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

**WEDNESDAY, SEPTEMBER 20, 2006, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance  
Invocation – Pastor Bob McFadden, “The Place”

**Proclamations / Recognitions**

Proclaiming October 2006 as “Breast Cancer Awareness Month” in the City of Grand Junction and Mesa County

Proclaiming September 21, 2006 as “International Day of Peace” in the City of Grand Junction

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Minutes of the September 6, 2006 Regular Meeting*

2. **Revocable Permit to St. Mary’s Hospital, Located at 710 Wellington Avenue for a Sign and Landscaping** [File #VE-2006-082] [Attach 2](#)

A request to maintain an existing free-standing sign, landscape wall and landscaping in the N. 7<sup>th</sup> Street right-of-way adjacent to 710 Wellington Avenue.

Resolution No. 113-06 – A Resolution Concerning the Issuance of a Revocable Permit to St. Mary’s Hospital Located at 710 Wellington Avenue

\*\*\* Indicates New Item

® Requires Roll Call Vote

®Action: *Adopt Resolution No. 113-06*

Staff presentation: Scott D. Peterson, Senior Planner

3. **Setting a Hearing on Zoning the Abeyta-Weaver Annexation, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road** [File #ANX-2005-188] [Attach 3](#)

Request to zone the 12.82 acre Abeyta-Weaver Annexation, located at 3037 D ½ Road, 432 and 436 30 ¼ Road, to RMF-8 (Residential Multi-Family 8 du/ac) and CSR (Community Services and Recreation).

Proposed Ordinance Zoning the Abeyta-Weaver Annexation to RMF-8 and CSR, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006*

Staff presentation: Senta L. Costello, Associate Planner

4. **Continue the Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182] [Attach 4](#)

A request to continue the Baldwin Annexation to the October 4, 2006 City Council meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

Action: *Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the October 4, 2006 City Council Meeting*

Staff presentation: Faye Hall, Associate Planner

5. **Setting a Hearing to Rezone Mirada Court, Located 600 ft. East of Mirada Court** [File #RZ-2006-161] [Attach 5](#)

Request to rezone the 5 acre property located 600 feet east of Mirada Court from RSF-E (Residential Single Family, Estate) to RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Rezoning the Property Known as the Mirada Court Rezone to RSF-4, (Residential Single Family, 4 Units per Acre) Located 600 Feet East of Mirada Court

Action: Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006

Staff presentation: Faye Hall, Associate Planner

6. **Setting a Hearing on Zoning the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road** [File #ANX-2006-211] [Attach 6](#)

Request to zone the 3.48 acre Pine E Road Commercial Annexation, located at 3046 and 3048 E Road, to B-1 (Neighborhood Business).

Proposed Ordinance Zoning the Pine E Road Commercial Annexation to B-1, Located at 3046 and 3048 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006

Staff presentation: Adam Olsen, Associate Planner

7. **Reauthorizing the Visitor and Convention Bureau Contracts for Marketing Services with Lodging Properties outside the City Limits** [Attach 7](#)

On October 16, 1996, Council adopted Resolution No. 101-96 authorizing the expansion of the Visitor & Convention Bureau's (VCB's) marketing programs to include lodging properties outside the Grand Junction City limits for a period of 5 years. The program was reviewed annually and was re-authorized for an additional 5 years October 3, 2001 when Council adopted Resolution No. 101-01. This program has been successful and the VCB Board recommends that it be continued.

Resolution No. 118-06 – A Resolution Authorizing the VCB to Enter into Contracts for its Services

®Action: Adopt Resolution No. 118-06

Staff presentation: Debbie Kovalik, Executive Director

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

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

8. **Rood Avenue Parking Structure Site Construction Contract** [Attach 8](#)

Bids have been received for construction of the Rood Avenue Parking Structure (Bid Package 1). The Scope of Bid Package 1 is for excavation and site utilities; concrete filled pipe piles; cast in place post tension concrete structure; surveying and layout; traffic control; weather protection for concrete construction; general conditions for the entire project; anticipated liability insurance premium cost for entire project; anticipated general contractor performance and payment surety bond cost for entire project; prorated contractor contingency; and prorated contractor's overhead and fee.

*Action: Authorize the City Manager to Execute a Construction Contract for Bid Package 1 with Shaw Construction in the Amount of \$5,366,072*

Staff presentation: Mark Relph, Public Works and Utilities Director

9. **Public Hearing – Assessments Connected with Alley Improvement District No. ST-06** [Attach 9](#)

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

Ordinance No. 3969 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-06 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in

Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3969*

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Public Hearing – Colvin Annexation and Zoning, Located at 2940 B ½ Road**  
[File #ANX-2006-204] [Attach 10](#)

Request to annex and zone 9.98 acres, located at 2940 B ½ Road, to RSF-4 (Residential Single Family, 4 du/ac). The Colvin Annexation consists of 1 parcel and is a two part serial annexation.

**a. Accepting Petition**

Resolution No. 119-06 – A Resolution Accepting a Petition for the Annexation, Making Certain Findings, Determining that Property Known as the Colvin Annexation, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3970 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #1, Approximately 0.36 Acres, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Ordinance No. 3971 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #2, Approximately 9.62 Acres, Located at 2940 B ½ Road

**c. Zoning Ordinance**

Ordinance No. 3972 – An Ordinance Zoning the Colvin Annexation to RSF-4, Located at 2940 B ½ Road

*®Action: Adopt Resolution No. 119-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3970, 3971, and 3972*

Staff presentation: Adam Olsen, Associate Planner

11. **Public Hearing – Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road** [File #ANX-2006-211] [Attach 11](#)

Request to annex 3.48 acres, located at 3046 and 3048 E Road. The Pine E Road Commercial Annexation consists of two parcels.

**a. Accepting Petition**

Resolution No. 120-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3973 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine E Road Commercial Annexation, Approximately 3.48 Acres, Located at 3046 and 3048 E Road

*®Action: Adopt Resolution No. 120-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3973*

Staff presentation: Adam Olsen, Associate Planner

12. **Public Hearing – Zoning and Development Code Text Amendments Concerning Multifamily Development** [File #TAC-2006-215] [Attach 12](#)

A request to amend the Zoning and Development Code pertaining to multifamily development, including attached units.

Ordinance No. 3974 – An Ordinance Amending Various Sections of the Zoning and Development Code Pertaining to Multifamily Development

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3974*

Staff presentation: Kathy Portner, Assistant Director of Community Development

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

14. **Other Business**

15. **Adjournment**

## **Minutes of Previous Meeting**

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

**September 6, 2006**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of September 2006, at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Absent were Councilmember Gregg Palmer and Interim City Manager David Varley. Also present was Acting City Manager Ron Lappi, 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 David Eisner, Congregation Ohr Shalom.

### **Presentation of Certificate of Appointment**

#### **To the Urban Trails Committee**

David Cooper was present to receive his certificate for the Urban Trails Committee.

### **Proclamations/Recognitions**

#### **Introduction of A.J. Johnson, New Executive Director for Habitat for Humanity of Mesa County**

Bob Stratton introduced A.J. Johnson as the new Executive Director for Habitat for Humanity of Mesa County. Mr. Johnson addressed the City Council and thanked them for their support.

#### **Proclaiming September 2006 as “Library Card Sign Up Month” in the City of Grand Junction**

#### **Proclaiming the week of September 16 through September 22, 2006 as “Constitution Week” in the City of Grand Junction**

### **Citizen Comments**

There were none.

### **CONSENT CALENDAR**

\*\*\* Indicates New Item

® Requires Roll Call Vote



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

It was moved by Councilmember Thomason, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #7.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the August 14, 2006 Workshop, the Minutes of the August 14, 2006 Special Meeting and the August 16, 2006 Regular Meeting*

2. **Vacation of a Utility Easement in the Prairie View South Subdivision, Located at 3028 and 3032 D ½ Road** [File #FP-2006-168]

A request to vacate a 20-foot utility easement along the northern perimeter of the proposed Prairie View South Subdivision, located at 3028 and 3032 D-1/2 Road.

Resolution No. 106-06 – A Resolution Vacating a Utility Easement Within the Properties Located at 3028 and 3032 D-1/2 Road Also Known as the Prairie View South Subdivision

*Action: Adopt Resolution No. 106-06*

3. **Setting a Hearing on Zoning the Colvin Annexation, Located at 2940 B ½ Road** [File #ANX-2006-204]

Request to zone the 9.98 acre Colvin Annexation, located at 2940 B ½ Road, to RSF-4 (Residential Single Family, 4 du/ac).

Proposed Ordinance Zoning the Colvin Annexation to RSF-4, Located at 2940 B ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006*

4. **Revoke and Reissue a Revocable Permit to Spyglass Ridge Home Owners Association for Trail Construction, Located on City-owned Property Adjacent to the Water Plant** [File #FP-2005-090]

A request to revoke a Revocable Permit and issue a new Revocable Permit with an amended alignment for trail construction and the placement of trail benches

and signs on City-owned property adjacent to the water plant, west of Spyglass Ridge.

Resolution No. 111-06 – A Resolution Revoking a Revocable Permit and Approving an Amended Revocable Permit to be Issued to Spyglass Ridge Home Owners Association with an Amended Alignment for Trail Construction, Located on City-Owned Property Adjacent to the Water Plant

*Action: Adopt Resolution No. 111-06*

5. **Setting a Hearing on Zoning and Development Code Text Amendments Concerning Multifamily Development** [File #TAC-2006-215]

A request to amend the Zoning and Development Code pertaining to multifamily development, including attached units.

Proposed Ordinance Amending Various Sections of the Zoning and Development Code Pertaining to Multifamily Development

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006*

6. **Signal Communications Design Contract**

Award of a Professional Services Design Contract for Signal Communications Design Phase 1d to Apex Design, PC in the amount of \$58,137.50. Phase 1d will connect 24 traffic signals in the central city along North Avenue, 1<sup>st</sup> Street, 7<sup>th</sup> Street, 12<sup>th</sup> Street and 28 ¼ Road to the existing fiber optic cable network that was constructed for phases 1a, b and c. In addition, the design will allow Parks administration and up to two Mesa County facilities to be connected to the fiber network.

*Action: Award the Contract for the Signal Communications Design Phase 1d to Apex Design, PC in an Amount not to Exceed \$58,137.50*

7. **Continue Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

Request to continue the Baldwin Annexation to the September 20, 2006 City Council Meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

*Action: Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the September 20, 2006 City Council Meeting*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **City Youth Council Bylaws**

The City Youth Council is ready to have City Council adopt their bylaws. The City Youth Council would also like to be introduced to the City Council and to present the new executive officers for the 2006-2007 year.

Angela Harness, Management Intern, and Lisa Truong, Youth Mayor, reviewed this item. Ms. Truong had the members present introduce themselves. Ms. Truong presented the City Youth Council goals that came out of their retreat. She then referred the City Council to the latest draft of the Bylaws and pointed out the changes from the last discussion. She said the main changes were the title of the chair (now Youth Mayor), the duties of the Vice Youth Mayor and a member removal policy. There was also the addition of a preamble which addressed the composition and representation of the officers.

Councilmember Hill questioned the wisdom of the removal policy as it is being presented, two absences would require removal and a letter would be required to come back onto the City Youth Council. Ms. Truong clarified the policy. Angela Harness, Management Intern, clarified that it is unexcused absences. Ms. Truong stated that the Youth Council has practiced the policy and it has worked well.

Councilmember Coons pointed out that some members are not attending school within the City limits. She asked if there has been contact with the Mesa County Teen Commission. Ms. Harness said a meeting between the two groups is being set up.

Resolution No. 112-06 – A Resolution Adopting the Bylaws of the Grand Junction, Colorado City Youth Council

Councilmember Thomason moved to adopt Resolution No. 112-06. Councilmember Beckstein seconded the motion.

Councilmember Hill moved to amend the motion to add the word unexcused to the attendance policy. Councilmember Spehar seconded the amendment. Motion carried.

Motion on the primary motion was carried by roll call vote.

**Purchase Two Police Enforcement Motorcycles**

This purchase is for two 2006 BMW R1200RTHP Police Enforcement Motorcycles for Police Patrol.

Jay Valentine, Purchasing Manager, reviewed this item. He reviewed the history of the bid. Mr. Valentine said initially a single source bid was sent to BMW and following that a Request for Purchase (RFP) was developed and sent to all local dealers. He said three bids were received from two dealers but neither included the accessories that were included in the RFP. Both responding dealers were called and the accessory prices were received, then the two were compared. He said only the common items were compared between the bids. Mr. Valentine said Scott Lindsay, the owner of Harley Davidson, subsequently sent a letter to the City. Mr. Valentine addressed Mr. Lindsay's points. He said Mr. Lindsay said the City did not take into account the residual value of the Harley Davidson motorcycles. Mr. Valentine said that has not been done in the past nor was it done this time. He said Mr. Lindsay then stated that it would be difficult to sell the police-equipped BMW's. Mr. Valentine pointed out that the City has no experience with that. Mr. Lindsay's letter then said that BMW has extensive repair costs and down time. Mr. Valentine said that has not been Grand Junction's experience. He said Mr. Lindsay had some issues with accessories but that was not considered and said Mr. Lindsay's last point was that he bid the wrong accessory items. A correction would make the Harley Davidson's a lower price but the City did not allow the correction.

City Attorney John Shaver advised that Mr. Valentine has made his recommendation and said the City Council has discretion in awarding the bid.

Councilmember Hill clarified that the second time the bids were sent out the bikes were specified. Mr. Valentine said the addendum said to ignore the previous specifications but to price a police motorcycle. Councilmember Hill pointed out that the City could save \$500 if the correction is allowed. Mr. Valentine admitted the process started out a mess but the Purchasing Division did the best they could to make the process fair.

Councilmember Hill asked if there is information available about the resale value of the police BMW's. Mr. Valentine said that in the past Harley Davidson's does have a greater resale value but they do not know about the future. There is about a 30% difference in retail resale value, on the base model.

Bill Gardner, Police Chief, was accompanied by Police Sergeant Doug Norcross. He apologized for the process starting out messy. He commended the Purchasing Division for making the process as fair as possible. As the Chief, he recommended the BMW motorcycles, even if there is a substantial price difference. He said the Police Department previously did safety tests on the BMW and concluded that this is the best

piece of equipment for the job they are doing. He respects the City Council's decision and will accept their decision and proudly use the equipment given to them. However, he recommends BMW.

Council President Doody pointed out the existing fleet is BMW and he would have a hard time integrating a different brand into the fleet.

Chief Gardner added there will also be additional training needed and said anecdotally a recently hired motorcycle officer from California said that the BMW is the best bike for the job.

Sergeant Norcross said the officers have had good experience with the BMW's. He said there is a higher risk for the officers riding 8 to 12 hours per day and comfort is a huge factor when they ride these year round. He said there is a high confidence factor regarding safety with the BMW's.

Councilmember Hill reviewed that it is Council's responsibility to spend the taxpayer's money responsibly. The additional information would save \$1,000 and more money at resale down the road. He would recommend approval of the lowest cost to the taxpayers and go against Staff's recommendation.

Councilmember Spehar said that he opposes juggling the numbers as there may be other accessories that could be questioned. He said there is value in having consistency in the overall fleet and said there has been an effort to balance the process. He said the key is the preferences of the officers that ride these bikes everyday and noted that Councilmember Palmer sent an email saying that the City does not buy the cheapest equipment but the better equipment for the job. He will support Staff's recommendation.

Councilmember Coons was concerned that the comparison was not equal and she is concerned about safety. She supports Staff's recommendation.

Councilmember Thomason felt the Chief made a good point as well as Council President Doody with the integration issue. He will support the recommendation.

Councilmember Beckstein was also concerned with safety and said when a mistake is made in a bid and allowed to be corrected, that would set a precedent for future bids. She also supports the recommendation.

Council President Doody asked Acting City Manager Ron Lappi to explain how this matter can be avoided in the future. Mr. Lappi explained how the previous City Manager and previous City Purchasing Manager had started the bid process and after they left, the Staff (the City Attorney and the Finance Director) did their best to rectify the situation.

Councilmember Hill pointed out that some of the Council are deciding based on safety and there is not a rating for factoring in safety. Mr. Lappi agreed, perhaps the process should have been a sole source to begin with.

City Attorney Shaver said that the safety factor was initially going to be included but from a legal standpoint there were concerns so that was removed from consideration to make the process more objective.

Councilmember Spehar said he would not be opposed to a policy for purchasing sole source items that does take into account the user, the purpose, and is not totally dependent on cost.

Councilmember Spehar moved to authorize the City Purchasing Manager to purchase two 2006 BMW R1200RTHP police enforcement motorcycles from a local dealer, All Sports Honda/BMW, LTD, the lowest responsive bidder, for the amount of \$43,125.78. Councilmember Coons seconded the motion. Motion carried with Councilmember Hill voting NO.

### **Public Hearing – Watershed Protection Ordinance**

Public hearing on the citizen-initiated Watershed Protection Ordinance, received by the City Clerk's Office August 1, 2006.

Matt Sura, 405 25 Road, representing the Western Colorado Congress (WCC), the initiator of the ordinance, was asked to make a presentation. Mr. Sura reviewed the WCC history and the reason they brought this issue forward. The industry, which is new to Mesa County, will bring jobs and resources but there are appropriate places for such development. Mr. Sura said 1,500 drilling permits have been issued in Mesa County. He said well pads require roads and each pad can be one to ten acres in size. He said there are more and more concerns about the air quality that is impacted by the wells and mentioned a hearing on November 16<sup>th</sup> by the Air Quality Commission. He noted there is new technology that keeps the drilling cleaner but not all companies are using the new technology. Mr. Sura had photos of waste pits and other accidents and said there have been over 1,000 accidents reported since 2002. He noted there is only one inspector for every 3,625 wells and the number of inspectors has been doubled but it is still not enough. He said the stipulation that has been provided by the BLM, which does not provide enough protection, does require bonding, but it is extremely low. Many times small companies will abandon wells and leave the taxpayers responsible for the clean up. He said the proposal will allow the company to be required to pay for the acquisition of baseline data, to supply a description of activities including the list of chemicals used, and to provide a list of best management practices. He noted that technology is changing constantly to improve practices. He suggested a requirement

for a company to post a bond to cover 100% of potential damages and require the lessee to pay for third party monitors.

John Shaver, City Attorney, then reviewed this item. He said he did not plan a detailed presentation but was available to answer questions.

Councilmember Thomason asked if directional drilling requires individual permits. City Attorney Shaver said if the permit is for directional drilling then only one permit is required.

Councilmember Coons asked City Attorney Shaver to explain the ordinance process. City Attorney Shaver advised that the petition was deemed sufficient and Council then has the option to refer the issue to the ballot or have a hearing on the ordinance as is required for any ordinance.

Councilmember Beckstein asked for clarification on one of the provisions that seems to conflict with the BLM policy. City Attorney Shaver advised that it would not conflict with the BLM regulation; the ordinance will allow the City to protect the watershed from any risks not identified by the BLM. Councilmember Beckstein questioned why the City would have to pay fees to have this ordinance. City Attorney Shaver said that was a statement made by the Forest Service. He said the analysis is that if the Forest Service were to lose revenue because of the ordinance the City would be responsible for their loss of revenues. Secondly, fees may be assessed if there are additional costs for purposes of the Forest Service administering their permits in light of the City's ordinance, and thirdly, if there are any special permitting requirements that the Forest Service would have over the City, relative to the City's use of the forest ground for the purposes of the watershed. He said all of those would be allowed by the federal law.

Council President Doody opened the hearing for public comment at 8:39 p.m.

Karen Madsen, 2484 Sage Run Court, representing the Chamber of Commerce, said water quality is vital for our community to thrive. She said the Chamber is an advocate in educating the community on the impact of the energy industry. She said the cost is a concern if the issue is referred to a ballot along with subsequent costs to amend the ordinance.

Floyd Schneider, 1787 Broadway, submitted a letter to Council (attached).

Peggy Rawlins, 519 Liberty Cap Court, member of Concerned Citizens Alliance in Garfield County, has first hand knowledge of property owners who have been impacted by the oil and gas industry. She said BLM acknowledges that they do not have enough inspectors to keep up with the drilling and said the average of 7 acres of ground disturbance per well is usual along with roads leading up to the wells. She said the

chemicals used are toxic and the bonding required is inadequate. She said Congress gave BLM the right to raise the bonding but that has not done. She asked Council if the ordinance is passed that they keep the bonding inspection requirement and reclamation points the community has asked for in the ordinance.

Larry Kent, 991 21 Road, Fruita, Senior District Manager of Halliburton and President of Western Slope Oil and Gas Association, said he would like to correct some misinformation that has been brought up. He said the maximum wells per pad is 22 and each well has its own permit. He said hydraulic fracturing has been around since 1939 and the basic ingredients used for fracturing is water, a friction reducer, and sand. Mr. Kent said complex gels have been used in the past, but are not being used at this time. He has been a resident of Mesa County for the past 20 years and is also concerned about the water. He said that he is willing to answer any questions.

Council President Doody said regarding the chemicals that employees handle, are there material safety data sheets that are available to the employees? He asked Mr. Kent if that is normal practice. Mr. Kent said that is a requirement and must be kept on the trucks. He said some of the chemicals used are proprietary. He said the fracturing fluid of choice is water and said the water goes into a pit to be reused over and over again.

Bill Grant, WCC, 357 Martello Drive, is in favor of the proposition. He said some of the community would rather it go to the ballot. He is concerned about abandoned wells being left for taxpayers to pay for the cleanup. He can't say if Genesis would do that but they are new and their business plan does not provide confidence. He read a sentence from a press release that Genesis plans to sell within the next five years and said that does not ensure they plan to be a good long term neighbor.

Cindy Sims, 160 Dee Vee Street, said she is a registered nurse and has lived and worked in Mesa County for 25 years. She supports the initiative and has concerns about leases without the additional safety measures. She said studies have demonstrated that 25% to 82% of the fracturing fluids may return to the surface. She said the Environmental Protection Agency (EPA) stated that fracturing fluids contain a number of hazardous chemicals to human health. She said the citizens in Garfield County are now experiencing health problems. She said high contents of benzene can cause leukemia. She asked Council to please protect the watershed.

Lee Joramo, 959 Ouray Avenue, said he was in the first GJ101 class and said this is a long term issue. He would like to encourage Council to do whatever possible to protect the watershed.

Richard Alward, 281 28 Road, a candidate for the State House and also a biologist, said he has seen some exemplary work in the field, along with other types of work. He



has seen well pads on top of springs and well pads across drainage ways, both illegal practices. He said these are not normal happenings but they do happen. He is pleased with how the Council has been responsive. He said he has seen much stricter watershed protection ordinances. For example, in Salt Lake City one of the prohibited acts in their watershed is allowing a dog to enter a watershed area, leashed or not. He would like to encourage Council to adopt the proposed ordinance.

Audrey Cooper, 225 Chipeta Avenue #1, said she is from LaPlata County and said that she was an inspector there. She said there are not enough monitors for the wells and said air quality is also an issue. She asked that Council adopt this ordinance.

Joseph Hayes, 185 Rainbow Drive, retired from the National Park Service, said the BLM and Forest Service are being pushed hard by the present administration in Washington. He said the operating budgets of these agencies continue to be cut and they are expected to do more with less. He said there are many dedicated men and women but the combination of political interference and lack of funding can severely handicap them from doing their jobs. He then read passages from an article (attached) from Wyoming and issues regarding gas drilling. He also encouraged the adoption of the ordinance for the watershed.

Janet Magoon, 2752 Cheyenne Drive, said in the year 1993 when the Grand Mesa Slopes amendment plan was brought up, the BLM, Forest Service, City of Grand Junction, Town of Palisade, and 30 other organizations signed this agreement. She said on page 3 it stated for mineral withdrawal appropriate restrictions will be recommended for protection of sensitive areas from the Grand Mesa Slopes Advisory Group and said that has not been done. She asked that Council adopt this ordinance and help to protect the watershed.

Brian Simms, operates a business at 917 Main Street, and is an architect. He said the water table is high in this area, and not just in the streams. He said this is an issue that concerns citizens. He feels the City Council should stand up and protect all citizens.

John Rizzo, 604 N. 17<sup>th</sup> Street, said humans can live without oil and gas but cannot live without water.

Carol Chowen, 2342 Rattlesnake Court, a petition circulator, said many more people wanted to sign the petition but for one reason or another they could not sign the petition. She said taking this issue to the ballot would cost money and time. She asked if the ordinance is adopted, for the Council not to weaken it. She said every word on the four pages was well thought out and she encouraged the adoption of the ordinance.

Michael Warren, 1750 N. 3<sup>rd</sup> Street, said in July 2003 this issue was before Council. He said the BLM and Forest Service do not have the ability to protect the water. He said

they do not have the staff or the budget to protect the watershed. He said the federal government has little interest in local government and he encouraged more local control.

James Braden, 435 32 Road, stated that it appears that there are not enough inspectors with BLM. He feels a bill should be passed so new requirements can be brought into it. He said there is a need for more inspectors and suggested a volunteer group be formed to watch the sites and report back what they see.

Milton Long AKA "Tony", 302 Pitkin, questioned why not make the MOU into an ordinance. Council President Doody said there will be some discussion on the MOU once the public hearing is closed.

David Grossman, 575 Sunny Meadow Lane, said he was a 20 year resident of LaPlata County where he saw significant impact from the oil and gas industries. He said LaPlata County is now trying to address the damage that occurred from the drilling. He encouraged the adoption of this ordinance to protect the citizens, wildlife, and the future of this community.

There were no additional public comments. The hearing was closed at 9:32 p.m.

Council President called a recess at 9:32 p.m.

The meeting reconvened at 9:52 p.m.

City Attorney Shaver brought three items to Council's attention. He said in the title the word requiring should be changed to encouraging, page 5 subparagraph D, fifth line, the word a should be inserted before the word single, and in the same paragraph, the last full line, noxious weeks should be noxious weeds.

Councilmember Spehar questioned what else will Council need to do and the timeline. City Attorney Shaver said there will be technological changes so implementing regulations should be done fairly often or at least annually. He said Staff will develop a structure relative to the bond to figure out if that is potential damage or actual damage and other things that will require regulations. Councilmember Spehar questioned the baseline standards and monitoring. City Attorney Shaver said it will require education of the Public Works Staff and some training in the Water Services Division.

Councilmember Coons questioned the enforcement and what is the State Law requirement regarding municipalities and enforcement abilities. City Attorney Shaver said in Title 31 of the State Statutes, it gives the local municipalities the authority to act. This is the only enabling legislation that the legislation has passed that specifically talks about watersheds. He said what it says is that the City is authorized to construct

waterworks and protect the same from injury, including the point of the source, up to five miles.

Council President Doody asked Public Works Director Mark Relph to display a map of the affected area.

City Attorney Shaver and Public Works Director Mark Relph described the map and pointed out the five mile marks.

City Attorney Shaver answered a question for, Mr. Long, regarding the MOU. City Attorney Shaver said Mr. Long asked if MOUs can be converted to an ordinance. City Attorney Shaver said no, those are cooperative relationship documents which require different legal processes than adopting an ordinance.

Ordinance No. 3961 – An Ordinance Establishing Watershed and Water Supply Standards; Establishing Requirements for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; and Requiring the City Council to Adopt Implementing Ordinances or Resolutions

Councilmember Coons moved to adopt Ordinance No. 3961 amending the title to be consistent with the ordinance (changing requiring to encouraging) on Second Reading and ordered it published. Councilmember Thomason seconded the motion.

Councilmember Hill said he will be voting to adopt this ordinance. He said there is a legal issue as to what the five mile marks mean. He said, as with previous consideration, the ordinance won't stop drilling, won't protect all watersheds, and won't preempt the federal government. He said the community wants every tool available and trusts that this Council will do what is right. He said the City has to trust the other organizations and work together because everyone cares about the water.

Councilmember Spehar said the City does recognize the limitations with the federal government even if the City has to pay fees to the Forest Service. He suggested having CML work with the legislature to make changes that would make it more inclusive. He said the costs should be assigned to the companies if additional testing and monitoring is needed. He said there are concerns about weakening the ordinance and said that he understands their fears, but he feels that won't be an issue. He said there are concerns of negotiating the community plan, that the plan adopted by Genesis is assignable to successors. He said this is an opportunity to be proactive with what is the community's most precious resource. He will vote for the ordinance.

Councilmember Thomason agreed. He supports passing the ordinance instead of sending it to the ballot.

Councilmember Beckstein said she did not support it previously as it might create an adversarial relationship. She concurs with Councilmember Hill and will support the adoption of this ordinance.

Council President Doody said communication is the key and the City needs to be able to talk to the BLM, United States Forest Service, and Genesis. He said WCC was able to, in a short amount of time, put together a petition with 4,200 signatures and bring it before Council to say protect the water. He said he attended a meeting and has been communicating with other Mayors from Grand Junction to Aspen regarding the affected area in Rifle. He will support the ordinance.

Councilmember Coons clarified that the motion included all the corrections as identified by City Attorney Shaver. Councilmember Thomason concurred.

Motion carried by unanimous roll call vote.

### **Set the Ballot Title on the Watershed Protection Ordinance**

In the event that the watershed protection ordinance submitted by way of a citizens initiative petition is not adopted as presented, the matter will be referred to the November 7 ballot. The resolution approves the form and title of the measure for the ballot.

This matter was deemed moot due to the adoption of the ordinance in the previous item.

### **City Council District Boundary Adjustments**

The City Council District boundaries are established through the City Charter. City Council may adjust those boundaries by Resolution as they determine appropriate. An adjustment was last discussed in December, 2004 but no action was taken due to time constraints relative to the City Council election. The matter was again discussed at a workshop in August, 2006.

Stephanie Tuin, City Clerk, reviewed this item. She presented Council with the two options that were presented at the August 14, 2006 workshop. She recommended adoption of Scenario 1.

Councilmember Hill made his own recommendation. He emphasized that the City is not required to balance the population, but feels that "At Large" compensates for that. He proposed keeping "District A" as the Redlands, "District B" would be north to the 201

boundary, north of Patterson all the way to the railroad tracks, "District C" would be the central district bounded by Patterson on the north to the railroad tracks, following the tracks to 29 Road, then north back up to Patterson, and "District D" would be the northeast district wrapping around 29 Road. His proposal based the districts on geography rather than population.

Councilmember Spehar supported Clerk Tuin's recommendation, Scenario 1.

Councilmember Thomason would also like to go with Scenario 1 however he appreciates Councilmember Hill's effort.

Councilmember Coons supports Scenario 1.

Councilmember Beckstein said she liked option 2, but could go with either one.

Council President Doody supports Scenario 1.

Resolution No. 114-06 – A Resolution Designating Voting District Boundaries in the City of Grand Junction

Councilmember Thomason moved to adopt Resolution No. 114-06, Scenario 1.

Councilmember Spehar seconded the motion. Motion carried by roll call vote with Councilmember Hill voting NO.

### **Amendment to the 7<sup>th</sup> Street Corridor Design Services Contract**

City Council / Downtown Development Authority approved the expansion of the 7<sup>th</sup> Street Corridor Project to reconstruct 7<sup>th</sup> Street from the south side of Grand Avenue to the north side of Ute Avenue on February 22, 2006 with DDA agreeing to provide an additional \$2,000,000 in funding. As a result of that decision the design contract with Ciavonne, Roberts and Associates must be amended to reflect the additional work.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said the request is to expand the project and include additional costs for the redesign of the roundabout at Main Street to allow for floats and to save some of the trees.

Councilmember Beckstein questioned if the pedestrian crossing issue has been resolved. Mr. Relph said there have been discussions with the handicapped community and said the corridor will be designed with mid block crossing.

Councilmember Hill moved to approve \$178,144.00 of additional funding for Ciavonne, Roberts and Associates (CRA) to design the expanded 7<sup>th</sup> Street area. Councilmember Coons seconded the motion. Motion carried.

**Public Hearing – Halliburton Annexation and Zoning, Located at 3199 D Road** [File #ANX-2006-210]

Request to annex and zone 48.4 acres, located at 3199 D Road, to I-1 (Light Industrial). The Halliburton Annexation consists of 2 parcels and is a 2 part serial annexation.

The public hearing was opened at 11:05 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and the site. She said the current use is the field service office and service facility. She said the Future Land Use Designation is industrial, to the south are parks, across 32 Road is the Clifton Sanitation sewer ponds, to the east is residential and to the west is conservation. She described the surrounding zone districts and said the request meets the criteria of the Zoning and Development Code and the Growth Plan. Ms. Costello said the Planning Commission recommends approval.

Larry Kent, 991 21 Road, Fruita, representing the applicant Halliburton, was present. He explained the need for the annexation to add facilities to the property to house equipment and for storage.

There were no public comments.

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

**a. Accepting Petition**

Resolution No. 115-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Halliburton Annexation, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3962 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #1, Approximately 0.29 Acres, Located at 3199 D Road

Ordinance No. 3963 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #2, Approximately 48.11 Acres, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3964 – An Ordinance Zoning the Halliburton Annexation to I-1, Located at 3199 D Road

Councilmember Hill moved to adopt Resolution No. 115-06 and Ordinance Nos. 3962, 3963, and 3964 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Central Grand Valley Sanitation District (CGVSD) Annexation and Zoning, Located at 541 Hoover Drive** [File #ANX-2006-175]

Request to annex and zone 0.94 acres, located at 541 Hoover Drive, to C-1 (Light Commercial). The Central Grand Valley Sanitation District (CGVSD) Annexation consists of 1 parcel.

The public hearing was opened at 11:12 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the site and current use, the Future Land Use Designation, and the surrounding land use designations. She identified the requested zoning and the zoning for the surrounding properties. She said Staff finds that the request meets the criteria of the Zoning and Development Code and the criteria of the Growth Plan. Ms. Costello said the Planning Commission recommends approval.

Thomas W. Sylvester, 925 20 Road, Fruita, the applicant, was present. He said a neighbor to the south wants to do a boundary line adjustment and said that requires an annexation.

There were no public comments.

The public hearing was closed at 11:16 p.m.

**a. Accepting Petition**

Resolution No. 116-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the CGVSD Annexation, Located at 541 Hoover Drive is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3965 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, CGVSD Annexation Approximately 0.94 Acres, Located at 541 Hoover Drive

**c. Zoning Ordinance**

Ordinance No. 3966 – An Ordinance Zoning the CGVSD Annexation to C-1, Located at 541 Hoover Drive

Councilmember Spehar moved to adopt Resolution No. 116-06 and Ordinance Nos. 3965 and 3966 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Burkey Park II Annexation and Zoning, Located at 179 28 ½ Road**  
[File #ANX-2006-179]

Request to annex and zone 9.68 acres, located at 179 28 ½ Road, to CSR (Community Services and Recreation). The Burkey Park II Annexation consists of 1 parcel.

The public hearing was opened at 11:18 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the location, the site, the current use, the Future Land Use Designation and the surrounding land use designations. He identified the requested zoning and the zoning for the surrounding properties. He said Staff finds that the request meets the criteria of the Zoning and Development Code and the criteria of the Growth Plan. Mr. Olsen said the Planning Commission recommends approval.

The applicant is the City.

There were no public comments.

The public hearing was closed at 11:20 p.m.

**a. Accepting Petition**

Resolution No. 117-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Burkey Park II Annexation, Located at 179 28 ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3967 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Burkey Park II Annexation, Approximately 9.68 Acres, Located at 179 28 ½ Road



**c. Zoning Ordinance**

Ordinance No. 3968 – An Ordinance Zoning the Burkey Park II Annexation to CSR,  
Located at 179 28 ½ Road

Councilmember Thomason moved to adopt Resolution No. 117-06 and Ordinance Nos. 3967 and 3968 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

James Braden, 435 32 Road, Clifton, discussed the area around the overpass by Sam's and WalMart. He thought there would be grass planted which would make it look nice instead of dried out weeds. He said that he doesn't know who is responsible but trash is accumulating in this area and feels this gives a bad impression for entrance into the City.

Councilmember Hill noted that area is on the Gateway Committee's list, but is not the next priority and said it is the property of the Colorado Department of Transportation (CDOT).

**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 11:29 p.m.

Stephanie Tuin, MMC  
City Clerk

To the Grand Junction City Council:

This letter is in support of NO oil or gas drilling in the Palisade, Grand Jctn., Municipal potable watershed.

My experience with the oil and gas drilling industry is they are a crude, careless, clumsy industry at best and cannot be trusted in environmentally sensitive areas.

To prove that contamination has occurred by drilling or production companies is a long drawn out expensive process. Therefore it is vitally important municipalities, private individuals and water companies obtain data of the purity of surface and sub-water. Trace contaminates, if any, should be noted and recorded at the county court house.

Purity of water quality should be done years in advance prior to drilling into high pressure zones which are common to sulfur, brine and petroleum zones.

It should be noted that data collected of water quality be submitted by a reliable, private engineering firm, one not in the employ of petroleum industry. It is our opinion the Mesa County Commissioners and the Town Councils of Palisade and Grand Jctn., go on record to having a no well flaring policy in Mesa County. The technology of cleaning a pay zone for production does exist. There is no worldly reason for oil production companies to squander millions of cubic feet of natural gas by the foolishness of flaring.

Sincerely yours,

*Sept 6 2006*  
*Floyd Schneider*  
Floyd Schneider

*Shirley J. Schneider*  
Shirley J. Schneider



<http://www.washingtonpost.com/wp-dyn/content/article/2006/08/31/AR2006083101482.html>

## **Neglected Vows Cited At BLM**

*Agency Was to Monitor Impact of Wyo. Drilling*

By Blaine Harden  
Washington Post Staff Writer  
Friday, September 1, 2006; A03

The Bureau of Land Management has neglected its public commitments to monitor and limit harm to wildlife and air quality from natural gas drilling in western Wyoming, according to an internal BLM assessment.

In the Pinedale, Wyo., field office of the BLM, which oversees one of the most productive and profitable gas fields on public land in the West, there is often "no evaluation, analysis or compiling" of data tracking the environmental consequences of drilling, according to the document, which was written in May and which BLM officials confirm is genuine.

The BLM in Pinedale has failed for six years to honor its commitments to track pollution that affects air quality and lake acidification in nearby wilderness areas, the document says.

In the years that the agency was not tracking emissions, the level of nitrous oxides in the Pinedale area exceeded limits that the BLM had publicly agreed might have an "adverse impact" on air quality, according to the internal assessment.

Nitrous oxides, from gas-field engine exhaust and the burning of waste gas, are a primary cause of the ground-level ozone that has reduced air quality in the high sage plains of western Wyoming, a region that until recently had one of the most pristine airsheds in the West.

The BLM, which has presided over a large increase in energy drilling across the Rockies, agreed after a long public hearing process to "limit surface disturbance and human activity" that could displace deer, antelopes and sage grouse in the Pinedale area, winter home to some of the nation's largest migratory herds of deer and antelopes and one of the few places in the West with a vibrant population of nesting sage grouse.

But the document says that recent studies show that deer and sage grouse have declined because of "the impacts of human activity" associated with drilling.

Earlier this year, Steve Belinda, a wildlife biologist in the Pinedale office of the BLM, quit his job because he said that he and other wildlife specialists were required to spend nearly all their time working in the office on requests for more drilling and could not go into the field to study the effect on wildlife of the thousands of gas wells.

The leaked BLM document was not intended for public distribution. It was prepared this spring to brief Dennis Stenger, the incoming field office manager in Pinedale.

"It is stuff to kick us in the side to take a look at some of our requirements," Stenger said in an interview. He added that he had asked for the assessment to help him understand what needed to be done.

Since 1994, the BLM has agreed to 824 separate commitments as part of the public approval process for drilling around Pinedale, BLM spokesman Steven Hall said. He said that 90 percent of the commitments have been met or were on schedule for completion.

"We are not always going to be perfect," he said, adding that the agency now has "to look at whether all the commitments in various documents are even doable."

Critics of the BLM said that the leaked document is not much of a revelation — except in the agency's willingness to put its failures on paper.

"The facts are no surprise whatsoever," said Bruce Pendery, a program director of the Wyoming Outdoor Council, an environmental group based in Lander, Wyo. "What is new is that, instead of us grumbling about the BLM not doing what it said it would do, the agency itself is acknowledging that this is the case."

Many national environmental groups have complained about the BLM's accelerating pace in issuing new drilling permits. Executives with oil and gas companies say the industry cannot keep up with the permits already issued. In the past two years, the BLM issued a record 13,070 drilling permits on federal land, but the industry drilled just 5,844 wells.

"While the leaked report shines light on the agency's failure in one specific place, we fear that it is emblematic of its handling of energy leasing and development throughout the West," said James D. Range, chairman of the Theodore Roosevelt Conservation Partnership, a Washington-based group focused on the protection of hunting and fishing on public land.

Interior Secretary Dirk Kempthorne, who toured the Pinedale gas fields last week, told local reporters he was "impressed" with how companies there were working in a way that is "compatible with the environment."

But state officials in Wyoming have been complaining for years about how demands from Washington to speed up drilling is hurting the state's wildlife and causing long-term environmental damage.

The state's planning coordinator, Mary Flanderka, said BLM field offices in Wyoming are under extraordinary pressure to honor environmental commitments while, at the same time, dealing with orders from Washington to rush forward on energy extraction.

"There is not enough money or manpower to get the job done," she said.

**Revocable Permit for St. Mary's**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Revocable Permit issued to St. Mary's Hospital for Signage and Landscaping Located at 710 Wellington Avenue						
<b>Meeting Date</b>	September 20, 2006						
<b>Date Prepared</b>	September 11, 2006					<b>File # VE-2006-082</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:** A request to maintain an existing free-standing sign, landscape wall and landscaping in the N. 7<sup>th</sup> Street right-of-way adjacent to 710 Wellington Avenue.

**Budget:** N/A

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

**Background Information:** Please see attached Staff Report.

**Attachments:**

1. Staff Report/Background Information
2. Site Location Map/Aerial Photo
3. Resolution
4. Revocable Permit
5. Agreement

BACKGROUND INFORMATION					
<b>Location:</b>		710 Wellington Avenue			
<b>Applicant:</b>		St. Mary's Hospital			
<b>Existing Land Use:</b>		Grand Valley Surgical Center & Dialysis Center			
<b>Proposed Land Use:</b>		N/A			
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Residential			
	<b>South</b>	Multi-Family Residential			
	<b>East</b>	Advanced Medicine Pavilion			
	<b>West</b>	St. Mary's Hospital			
<b>Existing Zoning:</b>		PD, Planned Development			
<b>Proposed Zoning:</b>		N/A			
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4, Residential Single Family – 4 units/acre			
	<b>South</b>	B-1, Neighborhood Business			
	<b>East</b>	PD, Planned Development			
	<b>West</b>	PD, Planned Development			
<b>Growth Plan Designation:</b>		Public			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Project Analysis:**

**1. Background:**

The applicant has an existing free-standing sign, landscaping wall and landscaping located outside of their property line and in the N. 7<sup>th</sup> Street right-of-way located at the corner of N. 7<sup>th</sup> Street and Wellington Avenue. St. Mary's Hospital is requesting a Revocable Permit from the City to allow these items to remain within the N. 7<sup>th</sup> Street right-of-way. Several years ago, N. 7<sup>th</sup> Street was realigned and upgraded with a stop light at Wellington Avenue which created a 6,835 sq. ft. triangular parcel of land that St. Mary's developed with landscaping and signage in order to direct traffic to the East Campus. The N. 7<sup>th</sup> Street right-of-way varies in width in this area and the City would not support vacating a portion of this right-of-way in this location because of possible future needs, therefore the applicant is requesting a Revocable Permit to maintain these encroachments within the right-of-way. The applicant is currently in the City review process to subdivide and condo the Advanced Medicine Pavilion building and

the issuance of a Revocable Permit would legitimize these encroachments into the N. 7<sup>th</sup> Street right-of-way.

Section 2.17 of the Zoning & Development Code states that review and approval of Revocable Permits for irrigation and landscaping can be approved at the City Staff level, however the City Council is required to approve Revocable Permits for all other encroachments into the City's right-of-ways.

**2. Section 2.17 C. of the Zoning & 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 proposal is to maintain an existing free-standing sign for the East Campus of St. Mary's, landscaping wall and landscaping. The community will benefit by the granting of the proposed Revocable Permit as St. Mary's is providing an aesthetically pleasing and useful landscaping area and sign directing access to the East Campus.

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

The area is currently landscaped and is maintained by St. Mary's. The existing free-standing sign provides directional signage for the East Campus of St. Mary's.

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

No other or conflicting uses are anticipated by the City in the area of the right-of-way encroachment.

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

The existing landscaping and free-standing sign is compatible with the adjacent land uses associated with St. Mary's and the N. 7<sup>th</sup> Street corridor.

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



There are no negative impacts anticipated as the existing free-standing sign improves access to the East Campus by providing directions to the public. There are no sensitive areas such as floodplains or natural hazard areas included in the subject property.

- 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 applicant's request meets with the goals and policies of the Growth Plan and other adopted plans and policies of the City. The existing use is also in conformance with the St. Mary's Hospital Master Plan 2000.

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

The applicants have complied with all applicable codes and requirements.

#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the St. Mary's Hospital application, VE-2006-082, for the issuance of a Revocable Permit for the maintenance of an existing free-standing sign for the East Campus of St. Mary's, landscaping wall and landscaping in the N. 7<sup>th</sup> Street right-of-way, staff makes the following findings of fact and conclusions:

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

#### **STAFF RECOMMENDATION:**

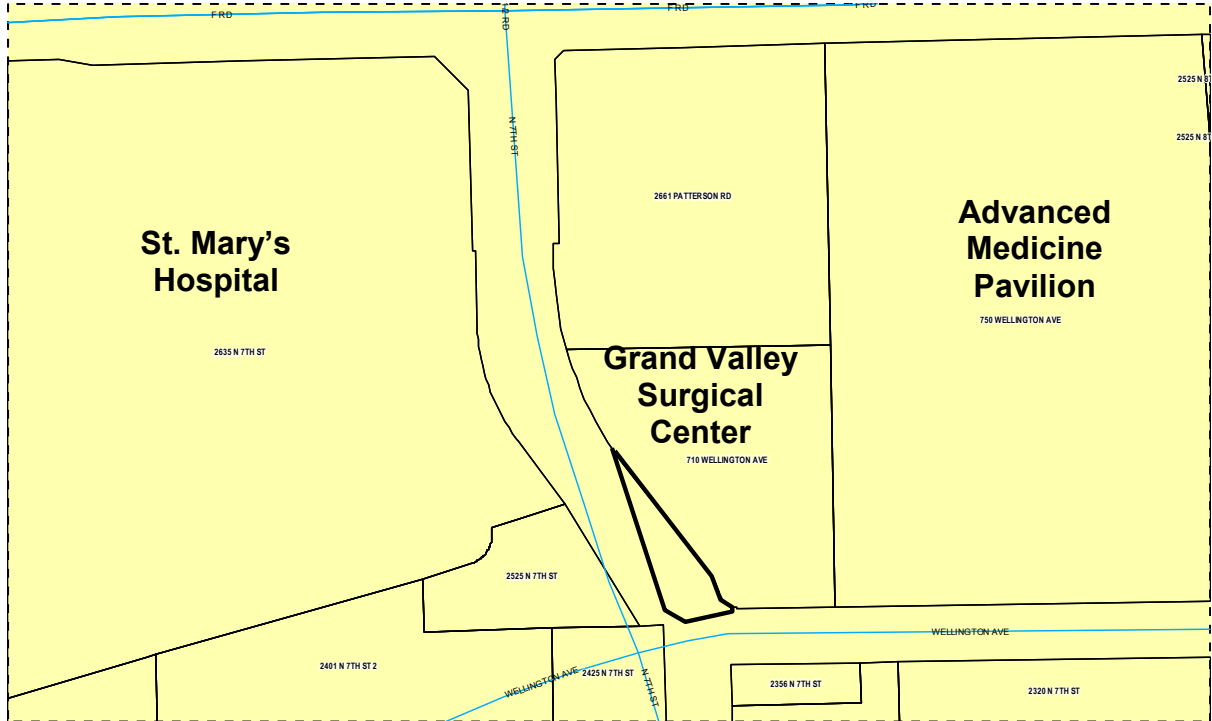
Staff recommends that the City Council approve the requested Revocable Permit for St. Mary's Hospital to maintain an existing free-standing sign for the East Campus of St. Mary's, landscaping wall and landscaping presently located in the N. 7<sup>th</sup> Street right-of-way, VE-2006-082.

#### **Attachments:**

Staff Report/Background Information  
Site Location Map/Aerial Photo  
Resolution  
Revocable Permit  
Agreement

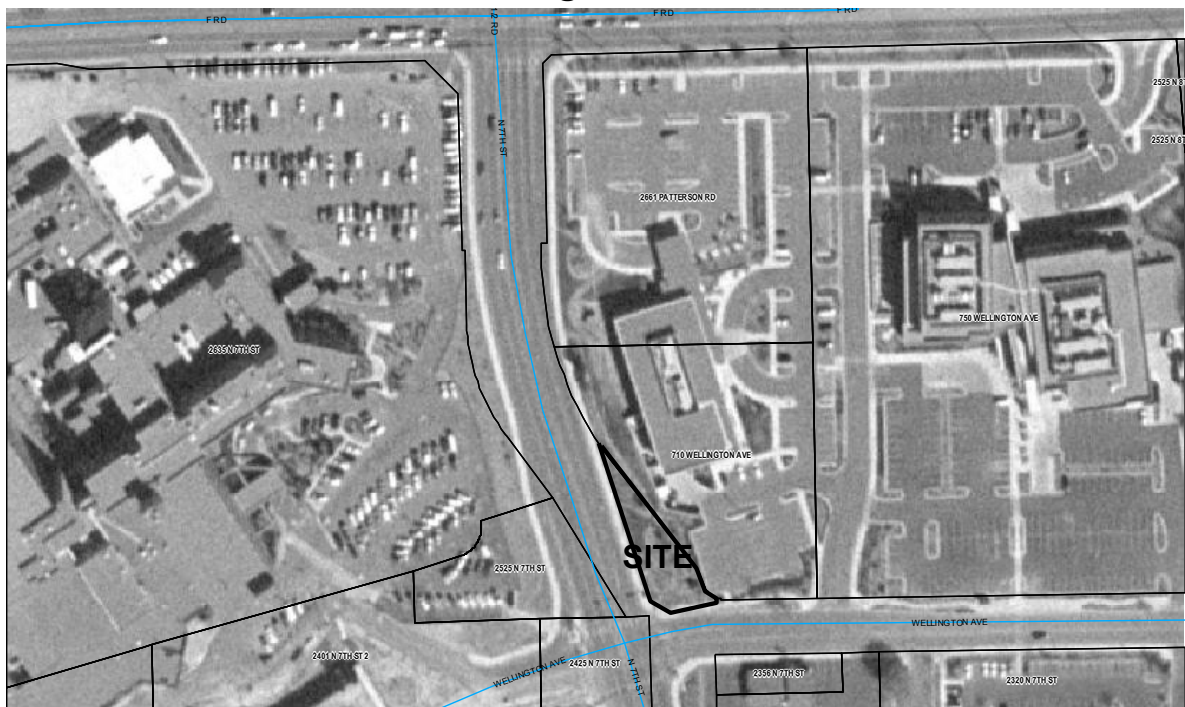
# Site Location Map – Revocable Permit

Figure 1



# Aerial Photo Map – Revocable Permit

Figure 2



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

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
ST. MARY'S HOSPITAL LOCATED AT 710 WELLINGTON AVENUE**

**Recitals.**

A. St. Mary's Hospital, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Unplatted parcel of land located at 710 Wellington Avenue and identified by Mesa County Tax Schedule Number 2945-111-32-971.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, landscaping wall and landscaping within the following described public right-of-way:

A portion of the apparent right-of-way of Seventh Street in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11, Township One South, Range One West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at a Mesa County Survey Marker for the N1/4 Corner of said Section 11, whence a Mesa County Survey Marker for the E 1/16 Corner on the northerly line of said Section 11 bears S89°53'32"E for a distance of 1313.95 feet; thence S10°04'46"E for a distance of 435.33 feet to a point on the easterly right-of-way line of Seventh Street and the Point of Beginning; thence the following nine courses and distances:

1. S16°13'24"E for a distance of 214.53 feet;
2. S56°00'27"E for a distance of 27.72 feet;
3. N72°32'56"E for a distance of 33.63 feet;
4. S89°22'32"E for a distance of 17.12 feet to a point of curvature;
5. 11.13 feet on the arc of a 25.00-foot, non-tangent curve to the right, the central angle of which is 25°30'53" and the chord of which bears N29°49'03"W a distance of 11.04 feet;
6. N17°03'32"W for a distance of 15.49 feet;
7. N89°53'32"W for a distance of 16.27 feet to a point of curvature;
8. 67.17 feet on the arc of a 384.33-foot, non-tangent curve to the left, the central angle of which is 10°00'47" and the chord of which bears N27°03'08"W a distance of 67.08 feet;

9. N32°03'31"W for distance of 92.14 feet to a point of curvature; thence, returning to the Point of Beginning, 56.01 feet on the arc of a 380.28-foot radius curve to the right, the central angle of which is 08°26'22" and the chord of which bears N28°09'12"W a distance of 55.96 feet. containing 6835 square feet, more or less as described. See attached Exhibit A.

C. Relying on the information supplied by the Petitioner and contained in File No. VE-2006-082 in the office of the City's Community Development Department, 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:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way 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.

A. St. Mary's Hospital, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Unplatted parcel of land located at 710 Wellington Avenue and identified by Mesa County Tax Schedule Number 2945-111-32-971.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, landscaping wall and landscaping within the following described public right-of-way:

A portion of the apparent right-of-way of Seventh Street in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11, Township One South, Range One West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at a Mesa County Survey Marker for the N1/4 Corner of said Section 11, whence a Mesa County Survey Marker for the E 1/16 Corner on the northerly line of said Section 11 bears S89°53'32"E for a distance of 1313.95 feet; thence S10°04'46"E for a distance of 435.33 feet to a point on the easterly right-of-way line of Seventh Street and the Point of Beginning; thence the following nine courses and distances:

1. S16°13'24"E for a distance of 214.53 feet;
2. S56°00'27"E for a distance of 27.72 feet;
3. N72°32'56"E for a distance of 33.63 feet;
4. S89°22'32"E for a distance of 17.12 feet to a point of curvature;
5. 11.13 feet on the arc of a 25.00-foot, non-tangent curve to the right, the central angle of which is 25°30'53" and the chord of which bears N29°49'03"W a distance of 11.04 feet;
6. N17°03'32"W for a distance of 15.49 feet;
7. N89°53'32"W for a distance of 16.27 feet to a point of curvature;
8. 67.17 feet on the arc of a 384.33-foot, non-tangent curve to the left, the central angle of which is 10°00'47" and the chord of which bears N27°03'08"W a distance of 67.08 feet;
9. N32°03'31"W for distance of 92.14 feet to a point of curvature; thence, returning to the Point of Beginning, 56.01 feet on the arc of a 380.28-foot radius curve to the right, the central angle of which is 08°26'22" and the chord of which bears N28°09'12"W a distance of 55.96 feet.

containing 6835 square feet, more or less as described.

C. Relying on the information supplied by the Petitioner and contained in File No. VE-2006-082 in the office of the City's Community Development Department, 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 purpose aforescribed and within the limits of the public right-of-way 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 public right-of-way 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 improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way 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, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or 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 public right-of-way 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 public right-of-way in good condition and repair.
5. This Revocable Permit shall be issued only upon the 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 cost and expense 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 public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way 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

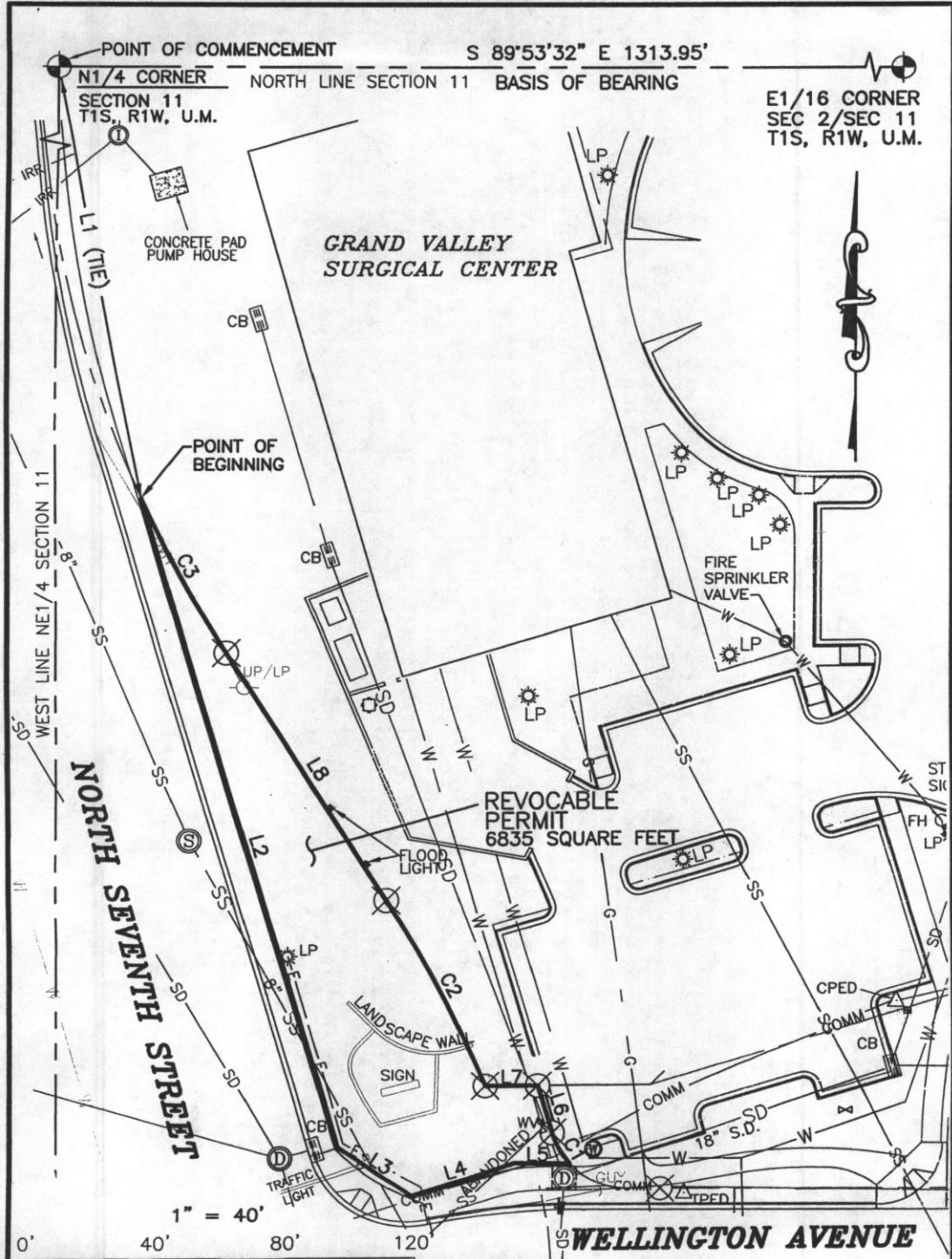
Acceptance by the Petitioner:

\_\_\_\_\_  
Robert W. Ladenburger, attorney-in-fact  
for Sisters of Charity of Leavenworth  
Health System Inc., a Kansas nonprofit  
corporation





Exhibit A



**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	11.13'	11.04'	N 29°49'03" W	25°30'53"
C2	384.33'	67.17'	67.08'	N 27°03'08" W	10°00'47"
C3	380.28'	56.01'	55.96'	N 28°09'12" W	08°26'22"

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 10°52'46" E	435.33'
L2	S 16°13'24" E	214.53'
L3	S 56°00'27" E	27.72'
L4	N 72°32'56" E	33.63'
L5	S 89°22'32" E	17.12'
L6	N 17°03'32" W	15.49'
L7	N 89°53'32" W	16.27'
L8	N 32°03'31" W	92.14'



File Name: C:\PROJECTS\2087\2087revocLEGAL.DWG

**EXHIBIT  
REVOCABLE PERMIT**

IN THE NE1/4 OF SECTION 11  
T1S, R1W OF THE UTE MERIDIAN  
CITY OF GRAND JUNCTION,  
MESA COUNTY, COLORADO

Designed	Checked	RAM	2087	Sheet	1
Drawn	LC	Date	6/22/06	Of	1

**Abeyta-Weaver Annexation**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Zoning the Abeyta-Weaver Annexation, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road.					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 14, 2006			File #ANX-2005-188		
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to zone the 12.82 acre Abeyta-Weaver Annexation, located at 3037 D ½ Road, 432 and 436 30 ¼ Road, to RMF-8 (Residential Multi-Family 8 du/ac) and CSR (Community Services and Recreation).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed ordinance and set a public hearing for October 4, 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>		3037 D ½ Road, 432 and 436 30 ¼ Road	
<b>Applicants:</b>		Owner / Applicant: Mesa Co School Dist #51	
<b>Existing Land Use:</b>		2 – single family residences / Agricultural	
<b>Proposed Land Use:</b>		2 – single family residences and a new school	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential	
	<b>South</b>	Single Family Residential / Agricultural	
	<b>East</b>	Single Family Residential / Agricultural	
	<b>West</b>	Single Family Residential / Agricultural	
<b>Existing Zoning:</b>		PUD	
<b>Proposed Zoning:</b>		RMF-8 and CSR	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R	
	<b>South</b>	County PUD – 5.21 du/ac	
	<b>East</b>	County PUD – undeveloped	
	<b>West</b>	County PUD – 3.61 du/ac / PUD – undeveloped; City – RMF-8	
<b>Growth Plan Designation:</b>		Residential Medium 4-8 and Public	
<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-8 and CSR districts is consistent with the Growth Plan designation of Residential Medium 4-8 and Public. The existing County zoning is PUD. 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.A.3 and 4 as follows:**

- The proposed zone 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.

**Response:** The proposed RMF-8 zone district is compatible with the neighborhood and will provide a buffer between the school site and the surrounding neighborhoods. It also implements the Pear Park Plan goal to provide areas of higher density to allow for a mix in housing options. The CSR zone district is consistent with school use of the property.

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

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

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-5

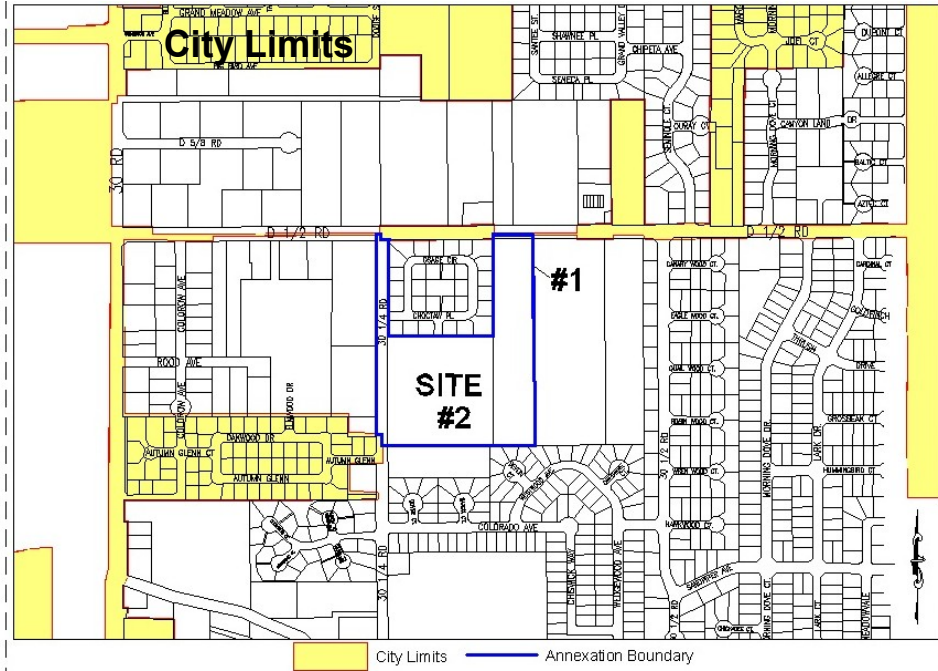
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 and CSR districts to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.



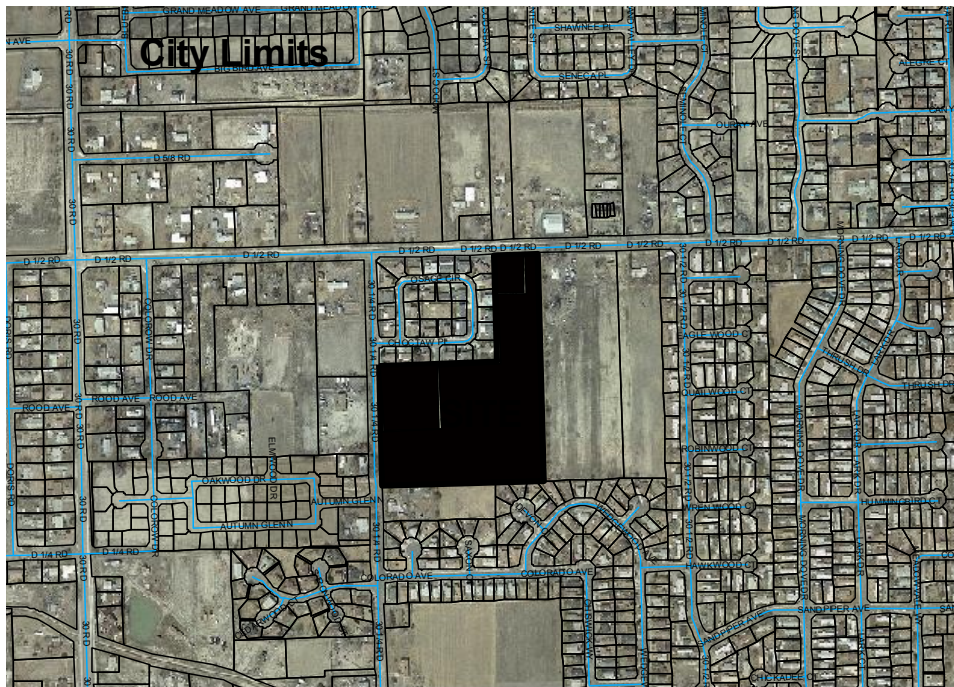
# Site Location Map

Figure 1



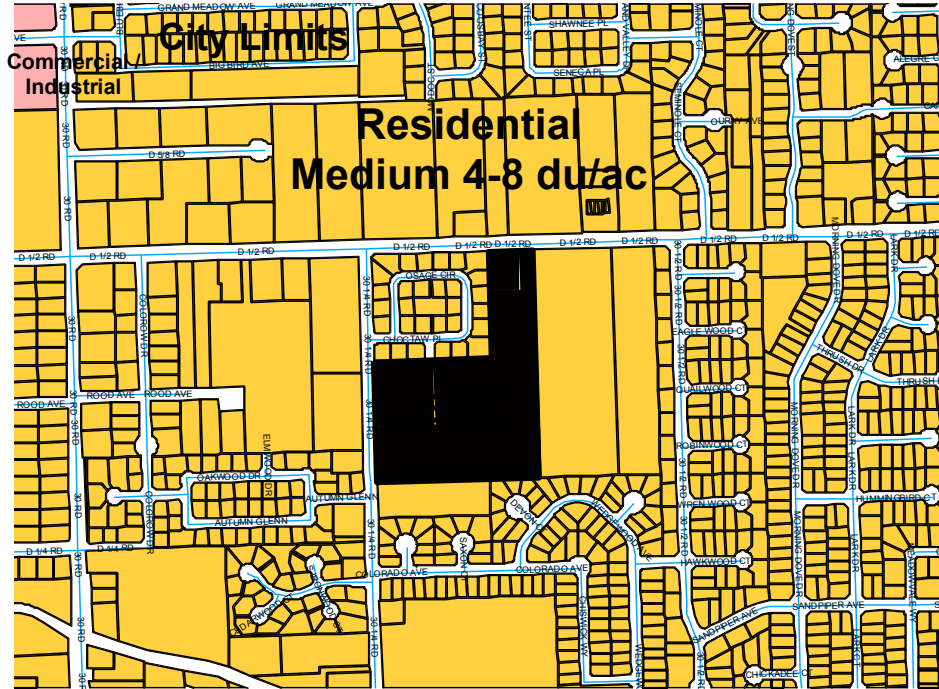
# Aerial Photo Map

Figure 2



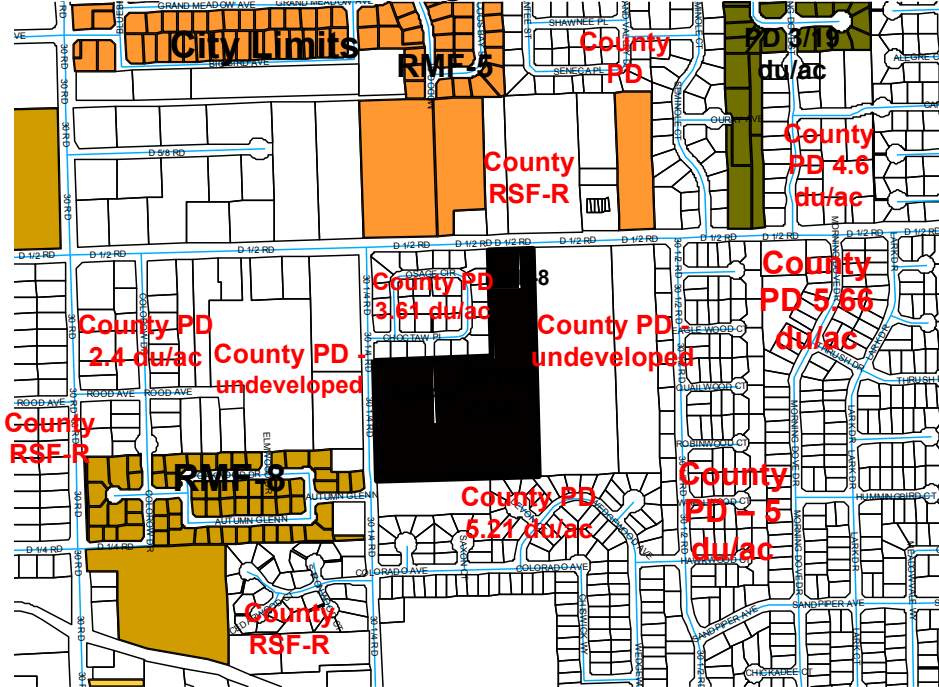
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE ABEYTA-WEAVER ANNEXATION TO  
RMF-8 AND CSR**

**LOCATED AT 3037 D ½ ROAD, 432 AND 436 30 ¼ 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 Abeyta-Weaver Annexation to the RMF-8 and CSR zone districts finding that they conform with 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 generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 and CSR zone districts are 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 be zoned RMF-8 (Residential Multi-Family 8 du/ac).

Lots 1 and 3 of the Abeyta/Weaver Subdivision as recorded at Book 4193 Pages 260-261 of the Mesa County Clerk and Records Office, Mesa County, Colorado

CONTAINING 2.24 Acres (97,574.4 Sq. Ft.), more or less, as described.

The following property be zoned CSR (Community Services and Recreation).

Lot 2 of the Abeyta/Weaver Subdivision as recorded at Book 4193 Pages 260-261 of the Mesa County Clerk and Records Office, Mesa County, Colorado

CONTAINING 8.42 Acres (366,775.2 Sq. Ft.), more or less, as described.



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

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

ATTEST:

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

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

**Continue Baldwin Annexation**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>	Request to Continue Baldwin Annexation Located at 2102 & 2108 Highway 6 & 50						
<b>Meeting Date</b>	September 20, 2006						
<b>Date Prepared</b>	September 11, 2006				File #ANX-2006-182		
<b>Author</b>	Faye Hall			Associate Planner			
<b>Presenter Name</b>	Faye Hall			Associate 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to continue the Baldwin Annexation to the October 4, 2006 City Council Meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

**Budget:** N/A

**Action Requested/Recommendation:** Continue the adoption of the Resolution accepting the Petition for the Baldwin Annexation and Public Hearing to consider Final Passage of the Annexation and Zoning Ordinances to the October 4, 2006 City Council Meeting.

**Rezone Mirada Court**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Mirada Court Rezone, Located 600 ft east of Mirada Court					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 11, 2006				<b>File #RZ-2006-161</b>	
<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:** Request to rezone the 5 acre property located 600 feet east of Mirada Court from RSF-E (Residential Single Family, Estate) to RSF-4 (Residential Single Family, 4 units per acre).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed ordinance and set a hearing for October 4, 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. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		600 ft east of Mirada Court	
<b>Applicant:</b>		Owner: Darren Davidson Representative: Tom Logue	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		No change	
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant	
	<b>South</b>	Vacant	
	<b>East</b>	Vacant	
	<b>West</b>	Vacant	
<b>Existing Zoning:</b>		RSF-E	
<b>Proposed Zoning:</b>		RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4	
	<b>South</b>	Planned Development – 4 units per acre	
	<b>East</b>	Planned Development – 4 units per acre	
	<b>West</b>	RSF-4	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

The 5 acre parcel was annexed as the Davidson/Wilcox Enclave on January 21, 2001. At the time of annexation the Mesa County Zoning Map indicated that the property was zoned RSF-E (Residential Single Family Estate). The staff report for the zone of annexation, dated October 30, 2000, states the following:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas either consistent with the Growth Plan or the same as existing County zoning. City Council has directed staff to propose City zoning identical to and/or compatible with Mesa County zoning for enclave areas. The proposed zoning of RSF-E is identical to or nearly identical to corresponding Mesa County zoning for this property. Please note that this proposed zoning does not meet the Growth Plan's Future Land Use Map recommended densities. Future development on this property may include rezoning to a higher density supported by the Growth Plan Future Land Use map.

At this time the property is landlocked and has no public facilities to serve it. Any future development of this property is dependent upon development activity on the adjoining parcels to the east and northeast. There currently have been no formal development proposals for the adjoining parcels and until this happens it will remain unknown as to when this property could develop. The applicant is requesting the rezone at this time so that when the opportunity for development occurs the subject property will have the appropriate zoning in place.

**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:**

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

**Response:** At the time the property was annexed in 2001, the Mesa County Zoning Map indicated that the property was zoned RSF-E. However, the Mesa County Zoning Map from 1987 shows that the property was zoned R-2, which is the equivalent of today's RSF-4 zone district. Mesa County Staff was asked to research when the property's zoning changed from R-2 in 1987 to RSF-E in 2001. Mesa County Staff was unable to produce a resolution from the County Commissioners that verified that the property's zoning had changed or that a rezone request had been made. From this information we believe that the Mesa County's zoning map was in error at the time this property was annexed. Had the Mesa County zoning map shown the property to have been zoned R-2 (or RSF-4), when it was annexed, the proposed zone of annexation would have been RSF-4. Therefore, the existing zoning was in error at the time of adoption.

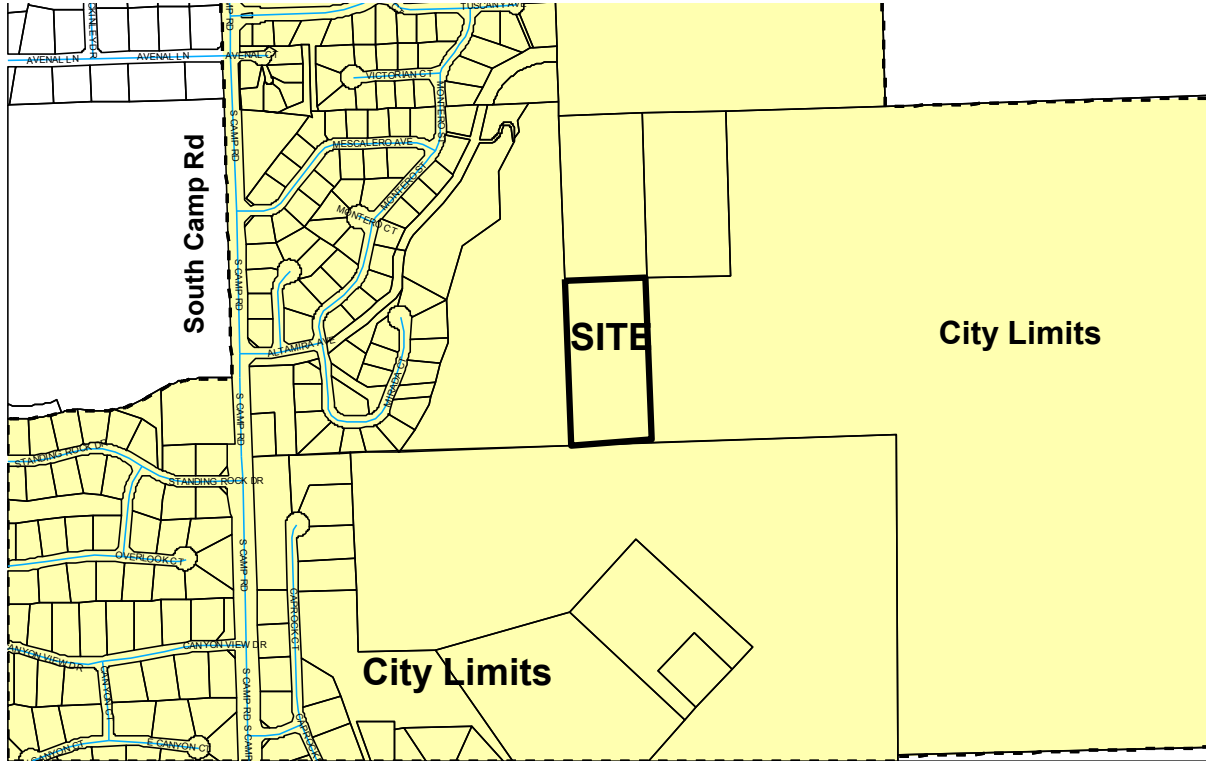
**If the zoning is found to be in error, the remaining criteria of 2.6.A do not apply.**

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested rezone to the City Council, finding the rezoning to the RSF-4 District to be consistent with the Growth Plan and Section 2.6 of the Zoning & Development Code.



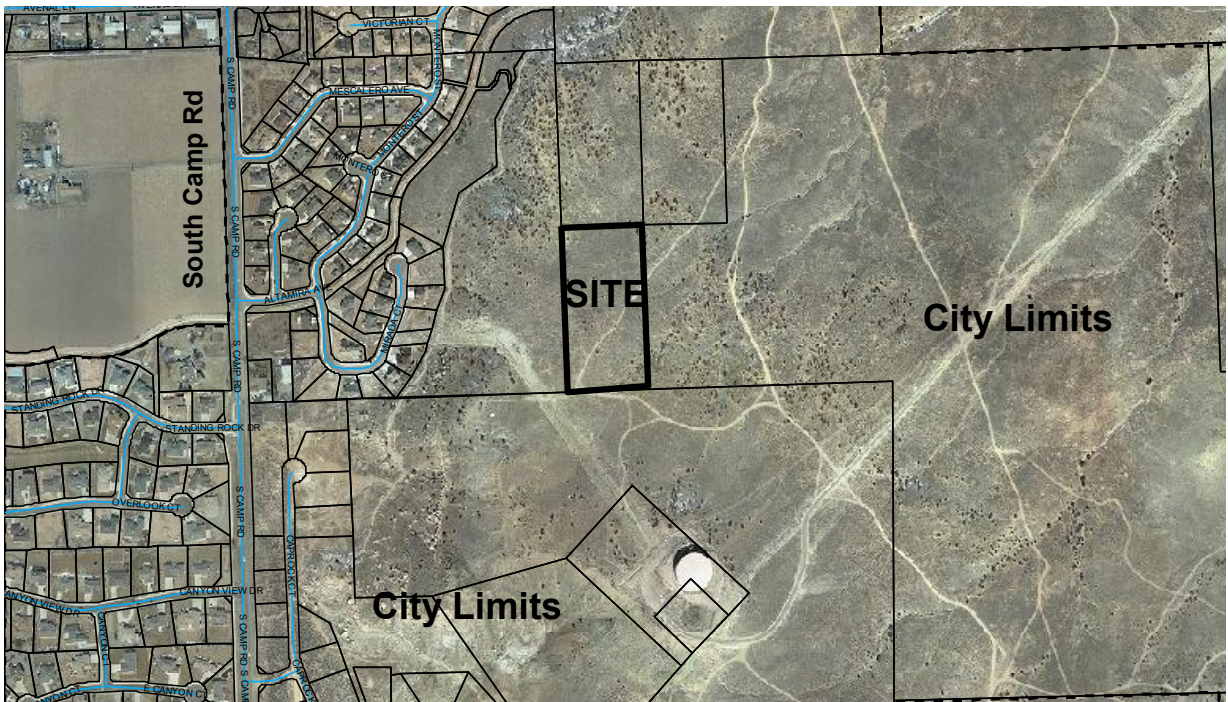
# Site Location Map

Figure 1



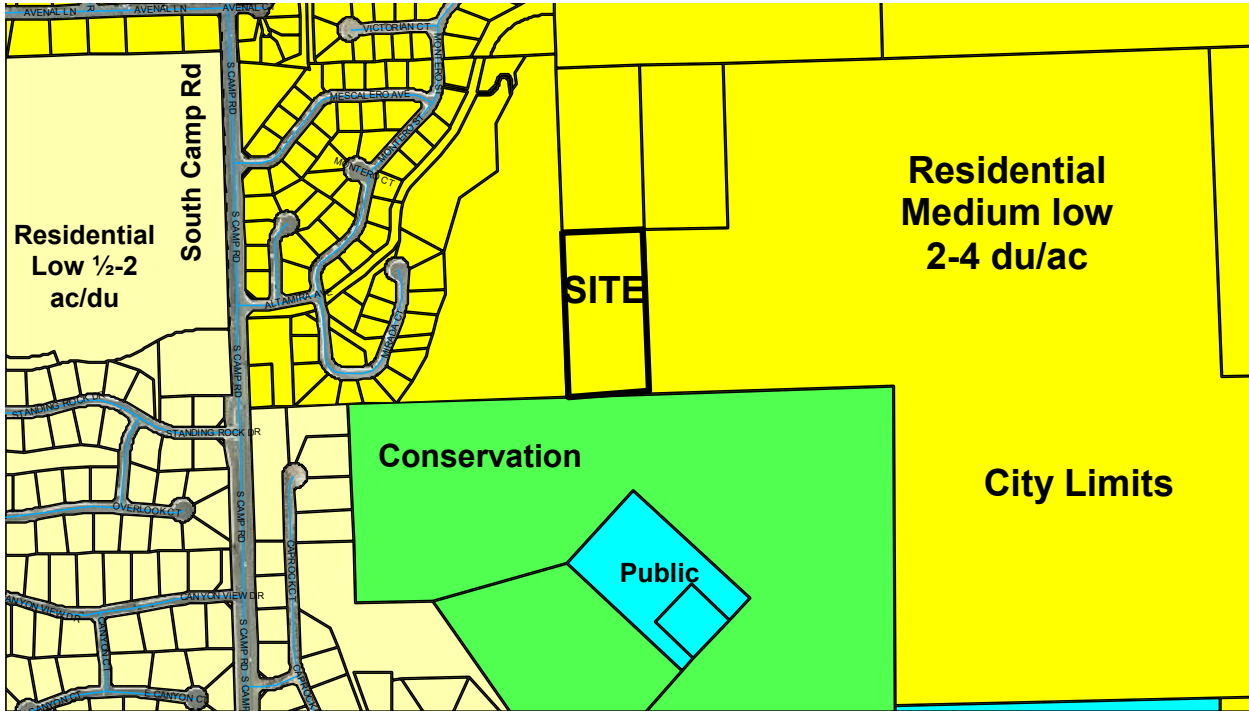
# Aerial Photo Map

Figure 2



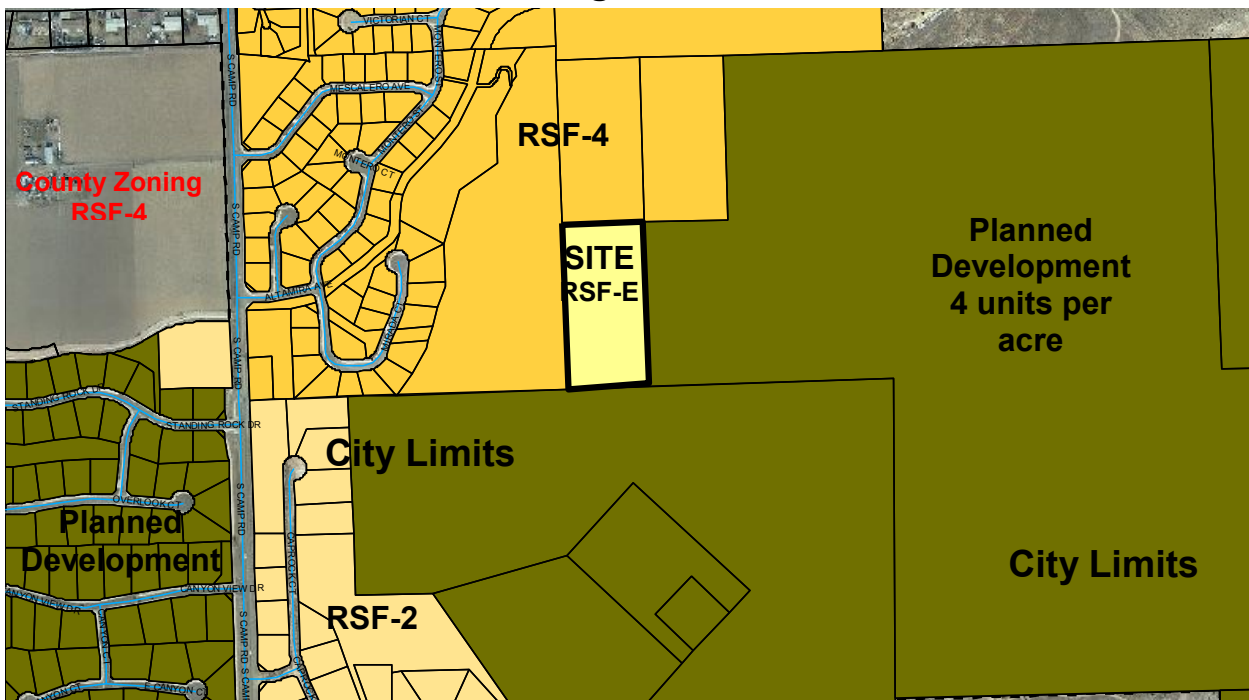
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE  
MIRADA COURT REZONE TO  
RSF-4, (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE)**

**LOCATED 600 FEET EAST OF MIRADA COURT**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Mirada Court Rezone to the RSF-4 Zone District finding that it conforms with 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 generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 Zone District is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

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

W1/2, SW1/4, SE1/4, SW1/4, SEC 18, T1N, R1W, UM, Mesa County, Colorado.

CONTAINING 5 Acres (217,800 Sq. Ft.), more or less, as described.

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

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

ATTEST:

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

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

**Zoning Pine E Commercial Annexation**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Zoning the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road.					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 14, 2006			File #ANX-2006-211		
<b>Author</b>	Adam Olsen		Associate Planner			
<b>Presenter Name</b>	Adam Olsen		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:** Request to zone the 3.48 acre Pine E Road Commercial Annexation, located at 3046 and 3048 E Road, to B-1 (Neighborhood Business).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed ordinance and set a public hearing for October 4, 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>		3046 & 3048 E Road		
<b>Applicants:</b>		Applicant: 3 P Development, LLC Representative: Development Construction Services, Inc.		
<b>Existing Land Use:</b>		Residential/Agriculture		
<b>Proposed Land Use:</b>		Commercial		
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial		
	<b>South</b>	Residential		
	<b>East</b>	Agriculture		
	<b>West</b>	Agriculture		
<b>Existing Zoning:</b>		RSF-4 (County)		
<b>Proposed Zoning:</b>		B-1		
<b>Surrounding Zoning:</b>	<b>North</b>	PUD (County)		
	<b>South</b>	RSF-4 (County)		
	<b>East</b>	RSF-4 (County)		
	<b>West</b>	RSF-4 (County)		
<b>Growth Plan Designation:</b>		Commercial		
<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 B-1 district is consistent with the Growth Plan designation of Commercial. 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.A.3 and 4 as follows:**

- The proposed zone 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.

***Response: The B-1 (Neighborhood Business) zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates the properties to the west and north as Commercial. The property to the east is designated as Residential Medium (4-8 du/ac).***

***The B-1 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan:***

***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.***

***Policy 10.2: The City will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.***

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

***Goal 12: To enhance the ability of neighborhood centers to compatibly serve the neighborhoods in which they are located.***

***Goal 2, Pear Park Plan, Land Use and Growth: Provide for adequate neighborhood commercial areas that will serve the Pear Park Neighborhood.***

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

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

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. C-1
- d. C-2
- e. RO

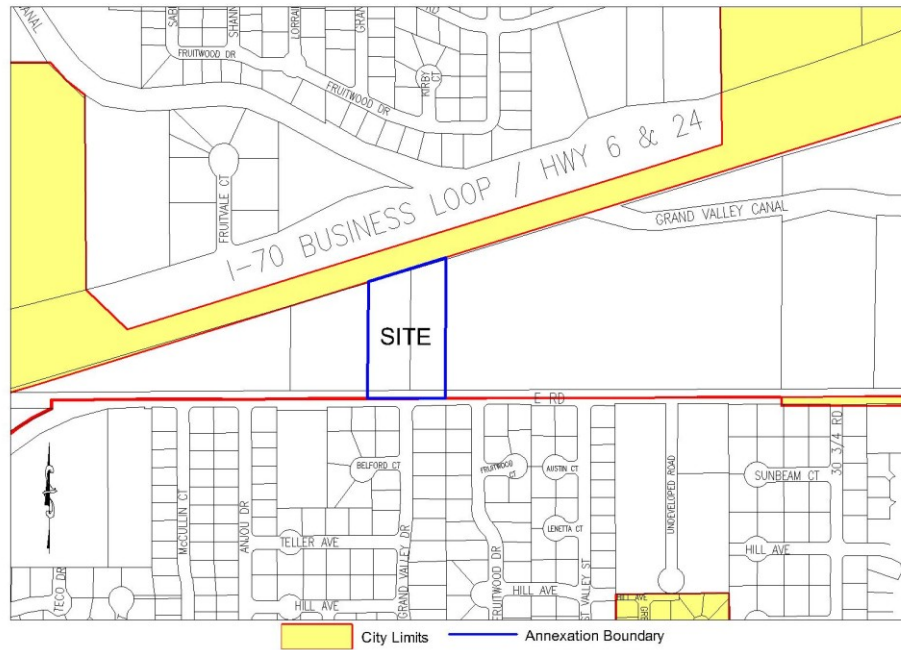
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the B-1 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

Pine E Road Annexation



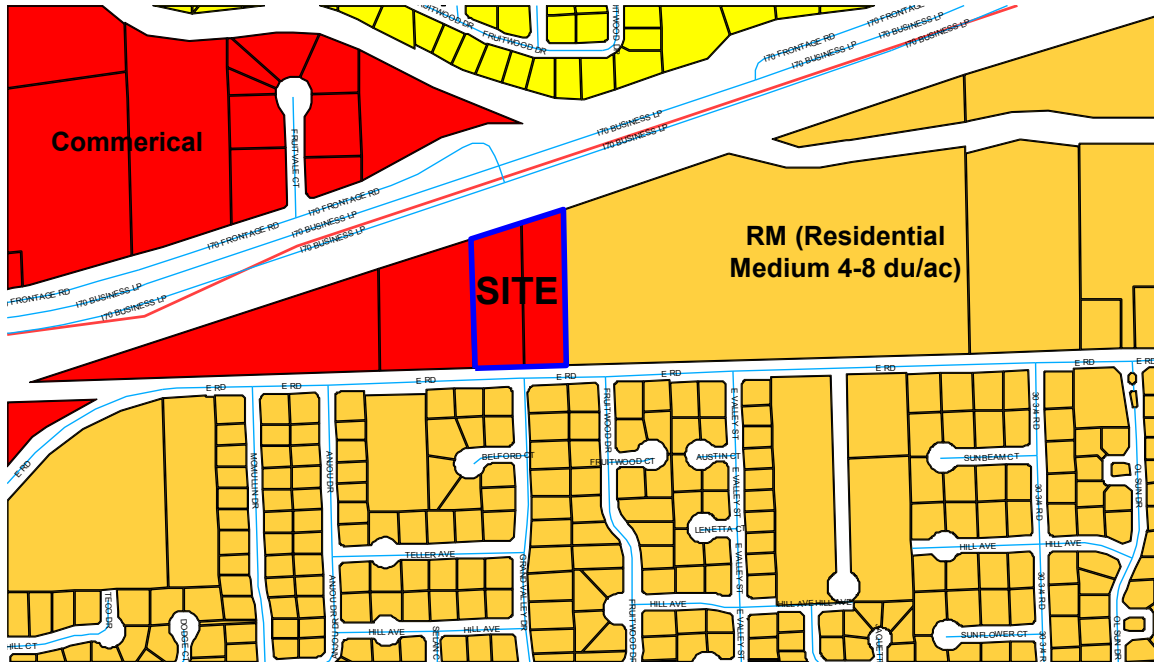
# Aerial Photo Map

Figure 2



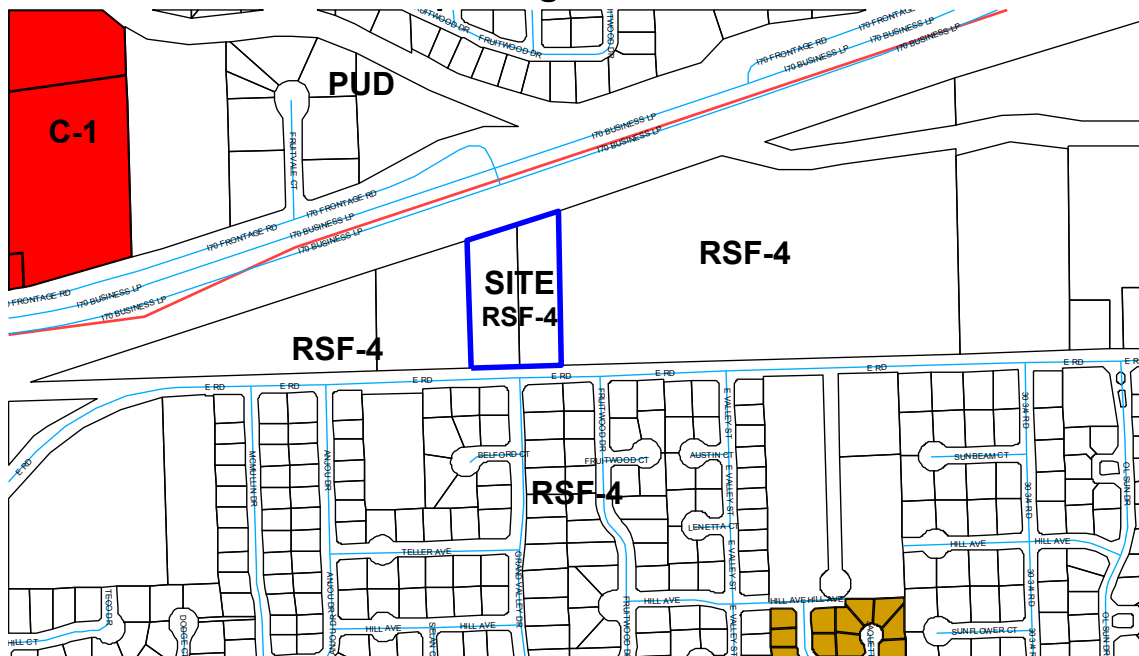
# Future Land Use Map

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 PINE E ROAD COMMERCIAL ANNEXATION TO  
B-1**

**LOCATED AT 3046 AND 3048 E 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 Pine E Road Commercial Annexation to the B-1 zone district finding that it conforms with 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 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.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the B-1 zone district 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 be zoned B-1 (Neighborhood Business).

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 9 and assuming the South line of said Southeast Quarter of the Southwest Quarter bears S89°54'32"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement N00°05'46"W a distance of 2.00 feet to the Point of Beginning; thence from said Point of Beginning S89°54'32"W along a line being the North line of Timm Annexation No. 2 City of Grand Junction Ordinance No. 3186 and 2.00 feet North of and parallel with the South line of said Southwest Quarter a distance of 201.67 feet to the East line of Timm Annexation No. 1 City of Grand Junction Ordinance No. 3185; thence N00°05'37"W along the East line of said Timm Annexation No. 1 a distance of 2.00 feet; thence S89°54'32"W along the North line of said Timm



Annexation No. 1 a distance of 100.34 feet to the West line of that certain parcel of land described in Book 4091, Page 577 of the Mesa County, Colorado Public Records; thence N00°05'24"W along the West line of said parcel a distance of 454.71 feet to the South line of the Southern Pacific Transportation Company right of way; thence N73°01'25"E along said South right of way and also being the South line of Southern Pacific Railroad Annexation No. 2 City of Grand Junction Ordinance No. 3159 a distance of 315.55 feet to the East line of that certain parcel of land described in Book 4091, Page 579 of the Mesa County, Colorado Public Records said line also being the East line of the said SE1/4 SW1/4; thence S00°05'46"E along the East line of said parcel said line being the East line of the said SE1/4 SW1/4, a distance of 548.36 feet, more or less, to the Point of Beginning.

Said parcel contains 3.48 acres (151,551 square feet), more or less, as described.

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

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

ATTEST:

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

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

**VCB Marketing Services**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Re-authorize the VCB to Enter into Contracts for Marketing Services with Lodging Properties Outside the City Limits.						
<b>Meeting Date</b>	September 20, 2006						
<b>Date Prepared</b>	September 11, 2006				<b>File #</b>		
<b>Author</b>	Debbie Kovalik			<b>Executive Director</b>			
<b>Presenter Name</b>	Debbie Kovalik			<b>Executive Director</b>			
<b>Report results back to Council</b>		<b>No</b>	X	<b>Yes</b>	<b>When</b>	Annually	
<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:** On October 16, 1996, Council adopted Resolution No. 101-96 authorizing the expansion of the Visitor & Convention Bureau's (VCB's) marketing programs to include lodging properties outside the Grand Junction City limits for a period of 5 years. The program was reviewed annually and was re-authorized for an additional 5 years October 3, 2001 when Council adopted Resolution No. 101-01. This program has been successful and the VCB Board recommends that it be continued.

**Budget:** Positive impact through increased revenue; no associated expenses.

**Action Requested/Recommendation:** Adopt a Resolution authorizing the VCB to enter into contracts with lodging properties outside the Grand Junction City limits to participate in the VCB's marketing programs in exchange for 3% of gross revenues received from lodging sales.

**Attachments:** Resolution.

**Background Information:** In 1996, the Board recommended that Mesa County lodging properties located outside the Grand Junction City limits be given the opportunity to participate in the VCB's marketing programs. This would potentially increase visitation by providing visitors with additional lodging options to choose from. Properties that opt in to the program pay 3% of their gross room revenues to the VCB. During the 10 years of this program, some properties have participated every year and several new properties that have opened during that time have initiated contact with the VCB to make certain they could be included. The major benefits to these properties are: (1) a listing in the Official Grand Junction Visitor Guide; (2) listing on the VCB's

website; (3) brochure display in the Visitor Center; (4) referrals to visitors on the telephone and in the Visitor Center.

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

**A RESOLUTION AUTHORIZING THE VCB TO ENTER INTO CONTRACTS FOR ITS SERVICES**

Recitals.

On October 3, 2001, City Council adopted Resolution 101-01, authorizing the expansion of the Visitor & Convention Bureau's (VCB) marketing programs to include lodging properties outside the Grand Junction City limits for a period of five (5) years.

At each annual review of the program, the VCB Board of Directors recommended to the City Council that the program be continued. The VCB reported to the Council at its workshop meeting on September 18, 2006 that some lodging properties outside the city limits have participated every year the program has been in existence and that those participants were pleased with the response to the VCB's marketing effort on their behalf. Based on the positive response from the participants, the Board recommended to the City Council that the program be continued.

The Board and the Council have concluded that marketing lodging properties, and making marketing available to lodging properties not within the city limits, is in the best interest of the VCB and the City. Therefore, the City Council determines that the expanded marketing effort, including authorizing the VCB to contract for its services, shall be continued in accordance with and pursuant to the conditions stated herein.

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

That the Director of the Visitor & Convention Bureau is authorized to contract with person(s) owning property outside the City's limits to exchange the efforts of the VCB in return for three percent (3%) of gross revenues received from lodging sales.

Such contract(s) shall be subject to the following terms and conditions:

1. All lodging properties in Mesa County will be offered the opportunity to contract with the VCB for its services. The services offered or provided to any or all owners so contracting shall be determined by the VCB in its sole and absolute discretion and shall be generally equivalent to those provided other lodging properties.
2. The VCB shall be authorized to provide its services for a period not to exceed five (5) years. The Board shall evaluate the program annually in September of

each year of its existence. The success of the program shall be evaluated based on at least the following factors:

- a. groups booked as a result of VCB sales leads;
- b. impact on occupancy of lodging businesses within and without the City;
- c. consumer response, if any, to the addition of extra-city lodging properties in the visitor information included in the visitor guide.

3. A deposit of \$500.00 will be required of each contracting owner.

4. Failure to comply with the terms of the contract may result in the VCB discontinuing or removing a property from the VCB's marketing efforts for the next year, with future marketing being subject to application by the owner and approval by a majority of the VCB Board to renew or reinstate marketing.

5. The contract shall contain provisions allowing the City to audit the books and records of an owner to ensure compliance.

6. Notwithstanding any provision to the contrary, the Director may, without cause or reason being stated, decline to enter into any contract authorized by this resolution.

7. If the VCB Board or its Director determines, at any time during the five (5) years that the VCB is authorized to contract its services to lodging properties outside the city, based on the foregoing criteria or others developed by the Director or the Board, that the continuation of expanded marketing efforts is not in the best interest of the VCB, the City of Grand Junction and/or the lodging properties located within the then existing city limits, the Board and/or the Director shall request that the City Council reconsider and rescind the authorization in this resolution.

8. At the end of five (5) years, if not sooner terminated, the authorization provided for herein shall expire.

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

Attest:

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

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

**Rood Ave Parking Structure Contract**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>								
<b>Subject</b>	Rood Avenue Parking Structure Site Contract							
<b>Meeting Date</b>	September 20, 2006							
<b>Date Prepared</b>	September 14, 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>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Bids have been received for construction of the Rood Avenue Parking Structure (Bid Package 1). The Scope of Bid Package 1 is for excavation and site utilities; concrete filled pipe piles; cast in place post tension concrete structure; surveying and layout; traffic control; weather protection for concrete construction; general conditions for the entire project; anticipated liability insurance premium cost for entire project; anticipated general contractor performance and payment surety bond cost for entire project; prorated contractor contingency; and prorated contractor's overhead and fee.

**Budget:** Project No.: F63300

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Part 1 Pre-Construction Services (Shaw Construction)	\$41,482
Parking Structure Design Contract (Blythe Design)	\$459,850
Site Demo/Envir. Cleanup	Cost Breakdown \$408,507
Demolition Contract (M. A. Concrete)	\$241,578
Walsh Environmental Contract	\$27,581
PDG Asbestos Abatement Contract	\$21,100
PDG Change Order 1 (non-friable floor tile)	\$24,600
PDG Change Order 2 (final quantities)	\$8,654
Roof Removals (non-friable roofing materials) (Robison Roofing).	\$22,850
Contingency (petroleum removal, buried foundations)	\$62,144
<b>Construction, Administration, Inspection, Testing Estimate</b>	<b>\$7,883,469</b>

<b>Bid Package 1 (Shaw Construction)(This item)</b>	<b>\$5,366,072</b>	
Land Acquisition		<u>\$1,960,947</u>
Totals:		<u>\$9,844,416</u>

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	<u>\$2,960,663</u>
Total Funding	\$9,344,416
<b>Estimated Shortfall</b>	<b>\$500,000</b>

**Note:** The additional funding will be dealt with during the CIP process in the fall.

**Action Requested/Recommendation:** Authorize the City Manager to execute a construction contract for Bid Package 1 with Shaw Construction in the amount of \$5,366,072.

**Attachments:** none

**Background Information:**

Bids for Bid Package 1a (Cast in Place Concrete, Post-Tensioned Concrete, and Filling of Steel Piles with concrete) were opened on August 22, 2006. The only bid for the concrete package was submitted by K & K Construction in the amount of \$3,068,400.

Bidder	From	Bid Amount
K & K Construction.	Ridgway	\$3,068,400
Shaw Construction Estimate		\$2,895,361

Bids for Bid Package 1a (Driven Steel Piles) were opened on August 22, 2006. The low bid was submitted by Colorado Piling in the amount of \$232,407. The following bids were received:

Bidder	From	Bid Amount
Colorado Piling	Grand Junction	\$232,407
Western Piling	Grand Junction	\$242,436
WH Engineering	Grand Junction	\$253,550
Shaw Construction Estimate		\$186,935

Bids for Bid Package 1b (Site Earthwork) were opened on September 13, 2006. The low bid was submitted by M. A. Concrete in the amount of \$322,300. The following bids were received:

Bidder	From	Bid Amount
M. A. Concrete Construction	Grand Junction	\$322,300
Skyline Contracting	Grand Junction	\$326,179
Shaw Construction Estimate		\$314,976

Based on Bid Package 1 bid results, Shaw Construction has estimated that the total construction cost has increased from approximately \$7,000,000 to \$7,500,000. The current budget reflects the \$7,000,000 construction cost which explains the \$500,000 shortfall.

Final Construction Drawings for the Parking Structure were completed on September 6, 2006. Bids for Bid Package 2 (landscaping, facades, mechanical, electrical, 1% for Arts, parking control systems, elevator, signage, striping, etc.) are scheduled to be opened on September 27, 2006. Shaw Construction will submit a Bid Package 1 plus Bid Package 2 Bid Results to the City on September 30, 2006. On October 4, 2006, Shaw Construction will submit a Bid Package 2 Estimate and Scope letter to the City.

A Parking Management Advisory Group (PMAG) meeting is scheduled for the week of October 9 to review the bid results of Bid Package 2 and review the deductive alternative items that were included in Bid Package 2. The bid results will also be reviewed at the DDA Board monthly meeting on October 12. After the PMAG and DDA meetings, the scope for Bid Package 2 will be finalized and submitted to Shaw Construction for determination of the Guaranteed Maximum Price contract (Bid Package 1 plus Bid Package 2). Award of Bid Package 2 and the Guaranteed Maximum Price Contract is tentatively scheduled for the October 18, 2006 City Council meeting.

Demolition of the Parking Structure site is scheduled to be completed by the end of September 2006. Construction of the Rood Avenue Parking Structure is scheduled to start on October 4, 2006 and be completed early November 2007.



**Alley Improvement District Assessments**  
**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Assessing Ordinance, Alley Improvement District No. ST-06					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 14, 2006				<b>File #</b>	
<b>Author</b>	Michael Grizenko		Real Estate Technician			
<b>Presenter Name</b>	Mark Relph		Public Works & Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

**Budget:**

2006 Alley Budget	\$370,000
Actual Cost to construct 2006 Alleys	\$338,380
Estimated Balance	\$ 31,620

**Action Requested/Recommendation:** Conduct a Public Hearing and adopt proposed Assessing Ordinance on second Reading for Alley Improvement District ST-06.

**Attachments:** 1) Summary Sheets, 2) Maps, 3) Ordinance

**Background Information:** People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses.

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

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. √ Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
7. √ Council conducts the first reading of the proposed Assessing Ordinance.
8. ► Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
9. The adopted Ordinance is published for three consecutive days.
10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by October 23, 2006. Assessments not paid in full will be turned over to the Mesa County Treasurer

for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 5TH STREET TO 6TH STREET TELLER AVENUE TO BELFORD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• James A & Patricia C Bateman	125	15.00	1,875.00
• Frank Francese	50	8.00	400.00
Tammie Martin & James Dustin Finks	50	15.00	750.00
Allen Ray January	50	8.00	400.00
• Melody L Keane	75	8.00	600.00
Charles S & Roberta R McIntyre	50	15.00	750.00
• James D & Bettye L Estes	50	15.00	750.00
• Van Faith	50	8.00	400.00
• Judith Allerheiligen	50	8.00	400.00
• Michael E. O'Boyle	50	8.00	400.00
• Paul G & Christella K Lans	75	8.00	600.00
• James Price Rankin Family LP	<u>125</u>	15.00	<u>1,875.00</u>
TOTAL ASSESSABLE FOOTAGE	800		9,200.00

Estimated Cost to Construct	\$ 44,400.00
Absolute Cost to Owners	\$ <u>9,200.00</u>
Estimated Cost to City	\$ 35,200.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates signatures in favor of improvements are 9/12 or 75% of the owners and 81% of the assessable footage.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 10TH STREET TO 11TH STREET MAIN STREET TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Richard E Jones	50	15.00	750.00
• Mark & Regina Conklin	50	15.00	750.00
• Paul A Vogt & Margaret G Taylor	50	8.00	400.00
• David P & Colleen V Balak	50	8.00	400.00
Linda M Hermanns	50	8.00	400.00
• Stanley & Eva Williams	50	8.00	400.00
• Timothy D Strodtman	50	15.00	750.00
• Larry P & Linda C Rattan	50	15.00	750.00
James Golden	100	31.50	3,150.00
James Golden	50	31.50	1,575.00
• Philip D & Tricia D Raimer	50	8.00	400.00
• Garry Curry	50	8.00	400.00
• Donald E & Joan E Meyers	85	8.00	680.00
• Edward M Tiernan & Christine A Worth	<u>65</u>	8.00	<u>520.00</u>
ASSESSABLE FOOTAGE	TOTAL	800	11,325.00

Estimated Cost to Construct	\$ 44,400.00
Absolute Cost to Owners	\$ <u>11,325.00</u>
Estimated Cost to City	\$ 33,075.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 11/14 or 79% and 75% of the

assessable footage.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 11TH STREET TO 12TH STREET MAIN STREET TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Larry P. & Linda C. Rattan	50	15.00	750.00
Larry P. & Linda C. Rattan	50	8.00	400.00
• Delene L & William J. Johnston	50	8.00	400.00
• Cindy A. Lomax & Jay A. Hutchins	50	8.00	400.00
• Susan F. Murray	50	8.00	400.00
• Margaret E. McCaffrey	50	8.00	400.00
Rhonda D, Thibault-Lloyd	50	8.00	400.00
• Katy & Todd Page	50	8.00	400.00
Carl Slagle	50.28	15.00	754.20
• Mary C. Donlan	50	8.00	400.00
• Jason D. Farrington	50	8.00	400.00
• James J. Sloggett	83.33	15.00	1,249.95
• James J. Sloggett	79.17	15.00	1,187.55
• James J. & Barbara F. Sloggett	68.75	8.00	550.00
Marjorie L. Montgomery	68.75	15.00	1,031.25
Doreen Gangle	50.28	8.00	402.24
ASSESSABLE FOOTAGE TOTAL	900.56		9,525.19

Estimated Cost to Construct	\$ 46,500.00
Absolute Cost to Owners	\$ <u>9,525.19</u>
Estimated Cost to City	\$ 36,974.81

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 10/16 or 62.5% and 64.5% of the

assessable footage.



# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 23RD STREET TO 24TH STREET GRAND AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Janet L. Nelson	60	8.00	480.00
• Raymond L. & Peggy C. Meininger	60	8.00	480.00
• Danny H. Rivera	60	8.00	480.00
Mark A. & Patricia S. Smith	60	8.00	480.00
Russell L. & Terah Bingham III	60	8.00	480.00
• Laura Adan	60	8.00	480.00
• Walter H. & Dorothy P. Warren	60	8.00	480.00
• Keith I. Mautz	60	8.00	480.00
• Jack L. & Colleen M. Rice, etal	60	8.00	480.00
• Mary Frances McCandless	60	8.00	480.00
• Lloyd J. & Barbara I. Nordhausen	60	8.00	480.00
• Gale W. & Deborah M. Kappauf	60	8.00	480.00
• Vickye Schrum, etal	60	8.00	480.00
• Octa Ann Haas	60	8.00	480.00
• Stancyn Enterprises, LLLP	60	8.00	480.00
• Marjorie L. Silzell	<u>60</u>	8.00	<u>480.00</u>
ASSESSABLE FOOTAGE      TOTAL	960		7,680.00

Estimated Cost to Construct	\$ 50,000.00
Absolute Cost to Owners	<u>\$ 7,680.00</u>
Estimated Cost to City	\$ 42,320.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 12/16 or 75% and 75% of the

assessable footage.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 17TH STREET TO 18TH STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Virginia G. Blount	30	8.00	240.00
• Valerie Diane Swanson	54.30	8.00	434.40
• John P & William T Springer	54.30	8.00	434.40
Mary C Krasnow	54.30	8.00	434.40
Richard M & Jana C Thomas II	90	8.00	720.00
• Ronald R & Ralph B Scribner	19.9	8.00	159.20
• Jeffery B Porter	85	8.00	680.00
• Harry G & Kathleen S Gerlock Jr.	98.9	8.00	791.20
• Paul & Mickie Harshman	<u>70.1</u>	8.00	<u>560.80</u>
ASSESSABLE FOOTAGE      TOTAL	586.80		4,454.40

Estimated Cost to Construct	\$ 28,500.00
Absolute Cost to Owners	<u>\$ 4,454.40</u>
Estimated Cost to City	\$ 24,045.60

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements = 6/9 or 67% and 68% of the assessable footage.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 22nd STREET TO LINDA LANE ORCHARD AVENUE TO WALNUT AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• John A Ellis	60	8.00	480.00
• Cleo Montoya Espinoza & Sara Montoya	50	8.00	400.00
Russell D. Peek	60	8.00	480.00
Debra A. & Dale E. Mitchell	50	8.00	400.00
Paul A & Dianne E Lancaster	60	8.00	480.00
• Deborah D Scenters	65	8.00	520.00
• John J & Louise S Sutrina	60	8.00	480.00
• Helen E. Moon	65	8.00	520.00
• Sandra J. Wightman	60	8.00	480.00
• James H. & Rose Marie Hitchens	65	8.00	520.00
• Shay Roxanne Maldonado	60	8.00	480.00
• Kimberley K Parker	65	8.00	520.00
• Amy Crabtree	60	8.00	480.00
• David M & Lori L DeJong	70	8.00	560.00
• Jeffry D & Rhonda S Gerbaz	60	8.00	480.00
• Richard A & Dorothy L Hahn	60	8.00	480.00
• Louie E & Susan D Herrera	60	8.00	480.00
• Michael E O'Boyle	<u>170</u>	8.00	<u>1,360.00</u>
TOTAL ASSESSABLE FOOTAGE	1200		9,600.00

Estimated Cost to Construct	\$ 62,000.00
Absolute Cost to Owners	\$ <u>9,600.00</u>
Estimated Cost to City	\$ 52,400.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 15/18 or 83% and 86% of the assessable footage.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 21st STREET TO 22nd STREET BOOKCLIFF AVENUE TO WALNUT AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Joseph D & Janet R Steinkirchner	60	8.00	480.00
• Beverly J Fossum	102	8.00	816.00
• Samuel J & Jonnie L Baldwin	60	8.00	480.00
• Wesley E & Nancy G Schubach	60	8.00	480.00
Violet Roeland	62.25	8.00	498.00
Lillian R Cavitt	60	8.00	480.00
Michael A Neville	62.25	8.00	498.00
Cecil James & Carol Sue Ritchie, Jr.	60	8.00	480.00
Edward & Peggy L Ilhareguy	60	8.00	480.00
Shirley M Palmer Trust	62.25	8.00	498.00
• R Mary & Lee A Dugdale	60	8.00	480.00
• Westwood Rental LLC	62.25	8.00	498.00
• Richard R Roquemore	60	8.00	480.00
• Wesley E & Nancy G Schubach	62.25	8.00	498.00
Don L & Elizabeth G Kimberlin	60	8.00	480.00
• Robert D & Gail L Youngquist	62.25	8.00	498.00
• Annie Long	60	8.00	480.00
• John A. & Scott M. Nelson	62.25	8.00	498.00
William R & Bonnie L Hofferber	<u>62.25</u>	8.00	<u>498.00</u>
ASSESSABLE FOOTAGE      TOTAL	1200		9,600.00

Estimated Cost to Construct \$ 62,000.00

Absolute Cost to Owners \$ 9,600.00

Estimated Cost to City \$ 52,400.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements is 11/19 or 58% and 59% of the assessable footage.

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
5TH STREET TO 6TH STREET  
TELLER AVENUE TO BELFORD AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT  
10TH STREET TO 11TH STREET  
MAIN STREET TO ROOD AVENUE**





**PROPOSED ALLEY IMPROVEMENT DISTRICT  
11TH STREET TO 12TH STREET  
MAIN STREET TO ROOD AVENUE**

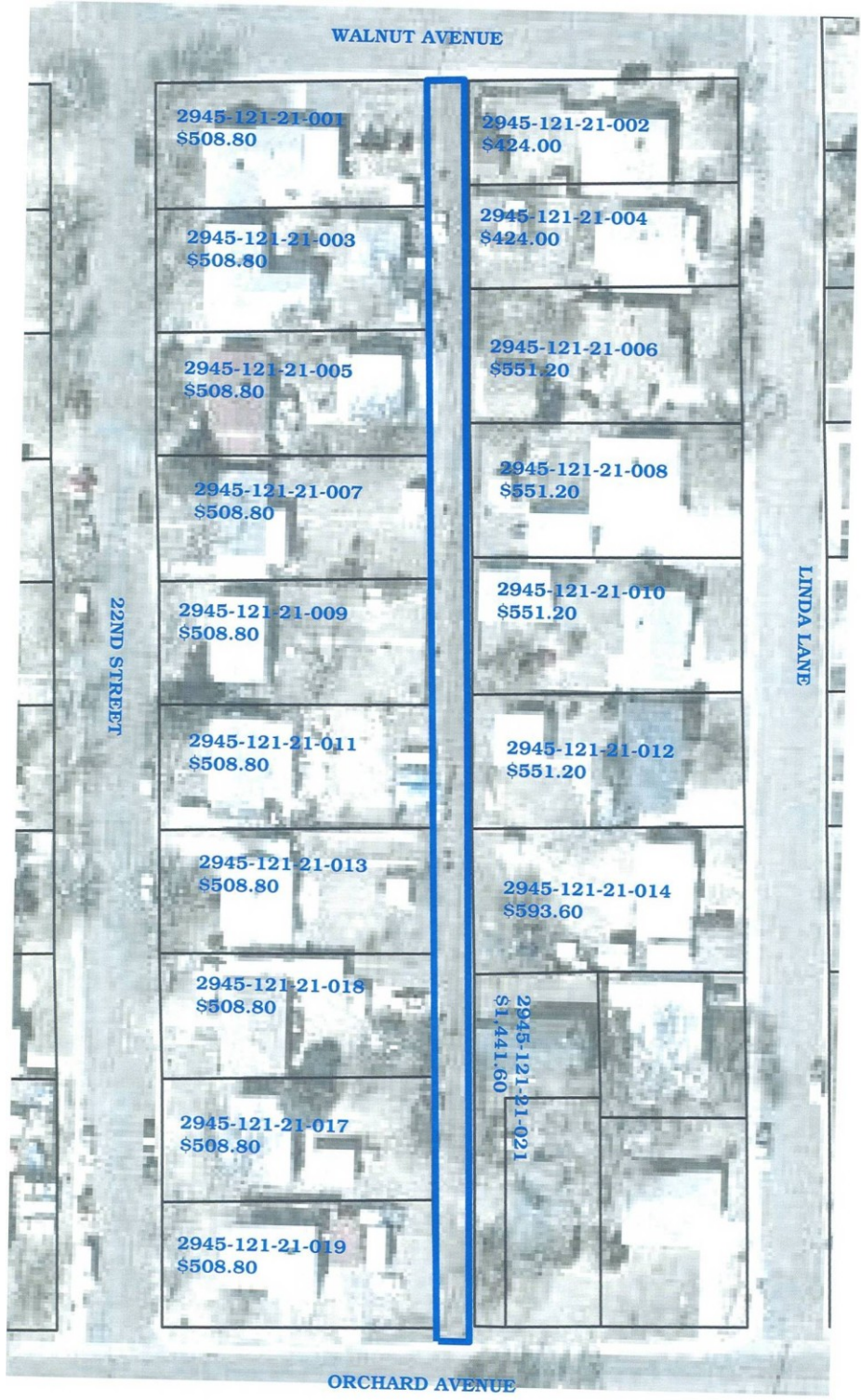


**PROPOSED ALLEY IMPROVEMENT  
17TH STREET TO 18TH STREET  
HALL AVENUE TO ORCHARD AVENUE**



PROPOSED ALLEY IMPROVEMENT  
23RD STREET TO 24TH STREET  
GRAND AVENUE TO OURAY AVENUE





PROPOSED ALLEY IMPROVEMENT  
 22ND STREET TO LINDA LANE  
 ORCHARD AVENUE TO WALNUT AVENUE



PROPOSED ALLEY IMPROVEMENT  
 22ND STREET TO LINDA LANE  
 ORCHARD AVENUE TO WALNUT AVENUE

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-06 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.**

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-06 in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-06 and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-06 in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 18, 2006, and the last publication thereof appearing on August 20, 2006); and

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

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



WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-06 duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-06 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$65,067.65; and

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

<b>ALLEY 5TH STREET TO 6TH STREET, TELLER AVENUE TO BELFORD AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-142-08-002	South 50 feet of Lots 1 through 5, inclusive, Block 16, City of Grand Junction	\$ 1,987.50
2945-142-08-003	Lots 6 & 7, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-004	Lots 8 & 9, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-005	Lots 10 & 11, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-006	Lots 12 through 14, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-007	Lots 15 & 16, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-008	Lots 17 & 18, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-009	Lots 19 & 20, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-010	Lots 21 & 22, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-011	Lots 23 & 24, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-012	Lots 25 through 27, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-013	North 75 feet of Lots 28 through 32,	\$ 1,987.50

	inclusive, Block 16, City of Grand Junction	
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<b>ALLEY 10TH STREET TO 11TH STREET, MAIN STREET TO ROOD AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-144-14-001	Lots 1 & 2, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-002	Lots 3 & 4, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-003	Lots 5 & 6, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-004	Lots 7 & 8, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-005	Lots 9 & 10, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-006	Lots 11 & 12, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-007	Lots 13 & 14, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-008	Lots 15 & 16, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-009	Lots 29-32, inclusive, Block 109, City of Grand Junction	\$3,339.00
2945-144-14-010	Lots 27 & 28, Block 109, City of Grand Junction	\$1,669.50
2945-144-14-011	Lots 25 & 26, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-012	Lots 23 & 24, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-013	The West 10 feet of Lot 19 & all of Lots 20, 21 & 22, Block 109, City of Grand Junction	\$ 720.80
2945-144-14-014	Lots 17 & 18 and the East 15 feet of Lot 19, Block 109, City of Grand Junction	\$ 551.20

<b>ALLEY 11TH STREET TO 12TH STREET, MAIN STREET TO ROOD AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-144-13-001	Lots 1 & 2, Block 110, City of Grand Junction	\$ 795.00

2945-144-13-002	Lots 3 & 4, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-003	Lots 5 & 6, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-004	Lots 7 & 8, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-005	Lots 9 & 10, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-006	Lots 11 & 12, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-007	Lots 13 & 14, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-008	Lots 15 & 16, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-009	Lot 17, Block 110, City of Grand Junction	\$ 799.45
2945-144-13-010	Lots 33 & 34, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-011	Lots 31 & 32, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-012	West 1/3 of Lot 27 and all of Lots 28, 29 & 30, Block 110, City of Grand Junction	\$1,324.95
2945-144-13-013	West 1/2 of Lot 24, all of Lots 25 & 26, and the East 2/3 of Lot 27, Block 110, City of Grand Junction	\$1,258.80
2945-144-13-015	West 1/4 of Lot 21, all of Lots 22 & 23, and the East 1/2 of Lot 24, Block 110, City of Grand Junction	\$ 583.00
2945-144-13-017	Lots 19 & 20, and the East 3/4 of Lot 21, Block 110, City of Grand Junction	\$1,093.13
2945-144-13-018	Lot 18, Block 110, City of Grand Junction	\$ 426.37

<b>ALLEY 17TH STREET TO 18TH STREET, HALL AVENUE TO ORCHARD AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-123-01-001	Lot 5 Block 1, Elmwood Plaza Refile	\$ 254.40
2945-123-01-002	Lot 4 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-003	Lot 3 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-004	Lot 2 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-005	Lot 1 Block 1, Elmwood Plaza Refile	\$ 763.20
2945-123-01-016	The East 35.1 feet of Lot 9 Block 1, North Sunnyvale Acres, and the West 34.9 feet of Lot 9 Block 1, Elmwood Plaza Refile	\$ 168.75

2945-123-01-029	Lot 7 Block 1, Elmwood Plaza Refile	\$ 720.80
2945-123-01-030	Lot 6 Block 1, Elmwood Plaza Refile	\$ 838.67
2945-123-01-035	Lot 8 and the East 17.6 feet of Lot 9, Block 1, Elmwood Plaza Refile	\$ 594.45

<b>ALLEY 23RD STREET TO 24TH STREET, GRAND AVENUE TO OURAY AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-131-14-001	Lot 8, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-002	Lot 16, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-003	Lot 7, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-004	Lot 15, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-005	Lot 6, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-006	Lot 14, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-008	Lot 13, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-009	Lot 4, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-010	Lot 12, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-011	Lot 3, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-012	Lot 11, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-013	Lot 2, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-014	Lot 10, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-015	Lot 1, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-016	Lot 9, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-017	Lot 5, Block 3, Mesa Gardens Subdivision	\$ 508.80

<b>ALLEY 22ND STREET TO LINDA LANE, ORCHARD AVENUE TO WALNUT AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-121-21-001	Lot 1 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-002	Lot 9 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-003	Lot 2 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-004	Lot 8 Block 1 Linda Lane Subdivision Amended	\$ 424.00

2945-121-21-005	Lot 3 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-006	Lot 7 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-007	Lot 4 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-008	Lot 6 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-009	Lot 5 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-010	Lot 5 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-011	Lot 6 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-012	Lot 4 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-013	Lot 7 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-014	Lot 3 Block 1 Linda Lane Subdivision Amended	\$ 593.60
2945-121-21-017	Lot 9 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-018	Lot 8 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-019	Lot 10 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-021	Beginning at the Southwest corner Lot 1 Block 1 Linda Lane Subdivision Amended; thence North 170 feet; thence East 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15 feet to the point of beginning.	\$1,441.60

<b>ALLEY 21ST STREET TO 22ND STREET, WALNUT AVENUE TO BOOKCLIFF AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-121-18-001	Lot 20, Sungold Park Annex	\$ 508.80
2945-121-18-002	West 60 feet of Lot 1, Block 1, Subdivision Del Rey Replat	\$ 864.96
2945-121-18-004	Lot 21, Sungold Park Annex	\$ 508.80
2945-121-18-005	Lot 22, Sungold Park Annex	\$ 508.80
2945-121-18-006	Lot 2, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-007	Lot 23, Sungold Park Annex	\$ 508.80
2945-121-18-008	Lot 3, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-009	Lot 24, Sungold Park Annex	\$ 508.80
2945-121-18-010	Lot 25, Sungold Park Annex	\$ 508.80
2945-121-18-011	Lot 5, Block 1, Subdivision Del Rey Replat	\$ 527.88

2945-121-18-012	Lot 26, Sungold Park Annex	\$ 508.80
2945-121-18-013	Lot 6, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-014	Lot 27, Sungold Park Annex	\$ 508.80
2945-121-18-015	Lot 7, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-016	Lot 28, Sungold Park Annex	\$ 508.80
2945-121-18-017	Lot 8, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-018	Lot 29, Sungold Park Annex	\$ 508.80
2945-121-18-019	Lot 9, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-021	Lot 4, Block 1, Subdivision Del Rey Replat	\$ 527.88

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

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

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

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

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along

with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

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

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

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-06 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-06, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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

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

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

Attest:

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City Clerk

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President of the Council



**Colvin Annexation and Zoning**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Colvin Annexation and Zoning, Located at 2940 B ½ Road					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 14, 2006			File #ANX-2006-204		
<b>Author</b>	Adam Olsen		Associate Planner			
<b>Presenter Name</b>	Adam Olsen		Associate 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:** Request to annex and zone 9.98 acres, located at 2940 B ½ Road, to RSF-4 (Residential Single Family, 4 du/ac). The Colvin Annexation consists of 1 parcel and is a two part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt Resolution accepting the petition for the Colvin Annexation and hold a public hearing and consider final passage of the annexation ordinances and zoning ordinance.

**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>		2940 B ½ Road	
<b>Applicants:</b>		Applicant: Hunter Construction Representative: Development Construction Services, Inc.	
<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/Agriculture	
	<b>West</b>	Residential/Agriculture	
<b>Existing Zoning:</b>		RSF-R	
<b>Proposed Zoning:</b>		RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-R (County)	
	<b>South</b>	RSF-4	
	<b>East</b>	RSF-R (County)	
	<b>West</b>	RSF-R (County)	
<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 9.98 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 professional 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 Colvin 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>August 16, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>August 22, 2006</b>	Planning Commission considers Zone of Annexation
<b>September 6, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>September 20, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>October 22, 2006</b>	Effective date of Annexation and Zoning

## COLVIN ANNEXATION SUMMARY

<b>File Number:</b>	ANX-2006-204	
<b>Location:</b>	2940 B ½ Road	
<b>Tax ID Number:</b>	2943-292-00-022	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	9.98	
<b>Developable Acres Remaining:</b>	0	
<b>Right-of-way in Annexation:</b>	16,098 sq. ft. B ½ Road right-of-way	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Residential/Agriculture	
<b>Future Land Use:</b>	RML (Residential Medium Low 2-4 du/ac)	
<b>Values:</b>	<b>Assessed:</b>	\$6,810
	<b>Actual:</b>	\$74,800
<b>Address Ranges:</b>	2946 & 2948 B ½ Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	Orchard Mesa
	<b>Fire:</b>	GJ Rural
	<b>Irrigation/Drainage:</b>	Orchard Mesa Irrigation
	<b>School:</b>	District 51

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

**In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:**

- The proposed zone 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.

***Response: The RSF-4 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties, with the exception of a property to the northeast, as RML (Residential Medium Low 2-4 du/ac). The property directly to the south, across B ½ Road is zoned in the City as RSF-4. B ½ Road is classified as a minor arterial and right of way for B ½ Road is included in this annexation.***

***The RSF-4 zone district is in conformance with the following goals and policies of the Growth Plan and the Orchard Mesa Neighborhood Plan***

***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 and County will encourage development that uses existing facilities and is compatible with existing development.***

***Goal 10: To retain valued characteristics of different neighborhoods within the community.***

***Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.***

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

***Goal 1, Orchard Mesa Plan, Zoning: Zoning should be compatible with existing development densities on Orchard Mesa.***

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

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

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

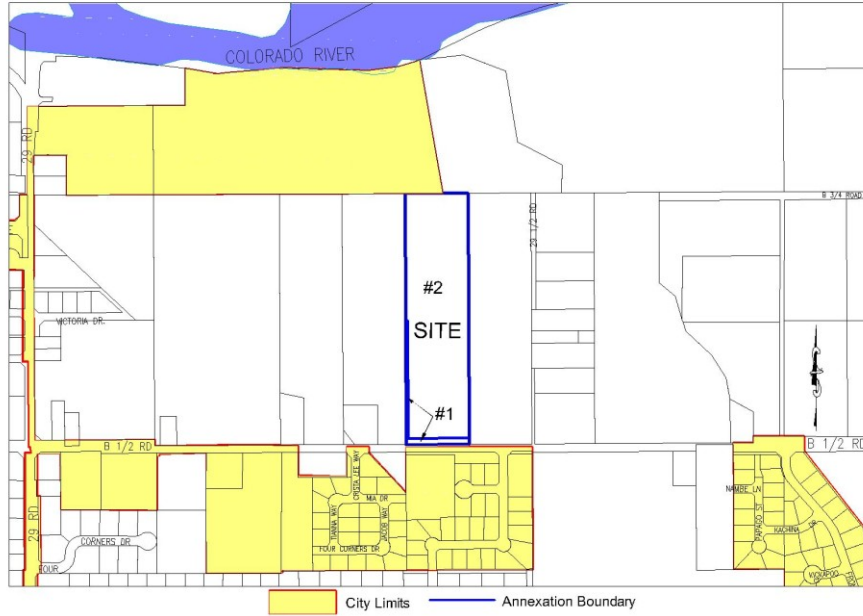
**PLANNING COMMISSION RECOMMENDATION:**

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

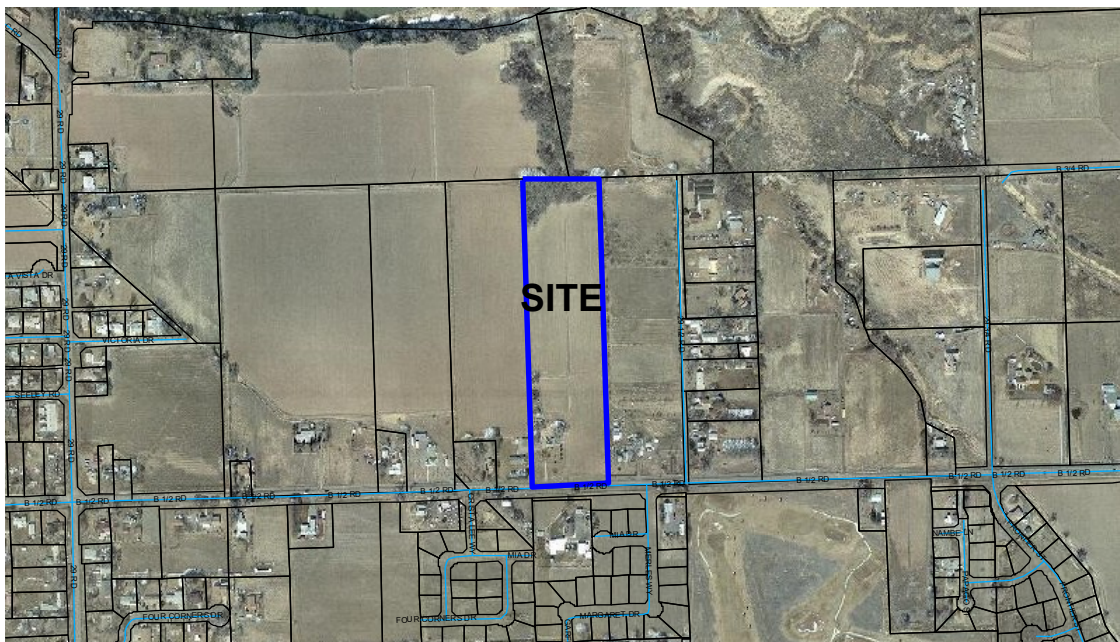
Figure 1

Colvin Annexations #1 & #2



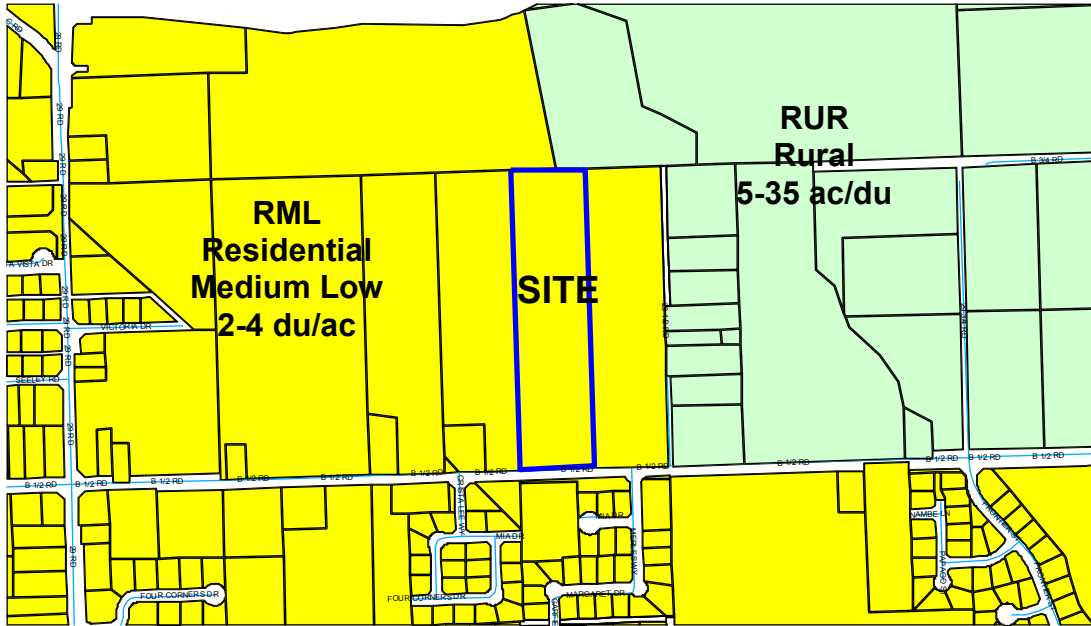
# Aerial Photo Map

Figure 2



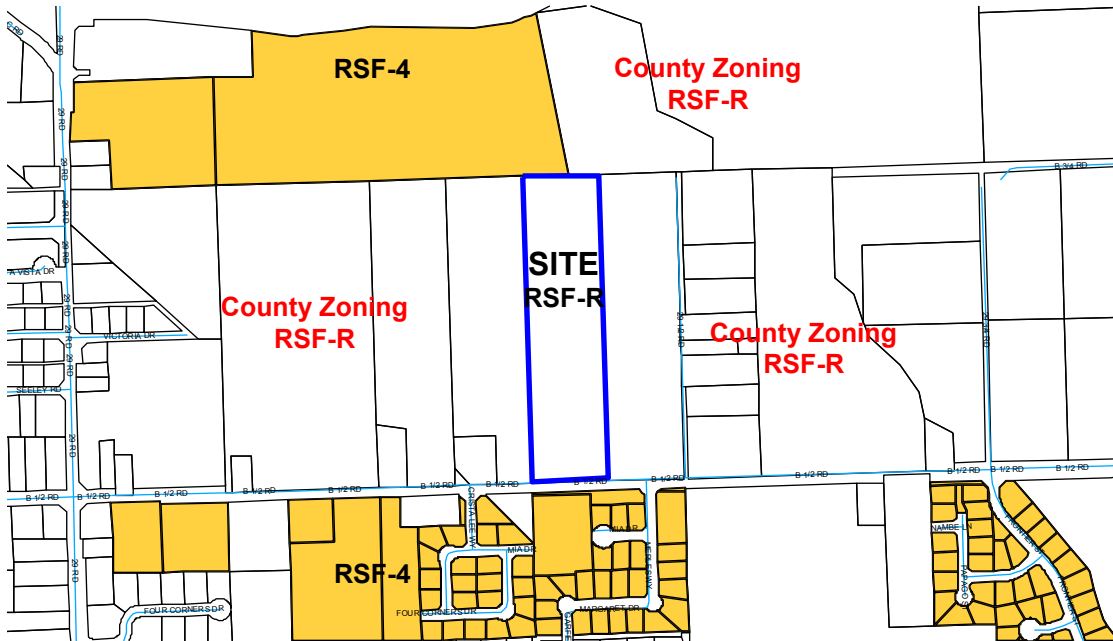
# Future Land Use Map

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  
COLVIN ANNEXATION***

***LOCATED AT 2940 B ½ ROAD AND INCLUDING A PORTION OF THE B ½ ROAD  
RIGHT-OF-WAY.***

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 16th day of August, 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:

**COLVIN ANNEXATION NO.1**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence S89°50'36"W along the South line of the SE1/4 NW1/4 of said Section 29 a distance of 329.91 feet to the Southwest corner of said parcel; thence N00°09'45"W along the West line of said parcel a distance of 650.00 feet; thence N89°50'36"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence S00°09'45"E along said parallel line a distance of 620.00 feet to a point on a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29; thence N89°50'36"E along said parallel line a distance of 319.91 feet to a point on the East line of said parcel; thence S00°09'25"E along said East line a distance of 30.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.36 acres (16,098 square feet), more or less, as described.

## **COLVIN ANNEXATION NO.2**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado; thence N00°09'25"W a distance of 30.00 feet to a point on the East line of said and being the POINT OF BEGINNING; thence from said Point of Beginning S89°50'36"W along a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29 a distance of 319.91 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence N00°09'45"W along said parallel line a distance of 620.00 feet; thence S89°50'36"W a distance of 10.00 feet to a point on the West line of said parcel; thence N00°09'45"W along said West line a distance of 669.93 feet to the Northwest corner of said parcel; thence N89°50'55"E along the North line of said parcel a distance of 330.03 feet to the Northeast corner of said parcel; thence S00°09'25"E along the East line of said parcel a distance of 1289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 9.62 acres (419,430 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of September, 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**

**COLVIN ANNEXATION NO.1**

**APPROXIMATELY 0.36 ACRES**

**LOCATED AT 2940 B ½ ROAD AND INCLUDING A PORTION OF THE B ½ ROAD  
RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of August, 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 20th day of September, 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:

**COLVIN ANNEXATION NO.1**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence

S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence S89°50'36"W along the South line of the SE1/4 NW1/4 of said Section 29 a distance of 329.91 feet to the Southwest corner of said parcel; thence N00°09'45"W along the West line of said parcel a distance of 650.00 feet; thence N89°50'36"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence S00°09'45"E along said parallel line a distance of 620.00 feet to a point on a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29; thence N89°50'36"E along said parallel line a distance of 319.91 feet to a point on the East line of said parcel; thence S00°09'25"E along said East line a distance of 30.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.36 acres (16,098 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 16<sup>th</sup> day of August, 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**

**COLVIN ANNEXATION NO. 2**

**APPROXIMATELY 9.62 ACRES**

**LOCATED AT 2940 B ½ ROAD**

**WHEREAS**, on the 16th day of August, 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 20th day of September, 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:

**COLVIN ANNEXATION NO.2**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado; thence N00°09'25"W a distance of 30.00 feet to a point on the East line of said and being the POINT OF BEGINNING; thence from said Point of Beginning S89°50'36"W along a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29 a distance of 319.91 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence N00°09'45"W along said parallel line a distance of 620.00 feet; thence S89°50'36"W a distance of 10.00 feet to a point on the West line of said parcel; thence N00°09'45"W along said West line a distance of 669.93 feet to the Northwest corner of said parcel; thence N89°50'55"E along the North line of said parcel a distance of 330.03 feet to the Northeast corner of said parcel; thence S00°09'25"E along the East line of said parcel a distance of 1289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 9.62 acres (419,430 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 16<sup>th</sup> day of August, 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 ZONING THE COLVIN ANNEXATION TO  
RSF-4  
LOCATED AT 2940 B 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 Colvin Annexation to the RSF-4 zone district finding that it conforms with 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 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.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district 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 be zoned RSF-4 (Residential Single Family 4 du/ac).

**COLVIN ANNEXATION NO.1**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence S89°50'36"W along the South line of the SE1/4 NW1/4 of said Section 29 a distance of 329.91 feet to the Southwest corner of said parcel; thence N00°09'45"W along the West line of said parcel a distance of 650.00 feet; thence N89°50'36"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence S00°09'45"E along said parallel line a distance of 620.00 feet to a

point on a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29; thence N89°50'36"E along said parallel line a distance of 319.91 feet to a point on the East line of said parcel; thence S00°09'25"E along said East line a distance of 30.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.36 acres (16,098 square feet), more or less, as described.

## **COLVIN ANNEXATION NO.2**

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado; thence N00°09'25"W a distance of 30.00 feet to a point on the East line of said and being the POINT OF BEGINNING; thence from said Point of Beginning S89°50'36"W along a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29 a distance of 319.91 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence N00°09'45"W along said parallel line a distance of 620.00 feet; thence S89°50'36"W a distance of 10.00 feet to a point on the West line of said parcel; thence N00°09'45"W along said West line a distance of 669.93 feet to the Northwest corner of said parcel; thence N89°50'55"E along the North line of said parcel a distance of 330.03 feet to the Northeast corner of said parcel; thence S00°09'25"E along the East line of said parcel a distance of 1289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 9.62 acres (419,430 square feet), more or less, as described.

Introduced on first reading this 6<sup>th</sup> day of September, 2006 and ordered published.

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

ATTEST:

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President of the Council

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City Clerk

**Pine E Commercial Annexation**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>								
<b>Subject</b>	Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road							
<b>Meeting Date</b>	September 20, 2006							
<b>Date Prepared</b>	September 14, 2006				File #ANX-2006-211			
<b>Author</b>	Adam Olsen			Associate Planner				
<b>Presenter Name</b>	Adam Olsen			Associate 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:** Request to annex 3.48 acres, located at 3046 and 3048 E Road. The Pine E Road Commercial Annexation consists of two parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt Resolution accepting the petition for the Pine E Road Commercial Annexation and hold a public hearing and consider final passage of 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>		3046 & 3048 E Road	
<b>Applicants:</b>		Applicant: 3P Development, LLC Representative: Development Construction Services, Inc.	
<b>Existing Land Use:</b>		Residential/Agriculture	
<b>Proposed Land Use:</b>		Commercial	
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial	
	<b>South</b>	Residential	
	<b>East</b>	Agriculture	
	<b>West</b>	Agriculture	
<b>Existing Zoning:</b>		RSF-4 (County)	
<b>Proposed Zoning:</b>		B-1	
<b>Surrounding Zoning:</b>	<b>North</b>	PUD (County)	
	<b>South</b>	RSF-4 (County)	
	<b>East</b>	RSF-4 (County)	
	<b>West</b>	RSF-4 (County)	
<b>Growth Plan Designation:</b>		Commercial	
<b>Zoning within density range?</b>		<b>x</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 3.48 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's professional 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 Pine E Road Commercial 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.

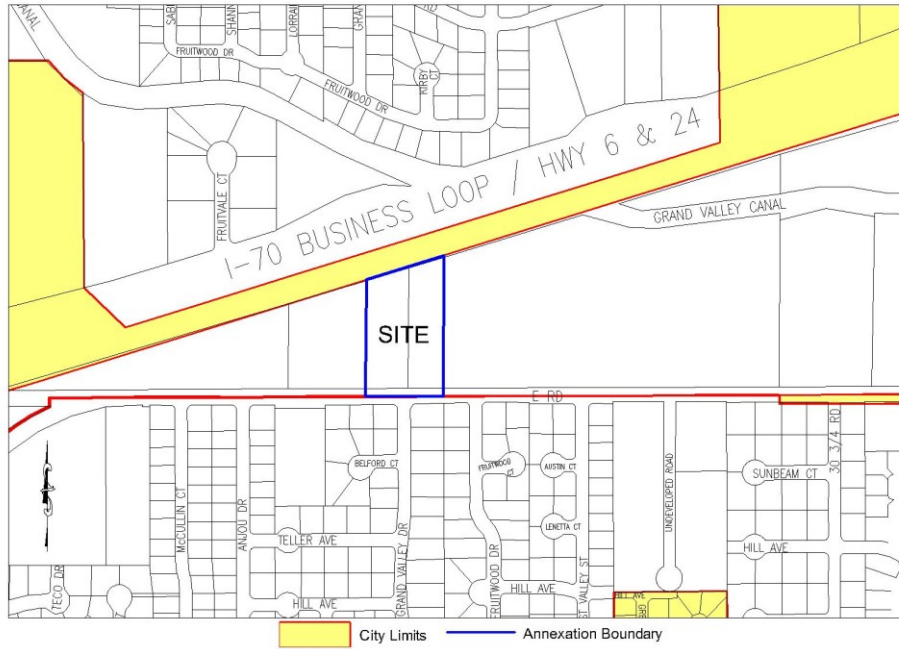
<i>ANNEXATION SCHEDULE</i>	
August 16, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
September 12, 2006	Planning Commission considers Zone of Annexation
September 20, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
September 20, 2006	Acceptance of Petition and Public Hearing on Annexation by City Council
October 22, 2006	Effective date of Annexation
October 4, 2006	Public Hearing on Zoning by City Council
November 5, 2006	Effective date of Zoning

## PINE E ROAD COMMERCIAL ANNEXATION SUMMARY

<b>File Number:</b>	ANX-2006-211	
<b>Location:</b>	3046 & 3048 E Road	
<b>Tax ID Number:</b>	2943-093-00-084, 2943-093-00-085	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	5	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	2	
<b>Acres land annexed:</b>	3.48	
<b>Developable Acres Remaining:</b>	3.48	
<b>Right-of-way in Annexation:</b>	None	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	B-1	
<b>Current Land Use:</b>	Residential/Agriculture	
<b>Future Land Use:</b>	Commercial	
<b>Values:</b>	<b>Assessed:</b>	\$21,670
	<b>Actual:</b>	\$272,390
<b>Address Ranges:</b>	3046 & 3048 E 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>	Grand Mosquito Pest

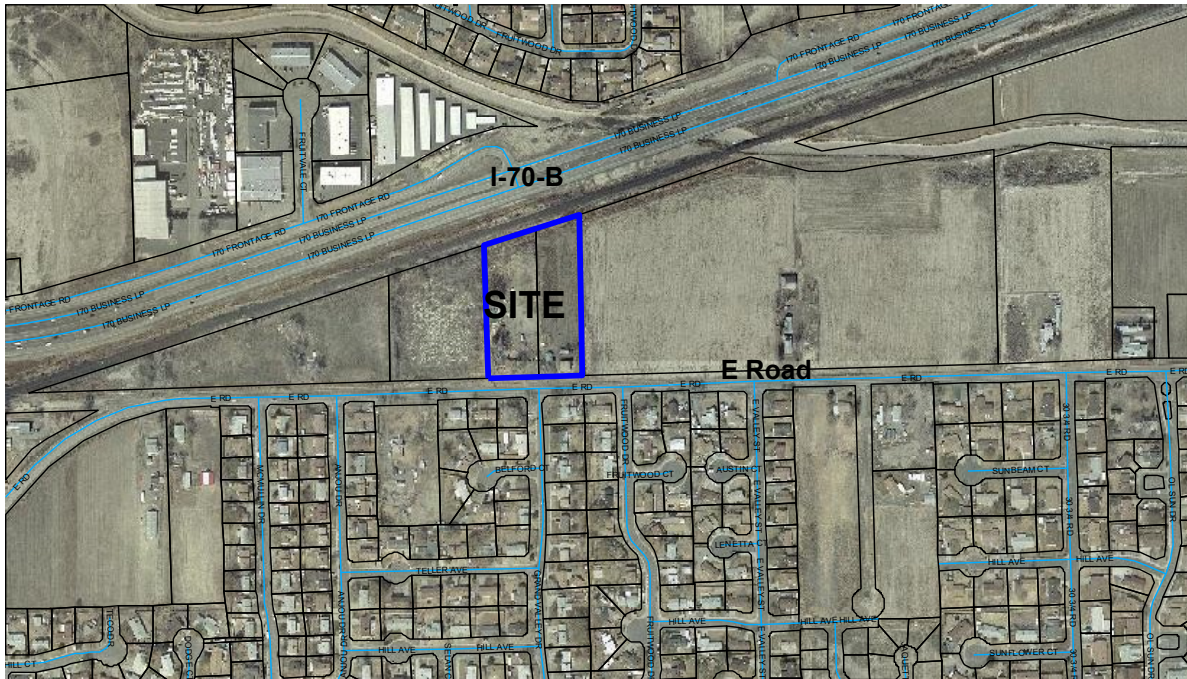
# Site Location Map

Figure 1  
Pine E Road Annexation



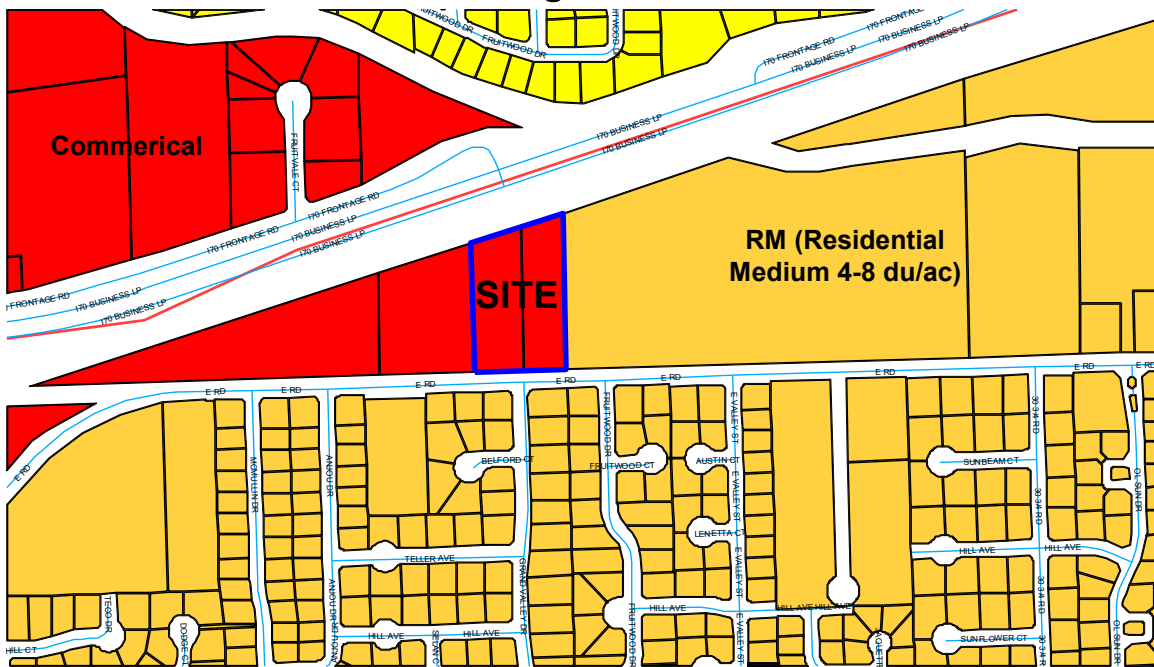
# Aerial Photo Map

Figure 2



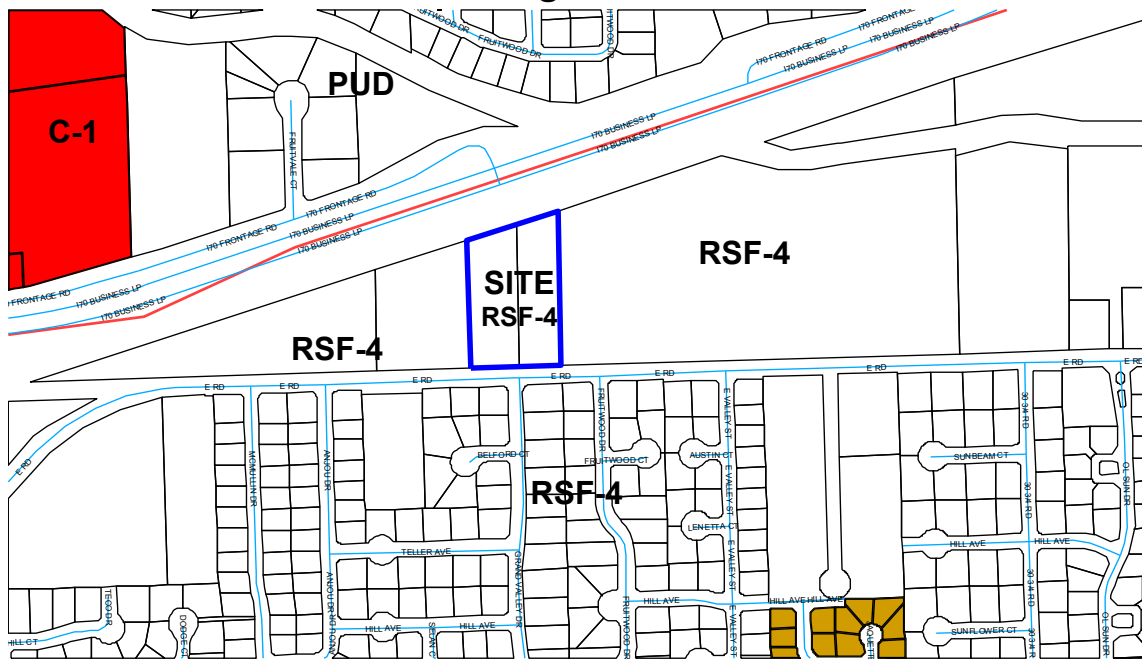
# Future Land Use Map

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**

**PINE E ROAD COMMERCIAL ANNEXATION**

**LOCATED AT 3046 AND 3048 E ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 16th day of August, 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:

**PINE E ROAD COMMERCIAL ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 9 and assuming the South line of said Southeast Quarter of the Southwest Quarter bears S89°54'32"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement N00°05'46"W a distance of 2.00 feet to the Point of Beginning; thence from said Point of Beginning S89°54'32"W along a line being the North line of Timm Annexation No. 2 City of Grand Junction Ordinance No. 3186 and 2.00 feet North of and parallel with the South line of said Southwest Quarter a distance of 201.67 feet to the East line of Timm Annexation No. 1 City of Grand Junction Ordinance No. 3185; thence N00°05'37"W along the East line of said Timm Annexation No. 1 a distance of 2.00 feet; thence S89°54'32"W along the North line of said Timm Annexation No. 1 a distance of 100.34 feet to the West line of that certain parcel of land described in Book 4091, Page 577 of the Mesa County, Colorado Public Records; thence N00°05'24"W along the West line of said parcel a distance of 454.71 feet to the South line of the Southern Pacific Transportation Company right of way; thence N73°01'25"E along said South right of way and also being the South line of Southern Pacific Railroad Annexation No. 2 City of Grand Junction Ordinance No. 3159 a distance of 315.55 feet to the East line of that certain parcel of land described in Book 4091, Page 579 of the Mesa County, Colorado Public Records said line also being the East line of the said SE1/4 SW1/4; thence S00°05'46"E along the East line of said parcel said line being the East line of the said SE1/4 SW1/4, a distance of 548.36 feet, more or less, to the Point of Beginning.

Said parcel contains 3.48 acres (151,551 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of September, 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** the \_\_\_\_ 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**

**PINE E ROAD COMMERCIAL ANNEXATION**

**APPROXIMATELY 3.48 ACRES**

**LOCATED AT 3046 AND 3048 E ROAD**

**WHEREAS**, on the 16th day of August, 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 20th day of September, 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:

Pine E Road Commercial Annexation

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 9 and assuming the South line of said Southeast Quarter of the Southwest Quarter bears S89°54'32"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement N00°05'46"W a distance of 2.00 feet to the Point of Beginning; thence from said Point of Beginning S89°54'32"W along a line being the North line of Timm Annexation No. 2 City of Grand Junction Ordinance No. 3186 and 2.00 feet North of and parallel with the South line of said Southwest Quarter a distance of 201.67 feet to the East line of Timm Annexation No. 1 City of Grand Junction

Ordinance No. 3185; thence N00°05'37"W along the East line of said Timm Annexation No. 1 a distance of 2.00 feet; thence S89°54'32"W along the North line of said Timm Annexation No. 1 a distance of 100.34 feet to the West line of that certain parcel of land described in Book 4091, Page 577 of the Mesa County, Colorado Public Records; thence N00°05'24"W along the West line of said parcel a distance of 454.71 feet to the South line of the Southern Pacific Transportation Company right of way; thence N73°01'25"E along said South right of way and also being the South line of Southern Pacific Railroad Annexation No. 2 City of Grand Junction Ordinance No. 3159 a distance of 315.55 feet to the East line of that certain parcel of land described in Book 4091, Page 579 of the Mesa County, Colorado Public Records said line also being the East line of the said SE1/4 SW1/4; thence S00°05'46"E along the East line of said parcel said line being the East line of the said SE1/4 SW1/4, a distance of 548.36 feet, more or less, to the Point of Beginning.

Said parcel contains 3.48 acres (151,551 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 16<sup>th</sup> day of August, 2006 and ordered published.

**ADOPTED** the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Attest:

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

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

**Code Text Amendments - Multifamily Development**  
**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Zoning and Development Code Text Amendments— Multifamily Development					
<b>Meeting Date</b>	September 20, 2006					
<b>Date Prepared</b>	September 11, 2006				<b>File #</b> TAC-2006-215	
<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	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	X	<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** A request to amend the Zoning and Development Code pertaining to multifamily development, including attached units.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage of a Proposed Ordinance.

**Attachments:**

- Applicant's Request
- Proposed Changes (markup copy)
- Planning Commission Minutes
- Proposed Ordinance

**Background Information:** See attached Staff Report

AGENDA TOPIC: TAC-2006-215 Zoning and Development Code Text Amendments – Multifamily Development

ACTION REQUESTED: Recommendation on Text Amendments to the Zoning and Development Code

<b>BACKGROUND INFORMATION</b>	
Location:	<b>Citywide</b>
Applicant:	Ciavonne, Roberts & Associates

PROJECT DESCRIPTION: Request approval of revisions to the Zoning and Development Code pertaining to multifamily development, including attached units.

RECOMMENDATION: Staff recommends approval.

ANALYSIS/BACKGROUND:

The 2000 version of the Zoning and Development Code made significant changes in the types of housing allowed in various zone districts, in anticipation of the housing offered becoming more diverse. Those zone districts with a multifamily designation allow a variety of housing types, including single family attached, duplex, townhouse and multifamily.

In the last year we have been experiencing an increase in the number of higher density, multifamily and single family attached residential housing projects proposed in the City. As staff and developers work through the Code requirements, we have found conflicts with density and lot size.

The proposed text amendments would do the following:

- Eliminate the minimum lot size and minimum lot width for attached housing in the RMF-8, 12, 16 and 24 zone districts;
- Reduce the minimum lot size and minimum lot width for detached housing in the RMF-8, 12, 16 and 24 zone districts;
- Make open space requirements consistent for attached housing in the RMF-8, 12, 16 and 24 zone districts; and
- Improve and clarify Code definitions to better match building code and planning terminology

Currently, the zone districts identify required lot sized based on a certain square footage for the first unit and a somewhat smaller square footage for each additional unit on the same lot. This results in more land area needed for traditional townhome-type development (i.e. attached units, each unit on its own lot) versus condo units (i.e. attached units that are on a common lot with “air-space” ownership).

Inconsistencies exist in the open space requirements between common/multi-ownership lots and fee simple lots. Fee simple lots require a minimum lot size and are subject to a 10% open space dedication or fee in-lieu. Common/multi-ownership lots, such as apartments or condos, require 200 square feet of open space per bedroom and no 10% open space dedication or fee.

The proposed text amendments would do the following:

- Require 600 square feet of open space (landscape area) per unit for all single family attached and multifamily dwelling developments.
- Require a 10% land dedication or fee in lieu of for all single family attached, multifamily and stacked dwelling developments.

Basing the open space/landscaped area on units rather than bedrooms is much more straightforward and avoids having to determine housing floor plans with each development. The amendments also further define the required open space to be landscaped areas, both public and private, that surround the units or structures, including required buffers, but excludes detention/retention areas, parking areas, and driveways.

The minimum lot width requirement of 40 feet in the RMF zone district is unachievable for attached housing. The trend in row “townhome” design is a unit width of 16 to 30 feet. In addition, minimum lot size for fee simple ownership, as currently required in the Code, generally makes the density of the zone district unachievable. The proposed text amendments are to reduce the minimum lot width and lot size in the RMF-8, 12, 16 and 24 zone district.

A number of definitions are proposed to change or clarify housing types.

The following amendments are proposed to the footnotes of Table 3.2 Zoning District Dimensional Standards:

- For all dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts, the front yard setback shall be twenty (20) feet for principal structures for street facing garages and fifteen (15) feet for principal structures for alley loaded garages. *(This proposed amendment is intended to offer an incentive for providing alley loaded garages.)*
- Garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two family dwellings, or duplex dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts. The garage door can be up to a maximum of

60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house. *(This amendment is to reduce the garage-scape created along streets in the higher density zone districts with narrow lots.)* As proposed, this amendment would only apply to lots platted after the effective date of the ordinance.

- No minimum lot size area, no minimum lot width, and no minimum lot frontage for single family attached dwellings and/or multifamily dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zoning districts.
- Minimum lot size and lot width for a duplex and stacked dwelling is one and one-half times the standards shown herein in the RMF-8, RMF-12, RMF-16 and RMF-24 zoning districts.

### **FINDINGS OF FACT/CONCLUSIONS:**

Staff finds that the requested Code amendments further several goals and policies of the Growth Plan, including:

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.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

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

Policy 15.4: The City should facilitate development of a variety of housing types (e.g. clustered units, zero lot line units and mixed density projects) without requiring the planned development process.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Code amendments with the findings listed above.

### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested text amendments at their August 8, 2006 hearing.



**Clavonne, Roberts & Associates, Inc.**

SITE PLANNING • LANDSCAPE ARCHITECTURE  
844 GRAND AVE., GRAND JUNCTION, CO 81501  
www.clavonne.com 81501  
970-241-0745 • FAX 241-0765

August 2, 2006

Kathy Portner  
Assistant Director, Community Development Department  
City of Grand Junction  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: City of Grand Junction Zoning and Development Code Proposed Text Amendment

Dear Kathy,

Enclosed please find our proposed Text Amendments to the City of Grand Junction Zoning and Development Code. These proposed amendments have been revised per meetings with both staff and some members of the development community. These proposed amendments only address the RMF zone districts (multi-family districts.)

Our proposed text amendments are as follows;

**Chapter 3**

**Table 3.2, Page 2 and 3**

See Attached Exhibit A

Eliminate any revisions related to the RMF-5 zone.

**Table 3.2, Page 3, Footnotes**

(3) In all zones FAR (Floor Area Ratio) applies only to non-residential uses.

(10) For all dwellings in the RMF 8, RMF-12, RMF-16, and RMF-24 zone districts, the front yard setback shall be a minimum of twenty (20) feet on principal structures for street facing garages and fifteen (15) feet for principal structures for alley loaded garages and for garages located in the rear yards of homes.

(11) Garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two-family dwellings, or duplex dwellings in the RMF 8, RMF-12, RMF-16, and RMF-24 zone districts. The garage door can be up to a maximum of 60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house.

(12) No minimum lot size area, no minimum lot width, and no minimum lot frontage for single-family attached dwellings and/or multi-family dwellings in RMF 8, RMF 12, RMF-16 and RMF-24 zoning districts.

(13) Minimum lot size and lot width for a duplex is one and one-half times the standards shown herein in the RMF 8, RMF 12, RMF-16 and RMF-24 zoning districts.

Section 3.3, (G) RMF-8, Residential Multi-Family – 8, number 3, item b;

Minimum lot size shall be 4,000 square feet for single-family detached and two-family dwellings.

There is no minimum lot size, no minimum lot width, and no minimum lot frontage for single-family attached and/or multi-family dwellings except as noted in the footnotes in Table 3.2

Section 3.3, (H) RMF-12, Residential Multi-Family – 12, number 3, item b;

Minimum lot size shall be 2,500 square feet for single-family detached and two-family dwellings.

There is no minimum lot size, no minimum lot width, and no minimum lot frontage for single-family attached and/or multi-family dwellings except as noted in the footnotes in Table 3.2

Section 3.3, (I) RMF-16, Residential Multi-Family – 16, number 3, item b;

Minimum lot size shall be 2,000 square feet for single-family detached and two-family dwellings.

There is no minimum lot size, no minimum lot width, and no minimum lot frontage for single-family attached and/or multi-family dwellings except as noted in the footnotes in Table 3.2

Section 3.3, (J), RMF-24, Residential Multi-Family – 24, number 3, item b;

Single-family detached and two-family dwellings are not allowed in this zone district.

There is no minimum lot size, no minimum lot width, and no minimum lot frontage for single-family attached and/or multi-family dwellings except as noted in the footnotes in Table 3.2

### Section 3.5, Table 3.5 Use/Zone Matrix

See attached Exhibit B

## **Chapter 6**

### Section 6.3, B 1 (Page 12 and 13)

The owner of any residential development of ten or more lots or dwelling units shall dedicated ten percent (10%) of the gross acreage of the property of the equivalent of ten percent (10%) of the value of the property. The decision as to whether to accept the money or land as required by this section shall be made, upon recommendation by the Director, by the Acting Body considering and deciding the underlying application. Subdivisions with less than ten lots of residential dwelling units are not required to dedicated ten percent (10%) of the gross acreage of the property or the equivalent of ten percent of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement.

### Section 6.3, B 7 (Page 13)

Single-family attached, stacked dwelling and multi-family dwelling developments shall provide six hundred (600) square feet per unit of public and/or private outdoor living area in all zones. Single-family detached, two-family, and duplex dwellings are excluded from this requirement.

### Section 6.7 D 3 – Two Family, Attached Single-Family Development and / Townhomes Multi-family Dwellings

In accordance with the provisions of this paragraph, attached single-family dwellings shall be allowed as indicated in Table 3.5. ~~The lot width standard of a zone does not apply to an attached dwelling or townhome but the minimum lot area rule does, unless the dwelling is clustered. Minimum lot area may include an average of the surrounding common open space.~~ -There is no side setback for the interior units of an “attached single-family dwellings” or the common wall of two-family dwellings. ~~or townhome. The other zone setbacks apply, unless the development is clustered.~~ Covenants shall provide for the maintenance of common walls, other structures, common elements, spaces and facilities. The City Attorney may require changes and additions to ensure long term maintenance of all structures and property as a neat and well kept project. Construction of an attached unit on a lot originally platted for a detached dwelling in the RSF-2, RSF-4, RMF-5 or RMF-8 zone require a conditional use permit and the consent of the owners pursuant to the plat unless the plat or other plat approval document allowed such construction.

## **Chapter 9 - Definitions**

**Duplex**

A dwelling containing two (2) single-family dwellings on the same lot and separated totally from each other by an un-pierced wall extending from ground to roof.

**Dwelling, Multi-family**

A building or portion thereof arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. This definition does not including hotels, motels, fraternity houses, and sorority houses and similar group accommodations.

**Dwelling, Single-family attached**

A single-family dwelling attached to two (2) or more dwelling units, with each dwelling located on separate lots.

**Dwelling, Single-family detached**

A single-family dwelling which is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation on a single lot.

**Dwelling, Stacked**

A dwelling containing two (2) single-family dwellings on the same lot and separated vertically

**Dwelling, Two-family**

A single-family dwelling attached to only one (1) other single-family dwelling unit, with each dwelling located on separate lots.

**Multi-family Dwelling**

A building or portion thereof arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. This definition does not including hotels, motels, fraternity houses, and sorority houses and similar group accommodations.

## **Outdoor Living Area**

Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material, and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

## **Townhouse (or Townhome)**

*Remove this definition from the Zoning and Development Code.*

## **Additional Notes**

- (1) We propose that a condominium should be considered a definition of ownership and not a type of structure. For example, units within a multi-family building can be sold as condominiums.
- (2) We propose that the term “Townhome” and “Townhouse” should be eliminated from the Zoning and Development Code. We maintain that a townhome is an architectural style (single-family attached units built in a row) and not a type of development.

Please feel free to contact us to discuss the aforementioned proposed text amendments. We look forward to going through these with you.

Sincerely,

Ted Ciavonne, President  
Ciavonne, Roberts & Associates

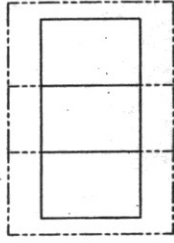
Joe Carter  
Ciavonne, Roberts & Associates

## **Attached please find:**

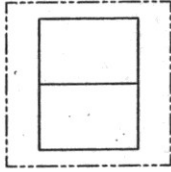
- Table 3.2 Zoning Districts Dimensional Standards (2 pages)
- Table 3.5 Use/Zone Matrix (1 page)
- ZDC Text Amendment Lot Type Examples (1 page)

(E) = EXISTING ZONING AND DEVELOPMENT CODE TERMINOLOGY  
 (P) = PROPOSED ZONING AND DEVELOPMENT CODE TERMINOLOGY

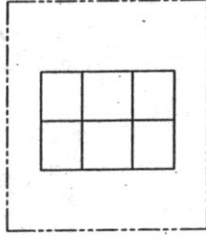
(E) TOWNHOME AND MULTI-FAMILY DWELLING 3 OR MORE ATTACHED UNITS ON SEPARATE LOTS  
 (P) SINGLE-FAMILY ATTACHED OR MORE ATTACHED UNITS ON SEPARATE LOTS



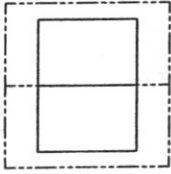
(E) DUPLEX 2 ATTACHED UNITS ON THE SAME LOT  
 (P) DUPLEX 2 ATTACHED UNITS ON THE SAME LOT



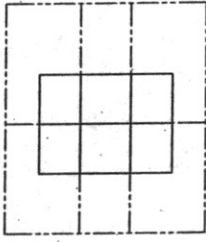
(E) MULTI-FAMILY DWELLING UNITS ON A SINGLE LOT SEPARATED HORIZONTALLY ONLY. TWO STORY UNITS  
 (P) MULTI-FAMILY DWELLING 3 OR MORE UNITS ON A SINGLE LOT. SEPARATED HORIZONTALLY ONLY. TWO STORY UNITS



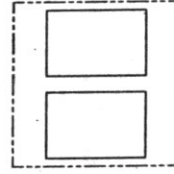
(E) SINGLE-FAMILY ATTACHED 2 ATTACHED UNITS - SEPARATE LOTS  
 (P) TWO-FAMILY DWELLING 2 ATTACHED UNITS - SEPARATE LOTS



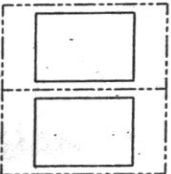
(E) MULTI-FAMILY DWELLING 3 OR MORE UNITS ON INDIVIDUAL LOT. SEPARATED HORIZONTALLY ONLY. TWO STORY UNITS  
 (P) SINGLE FAMILY ATTACHED 3 OR MORE UNITS ON INDIVIDUAL LOTS SEPARATED HORIZONTALLY ONLY. TWO STORY UNITS



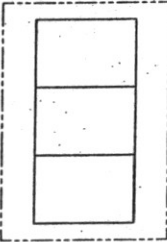
(E) NOT ALLOWED (Two Single Family Units on a Single Lot) (Granny Flats excluded)  
 (P) NOT ALLOWED (Two Single Family Units on a Single Lot) (Granny Flats excluded)



(E) SINGLE-FAMILY DETACHED  
 (P) SINGLE-FAMILY DETACHED

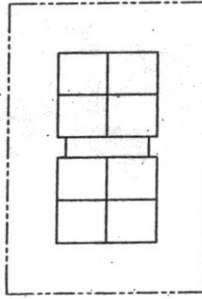


(E) TOWNHOME AND MULTI-FAMILY DWELLING 3 OR MORE ATTACHED UNITS ON THE SAME LOT  
 (P) MULTI-FAMILY DWELLING 3 OR MORE ATTACHED UNITS ON THE SAME LOT OR TRACT



(E) MULTI-FAMILY DWELLING UNITS ON A SINGLE LOT. SEPARATED HORIZONTALLY AND VERTICALLY. SINGLE STORY UNITS - 3 STORY BUILDING

(P) MULTI-FAMILY DWELLING 3 OR MORE UNITS (20 SHOWN) ON A SINGLE LOT. SEPARATED HORIZONTALLY AND VERTICALLY. SINGLE STORY UNITS - 3 STORY BUILDING



LOT (TYP.)  
 BUILDING FOOTPRINT (TYP.)



# ZDC TEXT AMENDMENT

## LOT TYPE EXAMPLES

## **Proposed Changes (markup copy)**

**Table 3.2**

Zoning District	Minimum Lot Size <sup>12,13</sup>		Minimum Street Frontage <sup>12</sup> (ft.)	Minimum Setbacks <sup>1</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width <sup>11</sup> (ft.)		Front <sup>8</sup> (ft.)	Side (ft.)	Rear <sup>8</sup> (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
<b>Urban Residential Zoning Districts</b>									
RSF-R	5 Acres	150	50 <sup>2</sup>	20/25	50/50	50/50	5	0.40 <sup>3</sup>	35
RSF-E	2 Acres	100	50 <sup>2</sup>	20/25	15/5	30/10	15	0.40 <sup>3</sup>	35
RSF-1	1 Acres	100	50 <sup>2</sup>	20/25	15/3	30/10	20	0.40 <sup>3</sup>	35
RSF-2	17,000	100	50 <sup>2</sup>	20/25	15/3	30/5	30	0.40 <sup>3</sup>	35
RSF-4	8,000	75	20	20/25	7/3	25/5	50	0.40 <sup>3</sup>	35
RMF-5	6,500	60	20	20/25	5/3	25/5	60	0.40 <sup>3</sup>	35
RMF-8	<del>4,500</del> 4,000	40	20	20/25 <sup>14</sup>	5/3	10/5	70 <sup>15</sup>	0.45 <sup>3</sup>	35
RSF-12	<del>4,000</del> 2,500	<del>40</del> 30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.50 <sup>3</sup>	40
RMF-16	<del>4,000</del> 2,000	<del>40</del> 30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.60 <sup>3</sup>	40
RMF-24	<del>4,000</del> 2,000	<del>40</del> 30	20	20/25 <sup>14</sup>	5/3	10/5	80 <sup>15</sup>	0.60 <sup>3</sup>	40
<b>Nonresidential Zoning Districts</b>									
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 <sup>5</sup>	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 <sup>7</sup>	0/0 <sup>5, 10</sup>	0/0 <sup>5</sup>	N/A	8.00	65 <sup>4</sup>
C-1	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	1.00	40 <sup>6</sup>
C-2	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 <sup>6</sup>
I-1	1 Acre	100	N/A	15/25	5/5 <sup>5,10</sup>	10/10	N/A	2.00	40



<b>I-2</b>	1 Acre	100	N/A	15/25	0/0 <sup>10</sup>	10/10	N/A	2.00	40
<b>CSR</b>	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 <sup>4</sup>
<b>M-U</b>	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 <sup>9</sup>

**GENERAL NOTE:** See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

**FOOTNOTES:**

- 1 Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- 2 Minimum street frontage on cul-de-sac is thirty feet (30').
- 3 ~~RSF-R through RMF-5, the FAR (Floor Area Ratio) applies only to nonresidential uses.~~<sup>2</sup>~~RMF-8 through RMF-24, the FAR applies to multifamily and nonresidential uses.~~
- 4 Maximum height is forty feet (40') if adjacent to any residential zoning district.
- 5 10/5 foot setback if abutting a residential zone or use.
- 6 Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- 7 Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.
- 8 The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- 9 Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.
10. A minimum side yard setback of six feet (6') will be required where perimeter side yard landscaping is required.
11. For all lots created after October 22, 2006, garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two-family dwellings, or duplex dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts. The garage door(s) can be up to a maximum of 60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house.
12. Minimum lot size, minimum lot width, and minimum street frontage does not apply to single family attached dwellings or multifamily dwellings in RMF-8, RMF-12, RMF-16 and RMF-24 zone districts. See Section 6.3.B.7 for outdoor living area requirements.
13. Minimum lot size and lot width for a duplex or stacked unit shall be one and one-half times the standards shown for the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts.
14. For all dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts, the front yard setback shall be a minimum of twenty (20) feet for principal structures with street facing garages and fifteen (15) feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.
15. Maximum lot coverage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

### 3.3 RESIDENTIAL ZONING DISTRICTS

#### G. RMF-8: Residential Multifamily - 8

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, two family dwelling, stacked dwelling and multifamily units. RMF-8 is a transitional district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. RMF-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-8 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed eight (8) dwellings per acre;
  - b. Minimum lot size shall be 4,000 square feet for single family detached and two family dwellings and 6,000 square feet for a duplex and stacked dwelling;
  - c. Minimum net density shall not be less than four (4) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. No attached unit shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
  - b. For the purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
  - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be

RMF-8 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, <b>Two Family Dwelling, Stacked Dwelling,</b> Multifamily Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

d. Minimum lot size, minimum lot width, and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

H. **RMF-12: Residential Multifamily - 12**

1. **Purpose.** To provide for high density development allowing several types of residential units within specified densities. RMF-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-12 implements the *Residential Medium High and High Density*

<b>RMF-12 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, <u>Two Family Dwelling,</u> <u>Stacked Dwelling,</u> Multifamily, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

future land use classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-12 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed twelve (12) dwellings per acre;
  - b. Minimum lot size shall be 2,500 square feet for single family detached and two family dwellings and 3,750 square feet for a duplex and stacked dwelling;
  - c. Minimum net density shall not be less than eight (8) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area.
  - b. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
  - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be

architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

d. Minimum lot size, minimum lot width, and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

I. **RMF-16: Residential Multifamily - 16**

1. **Purpose.** To provide for high density development allowing several types of residential unit types. RMF-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-16 implements the *Residential Medium High and High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

<b>RMF-16 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, <u>Two Family Dwelling</u> , <u>Stacked Dwelling</u> , Multifamily, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-16 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
- b. Minimum lot size shall be 2,000 square feet for single family detached and two family dwellings and 3,000 square feet for a duplex and stacked dwelling;
- c. Minimum net density shall not be less than twelve (12) dwellings per acre; and
- d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.**

- a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
- b. No right-of-way shall be counted to meet minimum lot area requirements.
- c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

d. Minimum lot size, minimum lot width, and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

J. **RMF-24: Residential Multifamily - 24**

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. RMF-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in the neighborhood. RMF-24 implements the residential *High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas where it is part of a mixed density development.

<b>RMF-24 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-24 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
- b. Minimum area required shall be;2,000 square feet for single family detached and two family dwellings and 3,000 square feet for a duplex and stacked dwelling;
- c. Minimum net density shall not be less than sixteen (16) dwellings per acre; and
- d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.**

- a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
- b. No right-of-way shall be counted to meet minimum lot area requirements.
- c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.



- d. Minimum lot size, minimum lot width, and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

**Table 3.5 Use/Zone Matrix**

Use Category- Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										Use- Specific Standard
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	
<b>RESIDENTIAL</b>												
<b>Household Living</b> - residential occupancy of a dwelling units by a "household	Business Residence											4.3.I
	Rooming/Boarding House							C	C	A	A	
	<del>Single-Family Attached<sup>3</sup></del>	-	-	-	A	A	A	A	A	A	A	-
	<del>Two Family Dwelling<sup>3</sup></del>				A	A	A	A	A	A	A	
	Single-Family Detached	A	A	A	A	A	A	A	A	A	A	4.3.N
	Duplex <sup>3</sup>					A	A	A	A	A	A	
	Multi-Family <sup>3</sup>								A	A	A	4.3.O
	<del>Stacked Dwelling</del>								A	A	A	
	Residential Subunits/Accessory Units	A	A	A	A	A	A	A	A	A	A	4.1.G
	Agricultural Labor Housing	A										
	<del>Town Home</del>	-	-	-	-	-	A	A	A	A	A	-
	<del>Single Family Attached</del>						A	A	A	A	A	
	Manufactured Housing Park							C	C	C	C	4.3.F
All Other Housing Living							A	A	A	A		
<b>Home Occupation</b>	Home Occupation	A	A	A	A	A	A	A	A	A	4.1.H	
<b>Group Living</b> - residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"	Small Group Living Facility	A	A	A	A	A	A	A	A	A	4.3.Q	
	Large Group Living Facility (includes secure facilities)							C	C	C	4.3.Q	
	Unlimited Group Living Facility									C	C	4.3.Q

## CHAPTER SIX

# DESIGN & IMPROVEMENT STANDARDS

### 6.3 PUBLIC AND PRIVATE PARKS AND OPEN SPACES

#### B. **Open Space Requirements.**

1. The owner of any residential development of ten (10) or more lots or dwelling units shall dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property. The decision as to whether to accept money or land as required by this Section shall be made by the Director. Subdivisions with less than ten (10) lots or residential dwelling units are not required to dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement.
  
7. Single family attached and multifamily dwelling developments shall provide six hundred (600) square feet per unit of public and/or private outdoor living area in all zones. Single family detached, two family duplex and stacked dwellings are excluded from this requirement.

### 6.7 SUBDIVISION STANDARDS

#### D. .... **Lot Layout and Design.**

1. **Access to Public Roads.** All lots shall have direct or indirect access to a dedicated public road. If the plat provides for indirect access (i.e., over intervening private drives), access easements or tracts benefiting all lots with indirect access shall be provided on the recorded plat. Easements shall be used to access not more than one (1) lot with no street frontage. All access to public roads shall meet the standards as set forth in TEDS.
  - a. Creation of lots having (2) parallel property lines abutting a right of way ("double frontage lot") or lots having a rear lot line of which is adjacent to or across an alley from the side lot line of another lot ("reverse corner lot") is discouraged.
  - b. Double frontage lots shall comply with the subdivision perimeter enclosures provisions of Section 6.5.
  - c. A dwelling lot which abuts three (3) public streets are discouraged.
  - d. The rear lot line of a dwelling lot should not abut a residential collector, local or cul-de-sac.
  - e. The decision-maker may increase the required setback from a lot line bordering a collector or arterial street.

f. Single family attached dwellings and/or multifamily dwellings with no street frontage or limited street frontage may be allowed by the Director provided access is reasonably and readily available for each dwelling unit through the use of private streets, shared drives, parking lots, and/or other specifically identified limited common elements.

3.....**Two Family, Attached Single Family, Multifamily Dwellings.** In accordance with the provisions of this paragraph, attached dwelling shall be allowed as indicated in Table 3.5.

a. There is no side setback for "attached single family dwellings" or the common wall of two family dwellings. Covenants shall provide for the maintenance of common walls, other common structures and common spaces and facilities.

b. The City Attorney may require changes and additions to ensure long term maintenance of all structures and property as a neat and well-kept project.

c. Attached single family and multifamily dwellings that front onto a private drive, shared drive, parking lot, or other private accessway shall be setback a minimum of 15 feet from the edge of the accessway, with front loading garages setback a minimum of 20 feet from any vehicular or pedestrian accessway.

d. Construction of an attached unit on a lot originally platted for a detached dwelling in the RSF-2, RSF-4, RMF-5 or RMF-8 zone require a conditional use permit and the consent of the owners pursuant to the plat unless the plat or other plat approval document allowed such construction.

## CHAPTER NINE

### DEFINITIONS

#### DUPLEX

A building containing two (2) single-family dwelling units on the same lot and separated by an unpierced common wall extending from ground to roof.

**DWELLING, MULTIFAMILY**

A building or portion thereof, arranged designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominimized.

**DWELLING, SINGLE-FAMILY, ATTACHED**

A single family dwelling attached to two (2) or more dwelling units by common wall(s), with each dwelling located on separate lots. Includes townhomes.

**DWELLING, SINGLE-FAMILY, DETACHED**

A single family dwelling which is not attached to any other dwelling or building by any means, on a single lot.

**DWELLING, STACKED**

A dwelling containing two (2) single family dwellings on the same lot and separated vertically.

**DWELLING, TWO FAMILY**

A single family dwelling attached to only one (1) other single family dwelling unit by a common wall, with each dwelling located on separate lots.

**MULTIFAMILY DWELLING**

A building or portion thereof, arranged designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominimized.

**OUTDOOR LIVING AREA**

Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75% coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

**GRAND JUNCTION PLANNING COMMISSION  
AUGUST 8, 2006 MINUTES  
7:00 p.m. to 10:00 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 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, William Putnam, Reginald Wall, Thomas Lowrey, Lynn Pavelka-Zarkesh and Bill Pitts. Ken Sublett, 2<sup>nd</sup> alternate, was present in the audience.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Interim Community Development Director), Kathy Portner (Assistant Community Development Director), Pat Cecil (Planning Services Supervisor), Lori Bowers (Senior Planner), Faye Hall (Associate Planner), Santa Costello (Associate Planner), Adam Olsen (Associate Planner), and Kristen Ashbeck (Senior Planner).

Rick Dorris, Eric Hahn and Laura Lamberty, Development Engineers, were present.

Also present was Jamie Kreiling (Assistant City Attorney).

Bobbie Paulson was present to record the minutes.

There were approximately 43 citizens present when the meeting was called to order.

**TAC-2006-215 TEXT AMENDMENT/CODE – TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT CODE.**

Request approval of revision to the Zoning and Development Code pertaining to multi-family development, including attached units.

**PETITIONER:** Ciavonne, Roberts & Associates, Inc

**CITY STAFF:** Kathy Portner

**PETITIONER'S PRESENTATION**

Ted Ciavonne (Ciavonne, Roberts & Associates, 844 Grand Avenue) went to staff because of an increase in higher density projects and running into problems with definitions, lot sizes, etc. They have experienced an increased interest from clients on higher density projects. A number of conflicts of the Development Code have been identified relating to the specific issue of density and lot size with regard to multi-family lots.

First addressed was common lot or multi-family projects. There was discussion regarding common lots versus fee simple lots and what is or is not allowed on each type.

By way of a PowerPoint presentation, Mr. Ciavonne illustrated the proposal.

Mr. Ciavonne wanted to stress the difference is lot lines and the ability for ownership. Their proposal is to eliminate the minimum lot size and minimum lot width for attached housing in the RMF-8, 12, 16 and 24 zone districts; reduce the minimum lot size and minimum lot width for detached housing in those

same zone districts; make the open space requirements consistent for attached housing in those same zone districts; improve and clarify the Zoning Development Code definitions to better match the Building Code and planning terminology. He further pointed out that there is currently a square footage penalty for fee simple lots versus common multi-ownership lots; there is an inconsistent open space requirement for fee simple lots versus common multi-ownership lots; and there is a density and equity or the ability to achieve the density between these two types.

There is currently an inconsistency between the open space requirements for common multi-ownership and fee simple lots. Fee simple lots have a minimum lot size requirement and the 10% open space dedication; common multi-ownership lots require 200 square feet per bedroom and no open space dedication. They are suggesting a requirement of 600 square feet of outdoor living area per unit for all single family attached, multi-family and stacked dwelling developments. Mr. Ciavonne identified outdoor living area as “any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material and will not be further developed.”

Their proposal further provides for a 10% open space fee for all residential developments over 10 units and the parks and development fee would remain untouched.

Next discussed was minimum lot size which they believe is impractical for most densities.

In summary, the Development Code text amendment “eliminates the fee simple lot penalty. It balances the open space requirements. It makes densities between fee simple developments and common multi-ownership developments more equal, at least in most cases, and it’s doing this by eliminating minimum lot size and minimum lot width and relying solely on density for determining these products.”

### **QUESTIONS**

Commissioner Pitts questioned Mr. Ciavonne regarding a difference in firewalls between fee simple and multi-ownership lots. Mr. Ciavonne stated that of the two types, fee simple is more restricted under the Code and requires a higher fire rating. Mr. Ciavonne went on to say that the proposed code amendment is specific to certain sections in the Development Code relative to density. According to Mr. Ciavonne, “Currently the Code encourages condominiums or the multi-family over the fee simple and it’s encouraging it because it takes up less space. It’s encouraging it because it doesn’t have an open space penalty.”

Commissioner Pitts asked without increasing the lot size, how would you attain 600 square feet of open space in a three or four story unit. Ms. Kathy Portner clarified that the 600 square feet open space requirement replaces the minimum lot size.

### **PETITIONER’S PRESENTATION**

Joe Carter (Ciavonne, Roberts & Associates, 844 Grand Avenue) discussed amendments to footnotes to Table 3.2.

The following items were discussed: Floor area ratio; front yard setback requirements; garage door width; compliance with emergency access standards; and minimum lot size and lot width for a duplex dwelling.

Next discussed were definitions and, in particular, outdoor living area.

Mr. Carter then addressed proposed terminology changes. A suggested change is from the use of “single family attached” to “two family dwelling” which is “a single family dwelling attached to only one

other single family dwelling unit with each dwelling unit located on a separate lot.” Duplex were described as “two single family dwellings on the same lot and separated totally from each other by an unpierced wall extending from ground to roof.” A multi-family development was described as “three units attached to each other”. A single family dwelling attached to two or more dwelling units with each dwelling unit located on a separate lot would be referred to as a single family attached. A multi-family dwelling is “a building or a portion thereof arranged, designed and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot.” A stacked dwelling was described as a single family home on top of another single family home.

Mr. Carter believes that the Zoning and Development Code should be amendable and possibly reviewed as often as every six months. Applicant has taken their proposal to several entities to involve developer groups, utility companies, etc.

### **QUESTIONS**

Commissioner Wall asked about the type of reaction that has been received. Mr. Carter stated that it has been a generally favorable response and have not received any negative comment.

Commissioner Lowrey asked if these changes were occurring now or if they were probable. Mr. Carter stated that “...some of the things that we’re proposing in the higher density zone districts, the RMF-8, 12, 16 and 24, are just not achievable or not equitable.” The difference being the way the land is owned.

### **STAFF PRESENTATION**

Kathy Portner, City Community Development Department, has allowed applicant to make the presentation as they had done the majority of the work on this. She believes that as projects start going through the process, some clarification will be necessary to insure the full intent. Ms. Portner confirmed that they have been experiencing problems. Staff has found that many sections of the Growth Plan are addressed by these amendments, which include “things like the City encouraging development that uses existing facilities and is compatible with existing development. That we’re trying to achieve a mix of compatible housing types and densities disbursed throughout the community. We want to make sure that we have that opportunity. That we’d like to encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities and that we facilitate development of a variety of housing types such as clustered units, zero lot line units and mixed density projects without requiring the planned development zone district.” Staff is recommending approval.

### **PUBLIC COMMENT**

Duncan McArthur (TML Enterprises, 240 La Plata Court, Grand Junction, 81503) excited about the text amendment. They would like the ability to sell the units as fee simple versus condominiums. A major benefit is the question on the market area that it opens up. A townhome is conducive to many first time homebuyers and the restrictions by the lenders limits that market. He believes this should open up more financing opportunities. He also wanted to commend applicants for undertaking this task. Mr. McArthur strongly supports and recommends approval.

Tom LaDuke (TML Enterprises, 2350 G Road, Grand Junction, 81503) very much in favor of this. Mr. LaDuke stated that they have built townhome units in Mesquite, Nevada which has experienced a similar growth to the growth that Grand Junction is experiencing. These townhome units have supplied



supplied affordable housing. Mr. LaDuke explained that when they build common walls, they use a wall that is used in elevator shafts to meet building code and fire code requirements.

Rebecca Zeck (Zeck Homes, 1950 Hwy 6 & 50, Fruita, 81521) stated that representatives from Zeck Homes have reviewed the proposed changes to the RMF-8, 12, 16 and 24 zoning designations. They wholeheartedly support and agree with the proposal as presented. It is their opinion that “this change will positively affect the community as a whole due to the ability to utilize the zoning designations more effectively.” The proposed changes will generate more options for homebuyers through the use of creative design standards.

Ted Munkres (121 Chipeta Avenue, Grand Junction) is owner of Freestyle, a building company, and Chipeta Properties, a real estate company. Mr. Munkres stated that the real estate community has recognized the difficulty in financing and believes that the changes will “give a lot of people a lot of opportunity”. He also works with the Grand Valley Housing Partnership. He believes “that this amendment will do a great thing for the affordability of housing in this community and that is a tremendous need.” He sees this as a very positive thing for the community.

Mike Markus (Development Construction Services, 2350 G Road, Grand Junction) has reviewed the proposed amendment and supports the proposed changes. He stated that the proposal furthers several policies set forth in the Growth Plan and facilitates development of a variety of housing types without requiring the planned development process. “It makes the variety of housing types not only a reality in your Code but a reality for the development community. It makes it a reality for the finance community.” Mr. Markus believes that overall it is a very strong and positive step in the right direction and also wanted to commend applicants for putting this together.

### **REBUTTAL**

Mr. Ciavonne stated the reasons why they undertook this task. He thanked those people present who voiced their support.

### **DISCUSSION**

Commissioner Cole wanted to thank Ciavonne and Associates for the work they have put in on this. He also acknowledged the positive comments. He is in agreement with recommending approval to City Council and believes this would further enhance the Codes and would highly recommend it.

Commissioner Pitts concurs with Commissioner Cole and also wanted to thank Mr. Ciavonne for the presentation. He supports the recommendation.

Commissioner Pavelka-Zarkesh concurs as well. She believes it will open up a lot of opportunities especially with regard to affordable housing within the community.

Chairman Dibble appreciates the public input and response shown. He also expressed his appreciation for the hard work.

**MOTION: (Commissioner Cole) “Mr. Chairman, on item TAC-2006-215, a request for approval of revisions to the Zoning and Development Code pertaining to multi-family development including attached units, I move we forward the recommendation of approval onto the City Council with the findings 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.

With no further business to discuss, the public hearing was adjourned at 10:00 p.m.

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

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING AND DEVELOPMENT CODE PERTAINING TO MULTIFAMILY DEVELOPMENT**

Recitals

The 2000 version of the Zoning and Development Code made significant changes in the types of housing allowed in various zone districts, in anticipation of the housing offered becoming more diverse. Those zone districts with a multifamily designation allow a variety of housing types, including single family attached, duplex, townhouse and multifamily.

In the last year there has been an increase in the number of higher density, multifamily and single family attached residential housing projects proposed in the City. As staff and developers work through the Code requirements, conflicts with density and lot size have been found.

The proposed text amendments would do the following:

- Eliminate the minimum lot size and minimum lot width for attached housing in the RMF-8, 12, 16 and 24 zone districts;
- Reduce the minimum lot size and minimum lot width for detached housing in the RMF-8, 12, 16 and 24 zone districts;
- Make open space requirements consistent for attached housing in the RMF-8, 12, 16 and 24 zone districts; and
- Improve and clarify Code definitions to better match building code and planning terminology

The Grand Junction Planning Commission, at its hearing on August 8, 2006 reviewed the proposed Zoning and Development Code amendments and determined them 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 ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

1. Table 3.2 is hereby amended as follows:

**Table 3.2  
ZONING DISTRICTS DIMENSIONAL STANDARDS**

Zoning District	Minimum Lot Size <sup>12,13</sup>		Minimum Street Frontage <sup>12</sup> (ft.)	Minimum Setbacks <sup>1</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width <sup>11</sup> (ft.)		Front <sup>8</sup> (ft.)	Side (ft.)	Rear <sup>8</sup> (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
<b>Urban Residential Zoning Districts</b>									
RSF-R	5 Acres	150	50 <sup>2</sup>	20/25	50/50	50/50	5	0.40 <sup>3</sup>	35
RSF-E	2 Acres	100	50 <sup>2</sup>	20/25	15/5	30/10	15	0.40 <sup>3</sup>	35
RSF-1	1 Acres	100	50 <sup>2</sup>	20/25	15/3	30/10	20	0.40 <sup>3</sup>	35
RSF-2	17,000	100	50 <sup>2</sup>	20/25	15/3	30/5	30	0.40 <sup>3</sup>	35
RSF-4	8,000	75	20	20/25	7/3	25/5	50	0.40 <sup>3</sup>	35
RMF-5	6,500	60	20	20/25	5/3	25/5	60	0.40 <sup>3</sup>	35
RMF-8	4,000	40	20	20/25 <sup>14</sup>	5/3	10/5	70 <sup>15</sup>	0.45 <sup>3</sup>	35
RSF-12	2,500	30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.50 <sup>3</sup>	40
RMF-16	2,000	30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.60 <sup>3</sup>	40
RMF-24	2,000	30	20	20/25 <sup>14</sup>	5/3	10/5	80 <sup>15</sup>	0.60 <sup>3</sup>	40
<b>Nonresidential Zoning Dist</b>									
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 <sup>5</sup>	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 <sup>7</sup>	0/0 <sup>5, 10</sup>	0/0 <sup>5</sup>	N/A	8.00	65 <sup>4</sup>
C-1	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	1.00	40 <sup>6</sup>
C-2	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 <sup>6</sup>
I-1	1 Acre	100	N/A	15/25	5/5 <sup>5,10</sup>	10/10	N/A	2.00	40

<b>I-2</b>	1 Acre	100	N/A	15/25	0/0 <sup>10</sup>	10/10	N/A	2.00	40
<b>CSR</b>	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 <sup>4</sup>
<b>M-U</b>	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 <sup>9</sup>

**GENERAL NOTE:** See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

**FOOTNOTES:**

- 1 Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- 2 Minimum street frontage on cul-de-sac is thirty feet (30').
- 3 FAR (Floor Area Ratio) applies only to nonresidential uses.
- 4 Maximum height is forty feet (40') if adjacent to any residential zoning district.
- 5 10/5 foot setback if abutting a residential zone or use.
- 6 Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- 7 Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.
- 8 The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- 9 Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.
10. A minimum side yard setback of six feet (6') will be required where perimeter side yard landscaping is required.
11. For all lots created after October 22, 2006, garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two-family dwellings, or duplex dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts. The garage door(s) can be up to a maximum of 60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house.
12. Minimum lot size, minimum lot width, and minimum street frontage does not apply to single family attached dwellings or multifamily dwellings in RMF-8, RMF-12, RMF-16 and RMF-24 zone districts. See Section 6.3.B.7 for outdoor living area requirements.
13. Minimum lot size and lot width for a duplex or stacked unit shall be one and one-half times the standards shown for the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts.
14. For all dwellings in the RMF-8, RMF-12, RMF-16 and RMF-24 zone districts, the front yard setback shall be a minimum of twenty (20) feet for principal structures with street facing garages and fifteen (15) feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.
15. Maximum lot coverage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

2. Sections 3.3 G, H, I and J are hereby amended as follows:

**G. RMF-8: Residential Multifamily - 8**

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, two family dwelling, stacked dwelling and multifamily units. RMF-8 is a transitional district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. RMF-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.

<b>RMF-8 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

Section 3.3.G.3.b: Minimum lot size shall be 4,000 square feet for single family detached and two family dwellings and 6,000 square feet for a duplex and stacked dwelling;

Section 3.3.G.4.d: Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

**H. RMF-12: Residential Multifamily - 12**

1. **Purpose.** To provide for high density development allowing several types of residential units within specified densities. RMF-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-12 implements the *Residential Medium High and High Density* future land use classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

<b>RMF-12 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

Section 3.3.H.3.b: Minimum lot size shall be 2,500 square feet for single family detached and two family dwellings and 3,750 square feet for a duplex and stacked dwelling;

Section 3.3.H.4.d: Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

I. **RMF-16: Residential Multifamily - 16**

1. **Purpose.** To provide for high density development allowing several types of residential unit types. RMF-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-16 implements the *Residential Medium High and High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

<b>RMF-16 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

Section 3.3.I.3.b: Minimum lot size shall be 2,000 square feet for single family detached and two family dwellings and 3,000 square feet for a duplex and stacked dwelling;

Section 3.3.I.4.d: Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

J. **RMF-24: Residential Multifamily - 24**

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. RMF-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in the neighborhood. RMF-24 implements the residential *High Density* future land use classification of the

<b>RMF-24 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre





<b>Group Living - residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"</b>	Small Group Living Facility	A	A	A	A	A	A	A	A	A	A	4.3.Q
	Large Group Living Facility (includes secure facilities)							C	C	C	C	4.3.Q
	Unlimited Group Living Facility								C	C	C	4.3.Q

4. Sections 6.3 and 6.7 are hereby amended as follows:

Section 6.3.B.1: The owner of any residential development of ten (10) or more lots or dwelling units shall dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property. The decision as to whether to accept money or land as required by this Section shall be made, by the Director. Subdivisions with less than ten (10) lots or residential dwelling units are not required to dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement.

Section 6.3.B.7: Single family attached and multifamily dwelling developments shall provide six hundred (600) square feet per unit of public and/or private outdoor living area in all zones. Single family detached, two family duplex and stacked dwellings are excluded from this requirement.

Section 6.7.D.1.f: Single family attached dwellings and/or multifamily dwellings with no street frontage or limited street frontage may be allowed by the Director provided access is reasonably and readily available for each dwelling unit through the use of private streets, shared drives, parking lots, and/or other specifically identified limited common elements.

Section 6.7.D.3: **Two Family, Attached Single Family, Multifamily Dwellings.** In accordance with the provisions of this paragraph, attached dwellings shall be allowed as indicated in Table 3.5.

- a. There is no side setback for “attached single family dwellings” or the common wall of two family dwellings. Covenants shall provide for the maintenance of common walls, other common structures and common spaces and facilities.
- b. The City Attorney may require changes and additions to ensure long term maintenance of all structures and property as a neat and well-kept project.

- c. Attached single family and multifamily dwellings that front onto a private drive, shared drive, parking lot, or other private accessway shall be setback a minimum of 15 feet from the edge of the accessway, with front loading garages setback a minimum of 20 feet from any vehicular or pedestrian accessway.
- d. Construction of an attached unit on a lot originally platted for a detached dwelling in the RSF-2, RSF-4, RMF-5 or RMF-8 zone require a conditional use permit and the consent of the owners pursuant to the plat unless the plat or other plat approval document allowed such construction.

5. Chapter 9, Definitions, is hereby amended as follows, with all other definitions remaining:

**DUPLEX**—A building containing two (2) single family dwelling units on the same lot and separated by an unpierced common wall extending from ground to roof.

**DWELLING, MULTIFAMILY**—A building or portion thereof arranged designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominiumized.

**DWELLING, SINGLE-FAMILY, ATTACHED**—A single family dwelling attached to two (2) or more dwelling units by common wall(s), with each dwelling located on separate lots. Includes townhomes.

**DWELLING, SINGLE FAMILY, DETACHED**—A single family dwelling which is not attached to any other dwelling or building by any means, on a single lot.

**DWELLING, STACKED**—A dwelling containing two (2) single family dwellings on the same lot and separated vertically.

**DWELLING, TWO FAMILY**—A single family dwelling attached to only one (1) other single family dwelling unit by a common wall, with each dwelling located on separate lots.

**MULTIFAMILY DWELLING**—A building or portion thereof, arranged, designed and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominiumized.

**OUTDOOR LIVING AREA**—Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75% coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

Delete “Townhouse (or Townhome)” definition.

Introduced on first reading the 6<sup>th</sup> day of September, 2006 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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