions – Dave Detwiler	
Existing Land Use:	<b><i>Alley / Existing Treatment Facility</i></b>	
Proposed Land Use:	<b><i>New Meth Treatment Facility</i></b>	
Surrounding Land Use:	<b>North</b>	<b><i>Vacant</i></b>
	<b>South</b>	<b><i>Lumberyard</i></b>
	<b>East</b>	<b><i>Commercial/Retail/Community Services</i></b>
	<b>West</b>	<b><i>Office</i></b>
Existing Zoning:	N/A	
Proposed Zoning:	C-1	
Surrounding Zoning:	North	B-2
	South	C-2
	East	C-1/C-2

	West	C-1/C-2		
Growth Plan Designation:	Public			
Zoning within density range?	<b>X</b>	<b>Yes</b>		<b>No</b>

PROJECT DESCRIPTION: Request to vacate the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues and a 15' Utility Easement.

RECOMMENDATION: Recommend approval to City Council of the alley and easement vacation.

ANALYSIS

1. Background

The applicant is requesting to vacate the eastern 250' of the east/west alley and the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets and Pitkin and South Avenues and a 15' Utility Easement. There are gas and telephone utilities in the area of the alley requesting to be vacated. These utilities will be relocated and protected by a new easement to the north of the existing location. The 15' utility easement was dedicated in 1998 when the south half of the north/south alley was vacated and the existing building was approved. This request is to vacate the easement dedicated in 1998 as it is no longer needed as the sewer line located in the easement has been abandoned.

2. Consistency with the Growth Plan

This project is consistent with the following Goals and Policies of the Growth Plan:

- Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.
  - o Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
  - o Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is

- separate from existing urban services (“leap-frog” development) will be discouraged.
- Goal 10: To retain valued characteristics of different neighborhoods within the community.
    - Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

### 3. Section 2.11.c of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to all of the following:

- m. The Growth Plan, major street plan and other adopted plans and policies of the City.
- n. No parcel shall be landlocked as a result of the vacation.
- o. 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.
- p. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
- q. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
- r. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Staff has reviewed the project and finds that all applicable review criteria as listed above have been met.

### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Meth Treatment Facility alley and easement vacation application, VR-2006-076 for the vacation of a public right-of-way and utility easement, staff makes the following findings of fact and conclusions:

- 11. The requested right-of-way and utility easement vacation is consistent with the Growth Plan.



12. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

13. Approval of the right-of-way vacation is conditioned upon the relocation and dedication of the new easement of the existing utilities.

**PLANNING COMMISSION RECOMMENDATION:**

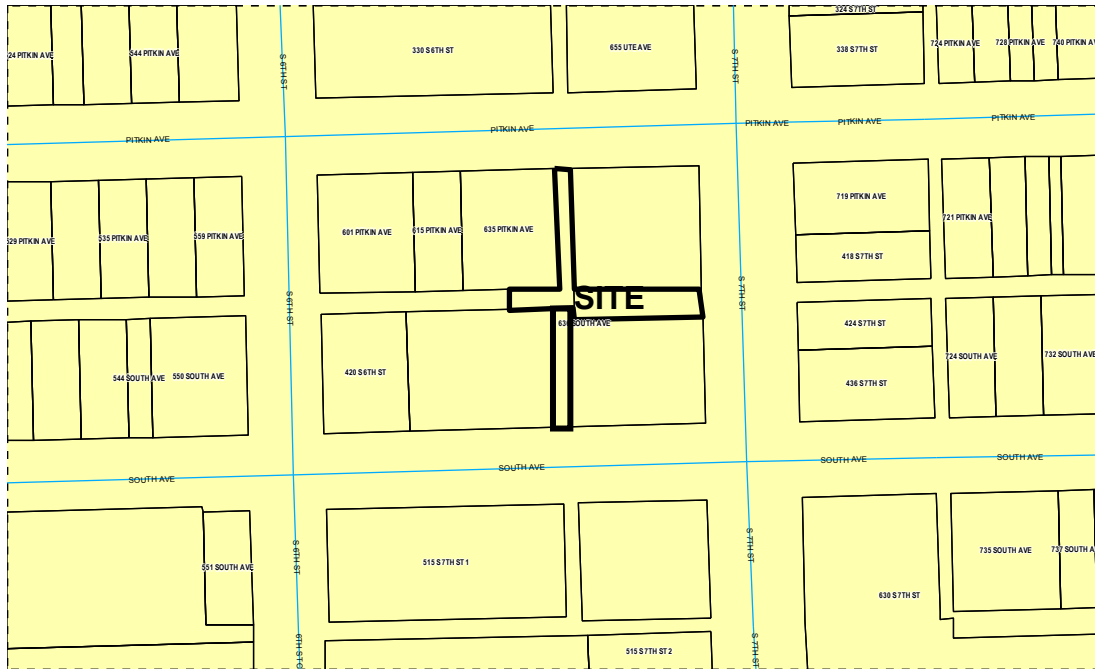
The Planning Commission forwarded a recommendation of approval of the requested right-of-way and easement vacation, VR-2006-076, to the City Council with the findings and conclusions listed above.

**Attachments:**

Vicinity Map / Aerial Photo  
Growth Plan Map / Zoning Map  
Resolution  
Ordinance  
Exhibit "A"

# Site Location Map

Figure 1



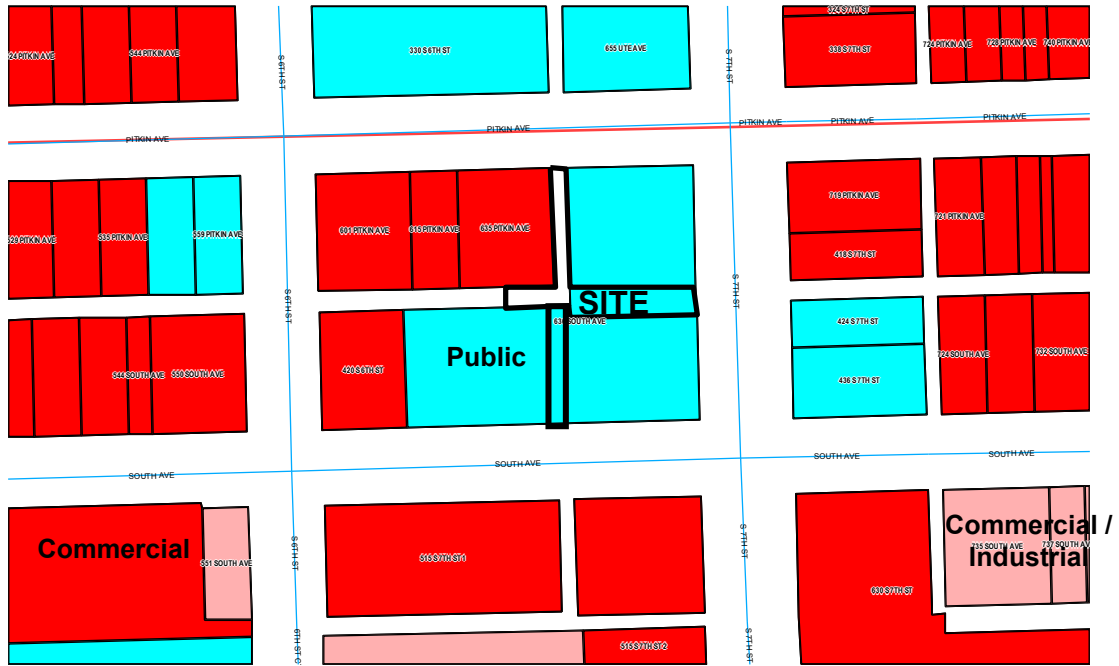
# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHTS-OF-WAY FOR AN ALLEYWAY  
LOCATED AT THE EASTERN 250' OF THE EAST/WEST ALLEY AND THE  
NORTH/SOUTH ALLEY BETWEEN 6<sup>TH</sup> AND 7<sup>TH</sup> STREETS AND PITKIN AND  
SOUTH AVENUES**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code. The utilities within the right-of-way to be vacated are to be relocated and new easements dedicated. This ordinance is not effective until the existing utilities are relocated and accepted and the new easement deeds recorded.

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

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacating ordinance is not effective until the utilities are relocated, inspected and accepted; and, required utility easements are dedicated and deeds are recorded.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A part of the alleys in Block 149 of the Grand Junction Colo. Second Division Survey as Amended, recorded in the Mesa County records, January 22, 1909 at Reception No. 80773; said vacation being described as follows:

Beginning at the southeast corner of Lot 15 of said Block 149;  
Thence South 00°04'34" West, a distance of 20.00 feet to the southeast corner of the east-west alley in said Block 149;  
Thence along the south line of said alley, North 89°50'18" West, a distance of 205.87 feet;  
Thence North 00°02'59" East, a distance of 20.00 feet to the north line of said alley;  
Thence South 89°50'18" East, a distance of 55.52 feet to the southeast corner of Lot 10 of said Block 149;  
Thence North 00°03'43" East, a distance of 125.89 feet to the northeast corner of said Lot 10;  
Thence South 89°49'01" East, a distance of 15.00 feet to the northwest corner of Lot 11 of said Block 149;  
Thence South 00°03'43" West, a distance of 125.88 feet to the southwest corner of said Lot 15;  
Thence South 89°50'18" East, a distance of 135.36 feet to the Point of Beginning.

Containing 0.138 acres, more or less.

AND all of a ten foot road right-of-way described in a document recorded in Book 361 at Page 211; In the City of Grand Junction, Mesa County, Colorado.

Introduced for first reading on this 3<sup>rd</sup> day of May, 2006.

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

ATTEST:

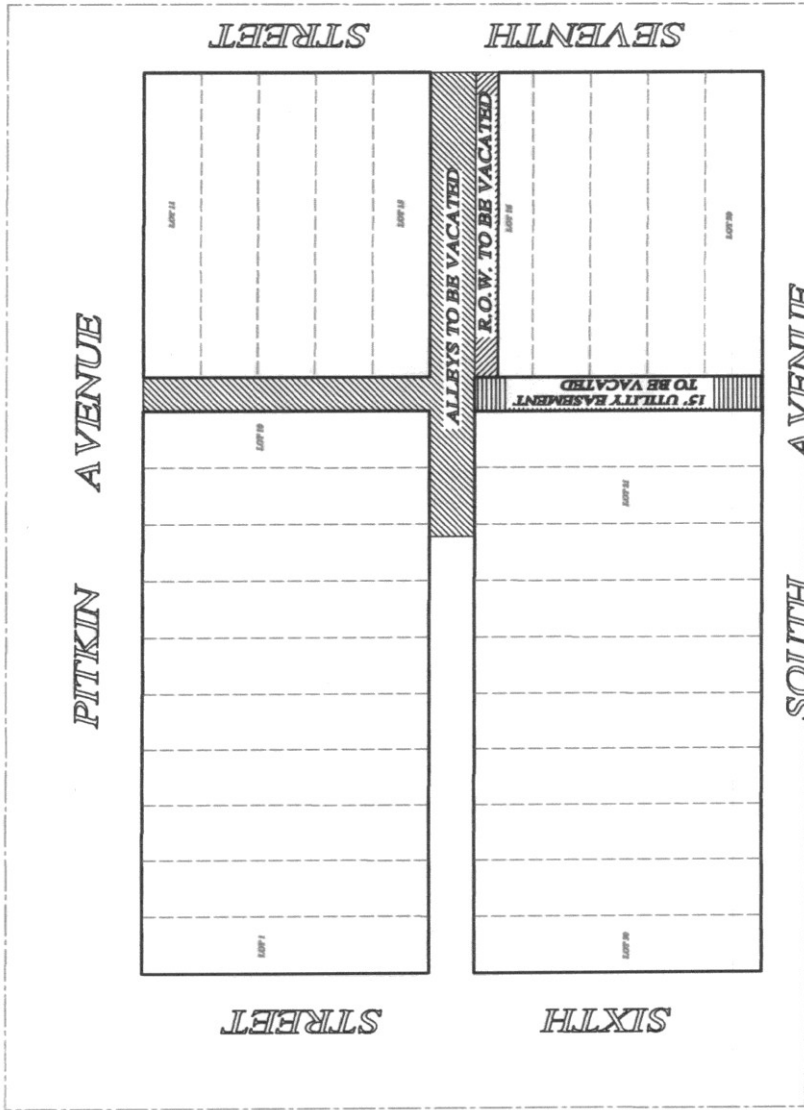
\_\_\_\_\_  
President of City Council

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

VACATION EXHIBIT

PITKIN AVENUE

SOUTH AVENUE



NOT TO SCALE

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION VACATING A 15' UTILITY EASEMENT ACROSS BLOCK 149 OF THE GRAND JUNCTION COLO. SECOND DIVISION SURVEY AS AMENDED, LOCATED AT 636 SOUTH AVENUE

Recitals:

A request for the vacation of a utility easement has been submitted in accordance with the Zoning and Development Code. The applicant has requested that the 15' utility easement located across Block 149 of the Grand Junction Colorado, Second Division Survey as Amended, be vacated.

In a public hearing, the Planning Commission reviewed the request for the vacation request and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS HEREBY VACATED.

All of a fifteen foot utility easement reserved in a document recorded in Book 2483 at Page 563

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

ATTEST:

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

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

**Attach 28**

Public Hearing – 2006 CDBG Program Year Funding

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Public Hearing – 2006 CDBG Program Year Funding for the 2006 Action Plan, a part of the 2006 Five-Year Consolidated Plan					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 11, 2006				<b>File #</b> N/A	
<b>Author</b>	David Thornton		Principal Planner			
<b>Presenter Name</b>	David Thornton		Principal 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>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for Community Development Block Grant (CDBG) projects for the 2006 Program Year.

**Budget:** CDBG 2006 budget of \$348,286

**Action Requested/Recommendation:**

1. Receive public input on the use of the City’s 2006 CDBG funds.
2. Consider the CDBG City Council subcommittee recommendation for funding two projects for the City’s 2006 CDBG Program Year Action Plan.
3. Set a hearing for adoption of the CDBG 2006 Action Plan; the 2006 Five-year Consolidated Plan; and the 2006 Analysis of Impediments to Fair Housing Study for June 19, 2006.

**Background Information:** This is a public hearing to receive input regarding use of the City’s annual CDBG Entitlement funds. A second public hearing will be held on June 19, 2006 to adopt the City’s 2006 Analysis of Impediments to Fair Housing and 2006 Five Year Consolidated Plan of which the 2006 Action Plan will be a part.

There are nine applications/proposals for CDBG projects requesting 2006 CDBG funds. These requests total \$1,156,157 and the City expects to receive \$348,286 for the 2006 Program Year. A summary list of all requested projects follows, along with a brief description of each project requesting funding; information on the remaining CDBG schedule; and a history of CDBG funded projects.

On May 8, 2006 five Council Members met as a sub-committee to discuss the funding requests. This committee recommends that Council fund two requests/projects



as shown on the following page for the 2006 Program Year which begins September 1, 2006. The subcommittee added a ninth project to the eight projects previously received requesting CDBG funds this year. This ninth project proposes a City Affordable Housing Project using \$278,630 in CDBG funds and combining them with the approximately \$475,000 already allocated for Affordable Housing from the City's General Fund. The funding will purchase property for the development of high density residential units that will qualify for low income affordable housing. The Council Subcommittee is recommending funding this request as one of the two projects. The other request being recommended for funding is 20% of the total CDBG Grant going to Administration costs to administer the CDBG program.

**2006 CDBG Program Year Summary of Requests and Recommended Funding by the Council Subcommittee**

WHO	WHAT	Funds Requested	Minimum Requested	CC Subcommittee Recommendation
City of Grand Junction	City staff is requesting all of the administrative allocation (20% of CDBG Grant) to be allocated to a new technical position in Community Development. We are currently researching other cities that have this position and how that would be structured (could be a part time employee or perhaps a contract person). David Thornton would continue to have the general oversight but neither he nor Kristen Ashbeck would be involved in the day to day operations of the CDBG program. That would allow Dave and Kristen to allocate their time (a combined 30+ hours per week) to development review and long range planning.	\$ 69,656	\$ 69,656	\$ 69,656
City of Grand Junction Affordable Housing Program	Property acquisition for affordable housing	\$ 278,630	\$ 278,630	\$ 278,630
		\$348,286	\$348,286	\$ 348,286

**SUMMARY OF REQUESTED CDBG PROJECTS**

**City of Grand Junction 2006 Program Year**

**SECTION 1 – Projects that qualify under “Administration”**

**1. City of Grand Junction CDBG Program Administration**

City staff is requesting all of the administrative allocation (20% of CDBG Grant) to be allocated to a new technical position in Community Development. We are currently researching other cities that have this position and how that would be structured (could be a part time employee or perhaps a contract person). David Thornton would continue to have the general oversight but neither he nor Kristen Ashbeck would be involved in the day to day operations of the CDBG program. That would

allow Dave and Kristen to allocate their time (a combined 30+ hours per week) to development review and long range planning. We are asking Council to favorably approve our request. HUD guidelines allow up to 20% for Administration.

**2006 Funds Requested \$69,656**

**BUDGET NOTE:** Proposed project 1 is eligible for CDBG funding under Administration and Planning and HUD allows the City to spend up to 20% of its total CDBG funds within these categories. For 2006, the City can spend up to \$69,657.

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## **SECTION 2 – Projects that qualify under “Public Services”**

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**What are Public Services?**

Public Services include child care, health care, job training, recreational programs, educational programs, public safety services, fair housing activities, services for senior citizens, services for homeless persons, drug abuse counseling and treatment, energy conservation counseling and testing, homebuyer down-payment

- 2. Radio Reading Services of the Rockies** – Funds would support audio information services that provide access to ink print materials not otherwise available to Grand Junction’s blind, visually impaired, and print handicapped citizens. This request for funding will help them provide services to 12 new listeners. There are currently 23 listeners in Grand Junction. CDBG funds totaling \$4,500 were granted in 2004 with all funds expended. It is estimated that there are 481 children and working aged adults and 2,287 seniors in Grand Junction that are either blind or visually impaired. CDBG dollars will be spent on underwriting Grand Junction news programming, embossing/distribution of Braille program schedules, printing/distribution of large print programs, recording/distribution of cassette tape program schedules, purchasing RRSR radios and headsets for Grand Junction residents, on-site installation and instruction, and community outreach to register new listeners and recruit local volunteer readers.

Budget:

City of Grand Junction Specific Programming	\$1,800	
Braille/large print/cassette tape program schedules	\$ 900	
Listener Radios or speaker headset/telephones, etc.	\$1,200	
On site installation and instruction	\$ 300	
Community outreach		<u>\$ 300</u>
	<b>Total</b>	
<b>\$4,500</b>		

Funding Concerns: This project was funded two years ago and all previous CDBG money has been spent. The growth of their listeners has not been as great as they had expected. HUD discourages the use of CDBG funding for the ongoing

programming costs of a recipient and shouldn't fund ongoing projects at the same level of service. Funding that portion of a project's increase in service is not a concern. Thus, Radio Reading Service's request to spend a portion of their grant on new headsets for new listeners is easier to justify than the budget dollars that will pay for Grand Junction's specific programming which includes the ongoing cost to do business here in Grand Junction.

2006

**Funds Requested \$4,500**

**BUDGET NOTE:** Proposed project above is eligible for CDBG funding under "Public Services" and HUD allows the City to spend up to 15% of its total CDBG funds within this category. For 2006, the City can spend up to \$52,242.

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## **SECTION 3 – Projects that qualify under “Capital Projects”**

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### **3. Deep River Charter School – Land Acquisition for a New School**

Deep River is requesting CDBG funding to acquire land for a new school building and possibly using up to 15% of the grant for education and childcare programs.

Funding Concerns: **This Project does not meet National Objective Guidelines for CDBG Funding.** According to their CDBG application, the school has 15% of their student body meeting low income guidelines. This makes Deep River Charter School ineligible for CDBG funding as they do not meet the National Objective required for funding. They must demonstrate that 51% or more of their student body are low/moderate income persons.

**2006 Funds Requested \$325,000**

### **4. The Tree House Center For Youth**

The Tree House entered into a lease-with-option-to-buy contract for the 827 Rood building in September 2005. According to the lease contract, if the Tree House is able to close on the property before 9/30/06, the property owner will accept a purchase price of \$320,000. That price goes up \$10,000 if they close a year later. Right now the Tree House is paying \$3,000 per month in rent for the building.

When open, the Tree House Youth Shelter will operate 24/7, therefore staffing and support services budget consumes most of the available funding sources. To increase the long term stability of the program, the Tree House intends to purchase 827 Rood Avenue. This facility acquisition is a high priority for the Tree House organization. Owning the building will help them leverage other funding for the necessary supportive services that will be provided to the runaway and homeless youth of Grand Junction. The Tree House received \$170,000 from Hilltop in September 2005 to provide these services. Hilltop originally received the money through the Administration of Children and Families to provide services to Runaway and Homeless Youth in Grand Junction. Hilltop was unable to fulfill this "Children and Families" grant due to other programs they provide, therefore they have now contracted with the Tree House to provide these services to Runaway and

Homeless Youth. The City's support through CDBG funding will help the Tree House in obtaining other grant funding requests.

Funding Concerns: Only concern is the unknown as to whether or not the Tree House will secure the additional funding needed to acquire the property within the 18 month timeframe. Some money has already been secured. The Tree House has additional \$240,000 in grants requested from other sources including the Gates Family Foundation and Boettcher Foundation.

**2006 Funds**

**Requested \$45,000**

- 5. Catholic Outreach of the Grand Valley – Permanent Supportive Housing Project** – Catholic Outreach plans to construct 11 efficiency apartments of permanent supportive housing for the chronically homeless and have a mental or physical disability. CDBG funding will be used to equip the apartments, provide heating units and establish the city required landscaping.

CDBG funds are requested to fund the following:

Furnishings		\$39,806
Architect fees (5% of cost)	\$61,500	
Engineering fees	\$1,000	
Environmental study fees	\$1,000	
Landscaping and irrigation	\$25,000	
Site Clearance	\$5,000	
Site fencing/gate	\$15,000	
Boiler and hot water heater	\$10,000	

Project is projected to be under construction in the Fall/Winter of 2006/07 with occupation occurring Spring 2007.

HUD in a Notice published December 29, 2003 on Federal coordination of ending Chronic Homelessness stated, "The Community Development Block Grant (CDBG) is an important resource for local governments in their efforts to provide both transitional and permanent housing, as well as supportive services, to families and/or individuals experiencing homelessness."

Funding Concerns: The project is eligible under CDBG guidelines, however furnishings and boiler/hot water heater are only eligible under "Public Services" 15% Cap. Their requests would total \$49,806 under the "Public Services" category. Site landscaping and irrigation, site clearing, site fencing are eligible activities and would not be limited under either of the two caps. Architect and Engineering fees are considered as part of the project costs and do not fall under the 20% Administration cap. Davis Bacon wage requirements will apply for all site improvements.

**2006 Funds**

**Requested \$158,306**

- 6. Grand Junction Housing Authority – Property Acquisition for Affordable Housing Development** - GJHA continually seeks opportunities to acquire developable land and existing multi-family units to expand the inventory of affordable rental units in the Grand Valley. This request for CDBG funding would

support GJHA's property acquisition program. The City's initial seed money will help GJHA leverage additional resources to buy and develop/redevelop affordable housing in Grand Junction.

GJHA is currently considering the purchase of several properties inside the City limits. These properties include vacant land, a blighted property suitable for redevelopment, existing multi-family development suitable for reinvestment and repositioning, single family homes for rehab & resale to low income households, etc.

Due to the long lead time necessary in planning for the use of CDBG funds, and the lead time for other funders once the local match is established, GJHA is not committing to a specific acquisition at this time.

Funding Concern: Since this CDBG money would be "seed" money to help GJHA secure other money (which is a good thing), we do not know the timetable as to when the money would be spent and if beyond 18 months from when the money is available from HUD, then the City's timeliness ratio of spending its total CDBG grant dollars could be affected..

**2006 Funds Requested \$100,000**

- 7. Hilltop Community Resources, Inc. - Life Adjustment Program (LAP)** - Hilltop is seeking funding to install site improvements such as landscaping at it's facility located at 1405 Wellington Avenue. The Lap program has outgrown their existing facility and plans are in place to tear down the existing community building and enlarge it as well as add a second floor for administrative offices. As part of that new construction, site improvements are needed. The CDBG funds will be used for site improvements, landscaping, etc. Construction costs for the building are being funded through other funds.

Funding Concerns: Davis Bacon wage requirements will apply for all site improvements.

**2006 Funds**

**Requested \$50,000**

- 8) City of Grand Junction – Linden Avenue Culvert Enlargement Project –** CDBG funds would be used to replace an undersized culvert which conveys a major storm drain across Linden Avenue.

The purpose of this project is to replace an existing drainage culvert that carries the Orchard Mesa Drainage Channel across Linden Street. During intense rainstorms, the undersized 30" culvert restricts the flow in the channel and backs water up on the east side of Linden Street. On several occasions this restriction has flooded houses located on the north and south sides of the drainage channel between Linden Street and David Street.

The proposed improvements will replace the existing 30" corrugated metal pipe with a 2' X 12' concrete box culvert. The box culvert has been sized with capacity to carry storm flow from a 100 year storm event.

**2006 Funds Requested \$125,065**

- 9) **City of Grand Junction – Affordable Housing Project** – CDBG funds would be used to acquire property to be used for Affordable Housing. The funding will be combined with an already allocated budget of approximately \$475,000 to purchase land for the development of high density residential units that will qualify for low income affordable housing.

### Background

The adopted Strategic Plan of the City of Grand Junction states that one of six major areas of focus is the need for the provision of Affordable Housing. With this CDBG funding the City of Grand Junction will be able to purchase land specifically for the purpose of high density affordable housing. The people served would all be residents of the City of Grand Junction. Who are they? They are elderly persons living on limited income; they are disabled individuals with special challenges; they are the working poor and the single parent; they are our neighbors and friends. Everyone deserves a safe, clean place to live. As the cost of housing rises, many people are forced to pay more than they can afford. Not only are people who are caught in or have slipped through the social safety net hurt but so are many others. These are people relied on all the time - teachers, bank tellers, police officers, waiters and fast food clerks, dry cleaner employees, secretaries, nurses, firefighters and even many young professionals - may need assistance with housing. Someone we know or people just like us - a relative or friend - may be impacted by the scarcity or cost of housing. Rising housing costs are a concern for everyone for the following economic and social reasons:

### Economic

Over the last 10 years, the largest job growth has occurred in the service and retail trade sectors. Service, retail trade and agriculture jobs on average pay much lower than other job sectors. Over the last 10 years, housing costs have significantly outpaced the increase in wages. Companies in the area rely on a mix of workers earning different levels of income. Without these workers, the companies could not afford to operate and would have to move elsewhere. People who cannot afford local housing costs are forced to commute from outlying communities, which 1) increase traffic congestion and air quality problem due to long commutes; 2) decreases dollars spent in Grand Junction on goods, services and entertainment; and 3) increases absences and decreases work productivity. Grand Junction cannot grow as a regional retail center without a local workforce.

### Social

Stable households create stable children in school, and stable families in neighborhoods, a stable quality of life and a constant demand for goods and services, which drives the local economy. Your family, friends and neighbors may be low income residents. Families paying too much for housing create more need for public and private support. Insufficient housing choice also means a lack of diversity and community richness. The lack of affordable housing options places a strain on the housing market as well as impacting community resources.

The Grand Junction Housing Authority currently has a waiting list of applicants for affordable housing. This project will address the needs of the individuals on that waiting list.

**2006 Funds Requested \$278,630**

**CDBG GRANT TOTAL REQUESTED = \$1,156,157**

2006 CDBG FUNDS TO BE RECEIVED	
\$348,286	
CDBG Program Administration and Planning	
- 69,656	
2006 CDBG FUNDS AVAILABLE FOR OTHER PROJECTS	\$278.630

## **Remainder of 2006 CDBG Program Year Schedule**

- May 17, 2006 PUBLIC HEARING BEFORE CITY COUNCIL  
City Council reviews Council Committee recommendations and makes decision on which projects to fund for 2006 program year as part of 2006 Action plan.
- June 8, 2006 PUBLIC REVIEW PERIOD FOR THE 2006 Five Year Consolidated Plan and the 2006 Action Plan (30 day review period required.)
- July 8, 2006
- June 19, 2006 PUBLIC HEARING BEFORE CITY COUNCIL
- Adoption of the 2006 Analysis of Impediments (AI) Study
  - Adoption of the 2006 Five-Year Consolidated Plan which includes adoption of the 2006 Action Plan.
- July 11, 2006 SUBMIT 2006 ANNUAL CONSOLIDATED PLAN TO HUD (45 day review required.)
- August 31, 2006 RECEIVE HUD APPROVAL  
BEGIN CONTRACTS WITH SUBRECIPIENTS
- September 1, 2006 BEGIN 2006 PROGRAM YEAR



# **GRAND JUNCTION'S USE OF CDBG FUNDS**

## **Funded by Consolidated Plan Priority Category**

### **1996 – 2005**

#### **Non-Housing Community Development Infrastructure (City) Projects**

- South Avenue Reconstruction - 5th to 7th Street \$330,000
  - Elm Avenue - 15th St to 28 Rd \$151,855
  - Riverside Neighborhood Drainage Project \$400,000
  - Bass Street Drainage Improvement Project \$231,000
  - Riverside Neighborhood Sidewalk Project \$50,000
  - Grand Avenue Sidewalk Project \$60,000
  - Ouray Avenue Storm Drain \$172,644
- TOTAL = \$1,395,499 or 30.3%**

#### **Affordable Housing Projects**

- Habitat for Humanity \$119,000
  - GJHA Lincoln Apartments \$330,000
  - Mesa Developmental Services Group Homes \$240,000
  - Energy Office Linden Building Rehab (12 units) \$55,000
  - Energy Office Garden Village Apts. (91 units) \$200,000
  - GJHA Predevelopment design of Affordable Housing project \$41,720
  - GJHA Linden Avenue Apartments Infrastructure \$271,050
- TOTAL = \$ 1,256,770 or 27.3%**

#### **Homeless Projects**

- Catholic Outreach Homeless Day Center \$203,131
  - Salvation Army Hope House Shelter (transitional housing) \$50,000
  - GJHA Community Homeless Shelter \$205,000
  - Catholic Outreach Transitional Housing services \$10,000
  - Catholic Outreach Soup Kitchen \$50,000
  - Homeward Bound of the Grand Valley, Inc. \$10,000
  - Housing Resources Housing for Homeless Veterans \$80,000
  - GJHA Next Step Housing \$26,850
- TOTAL = \$ 634,981 or 13.8%**

#### **Special-Needs Population and Other Human Service Needs Projects (Agencies Funded)**

- Marillac Clinic \$290,000
- Colorado West Mental Health \$25,000
- Headstart Classroom/Family Center \$104,000
- Mesa Youth Services, Inc., Partners \$30,000
- Western Region Alternative to Placement (WRAP) \$17,500
- Western Slope Center for Children \$101,280
- St Mary's Foundation Programs \$40,050

- The Tree House \$20,000
- Center For Independence \$20,000
- Radio Reading Services \$4,500
- Mesa County Health \$5,000
- Hilltop Community Resources \$50,000
- Hope Haven \$7,500
- Salvation Army Adult Rehabilitation

**TOTAL = \$ 739,830 or 16.1%**

**City of Grand Junction Neighborhood Program**

**TOTAL = \$ 296,550 or 6.5%**

- Duck Pond Park Improvements \$25,166
- Riverside Roof \$47,650
- Senior Center Expansion \$45,500

**CDBG Administration and Planning Costs**

**TOTAL = \$277,014 or 6.0%**

**TOTAL 1996 – 2005 CDBG DOLLARS ALLOCATED = \$4,600,644**

Proj #	AGENCY	CDBG PROJECT/REQUEST FOR 2006	Funds Requested	Minium Requested	FUNDING LIMITATIONS & Additional Info	CO Cor Recon
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**2006 FUNDS AVAILABLE FROM HUD FOR CDBG PROGRAM = \$348,286 TOTAL FUNDS REQUESTED = \$1,156,157**

1	City of Grand Junction CDBG Administration Budget	Administration costs to manage and administer the City's CDBG Entitlement Program for the 2006 Program Year.	\$ 69,656	\$ 69,656	City staff is requesting all of the administrative allocation (20% of CDBG Grant) to be allocated to a new technical position in Community Development. We are currently researching other cities that have this position and how that would be structured (could be a part time employee or perhaps a contract person). David Thornton would continue to have the general oversight but neither he nor Kristen Ashbeck would be involved in the day to day operations of the CDBG program. That would allow Dave and Kristen to allocate their time (currently a combined 30+ hours per week) to development review and long range planning.	\$
	Projects listed above are under the 20% "Planning" Cap	Maximum that can be spent in this category = \$69,657	\$ 69,656	\$ 69,656		
2	Radio Reading Services of the Rockies	Grand Junction Audio Information Services	\$ 4,500	\$ 4,500	There are currently 23 listeners to Radio Reading Services of the Rockies programs. The request for CDBG funds will enable them to add an additional 12 listeners.	\$
	Projects listed above are under the 15% "Public Services" Cap	Maximum that can be spent in this category = \$52,242	\$ 4,500	\$ 4,500		
3	Deep River Charter School	Deep River is requesting funding for acquisition to purchase land for a new school. They may also use up to 15% of their grant for public services expenses including education and childcare expenses.	\$ 325,000	\$ 225,000	According to their CDBG application, the school has 15% of their student body meeting low income guidelines. This makes Deep River Charter School ineligible for CDBG funding as they do not meet the National Objective required for funding. They must demonstrate that 51% or more of their student body are low/moderate income persons.	
4	The Tree House Center For Youth	CDBG funds to acquire the Tree House Youth Shelter, currently being leased with the option to buy.	\$ 45,000	\$ 45,000	Expenditure of CDBG funds for this project would be similar to what Catholic Outreach did in 1999 when they used CDBG funds to purchase the Homeless Day center, a facility they were already using and had the opportunity to lease/purchase.	\$
5	Grand Valley Catholic Outreach	CDBG funds for Permanent Supportive Housing. Funds to not include housing construction. Request is to fund furnishings, architect fees, engineering fees, environmental study, site landscaping and irrigation, site clearing, site fencing and boiler/hot water heater.	\$ 158,306	\$ 100,000	Furnishings and boiler/hot water heater are eligible under "Public Services" 15% Cap. Architect fees, engineering fees, and environmental study are eligible under "Administration and Planning" 20% program Cap. Site landscaping and irrigation, site clearing, site fencing are eligible activities and would not be limited under either of the two caps. Staff checked with HUD and concerns with 20% Admin cap are no longer an issue. Davis Bacon wages will apply for all site work.	\$

6	Grand Junction Housing Authority	Property acquisition for affordable housing development	\$ 100,000	\$ 50,000	Funding concern: Since this CDBG money would be "seed" money to help GJHA secure other money (which is a good thing), we do not know the timetable as to when the money would be spent and if beyond 18 months from when the money is available from HUD, then the City's timeliness ratio of spending its total CDBG grant dollars could be affected.
7	Hilltop Community Resources, Inc.	Life Adjustment Program's "In an instant...a life changed forever". Requested funds will be used for site improvements such as landscaping at their facility located on Wellington Avenue.	\$ 50,000	\$ 35,000	Staff is currently working with Hilltop staff to determine whether or not this project meets National Objective requirements of serving 51% Low and Moderate Income. Davis Bacon wage requirements will apply for all site improvements.
8	City of Grand Junction Ouray Avenue Storm Drain Enlargement	CDBG funds will be used to fund the replacement of a existing undersized culvert for storm sewer across Linden Avenue within the Orchard Mesa Neighborhood, a low and moderate income neighborhood.	\$ 125,065	\$ 125,065	The purpose of this project is to replace an existing drainage culvert that carries the Orchard Mesa Drainage Channel across Linden Street. During intense rainstorms, the undersized 30" culvert restricts the flow in the channel and backs water up on the east side of Linden Street. On several occasions this restriction has flooded houses located on the north and south sides of the drainage channel between Linden Street and David Street.
9	City of Grand Junction Affordable Housing	Property acquisition for affordable housing development.	\$ 278,630		The City seeks to help fund affordable housing in Grand Junction. Housing that is adequate is one of seven solutions identified in the City's Strategic Plan. The CDBG funds will be used to increase the other funds the City has set aside for affordable housing and the City will actively seek opportunities to obtain affordable housing through site acquisition.
	<b>Capital Projects - No funding % limits, however a minimum of \$243,801 must be spent under this category.</b>	<b>TOTAL</b>	<b>\$ 1,082,001</b>	<b>\$ 580,065</b>	

**2006 FUNDS REQUESTED = \$  
1,156,157**

Minimum requested = \$654,221

**CHART OF ALL CDBG REQUESTS FOR 2006 CDBG FUNDING**

**Attach 29**

Staffing for Adequate Fire &amp; Emergency Response Grant

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Staffing for Adequate Fire and Emergency Response Grant					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	May 9, 2006				<b>File #</b>	
<b>Author</b>	Jim Bright			<b>Interim Fire Chief</b>		
<b>Presenter Name</b>	Jim Bright			<b>Interim Fire Chief</b>		
<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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Grand Junction Fire Department requests City Council approval to submit a federal Staffing for Adequate Fire and Emergency Response (SAFER) grant application to provide funding for 9 firefighter/paramedic and 9 firefighter/EMT positions. These positions are part of the GJFD proposal to initiate ambulance transport services in the Grand Junction Ambulance Service Area beginning July 1. If awarded, the City must commit to a 5 year performance period for each position.

**Budget:** Labor costs including wages and benefits for these 18 positions will be \$5,908,069 in the initial 4 ½ years of employment. If awarded, this grant would reimburse up to \$100,000 per position for a total of \$1,800,000 over the initial 4 year period. The grant fund share per position per year is:

Year 1: 90 percent of the actual cost or \$36,000 (whichever is less)

Year 2: 80 percent of the actual cost or \$32,000

Year 3: 50 percent of the actual cost or \$20,000

Year 4: 30 percent of the actual cost or \$12,000

Year 5: No Federal share – all costs borne by the grantee.

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

**Action Requested/Recommendation:** Authorize the Interim Fire Chief to submit a Staffing for Adequate Fire and Emergency Response Grant application.

**Attachments:** None

**Background Information:** The Staffing for Adequate Fire and Emergency Response (SAFER) Grant program is a federal grant program administered through the Federal Emergency Management Agency (FEMA). The purpose of the SAFER grants is to award grants directly to volunteer, combination, and career fire departments to help the departments increase their cadre of firefighters. Only full-time (2040 hours per year minimum) firefighter positions are eligible for this grant funding.

Grant recipients must agree to:

1. Train, equip, and certify competent firefighters who will be utilized as emergency responders.
2. Share in the costs if awarded a grant.
3. Maintain a level of staffing that is equal to the level of staffing at the time of application plus the SAFER funded positions.
4. Maintain operating expenditures for the period of the grant in the areas funded by this grant at a level equal to or greater than the average of their operating expenditures in the two years preceding the year in which this assistance is received. These grants are meant to supplement rather than replace an organization's funding.
5. Retain grant files and supporting documentation for three years after the conclusion and closeout of the grant.
6. Provide periodic performance reports in conjunction with the quarterly payment requests.
7. Follow the audit requirements of OMB Circular A-133.

**TO: COUNCIL MEMBERS  
KELLY ARNOLD**

**FROM: JIM BRIGHT**

**DATE: MAY 11, 2006**

**SUBJECT: EMS TRANSPORT TRANSITIONAL STAFFING PLAN**

The Grand Junction Fire Department ambulance transport plan as approved by Council specifies the hiring of 9 firefighter/paramedics and 9 firefighter/EMTs. The GJFD, at a minimum, will need to make staffing adjustments to provide the 3.5 ambulances per day for 12 weeks while these people complete their fire academy training and will not be available to work their regular duty. If the Staffing for Adequate Fire and Emergency Response (SAFER) grant application is approved by Council, this staffing adjustment will need to be extended potentially up to 25 weeks. In order to be eligible for SAFER grant funding none of these positions can be filled until after notice of award. The SAFER grant application period opens June 1 and closes June 30. Notice of award is 60-90 days after the application deadline. I am recommending Council allow the Department to apply for a SAFER grant and then simply extend our transitional staffing plan beyond the initial 12 weeks to preserve our SAFER grant eligibility.

Once the GJFD ambulance transport service is fully staffed, a guaranteed minimum of 27 personnel will be on duty, 24 hours per day, for response to 911 requests for service. Two additional people will be on duty for 12 hours every day except Sundays to provide non-emergency inter-facility ambulance transport services and also to backup the 911 system as necessary. During the transitional period of 12 to 25 weeks, I am recommending a guaranteed minimum of 24 personnel on duty each 24 hour shift for 911 responses and 2 people on duty for 12 hours every day except Sundays. With this level of staffing we will be able to provide the 3.5 ambulances as promised in our proposal and maintain a reasonable level of staffing for the other 911 services we are expected to provide. This is only intended as a short-term solution to get us through this transitional period. It is not a recommendation for a permanent staffing structure. We will be able to achieve this level of staffing utilizing current personnel, the non-firefighter paramedics and EMT we will be hiring for the 12 hours per day ambulance, part-time personnel, and overtime.



**Attach 30**

Public Hearing – First Supplemental Appropriation Ordinance for 2006

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	1st Supplemental Appropriation Ordinance for 2006					
<b>Meeting Date</b>	May 17, 2006					
<b>Date Prepared</b>	04/26/06				<b>File #</b>	
<b>Author</b>	Lanny Paulson			<b>Budget &amp; Accounting Manager</b>		
<b>Presenter Name</b>	Ron Lappi			<b>Administrative Services Director</b>		
<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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

**Budget:** Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$27,682,014. The following provides a summary of the requests by fund.

**General Fund #100, \$1,740,001:**

- Council Contributions: \$50K to United Way for Hurricane Relief.
- Admin. Services: \$16K to complete the Code of Ordinances contract.
- Community Development: Approximately \$77K carryover to complete various development plans.
- Police: Approximately \$210K to establish the Street Crimes Unit funded by increasing the projections for Sales Tax revenue back to 5.75% and \$133K

carryover for capital equipment including Document Imaging, the Records Management System and laptop computers.

- Fire: \$48,000 carryover for specialty equipment including Mobile Data Terminals and physical fitness equipment for candidate testing.
- Public Works: \$55K to complete various contracts including the clear cutting of Indian Wash and Leech Creek.
- Parks & Recreation: \$30K carryforward for a ½ Ton Pickup, GBA software and to replace a furnace at the stadium restroom.

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- Transfers-Out to Other Funds: \$485K transfer to the Sales Tax CIP Fund for the Affordable Housing Initiative, \$38K for the LP Clubhouse Roof Repair and \$1,070,000 first year subsidy to the Ambulance Transport Fund.
- General Fund Contingency: \$472K reduction in this account for 2006. This represents a portion of the Mineral Leasing Severance Tax collected in 2005 that was above the anticipated collections. This amount was effectively treated as one-time money and programmed into the Contingency account for 2006. These monies are being used to partially fund the required subsidy for the Ambulance Transport Fund.

**E-911 Special Revenue Fund #101, \$453,582:** Transfer to the Communications Center Fund for the Mobile Command Post and equipment purchases.

**Sales TAX CIP Fund #201, \$6,794,893:**

- City Administration: \$485,050 carryforward for the Affordable Housing Initiative.
- Fire Department: \$10,000 for sewer line completion at Station #5.
- Public Works: \$6,443,373 to complete various improvement projects including: \$2.5 million for Crosby Avenue, \$2 million for the expanded scope of the 7<sup>th</sup> Street project, \$440K for F 1/2 and 24 Road, \$335K for the Horizon Drive Landscaping project, \$300K for the 29 Road Viaduct, \$255K for Main Street (7<sup>th</sup> to 8<sup>th</sup>) and smaller amounts for multiple other projects.

- Parks & Recreation: \$307,403 for various park improvement projects including Restroom Facility Construction, Paradise Hills, Irrigation System replacements and Parking Lot Seal Coating.
- \$41,500 for transfers to other funds; \$31,500 for the Window Replacement at the OM Pool and \$10,000 for the Lincoln Park Irrigation System Replacement project.

**Storm Drainage Improvements Fund #202, \$700,378:** Appropriation carryover for the Ranchmen's Ditch "Big Pipe" project.

**DDA/TIF Capital Improvements Fund #203, \$851,861:** Carryforward unexpended proceeds from the 2003 TIF Bond issue.

**Riverside Parkway Capital Improvement Fund #204, \$7,666,774:** Carryforward unexpended budget from the second year of the Riverside Bypass project.

**Street Improvement Assessment Fund #207, \$400,000:** Carryforward unexpended budget for improvement associated with Canyon View Marketplace.

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**Water Fund #301, \$388,658:** Various water system improvement projects, primarily (\$214K) for water line replacements.

**Swimming Pools Fund #304, \$63,000:** Window replacement at the OM Pool.

**LP Golf Course Fund #305, \$38,000:** Clubhouse roof replacement.

**Parking Fund #308, \$2,933,617:** Downtown Parking Garage.

**Ambulance Transport Fund #310, \$1,500,000:**

The budget ordinance includes \$1.5 million in the new Ambulance Transport Enterprise Fund #310 to appropriate the projected startup and operating costs associated with providing ambulance transport services for 2006. This amount was based upon the Fire Department being fully staffed with the 22 additional positions by July 1<sup>st</sup>. Although total billed revenue is estimated at \$879,000 this year, the actual revenue collected in 2006 is projected at \$430,000. This is due to the typical 9-month collection cycle for ambulance services. Based upon these projections the resulting cash-flow requires a transfer of \$1,070,000 from the City's General Fund in 2006. The Fire Department is currently in the process of applying for a S.A.F.E.R. grant which could significantly reduce the proposed subsidy.

**Equipment Fund #402, \$297,019:** Scheduled replacement of vehicles and equipment that were not completed by the end of the prior.

**Communications Center Fund #405, \$53,000:** Carryover for equipment purchases, the Mobile Command Post and CAD Interface System.

**Parks Improvement Advisory Board (PIAB) Fund #703, \$6,500:** Funding for the Stadium PA System project.

**Joint Sewer System Fund #900, \$3,200,716:** Sewer system improvements including; trunk line extensions, backbone improvements and the Duck Pond Lift Station elimination project.

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

**Attachments:** Proposed Ordinance, General Fund Overview, Sales Tax CIP Fund Overview,

**Background Information:** The first supplemental appropriation ordinance is adopted every year at this time to carry-forward unexpended appropriations for capital project and equipment purchases not completed in the prior year.

## GENERAL FUND OVERVIEW

	<u>2005 BUDGET</u>	<u>2005 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
<b>BEGINNING FUNDS AVAILABLE</b>	\$ 12,105,216	\$ 12,105,216	\$ -	
<b>REVENUE</b>				
Taxes	\$ 40,643,741	\$ 41,635,807	\$ 992,066	278,545
Licenses & Permits	114,288	114,921	633	-
Intergovernmental	196,529	179,814	(16,715)	36,000
Charges for Services	3,659,439	3,839,447	180,008	-
Interfund Charges	931,800	1,018,920	87,120	-
Interest & Investments	450,000	607,038	157,038	-
Other Operating Revenue	632,620	601,544	(31,076)	-
Capital Proceeds	-	-	-	-
Transfers-In from Other Funds	61,000	58,638	(2,362)	-
<b>TOTAL REVENUE</b>	<b>\$ 46,689,417</b>	<b>\$ 48,056,128</b>	<b>\$ 1,366,711</b>	<b>\$ 314,545</b>
<b>EXPENSE</b>				
City Administration	\$ 2,060,300	\$ 1,870,466	\$ 189,834	\$ 50,000
Administrative Services	3,417,180	3,275,876	141,304	15,750
Community Development	2,187,624	2,037,562	150,062	77,229
Police	12,618,316	11,954,078	664,238	342,953
Fire	9,182,034	8,930,901	251,133	48,000
Public Works	8,480,927	8,185,303	295,624	55,102
Parks & Recreation	5,434,516	5,302,211	132,305	29,917
Subtotal: Departmental	\$ 43,380,897	\$ 41,556,397	\$ 1,824,500	\$ 618,951
<u>Non-Departmental</u>				
Contingency	128,567	-	128,567	(472,000)
Budget Savings	(877,000)	-	(877,000)	-
Transfers-Out to Other Funds	3,456,834	2,956,060	500,774	1,593,050
Subtotal: Non-Departmental	\$ 2,708,401	\$ 2,956,060	\$ (247,659)	\$ 1,121,050
<b>TOTAL EXPENDITURES</b>	<b>\$ 46,089,298</b>	<b>\$ 44,512,457</b>	<b>\$ 1,576,841</b>	<b>\$ 1,740,001</b>
<b>NET SOURCE (USE) OF FUNDS</b>	<b>\$ 600,119</b>	<b>\$ 3,543,671</b>	<b>\$ 2,943,552</b>	
<b>ENDING FUNDS AVAILABLE</b>	<b>\$ 12,705,335</b>	<b>\$ 15,648,888</b>	<b>\$ 2,943,552</b>	
<b>Plus: Revenue Adjustments</b>			\$ 314,545	
<b>Minus: Expense Adjustments</b>			\$ (1,740,001)	
<b>NET IMPACT ON 2006 ENDING BALANCE</b>			<b>\$ 1,518,096</b>	

## SALES TAX CIP FUND OVERVIEW

	<u>2005 BUDGET</u>	<u>2005 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
<b>BEGINNING FUNDS AVAILABLE</b>	\$ 6,477,722	\$ 6,477,722	\$ -	
<b>REVENUE</b>				
Sales & Use Taxes	\$ 9,559,909	\$ 9,660,809	\$ 100,900	104,455
Other Income	2,590,300	1,208,277	(1,382,023)	3,505,092
Transfers-In from Other Funds	4,025,256	3,161,066	(864,190)	1,485,050
<b>TOTAL REVENUE</b>	<b>\$ 16,175,465</b>	<b>\$ 14,030,152</b>	<b>\$ (2,145,313)</b>	<b>\$ 5,094,597</b>
<b>EXPENSE</b>				
City Administration	\$ 500,000	\$ 14,949	\$ 485,051	\$ 485,050
Administrative Services	-	711	(711)	-
Community Development	-	-	-	-
Police	-	-	-	-
Fire	10,000	-	10,000	10,000
Public Works	10,395,856	6,291,395	4,104,461	6,443,373
Parks & Recreation	1,475,802	1,167,402	308,400	310,020
Subtotal: Projects	\$ 12,381,658	\$ 7,474,458	\$ 4,907,200	\$ 7,248,443
<b>Transfers-Out to Other Funds</b>				
Economic Development	\$ 300,000	\$ 300,000	-	
DDA TIF Revenue	40,000	40,605	(605)	
Facilities	250,000	250,000		
Two Rivers	127,000	59,800	67,200	
Swimming Pools	217,500	210,501	6,999	31,500
Lincoln Park Golf	10,000	-	10,000	10,000
General Debt Service	3,708,388	3,708,538	(150)	
Subtotal: Transfers-Out	\$ 4,652,888	\$ 4,569,443	\$ 83,445	\$ 41,500
<b>TOTAL EXPENDITURES</b>	<b>\$ 17,034,546</b>	<b>\$ 12,043,901</b>	<b>\$ 4,907,200</b>	<b>\$ 7,289,943</b>
<b>NET SOURCE (USE) OF FUNDS</b>	<b>\$ (859,081)</b>	<b>\$ 1,986,251</b>	<b>\$ 2,845,332</b>	
<b>ENDING FUNDS AVAILABLE</b>	<b>\$ 5,618,641</b>	<b>\$ 8,463,973</b>	<b>\$ 2,845,332</b>	
<b>Plus: Revenue Adjustments</b>			<b>\$ 5,094,597</b>	
<b>Minus: Expense Adjustments</b>			<b>\$ (7,289,943)</b>	
<b>NET IMPACT ON 2006 ENDING BALANCE</b>			<b>\$ 649,986</b>	

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

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2006  
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2006, to be expended from such funds as follows:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
General	100	\$ 1,740,001
E-911 Special Revenue	101	\$ 453,582
Sales Tax Capital Improvements	201	\$ 6,794,893
Storm Drainage Capital Improvements	202	\$ 700,378
DDA, TIF Capital Improvements	203	\$ 851,861
Riverside Parkway Capital Project	204	\$ 7,666,774
Street Improvement Assessment Fund	207	\$ 400,000
Water	301	\$ 388,658
Swimming Pools	304	\$ 63,000
Lincoln Park Golf Course	305	\$ 38,000
Parking Fund	308	\$ 2,933,550
Ambulance Transport Fund	310	\$ 1,500,000
Equipment	402	\$ 297,019
Communications Center	405	\$ 653,582
Joint Sewer	900	\$ 3,200,716
<b>TOTAL ALL FUNDS</b>		<b>\$ 27,682,014</b>

**INTRODUCED AND ORDERED PUBLISHED** this 3<sup>rd</sup> day of May, 2006.

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

Attest:

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

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