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

WEDNESDAY, NOVEMBER 1, 2006, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Pastor Benny Lenard, Spirit of Life Christian
Church

Proclamations / Recognitions

Proclaiming November, 2006 as “Hospice and Palliative Care Month” in the City of
Grand Junction

Proclaiming November 11, 2006 as “Veteran’s Day” in the City of Grand Junction

Appointments

Ratify Appointments to the Mesa County Building Code Board of Appeals

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 1](#)
*Action: Approve the Summary of the October 16, 2006 Workshop and the Minutes
of the October 18, 2006 Special Session and October 18, 2006 Regular Meeting*
2. **Visitor and Convention Bureau Center Remodel** [Attach 2](#)
This approval request is for the construction contract for the addition and
remodel of the Visitor Center building.

Action: Authorize the City Purchasing Division to Enter into a Contract, in the Amount of \$387,000 with Classic Constructors, Inc. for the Completion of the Addition and Remodel

Staff presentation: Debbie Kovalik, VCB Director
Jay Valentine, Purchasing Manager

3. **Setting a Hearing for the Becerra Annexation, Located at 244 28 ½ Road**
[File #ANX-2006-256] [Attach 3](#)

Request to annex 1.50 acres, located at 244 28 ½ Road. The Becerra Annexation consists of one parcel and is a three part serial annexation.

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

Resolution No. 132-06 – 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, Becerra Annexation, Located at 244 28 ½ Road, Including a Portion of the 28 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 132-06*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 1, Approximately 0.01 Acres, Located Within the 28 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 2, Approximately 0.20 acres, Located Within the 28 ½ Road Right of Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 3, Approximately 1.29 Acres, Located at 244 28 ½ Road and Including a Portion of the 28 ½ Road Right-of-Way

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

Staff presentation: Adam Olsen, Associate Planner

4. **Setting a Hearing for the Humphrey Annexation, Located 412 30 ¼ Road**
[File #ANX-2006-260] [Attach 4](#)

Request to annex approximately 10.43 acres, located at 412 30 ¼ Road. The Humphrey Annexation consists of one parcel and is a three part serial annexation.

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

Resolution No. 133-06 – 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, Humphrey Annexation, Located at 412 30 ¼ Road Including a Portion of the 30 ¼ Road Right-of-Way

®Action: *Adopt Resolution No. 133-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 1, Approximately .10 Acres, Located Within the 30 ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 2, Approximately .98 Acres, Located Within the 30 ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 3, Approximately 9.35 Acres, Located at 412 30 ¼ Road

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

Staff presentation: Adam Olsen, Associate Planner

5. **Setting a Hearing for the Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road**
[GPA-2006-248] [Attach 5](#)

Request to annex 10.13 acres, located at 2814 C ¾ Road. The Pacheco-Woodbring Annexation consists of one parcel.

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

Resolution No. 134-06 – 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, Pacheco-Woodbring Annexation, Located at 2814 C $\frac{3}{4}$ Road

®Action: *Adopt Resolution No. 134-06*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Pacheco-Woodbring Annexation, Approximately 10.13 Acres, Located at 2814 C $\frac{3}{4}$ Road

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

Staff presentation: Ken Kovalchik, Senior Planner

6. Setting a Hearing for the Adoption of the Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the (PD), Planned Development Zone District, Located at 2635 North 7th Street [File #ICM-2006-005] [Attach 6](#)

Introduction of a proposed ordinance to adopt the Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the PD, Planned Development Zone District for Property Owned by St. Mary's Hospital.

Proposed Ordinance Approving the Master Plan 2005 for St. Mary's Hospital and Environs Located at 2635 North 7th Street and Re-Establishing Standards for the Planned Development (PD) Zone District for Property Owned by St. Mary's Hospital

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

Staff presentation: Scott D. Peterson, Senior Planner

7. **Setting a Hearing for Zoning the Thunderbrook Estates Annexation, Located at 3061 & 3061 ½ F ½ Road** [File #GPA-2006-238] [Attach 7](#)

Request to zone the 15.60 acre Thunderbrook Estates Annexation, located at 3061 and 3061 ½ F ½ Road, to RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Zoning the Thunderbrook Estates Annexation to RSF-4, (Residential Single Family, 4 Units Per Acre) Located at 3061 and 3061 ½ F ½ Road

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

Staff presentation: Faye Hall, Associate Planner

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

Request to zone the Fox Annexation from County RSF-4 (Residential Single Family, 4 units per acre) to RO (Residential Office).

Proposed Ordinance Zoning the Fox Annexation to RO (Residential Office), Located at 3000 F Road

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

Staff presentation: Kathy Portner, Assistant Director of Community Development

9. **Contract for Audit Services** [Attach 9](#)

A resolution authorizing a contract for audit services between the City of Grand Junction, Colorado and Chadwick, Steinkirchner, Davis, and Company, P.C. (CSD) for 2006, with renewal at the City's option for an additional three years.

Resolution No. 135-06 – A Resolution Authorizing a Contract for Audit Services between the City of Grand Junction, Colorado, and Chadwick, Steinkirchner, Davis, and Company, P.C.

®Action: Adopt Resolution No. 135-06

Staff presentation: Ron Lappi, Administrative Services and Finance Director

10. **Setting a Hearing Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds** [Attach 10](#)

The proposed ordinance authorizes the issuance of one bond in the amount of \$2,180,500 with it maturing December 22, 2007.

Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2006, Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Revenue Bonds

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

Staff presentation: Ron Lappi, Administrative Services and Finance Director

11. **Change Order #5 to the Contract for the Duck Pond Park Lift Station Elimination Project** [Attach 11](#)

The work defined by change order #5 includes relocation of an existing sewer line, allowing for installation of an additional girder line on the Highway 50 Bridge crossing the Colorado River. Construction of the girder is part of Phase 3 of the Riverside Parkway project. The existing sewer line that hangs under the bridge is in conflict with this girder line and will need to be moved. Re-routing the flow to the Duck Pond project is the most cost effective way to accomplish this task.

Action: Authorize the City Manager to Approve Contract Change Order #5 to the Duck Pond Park Life Station Elimination Project in the Amount of \$137,647.00 with Mendez, Inc., for Relocating the Existing Sewer Line Crossing the Colorado River on the Highway 50 Bridge

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Lease of City Owned Parking Lot at 2nd and Pitkin Avenue** [Attach 12](#)

Commencing in October 2003, the City began leasing the lot it owns on the corner of 2nd and Pitkin to Simmons Lock and Key ("Simmons"), 322 S. 2nd. Because the parcel may be required for future improvements at the curve of Pitkin Avenue, selling the property is not an option. City Council is asked to approve the City Manager entering into another lease with similar terms as the

first with the option for renewal of the lease over the next three years. The City retains the right to terminate the lease upon 30 days notice.

Resolution No. 136-06 – A Resolution Authorizing the Lease of a City Owned Lot at 2nd and Pitkin Avenue by Simmons Lock and Key, Inc.

®Action: Adopt Resolution No. 136-06

Staff presentation: John Shaver, City Attorney

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

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

13. **Public Hearing – Rezone and Outline Development Plan 1st and Patterson Planned Development** [File #ODP-2005-309] [Attach 13](#)

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.

Ordinance No. 3981 - 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

Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3981

Staff presentation: Kathy Portner, Assistant Director of Community Development

14. **Conduct a Hearing to Appeal a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive** [File #PP-2005-226] [Attach 14](#)

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Action: Review and Decide on the Appeal

Staff presentation: Kathy Portner, Assistant Director of Community Development

15. **Public Hearing – Baldwin Annexation and Zoning, Located at 2102 and 2108 Highway 6 and 50** [File #ANX-2006-182] [Attach 15](#)

Request to annex and zone 3.19 acres, located at 2102 and 2108 Highway 6 and 50, to I-1 (Light Industrial). The Baldwin Annexation consists of two parcels.

a. Accepting Petition

Resolution No. 137-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Baldwin Annexation #1 and #2, Located at 2102 and 2108 Highway 6 and 50 and a Portion of the Highway 6 and 50 Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3982 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #1, Approximately .10 Acres, Located at 2102 and 2108 Highway 6 and 50, Within the Highway 6 and 50 Right-of-Way

Ordinance No. 3983 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #2, Approximately 3.09 Acres, Located at 2102 and 2108 Highway 6 and 50 and a Portion of the Highway 6 and 50 Right-of-Way

c. Zoning Ordinance

Ordinance No. 3984 - An Ordinance Zoning the Baldwin Annexation to I-1, (Light Industrial), Located at 2102 and 2108 Highway 6 and 50

®Action: Adopt Resolution No. 137-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3982, 3983, and 3984

Staff presentation: Faye Hall, Associate Planner

16. **Public Hearing – Thunderbrook Estates Growth Plan Amendment, Located at 3061 ½ F ½ Road** [File #GPA-2006-238] [Attach 16](#)

Request to amend the Growth Plan, to change the Future Land Use Designation from Public to Residential Medium Low for one parcel consisting of approximately 11.06 acres.

Resolution No. 138-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 11.06 Acres, Located at 3061 ½ F ½ Road, From Public to Residential Medium Low

®Action: Adopt Resolution No. 138-06

Staff presentation: Faye Hall, Associate Planner

17. **Non-Scheduled Citizens & Visitors**
18. **Other Business**
19. **Adjournment**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
October 16, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, October 16th, 2006 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and Council President Jim Doody. Absent was Councilmember Jim Spehar.

Mark Relph, Public Works and Utilities Director, introduced his three new employees with the Public Works Department.

Police Chief Bill Gardner introduced his new Telecommunication Staff, Administrative Assistant to the Chief, and Police Officers.

Summaries and action on the following topics:

1. **ANNUAL WATER ISSUES UPDATE:** The City's Water Attorney Jim Lochhead will review current water issues with the City Council.

John Shaver, City Attorney, introduced Attorney Jim Lochhead and gave his background with the City and the water operations. Mr. Lochhead gave an overview of how much water Colorado has allocated and how the water is administered. He explained how Lake Powell serves as a backup in case of a drought to allocate water to the lower basin states. He described the meaning of lower basin and upper basin states and discussed water efficiency and water shortage, along with obligations and negotiations with the upper and lower basin states and how it affects Colorado. He explained the demands, what is left to develop, and the unresolved legal questions.

Council questioned if there is a way to bring everything into alignment regarding the allocation of water in case of a shortage and the technology in desalination and cloud seeding. Mr. Lochhead explained some different areas that were working with both of these techniques.

Action Summary: City Attorney Shaver asked Council to let him know if there are any questions in the future for Mr. Lochhead as he would address Mr. Lochhead with those questions.

Council President called a recess at 8:35 p.m.

The meeting reconvened at 8:45 p.m.

2. **STATUS/IMPACT OF CURRENT CONSTRUCTION COSTS AND BALANCING THE CITY'S CAPITAL IMPROVEMENT PROGRAM:** Administrative Services and Finance Director Ron Lappi will review, along with other Department Directors, the rebalancing for the 2006/2007 Budget Year and the Ten Year Capital Plan due to increased costs.

David Varley, Interim City Manager, gave an introduction to Council regarding the off-year and explained what the City does with minor adjustments to the budget and how to adapt with those changes.

Mark Relph, Public Works and Utilities Director, gave a brief background regarding the magnitude of the changes and suggested to bring the Capital Improvement Program (CIP) back into realistic ranges. Mr. Relph said with the cost of inflation, money is just worth less right now and said twenty-one projects were moved or moved out of the CIP 10 year plan.

Ron Lappi, Administrative Services and Finance Director, gave an overview of the proposed capital changes in various funds and also reviewed the escalating costs over the next 10 years.

Trent Prall, Public Works and Utilities Engineering Manager, explained the significant revenues regarding the long and short term projects of the Transportation Capacity Payments (TCP). He gave an overview regarding additions and monies that were increased for the projects that were shifted in the 10 year plan.

Council agreed that the City needs to look at the big picture in the near future regarding the entire infrastructure due to all the cost increases and lack of funding from the state level.

Mr. Varley thanked Lanny Paulson, Budget and Accounting Manager, and Trent Prall, Public Works and Utilities Engineering Manager, for all of their hard work on these projections.

Action Summary: Council asked for more information at the Council Workshop on October 30th regarding the figures of where the City is now and where the City is projected to be regarding the increase and escalating costs for the budget over the next 10 years.

ADJOURN

The meeting adjourned at 10:14 p.m.

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

OCTOBER 18, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, October 18, 2006 at 11:00 a.m. at Two Rivers Convention Center, 159 Main Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, and Gregg Palmer. Also present was Claudia Hazelhurst, HR Manager, and Phil McKenney, the consultant with Peckham and McKenney. Mayor Jim Doody entered the meeting at 11:15 a.m. Absent were Councilmembers Jim Spehar and Doug Thomason.

Councilmember Bruce Hill called the meeting to order and moved to go into executive session for discussion of personnel matters under section 402 (4)(f) (l) of the open meetings law regarding the City Manager selection and stated they will not be returning to open session. Councilmember Gregg Palmer seconded the motion. The motion carried.

The City Council convened into executive session at 11:08 a.m.

Juanita Peterson, CMC
Deputy City Clerk

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

October 18, 2006

The City Council of the City of Grand Junction convened into regular session on the 18th day of October 2006, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, and President of the Council Jim Doody. Absent was Councilmember Doug Thomason. Also present were Interim City Manager David Varley, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Doody called the meeting to order. Councilmember Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by Rob Storey, River of Life Alliance Church.

Citizen Comments

There were none.

CONSENT CALENDAR

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

Councilmember Hill commented what a great job the Horizon Drive Business Improvement District has done with their taxes and also recognized the Downtown Grand Junction Business Improvement District for their cohesive group and how they have been working together with the City.

It was moved by Councilmember Coons, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #9. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

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**

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

3. **Downtown Grand Junction Business Improvement District Operating Plan and Budget**

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

4. **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 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

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

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

c. 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

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]

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

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]

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

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

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

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Columbine Park Infill/Redevelopment Financial Assistance Request

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.

Sheryl Trent, Interim Community Development Director, reviewed this item. She said this is a completed project and this request is for an incentive through the Infill and Redevelopment Program. In the original application the amount requested was for \$51,227.48. Today, there was an additional letter which was submitted to Council which shows there were additional bills that came in after the original application was submitted for an additional \$5,213. Ms. Trent said when Mr. Perry started this process; the City was adopting the policy and said he was told by Staff that he should wait to submit an application. She said in the Staff's file there are notes that indicate a discussion was held about applying for the incentives. She said Staff finds the request meets the criteria and recommends that City Council approve the request based on actual costs expended. Ms. Trent suggested that the request not to exceed \$60,000 and said Mr. Perry, the developer, is present to answer any questions.

Councilmember Spehar questioned if, in the past, has the City refunded 100% of the Infill Redevelopment requests for improvements. Ms. Trent said there have been two that were approved at 100% of the costs. Councilmember Spehar questioned if the improvements that were completed for the Columbine Park Court were required by the Zoning and Development Code. Ms. Trent said yes, they were.

Councilmember Hill questioned if the City helped with underground utilities. Ms. Trent said yes, the main waterline.

Council President Doody asked if the applicant would like to address Council.

Tony Perry, 420 Montero Street, developer of the Columbine Park Subdivision, said the request is for 70% of the original cost of the development whereas most of the requests are for 100% reimbursement. Mr. Perry said this subdivision is an enhancement to the neighborhood and said the subdivision has been well received from the local neighbors in the area.

Councilmember Spehar questioned if the main entrance into the subdivision consisted of the two curb cut driveways that were eliminated. Mr. Perry said that is correct. Council President Doody asked Ms. Trent if the budgeted amount for the Infill Redevelopment Funding is \$250,000. Ms. Trent said that is correct.

Councilmember Spehar said he is familiar with this property and that he feels there should be some consideration because of the confusion of Mr. Perry having to wait until now.

Councilmember Coons agreed and wanted to encourage developers to use this program.

Councilmember Spehar said he is comfortable with the request, but is not comfortable with the requested amount.

Councilmember Hill said each one of these developments that the City has given money to have all been so different from each other and said this is not an easy process. He has concerns of giving \$50,000 or \$60,000 per project, because that would mean funding would only be given to 5 projects per year.

Council President Doody said that he is glad to see this program is being utilized throughout the City of Grand Junction and not just in the downtown area. He feels this program would work well for some developers up on Orchard Mesa. Councilmember Hill agreed.

Councilmember Spehar inquired about the twelve questions in the application, are those criteria that the City established in the original program and is that why they are on this application. Ms. Trent stated that is correct. Councilmember Spehar said he understands the discussion that took place, but feels this request is a stretch for this program. He said several of the answers to the questions state that there is no mixture of uses, it is not part of an economic development plan, there are no historic structures, and it does not go beyond the Code requirements. He said that he would like to see this program be more utilized, but feels that the program needs to be reviewed.

Councilmember Coons asked Ms. Trent how many applications has the City received for this program altogether. Ms. Trent said fewer than twenty applications were received and that includes the three that have already been approved and there are four more that will be brought to Council within the next two months.

Councilmember Palmer moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision in the amount of \$19,957.18 for the off site drainage improvements. Councilmember Spehar seconded the motion. Motion failed with Councilmembers Hill, Beckstein, and Council President Doody voting NO.

Councilmember Beckstein moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision for an amount not to exceed \$60,000. Councilmember Coons seconded the motion. Motion failed with Councilmembers Hill, Palmer, and Spehar voting NO.

Ms. Trent reviewed the list of additional figures regarding the off site drainage improvements. She said if Council would like to direct the reimbursement go to the off site drainage improvements for an amount not to exceed \$25,000 to pay for the additional costs, then that would allow some leeway for the verification of the bills to make sure they are related to the off site drainage improvements before any reimbursement is given to the developer for those fees.

Councilmember Spehar moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision for an amount not to exceed \$25,000. Councilmember Coons seconded the motion. Motion failed with Councilmembers Hill, Beckstein, and Council President Doody voting NO.

Council President Doody said in reviewing this particular package, he would be in favor of the \$51,227.48, which was the original amount requested.

Councilmember Beckstein questioned Ms. Trent about how Staff came up with the amount that is being requested and also how many Staff members review the criteria to make sure that the requested amount is in compliance with the Infill and Redevelopment Program. Ms Trent said there are three Staff members and herself that review the information that is given from the developer. Councilmember Beckstein questioned if this subdivision in fact enhanced this particular area. Ms. Trent said yes, this subdivision does have a positive effect for this area.

Mr. Perry said the development of this subdivision benefited the City along 28 Road. He said with the drainage improvements that was placed around the subdivision, it reduced the drainage flow into the 28 Road drainage system by 30%. He said the drainage improvements that were required and were approved by the City is that those improvements be placed around the subdivision. He reviewed other enhancements that were required by the City such as the entrance into the subdivision and leaving an access road for future developments located to the north of the subdivision. He feels that this subdivision has enhanced the area.

Councilmember Hill moved to reimburse the developer for the work that was completed for the City and also pay a portion of the off site drainage system for a total amount of \$10,000. There was no second. Motion failed.

Councilmember Spehar moved to reimburse the developer \$3,000 for the work that was completed for the City and also to approve the Infill and Redevelopment Incentives for the Columbine Park Subdivision in the amount of \$25,000 for a total amount not to exceed \$28,000. Councilmember Beckstein seconded the motion. Motion carried with Councilmember Hill voting NO.

Public Hearing – 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).

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

Adam Olsen, Associate Planner, reviewed this item. He described the location and the site and said the property owners are requesting a rezone of RMF-8 to match the zoning of the surrounding property. Mr. Olsen said the owners and Zeck Homes have expressed an interest in developing the property at an RMF-8 density and said a simple subdivision application is being processed concurrently with this rezone request to shift the property lines of the subject property. Mr. Olsen said the Planning Commission recommends

approval of the requested rezone and said the request is consistent with the Future Land Use Designation of Residential Medium (4-8 du/ac).

Rebecca Zeck with Zeck Homes, located at 1950 Hwy. 6 & 50, representing the Holley family (the property owners of 2936 D ½ Road), said the owners came to Zeck Homes and requested to adjust their property lines to make their property more square instead of long and narrow. She said in order to complete their request, this property has to be zoned the same as the surrounding area which is RMF-8.

There were no additional public comments.

The public hearing was closed at 8:09 p.m.

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

Councilmember Palmer moved to adopt Ordinance No. 3978 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – 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 acre) to B-1 (Neighborhood Business).

The public hearing was opened at 8:11 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the site. She said the subject property was annexed in February of 1977 with the Patterson Road Enclave and was zoned R-1-A, which would allow only one single family residence per parcel. She said there was a change in the zoning designations in 1981 and said R-1-A became what is now our current RSF-4 zone district. Ms. Edwards said in 1997 the map underwent revisions and this area was changed to RSF-5. She said in 2000 the City adopted a revised Zoning and Development Code which changed RSF-5 to RMF-5. She said the request is for B-1 zoning which would allow various neighborhood businesses, as long as all site development was in conformance with the Zoning and Development Code. Ms. Edwards said Staff and the Planning Commission recommends approval and that the requested rezone is consistent with the Growth Plan.

Dan Wilson, Attorney representing the applicant, encouraged Council to approve the requested rezone.

There were no additional public comments.

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

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

Councilmember Spehar moved to adopt Ordinance No. 3979 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – 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.

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

Sheryl Trent, Interim Community Development Director, reviewed this item. She described the location and the current uses. Ms. Trent said the property was annexed into the City on August 6, 2000 as part of the G Road South Annexation and in 2003 the property was rezoned as Planned Development with a default zone of RMF-8 for the proposed development, then known as Fuoco Estates. She said the request is to amend the front yard setbacks and said Staff recommends approval.

Councilmember Hill said this is a very nice and unique development and encourages other developers to come forward with more requests like this. The rest of Council agreed with Councilmember Hill's comments.

There were no public comments.

The public hearing was closed at 8:26 p.m.

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

Councilmember Beckstein moved to adopt Ordinance No. 3980 on Second Reading and ordered it published. Councilmember Coons 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 8:28 p.m.

Juanita Peterson, CMC
Deputy City Clerk

Attach 2

Visitor and Convention Bureau Center Remodel

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-------------------------------------|--|----------------------|-----|----------------|---------------------------------|
| Subject | Visitor Center Addition and Remodel | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 19, 2006 | | | | | |
| Author | Scott Hockins | Senior Buyer | | | | |
| Presenter Name | Debbie Kovalik Jay Valentine | Visitor & Convention Bureau Director Purchasing Manager | | | | |
| 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 approval request is for the construction contract for the addition and remodel of the Visitor Center building.

Budget: A budget amount of \$425,000 has been allocated in the Visitor and Convention Bureau's Capital Improvement budget.

Action Requested/Recommendation: Authorize the City Purchasing Division to enter into a contract, in the amount of \$387,000 with Classic Constructors, Inc. for the completion of the addition and remodel.

Attachments: N/A

Background Information: The project consists of an addition of approximately 1,190 square feet of office space. The project also includes some remodeling of the existing office and storage spaces, relocating and upgrading the mechanical system, and relocating and upgrading the electrical/communications services to the building and within the entire office area. The solicitation was advertised in The Daily Sentinel, and sent to a source list of contractors including the Western Colorado Contractors Association (WCCA). The three companies submitted formal bids in the following amounts:

- Classic Constructors, Inc., Grand Junction \$387,000
- J. Dyer Construction, Inc., Grand Junction \$407,458

- PNCI Construction, Inc., Grand Junction \$485,843

Attach 3

Setting a Hearing for the Becerra Annexation, Located at 244 28 ½ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|-----------------|---|----------------------|-------------------|--------------------|----------------|---------------------------------|
| Subject | | Becerra Annexation - Located at 244 28 ½ Road | | | | | |
| Meeting Date | | November 1, 2006 | | | | | |
| Date Prepared | | October 26, 2006 | | | File #ANX-2006-256 | | |
| 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 | | X | Consent | Individual Consideration |

Summary: Request to annex 1.50 acres, located at 244 28 ½ Road. The Becerra Annexation consists of one parcel and is a three part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Becerra 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: | | 244 28 ½ Road | | | |
| Applicants: | | Guadalupe Becerra-Owner Armand Hughes-Representative | | | |
| Existing Land Use: | | Residential | | | |
| Proposed Land Use: | | Residential | | | |
| Surrounding Land Use: | North | Residential | | | |
| | South | Residential | | | |
| | East | Residential | | | |
| | West | Residential | | | |
| Existing Zoning: | | RSF-4 | | | |
| Proposed Zoning: | | RSF-4 | | | |
| Surrounding Zoning: | North | RSF-4 (County) | | | |
| | South | RSF-4 (County) | | | |
| | East | RSF-4 (County) | | | |
| | West | RSF-4 (County) | | | |
| Growth Plan Designation: | | RML (Residential Medium Low 2-4 du/ac) | | | |
| Zoning within density range? | | x | Yes | | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.50 acres of land and is comprised of one parcel and is a three part serial annexation. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

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

The following annexation and zoning schedule is being proposed.

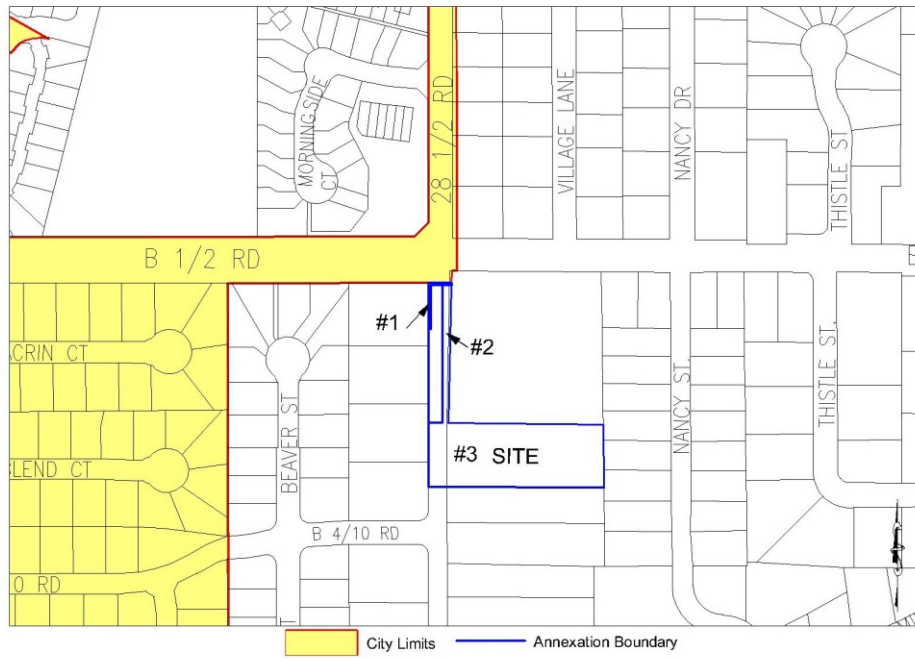
| <i><u>ANNEXATION SCHEDULE</u></i> | |
|-----------------------------------|---|
| November 1, 2006 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| November 14, 2006 | Planning Commission considers Zone of Annexation |
| November 15, 2006 | Introduction 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 |

BECERRA ANNEXATION SUMMARY

| | | |
|---------------------------------------|----------------------------------|-------------------------|
| File Number: | ANX-2006-256 | |
| Location: | 244 28 ½ Road | |
| Tax ID Number: | 2943-304-00-109 | |
| Parcels: | 1 | |
| Estimated Population: | 2 | |
| # of Parcels (owner occupied): | 1 | |
| # of Dwelling Units: | 1 | |
| Acres land annexed: | 1.50 | |
| Developable Acres Remaining: | ±1 acre | |
| Right-of-way in Annexation: | ±.5 acre | |
| Previous County Zoning: | RSF-4 | |
| Proposed City Zoning: | RSF-4 | |
| Current Land Use: | Residential | |
| Future Land Use: | Residential | |
| Values: | Assessed: | \$11,430 |
| | Actual: | \$143,560 |
| Address Ranges: | 244 28 ½ Road | |
| Special Districts: | Water: | Ute |
| | Sewer: | Orchard Mesa Sanitation |
| | Fire: | GJ Rural |
| | Irrigation/ Drainage: | Orchard Mesa |
| | School: | District 51 |
| | Pest: | Grand River Mosquito |

Site Location Map

Figure 1



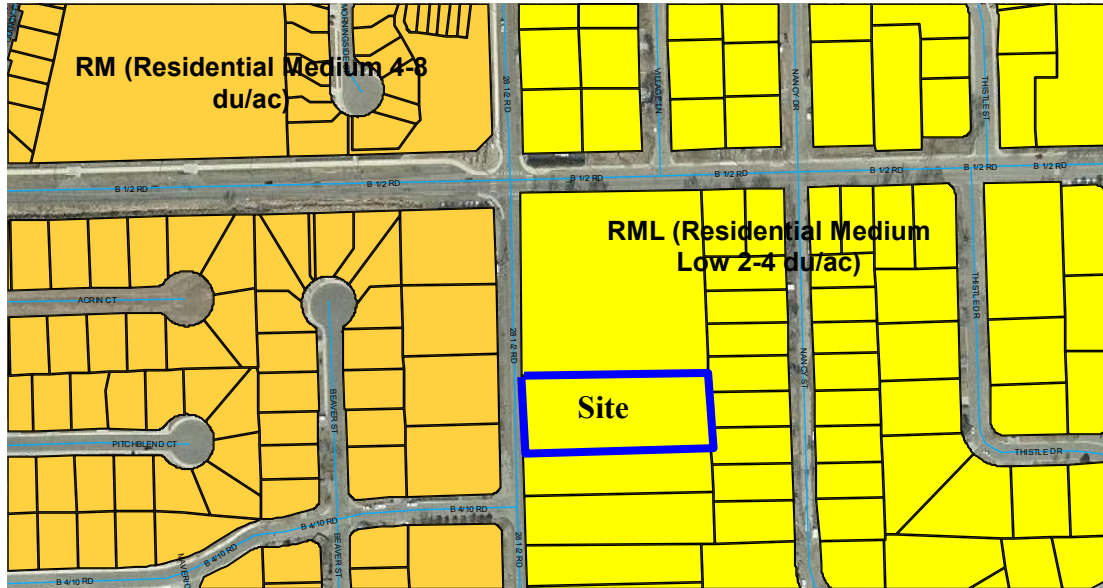
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of November, 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**

BECERRA ANNEXATION

**LOCATED AT 244 28 ½ ROAD; INCLUDING A PORTION OF THE 28 ½ ROAD
RIGHT-OF-WAY**

WHEREAS, on the 1st day of November, 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:

BECERRA ANNEXATION NO. 1

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

BEGINNING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears N00°04'16"E; thence S89°54'25"E a distance of 50.00 feet along the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126 to a point on the West line of that certain parcel of land as described in Book 2275, Pages 724-725, Public Records of Mesa County, Colorado; thence S00°04'16"W along said West line a distance of 5.00 feet; thence N89°54'25"W along a line being 5.00 feet South of and parallel with the South line of said Armantrout Annexation No. 3, a distance of 45.00 feet; thence S00°04'16"W along a line being 5.00 feet East of and parallel with the East line of said Lot 1, a distance of 95.00 feet; thence N89°54'25"W a distance of 5.00 feet to a point on the East line of said Lot 1; thence N00°04'16"E along the East line of said Lot 1 a distance of 100.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (725 square feet), more or less, as described.

BECERRA ANNEXATION NO. 2

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

COMMENCING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears S00°04'16"W; thence S00°04'16"W along said East line a distance of 100.00 feet to the Point of Beginning; thence N89°54'25"E a distance of 5.00 feet; thence N00°04'16"E along a line being 5.00 feet East of and parallel with the East line of said Lot 1 a distance of 95.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence S89°54'25"E along said parallel line a distance of 25.00 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 30; thence S00°04'16"W along the East line of said NE 1/4 SW 1/4 a distance of 305.00 feet; thence S89°56'27"W a distance of 30.00 feet to a point on the East line of said Orchard Villas Subdivision; thence N00°04'16"E along said East line a distance of 210.08 feet, more or less, to the Point of Beginning.

Said parcel contains 0.20 acres (8,676 square feet), more or less, as described.

BECERRA ANNEXATION NO. 3

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

COMMENCING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears S00°04'16"W; thence S00°04'16"W along said East line a distance of 310.08 feet to the Point of Beginning; thence N89°56'27"E a distance of 30.00 feet to a point on West line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4); thence N00°04'16"E along said West line a distance of 305.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence S89°54'25"E along said parallel line a distance of 20.00 feet to a point on the West line of that certain parcel of land as described in Book 2275, Pages 724-725, Public Records of Mesa County, Colorado; thence S00°04'16"W along said West line a distance of 304.95 feet to the Southwest corner of said parcel; thence N89°56'27"E along the South line of said parcel a distance of 330.00 feet to the Southeast corner of said parcel; thence S00°04'16"W along the East line of that certain parcel of land as described in Book 3878, Page 758, Public Records of Mesa County, Colorado and the West line of Logan Addition to the Morrison Subdivision, as same is

recorded in Plat Book 7, Page 28, Public Records of Mesa County, Colorado, a distance of 132.00 to the Southeast corner of said parcel; thence S89°56'27"W along the South line of said parcel a distance of 380.00 feet to a point on the East line of said Orchard Villas Subdivision; thence N00°04'16"E along said East line a distance of 132.00 feet, more or less, to the Point of Beginning.

Said parcel contains 1.29 acres (56,259 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> |
|------------------------|
| November 3, 2006 |
| November 10, 2006 |
| November 17, 2006 |
| November 24, 2006 |

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BECERRA ANNEXATION NO. 1

APPROXIMATELY 0.01 ACRES

LOCATED WITHIN THE 28 ½ ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of November, 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:

BECERRA ANNEXATION NO. 1

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

BEGINNING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears N00°04'16"E; thence S89°54'25"E a distance of 50.00 feet along the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126 to a point on the West line of that certain parcel of land as described in Book 2275, Pages 724-725, Public Records of Mesa County,

Colorado; thence S00°04'16"W along said West line a distance of 5.00 feet; thence N89°54'25"W along a line being 5.00 feet South of and parallel with the South line of said Armantrout Annexation No. 3, a distance of 45.00 feet; thence S00°04'16"W along a line being 5.00 feet East of and parallel with the East line of said Lot 1, a distance of 95.00 feet; thence N89°54'25"W a distance of 5.00 feet to a point on the East line of said Lot 1; thence N00°04'16"E along the East line of said Lot 1 a distance of 100.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (725 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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BECERRA ANNEXATION NO. 2

APPROXIMATELY 0.20 ACRES

LOCATED WITHIN THE 28 ½ ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of November, 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:

BECERRA ANNEXATION NO. 2

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

COMMENCING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears S00°04'16"W; thence S00°04'16"W along said East line a distance of 100.00 feet to the Point of Beginning;

thence N89°54'25"E a distance of 5.00 feet; thence N00°04'16"E along a line being 5.00 feet East of and parallel with the East line of said Lot 1 a distance of 95.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence S89°54'25"E along said parallel line a distance of 25.00 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 30; thence S00°04'16"W along the East line of said NE 1/4 SW 1/4 a distance of 305.00 feet; thence S89°56'27"W a distance of 30.00 feet to a point on the East line of said Orchard Villas Subdivision; thence N00°04'16"E along said East line a distance of 210.08 feet, more or less, to the Point of Beginning.

Said parcel contains 0.20 acres (8,676 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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BECERRA ANNEXATION NO. 3

APPROXIMATELY 1.29 ACRES

**LOCATED AT 244 28 ½ ROAD AND INCLUDING A PORTION OF THE 28 ½ ROAD
RIGHT-OF-WAY**

WHEREAS, on the 1st day of November, 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:

BECERRA ANNEXATION NO. 3

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

COMMENCING at the Northeast corner of Lot 1, Block 1 of Orchard Villas Subdivision, as same is recorded in Plat Book 11, Page 209, Public Records of Mesa County, Colorado and assuming the East line of said Lot 1 bears S00°04'16"W; thence S00°04'16"W along said East line a distance of 310.08 feet to the Point of Beginning;

thence N89°56'27"E a distance of 30.00 feet to a point on West line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4); thence N00°04'16"E along said West line a distance of 305.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence S89°54'25"E along said parallel line a distance of 20.00 feet to a point on the West line of that certain parcel of land as described in Book 2275, Pages 724-725, Public Records of Mesa County, Colorado; thence S00°04'16"W along said West line a distance of 304.95 feet to the Southwest corner of said parcel; thence N89°56'27"E along the South line of said parcel a distance of 330.00 feet to the Southeast corner of said parcel; thence S00°04'16"W along the East line of that certain parcel of land as described in Book 3878, Page 758, Public Records of Mesa County, Colorado and the West line of Logan Addition to the Morrison Subdivision, as same is recorded in Plat Book 7, Page 28, Public Records of Mesa County, Colorado, a distance of 132.00 to the Southeast corner of said parcel; thence S89°56'27"W along the South line of said parcel a distance of 380.00 feet to a point on the East line of said Orchard Villas Subdivision; thence N00°04'16"E along said East line a distance of 132.00 feet, more or less, to the Point of Beginning.

Said parcel contains 1.29 acres (56,259 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 4

Setting a Hearing for the Humphrey Annexation, Located at 412 30 ¼ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|----------------------|-------------------|--------------------|----------------|---------------------------------|
| Subject | Humphrey Annexation - Located at 412 30 ¼ Road | | | | | | |
| Meeting Date | November 1, 2006 | | | | | | |
| Date Prepared | October 26, 2006 | | | | File #ANX-2006-260 | | |
| 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 | | X | Consent | Individual Consideration |

Summary: Request to annex approximately 10.43 acres, located at 412 30 ¼ Road. The Humphrey Annexation consists of one parcel and is a three part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Humphrey Annexation and introduce the proposed Ordinance and set a hearing for December 6th, 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: | | 412 30 ¼ Road | | | |
| Applicants: | | Robert & Susan Humphrey-Owners Redlands Development-Developer Ciavonne Roberts & Assoc.-Representative | | | |
| Existing Land Use: | | Residential/Agriculture | | | |
| Proposed Land Use: | | Residential | | | |
| Surrounding Land Use: | North | Residential | | | |
| | South | Residential | | | |
| | East | Residential | | | |
| | West | Residential | | | |
| Existing Zoning: | | PD (10.4 du/ac County) | | | |
| Proposed Zoning: | | RMF-8 | | | |
| Surrounding Zoning: | North | PD (6.5 du/ac County) | | | |
| | South | PD (5.3 du/ac County) | | | |
| | East | PD (5.2 du/ac County) | | | |
| | West | RSF-R (County) | | | |
| Growth Plan Designation: | | RM (Residential Medium 4-8 du/ac) | | | |
| Zoning within density range? | | x | Yes | | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.43 acres of land and is comprised of one parcel and is a three part serial annexation. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

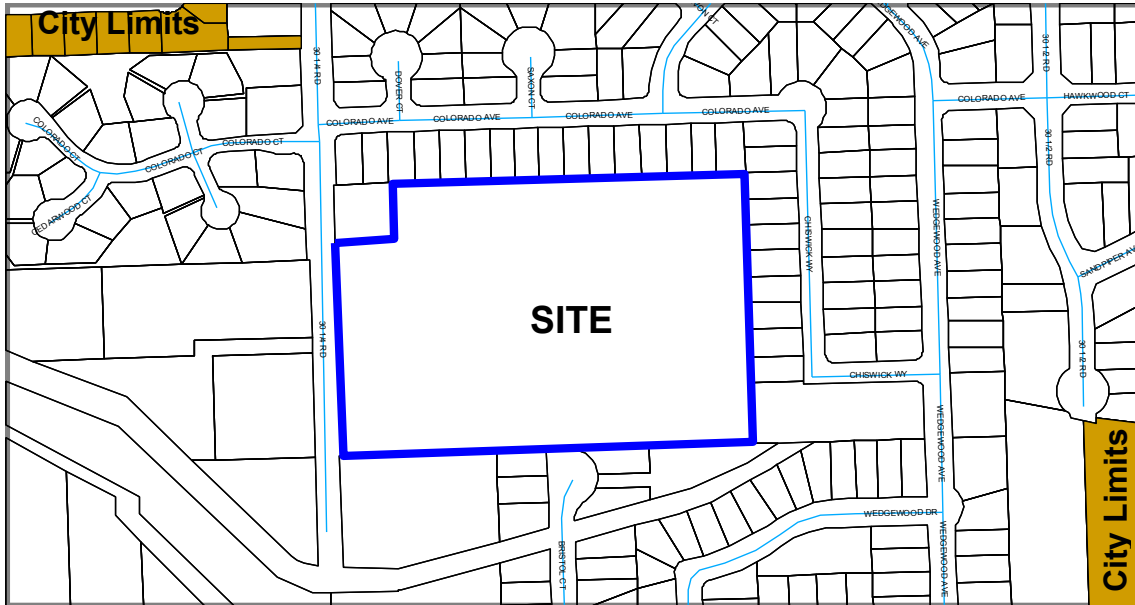
| <u><i>ANNEXATION SCHEDULE</i></u> | |
|-----------------------------------|---|
| November 1, 2006 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| November 14, 2006 | Planning Commission considers Zone of Annexation |
| November 15, 2006 | Introduction 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 |

HUMPHREY ANNEXATION SUMMARY

| | | |
|---------------------------------------|----------------------------------|-------------------------|
| File Number: | ANX-2006-260 | |
| Location: | 412 30 ¼ Road | |
| Tax ID Number: | 2943-163-00-189 | |
| Parcels: | 1 | |
| Estimated Population: | 2 | |
| # of Parcels (owner occupied): | 1 | |
| # of Dwelling Units: | 1 | |
| Acres land annexed: | 10.43 | |
| Developable Acres Remaining: | 9.35 | |
| Right-of-way in Annexation: | 1.08 | |
| Previous County Zoning: | PD (10.4 du/ac County) | |
| Proposed City Zoning: | RMF-8 | |
| Current Land Use: | Residential/Agriculture | |
| Future Land Use: | Residential | |
| Values: | Assessed: | \$22,280 |
| | Actual: | \$173,120 |
| Address Ranges: | 412-418 30 ¼ Road | |
| Special Districts: | Water: | Clifton Water |
| | Sewer: | Central Grand Valley |
| | Fire: | Clifton Fire |
| | Irrigation/ Drainage: | Grand Junction Drainage |
| | School: | District 51 |
| | Pest: | Grand River Mosquito |

Site Location Map

Figure 1



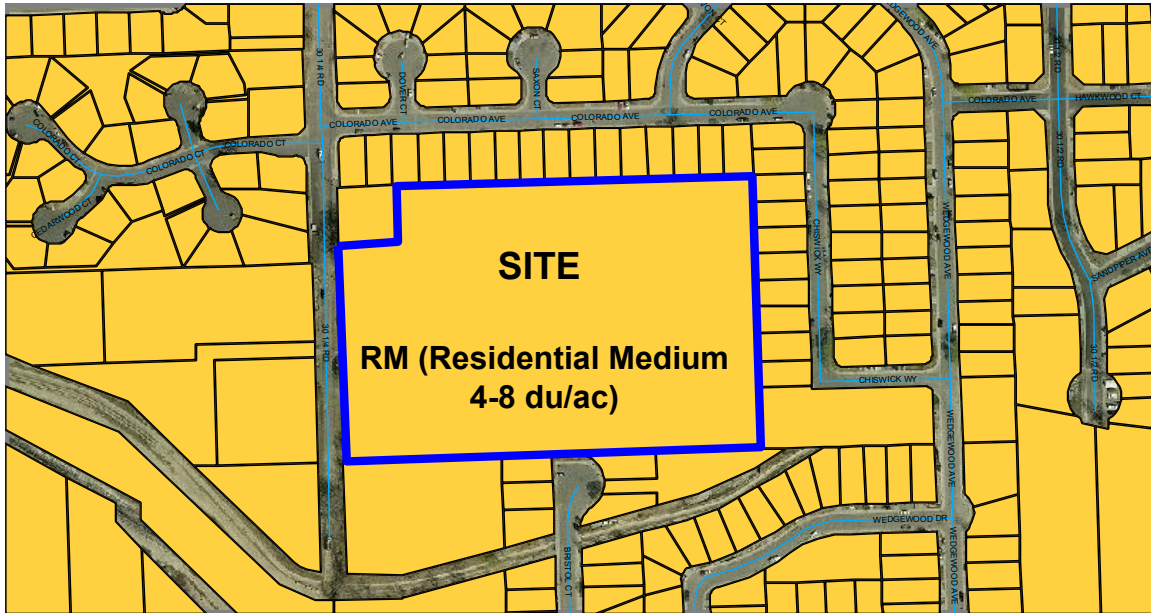
Aerial Photo Map

Figure 2



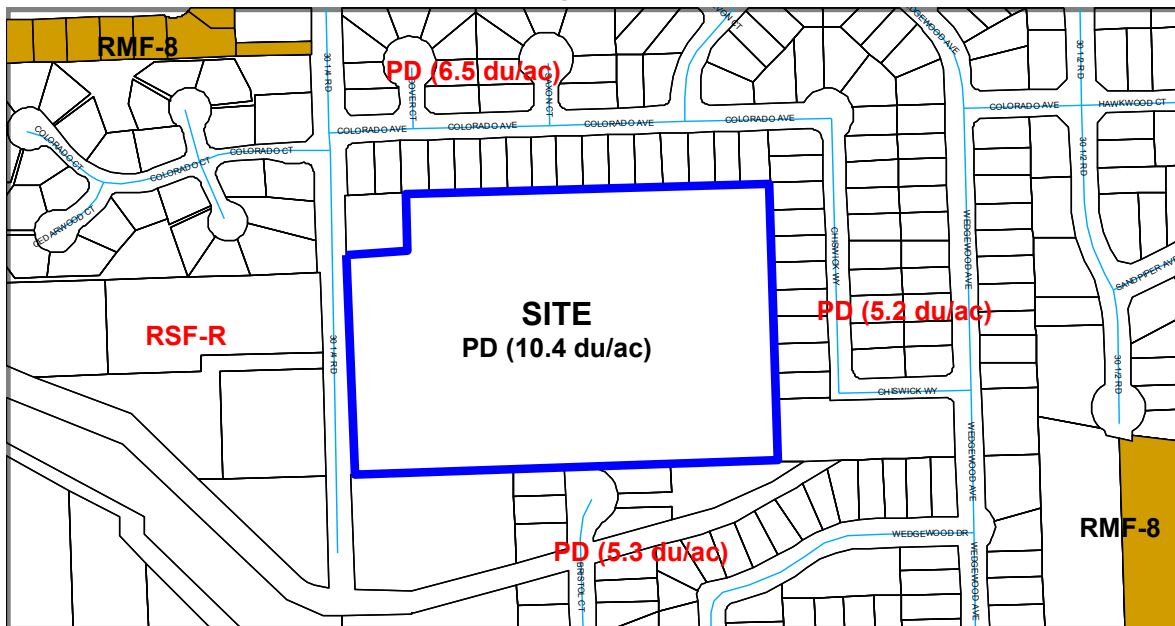
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of November, 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**

HUMPHREY ANNEXATION

**LOCATED AT 412 30 ¼ ROAD INCLUDING A PORTION OF THE 30 ¼ ROAD
RIGHT-OF-WAY**

WHEREAS, on the 1st day of November, 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:

HUMPHREY ANNEXATION NO. 1

A parcel of land located in the Southwest Quarter (SW 1/4) of Section 16, 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 Tract A of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records, Mesa County Colorado, and assuming the East line of said Tract A to bear N00°02'11"E with all bearings contained herein relative thereto; thence N00°02'11"E along said East line a distance of 70.49 feet to the Northeast corner of said Tract A; thence N89°56'09"E along the North line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 16, a distance of 13.00 feet to the Southern most corner of the 430 30 Road Annexation, City of Grand Junction, Ordinance No. 3468; thence N00°02'15"E along the East line of said 430 30 Road Annexation a distance of 24.46 feet; thence N89°54'47"E a distance of 20.00 feet to a point on the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 16; thence N00°02'15"E along said East line a distance of 238.90 feet to a point on the South line of the Abeyta/Weaver Annexation No. 2, City of Grand Junction, Ordinance No. 3835; thence N89°54'19"E along said Abeyta/Weaver Annexation No. 2 a distance of 5.00 feet to a point on a line being 5.00 feet East of and parallel to the West line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 16; thence S00°02'15"W along said parallel line a distance of 263.37 feet to the South line of said NE 1/4 SW 1/4; thence S00°02'11"W along a line being 5.00 feet East of and parallel to the West line of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 16 a

distance of 70.55 feet; thence N89°58'08"W a distance of 38.00 feet, more or less to the Point of Beginning.

Said parcel contains 0.10 acres (4,486 square feet), more or less, as described.

HUMPHREY ANNEXATION NO. 2

A parcel of land located in the East Half of the Southwest Quarter (E 1/2 SW 1/4) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, 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 Lot 4 of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records, Mesa County Colorado, and assuming the East line of said Ironwood to bear N00°02'11"E with all bearings contained herein relative thereto; thence N00°02'11"E along said East line a distance of 341.00 feet to the Northeast corner of Lot 26 of said Ironwood; thence S89°58'08"E a distance of 38.00 feet to a point on a line being 5.00 feet East and parallel to the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 16; thence N00°02'11"E along said parallel line a distance of 70.55 feet to the South line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 16; thence N00°02'15"E along a line being 5.00 feet East of and parallel to the West line of said (NE 1/4 SW 1/4) a distance of 263.37 feet to a point on the South line of the Abeyta/Weaver Annexation No. 2, City of Grand Junction, Ordinance No. 3835; thence N89°54'19"E along said Abeyta/Weaver Annexation No. 2 a distance of 25.00 feet to the East line of 30-1/4 Road per Book 767, Page 175, Public Records, Mesa County, Colorado; thence S00°02'15"W along said East line a distance of 160.21 feet to the Southwest corner of that certain parcel of land as described in Book 1897, Page 904, Public Records, Mesa County, Colorado; thence N89°55'10"E a distance of 3.00 feet to the West line of Wedgewood Park Subdivision Filing No. 3 as same is recorded in Plat Book 13, Page 36, Public Records, Mesa County, Colorado; thence S00°02'11"W along said West line a distance of 367.16 feet to the Southwest corner of said Wedgewood Park Subdivision Filing No. 3; thence S89°55'11"E a distance of 3.00 feet to the Northwest corner of that certain parcel of land as described in Book 1707, Page 967, Public Records, Mesa County, Colorado; thence S00°02'11"W along the West line of said parcel a distance of 110.00 feet to the Southwest corner of said parcel; thence N89°55'11"E along the South line of said parcel a distance of 65.00 feet; thence S00°02'11"E a distance of 5.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of said parcel; thence S89°55'11"W along said parallel line a distance of 65.00 feet to a point on the East line of 30-1/4 Road; thence S00°02'11"W along said East line a distance of 431.11 feet to the Southwest corner of that certain parcel of land as described in Book 2296, Pages 731-732, Public Records, Mesa County, Colorado; thence S89°54'41"W a distance of 30.00 feet to a point on the West line of Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section

16; thence N00°02'11"E along said West line a distance of 380.61 feet; thence S89°56'10"W a distance of 33.00 feet, more or less to the Point of Beginning.

Said parcel contains 0.98 acres (42,673 square feet), more or less, as described.

HUMPHREY ANNEXATION NO. 3

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 16, 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 Southwest corner of that certain parcel of land as described in Book 2296, Pages 731-732, Public Records, Mesa County, Colorado, and assuming the West line of said parcel to bear N00°02'11"E with all bearings contained herein relative thereto; N00°02'11"E along said West line a distance of 413.11 feet; thence N89°55'11"E along a line being 5.00 feet South of and parallel with the South line of that certain parcel of land as described in Book 1707, Page 967, Public Records, Mesa County Colorado, a distance of 65.00 feet; thence N00°02'11"W a distance of 5.00 feet to the South line of said parcel; thence N89°55'11"E along said South line a distance of 45.00 feet to the Southeast corner of said parcel; thence N00°02'11"E along the East line of said parcel a distance of 110.00 feet to the Northeast corner; thence N89°55'11"E along the South line of Wedgewood Park Subdivision Filing No. 2 as same is recorded in Plat Book 12, Page 259 and Wedgewood Park Subdivision Filing No. 3 as same is recorded in Plat Book 13, Page 36, Public Records, Mesa County, Colorado, a distance of 685.21 feet to the Southeast corner of Lot 3 Block No. 3 of said Filing No. 2; thence S00°02'11"W along the West line of said Wedgewood Park Subdivision Filing No. 2 a distance of 527.99 feet to the Southwest corner; thence S89°54'41"W along the North line of Replat of Wedgewood Park Subdivision as same is recorded in Plat Book 11, Page 311 and that certain parcel of land as described in Book 1519, Page 531, Public Records, Mesa County, Colorado, a distance of 795.21 feet, more or less to the Point of Beginning.

Said parcel contains 9.35 acres (407,483 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> |
|------------------------|
| November 3, 2006 |
| November 10, 2006 |
| November 17, 2006 |
| November 24, 2006 |

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HUMPHREY ANNEXATION NO. 1

APPROXIMATELY .10 ACRES

LOCATED WITHIN THE 30 ¼ ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of November, 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:

HUMPHREY ANNEXATION NO. 1

A parcel of land located in the Southwest Quarter (SW 1/4) of Section 16, 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 Tract A of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records, Mesa County Colorado, and assuming the East line of said Tract A to bear N00°02'11"E with all bearings contained herein relative thereto; thence N00°02'11"E along said East line a distance of 70.49 feet to the Northeast corner of said Tract A; thence N89°56'09"E along the North line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 16, a distance of 13.00 feet to the Southern most corner of the 430 30 Road Annexation, City

of Grand Junction, Ordinance No. 3468; thence N00°02'15"E along the East line of said 430 30 Road Annexation a distance of 24.46 feet; thence N89°54'47"E a distance of 20.00 feet to a point on the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 16; thence N00°02'15"E along said East line a distance of 238.90 feet to a point on the South line of the Abeyta/Weaver Annexation No. 2, City of Grand Junction, Ordinance No. 3835; thence N89°54'19"E along said Abeyta/Weaver Annexation No. 2 a distance of 5.00 feet to a point on a line being 5.00 feet East of and parallel to the West line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 16; thence S00°02'15"W along said parallel line a distance of 263.37 feet to the South line of said NE 1/4 SW 1/4; thence S00°02'11"W along a line being 5.00 feet East of and parallel to the West line of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 16 a distance of 70.55 feet; thence N89°58'08"W a distance of 38.00 feet, more or less to the Point of Beginning.

Said parcel contains 0.10 acres (4,486 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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HUMPHREY ANNEXATION NO. 2

APPROXIMATELY .98 ACRES

LOCATED WITHIN THE 30 ¼ ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of November, 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:

HUMPHREY ANNEXATION NO. 2

A parcel of land located in the East Half of the Southwest Quarter (E 1/2 SW 1/4) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, 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 Lot 4 of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records, Mesa County Colorado, and assuming the East line of said Ironwood to bear N00°02'11"E with all bearings contained herein relative thereto; thence N00°02'11"E along said East line a distance of 341.00 feet to the Northeast corner of Lot 26 of said Ironwood; thence S89°58'08"E a distance of 38.00 feet to a point on a line being 5.00 feet East and parallel to the East line of the

Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 16; thence N00°02'11"E along said parallel line a distance of 70.55 feet to the South line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 16; thence N00°02'15"E along a line being 5.00 feet East of and parallel to the West line of said (NE 1/4 SW 1/4) a distance of 263.37 feet to a point on the South line of the Abeyta/Weaver Annexation No. 2, City of Grand Junction, Ordinance No. 3835; thence N89°54'19"E along said Abeyta/Weaver Annexation No. 2 a distance of 25.00 feet to the East line of 30-1/4 Road per Book 767, Page 175, Public Records, Mesa County, Colorado; thence S00°02'15"W along said East line a distance of 160.21 feet to the Southwest corner of that certain parcel of land as described in Book 1897, Page 904, Public Records, Mesa County, Colorado; thence N89°55'10"E a distance of 3.00 feet to the West line of Wedgewood Park Subdivision Filing No. 3 as same is recorded in Plat Book 13, Page 36, Public Records, Mesa County, Colorado; thence S00°02'11"W along said West line a distance of 367.16 feet to the Southwest corner of said Wedgewood Park Subdivision Filing No. 3; thence S89°55'11"E a distance of 3.00 feet to the Northwest corner of that certain parcel of land as described in Book 1707, Page 967, Public Records, Mesa County, Colorado; thence S00°02'11"W along the West line of said parcel a distance of 110.00 feet to the Southwest corner of said parcel; thence N89°55'11"E along the South line of said parcel a distance of 65.00 feet; thence S00°02'11"E a distance of 5.00 feet to a point on a line being 5.00 feet South of and parallel to the South line of said parcel; thence S89°55'11"W along said parallel line a distance of 65.00 feet to a point on the East line of 30-1/4 Road; thence S00°02'11"W along said East line a distance of 431.11 feet to the Southwest corner of that certain parcel of land as described in Book 2296, Pages 731-732, Public Records, Mesa County, Colorado; thence S89°54'41"W a distance of 30.00 feet to a point on the West line of Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 16; thence N00°02'11"E along said West line a distance of 380.61 feet; thence S89°56'10"W a distance of 33.00 feet, more or less to the Point of Beginning.

Said parcel contains 0.98 acres (42,673 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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HUMPHREY ANNEXATION NO. 3

APPROXIMATELY 9.35 ACRES

LOCATED AT 412 30 ¼ ROAD

WHEREAS, on the 1st day of November, 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:

HUMPHREY ANNEXATION NO. 3

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 16, 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 Southwest corner of that certain parcel of land as described in Book 2296, Pages 731-732, Public Records, Mesa County, Colorado, and assuming the West line of said parcel to bear N00°02'11"E with all bearings contained herein relative thereto; N00°02'11"E along said West line a distance of 413.11 feet; thence N89°55'11"E along a line being 5.00 feet South of and parallel with the South line of that certain parcel of land as described in Book 1707, Page 967, Public Records, Mesa County Colorado, a distance of 65.00 feet; thence N00°02'11"W a distance of 5.00 feet

to the South line of said parcel; thence N89°55'11"E along said South line a distance of 45.00 feet to the Southeast corner of said parcel; thence N00°02'11"E along the East line of said parcel a distance of 110.00 feet to the Northeast corner; thence N89°55'11"E along the South line of Wedgewood Park Subdivision Filing No. 2 as same is recorded in Plat Book 12, Page 259 and Wedgewood Park Subdivision Filing No. 3 as same is recorded in Plat Book 13, Page 36, Public Records, Mesa County, Colorado, a distance of 685.21 feet to the Southeast corner of Lot 3 Block No. 3 of said Filing No. 2; thence S00°02'11"W along the West line of said Wedgewood Park Subdivision Filing No. 2 a distance of 527.99 feet to the Southwest corner; thence S89°54'41"W along the North line of Replat of Wedgewood Park Subdivision as same is recorded in Plat Book 11, Page 311 and that certain parcel of land as described in Book 1519, Page 531, Public Records, Mesa County, Colorado, a distance of 795.21 feet, more or less to the Point of Beginning.

Said parcel contains 9.35 acres (407,483 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 5

Setting a Hearing for the Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|-----------------|---|----------------------|----------------|---------------------|----------------|---------------------------------|
| Subject | | Pacheco-Woodbring Annexation - Located at 2814 C ¾ Road | | | | | |
| Meeting Date | | November 1, 2006 | | | | | |
| Date Prepared | | October 23, 2006 | | | File # GPA-2006-248 | | |
| Author | | Ken Kovalchik | | Senior Planner | | | |
| Presenter Name | | Ken Kovalchik | | Senior 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 10.13 acres, located at 2814 C ¾ Road. The Pacheco-Woodbring Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Pacheco-Woodbring 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: | | 2814 C ¾ Road | | |
| Applicants: | | Lillian Pacheco/Howard Woodbring, Owners | | |
| Existing Land Use: | | Residential/Agriculture | | |
| Proposed Land Use: | | Residential | | |
| Surrounding Land Use: | North | Residential/Agriculture | | |
| | South | Residential/Agriculture | | |
| | East | Residential | | |
| | West | Industrial | | |
| Existing Zoning: | | Mesa County – RSF-R | | |
| Proposed Zoning: | | RMF-8 | | |
| Surrounding Zoning: | North | Mesa County – RSF-R | | |
| | South | Mesa County – RSF-R | | |
| | East | RMF-8 | | |
| | West | City of Grand Junction I-2; Mesa County PUD | | |
| Growth Plan Designation: | | Commercial Industrial – CI | | |
| Zoning within density range? | | Yes | X | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.13 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

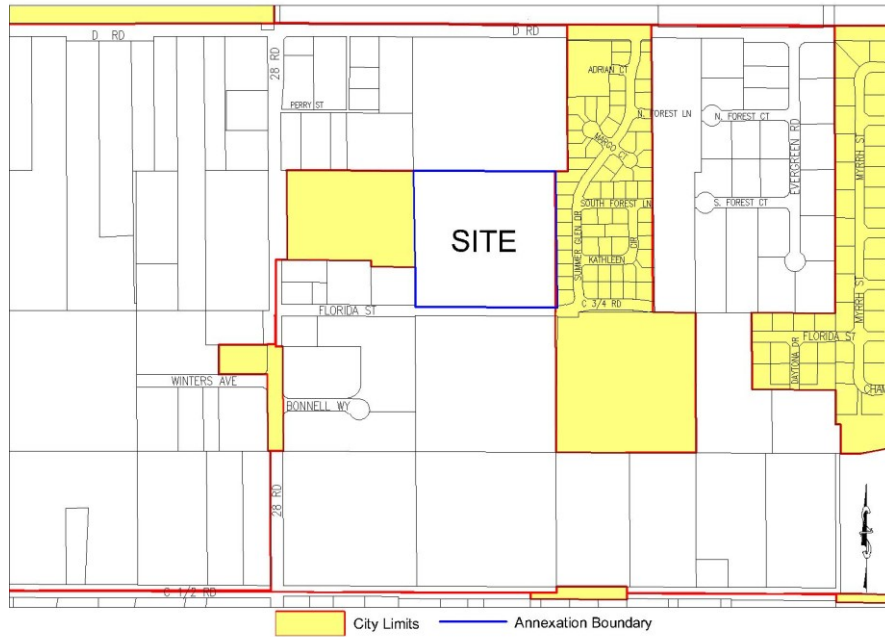
| <u><i>ANNEXATION SCHEDULE</i></u> | |
|-----------------------------------|---|
| November 1, 2006 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| To be scheduled after GPA | Planning Commission considers Zone of Annexation |
| To be scheduled after GPA | 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, 2006 | Effective date of Annexation |

PACHECO WOODBRING ANNEXATION SUMMARY

| | | |
|---------------------------------------|----------------------------------|--|
| File Number: | | GPA-2006-248 |
| Location: | | 2814 C ¾ Road |
| Tax ID Number: | | 2943-192-00-013 |
| Parcels: | | 1 |
| Estimated Population: | | 0 |
| # of Parcels (owner occupied): | | 0 |
| # of Dwelling Units: | | 0 |
| Acres land annexed: | | 10.13 |
| Developable Acres Remaining: | | 10.13 |
| Right-of-way in Annexation: | | C ¾ Road |
| Previous County Zoning: | | RSF-R |
| Proposed City Zoning: | | RMF-8 |
| Current Land Use: | | Residential/Agriculture |
| Future Land Use: | | Commercial Industrial - CI |
| Values: | Assessed: | \$8,930 |
| | Actual: | \$92,810 |
| Address Ranges: | | |
| Special Districts: | Water: | Ute |
| | Sewer: | Central Grand Valley Sanitation District |
| | Fire: | Grand Junction Rural Fire |
| | Irrigation/ Drainage: | Grand Junction Drainage |
| | School: | District 51 |
| | Pest: | Grand River Mosquito |

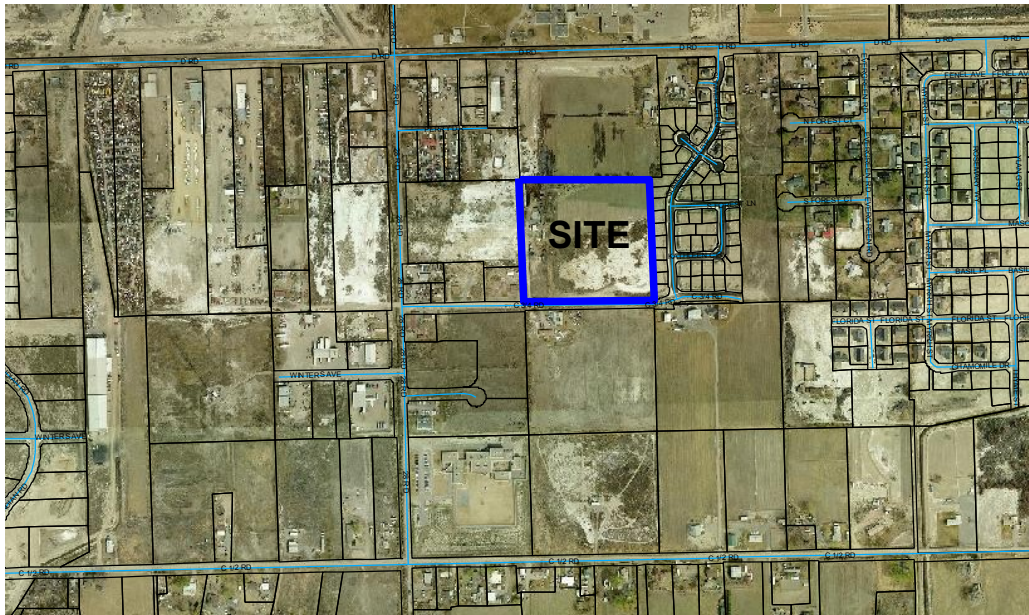
Site Location Map

Figure 1



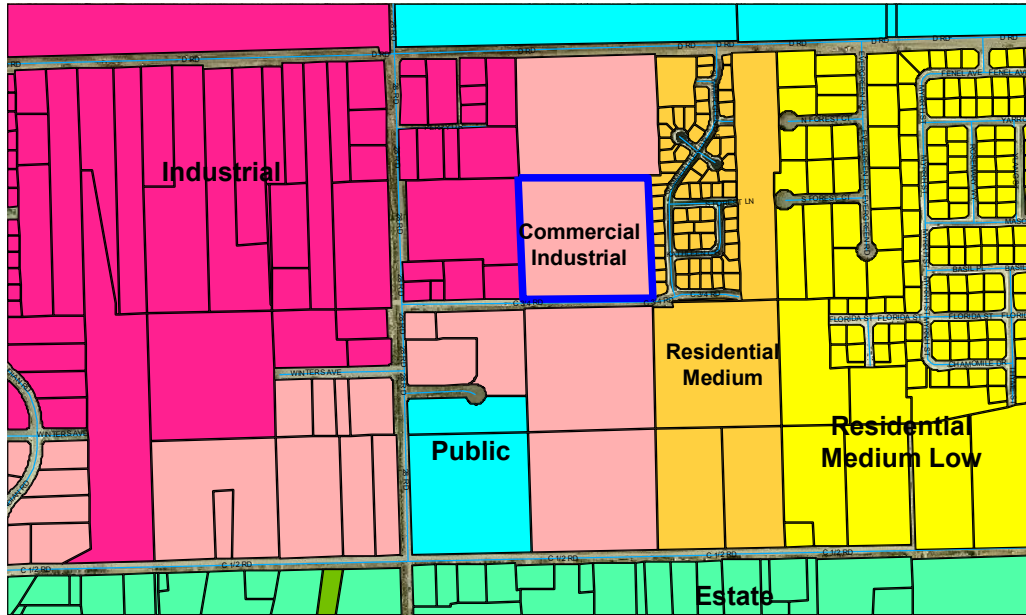
Aerial Photo Map

Figure 2



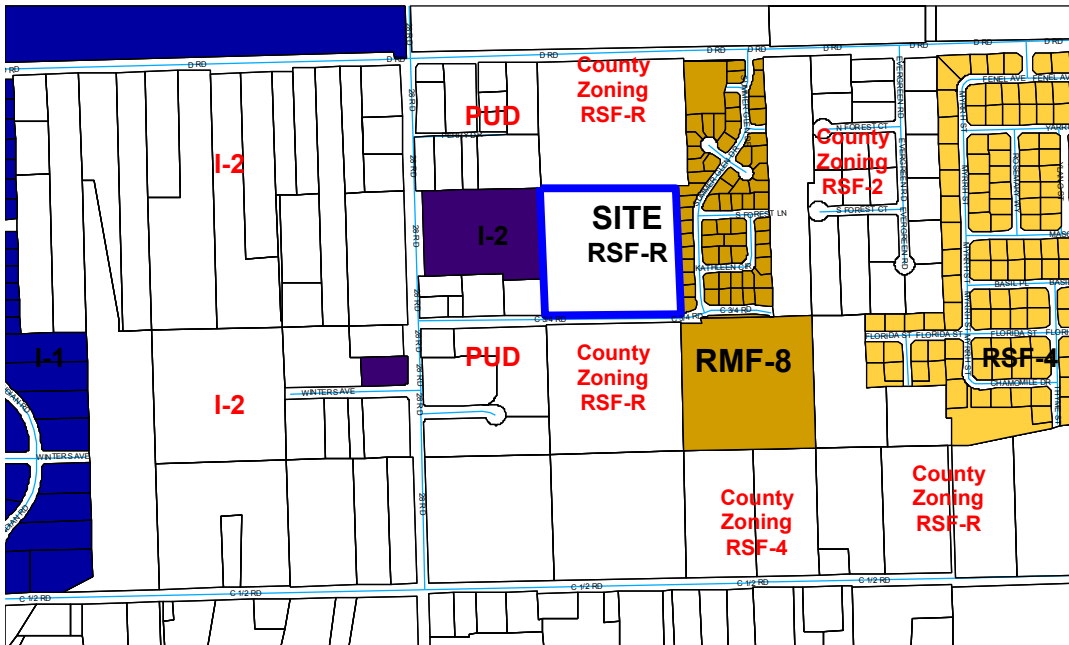
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of November, 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**

PACHECO WOODBRING ANNEXATION

LOCATED AT 2814 C ³/₄ ROAD.

WHEREAS, on the 1st day of November, 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:

PACHECO WOODBRING ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 19 and assuming the South line of the NW 1/4 NW 1/4 of said Section 19 bears N89°41'26"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N89°41'26"W along the South line of the NW 1/4 NW 1/4 of said Section 19 a distance of 667.67 feet; thence N00°24'32"W along the West line of that certain parcel of land as described in Book 2757, Page 618, Public Records of Mesa County Colorado, to the Northwest corner of said parcel; thence S89°40'25"E along the North line of said parcel, a distance of 665.63 feet to the Northeast corner of said parcel and being a point on the East line of NW 1/4 NW 1/4 of said Section 19; thence S00°35'08"E along the East line of the NW 1/4 NW 1/4 of said Section 19, a distance of 662.07 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 10.13 acres (441,381 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> |
|-------------------------------|
| November 3, 2006 |
| November 10, 2006 |
| November 17, 2006 |
| November 24, 2006 |

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PACHECO WOODBRING ANNEXATION

APPROXIMATELY 10.13 ACRES

LOCATED AT 2814 C ³/₄ ROAD

WHEREAS, on the 1st day of November, 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:

PACHECO WOODBRING ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 19 and assuming the South line of the NW 1/4 NW 1/4 of said Section 19 bears N89°41'26"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N89°41'26"W along the South line of the NW 1/4 NW 1/4 of said Section 19 a distance of 667.67 feet; thence N00°24'32"W along the West line of that certain parcel of land as described in Book

2757, Page 618, Public Records of Mesa County Colorado, to the Northwest corner of said parcel; thence S89°40'25"E along the North line of said parcel, a distance of 665.63 feet to the Northeast corner of said parcel and being a point on the East line of NW 1/4 NW 1/4 of said Section 19; thence S00°35'08"E along the East line of the NW 1/4 NW 1/4 of said Section 19, a distance of 662.07 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 10.13 acres (441,381 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 Adoption of the Master Plan 2005 for St. Mary's Hospital

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|------------|----------------------|------------|----------------------------|---------------------------------|
| Subject | Adoption of Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the PD, Planned Development Zone District for property owned by St. Mary's Hospital | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 23, 2006 | | | | File # ICM-2006-005 | |
| Author | Scott D. Peterson | | Senior Planner | | | |
| Presenter Name | Scott D. Peterson | | Senior 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: Introduction of a proposed ordinance to adopt Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the PD, Planned Development Zone District for property owned by St. Mary's Hospital.

Budget: N/A.

Action Requested/Recommendation: Introduce a proposed ordinance to adopt Master Plan 2005 for St. Mary's Hospital and set a public hearing for November 15, 2006.

Attachments:

Reference to Master Plan 2005 document
Ordinance

Background Information:

In an effort to avoid approving expansions in a piecemeal fashion, and at the direction of the Grand Junction Planning Commission, St. Mary's Hospital prepared a Master Plan in 1995. The purpose of the Plan was to set forth the plans for upgrades, improvements and expansions to St. Mary's facilities and campus area over a 5-year

period and to allow the Planning Commission an opportunity to consider the proposed improvements in a comprehensive manner.

The initial Master Plan was adopted by the Planning Commission with the stipulation that the Plan be re-adopted, or updated, in five years. Since the adoption of the 2000 Master Plan, the Zoning and Development Code has been revised to include a process for Institutional and Civic Master Plans (Section 2.20), which gives final approval authority to the City Council, therefore, all new Master Plans for St. Mary's are required to be approved by City Council.

In accordance with the approved process of the initial Master Plan in 1995, St. Mary's Hospital submitted an updated Master Plan which was approved in December, 2000 and constitutes the current Master Plan for St. Mary's Hospital. Additional amendments to the 2000 Plan were recently approved by the Planning Commission in February, 2006 and City Council in April, 2006 (FPA-2005-288) in preparation for the beginning stages of the Century Project and Master Plan 2005. These amendments to the 2000 Master Plan included;

- * Construction of a utility tunnel between the Central Plant and the new hospital addition.
- * Construction of temporary helicopter landing pad and associated facilities on the east campus.
- * Construction of new underground storm water detention facilities in St. Mary's Park in preparation for the park to serve as construction staging area.
- * Construction of temporary parking lot for construction personnel on the east campus and also utilization of the property owned by St. Mary's at the corner of 11th Street and Wellington Avenue as construction staging area.
- * Construction and demolition of areas at the main hospital building.

Now, the proposed Master Plan 2005 for St. Mary's Hospital consists of the following construction projects:

- * A 12 story, 440,000 sq. ft. building addition located between the current hospital building and the parking structure.
- * Remodel of the existing hospital building of nearly 120,000 sq. ft. (See Pages 3 & 4 in Master Plan 2005 Report for specific improvements).
- * New parking spaces located near the new lobby; emergency

entrance; corner of Bookcliff and Little Bookcliff and a single level, covered parking structure adjacent to the main entrance.

- * Upgraded central utility plant with new boilers and chillers and emergency generators.
- * New entrances to the hospital, emergency department and ambulances.
- * Exterior patio spaces adjacent to the new cafeteria and new conference center.
- * New public shelters in St. Mary's Park and in Holy Family Park.

The construction of the new 12-story tower, will increase the total number of patient beds at the hospital from the current 247 (183 private rooms & 64 semi-private) to 335 beds (all private rooms).

Master Plan 2005 for St. Mary's Hospital, if approved, would be valid for a period of five (5) years, until the year 2011.

The applicant is also requesting that individual elements of the Master Plan be submitted and reviewed by the Planning Commission as part of a Preliminary Plan, and that Final Plans of those individual elements be administratively reviewed and approved by Community Development Department staff. City staff finds this request appropriate since this proposal would be in keeping with Section 2.12 C. & D., of the Zoning and Development Code, Preliminary and Final Development Plans.

1. Section 2.20 C. of the Zoning & Development Code:

In reviewing a Master Plan, the decision-making body shall consider the following criteria:

- a. Conformance with the Growth Plan and other area, corridor or neighborhood plans;

The proposed Master Plan 2005 for St. Mary's Hospital complies with the goals and policies of the Growth Plan, Grand Valley Circulation Plan, the Zoning and Development Code and the TEDS Manual.

- b. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;

The proposed Master Plan 2005 for St. Mary's Hospital complies with the Grand Valley Circulation Plan and Transportation Engineering Design Standards (TEDS) manual.

- c. Compatibility with the surrounding neighborhood in terms of capacity of safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;

The proposed Master Plan 2005 for St. Mary's Hospital has been reviewed and found to be either compliant or to have the ability to be fully compliant upon final engineering and design with all required provisions of this criteria. Three (3) deviations from the current bulk standards of the B-1 zoning district are being proposed in the PD Ordinance. The first deviation would be that the maximum height would exceed the B-1 requirement of 40' in height. Proposed maximum height of the 12-story tower would be 241' (existing hospital building is 128' in height). The other deviations are that a Conditional Use Permit will not be required for a "hospital" or buildings exceeding 30,000 sq. ft. Instead, the applicant will be required to submit a Preliminary Plan of all phases of the Master Plan for City staff and Planning Commission review and approval. City staff finds these deviations from the default zoning district of B-1 to be acceptable since the Hospital is presently zoned PD, Planned Development and the current hospital building already exceeds the maximum height of 40'.

- d. Adequacy of public facilities and services; and

Adequate public facilities or services have been provided to the site or are being upgraded to accommodate the needs of the hospital and site development.

- e. Community benefits from the proposal.

The proposed Master Plan 2005 for St. Mary's Hospital will provide numerous community benefits in the advancement of health care for the entire area as the Hospital prepares for the Century Project, a 12-story 440,000 sq. ft. building addition.

2. Section 2.12 B. of the Zoning & Development Code:

In conjunction with the Master Plan, a new PD Zoning Ordinance is being proposed. The proposed PD Ordinance establishes B-1 as the default zone and identifies specific deviations and adopts the Master Plan as part of the Ordinance. For purposes of the Ordinance, the Master Plan will also be considered the same as an Outline Development Plan. The following review criteria must be considered:

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

The proposed Master Plan 2005 for St. Mary's Hospital complies with the goals and policies of the Growth Plan, Grand Valley Circulation Plan, the Zoning and Development Code and the TEDS Manual.

- b. The rezoning criteria provided in Section 2.6;

N/A. The properties are not being rezoned. Present zoning for the St. Mary's Hospital complex is PD, Planned Development. The proposed PD Ordinance re-establishes B-1 as the default zone and identifies specific deviations and adopts the Master Plan as part of the Ordinance.

- c. The planned development requirements of Chapter Five;

All building setbacks, parking and landscaping requirements, etc., are met with the proposed Master Plan 2005. The only deviations that the applicant is requesting are the maximum height would exceed the B-1 requirement of 40' in height. Proposed maximum height of the 12-story tower would be 241' (existing hospital building is 128' in height). The other deviations are that a Conditional Use Permit will not be required for a "hospital" or buildings exceeding 30,000 sq. ft. Instead, the applicant will be required to submit a Preliminary Plan of all phases of the Master Plan for City staff and Planning Commission review and approval. City staff finds these deviations from the default zoning district of B-1 to be acceptable since the Hospital is presently zoned PD, Planned Development and the current hospital building already exceeds the maximum height of 40'. The community will benefit from the proposed deviations as the proposed Century Project will advance the health care needs for the entire area.

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

The proposed Master Plan 2005 and PD Ordinance are in conformance with all applicable corridor guidelines and overlay districts.

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

Adequate public facilities or services have been provided to the site or are being upgraded to accommodate the needs of the hospital and site development.

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

The proposed Master Plan 2005 for St. Mary's Hospital complies with the Grand Valley Circulation Plan and Transportation Engineering Design Standards (TEDS) manual.

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

Appropriate screening and buffering of adjacent properties will be provided.

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

The proposed Master Plan 2005 incorporates an appropriate range of building density for the St. Mary's Hospital campus. All parking and landscaping requirements can be met.

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

See item C.

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

The applicant is proposing an appropriate phasing schedule between the years 2007 and 2009 with final completion and remodeling of all projects associated with the Century Project by 2011.

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

St. Mary's Hospital presently owns 53.2 acres of land that makes up their entire campus facilities. The existing property where the hospital building is located consists of 21.2 acres in size.

FINDINGS OF FACT/CONCLUSIONS

After reviewing Master Plan 2005 for St. Mary's Hospital, ICM-2006-005, the Planning Commission made the following findings of fact and conclusions:

1. The proposed Master Plan 2005 for St. Mary's Hospital is consistent with the goals and policies of the Growth Plan and Future Land Use Map.
2. The review criteria in Section 2.20 C. of the Zoning and Development Code have all been met.
3. The proposed PD Ordinance is consistent with the goals and policies of the Growth Plan and Zoning and Development Code.

RECOMMENDED PLANNING COMMISSION MOTION:

The Planning Commission recommends to the City Council approval of Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the PD, Planned Development Zone District for property owned by St. Mary's Hospital be approved with the findings and conclusions as outlined in the staff report.

Attachments:

Reference to Master Plan 2005 document
Ordinance

MASTER PLAN 2005 copies provided under separate cover or available for review in the office of the Community Development Department – file number ICM-2006-005

ORDINANCE NO. _____

**AN ORDINANCE APPROVING MASTER PLAN 2005 FOR ST. MARY'S HOSPITAL
AND ENVIRONS LOCATED AT 2635 NORTH 7th STREET
AND RE-ESTABLISHING STANDARDS FOR THE PLANNED DEVELOPMENT (PD)
ZONE DISTRICT FOR PROPERTY OWNED BY
ST. MARY'S HOSPITAL**

RECITALS.

St. Mary's Hospital has submitted to the City, Master Plan 2005 for the development of the hospital and the lands near to it that are dedicated to the provision of patient services.

Master Plan 2005 details the construction of the Century Project, a 12-story 440,000 sq. ft. hospital building addition and associated remodeling and ancillary development that are tied to the Century Project for the betterment of the hospital and community.

The Institutional and Civic Facility Master Plan process as defined in Section 2.20 of the Zoning and Development Code provides an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community. In accordance with this section of the Code, Master Plans such as that advanced by St. Mary's are now specifically encouraged and recognized as important planning tools. In this case the adopted plan as it is amended over time will be a guiding document on which both the community and the hospital can rely for many years to come.

In 2006, St. Mary's Hospital is celebrating 110 years of serving the health and medical needs of area residents and visitors. St. Mary's Hospital currently owns and consists of numerous properties that make up a total 53 acres. Not all properties that St. Mary's owns are currently zoned PD, Planned Development. This PD Ordinance is only in effect for properties owned by St. Mary's Hospital that are currently zoned PD, Planned Development.

This PD Ordinance will re-establish the default zoning district, B-1, Neighborhood Business, including uses and deviations from the bulk standards.

Adoption of this Ordinance will supersede Ordinance No. 3888.

On the 24th day of October, 2006, the Grand Junction Planning Commission reviewed the planning staff's recommendation and determined that Master Plan 2005 for St. Mary's Hospital and its environs complies with the provisions of the Growth Plan, Section 2.20 of the Zoning and Development Code, and other applicable legal requirements. After due consideration, the Planning Commission forwarded a

recommendation to City Council to adopt Master Plan 2005 and PD Ordinance. The City Council finds that the request meets the goals and policies set forth in the Growth Plan and the requirements of the Zoning and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT: Master Plan 2005 for St. Mary's Hospital is approved and more particularly described in Community Development Department file ICM-2006-005.

That the properties owned by St. Mary's Hospital that are currently zoned PD, Planned Development shall be consistent with the adopted Master Plan 2005 for St. Mary's Hospital and shall be subject to the following:

Allowed Uses:

Restricted to the uses allowed in the B-1 zone district with the following modification:

Hospital would be an Allowed use and not subject to a Conditional Use Permit.

Deviations from Bulk Standards:

Shall meet the bulk standards of the B-1 zone district with the following modifications:

1. Maximum Height shall not exceed 245'.
2. A Conditional Use Permit will not be required for buildings that exceed 30,000 sq. ft.

The underlying default zone shall be Neighborhood Business (B-1) with modifications to be approved with Preliminary Plans. Preliminary and Final Plans will be approved in accordance with Master Plan 2005 for St. Mary's Hospital.

Master Plan 2005 for St. Mary's Hospital shall be and remain valid to and through the year 2011.

All phases of the project shall be in conformance with the approved Master Plan 2005.

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

ADOPTED on second reading this _____ day of _____, 2006

ATTEST:

President of Council

City Clerk

Attach 7

Setting a Hearing for Zoning the Thunderbrook Estates Annexation, Located at 3061 and 3061 ½ F ½ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------|--------------------|----------------|---------------------------------|
| Subject | Zoning the Thunderbrook Estates Annexation, located at 3061 and 3061 ½ F ½ Road. | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 20, 2006 | | | File #GPA-2006-238 | | |
| Author | Faye Hall | | Associate Planner | | | |
| Presenter Name | Faye Hall | | 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 zone the 15.60 acre Thunderbrook Estates Annexation, located at 3061 and 3061 ½ F ½ Road, to RSF-4 (Residential Single Family, 4 units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for November 15, 2006

Background Information: See attached Staff Report/Background Information

Attachments:

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

| STAFF REPORT / BACKGROUND INFORMATION | | | | |
|---------------------------------------|--------------|---|------------|-----------|
| Location: | | 3061 and 3061 ½ F ½ Road | | |
| Applicants: | | Owners: Gary Rinderle, Darien Marx, Yvonne Herrera Representative: Rhino Engineering – Janet Carter | | |
| Existing Land Use: | | Residential and Vacant | | |
| Proposed Land Use: | | Residential | | |
| Surrounding Land Use: | North | Public – Thunder Mountain Elementary | | |
| | South | Residential Medium Low (2-4 units per acre) | | |
| | East | Residential Medium Low | | |
| | West | Residential Medium Low | | |
| Existing Zoning: | | County RSF-R (Residential Single Family Rural, 1 unit per 5 acres) | | |
| Proposed Zoning: | | City RSF-4 (Residential Single Family, 4 units per acre) | | |
| Surrounding Zoning: | North | County RSF-R | | |
| | South | County RSF-4 and City RSF-4 | | |
| | East | City RSF-4 | | |
| | West | County PUD | | |
| Growth Plan Designation: | | Residential Medium Low and Public (going through growth plan amendment to Residential Medium Low 2-4 du/ac) | | |
| Zoning within density range? | | X | Yes | No |

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan designation of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-R.

The 11.06 acre parcel located at 3061 ½ F ½ Road was recently subdivided off from the Thunder Elementary School Site and was sold to a private owner. This parcel is currently going through a Growth Plan Amendment to change the Future Land Use Designation from Public to Residential Medium Low in order to develop the property with an RSF-4 zone district.

Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

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

Response: The requested zone district is compatible with the neighborhood and conforms to and furthers the goals and policies of the growth plan and the requirements of this Code in that the properties directly east and to the south are zoned RSF-4. The parcel adjacent to the west is a county PUD with lot sizes consistent with the RSF-4 zone district.

- 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: This area has seen a lot of growth in the past few years and is a desirable place to live. The RSF-4 zone would allow for residential development in a growing urban area.

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

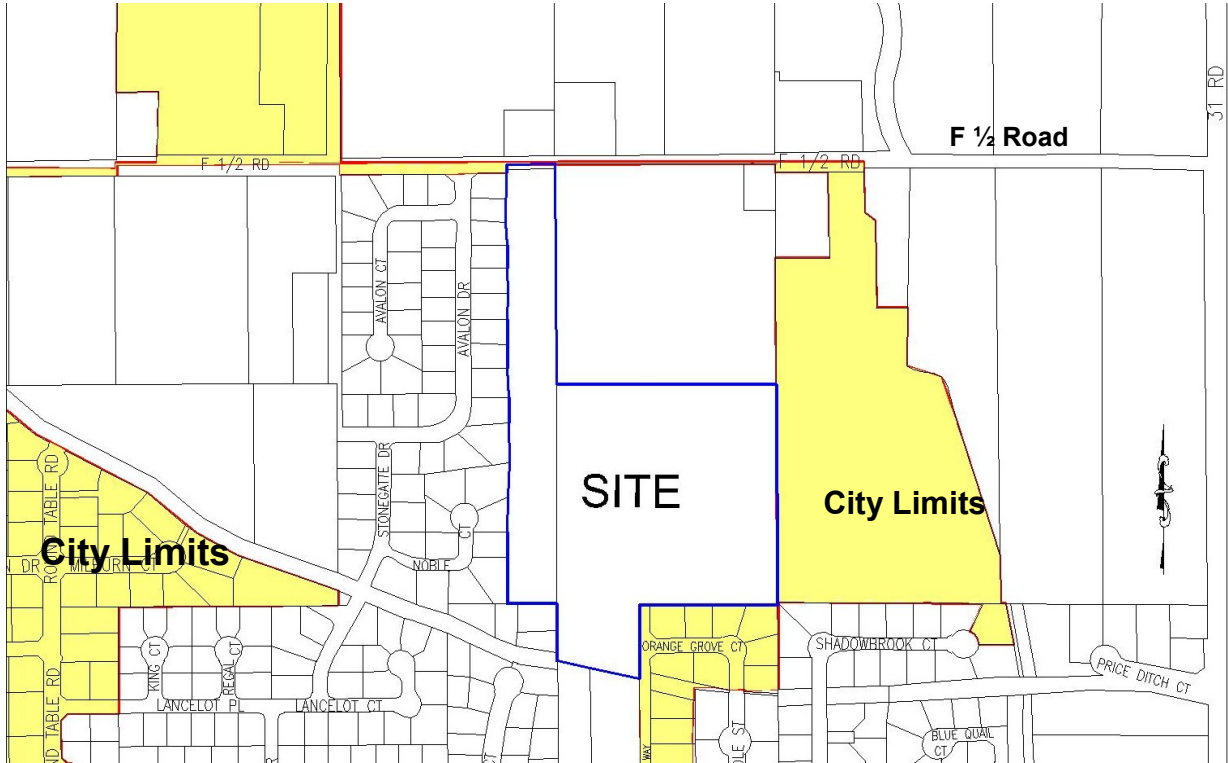
- a. RSF-2

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

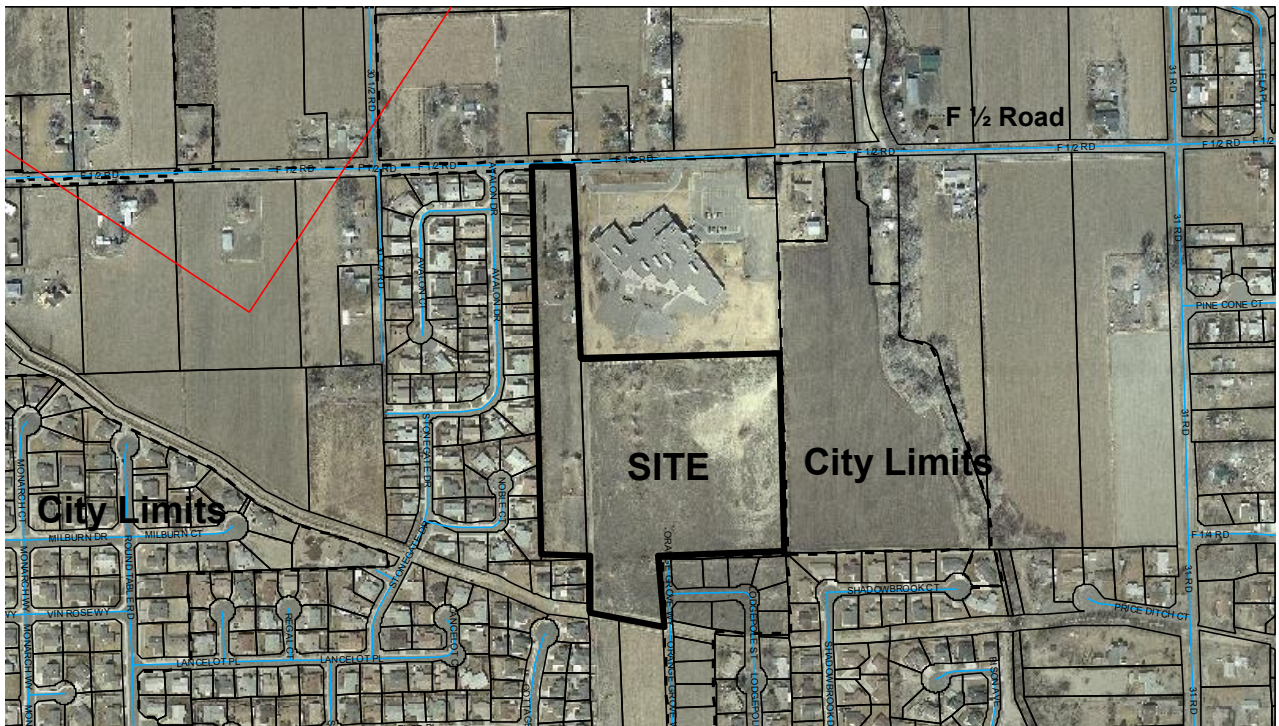
Site Location Map

Figure 1



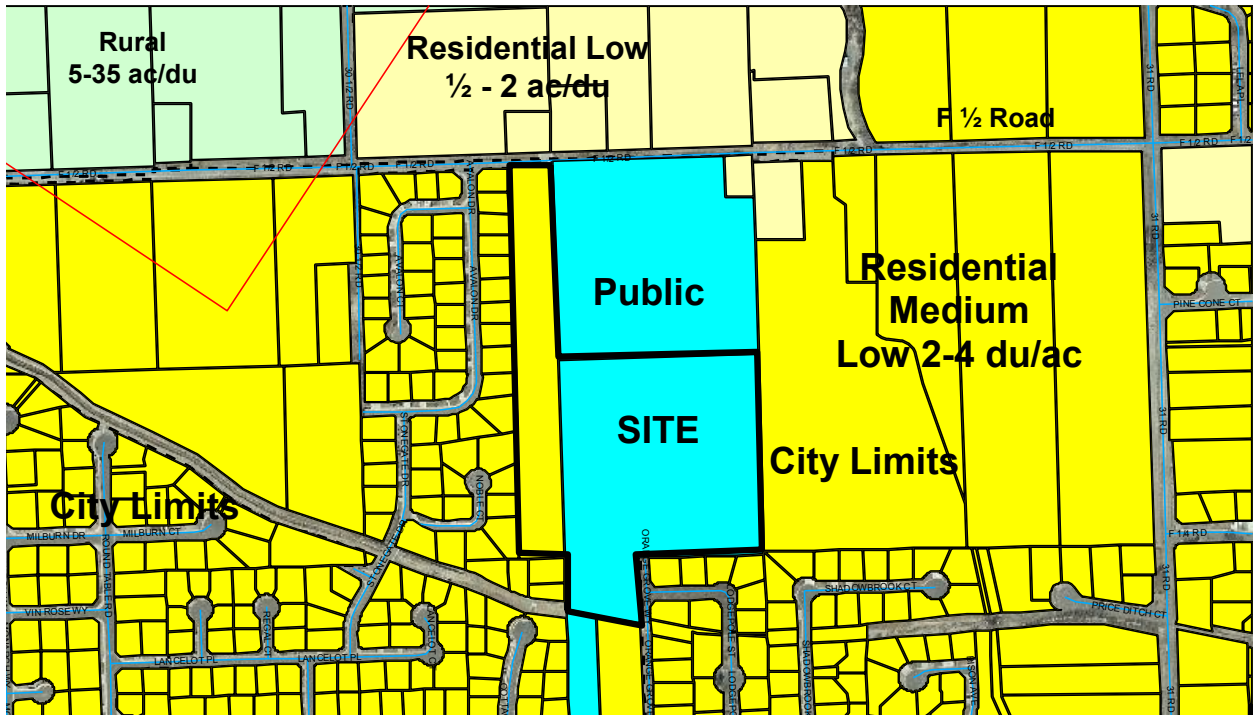
Aerial Photo Map

Figure 2



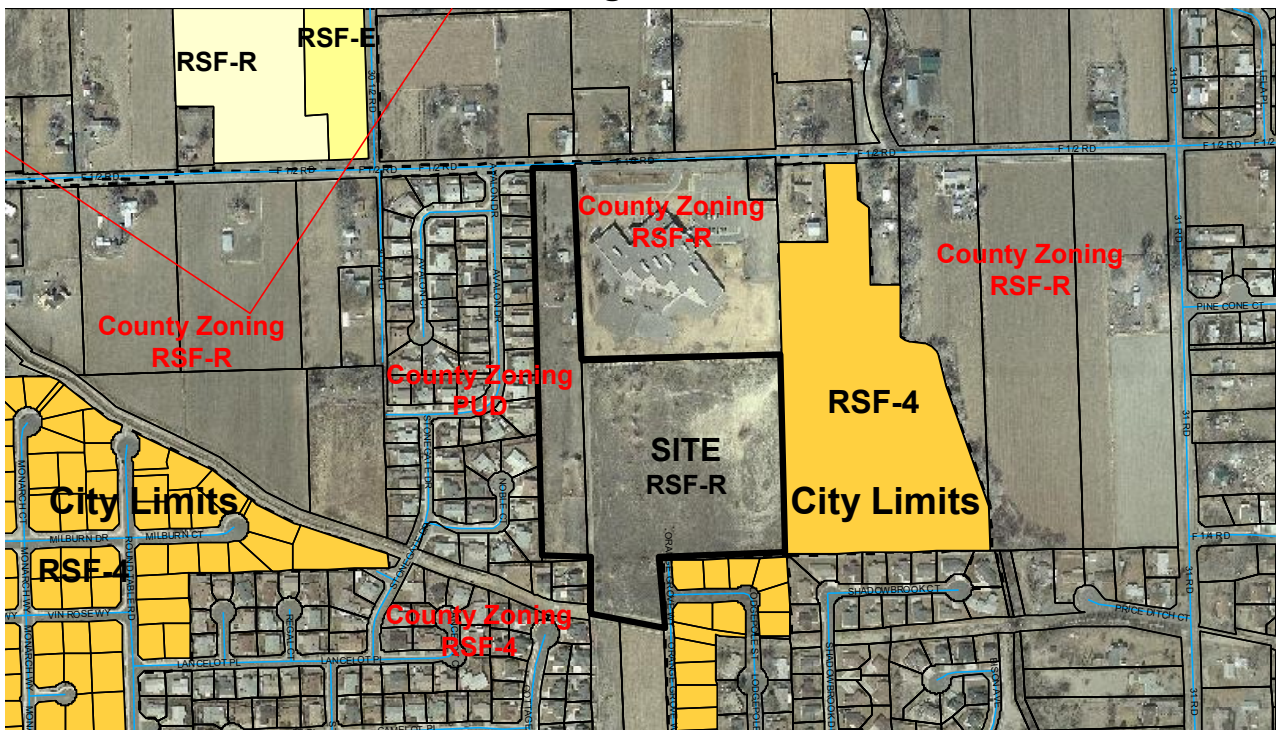
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE THUNDERBROOK ESTATES ANNEXATION TO
RSF-4 (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE)**

LOCATED AT 3061 AND 3061 ½ F ½ ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Thunderbrook Estates Annexation to the RSF-4 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

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

The following property be zoned RSF-4 (Residential Single Family, 4 units per acre)

THUNDERBROOK ANNEXATION

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of said Section 4 and assuming the South line of the NW1/4 SE1/4 of said Section 4 bears N89°55'11"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N89°55'11"W along the South line of the NW1/4 SE1/4 of said Section 4 a distance of 412.85 feet to the Northwest corner of Orange Grove Subdivision, as same is recorded in Book 3757, Page 626, Public Records of Mesa County Colorado; thence S00°08'54"E along the West line of said Orange Grove Subdivision, a distance of 216.87 feet to the centerline of Price Ditch as described in Book 1959, Pages 973-979, Public Records of Mesa County Colorado; thence N77°10'53"W along said centerline, a distance of 56.75 feet; thence along said centerline, 141.11 feet along the arc of a 5729.58 foot radius curve concave South,

having a central angle of 01°24'39" and a chord bearing N77°53'12"W a distance of 141.09 feet; thence N78°28'26"W along said centerline a distance of 56.37 feet to a point on the East line of Cottage Meadows Filing Two, as same is recorded in Plat Book 16, Pages 193-194, Public Records of Mesa County Colorado; thence N00°08'39"W along said East line, a distance of 163.84 feet to the Northeast corner of Lot 9 of said Cottage Meadows Filing Two; thence N89°55'11"W along the North line of said Cottage Meadows Filing Two, a distance of 150.88 feet to the Southeast corner of Lot 34 of Stonegate Subdivision Filing No. 3, as same is recorded in Book 14, Pages 122-123, Public Records of Mesa County Colorado; thence N00°09'40"W along the East line of said Stonegate Subdivision Filing No. 3, a distance of 1312.44 feet to a point on a line being 4.00 feet South and parallel with the North line of NW 1/4 SE 1/4 of said Section 4 and also being the South line of the Thunder Hog Estates Annexation No. 2, City of Grand Junction, Ordinance No. 3909; thence N89°58'34"E along said parallel line a distance of 150.04 feet to a point on the East line of that certain parcel of land as described in Book 3825, Page 739, Public Records of Mesa County Colorado; thence S00°11'03"E along said East line, a distance of 654.39 feet to the Northwest corner of that certain parcel of land as described in Book 3987, Page 613, Public Records of Mesa County Colorado; thence S89°58'36"E along the North line of said parcel, a distance of 660.67 feet to the Northeast corner of said parcel and being a point on the East line of NW 1/4 SE 1/4 of said Section 4; thence S00°14'52"E along the East line of the NW1/4 SE1/4 of said Section 4, a distance of 658.98 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 15.60 acres (679,875 square feet), more or less, as described.

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

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

ATTEST:

President of the Council

City Clerk

Attach 8

Setting a Hearing Zoning the Fox Annexation, Located at 3000 F Road

CITY OF GRAND JUNCTION

| <i>CITY COUNCIL AGENDA</i> | | | | | | |
|---------------------------------------|---|-----|---|---------------------|----------------|---------------------------------|
| Subject | Zoning the Fox Annexation, Located at 3000 F Road | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 23, 2006 | | | File # GPA-2006-087 | | |
| 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 zone the Fox Annexation from County RSF-4 (Residential Single Family, 4 units per acre) to RO (Residential Office)

Budget: N/A

Action Requested/Recommendation: Introduce the Proposed Ordinance and Set a Hearing for November 15, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Vicinity Map/Aerial Photo
2. Growth Plan Map/Zoning Map
3. Applicant's Project Report
4. Ordinance

AGENDA TOPIC: GPA-2006-087 Zone of Annexation—Fox Annexation

ACTION REQUESTED: Consideration of the zoning ordinance.

| BACKGROUND INFORMATION | | | |
|---------------------------------|-------|-----------------------------------|-----|
| Location: | | 3000 F Road | |
| Applicants: | | Owner: Pamela Fox | |
| Existing Land Use: | | Undeveloped | |
| Proposed Land Use: | | Residential Medium | |
| Surrounding Land Use: | North | Residential Medium Low | |
| | South | Residential Medium Low | |
| | East | Residential Medium Low | |
| | West | Commercial and Residential Medium | |
| Existing Zoning: | | RSF-4 | |
| Proposed Zoning: | | RO (Residential Office) | |
| Surrounding Zoning: | North | RSF-4 | |
| | South | RSF-4 | |
| | East | RSF-4 | |
| | West | PD | |
| Growth Plan Designation: | | Residential Medium Low | |
| Zoning within density range? NA | | <input type="checkbox"/> | Yes |
| | | <input type="checkbox"/> | No |

PROJECT DESCRIPTION: A request to zone the Fox Annexation to RO (Residential Office)

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The subject property is located at the northeast corner of F Road and 30 Road and is currently being annexed into the City of Grand Junction. The property consists of 1.6 acres and is currently zoned RSF-4 by Mesa County. A Growth Plan Amendment was approved, changing the Future Land Use designation from Residential Medium Low (2-4 units per acre) to Residential Medium (4-8 units per acre) to allow for more flexibility in zone districts and ultimate development.

The owner is requesting RO (Residential Office) zoning for the property, which can be considered on a property with a Future Land Use Designation of Residential Medium. The stated purpose of the RO Zone District is to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

2. Consistency with the Growth Plan:

The requested zone district is consistent with the Future Land Use designation of Residential Medium, as well as the following goals and policies of the Growth Plan:

Policy 1.6: The City may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.

Policy 1.7: The City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

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

Policy 11.2: The City will limit commercial encroachment into stable residential neighborhoods. In areas designated for residential development the City may consider inclusion of small scale neighborhood commercial development that provides retail and

service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.

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

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

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

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

The existing zoning was not in error.

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

The property has approximately 200 feet of frontage on F Road and 500 feet of frontage on 30 Road. F Road is classified as a Principal Arterial and 30 Road as a Major Collector. Additional street access will not be allowed onto F Road, and individual driveway access will not be allowed onto 30 Road. Because of the configuration of the lots already developed to the east of the property, the site could not develop out at an RSF-4 density.

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

The stated purpose of the RO zone district is to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

RO can be used to implement the Residential Medium Future Land Use Designation in transitional corridors between single-family residential and more intensive uses. The proposed rezone to RO is consistent with the goals and policies of the Growth Plan as listed above.

- 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 to serve the property.

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

The RO zoning will allow for residential uses of densities up to 8 units per acre, as well as office and neighborhood services for the surrounding residential medium low density neighborhood.

- The community will benefit from the proposed zone.

The community will benefit from the development of this highly visible property, located at a very busy intersection with needed housing or neighborhood services and offices.

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

- b. RSF-4
- c. RMF-5
- d. RMF-8

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation to the City Council.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Fox application, GPA-2006-087, for a Zone of Annexation to RO, staff makes the following findings of fact and conclusions:

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

STAFF RECOMMENDATION:

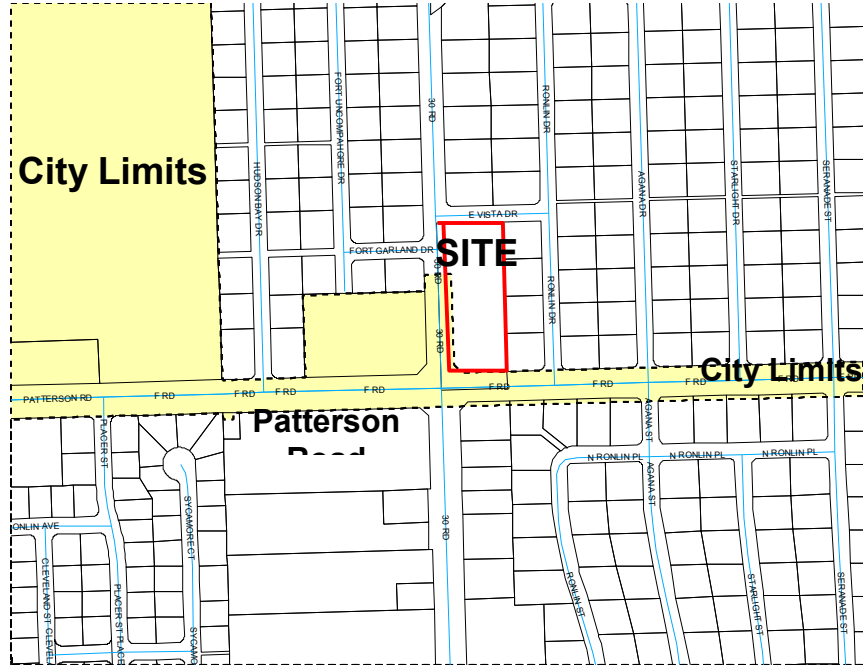
Staff recommends approval of the requested zone of annexation with the findings and conclusions listed above.

PLANNING COMMISSION:

At their October 23, 2006 hearing, the Planning Commission recommended approval of the RO zone district.

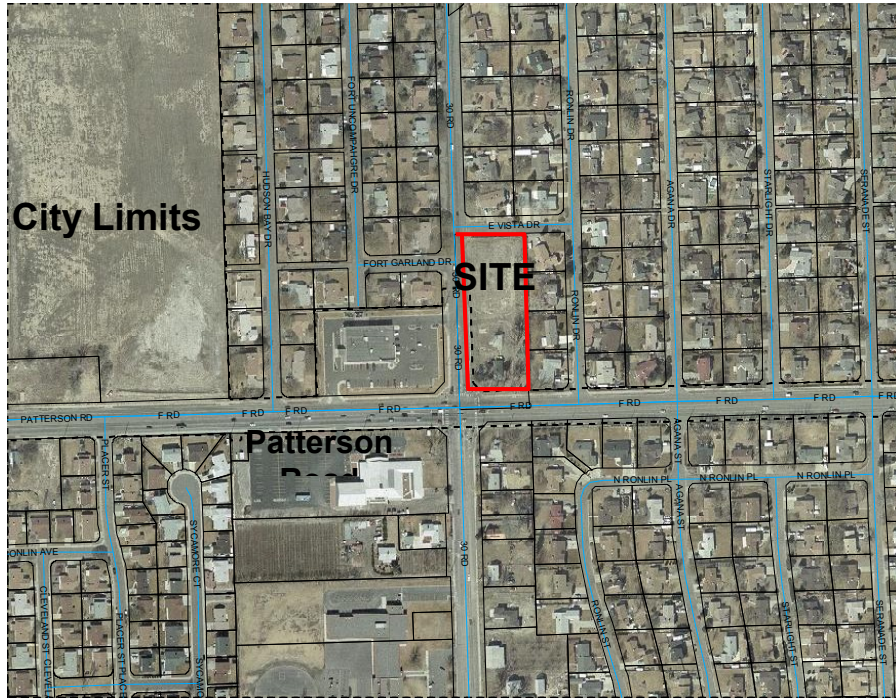
Site Location Map

Figure 1



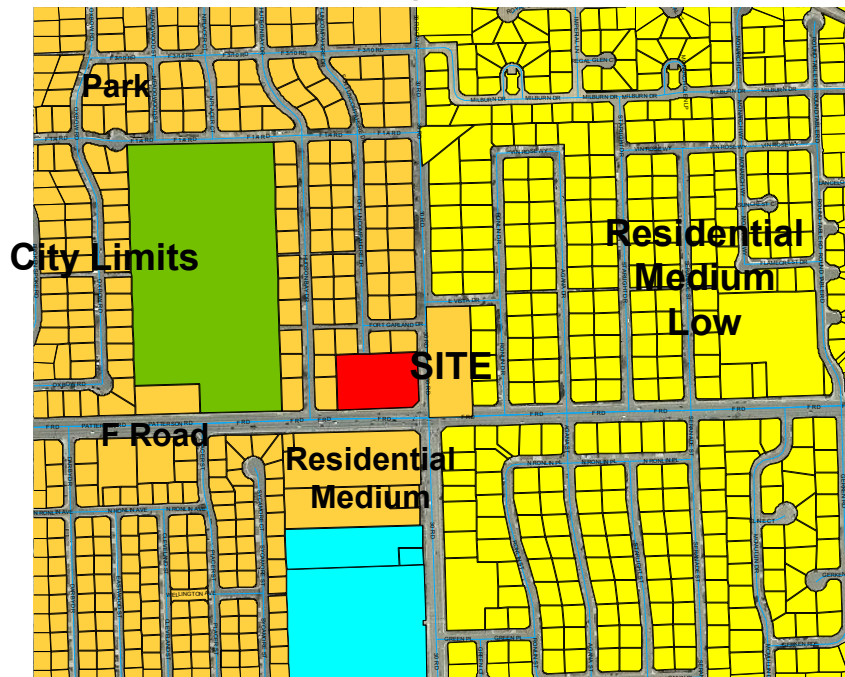
Aerial Photo Map

Figure 2



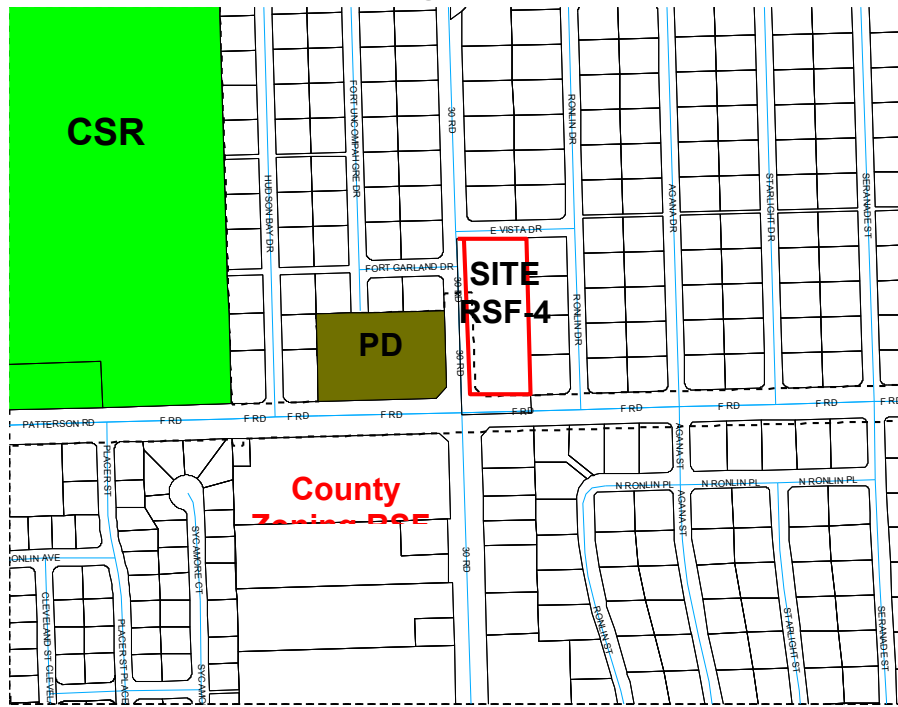
Future Land Use Map

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."

REZONING APPROVAL CRITERIA FOR FOX PROPERTY
3000 F Road

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

The existing zoning was in error because the specific constraints of access and physical shape of the property were not considered. The combination of the surrounding street classification and the narrow shape of the property will not accommodate internal streets or adequate driveways to be developed at the RSF-4 density.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan.

There has been tremendous change to the character of the neighborhood. Where once there were farms and orchards, there are now homes and businesses. Growth has made F Rd a major artery for traffic to and from the Clifton area. The property across 30 is commercial, with a Rite Aid. It is important that the community allow businesses into and area to support the present population with much needed services.

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

The R/O proposed zone, is a perfect fit for this property. I see this property as a buffer area between commercial and residential. The guidelines for R/O zoning are stringently regulated to fit into or close by residential areas. They take into account architectural guidelines. The businesses that are allowed are usually those that provide neighborhood services and close early evening. The proposed zoning will not have any adverse impact to the existing infrastructure.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and policies, the requirements of this code and other city regulations and guidelines.

We believe the change is consistent with the goal and policies of the Growth Plan. The city has approved a growth plan amendment for the property with this proposed zoning in mind and found it to be consistent with the goals and policies of the Growth Plan.

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

Public and community facilities are adequate to serve the type and scope of land use we propose. The needed infrastructure is in place to support the rezone. We feel that providing this rezone will enhance the facilities and services to the community in this area.

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

An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use. The requested rezoning to R/O designation will allow for greater flexibility in building and therefore, use.

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

Yes. This rezone will allow business into a community area and supply the residents with services they would otherwise have to drive much farther to obtain. In addition to this convenience to the immediate community, the larger community would benefit in many ways from the reduction in lower trips; such as traffic congestion and safety and air pollution.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE FOX ANNEXATION TO RO (RESIDENTIAL OFFICE)
LOCATED AT 3000 F ROAD

Recitals:

A request for a Zone of Annexation has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 1.6 acres, located at 3000 F Road, be zoned from a County RSF-4 (Residential Single Family, 4 units per acre) zone district to RO (Residential Office).

The Planning Commission recommended approval of the RO zone district. In a public hearing, the City Council reviewed the request for the proposed zoning and determined that it satisfied the criteria as set forth and established in Section 2.6.A of the Zoning and Development Code and the proposed zone is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED RO (RESIDENTIAL OFFICE).

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

COMMENCING at the Southwest corner of said Section 4, and assuming the West line of the SW 1/4 SW 1/4 of said Section 4 to bear N00°09'16"W with all bearings contained herein relative thereto; thence N00°09'16"W, along the West line of the SW 1/4 SW 1/4 of said Section 4, a distance of 350.05 feet to the POINT OF BEGINNING; thence S89°50'44"W, a distance of 40.00 feet to a point on the Westerly right of way of 30 Road; thence N00°09'16"W, along the Westerly right of way of 30 Road a distance of 150.12 feet; thence S89°55'10"E along the Southerly right of way and the Westerly projection of East Vista Drive as same is shown on the plat of Village East First Filing, as described in Plat Book 11, page 76 of the Mesa County, Colorado, Public Records a distance of 240.07 feet to the Northwest corner of Block One of said Village East First Filing; thence S00°09'16"E along the West line of Block One of said Village East First Filing, a distance of 450.00 feet to a point on the Northerly right of way of Patterson Road; thence N89°55'10"W, along the North right of way of Patterson Road, a distance of 135.00 feet; thence N45°02'11"W, along said right of way, a distance of 35.43 feet to a point on the Easterly right of way of said 30 Road; thence N00°09'16"W along the

East right of way of said 30 Road a distance of 275.21 feet; thence S89°50'44"W a distance of 40.00 feet, more or less to the POINT OF BEGINNING.
Excluding any Right-of-Way.

INTRODUCED on first reading on the 1st day of November, 2006 and ordered published.

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

ATTEST:

President of Council

City Clerk

Attach 9

Contract for Audit Services

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|------------------------------------|-----|----------------------------------|-----|----------------|---------------------------------|
| Subject | Contract Engaging Outside Auditors | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 20, 2006 | | | | | |
| Author | Ron Lappi | | Administrative Services Director | | | |
| 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: A Resolution authorizing a contract for audit services between the City of Grand Junction, Colorado and Chadwick, Steinkirchner, Davis and Co., P.C. (CSD) for 2006, with renewal at the City's option for an additional three years.

Budget: The all inclusive maximum cost annually for these audit services is \$26,930 for each of the four years. The Budget for 2007 for this first year's audit is \$22,000 in the Budget and Accounting Division Budget, so it will be adjusted upward by \$4,930 in the final appropriation ordinance for 2007. Their proposal represents the first requested increase in eight years.

Action Requested/Recommendation: Adoption of the attached Resolution.

Attachments: Resolution

Background Information: By policy every four years the City solicits proposals from qualified and interested Independent Certified Public Accounting firms to do our annual audit work. On September 28, 2006 our comprehensive thirteen page Request for Proposals was sent to seventeen (17) different firms, both local and in the front range of Colorado that have some public sector experience and qualifications. Although we received a handful of letters back indicating for various reasons why certain firms chose not to propose, we did receive two very fine proposals from two firms, Chadwick,

Steinkirchner, Davis & Co., P.C. and Bondi & Co. CPAs. The proposals were evaluated by the Accounting Supervisor, Budget and Accounting Manager and myself using the criteria included in the RFP.

The unanimous opinion of the evaluation committee was that the retention of CSD as our auditors was in the best interest of the City of Grand Junction. Although both received very good technical scores, the cost of engaging CSD for this work was less than half the cost of Bondi and Co. While Bondi and company has a great reputation it is difficult for a front range firm of any size to compete with a qualified local firm. We did send requests to five local firms, but only CSD chose to propose. We have been very satisfied with the quality of work done annually by CSD, and recommend their continued service to the City. I did notify both firms of our recommendation, and requested a change in the principal responsible for the audit, so that we continue to receive a fresh look at our processes and procedures; which they supported.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A CONTRACT FOR
AUDIT SERVICES BETWEEN THE
CITY OF GRAND JUNCTION, COLORADO, AND CHADWICK, STEINKIRCHNER,
DAVIS & CO., P.C.**

RECITALS:

1. The City of Grand Junction (hereinafter called "City") solicited proposals from 17 qualified firms of Certified Public Accountants to perform audit services for the City.
2. Two proposals were received and evaluated from a technical standpoint by the City's accounting staff consisting of two CPA's, and the Budget & Accounting Manager.
3. The firm of CHADWICK, STEINKIRCHNER, DAVIS & CO., P.C. received the highest overall rating by all of the evaluators, including points for the lowest fee for the all-inclusive scope of services.

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

- a) The proposal for audit services for the year ending December 31, 2006, which was received from CHADWICK, STEINKIRCHNER, DAVIS & CO., P.C., is hereby accepted in the amount of \$26,930.
- b) Unless otherwise recommended by the City staff, it is the intention of the City to not solicit proposals for audit services for another four years.
- c) The Finance Director is hereby authorized and directed to enter into a service agreement with CHADWICK, STEINKIRCHNER, DAVIS & CO., P.C. for audit services for the years 2006 through 2009, subject to annual proposal review and approval by the Director for each of the four years.

ADOPTED AND APPROVED THIS: ___ day of _____, 2006.

President of the Council

ATTEST:

City Clerk

Attach 10

Setting a Hearing Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------------------|-----|----------------|---------------------------------|
| Subject | Downtown Development Authority TIF Bonds | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 26, 2006 | | | | File # | |
| Author | Ron Lappi | | Administrative Services Director | | | |
| Presenter Name | Ron Lappi | | Administrative Services Director | | | |
| Report results back to Council | | No | X | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | X | Consent | Individual Consideration |

Summary: The proposed ordinance authorizes the issuance of one bond in the amount of \$2,180,500 with it maturing December 22, 2007.

Budget: The T.I.F. Revenue Fund of the City has adequate funds on hand to defease the currently outstanding bonds. The projected revenues annually from the T.I.F. increments through 2007 will be adequate to pay the debt service on the new bond.

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for November 15, 2006.

Attachments: Ordinance

Background Information: Proceeds of the bond issue will be used by the City and DDA to finance \$2,180,500 in capital expenditures over the next year. The funds will be used to help build the parking garage and 7th street improvement project.

The issue will consist of one bond in the amount of \$2,180,500 with it maturing December 22, 2007. Interest on the bond will be paid semi-annually on June 22 and December 22 beginning June 22, 2007. The City of Grand Junction will act as its own paying agent and bond registrar for this small issue. Sherman & Howard will issue an opinion regarding the tax exempt status of this bond issue.

Bids were opened on Monday, October 23, 2006 from four banks to purchase this bond issue. The lowest interest cost at 3.90% was proposed by First National Bank of the Rockies and the bond will be sold to them at closing December 22, 2006.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE BONDS, SERIES 2006; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS; PROVIDING FOR THE PAYMENT AND DISCHARGE OF THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS.

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

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Act: Part 8 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Sections 16 and 17 hereof and having a lien on the Pledged Revenues on a parity with the lien of the 2006 Bonds.

Authority: the Grand Junction, Colorado Downtown Development Authority, created by the City by an ordinance adopted March 16, 1977.

Average Annual Debt Service: the sum of principal and interest requirements on the Bonds to be paid during each Fiscal Year for the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond becomes due, divided by the number of Fiscal Years (including portions thereof) during the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond becomes due.

Bond Account: the account by that name created by Section 14 hereof.

Bonds: the Outstanding 2006 Bonds and any Outstanding Additional Bonds.

Business Day: a day on which banks located in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

City: the City of Grand Junction, Colorado.

City Council: the City Council of the City or any successor in functions thereto.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve-month period as may from time to time be designated by the City Council as the Fiscal Year of the City.

Governmental Obligations: bills, certificates, notes, bonds or similar securities which are direct obligations of, or obligations of the principal of and interest on which are unconditionally guaranteed by, the United States (or ownership interests in any of the foregoing) and which are not callable prior to their scheduled maturities by the issuer thereof.

Maximum Annual Debt Service Requirement: the maximum amount of all required payments of principal and interest on the Outstanding Bonds which will become due in any Fiscal Year.

2003 Bonds: the City's Downtown Development Authority Tax Incremental Revenue Bonds, Series 2003, issued pursuant to the 2003 Ordinance.

2003 Ordinance: Ordinance No. 3585 of the City, adopted by the City Council on November 19, 2003, authorizing the issuance of the 2003 Bonds, as amended by Ordinance 3592 of the City, adopted by the City Council on December 17, 2003.

2006 Bonds: the City's Downtown Development Authority Tax Incremental Revenue Bonds, Series 2006 issued pursuant to this Ordinance.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the 2006 Bonds.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

Bonds theretofore canceled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful registered owners thereof; or

Bonds deemed to have been paid as provided in Section 19 hereof or any similar section of an ordinance authorizing Additional Bonds.

Owner or registered owner: the registered owner of any 2006 Bond as shown on the registration records kept by the Registrar.

Paying Agent: the Finance Director of the City, or his successors and assigns.

Permitted Investment: any investment or deposit permitted by the laws of the State.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Plan: the Downtown Development Authority Plan of Development approved in the Resolution, including any amendments to the Plan subsequently approved by the City Council.

Plan of Development Area: the area subject to the Plan, including any additional property subsequently included therein.

Pledged Revenues: the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83), all funds deposited in the Tax Increment Fund and Bond

Account, and investment income from the Bond Account and Tax Increment Fund, subject to Federal tax laws regarding arbitrage rebate.

Principal Operations Office: the principal operations office of the Registrar and Paying Agent, currently located at the City of Grand Junction, Colorado.

Project: the improvements in the Plan of Development Area acquired with proceeds of the 2006 Bonds, which improvements shall be described in the Plan.

Purchaser: First National Bank of the Rockies.

Rebate Account: the account by that name created by Section 14 hereof.

Registrar: the Finance Director of the City, or his successors and assigns.

Regular Record Date: the last business day of the calendar month next preceding each interest payment date for the 2006 Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Resolution: the City Council Resolution adopted December 16, 1981 approving the Plan and establishing the Tax Increment Fund, all as amended from time to time.

Special Record Date: a special date fixed to determine the names and addresses of registered owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 6 hereof.

State: the State of Colorado.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the 2006 Bonds, and any regulations promulgated thereunder.

Tax Increments: those portions of the ad valorem and municipal sales tax revenue produced from the Plan of Development Area which are in excess of the amounts certified as base amounts by the Assessor of the County and the City Finance Director pursuant to Section 31-25-807(3) of the Act and pledged herein for the repayment of and as security for the Bonds. "Tax Increments" also include specific ownership taxes, if and to the extent received by the City in connection with the property tax increment.

Tax Increment Fund: the special fund created by the Resolution into which the Tax Increments are to be deposited by the City.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

Recitals.

The City is a municipal corporation duly organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.

The Authority was organized by the City pursuant to the Act as a Colorado Downtown Development Authority for the purposes of the Act and subsequently improving the area of the City contained within the Plan of Development Area. The Authority proposed and submitted the Plan to City Council, and the Plan was approved by the City Council in the Resolution. The Plan has been modified from time to time by amendments to the Resolution for the purpose of including additional property within the Plan of Development Area and other relevant changes. The Plan provides for a division of taxes pursuant to Section 31-25-807(3) of the Act. The Resolution established the Tax Increment Fund for the deposit of the Tax Increments resulting from such division of taxes.

Pursuant to the Act, the City is permitted to issue securities made payable from the Tax Increments for the purposes of a project if the issuance of such bonds and the pledge of such revenues are first submitted for approval to the qualified electors of the Authority at a special election held for such purpose.

In addition, Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation (except that refundings of existing debt at lower interest rates do not require an election).

At a special election held on August 3, 1982, a majority of the electors of the Plan of Development Area voting thereon authorized the City to issue bonds or other indebtedness not to exceed the aggregate net principal amount of \$10,000,000 and not to exceed a maximum aggregate net effective interest rate of 18% per annum for the purpose of improving traffic and pedestrian circulation within the Plan of Development Area and authorized the pledge of the Tax Increment Fund for payment of principal, interest and any premiums due in connection with such bonds or other indebtedness, said pledge of funds not to exceed 25 years in duration.

The ballot text submitted to the voters at the 1982 election for approval of the issuance of such debt was as follows:

Shall the City of Grand Junction, Colorado, be authorized to issue bonds or provide for loans, advances or indebtedness (including, but not limited to, obligations payable from project revenues or special assessments, but not including obligations which are general obligations of the City) and to pledge for the payment of the principal thereof, the interest thereon, and any premiums due in connection therewith the Tax Increment Fund created by Resolution of the City Council on December 16, 1981, containing the ad valorem and municipal sales tax increment funds derived or to be derived from and attributable to development and redevelopment within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of providing public improvements designed to improve traffic and pedestrian circulation within the downtown area, including, but not limited to, property acquisition for off-street parking, off-street surface and structure parking development, right-of-way acquisition, alleyway improvements, channelization, paving, curb and gutter improvements, landscaping, and traffic signal and control facilities, such bonds, loans, advances and indebtedness not to exceed in aggregate principal amount the sum of \$10,000,000 at a maximum net effective interest rate of 18% per annum and the pledge of the Tax Increment Fund not to exceed 25 years in duration?

The City has previously utilized \$7,819,500 of the existing authorization, leaving authorization of \$2,180,500 before issuance of the 2006 Bonds.

The 2006 Bonds issued for the Project shall be issued with terms such that they meet the requirements of the 1982 authorization.

The City has heretofore issued the 2003 Bonds in the original aggregate principal amount of \$2,995,000, of which \$805,000 remains outstanding bearing interest at the rates designated below, payable semi-annually on June 22 and December 22 in each year, and maturing on December 22 in the year and amount as follows:

| <u>Maturity</u> (December 22) | <u>Principal Amount Outstanding</u> | <u>Interest Rate</u> (Per annum) |
|----------------------------------|-------------------------------------|-------------------------------------|
| 2007 | 805,000 | 2.75 |

The 2003 Bonds maturing on December 22, 2007 are subject to redemption prior to maturity, at the option of the City, in whole or in part, on December 22, 2006 or on any date thereafter at a redemption price equal to the principal amounts so redeemed plus accrued interest to the redemption date.

The City Council desires to use moneys presently on hand to cause the 2003 Bonds to be called for prior redemption in advance of or concurrently with the issuance of the 2006 Bonds, provided, however, that the proceeds of the 2006 Bonds will not be used to effect such redemption.

The City is not delinquent in the payment of the principal of, premium, if any, or interest on any of the 2003 Bonds.

Assuming the redemption of the 2003 Bonds as set forth above, there are no other liens on the Pledged Revenues. The Pledged Revenues may now be pledged lawfully and irrevocably for the payment of the 2006 Bonds.

The City expects to receive an offer from the Purchaser for the purchase of the 2006 Bonds for the purpose of defraying in whole or in part the costs of the Project and costs of issuance of the 2006 Bonds.

The City Council desires to cause the 2006 Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council and other officers of the City in the creation of the Tax Increment Fund, the pledging of the Tax Increments (to the extent described herein) the implementation of the Project, and selling and issuing the 2006 Bonds for those purposes are ratified, approved and confirmed.

Authorization of Project. The Project hereby is authorized at a cost of not exceeding \$2,180,500 (excluding costs to be paid from sources other than the proceeds of the 2006 Bonds). The useful life of the Project is not less than 10 years.

Authorization of the 2006 Bonds. There hereby are authorized to be issued fully registered Tax Increment revenue securities of the City, to be designated "City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2006" in the aggregate principal amount of \$2,180,500, to be payable and collectible, both as to principal and interest, from the Pledged Revenues.

2006 Bond Details. The 2006 Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of the Purchaser, shall be dated as of the date of their delivery, shall be issued in a denomination equal to the principal amount of the 2006 Bonds maturing on the maturity date set forth below. The 2006 Bonds shall be numbered in such manner as the Registrar may determine. The 2006 Bonds shall bear interest from their dated date until maturity payable semiannually on June 22 and December 22 in each year, commencing on June 22, 2007, except that any 2006 Bond which is reissued upon transfer or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the 2006 Bonds. The maximum net effective interest rate on the Bonds shall be 18%. The 2006 Bonds shall bear interest at the rate designated below (based on a 360-day year consisting of twelve 30-day months) and shall mature on December 22 in the following year and in the following amount:

| <u>Maturity (December 22)</u> | <u>Principal Amount</u> | <u>Interest Rate Per Annum</u> |
|-----------------------------------|-----------------------------|------------------------------------|
| 2007 | \$2,180,500 | 3.90% |

The principal of and premium, if any, on any 2006 Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Registrar at the Principal Operations Office, upon maturity thereof and upon presentation and surrender at the Principal Operations Office of the Paying Agent. If any 2006 Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said 2006 Bond until the principal thereof is paid in full. Payment of interest on any 2006 Bond shall be made by check or draft mailed by the Paying Agent from the

Principal Operations Office, on or before each interest payment date (or, if such interest payment date is not a Business Day, on or before the next succeeding Business Day), to the registered owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the defaulted interest shall be given to the registered owners of the 2006 Bonds not less than ten days prior to the Special Record Date by first-class mail to each such registered owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any 2006 Bond by such alternative means as may be mutually agreed to between the Owner of such 2006 Bond and the Paying Agent (provided, however, that if the Paying Agent is other than the City, the City shall not be required to make funds available to said Paying Agent prior to the dates provided in an agreement between the City and the successor Paying Agent. All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar, if other than the City.

Prior Redemption.

The 2006 Bonds are not subject to prior redemption.

Lien on Pledged Revenues; Special Obligations. The 2006 Bonds constitute a pledge of, and an irrevocable first lien (but not an exclusive first lien) on all of the Pledged Revenues. The 2006 Bonds are equitably and ratably secured by a pledge of and lien on the Pledged Revenues. All of the 2006 Bonds, together with the interest accruing thereon shall be payable and collectible solely out of the Pledged Revenues, which are hereby irrevocably so pledged; the registered owner or owners of the 2006 Bonds may not look to any general or other

fund of the City or the Authority for the payment of principal of and interest on the 2006 Bonds, except the designated special funds and accounts pledged therefor. The 2006 Bonds shall not constitute an indebtedness nor a debt within the meaning of any applicable Charter, constitutional or statutory provision or limitation; nor shall they be considered or held to be general obligations of the City or the Authority.

Form of 2006 Bonds and Registration Panel. The 2006 Bonds and the registration panel shall be substantially as follows (provided that any portion of the 2006 Bond text may, with appropriate references, be printed on the back of the 2006 Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO
DOWNTOWN DEVELOPMENT AUTHORITY
TAX INCREMENT REVENUE BOND
SERIES 2006

R- _____ \$ _____

INTEREST RATE MATURITY DATE DATED DATE CUSIP

_____ % December 22, 2007 _____, 2006

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), for value received, promises to pay to the registered owner specified above, or registered assigns, solely from the special funds provided therefor, the principal amount specified above, on the maturity date specified above, and to pay from said sources interest thereon on June 22 and December 22 of each year, commencing on June 22, 2007, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. The principal of this bond is payable upon presentation and surrender hereof to the Principal Operations Office of the City's registrar and paying agent (the "Registrar" or the "Paying Agent"), initially the Finance Director for the City, whose Principal Operations Office is currently located at the City of Grand Junction, Colorado. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose

name this bond is registered (the “registered owner”) in the registration records of the City maintained by the Registrar at the Principal Operations Office and at the address appearing thereon at the close of business on the last business day of the calendar month next preceding such interest payment date (the “Regular Record Date”). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the bonds of the series of which this is one (the “2006 Bonds”) not less than ten days prior to the Special Record Date. Alternative means of payment of interest may be used if mutually agreed to between the Owner of any Bond and the Paying Agent, as provided in the ordinance of the City authorizing the issuance of the 2006 Bonds (the “Bond Ordinance”). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar. The 2006 Bonds are not subject to prior redemption.

The Bonds are issued in fully registered form, in denominations equal to the principal amount of the Bonds maturing on each maturity date. Subject to the aforementioned restriction, the 2006 Bonds are transferable only as set forth in the Bond Ordinance.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute Owner hereof for the purpose of making payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Bond Ordinance with respect to Regular and Special Record Dates for the payment of interest.

The 2006 Bonds are authorized for the purpose of defraying wholly or in part the costs of the Project (as defined in the Bond Ordinance), for the payment of costs and expenses incidental thereto and to the issuance of the 2006 Bonds, all under the authority of and in full conformity with the Constitution of the State of Colorado and the Act (as defined in the Bond Ordinance) and pursuant to the Bond Ordinance duly adopted, published and made a law of the

City, all prior to the issuance of this bond. As provided in the Act, this bond and the interest thereon is exempt from taxation by the State of Colorado except inheritance, estate and transfer taxes.

The 2006 Bonds do not constitute a debt or an indebtedness of the City or the Authority within the meaning of any applicable charter, constitutional or statutory provision or limitation. This Bond shall not be considered or held to be a general obligation of the City, and is payable from, and constitutes a pledge of and an irrevocable first lien (but not an exclusive first lien) on all of the proceeds to be derived by the City from the Pledged Revenues (the "Pledged Revenues"), consisting of funds derived from the incremental increase in property tax revenues (including specific ownership taxes, if any and to the extent received by the City in connection with the incremental property tax revenues) and a portion of the incremental increase in sales tax revenues (the "Tax Increments") calculated with reference to a base year within the area of the City subject to the Plan of Development for the Grand Junction Downtown Development Authority, and also consisting of the Bond Account, the Tax Increment Fund and investment income thereon, all as more specifically provided in the Bond Ordinance.

The 2006 Bonds constitute a pledge of, and an irrevocable first lien on all of the Pledged Revenues. The 2006 Bonds are equitably and ratably secured by a pledge of and first lien on the Pledged Revenues.

Payment of the principal of and interest on this bond shall be made from, and as security for such payment there are irrevocably pledged, pursuant to the Bond Ordinance, moneys deposited and to be deposited in a special account of the City (the "Bond Account") into which account the City has covenanted under the Bond Ordinance to pay from the Pledged Revenues a sum sufficient, together with other moneys available in the Bond Account therefor, to pay when due the principal of and interest on the 2006 Bonds and any Additional Bonds (as defined in the Bond Ordinance). Except as otherwise specified in the Bond Ordinance, this bond is entitled to the benefits of the Bond Ordinance equally and ratably both as to principal and interest with all other Bonds issued and to be issued under the Bond Ordinance, to which reference is made for a description of the rights of the Owners of the 2006 Bonds and the rights and obligations of the City. This bond is payable from the Pledged Revenues, and the Owner

hereof may not look to any general or other fund of the City or the Authority for the payment of the principal of and interest on this bond except the Pledged Revenues. Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the 2006 Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security, the terms and conditions under which additional bonds payable from the Pledged Revenues may be issued, the rights, duties and obligations of the City, and the rights of the Owners of the 2006 Bonds; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

FOR PURPOSES OF SECTION 265(b)(3)(B) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE CITY HAS DESIGNATED THE 2006 BONDS AS A QUALIFIED TAX-EXEMPT OBLIGATION.

This bond must be registered in the name of the Owner as to both principal and interest on the registration records kept by the Registrar at the Principal Operations Office in conformity with the provisions stated herein and endorsed herein and subject to the terms and conditions set forth in the Bond Ordinance. No transfer of this bond shall be valid unless made in accordance with the restrictions set forth herein and in the Bond Ordinance and on the registration records maintained at the Principal Operations Office of the Registrar by the registered owner or his attorney duly authorized in writing.

It is further certified and recited that all the requirements of law have been fully complied with by the proper City officers in the issuance of this bond.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

IN TESTIMONY WHEREOF, the City Council of the City of Grand Junction has caused this bond to be signed and executed in its name with a manual or facsimile signature of the President of the City Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, with a manual or facsimile impression of the seal of the City affixed hereto, all as of the date specified above.

President of the City Council

(MANUAL OR FACSIMILE SEAL)

Attest:

City Clerk

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

This is one of the 2006 Bonds described in the within-mentioned Bond Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

Date of Authentication
and Registration: _____

CITY OF GRAND JUNCTION, COLORADO,
as Registrar

By: _____
Finance Director

(End of Form of Registrar's Certificate of Authentication)

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the registration records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By: _____

(Firm or Bank)

Authorized Signature

Name and Address of transferee:

Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

Negotiability. Subject to the registration provisions hereof, the 2006 Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Owner or Owners thereof shall possess all rights enjoyed by the holders or owners of negotiable instruments under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the 2006 Bonds shall be paid, and the 2006 Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate owner of any 2006 Bonds or any setoffs or cross-claims.

Execution. The 2006 Bonds shall be executed in the name and on behalf of the City by the signature of the President of the City Council, shall be sealed with a manual or facsimile impression of the seal of the City and attested by the signature of the City Clerk. Each 2006 Bond shall be authenticated by the manual signature of an authorized officer or employee of the Registrar as hereinafter provided. The signatures of the President of the City Council and the City Clerk may be by manual or facsimile signature. The 2006 Bonds bearing the manual or facsimile signatures of the officers in office at the time of the authorization thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor or before the issuance of the 2006 Bonds upon transfer, any or all of the persons whose manual or facsimile signatures appear thereon shall have ceased to fill their respective offices. The President of the City Council and the City Clerk shall, by the execution of a signature certificate pertaining to the 2006 Bonds, adopt as and for their respective signatures any facsimiles thereof appearing on the 2006 Bonds. At the time of the execution of the signature certificate, the President of the City Council and the City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the 2006 Bonds.

No 2006 Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of

authentication on all of the 2006 Bonds issued hereunder. By authenticating any of the 2006 Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Registration and Transfer.

Records for the registration and transfer of the 2006 Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the 2006 Bonds. Upon the surrender for transfer of any 2006 Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new 2006 Bond or Bonds of the same series, of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such transfers of 2006 Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such transfer) shall be paid by the registered owner requesting such transfer.

The person in whose name any 2006 Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 6 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any 2006 Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such 2006 Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such 2006 Bond to the extent of the sum or sums so paid.

If any 2006 Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement 2006 Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated 2006 Bond shall have matured

or is about to become due and payable, the Registrar may direct the Paying Agent to pay such 2006 Bond in lieu of replacement.

The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated 2006 Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

Whenever any 2006 Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer or replacement as provided herein, such 2006 Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Delivery of 2006 Bonds and Disposition of Proceeds. When the 2006 Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the 2006 Bonds to be delivered to the Purchaser on receipt of the agreed purchase price. The 2006 Bonds shall be delivered in such denominations as the Purchaser shall direct (but subject to the provisions of Section 12 hereof); and the Registrar shall initially register the 2006 Bonds in such name or names as the Purchaser shall direct.

The proceeds of the 2006 Bonds shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Purchaser of the 2006 Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All proceeds of the 2006 Bonds shall be credited to the Tax Increment Projects Fund, hereby created, to be used for the Project and for the costs of issuance of the 2006 Bonds. After payment of all costs of the Project and costs of issuance of the 2006 Bonds, or after adequate provision therefor is made, any unexpended balance of the proceeds of the 2006 Bonds shall be deposited in the Bond Account and applied to the payment of the principal of and interest on the 2006 Bonds.

Use of Pledged Revenues. So long as any Bonds shall be Outstanding, either as to principal or interest, all Pledged Revenues in the Tax Increment Fund shall be applied as described below:

Bond Account. A special account is hereby created and designated as the “City of Grand Junction, Colorado, Downtown Development Authority 2006 Tax Increment Revenue Bond Account” (the “Bond Account”). The Bond Account shall be held, administered and distributed by the City in accordance with the terms of this Ordinance. The Pledged Revenues remaining in the Tax Increment Fund shall be credited immediately to the Bond Account until the total amount accumulated therein is equal to the sum of the following:

Interest payments. The aggregate amount of the next maturing installment of interest on the Bonds, plus

Principal payments. The aggregate amount of the next maturing installment of principal of the Bonds.

Once there has been accumulated in the Bond Account the entire amount necessary for the payment of principal of and interest on the Bonds in the current Fiscal Year, no moneys need be deposited in the Bond Account until the following Fiscal Year. The moneys in the Bond Account shall be used only to pay the principal of, prior redemption premium, if any, and interest on the Bonds as the same becomes due.

Termination Upon Deposits to Maturity. No payment need be made into the Bond Account if the amount in the Bond Account totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be withdrawn and used for any lawful purpose.

Defraying Delinquencies in Bond Account. If on any required payment date the City shall for any reason not have in the Bond Account the full amount above stipulated, then the City shall deposit into the Bond Account from the first Pledged Revenues thereafter received and not required to be applied otherwise by this Section (but excluding any payments required for any obligations subordinate to the Bonds) an amount equal to the difference between the amount then on deposit in the Bond Account and the amount needed to make the payments due on said payment date.

In the event that said first moneys credited to the Tax Increment Fund have been insufficient during a given Fiscal Year to meet the principal and interest requirements on the Bonds to be paid during said Fiscal Year, then during the month of December of said Fiscal Year, the City may at its option and sole discretion, transfer to the Bond Account from surplus legally available funds a sum equal to the amount needed to meet said debt service requirements due and owing on the Bonds. The City intends to include the question of whether to so replenish the Bond Account on its agenda in December of any Fiscal Year for which the balance of the Bond Account is inadequate to meet said debt service requirements. If and to the extent the City decides to replenish the Bond Account from surplus legally available funds, all such City moneys deposited into the Bond Account shall be deemed a loan to the Tax Increment Fund, to be paid back on an annually subordinate basis pursuant to Section 14E as a "subordinate obligation."

The moneys in the Bond Account shall be used solely for the purpose of paying the principal of, redemption premium, if any, and the interest on the Bonds; provided, that any moneys in the Bond Account in excess of accrued and unaccrued principal and interest requirements to the respective maturities of the Outstanding Bonds, and not needed for rebate to the United States government, may be used as provided in paragraphs E and F of this Section.

Rebate Account. Next, there shall be deposited in a special account hereby created and to be known as the "City of Grand Junction, Colorado, Downtown Development Authority 2006 Tax Increment Revenue Bonds Rebate Account" (the "Rebate Account") amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury. A similar rebate account may be created for any series of Additional Bonds and payments into such account shall have the same priority as payments into the Rebate Account created hereunder.

Payment for Subordinate Obligations. After the payments required by paragraphs A, C and D of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the 2006 Bonds (including the repayment of any City loan to replenish the Bond Account), hereafter authorized to be issued, including reasonable reserves therefor.

Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose. Without limiting the foregoing, to the extent permitted by law, the City is hereby authorized to transfer any and all remaining Pledged Revenues which constitute investment income on moneys in the Tax Increment Fund to the Authority to be used for administrative expenses.

General Administration of Accounts. The accounts designated in Sections 13 and 14 hereof and the Tax Increment Fund shall be administered as follows subject to the limitations stated in Section 18K hereof:

Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 14 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the City Council in each year respectively while any of the 2006 Bonds, either as to principal or interest, are Outstanding and unpaid.

Places and Times of Deposits. Each of the special accounts created in Section 14 hereof and the Tax Increment Fund shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding Business Day.

Investment of Accounts. Any moneys in any account established by Section 14 of this Ordinance and the Tax Increment Fund may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60-day period, except for any moneys on deposit in an interest-bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 15C and Section 15E hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 18K hereof.

No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 15C hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 15C hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Additional Bonds.

Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from and constituting a lien upon the Pledged Revenues on a parity with the lien of the 2006 Bonds; but before any such Additional Bonds are authorized or actually issued (excluding any parity refunding securities refunding the Bonds or a part thereof, as provided in Section 17 hereof), the following provisions B through F must all first be satisfied.

Absence of Default. At the time of the adoption of the supplemental ordinance or other instrument authorizing the issuance of the Additional Bonds, the City shall not be in default in making any payments required by Section 14 hereof.

Historic Revenues Test. The Tax Increments constituting Pledged Revenues, as certified by the City Council, received in the last complete Fiscal Year immediately preceding the date of the issuance of such Additional Bonds, shall have been sufficient to pay an amount at least equal to 100% of the sum derived by adding the following: (i) the Average Annual Debt Service for the Outstanding Bonds and (ii) the Average Annual Debt Service for the Additional Bonds proposed to be issued.

Adjustment of Historic Revenues. In the computation of the historic revenues test in Section 16 hereof, the amount of the Tax Increments constituting Pledged Revenues for such Fiscal Year may be increased by the amount of gain which will result from any increase in the amount of the assessed valuation of taxable property within the Plan of Development Area, or the mill levy or percentage of sales tax which will be applied in the City during that Fiscal Year as provided in final ordinances, certifications, or resolutions of the City or county or other taxing authority, approved if required by the electors, providing for such increase.

Adequate Reserves. The City may, at its option, provide for the creation and maintenance of a reserve fund in connection with the issuance of any Additional Bonds.

Reduction of Annual Requirements. The respective annual debt service requirements set forth in Section 16 hereof (including as such a requirement, the amount of any prior redemption premiums due on any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of bonds or securities for redemption) shall be reduced to the extent such debt service requirements are

scheduled to be paid in each of the respective Fiscal Years with moneys held in trust or in escrow for that purpose by any Trust Bank located within or without the State, including the known minimum yield from any investment of such moneys in Governmental Obligations and bank deposits, including any certificate of deposit.

Certification of Revenues. In the case of the computation of the revenue tests provided in Section 16C and when adjusted in the manner provided in Section 16D, the specified and required written certification by the City Council that such annual revenues are sufficient to pay such amounts as provided in Section 16C hereof shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver Additional Bonds on a parity with the then Outstanding Bonds.

Subordinate Securities Permitted. Nothing herein prevents the City from issuing additional bonds or other additional securities for any lawful purpose payable from the Pledged Revenues having a lien thereon subordinate, inferior and junior to the lien thereon of the Bonds.

Superior Securities Prohibited. Nothing herein permits the City to issue bonds or other securities payable from the Pledged Revenues and having a lien thereon prior and superior to the lien thereon of the 2006 Bonds.

Refunding Obligations.

Generally. If at any time after the 2006 Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding obligations payable from the Pledged Revenues, said obligations, or any part thereof, may be refunded, subject to the provisions of paragraph B of this Section, if (1) the obligations to be refunded, at the time of their required surrender for payment, shall then mature or shall then be callable for prior redemption at the City's option upon proper call, or (2) the owners of the obligations to be refunded consent to such surrender and payment.

Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues shall be issued with such details as the City Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of obligations payable from the Pledged Revenues; but so long as any 2006 Bonds are Outstanding, refunding obligations

payable from the Pledged Revenues may be issued on a parity with the unrefunded Bonds only if:

Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

Requirements. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Revenues is not raised to a higher priority than the lien thereon of any obligations thereby refunded; or

Earnings Tests. The refunding obligations are issued in compliance with Section 16 hereof.

Protective Covenants. The City hereby additionally covenants and agrees with each and every Owner of the 2006 Bonds that:

Use of 2006 Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

Payment of 2006 Bonds. The City will promptly pay the principal of and interest on every 2006 Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said 2006 Bonds according to the true intent and meaning hereof. Such principal and interest is payable solely from the Pledged Revenues.

Amendment of the Resolution; Continuance and Collection of Taxes _____. The Resolution is now in full force and effect and has not been repealed or amended.

Unless required by law, the City shall not make any further modification of the Resolution or the Plan which would reduce the Tax Increments deposited or to be deposited in the Tax Increment Fund or otherwise materially impair the pledged security for the 2006 Bonds unless the required consent is obtained, all as provided in Section 25 of this Ordinance.

The City shall maintain the Tax Increment Fund as a fund of the City separate and distinct from all other funds of the City and immediately upon receipt or collection of the Tax Increments shall deposit the Tax Increments (less 20% of the Tax Increments originating from

sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83) into said fund.

The City shall take all reasonable action necessary to collect delinquent payments of the ad valorem and sales taxes owing from the Plan of Development Area or to cause such delinquent payments to be collected.

The foregoing covenants are subject to compliance by the City with its Charter, any legislation of the United States or the State or any regulation or other action taken by the federal government or any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof or the public welfare, which legislation, regulation or action applies to the City as a Colorado municipality and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28- 83) shall be subject to the payment of the debt service requirements of all Bonds payable from the Pledged Revenues and the Tax Increment Fund, including reserves therefor if any, as provided herein or in any instrument supplemental or amendatory hereto.

Defense of Legality of Application and Use of Tax Increments. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, the Resolution, or the imposition and collection of the Tax Increments, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Resolution.

The City shall, to the extent permitted by law, defend the validity and legality of the collection of the Tax Increments and any taxes contributing thereto, this Ordinance and the Resolution, and all amendments thereto against all claims, suits and proceedings which would diminish or impair the Pledged Revenues or Tax Increment Fund as security for the Bonds.

Except as specified in this Ordinance, the City has not assigned or pledged the Pledged Revenues or Tax Increment Fund in any manner which would diminish the security for the payment of the Bonds.

Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance. The City, acting by and through its officers, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of said Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the Bonds against all claims and demands of all Persons whomsoever.

Conditions Precedent. Upon the issuance of any of the 2006 Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance to exist, to have happened, and to have been performed precedent to or in the issuance of the 2006 Bonds shall exist, have happened and have been performed, and the 2006 Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State or the Charter.

Records. So long as any of the 2006 Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created or continued by this Ordinance.

Audits. The City further agrees that it will cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the 2006 Bonds to

review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Purchaser.

Performing Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the segregation of the Pledged Revenues as set forth in Section 14 hereof and their application to the respective accounts herein designated.

Other Liens. As of the date of issuance of the 2006 Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues.

Tax Covenant. The City covenants for the benefit of the Registered Owners of the 2006 Bonds that it will not take any action or omit to take any action with respect to the 2006 Bonds, the proceeds thereof, any other funds of the City or any facilities financed or refinanced with the proceeds of the 2006 Bonds if such action or omission (i) would cause the interest on the 2006 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the 2006 Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the 2006 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the 2006 Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

The City hereby designates the 2006 Bonds as a qualified tax-exempt obligation for purposes of Section 265(b)(3)(B) of the Tax Code.

City's Existence. The City will maintain its corporate identity and existence so long as any of the 2006 Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in

place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding 2006 Bonds.

Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

Surety Bonds. Each official of the City having custody of the Pledged Revenues, or responsible for their handling, shall be fully bonded at all times, which bond shall be conditioned upon the proper application of such money.

Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

Defeasance. When the 2006 Bonds have been fully paid both as to principal and interest, all obligations hereunder shall be discharged and the 2006 Bonds shall no longer be deemed to be Outstanding for any purpose of this Ordinance, except as set forth in Section 18K hereof. Payment of any 2006 Bonds shall be deemed made when the City has placed in escrow with a Trust Bank an amount sufficient (including the known minimum yield from Governmental Obligations) to meet all requirements of principal and interest on such 2006 Bonds as the same become due to maturity. The Governmental Obligations shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule agreed upon between the City and such Trust Bank at the time of creation of the escrow and shall not be callable by the issuer thereof prior to their scheduled maturities.

In the event that there is a defeasance of only part of the 2006 Bonds of any maturity, the Registrar shall, if requested by the City, institute a system to preserve the identity of the individual 2006 Bonds or portions thereof so defeased, regardless of changes in bond numbers attributable to transfers of 2006 Bonds; and the Registrar shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Delegated Powers. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing; the printing of the 2006 Bonds and the execution of such certificates as may be required by the Purchaser, including, but not necessarily

limited to, the absence and existence of factors affecting the exclusion of interest on the 2006 Bonds from gross income for federal income tax purposes.

Events of Default. Each of the following events is hereby declared an “event of default:”

Nonpayment of Principal. If payment of the principal of any of the 2006 Bonds shall not be made when the same shall become due and payable at maturity; or

Nonpayment of Interest. If payment of any installment of interest on the 2006 Bonds shall not be made when the same becomes due and payable; or

Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

Default of Any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the 2006 Bonds or in this Ordinance on its part to be performed, other than those delineated in paragraphs A and B of this Section, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the 2006 Bonds then Outstanding.

Remedies. Upon the happening and continuance of any event of default as provided in Section 21 hereof, the Owner or Owners of not less than 25% in aggregate principal amount of the Outstanding Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners of Bonds. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Duties Upon Default. Upon the happening of any of the events of default as provided in Section 21 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on said Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account, pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this Section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Replacement of Registrar or Paying Agent. If the City shall determine that it wishes to appoint a Registrar or Paying Agent other than the Finance Director of the City, the City may, upon notice mailed to each Owner of any 2006 Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No subsequent resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a bank or trust company having a shareowner's equity (e.g., capital, surplus, and undivided profits), however denominated, of not less than \$10,000,000. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Amendment. After any of the 2006 Bonds have been issued, this Ordinance shall constitute a contract between the City and the Owners of the 2006 Bonds and shall be and remain irrevocable until the 2006 Bonds and the interest thereon have been fully paid, satisfied and discharged.

The City may, without the consent of, or notice to the Owners of the 2006 Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

to cure any ambiguity, or to correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not materially adversely affect the interests of the Owners of the 2006 Bonds;

to subject to the lien of this Ordinance additional revenues, properties or collateral;

to grant or confer upon the Registrar for the benefit of the registered owners of the 2006 Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the registered owners of the 2006 Bonds; or

to qualify this Ordinance under the Trust Indenture Act of 1939, as amended.

Exclusive of the amendatory ordinances permitted by paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the City Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of at least 66% in aggregate principal amount of the 2006 Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the 2006 Bonds adversely affected thereby, no such ordinance shall have the effect of permitting:

An extension of the maturity of any 2006 Bond authorized by this Ordinance; or

A reduction in the principal amount of any 2006 Bond or the rate of interest thereon; or

The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

A reduction of the principal amount of 2006 Bonds required for consent to such amendatory or supplemental ordinance; or

The establishment of priorities as between 2006 Bonds issued and Outstanding under the provisions of this Ordinance; or

The modification of or otherwise affecting the rights of the Owners of less than all of the 2006 Bonds then Outstanding.

Redemption of 2003 Bonds.

Exercise of Option. The City Council has elected and does hereby declare its intent to exercise on behalf and in the name of the City its option to redeem on December 22, 2006, all of the outstanding 2003 Bonds maturing on December 22, 2007. The City Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith prior to or upon the issuance of the 2006 Bonds as herein provided.

Authorization to Undertake Redemption. The Finance Director of the City is hereby authorized and directed to take all action necessary or appropriate to effectuate the prior redemption of the 2003 Bonds, including but not limited to the giving of notices of prior redemption of the 2003 Bonds in the form and manner set forth in the 2003 Ordinance.

Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Ordinance Irrepealable. After any of the 2006 Bonds herein authorized are issued, this Ordinance shall constitute a contract between the City and the Owners of the 2006 Bonds, and shall be and remain irrepealable until the 2006 Bonds and interest thereon shall be fully paid, canceled and discharged as herein provided.

Disposition of Ordinance. This Ordinance, as adopted by the City Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the City Council and City Clerk, and by the certificate of publication.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of November, 2006.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of November, 2006.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the "City") and Clerk to the City Council of the City (the "Council"), do hereby certify that:

The foregoing pages are a true, correct and complete copy of an ordinance (the "Ordinance") which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on November 1, 2006 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on November 15, 2006 which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of November 1, 2006, by an affirmative vote of a majority of the members of the Council as follows:

| <u>Councilmember</u> | <u>Voting "Aye"</u> | <u>Voting "Nay"</u> | <u>Absent</u> | <u>Abstaining</u> |
|----------------------|---------------------|---------------------|---------------|-------------------|
| Jim Doody | | | | |
| Bonnie Beckstein | | | | |
| Bruce Hill | | | | |
| Gregg Palmer | | | | |
| Jim Spehar | | | | |
| Teresa Coons | | | | |
| Doug Thomason | | | | |

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 15, 2006, by an affirmative vote of a majority of the members of the Council as follows:

| <u>Councilmember</u> | <u>Voting "Aye"</u> | <u>Voting "Nay"</u> | <u>Absent</u> | <u>Abstaining</u> |
|----------------------|---------------------|---------------------|---------------|-------------------|
| Jim Doody | | | | |

| | | | | |
|------------------|--|--|--|--|
| Bonnie Beckstein | | | | |
| Bruce Hill | | | | |
| Gregg Palmer | | | | |
| Jim Spehar | | | | |
| Teresa Coons | | | | |
| Doug Thomason | | | | |

The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

Notices of the meetings of November 1, 2006 and November 15, 2006 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on _____, 2006 and _____, 2006 as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of November, 2006.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of November 1, 2006 and November 15, 2006)

EXHIBIT B
(Attach Affidavits of Publication)

Attach 11

Change Order #5 to the Contract for the Duck Pond Park Lift Station Elimination Project

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|-----------------------|-----|----------------|---------------------------------|
| Subject | Change Order #5 to the Contract for the Duck Pond Park Lift Station Elimination Project | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 26, 2006 | | | | | |
| Author | Bret Guillory | | Utility Engineer | | | |
| Presenter Name | Mark Relph | | Public Works 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: The work defined by change order #5 includes relocation of an existing sewer line, allowing for installation of an additional girder line on the Highway 50 Bridge crossing the Colorado River. Construction of the girder is part of Phase 3 of the Riverside Parkway project. The existing sewer line that hangs under the bridge is in conflict with this girder line and will need to be moved. Re-routing the flow to the Duck Pond project is the most cost effective way to accomplish this task.

Budget:

| | |
|--|-----------------------|
| Duck Pond Left Station Elimination Project Original Contract Amount | \$2,000,000.00 |
| Previous Change Orders #1 through #4 | \$146,663.63 |
| Change Order #5 | \$137,647.00 |
| Revised Contract Amount | \$2,281,310.59 |

We have \$150,000.00 in Fund 904 unallocated fund balance that is included in the 2006 revised budget which will be used to accomplish the work described by this change order #5.

Action Requested/Recommendation: Authorize the City Manager to approve contract Change Order #5 to the Duck Pond Park Lift Station Elimination Project in the amount of \$137,647.00 with Mendez, Inc. for relocating the existing sewer line crossing the Colorado River on the Highway 50 Bridge.

Background Information:

Staff has negotiated prices with Mendez, Inc. for additional line items needed to accomplish this work which were not included in the Duck Pond project. It is staff's opinion that the negotiated prices are consistent with current prices for similar work.

The aggregate of change orders 1 through 5 for this construction contract is \$281,310.63. In accordance with the City of Grand Junction purchasing manual, Section 8.1.D, City Council approval is required when the aggregate of change orders is greater than \$50,000.

Previous change orders for the project were executed as follows:

Change Order #1 – Deductive change order based on value engineering in the amount of \$-177,619.96. Approved by City Council March 16, 2005

Change Order #2 – Additional days added to contract time for water line work.

Change Order #3 – Additional 24" water line replacement due to old cast iron line leaking under Highway 50 \$298,379.55. Approved by City Council July 20, 2005.

Change Order #4 – Installation of fly ash material to fill annular space between the new sewer pipe and the 48" steel casing pipe \$22,904.00. Approved by City Council September 21, 2005.

Attach 12Lease of City Owned Parking Lot at 2nd and Pitkin Avenue**CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|---|--------------------------------|---------------|---------------------------------|
| Subject | Lease of City-Owned Parking Lot at 2 nd and Pitkin | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 25, 2006 | | | | File # | |
| Author | Jamie B. Kreiling | | | Assistant City Attorney | | |
| Presenter Name | John Shaver | | | City Attorney | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | | Formal Agenda | X | Consent |
| | | | | | | Individual Consideration |

Summary: Commencing in October 2003, the City began leasing the lot it owns on the corner of 2nd and Pitkin to Simmons Lock and Key ("Simmons"), 322 S. 2nd. Because the parcel may be required for future improvements at the curve of Pitkin Avenue, selling the property is not an option. City Council is asked to approve the City Manager entering into another lease with similar terms as the first with the option for renewal of the lease over the next three years. The City retains the right to terminate the lease upon 30 days notice.

Budget: If approved, the City will receive \$1,200 a year in lease payments. The City spent approximately \$1,800 on improvements to the lot which included grading, surfacing and striping at the start of the first lease. Annual maintenance costs are expected to be minimal.

Action Requested/Recommendation: Adopt a resolution authorizing the City Manager to sign a contract leasing the city-owned lot at 2nd and Pitkin for \$100 per month to Simmons Lock and Key.

Attachments: Aerial view of parking lot; Resolution; draft of Lease Agreement

Background Information: Until it was surfaced in September 2003, this parcel had been an unimproved dirt parking lot that oftentimes was very unsightly when poor drainage created very large mud puddles. The businesses in the area have historically

used the lot for employee and customer parking without compensating the City. It was the City's goal to clean up the parcel at minimal cost and earn revenue if possible.

Simmons began leasing the lot in October 2003. Simmons did not need all the parking stalls in the lot and agreed to sublease the spaces in the lot for not more than \$10 each per month to other businesses in the area.

The term of the lease is 12 months. Simmons has the option to renew for two additional another 12 month periods should they choose to do so. The City retains the right to terminate the lease upon 30 days notice.

Aerial View of Lot and 2nd and Pitkin



RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE LEASE OF A CITY-OWNED LOT AT 2ND AND
PITKIN AVENUE BY SIMMONS LOCK AND KEY, INC.**

WHEREAS, the City has negotiated an agreement for Simmons Lock and Key, Inc. to lease certain real property located at the northwest corner of 2nd and Pitkin Avenue from the City for use as a parking lot; and

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to Simmons Lock and Key, Inc.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned lot at 2nd and Pitkin Avenue for \$100.00 per month to Simmons Lock and Key, Inc.

PASSED and ADOPTED this _____ day of November, 2006.

The City Council of the City of Grand Junction

Council President, Jim Doody

Attest:

Stephanie Tuin, City Clerk

LEASE AGREEMENT

This lease is made and entered into this ____ day of _____ 2006, by and between the City of Grand Junction, a Colorado home rule municipality and hereinafter referred to as the "City", and Simmons Lock and Key, Inc., hereinafter referred to as the "Lessee."

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Premises:

City who owns and controls certain real property hereby leases to Lessee, under the terms and condition of this Lease, the following real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 13 thru 17 in Block 134 of the Original Plat of the City of Grand Junction, and hereinafter referred to as the "Property".

2. Purpose:

The Property shall be used as a parking lot. It is the intent of the parties to provide Lessee with no less than 10 parking spaces at this location. Lessee shall not use nor intentionally permit the Property to be used in any manner contrary to the laws of the United States of America, the State of Colorado, the County of Mesa, the City of Grand Junction, or any other entity or jurisdiction having authority over uses conducted upon the Property.

3. Term of the Lease:

Subject to and upon the terms and conditions set forth herein, this lease shall continue in force for a term of twelve (12) consecutive months commencing on November 1, 2006, and ending on October 31, 2007, unless cancelled or terminated earlier as hereinafter provided. If Lessee performs as required pursuant to this Lease and as part of the consideration for this agreement, the City hereby gives to Lessee an option to extend this Lease for two (2) additional twelve (12) consecutive month periods ("Extended Term"). In order to exercise an option for the Extended Term, the Lessee shall give written notice to the City of its intention to exercise the option not less than thirty (30) days prior to the expiration of the current term, by October 1 of each consecutive year.

4. Annual Rent:

The rental rate for the term of this lease is \$1,200.00 annually. The rent shall be paid monthly in the amount of \$100.00. The first payment of \$100.00 shall be due and

payable by Lessee concurrent with Lessee's signing of this Agreement. Each remaining monthly payment shall be made on or before the 15th day of each and every month after until the termination of this lease, without delay. In the event Lessee fails to pay said sum to the City as aforesaid, this Agreement and the lease of the Property to Lessee shall automatically terminate.

Rent checks shall be made payable to:

City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501
Attn: Jamie B. Kreiling

5. Improvements, Repairs, & Maintenance:

Lessee represents that Lessee has inspected and examined the Property and accepts it in its present condition, and agrees that City shall not be required to make any improvements upon the Property. Lessee further affirms that the condition of the Property is sufficient for the purposes of Lessee. The City makes no warranties or promises, either express or implied, that the Property is sufficient for the purposes of Lessee.

Lessee may make improvements to the Property only with prior written consent from the City. Unless otherwise agreed by the parties, all improvements placed on or attached to the Property shall become part of the Property and shall be the sole and separate property of the City. Lessee agrees to make all improvements at Lessee's sole cost and expense, and agrees to keep the premises clean, safe and in good order and condition, including, but not limited to, the removal of all weeds, trash, litter, and debris, at all times during the term. Upon expiration of this Lease, or at any earlier termination, the Lessee will quit and surrender possession of the Property peaceably and in as good order and condition as the Property was at the commencement of the term, reasonable wear and tear and/or damage by the elements excepted; Lessee further agrees to leave the premises free from all nuisance and dangerous and defective conditions.

Upon receipt of notice in writing from Lessee, the City agrees to maintain the surface of the lot in a condition comparable to that which existed at the commencement of the lease or when the City determines that repairs are necessary, except if the repairs are required due to lessee's or lessee's employees, agents, sublessees, licensees and/or guests purposeful negligence. The City shall not repair or maintain the lot more often than annually, unless the City determines it is necessary to do so more often. All other repairs shall be made by Lessee at its sole cost and expense at all times while this lease is in effect.

6. Taxes:

This Lease may create possessory interests which are subject to the payment of taxes levied on such interests. It is understood and agreed that all taxes which become due and payable upon the Property or upon fixtures, equipment or other property installed or constructed thereon, shall be the full responsibility of Lessee. Any such taxes shall be paid prior to delinquency.

7. Insurance and Liability:

Lessee hereby releases, covenants not to bring suit, and agrees to indemnify, defend, and hold the City and the City's officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including attorneys' fees and costs to any person or with regard to any property, including claims arising from injury or death, resulting from Lessee's, his or her agents, or employees, guests, invitees or sublessees' use and occupancy of the Property. The foregoing indemnification obligations shall extend to claims which are not reduced to a suit and any claim which may be compromised by Lessee prior to the culmination of any litigation or the institution of any litigation. Lessee's obligations and liabilities hereunder shall survive the expiration or termination of the Lease and this Agreement.

Lessee shall purchase and at all times of this Lease maintain in effect suitable comprehensive general liability insurance which will protect the City and the City's officers, employees and agents from liability in the event of loss of life, personal injury or property damage suffered by any person or persons on, about or using the Property, including, but not limited to, Lessee and Lessees' employees, agents, sublessees, licensees and guests. Such insurance shall not be cancelled without thirty (30) days prior written notice to the City and shall be written for at least a minimum of One Million Dollars (\$1,000,000.00), combined single limit. The certificate of insurance shall be deposited with the Risk Manager of the City and must designate "The City of Grand Junction, its officers, employees and agents" as additional insureds. If a policy approved by the Risk Manager of the City is not at all times in full force and effect, this Lease shall automatically terminate and Lessee shall immediately vacate and remove its property from the Property.

8. Assignment and Mortgage:

Lessee shall not assign its responsibilities under this contract to others. The Property shall not be sublet by Lessee in its entirety. However, Lessee may sublet individual parking spaces to others at a cost of no more than Ten Dollars (\$10.00) per space per month during the term of this lease. If Lessee should sublet parking spaces under this lease to others, then Lessee shall provide a written copy of this Lease to the sublessee.

Lessee shall not hypothecate or mortgage, or pledge this lease in any manner and any attempted hypothecation or mortgaging of this lease shall be of no force or effect, and shall confer no rights upon any mortgagee or pledgee.

In the event that Lessee shall become incompetent, bankrupt, or insolvent, or should a guardian, trustee, or receiver be appointed to administer Lessee's business or affairs, neither this Lease nor any interest here shall become an asset of the guardian, trustee or receiver, and in the event of the appointment of any guardian, trustee, or receiver, this Lease shall immediately terminate and end.

9. Termination by the City:

The City may terminate this lease at any time it should be determined by its City Manager that public necessity and convenience require it to do so, by serving upon Lessee in the manner subsequently provided, a written notice of its election to so terminate, which notice shall be served at least thirty (30) days prior to the date in the notice named for such termination. At the time of granting any sublease, Lessee shall inform any sublessee in writing of the City's right to terminate: Lessee may satisfy this provision by providing such sublessee with a complete copy of this lease.

10. Default:

In the event that Lessee shall be in default of any payment of any rent or in the performance of any of the terms or conditions agreed to be kept and performed by Lessee, then in that event, the City may terminate and end this Lease, immediately, and the City may enter upon the Property and remove all persons and property, and Lessee shall not be entitled to any money paid or any part of that money; in the event that the City shall bring a legal action to enforce any of the terms of this Lease, or to obtain possession of the Property by reason of any default of Lessee, or otherwise, Lessee agrees to pay the City for all costs of the legal action that it incurs, including reasonable attorney fees.

11. Waiver:

Waiver by the City of any default in performance by Lessee of any of the terms, covenants, or conditions contained here, shall not be deemed a continuing waiver of that default or any subsequent default.

12. The City May Enter:

Lessee agrees that the City, its agents or employees, may enter upon the premises at any time during the term or any extension of it for the purpose of inspection, digging test holes, making surveys, taking measurements, and doing similar work on the premises, with the understanding that the work will be performed in such a manner so as not to unreasonably preclude the use of the Property by Lessee.

13. Successors in Interest:

All of the terms, covenants and conditions contained here shall continue, and bind all successors in interest of Lessee.

14. Surrender, Holding Over:

Lessee shall, upon the expiration or termination of this Lease, peaceably surrender the Property to the City in good order, condition and state of repair. In the event Lessee fails, for whatever reason, to vacate and peaceably surrender the Property upon the expiration or termination of this Lease, Lessee agrees that Lessee shall pay to the City the sum of \$50.00 per day for each and every day thereafter until Lessee has effectively vacated and surrendered the Property. The parties agree that it would be difficult to establish the actual damages to the City in the event Lessee fails to vacate and surrender the Property upon the expiration or termination of this Lease and that said \$50.00 daily fee is an appropriate liquidated damages amount.

15. Entire Agreement:

This lease constitutes the entire agreement between the City and Lessee and no promises or representations, express or implied, either oral or written, not herein set forth shall be binding upon or inure to the benefit of the City and Lessee. This Lease shall not be modified by any oral agreement, either express or implied, and all modifications hereof shall be in writing and signed by both the City and Lessee.

16. Severability:

If any provision of this lease or the application thereof to any person or circumstances shall be invalid or unenforceable to any extent, the remainder of this lease and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

17. Notices:

All notices to be given with respect to this Agreement shall be in writing delivered either by United States mail or Express mail, postage prepaid, or by facsimile transmission, personally by hand or by courier service, as follows:

To the City:
City of Grand Junction
Attn: City Manager
250 North 5th Street
Grand Junction, CO 81501
Fax: (970) 244-1456

With Copy to:
City of Grand Junction
Attn: City Attorney
250 North 5th Street
Grand Junction, CO 81501
Fax: (970) 244-1456

To Lessee:
Simmons Lock and Key, Inc.
322 S. 2nd Street
Grand Junction, CO 81501
Fax:

All notices shall be deemed given: (a) if sent by mail, when deposited in the mail; (b) if delivered by hand or courier service, when delivered; (c) if transmitted by facsimile, when transmitted. The parties may, by notice as provided above, designate a different address to which notice shall be given.

18. Applicable Law:

This Lease Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action to enforce any covenant or agreement contained herein shall be in Mesa County, Colorado.

The parties hereto have each executed and entered into this Lease Agreement as of the day and year first above written.

Attest: For the City of Grand Junction,
a Colorado home rule municipality

By: _____
City Clerk

By: _____
City Manager

Attest: For Simmons Lock & Key, Inc.
a Colorado corporation

By: _____

By: _____

Name: _____

Title: _____

Name: _____

Title: _____

Attach 13

Public Hearing – Rezone and Outline Development Plan 1st and 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 | November 1, 2006 | | | | | |
| Date Prepared | October 23, 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 | | Consent | X 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: Hold a Public Hearing and Consider Final Passage of a Proposed Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

7. Planned Development Ordinance and Outline Development Plan

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

ACTION REQUESTED: Rezone to Planned Development and Outline Development Plan (ODP) approval

| 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 accord

ace 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.

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.

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 ¾ 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 one 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:

- 5. The requested Planned Development, Outline Development Plan is consistent with the Growth Plan.
- 6. The review criteria in Section 2.12.B.2 of the Zoning and Development Code have all been met.
- 7. 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.

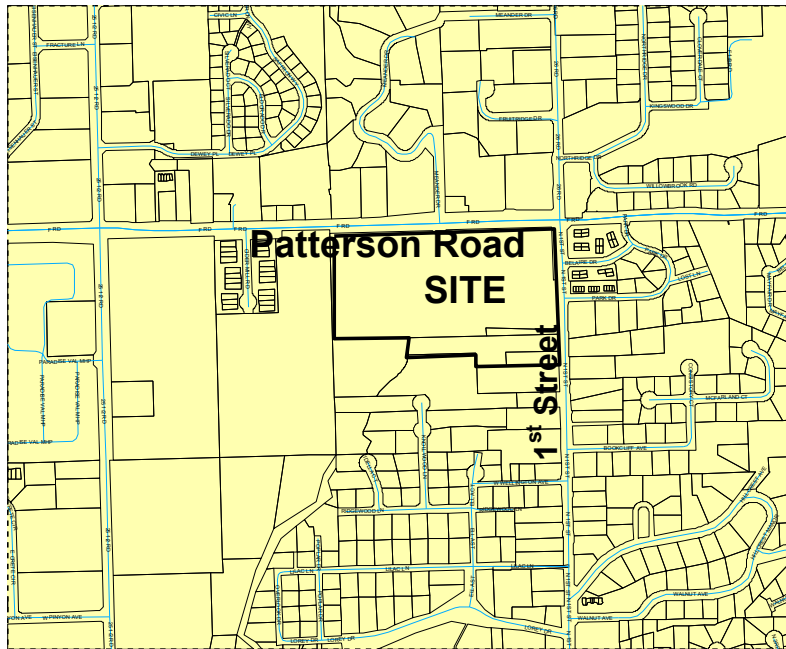
PLANNING COMMISSION RECOMMENDATION:

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



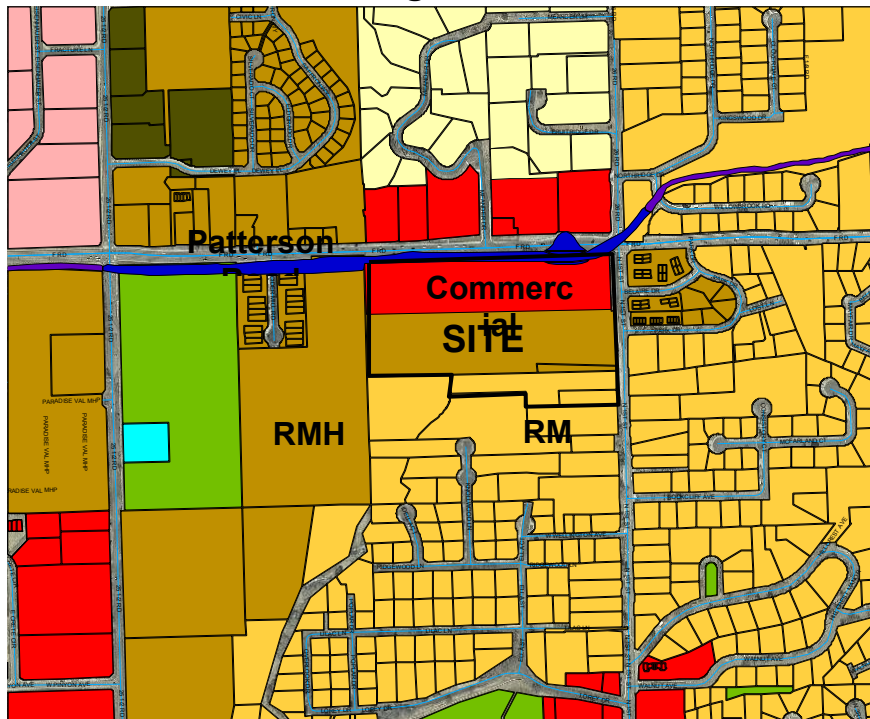
Aerial Photo Map

Figure 2



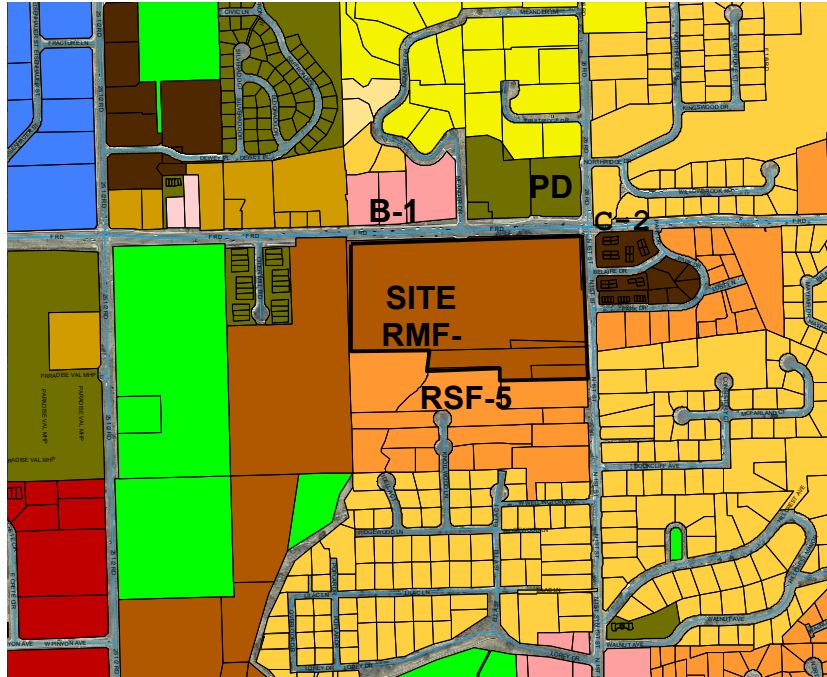
Future Land Use Map

Figure 3



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-1 with 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.

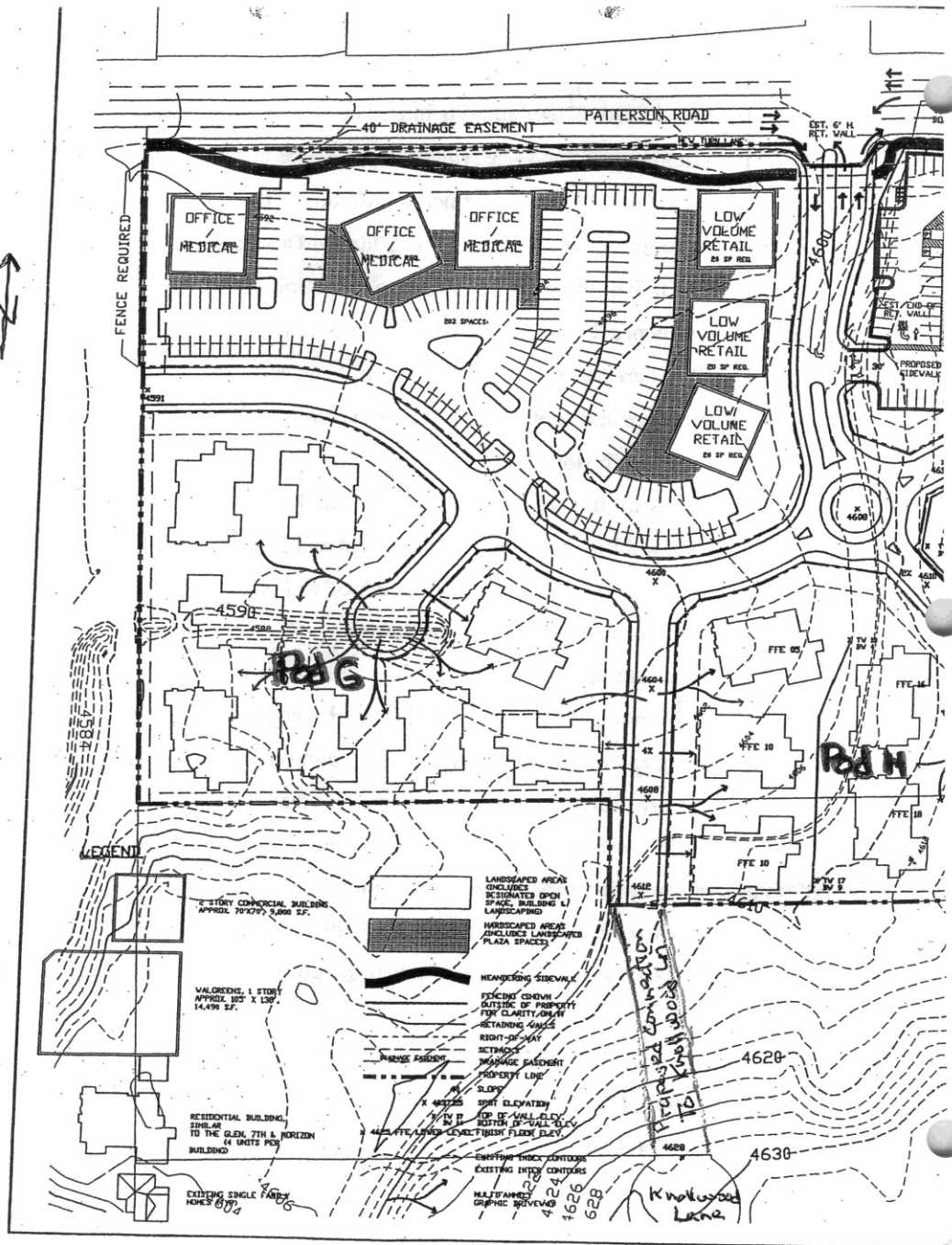
Chapter 5.1 Purpose 2. Reduce traffic demands. - (Our established Neighborhood to the south of the Planned Development will be detrimentally impacted by plan presented. Traffic impact on Bookcliff Wellington and Lorey Drive will cause difficulty accessing First Street and cause safety problems for pedestrians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

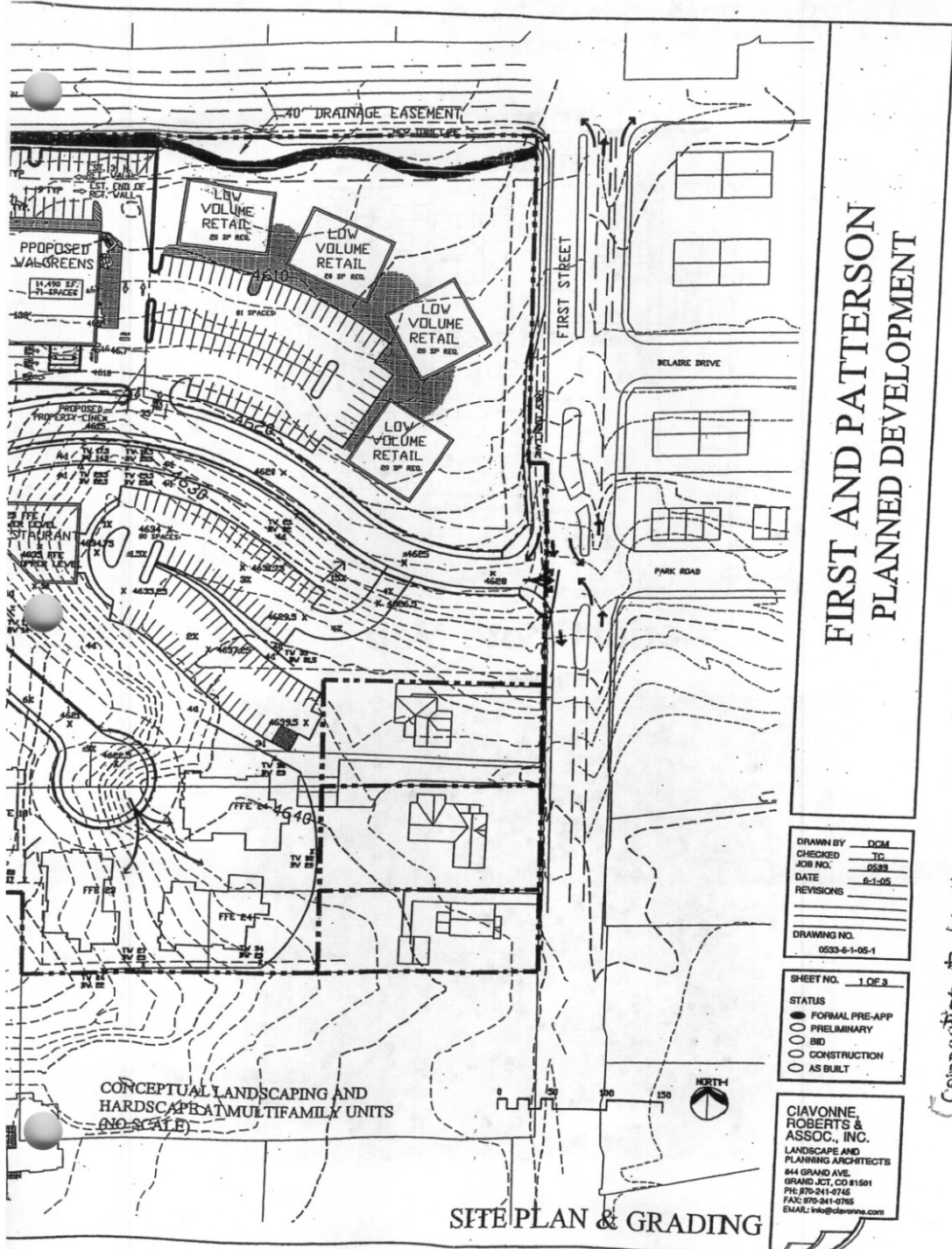
The proposed High density ~~new~~^{///} condo units in Pods F & G will be built 8 feet from the south property line --- leaving no open space or any room for proper screening from the less dense neighborhoods to the south. The potential future extenuation of the street in the Planned Development property 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 that 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 it's 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. | 0533 |
| DATE | 6-1-05 |
| REVISIONS | |
| DRAWING NO. | 0533-6-1-05-1 |

| | |
|-----------|----------------|
| SHEET NO. | 1 OF 3 |
| STATUS | |
| ● | FORMAL PRE-APP |
| ○ | PRELIMINARY |
| ○ | 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

SITE PLAN & GRADING

Connection to Knollwood Loop & Red G&H Tall high density townhouses at Condo

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 Dr 81505 |
| Lee Hey | 405 Ridgewood Dr 81505 |
| Valerie Blackburn | 415 RIDGEWOOD LN. |
| Charlene Blackburn | 415 Ridgewood Lane 81500 |
| John Strip | 330 Ridgewood Ln. |
| Calvin Strip | 336 Ridgewood Ln. |
| Karl Olson | 2203 Knollwood Ln 81505 |
| Jim Olson | 2203 KNOLLWOOD LANE 81500 |

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THE FIRST FRUITRIDGE COMMUNITY

| NAME | ADDRESS |
|-----------------|----------------|
| Ronald C. Potts | 2206 Ella Ct. |
| Susan M. Potts | 2206 Ella Ct. |
| DAVID KAREUS | 2217 ELLA CT |
| Jeresa Kareus | 2217 Ella Ct. |
| Debra M. McKee | 214 Lilac Lane |

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

| NAME | ADDRESS |
|----------------------|---------------------------------------|
| Kathryn Sue Longford | 216 Lorey Drive G.J. / 81505 |
| Robert H. Schaefer | 116 W. Wellington Ave G.J. - 81505 |
| Mitchel Radorewicz | 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 | 236 McFarland Ct |
| Joseph E. Mendicilli | 236 McFarland Ct |
| Angelina Mendicilli | 226 McFarland Ct |
| Phyllis R. Settle | 235 McFarland Ct |
| Wilbur D Lucore | 301 McFarland Ct. |
| Norma Jean Feil | |

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

| NAME | ADDRESS |
|----------------------|----------------------------|
| Alana Gray | 122 W. Wellington Ave GJ. |
| Christopher Geer | 127 W Wellington Ave GJ |
| Meri Kelley | 115 W. Wellington Ave GJ. |
| John P... | 115 W. Wellington GJ. |
| Suzi Rosewood | 2209 North First St. GJ |
| Mark Hunt | 325 Ridgewood Ln. GJ |
| Pam Hewton | 325 Ridgewood Ln. GJ. |
| Elsie Waldruff | 306 Ridgewood Ln G.J. |
| Anie Brunson | 125 W. Wellington Ave GJ. |
| William E Johnson | " " |
| Margaret Kruh | 123 W. Wellington |
| Marilyn Derrill | 2219 Ella Ct. |
| Bony Kewitt | 230 Ridgewood Ln. |
| Cathy Elliott | 230 Ridgewood Ln. |
| Bonnie Lucero | 305 Ridgewood Ln. |
| R. G. W. Stroy | 308 Like Lane ⁶ |

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THE FIRST FRUITRIDGE COMMUNITY

| NAME | ADDRESS |
|---------------------|---------------------|
| Ed & Peggy Lippoth | 2246 Knollwood Ln |
| Kenneth Frankhouser | 2239 Knollwood Lane |
| Ben & Brouen | 2819 " " " |
| Mary C. Harbert | 2245 " " - 5 |

Planned Development

First and Patterson

Grand Junction Planning Commission

September 20, 2006

| NAME | ADDRESS |
|-----------------------|--------------------|
| Claudia Smith Thelton | 2801 Knollwood Dr |
| Thomas Smith | 2301 Knollwood Dr |
| Benny Frankhouser | 2255 Knollwood Cr. |
| Wm L. Jones | 2245 Knollwood W |

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

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 26, 2006 MINUTES
7:00 p.m. to 11:00 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Patrick Carlow (1st alternate), Tom Lowrey, Lynn Pavelka-Zarkesh, Ken Sublett (2nd alternate), and Reggie Wall. Commissioners Roland Cole and William Putnam were absent.

In attendance, representing the City's Community Development Department, was Kathy Portner (Assistant Community Development Director).

Also present were Jamie Kreiling (Assistant City Attorney) and Eric Hahn (Development Engineer).

Lynn Singer was present to record the minutes.

There were 68 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the August 22, 2006 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I would move approval of the minutes for August 22, 2006 as written."

Commissioner Wall seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Carlow and Sublett abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. CUP-2006-199 (Conditional Use Permit – Riverside Crossing)
2. PP-2005-073 (Request for Extension – River Run Subdivision)
3. RZ-2006-227 (Rezone – Beagley Rezone)

4. PDA-2006-044 (Planned Development Amendment – Beehive Estates)
5. PP-2006-212 (Preliminary Plan – Bookcliff Tech Park)
6. RZ-2006-228 (Rezone – Orr Rezone)
7. VE-2006-082 (Vacation of Easement – St. Mary’s Hospital)
8. PP-2005-072 (Preliminary Plan – Swan Meadows)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion.

With respect to item number 3, the Beagley Rezone, Commissioner Lowrey commented that he is concerned with the amount of RMF-8 in the area and believes there should be more of a mix of RSF-4 and RMF-8. Chairman Dibble agreed and requested staff to take that into consideration in the next workshop.

MOTION: (Commissioner Pitts) “Mr. Chairman, I would move approval of the Consent Agenda, items 1 through 8, as presented.”

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. FULL HEARING

ODP-2005-309 REZONE AND OUTLINE DEVELOPMENT PLAN – 1st and PATTERSON PLANNED DEVELOPMENT
Request approval of: 1) an Outline Development Plan (ODP) for a Mixed Use development on 20.7 acres, and 2) Request approval to rezone from RMF-12 (Residential Multi-Family-12 units/acre) to a PD (Planned Development) zone district
PETITIONER: Constructors West, Inc.
LOCATION: SW Corner of 1st Street and Patterson Road
STAFF: Kathy Portner

PETITIONER’S PRESENTATION

Mr. Ted Ciavonne of Ciavonne Roberts and Associates made a PowerPoint presentation on behalf of the applicant, Pat Gormley, and the developer, Constructors West, Inc. Mr. Ciavonne stated that also involved with this project are Thompson Langford Corporation as civil engineers, Rare Earth as environmental consultants, and Kimley-Horn and Associates as traffic engineers.

Mr. Ciavonne stated that the site is located at the corner of 1st and Patterson, an infill property that has been developed all around. He further explained that Meander Road

is on the north side; Park Street is on the east; and at present there are no roads to the south or to the west of the property.

The Growth Plan designates the north half of the property as commercial and the south half as residential medium/high (8-12 units/acre). Mr. Ciavonne went on to state that surrounding this are Growth Plan designations to the west of 8-12; to the south of 4-8; to the north, commercial; and to the east, residential medium/high, 8-12, and residential medium/high, 4-8. Accordingly, Mr. Ciavonne believes this is consistent with the Growth Plan, the Goals and the Policies.

The site is currently zoned RMF-12 (residential multi-family 12 units/acre) which would allow up to 240 multi-family residential units under the current zoning. Adjacent zoning is as follows: To the north, B-1 and PD; to the south, RMF-5; to the west, RMF-12; and to the east, RMF-24 and some RMF-5. Applicant is requesting a rezone of the 20.7 acres from RMF-12 to Planned Development. Additionally, applicant is requesting approval of an Outline Development Plan.

Mr. Ciavonne gave a brief history of the project stating that the site has been under the ownership of the Gormley family since 1935. During the past 71 years, the property has remained a rural agricultural use while the surrounding property has been developed. In 2003 the Planning Commission and the City Council unanimously approved an amendment to the Growth Plan providing commercial designation along the north half of this property and a residential medium/high density designation on the south half of the property. In 2005 applicant met with the City to discuss a proposal of an ODP. A traffic study was conducted in the fall of 2005 which study included some access points that were recommended by the City at that time. Primary access points into this project were at Meander Drive and Patterson and at 1st Street and Park. In early 2006 applicant received an approval for a Growth Plan consistency review stating that "the proposed meandering road alignment is consistent with the Growth Plan."

The first neighborhood meeting was held in January/February 2006. Two key issues were brought to light as a result of the meeting – concern with a proposed connection to the south on Knollwood Drive and concern with traffic. At that time, an ODP was submitted to the City for review. Multiple revisions to the traffic study were done based on comments from neighbors and staff. Applicant also recognized that the 17 acre parcel to the west had the potential for development but not the potential for access.

A TEDS exception was requested in the summer of 2006 to allow a signalized full movement intersection at approximately 25³/₄ Road and Patterson Road, the west boundary of the subject property. The TEDS committee recommended retaining a full movement intersection at the location but denied the request for a signal. They alternatively recommended adding a second left turn lane to northbound 1st Street. In September 2006 an optional second neighborhood meeting was held. Primarily

discussed at that meeting were concerns with traffic and pedestrian safety on North 1st Street.

Mr. Ciavonne noted that the project shows commercial development (approximately 8.2 acres) along the north, residential development (approximately 7.5 acres) along the south, and maintaining the three existing residential homes along 1st Street; additional Open Space of approximately 1.8 acres; and a right-of-way (approximately 3.2 acres). Applicant believes this project would provide several benefits to the community, such as a dedication of a needed right-of-way along 1st Street including a right turn lane. Applicant is also attempting to facilitate with the City the burying of the overhead powerlines along Patterson Road. Applicant will provide a 35 foot wide easement along the frontage of Patterson Road for the Independence Ranchman pipe. Additional benefits would also include landscaping and site amenities, large Open Space areas along 1st Street and Patterson Road and maintaining of the hillside and topographic feature of the site.

Mr. Ciavonne stated commercial development will be within walking distance of adjacent neighborhoods. He also pointed out that it will be advantageous by having one developer, Constructors West, develop this property as opposed to "lot sales". It is anticipated that parking will be screened from the arterial roadways by putting the architecture forward and having interior parking. An Architectural Control Committee will control the architecture of the buildings to ensure the consistency of the architecture. Detached sidewalks along the majority of the project along Patterson is proposed; sidewalks along 1st Street; sidewalks through the subdivision; and a full movement intersection which will minimize the impact to the 1st and Patterson intersection.

Joe Carter, Ciavonne Roberts and Associates, next addressed the Commission and discussed some of the details of the ODP.

Mr. Carter addressed the proposed phasing of the project. It is anticipated that the first phase of the development will be completed by December 2008 with subsequent approvals within a year of the first approval through phase 7 in 2014. This will allow some flexibility regarding phasing with the commercial portions of the commercial pods to be developed first and the development of the residential portions thereafter.

The total land area for commercial pods A, B, C, D and E are 8.2 acres, which excludes 1.8 acres of Open Space and 1.8 acres of right-of-way. The default zone of the commercial pods is B-1 which is compatible with the property across the street. Generally uses of a B-1 would include office, retail, service and restaurant oriented businesses. Applicant is proposing some deviations of use by not allowing uses such as drive up/through fast food uses; drive-up/through liquor stores; outdoor kennels and/or boarding; outdoor storage; community correction facilities; mental health uses; drug/alcohol rehabilitation uses; halfway houses; and law enforcement rehabilitation

centers. Types of uses that would be allowed include a drive-up/through pharmacy; drive-up/through dry cleaners; veterinarian clinic with indoor clinic and/or indoor boarding.

There are dimensional standards associated with B-1 zoning. Applicant is proposing to deviate from those as there will be no minimum lot size nor minimum lot width associated with the commercial pods. As applicant is proposing parking under the structure, they are requesting a 9 foot increase in the height for commercial pods A, B, C and D. Subsequently a 5 foot decrease is requested in commercial pod E.

Residential pod F (RSF-4), which is adjacent to 1st Street, is being maintained to “retain the existing fabric of North 1st Street.” Pods G and H are RMF-12 uses. The land area covers 7.5 acres which excludes 1.4 acres of right-of-way. There are no deviations being requested in the RSF-4 zone standards (pod F) and the default standards in pods G and H will retain the RMF-12 default standards.

Mr. Carter stated that the primary concerns have been with respect to access and traffic. Roughly eight different traffic alternatives have been looked at, such as different access points onto Patterson Road; a connection south to Knollwood; full movement intersections at Meander Drive and Patterson Road; full movement signalized intersections at 25³/₄ Road and Patterson Road; roundabouts at 25³/₄ Road and Patterson Road; roundabouts at 1st and Patterson; and double northbound left turn bays.

Applicant’s initial plan included an unsignalized access, full movement intersection at Park and 1st Street; a full movement intersection with Meander and Patterson; a potential connection south on Knollwood; and a street stub to the west. This proposal was dismissed because of unacceptable levels of service. After exploration of several alternatives and working with staff, as well as taking into consideration concerns of the neighbors, applicant has devised a final plan which would allow for a full movement, unsignalized intersection; a three-quarter movement at Meander and Patterson; a full movement at 1st and Park; a street stub to the west; and double left turn bays northbound to westbound on Patterson.

QUESTIONS

Commissioner Lowrey wanted to know why a full movement intersection on the west edge of the property would work but a full movement intersection at Meander and Patterson would not. Mr. Carter stated that it has to do with a stacking issue at the 1st and Patterson signal which precluded the ability to make a successful left turn at Meander due to either stacking issues or gap.

Commissioner Lowrey also had a question regarding the amount of Open Space that would be between pods A and B and pods C and D. Mr. Ciavonne confirmed that there would be physical space, some shared parking and/or landscaping between the

buildings. Mr. Ciavonne stated that there is a relationship between parking and square footage and use with some uses requiring more parking per square foot than other uses.

Commissioner Pitts asked why roundabouts were not viable options. Mr. Carter stated that roundabouts were considered for both 1st and Patterson and at 25³/₄ Road and Patterson. According to Mr. Carter, there was a portion of the intersection at 1st and Patterson with a roundabout that did not function in an acceptable fashion. Also, per the traffic study, the quantity of vehicles exiting the site at North 1st and Park do not necessitate a signal. It is applicant's contention that all of the intersections as proposed function to staff's satisfaction.

STAFF'S PRESENTATION

Kathy Portner, Assistant Community Development Director, made a PowerPoint presentation to the Commission. A brief background with respect to this project was given. The site currently is undeveloped and has historically been used in an agricultural manner.

Ms. Portner stated that the current zoning on the property is RMF-12. In 2000, based on the 1996 Growth Plan, the entire site was shown as residential medium/high density of 8 to 12 units per acre. Surrounding the subject property is zoning of RMF-5 to the south; to the north is some B-1 as well as another Planned Development; and high density residential zoning to the east. The future land use map was amended in 2003 and gave the Patterson Road frontage of the property a commercial designation.

An Outline Development Plan is intended to be very conceptual which shows very broadly the general concepts that are proposed for the property as well as the general circulation plan that is proposed. If approved, the PD zoning would be established with the specific underlying zoning, such as B-1 zoning for the commercial development, in addition to some deviations with respect to certain types of uses that would and would not be allowed.

Also requested are some deviations in the bulk standards for the commercial area. Applicant is proposing an increase in the maximum height that might be allowed for the properties fronting Patterson as well as a restriction of the height on the portion of the property sitting on the knoll. With respect to the properties to the south that are proposed for residential, and in particular the two larger pods, a default zoning of RMF-12 is proposed. For the property that currently has the three single-family homes on it, a proposed default zone of RSF-4 is being proposed. Further, applicant is proposing to prohibit future subdivision of those lots. Ms. Portner stated that a right-of-way would be required to the property line to provide for future connections to adjacent properties.

Staff finds that the proposal for rezone to Planned Development and the request for approval of the Outline Development Plan are consistent with the Growth Plan Future Land Use designation and many of the goals and policies of the plan. Staff believes that the Planned Development zoning allows for some better controls in looking at how the uses interact with each as well as to ensure compatibility of each of the pods.

Ms. Portner pointed out some of the Policies of the Growth Plan that this request is consistent with including, but not limited to:

- Policy 1.2 which requires consistency with the Future Land Use designation.
- Policy 10.1 which encourages redevelopment of transitional areas in accordance with the Future Land Use designation.
- Policy 11.1 to promote compatibility by addressing things such as traffic, noise, lighting, height and bulk differences through the use of various design techniques.
- Policy 15.1 which encourages residential projects that integrate a mix of housing types and densities with amenities.

Staff also finds that the request meets the review criteria of Section 2.12.B.2 of the Zoning and Development Code.

Ms. Portner stated that Jody Kliska would address the traffic and transportation issues.

QUESTIONS

Commissioner Lowrey had a question regarding the height deviation requested for pods A, B, C and D. Ms. Portner stated that the standard height is 40 feet and applicant has reduced the request from 55 feet to 49 feet. She further stated that applicant is not requesting any deviations from the RMF-12 zoning as originally proposed. There was further discussion regarding the requested height adjustment and whether or not a variance would be required. Jamie Kreiling, Assistant City Attorney, confirmed that if the Commission agrees at this time to a height of 49 feet, the bulk standard then becomes up to 49 feet.

STAFF'S PRESENTATION

Ms. Jody Kliska, City Transportation Engineer, addressed the Commission in order to provide an overview to the Commission regarding City responsibility, effects, etc. Ms. Kliska stated that one way to better manage access is to keep signals at a half mile or greater. The TEDS exception committee considered signalization at 25³/₄ Road. One of the overall criteria for the design exception is whether or not a project can be accommodated under existing standards. She went on to state that current traffic volumes northbound on 1st Street during the p.m. peak hour are approaching in the mid 200 range. It is anticipated that this development would generate an additional 100 vehicles during the p.m. peak hour.

Elizabeth Good Remont, a professional engineer who prepared the traffic study on behalf of applicant, explained that when unsignalized intersections are analyzed, level of service is provided for each movement. She stated that all of the movement at the intersection of 1st and Park are anticipated to operate acceptably throughout the 2025 horizon. With respect to the 25^{3/4} Road intersection, long delays are anticipated in the long term horizon during the p.m. peak hour for the northbound to westbound left turn.

QUESTIONS

Regarding the two entrances to Patterson Road, Commissioner Sublett raised the question of how many more accidents in a given year will result from the additional entrances. Jody Kliska stated that she does not believe there is an accurate prediction model. Ms. Kliska advised that with traffic signals, accidents go up dramatically.

Commissioner Carlow asked for clarification of the number of additional cars that would be generated by this project. Ms. Kliska confirmed that the total is approximately 7,000. According to Ms. Good Remont, through 2025 the worst level of service that would be experienced is a level of service D for the eastbound through left movement.

With respect to the commercial height issue, Kathy Portner clarified that what is before the Commission is a Planned Development zoning ordinance that would suggest that applicant be allowed to have 49 feet in height for the pods fronting on Patterson Road. Another option to consider would be to delete the height variation from consideration and at preliminary plan stage, applicant could then come forward with a proposal for up to a 25% increase.

PUBLIC COMMENTS

FOR:

John Gormley, 2565 1^{1/2} Road, Grand Junction, stated that he is one of the owners of the property and is in favor of the project. He stated that his family has owned the property since 1935. Mr. Gormley stated that the decision to sell the property for development was not an easy decision. As it was their desire to have the property developed "in a cohesive, thoughtful manner that we would be proud of in the future", Constructors West was chosen as the developer because of its willingness to develop the property in its entirety. He believes that Constructors West is committed to developing "an attractive and well designed project that will be an asset to the community and to the neighborhood." Mr. Gormley further stated that he feels the project is consistent with the surrounding uses and addresses many concerns of the City and of the neighborhood. He requests the Commission approve the rezone request.

Pat Gormley, 2433 North 1st Street, Grand Junction, stated that over the past 30 to 40 years he has had many opportunities to sell small portions of the property. However, it was their desire to have "a well planned, well designed and a cohesive development."

Mr. Gormley believes that this is the best use for this property and asked the Commission to approve the rezone request.

Max Krey (2015 Overlook Drive, Grand Junction) owns the property to the west of the subject property and believes change is inevitable. Mr. Krey further stated that as the property on the north of Patterson has been developed commercially, it should likewise be allowed on the south.

Doug Simons, 653 Round Hill Drive, Grand Junction, addressed the Commission stating that he too is a long time resident of Grand Junction. He stated that the proposed development is an “absolute model development for our community.” Mr. Simons urged the Commission to support this project.

Tom Volkmann (371 McFarland Court, Grand Junction) also spoke on behalf of the project. The City has the ability to participate much more actively and much more meaningfully in the nature, scope and design of the development. He also acknowledged the traffic concerns. Mr. Volkmann urged the Commission to consider the traffic impacts globally and further stated that he believes the traffic generated from this development will not have a significant adverse impact on the traffic and may actually benefit the flow of traffic if generated properly. He supports the adoption and approval of the ODP.

Daniel Gartner of 104 Lilac Lane, Grand Junction stated that the two primary issues to be considered are character and safety. The character of this development as yet is not defined in the ODP; however, as the houses along 1st Street will remain shows that this is within the character of 1st Street. Regarding safety, and in particular considering the two nearby schools, Mr. Gartner recognizes that there will be increased traffic whether or not this project is developed. He stated that the proposed density is desirable and fits a need of the community. From a safety perspective there are ways to assure that intersections can be developed to assure pedestrian crossing and safety. Mr. Gartner is in support of this project. While acknowledging that there will be increased traffic along 1st Street, he requests the City to look for ways to create alternative north-south corridors.

Brad Higginbotham (664 Jubilee Court, Grand Junction) would like to encourage this particular development to go forward. “It appears to be it’s almost an ideal representation of what we may have abandoned on 24 Road. That is, single-family, multi-family, commercial so that people can live, work and enterprise in one locale minimizing that traffic flow.” He also stated that he thinks this is an opportunity to begin the re-urbanization process of the City and believes this project sets the proper tone.

A brief recess was called at 8:55 p.m. The public hearing reconvened at 9:05 p.m.

Steve Pearo (2502 North 1st Street, Grand Junction) owns the property immediately across the street from the Gormleys, and endorses this project. While understanding the concerns regarding traffic and safety, he believes that this project will improve the neighborhood and fully endorses the project.

AGAINST:

Peggy Lippo, 2246 Knollwood Lane, Grand Junction, spoke against the development stating that the total incompatibility of the 111 condominium units with the surrounding long existing neighborhoods due to the density and style of buildings are out of character with the surrounding neighborhoods. She also voiced her concern for the increased traffic which will be to the detriment of those who live in the established neighborhoods. The amount of traffic generated by the multi-family development will create traffic problems and additional access difficulties. She urged a reduction in the density and further stated that the character of the condominium units is essential in order to maintain the character of the existing neighborhood.

Anne Bowman, 120 Bookcliff Avenue, Grand Junction, stated that she believes that closer attention needs to be paid to the long-term effects that this development will have on the community. Ms. Bowman also has concerns with the traffic hazards that will accompany the proposed development. She urged the Commission to deny this project. However, in the event of approval, she hopes that at a minimum a signal would be required on 25^{3/4} Road as well as the implementation of pedestrian safety measures on 1st Street.

Susan Potts (2206 Ella Court) stated that the density will put a great deal of pressure on 1st Street. Ms. Potts believes that the density is too great. Additionally, she believes the setbacks should be the same as with existing setback requirements.

Kent Baughman, 2662 Cambridge Avenue, Grand Junction, representing part of the Baughman family, stated that, "We support the development of what the Gormleys are doing on this piece of property. That doesn't mean we don't have some concerns." Mr. Baughman stated that his family has lived on the adjoining property since 1928. Traffic is a huge concern, especially during peak hours. While he supports the project overall, he believes the residential density is not compatible with the existing neighborhood. Additionally, Mr. Baughman advised the Commission that access on 25^{3/4} Road has not been approved by the Baughman family. He urged the Commission to take into consideration the concerns that have been raised with respect to this project.

Sharon Sturges, 112 Hillcrest, Grand Junction, commended Mr. Milyard and Ciavonne and Associates for keeping the community apprised. Ms. Sturges is frustrated "to have an illusion of a public process and not a substantive public process." She does not believe the City is looking globally at what's happening here. She expressed a concern with respect to the expansion of St. Mary's Hospital. She also stated that one of the things drawing people to the area is lifestyle; however, "you're killing the thing that

is...that is most likely causing one of the increases in our population and that is because it's a livable place." She believes that the City is not globally addressing traffic. This development will have a concentrated impact. Speaking on behalf of the Hillcrest community, Ms. Sturges requested the Commission "to look at globally the impact of what the St. Mary's project is going to have and we would request a signal."

Tom Dixon (3025 North Ridge Drive, Grand Junction) stated that he believes a great opportunity exists on the Gormley property. He is, however, very concerned with both the scaling and the intensity that could potentially occur. Mr. Dixon further stated that while he supports commercial business, it needs to be oriented towards neighborhood commercial. "The potential for substantially more office and retail on this site would create a substantial issue for this character and the quality of life that we know in this area, both from terms of traffic, visual and just the impact of living in an urban environment where you have developments out of scale with the surrounding development." He further stated that the Commission needs to consider the substantial residential development that pre-exists in this area as well as the residential zoning to the west. He requested the Commission to look at the neighborhood character and the quality of living that exists there.

Steve Olsen, who lives at 2203 Knollwood Lane, Grand Junction, voiced his concern with respect to the density associated with the proposed condominiums. He stated that currently there are 116 single-family units and one unit that has a duplex, having a total of 368 residents. The 118 residences cover an area of roughly 40 acres. Mr. Olsen contrasted that with just over a 9-acre parcel, of potentially more than 400 residents in 111 units. While not being concerned with the commercial development, he did request the residential portion of the application be declined "to a less denser unit on that piece of property so that we that are residents up there in that area still have access to our homes and we can be safe and secure."

Ms. Kreiling addressed the Commission regarding a comment earlier by Mr. Dixon with regard to the phasing or development schedule. Ms. Kreiling stated that is one of the approval criteria for consideration for an ODP - "An appropriate phasing or development schedule for the entire property or for each development pod area to be developed." Mr. Dixon was then given an opportunity to re-address the Commission.

Tom Dixon stated that the gist of his questioning was that he is concerned with the development of the commercial first and secondarily residential. He stated that, "You're more likely in my experience to get the potential for a much more inferior residential project than if you phase commercial along with residential." He would like to see a parallel between phases of residential and phases of commercial.

Jim Baughman of 2579 F Road, Grand Junction, next addressed the Commission. Mr. Baughman supports the Gormleys' ability and right to develop their property. At the time this property was annexed into the City in 1991, it was zoned RSFR (one unit per

five acres) and now it has been rezoned to RMF-5. He stated that he was unaware of the rezoning of his property. Mr. Baughman corrected a statement made earlier by Mr. Ciavonne that all of the surrounding property has been developed, stating that, "So there is future development, definitely on the south and the west side that can happen in the future at this site." He has concerns with the proposed development and the Outline Development Plan. He is further concerned with the proposal for a 49-foot height on the commercial development. Further concerns relate to buffering and setback requirements as well as with irrigation. Reiterating what his brother said, Jim Baughman stated that, "The access that is being proposed on the 25³/₄ Road alignment, that access is partially on Baughman property." Mr. Baughman again advised the Commission that the Baughman family does not support the access as there is no agreement.

Bob Richardson, 116 West Wellington, Grand Junction, stated that he too has concerns relating to traffic, safety, and height of the commercial development.

Penny Frankhouser, 2255 Knollwood Drive, Grand Junction, stated that widening 1st Street would be necessary to allow for a double left-hand turn.

Mark Ryan, 2582 Patterson, Grand Junction, owner of Redstone Veterinarian Hospital, and speaking on behalf of the Redstone Business Plaza and Hi-Fashion Fabrics, voiced a concern of lack of access to their businesses by blocking off the median on Patterson.

Chris Clark, 615 Meander Drive, Grand Junction, posed questions regarding traffic flow and more particularly, flow of traffic on North Patterson. Mr. Clark has concerns with access off Patterson. He next discussed the issue of ingress and egress, proposed density, height of the buildings especially as it has the potential for shadowing which could result in icing on the roadways. Mr. Clark stated that overall he is in favor of the development, however, the Commission needs to take into consideration some of the issues that have been raised.

Claudia Smith Nelson, 2301 Knollwood Lane, Grand Junction, reiterated the concerns with density and its non-compatibility, height of the buildings, traffic and the Baughman family's concerns.

Jeff Crandell, 2245 Idella Court, Grand Junction, discussed the proposed road going into Knollwood Lane, the intersection at 25³/₄ Road, and access to the Baughman property. He is in favor of the mixed use of the property as opposed to strictly RMF-12.

Shayne Schurman, 2403 North 1st Street, Grand Junction, also had concerns regarding traffic, the density and the need for a traffic light.

Steve Olsen re-addressed the Commission and raised a question with regard to the traffic study. He asked if it was generated to 1st and Patterson only or 1st and Park.

PETITIONER'S REBUTTAL

With respect to the access to the west, Mr. Ciavonne stated that, "We've been, I think, very clear throughout this process, that if the Baughmans do not want to participate in that access, we will just leave that access on this property and we can do that." In response to an issue raised by Chairman Dibble, Mr. Ciavonne stated that the access would be moved approximately 15 to 20 feet to the east. Chairman Dibble stated that by moving the access in onto applicant's property, it will present problems to the Baughman's drive access.

STAFF'S PRESENTATION

Eric Hahn, Development Engineer, stated that if the access at the west edge of the subject property is not able to be split and will need to be moved onto applicant's property, "if they can't meet basic spacing standards, we're looking at another TEDS exception."

QUESTIONS

Commissioner Lowrey asked if there isn't an agreement with the Baughmans, how far away would the access have to be from the Baughman driveway. Mr. Hahn stated that the required separation would be 300 feet to meet TEDS. "If they couldn't get that TEDS exception, that changes the entire layout and then I hate to say they're back to square one but they are set quite a ways back." According to Mr. Hahn, this is the first time that this has been mentioned.

Ms. Elizabeth Good Remont stated that assuming the Baughmans are not willing to share access, she does not see any conflict and would be able to provide an analysis accordingly. She further stated that project traffic is anticipated to create about 90 peak hour trips along 1st Street which represents about 10% of the existing traffic volume so it will not significantly impact 1st Street. In the traffic study, the intersection of 1st Street with Park was analyzed and all movements at that intersection are anticipated to continue to operate acceptably with development of the project.

Chairman Dibble raised the possibility of having only two allowed accesses, one being a three way and the other a four way, in the event a TEDS exception was re-applied for and not granted and the effect that would have on 1st Street. Ms. Good Remont stated that it's possible that that access would also be restricted to three-quarter movement.

Ms. Good Remont went on to state that as requested by the City three different scenarios were evaluated in preparation of the traffic study. The three scenarios evaluated were the intersection of 25^{3/4} Road as a three-quarter movement access; as a full movement signalized access; and as a full movement unsignalized access. Operations were acceptable in all three scenarios. The key intersections evaluated

were the intersection at 1st and Patterson including the two adjacent intersections of Patterson and Meander and 1st and Park. As the Knollwood intersection was not used, the City did not require the traffic study to be done to Orchard. The anticipated impacts to the intersection are to add 90 peak hour trips south of Park along 1st Street, representing approximately 10% of the existing traffic along 1st Street.

Commissioner Lowrey expressed his concern that as presented this represents an incomplete application due to the uncertainty of the Baughman agreement. Ms. Portner requested the Commission take a brief recess in order to allow staff the opportunity to discuss a possible resolution.

A brief recess was taken at 10:38 p.m. The hearing reconvened at 10:55 p.m.

Ms. Portner made a recommendation that this matter be remanded back to staff for purposes of discussing the access issue as to whether this application can move forward as it is currently configured. After resolution, it would be re-advertised and appropriate notice to neighbors. Chairman Dibble inquired that in the event new material is given, would the public have an opportunity to speak for and against that. Ms. Kreiling confirmed that if new information is brought forward that differed from the present plan or different from the information that has been provided this date, the public would then be given an opportunity to comment with regard to the new information. A full hearing would not be opened up. Chairman Dibble stated that when this is brought back before the Commission, applicant would be given an opportunity for rebuttal and public input if new information is obtained. Ms. Portner, to clarify staff's recommendation, stated, "We're recommending that you remand it for the purpose of resolving the issue with the westernmost access."

MOTION: (Commissioner Pitts) "Mr. Chairman, on ODP-2005-309, a request for a Planned Development, Outline Development Plan, I would move we remand this back to staff for the purpose of resolving the issue regarding the westernmost access."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the public hearing was adjourned at 11:00 p.m.

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 10, 2006 MINUTES
7:00 p.m. to 8:36 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Patrick Carlow (1st alternate), Tom Lowrey, Lynn Pavelka-Zarkesh, Ken Sublett (2nd alternate), and Bill Pitts. Commissioners William Putnam and Reggie Wall were absent.

In attendance, representing the City's Community Development Department, was Kathy Portner (Assistant Community Development Director).

Also present were Jamie Kreiling (Assistant City Attorney) and Eric Hahn (Development Engineer).

Lynn Singer was present to record the minutes.

There were 26 interested citizens present during the course of the hearing.

IV. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

V. APPROVAL OF MINUTES

There were no minutes available for consideration.

VI. CONSENT AGENDA

Available for consideration were items:

9. PP-2005-291 (Preliminary Plan – Pear Park Place)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move approval of the Consent Agenda as presented.”

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. PUBLIC HEARING ITEMS

ODP-2005-309 REZONE AND OUTLINE DEVELOPMENT PLAN – 1st and PATTERSON PLANNED DEVELOPMENT

Remanded from the September 26, 2006 hearing

Request approval of: 1) an Outline Development Plan (ODP) for a Mixed Use development on 20.7 acres, and 2) Request approval to rezone from RMF-12 (Residential Multi-Family-12 units/acre) to a PD (Planned Development) zone district

PETITIONER: Constructors West, Inc.

LOCATION: SW Corner of 1st Street and Patterson Road

STAFF: Kathy Portner

Commissioner Cole addressed the Commission stating that although not personally present at the September 26, 2006 hearing, he did view a CD of the public hearing and, as a result, is aware of the issues and concerns raised during that hearing.

STAFF'S PRESENTATION

Kathy Portner, Assistant Community Development Director, summarized the September 26th hearing which included Staff Presentation, Applicant's Presentation and extensive public comment. However, prior to Applicant's Rebuttal, a question was raised regarding an access issue which caused staff, after discussion, to request this matter be remanded in order to determine whether or not this request could go forward based primarily on the testimony of the Baughmanns.

After review, Ms. Portner stated that the request for rezone to Planned Development and approval of an Outline Development Plan can proceed. Therefore, for consideration by the Commission is intensity of uses that are being proposed as well as the proposed ranges of density for the residential development and general circulation.

Further, if the ODP is approved, at the time of preliminary plan approval, applicant will have to show with specificity how the 25³/₄ Road alignment will work as well as the specifics regarding improvements on the 25³/₄ Road.

Ms. Portner stated that staff is recommending that the Commission proceed with consideration of this request. Furthermore, it is the recommendation of staff that if the Commission recommends approval of the rezone and the ODP that it be conditioned upon the following condition: "That the Preliminary Plan must provide the details of the proposed 25³/₄ 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."

QUESTIONS

- Commissioner Cole raised a question pertaining to the access in the event the Baughmanns do not consent. Ms. Portner confirmed that the right-of-way would have to be shifted to the east to allow for a sufficient right-of-way on the development to provide for adequate access.
- Commissioner Lowrey identified a concern with intensity of use in the commercial zone and in particular with the potential for increased traffic. Ms. Portner stated that the commercial growth plan designation allows for a range of zoning options, from residential office to neighborhood business to general commercial zone district. In this instance, applicant is proposing a planned development zone district with B-1 as the underlying zone district. Ms. Portner stated that applicant is requesting a deviation from the underlying B-1 zoning to allow for a drive-through pharmacy.
- Commissioner Sublett inquired if there are any special requirements that can be placed on an applicant for an infill development that may alter some of the criteria they would have to meet. Kathy Portner stated that compatibility can be looked at in a number of ways, for instance, intensity, architecture, etc.
- Chairman Dibble commented that he believes with an ODP it is premature to identify the specific retail establishment at this time. Commissioner Sublett requested clarification in that the traffic study is based on particular types of businesses, and specifically a drugstore. Ms. Portner stated that staff typically asks applicants to assess the worst-case scenario from a traffic standpoint. For consideration, however, is a mix of uses that would include retail-type users that may have a drive-through facility.

APPLICANT'S REBUTTAL

Applicant Bruce Milyard, 868 Quail Run, Grand Junction, next addressed the Commission. Mr. Milyard expounded on the 25³/₄ Road access issue. It was determined shortly after the hearing on September 26th that a TEDS exception would not be needed. However, prior to preliminary plan approval, access will need to be identified, engineered, designed and be in agreement as to placement. Mr. Milyard confirmed that at present there is no agreement with the Baughmann family.

Ted Ciavonne of Ciavonne, Roberts & Associates, spoke on behalf of applicant. Mr. Ciavonne addressed concerns and comment regarding the 49 foot building height.

Mr. Ciavonne summarized public comment from approximately 23 people. He stated that 9 spoke in favor of the proposal and 14 spoke against some aspect of the proposal. He also noted that many of those speaking against the proposal complimented either the developer or the plan.

Mr. Ciavonne stated that the current RMF-12 zoning district would allow for a density of 165 to 248 residential units. Applicant, however, is proposing a density of 70 to 111

residential units. With respect to the commercial development, applicant is proposing neighborhood business as the default underlying zoning.

With respect to the parking along Patterson, Mr. Ciavonne stated that this is a design issue and future plans will address this concern. It is applicant's desire to screen parking.

Furthermore, applicant is not seeking a deviation regarding the hours of operation, 5:00 a.m. to 11:00 p.m.

Regarding phasing, it is anticipated that the development will begin with commercial pods with residential being interjected. Mr. Ciavonne next addressed the concerns regarding the 1st Street and Patterson Road improvements.

Also with respect to the setback requirements, no deviation from the default standard is being requested.

Mr. Ciavonne stated that the most common issue as voiced by the neighbors concerns traffic.

Elizabeth Good Remont of Kimley-Horn next addressed the Commission concerning the traffic issues and concerns. Ms. Good Remont prepared the traffic study on behalf of applicant. Additionally, she provided the Commission with a packet of material which briefly summarized the traffic study.

QUESTIONS

- Commissioner Cole asked if the levels of service include project traffic. Ms. Good Remont stated that the level of service is for the build-out horizon which does include project traffic.
- Commissioner Sublett requested a verbal definition of level of service D for a signalized intersection. Ms. Good Remont stated that a level of service D in this instance is approximately 62 seconds of delay. Commissioner Sublett then read portions from the Highway Capacity Manual which define levels of service D and F.
- Commissioner Sublett asked Ms. Good Remont if any adjustment had been made for pedestrians and bicyclists. Ms. Good Remont stated that no adjustments were made for pedestrians and bicyclists.

APPLICANT'S REBUTTAL

Ted Ciavonne next discussed certain neighborhood concerns and applicant's request for a TEDS exception with regard to the 25³/₄ Road intersection. Applicant was denied that request. However, the traffic study confirms the plan is still functional whether the 25³/₄ Road intersection is signalized or unsignalized.

Mr. Ciavonne stated that the rezone request should be approved because the plan is compatible with the Growth Plan and meets the criteria of sections 2.6 and 2.12.B.2 of the Zoning and Development Code. Mr. Ciavonne stated that the commercial

development will act as a buffer between traffic along Patterson Road and the residential development. In addition, he noted that higher density residential development adjacent to commercial development reduces vehicle trips.

Mr. Ciavonne stated that the ODP should be approved because it meets the intent of the Growth Plan, is supported by staff and the ODP uses are compatible with the default zone standards of the B-1, RMF-12 and RSF-4 zone districts. The ODP addresses architectural control and site development standards. Traffic engineering issues were resolved with staff. He itemized certain community benefits associated with this proposal including, but not limited to, large open space landscaped areas; commercial development within walking distance of existing neighborhoods; a transition of densities.

QUESTIONS

- Chairman Dibble raised a question with regard to the buffering to the south, and more particularly, the type of buffering, how much space is between the proposed development and the existing development to the south. Mr. Ciavonne stated that the buffering is a design question. He also stated that there will be open space to the south.
- Commissioner Sublett inquired if under-building parking was being considered. Mr. Ciavonne stated that they are exploring “underground” parking while taking into consideration ventilation concerns.
- Commissioner Sublett asked a question regarding the transition of level of service D to E to F. Jody Kliska, City Transportation Engineer, addressed the Commission and stated that a combination of dynamics would result in the transition.
- Commissioner Sublett asked Ms. Kliska if levels of service were subjective. Ms. Kliska stated that the Highway Capacity Manual attempts to define levels of service both quantitatively and qualitatively.

DISCUSSION

Commissioner Cole commended both the developer, the planners and staff for the amount of work that has gone into such a thorough presentation. He also acknowledged the public input. Commissioner Cole stated that, “This is a project that can and should go forward.”

Commissioner Pitts stated that he likes mixed use that is being proposed. He believes that the traffic is not a project problem but rather a City problem. Commissioner Pitts further stated that he is in favor of the project.

Commissioner Pavelka-Zarkesh, like Commissioners Cole and Pitts, is in favor of the project. She does have a slight concern with the height, particularly with respect to the residential areas. She thinks it is an appropriate use of the site.

Commissioner Carlow stated that he too is concerned with the height. He would prefer applicant to apply for a variance. Commissioner Carlow does not see a problem with this project.

Commissioner Lowrey agrees with Commissioners Pavelka-Zarkesh and Carlow regarding the height. He also is in agreement with staff regarding the extra conditions regarding the 25¾ Road. He further stated that the project complies with the Growth Plan. Commissioner Lowrey stated that he is also concerned with the intensity of use in the commercial development.

Commissioner Sublett stated that, "This is a great project. That's a simple way to say it and I commend everyone involved for it." However, he is concerned with the project and believes the timing of it is wrong. He believes the commercial development is significantly out of line with the commercial development that surrounds it. He also voiced his concern regarding the height. "My big concern is very simply the intensity and the traffic that results from that intensity." Therefore, Commissioner Sublett stated that he cannot support the project.

Chairman Dibble stated that he does not have any problems inherently with the project. He next discussed the height issue and noted that a 25% allowance to the 40 foot default would result in a building height of 50 feet. Additionally, the 25¾ Road access issue needs to be finalized. As far as he believes, this request does meet the criteria of the Growth Plan and the Code and would be supportive of the project.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on ODP-2005-309, a request for a Planned Development, Outline Development Plan, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report and specifically that the Preliminary Plan must provide the details of the proposed 25¾ 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 shall be as zone B-1, 40 feet, but that the applicant will have the opportunity in the Preliminary Plan to ask for an additional 25%."

Commissioner Carlow seconded the motion. A vote was called and the motion passed by a vote of 6-1 with Commissioner Sublett opposing.

With no further business to discuss, the public hearing was adjourned at 8:36 p.m.

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 14

Conduct a Hearing to Appeal a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northwest of Monument Road and Mariposa Drive

CITY OF GRAND JUNCTION

| <i>CITY COUNCIL AGENDA</i> | | | | | | |
|---------------------------------------|--|-----|---|--------------------|----------------|-----------------------------------|
| Subject | Appeal of the Planning Commission Denial of the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 23, 2006 | | | File # PP-2005-226 | | |
| 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 | | Consent | X Individual Consideration |

Summary: Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Budget: N/A

Action Requested/Recommendation: Consideration of the record to determine the validity of the Planning Commission denial.

Background Information:

On September 12, 2006 the Planning Commission consider a request for approval of a Preliminary Subdivision Plan for Pinnacle Ridge. The Planning Commission denied the request. Pursuant to Section 2.18.E of the Zoning and Development Code, the applicant has appealed the Planning Commission decision to the City Council.

As per Section 2.18.E.2 of the Code, in considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the Planning Commission’s action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials

contained in the record. If the City Council finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.

In granting an appeal, the appellate body shall find:

1. The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
2. The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
3. The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
4. The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
5. In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The applicant has met the appeal application requirements, as stated in Section 2.18.E.4 of the Code, and was present at the Planning Commission hearing during which the original decision was made.

In considering this appeal, the City Council shall affirm, reverse or remand the decision of the Planning Commission. In reversing or remanding the decision back to the Planning Commission, the City Council shall state the rationale for its decision. An affirmative vote of four members of the City Council shall be required to reverse the Planning Commission's action.

Attachments:

1. Letter of Appeal
2. Planning Commission Staff Report
3. Vicinity Map / Aerial Photo
4. Growth Plan Map / Zoning Map
5. Preliminary Subdivision Plan
6. Site Constraints/Development Potential
7. Applicant's General Project Report
8. Response to Comments
9. Ridgeline Analysis
10. Temporary Turn-around Agreement
11. Neighborhood Comments
12. Verbatim Minutes
13. Development File #PP-2005-226 (copies available for review in the Community Development Office, City Clerk Office and City Council Office)

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP
ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON (RETIRED)

JOHN P. GORMLEY
THOMAS C. VOLKMANN

September 22, 2006

HAND DELIVERY

RECEIVED

SEP 22 2006

Ms. Cheryl Trent, Director
Community Development Department
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Re: TWO R & D, LLC
APPEAL OF PLANNING COMMISSION DENIAL
PINNACLE RIDGE PRELIMINARY SUBDIVISION PLAN
FILE NO. PP-2005-226

Dear Cheryl:

This office represents Two R & D, LLC, the Applicant on the Pinnacle Ridge Preliminary Subdivision Plan that was heard Tuesday, September 12, 2006, by the Grand Junction Planning Commission. Please accept this letter as Two R&D's Notice of its appeal of that decision.

NOTICE OF APPEAL

In accordance with Section 2.18.E.4 of the Code, the rationale of the appeal is as follows:

1. Application of improper review standards.
 - a. The staff comments, and the Planning Commission's analysis, were focused on Master Plan goals and policies, rather than Sections 7.2.G. and 7.2.H. Those two Code provisions were created to implement the goals and policies, and set out the actual standards to be used to determine compliance. Compliance with those Code Sections constitutes compliance with the implemented Plan goals and policies.
2. Alleged maintenance issues regarding proposed streets within the subdivision had no engineering or factual basis and were mere expressions of opinion by staff.
 - a. No City representative provided any empirical, engineering or regulatory support for this maintenance issue.
 - b. Rick Dorris referred to the need for a "crystal ball" to determine the maintenance requirements of the roads in 20 years, yet expressed concern as to the baseless maintenance concern.
3. A tract identified for maintenance of retaining wall at the Foster access was put in the plans at the specific request of staff, only to have staff thereafter say the applicant provided no access to the Foster property.

4. Repeated references were made to whether the design of the development was "appropriate" and whether it "should be built."
 - a. These two "criteria" are inapplicable to an analysis of compliance with the Code and applicable engineering standards, and are merely opinions.
5. A fundamental thrust of the denial by the Planning Commission was that there may be a "better way" to develop this property, yet absolutely no recommendations were made by anyone as to how it could be better developed.
 - a. The applicant went through available road design alternatives with Community Development staff and in connection with a TEDS exception, which was granted by the City.
 - b. Staff went so far as to state that the cut and fill necessary to physically construct houses on the subject property was incompatible with adjacent Ridges single family residential developments of a higher density (i.e., The Ridges).
 - c. Whether or not there is a plan for the property which staff, or the Planning Commission, believes is "better" is not a review or decision standard in the Code.
6. The only geologist/geotechnical engineer who provided any testimony regarding the stability of the soils was John Withers, the Applicant's geotechnical engineer.
 - a. Without contrary qualified testimony, or citation to any geotechnical standards, there was no evidence upon which the Planning Commission could decide, as it did, that slides or other catastrophic events could or would occur on the property if this development were approved and built.
7. References were made by members of the Planning Commissioners that, based upon the number of items identified by staff in the Comments with which the Applicant did not agree, the Planning Commission was duty bound to deny the application.
 - a. No such standard exists
 - b. This determination fosters, as occurred here, unsupported expressions of opinion by staff and commission members, as to their perceptions of a proposed development, which opinions are irrelevant to the consideration of the application.
 - c. If the mere number of items identified by staff serves as the basis for a denial, erroneous expressions and staff's opinions, if not agreed to by the Applicant, will always result in a denial. This scenario places staff in the position of being able to effectively veto an application.

Ms. Cheryl Trent, Director
Community Development
September 22, 2006
Page 3

The Appellant submits that the above problems with the analysis of the Application at the Planning Commission Hearing involve each of items (1), (2), (3) and (4) of Section 2.18.E.1 of the Code.

The Applicant was present and appeared at the Hearing, through Robert Jones II and Darren Davidson, both of whom are principals in Two R & D, LLC. In addition, the undersigned appeared representing the Applicant, as well. The testimony of all three of us is in the record.

In connection with this Notice of Appeal, I note that Table 2.1, under the heading "Major Subdivision," provides that the Planning Commission is the decision-making body and the City Council the appellant body for applications for "Preliminary Plan not in conjunction with an action requiring Council approval." However, the Pinnacle Ridge Application included a street with a slope that Staff said required City Council approval of the particular street. Accordingly, there was action required of the City Council in this matter even if the Planning Commission had approved the Preliminary Plan. This circumstance appears to impact the process to be employed in connection with this appeal. The Applicant strongly prefers a hearing with the City Council in connection with this appeal, in light of that necessary City Council action.

Enclosed with this letter is the Appellants \$200.00 deposit for a verbatim transcript of the proceedings concerning the Pinnacle Ridge Preliminary Subdivision Plan that came before the Planning Commission on Tuesday, September 12, 2006.

Please advise me immediately if you need any additional information in connection with this Notice of Appeal.

Very truly yours,

SPIECKER, HANLON, GORMLEY &
VOLKMANN, LLP



THOMAS C. VOLKMANN

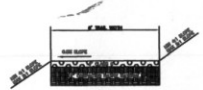
TCV:cez
Enclosure
cc: Two R & D, LLC

THIS PROJECT INCLUDES PARCEL NUMBERS
2945-212-00-011, 2945-212-00-001 THRU 008
& 010, AND 2945-212-010-001 THRU 009.
CURRENT CITY OF GRAND JUNCTION ZONING IS RSF-2.

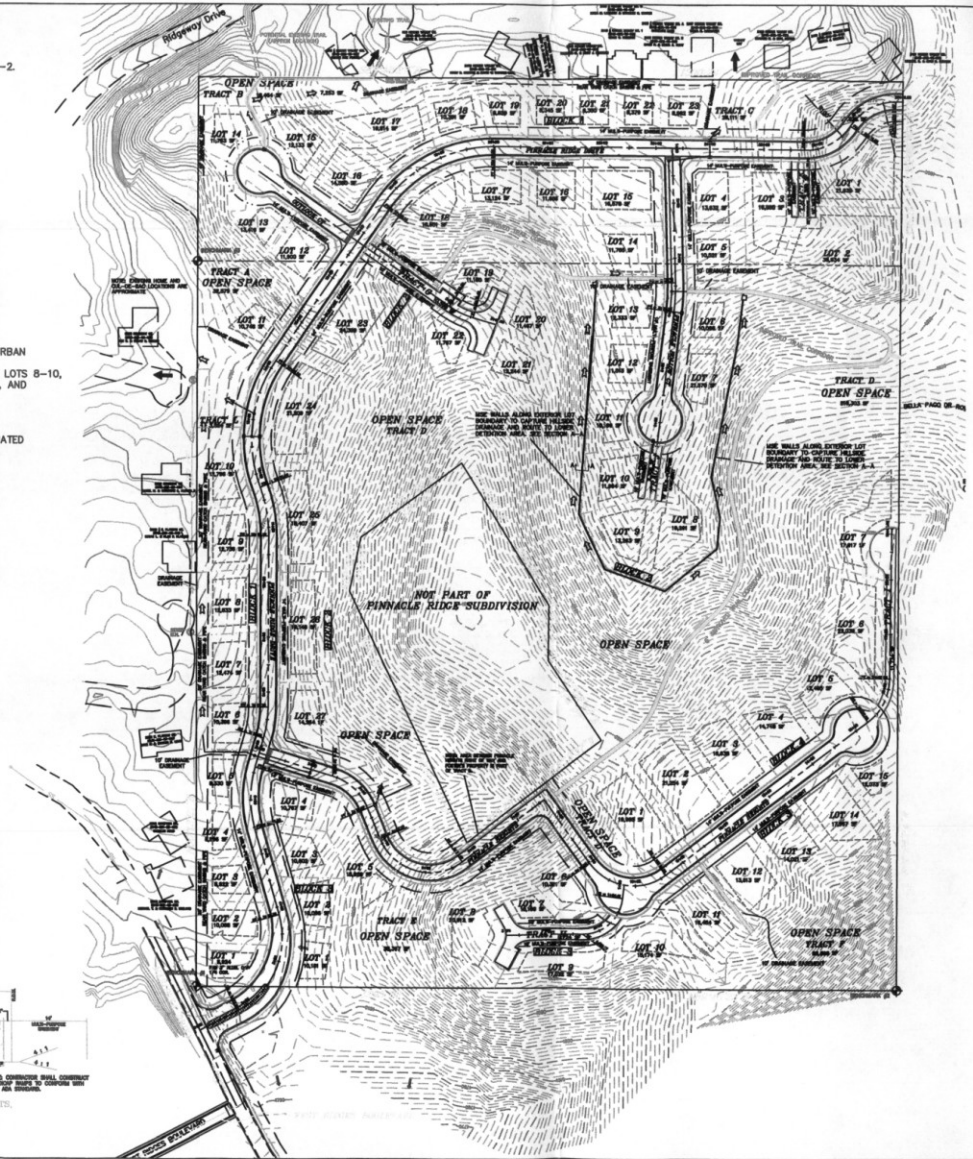
ELECTRIC XCEL ENERGY
GAS XCEL ENERGY
TELEPHONE QWEST COMMUNICATIONS
WATER UTE WATER
SEWER CITY OF GRAND JUNCTION
CABLE BRESNAN COMMUNICATIONS
IRRIGATION NONE

NOTES:
1. ACCESS TO PINNACLE RIDGE SUBDIVISION WILL BE FROM MARIPOSA DRIVE. MARIPOSA DRIVE CONNECTS MONUMENT ROAD WITH THE RIDGES DEVELOPMENT.
2. PINNACLE RIDGE SUBDIVISION WILL PROVIDE A STUBBED STREET TO UNDEVELOPED PROPERTY ON THE EAST VIA PINNACLE RIDGE DRIVE.
3. ALL UTILITIES SERVICING PINNACLE RIDGE SUBDIVISION WILL BE EXTENDED FROM EITHER MARIPOSA DRIVE OR THE RIDGES DEVELOPMENT.
4. ALL PUBLIC STREETS WILL BE IMPROVED TO A URBAN RESIDENTIAL STREET STANDARD.
5. PRIVATE STREETS ARE PLANNED FOR LOTS 1-3, LOTS 8-10, LOTS 19-22 OF BLOCK 2, LOTS 7-10 OF BLOCK 3, AND LOTS 6-7 OF BLOCK 4.
6. IMPROVED WALKING TRAIL TO FOLLOW EXISTING TOPOGRAPHY FOR MINIMAL DISTURBANCE DURING CONSTRUCTION. SHORT STEEP GRADES ARE ANTICIPATED TO MINIMIZE CUT AND FILL SLOPES.
7. ALL TRACTS (OPEN SPACE AREAS AND PRIVATE STREETS) ARE TO BE UNDER THE OWNERSHIP AND MANAGEMENT OF THE SUBDIVISION'S HOMEOWNERS ASSOCIATION.

8" SANITARY SEWER
PROPOSED MANHOLE
EXISTING MANHOLE
8" WATER LINE
PROPOSED WATER VALVE
PROPOSED HYDRANT
ELECTRIC-GAS-TELEPHONE-CABLE
PROPOSED STORM DRAIN
EXISTING CONTOUR
LOT BOUNDARY
BUILDING ENVELOPE
DIRECTION OF PROPOSED STREET DRAINAGE
DIRECTION OF EXISTING SURFACE DRAINAGE
PROPOSED MSE WALL OR EQUAL



URBAN RESIDENTIAL STREET
PINNACLE RIDGE DRIVE, PINNACLE HEIGHTS,
PINNACLE HOLLOW CT & PINNACLE CT



SITE PLAN COMPOSITION

| | | |
|--------------|-------------|---------|
| SITE ACREAGE | 45.33 ACRES | 100.00% |
| 72 LOTS | 23.28 ACRES | 51.36% |
| TRACT A | 0.75 ACRES | 1.65% |
| TRACT B | 0.45 ACRES | 0.99% |
| TRACT C | 0.65 ACRES | 1.43% |
| TRACT D | 11.85 ACRES | 26.14% |
| TRACT E | 0.81 ACRES | 1.79% |
| TRACT F | 1.51 ACRES | 3.33% |
| TRACT G | 0.24 ACRES | 0.53% |
| TRACT H | 0.23 ACRES | 0.44% |
| TRACT I | 0.27 ACRES | 0.60% |
| TRACT J | 0.05 ACRES | 0.11% |
| TRACT K | 0.08 ACRES | 0.13% |
| TRACT L | 0.08 ACRES | 0.18% |
| ROADWAY ROW | 5.13 ACRES | 11.32% |

(NOTE: ACREAGES ARE APPROXIMATE)

| | |
|-----------------|--------|
| LOTS | 51.36% |
| OPEN SPACE | 35.51% |
| PRIVATE STREETS | 1.81% |
| RIGHT OF WAY | 11.32% |

SETBACK REQUIREMENTS
FOR RSF-2 ZONING
FRONT 20'
SIDE 15'
REAR 30'

POST DEVELOPMENT DRAINAGE CONCEPT:

- HISTORIC DRAINAGE WILL BE MAINTAINED AS STORMWATER EXISTS PROPERTY. DEVELOPED PEAK RELEASE RATES WILL BE LESS THAN HISTORIC RATES.
- THREE PRINCIPAL DRAINAGE BASINS ARE PROPOSED WITHIN DEVELOPMENT ACTIVITIES. EACH DRAINAGE BASIN WILL HAVE DETENTION BASIN(S). REFER TO GRADING AND DRAINAGE PLAN FOR DRAINAGE BASINS.
- BEST MANAGEMENT PRACTICES INCLUDE:
 - GRAVEL FILTERS AT EACH CATCH BASIN INLET AND DETENTION OUTLET STRUCTURE UNTIL PAVING OR SITE GRADING IS COMPLETE.
 - SILT FENCING, BERMING, OR EQUAL WILL BE PLACED PRIOR TO ANY CONSTRUCTION AT ALL BOUNDARY LOCATIONS WHERE DISTURBANCE IS PROPOSED. SECONDARY SILT FENCING IS ALSO PLANNED AT LOCATIONS WITH SIGNIFICANT LENGTHS OF CONTINUOUS SLOPES.
 - NO SURFACE DISTURBANCE IS PLANNED WITHIN OPEN SPACE AREAS OTHER THAN THE DETENTION AREAS.
 - SEEDING WILL BE IMPLEMENTED ON DISTURBED AREAS WITHIN RIGHT-OF-WAY AREAS AND OPEN AREAS THAT ARE DISTURBED.
- DETENTION BASIN SLOPES VARY. ALL BASINS WILL BE GRASS LINED OR MSE WALL STABILIZED. THE BOTTOM OF THE BASIN WILL BE EITHER GRASS OR ROCK WITH LANDSCAPING.

- POST DEVELOPMENT DRAINAGE BOUNDARY
- ROUTING OF DEVELOPED STORMWATER RUNOFF
- DIRECTION OF EXISTING SURFACE DRAINAGE
- EXISTING POINT DISCHARGE OF EXISTING STORMWATER



BENCHMARK DATA:
1. NAD 83 5200 N/A
2. NAD 83 5200 174 ELEV 4000.15
3. NAD 83 5200 175 ELEV 4770.09
4. NAD 83 5200 176 ELEV 4770.09
5. NAD 83 5200 177 ELEV 4770.09

| REVISION | DATE | DESCRIPTION | BY | CHK |
|----------|---------|--------------------------------|-----|-----|
| 1 | 1-27-05 | 1ST ROUND COOL REVIEW COMMENTS | EAH | EAH |
| 2 | 4-22-05 | 2ND ROUND COOL REVIEW COMMENTS | EAH | EAH |
| 3 | 8-28-05 | 3RD ROUND COOL REVIEW COMMENTS | EAH | EAH |

PRELIMINARY PLAN
PINNACLE RIDGE DEVELOPMENT
MARIPOSA DRIVE
GRAND JUNCTION, COLORADO




RHINO ENGINEERING, INC.
1334 LITE AVENUE
GRAND JUNCTION, CO 81501
970.241.6027 Fax 970.266.7992

DATE 5/9/05
SCALE 1" = 100'
PROJECT NO 21070.01
SHEET NO 2.1

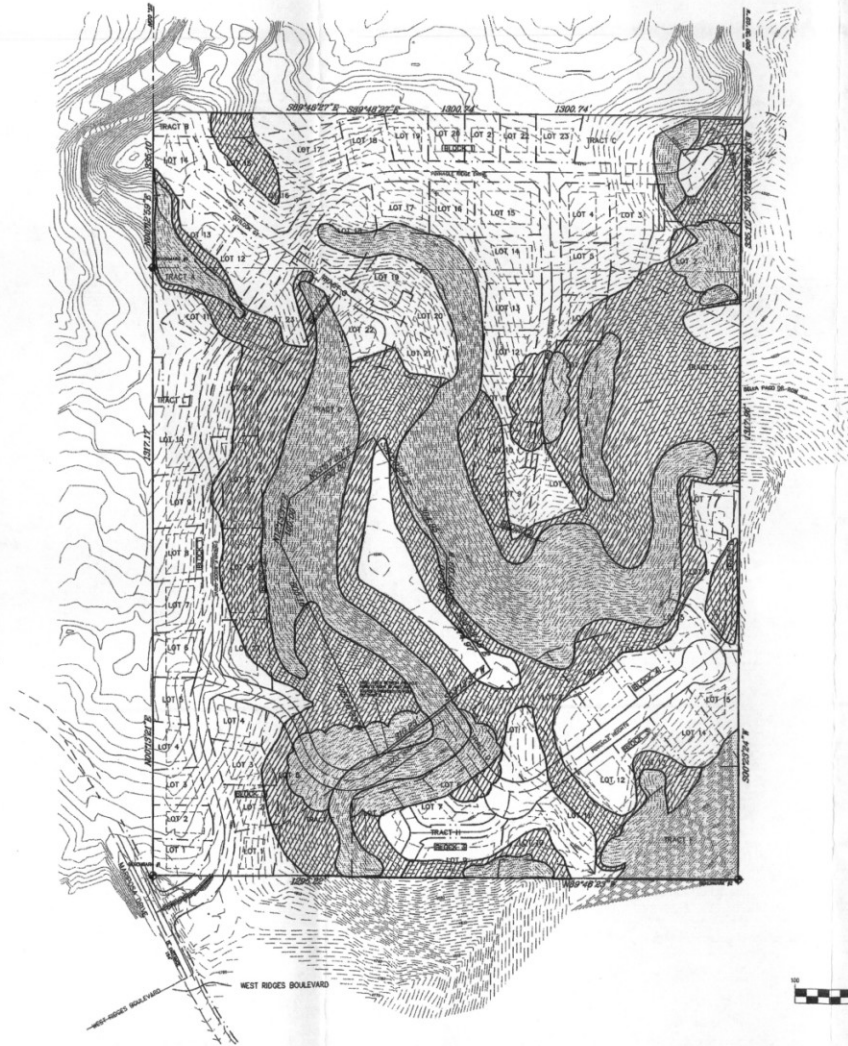
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DEVELOPMENT POTENTIAL SUMMARY

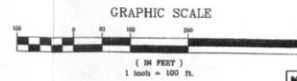
LEGEND

-  HIGH DEVELOPMENT POTENTIAL
-  MODERATE DEVELOPMENT POTENTIAL
-  LOW DEVELOPMENT POTENTIAL

NOTE: AREAS OF MODERATE DEVELOPMENT POTENTIAL DUE TO POTENTIALLY EXPANSIVE SOILS ARE SUBJECTIVE UNTIL MORE DETAILED FIELD ANALYSIS VARIFIES EXACT LOCATIONS.



CONTOUR INTERVAL IS 2 FEET.



| REVISION | DATE | DESCRIPTION | BY | CK |
|----------|------|-------------|----|----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DEVELOPMENT POTENTIAL MAP
 PINNACLE RIDGE DEVELOPMENT
 MARIPOSA DRIVE
 GRAND JUNCTION, COLORADO

RHINO ENGINEERING, INC.
 1229 N 23rd ST, STE 201
 GRAND JUNCTION, CO 81501
 970-241-6027 fax 970-266-7992



DATE
 11/29/05

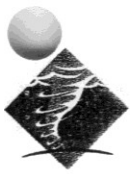
PROJECT NO
 21070.01

SHEET NO
 7



255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-858-4888
Cell: 970-260-9082
Fax: 970-858-7373
Email: rjones@vortexeng.com
Web Site: www.vortexeng.com



Vortex Engineering, Inc.

General Project Report For Pinnacle Ridge Subdivision

Date: May 24, 2005

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521
970-260-9082
VEI # F04-006

Type of Design: New Residential Subdivision

Owner: Two R & D, LLC
1880 K Rd.
Fruita, CO 81521

Property address: T.B.D.

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| A. Design Criteria and Approach | 4 |
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Exhibit 'A' – 11X17 Site Vicinity Map

1.0 Introduction/Site History

A. Property Location

The site is located along the north-east side of Mariposa Drive approximately ¼ mile north-west of the intersection of Monument Road in the Ridges/Redlands area of Grand Junction, Colorado. The subject site lies north and west of the intersection of Monument Road and Mariposa Drive. The site is located near various mixed residential uses.

The Ridges Subdivision bound the site to the north and west, vacant ground to the east and south. The property is currently undeveloped and is not used for any specific purpose. This property was originally platted in 1955 and was never developed in accordance with the plat. Given this fact, the City of Grand Junction has requested a complete re-plat and annexation of the property. Please reference Exhibit 'A'—Vicinity Map within this report for further information.

By legal description, the property is described as a parcel of land situated in the W ½ NW ¼ of Section 21, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being described as follows:

The south 10 acres of the NW ¼ NW ¼ and the SW ¼ NW ¼ of said Section 21.

EXCEPTING THEREFROM: Lots 1-9, Block 3 and the adjoining dedicated right-of-way know as Spur Drive and Lot 2, Block 2, Energy Center Subdivision, Phase I as platted and recorded in Plat Book 8 at Page 55 with a Reception Number 644620 of the Mesa County records. The property is approximately 45.0 acres in size.

B. Description of Property and Project

Two R & D, LLC is proposing to develop a residential subdivision with approximately 71 homes. The property is approximately 45.0 acres in size, and is currently located in Mesa County. Two R & D, LLC is proposing to annex the property into the City of Grand Junction, Colorado. The site is currently vacant and has areas of steep terrain. The property is presently zoned RSF-2 and is zoned in alignment with the current City Master Plan for this area.

The Site Plan for the Pinnacle Ridge development includes approximately 71 homes to be constructed in three phases. One (1) upper lot phase, and two (2) lower lot phases. The first phase of this development includes 18 upper lots owned by the developer, and 10 lots, which are not part of this Site Plan application and will not be developed in conjunction with this subdivision, owned by others. Access for this development is proposed via a full movement access point onto Mariposa Drive with future access being established through the planned development to the northeast.

Stormwater Management on site will be provided in the form of various Detention Basins. Both linear detention basins in series and stand-alone detention basins will be provided. Several outfall points will be utilized at the north and western boundaries of the site.

A water main is planned to be constructed and will connect to the main in Mariposa Drive. A Sewer Main is planned to be constructed and will connect to the main in the Ridges to the west.

The subject site has significant topography, with elevations peaking at 4904, descending to 4746. Two natural plateaus exist on site and dominate much of the southern corner of the property. These elevations are approximate and are the result of a review of the Topographic survey for this site.

A detailed Geotechnical Investigation Report was prepared by Geotechnical Engineering Group and will be submitted for review with the Preliminary Plan of Subdivision application.

C. Purpose of General Project Report

The 45.0 acre parcel is planned to be developed as a residential subdivision with various phases of construction. The purpose of this General Project Report is to provide a general review and discussion of the Site, Zoning, and Planning of the subject site for Staff to properly determine the compatibility of the proposed Preliminary Plan of Subdivision request in relation to the surrounding uses and classifications.

2.0 Existing Drainage Conditions

A. Major Basin Characteristics

This property is located south and west of the Colorado River. The watershed in this region generally slopes from the south to the north, ultimately draining to the Colorado River.

B. Site Characteristics

The lowest elevations on this site occur near the northwest and southwest corners of the property. Elevations vary from 4904 to 4746 feet. The existing drainage patterns of the property include a combination of sheet flow, shallow concentrated flow, and channel flow. No stormwater management exists on site at present.

This site currently accepts off-site drainage from the north-eastern property. Most of these off-site areas are undeveloped vacant ground in composition. Drainage is generally from the south to the north, although the site has two natural plateaus, which drains storm water off in all directions.

3.0 Proposed Drainage Conditions

A. Design Criteria & Approach

As expected in most developments, conversion and development of this property from bare ground to a residential subdivision will increase the storm water runoff, both in peak rates and volumes. However, with planned on site detention, runoff rates leaving the property will not be increased above the existing rates.

It is anticipated that on-site detention of the storm water runoff in the form of above ground basins will be utilized to attenuate the post development runoff rates to pre-development levels. Generally, the 2-yr and 100-yr storm events must be managed.

4.0 Current Use & Zoning Review

- a) Current Zoning: RSF-2 (Residential-Single-Family District)
- b) Current Zoning Description: The RSF-2, Residential-Single-Family district is primarily intended to accommodate medium-low density, single-family residential development, and to provide land use protection for areas that develop in such a manner. The RSF-2 district is intended to be applied in the Joint Urban Planning Area's Urban Growth Boundary. It corresponds to and implements the Mesa Countywide Land Use Plan's "Urban Residential/Low Density" classification.
- c) Current Jurisdiction: City of Grand Junction
- d) Existing Use: Vacant parcel-undeveloped

- e) Proposed Use: Residential Subdivision
- f) Is the property located within the 201 Persigio Agreement Area? YES

5.0 Utilities/Public Facilities

A. Electric

The provider for electric service in this area is Xcel Energy. It is estimated that there is adequate capacity to service the proposed subdivision with electric power.

B. Water

The provider for water service in this area is Ute Water Company. A 10" water main is located in Mariposa Drive. The applicant is proposing to connect to this main to supply this development with water service. Fire Flow tests completed by Ute Water, indicate that adequate pressure and supply exists to service this development.

C. Sewer

The provider for sewer service in this area is the City of Grand Junction/Persigio. It is not presently anticipated that an off-site sewer main extension will be required with the development of this property. An 8" sewer line is located in Plateau Ct. and north of the development. It is estimated that there is adequate capacity to service the proposed subdivision with sewer service.

D. Natural Gas

The provider for gas service in this area is Xcel Energy. It is anticipated that this main will have the capacity to service the proposed subdivision.

E. Telephone

The provider for telephone service in this area is U.S. West. It is estimated that there is adequate capacity to service the proposed subdivision with telephone services.

F. Cable Television

The provider for cable service in this area is Bresnan. It is estimated that there is adequate capacity to service the proposed subdivision with cable services.

G. Irrigation

The provider for irrigation service in this area is the Ridges Irrigation District and the Redlands Water and Power Company.

H. Fire Protection

The provider for Fire Protection service in this area is the Grand Junction Rural Fire District.

I. Police Protection

The provider for Police Protection service in this area is the City of Grand Junction Police Department & the Mesa County Sheriff's Department.

J. School District

The provider for public education in this area is Mesa County School District 51. It is not anticipated at this time that a mere 71 homes will have a significant impact on the existing facilities in terms of capacity. Furthermore, the school impact fees generated from this development should off-set any additional expenses incurred by the School District.

K. Parks/Trails

Presently no neighborhood parks or trails exist in this area of the Ridges. The developer of this subdivision has planned for ample open space and a system of improved trails to be constructed in conjunction with the development. These community amenities are a major improvement for this area of the Ridges.

6.0 Transportation

Currently the site is planned to be accessed from Mariposa Drive. Mariposa Drive is soon to be finished as a 2-lane, no median, paved, City owned and maintained roadway.

Approximately 71 homes are planned for this development. An increase in the traffic of approximately 679 Vehicle Trips per day (VTPD) will occur at the ultimate build-out of this subdivision. The main entrance into the planned subdivision would be from Mariposa Drive. It is not anticipated that this will create congestion or a major decrease in the level of service for Mariposa Drive. The planned subdivision will have a full Transportation Impact Analysis completed and submitted to the City of Grand Junction for review.

7.0 Public Benefit & Development Schedule/Phasing

This development appears to be an excellent opportunity and should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Ridges/Redlands area is poor. This subdivision should prove to uplift the existing subdivision to the north in aesthetics and value by providing higher comparable homes and a greater community amenities.

This development is planned to be completed in three (3) phases. The first phase of the subdivision will be completed upon final approval from the City of Grand Junction and re-platting of the property.

9.0 Limitations/Restrictions

This report is a site-specific investigation and is applicable only for the client for whom our work was performed. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering Incorporated and is to be taken in its entirety. Excerpts from this report may be taken out of context and may not convey the true intent of the report. It is the owner's and owner's agents responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineer should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

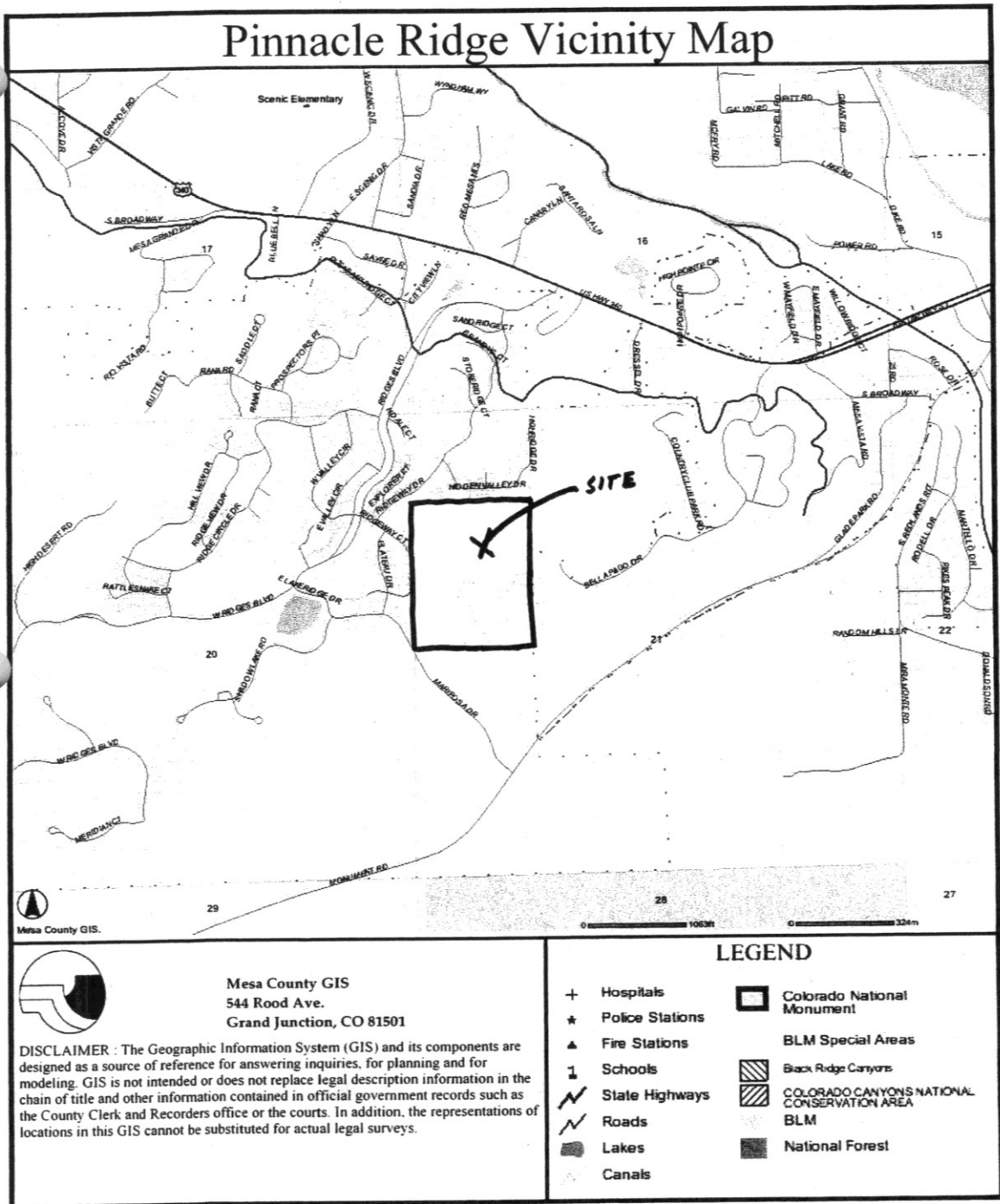
Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

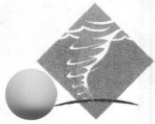
10.0 References

The following manuals and computer web sites were used for this General Project report:

- Storm water Management Manual, City of Grand Junction and Mesa County, May 1996.
- Zoning Ordinance Manual, City of Grand Junction, January 20, 2002.
- Mesa County Land Development Manual, Mesa County, May, 2000.
- T.E.D.S. Manual, City of Grand Junction, July 2003.
- City of Grand Junction GIS Master Web Site and the Mesa County Web Site.
- Growth Plan Manual, City of Grand Junction, October 2, 1992.

EXHIBIT 'A'
SITE VICINTIY MAP





Vortex Engineering, Inc.

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June 23, 2006

Via: Hand Delivery

City of Grand Junction
Community Development
250 N. 5th Street
Grand Junction, CO 81501
Attn: Ms. Kathy Portner, AICP

Re: Pinnacle Ridge Development
Grand Junction, Colorado
VEI # F04-006

Dear Ms. Portner:

As you are aware Two R & D, LLC is proposing to develop a residential subdivision with approximately 72 homes on 45.53 acres, hereafter referred to as Pinnacle Ridge Subdivision. In response to Department and Agency comments regarding the Pinnacle Ridge Development we offer the following responses:

CITY COMMUNITY DEVELOPMENT
Kathy Portner 244-1446

Community Development

- 1. Comment:** Using the open space acreage shown on the "Development Lot Statistics" spreadsheet of 15.7 acres (681,613 square feet), approximately 35% open space is being provided, resulting in a minimum lot size of 8,075 square feet. Lots with an average slope of less than 10% must meet that minimum lot size.
- 1. Response:** Comment acknowledged. There have been some modifications to lot lines and sizes and the current open space is 35.51 percent. Based on this the minimum lot size calculates to 7,945 square feet. All lots with average slopes of less than 10 percent meet this minimum lot size. Please refer to the attached Figure 1 "Development Lot Statistics", which has lot size based on open space.
- 2. Comment:** Many of the lots with average slopes of 10-20% and 20-30% do not meet the minimum lot width and/or minimum lot size (excluding the 30% slope area).
- 2. Response:** There have been some modifications to lot lines and sizes and all of the lots (regardless of average slope) meet their respective minimum lot widths and minimum lot size. Please refer to the attached Figure 1 "Development Lot Statistics", which has lot sizes and calculations of minimum lot size based on open space.
- 3. Comment:** I'm unclear as to the use of the 4,800-foot contour for the ridgeline analysis. The highest point on the rim forms the Ridgeline. The analysis needs to be based on that highest point.

3. **Response:** Section 7.2 of the Zoning and Development Code does not define the ridgeline other than referring to Exhibits 7.2.C1, C2, and C3. The Ridgeline Analysis has been changed to consider the ridgeline as the high points. Accordingly, new restrictions are placed on four of the lots that may have a visual impact from Monument Road. Please refer to the attached "Ridgeline Analysis" for more detail.
4. **Comment:** Trail access between lots needs to be in a tract and must be a minimum of 10' wide. Fencing should also be restricted along those corridors to avoid a tunnel effect.
4. **Response:** Comment acknowledged. The Plat will be revised to reflect a tract that is 10 foot wide. Fencing can be addressed at the time of the Final Plat.

5. **Comment:** Show how you are meeting the requirements of Section 7.2.G.7 for that portion of roads that cross the 30% and greater slope areas.
5. **Response:** All roads will traverse slope less than 30% with the exception of a portion of Pinnacle Heights Drive; this will occur from approximately station 5+00 to 8+50.

In order to minimize the hillside cuts in this area, Mechanically Stabilized Embankment (MSE) is planned. The MSE will not exceed 6 feet in height. The MSE will be approximately 100 feet long on the north side of the road behind the curb. The MSE will be approximately 450 feet long on the south side of the road behind the sidewalk and approximately 100 feet of second tier of MSE is planned from station 5+00 to 6+00.

To illustrate the impact of the impact of the hillside cut, the following items are attached:

- A portion of the grading plan (Exhibit B)
- A cross section at station 5+50 (Exhibit C)
- Photos of mechanically stabilized embankment (MSE) – Exhibit D

6. **Comment:** The Development Potential Map shows lots and roads encroaching into the areas of Low Development Potential. It's not clear that the building envelopes of lots have been modified to show no-disturbance areas where there is encroachment into the 30% + slope areas. Of great concern is the road crossing in the south end of the property and the roads and lots in the northeast corner of the property.
6. **Response:** The building envelopes of lots have been modified to show no disturbance in areas where there is encroachment into the 30% plus slope areas.
7. **Comment:** The private drives are not meeting the requirements for pedestrian access and parking.
7. **Response:** The private drives have been redesigned to meet the requirements for pedestrian access and parking.
8. **Comment:** Show how the lots accessing the shared driveways can meet the on-site parking requirement.
8. **Response:** The private drives have been redesigned to meet the requirements for pedestrian access and parking.

9. **Comment:** What type of drainage facility is planned for the drainage on the west side of the property? If it is a swale or will include walls, it must be in a tract dedicated to the HOA.
9. **Response:** The drainage facility planned for the drainage on the left side of the property is a rear yard swale with inlet design as discussed in the meeting.
10. **Comment:** Please state how this proposal meets the Purpose and review criteria of section 2.8.B of the Zoning and Development Code for Preliminary Plat approval.

10. Response:

2.8 SUBDIVISIONS

A. **Purpose.** No person shall record a plat of a subdivision nor prepare or execute any documents which purports to create or creates a new parcel, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot or parcel unless such plat, deed, deed of trust or mortgage has been approved by the City and unless it conforms to all of the provisions of this Code. The purpose of this Section 2.8 is to:

1. **Comment:** Ensure conformance with the Growth Plan and other adopted plans including the Corridor Design Guidelines;

Response: The Pinnacle Ridge Subdivision ensures conformance with the Growth Plan in that the RSF-2 Zoning for the subdivision is in direct alignment with the Growth Plan. The corridor design guidelines for ridgeline development with the submittal and the subsequent ridgeline analysis has been addressed.

2. **Comment:** Assist orderly, efficient and integrated development;

2. **Response:** The Pinnacle Ridge Subdivision is an efficient and integrated development due to its' enclave-like status with other subdivisions, primarily the Ridges development to the north and west, and the Redlands Mesa development to the south.

3. **Comment:** Promote the health, safety, and welfare of the residents of the City;

3. **Response:** The Pinnacle Ridge Subdivision promotes the health, safety, and welfare of the residents of the City in its' orderly design and typical public streets design. The Zoning and Development Code and Transportation Engineering Design Standards Manual have been conformed with and adhered to with this development.

4. **Comment:** Ensure conformance of land subdivision plans with the public improvement plans of the City, County and State;

4. **Response:** The Pinnacle Ridge Subdivision is in conformance with the land subdivision plans with the public improvement plans of the City, County, and State.

5. **Comment:** Ensure coordination of the public improvement plans and programs of the several area governmental entities;

5. **Response:** The Pinnacle Ridge Subdivision ensures coordination of the public improvement planning programs of the several governmental entities, primarily the City of Grand Junction. Its' utilization of existing infrastructure and recently installed

infrastructure in Mariposa Drive ensures that this is met.

6. **Comment:** Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement.

Response: The Pinnacle Ridge Subdivision is a well planned and will be a well- built subdivision which meets the City standards for design and improvement. Furthermore, an in depth study, site analysis plan, geotechnical studies, traffic impact studies and other various studies have been completed with this subdivision to ensure a well-planned and well-built subdivision. Areas of steep slopes and less desirable buildable areas have been reviewed and planned around to ensure minimal impact. With approximately 35.51% of open space with this development, it is easy to understand the enormous amount of planning that has gone into this subdivision.

7. **Comment:** Improve land survey monuments and records by establishing minimal standards for survey and plats;

7. **Response:** This criterion has been met with Pinnacle Ridge Subdivision.

8. **Comment:** Safeguard the interests of the public, the homeowner, and the sub-divider;

8. **Response:** The Pinnacle Ridge Subdivision was designed to safeguard the interests of the public, the homeowner and the sub-divider in its' conceptual and further engineered design process. Substantial open space and attention to detail relative to steep slopes have been completed.

9. **Comment:** Secure equitable handling of all subdivision plans by providing uniform procedures and standards;

9. **Response:** This criterion has been met at the Pinnacle Ridge Subdivision.

10. **Comment:** Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;

10. **Response:** Pinnacle Ridge Subdivision is providing over 2500 lineal feet of off-street pedestrian and bicycle paths. This amount of pedestrian bicycle paths is more than the amount outlined in the Urban Trails Master Plan. Pinnacle Ridge has also complied with the comments from the Urban Trails Committee related to interconnectivity of trail systems both to the north, west, and east of the project.

11. **Comment:** Preserve natural vegetation and cover, and to promote the natural beauty of the City;

11. **Response:** Pinnacle Ridge will have approximately 16.1 acres of open space thus preserving natural vegetation and cover and promoting the natural beauty of this City. The Pinnacle Ridge Subdivision complies with the City requirements. Furthermore, strict adherence to the ridgeline development regulations have also been complied with.

12. **Comment:** Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;

12. **Response:** The Pinnacle Ridge Subdivision will implement a detailed stormwater management plan during construction to prevent and control erosion, sedimentation, and other pollution of surface and subsurface water. These plans and construction will be completed in accordance with all local and state plans and policies.

13. **Comment:** Prevent flood damage to persons and properties;

13. **Response:** The stormwater management design completed for the Pinnacle Ridge Subdivision will prevent flood damage to persons and properties. It should also be noted that the stormwater management design for the Pinnacle Ridge Subdivision will also allow an opportunity to improve the potential of flood damage to persons and properties downstream in the existing Ridges Subdivision.

14. **Comment:** Restrict building in areas poorly suited for building or construction;

14. **Response:** A detailed site-analysis plan, geotechnical studies, and engineering has been completed for the Pinnacle Ridge Subdivision to restrict building in areas poorly suited for building or construction.

15. **Comment:** Prevent loss and injury from landslides, mudflows, and other geologic hazards;

15. **Response:** The Pinnacle Ridge Subdivision has been designed to prevent loss and injury from landslides, mudflows, and other geological hazards. Extensive geological testing, analysis, and inspections have been completed by professional engineers to mitigate any potential geologic hazards. In addition, potential rock-fall areas or other geologic hazards have been identified and removed.

16. **Comment:** Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and

16. **Response:** Adequate public facilities and services are available or are being made available concurrent with the subdivision. Adequate water, sewer, electric, etc. public facilities inclusive of adequate transportation systems are being designed and have been provided with the Pinnacle Ridge Subdivision.

17. **Comment:** Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

17. **Response:** The Pinnacle Ridge Subdivision will not impose hardship or substantial inconvenience to nearby landowners or residents. The Pinnacle Ridge Subdivision has been designed to ensure that no hardship or substantial inconveniences have been imposed upon nearby landowners or residences.

B. Preliminary Plat.

City of Grand Junction Chapter Two

Zoning and Development Code (Updated June 2003) Page 31

1. **Applicability.** The preliminary plat provides general graphic information and text indicating property boundaries, easements, land use, streets, utilities, drainage, open space, parks and other information required to evaluate a proposed subdivision. A preliminary plat shall be required for every subdivision except as otherwise provided for herein.
2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with all of the following criteria:
 - a. The Growth Plan, major street plan, Urban Trails Plan and other adopted plans;
 - b. The purposes of this Section 2.8.B;
 - c. The Subdivision standards (Section 6.7);
 - d. The Zoning standards (Chapter Three)
 - e. Other standards and requirements of this Code and other City policies and regulations;
 - f. Adequate public facilities and services will be available concurrent with the subdivision;
 - g. The project will have little or no adverse or negative impacts upon the natural or social environment;
 - h. Compatibility with existing and proposed development on adjacent properties;

Response: Pinnacle Ridge is compatible with existing development on adjacent properties. The existing development to the west is Ridges Filing No. 3 (Replat of Block 7 and portion of Block 17). The Ridges filing no. 3 has a total of 40 lots on 13.4 acres or 3 lots per acre with no dedicated open space in that filing. One of the existing developments to the north is Hidden Valley Condominiums, which has 4-condominium unit on 0.3 acres (13 units per acre) with no dedicated open space. Pinnacle Ridge will have 72 lots on 45.53 acres (1.58 units per acre) and 16.1 acres (35.5%) of open space.

- i. Adjacent agricultural property and land uses will not be harmed;

Response: there is no adjacent agricultural property. Adjacent land uses will not be harmed.

- j. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- k. There is adequate land to dedicate for provision of public services; and

Response: 5.13 acres of the project is dedicated for roadway right of way. This is adequate for provisions of public service.

- l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

Response: No undue burden on the City has been identified or is known to exist due to Pinnacle Ridge

Fire Department

1. **Response to 2nd round comments:** Submit additional information pertaining to the water system design: For each proposed fire hydrant, provide the estimated flow in gallons per minute at 20 pounds per square inch residual pressure: this represents the available fire flow in the immediate area of the fire hydrant.

Call the fire department at 244-1414 should you have questions.

1. **Response:** Additional information was already submitted and approved.
2. **Supplemental review comment:** Based on the fire flow data provided by Vortex Engineering, dated 3/15/06, a plat note must be recorded for this subdivision:
"The expected available fire flow for this subdivision, per the design data submitted on March 15, 2006, is less than 1750 gallons per minute. Based on this fire flow, any proposed structures with a fire area* exceeding 3600 square feet will be required to install a residential fire sprinkler system, approved by the Grand Junction Fire Department, before a building permit is issued.
*Fire Area is defined on page 357 of the IFC, 2000 edition"
3. **Response:** Comment acknowledged. The above note will be placed on plat prior to recording.

Development Engineer

GENERAL

1. **Comment:** The site analysis provided with this response to comments has identified new information with which to evaluate the proposal. The City is very uncomfortable with Pinnacle Heights Road from Pinnacle Ridge drive up to the top. This proposed street is at a steep grade, travels from a 20' fill to a 20' cut in 100' horizontally, and turns 90 degrees; all within an area of expansive soils on an existing 30% slope. Although extensive engineering procedures can be used to theoretically build a stable street, the City's recent experience with streets in expansive areas is that they move and cost the taxpayers a lot of money to maintain in the long run; sometimes in the short run. This design exacerbates the typical problem by having a steep grade, both deep fills and deep cuts adjacent each other and contains a 90 degree turn. This begs the question, "Is there a better design?" It appears another option exists for a street to the top. It is to the north to the Munkres property. This street option should be investigated. The only way the City Public Works Department is willing to accept this street, as designed, is if the Developer posts cash warranty for 10 years for this part of the street and utilities.
1. **Response:** Pursuant to our meeting, and in accordance with your request, the Geotechnical Engineer for this project has been further consulted and a note relating to the quality control and assurance for the road construction of Pinnacle Heights has been added to the Road Plan and Profile sheets of Pinnacle Heights (Sheet # 22). This particular note or guarantee should give the City of Grand Junction the comfort level required for the Pinnacle Heights road construction.
2. **Comment:** There are three potential places to connect to existing streets that have been ignored. They would provide neighborhood interconnectivity, reduce the quantity of street to be constructed, possibly eliminate a steep connection to the east, and integrate this subdivision into the surrounding neighborhood.
2. **Response:** The three potential places to connect to existing streets have not been

ignored. Rather, these potential places to connect to existing streets were evaluated and found to be incompatible with this subdivision. The existing streets are sub-standard and do not meet current standards. The surrounding neighborhood does not desire to have the inter-connectivity that the City of Grand Junction Staff is suggesting; nor does this development lend itself to this type of inter-connectivity.

3. **Comment:** On Pinnacle Heights, from the intersection of Pinnacle Ridge to the 90 degree intersection, the street plan doesn't show a sidewalk. A TEDS exception, or alternative street standards, is needed. Please refer to TEDS for the proper approach for the chosen alternative. Section 15.1.6 of the TEDS states "The design must provide adequate pedestrian facilities equal or better than existing adopted street sections." This is usually accomplished by the use of trails accessible from the rear of the lots. It will be difficult for this criterion to be met.
3. **Response:** Comment acknowledged. As discussed, an administrative alternative street standard approval is being requested with this development.
4. **Comment:** Retaining walls need to be in tracts and maintained by the HOA. This means the road near Foster's property can't be in the public right of way. There is still a retaining wall adjacent to Foster's property that is in public right of way. This is not allowed.
4. **Response:** The retaining walls are in tracts and will be maintained by the Homeowner's Association. The retaining wall adjacent to Foster's property is not in public right-of-way; rather it is in a tract and will be maintained by the Homeowner's Association. (See Sheet # 2.1)

PLANS

5. **Comment:** There are two private streets shown on the plans. They don't meet the TEDS criteria for private streets. Please modify the design and describe in the general report how each street satisfies each criterion in the TEDS. They still don't provide off street parking per item 5 on page 2 of section 13.1 of the TEDS. No sidewalk is shown on the north side of the street in Tract H as described in the response.
5. **Response:** The two private streets shown on the plans now meet TEDS criteria for private streets. Off-street per Item 5 on Page 2 of Sec. 13.1 of the TEDS has now been provided for. Additionally, a sidewalk has been installed along one side of the private street.
6. **Comment:** Mr. Munkres has stated he is not in agreement with the stub street connection. Please work this out with him. Please provide a letter from Mr. Munkres that he agrees to this location.
6. **Response:** An easement providing approval of the turnaround as depicted on the preliminary plans for the Pinnacle Ridge Subdivision has been attached for your review and approval. This document has been executed by Mr. Ted Munkres, the owner of the adjacent development.
7. **Comment:** Provide an easement to the City for the temporary turnaround shown on the Munkres parcel. This is necessary at preliminary. The easement must be dedicated to the City for public purposes.

7. **Response:** An easement providing approval of the turnaround as depicted on the preliminary plans for the Pinnacle Ridge Subdivision has been attached for your review and approval. This document has been executed by Mr. Ted Munkres, the owner of the adjacent development.

DRAINAGE

8. **Comment:** The drainage report identifies discharge from several basins on page 7 but a drainage plan was not supplied. Please supply a preliminary post-development drainage map depicting these basins. The plan supplied shows a bold line type for "drainage boundary" in the legend but the basins are not depicted. Please use the bold line type to identify the basins so the drainage logic can be followed.

8. **Response:** Comment acknowledged. A preliminary post development drainage map depicting these basins has been supplied. Comments have been addressed.

9. **Comment:** The drainage basin symbol in the legend doesn't match the "area" on the plan portion of the map.

9. **Response:** Comment acknowledged, plans have been revised.

10. **Comment:** As red lined on the plans from the first round of comments, the drainage easement area along the west and north property lines will need to have a storm sewer system installed so there isn't only a back yard swale. This system can be smaller diameter pipe with plastic NDS type inlets. The purpose is to keep fences, landscaping, etc. from blocking flow. Please show on the Preliminary Plan.

10. **Response:** A storm sewer system has been installed in the backyards along the west and north property lines as requested; this system will be smaller diameter pipe with plastic ADS type inlets.

Ute Water

COMMENTS:

1. Developer will be required to participate in contract water lines. Contract water line fees must be collected before wet taps or water meters will be sold.
2. Please submit changes as noted on drawing.
3. Developer must supply a 24" x 36" utility composite that shows valve, fire hydrant water meters and line sizes.
4. Water mains shall be C900, Class 150 PVC. Installation of pipe, fittings, valves, and services including testing and disinfection shall be in accordance with Ute Water standard specifications and drawings
5. Developer is responsible for installing meter pits and yokes (pits and yokes supplied by Ute Water).
6. Construction plans required 48 hours before construction begins. If plans are changed the developer must submit a new set of plans.

- 7. Electronic drawings of the utility composite for the subdivision, in Autocad.dwg format, must be provided prior to final acceptance of water infrastructure.
- 8. Water meters will not be sold until final acceptance of the water infrastructure.
- 9. ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.

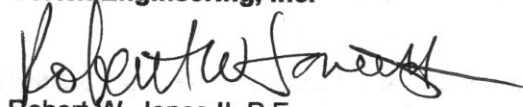
If you have any questions concerning any of this, please feel free to contact Ute Water.

Response: All comments are acknowledged and requested items will be provided.

Upon reviewing the enclosed information, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051.

Sincerely,

Vortex Engineering, Inc.



Robert W. Jones II, P.E.

CC: Darren Davidson, wo/encl.
 Robert Jones, wo/encl.
 File

PINNACLE RIDGE

RIDGELINE LOT ASSESSMENT

April 26, 2006

The City recognizes the value of visual resources and amenities. Standards for ridgeline developments apply when a project will have a visual impact from the centerline of a mapped road as shown in section 7 of the zoning code. Exhibit 7.2.C3 of the zoning code (attached as Exhibit A) shows the approximate location of the ridgeline to be protected.

Based on Exhibit 7.2C3 in the vicinity of Pinnacle Ridge Subdivision, the ridgeline to be protected apparently follows the contour elevation of 4,800 feet. Monument Road is the closest "mapped" road that may be visually impacted by the Pinnacle Ridge Subdivision. The City of Grand Junction Community Development Department has indicated that the Ridgeline should be based on the high point of the ridge. This analysis is based on the Community Development interpretation of the ridgeline.

Portions of the ridgeline development standards include the following:

- *For all lots within the mapped ridgeline protection area shown on Exhibits 7.2.C1, C2, and C2, buildings, fences, and walls shall be setback a minimum of 200 feet from the ridgeline.*
- *The setback shall not apply if the applicant produces visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped road or that mitigation will be provided.*
- *Mitigation measures include: use of earth tone colors, use of non-reflective materials, vegetation to screen the visual impact of the building, reduction of the building height, other means to minimize the appearance.*
- *In no case shall structures be set within 30 feet of the ridgeline*

Exhibit B shows the following:

- *Pinnacle Heights Subdivision*
- *Monument Road*
- *The ridgeline protection area based on Exhibit 7.2.C3*
- *The ridgeline area based on the high point)*

Eight sight lines were estimated from Monument Road. A discussion of each sight line and the visual impact from Monument Road follows:

Sight Line A shows that there may be visual impact of the house on lot 9 Block 3 on Pinnacle Heights Drive. Based on the possibility of a visual impact, the following mitigation measures will be required:

- *The House must have a minimum 30-foot setback from the new ridgeline*
- *The house is restricted to one floor from the finished floor of 4872.*
- *The mansard of the roof is restricted to 16 foot above the finished floor of 4872*
- *The house may have a lower floor with a walkout basement depending on the detailed design*
- *The house shall have earth tone colors with non-reflective materials*
- *Vegetation is required to screen the visual impact of the building*

Sight Line B shows that there may be a visual impact of the house on lot 10 Block 3 on Pinnacle Heights Drive. Based on the possibility of a visual impact, the following mitigation measures will be required:

- *The House must have a minimum 30 foot setback from the new ridgeline*
- *The house is restricted to one floor from the finished floor of 4873.*
- *The mansard of the roof is restricted to 16 foot above the finished floor of 4873*
- *The house may have a lower floor with a walkout basement depending on the detailed design*
- *The house shall have earth tone colors with non reflective materials*
- *Vegetation is required to screen the visual impact of the building*

Sight Line C shows that there will not be a visual impact of the house on lot 1 Block 3 along Pinnacle Ridge Drive. No visual mitigation is required.

Sight Line D shows that there will not be a visual impact of the house on lot 11 Block 3 on Pinnacle Heights Drive. The steep terrain adjacent to Monument Road obstructs this portion of the ridgeline view.

Sight Line E shows that there will not be a visual impact of the house on lot 12 of Block 3 along Pinnacle Heights Drive. The steep terrain adjacent to Monument Road obstructs this portion of the ridgeline view.

Sight line F shows that there may be a visual impact of the house on lot 13 Block 3 on Pinnacle Ridge Drive. Based on the possibility of a visual impact, the following mitigation measures will be required:

- The House must have a minimum 30 foot setback from the new ridgeline
- The house is restricted to one floor from the finished floor of 4890
- The mansard of the roof is restricted to 16 foot above the finished floor of 4890
- The house may have a lower floor with a walkout basement depending on the detailed design
- The house shall have earth tone colors with non reflective materials
- Vegetation is required to screen the visual impact of the building

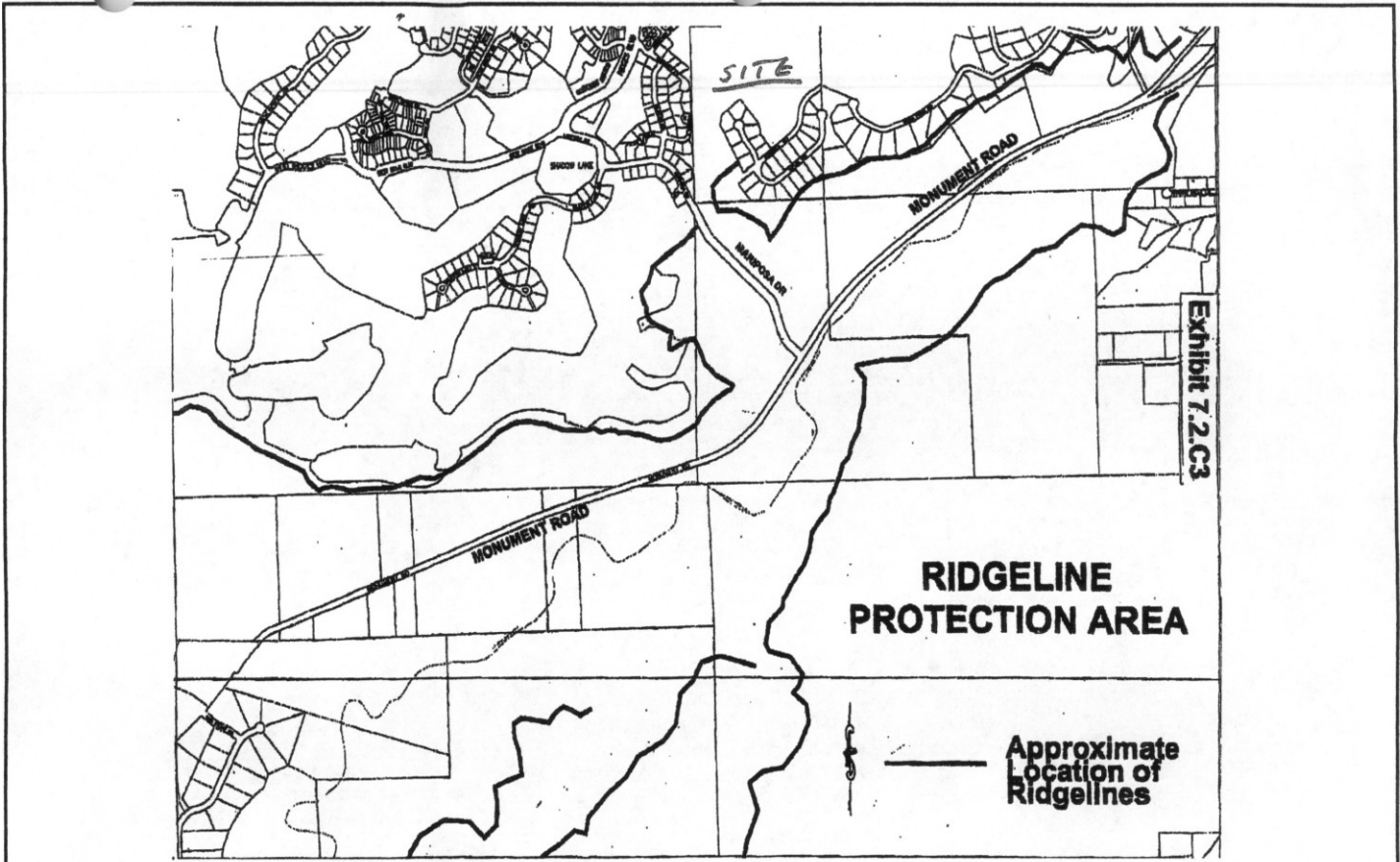
Sight line G shows that there may be a visual impact of the house on lot 14 Block 3 on Pinnacle Ridge Drive. Based on the possibility of a visual impact, the following mitigation measures will be required:

- The House must have a minimum 30 foot setback from the new ridgeline
- The house is restricted to one floor from the finished floor of 4892
- The mansard of the roof is restricted to 16 foot above the finished floor of 4892
- The house may have a lower floor with a walkout basement depending on the detailed design
- The house shall have earth tone colors with non reflective materials
- Vegetation is required to screen the visual impact of the building

Sight line H shows that there will not be a visual impact of the house on lot 15 Block 3 on Pinnacle Heights Drive. The steep terrain adjacent to Monument Road obstructs this portion of the ridgeline view. No visual mitigation is required for this house.

SUMMARY

In summary, based on the estimated sightlines, the only visual impacts of Pinnacle Ridge subdivision from Monument Road will occur on four of the planned seventy-two residences. These lots are numbers 9,10,13, and 14 of Block 3. Appropriate mitigation measures as outlined in Section 7.2 of the Zoning and Development Code and defined in this ridgeline assessment will be required.



TITLE: EXHIBIT "A"

SCALE: N.T.S.

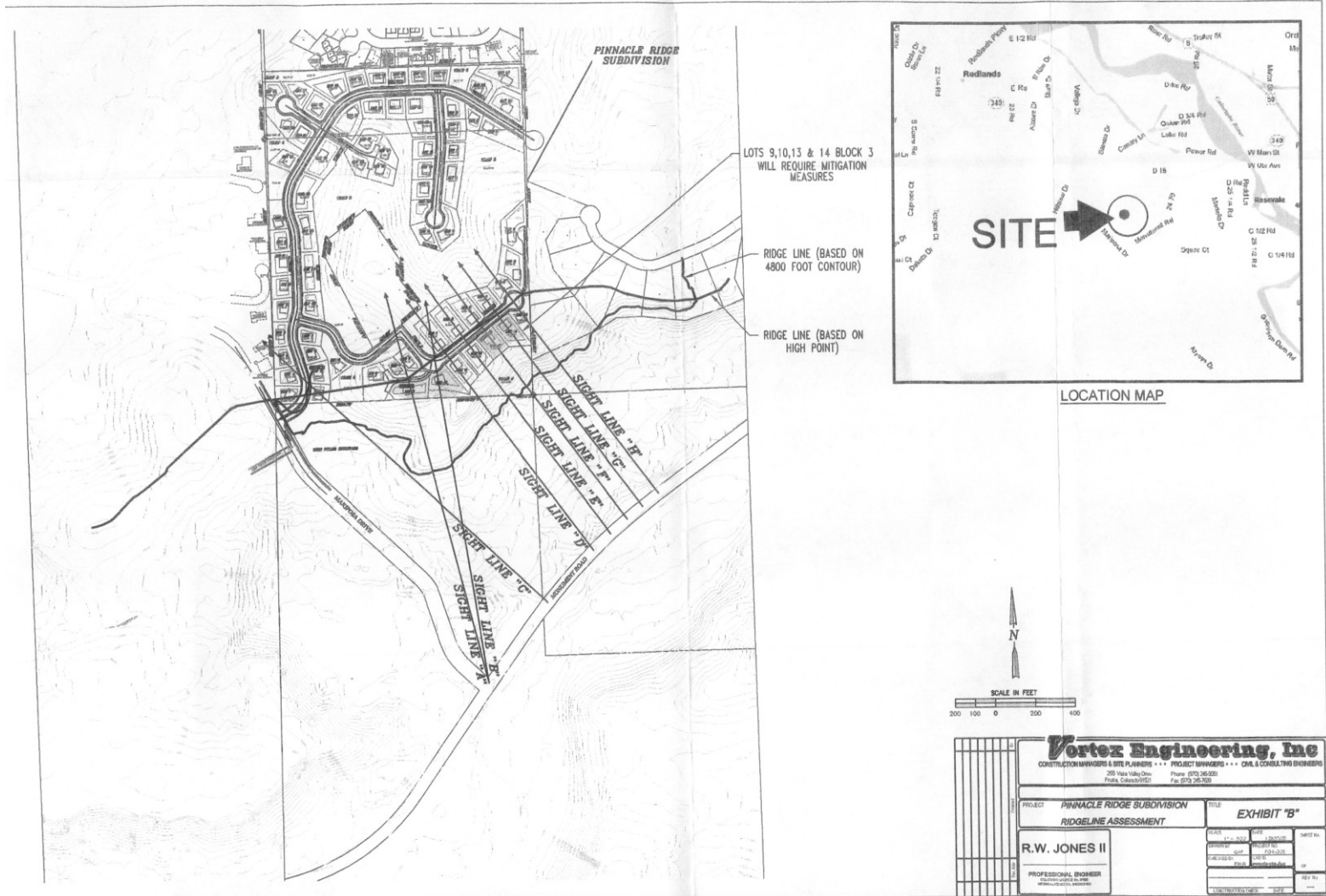
DATE: 12/1/05

DRAWN BY: GAP
CKD BY: RWJII

CAD I.D.#: road-section.dwg
PROJECT#: F04-006

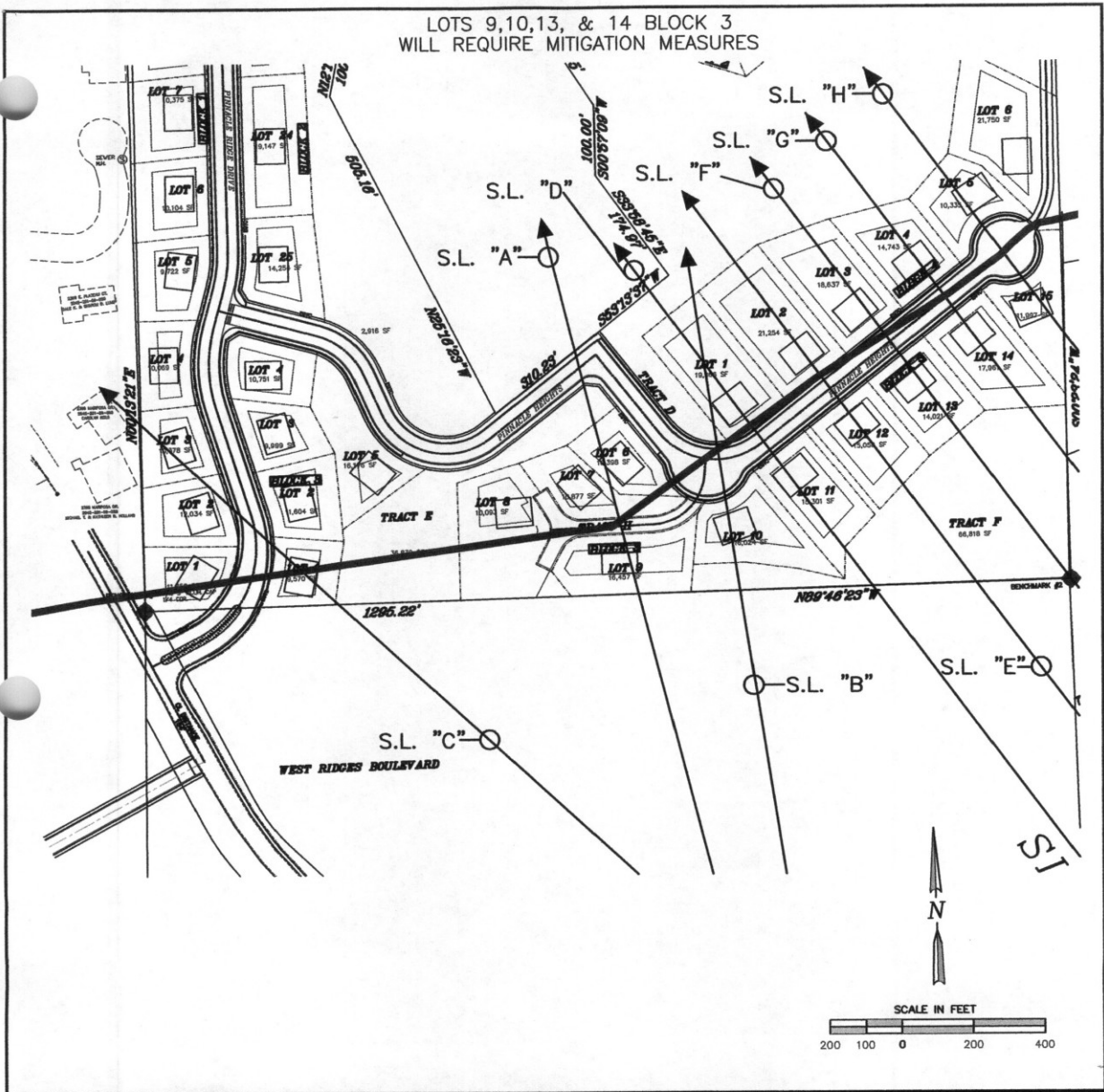
Vortex Engineering, Inc
 * CONSTRUCTION MANAGERS & SITE PLANNERS *
 * CIVIL & CONSULTING ENGINEERS *
 * PROJECT MANAGERS *
 255 Vista Valley Drive * Phone: (970) 245-9051
 Fruita, Colorado 81521 * Fax: (970) 245-7639

PROJECT:
 PINNACLE RIDGE
 SUBDIVISION



| | | | | |
|---|--|--|-------------|-------------|
| Vortex Engineering, Inc <small>CONSTRUCTION MANAGERS & SITE PLANNERS ••• PROJECT ENGINEERS ••• CIVIL & CONSULTING ENGINEERS</small> <small>205 West Valley Drive, Pomona, CA 91768 Phone: (951) 869-0099 Fax: (951) 363-3629</small> | | | | |
| PROJECT | PINNACLE RIDGE SUBDIVISION RIDGELINE ASSESSMENT | | TITLE | EXHIBIT "B" |
| DESIGNED BY | R.W. JONES II | | CHECKED BY | |
| DATE | | | APPROVED BY | |
| PROFESSIONAL ENGINEER <small>REGISTERED IN THE STATE OF CALIFORNIA</small> | | | REV BY | |

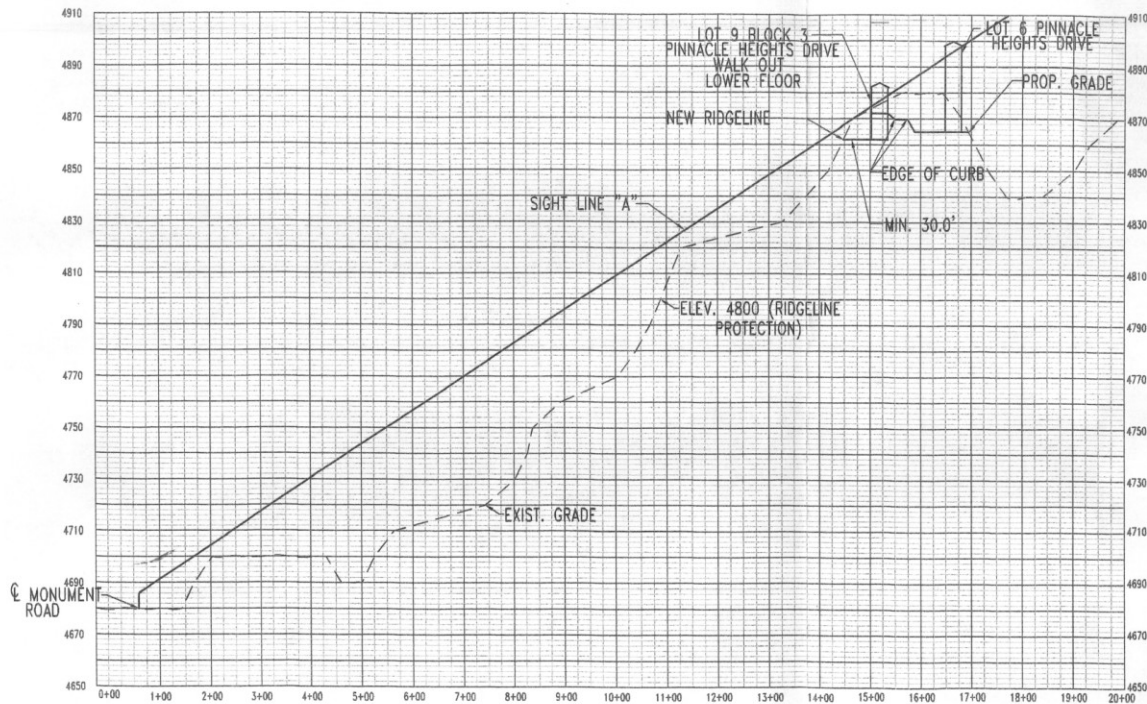
LOTS 9,10,13, & 14 BLOCK 3
WILL REQUIRE MITIGATION MEASURES



| | | | | |
|--|-------------------|-----------------|---|---|
| TITLE: EXHIBIT "C" | SCALE: 1"=200' | DATE: 1/6/05 | DRAWN BY: GAP CKD BY: RWJII | CAD I.D.#: exhibit "c".dwg PROJECT#: F04-006 |
| Vortex Engineering, Inc * CONSTRUCTION MANAGERS & SITE PLANNERS * * CIVIL & CONSULTING ENGINEERS * 55 Vista Valley Drive * Phone: (970) 245-9051 * PROJECT MANAGERS * Fruita, Colorado 81521 * * Fax (970) 245-7639 | | | PROJECT: PINNACLE RIDGE SUBDIVISION | |

RIDGELINE ASSESSMENT OF LOT 9 BLOCK 3

- 1.) THE HOUSE MUST HAVE A MINIMUM 30-FOOT SETBACK FROM THE NEW RIDGELINE.
- 2.) THE HOUSE IS RESTRICTED TO ONE FLOOR FROM THE FINISHED FLOOR OF 4872.
- 3.) THE MANSARD OF THE FLOOR IS RESTRICTED TO 16 FOOT ABOVE THE FINISHED FLOOR OF 4872.
- 4.) THE HOUSE MAY HAVE A LOWER FLOOR WITH A WALKOUT BASEMENT DEPENDING ON THE DETAILED DESIGN.
- 5.) THE HOUSE SHALL HAVE EARTH TONE COLORS WITH NON-REFLECTIVE MATERIALS.
- 6.) VEGETATION IS REQUIRED TO SCREEN THE VISUAL IMPACT OF THE BUILDING.



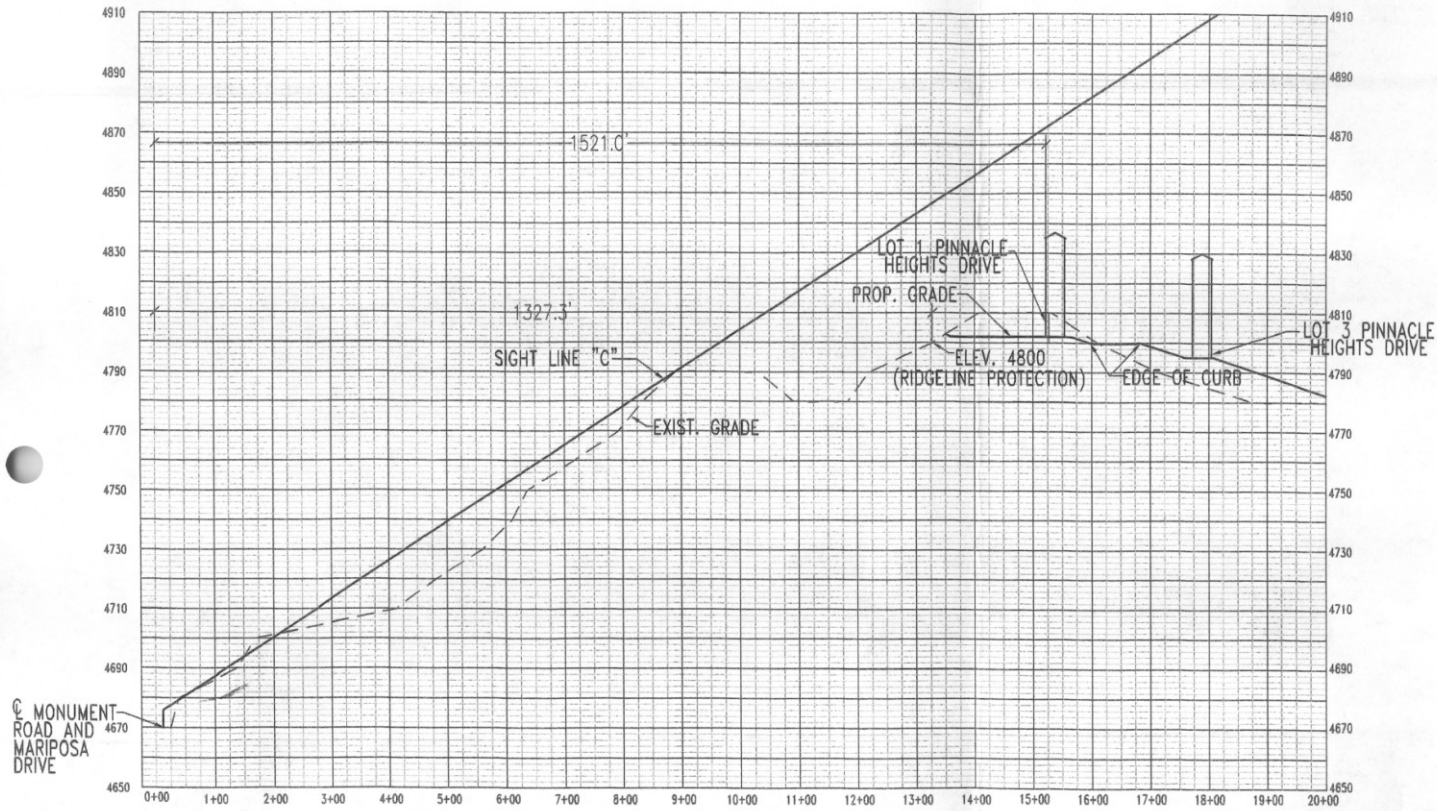
SIGHT LINE "A" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

| | | | |
|--|--|----------------------------|-------------------|
| Vortex Engineering, Inc <small>CONSTRUCTION MANAGERS & SITE PLANNERS • PROJECT MANAGERS • CIVIL & CONSULTING ENGINEERS</small> <small>201 Hill Valley Drive Phone: (970) 246-0011 Fort Collins, Colorado 80521 Fax: (970) 246-7629</small> | | | |
| PROJECT: PINNACLE RIDGE SUBDIVISION RIDGELINE ASSESSMENT | | TITLE: SIGHTLINE "A" | |
| R.W. JONES II <small>PROFESSIONAL ENGINEER No. 00000000000000000000</small> | | DATE: 11/20/2017 | SHEET No. 1 |
| | | DESIGNED BY: R.W. JONES II | OF 1 |
| | | CHECKED BY: R.W. JONES II | REV. No. --- |
| | | DATE: 11/20/2017 | BY: R.W. JONES II |

RIDGELINE ASSESSMENT OF LOT 1 BLOCK 3

NO VISUAL MITIGATION IS REQUIRED. HOUSE IS NOT VISIBLE FROM MONUMENT ROAD DUE TO STEEP TERRAIN ADJACENT TO ROAD.



C MONUMENT ROAD AND MARIPOSA DRIVE

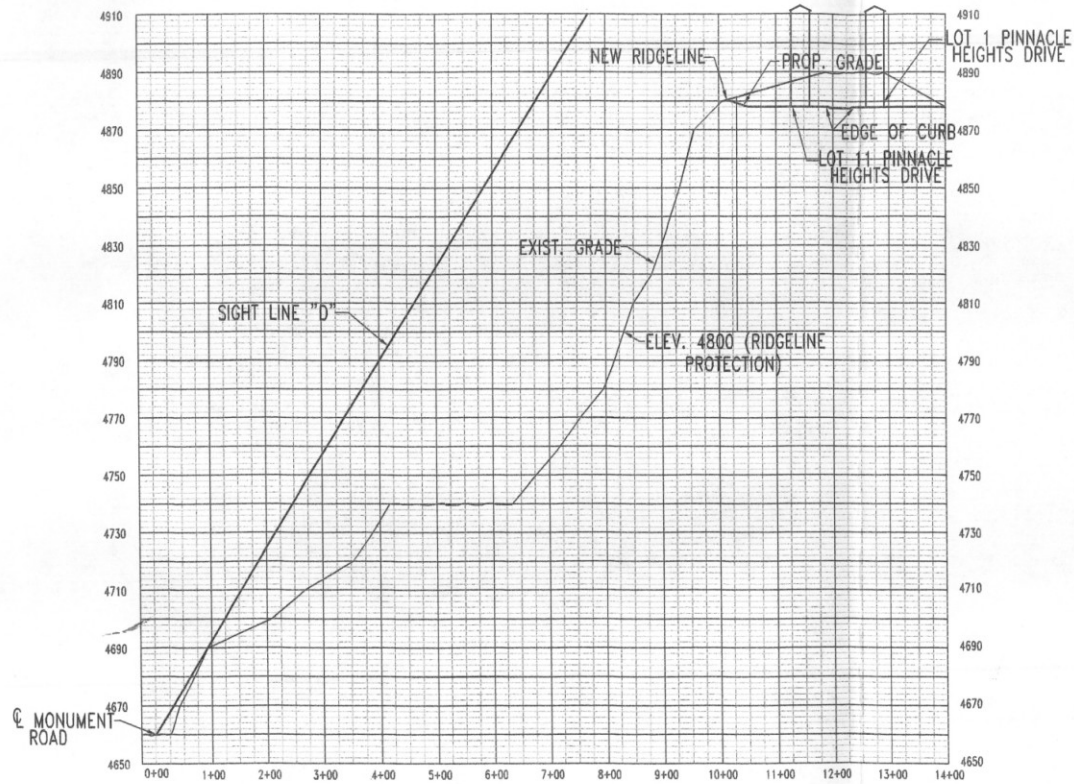
SIGHT LINE "C" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

| | | | |
|--|----------------------|----------------------|---------------------|
| Vortex Engineering, Inc <small>CONSTRUCTION MANAGERS & SITE PLANNERS • • • PROJECT MANAGERS • • • CIVIL & CONSULTING ENGINEERS</small> <small>285 West Valley Drive, Fruita, Colorado 81521 Phone (970) 546-8551 Fax (970) 546-7659</small> | | | |
| PROJECT: PINNACLE RIDGE SUBDIVISION RIDGELINE ASSESSMENT | | TITLE: SIGHTLINE "C" | |
| R.W. JONES II PROFESSIONAL ENGINEER <small>CO. LICENSE NO. 10000</small> | | SCALE: 1" = 200' | DATE: 12-07-08 |
| DESIGNED BY: R.W. JONES II | CHECKED BY: P. JONES | PROJECT NO.: 08-005 | SHEET NO.: 10 OF 10 |
| CONSTRUCTION CHIEF: _____ | | DATE: _____ | |

RIDGELINE ASSESSMENT OF LOT 11 BLOCK 3

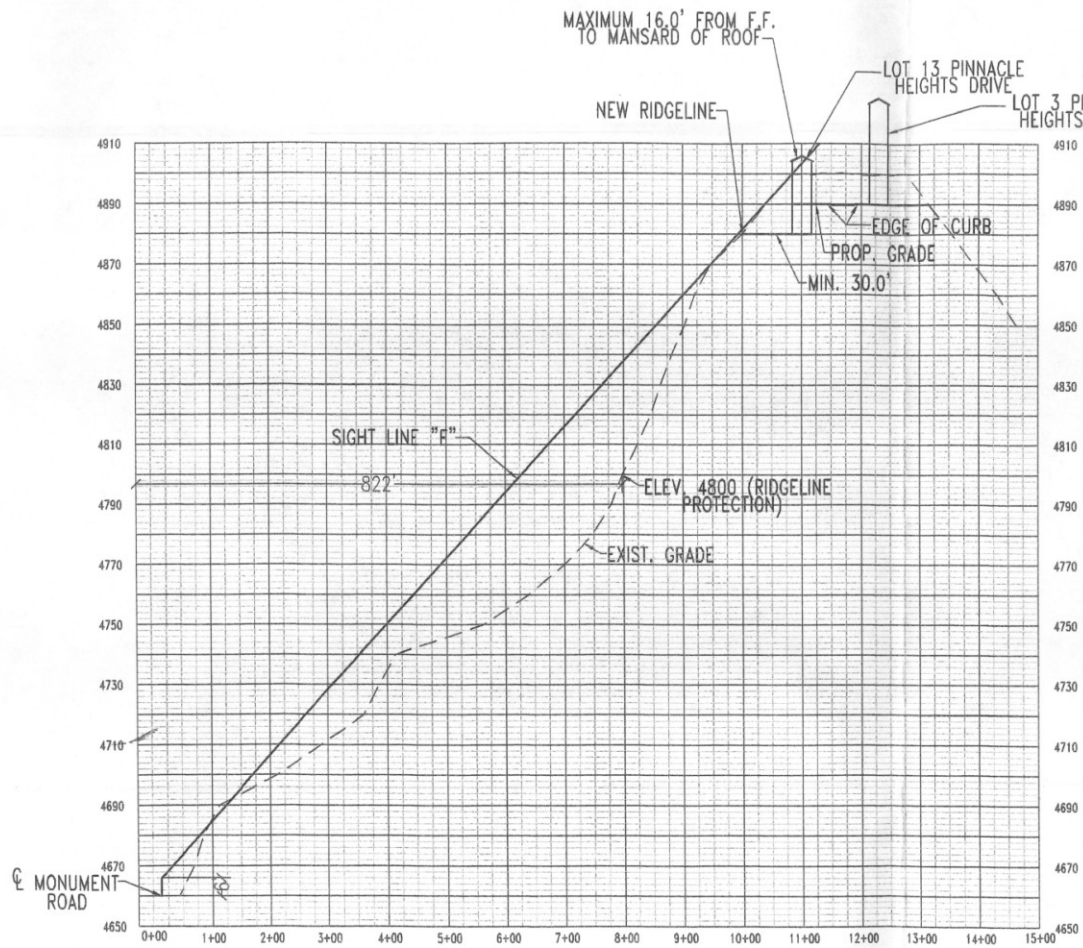
NO VISUAL MITIGATION IS REQUIRED, HOUSE IS NOT VISIBLE FROM MONUMENT ROAD DUE TO STEEP TERRAIN ADJACENT TO ROAD.



SIGHT LINE "D" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

| | | | |
|---|--|-----------------------------|-----------------|
| Vortex Engineering, Inc <small>CONSTRUCTION MANAGERS & SITE PLANNERS • • • PROJECT MANAGERS • • • CIVIL & CONSULTING ENGINEERS</small> <small>255 Vista Valley Drive Phone: (970) 245-8551 Fort Collins, Colorado 80521 Fax: (970) 245-9100</small> | | | |
| PROJECT: PINNACLE RIDGE SUBDIVISION | | TITLE: SIGHTLINE "D" | |
| RIDGELINE ASSESSMENT | | SCALE: 1" = 200' | SHEET NO. |
| R.W. JONES II <small>PROFESSIONAL ENGINEER LICENSE NUMBER: 19338 EXPIRES: 12/31/2018</small> | | OWNER: [] | PROJECT NO. [] |
| | | DESIGNED BY: [] | DATE: [] |
| CONSTRUCTION SHEET | | DATE: [] | REV. NO. [] |



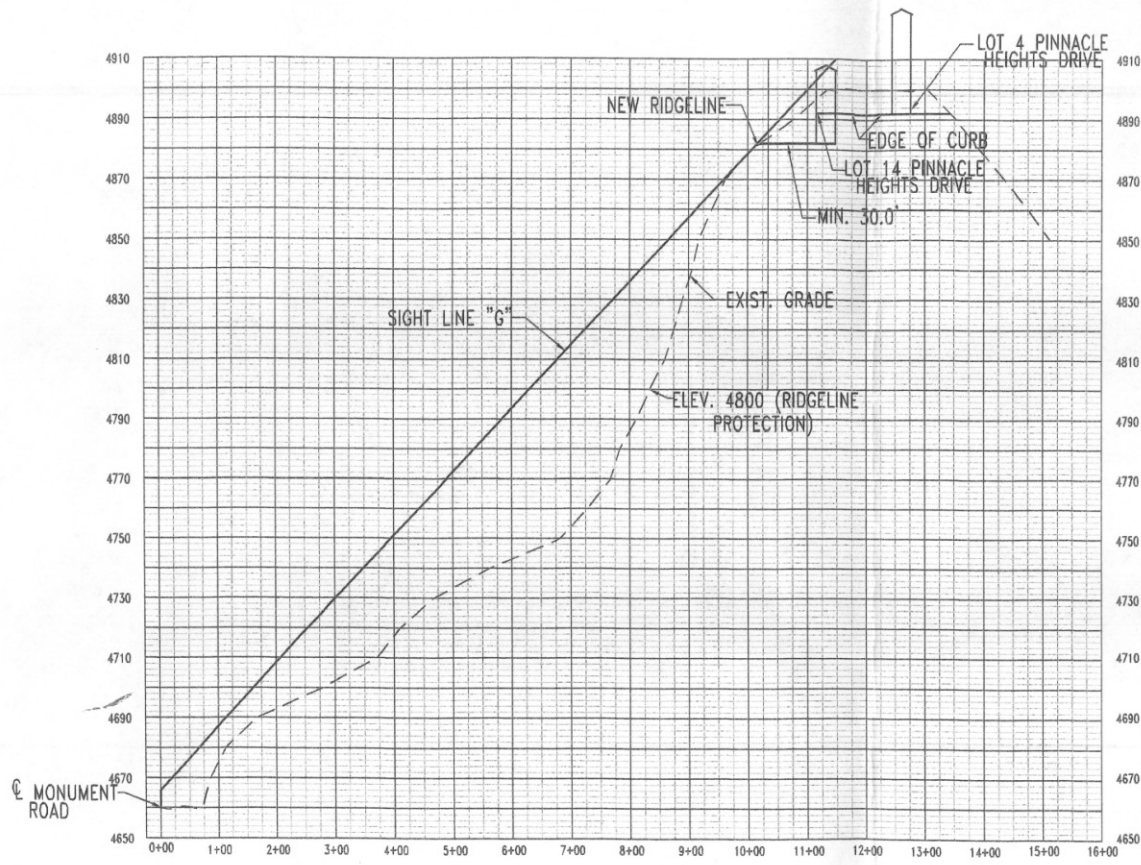
SIGHT LINE "F" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

RIDGELINE ASSESSMENT OF LOT 14 BLOCK 3

- 1.) THE HOUSE MUST HAVE A MINIMUM 30-FOOT SETBACK FROM THE NEW RIDGELINE.
- 2.) THE HOUSE IS RESTRICTED TO ONE FLOOR FROM THE FINISHED FLOOR OF 4890.
- 3.) THE MANSARD OF THE FOOR IS RESTRICTED TO 16 FOOT ABOVE THE FINISHED FLOOR OF 4890.
- 4.) THE HOUSE MAY HAVE A LOWER FLOOR WITH A WALKOUT BASEMENT DEPENDING ON THE DETAILED DESIGN.
- 5.) THE HOUSE SHALL HAVE EARTH TONE COLORS WITH NON-REFLECTIVE MATERIALS.
- 6.) VEGETATION IS REQUIRED TO SCREEN THE VISUAL IMPACT OF THE BUILDING.

| | | | |
|--|--|-----------------------------|--------------------|
| Vortex Engineering, Inc <small>CONSTRUCTION MANAGERS & SITE PLANNERS • • • PROJECT MANAGERS • • • CIVIL & CONSULTING ENGINEERS</small> <small>285 West Valley Drive, Fruita, Colorado 81521 Phone: (970) 245-9281 Fax: (970) 242-7620</small> | | | |
| PROJECT: PINNACLE RIDGE SUBDIVISION | | TITLE: SIGHTLINE "F" | |
| RIDGE LINE ASSESSMENT | | SCALE: 1" = 200' | DATE: 12/20/05 |
| R.W. JONES II | | DRAWN BY: DJP | PROJECT NO: 04-000 |
| PROFESSIONAL ENGINEER | | CHECKED BY: D.J.P. / R.W.J. | CAD NO: 07 |
| VERIFIED BY: R.W.J. | | CONSTRUCTION CHECK: _____ | DATE: _____ |



SIGHT LINE "G" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

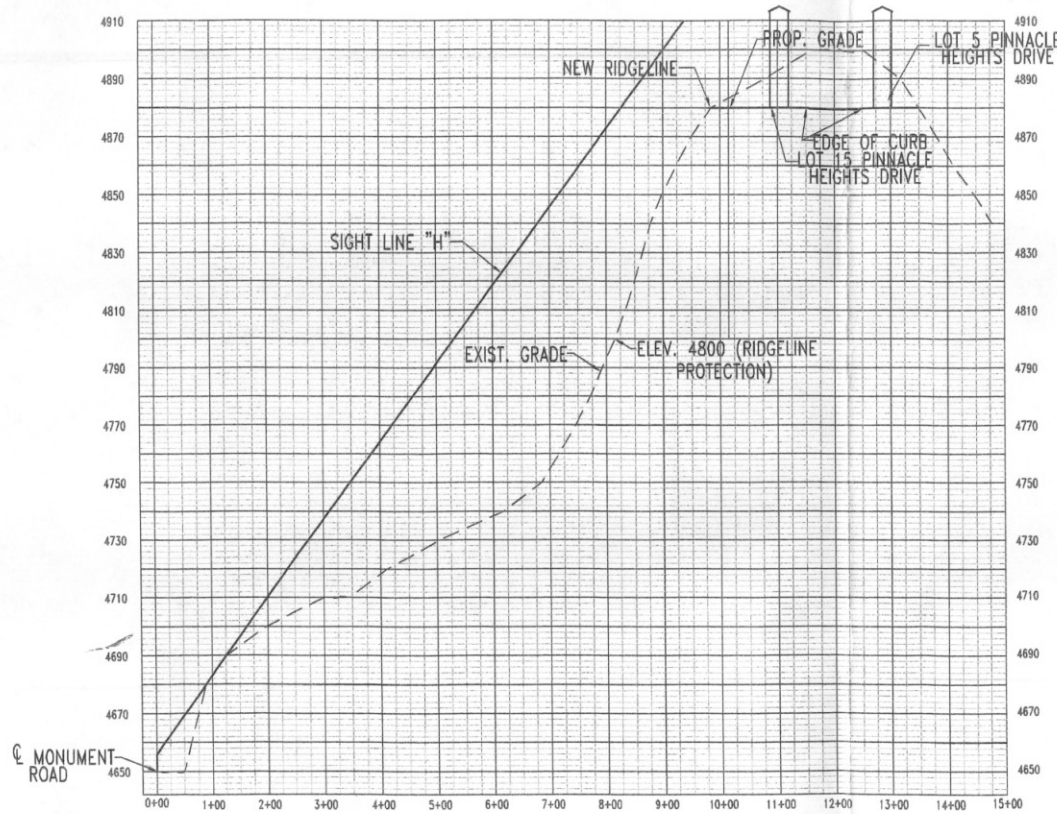
RIDGELINE ASSESSMENT OF LOT 14 BLOCK 3

- 1.) THE HOUSE MUST HAVE A MINIMUM 30-FOOT SETBACK FROM THE NEW RIDGELINE.
- 2.) THE HOUSE IS RESTRICTED TO ONE FLOOR FROM THE FINISHED FLOOR OF 4892.
- 3.) THE MANSARD OF THE FOOR IS RESTRICTED TO 16 FOOT ABOVE THE FINISHED FLOOR OF 4892.
- 4.) THE HOUSE MAY HAVE A LOWER FLOOR WITH A WALKOUT BASEMENT DEPENDING ON THE DETAILED DESIGN.
- 5.) THE HOUSE SHALL HAVE EARTH TONE COLORS WITH NON-REFLECTIVE MATERIALS.
- 6.) VEGETATION IS REQUIRED TO SCREEN THE VISUAL IMPACT OF THE BUILDING.

| | | | | | | | | | | | | | | | |
|---|------------------------|--|--|---|--|------------------|----------------|------------|---------------|------------------------|--|--------------------|----------------|----|---------------------|
| Vortex Engineering, Inc CONSTRUCTION MANAGERS & SITE PLANNERS ••• PROJECT MANAGERS ••• CIVIL & CONSULTING ENGINEERS <small>388 West Valley Drive Fruita, Colorado 81521 Phone: (970) 245-9851 Fax: (970) 245-7829</small> | | PROJECT: PINNACLE RIDGE SUBDIVISION RIDGELINE ASSESSMENT | | TITLE: SIGHTLINE "G" | | | | | | | | | | | |
| | | R.W. JONES II <small>PROFESSIONAL ENGINEER COLORADO LICENSE NO. 3882 MEMBER - LICENSED BY THE STATE OF CO</small> | | <table border="1"> <tr> <td>SCALE: 1" = 200'</td> <td>DATE: 10/27/20</td> <td>SHEET NO.:</td> </tr> <tr> <td>DRAWN BY: GJP</td> <td>PROJECT NO. P01-20-006</td> <td></td> </tr> <tr> <td>CHECKED BY: P.W.J.</td> <td>DATE: 10/27/20</td> <td>GF</td> </tr> <tr> <td>CONSTRUCTION CHECK:</td> <td>DATE:</td> <td>REV. NO.:</td> </tr> </table> | | SCALE: 1" = 200' | DATE: 10/27/20 | SHEET NO.: | DRAWN BY: GJP | PROJECT NO. P01-20-006 | | CHECKED BY: P.W.J. | DATE: 10/27/20 | GF | CONSTRUCTION CHECK: |
| SCALE: 1" = 200' | DATE: 10/27/20 | SHEET NO.: | | | | | | | | | | | | | |
| DRAWN BY: GJP | PROJECT NO. P01-20-006 | | | | | | | | | | | | | | |
| CHECKED BY: P.W.J. | DATE: 10/27/20 | GF | | | | | | | | | | | | | |
| CONSTRUCTION CHECK: | DATE: | REV. NO.: | | | | | | | | | | | | | |

RIDGELINE ASSESSMENT OF LOT 15 BLOCK 3

NO VISUAL MITIGATION IS REQUIRED, HOUSE IS NOT VISIBLE FROM MONUMENT ROAD DUE TO STEEP TERRAIN ADJACENT TO ROAD.



SIGHT LINE "H" PROFILE

HORIZONTAL SCALE: 1" = 200'
 VERTICAL SCALE: 1" = 40'

| | | | |
|---|--|---|---|
| Vortex Engineering, Inc CONSTRUCTION MANAGERS & SITE PLANNERS • • • PROJECT MANAGERS • • • CIVIL & CONSULTING ENGINEERS <small>385 West Valley Drive Pueblo, Colorado 81021</small> | | | |
| PROJECT: PINNACLE RIDGE SUBDIVISION RIDGELINE ASSESSMENT | | TITLE: SIGHTLINE "H" | |
| R.W. JONES II PROFESSIONAL ENGINEER <small>COLORADO LICENSE NO. 8788 EXPIRES 03/31/2014</small> | SCALE: 1" = 200' DATE: 08/20/14 DRAWN BY: RWT CHECKED BY: JLD | SHEET NO.: PROJECT NO.: P-14-001 DATE: 08/20/14 DRAWN BY: RWT CHECKED BY: JLD | SHEET NO.: PROJECT NO.: P-14-001 DATE: 08/20/14 DRAWN BY: RWT CHECKED BY: JLD |
| CONSTRUCTION CHECK: _____ DATE: _____ | | CONSTRUCTION CHECK: _____ DATE: _____ | |

AGREEMENT

This Agreement is entered into effective this ____ day of May, 2006, by and between TKAR Properties, LLC, with an address of 121 Chipeta Avenue, Grand Junction, Colorado, and Two R&D, LLC, with an address of 1880 K. Road, Fruita, Colorado.

Recitals

1. Two R&D is in the process of developing the Pinnacle Ridge Subdivision. As a part of that development, Two R&D will be constructing a portion of Pinnacle Ridge Drive.
2. Attached to this Agreement as Exhibit AA@ is a contour drawing of a portion of Pinnacle Ridge Drive showing grading and site improvements. In the current phase of the development, this Drive will temporarily terminate at Lot 1, which is the boundary terminus for the property owned by Two R&D. As shown on Exhibit AA@, a temporary turnaround is required at the end of Pinnacle Ridge Drive. This turnaround area is located on property owned by TKAR.
3. The parties desire to enter into this Agreement to allow for the temporary use of the Turnaround area.

NOW, THEREFORE, in consideration of the Recitals above and the covenants below, the adequacy of which is hereby acknowledged, the parties agree:

1. Two R&D will proceed with submitting its plan for the development of Pinnacle Ridge to the City of Grand Junction and will pursue obtaining final approval for the plat. Upon receipt of final approval, Two R&D will proceed with the development of Pinnacle Ridge, including the construction of Pinnacle Ridge Drive. As a part of the construction of Pinnacle Ridge Drive, Two R&D is hereby granted the temporary use of the Temporary Turnaround area for the construction of a temporary cul-de-sac as shown on Exhibit AA@. Submittal of the development plan and of the construction of Pinnacle Ridge Drive is not possible unless the use of this Temporary Turnaround area is granted and Two R&D is relying on the grant of this area for its development. This use of the Temporary Turnaround area shall begin as of the date of this Agreement and shall continue until such time as Pinnacle Ridge Drive is extended in accordance with plans approved by the City of Grand Junction and until the City allows for the vacation of the Temporary Turnaround area.

2. All costs for the construction of Pinnacle Ridge Drive as shown on Exhibit AA@, including the Temporary Turnaround area, shall be at the cost of Two R&D and TKAR shall have no liability for the same. Any future extension of Pinnacle Ridge Drive from the point of the Temporary Turnaround, and including the removal of the Temporary Turnaround, will not be the responsibility of Two R&D but will be at the expense of the party developing the property to be served by the extension of Pinnacle Ridge Drive.

3. Although the construction of Pinnacle Ridge Drive as shown on Exhibit AA@ will benefit the TKAR property by extending improved, paved public access to his property, TKAR will not be required to pay for any costs of such construction and no rebates of any kind will be

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

- The West boundary of Pinnacle Ridge still shows back lots facing front lots of the Ridges Development and needs to be changed. This problem only exists on the west boundary of the development.
- The Pinnacle Ridges west rock wall height is excessive and needs to be brought down to a maximum height of six feet from finished grade.
- A uniform solid (not chain link) fence needs to be built on top of the west rock wall for safety and to keep dog kennels, recreation vehicles etc. from being in view from the top of the rock wall.
- Detention basins A2 thru A7 need to be redesigned as a water feature with rocks, trees, shrubs, grass and basins instead of looking like an industrial ditch. Or as an alternative an underground storm water drain could be designed which would be covered by landscaping.
- It is inconceivable to think that the Pinnacle Ridge Development HOA will appropriate adequate funds to maintain the out of sight out of mind detention basins A2 thru A8 as suggested by the developer. With the current design, weeds will be a very obvious problem as seen from the Ridges Development and in wet years mosquitoes will add to the problem, especially with such deep basins.
- One entrance/exit planned, near term, for the Pinnacle Ridge Development will put a traffic strain on Mariposa and other roads in the Ridges. This problem will be compounded by all of the building and future building at the Redlands Mesa Development.
- Street lighting will be of interest to the existing Ridges area residents.
- *Not more than one row of houses directly to our east (= east of East Plateau Court)*
- Any drainage system to be upgraded/beautified - not to look "industrial"*
- Any walls, landscaping, etc. to fit in with the natural look of the current golf course area (Redlands Mesa Golf Club)*

Sharon Lund

2399 E. Plateau Court

RECEIVED

JUL 06 2005

COMMUNITY DEVELOPMENT
 DEPT.

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.

➤ *All of the homes on lots 5 thru 9 block 2 will have to be built on 10' to 12' of fill dirt which always causes major problems.*

The west rock wall is not designed to separate the developments, it's designed to build more land for houses.

Name

Address

Jack K. Jones

2399 E. Plateau Ct.

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.

- DUMPING OF DIRT SHOULD NOT BE ALLOWED ON THE PINNACLE
RIDGE PROPERTY UNTIL FINAL PLANS ARE APPROVED BY THE CITY.
-
-
-

Name

Address

MICHAEL + BARBARA SIZOGA 7397 MARIPOSA DR. GJ 81503

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- One entrance/exit planned, near term, for the Pinnacle Ridge Development will put a traffic strain on Mariposa and other roads in the Ridges. This problem will be compounded by all of the building and future building at the Redlands Mesa Development.
- Street lighting will be of interest to the existing Ridges area residents.
- Developer will assume liability for any and all structural damage incurred by Ridges property owners as a result of construction activities
- Developer will utilize dust control measures during construction

Name

Address

Steve + Mary Donovan

2397 E. Plateau Ct.

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.
- track record of developer ??

Name

Address

John Phillips

2398 E. Plateau Ct GJCO

Erin Phillips

2398 E. Plateau Ct GJCO

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.

➤ NO Rock wall on the west
Lots. Fewer Lots. Fewer street Lites.

| Name | Address |
|----------------------------|--------------------------|
| <u>Ms T. Holly</u> | <u>2398 Mariposa Dr.</u> |
| <u>Kathleen A. Holland</u> | <u>2398 Mariposa Dr.</u> |
| _____ | _____ |
| _____ | _____ |

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.

➤ _____

Name

Address

James H. Kauffman *2395 E. Plateau Ct.*
Mary J. Kauffman *2395 E. Plateau Ct.*

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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- Street lighting will be of interest to the existing Ridges area residents.
- I FEEL HAVING THE BACK OF PINNACLE RIDGE LOTS 5, 6, 7, AND 8 FACING THE FRONT LOTS ON EAST PLATEAU COURT IS UNREASONABLE, IMPROPER AND WOULD DECREASE THE VALUES OF OUR HOMES AND REALSTATE. I WOULD SUGGEST THAT THESE LOTS NOT BE BUILT ON AND USED TO CREATE A COMMON AREA AND ALSO BE UTILIZED TO HELP RETAIN ADDITIONAL RAIN WATER RUNOFFS CREATED BY DEVELOPMENT.

Name

Address

JAMES RICHARD COLLARD 2394 EAST PLATEAU CT.

LINDA J. COLLARD 2394 E. PLATEAU CT.

James Richard Collard

Linda J. Collard

SEE BACK PLEASE:

OVER

> ROCK RETAINING WALL SHOULD BE ENGINEERED AND NOT JUST STACKING EXISTING ROCKS THAT WILL HAVE TO BE MOVED OFF BUILDING LOTS AND COVERED WITH DIRT TO CREATE A UNSAFE AND FOUL LOOKING ROCK WALL.

> THIS NEW DEVELOPMENT WOULD COME INTO THE EXISTING SCHOOLS OF SENIC ELEMENTARY AND REDLANDS MIDDLE SCHOOL AND WOULD CREATE ADDITIONAL TRAFFIC THROUGH THE ALREADY BUSY STREETS IN THE RIDGES SUBDIVISION.

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

- The West boundary of Pinnacle Ridge still shows back lots facing front lots of the Ridges Development and needs to be changed. This problem only exists on the west boundary of the development.
- The Pinnacle Ridges west rock wall height is excessive and needs to be brought down to a maximum height of six feet from finished grade.
- A uniform solid (not chain link) fence needs to be built on top of the west rock wall for safety and to keep dog kennels, recreation vehicles etc. from being in view from the top of the rock wall.
- Detention basins A2 thru A7 need to be redesigned as a water feature with rocks, trees, shrubs, grass and basins instead of looking like an industrial ditch. Or as an alternative an underground storm water drain could be designed which would be covered by landscaping.
- It is inconceivable to think that the Pinnacle Ridge Development HOA will appropriate adequate funds to maintain the out of sight out of mind detention basins A2 thru A8 as suggested by the developer. With the current design, weeds will be a very obvious problem as seen from the Ridges Development and in wet years mosquitoes will add to the problem, especially with such deep basins.
- One entrance/exit planned, near term, for the Pinnacle Ridge Development will put a traffic strain on Mariposa and other roads in the Ridges. This problem will be compounded by all of the building and future building at the Redlands Mesa Development.
- Street lighting will be of interest to the existing Ridges area residents.
- WE ARE ESPECIALLY CONCERNED ABOUT STORM DRAINAGE DOWN RIDGEWAY COURT TO RIDGES BLVD. THE EXISTING DRAINAGE IS NOT ADEQUATE TO HANDLE HEAVY RAINS AND THE PROPOSED SYSTEM WILL DIRECT EVEN MORE WATER FROM THE PROPOSED DEVELOPMENT DOWN RIDGEWAY COURT.
- ALSO CONCERNED ABOUT WHAT EFFECT THE PROPOSED DEVELOPMENT WILL HAVE ON DRAINAGE ONTO RIDGEWAY DRIVE.

| Name | Address |
|----------------|----------------------|
| NORMAN W. SEAY | 377-B RIDGEWAY DRIVE |
| JUDITH S. SEAY | 377-B RIDGEWAY DRIVE |
| TOMY MERRILL | 378 RIDGEWAY DRIVE |
| | |

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➤ _____

Name

Address

Pamela J Bennett

379 A Explainer Ct. G.T. Co. 81503

Arthur D Bennett

379-A Explainer Ct. G.T. Co. 81503

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➤ I feel that putting these houses right in front of our house with us looking AT their back yard & house. AFTER living here AND paying taxes for 55 years THIS IS A REAL S.K.A.P IN THE FACE.

Name

Address

LINDA J. COLLARD

2594 E. PLATEAU CT.

PINNACLE RIDGE DEVELOPMENT - Neighborhood Concerns

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Name

Address

LINDA J. COLLARD

2594 E. PLATEAU CT.

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- Street lighting will be of interest to the existing Ridges area residents.
- There appears to be a space in the NW corner of the proposed development where the walls do not meet. The logical flow of water would be directed onto Ridgeway Dr. toward Explorer Ct and Ridgeway Ct. The capacity for runoff management on Explorer Ct has already exceeded its limits, so the water management from the development must not put a further burden on this area.

Name

Marcus Jordan

Address

383 B Explorer Ct

383 B Explorer Ct, GJ 81503



AGENDA TOPIC: PP-2005-226 Pinnacle Ridge Preliminary Subdivision Plan

ACTION REQUESTED: Preliminary Subdivision Plan Approval

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|---|-----|--|----|
| Location: | | NE of Mariposa Dr. and Monument Rd. | | | |
| Applicants: | | Bob Jones, Two R&D, LLC Robert Jones, Vortex Engineering | | | |
| Existing Land Use: | | Undeveloped | | | |
| Proposed Land Use: | | Residential Subdivision | | | |
| Surrounding Land Use: | North | Residential Medium Low (2-4 du/ac) | | | |
| | South | Public | | | |
| | East | Residential Low (1/2 - 2 ac/du) | | | |
| | West | Residential Medium Low (2-4 du/ac) | | | |
| Existing Zoning: | | RSF-2 (Residential Single Family, 2 du/ac) | | | |
| Proposed Zoning: | | Same | | | |
| Surrounding Zoning: | North | PD (Planned Development, 4 du/ac) | | | |
| | South | CSR (Community Services and Recreation) | | | |
| | East | RSF-2 and County RSF-4 | | | |
| | West | PD (Planned Development, 4 du/ac) | | | |
| Growth Plan Designation: | | Residential Low (1/2 – 2 ac/du) | | | |
| Zoning within density range? | | x | Yes | | No |

PROJECT DESCRIPTION: A request for Preliminary Subdivision Plan approval for 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

RECOMMENDATION: Staff recommends denial.

ANALYSIS

1. Background

The property was annexed into the City in early 2005. The annexation consisted of a parcel, a portion of which contains the Energy Center Subdivision, platted in 1955. The Energy Center Subdivision was never developed and no improvements were ever provided. The City did not recognize the validity of the Energy Center plat. The annexation did not include a portion of the antiquated plat owned by others, which is now enclaved.

The property is landlocked, which means there is no legal access to any adjoining Right-of-Way. The City has agreed to negotiate with the developer for access across City-owned property, known as Painted Bowl, to Mariposa Drive. Development of the property will also require secondary access to the underdeveloped property to the northeast.

The property has steep terrain and a ridgeline visible from Monument Road. An "Existing Slope Analysis" done by Rhino Engineering for the property indicates approximately 21% of the property containing slopes of less than 10%; 24% of the property containing slopes of 10%-20%; 36% of the property containing slopes of 20%-30%; and 19% of the property containing slopes of greater than 30%.

The applicant is proposing a Preliminary Subdivision Plan, consisting of 72 single family lots on 45.33 acres, for an overall density of 1.6 units per acre. The property is zoned RSF-2, allowing for a maximum density of 2 units per acre. The applicant is proposing to use the clustering provisions of the Code to reduce the minimum lot size requirement of 17,000 square feet.

The plan proposes an access point across a portion of the City's Painted Bowl property to Mariposa Drive, with a future connection to the undeveloped property to the northeast.

2. Consistency with the Growth Plan

The Growth Plan designates this property as Residential Low, ½ - 2 acres per unit. The existing zoning of RSF-2 is at the high end of the land use designation. In addition the following goals and policies of the Growth Plan and Redlands Area Plan must also be considered in determining consistency:

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements on land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope area, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Redlands Plan Goal: Protect the foreground, middleground, and background visual/aesthetic character of the Redlands Planning Area.

Redlands Plan Goal: Minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Redlands Plan Policy: Development on prominent ridgelines along the major corridors of Highway 340, South Broadway, South Camp Road and Monument Road shall be minimized to maintain the unobstructed view of the skyline.

Redlands Plan Policy: Development along Monument Road, as an access to the Tabeguache trailhead and gateway to the Colorado National Monument, and along Highway 340, as the west entrance into the Monument, shall be sufficiently setback from the corridors to maintain the open vistas of the Monument.

Redlands Plan Policy: Development in or near natural hazard areas shall be prohibited unless measures are taken to mitigate the risk of injury to persons and the loss of property.

Redlands Plan Policy: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, mitigation shall be required to reduce the visual impact of the work.

3. Section 2.8.B.2 of the Zoning and Development Code

A preliminary subdivision plan can only be approved when it is in compliance with the purpose portion of Section 2.8 and with all of the following criteria:

- a. *The Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans.*

The proposed density of 1.6 units per acre is within the Future Land Use designation of Residential Low, ½ to 2 acres per unit. However, the goals and policies of the Growth Plan and Redlands Area Plan also need to be considered. Staff finds that the proposal is not consistent with the following goals and policies: Policy 20.7, Policy 20.10, Goal 21, Policy 21.2, as well as the Redlands Plan goals and policies to limit development on steep slopes, limit cut and fill, and preserving the visual/aesthetic character of the Redlands and the Monument Road corridor.

The Grand Valley Circulation Plan identifies Monument Road as a Minor Arterial and Mariposa as a Major Collector. The proposed subdivision will access Mariposa through the City-owned Painted Bowl property. The City has agreed to negotiate with the developer for the purchase of the needed right-of-way.

The Urban Trails Plan does not show any specific trails through this property, but does show trails on Monument Road and Mariposa to connect to.

- b. *The Subdivision standards of Chapter 6.*

The intent of Section 6.7 of the Code is as follows:

- a. Complement neighborhood development and uses;
- b. Reinforce the importance of public places such as boulevards, parks, and open spaces;
- c. Protect existing natural resources and wildlife habitat;
- d. Mitigate erosion from wind and water;
- e. Avoid development in riverine slide areas, geologically hazardous areas and in floodplains;
- f. Preserve stands of existing mature trees and native vegetation;
- g. Reduce fire hazards;

- h. Promote pedestrian uses, bicycling, and transportation modes other than the private automobile;
- i. Reduce long term service and maintenance costs to the City, its residents and owners in the subdivision; and
- j. Avoid repetitive building and lot layouts.

The applicant is proposing to use the Cluster Development provision of the Code (Section 6.7.D.5). A minimum of 20% of the gross acreage must be provided as open space. The development proposal includes 34.13% open space (excluding the private street, shared driveways, sewer tract and detention ponds). Minimum lot size in a cluster development is determined based on the amount of open space provided. The provision of 34.13% open space in the RSF-2 zone district results in a minimum lot size of 8,297 square feet. However, the Hillside provisions of the Code further restricts minimum lot size for those lots with an average slope of greater than 10%. Eighteen lots have average slope of less than 10% and they all exceed the minimum requirement of 8,297 square feet.

The applicant received a TEDS Exception in 2004 to exceed the maximum cul-de-sac length for the proposed Pinnacle Heights roadway, as well as to allow a 6% grade through an intersection.

Shared driveways are proposed in Tracts I and K. Tract K meets the standards of TEDS, and Tract I, as proposed was a part of the TEDS exception approved to exceed cul-de-sac length.

Private streets are proposed in Tracts G and H. TEDS requires that private streets include pedestrian access. A sidewalk is being proposed on one side of both tracts. Private streets must be approved by the City Council.

Access is not being provided to the Foster property (the area surrounded by this development). Pinnacle Heights right-of-way, as designed, is separated from the in-holding by a tract for a retaining wall. Access to the Foster property would more feasibly be provided near the southeast corner of the property, rather than into the steep hillside.

Access to the undeveloped property to the east is proposed at the northeast corner of Pinnacle Ridge. The access goes through a section of greater than 30% slope area. The proposed grading would require 25' cuts through the 30% slopes. The proposed access also requires an easement from the adjoining property owner for the construction of a temporary turnaround.

A trail corridor is proposed through the open space, six feet wide with compacted road base.

Section 6.7.F.7 of the Code requires that significant natural features, including rock outcroppings, be identified to be protected. Field inspection of the site revealed some significant rock outcroppings that have not been identified on the plans.

c. The Zoning standards contained in Chapter 3.

The proposal meets the zoning standards as set forth in Chapter 3 of the Code.

d. Other standards and requirements of this Code and all other City policies and regulations.

This development is subject to Section 7.2.G of the Code, Hillside Development. The Hillside Development standards are applicable to hillside development and excavation of hillside(s) so that soil and slope instability and erosion is minimized; the adverse effects of grading, cut and fill operations are minimized, the character of the City's hillsides are preserved, and the public's interest is protected.

The provisions of the regulations are designed to minimize hazards, preserve natural features, encourage preservation of open space, and provide for greater aesthetics by blending with the natural terrain, minimizing scarring and erosion caused by cutting, filling and grading, and prohibit development of ridgelines.

The proposed Pinnacle Ridge includes 18 lots with average slopes of less than 10%; 42 lots with average slopes of 10%-20%; and 12 lots with average slopes of 20%-30%. All lots are meeting the minimum requirements of Table 7.2.A for lot size and lot width.

Section 7.2.A.7, Street Design, states: "Streets, roads driveways and other vehicular routes shall not traverse property having a slope greater than thirty percent (30%) unless, after review by the Planning Commission and approval by the City Council, it is determined that;

- (1) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and storm water runoff consistent with the purposes of this Section; and
- (2) The Developer has taken reasonable steps to minimize the amount of hillside cuts through the use of landscaping and other mitigation measures acceptable to the Director.

There are several sections of proposed roadway that cross greater than 30% slopes. One is the access to the property to the east, which includes cuts of up to 25', with slopes being laid back from the cut. A section of Pinnacle Heights is also traversing greater than 30% slopes, as well as an area of expansive soils. Through this section, the applicant is proposing cuts of up to 30' and fills of up to 20'. Several sections would include retaining walls, including the section adjacent to the Foster property, which would preclude access to the Foster property.

The City is very uncomfortable with Pinnacle Heights Road from Pinnacle Ridge drive up to the top. This proposed street is at a steep grade, travels from a 20' fill to a 20' cut in 100' horizontally, and turns 90 degrees; all within an area of expansive soils on an existing 30% slope. Although extensive engineering procedures can be used to theoretically build a stable street, the City's recent experience with streets in expansive areas is that they move and cost the taxpayers a lot of money to maintain in the long run; sometimes in the short run. This design exacerbates the typical problem by having a steep grade, both deep fills and deep cuts adjacent each other and contains a 90 degree turn.

There are areas with slopes greater than 30% on the property. There are also plans for significant grading on many of the lots. Some lots with building envelopes on slopes steeper than 30% may require slope stability analyses in areas with significant claystone. Building envelopes should have a minimum setback from the edge of steep slopes. Irrigation on lots above steep slopes may affect slope stability. Irrigation should be kept to a minimum in areas above steep slopes.

The Pinnacle Heights Drive access road (previously named Spur Drive), in the south-central portion of the property, takes a 90-degree turn to the southeast and goes up a steep 43% slope. This placement of the access road was called into question in the Preliminary Geotechnical Investigation, Subgrade Investigation and Pavement Design by Geotechnical Engineering Group, Inc. Pinnacle Heights Drive runs approximately perpendicular to the steepest slope on the property. This

part of Pinnacle Heights Drive should be reevaluated to contour this slope. Otherwise a full slope stability analysis should be conducted for this slope with the proposed cuts included in the analysis.

The proposed subdivision is also subject to Section 7.2.H of the Code, Ridgeline Development. The stated purpose of this section is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion. This development's ridgeline along Monument Road is one of the identified ridgelines.

The Ridgeline standards require that buildings fences and walls shall be setback a minimum of 200 feet from the ridgeline. This setback can be lessened if the applicant shows that the proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided. The applicant has provided a ridgeline analysis which shows that there will be visual impacts with lot 9, block 3; lot 10, block 3; lot 13, block 3; and lot 14, block 3. The applicant is proposing mitigation measures that include a 30' setback from the ridgeline (which is the minimum required), restricting the homes to one floor from a finished floor elevation and a maximum roof elevation, earth-tone colors and vegetation. The depictions on the analysis show substantial cutting into the hillside to place the homes.

e. Adequate public facilities and services will be available concurrent with the subdivision.

The preliminary plans provided for the sewer infrastructure do not adequately address the feasibility of design of the deep sewer proposed, specifically sections shown as deep as 40'. It has not been shown how all of the infrastructure could be configured to allow for future maintenance of the sewer line.

Based on the fire flow data provided by Vortex Engineering, dated 3/15/06, a plat note must be recorded for this subdivision:

"The expected available fire flow for this subdivision, per the design data submitted on March 15, 2006, is less than 1750 gallons per minute. Based on this fire flow, any proposed structures with a fire area* exceeding 3600 square feet will be required to install a residential fire sprinkler system, approved by the Grand Junction Fire Department, before a building permit is issued.

*Fire Area is defined on page 357 of the IFC, 2000 edition"

f. The project will have little or no adverse or negative impacts upon the natural or social environment.

The subdivision design, as proposed will have adverse impacts on the environment. The extensive amount of cuts and fills proposed will have an aesthetic impact on the property as viewed from adjoining properties and rights-of-way; as will the ridgeline development that will be visible from Monument Road. Also, the proposed lots along the west property line, with Pinnacle Ridge Drive and additional lots being cut into the adjoining hillside, will have negative impacts visually to the existing Ridges development to the west.

g. Compatibility with existing and proposed development on adjacent properties.

The extensive amount of earthwork, including substantial cuts and fills, will not be compatible with adjoining development.

h. Adjacent agricultural property and land uses will not be harmed.

There are no adjacent agricultural uses.

i. Is neither piecemeal development nor premature development of agricultural land or other unique areas.

It is not piecemeal development or premature development.

j. There is adequate land to dedicate for provision of public services.

There is adequate land to dedicate for provision of public services.

k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

As proposed, the development would likely cause an undue burden on the City for maintenance of facilities due to the extensive cuts and fills proposed for the roadways, the expansive soils, and the deep sewer.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Pinnacle Ridge application, PP-2005-226, for preliminary subdivision plan approval, staff makes the following findings of fact and conclusions:

8. The proposed preliminary subdivision plan is not consistent with the Growth Plan; specifically Policy 20.7, Policy 20.10, Goal 21, Policy 21.2, as well as the Redlands Plan goals and policies to limit development on steep slopes, limit cut and fill, and preserving the visual/aesthetic character of the Redlands and the Monument Road corridor.
9. The preliminary subdivision plan is not consistent with the purpose of Section 2.8 and does not meet the review criteria in Section 2.8.B.2 of the Zoning and Development Code; specifically the intent of 6.7; no access to the Foster property; no identification or protection of significant rock outcroppings; roads crossing greater than 30% slopes without adequate mitigation; significant cuts and fills and general disturbance; ridgeline development without adequate mitigation; and 40' deep sewer.
10. The proposed subdivision will have adverse impacts upon the natural and social environment with the extensive disturbance and cuts and fills proposed and will not be compatible with surrounding development.
11. As proposed, the development will likely cause an undue burden on the City for maintenance of facilities due to the extensive cuts and fills proposed for the roadways, the presence of expansive soils, and the deep sewer.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission deny the proposed preliminary subdivision plan, with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

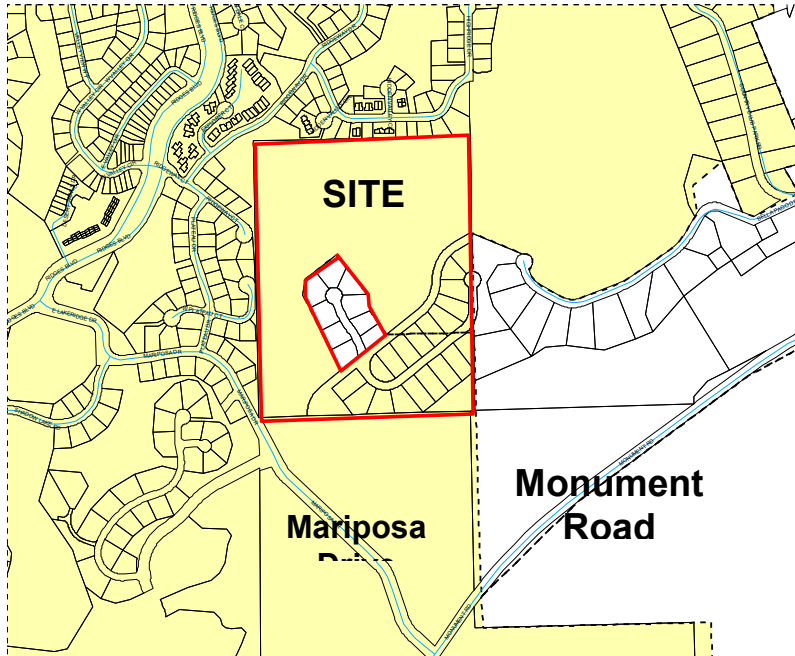
Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Pinnacle Ridge, PP-2005-226, finding the proposal to be consistent with the Growth Plan and consistent with the purpose of Section 2.8 and Section 2.8.B.2 of the Zoning and Development Code, and subject to the City Council approving the private streets and vehicular routes traversing greater than 30% slopes; and the acquisition of necessary right-of-way for access to Mariposa Drive.

Mr. Chairman, on item #PP-2005-226, I move we recommend approval of the private streets and the vehicular routes traversing greater than 30% slopes.

NOTE: Staff is recommending denial of the motions.

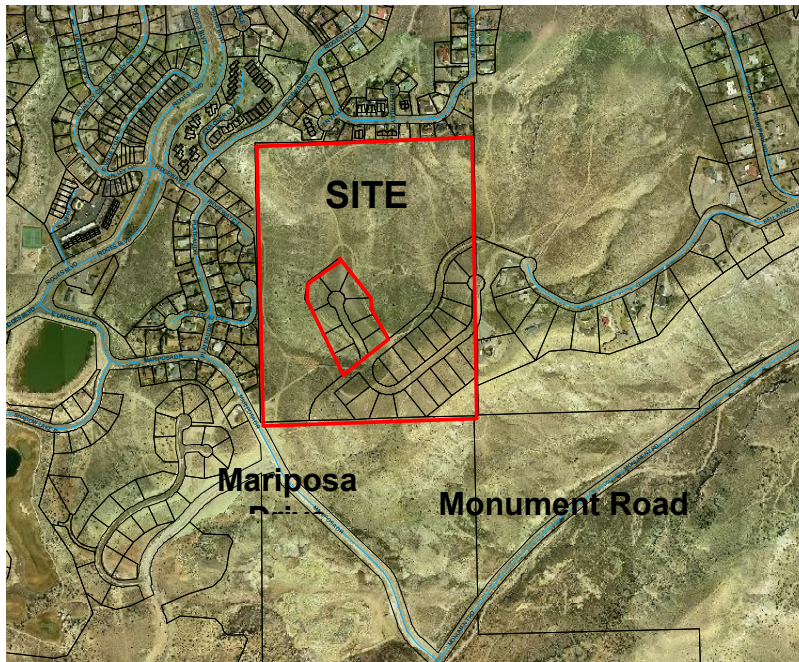
Site Location Map

Figure 1



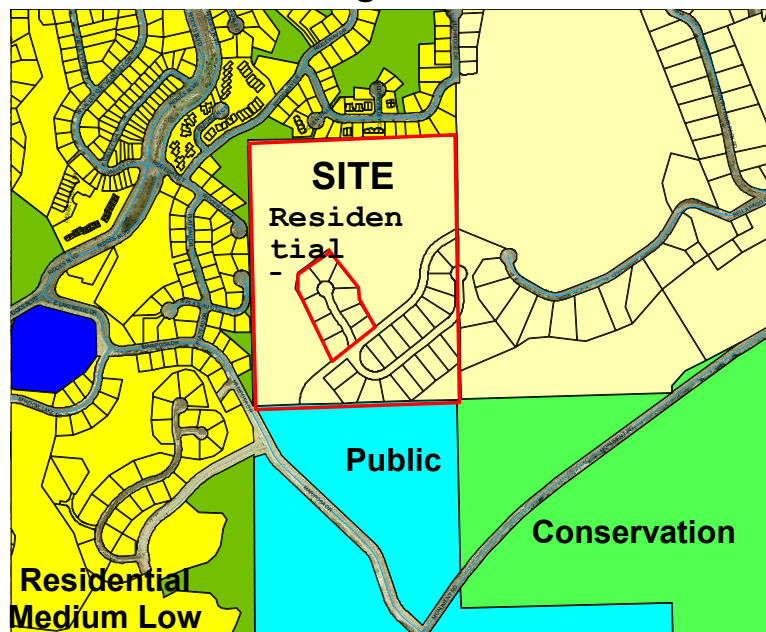
Aerial Photo Map

Figure 2



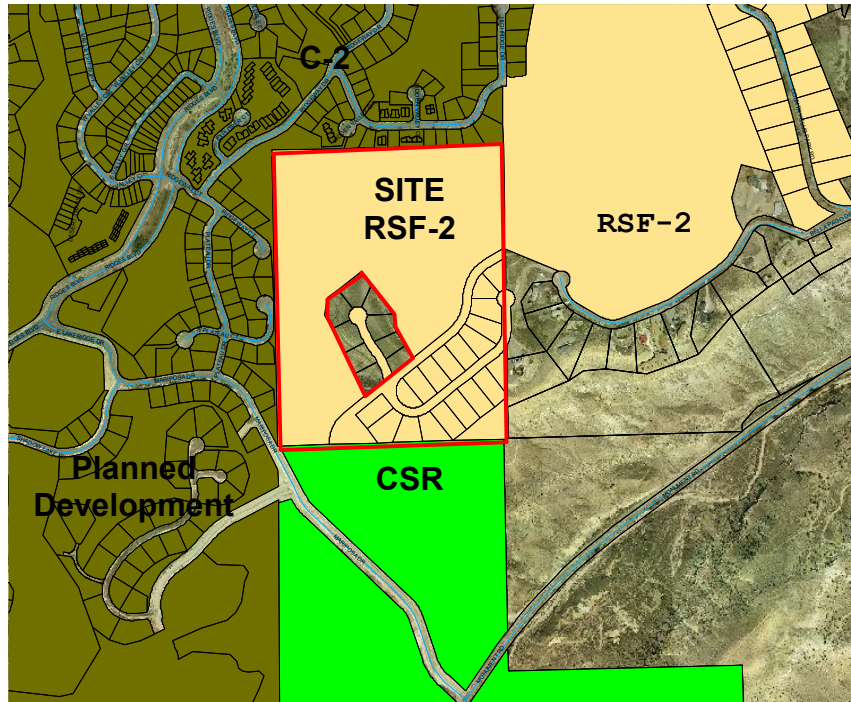
Future Land Use Map

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."

PINNACLE RIDGE CONTOUR MAP

Figure 5



**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 12, 2006 MINUTES
7:00 p.m. to 10:37 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Lynn Pavelka-Zarkesh, Patrick Carlow (1st alternate), William Putnam and Reggie Wall. Mr. Pitts was absent.

In attendance, representing the City's Community Development Department, was Kathy Portner (Assistant Community Development Director).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Lynn Singer was present to record the minutes.

There were 28 interested citizens present during the course of the hearing.

VII. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

VIII. APPROVAL OF MINUTES

Available for consideration were the minutes of the July 11, 2006 and July 25, 2006 public hearings.

The following items were identified for correction to the July 11, 2006 minutes:

- Page 2: The word "approve" should replace the word "receive". Therefore, The Motion should read as follows:
MOTION: (Commissioner Cole) "Mr. Chairman, I move to approve the Consent Agenda as presented."
- Page 7: The word "he" should replace the word "she" in the 6th paragraph.
- Page 1: Commissioner Putnam noted that he is listed as being in attendance twice.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move the minutes of July 11, 2006 be approved as corrected."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 7-0.

The following items were identified for correction to the July 25, 2006 minutes:

- Page 2: Delete the word "would" from both motions.
- Page 3: Replace "...we would recommend approval..." with "...I move to recommend approval...".
- Page 2: As there were two abstentions, the second Motion should, in pertinent part, read as follows: "A vote was called and the motion passed by a vote of 5-0."
- Page 1: The spelling of Commissioner Lynn Pavelka-Zarkesh's name should be corrected to Z-A-R-K-E-S-H.

- Page 3: The spelling of Commissioner Lynn Pavelka-Zarkesh’s name should be corrected to Z-A-R-K-E-S-H.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move the minutes of July 25, 2006 be approved as corrected.

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 7-0.

IX. CONSENT AGENDA

Available for consideration were items:

- | | | |
|-----|--------------|--|
| 10. | PP-2005-179 | (Preliminary Plan – Erica Estates Subdivision) - PULLED |
| 11. | GPA-2005-188 | (Zone of Annexation – Abeyta-Weaver Annexation) |
| 12. | ANX-2006-211 | (Zone of Annexation – Pine E Road Commercial Annexation) |
| 13. | RZ-2006-161 | (Rezone – Mirada Court Rezone) |

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. .

MOTION: (Commissioner Cole) “Mr. Chairman, I would move approval of the Consent Agenda, items 2, 3 and 4 as presented.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. FULL HEARING

CUP-2006-199 CONDITIONAL USE PERMIT – RIVERSIDE CROSSING

Request approval of a Conditional Use Permit for a restaurant with a drive-thru window on 4.35 acres in a C-2 (General Commercial) zone district

PETITIONER: James Walker – WTN COEX II, LLC

LOCATION: 2504 Highway 6 & 50

STAFF: Pat Cecil

Ms. Kathy Portner requested this matter be continued to September 26, 2006.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move to continue item 5, CUP-2006-199, to September 26, 2006.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

PINNACLE RIDGE SUBDIVISION VERBATIM MINUTES

PP-2005-226 PRELIMINARY PLAN – PINNACLE RIDGE SUBDIVISION
Request approval of the Preliminary Plan to develop 71 homes on 45 acres in a
RSF-2 (Residential Single Family-2 units/acre) zone district
PETITIONER: Bob Jones – Two R&D, LLC
LOCATION: NE of Mariposa Drive & Monument Road
STAFF: Kathy Portner

STAFF'S PRESENTATION

Kathy Portner: Good evening, I'm Katherine Portner, City Community Development Department. I'll try to give you an overview of the project. The applicant was going to go first and give you that in much more depth so I'll give you a general overview and then the staff recommendation and then allow the applicant to go through in more detail. The request is for a preliminary subdivision plan approval of the Pinnacle Ridge Subdivision. The property is located northeast of Monument Road and Mariposa Drive which enters into The Ridges and Redlands Mesa.

The property was annexed into the City in early 2005. The annexation did not include an approximate 5-acre piece in the center of the site. That currently is not included as a part of this plan; it is under separate ownership. The Energy Center Subdivision that you see within this boxed area; these lots were platted in 1955. The City is not considering this a valid plat; it was never built and the property is actually landlocked and there is no legal access to this piece of property. The future land use designation for this site is Residential Low, 1/2 acre to 2 acres per unit. The surrounding future land use to the east is also Residential Low; to the south is public. This is under public ownership. It is known as the Painted Bowl property owned by the City; and to the west and the north is Residential Medium/Low, 2 to 4 units per acre. At the time of annexation, this property was zoned RSF-2 which is at the high end of the growth plan designation of residential low. The surrounding zoning of The Ridges property and the Redlands Mesa is PD, Planned Development, with a density not to exceed 4 units per acre.

And the property to the east that is in the City limits is also zoned RSF-2 as is Pinnacle Ridge. The areas that are outside of the City limits have a range of zonings and typically the Country Club Park area has a zoning of RSF-4 to the South, the City owned property has a zoning of CSR. The property has steep terrain and a ridgeline that is visible from Monument Road. Approximately 21% of the property has slopes of less than 10%; 24% of the property has slopes of 10 to 20%; 36% of the property has slopes of 20 to 30%; and 19% of the property has slopes of greater than 30%. And that is significant in that our Zoning and Development Code deals with the varying degrees

of slope in a variety of ways through our clustering provisions as well as our steep slope section of the Code.

The Development Plan calls for 71 single family lots on the property with an access to Mariposa Drive that would actually cross a corner of the City Painted Bowl property. The City Council, many months ago, had agreed that they would negotiate with this property owner to provide that access and the details of where that access would be would be determined through the review and approval of a preliminary plan.

There are many portions of the Code that have to be considered when considering a preliminary plan. Section 2.8.B.2 of the Zoning and Development Code states that a preliminary subdivision plan can only be approved when it is in compliance with the first portion of Section 2.8 and with all the following criteria. And those are listed out in your staff report in detail. I would just like to point out some of the review that is specific to this property because of the topography as well as some of the areas we feel this proposal is not consistent with the code.

- The Code section requires that the development be found to be consistent with the Growth Plan, the Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans.
- While the proposed density of this subdivision is 1.6 units per acre is within the allowable density of the future land use designation of Residential/Low, we also have to take into account the many goals and policies of the Growth Plan as well as the Redlands Area Plan. Staff feels that this proposal is not in compliance with several of those goals and policies and specifically those are:
 - Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and the Colorado National Monument.
 - Policy 20.10: The City will limit cut and fill work along hillsides and areas where cut and fill is necessary to provide safe access to development. The City may require landscape improvements to reduce the visual impacts of such work.
 - Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.
 - Policy 21.2 – The City will prohibit development in or near natural hazard areas unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas and other dangerous or undesirable building areas will be controlled through the development regulations.
 - The Redlands Plan Goal is to protect the foreground, middleground and background, visual, aesthetic character of the Redlands Planning area.
 - The Redlands Plan Policy is that development on prominent ridgelines along the major corridors of Highway 340, South Broadway, South Camp

- Road and Monument Road shall be minimized to maintain the unobstructed view of the skyline.
- And the Redlands Plan Policy is the City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, mitigation shall be required to reduce the visual impacts of the work.

The staff feels that this proposal is not consistent specifically with those goals and policies.

The Applicant is proposing to use the cluster development provisions of the Code, which is Section 6.7.D.5. To be able to apply the cluster portion of the Code, a minimum of 20% of gross acreage must be provided as Open Space. This development proposal includes 34.13% Open Space, which that in turn is used to determine a minimum lot size for those clustered lots. It results in a minimum lot size of 8,297 square feet; however, the hillside provisions of the Code further restricts minimum lot size based on average slope of lots - any which are greater than 10%. 18 lots have average slope is less 10% and they all do meet or exceed the minimum required so that the 8,297 square feet.

The Applicant did receive a TEDs exception in 2004 to exceed the maximum cul-de-sac length for the proposed Pinnacle Heights roadway as well as to allow a 6% grade through an intersection. And that is for this roadway which is a long dead-end road that exceeds our maximum cul-de-sac length and ends in a private drive.

There are private streets proposed in Tracts G and H of this development and TEDs does require that private streets include pedestrian access. They are proposing sidewalk on one side of both tracts. Private streets, however, must be approved by the City Council. And so if you choose to take action tonight to approve the preliminary plan, we would also ask that you would make a recommendation to City Council on the appropriateness of the private streets.

This parcel that we talked about that was not included in the annexation that is under separate ownership under the old subdivision plan actually had a road access platted but very unbuildable approximately in this location. This particular plan is not providing access to that parcel and that is required by the Code.

The access point that if you look at the drawing you might assume would be at this point which happens to access the steepest part of that property; it's certainly not buildable. Also separately the proposed right-of-way from the Foster piece is a separate tract of land that includes a retaining wall. Access to the undeveloped property to the east is proposed at the northeast corner of Pinnacle Ridge which is up in this area. The applicant has received tentative approval from the adjoining property owner for a temporary turn-around easement on the adjoining property for this access

point. However, this access point, does go up a steep grade with some significant cut and crosses a slope of greater than 30% which also requires special consideration by the City Council.

This development is subject to Section 7.2.G of the Code, the hillside development section. Hillside development standards are applicable to hillside development and excavation of hillsides so that soil and slope instability and erosion is minimized. The adverse effects of grading, cut and fill operations are minimized. The character of the City's hillsides are preserved and the public's interest is protected. The provisions of the regulations are designed to minimize hazards, preserve natural features, encourage preservation of Open Space and provide for greater aesthetics by blending with the natural terrain, minimizing scarring and erosion caused by cutting, filling and grading and prohibit development of ridgelines. The proposed Pinnacle Ridge includes 18 lots with average slopes of less than 10% which are not specifically regulated by the hillside section of the Code; 42 lots with average slopes of 10 to 20%; and 12 lots with average slopes of 20 to 30%. All of those lots are meeting the minimum requirements of Table 7.2.A for lot size and lot width. I do want to point out that this one lot at this intersection, I'm still not clear whether or not that lot size meets the requirement. They are showing a detention facility that appears to actually partially on that lot and that would not be allowed.

Section 7.2.A.7, the street design section of the hillside development section of the Code, states that: "Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than 30% unless, after review by the Planning Commission and approval by the City Council, it is determined that; appropriate engineering measures will be taken to minimize the impacts of cuts, fills, erosion and storm water runoff consistent with the purposes of this Section; and the Developer has taken reasonable steps to minimize the amount of hillside cuts through the use of landscaping and other mitigation measures acceptable to the Director."

There are several sections of roadway that cross greater than 30% slope. We have a very small section in this area and the road access that is being proposed to the property to the east crosses an area of greater than 30% slope. And our area of most concern is this section of roadway that is crossing a significant area of greater than 30% slope and also crossing area of clay soils that may create some problems in the future. The City does have concerns with the road sections particularly this road section and although certainly as our engineers have said, anything can be engineered and built, our concern is that there are so many problems with this that it would probably be better to avoid it and somehow design the subdivision to avoid that crossing. It also by coming up with this 30% slope is requiring this retaining wall and prohibiting access into the adjoining property. We have concerns with the long term viability of the road section and the future maintenance costs to the City of Grand Junction.

The proposed subdivision is also subject to Section 7.2.H of the Code – ridgeline development. The stated purpose of this section is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion. This development's ridgeline along Monument Road is one of those identified ridgelines and that is in this area. The ridgeline standards require that buildings, fences and walls shall be set back a minimum of 200 feet from the ridgeline. This setback can be lessened if the applicant shows that the proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided. The applicant has done a ridgeline analysis and they are showing that there would be 4 lots where the structures would be visible from Monument Road. That is this lot, this lot, this one and this one. They are proposing to only meet the minimum setback of 30 feet from the ridgeline and to provide certain mitigation. The mitigation that they are proposing is to restrict the homes to one floor from the finished floor elevation and a maximum roof elevation, earth-tone colors and vegetation. The depictions of the analysis show substantial cutting into the hillside to place the homes to even show the mitigation that they are proposing. So that in of itself would be quite visible from Monument Road.

The preliminary plans provide for the sewer infrastructure and do not adequately address the feasibility of design of the deep sewer proposed up in this area where there are sections as deep as 40 feet. It has not been shown how all the infrastructure could be configured to allow for future maintenance of the sewer line nor whether there would be additional width in the right-of-way or their tracts that are provided for that deep sewer.

The subdivision design as proposed the staff feels will have adverse impacts on the environment. The extensive amounts of cuts and fills proposed will have an aesthetic impact on the property as viewed from adjoining properties and rights-of-way as will the ridgeline development that will be visible from Monument Road. This type of terrain once disturbed is very, very difficult to get back to some natural state. Also, the proposed lots along the west property line with Pinnacle Ridge Drive in this area and additional lots being cut into the adjoining hillside which are these lots will have negative impacts visually to existing Ridges development to the west. Again, the extensive amount of earthwork including substantial cuts and fills will not be compatible with the adjoining development.

Staff also feels that as proposed the development would likely cause an undue burden on the City for maintenance of facilities due to the extensive cuts and fills and the crossing of steep slopes as proposed for the roadways and the expansive soils and also the deep sewer that is being proposed.

After reviewing the Pinnacle Ridges application, staff makes the following findings of fact and conclusions:

1. The proposed preliminary subdivision plan is not consistent with the Growth Plan, specifically Policy 20.7, Policy 20.10, Goal 21, Policy 21.2 as well as the Redlands Plan Goals and Policies to limit development on steep slopes, limit cut and fill and to preserve the visual aesthetic character of the Redlands and the Monument Road corridor.
2. The preliminary subdivision plan is not consistent with the purpose of Section 2.8 and does not meet the review criteria of Section 2.8.B.2 of the Zoning and Development Code, specifically the intent of Section 6.7, the fact that there is no access provided to the Foster property; there is no identification or protection of significant rock outcroppings that are present on the site; roads crossing greater than 30% slopes are proposed without adequate mitigation; significant cuts and fills and general disturbance as well as the ridgeline development without adequate mitigation and the 40 foot deep sewer.
3. The proposed subdivision will have adverse impacts upon the natural and social environment with the extensive disturbance and cuts and fills proposed and will not be compatible with surrounding development.
4. As proposed the development will likely cause an undue burden on the City for maintenance of facilities due to the extensive cuts and fills proposed for the roadways, the presence of expansive soils and the deep sewer.

The staff recommends that the Planning Commission deny the request for preliminary plan approval. I'll be happy to answer any questions.

Chairman Dibble: Any questions of staff at this time. If not, we will hold those and ask you later.

Kathy Portner: I'm sorry, if I could add, we did receive two letters since you got your packets that I will pass out. One is a resident of The Ridges that is opposed to the development; and the other is a property owner off of Bella Pago who is asking that if this is approved that he have the opportunity to work with the developer to get driveway access to the cul-de-sac which would be a much more direct way for him to access his property. Currently he has a very long driveway accessing Bella Pago. I'll hand those out.

Chairman Dibble: I see the applicant has arrived and his representative. We'll ask him to step forward and give us his presentation.

PETITIONER'S PRESENTATION

Robert Jones: Thank you Mr. Chair and the Commission members. I apologize for being tardy. My name is Robert Jones II. I'm with Vortex Engineering, 255 Vista Valley Drive, Fruita. I am one of the applicant's representatives. I will be presenting the Pinnacle Ridge Subdivision tonight. I will skip the repetitious location and overview of the project. I think staff has done a pretty good job at giving you general location and so forth of the project. Staff has certainly painted a grand picture for you regarding the

Pinnacle Ridge Subdivision which I hope to spin into a work of art. I'll start with the first requirement of a preliminary plan subdivision approvals and that's consistency with the Growth Plan and the Urban Trails Master Plan and the Grand Valley Circulation Plan.

Just to touch on a couple points that Ms. Portner did not go over in terms of what is proposed tonight. The Pinnacle Ridge Subdivision plan we feel obviously does meet and is consistent with the Growth Plan as well as the subdivision regulations of Section 2.8.B.2. The subject sight is surrounded by residential medium-low density future land use classification 2-4 dwelling units per acre to the west. And to the South is public land that is used as another residential low similar classification. The proposed density of this subdivision is approximately 1.58 units per acre is consistent with the Growth Plan as well as the zoning of RSF-2.

The subdivision also conforms with the Grand Valley Circulation Plan and Trails Master Plan. We have an unpaved trails system incorporated in the development over 3,000 lineal feet of trails is planned with this with 4 separate connector points into the existing Ridges Trails system as well as a future trails system for the development to the east.

We talked about the Growth Plan. I think it needs to be remembered that the non-compliant policies referenced in the Staff Report were established to limit development on steep slopes. They were not meant to preclude development on steep slopes. As a matter of fact, Policy 20.10 specifically has language like in areas where cut and fill is necessary to provide safe access to development the City may require landscape improvements to reduce the visual impact of such work. Landscape improvements have been proposed with this application in the form of MSE retaining walls, MSE retaining walls which would also limit the amount of cut and fill to the minimum required in those sections that the road accessing to the upper part of the subdivision. This shows how we comply with Policy 20.7 and Policy 20.10. MSE stands for Mechanically Stabilized Earth walls or keystone walls. I brought some visual examples of MSE walls that are used in a wide variety of applications throughout the country. You see them all over Grand Junction, CDOT is installing some similar ones on the 24 Road project. These are just a few examples of MSE walls and the type that will be proposed with the Pinnacle Ridge Subdivision.

Goal 21 and Policy 21.2 both pertain to development in or near natural hazards areas. Let me read you the definition of a natural hazard area from the Zoning and Development Code Definitions, Chapter 9. It states that natural hazard, the geologic floodplain and wildlife hazard as identified by state or federal agency. It is my contention that this natural hazard labeled by planning staff has been mistakenly been utilized for this area is incorrect.

To my knowledge, there has been no state or federal agency which has identified this site as a natural hazard. I would like to take the opportunity to address another element of the Staff Report which stated the placement of the Pinnacle Heights access road was

called into question in the preliminary geotechnical investigation, sub-grade investigation and pavement design report by Geotechnical Engineering Group. I would like to have Mr. John Withers who is the president of Geotechnical Engineering Group offer the report referenced in the staff report, expand on this point and the subdivision that this area is in a natural hazard classification because we believe it is in error.

John Withers: Hi I'm John Withers with Geotechnical Engineering Group and we've done several investigation studies out at Pinnacle Ridge site and specific to geologic hazards. The mapped geologic hazards that I'm familiar with are near the site; they are not on the site. We believe they consist of the northeast facing slope facing Monument Road. We've worked with the developer and mitigated the natural hazards that could exist at this site and it's my opinion there is no reason this site cannot be developed or shouldn't be developed from a geotechnical or geologic standpoint. As far as the preliminary sub-grade investigation, the preliminary geotechnical investigation that we did out there we did identify several potential issues - things that are identified in a preliminary investigation that might warrant further study or warrant engineering controls during the development. One of the things we identified on site was the potential for some rocks to roll on the site. And after that was reported, we did visit the site with the developer and each and every location where there was a potential, it was removed, the rocks were removed. In my opinion, there is no reason that this site cannot be developed or shouldn't be developed from a geotechnical standpoint.

QUESTIONS

Chairman Dibble: What about, not the rocks, but the earth in cases of torrential downpour.

John Withers: In case of what?

Chairman Dibble: In case of rain - of heavy rain.

John Withers: I believe there should be a storm water management that is a part of any development but that the storm water is contained and then it's moved to another location. That would be a civil engineering issue. I think that Robert could speak to that but the storm water; I would not consider that a geologic hazard. That is contained on site and there is a design period that it is contained for so there is no issue as far as that is concerned in my opinion.

Commissioner Putnam: It is my understanding that many years ago before The Ridges was developed there was an environmental impact statement which included the opinions of some Geologists about the stability of the soils and the formations and so forth. Are you aware of it? And does this overlap with that?

John Withers: There is a map that has been prepared of the Redlands area prepared by Steven S. Hart in 1976. That particular references one that we use; it's a broad brush approach to identify geologic hazards in the area. And that is one reference that we included in our study and it does show the potential for the rock fall toward Monument Road.

Chairman Dibble: From your development area?

John Withers: Well it's actually not this developed property; it is outside the property boundary.

Commissioner Cole: When you did your studies, did you take into consideration development as proposed in this plan?

John Withers: Yes sir.

Commissioner Cole: And you're comfortable with it?

John Withers: Yes sir.

Commissioner Cole: Ok, thank you.

Chairman Dibble: Any other questions of the expert?

Commissioner Lowrey: Here's my problem with this. I've been out viewing this site and reading the Staff Report, reviewing that and there are a lot of abstractions. I'm having some difficulty in understanding this. We've got steep slopes and the ground is sandy or something so the rocks can move so we've got potential rockslides and all that. I'm having a difficulty wrapping my brain around this, and saying is this good or not. Or is this the right kind of development. It's a beautiful site, offers wonderful views and I don't question that the property can be developed in some way or in some fashion. My issue is what is a good way to develop it so that we don't have problems with the roads as staff has brought up where the City is going to be required to do future maintenance because of slides or whatever or unstable ground. That we don't have houses built on silhouette ridgelines and things. It doesn't mean it can't be developed, but to develop it in a proper way. And I'm just having a hard time figuring out. I mean staff, to me, is reading a report, I think it brought up a number of things that are problems. And I would like to see somehow picturesque concrete address of these things and I haven't seen that yet but I know we are early in the hearing. That's my concern.

Robert Jones: I understand that concern and I felt it important to address the natural hazards statements placed on this projects at the beginning of the presentation. In

dealing with the Growth Plan policies which staff states that we are violating and two of these policies specifically dealt with natural hazard areas and so in the findings and facts and conclusions regarding the hazard areas and so I just felt it was necessary to address that. So I will finish my presentation with points which the staff report questioned regarding natural hazards.

John Withers: Just to address one point that Thomas brought up that I don't see any potential for land sliding on the site.

Commissioner Lowrey: But earlier you said there was potential rockslides on this site, potentially.

John Withers: We identified individual rocks that were, in my opinion, in precarious positions out there. The soils are such that there is slope stability everywhere on the site. Now there were some rocks at the surface that were moved away from these areas. The way that the geology has been left out there from weathering over eons, it is similar to many places in the Redlands area and The Ridges area where there are rocks that could possibly roll. I choose to take a conservative approach with sites like this when we're talking about putting residences and people living in them and so when the developer understood that I had some concerns on the order of 10 or 15 rocks that could potentially roll on site, well they were moved. So that's what I mean in the reporting and when I talked about rocks that could possibly roll. I thought they could roll and they were moved.

Commissioner Lowrey: So you're saying the problem is taken care of?

John Withers: Right, there is no more problem with potential rocks that could roll out on site.

Chairman Dibble: I would like to go back to another subject, the ground itself. The staff is reporting extensive amounts of cuts and fill proposals. Can you give us an idea of approximately how much of the land or the percentage or method of appreciation how much land is going to have to be shifted, moved or filled because every one of those places that's disturbed is a potential for some kind of movement in the future because of the stability having to reset itself. Do you have an idea of how much land movement will occur during development.

John Withers: I believe Roberts developed grading plans. I haven't reviewed them but he would be better. . . .

Chairman Dibble: I would like to percentage and where the potential is for some problem.

Robert Jones: That's actually a very good question and one that I will attempt to get you an answer on. This project has approximately 34% Open Space, approximately 15½ acres, which the majority of which won't be disturbed at all. We're talking about land disturbance which leaves roughly 65% of the property however I anticipate that given some of the building envelopes and the slopes on these lots that. . . especially in those areas where there is a 20 to 30% slopes, people are going to be going in and carving out individual building envelopes. One of the things that we utilize to try and create compatibility with the environment and the slopes that we do have is . . . a real good example is this is Mariposa and our connector road comes in this way. These homes in this area essentially when you turn right you'll see a two-story home backed to the homes will be utilized as. . . the walls will be utilized as retaining walls and studs. If you turn to the left these homes here are going to be walk-outs and so you'll see the upper level of the homes which the bottom levels, or basements, will be utilized as retaining walls themselves as well and we did that to minimize the amount of retaining walls and the elevation differences that these neighbors to the west would see so it's a long way to answer your question. Don't know that I can you an exact percentage. . . certainly less than the open space that we provided.

Chairman Dibble: Is it reasonable to assume that both of those examples you gave us will have considerable earth moving? Considerable cutbacks into the surrounding hillsides?

Robert Jones: We have a 17,000 square foot lot and you're going to carve out a 4,000 square feet or 5,000 square feet of driveway and home. I don't know that I would consider that considerable.

Chairman Dibble: Both of them are very steep graded hillsides in the area of 20 to 30 and plus.

Robert Jones: This is an existing slope analysis that basically the gray is the areas where the slopes are less than 10%. I think Ms. Portner had a similar exhibit up for her presentation. Those areas that are black are slopes 10-20% and slopes 20-30 are the cross hatched green. So you can see in areas that these are all less than 10% so there's not going to be a lot fill going on. I think, you know, obviously the (inaudible) Road will require some cut. I think it'll be difficult to provide percentages.

Chairman Dibble: Is it fair to say that the green areas will have considerable cut, the black or the brown or whatever color that is will have less but it will be necessary as you just told us along the west side to cut in there. So maybe percentages is a poor estimate but how else can we measure the amount of instability created by earth moving and it will be. That's what will happen. That's been a known geological structure since we had earth and so there will be instability if you start moving it around regardless whether you take the big boulders out. You still got the residue of the earth itself and smaller boulders in that area. You're going to have to do a lot of mitigation in

order to just create the project because of the amount, whatever percentage that is, in the amount of moving of the earth. Is that a fair statement?

Robert Jones: Yes and no. Yes because those areas with steeper slopes you will have to cut more in terms of maybe depth, but in those areas where you have steeper slopes you're certainly not going to be doing a lot (inaudible). Grading that you would see in a typical flat subdivision. That's what I'm saying we would go in and look at the piece you're designing the home on and you're basically cutting out for the home and you'll have a small front yard with a driveway. So yes and no but I think it's also important to understand with any subdivision especially a subdivision such as this there will be constant monitoring from qualified geotechnical engineer and consulting agencies so.

Commissioner Putnam: Has any study of subsurface structure been made? Suppose you start to dig this 40 foot deep sewer and 20 feet down you hit a big layer of sandstone. Do you just say woops, and dynamite it out, or what do you do?

Robert Jones: Yes we did complete test pits as well as drilling to a field depth. I guess John can answer to that question.

John Withers: Yea, we know what's there and there are some areas that we anticipate some tough excavation. These areas aren't different from areas recently in Redlands Mesa where a large tract hoe with a stinger mounted to it, a jackhammer was used to cut through, what you might prefer to as sandstone. I haven't seen anything on this site that would require blasting but there are some heavy-duty excavation that we'd anticipate out there.

Chairman Dibble: Are there any other questions for the engineer at this point? We'll probably be talking to you again.

Robert Jones: The second part I would like to go over is the access that will be provided to the enclave Foster Property. The stub connector to the already platted Foster lots has been provided and as you can see it is provided and what we were forced to do for the proper location is these lots you see here are platted lots owned by someone else. This road you see here is public right-of-way. A stub-connecting street obviously has to line up with the adjacent public right-of-way. The tract separating the right-of-way and the Foster property was specifically required by the Community Development Department during the preliminary plan review. Originally the right-of-way touched the Foster property on the plan submitted to the City. The reason for this request by City staff was they did not want to maintain the retaining walls, understandably. We feel there is a simple solution to this issue which is for a revocable permit could be drafted and granted for this area and I think we've had some preliminary conversations with the City regarding this revocable Permit would allow the

adjacent property owner to access and build a connecting road to Pinnacle Heights but would still protect the City interest. And which the HOA would be responsible for maintaining the retaining walls. And the revocable permit could be made a condition of approval of the preliminary plan.

Another thing to understand is that, I apologize for the scale, but directly to the east of this road is open space so if it were to come out some sort of bow???? were need to be provided in this area that you access the proper higher up. That could certainly be accommodated and made a condition of approval.

The section of Pinnacle Heights Road referenced in the staff report which exceeds a slope of greater than 30% is relatively small, in actuality it's about 250 feet to be exact. In order to minimize the hillside cuts in this area MSE walls are planned. The MSE walls will not exceed 6 feet in height and the MSE wall will be approximately 100 feet long on the north side of the road behind the curb and will be approximately 450 feet long on the south side of the road behind the sidewalk and 100 feet second tier of MSE plant from station five plus 600. I have a cross-section which I'd like to show you. This is a cross section of roughly around station 5 plus 50. It shows the MSE walls along the south side of the road where you have a tiered system of retaining walls. Another variation of a typical road design to utilize and to minimize the cut and fill is the elimination of the side walk on the north side of the road in the area. You can see that's it's been eliminated. We requested an alternate street section for the Pinnacle Heights Road. . . a small portion in there. There is still a public sidewalk on the south side. Staff states that they are uncomfortable with this road and recommended alternate routes which are not feasible. I think it's important to point out here that the Pinnacle Heights Road location and alignment was established a long time ago at the beginning of this project.

A TEDS exception was granted by the Public Works Department for this road. Let me go through the requirements quickly for you of the TEDS exception. No. 1 - will the exception compromise safety? The findings of the Public Works Department was no. Other alternatives that were considered were deemed not acceptable. I processed a TEDs exception for this project and personally had to go through the alternate routes and some of them were quite crazy but we had to go through it just to propose the alternate locations of the road. And it was deemed that Pinnacle Heights location alignment was acceptable. The third TEDs exception was we had to propose a design used in other areas. The answer is yes, there plenty of long cul-de-sacs and so forth. Now the recent Spy Glass Ridge development has similar long access road that leads up on top to those lots. Will the exception require CDOT efforts of coordination and the answer is no. This is a one time exception or manual revision and it's determined to be a one-time exception. If staff was uncomfortable with Pinnacle Heights Road you would of thought that the Public Works department would have denied the TEDs exception for this road but they did not. As a matter of fact, there are several statements in the staff report which appear they should be coming from an engineering perspective. Some of the comments have not been stated before in any of the review comments through this

process I would like to know who on staff is stating them. This project is very much like recently approved Spyglass Ridge Development which required the road to traverse areas of slope greater than 30% to access lots at the top of the development. Spy Glass Ridge also has steep slope lots that is similar to Pinnacle Ridge. However the applicant in this case in order to give the City of Grand Junction a little comfort with the Pinnacle Heights Road has agreed to provide an extended three year bond for that part of Pinnacle Heights Road which accesses the top lots as well as additional geotechnical quality assurance and quality control requirements as stated on the notes on the plan.

The proposed subdivision is subject to Section 7.1.2.H of the Code of the Ridgeline development. The Pinnacle Ridge development we feel complies with the ridgeline protection ordinance. The Staff Report identified 4 lots of the 72 which will have small visual impacts from Monument Road. This is an overview. It's basically an excerpt from the ridgeline analysis that was completed for this development. There was eight individual site lines that were chosen and ran basically different scenarios for vehicles as they would be traveling north and south on Monument Road. Of the eight, as I indicated, they did identify 4 lots. These 4 lots will be mitigated as Ms. Portner has referenced. The houses will have a minimum of 30 foot setbacks in front of the new ridge line. The houses are restricted to one floor from the finished floor. The mansard of the roof is restricted to 16 feet above the finished floor and the house may have a lower floor with a walk out basement depending on the detail design. The house shall have earth tone colors with non reflective materials and vegetation is required to screen the visual impacts of the building. With these measures the Pinnacle Ridge Subdivision complies with the ridgeline protection ordinance.

An additional comment stated in the Staff Report relative to the fire flow due to the height of some of the lots on the upper sections. A very detailed fire flow analysis had to completed for the fire department. A note was required for those lots on the upper portion of the development which indicated if a home were to be built greater than 3,600 square feet then it would need to be sprinklered and the developer was fine with that. I would like to note that all Fire Department comments have been adequately addressed.

Through the various neighborhood meetings that we had, and we had a couple. Honestly I intended to have one more before the hearing but ran out of time. There was a great deal of concern about the drainage off of the site. And I think you'll probably hear a little bit about that if this is open up for public comment. I think it's important to note not only for City but for adjacent property owners to the west that the drainage discharge and the 100 year storm have been in the area of the east plateau court and Ridgeway Court which is in these areas. These two roads are actually being improved by as much as 35% from a discharge of 15 cfs to a discharge of 9.8 cfs and this is being accomplished by over-detaining that which is normally required of the development regulation to provide another benefit to the surrounding community. Under state law, any development cannot increase greater than pre-development flow

rate and we do that through detention. The developer, at the request of the City's engineering department, and rightly so, maximized the size of the basins to provide for over-detention and that's a good thing. It's a good thing because there has been historically I think problems in this area with drainage because everything basically sheet flows off of the hill and the existing drainage in The Ridges is probably less than par. I felt that important to note. Staff has tried to utilize various arbitrary goals and policies to show how this site does not meet the goals and policies of the Growth Plan and the subdivision regulations. As you can see only 12% of the site has slopes greater than 30%. Of these areas are predominantly located around the large plateau on this site which once again is being preserved as Open Space. The actual impact to the slopes greater than 30% is minimal at best and these impacts will be mitigated with the decoratively landscaped retaining walls.

This project has been designed, re-designed and analyzed by what we feel is nearly every possible angle. We do feel that this subdivision will be a very nice addition to The Ridges area and we do feel it meets all the applicable Growth Plan and subdivision regulations. We respectfully request your approval of the preliminary plan subdivision as it's presented.

QUESTIONS

Chairman Dibble: We will ask some questions of the applicant at this time.

Commissioner Putnam: You referred to arbitrary goals and policies. Are you aware that the growth plan was put together with a lot of public comment and passed by our governing bodies and stuff like that and they are still arbitrary?

Robert Jones: No, my point in the statement was that the types of goals and policies that were being applied to this development we feel were not accurate.

Commissioner Pavelka-Zarkesh: I have one small question. On that retaining wall that you mentioned - that 100 feet or better, how high does it go because I couldn't see the map? The lot just doesn't show up on the screen very well.

Robert Jones: the majority of the walls will be beneath 6 feet generally we would like to see them go, from an aesthetic standpoint, you know if you could tier them at 4 feet then they look really nice.

Commissioner Pavelka-Zarkesh: ok, so that's 4 to 6 feet twice so that would be 8 to 12 feet high?

Robert Jones: Correct.

Commissioner Pavelka-Zarkesh: Ok, what's the cut back then? At 12 feet between the two walls?

Robert Jones: Yes it would be a 4:1 slope.

Commissioner Pavelka-Zarkesh: How far out is it from the face of the wall then to the curb? Is that another 12 feet?

Robert Jones: From here?

Commissioner Pavelka-Zarkesh: Yes, to there.

Robert Jones: There would be a standard five foot sidewalk with a foot half . . .

Commisisoner Pavelka-Zarkesh: So it's about 6 feet and another. . . .is this to scale?

Robert Jones: No I don't believe it is.

Commissioner Pavelka-Zarkesh: Ok, I was going to say somethings not adding up in my mind here. Ok, so there's about 18 feet then that you've cut from, at least, the slope plus the road.

Robert Jones: Correct. A portion of the road will need fill.

Chairman Dibble: it was stated that there were several sections of the proposed roadway that crossed greater than 30% slope, could you go back to your other map and show us the road cuts that are in that category? And how many . . .

Robert Jones: There is a road cut in this area that exceeds 30% and there is a small area in here that crosses 30%. The gray area is indicates where slopes are greater 30% as you can see so you can see that this portion of the road and this small portion of the road here. So it's those two areas.

Chairman Dibble: So there are just two areas that will be in approximately 100 feet in one and what on the other?

Robert Jones: Pinnacle Heights section is the longest being about 350 feet.

Chairman Dibble: And it does transfer to 90% transverse in the middle of it? As it turns to the 90 degree turn there at the end of that lower configuration there is L shaped bend, that 90 degree turn there, is that correct? And that's approximately where the grade will have to match the property that is not your property that has to have an access. So they are either going to have to come down the grade when they build.

Robert Jones: Right, what they would do when developer of this property when he brings forth a plan, I imagine they would remove that section of the wall and tie back in and then drop the grade.

Chairman Dibble: It looks that whole slope into their property is at 30% grade. Would you agree with that?

Robert Jones: Well I think they would accomplish by reducing the number of lots in that area and providing the road location where it is presently platted. But we can plan for their development only to a certain extent. We've had limited conversations with the adjacent property owner relative to that road location. As I indicated we would be open to providing like a half cul-de-sac bulb out here similar to this area where this private street exits off . . . which would facilitate a better connection to this property.

Chairman Dibble: But that would have to be done at a later date and they would have to revise their plat and the City's. . . I assume that their roadway has been dedicated to the City according to their plat development. If it's an approved plat.

Robert Jones: Actually I think that's an enclave. I think that particular piece of property is still in the count. But it would be dedicated yes but I think it could be planned for in the final plan stage. You're basically approving the preliminary plan with the layout in this particular connection point could be revised as I indicated to provide a better connection point. See our hands are tied that we have to provide a stub connection to the adjacent right-of-way if we were to propose it up the hill farther, as you have seen from the previous exhibit then the road connection would basically be in the center of a lot. So that landowner could say your proposing the street connection in the center of our lot; you can't do that and so even though you and I both know given slopes on this plan is going be reworked we have to provide a connection to that in this location.

Chairman Dibble: At a later date when this is developed who will be responsible for the redevelopment of both your property and the other property. We assume that the other owner will have to bear the burden on his own but who will do the bulb or whatever you want to call it on your property in order to reconnect to a different location?

Robert Jones: I think a small bulb out from this 90 degree turn could be accommodated on our plan with the final plat subdivision phase.

Commissioner Pavelka-Zarkesh: Based on what you're showing there, wouldn't there be 8-12 foot retaining wall?

Robert Jones: Yes, but this property is going to have to be cut down somewhat to facilitate the buyer on top due to its limited lot area.

Chairman Dibble: So we're in affect, it's not under your jurisdiction but in effect we're looking at a lot more earth moving up on that property in order to accommodate the grade for your property.

Robert Jones: I couldn't comment on how this particular piece of property is going to be developed.

Chairman Dibble: But there is a grade difference? He has to come to your grade if you've got a roadway.

Robert Jones: Yes, but at that particular point is within 6 feet of the existing grade.

Chairman Dibble: Six feet, ok. Six feet in height; but it's a 30% grade though. Most of that property is his property.

Robert Jones: There is a sliver of 30%.

Chairman Dibble; Right up the channel if that were a (inaudible).

Robert. Jones: As I indicated, I think realistically the connection is even closer to this area.

Chairman Dibble: Which is 20 to 30?

Robert Jones: Yes; to preserve those flatter areas.

Chairman Dibble: They are on a pinnacle, they are on a ridge.

Robert Jones: It is a ridge, yes.

Chairman Dibble: Are there any other questions at this time of the applicant?

Commissioner Cole: There was a comment by staff in Kathy's presentation that said that that particular area where we were just discussing was unbuildable as far as a road there was a term she used. Can you comment on that?

Robert Jones: That's an interesting comments that goes back to what I was saying I'm not really certain . . . some of these comments in the staff report have not been displayed in any of the comments from the engineering department that we have seen to date. Obviously we feel that it's buildable because it's been designed and

processed and it's before you tonight and signed and sealed by a professional engineer. I think perhaps the City may be able to answer the question better because I don't believe that it is not buildable.

Commissioner Cole: I'm a little troubled by your development in the event we're forcing a certain type of access for the property next to it. I'm somewhat concerned. I wouldn't have as much concern if this property were level ground but I do have a concern with it being. . .with the slopes like it is.

Chairman Dibble: We do have a member of the engineering staff with us this evening. Perhaps he would like to comment on that area and the other areas involved. . . .from the City's position. I'm sure he's been in deep consultation with staff proper. One thing we haven't covered in this, is this 40 foot hole that refer to as a sewer line. Would you care to shed some light, if you can see light at the bottom of that hole, would you care to shed some into there?

Robert Jones: Yes, actually I don't really believe that the 40 foot sewer. . . we are in present negotiations with the adjacent property owner to obtain proper easements to eliminate that that 40 foot sewer. And the sewer would be discharged to the north into the existing sewer system in The Ridges. I believe that's High Ridge Drive.

Chairman Dibble: Are you saying then there is, in your preliminary plat, that this has not been resolved?

Robert Jones: Actually the preliminary plan we had to show the feasibility of sewer and it is feasible. It is certainly not desirable. We went through various discussions with staff at different levels. . .we talked about lift stations. A lift station is another option of the over 40 foot deep sewer however given the City's recent regulations regarding lift stations and quarter million dollar deposit, it's actually cheaper to lay 40 foot deep sewer which is why that is designed and proposed. This is in a second and third phase of the development. It's likely that this 40 foot deep sewer shall be resolved long before we get to those phases.

Chairman Dibble: Presuming we have 40 foot deep sewer, and you put it in place and 20 years from now, 15 years from now we have a problem at 40 foot. Who will have that problem as a burden?

Robert Jones: Excellent question and one that Mr. Dorris and I have kicked around and come up with a couple different solutions. One thing that we talked about was running a parallel sewer line at a shallow depth with dumps into a deeper system so that the majority of your maintenance would be down the shallow lines. You can run a shallow line and a deep line discharge so the homes are getting all of the shallow line

up above and then you have (inaudible) and manholes and so forth into the deep lines. In that way we felt the maintenance could be accommodated in an adequate manner.

Chairman Dibble: I'm not grasping that so I have to ask Mr. Dorris if he could shed any light . . . he'll be coming up in a minute. I just don't understand that, period, so we'll see what Mr. Dorris has if he can illuminate that a little bit better for me anyway. Any other questions at this time? You'll have another chance to dialogue with us but any other questions at this time of Mr. Jones?

Commissioner Lowrey: Basically what I'm hearing so far is that the city is saying, or the city staff is saying there's too much earth movement, there's too many cuts, there's some houses being built too close to ridgeline silhouettes and stuff. And your saying well it's not too bad. Yea there's some cuts but it's not that bad. And we're suppose to decide whether there is too much or too little (inaudible) or that your's is ok. And I have a hard time getting a grasp of this. So what I would like to know is assuming this land is developable, assuming we didn't put 50 houses on there. . .I'm not concerned with the density, I'm not concerned that the land is not developable, what I am concerned about is this a good plan or is the staff bringing up reasonable objections and should we develop this land or is there a better plan. Are there alternatives to this to what we're seeing here that give us the same number of houses but with less earth cutting and a safer plan or a better plan. In view of the standards set by our Growth Plan which are flexible, but doesn't mean they are arbitrary or something. There's flexibility involved. And I think that is what I'd like know. Have there been alternatives discussed. Are there reasonable alternatives? That's the only way I can judge this. I got somebody saying there's too much cuts and I trust what that person is saying. I hear what you're saying. I don't really know.

Robert Jones: Let me try and answer that. I'll give you a little bit of history. This project originally in the County, was platted in 1955 as the Energy Center Subdivision. As a matter of fact you can on the City's GIS and all these lots on top are platted lots. Some are owned by different property owners obviously. This project was originally designed a portion of it, the upper lots in this area, was originally designed and processed through the County. It was approved and it was, at that time that the City requested that it be brought into the City and worked through the system with a master plan. This project has been worked on by this particular developer for the last 4 to 5 years. A considerable amount of money design effort from various consultants looking at multiple angles of it has brought before you the preliminary plan you see tonight. Staff has raised some concerns regarding the layout which I'll bet are not all unfounded but we believe to be properly mitigated. Some ideas of staff have been kicked around and I know staff had given strong preference to actually accessing this subdivision from some of the existing roads in The Ridges to the west - utilizing some of the existing cul-de-sacs. We felt that those roads are substandard and did not provide adequate pedestrian access as well. Not to mention the neighbors to the west probably wouldn't welcome that too much. But we wanted kind of a ridge to be, we didn't want integrate it

into that subdivision in that manner so we respectfully declined the opportunity to propose that. I guess what that comes down to is that there are many different ways to do something and plan developments. This one is limited somewhat by its topography and steep slopes. There's only so many proper locations for the road in areas that we have proposed. Certainly access the upper lots those have to, a small portion has to traverse slopes greater than 30% so to answer your question then yes we have looked at other alternatives, we have looked at other alternatives for years, we looked at them when we were processing plans with the County and we have spent the last two years processing plans with the City of Grand Junction. We feel that this is the best plan in terms of density and the horizontal location, vertical locations of the roads. I hope that provides you with an answer to your question.

Commissioner Lowrey: It's a statement of conclusion but it doesn't tell me why it's a better plan and my concern is this road, I guess its Pinnacle Heights, that it goes right up the gut of steep hill heading East and its got the curb and it goes to the South side of the Foster Property. When I was up there driving, there is a one lane dirt road that follows the contour lines around the Foster property but provides a gradual ascent and gradual descent. Which, why have a one lane road one way that can go up there and comes back out. I've seen that in Portland and San Francisco. I'm just throwing that out, its an idea, I don't know how viable it is or not. But I'm really concerned about this road climbing right up that hill there and the cuts. I do want to hear from staff as to possible alternatives or what would be (inaudible) so that this land can be developed but better.

Chairman Dibble: Ok, Mr. Lowrey thank you. One thing that Mr. Lowrey triggered a thought here. The staff has made comment the extensive amount of earthwork, including substantial cuts and fills will not be compatible with adjoining development. I get a little concerned when I hear definitive statements, especially negative definitive statements without being able to determine exactly what compatibility is and in which areas and so forth. I realize this isn't your statement but it's made in direct contradiction to what you're saying. We already identified the one that Mr. Lowrey just focused on going up to the other property there but can you perhaps refute that statement about some of the other properties if they exist about not being compatible with the adjoining development. Certainly the properties to the west. In other words, I'm assuming that's not only one that they will have to ask staff this same question. But there are probably other areas that they are contention that it is not compatible.

Robert Jones: I think, it's important for them to remember for the reasons that I stated, you know, the way we've designed these corridors through here with the alternating elevations of the homes. The amount of retaining walls that were planned into this development truly minimize the cuts and fills. You know when you go inside of a mountain you have one of two ways to do it. You either put in retaining walls or go and lay it back. And we chose retaining walls to minimize those areas of cut and fill. I would bet if you saw The Ridges before it was developed probably there were areas

that it looked exactly like this. I don't think this area predominantly has these sections of steep slopes and rock and so forth. The Redlands Mesa development had areas that probably were questionable to staff that look very nice now. Spy Glass Ridge is another development similar so you know. I don't think it's correct to state that it is going to be...it's going to have a negative aesthetic impact. On the contrary, I think this is going to be a premier subdivision that's going to have a very positive affect on the surrounding subdivision, both to the north and west and the future planned subdivision to the east. So, I hope that partly answers your question.

Chairman Dibble: Any other questions at this time for the applicant?

Commissioner Lowrey: Well he never really does answer the questions. I'm not, and I don't think my colleagues, are talking about aesthetics here. We're not saying this isn't... this is beautiful area. (inaudible) The point is, but it's also a challenging area to develop because of topography. It has some severe slopes, and the soil looks like it moves around or it's kind of soft soil so if you make road cuts in it, you have potential for future slides because you've made those cuts so therefore you're going to retaining walls in to do all this stuff, to mitigate (inaudible) the point is not aesthetics but the point is, is there a better way to develop this to mitigate the cuts. And that's what staff has pointed out, they are saying they don't recommend approval of this because apparently we're not mitigating the cuts and the earth movement and potential future slides and the cost and maintenance that the city will then have to bear five years from now or ten years from now. And so I get the idea that at least the City thinks there is a better way to do it. What I've heard from you is well we . . .

Is there maybe a better way to design this and still get the same number of houses and that kind of stuff, but a better way to design it due to the topography. The staff is telling me that there is and that's why we look at what the design is but apparently they don't like your design. So if there is a better design, what is that better design? I'm not necessarily looking for a lot of detail but conceptually maybe there are some better to do things. I would like to hear if there is or if there isn't.

Chairman Dibble: Unfortunately Mr. Lowrey, this evening what we have before us is what we have to deal with. I don't if staff would be prepared nor should they. They have probably assisted quite a bit in coming up with these things and their objections to them which you have had dialogue with them over the course of time. However this evening I don't believe we prepared or should we be to present an alternative and perhaps discuss and create a plan for you. They've proposed a plan this evening and that is, I guess, is what we're going to have to deal with this evening. And if at a later date, if we do deny this, you'll have to come back with something else if you care to go forward.

Robert Jones: Let me take one moment to try and answer Mr. Lowrey's question regarding the road location for Pinnacle Heights. In the TEDs exception process that

we went through for this project, as I stated earlier, we had to go through alternative locations. The location through the Foster property, I think was discussed with the City.

But although as you can see, we are going to bring it through this ridge that's going to cross areas of greater than 30% and a significant amount. The original road, interesting enough, in the plat actually ran through here and there was another road that ran through here called Spur Drive. It traversed slopes as you can see a wide vast area of slopes greater than 30%. If you sit up on top, you could see it's pretty gully. So obviously this location is not feasible. The area to the south is areas of vertical cliffs and we even went through that alternative with the Public Works Department. This area you can see there is a small sliver, a small band of slopes greater than 30% which had to be traversed but when you look at the topography and the layout, I don't see how you can not see that this is the logical way to access the top of this property. The area to the east . . . is property that is not owned and I've seen the layout on this development and homes that are planned in here and so to answer your questions, this is the best design and this is the best design particularly for accessing the top because of this reason.

(Commissioner ????) Can we take a break?

Chairman Dibble: Yea, we are. The public has been very patient, very attentive, we are going to take a five minute break, then we will ask you to chime in on this and then we will ask then the developer and staff, including our engineering staff, to come back and continue discussing it, but we want the public to have an opportunity. But we do need to take a five minute break. Ok, thank you.

(A brief recess was called at 8:42 p.m. The public hearing reconvened at 8:48 p.m.)

Chairman Dibble: We will call the meeting back to order. Now will give the public a chance to share with us. We would ask for those who are in favor of the project to come forth and share with us their thoughts and then those that are not in favor of the project to come forth. If someone has already expressed very adequately your thoughts and opinions, rather than going back over them again, we ask you to say well I agree with so and so, he stated it real well and I'm in favor or whatever. If everyone spoke here for 10 minutes, we would be here until 1:00 in the morning and I'm sure none of you would like to wait that long to speak. So if that's a fair agreement, we'll ask then to come forward those that are in favor of the project. We ask you to state your name and address and we have word tonight that's it's on the side. There's a sign up for the public record if you will either step to the side after you have finished and sign your name and address on that we'd appreciate it.

PUBLIC COMMENTS

FOR:

Linda Afman, 350 High Desert Drive, Grand Junction: Good evening, my name is Linda Afman. I live at 350 High Desert Drive in The Ridges, Redlands Mesa, Grand Junction, Colorado. Thank you for having the opportunity to speak this evening. I would like to speak in favor of this development and ask the Planning Commission to approve the preliminary plan allowing the City and the developer to go forward. The development would be compatible with the adjoining Redlands neighborhood, The Ridges. Which I was a resident for over 17 years and now I reside in Redlands Mesa. The adjoining subdivision does have a high density and would be very compatible with this development. Slopes and soils would character in the Redlands are being built on currently. The recently approved development, shadow Run in The Ridges, will have retaining walls and enhancing the interior roads and if you were to drive up there now, the project that you see now, the site slopes have drastically been minimized. It is amazing what high technology can do today. The entire neighboring subdivision has a variety of slopes throughout. Homes and roads are all functioning well. And I think it was mention earlier the ridge in the early stages, yes, looked very much like this development and before Redlands Mesa was even started, I filmed the entire area and believe me it looked exactly like Pinnacle Ridge and technology again can do wonderful things.

The comment was made about the sewer line and blasting. Having been a very much a part of Redlands Mesa, blasting did take place in Redlands Mesa and very successfully. It minimized a lot of the excavation and really prevented the destruction of any of the outgrowth, the rocks, and it was done very nicely. Again, I would ask that the Planning Commission approve this development to go forward so City and the developer can address some of the issues. Thank you.

Chairman Dibble: Someone else please.

Darren Davidson: My name is Darren Davidson. I guess it's ok if I talk for the owners of the property. I just want to bring up a few things, just reiterate them or bring them. . . .(inaudible) Just so you know the history of it, which Robert went into just a little bit. The property has been put under contract five years ago and four years ago we had a signed approved plan from the County from the County staff and the County engineer to go ahead to construct Pinnacle Heights. That plan was ready, we were ready to go start moving dirt and then decided not to and entered negotiations with the City because of the Persigo and the wanted it in the City. We decided then not to go through with the County plan even though it was signed and approved, just because we thought we would go ahead and go through the City. Annex and everything would be okay there. Now four years later and 100s and 100s of thousands of dollars later in engineering, we're still trying to get the previously approved plan just approved again.

A few of the things I think we've done of the site that the developer (inaudible) we done other developments and have done them in other towns also some of the things I noticed here that we've done, I don't think we've had to do in other spots deal with the

rockfall hazards and John Withers had said, we did identify rockfall hazards and instead of just designing around them, which is all we would have had to do. We went ahead and just went on the site and removed them. The City had the question about them, since we heard that we just went up there and alleviated that question altogether. The next, I don't think this has ever been mentioned, but on our plans if you look at them it says we'll have a full time geological engineer or a geotechnical engineer on site during the road construction. I think that's most of the concern is the soils here and when you build a road in soils you can do it 30, 40, 50 foot deep it doesn't matter if you do it right.

I think where Dorris, the City Engineer, mentioned once that you can do anything, it just takes the money to do it. I mean you can build a 50 foot road but it's going to take the engineering and money from the bottom up to be able to do it and do it right. So I think in our plans we're stating that we'll have a fulltime, you know when we're building these roads on site, it's not just a partial inspection. (inaudible) fulltime on site geotechnical engineer. I think we've tried to get around that one.

We also extended our warranty which was never mentioned. We gave the City, not only one year but we extended two more years on the road for the warranty. You know if something is going to happen, it should happen that first year. But in case it doesn't, we gave them an extra two years. And I know that's never been required or been offered on any other site in town. So that's something we did. We went ahead and we staked out all the roads because we had concerns with the City and they said well, that was our idea maybe we'll go out and stake out all the roads and we'll go walk the whole site. So with the City staff and the city engineer, inspectors we went out there and to our own expense we staked every bit of the roads out there and we went and walked the entire site with the City and we did have a couple comments that I went ahead and changed the alignment just a little bit. They had some good comments about using up some more of the lower percentage of steep slopes. So we used those up and we did do that and that was something we didn't need to do and we did take that into consideration. The one thing we didn't do is connect onto the existing City street that they thought would be good. Just with our talks in the neighborhood meetings that we had with the neighbors we told them that that wasn't something that . . . and then we come back now and tell them yea, we want to connect on to your neighborhood streets.

They are going to be furious when we told them in all our city meetings that we're going out Mariposa and then the majority of our traffic can go down Mariposa to the highway and then back into town. I think that's something that I feel if we tried to connect onto their streets now we would going back and saying. . . the other neighborhood concern was the flooding issue and we did (inaudible) great detail on that with making sure that all of our flows are less than, are equal to or less than, what the site leaving it right now.

We have done extensive traffic studies, which that was required anyways but we did do that just to make sure the roads in the Redlands were able to handle our traffic. We have approximately 40%. . . I think 38% of our project is dedicated to open space. That was more than we had to of had in there. We have quite a few numbered lots less than we could have tried to get with the density that we have.

We have done extensive studies on that ridgeline. There are only four lots that are going to be seen from the road and there's nothing. And you can view those four lots we'll be seeing . . . mitigation with those and I think it's just the roofline that you will see on those lots. It's not like we're building a house and you're going to see the entire house out there. It's just the roofline that you are going to see on those lots. We put in a half mile of walking trails and biking trails and that wasn't something that was required but just for the surrounding neighbors that use that site, that was one of their comments that people walk on there currently so we put in a half mile of walking trails so they can continue to use that site as well as the new owners that buy property there. Lynn? Mentioned about the retaining walls, I think there is 2 or 3 hundred thousand dollars was our estimate in retaining walls in there and none of those had to be done, but the reason we did those was to alleviate the steep slopes because you could, as Robert said, Spy Glass Ridge that they just constructed instead of doing the retaining walls on theirs. They just have back slopes which you are able to do per Code or whatever as long as they are not too steep. But for like a 12 foot wall, we going to cut 18 foot back and 12 foot high or whatever. If you're going in to cut your slope that 18 foot you have to go back 40 or 50 foot that you have to disturb and that would look just horrible so we went in and put in the 100s of 1000s of dollars in retaining walls just to do away with that. And they are not just the concrete wall, which we could have poured a concrete wall that would have served the same purposed but we went ahead and spent the extra money on the plan for the retainer for the MSC walls.

I'm not an engineer, I'm a contractor by trade. We build roads and we do construction work before (inaudible) and we've built roads and subdivisions up in Vail, Avon, Eagle, Aspen, Telluride, Silverthorne. We've helped construct the roads on by far steeper grades than this and we done by far more cuts and fills than we've done here. Like I said, it just takes the time and right. . . you just have to do it the right way to be able to make it safe. And I also want to bring up, by approving this project tonight, you're not approving construction drawings. We're not going to go out and start constructing projects now. By approving the project, you are approving the plan and we still have to take whatever time it takes with the City, the city engineers and city staff to make sure the roads, the design of them and everything does meet current standards and just a couple of the questions that you had. Paul your's was on that 40 foot sewer. We are currently working with two different landowners and I think we can do either one as far as an easement for that sewer. We have got them signed, we don't want to tell you that we have them yet but we wouldn't have a problem with you putting a contingent upon that because I agree we don't want to lay a 40 foot sewer and we don't want to maintain it and neither does the City. We have no problem putting a contingency on there with the approval that says that the sewer needs to be redone and not a 40 foot, the standard 8 foot or whatever. We wouldn't have a problem with that. Because we know we'll have one of the two easements signed before we construct.

Commissioner Lowrey: Who are you representing?

Darren Davidson: I'm a property owner.

Commissioner Lowrey: Are you doing any building on this or are you going to be doing the building?

Commissioner ????: (Inaudible)

Chairman Dibble: I think you are shedding some light on some things so I think the more light that we can get. I was a little surprised also Tom (inaudible)

Darren Davidson: Mr. (inaudible) you had the question on better access over and the reason we left open space. We stubbed to what is a currently platted street. (inaudible) we were required to stub there. We did leave open space next to that the city could require. We can't do it, but the city could require us to go ahead and stub over further to better meet their site and we could match into their existing site to make it more useable for them. We would have to stub over right in the middle of one there lots currently platted lots but that could be done and that's the reason we left open space there, was for that reason. About the steep roads, we have spent four years and 100 thousand dollars to designing this site and we've looked at every possible way in and different road we could do on there. It's not like we just went out and hand sketched this in and started designed it. We went out and spent every effort, including walking with the City to try and find different ways we could do it. (inaudible) We think this is the best. I guess that's all I have.

Chairman Dibble: I'm going to allow questions to be asked of this gentlemen because of his involvement in the construction part. He's a homeowner obviously he can speak on behalf of the project. We see that once in awhile, but it's a little unusual for you not to join with your compatriots in the presentation of the application. So what I'm going to allow if you like to ask some question of this gentlemen for some clarification. I think he's added some light to some of these subjects. Any questions we'd like to, because this will be his opportunity to answer them, otherwise we'll back to Mr. Jones to rebut.

(pause)

Chairman Dibble: Ok, thank you for you input. Is there anyone else in favor of the project? Ok, then we'll ask those who would like say something in opposition to the project or have problems with it to come forward and share that with us.

AGAINST

Mike Holland, 2398 Mariposa Drive, Grand Junction, CO: Good evening, my name is Mike Holland. I reside at 2398 Mariposa Drive. Can I get on the screen there and show you a few things on Pinnacle Ridge?

Kathy Portner: Do you just want their plan?

Mike Holland: Yes, I just want to show a couple thing real quick. How many of you have walked or road in your car up in this area? This is like a fish bowl here. When water starts flowing down this, I wouldn't want a home for nothing here. It's real steep and let's see, my house is right here on the end. This slope really doesn't get too steep until you get down into here. But to say that there is not very much land to move when they do is - is completely untrue in my opinion. There going to have to dig this down way deep in here. One of my concerns is how many feet are they going to cut from the top of the hill at the southeast, how many cubic feet of dirt will be moved where it will be used for fill? A lot these answer they've given are very unclear, I don't understand what they are saying. Most of the open space they are talking about you can't do any thing with it because it's so steep. So anyway, if any of you guys have gone up there and looked at this. You see that it's way steep. I don't how they are going to put a lot these homes in there. I wouldn't want a home in this area, right in here, for nothing. Because we lived there nine years and when it rains, that water comes down off this mountain and it will go right into these houses. I think they've painted a rosy picture for you this evening of what their plans are. It's very unclear what they are saying. I'm not a surveyor or geologist. I've taken me and my neighbors a pick and tape measures from the easement of this hill and it is steep. I think they are going to have problems later on. I think the staff here, I agree with everything they have said. I think it should be declined to have this built like this. I think this whole row of houses here, two down this road behind my house is going to be real unpleasant to look at. I don't think it's compatible with the rest of the neighborhood. So that's what I have to say, thank you.

Don Goff, 2399 Ridgeway Court, Grand Junction, CO: Good evening, my name is Don Goff. I live at 2399 Ridgeway Court which is right here. That's my property where the arrow is. I'm bordered up against it. We lived here approximately 13 months. I've been working up there since 2003 and we fell in love with it. I brought my wife here to look and that's where we decided to buy because of the openness, the beauty of it. This here would pretty much ruin the reason I bought this property so I have a lot of strong feelings against it. We sit out here in the every evening and see people walking up and down with their dogs and their bikes and their kids and everybody uses this area, the path that he's talking about. As far as your question about how much dirt is going to be removed as far as removal. You can take a square footage of the lot, the square footage of your house and driveway and if he digs into the ground as he said he's going to do, you can calculate it out. So they can give you an accurate removal, so it is possible. But this here would be a good possibility causing my family once more. I'm very much opposed to it.

Cinda Kerbein, 2421 Hidden Valley Drive, Grand Junction, CO: I'm Cinda Kerbein. I live at 2421 Hidden Valley Drive. And I guess my main concern that I would address to the city is, I'm also very concerned about runoff issues and the applicants did talk about the west side of their property along these courts over here that they were

thinking of making sure that wasn't an issue but I'm not sure they have addressed it over in this area as aggressively as they have over there. My house in Hidden Valley is in a bowl and there are two big bridges right behind me and since we've lived there three years, there has been a lot of rains but a couple have brought a lot of silt and water into my garage from that hill. My back fence is essentially halfway buried back there from the fill coming down just from what's going on now. The house has been there since 78, I've only owned it for three years but I don't know how long that has been going on. That's obviously going to have to be fixed. I know there's a lot of rainwater coming off of there so that's a big concern. If they are moving a lot of dirt and putting houses up there, I'm also concerned about just looking up at someone's, I don't know if it's a road or if it's houses, I'm not really sure what's going on there but just the aesthetics of that having them do it (inaudible) they say they are going to mitigate some of that which will be good. The open space I'm also concerned about because this is a very fragile environment and they say it's going to be open space and it is really not going to be really usable. I mean it will be open space that you will see, and not built on but if they leave it open space and they have 71 families with 2.2 kids scrambling around in there, that open space is going to be inhaled pretty quickly with the very fragile environment there so I don't know what their plans are there. Those are my only concerns. Thanks.

Rebecca Behrens, 2413 Hidden Valley Drive, Grand Junction CO: Hello I'm Becky or Rebecca Behrens and I live at 2413 Hidden Valley Drive which is somewhere up in the area. My concern is, I don't see it on the plan, but originally and I've been continually been told that there is a possibility of maybe a road to come up maybe through here onto our Hidden Valley Drive. And my concern is, I drove it with my van today. I love those handy little odometers they put up there. There was a second grader in my son's class that actually walks a third of a mile to a bus stop at Ridgeway Drive to High Ridge Drive which goes up and around. It is not a very wide road; it's not designed for extra traffic and my concern is that we have seven or eight kids walking, my son walks 2/10 of a mile to get home on a very busy road and in fact just this summer he was almost hit by a truck as it was navigating around the corner and a parked car. He was on the side of the road; he was also navigating around the parked car. And that's my biggest concern at this point is that I do not want any more traffic on our road than there already seems to be plenty. So that is my only concern and I don't see it up there.

William Foster, 2204 Rangeview Court, Grand Junction CO: My name is Bill Foster. I live at 2204 Rangeview Court. I appreciate staff's comments. I have never seen a vacation of a road, cause this Rawhide is a dedicated county road without a separate series of hearings. What they've done is whatever I've done several subdivisions in the City and in the County and every time we have adjacent landowners, we're required to provide them ground level access with water, sewer stub outs and we've also (inaudible) say we have to do a cooperative water stormwater retention plan for a piece of property that wasn't developed yet. We've tried to work with the petitioner and I'm

very disappointed to see, although I've been in discussion with him in the three weeks, I didn't know until I picked up a copy of the plan that there was going to be 10 foot retaining wall and a grass strip so that we don't have any method. And their proposal doesn't provide any kind of method for us to access that property. Currently, because RawHide is dedicated, and the (inaudible) properties between it and Bella Pago are owned by partners of ours. We do have a way to get to our property (inaudible). I've never seen the process run like it was tonight. Number one, we have a printed process and you don't follow it. Secondly, I've never seen a vacation done without any kind of hearing either. I think this should be tabled or declined. Thank you.

Chairman Dibble: Someone else please. No one else would like to comment? We won't be taking comments once we close the public section of the meeting. If something comes up later in your mind, we're getting tough on that. This is your opportunity. You may come forward again sir.

Mike Holland: If this is ever approved, hopefully not tonight, hopefully it will be a different plan than this, but I think you should really think about limiting the street lighting. Kind of like Redlands Mesa. They don't have a bunch of light pollution. Hopefully they will change this whole design, because I think there's too many houses also. Thank you.

Chairman Dibble: Anyone else that would like to take the opportunity. Because it won't be allowed after we close it. Ok, we're going to close this public process. I'm going to ask before we have rebuttal by our applicant, the city engineer to step forward and tell us what he thinks.

DEVELOPMENT ENGINEER PRESENTATION

Rick Dorris: I'm Rick Dorris. I'm the Development Engineer for the city that has worked on this project for the same four years. I've never going to live down the comment that you can build anything, it just takes money. I think I'm going to quit saying that and revise it; the question is not can you build it? The question is; should it be built? And that's what Kathy and I've discussed. This map is the site analysis map, the one that's on the screen. The bluelines that you are looking at are contours which. If you know how to read a topographic map, that indicates the areas of cut or fill. So that cut goes a hundred feet or something back from the road. I've been making a bunch of notes here and I guess I'd like to ask you guys the question. Do you want me to address the topics that I think are pertinent or would you guys like to ask me specific questions.

Chairman Dibble: I think the answer is yes. We would like you to go ahead addendum the staff report or concur with it or disagree with it if you'd like, if she's misrepresented it. And then we will ask questions we'd like to ask you. How does that sound?

Rick Dorris: One of the things that Mr. Jones talked about was the TEDS exception. Yes they get one early on. That one did address grade a little bit but primarily the TEDS exception has to do with horizontal geometry. One of the things that I've asked for on a couple different occasions in this review process is analysis or feasibility of a road coming off the ridge up here and going north and on to Mr. Munkres' property. Mr. Munkres isn't in the audience tonight. He also has 40 or 50 acres over here that I know he's currently in the planning stages on and I don't know what conversations have happened between the Jones' and the Munkres' about trying to plan things together. The County design that they alluded to had a road coming up here and had an acute angle going back to Bella Pago. So it wasn't an analysis of road taking off and going through Mr. Munkres' property and whether or not he would connect here or connect down here. That's the other option as opposed to taking this road here. That's one option that I would like to see investigated that has not been investigated, at least to what I've seen. They may have done it, but it hasn't been submitted so that I could take a look at it.

Another thought is, this is a preliminary plan. You guys have heard me talk a lot about preliminary versus final before. We have required that they go into a lot more detail on this preliminary plan because of the challenges unique to this site. So a lot of the things that Mr. Davidson just talked about. Yea, they did have to do a lot more but you have to do a lot more to prove that something was going to work on this site. Whether it's this plan or another plan. It's a challenging site. It's got a lot of relief??? Its got sewer issues, its got access issues, its got water line issues, its got drainage issue.

Commissioner Cole: Are these things that you would consider on the final plan? I'm assuming you would go into much more detail on the final plan that what has been required here.

Rick Dorris: You are correct. That is correct. The one good part about the subdivision is that they over-detained here and they have over-detained up here so that the amount of runoff that they are releasing off of the site is quite a bit less than the historic. So that is a good benefit to the neighbors up in this area and also in this area. The biggest concern from an engineering standpoint is the 40 feet deep sewer is one. It sounds like they are working with neighbors to keep from having to do that. I guess my recommendation would not be to make that a contingent approval. I think that's too big of a contingency to put on there. Either we approve it with the 40-foot deep sewer or we continue this to I don't know a month or two down the road when they can get the easement or some other option that either Kathy or Jamie comes up with. The biggest engineering concern is the road in here. And we have had meetings with the Jones' and Geotechnical Engineering Group about how to build this road so that it doesn't move on us. We've had several roads out in the Redlands constructed in the last 5 years that met our engineering standards when they were designed. They went through field engineering, some met standards, some didn't. Some of the roads moved 6 inches vertically and/or a little bit horizontally. One of them in Redlands Mesa

continues to be a major ongoing problem. That one had some field issues. The grading in this area. The road goes from a 28 foot fill to a 30 foot cut where you can see me moving the mouse. We've got a major fill in here. We've got a major cut in here and I was drawing some cross sections.

Do you know how to get the document camera up? This is a cross section about where Mr. Jones cross section would be. This is not drawn to scale obviously. I'm sitting out here in the audience drawing it on the back of a sheet of paper but the point I'm trying to make here is that we are building a road on a hillside. We've got a significant cut on one side, we've got a significant fill on the other side. It's not to say that it can't be done. The question is, is there a better plan for that than this one. That's really all I had to illustrate there.

QUESTIONS

Commissioner Lowrey: (inaudible) there is some word there that I can't make out. From where that arrow (inaudible) what's that distance?

Rick Dorris: Let me see if they've got some cross sections of the plans that I can go to that are to scale.

Commissioner Lowrey: Actually I think Lynn was kind of asking that earlier.

Commissioner Pavelka-Zarkesh: Yes (inaudible)

Commissioner Lowrey: (inaudible)

Rick Dorris: These are not cross sections but they are right and left profiles from the road so if you give me just a second I'll interpret it. At about the bend here we have a fill in the neighborhood of 20 feet on the outside and then right in here, at the left right-of-way which I'm presuming is here, we've got a fill in the neighborhood of 15 to 20 feet. When we get up in here we've got cuts in the neighborhood of 15 to 20 feet. This is an area of expansive soils. It's a steep grade. Not only for the street, but also for the slope cause it's a 30% slope. And again, it's not can it be done. Based on what we've seen happen in the Redlands area lately, when we go through final design on this we are going to overkill it and then the geotechnical engineers are going to be camped on site during construction making sure that whatever happens, if something is uncovered that's different than we anticipated then the changes can be made in the field. But is there a better design? Because we might take all those engineering precautions and the thing still moves on us and it's a tax payer expense for long term maintenance. I have said we would want at least a three year warranty on this thing. What happens in 10 years or 20 years? Crystal balls don't know. So it could be a long term expense for the tax payers that we're not anticipating.

Commissioner Cole: Will there be sewer lines, etc. in these areas here too or not?

Rick Dorris: Yes, sewer lines and water lines.

Commissioner Cole: There will be an additional cut below the level of the street.

Rick Dorris: That is correct. Yea there will be all utilities in there.

Chairman Dibble: we are saying it's in greater access of between 30 feet and 50 feet of variance of Earth movement one way or the other?

Rick Dorris: I'm not understanding your question.

Chairman Dibble: There is 15 to 20 feet cut and 15 to 20 feet fill so a 30 to 40 foot variance of levels that have to be dealt with as far as new Earth or removal of it.

Rick Dorris: Yea, I'm not sure that logic really has a lot to do with it.

Chairman Dibble: All that is going to have to be factored in there and you're right Mr. Cole, if their sewer is in there that's going to be another 8 foot minimum.

Rick Dorris: I'm not exactly sure where the sewer is at vertically but yea, there will be 4 to 8 foot cuts additionally for sewers and water lines in there.

Commissioner Lowrey: You made the statement, is there a better design or you're asking the question in some manner.

Rick Dorris: That's correct.

Commissioner Lowrey: you don't have to comment on that now but before you finish I would like you to comment on that particular question about better design.

Rick Dorris: Ok. I mean I can speculate. I have not done the study of it because it's not the City's project, it's the developer's project. What I was saying about the road to the North, I've asked for that and haven't received it. I can't stand up here and tell you that this is the best place for that road because I don't know. I have other questions that have not been answered by the developer. One of the other notes that I made was access to the Foster property. Can you flip me back to the computer screen please? I think this has already been addressed a little bit. They aligned this road up to go with the platted road and I think some of the comments about right-of-ways and vacations and so forth. We didn't go through a vacation process because we don't recognize the plat. We don't believe that that right-of-way was really dedicated to the public. We

don't believe those lots were really created because nothing has been done on it in 50 years. In any event, if this street was to be extended or. . .

Commissioner Cole: Are you saying Rick that there is no recorded of that being platted?

Rick Dorris: Oh yea, there is a record, you bet but we don't recognize it because it's never been constructed.

Commissioner ???? – (inaudible)

Chairman Dibble: Is has been and still is landlocked.

Rick Dorris: I believe that's true but I don't remember exactly what the plat looks like. There is, if I can find this mouse again on this computer screen, this road on the old plat does go out this way. I don't remember where it comes out and it may come out on Bella Pago. Anyway, I think accessing the Foster's property at grade is something that is fairly easy to do by either extending this road per say. You could take the road and shift it up one lot to get there. You could create a bulb out or something so they would have that grade access. It's not that difficult to overcome. The black lines in here are contour lines, those are proposed contour lines. Can you zoom me out just a little bit?

These contours are just to build the roads. And if you're building the houses on there it's going to be significantly more cut and fill. This is a steep hillside and they are talking, as a matter of fact there are some cross sections in here about how they will do the lots. There will be a lot of disturbance. When you create a subdivision on a parcel like this with a lot of topography, you do disturb a lot of ground. That's just a given fact of it. It's a planned development and largely what they are proposing is single family homes. Could you make smaller lots with higher density in a cluster area, yes. Would you connect to the cul-de-sacs to the west, there's also a vacant lot in there which they don't own but could be purchased to go to the street to the north. Those are some of the things that the City has talked to them about over the course of this project. This is in kind of a fish bowl and there is a drainageway going through there. That's something that's going to receive a lot of attention at final design presuming that this gets approved.

Chairman Dibble: Mr. Dorris, in regards to the other access points that would infer that to be quite a bit of road construction improvement on the outlying roads to tie into this if what I've seen they are small winding roads with no site amenities, no sidewalks.

Rick Dorris: They do not have sidewalks on them. They are asphalt roads with roadside ditches on them.

Chairman Dibble: Barely adequate for a two-lane access right? Most of them of them are 16 to 18 no more than that?

Rick Dorris: It's been a long time since I've driven on those roads. I would suspect that they're 20 to 24 feet wide but I'm guessing. I drew a cross section on the 40 foot deep sewer. This is the road per say. This would be a house. This would be a 40 foot deep sewer. This is the trench, provided you didn't use trench boxes. But this is a OSHA trench laid back to one to one. It would be 80 feet plus or minus wide to build that sewer. This is something that we've required to be overkill to the design as well. Our utility engineer came up with the idea of doing a redundant shallow sewer that these houses would dump into then when we got to a down stream manhole we connect the shallow sewer with the deeper sewer. If something did happen and this had to get maintained 10 or 15 years from now it would be a major expense to do that. We would be doing everything possible could do without digging it up. We would be trying to go in at the manholes and do slip lines and things like that. We would certainly like to see the sewer go out in a different fashion. That's pretty much all the notes that I made so at this point why don't you guys ask me specific questions.

Commissioner Carlow: in relation to this sewer line, you had mentioned that there had been some problems with dirt shifting and stuff (inaudible) different road shifting and that sort of thing. Has it affected sewer lines, water lines at all?

Rick Dorris: You know that's the \$64,000 question in my mind. If we had to go out (inaudible) those sewer lines that I know of. We haven't received complaints of people's sewers backing up. So if it has moved, it hasn't been enough cause sewer blockage.

Chairman Dibble: It was raised that no official natural hazard identification has been made by a state agency. Can you comment on that.

Rick Dorris: You know I'm going to defer that to Kathy because she's more familiar with her comments than I am.

Chairman Dibble: Any other questions of the engineering staff as to . . .and then do you still have your question Tom that maybe he could comment on. You did talk about the road dedication vacation. They don't know anything about whether that's been. . .was that in referred to the property?

Commissioner Cole: That was the Foster property.

Chairman Dibble: The Foster property.

Rick Dorris: Are you talking about vacation of right-of-way.

Commissioner Cole: Yes.

Rick Dorris: Kathy may want to expand on that. The City did not recognize that plat so we didn't recognize the lots and we wouldn't recognize the vacation or the presence of right-of-way either.

Commissioner Wall: I have a question about that. How come the lots are not recognized if they are drawn and all that stuff? Is there only a certain amount of time that when you plat something that they exist or am I opening a can of worms I shouldn't open?

Rick Dorris: It's a valid question, and generically speaking, yea it's lines on paper but it doesn't have any access. Nothing was ever made to improve that ground so that you could build on those lots. There's not infrastructure, there's no water, there's no sewer, and there's no paved road to get there and so in essence the plat wasn't validated because nothing was ever built there. Jamie would you care to add to that?

Jamie Kreiling: And Ms. Portner may also be able to add some. Jamie Kreiling, assistant City Attorney. Having not actually been the one that was involved in bringing this piece into the City but having some information on it I believe it was Mr. Shaver, the City Attorney, that worked with the annexation of this property. But it is also my understanding that when they were bringing the property in, it was with the clear understanding that we did not recognize the plat and we would not be recognizing the plat. The only concern was that all of the parcels that have been involved in the original plat were not willing to come in and that's the piece that's being shown on many of the exhibits saying that it is not included here and the piece that Mr. Foster was referring to that they actually own. But it's been the City's position that they do not recognize the plat and as they do not then they are also not recognizing the dedication.

Commissioner Lowrey: You're talking about the Foster property right?

Jamie Kreiling: that's the piece that's not being included and not actually brought into the City with the annexation because they didn't want to but is now presently enclaved. And when they do come in, we won't recognize that portion of the plat either and they will have to develop with a new plat here in the City. So we won't be recognizing the right-of-way that they are claiming is showing in the area that they had to connect to. It is my understanding we did not require or indicate that they had to connect to that, we were considering it to be an undeveloped property.

Chairman Dibble: Now they would have to be annexed anyway with a complete new proposal.

Jamie Kreiling: I'm sorry?

Chairman Dibble: They would have to be annexed into the City with a complete. . .

Jamie Kreiling: Right, once they are annexed and they want to develop, then we won't be recognizing that portion of the plat and they will also have to plat at that time.

Commissioner Cole: I have a question of the attorney. Given the testimony tonight has said that this plat, and I'm assuming is very similar to what's been presented tonight, was approved while it was in the County. Should that, and I think I know the answer, but should that have any bearing on our decision here tonight?

Jamie Kreiling: When you're saying approved I think you may be referring to Mr. Davidson's comment that they wanted to develop there in the County and the County basically approved that. The difficulty would be is that they couldn't develop in the County particularly because they had no access and it was the access that they have to get through the City property that was causing them a difficulty to be able to develop. And as the City would not recognize the plat and the other matters in regards to the plat because of the age of the plat and the fact that it was not meeting any standards or the majority of the standards that the City would require today, then no, you would not in any manner have to consider the fact whether the County had approved it or didn't approve it because once it took land use jurisdiction with the City, it's whether or not the City approves it. Is that clear?

Commissioner Cole: Yes.

Chairman Dibble: Any more questions for our engineer? (pause) Ok, thank you very much. Now we'll ask the applicant to . . .

Commissioner Lowrey: Actually before we hear from the applicant, can we get Kathy Portner's thoughts.

Kathy Portner: I think the question was to comment on the natural hazards area and the applicant's contention that policy 21.2 does not apply simply because it is not a mapped natural hazard area. Actually if you read the entirety of that policy, I would suggest that it does apply. Policy 21.2 says that the City will prohibit development in or near natural hazard areas unless measures are undertaken to mitigate the risk to injury of persons and/or the loss of property. It goes on to say, development in floodplains and/or drainage areas, steep slope areas, geologic fault areas and other dangerous or undesirable building areas will be controlled through the development regulations. And that is what ties back to the development regulations that talk about the intent of the steep slope regulations, the ridgeline regulations and generally minimizing cuts and fills.

Chairman Dibble: The comments were made that this has to be identified particularly by the State agency.

Kathy Portner: Under our definition of natural hazard area. The second sentence of that policy expands and is not only referring to something that's been identified on any one of those state documents as a natural hazard area.

Chairman Dibble: Is that clarified for everyone?

Kathy Portner: Were there any other questions for me?

Commissioner Lowrey: The engineer, Mr. Dorris, touched on what he thought might be some better plans at least for roads or access. And I've raised the question a number of times, whether there is a better way to do this. Do you have any thoughts on that or in a conceptual way? I'm not trying to redesign this but what other alternatives have been talked about?

Kathy Portner: We did discuss some alternatives through this process and first of all I'd like to point out that through the review process we have the applicant do a site analysis. In our opinion that should have been done first before the actual layout of the subdivision was completed. And since the time the site analysis was done, we haven't seen a significant change in the layout of what was originally proposed. We did talk about, as Mr. Dorris indicated, whether or not there was a better way to access that upper area perhaps through the adjoining property perhaps to avoid this potential problem. The other that we talked about is the potential of single loading this road rather than double loading it. It really is trying to squeeze a lot into a narrow area and significantly impacting what occurs on this side of that slope. We did talk about the alternatives which I'm sure that the neighbors and Ridges might not appreciate but the potential for smaller pods of development perhaps to access directly into The Ridge where maybe that wouldn't be a full connection for Pinnacle Ridge but those access points could be for some smaller pods of development. We talked about this area probably being the most developable area, right in here and potential of different housing product where you are not trying put in single family detached homes that maybe there is a better way of clustering the housing product putting in townhomes or other attached type units where you are maximizing the number of units that you get on the most developable area and minimizing the amount of infrastructure that you are putting in. The other thing I'd like to point out is that the zoning density of RSF-2. It's a maximum and their proposed density is about 1.6 so there aren't quite to that maximum, but I also think that on a site like this you can't assume you're going to be at that upper end of what's allowed within that zoning district. So perhaps a design that has fewer units may have worked better also.

Commissioner Lowrey: You mentioned about a site analysis that was requested first or if that had been done first. What difference would that make?

Kathy Portner: The purpose of a site analysis is to identify those areas that are the least developable and those areas that are the most developable. And a site analysis is a series of overlays of various components of the site, including steep slopes, ridgelines, significant natural features, drainages. All of those layered on top of each other that begin to show you these pods that might be the most developable areas. And that's typically how a design process works. Now they may have started with something similar to that but we did not see that initially. When the submittal of the natural design of the subdivision came after and it's typically a very good tool for determining, first of all, where to best put your density and, secondly, how to minimize the amount of infrastructure and the cost of actually building the development."

Commissioner Lowrey: Any reason why that wasn't done at first in that sequence?

Kathy Portner: Perhaps they did it on their own. We just didn't see it and give what we did see after the fact it just would seem that perhaps that would have shown a little bit different layout, one of the alternatives for development.

Commissioner Lowrey: That's all I have.

Chairman Dibble: Any other questions of staff? I want to make a general question, one that I asked the applicant. You made the statement the extensive amount of earthwork including substantial cuts and fills will not be compatible with adjoining development. Could I get you to perhaps fine tune that a little bit as far as what extensive, substantial and compatible mean in your opinion.

Kathy Portner: That's for you all to decide.

Chairman Dibble: From your perspective you're saying it though?

Kathy Portner: Yes. We feel that the amount of cut and fill which it is in our opinion, substantial, to get the roads in, to then get access to the lots that are coming off of those roads that have 20 or 30 foot cuts and fills that it does become an aesthetic issue as well as the potential of future maintenance. But, I believe that some of the goals and policies of the Growth Plan as well as the Redlands Area Plan and the intent of various sections of the Code deal with aesthetics. And that these areas where you have to do cuts and fills to get the road at the grade that's needed, to get the lots then at a grade that can access the road, that gives this property a very different look for the adjoining property owners, for those on the public rights-of-ways traveling through there and again as Mr. Dorris posed the question, the question is - is that appropriate? Does that

meet the intent of the Code or the Plans that we just meet to minimize areas of cuts and fills. And I suggest that aesthetics play a role in that.

Chairman Dibble: Is there any other area of compatibility that might be discussed? Drainage you're satisfied can be mitigated?

Kathy Portner: Our engineer has reviewed their plans and feels that they are meeting the requirements

Chairman Dibble: Sewer is still a problem, we realize that.

Kathy Portner: Yes

Chairman Dibble: So compatibility any other?

Kathy Portner: No, I don't believe so.

Chairman Dibble: Ok, thank you very much. We will now take this under consideration for disposition.

Commissioner Cole: Are you going to let the applicant comment?

Chairman Dibble: Oh yea the applicant, that's right, we want you to comment.

Tom Volkmann: My name is Tom Volkmann, my address is 255 North 5th Street, right across the street. I'm here for the applicant to talk about a couple of items before Mr. Jones will undoable will come up and speak briefly about some of the engineering matters that were brought up. There are a couple of things I think we need to address regarding the history of this property and I really didn't anticipate that is was going to come up tonight but it has come up umpteen times. The subject property was platted in 1955 in the County and that was covered earlier. The City staff has said and to their credit, the told me this a couple years ago, that the City just will not recognize, was the term used, this plat. I guess I'll submit to you that this is the plat. At least it's an 8 ½ by 11 copy of the plat. And any of you with access to the internet can go on the City's GIS map on the subdivision and pull up this document. That's where I got it just and hour and half ago. I don't say that because I'm trying to go back to the old plat but I think, I say that because it comes in to play in our analysis in the connection to Mr. Foster's property who spoke earlier. We can't fight the fight for him. We wouldn't fight the fight for him. He certainly wouldn't want us to fight the fight for him. If there is a battle, I don't know how we can be expected to pick the pony and bet on that one by aligning accesses to his property some place that has never been identified. There are issues regarding grading a lot designation on his property that are perhaps different than ours. There are construction aspects on his property. There are certainly different than ours.

All we can say is that the properties that are shown on this plat from 1955, the old Energy Center Subdivision, they were platted, they've been taxed and have been sold as lots under a County plat. There are even different ownerships in the mist of it. So we talked about it, the City said we don't recognize it.

We don't have to decide that tonight, but it's significantly more complicated issue than we can resolve tonight and I would urge you to consider the difficulties to that scenario relative to our prospective development of the property that goes around this. We're trying to align an access road with an existing road on a plat that the City says I guess we should ignore. Well it's pretty clear from the comment earlier that the owners of that property don't perceive it to be something to be ignored and Mr. Jones referenced that we can through the open space immediately adjacent to the existing road we have, we perhaps can work something out. But for now we are trying to align roads with platted roads and until somebody in a black robe tells us we don't have to do that, we're thinking we probably have to do that. The primary topics I want to discuss and it really relates to the standards.

Commissioner Cole: While you're on the subject of pre-platted property, I believe what you held up there was the Foster property.

Tom Volkmann: Actually it's the full subdivision, submitted as an exhibit.

Commissioner Cole: I was just wondering about your property, that you represent. If that is shown on there as it is shown to us here tonight.

Tom Volkmann: Actually there has been some changes in configuration of the lots and in the location of the road. Mr. Jones can speak to that. I understand the nature of your question, I guess I'm not really the one that best take off the ways that it has changed. But a quick answer to your question is it is not identical to this, no.

Commissioner Cole: Ok

Tom Volkmann: There was a discussion earlier and the staff's comments made numerous references to goals and policies of the Growth Plan and there was even some discussion as to whether or not those were arbitrary or too vague or things of that sort. I submit to you that I'm not certain that we have to analyze those at all tonight. And my reason for saying that is this is the Growth Plan and in the Growth Plan it identifies each and every one of the policies and goals. And the section I've opened this to is the implementation section. The implementation section relative to 20.7, 20.10, 21.2, the ones that Kathy Portner referenced earlier are all identified under the action tools as to be taken care of in the development code. And through the zoning. Ok, so what we need to do is look away from these grossly generalized statements, our wish list of minimizing this and that and find out how we have implemented those goals

and plans and policies through the Code and all the little fairly cursory references were made earlier to 7.2.G Hillside Development in the Development Code, And 7.2 .H in the development Code. This is really where the rubber meets the road. These are the standards under which the City has attempted to minimize development on hillsides, slopes and minimize cuts and fill and all of the very generalized soundbites that you have in any Growth Plan. As a matter of necessity, when you sit down as you said and you spend that much time trying to touch on every topic when you go to implement it , then you write the section 7.2. G's and 7.2 .H's of the world. Now if we really look at the language in 7.2.G it discusses, by the way to refer to it again is this section on Hillside development. It says that the hillside development standards, and there are arrhythmic tables in this section that can actually identify various aspects of development on hillsides. Ironically enough, in 30 degrees plus, or 30 percent plus rather, it says minimum lot width and it says development not permitted. And then under minimum lot size it says development not permitted. But there is a footnote. When you go down to that footnote number, it says development on slopes of greater than 30 percent is not permitted unless after review and recommendation by the planning commission and approval by the city council it has been determined that appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this section. You really have to focus on that language. It doesn't say thou shalt minimize cuts and fills. It doesn't say there's not way you can do any cuts and fills. It says you need to apply appropriate engineering measures to minimize the impact of those cuts and fills. I will submit to you that it actually assumes cuts and fills. Then the second section says the developer has taken reasonable steps to minimize the amount of hillside cuts and has also taken measures to mitigate the aesthetic impact of those cuts through landscaping.

Once again, it's not as simple as we have to minimize cuts and fills so we shouldn't have anybody with any cuts and fills. As Mr. Dorris mentioned, this kind of property is going to have cuts and fills. I submit to you that you need to dial in on that particular language and based upon the discussions that were held and the amount of which damage is done and the difficulty that everyone is having trying to come up with a better mousetrap here. That appropriate engineering measures have in fact been taken to try and minimizes the impacts of the cuts and fills that are pertinent to this development. Mr. Jones spoke about the efforts they'll take to mitigate the aesthetic impact of those cuts. He mentioned the three letter building block, whatever that was, I'm afraid that I forgot the letters. There will be landscaping, there will be terraced walls and things of that sort. Those are significant efforts to mitigate the aesthetic impacts of the cuts and the fills. Now similarly there's been a lot of discussion tonight regarding street design and whether or not it could be done in a way to minimize, or to greater minimize cuts and fills. Once again in Section 7.2.G, sub section 7 under street design says, appropriate engineering measures will be taken to minimize the impacts of cuts, fills and erosion. It's the same language. And the developer has taken reasonable steps, not perfect steps, not steps to satisfy staff, not anything of the sort. The analysis is

whether they've taken reasonable steps to try to mitigate the aesthetic impact of these things. Once again acknowledging that cuts and fills are going to happen.

On a similar vein, 7.2.H. relates to the Ridgeline development. And that doesn't say that you can't build on ridgelines. I know there is language in the plan, goals and policies that would intimate that but we now actually have a Code section that is the regulation. It is actually the land use regulation that tells us how to meet those plans and policies. It says there's for all lots platted within the map ridgeline protection area. I think there was some discussion earlier that there are four. (inaudible) It says building, fences and walls shall be set back a minimum of 200 feet from the Ridgeline. So paragraph two of that same section. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline or that mitigation will be provided. So if you delete the first subsection there regarding visibility from the skyline and say that this setback shall not apply if the applicant produces adequate visual representation that mitigation will be provided. Now it goes on to list the forms of mitigation that are available. In an ironic twist, they are exactly the list that this applicant submitted to you and was going to apply to the four lots that are on the ridgeline development. He got it from the Code. So he is satisfying that because he is going to mitigate the view of his development from Monument Road's centerline.

We have to take a peek also at, and this also touches a little bit on something Mr. Lowrey, I think if I understood, was identifying earlier in the hearing tonight. The comments are full of some fairly soft references to disfavor by the staff. I would submit to you that there is very little in here with any meat on the bone regarding engineering standards that these roads fail to meet. Regarding TEDS manual standards that these roads fail to meet. Regarding any specific Code provision that has any empirical quality that this development fails to meet. Instead there are references to the staff being very uncomfortable with this section, what's the Foster property that we've been referring to. Very uncomfortable with that. And the only references there are a vague and I submit a baseless reference to increase maintenance costs to the citizens of the city of Grand Junction. There's absolutely nothing there. In fact Mr. Dorris said you need a crystal ball or something to that affect, well none of us has one of those. That's why we have engineering standards for roads and bridges. We either meet them or we don't. It's a wonderfully empirical and mathematic profession. Nobody has said we don't meet them.

The one place where we had a intersection slope issue, we got a TEDs exception for. And the TEDs exception actually reads that we, let me read the exact language from it, it is has other alternatives been considered that would meet the standard. The applicant considered and sketched other conceptual layouts for this development in order to accommodate the maximum 12 percent slope requirement. TEDs, the road alignment must follow the existing terrain as much as possible. Other alignments considered did not meet the maximum requirement of 4 percent. That's a

recommendation from Tim Moore of the City staff and it is signed by all three members of the TEDs committee in approving the TEDs exception for this particular intersection. But again I urge you to look for and it's a difficult call because the standard isn't - is there a better way? The standard isn't - is this the best way? The standard is - were reasonable or appropriate measures employed on an engineering basis to minimize these things? It's not a perfect world. Heaven knows that's not a perfect piece of property but we have to stay true to the standards that are in the Code that specifically relate to the hot topics tonight.

I mentioned earlier the access to the enclave property is aligned with the existing cul-de-sac because we don't know what else to do with it. It's impossible. We can't just say we're going to tie in here if that interferes and butts into the side of one of their existing lots and they are going to fight that fight with the City. It's a real (inaudible) choice for us be we opted to go with the alignment with the existing road regardless the extent in which the City recognizes the existence of that road. There was a reference to a strip of some sort between that road and the enclaved property. Mr. Jones touched on how that all came to pass. The retaining wall was shown in that point, right in the corner of the road just below the Foster property. And staff's comments said we're not going to maintain that retaining wall so you need to give that to your HOA or something and you better put it there for a tract because it's not going to be on an individual lot. So in an effort to comply with that request it was put in a tract but under that scenario Mr. Foster has expressed concern regarding there being a gap between our road and his property is a valid one. What we would propose, I mentioned it very briefly to Jamie some time ago, and we certainly don't want to represent that we have an agreement on it, is that there be a right-of-way that goes all the way to the Foster property of course and this retaining wall will actually be within that right-of-way. That's the revocable permit that Mr. Jones was referring to and I'm afraid that's my idea. We would have a permit then to maintain our retaining wall even though it's within the City's right-of-way. You folks may have seen such a thing with landscaping within roads rights-of-way and things of that sort. You know, until we use it, you need to maintain it as the adjacent property owner. We're fine with that. But it is not our intention to build some kind of a disconnect between that road and the adjacent property.

On the compatibility issue I would suggest that compatibility here is defined by analysis such as, we have single family residential at a certain density and the Ridges has residential single family density and it's pretty close to the same. We certainly can't say ours is incompatible with theirs because it would have to be higher. That wouldn't be a standard of compatibility that would make any sense. I think it's a bit of a strain to take that subdivision subsection regarding compatibility and say that construction related work renders the project incompatible. If we had built ours first would their building of their houses be incompatible with us because we would be looking down on their roof line. I don't think that's what compatible is intended to mean. I would suggest that we may have compatibility issues if we were to go to this multi-family package with connected housing up there right above some of these single family homes. That's the

beginnings of a fissure for compatibility. Single family homes above single family homes, you know, in adjacent properties. I just don't view that as a compatibility issue.

I would ask, and Mr. Lowrey made this reference, earlier to Mr. Jones being able to come up to respond to the engineering items that Mr. Dorris mentioned so I will at this point unless somebody has some questions for me, I will take my leave but as you would extract I urge that you consider this application in forth to the standards that I went over with you, not in accordance with grossly generalized goals and policies of the plan but actually the Code sections that implement them. We submit yet again that most of the standards applied, this development would be perhaps be in perfect in anyone's mind. It meets those standards and should be approved.

Chairman Dibble: Thank you.

Robert Jones: I'll be brief since it is getting late. I just wanted to touch on a few points provided by Mr. Dorris. Beginning with the analysis. The analysis of the road leading from the upper section down through the property owned by adjacent developer, Mr. Munkres. I have had the fortune of reviewing some the conceptual layouts of this development so I can say, I can talk a little bit what a road coming off of this hill would do to this adjacent development. I say that the adjacent developer has a real question about preserving some of his premier lots in this development. Some of the elevation lots that are provided in green on this area of his development. And so City staff has said, give us this option and plan on property that you don't own. We don't own this adjacent property. Certainly if we did then maybe things would be different, but we don't.

The deep sewer was talked about, we have talked about that. We are working with adjacent property owners to eliminate the 40 foot deep sewer.

I think, you know, the statement was made that no site analysis was done on this property but certainly maybe it was done internally or part way through the project. When you are looking at development, such as this nature, a site analysis was done, a fairly detailed one. And it was discussed with staff, obviously the primary constraint with this development is slopes and lots of them. And so, as an engineer or as planner when you look at projects with steep slopes. Now there's a few obvious places where roads and homes go and a few obvious places where it doesn't. So I think to say that you know the site analysis portion wasn't taken into account when the original plan of this project was done I think is maybe a little off base but nevertheless an appropriate site analysis was completed.

Mr. Davidson talked about staking of all the roads and walking them with City staff which was very helpful and City staff had some excellent comments. And some of those comments were incorporated into the design you see before you tonight. I'll talk about a few of those specifically. This cul-de-sac in the design originally went all the way up farther into this area. It was decided that in order to minimize some of the cut

and fill in that area to pull the cul-de-sac back and do a small access road here as you see. A number of, a few of the lots were reconfigured due to some of the slopes and analysis in that site analysis plan. Another thing is that you can see on here, these magenta lines with the hatch patterns in them represent some significant rock outcroppings. I think you'll notice with all these with the exception of maybe one or two, these rock outcroppings have been preserved. So I think the site analysis was taken into consideration. The comment was made about the plat and access in previous design. And I'll just bring it up, the original design for Energy Center Subdivision showed, you may not be able to see this but, this is the Foster property and all these lots are in the area of the preliminary plan subdivision in our development. As you can see, this configuration of these lots is not identical to what you see before you but very close. The reason it is not identical is because some of the lots were shortened up to respect those areas of slopes greater than 30%. And the access for this and the approved County design was actually provided via a signed easement agreement with the adjacent property owner and exited on to Bella Pago. So there was access to this development. I think a, you know, in just summarizing what Mr. Volkmann said, I think you'll have to agree that when looking about the development Code standards for this development, you have to create.

Chairman Dibble: Any last questions of the applicant?

Robert Jones: Can I go ahead and submit this plat in as an exhibit into the record please? Thank you for your time.

COMMISSION DISCUSSION

Commissioner Lowrey: I think, in a real short nutshell, Mr. Dorris wrapped it up. Just because it can be built, doesn't mean it should be built. And I kind of think that's what we're looking at here. And I think the applicant has worked hard to try to fit this into the Code as Mr. Volkmann had brought up. I think part of the mitigation to reduce cuts and all that is if you can come up with a better design maybe not the best design, but if you can come up with a better design that is mitigation. If I have a better design, you can not have the cuts and I'm particularly talking about Pinnacle Heights Road as it approaches the south side of the Foster property. If we can come up with a better design that eliminates that extreme type of cutting as has been pointed out then I think we should do that. And I think also a site analysis should come first in showing what is or isn't a better way of doing this so this is a challenging piece of property, but it is a beautiful piece of property. I think development can be done here.

I don't have any problem with the density of what's being proposed. It's more or less the locations of the roadways and the steepness of grades and some of the buildings. On at least some of this property, I keep on looking at this map here with the red which shows the steepness of the grades and where things are being proposed and

(inaudible). I just think there is a better way to do this project and if we don't do it in a better way, there's going to be tremendous costs to the City in the future, in sewer, and road, and maintenance that may not become apparent for a lot more than 3 years passed when this project will be built. Shifting grounds and things like that so I would not approve this map. I think there's more work that needs to be done in conjunction with the staff and some of staff's recommendations need to be built into this plan to make it a better plan. So I would vote not to approve it.

Commissioner Putnam: I pretty much agree. I would add that Mr. Volkmann spoke very eloquently of reasonable attempts to do the engineering work as required by the Code. Well, the implication there is engineering is an exact science. I deny that. It's an approximation at best. And it looks to me like what we have here is a situation in which one engineer says one thing and the other engineer says the opposite and since we are not professionals in that sense, we are not equipped to judge very accurately. But it is incumbent on us when there is disagreement like that to send it back to the drawing board and wait until there is agreement. So I can't support it. I would support either a postponement of the decision or a denial.

Commissioner Wall: I'll agree. The biggest question that I have and I have leaned both ways this whole night. I was on one side and I went to the other side but the biggest problem I've had, the biggest question all night is the biggest disagreement between the two sides. The two sides really don't agree on anything and that's what surprises me. A lot of times you'll have a 50/50 basis but there's really not an agreement on anything in my opinion. So if there's not an agreement on anything on either side, then apparently something's wrong with the plan and it shouldn't go through until there's some consensus of what should really be there. So with that, I will not agree with the plan.

Commissioner Lowrey: I agree with Mr. Putnam, a continuance may be a viable alternative than just a straight denial. I would agree with that, considering that.

Commissioner Carlow: I think along those lines. I don't have any problem with the basic concept or necessarily the densities or whatever, but there's a lot of loose ends here - a lot of loose ends. I'm nervous about a 40 foot deep sewer. I'm nervous about the infill kind of piece of property that's never been really addressed. I'm nervous with the magnitude of the cuts they are trying to make and I'm not saying I agree, I think it could be done but I'm not comfortable with what has been presented tonight.

Commissioner Cole: Mr. Chairman, as I look at this I'm kind of in the same position as Mr. Wall is. I've went back and forth all evening. And if we approve this plan, certainly this is not going to meet any requirements for affordable housing out there. (laughter)
It will be quite a costly project to do in the manner that it's being proposed. It seems to me that I'm going to have to agree with my colleagues that there's so much

disagreement here that it seems to me at least that there's a considerable amount of challenges that are in this project that perhaps can be resolved in a better way so therefore I'm going to have to. I'm not sure that a continuance is even a option since this is the plan we have before us. But I would have to vote to deny the plan and actually I've heard good arguments on both side but I just cannot with all the difficulties that are here and the challenges with this piece of property, I'm going to have to deny it.

Commissioner Pavelka-Zarkesh: Mr. Chairman, considering the challenges on the site, I would consider, I believe I would vote with my colleagues. And it's either, I think we should ask Jamie if it's appropriate for a continuance. But I can't vote for it and (inaudible) for this subdivision as it stands right now.

Chairman Dibble: I tried to break this out in my thinking and I vacillated back and forth and listened to arguments on both sides of all of these issues. But I tried to pinpoint what the issues were. I think that the first issue that I pinpointed is steep terrain. There's no question that this is an undulating steep terrain plan. Mitigation of the ridgeline was presented. I still don't think this is going to completely mitigate the visibility of those lots. I don't think that just cutting them back and setting them back is going to prevent the ridgeline from being altered to the point of a natural look to the manmade look.

The third thing is, we can't ignore, in my opinion, we can't ignore the full intent of our Code and our Goals, including that would be the Policies. I disagree with Mr. Volkmann on this. We have to look at the policies as proportionate and the goals proportionate to the overall intent of the Codes and regulations for development and I think they are an integral part of it. So I can't, I have to look at those and give them weight.

The fourth thing that, the fourth point was the heavy grading and movement of earth in the area. Even though we can't pinpoint a percent or a amount of movement of dirt, there's going to be a lot of fill, there's gong to be a lot of movement of earth around and this brings all sorts of problems, it always has in development processes. I think that this particular property probably, have to hedge this, is excessive. I think we're going to have to do an awful lot of movement of earth in order to achieve the goals even though it might cost a lot of money, that's not our consideration.

Anything, I don't want to quote Mr. Dorris again, but certainly they've already spent a lot of money on this and probably will spend a lot more if it's approved but that's not a consideration. The fact that they are spending it on movement of stable earth that's been there and has had weathered the storm, so to speak of the natural forces. The fifth theory of course is the elusive 40-foot hole that we refer to as a sewer. To me it's a 40-foot hole and I don't know that we want to build a sewer that deep. And I don't know still what it consists of having gradation. I think I understand a little bit better, Mr. Dorris, but I still wonder how that we're not going to allow a lift station or any of those in

the area. We've had a few of those in the past and perhaps they're not the answer to this area either. So, when I take a look at this, not to belabor the point, I have to come back, is development of this property in it's present form and fashion as presented this evening, reasonable and prudent that we do this. And I have to agree with my colleagues that perhaps the reasonableness leaves to be desired. So I'm going to have to also disapprove of this project. Any other comments? Ok then I'll entertain a motion and

Commissioner Putnam: Before that. For the record it might be noted that if it is within our purview to do, we might continue this to a date uncertain as opposed to direct denial because we would save the applicant the trouble and money of starting over.

Commissioner Lowrey: Yea, I think we ought to explore this.

Chairman Dibble: What do the rest of you think about that? I'm not sure of the implications. Perhaps Kathy you can give us a needle point, or Jamie, a needle point discussion on the appropriateness of continuing it as it affects staff and the applicant.

Ms. Kreiling: Mr. Chairman, rather than actually continuance, if I'm understanding by the comments that have been made by the Commissioners here this evening is that you feel that there is additional information that you would need before you could determine whether or not all of the criteria have been met for purposes of approving this preliminary subdivision plan. If that is the case, then yes you have the right to remand it back to staff and request that that additional information be gathered and be brought back at a later date to then make a final determination as to whether the criteria has been met. If you don't believe that the information that has been provided here this evening has met the criteria, because that is what you have to be looking at is the criteria in Section 2.8 and if the information and the evidence presented in your opinion does not meet the criteria, then you also still have the option to just deny it. If you feel it does meet the criteria, then you have the option to approve it or approve it with conditions.

Commissioner Cole: Question. If we were to continue it, I would assume we would have to or remand it back to staff. We would have to tell staff what we desire in order to consider it in a different matter.

Jamie Kreiling: That is preferred so that staff knows what the additional information is that you feel you need to meet the criteria is.

Kathy Portner: Mr. Chairman, if I could further clarify that my assumption is that if it is continued that we would not be coming back before you with a new plan. It would essentially be this plan but with just additional information to help you make your decisions. Is that correct?

Chairman Dibble: That's my understanding of what we are asking.

Jamie Kreiling: If you remanded it back for the additional information - that would be correct. But if in finding some of that additional information it's determined between the applicants and staff that there could be changes made to this plan, it wouldn't mean that the exact plan that came to you tonight would have to be what comes before you. With that additional information if it's determined that the plan should be modified to some degree, then the modified plan could come back before you.

Chairman Dibble: And it would be an entirely new plan that we would have to reconsider on its merit.

Jamie Kreiling: It wouldn't necessarily be an entirely new plan. It would be a plan based on the additional changes with the additional information.

Commissioner Cole: But if we deny, they can come back to us. Is there a time period or anything like that that would prevent them from submitting a new plan that perhaps addresses some of the concerns the Commission has.

Jamie Kreiling: That's correct. If it's denied then they can always come back with a new preliminary subdivision plan for approval. It's just a new process, a new application.

Chairman Dibble: Part of this, if we deny it the second part of submission to City Council about the private streets would be moot. Is that correct if we deny it? If we approve it, we make a recommendation to City Council that they approve the private street part of it.

Jamie Kreiling: Correct. The second motion would be dependent upon whether or not you believe that the preliminary subdivision plan would work with the private streets. So if you're not going to approve the preliminary subdivision plan, then there isn't a reason to send the recommendation for private streets forward.

Chairman Dibble: Right, but the way it's worded in our recommended Planning Commission motion would be with that included. We would still consider that or perhaps not. There's no subset there so it's all one motion unless we put a period some place.

Commissioner Lowrey: The assistant City Attorney has said that it doesn't seem to me a continuance is appropriate because it's not additional information, I think, the plan needs adjustments. It's not based on additional information. It needs adjustments

based on the staff report and the comments and findings that we've made so I don't think a continuance fits the situation so.

Commissioner Putnam: I agree

Chairman Dibble: I think the only two comments made on continuance were by you gentlemen. So will somebody present a motion that we can vote on.

MOTION: (Commissioner Wall) “Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Pinnacle Ridge, PP-2005-226, finding the proposal to be consistent with the Growth Plan and consistent with the purpose of Section 2.8 and Section 2.8.B.2 of the Zoning and Development Code and subject to the City Council approving the private streets and vehicular routes traversing greater than 30% slopes and the acquisition of necessary right-of-way for access to Mariposa Drive.”

Chairman Dibble: Do I hear a second

Jamie Kreiling: Mr. Chairman, if I may interrupt for a moment. If I was understanding correctly when they were talking about their plan and the plan approval that it would include a need for a revocable permit for a wall that is going to be along that area for the right-of-way access to the adjacent property. And if I understood correctly we were talking about an 8 to 12 foot wall which would qualify as a structure and Ms. Portner may be able to help us here, but I believe that is a revocable permit that will have to be approved by City Council in which case that I believe it is also an additional condition of your motion that that revocable permit will have to be approved by City Council

Chairman Dibble: We also considered the condition of the plan for the sewer situation.

Commissioner Lowrey: I suggest we deal with what the revocable permit and the things in a separate motion if the first motion is approved. But it seems highly unlikely in view of what everybody said that the first motion is going to be approved, therefore we won't have to deal it all. So let's do it in. . .

Jamie Kreiling: Well I understand that the first motion may not be approved but if it does get approved, you haven't conditioned it upon

Commissioner Lowrey: then we can make further motions for our conditions.

Jamie Kreiling: But the original approval has to include the conditions.

Chairman Dibble: That's what we had talked about. We have not included, I think we did come, kind of thinking that we didn't. That had to be taken care of probably at the final plat approval. It has to be done anyway. Mr. Dorris maybe you can, that'll have to be taken care of.

Rick Dorris: Maybe I can clarify it. The plan that is before you tonight has that wall in a separate tract dedicated to the HOA. It is not in public right-of-way. It does not need a revocable permit. It was discussed tonight but it is not in public-in-way.

Chairman Dibble: The sewer thing would have to be taken care of anyway through the final plat.

Rick Dorris: That's correct.

Chairman Dibble: So regardless of whether we put it in as a condition or not, it will still have to be approved at the final plat.

Rick Dorris: That's correct.

Chairman Dibble: Ok, so let's leave them both out. Is that fair enough. So we have a motion and a second. Did I hear a second on that?

Commissioner Lowrey: I seconded it, yes.

Chairman Dibble: All in favor signify by saying aye. (no response) All oppose same sign (all said aye). Motion is not approved by 7-0. Thank you very much. Is there any other public input that the public would like to come and talk with us before we close this evening. Thank you all for being patient. We are adjourned.

The meeting was adjourned at 10:37 p.m.

**A COMPLETE COPY OF FILE #2005-226,
PRELIMINARY SUBDIVISION PLAN FOR
PINNACLE RIDGE, IS AVAILABLE FOR
REVIEW IN THE OFFICE OF
COMMUNITY DEVELOPMENT, THE CITY
CLERK'S OFFICE AND THE CITY
COUNCIL OFFICE**

Attach 15

Public Hearing – Baldwin Annexation and Zoning, Located at 2102 and 2108 Highway 6 and 50

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | | | |
|---------------------------------------|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|----------------|-------------------------------------|---------------------------------|
| Subject | Baldwin Annexation and Zoning, located at 2102 and 2108 Highway 6 and 50 | | | | | | | | |
| Meeting Date | November 1, 2006 | | | | | | | | |
| Date Prepared | October 24, 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"/> | Yes | When | | | |
| Citizen Presentation | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | No | Name | | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | | <input type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Individual Consideration |

Summary: Request to annex and zone 3.19 acres, located at 2102 and 2108 Highway 6 and 50, to I-1 (Light Industrial). The Baldwin Annexation consists of two parcels.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

| STAFF REPORT/BACKGROUND INFORMATION | | | |
|-------------------------------------|--------------------------------|-------------------------|-----------|
| Location: | 2102 and 2108 Highway 6 and 50 | | |
| Applicants: | Mars, LLC – Samuel Baldwin | | |
| Existing Land Use: | Residential and Commercial | | |
| Proposed Land Use: | Commercial / Industrial | | |
| Surrounding Land Use: | North | Residential | |
| | South | Residential / Lake | |
| | East | Auto Sales – Commercial | |
| | West | Commercial / Industrial | |
| Existing Zoning: | RSF-R | | |
| Proposed Zoning: | I-1 | | |
| Surrounding Zoning: | North | County AFT | |
| | South | County AFT | |
| | East | County RSF-R | |
| | West | County PUD (Commercial) | |
| Growth Plan Designation: | Commercial / Industrial | | |
| Zoning within density range? | X | Yes | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.19 acres of land and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

This annexation was continued from the September 6, 2006 hearing until the November 1, 2006 hearing due to a boundary dispute with the property to the North. The boundary issue has now been resolved and is ready to proceed with the annexation and zoning of the properties.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

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

The following annexation and zoning schedule is being proposed.

| <u>ANNEXATION SCHEDULE</u> | |
|-----------------------------------|---|
| August 2, 2006 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| August 8, 2006 | Planning Commission considers Zone of Annexation |
| August 16, 2006 | Introduction Of A Proposed Ordinance on Zoning by City Council |
| November 1, 2006 | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council |
| December 3, 2006 | Effective date of Annexation and Zoning |

| BALDWIN ANNEXATION SUMMARY | | |
|---------------------------------------|---|--|
| File Number: | ANX-2006-182 | |
| Location: | 2102 and 2108 Highway 6 and 50 | |
| Tax ID Number: | 2697-362-00-011 and 012 | |
| Parcels: | 2 | |
| Estimated Population: | 2 | |
| # of Parcels (owner occupied): | 2 | |
| # of Dwelling Units: | 1 | |
| Acres land annexed: | 3.19 | |
| Developable Acres Remaining: | 2.875 | |
| Right-of-way in Annexation: | .315 ac (13,729 sq ft) | |
| Previous County Zoning: | RSF-R | |
| Proposed City Zoning: | I-1 | |
| Current Land Use: | Residential / Commercial | |
| Future Land Use: | Commercial / Industrial | |
| Values: | Assessed: | \$19,130 |
| | Actual: | \$167,460 |
| Address Ranges: | 2102 thru 2108 Highway 6 and 50 (even only) | |
| Special Districts: | Water: | Ute |
| | Sewer: | City of Grand Junction |
| | Fire: | Grand Junction Rural |
| | Irrigation/Drainage: | Grand Junction Drainage Grand Valley Irrigation |
| | School: | District 51 |

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan designation of Commercial / Industrial. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

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

Response: The proposed zone is compatible with the neighborhood in that the uses of the majority of the properties in this area along Highway 6 and 50 are of a commercial or industrial nature.

The proposed zoning is consistent with the goals and policies of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

- 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; and

Response: The surrounding uses along Highway 6 and 50 are of a commercial and industrial nature although most of these properties are still in the County with a zoning of RSF-R. Therefore, the supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

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

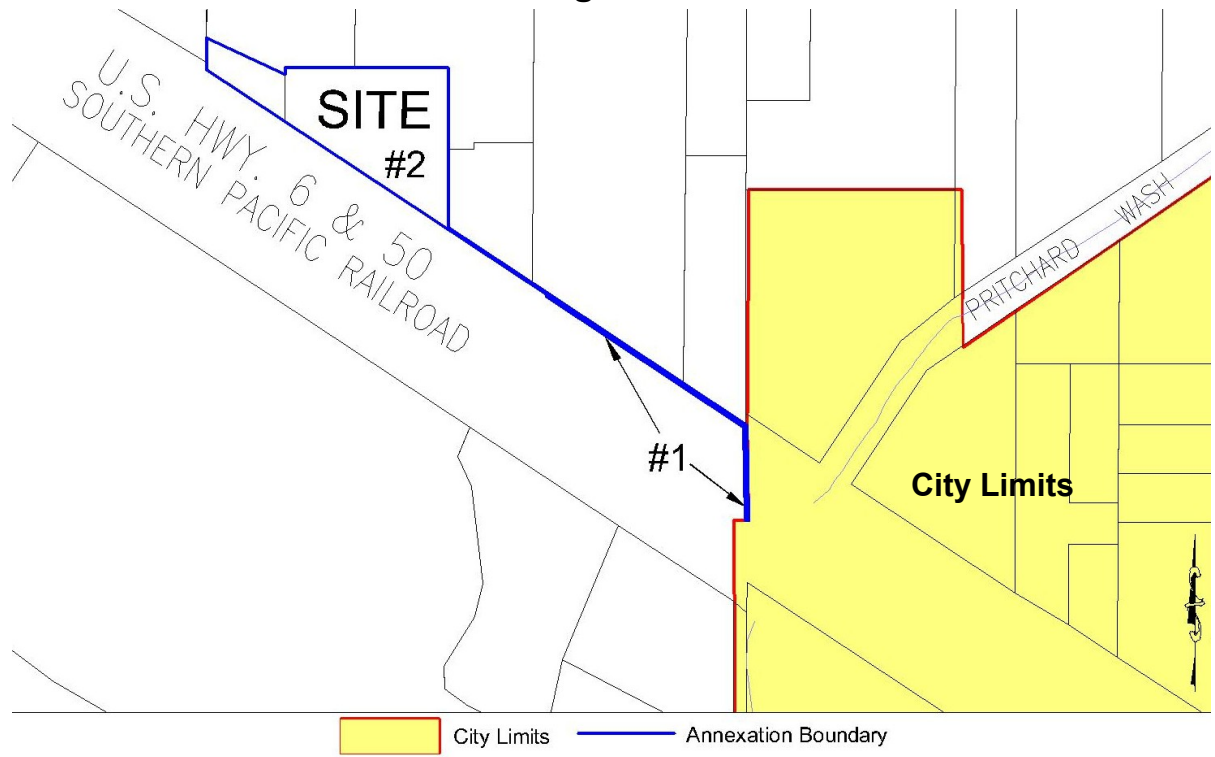
- e. C-2
- f. I-O
- g. M-U

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



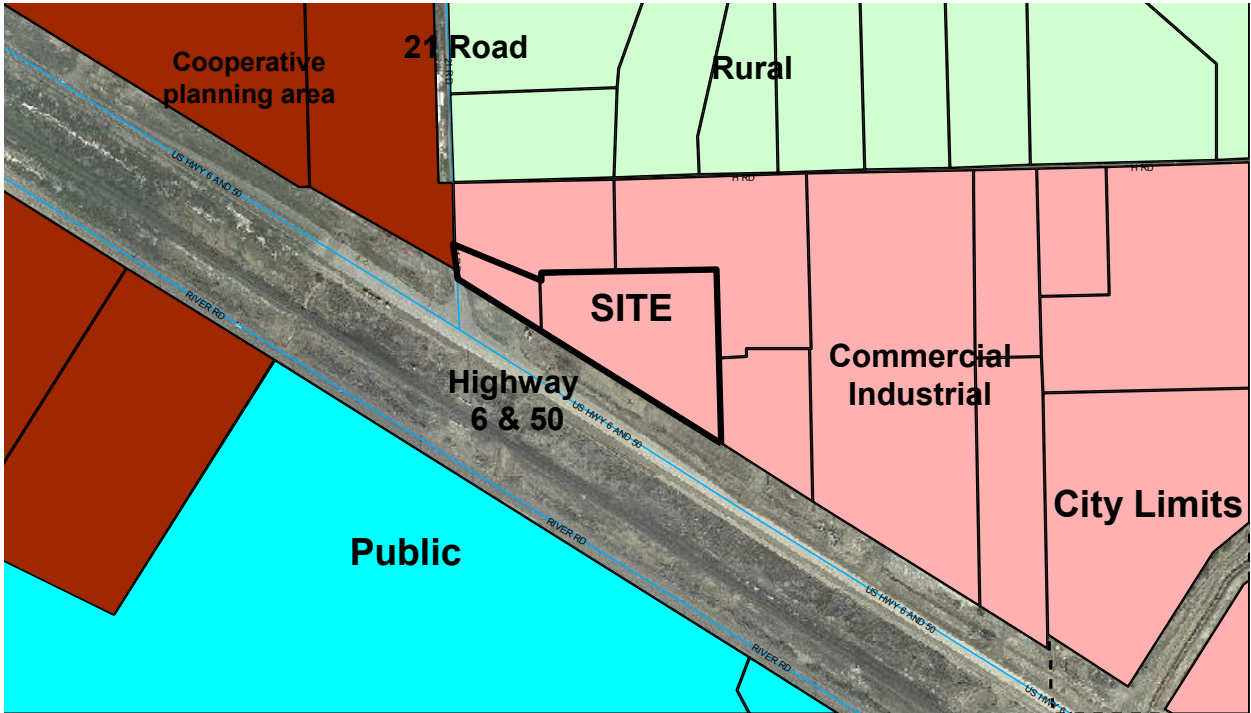
Aerial Photo Map

Figure 2



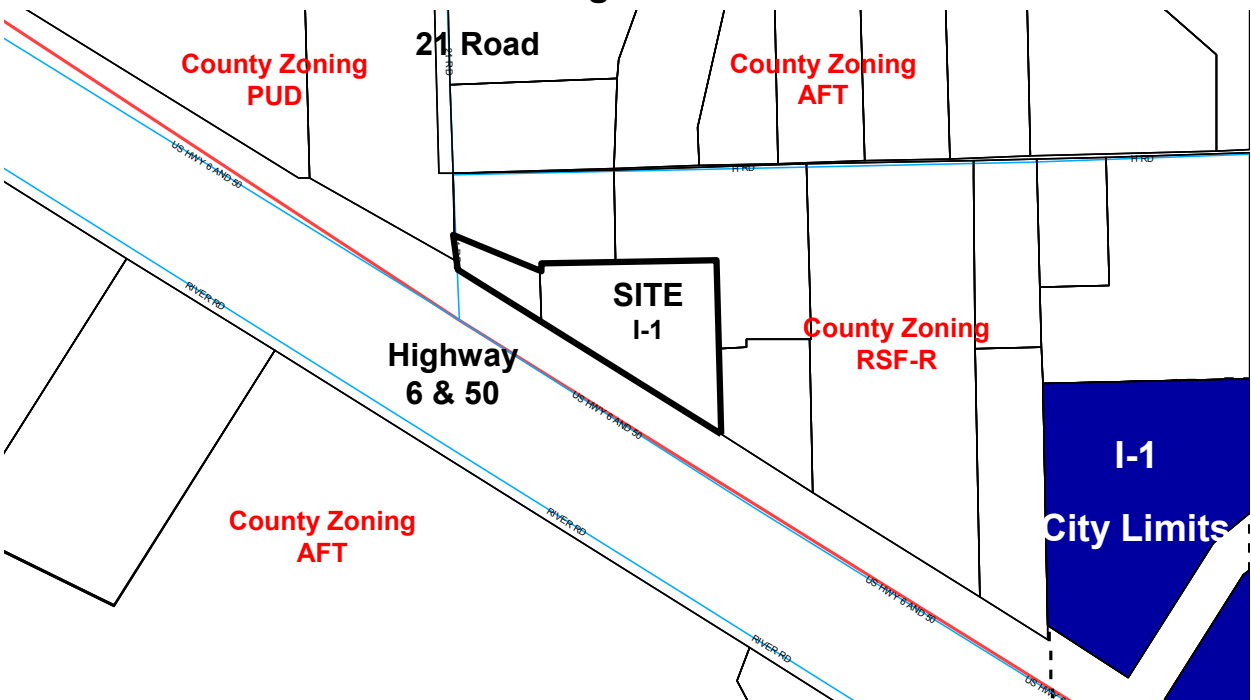
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

BALDWIN ANNEXATION #1 AND #2

**LOCATED AT 2102 AND 2108 HIGHWAY 6 AND 50 AND A PORTION OF THE
HIGHWAY 6 AND 50 RIGHT OF WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of August, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

BALDWIN ANNEXATION #1

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of said Section 36 a distance of 214.15 feet to a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 1007.94 feet to the Point of Beginning; thence from said Point of Beginning, continue S56°38'20"E along said right of way, a distance of 577.70 feet to the Southeast corner of that certain parcel of land as described in Book 2008, Page 635, Public Records of Mesa County, Colorado and also being a point on the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654; thence S00°04'21"W along said West line a distance of 301.77 feet to a point on the South line of said Haremza Annexation; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E along a line 5.00 feet West of and parallel with said West line a distance of 299.08 feet; thence N56°38'20"W along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence N33°21'40"E a distance of 5.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.10 acres (4,382 square feet), more or less, as described.

BALDWIN ANNEXATION #2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of the NW 1/4 said Section 36 a distance of 100.05 feet to the Northwest corner of that certain parcel of land as described in Book 4025, Page 675, Public Records of Mesa County, Colorado and also being the Point of Beginning; thence from said Point of Beginning S56°41'20"E a distance of 230.86 feet to the Northeast corner of said parcel; thence N00°07'20"W a distance of 16.00 feet to the Northwest corner of that certain parcel of land as described in Book 4009, Page 294, Public Records of Mesa County, Colorado; thence S89°59'23"E along the North line of said parcel a distance of 171.08 feet; thence S00°00'39"E a distance of 8.28 feet; thence S89°52'39"E along that certain agreed upon line per Boundary Line Agreement recorded in Book 4259, Page 22, Public Records of Mesa County, Colorado a distance of 228.94 feet; thence S00°07'20"E a distance of 385.82 feet to the Southeast corner of said parcel and also being a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 296.38 feet; thence S33°21'40"W a distance of 5.00 feet; thence S56°38'20"E along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence S00°04'21"W along a line 5.00 feet West of and parallel with the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654 a distance of 299.08 feet; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E a distance of 296.38 feet; thence N56°38'20"W along a line 10.00 feet South of and parallel with said North right of way a distance of 577.30 feet; thence N33°21'40"E a distance of 5.00 feet to a point on a line 5.00 feet South of and parallel with said North right of way; thence N56°38'20"W along said parallel line a distance of 999.69 feet to the West line of the NW 1/4 of said Section 36; thence N00°17'30"E along said West line of the NW 1/4 of said Section 36, a distance of 120.07 feet, more or less, to the Point of Beginning.

Said parcel contains 3.09 acres (134,708 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 2006; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is

contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**BALDWIN ANNEXATION #1
APPROXIMATELY .10 ACRES
LOCATED AT 2102 AND 2108 HIGHWAY 6 AND 50**

WITHIN THE HIGHWAY 6 AND 50 RIGHT OF WAY

WHEREAS, on the 2nd day of August, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 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:

BALDWIN ANNEXATION #1

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of said Section 36 a distance of 214.15 feet to a point on the Northerly right of way of U.S. Highway 6& 50; thence S56°38'20"E along said right of

way a distance of 1007.94 feet to the Point of Beginning; thence from said Point of Beginning, continue S56°38'20"E along said right of way, a distance of 577.70 feet to the Southeast corner of that certain parcel of land as described in Book 2008, Page 635, Public Records of Mesa County, Colorado and also being a point on the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654; thence S00°04'21"W along said West line a distance of 301.77 feet to a point on the South line of said Haremza Annexation; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E along a line 5.00 feet West of and parallel with said West line a distance of 299.08 feet; thence N56°38'20"W along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence N33°21'40"E a distance of 5.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.10 acres (4,382 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 2nd day of August, 2006 and ordered published.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BALDWIN ANNEXATION #2

APPROXIMATELY 3.09 ACRES

**LOCATED AT 2102 AND 2108 HIGHWAY 6 AND 50 AND A PORTION OF THE
HIGHWAY 6 AND 50 RIGHT OF WAY**

WHEREAS, on the 2nd day of August, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 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:

BALDWIN ANNEXATION #2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of the NW 1/4 said Section 36 a distance of 100.05 feet to the Northwest corner of that certain parcel of land as described in Book 4025, Page 675,

Public Records of Mesa County, Colorado and also being the Point of Beginning; thence from said Point of Beginning S56°41'20"E a distance of 230.86 feet to the Northeast corner of said parcel; thence N00°07'20"W a distance of 16.00 feet to the Northwest corner of that certain parcel of land as described in Book 4009, Page 294, Public Records of Mesa County, Colorado; thence S89°59'23"E along the North line of said parcel a distance of 171.08 feet; thence S00°00'39"E a distance of 8.28 feet; thence S89°52'39"E along that certain agreed upon line per Boundary Line Agreement recorded in Book 4259, Page 22, Public Records of Mesa County, Colorado a distance of 228.94 feet; thence S00°07'20"E a distance of 385.82 feet to the Southeast corner of said parcel and also being a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 296.38 feet; thence S33°21'40"W a distance of 5.00 feet; thence S56°38'20"E along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence S00°04'21"W along a line 5.00 feet West of and parallel with the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654 a distance of 299.08 feet; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E a distance of 296.38 feet; thence N56°38'20"W along a line 10.00 feet South of and parallel with said North right of way a distance of 577.30 feet; thence N33°21'40"E a distance of 5.00 feet to a point on a line 5.00 feet South of and parallel with said North right of way; thence N56°38'20"W along said parallel line a distance of 999.69 feet to the West line of the NW 1/4 of said Section 36; thence N00°17'30"E along said West line of the NW 1/4 of said Section 36, a distance of 120.07 feet, more or less, to the Point of Beginning.

Said parcel contains 3.09 acres (134,708 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 2nd day of August, 2006 and ordered published.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BALDWIN ANNEXATION TO
I-1, (LIGHT INDUSTRIAL)**

LOCATED AT 2102 AND 2108 HIGHWAY 6 AND 50

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Baldwin Annexation to the I-1 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned I-1, (Light Industrial).

BALDWIN ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of said Section 36 a distance of 214.15 feet to a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 1007.94 feet to the Point of Beginning; thence from said Point of Beginning, continue S56°38'20"E along said right of way, a distance of 577.70 feet to the Southeast corner of that certain parcel of land as described in Book 2008, Page 635, Public Records of Mesa County, Colorado and also being a point on the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654; thence S00°04'21"W along said West line a distance of 301.77 feet to a point on the South line of said Haremza Annexation; thence N89°55'39"W a distance of 5.00 feet; thence

N00°04'21"E along a line 5.00 feet West of and parallel with said West line a distance of 299.08 feet; thence N56°38'20"W along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence N33°21'40"E a distance of 5.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.10 acres (4,382 square feet), more or less, as described.

And also

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of the NW 1/4 said Section 36 a distance of 100.05 feet to the Northwest corner of that certain parcel of land as described in Book 4025, Page 675, Public Records of Mesa County, Colorado and also being the Point of Beginning; thence from said Point of Beginning S56°41'20"E a distance of 230.86 feet to the Northeast corner of said parcel; thence N00°07'20"W a distance of 16.00 feet to the Northwest corner of that certain parcel of land as described in Book 4009, Page 294, Public Records of Mesa County, Colorado; thence S89°59'23"E along the North line of said parcel a distance of 171.08 feet; thence S00°00'39"E a distance of 8.28 feet; thence S89°52'39"E along that certain agreed upon line per Boundary Line Agreement recorded in Book 4259, Page 22, Public Records of Mesa County, Colorado a distance of 228.94 feet; thence S00°07'20"E a distance of 385.82 feet to the Southeast corner of said parcel and also being a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 296.38 feet; thence S33°21'40"W a distance of 5.00 feet; thence S56°38'20"E along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence S00°04'21"W along a line 5.00 feet West of and parallel with the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654 a distance of 299.08 feet; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E a distance of 296.38 feet; thence N56°38'20"W along a line 10.00 feet South of and parallel with said North right of way a distance of 577.30 feet; thence N33°21'40"E a distance of 5.00 feet to a point on a line 5.00 feet South of and parallel with said North right of way; thence N56°38'20"W along said parallel line a distance of 999.69 feet to the West line of the NW 1/4 of said Section 36; thence N00°17'30"E along said West line of the NW 1/4 of said Section 36, a distance of 120.07 feet, more or less, to the Point of Beginning.

Said parcel contains 3.09 acres (134,708 square feet), more or less, as described.

Introduced on first reading on the 2nd day of August, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 16

Public Hearing – Thunderbrook Estates Growth Plan Amendment, Located at 3061 ½ F ½ Road

CITY OF GRAND JUNCTION

| <i>CITY COUNCIL AGENDA</i> | | | | | | |
|---------------------------------------|---|-----|----------------------|--------------------|-------------|--|
| Subject | Thunderbrook Estates Growth Plan Amendment - Located at 3061 ½ F ½ Road | | | | | |
| Meeting Date | November 1, 2006 | | | | | |
| Date Prepared | October 20, 2006 | | | File #GPA-2006-238 | | |
| Author | Faye Hall | | Associate Planner | | | |
| Presenter Name | Faye Hall | | 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 amend the Growth Plan, to change the Future Land Use Designation from Public to Residential Medium Low for one parcel consisting of approximately 11.06 acres.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider adoption of a resolution amending the Growth Plan.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution

AGENDA TOPIC: GPA-2006-238, Thunderbrook Estates Growth Plan Amendment

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Public to Residential Medium Low.

| BACKGROUND INFORMATION | | | |
|---------------------------------|-------|--|----|
| Location: | | 3061 ½ F ½ Road | |
| Applicants: | | Owner: Gary Rinderle Representative: Rhino Engineering – Janet Carter | |
| Existing Land Use: | | Vacant | |
| Proposed Land Use: | | Residential | |
| Surrounding Land Use: | North | Public - Thunder Mountain Elementary School | |
| | South | Residential Medium Low (2-4 units per acre) | |
| | East | Residential Medium Low | |
| | West | Residential Medium Low | |
| Existing Zoning: | | County RSF-R (Residential Single Family Rural, 1 unit per 5 acres) | |
| Proposed Zoning: | | City RSF-4 (Residential Single Family, 4 units per acre) | |
| Surrounding Zoning: | North | County RSF-R | |
| | South | County RSF-4 & City RSF-4 | |
| | East | City RSF-4 | |
| | West | County PUD | |
| Growth Plan Designation: | | Public | |
| Zoning within density range? NA | | Yes | No |

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Public to Residential Medium Low for one parcel consisting of approximately 11.06 acres.

RECOMMENDATION: Staff recommends approval

ANALYSIS

1. Background

This 11.06 acre property was originally a part of the Thunder Mountain Elementary School site. The back 11.06 acres was subdivided from the rest of the school site and sold to Gary Rinderle. Since this property was a part of the school it had a Growth Plan designation of Public. Now that the parcel is under private ownership and not owned by the school district the Public designation is no longer needed. In order to develop this parcel a designation of Residential Medium Low is being requested, which is what the surrounding Growth Plan designations are.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- f. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or

This parcel was originally owned by the school district and was subdivided and sold to a private owner. Therefore, the Public designation is no longer applicable.

- g. Subsequent events have invalidated the original premises and findings;

This parcel was originally owned by the school district and was subdivided and sold to a private owner. Therefore, the Public designation is no longer applicable.

- h. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

The character of this area is changing in that more residential development is occurring. Since this parcel was subdivided off from the school district property the Public land use designation is no longer applicable. In order for more residential development to occur the Growth Plan needs to change to Residential Medium Low to be consistent with the surrounding land uses.

- i. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;

The proposed change from Public to Residential Medium Low is making this property consistent with the goals and policies of the Growth Plan.

- j. Public and community facilities are adequate to serve the type and scope of the land use proposed;

The school district subdivided off the back 11.06 acres of the Thunder Mountain Elementary School site to allow for more residential development in the area. The existing school is on the remaining 9.6 acres which is adequate to support the facility.

- k. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

This area has been seeing more residential development in the past few years and is a desirable place to live. This 11.06 acre parcel does anticipate future residential development at a density not to exceed 4 units per acre.

- l. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Since this parcel has been subdivided from the school district site the community would benefit from the change of Public to Residential Medium Low in that it would allow the property to develop a residential subdivision which will provide more housing in a growing urban area.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Thunderbrook Estates application, GPA-2006-238 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

- 12. The proposed amendment is consistent with the purpose and intent of the Plan.
- 13. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.
- 14. Since the property is no longer owned by a public entity the Public designation is not applicable.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-238, to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

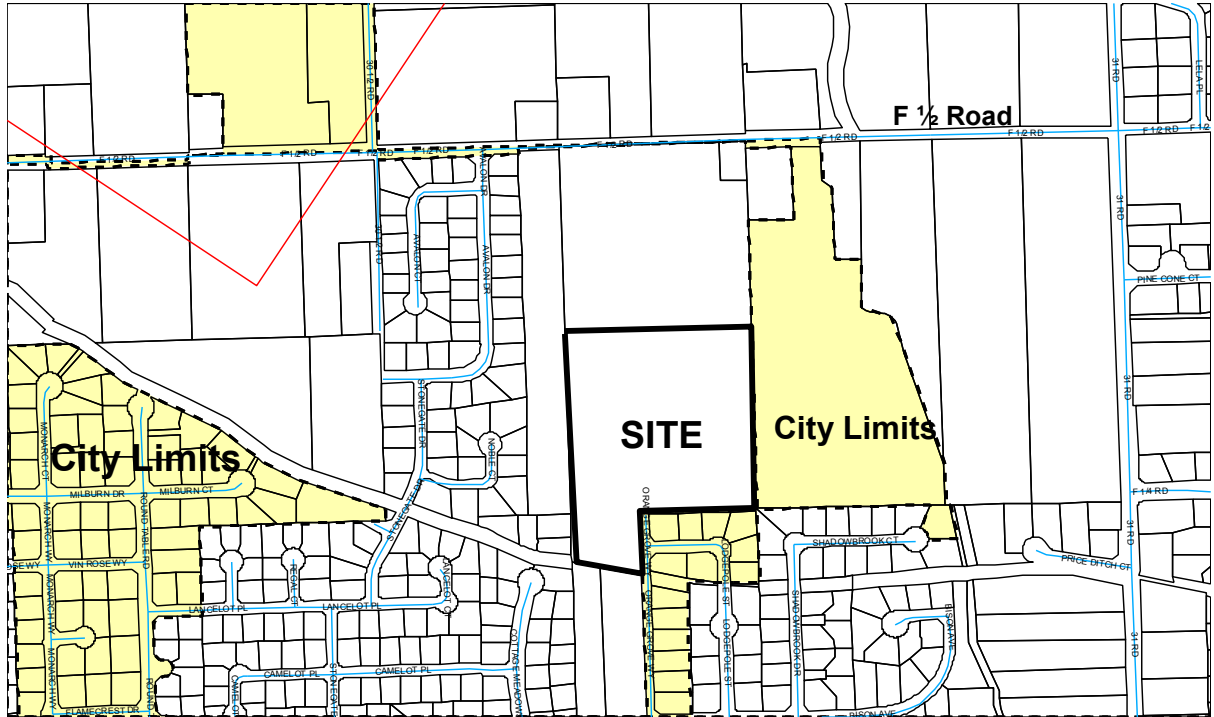
At the October 24, 2006 hearing, the Planning Commission recommended approval of the Growth Plan Amendment.

Attachments:

Vicinity Map / Aerial Photo
Zoning Map / Growth Plan Map

Site Location Map

Figure 1



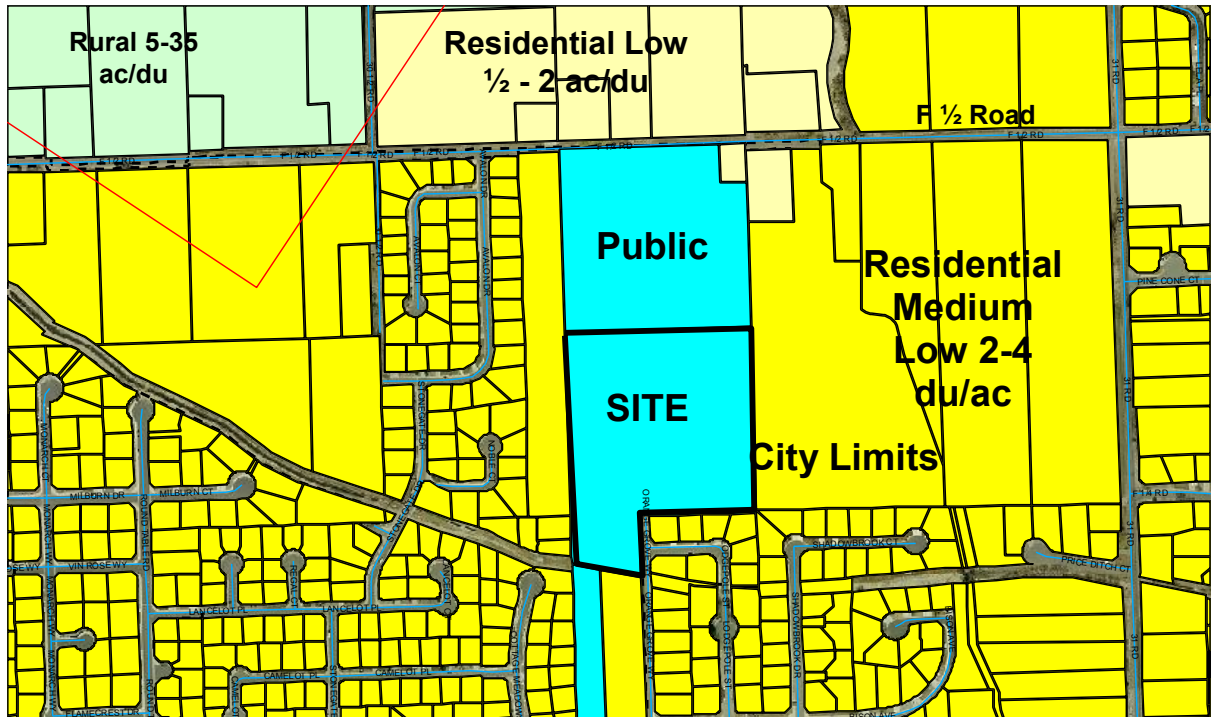
Aerial Photo Map

Figure 2



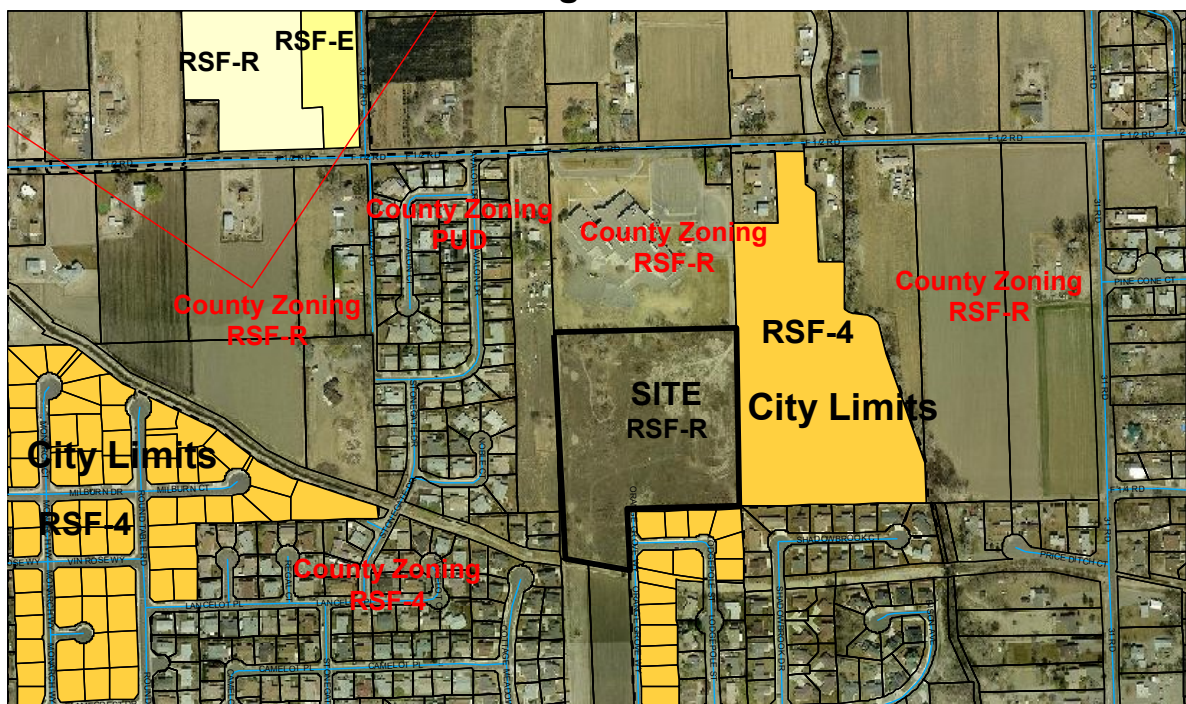
Future Land Use Map

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

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 11.06 ACRES, LOCATED AT 3061 ½ F ½ ROAD, FROM PUBLIC TO RESIDENTIAL MEDIUM LOW

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 11.06 acres, located at 3061 ½ F ½ Road be redesignated from Public to Residential Medium Low on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM PUBLIC TO RESIDENTIAL MEDIUM LOW ON THE FUTURE LAND USE MAP.

A parcel of ground situated in the SE1/4 NW1/4 SE1/4 and that part of the West 7.5 acres of the E1/2 SW1/4 SE1/4 of Section 4, Township 1 South, Range 1 East of the Ute Meridian being described as follows: Beginning at the SW corner of the SE1/4 NW1/4 SE1/4 of Section 4, Township 1 South, Range 1 East of the Ute Meridian and considering the South line of the NW1/4 SE1/4 of said Section 4 to bear North 89°55'59" West with all other bearings contained herein to be relative thereto; thence North 00°11'54" West 658.45 feet to the NW corner of the SE1/4 NW1/4 SE1/4 of said Section 4; thence South 89°58'36" East 660.67 feet to the NE Corner of the SE1/4 NW1/4 SE1/4 of said Section 4; thence South 00°14'53" East 658.98 feet to the SE corner of the SE1/4 NW1/4 SE1/4 of said Section 4; thence along the South line of the SE1/4 NW1/4 SE1/4 of said Section 4, North 89°55'59" West 412.85 feet to the East line of the West 7.5 acres of the E1/2 SW1/4 SE1/4 of said Section 4; thence along said East line, South 00°08'54" East 216.87 feet to the centerline of an 8 foot wide concrete line "Price Ditch" as described in Book 1959 at Pages 973 / 979; thence along said centerline the following three courses:

- (1) North 77°10'53" West 56.75 feet;
- (2) 141.09 feet along a curve turning to the left with a radius of 5729.58 feet and a chord that bears North 77°53'12" West 141.09 feet;

- (3) North 78°35'32" West 56.37 feet to the West line of the E1/2 SW1/4 SE1/4 of said Section 4; thence along said West line North 00°08'39" West 163.84 feet to the Pont of Beginning.

The above parcel, as described, contains 11.06 acres, more or less.

PASSED on this _____ day of _____, 2006.

ATTEST:

City Clerk

President of Council