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

**WEDNESDAY, JUNE 7, 2006, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance  
Invocation – David Eisner, Congregation Ohr Shalom

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the May 15, 2006 Workshop and the Minutes of the May 17, 2006 Regular Meeting*

2. **Setting a Hearing on an Amendment to the Downtown Grand Junction Business Improvement District Assessments** [Attach 2](#)

Additional information has been received from property owners at 359 Colorado Avenue (St. Regis) that requires a correction to the special assessment billing that was approved in December, 2005. State Law requires that the notice of intent be published at least twenty days ahead of the hearing considering the amendments. If the amendment is approved following the hearing, then the corrected Special Assessments will be certified to the County Treasurer for immediate collection.

Resolution No. 51-06 – A Resolution Setting a Hearing on an Amendment to the Special Assessment Roll for the Downtown Grand Junction Business Improvement District Special Assessments

*Action: Adopt Resolution No. 51-06 and Set a Hearing on Amending the DGJBID Assessment Roll for July 5, 2006*

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

3. **Setting a Hearing on the Creation of the Grand Junction Economic Development Assistance Corporation for the Construction, Financing and Ownership of the CBI Building** [Attach 3](#)

The City by and through the City Manager has agreed to cooperate with Grand Junction Economic Partnership (GJEP) and the State of Colorado in the formation of a not for profit corporation for the purposes of financing, constructing and owning a new building which will be used by the Colorado Bureau of Investigation (CBI). The corporation, once formed will issue revenue bonds which will be secured by a mortgage on the building. The revenue for the repayment of the bonded indebtedness will be derived solely from the building lease revenues.

Proposed Ordinance Establishing the Grand Junction, Colorado, Economic Development Assistance Corporation, Prescribing Certain Requisite Terms for its Operation and Governance, and Authorizing it to Construct and Lease a Facility to the Colorado Department of Public Safety and to Issue Revenue Bonds to Defray the Costs Thereof

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

Staff presentation: Sheryl Trent, Assistant to the City Manager  
John Shaver, City Attorney

4. **Setting a Hearing on Repealing the Telephone Exchange Provider Occupational Tax** [Attach 4](#)

The City by and through the Director of Finance and Administrative Services and the City Attorney recommend that the City Council repeal Ordinance No. 1725 concerning the imposition of an occupational tax on telephone exchange providers in the City.

Proposed Ordinance Repealing Ordinance No.1725, Regarding Revenue and Imposition of a Business and Occupation Tax on all Telephone Exchange Providers Operating within the City of Grand Junction

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

Staff presentation: John Shaver, City Attorney

5. **Purchase Live Scan and Mug Shot for the Police Department** [Attach 5](#)

A Single Source request is being made by the Police Department to purchase Identix Live Scan and Mug Shot equipment. The system interfaces with the Mesa County Sheriff's Office and Jail. No other manufacturer or reseller can accomplish this integration of the two systems.

*Action: Authorize the City Purchasing Division to Purchase Live Scan and Mug Shot Equipment from Identix Inc. in the Amount of \$45,027*

Staff presentation: Bill Gardner, Chief of Police  
Bob Russell, Police Lieutenant

6. **Purchase a Mobile Public Safety Answering Point & Communications Vehicle for the Police Department** [Attach 6](#)

Purchase of a Mobile Public Safety Answering Point and Communications Vehicle to provide backup operations in the event of an evacuation of the Grand Junction Regional Communication Center (GJRCC) and provide ancillary communications support during major events in Mesa County and surrounding areas.

*Action: Authorize the City Purchasing Division to Purchase one Mobile PSAP Communications Vehicle from LDV Inc., Burlington, Wisconsin in the Amount of \$522,800*

Staff Presentation: Bill Gardner, Chief of Police  
Paula Creasy, Communications Center Manager

7. **Revocable Permit for Redlands Mesa Entrance Sign, Located at West Ridges Boulevard and Mariposa Drive** [File #RVP-2005-292] [Attach 7](#)

A resolution approving a Revocable Permit to allow an entrance sign for Redlands Mesa, to be located in the Right-of-Way of West Ridges Boulevard and Mariposa Drive.

Resolution No. 52-06 – A Resolution Approving a Revocable Permit to be Issued to Redlands Mesa Homeowners Association to Allow an Entrance Sign for

Redlands Mesa, to be Located in the Right-of-Way of West Ridges Boulevard and Mariposa Drive

®Action: *Adopt Resolution No. 52-06*

Staff presentation: Kathy Portner, Assistant Director of Community Development

8. **Setting a Hearing for the Walcher Rezone, Located at 2483 River Road** [File #GPA-2006-059] [Attach 8](#)

Request approval to rezone .44 acres, located adjacent to 2483 River Road, from CSR (Community Services and Recreation) to I-1 (Light Industrial).

Proposed Ordinance – An Ordinance Rezoning Approximately .44 Acres, Located Adjacent to 2483 River Road (Walcher), From CSR to I-1

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

Staff presentation: Kathy Portner, Assistant Director of Community Development

9. **Setting a Hearing on the Niblic Drive Rezone, Located at 718 Horizon Drive** [File #GPA-2006-061] [Attach 9](#)

Request approval to rezone .53 acres, located at 718 Horizon Drive, adjacent to Niblic Drive, from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

Proposed Ordinance Rezoning Approximately .53 Acres, Located at 718 Horizon Drive, Adjacent to Niblic Drive, From C-1 to RMF-5

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

Staff presentation: Kathy Portner, Assistant Director of Community Development

10. **Setting a Hearing on the Graff Dairy Rezone, Located at 581 29 Road** [File #GPA-2006-060] [Attach 10](#)

Request approval to rezone .67 acres, located adjacent to 581 29 Road, from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

Proposed Ordinance Rezoning Approximately .67 Acres, Located at 581 29 Road (Graff Dairy), From RMF-5 to C-1

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

Staff presentation: Kathy Portner, Assistant Director of Community Development

11. **Setting a Hearing on Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road, Between 23 and 23 ½ Road** [File #GPA-2006-065]

[Attach 11](#)

Request approval to zone the GPD Global/Woomer Annexation, consisting of 25 acres and located at I-70 Frontage Road, between 23 and 23 ½ Road to I-1 (Light Industrial).

Proposed Ordinance Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road between 23 and 23 ½ Road to I-1 (Light Industrial)

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

Staff presentation: Kathy Portner, Assistant Director of Community Development

12. **Vacation of a Water Line Easement and a Slope and Borrow Pit Easement, Located at 585 28 ¼ Road** [File #PP-2004-153]

[Attach 12](#)

The request is for approval to vacate a water line easement and a slope/borrow pit easement at 585 28 ¼ Road to facilitate development of a 71 lot subdivision.

Resolution No. 53-06 – A Resolution Vacating a Waterline Easement Located at 585 28 ¼ Road

Resolution No. 54-06 – A Resolution Vacating a Roadway Slope and Borrow Pit Easement Located at 585 28 ¼ Road

*®Action: Adopt Resolution Nos. 53-06 and 54-06*

Staff presentation: Pat Cecil, Planning Services Supervisor

13. **Setting a Hearing on Vacating Portions of the Public Rights-of-Way on Ronda Lee Road and Jon Hall Road Immediately West of 29 ½ Road** [File #PP-2006-042] [Attach 13](#)

Request to vacate: a. Three feet of right-of-way on the south side of Ronda Lee Road; b. Three feet on the north and south side of Jon Hall Road; and c. Twenty feet of unnamed right-of way along the southern boundary of the project site for Orchard Park subdivision.

Proposed Ordinance Vacating Portions of the Public Rights-of-Way Located on Ronda Lee Road, Jon Hall Road and a Twenty Foot Unnamed Right-of-Way to the South of Jon Hall Road, all being Immediately West of 29 ½ Road Extending Approximately 658 Feet West

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

Staff presentation: Pat Cecil, Planning Services Supervisor

14. **Setting a Hearing on Zoning the Carpenter Annexation, Located at 3137 D ½ Road** [File #ANX-2006-094] [Attach 14](#)

Introduction of a proposed ordinance to zone the Carpenter Annexation located at 3137 D ½ Road to RMF-5.

Proposed Ordinance Zoning the Carpenter Annexation to RMF-5 Located at 3137 D ½ Road

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

Staff presentation: Senta L. Costello, Associate Planner

15. **Setting a Hearing on Zoning the Pumpkin Ridge Annexation, Located at 2887 Unawep Avenue** [File #ANX-2005-189] [Attach 15](#)

Introduction of a proposed ordinance to zone the Pumpkin Ridge Annexation located at 2887 Unawep Avenue to RSF-4.

Proposed Ordinance Zoning the Pumpkin Ridge Annexation to RSF-4 Located at 2887 Unawep Avenue

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

Staff presentation: Senta L. Costello, Associate Planner

16. **Setting a Hearing on the Hamilton Annexation, Located at 3124 D Road** [File #ANX-2006-105] [Attach 16](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 8.33 acre Hamilton Annexation consists of 1 parcel and is a two part serial annexation.

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

Resolution No. 55-06 – 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, Hamilton Annexation, Located at 3124 D Road

®Action: *Adopt Resolution No. 55-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hamilton Annexation #1, Approximately 0.15 Acres Located at 3124 D Road and Including a Portion of the D Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hamilton Annexation #2, Approximately 8.18 Acres Located at 3124 D Road

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

Staff presentation: Senta L. Costello, Associate Planner

17. **Setting a Hearing on the Bekon Annexation, Located at 2250 Railroad Avenue** [File #ANX-2006-143] [Attach 17](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.21 acre Bekon Annexation consists of one (1) parcel of land and associated rights-of-way of Railroad Avenue and Railroad Boulevard.

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

Resolution No. 56-06 – 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, Bekon Annexation, Located at 2250 Railroad Avenue and including a Portion of the Railroad Avenue and Railroad Boulevard Right-of-Way

®Action: *Adopt Resolution No. 56-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bekon Annexation, Approximately 7.21 Acres Located at 2250 Railroad Avenue and Including a Portion of the Railroad Avenue and Railroad Boulevard Right-of-Way

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

Staff presentation: Scott D. Peterson, Senior Planner

18. **Setting a Hearing on the Hoffmann II Annexation, Located at 565 22 ½ Road**  
[File #ANX-2006-117] [Attach 18](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.12 acre Hoffmann II Annexation consists of one (1) parcel.

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

Resolution No. 57-06 – 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, Hoffmann II Annexation, Located at 565 22 ½ Road

®Action: *Adopt Resolution No. 57-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hoffmann II Annexation, Approximately 1.12 Acres Located at 565 22 ½ Road



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

Staff presentation: Faye Hall, Associate Planner

19. **Setting a Hearing on the Traynor Annexation, Located at 748 and 749 24 <sup>3</sup>/<sub>4</sub> Road** [File #ANX-2006-111] [Attach 19](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.71 acre Traynor Annexation consists of 2 parcels and is a two part serial annexation.

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

Resolution No. 58-06 – 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, Traynor Annexation #1 and #2, Located at 748 and 749 24 <sup>3</sup>/<sub>4</sub> Road and Portions of the Grand Valley Canal and 24 <sup>3</sup>/<sub>4</sub> Road Rights-of-Way

®Action: *Adopt Resolution No. 58-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traynor Annexation #1, Approximately .24 Acres Located at 748 and 749 24 <sup>3</sup>/<sub>4</sub> Road and a Portion of the Grand Valley Canal

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traynor Annexation #2, Approximately 10.47 Acres, Located at 748 and 749 24 <sup>3</sup>/<sub>4</sub> Road and a Portion of the 24 <sup>3</sup>/<sub>4</sub> Road Right-of-Way

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

Staff presentation: Faye Hall, Associate Planner

20. **Setting a Hearing on the Vodopich Annexation, Located at 3023 F <sup>1</sup>/<sub>2</sub> Road** [File #ANX-2006-109] [Attach 20](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.23 acre Vodopich Annexation consists of one (1) parcel.

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

Resolution No. 59-06 – 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, Vodopich Annexation, Located at 3023 F ½ Road

®Action: *Adopt Resolution No. 59-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Vodopich Annexation, Approximately 3.23 Acres Located at 3023 F ½ Road

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

Staff presentation: Faye Hall, Associate Planner

21. **Setting a Hearing on the Fletcher Annexation, Located ½ Mile West of Monument Road on South Camp Road Across from Monument Valley Subdivision** [File #ANX-2006-108] [Attach 21](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 144 acre Fletcher Annexation consists of 2 parcels.

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

Resolution No. 60-06 – 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, Fletcher Annexation, Located on South Camp Road ½ Mile West of Monument Road

®Action: *Adopt Resolution No. 60-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fletcher Annexation, Approximately 144 Acres Located on South Camp Road ½ Miles West of Monument Road

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

Staff presentation: Lori V. Bowers, Senior Planner

22. **Construction Contract for the I-70 Interchange and Horizon Drive Landscaping Improvements**

[Attach 22](#)

The project involves landscaping improvements at the Horizon Drive Interchange designed to beautify this gateway to the community. The landscape improvements will include block retaining walls that create terraces for grasses, shrubs, and trees to be planted on. The project will also include decorative monuments, tile mosaic artwork, and curb, gutter, and sidewalks.

*Action: Authorize the City Manager to Execute a Construction Contract in the Amount of \$ 1,067,381.82 with G.H. Daniels for the I-70 & Horizon Interchange Landscaping and Change Order #1 in the Amount of \$37,684.*

Staff presentation: Mark Relph, Public Works and Utilities Director

23. **Contract for the Rood Avenue Parking Structure Site Demolition**

[Attach 23](#)

Bids have been received for the demolition of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4<sup>th</sup> Street) on the Rood Avenue Parking Structure site and removal of old foundations and basements on the parking structure site.

*Action: Authorize the City Manager to Execute a Demolition Contract for the Valley Office Supply Building and the Commercial Federal Bank Building and Removal of Old Foundations and Basements on the Parking Structure Site with M. A. Concrete Construction in the Amount of \$241,578.00.*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

24. **Public Hearing – Arbogast Annexation Located at 785 24 Road** [File #GPA-2006-064] [Attach 24](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Arbogast Annexation, located at 785 24 Road. The 18.05 acre Arbogast Annexation consists of 1 parcel and is a 2 part serial annexation.

**a. Accepting Petition**

Resolution No. 61-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Arbogast Annexation Located at 785 24 Road is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3900 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #1, Approximately 4.40 Acres Located at 785 24 Road

Ordinance No. 3901 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #2, Approximately 13.65 Acres Located at 785 24 Road

*®Action: Adopt Resolution No. 61-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances No. 3900 and 3901*

Staff presentation: David Thornton, Principal Planner

25. **Public Hearing – Mallard View (Arbogast Annexation) Growth Plan Amendment, Located at 785 24 Road** [File #GPA-2006-064] [Attach 25](#)

Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from “Estate” (2 acres per dwelling unit) to “Residential Medium Low” (2 to 4 dwelling units per acre) for one property located at 785 24 Road.

Resolution No. 62-06 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate One Property Located at 785 24 Road, from “Estate One Du Per 2 Acres” to “Residential Medium Low 2-4 du/ac”

®Action: *Adopt Resolution No. 62-06*

Staff presentation: David Thornton, Principal Planner

26. **Public Hearing – Charlesworth Annexation, Located at 248 28 Road** [File #GPA-2006-062] [Attach 26](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Charlesworth Annexation, located at 248 28 Road. The 10.85 acre Charlesworth Annexation consists of 2 parcels.

**a. Accepting Petition**

Resolution No. 63-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Charlesworth Annexation, Located at 248 28 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3902 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Charlesworth Annexation, Approximately 10.85 Acres, Located at 248 28 Road

®Action: *Adopt Resolution No. 63-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3902*

Staff presentation: David Thornton, Principal Planner

27. **Public Hearing – Charlesworth Growth Plan Amendment, Located at 248 28 Road** [File #GPA-2006-062] [Attach 27](#)

Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from “Residential Medium Low” (2 to 4 dwelling units per acre) to “Residential Medium” (4 to 8 dwelling units per acre) for two properties located at 248 28 Road.

Resolution No. 64-06 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate Two Properties Located at 248 28 Road, from “Residential Medium Low 2-4 du/ac” to “Residential Medium 4-8 du/ac”

®Action: *Adopt Resolution No. 64-06*

Staff presentation: David Thornton, Principal Planner

28. **Public Hearing – Rezone Four Unplatted Parcels Located at 2809, 2811, 2813 & 2815 Elm Avenue** [File # RZ-2006-080] [Attach 28](#)

The petitioner, The Warren Living Trust, 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.

Ordinance No. 3903 – 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

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3903*

Staff presentation: Scott D. Peterson, Senior Planner

29. **Public Hearing – Amending the 24 Road Corridor Guidelines** [File #GPA-2005-148] [Attach 29](#)

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

Resolution No. 65-06 – A Resolution Amending the 24 Road Corridor Subarea Plan and the Growth Plan Specific to the Mixed Use Land Use Designation

Ordinance No. 3904 – An Ordinance Amending Section 3.4.J of the Zoning and Development Code, Mixed Use

®Action: *Adopt Resolution No. 65-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3904*

Staff presentation: Lori V. Bowers, Senior Planner

30. **Public Hearing – 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 30](#)

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.

Ordinance No. 3905 – An Ordinance Zoning Lot 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four Known as Redland Vista in The Ridges

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3905*

Staff presentation: Lori V. Bowers, Senior Planner

31. **Public Hearing – Zoning the CR Nevada Annexation, Located at 22 ½ Road and South Broadway** [File #ANX-2006-030] [Attach 31](#)

Hold a public hearing and consider final passage of the ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway. The CR Nevada Annexation consists of 1 parcel on 19.73 acres.

Ordinance No. 3906 – An Ordinance Zoning the CR Nevada Annexation to RSF-E, Located at 22 ½ Road and South Broadway

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3906*

Staff presentation: Senta L. Costello, Associate Planner

32. **Public Hearing – GPD Global/Woomer Annexation Located at 2322 and 2328 I-70 Frontage Road** [File #GPA-2006-065] [Attach 32](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the GPD Global/Woomer Annexation, located at 2322/2328 I-70 Frontage Road. The 37.57 acre GPD Global/Woomer Annexation consists of 3 parcels.

**a. Accepting Petition**

Resolution No. 66-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the GPD Global/Woomer Annexation, Located at 2322 and 2328 I-70 Frontage Road including a Portion of I-70 and 23 Road Rights-of-way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3907 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, GPD Global/Woomer Annexation, Approximately 37.57 Acres Located at 2322 and 2328 I-70 Frontage Road Including a Portion of I-70 and 23 Road Rights-of-Way

®Action: *Adopt Resolution No. 66-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3907*

Staff presentation: Kathy Portner, Assistant Director of Community Development

33. **Public Hearing – Thunder Hog Estates Annexation and Zoning Located at 3079 F ½ Road and 3088 Shadowbrook Court** [File #ANX-2006-072]

[Attach 33](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Thunder Hog Estates Annexation. The Thunder Hog Estates Annexation is located at 3079 F ½ Road / 3088 Shadowbrook Court and consists of 2 parcels on 13.76 acres. The zoning being requested is RSF-4.

**a. Accepting Petition**

Resolution No. 67-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Thunder Hog Estates Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court Including a Portion of the F ½ Road Right-of-Way is Eligible for Annexation

®Action: *Adopt Resolution No. 67-06*

**b. Annexation Ordinances**

Ordinance No. 3908 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Estates Annexation #1, Approximately 0.09 Acres Located Within the F ½ Road Right-of-Way



Ordinance No. 3909 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Estates 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

**c. Zoning Ordinance**

Ordinance No. 3910 – An Ordinance Zoning the Thunder Hog Estates Annexation to RSF-4, Located at 3079 F½ Road and 3088 Shadowbrook Court

*®Action: Adopt Resolution No. 67-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3908, 3909, and 3910*

Staff presentation: Senta L. Costello, Associate Planner

34. **Public Hearing – Kresin Annexation and Zoning, Located at 530 South Broadway** [File #ANX-2006-084] [Attach 34](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Kresin Annexation. The Kresin Annexation is located at 530 South Broadway and consists of 2 parcels on 8.20 acres. The zoning being requested is RSF-2.

**a. Accepting Petition**

Resolution No. 68-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Kresin Annexation, Located at 530 South Broadway is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3911 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kresin Annexation, Approximately 8.20 Acres Located at 530 South Broadway

**c. Zoning Ordinance**

Ordinance No. 3912 – An Ordinance Zoning the Kresin Annexation to RSF-2, Located at 530 South Broadway

*®Action:* Adopt Resolution No. 68-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3911 and 3912

Staff presentation: Lori V. Bowers, Senior Planner

35. **Public Hearing – Fox Annexation Located at 3000 F Road** [File #GPA-2006-087] [Attach 35](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Fox Annexation, located at 3000 F Road. The 1.92 acre Fox Annexation consists of 1 parcel.

**a. Accepting Petition**

Resolution No. 69-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Fox Annexation, Located at 3000 F Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3913 – An 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:* Adopt Resolution No. 69-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3913

Staff presentation: Kathy Portner, Assistant Director of Community Development

36. **Public Hearing – Amending the Smoking Ordinance** [Attach 36](#)

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 Air 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 Air Act.

Ordinance No. 3914 – An Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3914*

Staff presentation: John Shaver, City Attorney

- 37. **Non-Scheduled Citizens & Visitors**
- 38. **Other Business**
- 39. **Adjournment**

**Attach 1**  
Minutes

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY  
May 15, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, May 15, 2006 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Jim Doody.

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

1. **UPCOMING BOARD VACANCIES:** The application deadline for a number of the board openings is May 15<sup>th</sup>. City Clerk Stephanie Tuin updated the City Council on applications received and asked the Council to determine interview committees and interview dates.

**Action summary:** Councilmembers Hill, Palmer, and Council President Doody volunteered to interview for the Avalon Theatre Advisory Committee (ATAC). Councilmembers Coons, Hill, and Beckstein volunteered for the interviews for the Downtown Development Authority (DDA). Councilmembers Thomason, Beckstein, and Spehar volunteered for the interviews for the Parks & Recreation Advisory Board. June 8<sup>th</sup> was identified as a workable date for Parks & Recreation Advisory Board interviews. City Clerk Tuin will work with the other interview committees on dates for the other two.

2. **RIDGES OPEN SPACE:** City Attorney John Shaver referred to a report regarding the developer's request on open space in the Ridges. He noted the matter needs to be resolved and said the question is whether the open space was dedicated when the Ridges was first platted and if it fulfills the City's open space requirement. City Attorney Shaver said the developer would like to come before Council to make his case. Council decided that the developer will come before the City Council on July 17<sup>th</sup> to do so.

**Action summary:** City Council will discuss the matter in more detail on July 17<sup>th</sup>.

3. **DOWNTOWN PARKING STRUCTURE UPDATE:** Public Works updated the City Council on the status of the Downtown Parking Garage Project including site clean-up, design and construction schedules as well as discussing the options for selling some existing surface parking the City owns.

Engineering Manager Trent Prall described the schedule for the asbestos removal and demolition. He said the asbestos removal will be added on as a change order and said that will simplify the work for the demolition contractor. He said Staff will be meeting with an out-of-town contractor for the demolition as there is a labor shortage here locally. The design is also being finalized and said there was an open house held on April 27<sup>th</sup> which was not well attended. He said the plan is to finish the design by May 31<sup>st</sup> and have the plans completed by the middle of July. He said Staff is working on operational controls and how it will fit the needs for the variety of uses; long term parking versus short term, versus leased, and the parking scenarios for the surrounding streets. Mr. Prall then displayed some conceptual drawings.

Councilmember Palmer questioned if the backside of the structure is going to be finished in the same fashion. Mr. Prall said Staff is talking about some decorative designs, but a decision has not been made at this time.

Mark Relph, Public Works and Utilities Director, noted that the City may want to consider some special alley treatment, especially when the end pieces are developed. He said the top floor is for parking but there will be a four foot wall blocking the view of the cars.

Councilmember Palmer questioned what kind of topper would be placed on top of the parking structure. Mr. Relph said the top floor will be designed for a roof but that will not be built initially. Mr. Prall said the structure might be designed for masts with a series of umbrellas that would cover the spaces, as one option.

Councilmember Beckstein questioned if there will be an entrance or exit off of the alley. Mr. Prall said there will be only pedestrian exits off the alley.

Council President Doody questioned if there are any concerns with the pile driving required for construction; in particular, the noise factor. Mr. Prall said yes, there are concerns with pile driving and said Staff will be monitoring that issue.

Mr. Relph then addressed the sale of the parking lot properties. He said some of the property is currently being utilized for employee parking and said those employees will be moved into the garage from Studio 119. He said purchase interest has been expressed by adjacent property owners. Mr. Relph said the 3<sup>rd</sup> and Main Street surface parking is more complicated and said there needs to be more discussion with the DDA. He said Staff would like to get the RFP process started for the sale of that property.

Councilmember Spehar questioned if the RFP anticipates preservation of the fountains at 3<sup>rd</sup> and Main. City Attorney Shaver said the RFP has been written both ways; one to exclude the corner and continue to use it for public use or the second, if Council's direction decides to remove the improvements, to include it for redevelopment.

Councilmember Coons questioned if there is any specific use for the property. City Attorney Shaver said that has not yet been specified, but the property use is of course restricted by the current zoning.

Councilmember Spehar said the sale of this property would forfeit the last piece of open space downtown and said it would be a mistake if Council does not consider keeping this as open space for the public.

Councilmember Palmer said there has been a loss of retail stores on Main Street and said even though the festivals close off the streets, that parking lot is underutilized for public use. He did however say that he would like to keep the fountains at 3<sup>rd</sup> and Main Street.

Councilmember Hill said that area has gone through an evolution of change and he hopes that site develops into something other than parking. He said that he is looking forward to looking at the RFP's.

Councilmember Coons said the festivals Downtown have been wonderful. She said that she can see the benefit of open space and there have been restaurateurs complaining of no parking during festivals for their customers. She feels the most critical piece is the parking garage.

**Action summary:** Staff received direction that the RFP should encourage any developer to keep the fountains. The City will evaluate the proposals as they come in.

4. **CITY PURCHASING POLICY:** A review of the City's Purchasing Policy as it relates to using local vendors. Administrative Services and Finance Director Ron Lappi introduced the subject as well as Purchasing Manager Ron Watkins and noted the entire purchasing Staff was in attendance. Mr. Lappi referred to a sample resolution of the National Purchasing Association and a pamphlet on Public Procurement. Mr. Lappi said the entire Staff is very interested in buying locally and much of the City's goods and services are purchased locally; perhaps 75%. He said the majority of the contracts awarded through the capital plan will benefit the local suppliers too.

Councilmember Palmer explained that he does not have a problem with selecting the lowest bid. His concern was if the local vendors have the

opportunity to bid. Mr. Lappi responded the local vendors do have the opportunity to bid on State contracts. Councilmember Palmer said he also wants Council to have the option to select a local bidder if they are close to the lowest bid although he is not supportive of a local preference policy.

Councilmember Coons asked Mr. Lappi for the benefit of others, to address the issues and why a local preference is not a good idea.

Purchasing Manager Ron Watkins replied that if Grand Junction had a local preference policy, it would encourage a reciprocal policy in other municipalities which would hurt the City's vendors.

Councilmember Palmer commented on a number of sole source bids and questioned if they were due to personal preference.

Mr. Watkins said that Rainbird is a good example of sole source purchasing. He said the City purchases Rainbird products from the regional distributor because they supply all of the local retailers anyway.

Councilmember Hill questioned City Attorney Shaver that under the current policy Council sees all contracts over \$50,000; he questioned what if Council chooses a vendor other than the lowest bid. City Attorney Shaver said that could result in litigation due to its arbitrariness because Council is choosing something other than the lowest bid. Councilmember Hill questioned if Council had a clear cut reason for choosing a certain vendor such as delivery time, better service, would the City have better standing in a defense. City Attorney Shaver said the question needs to be if the bid is both responsive and responsible.

Councilmember Spehar stated the City could have a hard time if the decision is based on a shorter delivery time if the lowest bidder met all of the specifications in the bid.

Council President Doody pointed out Councilmember Palmer's prerogative to inquire about the policy and its application.

City Attorney Shaver agreed that Council does have the authority to ask the question regarding any policy. He said Council has a professional Staff that is bringing forth a recommendation for the purchasing policy.

Mr. Watkins said that he doesn't recommend a vendor who does not meet the specifications and said those bids are not even brought forward to Council.

Councilmember Coons questioned if local vendors bid on State contracts.

Mr. Watkins said the local Harley Davidson dealer is an example of a State contract for the Colorado State Patrol. He said there are a number of local vendors that are on the State contractors list.

Mr. Lappi noted the last police car purchase was purchased from a local dealer that beat the State price contract. He said there is competition between local vendors and vendors through out the State and it is a matter of who has the lowest bid.

Councilmember Spehar said he was fine with this policy as long as local vendors have the opportunity to be the lowest bidder. He said he wants to keep the purchasing done on an objective level and not consider the vendor's community involvement or the multiplier effect. He said it is Council's duty to keep it fair and predictable and the current policy results in the best value for the taxpayer.

**Action summary:** Council appeared satisfied with the explanation regarding the City Purchasing Policy.

### **Other Business**

President of the Council Doody recognized City Attorney John Shaver's award of the Champion Award by the Downtown Development Authority.

### **ADJOURN**

The meeting adjourned at 8:52 p.m.



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

**May 17, 2006**

The City Council of the City of Grand Junction convened into regular session on the 17<sup>th</sup> day of May 2006, at 7:01 p.m. in the City Auditorium. 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, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Howard Hays, First Church of the Nazarene.

**Presentations**

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

Council President Doody presented an appreciation plaque to the Outgoing President of the City Council Bruce Hill. Councilmember Hill thanked the Council and Staff for their support during his two years of service.

**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**

There were none.

**CONSENT CALENDAR**

Councilmember Thomason read the list of items on the Consent Calendar.

It was moved by Councilmember Hill, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Calendar items #1 through #15.

1. **Minutes of Previous Meetings**

*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**

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*

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

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the 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*

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

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*

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]

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 Redland Vista in The Ridges

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

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

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*

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

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*

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]

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*

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

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*

10. **Setting a Hearing for the Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue** [File #ANX-2005-189]

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 UnawEEP Avenue Including a Portion of UnawEEP 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 UnawEEP Avenue Including a Portion of UnawEEP Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

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

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

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*

12. **Fairway Villas Growth Plan Consistency Review, Located at 2065 South Broadway**

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*

13. **Construction Contract for 2006 Waterline Replacements Project**

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*

14. **Construction Contract for New Sidewalk Construction Project**

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*

15. **Change Order to 24 ½ Road Sewer Trunk Extension Contract**

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*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing – Creating the El Poso Area Street Improvement District, ST-06, Phase B**

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.

The public hearing was opened at 7:20 p.m.

Trent Prall, Engineering Manager, reviewed this item. He noted that this is the first street improvement district formed in fifteen years and said forty-six out of fifty-eight property owners have signed a petition asking for the district to be formed. He said there will be over 6,000 feet of curbing and sidewalks installed and said the property owners and the City are sharing the expense. Mr. Prall said they were also awarded an energy impact assistance grant that will help offset the costs. He said the notice of intent to create was previously approved by Council which set the public hearing for this meeting. Mr. Prall said if approved there will be three contracts to be approved for the construction of the project.

Frank Cordova, 401 West Grand Avenue, said that the community has many children and the sidewalks will keep the children off the streets. Also, the undergrounding of the power lines will make the neighborhood look much nicer. Mr. Cordova then thanked the Council for their support.

Juanita Trujillo, 319 West Ouray Avenue, thanked Council for their help to beautify the neighborhood.

There were no other public comments.

Councilmember Hill said this is one of the first issues that came before him when he started with the City Council and said that he is pleased to see this development get to this point.

Councilmember Coons said she had the privilege of attending a neighborhood meeting and had the chance to meet the residents. She lauded their efforts for coming together and thanked Assistant to the City Manager Sheryl Trent for her work on this project.

Councilmember Spehar agreed and noted that this neighborhood is the reason for the development of the Neighborhood Program and thanked the residents for their efforts.

Councilmember Palmer echoed those comments.

Council President Doody said he too attended the neighborhood meeting and pointed out that this has been a neighborhood dream for some time. He is excited for it becoming a reality.

The public hearing was closed at 7:33 p.m.

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

Councilmember Palmer moved to adopt Resolution No. 44-06. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

### **Construction Contract for El Poso Street Improvement Project**

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.

Trent Prall, Engineering Manager, reviewed this item. He detailed the bids and the construction schedule that is to begin within the next two weeks. He said Staff is recommending the award of the bid go to Untied Companies and said the project will take 150 days.

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

### **Undergrounding of Overhead Utilities for El Poso Street Improvement District**

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.

Trent Prall, Engineering Manager, reviewed this item. He said this is one of the most aesthetic impacts that can be done to a neighborhood; it really improves the appearance of an area.



Councilmember Palmer inquired as to the standing of the undergrounding fund. Mr. Prall advised that the fund is mostly depleted due to the Riverside Parkway project and some other smaller projects. Mr. Prall said this project is not utilizing the undergrounding fund but is being funded through the capital improvement fund.

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

### **Construction Contract for West Ouray Outfall Project**

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.

Trent Prall, Engineering Manager, reviewed this item. He explained the purpose of the contract and how this will affect the El Poso project and said this will prevent the City from having to tear out improvements in El Poso in five to seven years. He said in order to fund these additional improvements, Public Works is proposing some changes to the Capital Improvement Project fund (CIP) to reprioritize projects in order to free up funds for this project. Mr. Prall said the CIP can be reviewed in more detail in the fall when budget appropriations are reviewed again.

Councilmember Hill inquired if the El Poso properties have irrigation water. Mr. Prall said not all of the properties do.

Mr. Prall noted that the prerequisite storm drainage project is partially underway and will be complete in around sixty days.

Councilmember Hill moved to 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. Councilmember Beckstein seconded the motion. Motion carried.

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

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

The public hearing was opened at 7:49 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She identified the location and the purpose the request. She said the property is adjacent to

the Country Inn and some commercial development, but also extends to Niblic Drive which is a residential area. Ms. Portner said the requested change is more compatible with the surrounding properties and is at the same elevation as the neighborhood.

Councilmember Coons inquired about the adjacent property. Ms. Portner said that the property is designated commercial but is zoned residential and will be addressed at the next Growth Plan Amendment process.

Bill Pitts, 2626 H Road, emphasized that the elevation change between Horizon Drive and Niblic Drive is about 50 feet.

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

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

Councilmember Spehar moved to adopt Resolution No. 45-06. Councilmember Coons seconded the motion.

Councilmember Hill noted that Staff did a good job in reviewing this and said this is positive for the neighborhood.

Councilmember Palmer said it is also a fit for infill development.

Motion carried by roll call vote.

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

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

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She located the property along River Road with a lot size of 4.4 acres. She said that a small portion of the property is in the floodplain and said when the Growth Plan was adopted the property was designated Conservation and the ownership was unclear. Ms. Portner said it was thought that the property might be needed for a trailhead or parking lot and said the trailhead and parking lot have been built so property is not needed. Ms. Portner said the request meets the criteria and is recommended for approval.

Councilmember Beckstein said Mr. Walcher is a client of the firm she works for. City Attorney Shaver confirmed with Councilmember Beckstein that she has no prior

information nor does the relationship have any affect on her ability to review the item without bias.

Warren Walcher, 1181 17 ½ Road, Fruita, said that the land swap has been in the works for ten years and said they just recently received the deed to the property. He said the plan is to build a nice looking commercial building on the property.

Brian Mahoney, 2567 G Road, addressed the issue as a former representative of the Riverfront Commission and said this was a long and complicated deal. Mr. Mahoney said a land trade was negotiated and said the owner gave 400 yards of trail to the City. He explained the complications and said the Riverfront Commission never had any intention of complicating or preventing the Walchers from being able to develop the property.

The public hearing was closed at 8:04 p.m.

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

Councilmember Thomason moved to adopt Resolution No. 46-06. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

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

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

The public hearing was opened at 8:05 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She located the property and gave a brief history of the property. She said when the Growth Plan was adopted in 1996, this site as well as much of the surrounding area was designated residential. Ms. Portner said when the Zoning Map was adopted in the year 2000, the property was zoned RMF-5. The dairy was there and continued to operate and was deemed a non-conforming use. She said the owner began discussing improvements and it was determined that a zone change would be required. She said Staff recommends approval of the request and finds that the request does meet the criteria, most particularly because the zoning did not take into consideration the dairy operation that was in existence on the property for forty years.

Councilmember Palmer inquired about the conditions on having livestock on the property. Ms. Portner advised that Graff Dairy does fit the definition of dairy in the Code. She said

that a commercial zone district would not allow a true dairy with the cows on site. She said Graff Dairy is the only dairy in the community and they process the milk on the site. There is no livestock at this location.

Judy Graff Nichols, 575 29 Road, is the owner of the dairy. She said they are in need of some improvements that require a zone change. She referred to some letters of support and read some into the record. She noted road improvements that are being constructed along 29 Road and asked for approval.

There were no public comments.

The public hearing was closed at 8:19 p.m.

Councilmember Palmer said he hopes to see more commercial development along the 29 Road corridor and supported the ability of Graff Dairy to make their improvements.

Councilmember Hill said he felt the request meets the criteria of the Zoning and Development Code.

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

Councilmember Beckstein moved to adopt Resolution No. 47-06. Councilmember Hill seconded the motion. Motion carried by roll call vote.

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

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

The public hearing was opened at 8:21 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She explained the request and described the location, the surrounding uses and land use designations. She said Staff finds that the request meets the criteria of the Zoning and Development Code. Ms. Portner said the building that is currently on the site was clearly built for industrial uses and said the proposed new designation will allow a wider range of zoning changes for the site.

Councilmember Hill clarified that the request before Council tonight is to change the Growth Plan designation, not to change the zoning. Ms. Portner affirmed that to be true.

Councilmember Coons inquired if all property to the north is designated Estate. Ms. Portner said it is and said a campground is being constructed in that area under the County Planning Department.

Council President Doody asked for a brief history on the one piece of land located at the former Webb Crane site that is zoned RSF-E. Ms. Portner briefly explained the history.

Kirk Rider, attorney with Younge and Hockensmith, 872 Quail Run Drive, representing the applicant, lauded Ms. Portner's efforts and her professionalism. He offered to answer any questions.

There were no public comments.

The public hearing was closed at 8:28 p.m.

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

Councilmember Spehar moved to adopt Resolution No. 48-06. Councilmember Beckstein seconded the motion. Motion carried by roll call vote. Council President Doody called a recess at 8:29 p.m.

The meeting reconvened at 8:40 p.m.

**Public Hearing – 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.

Councilmember Beckstein noted that Mr. Ciavonne, a representative of the applicant, is a client of her employer. City Attorney Shaver confirmed with her that the relationship will not affect her ability to review the item without bias.

Councilmember Hill disclosed that he knows many of the participants for this item but it will not affect his ability to review the matter without bias.

The public hearing was opened at 8:43 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location, the request, the surrounding land use designation and the surrounding zoning. She then reviewed the criteria for a rezone request and stated that Staff finds the request meets each one of the criteria. However, the Planning Commission did recommend denial of

the rezone so a supermajority vote would be required of the City Council to approve the rezone.

Councilmember Coons inquired about the lot sizes of some nearby properties. Ms. Edwards confirmed that there are properties that are less than one acre and some that are over one acre.

Ted Ciavonne, representing Mr. Jones and the potential developers, agreed with Staff's report and presentation that the request does meet the rezone criteria. He noted that all subdivisions adopted since the 1996 adoption of the Growth Plan has a density of RSF-2 or higher. He said the three policies in the Growth Plan supports the rezone request. Mr. Ciavonne noted there are many topographical elements that will affect the actual density. He estimated that under RSF-1, ten lots will be the maximum once those elements come into play with roads and other infrastructures that are constructed. He said under RSF-2, the maximum number of lots would be 24 under the previously mentioned conditions. Mr. Ciavonne said even with the density bonus under RSF-1, twelve lots would be possible but that would not be feasible for development.

Donald Jones, the owner and applicant, 693 26 Road, said that he bought the property behind them which is the subject property, to enlarge his horse training business and to allow the maximum number of livestock on the property. Now he would like to retire and sell the property.

Sharon Walker, 687 ½ 26 Road, supports the request and has confidence in the City planners to make sure the development will be able handle the traffic. She wanted to address one concern which is the wildlife. She said the wildlife will be disturbed at one house per acre or two units per acre. She agrees it is a beautiful view but understands that they cannot keep the place up and said the developers are trying to work with the neighborhood and she appreciates that.

Terry Ryan, daughter of owners, 1678 14 Road, Loma, said the farmers and ranchers work hard for their retirement and said their retirement is in land. She wants her parents to enjoy their retirement.

Kathy Tarman, 871 Gambles Road, said that she is close friends of the Jones and said the Jones work very hard which is taking a toll on them. She said everything else surrounding the property has the RSF-2 zoning and asked that Council approve the rezone request.

Sheryl Williams, 2586 G Road, said the area is beautiful and said that it feels like a little bit of heaven. She said that she would like to see the property developed at one house per acre and said the houses around the area are one house per acre. Ms. Williams said that she would like to see it stay green and be open space, but if the City Council approves the rezone she feels that there will be a major traffic problem.

Erwin Knirlberger, 695 26 Road, neighbor, is in support of the development, but has concerns regarding the traffic.

Patty Fennell, 699 26 Road, said the wildlife is still there despite of the development so she supports the request.

Nancy Hackett, 2573 G Road, said they are RSF-2, located at the top of the hill. She recognizes that the Jones have the right to develop and said it is not a matter of whether they can retire, but is more a matter of the purchase price. She supports RSF-1.

David Turner, 300 Main Suite 202, representing Robert and Nancy Hackett, 2573 G Road, identified a number of parcels that are larger parcels and lesser density zoning. He said the average lot size is 1.78 acres and said clearly this neighborhood does not contain the higher density and a rezone would result in a higher density zone and change the character. He advised the change will not provide any public benefit and disagreed that there has been a change in the character of the neighborhood as required in the criteria nor has there been any showing of meeting other criteria. He said on the other hand, the RSF-1 meets all the criteria and it is the most appropriate zoning. He agreed with statements by Ms. Hackett.

Judy Golden, 679 26 Road, south of the site, said that she has lived in the neighborhood since 1952. She discussed the wildlife habitat for migratory birds and said the green space has been for families to use. She urged Council to deny the request.

Brian Mahoney, 2567 G Road, has lived next to Robert and Nancy Hackett's since 1975. He said this is a unique area and said the houses are on one acre or larger sites which can be seen from that location. Mr. Mahoney said he was a member of the Northwest Task Force in 1978 to 1980 and said that area has grown to 8,000 with all of the subdivisions that have been built. He does not support 26 lots for the site and said the developers can't make the project work at the price that Mr. Jones is asking for. He then referred to the Vision 20/20 and quoted "the economy is diversified and self-sufficient". He said Grand Junction should maintain diversified neighborhoods and said it was no accident that the Planning Commission denied the request because the request does not fit.

John Burnell, 2575 G Road, said all of the abutters are for this request and said the subject site would be hard to develop because of the ditch bisecting it. He said the developer wants RSF-2 due to the site constraints and said the traffic doesn't come from the developments; it comes from the park.

Rob Jones, 15668 Cochina Drive, Colorado Springs, is the son of the owners and is an attorney. He said Mr. Mahoney is right regarding the issue of zoning and said it is not feasible at RSF-1. He said they believe the developers are proposing a good plan and said that he did not know what happened at the Planning Commission meeting to result in the recommendation for denial.

Bob Arcieri, 867 25 Road, said the Planning Commission rejected this application and said the reasons were stated clearly. He said there is no compelling reason for this rezoning and said the main argument is the price tag and the public interest. He felt the seven criteria have not been met and said the request is to push the density to the limit. He then proceeded to argue each criteria in great detail.

There were no further public comments.

Ted Ciavonne, representing the applicant, said views are not a zoning issue and said traffic will be addressed at the preliminary plan when traffic studies will be required. He said Staff will not let something dangerous occur on this site and said Mr. Arcieri has painted a lot of possibilities that may or may not happen. Mr. Ciavonne said the existing zoning was an error and said there has been a character change in the area and any development in the area will create an impact. He said he request is in the range for the area and said there will be adequate public facilities for that area. Mr. Ciavonne said all the surrounding subdivisions since 1992 are RSF-2 or higher and the request meets the rezone criteria. Mr. Ciavonne said the surrounding areas supports the request with the comparable zoning. He identified a number of lots that are smaller than one acre and pointed out the number of neighbors that are present in support of the development. He said Staff recommends RSF-2 which will allow more flexibility for something more than ten lots.

The public hearing was closed at 10:07 p.m.

Councilmember Palmer question Ms. Edwards if Staff recommended approval. Ms. Edwards said yes, that Staff did recommend approval.

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

Councilmember Beckstein moved to adopt Ordinance No. 3894 on Second Reading and ordered it published. Councilmember Coons seconded the motion.

Councilmember Hill said the impact of the zoning is not a criteria. He said this is a unique piece of property and said that he is torn in that the flexibility of the zoning does factor in. He said it is rare that land can be developed at the maximum allowed the under Zoning Code and said that he believes this project has met the criteria for the zoning that is allowed under the Future Land Use Map.

Councilmember Beckstein said that she supports the rezone of the higher density zoning in that area and said that she supports Staff's recommendation. She said the development will be within the Code and will address the traffic concern; she feels it is compatible with Growth Plan and will vote yes.



Councilmember Spehar said this was a tough decision, because it is not about retirement or land costs, it is about land use. He said the site plan or the number of lots will be details that will be dealt with later in the process. He said the supermajority emphasizes the importance of this decision and feels that RSF-2 is consistent and meets the criteria, so he will vote in favor of the rezone to RSF-2.

Councilmember Coons said the character of the area has changed to higher density and said that she does not see that RSF-2 would be incompatible. She said G Road is a minor arterial but is becoming less minor every day. She said the City has been improving the G Road intersections and said many of the impacts discussed will happen regardless. She supports the rezoning of RSF-2.

Councilmember Palmer feels that this will not develop out at full density and said he agrees with Councilmember Spehar regarding the economics. He does not think RSF-2 is compatible with the area and disagrees that Criteria 3 has been met, that is, compatibility.

Councilmember Thomason supports RSF-2, but feels that some views will be lost but is necessary under the Growth Plan.

Council President Doody said that Council has heard some compelling arguments, but feels the review process will take care of most of the concerns. He is in favor of the rezone to RSF-2.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Council President Doody called a recess at 10:40 p.m.

The meeting reconvened at 10:48 p.m.

**Public Hearing – 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. The Planning Commission recommended approval of the right-of-way vacation on April 25, 2006.

The public hearing was opened at 10:49 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the request, the location and the criteria under the TEDs manual and noted a multipurpose easement will be retained. She said the benefit to the City is that the City will no longer have to maintain the area. Ms. Edwards said both Staff and the Planning Commission recommend approval.

There were no public comments.

The public hearing was closed at 10:52 p.m.

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

Councilmember Hill moved to adopt Ordinance No. 3895 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 10:53 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the reason for the request as well as the location. She said the Future Land Use designation is Residential Medium Low and said the applicant is requesting RSF-2 which is at the low end of the allowed zoning. She said Staff finds the request meets the criteria and recommends approval. The Planning Commission also recommended approval.

The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 10:55 p.m.

**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

Councilmember Spehar moved to adopt Resolution No. 49-06 and Ordinance Nos. 3896 and 3897 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**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]

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.

The public hearing was opened at 10:56 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She said the proposal is for the proposed Meth Treatment Center and said the request includes the vacation of an abandoned utility easement that goes under the building. She said there will be additional easements and utilities that will need to be relocated prior to the vacation being effective. Ms. Portner said Staff finds that it meets the criteria and recommends approval. The Planning Commission also recommended approval.

Dave Detwelier, 453 Mediterranean Way, representing Mesa County, thanked the Planning Staff and said the project is taking a fast track.

There were no public comments.

The public hearing was closed at 11:01 p.m.

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

Councilmember Hill moved to adopt Ordinance No. 3898 on Second Reading and ordered it published and adopt Resolution No. 50-06. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing – 2006 CDBG Program Year Funding for the 2006 Action Plan, a Part of the 2006 Five-Year Consolidated Plan**

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.

The public hearing was opened at 11:02 p.m.

David Thornton, Principal Planner, reviewed this item. The purpose of the public hearing is to receive input regarding the proposed CDBG Plan. He said there will be a second public hearing on June 19<sup>th</sup> and then listed the applicants for CDBG funding. Mr. Thornton said the two that are being recommended for funding is the administration of the program and the City's application for property acquisition for affordable housing.

Councilmember Palmer noted that not all of the applicants met the CDBG criteria. Mr. Thornton explained that the Deep River School's student population did not meet the minimum national objective regarding income levels.

Council President Doody questioned the administration costs.

Mr. Thornton said the City is asking for more to fund to the administration of the program due to the need to fulfill the federal requirements of the CDBG program. He said Staff is asking for a ¾ time position to run the day to day reporting and meeting with the applicants. He said that will free up the existing Staff to do more planning activities.

Councilmember Spehar said the recommendation of the committee is to have someone manage the CDBG funds from the grant.

Councilmember Coons wanted to disclose that she is the City Council representative for the Grand Junction Housing Authority Board and said she was part of the discussion when this request was submitted to the GJHA Board.

Councilmember Hill questioned the administrative costs. He said that he attends the National League of Cities (NLC) Community Economic Development Committee and said they deal with a lot of these issues. He said the Committee is busy fighting Congress to maintain the funding for this grant program. He said that organizations are continuously

having to meet more and more requirements when the monies could be better utilized for programs rather than administration.

Councilmember Hill noted that he tried to make a good argument for funding the Linden Avenue storm sewer repairs and said it would be an appropriate use. He said the City needs to do something to mitigate the storm sewer problem at Linden Avenue.

Councilmember Palmer agreed with Councilmember Hill and said those issues need to be addressed.

Councilmember Spehar said if there are any leftover monies from other projects then the City could make the Linden Avenue drainage a priority.

Gi Moon, 885 Hall Avenue, on the Grand Junction Housing Authority Board (GJHA), thanked the City Council for their commitment to affordable housing issues. She said the Housing Authority, since the last allocation of CDBG funds, has been exploring many other options including capital projects. She said at any given time the Housing Authority will have 6/7 capital projects that they are looking at. She asked that Council consider the scope of citizens that are in need this service. She said there are 1100 families are on the waiting list and said most (2/3) are female, head of households with children. She said out of the 1100 people that are on the list, she said 800 of those are earning 50% or less than the City medium income which means they can only afford \$175 a month for housing; that requires a deep subsidy. She said the City needs the participation from the GJHA and said that she looks forward to working with City Council on this project.

Jody Kole, Executive Director of the Grand Junction Housing Authority (GJHA), 2265 Terrace Court, corrected the number of the people that are on the waiting list which are 1105 and said the people cannot even afford \$175 per month.

The public hearing was closed at 11:24 p.m.

Councilmember Spehar moved to approve funding of the CDBG City Council Subcommittee recommendation for two projects for the City's 2006 CDBG Program Year Action Plan, and 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. Councilmember Hill seconded the motion.

Councilmember Hill said this is an opportunity to leverage dollars and noted that if the City cannot find the right project, then the City can reallocate the funding. He said the City of Grand Junction is saying, in a big way, that it wants to address the housing issue.

Councilmember Coons wanted to thank the other Councilmembers for working together to help with the affordable housing issues in the community. She supports the partnership with the GJHA.

Motion carried.

### **Staffing for Adequate Fire and Emergency Response Grant**

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.

Jim Bright, Interim Fire Chief, reviewed this item. He explained that the grant will allow the City to hire the eighteen firefighters under the grant program; however, the date for hire will have to wait until October 1<sup>st</sup>. Mr. Bright said once hiring the new employees they will have to attend training for twelve weeks. However, the City intends to provide service on July 1<sup>st</sup> regardless. Interim Chief Bright explained how staffing will accommodate the provision of services as of July 1<sup>st</sup>.

Council agreed that applying for the grant was the appropriate thing to do.

Councilmember Spehar moved to authorize the Interim Fire Chief to submit a staffing for Adequate Fire and Emergency Response Grant Application. Councilmember Palmer seconded the motion. Motion carried.

### **Public Hearing – 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.

The public hearing was opened at 11:44 p.m.

Ron Lappi, Administrative Services and Finance Director, said that he supported the request of the grant application for the Fire Department. He then reviewed this item. He noted this is a large supplemental appropriation and identified the bigger items and where the appropriation is coming from.

Councilmember Coons noted that there is an appropriation for the affordable housing initiative and then asked if the Katrina allocation will be spent. City Manager Arnold stated that no requests for payments have been received.

Councilmember Hill wanted clarification regarding the high dollar number for the ambulance service. Mr. Lappi said the original proposal did not take into account the lag time for receipt of the revenues.

Councilmember Hill said that he supports this service, but he would like to be able to do this with the original amount that was proposed and said part of the approval from Council was that the funding was not going to be as much as originally thought.

Mr. Lappi said that he questioned the actual numbers from Staff that was originally approved to begin with. He felt that the Fire Department should try the transport for six months and see how it goes; then perhaps only 12 new positions are needed instead of the 18 individuals.

Councilmember Palmer stated his concerns regarding the revenue side. He said Staff really does not know how many transports are going to be made because Staff was not able to get those numbers from AMR and said it is hard to predict what is going to happen or how many new positions are going to be needed.

Mr. Lappi said Staff has also talked about having the County reevaluate the fee structure and said the County may have set the fees too low.

Councilmember Palmer said that has been recognized and said the City needs to look at ways to adjust the numbers and get a better handle of what the City's revenues will be.

Mr. Lappi said there are two ways to balance or eliminate the deficit which is revenue enhancement or costs reduction.

Councilmember Coons agreed with Councilmember Palmer and said that she is also concerned with the revenue balance.

Councilmember Spehar said this is not a financial decision and said this is a transition. It is a matter of when not an if. He said he would rather have the Fire Department make the decision on the staffing needs, not Administrative Services Staff. He said the numbers are not 100% certain and said it is important that the City do all types of transport.

Councilmember Coons said that was her concern and said she can't see cutting Staff just to bring the costs down until the Fire Department determines how much Staff is going to be needed.

Mr. Lappi said there were never any calculations done to determine the staffing that was going to be needed, but part of the request was to staff up the Department for the services.

Councilmember Spehar said he wants to hear from the Fire Department regarding the numbers and said he wants Interim Chief Jim Bright and the Staff of the Fire Department to determine staffing needs.

Councilmember Hill said the Fire Department has already brought Council the numbers of \$609,000 and said that is not the number that Council is seeing today. He said that he can't support what was approved prior with a different amount than what Council is being presented.

There were no public comments.

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

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

Councilmember Palmer moved to adopt Ordinance No. 3899 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote, with Councilmember Hill voting NO.

City Manager Kelly Arnold advised Council that \$10,000 has been spent out to the Katrina fund.

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

There were none.

#### **OTHER BUSINESS**

There was none.

#### **ADJOURNMENT**

The meeting adjourned at 12:11 a.m.

Stephanie Tuin, MMC  
City Clerk



**Attach 2**

Setting a Hearing on an Amendment to the Downtown Grand Junction Business Improvement District

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Setting a Hearing on an Amendment to the Downtown BID Assessments					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				<b>File #</b>	
<b>Author</b>	Stephanie Tuin John Shaver		<b>City Clerk</b> <b>City Attorney</b>			
<b>Presenter Name</b>	Stephanie Tuin John Shaver		<b>City Clerk</b> <b>City Attorney</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>	<b>X</b>	<b>Formal Agenda</b>		<b>X</b>	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** Additional information has been received from property owners at 359 Colorado Avenue (St. Regis) that requires a correction to the special assessment billing that was approved in December, 2005. State Law requires that the notice of intent be published at least twenty days ahead of the hearing considering the amendments. If the amendment is approved following the hearing, then the corrected Special Assessments will be certified to the County Treasurer for immediate collection.

The resolution schedules the public hearing for July 5, 2006.

**Budget:** The net Special Assessment remains the same.

**Action Requested/Recommendation:** Adopt the resolution setting a hearing for July 5, 2006 on amending the Special Assessment for the Downtown Grand Junction Business Improvement District.

**Attachments:** Resolution which includes the amendment to the 2005 Assessment Schedule for the Downtown BID and the notice of hearing

**Background Information:** Upon passage of the Downtown BID at the November 1<sup>st</sup> election, the assessments for the various commercial properties within the BID were compiled in a data base and the appropriate formula for assessment applied to each. This formula calls for an assessment of \$.026 per square foot of land and \$.076 per square foot of buildings on the first floor of properties located on Main St. For those properties located off Main St., the assessment is \$.019 per square foot of land and \$.057 per square foot of the first floor of each building. The total assessment was \$121,772.23 for all commercial properties within the District.

The hearing was held December 7, 2005. Notice of the hearing was published in the paper and notice was sent to each property owner via first class mail.

After tax bills were received by the property owners early this year, Mr. Ebe Eslami, an owner at the St. Regis, came forward with additional detail as to the ownership of the common areas and surface parking associated with the St. Regis Condominiums. Further legal research ensued and the proposed assessment appears to correspond to the legal documents filed on the condominium association and the information provided by Mr. Eslami. The net amount remains the same; a reallocation is what is being proposed.

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_\_\_\_-06**

**A RESOLUTION SETTING A HEARING ON AN AMENDMENT TO THE SPECIAL ASSESSMENT ROLL FOR THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT SPECIAL ASSESSMENTS**

**Recitals.**

On November 1, 2005 the eligible electors of the City of Grand Junction approved the formation of a Business Improvement District for downtown Grand Junction. In order to defray the cost of providing services, the Board of the District, formerly the Grand Junction City Council, imposed special assessments on real property located within the District.

Prior to imposing a special assessment, the City Council, acting as the District Board, held a hearing on the question of the imposition of special assessments and the benefit to be derived by the property upon which the special assessment will be imposed.

In 2006, information came to light that there was need of an amendment to that assessment roll. Since the amendment is to the assessment roll adopted and approved by the Grand Junction City Council, the manner and process by which the original assessment was approved shall be followed in order to amend said assessment roll.

**NOW, THEREFORE**, for the reasons stated in the recitals above, be it resolved that the City Council has set for public hearing on the night of July 5, 2006 at 7:00 p.m. at the City Auditorium (City Council chambers), 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado the question of amending the imposition of a special assessment to defray the cost of services to be provided by the Downtown Business Improvement District and the benefit to be derived by the property upon which the special assessments will be imposed. Furthermore, the Board approves the form of the notice attached as Exhibit A and directs the District staff to provide notice of the hearing to the property owners to be assessed in the amendment.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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

ATTEST:

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City Clerk

## Exhibit A

### NOTICE OF INTENT TO AMEND THE SPECIAL ASSESSMENT UPON REAL PROPERTY LOCATED WITHIN THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT AND SETTING A HEARING ON SAID ASSESSMENTS

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to 31-25-1219, C.R.S. the Grand Junction City Council acting as the Downtown Grand Junction Business Improvement District Board of Directors imposed Special Assessments on all real property within the Downtown Grand Junction Business Improvement District ("DGJBID"). The DGJBID is generally described as commercial property within the Downtown area bounded by US Highway 340 and Crosby Avenue on the west, 8th Street on the east, Grand Avenue on the north and Ute Avenue on the south.

The assessment levied against the respective properties is an assessment of \$.026 per square foot of land and \$.076 per square foot of buildings on the first floor of properties located on Main St. and for those properties located off Main St., the assessment is \$.019 per square foot of land and \$.057 per square foot of the first floor of each building. The total assessment is \$121,772.23 for all commercial properties within the District.

To the total assessable cost of \$121,772.23 to be borne by the property owners, two (2) percent for costs of collection and incidentals was added. Said assessment shall be collected through the County Treasurer of Mesa County.

On July 5, 2006 at the hour of 7:00 o'clock P.M. in the City Auditorium in City Hall located at 250 North 5th Street in said city, the Council will consider objections that may be made in writing concerning the proposed amended assessments by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

The proposed amended assessment and the parcels numbers to be assessed are as follows:

PARCEL_NUM	LOCATION	OLD ASSESSMENT	NEW ASSESSMENT	AMT WITH COLLECTION FEE
2945-143-50-001	359 COLORADO AVE 101	102.44	137.71	140.52
2945-143-50-002	359 COLORADO AVE 102	72.44	107.71	109.91
2945-143-50-003	359 COLORADO AVE 103	534.54	146.55	149.54

2945-143-50-004	359 COLORADO AVE 104	76.05	76.05	77.61
2945-143-50-005	359 COLORADO AVE 201	0.00	35.27	35.99
2945-143-50-006	359 COLORADO AVE 202	0.00	17.64	18.00
2945-143-50-007	359 COLORADO AVE 203	0.00	35.27	35.99
2945-143-50-008	359 COLORADO AVE 204	0.00	35.27	35.99
2945-143-50-009	359 COLORADO AVE 205	0.00	35.27	35.99
2945-143-50-010	359 COLORADO AVE 206	0.00	17.64	18.00
2945-143-50-011	359 COLORADO AVE 301	0.00	35.27	35.99
2945-143-50-012	359 COLORADO AVE 302	0.00	35.27	35.99
2945-143-50-013	359 COLORADO AVE 303	0.00	35.27	35.99
2945-143-50-014	359 COLORADO AVE 304	0.00	35.27	35.99

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

BY ORDER OF THE CITY COUNCIL  
CITY OF GRAND JUNCTION, COLORADO

By: \_\_\_\_\_  
City Clerk

**Attach 3**

Setting a Hearing on the Creation of the Grand Junction Economic Development Assistance Corp. for the Construction, Financing and Ownership of the CBI Bldg.

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Creating the Grand Junction Economic Development Assistance Corporation for the Construction, Financing and Ownership of the CBI Building					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	December 19, 2011				<b>File #</b>	
<b>Author</b>	John Shaver			<b>City Attorney</b>		
<b>Presenter Name</b>	Sheryl Trent, John Shaver			<b>Assistant to the City Manager City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The City by and through the City Manager has agreed to cooperate with Grand Junction Economic Partnership (GJEP) and the State of Colorado in the formation of a not for profit corporation for the purposes of financing, constructing and owning a new building which will be used by the Colorado Bureau of Investigation (CBI). The corporation, once formed will issue revenue bonds which will be secured by a mortgage on the building. The revenue for the repayment of the bonded indebtedness will be derived solely from the building lease revenues.

The City is not designating the form of the debt; the project will not however be funded as a lease purchase using certificates of participation. Local and Denver bond counsel will be developing the funding program and will be responsible for the issuance of the bonds.

GJEP submitted a proposal for assisting in the relocation of the CBI laboratory to Grand Junction. That proposal was accepted by the State. Funding was included in the 2006 appropriations.

**Budget:** Nominal costs for financial and legal staff support and participation by the City Manager on the board of the corporation once formed.

**Action Requested/Recommendation:** Introduce Proposed Ordinance on first reading, pass for publication and set the second reading and public hearing for July 5, 2006.

**Attachments:** Draft of Ordinance together with the proposed articles of incorporation and proposed bylaws for the corporation.



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

**AN ORDINANCE ESTABLISHING THE GRAND JUNCTION, COLORADO, ECONOMIC DEVELOPMENT ASSISTANCE CORPORATION, PRESCRIBING CERTAIN REQUISITE TERMS FOR ITS OPERATION AND GOVERNANCE, AND AUTHORIZING IT TO CONSTRUCT AND LEASE A FACILITY TO THE COLORADO DEPARTMENT OF PUBLIC SAFETY AND TO ISSUE REVENUE BONDS TO DEFRAY THE COSTS THEREOF.**

**Recitals**

The City of Grand Junction ("City") has for many years worked to attract and maintain high quality private and governmental employers to the Grand Junction area.

Among the City's partners in such economic development efforts is the Grand Junction Economic Partnership ("G.J.E.P."), a Colorado not-for-profit 501(c)(3) corporation.

G.J.E.P. has entered into a Memorandum of Understanding ("MOU") dated August \_\_, 2005, which contemplates the location of a Colorado Bureau of Investigation ("CBI") facility in Grand Junction (the "CBI Facility"). A copy of that MOU is attached as Attachment A.

The parties to the MOU envision creating a 501(c)(3) corporation to construct, finance and own the CBI Facility and lease it to CBI for a period of years, subject to annual appropriation by the State of Colorado.

G.J.E.P. has requested the City to form such a corporation in furtherance of the City's stated municipal objective of attracting and maintaining diverse and high paying jobs to the community, and within the City's authority as a Colorado home rule city.

The City's staff and City Attorney have reviewed and considered the MOU, the Articles of Incorporation and By-Laws for the Grand Junction, Colorado, Economic Development Assistance Corporation, a Colorado non-profit corporation (the "Corporation"), such Articles and Bylaws are attached as Attachment B to this Ordinance;

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

- A. The City Council hereby finds and determines that attracting and retaining diverse and high paying jobs to Grand Junction and its environs (the "Community") is a matter of local concern.



H. The Bonds hereby authorized to be issued by the Corporation shall be issued only when a fixed price contract for the completion of the CBI Facility has been executed and a lease of the CBI Facility, calling for lease payments sufficient to pay all occupancy costs and the principal and interest on the Bonds, all subject however to annual appropriation, has been entered into with the Colorado Department of Public Safety or Colorado Bureau of Investigation.

**PASSED for PUBLICATION this \_\_\_\_\_ day of June, 2006.**

**Adopted on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
Jim Doody, President of City Council

ATTEST:

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

## **ARTICLES OF INCORPORATION**

The undersigned incorporator, a natural person of the age of 21 years or more, desiring to form a nonprofit corporation under the provisions of the Colorado Nonprofit Corporation Act, Articles 20 through 29, inclusive, of Title 7 of the Colorado Revised Statutes, as amended, does execute, acknowledge, and deliver in duplicate to the Secretary of State of the State of Colorado the following Articles of Incorporation.

### **ARTICLE I - NAME**

The name of the corporation shall be "Grand Junction, Colorado Economic Development Assistance Corporation."

### **ARTICLE II - DURATION**

The corporation shall exist in perpetuity, from and after the date of filing of these Articles of Incorporation with the Secretary of State of the State of Colorado, unless dissolved according to law.

### **ARTICLE III - PURPOSES**

The purposes for which the corporation is organized are as follows:

(a) To acquire by purchase, lease or otherwise, real or personal property, including, without limitation, interests in real or personal property, or any combination thereof, to construct or install improvements, to renovate, expand and improve buildings, and to lease or otherwise convey interests in real or personal property or improvements or any combination thereof to the economic development clients and/or entities approved or formed by the City of Grand Junction, Colorado (the "City").

(b) To borrow money, to become indebted, and to execute and deliver bonds, notes, certificates of purchase or debentures or other securities, instruments or obligations for the purposes of acquiring such real or personal property, or interests in real or personal property, constructing or installing such improvements, renovating, expanding and improving such buildings, or any combination thereof, and for such other purpose or purposes as may be necessary or desirable to accomplish the objectives of the corporation. Such indebtedness may be unsecured, may be secured by any mortgage, trust deed or other lien upon the property to be acquired or any other property of the corporation, or may be otherwise secured.

(c) To otherwise assist in or facilitate the acquisition or financing of real or personal property or improvements for or to be used by the economic development clients of the City.

(d) To exercise all powers, privileges and rights necessary or advisable to carry out the objects and purposes for which the corporation is formed, and the incorporator and directors hereby claim for the corporation all the benefits, privileges, rights and powers created, extended or conferred by the provisions of all applicable laws of the State of Colorado pertaining to corporations not for profit, as the same may be amended from time to time.

#### **ARTICLE IV - ADDRESS AND REGISTERED AGENT**

The address of the initial registered office of the corporation is 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506. The registered agent of the corporation is Kirk Rider, Esq. The address of the principal office of the corporation is 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

#### **ARTICLE V - MEMBERSHIP AND CAPITAL STOCK**

The corporation shall have no members, and the corporation shall issue no membership certificates and shall have no capital stock.

#### **ARTICLE VI - BOARD OF DIRECTORS**

The affairs and management of the corporation shall be under the control of a board of directors. The initial board of directors of the corporation shall consist of five directors, and the names and addresses of the persons who shall serve as the initial directors of the corporation until the first meeting of the board and until their successors are elected and shall qualify are:

#### **NAME**

#### **ADDRESS**

City Manager

City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501

W. T. Sisson 530 Heron Court

Grand Junction, CO 81503

James Fleming

\_\_\_\_\_  
Grand Junction, CO 8150\_\_

Ann Driggers Grand Junction Economic Partnership

2828 Walker Field Drive, #302  
Grand Junction, CO 81506

Sam Baldwin 800 Belford Avenue

Grand Junction, CO 81501

The directors shall serve for terms of three years (except that the initial terms of such directors may be for a lesser period if so stated in the by-laws of the corporation); but any of the directors shall promptly resign upon the written request of a majority of the City Council of the City (the "City Council"). Whenever a vacancy shall occur in the membership of the board of directors, such vacancy or vacancies shall be filled by appointment of the City Council.

#### **ARTICLE VII - INCORPORATOR**

The name and address of the incorporator is Kirk Rider, 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

#### **ARTICLE VIII - REGULAR AND SPECIAL MEETINGS**

The annual, regular and special meetings of the corporation, and the place, time and manner of giving notice of such meetings, shall be in accordance with applicable law and as prescribed by the by-laws of the corporation.

#### **ARTICLE IX - INTEREST OF DIRECTORS**

The directors of the corporation shall have no private or proprietary interest in the corporation. The directors shall serve as such without compensation, and no part of the corporation's net earnings, income or assets will inure to the benefit of any private entity or individual; provided, however, that the board of directors may allow reimbursement of reasonable expenses incurred by a director in the performance of his duties as a director or officer.

#### **ARTICLE X - DISSOLUTION**

In the event of the dissolution of the corporation, no part of its property shall be distributed to any private entity or individual, and any property of the corporation not required to pay corporate debts and corporate expenses shall be distributed only to the City or an instrumentality thereof for a public purpose.

#### **ARTICLE XI - BY-LAWS OF THE CORPORATION**

The directors shall have the power to adopt and amend by-laws of the corporation, as they may deem proper for the management of the affairs of the

corporation, and which are not inconsistent with law or these Articles of Incorporation, or that Ordinance No. \_\_\_\_\_ of the City, establishing the corporation.

## **ARTICLE XII - AMENDMENT**

These Articles of Incorporation may be amended from time to time by the affirmative vote of a majority of the directors; provided, however, that Article III, Article V, Article VI, Article IX, Article X, Article XI and this Article XII shall not be amended or repealed without the approval of the City Council in a form specified by the City and approved by the City Attorney and an opinion of nationally recognized bond counsel that such amendment will not adversely affect the tax characteristics of any outstanding bonds of the corporation.

## **ARTICLE XIII - EXCULPATION AND INDEMNIFICATION**

(a) No director of the corporation shall be personally liable to the corporation for monetary damages for breach of fiduciary duty as a director, but this provision shall not eliminate or limit the liability of a director to the corporation for monetary damages for (1) any breach of the director's duty of loyalty to the corporation, (2) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (3) acts specified in Section 7-24-111 of the Colorado Revised Statutes (involving loans to directors and officers), or (4) any transaction from which the director derived an improper personal benefit.

(b) Except as provided in paragraph (c) below, the corporation may indemnify against liability incurred in any proceeding to which an individual was made a party because the individual is or was a director if (1) such individual conducted himself or herself in good faith; (2) such individual reasonably believed (a) in the case of conduct in such individual's official capacity with the corporation, that such individual's conduct was in the corporation's best interests, or (b) in all other cases, that such individual's conduct was at least not opposed to the corporation's best interests; and (3) in the case of any criminal proceeding, such individual had no reasonable cause to believe such individual's conduct was unlawful. Indemnification under this paragraph (b) in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding. Indemnification under this paragraph (b) may not be made unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in the first sentence of this paragraph [b], and shall be made in accordance with the requirements of Section 7-109-106 of the Colorado Revised Statutes.

(c) The corporation may not indemnify a director under paragraph (b) either: (1) in connection with a proceeding by or in the right of the corporation in which the

director was adjudged liable to the corporation, or (2) in connection with any proceeding charging improper personal benefit to the director, whether or not involving an action in the director's official capacity, in which he or she was adjudged liable on the basis that personal benefit was improperly received by the director.

(d) A director or officer of the corporation who is or was a party to a proceeding may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction, in either case in accordance with Section 7-109-105 of the Colorado Revised Statutes.

(e) The corporation shall indemnify a person who is or was a director of the corporation or who is an officer of the corporation and who was wholly successful, on the merits or otherwise, in defense of any proceeding to which such person was a party, against reasonable expenses incurred by such person in connection with the proceeding.

(f) The corporation may pay for or reimburse the reasonable expenses incurred by a director or officer of the corporation who is a party to a proceeding in advance of the final disposition of the proceeding if (1) the director or officer furnishes the corporation a written affirmation of the director's or officer's good faith belief that he or she has met the standard of conduct described in the first sentence of paragraph (b) of this Article Thirteen, (2) the director or officer furnishes the corporation a written undertaking, executed personally or on such person's behalf, to repay the advance if it is determined that such person did not meet such standard of conduct; and (3) a determination is made that the facts then known to those making the determination would not preclude indemnification under this paragraph (f). The undertaking required by (2) above shall be an unlimited general obligation of the director or officer, but need not be secured and may be accepted without reference to financial ability to make repayment.

(g) In addition to the foregoing, the corporation may pay or reimburse expenses incurred by a director in connection with the director's appearance as a witness in a proceeding at a time when the director has not been made a named defendant or respondent in the proceeding.

(h) The corporation may indemnify and advance expenses to officers, employees or agents of the corporation to the extent permitted by law.

(i) The corporation may purchase and maintain insurance from any insurance company designated by the board of directors, on behalf of an individual who is or was a director, officer, employee, fiduciary, or agent of the corporation, and who, while a director, officer, employee, fiduciary, or agent of the corporation, is or was serving at the request of the corporation as a director, officer, employee, fiduciary, or



agent of any other foreign or domestic corporation or of any partnership, joint venture, trust, or other enterprise, or employee benefit plan against any liability asserted against or incurred by such individual in any such capacity or arising out of his or her status as such, whether or not the corporation would have the power to indemnify such individual against such liability under the provisions of this Article Thirteen and the provisions of law.

(j) The terms "directors", "expenses", "liability", "official capacity", "party", and "proceeding" are intended to have the meanings given to such terms under Section 7-109-101 of the Colorado Revised Statutes.

These Articles of Incorporation, consisting of pages 1 to 7, inclusive, have been duly adopted by the incorporator.

**IN WITNESS WHEREOF**, the incorporator of the Grand Junction, Colorado Economic Development Assistance Corporation has caused these Articles of Incorporation to be signed, this \_\_\_\_ day of \_\_\_\_\_, 2006.

---

INCORPORATOR

**BY-LAWS**  
**OF**  
**GRAND JUNCTION, COLORADO**  
**ECONOMIC DEVELOPMENT ASSISTANCE CORPORATION**

**ARTICLE I**  
**OFFICE OF THE CORPORATION**

The principal office of the Grand Junction, Colorado Economic Development Assistance Corporation (the "corporation") shall be located at 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

**ARTICLE II**  
**NATURE OF CORPORATION**

**Section 1. INTEREST OF OFFICERS AND DIRECTORS.** No officer or director of the corporation shall have any right, title or interest in or to any real or personal property or other assets of the corporation either during its existence or upon its dissolution.

**Section 2. NON-LIABILITY FOR DEBTS.** The private property of the directors and officers shall be exempt from execution or other liability for any debts of the corporation and no director or officer shall be liable or responsible for the debts or liabilities of the corporation.

**Section 3. INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES; LIMITATION OF LIABILITY.** The corporation shall indemnify any director, officer, employee or former director, officer or employee of the corporation, to the extent allowed by law and as provided in the articles of incorporation, against the obligation to pay a judgment, settlement, penalty, fine, or reasonable expense (including attorney fees) incurred with respect to the defense of any threatened, pending or completed action, suit, or proceeding, civil, criminal, administrative or investigative (whether formal or informal), or for any loss or claim resulting from such action, suit or proceeding, in which he is made a party by reason of being or having been a director, officer or employee. The corporation is authorized to obtain a policy or policies of insurance for the purpose of providing such indemnification of the directors, officers and employees of the corporation.

As provided in the Articles of Incorporation, except as otherwise provided by law, no director shall have any personal liability to the corporation or its members (if there are ever any members) for monetary damages for breach of fiduciary duty as a director.

**ARTICLE III  
BOARD OF DIRECTORS**

**Section 1. GENERAL.** The business and affairs of the corporation shall be managed by a board of directors consisting of three directors, as provided in the Articles of Incorporation. Those directors who shall serve as the first board of directors (as set forth in the Articles of Incorporation), shall hold office for the terms indicated below:

<u>Directors</u>	<u>Term</u>
City Manager	Until January 1, 2009
W. T. Sisson	Until January 1, 2009
James Fleming	Until January 1, 2008
Ann Driggers	Until January 1, 2008
Sam Baldwin	Until January 1, 2008

Thereafter the terms of office for the five directors shall be for a period of three years, subject to removal by the City Council of the City of Grand Junction, Colorado (the "City Council" and the "City", respectively) as provided in the Articles of Incorporation. Directors shall hold office until their successors have been appointed and qualified. A director may be appointed for one or more terms.

**Section 2. ANNUAL MEETING.** A regular annual meeting of the directors of the corporation shall be held at the principal place of business, or at such other place as a majority of the directors shall determine, on the second Tuesday of January in each year, at 7:00 p.m., or at such other time as a majority of the directors may determine, for the purpose of electing officers and for the transaction of such other business as may come before the meeting.

**Section 3. SPECIAL MEETINGS.** Special meetings of the directors may be called by any director, and it shall then be the duty of the Secretary-Treasurer to cause notice of such meeting to be given as hereinafter provided. Special meetings may be held at any place within the State.

**Section 4. NOTICE OF MEETINGS.** Written notice of the date, time and place of each special meeting shall be delivered personally or mailed by first class United States mail to each director at least 24 hours prior to the meeting. Waiver of the notice of any meeting may be given by any director, either before or after the time of

such meeting, and attendance at any meeting shall constitute a waiver of the notice of such meeting. Notice shall generally comply with the Colorado Open Meetings law.

**Section 5. TELEPHONE MEETINGS; ACTION WITHOUT MEETING.** Notwithstanding any other provision of these by-laws, the board of directors may conduct any meeting by telephone conference call. Notwithstanding any other provision of these by-laws, all of the directors may execute written consents setting forth any action, in substitution for any meeting, and any action of the board of directors (not inconsistent with law or the Articles of Incorporation) evidenced by such a written consent shall be the valid action of the board of directors.

**Section 6. QUORUM.** A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting. All resolutions or motions for the transaction of the business of the corporation shall require the affirmative vote of a majority of the board of directors.

**Section 7. VACANCY.** Whenever a vacancy shall occur in the membership of the board of directors, such vacancy or vacancies shall be filled by appointment by the City Council. If there are no remaining members of the board of directors, the vacancies shall be filled by the City Council.

**Section 8. COMPENSATION.** No director of the corporation shall receive any salary or compensation for his services nor shall any director of the corporation receive from the corporation any pecuniary profit from the operations of the corporation; provided that any director may, from time to time, be reimbursed for his reasonable expenses incurred in the performance of his duties as a director or officer.

## **ARTICLE IV OFFICERS**

**Section 1. OFFICERS.** The officers of the corporation shall be a President, Vice President, and a Secretary-Treasurer.

**Section 2. ELECTION AND TERM OF OFFICE.** The initial officers of the corporation shall be elected by the board of directors at the organizational meeting. Officers shall thereafter be elected annually by the board of directors at the regular annual meeting, and upon the appointment of one or more new directors. Each officer shall be a director and shall hold office until his successor as such officer shall have been duly elected as herein provided.

**Section 3. PRESIDENT.** The President shall be the principal executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation. The President shall preside at meetings of the board of directors, and may sign, together with the Secretary-Treasurer or any other proper

officer of the corporation authorized by the board of directors, or alone if no additional signature is required by the authorizing action of the board of directors, any leases, deeds, conveyances, mortgages, bonds, notes, debentures, securities, certificates, instruments, waivers, consents, obligations, agreements or contracts which the board of directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the board of directors or by statute to some other officer or agent of the corporation; and in general the President shall perform all duties incidental to the office of President and such other duties as may be prescribed by the board of directors from time to time.

**Section 4. VICE PRESIDENT.** In the absence of the President or in the event of the inability or refusal of the President to act, the Vice President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall perform such other duties as from time to time may be assigned by the President or by the board of directors.

**Section 5. SECRETARY-TREASURER.** If required by the board of directors, the Secretary-Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the board of directors may determine. The Secretary-Treasurer shall have charge and custody of and be responsible for any funds and securities of the corporation unless otherwise provided by the board of directors; and in general perform all the duties incidental to the office of treasurer and such other duties as from time to time may be assigned by the President or by the board of directors. The Secretary-Treasurer shall keep the minutes of the meetings of the board of directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these by-laws and as required by law; be custodian of the corporate records and of the seal of the corporation and affix the seal of the corporation to all documents, the execution of which on behalf of the corporation under its seal is duly authorized in accordance with the provisions of these by-laws; and in general perform all duties incidental to the office of secretary and such other duties as from time to time may be assigned by the President or by the board of directors. In the absence of the Secretary-Treasurer or in the event of the inability or refusal of the Secretary-Treasurer to act, the President may designate another director as Acting Secretary-Treasurer to assume the powers, duties and functions of the Secretary-Treasurer.

## **ARTICLE V SEAL**

The corporate seal of the corporation shall be in the form of a circle and shall have inscribed thereon the words "Grand Junction, Colorado E.D. Assistance Corporation" and the words "Corporate Seal" (or abbreviations thereof).

**ARTICLE VI  
FISCAL YEAR; AUDITS**

The fiscal year of the corporation shall begin on the first day of January of each year and shall end on the thirty-first day of December of such year. The corporation's financial statements shall be audited annually, and a copy of each audit shall be provided to the City.

**ARTICLE VII  
AMENDMENTS**

These by-laws may be altered, amended or repealed by the affirmative vote of a majority of the members of the board of directors voting at any special or regular meeting. Notwithstanding the foregoing, these by-laws may not be altered, amended or repealed so as to be inconsistent with the Articles of Incorporation, that Ordinance No. \_\_\_ of the City establishing the corporation, or with applicable law.

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

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

\_\_\_\_\_  
W. T. Sisson

\_\_\_\_\_  
James Fleming

\_\_\_\_\_  
Sam Baldwin

\_\_\_\_\_  
Ann Driggers

**Attach 4**

Setting a Hearing on Repealing the Telephone Exchange Provider Occupational Tax

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Repealing the Telephone Exchange Provider Occupational Tax					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	December 19, 2011				<b>File #</b>	
<b>Author</b>	John Shaver			<b>City Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The City by and through the Director of Finance and Administrative Services and the City Attorney recommend that the City Council repeal Ordinance No. 1725 concerning the imposition of an occupational tax on telephone exchange providers in the City.

**Budget:** Nominal costs for printing and the loss of \$48,000.00 per year from the one exchange provider that has paid the tax.

**Action Requested/Recommendation:** Introduction of proposed Ordinance on first reading, pass for publication and set the second reading and public hearing for June 19, 2006.

**Attachments:** Draft Ordinance

**Background:** In 1978 the City adopted Ordinance No. 1725 which imposed a business and occupation tax on telephone utility companies operating within the City. For many years there has been only one company that has provided local exchange services and therefore has paid the tax. The tax is set at a flat rate of \$48,000 per year.

Since 1978 the provision of telephone service has changed significantly. With the advent of new technologies such as voice over internet and cable telephony "local exchange telephone service" is not a term of art as it was nearly 30 years ago when Ordinance No. 1725 was adopted. In addition to the questions that arise about what is taxed or taxable under the ordinance, similarly there is a question as to what constitutes local service for purposes of determining the applicability of the occupational tax.



Earlier this year legal counsel for Qwest contacted the City and objected to the imposition of the occupational tax. Qwest asserted that: 1) there were other "local exchange" companies that were not being taxed and therefore 2) that as applied the tax was discriminatory.

Legal and financial staff reviewed the issues and determined that given the technological changes in the telephone industry that it would be in the best interest of the City and telephone service providers to repeal Ordinance No. 1725.

The repeal of Ordinance No.1725 does not change the imposition and/or collectibility of sales and use tax imposed under other section of the Grand Junction Sales and Use Tax Code.

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

**AN ORDINANCE REPEALING ORDINANCE NO.1725, REGARDING REVENUE AND IMPOSITION OF A BUSINESS AND OCCUPATION TAX ON ALL TELEPHONE EXCHANGE PROVIDERS OPERATING WITHIN THE CITY OF GRAND JUNCTION**

**RECITALS:**

Ordinance No. 1725 was adopted in 1978 to impose a business and occupation tax on telephone utility companies operating within the city. At that time, there was only one company providing local telephone services, and that provider has paid the tax to the City.

Since 1978, telephone service technologies have changed significantly, including services such as voice over internet and cable telephony. Questions have arisen about what is now taxable under the ordinance and what constitutes "local services" for purposes of imposing the occupation tax. In addition, there are now several telephone exchange providers operating within the City of Grand Junction who have not yet been charged the tax because of these questions.

Legal and financial staff for the City have reviewed the issues and determined that, given the technological changes and the growth of telephone exchange providers, it would be in the best interest of the City and telephone service providers to repeal Ordinance No. 1725.

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

Ordinance No. 1725 is hereby repealed.

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

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

\_\_\_\_\_  
Jim Doody, Mayor  
President of the Council

Attest:

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

**Attach 5**

Purchase Live Scan and Mug Shot for the Police Department

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Purchase Live Scan and Mug Shot System						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 23, 2006				<b>File #</b>		
<b>Author</b>	Susan Hyatt			<b>Senior Buyer</b>			
<b>Presenter Name</b>	Bill Gardner Bob Russell			<b>Police Chief</b> <b>Police Lieutenant</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>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A Single Source request is being made by the Police Department to purchase Identix Live Scan and Mug Shot equipment. The system interfaces with the Mesa County Sheriff's Office and Jail. No other manufacturer or reseller can accomplish this integration of the two systems.

**Budget:** The Police Department Specialty Equipment account has \$52,459 budgeted for this purchase in 2006.

**Action Requested/Recommendation:** Authorize the Purchasing Division to purchase Live Scan and Mug Shot equipment from Identix Inc. in the amount of \$45,027.

**Attachments:** N/A

**Background Information:** This purchase has many advantages and includes the following equipment:

- o Colorado Customization
- o Photo Capture System with built in Facial Recognition
- o Interface to Identix Mug Shot Database
- o FBI Full Hand Card
- o Local Duplex Fingerprint Card Printer
- o Installation and Training

The system allows the Police Department to accept fingerprint records from Mesa County Sheriff's Department and print them directly to the GJPD fingerprint card printer. The system is CBI Certified. The Identix equipment utilizes a single stationary camera design with a fixed optics system with fewer moving parts which ensures maximum uptime. There are no consumables which keeps the cost low.

The hand scanner adapts an imaging concept long used and recommended by the FBI. Other scanners require specific hand positioning and excessive pressure to capture a full hand image and may still miss the inner region of the palm. This equipment provides 300% greater contrast and ability to read fine features as compared to the F.B.I.'s Appendix F requirements. This means better data and greater clarity. The system also ignores moisture and sweat to prevent blobs and has "antismear" technology to prevent smudging and smearing.

Another advantage of the new equipment is an upgrade to the existing mug shot camera capture system. The mug shot interface enables the use of facial recognition software that will also send photos to the mug shot database. The Identix brand equipment ensures photos meet NIST (National Institute of Standards and Technology) guidelines and interfaces with the proprietary Identix mug shot database workstation.

**Attach 6**

Purchase a Mobile Public Safety Answering Point &amp; Communications Vehicle for the PD

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Mobile Public Safety Answering Point & Communications Vehicle					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				<b>File #</b>	
<b>Author</b>	Shirley Nilsen		Senior Buyer			
<b>Presenter Name</b>	Bill Gardner Paula Creasy		Chief of Police Communications Center Manager			
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Purchase of a Mobile Public Safety Answering Point and Communications Vehicle to provide backup operations in the event of an evacuation of the Grand Junction Regional Communication Center (GJRCC) and provide ancillary communications support during major events in Mesa County and surrounding areas.

**Budget:** A portion of funds to purchase the Mobile Public Safety Answering Point and Communications Vehicle are available in the 911 budget and from a State of Colorado Energy Impact Grant. Four hundred thousand dollars is budgeted from 911 surcharge funds, with an additional \$200,000.00 available from the state grant. The total amount of available funds for the project is \$600,000.00.

**Action Requested/Recommendation:** Authorize the City Purchasing Division to purchase one Mobile PSAP Communications Vehicle from LDV Inc, Burlington, Wisconsin in the amount of \$522,800.

**Background Information:** The solicitation invitations were sent to seventy six (76) potential providers. Three (3) responsive and responsible proposals were received from:

Company	Location	Price
* LDV, Inc.	Burlington, WI	\$522,800.00
Mattman Specialty Vehicles	San Marcos, CA	\$563,734.27

Emergency Management Equipment	Salt Lake City, UT	\$655,437.00
--------------------------------	--------------------	--------------

\*Recommended Award.

The vehicle was selected through a competitive request for proposal process using the following criteria:

- Net Cost
- Responsiveness of RFP
- Demonstrated Capabilities
- Compliance with Specifications
- Proven Performance
- Ease of Operation
- Vendor Performance History
- Delivery Time
- Parts and/or Supplies
- Service/Part availability
- Advantageous superior design features

Proposals were opened and evaluated by a team of representatives from the Grand Junction Regional Communications Center, Purchasing and Fleet Services.

The LDV Inc. PSAP and Communications Vehicle is recommended because of the following:

- The price quotation is competitive with other the proposals and within budget.
- Comprehensive, detailed, and informative proposal with additional optional items included that exceeded the specifications of the RFP.
- Questions and exceptions raised by LDV, along with additional information provided on request and during the pre-bid conference, helped to reinforce the perception that the vendor and its' representatives were subject matter experts with extensive experience in producing vehicles of the type specified.
- Received excellent ratings from all contacted references.

The evaluation team, Communications Center Manager and Purchasing Manager agree with this recommendation.

This unit is an addition to the fleet.

**Attach 7**

Revocable Permit for Redlands Mesa Entrance Sign, Located at West Ridges Blvd. & Mariposa Drive

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Revocable Permit for Redlands Mesa Entrance Sign, located at West Ridges Boulevard and Mariposa Drive					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 26, 2006				File #RVP-2005-292	
<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>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A Resolution approving a Revocable Permit to allow an entrance sign for Redlands Mesa, to be located in the Right-of-Way of West Ridges Boulevard and Mariposa Drive.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the Resolution issuing the Revocable Permit.

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

**Attachments:**

1. Staff report/Background information
2. Sign Location
3. Sign Detail
4. Resolution/Revocable Permit





<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		West Ridges Boulevard and Mariposa Drive	
<b>Applicant:</b>		Redlands Mesa, LLC—Rochelle Mullen	
<b>Existing Land Use:</b>		Residential Medium Low (2-4 u/a)	
<b>Proposed Land Use:</b>		Residential Medium Low (2-4 u/a)	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Medium Low	
	<b>South</b>	Park	
	<b>East</b>	Residential Medium Low	
	<b>West</b>	Residential Medium Low	
<b>Existing Zoning:</b>		PD (Planned Development)	
<b>Proposed Zoning:</b>		PD	
<b>Surrounding Zoning:</b>	<b>North</b>	PD	
	<b>South</b>	CSR (Community Services and Recreation)	
	<b>East</b>	RSF-2 (Residential Single Family, 2 u/a)	
	<b>West</b>	PD	
<b>Growth Plan Designation:</b>		Public	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**Project Analysis:**

1. Background:

With Redlands Mesa, Filing 7, the developer has completed the eastern most section of West Ridges Boulevard and Mariposa Drive. They are proposing to locate a subdivision identification sign at the southwest corner of Mariposa Drive and West Ridges Boulevard, within the remaining right-of-way (ROW) between the detached sidewalk and the curb. The proposed sign has a base of 5 ½ feet by 13 ½ feet. It includes a decorative base with a sign face not exceeding the allowed 32 square feet, and not exceeding the maximum height of 8 feet. The sign will be externally illuminated and will have to meet all lighting requirements of the Code. The drawings submitted showed the potential for an addition to the sign to identify the Ridges development. However, that is not being considered at this time. The revocable permit would be specific to the Redlands Mesa sign only.

2. Section 2.17.C of the Zoning and Development Code:

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

*The placement of the sign at the intersection of Mariposa Drive and West Ridges Boulevard will identify this main entrance into the subdivision.*

- b. There is a community need for the private development use proposed for the City property.

*The area between the detached sidewalk and curb on West Ridges Boulevard is being landscaped and maintained by the Redlands Mesa HOA.*

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

*The ROW is not needed for any other purpose.*

- d. The proposed use shall be compatible with the adjacent land uses.

*A subdivision identification sign is appropriate at this location.*

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

*The proposed sign does not create any safety or hazard issues.*

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

*The proposed use is in compliance with Code requirements.*

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

*The application complies with all submittal standards.*

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Redlands Mesa application, RVP-2005-292, for the issuance of a revocable permit for a subdivision identification sign, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION: Staff recommends approval.

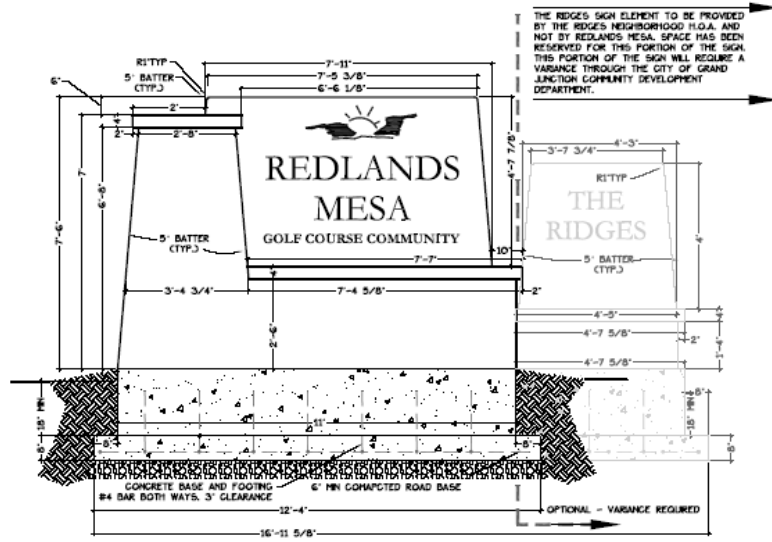
# Site Location Map

Figure 1



# Proposed Sign

**A**  
**1** SIGN DETAIL  
SCALE: 1/2"=1'



REDLANDS MESA  
GRAND JUNCTION, COLORADO

DESIGNED BY	DATE
CHECKED BY	DATE
DRAWN BY	DATE
PROJECT NO.	
DRAWING TITLE	
SHEET NO. 1 OF 1	
SCALE	
PROJECT LOCATION	
DRAWING NO.	
DATE	

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

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
REDLANDS MESA HOME OWNERS ASSOCIATION, INC. TO ALLOW AN  
ENTRANCE SIGN**

**Recitals.**

1. Redlands Mesa Home Owners Association, Inc., a Colorado nonprofit corporation, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install and maintain a subdivision identification sign within the limits of the following described City-owned property, to wit:

**EXHIBIT A**

A parcel of land situated in the northwest quarter of the southwest quarter of Section 21, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at an aluminum cap marked "PLS 18480" on a 2" steel pipe for the quarter corner common to said Section 21 and Section 20 whence Mesa County Survey Marker #1209, a brass cap for the south sixteenth corner common to Section 21 and Section 20, bears South 1°14'38" West, with all bearings herein relative thereto;  
Thence South 5°05'26" East, a distance of 258.86 feet to the Point of Beginning;  
Thence North 63°33'30" East, a distance of 22.50 feet;  
Thence South 26°26'30" East, a distance of 16.50 feet;  
Thence South 63°33'30" West, a distance of 22.50 feet;  
Thence North 26°26'30" West, a distance of 16.50 feet to the Point of Beginning.

Containing 0.009 acres, more or less.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the City-owned

property aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

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

Attest:

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

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



## REVOCABLE PERMIT

### Recitals

Redlands Mesa Home Owners Association, Inc., a Colorado nonprofit corporation, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install and maintain a subdivision identification sign within the limits of the following described City-owned property, to wit:

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Thence South 5°05'26" East, a distance of 258.86 feet to the Point of Beginning;  
Thence North 63°33'30" East, a distance of 22.50 feet;  
Thence South 26°26'30" East, a distance of 16.50 feet;  
Thence South 63°33'30" West, a distance of 22.50 feet;  
Thence North 26°26'30" West, a distance of 16.50 feet to the Point of Beginning.

Containing 0.009 acres, more or less.

1. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the City-owned property aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the City-owned property as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said property.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed City-owned property for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold nor attempt to hold the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said City-owned property or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described City-owned property in good condition and repair.
5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said City-owned property and, at its own expense, remove any encroachment so as to make the aforescribed City-owned property available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.
6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

The City of Grand Junction  
a Colorado home rule municipality

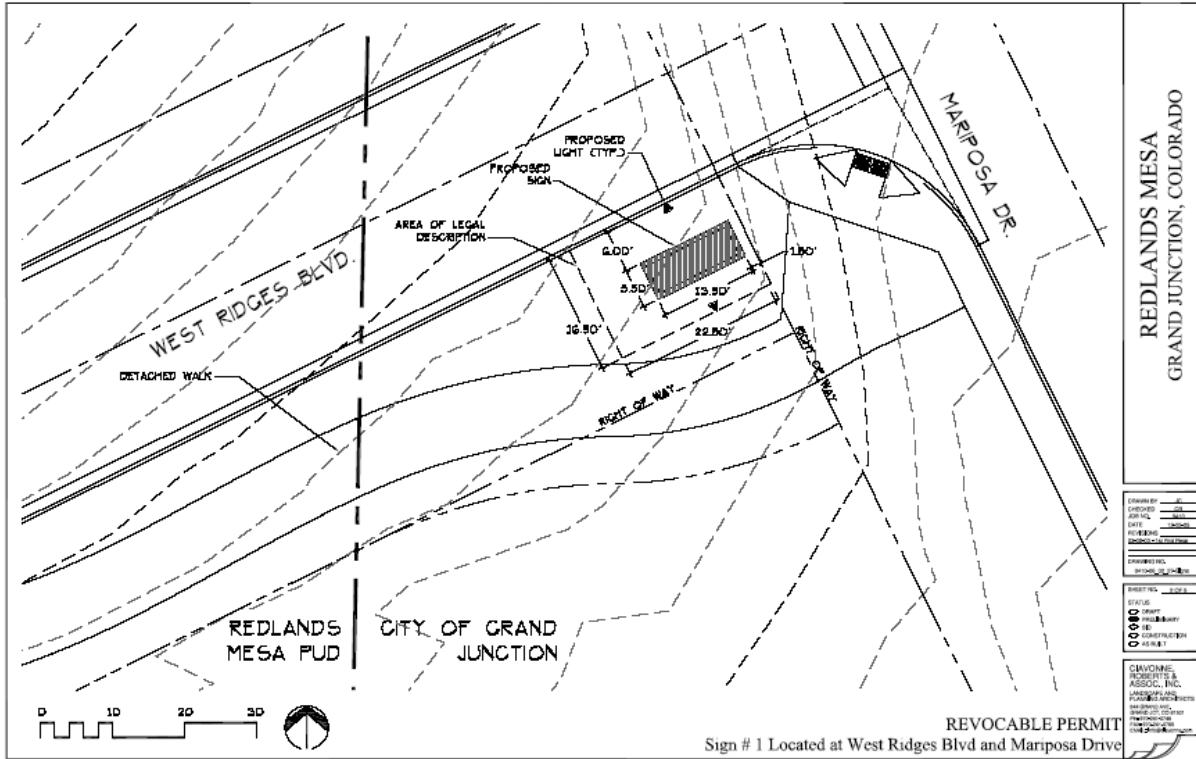
\_\_\_\_\_  
City Clerk

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

Acceptance by the Petitioner:

By: \_\_\_\_\_

Exhibit A



**AGREEMENT**

Redlands Mesa Home Owners Association, Inc., a Colorado nonprofit corporation, for itself and for its successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said City-owned property to the City of Grand Junction and, at its sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Redlands Mesa Home Owners Association,  
a Colorado nonprofit corporation

Attest:

By:

State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by Connie Whalen as President of Redlands Mesa Home Owners Association, Inc., a Colorado nonprofit corporation.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

Notary Public

**Attach 8**

Setting a Hearing for the Walcher Rezone, Located at 2483 River Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Walcher Rezone, located adjacent to 2483 River Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 26, 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>	x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request approval to rezone .44 acres, located adjacent to 2483 River Road, from CSR (Community Services and Recreation) to I-1 (Light Industrial).

**Budget:** N/A

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

**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. Ordinance



AGENDA TOPIC: GPA-2006-059 Rezone—Walcher River Road

ACTION REQUESTED: Consideration of a request to rezone from CSR (Community Services and Recreation) to I-1 (Light 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:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to rezone approximately .44 acres, located adjacent to 2438 River Road, from CSR (Community Services and Recreation) to I-1 (Light Industrial).

RECOMMENDATION: Staff recommends approval. The Planning Commission will consider the rezone at their June 13, 2006 hearing.



## ANALYSIS

### 1. Background

The property proposed for a rezone 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 City Council recently approved a Growth Plan Amendment changing the Future Land Use designation from Conservation to Commercial/Industrial, which is the same designation of the adjacent property to the west. The owners are requesting a rezone to I-1 (Light Industrial), which is consistent with the zoning of the property to the west. Although the parcel size of .44 acres does not meet with minimum lot size of 1 acre for the I-1 zone district, it is an existing parcel and is owned by the property owner of the adjacent parcel to the west. The parcel will be limited by its size for future development.

### 2. Section 2.6.A of the Zoning and Development Code

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

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

*The existing zoning of CSR was established to be consistent with the Future Land Use designation of Conservation. Since the Growth Plan has been amended to Commercial/Industrial, a rezone is appropriate.*

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

*The ownership issues have been resolved, and this property is not needed for conservation or park purposes.*

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

*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.*

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

*All services are available to the site for industrial use.*

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

*Changing the zoning to Light Industrial will allow for the expansion and addition to the adjacent I-1 property.*

6. The community will benefit from the proposed zone.

*The I-1 zoning is compatible with the adjacent properties.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Walcher River Road application, GPA-2006-059, for a rezone, staff makes the following findings of fact and conclusions:

2. The proposed amendment is consistent with the purpose and intent of the Plan.

3. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested rezone, GPA-2006-059, with the findings and conclusions listed above.

**PLANNING COMMISSION RECOMMENDATION:**

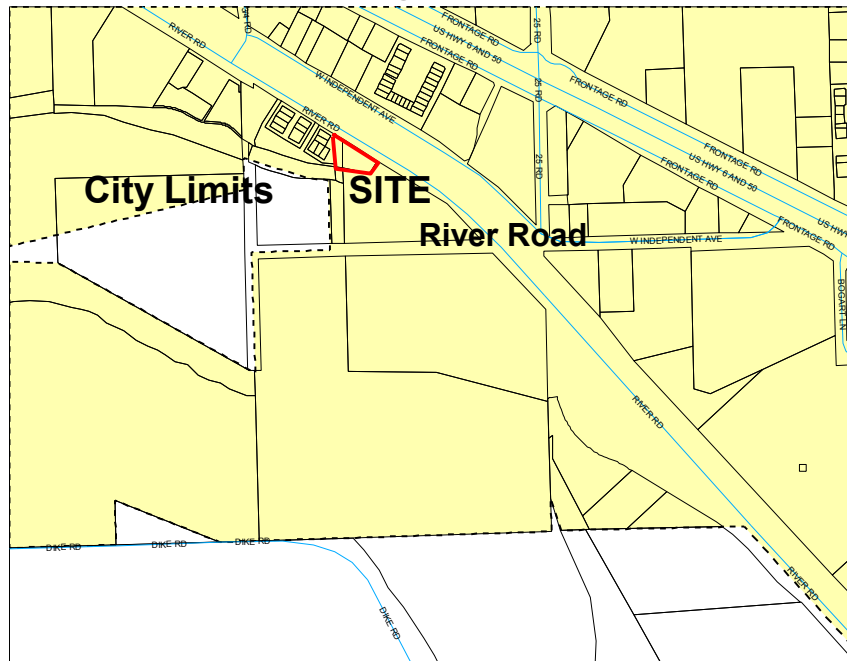
Planning Commission will make a recommendation at their June 13, 2006 hearing.

**Attachments:**

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Applicant's General Project Report  
Rezone Ordinance

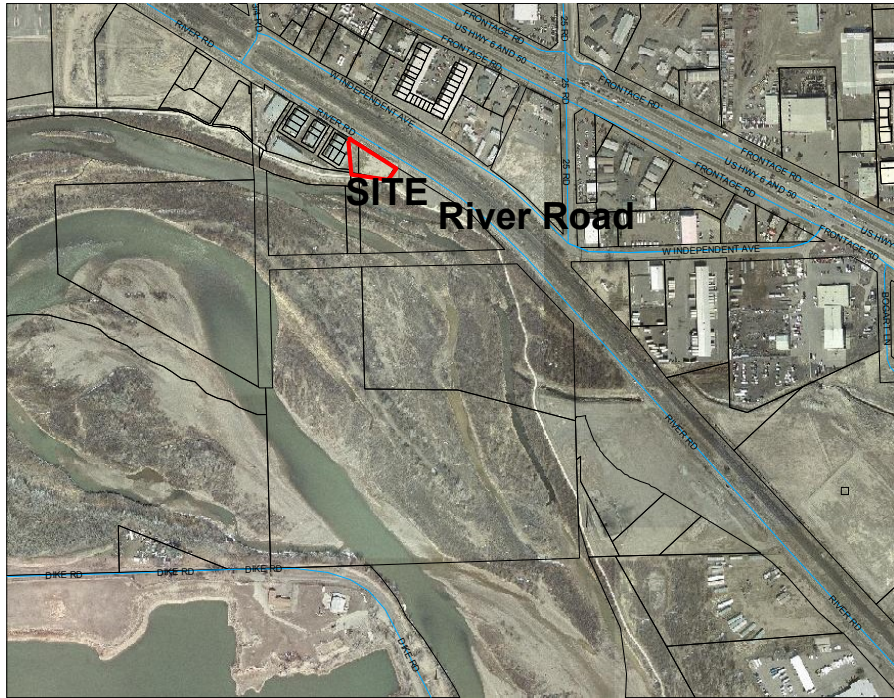
# Site Location Map

Figure 1



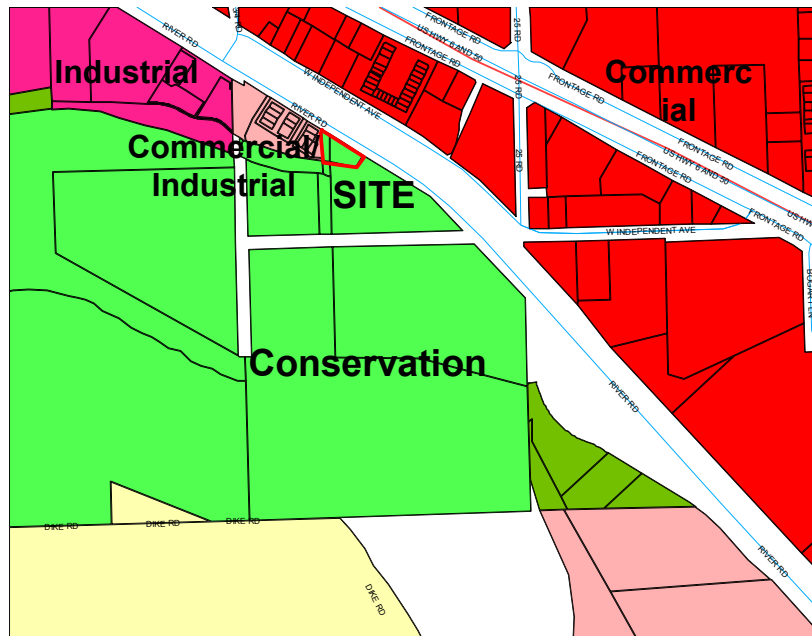
# Aerial Photo Map

Figure 2



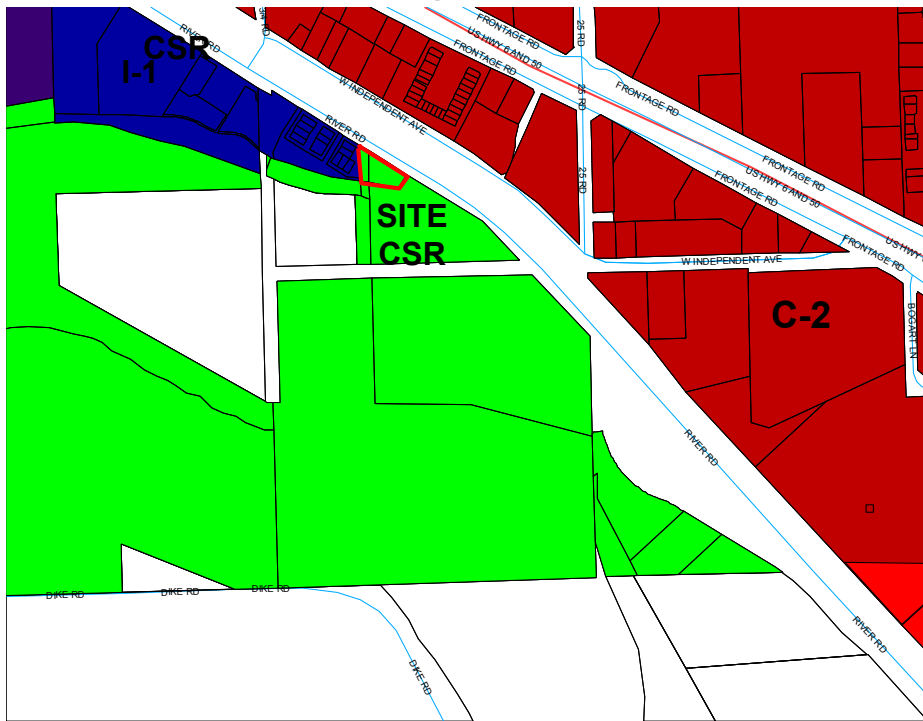
# Future Land Use Map

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

ORDINANCE NO.

AN ORDINANCE REZONING APPROXIMATELY .44 ACRES, LOCATED ADJACENT TO 2483 RIVER ROAD, FROM CSR TO I-1 (Walcher)

Recitals:

A request for a Rezone 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 rezoned from CSR (Community Services and Recreation) to I-1 (Light Industrial).

In a public hearing, the City Council reviewed the request for the proposed Rezone and determined that it satisfied the criteria as set forth and established in Section 2.6.A of the Zoning and Development Code and the proposed rezone is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM CSR TO I-1.

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**.

**INTRODUCED** on first reading on the 7<sup>th</sup> day of June, 2006 and ordered  
published.

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

ATTEST:

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

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

**Attach 9**

Setting a Hearing on the Niblic Drive Rezone, Located at 718 Horizon Drive

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	Niblic Drive Rezone, located at 718 Horizon Drive, adjacent to Niblic Drive						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 26, 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>		x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request approval to rezone .53 acres, located at 718 Horizon Drive, adjacent to Niblic Drive, from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

**Budget:** N/A

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

**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. Ordinance

AGENDA TOPIC: GPA-2006-061 Rezone—Horizon/Niblic Drive

ACTION REQUESTED: Consideration of a request to rezone from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

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?		X	Yes		No

PROJECT DESCRIPTION: A request to rezone approximately .53 acres, located at 718 Horizon Drive, adjacent to Niblic Drive, from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

RECOMMENDATION: Staff recommends approval. The Planning Commission will consider the rezone at their June 13, 2006 hearing.

## ANALYSIS

### 1. Background

The area proposed for a rezone 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 rezone for the .53 acres from C-1 to RMF-5, consistent with the adjacent neighborhood. The City Council recently approved a Growth Plan Amendment for this piece, changing the Future Land Use Designation from C (Commercial) to RML (Residential Medium Low, 2-4 units per acre). If the rezone is approved, the petitioner will proceed with a Simple Subdivision to create two parcels, one containing the motel development, and one for future residential development.

The Partee Heights Subdivision as a whole has a Future Land Use Designation of Residential Medium Low (2-4 units per acre), but a zoning of RMF-5. The RMF-5 zoning was put into place in 2000 to be more compatible with the setbacks already established in the neighborhood. While an RSF-4 zoning would specifically fit into the Future Land Use category of Residential Medium Low, it would not be consistent with the rest of the neighborhood.

### 2. Section 2.6.A of the Zoning and Development Code

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

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

*The existing zoning of C-1 recognized that there was one parcel with a commercial use on it. The potential for subdivision was not considered at that time.*

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

*The owners of the motel property have determined that the portion of the property along Niblic Drive is not appropriate for commercial development. 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.*

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

*The proposed rezone to RMF-5 is compatible with the surrounding Partee Heights neighborhood. While the Future Land Use Designation of the area is Residential Medium Low (2-4 units per acre), the request for RMF-5 zoning, to be consistent with the surrounding zoning, conforms to the Growth Plan in the following ways:*

- *Exhibit V.3, Future Land Use Map, of the Growth Plan notes that “this map does not stand alone; it must be used in concert with the goals and policies in the Urban Area Plan; and this map does not necessarily reflect current zoning”.*
- *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.*
- *The rest of the Partee Heights neighborhood is already developed and unlikely to redevelop. The underlying Growth Plan designation of Residential Medium Low would only allow for densities of up to four units per acre, even with the RMF-5 zone district.*

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

*All services are available to the site for residential use.*

5. The supply of comparable zoned land in the surrounding area is inadequate to accommodate the community’s needs; and

*Changing the .53 acres to residential will allow for infill development in the neighborhood.*

6. The community will benefit from the proposed zone.

*Changing the zoning from C-1 to RMF-5 is more compatible with the neighborhood.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Horizon/Niblic Drive application, GPA-2006-061, for a rezone, staff makes the following findings of fact and conclusions:

4. The proposed rezone is consistent with the purpose and intent of the Plan.
5. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

## STAFF RECOMMENDATION:

Staff recommends approval of the requested rezone, GPA-2006-061, to the City Council with the findings and conclusions listed above.

## PLANNING COMMISSION RECOMMENDATION:

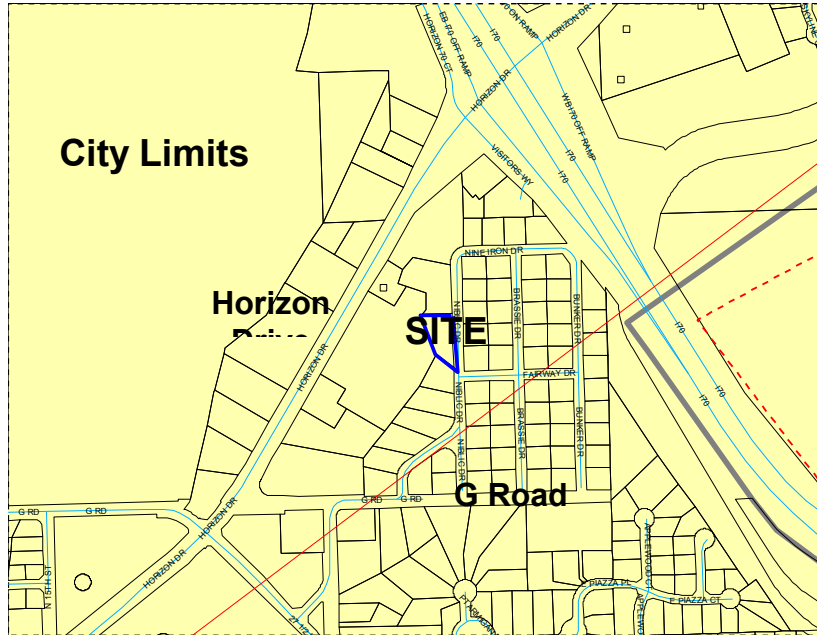
[Planning Commission will make a recommendation at their June 13, 2006 hearing.](#)

## Attachments:

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Applicant's Project Report  
Ordinance

# Site Location Map

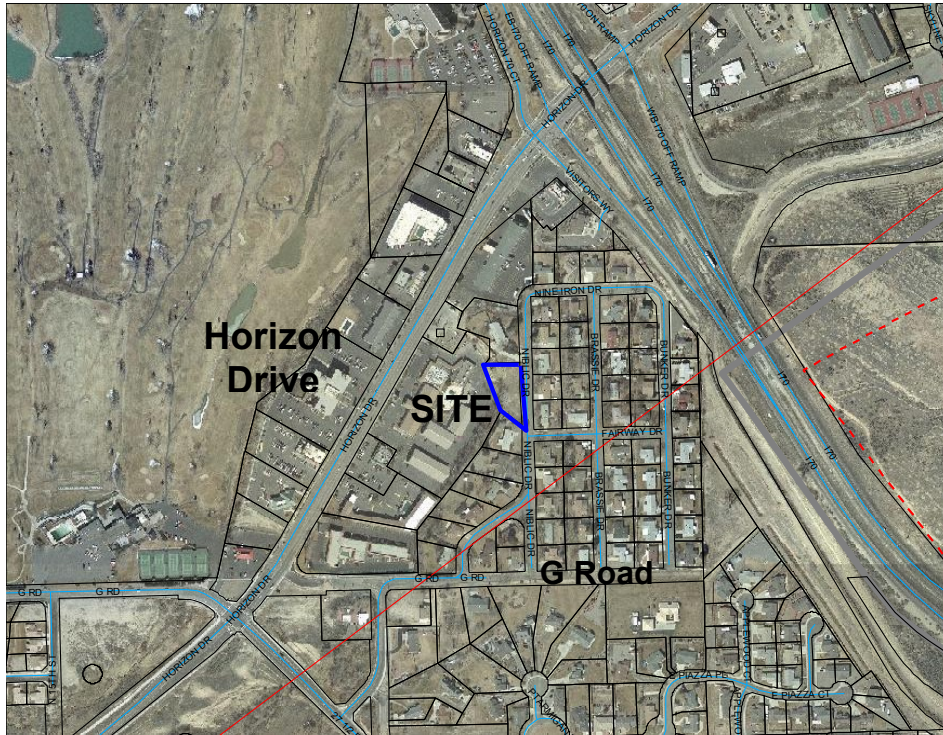
Figure 1



# Aerial Photo Map

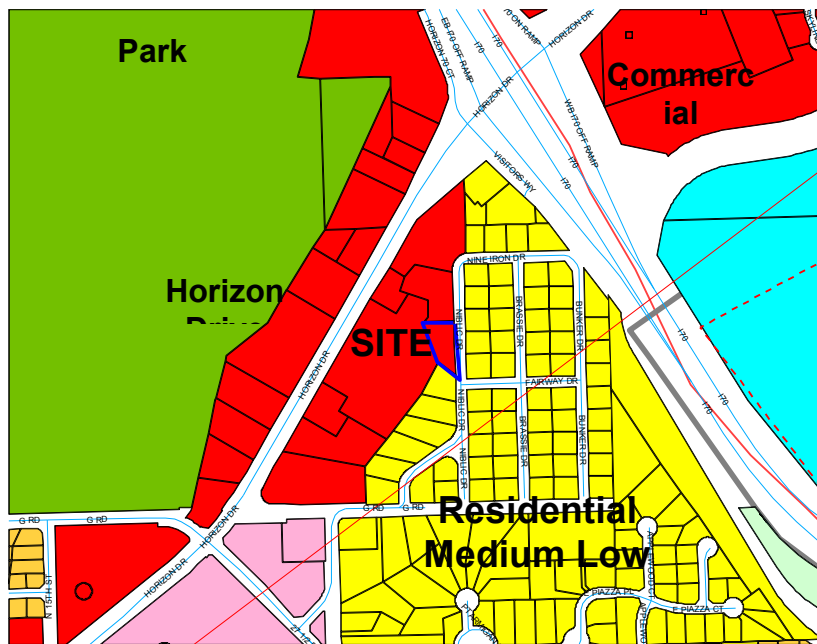
Figure 2





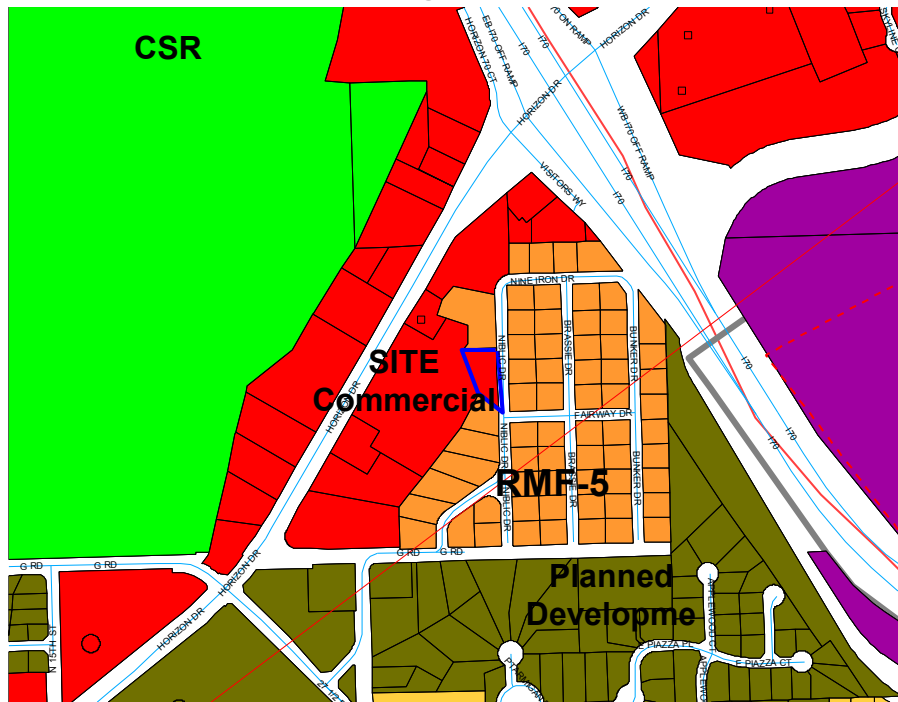
## Future Land Use Map

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."

## **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

ORDINANCE NO.

AN ORDINANCE REZONING APPROXIMATELY .53 ACRES, LOCATED AT 718 HORIZON DRIVE, ADJACENT TO NIBLIC DRIVE, FROM C-1 TO RMF-5

Recitals:

A request for a rezone has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately .53 acres, located along Niblic Drive, be rezoned from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

In a public hearing, the City Council reviewed the request for the proposed Rezone and determined that it satisfied the criteria as set forth and established in Section 2.6.A of the Zoning and Development Code and the proposed rezone is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM C-1 TO RMF-5.

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 ½--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.

**INTRODUCED** on first reading on the 7<sup>th</sup> day of June, 2006 and ordered published.

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

ATTEST:

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

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

**Attach 10**

Setting a Hearing on the Graff Dairy Rezone, Located at 581 29 Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Graff Dairy Rezone, located at 581 29 Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 26, 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>	x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request approval to rezone .67 acres, located adjacent to 581 29 Road, from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

**Budget:** N/A

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

**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 for Growth Plan Request
5. Public Comment
6. Ordinance

AGENDA TOPIC: GPA-2006-060 Rezone—Graff Dairy

ACTION REQUESTED: Consideration of a request to rezone from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light 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:		RMF-5 (Residential Multifamily, 5 units per acre)			
Proposed Zoning:		C-1 (Light Commercial)			
Surrounding Zoning:	North	RMF-5			
	South	RMF-5			
	East	County RSF-4			
	West	RMF-5			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to rezone approximately .67 acres from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

RECOMMENDATION: Staff recommends approval. The Planning Commission will consider the rezone at their June 13, 2006 hearing.





## 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.

City Council recently approved a Growth Plan Amendment changing the Future Land Use designation from Residential Medium (4-8 units per acre) to Commercial, allowing for the rezone request. The owners are requesting a C-1 zone district, which would allow for the current operations, including the processing of milk products, wholesale and retail sales, and a drive-through window.

### 2. Section 2.6.A of the Zoning and Development Code

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

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

*The existing zoning of RMF-5 was established to be consistent with the Future Land Use designation of Residential Medium. Since the Growth Plan has been amended to Commercial, a rezone is appropriate.*

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

*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.*

3. The proposed rezone is compatible with the neighborhood, conforms to and further the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

*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.*

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

*All services are available to the site for additional development.*

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

*The rezone to C-1 will allow for this site to continue operating as a commercial use, as it has for 40 years.*

6. The community will benefit from the proposed zone.

*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 rezone, staff makes the following findings of fact and conclusions:

6. The proposed zone of C-1 is consistent with the purpose and intent of the Plan.
7. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezone, GPA-2006-060, with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

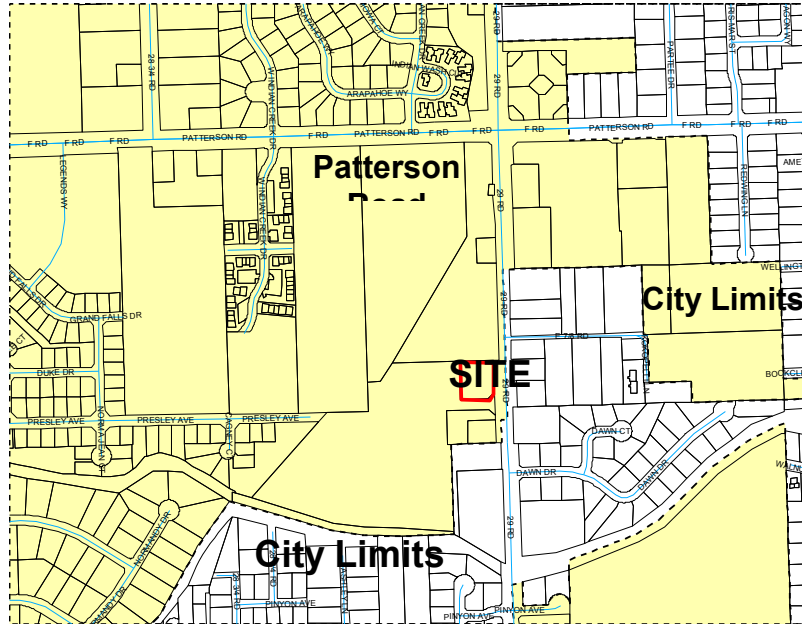
[Planning Commission will make a recommendation at their June 13, 2006 hearing.](#)

Attachments:

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Applicant's General Project Report for the Growth Plan Amendment  
Citizen Letters  
Rezone Ordinance

# Site Location Map

Figure 1



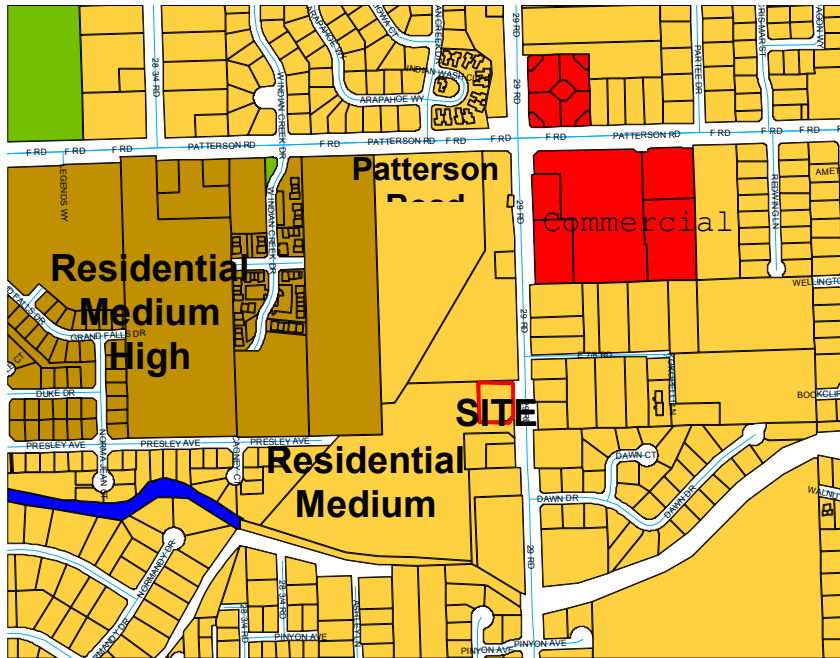
# Aerial Photo Map

Figure 2



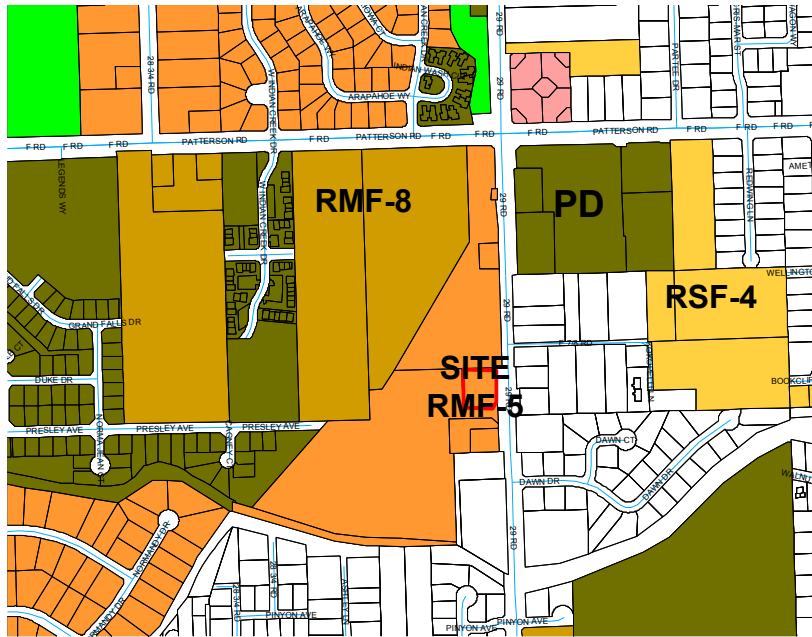
# Future Land Use Map

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  
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 is 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 McKeegan 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 you 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

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

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



FARMERS

**Tracy Insurance Services**  
845 Grand Ave  
Grand Junction, CO 81501  
Bus: 970-242-4118  
Fax: 970-243-3644

## ***Congratulations!***

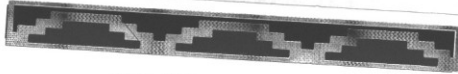
**From everyone at Tracy Insurance Services, Inc.**

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 (Chaff 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 Safeway complex, a real estate office, a veterinary clinic --

It is nonsense to zone it residential and harm the business that have long standing. Gay Dyer and Gerald Dyer



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





CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING APPROXIMATELY .67 ACRES, LOCATED AT 581 29 ROAD, FROM RMF-5 TO C-1 (Graff Dairy)

Recitals:

A request for a Rezone 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 rezoned from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

In a public hearing, the City Council reviewed the request for the proposed Rezone and determined that it satisfied the criteria as set forth and established in Section 2.6.A of the Zoning and Development Code and the proposed rezone is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-5 TO C-1.

Lot 1 Graff Minor Subdivision SEC 7 1S 1E—0.67 acres

**INTRODUCED** on first reading on the 7<sup>th</sup> day of June, 2006 and ordered published.

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

ATTEST:

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

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

**Attach 11**

Setting a Hearing on Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Rd, between 23 and 23 ½ Road

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	GPD Global/Woomer Annexation Zoning, located at I-70 Frontage Road, between 23 and 23 ½ Road						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 26, 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>		Yes	x	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request approval to zone the GPD Global/Woomer Annexation, consisting of 25 acres and located at I-70 Frontage Road, between 23 and 23 ½ Road to I-1 (Light Industrial).

**Budget:** N/A

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

**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. Ordinance



AGENDA TOPIC: GPA-2006-065 Zone of Annexation—GPD Global Annexation

ACTION REQUESTED: Consideration of a request to zone the GPD Global Annexation I-1 (Light 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	
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)	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: A request to zone the GPD Global Annexation, consisting of approximately 25 acres, I-1 (Light Industrial).

RECOMMENDATION: Staff recommends approval. The Planning Commission will consider the zone of annexation at their June 13, 2006 hearing.

## 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 and zoning. 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 requested 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. The City Council approved the Growth Plan Amendment. The applicant is requesting I-1 (Light Industrial) zoning, which is consistent with the zoning to the east.

### 2. Section 2.14.F and 2.6.A of the Zoning and Development Code

Land annexed to the City shall be zoned in accordance with section 2.6 to a district that is consistent with the adopted Growth Plan and the criteria set forth in Section 2.6.A.3, 4 and 5 or consistent with existing County zoning. The property has a zoning of PC (Planned Commercial) in the County with a wide range of commercial and industrial uses. The applicant is requesting a zone district of I-1, which must be found consistent with the following criteria of Section 2.6.A. of the Zoning and Development:

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

*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. The property was then rezoned to I-1.*

*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).*

*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 I-1 zoning:*

*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.*

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

*All services are available to the site for heavy commercial/light industrial uses.*

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs, and;

*The I-1 zoning will allow for uses more appropriate for the existing building and compatible with the adjacent zoning and uses.*

6. The community will benefit from the proposed zone.

*There will be community benefits in allowing for the re-use of the building and surrounding area for light industrial uses, as was originally intended.*

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

- a. C-2 (General Commercial)
- b. I-O (Industrial Office)

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the GPD Global application, GPA-2006-065, for a zone of annexation, staff makes the following findings of fact and conclusions:



8. The proposed zoning is consistent with the purpose and intent of the Plan.
9. The review criteria in Section 2.14.F and 2.6.A of the Zoning and Development Code have all been met.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested zoning, GPA-2006-065, with the findings and conclusions listed above.

**PLANNING COMMISSION RECOMMENDATION:**

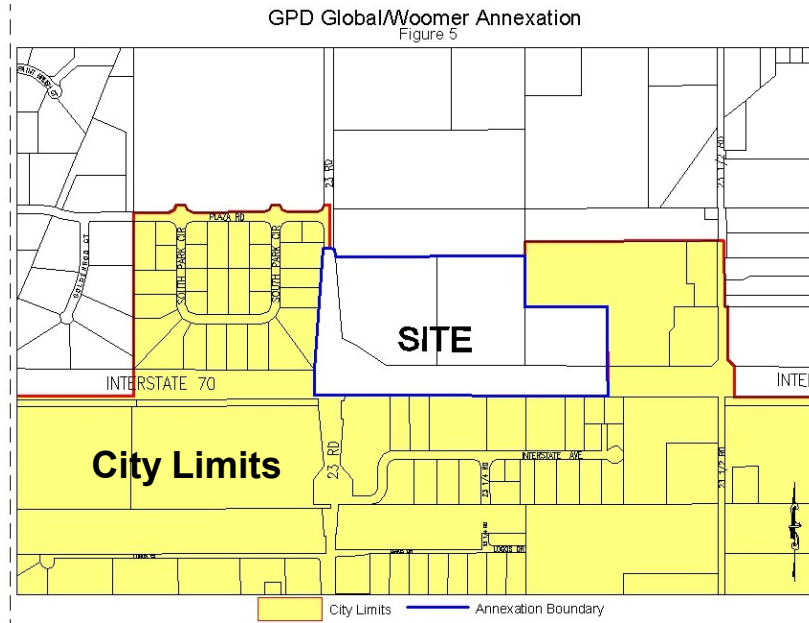
[Planning Commission will make a recommendation at their June 13, 2006 hearing.](#)

**Attachments:**

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Applicant's Project Report  
Ordinance

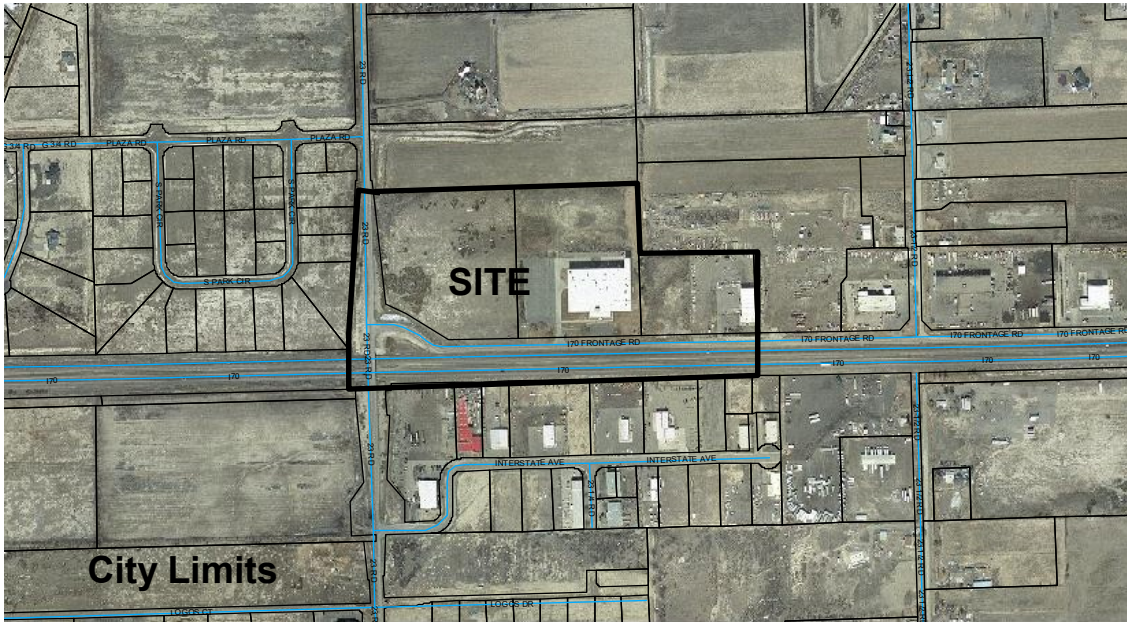
# Site Location Map

Figure 1



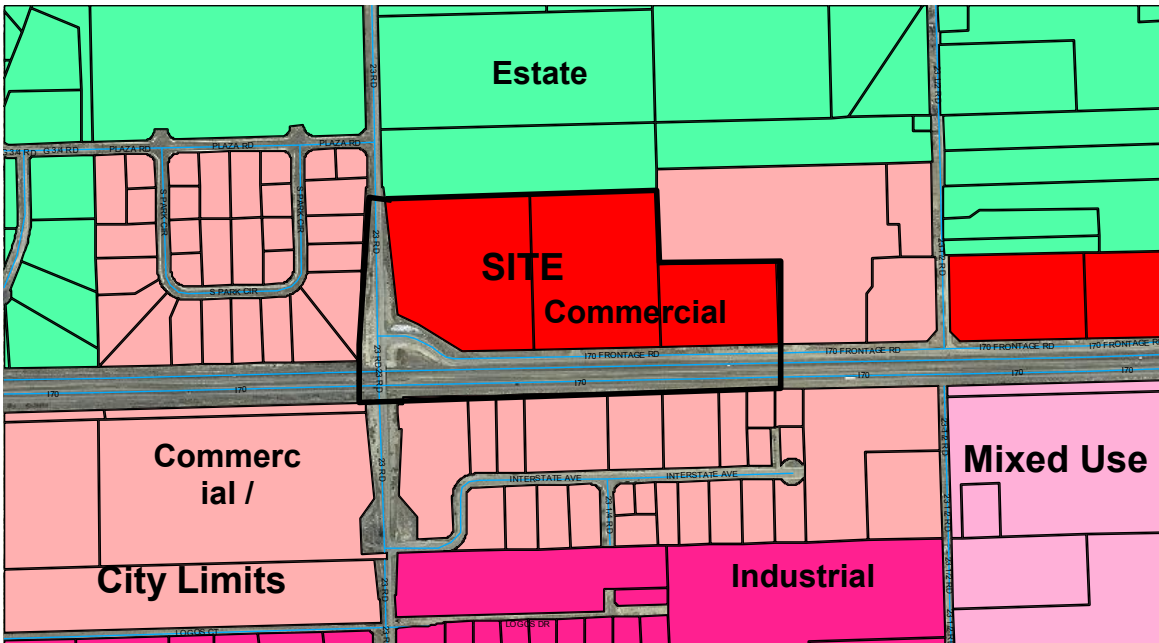
# Aerial Photo Map

Figure 2



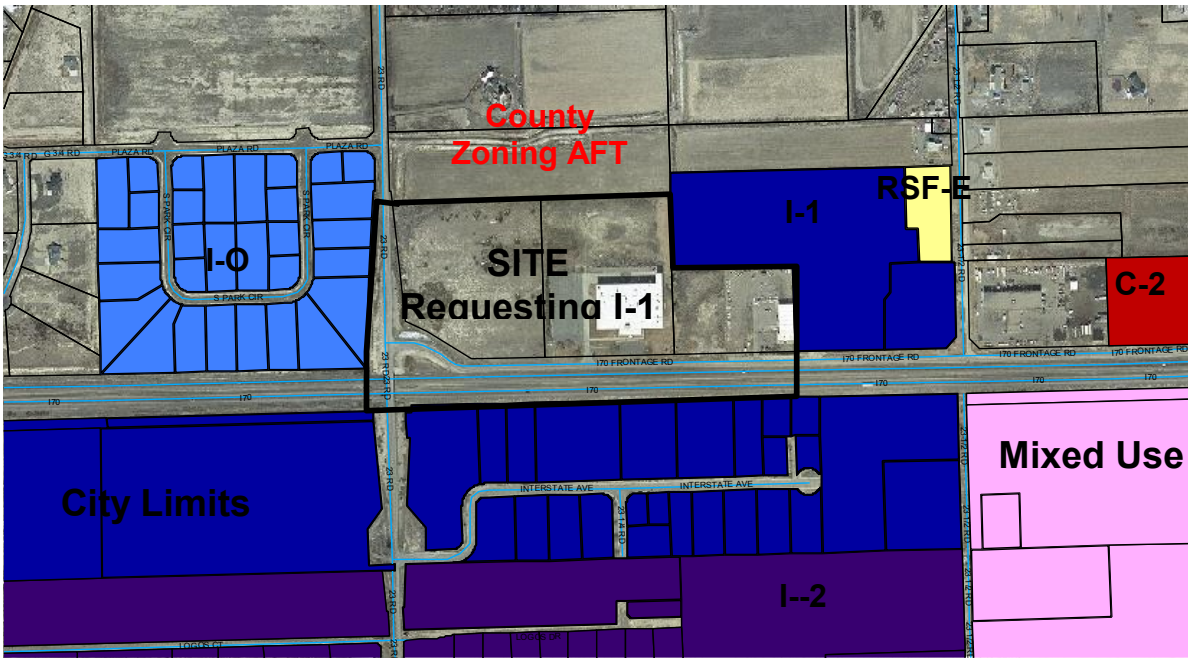
## Future Land Use Map

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."

**H. REZONE CRITERIA.**

The following questions/criteria, found in Section 2.6 of the *Grand Junction Zoning and Development Code (Code)*, must be answered in reviewing rezone applications. Petitioners are requesting a rezone from Mesa County Planned Commercial to City of Grand Junction Light Industrial (I-1). The location of the requested Zone of Annexation is found on Attachment 1.

Section 3.4 G. of the *City of Grand Junction Zoning and Development Code (Code)* states that the Light Industrial (I-1)

" . . . provide(s) for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities."

The City of Grand Junction's authorized uses for the I-1 (Light Industrial) zone are found in Table 3.5. (See Attachment 6.)

The Section 2.6 Rezoning criteria are:

1. Was the existing zone an error at the time of adoption?

There may have been a mistake in the zoning by Mesa County of the Property, as it carries a zoning of Planned Commercial while the property on three sides is zoned Industrial Office or Light Industrial. The requested zone of annexation for the Property is Light Industrial (I-1) which is consistent with the majority of the nearby property. Also, the historical use of the building now operated by GPD Global is heavy equipment fabrication and repair which is consistent with an industrial zoning.

2. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?

There has been a change of character in the area due to installation of public facilities (sanitary sewer), new growth trends, and development transitions, as shown in the review of criterion D.1.2 above.

3. Is the proposed rezone compatible with the neighborhood and will not create adverse impacts?

The Petitioners are requesting a rezone to the same zoning (Light Industrial) as their neighbor to the east and all their neighbors immediately south of Interstate 70. Their neighbor to the west is designated Commercial/Industrial by the *Growth Plan* and has zoning of Industrial/Office which is compatible with the Petitioners request of Light Industrial. Their neighbor to the north is zoned AFT by the County which may suggest idyllic country settings but in fact they are in the process of improving their

land to be a recreational vehicle park. A recreational vehicle park is compatible (particularly with appropriate buffering) with light industrial activities.

Measures to further mitigate the potential negative aspects of the project have been proposed with this application, they include:

- \* 25 foot wide landscape strip with trees and shrubs between the GPD property and the Moondance RV Resort
- \* 6 foot masonry wall, fence or landscaped berm or combination thereof

4. Is the proposal in conformance with the goals and policies of the *Growth Plan*, other adopted plans and policies and the requirements of the Code and other City regulations and guidelines?

Overall, the *Growth Plan* amendment and Zone of Annexation to Light Industrial (I-1) meets the numerous goals, and is in partial compliance with the Land-Use Plan maps of the *Mesa Countywide Land Use Plan* and *North Central Valley Plan*. A detailed review of both Plans are found in item D.1. above used to determine if a *Growth Plan* amendment should be approved found in this General Project Report.

5. Are adequate public services and facilities available or will be made available concurrent with the projected impacts of the proposed development?

All public services are available to the Property. The Property is within the Persigo 201 boundary but not connected to the wastewater treatment network. The Petitioners will connect the Property to the wastewater treatment system in connection with the related annexation. The Property is currently served by:

XCel Energy - Natural Gas  
Grand Valley Rural Power - Electric  
Grand Valley Irrigation Company - Irrigation Water  
Grand Junction Drainage District - Drainage  
City of Grand Junction - Sanitary Sewer (available but not connected)  
Ute Water Conservancy 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

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 "D.1.1" 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 24 Roads or in Grand Junction generally. (See Attachment 5 - newspaper article from *The Daily Sentinel*.) By allowing the proposed *Growth Plan* Amendment and rezone, the continuation of the historic commercial/industrial land-uses located along the frontage road of the I-70 corridor will be preserved.

7. Will the community or neighborhood benefit from the proposed rezone?

The community will benefit from the rezone as discussed above in part 7 of Item D.1. of this General Project Report.

## **CONCLUSION**

This application for a 25-acre parcel proposes the annexation to the City of Grand Junction, *Growth Plan* Amendment, and rezone from the Mesa County zoning of Planned Commercial (PC) to the City zoning of Light Industrial (I-1). The current use of the Property is for GPD Global's primary operations location, Triune's primary operations location and vacant land. The proposed annexation to the City of Grand Junction, *Growth Plan* Amendment, and zoning to Light Industrial (I-1) **MEETS** the *Growth Plan* Amendment criteria and the Rezoning criteria, found in the *City of Grand Junction Zoning and Development Code*. This application also meets numerous goals and policies of the *City of Grand Junction Growth Plan* and the *North Central Valley Plan*. Petitioners respectfully request your approval of the annexation, the *Growth Plan* Amendment to Commercial/Industrial, and your approval of a rezone of the Property to Light Industrial.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE GPD GLOBAL/WOOMER ANNEXATION, LOCATED AT I-70 FRONTAGE ROAD BETWEEN 23 AND 23 ½ ROAD TO I-1 (Light Industrial)  
Recitals:

A request to zone the GPD Global Annexation 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 zoned I-1 (Light Industrial).

In a public hearing, the City Council reviewed the request for the proposed Zone of Annexation and determined that it satisfied the criteria as set forth and established in Section 2.14.F and 2.6.A of the Zoning and Development Code and the proposed zoning is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED I-1.

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 & 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

**INTRODUCED** on first reading on the 7<sup>th</sup> day of June, 2006 and ordered published.

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

ATTEST:

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

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

**Attach 12**

Vacation of a Water Line Easement and a slope & Borrow Pit Easement, Located at 585 28 ¼ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Vacation of Easements, 585 28 ¼ Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 11, 2006				<b>File #PP-2004-153</b>	
<b>Author</b>	Pat Cecil		Planning Services Supervisor			
<b>Presenter Name</b>	Pat Cecil		Planning Services Supervisor			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

**Summary:** The request is for approval to vacate a water line easement and a slope/borrow pit easement at 585 28 ¼ Road.

**Budget:** There will be no budgetary impacts from the vacation of the easements.

**Action Requested/Recommendation:** City council adoption of a resolution vacating the two easements. The Planning Commission, at their January 24, 2006 hearing recommended that the City Council approve the vacation of the easements.

**Attachments:**

- a. Staff report
- b. General location map/Aerial Photo map
- c. Future Land Use Map/Zoning Map
- d. Resolution for the Vacation of the Water Line Easement with Exhibit A
- e. Resolution for the Vacation of the Slope/Borrow Pit Easement with Exhibits A & B

**Background Information:** See attached staff report.

## ANALYSIS:

### 1. Background

The proposed development is comprised of 4 parcels which were annexed into the City on August 10, 1970 as a part of the Mantey Heights Annexation. The current zoning of the property is RMF-5. The applicant is proposing a 71-lot subdivision with an overall density of 4.5 dwelling units per acre. The applicant has also requested a recommendation of approval to City Council to vacate a waterline easement and a roadway slope and borrow pit easement.

#### EASEMENT VACATIONS

The applicant has requested approval to vacate an existing waterline easement located at the northern property line. The waterline will be relocated as a part of the proposed development with a new easement dedicated on the final plat for the Ridgewood Heights Subdivision. Staff has no objections to the vacation of the existing easement with the condition that a new utility easement be dedicated on the final plat for the Ridgewood Heights Subdivision.

The applicant has also requested that an existing roadway slope and borrow pit easement, located on the west side of 28 ¼ Road, be vacated. The easement was created to facilitate street improvements being constructed by the City of Grand Junction for 28 ¼ Road and is no longer required at this time. Staff has no objections to the request to vacate the easement.

### 2. Consistency with the Growth Plan

The land use classification of Residential Medium (4-8 dwelling units per acre) is supported by the existing RMF-5 zoning. The proposed density of 4.5 dwelling units per acre is consistent with both the Residential Medium land use classification and the current RMF-5 zone district. The proposed development is consistent with the goals and policies of the Growth Plan and Future Land Use Map.

3. Section 2.11.C of the Zoning and Development Code

Requests to vacate easements must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City. *The request to vacate the waterline easement and the roadway slope and borrow pit easement conforms to City requirements, plans and policies including the Grand Valley Circulation Plan.*
- b. No parcel shall be landlocked as a result of the vacation. *There is no parcel that will be landlocked as a result of the requested vacation.*
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation. *Access shall not be impacted as a result of the request to vacate.*
- 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). *No adverse impacts have been identified.*
- 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. *The provision of services shall not be inhibited. All required services shall be provided to the proposed new development and/or adjacent properties with dedication of new utility easements where required.*
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *The City will not be responsible for the maintenance of the easements to be vacated.*

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Ridgewood Heights Subdivision application, PP-2004-153, request for recommendation of approval to City Council to vacate a waterline easement and roadway slope and borrow pit easement, the Planning Commission make the following findings of fact and conclusions:

1. The request for recommendation of approval to City Council to vacate a waterline easement and roadway slope and borrow pit easement is consistent with the goals and policies of the Growth Plan.

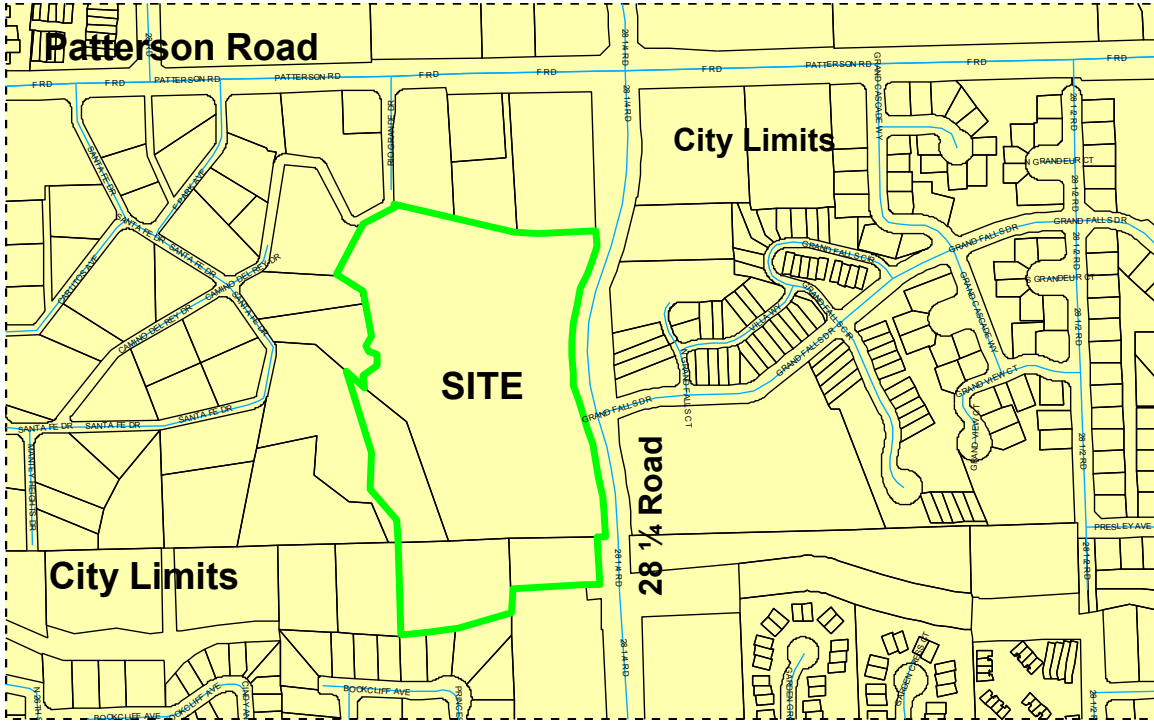
2. The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

3. Vacation of the waterline easement and roadway slope and borrow pit easement shall be subject to the following conditions:

- a. The applicant shall pay all recording/documentation fees for the Vacation Resolution, and/or related easement and dedication documents.
- b. A new waterline/utility easement shall be dedicated with the recording of a final plat for the proposed development known as Ridgewood Heights, located at 585 28 ¼ Road.

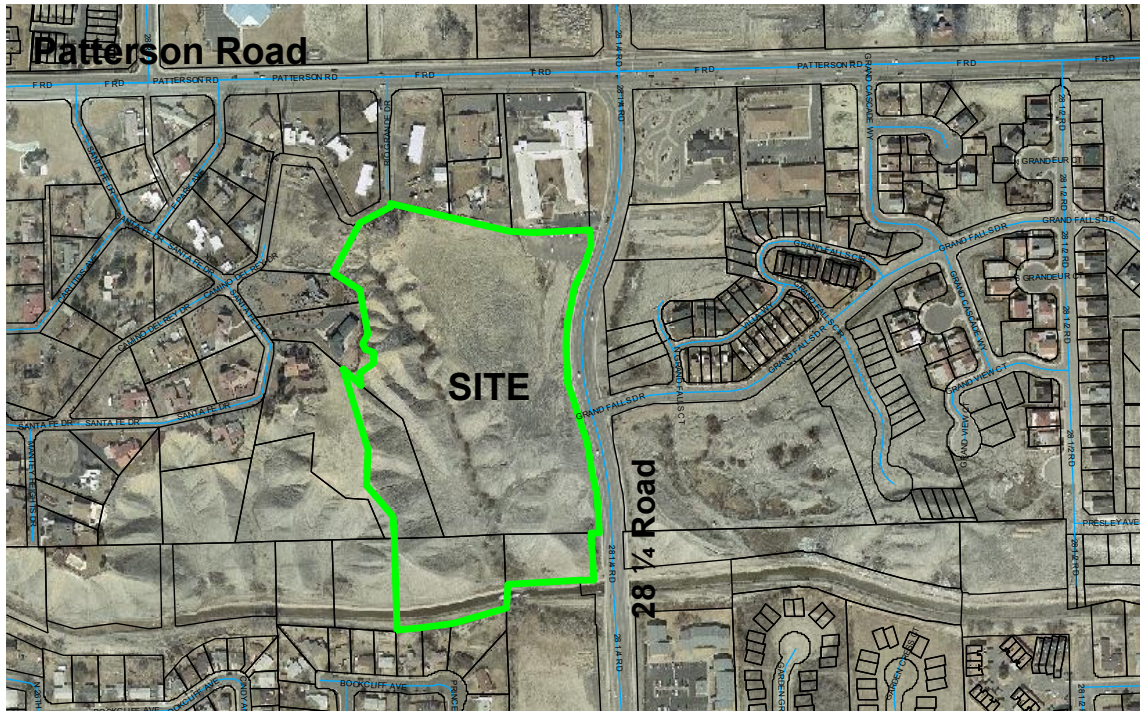
# Site Location Map

Figure 1



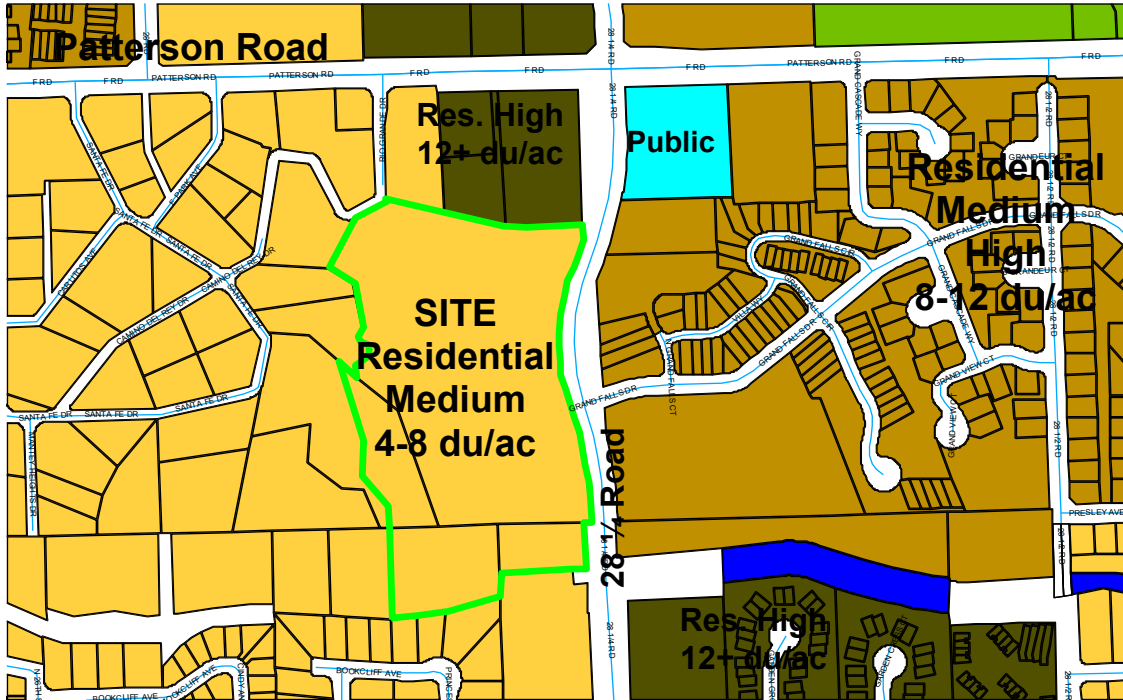
# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3



# Existing City and County Zoning

City Limits

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. \_\_-06**

**A RESOLUTION VACATING A WATERLINE EASEMENT  
LOCATED AT 585 28 ¼ ROAD**

RECITALS:

A resolution vacating an existing waterline easement, described in a document recorded in Book 1916 at Page 119 of the Mesa County records, located at 585 28 ¼ Road. The applicant has proposed a new subdivision to be known as Ridgewood Heights and will dedicate a new waterline/utility easement with the recording of the final plat of the proposed new development.

The Planning Commission, having heard and considered the request and found the criteria of Section 2.11.C of the Zoning Code to have been met, recommend that the vacation be approved.

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

The following described easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentation fees for the Vacation Resolution, and/or related easement and dedication documents.
2. A new waterline/utility easement shall be dedicated with the recording of a final plat for the proposed development known as Ridgewood Heights, located at 585 28 ¼ Road.

EASEMENT VACATION DESCRIPTION:

All that part of a Water Line Easement described in Book 1916 at Page 119 crossing Lot 1 of Laurel Subdivision; in the City of Grand Junction, County of Mesa, State of Colorado. Said easement being depicted on the attached Easement Vacation Exhibit.

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

ATTEST:

\_\_\_\_\_



President of City Council

---

City Clerk



**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_-06**

**A RESOLUTION VACATING A ROADWAY SLOPE AND BORROW PIT EASEMENT  
LOCATED AT 585 28 ¼ ROAD**

RECITALS:

A resolution vacating a roadway slope and borrow pit easement, described in documents recorded in Book 1245 at Page 845 and in Book 1412 at Page 917 of the Mesa County records, located on the west side of 28 ¼ Road at 585 28 ¼ Road. The easement was created to facilitate street improvements to 28 ¼ Road and is no longer required at this time, therefore the applicant has requested that the easement be vacated.

The Planning Commission, having heard and considered the request and found the criteria of Section 2.11.C of the Zoning Code to have been met, recommend that the vacation be approved.

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

The following described easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentation fees for the Vacation Resolution, and/or related easement and dedication documents.
2. The recording of a final plat for the proposed development known as Ridgewood Heights, located at 585 28 ¼ Road.

EASEMENT VACATION DESCRIPTION:

All that part of a Roadway Slope and Borrow Pit Easement described in Book 1245 at Page 845 crossing Lot 1 of Laurel Subdivision; in the City of Grand Junction, County of Mesa, State of Colorado.

That part of a Roadway Slope and Borrow Pit Easement crossing Lot 1 of Laurel Subdivision; said easement being described in Book 1245 at Page 845, in the City of

Grand Junction, County of Mesa, State of Colorado, said vacation being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1;

Thence along the East line of said Lot 1, South 00°03'37" East, a distance of 46.78 feet;

Thence along the East line of said Lot 1, 62.76 feet along the arc of a 916.50 foot radius non-tangent curve to the right, through a central angle of 3°55'25", with a chord bearing South 21°54'32" West, a distance of 62.75 feet; to a point of reverse curvature; Thence along the East line of said Lot 1, 437.58 feet along the arc of a curve to the left, having a radius of 611.50 feet and a central angle of 40°59'59" to a point of reverse curvature;

Thence along the East line of said Lot 1, 309.27 feet along the arc of a 1107.50 foot radius curve to the right, through a central angle of 16°00'00", with a chord bearing South 09°07'51" East, a distance of 308.27 feet;

Thence along the East line of said Lot 1, South 01°07'51" East tangent to said curve, a distance of 27.35 feet;

Thence North 89°57'21" West, a distance of 62.52 feet

Thence North 01°07'51" West, a distance of 26.06 feet;

Thence 145.91 feet along the arc of a 1045.00 foot radius tangent curve to the left, through a central angle of 8°00'00", with a chord bearing North 05°07'52" West, a distance of 145.79 feet;

Thence South 88°52'09" West, a distance of 79.33 feet;

Thence 123.92 feet along the arc of a 966.50 foot radius non-tangent curve to the left, through a central angle of 7°20'46", with a chord bearing North 13°27'29" West, a distance of 123.83 feet; to a point of reverse curvature;

Thence 161.72 feet along the arc of a 752.50 foot radius curve to the right, through a central angle of 12°18'47", with a chord bearing North 10°58'28" West, a distance of 161.40 feet;

Thence radial to said curve, South 85°10'56" West, a distance of 0.39 feet;

Thence North 84°22'00" East, a distance of 87.40 feet;

Thence 331.96 feet along the arc of a 665.50 foot radius non-tangent curve to the right, through a central angle of 28°34'46", with a chord bearing North 09°34'44" East, a distance of 328.52 feet;

Thence radial to said curve, South 66°07'53" East, a distance of 9.51 feet to the beginning of a 872.01 foot radius curve concave to the west radial to said line;

Thence 93.08 feet along the arc of said curve, through a central angle of 6°06'58", with a chord bearing North 20°48'38" East, a distance of 93.04 feet to the North line of said Lot 1;

Thence North 89°57'23" East, a distance of 31.00 feet to the Point of Beginning.

Containing 1.681 acres, more or less. Said Easement being delineated on the attached Easement Vacation Description, Exhibit A.

And,

All of that part of a Roadway Slope and Borrow Pit Easement described in Book 1412 at Page 917 crossing Lot 1 of Laurel Subdivision; in the City of Grand Junction, County of Mesa, State of Colorado.

That part of a Roadway Slope and Borrow Pit Easement crossing Lot 1 of Laurel Subdivision; said easement being described in Book 1412 at Page 917, in the City of Grand Junction, County of Mesa, State of Colorado, said vacation being more particularly described as follows:

Beginning at an angle point on the East line of said Lot 1, whence the NW1/16 corner of Section 7, Township 1 South, Range 1 East of the Ute Meridian bears South 89°57'21" East, a distance of 58.64 feet;

Thence along the East line of said Lot 1, South 01°39'13" East, a distance of 135.99 feet;

Thence along the South line of said Lot 1, South 88°20'47" West, a distance of 38.50 feet;

Thence along the South line of said Lot 1, South 01°39'13" East, a distance of 5.53 feet;

Thence along the South line of said Lot 1, South 86°05'03" West, a distance of 46.01 feet;

Thence North 01°39'13" West, a distance of 145.85 feet

Thence South 89°57'21" East, a distance of 84.51 feet to the Point of Beginning.

Containing 0.273 acres, more or less. Said Easement being delineated on the attached Easement Vacation Description, Exhibit B.

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

ATTEST:

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

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

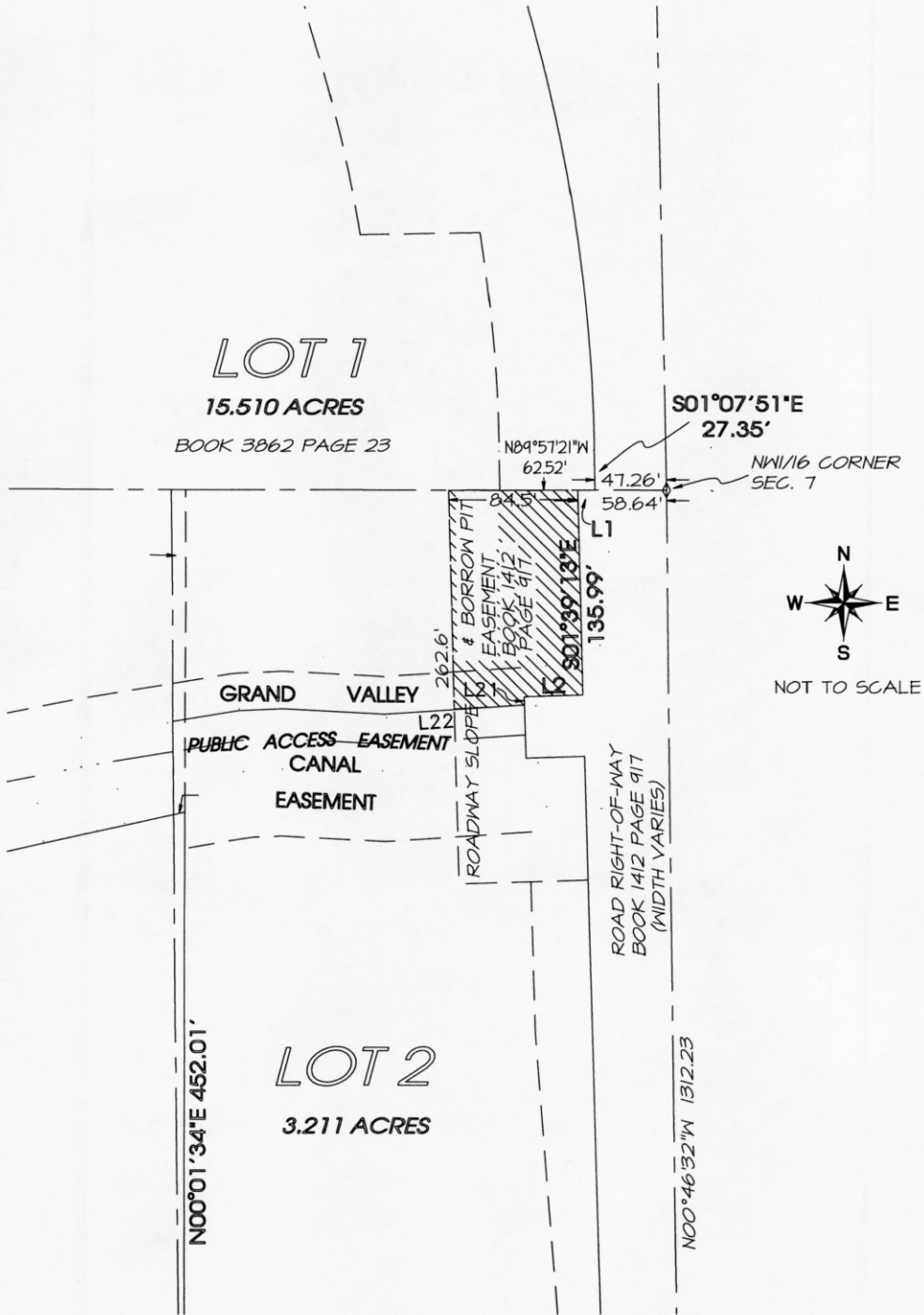




# EXHIBIT A



# EASEMENT VACATION EXHIBIT



## **EXHIBIT B**

**Attach 13**

Setting a Hearing Vacating Portions of the Public ROW on Ronda Lee Rd and Jon Hall Rd Immediately West of 28 ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Vacation of Public Rights-of-Way					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 10, 2006				<b>File #PP-2006-042</b>	
<b>Author</b>	Pat Cecil		Planning Services Supervisor			
<b>Presenter Name</b>	Pat Cecil		Planning Services Supervisor			
<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:** Request to vacate: a. Three feet of right-of-way on the south side of Ronda Lee Road; b. Three feet on the north and south side of Jon Hall Road; and c. Twenty feet of unnamed right-of way along the southern boundary of the project site.

**Budget:** No impacts to the City budget will occur as the result of the requested vacations.

**Action Requested/Recommendation:** Conduct the first reading of the Vacation Ordinance and schedule a public hearing for adoption of the Ordinance for June 19, 2006. The Planning Commission recommended at the May 9, 2006 hearing that the City Council approve the requested Vacation of Public Rights-of-Way.

**Attachments:**

- a. Staff Report
- b. Location Map/Aerial Photo Map
- c. Future Land Use Map/Zoning Map
- d. Preliminary plat for the Orchard Park Subdivision
- e. Ordinance with Exhibits A, B, and C

**Background Information:** See attached staff report.

## ANALYSIS:

1. Background: The project site was annexed into the City on January 18, 2006, and a zone of annexation to a RSF-4 district was applied to project site.

The applicant proposes to vacate 3 feet of right-of-way from the south side of Ronda Lee Road, 3 feet of right-of-way from the north and the south side of Jon Hall Road and a 20 foot right-of-way (unnamed) along it's southerly boundary. It has been determined that there will still be adequate right-of-way to construct Ronda Lee Road and Jon Hall Road to City standards. The 20 foot right-of-way along the southerly boundary does not provide access to any properties and is unimproved. The vacated areas will be incorporated into the properties that the right-of-way originated from.

2. Consistency with the Growth Plan: The project as proposed is consistent with the Goals and Policies of the Growth Plan, The Orchard Mesa Neighborhood Plan, the densities of the Future Land Use Map and the Grand Valley Circulation Plan.

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.

The proposal conforms to the Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

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

There will not be any landlocked parcels as a result of the vacation request.

- 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.

The proposed right-of-way vacations will not restrict access.

- 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 as a result of the right-of-way vacations.

- 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.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Code.

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

The proposal provides benefits to the City resulting in right-of-way widths that comply with current standards.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Orchard Park Subdivision application, PP-2006-042, for vacation of rights-of-ways the Planning Commission made the following findings of fact and conclusions:

10. The proposed vacation of rights-of-ways and preliminary plat is consistent with the Growth Plan.

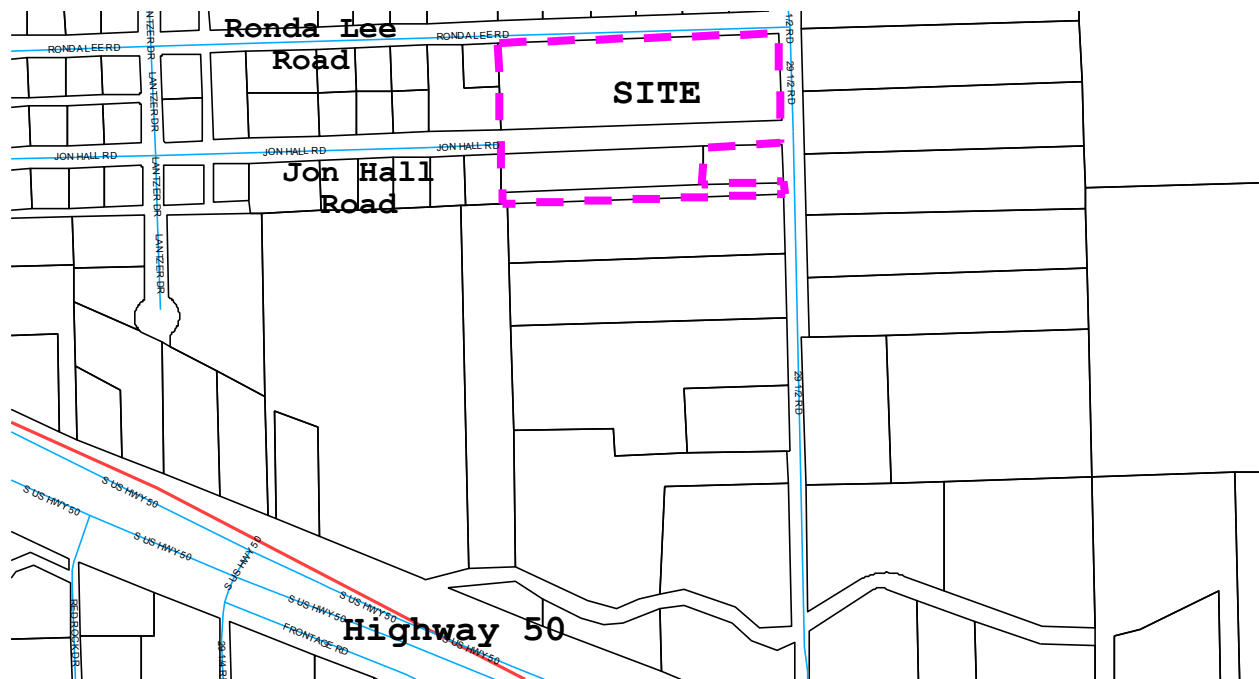
11. The review criteria in Sections 2.11.C. and 2.8.B.2 of the Zoning and Development Code have all been met.

#### RECOMMENDED CONDITION OF APPROVAL:

Approval of the preliminary plat is contingent upon City Council approval of the vacation of rights-of-ways.

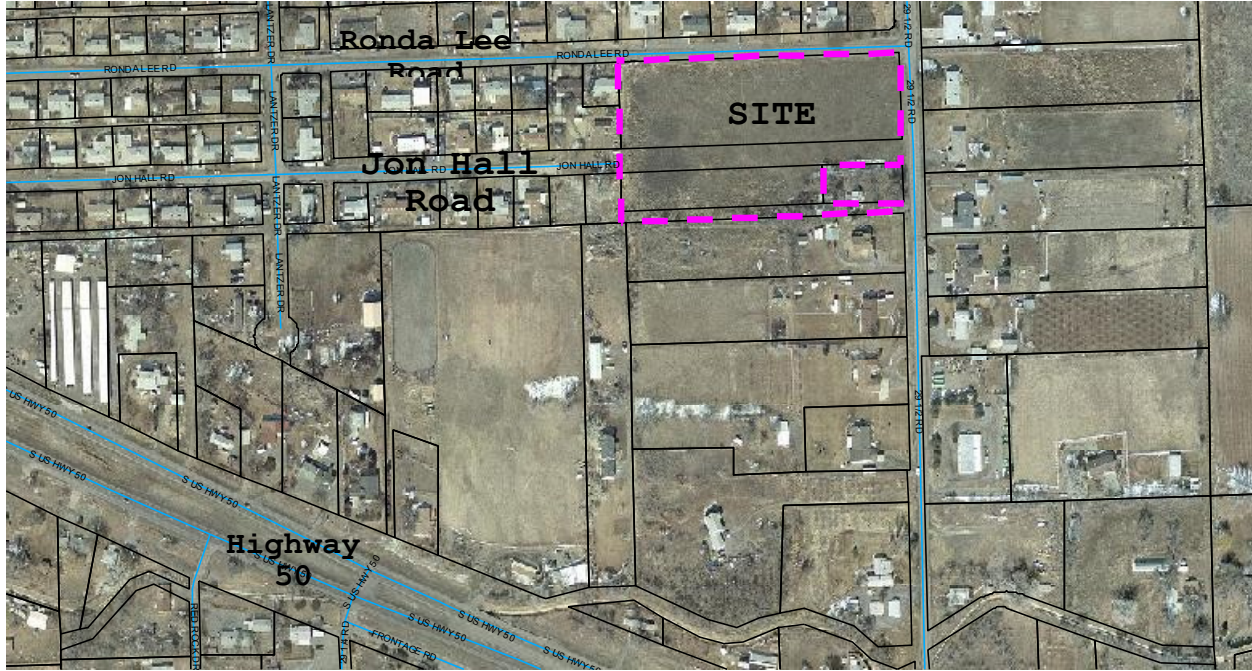
# Site Location Map

Figure 1



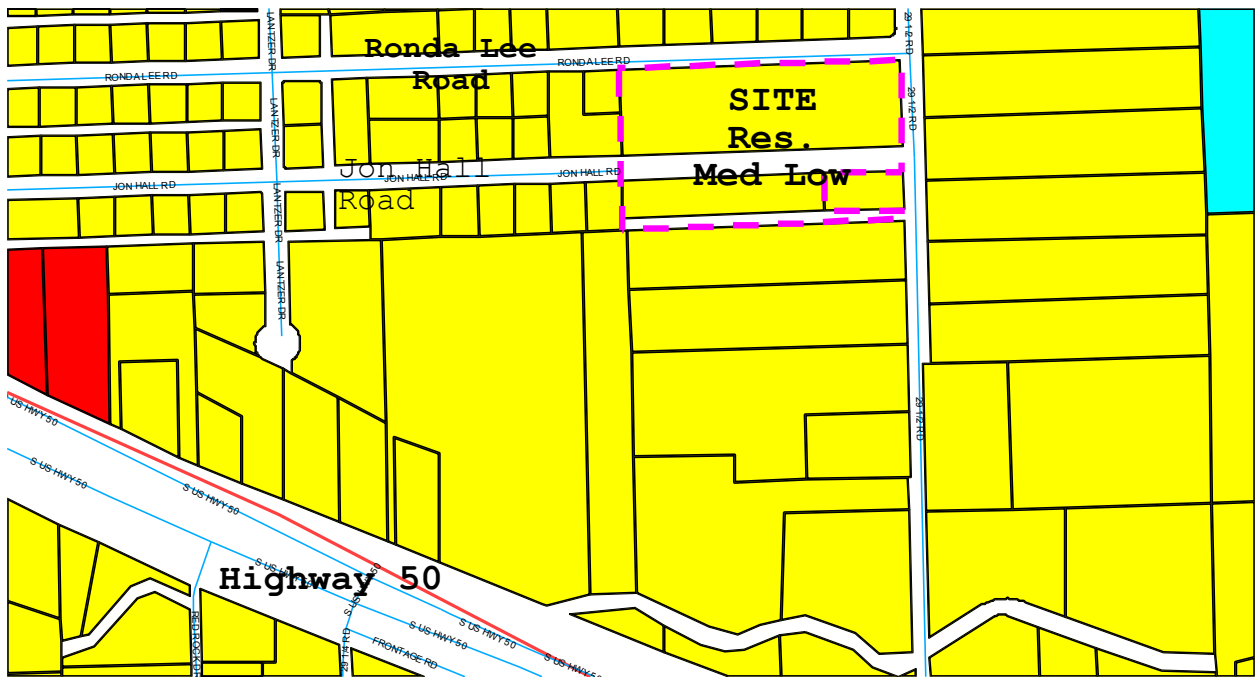
# Aerial Photo Map

Figure 2



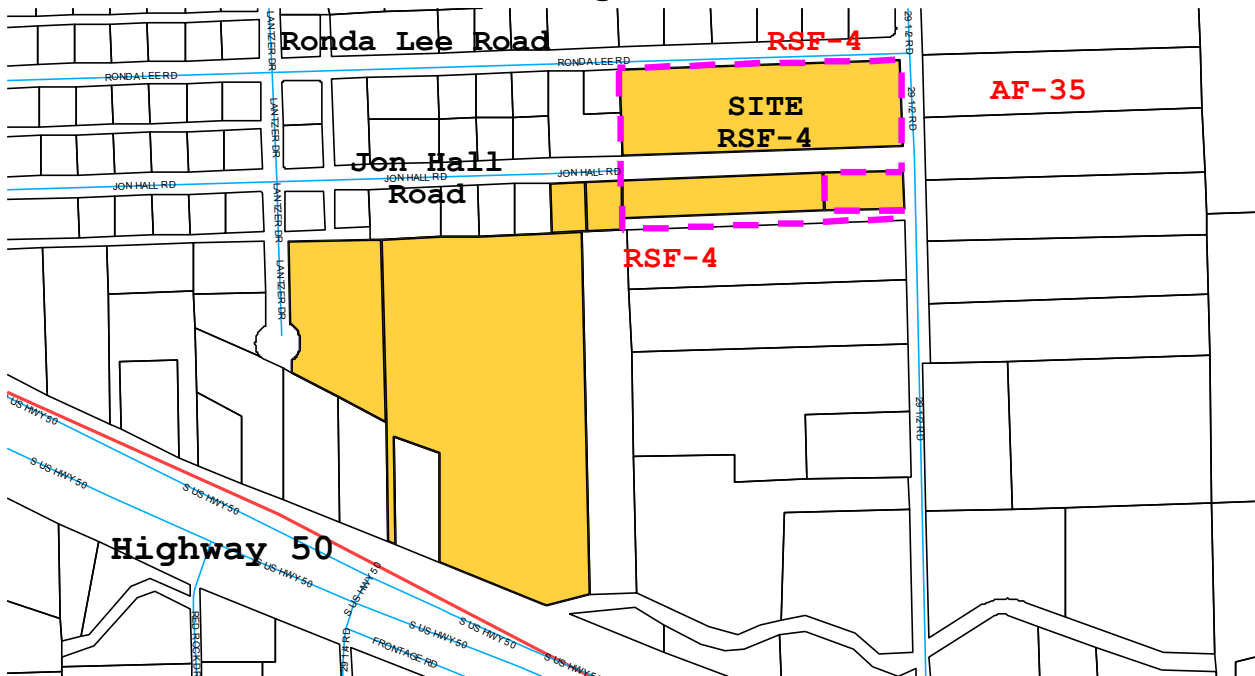
# Future Land Use Map

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."





DATE	04/24/08
ISSUE	1.0
SCALE	1" = 20'
PROJECT NO.	08A7-002
PROJECT NAME	ORCHARD PARK SUBDIVISION
CLIENT	THOMPSON-LANGFORD CORP.
ENGINEERS AND LAND SURVEYORS	668 S 1/2 N.W. CORNER 1810 GRAND JUNCTION, COLORADO
PHONE	(970) 244-8000
FAX	(970) 244-2845
EMAIL	tl@thompsonlangford.com

REVISION	DATE	DESCRIPTION
1	4/24/08	REVIEW AREA DRAFT TO REFLECT PRELIMINARY RECORDS FOR RFP

RECEIVED  
APR 25 2008  
COMMUNITY DEVELOPMENT DEPT.

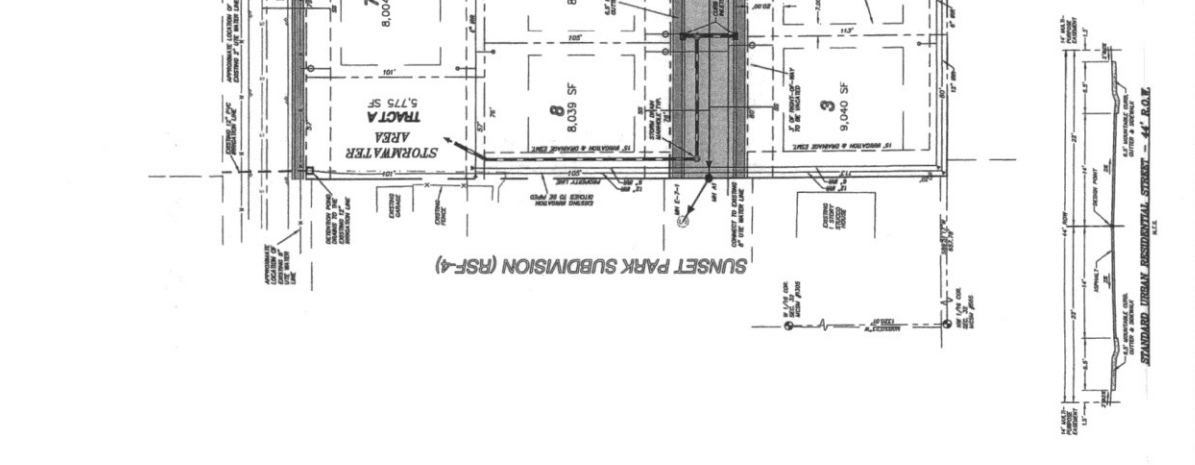
NOTE:  
1. ALL SUBJECT PROPERTY IS NOT AFFECTED BY ANY FUTURE FLOOD ZONING.  
2. TRACTS 1 & 2 SHALL BE THE PROPERTY OF THE HOME OWNER.  
3. NO PART OF THIS PROJECT IS PLANNED.  
4. PROJECT ZONING IS RSF-4.

AREA SUMMARY	
RESIDENTIAL LOTS	2.00 ACRES 73,182 SF
UNDEVELOPED A.C.	1.00 ACRES 36,300 SF
TOTAL UNDEVELOPED A.C.	3.00 ACRES 109,482 SF
TRACTS	619 SQUARE FEET 7.12 ACRES
TOTAL	512 SQUARE FEET 100.00 ACRES

SETBACK & STANDARDS	
DETERMINED SETBACKS (FOR ALL)	10' SIDE YARD SETBACK
MINIMUM FRONT SETBACK	10' FROM R.O.W.
MINIMUM SIDE SETBACK	10' FROM R.O.W.
MINIMUM REAR SETBACK	10' FROM R.O.W.
MINIMUM CORNER SETBACK	10' FROM R.O.W.
MINIMUM FRONT SETBACK	10' FROM R.O.W.
MINIMUM SIDE SETBACK	10' FROM R.O.W.
MINIMUM REAR SETBACK	10' FROM R.O.W.
MINIMUM CORNER SETBACK	10' FROM R.O.W.

UTILITY PROVIDERS	
GAS AND ELECTRIC	AT&T ENERGY
WATER	UTAH WATER SERVICE
SEWER	UTAH WATER SERVICE
TELEPHONE	AT&T ENERGY
TELEVISION	AT&T ENERGY
PROVISION WATER	ORCHARD PARK PROVISION DISTRICT

LEGEND	
1	EXISTING PROPERTY
2	EXISTING LOT
3	EXISTING LOT
4	EXISTING LOT
5	EXISTING LOT
6	EXISTING LOT
7	EXISTING LOT
8	EXISTING LOT
9	EXISTING LOT
10	EXISTING LOT
11	EXISTING LOT
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98	EXISTING LOT
99	EXISTING LOT
100	EXISTING LOT



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING PORTIONS OF THE PUBLIC RIGHTS-OF-WAY LOCATED ON RONDA LEE ROAD, JON HALL ROAD AND A TWENTY FOOT UNNAMED RIGHT-OF-WAY TO THE SOUTH OF JON HALL ROAD, ALL BEING IMMEDIATELY WEST OF 29 ½ ROAD EXTENDING APPROXIMATELY 658 FEET WEST**

Recitals:

This is a request to vacate the south three feet of the Ronda Lee Road right-of-way, three feet on the north and south side of the Jon Hall Road right-of-way and an unnamed twenty foot right-of-way to the south of Jon Hall Road.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested.

The City Council finds that the request to vacate the herein described rights-of-ways is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

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

1. The following described rights-of-way are hereby vacated:
  - A. The North three feet and the South three feet of a fifty foot strip of land described in a document recorded in Book 775 at Page 421 and excepted as road right of way in a document recorded in Book 969 at Page 480, in the Mesa County records, as it crosses the E ½ NE ¼ NW ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado.
  - B. The South twenty feet of the E ½ NE ¼ NW ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado; as reserved "for a public highway" in a document recorded in Book 120 at Page 563, and accepted as a dedication to the public for purposes of a public road by the Mesa County Commissioners in Resolution No. MCM 2005-167, recorded in Book 4011 at Page 663 of the Mesa County records.

C. The South three feet of a fifty foot strip of land described in a document recorded in Book 752 at Page 573 and excepted as road right of way in a document recorded in Book 969 at Page 480, in the Mesa County records, as it crosses the E ½ NE ¼ NW ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado.

As depicted on Exhibits "A, B and C" attached to this ordinance.

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

Passed and Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

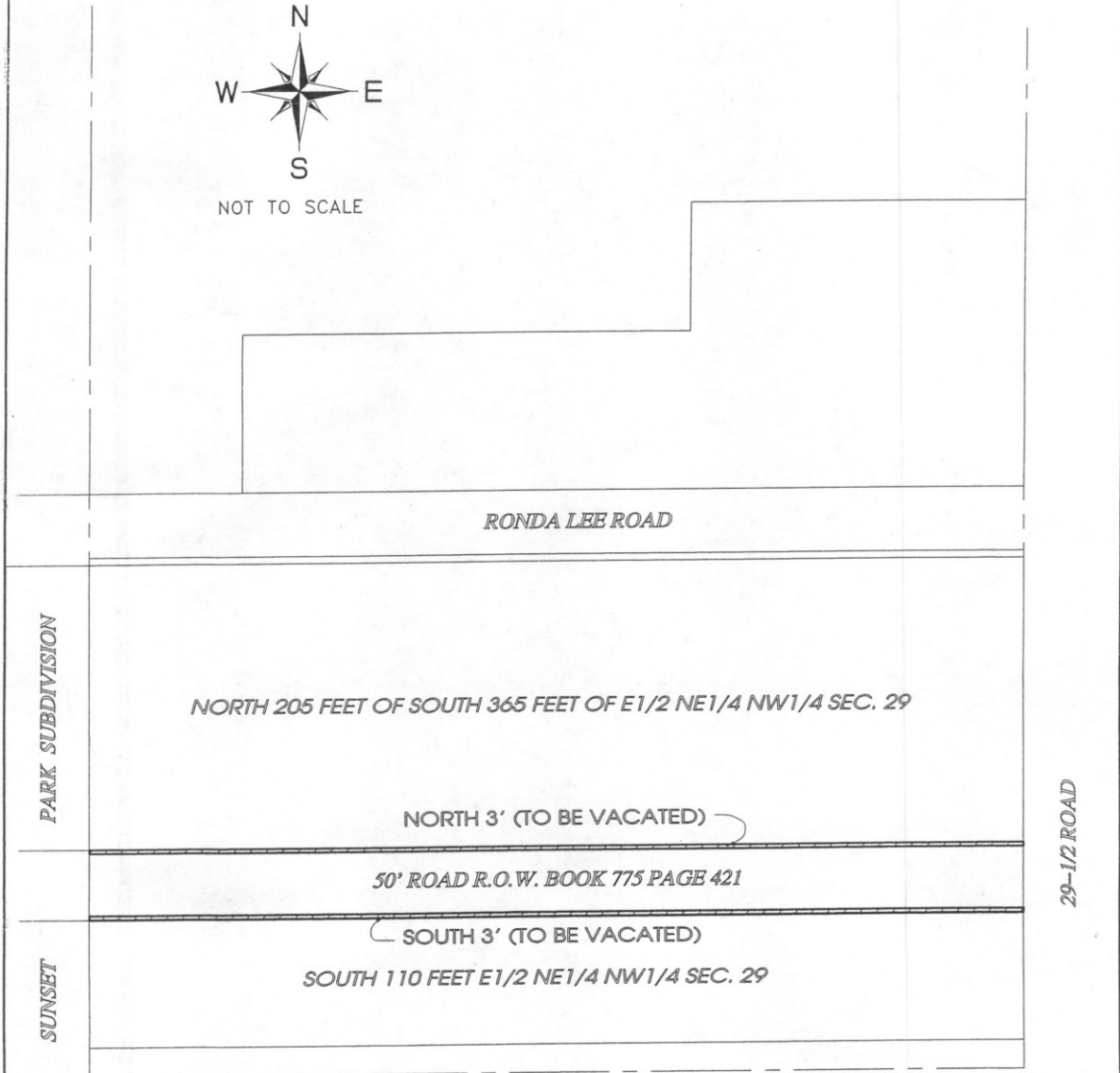
\_\_\_\_\_  
City Clerk

Exhibit "A"

# ROAD VACATION EXHIBIT



NOT TO SCALE



*RONDA LEE ROAD*

*PARK SUBDIVISION*

*NORTH 205 FEET OF SOUTH 365 FEET OF E1/2 NE1/4 NW1/4 SEC. 29*

*NORTH 3' (TO BE VACATED)*

*50' ROAD R.O.W. BOOK 775 PAGE 421*

*29-1/2 ROAD*

*SUNSET*

*SOUTH 3' (TO BE VACATED)*  
*SOUTH 110 FEET E1/2 NE1/4 NW1/4 SEC. 29*

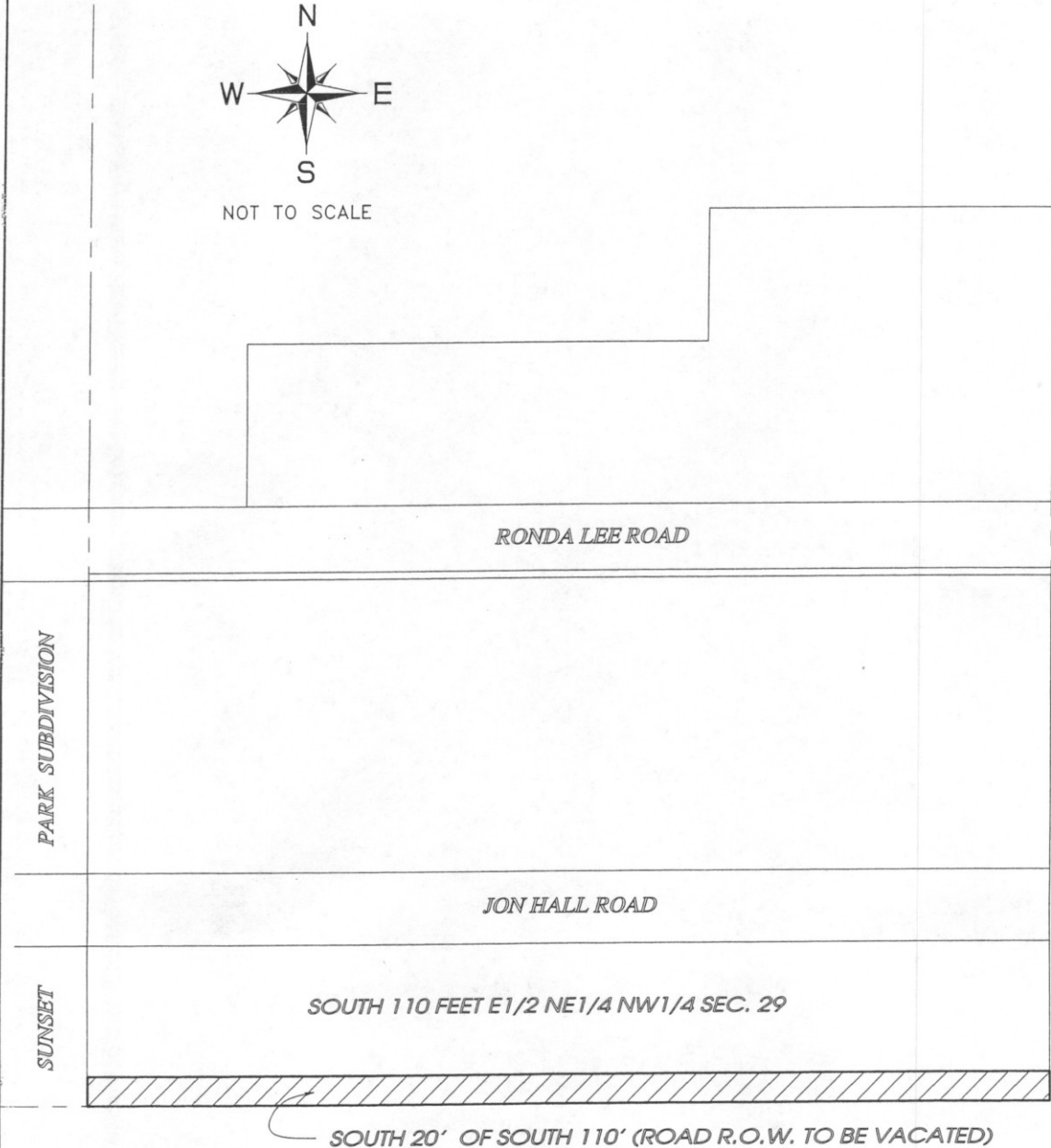
This exhibit is a graphical representation of a written description, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached easement description.

Exhibit "B"

# ROAD VACATION EXHIBIT



NOT TO SCALE



This exhibit is a graphical representation of a written description, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached easement description.

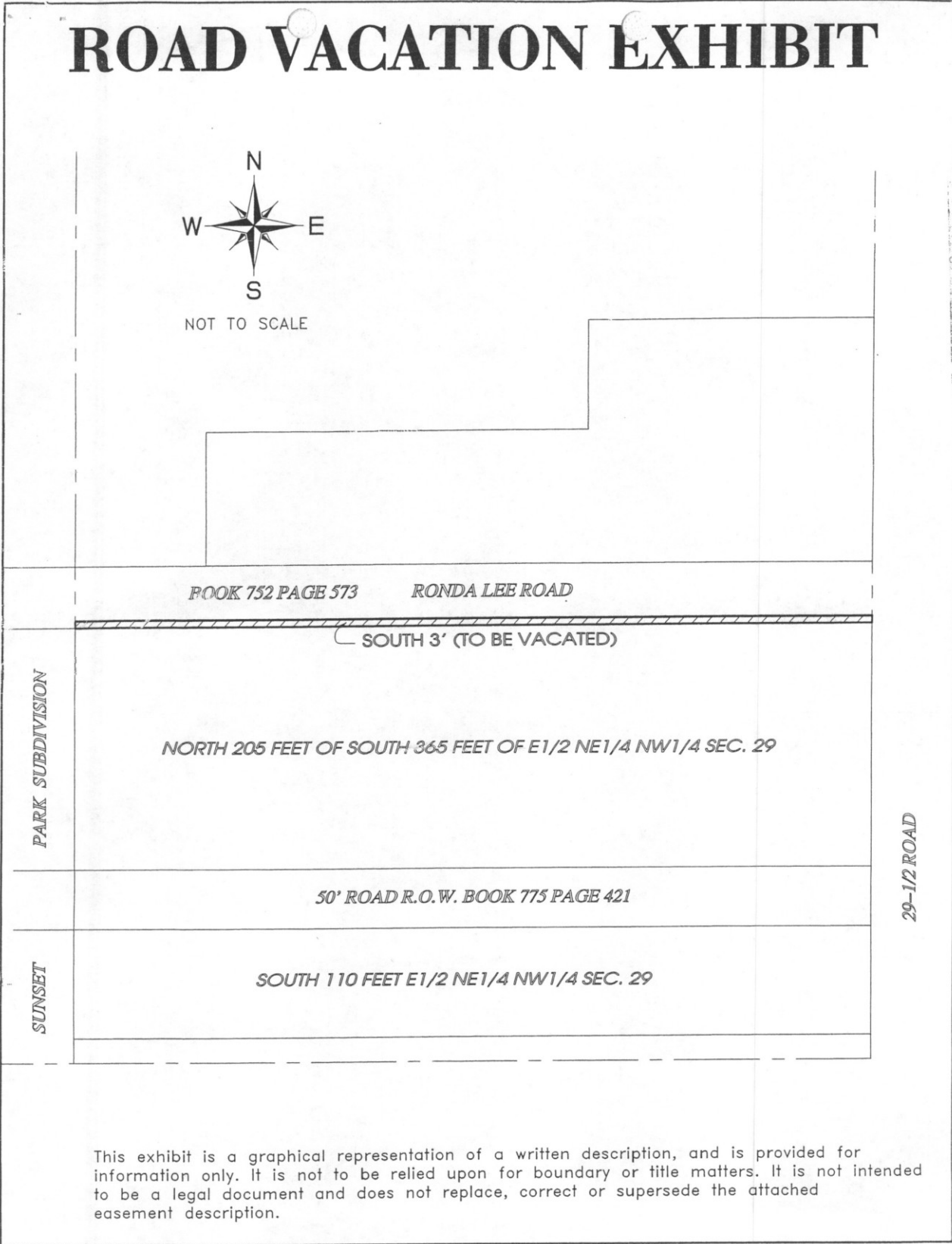


Exhibit "C"

# ROAD VACATION EXHIBIT



NOT TO SCALE



This exhibit is a graphical representation of a written description, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached easement description.

**Attach 14**

Setting a Hearing on Zoning the Carpenter Annexation, Located at 3137 D ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Carpenter Annexation, located at 3137 D ½ Road					
<b>Meeting Date</b>		June 7, 2006					
<b>Date Prepared</b>		June 1, 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:** Introduction of a proposed ordinance to zone the Carpenter Annexation located at 3137 D ½ Road to RMF-5.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for June 19, 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>		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:**

**Zone of Annexation:** The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R (Residential Single Family 1 du/5 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.

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 densities of the surrounding developed properties are 5-6 du/ac. Any issues that arise with any 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.

- a. RSF-4

b. RMF-8

**STAFF RECOMMENDATION**

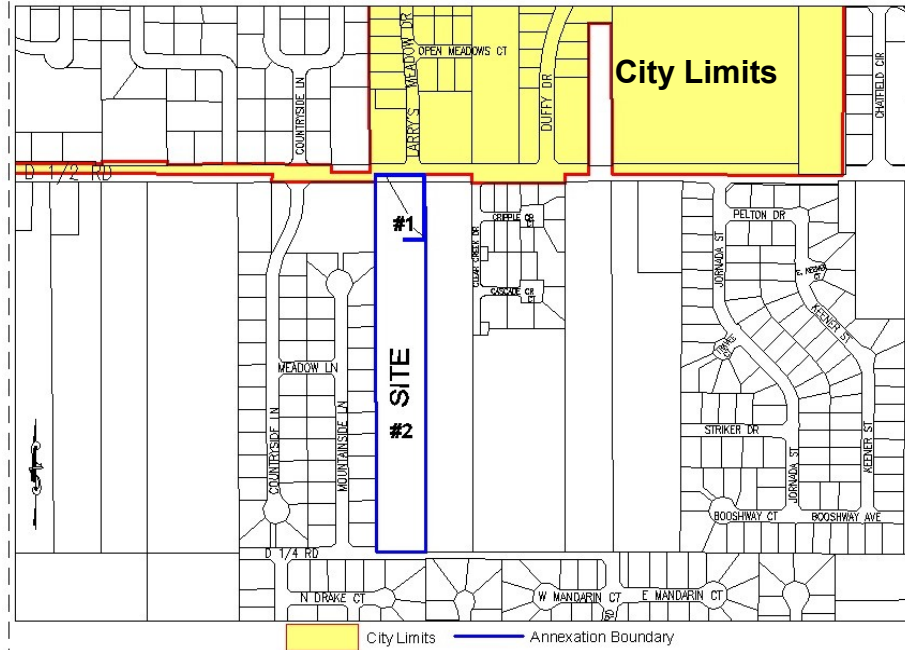
Staff recommends approval of the RMF-5 district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

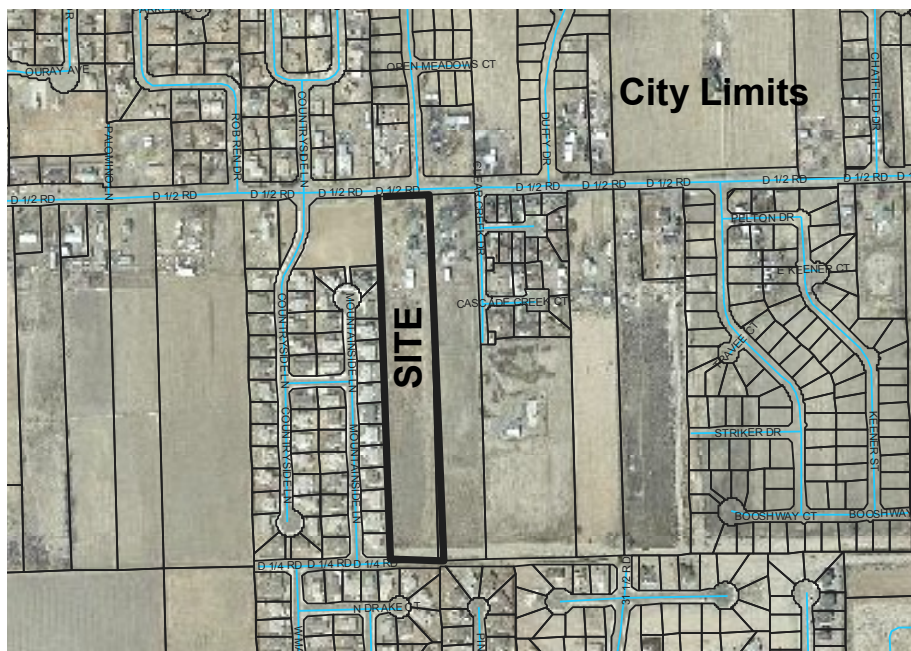
Figure 1

Carpenter Annexations #1 & #2  
Figure 5



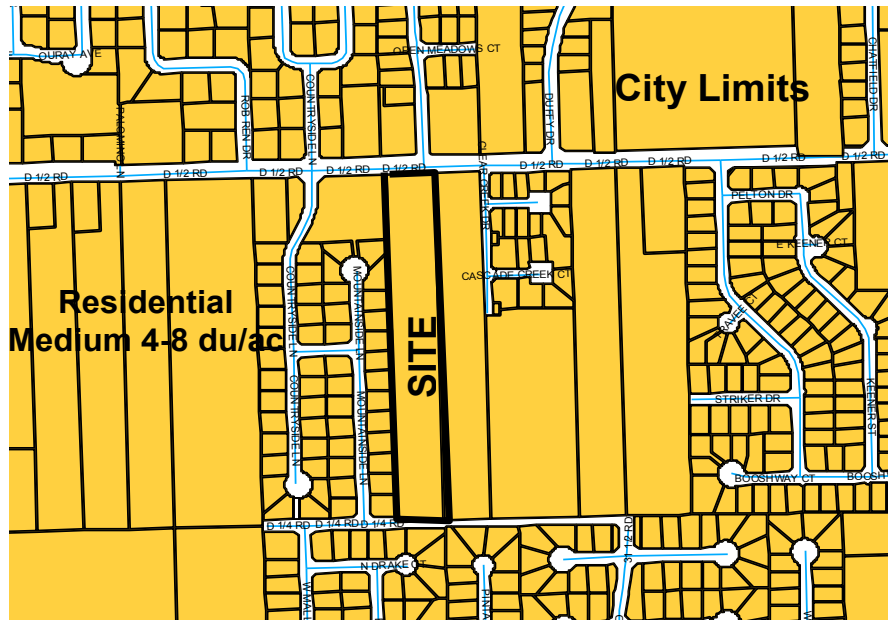
# Aerial Photo Map

Figure 2



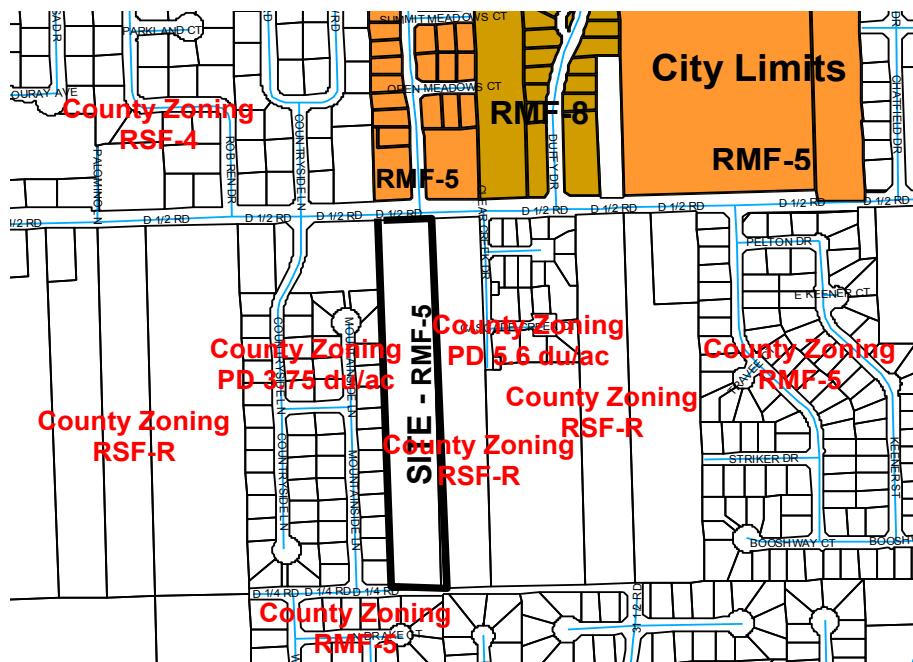
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CARPENTER ANNEXATION TO  
RMF-5**

**LOCATED AT 3137 D ½ ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Carpenter Annexation to the RMF-5 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RMF-5 with a density not to exceed 5 units per acre.

**CARPENTER ANNEXATION**

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.

AND ALSO, 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.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 15**

Setting a Hearing on Zoning the Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Zoning the Pumpkin Ridge Annexation, located at 2887 UnawEEP Avenue.					
<b>Meeting Date</b>		June 7, 2006					
<b>Date Prepared</b>		June 1, 2006			<b>File #ANX-2005-189</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 Pumpkin Ridge Annexation located at 2887 UnawEEP Ave to RSF-4

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for June 19, 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>2887 UnawEEP Avenue</i>	
<b>Applicants:</b>		Owner/Developer: Okagawa, LLC – Steve Nieslanik; Representative: Aibonito Design, LLC – Hiram Reyez	
<b>Existing Land Use:</b>		<i>Vacant</i>	
<b>Proposed Land Use:</b>		<i>Residential</i>	
<b>Surrounding Land Use:</b>	<b>North</b>	<i>Single Family Residential</i>	
	<b>South</b>	<i>Single Family Residential</i>	
	<b>East</b>	<i>Single Family Residential</i>	
	<b>West</b>	<i>Single Family Residential</i>	
<b>Existing Zoning:</b>		County RSF-4	
<b>Proposed Zoning:</b>		City RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	<i>City RSF-4</i>	
	<b>South</b>	County RSF-4	
	<b>East</b>	County RSF-4	
	<b>West</b>	<i>City RSF-4</i>	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>	X	Yes	No

**Staff Analysis:**

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

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

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

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

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

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

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

**Response:** The zoning request is compatible with the neighborhood, surrounding lot sizes and densities, and adjacent zoning. Any issues that arise with the development of the property will be dealt with through that review.

- 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.

- c. RSF-2

#### STAFF RECOMMENDATION

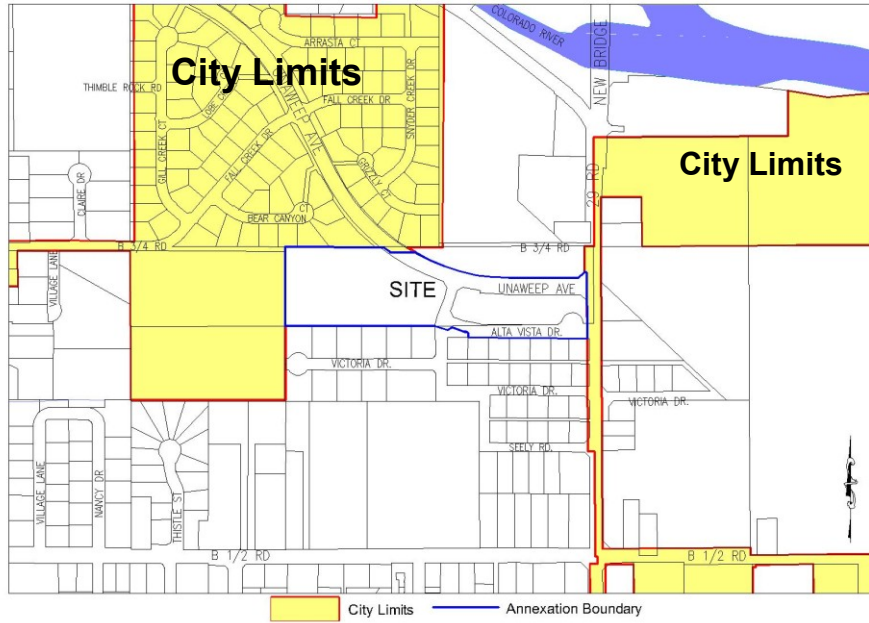
**Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

**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.

# Site Location Map

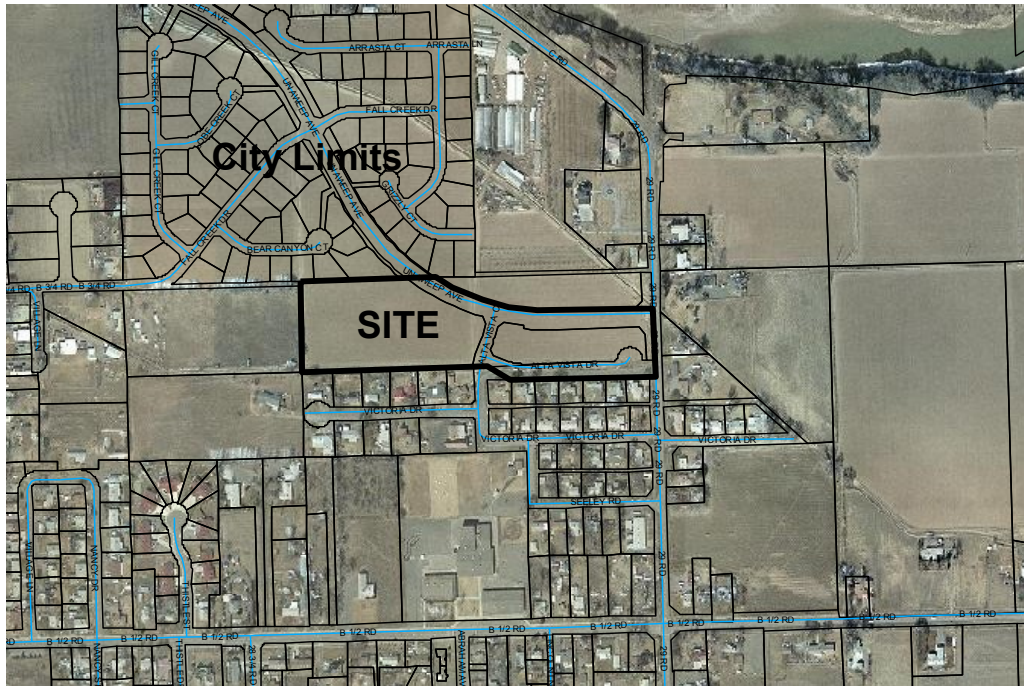
Figure 1

Pumpkin Ridge Annexation  
Figure 5



# Aerial Photo Map

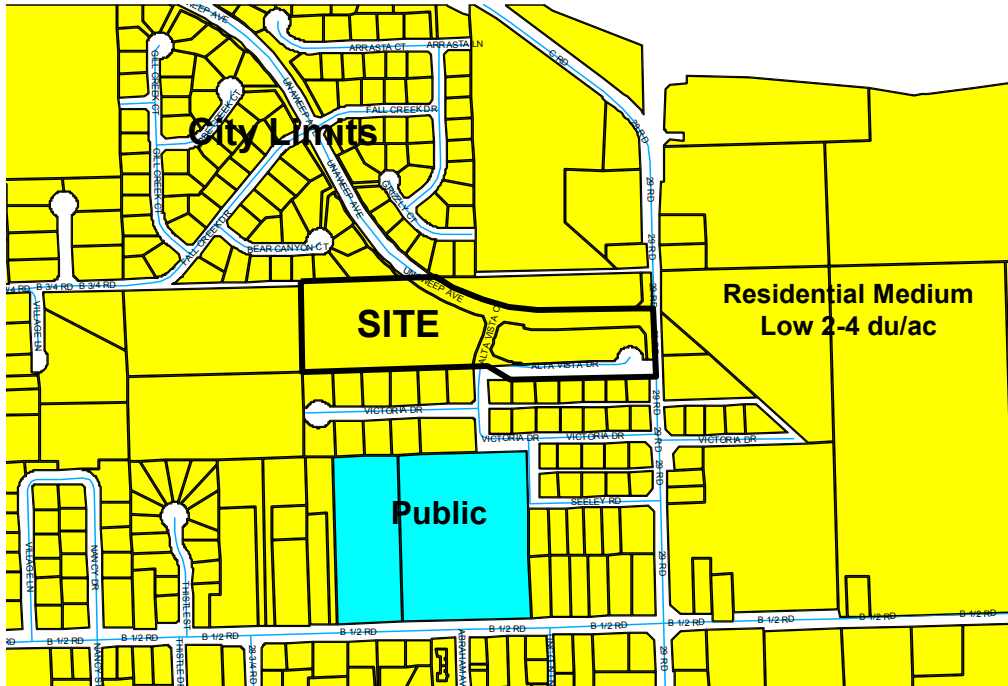
Figure 2





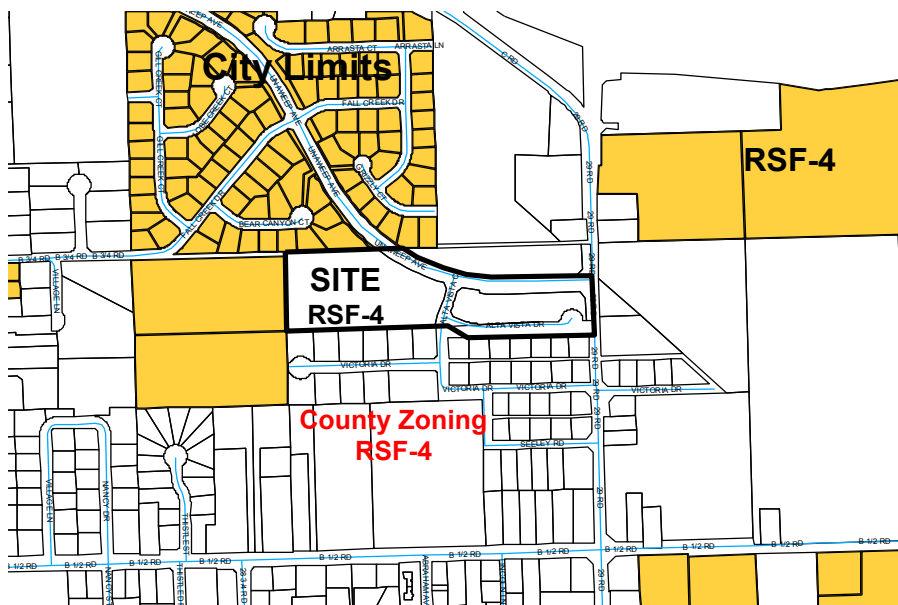
# Future Land Use Map

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."

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE PUMPKIN RIDGE ANNEXATION TO  
RSF-4**

**LOCATED AT 2887 UNAWEEP AVENUE**

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 Pumpkin Ridge 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.

**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°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 UnawEEP 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 UnawEEP 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.

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

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

---

Mayor

ATTEST:

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

**Attach 16**

Setting a Hearing on the Hamilton Annexation, Located at 3125 D Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Hamilton Annexation located at 3124 D Road						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	June 1, 2006				File #ANX-2006-105		
<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 8.33 acre Hamilton Annexation consists of 1 parcel and is a two part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Hamilton Annexation petition and introduce the proposed Hamilton Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> of July, 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>		3124 D Road	
<b>Applicants:</b>		Owner: Sharon A. Hamilton Developer: VnE, LLC Representative: Rhino Engineering	
<b>Existing Land Use:</b>		Residential/Agriculture	
<b>Proposed Land Use:</b>		Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Agriculture	
	<b>South</b>	Residential	
	<b>East</b>	Residential	
	<b>West</b>	Agriculture	
<b>Existing Zoning:</b>		RSF-R	
<b>Proposed Zoning:</b>		Applicant Request: RMF-8 Staff Recommendation: RMF-5	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-R	
	<b>South</b>	RSF-R	
	<b>East</b>	RMF-5	
	<b>West</b>	RSF-R	
<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 8.33 acres of land and is comprised of 1 parcel and is a two part serial annexation. 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 Hamilton 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>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 27, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 20, 2006</b>	Effective date of Annexation and Zoning

**HAMILTON ANNEXATION SUMMARY**

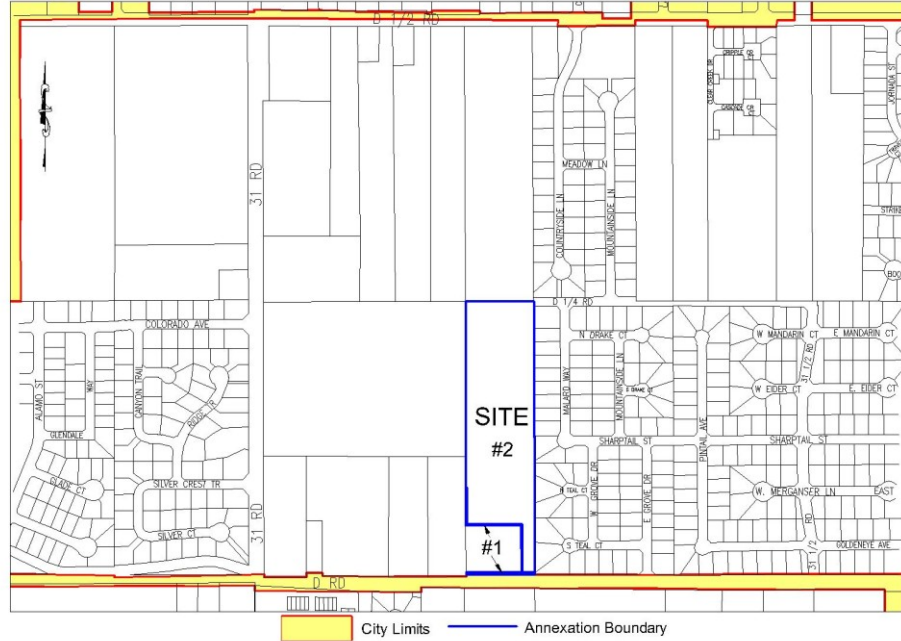
<b>File Number:</b>	ANX-2006-105	
<b>Location:</b>	3124 D Road	
<b>Tax ID Number:</b>	2943-153-48-002	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	8.33 acres	
<b>Developable Acres Remaining:</b>	8.0 acres	
<b>Right-of-way in Annexation:</b>	3,281 sq. ft. D Road right-of-way	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	Applicant Request: RMF-8 Staff Recommendation: RMF-5	
<b>Current Land Use:</b>	Residential/Agriculture	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$19,220
	<b>Actual:</b>	\$241,380
<b>Address Ranges:</b>	3124 D Road	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand River Pest and Upper Grand Valley Pest



# Site Location Map

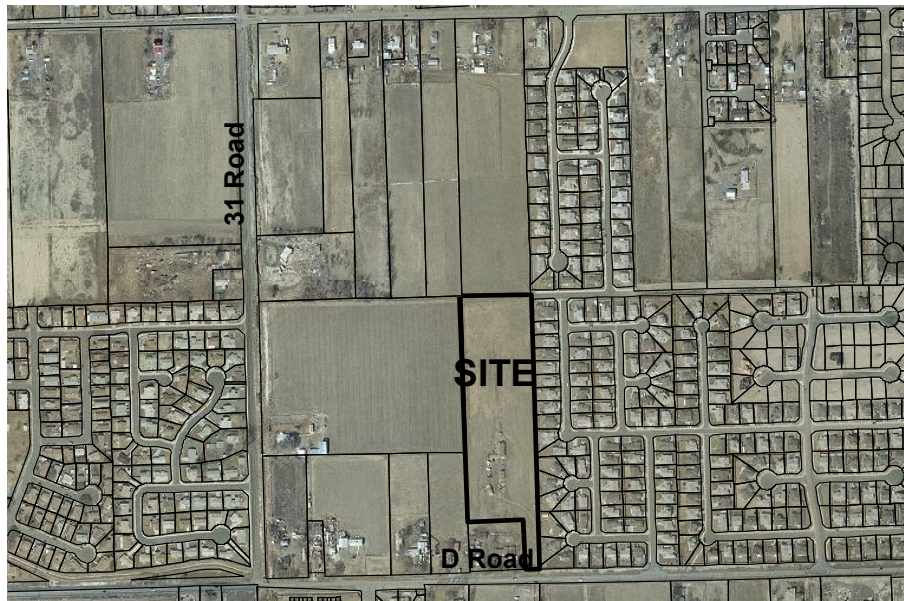
Figure 1

Hamilton Annexation  
Figure 5



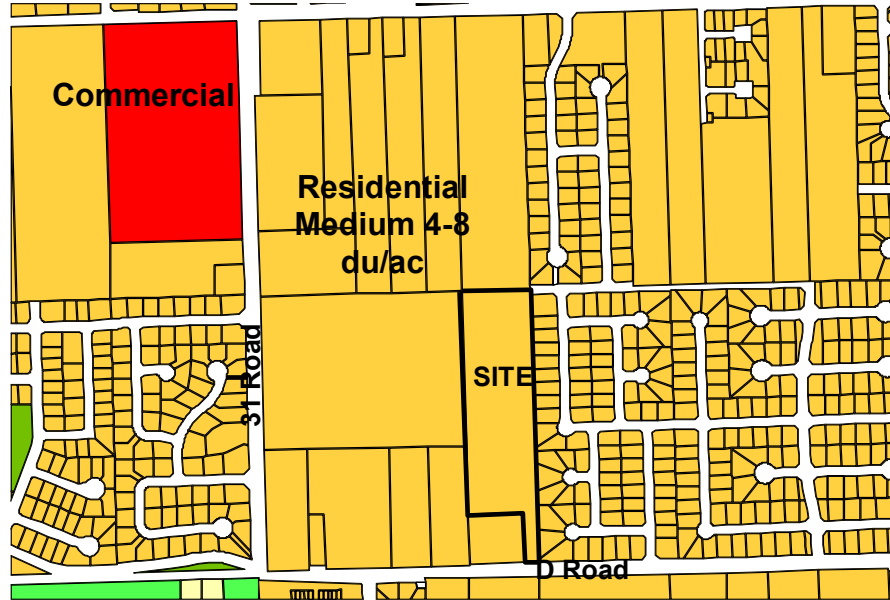
# Aerial Photo Map

Figure 2



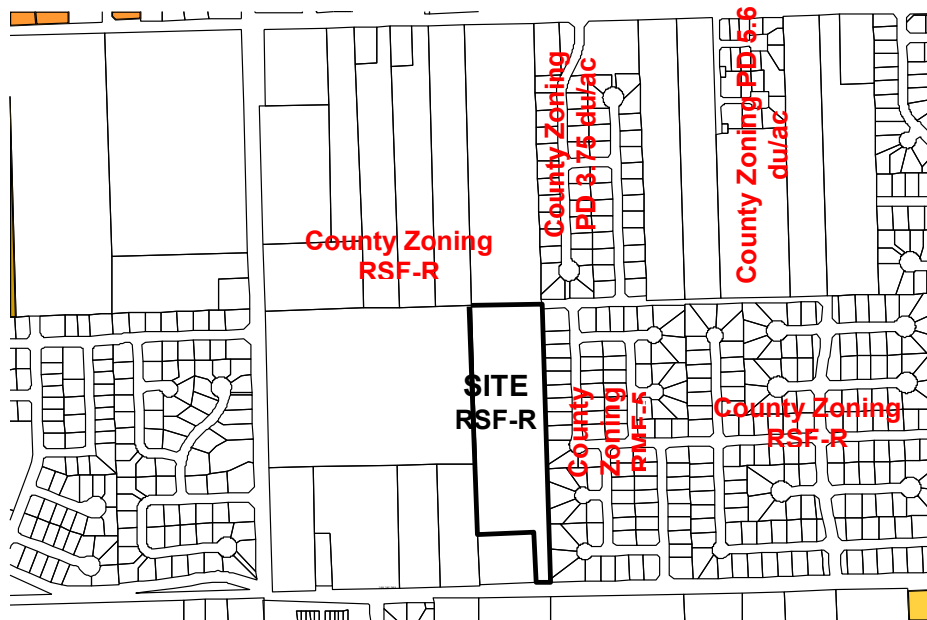
# Future Land Use Map

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 7<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**

**HAMILTON ANNEXATION**

**LOCATED AT 3124 D ROAD AND INCLUDING A PORTION OF  
THE D ROAD RIGHT-OF-WAY**

WHEREAS, on the 7th day of June, 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:

**HAMILTON ANNEXATION NO. 1**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW1/4 SW1/4 of said Section 15, and assuming the East line of the SW1/4 SW1/4 of said Section 15 to bear N00°01'26"W with all bearings contained herein relative thereto; thence N00°01'26"W, along the East line of the SW1/4 SW1/4 of said Section 15, a distance of 30.00 feet to the POINT OF BEGINNING; thence N89°53'26"W along a line 30.00 feet north of and parallel with the south line of the SW 1/4 SW 1/4 of said section 15, a distance of 328.12 feet; thence N00°00'40"W, a distance of 10.00 feet to a point being the Southwest corner of lot One, Bailey Minor Subdivision, as Recorded in Plat Book 13, page 480 of the Mesa County, Colorado, Public Records; thence S89°53'26"E along the South line of said Lot One, a distance of 264.12 feet to the Southeast corner of said Lot; thence N00°01'26"W, along the East line of said Lot One, a distance of 228.00 feet to a point being the Northeast corner of said Lot One; thence N89°53'26"W, along the North line of said Lot One, a distance of 264.06 feet to a point being the Northwest corner of said lot One; thence N00°00'40"W, along the West line of Lot Two, a distance of 180.00 feet; thence S89°53'26"E, a distance of 5.00 feet; thence S00°00'40"E along a line being 5.00 feet East of and parallel with the West line of said Lot Two, a distance of 175.00 feet; thence S89°53'26"E along a line being 5.00 feet North of and parallel with the North line of said Lot One a distance of 264.06 feet; thence S00°01'26"E along a line being 5.00

feet East of and parallel with the East line of said Lot One a distance of 233.00 feet, to a point on the North right of way of D Road; thence along said right of way S89°53'26"E a distance of 59.00 feet to a point on the East line of the SW1/4 SW1/4 of said Section 15; thence S00°01'26"E along said East line a distance of 10.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 0.15 acres (6642 square feet), more or less, as described.

## HAMILTON ANNEXATION NO. 2

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW1/4 SW1/4 of said Section 15, and assuming the East line of the SW1/4 SW1/4 of said Section 15 to bear N00°01'26"W with all bearings contained herein relative thereto; thence N00°01'26"W, along the East line of the SW 1/4 SW 1/4 of said Section 15, a distance of 40.00 feet to the POINT OF BEGINNING; thence N89°53'26"W, a distance of 59.00 feet; thence N00°01'26"W, a distance of 233.00 feet; thence N89°53'26"W a distance of 264.06 feet; thence N00°00'40"W, a distance of 175.00 feet; thence N89°53'26"W, a distance of 5.00 to a point on the West line of Lot Two of Bailey Minor Subdivision, as same is shown on the plat of Bailey Minor Subdivision, as Recorded in Plat Book 13, page 480 of the Mesa County, Colorado, Public Records; thence N00°00'40"W along said West line, a distance of 872.02 feet to a point being the Northwest corner of said lot two; thence S89°53'43"E along the North line of said Lot Two, a distance of 327.83 feet to the Northeast corner of the SW1/4 SW1/4 of said section 15; thence S00°01'26"E along the East line of the SW1/4 SW1/4 of said section 15 a distance of 1280.04 feet; more or less to the POINT OF BEGINNING.

Said parcel contains 8.18 acres (356,244 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 19th day of July, 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>DATES PUBLISHED</i>
<b>June 9, 2006</b>
<b>June 16, 2006</b>
<b>June 23, 2006</b>
<b>June 30, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HAMILTON ANNEXATION #1**

**APPROXIMATELY 0.15 ACRES**

**LOCATED AT 3124 D ROAD AND INCLUDING A PORTION OF THE D ROAD RIGHT-  
OF-WAY**

**WHEREAS**, on the 7th day of June, 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 19th day of July, 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:

**HAMILTON ANNEXATION NO. 1**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW1/4 SW1/4 of said Section 15, and assuming the East line of the SW1/4 SW1/4 of said Section 15 to bear N00°01'26"W with all bearings contained herein relative thereto; thence N00°01'26"W, along the East line of the SW1/4 SW1/4 of said Section 15, a distance of 30.00 feet to the POINT OF



BEGINNING; thence N89°53'26"W along a line 30.00 feet north of and parallel with the south line of the SW 1/4 SW 1/4 of said section 15, a distance of 328.12 feet; thence N00°00'40"W, a distance of 10.00 feet to a point being the Southwest corner of lot One, Bailey Minor Subdivision, as Recorded in Plat Book 13, page 480 of the Mesa County, Colorado, Public Records; thence S89°53'26"E along the South line of said Lot One, a distance of 264.12 feet to the Southeast corner of said Lot; thence N00°01'26"W, along the East line of said Lot One, a distance of 228.00 feet to a point being the Northeast corner of said Lot One; thence N89°53'26"W, along the North line of said Lot One, a distance of 264.06 feet to a point being the Northwest corner of said lot One; thence N00°00'40"W, along the West line of Lot Two, a distance of 180.00 feet; thence S89°53'26"E, a distance of 5.00 feet; thence S00°00'40"E along a line being 5.00 feet East of and parallel with the West line of said Lot Two, a distance of 175.00 feet; thence S89°53'26"E along a line being 5.00 feet North of and parallel with the North line of said Lot One a distance of 264.06 feet; thence S00°01'26"E along a line being 5.00 feet East of and parallel with the East line of said Lot One a distance of 233.00 feet, to a point on the North right of way of D Road; thence along said right of way S89°53'26"E a distance of 59.00 feet to a point on the East line of the SW1/4 SW1/4 of said Section 15; thence S00°01'26"E along said East line a distance of 10.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 0.15 acres (6642 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 7th day of June, 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**

**HAMILTON ANNEXATION #2**

**APPROXIMATELY 8.18 ACRES**

**LOCATED AT 3124 D ROAD**

**WHEREAS**, on the 7th day of June, 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 19th day of July, 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:

**HAMILTON ANNEXATION NO.2**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW1/4 SW1/4 of said Section 15, and assuming the East line of the SW1/4 SW1/4 of said Section 15 to bear N00°01'26"W with all bearings contained herein relative thereto; thence N00°01'26"W, along the East line of the SW 1/4 SW 1/4 of said Section 15, a distance of 40.00 feet to the POINT OF BEGINNING; thence N89°53'26"W, a distance of 59.00 feet; thence N00°01'26"W, a distance of 233.00 feet; thence N89°53'26"W a distance of 264.06 feet; thence

N00°00'40"W, a distance of 175.00 feet; thence N89°53'26"W, a distance of 5.00 to a point on the West line of Lot Two of Bailey Minor Subdivision, as same is shown on the plat of Bailey Minor Subdivision, as Recorded in Plat Book 13, page 480 of the Mesa County, Colorado, Public Records; thence N00°00'40"W along said West line, a distance of 872.02 feet to a point being the Northwest corner of said lot two; thence S89°53'43"E along the North line of said Lot Two, a distance of 327.83 feet to the Northeast corner of the SW1/4 SW1/4 of said section 15; thence S00°01'26"E along the East line of the SW1/4 SW1/4 of said section 15 a distance of 1280.04 feet; more or less to the POINT OF BEGINNING.

Said parcel contains 8.18 acres (356,244 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 17**

Setting a Hearing on the Bekon Annexation, Located at 2250 Railroad Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Bekon Annexation located at 2250 Railroad Avenue						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 30, 2006				<b>File #ANX-2006-143</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:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.21 acre Bekon Annexation consists of one (1) parcel of land and associated rights-of-way of Railroad Avenue & Railroad Boulevard.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Bekon Annexation petition and introduce the proposed Bekon Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> day of July, 2006.

**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. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		2250 Railroad Avenue			
<b>Applicants:</b>		Bekon Properties LLC, Owner			
<b>Existing Land Use:</b>		Vacant land			
<b>Proposed Land Use:</b>		14,400 sq. ft. Office/Warehouse/Shop Building			
<b>Surrounding Land Use:</b>	<b>North</b>	Industrial			
	<b>South</b>	Industrial			
	<b>East</b>	Industrial			
	<b>West</b>	Industrial			
<b>Existing Zoning:</b>		PI, Planned Industrial (County)			
<b>Proposed Zoning:</b>		I-1, Light Industrial			
<b>Surrounding Zoning:</b>	<b>North</b>	I-2, General Industrial			
	<b>South</b>	PI, Planned Industrial (County)			
	<b>East</b>	PI, Planned Industrial (County)			
	<b>West</b>	I-1, Light Industrial			
<b>Growth Plan Designation:</b>		Commercial/Industrial			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 7.21 acres of land and is comprised of one (1) parcel of land and associated right-of-way's of Railroad Avenue & Railroad Boulevard. The property owners have requested annexation into the City in anticipation of future industrial development. 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 Bekon Annexation is eligible to be annexed because of compliance with the following:

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

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
<b>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 13, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 20, 2006</b>	Effective date of Annexation and Zoning

**BEKON ANNEXATION SUMMARY**

<b>File Number:</b>	<b>ANX-2006-143</b>
<b>Location:</b>	<b>2250 Railroad Avenue</b>
<b>Tax ID Number:</b>	<b>2945-062-05-003</b>
<b>Parcels:</b>	<b>One (1)</b>
<b>Estimated Population:</b>	<b>0</b>
<b># of Parcels (owner occupied):</b>	<b>0</b>
<b># of Dwelling Units:</b>	<b>0</b>
<b>Acres land annexed:</b>	<b>7.21</b>
<b>Developable Acres Remaining:</b>	<b>4.28</b>
<b>Right-of-way in Annexation:</b>	<b>2.93</b>
<b>Previous County Zoning:</b>	<b>PI, Planned Industrial</b>
<b>Proposed City Zoning:</b>	<b>I-1, Light Industrial</b>
<b>Current Land Use:</b>	<b>Vacant</b>
<b>Future Land Use:</b>	<b>14,400 sq. ft. Office/Warehouse/Shop Building</b>
<b>Values:</b>	<b>Assessed:</b> \$51,320
	<b>Actual:</b> \$176,960
<b>Address Ranges:</b>	<b>2250 Railroad Avenue</b>
<b>Special Districts:</b>	<b>Water:</b> Ute
	<b>Sewer:</b> City
	<b>Fire:</b> GJ Rural
	<b>Irrigation/ Drainage:</b> Grand Junction Drainage

	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>N/A</b>



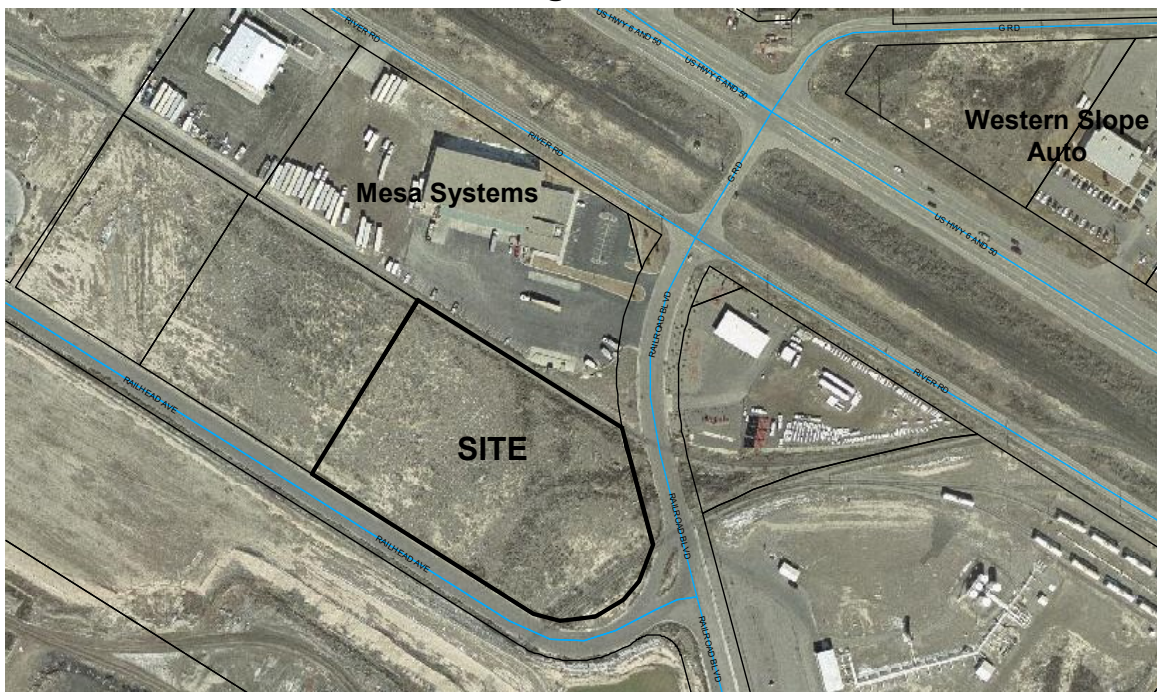
# Site Location Map – Bekon Annexation

Figure 1



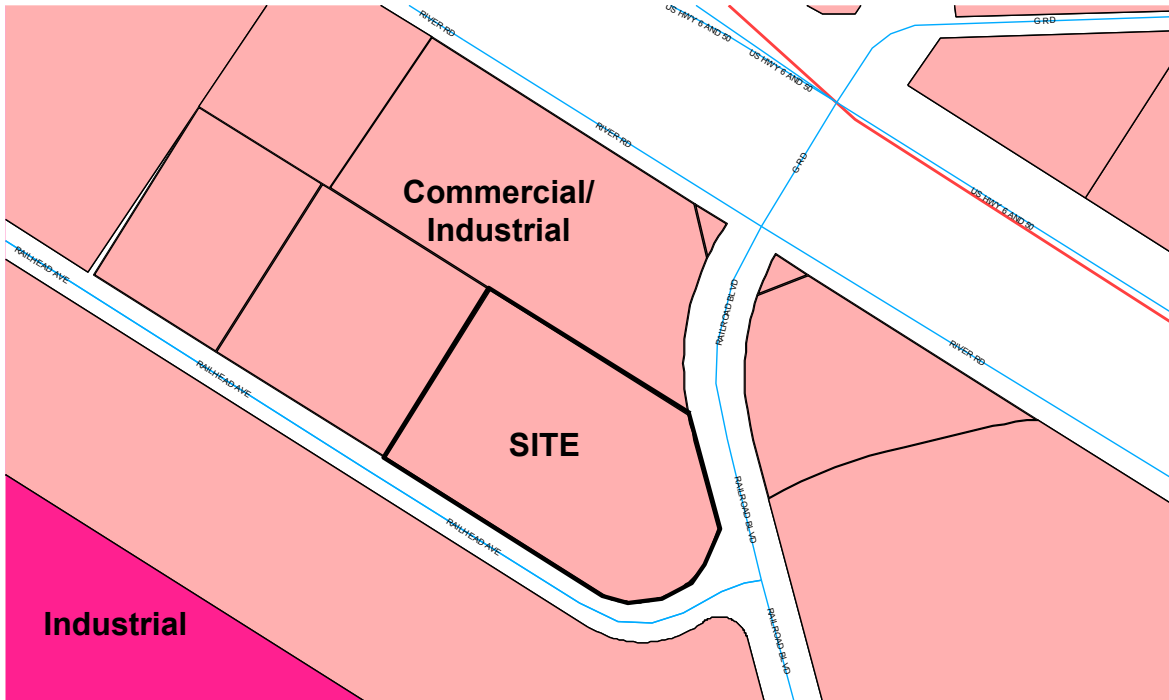
# Aerial Photo Map – Bekon Annexation

Figure 2



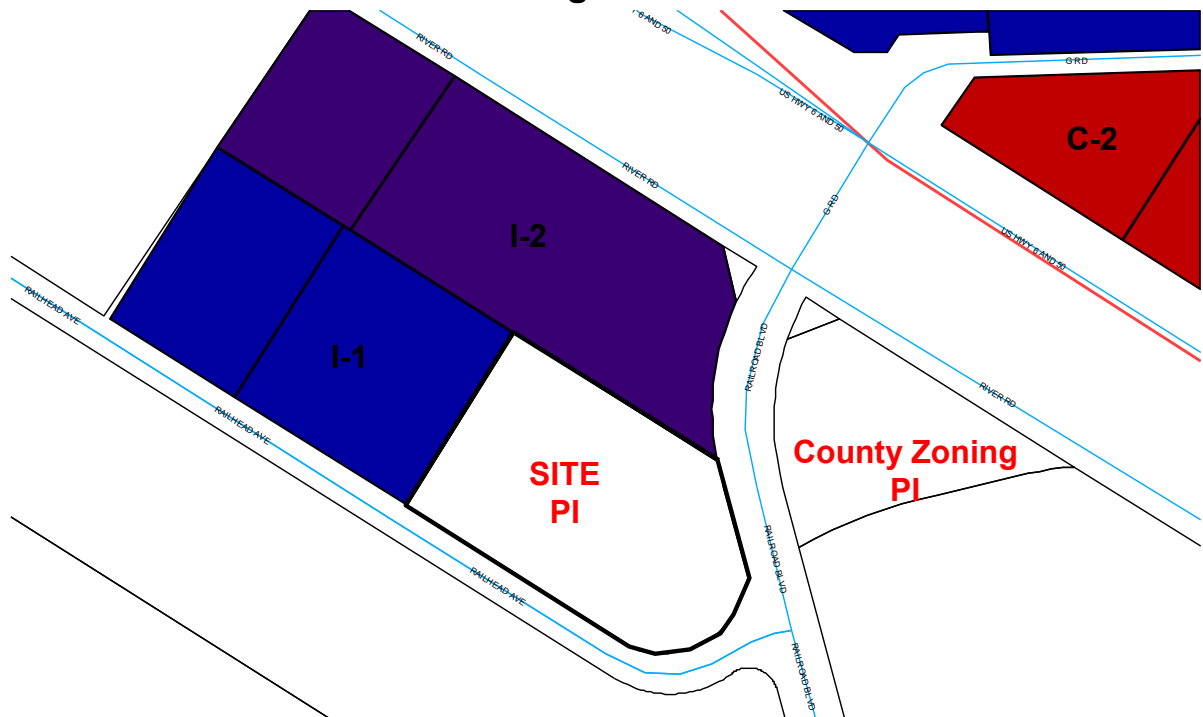
# Future Land Use Map – Bekon Annex.

Figure 3



# Existing City and County Zoning – Bekon

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 7<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**

**BEKON ANNEXATION**

**LOCATED AT 2250 RAILROAD AVENUE AND INCLUDING A PORTION OF  
THE RAILROAD AVENUE & RAILROAD BOULEVARD RIGHT-OF-WAY**

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

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

**BEKON ANNEXATION**

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 349.17 feet along the arc of a 482.24 foot radius curve concave East, having a central angle of 41°29'11" and a chord that bears N12°54'57"E a distance 341.59 feet along the Westerly right of way of Railroad Boulevard as is shown on said plat of Railhead Industrial Park As Amended; thence S56°20'34"E along the Southerly right of way of River Road as is shown on said plat of Railhead Industrial Park As Amended, a distance of 100.00 feet to the East right of way of said Railroad Boulevard; thence along said right of way 313.55 feet along the arc of a 382.24 foot radius curve concave East, having a central angle of 47°00'01" and a chord that bears S10°09'31"W a distance 304.84 feet; thence S13°20'29"E along the East line of said right of way a distance of 358.97 feet; thence S76°39'31"W to a point on the Westerly right of way of said Railroad Boulevard a distance of 100.00 feet; thence 97.36 feet along the arc of a 50.00 foot radius curve concave South, having a central angle of 111°33'40" and a chord that bears N69°07'19"W a distance 82.69 feet to a point on the Southerly right of way of Railroad Avenue; thence along said right of way 214.43 feet along the arc of a

178.15 foot radius curve concave North, having a central angle of 68°57'53" and a chord that bears S89°10'34"W a distance 201.72 feet; thence along said right of way N56°20'29"W a distance of 485.93 feet; thence N33°39'31"E along the East line of Loggains Subdivision, as same is recorded in Book 3977, Page 790 Public Records of Mesa County, Colorado; a distance of 410.00 feet to the Northeast corner of said Loggains Subdivision; thence S56°20'29"E along the Northerly line of said Block Two, a distance of 414.98 feet; thence along said North line, 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 02°45'06" and a chord that bears S57°43'01"E a distance 22.97 feet more or less to the Point of Beginning.

Said parcel contains 7.21 acres (314,092 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 July, 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 7<sup>th</sup> day of June, 2006.

Attest:

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President of the Council

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City Clerk

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

---

City Clerk

<i>DATES PUBLISHED</i>
<b>June 9, 2006</b>
<b>June 16, 2006</b>
<b>June 23, 2006</b>
<b>June 30, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

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

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

**BEKON ANNEXATION**

**APPROXIMATELY 7.21 ACRES**

**LOCATED AT 2250 RAILROAD AVENUE AND INCLUDING A PORTION OF  
THE RAILROAD AVENUE & RAILROAD BOULEVARD RIGHT-OF-WAY**

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

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

**BEKON ANNEXATION**

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 349.17 feet along the arc of a 482.24 foot radius curve concave East, having a central angle of 41°29'11" and a chord that bears N12°54'57"E a distance



341.59 feet along the Westerly right of way of Railroad Boulevard as is shown on said plat of Railhead Industrial Park As Amended; thence S56°20'34"E along the Southerly right of way of River Road as is shown on said plat of Railhead Industrial Park As Amended, a distance of 100.00 feet to the East right of way of said Railroad Boulevard; thence along said right of way 313.55 feet along the arc of a 382.24 foot radius curve concave East, having a central angle of 47°00'01" and a chord that bears S10°09'31"W a distance 304.84 feet; thence S13°20'29"E along the East line of said right of way a distance of 358.97 feet; thence S76°39'31"W to a point on the Westerly right of way of said Railroad Boulevard a distance of 100.00 feet; thence 97.36 feet along the arc of a 50.00 foot radius curve concave South, having a central angle of 111°33'40" and a chord that bears N69°07'19"W a distance 82.69 feet to a point on the Southerly right of way of Railroad Avenue; thence along said right of way 214.43 feet along the arc of a 178.15 foot radius curve concave North, having a central angle of 68°57'53" and a chord that bears S89°10'34"W a distance 201.72 feet; thence along said right of way N56°20'29"W a distance of 485.93 feet; thence N33°39'31"E along the East line of Loggains Subdivision, as same is recorded in Book 3977, Page 790 Public Records of Mesa County, Colorado; a distance of 410.00 feet to the Northeast corner of said Loggains Subdivision; thence S56°20'29"E along the Northerly line of said Block Two, a distance of 414.98 feet; thence along said North line, 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 02°45'06" and a chord that bears S57°43'01"E a distance 22.97 feet more or less to the Point of Beginning.

Said parcel contains 7.21 acres (314,092 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 7<sup>th</sup> day of June, 2006 and ordered published.

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

Attest:

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President of the Council

---

City Clerk

**Attach 18**

Setting a Hearing on the Hoffmann II Annexation Located at 565 22 ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Hoffmann II Annexation located at 565 22 ½ Road						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 25, 2006				File #ANX-2006-117		
<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:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.12 acre Hoffmann II Annexation consists of one parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Hoffmann II Annexation petition and introduce the proposed Hoffmann II Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> day of July, 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>		565 22 ½ Road	
<b>Applicants:</b>		Leonard & Kathleen Hoffmann	
<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	
	<b>West</b>	Residential	
<b>Existing Zoning:</b>		RSF-4	
<b>Proposed Zoning:</b>		RSF-2	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4	
	<b>South</b>	City RSF-2	
	<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 1.12 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

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

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

The following annexation and zoning schedule is being proposed.

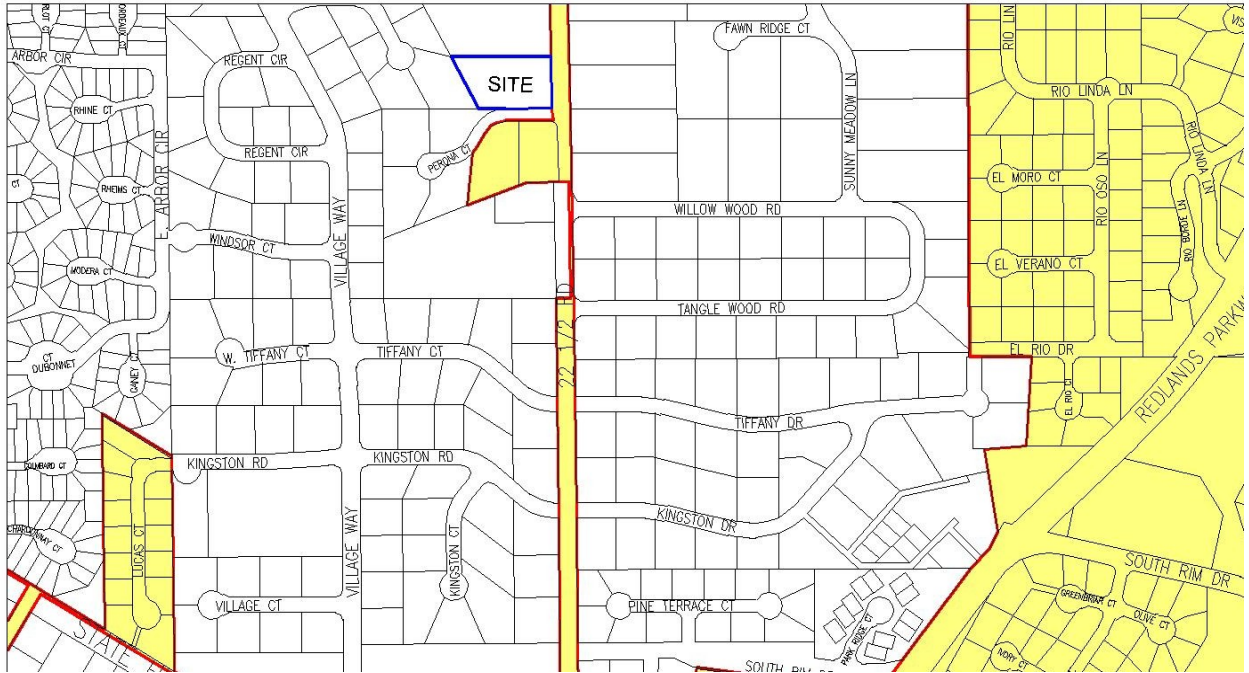
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 27, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 20, 2006</b>	Effective date of Annexation and Zoning

**HOFFMANN II ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-117	
<b>Location:</b>	565 22 ½ Road	
<b>Tax ID Number:</b>	2945-072-05-007	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	4	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	1.12	
<b>Developable Acres Remaining:</b>	1.12	
<b>Right-of-way in Annexation:</b>	None	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	RSF-2	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$16,900
	<b>Actual:</b>	\$212,230
<b>Address Ranges:</b>	565 22 ½ Rd & 2250 Perona Ct	
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	City
	<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

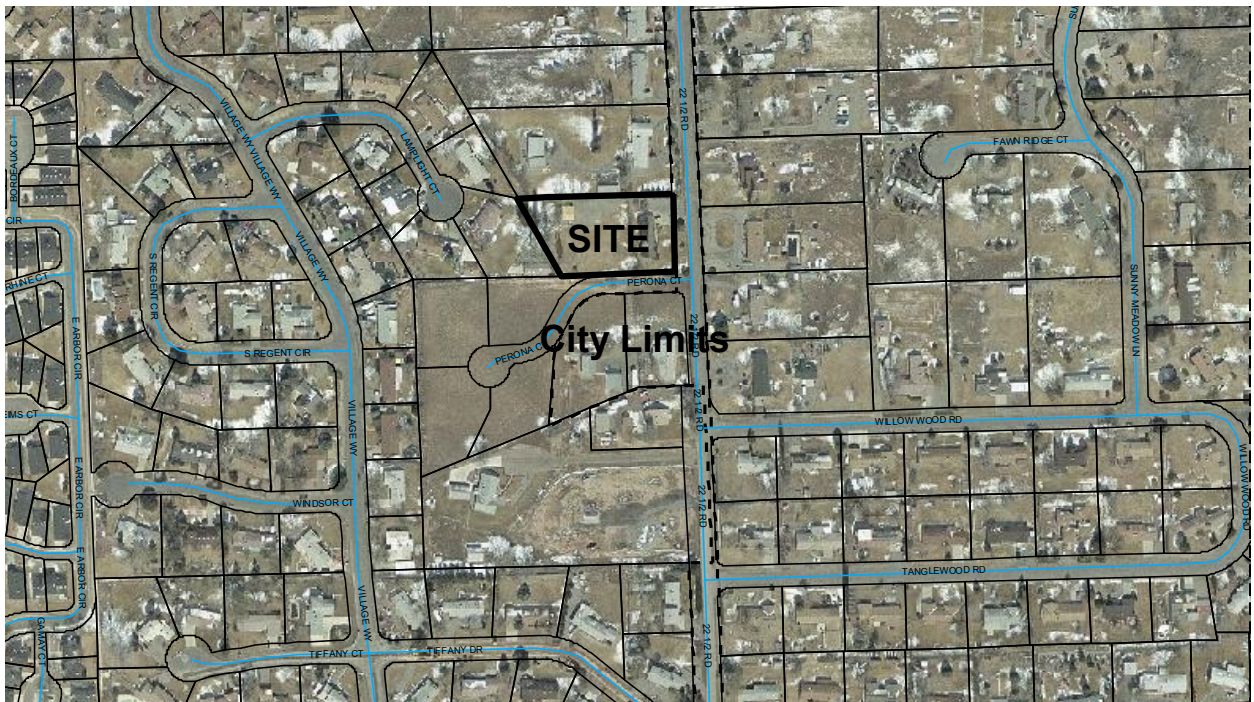
# Site Location Map

Figure 1



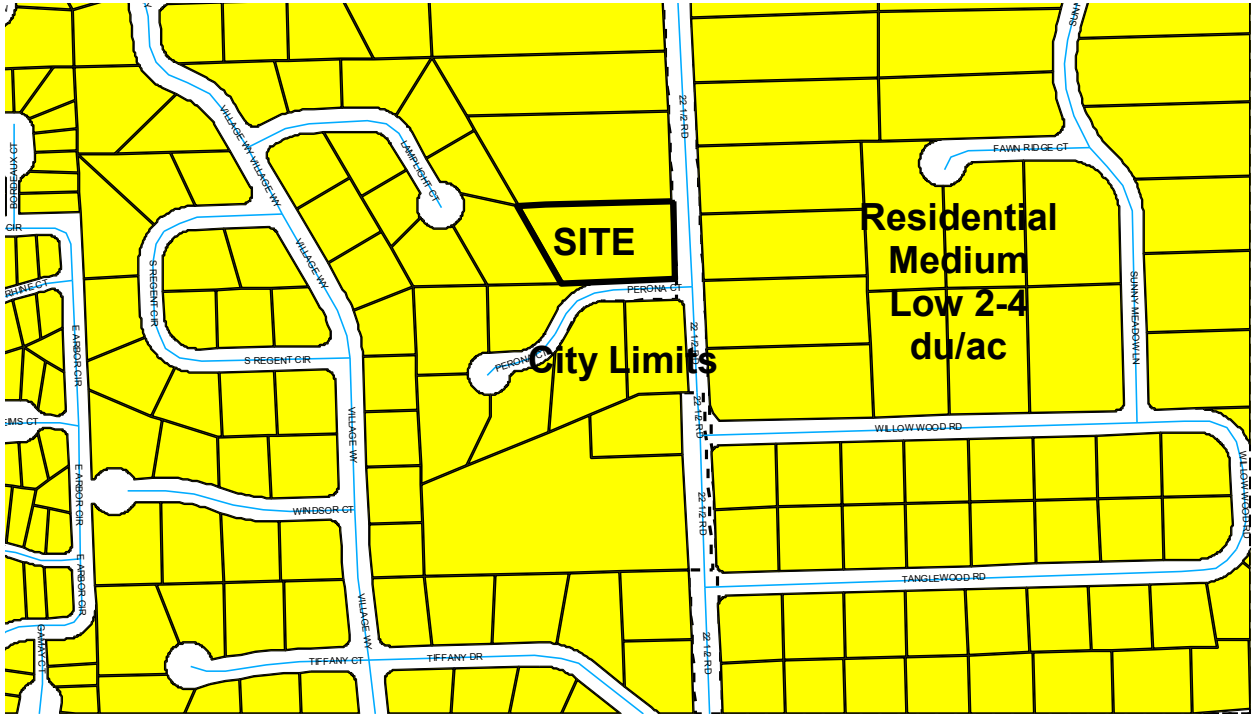
# Aerial Photo Map

Figure 2



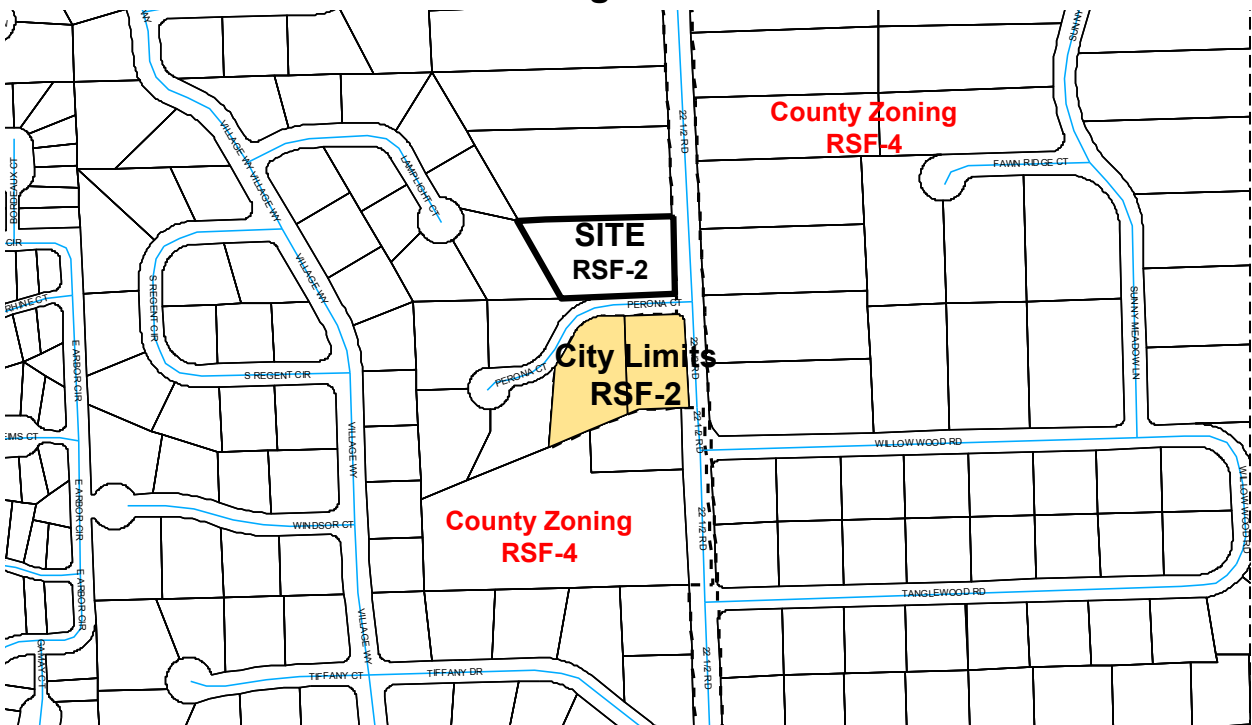
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7<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**

**HOFFMANN II ANNEXATION**

**LOCATED AT 565 22 ½ ROAD.**

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

**HOFFMANN II ANNEXATION**

A certain parcel of land located in the Northwest Quarter (NW1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Lot 1 in Block 8 of Redlands Village Subdivision Filing No. 4, Mesa County, Colorado.

Said parcel contains 1.12 acres (48971 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 July, 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>June 9, 2006</b>
<b>June 30, 2006</b>
<b>July 7, 2006</b>
<b>July 21, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HOFFMANN II ANNEXATION**

**APPROXIMATELY 1.12 ACRES**

**LOCATED AT 565 22 ½ ROAD**

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

**HOFFMANN II ANNEXATION**

A certain parcel of land located in the Northwest Quarter (NW1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Lot 1 in Block 8 of Redlands Village Subdivision Filing No. 4, Mesa County, Colorado.

Said parcel contains 1.12 acres (48971 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 7<sup>th</sup> day of June, 2006 and ordered published.

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

Attest:

---

President of the Council

---

City Clerk

**Attach 19**

Setting a Hearing on the Traynor Annexation, Located at 748 &amp; 749 24 ¾ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Traynor Annexation located at 748 & 749 24 ¾ Road						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 25, 2006				File #ANX-2006-111		
<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:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.71 acre Traynor Annexation consists of 2 parcels and is a two part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Traynor Annexation petition and introduce the proposed Traynor Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> day of July, 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>		748 & 749 24 ¾ Road		
<b>Applicants:</b>		Owner: Ronald Abeloe Developer: Chaparall West, Inc. – Ron Abeloe Representative: Vista Engineering – Paco Larsen		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	County AFT		
	<b>South</b>	City Planned Development		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R		
<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 10.71 acres of land and is comprised of two 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 Traynor 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>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 27, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 20, 2006</b>	Effective date of Annexation and Zoning

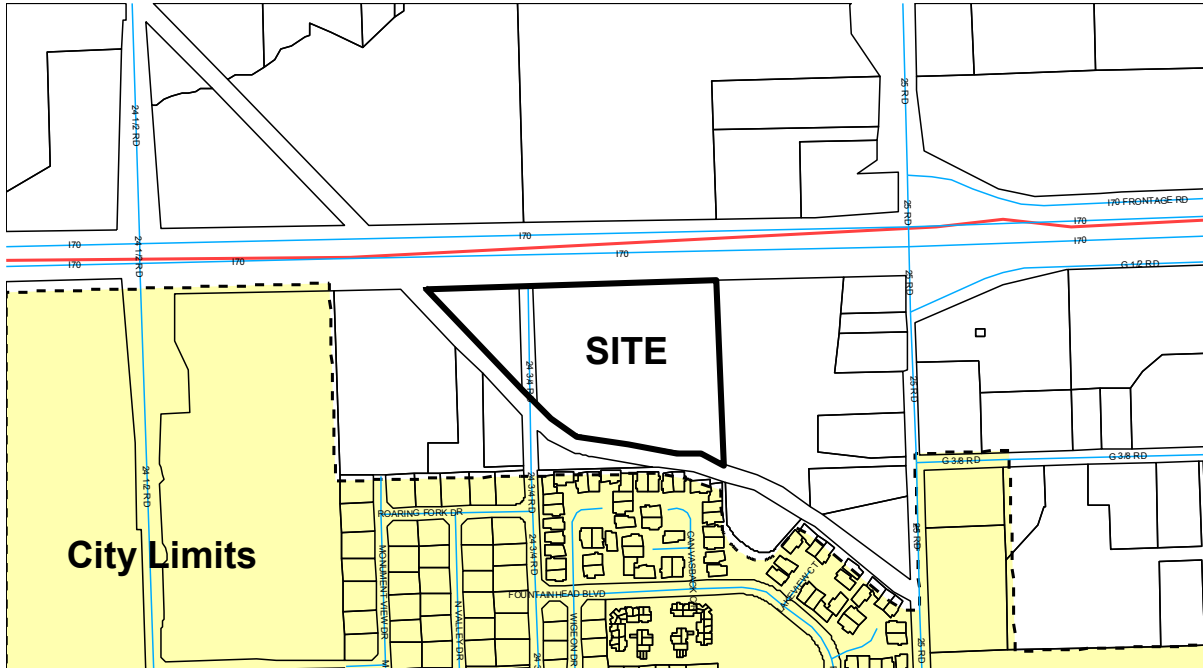


**TRAYNOR ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-111	
<b>Location:</b>	748 & 749 24 <sup>3</sup> / <sub>4</sub> Road	
<b>Tax ID Number:</b>	2701-334-00-110 & 111	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	10.71	
<b>Developable Acres Remaining:</b>	10.03	
<b>Right-of-way in Annexation:</b>	.68 acres (29,440 sq ft)	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-8	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$13,260
	<b>Actual:</b>	\$155,970
<b>Address Ranges:</b>	748 & 749 24 <sup>3</sup> / <sub>4</sub> Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage Grand Valley Irrigation
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A

# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2





**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 7<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**

**TRAYNOR ANNEXATION #1 & 2**

**LOCATED AT 748 & 749 24 <sup>3</sup>/<sub>4</sub> ROAD AND PORTIONS OF THE GRAND VALLEY  
CANAL AND 24 <sup>3</sup>/<sub>4</sub> ROAD RIGHTS-OF-WAY**

WHEREAS, on the 7th day of June, 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:

**TRAYNOR ANNEXATION #1**

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, 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 Northwest corner of Fountain Greens Subdivision, Filing No. Three, as same is recorded in Plat Book 19, Pages 181-184, Public Records of Mesa County, Colorado and assuming the North line of said Filing No. Three bears S89°54'05"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S89°54'05"E a distance of 413.45 feet to the Point of Beginning; thence from said Point of Beginning N13°20'58"E a distance of 44.08 feet to a point on the centerline of the Grand Valley Canal; thence N76°39'02"W along said centerline a distance of 231.65 feet; thence 198.94 feet along said centerline and the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 197.63 feet; thence N36°08'48"E a distance of 2.00 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing S65°15'08"E a distance of 196.84 feet; thence S76°39'02"E a distance of 326.69 feet; thence 122.56 feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing S72°25'31"E a distance of 122.45 feet; thence S00°09'16"E a distance of 2.16 feet; thence S08°31'58"E to the North line of said Fountain Greens Subdivision, Filing No. Three a distance of 46.32 feet; thence along said North line N69°15'09"W a distance of 115.14

feet; thence N79°52'31"W a distance of 120.94 feet, more or less, to the Point of Beginning.

Said parcel contains 0.24 acres (10,410 square feet), more or less, as described.

#### TRAYNOR ANNEXATION #2

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, 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 Northeast corner of Lot 24 of Pomona Park Subdivision, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and assuming the East line of said Lot 24 bears S00°09'16"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning S00°09'16"E along the East line of said Lot 24 a distance of 647.66 feet; thence 122.56 feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing N72°25'31"W a distance of 122.45 feet; thence N76°39'02"W a distance of 326.69 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 196.84 feet; thence S36°08'48"W a distance of 2.00 feet; thence 38.25 feet along the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 04°23'01" and a chord bearing N51°39'42"W a distance of 38.24 feet to a point on the East right of way of 24 3/4 Road as shown on said Pomona Park Subdivision; thence S00°06'56"E along said right of way line a distance of 202.08 feet; thence N89°48'34"W to a point on the West line of right of way of said 24 3/4 Road a distance of 30.00 feet; thence N00°06'56"W along said right of way line a distance of 229.27 feet to a point on the centerline of the Grand Valley Canal; thence 373.01 feet along said centerline and the arc of a 2805.00 foot radius curve concave Northeast, having a central angle of 07°23'09" and a chord bearing N43°10'51"W a distance of 372.74 feet; thence 177.63 feet along said centerline and the arc of a 3089.00 foot radius curve concave Southwest, having a central angle of 03°17'41" and a chord bearing N41°01'07"W a distance of 177.61 feet to a point on the North line of Lot 25 of said Pomona Park Subdivision; thence S89°53'28"E along a line 25 feet South of and parallel with the North line of NW 1/4 SE 1/4 of Section 33 a distance of 385.78 feet to a point on the East line of NW 1/4 SE 1/4; thence S89°51'33"E along a line 25 feet South of and parallel with the North line of NE 1/4 SE 1/4 of Section 33 a distance of 658.71 feet, more or less, to the Point of Beginning.

Said parcel contains 10.47 acres (456,036 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 July, 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>June 9, 2006</b>
<b>June 30, 2006</b>
<b>July 7, 2006</b>
<b>July 21, 2006</b>



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**TRAYNOR ANNEXATION #1**

**APPROXIMATELY .24 ACRES**

**LOCATED AT 748 & 749 24 ¾ ROAD AND A PORTION OF THE GRAND VALLEY  
CANAL**

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

**TRAYNOR ANNEXATION #1**

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, 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 Northwest corner of Fountain Greens Subdivision, Filing No. Three, as same is recorded in Plat Book 19, Pages 181-184, Public Records of Mesa County, Colorado and assuming the North line of said Filing No. Three bears S89°54'05"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S89°54'05"E a distance of 413.45 feet to the Point of

Beginning; thence from said Point of Beginning N13°20'58"E a distance of 44.08 feet to a point on the centerline of the Grand Valley Canal; thence N76°39'02"W along said centerline a distance of 231.65 feet; thence 198.94 feet along said centerline and the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 197.63 feet; thence N36°08'48E a distance of 2.00 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing S65°15'08"E a distance of 196.84 feet; thence S76°39'02"E a distance of 326.69 feet; thence 122.56 feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing S72°25'31"E a distance of 122.45 feet; thence S00°09'16"E a distance of 2.16 feet; thence S08°31'58"E to the North line of said Fountain Greens Subdivision, Filing No. Three a distance of 46.32 feet; thence along said North line N69°15'09"W a distance of 115.14 feet; thence N79°52'31"W a distance of 120.94 feet, more or less, to the Point of Beginning.

Said parcel contains 0.24 acres (10,410 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 7<sup>th</sup> day of June, 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**

**TRAYNOR ANNEXATION #2**

**APPROXIMATELY 10.47 ACRES**

**LOCATED AT 748 & 749 24 ¾ ROAD AND A PORTION OF THE 24 ¾ ROAD RIGHT-  
OF-WAY**

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

**TRAYNOR ANNEXATION #2**

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, 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 Northeast corner of Lot 24 of Pomona Park Subdivision, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and assuming the East line of said Lot 24 bears S00°09'16"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning S00°09'16"E along the East line of said Lot 24 a distance of 647.66 feet; thence 122.56

feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing N72°25'31"W a distance of 122.45 feet; thence N76°39'02"W a distance of 326.69 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 196.84 feet; thence S36°08'48"W a distance of 2.00 feet; thence 38.25 feet along the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 04°23'01" and a chord bearing N51°39'42"W a distance of 38.24 feet to a point on the East right of way of 24 3/4 Road as shown on said Pomona Park Subdivision; thence S00°06'56"E along said right of way line a distance of 202.08 feet; thence N89°48'34"W to a point on the West line of right of way of said 24 3/4 Road a distance of 30.00 feet; thence N00°06'56"W along said right of way line a distance of 229.27 feet to a point on the centerline of the Grand Valley Canal; thence 373.01 feet along said centerline and the arc of a 2805.00 foot radius curve concave Northeast, having a central angle of 07°23'09" and a chord bearing N43°10'51"W a distance of 372.74 feet; thence 177.63 feet along said centerline and the arc of a 3089.00 foot radius curve concave Southwest, having a central angle of 03°17'41" and a chord bearing N41°01'07"W a distance of 177.61 feet to a point on the North line of Lot 25 of said Pomona Park Subdivision; thence S89°53'28"E along a line 25 feet South of and parallel with the North line of NW 1/4 SE 1/4 of Section 33 a distance of 385.78 feet to a point on the East line of NW 1/4 SE 1/4; thence S89°51'33"E along a line 25 feet South of and parallel with the North line of NE 1/4 SE 1/4 of Section 33 a distance of 658.71 feet, more or less, to the Point of Beginning.

Said parcel contains 10.47 acres (456,036 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 7<sup>th</sup> day of June, 2006 and ordered published.

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

Attest:

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

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



**Attach 20**

Setting a Hearing on the Vodopich Annexation, Located at 3023 F ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Setting a hearing for the Vodopich Annexation located at 3023 F ½ Road					
<b>Meeting Date</b>		June 7, 2006					
<b>Date Prepared</b>		May 25, 2006			File #ANX-2006-109		
<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	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.23 acre Vodopich Annexation consists of one parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Vodopich Annexation petition and introduce the proposed Vodopich Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> day of July, 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>		3023 F ½ Road		
<b>Applicants:</b>		Owner: JBB Corporation – Jurgen Denk Developer: Jurgen Denk Representative: Troy Nesheim		
<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		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-R		
<b>Proposed Zoning:</b>		RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	County RMF-5		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R		
<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 3.23 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 Vodopich 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>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 27, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 20, 2006</b>	Effective date of Annexation and Zoning

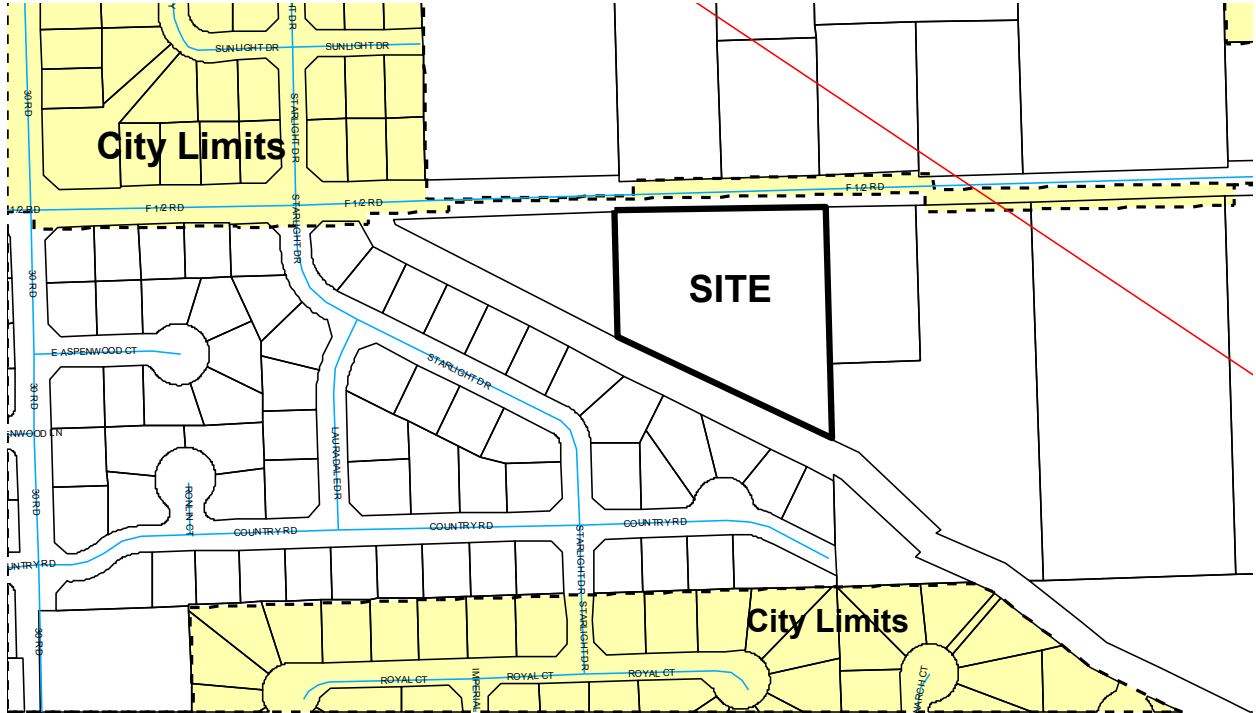


**VODOPICH ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-109	
<b>Location:</b>	3023 F ½ Road	
<b>Tax ID Number:</b>	2943-043-00-047	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	3.23	
<b>Developable Acres Remaining:</b>	3.23	
<b>Right-of-way in Annexation:</b>	None	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$9,370
	<b>Actual:</b>	\$117,750
<b>Address Ranges:</b>	3015 thru 3025 F ½ Road (odd only)	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation Grand Junction Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand Valley Mosquito

# Site Location Map

Figure 1



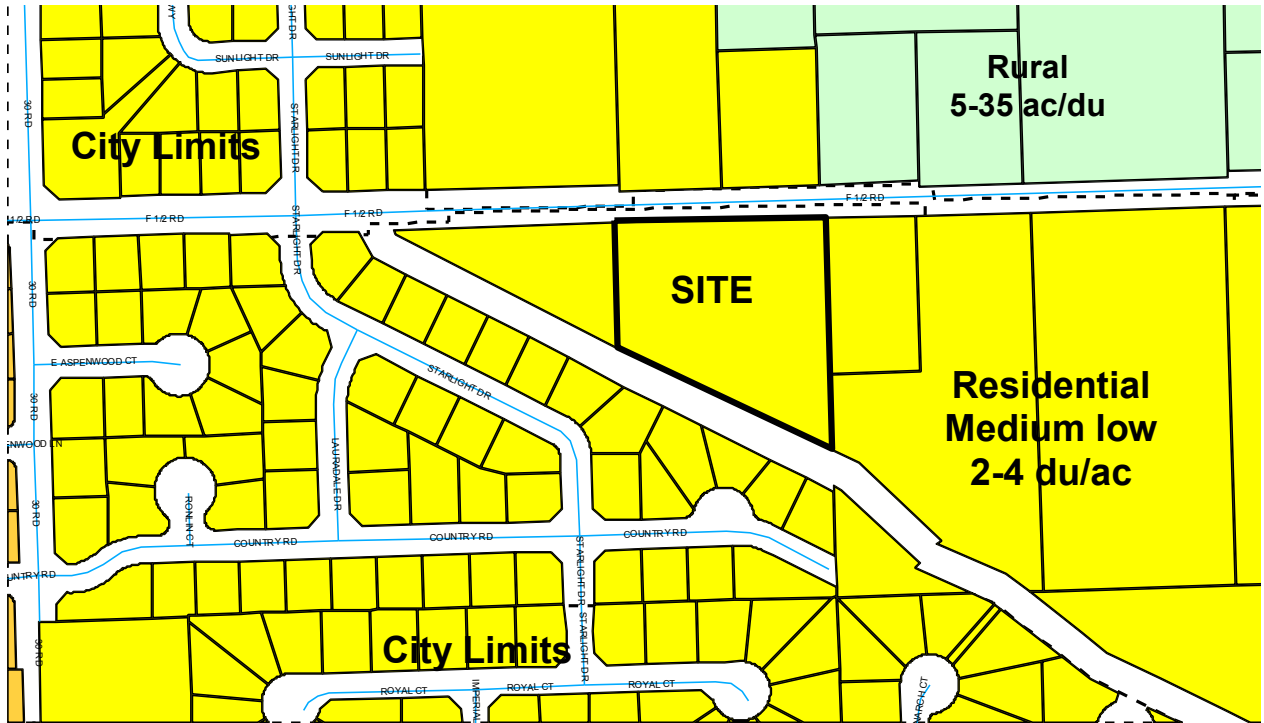
# Aerial Photo Map

Figure 2



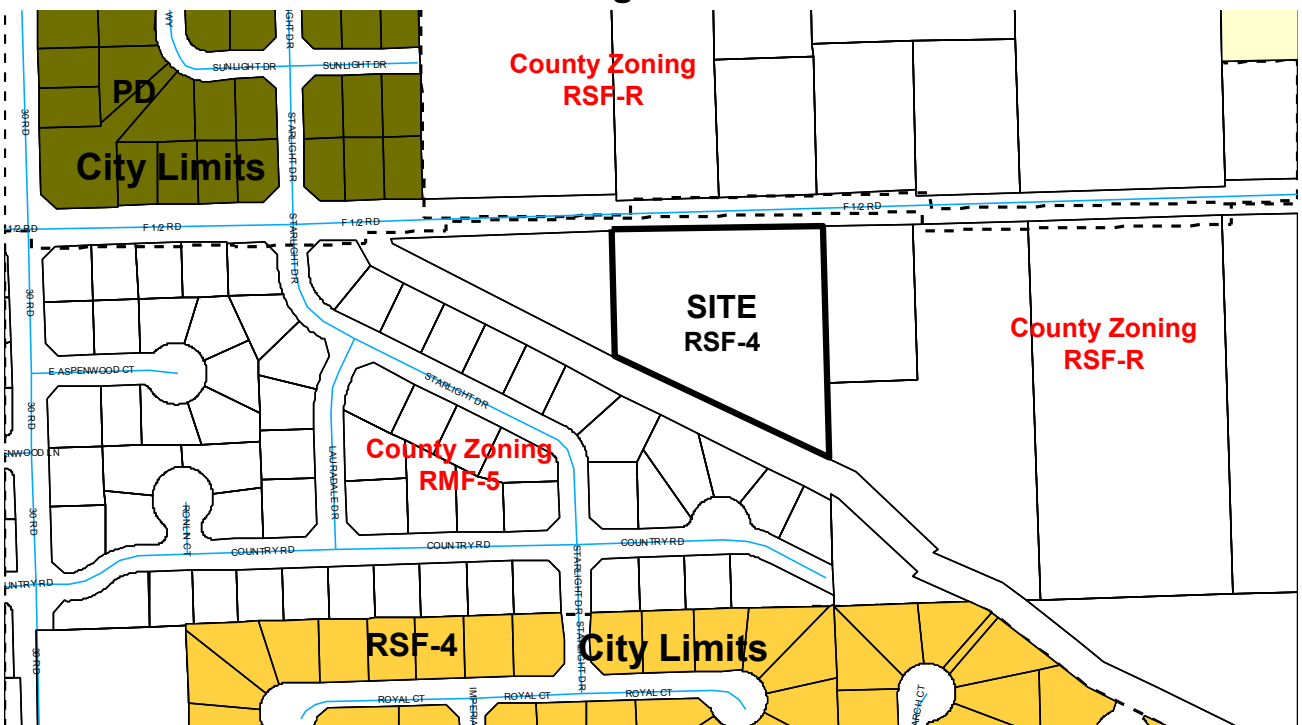
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7<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**

**VODOPICH ANNEXATION**

**LOCATED AT 3023 F ½ ROAD.**

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

**VODOPICH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) 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 SW1/4 of said Section 4 and assuming the East line of the NW1/4 SW1/4 of said Section 4 bears S00°10'25"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S00°10'25"E along the East line of the NW1/4 SW1/4 of said Section 4 a distance of 453.62 feet to the Price Ditch, as described in Book 2266, Page 760 of the Mesa County, Colorado Public Records; thence N62°01'59"W along said Price Ditch a distance of 461.46; thence N00°01'57"W a distance of 236.96 feet to a point on the North line of the NW1/4 SW1/4 of said Section 4; thence N89°57'52"E along the North line of the NW1/4 SW1/4 of said Section 4, a distance of 406.33, more or less to the POINT OF BEGINNING.

Said parcel contains 3.23 acres (140,707 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 July, 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>DATES PUBLISHED</i>
<b>June 9, 2006</b>
<b>June 30, 2006</b>
<b>July 7, 2006</b>
<b>July 21, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**VODOPICH ANNEXATION**

**APPROXIMATELY 3.23 ACRES**

**LOCATED AT 3023 F ½ ROAD**

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

**VODOPICH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) 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 SW1/4 of said Section 4 and assuming the East line of the NW1/4 SW1/4 of said Section 4 bears S00°10'25"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S00°10'25"E along the East line of the NW1/4 SW1/4 of said Section 4 a distance of 453.62 feet to the Price Ditch, as described in Book 2266, Page 760 of the



Mesa County, Colorado Public Records; thence N62°01'59"W along said Price Ditch a distance of 461.46; thence N00°01'57"W a distance of 236.96 feet to a point on the North line of the NW1/4 SW1/4 of said Section 4; thence N89°57'52"E along the North line of the NW1/4 SW1/4 of said Section 4, a distance of 406.33, more or less to the POINT OF BEGINNING.

Said parcel contains 3.23 acres (140,707 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 7<sup>th</sup> day of June, 2006 and ordered published.

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

Attest:

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

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

**Attach 21**

Setting a Hearing on the Fletcher Annexation, Located ½ Mile W of Monument Rd on South Camp Rd Across from Monument Valley Subdivision

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Fletcher Annexation located 1/2 mile west of Monument Road on South Camp Road						
<b>Meeting Date</b>	June 7, 2006						
<b>Date Prepared</b>	May 31, 2006				File #ANX-2006-108		
<b>Author</b>	Lori V. Bowers			Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 144 acre Fletcher Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Fletcher Annexation petition and introduce the proposed Fletcher Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 19<sup>th</sup> day of July, 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>		South Camp Road, ½ mile west of Monument Rd.		
<b>Applicants:</b>		Owner - Eugene Fletcher; Developer – Redlands Valley Cache LLC; Representative: LANDesign Consulting Eng.		
<b>Existing Land Use:</b>		Vacant land		
<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>	Vacant land		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County PUD (3 units per acre – 1979)		
<b>Proposed Zoning:</b>		RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	PD		
	<b>South</b>	County PUD		
	<b>East</b>	RSF-E		
	<b>West</b>	County PUD		
<b>Growth Plan Designation:</b>		Residential Low (½ to 2 ac/du)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 144 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 Kresin 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>June 7, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 27, 2006</b>	Planning Commission considers Zone of Annexation
<b>July 5, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 19, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>Aug 20, 2006</b>	Effective date of Annexation and Zoning

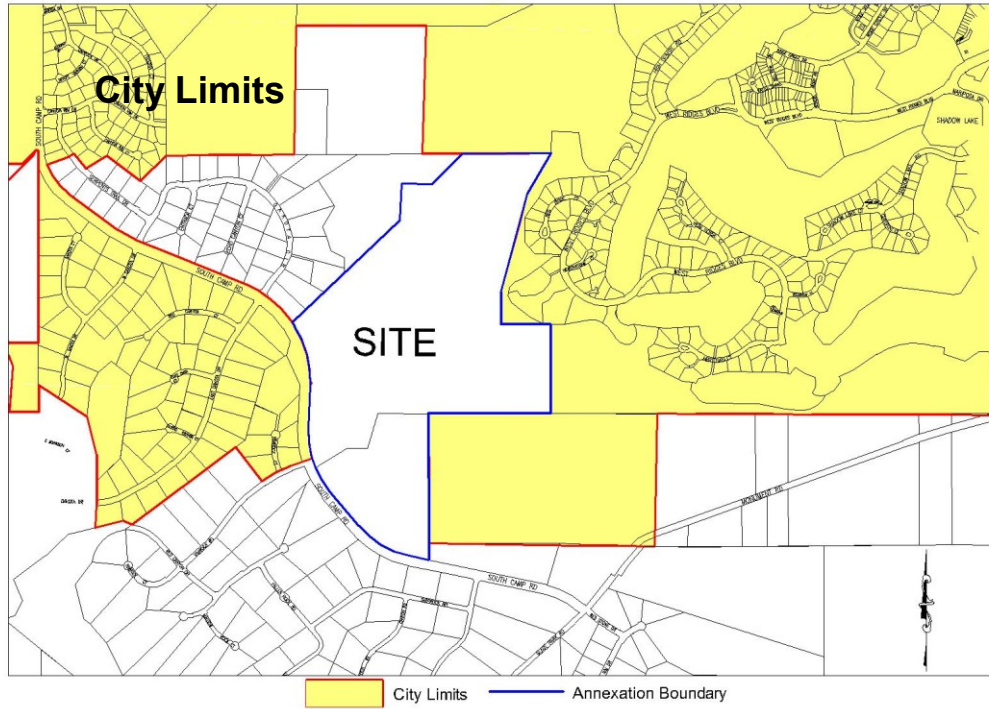
**FLETCHER ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-108	
<b>Location:</b>	South Camp Rd. ½ mile west of Monument Road	
<b>Tax ID Numbers:</b>	2945-194-11-001 / 2945-301-12-001	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	520	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	144 acres	
<b>Developable Acres Remaining:</b>	139 acres	
<b>Right-of-way in Annexation:</b>	5 acres, along South Camp Road	
<b>Previous County Zoning:</b>	PUD	
<b>Proposed City Zoning:</b>	RSF-2	
<b>Current Land Use:</b>	Vacant land	
<b>Future Land Use:</b>	Residential Subdivision	
<b>Values:</b>	<b>Assessed:</b>	= \$101,340
	<b>Actual:</b>	= \$349,460
<b>Address Ranges:</b>		
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/Drainage :</b>	Redlands Water and Power (irrigation)
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	N/A

# Site Location Map

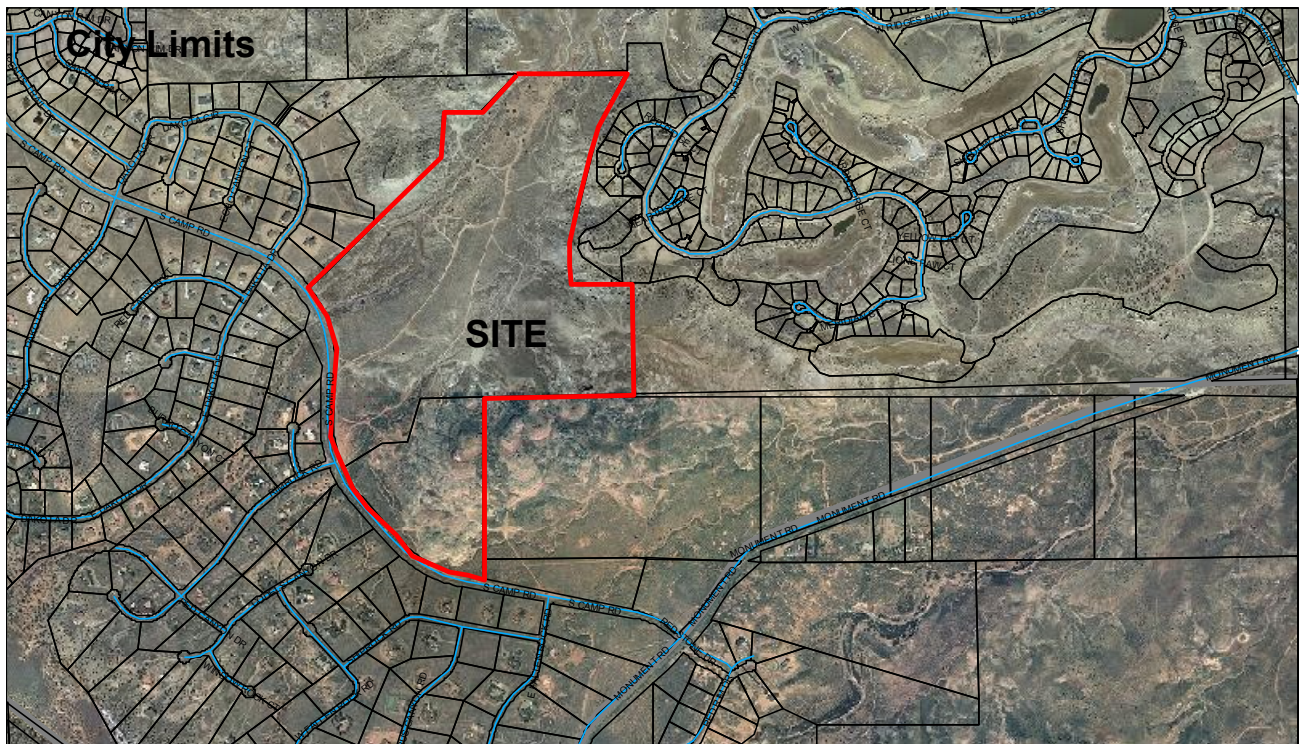
## Fletcher Annexation

Fletcher Annexation  
Figure 5



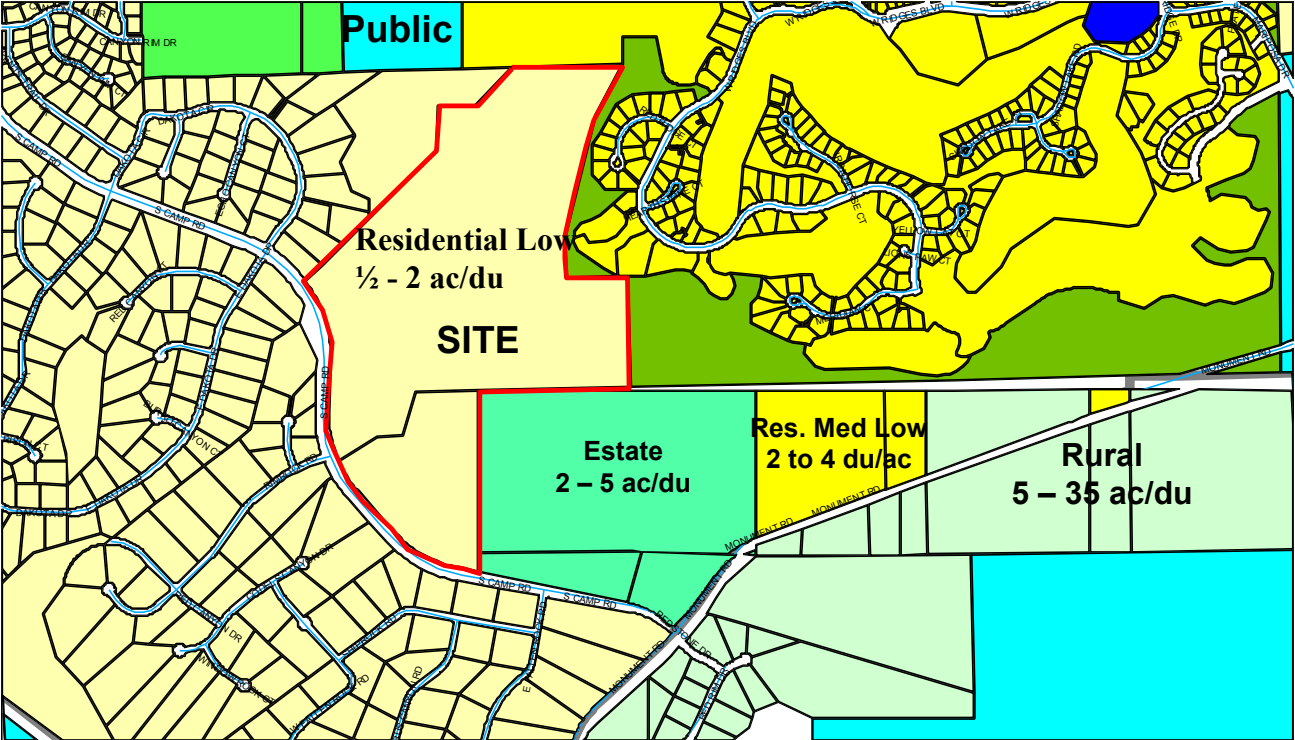
# Aerial Photo Map

## Fletcher Annexation



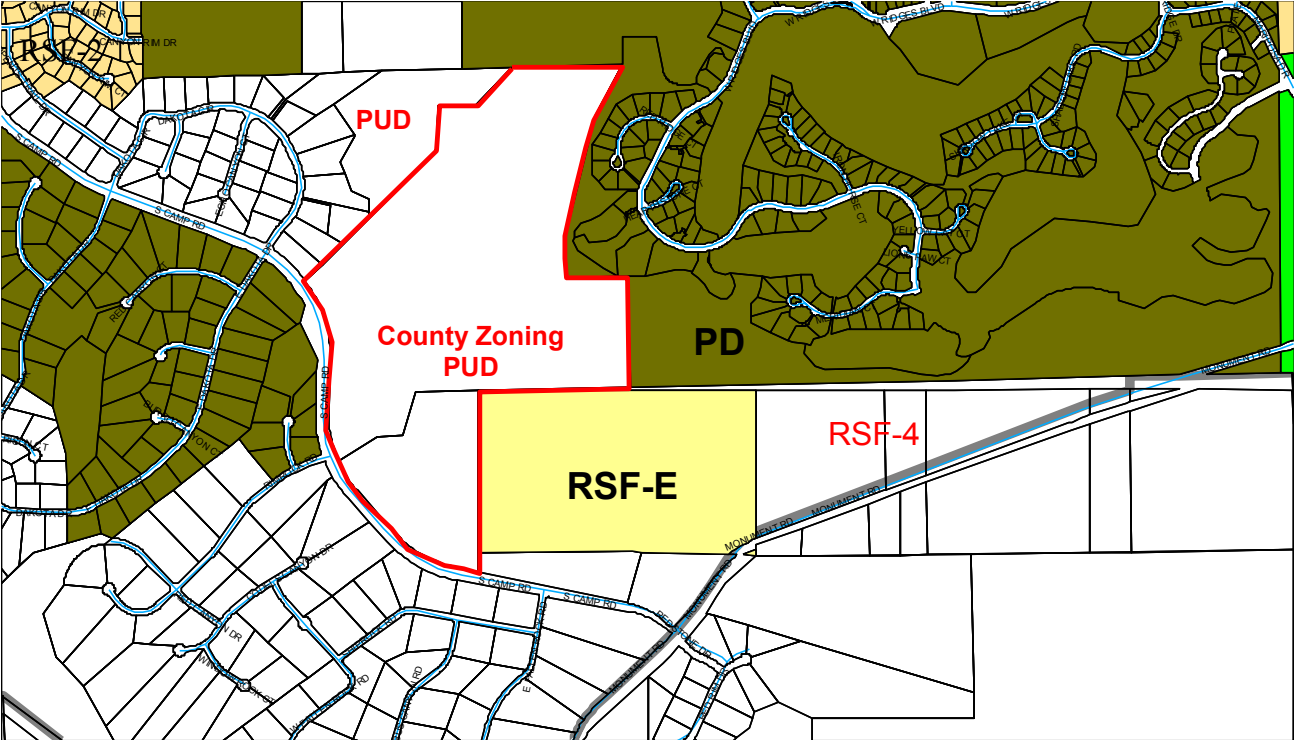
# Future Land Use Map

## Fletcher Annexation



# Existing City and County Zoning

## Fletcher Annexation



**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 7<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**

**FLETCHER ANNEXATION**

**LOCATED ON SOUTH CAMP ROAD ½ MILE WEST OF MONUMENT ROAD**

WHEREAS, on the 7<sup>TH</sup> day of June, 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:

**FLETCHER ANNEXATION**

2945-194-11-001 & 2945-301-12-001

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 19 and the Northeast Quarter (NE1/4) of Section 30, 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 Southeast corner of Block D, Monument Valley Subdivision, as same is recorded in Plat Book 16, page 269-270, Public Records of Mesa County, Colorado, and assuming the East line of the NW1/4 NE1/4 of said Section 30 bears S00°00'15"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning; S11°52'16"W to a point on the South right of way line of South Camp Road, as same is recorded in Book 997, pages 945-946, a distance of 100.00 feet; thence along said right of way N78°07'44"W a distance of 204.77 feet; thence 662.69 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 37°46'59" and a chord bearing N59°14'14"W a distance of 650.75 feet; thence N40°20'44"W a distance of 457.15 feet; thence 390.46 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 22°15'42" and a chord bearing N29°12'52"W a distance of 388.01 feet to a point on the centerline of Rimrock Drive, as same is shown on the plat of Monument Valley Subdivision Filing No. 5, as same is recorded in Plat Book 14, Pages 212-214, Public Records of Mesa County, Colorado; thence N71°52'16"E a distance of 50.00 feet to a point on the East line of the Monument Valley Annexation, City of Grand Junction Ordinance No. 2850, and the centerline of said South Camp Road; thence 353.46 feet

along the arc of a 954.93 foot radius curve concave East, having a central angle of 21°12'28" and a chord bearing N07°28'38"W a distance of 351.45 feet; thence N03°07'36"E along a line 429.61 feet; thence 602.38 feet along the arc of a 954.93 foot radius curve concave West, having a central angle of 36°08'35" and a chord bearing N14°55'27"W a distance of 592.44 feet; thence N57°08'32"E a distance of 50.00 feet to a point on the North right of way of said South Camp Road; thence S32°59'44"E a distance of 45.59 feet; thence 633.56 feet along the arc of a 1004.93 foot radius curve concave West, having a central angle of 36°07'20" and a chord bearing S14°56'04"E a distance of 623.12 feet; thence S03°07'36"W a distance of 429.95 feet; thence 686.60 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 43°28'20" and a chord bearing S18°36'34"E a distance of 670.25 feet; thence S40°20'44"E a distance of 457.15 feet; thence 596.27 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 37°45'09" and a chord bearing S59°13'19"E a distance of 585.54 feet; thence S78°07'44"E a distance of 205.25 feet; more or less to the Point of Beginning, TOGETHER WITH Block C and Block D, of said Monument Valley Subdivision.

Said parcel contains 144.43 acres (6,291,761 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 July, 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>DATES PUBLISHED</i>
<b>June 9, 2006</b>
<b>June 16, 2006</b>
<b>June 23, 2006</b>
<b>June 30, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**FLETCHER ANNEXATION**

**APPROXIMATELY 144 ACRES**

**LOCATED ON SOUTH CAMP ROAD ½ MILE WEST OF MONUMENT ROAD**

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

**FLETCHER ANNEXATION**

2945-194-11-001 & 2945-301-12-001

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 19 and the Northeast Quarter (NE1/4) of Section 30, 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 Southeast corner of Block D, Monument Valley Subdivision, as same is recorded in Plat Book 16, page 269-270, Public Records of Mesa County, Colorado, and assuming the East line of the NW1/4 NE1/4 of said Section 30 bears S00°00'15"W with all other bearings contained herein being relative thereto; thence

from said Point of Beginning; S11°52'16"W to a point on the South right of way line of South Camp Road, as same is recorded in Book 997, pages 945-946, a distance of 100.00 feet; thence along said right of way N78°07'44"W a distance of 204.77 feet; thence 662.69 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 37°46'59" and a chord bearing N59°14'14"W a distance of 650.75 feet; thence N40°20'44"W a distance of 457.15 feet; thence 390.46 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 22°15'42" and a chord bearing N29°12'52"W a distance of 388.01 feet to a point on the centerline of Rimrock Drive, as same is shown on the plat of Monument Valley Subdivision Filing No. 5, as same is recorded in Plat Book 14, Pages 212-214, Public Records of Mesa County, Colorado; thence N71°52'16"E a distance of 50.00 feet to a point on the East line of the Monument Valley Annexation, City of Grand Junction Ordinance No. 2850, and the centerline of said South Camp Road; thence 353.46 feet along the arc of a 954.93 foot radius curve concave East, having a central angle of 21°12'28" and a chord bearing N07°28'38"W a distance of 351.45 feet; thence N03°07'36"E along a line 429.61 feet; thence 602.38 feet along the arc of a 954.93 foot radius curve concave West, having a central angle of 36°08'35" and a chord bearing N14°55'27"W a distance of 592.44 feet; thence N57°08'32"E a distance of 50.00 feet to a point on the North right of way of said South Camp Road; thence S32°59'44"E a distance of 45.59 feet; thence 633.56 feet along the arc of a 1004.93 foot radius curve concave West, having a central angle of 36°07'20" and a chord bearing S14°56'04"E a distance of 623.12 feet; thence S03°07'36"W a distance of 429.95 feet; thence 686.60 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 43°28'20" and a chord bearing S18°36'34"E a distance of 670.25 feet; thence S40°20'44"E a distance of 457.15 feet; thence 596.27 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 37°45'09" and a chord bearing S59°13'19"E a distance of 585.54 feet; thence S78°07'44"E a distance of 205.25 feet; more or less to the Point of Beginning, TOGETHER WITH Block C and Block D, of said Monument Valley Subdivision.

Said parcel contains 144.43 acres (6,291,761 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 22**

Construction Contract for the I-70 Interchange and Horizon Drive Landscaping Improvements

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	I-70 & Horizon Drive Interchange Landscaping					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 2006				File #	
<b>Author</b>	D. Paul Jagim			Project Engineer		
<b>Presenter Name</b>	Mark Relph			Public Works and Utilities Director		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>	X	Yes		No	Name	Richard Tally
	Workshop	X	<b>Formal Agenda</b>		Consent	X <b>Individual Consideration</b>

**Summary:** The project involves landscaping improvements at the Horizon Drive Interchange designed to beautify this gateway to the community. The landscape improvements will include block retaining walls that create terraces for grasses, shrubs, and trees to be planted on. The project will also include decorative monuments, tile mosaic artwork, and curb, gutter, and sidewalks.

**Budget Information:** The project would be funded out of the Capital Improvements Fund 2011/F47500.

<b>Project Funding:</b>		
2005 Horizon Dr/I-70 Interchange Improv (2011/F47500) (pending 250,000 carry forward to 2006).		\$
2006 Horizon Dr/I-70 Interchange Improv (2011/F47500) 750,000		\$
2006 24 Rd/I-70 Interchange (2011/F44400) (pending completion of fund transfer)*		\$ 125,000



Horizon Drive Business Improvement District Contribution (approved \$ 285,000 by the Business Improvement District on June 1, 2006)**	
<b>Available 2011/F47500 Funds 2006</b>	
<b>\$ 1,410,000</b>	
<b>Project Costs:</b>	
I-70 & Horizon Interchange Landscaping Construction Contract	\$ 1,067,381.82
Change Order #1 to replace Granite Mulch w/ Colored Concrete	\$ 37,684.00
Cost of work to be performed by Xcel Energy	\$ 39,121.00
Cost of work to be performed by City Traffic Department (estimated)	\$ 10,000.00
Cost of new Ute Water tap for irrigation	\$ 8,250.00
Engineering Design Costs for Horizon Inter. Landscape (actual costs from 2004, 2005, and 2006).	\$ 160,529.96
Construction Management for Horizon Inter. Land. (estimated)	<u>\$ 40,000.00</u>
<b>Total Project Costs</b>	<b>\$ 1,362,966.78</b>
<b>Balance of remaining funds available in 2011/F47500(estimated)</b>	<b>\$ 47,033.22</b>

\* The final design phase of the I-70 & 24 Road Landscaping project will soon begin. The budget for this project (2011/F44400) is currently \$800,000. Certain elements of this project that were anticipated to be constructed by the City's landscaping phase have been constructed and paid for by the Colorado Department of Transportation. As a result, there is a surplus in the 24 Road landscaping budget of \$125,000 that is available to be used at the Horizon Drive Landscaping project.

\*\* The Horizon Drive B.I.D. has approved a contribution to the project in the amount of \$57,000 per year for 5 years, totaling \$285,000.

**Action Requested/Recommendation:** Authorize the City Manager to execute a construction contract in the amount of \$ 1,067,381.82 with G.H. Daniels for the I-70 & Horizon Interchange Landscaping and Change Order #1 in the amount of \$37,684.

**Attached:** Exhibits depicting the proposed improvements.

**Background Information:** Planning for the Landscape Improvements at the I-70 Horizon Drive Interchange began in late 2004. Working closely with the Horizon Drive Business Improvement District and the Colorado Department of Transportation, the City and its consultant, Carter-Burgess, developed a final plan for improvements. The landscape improvements will include block retaining walls that create terraces for grasses, shrubs, and trees to be planted on. An irrigation system that incorporates low water use principles will be installed to support the new plantings. The project will also include four decorative monuments on Horizon Drive, near the bottom of each ramp, that incorporate the City of Grand Junction and Horizon Drive Business District logos. Additionally, four lighted monuments will be constructed near the ends of the existing bridges on the I-70 mainline and will resemble the look of monuments to be constructed with the Riverside Parkway. Another feature of the improvements will be a tile mosaic art piece installed on the existing slope paving under the I-70 bridges, where it will be highly visible from Horizon Drive.

Improvements to the pedestrian facilities will also be included in the project. New curb, gutter, and sidewalk will be constructed along Horizon Drive between the I-70 on/off ramps. Change Order #1 is being added at the request of the Horizon Drive B.I.D. and will add colored concrete flatwork between the curb and the sidewalk instead of the granite rock mulch included in the bid package. Pedestrian lighting along the new sidewalks will be constructed by Xcel Energy and paid for with this project's budget. The City's Traffic department will also be making revisions to existing traffic signs to improve the clarity while reducing the visual impact of the street signs at this interchange.

The following bids were received for this project and opened on May 16, 2006:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
G.H. Daniels	Gypsum, Colorado	\$ 1,067,381.82
WD Yards	Grand Junction	\$ 1,395,022.15
Engineer's Estimate		
\$ 722,683.74		

If awarded, the construction is scheduled to begin in late June and be completed by mid October 2006.



**Horizon Drive At I-70-View at Horizon Drive**

December 14, 2005



CITY OF  
**Grand Junction**  
COLORADO

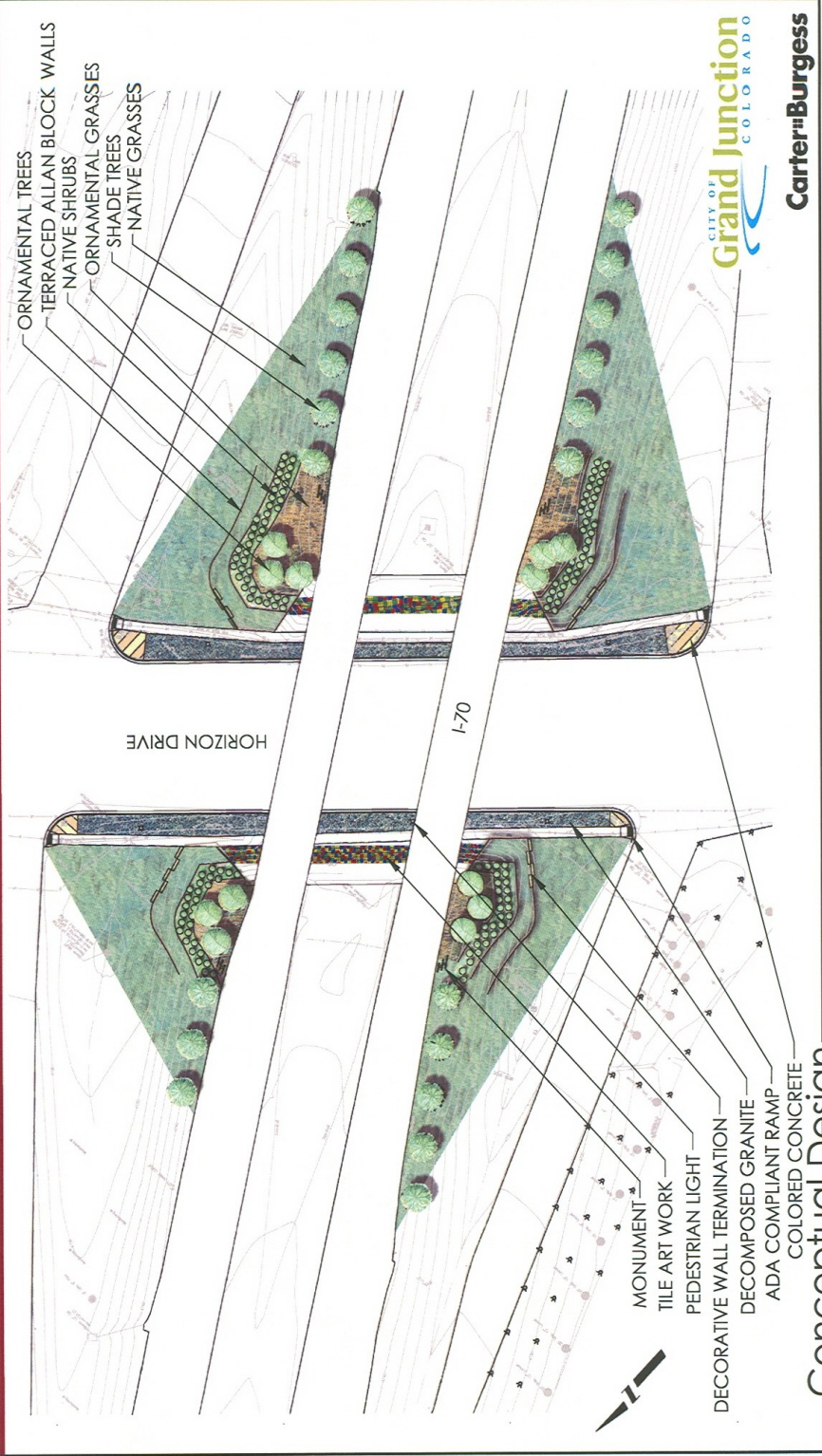
**Carter Burgess**

— Conceptual Design —



December 14, 2005

# Horizon Drive At I-70-Plan View

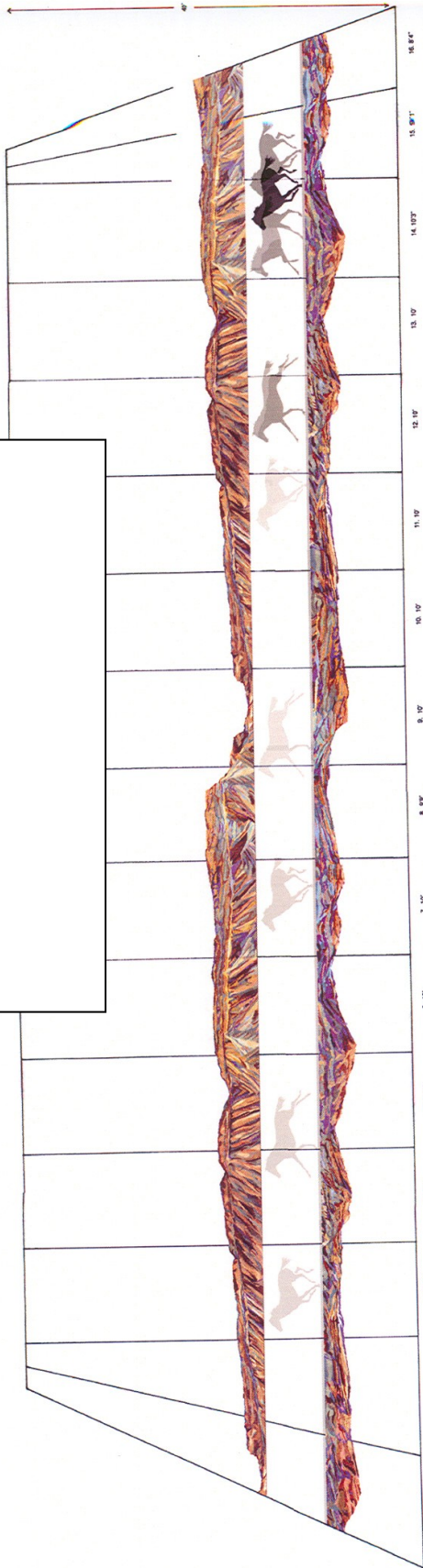


Conceptual Design

**Tile Mosaic on the Slope Paving  
under the Interchange Bridges**



**Tile Mosaic on the Slope  
Paving under the Interchange  
Bridges**





**Attach 23**

Contact for the Rood Avenue Parking Structure Side Demolition

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Rood Avenue Parking Structure Site Demolition					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				<b>File #</b>	
<b>Author</b>	Mike Curtis			<b>Project Engineer</b>		
<b>Presenter Name</b>	Mark Relph			<b>Public Works and Utilities Director</b>		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>

**Summary:** Bids have been received for the demolition of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4<sup>th</sup> Street) on the Rood Avenue Parking Structure site and removal of old foundations and basements on the parking structure site.

**Budget:** Project No.: F63300

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Part 1 Pre-Construction Services (Shaw Construction)	\$41,482
Parking Structure Design Contract (Blythe Design)	\$459,850
<b>Site Demo (Envir. Cleanup, Building Demolition, Walsh)</b>	\$408,507
<b>Demolition Contract (M. A. Concrete)</b>	<b>\$241,578.00</b>
Construction, Administration, Inspection, Testing	\$6,473,630
Land Acquisition	<u>\$1,960,947</u>
Totals:	\$9,344,416

Project Funding:

<u>Funding Sources</u>	<u>Estimated Funding</u>
Alpine Bank Spaces (108)	\$1,662,012
DDA/Site Demo, Clean, Firewalls	\$658,507
DDA/Land Acquisition	\$1,960,947
DDA/Dalby Wendland spaces (23)	\$353,947

DDA/4 <sup>th</sup> floor spaces (60)	<u>\$923,340</u>
Totals: DDA & Alpine Bank	5,558,753
Cash Contribution from the City's Parking Fund	\$500,000
Sale of 3 <sup>rd</sup> & Main Studio 119 Parking Lots	<u>\$325,000</u>
Totals:	\$6,383,753
 Amount to Finance	 \$2,960,663

**Action Requested/Recommendation:** Authorize the City Manager to execute a demolition contract for the Valley Office Supply building and the Commercial Federal Bank building and removal of old foundations and basements on the parking structure site with M. A. Concrete Construction in the amount of \$241,578.00.

**Attachments:** none

**Background Information:**

Bids for the project were opened on May 30, 2006. The low bid was submitted by M. A. Concrete Construction in the amount of \$241,578.00. The following bids were received:

Bidder	From	Bid Amount
M. A. Concrete Constr.	Grand Junction	\$241,578.00
T. R. Demolition Inc.	Colorado Springs	\$521,711.00
Engineers Estimate		\$348,280.00

The floor tiles and mastics and the tar impregnated roofing materials in Valley Office Supply and Bank of the West buildings contain non-friable asbestos containing materials. Disposal of these non-friable ACM materials at the Mesa County Landfill requires that the material be wrapped in 6 mil plastic before disposal at the Mesa County Landfill. During bidding, the demolition contractors expressed concern that the entire building would have be bagged with plastic because the roofing materials and floor tiles would contaminate all of the building demolition debris. To avoid this situation, the floor tiles and mastics will be removed by the Project Development Group, the asbestos abatement contractor. The roofing materials will be removed under a separate contract. The roofing removal bids will be received on June 6. We anticipate that the roofing removal contract will be under \$50,000 so the contract can be authorized by the Purchasing Director and the City Manager.

The Valley Office Supply and Commercial Federal buildings are both vacant. The proposed schedule to abate asbestos from Valley Office Supply is May 30 through June 6. The schedule to abate asbestos from Commercial Federal Bank is June 7 through June 15. The demolition contractor is scheduled to start on June 19. Demolition will

take approximately eleven weeks with completion scheduled for the end of August. Construction of the Rood Avenue Parking Structure is scheduled to start August 2006 and be completed by the end of September 2007.

**Attach 24**

Public Hearing – Arbogast Annexation Located at 785 24 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the Arbogast Annexation located at the 785 24 Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 2006				File # GPA-2006-064	
<b>Author</b>	David Thornton		Principle Planner			
<b>Presenter Name</b>	David Thornton		Principle Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Arbogast Annexation, located at 785 24 Road. The 18.05 acre Arbogast Annexation consists of 1 parcel and is a 2 part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

**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. Acceptance Resolution
5. Annexation Ordinance



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

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 18.05 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. The initial request for development is a Growth Plan Amendment to change the Future Land Use Designation from Estate 2-5 ac/du to Residential Medium Low 2-4 du/ac. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

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

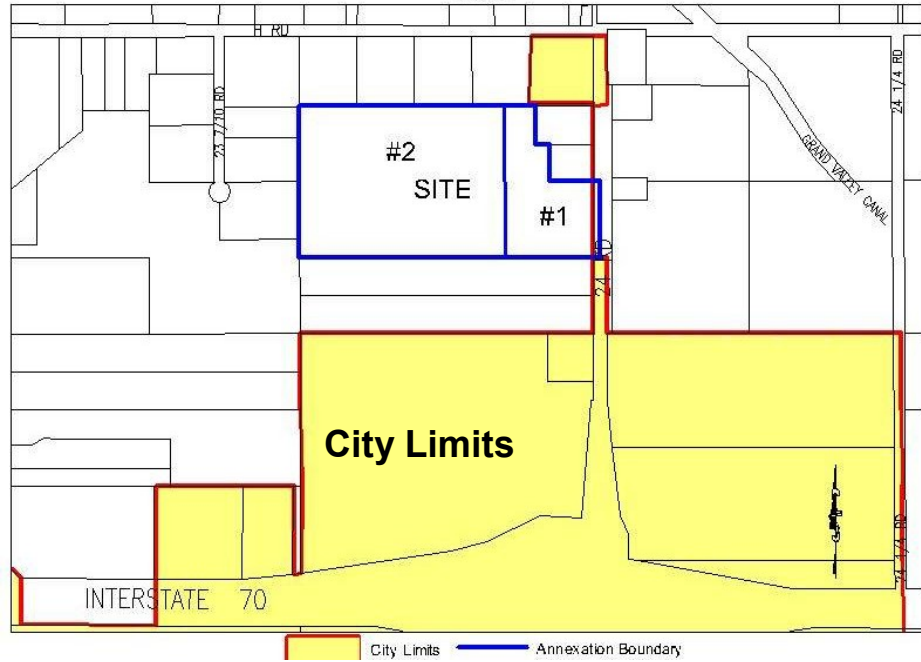
**ARBOGAST ANNEXATION SUMMARY**

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



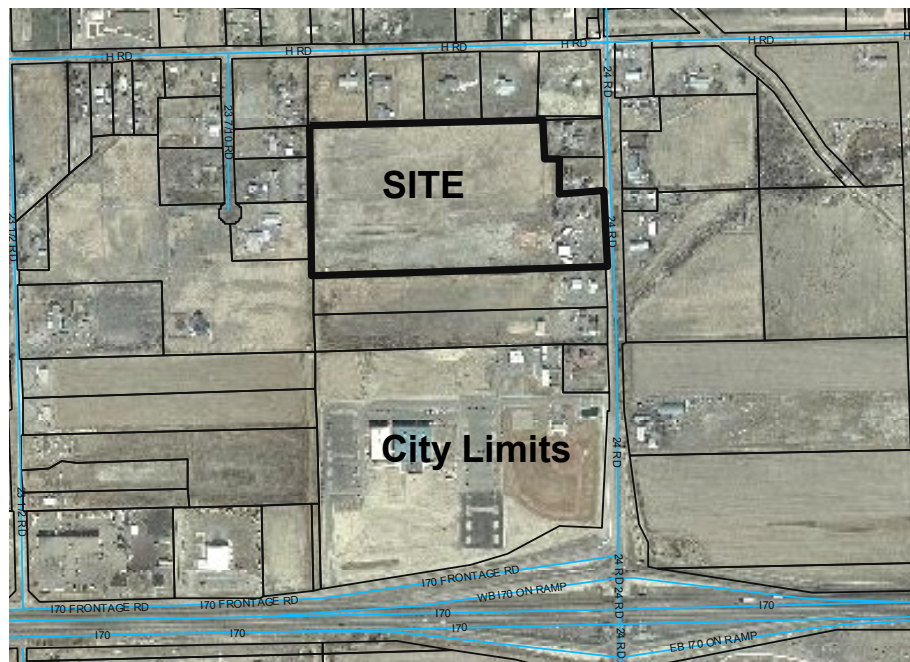
# Site Location Map

Figure 1



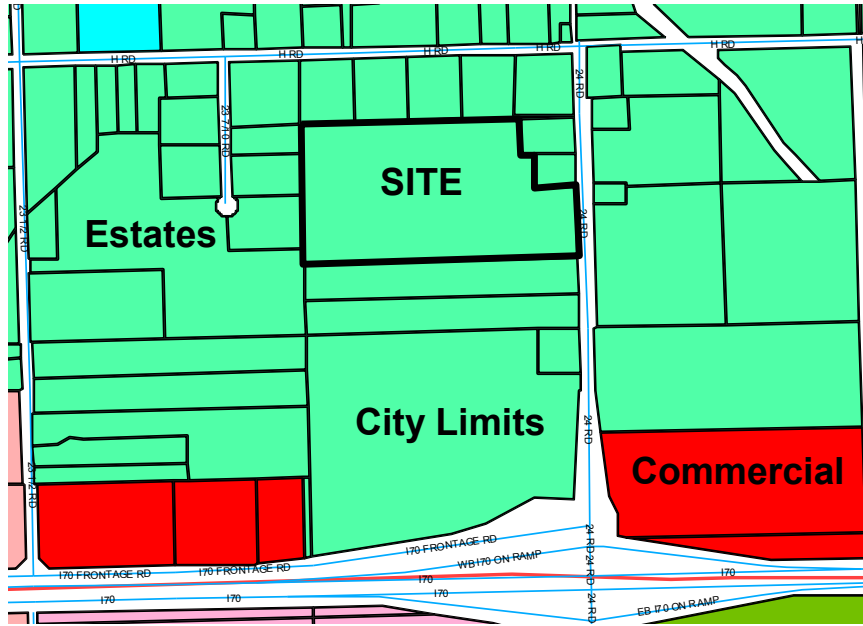
# Aerial Photo Map

Figure 2



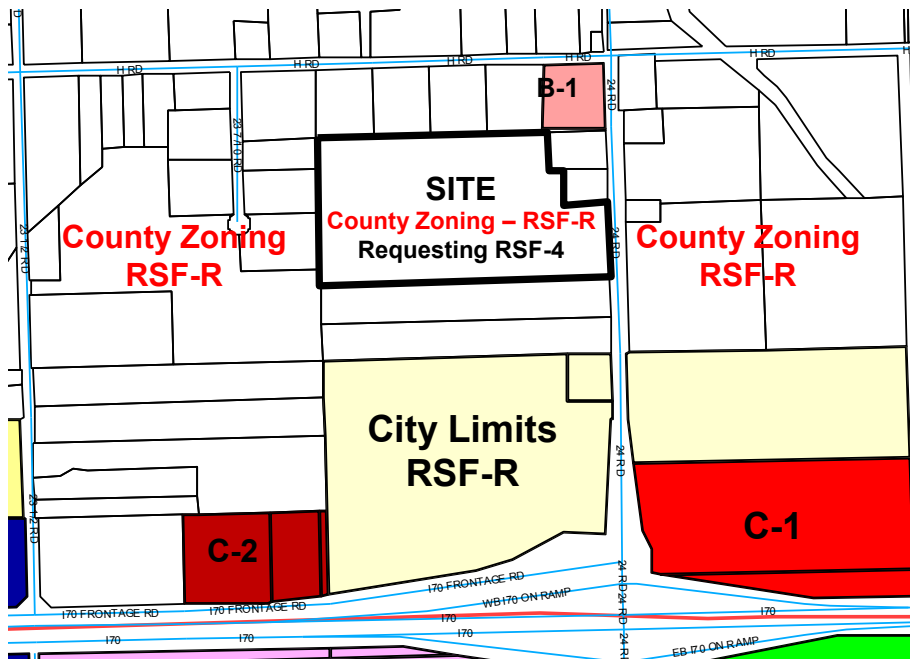
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**ARBOGAST ANNEXATION**

**LOCATED AT 785 24 ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<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:

**ARBOGAST ANNEXATION NO. 1**

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

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

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

## ARBOGAST ANNEXATION NO. 2

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

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

Said parcel contains 13.65 acres (594,584 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 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**

**ARBOGAST ANNEXATION #1**

**APPROXIMATELY 4.40 ACRES**

**LOCATED AT 785 24 ROAD**

**WHEREAS**, on the 19<sup>th</sup> day of April, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**ARBOGAST ANNEXATION NO. 1**

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning; thence N89°57'56"W along the North line and the Easterly projection of

Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County, Colorado public records, a distance of 417.58 feet; thence N00°03'00"E a distance of 660.40 feet to a point on the South line of Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 133.83 feet; thence S00°03'00"W along a line a distance of 170.00 feet, said line being a Boundary Agreement recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of the Mesa County, Colorado public records; thence S89°58'17"E a distance of 61.00 feet; thence S00°03'00"W a distance of 160.21 feet; thence S89°58'07"E a distance of 222.75 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence S00°03'00"W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning.

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

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

**INTRODUCED** on first reading on the 19<sup>th</sup> day of April, 2006 and ordered published.

**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**

**ARBOGAST ANNEXATION #2**

**APPROXIMATELY 13.65 ACRES**

**LOCATED AT 785 24 ROAD**

**WHEREAS**, on the 19<sup>th</sup> day of April, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**ARBOGAST ANNEXATION NO. 2**

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry



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

Said parcel contains 13.65 acres (594,584 square feet), more or less, as described.

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

**INTRODUCED** on first reading on the 19<sup>th</sup> day of April, 2006 and ordered published.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**Attach 25**

Public Hearing – Mallard View (Arbogast Annexation) Growth Plan Amendment, Located at 785 24 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Mallard View (Arbogast Annexation) - Growth Plan Amendment					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				<b>File #</b> GPA-2006-064	
<b>Author</b>	David Thornton		Principal Planner			
<b>Presenter Name</b>	David Thornton		Principal 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>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from "Estate" (2 acres per dwelling unit) to "Residential Medium Low" (2 to 4 dwelling units per acre) for one property located at 785 24 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and deny the request. Please note that a super majority of City Council is needed for this request to be approved.

**Background Information:** See attached Analysis/Background Information

**Attachments:**

6. Staff report/Background information
7. Vicinity Map / Aerial Photo
8. Growth Plan Map / Existing Zoning Map
9. May 8, 2003 letter on sewer capacity

10. Petitioner's General Project Report
11. February 9, 2006 Neighborhood Meeting Notes
12. Letters from Citizens
13. PC Minutes
14. Resolution

## ANALYSIS

### 1. Background

The property is being annexed (Arbogast Annexation) into the City of Grand Junction pursuant to the Persigo Agreement. The applicant is requesting that the Future Land Use Map of the Growth Plan/North Central Valley Plan be amended to change the designation of the property from Estate (2 acres per unit) to Residential Medium Low (2-4 units per acre). The property is currently zoned in Mesa County RSF-R (5+ acre lot sizes)

The 17+ acre site is located along the west side of 24 Road between I-70 and H Road in the Appleton Area. The property is generally flat. Access to the property is from 24 Road and there is an existing single family home on the property.

A neighborhood meeting was held on February 9, 2006 with twelve people attending the meeting. City staff has had many questions and comments from area residents. Most comments have been in opposition with this request to change the Future land Use Map.

As part of the 2002 Growth Plan update, on May 13, 2003, the City and County Planning Commission jointly considered a request by Dick and Alan Pennington to change the Future Land Use designations in this area from Estate to Residential Medium Low or Residential Low. The request was denied by the City and County Planning Commission because it was inconsistent with the North Central Valley Plan and the limited capacity of sewer in the Appleton area. A copy of a letter dated May 8, 2003 from the City's Utility Engineer discussing sewer capacity is attached.

### 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.**

There is no evidence that there was an error in the 1998 North Central Valley Plan with designating this area for Estate densities. Public participation during the planning process encouraged this area to remain rural in character with the possibility of estate densities. Even as the Plan was being developed, the City and County were working on a plan to provide sewer to this area to accommodate Estate densities.

**b. Subsequent events have invalidated the original premises and findings.**

The request in 2003 to amend the Growth Plan to change the Future Land Use designation to Residential Low or Residential Medium Low for the area bounded by 24 Road, 23 ½ Road, H Road and I-70 was denied based on the North Central Valley Plan and the limited sewer capacity. It was found at that time that the original premises and findings had not been invalidated, and staff finds that subsequent events since 2003 have also not invalidated the original plan.

**c. The character and/or condition of the area have changed enough that the amendment is acceptable.**

There has not been a change in the character or the condition of the area.

**d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.**

The change is not consistent with the goals and policies of the North Central Valley Plan or the Growth Plan. The North Central Valley Plan states that "New residential development shall be compatible with existing land uses." The Growth Plan has various goals and policies that support the notion that a change to the Future Land Use map for this area is not appropriate. They include:

Goal 1: "To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects...the integrity of the community's neighborhoods...the rights of private property owners and the needs of the urbanizing community as a whole."

Goal 4: "To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

Policy 4.4: The City will ensure that water and sanitary sewer systems are designed and constructed with adequate capacity to serve proposed development.

Goal 9: To recognize and preserve valued distinctions between different areas within the community.

**e. Public and community facilities are adequate to serve the type and scope of the land use proposed.**

Sewer capacity within the Appleton area is an issue. The City Utility Engineer writes in his review comments for this request, "I know this Appleton trunk extension was sized based on growth in the basin following current land use.

We need to keep in mind the bigger picture for the remaining undeveloped parcels and be aware of the implications this change may have."

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

The applicant has not shown that there is an inadequate supply of land with the Residential Medium Low land use designation.

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

There is no evidence that the Appleton area would derive benefits from the proposed amendment. In fact if this GPA were approved, and the property subdivided under a more dense zone district, sewer would potentially be limited to future areas of Appleton due to this development using up the existing capacity of the sewer system, before the adjacent properties are developed at "Estate" densities.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Mallard View application, GPA-2006-064 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

12. The proposed amendment is NOT consistent with the purpose and intent of the Growth Plan.
13. The review criteria in Section 2.5.C of the Zoning and Development Code have Not all been met.

## **STAFF RECOMMENDATION:**

Staff recommends denial of the requested Growth Plan Amendment, GPA-2006-064 with the findings and conclusions listed above.

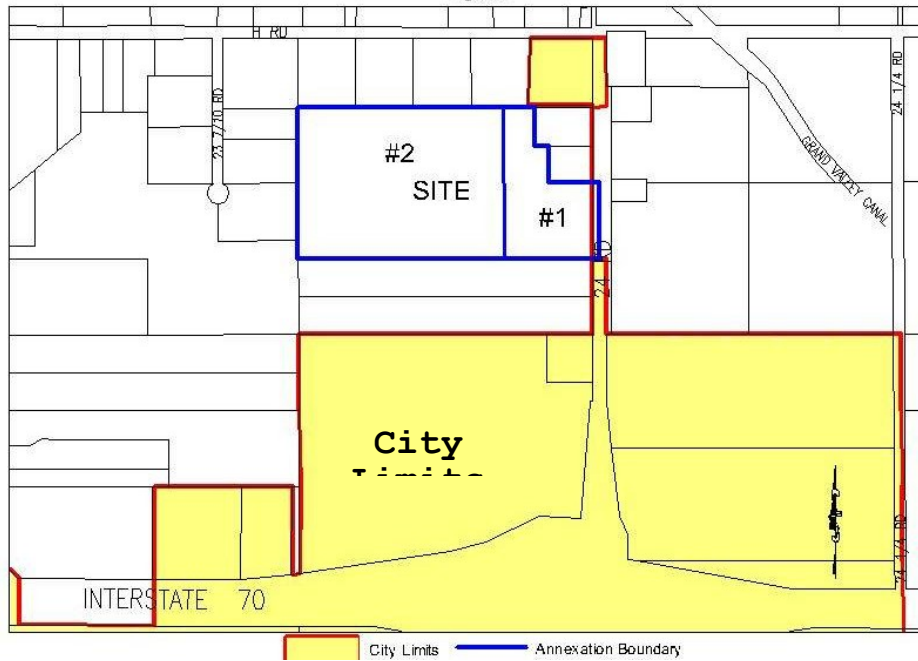
## **PLANNING COMMISSION RECOMMENDATION:**

On May 9, 2006, Planning Commission with a vote of 7 to 0 recommended denial of the requested Growth Plan Amendment, GPA-2006-064 with the findings and conclusions listed above.



# Site Location Map

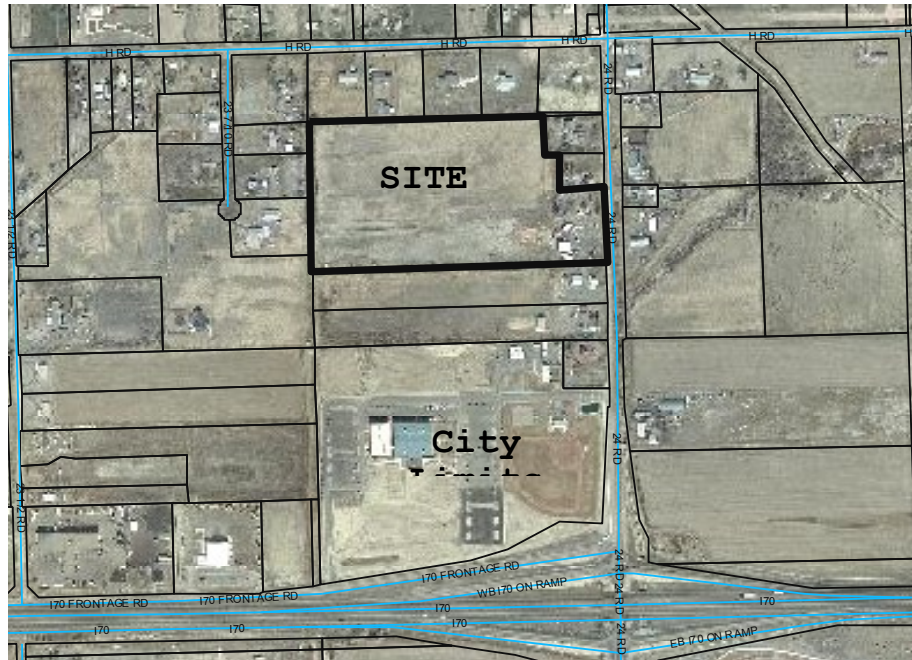
Figure 1



# Aerial Photo Map

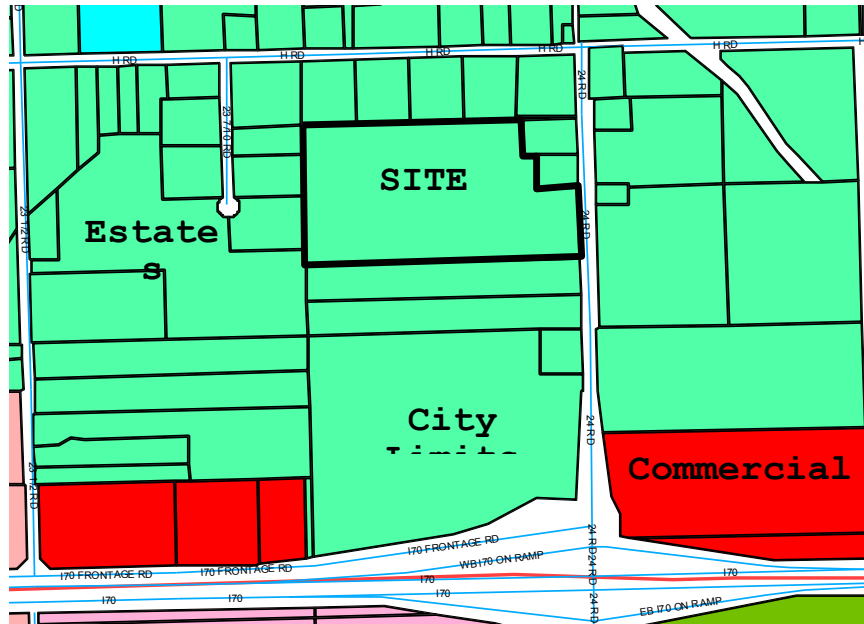
Figure 2





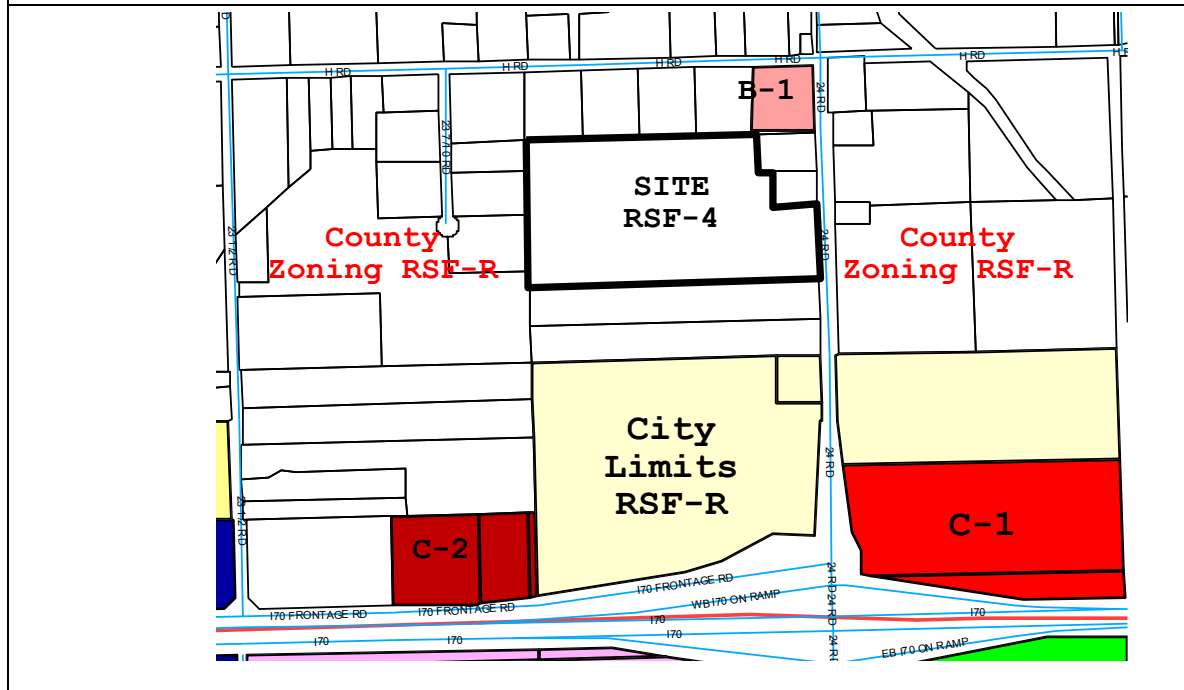
## Future Land Use Map

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."

May 8, 2003

Allen Pennington  
782 23 7/10 Rd  
Grand Junction, CO 81505

**Subject: Sewer Availability for proposed growth plan amendment**

**Location: Appleton Area – 23 ½ to 24 Rd south H Road**

This letter is in response to your request for more information regarding sewer service in the above area and your proposal to amend the growth plan to allow a density between two and ½ units per acre.

As we discussed Wednesday, a significant amount of planning goes into a multi-million dollar piece of infrastructure such as a sewer treatment plant. The planning effort evaluates a particular area, the proposed uses based on zoning and then estimates the amount of flow that is proposed to be generated. The ultimate size of the sewer plant is based on the amount of flow that is planned. In 1979, the planning effort for the Persigo sewer treatment plant led to the pre-2000 service boundary. In 1984, the Persigo Wastewater Treatment Plant and intercepting sewer lines began serving that boundary. In managing this boundary, it is imperative that new development does not exceed planned development without making proper modifications to the overall 201 "plan".

A 1992 Sewer Basin Study conducted by HDR Engineering for the City looked at adding and deleting many areas to the Persigo 201. This was done to more accurately reflect how areas had actually developed since the original planning effort was completed 13 years earlier. Based on that study, the subject area was identified as an area that could be added to the 201, however overall densities would need to remain 0.5 units per acre (2 acres per unit) in order to maintain the "balance" of the 201 and assure adequate capacities for other property owners within the 201.

The subject area was added to the Persigo sewer service "201" boundary in 2000 in order to accommodate construction of sewer to Appleton Elementary school, and Fellowship of Excitement Church. The sewer was also made available to properties adjacent those sewer lines to resolve potential public health risks from failing septic systems which struggled due to the high groundwater table. Staff realized that the availability of sewer may lead to development, however the inclusion of this area was first to serve very large non-residential uses and secondly to serve those properties with septic system problems. This additional service area was intended to NOT be developed any denser than proposed in the 1992 HDR Study that specified an overall basin density of 0.5 units per acre.

As you pointed out yesterday there already are many existing properties within the basin that are less than 2 acres in size. Therefore, in keeping with the above goal of an **overall** basin density of 0.5 units per acre, any new development within the basin would then need to be even less dense than 0.5 units per acre. The February 18, 1998 joint City/County resolution adding the subject area to the Persigo 201 in fact limited new development in this area to only 0.42 units per acre.

In order to handle higher densities than proposed above, Community Development, the Planning Commission, and the City Council would first have to approve that the higher densities meet the overall planning goals such as those stated in the North Central Valley Plan. Once higher densities were approved, an engineering study would need to be completed on downstream infrastructure and recent development within the basin to assure that capacity is adequate for the amendment. Staff believes that capacity may be adequate in the collection and interceptor systems for the additional development, however the Railhead lift station may not have adequate capacity and therefore would have to be upgraded in order to accommodate the increased zoning. These upgrades may be accomplished with impact fees that would be determined only after City Council approval of the growth plan amendment.

One of the questions you posed Wednesday was in regards to the fairness of your development having to pay an impact fee for an upgrade that may not happen for 20 years. Please remember that the current system is sized, and capacity is reserved, for certain amount of flows to be generated from a given area. Anytime something is proposed over that reserved capacity an impact fee of some sort should apply in order to keep other beneficiaries, both existing and future, whole.

I hope the above information provides you an understanding for the issues that staff must consider when contemplating changes in our service delivery effort. If you have any questions regarding the above, please call me at 244-1590.

Sincerely,

Trent Prall  
City Utility Engineer

cc: Greg Trainor, Utilities Manager  
Kathy Portner, Community Development

# GENERAL PROJECT REPORT

4/27/2006

**MALLARD VIEW**

**785 24 ROAD  
GRAND JUNCTION, COLORADO**

**PREPARED BY:**

**SONSHINE II CONSTRUCTION AND DEVELOPMENT, LLC  
2350 G Road, Grand Junction, CO. 81505  
(970) 255-8853**

➤ **A. Introduction: Project Description**

Mallard View subdivision contains approximately 17.81 acres, located southwest of the intersection of 24 and H Roads. Proposed development of the site shall consist of single family homes with a density of 3.5 units per acre. We are submitting this Growth Plan Amendment to change the current zoning from County RSF-R (1 unit per 5 acres) to City RSF-4 (2 – 4 units per acre). The current Future Land Use designation is Estate (2 to 5 acres per dwelling unit).

N2S2NE4NE4 + S2N2NE4NE4 SEC 32 1N 1W EXC BEG 322.5FT SOF NE COR SEC 32 W 258.75FT S 170FT E 36FT S 160FT E222.75FT N TO BEG

➤ **B. Public Benefit**

The property is located within the 1996 (and subsequent amendments) City Growth and Mesa County Land Use Plans and the North Central Valley Neighborhood Plan. The property is currently used for Arbogast Trucking.. This proposal provides new construction of affordably priced homes within the Persigo 201 boundary in an area attractive to buyers due to the proximity of schools, shopping, recreation, parks, churches medical facilities and close interstate access. Developable land within the Persigo 201 is fast becoming scarce. Utilization of this property for affordable housing, less than one mile from similar developments to the southeast, prevents urban sprawl and leapfrog developments. The adequate infrastructure, minimal impact on schools, close proximity to recreation, shopping and the interstate make this an ideal location for growth within the North Central Valley. Development will comply with applicable codes and standards.

➤ **C. Neighborhood Meeting**

The Neighborhood Meeting was held on February 9, 2006 at 6 pm at the Blue Star Industries building. 11 people were in attendance.

➤ **D. Project Compliance, Compatibility, and Impact**

1. *Growth Plan Amendment Review Criteria.* In accordance with the City of Grand Junction Zoning and Development Code, Section 2.5.C., the following Review Criteria are applicable to this Growth Plan Amendment request. We will address each of the seven criteria below.

2.5.C.1. We believe there was an error when the Growth Plan was created in providing for very low density in this area for the long term future. What was not foreseen at the time the Growth Plan was formulated was that the City's need for housing on arterials close to the interstate would increase so dramatically. Developable land within the 201 sewer boundary is becoming scarce more quickly than could have been foreseen at the time the Growth Plan was created.

2.5.C.2. Subsequent events in Grand Junction have certainly invalidated the original premises in the Growth Plan. These subsequent events are that Grand Junction has experienced an accelerated need for affordable housing with the influx of retirees and the oil and gas industry. Large, expensive homes on large acreage do not constitute affordable housing. If the City keeps the zoning in this area at two to five acre sites, affordable housing will not exist in this vital area of the City.

2.5.C.3. The character of this area of the city has changed with the development occurring in the past three years south and east of the property on the eastern border of Canyon View Park as well as the commercial development presently occurring south of the property along 24 Road.

2.5.C.4. The goals and policies of the Growth Plan for this area of the city appear to attempt to create an idyllic rural type community just half a mile north of the interstate along a major corridor to the city. While this was an admirable vision ten years ago the practical needs of the present community for affordable housing dictate a change in this vision. Presently the city has no plans to reconsider higher densities in this area. If GPAs such as this are not favorably considered today it will be too late five or ten years from now to avoid the leapfrog bedroom communities that this policy will create.

2.5.C.5. Public and community services are adequate to serve the type and scope of land use proposed.

2.5.C.6. It is very evident in this community that land prices have risen drastically due to the inadequate supply of suitably designated and zoned land available.

2.5.C.7. The community will derive benefits from this proposed amendment as discussed in B. Public Benefit above. Reviewing the North Central Valley Plan Land Use/Growth Management Goals, this GPA amendment request complies most specifically with Goals 7, 8, 9, 10 and 11. The timing is right given adequate public facilities; it will make efficient use of streets and utilities; the provision of services will be cost effective; this growth will occur around existing urban community and this development will occur in an orderly fashion, minimizing noncontiguous, scattered development throughout the county.

2. Lots that surround and are within ½ mile of the property include 15.836 acres of C-1 zoning, 5.586 acres of C-2 zoning and 1.847 acres of B-1 zoning. Houses adjacent to the property and across 24 Road are on lots from 1/3 to 8.8 acres, with six lots that range in size from 1/3 to 1 acre. Additionally, there are five parcels north of the property that are 1.7 acres or less. The property is well within the 201 sewer boundary.

3. Access to the site will be from 24 Road, south of H Road. Traffic pattern runs north and south on 24 Road and east and west on H Road. The current addition of the roundabout at 24 Road & I-70 will also help facilitate the smooth flow of traffic.

4. All utilities are presently available to the site. The gas and electric supplier is Xcel and Ute water services this area. Sanitary sewer will be extended through an easement approximately 700 feet to the south of the property. The property is located within the Persigo sewer system area. The nearest fire hydrants are located at H Road and 24 Road and H Road and 23 7/10 Road. The service provider for fire protection in this area is the Grand Junction Fire District. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.

5. The proposed subdivision will not require any special or unusual demands on utilities.

6. A portion of the property is being used by Arbogast Trucking under a Conditional Use Permit. This permit specifies the number of trucks that can be parked on the premises, where they can be parked, and when the trucks can be serviced. This permit will no longer be utilized once Mr. Arbogast vacates the property and development begins. All structures will be demolished. This Conditional Use Permit was enacted at the request of the neighbors on surrounding properties and will no longer be needed.

7. Impacts on public facilities:

- The impact on public facilities (i.e. schools, fire, police, roads, parks, sanitation, and irrigation etc.) will be minimal given the size of this development and the fact that the property is located well within the 201 Persigo District

8. Soils Impacts:

- The Natural Resources Conservation Service identifies two major surface-soil types on this project both typical of the vicinity. Descriptions of these are provided within the submittal documents of this application.

9. Geological Impacts/ Geologic Hazards:

- The proposed subdivision will impact topsoils due to the demolition of existing buildings and construction of new homes. There are no known geological hazards.

10. Hours of Operation:

- The proposed subdivision is residential.

11. Number of Employees:

- The proposed subdivision is residential not requiring employees.

12. Signage Plans

- There are no signage plans for the proposed Mallard View subdivision.

**E. Development Schedule and Phasing**

- It is proposed to develop Mallard View in one phase. Initial construction is due to begin in 2007, after final approval of the project.



## Mallard View Neighborhood Meeting Comments

Date: Thursday, February 9, 2006  
Time: 6:00 pm  
Facilitator: Kathleen Karsko

A brief overview of the project was discussed. This included the requested GPA zoning change to 2-4 du/acre, city annexation, submittal process, neighborhood impacts and an overview of projected home construction styles. Scott Peterson from the City Development staff attended.

Questions and Comments from attendees (some were addressed to Scott Peterson):

1. What happens to the area if they are approved? Anyone choosing to develop would have to go through the same process (Scott).
2. Three years ago the city wouldn't listen to property owners about zoning and development changes and they were told to wait ten years. Why can this developer change the zoning now? Applicant must prove changing conditions (Scott).
3. The school is busting at the seams, are they going to buy a new school too?
4. Every school is busting at the seams.
5. Is the city planning to annex this property? Development is required to annex under Persigo (Scott).
6. Fight over irrigation water, has been for thirty years.
7. 4 du/acre subdivisions look like hell.
8. Two story homes? Mostly one-story (Kathleen).
9. Is the 24 Road Corridor another North Avenue?
10. Is this going to be another city ghetto?
11. Will a streetlight be required?
12. Access only from 24 Road?
13. Drainage okay ... big ditch on west side of property hasn't been cleaned in twenty years although 100 yards of it were burned a few years ago.
14. Consensus is that we don't want it.
15. Scott commented that he had received three letters against the project.
16. Some comments about other neighbors not being notified. Scott ascertained that they are not within the required notification distance.
17. What can we do to discourage you?
18. Traffic to school really loads up H Road.
19. What is the next step? The applicant submits application for GPA and homeowners will receive notification before Planning Commission (Scott).
20. Anyone can send a letter to Scott with more comments.

## Neighborhood Meeting Sign In Sheet

Date: 2/9/2006  
 Subdivision: Mallard View

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Comments</u>
Allen Etcheverry	779 24 Rd	256-9906	
Lisa Kenaly	2398 H Rd	242-2592	
Ron Gray	2369 H Road	241-5806	
Sharon Gray	2369 H Rd	241-5806	
Scott Peterson	CITY Com DEV.	244-1447	
J. H. Abraham	2387 H Rd	243-8819	* Ed call
Sarah Abraham	"	"	"
Marilyn Scott	782-2370 Rd	245-5825	
Barbara Justice	792 2370 Rd	245-9862	
Scott Ryden	792 2370 Rd	245-9862	
Dana Jay	2379 H Rd.	243-3953	
Chase J. Canty	2392 H Rd	241-5633	

March 21, 2006

RECEIVED  
MAR 21 2006  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Mr. Thornton:

This letter is in regards to GPA-2006-064  
Arbogast Annexation (Mallard View GPA) - 785 24 Rd.

I am extremely against this rezone  
and feel that the property should stay as is  
at the 25 acre estate zoning.

Mr. Arbogast should also be required to  
meet the stipulations of his conditional use  
permit of 2 years ago with Mesa County  
before going further with any other projects  
for this property.

Sincerely,  
Marilyn Scott  
782-23710Kd  
Grand Jet, Co. 81505

**From:** Dan/Nancy Miller <danandnancy@bresnan.net>  
**To:** <davidt@gjcity.org>  
**Date:** 5/4/2006 8:55 am  
**Subject:** gpa-2006-064-mallard view/arbogast annexation

Sir:

I hope this gets to the right person. I am writing to voice my opposition to the above planning proposal due to the resulting impact of the large influx of people to this neighborhood. This annexation would cause a disruption to Appleton school, increasing the student population. It would impact sewer, water and traffic in this area. It would invite a number of multifamily subdivisions that would destroy the neighborhood. There would be increased traffic on 24 road. There are no services in this area that would serve the large influx of people, no grocery store or gas stations. Is there adequate pedestrian facilities available to cross the interstate so people can access the park? Why is it that all other developers could stay with the 2-5 acres per house and this one needs to change the zoning?

This is not a wise choice for this area. sincerely,  
Dan Miller

May 4, 2006

RE: GPA-2006-064 Mallard View Annexation

Grand Junction Planning Commission  
Attn: David Thornton  
250 North 5th Street  
Grand Junction, CO 81501

Dear Grand Junction Planning Commission:

This letter is in regards to the proposed zoning change for 785 24 Road. In the late 1980's and early 1990's, there were several town meetings with Mesa County regarding Zoning Densities in the Appleton Area. As late as 1997 the North Valley Plan also recommended that the zoning in this area remained RSF-E. There have been several subdivisions in the area such as Appleton Estates and Bookcliff Ranches that were able to comply with this zoning. I can see no compelling need that the density should be changed for Mallard View Annexation.

The property in question is completely land-locked by Mesa County with only one point of ingress-egress. Furthermore, this would result in hundreds of vehicles per day entering 24 Road very near the Fellowship Church and the new Roundabout at I-70 which is already a congested traffic area. As there are no stores, gas stations, or recreation facilities on the North side of I-70, this would result in even more traffic. It also appears that any sewer hookup would have to go thru private property as the fall of the land is away from 24 Road. I am not sure the capacity of the existing sewer could handle 70 more houses and if it could, would it preclude any other development because of capacity issues? There is also the matter of Appleton Elementary which is also at maximum capacity.

Of concern to all the surrounding landowners is the issue of trespass. My property and several others have a large drainage ditch between our property and the Mallard View property. This will become very attractive place for children who will have nowhere else to play. As a majority of the surrounding landowners have livestock of some kind, trespass becomes a major issue. I am not against development in the area, but there is a large difference between 6-8 houses versus 68 houses. This would completely change the character of our neighborhood and I do not believe this a good fit with the area.

Sincerely,

Scott Ryden

792 23-3/4 Road  
Grand Junction, CO 81505

792 23-3/4 ROAD  
GRAND JUNCTION, CO 81505

M Barbara Justice  
792 23 ¾ Road  
Grand Junction CO 81505  
(970) 245-9862

May 2, 2006

City of Grand Junction  
Community Development  
Attn: Dave Thornton, Planner  
250 North 5<sup>th</sup> Street  
Grand Junction CO 81501

Re: GPA-2006-064 – Arbogast Annexation (Mallard View GPA)

Dear Grand Junction Planning Commission

We are an adjoining landowner with our 1-1/2 acre parcel sitting just directly west of the proposed Mallard View GPA. We have lived in this house for over 25 years.

We have livestock and enjoy a rural life-style. Our neighbors just to the north and south have livestock also. We feel that allowing an urban type subdivision with many houses per acre would lead to the demise of agriculture in the county. Our area has odor problems and dust problems associated with agriculture. We don't mind this as our houses are spaced fairly well apart. But someone else with no agriculture interest would not enjoy this dust and odor. We feel that our potential new neighbors would not want to co-exist with our livestock. Some of our potential new neighbors would find our property and agriculture interests as attractive nuisances. Some of the kids around our area enjoy 4-H and we would like to see the county have an emphasis in keeping 4-H and agriculture alive here.

The historical use for this area has been one house per 2-5 acres. I would like the North Valley Plan for zoning density remain as agreed upon for this area as one house per 2-5 acres. Please deny the application for the zoning change for Mallard View GPA. This subdivision would not be a good fit for our neighborhood.

Sincerely,

M. Barbara Justice

RECEIVED

May 9, 2006

MAY 09 2006  
COMMUNITY DEVELOPMENT  
DEPT.

Planning Commission:

I am opposed to changing the Growth Plan for the "Mallard View / Arbovit" annexation from Estate (2-5 a/u) to RSF-4 (2-4 u/a).

Appleton corner is an old, very quiet community with homes on nearly two to several acres each. The smaller late had homes on them before zoning was established. This area should not be drastically changed to the extent of putting 50-60 residences - houses 10 feet apart - on the 17.2 acres at 785 24 Road.

Appleton school is already at or near capacity. Where will the influx of children attend school?

Traffic in the area has increased greatly this past year on H Road and 24 Road. Each day at the end of the school day

I am not opposed to residential construction on this property - only to the number of houses.

RECEIVED

MAY 09 2006  
COMMUNITY DEVELOPMENT  
DEPT.

2

parents picking up the children and school buses cause a backup at the 2-way stop at 24 & H. Yesterday (Monday) was typical - 11 autos and 3 School buses stopped going east - one school bus and 2 cars stopped going west - a semi gravel hauler from the 24 Road/I-70 construction trying to turn onto H from 24 Road! God, if this subdivision is approved, another 100 cars per day would be added to 24 Road traffic at only one access point.

Finally, is this the sort of precedent you want to set for the future of the North Central Valley? I think it would set the area up to look like much of the area on the front range; tightly crowded together houses in small areas.

Please keep this area in Estate.

Thank you.

James H. Abraham  
2387 H Road



RECEIVED

FEB 07 2006

COMMUNITY DEVELOPMENT  
DEPT.

Feb 2, 2006

City Planner: City of GJ

RE: Mallard View Ranch - 785-24 Rd Rezone

I am extremely against the rezoning  
of this property from "Estate (2-5 acres) to RMP-4  
(2-4 units per acre).

This rezone would cause a major  
negative impact on the neighbor hood.  
Additional traffic, animal control problems,  
irrigation issues etc., not a good idea.

Thank you

Marilyn Scott

Marilyn Scott

782-23 7/10 Rd

Grand Junction, Co. 81505

Ph. 970-245-5025

FEB 2 - 06

Dear Mr. Peterson,

This letter is in regard to Blue Star  
Industries neighborhood meeting on 2-9-06.

AT the present time we are opposed to  
changing the zoning on the property at  
785-24 Road to RMF-4.

We think one house on 2 acres under  
the existing zoning Estate 2-5 acres would  
~~prop~~ probably work best for this area

We would like to be at your  
neighbor<sup>hood</sup> meeting but had prior commitments  
out of state at a convention.

Sincerely

Dick Pennington  
Norma Pennington

780 23 7/10 Rd

81505

242-6318

RECEIVED  
FEB 07 2006  
COMMUNITY DEVELOPMENT  
DEPT.

PREPARED BY	
DATE	

RECEIVED

FEB 07 2006

COMMUNITY DEVELOPMENT  
DEPT.

1 February 2, 2006

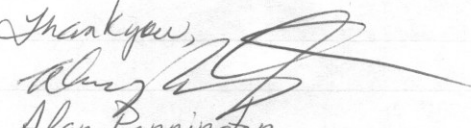
2  
3 Planner: City of Grand Jet

4 Re: Mallard View Ranch - Rezone 785 - 24 Road.

5  
6 I would agree to 1-2 units per acre but not  
7 the 2-4 units per acre as rezone is requesting.

8  
9 I am in charge of Headgate 330 Irrigation  
10 District and the irrigation water is a major  
11 issue and needs to be addressed, rezone or not.

12  
13 Thankyou,

14   
15 Alan Pennington

16 782-23 7/10 Rd

17 Grand Junction, Co. 81505

18 Ph. 970-245-5025

19  
20  
21  
22 P.S. I am unable to attend meeting due to out of  
23 town commitment.

24  
25  
26  
27  
28

236<sup>9</sup> H Road  
Grand Junction, CO 81505  
February 10, 2006

Mr. Scott Peterson  
City & Community Planning  
250 N 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: Mallard View Subdivision

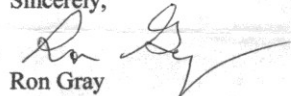
Dear Mr. Peterson

This letter is to document my firm opposition to changing the Growth Plan to allow a zoning change from Estate 2-5 acres per dwelling to RSF2-4 for Mallard View Subdivision. The zoning change requested is inappropriate for this area and would reduce existing property values. It would bring unwanted traffic congestion and destroy the rural atmosphere of the area. It would also put additional strains on the water from Grand Valley Canal headgate 330. The other water users on this headgate have made a considerable investment in improvements to the irrigation system in the past few years and the system is still marginal in performance.

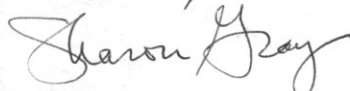
We recently purchased property and built a house in this area. That decision was based on the knowledge that the future zoning plan for this area was Estate 2-5.

I know from past experience that the Community Planning Staff has a sincere commitment to support high quality development. This requested zoning change is not high quality development compared to the other recent development in this area. I request that the Mallard View Subdivision not be recommended for approval. Your consideration of my comments is appreciated.

Sincerely,



Ron Gray



Sharon Gray

RECEIVED  
FEB 14 2006  
COMMUNITY DEVELOPMENT  
DEPT.

February 16, 2006

Mr. Scott Peterson  
Community Development Dept.  
City of Grand Junction  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

RECEIVED  
FEB 21 2006  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Mr. Peterson,

This is in regard to the proposed purchase and subsequent development on the property located at 785 24 Road. My wife and I live at 2379 H Road, on the North boundary of this property. We would like you to know that we are opposed to such a development. The applicants (Blue Star Industries LLC) are attempting to re-zone this land from its current zoning of "Estate" to RMF-4, which would allow two to four homes per acre. This is a density that does not fit with the surrounding homes or subdivisions in the area North of I-70. Further, it would add approximately 136 more cars to the existing traffic on both 24 and H Roads, thereby increasing the danger of an accident in the area. Appleton Elementary School is already at risk with the current traffic load, and the traffic is already heavy on both roads.

We purchased our home because we like the openness, serenity and the large lots surrounding us. Allowing a development using the current zoning is one thing, but allowing a change in zoning to create small homes packed together has no place in our neighborhood. The subdivision approximately 1 mile West of us on H Road is tastefully done with one house on approximately 2 acres.

Please do not allow a change of zoning in this area, and, preferably, do not allow any subdividing of this land.

Thank you.

Sincerely yours,

David J. Lacy

2379 H ROAD

81505

March 6, 2006

Mr. Scott Peterson  
City Planning Department  
City of Grand Junction

RECEIVED  
MAR 06 2006  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Scott,

My wife, Sarah, and I oppose the Growth Plan Amendment change from "Estate" to RMF-4 requested by Blue Star Industries, LLC at 785 24 Road.

First and foremost, this request for a subdivision of 50 to 60 houses on 17 acres is totally incompatible with one of the oldest established neighborhoods known as Appleton. This change to RMF-4 would also set a precedent of filling every vacant lot north of the interstate (I-70) with houses. Is this the sort of precedent the City wants at this time? We have no problems with houses being built on this property - we have expected as much, but they should be required under the current zoning - "Estate"

2

Appleton school is already at or near capacity. The number of homes expected - planned - at "Mallard View Ranch" subdivision would only add to the crowding of the school! Traffic on H Road is already heavy in the morning and afternoon with parents dropping off and picking up their children. What is next - a traffic light at 24 & H?

On a much more personal level, the subdivision would likely block my and my neighbors views of the Monument and greatly affect our property values.

Again, we oppose the change of zoning from Estate to RMF-4 requested for the property at 785 24 Road.

Sincerely,

James H. Abraham  
2387 H Road

Grand Junction, CO 81505  
(243-8819)

**To the  
Grand Junction City Council**

June 7, 2006

RE: "Mallard View" GPA 2006-064  
785 24 Road

Please do not approve this Growth Plan amendment – Reso. No. 61-06

I live about 1 mile east of the subject and worked on the former Appleton Plan in 1990 and the North Central Valley Plan in the late 1990's.

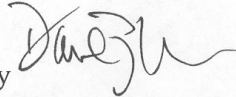
The key element of these plans was that the area north of I-70 from approximately 23-26 Roads had an established development pattern over the past 30 years --- rural and estate densities and characteristics.

While there is a small area of tighter density near the subject, that was established decades before and is not the recent trend nor character of the overall area. The NCV Plan already recognized that small area by establishing a transition (Estate 2-5ac) between the city densities south of I-70 and the AFT area generally north of H½ Rd.

Should the city jump the "firebreak" of I-70 in this area it would be a wildfire of future zoning change requests and the loss of an area clearly and intentionally established during the past 30 years.

Thank you,

Dave Zollner  
2545 Canaan Way  
GJ 81505 243-5692



**RECEIVED**

JUN 07 2006

COMMUNITY DEVELOPMENT  
DEPT.



**GRAND JUNCTION PLANNING COMMISSION  
MAY 9, 2006 MINUTES  
7:03 p.m. to 10:52 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 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, Bill Pitts, William Putnam, Patrick Carlow, Ken Sublett, and Reginald Wall. Thomas Lowrey and Lynn Pavelka-Zarkesh 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), Dave Thornton (Principal Planner), Faye Hall (Associate Planner), Lori Bowers (Senior Planner) and Senta Costello (Associate Planner).

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

Terri Troutner was present to record the minutes.

**GPA-2006-064 GROWTH PLAN AMENDMENT (GPA)--MALLARD VIEW/ARBOGAST ANNEXATION**

**A request for approval to amend the Growth Plan to change the Future Land Use designation from Estate (2-5 du/acre) to Residential Medium-Low (2-4 du/acre).**

**Petitioner: Steve Arbogast**

**Location: 785 24 Road**

**PETITIONER'S PRESENTATION**

Paul Johnson, representing the petitioner, noted the site's location on an overhead exhibit. He said that the site was surrounded by properties zoned Rural and Estate. Fellowship Church was located within a half-mile of the site; two new roundabouts were located nearby; and a number of RMF-8 and RSF-4 subdivisions were located just south of Interstate 70. The subject property was located within the Persigo 201 boundary. Mr. Johnson felt that the site's Estate zoning had been applied in error and that a Residential Medium-Low designation would be more appropriate. A neighborhood meeting had been held, with approximately 12 people in attendance. Most of those present had been opposed to the GPA request.

Mr. Johnson felt that increasing the site's density to between 2 and 4 units/acre would serve the greater community good. If developed with Estate zoning, he conjectured that 95% of people wouldn't be able to afford the lots. He cited information pulled from the local Multiple Listing Service (MLS) to support his position. Mr. Johnson felt that the North Central Valley Plan had not foreseen the need for affordable housing in the

subject area. Subsequent events (e.g., the influx of new retirees) invalidated the Plan's original premise. He maintained that \$250K lots could not be considered "affordable," and constructed homes in Estate zoned areas typically sold for over \$300K. He felt that the area's character had dramatically changed over the last few years and pointed out the new commercial development along 24 Road and Commercial zoning at 24 and H Roads.

Mr. Johnson felt that the higher density zone district met the goals and policies of the Growth Plan. He noted the existence of available urban services, and said there would be no sewer issues with the higher density zone district. His civil engineer had concluded that if the sewer line at 23 1/2 Road served 80 two-acre lots, it would only be at 10% capacity. Mr. Johnson referenced the 70+ acres at 25 Road his company was currently developing. The Future Land Use Map designated the property as 8-12 du/acre, although it was zoned for 4-8 du/acre. He was developing it at 6.5 du/acre (450-490 total units). That, he said, resulted in a net savings of approximately 210 dwelling units (du's) that would not require sewer service, based on the Future Land Use Map designation. If the current subdivision were approved with RSF-4 zoning, approximately 40 units would be served. This would still result in a net savings of approximately 170 du's not needing to be served by sewer.

Mr. Johnson concluded by saying that the community would derive a benefit from the site's higher density since there was limited availability of lands so designated in the area. It was a site close to I-70; development to a higher density would represent a more efficient use of the 24 Road corridor; the site was near to schools; and a higher density in that location may prevent leapfrog development elsewhere.

### **QUESTIONS**

Commissioner Cole asked Mr. Johnson to repeat his position regarding sewer capacity and the illustration drawn, which was done.

### **STAFF'S PRESENTATION**

Dave Thornton gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) GPA criteria. The applicant's property was just under 18 acres and located in an area known also as Appleton. That area was covered by the 1998 North Central Valley Plan (NCVP). Mr. Thornton briefly recounted the development of the NCVP and noted that a number of the area's residents had attended the open houses and various meetings regarding the plan and had been quite vocal about what they did and did not want to happen in the area. They wanted to retain their area's unique character. Another developer had attempted to reclassify/rezone 150 acres as Residential Medium Low or Residential Low in 2003 but he'd been met with a resounding lack of support from the neighbors. That property had previously been reclassified as Estate based on NCVP recommendations and limited sewer capacity in

1998. Allowable zonings under the Estate classification include RSF-E and RSF-R. The Residential Medium Low designation allows either RSF-2 or RSF-4 zoning.

Staff concluded that there was no evidence to suggest that the 1998 NCVP was in error. Staff had reviewed the area again in 2003 and found that higher density classifications were still inappropriate. No change in the area had been evidenced. The applicant's request was inconsistent with the goals and policies of both the NCVP and Growth Plan. A number of letters opposing the request had been received. Mr. Thornton hoped that planning commissioners would consider that information carefully. Approval of the request could result in many more similar requests. If the Planning Commission felt that the area had undergone sufficient change to consider higher density land use classifications, he suggested that the Commission's focus be on the entire NCVP area, not individual parcels. Staff recommended denial of the request and asked that any reconsideration of the area be undertaken comprehensively, not a piece at a time.

### **QUESTIONS**

Commissioner Cole asked staff to comment about the applicant's remarks regarding the limited availability of higher density lands in the area. Mr. Thornton said that the City designated developing areas as "infill." While the Grand Junction area might run out of available land one day, he wasn't so sure that today was the day. And while it may be true that staff needed to look at encouraging higher density areas to provide more affordable housing, that really wasn't the issue before the Planning Commission.

Rick Dorris came forward and referenced a Sewerage Basin Study Map undertaken by HDR Engineering in 1992. He noted the location of the applicant's site. He pointed out the basin area as outlined by HDR Engineering, an area comprising between 400 and 500 acres. Referencing the sewer line at 23 1/2 Road, he noted where it was 8-inches in diameter to 23 Road, then it widened to 10-inches up until the crossing under the Business Loop where it was again widened to 12 inches. There was a 54-inch interceptor along River Road. There was a lift station located in Railhead, which lifted sewage up to the Persigo Wastewater Treatment Plant. If that area developed with .5 unit/acre lots, the 8-inch line would work fine. If developed to 1 unit/acre, the 8-inch line worked well to a certain point but then would require widening. At 4 units/acre, the sewer line would have to be 15-inches in diameter. While the current 8-inch line would accommodate the applicant's single site, it was unreasonable not to factor in the entire basin. Otherwise, the applicant's site would be utilizing capacity that everyone in the area was entitled to. Increasing a site's density to 4 units/acre would have a dramatic effect on the sewer line.

Mr. Dorris said that he and another engineer had roughly estimated what it would cost to upgrade the line from the site to the interceptor. Assuming that the lift station had adequate capacity to handle the additional flows (unknown variable), approximately 2 miles of line upgrade would be required at approximately \$225/linear foot, or \$2.4

million. If changes to the area were going to occur, review of the entire area was needed, which would allow everyone to share in the overall costs of improvements upgrades.

Commissioner Sublett asked engineering staff what the practical capacity of a sewer line was. Mr. Dorris said that capacity depended on both the size of the pipe and the slope. He conjectured that the grade on the subject sewer line was approximately 0.40%. He was unsure what the actual flow rates were.

Commissioner Cole asked for confirmation that if the entire area was built out, HDR's conclusion was that the line would require widening. Mr. Dorris affirmed the Commissioner's conclusion.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Ron Gray (2369 H Road, Grand Junction) expressed support for staff's position. He'd attended the applicant's neighborhood meeting and all the residents attending had been opposed. He'd purchased his property with a certain expectation that the area would not be developed to any other density but Estate.

Dave Lacy (2379 H Road, Grand Junction) understood the applicant's desire for developing to a higher density but staff had stated many reasons why the increase was not a good idea. He was concerned about bringing increased density to the area and its resultant problems (e.g., traffic). He noted that Appleton Elementary School was already significantly over capacity. He too supported staff's recommendation of denial.

Dick Pennington (680 27 3/10 Road, Grand Junction) said that he represented Alan Pennington and Marilyn Scott as well as himself. He owned an approximately 30-acre farm in the area and felt that the area's Estate zoning should be preserved. If the site were zoned RSF-4, the applicant could potentially develop 70 lots. He didn't see how the existing Appleton lifestyle could be preserved if that happened. He read his letter into the record (a copy of which was submitted for the file). He also expressed concern over expected impacts to an abundant wildlife area and possible irrigation problems that might occur with a higher density development.

### **PETITIONER'S REBUTTAL**

Mr. Johnson felt that waiting for the City to consider the area as a whole was a mistake since there were no plans to review the area on the immediate horizon. In two to five years, it would be too late. His company specialized in 2-4 du/acre developments and

they were already having a hard time finding available land. They'd begun looking in Delta and Montrose. He appreciated neighbor concerns and said that he would be willing to erect fencing or participate in sewer upgrade costs, if required.

Pat O'Connor, a civil engineer representing the petitioner, said that he'd based his findings on a 160-acre area following the Persigo 201 boundary around the site. The 400-500 acre area referenced on the 1992 HDR Basin Study Map included lands outside of the 201 sewer boundary. He'd tried to be very conservative with his figures and said that even if all the land within that 160-acre area were to develop at 4 units/acre, his calculations showed that they would still not exceed the sewer line's capacity.

### **DISCUSSION**

Commissioner Cole asked City engineering staff to address Mr. O'Connor's comments regarding the HDR Basin Study Map. Mr. Dorris said that Mr. O'Connor's comments were correct; the Basin Study Map did include lands outside of the current 201 boundary. However, history showed that the 201 boundary tended to expand northward. It followed, he said, that if development of 160 acres to a 4 unit/acre density maxed out an 8-inch line, then more than twice that boundary would require a significantly larger pipe. He suggested that planning commissioners use the HDR study as their official reference.

Commissioner Pitts agreed that sewer service was probably an issue. The request was inconsistent with the existing neighborhood and it didn't comply with the NCVP. He didn't feel he could support the request.

Commissioner Sublett concurred. The traffic and sewer issues were significant. To arbitrarily "invalidate" the NCVP would be a big mistake since many people had spent a lot of time and energy in developing it.

Commissioner Carlow felt that he could not support the request either. It didn't comply with Growth Plan recommendations.

Commissioner Cole said that he was reluctant to consider such significant changes to the area in piecemeal fashion. He too expressed opposition to the request.

Chairman Dibble said that the issue of providing affordable housing really wasn't germane to the issue before Planning Commission. The neighbors had presented a lot of evidence to support the incompatibility of the request with the existing neighborhood, and the NCVP supported their position as well. He felt that discussions concerning the sewer line's demarcation point really weren't applicable.

**MOTION: (Commissioner Wall) "Mr. Chairman, on item GPA-2006-064, a request for a Growth Plan Amendment for Mallard View, I move we forward a**

**recommendation of approval to change the Future Land Use designation from Estate to Residential Medium-Low, finding the proposed amendment to be consistent with the Growth Plan and section 2.5.C of the Zoning and Development Code."**

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

## CITY OF GRAND JUNCTION, COLORADO

### Resolution No.

A resolution amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate one property located at 785 24 Road from "Estate one du per 2 acres" to "Residential Medium Low 2-4 du/ac".

#### Recitals:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that one property located at 785 24 Road be changed from "Estate one du per 2 acres" to "Residential Medium Low 2-4 du/ac" 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 GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:**

That a property, located at 785 24 Road be designated as "Residential Medium Low 2-4 du/ac" on the Future Land Use Map. The boundary description of the area being more fully described as follows:

Tax Parcel #2701-321-00-027

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

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

public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 133.83 feet; thence S00°03'00"W along a line a distance of 170.00 feet, said line being a Boundary Agreement recorded in Book 4132, Pages 607-615 of the Mesa County, Colorado public records; thence S89°58'17"E a distance of 61.00 feet; thence S00°03'00"W a distance of 160.21 feet; thence S89°58'07"E a distance of 222.75 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence S00°03'00"W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning.

AND

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

Said parcel contains 18.05 acres (785,838 square feet), more or less, as described and includes a portion of the 24 Road ROW.

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

ATTEST:

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

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



**Attach 26**

Public Hearing – Charlesworth Annexation, Located at 248 28 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the Charlesworth Annexation located at the 248 28 Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 2006				File #GPA-2006-062	
<b>Author</b>	David Thornton		Principle Planner			
<b>Presenter Name</b>	David Thornton		Principle Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Charlesworth Annexation, located at 248 28 Road. The 10.85 acre Charlesworth Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

**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. Acceptance Resolution
5. Annexation Ordinance



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

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 10.85 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. The initial request for development is a Growth Plan Amendment to change the Future Land Use Designation from Residential Medium Low 2-4 du/ac to Residential Medium 4-8 du/ac. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

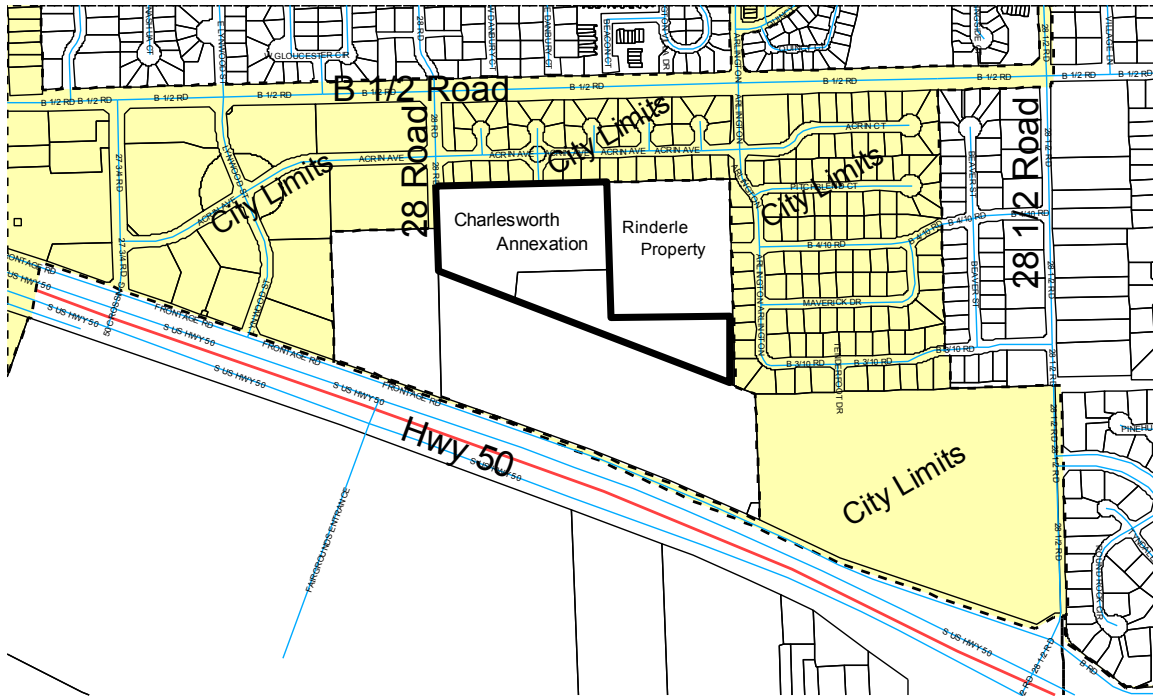
It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Charlesworth Annexation is eligible to be annexed because of compliance with the following:

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

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

The Charlesworth Annexation inadvertently completes an enclave of incorporated land. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. Included in the Persigo Agreement is a provision to close all enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. State Annexation statutes require a minimum of 3 years before an area that is enclaved by a City to be unilaterally annexed by that city.

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



The following annexation and zoning schedule is being proposed.

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

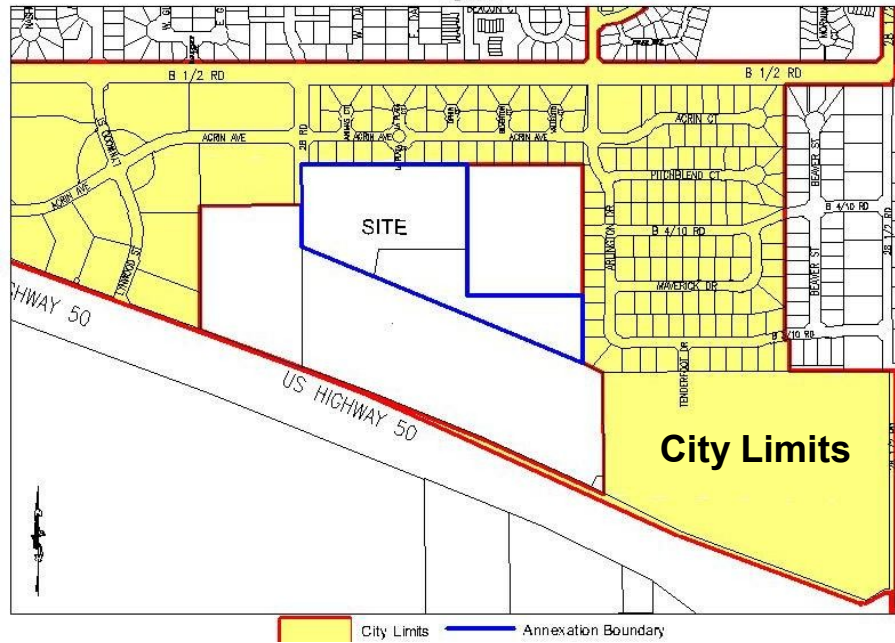
**CHARLESWORTH ANNEXATION SUMMARY**

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

# Site Location Map

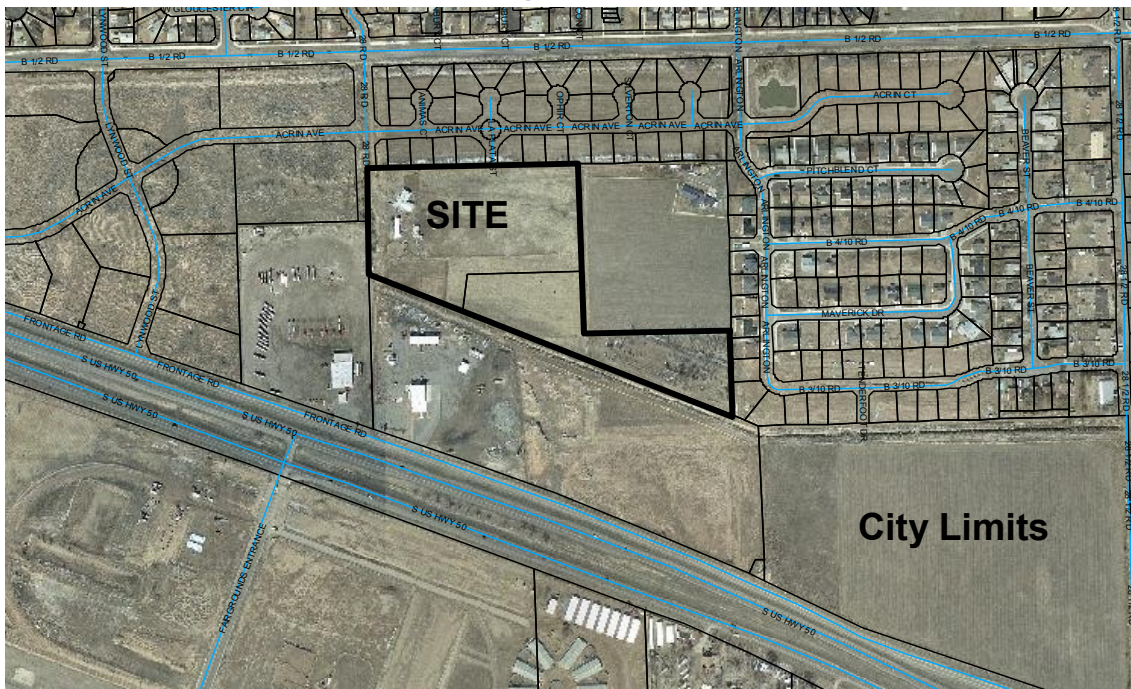
Figure 1

Charlesworth Annexation  
Figure 5



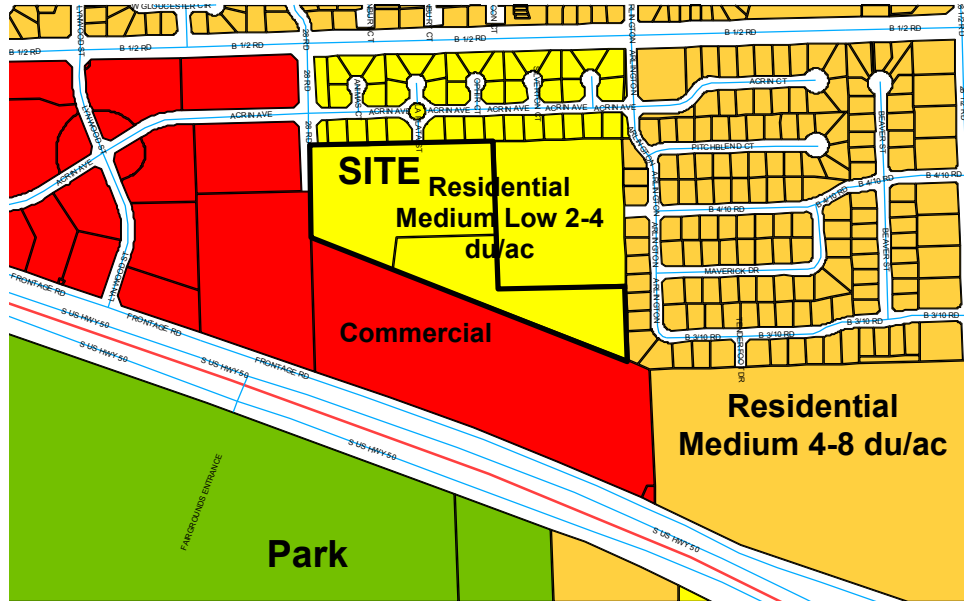
# Aerial Photo Map

Figure 2



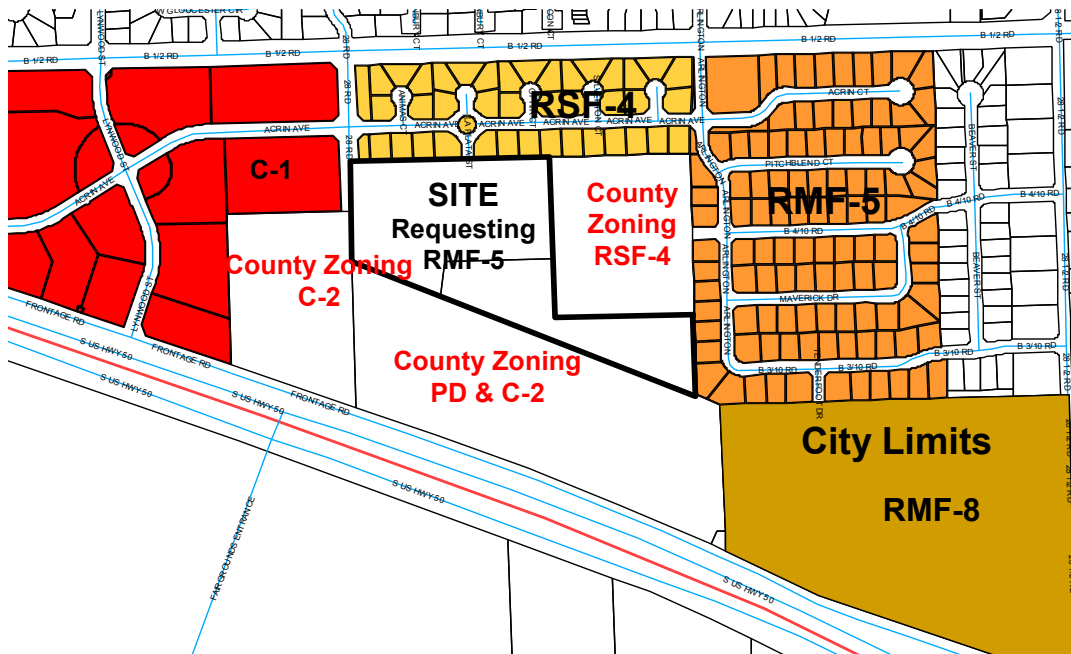
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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



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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**CHARLESWORTH ANNEXATION**

**LOCATED AT 248 28 ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<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:

**CHARLESWORTH ANNEXATION**

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

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

Said parcel contains 10.85 acres (472,670 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 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**

**CHARLESWORTH ANNEXATION**

**APPROXIMATELY 10.85 ACRES**

**LOCATED AT 248 28 ROAD**

**WHEREAS**, on the 19<sup>th</sup> day of April, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**CHARLESWORTH ANNEXATION**

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

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

of said Section 30 a distance of 359.30 feet; thence S89°54'15"E along the Southerly line and the Westerly extension of Durango Acres Filing One, recorded in Plat Book 19, Pages 105 and 106, and Durango Acres Filing Two, recorded in Plat Book 20, Page 49 of the Mesa County, Colorado public records a distance of 733.78 feet; thence S00°03'45"W a distance of 580.99 feet; thence S89°54'15"E a distance of 509.96 feet to a point on the West line of Arrowhead Acres II Filing No. 3, recorded in Plat Book 18, Page 329 and 330 of the Mesa County, Colorado public records; thence S00°04'39"W along the West line of said Arrowhead Acres II Filing No. 3 a distance of 296.71 feet; thence N67°16'10"W a distance of 1347.01 feet to the Point of Beginning.

Said parcel contains 10.85 acres (472,670 square feet), more or less, as described. Be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 19<sup>th</sup> day of April, 2006 and ordered published.

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

Attest:

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

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

**Attach 27**

Public Hearing – Charlesworth Growth Plan Amendment, Located at 248 28 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Charlesworth - Growth Plan Amendment					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				<b>File #</b> GPA-2006-062	
<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:** Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from "Residential Medium Low" (2 to 4 dwelling units per acre) to "Residential Medium" (4 to 8 dwelling units per acre) for two properties located at 248 28 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and approve the Resolution.

**Background Information:** See attached Analysis/Background Information

**Attachments:**

- 15. Staff report/Background information
- 16. Vicinity Map / Aerial Photo
- 17. Growth Plan Map / Existing Zoning Map
- 18. April 3<sup>rd</sup> Neighborhood Meeting Notes
- 19. Petitioner's General Project Report
- 20. Letter from Durango Acres Subdivision HOA Board
- 21. PC Minutes

## 22. Resolution

## ANALYSIS

### 1. Background

The 10.64 acre site is located on the east side of 28 Road on Orchard Mesa and is proposed to be a single family subdivision. 248 28 Road is currently zoned Planned Development in Mesa County. The property to the southeast, Mesa Estates was changed to Residential Medium on the Growth Plan Map in 2000 as part of the Orchard Mesa Neighborhood Plan update. Arrowhead Acres II, located to the east which was zoned as RMF-5 when it was annexed in 1999, was shown on the Future Land Use Map in 1999 as a combination of the northern 8 acres as Residential Medium (4-8 du/ac) and the southern 18 acres as Residential Medium Low (2-4 du/ac). In 2000 the southern 18 acres was also changed on the Future Land Use Map to reflect a Residential Medium Land Use category for the entire development.

A neighborhood meeting was held on April 3, 2006 with eleven people in attendance at the meeting. At the time of this staff report there has been no noted public opposition to this Growth Plan Amendment request.

### 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.**

248 28 Road property lies between a higher density area to the north and commercial land to the south. Generally land uses within an area should transition from lesser intensity to higher intensity and not from medium intensity to lower intensity, then to higher intensity which is currently occurring here in this area.

**i. Subsequent events have invalidated the original premises and findings.**

With the changes to the Future Land Use map in 2000 for the two properties to the east and southeast of this property, there is additional support to also make a change to the Future Land Use Map for this site, a change to the same density/intensity as the other properties were changed to.

**j. The character and/or condition of the area have changed enough that the amendment is acceptable.**

With the changes to the Future Land Use Map in 2000 for the two properties to the east and southeast of this property, there is additional support to also make a change to the Future Land Use Map for this site, a change to the same density/intensity as the other properties were changed to.

**k. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.**

The 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.

Policy 4.1: The City will place different priorities on growth depending on where growth is located...to locations...with adequate public facilities....

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

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

Policy 28.3: The City's elected officials and leadership will consistently advocate and promote the planning, fiscal, and quality of life advantages and benefits achievable through infill and redevelopment.

**l. Public and community facilities are adequate to serve the type and scope of the land use proposed.**

Adequate public facilities are currently available and can address the impacts of development consistent with a Residential Medium designation.

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

Increasing the density on this property will potentially provide a larger number of future residential lots when a future subdivision is proposed and approved for this property. With the moderate growth the community is experiencing, especially in the Orchard Mesa area, the current supply of suitably designated land is shrinking.



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

Additional future housing opportunities will be possible in the Orchard Mesa neighborhood.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Charlesworth application, GPA-2006-062 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

14. The proposed amendment is consistent with the purpose and intent of the Growth Plan.
15. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

## **STAFF RECOMMENDATION:**

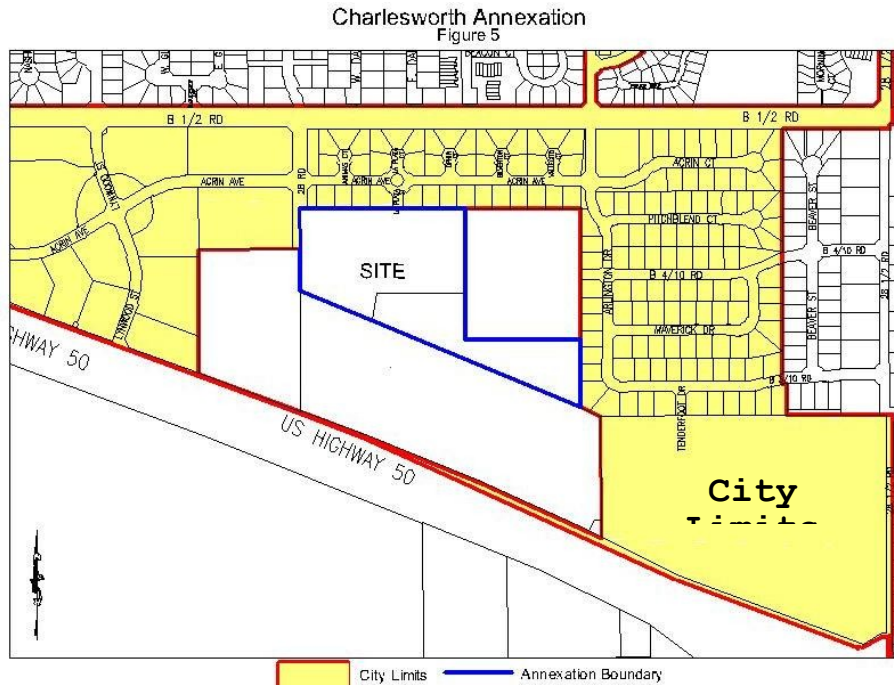
Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-062 with the findings and conclusions listed above.

## **PLANNING COMMISSION RECOMMENDATION:**

On May 9, 2006, Planning Commission with a vote of 7 to 0 recommended approval of the requested Growth Plan Amendment, GPA-2006-062 with the findings and conclusions listed above.

# Site Location Map

Figure 1



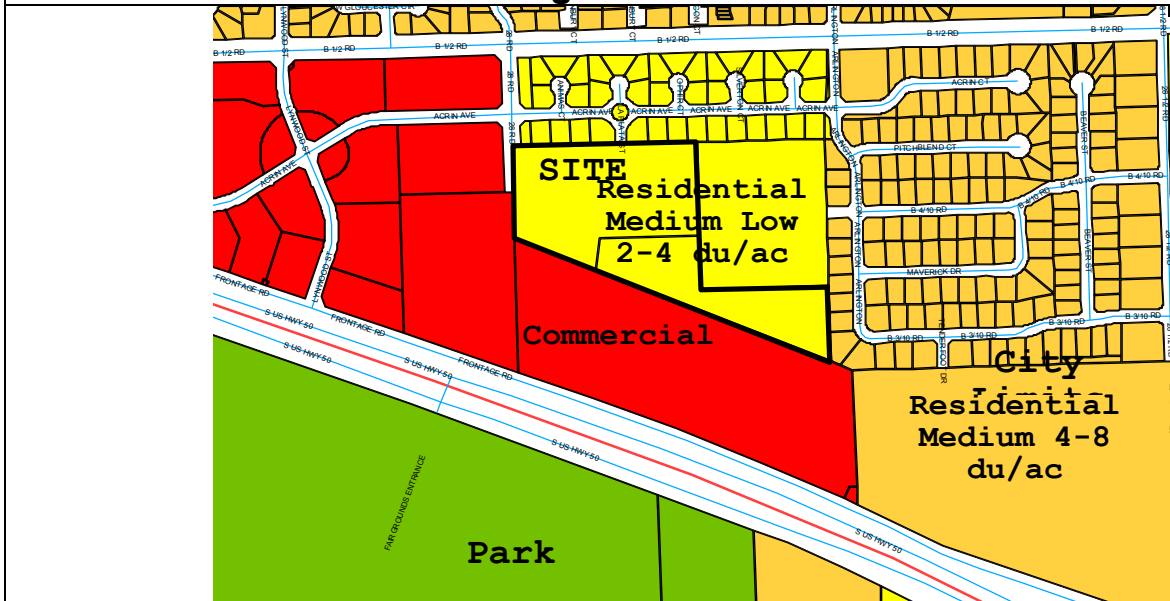
# Aerial Photo Map

Figure 2



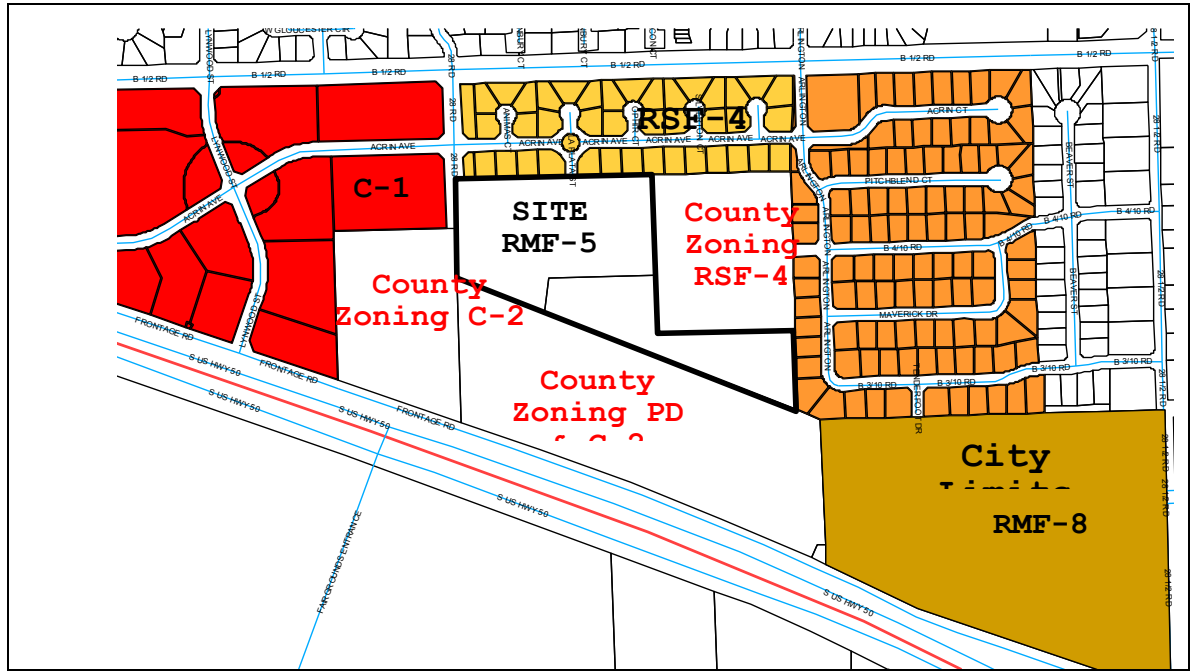
## Future Land Use Map

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."

**DURANGO ACRES HOMEOWNERS ASSOCIATION, INC.  
P.O. BOX 4173 GRAND JUNCTION, CO 81502**

April 6, 2006

David L. Thornton, AICP  
Principal Planner  
City of Grand Junction  
Department of Community Development  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

RE: Charlesworth Property  
Request for Growth Plan Amendment

Dear Mr. Thornton,

On April 5, 2006, the Board of Directors of the Durango Acres Homeowners Association, Inc. held a regular meeting of the Board. One item on the agenda was with the request for a Growth Plan Amendment being proposed for the Charlesworth Property which abuts Durango Acres on the south.

The members of the Association present at the meeting were polled as to their position on the Growth Plan Amendment as well as the members of the Board. A motion to oppose the Growth Plan Amendment was passed by the members of the Board and was supported unanimously by those members present.

In his presentation at the Neighborhood Meeting, the Applicant and his representatives commented that their reason for the Growth Plan Amendment was to increase the allowable density of the property because of the price they had to pay for the land. It is the opinion of our Association that the Applicant was aware of the zoning designation at the time they negotiated the purchase of the property. If the purchase price is not supported by the market, the Applicant's decision to proceed with the purchase should be his entrepreneurial risk which should not be predicated on our neighborhood having to bear the burdens associated with increasing the density of properties adjacent to our subdivision. In other words, and at the risk of sounding blunt, if the price is too high, don't buy it and don't expect us to carry your burden.

The Charlesworth Property is bounded on the north and east by RSF-4 zoned property as was designated in the Growth Plan. Amended the growth plan as proposed by the applicant would leave our subdivision as an "island" of RSF-4. The applicant also states his intent is to provide entry level housing which is not compatible with the existing housing immediately adjacent to the property including a number of in residents in Durango Acres whose property backs-up to the Charlesworth Property. The initial access to the property is either through our subdivision utilizing an existing stub street or via the road abutting our subdivision so we will be directly impacted by the increased traffic.

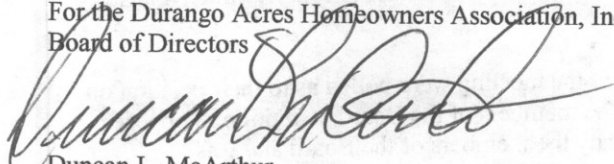


**DURANGO ACRES HOMEOWNERS ASSOCIATION, INC.  
P.O. BOX 4173 GRAND JUNCTION, CO 81502**

April 6, 2006  
David L. Thornton, AICP  
Principal Planner  
City of Grand Junction  
Department of Community Development  
Page Two

We are not opposed to the development of the Charlesworth Property but it is our opinion that the Applicant has not demonstrated sufficient reasons for the Amendment to the Growth Plan to be adopted without negatively impacting the adjacent properties. In fact, we do not believe sufficient reason exists. We respectfully request that the Grand Junction City Planning Commission and Grand Junction City Council reject the Request for Growth Plan Amendment for the Charlesworth Property.

Sincerely,  
For the Durango Acres Homeowners Association, Inc.  
Board of Directors



Duncan L. McArthur  
Secretary

**GRAND JUNCTION PLANNING COMMISSION  
MAY 9, 2006 MINUTES  
7:03 p.m. to 10:52 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 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, Bill Pitts, William Putnam, Patrick Carlow, Ken Sublett, and Reginald Wall. Thomas Lowrey and Lynn Pavelka-Zarkesh 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), Dave Thornton (Principal Planner), Faye Hall (Associate Planner), Lori Bowers (Senior Planner) and Senta Costello (Associate Planner).

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

Terri Troutner was present to record the minutes.

#### **IV. FULL HEARING**

##### **GPA-2006-062 ANNEXATION/GPA/REZONE--CHARLESWORTH ANNEXATION**

**A request for approval to amend the Growth Plan to change the Future Land Use designation from Residential Medium-Low 2-4 du/acre) to Residential Medium (4-8 du/acre).**

**Petitioner: Darrell & Edond Charlesworth**

**Location: 248 28 Road**

##### **PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, said that a neighborhood meeting had been held, which had gone well. The item had been on Consent until a letter of opposition was received by staff earlier in the day. He opted to defer additional testimony pending completion of the public comments portion of the public hearing.

##### **STAFF'S PRESENTATION**

Dave Thornton 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; 6) GPA criteria outline; and 7) findings and conclusions. Mr. Thornton referenced copies of the letter mentioned by Mr. Ciavonne and written by Duncan McArthur, Secretary for the Durango Acres Homeowners Association (P.O. Box 4173, Grand Junction). While no plan was available for review, access to the site would be provided via 28 Road and through a



Durango Acres Subdivision stub street. One house was currently located on the property. Referencing the Future Land Use Map and Existing City and County Zoning Map, Mr. Thornton noted the commercially zoned property directly to the west and south of the site, and the Residential Medium zoning to the north, east and southeast of the site. The applicants' Residential Medium-Low designated property represented an enclave and was inconsistent with surrounding designations. The Residential Medium land use designation would provide a better transition to the commercially designated property. GPA criteria were read into the record and addressed. Staff determined that the site's initial land use classification of Residential Medium-Low was in error and that a higher density zone district would more accurately reflect the area's character. Approval of the request was recommended.

## **PUBLIC COMMENTS**

### **FOR:**

Sam Suplizio (3210 Primrose Ct., Grand Junction) concurred with staff's assessment of the site's zoning and said that in most instances throughout the City, zoning transitioned from higher density to lower density. The current request would be consistent with the City's zoning policies. The applicants didn't intend to develop the property to its maximum density; rather, something more in the neighborhood of 5 units/acre would be proposed.

### **AGAINST:**

Duncan McArthur (246 LaPlata Court, Grand Junction), representing the Durango Acres Homeowners Association, noted the site's proximity to the Mesa Estates and Granite Springs Subdivisions. He felt that a case could be made that the Mesa Estates Subdivision had been zoned in error. Granite Springs had a Residential Medium-Low land use classification and directly abutted the applicants' property. If the applicants' property were reclassified to a higher density, it would result in Granite Springs being an even smaller enclave. Mr. McArthur referenced his submitted letter of opposition and said that while not necessarily opposed to applicants' development of the property, the Association's position was that the density allowed by the proposed land use classification was too high, that routing traffic from the development through the Durango Acres Subdivision would negatively impact their neighborhood, and that the petitioner's proposed "affordable" housing would not be compatible with other area housing types. Mr. McArthur presented photographs of four homes located along the roundabout/stub street nearest the applicants' property. Those homes, he maintained, would be the most affected by the development's added traffic.

## **PETITIONER'S REBUTTAL**

Mr. Ciavonne noted the irregular shape of the applicants' lot, making it difficult to develop. One of the reasons he would be requesting an RMF-5 zone district was to better achieve an overall site density closer to 4 du/acre. Mr. Ciavonne referenced an overhead plat of Durango Acres Subdivision. The density of that subdivision was 44 lots on 9.9 acres, or 4.4 units/acre in an RFM-5 zone. The second filing of that

subdivision had been developed to a density of 25 lots on 5.68 acres, or 4.4 units/acre. Development of the applicants' property would be consistent with those densities. He noted that approximately 20% of the Durango Acres lots failed to meet RSF-4 standards. He was unsure how that had occurred, but he pointed out that the Durango Acres Subdivision more closely approximated an RMF-5 zone versus an RMF-4 zone. Mr. Ciavonne said that at the neighborhood meeting, residents were shown that even within an RMF-5 zone district, a density of 4 units/acre was just barely achieved. He reiterated staff's remarks regarding the current site as being enclaved. He also noted that while property to the west was zoned Commercial, actual uses on those properties were more closely aligned with industrial. Thus, the Residential Medium land use classification would provide a more appropriate transition zone. The request met both Code criteria and Growth Plan recommendations, and he asked that approval be granted.

### **QUESTIONS**

Chairman Dibble asked for clarification on the differences in lot size minimums between an RSF-4 and RSF-5 zoned lot. Mr. Ciavonne said that the RMF-4 zone required a minimum lot size of 8,000 square feet; the RMF-5 zone minimum lot size was 6,500 square feet. The RFM-5 zone, he said, would permit development of narrower lots.

Chairman Dibble asked about the number of lots that could reasonably be placed on the property if zoned RMF-4 versus RMF-5. Mr. Ciavonne estimated that 36-44 lots could be developed on the site with RMF-5 zoning. Given the lack of a plan, and without factoring in street connections and infrastructure, he couldn't be more specific. The site's overall density would be compatible with existing area densities.

### **DISCUSSION**

Commissioner Cole expressed support for staff's recommendation. He concurred that the higher land use classification would be compatible with the surrounding neighborhood.

Commissioner Pitts concurred. The request met Code criteria and Growth Plan recommendations. He felt confident that the site's density would essentially be the same as other densities in the area.

Commissioners Sublett, Pitts and Carlow agreed.

Chairman Dibble felt that the proposed land use classification would provide a better transition between the more intense Commercial zone and the less intensive zones found to the north and east of the site.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item GPA-2006-062, I move that we forward this Growth Plan Amendment request for Residential Medium (4-8**

**du/acre) designation to City Council with a recommendation of approval, making the findings of fact and conclusions 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.

## CITY OF GRAND JUNCTION, COLORADO

### Resolution No.

A resolution amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate two properties located at 248 28 Road from "Residential Medium Low 2-4 du/ac" to ""Residential Medium 4-8 du/ac"

#### Recitals:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that two properties located at 248 28 Road be changed from "Residential Medium Low 2-4 du/ac" to "Residential Medium 4-8 du/ac" 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 GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:**

That two properties, located at 248 28 Road be designated as Residential Medium on the Future Land Use Map. The boundary description of the area being more fully described as follows:

(Tax Parcels 2943-303-00-213 & 2943-303-00-226 together as one description)

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

Commencing at the Southwest Corner of the NW 1/4 SW 1/4 of said Section 30 and assuming the West line of the NW 1/4 SW 1/4 of said Section 30 to bear N00°03'02"W with all bearings contained herein relative thereto; thence N00°03'02"W along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 555.63 feet to the Point of Beginning; thence N00°03'02"W continuing along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 359.30 feet; thence S89°54'15"E along the Southerly line and the Westerly extension of Durango Acres Filing One, recorded in Plat Book 19, Pages 105 and 106, and Durango Acres Filing Two, recorded in Plat Book 20, Page 49

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

Said parcel contains 10.85 acres (472,670 square feet), more or less, as described.

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

ATTEST:

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

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

**Attach 28**

Public Hearing – Rezone Four Unplatted Parcels Located at 2809, 2811, 2813, 2815 Elm Avenue

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Request to 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>	June 7, 2006					
<b>Date Prepared</b>	May 30, 2006				File # RZ-2006-080	
<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	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		Consent	X <b>Individual Consideration</b>

**Summary:** The petitioner, The Warren Living Trust, 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:** Conduct the Public Hearing and approve the Rezoning Ordinance.

**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

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

**Staff Analysis:**

The applicant, The Warren Living Trust, 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 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 any 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 potential for this proposed development 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:

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

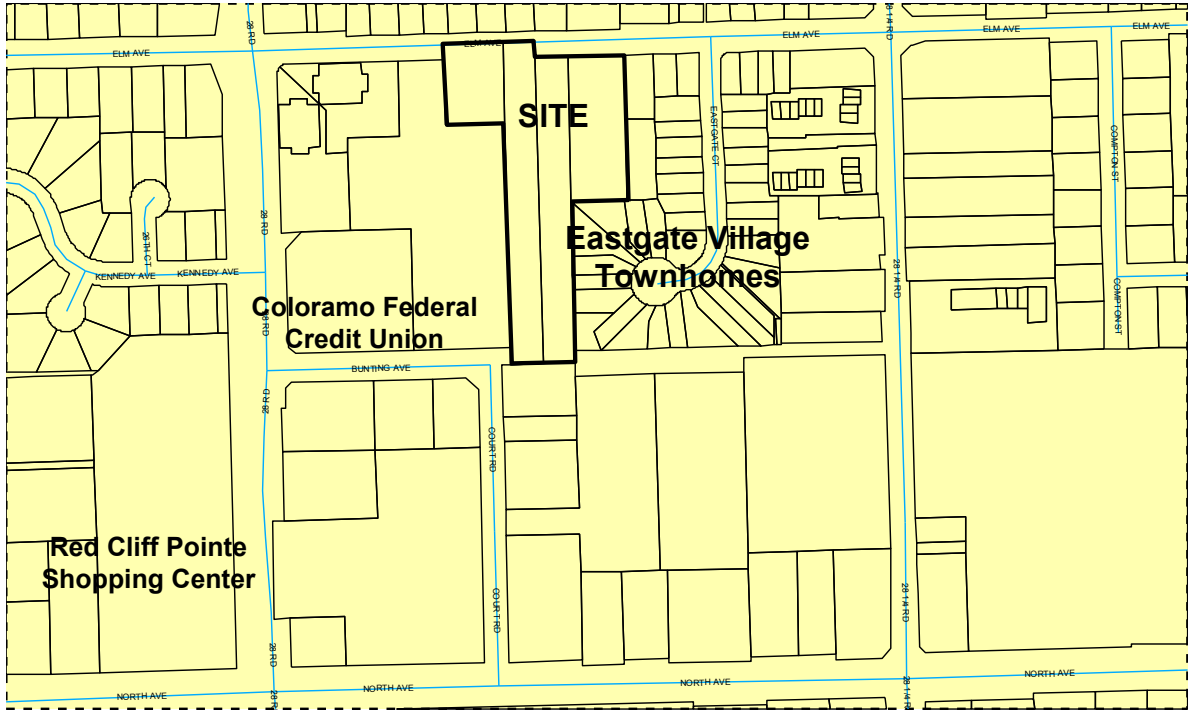
**Action Requested/Recommendation:** The Planning Commission recommends that the City Council approve the Ordinance for the rezone of four (4) unplatted parcels of land from RMF-8, Residential Multi-Family – 8 units/acre, to RMF-12, Residential Multi-Family – 12 units/acre – 2809, 2811, 2813 & 2815 Elm 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

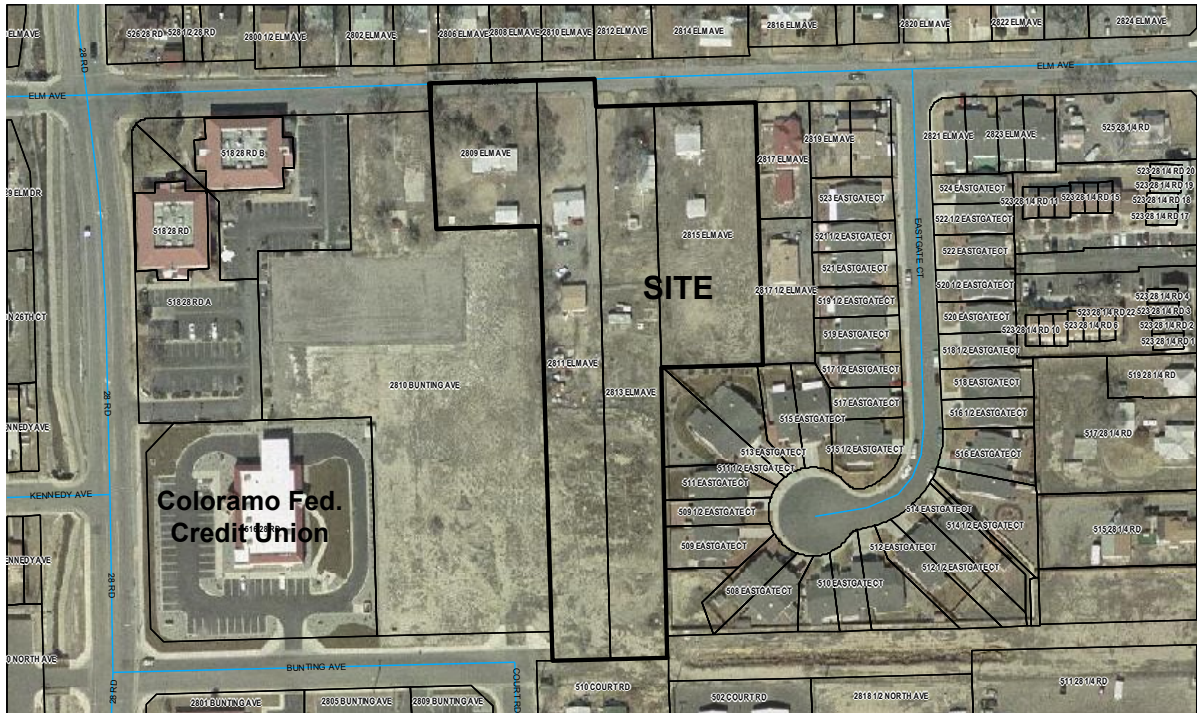
# Site Location Map – Capstone Village

Figure 1



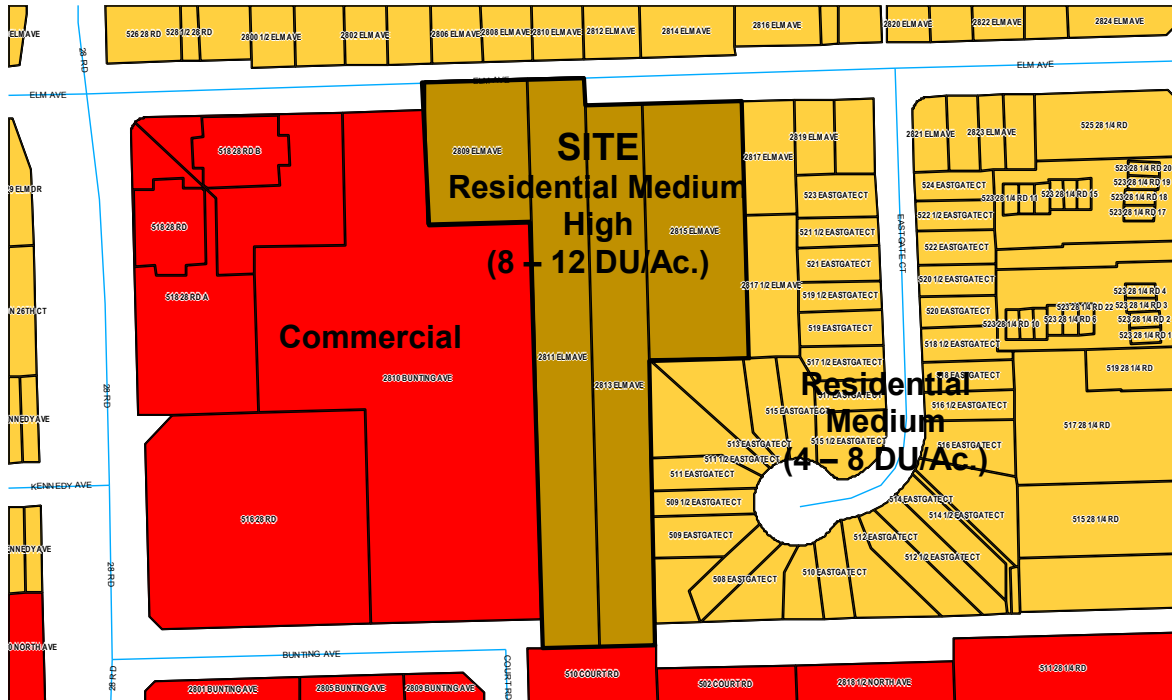
# Aerial Photo Map – Capstone Village

Figure 2



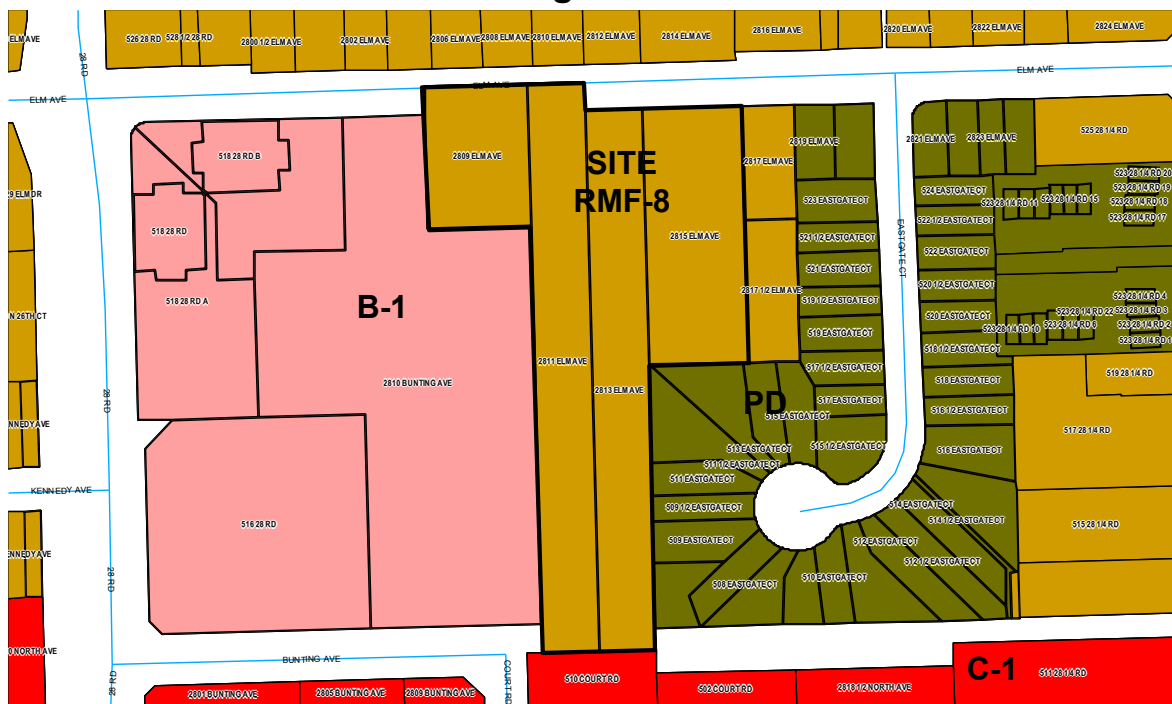
# Future Land Use Map – Capstone Village

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**

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  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; 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  $\frac{1}{4}$  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; 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  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  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. 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 17<sup>th</sup> day of May, 2006 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 29**

Public Haring – Amending the 24 Road Corridor Guidelines

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	24 Road Amendments					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	May 31, 2006				File # GPA-2005-148	
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	Jeff Over, Chairman of the 24 Road Steering Committee
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

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

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider a Resolution amending the 24 Road Mixed Use Area and an Ordinance amending the Zoning and Development Code.

**Background Information:** See the attached Staff report and Minutes.

**Attachments:**

- 23. Staff report/Background information
- 24. Location / Air photo Map
- 25. Future Land Use / Current Zoning Map
- 26. ¼ Mile Map
- 27. Steering Committee Minutes
- 28. Planning Commission Minutes

- 29. Memo from Jeff Over, Chairman of Steering Committee
- 30. Resolution/Ordinance

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

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

**RECOMMENDATION:**

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

On February 28, 2006, after consideration of the Steering Committee’s recommendation the Planning Commission made the following recommendations:  
 1) to reduce the minimum required density from 12 du/ac to 8 du/ac and that the Growth Plan be amended to comply with that recommendation.

The vote was 7-0.

2a) Delete the requirement for 20% of property to be residential in the ¼ mile from 24 Road to the west and east and ¼ mile south of the interstate and allow residential development to be option and that the Growth Plan be amended to comply with this recommendation.

The vote was 5-2 (Commissioners Wall and Putnam opposing).

2b) Retain the requirement for residential in the remainder of the Mixed Use land use designation (the part that is not within the ¼ mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council and that the Growth Plan be amended to comply with that recommendation.

The vote was 6-1 (Commissioner Wall opposing).

3) Limit retail development to a maximum of 30,000 sq. ft. (within a larger building or as stand-alone development) be deleted within the Mixed-Use designation within the ¼



mile corridor on either side of 24 Road and south of I-70 and that a maximum retail square footage of 50,000 sq. ft. be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development) and that the Growth Plan be amended to comply with that recommendation.

The vote was 6-1 (Commissioner Putnam opposing).

#### ANALYSIS:

##### 1. Background:

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

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

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

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

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

- Section V.D. Future Land Use Classes

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

- Exhibit V.2: Future Land Use Categories Table

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

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

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

## 2. 24 Road Corridor Plan Update

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

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

The steering committee made the following recommendations:

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

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

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

### 3. Implementation of committee recommendations

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

#### Growth Plan

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

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

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

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

#### 24 Road Corridor Subarea Plan

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

#### Zoning and Development Code

Section 3.2.J M-U: Mixed Use

1. Purpose. To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.
2. 3.c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for retail shall be 30,000 square feet;
3. 3.e. Minimum net residential density shall be 12 units per acre.
4. 3.f. Development parcels and/or projects containing greater than 5 acres shall have a minimum of 20% of the gross land area in residential development. The required 20% may be transferred between parcels in the Mixed Use Zone District that rare being planned at the same time.
5. 5.a. The following standards shall apply to the required residential component.
  - (1) Final plans for the required residential component must be submitted and approved with the overall project.
  - (2) The required residential component must be built with the overall project, in accordance with the approved development schedule.
  - (3) Residential units may be built as part of any retail/commercial structure.
  - (4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each non-residential component be built within the approved development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.

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

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the criteria listed below. Because the recommendations come from the steering committee, staff is not making findings.

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.
- b. Subsequent events have invalidated the original premises and findings.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable.
- d. The change is consistent with the goals and policies of the plan,

including applicable special area, neighborhood and corridor plans.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.
- f. An inadequate supply of suitably designated land is available in the proposed land use.
- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

#### PLANNING COMMISSION RECOMMENDATION:

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

1. Reduce the minimum required density from 12 du/ac to 8 du/ac and that the Growth Plan be amended to comply with that recommendation.

Vote 7-0.

- 2a. Delete the requirement for 20% of property to be residential in the ¼ mile from 24 Road to the west and east and ¼ mile south of the interstate and allow residential development to be option and that the Growth Plan be amended to comply with this recommendation.

Vote 5-2 (Commissioners Wall and Putnam opposing)

- 2b. Retain requirement for residential in the remainder of the Mixed Use land use designation (the part that is not within the ¼ mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council and that the Growth Plan be amended to comply with that recommendation.

Vote 6-1 (Commissioner Wall opposing)

3. Limit retail development to a maximum of 30,000 sq. ft. (within a larger building or as stand-alone development) be deleted within the Mixed-Use designation within the ¼ mile corridor on either side of 24 Road and south of I-70 and that a maximum retail square footage of 50,000 sq. ft. be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development) and that the Growth Plan be amended to comply with that recommendation.

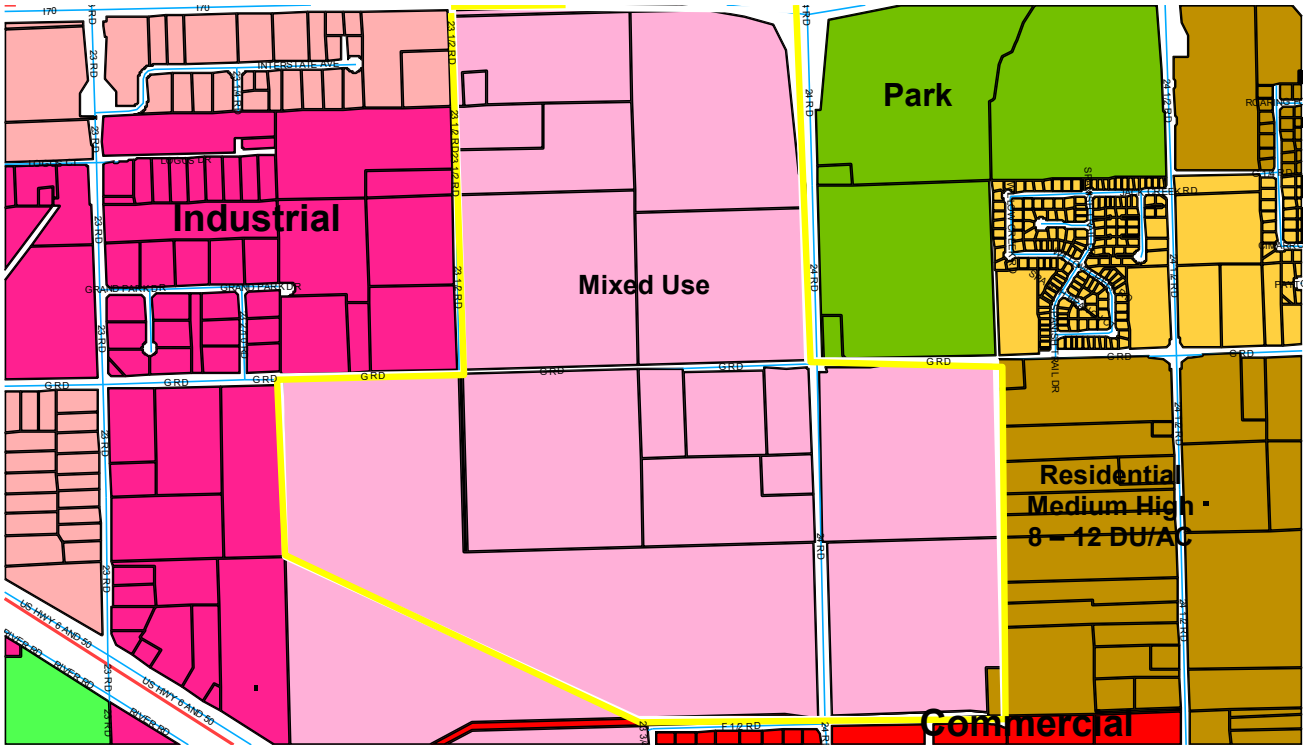
Vote 6-1 (Commissioner Putnam opposing).





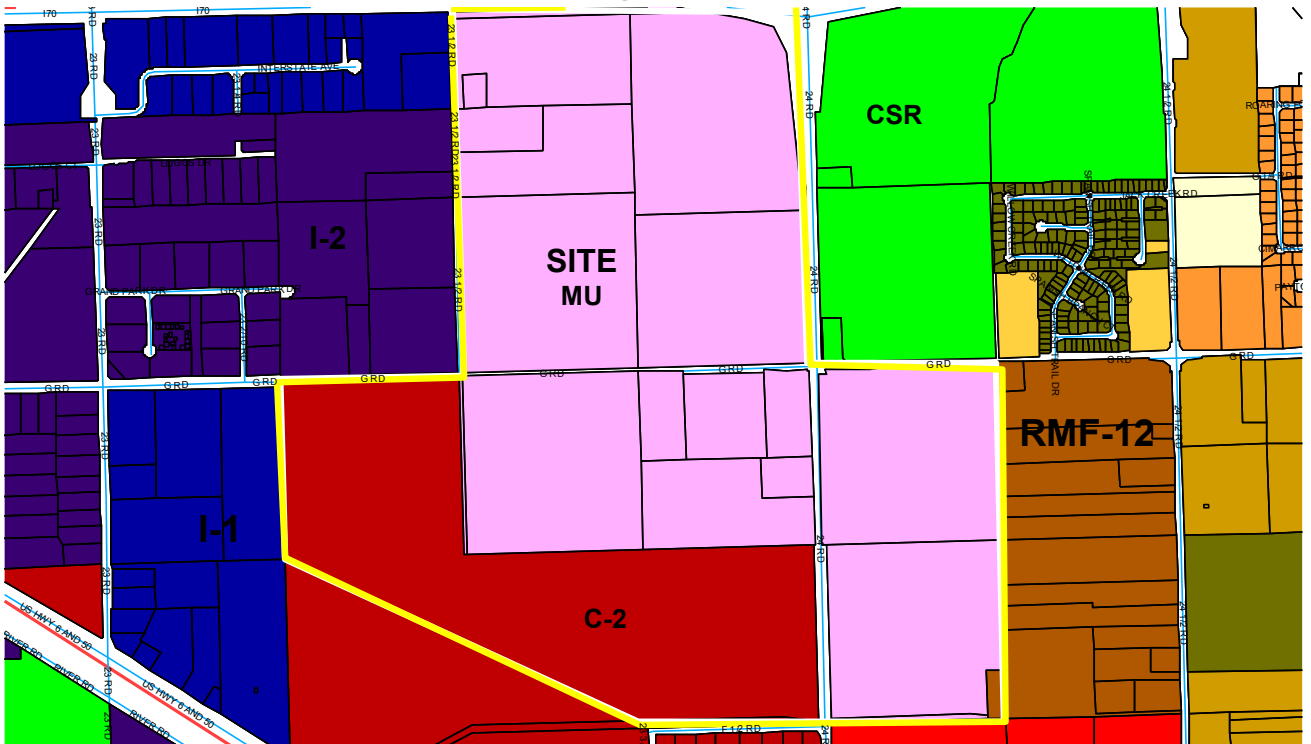
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4

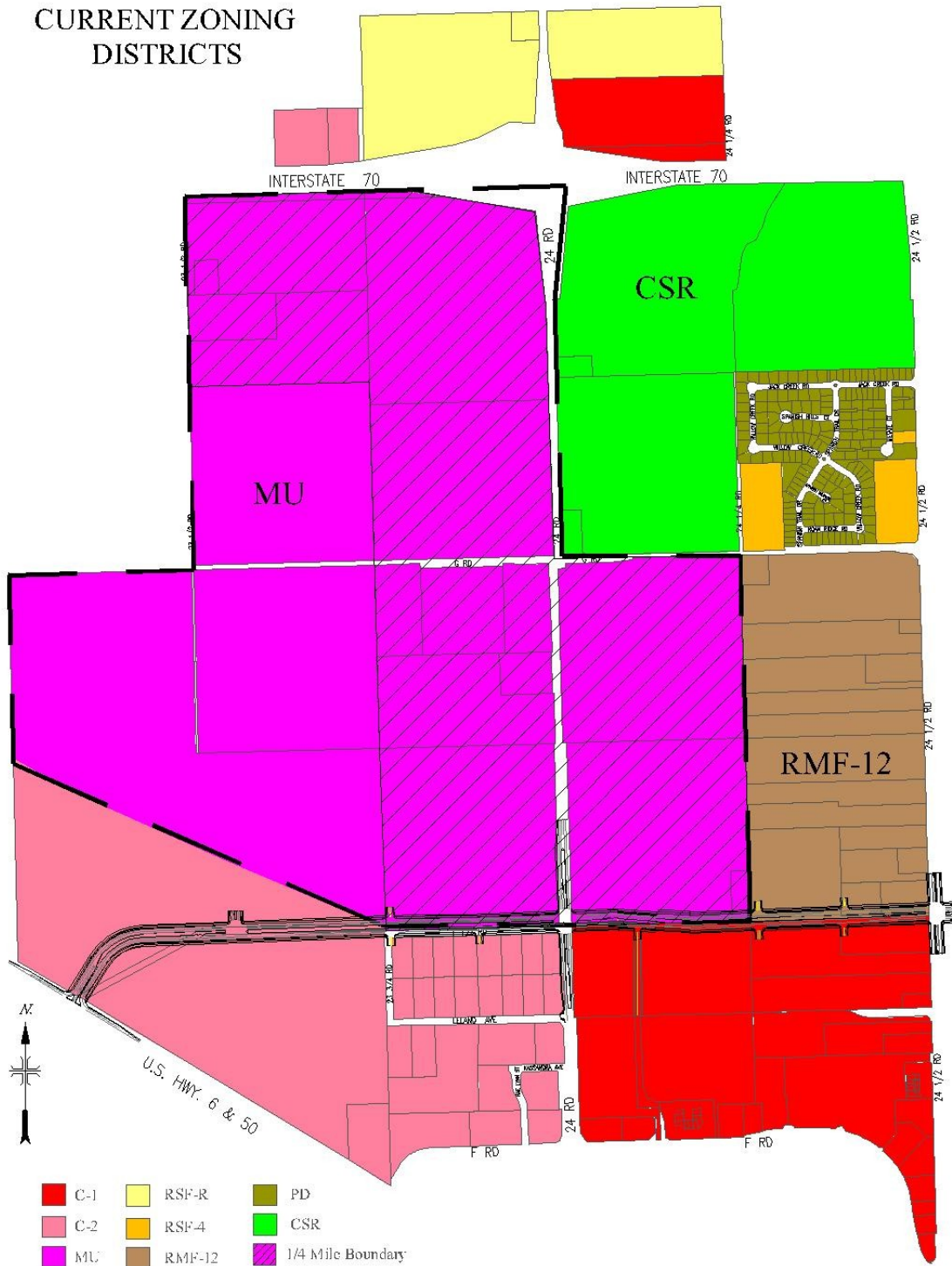




# 24 ROAD CORRIDOR STUDY AREA



## CURRENT ZONING DISTRICTS



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

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

**24 Road Subarea Plan Committee members present:**

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

**The following members were not able to attend:**

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

**City Staff members present:**

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

## **Meeting Overview**

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

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

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

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

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

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

The City and County Future Land Use Plan was adopted in 1996. The Future Land Use Plan showed commercial/industrial type land uses for the 24 Road Corridor except for north of G

Road where the PRVR designation was. It also showed residential on both sides of 24 Road and Residential Medium-High on the east side of 24 Road, south of Canyon View Park.

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

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

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

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

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

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

The Mixed Use Zone District is patterned after the I/O (Industrial/Office) Zone District which is intended for high-tech business park type development but also has a residential component. Primary uses in the MU Zone include employment, residential, limited retail and open space. One of the implementations that came out of the process was how to put the committee’s vision into regulation. For limited retail the actual zone district limits the retail business building size

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

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

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

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

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

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

The three requests are:

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

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

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

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

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

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

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

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

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

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

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

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

**Those City staff in attendance included:**

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

**Guests present:**

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

**CONSIDERATION OF MINUTES**

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

### **TOM VOLKMANN PRESENTATION**

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

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

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

### **DISCUSSION**



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

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

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

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

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

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

Terri Binder said that as an original Steering Committee member, she also recalled discussions that sought to preclude the 24 Road Corridor from becoming another Horizon Drive. She also recalled that projections had been over a 20-year timeframe. One big concern that had been discussed by the original committee was over Big Box retailers. Historically, as they sought to expand, they would leave their former buildings and construct even bigger buildings elsewhere. Then the problem became what to do with the vacated structure. With the 24 Road Corridor being a gateway into the City, the Steering Committee had wanted to ensure that more enduring uses would prevail. Mr. Volkmann encouraged current Steering Committee members to review the specifics of adopted 24 Road Corridor design standards. He felt that those more restrictive standards would prohibit builders from erecting poor

quality developments and prevent the area from looking like another Horizon Drive. While it may be 20 years before the cost of housing rises to a point that makes a true mixed use development feasible, property owners should be allowed to do something with their lands in the meantime, something other than "keeping it in feed corn."

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

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

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

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

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

### **STAFF PRESENTATIONS**

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

CDOT anticipated expanding I-70B to six lanes from 24 Road to the North Avenue interchange. He noted that population and employment figures had been factored into the model.

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

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

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

### **QUESTIONS**

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

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

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

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

occurring sequentially from east to west as it should. The same sequential growth pattern was occurring with commercial development from south to north.

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

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

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

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

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

## **CONCLUSION**

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

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

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

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

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

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

**Those City staff in attendance included:**

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

**Guest Mac Cunningham was also present.**

### **CONSIDERATION OF MINUTES**

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

## **DISCUSSION OF REQUESTED ALTERNATIVES FOR MIXED USE ZONE DISTRICT**

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

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

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

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

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

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

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

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

#### **STAFF PRESENTATION: I-70 / 24 ROAD TRAFFIC ENHANCEMENTS**

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

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

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

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

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

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

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



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

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

### **STAFF PRESENTATION: BUILDING SIZE COMPARISONS**

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

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

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

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

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

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

Mr. Fleming wondered how the City regulated the type of uses going into a building. Ms. Portner said that for buildings constructed to accommodate a number of tenants, each tenant's use was reviewed to determine parking requirements. The City was also alerted to the specific use when a tenant came in for

a sign permit. Mr. Blanchard said that it became more problematic as tenants changed; it often then became an enforcement issue. Ms. Costello added that the City was also alerted as businesses applied for sales tax licenses.

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

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

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

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

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

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

Mr. Fleming asked if the Holiday Inn Express could have been constructed in a Mixed Use zoned area. Mr. Blanchard said that it would have had to meet the residential requirement. He reiterated that hotels/motels weren't considered retail uses in Mixed Use Zone District's restriction on retail building size.

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

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

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

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

#### **STAFF PRESENTATION: COMMERCIAL VACANT LAND**

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

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

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

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

Mr. Blanchard said that calculating the amount of vacant land was easy enough for staff to do. Greg Schaefer had provided valuable input on how much of that was actually available for sale. If only a

percentage of vacant lands were available for sale, it could represent a perceived shortage, whether for residential or commercial. That's why it was important to qualify any analysis made and get a planning perspective on how that played into the issue of what was enough, what was too much, and what was not enough.

### **STAFF PRESENTATION: PROJECTED BUILDOUT SCENARIOS**

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

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

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

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

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

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

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

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

#### **STAFF PRESENTATION: RESIDENTIAL COMPONENT ALTERNATIVES**

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

#### **DISCUSSION / OPEN HOUSE**

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

Dr. Dibble said that there was still some sensitivity surrounding what had originally gone to City Council from the original Steering Committee and what hadn't. He felt that the Steering Committee's original position should be clarified. Conversely, he thought that the committee should be provided with a rationale for why its original recommendations had been changed. Mr. Schaefer observed that City Council clearly hadn't agreed with the recommendations made by the committee since the changes that had been made were fairly significant. Dr. Dibble thought it unfortunate that no actual minutes were taken for the previous Steering Committee. Mr. Schaefer said that he had a copy of the original committee's recommendation made to City Council. Mr. Lowrey wasn't sure that revisiting what happened five years ago would be helpful. Mr. Fleming said that he'd not heard any good arguments thusfar for why the 20 percent requirement had been inserted. He'd also not heard any good reasons to support the 12-24 du/acre density requirement.

Mr. Blanchard felt that a good starting point would be to review City Council's minutes detailing their discussion on those issues. If the committee chose, a verbatim transcript could also be provided. Ms. Portner said that much of City Council's discussion began at one of their workshops. Their meeting minutes, however, pretty clearly outlined their rationale for the 20 percent residential requirement. Their

rationale for the 30,000 square foot retail limitation may not have been as clear but their intent was to acknowledge that while retail development in the area was fine, the type of retail should be limited. That limitation excluded big box developments. That did not preclude, say, 200K square feet of retail as long as it was located in multiple 30,000 square foot buildings. She said she would review City Council's minutes further to see if additional clarification could be provided.

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

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

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

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

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

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

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

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

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

Mr. Lowrey felt that it was possible to provide the public with a rough idea of what the area might look like based on committee discussions. If it was logical to show residential development on lands further away from 24 Road; if more retail development were permitted along the actual corridor; and if a greater square footage were allowed for commercial retail buildings (*e.g.*, 75K or 100K square feet), he believed

it was possible to present the public with some idea of what that might look like. If a recommendation were made to reduce the residential density to somewhere between 4 and 12 du/acre, it would be possible to provide the public with some idea of what that density range would look like. He reiterated that it was premature to solicit public comment without first having something to present.

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

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

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

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

### **CONCLUSION**

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

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

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

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

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

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

**Those City staff in attendance included:**

Bob Blanchard (Director, Community Development Department)



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

**Guests in attendance:**

Mac Cunningham

**CONSIDERATION OF MINUTES**

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

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

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

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

**Group 2:** Tom Lowrey, Larry Feather, Scott Sullivan

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

**Group 3:** Paul Dibble, Don Campbell, Terri Binder

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

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

**24 Road Subarea Plan Committee Meeting**  
**Two Rivers Convention Center**  
**January 19, 2006**  
**7:30 a.m.**

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

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

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

Greg Schaefer (Realtor/Original Committee Member)  
Steve Reimer (Developer/Original Committee Member)  
Larry Feather (Business Owner/Original Committee Member)  
George Pavlakis (Property Owner/Original Committee Member)

**Those City staff in attendance included:**

Bob Blanchard (Director, Community Development Department)  
Lori Bowers (Sr. Planner, Community Development Department)  
Dave Thornton (Principle Planner, Community Development Department)  
Kathy Portner (Planning Manager, Community Development Department)  
Bobbie Paulson (Administrative Specialist, Community Development Department)  
Eric Hahn (Development Engineer, Public Works & Utilities)  
Kristen Ashbeck (Senior Planner, Community Development Department)  
Jody Kliska (Traffic Engineer, Public Works & Utilities)  
Scott List (GIS Analyst, Administrative Services)

**Guests present:**

Mac Cunningham  
Marion Jacobson

**CONSIDERATION OF MINUTES**

The minutes of the December 1, 2005 work session were available for consideration. Ms. Terri Binder asked that the attendance roster of the minutes be amended to reflect her status as original committee member. The minutes were approved with that modification.

## DISCUSSION

Mr. Jeff Over called the meeting to order and thanked those that had been able to attend the January 12th open house. The open house had been well attended.

Mr. Don Campbell felt that some of the comments from realtors, developers and business owners seemed to promote their own interests. As a result, he suggested that committee members realize that some of their testimony may be skewed. Dr. Paul Dibble felt that because there were quite a few developers and owners with a vested interest in the outcome of the committee's proceedings, their input and opinions should be filtered as well.

Mr. Jeff Over felt that during this meeting or possibly the next, the committee should have some recommendations ready for City Council. He read into the record an e-mail he'd received from committee member Greg Schaefer, who was presently out of town. Mr. Schaefer expressed opposition to the 20% residential requirement. While high-density residential uses should be allowed, they should not be required in the Mixed Use zone. He felt that residential development would occur naturally in the area between 23 1/2 and 24 1/2 Roads. To satisfy the City's need for areas of higher density residential development, he could support residential densities in the area of 8-24 du/acre. That would encourage duplex, townhouse, or condo-type projects. Mr. Greg Schaefer expressed opposition to the 30,000 square-foot maximum for retail structures. He felt that Big Box standards combined with the 24 Road Corridor Design Standards and Guidelines (Standards) provided sufficient controls to ensure architecturally pleasing projects without imposing arbitrary site restrictions. Mr. Schaefer stated in his letter that, should issues come to a vote prior to his return, he authorized Mr. Over to act as his proxy to vote according to his position as previously stated.

Mr. Paul Peterson also expressed opposition to the 30,000 square-foot retail restriction. He concurred with Mr. Schaefer's thoughts on the 20% residential requirement as well. He agreed that current building standards were strong enough to ensure a good quality end product and provide for visual aesthetics.

Mr. Don Campbell was unconvinced that the three primary discussion items should be changed. While the percentage of required residential should be reduced, he didn't feel that it should be eliminated altogether. With regard to the density component, he felt that the upper limit should be retained, but reducing the lower limit would be acceptable. Minor tweaking would be acceptable; however, if major changes were proposed, he felt it should be in conjunction with a complete re-review of the 24 Road Corridor Plan (Plan).

Ms. Binder concurred with Mr. Schaefer's density suggestion of 8-24 du/acre. She noted that a lot of thought and discussion had gone into development of the original Plan, so she was very hesitant to radically change it. In thinking more about the 20% residential component, she expressed support for the transference of development rights (TDRs). She didn't agree with changing the 30,000 square-foot maximum for retail structures since Grand Junction had a history of large retailers moving into the area only to later vacate their buildings, leaving them to decay.

Mr. Tom Lowrey expressed a willingness to be flexible on the 30,000 square-foot retail requirement. And while he felt he could be flexible on the 20% residential density component, he didn't want to see residential development eliminated altogether; otherwise, the entire area would become commercial. That would hurt downtown and the North Avenue businesses and create many more traffic problems in that area. It was better for the City to diversify and spread out its commercial development. If the 24

Road Corridor were developed exclusively with commercial uses, it could set the area up for future decay since commercial "booms" were cyclical. He felt that the committee's original Vision for a Mixed-Use zone in the area was a good one, one that should be preserved.

Dr. Dibble approached the issues from three differing perspectives: 1) assumptions and suppositions that the committee could make; 2) things the committee could do or might do; and 3) how he felt personally. Under the first category, he felt it correct to state that Mixed-Use (MU) zone districts did not work in Grand Junction at the present time. That was evidenced by the lack of development activity and the lack of support by the owners of property within the MU zone district. Another assumption was that the 24 Road Subarea had logical lines of demarcation in intensity of uses. There was a general acceptance that the parcels closest to arterial streets were generally better suited to commercial versus residential uses. Also, certain parcels had a greater propensity for density depending on use and location. And the last assumption was that the Standards currently in place offered sufficient controls to ensure development according to the overall Vision.

Under the second category, Dr. Dibble said that the open house comments should be taken into account. The overwhelming majority of comments supported Big Box development within the 24 Road Corridor. Open house attendees also supported the elimination of the 20% residential component and reducing the overall residential density requirement.

Under the third category, he felt that the committee could 1) recommend that the Standards remain as-is, with no changes offered; 2) modify the MU zone to accommodate the interests of the City at large by eliminating some of the requirements entirely; or 3) redesign the model to allow variations in use, density, and intensity and still fulfill the original Vision for that corridor, that of being an aesthetic gateway into the City.

Dr. Dibble felt that there were varying levels of properties that were better suited for one type of development over another. For example, properties abutting 24 Road within the area bounded by Patterson Road and I-70 would be better suited to commercial/retail development. For those properties and others situated within 1/4 mile of the arterial frontage, the residential component could be removed. The five-laned street section proposed for that corridor would, to a great extent, dictate the view site aesthetics. The next level would be those properties located beyond the 1/4-mile demarcation point, and those could be reserved for more mixed uses. This would require a tweaking of the term "mixed use," with residential densities ranging from 8-24 du/acre and subject to the existing Standards. That development area would allow commercial/retail structures up to 50,000 square feet, the maximum square footage permitted before crossing the "Big Box" criteria threshold.

Ms. Marion Jacobson referenced Dr. Dibble's second tiered property scenario and asked if, in theory, those properties would be permitted to have side-by-side commercial structures of 50,000 square feet each. Dr. Dibble said that they could; although, with parking, setback, and other design standards, such developments would still maintain a clear sense of separation and provide for aesthetic architectural design. Ms. Jacobson asked if this scenario would facilitate outlet-type stores with a pedestrian mall feel, to which Dr. Dibble responded affirmatively.

Mr. Scott Sullivan agreed that properties directly abutting 24 Road lent themselves well to commercial development, and retaining the residential component for those properties didn't make much sense. He was inclined to support the suggestions made by Dr. Dibble.

Mr. Motz said that it was important that growth continue to occur in the area but maintained that quality development must be ensured. He was a strong supporter of personal property rights and felt that the market, not the committee, should dictate what use went where. He liked the MU concept but felt that the residential component should be reduced from 20% to 10%. He supported Ms. Binder's suggestion that TDRs be utilized where possible, including extending the use of TDRs outside of the 24 Road Corridor. The 30,000 square-foot retail limitation, he felt, was too restrictive. The proper use of design standards could result in an aesthetically pleasing 150,000 square-foot Big Box development. As such, he expressed support for commercial/retail structures of up to 150,000 square feet and corresponding design standards. He did not feel that the scenario of vacated buildings left to decay would occur given current and future design standards. As an original committee member, he also did not recall the original committee setting limits on the size of commercial development within the Corridor; that had been something effected by either staff or City Council. With regard to the residential density requirement, he supported an 8-24 du/acre range.

Mr. Terry Fleming said that as an original committee member, he did not recall the committee proposing the 20% residential component either. He did not agree with current arguments to let the market dictate some facets of the MU Standards but not the residential component. He noted how erroneous the market study conducted five years prior had turned out to be. Given that and the actual absorption rate of available commercial properties, he felt that a re-review of the 30,000 square-foot limitation was warranted; however, some limitation on retail square footage remained a good idea.

Mr. Dick Scariano felt that the most important accomplishment of the original committee had been development of the 24 Road Corridor Design Standards, and he felt that the Standards should be upheld. He agreed that commercial development in designated core areas within the MU zone should be permitted without requiring the residential component. The peripheral areas within that zone should retain the residential component. The current density range should be maintained and not reduced, to avoid small residential tract developments locating next to larger scale shopping centers. Also, if Big Box developments were permitted, he felt strongly that they should be developed so as to promote pedestrian and vehicular interconnectivity with adjacent uses. He cited the Grand Mesa Center as an example of good interconnectivity.

Mr. Over liked the 24 Road Corridor Plan and Standards as proposed by the original committee. What he objected to were the elements that had been added afterwards. He wanted to see something 20-30 years hence in that gateway area that the community could be proud of. He was inclined to support the suggestions brought forth by Dr. Dibble. He agreed that the residential component should not be required for any properties directly abutting 24 Road within the designated Corridor area. He felt that the market should dictate the residential percentage at which those properties located further away developed. A density range of 8-24 du/acre would be fine.

Dr. Dibble suggested getting a consensus on the three main issues. He felt that both the majority and minority points of view should be presented to City Council so that the thoughts of all committee members would be represented. He acknowledged that City Council always had the last word on what was or wasn't adopted. Mr. Fleming pointed out that City Council's direction included consideration of just those three major issues. The committee had been expressly told not to pursue changing the land use designation along 24 Road. Dr. Dibble felt that the suggestions thusfar made and discussed by committee members were in keeping with City Council's direction. Mr. Lowrey concurred.

Ms. Binder maintained that it had not been the committee's charge to designate "what uses were most appropriate where." Mr. Fleming understood the committee's task to be rendering a decision on just the three major issues as they related to the MU zone as a whole, not as they pertained to specific properties within the zone district.

A brief discussion ensued over this point. While City Council may have tasked the committee with rendering decisions on the three major issues as they related to the MU zone as a whole, there was a general consensus among committee members that sticking strictly to that agenda would not satisfactorily address the specific needs and limitations inherent to the zone. For example, a Big Box development may make perfect sense for a property directly abutting 24 Road; however, it made little sense for a property located 1/4 mile away with no arterial frontage.

Mr. Bob Blanchard suggested committee members go back to the original 24 Road Corridor Vision, which was as an employment corridor. The limitation in size of retail structures was in keeping with that overall Vision. Retail was foreseen to be a secondary use. So the current committee should decide whether the original Vision was still accurate. If so, and retail were to be considered secondary, then some limitation on retail size would be appropriate. If instead the committee saw the Corridor developing as a retail corridor, that represented a fundamental change to the Vision. In that case, it would be appropriate to consider whether any limitation should be imposed on retail structures.

Mr. Fleming pointed out that the Vision of the Corridor as one of employment had been based on the market study conducted during initial committee discussions. Clearly, the scenarios envisioned by that study had not come to pass.

Mr. Campbell felt the overall Vision to be valid, and digressing from the committee's original intent would require a re-review of the entire Plan. He felt that the committee should focus on just the three key points but include other comments as "trailers" to official recommendations. Mr. Over concurred.

Mr. Scariano asked that a vote be called on the suggestions brought forth on the three major issues.

Mr. Lowrey didn't feel it prudent for the committee to make "all or nothing" recommendations, nor did he feel that doing so was in keeping with City Council's direction. Eliminating the 30,000 square-foot retail restriction might make sense in some areas but not in others. He felt that whatever recommendations were made should be qualified.

Dr. Dibble didn't think City Council would want the committee to bring forth recommendations that couldn't stand the test of time. He supported Mr. Scariano's recommendations for a straw poll on the three major issues.

**QUESTION #1 - Should the 30,000 square-foot maximum limit on retail structures be eliminated?**

The straw vote yielded 9 in favor (including one proxy vote) and 2 against. The following comments from individual committee members were offered.

- Don Campbell: The restriction should not be eliminated but the opportunity existed for modification. Any modifications considered should be based on a new and more accurate market study.



- Dr. Paul Dibble: Voted to eliminate but that would be for properties directly abutting 24 Road, considered the first level; modify the restriction to allow 50,000 square-foot retail structures for second level properties.
- Lynn Sorlye: Voted to eliminate. Felt the limitation too restrictive; however, she would be open to considering modifications to the limitation.
- Paul Peterson: Voted to eliminate the 30,000 square-foot maximum. Felt the limitation was too restrictive; let the market dictate the size of the building; the building criteria is strong enough to ensure a high quality development.
- Tom Lowrey: Eliminate the restriction for those properties fronting 24 Road and up to 1/4 mile away from 24 Road within the area bounded by Patterson Road and I-70. He could not support eliminating the restriction for the entire MU zone. This was not a simple "all or nothing" issue and should not be treated as one.
- Terri Binder: Voted No. Felt that City Council was looking for a simple yes or no answer to the questions posed. Based on the Vision of retail being considered secondary, she voted not to eliminate the restriction. If any modification were made, she agreed that additional market studies were warranted.
- Terry Fleming: Voted to eliminate the restriction and allow the market to dictate building sizes.
- Jeff Over: Voted to eliminate the restriction and allow the market to dictate building sizes. He felt that larger anchor tenants were necessary to bring the entire area together as a destination area.
- Dick Scariano: Voted to eliminate the restriction; felt that the market should dictate building sizes. Hoped that the committee would be permitted to pursue criteria to ensure interconnectivity between Big Box developments.
- Greg Motz: In favor of eliminating the restriction for properties directly abutting 24 Road. Unsure whether that should extend a full 1/4-mile from the arterial.

Mr. Lowrey read into the record the charge given the committee by City Council. He interpreted the verbiage to mean that City Council did not require a simple yes or no on the issues before the committee; conditions, if warranted, would be considered appropriate. Dr. Dibble felt that the preceding vote and commentary reflected the committee's adherence to City Council's direction.

Mr. Lowrey said that City Council's motion had been expressly to, 1) address the reduction of the minimum density requirement; 2) consider the requirement for residential development; and 3) decide whether or not to allow large-scale redevelopment in the context of the impact on the Vision. Thus, increasing the 30,000 square-foot standard to 80,000 square feet, or eliminating the requirement entirely from one area and modifying it in another still addressed the concern while staying within the guidelines set forth by City Council.

**QUESTION #2 - Should we allow a reduction in the 12-24 du/acre density requirement?**

The straw vote initially yielded 10 in favor and 1 against (including 1 proxy vote). Mr. Scariano later opted to change his vote from opposing to supporting. The final straw vote yielded 11 in favor and 0 against (including 1 proxy vote). The following comments from individual committee members were offered.

- Don Campbell: Felt some reduction would be appropriate. While 8 du/acre seemed to be the consensus on the lower end, it still seemed that the committee was making some arbitrary decisions on this matter.
- Dr. Paul Dibble: Could support a density range of 8-24 du/acre for those properties situated 1/4 mile away from 24 Road and beyond. Suggested eliminating the requirement altogether for properties directly abutting 24 Road and up to 1/4 mile away between Patterson Road and I-70.
- Lynn Sorlye: Supported a reduction in the lower end density to offer greater development flexibility.
- Paul Peterson: Supported a reduction in density and concurred with comments made by Dr. Dibble.
- Tom Lowrey: Supported a density range of 4-24 du/acre for an area up to 1/4 mile away from both 24 Road and I-70. This would facilitate greater residential design flexibility.
- Terri Binder: Supported reducing the density to 8-24 du/acre. Can't support single-family development or 1/4-acre lots.
- Terry Fleming: Supported a density range of 6 or 8-24 du/acre. Agreed with Ms. Binder that this area should not be developed as single-family housing on larger lots.
- Mr. Over: Also supported a density range of 6 or 8-24 du/acre.
- Dick Scariano: Opted to change his vote against to a vote in favor. He felt that he could support a density range of 8-24 du/acre, but he could not support any density below 8 du/acre. He was also opposed to tract housing in the area.
- Greg Motz: Supported a density range of 8-24 du/acre. Can't envision detached single-family homes. While in agreement that residential development should not be required along 24 Road, he didn't feel it should be summarily excluded either. He could envision the potential of having some form of residential uses located along the corridor. Mr. Blanchard said that practically speaking a residential use could be located above a retail or office space.

**QUESTION #3 - Should the 20% requirement for residential development be eliminated?**

A straw vote yielded 6 in favor and 5 against (including 1 proxy vote). The following comments from individual committee members were offered.

- Don Campbell: Did not want to eliminate it altogether but felt that a reduction in the requirement was warranted. He thought that the original committee had discussed the 20% as a preference but not a requirement, and that it had become a requirement later on.
- Dr. Paul Dibble: Voted to remove the requirement.
- Lynn Sorlye: Felt that less than 20% defeated the intent of having a Mixed-Use zone and that 20% would keep a good balance between residential and commercial.
- Paul Peterson: Voted to eliminate it. While it was likely that some developers would want to come in and put a residential development in the area, he did not feel that it should be made a requirement.
- Tom Lowrey: Not in favor of eliminating it for the entire MU zone; he could support eliminating it for the 1/4 mile strip along 24 Road and I-70. While it would still be permitted within those strips, it would not be required. There should, however, be a residential component for properties outside the 1/4-mile strip, although it didn't necessarily have to be 20%.
- Terri Binder: Felt that there would be a problem in requiring 20% residential from each property, especially the smaller parcels but combining the 20% residential in common neighborhoods made sense. Suggested that the use of TDRs would better achieve the desired end result without penalizing the owners of smaller properties. She agreed that the component shouldn't be made a requirement for properties abutting 24 Road but agreed with staff that it shouldn't necessarily be excluded as a development option.
- Terry Fleming: Favored eliminating the requirement but allowing residential development where it was wanted.
- Jeff Over: Agreed that since the 20% requirement hadn't been put forth by the original committee, it should be eliminated. However, it should be allowed all the way up to 24 Road if developers wanted to include that component in their design plans.
- Dick Scariano: Voted to eliminate it. He felt that in requiring it along the 24 Road Corridor, the City could end up with a situation where a developer put all of his design focus into the retail/commercial aspect of the project and put forth a mediocre effort in designing the residential component. That would not be representative of a quality development or of quality living. He added that higher residential densities on the peripheral properties [those located further away from the 24 Road arterial] should be encouraged. Residential development anywhere in the MU zone should be allowed.
- Greg Motz: Felt that residential uses should be allowed anywhere in the MU zone district but not necessarily required as a component of commercial/retail development. Certainly, it should be eliminated as a requirement for properties directly abutting 24 Road, and for other areas where it was mandated, the percentage should be reduced from 20% to 10%. He supported the use of TDRs to maximize the benefits of both residential and commercial developments.

A brief discussion ensued over the specifics and practicality of TDRs. Ms. Portner cited interest expressed by some developers in submitting 100% residential development proposals. For those properties, TDRs would allow those developers to transfer residential percentages above 20% to developers interested in constructing 100% commercial projects. Both Mr. Lowrey and Ms. Binder expressed support for the use of TDRs inside the MU zoned area but neither could support the use of TDRs to transfer rights outside of the zone district. Mr. Motz asked staff to give a brief presentation on TDR's during the next committee meeting, including providing some feedback on whether and how this had been a viable option for other communities.

### **CONCLUSION**

The decision was made to have another meeting, although it appeared that some consensus had been reached on the major issues.

Dr. Dibble felt that the committee should reconsider the Vision statement to determine whether the Corridor had changed from employment to retail. If the Vision statement were no longer accurate, changing it would be prudent.

Mr. Campbell felt that the committee's initial focus should remain fixed on addressing the three major issues at hand. Revisions to land uses, zoning, and the Vision statement were elements better addressed as part of a larger Growth Plan Amendment (GPA).

Dr. Dibble said that he was trying to take a proactive stance, that the changes discussed thusfar would require a GPA, zoning changes, and other plan amendments anyway. He felt that the City and its citizens would be better served by the committee's thinking outside of the box.

Ms. Jacobson remarked that the element of time was also an important consideration.

Mr. Scariano felt that recommendations should be limited to the three major issues, although City Council would have the committee's comments on other discussion items.

A brief discussion ensued over whether to allow proxy voting. All but Mr. Lowrey were in favor of allowing proxy voting.

The next meeting was scheduled for January 25, 2006 at Two Rivers Convention Center beginning at 7:30 a.m. With no further business, the meeting was adjourned at 9:30 a.m.

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

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

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

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

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

**City staff in attendance included:**

Lori Bowers (Senior Planner, Community Development Department)  
Dave Thornton (Principle Planner, Community Development Department)

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

**Guests Present:**

Mac Cunningham

**CONSIDERATION OF MINUTES**

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

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

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

**Against: None**

**DISCUSSION REGARDING TRANSFER OF DEVELOPMENT RIGHTS (TDRs)**

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

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

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

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

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

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

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

#### **LETTERS FROM COMMITTEE MEMBERS**

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

#### **DISCUSSION REGARDING RESIDENTIAL DENSITY**

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

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

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

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

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

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

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

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

**Against: None**

### **DISCUSSION REGARDING RESIDENTIAL REQUIREMENT IN MIXED USE ZONE**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Mr. Dibble seconded the motion.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Against: Don Campbell, Tom Lowrey and Lynn Sorlye**

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

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

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

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

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

**Against: None**

#### **DISCUSSION REGARDING THE RETAIL COMPONENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Against: Don Campbell and Lynn Sorlye**

#### **MISCELLANEOUS DISCUSSION**

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

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

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

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

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

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

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

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

**Those City staff in attendance included:**

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

**Guest present:**

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

**DISCUSSION**

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

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

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

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

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

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

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

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

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

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

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

Dr. Dibble referenced a traffic projection spreadsheet handout and asked what the 20.2%, 37.6%, and 34.1% increases really meant to I-70B east of F 1/2 Road, I-70B west of 24 1/2 Road, and I-70B east of 24 1/2 Road, respectively. Ms. Kliska provided a brief explanation. Dr. Dibble asked why those increases seemed so dramatic. Mr. Simms said that in conjunction with increased levels of traffic in the area, the model also looked at congestion levels. As traffic increased, movement of that traffic slowed.



As traffic speeds slowed down on one corridor, the model assigned traffic to faster moving corridors. The model may go through 20 iterations before it attained "equilibrium," where no additional time could be saved by vehicles switching to another corridor. Mr. Simms noted that traffic volumes would change as new roads in the area were constructed. When those new street connections were added to the model, it would result in a shifting of traffic volumes. The more critical numbers, he said, were those found on the second page of the spreadsheet, which showed increases in the number of vehicle miles traveled, an increase in the amount of time people spent in their vehicles as a result of traffic impacts and an increase in the number of trips generated.

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

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

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

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

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

corridor were allowed to develop with primarily retail uses, the land would sell at a premium and develop as retail/commercial because of high land costs.

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

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

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

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

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

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

Mr. Campbell agreed that the committee's recommendations should move forward. He felt that presenting the current and worst-case traffic projections along with those recommendations would be

appropriate. Since there was no real way of projecting accurately an "in-between" figure, he suggested that a model be generated based on a halfway point between the two existing scenarios.

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

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

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

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

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

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

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

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

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

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

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

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

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

Terri Troutner was present to record the minutes.

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

#### I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

#### II. APPROVAL OF MINUTES

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

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

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

#### III. CONSENT AGENDA

Available for consideration were items:

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

Vice-Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At staff's request, item CUP-2006-007 was pulled and placed on the Full Hearing

Agenda. Lisa Cox came forward and referenced a revised staff report for item FPA-2005-288 that had been distributed to planning commissioners prior to the meeting. The report's suggested motion had been revised to indicate that Planning Commission would be recommending approval to City Council. The motion from the original report had the Planning Commission rendering the final decision. She recommended the item stay on the Consent Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining items.

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

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

#### **IV. FULL HEARING**

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

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

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

**Location: 2938 North Avenue, Unit D**

##### **STAFF'S PRESENTATION**

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) condominium maps of Palace Pointe Marketplace; 6) proposed floorplan from the south entrance; and 7) findings of fact and conclusions. A brief overview of the request was given. Two letters of opposition had been received and were entered into the record. Finding that the request satisfied Code requirements and was consistent with Growth Plan recommendations, staff recommended approval.

##### **PETITIONER'S PRESENTATION**

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

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

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

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

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

### **PETITIONER'S REBUTTAL**

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

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

### **QUESTIONS**

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

### **DISCUSSION**

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

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

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

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

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

**MOTION: (Commissioner Lowrey) "I would recommend that we remand CUP-2006-007 back to staff, to work with the applicant to see if they can mitigate sound issues, particularly going out the back of the establishment, and that we come back for a rehearing later."**

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

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

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

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

**Location: 24 Road Corridor**

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

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

### **STAFF'S PRESENTATION**

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

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

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



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

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

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

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

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

## **QUESTIONS**

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

## **PUBLIC COMMENTS**

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

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

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

William Merkel (2136 Baniff Court, Grand Junction) expressed support for the committee's recommendations. As an owner of property located within the 24 Road Corridor, he'd been approached by several people interested in developing his land. However, because of the City's current requirements, they'd changed their minds. One developer had been interested in developing the entire intersection at 24 and G Roads. After "being pushed out" as a result of the 24 Road Corridor development criteria, that developer had tried developing property on the north side of I-70. His project had been subsequently turned down twice by both the Planning Commission and City Council. Mr. Merkel recalled comments made by former City planner, Michael Drollinger, who'd described beautifully how the 24 Road Corridor should be envisioned. That vision had set the tone for development in the area. However, the added restrictions adopted afterwards "basically killed the idea of the second entrance into Grand Junction." He felt that there was still an opportunity to develop the corridor in accordance with the original vision. As an aside, he noted that there was only one lane going north across the interstate and two lanes going south. There were no frontage roads to connect 24 Road with either 24 1/2 or 23 1/2 Roads. That didn't make sense to him since most municipalities constructed frontage roads in conjunction with major interchanges. Given the expected traffic increases in the area, it seemed that there should be better traffic circulation.

Marion Jacobson (no address given), owner of property within the 24 Road Corridor, said that she'd just returned from a trip to San Bernadino, California. While there, she'd visited a 320,000 square foot Costco store that she said had been beautifully laid out and expertly landscaped. A similar development in the Grand Junction area would definitely be an asset. She felt that Grand

Junction had been a regional center for a number of years, and it was important that Grand Junction remain competitive with other communities. If businesses were prevented from locating in the Grand Junction area, they would go to Glenwood Springs, Moab, or some other outlying community. The amount of regulation, she said, should depend on the retailer. All of those out-of-town developers represented lost sales tax revenues. She did not believe that people wanted to live so close to commercial development and busy streets. They preferred living in quiet cul-de-sacs, so requiring the construction of residential uses directly adjacent to commercial uses didn't make much sense. She also felt that the market should determine building sizes.

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

### **DISCUSSION**

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

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

Commissioner Putnam observed that this was the first long-range planning item he'd seen in quite some time. The Planning Commission was charged with trying to ensure the greatest long-

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

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

Vice-Chairman Cole reflected that the Planning Commission had three options available: 1) affirm the current 24 Road Corridor Plan with no changes; 2) recommend adopting the changes requested by the applicants; or 3) recommend adopting the changes proposed by the steering committee. Ms. Kreiling said that the process was actually more complicated. Before the Zoning & Development Code could be changed, changes would first have to occur to both the 24 Road Subarea Plan and the Growth Plan. The current request did not offer the actual text needed to affect those changes. City Council was looking for direction rather than specific language to amend the Growth Plan. She suggested that the Planning Commission provide City Council with more generalized direction, to either follow the same direction or provide direction that the recommendations go back to staff to ascertain the changes needed and draft the verbiage required for changing the 24 Road Subarea Plan. Following review and approval of those changes by the Planning Commission, a recommendation for adoption of those changes would then be forwarded to City Council.

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

the applicants or those made by the steering committee. However, alternate recommendations could also be made.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Pavelka-Zarkesh seconded the motion.

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

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

Commissioner Pavelka-Zarkesh seconded the motion.

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

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

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

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

outside the strip because it would create the potential for more intense development and more traffic impacts.

Commissioner Lowrey referenced a recent article from the Daily Sentinel regarding sales tax receipts (overhead presented). The article pointed out that the majority (approximately 50%) of sales tax revenues currently originated from the northwest and mall areas. If the 24 Road Corridor were opened up to retail/commercial development, likely there would be an influx of Big Box retailers. If that occurred, in the next 10-20 years, he predicted that anywhere between 65-80% of sales tax revenues would originate from the northwest and mall areas. The historical trend between 1995 and 2005 for the northwest and mall areas was that sales tax revenues had been steadily increasing at a rate of 1% per year. If Big Box and other retail/commercial uses were allowed to proliferate along the 24 Road Corridor, that rate of increase would be accelerated, resulting in tremendous traffic problems. The F 1/2 Road bypass was intended to alleviate some of the traffic pressures from retail/commercial development already out in the area. An influx of new business uses would only exacerbate the problem. And the costs associated with building more traffic infrastructure were significant. He referenced another article from the Daily Sentinel stating that the City was wondering where it would receive the money for parks development on land it already owned. If more and more dollars were siphoned off for construction of road infrastructure, the City would not be left with enough funds for parks development. He surmised that without any requirement for residential, parcels in the Mixed Use zone were likely to develop with primarily commercial uses because landowners would be able to get more money for their properties. Landowners would all hold out and wait for commercial developers; they had, in fact, done so for the last six years. But he didn't think it a sign of a healthy community to have such a lopsided balance of retail development in the northwest area with nothing much located elsewhere in the community. It created huge traffic imbalances that were expensive to deal with. A scenario was being created where people lived in one part of town (east) and drove huge distances to do their shopping in another part of town (west/northwest). Commissioner Lowrey continued by saying that he hoped City Council would seek a more even dispersal of retail throughout the City. At a minimum, the City should not delete the residential requirement for those properties lying outside of the 1/4-mile strip along 24 Road and south of I-70.

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

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

it and had voted to eliminate it. He felt he could support the committee's recommendation as proposed.

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

Commissioner Putnam concurred with Commissioners Lowrey and Pitts.

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

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

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

Mr. Blanchard said that the Planning Commission should not focus on the specifics of implementing the proposed recommendations. There were a number of ways to implement the recommendations, e.g., the transfer of development rights (TDRs). Commissioner Lowrey



remarked that the concept of TDRs had been discussed and was supported by steering committee members.

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

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

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

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

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

Commissioner Wall seconded the motion.

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

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

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

**MOTION: (Commissioner Lowrey) "Mr. Chairman, I'd like to make a motion that the requirement for a mandatory 20% residential component to any development be deleted in**

**an area 1/4-mile from 24 Road to the west and east and 1/4-mile south of the interstate, but residential development would be allowed in that 1/4-mile strip but it would be optional, [and that the Growth Plan be amended to comply with that recommendation]."**

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

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

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

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

A revised motion is as follows:

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

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

Recommendation #3: The requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development).

Commissioner Lowrey expressed support for the committee's recommendation as proposed because it provided for added flexibility. The Corridor's design standards would ensure desirable development even for buildings larger than 30,000 square feet.

**MOTION: (Commissioner Lowrey) "[I make a motion that] the requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as**

**stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development), and that the Growth Plan be amended to comply with that recommendation."**

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

## **V. GENERAL DISCUSSION**

Vice-Chairman Cole referenced a letter received from Loren Ennis representing the Ridgewood Heights Development, LLC. Mr. Ennis requested that the item be moved up from its originally scheduled hearing date of March 28 to March 14.

Ms. Kreiling advised against moving up the date of the scheduled hearing because there would be insufficient time available for public notification. Given that there had been a number of neighbors who had expressed concerns about the request when it was first heard, she felt that advancing the hearing date would do a disservice to those neighbors and other interested persons.

No action was taken by planning commissioners, which resulted in leaving its original March 28 hearing date intact.

Sheryl Trent from the City Manager's office came forward to remind planning commissioners of Mr. Blanchard's pending departure. She thanked Mr. Blanchard for his years of service to the City and said that an "open house" would be held in the Community Development Department from 9:30 a.m. to 11:00 a.m. on Friday, March 3. Refreshments would be served.

With no further business to discuss, the public hearing was adjourned at 9:25 p.m.

## MEMORANDUM

To: Grand Junction City Council

From: Jeff Over – Chairman  
24 Road Citizens Review Committee

Date: February 8, 2006

RE: 24 Road Sub-area Plan

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### Council Members:

As Chairman of the 24 road Review Committee, I would like to thank you for the opportunity to address the Mixed Use zone designation within the 24 Road Corridor Sub-area Plan. More specifically, the three areas of contention were to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Maintaining focus on the three issues at hand was a tough task; however as a committee I believe we were able to keep that focus a majority of the time. Over the course of six committee meetings, and one public open house, everyone was able to give ample input, all in a constructive manner. Staff was also very helpful in getting us the information we requested and required.

In the end we came up with the following recommendations:

- Reduce the minimum density requirement from 12 units per acre to 8 units per acre (not to 4 units per acre). Maintain the maximum density requirement of 24 units per acre.
- Remove the 20% requirement for residential development.

- Remove the restriction of 30,000sf for retail development for ¼ mile east and west of 24 Road, as well as ¼ mile south of I-70. Raise the restriction from 30,000sf to 50,000sf in the remainder of the Mixed Use zone.

The committee also passed a motion to give the City Council encouragement to investigate and develop certain procedures and incentives that would encourage mixed use development in this area.

We all know that City Council has the ultimate authority on these matters. Since this the second time that a committee has looked at this area in the past six years, it is our hope that you not take our recommendations lightly, and that you revise the 24 Road Corridor Sub-area Plan accordingly.

Jeff Over

**CITY OF GRAND JUNCTION**

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

**A RESOLUTION AMENDING THE 24 ROAD CORRIDOR SUBAREA PLAN AND THE GROWTH PLAN SPECIFIC TO THE MIXED USE LAND USE DESIGNATION**

Recitals:

The 24 Road Corridor Subarea Plan was adopted in 2000 (Resolution No. 109-00), with specific element incorporated into the Growth Plan with the update in 2003. The 24 Road Plan designated an area generally bounded by F ½ Road, I-70, 24 ¼ Road and 23 ½ Road as “Mixed-Use”. A new zoning designation of “Mixed Use” was also adopted to implement the Plan.

In February, 2005, the City received a request from a group of property owners to amend the text of the Mixed use zone district, specifically: 1) reduce the minimum required residential density from 12 units per acre to 4 units per acre; 2) delete the requirement that residential development is required as 20% of the overall commercial project; and 3) remove the maximum size of 30,000 square feet for retail buildings. It was determined that to proceed with the requested zoning amendments, that Growth Plan amendments would also be required.

A Citizen’s Review Committee was formed to consider the property owner request and make a recommendation to the Planning Commission and City Council. The Planning Commission considered the Steering Committee recommendation and is proposing a revised recommendation.

City Council finds that to make the changes as recommended by the Planning Commission, the following amendments to the 24 Road Corridor Subarea Plan and Growth Plan are necessary.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE 24 ROAD CORRIDOR SUBAREA PLAN AND GROWTH PLAN BE AMENDED AS FOLLOWS:

Growth Plan

Chapter 5, D: 15 is hereby amended to read:

Mixed Use (employment, residential, open space and ~~limited~~ retail)

Chapter 5, D, page V.10 is hereby amended to read:

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

Exhibit V.2: Future Land Use Categories Table is hereby amended to read:

Land use: Mixed Use. Intensity: Urban—~~12~~ 8 to 24 DU/A, non-residential intensity based on location/services. Typical Uses: Employment, residential, retail and open space, ~~with limited retail.~~

24 Road Corridor Subarea Plan

Section 6, Land Use is hereby amended to read:

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

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

ATTEST:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE AMENDING SECTION 3.4.J OF THE ZONING AND DEVELOPMENT CODE, MIXED USE**

Recitals:

Section 3.4.J, Mixed Use (MU), of the Zoning and Development Code was adopted in 2000 to implement the recommendations of the 24 Road Corridor Subarea Plan for an area of "Mixed Use". In February, 2005, the City received a request from a group of property owners to amend the text of the Mixed use zone district, specifically: 1) reduce the minimum required residential density from 12 units per acre to 4 units per acre; 2) delete the requirement that residential development is required as 20% of the overall commercial project; and 3) remove the maximum size of 30,000 square feet for retail buildings.

A Citizen's Review Committee was formed to consider the property owner request and make a recommendation to the Planning Commission and City Council. The Planning Commission considered the Steering Committee recommendation and is proposing a revised recommendation. The City Council finds that the amendments are consistent with the 24 Road Corridor Subarea Plan and Growth Plan, as amended, and are necessary or required by law and are in accordance with the law.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT SECTION 3.4.J OF THE ZONING AND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:**

1. Subsection **1. Purpose**. is hereby amended to read:  
To provide for a mix of light manufacturing and office park employment centers, ~~limited~~ retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other



amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

2. Under Subsection 3., paragraph c is amended to read as follows:
  - c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for retail shall be 30,000 square feet; Maximum building size for retail use in that area of the Mixed Use in the 24 Road Corridor, other than ¼ mile on the east and west side of 24 Road and ¼ mile south of I-70, shall be 50,000 square feet.
3. Under Subsection 3., paragraph e is amended to read as follows:

Minimum net residential density shall be ~~42~~ 8 units per acre.
4. Under Subsection 3, paragraph f is deleted.

~~Development parcels and/or projects containing greater than 5 acres shall have a minimum of 20% of the gross land area in residential development. The required 20% may be transferred between parcels in the Mixed Use Zone District that are being planned at the same time.~~
5. Subsection 5 is hereby deleted.
5. a. ~~The following standards shall apply to the required residential component.~~
  - ~~(1) Final plans for the required residential component must be submitted and approved with the overall project.~~
  - ~~(2) The required residential component must be built with the overall project, in accordance with the approved development schedule.~~
  - ~~(3) Residential units may be built as part of any retail/commercial structure.~~
  - ~~(4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each non-residential component be built within the approved development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.~~

**INTRODUCED AND PASSED ON FIRST READING AND ORDERED PUBLISHED ON 5<sup>th</sup> DAY OF APRIL, 2006.**

**PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**ATTEST:**

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**President of Council**

**City Clerk**

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**RESIDENTIAL DENSITY FOR THE 24 ROAD MIXED USE AREA:**

Under the original Growth Plan, 160 acres of the 440 was designated as Residential, 8 to 12 units per acre, for a rang of 1,280 to 1,920 residential units.

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Under the current ordinance.....requiring 20 % land dedication for residential uses, the following are the build-outs for the MU area. (513 acres)

Residential density at 12 units per acre = 1,224  
Residential density at 18 units per acre = 1,840  
Residential density at 24 units per acre = 2,457

If the proposed Ordinance is passed and allows for lowering residential density to 8 units per acre, build-out would be = 814

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Density outside ¼ mile = 252.65 acres (at 20 % required)  
Residential density at 12 units per acre = 602  
Residential density at 18 units per acre = 1,529  
Residential density at 24 units per acre = 2,457

(Residential density at 8 units per acres = 401)

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Residential percentage options for area outside of the ¼ mile (252.65 acres)

	20%	30%	40%	50%
8 du/ac	404	606	808	1,010
12 du/ac	606	909	1,212	1,515
18 du/ac	909	1,364	1,818	2,273
24 du/ac	1,212	1,818	2,424	3,031

Attachment 29

Comments from Gregg Palmer Regarding the 24 Road Discussion  
June 5, 2006

I truly am sorry to be missing the discussion on 24 road, as I have voiced some thoughts on this subject previously. Recognizing the old adage of "you must be present to win" I would like to comment anyway, recognizing I will not have the advantage of being there, and reacting to the presentation. I would have liked to thank the members of the committee for their many hours of service. Having said that, my thoughts are included below.

While I supported the original idea of re-looking at the 24 road mixed use plan, I had some private reservations about using the members of the original group. To expect a group to review itself, and deliver a different conclusion was going to be unlikely. Further, to populate that group with property owners who understand they will generate far greater revenue from commercial land than they will from residential land seems to steer a particular outcome. Never the less I appreciate their many hours of discussion and hard work, and recognize their institutional understanding and self concern for the area.

I have long believed, and expressed a view that our community is out of balance. We have a heavy concentration of commercial/retail activity in the 24 road and I-70 B location, and a growing population density in the 29-30 and D road area. Rather than promote and encourage more housing around 24 road, and more commercial development around 29 road, we are spending \$105 Million to build a major roadway between the two. As we look into the near future, we are contemplating more commercial/retail for 24 road, and more housing for 29 road. I believe we are perpetuating a problem.

Further, if we look at what this proposal could mean, is that with the designation of so much additional commercial property in one area, it is unlikely that we will see meaningful commercial development anywhere else for a number of years to come. That makes any retail development in the 29 road corridor, or Clifton/ Palisade areas unlikely. It will also hamper efforts for Fruita to enhance its retail tax base, so as to help fund its infrastructure needs.

I continue to feel that 24 road should be an attractive gateway to our community. I have driven it repeatedly, and do not deny that the closer we get to Mesa mall, the more commercial by nature it will become. I recognize land fronting along 24 road will most likely develop as commercial, but would encourage a transition from big box zoning, ( and I support larger than 30K sq.ft) close to the Mall, to smaller commercial, and or office by the time it gets near Canyon View Park. A gradual transition of size and use. Acknowledging that the study area is more than just 24 road frontage, I would like to see the "interior" develop as residential, and keep some higher density opportunities some where. We need 8-24 options in our community, and close to shopping, a major park, employment, and other amenities is a perfect location. Not knowing exactly how the proposal will be presented, I would hope that if Council is not fully comfortable that we are addressing all the needs of our entire community in this plan, we will not be shy in suggesting options, or allowing that additional input or study may be necessary to provide the balance of solution and opportunity that we all seek. For once we have the luxury of time, and with that, I thank you for yours in reading this.

Greetings,

I want to first tell each of you that your service toward our city is commendable. I know first hand how difficult public service can be from the experiences of my father and my own experiences working with the school board.

The purpose of this correspondence is to share my view on the 24 Road corridor issue, as I am unable to attend the meeting tonight. First, I live in the Spanish Trail Subdivision, my house backs up to the eastern part of Canyon View Park. This is my impetus for communicating with you.

In a nut shell, for the Council to consider changing the zoning regulations from the growth plan approved in 2000 would be contrary to what has already been established with the park and surrounding homes. Reversing this policy and allowing larger retail closer to existing park and residential will surely cause a zoning mismatch.

While I am not proficient in my understanding of all the major issues, it seems this impasse is a result of innovation vs. convenience. I believe the decision in 2000 was a unique approach to innovative planning. I have little understanding as to why land owners have been “itching for years” to sell their property. I have a guess what the motivation (\$\$) is, and it appears public policy (innovative planning) is compromising land owners ability to conveniently reach their financial goal. This is surely not in the best interest of the community as a whole.

Development of this area is inevitable. However, providing a transition between the already established mixed-use zoning to large commercial seems consistent with the innovative planning established by previous city leadership.

I agree with Mr. Palmer’s comments in the paper this morning. Concentrating commercial development in the area would have impact on traffic, parking, and the wellbeing of those of us already living among mixed-use. I urge you to uphold innovative thinking and planning as you cautiously consider your decision.

Respectfully,

Jeffrey D. Kirtland 719 ½ Willow  
Creek Rd Grand Junction, CO  
81505  
(970) 985-5901

**Attach 30**

Public Hearing Amending The Ridges Planned Development zoning & Preliminary Development Plan for Redlands Vista Located at Ridges Blvd., School Ridge Rd and Ridge Circle Dr

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>	Redlands Vista In The Ridges - Ridges Blvd, School Ridge Road & Ridge Circle Drive – Amendment to Planned Development							
<b>Meeting Date</b>	June 7, 2006							
<b>Date Prepared</b>	May 13, 2006					<b>File # PP-2005-294</b>		
<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			
	Workshop	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<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.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing on June 7, 2006 to consider the Passage of an Ordinance amending the existing PD Ordinance for The Ridges PD and consider a recommendation for private streets within the proposed subdivision.

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

**Attachments:**

31. Staff report/Background information
32. General Location Map / Aerial Photo

- 33. Growth Plan Map / Zoning Map
- 34. Subdivision Plan
- 35. 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:	<b>North</b>	Single-family residential
	<b>South</b>	Ridges Blvd.
	<b>East</b>	Open space
	<b>West</b>	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:

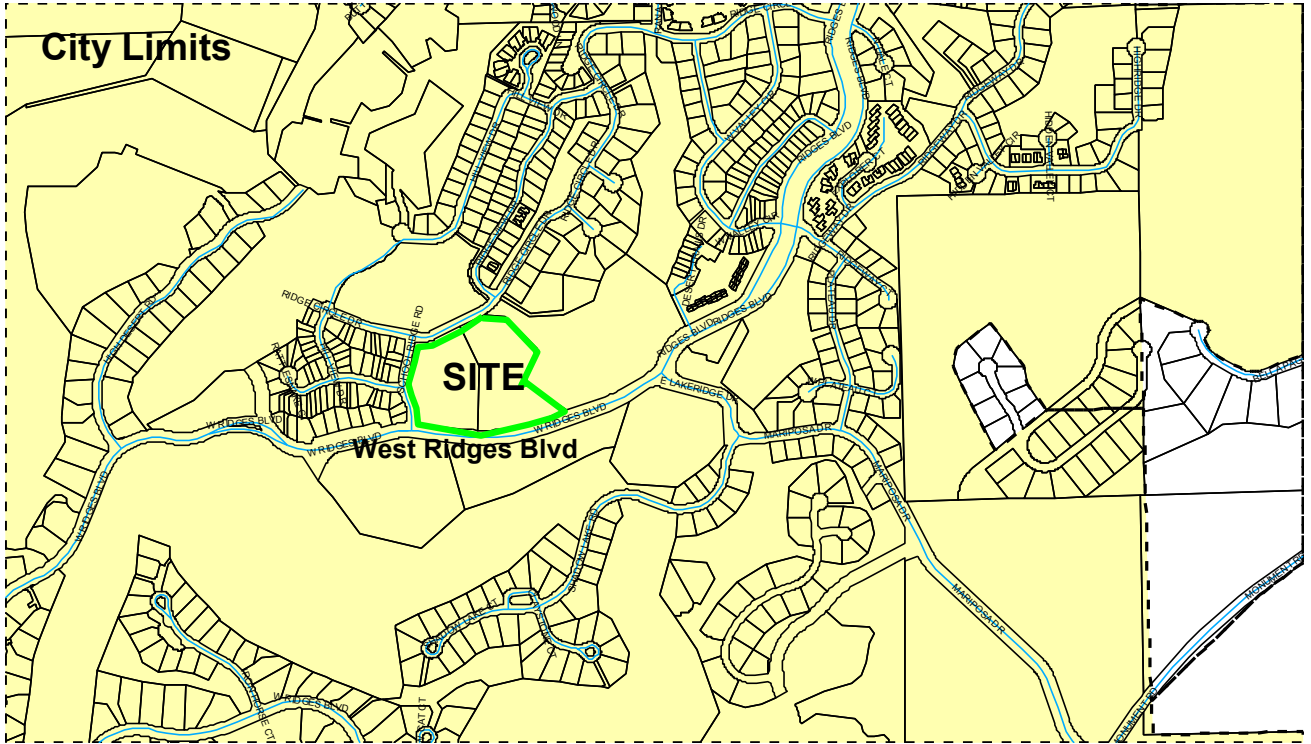
1. The requested amended Planned Development zoning ordinance and the proposed Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
3. The applicable ODP review criteria in Section 2.12.B. of 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.



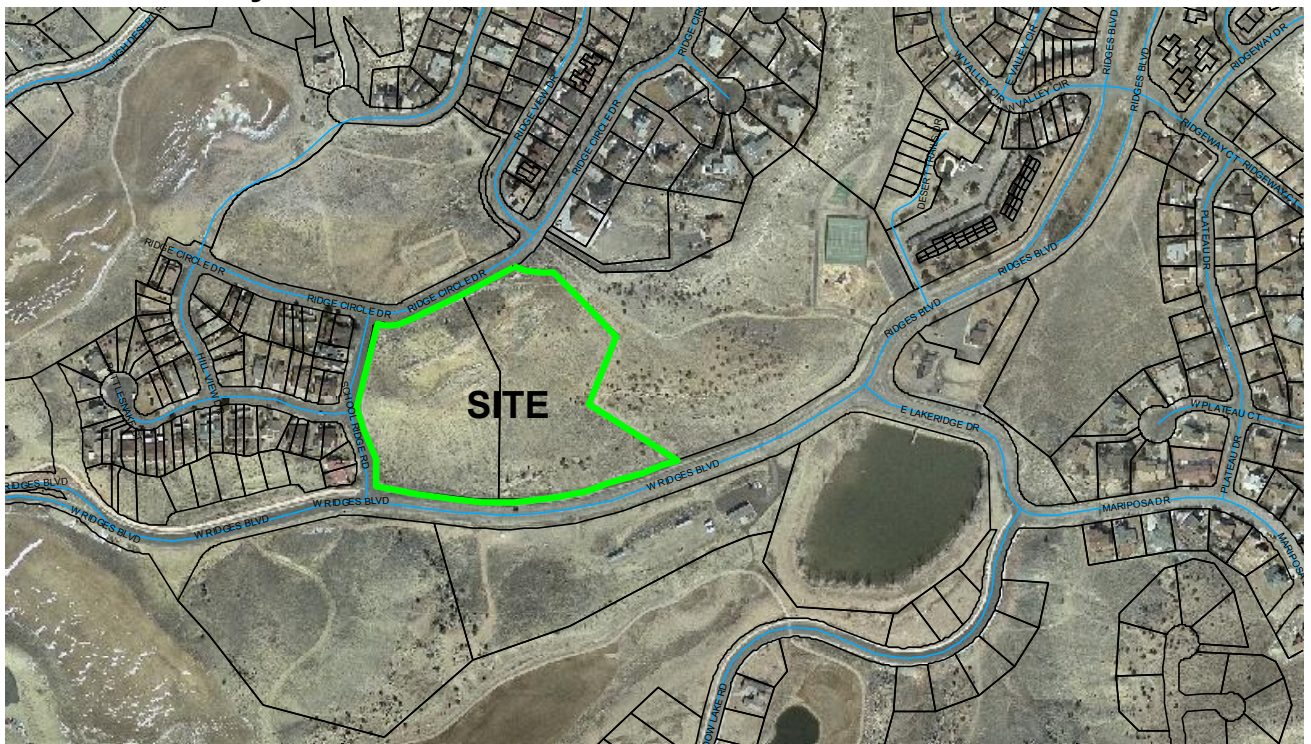
# Site Location Map

Redlands Vista in the Ridges



# Aerial Photo Map

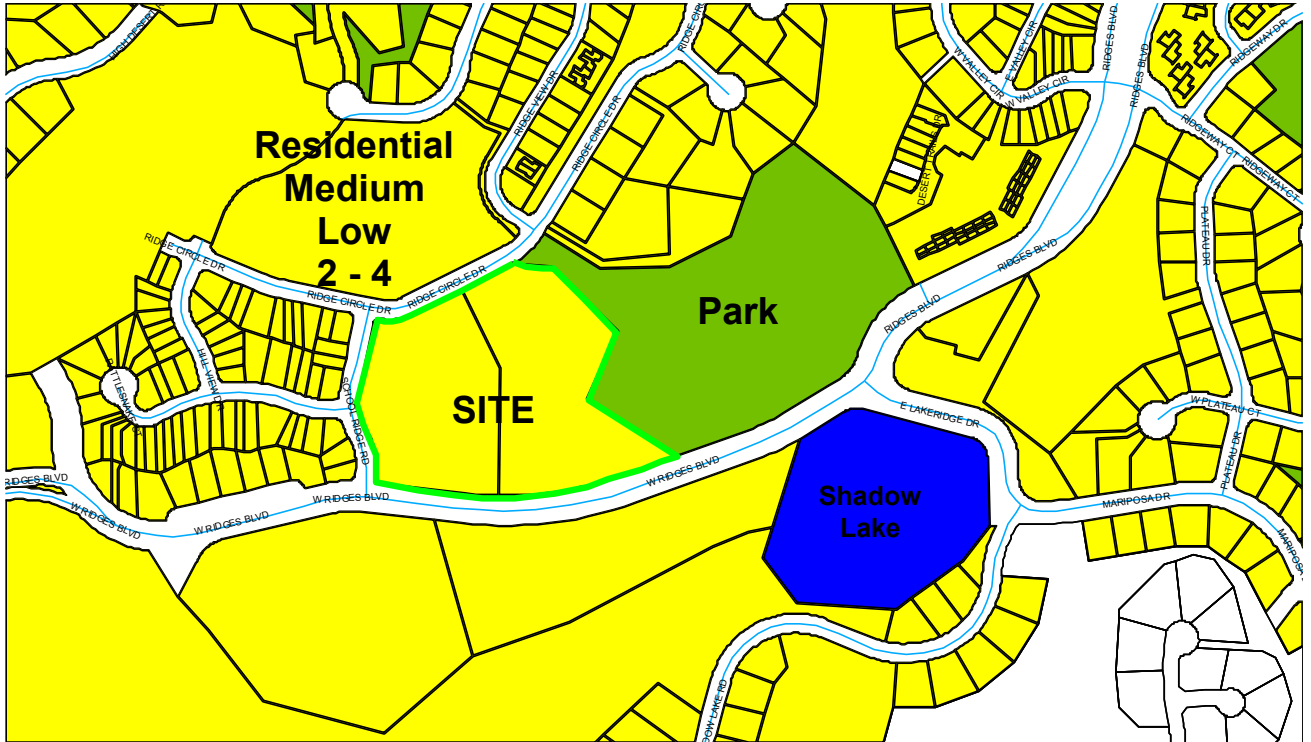
All Within City Limits Redlands Vista in the Ridges





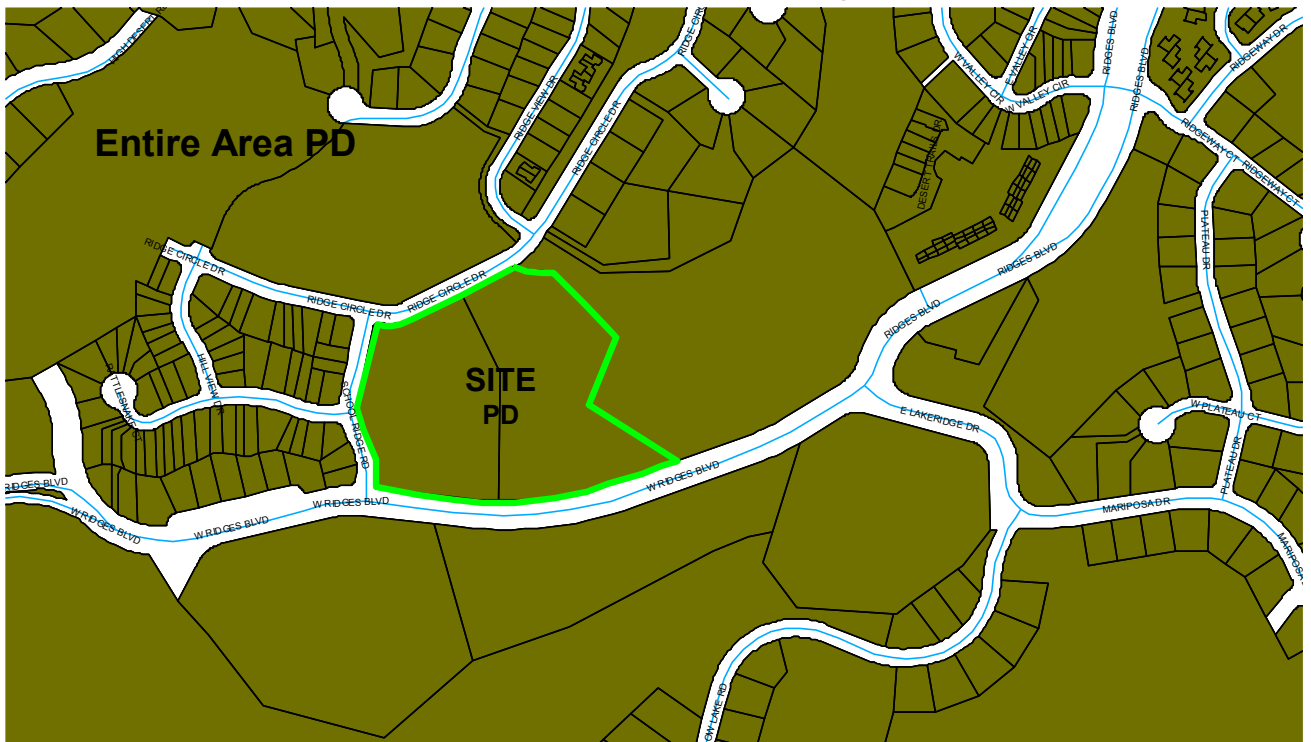
# Future Land Use Map

Redlands Vista in the Ridges



## Existing City and County Zoning

Redlands Vista in the Ridges



# REDLANDS VISTA PRELIMINARY PLAN

**LAND USE TABLE**

TYPE	QUANTITY	UNITS	PERCENT
RESIDENTIAL	14		
INDUSTRIAL			
TOTAL UNITS	14		

**AREA CALCULATIONS**

PAVED, SIDEWALK, AND DRIVEWAYS	1.37 ACRES	15.0%
RESIDING COVERAGE	3.20 ACRES	36.0%
TOTAL SITE	8.30 ACRES	100.0%

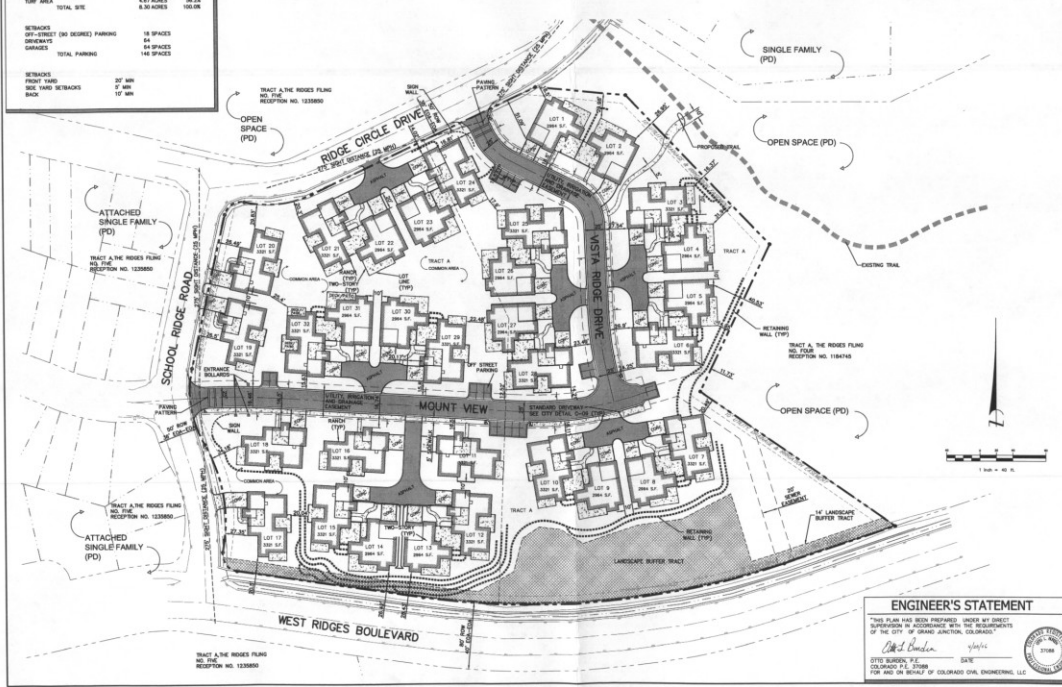
**SEWERAGE**

OFF-STREET (ON DECKED) PARKING	68 SPACES
STREET	64 SPACES
TOTAL PARKING	142 SPACES

**SEWERAGE**

SEWER MAIN	27' DIA
SIDE YARD SEWERAGE	17' DIA
SEWER	17' DIA



**CCF** COLLETT CIVIL ENGINEERING, LLC  
 1000 N. UNIVERSITY BLVD.  
 SUITE 100  
 DENVER, CO 80202  
 (303) 733-1111

**REDLANDS VISTA**  
 PRELIMINARY PLAN

SHEET NO. 1013  
 DESIGN BY: JCC  
 DRAWN BY: JCC  
 CHECK BY: JCC  
 ISSUE DATE: 03/14/20

REVISIONS	NO.	DESCRIPTION
1	REVISED A/COLORS	
2		
3		
4		

**ENGINEER'S STATEMENT**

THIS PLAN HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND ACCORDING WITH THE REQUIREMENTS OF THE CITY OF GRAND JUNCTION, COLORADO.

*David C. Collett* *gjc/14*

DAVID C. COLLETT, P.E.      DATE: 03/14/20  
 COLORADO P.E. NO. 10708      STATE: CO  
 FOR AND ON BEHALF OF COLLETT CIVIL ENGINEERING, LLC



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

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 17<sup>th</sup> day of May, 2006 and ordered published.

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

ATTEST:

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

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

**Attach 31**

Public Hearing – Zoning the CR Nevada Annexation, Located at 22 ½ Road

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Zoning of the CR Nevada Annexation located at 22 ½ Road and South Broadway.					
<b>Meeting Date</b>		June 7, 2006					
<b>Date Prepared</b>		June 1, 2006			<b>File #ANX-2006-030</b>		
<b>Author</b>		Senta L. Costello		Associate Planner			
<b>Presenter Name</b>		Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of the ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway. The CR Nevada Annexation consists of 1 parcel on 19.73 acres.

**Budget:** N/A

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

**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 May 9, 2006
6. Zoning Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		<i>22 ½ Road and South Broadway</i>		
<b>Applicants:</b>		Owner: CR Nevada Associates, LLC – Jay Cooke Representative: Hill & Holmes – Mark Kareus		
<b>Existing Land Use:</b>		<i>Vacant</i>		
<b>Proposed Land Use:</b>		<i>Residential Subdivision</i>		
<b>Surrounding Land Use:</b>	<b>North</b>	<i>Vacant Residential</i>		
	<b>South</b>	<i>Vacant Residential</i>		
	<b>East</b>	<i>Residential</i>		
	<b>West</b>	<i>Vacant Residential</i>		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-E		
<b>Surrounding Zoning:</b>	<b>North</b>	<i>County RSF-4</i>		
	<b>South</b>	<i>City PD - 2</i>		
	<b>East</b>	<i>County RSF-4</i>		
	<b>West</b>	<i>County RSF-4</i>		
<b>Growth Plan Designation:</b>		Residential Low ½ - 2 ac/du		
<b>Zoning within density range?</b>		X	Yes	No

**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:

**Goal 20:** To achieve a high quality of air, water and land resources.

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

**Policy 20.9 –** The City and County will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainage ways and waterways surrounding the City.

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

**Goal 21:** To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

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

**Policy 21.3 –** The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.



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.

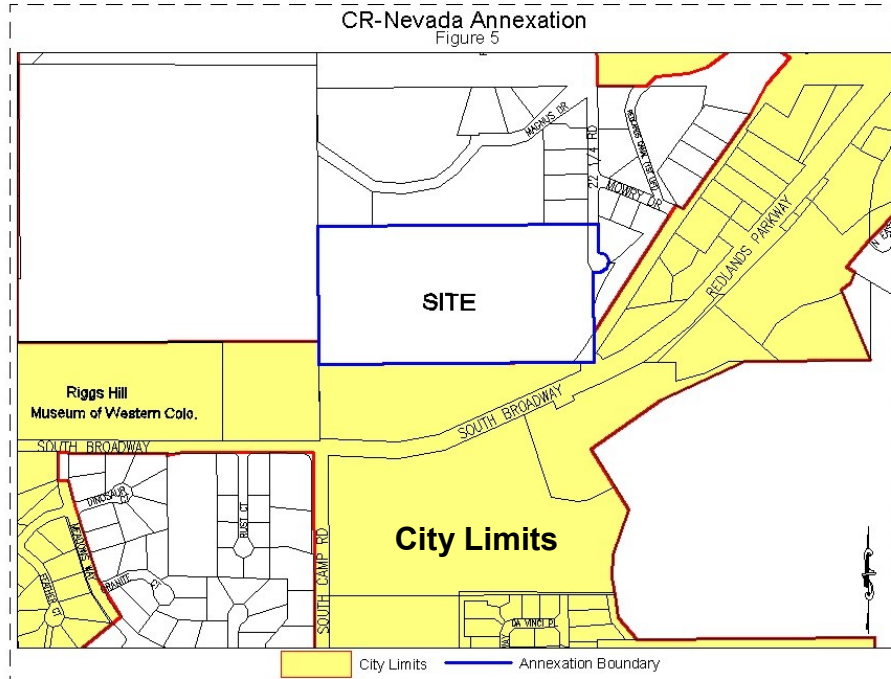
Alternatives: In addition to the requested zoning, the following zone districts would also be consistent with the Future Land Use designation for the subject property.

- d. RSF-1
- e. 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.

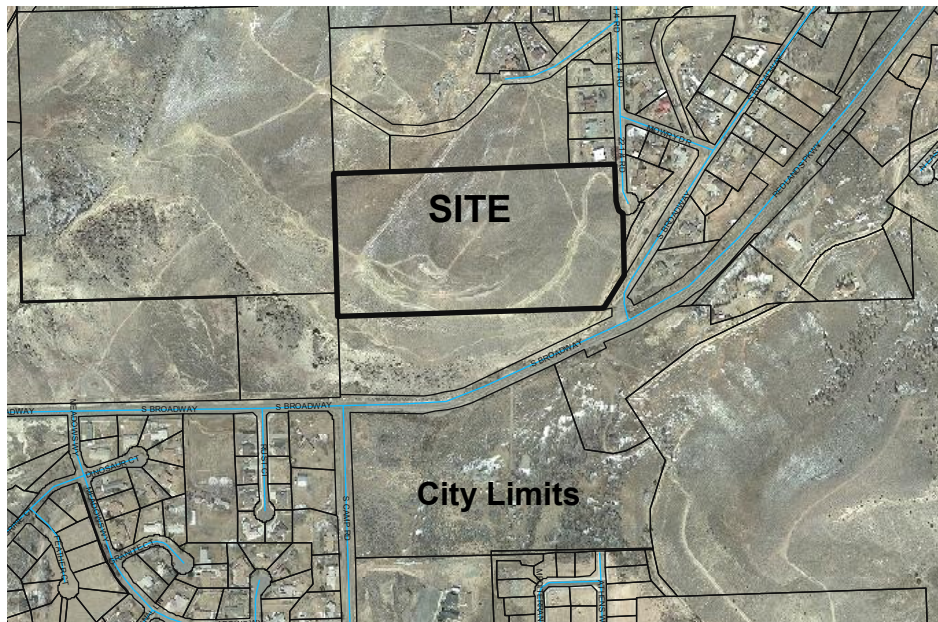
# Site Location Map

Figure 1



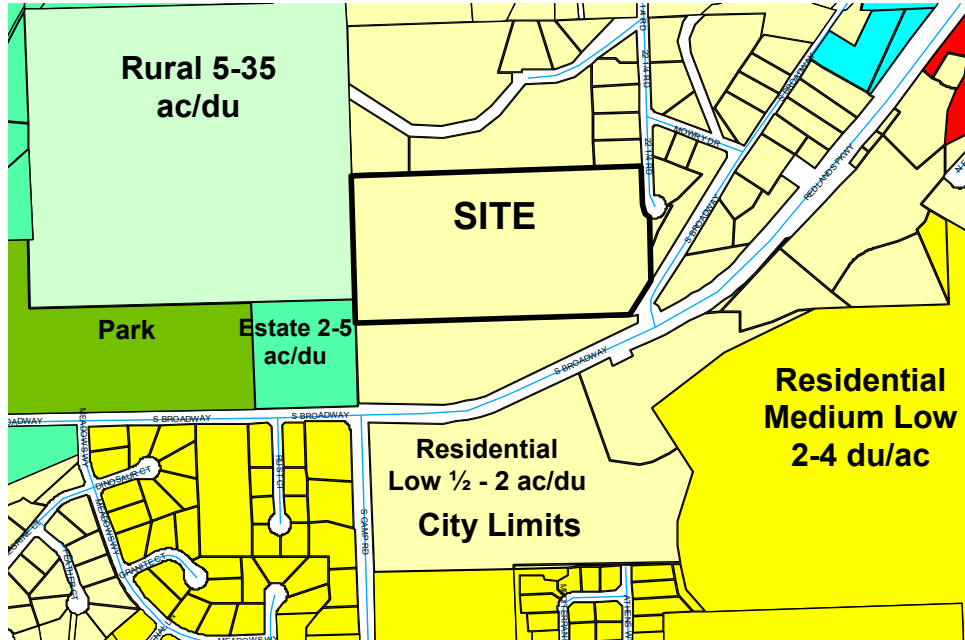
# Aerial Photo Map

Figure 2



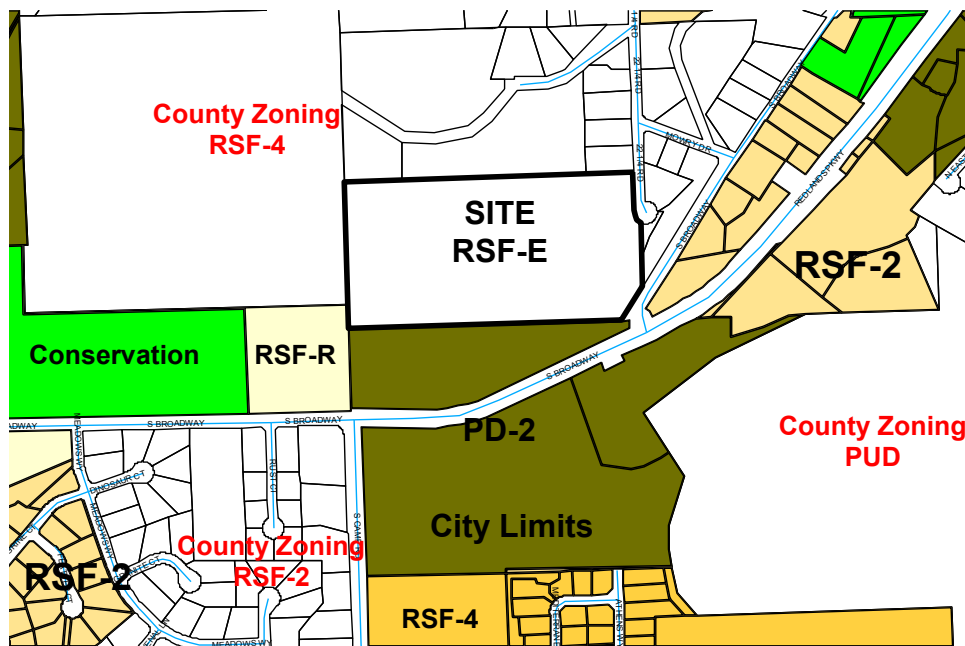
# Future Land Use Map

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."

REVISION	DATE	DESCRIPTION

SLOPE ANALYSIS  
 GR NEVADA, REDLANDS PROPERTY  
 GRAND JUNCTION, COLORADO  
 970.241.6021 fax 970.258.7892

RIIINO ENGINEERING, INC.  
 1229 N 28RD ST SUITE 201  
 GRAND JUNCTION, CO 81501  
 970.241.6021 fax 970.258.7892

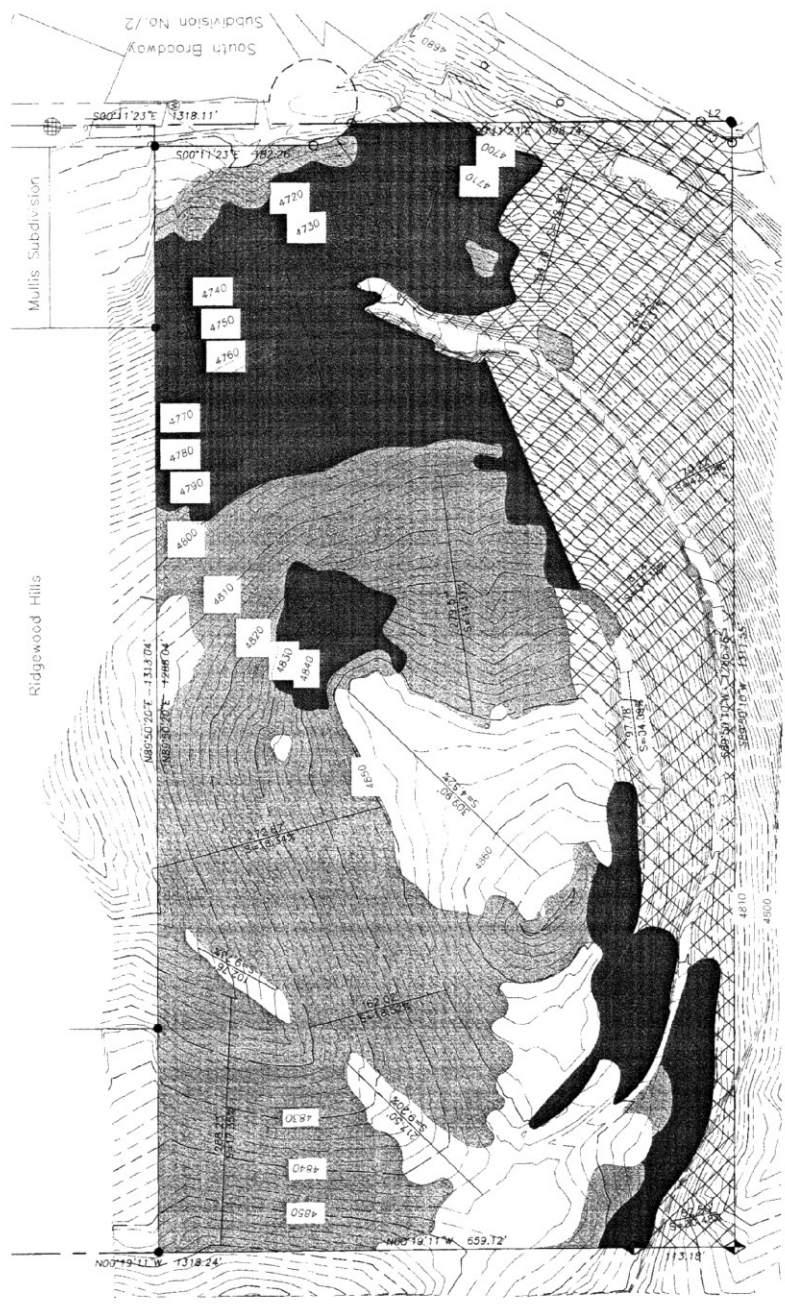


REVIEWED BY: JTK  
 DRAWN BY: SPP  
 DATE: 04/08/05  
 SCALE: 1" = 50'  
 PROJECT NO: 23030.01  
 SHEET NO: 3

- NOTES:
- SLOPE CALCULATIONS SHOWN ARE FOR EACH SLOPE CLASS THIS SITE IS NOT DESIGNATED AS CRITICAL HABITAT FOR NATURAL VEGETATION.
  - THIS SITE DOES NOT HAVE WILDFIRE POTENTIAL DUE TO THE NATURAL VEGETATION.
  - NATURAL VEGETATION IS IDENTIFIED WITHIN A DESIGNATED FLOOD PLAIN REFER TO THE DRAINAGE REPORT.
  - THESE SLOPES ARE NOT DESIGNATED AS FARMLAND.
  - THESE SLOPES ARE NOT DESIGNATED AS HISTORIC SITES OR HISTORIC SITES DESIGNATED.

# SLOPE ANALYSIS

- SLOPES < 12%
- SLOPES 12% - 20%
- SLOPES 20% - 30%
- SLOPES > 30%



CONTOUR INTERVAL IS 2 FEET.

**ANX-2006-030 ZONE OF ANNEXATION--CR NEVADA ANNEXATION**

**A request for approval to zone 19.53 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) to a City RSF-1 (Residential Single-Family, 1 units/acre) zone district.**

**Petitioner: Jay Cooke, CR Nevada Associates, LLC**

**Location: 22 1/4 Road and South Broadway Blvd.**

**PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, said that both the applicant and the project engineer were also present and available for questions. He disagreed with staff's recommendation of RSF-E zoning for the site and requested, instead, an RSF-1 zone district. He felt that the RSF-1 zone provided a better transition between the area's Rural and higher density zones. Mr. Logue gave a Powerpoint presentation containing the following slides: 1) justification for the RSF-1 zone; 2) excerpts from staff report; 3) rezone criteria; 4) aerial photo map of the site; 5) Growth Plan Goals 21 & 22 outlined; and 4) initial site plan layout.

Mr. Logue felt that there was sufficient justification for the RSF-1 zone in that: 1) there was a public demand for lots the size of which would be proposed; 2) the site was located within an urbanizing area; 3) adequate utilities were available to the site; 4) sufficient access was available to the property; 5) it would allow for infill development; 6) the site was located near public schools; 7) the property was situated within the Persigo 201 planning area; and 8) the request met Code requirements. Mr. Logue felt that an RSF-1 zone district would be consistent with the City's Future Land Use Map. He pointed out that Code section 2.14 required the zone of annexation to comply with either the Growth Plan or County zoning. He maintained that the character of the area had changed to a point that warranted the higher density zone. A fire station had been constructed nearby; Ute Water was in the process of constructing 12-inch water mains; sewer was being extended into the area; bike lanes were being provided along area streets; and new construction of public schools was occurring. Approximately 8 new subdivisions had been developed in the area since 1980, and upgrades had been made to Riggs Hill.

Mr. Logue referenced an aerial photo of the area and pointed out that the area's average subdivision density was .8 acre/du. The average overall density of area lands was .5 acre/du, and that was without inclusion of a large portion of land south of Broadway. That area had been excluded because of its topographic constraints. Rezoning the site to RSF-1, he said, would be compatible with surrounding densities. Mr. Logue said that Growth Plan Goals 21 and 22 most directly related to the property. He noted the property's steep, rocky topography and

its absence of irrigation water; thus, the property wasn't suitable for agricultural uses. An important goal, one brought out in staff's report, was to avoid development of natural hazard areas. The State's geologist identified the site's steep slopes as a natural hazard area. All necessary services would be available to the site.

This parcel was the second largest in the area. There wasn't a lot of unsubdivided land available between South Broadway and Highway 340. The neighborhood benefits derived from RSF-1 zoning would be: increased property tax revenues to the City, increased employment opportunities, an opportunity to require quality housing for future residents, and the preservation of existing natural vistas.

Mr. Logue referenced the proposed site plan layout (informational only, not under current consideration) and identified the location of steep slope and rock fall areas. He felt that approximately 10 lots could be developed on the site, ranging in size from under 1 acre to 2 acres. He reiterated that that the project's density would be consistent with other densities identified within the study area. The site plan layout, he said, illustrated the intensity of development proposed using an RSF-1 scenario. Access to the site would be via an adjacent property, which would soon be developed. A formal request from that property owner should soon be before the Planning Commission for consideration. Development of the applicant's property would require the mutual cooperation of both property owners.

#### **QUESTIONS**

Commissioner Putnam asked for clarification on the elevation measured by the red lines on the site plan. Mr. Logue said that each line represented approximately 2 feet in elevation.

Commissioner Cole noted that one of staff's primary reasons for recommending the RSF-E zone district was that the site was subject to the City's hillside and ridgeline regulations. He asked if the petitioner had retained an engineer to consider and address those specific concerns, to which Mr. Logue responded affirmatively. A no-build area had been identified on the site plan using a green line (noted).

Commissioner Carlow asked if proposed lots 5 and 8 would be flag lots, to which Mr. Logue replied affirmatively.

Chairman Dibble reminded planning commissioners that the site plan was hypothetical and not under current consideration; it had been presented to show the layout of buildable lots.

#### **STAFF'S PRESENTATION**

Senta Costello gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) slope analysis map; and 6) development potential summary. Surrounding land uses and zonings were noted. Referencing the slope analysis map, slope areas were identified as ranging from less than 12% to 12-20% in the north and middle areas, and 20% to 30% in the east and part of the southwest, and greater than 30% along the entire southern property boundary. Staff had asked the petitioner to complete a site analysis before a final determination would be made on a zone district recommendation.. Based on that analysis, staff felt that the RSF-E zone was supported because the site was subject to hillside and ridgeline development criteria. Staff did not feel that the property could be developed to an RSF-1 density and still meet all of those requirements.

Ms. Costello said that both the RSF-E and RSF-1 zone districts implemented the future land use designation for the property; however, staff believed that the RSF-E zone district represented a better option given the topographic constraints of the site. That conclusion was supported by Growth Plan Goals 20 and 21. Ms. Costello suggested that planning commissioners render a decision on the applicant's request first. If the RSF-1 zone were found to be inappropriate for the site, the Planning Commission should then make an alternate recommendation.

#### **QUESTIONS**

Commissioner Cole said that he too was concerned about ridgeline development. He asked staff if they'd had an opportunity to review the petitioner's proposed site plan in the context of the current zoning request. Ms. Costello did not feel she could comment because no formal site plan had been submitted. Without formal submission, there was no grading information or other details on which to base a conclusion. Staff's recommendation had been based on both available topographic information and the site analysis provided by the petitioner. She reiterated that the petitioner's site analysis only served to reinforce the appropriateness of the RSF-E recommendation.

Commissioner Cole asked for confirmation that the County's zoning of RSF-4 was not supported by City staff, which was given. Ms. Costello said that when that zoning had been applied, it had been applied across a large area with no consideration given to a parcel's topographic constraints.

Chairman Dibble asked for confirmation that both the RSF-E and RSF-1 zone districts were allowable by the Future Land Use Map. Ms. Costello said that while either was allowed, staff felt that the RSF-E zone district was more appropriate.

Commissioner Putnam asked what the ramifications were if an RSF-1 zone district were approved but it turned out the petitioner could not meet the applicable requirements. Ms. Costello said that larger lots could be provided since the lower density zone districts did not have minimum lot sizes.

Commissioner Pitts asked for confirmation that the requirements for an RSF-E zone applied automatically even if an RSF-1 zone were approved, which was given.

Chairman Dibble asked about the requirements outlined as part of the hillside and ridgeline development criteria. Ms. Costello said that those regulations specified minimum lot size of buildable area, minimum lot width at building setback area, minimum setbacks from the ridgeline (typically 200 feet). The hillside and ridgeline development criteria were not zone specific; they applied to any properties where such natural hazard areas existed. Thus, regardless of which zone district was approved, the applicant would still have to comply with applicable criteria.

Kathy Portner added that the application of a zone district conferred certain expectations regardless of what the realities of site development might be.

#### **PUBLIC COMMENTS**

##### **FOR:**

There were no comments for the request.

##### **AGAINST:**

Jim Weibel (1206 Adobe Court, Grand Junction) said that he was concerned about erosion problems occurring on the property. People often rode their motorcycles and other all-terrain vehicles up and down the property's slopes, which resulted in a lot of slope disturbance. As a result, whenever it rained, there was a lot of runoff, much of which ended up on his property. He often has to clear his backyard of runoff from the site and has helped a neighbor do the same thing. He felt that any slope disturbance occurring as a result of site development would only exacerbate the problem.

#### **PETITIONER'S REBUTTAL**

Mr. Logue said that development of the site would be subject to state and federal regulations as well as local regulations. A great deal of focus would be given on erosion control, and City staff had identified that as a concern as well. The Code said that the RSF-1 zone was intended to be transitional zoning, and the site was situated between rural and low-density residential



uses. He noted that between 20 and 25 different agencies would have a chance to review any proposed development submittal.

### **DISCUSSION**

Commissioner Pitts said that he'd visited the site and felt that there was sufficient justification for the RSF-E zone district. While he didn't really have a problem with the RSF-1 zone district, he acknowledged the guidelines and criteria used by staff in formulating their conclusion. It seemed that most of the rezone criteria did not apply in the current situation; only criterion #3 seemed applicable. Even though the petitioner felt he could meet the requirements of an RSF-1 zone, he was leaning towards approving an RSF-E zone, to give the latitude necessary for the project to move forward.

Commissioner Wall agreed. He too had visited the site and wasn't sure how the developer planned to build on it. With regard to comments made earlier about expectations in that area, the area was special, with many beautiful things inherent to it. He agreed with staff's conclusion that RSF-E represented a better transitional zone.

Commissioner Putnam noted that the site was bounded on three sides by lands classified as Residential Low. RSF-E was the very lowest City zone found in that area; RSF-1 was in the middle. He admitted he was still undecided.

Commissioner Cole said that the development would be required to meet all of the hillside and ridgeline criteria regardless of whether an RSF-E or RSF-1 zone were applied. If the RSF-1 zone were approved, it would give the petitioner a little more development latitude. Development of the site at any density would prove to be a challenge. He felt he could support the applicant's request for RSF-1 zoning.

Commissioner Sublett said that he'd visited the site as well and felt he could support staff's recommendation for RSF-E zoning. Application of RSF-1 zoning would not create a community benefit.

Chairman Dibble agreed that the developer would have to comply with the added hillside and ridgeline criteria, regardless. Both zones were compatible with the Future Land Use Map and Growth Plan. Other than criterion 3, he too concluded that most of the other rezone criteria were not applicable. He felt he could support the petitioner's request for RSF-1 zoning.

**MOTION: (Commissioner Carlow) "Mr. Chairman, on zone of annexation ANX-2006-030, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-1 (Residential Single-Family, 1 du/acre) zone district for**

**the CR Nevada Annexation, finding it consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code."**

Commissioner Cole seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Carlow, Sublett and Wall opposing.

**MOTION: (Commissioner Wall) "Mr. Chairman, on zone of annexation ANX-2006-030, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-E (Residential Single-Family, 2 ac/du) zone district for the CR Nevada Annexation, finding it consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code."**

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

**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 17<sup>th</sup> day of May, 2006 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 32**

Public Hearing – GPD Global/Woomer Annexation Located at 2322 and 2328 I-70 Frontage Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the GPD Global/Woomer Annexation located at 2322 / 2328 I-70 Frontage Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 2006				File #GPA-2006-065	
<b>Author</b>	Kathy Portner		Assistant Community Development Director			
<b>Presenter Name</b>	Kathy Portner		Assistant Community Development Director			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the GPD Global/Woomer Annexation, located at 2322 / 2328 I-70 Frontage Road. The 37.57 acre GPD Global/Woomer Annexation consists of 3 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

**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. Acceptance Resolution
5. Annexation Ordinance

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

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 37.57 acres of land and is comprised of 3 parcels. The property owners have requested annexation into the City to allow for development of the property. The initial request for development is a Growth Plan Amendment to change the Future Land Use Designation from Commercial to Commercial / Industrial. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

The following annexation and zoning schedule is being proposed.

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

**GPD GLOBAL/WOOMER ANNEXATION SUMMARY**

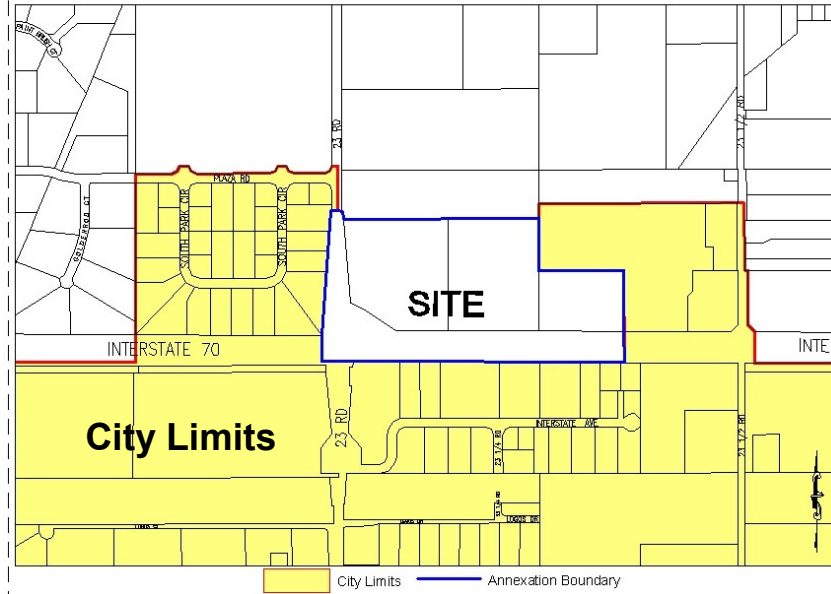
<b>File Number:</b>	GPA-2006-065	
<b>Location:</b>	2322 / 2328 I-70 Frontage Road	
<b>Tax ID Number:</b>	2701-322-07-002; 2701-322-07-004; 2701-322-06-001	
<b>Parcels:</b>	3	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed: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



# Site Location Map

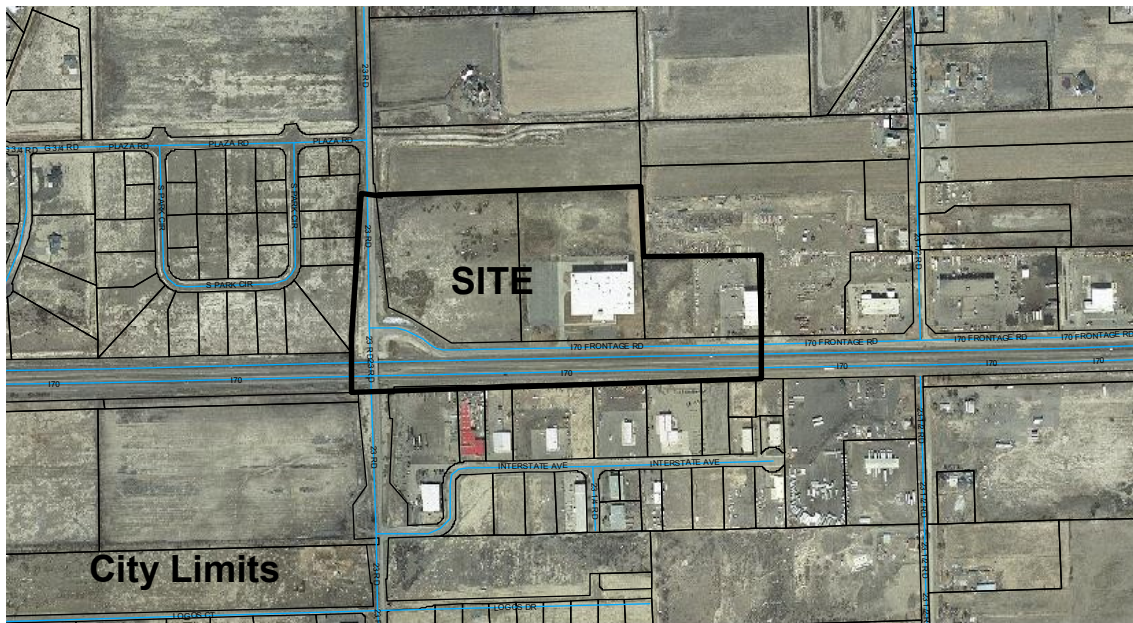
Figure 1

GPD Global/Woomer Annexation  
Figure 5



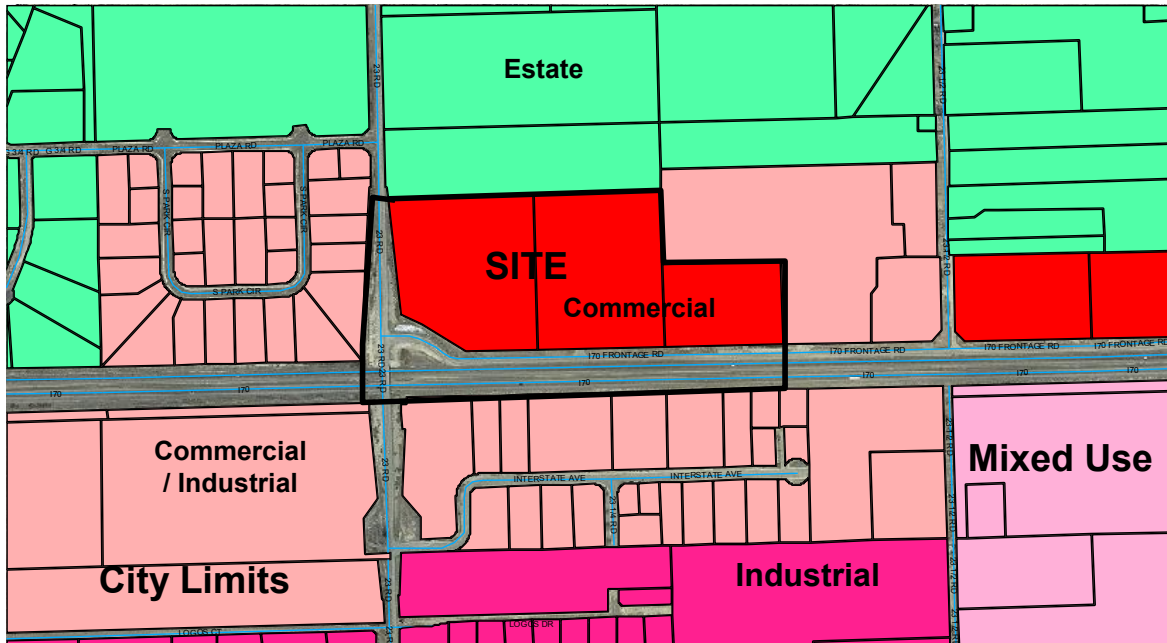
# Aerial Photo Map

Figure 2



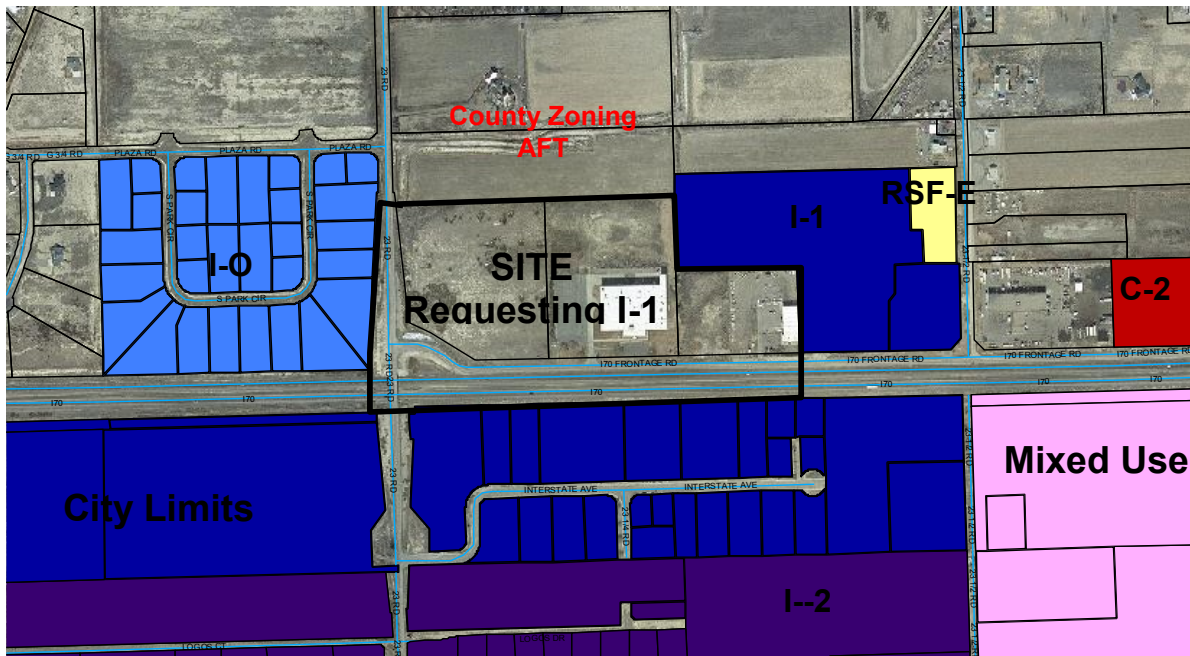
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**GPD GLOBAL/WOOMER ANNEXATION**

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

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<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:

**GPD GLOBAL/WOOMER ANNEXATION**

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

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

WHEREAS, the 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**

**GPD GLOBAL/WOOMER ANNEXATION**

**APPROXIMATELY 37.57 ACRES**

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

**WHEREAS**, on the 19<sup>th</sup> day of April, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**GPD GLOBAL/WOOMER ANNEXATION**

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

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

**INTRODUCED** on first reading on the 19<sup>th</sup> day of April, 2006 and ordered published.

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

Attest:

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President of the Council

---

City Clerk



**Attach 33**

Public Hearing – Thunder Hog Estates Annexation & Zoning Located at 3079 F ½ Road and 3088 Shadowbrook Court

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Annexation and zoning of the Thunder Hog Estates Annexation located at 3079 F ½ Road/3088 Shadowbrook Ct					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 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>	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	<b>No</b>	Name	
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		Consent	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Thunder Hog Annexation. The Thunder Hog Estates Annexation is located at 3079 F ½ Road/3088 Shadowbrook Ct and consists of 2 parcels on 13.76 acres. The zoning being requested is RSF-4.

**Budget:** N/A

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

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

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance



*STAFF REPORT / BACKGROUND INFORMATION*

<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/ad		
	<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		
<b>Zoning within density range?</b>	X	Yes		No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 13.76 acres of land and is comprised of 2 parcels. The property owners of the 13.484 acre parcel have requested annexation into the City to allow for development of the property. The owner of the adjacent 0.276 acre lot in the Shadowbrook Subdivision is requesting annexation in order to take advantage of the services and programs available to City of Grand Junction citizens (i.e. Parks facilities, Police protection, etc). 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 Thunder Hog Annexation is eligible to be annexed because of compliance with the following:

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

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>May 3, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 9, 2006</b>	Planning Commission considers Zone of Annexation
<b>May 17, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 2, 2006</b>	Effective date of Annexation and Zoning

**THUNDER HOG ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-072	
<b>Location:</b>	3079 F ½ Road / 3088 Shadowbrook Ct	
<b>Tax ID Number:</b>	2943-044-31-002 / 2943-044-54-009	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	13.76 acres	
<b>Developable Acres Remaining:</b>	12.7 acres	
<b>Right-of-way in Annexation:</b>	30,476.93 square feet	
<b>Previous County Zoning:</b>	RSF-R / PD 3.4	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Residential / Agricultural	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$1,710 / \$18,140
	<b>Actual:</b>	= \$5,900 / \$190,850
<b>Address Ranges:</b>	3079 F ½ Road / 3088 Shadowbrook Ct	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire District
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Grand Valley Mosquito

**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 on the larger parcel and PD 3.4 on the Shadowbrook lot. 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. The following table compares bulk standards of the existing PD 3.4 zone district for the Shadowbrook lot with the proposed RSF-4 zone district:

	PD 3.4		RSF-4	
	Principle Structure	Accessory Structure	Principle Structure	Accessory Structure
<b>Front Setback</b>	20'	On rear ½ of lot	20'	25'
<b>Side Setback</b>	10'	5'	7'	3'
<b>Rear Setback</b>	20'	5'	25'	5'

The existing house meets all of the RSF-4 setbacks with the exception of the rear yard. One corner of the home is less than 25', but more than 20' from the rear property line.

**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 of 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 changed in character, nor is any development being proposed 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 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.**

- f. 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 and Sections 2.6 and 2.14 of the Zoning and Development Code.

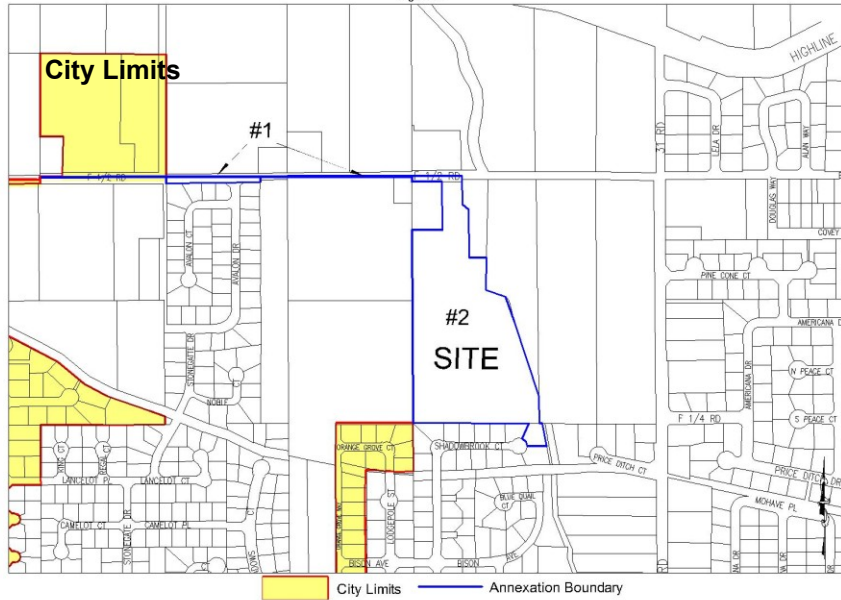


# Site Location Map

## Figure 1

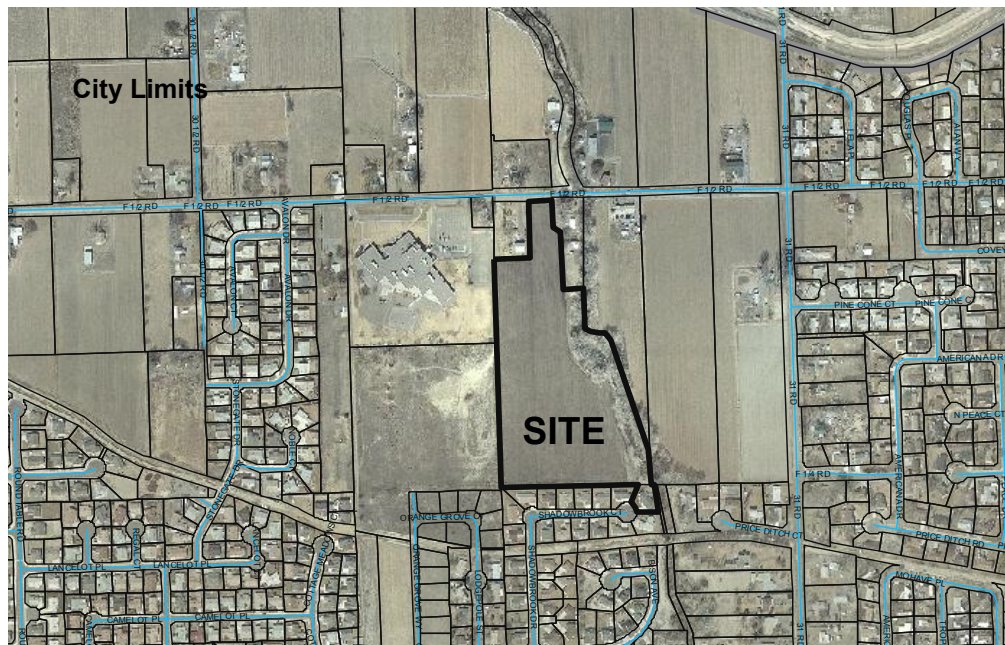
Thunder Hog Annexations #1 & #2

Figure 5.



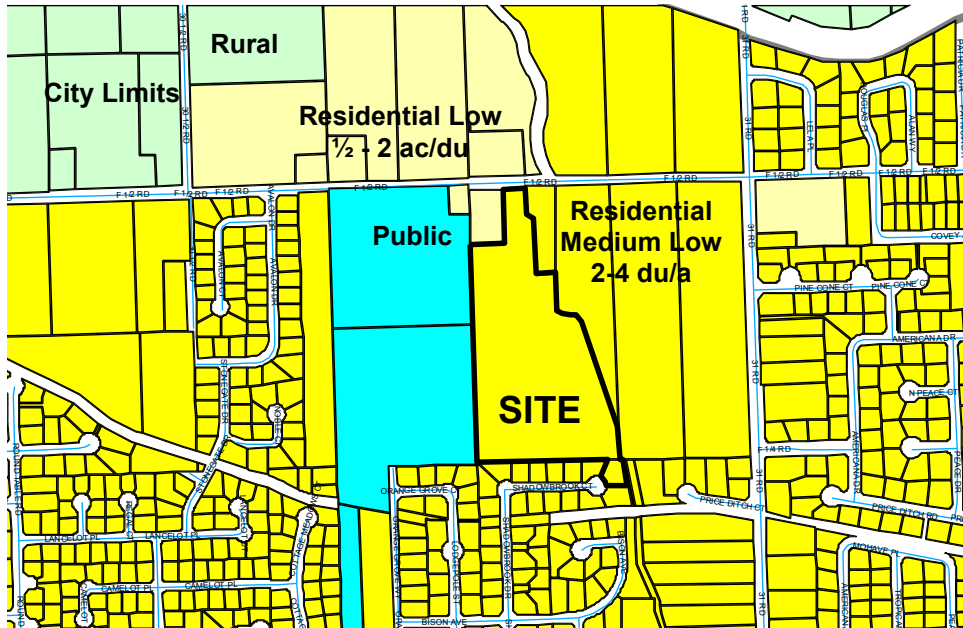
# Aerial Photo Map

## Figure 2



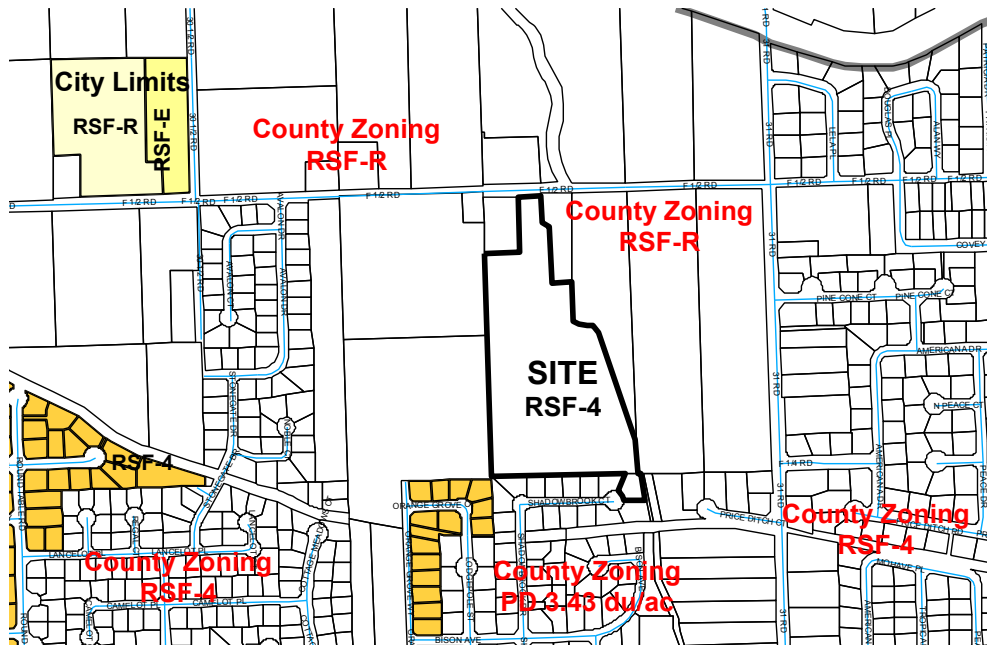
# Future Land Use Map

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."

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

**A RESOLUTION ACCEPTING A**

*PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE*

**THUNDER HOG ESTATES ANNEXATION**

*LOCATED AT 3079 F ½ ROAD AND 3088 SHADOWBROOK COURT INCLUDING A  
PORTION OF THE F ½ ROAD RIGHT-OF-WAY.*

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 3<sup>rd</sup> day of May, 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:

**Thunder Hog Estates Annexation No. 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 No. 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 NW1/4SE 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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

WHEREAS, the 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*

**THUNDER HOG ESTATES ANNEXATION #1**

**APPROXIMATELY 0.09 ACRES**

**LOCATED WITHIN THE F ½ ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 3<sup>rd</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 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**Thunder Hog Estates Annexation No. 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.

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

**INTRODUCED** on first reading on the 3<sup>rd</sup> day of May, 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*

**THUNDER HOG ESTATES 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**

**WHEREAS**, on the 3<sup>rd</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 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

Thunder Hog Estates Annexation No. 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 NW1/4SE 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.

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

**INTRODUCED** on first reading on the 3<sup>rd</sup> day of May, 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 THUNDER HOG ESTATES ANNEXATION TO  
RSF-4**

**LOCATED AT 3079 F ½ ROAD / 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 NW1/4SE 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 17<sup>th</sup> day of May, 2006 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 34**

Public Hearing – Kresin Annexation &amp; Zoning Located at 530 South Broadway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Annexation and zoning of the Kresin Annexation located at 530 South Broadway					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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 Kresin Annexation. The Kresin Annexation is located at 530 South Broadway and consists of 2 parcels on 8.20 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. Applicant's Request
5. Planning Commission Minutes
6. Acceptance Resolution
7. Annexation Ordinance
8. Zoning 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:**

**ANNEXATION:**

This annexation area consists of 8.20 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 Kresin Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;

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

**Zone of Annexation:** The applicants requested the zoning designation of RSF-4 for the annexation. The property is currently zoned RSF-4 in the County and RSF-4 is consistent with the Growth Plan designation 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 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 recommended by the Planning Commission, the RSF-4 zoning, requested by the petitioner, would also be consistent with the Growth Plan designation for the subject property.

**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.

The following annexation and zoning schedule is being proposed.

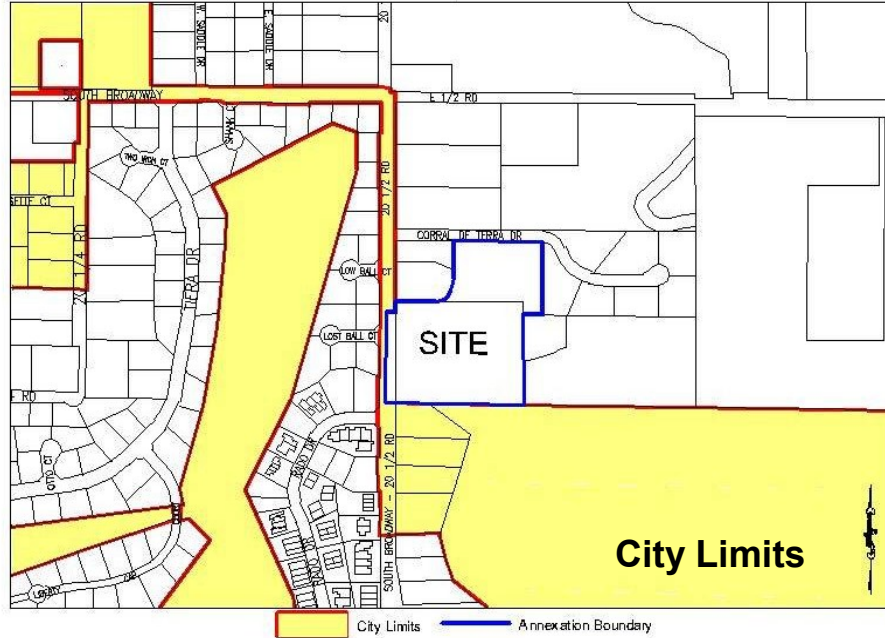
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>May 3, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 9, 2006</b>	Planning Commission considers Zone of Annexation
<b>May 17, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 2, 2006</b>	Effective date of Annexation and Zoning

**KRESIN ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-084	
<b>Location:</b>	530 South Broadway	
<b>Tax ID Number:</b>	2947-224-00-215 / 2947-224-00-216	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	8.20 acres	
<b>Developable Acres Remaining:</b>	7.86 acres	
<b>Right-of-way in Annexation:</b>	0.00 acres	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	RSF-2	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$56,380
	<b>Actual:</b>	= \$470,390
<b>Address Ranges:</b>	530, 532, 534 S. Broadway / 2061 Corral De Terra Dr	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Jct Rural
	<b>Irrigation/Drainage :</b>	Redlands Water & Power
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	N/A

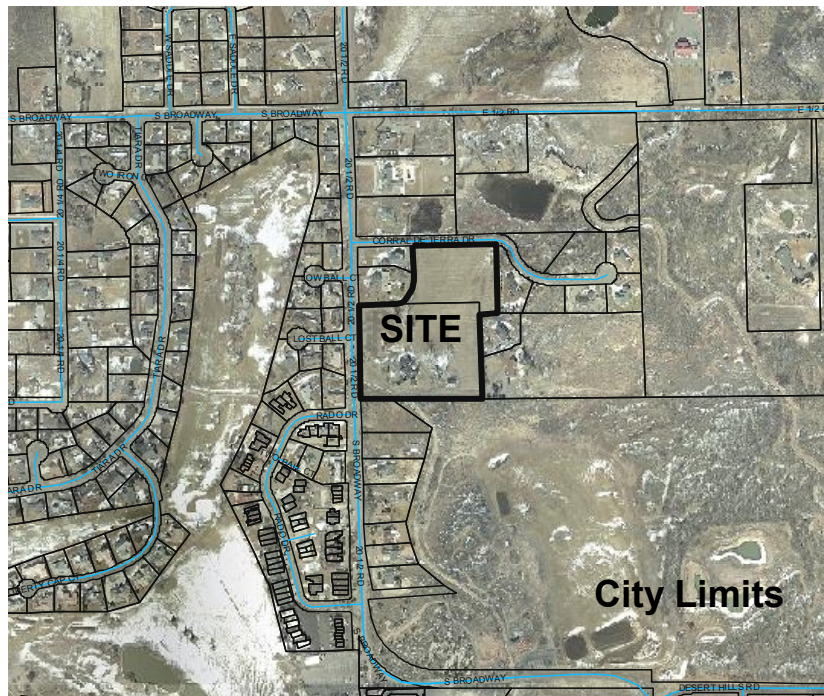
# Site Location Map

Figure 1



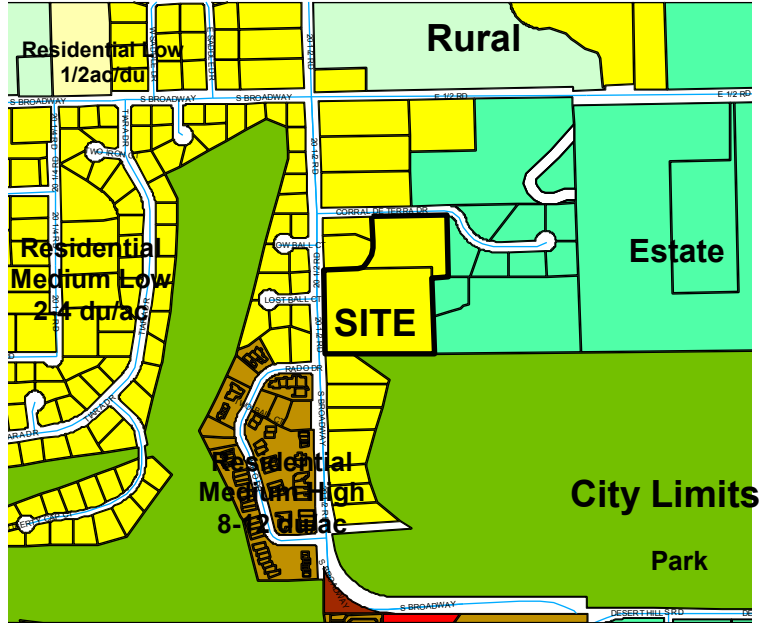
# Aerial Photo Map

Figure 2



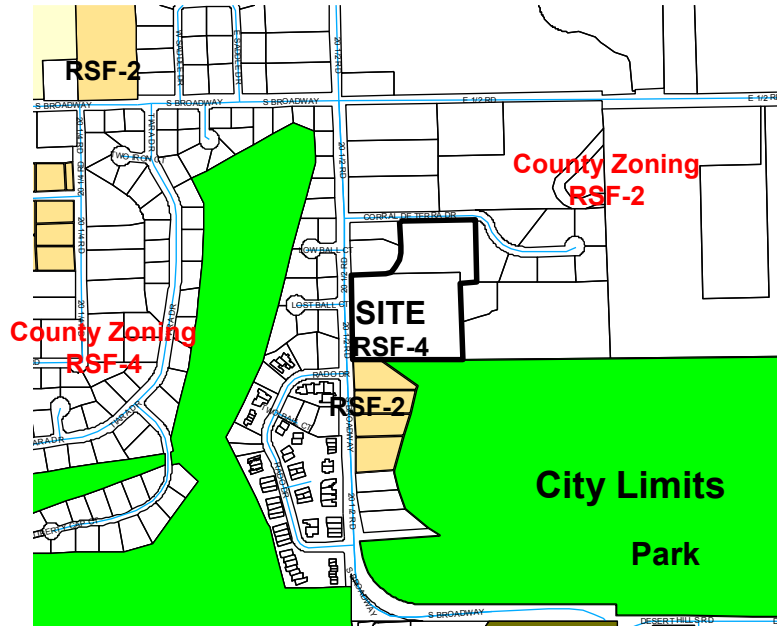
# Future Land Use Map

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

## **GRAND JUNCTION PLANNING COMMISSION**

### **MAY 9, 2006 MINUTES**

**7:03 p.m. to 10:52 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 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, Bill Pitts, William Putnam, Patrick Carlow, Ken Sublett, and Reginald Wall. Thomas Lowrey and Lynn Pavelka-Zarkesh 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), Dave Thornton (Principal Planner), Faye Hall (Associate Planner), Lori Bowers (Senior Planner) and Senta Costello (Associate Planner). Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer). Terri Troutner was present to record the minutes.

There were 50 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 from the April 11, 2006 public hearing. No additions or corrections were noted.

**MOTION: (Commissioner Carlow) "So moved. [...to accept the minutes of the March 14 minutes as written]."**

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

#### **III. CONSENT AGENDA**

Staff original sought to place Full Hearing item #ANX-2006-084 on the Consent Agenda; however, this drew objection from the citizenry and so remained on the Full Hearing Agenda.

Available for consideration were items:

1. VE-2006-098 (Vacation of Easement--Partial Easement Vacation)
2. ANX-2006-072 (Zone of Annexation--Thunder Hog Estates)
3. PP-2005-294 (Preliminary Plan --Redlands Vista in the Ridges)
4. CUP-2006-028 (Conditional Use Permit--Ace Hardware)
5. GPA-2006-062 (Annexation/GPA/Rezone--Charlesworth Annexation)
6. PP-2006-042 (Preliminary Plat--Orchard Park Subdivision)
7. CUP-2006-055 (Conditional Use Permit--Bud's Field on the Horizon)
8. GPC-2006-116 (Growth Plan Consistency--Fairway Villas)
9. ANX-2001-011 (Extension--Westland Preliminary Plat)

## **ANX-2006-084 ZONE OF ANNEXATION--KRESIN ANNEXATION**

A request for approval to zone 7.86 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) to a City RSF-4 zone district.

Petitioner: Bruce Kresin

Location: 530 South Broadway

### **STAFF'S PRESENTATION**

Lori Bowers gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) Existing City and County Zoning Map. Staff supported the petitioner's request for RSF-4 zoning; however, RSF-2 was another available option.

### **PETITIONER'S PRESENTATION**

Brynn Vasboe, representing the petitioner, concurred with staff's presentation and support for an RSF-4 zone district. No other testimony was offered.

### **PUBLIC COMMENTS FOR:**

There were no comments in favor of the request.

### **AGAINST:**

Boyd Steele (539 20 1/2 Road, Grand Junction) noted on the site location map that South Broadway (aka 20 1/2 Road) had two 90-degree turns. Motorists often sped down that section of South Broadway heading northbound. He felt that the single access point being proposed by the developer into the site was insufficient and that two access points should be required, although he didn't want the second access point to originate from South Broadway. He also objected to so much more traffic, and he expected that the headlights from those vehicles would be directed into his home at night. He urged planning commissioners to go out and visit the site and travel down that stretch of South Broadway. He didn't feel that it could handle any more traffic. Mr. Steele said that no neighborhood meeting had been held by the developer; he'd heard about the current proposal from his neighbor. He also noted the lack of available sewer lines in the area and understood that the developer was proposing to install a sewer line through his front yard. How would so much sewage be conveyed? Mr. Steele also objected to the density that would be allowed with an RSF-4 zone district. He expressed concern over impacts to property values and felt that one or two homes per acre would be more reasonable.

Jeffrey Dutton (541 20 1/2 Road, Grand Junction) said that he'd heard about the applicant's request less than two weeks prior to the public hearing and had been very surprised. He and his neighbors would appreciate knowing the petitioner's plans for the site. He felt that the density proposed by the applicant was akin to placing a Wal-Mart in someone's backyard. That section of South Broadway was more like a side street in appearance.

Vicki Alsin (2074 Corral de Terre, Grand Junction) said that the density allowed by an RSF-4 zone had her greatly concerned. Area homes were located on lots of at least an acre in size. Corral de Terre homeowners had only one access into and out of their subdivision. South Broadway was just a two-laned road. There was also a wetlands area that would be impacted by development of the site. She noted that one of the Corral de Terre lots had failed to pass a perc test. Blasting may be required to get beneath some of the area's hard sandstone. The area's topography and other constraints placed limitations on bringing sewer into the area. She agreed with previous comments that sections of South Broadway were already "a race track," and there were areas of limited sight distance. Corral de Terre was a 15-year-old subdivision and streets were already showing signs of wear; chip-sealing was needed. She didn't feel that their streets could handle the traffic expected with a higher density development. She agreed that a lower density of perhaps one to two homes per acre would be more acceptable.

Tom Boyt (536 S. Broadway, Grand Junction) said that his property was located to the north of the site. RSF-4 zoning was inconsistent with the densities already there on that side of South Broadway. He shared stated traffic concerns and confirmed the existence of a wetlands area. He pointed out that there were geotechnical issues related to the applicant's property, and getting sewer to the site would be a problem. He agreed that South Broadway was in bad shape. While he could support a lower density of one to two homes per acre, the proposed RSF-4 zoning was too dense.

Dennis Stark (524 South Broadway, Grand Junction) said that he'd spent four years as a land use planner for another municipality. The applicant had encountered a lot of resistance over a former land use submittal. He felt that this was the applicant's way of seeking vengeance on the area's residents.

Wills Stubbs (2073 Corral de Terre, Grand Junction) said that properties to the west of South Broadway were one-half to three-quarters of an acre in size. There was a lot of wildlife in the area. He feared that a higher density development would negatively impact neighborhood property values. He felt that access into the site should be limited to just South Broadway, with no extension of the Corral de Terre stub street. The site, he said, should be zoned RSF-1 to ensure compatibility with the surrounding area.

John Shumacher (540 South Broadway, Grand Junction) said that his property was approximately 2 acres in size. Most of the area's homes were on lots of one-half to one acre in size. The proposed density was too high and incompatible with the rest of the neighborhood. He expressed similar concerns about traffic and safety, and impacts to the wetlands area. He noted that there was a lot of sandstone in the area. He felt that a less dense zone district would be more appropriate. He also asked that more timely notification be given to area residents on the petitioner's future development submittals.

QUESTIONS



When Chairman Dibble suggested that City engineering staff come forward to speak, Mr. Dorris asked that the petitioner's representatives be given a chance to speak first. Chairman Dibble asked the petitioner's representative to address citizen concerns regarding sewer, safety and density.

#### PETITIONER'S REBUTTAL

Ms. Vasboe clarified that two accesses into the site were proposed. Roadways would be improved to meet City standards; however, there were no plans to improve South Broadway. There was a dry sewer line running along the Corral de Terre property line. Plans were to connect to that, construct a lift station in the cul-de-sac (not identified), and pump the sewage up to South Broadway. With regard to wetlands comments, a detention pond was proposed for the northeast portion of the site since that was the natural collection point for runoff.

#### QUESTIONS

Commissioner Sublett asked if the previously referenced wetlands area had been formally recognized, or was it just a swampy area? Ms. Vasboe said that she did not know of any formal wetlands area on the property.

Chairman Dibble remarked that there was probably little the Planning Commission could do to mitigate the lighting coming from car headlights. He asked if the petitioner if a traffic study had been required.

Ms. Vasboe responded negatively. With only 14-16 lots proposed, there would be no dramatic traffic increases.

Commissioner Pitts asked for clarification on the location of South Broadway and the curves previously referenced. This was provided by Ms. Vasboe.

Chairman Dibble asked where road improvements would occur. Mr. Dorris came forward and said that the petitioner would be responsible for road improvements along the Corral de Terre property frontage, to include curb, gutter and sidewalk. There may also be some asphalt widening. Traffic impacts were not expected to be a problem. Rural streets were designed to carry up to 1,000 ADTs. Corral de Terre streets were able to handle 1,000 ADTs. If built out to approximately 4 du/acre, the site could potentially put another 150 ADT's onto Corral de Terre streets, with the remaining traffic electing to exit the site via South Broadway. When asked about sewer, Mr. Dorris said that providing sewer to the site was perhaps the greatest challenge. Costs to construct the lift station would run in the neighborhood of \$80K. The City and taxpayers would then be obligated to maintain that lift station in perpetuity. To help defray those maintenance costs expected to occur over a period of 50 years, the petitioner would be assessed \$250K. That expense was likely the reason the petitioner was seeking a higher density development, to make the project more viable. It may be that a gravity system could be utilized at some future point, but he was unsure if or when that would

occur. He added as an aside that all properties annexed into the City were required to connect to sewer lines.

Chairman Dibble asked engineering staff if there were any problems foreseen with constructing homes on the site. Mr. Dorris said that only the zoning was being considered tonight. The Mesa County Building Department would require engineered foundations. He added that no obstacles were insurmountable; the solutions were just expensive.

Commissioner Sublett asked staff to provide clarification on the City's notification policy, which was provided.

## DISCUSSION

Commissioner Pitts said that he was quite familiar with the property. After having heard public testimony, and given the site's topographic challenges, he concurred with assertions that the smaller lots of an RSF-4 zone would be incompatible with surrounding lot sizes. As such, he felt that he could not support the request.

Commissioner Carlow concurred. RSF-1 would allow too few lots; however, he felt that an RSF-2 zone district would be more compatible with the area.

Commissioner Cole noted that the property had been zoned by Mesa County as RSF-4. Had the property not been within the Persigo 201 boundary, the petitioner could have developed to that density. He agreed that an RSF-2 zone district was more appropriate.

Commissioner Putnam commented that if planning commissioners felt the RSF-4 zone to be inappropriate, they could vote to deny the request; although Residential Medium-High and Residential Medium-Low land use classifications could also be found in the area.

Ms. Portner reminded planning commissioners that if the requested RSF-4 zone district were denied, an alternate zoning recommendation would be needed.

Commissioner Sublett said that he too was very familiar with the area. He agreed that the RSF-4 zone was inconsistent with the neighborhood on that side of South Broadway. He agreed that RSF-2 zoning would be more appropriate.

Commissioner Wall expressed his support for the RSF-2 zone and felt that it would serve the citizens in that area far better than RSF-4 zoning.

Chairman Dibble agreed with previous comments and expressed his support for the RSF-2 zone district.

MOTION: (Commissioner Cole) "Mr. Chairman, on zone of annexation ANX-2006-084, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-4 (Residential Single-Family, 4 du/acre) zone district for the Kresin Annexation, with the facts and conclusions listed in the staff report."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on zone of annexation ANX-2006-084, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-2 (Residential Single-Family, 2 du/acre) zone district for the Kresin Annexation, with the facts and conclusions listed in the staff report."

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

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**KRESIN ANNEXATION**

**LOCATED AT 530 SOUTH BROADWAY**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 3<sup>rd</sup> day of May, 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:

**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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

WHEREAS, the 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**

**KRESIN ANNEXATION**

**APPROXIMATELY 8.20 ACRES**

**LOCATED AT 530 SOUTH BROADWAY**

**WHEREAS**, on the 3<sup>rd</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 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**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.

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

**INTRODUCED** on first reading on the 3<sup>rd</sup> day of May, 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 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 is generally 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-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.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 35**

Public Hearing – Fox Annexation Located at 3000 F Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the Fox Annexation located at the 3000 F Road					
<b>Meeting Date</b>	June 7, 2006					
<b>Date Prepared</b>	June 1, 2006				File #GPA-2006-087	
<b>Author</b>	Kathy Portner		Assistant Community Development Director			
<b>Presenter Name</b>	Kathy Portner		Assistant Community Development Director			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Fox Annexation, located at 3000 F Road. The 1.92 acre Fox Annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

**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. Acceptance Resolution
5. Annexation Ordinance



STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		3000 F Road			
<b>Applicants:</b>		Owner: Pamela Fox			
<b>Existing Land Use:</b>		Residential			
<b>Proposed Land Use:</b>		Residential / Office			
<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 / Rite-Aid			
<b>Existing Zoning:</b>		County RSF-4			
<b>Proposed Zoning:</b>		City RO			
<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>	City PD – Commercial / County RSF-4 and PD			
<b>Growth Plan Designation:</b>		Current: Residential Medium Low 2-4 du/ac Requesting: Residential Medium High 8-12 du/ac			
<b>Zoning within density range?</b>		W/ amendment	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 1.92 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 Fox Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

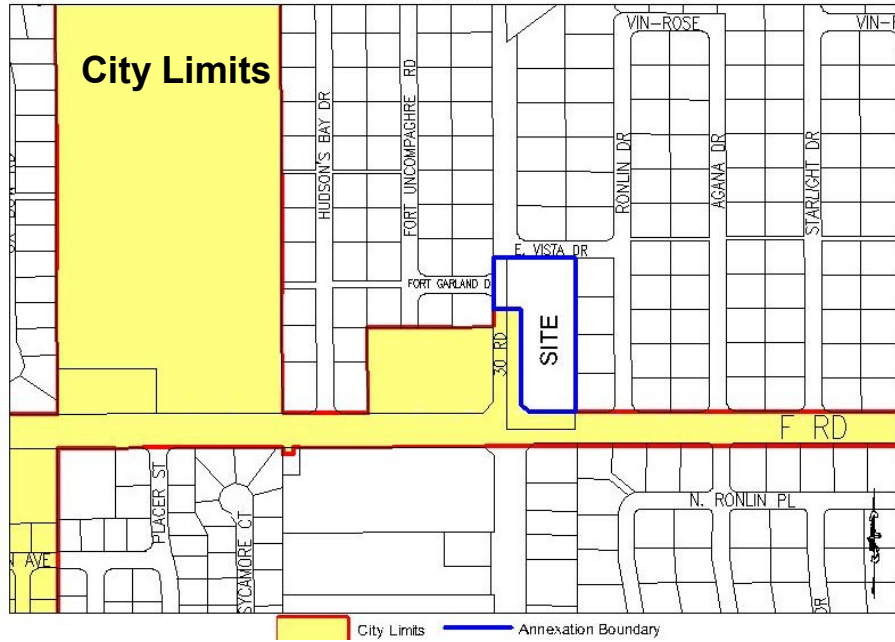
<u><i>ANNEXATION SCHEDULE</i></u>	
<b>May 3, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>To be scheduled</b>	Planning Commission considers Zone of Annexation
<b>To be scheduled</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 7, 2006</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>July 2, 2006</b>	Effective date of Annexation

**FOX ANNEXATION SUMMARY**

<b>File Number:</b>	GPA-2006-087	
<b>Location:</b>	3000 F Road	
<b>Tax ID Number:</b>	2943-043-00-114	
<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>	1.92 acres	
<b>Developable Acres Remaining:</b>	2.25 acres	
<b>Right-of-way in Annexation:</b>	12,001 square feet	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	City RO	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential / Office	
<b>Values:</b>	<b>Assessed:</b>	= \$10,540
	<b>Actual:</b>	= \$132,400
<b>Address Ranges:</b>	3000 F Road / 600-608 30 Road (even only)	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire District
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Jct Drainage
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Grand River Mosquito

# Site Location Map

Figure 1



# Aerial Photo Map

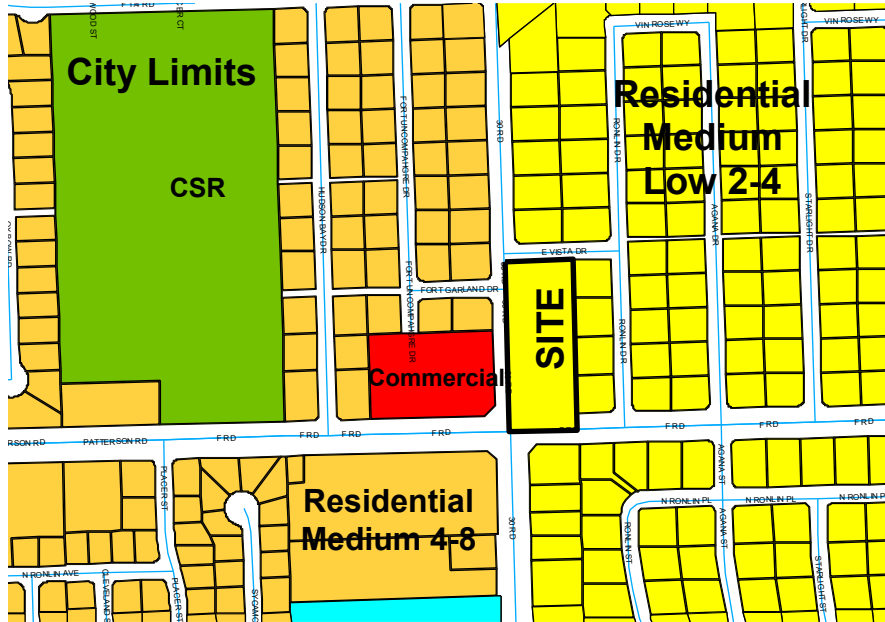
Figure 2





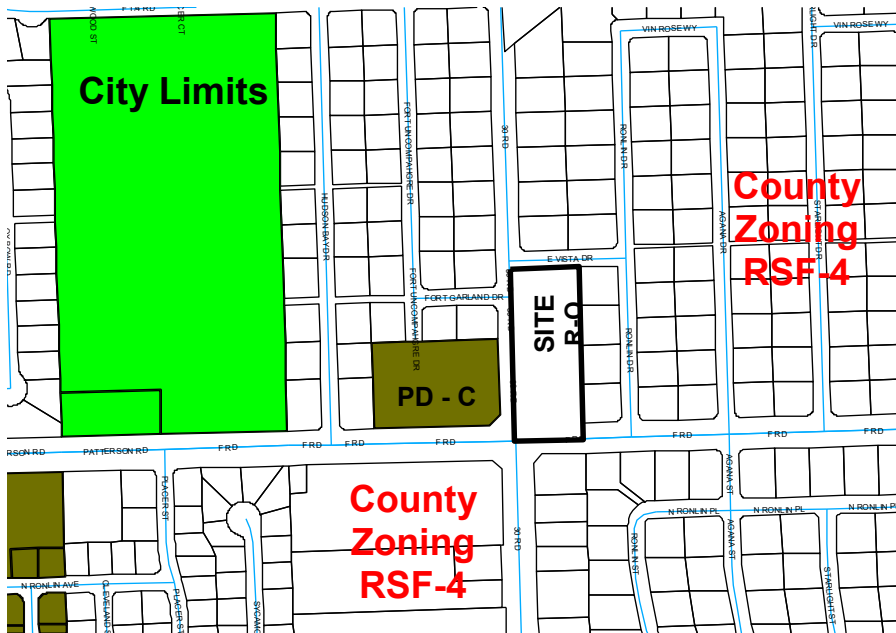
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**FOX ANNEXATION**

**LOCATED AT 3000 F ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 3<sup>rd</sup> day of May, 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:

**FOX ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) 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:

COMMENCING at the Southwest corner of said Section 4, and assuming the West line of the SW 1/4 SW 1/4 of said Section 4 to bear N00°09'16"W with all bearings contained herein relative thereto; thence N00°09'16"W, along the West line of the SW 1/4 SW 1/4 of said Section 4, a distance of 350.05 feet to the POINT OF BEGINNING; thence S89°50'44"W, a distance of 40.00 feet to a point on the Westerly right of way of 30 Road; thence N00°09'16"W, along the Westerly right of way of 30 Road a distance of 150.12 feet; thence S89°55'10"E along the Southerly right of way and the Westerly projection of East Vista Drive as same is shown on the plat of Village East First Filing, as described in Plat Book 11, page 76 of the Mesa County, Colorado, Public Records a distance of 240.07 feet to the Northwest corner of Block One of said Village East First Filing; thence S00°09'16"E along the West line of Block One of said Village East First Filing, a distance of 450.00 feet to a point on the Northerly right of way of Patterson Road; thence N89°55'10"W, along the North right of way of Patterson Road, a distance of 135.00 feet; thence N45°02'11"W, along said right of way, a distance of 35.43 feet to a point on the Easterly right of way of said 30 Road; thence N00°09'16"W along the East right of way of said 30 Road a distance of 275.21 feet; thence S89°50'44"W a distance of 40.00 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 1.92 acres (83,689 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of June, 2006; and

WHEREAS, the 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**

**FOX ANNEXATION**

**APPROXIMATELY 1.92 ACRES**

**LOCATED AT 3000 F ROAD INCLUDING A PORTION OF THE 30 ROAD RIGHT-OF-  
WAY**

**WHEREAS**, on the 3<sup>rd</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 7<sup>th</sup> day of June, 2006; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**FOX ANNEXATION**

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) 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:

COMMENCING at the Southwest corner of said Section 4, and assuming the West line of the SW 1/4 SW 1/4 of said Section 4 to bear N00°09'16"W with all bearings contained herein relative thereto; thence N00°09'16"W, along the West line of the SW 1/4 SW 1/4 of said Section 4, a distance of 350.05 feet to the POINT OF BEGINNING;

thence S89°50'44"W, a distance of 40.00 feet to a point on the Westerly right of way of 30 Road; thence N00°09'16"W, along the Westerly right of way of 30 Road a distance of 150.12 feet; thence S89°55'10"E along the Southerly right of way and the Westerly projection of East Vista Drive as same is shown on the plat of Village East First Filing, as described in Plat Book 11, page 76 of the Mesa County, Colorado, Public Records a distance of 240.07 feet to the Northwest corner of Block One of said Village East First Filing; thence S00°09'16"E along the West line of Block One of said Village East First Filing, a distance of 450.00 feet to a point on the Northerly right of way of Patterson Road; thence N89°55'10"W, along the North right of way of Patterson Road, a distance of 135.00 feet; thence N45°02'11"W, along said right of way, a distance of 35.43 feet to a point on the Easterly right of way of said 30 Road; thence N00°09'16"W along the East right of way of said 30 Road a distance of 275.21 feet; thence S89°50'44"W a distance of 40.00 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 1.92 acres (83,689 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 3<sup>rd</sup> day of May, 2006 and ordered published.

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

Attest:

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

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

**Attach 36**

Public Hearing Amending the Smoking Ordinance

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Smoking Ordinance Amendments				
<b>Meeting Date</b>		June 7, 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 checked="" type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<b>Formal Agenda</b>	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<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 Air 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 Air Act.

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

**Action Requested/Recommendation:** Adoption of Ordinance amending Ordinance No. 3829.

**Attachments:** A copy of the tracked proposed changes (those items highlighted in yellow have been added since the first reading) 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 Air 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 nonprofit 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, including but not limited to bingo halls.
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).
21. The indoor area of a private club. Smoking is allowed in the outdoor areas of a private club, except where otherwise prohibited in this Section 16-127.

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 17th day of May 2006.

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

\_\_\_\_\_  
Attest:

President of Council

\_\_\_\_\_  
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 nonprofit 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, including but not limited to bingo halls.
  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).
  21. The indoor area of a private club. Smoking is allowed in the outdoor areas of a private club, except where otherwise prohibited in this Section 16-127.
- 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):
  1. Private homes and residences, except when used as a child care, adult day care or health care facility.
  2. Retail tobacco stores.
  3. 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.
  4. 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%).
  5. 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 ( $\leq 3$ ).
  6. 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.**

- 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:
  1. “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.
  2. 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.