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

WEDNESDAY, OCTOBER 18, 2006, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Rob Storey, River of Life Alliance Church

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the October 2, 2006 Workshop and the Minutes of the October 4, 2006 Special Session and October 4, 2006 Regular Meeting

2. **Horizon Drive Association Business Improvement District Operating Plan and Budget** [Attach 2](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve Horizon Drive Association Business Improvement District's 2007 Operating Plan and Budget

Staff presentation: Ron Lappi, Administrative Services Director

3. **Downtown Grand Junction Business Improvement District Operating Plan and Budget** [Attach 3](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve Downtown Grand Junction Business Improvement District's 2007 Operating Plan and Budget

Staff presentation: Ron Lappi, Administrative Services Director

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 November 1, 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 November 1, 2006 City Council Meeting

Staff presentation: Faye Hall, Associate Planner

5. **Setting a Hearing for the Hall 22 Road Commercial Annexation, Located at 778 22 Road** [File #GPA-2006-240] [Attach 5](#)

Request to annex 52.15 acres, located at 778 22 Road. The Hall 22 Road Commercial Annexation consists of 2 parcels.

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

Resolution No. 129-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Hall 22 Road Commercial Annexation, Located at 778 22 Road and Including a Portion of the 22 Road Right-of-Way

®Action: Adopt Resolution No. 129-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall 22 Road Commercial Annexation, Approximately 52.15 Acres, Located at 778 22 Road Including a Portion of the 22 Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for December 6, 2006

Staff presentation: David Thornton, Principal Planner

6. **Setting a Hearing for the Pear Park School No. 3 Annexation, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road** [File #ANX-2006-276] [Attach 6](#)

Request to annex 1 acre, located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road. The Pear Park School No. 3 Annexation consists of 2 parcels.

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

Resolution No. 130-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Pear Park School No. 3 Annexation, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

®Action: Adopt Resolution No. 130-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Pear Park School No. 3 Annexation, Approximately 1.00 Acres, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for December 6, 2006

Staff presentation: Senta L. Costello, Associate Planner

7. **Revocable Permit for a Retaining Wall Located in the Fox Run Right-of-Way, North of G Road and West of 26 Road** [File #RVP-2006-247] [Attach 7](#)

Request for a revocable permit for retaining walls that have been constructed in the Fox Run right-of-way.

Resolution No. 131-06 – A Resolution Concerning the Issuance of a Revocable Permit to Wrights Mesa LLC for a Retaining Wall Constructed within the Fox Run Right- of-Way Located North of G Road and West of 26 Road

®Action: Adopt Resolution No. 131-06

Staff presentation: Adam Olsen, Associate Planner

8. **Setting a Hearing for the Rezone and Outline Development Plan – 1st and Patterson Planned Development** [File #ODP-2005-309] [Attach 8](#)

Request to rezone 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development) and approval of an Outline Development Plan (ODP) for a mixed use development.

Proposed Ordinance Rezoning Approximately 20.7 Acres from RMF-12 to PD (Planned Development) the 1st and Patterson Planned Development Located at the Southwest Corner of 1st Street and Patterson Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 1, 2006

Staff presentation: Kathy Portner, Assistant Director of Community Development

9. **Construction Contract Award for Regional Center Parking Improvements and DMVA Service Road Paving** [Attach 9](#)

This work is required as part of the City's agreements with DHS and the Division of Military and Veterans Affairs for the Riverside Parkway Project.

Action: Authorize the City Manager to Sign a Construction Contract for the Regional Center Parking Lot Improvements and the DMVA Service Road Paving to Reyes Construction in the Amount of \$292,402.20

Staff presentation: Mark Relph, Public Works and Utilities Director

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

10. **Columbine Park Infill/Redevelopment Financial Assistance Request**

[Attach 10](#)

This is a request for incentive monies through the Infill and Redevelopment Program in a total of \$51,227.48 for the subdivision known as Columbine Park, located near 28 1/4 Road and Columbine Park Court. This subdivision is located in the boundaries for infill as designated by the City Council.

Action: Consideration of the Proposed Request for Infill and Redevelopment Incentives in the Amount of \$51,227.48

Staff presentation: Sheryl Trent, Interim Community Development Director

11. **Public Hearing – The Beagley Rezone, Located at 2936 D ½ Road** [File #RZ-2006-227]

[Attach 11](#)

Request to rezone 0.84 acres, located at 2936 D ½ Road, from RSF-4 (Residential Single Family 4 du/acre) to RMF-8 (Residential Multi Family 8 du/ac).

Ordinance No. 3978 - An Ordinance Rezoning the Property Known as the Beagley Rezone to RMF-8, Residential Multi Family 8 Units per Acre, Located at 2936 D ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3978

Staff presentation: Adam Olsen, Associate Planner

12. **Public Hearing – The Orr Rezone, Located at 498 Patterson Road** [File #RZ-2006-228]

[Attach 12](#)

Request to rezone .322 acres, located at 498 Patterson Road, from RMF-5 (Residential Multi-Family, 5 units per acre) to B-1 (Neighborhood Business).

Ordinance No.3979 - An Ordinance Rezoning Property Known as the Orr Rezone, .322 Acres, Located at 498 Patterson Road from RMF-5 to B-1

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3979

Staff presentation: Ronnie Edwards, Associate Planner

13. **Public Hearing – Amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place** [File #PDA-2006-044] [Attach 13](#)

Request to amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, reducing the front yard setbacks.

Ordinance No. 3980 - An Ordinance Amending the Established Setbacks for the Fuoco Property Planned Development, Located East of Dewey Place, Also Known as Beehive Estates

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3980

Staff presentation: Sheryl Trent, Interim Community Development Director

14. **Non-Scheduled Citizens & Visitors**
15. **Other Business**
16. **Adjournment**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
October 2, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, October 2nd, 2006 at 7:02 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and Council President Jim Doody.

New City employees were introduced by Department Directors.

Summaries and action on the following topics:

1. **BOTANICAL GARDENS:** The Board of Directors of the Western Colorado Botanical Gardens is asking the City for financial assistance to help with the daily operation of the Gardens.

Interim City Manager David Varley reviewed the history of the Gardens and the background on the request. He said the Gardens are located on City property and have a long term lease of \$1.00 per year. The Botanical Gardens is not connected to the City but they have cooperated in several projects. Mr. Varley said the City maintains the parking lot and said the City in 2003 also contributed \$50,000 to help with the Gardens. He said in April 2004, the Botanical Gardens told the City they were concerned about their water bills which averaged about \$450 per month, at that time they were using drinking water for irrigation. Mr. Varley said the Gardens asked the City to assist them in developing an irrigation system that could use water from the Colorado River and reduce their monthly bill. He said Public Works moved 10 cubic feet per second (CFS) of City water rights on the Colorado River to the Botanical Gardens location and identified a number of alternatives for supplying the irrigation water to the Gardens. In 2006, the City spent \$10,800 to install a new system that would allow the Gardens to use raw water from the Colorado River to irrigate their facility and said this has dramatically reduced their monthly water bill. In January 2006, the Botanical Gardens Board of Directors met with the City Council at a workshop to again discuss the financial issues faced by the Gardens. He said at this meeting the Board presented a "Plan of Action" which detailed specific actions that were to be taken to help get their finances in better condition. The report from the Botanical Gardens listed the progress they have made in achieving their Plan of Action. Mr. Varley said the Botanical Gardens is now meeting with Council to report on their progress and ask for additional assistance to help keep their doors open. Lastly, the Gardens asked to use a run down building on the adjoining property for storage, but due to the shape of the building, the City

decided to demolish the building and is now in the process of purchasing a shed for the Gardens' use.

Mr. Varley said the Gardens request is the desire to have the City subsidize their operation in one way or another and said the list contains the specific requests of the Botanical Gardens. Mr. Varley reviewed a number of possibilities of what the City could do to help the Gardens.

Councilmember Coons asked about the water for the public bathroom and questioned if the City is paying for that. Mr. Varley said the Gardens pays the water bill, but the City helps with the cleaning of the restrooms.

Councilmember Palmer asked if the Gardens are current on their water bills. Mr. Varley said they are behind a couple of months on the water bill and said they are also behind on the cleaning bill as well.

Beth Campbell, President of the Board of Directors for the Western Colorado Botanical Gardens, said the Gardens are behind on most of their bills. She said the Gardens do great at growing gardens, fund raising, and capital projects. She said the Gardens do get a lot of grants, but have trouble with operating capital. She said the Botanical Gardens spoke with the City Council at the end of 2005 regarding the irrigation system and said that system saved the Gardens a lot of money last summer and they are grateful for the \$1 per year lease and for the storage building. Ms. Campbell said they have tried everything and said they have also approached every bank. Ms. Campbell said the Gardens have an active Board that meets once a month to figure out ways of keeping the doors open. She said even with all of the fund raisers that the Gardens have, that money only goes so far and the ongoing income of memberships and admission is just not enough to keep up with the regular monthly bills. She then deferred to Kim Swindle, the office manager for the Botanical Gardens.

Kim Swindle said she is the office manager, has an accounting background, and is a realtor. She distributed up-to-date financials to Council.

Councilmember Thomason asked for the number of employees on the payroll. Ms. Swindle said there is one full-time person and four part-time people. She said the full-time employee has resigned after 8 years, so they are going to replace that position with a part-time position.

Ms. Swindle said the packet that was given to Council addresses a number of items that must be paid, such as electric and/or anything that could be shut off. She said without power the Gardens could not heat the facility and the plants would die. She addressed other items that are included in the "must-pays" which is payroll, the mortgage payment, and butterflies that have been drawing people to visit the facility. She said cash on hand is \$5,271 which will pay for the last concert, the Xcel bill of \$1,258, payroll taxes for the month of September, the

mortgage payment, and sales tax. She said their building has lost two glass roof panels which costs over \$500 each and said their deductible is \$500. She said in the packet there is a list of vendors and creditors that are owed and said the total amount owed and past due is \$21,905 which includes payroll taxes for the next payroll and out of that \$8,000 are “must-pay” bills and \$13,200 are past due bills.

Councilmember Hill thanked Ms. Swindle for all of the information. He asked if the pro forma that was put together on August 22, 2006, included all the personnel needed to run the facility and also if the \$165,000 included salaries and benefits for those positions. Ms. Swindle said yes and it also includes an executive director and marketing person. Councilmember Hill asked about a cash infusion. She said a cash infusion in some form is what is being requested and said the Gardens does not have a large donor that they can count on every year.

Councilmember Palmer questioned the request to be placed under the Parks and Recreation Department. Ms. Swindle said they researched other Botanical Gardens to find out how they are making it and said most of them were under the umbrella of their Parks and Recreation Department or another entity.

Councilmember Palmer questioned if the Gardens do become part of the Parks and Recreation Department, would the City be liable for their debt.

City Attorney John Shaver said those questions would all be negotiated. He recommended not taking on liability without taking the corresponding assets.

Councilmember Coons questioned how this works with the Avalon Theatre.

City Attorney Shaver said the Avalon is an asset to the City and it also belongs to the City. He said the Gardens should be willing to bring in a balance sheet to show assets and liabilities if the City is to be willing to maintain the facility.

Councilmember Spehar asked what the Gardens assets on the balance sheet looks like. Ms. Swindle said over a million dollars and the remaining balance on mortgage is \$108,000. She said they will get a balance sheet to Interim City Manager David Varley the following day.

Bob Suydam said he has been associated with Gardens for six years and is currently on the board. He said his history has been with the oil and gas business and with the boards backing, he has gone to the oil and gas industry for support and is currently active in that right now. He said they had an energy audit completed through Housing Resources which listed that the lexan on the green houses are brittle. He said the estimate to replace the lexan panels on the two green houses would cost \$16,000 to \$18,000. The next item is that the

greenhouse is currently heated by a boiler and said they had a system where the greenhouse was heated by the sun during the day, but that system failed about two years ago. He said the estimate to repair that system is about \$2,200 to \$2,500. Mr. Suydam said the last and most important item is that there is one wall to the north of the building that is just bare concrete which means heat loss. He said the cost of blue board and stucco to cover the wall would be \$2,500 to \$3,000.

Councilmember Hill questioned the value of the volunteers that contributes to the Gardens. Ms. Swindle said they have 100 volunteers that contribute over 7,500 hours to help maintain the gardens each month.

Council President Doody questioned if the Gardens had any restricted funds.

Ms. Swindle said the Gates Foundation out of Denver gave a grant of \$20,000 to finish Secret Gardens and will give another grant which requires a match. She said that grant has a deadline and said they may be willing extend that deadline out some. She said capital is not the problem; it is the operating expense that is the problem.

Bennett Boecheinstein, a new board member, said Botanical Gardens in other cities are centerpieces for culture and have become wonderful amenities for the cities.

Joel Prudhome, also a board member for 3 years, clarified that the fixed assets of the \$1.1 million does include depreciated value. He explained some of the functions and educational programs that they have at the Gardens.

Denise Roberts, also a new board member, said the board is working really hard to keep the facility going and asked Council for their support.

Council President Doody asked how and would it be possible for the Parks and Recreation Department to assist the Botanical Gardens and make it work.

Joe Stevens, Director of the Parks and Recreation Department, said it is possible. He said the issues are philosophical and said there are some similarities that the City does with the Avalon. He said the Parks and Recreation Department has some expertise that could take care of some of the operational components. He said other cities have developed a 501c3 partnership with their Botanical Gardens. Mr. Stevens said the funds should be tripled not just doubled for the purchase of butterflies and for marketing. He said there is a way to make this work and feels they could utilize efficiencies with marketing.

Councilmember Spehar said there was a precedent set from past Councilmembers and current Councilmembers not to provide non-profit

organizations with operating funds. He said an organization like this is just digging a hole deeper by raising money to build more facilities that cost more money to maintain. He feels if the City decides to take on this facility, the City should do this in an organized manner and evaluate all of the maintenance needs of the facility.

Mr. Stevens said he is not prepared to make any recommendations at this time and feels that a ten year business plan should be developed.

Councilmember Palmer said he is a member of the Gardens and feels that the Gardens is a value to the community. He said the City has done more for the Botanical Gardens than any other non-profit organization. He feels that the Board has done a marvelous job and should be commended. He agrees with Councilmember Spehar with the fact that generally the City does not get involved with the non-profit organizations. He encourages everyone to visit and support the Gardens and become a member.

Councilmember Hill said the closest analogy is the Avalon Theatre. He said if the City takes over the assets and the debt, then the Board and volunteers can focus on events and activities. He is proposing that Council, through Staff, consider purchasing the facilities by relieving the debt, to allow the facility to do their activities.

Councilmember Beckstein would like to see, through Staff, what it will cost. She said the City cannot always pick up the tab but is willing to see what the outcome might be.

Council President Doody said the Gardens have tried to make it successful. He said it is an asset to the City, the Chamber, and the School District. He said the City has the resources to put this package up for review to make an effort to keep the doors open.

Councilmember Palmer said he would be willing to have that discussion and also feels that the Gardens is an asset to the City.

Action Summary: The Council directed Staff to develop a set of options for Council to consider and to look at long term uses if the butterflies don't make it.

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

The meeting reconvened at 9:54 p.m.

2. **UPDATE ON TABOR AND STRATEGIES:** Review and discuss options for a City ballot question(s) for April, 2007 to possibly override the revenue growth

restrictions, so that the City may retain the revenues that it collects for specific purposes and/or authorize the use of debt.

Administrative Services and Finance Director Ron Lappi reviewed this item. He said it is fortunate that there hasn't been a major impact from TABOR due to the amount of growth. He said the City has tried to deal with TABOR at the ballot once, and it failed. He referred to the various tables presented to illustrate the amount of TABOR impact that will vary in the future. He said the report contains two alternative questions for Council to consider. Mr. Lappi said the proposal is not to change the main focus of TABOR; any new taxes or debt would still have to go to the voters. He said proposed question #1 is to keep the revenue streams to address the current infrastructure demands. He said a discussion has taken place about using the kept revenue to repay debt, such as the Riverside Parkway. Question #2 then includes any future voter-approved bonds in order to use those growing revenues in excess to meet the community needs. He said the City could go to the voters every few years to see what the community's needs are. He said that he talked to Dee Wisor, the City's bond counsel, and he believes that alternative #2 will pass the one question requirement. The difference between the two questions presented is what Staff believes will be helpful to the City. Mr. Lappi then reviewed the advantage of each option.

Councilmember Spehar asked how much interest would the City save if the Riverside Parkway bonds are paid off early. Mr. Lappi said by paying off the bonds 4 years early, the City would save \$5 million in interest.

Mr. Lappi said by using the money now to pay off the debt would free up other resources and said the first question will not free up any resources in the future.

Councilmember Spehar said that is an excellent idea to free up money and said it may be better to accumulate the money and pay the debt off as quickly as possible.

Mr. Lappi said the second question would keep the voters in charge on how the money is used and said that would be keeping in the spirit of TABOR.

Councilmember Hill said to be fiscally disciplined the City cannot put debt on TABOR because it is not a sure thing. He said the City cannot predict TABOR refunds to repay bonds. He suggested doing some community polling before taking it to the voters.

Councilmember Spehar said using these refunds for the purpose of advancing payments and saving interest is an excellent idea, but questioned taking the second question to the voters.

Mr. Lappi said the first question will save some interest for the City, but it will not buy any value to the organization in the long term.

Councilmember Hill said paying the debt off earlier would be a significant benefit for the community.

Mr. Lappi explained that once the debt is paid off, then there is no debt service in the TABOR calculation and the refunds become huge. Unless there is additional voter-approved debt, there is no long-term benefit.

Councilmember Thomason questioned if other Colorado municipalities or communities are having this same discussion or is Grand Junction unique because of our financial situation right now.

Mr. Lappi said most all other communities have de-Bruced and said this is one of the very few places that has not been able to retain revenues.

Councilmember Palmer questioned if most communities de-Bruced long term or for a specific project. Mr. Lappi said most of the communities have totally de-Bruced.

Councilmember Hill said fundamentally what this community requires is project-specific spending. He said there is some appeal for question #2 and said it is not about just finding money, but it is the revenue sources that come from outside the community that could benefit the infrastructure.

Councilmember Spehar said most of the refunds go to the corporate taxpayers. However he feels it is not worth the risk to go with question #2.

Councilmember Coons questioned if it is worth polling how people understand the two questions.

Councilmember Beckstein said voters take voting seriously. She said the voters will challenge where the dollars will go and the community will listen.

Mr. Lappi said having the election in April will give the community the message that the City wants them to understand the question.

Councilmember Thomason favored making it simple and easy to explain the language of alternative #2 to the community.

Mr. Lappi suggested amending question #2 to "voter-approved capital projects".

Councilmember Hill said there is nothing wrong with either question, there is just an extra step with question #1 in that they will have to go back to the voters with another question for each project.

Council President Doody said he liked question #2 and said the average person could read it and be able to understand it. He suggested that Council take a poll and said that he liked question #2, Councilmember Spehar supported question #1; Councilmember Palmer supported question #2 with the added word of capital; and Councilmembers Beckstein and Thomason also liked question #2.

Councilmember Coons said that she personally likes question #2, but said her political preference is question #1.

Councilmember Hill said that he is thrilled with either one of the questions, but supports question #2 with capital added to that question.

Action Summary: Staff was directed to amend question #2 with the word capital added and go forward with placing such a measure on the April, 2007 ballot.

3. **APPOINTMENTS TO BOARDS AND COMMISSIONS:** A brief update on board vacancies and an opportunity for City Council to discuss the issues the boards are facing and/or any particular expertise needed on the various boards.

City Clerk Stephanie Tuin reviewed the upcoming vacancies and asked for Councilmembers to indicate which interview teams they would like to serve with Housing Authority and Parks and Recreation Advisory Board being the first two that will be scheduled.

Action Summary: City Clerk Tuin obtained volunteers for interviewing each of the boards.

ADJOURN

The meeting adjourned at 11:05 p.m.

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

OCTOBER 4, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, October 4, 2006 at 5:35 p.m. in the Administration Conference Room, 2nd Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present was Interim City Manager David Varley, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, and Water Services Superintendent Terry Franklin.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session to determine positions relative to matters that are subject to negotiations, developing strategy for negotiators regarding oil and gas development and planning pursuant to Section 402 4 E of Colorado's Open Meetings Act and they will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 5:35 p.m.

Stephanie Tuin, MMC
City Clerk

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

October 4, 2006

The City Council of the City of Grand Junction convened into regular session on the 4th day of October 2006, at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Council President Doody wished his daughter happy birthday.

Proclamations / Recognitions

Proclaiming the week of October 8 - 14, 2006 as "Fire Prevention Week" in the City of Grand Junction

Proclaiming October 7, 2006 as "Oktoberfest Day" in the City of Grand Junction

Proclaiming October 2006 as "Community Planning Month" in the City of Grand Junction

Proclaiming October 2006 as "Kids Voting Month" in the City of Grand Junction

Proclaiming October 1 - 7, 2006 as "National 4-H Week" in the City of Grand Junction

Extending Greetings to the Municipality of Contamana, Peru

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Spehar read the list of items on the Consent Calendar and moved to approve Consent Calendar items #1 through #12. Councilmember Hill seconded the motion. Motion carried by roll call vote. Councilmember Coons had entered a letter into the record that she abstained from Item #7, due to her employment at St. Mary's.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the September 18, 2006 Special Session, Summary of the September 18, 2006 Workshop and the and the September 20, 2006 Regular Meeting

2. **Lease Extension of Two Dry Grazing Areas Located South of Whitewater**

Two proposed resolutions will extend the terms of these two existing Dry Gazing Leases located south of Whitewater for William Arthur Mertz and Sally Marie Smith.

Resolution No. 121-06 – A Resolution Authorizing Dry Grazing Lease of the City Property to William Arthur Mertz

Resolution No. 122-06 – A Resolution Authorizing a Dry Grazing Lease of City Property to Sally Marie Smith

Action: Adopt Resolution No. 121-06 and 122-06

3. **Setting a Hearing on the Orr Rezone, Located at 498 Patterson Road** [File #RZ-2006-228]

Request to rezone .322 acres, located at 498 Patterson Road, from RMF-5 (Residential Multi-Family, 5 units per acres) to B-1 (Neighborhood Business).

Proposed Ordinance Rezoning Property Known as the Orr Rezone .322 Acres, Located at 498 Patterson Road from RMF-5 to B-1

Action: Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006

4. **Setting a Hearing on the Thunderbrook Annexation, Located at 3061 and 3061 ½ F ½ Road** [File #GPA-2006-238]

Request to annex 15.60 acres, located at 3061 and 3061 ½ F ½ Road. The Thunderbrook Annexation consists of two parcels.

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

Resolution No. 123-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing

on Such Annexation, and Exercising Land Use Control, Thunderbrook Annexation, Located at 3061 and 3061 ½ F ½ Road

Action: Adopt Resolution No. 123-06

b. Setting Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunderbrook Annexation, Approximately 15.60 Acres, Located at 3061 and 3061 ½ F ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 15, 2006

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

A request to continue the Baldwin Annexation to the October 18, 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 18, 2006 City Council Meeting

6. **Setting a Hearing on the Beagley Rezone, Located at 2936 D ½ Road** [File #RZ-2006-227]

Request to rezone 0.84 acres, located at 2936 D ½ Road from RSF-4 (Residential Single Family 4 du/acre) to RMF-8 (Residential Multi Family 8 du/ac).

Proposed Ordinance Rezoning the Property Known as the Beagley Rezone to RMF-8, Residential Multi Family 8 Units per Acres, Located at 2936 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006

7. **Vacation of Four Sanitary Sewer Easements, Located at 710 and 750 Wellington Avenue, St. Mary's Hospital** [File #VE-2006-082]

Request to vacate four sanitary sewer easements located at 710 and 750 Wellington Avenue that are no longer needed. There are currently no utilities located within these sewer easements. The Planning Commission recommended approval at its September 26, 2006 meeting.

Resolution No. 124-06 – A Resolution Vacating Four Sanitary Sewer Easements Located at 710 and 750 Wellington Avenue (St. Mary’s Hospital)

Action: Adopt Resolution No. 124-06

8. **Setting a Hearing on the Kelley Annexation, Located at 849 21 ½ Road** [File #GPA-2006-249]

Request to annex 14.27 acres, located at 849 21 ½ Road. The Kelley Annexation consists of 1 parcel and is a 3 part serial annexation.

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

Resolution No. 125-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Kelley Annexation, Located at 849 21 ½ Road

Action: Adopt Resolution No. 125-06

b. **Setting Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #1, Approximately 0.24 Acres, Located within the 21 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #2, Approximately 1.46 Acres, Located within the 21 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #3, Approximately 12.57 Acres, Located at 849 21 ½ Road Including a Portion of the 21 ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 15, 2006

9. **Setting a Hearing to Amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place** [File#PDA-2006-044]

Request to amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, reducing the front yard setbacks.

Proposed Ordinance Amending the Established Setbacks for the Fuoco Property Planned Development, Located East of Dewey Place Also Known as Beehive Estates

Action: Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006

10. **Name Recommendation for Park Located in Beehive Estates Subdivision**

In March of this year, the Parks and Recreation Advisory Board conducted a “Name the Park” contest to name a park located in Orchard Subdivision off Saffron Way (northeast of Patterson and 25 ½ Road at the end of Dewey Place). Upon conclusion of the “Name the Park” contest a recommendation from staff and a sub-committee of the Parks and Recreation Advisory Board was presented to the Board for consideration. To encourage community-wide use and appreciation of this park, it is recommended that “Honeycomb Park” become the official name of the park. “Honeycomb Park” is a distinct, yet complimentary name to the existing subdivision.

Action: Authorize Approval to Officially Name the Park Located in the Beehive Estates Subdivision off of Saffron Way (northeast of Patterson and 25 ½ Road at the end of Dewey Place) “Honeycomb Park”

11. **Art Contract for the 24 Road/I-70 Roundabouts**

The City of Grand Junction Commission on Arts and Culture has selected Harlan Mosher to design, construct and install two sculptures within the central circle of the two roundabouts at the new 24 Road/I-70 Interchange.

Action: Authorize the City Manager to Sign a Contract with Harlan Mosher to Design, Construct and Install Two Sculptures for a Fixed Fee of \$100,000

12. **Construction Contract for Palace Verdes Sewer Improvement District**

The Palace Verdes Sewer Improvement District project will allow the elimination of septic systems by installing a 6” sanitary sewer line along Palace Verdes Drive and Arriba Drive, east of 23 Road.

Action: Authorize the City Manager to Execute a Construction Contract for the Palace Verdes Sewer Improvement District with Sorter Construction in the Amount of \$197,214.00. Award of the Contract is Contingent on the Formation of the District by the Mesa County Board of County Commissioners

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Construction Contract Extension for Riverside Parkway Phase 3

Approval of a Construction Contract Extension to SEMA Construction, Inc. in the amount of \$22,514,443 for Phase 3 of the Riverside Parkway.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that the request is to extend the existing contract with SEMA for Phase 3 of the Riverside Parkway. Mr. Relph said this is an unusual request and said the reason for the request is that Public Works Staff has been monitoring the construction climate and the challenges they have faced with not only with the Riverside Parkway but with all construction projects. He said the quarterly report on the CDOT website posts the construction cost index since the beginning of the construction of Riverside Parkway. He said the index of costs has increased by 75% and said another concern is the location of Grand Junction and the lack of competition. Mr. Relph said there is an issue with the workforce due to the oil and gas industry and City Staff has considered the situation and determined that it may be in the best interest of the City to negotiate Phase 3 with the existing contractor, SEMA. Also SEMA has agreed to keep the prices the same as Phase 2. Mr. Relph said by locking in those prices it would save the City \$2.5 million and said SEMA has been a good contractor to work with and they are finishing Phase 1 ahead of schedule. He said the City has the legal authority to negotiate this contract amendment and the risk of putting the contract for Phase 3 out to bid is that prices would be increased. Mr. Relph said Larry Walsh, Vice President of SEMA, is present to address any questions and Program Manager Jim Shanks can provide additional details to Council.

Mr. Shanks explained what is included in Phase 3 and said it is primarily a bridge and interchange project. He said ninety percent of the elements of Phase 3 were bid in Phase 2. SEMA's bids for the first two phases were significantly lower than the other bidders for those phases. He said some of the cost savings can be realized because of SEMA's unique position of being involved in both phases at the same time. Mr. Shanks said local contractors and suppliers have been used for a number of the elements and that will continue in Phase 3. He said SEMA believes they can complete both Phase 2 and 3 by early to mid year of 2008. The contractual date for completion is November 14, 2008. Mr. Shanks compared the 2006 average costs provided by CDOT and that comparison with SEMA's prices came out \$900,000 lower than the averages from around the State.

Mr. Relph reviewed the history of this project and the bids. He noted when the original design-build proposal was sent out, they came in too high and then were rejected. Mr. Relph said the current process with the design and bid is coming out \$9 million less than any of the design-build proposals. He said this is due to the team, the contractor, the local contractors, and the City project team.

Councilmember Thomason inquired what the early completion incentive is. Mr. Relph said it is \$250,000 to the contractor if completed early.

Council President Doody asked about the reaction of the contractor associations when they were told about this. Mr. Relph said they understood and were not surprised. One board member expressed concern but after additional discussion, the individual understood the rationale. The Riverside Parkway team did make a concerted effort to ensure that every opportunity was provided for the local contracting community's to bid on the projects.

Councilmember Coons inquired how many local companies have the ability and capability to do a part of the project. Mr. Relph said that effort was particularly addressed in Phase 1; for example, landscaping was pulled out of the proposal. He said Phase 2 however, had a lot of structure construction which made it more difficult for the locals to be involved in and said Phase 3 is similar in that regard. Mr. Relph added that SEMA is well entrenched and therefore did have an advantage.

Councilmember Hill pointed out that the design and bid process takes significantly more time on the part of City Staff. He asked about the percentage of local contractors that have been used. Mr. Relph said about 25% are local. Councilmember Hill questioned what the risk of bidding it out would be. Mr. Relph noted that SEMA may increase prices based on the lack of competition. He said there is also a 1 to 2% price increase occurring per month, particularly in asphalt, and for SEMA to keep their prices locked is a distinct advantage for the City.

Councilmember Spehar stated there is a value to locking in 2006 prices for 2008 and there is value in early completion. Also, there is an advantage to using the existing contractor that did not have to mobilize. The design-build team originally contemplated that there would be a single contractor. He will support the recommendation.

Councilmember Beckstein commended the Riverside Parkway Staff for its work and stated her support for the recommendation.

Councilmember Coons agreed.

Councilmember Hill noted it is incumbent upon the City Council to bring the best price and the best value for the community. He sees no reason not to support and therefore will support the recommendation.

Councilmember Thomason moved to authorize the Interim City Manager to sign a contract extension agreement with SEMA Construction, Inc. for the Riverside Parkway Phase 3 in the amount of \$22,514,443.00. Councilmember Beckstein seconded the motion.

Council President Doody expressed that this is an exciting time with this project and he lauded the Riverside Parkway team.

Motion Carried.

Opposition to Amendment 38

An initiated constitutional amendment will appear on the November 7, 2006 ballot. The proposed measure will have a severe impact on cities and towns in Colorado if approved by the voters. Due to the gravity of the effects of this proposed amendment, Staff is asking the City Council to, in accordance with the Fair Campaign Practices Act, adopt a resolution opposing the amendment.

David Varley, Interim City Manager, reviewed this item. He advised that Staff does not take this matter lightly nor does it ask the City Council to take a position on State Law very often. He began to explain the provisions of the initiated measure. He pointed out the signature requirement changes, the time delay impacts, the financial impacts, the impacts of the proponents/opponents statements, the prohibition of government employees from discussing the measure, and the liability impact of such violations. He said CML is opposing the amendment and has requested a resolution of opposition.

Councilmember Spehar noted that the CML executive board has voted to oppose this. He said a number of Colorado municipalities have already taken a position of opposition. He fears the amendment would open the way for the City to have a special election every year and a cost to the taxpayers for that. He feels the number of signatures currently required is not an unreasonable amount. Besides it would impact the City and all other entities such as Special Districts would also be subject to this. He said Representative Josh Penry has come out in opposition to the amendment and said they, as elected officials, are placed in their position to be knowledgeable about issues. Councilmember Coons stated the current process is not broken and said the current system works well, as demonstrated by the long ballot this year. She said the amendment would allow a small minority to rule rather than the majority. The proposal obstructs free speech and said the taxpayers are required to pay for the proponent's statements and will limit the opponent's statements. She said it will affect the citizens' desire to serve on the various boards due to liability and the obstructionist impact it would have on the government.

Councilmember Palmer noted that the current system works. He said that he personally opposes the amendment, but does not support the request as he does not feel the City Council should tell people how to vote.

Councilmember Thomason noted the same discussion came up with Referendum C. He said voters will vote with their knowledge and heart but with the length of the ballot he feels that the citizens will look to Council to assist them in knowing about such a measure.

Councilmember Hill said he serves on the Chamber Legislative Committee and that Committee came out against the amendment. He hesitates to take a position as it is an amendment affecting the basic premise of government. However, the constituency does

depend on Council to be informed and know about the full amendment. He personally opposes the Amendment and is telling citizens that trust him not to vote for it. He supports citizens coming to their own conclusion.

Councilmember Beckstein does not like Amendment 38, but agrees with Councilmembers Hill and Palmer that Council should not be telling people how to vote. She encourages voters to learn about this and its impacts.

Council President Doody does not feel that the initiative process is broken. He will support the resolution.

Councilmember Coons reiterated that each one of the members are personally against that Amendment and said that is all the resolution says. It is not telling people how to vote.

Resolution No. 126-06 – A Resolution Opposing Amendment 38, the State Wide Ballot Measure to Amend the Petitioning Process for Initiatives and Referenda

Councilmember Spehar moved to adopt Resolution No. 126-06. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Beckstein, Hill, and Palmer voting NO.

Industrial Developments, Inc. and Colorado West Improvements, Inc. and GJEP as an Economic Development Cooperator with the City of Grand Junction

Industrial Developments, Inc. (IDI) is requesting that the City of Grand Junction support their attempt to register with the IRS with 501 c (3) status. In order to accomplish that, the City must adopt a resolution that states that IDI is an economic development organization that assists the City with its efforts.

Grand Junction Economic Partnership (GJEP) is also requesting that the City of Grand Junction support their attempt to register with the IRS with 501 c (3) status. In order to accomplish that, the City must adopt a resolution that states that GJEP is an economic development organization that assists the City with its efforts.

John Shaver, City Attorney, reviewed this item combining both the IDI and GJEP requests. He stated that he had made amendments to the resolution provided previously and will tender that corrected resolution to the City Clerk.

Council President Doody inquired if the City Manager sits on either one of the boards.

Councilmember Hill advised that both the City and the County have voting members on the GJEP board.

Councilmember Palmer asked if this will change the way either organization does business. Mr. Shaver said it will not, it simply allows the process to be smoother for accepting contributions. He said it gives the contributor the ability to claim the contribution as tax deductible.

Resolution No. 127-06 – A Resolution Approving Industrial Developments, Inc. Colorado West Improvements, Inc., as an Economic Development Cooperator with the City of Grand Junction

Resolution No. 128-06 – A Resolution Approving Grand Junction Economic Partnership as an Economic Development Cooperator with the City of Grand Junction

Councilmember Hill moved to adopt Resolution Nos. 127-06 and 128-06. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Thomason asked why this was not done long ago.

Diane Schwenke, Chamber of Commerce Director, said the organization did not think it was possible, but Attorney Greg Hoskin discovered that it is acceptable by the IRS as economic partners with the government.

Council President Doody called a recess at 8:40 p.m.

The meeting reconvened at 8:46 p.m.

Public Hearing – Zoning the Abeyta-Weaver Annexation, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road [File #GPA-2005-188]

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).

The public hearing was opened at 8:46 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the location and noted that it is the site for the new school in Pear Park. She identified the surrounding zoning and the Future Land Use designation.

Darren Davidson, 686 Country Meadows Drive, the owner of the property, was present to answer questions.

There were no public comments.

The public hearing was closed at 8:49 p.m.

Ordinance No. 3975 – An Ordinance Zoning the Abeyta-Weaver Annexation to RMF-8 and CSR, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road

Councilmember Thomason moved to adopt Ordinance No. 3975 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezone Mirada Court, Located 600 Feet East of Mirada Court [File #RZ-2006-161]

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).

The public hearing was opened at 8:50 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location as being across from the Ute Water tanks near South Camp Road. When it was annexed as an enclave it was zoned as it was in the County, RSF-E. If that had not been the County zoning, it would have been recommended for RSF-4. She said it turned out there was an error on the County zoning map and said that error is the only criteria that needs to be met for the rezone request. She said Staff is recommending RSF-4 like the surrounding properties.

Councilmember Palmer asked for clarification on her statement about in the past, properties were zoned as they were in the County. Ms. Portner said generally, for enclaves prior to the Persigo Agreement, annexed properties were zoned the same as in the County. Councilmember Palmer asked about non enclave annexations. Ms. Portner said Staff usually recommends zoning that complies with the Growth Plan.

Darren Davidson, 686 Country Meadows Drive, was present representing the applicant and was available for questions.

There were no public comments.

The public hearing was closed at 8:55 p.m.

Ordinance No. 3976 – 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

Councilmember Palmer moved to adopt Ordinance No. 3976 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road [File #ANX-2006-211]

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

The public hearing was opened at 8:55 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She said the request is just for the zoning and said the annexation was accomplished at the last meeting. She described the site and the location and noted the existing and surrounding zoning. The applicant originally proposed a C-1 zone for the property, however Staff had discussions with the applicant and encouraged a B-1 zone district. The applicant agreed to the B-1 zoning. She said both Staff and Planning Commission finds that the request meets the criteria of the Zoning and Development Code and the Future Land Use criteria.

Councilmember Coons questioned what types of businesses are allowed. Ms. Portner said, in general, B-1 allows smaller retail and the larger retail and outdoor commercial would not be allowed.

Tracy Moore, River City Consultants, representing the applicant, had nothing to add but was available for questions.

Councilmember Hill noted that the B-1 seems to be better adjacent to residential, it makes a better transition. Ms. Moore agreed.

There were no public comments.

The public hearing was closed at 9:00 p.m.

Ordinance No. 3977 – An Ordinance Zoning the Pine E Road Commercial Annexation to B-1, Located at 3046 and 3048 E Road

Councilmember Coons moved to adopt Ordinance No. 3977 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:01 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Horizon Drive Association Business Improvement District Plan and Budget

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Horizon Drive Association Business Improvement District Operating Plan and Budget						
Meeting Date	October 18, 2006						
Date Prepared	September 28, 2006					File #	
Author	Stephanie Tuin			City Clerk			
Presenter Name	Ron Lappi			Administrative Services Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Budget: NA

Action Requested/Recommendation: Approve Horizon Drive Association Business Improvement District's 2007 Operating Plan and Budget

Attachments:

1. Proposed 2007 Operating Plan and Budget for the Horizon Drive Association Business Improvement District
2. Certification of Valuations

Background Information:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved their 2005 Operating Plan and Budget and appointed their board. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30.

The municipality shall approve or disapprove the operating plan and budget within thirty days of receipt but no later than December 5 so the BID can file their mill levy certification with the County Assessor by December 10.

CASTOR & ASSOCIATES, PC
ATTORNEYS AT LAW

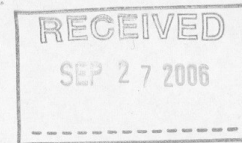
DENVER
GRAND JUNCTION

743 HORIZON COURT, SUITE 204
GRAND JUNCTION, COLORADO
81506

970.242.9012
970.245.1730 FAX

Douglas E. Briggs, Attorney
dbriggs@castorlaw.com

September 27, 2006



VIA HAND DELIVERY

Ms. Stephanie Tuin
City Clerk
CITY OF GRAND JUNCTION
250 North 5th Street
Grand Junction, CO 81501

RE: Horizon Drive Business Improvement District

Dear Ms. Tuin:

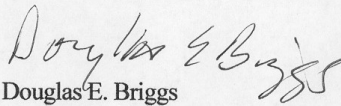
Pursuant to Section 31-25-1211, C.R.S., please find enclosed Horizon Drive Business Improvement District's proposed year 2007 Budget and Service and Operating Plan. Also enclosed is the District's proposed fiscal year 2007 Budget.

Finally, I have enclosed is a copy of the Mesa County Assessor's Certification of Valuations for the District dated August 25, 2006.

If you have any questions, please give me a call. Thank you.

Sincerely,

CASTOR & ASSOCIATES, P.C.


Douglas E. Briggs

Enclosures

cc Richard Tally, President Horizon Drive BID (w/o enclosures)

Horizon Drive Association Business Improvement District

Service and Operating Plan 2007

Introduction

In the year 2006, the Horizon Drive Business Improvement District began investing in its future. After months of planning and consultation with cooperating government agencies, including the City of Grand Junction and the Colorado Department of Transportation, work has begun on major improvements to the I-70/Horizon Drive interchange.

The Board of Directors continues to operate the District conservatively regarding expenditures for administrative, staff, offices and other non-capital expenses. As such, the District's focus will be on careful evaluation of capital projects and other direct investment in the District, rather than administrative development. This is reflected in the attached budget. In the future, it is anticipated that administrative expenditures will necessarily increase. But the Board is committed to primary dedication of the District's funds toward direct capital improvements to the District.

In accordance with the Board's stated objectives, the District adopts the following general Service and Operating Plan:

Goals and Objectives:

- Improve communication amongst businesses in the district
- Work together for a common goal
- Beautification
- Signage
- Coordinating holiday presentation
- Improve entrances to Grand Junction
- Serve as an ambassador to the City, County, and other organizations
- Represent the District in decisions that may impact the area

Services and Improvements Offered by the District:

- Liaison for its constituencies to the City of Grand Junction on improvement projects to the District.
- Improve the communications throughout the district.
- Enhance the District with long range planning of improvements.
- Be accessible to constituents for questions on various issues that may arise.
- Represent the District in decisions that may impact the area..
- The district is allowed to make and contemplates a broad range of public improvements

including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all incidental including relocation of utility lines.

Governance of the District:

- New Board of Directors are appointed by Grand Junction City Council.
- Board of Directors appoints management staff in accordance with District bylaws.

Powers of the District:

- The power to sue and be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.
- To consider and, if deemed necessary, provide services within the district including but not limited to:
 - * management and planning
 - * maintenance of improvements, by contract if necessary
 - * promotion or marketing
 - * organization, promotion and marketing of public events
 - * activities in support of business recruitment, management and development
 - * snow removal or refuse collection
 - * provide design assistance
- To acquire, construct, finance, install, and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the district, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to levy taxes against taxable commercial property.
- See the attached Bylaws of the Horizon Drive Business Improvement District.

Partnerships:

- Members of the existing Horizon Drive Association are encouraged to join the Horizon Drive Business Improvement District and provide feedback and opinions based upon their current concerns pertaining to the area.
- Membership to the Horizon Drive Business Improvement District will be based on a dues structure set up by the Board of Directors.

Proposed 2007 Budget:

- See attached Horizon Drive Business Improvement District's 2007 Budget

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

Operating Budget for Fiscal Year 2007

Current Fund Balance 09/30/2006	\$289,923	
Less Reserve For 2006 Obligations:	<u>(63,000)</u>	
Beginning Fund Balance 01/01/2007		\$226,923
Tax Revenues		140,950
Interest Income		<u>600</u>
Total Funds Available		368,473
Expenditures		
Administrative		
Insurance	1,500	
Professional Services	6,000	
Marketing & Communications	18,000	
Clerical/Administrative	<u>3,500</u>	29,000
Horizon Drive/I70 Improvement Payment**		57,000
Long Term Planning, Design & Improvement Projects		<u>275,000</u>
Ending Fund Balance		<u>\$7,473</u>

**Second of five annual payments to City of Grand Junction for Horizon Drive/I70 Improvements

CERTIFICATION OF VALUATIONS

NAME OF JURISDICTION HORIZON DRIVE BUSINESS IMPROVEMENT DIST NEW DISTRICT YES X NO
IN MESA COUNTY ON August 25 2006 ARE:

USE FOR STATUTORY CALCULATION (5.5 LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2) AND 39-5-128(1), C.R.S., THE TOTAL **ASSESSED VALUATIONS** FOR THE TAXABLE YEAR 2006 are:

PREVIOUS YEAR'S NET TOTAL ASSESSED VALUATION:	\$ <u>31,136,080</u>
CURRENT YEAR'S GROSS TOTAL ASSESSED VALUE † :	\$ <u>32,214,200</u>
LESS TIF DISTRICT INCREMENT, IF ANY:	\$ <u>N/A</u>
CURRENT YEAR'S NET TOTAL ASSESSED VALUATION:	\$ <u>32,214,200</u>
NEW CONSTRUCTION *:	\$ <u>0</u> *
INCREASED PRODUCTION OF PRODUCING MINE▲:	\$ <u>N/A</u> ▲
ANNEXATION/INCLUSIONS:	\$ <u>0</u>
PREVIOUSLY EXEMPT FEDERAL PROPERTY▲:	\$ <u>0</u> ▲
NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY OIL AND GAS	
LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.)Ⓞ:	\$ <u>0</u> Ⓞ
TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1	
(29-1-301(1)(a)C.R.S.):	\$ <u>0</u>
TAXES ABATED AND REFUNDED AS OF AUG.1(29-1-301(1)(a),C.R.S. (39-10-114(1)(a)(I)(B)C.R.S.):	\$ <u>0</u>

† This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec 20(8)(b), Colo. Constitution

*New construction is defined as: Taxable real property structures and the personal property connected with the structure.

▲ Jurisdiction must submit a certification (Form DLG 52 & 52A) to the Division of Local government in order for a value to be counted as growth in the calculation.

Ⓞ Jurisdiction must apply (Form DLG 52B) to the Division of Local government before the value can be counted as growth in the calculation.

USE FOR "TABOR LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH THE PROVISION OF ART.X, SEC 20, COLO.CON.S., THE **ACTUAL VALUATION** FOR THE TAXABLE YEAR 2006 ARE:

CURRENT YEAR'S VALUE OF ALL REAL PROPERTY ¥:	\$ <u>101,717,858</u> ¥
ADDITIONS TO TAXABLE REAL PROPERTY:	
CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS Ⓞ:	\$ <u>0</u> Ⓞ
ANNEXATIONS/INCLUSIONS:	\$ <u>0</u>
INCREASED MINING PRODUCTION £:	\$ <u>0</u> £
PREVIOUSLY EXEMPT PROPERTY:	\$ <u>0</u>
OIL OR GAS PRODUCTION FROM A NEW WELL:	\$ <u>0</u>
TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT:	\$ <u>7,931</u>
<small>(If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.)</small>	
DELETIONS FROM TAXABLE REAL PROPERTY:	
DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	\$ <u>0</u>
DISCONNECTION/EXCLUSION:	\$ <u>0</u>
PREVIOUSLY TAXABLE PROPERTY:	\$ <u>0</u>

¥ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

Ⓞ Construction is defined as newly constructed taxable real property structures.

£ Includes production from a new mine and increase in production of an existing producing mine.

USE FOR SCHOOL DISTRICTS ONLY

NOTE: No later than December 10 , the Assessor shall certify the **TOTAL ACTUAL VALUE** of **ALL TAXABLE PROPERTY** to **SCHOOL DISTRICTS**, (39-5-128(1), C.R.S.) \$ _____

NOTE: All Levies Must Be Certified To The Board of County Commissioners NO LATER THAN DECEMBER 15, 2006 DLG-57 (Rev6-00)

Attach 3

Downtown Grand Junction Business Improvement District Operating Plan and Budget

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Downtown Grand Junction Business Improvement District Operating Plan and Budget					
Meeting Date		October 18, 2006					
Date Prepared		October 2, 2006				File #	
Author		Stephanie Tuin		City Clerk			
Presenter Name		Ron Lappi		Administrative Services Director			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Budget: NA

Action Requested/Recommendation: Approve Downtown Grand Junction Business Improvement District’s 2007 Operating Plan and Budget

Attachments:

Proposed 2007 Operating Plan and Budget for the Downtown GJBID

Background Information:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District, approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30. The municipality shall approve or disapprove the operating plan and budget within

thirty days of receipt but no later than December 5 so the BID can file their Special Assessment with the County Treasurer by December 10.

Date: September 30, 2006
To: Stephanie Tuin, City Clerk
From: Harold Stalf
Re: 2007 BID Annual Report

With the successful passage of the Downtown Business Improvement District in November, 2005, downtown Grand Junction was able to embark on an expanded program of advertising and promotion to its larger base of supporters.

The BID covers an area of nearly 50 square blocks and has over 600 owners of property and businesses. This group represents a mix of retail, restaurants, professional services and commercial activities. The BID was formed after conducting a number of public forums and interviews with downtown business and property owners with the intention of performing the following functions:

Downtown Marketing and Promotions

- Public relations to project a positive image
- Collaborative advertising
- Production and packaging of marketing materials including Downtown maps, directories and a web site
- Newsletter and other communications
- Market research and surveys

In 2007, the Bid will continued its expansive relationship with both the local media, as well as outlets throughout Western Colorado. Many thousands of column inches of coverage of downtown, its businesses and events have been received this year and this public relations effort will continue to build in 2007. The plan for increasing awareness of Downtown is base a significant effort on PR as opposed to paid advertising. This has a greater impact and heightens awareness of the many and varied events and businesses that make up downtown. While PR is highly valued, it is complemented by a comprehensive advertising campaign, the bulk of which is conducted in the fourth quarter of the year. This effort emphasizes the holiday shopping season and will result in a total of over \$40,000 in paid advertising in 2007.

The downtown web site, <http://downtowngj.org/> has been totally redesigned this year and has recently been released to the public. 2007 will see the continued oversight and improvement of this sight. Weekly updates are required to keep content current, especially regarding our calendar and details of upcoming events. As businesses change we also need to import photo's and text to reflect the nature of these changes.
Attractions

such as Cinema at the Avalon, Art on the Corner, the Museum of Western Colorado the Grand Junction Symphony, Botanic Gardens and the Western Colorado Center for the

Arts are also featured and information from these strategic partners also must be updated and monitored. Additionally, the Visitor and Convention Bureau, and Two River Convention Center are prominently featured, along with a calendar of events at these facilities to conveniently inform downtown visitors and merchants of upcoming events, conferences and conventions.

The web site also will provide information on the history of downtown, construction projects such as the new parking garage and 7th St. redevelopment and others. These sections will be completed in 2007, again with the assistance of interns provided by Mesa State College. An "E-version" of the newsletter is now available, and businesses or individuals will be able to subscribe directly from the site itself.

A "blast" email system is being developed to allow for quick and convenient communication with the membership. Last minute information as well as plans for upcoming groups visiting downtown will be communicated through this method.

This summer, surveys have been conducted of vendors participating in the Art & Jazz Festival and the American National Bank Farmer's Market Festival, with generally positive results. Also, a comprehensive survey of all downtown business and property owners (nearly 500 were distributed) resulted in over 100 responses on issues regarding special events throughout the year, their impact on retail, restaurants and other business including comments and suggestions on how to improve both the events and their impact on downtown businesses. A full report has been made to the Downtown Association Board of Directors and this information will prove to be useful as plans and budgets are adopted for 2007. It is anticipated that most of the current events will be sustained in 2007 and beyond

Special Events

The Art & Jazz Festival was moved to early May this year to take advantage of cooler, more temperate weather. This resulted in a very successful event, however the change of date did create some confusion. The DTA Board (Marketing arm of the BID) is expected to review the survey results that have been gathered and determine the schedule for this and other events in future years. The date of this event could allow it to become a fixture allowing it to continue to grow into one of the premier attractions in the area. It is perceived to project an image of style and culture for downtown and for the first time attracted a significant amount of visitors from outside of the area. The quality of music and art has continued to improve and with the cooperation of the Convention and Visitors Bureau, the Art & Jazz Festival represents the very best downtown has to offer. For 2007

it is anticipated that we will bring in an increased number of high school and college jazz groups, again attracting people from communities throughout western Colorado.

The American National Bank Farmer's Market is a resounding success. It is estimated that well over 50,000 visitors attended the Market this summer over 17 weeks. The sponsorship by American National Bank and the support of the BID has allowed us to retain professional management for this event with Event Masters. The management of the event has greatly improved over previous years and has been noted by everyone involved.

Other events such as the Art Hop, Independence Day Parade, Car Show, Parade of Lights and other Holiday events have had mixed success. The Independence Day Parade is

highly valued by the community, but not downtown businesses, as they are closed on the Holiday. Additionally, the cost of this event was nearly \$5,000, with no sponsorship support. It is being reevaluated, along with the Art Hop for 2007. The Downtown Car Show was somewhat limited due to weather this year. Many front range participants were unable to attend due to snow at higher elevations. However, the event is very well received and is sound financially. Hospice provides significant volunteer support for the Car Show and a contribution is made to Hospice each year in appreciation of this successful partnership. The Holiday events will receive increased funding this year due to the BID. Comments have been received that they have been somewhat underwhelming in recent years, but BID funding has allowed for enhancing of these events during the holidays. With the enthusiastic support of volunteers we hope to show noticeable improvement during this important conclusion to the year.

All of these events are anticipated to be scheduled again in 2007. Corporate sponsorships have been strong and allow for even the weaker events to continue, however their value and purpose will continue to be monitored by both the DTA and BID Boards to assure that we provide a mixture of special events the benefit not only downtown businesses, but also the larger community of Grand Junction, Mesa County, and beyond.

Budget and Administration

The 2007 budget for the BID are attached in summary form. The 2007 budget includes nearly \$125,000 in assessments that have been collected by the BID, as well as an additional \$11,000 from the City of Grand Junction and \$3,500 from Mesa County. This is consistent with the projections that were made for revenue prior to the adoption of the BID in 2005. Income from the DDA for staff support, and the DTA from contributions, results in a total of nearly \$170,000 from these sources. Sponsorships, vendor fee's and other miscellaneous sources of income should total \$117,000, for a grand total of \$286,500 in income for 2007. Expenses are expected to be approximately \$275,000 resulting in an anticipated year-end surplus of \$11,250. A goal of 20% reserve for the

BID has been established and this will require building a surplus of \$50-60,000 over the next several years. The 2006 anticipated surplus combined with that anticipated for 2007

should provide nearly 50% of that goal, resulting in a sound financial condition after the first two years of operation.

With the BID being accepted within the administrative services of the City of Grand Junction after the previous budget cycle, a two year budget was not adopted. However, we now have presented this two year document. BID staff is now included in the City's payroll and is supported with appropriate benefits in our projections for 2007. The City of Grand Junction also provides purchasing, insurance, computer and telephony services to the BID.

The formalization of the BID has allowed the Downtown Partnership which includes the BID, DDA and DTA to work in a cohesive manner with solid funding, thus enabling for long range planning of the promotion and events promised through the BID.

	<u>2006 Budget</u>	<u>2006 YTD</u>	<u>2006 Projected</u>	<u>2007 Budget</u>
Income				
Dues/Misc.	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
City	\$ 10,400.00	\$ 10,600.00	\$ 10,600.00	\$ 11,000.00
County	\$ 3,267.00	\$ -	\$ 3,267.00	\$ 3,500.00
DDA	\$ 20,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00
BID	\$ 120,000.00	\$ 120,726.00	\$ 124,000.00	\$ 130,000.00
Sub-Total	\$ 158,667.00	\$ 141,326.00	\$ 162,867.00	\$ 169,500.00
Dinner	\$ 10,000.00	\$ 8,840.00	\$ 8,840.00	\$ 9,000.00
A & J	\$ 30,000.00	\$ 35,260.00	\$ 35,260.00	\$ 35,000.00
Car Show	\$ 10,000.00	\$ -	\$ 7,500.00	\$ 8,000.00
FM	\$ 50,000.00	\$ 53,310.00	\$ 53,310.00	\$ 55,000.00
July 4th	\$ 1,500.00	\$ 765.00	\$ 765.00	\$ 1,500.00
Spk'tacular	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 1,000.00
Holiday's	\$ 7,000.00	\$ -	\$ 7,000.00	\$ 7,500.00
Sub-Total/Events	\$ 102,500.00	\$ 98,175.00	\$ 108,175.00	\$ 117,000.00
TOTAL INCOME	\$ 261,167.00	\$ 239,501.00	\$ 271,042.00	\$ 286,500.00
Expenses				
Adv/Promo Office Expense	\$ 40,000.00	\$ 7,775.00	\$ 30,000.00	\$ 40,000.00
County Treasurer	\$ 10,000.00	\$ 3,826.00	\$ 7,500.00	\$ 7,500.00
	\$ 2,500.00	\$ 2,486.00	\$ 2,500.00	\$ 2,500.00

Salary Expense	\$ 75,000.00	\$ 55,145.00	\$ 75,000.00	\$ 81,800.00
Total Admin.	\$ 127,500.00	\$ 69,232.00	\$ 115,000.00	\$ 131,800.00
Dinner	\$ 8,000.00	\$ 7,367.00	\$ 7,367.00	\$ 7,500.00
A & J	\$ 40,200.00	\$ 40,880.00	\$ 40,880.00	\$ 42,300.00
Art Hop	\$ 5,000.00	\$ 2,950.00	\$ 4,000.00	\$ 5,000.00
Car Show	\$ 7,500.00	\$ 1,155.00	\$ 6,000.00	\$ 8,000.00
FM	\$ 46,900.00	\$ 41,804.00	\$ 48,000.00	\$ 55,800.00
Holiday	\$ 15,000.00	\$ 510.00	\$ 15,000.00	\$ 15,000.00
July 4th	\$ 1,500.00	\$ 4,158.00	\$ 4,158.00	\$ 3,350.00
Spooktacular	\$ 3,500.00	\$ 75.00	\$ 3,500.00	\$ 3,500.00
Insurance	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 3,000.00
Total Events	\$ 130,000.00	\$ 98,899.00	\$ 131,305.00	\$ 143,450.00
TOTAL EXPENSE	\$ 257,500.00	\$ 168,131.00	\$ 246,305.00	\$ 275,250.00
TOTAL REVENUE	\$ 261,167.00	\$ 239,501.00	\$ 271,042.00	\$ 286,500.00
TOTAL EXPENSE	\$ 257,500.00	\$ 168,131.00	\$ 246,305.00	\$ 275,250.00
Year-End Balance	\$ 3,667.00	\$ 71,370.00	\$ 24,737.00	\$ 11,250.00

Attach 4

Continue the Public Hearing for Baldwin Annexation, Located at 2102 & 2108 Highway 6 & 50

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Request to continue Baldwin Annexation located at 2102 & 2108 Highway 6 & 50						
Meeting Date	October 4, 2006						
Date Prepared	September 28, 2006			File #ANX-2006-182			
Author	Faye Hall			Associate Planner			
Presenter Name	Faye Hall			Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When		
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent		Individual Consideration

Summary: Request to Continue the Baldwin Annexation to the October 18, 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 18, 2006 City Council Meeting.

Attach 5

Setting a Hearing for the Hall 22 Road Commercial Annex, Located at 778 22 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Hall 22 Road Commercial Annexation - Located at 778 22 Road						
Meeting Date	October 18, 2006						
Date Prepared	October 12, 2006				File #GPA-2006-240		
Author	David Thornton		Principle Planner				
Presenter Name	David Thornton		Principle Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 52.15 acres, located at 778 22 Road. The Hall 22 Road Commercial Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Hall 22 Road Commercial Annexation and introduce the proposed Ordinance and set a hearing for December 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		778 22 Road		
Applicants:		Owner: W.T. Hall and Gaynell D. Colaric, W.T. Hall and Norma Hall; Developer/Representative: HallCO, LLC – Douglas A. Colaric		
Existing Land Use:		Vacant / Storage		
Proposed Land Use:		Commercial / Industrial		
Surrounding Land Use:	North	Warehousing/Storage/Residential/Vacant		
	South	Warehousing/Storage		
	East	Vacant		
	West	Vacant/Residential		
Existing Zoning:		County Planned Industrial/AFT		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	County Planned Industrial		
	South	City I-1		
	East	County AFT		
	West	City I-1		
Growth Plan Designation:		Estate 2-5 du/ac; Requesting GPA to Commercial /Industrial		
Zoning within density range?		w/ GPA	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 52.15 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Hall 22 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.

<u><i>ANNEXATION SCHEDULE</i></u>	
October 18, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be scheduled after GPA	Planning Commission considers Zone of Annexation – after GPA request
To be scheduled after GPA	Introduction Of A Proposed Ordinance on Zoning by City Council – after GPA request
December 6, 2006	Acceptance of Petition and Public Hearing on Annexation by City Council
January 7, 2007	Effective date of Annexation

HALL 22 ROAD COMMERCIAL ANNEXATION SUMMARY

File Number:	GPA-2006-240	
Location:	778 22 Road	
Tax ID Number:	2701-312-00-519 / 2701-312-00-520	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	52.15 acres	
Developable Acres Remaining:	52.10 acres	
Right-of-way in Annexation:	2,122 square feet of 22 Road right-of-way	
Previous County Zoning:	Planned Industrial/AFT	
Proposed City Zoning:	I-1	
Current Land Use:	Vacant/Storage	
Future Land Use:	Commercial / Industrial	
Values:	Assessed:	= \$155,900
	Actual:	= \$537,600
Address Ranges:	750-778 22 Road (even only)	
Special Districts:	Water:	Ute Water
	Sewer:	City
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	Mesa County School District #51
	Pest:	None

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6th of December, 2006, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

HALL 22 ROAD COMMERCIAL ANNEXATION

**LOCATED AT 778 22 ROAD AND INCLUDING A PORTION OF THE 22 ROAD RIGHT-
OF-WAY.**

WHEREAS, on the 18th day of October, 2006, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

HALL 22 ROAD COMMERCIAL ANNEXATION

A certain parcel of land located in the South half of the Northwest Quarter (S 1/2 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 31, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 31 and assuming the West line of the Northwest Quarter (NW 1/4) of said Section 31 to bear N00°05'21"E with all bearings contained herein relative thereto; thence N00°05'21"E along the West line a distance of 1,320.86 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 31; thence N00°05'12"E along said West line of the NW 1/4 NW 1/4 a distance of 98.95 feet; thence S85°01'27"E a distance of 425.22 feet; thence S74°31'00"E a distance of 116.13 feet; thence S62°52'11"E a distance of 152.99 feet; thence S63°32'38"E a distance of 99.76 feet; thence S62°29'52"E a distance of 334.39 feet; thence S77°35'34"E a distance of 162.47 feet; thence S84°45'59"E a distance of 191.68 feet; thence S80°51'35"E a distance of 82.63 feet; thence S73°43'16"E a distance of 98.15 feet; thence S66°33'42"E a distance of 123.73 feet; thence S63°00'06"E a distance of 176.30 feet; thence S53°55'23"E a distance of 65.91 feet; thence S34°37'34"E a distance of 82.60 feet; thence S26°31'10"E a distance of 282.99 feet; thence S23°47'59"E a distance of 252.23 feet; thence S23°47'46"E a distance of 72.41 feet to a point on the North line of Interstate 70; thence along the North line of Interstate 70 right of way, 699.68 feet along the arc of a 5,830.00 foot radius curve concave Southeast, having a central angle of 06°52'35" and a chord that bears S79°43'58"W a

distance 699.26 feet; thence continuing along said North line S75°28'24"W a distance of 247.30 feet; thence continuing along said North line 112.42 feet along the arc of a 2,242.00 foot radius curve concave Northwest, having a central angle of 02°52'23" and a chord that bears S80°52'46"W a distance 112.41 feet to a point on the South line of the SW 1/4 NW 1/4 of said Section 31; thence N89°58'33"W along said South line a distance of 1,174.89 feet, more or less, to the Point of Beginning.

Said parcel contains 52.15 acres (2,271,868 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 6th day of December, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
October 20, 2006
October 27, 2006
November 3, 2006
November 10, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HALL 22 ROAD COMMERCIAL ANNEXATION

APPROXIMATELY 52.15 ACRES

**LOCATED AT 778 22 ROAD INCLUDING A PORTION OF THE 22 ROAD RIGHT-OF-
WAY**

WHEREAS, on the 18th day of October, 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 6th day of December, 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:

HALL 22 ROAD COMMERCIAL ANNEXATION

A certain parcel of land located in the South half of the Northwest Quarter (S 1/2 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 31, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 31 and assuming the West line of the Northwest Quarter (NW 1/4) of said Section 31 to bear N00°05'21"E with all bearings contained herein relative thereto; thence N00°05'21"E along the West line a distance of 1,320.86 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 31; thence

N00°05'12"E along said West line of the NW 1/4 NW 1/4 a distance of 98.95 feet; thence S85°01'27"E a distance of 425.22 feet; thence S74°31'00"E a distance of 116.13 feet; thence S62°52'11"E a distance of 152.99 feet; thence S63°32'38"E a distance of 99.76 feet; thence S62°29'52"E a distance of 334.39 feet; thence S77°35'34"E a distance of 162.47 feet; thence S84°45'59"E a distance of 191.68 feet; thence S80°51'35"E a distance of 82.63 feet; thence S73°43'16"E a distance of 98.15 feet; thence S66°33'42"E a distance of 123.73 feet; thence S63°00'06"E a distance of 176.30 feet; thence S53°55'23"E a distance of 65.91 feet; thence S34°37'34"E a distance of 82.60 feet; thence S26°31'10"E a distance of 282.99 feet; thence S23°47'59"E a distance of 252.23 feet; thence S23°47'46"E a distance of 72.41 feet to a point on the North line of Interstate 70; thence along the North line of Interstate 70 right of way, 699.68 feet along the arc of a 5,830.00 foot radius curve concave Southeast, having a central angle of 06°52'35" and a chord that bears S79°43'58"W a distance 699.26 feet; thence continuing along said North line S75°28'24"W a distance of 247.30 feet; thence continuing along said North line 112.42 feet along the arc of a 2,242.00 foot radius curve concave Northwest, having a central angle of 02°52'23" and a chord that bears S80°52'46"W a distance 112.41 feet to a point on the South line of the SW 1/4 NW 1/4 of said Section 31; thence N89°58'33"W along said South line a distance of 1,174.89 feet, more or less, to the Point of Beginning.

Said parcel contains 52.15 acres (2,271,868 square feet), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 6

Setting a Hearing for the Pear Park School No. 3 Annex, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Pear Park School No. 3 Annexation - Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road						
Meeting Date	October 18, 2006						
Date Prepared	October 12, 2006			File #ANX-2006-276			
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 1 acre, located at Grand Valley Canal west of 29 ½ Road and north of D ¼ Road. The Pear Park School No. 3 Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Pear Park School No. 3 Annexation and introduce the proposed Ordinance and set a hearing for December 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION					
Location:		Grand Valley Canal west of 29 ½ Road and north of D ¼ Road			
Applicants:		City of Grand Junction; Siena View, LLC – Gerry Dalton			
Existing Land Use:		Mesa County Ditch Canal			
Proposed Land Use:		Mesa County Ditch Canal			
Surrounding Land Use:	North	Residential / Agricultural			
	South	Residential / Agricultural			
	East	Residential / Agricultural			
	West	Residential / Agricultural			
Existing Zoning:		County PD			
Proposed Zoning:		City CSR			
Surrounding Zoning:	North	County RSF-E & RSF-R / City RMF-8			
	South	City CSR			
	East	County RSF-R			
	West	City CSR			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1 acre of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Pear Park School No. 3 Annexation is eligible to be annexed because of compliance with the following:

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

The following annexation and zoning schedule is being proposed.

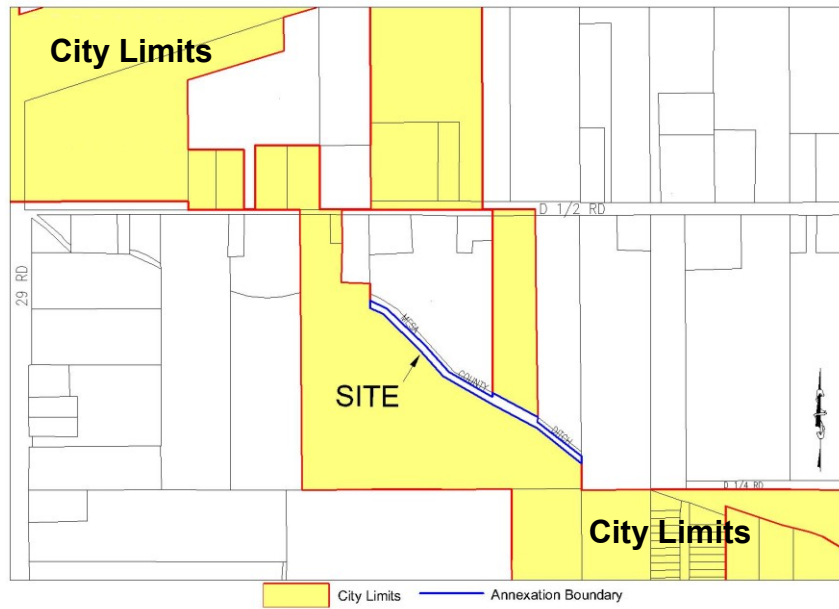
<u><i>ANNEXATION SCHEDULE</i></u>	
October 18, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 24, 2006	Planning Commission considers Zone of Annexation
November 15, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
December 6, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 7, 2007	Effective date of Annexation and Zoning

PEAR PARK SCHOOL NO. 3 ANNEXATION SUMMARY

File Number:	ANX-2006-276	
Location:	Grand Valley Canal west of 29 ½ Road and north of D ¼ Road	
Tax ID Number:	None	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	1.00 acres	
Developable Acres Remaining:	0.00 acres	
Right-of-way in Annexation:	0.00 acres	
Previous County Zoning:	PD	
Proposed City Zoning:	CSR	
Current Land Use:	Mesa County Ditch Canal	
Future Land Use:	Mesa County Ditch Canal	
Values:	Assessed:	None
	Actual:	None
Address Ranges:	None	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa County School District #51
	Pest:	None

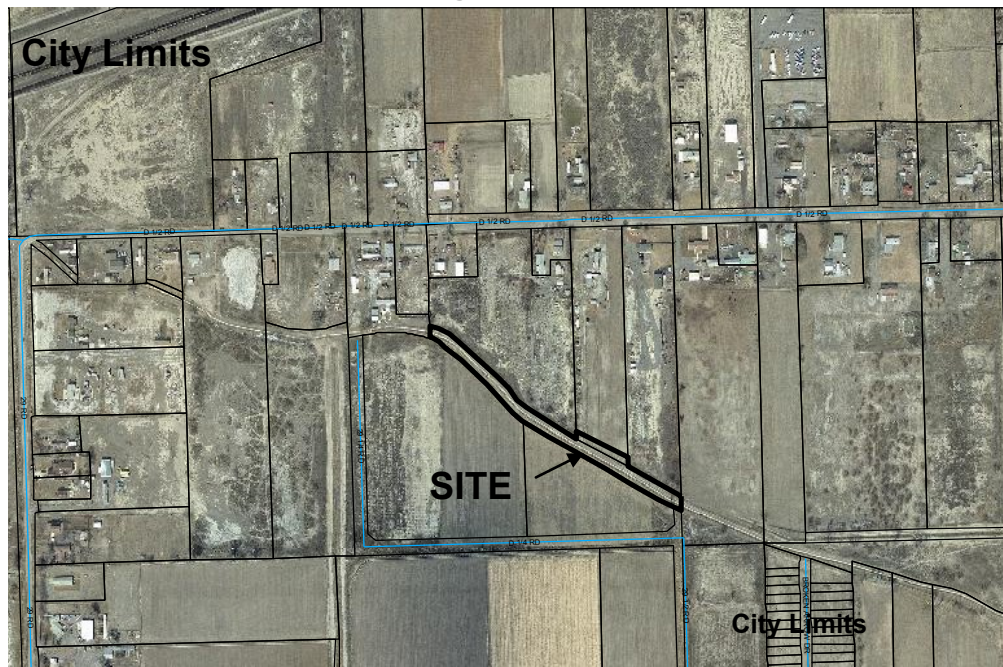
Site Location Map

Figure 1



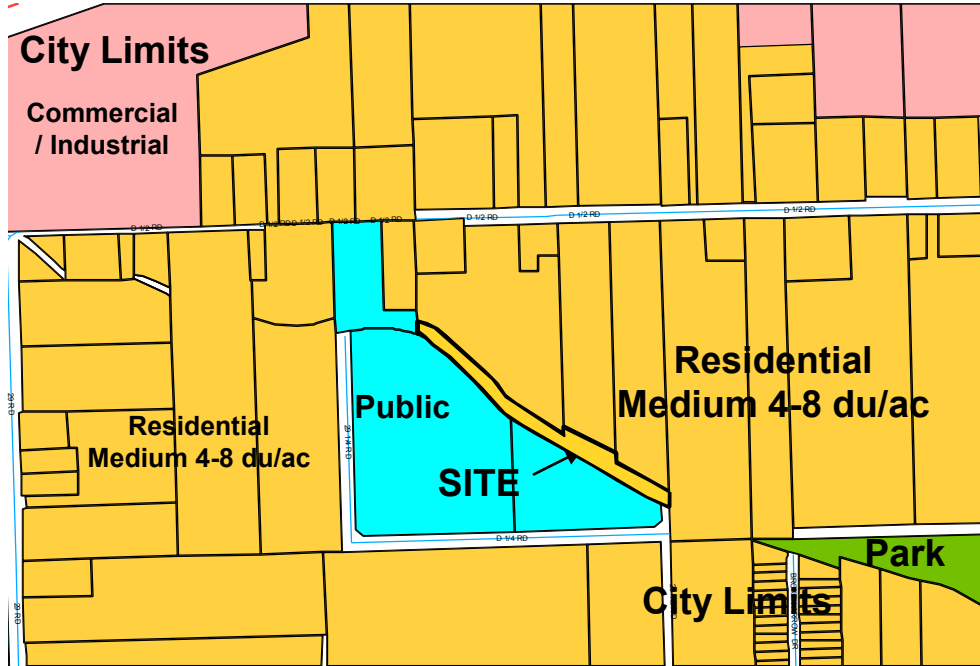
Aerial Photo Map

Figure 2



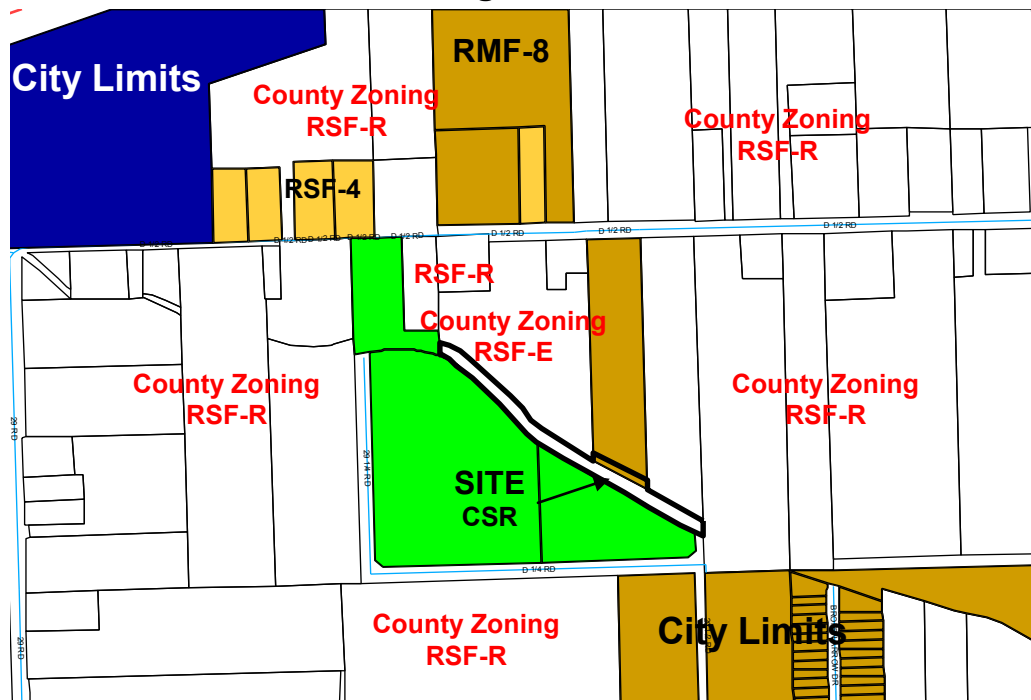
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 18th of October, 2006, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

PEAR PARK SCHOOL NO. 3 ANNEXATION

LOCATED AT GRAND VALLEY CANAL WEST OF 29 ½ ROAD AND NORTH OF D ¼ ROAD.

WHEREAS, on the 18th day of October, 2006, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PEAR PARK SCHOOL NO. 3 ANNEXATION

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW1/4) of Section 17, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of Siena View Annexation No. 2, Ordinance No. 3501, City of Grand Junction and assuming the Southerly line of said Siena View Annexation No. 2 to bear S60°16'02"E with all bearings contained herein relative thereto; thence S00°02'58"E along the Southerly projection of the East line of said Siena View Annexation No. 2 a distance of 30 feet more or less to the centerline of the Grand Valley Canal; thence Southeasterly along the centerline of the Grand Valley Canal a distance of 242 feet more or less to a point on the East line of said NE 1/4 SW1/4 of Section 17; thence S00°01'07"E along the East line of said NE 1/4 SW1/4 of Section 17 a distance of 36 feet more or less to the Northeast corner of Pear Park School Annexation No. 1, Ordinance No. 3805, City of Grand Junction; thence N58°21'28"W along the Northerly lines of said Pear Park School Annexation No. 1 and Pear Park School Annexation No. 2, Ordinance No. 3806, City of Grand Junction a distance of 758.54 feet; thence continuing along the Northerly line of said Pear Park School Annexation No. 2 the following three courses: (1) N42°08'07"W a distance of 169.97 feet; (2) thence N46°01'52"W a distance of 249.36 feet; (3) thence N68°08'05"W a distance of 78.38 feet; thence N00°09'17"W a distance of 34 feet more or less returning to the centerline of the Grand Valley Canal; thence meandering Southeasterly along the centerline of the Grand Valley Canal to the intersection with the Southerly projection of the West line of said Siena View Annexation No. 2; thence

N00°02'58"W along the Southerly projection of the West line of said Siena View Annexation No. 2 a distance of 20 feet more or less to the Southwest corner of said Siena View Annexation No. 2; thence S60°16'02"E along the Southerly line of said Siena View Annexation No. 2 a distance of 239.08 feet to the Point of Beginning.

Said parcel contains 1.00 acre (43,560 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 6th day of December, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
October 20, 2006
October 27, 2006
November 3, 2006
November 10, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PEAR PARK SCHOOL NO. 3 ANNEXATION

APPROXIMATELY 1.00 ACRES

**LOCATED AT GRAND VALLEY CANAL WEST OF 29 ½ ROAD AND NORTH OF D ¼
ROAD**

WHEREAS, on the 18th day of October, 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 6th day of December, 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:

PEAR PARK SCHOOL NO. 3 ANNEXATION

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW1/4) of Section 17, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of Siena View Annexation No. 2, Ordinance No. 3501, City of Grand Junction and assuming the Southerly line of said Siena View Annexation No. 2 to bear S60°16'02"E with all bearings contained herein relative thereto; thence S00°02'58"E along the Southerly projection of the East line of said Siena View Annexation No. 2 a distance of 30 feet more or less to the centerline of the Grand Valley Canal; thence Southeasterly along the centerline of the Grand Valley

Canal a distance of 242 feet more or less to a point on the East line of said NE 1/4 SW1/4 of Section 17; thence S00°01'07"E along the East line of said NE 1/4 SW1/4 of Section 17 a distance of 36 feet more or less to the Northeast corner of Pear Park School Annexation No. 1, Ordinance No. 3805, City of Grand Junction; thence N58°21'28"W along the Northerly lines of said Pear Park School Annexation No. 1 and Pear Park School Annexation No. 2, Ordinance No. 3806, City of Grand Junction a distance of 758.54 feet; thence continuing along the Northerly line of said Pear Park School Annexation No. 2 the following three courses: (1) N42°08'07"W a distance of 169.97 feet; (2) thence N46°01'52"W a distance of 249.36 feet; (3) thence N68°08'05"W a distance of 78.38 feet; thence N00°09'17"W a distance of 34 feet more or less returning to the centerline of the Grand Valley Canal; thence meandering Southeasterly along the centerline of the Grand Valley Canal to the intersection with the Southerly projection of the West line of said Siena View Annexation No. 2; thence N00°02'58"W along the Southerly projection of the West line of said Siena View Annexation No. 2 a distance of 20 feet more or less to the Southwest corner of said Siena View Annexation No. 2; thence S60°16'02"E along the Southerly line of said Siena View Annexation No. 2 a distance of 239.08 feet to the Point of Beginning.

Said parcel contains 1.00 acre (43,560 square feet), more or less, as described. Be and is hereby annexed to the City of Grand Junction, Colorado.

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

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

Attest:

President of the Council

City Clerk

Attach 7

Revocable Permit for a Retaining Wall Located in the Fox Run ROW, North of G Road and West of 26 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Revocable Permit for a Retaining Wall Located in the Fox Run Right-of-way, North of G Road and West of 26 Road.						
Meeting Date	October 18, 2006						
Date Prepared	October 12, 2006				File # RVP-2006-247		
Author	Adam Olsen		Associate Planner				
Presenter Name	Adam Olsen		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: Request for a revocable permit for retaining walls that have been constructed in the Fox Run right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt a resolution issuing the Revocable Permit.

Background Information: See attached Staff report/Background Information

Attachments:

1. Staff report/Background information
2. Location map of walls relative to right-of-way
3. Site Location Map/Aerial Photo
4. Future Land Use Map/Existing Zoning Map
5. Resolution
6. Revocable Permit
7. Agreement

BACKGROUND INFORMATION					
Location:		Fox Run, located north of G Road and west of 26 Road.			
Applicant:		Wrights Mesa LLC-Applicant Ted Martin-Representative			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-2			
Proposed Zoning:		n/a			
Surrounding Zoning:	North	RSF-2			
	South	RSF-2			
	East	RSF-2			
	West	RSF-2			
Growth Plan Designation:		RL (Residential Low, 1/2-2 ac/du)			
Zoning within density range?		x	Yes		No

Project Analysis:

1. Background

Three retaining walls have been constructed in the Fox Run right-of-way. There are portions of the walls which touch the right of way and the largest encroachment into the right-of-way is 14.34 feet. The right-of-way is unusually shaped at this point where the wall encroaches 14' as it takes in a portion of the abandoned Elvira Street, which was

vacated when this subdivision was platted. The right-of-way extension is present to provide access to properties which formerly had access off of Elvira Street. The applicant is requesting a revocable permit to allow the walls to remain in their present location.

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

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

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

Applicant's Response: Benefits include soils and site stabilization, minimization of need for additional retaining walls within any building site, and weed control as the walls abut directly against sidewalks, leaving no gap for weed propagation. The walls provide a pleasing streetscape consistent with other subdivisions in the area.

Staff Response: Staff is in agreement with Applicant's response.

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

Applicant's Response: Retaining walls are necessary to stabilize soils and building sites within the subdivision. In this case, the retaining wall location in the right-of-way maximizes lot size and configuration while in no way interfering with ingress or egress, emergency access, utility installation or delivery, or the availability of public services. The retaining walls do not diminish either sidewalk or street width or layout.

Staff Response: Although the walls have been placed in the public right-of-way, the walls shall not become public infrastructure, but shall continue to be privately owned and maintained by the adjoining lot owners.

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

Applicant's Response: The retaining walls do not impinge on either sidewalk or street width and do not interfere with access, ingress, or egress,

installation or delivery of utilities, or delivery of public services, including emergency services. No additional use of City right-of-way by reason of the retaining walls is anticipated.

Staff Response: The Applicant has demonstrated that the walls will not impinge on either sidewalk or street width and therefore, no conflicting uses are anticipated for the property.

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

Applicant's Response: The retaining walls are consistent with those in neighboring subdivisions and in accordance with the requirements of soils and topography within the subdivision.

Staff Response: The use is compatible with adjacent land uses.

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

Applicant's Response: The retaining walls do not impinge upon required sidewalk or street widths. The retaining walls do not impede either ingress or egress for the subdivision. The retaining walls do not interfere with installation or delivery of utilities, which are to be installed in the street because of the topography of the subdivision. The retaining walls have no negative impact on neighborhood character or stability or on sensitive areas such as floodplains and hazard areas, neither of which exist in the subdivision.

Staff Response: The Applicant has demonstrated that the use shall not negatively impact access, traffic circulation, neighborhood stability or character. There are no sensitive areas such as floodplains or natural hazard areas.

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.

Applicant's Response: None provided.

Staff Response: Not applicable.

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

Applicant's Response: The components of this application have been prepared and are submitted in compliance with the requirements of the submittal checklist for a revocable permit promulgated by the City of Grand Junction.

Staff Response: The application complies with the submittal requirements of the SSID Manual, and Chapter Two of the Zoning and Development Code.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the revocable permit for retaining walls constructed in the right-of-way of Fox Run, RVP-2006-247 for the issuance of a revocable permit for retaining walls, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.
2. The walls shall not become public infrastructure, but shall continue to be privately owned and maintained by the adjoining lot owners.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the requested revocable permit for retaining walls constructed in the right-of-way of Fox Run, RVP-2006-247.

Attachments:

Location map of walls relative to right-of-way
Site Location Map/Aerial Map
Future Land Use Map/Existing Zoning Map
Resolution
Revocable Permit

Agreement

EXHIBIT A

FOX RUN AT THE ESTATES

REVOCABLE PERMIT AREA

SCALE 1" = 30'

CURVE/LINE	DELTA	ARC	RADIUS	CHORD	CHORD BEARING
C1	33°52'04"	46.11'	78.00'	45.44'	N76°53'31"E
L1		1.50'			S30°02'03"E
C2	33°52'02"	46.99'	79.50'	46.31'	S76°53'32"W
L2		1.60'			N03°13'46"W
C3	17°20'22"	36.92'	122.00'	36.78'	N85°09'22"E
L3		2.00'			N13°30'49"W
C4	17°20'22"	36.32'	120.00'	36.18'	S85°09'22"W
L4		2.00'			S01°44'00"W
C5	3°47'19"	13.22'	200.00'	13.22'	S70°36'31"W

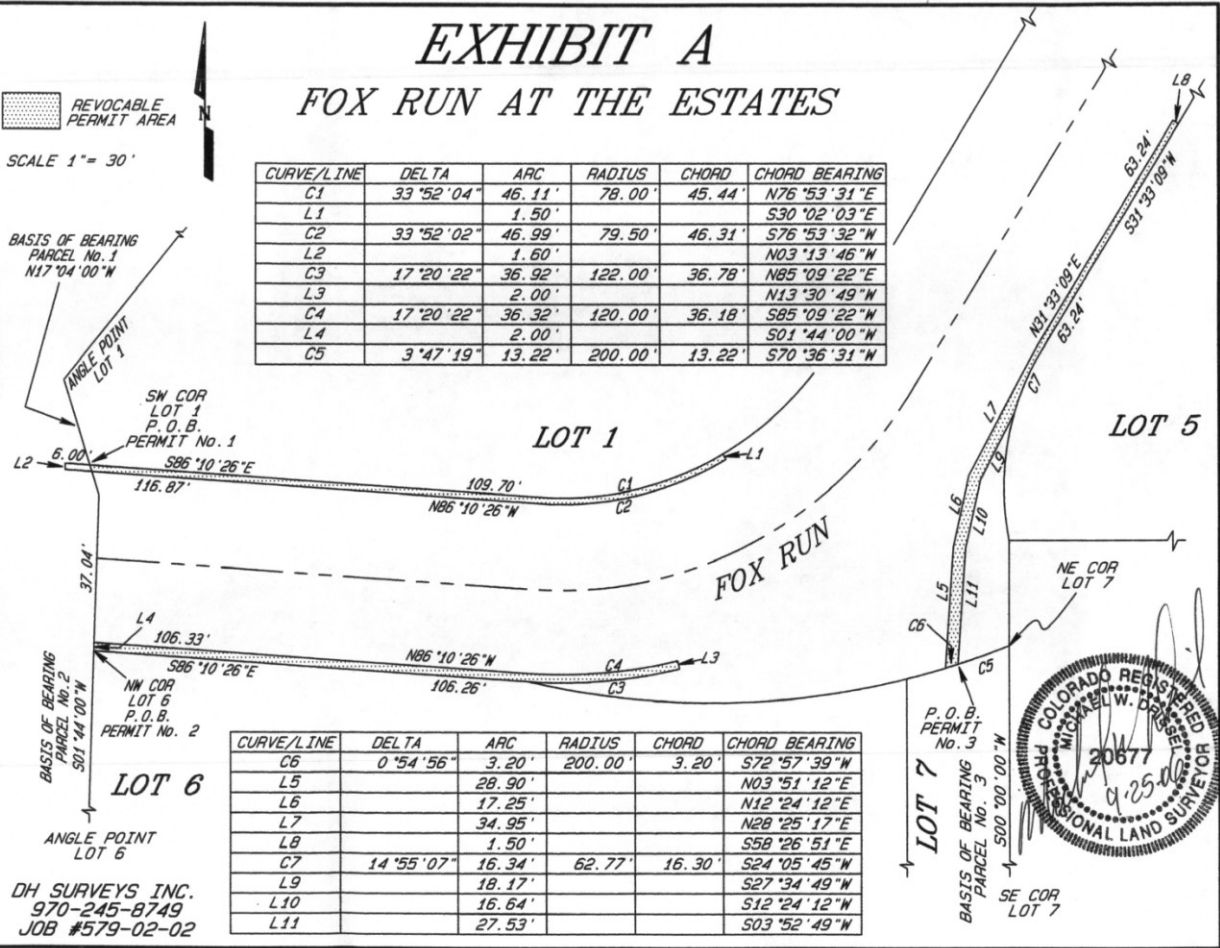
BASIS OF BEARING
PARCEL No. 1
N17°04'00"W

ANGLE POINT
LOT 1
SW COR
LOT 1
P.O.B.
PERMIT No. 1

BASIS OF BEARING
PARCEL No. 2
S01°44'00"W
NW COR
LOT 6
P.O.B.
PERMIT No. 2

ANGLE POINT
LOT 6
DH SURVEYS INC.
970-245-8749
JOB #579-02-02

CURVE/LINE	DELTA	ARC	RADIUS	CHORD	CHORD BEARING
C6	0°54'56"	3.20'	200.00'	3.20'	S72°57'39"W
L5		28.90'			N03°51'12"E
L6		17.25'			N12°24'12"E
L7		34.95'			N28°25'17"E
L8		1.50'			S58°26'51"E
C7	14°55'07"	16.34'	62.77'	16.30'	S24°05'45"W
L9		18.17'			S27°34'49"W
L10		16.64'			S12°24'12"W
L11		27.53'			S03°52'49"W



Site Location Map

Figure 1



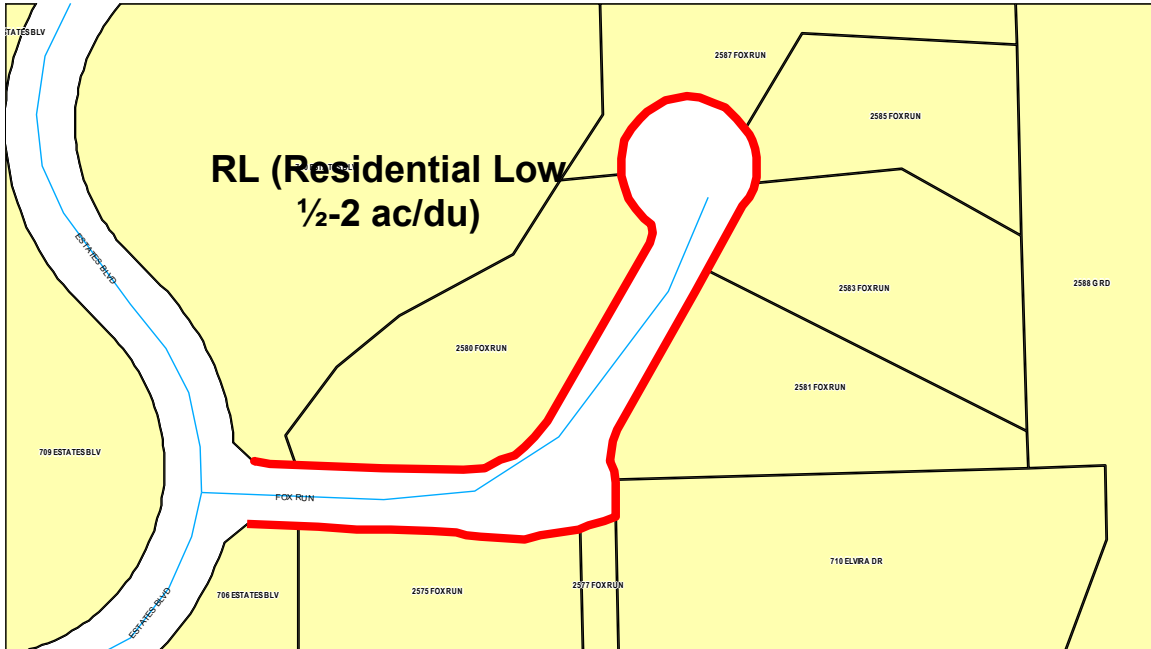
Aerial Photo Map

Figure 2



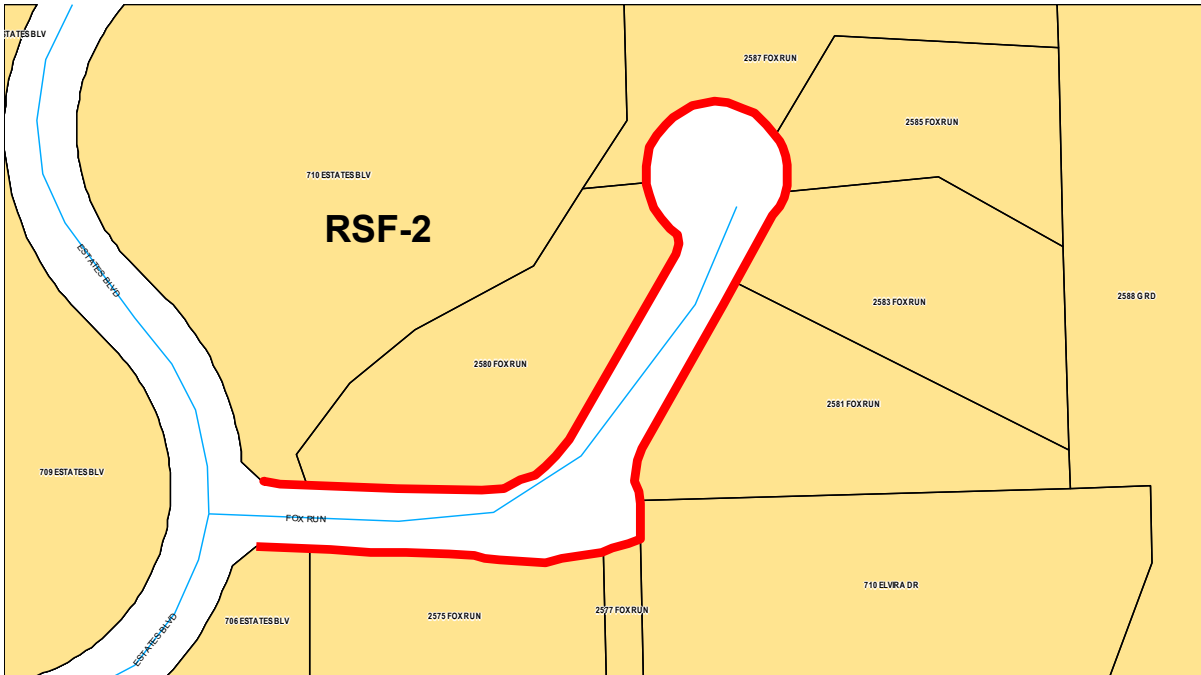
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO WRIGHTS MESA LLC FOR A RETAINING WALL CONSTRUCTED WITHIN THE FOX RUN RIGHT-OF-WAY LOCATED NORTH OF G ROAD AND WEST OF 26 ROAD

Recitals.

A. Wrights Mesa LLC, 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:

A parcel of land situate in the SE 1/4 Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, also being in the right-of-way of Fox Run as dedicated on Fox Run At The Estates, a subdivision being recorded in Book 4086 at Pages 707, 708 and 709 of the records of said Mesa County:

Beginning at the northeast corner of Lot 6, northwest corner Lot 7, Fox Run at the Estates;

thence N00°00'00"E a distance of 21.89 feet;

thence N44°36'46"E a distance of 33.82 feet to the easterly right of way of said Fox Run located on Lot 5;

thence along the arc of a non-tangent curve to the left 6.82 feet, having a central angle of 06°13'36" and a radius of 62.77 feet, the chord of which bears S02°33'07"E a distance of 6.82 feet along said right of way;

thence S44°36'46"W a distance of 27.14 feet;

thence S00°00'00"W a distance of 18.55 feet to the southerly right of way of said Fox Run located on Lot 7;

thence along the arc of a non-tangent curve to the right 5.16 feet, having a central angle of 01°28'47" and a radius of 200.00 feet, the chord of which bears S75°29'27"W a distance of 5.16 feet along said right of way to the point of beginning.

PARCEL No. 1

Beginning at the southwest corner of Lot 1 of said subdivision, the basis of bearing being N17°04'00"W to an angle point of said Lot 1;

thence S86°10'26"E a distance of 109.70 feet along the southerly line of said Lot 1;

thence along the arc of a curve to the left a distance of 46.11 feet having a central angle of 33°52'04" and a radius of 78.00 feet, the chord of which bears N76°53'31"E a distance of 45.44 feet along said southerly line;

thence S30°02'03"E a distance of 1.50 feet;

thence along the arc of a curve to the right a distance of 46.99 feet, having a central angle of 33°52'02" and a radius of 79.50 feet, the chord of which bears S76°53'32"W a distance of 46.31 feet;

thence N86°10'26"W a distance of 116.87 feet;

thence N03°13'46"W a distance of 1.60 feet;
thence S86°10'26"E a distance of 6.00 feet to the Point of Beginning;

PARCEL No. 2

Beginning at the northwest corner of Lot 6 of said subdivision, the basis of bearing being S01°44'00"W to an angle point of said Lot 6;
thence S86°10'26"E a distance of 106.26 feet along the northerly line of said Lot 6;
thence along the arc of a curve to the left a distance of 36.92 feet having a central angle of 17°20'22" and a radius of 122.00 feet, the chord of which bears N85°09'22"E a distance of 36.78 feet;
thence N13°30'49"W a distance of 2.00 feet;
thence along the arc of a curve to the right a distance of 36.32 feet, having a central angle of 17°20'22" and a radius of 120.00 feet, the chord of which bears S85°09'22"W a distance of 36.18 feet;
thence N86°10'26"W a distance of 106.33 feet to the westerly line of said subdivision;
thence S01°44'00"W a distance of 2.00 feet to the Point of Beginning;

PARCEL No. 3

Commencing at the northeast corner of Lot 7 of said subdivision, the basis of bearing being S00°00'00"W to the southeast corner of said Lot 7;
thence along the arc of a non-tangent curve to the right a distance of 13.22 feet having a central angle of 3°47'19" and a radius of 200.00 feet, the chord of which bears S70°36'31"W a distance of 13.22 feet along the northerly line of said Lot 7 to the Point of Beginning;
thence along the arc of a non-tangent curve to the right a distance of 3.20 feet having a central angle of 0°54'56" and a radius of 200.00 feet, the chord of which bears S72°57'39"W a distance of 3.20 feet along said northerly line;
thence N03°51'12"E a distance of 28.90 feet;
thence N12°24'12"E a distance of 17.25 feet;
thence N28°25'17"E a distance of 34.95 feet;
thence N31°33'09"E a distance of 63.24 feet;
thence S58°26'51"E a distance of 1.50 feet to the westerly line of Lot 5 of said subdivision;
thence S31°33'09"W a distance of 63.24 feet along said westerly line;
thence along the arc of a curve to the left a distance of 16.34 feet, having a central angle of 14°55'07" and a radius of 62.77 feet, the chord of which bears S24°05'45"W a distance of 16.30 feet along said westerly line;
thence S27°34'49"W a distance of 18.17 feet;
thence S12°24'12"W a distance of 16.64 feet;
thence S03°52'49"W a distance of 27.53 feet to the Point of Beginning.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair retaining walls located in the Fox Run right-of-way within the following described public right-of-way:

A parcel of land situate in the SE 1/4 Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, also being in the right-of-way of Fox Run as dedicated on Fox Run At The Estates, a subdivision being recorded in Book 4086 at Pages 707, 708 and 709 of the records of said Mesa County:

Beginning at the northeast corner of Lot 6, northwest corner Lot 7, Fox Run at the Estates;

thence N00°00'00"E a distance of 21.89 feet;

thence N44°36'46"E a distance of 33.82 feet to the easterly right of way of said Fox Run located on Lot 5;

thence along the arc of a non-tangent curve to the left 6.82 feet, having a central angle of 06°13'36" and a radius of 62.77 feet, the chord of which bears S02°33'07"E a distance of 6.82 feet along said right of way;

thence S44°36'46"W a distance of 27.14 feet;

thence S00°00'00"W a distance of 18.55 feet to the southerly right of way of said Fox Run located on Lot 7;

thence along the arc of a non-tangent curve to the right 5.16 feet, having a central angle of 01°28'47" and a radius of 200.00 feet, the chord of which bears S75°29'27"W a distance of 5.16 feet along said right of way to the point of beginning.

PARCEL No. 1

Beginning at the southwest corner of Lot 1 of said subdivision, the basis of bearing being N17°04'00"W to an angle point of said Lot 1;

thence S86°10'26"E a distance of 109.70 feet along the southerly line of said Lot 1;

thence along the arc of a curve to the left a distance of 46.11 feet having a central angle of 33°52'04" and a radius of 78.00 feet, the chord of which bears N76°53'31"E a distance of 45.44 feet along said southerly line;

thence S30°02'03"E a distance of 1.50 feet;

thence along the arc of a curve to the right a distance of 46.99 feet, having a central angle of 33°52'02" and a radius of 79.50 feet, the chord of which bears S76°53'32"W a distance of 46.31 feet;

thence N86°10'26"W a distance of 116.87 feet;

thence N03°13'46"W a distance of 1.60 feet;

thence S86°10'26"E a distance of 6.00 feet to the Point of Beginning;

PARCEL No. 2

Beginning at the northwest corner of Lot 6 of said subdivision, the basis of bearing being S01°44'00"W to an angle point of said Lot 6;

thence S86°10'26"E a distance of 106.26 feet along the northerly line of said Lot 6;

thence along the arc of a curve to the left a distance of 36.92 feet having a central angle of 17°20'22" and a radius of 122.00 feet, the chord of which bears N85°09'22"E a distance of 36.78 feet;

thence N13°30'49"W a distance of 2.00 feet;

thence along the arc of a curve to the right a distance of 36.32 feet, having a central angle of 17°20'22" and a radius of 120.00 feet, the chord of which bears S85°09'22"W a distance of 36.18 feet;
thence N86°10'26"W a distance of 106.33 feet to the westerly line of said subdivision;
thence S01°44'00"W a distance of 2.00 feet to the Point of Beginning;

PARCEL No. 3

Commencing at the northeast corner of Lot 7 of said subdivision, the basis of bearing being S00°00'00"W to the southeast corner of said Lot 7;
thence along the arc of a non-tangent curve to the right a distance of 13.22 feet having a central angle of 3°47'19" and a radius of 200.00 feet, the chord of which bears S70°36'31"W a distance of 13.22 feet along the northerly line of said Lot 7 to the Point of Beginning;
thence along the arc of a non-tangent curve to the right a distance of 3.20 feet having a central angle of 0°54'56" and a radius of 200.00 feet, the chord of which bears S72°57'39"W a distance of 3.20 feet along said northerly line;
thence N03°51'12"E a distance of 28.90 feet;
thence N12°24'12"E a distance of 17.25 feet;
thence N28°25'17"E a distance of 34.95 feet;
thence N31°33'09"E a distance of 63.24 feet;
thence S58°26'51"E a distance of 1.50 feet to the westerly line of Lot 5 of said subdivision;
thence S31°33'09"W a distance of 63.24 feet along said westerly line;
thence along the arc of a curve to the left a distance of 16.34 feet, having a central angle of 14°55'07" and a radius of 62.77 feet, the chord of which bears S24°05'45"W a distance of 16.30 feet along said westerly line;
thence S27°34'49"W a distance of 18.17 feet;
thence S12°24'12"W a distance of 16.64 feet;
thence S03°52'49"W a distance of 27.53 feet to the Point of Beginning.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2006-247 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:

City Clerk

President of the City Council

REVOCABLE PERMIT

Recitals.

A. Wrights Mesa LLC 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:

A parcel of land situate in the SE 1/4 Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, also being in the right-of-way of Fox Run as dedicated on Fox Run At The Estates, a subdivision being recorded in Book 4086 at Pages 707, 708 and 709 of the records of said Mesa County:

Beginning at the northeast corner of Lot 6, northwest corner Lot 7, Fox Run at the Estates;

thence N00°00'00"E a distance of 21.89 feet;

thence N44°36'46"E a distance of 33.82 feet to the easterly right of way of said Fox Run located on Lot 5;

thence along the arc of a non-tangent curve to the left 6.82 feet, having a central angle of 06°13'36" and a radius of 62.77 feet, the chord of which bears S02°33'07"E a distance of 6.82 feet along said right of way;

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thence S86°10'26"E a distance of 109.70 feet along the southerly line of said Lot 1;

thence along the arc of a curve to the left a distance of 46.11 feet having a central angle of 33°52'04" and a radius of 78.00 feet, the chord of which bears N76°53'31"E a distance of 45.44 feet along said southerly line;

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thence N03°13'46"W a distance of 1.60 feet;

thence S86°10'26"E a distance of 6.00 feet to the Point of Beginning:

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Beginning at the northwest corner of Lot 6 of said subdivision, the basis of bearing being S01°44'00"W to an angle point of said Lot 6;
thence S86°10'26"E a distance of 106.26 feet along the northerly line of said Lot 6;
thence along the arc of a curve to the left a distance of 36.92 feet having a central angle of 17°20'22" and a radius of 122.00 feet, the chord of which bears N85°09'22"E a distance of 36.78 feet;
thence N13°30'49"W a distance of 2.00 feet;
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B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair retaining walls constructed within the Fox Run right-of-way within the following described public right-of-way:

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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2006-247 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:

Wrights Mesa LLC

AGREEMENT

Wrights Mesa LLC, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2006.

Wrights Mesa LLC

By: _____
Ted Martin, Managing Member

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2006, by Ted Martin, Managing Member of Wrights Mesa LLC.

My Commission expires: _____
Witness my hand and official seal.

Notary Public

Attach 8

Setting a Hearing for the Rezone & Outline Development Plan – 1st & Patterson Planned Development

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	Rezone and Outline Development Plan—1 st and Patterson Planned Development					
Meeting Date	October 18, 2006					
Date Prepared	October 11, 2006			File # ODP-2005-309		
Author	Kathy Portner		Assistant Director of Community Development			
Presenter Name	Kathy Portner		Assistant Director of Community Development			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda	x	Consent	Individual Consideration

Summary: Request to rezone 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development) and approval of an Outline Development Plan (ODP) for a mixed use development.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Ordinance and set a hearing for November 1, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Vicinity Map/Aerial Photo
2. Growth Plan Map/Zoning Map
3. Project Narrative
4. Outline Development Plan
5. Citizen Comments/Letters

6. Planning Commission Minutes (to be provided at 2nd reading)
6. Planned Development Ordinance

AGENDA TOPIC: ODP-2005-309 Rezone and Outline Development Plan—1st and Patterson Planned Development

ACTION REQUESTED: Recommendation on a Rezone to Planned Development and Outline Development Plan (ODP)

BACKGROUND INFORMATION					
Location:		SW corner of 1 st Street and Patterson Road			
Applicants:		Owner: Mr. & Mrs. Patrick Gormley Developer: Constructors West, Inc. Representative: Ciavonne Roberts & Assoc			
Existing Land Use:		Single family homes and undeveloped			
Proposed Land Use:		Mixed Use—office/retail/residential			
Surrounding Land Use:	North	Commercial			
	South	Residential Medium (4-8 u/a)			
	East	Residential Medium-High (8-12 u/a) Residential Medium (4-8 u/a)			
	West	Residential Medium-High (8-12 u/a)			
Existing Zoning:		RMF-12 (Residential Multifamily, 12 u/a)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD (Planned Development) and B-1 (Neighborhood Business)			
	South	RMF-5 (Residential Multifamily, 5 u/a)			
	East	RMF-24 (Residential Multifamily, 24 u/a) and RMF-5			
	West	RMF-12 (Residential Multifamily, 12 u/a)			
Growth Plan Designation:		Commercial, Residential Medium and Residential Medium-High			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request approval of a rezone from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development) and an Outline Development Plan (ODP) for a mixed use development.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The 20.7 acre project, located on the southwest corner of N. 1st Street and Patterson Road, is comprised of four parcels, all currently zoned RMF-12 (Residential Multifamily, 12 u/a). Current uses on the property include three single family homes fronting on 1st Street and occasional grazing on the larger piece.

In 2003, the Growth Plan was amended to change the Future Land Use Designation on the Patterson Road frontage from Residential Medium High to Commercial. The Commercial designation extends the length of the Patterson Road frontage to a depth of 300 feet.

In anticipation of the submittal of this request, the applicant requested a Growth Plan Consistency Review to determine whether the project could move forward without a Growth Plan Amendment. The Planning Commission and City Council found the proposal to meander the boundary between the Commercial and Residential designation to more closely follow the topography, to be consistent with the Growth Plan.

The request is to rezone the property to PD (Planned Development) and approve an Outline Development Plan (ODP) for a mixed use development. The proposed mix of uses includes retail, office, multifamily residential, single family residential and open space.

2. Consistency with the Growth Plan

The proposed mix of uses is consistent with the Growth Plan designation of Commercial and Residential Medium-High. Further, the proposed general location and density/intensity of uses was found to be consistent with the Plan.

The proposal is also consistent with the following goals and policies of the Growth Plan:

Policy 1.2: The City will use the Future Land Use designations to guide decisions on the gross density of residential development.

Policy 10.1: The City should encourage public and private investments that contribute to stable residential areas and encourage redevelopment of transitional areas in accordance with the Future Land Use Map. Public facilities should be designed to support desired neighborhood character.

Policy 11.1: The City will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

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.

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

The purpose of an ODP (Outline Development Plan) is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established.

An ODP (Outline Development Plan) application shall demonstrate conformance with all of the following:

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

The proposed mix of uses is consistent with the Growth Plan designation of Commercial and Residential Medium-High. Further, the proposed general location and density/intensity of uses was found to be consistent with the Plan.

The proposal is also consistent with the following goals and policies of the Growth Plan:

Policy 1.2: The City will use the Future Land Use designations to guide decisions on the gross density of residential development.

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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.

The proposal is consistent with the Grand Valley Circulation Plan.

- b. The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

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

The existing zoning of RMF-12 was adopted to be consistent with the 1996 Growth Plan Future Land Use Designation of Residential Medium-High, which encompassed the entire property at that time. Since then, the Growth Plan was amended to designate the Patterson Road frontage as Commercial. The property has not been rezoned since the Growth Plan amendment.

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

This property has been designated for medium-high density residential uses since 1996. The property has been zoned as RMF-12 since 2000. The PD zoning will retain the residential density on the southern portion of the site, and implement the Commercial land use designation that was placed on the northern portion of the site in 2003.

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

The proposed rezone to PD establishes default zoning districts that are compatible with the neighborhood. The three single family homes, fronting on 1st Street, will remain and have a default zoning of RSF-4. The multifamily development, adjacent to the neighborhood will have a default zone of RMF-12, and the commercial development will have a default zoning of B-1. The PD ordinance will establish development standards specific to the uses to provide for a compatible transition between uses.

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

Adequate public facilities and services are available or will be made available concurrent with the development.

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

This is a request for a PD zone district with a mix of uses consistent with the Future Land Use Designation. This criterion is not applicable.

- 6) The community will benefit from the proposed zone

The proposed PD zone district will limit the types of uses allowed and will establish specific design standards appropriate to the site and neighborhood. The mix of uses and open space will be an asset to the community on this highly visible corner.

- c. The planned development requirements of Chapter Five of the Zoning and Development Code.

The 1st and Patterson development seeks to provide a mixed use project with design flexibility not available through specific zoning standards.

Community benefits proposed with this development are:

- An efficient internal road network, and provisions for interconnectivity to adjacent undeveloped properties;
- Reduced traffic due to a mix of residential and commercial uses;
- Private open space that enhances and/or preserves open space adjacent to major streets;
- Predominantly detached sidewalks along existing arterial streets;
- Housing that meets the Growth Plan density;
- More restrictive development guidelines for both site and architecture;
- A higher level of site design, amenity, and site features.

The intensity of development proposed for the Commercial area is consistent with the Future Land Use designation. The proposed range of residential units of 70 to 111 units is consistent with the Growth Plan residential density range.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

The project is not subject to any other overlay districts. There is a narrow floodplain area identified along the Patterson Road frontage which is not impacted by this development and will be taken care of with a major drainage improvement project along the Ranchman's Ditch.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public services and facilities will be provided concurrent with the development.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Internal circulation is being proposed with an access onto 1st Street, and two access points onto Patterson Road. The easternmost access onto Patterson Road will be a $\frac{3}{4}$ access point (rights in and out/left in) and the western access will be an unsignalized full access, as will the access onto 1st Street. A stubbed right-of-way will be provided internally to the property to the south, but an adequate turn-around will be provided on the 1st and Patterson project to provide safe access until (and if) the connection to Knollwood Lane is made.

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

Applicant is proposing substantial landscaped open space along the Patterson Road and 1st Street frontages, as well as internal to the development. Buffering standards of the Zoning and Development Code apply along the southern boundary of the multifamily development, which requires an 8' wide landscape strip with trees and shrubs and a 6' high fence.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

An appropriate range of density/intensity is proposed.

- i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The ODP sets forth an appropriate set of minimum standards.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicant is proposing 7 phases, with phase on being completed by the end of 2008, coinciding with the completion of the Ranchman's Ditch project. Each subsequent phase would be completed in one year increments.

- k. The property is at least twenty (20) acres in size.

The property is just over 20 acres in size.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the 1st and Patterson application, ODP-9005-309, for a Planned Development, Outline Development Plan, staff makes the following findings of fact and conclusions:

- 3. The requested Planned Development, Outline Development Plan is consistent with the Growth Plan.
- 4. The review criteria in Section 2.12.B.2 of the Zoning and Development Code have all been met.
- 5. The Preliminary Plan must provide the details of the proposed 25 ¾ Road as to right-of-way location, width and improvement, as well as provide for shared access for future development of the adjoining property to the west.

STAFF RECOMMENDATION:

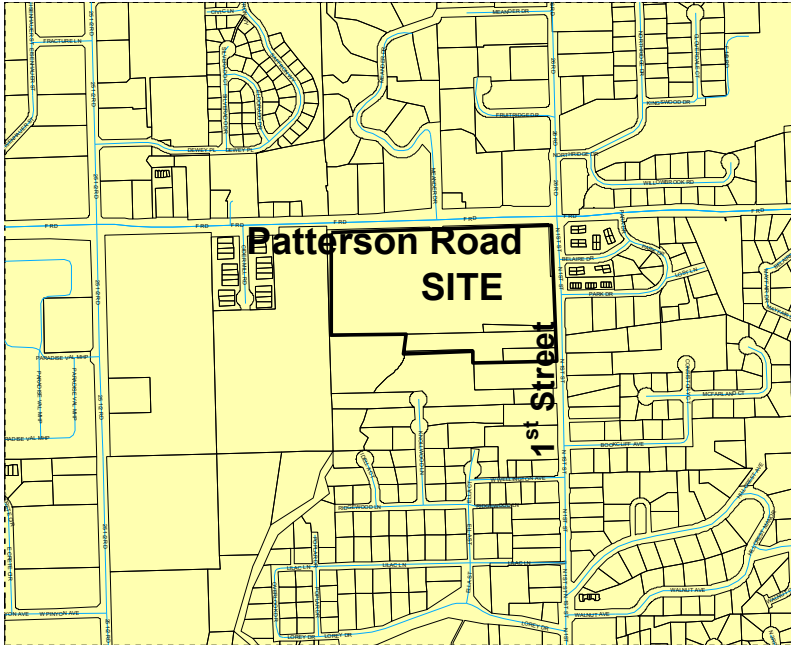
Staff recommends approval of the requested Planned Development, Outline Development Plan, ODP-2005-309, with the findings and conclusions listed above.

PLANNING COMMISSION:

At their October 10, 2006 hearing, Planning Commission recommended approval of the rezone to PD and the ODP with the condition that the Preliminary Plan must provide the details of the proposed 25 ¾ Road as to right-of-way location, width and improvement, as well as provide for shared access for future development of the adjoining property to the west, and that the maximum height of buildings in the commercial area shall be 40' with the understanding that the applicant can request up to a 25% increase in height with Preliminary Plan.

Site Location Map

Figure 1

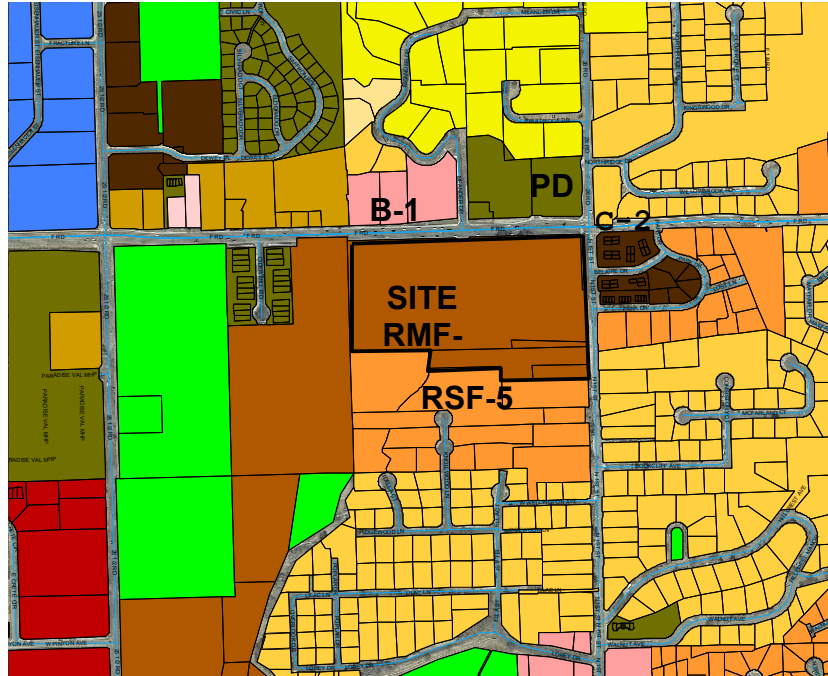


Aerial Photo Map

Figure 2

Existing City and County Zoning

Figure 4



First and Patterson Planned Development

Outline Development Plan

General Project Report

Project Overview

The applicant, Constructors West, Inc., c/o Bruce Milyard is requesting approval of an Outline Development Plan (ODP) and a rezone for the southwest corner of N. First Street and Patterson Road. The applicant intends to propose a mixed use planned development on the subject property. Components of the development include a mix of uses such as commercial, office, multi-family residential, single family residential and dedicated open space. As the project proceeds through the City Preliminary and Final approval processes, a Walgreen's site plan will be submitted independently by Bencor LLC, based in Colorado Springs, CO.

The 20.7 acre project located on the southwest corner of N. First Street and Patterson Road is comprised of four parcels, all currently zoned City RMF-12 (which would allow 165 to 248 dwelling units). Parcel 1 is approximately 17.6 acres; parcel 2 is approximately 0.3 acres; parcel 3 is approximately 2.1 acres; parcel 4 is approximately 0.7 acres. Parcel 1 is currently used for occasional grazing. Parcel 1 contains one single family detached residential dwelling unit which fronts on N. First Street. The remaining three parcels have a total of two single family detached residential dwelling units. These two units also front on N. First Street.

There are three Growth Plan designations on the 20.7 acre property: Commercial, RMH 8-12, and RM 4-8. The applicant has preceded this ODP submittal with a Growth Plan Consistency Review for the purpose of confirming that the proposed Growth Plan boundary interpretation is consistent with the intent of the Growth Plan.

This ODP Submittal includes the necessary documentation to process a rezone request for the properties to Planned Development (PD). The applicant maintains that a Planned Development zone designation will allow for some flexibility in City adopted design standards, assist in the creation of higher architectural standards (through a Design Review Committee), and allow the applicant to include/exclude uses on the subject property as deemed fit by the applicant and City staff.

The ODP for N. First Street and Patterson Road relies on the code provisions listed below. These items are addressed within Item F of this report and/or its attachments:

- Chapter 2 – ODP Approval Criteria;
- Chapter 3 – minimum and maximum density; and bulk standards. This project is not considering density bonus provisions.
- Chapter 4 – sign provisions will be addressed with the preliminary and final plan submittals
- Chapter 5 – Planned Development Zone provisions.
- Chapter 6 – Open space requirements.
- Chapter 7 – Specifically Section 7.1- Flood Damage Prevention and Section 7.2.F- Nighttime Light Pollution.

A. Project Description

Location

- The property is located at the southwest corner of N. First Street and Patterson Road. There is approximately 1300 LF of frontage along the south side of Patterson Road, and 800 LF of frontage along the west side of N. First Street.
- The property includes three single family homes that front on N. First Street. These three existing homes can generally be described as being on the top of a hill that extends from the southeast corner of the property, northwesterly towards the center of the property. This hill is a distinguishing characteristic of the property although it encompasses only a few acres; the remainder of the site generally slopes to the north and west.

Acreage

- The entire property is approximately 20.7 acres.

Proposed Use

- The proposed uses are Commercial and Residential, consistent with a PD zone designation. The approximate land use breakdown within the proposed project is:
 - Commercial – four commercial pods totaling 8.7 acres (42%) less open space and potential right of way.
 - Pod A – Commercial – B-1 Zone Uses with amendments as provided below
 - Pod B – Commercial – B-1 Zone Uses with amendments as provided below
 - Pod C – Commercial – B-1 Zone Uses with amendments as provided below
 - Pod D – Commercial – B-1 Zone Uses with amendments as provided below
 - Pod E – Commercial – B-1 Zone Uses with amendments as provided below
 - Single Family Residential – one pod totaling 1.3 acres (6%)
 - Pod F – Residential – RSF-4 Uses with amendments as provided below
 - Maintain single family zoning along N First Street;
 - Multi-Family Residential– two residential pods totaling 6.0 acres (30.5%) less right of way.
 - Pod G – Residential – RMF 12 Uses
 - Pod H – Residential – RMF 12 Uses
 - Public Road ROW – 3.2 acres (15%)
 - Proposed as standard and alternative road sections. The standards and alternatives will be provided to staff for review at the time of preliminary plan submittal.
 - Open Space Landscape Buffers– 1.8 acres (9%)
 - Adjacent to commercial pods
 - Predominantly placed along N. First Street, Patterson Road, 'character' hill slopes;
 - Landscaped and irrigated;
 - Maintained by Business Owners Association;

B. Public Benefit

North First Street and Patterson Road Planned Development will create a mixed use neighborhood that meets the intent of the Growth Plan and the development requirements of the City of Grand Junction.

Public benefits include:

- the development of properties within the City 201 boundary;
- the development of an Infill property;
- the creation of a mixed use project meeting the intentions of the Growth Plan;
- proposed at the lower end of the Growth Plan densities to be more compatible with the established N. First Street neighborhood.
- road and utility improvements that meet City standards, including drainage, pavement, walks;
- utility extensions, upgrades, and improvements;
- ROW dedications and utility connections that provide connectivity to adjacent undeveloped properties.
- The project provides higher density residential development adjacent to commercial and office uses, which increase the potential for fewer vehicular trips between uses.
- Higher density residential development requires less water consumption per residential unit when compared to single family detached dwellings.

In addition to the above, the First and Patterson Planned Development provides the following **Significant Community Benefits** in support of the PD zone designation:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto N First Street;
- A 40' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead power;
- Participation in the under-grounding of the overhead power lines that encumber this property.
- The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and N. First Street.

Site Amenities and Landscaping

- Large landscaped open space areas along the N First Street frontage;
- Site amenity or community feature at the corner of N First Street and Patterson Road;
- Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- In order to retain the existing fabric of the N. First Street neighborhood, the project retains the existing single family residences which front along N First Street.
- The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- The applicant will create a Design Review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- The creation of limited design guidelines for development in the commercial pods.
- The creation of limited design guidelines for development in the residential pods.
- The Design Review Committee will review both site planning and architecture per the development design guidelines
- Commercial area site planning where the majority of the parking does not front on N. First Street and Patterson Road. Buildings will assist in screening parking lots.
- The creation of Business Owners Association for the commercial pods.
- The creation of a Home Owners Association for the multi-family residential pods.

- Vehicular cross access will be required within all commercial development pods.

Buildings, Architecture, and other Structural Features

- The creation of design guidelines for commercial buildings.
- The creation of design guidelines for residential buildings.
- Limit the height of the uses in the commercial Pods A, B, C, and D to fifty-five (55) feet.
- A building height restriction of 35' above parking lot level placed on Pod E.
- The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.
- The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials of the primary building in keeping with the architectural development theme.

Signage

- Freestanding Signage (Primary and Secondary)
 - Primary signage shall mean any signage that advertises the name of the all businesses within the development.
 - Secondary signage (monumentation) shall mean any signage that advertises the name of the development. An example of secondary signage might be a free standing column or column within a fence that has the development name, abbreviation, or logo posted on the face of the column. Secondary monumentation will not used as individual business signage. Secondary signage shall be smaller in size and scale to the Primary signage.
 - The applicant limits the freestanding Primary signage to one freestanding sign along the N. First Street frontage for the entire development.
 - The applicant limits the freestanding Primary signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Freestanding primary signage will be allowed on the internal streets of the development. This signage shall be smaller in scale to the signage allowed along arterial frontages.
 - Secondary monumentation will be allowed all street frontages.
 - Tertiary / minor directional signage will be allowed on the streets internal to the development.
- Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

C. Neighborhood Meeting

Staff stated that a neighborhood meeting is required for a rezone. A neighborhood meeting was held to suffice for both the rezone and the ODP on February 23, 2006 at West Middle School.

D. Project Compliance, Compatibility, and Impact

Adopted Plans and Policies

The proposal conforms to the Growth Plan, the City Zoning and Development Code, and known City regulations. Relative Code provisions include:

- Section 2.12.A – this project can display long-term community benefits achieved through high quality development;
- Section 2.12.B – the ODP is over 20 acres in area;
- Section 5.1.A – design flexibility is desired which is not available through application of Chapter 3

standards.

Alternative road sections and a request for specific TEDS exceptions will be submitted under separate cover. These two items have not been incorporated into the design of the project at the time of ODP.

Surrounding Land Use

Properties to the north include Community Hospital Medical Park and Willowdale Commercial Park, with residential uses to the north northwest. To the west is agriculture; to the south is residential; to the east is single and multi-family residential.

Adjacent zoning:

- NORTH: includes PD (east) and B-1(west);
- WEST: RMF-12;
- SOUTH: RMF-5;
- EAST: RMF 4(south) and RMF 24(north).

This proposal is consistent and compatible with the surrounding development, the Growth Plan, and provides an attractive alternative to straight zoning. The proposal uses less dense land uses to transition from the single family detached dwellings along N. First Street to higher density residential product along the western side of the site. Commercial development is provided along frontages of N. First Street and Patterson Road.

Site Access & Traffic Patterns

Access into the site will initially be limited to two entrances / exits: one from Patterson Road, and the other from N First Street. The access on Patterson is aligned with Meander Drive, and the access on N First Street is aligned with Park Drive. Additional access stubs, one to the west edge of the property, and one to the south edge are for future connectivity. These access points have not changed significantly from those previously reviewed by Staff.

Access within the site is achieved primarily through an east/west street that bisects the property, with commercial uses occurring predominantly north of this road. Pod E will also be accessed from this street. Access to the residential uses along the south side of this street is available through proposed cul-de-sacs and a connector road.

As discussed with Staff, we will be seeking Alternative Road Standards for many of the internal roads on this site. We are also aware of the need for a few TEDS exceptions. We plan on processing these requests prior to a Preliminary submittal.

A Traffic Study by Kimley-Horn and Associates, Inc is provided with this submittal. This Traffic Study has gone through two revisions since its initial submittal. These changes were requested by staff. Kimley-Horn and Associates has worked closely with the Transportation Engineering department on the revisions to this study.

Availability of Utilities

All necessary infrastructure and utilities are available for the property.

Utility providers are:

- Water – Ute and City; the site straddles the dividing line between the two water purveyors.
- Sewer – City
- Storm Sewer- City
- Drainage – Grand Junction Drainage District
- Irrigation water – Grand Valley Irrigation Company
- Power / gas – Excel
- Telephone – Qwest
- Cable TV – Bresnan

Special or Unusual Demands on Utilities

The property is served by both Ute and City water. Relative to the Fire Flow information, we have made assumptions that the City will service the entire site.

This project has been instrumental in facilitating discussions about the potential of under-grounding the overhead utility lines that parallel Patterson Road, particularly with regards to the Ranchman Ditch Flood work that is being designed.

Effects on Public Facilities

N First and Patterson Planned Development will have expected, but not unusual impacts on Public Facilities. Total residential units will be one forth to one third that allowed under current zoning.

Off-site improvements will be paid for and constructed via the City TCP fees.

Site Soils

NRCS soils information is provided with this submittal.

Impact on Geology and Geological Hazards

No known geological hazards exist on this property.

Hours of Operation

The applicant requests that the hours of operation within Commercial Pods A, B, C and D will comply with that of the B-1 zone (default zone). These hours of operation are 5:00 am to 11:00pm. Restaurant uses located within the bounds of Pod E can extend their hours of operation during the Preliminary Plan process.

Number of Employees

Since the uses allowed within the B-1 zone are so broad, it is difficult to provide staff with even a range of potential employees. The applicant requests that the number of employees be determined / provided at the time of preliminary submittal for each use.

Signage Plans

Signage is an important component within the N First and Patterson Planned Development. Drug stores have specific signage needs, both freestanding and building wall signage. All the commercial area businesses will need building wall signage. The applicant anticipates main entry signs at the intersection of the east / west street and N First Street and at the intersection of the north / south street and Patterson Road. Minor directional signage will be included within the development. All freestanding signage within the 20.7 acre development will have similar building materials. Signage fonts and colors may be adjusted per approval of the property owner, developer, and the City of Grand Junction.

E. Development Schedule and Phasing

First and Patterson Planned Development will be developed in seven phases, with each phase taking approximately four years to complete. Currently the applicant is coordinating with the City's schedule for the Ranchman's Ditch work to determine when First and Patterson Planned Development work can proceed. Infrastructure is anticipated to begin in 2008.

F. Additional General Report Discussion Items

First and Patterson Planned Development requires additional discussion on specific code issues: Chapter

2 (PD Purpose and ODP Applicability); Chapter 3 (minimum and maximum density, FAR's, proposed bulk standards); Chapter 4 (sign provisions); Chapter 5 (entire chapter); Chapter 6 (entire chapter); and Chapter 7 (floodplain and nighttime lighting). This discussion follows.

Chapter 2 (Procedures, Rezoning, PD Purpose, and ODP Applicability)

- 2.1- Neighborhood Meeting: Optional for the ODP and required for a Rezone. The Developer will hold a neighborhood meeting for this project. The Neighborhood Meeting will occur following the initial ODP and Rezone submittal (during the City Review period). This will allow staff to become familiar with the project in preparation for the neighborhood meeting. The Neighborhood Meeting will occur prior to the first Public Hearing. (Note that staff agreed that the Neighborhood Meeting held on February 23, 2006 would suffice for the required rezone Neighborhood Meeting)
- 2.4 - Growth Plan Consistency Review: The Growth Plan Consistency Review was submitted prior to the ODP and Rezone request.
- 2.6 – Code Amendment and Rezoning: A rezoning request (from the existing zoning to PD) has been submitted concurrent with the ODP. Section 2.12 references back to this code section, and subsequently the following Approval Criteria:
 - The existing zoning was in error at the time of adoption:
Response: The proposed PD zoning is integral to an ODP request. The proposed rezoning request will more closely resemble the existing growth plan designation of Commercial and Residential development co-existing on the same parcel of land.
 - There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
Response: The zoning request is in conjunction with an ODP request. Therefore this criterion is not applicable
 - The proposed zone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;
Response: The proposed PD zoning is compatible with the neighborhood. All parking will be planned to exist on site. The project will utilize existing infrastructure and will not create adverse impacts on the utility system. The project also complies with the hours of operation allowed within the B-1 zone. These hours of operation will not negatively impact the surrounding development because B-1 zone uses already exist at this intersection. Lastly, the project restricts on-street parking along the primary east / west and north / south streets internal to the development.
 - The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;
Response: The proposed PD zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines. The rezone attempts to bring the site zoning more inline with the uses designated within the Growth Plan.
 - Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
Response: Adequate public facilities are available or will be supplied at the time of further development of the property.
 - There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs;
Response: The zoning request is in conjunction with an ODP request. Therefore this criterion is not applicable.

- The community or neighborhood will benefit from the proposed zone;
 - Response: The zoning request is in conjunction with an ODP request. The ODP must prove benefits to the neighborhood and community, or it will not be approved. We believe this ODP will display those benefits. The PD zone will allow the developer to be more specific on the site development requirements and architectural standards for the project when compared to the standards of the Zoning and Development Code. Current site development and architectural standards allow much greater flexibility in design. PD zone district standards are generally more restrictive than the current Zoning and Development Code.

- 2.12 - Planned Development
 - A. Purpose – The First and Patterson Planned Development seeks to provide a mixed use project with design flexibility not available through Chapter 3 standards. Long term community benefits achieved through this PD include:
 - an efficient internal road network, and provisions for interconnectivity to adjacent undeveloped properties;
 - reduced traffic due to the creative intermingling of residential and commercial uses;
 - private open space that enhances and/or preserves open space adjacent to major streets;
 - predominantly detached sidewalks along existing Arterial Streets;
 - housing that meets the intentions of the Growth Plan.
 - More restrictive development guidelines for both site and architecture
 - Typically a higher level of site design, amenity, and site features.

 - B. ODP
 - Approval Criteria
 - The ODP conforms with the Growth Plan, the major street plan, and all other adopted plans and policies;
 - It meets the criteria of 2.6 (see above);
 - It meets the requirements of Chapter 5 (see below);
 - It addresses pertinent Chapter 7 Code Sections (7.1.B and 7.2.F – see below);
 - Adequate public services and facilities shall be provided concurrent with projected impacts of the project;
 - Adequate circulation and access is shown on the ODP;
 - Screening, in the form of fencing, landscaping, and / or berming along a portion of the east boundary, has been identified. Buffering is not required, however, it is proposed along Patterson Road and N First Street in the form of additional open space;
 - Appropriate density ranges are provided (see Chapter 3 requirements below). It is important to note that both the commercial pods and residential pods are proposing square footages and/or densities that are far below what is allowed under bulk zoning;
 - Default minimum standards are provided for the development pods (see below);

- A phasing schedule is provided. It is important to note that phasing is currently coordinated with City improvements of the Ranchman's Ditch / drainage along Patterson Road;
- The property is over 20 acres in size.

Chapter 3 (minimum and maximum density, FAR's, proposed bulk standards)

The First and Patterson Planned Development includes five commercial pods (A, B, C, D, and E), two residential multi-family pods (G and H), and one single family pod (F). These 'pods' shall take on the default zone dimensional characteristics of the following noted Standard Zone Districts:

- 3.2 Dimensional Standards
 - Commercial Pods A, B, C, D, and E
 - The default zone shall be B-1 (as amended herein)
 - As amended the non-residential uses require no minimum lot width.
 - As amended the non-residential uses require no minimum lot size.
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards.
 - The maximum FAR for these Pods is 0.7. This FAR ration excludes underground and or under-building parking garages.
 - The maximum FAR for the commercial pods shall be based on the pod square footages shown on the approved ODP.
 - Residential Multi-Family Pods G and H
 - The default zone shall be RMF-12 (as amended herein)
 - Minimum lot size area shall be 1,500 square feet
 - Minimum lot width shall be 20 feet
 - There is no minimum street frontage requirement
 - Minimum front yard setbacks shall be 15 feet for principal building if alley loaded garages are proposed and 20 feet if street loaded garages are proposed.
 - Minimum front yard setbacks for accessory dwellings shall be and 20 feet.
 - Rear yard setback shall be 5 feet for the principal building and 5 feet for accessory building.
 - There is no maximum lot coverage percentage
 - There is no maximum FAR (floor area ratio) required
 - Maximum height shall remain at 40 feet
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards.
 - Single Family Pod F
 - The default zone shall be RSF-4 (as amended herein)
 - As amended there shall be no duplexes allowed within this 'pod'.
 - Each lot is allowed a single accessory dwelling unit.
 - These lots cannot be further subdivided.
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards.
- 3.5 Use / Zone Matrix
 - Commercial Pods A, B, C, D, and E
 - The default zone shall be B-1with deviations as amended herein
 - Use deviations from the default zone district B-1 – Neighborhood Business
 - The applicant requests that the PD Zone allow / restrict the following;
 - Uses
 - A drive through pharmacy is allowed.
 - A drive through/ drive up dry cleaners is allowed.
 - Drive up / through fast food uses are not allowed.
 - Drive up / through liquor stores are not allowed
 - All other drive up / drive through uses are not allowed.

- Veterinarian clinics with indoor kennels and or indoor boarding are allowed.
 - Outdoor kennels and/or outdoor boarding are not allowed.
 - Outdoor storage is not allowed
 - Outdoor display is allowed with a temporary use permit as processed through the City of Grand Junction
 - Community Correction Facilities are not allowed.
 - Mental health uses are not allowed.
 - Drug and Alcohol Rehabilitation uses are not allowed.
 - Halfway houses are not allowed.
 - Law Enforcement Rehabilitation Centers are not allowed.
 - All architecture must be approved by the Design Review Committee prior to submittal to the City of Grand Junction Community Development Department.
 - All site plans must be reviewed and signed off by the Design Review Committee prior to submittal to the City of Grand Junction Community Development Department.
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards.
- Site Design
 - All utility meters and lines that are attached to a building shall be painted the same color as the building.
 - All roof top mechanical units and rooftop HVAC units shall be screened from view when on site and from adjacent streets.
 - There shall be no vehicular access lanes or drive aisles between any building and arterial streets except on Pod A.
 - All architecture must be approved by the Design Review Committee prior to submittal to the City of Grand Junction Community Development Department.
 - All site plans must be reviewed and signed off by the Design Review Committee prior to submittal to the City of Grand Junction Community Development Department.
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards.
- Residential Multi-Family Pods G and H
 - The default zone shall be RMF-12
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards
 - Single Family Pod F
 - The default zone shall be RSF-4 as amended herein
 - Single family lots as proposed allow only one single family detached unit and a “mother in-law” unit (granny flat), either attached or detached.
 - Mother in law unit can exist over the garage
 - No duplex units are allowed.
 - These lots can not be further subdivided.
 - See Table 1, 2 and 3 on the ODP for further deviations from default standards

Chapter 4 (sign provisions)

Signage will be provided in conjunction with subdivision and/or submittal of the first Preliminary Plan. Signage will be within the parameters of the Code

Chapter 5 (Planned Development)

- Section 5.1 - Purpose: this has been addressed in Chapter 2 responses above;
- Section 5.2 - Default Standards: this has been addressed in Chapter 3 responses above;
- Section 5.3 - Establishment of Uses: this has been addressed in Chapter 3 responses above;
- Section 5.4 - Development Standards: this criteria is understood, and will be adhered to with the following exceptions:
 - Approved TEDS Exceptions or Alternative Roadways;
 - Approved Infill requests;
 - Any cross-referenced criteria addressed in greater detail elsewhere in this document.
- Section 5.5- Planned Development Phases: this project is seeking an ODP approval; followed by a Preliminary Plan and Subdivision submittal; followed by, or concurrent with, a Final Site Plan for specific sites.

Chapter 6 (design and improvement standards)

- Section 6.2, Infrastructure Standards, will be addressed on Preliminary Plan submittal drawings.
 - TEDS Exceptions will be applied for at the time of Preliminary Plan submittal
 - Alternative Road Sections will be applied for at the time of Preliminary Plan submittal
- Section 6.3, Public and Private Parks and Open Spaces:
 - The applicant requests that City require parks and open space fees in lieu of land dedication for this property. Subsequently, the entire Open Space area will be privately owned and maintained by the HOA, with the exception of detached sidewalks along Patterson Road that may encroach onto HOA property. Under this scenario the sidewalks would be dedicated to the City.
 - The intent in the Pods F and G is to develop attached housing. To avoid confusion associated with 6.3.B.1 and .7, if the legal mechanism makes Condominiums more advantageous we will continue to consider the units townhomes for clarity with this Code section. No apartments are being proposed. Units shall be predominately owner occupied.
- Section 6.4, School Land Dedication Fee, will be paid at time of Building Permit.
- Section 6.5, Landscape Buffering and Screening Standards
 - 6.5.D. Street Frontage Landscaping will meet the intent of the Code, but not the strict 14' width requirement along all streets. The First and Patterson PD will AVERAGE a 14' width or greater throughout the development but may have street frontage landscape areas that are 10' wide;
 - 6.5.E and F - The criteria associated with the default zones and their adjacency to abutting on-site zone districts will be met with landscape, but not fencing. The criteria associated with the default zones and their adjacency to abutting off-site zone districts will be met per Table 6.5.C.
- Section 6.6, Off-Street Parking standards, Loading standards and Bicycle Storage standards, will meet the requirements of residential and commercial default zones per the Zoning and Development Code, the conditions of the TEDS Exceptions, proposed Alternative Road Sections and the B 1 default zone standards.
- Section 6.7, Subdivision Standards, will be addressed on Preliminary Plan submittal drawings.
- Section 6.8, Standards for Required Reports, will be addressed on Preliminary Plan submittal drawings.

Chapter 7 (floodplain and nighttime lighting)

- Section 7.1- Flood Damage
 - Section 7.2.B, Flood Damage Prevention, will be addressed through the City CIP project for enlarging and under-grounding the Ranchman's Ditch. This project will run concurrent

- or ahead of development within the First and Patterson Planned Development.
- Section 7.2- Environmental / Sensitive Land Regulations
 - Section 7.2.F, Nighttime Light Pollution, will be addressed with down directional cut-off fixtures on all parking lot and street lighting. In addition, CC&R's will address individual lot lighting.

TO: Grand Junction Planning Commission

FROM; First Fruitridge Residents

DATE: September 20, 2006

RE: Planned Development

1st and Patterson Road

The Grand Junction Growth Plan and Zoning and Development Code both state that NEW DEVELOPMENTS SHOULD BE COMPATABLE WITH SURROUNDING NEIGHBORHOODS AND SHOULD NOT DIMINISH THE QUALITY OF LIFE IN THE SURROUNDING NEIGHBORHOODS.

The following pages from the Growth Plan 2-V12 state "support/enhance existing neighborhoods" Goal II-V29 "to promote stable neighborhood and land use compatibility throughout the community"

I-V44 Zoning & Development Code "e and f"

Chapter 2, page 32 – B. " preliminary Plat will be compatible with existing and proposed development of adjacent properties

Page 39 "g" Appropriate screening and buffering of adjacent property and uses shall be provided.

Page 39 "h" An appropriate range of density for the entire property or for each development pod/area to be developed.

Page 45 C5 Compatibility with adjoining Properties

a. Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and ADJACENT TO THE SITE. Fences, wall, barriers and/or

vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

b. Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

c. Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting glare, dust, signage, views, noise and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

Chapter 3, Page 1 – Purpose “D” – Conserve and enhance economic, social and aesthetic values.

“E” Protect and maintain the integrity and character of established neighborhoods.

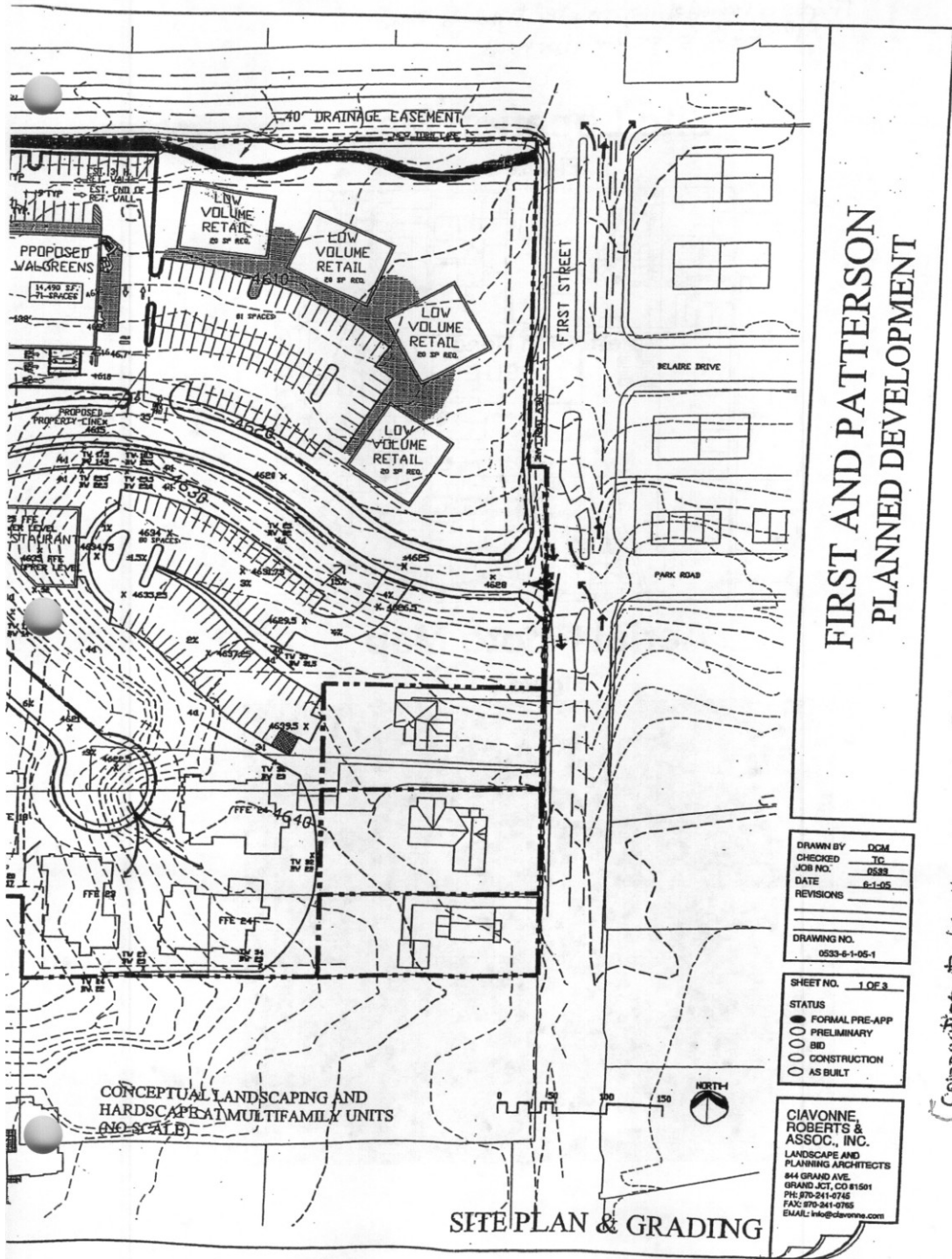
Chapter 5.1 Purpose 2. Reduce traffic demands. - (Our established Neighborhood to the south of the Planned Development will be detrimentally impacted by plan presented. Traffic impact on Bookcliff Wellington and Lorey Drive will cause difficulty accessing First Street and cause safety problems for pedestrians and school children.

The proposed High density ~~///~~ condo units in Pods F & G will be built 8 feet from the south property line --- leaving no open space or any room for proper screening from the less dense neighborhoods to the south. The potential future extenuation of the street in the Planned Development property to connect to Knollwood Lane will direct multiple car and truck trips through our now peaceful neighborhood to the south of the planned development and will create all sorts of traffic problems and dangers to school bus pickup zones and foot traffic. We can visualize traffic speeding up over the north slope of 1st Fruitridge (which is more than a 30% grade) impacting all the way through Knollwood, Ridgewood, Ella and Lorey Drive toward the intersection at 1st Street and Lorey Drive as well as the intersection at 1st and Wellington, both of which already have lengthy traffic waits during certain times of the day.

We request that the City assure that the concerns of our established neighborhood are considered and that this proposed new development not control what happens in our neighborhood.

The many violations, as stated above, of your own Planning and Zoning Regulations show this proposed development in its present form doesn't comply with your own regulations in many ways.

We realize the property fronting on Patterson Road is going to be useable only as a commercial area and that the property to the south is probably not suitable for one family residences BUT THE HIGH DENSITY, MULTIPLE UNITS AND HIGH RISE STYLE OF THE PROPOSED RESIDENTIAL AREA IS TOTALLY INCOMPATIBLE WITH THE EXISTING NEIGHBORHOOD TO THE SOUTH. We ask



**FIRST AND PATTERSON
PLANNED DEVELOPMENT**

DRAWN BY	DCM
CHECKED	TC
JOB NO.	0582
DATE	8-1-05
REVISIONS	
DRAWING NO.	0533-6-1-05-1

SHEET NO.	1 OF 3
STATUS	
●	FORMAL PRE-APP
○	PRELIMINARY
○	BD
○	CONSTRUCTION
○	AS BUILT

**CIAVONNE
ROBERTS &
ASSOC., INC.**
LANDSCAPE AND
PLANNING ARCHITECTS
844 GRAND AVE.
GRAND JCT, CO 81501
PH: 870-241-0745
FAX: 870-241-0765
EMAIL: info@ciavonne.com

Connection to Knollwood Ln & Pcd G&H Tall high density townhouses or Condom

SITE PLAN & GRADING

Proposed meandering route through the
1st fruit ridge neighborhood

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



Bookcliff and Lorey Drive will be greatly impacted by the Proposed Development...not to mention the heavy traffic coming from the commercial buildings proposed along Patterson as many of them will be forced to go through the First and Park Drive exit in order to go west on Patterson Road.. The left turn from First onto Patterson is already lengthy without this additional traffic.. Usage on Wellington, Bookcliff and Lorey Drive will be greatly impacted by the residents of the Proposed Development . The reluctance of the City Planning Staff to place a traffic signal on the West End of the proposed development presents multiple problems to the surrounding areas. Traffic on First Street will be increased considerably and with access opposite Park Drive, traffic from the Development will impact neighborhoods on First Street both east and west of First Street. **A TRAFFIC SIGNAL ON THE WEST END OF THE PROPOSED DEVELOPMENT IS ABSOLUTELY ESSENTIAL!**

We would hope that the Planning Commission would have time to visit our existing residential areas and observe the problems. Your thoughtful consideration of these problems will be greatly appreciated.

THE FIRST FRUITRIDGE COMMUNITY

NAME
Carolyn Wainwright
John Wainwright

ADDRESS
401 Ridgewood Lane
" " " "

Proposed First and Patterson Development
Grand Junction Planning Commission
September 20, 2006

NAME	ADDRESS
Sam Spin	405 Ridgewood Ln 81505
Lee Hey	405 Ridgewood Ln 81505
Valgene Blackburn	415 RIDGEWOOD LN.
Charlene Blackburn	415 Ridgewood Lane 81500
John Strup	330 Ridgewood Ln
Calvin Strup	336 Ridgewood Ln.
Kary Olson	2203 Knollwood Ln 81505
Jim Olson	2203 KNOLLWOOD LANE 81500

Bookcliff and Lorey Drive will be greatly impacted by the Proposed Development...not to mention the heavy traffic coming from the commercial buildings proposed along Patterson as many of them will be forced to go through the First and Park Drive exit in order to go west on Patterson Road.. The left turn from First onto Patterson is already lengthy without this additional traffic.. Usage on Wellington, Bookcliff and Lorey Drive will be greatly impacted by the residents of the Proposed Development . The reluctance of the City Planning Staff to place a traffic signal on the West End of the proposed development presents multiple problems to the surrounding areas. Traffic on First Street will be increased considerably and with access opposite Park Drive, traffic from the Development will impact neighborhoods on First Street both east and west of First Street. A TRAFFIC SIGNAL ON THE WEST END OF THE PROPOSED DEVELOPMENT IS ABSOLUTELY ESSENTIAL!

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THE FIRST FRUITRIDGE COMMUNITY

NAME	ADDRESS
Ronald C. Potts	2206 Ella Ct.
Susan M. Potts	2206 Ella Cr.
DAVID KAREUS	2217 ELLA CT
Aeresa Kareus	2217 Ella Ct.
Debra M. McKee	214 Lelac Lane

Planned Development
 First and Patterson
 Grand Junction Planning Commission
 September 20, 2006

NAME	ADDRESS
Kathryn Sue Langford	216 Lorey Drive G.J. / 81505
Robert G. Richardson	116 W. Wellington Ave CO-81505
Mitch Radowich	2209 N. 1st St
A. Mercedes Beck	257 McFarland Ct
James A. Beck	257 McFarland Ct
Jim Burns	245 McFarland Ct.
Lucille Burns	245 McFarland Ct.
Jim Burns	104 PARK DR #F
Jim Burns	104 PARK DR #H
Stella Varela	244 McFarland Ct.
Loretta Clay	244 McFarland Ct.
Joseph E. Mendicilli	236 McFarland Ct
Angelina Mendicilli	236 McFarland Ct
Phyllis R. Settle	226 McFarland Ct
Wilbur D. Lucore	235 McFarland Ct
Norma Jean Feil	301 McFarland Ct.

Proposed First and Patterson Development
 Grand Junction Planning Commission
 September 20, 2006

NAME	ADDRESS
Laura Grant	122 W. Wellington Ave GJ.
Christopher Gu	122 W Wellington Ave GJ
Meri Kelley	115 W. Wellington Ave GJ.
John P...	115 W. Wellington GJ.
Suzi Palowich	2209 North First St. GJ
Mark Hunt	325 Ridgewood Ln. GJ
Pam Newton	325 Ridgewood Ln. GJ.
Elsie Waldruff	306 Ridgewood Ln G.J.
Anie Johnson	125 W. Wellington Ave GJ.
William E Johnson	" "
Margaret Krub	123 W. Wellington
Marilyn Merrill	2219 Ella Ct.
Bony Kellist	230 Ridgewood Ln.
Caroly Elliott	230 Ridgewood Ln.
Bonnie Lucero	305 Ridgewood Ln.
Rita W. Stroy	308 Libe Lane ⁶

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THE FIRST FRUITRIDGE COMMUNITY

NAME	ADDRESS
Ed & Peggy Lippoth	2246 Knollwood Ln
Kenneth Frankhouser	2239 Knollwood Lane
Ben & Blower	2219 " "
Mary C. Harbert	2245 " " - 5

Planned Development

First and Patterson

Grand Junction Planning Commission

September 20, 2006

NAME

ADDRESS

Claudia Smith Nelson
Thomas Smith
Penny Frankhouser
Wm L. Jones

2301 Knollwood Ln
2301 Knollwood Ln
2255 Knollwood Ln.
2245 Knollwood Ln

7

An Exception Comment

Kathy Portner
(Planning Dept)

FILE 3 ODP-2005-309

TITLE HEADING: Gormley Planned Development

LOCATION: SW Corner of 1st Street & Patterson Road

PETITIONER: Patrick Gormley

I would like to have it entered into the minutes of tonight's meeting that I take exception to the exclusion of Public Comment regarding the changes in the plans for the above named project. Yes, we had an opportunity at the last meeting to express our concerns. And, we understood when the meeting was closed to further public comments so that the members of the Planning Commission & the developer could discuss the zoning change.

The exception tonight is because the plan has changed and the Public should be allowed to participate in the hearing as it pertains to the changes. As you know, the greatest concern has been the effect on the traffic on Patterson and, especially the increased strain for use of N. First St. If the developer does not have the Patterson Road access well defined, I don't believe that the project should come before the Planning Commission "Recommended for Approval with Stipulations". They need to have these very basic tenants clearly lined out.

Without the proper access from the 25 ¾ Rd. entrance/exit onto and off of Patterson, the entire plan is flawed and open to serious reorganization. The strain on N. First St. and Park Dr. would be increased exponentially. That planned full-service intersection may need to be reviewed. Just in consideration of current traffic and its proximity to the busy intersection of Patterson & First, a right in/right out may be at least worth a look for that access.

Changes in the access definitely would require a new traffic study. I already believe, that even as the project is proposed, a new traffic study is warranted, because in the study presently in use no consideration was made for the inevitable impact on First Street from Patterson all the way to Orchard Avenue. I believe the MUCD may be of help with proactive traffic plans instead of making them reactively. *MUCD*

I would like the opportunity to submit a letter to the Planning Department, Planning Commission and Developer with some suggestions for making the proposed project more neighbor-friendly.

Sincerely,

Susan M. Potts 10/10/06

Susan M. Potts
2206 Ella Ct.
Grand Junction, CO 81506
1-970-242-2842

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING APPROXIMATELY 20.7 ACRES FROM RMF-12 TO PD
(PLANNED DEVELOPMENT)

THE 1ST AND PATTERSON PLANNED DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF 1ST STREET AND PATTERSON
ROAD

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, be rezoned from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development).

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards. Specific design standards for site design, building design and signage will be established with the Preliminary Plan.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-12 TO PD WITH THE FOLLOWING DEFAULT ZONES AND DEVIATIONS FROM THE DEFAULT ZONING:.

Property to be Rezoned:

Commencing at a BLM aluminum cap for the NW corner of the NE1/4 NE1/4 of Section 10, Township One South, Range 1 West of the Ute Meridian, from whence a Mesa County brass cap for the NE corner of said Section 10 bears S 89°57'24"E 1319.98 feet; Thence S 00°11'19"E on the west line of said NE1/4 NE1/4 Section 10 50.00 feet to the south right-of-way line of Patterson Road and the Point of Beginning; Thence S 89°57'24" E 591.25 feet; Thence S 34°27'55" E 24.27 feet; Thence 89°27'24" E 46.50 feet; Thence S 00°02'36" W 20.00 feet; Thence S 89°57'24" E 5.00 feet; Thence N 00°02'36" E 25.09 feet; Thence N 34°33'07" E 19.09 feet; Thence S 89°57'24" E 604.65 feet; Thence S 18°31'47"E

on the west right-of-way line of North First Street 14.23 feet; Thence S 00°05'42" E 286.50 feet; Thence S 89°54'28" E 13.00 feet; Thence S 00°05'42" E 487.65 feet; Thence leaving said west right-of-way line N 89°58'07" W 470.50 feet to a 5/8 inch rebar in concrete; Thence N 00°02'55" W 77.45 feet to a 5/8 inch rebar in concrete; Thence N 89°58'20" W 387.30 feet to the east line of the Baughman tract; Thence on the east line of said Baughman tract N 00°11'19" W 100.15 feet to the south line of the N1/2 NE1/4 NE1/4 of said Section 10; Thence N 89°57'47" W 430.00 feet to the west line of the NE1/4 NE1/4 of said Section 10; Thence N 00°11'19" W 610.30 feet to the beginning. Containing 20.74 acres, more or less.

PD Zoning Standards:

See Attached Exhibit A, Outline Development Plan

A. Default Zones by Pod

- Pod A—B-1
- Pod B—B-1
- Pod C—B-1
- Pod D—B-1
- Pod E—B-1
- Pod F—RSF-4
- Pod G—RMF-12
- Pod H—RMF-12

B. Deviation of Uses by Pod

Pods A, B, C, D and E are restricted to the uses allowed in the B-1 zone district with the following modifications:

The following uses are specifically not allowed:

- Drive up/through fast food uses
- Drive up/through liquor stores
- All other drive up/through uses
- Outdoor kennels and/or boarding
- Outdoor storage
- Community Correction Facilities
- Mental health uses
- Drug and alcohol rehabilitation uses
- Halfway houses
- Law Enforcement Rehabilitation Centers

The following uses are specifically allowed (in addition to the other B-1 uses and excluding those listed above):

- Drive up/through pharmacy
- Drive up/through dry cleaners
- Veterinary clinics with indoor kennels and/or indoor boarding
- Outdoor display with a temporary use permit

Pod F is restricted to the uses allowed in the RSF-4 zone, excluding duplex units.

Pods G and H are restricted to the uses allowed in the RMF-12 zone.

C. Deviations from Bulk Standards by Pods

Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum frontyard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rearyard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 40' for Pods A, B, C and D, with the opportunity to request up to a 25' increase in height with Preliminary Plans. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 40,000 s.f. for office buildings, 20,000 s.f. for retail buildings and 45,000 s.f. for mixed use buildings.

Pods G and H shall meet the bulk standards of the RMF-12 zone district with the following modifications:

- Minimum lot size shall be 1,500 s.f.
- Minimum lot width shall be 20'.
- There is no minimum street frontage required.
- Minimum frontyard setbacks shall be 15' for principal building if alley loaded garages are proposed and 20' if street loaded garages are proposed.
- Minimum frontyard setbacks for accessory structures shall be 20'.
- There is no maximum lot coverage requirement.

- There is no maximum FAR.

Pod F shall meet the bulk standards of the RSF-4 zone district with the following modifications:

- The lots cannot be further subdivided.

INTRODUCED on first reading on the 18th day of October, 2006 and ordered published.

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

ATTEST:

President of Council

City Clerk

Attach 9

Construction Contract Award for Regional Center Parking Improvements and DMVA Service Road Paving

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Construction Contract Award for Regional Center Parking Lot Improvements and DMVA Service Road Paving						
Meeting Date	October 18, 2006						
Date Prepared	October 4, 2006				File #		
Author	Mike Best		Riverside Parkway Project Specialist				
Presenter Name	Mark Relph		Public Works & Utilities Director				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This work is required as part of the City's agreements with DHS and the Division of Military and Veteran Affairs for the Riverside Parkway Project.

Background Information:

The project generally consists of Parking Lot improvements to the existing parking lot for the Regional Center, and the removal of the asphalt paving and replacement with concrete pavement for entrance number 4 to the future National Guard facility. When the agreements were made in 2005, this work was estimated to cost \$265,000.

Three bids were opened on Wednesday, October 4, 2006.

Contractor	From	Bid
BPS Construction	Grand Junction, CO	\$410,370.95
Vista Paving	Grand Junction, CO	\$298,636.78
Reyes Construction	Grand Junction, CO	\$292,402.20
Engineer's Estimate		\$319,521.00

Budget: The Riverside Parkway is funded through Fund 204 / F04600.

Budget	
Right-of-Way budget	\$19,550,000.00
Demolition and environmental budget	<u>\$625,000.00</u>
Total Budget	\$20,175,000.00
Project expenses to date	
Right-of-Way	(\$19,066,001.00)
Demolition and environmental	<u>(\$547,092.00)</u>
Balance	\$561,097.00

Remaining demo and relocations		(\$250,000.00)
National Guard and DHS		<u>(\$292,402.00)</u>
Balance		\$19,505.00

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **Regional Center Parking Lot Improvements and the DMVA Service Road Paving** to **Reyes Construction** in the amount of **\$292,402.20**.

Attachments: none

Attach 10

Columbine Park Infill/Redevelopment Financial Assistance Request

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Infill and Redevelopment Request for Columbine Park Subdivision located at 28 ¼ and Columbine Park Court					
Meeting Date	October 18, 2006					
Date Prepared	October 10, 2006				File #	
Author	Sheryl Trent		Interim Community Development Director			
Presenter Name	Sheryl Trent		Interim Community Development Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: This is a request for incentive monies through the Infill and Redevelopment Program in a total of \$51,227.48 for the subdivision known as Columbine Park, located near 28 1/4 Road and Columbine Park Court. This subdivision is located in the boundaries for infill as designated by the City Council.

\$19,957.18 for offsite drainage improvements to 28 Road and Texas Avenue
 \$ 3,074.90 for abandonment of two driveways on 28 ¼ Road.
 \$28,195.40 for roadway, sewer and water improvements to access the undeveloped land.

Budget: The budget for the Infill and Redevelopment Program has a balance of \$250,000.

Action Requested/Recommendation: That the City Council consider the proposed request for infill and redevelopment incentives in the amount of \$51,227.48 and approve the expenditure up to that amount based on actual receipts for work performed.

Attachments: Infill/Redevelopment Application from Columbine Park, LLC.

Background Information: This is an unusual request in that the subdivision has been built. Tony Perry of Columbine Park, LLC, indicates that when they started this process, the City was at that time adopting the policy and he was told by staff that he should wait to submit an application. While there is no recollection of this conversation, staff file notes do indicate a discussion was held about applying for the incentives. Therefore, it is our recommendation that the City Council consider this application as timely.

Included in the attached documents are the application and supporting materials. They have been review by Public Works, Finance, and Community Development and meet the standards and intent of the Infill and Redevelopment Program. The costs have been verified.

MEMORANDUM

TO: Sheryl Trent
Tim Moore
Rick Dorris
Lori Bowers
Lanny Paulson

FROM: Kathy Portner 

DATE: September 21, 2006

RE: Columbine Park Infill/Redevelopment Request

Attached is a request for Infill incentives for the Columbine Park development. Since this is a project that is already complete, I've invited Lori and Rick to the meeting to discuss the background on the project.



Infill / Redevelopment Application

Applicant Tony Perry, dba, Columbine Park, LLC. .
Street Address 420 Montero Street
City/State/Zip Grand Junction, Colorado 81501
Telephone 970-250-0156 **Fax Number** 970-254-0759
Email Address tonyperry@bresnan.net

Project Name/Description: *COLUMBINE PARK SUBDIVISION, 20 Single Family Lots, Plat Recorded, Book 3976, Page 968 - 969, Reception No. 2271966.*

Site Location *West Side of 28 1/4 Road at Columbine Park Court.*

Tax Parcel Number(s) *2943-073-47-001 through 2943-073-47-007 and 2943-073-48-001 through 2943-073-48-013.*

Please answer the following questions
Please attach additional paper if needed.

1. Is the site within the City’s geographically mapped area for: Infill Redevelopment
2. Does the site meet the definition of Infill or Redevelopment?
3. Describe how the site is compatible with the surrounding area and meets community values including compatibility with surrounding quality of design and site planning.

Site Plan and Plat Approved. Plat Recorded August 26, 2005.

4. Describe the project’s feasibility. This should include the developer’s resume of experience, whether project financing is in place and, for non-residential projects, what tenant commitments are in place.

All Subdivision Improvements Construction is complete and has been approved by the City of Grand Junction’s Development Engineer. All contractors have been paid in-full and lien waivers have been obtained.

5. Within a distance of 1,000 feet, list any specific infrastructure projects planned and/or funded by the City or any proposed off-site contributions anticipated by the proposed project that address existing deficiencies as defined by the City.

Item #1: Off-site Drainage Improvements at the Intersection of 28 Road and Texas Avenue. Item #2: Abandon (2) Two existing driveways on 28 1/4 Road and replace with vertical curb gutter & sidewalk. Item #3: Alta Drive Roadway, Sanitary Sewer and Waterline Improvements for access to undeveloped land @ 539 28 1/4 Road.

6. What is the level of sharing of City vs. private participation for specific enhancement request or code requirements?

Item #1: City	<u>70.72%</u>	Private	<u>29.28%</u>
Item #2: City	<u>100.00%</u>	Private	<u>0.00%</u>
Item #3: City	<u>100.00%</u>	Private	<u>0.00%</u>

7. Does the proposed project include a mixture of uses? If so, describe the types and percentage.
NO.
8. Is the proposed project part of an economic development recruitment.
NO.
9. Will the proposed project preserve or enhance any historic structure or site? Has the structure or site been inventoried by the City?
NA.
10. Does the proposed project include an affordable housing element? If so, provide details including how the project meets different HUD definitions for affordable housing.
NA.
11. Does the proposed project go beyond current Code requirements and provide enhanced architectural and design elements? If so, describe.
NO.
12. The following is a list of potential forms of City involvement. Please indicate (✓)the type of incentive you would like to be considered for and provide justification for your request.

	Applicant (✓)	City Staff Approval
a. Expedited development review process.		
b. Assistance with city agency review.		
c. Deferral of fees (examples may include permitting fees, tap fees and impact fees).		
d. Density bonuses for residential projects.		
e. Proactive city improvements, i.e., prime the pump by investing in various city improvements prior to any private development commitment.		
f. Financial participation – because many desired projects are not viable without city participation and/or to reduce the relative land cost for redevelopment versus vacant property.	✓	
g. Contribution to enhancements / upgrades versus typical standards (for instance upgrading a split face block building treatment to a stone building treatment.)		
h. Off-site city improvements required by Code, i.e., access, undergrounding of utilities, streetscape, etc.	✓	
i. City assemblage of development parcels for redevelopment bids.		

** SEE ATTACHMENTS EXHIBITS 1.0 THROUGH 11.0 FOR ADDITIONAL INFORMATION

PROPOSED INFILL BOUNDARY

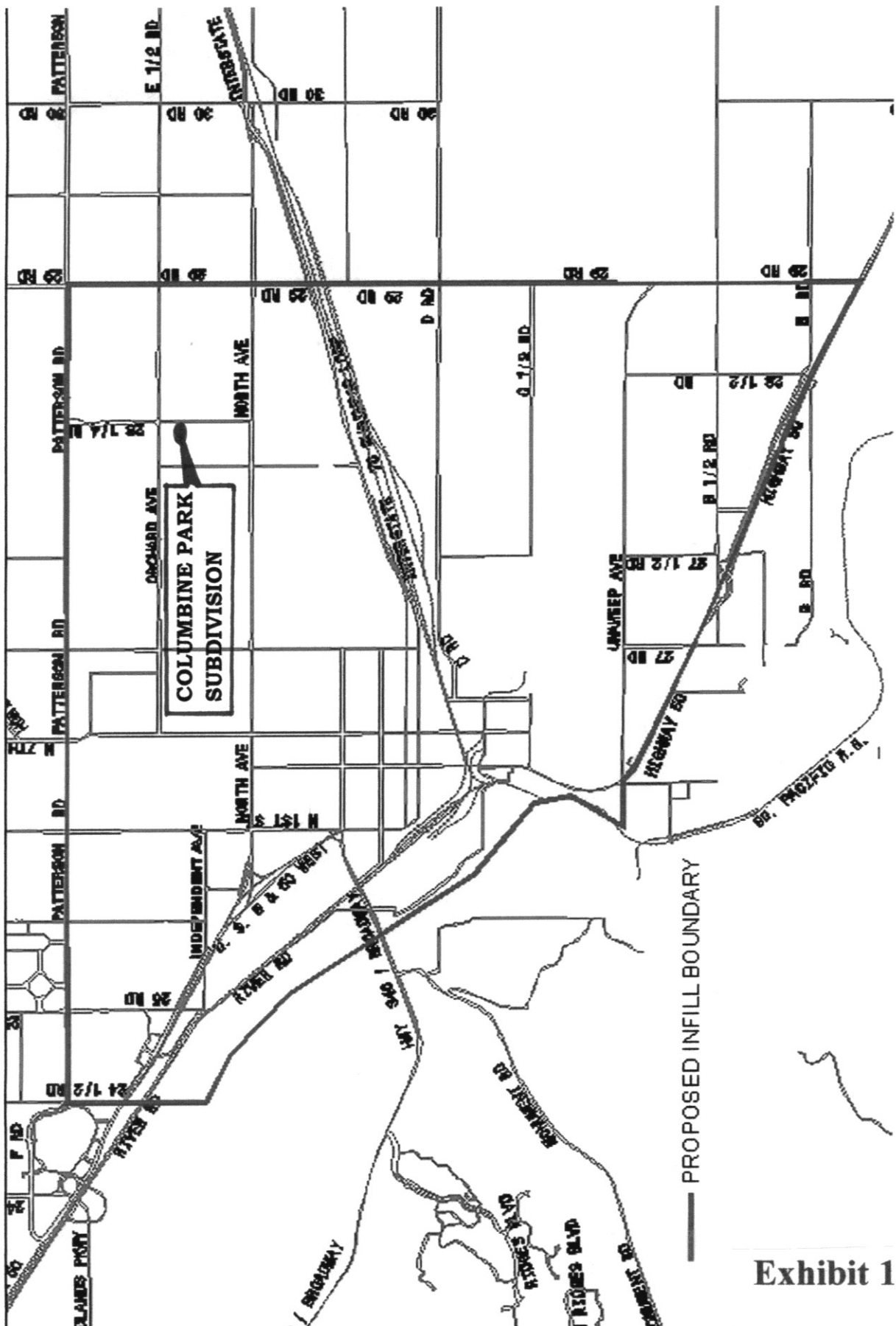


Exhibit 1.0

Infill / Redevelopment Application

Columbine Park Subdivision - Item #1

September 12, 2006

Item #1. OFFSITE DRAINAGE IMPROVEMENTS AT 28 ROAD & TEXAS AVENUE

Addendum No.1 to The Preliminary Drainage for Columbine Park Subdivision, dated May 26, 2004, together with the Final Drainage Study, Hydraulic Calculations for Columbine Park Subdivision, dated February 16, 2005 are used as the references that defined the pre-development conditions of the existing storm sewer facilities at the intersection of 28 Road and Texas Avenue.

This item proposes City participation in the cost to improve a existing deficient condition at the intersection.

- A. The above referenced studies concluded that the existing storm sewer inlet and 12-inch diameter storm drain line located in the north right-of-way of Texas Avenue did not meet the current City standards and were otherwise under-sized for capacity to convey stormwater runoff from the public right-of-way into Indian Wash. The total area served by this inlet and storm drain line is approximately 15.74 acres. The area of the Columbine Park Subdivision is approximately 3.15 acres. See map Exhibit 4.0 and 5.0

Area Calculations by Percent

Offsite (City of G.Jct.)	12.59 Ac.	79.99%
Onsite (Private)	<u>3.15 Ac.</u>	<u>20.01%</u>
Totals	15.74 Ac.	100.00%

- B. The total post-development stormwater 100 Year flow rate to the intersection of 28 Road and Texas Avenue is 19.40 CFS. The 100 Year flowrate to the intersection contributed by Columbine Park Subdivision is 5.68 CFS.

Runoff Calculations by Percent

Offsite (City of G.Jct.)	13.72 CFS	70.72%
Onsite (Private)	<u>5.68 CFS</u>	<u>29.28%</u>
Totals	19.40 CFS	100.00%

As per the attached spread sheet, Exhibit 3.0, the total costs for drainage improvements is \$28,220.00. The (City's) participation = \$19,957.18. The (Private) participation = \$8,262.82.

Exhibit 2.0

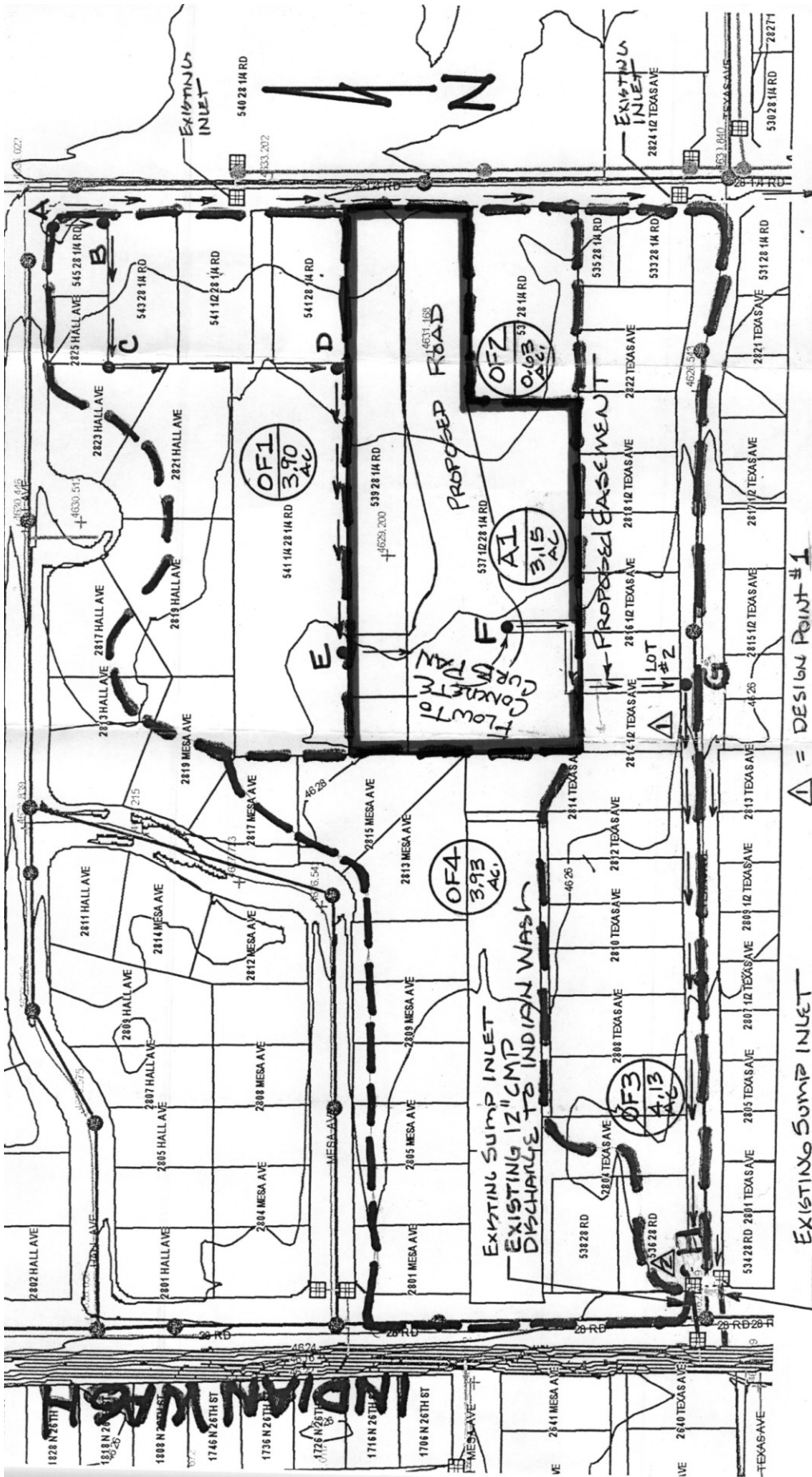
Date: September 8, 2006
 Project: COLUMBINE PARK SUBDIVISION
 Subject: INFILL / REDEVELOPMENT APPLICATION

ITEM #1: OFFSITE DRAINAGE IMPROVEMENTS AT 28 ROAD & TEXAS AVENUE

<u>Item</u>	<u>Item Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
1	Remove & Dispose of Concrete Curb, Gutter, Sidewalk & Curb Return	LF	40.0	15.00	600.00
2	Remove & Dispose of Asphalt	SY	72.0	10.00	720.00
3	15" Dia. RCP Storm Drain Pipe (Class 4)	LF	175.0	40.00	7,000.00
4	60" Dia. Storm Drain Manhole w/ Flat Lid Slab	EA	1.0	2,600.00	2,600.00
5	Double Combination Storm Drain Inlet	EA	1.0	3,000.00	3,000.00
6	Precast Concrete Bridge Footer (1.0' x 1.0' x 5.0')	EA	2.0	400.00	800.00
7	Concrete Grout Channel Side Slope @ Pipe Outlet	CY	1.0	250.00	250.00
8	Asphalt Replacement Including Base & Pit-Run Material	LS	1.0	3,400.00	3,400.00
9	Concrete Replacement (C.G.SW, & Return) Including Base Material	LS	1.0	2,100.00	2,100.00
10	Traffic Control (Active)	Day	5.0	650.00	3,250.00
11	Engineering Design - Drainage Study Preparation & Calculations	LS	1.0	1,000.00	1,000.00
12	Engineering Design - Preparation of Construction Drawings & As-Buil	LS	1.0	1,750.00	1,750.00
13	Developer's Engineer Construction Inspection	LS	1.0	500.00	500.00
14	Compliance Testing & Compaction Testing	LS	1.0	500.00	500.00
15	Surveying - Construction Staking & As-Builts	LS	1.0	750.00	750.00
					=====
Subtotal of Design & Construction Costs					28,220.00

Cost Share Based on Post Development Storm Water Flows to New Inlets and Storm Sewer at 28 Road and Texas Avenue as Follow

Columbine Park Subdivision's Contribution of Storm Water =	5.68 CFS	29.28%
Offsite Lands Contribution of Storm Water =	<u>13.72</u> CFS	<u>70.72%</u>
Total Post Development Flow to Storm Sewer Improvements =	19.40 CFS	100.00%
Developer's Cost Share =	\$8,262.82	
City of Grand Junction's Cost Share =	<u>\$19,957.18</u>	
Total Cost	\$28,220.00	



Δ = DESIGN POINT #1
 FLOW SEGMENT A - B
 COLUMBINE PARK SUBDIVISION
 Scale 1" = 100' Exhibit 4.0

EXISTING SUMP INLET
 EXISTING 12" CMP
 DISCHARGE TO INDIAN WASH A B

EXISTING SUMP INLET
 EXISTING 12" CMP
 DISCHARGE TO INDIAN WASH

FLOW TO
 CURB TANK
 CONCRETE
 LOT #2

PROPOSED ROAD

PROPOSED BASEMENT

OF1
3.90
AC

OF4
3.93
AC

OF3
4.13
AC

OF2
3.15
AC

OF2
3.03
AC

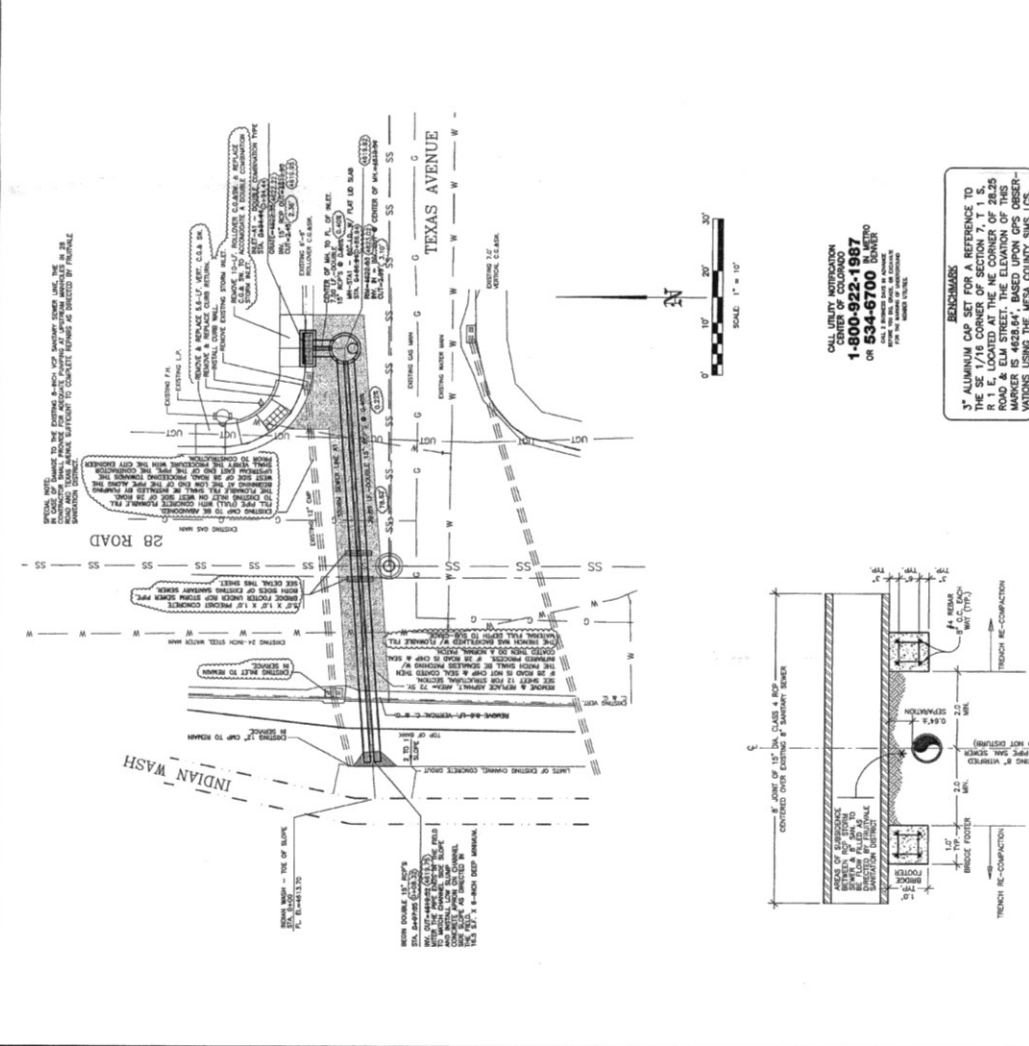
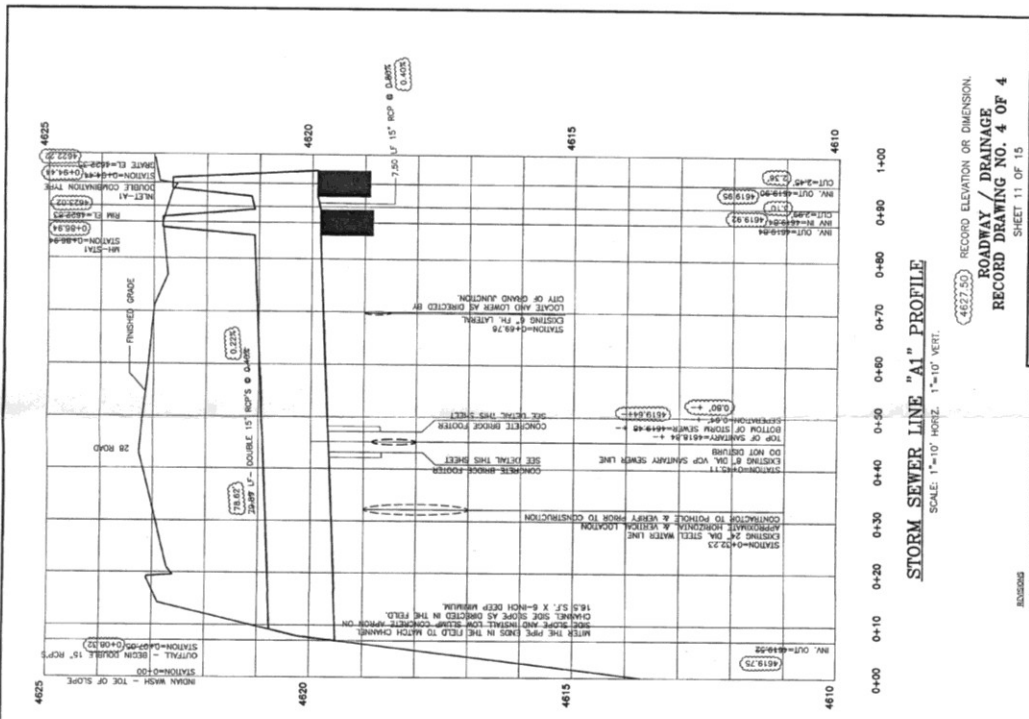


Exhibit 5.0

Infill / Redevelopment Application

Columbine Park Subdivision - Item #2

September 12, 2006

Item #2. ABANDON (2) DRIVEWAYS ON 28 1/4 ROAD.

As shown on the Roadway Plan & Profile construction plan for Columbine Park Court, Exhibit 8.0, the offsite improvements to 28 1/4 Road included the abandonment of (2) two existing driveway openings on 28 1/4 Road. Both of these driveways served existing residential units. The construction included the removal and disposal of existing driveway concrete and the replacement with 7-foot wide vertical curb gutter and attached sidewalk.

- A. The Columbine Park Subdivision is subject to a Traffic Capacity Payment, (TCP) of \$1,500.00 per lot. The cost for offsite public improvements to 28 1/4 Road should be covered by this fee.
- B. As the developer has constructed and paid for these offsite public improvements to 28 1/4 Road "in-full", compensation in the amount of \$3,074.90 is requested from the City of Grand Junction. See spread sheet Exhibit 7.0 for cost data.

TCP is not a part of this discussion

Date: September 8, 2006
 Project: COLUMBINE PARK SUBDIVISION
 Subject: INFILL / REDEVELOPMENT APPLICATION

ITEM #2: ABANDON (2) DRIVEWAYS ON 28 1/4 ROAD

<u>Item</u>	<u>Item Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
1	Remove & Dispose of Concrete Curb, Gutter & Driveway Opening	LF	48.0	15.00	720.00
2	Class 6 Base Material Under C.G. & Sidewalk	Tons	13.0	13.50	175.50
3	Concrete Replacement (7.0' Vertical C.G.& SW.)	LF	48.0	20.30	974.40
4	Traffic Control (Active)	Day	1.0	650.00	650.00
5	Engineering Design - Preparation of Construction Drawings & As-Buil	LS	1.0	150.00	150.00
6	Developer's Engineer Construction Inspection	LS	1.0	135.00	135.00
7	Compliance Testing & Compaction Testing	LS	1.0	100.00	100.00
8	Surveying - Construction Staking & As-Builts	LS	1.0	170.00	170.00
					=====
Subtotal of Design & Construction Costs					3,074.90

Infill / Redevelopment Application

Columbine Park Subdivision - Item #3

September 12, 2006

Item #3. ALTA DRIVE, ROADWAY, SANITARY SEWER AND WATERLINE IMPROVEMENTS TO PROVIDE ACCESS AND SERVICE TO UNDEVELOPED LAND AT 539 28 1/4 ROAD.

Roadway Improvements:

- A. The development and construction of Columbine Park Subdivision and associated Roadway Improvements has provided a conveyance corridor for stormwater runoff and drainage from the offsite property to the north which did not historically exist. Historically the offsite property drains westerly to a low point at it's southwest corner. For purposes of drainage the property was "land locked" having no drainage outfall. The construction of Alta Drive and other onsite drainage improvements has made the offsite property at 539 28 1/4 Road "developable" from a drainage stand point. See Exhibit 11.0.
- B. None of the proposed dwelling units within the Columbine Park Subdivision shall front onto or access Alta Drive. The net benefit to the Columbine Park Subdivision is Zero.
- C. Access into and out of the offsite property at 539 28 1/4 Road exists off of 28 1/4 Road and meets the minimum requirements for spacing or separation of 150' between Columbine Park Court and the offsite property's access point. The net benefit to the Columbine Park Subdivision is Zero.

Sanitary Sewer Improvements:

- A. The elevation of offsite property at it's west side is sufficiently lower than 28 1/4 Road such that connection to the existing sanitary sewer line in 28 1/4 Road for service is not practical. Historically and for purposes of sanitary sewer service the property was "land locked" having no outfall point. The construction of the Alta Drive sanitary sewer improvements has made the offsite property at 539 28 1/4 Road "developable" from a sewer serviceability stand point. See Exhibit 11.0.
- B. None of the proposed dwelling units within the Columbine Park Subdivision use or tie into the sanitary sewer line in Alta Drive. The net benefit to the Columbine Park Subdivision is Zero.

Water System Improvements:

- A. The installation of an 8-inch diameter waterline in Alta Drive provides the undeveloped property at 539 28 1/4 Road access to City water service without having to cut 28 1/4 Road. See Exhibit 11.0.
- B. None of the proposed dwelling units within the Columbine Park Subdivision use or tie into the water line in Alta Drive. The net benefit to the Columbine Park Subdivision is Zero.

As the developer has constructed and paid for the Roadway, Sanitary Sewer and Water line improvements associated with Alta Drive "in-full", compensation is in the amount of \$28,195.40 is requested from the City of Grand Junction. See spread sheet Exhibit 10.0 for cost data.

Date: September 8, 2006
 Project: COLUMBINE PARK SUBDIVISION
 Subject: INFILL / REDEVELOPMENT APPLICATION

ITEM #3: ALTA DRIVE / ACCESS TO OFFSITE PROPERTY, 539 28 1/4 ROAD

<u>Item</u>	<u>Item Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
1	Sub-Grade Preparation, Scarify & Re-Compact Roadway	SY	609.0	1.50	913.50
2	Class 6 Base Material Under C.G. & Sidewalk and Asphalt	Tons	350.0	13.50	4,725.00
3	Asphalt - 3" Thick	Tons	58.5	46.00	2,691.00
4	Concrete Flatwork - V-Pan, Curb Returns & Fillets	SF	880.0	4.25	3,740.00
5	6'-6" Mono. Curb, Gutter & SW.	LF	197.0	13.70	2,698.90
6	Street Name / Stop Sign	EA	1.0	500.00	500.00
7	Sanitary Sewer Manhole - 4.0' Diameter	EA	1.0	1,500.00	1,500.00
8	8" Diameter PVC Sanitary Sewer Line	LF	140.0	15.00	2,100.00
9	8" Diameter PVC Water Main	LF	126.0	17.00	2,142.00
10	8" Gate Valve & Box	EA	1.0	800.00	800.00
11	Adjust & Patch - 8" Gate Valve & Box	EA	1.0	350.00	350.00
12	8" Tee	EA	1.0	350.00	350.00
13	1" Blowoff	EA	1.0	500.00	500.00
14	Engineering Design - Preparation of Construction Drawings & As-Buil	LS	1.0	2,500.00	2,500.00
15	Developer's Engineer Construction Inspection	LS	1.0	920.00	920.00
16	Compliance Testing & Compaction Testing	LS	1.0	575.00	575.00
17	Surveying - Construction Staking & As-Builts	LS	1.0	1,190.00	1,190.00
					=====
Subtotal of Design & Construction Costs					28,195.40

Attach 11

Public Hearing – The Beagley Rezone, Located at 2936 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Beagley Rezone, Located at 2936 D ½ Road							
Meeting Date		October 18, 2006							
Date Prepared		October 12, 2006			File # RZ-2006-227				
Author		Adam Olsen		Associate Planner					
Presenter Name		Adam Olsen		Associate Planner					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Request to rezone 0.84 acres, located at 2936 D ½ Road, from RSF-4 (Residential Single Family 4 du/acre) to RMF-8 (Residential Multi Family 8 du/ac).

Budget: N/A

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

Background Information: See attached Staff Report/Background Information.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2936 D ½ Road		
Applicant:		Owner: Tom & Vicki Holley Representative: Zeck Homes, Inc.		
Existing Land Use:		Residential/Agriculture		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Agriculture		
	South	Residential/Agriculture		
	East	Residential/Agriculture		
	West	Residential/Agriculture		
Existing Zoning:		RSF-4		
Proposed Zoning:		RMF-8		
Surrounding Zoning:	North	RMF-8		
	South	RSF-E (County)		
	East	RMF-8		
	West	RMF-8		
Growth Plan Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. Background

This rezone area consists of 0.84 acres of land. The property owners are requesting a rezone to RMF-8 to match the zoning of the surrounding property. The owners and Zeck Homes have expressed an interest in developing the property at an RMF-8 density. A simple subdivision application is being processed concurrently with this rezone request to shift the property lines of the subject property. In order to avoid split zoning once the simple subdivision is complete, the rezone to RMF-8 is being requested.

2. Consistency with the Growth Plan

The requested zone district is consistent with the Future Land Use designation of Residential Medium (4-8 du/ac).

3. Consistency with Section 2.6 of the Zoning and Development Code

The requested rezone to the RMF-8 district is consistent with the Growth Plan density of 4-8 du/ac. The existing zoning is RSF-4. Section 2.6.A of the Zoning and Development Code states that the rezoning may occur only if the following criteria are met:

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 as follows:

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

Response: The existing zoning was not in error at the time of adoption. The property owners wished to have an RSF-4 designation at the time of annexation and are now requesting the RMF-8.

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

Response: The surrounding properties are zoned RMF-8 and therefore a change of character has occurred. Zoning this property RMF-8 will be consistent with the surrounding property designations.

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

Response: The RMF-8 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates the surrounding properties as RM (Residential Medium 4-8 du/ac).

The RMF-8 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Area 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 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 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 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Goal 3, Pear Park Plan, Land Use & Growth: Establish areas of higher density to allow for a mix in housing options.

- 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.

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

Response: The RMF-8 district complies with the Growth Plan designation of Residential Medium, 4-8 du/ac and is consistent with the surrounding property. The majority of land in the area is still zoned RSF-R in the County. Although any development proposals for the County zoned property will require annexation and zoning in the City, currently, very little vacant land zoned RMF-8 exists in the vicinity.

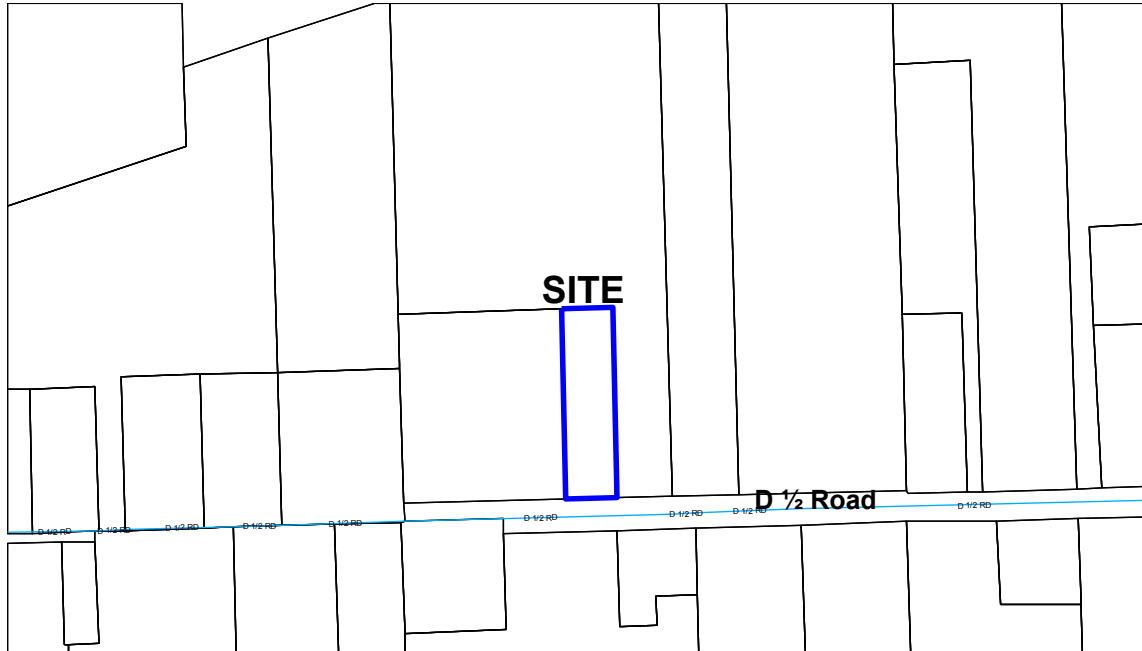
- The community will benefit from the proposed zone.

Response: The RMF-8 zone district coincides with the surrounding properties and will make all three consistent in their zoning. Instead of a small piece of land zoned RSF-4, the RMF-8 zone will allow for a more uniform development.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested rezone to the City Council, finding the rezoning to the RMF-8 District to be consistent with the Growth Plan and Section 2.6 of the Zoning & Development Code.

Site Location Map

Figure 1



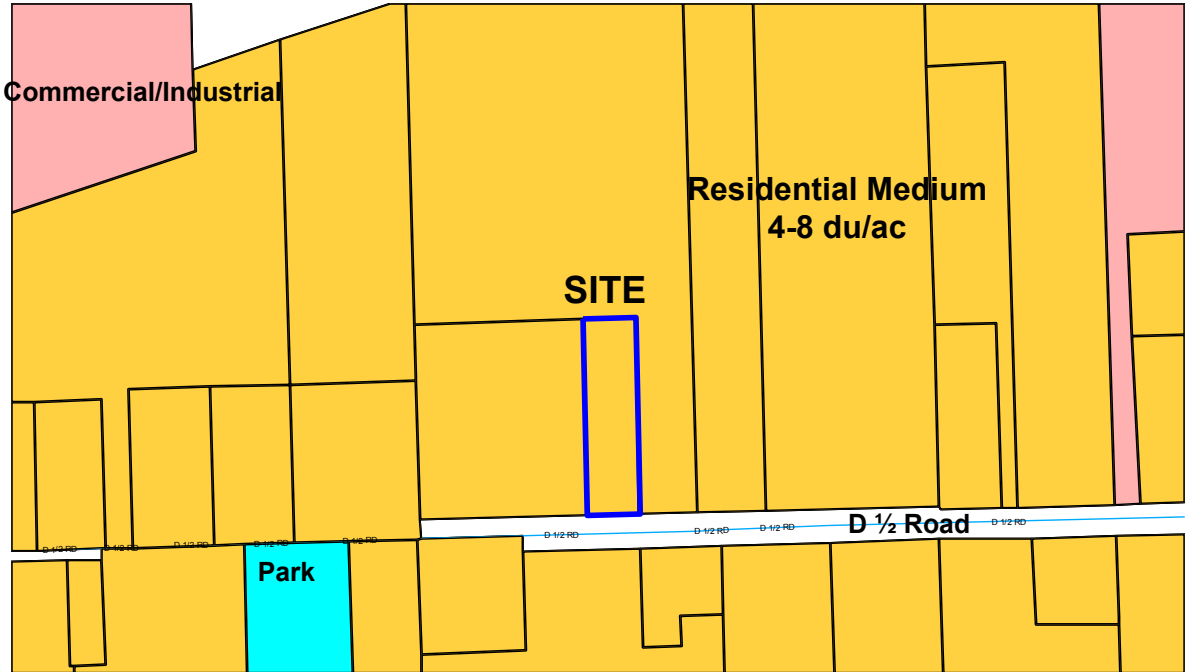
Aerial Photo Map

Figure 2



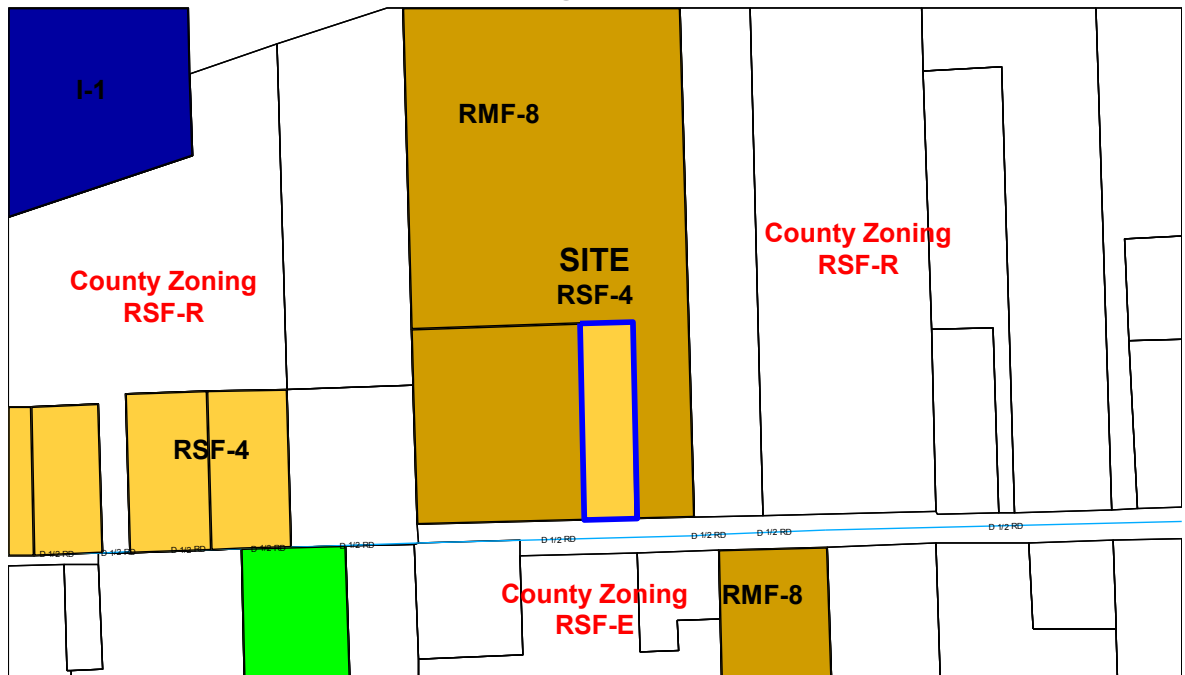
Future Land Use Map

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
BEAGLEY REZONE TO
RMF-8, RESIDENTIAL MULTI FAMILY 8 UNITS PER ACRE**

LOCATED AT 2936 D ½ ROAD

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 Beagley Rezone to the RMF-8, Residential Multi Family 8 Units/Acre 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 RMF-8, Residential Multi Family 8 Units/Acre 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 RMF-8, Residential Multi Family 8 Units/Acre

A parcel of land situate in the SE 1/4 NW 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the found Mesa County survey marker for the C-W 1/16 corner of said Section 17, the basis of bearing being N89°59'39"E to the C 1/4 corner of said Section 17, also being a found Mesa County survey marker;
thence N89°59'39"E a distance of 660.72 feet to the point of beginning;
thence N00°00'14"W a distance of 400.00 feet;
thence N89°59'46"E a distance of 91.50 feet;
thence S00° 00'14"E a distance of 400.00 feet;
thence S89°59'39"W a distance of 91.50 feet to the point of beginning.

Said parcel contains 0.84 acres more or less.

Introduced on first reading the 4th day of October, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 12

Public Hearing – The Orr Rezone Located at 498 Patterson Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Orr Rezone, at 498 Patterson Road							
Meeting Date		October 18, 2006							
Date Prepared		October 2, 2006				File #RZ-2006-228			
Author		Ronnie Edwards			Associate Planner				
Presenter Name		Ronnie Edwards			Associate Planner				
Report results back to Council		X	No		Yes	When			
Citizen Presentation		X	Yes		No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Request to rezone .322 acres, located at 498 Patterson Road, from RMF-5 (Residential Multi-Family, 5 units per acre) to B-1 (Neighborhood Business).

Budget: N/A

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

Attachments:

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

BACKGROUND INFORMATION			
Location:		498 Patterson Road	
Applicants:		Dr. Robert Orr	
Existing Land Use:		Vacant	
Proposed Land Use:		Expansion of Medical Office Parking	
Surrounding Land Use:	North	Residential Single Family/Vacant	
	South	St. Mary's Hospital Complex/Residential	
	East	Medical Offices	
	West	Residential Single Family	
Existing Zoning:		RMF-5	
Proposed Zoning:		B-1	
Surrounding Zoning:	North	RMF-5	
	South	PD and RSF-4	
	East	B-1	
	West	RMF-5	
Growth Plan Designation:		Commercial	
Zoning within density range?		N/A	Yes
			No

1. BACKGROUND:

The subject property was annexed in February of 1977 with the Patterson Road Enclave and was zoned R-1-A, which allowed only one single family residence per parcel. The City changed the zoning designations in 1981 and R-1-A became what is now our current RSF-4 zone district. The zoning map underwent revisions in 1997 and this area of RSF-4 was changed to RSF-5. With the adoption of the revised Zoning and Development Code in 2000, the RSF-5 became RMF-5. The residential zoning corresponded with the residential use until the structure was removed this past year.

The request for B-1 zoning would allow various neighborhood businesses, as long as all site development was in conformance with the Zoning and Development Code. The applicant is requesting B-1 zoning in anticipation of a parking lot for his medical facility to accommodate employees and patients. This would be a separate review process for site development should these plans materialize.

The Future Land Use Map designation for the subject property is Commercial. The B-1 (Neighborhood Business) zone district is consistent with the Commercial designation and would provide a transition from the residential uses and the

commercial uses to the east and the St. Mary's Medical complex to the southeast.

2. Consistency with the Growth Plan:

The B-1 zone district is consistent with the following Growth Plan policies and will provide a development transition between adjacent uses.

Policy 1.3 states that City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

Policy 5.2 states that the City will encourage development that uses existing facilities and is compatible with existing development.

Policy 8.10 states that the City should encourage the growth and development of retail, office and service uses related to hospital operations. Retail businesses should be of an appropriate scale to serve the needs of clients, employees and visitors to the hospital and adjacent medical offices.

Policy 10.1 states the City will encourage redevelopment of transitional areas in accordance with the Future Land Use Map.

3. Section 2.6.A of the Zoning and Development Code:

Zone requests must meet all of the following criteria for approval:

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

The existing zone district was imposed as part of an annexation enclave and corresponded with the residential uses at that time.

B. *There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.*

Property in the area to the east and south has been developing as commercial and planned development, which is consistent with the Growth Plan. Traffic has increased along Patterson Road with the commercial uses and the steady expansion growth of the St. Mary's Medical facilities demonstrates future growth trends. This rezone request could provide a transition between the intensity of uses.

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

The proposed rezone is within the allowable intensity range recommended by the Growth Plan. The proposed zone district of B-1 supports the land use classification of Commercial and is consistent with the goals and policies of the Growth Plan and the Future Land Use Map. This criterion must be considered in conjunction with criterion 4, which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of development consistent with the B-1 zone district.

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

Adequate public facilities will be made available concurrent with the projected impacts of the proposed development

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

There is comparably zoned land adjacent to the east and this request to rezone to B-1 will make the zone designation consistent with the Future Land Use Map designation. The B-1 zone district would restrict the intensity of commercial uses adjacent to the residential zoning and uses.

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

The proposed rezone would allow for future development of a vacant lot and the requested rezone would bring the subject property into conformance with the Growth Plan.

FINDINGS OF FACT/CONCLUSIONS:

Staff makes the following findings of fact:

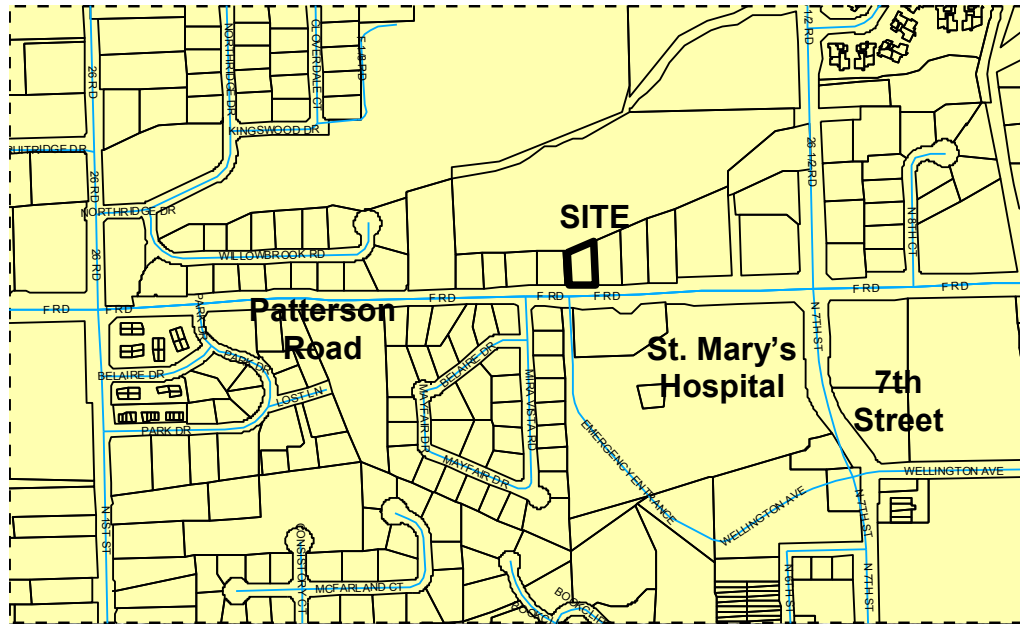
1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have been met.

PLANNING COMMISSION RECOMMENDATION:

At their September 26, 2006 hearing, the Planning Commission recommended approval of the request for the rezone.

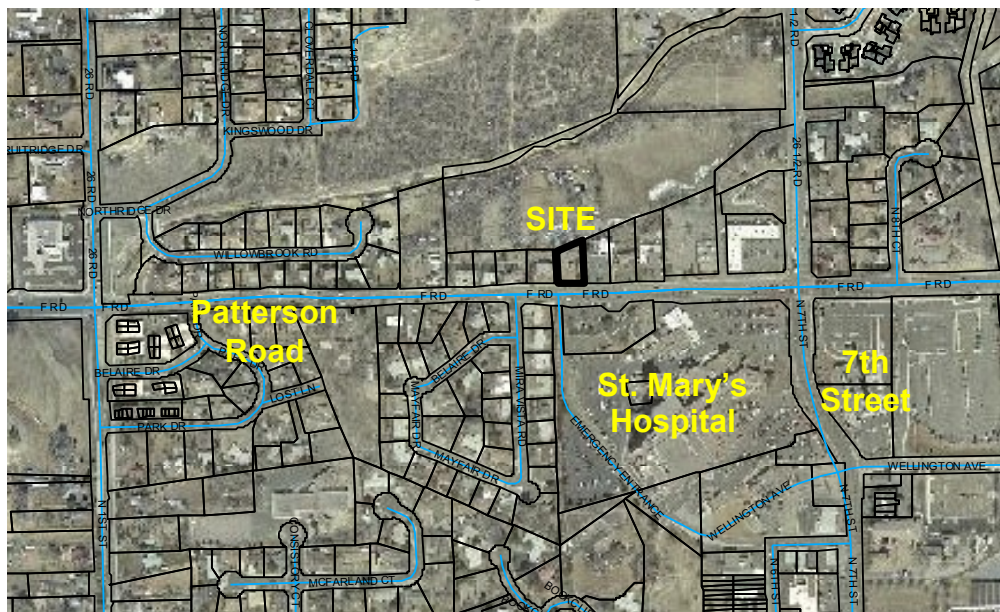
Site Location Map

Figure 1



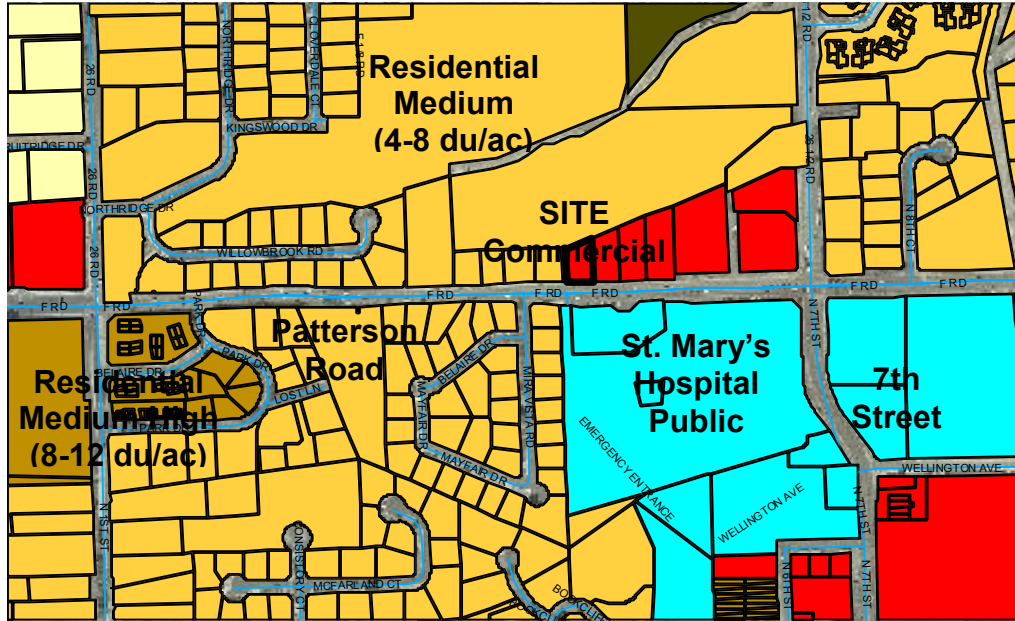
Aerial Photo Map

Figure 2



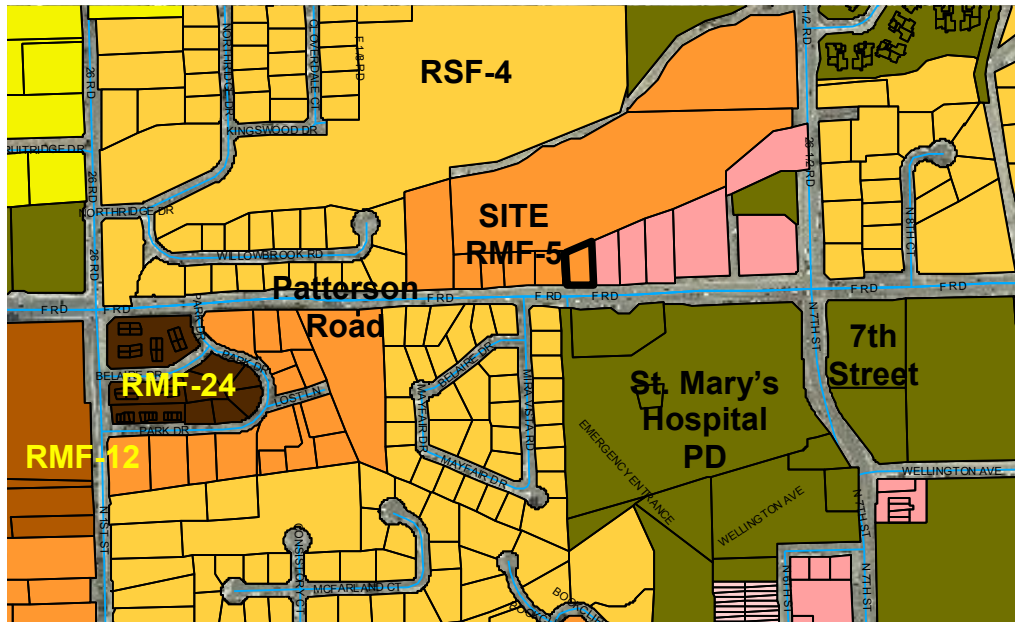
Future Land Use Map

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 PROPERTY KNOWN AS THE ORR REZONE,
.322 ACRES, LOCATED AT 498 PATTERSON ROAD,
FROM RMF-5 TO B-1**

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 the rezone request from RMF-5 (Residential Multi-Family, 5 du/ac) to B-1 (Neighborhood Business).

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY REZONED B-1 (NEIGHBORHOOD BUSINESS).

Lot 10, Fairmount Heights Subdivision, Mesa County, Colorado.

Introduced on first reading on the 4th day of October, 2006.

PASSES and ADOPTED on second reading this _____ day of _____, 2006.

Attest:

City Clerk

President of the Council

Attach 13

Public Hearing – Amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>								
Subject	Amending the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place.							
Meeting Date	October 18, 2006							
Date Prepared	September 27, 2006			File #PDA-2006-044				
Author	Kathy Portner		Assistant Director of Community Development					
Presenter Name	Sheryl Trent		Interim Comm. Development Director					
Report results back to Council	X	No		Yes	When			
Citizen Presentation	X	Yes		No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Request to amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, reducing the front yard setbacks.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Vicinity/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's General Project Report
5. Ordinance

AGENDA TOPIC: PDA-2006-044 Planned Development Amendment—
Beehive Estates

ACTION REQUESTED: Approve an amendment to the Planned Development
Ordinance

BACKGROUND INFORMATION					
Location:		East of Dewey Place			
Applicants:		Merlin Widick – Village Homes of CO			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential/Cell Tower			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD			
	South	RMF-8			
	East	RSF-1 and RSF-2			
	West	RMF-24 and CSR			
Growth Plan Designation:		Residential Medium High, 8-12 du/ac			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: A request to amend the front yard setbacks in a Planned Development.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The subject property was annexed into the City on August 6, 2000 as part of the G Road South Annexation. In 2003 the property was rezoned to PD (Planned Development) with a default zone of RMF-8 for the proposed development, then known as Fuoco Estates. Development of the property has occurred in accordance with the approved plans, and was platted as Beehive Estates in 2004. The developer is now changing the name of the development to The Orchard. It will continue to be referred to as Beehive Estates in this report.

The current applicant, Village Homes, was not the original developer of the subdivision. Village Homes is requesting an amendment to the PD to allow for modification to the front yard setbacks, to accommodate the type of homes they would like to build on the lots.

Ordinance No. 3564 established the Planned Development (PD) zone district for this property. The Ordinance established RMF-8 as the default zone. The following public benefits were proposed and established as part of the ordinance:

1. Dedication of approximately 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility.
2. Public improvements of the park area to include:
 - An 8' trail, constructed to City standards/specifications, around the park.
 - Approximately 25 trees to be planted in the park with plant selections and planting plan to be approved by the City prior to planting.
 - Turf, established according to the Parks and Recreation department's seeding and established specifications.
 - Benches with concrete pads as approved by the City.
 - Developer to escrow approximately \$900 for park signage.
 - Fencing along the rear lot lines of 11 residential lots that back up to the park site.
 - An underground, pressurized irrigation system designed to City specifications.
3. Fencing of the pedestrian path (Tract A) from the residential areas to the Open Space park.
4. Conveyance of irrigation water rights to the City of Grand Junction.

The developer has completed most of the required improvements and has entered into a Development Agreement for the completion. This request for an amendment to the PD is only to modify the required setbacks of the RMF-8 default zone. RMF-8 required setbacks are 20' front, 5' side and 10' rear for principal structures. The applicant is requesting to reduce the front yard setback to 14' for the house, with the garage setback remaining at 20', except for lots 6, 26 and 41, which are proposed to be reduced from 20' to 19'. The establishment of these setbacks will allow for any one of their four models of homes to fit on the lots. The developer has submitted a rendering of architectural features of the proposed homes.

All of the previously established public benefits will remain. In addition, the applicant is proposing to create a Home Owners' Association (HOA) to do the following:

- Maintain all the front, side, rear, and streetscapes that abut homes in the subdivision, assuring continuity and quality in the landscapes;
- Accept the maintenance of the "difficult" park area in the SW corner of the subdivision.
- Accept and maintain the pedestrian walkway between Saffron Way and Silverado Court;
- Maintain or require maintenance by homeowners, of all fencing that abuts public or common open space;
- Maintain subdivision entry/identification signs.

2. Consistency with the Growth Plan

The current approved development, including the proposed changes, is consistent with the Growth Plan.

3. Section 2.12.C.2 and 5.4 of the Zoning and Development Code

The project was already found to comply with Section 2.12.C.2 of the Zoning and Development Code, and was approved and constructed. This request is only to amend the PD ordinance to allow for variation in the required setbacks. Section 5.4.G of the Code allows for deviating from the default zone standards if additional community amenities are provided. The original PD approval was approved based on a number of amenities providing public benefit, including improvements to the dedicated parkland. In addition to those amenities, the applicant is proposing those listed above.

Section 5.4.F.1 of the Code states that principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

- Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
- Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
- Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.

There are no safety issues with the proposed setbacks. The applicant is proposing to have all of the landscaped areas around the homes maintained by the HOA for consistency in design and maintenance.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Beehive Estates application, PDA-2006-044, for a major amendment to a Planned Development, Preliminary Development Plan, staff makes the following findings of fact and conclusions:

6. The requested amendment to the Planned Development Ordinance is consistent with the Growth Plan.
7. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
8. The request is in conformance with Section 5.4 of the Zoning and Development Code.

STAFF RECOMMENDATION:

Staff recommends approval of the amended PD ordinance with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

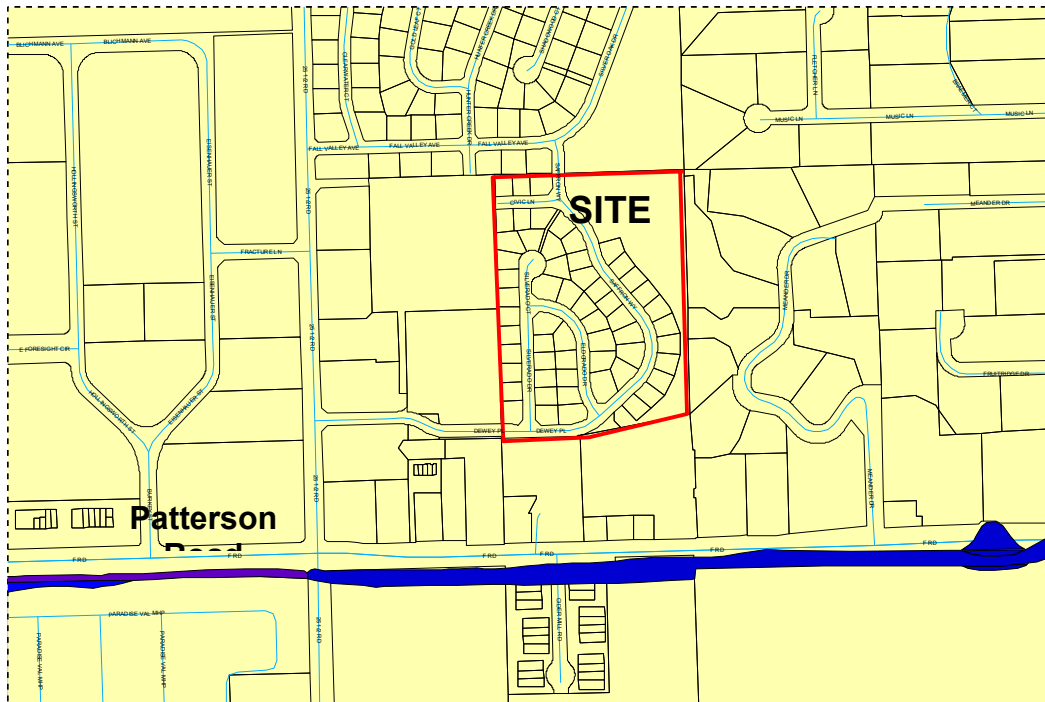
The Planning Commission recommended approval of the request at the September 26, 2006 hearing.

Attachments:

- Vicinity Map/Aerial Photo
- Growth Plan Map/Zoning Map
- Applicant's Response to Comments
- Beehive Estates Setback Exhibit
- Amended Planned Development Ordinance

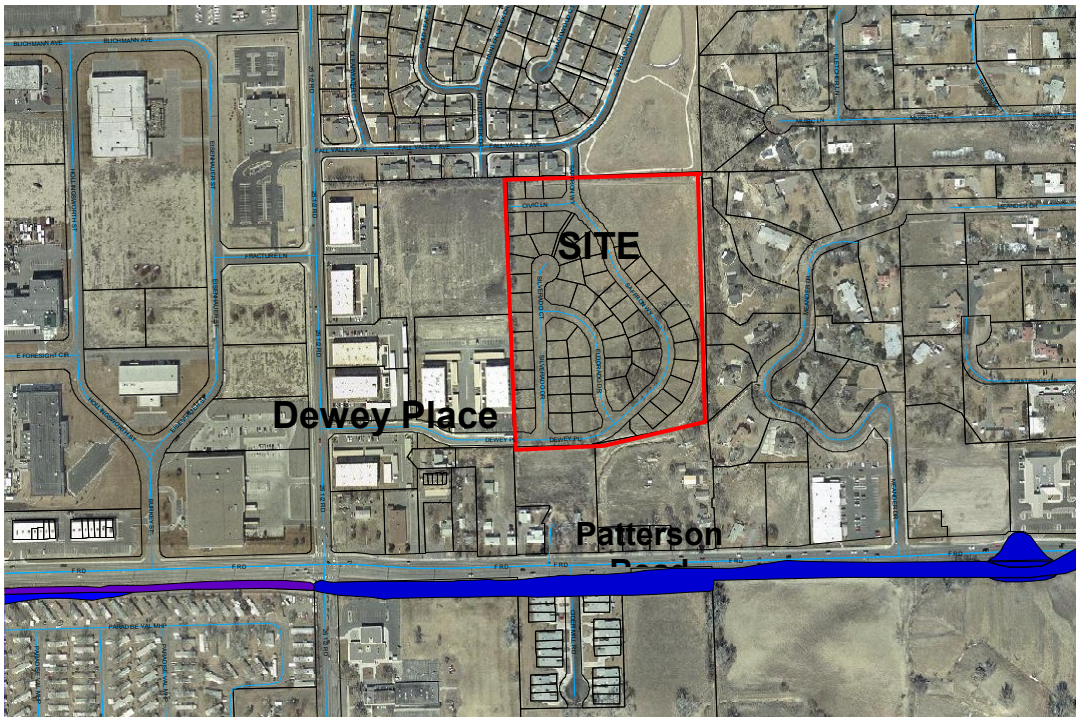
Site Location Map

Figure 1



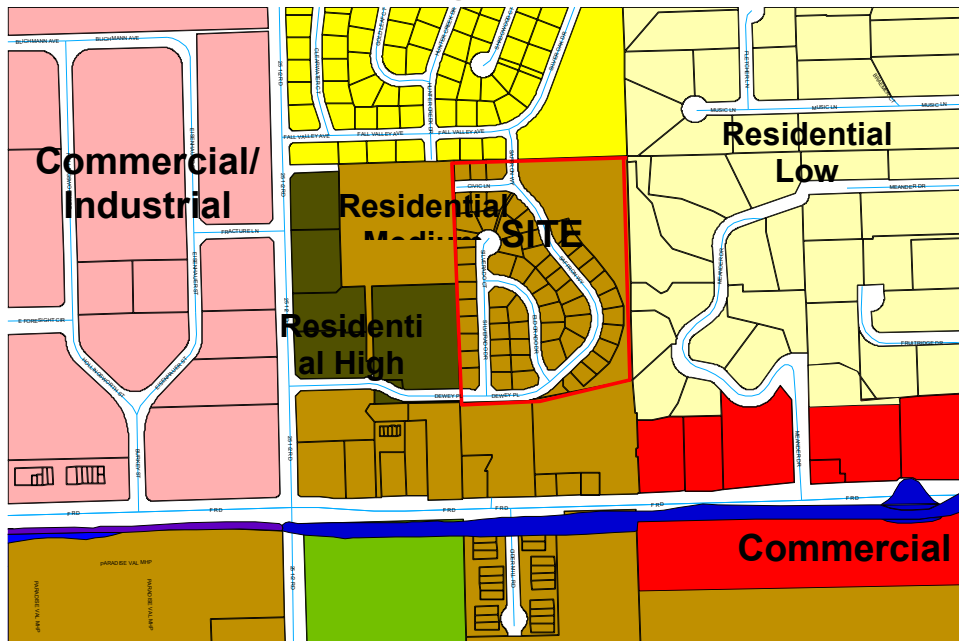
Aerial Photo Map

Figure 2



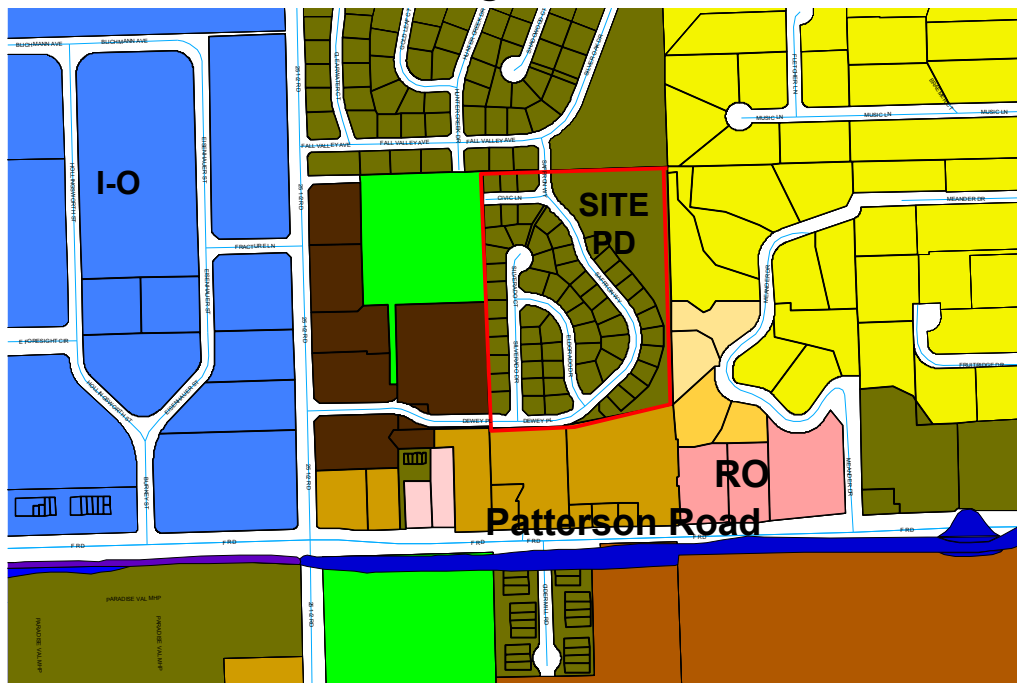
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESPONSE TO REVIEW COMMENTS
Beehive Estates

FILE # PDA-2006-044

September 13, 2006

LOCATION: East of Dewey Place

PETITIONER: Merlin Widick - Village Homes of Colorado, Inc.

PETITIONER'S ADDRESS/TELEPHONE: 100 Inverness Terrace East
Englewood, CO 80112

PETITIONER'S REPRESENTATIVE: **Tom Volkmann,**
Spiecker, Hanlon, Gormley
225 N. 5th Street, Suite 620
Grand Junction, Colorado
970-243-1003

STAFF REPRESENTATIVE: Lisa Cox / Kathy Portner

NOTE: The Petitioner Is Required To SUBMIT And LABEL A Response To Comment For Each Agency Or Individual Who Has Requested Additional Information Or Revised Plans, Including The City, On Or Before 5:00 P.M., June 12, 2006.
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CITY COMMUNITY DEVELOPMENT

3/14/06

Lisa Cox

256-4039

GENERAL:

1. Please submit and label a Response to Comment for each agency or individual that has requested additional information or revised plans. Distribution and review of the applicant's Response to Comments may be delayed if they are not labeled for distribution to each agency or individual.

Response: A labeled Response to Comment for each agency or individual that has requested additional information or revised plans is submitted with this response.

2. Note the revision date and nature of change on each plan or plat sheet that has been revised.

Response: A labeled Response to Comment for each agency or individual that has requested additional information or revised plans is submitted with this response.

3. Include an 11 x 17 reduction of the revised plat/plan.

Response: A revised 11 X 17 plan is submitted with this Response to Comments.

4. Staff has no objections to the proposed revisions to the front yard setbacks for principle structures (excluding garages); however, it is incumbent upon the applicant to demonstrate to the Planning Commission and City Council why the request is suitable and appropriate. The General Report indicates that several lots are corner lots with two front yard setbacks or have irregular building envelopes. However, because this information was available during the Preliminary and Final Plat approval process, the applicant will want to expand on the reasons why a reduced front yard and/or rear setback is being requested. For example, during earlier discussions with Mr. Merlin Widick, the applicant's representative, the subject of design aesthetics and creating a sense of community came up as reasons why the reduced setback was being requested. Mr. Widick described the sense of community that the applicant was attempting to create with recessed garages and homes located closer to the streets. The principle point of the applicant's General Report seems to be that the applicant can not build large homes on the existing lots. In response to this explanation, it's very possible that City Council will instruct the applicant to simply reduce the size of the proposed home as opposed to reducing the building setbacks.

Response: The General Project Report was attempting to indicate the physical constraint of the lots to typical homes designed by Village Homes, and which are based on extensive market research by Genesis Marketing Group. We want to provide homes in the subdivision which are of similar size, scale and quality found in surrounding subdivisions, but on reduced size lots which were platted prior to Village Homes buying the subdivision. The footprints of the homes are in the 1,300 to 1,600 square foot range, which should not be considered a large home footprint. Reduced setbacks must be allowed when designing smaller lots, but should only be reduced to a size that does not risk public safety. Our request for reduced setbacks in Beehive Estates does not risk public safety.

Reduced front yard setbacks are one of the design technique used in "New Urbanism" design. They promote neighbors to talk and visit, actually become neighbors, not just acquaintances. The reduced setback also allows the home to be closer to the street, while still providing parking for vehicles. This furthers the "New Urbanism" design by reducing the prominence of the driveway in the subdivision design. Front setbacks on all lots have been reduced to 14' for the home. Garage setbacks remain at 20' except for lots 6, 26, and 41, which have been reduced from 20' to 19'.

As noted above, Village Homes does extensive market analysis prior to designing homes. This research indicated the need for Patio Homes with the kitchen, living area, and master bedroom on the same level as the garage. Four home footprints have been developed and refined for this project, ~~however a 10% reduction in the front and rear setbacks is necessary on 13 of the 58 lots; that is, we are seeking an 18' front setback (vs. 20 feet) and a 9' rear setback (vs. 10 feet).~~ For

~~the simplicity of review at the Building Department, we want to apply these modified setbacks to all 58 lots.~~

We previously indicated that recessed garages were an architectural element we would like to achieve. Unfortunately, the existing lot depths in combination with the noted relief in setbacks still do not afford the ability to recess the garages. In lieu of recessed garages we have provided additional architectural articulation to the front facades of the homes. This includes incorporating a variety of building materials, recessed entries, porches, arches, and rooflines. We believe our commitment to the architectural styles depicted in the attached exhibit provide a unique and artistic streetscape that is equally or more effective than recessed garages. Generally speaking, the proposed architectural theme is more expensive, but it was desired to downplay the garages. As shown in the attached drawing, the streetscape is creating a “sense of place” for this subdivision that provides “prestigious homes” in an intimate neighborhood setting.

Most people still prefer the privacy and convenience of a single family detached home. However, owners do not want to provide the time and labor required to maintain a typical single-family detached lot. The correlation becomes...smaller lots require less yard maintenance for the individual homeowner, which allows more leisure and/or personal time to enjoy the benefits of living in the Grand Valley. As the “baby boomers” continue onto retirement age, the trend for smaller yards and/or yard maintenance provided by HOA’s increases, yet, most homeowners still want a certain size and scale of home. To accommodate this trend and to insure quality and continuity in the neighborhood, Village Homes will create an HOA and incorporate the maintenance of all yards (front, side and rear) and streetscapes into the HOA.

Ultimately, livability of a neighborhood design is what makes people want to buy into a new development. Enclosure, uniform streetscapes, privacy of single-family detached homes, walkability, and defensible spaces are the tools used to make a true “Neighborhood.” These are the reasons why Village Homes believes that Beehive Estates will be a successful Neighborhood with the reduced setbacks.

5. Staff has no objections to the request to vacate the drainage easement.

Response: It is our understanding that Staff has reversed their decision on this. We have maintained the 10’ drainage easement along the west boundary of this project as per the original plat. In addition, we will add the language “and drainage” to the irrigation easement along lots 1, 2, and 3.

6. Please comment on the proposed (or accomplished) name change of the subdivision. It is staff’s understanding that the name has changed from Beehive Estates to The Orchard.

Response: The applicant requests the name change to “The Orchards” from Beehive Estates. The applicant has not requested this change previously in an attempt to lessen subdivision name confusion during the review process.

7. It was staff’s understanding that the applicant was going to request that City Council deed a portion of the park site back to the applicant or subdivision HOA (when an HOA has been formed) for purposes of maintenance, in addition to the pedestrian connection from Silverado Court to Saffron Way. The General Report makes only one very brief mention

of this. What is the applicant's current intention or proposal in regards to this matter?

Response: Village Homes will form an HOA. As noted on the attached plan, the HOA will accept the maintenance of a portion of the park that is generally described as the southeast corner of the subdivision (a portion of Tract C), and the ownership and maintenance of the noted pedestrian walkway (Tract A). We understand that the park irrigation system and water rights (dedicated to the City by the original owner) are integral to the City's ownership. There are no water rights for the HOA. For this reason the HOA offers to take over the daily maintenance of mowing, fertilizing, trash pick-up, and irrigation repairs for Tracts B and that portion of Tract C described above and noted on the drawings.

In summary, in return for the relaxed front ~~and back~~ setbacks (~~10% on both~~) which require a modification to the current PD Ordinance, Village Homes will provide the creation of an HOA to:

- Maintain all the front, side, rear, and streetscapes that abut homes in this subdivision, assuring continuity and quality in the landscapes;
- Accept the maintenance of the 'difficult' park area in the SW corner of the subdivision (a portion of Tract C; see note on attached plan). If the city wants to deed this to the HOA, the HOA will need the City to continue to provide the irrigation system and pressurized irrigation water for this area;
- Accept and maintain the pedestrian walkway between Saffron Way and Silverado Court (Tract A);
- Maintain, or require maintenance by homeowners, of all fencing that abuts public or common open space;
- Maintain subdivision entry / identification signs (Tract B and an easement on Lot 6; locations noted on attached plan, details attached).

CITY DEVELOPMENT ENGINEER

3/17/06

Eric Hahn

244-1443

No comments.

Response: No additional response required.

CITY FIRE DEPARTMENT

2/22/06

Chuck Mathis

244-1473

No objections.

Response: No additional response required.

XCEL

2/27/06

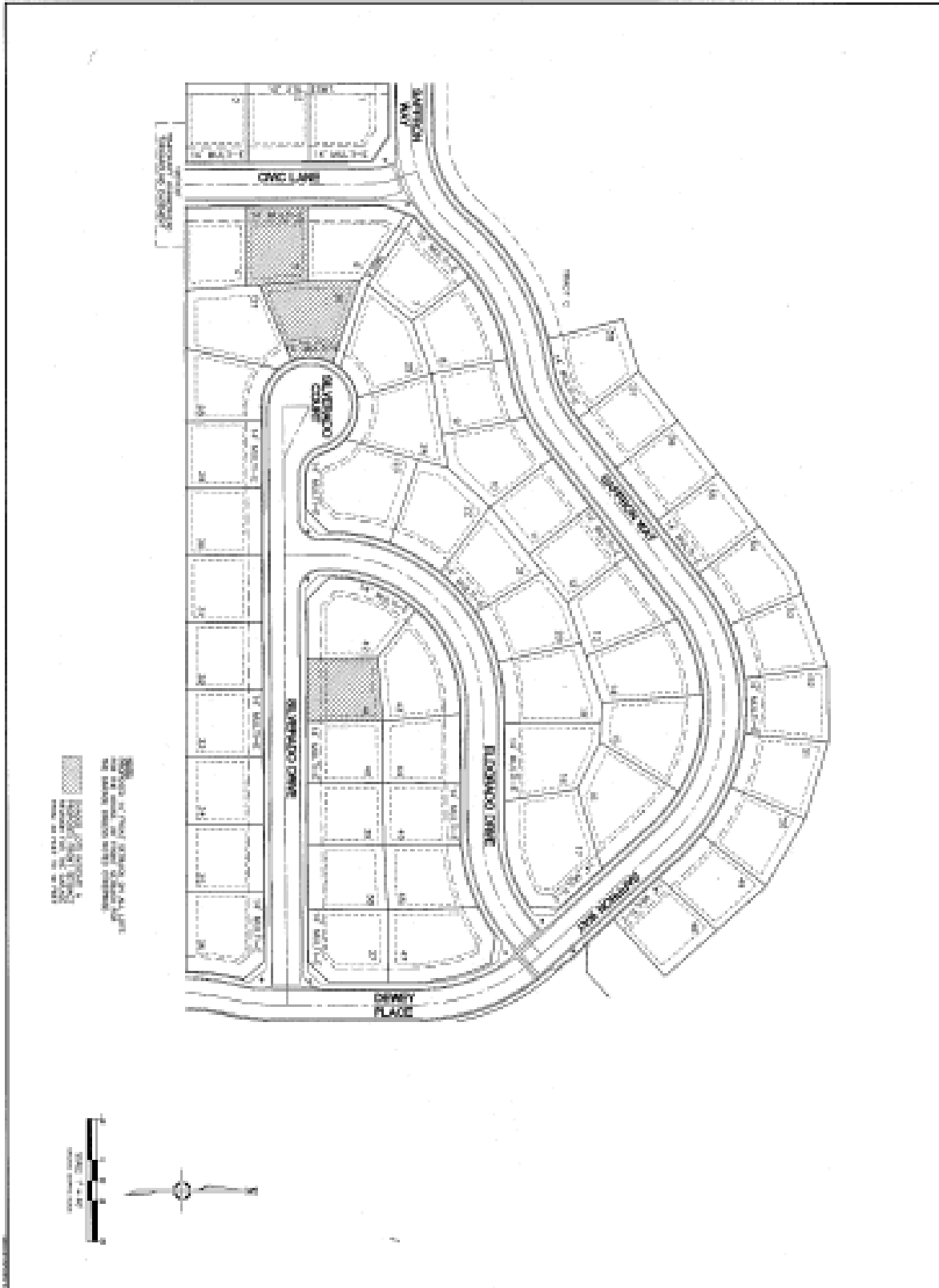
John Basford

I do not see any conflicts with this request in regards to the existing utility layout. If any re-routing or re-positioning of existing facilities will be necessary, it will be at owner's expense.

Response: No additional response required.

Comments not available as of 3/21/06:

Qwest



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE AMENDING THE ESTABLISHED SETBACKS FOR THE FUOCO
PROPERTY PLANNED DEVELOPMENT, LOCATED EAST OF DEWEY PLACE
ALSO KNOWN AS BEEHIVE ESTATES

Recitals:

Ordinance No. 3564 established the Planned Development (PD) zone district for the Fuoco property (later known as Beehive Estates). The Ordinance established RMF-8 as the default zone. The following public benefits were proposed and established as part of the ordinance:

1. Dedication of approximately 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility.
2. Public improvements of the park area to include:
 - a. An 8' trail, constructed to City standards/specifications, around the park.
 - b. Approximately 25 trees to be planted in the park with plant selections and planting plan to be approved by the City prior to planting.
 - c. Turf, established according to the Parks and Recreation department's seeding and established specifications.
 - d. Benches with concrete pads as approved by the City.
 - e. Developer to escrow approximately \$900 for park signage.
 - f. Fencing along the rear lot lines of 11 residential lots that back up to the park site.
 - g. An underground, pressurized irrigation system designed to City specifications.
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4. Conveyance of irrigation water rights to the City of Grand Junction.

The developer has completed most of the required improvements and has entered into a Development Agreement for the completion. This request for an amendment to the PD is only to modify the required setbacks of the RMF-8 default zone. RMF-8 required setbacks are 20' front, 5' side and 10' rear for principal structures. The applicant is requesting to reduce the front yard setback to 14' for the house, with the garage setback remaining at 20', except for lots 6, 26 and 41 for which the garage setback would be reduced to 19'. The establishment of these setbacks will allow for any one of their four models of homes to fit on the lots. The developer has submitted a rendering of architectural features of the proposed homes.

All of the previously established public benefits will remain. In addition, the applicant is proposing to create a Home Owners' Association (HOA) to do the following:

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- Accept and maintain the pedestrian walkway between Saffron Way and Silverado Court;
- Maintain or require maintenance by homeowners, of all fencing that abuts public or common open space;
- Maintain subdivision entry/identification signs.

The City Council finds that the request meets the requirements of Sections 2.12.C.2 and 5.4 of the Zoning and Development Code.

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

That Ordinance No. 3564 is hereby amended to allow for the following deviations from the default zone of RMF-8 (Residential Multifamily, 8 units per acre):

- Front yard setback shall be 14 feet, provided the garage is at least 20 feet from the front property line, except for lots 6, 26 and 41 for which the garage setback will be reduced to 19’.

Legal Description:

Beehive Estates Subdivision, as recorded in Plat Book 3845, Pages 25-25, Reception No. 2241066, Mesa County Clerk and Recorder.

INTRODUCED for FIRST READING and PUBLICATION this 4th day of October, 2006.

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

ATTEST:

City Clerk

President of City Council