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

WEDNESDAY, DECEMBER 6, 2006, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Pastor Jim Hale, Spirit of Life Christian
Fellowship

Proclamations / Recognitions

Proclaiming December 18, 2006 as “International Day of the Migrant” in the City of Grand
Junction

Certificate of Appointments

To the Parks and Recreation Advisory Board

To the Housing Authority

Citizen Comments

*** Pastor Jim Hale to address City Council regarding his mission in Contamana, Peru

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the November 13, 2006 Workshop, the Minutes
of the Special Session November 10, 2006, the Minutes of the November 15, 2006
Regular Meeting, and the Minutes of the Special Session November 22, 2006*

2. **North Avenue Corridor Master Plan, Phase One** [Attach 2](#)

Contract with the professional design and planning firm, EDAW, to conduct a study of North Avenue, and prepare Phase One of a Corridor Master Plan.

Action: Authorize the Purchasing Division to Enter into a Contract with EDAW to Study and Complete the North Avenue Corridor Master Plan, Phase One, in an Amount not to Exceed the Budget of \$100,000

Staff presentation: Kathy Portner, Assistant Director of Community Development

3. **Setting a Hearing on Rezoning Property Owned by St. Mary's Hospital, Located at 2440 N. 11th Street** [File #RZ-2006-232] [Attach 3](#)

Introduction of a proposed ordinance to rezone Lot 3R, Wellington Business Park Replat (1.80 acres), located at 2440 N. 11th Street from B-1, Neighborhood Business to PD, Planned Development.

Proposed Ordinance Rezoning Lot 3R, Wellington Business Park Replat to PD, Planned Development, and Establishing Standards for the Planned Development (PD) Zone District for Property Owned by St. Mary's Hospital, Located at 2440 N. 11th Street

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

Staff presentation: Scott D. Peterson, Senior Planner

4. **Setting a Hearing on Zoning the Mahan Manor Annexation, Located at 2855 Unawep Avenue** [File #ANX-2006-277] [Attach 4](#)

Request to zone the 10.34 acre Mahan Manor Annexation, located at 2855 Unawep Avenue to RSF-4 (Residential Single Family, 4 du/ac).

Proposed Ordinance Zoning the Mahan Manor Annexation to RSF-4, Located at 2855 Unawep Avenue

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

Staff presentation: Ronnie Edwards, Associate Planner

5. **Contract for Website Marketing Services for the Visitor and Convention Bureau** [Attach 5](#)

This is the second year of a 5 year annually renewable contract with Miles Media Group to provide website maintenance and advertising services to the VCB.

Action: Authorize the City Manager to Sign a Contract with Miles Media Group, Sarasota, Florida, in the Amount of \$115,000 for the Period of January 1 – December 31, 2007 for Website Marketing Services

Staff presentation: Debbie Kovalik, GJVCB Director

6. **Contract for Advertising Services for the Visitor and Convention Bureau** [Attach 6](#)

This is the second year of 5 year annually renewable contact with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

Action: Authorize the City Manager to Sign a Contract with Hill & Company Integrated Marketing and Advertising in the Amount of \$325,000 for the Period of January 1 – December 31, 2007 for Advertising Services

Staff presentation: Debbie Kovalik, GJVCB Director

7. **Visitor and Convention Bureau Bylaws** [Attach 7](#)

Adopt bylaws for the Grand Junction Visitor and Convention Bureau.

Action: Approve and Adopt the Visitor and Convention Bureau Bylaws as Recommended by the VCB Board of Directors

Staff presentation: Debbie Kovalik, GJVCB Director

8. **Setting a Hearing on Zoning the Calfrac Annexation, Location 489 30 Road** [Attach 8](#)
[File #ANX-2006-283]

Request to zone the 32.92 acre Calfrac Annexation, located at 489 30 Road to I-1 (Light Industrial) and RMF-8 (Residential Multi Family 8 du/ac).

Proposed Ordinance Zoning the Calfrac Annexation to I-1 and RMF-8, Located at 489 30 Road

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

Staff presentation: Adam Olsen, Associate Planner

9. **Setting a Hearing for the Apple Acres Annexation, Located at 3025 E Road**
[File #ANX-2006-302] [Attach 9](#)

Request to annex 8.84 acres, located at 3025 E Road. The Apple Acres Annexation consists of one parcel.

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

Resolution No. 147-06 – 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, Apple Acres Annexation, Located at 3025 E Road

®Action: *Adopt Resolution No. 147-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Apple Acres Annexation, Approximately 8.84 acres, Located at 3025 E Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 17, 2007*

Staff presentation: Adam Olsen, Associate Planner

10. **Setting a Hearing to Adopt the 2006 Edition of the International Fire Code**
[Attach 10](#)

Adoption of an Ordinance for the 2006 edition of the International Fire Code which is part of the 2006 International Code, set currently being adopted by the City. Mesa County has or soon will be adopting the same code set.

Proposed Ordinance Adopting the 2006 Edition of the International Fire Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosions; Amending Certain Provisions in the Adopted Code;

Amending Article III of Chapter 18 of the Code of Ordinances; and Amending All Ordinances in Conflict or Inconsistent Herewith

Action: Introduction of Proposed Ordinance and Set a Hearing for January 3, 2007

Staff presentation: Charles Mathis, Fire Inspector
John Shaver, City Attorney

11. **Setting a Hearing to Adopt the 2006 International Building Codes and Related Fees** [Attach 11](#)

The proposed ordinance would adopt the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction.

Proposed Ordinance Adopting and Amending the Latest Edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; and Repealing all other Ordinances and Parts of Ordinances in Conflict Herewith

Action: Introduction of Proposed Ordinance and Set a Hearing for January 3, 2007

Staff presentation: Mark Relph, Public Works and Utilities Director
John Shaver, City Attorney

12. **Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive** [File #PP-2005-226] **Continued from Nov. 15, 2006**

[Attach 12](#)

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: *Continue to January 3, 2007 City Council Meeting*

Staff presentation: Kathy Portner, Assistant Director of Community Development

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

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

***** 13. Air Quality Control Relative to Oil and Gas Development [Attach 24](#)**

Western Colorado Congress (WCC) presented City Council with a request to support statewide air quality control regulations relative to oil and gas development at Monday night's workshop. The City Council will consider a resolution supporting the standards and the establishment of an air monitoring network for ozone on the Western Slope.

Resolution No. 159-06 – A Resolution to Protect Colorado's Air from Oil and Gas Production Emissions

®Action: *Adopt Resolution No. 159-06*

Staff presentation: David Varley, City Manager

14. Conduct a Hearing on an Appeal of a Planning Commission Decision of a Conditional Use Permit for Canyon View Car Wash, Located at 2258 Broadway [File #CUP-2003-024] [Attach 13](#)

On August 22, 2006, the Planning Commission approved a Conditional Use Permit for Canyon View Car Wash proposed to be located at 2258 Broadway. The City received one (1) letter of appeal from the Bluffs West Estates Property Owners Association regarding this decision. This appeal is per Section 2.18 E. of the Zoning and Development Code which specifies that the City Council is the appellant body of the Planning Commission.

Action: *Consideration of the Record to Determine the Validity of the Planning Commission Approval*

Staff presentation: Scott D. Peterson, Senior Planner

15. **Public Hearing – Second Supplemental Appropriation Ordinance for 2006**

[Attach 14](#)

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

Ordinance No. 3993 – An Ordinance Making Supplemental Appropriations to the 2006 Budget of the City of Grand Junction

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3993

Staff presentation: Ron Lappi, Administrative Services and Finance Director

16. **Levying Property Taxes for the Year 2006 for Collection in the Year 2007**

[Attach 15](#)

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the Ridges levy is for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2005 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

a. Resolution No. 148-06 – A Resolution Levying Taxes for the Year 2006 in the City of Grand Junction, Colorado

b. Resolution No. 149-06 – A Resolution Levying Temporary Credit Taxes for the Year 2006 in the City of Grand Junction, Colorado

c. Resolution No. 150-06 – A Resolution Levying Taxes for the Year 2006 in the Downtown Development Authority

d. Resolution No. 151-06 – A Resolution Levying Taxes for the Year 2006 in the Ridges Metropolitan District #1

®Action: Adopt Resolution Nos. 148-06, 149-06, 150-06, and 151-06

Staff presentation: Ron Lappi, Administrative Services and Finance Director

17. **Public Hearing – 2007 Budget Appropriation Ordinance** [Attach 16](#)

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$187,200,214. Although not a planned expenditure, an additional \$2,175,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Ordinance No. 3994 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District; for the Year Beginning January 1, 2007 and Ending December 31, 2007

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3994

Staff presentation: Ron Lappi, Administrative Services and Finance Director

18. **Setting Utility Rates for 2007** [Attach 17](#)

Adoption of Utility Rates, effective January 1, 2007.

Resolution No. 152-06 – A Resolution Adopting Utility Rates for Water, Wastewater, and Solid Waste Services Effective January 1, 2007

®Action: Adopt Resolution No. 152-06

Staff presentation: Greg Trainor, Public Works and Utilities Operations Manager

19. **Economic Development Financial Participation Agreements** [Attach 18](#)

Agreements for the Business Incubator Center and the Grand Junction Economic Partnership regarding the expenditure of City funding for the fiscal year 2007. The agreements for both of those agencies detail the budget, goals, policies, and performance measures, as well as reporting requirements.

Action: Authorize the City Manager to Sign the Financial Participation Agreement with the Business Incubator in the Amount of \$40,000

Action: Authorize the City Manager to Sign the Financial Participation Agreement with Grand Junction Economic Partnership in the Amount of \$100,000

Staff presentation: Sheryl Trent, Assistant to the City Manager

20. **Public Hearing – Hall 22 Road Commercial Annexation, Located at 778 22 Road** [File #GPA-2006-240] [Attach 19](#)

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

a. Accepting Petition

Resolution No. 153-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Hall 22 Road Commercial Annexation, Located at 778 22 Road and Including a Portion of the 22 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3995 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall 22 Road Commercial Annexation, Approximately 52.15 Acres, Located at 778 22 Road Including a Portion of the 22 Road Right-of-Way

®Action: Adopt Resolution No. 153-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3995

Staff presentation: David Thornton, Principal Planner

21. **Public Hearing – Pear Park School No. 3 Annexation and Zoning, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road** [File #ANX-2006-276] [Attach 20](#)

Request to annex and zone 1 acre, located at Grand Valley Canal west of 29 ½ Road and north of D ¼ Road, to CSR (Community Services and Recreation). The Pear Park School No. 3 Annexation consists of 2 parcels.

a. Accepting Petition

Resolution No. 154-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pear Park

School No. 3 Annexation, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3996 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Pear Park School No. 3 Annexation, Approximately 1.00 Acre, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

c. Zoning Ordinance

Ordinance No. 3997 – An Ordinance Zoning the Pear Park School No. 3 Annexation to CSR Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

®Action: Adopt Resolution No. 154-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3996 and 3997

Staff presentation: Kathy Portner, Assistant Community Development Director

22. **Public Hearing – Becerra Annexation and Zoning, Located at 244 28 ½ Road** [File #ANX-2006-256] [Attach 21](#)

Request to annex and zone 1.5 acres, located at 244 28 ½ Road, to RSF-4 (Residential Single Family 4 du/ac). The Becerra Annexation consists of one parcel and is a three part serial annexation.

a. Accepting Petition

Resolution No. 155-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Becerra Annexation, Located at 244 28 ½ Road Including a Portion of the 28 ½ Road Right of Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3998 – 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

Ordinance No. 3999 – 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

Ordinance No. 4000 – 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

c. Zoning Ordinance

Ordinance No. 4001 – An Ordinance Zoning the Becerra Annexation to RSF-4, Located at 244 28 ½ Road

®Action: Adopt Resolution No. 155-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3998, 3999, 4000, and 4001

Staff presentation: Adam Olsen, Associate Planner

23. **Public Hearing – Humphrey Annexation and Zoning, Located at 412 30 ¼ Road** [File #ANX-2006-260] [Attach 22](#)

Request to annex and zone 10.43 acres, located at 412 30 ¼ Road, to RMF-8 (Residential Multi Family 8 du/ac). The Humphrey Annexation consists of one parcel and is a three part serial annexation.

a. Accepting Petition

Resolution No. 156-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Humphrey Annexation, Located at 412 30 ¼ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4002 – 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

Ordinance No. 4003 – 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

Ordinance No. 4004 – 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

c. Zoning Ordinance

Ordinance No. 4005 – An Ordinance Zoning the Humphrey Annexation to RMF-8, Located at 412 30 ¼ Road

®Action: Adopt Resolution No. 156-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4002, 4003, 4004, and 4005

Staff presentation: Adam Olsen, Associate Planner

24. **Public Hearing – Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road**
[File #GPA-2006-248] [Attach 23](#)

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

a. Accepting Petition

Resolution No. 157-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4006 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Pacheco-Woodbring Annexation, Approximately 10.13 Acres, Located at 2814 C ¾ Road

®Action: Adopt Resolution No. 157-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4006

Staff presentation: Ken Kovalchik, Senior Planner

25. **Non-Scheduled Citizens & Visitors**
26. **Other Business**
27. **Adjournment**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
November 13, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, November 13th, 2006 at 7:04 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and Council President Jim Doody.

Summaries and action on the following topics:

1. **APPOINTMENTS TO BOARDS AND COMMISSIONS:** The City Clerk updated the City Council on the status of the current vacancies.

Action Summary: The City Council had no changes to the process being followed.

2. **RECREATION CENTER(S) FEASIBILITY STUDY:** The leaders of this project to present their plan for engaging the community in this effort. Sally Schaefer, a community volunteer, addressed the City Council regarding a recreation center. She asked the City to contribute \$20,000 toward the feasibility project and said Mesa County has committed to the same amount. Ms. Schaefer said they are working on a feasibility study that will test the beliefs of the groups interest in pursuing this project. She said they are looking at eventually getting a question on the ballot and said they are shooting for a 2008 ballot issue.

Councilmember Coons asked about the process of their plan to gain the community's interest. Ms. Schaefer advised that all of the groups involved in the recreation initiatives came to her to lead this effort. She said there were three groups that were ongoing and they are now combining efforts.

Councilmember Beckstein asked if other jurisdictions have been approached regarding participation. Ms. Schaefer said yes, they have been in communication with them all. She revealed her vision of the recreation center at Matchett Park with pools and senior recreation space. She envisioned the City running the Center. Ms. Schaefer said Fruita would like to participate in this program as well as Palisade and Clifton.

Councilmember Coons asked about the interests of private health clubs. Ms. Schaefer said they are involved in this planning as well and said they do not want to duplicate the private clubs; the goal is to create something different for the community.

Councilmember Hill noted that there have been other attempts to fund recreation centers which have not been successful. Ms. Schaefer said the difference now is that the community is different. She said previous attempts were limited to the City and there was no private funding in the mix. She said recreation centers in the past were misunderstood of what the burden would be to the taxpayers. Ms. Schaefer said they will do their homework and make sure all the right questions are asked from all of the right people.

Councilmember Spehar asked if the question will include funding questions. Ms. Schaefer said yes there will be. Councilmember Spehar asked about multiple facilities. Ms. Schaefer said their efforts are to see one big facility as the jewel. Councilmember Spehar stated that Mesa State plans to build a 50 meter pool that will be open to the public. Ms. Schafer said she has had conversations with Mr. Tim Foster with Mesa State and he feels that facility will not meet the public need because Mesa State's main priority will be to serve their students, athletes, and their faculty first.

Councilmember Palmer said Ms. Schafer stated that the City is the recreational experts and asked how much City involvement is this program asking for, such as programming or operating the facility. Ms. Schafer said she would like to see the City be involved in running the main facility if placed at the Matchett property.

Councilmember Palmer asked if the facility is placed at the Matchett property, would the program be looking at the City to donate part of that property for the facility. Ms. Schafer said yes they would. Councilmember Palmer said his concern from prior experience with other facilities that were placed on City-owned property is that they become financially unable to carry themselves and then become a burden of the City. Ms. Schafer said that is a valid concern and said they will address those issues.

Councilmember Coons is supportive of the City being involved at this early stage of the program. She feels there will be community support and is glad to see the various groups pull together.

Councilmember Palmer said this is the best coalition of folks to work on this project.

Ms. Schafer said they are hoping to have more details to discuss with Council by December 15th.

Councilmember Spehar said he hopes the location is discussed, because the Matchett property is a more expensive location to develop and not necessarily the most convenient location. Ms. Schaefer said they have had several discussions where that issue was pointed out, but convenience hasn't affected the use of Canyon View Park.

Councilmember Hill stated that when asking a question on the ballot, there has to be pointed questions. He feels that if this facility is going to be very reasonable or free to certain community members then the facility will need an ongoing funding source. Ms. Schaefer agreed and said building the facility is easy, running it and keeping it affordable will be the challenge.

Councilmember Beckstein asked if they have had discussions with the School District. Ms. Schaefer said yes, but all entities at this early stage in the program have come together to discuss different scenarios for this project.

Councilmember Palmer asked if Council could see the surveying questions. Ms. Schaefer said the primary survey went out Labor Day, but she would like Council to be involved in crafting the polling questions.

David Varley, Interim City Manager, said City Council should place this item on the Wednesday agenda to take formal action.

Action Summary: Staff was directed to place this item on the agenda for Wednesday, November 15th Council Meeting.

3. **FIRE HAZARD ASSESSMENT REPORT:** Connie Clementson, US Forest Service District Ranger, and Tim Foley, BLM Fire Management Officer, will give a progress report on the Fire Hazard Management Plan.

Mark Relph, Public Works and Utilities Director, introduced this topic. He introduced Connie Clementson, Forest District Ranger. He said Ms. Clementson's staff along with City staff will be back before Council with a final report in February 2007.

Connie Clementson, Forest District Ranger, introduced Tim Foley, Fire Management Officer, and Angie Foster, Fuels Management Specialist. Ms. Clementson said they are before Council to give an update of the fire hazard assessment. She said the United States Forest Service (USFS) and the City signed a Memorandum of Understanding (MOU) renewing the partnership to manage the City's watershed in the Kannah Creek basin. One of the main concerns is catastrophic fire affecting the watershed. Ms. Clementson said in 2005 there was a commitment from Council to enter into the Fire Hazard Assessment agreement with the BLM. She said tonight they are here to update Council as to what has been learned so far and what could happen. She said there are about 59,000 acres on the Grand Mesa that will be discussed. Ms. Clementson said the presentation will review the type of vegetation, the fire hazard assessment, and the fire hazard treatments.

Tim Foley, Fire Management Officer, reviewed the various vegetation and the slopes the vegetation exist on. Mr. Foley said the steep slopes that are greater than 30% are more prone to fire hazards. He said those fires are harder to combat and harder to get the equipment up to the fire. He said looking at the fire hazard assessment, the fire suppression measures have been successful, but that can be due to the deterrent since it allows more fire fuel to exist. The vast majority of fires are caused by lightning, usually accompanied by precipitation and higher humidity. The public tends to report those fires quickly. He reviewed the fire in 2002, which was during the drought, in the City's watershed. He said they happened to have eight air tankers at Walker Field and were able to contain the fire at 12 acres. Mr. Foley said the high hazards are human caused fires. There have been eight arson fires this year and that risk is increasing.

Councilmember Coons asked if the eight arsons were accidental or intentional. Mr. Foley said they were all intentional.

Mr. Foley said they looked at two different scenarios; the first was located at the Bob's Knob Fire, which would be the worse case scenario. The second scenario was located at the trailhead fire and said they used that fire to calculate the damage outcome. He reviewed the desired future conditions which are to reduce fire intensity, re-establish natural fire regimens, improve the overall ecosystem, and the use of fuel treatments.

Councilmember Palmer asked if there are any areas on the Grand Mesa where fires are allowed to burn themselves out. Mr. Foley said not in the watershed area.

Ms. Clementson gave a quick overview of what they are working on and said they will have a presentation before Council in February 2007. She said they are working with City staff to fine tune the treatment areas and the tools needed to finalize the assessment.

Councilmember Spehar said this is a great outcome of the MOU and is looking forward to a long term commitment with the BLM.

Councilmember Hill echoed Councilmember Spehar's comments and thanked Ms. Clementson for all of her and her staff's work on this assessment.

Action Summary: City Council lauded the efforts and the cooperation on this Fire Hazard Assessment.

Council President Doody called a recess at 8:47 p.m.

The meeting reconvened at 8:58 p.m.

4. **GRAND VALLEY HOUSING PARTNERSHIP:** Partnership members Jody Kole and Bill Whaley will present a proposal for funding local affordable housing projects.

David Thornton, Community Development Principal Planner, introduced this item. He reviewed the efforts of the Grand Valley Housing Partnership. He then turned over the presentation to Bill Whaley, Colorado Division of Housing. Mr. Whaley reviewed the Partnership’s mission and goals and lauded the efforts of all those that have participated. Jody Kole, Grand Junction Housing Authority Director, addressed the Council and said the Partnership has tried to craft the best proposal to utilize the City’s funding. She said finding stable supportive housing for homeless folks is a key goal and at the other end is sweat equity housing. Ms. Kole said they are also working on workforce rental housing and on developing a Housing Authority revolving loan fund. She said \$100,000 will leverage \$9 million in loans for housing dollars. Ms. Kole listed the projects being proposed:

<u>Project</u>	<u>CDBG</u>	<u>General Fund</u>	<u>Total Funding</u>
Chronic Homeless: GVCO	\$ 100,000	\$ 0	\$ 100,000
Ultronics: GJHA	\$ 178,630	\$ 181,370	\$ 360,000
Elm Properties: GJHA	\$ 119,707	\$ 119,707	
Crawford Commons: HRWC	\$ 81,000	\$ 81,000	
Revolving Loan Fund	\$ <u>0</u>	\$ <u>100,000</u>	\$ <u>100,000</u>
Totals:	\$ 278,630	\$ 482,077	\$ 760,707

Ms. Kole listed the sponsors for each project, noting each will detail their projects. She said Grand Valley Catholic Outreach is being represented by one of their board members Doug Aden.

Mr. Aden said their intent is to build a permanent supportive housing for the chronically homeless. He said their intent is to build a 22 unit building to house chronically homeless folks. Residents will have to pay a percentage of whatever income they have, which typically is very little. Mr. Aden said the Catholic Outreach has substantial funds to put into this project. He said the operating

funds for the first three years will be covered through a HUD grant. It is a renewable grant but if not renewed the Catholic Outreach will support the operation. He lauded the staff and Director Sister Karen Bland for all of their hard work on this project.

Councilmember Coons asked what is the importance of City funds for this project. Mr. Aden said the funds would help build out all 22 units at once instead of phasing the project. He said they have been working with Shaw Construction and Chamberlain Architects on this project.

Councilmember Palmer asked about time frame for the whole project. Mr. Aden said they would begin construction in the spring and be done by this time next year. Councilmember Palmer questioned how the number of units were determined. Mr. Aden said the 22 units is based on the resources that are available, what the site would accommodate, and also what the budget would accommodate for the project.

Councilmember Hill asked what the footprint for this project would be. Mr. Aden said they want this facility to be a nice looking project, but at this time they are not sure of the design.

Councilmember Palmer asked about the length of residency each individual would have. Mr. Aden said residents will be able to stay as long as they need to.

Council President Doody asked if the \$100,000 is leverage dollars. Mr. Aden said this would be a one time grant. He said they are seeking another \$500,000 from other foundations plus HUD grants.

Councilmember Spehar asked if there would be additional requests for infill/redevelopment funds. Mr. Aden said yes, that they were encouraged by Community Development to attempt that.

Dan Whalen, Housing Resources Director, described some of the efforts of his organization and its history. He said their proposal is Crawford Commons which is a portion of the property that belongs to Mesa County. He said that facility is a self help housing program with sweat equity being the down payment. He said the construction for this project is planned to begin in May, 2007. He said the estimated cost of this project is \$846,000. The City contribution will help leverage additional funds and allow Housing Resources to continue with other projects, some of which are in the Grand Junction city limits.

Councilmember Coons questioned, why ask for City funds for a project that is located outside the city limits. Mr. Whalen said partially for cooperation with Mesa County and said this project is the project that needs the funds the most. He said the residents that live there will shop and work in the city limits and the

materials to build the projects will come from within the city limits. Councilmember Coons questioned what type of folks would benefit from this kind of a project. He listed some of the folks that would benefit and the need depends on the size of the family.

Councilmember Hill reiterated some of the factors listed by Mr. Whalen and noted that it is close to the City boundary and a boundary line is not the point.

Councilmember Spehar agreed and said this is a regional problem and the City Council agreed to address it regionally.

Councilmember Palmer said he is uncomfortable spending City funds outside the city limits.

Councilmember Hill noted this is in the Pear Park area and the City limit line may be to that area at some point.

Don Hartmann, new development director for the Grand Junction Housing Authority, reviewed the Grand Junction Housing Authority (GJHA) mission. He then reviewed one of two projects for the GJHA, the first project is the Ultronics property which is under contract and the closing is set for December 15, 2006. He said the building will be removed by the sellers and the contamination has already been removed. He said they plan to build 75 to 80 affordable rental housing units and the City funding is needed to close on the property. Mr. Hartmann then presented the second proposal which is located at 28th and Elm Avenue. He said there are four parcels under contract that are also proposed to close on the 15th of December. Mr. Hartmann said there is a fifth parcel that is still in negotiations.

Councilmember Coons questioned if there will there be a subsequent application for infill/redevelopment incentives. Mr. Hartmann said yes.

Jody Kole, Grand Junction Housing Authority Director, advised that other projects are detailed in the Staff report. The GJHA Ultronics property project is the main priority. She thanked Councilmembers Spehar and Coons for their persistence in this program.

Councilmember Spehar asked about the revolving loan fund. Ms. Kole said the Funding Partners for Housing Solutions, Inc. will administer the funds as they do in other communities. They have funds that investors want to invest in housing projects. She said it is a business venture where the investors will get a return on their investment. The \$100,000 leverages a larger pool of funds and at the local commitment level, it allows local partners to set the guidelines, the priorities, and standards for loans.

Councilmember Coons questioned who would use the funds, individuals or organizations. Ms. Kole said they do not anticipate that these funds will be available to individual borrowers. She said this pool will be available primarily as a predevelopment fund.

Councilmember Spehar wanted to clarify that this revolving loan would not be for down payment assistance. Ms. Kole said that is correct. Councilmember Spehar asked who will set the standards. Ms. Kole said the Grand Valley Housing Partnership and the City Council would have final say.

Doug Smith, CEO with Rocky Mountain Mutual Housing that operates across the State, said he is here to support the work of their colleagues and express support for the Grand Valley Partnership's efforts. He expressed his experience with the Funding Partners organization.

Councilmember Coons lauded the efforts of the Partnership and encouraged Council to support the recommendations of the Housing Partnership.

Councilmember Spehar supported the recommendation with one exception. He said one concern is he would like to see some portion of the funds be consumer accessible and to be used on market-built housing.

Councilmember Palmer asked for clarification from Mr. Ron Lappi, Finance Director, regarding the funding sources. He asked if the general fund money is currently budgeted. Mr. Lappi said yes, the general funds are already budgeted. Councilmember Palmer said he has concerns on the loan funds as Councilmember Spehar does and said the Catholic Outreach project is a wonderful plan and is much needed. He also feels the Ultronics project is a great opportunity to get rid of an eyesore. He is supportive of the 28th and Elm project, but has a concern with the Crawford Commons; i.e. applying General Fund money to a project outside city limits.

Councilmember Hill said he is proud of this group and is supportive of the proposal, but agrees with Councilmember Spehar on wanting some funds be available to consumers. He said this money is actually leveraging \$30 million because of the access to the revolving loan fund.

Councilmember Beckstein agreed with Councilmember Hill and is supportive of the proposals.

Councilmember Thomason agreed with Councilmember Palmer in regards to the use of funds outside the city limits.

Council President Doody questioned if the Revolving Loan Fund is similar to the revolving fund at the Incubator. Mr. Lappi said this is a very unique program and said this program takes advantage of funding commitments that are already in place across the State of Colorado.

David Varley, Interim City Manager, asked Council if they would like to have Staff add this item to the Wednesday's agenda for formal approval. Council agreed.

Action Summary: The City Council consensus was to support the Grand Valley Housing Partnership proposals and agreed with the Interim City Manager to have staff add this item to Wednesday's November 15th agenda for formal approval.

ADJOURN

The meeting adjourned at 10:25 p.m.

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

NOVEMBER 10, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Friday, November 10, 2006 at 7:30 a.m. at Two Rivers Convention Center, 159 Main Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present was Human Resources Manager Claudia Hazelhurst and Consultant Phil McKenney.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session for personnel matters under Section 402 (4) (f)(I) of the Open Meetings Law relative to the City Manager selection. Councilmember Hill seconded the motion. The motion carried.

The City Council convened into executive session at 8:00 a.m. As the meeting continued throughout the day, the City Council recessed between applicants. For the record, the Council went back into executive session at 9:00 a.m., 10:05 a.m., 12 noon, 1:06 p.m., 2:10 p.m., and 3:10 p.m.

The meeting adjourned at 5:47 p.m.

Stephanie Tuin, MMC
City Clerk

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

November 15, 2006

The City Council of the City of Grand Junction convened into regular session on the 15th day of November 2006, at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were Interim City Manager David Varley, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Doody called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by Michael Torphy, Religious Science Spiritual Center.

Proclamations / Recognitions

Proclaiming November 19 – 25, 2006 as “Family Week” in the City of Grand Junction

Proclaiming November 15, 2006 as “Recycling Day” in the City of Grand Junction

El Poso Neighborhood Special Improvement District Completion Report

Sheryl Trent, Interim Community Development Director, presented this item. Ms. Trent showed before and after slides of the El Poso Neighborhood Project. Juanita Trujillo was present and thanked past and present Council for their involvement in this project. Council concurred that they believe neighborhoods helping themselves is what this project is all about.

Appointments

Appointments to the Parks and Recreation Advisory Board

Councilmember Thomason moved to appoint Jack Scott and Reford Theobald to the Parks and Recreation Advisory Board for an unexpired term ending June 30, 2007 and Nick Adams to the unexpired term until June 30, 2008. Councilmember Palmer seconded the motion. Motion carried.

Appointments to the Housing Authority

Councilmember Coons moved to appoint Ora Lee to the Housing Authority for a five year term until October, 2011. Councilmember Beckstein seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

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

It was moved by Councilmember Hill, seconded by Councilmember Palmer, and carried by roll call vote to approve Consent Calendar items #1 through #15 with the addition of items #22 and #24 from Individual Consideration to the Consent Calendar. Item #22, Infill and Redevelopment Request for Killian, Guthro and Jenson Building, 202 North Seventh Street, was continued until December 20, 2006 and Item #24, conduct a hearing on an appeal of a Planning Commission decision to deny the Pinnacle Ridge Preliminary Plan, located Northeast of Monument Road and Mariposa Drive was continued to December 6, 2006. Motion carried by roll call vote with Councilmember Palmer abstaining from voting on Item #13.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the October 30, 2006 Workshop and the Minutes of the October 30, 2006 Special Session and the November 1, 2006 Regular Meeting

2. **Setting a Hearing on Zoning the Becerra Annexation, Located at 244 28 ½ Road** [File #ANX-2006-256]

Request to zone the 1.50 acre Becerra Annexation, located at 244 28 ½ Road to RSF-4 (Residential Single Family 4 du/ac).

Proposed Ordinance Zoning the Becerra Annexation to RSF-4, Located at 244 28 ½ Road

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

3. **Setting a Hearing on Zoning the Humphrey Annexation, Located at 412 30 ¼ Road** [File #ANX-2006-260]

Request to zone the 10.43 acre Humphrey Annexation, located at 412 30 ¼ Road to RMF-8 (Residential Multi Family 8 du/ac).

Proposed Ordinance Zoning the Humphrey Annexation to RMF-8, Located at 412 30 ¼ Road

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

4. **Setting a Hearing on Zoning 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 zone the 1 acre Pear Park School No. 3 Annexation, located at Grand Valley Canal west of 29 ½ Road and north of D ¼ Road, to CSR (Community Services and Recreation).

Proposed Ordinance Zoning the Pear Park School No. 3 Annexation to CSR, 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

5. **Setting a Hearing for the Mahan Manor Annexation, Located at 2855 Unawep Avenue** [File #ANX-2006-277]

Request to annex 10.34 acres, located at 2855 Unawep Avenue. The Mahan Manor Annexation consists of one parcel.

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

Resolution No. 139-06 – 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, Mahan Manor Annexation, Located at 2855 Unawep Avenue, Including a Portion of Unawep Avenue Right-of-Way

Action: Adopt Resolution No. 139-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mahan Manor Annexation, Approximately 10.34 acres, Located at 2855 Unaweep Avenue, Including a Portion of Unaweep Avenue Right of Way

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

6. **Setting a Hearing for the Cal Frac Annexation, Located at 489 30 Road** [File #ANX-2006-283]

Request to annex approximately 32.92 acres, located at 489 30 Road. The Cal Frac Annexation consists of three parcels.

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

Resolution No. 140-06 – 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, Cal Frac Annexation, Located at 489 30 Road

Action: Adopt Resolution No. 140-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cal Frac Annexation, Approximately 32.92 acres, Located at 489 30 Road

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

7. **Subrecipient Contract with the Grand Junction Housing Authority for a Project within the City's 2006 Program Year Community Development Block Grant (CDGB) Program** [File #CDBG-2006-02(a)]

The Subrecipient Contract formalizes the City's award of a total of \$178,630 to the Grand Junction Housing Authority (GJHA) as allocated from the City's 2006 CDBG Program for the purchase of the property located at 2150 Grand Avenue for an affordable housing project.

Action: Authorize the Interim City Manager to Sign the Subrecipient Contract with the Grand Junction Housing Authority for the City's 2006 Program Year, Community Development Block Grant Program

8. **Setting a Hearing for the Second Supplemental Appropriation Ordinance for 2006**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.
Proposed Ordinance Making Supplemental Appropriations to the 2006 Budget of the City of Grand Junction

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

9. **Setting a Hearing for the 2007 Budget Appropriation Ordinance**

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$186,318,214. Although not a planned expenditure, and additional \$2,175,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District; for the Year Beginning January 1, 2007 and Ending December 31, 2007

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

10. **Conveyance of a Nonexclusive Easement Across City Property at B $\frac{3}{4}$ Road to Qwest Corporation**

Qwest Corporation, a Colorado Corporation (Qwest) is requesting an easement across City property adjacent to B $\frac{3}{4}$ Road to memorialize an existing utility use and accommodate a small additional use at this site.

Resolution No. 141-06 – A Resolution Concerning the Granting of a Non-Exclusive Telecommunication Easement to Qwest Corporation, a Colorado Corporation

Action: Adopt Resolution No. 141-06

11. **Setting a Hearing to Create Alley Improvement District 2007**

Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following six alleys:

- East/West Alley from 3rd to 4th, between Ouray Avenue and Chipeta Avenue
- North/South & East/West Alleys from 7th to 8th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 12th to 14th, between Elm Avenue and Texas Avenue
- North/South Alley from 17th to 18th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 22nd to 23rd, between Ouray Avenue and Gunnison Avenue

Resolution No. 142-06 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-07 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 142-06 and Set a Public Hearing for January 3, 2007

12. **Setting a Hearing to Create The Bluffs Sanitary Sewer Improvement District No. SS-48-06**

A majority of the owners of real estate located in the area east of 23 Road and between Terry Court and the Colorado River have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 143-06 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create With in Said City, The Bluffs Sanitary Sewer Improvement District No. SS-48-06, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 143-06 and Set a Public Hearing for December 20, 2006

13. **Holiday Parking in the Downtown**

The Downtown Partnership has requested that parking downtown be free again this year to best position downtown for the holiday shopping season. Although some would prefer to enforce the free, signed spaces along Main Street due to limited cooperation in keeping these spaces open for visitors, the simple policy of “Free Parking” downtown that was implemented the last several years remains the easiest and simplest to enforce while limiting confusion on the part of the public. City Staff recommends Free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas, and shared-revenue lots.

Action: Vacate Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year’s Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices

14. **Appointment of Hearing Officer**

The Liquor and Beer Licensing Authority’s Hearing Officer, Phil Coebergh, is retiring and pursuant to Chapter 4 of the City Code of Ordinances, and §§12-46-103(4) and 12-47-103(17) C.R.S., the City Council is authorized to appoint hearing officers for the City Liquor and Beer Licensing Authority.

Resolution No. 144-06 – A Resolution to Appoint a Hearing Officer for Liquor and Beer Licensing

Action: Adopt Resolution No. 144-06

15. **Recreation Center Feasibility Study**

A request from the citizens volunteer committee headed by Sally Schaefer, for \$20,000 from the City to help fund the citizens survey and focus group polling to help determine the sentiment of the community, and gauge support for recreation centers in our community.

Action: Approval of a Transfer of \$20,000 from General Fund Contingency to the City Council Contributions Account and Approve Payment to Hilltop Community Resources to Help Fund this Work; Which has Already Begun

22. **Infill and Redevelopment Request for Killian, Guthro and Jenson Building, 202 North Seventh Street**

This is a revision to the original request for Infill and Redevelopment Program incentives. The request as approved by the City Council in August of 2005 allocated \$75,000 to the under grounding of power lines in the alley. The request is to reallocate that amount to one of three areas: geothermal heating system, limestone exterior, and/or cost of permits.

Action: Continue until December 20, 2006

24. **Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive [File #PP-2005-226] Continued from Nov. 1, 2006**

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: Continue until December 6, 2006

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Grand Valley Housing Partnership's Request to Use the City's Affordable Housing Initiative Funds

The Grand Valley Housing Partnership met on October 16th and came up with a proposal prioritizing local affordable housing projects. The Partnership is now asking for City Council to help fund this proposal with the City's affordable housing funds currently earmarked for affordable housing activities.

David Varley, Interim City Manager, reviewed this item requesting funds to help five projects the Grand Valley Housing Partnership recommended from a list of local affordable housing projects.

Councilmember Palmer stated that he is uncomfortable with the Crawford Commons and will be voting no.

Councilmember Coons wanted to clarify that there will be a couple of projects coming back to Council for CDBG funds after their requests are more defined.

Councilmember Hill moved to designate the following funds from the City's Affordable Housing Initiative in the City's General Fund to be allocated to the following four projects: Ultronic (GJHA), \$181,370; Elm Properties (GJHA) \$119,707; Crawford Commons (HRWC) \$81,000; and Revolving Loan Fund \$100,000 for a Total of \$482,077. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Palmer and Thomason voting NO on the Crawford Commons (HRWQC) Project for \$81,000.

Public Hearing – Authorizing the Issuance of the Downtown Development Authority Tax Increment Revenue Bonds

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

The public hearing was opened at 7:38 p.m.

City Attorney John Shaver reviewed this item for Ron Lappi, Administrative Services and Finance Director, who was unable to attend but was available for questions via speakerphone. Proceeds will be issued to finance \$2,180,500 in capital expenditures over the next year. 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 on December 22, 2006.

Councilmember Palmer commended Harold Staf and the DDA for their help in balancing this project.

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

Ordinance No. 3985 - 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

Councilmember Palmer moved to adopt Ordinance No. 3985 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Contract for Rood Avenue Parking Structure Site

Bids have been received for construction of the Rood Avenue Parking Structure (Bid Package 2). The Scope of Bid Package 2 is for landscaping and irrigation; parking control equipment and software; mechanical equipment; fire extinguishers and Fire Department stand pipes; electric lighting; elevator; steel railing and cabling; interior and

exterior signage; striping; prorated contractor contingency; and prorated contractor's overhead and fee.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph stated that DDA has agreed to fund another \$200,000 of the project thereby eliminating the need to reduce the façade design. The City's financial responsibility has not changed since the September 20, 2006 City Council meeting with Bid Package 1.

Councilmember Hill asked about completion of the project. Mr. Relph replied 2007, hopefully in the fall. Councilmember Hill stated this is a prime example of the public and private sectors working together.

Councilmember Coons moved to authorize the City Manager to execute a construction contract for bid package 2 with Shaw Construction in the amount of \$2,189,925 and a guaranteed maximum price for the total project of \$7,555,997. Councilmember Hill seconded the motion. Motion carried.

Public Hearing – Thunderbrook Estates Annexation and Zoning, Located at 3061 and 3061 ½ F ½ Road [File #GPA-2006-238]

Request to annex and zone 15.60 acres, located at 3061 and 3061 ½ F ½ Road, to RSF-4 (Residential Single Family, 4 units per acre). The Thunderbrook Estates Annexation consists of two parcels.

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the location and the current zoning, the surrounding zoning and the Future Land Use Designations of the property and the surrounding properties.

There were no public comments.

The public hearing was closed at 7:50 p.m.

a. Accepting Petition

Resolution No. 145-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Thunderbrook Estates Annexation, Located at 3061 and 3061 ½ F ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3986 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunderbrook Estates Annexation, Approximately 15.60 Acres, Located at 3061 and 3061 ½ F ½ Road

c. Zoning Ordinance

Ordinance No. 3987 – 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

Councilmember Spehar moved to adopt Resolution No. 145-06 and Ordinance Nos. 3986 and 3987 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Fox Annexation, Located at 3000 F Road [File #GPA-2006-087]

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

The public hearing was opened at 7:51 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the location and the current zoning, the surrounding zoning and the Future Land Use Designations of the property and the surrounding properties. 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.

Councilmember Hill asked about examples of businesses in this zoning. Ms. Portner stated examples being real estate offices, insurance companies, and low volume medical offices. The hours of business are restricted to 7:30 a.m. to 8:00 p.m.

Councilmember Palmer asked about the access to the property. Ms. Portner described that it will be from 30 Road and not F Road.

Mr. Tom Rolland from Rolland Engineering, the representative for the applicant, was present and added that the space is limited to 10,000 sq. ft.

There were no public comments.

The public hearing was closed at 8:00 p.m.

Ordinance No. 3988 – An Ordinance Zoning the Fox Annexation to RO (Residential Office), Located at 3000 F Road

Councilmember Spehar moved to adopt Ordinance No. 3988 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Kelley Annexation, Located at 849 21 ½ Road [File #GPA-2006-249]

Request to annex 14.27 acres, located at 849 21 ½ Road. The Kelley Annexation consists of 1 parcel and is a 2 part serial annexation.

The public hearing was opened at 8:01 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item detailing the request is just for annexation and the applicant is going through a Growth Plan Amendment and the zoning would follow in the near future.

There were no public comments.

The public hearing was closed at 8:03 p.m.

a. Accepting Petition

Resolution No. 146-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Kelley Annexation, Located at 849 21 ½ Road Including a Portion of 21 ½ Road Right-of-Way, is Eligible for Annexation

b. Setting Hearing on Proposed Ordinances

Ordinance No. 3989 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #1, Approximately 0.24 Acres, Located within the 21 ½ Road Right-of-Way

Ordinance No. 3990 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #2, Approximately 1.46 Acres, Located within the 21 ½ Road Right-of-Way

Ordinance No. 3991 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #3, Approximately 12.57 Acres, Located at 849 21 ½ Road Including a Portion of the 21 ½ Road Right-of-Way

Councilmember Palmer moved to adopt Resolution No. 146-06 and Ordinance Nos. 3989, 3990, and 3991 on Second Reading and ordered them published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Infill and Redevelopment Request for Killian, Guthro and Jenson Building, 202 North Seventh Street - Item moved to the Consent Agenda

Public Hearing – 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]

Request to adopt Master Plan 2005 for St. Mary’s Hospital and Re-Establish Standards for the PD, Planned Development Zone District for property owned by St. Mary’s Hospital.

Councilmember Coons recused herself from this item, due to her employment with the applicant, at 8:06 p.m. and left the meeting.

The public hearing was opened at 8:06 p.m.

Mr. Bob Ladenburger, President and CEO of St. Mary’s Hospital, began the presentation with a little history along with St. Mary’s mission statement.

Mr. Rob Jenkins, architect for St. Mary’s Hospital, talked about the 2000 Master Plan and how that began the development of the Century Project. He outlined the completed projects as of December 2005. The new parking garage was opened last year with an addition of 800 parking spaces for staff and the needs for the Pavilion; business offices moved back from the Horizon Drive location; Grand Valley Surgical Center was remodeled for outpatient dialysis; 7th Street reconstruction; and the east campus was redeveloped for support services. These were designed and planned in relationship to the Century Project.

Mr. Jenkins went over the new additions with the Updated Century Plan to include campus entrances; hospital main entrance; emergency and ambulance entrances; outpatient entrances; loading and receiving; physician and visitor entrance; the proposed ring road completion; and how the pedestrian circulation will work for the update. There is 440,000 sq. ft. of new construction, 12 story patient tower, 120,000 sq. ft. of renovation with energy efficient and environmentally sensitive design. They will continue hospital operations during the construction period, and will plan for the future expansion within this Century project.

Mr. Jenkins' presentation showed a "fly-by" video on the new facilities. St. Mary's is the only level 2 trauma center between Salt Lake City and Denver. Mr. Jenkins explained the preparation that went into the Century Project and the schedule for the project through 2011.

Mr. Ladenburger explained that \$180 million will be spent in construction for a total of \$261 million for the total project cost. There will be 350 jobs during construction and over the next 10 years will create 200 new jobs at St. Mary's and 75 new physicians in the community. Mr. Ladenburger is seeking Council approval for the Master Plan update.

Scott D. Peterson, Senior Planner, reviewed this item and presented more details on the City's Master Plan process. If Council approves the proposed Master Plan 2005 it will be valid for five years. The applicant is also requesting three deviations: the hospital would be an allowed use and not subject to a Conditional Use Permit; the maximum height shall not exceed 245'; and a Conditional Use Permit will not be required for buildings that exceed 30,000 sq. ft. Mr. Peterson also thanked Mr. Jenkins and his staff along with St. Mary's Hospital on behalf of himself and City staff for the great working relationship and said he looks forward to continuing that into the future.

Diane Schwenke, 529 Greenbelt, spoke on behalf of the Chamber of Commerce as its Executive Director. St. Mary's is a key economic development driver; Grand Junction is a regional hub with the draws of Mesa State College and St. Mary's Hospital.

There were no other public comments.

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

Councilmember Spehar applauded the applicant for a thorough and complete presentation and stated he has worked with St. Mary's in the past and looks forward to working with them in the future.

Councilmember Hill also applauded the applicant for working with the community when there was an uproar with the entry and the neighborhood in the past. He also appreciated they have recognized their need for parking and investing in a third party for inspections to maintain their high standards.

Councilmember Palmer echoed Councilmember Hill's comments and was very comfortable with the project.

Councilmember Beckstein thanked the applicant and gave her appreciation again for when she first came onto the City Council, the staff of St. Mary's met with her individually and explained the project and updates.

Council President Doody recognized three things about Grand Junction when people talk about the community: St. Mary's Hospital being a regional hub, Mesa State College, and Walker Field Airport.

Ordinance No. 3992 – An 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

Councilmember Spehar moved to adopt Ordinance No. 3992 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive [File #PP-2005-226] **Continued from Nov. 1, 2006** – Item moved to the Consent Agenda

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:50 p.m.

Juanita Peterson, CMC
Deputy City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

NOVEMBER 22, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, November 22, 2006 at 11:11 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present was Human Resources Manager Claudia Hazelhurst.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session for personnel matters under Section 402 (4) (f)(I) of the Open Meetings Law relative to the City Manager recruitment. Councilmember Thomason seconded the motion. The motion carried.

The City Council will not be returning to open session.

The City Council convened into executive session at 11:12 a.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

North Avenue Corridor Mast Plan, Phase One

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	North Avenue Corridor Master Plan, Phase One							
Meeting Date	December 6, 2006							
Date Prepared	November 13, 2006				File #			
Author	Scott Hockins		Senior Buyer					
Presenter Name	Kathy Portner		Assistant Director of Community Development					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Summary: Contract with the professional design and planning firm, EDAW, to conduct a study of North Avenue, and prepare phase one of a corridor master plan.

Budget: Community Development has \$100,000.00 approved for this master plan in the 2006 and 2007 budget.

Action Requested/Recommendation: Authorize the Purchasing Division to enter into a contract with EDAW to study and complete the North Avenue Corridor Master Plan, Phase One, in an amount not to exceed the budget of \$100,000.

Attachments: N/A

Background Information: Elements such as age, dilapidated structures, and high turnover in area businesses along North Avenue have contributed to its deterioration. Being primarily zoned for commercial use has resulted in sporadic disinvestment, underutilized buildings, old strip malls, and vacant property. Phase One of the proposed master plan includes North Avenue from 12th Street east to I-70B.

The plan will include an overall strategy to revitalize the corridor, primarily focusing on sustaining and increasing vitality, and will incorporate regulatory tools to improve access to buildings and to the right-of-way. Other regulatory tools will include land use, architectural design standards, landscaping, signage, and transportation. The transportation component will take into account the future needs of North Avenue including, but not limited to; driveway access points and parking to address the current unsafe conditions.

The specific plan will consider mixed-use, improved design controls, and define capital improvements to attract new investment. A design of streetscape improvements to support the plan's land uses and corridor character is incorporated. Lastly, the plan should provide various incentives and direction to property owners and private investors to reshape North Avenue according to the community's vision. The selected firm will be responsible for proposing and implementing a public participation process.

The Request for Proposal was advertised in the Daily Sentinel, posted on a governmental solicitation website, and sent to all firms on the current source list for consulting services. There were seven responsive proposals received and evaluated. Three firms were selected for interviews and oral presentations. The City's nine person interview panel consisted of two Planning Commission members, Assistant to the City Manager, Management Intern, Parks Planner, Traffic Engineer, Senior Buyer, a Council Member, and the Assistant Director of Community Development. The panel selected EDAW as the most qualified to perform the scope of services based upon responsiveness, understanding of the project and objectives, necessary resources, required skills, and demonstrated capability.

Attach 3

Setting a Hearing on Rezoning Property Owned by St. Mary's Hospital, Located at 2440 N. 11th Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Request to rezone property owned by St. Mary's Hospital located at 2440 N. 11 th Street from B-1, Neighborhood Business to PD, Planned Development					
Meeting Date	December 6, 2006					
Date Prepared	November 27, 2006			File # RZ-2006-232		
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 rezone Lot 3R, Wellington Business Park Replat (1.80 acres), located at 2440 N. 11th Street from B-1, Neighborhood Business to PD, Planned Development.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed ordinance and set a hearing for December 20, 2006.

Background Information: See attached Staff Report/Background Information.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		2440 N. 11 th Street		
Applicant:		St. Mary's Hospital, Owners Robert D. Jenkins, Representative		
Existing Land Use:		Vacant Lot		
Proposed Land Use:		Contractor staging area for Century Project then office/medical office development		
Surrounding Land Use:	North	Medical Office		
	South	Multi-Family Residential		
	East	Former church – Future medical office		
	West	Medical Office		
Existing Zoning:		B-1, Neighborhood Business		
Proposed Zoning:		PD, Planned Development		
Surrounding Zoning:	North	B-1, Neighborhood Business		
	South	RMF-24, Residential Multi-Family – 24 units/acre		
	East	B-1, Neighborhood Business		
	West	B-1, Neighborhood Business		
Growth Plan Designation:		Commercial		
Zoning within density range?	X	Yes		No

Staff Analysis:

The applicant, St. Mary's Hospital, is requesting to rezone Lot 3R, Wellington Business Park Replat (1.80 acres), located at 2440 N. 11th Street, to PD, Planned Development, in order to achieve a uniform Planned Development zone classification for their properties. The B-1, Neighborhood Business District, would still be designated as the underlining/default zoning district. The parcel is currently vacant and will be utilized as a contractor staging area during the proposed Century Project construction period at St.

Mary's Hospital. Once the Century Project is completed in the year 2011, the property will likely be developed for a proposed office or medical office building.

The City Council recently approved Master Plan 2005 for St. Mary's Hospital at their November 15, 2006 meeting (City file # ICM-2006-005), which included this property.

The Growth Plan Future Land Use Map designates this property as Commercial. The requested zone district of PD, Planned Development, with the underlining zoning district of B-1, Neighborhood Business, implements the Commercial land use classification of the Growth Plan. The rezone is also consistent with the following Goals and Policies of the Growth Plan:

* Goal Eight: is to support the long-term vitality of existing centers of community activity as identified in Policy 8.10 which states that the City should encourage the growth and development of retail, office and service uses related to hospital operations.

In order for the rezoning 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:

- a. **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 transitions, etc.;**

The property is located in an area of existing medical office development. The applicant wishes to develop this property as a contractor staging area during the proposed Century Project construction period at St. Mary's Hospital. Once the Century Project is completed in the year 2011, the property will likely be developed for a proposed office or medical office building. The applicant is also requesting the rezone to PD, Planned Development in order to achieve a uniform Planned Development zone classification for their properties. The City Council recently approved Master Plan 2005 for St. Mary's Hospital.

- b. **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 zoning of PD with the B-1 default zone is within the allowable density range recommended by the Growth Plan and Chapter 5, Planned Development of the Zoning and Development Code. This criterion must be considered in conjunction with criterion C which requires that public facilities and services are available when the impacts of any proposed development are realized. The Planning Commission has determined that public infrastructure can address the impacts of any development consistent with this proposed rezoning request, therefore this criterion is met.

c. 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 are currently available and can address the impacts of development consistent with the default zoning district of B-1.

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

The property is currently zoned B-1, Neighborhood Business. The applicant wishes to rezone to PD, Planned Development in order to achieve a uniform Planned Development zone classification for their properties. With the approval of the PD Zoning District, the default zoning district would then be B-1. All land uses and development standards associated with the B-1 District would be applicable to the proposed PD Zoning District.

e. The community will benefit from the proposed zone.

St. Mary's Hospital is requesting the rezoning to PD, Planned Development in order to achieve a uniform Planned Development zone classification for their properties included in their approved Master Plan.

Section 2.12 - Planned Development

The request is also consistent with Section 2.12 and Chapter 5 of the Zoning and Development Code in that this property was included in Master Plan 2005 for St. Mary's Hospital, which was recently approved by City Council.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the St. Mary's Hospital application, RZ-2006-232 for a rezone, the Planning Commission made the following findings of fact and conclusions:

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the requested rezone to PD, Planned Development, for property owned by St. Mary's Hospital located at 2440 N. 11th Street with the facts and conclusions listed in the staff report.

Attachments:

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

Site Location Map - 2440 N. 11th St.

Figure 1



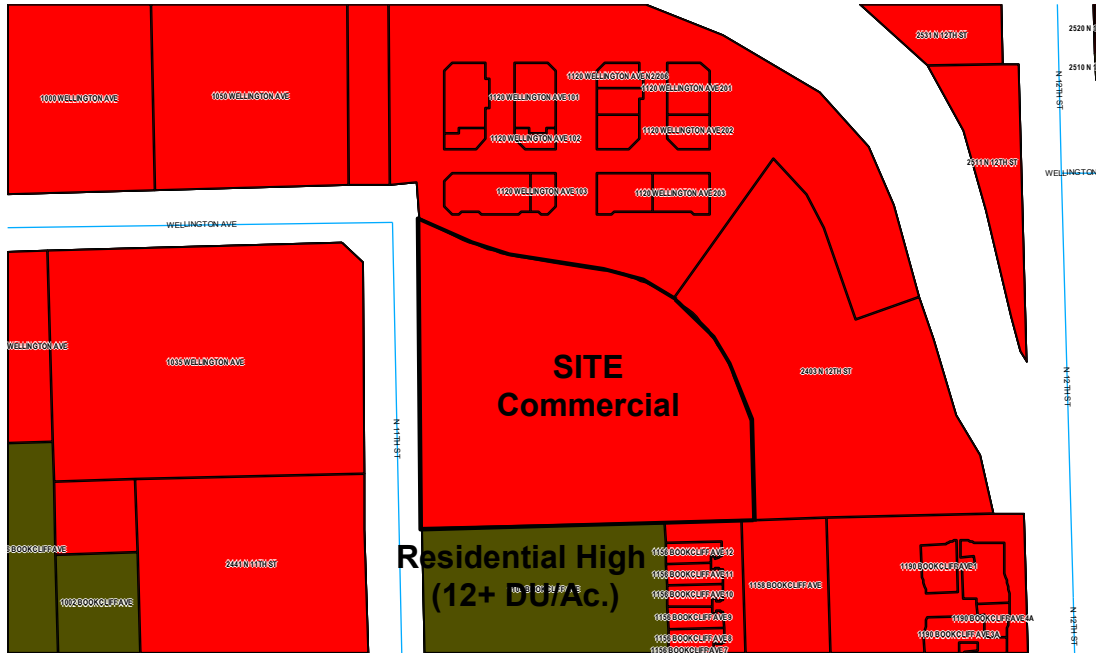
Aerial Photo Map – 2440 N. 11th St.

Figure 2



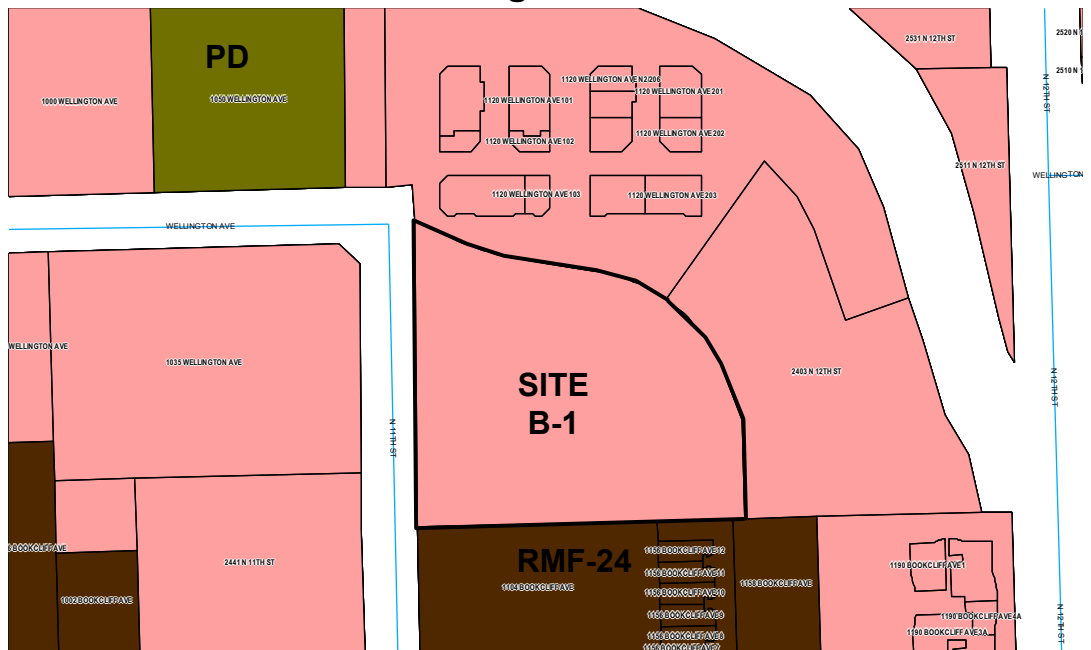
Future Land Use Map – 2440 N. 11th St.

Figure 3



Existing City Zoning – 2440 N. 11th St.

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING LOT 3R, WELLINGTON BUSINESS PARK REPLAT
TO PD, PLANNED DEVELOPMENT, AND ESTABLISHING STANDARDS
FOR THE PLANNED DEVELOPMENT (PD) ZONE DISTRICT FOR PROPERTY
OWNED BY ST. MARY'S HOSPITAL**

LOCATED AT 2440 N. 11th STREET

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 rezoning Lot 3R, Wellington Business Park Replat to the PD, Planned Development 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 and Chapter Five of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PD, Planned Development Zone District is in conformance with the stated criteria of Section 2.6 and Chapter Five of the Grand Junction Zoning and Development Code.

This PD Ordinance will establish the default zoning district, B-1, Neighborhood Business.

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

The following property be zoned PD, Planned Development

Lot 3R, Wellington Business Park Replat

CONTAINING 1.80 Acres (78,408 Sq. Ft.), more or less, as described.

The default zone shall be B-1, Neighborhood Business, and the use of the property shall be consistent with the adopted Master Plan 2005 for St. Mary's Hospital with interim use of the property located at 2440 N. 11th Street to be utilized as a contractor staging area for development and construction of the Century Project.

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

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

ATTEST:

President of the Council

City Clerk

Attach 4

Setting a Hearing on Zoning the Mahan Manor Annexation, Located at 2855 UnawEEP Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Mahan Manor Annexation, located at 2855 UnawEEP Avenue.					
Meeting Date	December 6, 2006					
Date Prepared	November 20, 2006			File #ANX-2006-277		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		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 10.34 acre Mahan Manor Annexation, located at 2855 UnawEEP Avenue, to RSF-4 (Residential Single Family, 4 du/ac)

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for December 20, 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:		2855 UnawEEP Avenue		
Applicants: < Prop owner, developer, representative>		Marie Manor Estates. LLC		
Existing Land Use:		Residential/Agricultural		
Proposed Land Use:		Residential Single Family		
Surrounding Land Use:	North	Residential Single Family		
	South	Residential Single Family/Vacant		
	East	Residential Single Family		
	West	Residential Single Family		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	City RSF-4		
	West	County RSF-4		
Growth Plan Designation:		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 zone district is consistent with the Growth Plan designation of Residential Medium Low (2-4 du/ac). The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.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 zoning of RSF-4 is compatible with the neighborhood and conforms to the goals and policies of the Growth Plan. The surrounding zoning is RSF-4 and surrounding subdivisions are built to densities of 2 to 4 units per acre.

- 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 provided at the time of further development of the property.

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

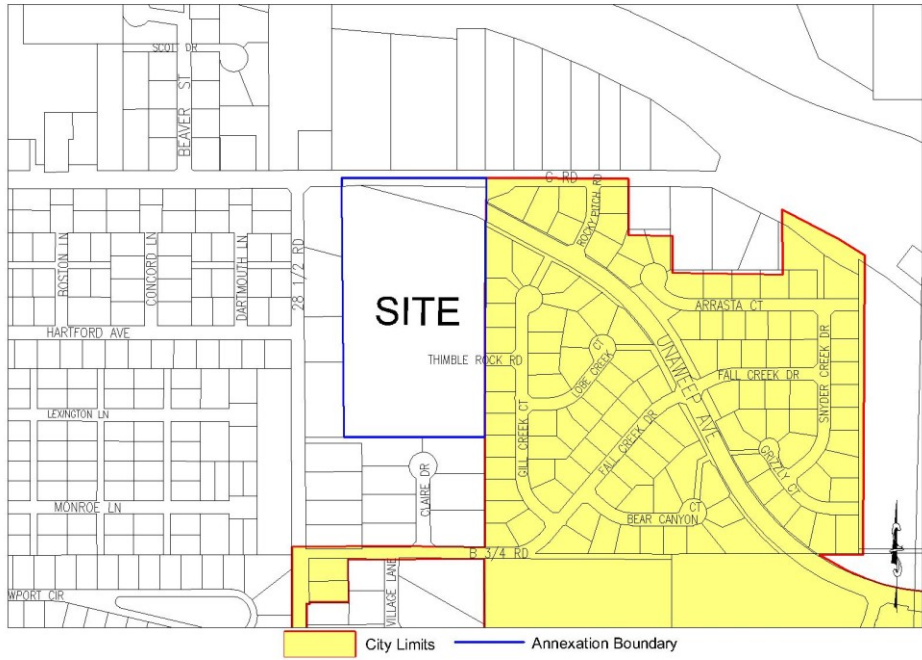
Response: The subject property is being zoned with a City designation due to the annexation and is comparable with the surrounding area.

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 (Residential Single Family, 2 du/ac)

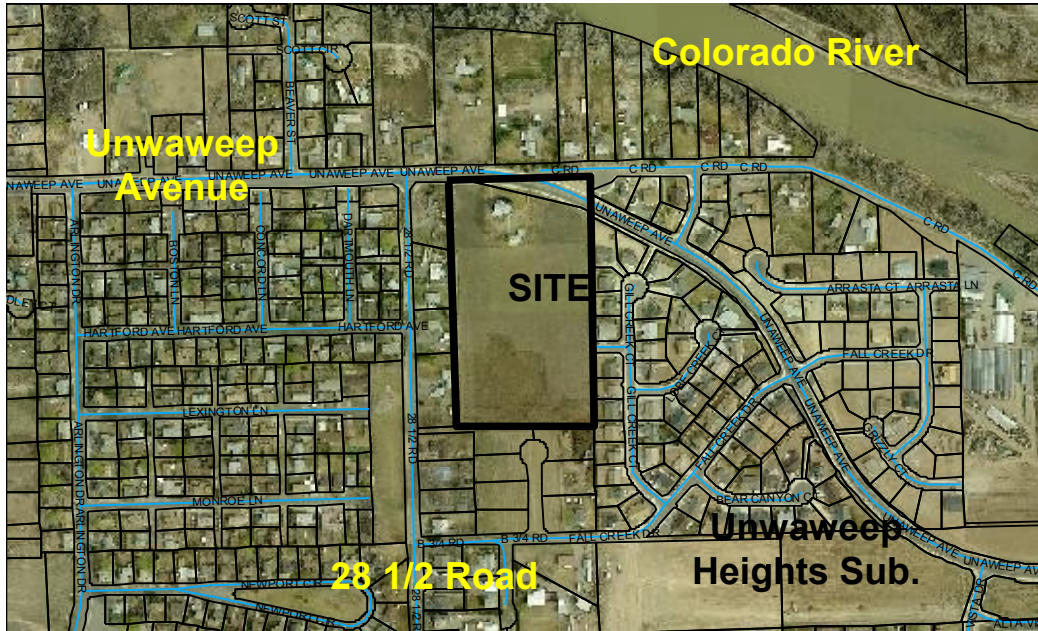
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

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, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.



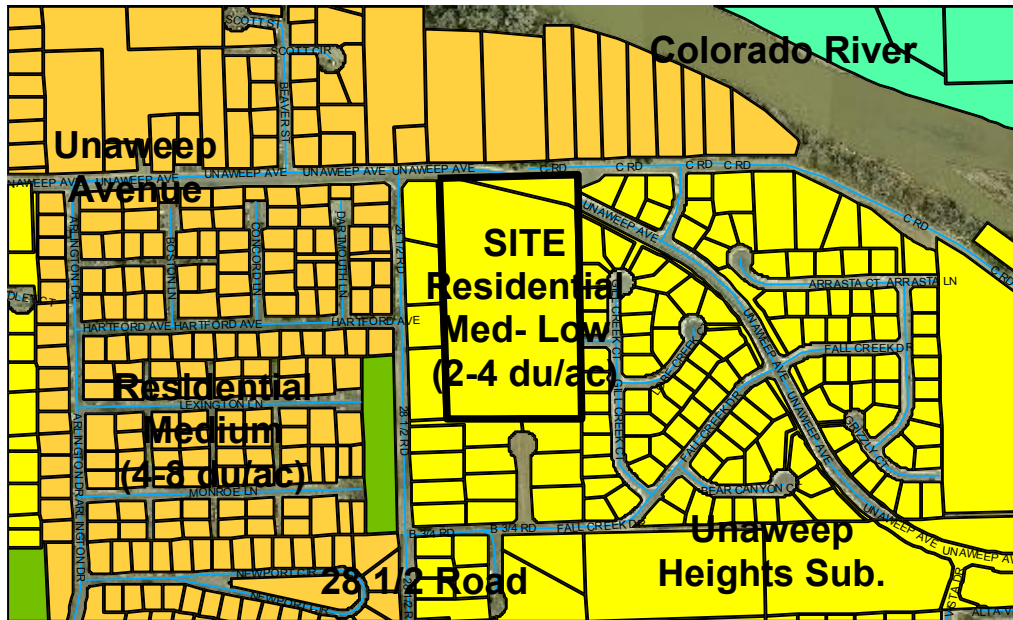
Aerial Photo Map

Figure 2



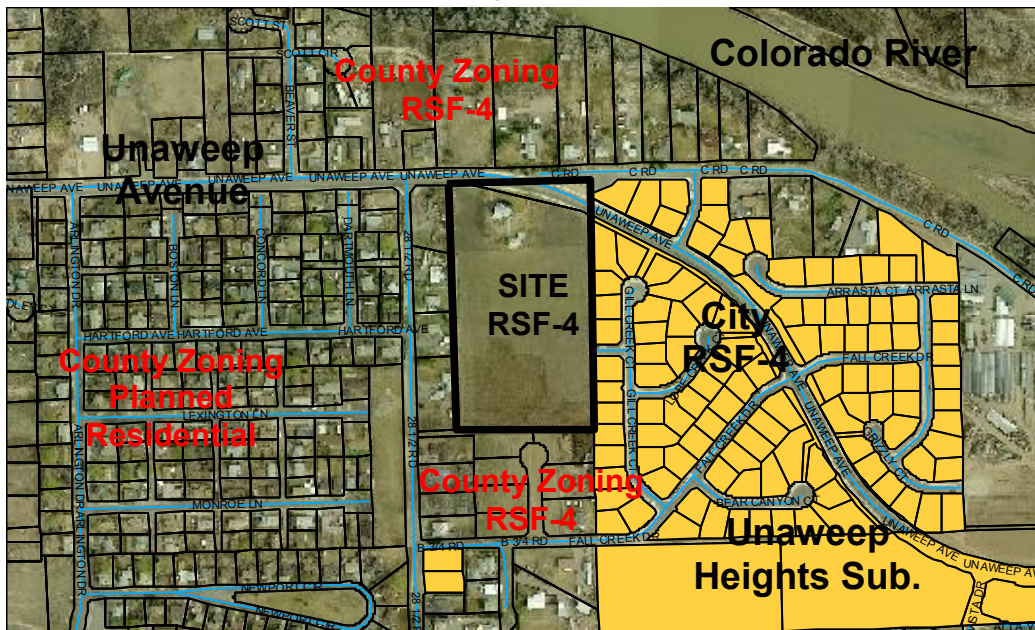
Future Land Use Map

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 MAHAN MANOR ANNEXATION
TO RSF-4**

LOCATED AT 2855 UNAWEEP AVENUE

Recitals

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

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

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

The following property be zoned RSF-4 (Residential Single Family, 4 du/ac).

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 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 3 of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and assuming the North line of said Lot 3 bears N89°57'12"W with all other bearings contained herein being relative thereto; thence N89°57'12"W along the North line of said Kirby Subdivision a distance of 493.20 feet to the Southwest corner of that certain parcel of land as described in Book 3268, Pages 258-259, Public Records of Mesa County, Colorado; thence N00°02'43"W along the West line of said parcel a distance of 910.00 feet to the North line of the NW 1/4 NE 1/4 of said Section 30; thence S89°57'28"E

along said North line a distance of 492.16 feet to the Northwest corner of the UnawEEP Heights Annexation No. 3, City of Grand Junction, Ordinance No. 3549; thence S00°01'12"E along the West line of said UnawEEP Heights Annexation No. 3 a distance of 910.09 feet, more or less, to the Point of Beginning.

Said parcel contains 10.34 acres (450,475 square feet), more or less, as described

INTRODUCED on first reading the 6th day of December, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 5

Contract for Website Marketing Services for the Visitor and Convention Bureau

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	VCB Website Marketing Services Contract Renewal						
Meeting Date	December 6, 2006						
Date Prepared	November 28, 2006						
Author	Debbie Kovalik		GJVCB Director				
Presenter Name	Debbie Kovalik		GJVCB Director				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	x	Formal Agenda		X	Consent	Individual Consideration

Summary: This is the second year of a 5 year annually renewable contract with Miles Media Group to provide website maintenance and advertising services to the VCB.

Budget: \$115,000 is budgeted in 2007

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Miles Media Group, Sarasota, Florida, in the amount of \$115,000 for the period January 1 – December 31, 2007 for Website Marketing Services.

Attachments: None

Background Information: This is the second year of the contract originally approved by Council September 2, 2005 that resulted from the RFQ/RFP issued in 2005. In that process, seven responsive and responsible proposals were received and three agencies were chosen as short listed finalists that participated in an oral presentation. A review panel consisting of VCB Board members, the VCB Director and three staff members, two members of the City management team, the City Purchasing Manager and the City Information Services Manager rated each agency on a set of established criteria. Miles Media received the highest ratings and was unanimously selected by the panel.

At the November 14, 2006 meeting, the VCB Board voted unanimously to recommend renewal of this contract for 2007.

Attach 6

Contract for Advertising Services for the Visitor and Convention Bureau

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		VCB Advertising Services Contract Renewal					
Meeting Date		December 6, 2006					
Date Prepared		November 28, 2006			File #		
Author		Debbie Kovalik		Executive Director			
Presenter Name		Debbie Kovalik		Executive Director			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	x		Formal Agenda	X	Consent	Individual Consideration

Summary: This is the second year of a 5-year annually renewable contract with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

Budget: \$325,000 is budgeted in 2007

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Hill & Company Integrated Marketing and Advertising in the amount of \$325,000.00 for the period January 1 – December 31, 2007 for Advertising Services.

Attachments: None

Background Information: This is the second year of the contract originally approved by Council September 21, 2005 that resulted from the RFQ/RFP issued in 2005. Six responsive and responsible proposals were received and three of those respondents were invited to make an oral presentation. A review panel consisting of VCB Board members, the VCB Director and three staff members, two members of the City management team and the City Purchasing Manager rated each agency on a set of established criteria. Hill & Co. received the highest ratings and was the unanimous selection of the panel.

At the November 14, 2006 meeting, the VCB Board voted unanimously to recommend renewal of this contract for 2007.

Attach 7

Visitor and Convention Bureau Bylaws

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		VCB Bylaws					
Meeting Date		December 6, 2006					
Date Prepared		November 28, 2006				File #	
Author		Debbie Kovalik			Executive Director		
Presenter Name		Debbie Kovalik			Executive 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: Adopt bylaws for the Grand Junction Visitor & Convention Bureau.

Budget: No budgetary impact

Action Requested/Recommendation: Approve and adopt the Visitor & Convention Bureau Bylaws as Recommended by the VCB Board of Directors.

Attachments: Bylaws

Background Information: At the July 11, 2006 Board meeting, the Chair appointed Eric Feely and Brunella Gualerzi to serve as committee members to prepare and recommend Bylaws for the VCB. The committee presented a first draft at the August Board meeting and incorporated the revisions suggested at that meeting; the document was then forwarded to the Assistant City Attorney for review.

Council's requirements for appointment to the Board have been either (1) residence within the city limits or (2) representation of a business that operates within the city limits. Article 3 of the proposed Bylaws includes an additional qualification:

- Representation of a Mesa County-based business that is a key component of the tourism industry in the Grand Valley.

Council has historically based appointments on applicants' knowledge of or experience in business administration, finance, advertising, marketing, public relations or economic development. Article 3 includes the following language regarding composition of the Board:

- The Board shall be comprised of principal decision-makers that include at least five (5) members who represent tourism-related businesses.

The Bylaws also require that members comply with Resolution 79-06, establishing ethical standards. Article 6 includes a provision for removal, patterned after the Arts Commission Bylaws, as well as an attendance policy.

The VCB Board approved the Bylaws by a unanimous vote at the September 12, 2006 meeting.

DRAFT

GRAND JUNCTION VISITOR & CONVENTION BUREAU
BYLAWS

Article 1. Purpose. Board. Place of Business.

(a) The purpose of the Board is to provide leadership for the community and its tourism industry; to develop policies and programs; and to monitor progress toward accomplishing the mission of the Visitor & Convention Bureau. The Mission Statement is:

The Grand Junction Visitor & Convention Bureau (GJVCB) is a department of the City of Grand Junction whose purpose is to pro-actively market the Grand Junction area, resulting in the positive economic impact of visitor dollars.

The business and affairs of the Board shall be managed by its members, comprised of nine (9) persons appointed by the Grand Junction City Council, consistently with the rules and these bylaws adopted by said City Council for such Board.

(b) The place of business of the Grand Junction Visitor & Convention Bureau Board of Directors ("Board") shall be in Grand Junction, Colorado with a mailing address of 740 Horizon Drive, Grand Junction, CO 81506.

Article 2. Ethical Conduct.

Board members shall comply with City of Grand Junction Resolution 79-06 which establishes ethical standards for members of the City's boards, commissions and similar groups.

Article 3. Appointment of Members.

(a) The Board shall consist of nine (9) members.

(b) Composition and selection:

1. The members of the Board shall be appointed by the Grand Junction City Council for individual terms of three (3) years.
2. Members shall be selected without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status, or physical handicap.
3. Qualifications shall include either (1) residence within the city limits of the City of Grand Junction; or (2) representation of a business that operates within the city limits of the City of Grand Junction; or (3) representation of a Mesa County-based business that is a key component of the tourism industry in the Grand Valley.

(c) If requested by the Grand Junction City Council, the Board shall make a recommendation to the appointing body as to the expertise needed. The appointing body may consider this recommendation when making appointments.

(d) The Board shall be comprised of principal decision-makers that include at least five (5) members who represent tourism-related businesses; other members shall have experience and/or knowledge in one of the following areas: business administration, finance, advertising, marketing, public relations or economic development.

Article 4. Terms. Conditions.

(a) The term of each individual board member shall be three (3) years. The terms shall be staggered so that one-third of the members shall be appointed each year. No Board member shall be appointed for more than two (2) consecutive full terms.

(b) Members shall hold office until their successors have been appointed and qualified, unless the member is no longer a city resident and city residency is a prerequisite. A member may be appointed for one or more terms subject to any term limitations as cited in Article 3. An appointment to fill a partial term shall only be for the remainder of the full term.

Article 5. Vacancies.

In the event of death, resignation, or removal of any member, his/her successor shall be appointed in the manner prescribed in Article 3 above, for the duration of the unexpired term.

Article 6. Removal.

(a) The Board may petition, by formal two-thirds vote of the membership, to remove any member who is failing to fulfill the duties and responsibilities of office, provided the individual is notified of such action and is given the opportunity to address the Board prior to tendering of such petition for removal to the Council for consideration.

(b) Failure to attend two-thirds (2/3) of the regularly scheduled Board meetings within any twelve (12) month period shall result in a recommendation to the City Council for removal of the member.

Article 7. Officers.

(a) In the fourth quarter of each calendar year, a nominating committee consisting of the current Chair and Vice Chair shall present to the Board nominations for Chair and Vice Chair for the coming year. Officers for the coming year shall be elected by written ballot at the December meeting.

(b) The Chair shall preside at meetings of the Board, serve as ex-officio member of all committees, serve as the official spokesperson for the Board, work with the GJVCB Executive Director to develop meeting agendas and serve as the Board liaison to the Executive Director and staff.

(c) No member shall serve more than two consecutive terms as Chair or Vice Chair.

(d) In the absence of the Chair, the Vice Chair shall assume the duties of the Chair.

(e) The Vice Chair shall be assigned other specific duties by the Chair as required to assure efficient operation of administrative functions of the Board.

Article 8. Meetings. Notice. Open Meetings.

(a) The Board shall meet at least eleven (11) times a year. Special meetings may be called at any time by the Chair or any three (3) members for any reason.

(b) Notice of any meeting of the Board, including the purpose thereof, shall be given to each member by mail, facsimile, e-mail or in an equivalent manner at least 72 hours before the scheduled meeting. Attendance by a member at any meeting of the Board shall be a waiver of notice by him/her of the time and place thereof. Any lawful business of the Board may be transacted at any meeting for which proper notice has been given.

(c) Any meeting may be held by telephone or video conference call.

(d) Meetings and affairs of the Board shall be subject to the Open Meetings Act and the Open Records Acts, as amended, as though the Board is a local government under those Acts.

Article 9. Conflicts. Compensation. Expenses.

No compensation shall be paid to any member of the Board for their services. The Board shall not enter into any contract with any member nor pay or authorize any remuneration to any member. The rules and requirements of the City Charter and state law that apply to members of the City Council regarding conflicts of interest, disclosure, gifts and appearances of impropriety shall likewise apply to each member of the Board.

In accordance with the rules and requirements of the City, a member may be reimbursed for his reasonable expenses incurred in the performance of his duties as a member, provided however that all such expenses are approved in advance by the Executive Director and shall be paid only by the finance director of the City.

Article 10. Quorum.

A majority of the authorized number of members of the Board shall constitute a quorum for the transaction of business. However, if at any meeting a quorum is no longer present whether due to conflict of interest or otherwise, a majority of those present may

adjourn the meeting. The act of a majority of the members present at a meeting in which a quorum is present shall be the act of the Board.

Article 11. Action of Members without a Meeting.

Any action that could have occurred at a meeting of the members can also be accomplished without a meeting if all of the members entitled to vote with respect to the subject matter thereof sign a written consent or provide an electronic proxy specifying the action.

Article 12. Contracts. Expenditures.

The Board and its members ordinarily do not have authority to bind the City, unless the City Council has specifically provided otherwise in writing. Expenditures on behalf of the Board and its work shall be exclusively through the City's Finance Department.

Article 13. Notices.

Any notice of claim, demand or other legal process served on or received by the Board or any of its members should be immediately delivered to the City Clerk or the City Attorney.

Article 14. Legal Advice. Finances.

The City Attorney shall serve as the legal advisor for the Board. The City's Finance Director shall serve as the treasurer for the Board.

Article 15. Amendment of the Bylaws.

The Board may, by the affirmative vote of a majority of its members, recommend amendments to these Bylaws provided that no such alteration or amendment by the Board shall increase the powers of the Board or expose the City to any additional liabilities, responsibilities or expenses. The bylaws may not be amended without written consent of the Grand Junction City Council. The Chair, or any member, shall send a copy of such proposed changes to the City Clerk prior to adoption by the Board.

Adopted by the City Council this _____ day of _____, 200__.

City Council

President of the

Attest:

City Clerk

[Note: The City's insurance provides coverage for its volunteers and will defend members of the Board against losses, costs and expenses, including legal counsel fees, reasonably incurred by reason of his/her being or having been a member of the Board, so long as the member does not act or has not acted maliciously, criminally, with deliberate intent to violate a law or regulation or with intent to injure. A board member must immediately contact the City Attorney in the event a claim is made, and may contact the City Attorney if he or she has any questions or concerns about liability.]

City Attorney: 244-1506, at City Hall, email johns@gjcity.org

Clerk: 244-1511, at City Hall, email stepht@gjcity.org

BY THE BOARD:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attach 8

Setting a Hearing on Zoning the Calfrac Annexation, Location 489 30 Road

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Zoning the Calfrac Annexation, located at 489 30 Road.					
Meeting Date		December 6, 2006					
Date Prepared		November 30, 2006			File #ANX-2006-283		
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 zone the 32.92 acre Calfrac Annexation, located at 489 30 Road, to I-1 (Light Industrial) and RMF-8 (Residential Multi Family 8 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for December 20, 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:		<i>489 30 Road</i>
Applicants:		Calfrac Well Services-Owner Austin Civil Group-Representative
Existing Land Use:		<i>Industrial & Vacant</i>
Proposed Land Use:		<i>Industrial & Residential</i>
Surrounding Land Use:	North	<i>Industrial, Commercial</i>
	South	<i>Residential, Agriculture</i>
	East	<i>Industrial, Commercial, Residential</i>
	West	<i>Commercial</i>
Existing Zoning:		<i>I-2 (County)</i>
Proposed Zoning:		<i>I-1 and RMF-8</i>
Surrounding Zoning:	North	<i>C-2 (County)</i>
	South	<i>RSF-R (County), I-2 (County), C-1</i>
	East	<i>I-2 (County), B-1</i>
	West	<i>I-2 (County)</i>

Growth Plan Designation:	I (Industrial), CI (Commercial Industrial), RM (Residential Medium 4-8 du/ac)		
Zoning within density range?	x	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 and RMF-8 districts is consistent with the Growth Plan designation of I (Industrial), CI (Commercial Industrial), and RM (Residential Medium 4-8 du/ac). The existing County zoning is I-2. 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 districts are compatible with the neighborhood and will not create adverse impacts. The future land use map designates the properties to the west as RM (Residential Medium 4-8 du/ac). Properties to the north are designated as Commercial. Properties to the east and south are designated as RM (Residential Medium 4-8 du/ac).

The I-1 and RMF-8 zone districts are in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan:

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

Policy 1.9: The City will direct the location of heavy commercial and industrial uses with outdoor storage and operations in parts of the community that are screened from view from arterial streets.

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

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

Goal 17: To promote a healthy, sustainable, diverse economy.

Policy 18.1: The City will coordinate with appropriate entities to monitor the supply of land zoned for commercial and industrial development and retain an adequate supply of land to support projected commercial and industrial employment.

- 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: At the time of annexation, a property shall be zoned to a district that is consistent with the Growth Plan or consistent with existing County Zoning.

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.

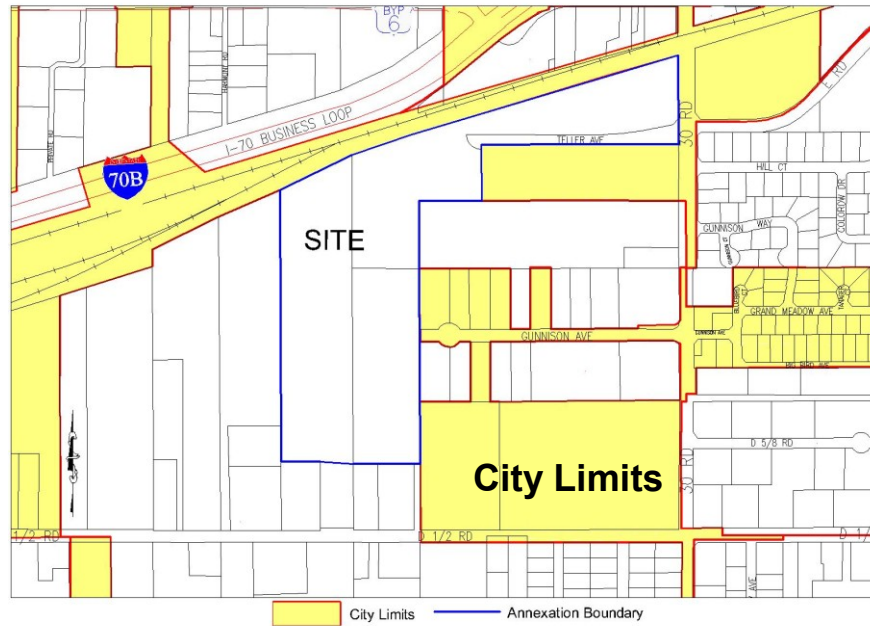
- b. I-2
- c. I-O
- d. C-2
- e. RMF-5
- f. RSF-4

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 I-1 and RMF-8 districts to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



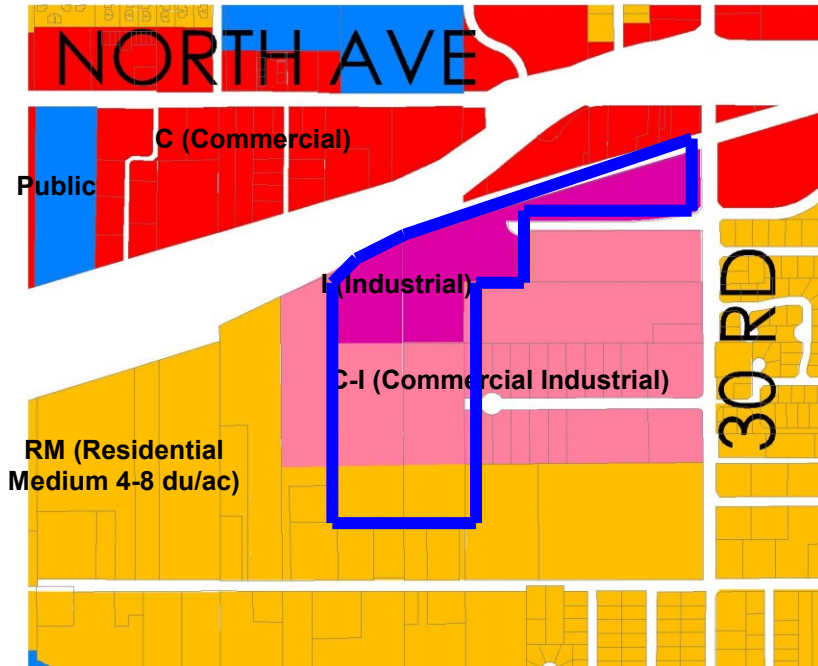
Aerial Photo Map

Figure 2



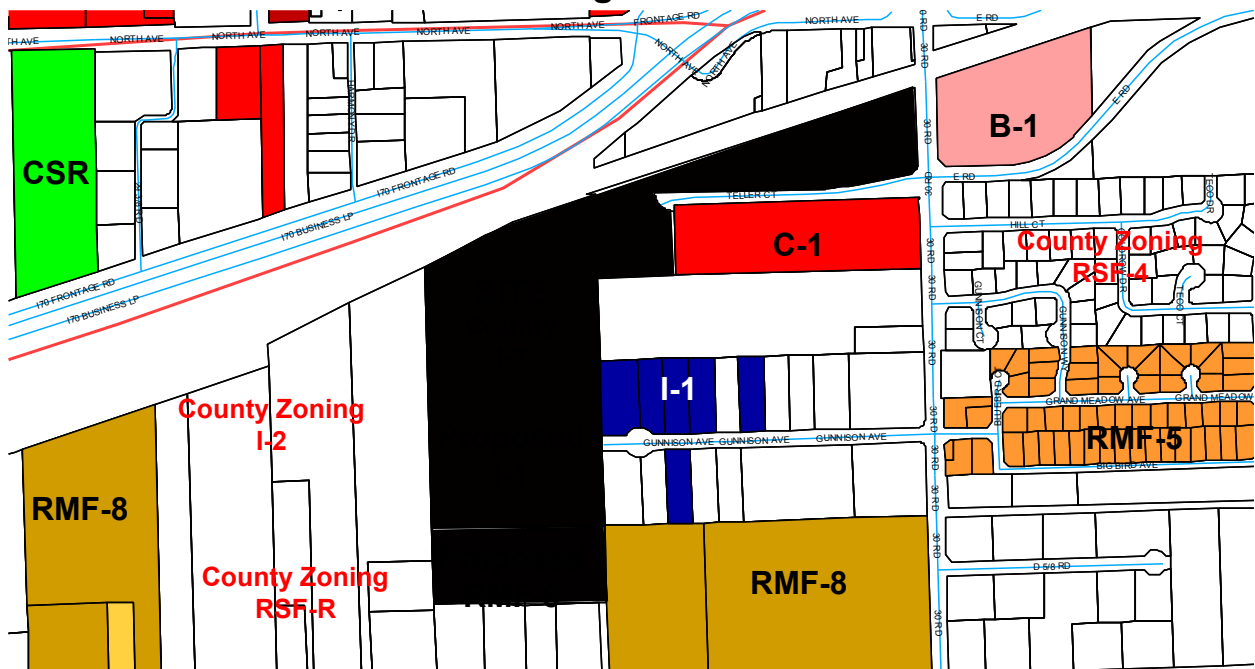
Future Land Use Map

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 CALFRAC ANNEXATION TO
I-1 and RMF-8**

LOCATED AT 489 30 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 Calfrac Annexation to the I-1 and RMF-8 zone districts 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 and RMF-8 zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code. (Exhibit A Attached)

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

The following property be zoned I-1 (Light Industrial).

Commencing at the Northeast corner of Section 17, Township 1 South, Range 1 East of the Ute Meridian, whence the Southeast corner of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) bears S00°00'55"E 1319.12 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence S00°00'55"E 254.07 feet; thence S73°00'12"W 51.24 feet to a point at the intersection of the South right-of-way line of Union pacific Railroad and the West right-of-way line of 30 Road, as described in book 3027, pages 290 and 291, the Point of Beginning; thence along said right-of-way line the following five (5) coursers: (1) S00°00'55"E 310.39 feet; (2) S39°55'13"W 40.89 feet; (3) S79°51'20"W 154.76 feet; (4) along a curve to the right, having a delta angle of 10°22'03", with a radius of 1071.00 feet, an arc length of 193.79 feet, with a chord bearing of S85°02'21"W, and a chord distance of

193.53 feet; (5) S00°13'22"W 4.52 feet; thence N89°58'02"W 666.00 feet to a point at the beginning of a non-tangent curve; thence along said curve to the left, having a delta angle of 90°03'30", with a radius of 75.00 feet, an arc length of 117.89 feet, with a chord bearing of S44°59'07"E a chord distance of 106.12 feet; thence S00°00'55"E 254.83 feet; thence N89°58'15"W 310.98 feet; thence S00°04'40"E 329.78 feet to the Northwest corner of the SE¼ NE¼ of said Section 17; thence S00°07'45"E 658.86 feet; thence S89°53'20"W 687.49 feet; thence N00°10'25"W 1048.28 feet to the South right of way line of Union Pacific Railroad; thence along said South right of way the following (3) courses: (1) N64°28'00"E 396.95 feet; (2) N73°00'14"E 345.53 feet; (3) N73°00'12"E 1331.47 feet to the Point of Beginning.
Containing 26.69 acres as described.

The following property be zoned RMF-8 (Residential Multi Family 8 du/ac).

Commencing at the Northeast corner of Section 17, Township 1 South, Range 1 East of the Ute Meridian, whence the Southeast corner of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) bears S00°00'55"E 1319.12 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence S33°43'50"W 2377.54 feet to the Point of Beginning; thence S00°07'45"E 304.71 feet; thence N89°58'41"W 329.38 feet; thence N85°36'00"W 164.40 feet; thence N89°58'41"W 194.00 feet; thence N00°10'25"W 290.56 feet; thence N89°53'20"E 687.49 feet to the Point of Beginning.
Containing 4.72 acres as described.

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

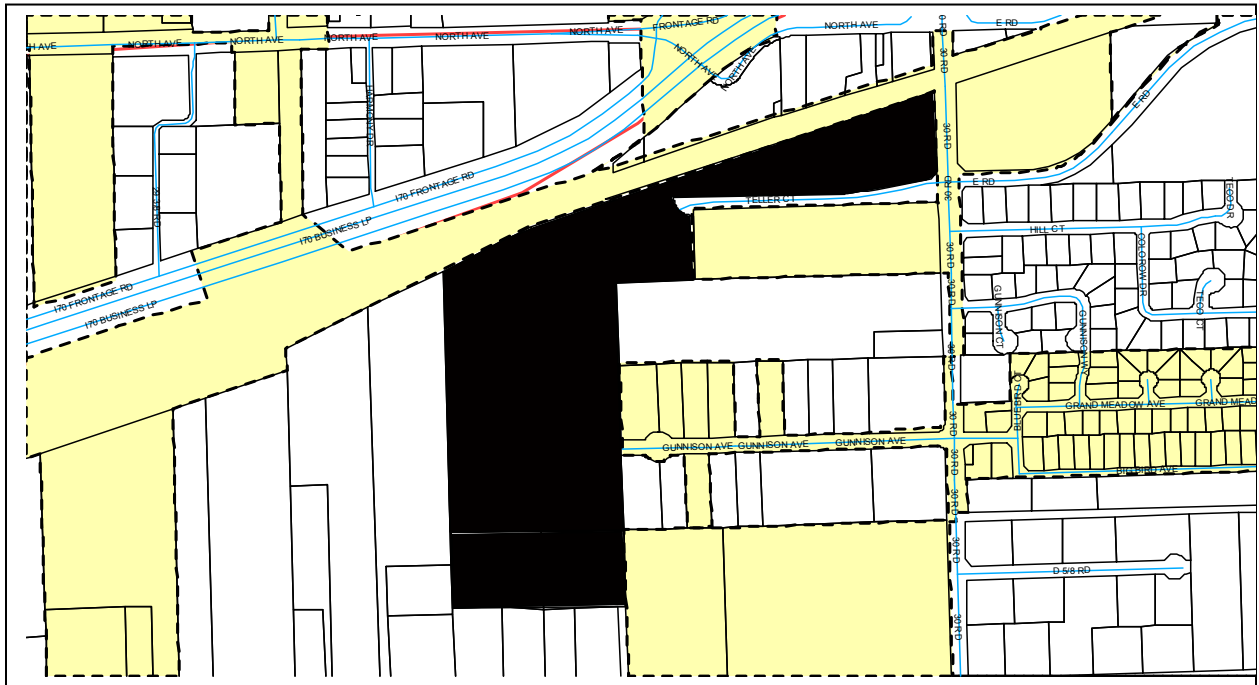
ADOPTED on second reading the ____ day of _____, 2006.

ATTEST:

President of the Council

City Clerk

Exhibit A



Attach 9

Setting a Hearing for the Apple Acres Annexation, Located at 3025 E Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Apple Acres Annexation - Located at 3025 E Road						
Meeting Date	December 6, 2006						
Date Prepared	November 30, 2006				File #ANX-2006-302		
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 8.84 acres, located at 3025 E Road. The Apple Acres Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Apple Acres Annexation and introduce the proposed Ordinance and set a hearing for January 17, 2007.

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:		3025 E Road	
Applicants:		Apple Acres LLC-Owner Ciavonne Roberts & Associates-Representative	
Existing Land Use:		Residential/Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential, Agriculture, Commercial	
	South	Residential	
	East	Residential	
	West	Commercial	
Existing Zoning:		RSF-4 (County)	
Proposed Zoning:		RMF-5	
Surrounding Zoning:	North	RSF-4 (County), C-1	
	South	RSF-4 (County)	
	East	RSF-4 (County)	
	West	RSF-4 (County), B-1	
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 8.84 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

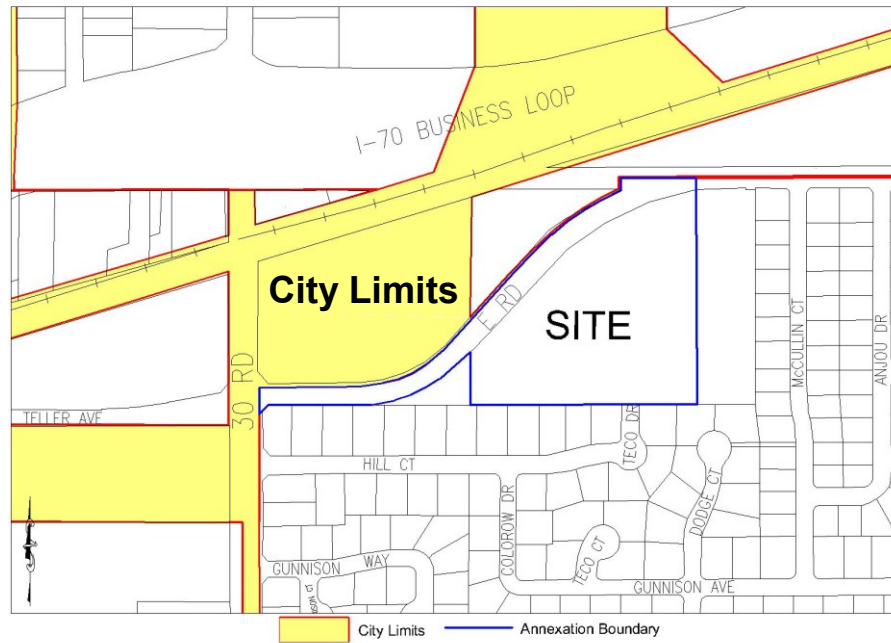
<u><i>ANNEXATION SCHEDULE</i></u>	
December 6, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
December 12, 2006	Planning Commission considers Zone of Annexation
January 3, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
January 17, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 18, 2007	Effective date of Annexation and Zoning

APPLE ACRES ANNEXATION SUMMARY

File Number:	ANX-2006-302	
Location:	3025 E Road	
Tax ID Number:	2943-162-00-212	
Parcels:	1	
Estimated Population:	1	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	8.84	
Developable Acres Remaining:	8.84	
Right-of-way in Annexation:	E Road	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RMF-5	
Current Land Use:	Residential/Vacant	
Future Land Use:	RM (Residential Medium 4-8 du/ac)	
Values:	Assessed:	\$14,710
	Actual:	\$122,440
Address Ranges:	3021-3025 E Road (odd only)	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Upper Grand Valley

Site Location Map

Figure 1



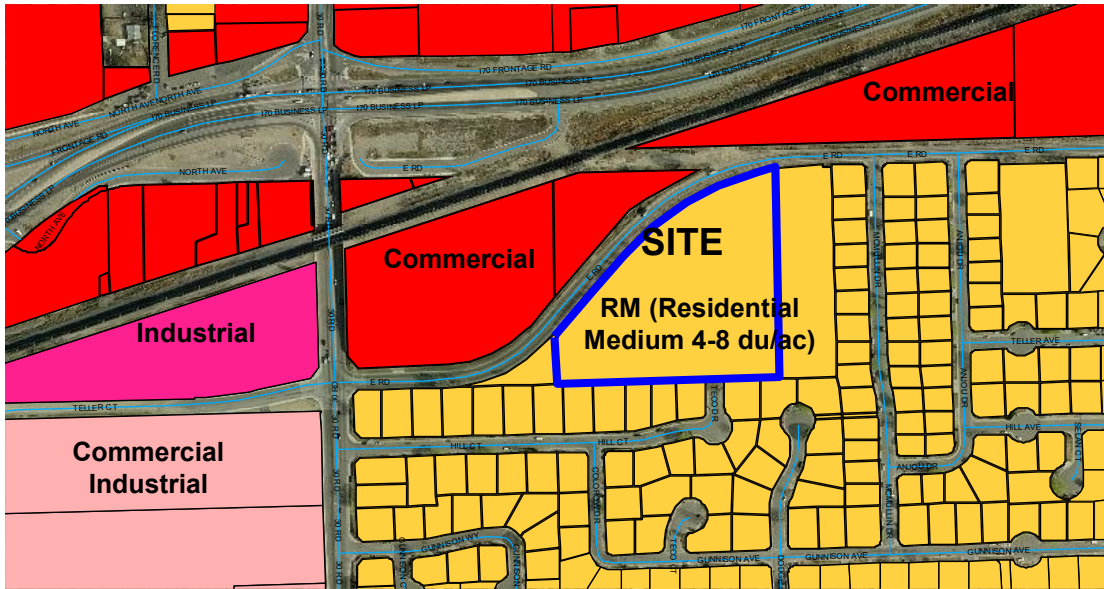
Aerial Photo Map

Figure 2



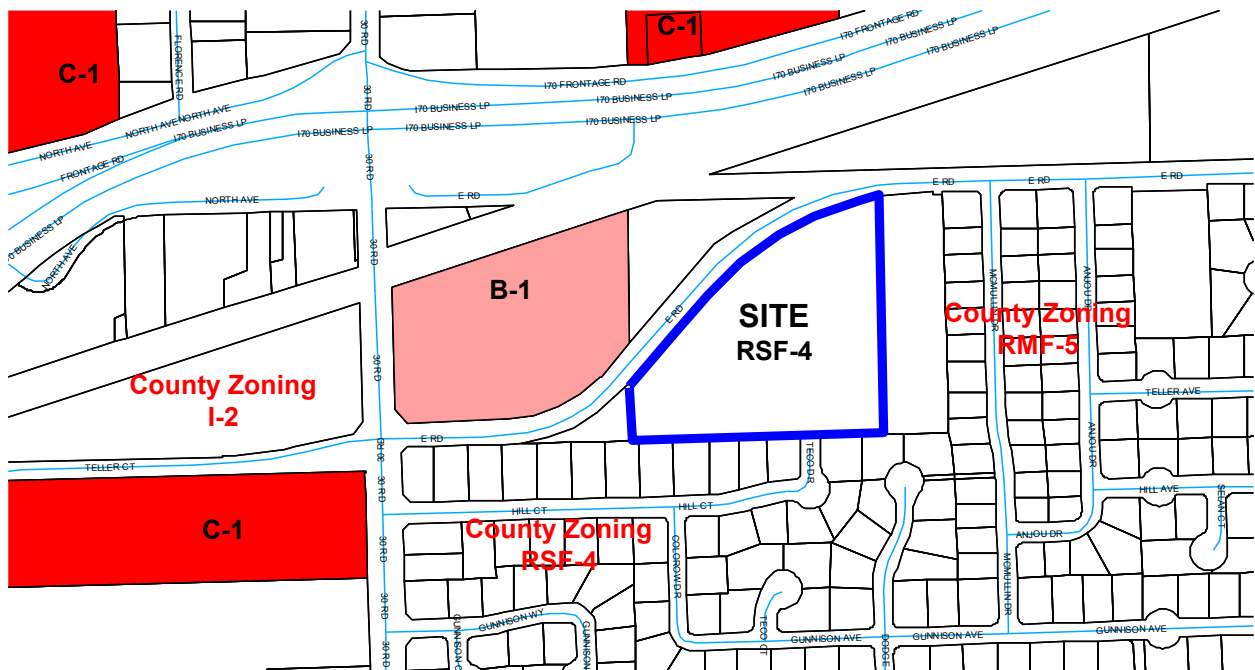
Future Land Use Map

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 6th of December, 2006, the following Resolution was adopted:

RESOLUTION NO. ____

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

APPLE ACRES ANNEXATION

LOCATED AT 3025 E ROAD.

WHEREAS, on the 6th day of December, 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:

APPLE ACRES ANNEXATION

A parcel of land located in the Northwest Quarter (NW 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:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215, Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along

said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90 feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 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 17th day of January, 2007, 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>
December 8, 2006
December 15, 2006
December 22, 2006
December 29, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

APPLE ACRES ANNEXATION

APPROXIMATELY 8.84 ACRES

LOCATED AT 3025 E ROAD

WHEREAS, on the 6th day of December, 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 17th day of January, 2007; 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:

APPLE ACRES ANNEXATION

A parcel of land located in the Northwest Quarter (NW 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:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence

S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215, Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90 feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 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 _____, 2007.
Attest:

President of the Council

City Clerk

Attach 10

Setting a Hearing to Adopt the 2006 Edition of the International Fire Code

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Adoption of the International Fire Code 2006 Edition and Amending Article III Chapter 18 of the Code of City Ordinances					
Meeting Date	December 6, 2006					
Date Prepared	December 19, 2011				File #	
Author	Jamie B. Kreiling Hank Masterson		Assistant City Attorney Fire Inspector			
Presenter Name	Charles Mathis John Shaver		Fire Inspector City Attorney			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: Adoption of an Ordinance for the 2006 edition of the International Fire Code, which is part of the 2006 International Code set currently being adopted by the City. Mesa County has or soon will be adopting the same code set.

Budget: Nominal costs for printed material.

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for January 3, 2007.

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

Background Information: Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. City Council adopted the 2000 edition of the International Codes in December 2000; that edition has now been revised and updated as the 2006 edition. The 2006 edition of the International Fire Code ("IFC") is part of the 2006 International Code set, currently being adopted by the City. The 2006 codes are written to be well-coordinated so that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language.

There are a few minor additions and changes to the IFC regarding permits and permit fees, requirements for supplying a 13D system with domestic water where provided, location of Fire Department connectors, and installation of fire hydrants. All other code

amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code and/or the International Fire Code 2000 Edition, which are carried over to be part of the 2006 International Fire Code.

PROPOSED CHANGES

Chapter 18 FIRE PREVENTION AND PROTECTION Article III. Fire Code

Article III of Chapter 18 of the Code of Ordinances of the City of Grand Junction is hereby amended with deletions being indicated by strikethroughs and additions being underlined as follows: (If viewed in color, please ignore the differences in color as they do not have a meaning. Use of different computers while making the changes caused the different colors.)

SECTION 1

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, and F, , 2006 edition except such portions as are hereinafter deleted, modified or amended by Section 18-59 of this article are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57. Establishment and Duties of Fire Prevention.

(a) The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.

(b) The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.

(c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

Sec. 18-58. Definitions.

(a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.

(b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the City Attorney for the City.

(c) Wherever the term "City Manager" is used, it shall mean the City Manager or any employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or

designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

(a) Add a section to read: 105.1.4 Permit Fees. Permit rates and fees shall be as adopted by City Council by resolution.

(b) *Section 105.6. Required operational permits.* Section 105.6 is amended by adding an additional paragraph to read: An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.1 Aerosol products
- 105.6.2 Amusement buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Battery systems
- 105.6.5 Cellulose nitrate film
- 105.6.6 Combustible dust-producing operations
- 105.6.7 Combustible fibers
- 105.6.9 Compressed gases
- 105.6.9 Covered mall buildings
- 105.6.11 Cryogenic fluids
- 105.6.11 Cutting and welding
- 105.6.12 Dry cleaning plants
- 105.6.13 Exhibits and trade shows
- 105.6.15 Fire hydrants and valves
- 105.6.17 Flammable and combustible liquids
- 105.6.17 Floor finishing
- 105.6.18 Fruit and crop ripening
- 105.6.19 Fumigation and thermal insecticidal fogging
- 105.6.21 Hazardous materials
- 105.6.21 HPM facilities
- 105.6.23 Hot work operations
- 105.6.24 Industrial ovens
- 105.6.25 Lumber yards and woodworking plants
- 105.6.26 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.28 LP-gas
- 105.6.29 Magnesium
- 105.6.29 Miscellaneous combustible storage
- 105.6.32 Open flames and candles
- 105.6.33 Organic coatings
- 105.6.34 Places of assembly
- 105.6.35 Private fire hydrants
- 105.6.37 Pyroxylin plastics
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and motor fuel dispensing facilities

- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

(c) Section *311.1.1 Abandoned premises*. Section 311.1.1 is deleted and replaced with:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2006 Edition*, and the *International Building Code, 2006 Edition*.

(d) Section *311.3 Removal of combustibles*. Section 311.3 shall be amended by addition of the following subsections:

311.3.1 In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3 It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify

the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4 The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(e) *Section 503.1 Where required.* Section 503.1 is amended by the addition of the following:

The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

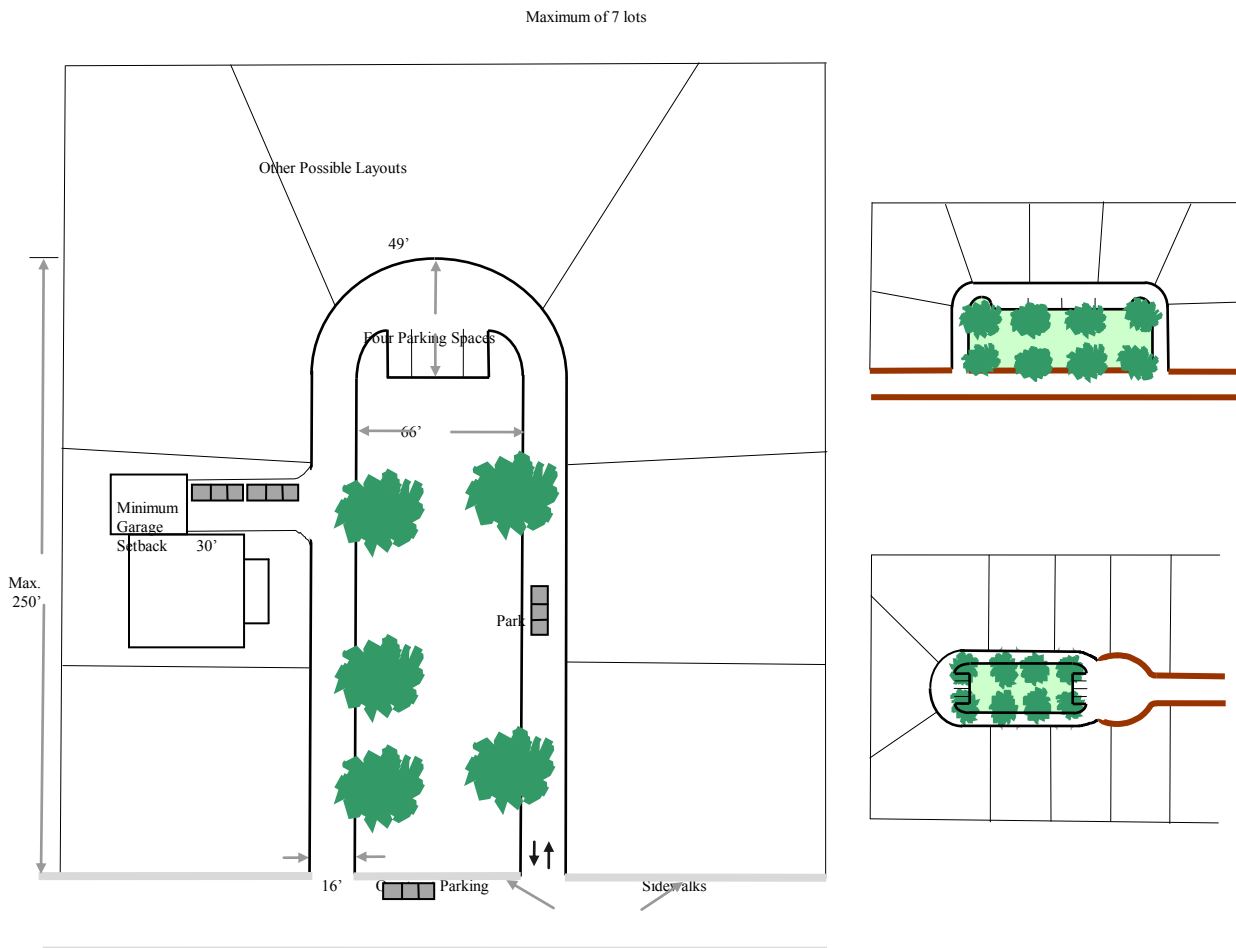
(f) *Section 503.2.1 Dimensions.* Section 503.2.1 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

503.2.1.1 Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, (“fire loop lane”), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33’) and an outside radius of less than forty-eight feet (48’). “Flow line” means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250’) from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. “No parking” signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be

required to only obtain access from the fire loop lane;

10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and
12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



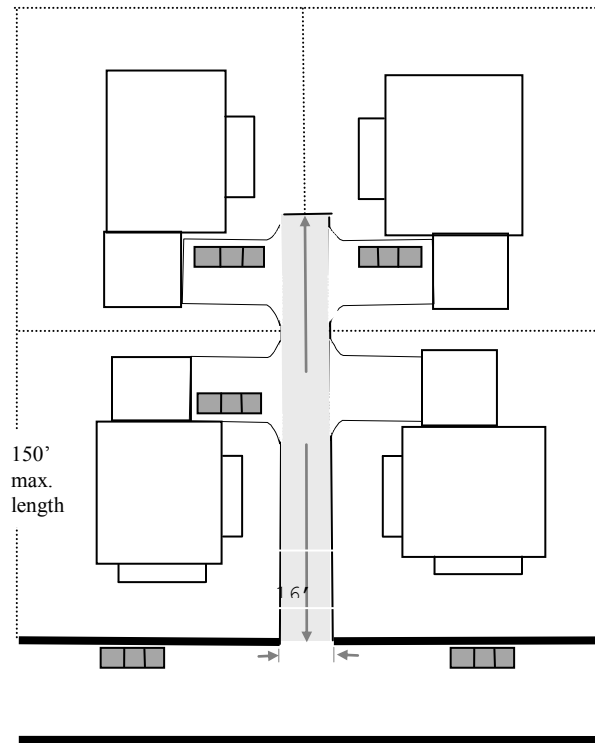
[End of 503.2.1.1]

503.2.1.2 Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');

4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



(g) *Section 903.3.1.3 NFPA 13D sprinkler systems.* Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(h) *Section 903.3.7 Fire department connections.* Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(i) *Section 907.15 Monitoring.* Section 907.15 is amended by the addition of the following subsections:

907.15.1 False alarms. Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a

malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

907.15.2 It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

907.15.3 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

907.15.4 A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

907.15.5 A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(j) *Section 2505 Outdoor Storage of Tires.* Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1 No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2 Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3 Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4 Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5 Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6 Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7 Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(k) *Section B103 Modifications.* Section B103 is amended by addition of the following subsection:

B103.4 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(l) *Section C102 Location.* Section C102 is amended by addition of the following:

C102.2 Water supply lines. Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.
6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the Chief.

C102.3 Fire Hydrant Installation. The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the Fire Chief.

(m) *Section D107.1 One- or two-family residential developments.* D107.1, exception 1:
Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

Sec. 18-60. New materials, processes or occupancies which may require permits.

The Fire Chief and the fire marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 18-61. Establishment and duties of division of fire prevention.

- (a) The International Fire Code shall be enforced by the division of fire prevention in the fire department of the City, which has been previously established and which shall be operated under the supervision of the Fire Chief or his designee.
- (b) The fire marshal in charge of the division of fire prevention in the fire department of the City shall be appointed by the Fire Chief on the basis of his/her qualifications.
- (c) The Fire Chief may detail such members of the fire department as inspectors as he shall from time to time deem necessary. The Fire Chief shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be appointed on the basis of their qualifications.

Sec. 18-62. Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.

- (a) Section 3404 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

- (b) Section 3406.4 of the International Fire Code limits the citing of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-63. Zones in which storage of liquefied petroleum gases is restricted.

Section 3804 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light

commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-64. Zones in which storage of explosives and blasting agents is prohibited.

Storage of explosives and blasting agents, within the limits of the City, is prohibited. This restriction shall not prohibit such use where the storage is made by an individual or company under proper safeguards as may be prescribed by the Fire Chief or his designee.

Sec. 18-65. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals created by section 108 of the International Fire Code, by filing with the Fire Chief a written appeal along with a fee as established by resolution of the City Council and on file in the City Clerk's office, within 30 days from the date of the decision appealed.

Sec. 18-66. Reserved.

Sec. 18-67. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this article.

Secs. 18-68--18-85. Reserved.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODE; AMENDING ARTICLE III OF CHAPTER 18 OF THE CODE OF ORDINANCES; AND AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH

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

Adoption of the International Fire Code, 2006 Edition is hereby adopted with the amendments of the same included below and Article III of Chapter 18 of the Code of Ordinances of the City of Grand Junction is hereby amended as follows:

SECTION 1

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, and F, 2006 edition except such portions as are hereinafter deleted, modified or amended by Section 18-59 of this article are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57. Establishment and Duties of Fire Prevention.

- (a) The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.
- (b) The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.
- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

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- (a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.
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- (c) Wherever the term "City Manager" is used, it shall mean the City Manager or any

employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

(a) Add a section to read: **105.1.4 Permit Fees.** Permit rates and fees shall be as adopted by City Council by resolution.

(b) *Section 105.6. Required operational permits.* Section 105.6 is amended by adding an additional paragraph to read: An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.2 Amusement buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Cellulose nitrate film
- 105.6.6 Combustible dust-producing operations
- 105.6.7 Combustible fibers
- 105.6.9 Covered mall buildings
- 105.6.11 Cutting and welding
- 105.6.12 Dry cleaning plants
- 105.6.13 Exhibits and trade shows
- 105.6.15 Fire hydrants and valves
- 105.6.17 Floor finishing
- 105.6.18 Fruit and crop ripening
- 105.6.19 Fumigation and thermal insecticidal fogging
- 105.6.21 HPM facilities
- 105.6.23 Hot work operations
- 105.6.24 Industrial ovens
- 105.6.25 Lumber yards and woodworking plants
- 105.6.26 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.29 Miscellaneous combustible storage
- 105.6.32 Open flames and candles
- 105.6.34 Places of assembly

- 105.6.35 Private fire hydrants
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and motor fuel dispensing facilities
- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

(c) Section 311.1.1 *Abandoned premises*. Section 311.1.1 is deleted and replaced with:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2006 Edition*, and the *International Building Code, 2006 Edition*.

(d) Section 311.3 *Removal of combustibles*. Section 311.3 shall be amended by addition of the following subsections:

311.3.1 In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3 It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to

him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4 The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(e) *Section 503.1 Where required.* Section 503.1 is amended by the addition of the following:

The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

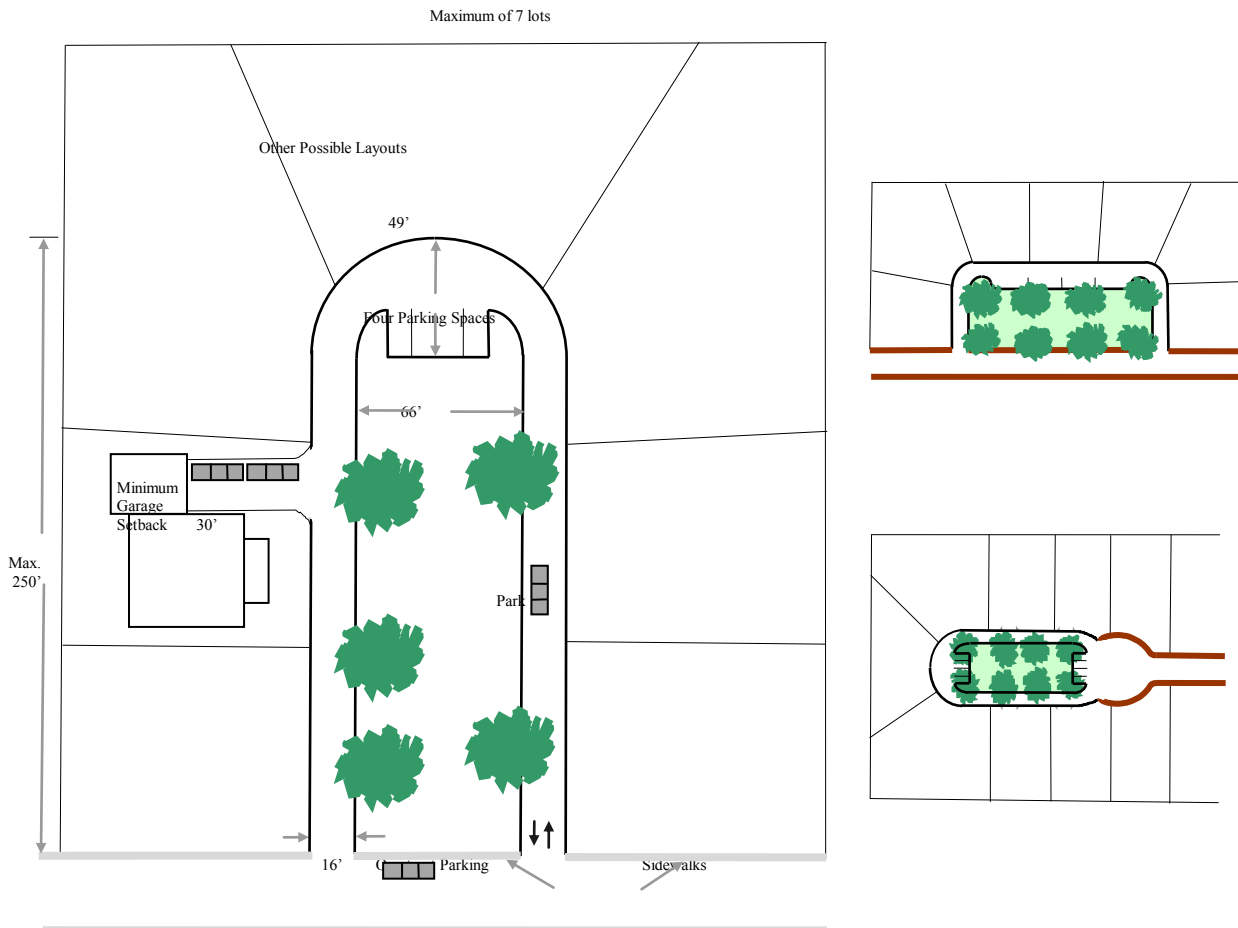
(f) *Section 503.2.1 Dimensions.* Section 503.2.1 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

503.2.1.1 Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, (“fire loop lane”), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33’) and an outside radius of less than forty-eight feet (48’). “Flow line” means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250’) from the abutting street right-of-way;

5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;
10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and

12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



[End of 503.2.1.1]

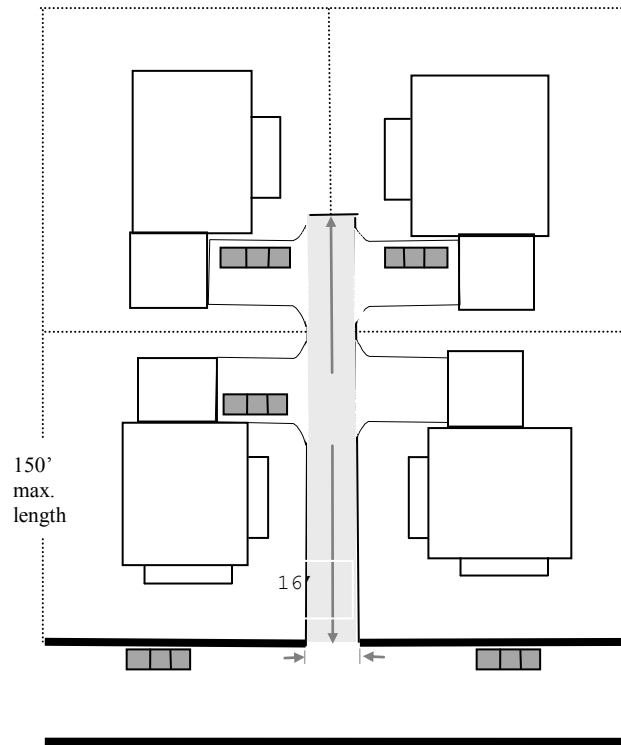
503.2.1.2 Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one

hundred and fifty feet (150');

4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



(g) *Section 903.3.1.3 NFPA 13D sprinkler systems.* Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(h) *Section 903.3.7 Fire department connections.* Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(i) *Section 907.15 Monitoring.* Section 907.15 is amended by the addition of the following subsections:

907.15.1 False alarms. Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner

and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

907.15.2 It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

907.15.3 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

907.15.4 A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

907.15.5 A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(j) *Section 2505 Outdoor Storage of Tires.* Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1 No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2 Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3 Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4 Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5 Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6 Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7 Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(k) *Section B103 Modifications.* Section B103 is amended by addition of the following subsection:

B103.4 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(l) *Section C102 Location.* Section C102 is amended by addition of the following:

C102.2 Water supply lines. Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
5. The Fire Chief may allow a new development that would otherwise be required to

provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the Chief.

C102.3 Fire Hydrant Installation. The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the Fire Chief.

(m) *Section D107.1 One- or two-family residential developments.* D107.1, exception 1:
Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

Sec. 18-60. New materials, processes or occupancies which may require permits.

The Fire Chief and the fire marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 18-61. Establishment and duties of division of fire prevention.

- (a) The International Fire Code shall be enforced by the division of fire prevention in the fire department of the City, which has been previously established and which shall be operated under the supervision of the Fire Chief or his designee.
- (b) The fire marshal in charge of the division of fire prevention in the fire department of the City shall be appointed by the Fire Chief on the basis of his/her qualifications.
- (c) The Fire Chief may detail such members of the fire department as inspectors as he shall from time to time deem necessary. The Fire Chief shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be appointed on the basis of their qualifications.

Sec. 18-62. Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.

- (a) Section 3404 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

- (b) Section 3406.4 of the International Fire Code limits the citing of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-63. Zones in which storage of liquefied petroleum gases is restricted.

Section 3804 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1

(light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-64. Zones in which storage of explosives and blasting agents is prohibited.

Storage of explosives and blasting agents, within the limits of the City, is prohibited. This restriction shall not prohibit such use where the storage is made by an individual or company under proper safeguards as may be prescribed by the Fire Chief or his designee.

Sec. 18-65. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals created by section 108 of the International Fire Code, by filing with the Fire Chief a written appeal along with a fee as established by resolution of the City Council and on file in the City Clerk's office, within 30 days from the date of the decision appealed.

Sec. 18-66. Reserved.

Sec. 18-67. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this article.

Secs. 18-68--18-85. Reserved.

SECTION 2 Public Hearing

A public hearing on the adoption by reference of the International Fire Code, 2006 Edition, including the appendices thereto, together with certain amendments, is scheduled in the City Auditorium at City Hall in Grand Junction, Colorado, at 7:00 p.m. on the 3rd day of January 2007. The City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in sections 31-16-201, *et seq.*, C.R.S.

SECTION 3 Public Inspection

At least one copy of the International Fire Code, 2006 Edition, including the appendices thereto, together with certain amendments, all certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday, holidays excepted.

SECTION 4 Validity

Any and all sections or parts of sections of the Code of Ordinances of the City of Grand Junction, Colorado, as amended, in conflict herewith, are hereby repealed.

Introduced this ____ day of December, 2006.

Passed on second reading this ____ day of _____, 2007.

Junction

City of Grand

Attest:
Council

President of the

Stephanie Tuin
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. _____, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the ____ day of _____, 2006, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this ____ day of _____, 2006.

Stephanie Tuin, CMC
City Clerk

Published:

Published:

Effective:

Attach 11

Setting a Hearing to Adopt the 2006 International Building Codes and Related Fees
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	2006 Edition Building Related Codes and Related Fees						
Meeting Date	December 6, 2006						
Date Prepared	November 30, 2006				File #		
Author	Mark Relph Bob Lee		Public Works & Utilities Director Mesa County Building Dept. Director				
Presenter Name	Mark Relph John Shaver		Public Works & Utilities Director 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: The proposed ordinance would adopt the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction.

Budget: No impact.

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for January 3, 2007.

Attachments: Proposed Ordinance.

Background Information: This request is for up-dating all the building and construction codes in place within the City of Grand Junction, eight (8) codes in all. Mesa County has adopted a similar ordinance.

The building codes currently adopted are the 2000 editions. The proposed ordinance will provide for adoption of the most current editions available, which is necessary to keep in pace with more modern construction methods, materials and techniques. The codes under consideration are the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado.

The City of Grand Junction contracts with Mesa County to administer the building codes including licensing, permitting and inspection. In exchange for the service, Mesa County retains all revenues.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

Article III of Chapter 8 of the Code of Ordinances of the City of Grand Junction is hereby amended with deletions being indicated by strikethroughs and additions being underlined as follows:

Sec. 8-51. Adoption of International Building Code and Standards.

(a) The International Building Code, 2006 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter "IBC" or "International Building Code") is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 2006 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings
Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

Sec. 8-52. Amendments to International Building Code.

The building code adopted in Section 8-51 is hereby amended as follows:

(1) *Section 105.2:* Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.

(2) *Section 108:* Section 108 is amended by the addition of Subsection 108.7 as follows: No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

Section 108.2: Section 108.2 is amended by adding the following language: Fees shall be determined by City Council and set forth in a Resolution

(4) *Section 108.6:* Section 108.6 is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

(5) *Section 109:* Section 109 is amended by addition of Subsection 109.7 as follows: No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

(6) *Section 112:* Section 112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 of the City's Code of Ordinances shall serve as the Board of Appeals.

(7) *Section 508:* Section 508,, Table 508.2 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

(8) *Section 508:* Section 508, Table 508.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, Nonseparated occupancies, except Group I and H if the: Remainder of footnote b. remains unchanged.

(9) *Table 602:* Table 602 is amended by the addition of footnote f. to E occupancies. Footnote f. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.

(10) *Section 708.4:* Section 708.4 is amended by the addition of Exception #7 to read: The wall need not extend into the crawl space in existing construction.

(11) *Section 1004:* Section 1004, Table 1004.1.1 is amended to change the maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

Section 1704.1: Section 1704.1 is amended to change the last sentence of the first paragraph to read: These inspections are to include the inspections specified in Section 109.

(13) *Chapter 30:* Chapter 30 concerning elevators, moving walks, escalators or dumbwaiters is amended by amending Section 3001.1 as follows and adding four new sections and subsections to read as follows:

3001.1 Scope. This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefore and providing procedures for the inspection and maintenance of such conveyances.

SECTION 3007

PERMITS & CERTIFICATES OF INSPECTION

3007.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

3007.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3007.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3007.5 Fees. A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule which shall be determined by City Council and set forth in a Resolution.

SECTION 3008

DESIGN

3008.1 Detailed requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

SECTION 3009

REQUIREMENTS FOR OPERATION AND MAINTENANCE

3009.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3009.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3009.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3009.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

SECTION 3010

UNSAFE CONDITIONS

3010.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(14) *Section 3109.4:* Section 3109.4 is amended by deletion thereof.

Sec. 8-53. Adoption of National Electrical Code.

The National Electric Code, 2005 Edition, as promulgated by the National Fire Protection Association Inc, One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a Resolution.

Sec. 8-54. Adoption of International Plumbing Code.

The International Plumbing Code as published by the International Code Council, together with amendments set forth below (hereafter "IPC" or "International Plumbing Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Plumbing Code, 2006 Edition, are adopted:

Appendix B - Rates of Rain Fall for Various Cities
Appendix E - Sizing of Water Piping Systems
No other chapters of the Appendix are adopted.

Sec. 8-55. Amendments to International Plumbing Code.

The plumbing code adopted in Section 8-54 is hereby amended as follows:

- (1) *Section 106.6*: Section 106.6 is amended by deletion of the section and replaced with the following: **Section 106.6 Permit fees.** A fee for each permit shall be as determined by City Council and set forth in a Resolution.
- (2) *Section 109*: Section 109 is amended by deletion of the section and replacing with the following: Section 109, Subsection 109.1 The Board of Appeals as established in Section 8-26 of the City's Code of Ordinance shall serve as the Board of Appeals.

Sec. 8-56. Adoption of International Mechanical Code.

(a) The International Mechanical Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter

“IMC” or “International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Mechanical Code, 2006 Edition, are adopted:

Appendix A, Combustion Air Openings and Chimney Pass-Throughs.

No other chapters of the Appendix are adopted.

Sec. 8-57. Amendments to International Mechanical Code.

The mechanical code adopted in Section 8-56 is hereby amended as follows:

(1) *Section 106.5.2*: Section 106.5.2 is amended by deletion of the section and replacing with the following: Section 106.5.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4*: Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City’s Code of Ordinances.

(2)(3) *Section 109*: Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(3)

Sec. 8-58. Adoption of International Fuel Gas Code.

(a) The International Fuel Gas Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IFGC” or “International Fuel Gas Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 2006 Edition, are adopted:

Chapter A, Sizing and Capacities of Gas Piping
Chapter B, Sizing of Vent Systems
Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

No other chapters of the Appendix are adopted.

Sec. 8-59. Amendments to International Fuel Gas Code.

The fuel gas code adopted in Section 8-58 is hereby amended as follows:

(1) *Section 106.5.2:* Section 106.5.2 is amended by deletion of the section and replacement with the following: Section 106.5.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4:* Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violations penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City's Code of Ordinances.

(3) *Section 109:* Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(4) *Section 404.4:* Section 404.4 is amended by deletion and replacing with the following: Section 404.4 Piping through foundation wall. Underground piping outside of buildings shall terminate at exterior aboveground locations and shall enter buildings in exposed locations.

Sec. 8-60. Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IPMC" or "International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

Section 8-61. Amendments to International Property Maintenance Code.

The property maintenance code adopted in Section 8-60, is hereby amended as follows:

(1) *Section 108.1.3:* Section 108.1.3 is amended by the deletion of the words “vermin or rat infested.”

(2) *Section 111:* Section 111 is amended by the deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(2)(3) *Section 302:* Section 302 is amended by deletion thereof.

(3)(4) *Section 303:* Section 303 is amended by deletion thereof.

(4)(5) *Section 307:* Section 307 is amended by deletion thereof.

(6) *Section 308:* Section 308 is amended by deletion thereof.

Sec. 8-62. Adoption of International Residential Code.

(a) The International Residential Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IRC” or “International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2000 Edition, are adopted:

Appendix A, Sizing and Capacities of Gas Piping

Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations

Chapter H, Patio Covers

Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference

No other chapters of the Appendix are adopted.

Sec. 8-63. Amendments to International Residential Code.

The residential code adopted in Section 8-62 is hereby amended as follows:

(1) *Section R105.2:* Section R105.2, Item 1, is amended by deleting the words “120 square feet” and replacing with “200 square feet.”

(2) *Section R105.2:* Section R105.2, Item 5, is amended to read: Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story below.

(3) *Section R105.2:* Section R105.2 is amended by addition of the following new subsections; Building Item 10. Re-siding of building regulated by this code. Building Item 11. Re-roofing of buildings regulated by this code that do not exceed the limits of Section R907.3.

(4) *Section R105.3.1.1:* Section R105.3.1.1 is amended by deletion thereof.

(5) *Section R106.3.1:* Section R106.3.1 is amended by deletion of the first sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.

(6) *Section R106.5:* Section R106.5 is amended by deletion thereof.

(7) *Section R108.2:* Section R108.2 is amended by deletion of the section and replacing with the following: Section R108.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(8) *Section R112:* Section R112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

Table R302.1: Table R302.1 Exterior Walls is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation = 3 feet
Openings (unlimited) Minimum Fire Separation = 3 feet
Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet
Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R317.3 and at 3 feet or greater, no requirements.

(10) *Section R303.1:* Section R303.1, Exception #3 is amended by deletion and replacing with the following: Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

(11) *Section R309.3:* Section R309.3 is amended by deletion of the second paragraph.

(12) *Section R309.5:* Section R309.5 is amended by deletion thereof.

(13) *Section R317:* Section R317 For the purpose of this section, townhouse shall include two or more attached units as defined in Section R202.

(14) *Section R408.2:* Section 408.2 Openings for under-floor ventilation is amended by the addition of exception #1 to read: The total area of ventilation openings may be reduced to 1/1,500 of under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of openable louvers shall not be prohibited.

(15) *Section R908:* The IRC is amended to add Section 908. Roof Covering Requirements in Wildfire Hazard Areas with the following subsections:

Section R908.1: Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

(18) *Section R908.2* Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

(19) *Section 908.3.* Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the

requirements for new buildings in the Wildfire Hazard Area.

Sec. 8-64. Adoption of International Energy Conservation Code.

The International Energy Conservation Code, 2006 Edition, promulgated by the International Code Council Inc. (hereafter "IECC" or "International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

Secs. 8-65-135. Reserved.

Repeal of Conflicting Provisions:

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

Miscellaneous Provisions:

(a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.

(b) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

(c) *Copies of Code Available for Inspection.* At least one copy of each of the Codes adopted herein, all certified to be true copies, shall remain on file with the City Clerk. At least three (3) copies of each of the Codes hereby adopted; all

certified to be true copies, are now and shall remain on file with the Mesa County Building Department.

(d) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

PUBLIC HEARING:

A public hearing on the adoption by reference thereto of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on January 3, 2007 at 7:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401, unless indicated otherwise, and that the 2006 version of the Codes are being adopted, unless another version is specified.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

INTRODUCED ON FIRST READING this 6th day of December 2006.

PASSED and ADOPTED this _____ day of _____ 2007.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 12

Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located NE 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		December 6, 2006				
Date Prepared		November 29, 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: Staff is requesting that City Council continue this item until January 3, 2007.

Background Information:

To be provided next Council meeting.

Attach 13

Conduct a Hearing on an Appeal of a Planning Commission Decision of a Conditional Use Permit for Canyon View Car Wash, Located at 2258 Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Appeal of the Planning Commission approval of a Conditional Use Permit for Canyon View Car Wash – 2258 Broadway					
Meeting Date	December 6, 2006					
Date Prepared	November 27, 2006			File #CUP-2003-024		
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		Consent X Individual Consideration

Summary: On August 22, 2006, the Planning Commission approved a Conditional Use Permit for Canyon View Car Wash proposed to be located at 2258 Broadway. The City received one (1) letter of appeal from the Bluffs West Estates Property Owners Association regarding this decision. This appeal is per Section 2.18 E. of the Zoning and Development Code which specifies that the City Council is the appellant body of the Planning Commission.

Budget: N/A

Action Requested/Recommendation: Consideration of the record to determine the validity of the Planning Commission approval.

Background Information: See attached Background Information.

Background Information:

A Conditional Use Permit is required in a B-1, Neighborhood Business Zoning District for a car wash facility (Table 3.5 of the Zoning and Development Code).

The Planning Commission at their April 11, 2006 meeting approved a Conditional Use Permit for Canyon View Car Wash, a proposed six (6) bay car wash that is to be located at 2258 Broadway. On August 22, 2006 the Planning Commission conducted another Public Hearing and approved the applicant's request to consider a new Conditional Use Permit to modify the architectural design of the car wash building as part of their approved Conditional Use Permit application. The Zoning and Development Code does not have a process for amending an approved Conditional Use Permit, therefore, the applicant requested that the Planning Commission approve a new Conditional Use Permit with the same requirements and conditions as the approval previously made by the Planning Commission on April 11, 2006, except for the requirements regarding the building design. The only major change that the Planning Commission made between the April and August approvals are that solar panels have now been added to the south and west elevations and dormers on the roofline have now been removed (see transcript and Planning Commission background materials previously distributed).

This appeal hearing is in accordance with Section 2.18 E. 4. h., of the Zoning and Development Code which states that the City Council shall review the record of the Planning Commission's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record. All deadlines contained in Section 2.18 E. 4. of the Code have been met as well as the determination that the appellant does have standing to appeal.

As per Section 2.18 E. 2. of the Zoning and Development Code, 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 City Council must find:

- (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code.
- (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 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 City Council shall affirm, reverse or remand the decision of the Planning Commission. In reversing or remanding the decision back to the decision-maker, the City Council shall state the rationale for its decision. An affirmative vote of four (4) members of the City Council shall be required to reverse the Planning Commission's action (Section 2.18 E. 3. of the Zoning and Development Code).

Attachments:

1. Letter of Appeal
2. Planning Commission Staff Report (August 22, 2006)
3. Site Location Map / Aerial Photo
4. Future Land Use Map / Zoning Map
5. Approved Site Plan by Planning Commission
6. Approved Building Design by Planning Commission on 4-11-06
7. Proposed Building Design by Applicant on 8-22-06
8. Verbatim Minutes from April 11, 2006 Planning Commission Meeting
9. Verbatim Minutes from August 22, 2006 Planning Commission Meeting
10. Development File # CUP-2003-204 (copies available for review in the Community Development Office, City Clerk Office and City Council Office) DVD of April 11, 2006 and August 22, 2006 Planning Commission Meetings were also distributed

To: CITY OF GRAND JUNCTION
City Council

From: Bluffs West Estates Property Owners Association

Re: CUP 2003-024, Canyon View Car Wash

RECEIVED

AUG 31 2006

COMMUNITY DEVELOPMENT
DEPT.

NOTICE OF APPEAL

Please take notice that the Bluffs West Estates Property Owners Association acting pursuant to Grand Junction Code Section 1.11(c)(7) and CRCP 106, files this Notice of Appeal of the decision of the Grand Junction Planning Commission to grant the Application for a Conditional Use Permit of Michel and Roxanne Lewis for the purposes of a car wash business to be conducted at 2258 Broadway, Grand Junction Colorado. As grounds therefor the appellant states as follows:

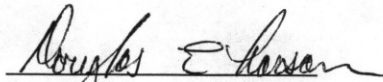
1. On April 12, 2006 and on Aug. 22, 2006 hearings on the Lewis application for a conditional use permit were held before the Grand Junction Planning Commission.
2. At the Aug. 22, 2006 hearing the Planning Commission stated that the proceeding at that time represented a new application but that all of the prior facts and testimony from the April 12, 2006 hearing were incorporated into the present application.
3. The applicants and counsel, as well as staff members of the Grand Junction planning department presented evidence and testimony at both hearings to support the grant of the application.
4. Officers of the appellant herein also testified and presented evidence in opposition to the grant of the Lewis application. The appellant herein presented evidence at the first hearing with regard to the following items:
 - a. That the granting of the application would create an increase in traffic in the Bluffs West subdivision, which lies immediately to the north of the proposed development;
 - b. That the granting of the application, without provisions for insulating and protecting the surrounding neighborhoods from the anticipated increase in traffic was in contravention of the specific comments and recommendations of the Planning Commission staff, dating back almost five years ago;
 - c. That the granting of the application presented problems at the intersection of State Highway 340 and Kansas Avenue, where such problems had long been identified as safety and traffic issues, yet no adequate provisions for dealing with such problems had been identified;
 - d. That the granting of the application would present traffic problems at the

intersection of Highway 340 and the Redlands Parkway, and such traffic patterns were in contravention of the State Highway Access Code guidelines, and no adequate solution had been proposed for such traffic patterns;

- e. That the granting of the application would be in contravention of planning commission requirements that the access to the proposed development would not be over adjoining, non-consenting property owners' property.
5. An officer of the appellant presented testimony at the second hearing
 - a. That he the Bluffs Subdivision, as an interested party, had not received proper notice of the August 22, 2006 hearing and questioned the procedural adequacy of the hearing;
 - b. That the Aug. 22, 2006 hearing represented a mere amendment to the first application, which was not provided for under the planning commission regulations; and
 - c. That the issues raised in first hearing (April 12, 2006) had not been adequately addressed.
 6. Following the appellants' presentation of its evidence on the foregoing issues, the applicant, counsel and planning commission staff members made a number of statements arguing against the issues and evidence outlined above, however none of those persons presented any evidence which effectively rebutted the evidence presented by the appellants herein.
 7. Due to the lack of evidence by the applicants on the matters and issues presented by this appellant, the granting of the application constitutes an abuse of discretion by the Planning Commission.
 8. The City Council has jurisdiction to hear an appeal of this issue.

NOW THEREFORE, the appellant Bluffs West Estates Property Owners Association moves the Grand Junction City Council to set this matter for a hearing before the City Council, to deny the Application of the Lewises, and to such other and further relief as this appellant may show itself to be entitled to at any hearing of this matter.

Respectfully Submitted,



Douglas E. Larson, Treasurer
Bluffs West Estates Property Owners Association

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: August 22, 2006
STAFF PRESENTATION: Scott D. Peterson

AGENDA TOPIC: CUP-2003-024 – Conditional Use Permit – Canyon View Car Wash – 2258 Broadway

ACTION REQUESTED: Approval of a Conditional Use Permit for a car wash, modifying the architectural design of the proposed car wash building as was approved by the Planning Commission at the April 11, 2006 meeting.

BACKGROUND INFORMATION		
Location:		<i>2258 Broadway</i>
Applicants:		Mikel & Roxanne Lewis, Owners
Existing Land Use:		<i>Single Family Residential</i>
Proposed Land Use:		<i>Car Wash</i>
Surrounding Land Use:	North	<i>Vacant land</i>
	South	Commercial (Wells Fargo Bank)
	East	Single Family Residential
	West	Single Family Residential
Existing Zoning:		B-1, Neighborhood Business
Proposed Zoning:		N/A
Surrounding Zoning:	North	CSR, Community Services & Recreation
	South	PD, Planned Development

	East	RSF-4, Residential Single Family – 4 units/acre (County)		
	West	RSF-4, Residential Single Family – 4 units/acre (County)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: The applicant is requesting to modify the architectural design of the car wash building as part of their approved Conditional Use Permit by the Planning Commission at their April 11, 2006 meeting.

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit with the proposed architectural modifications.

ANALYSIS

1. Background:

The Planning Commission at their April 11, 2006 meeting approved a Conditional Use Permit for Canyon View Car Wash, a proposed six (6) bay car wash that is to be located at 2258 Broadway. In accordance with the Conditional Use Permit and Redlands Area Plan, the Planning Commission approved a building design that would incorporate a craftsman style building design for the proposed architecture with earthen colors and stone brick materials. The Planning Commission also required that stone/brick material shall be utilized from the ground up to the roofline and that dormers be included in the building design (sketch drawing as provided by the applicant and included in the April 11, 2006 Planning Commission City staff report indicated stone/brick material from the ground to the roofline and dormers).

The architectural definition of a “craftsman” style building is that the craftsman style is known for its relaxed, simple and informal look utilizing a blend of natural local building materials. Materials used may be stucco, wood, brick, stone, cedar shakes and lap siding (definition provided by www.designevolutions.com). Usually, combinations of two or three of these materials are blended in the building design to define a craftsman style. At the April 11, 2006 meeting, the Planning Commission did approve the green metal roof however which technically would not be considered in a craftsman style building design.

After further research by the applicant to construct an energy efficient building, the applicant is now requesting that the Planning Commission approve a Conditional Use Permit, modifying the architectural design to include solar panels as a means to heat the water needs of the car wash facility. The applicant is also requesting that the Planning Commission reconsider the entire building design to not include stone/brick material from the ground to the roofline but instead have the walls be constructed of finished polymer coating (hard plastic) due to the use of the building as a car wash which is a wet and corrosive environment. Cultured stone would be utilized at the base of the building and entrance area to the office. Stucco would be proposed to be utilized on the second floor office area. One (1) dormer is proposed to be located on the northside of the building (see attached exterior elevation).

In reviewing the applicant's new building design proposal to modify the building design approved by the Planning Commission on April 11, 2006, the applicant is proposing the following:

1. Solar panels to be added to the south and west elevations.
2. A combination of cultured stone, stucco and finished polymer coating for the building exterior.
3. One (1) dormer to be located on the northside of the building.

The Code does not have a process for amending an approved Conditional Use Permit.

In making this request, the applicant is requesting that the Planning Commission approve a new Conditional Use Permit with the same requirements and conditions as the approval previously made by the Planning Commission on April 11, 2006, except for the requirements regarding the building design. The applicant is requesting that the conditions regarding the building design include those set forth above.

2. Section 2.13 C. of the Zoning and Development Code:

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SSID, TEDS and SWIM Manuals.

Section 2.2.D.4

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan.

The proposed carwash complies with the Urban Trails Master Plan, Grand Valley Circulation Plan, Redlands Area Plan and the Growth Plan through site design and compliance with City development standards and regulations.

- 2) Conditions of any prior approvals.

The Planning Commission approved the Conditional Use Permit for this project at the April 11, 2006 meeting. The applicant is now requesting a new Conditional Use Permit with changes to the approval regarding the building design.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The Performance Standards of Chapter 3 for the B-1 zone district which address location, parking, hours of business, service entrances, mixed use, and outdoor storage and display have been addressed in the applicant's General Report and meet the Zoning and Development Code requirements. The development and operation of the proposed carwash will be governed by the general site design standards of the Zoning and Development Code. There are no use-specific standards regarding carwash facilities in Chapter 4, rather the use is subject to the overall development standards of the Code. The proposed carwash development has been found to meet all required development standards of the Code.

- 4) Quality site design practices.

The quality site design practices as noted in Section 2.2.D.4, Major Site Plan Review, have been addressed through the site design process for the proposed car wash. Each criterion has been reviewed and found to be compliant with City requirements. At the April 11, 2006 meeting, the Planning Commission approved that freestanding signage be constructed in the monument style with a maximum height of eight (8) feet.

SSID Manual

The applicant's submittal (including reports, plans and drawings) complies with the requirements of the SSID manual.

TEDS Manual

The applicant's submittal (including reports, plans and drawings) complies with the requirements of the TEDS manual.

SWMM Manual

The applicant's submittal (including reports, plans and drawings) complies with the requirements of the SWMM manual.

- b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code.

The Performance Standards of Chapter 3 for the B-1 zone district which address location, parking, hours of business, service entrances, mixed use, and outdoor storage and display have been addressed in the applicant's General Report and meet the Zoning and Development Code requirements. The Chapter 3 Use/Zone Matrix requires a Conditional Use Permit (CUP) for the proposed carwash, for which the applicant has requested Planning Commission approval.

- c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code.

The development and operation of the proposed carwash will be governed by the general site design standards of the Zoning and Development Code. There are no use-specific standards regarding carwash facilities in Chapter 4, rather the use is subject to the overall development standards of the Code. The proposed carwash development has been found to meet all required development standards of the Code.

- d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

All urban services are available to the proposed carwash site.

- e. Compatibility with and protection of neighboring properties through measures such as:

1) Protection of privacy.

The location of the proposed carwash site will provide some amount of protection of privacy for nearby residential uses in that the site is surrounded on three sides by public right-of-way which will be landscaped, and is bounded on the north by a large parcel that contains wetlands that will be preserved in its natural state and left undeveloped. Development of the wetlands will not be permitted by the City or the US Army Corps of Engineers, and will serve as a buffer between the proposed carwash and residential uses located to the north.

2) Protection of use and enjoyment.

As noted earlier, the location of the site, landscaping on all street frontages and the preservation of the wetlands as open space will provide protection of use.

3) Compatible design and integration.

The applicant is requesting that the Planning Commission modify the original building design. The new proposed architectural design elements will integrate the proposed structure with the commercial development located across Hwy 340 (Broadway) known as Meadowlark Gardens. The building will utilize a pitched roof with solar panels and earthen tone colors on the structure. Downcast lighting and landscaping on site will also be provided. At the April 11, 2006 meeting, the Planning Commission approved that freestanding signage be constructed in the monument style with a maximum height of eight (8) feet.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Canyon View Car Wash application, CUP-2003-024, for a Conditional Use Permit, staff makes the following findings of fact and conclusions:

3. The requested Conditional Use Permit is consistent with the goals and policies of the Redlands Area Plan and Growth Plan.
4. The review criteria in Section 2.13.C of the Zoning and Development Code have been satisfied.
3. The proposed car wash shall be constructed within the parameters of the US Army Corps of Engineers Nationwide General Permit number

39.

4. The applicant shall be responsible for the maintenance of the retaining wall and driveway located within the City right-of-way for Kansas Avenue.
5. The applicant shall dedicate approximately six (6) feet of additional right-of-way for Kansas Avenue and rededicate the fourteen (14) foot multipurpose easement along Kansas Avenue, previously dedicated with the Katelyn Subdivision, prior to final Site Plan approval.
6. Freestanding signs shall be limited to monument style with a maximum sign face area of sixty (60) square feet and maximum height of eight (8) feet, with no internal illumination.
7. Architectural building design shall be as shown on the submitted elevation drawing (dated May 8, 2006) by the applicant as included in the August 22, 2006 City Staff Report. Proposed dumpster facility must be made out of matching building cultured stone materials, split face block or stucco. Monument style signage shall be constructed of similar design, colors and materials to be consistent with the car wash building and dumpster facility.

STAFF RECOMMENDATION:

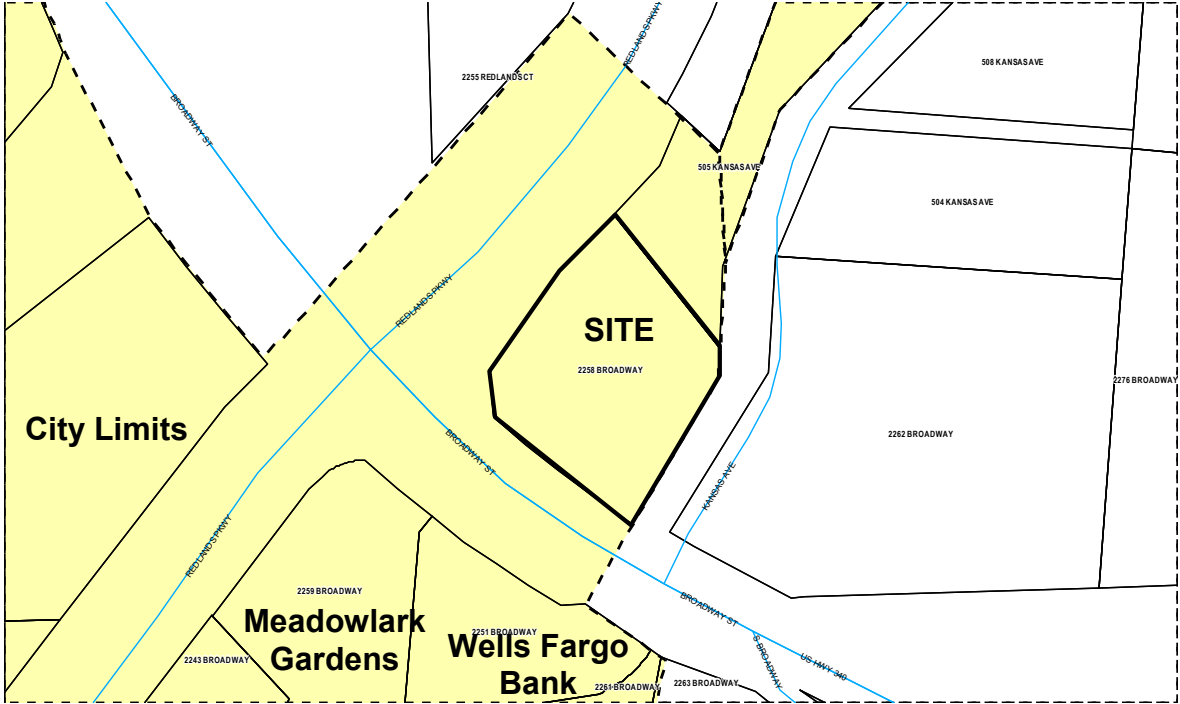
Staff recommends approval of the Conditional Use Permit, making the findings of fact and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on the request for a Conditional Use Permit for a car wash, file number CUP-2003-024, I move that the Planning Commission approve the Conditional Use Permit, making the findings of fact and conclusions as outlined in the City staff report.

Site Location Map – 2258 Broadway

Figure 1



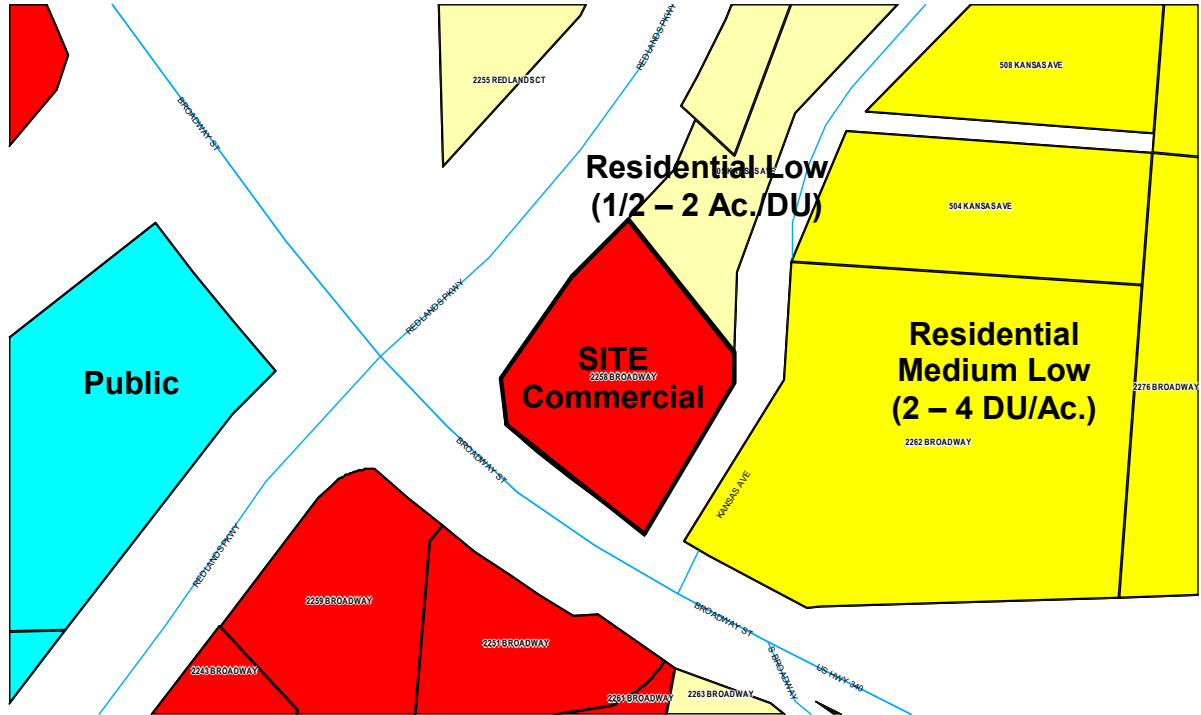
Aerial Photo Map – 2258 Broadway

Figure 2



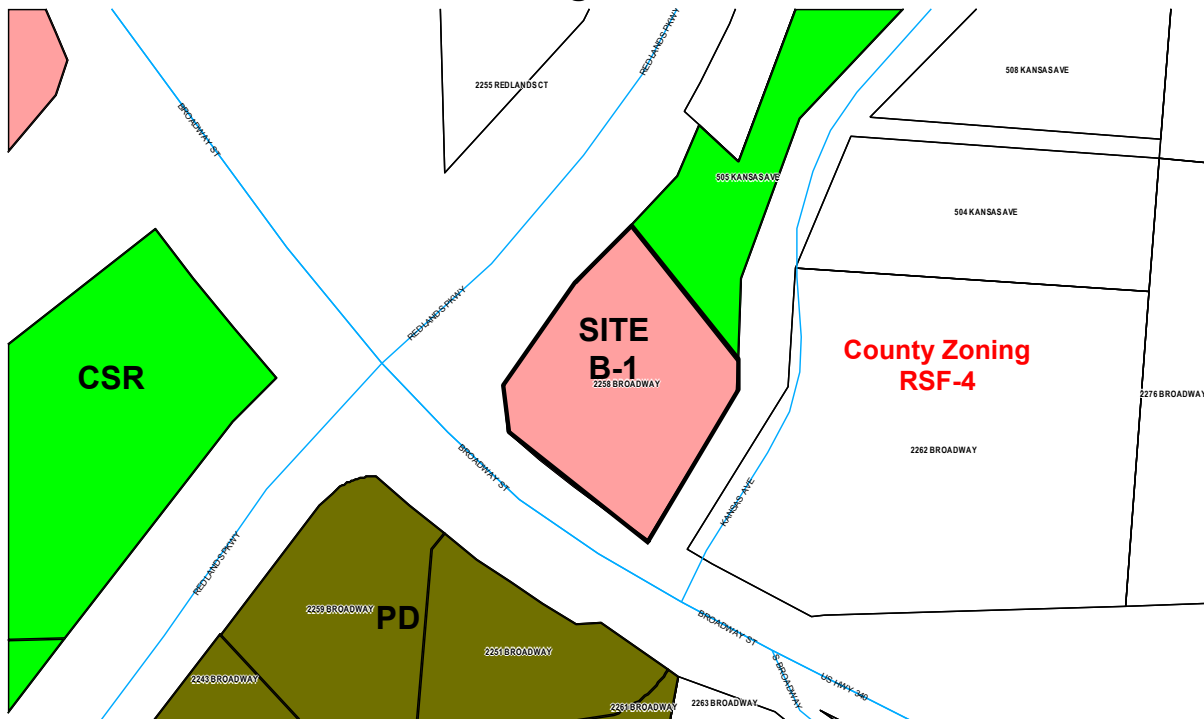
Future Land Use Map – 2258 Broadway

Figure 3

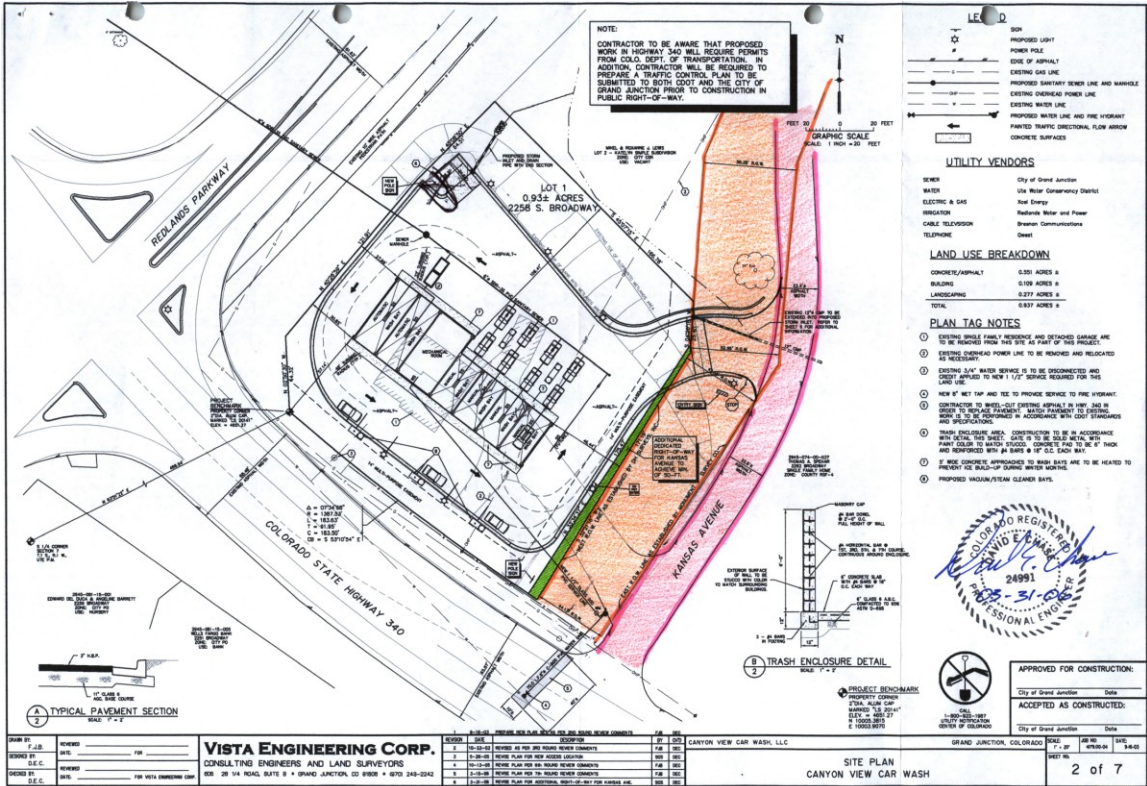


Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County for more information.



DATE	BY	FOR
11/15/2011	J.P.B.	FOR VISTA ENGINEERING CORP.
11/15/2011	J.P.B.	FOR VISTA ENGINEERING CORP.
11/15/2011	J.P.B.	FOR VISTA ENGINEERING CORP.

NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/15/2011	ISSUED AS PER PER REVIEW COMMENTS	J.P.B.	J.P.B.
2	11/15/2011	ISSUED AS PER PER REVIEW COMMENTS	J.P.B.	J.P.B.
3	11/15/2011	ISSUED AS PER PER REVIEW COMMENTS	J.P.B.	J.P.B.
4	11/15/2011	ISSUED AS PER PER REVIEW COMMENTS	J.P.B.	J.P.B.
5	11/15/2011	ISSUED AS PER PER REVIEW COMMENTS	J.P.B.	J.P.B.

VISTA ENGINEERING CORP. CONSULTING ENGINEERS AND LAND SURVEYORS 800 20 1/4 ROAD, SUITE B • GRAND JUNCTION, CO 81508 • 9703 243-2242		CANYON VIEW CAR WASH, LLC GRAND JUNCTION, COLORADO DATE: 11/15/2011 SHEET NO. 2 OF 7
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Verbatim Minutes from April 11, 2006 Planning Commission Meeting:

START OF VERBATIM MINUTES

CUP-2003-024 CONDITIONAL USE PERMIT--CANYON VIEW CAR WASH

A request for approval of a Conditional Use Permit to develop a 6-bay self-serve car wash on land zoned Neighborhood Business (B-1).

Petitioners: Mikel and Roxanne Lewis

Location: 2258 South Broadway

Commissioner Carlow recused himself from consideration due to the potential for conflict of interest. Commissioner Sublett substituted for him on this item.

PETITIONER'S PRESENTATION

David Chase: Good evening, my name is David Chase. I'm with Vista Engineering, 605 28 ¼ Road here in Grand Junction. I represent the petitioners, Mikel and Roxanne Lewis. I believe Lisa has prepared a fairly accurate and comprehensive staff report that has been provided. I might only add that this been a project that has been in the works for many years, coming over many hurdles and hopefully tonight is the culmination of a lot of hard work on the Lewis's part and the City's part to make sure this project has been prepared and designed to meet issues or satisfy issues that have been brought

up by area residents and make sure that everything is taken care of. I don't know that I have anything really more to add to the staff report only in saying that we are in agreement with the conditions of the recommendation of approval of all the issues in regard to the wetlands, the signage, revocable permit, etc. We don't have any problems in satisfying any of those conditions. So with that I would be open to any specific questions that planning commission might have at this time.

QUESTIONS

Chairman Dibble: Any questions at this time of the applicant?

Commissioner Pitts: Mr. Chairman, as a point of clarification in the renderings as submitted for the Canyon View Car Wash. Looking at two different proposals; the first one was an initial proposal for a building that looks like a two-story building or a partial two-story building and the second rendering I'm looking at shows a plainer configuration. Could you clarify which configuration is being proposed as far as the pictures are concerned?

David Chase: I would probably let the applicant discuss those specifically as we haven't been specifically involved in the architecture of the building, where they have been dealing with the architect. They will probably be able to answer your questions on the specifics.

Chairman Dibble: Is the applicant here in the audience this evening?

David Chase: They are.

Chairman Dibble: We'll hold and let you finish. Are you finished with your part?

David Chase: Yes, unless there are any additional questions I would turn it over.

Commissioner Cole: I have a question. You said you were in agreement with the conditions of the signs also in the renderings you show a pole sign there.

David Chase: Right.

Commissioner Cole: But you are in agreement with the monument type signs?

David Chase: Right. We are limiting that to twelve feet. Yes.

Commissioner Lowrey: What if it was less than 12 feet. What if we did, let's say an 8 foot limitation on the monument signs?

David Chase: I guess we haven't given that much consideration. I would probably let the applicant's address that specifically. Of course we would prefer the 12 foot to provide as much visibility as we could get. So we would probably recommend meeting the staff's recommendation of the 12 foot.

Commissioner Lowrey: The staff's recommendation is no higher than 12 feet.

David Chase: No higher than 12 feet, right.

Commissioner Lowrey: But it could be less?

David Chase: But it could be less, right.

Chairman Dibble: I see the applicant has made his way forward. Would you like to?

Rich Livingston: Mr. Chairman, members of the commission, my name is Rich Livingston, I'm the attorney for the petitioners. And Mr. Pitts in response to your comment, you have before you two separate renderings. Neither of which are construction plans. They are for purposes of illustration and the colored rendering was to show you the impact of utilizing the green roof material that is consistent with the neighborhood. The general design of the central core portion of the building, having an office arrangement within it and the bays for the carwash on either side are the same and of course the height limitations under the zoning are applicable here. The concept is to have a structure that when viewed from the road fits in the neighborhood aspects of the B-1 zone and creates visually a sense that you don't have the old tiny metal building carwash like my dad ran for about 20 years out by the North Avenue bank. This structure in its final form will have the stucco exterior and the metal roofing to be consistent with the commercial development that is across the road, across Highway 340.

Chairman Dibble: Mr. Pitts, is that

Commissioner Pitts: Yes, thank you.

Chairman Dibble: We've wondered about the construction as far as a brick fascia. But it will be a stucco fascia?

Rich Livingston: Right.

Chairman Dibble: Okay thank you. Okay, staff give us the minutia of the matter.

STAFF'S PRESENTATION

Lisa Cox: Good evening, Lisa Cox, Senior Planner, Community Development Department. I am going to go through the staff report with you to hit the highlights of it and primarily for benefit of those in the audience in watching this evening that aren't familiar with the contents of staff report before. But as noted earlier this a request for a Conditional Use Permit to operate a six bay carwash located at 2258 South Broadway. Just by way of background, the property was annexed into the City in 1995 as part of the Bluffs West Annexation and its currently zoned B-1 which is a neighborhood business zone district. And in accordance with the requirements of the zoning code and the use matrix, the applicant has filed a request for a Conditional Use Permit for the use itself. Subsequent to the CUP being granted, if it is granted, it'll be necessary to have a site plan review granted as well which is an administrative review that will follow the CUP request. In also just to try and catch up on how we got to where we are today this item was originally scheduled for consideration by the planning commission in December of 2005 and in between the time the item was scheduled for consideration and the actual hearing occurred, information was brought to staff's attention questioning the access on Kansas Avenue. I'll kind of use this as a guide. This is where the site is located and you can tell it's on the corner of Redlands Parkway to the west, Highway 340 to the South and this is Kansas Avenue right-of-way right along here on the eastern side. And there were some questions about access along Kansas Avenue which we'll go into a little more discussion later on. So the item ended up being continued and subsequently it was continued two additional times so ultimately the item was continued to a date certain, April 11, 2006 and that's how we came to be where we are this evening.

This is the aerial map of the area showing the site right here on the corner. There's also another parcel right here to the north that is owned by the applicant as well and I will be mentioning this.

This site itself is zoned B-1 neighborhood business and parcel to north is zoned community service recreation CSR. And this contains a deep ravine and a wash with wet lands areas in it. This (inaudible) will be mentioning that later on. Future land use map shows that this site for the car wash has a land use of commercial. The B-1 zone district is consistent and implements that land use classification. You'll notice across the street to the south the Meadowlark Gardens neighborhood development is located here is this area and it also has a land use designation of commercial. There is one

other commercial designation over here to the west that has a neighborhood convenience store and small amount of shops and what not. Residential uses to the east and to the north as well. And this shows the current zoning of the parcels in the area. Quite a bit of it is still in unincorporated Mesa County but you can see the B-1 designation here, the CSR to the north the PD Zoning for the neighborhood commercial center Meadow Lark Gardens just to the south and then B-1 over here for the other commercial development. This is the depiction of the site plan which is going to have the administrative staff review subsequent to the CUP request but I bring it here this evening so we can talk about primarily Kansas Avenue and the access issues. We will talk a little bit about the site development itself although bounded on three sides by public right-of-way access to the parcel will be taken from Kansas Avenue right here in the area that I'm pointing to with my cursor. This has been a challenging point of design for the applicant because Kansas Avenue is not constructed within the platted right-of-way and I've tried to color code this so you could see as easily as possible that orange area here denotes the platted right-of-way for Kansas Avenue and this pink area here denotes the actual asphalt. And as you can see, starting right over here on the south side of the property Kansas lies primarily out side of the platted right-of-way; however, when you get to right in here this point here the asphalt actually comes into the platted right-of-way and then continues north. And as you can see from the cursor this is where the access has being taken from Kansas Avenue. As far as the site itself this is the rendering of the car wash itself. There will be landscaping provided on site in addition to landscaping for the unapproved portions of right-of-way which are adjacent to the site that primarily involves Kansas Avenue and Highway 340. And the applicant will be providing landscaping and maintenance of that portion of the unapproved right-of-way as required by the Code. The hours of operation have been proposed from 7:00 am to 11:00 pm in accordance with the performance standard for B-1 zone district. There are no specific performance standards in the zoning code for car washes however the B-1 neighborhood business zone district does have performance standards and that's been the guideline for the applicant's proposal. A revocable permit will be required as the applicants representative noted for the landscaping that will be in the unapproved portion in the right-of-way in addition to that in the northern part of the drive way access there will be a retaining wall that will be required and that portion of the retaining wall that's inside the City's right-of-way will also require a revocable permit and that will be granted as part of the site plan review should the conditional use permit be granted.

This is the retaining wall, all along in this area here. This portion along this area is located wholly on the site and this portion moving to the east is located within the right-of-way. And that portion which falls within the City's right-of-way will require a revocable permit. In addition to the revocable permit here, there is a slight encroachment of this

driveway into jurisdictional wetlands. This is what I mentioned about the parcel that is located to the north of the applicant also owns and is zoned CSR. The applicant has worked with the US Army Corp of Engineers to secure a nationwide general permit. And there are conditions attached to that permit which will be monitored by the Corps of Engineers. And the applicant must comply with those conditions. So as a part of our report, we basically noted that the permit that has been issued and the conditions and that they will in fact have to comply with the conditions of that permit.

There is an existing house and garage structure on the site and that will be demolished to make room for the new building. And as noted by earlier discussion and you have the color renderings the applicant is proposing a structure that will have architectural elements that help blend it with adjacent commercial development to the south. Which utilizes a craftsman style type of architecture. And residential features to kind of help with the neighborhood to the north to kind of blend the structure. We'll talk a little bit more about the specifics of that later in the report. This green strip here along the western side of the platted right-of-way for Kansas Avenue represents approximately a six foot strip that the applicant will be providing a warranty deed to the City for additional right-of-way. Access to Kansas has been the focus of a lot of effort on the part of the applicant to secure proper access to the constructed portion of Kansas Avenue. And in researching where that access needed to occur, it was discovered that we don't in fact have a full 50 feet of right-of-way for Kansas Avenue. So the applicant will be providing this area right along in here to the City so that we in fact that full 50 feet of right-of-way.

There will also be an adjustment to this 14 foot multi-purpose easement which was originally dedicated to the City as a part of the Kateland Simple subdivision and so we'll be making sure that we have that full 14 feet for that multi-purpose easement. And that also would be considered a condition of approval that that dedication occur. As far as signage, the zoning Code prescribes that the signage be established with the conditional use permit. Originally the applicant had proposed two freestanding pole signs, one would be located right here on the corner of the southeast corner of the property and the other one would be over here on northwest corner. In reviewing the applicant's proposal for the signage, and you have a graphic delineation of what that would look like in your staff report. It was felt that pole signage, is much more indicative of a commercial type zoning and use and because this is a B-1 neighborhood business zone district, staff recommended that the monument style signage be constructed with a height limitation of no more than twelve feet. And utilizing the applicant's suggestion of 60 square feet of sign face area. And it sounds as though the applicant has reviewed that and is happy to comply with that recommendation. So that would be another condition that staff would recommend for approval with the CUP.

Chairman Dibble: In a monument configuration right?

Lisa Cox: In a monument style configuration, correct. And that would be also utilizing the same building materials and colors that the building would be constructed with so you would have some continuity in that design. Access, as we mentioned, will be coming from Kansas Avenue with the additional dedication of the right-of-way. The applicant has invested a significant time looking into the actual right-of-way that has been platted for Kansas Avenue, the boundary of her property, and property to the east when there was some question about whether or not there might be a trespass with the driveway and eventually how this was resolved was the applicant recognized a plat of property located to the east which ascertained the legal description of the location of the property and this eastern most boundary of the Kansas right-of-way. So they utilized this boundary right here from a survey that was provided by the neighbor to the east. They secured their own survey of their property here and determined the balance of the right-of-way for their property and the dedication of where the western most line would be for the Kansas Avenue right-of-way. And determined that this was the most appropriate place for the driveway. It does in fact make contact with the asphalt wholly inside the dedicated right-of-way so there is no trespass involved. Staff reviewed this very carefully. The City surveyor reviewed this very carefully and we feel confident that this does in fact meet the access requirements.

Just quick like, one more mention of the retaining wall that is located within the City's public right-of-way in this area. Staff would recommend that the applicant be responsible for the maintenance of this retaining wall in addition to any portion of this drive way that's located within the City right-of-way. And that would be included in the revocable permit that we would recommend be issued as a part of the site plan approval process.

As far as the architectural styleland design. There may be a little confusion and we may need to discuss this more this evening as far as what the applicant is proposing and what the expectations are for construction. You have two color renderings in your staff report and we'll take a look at both of these. The first color rendering. . . .Terri can you put the overhead on these two.

The first color rendering is on the 8 ½ by 11. And it represents the first color rendering of the proposed carwash that staff received. And it's what described in staff's report describing the dark green roof, the dormers, the craftsman style architecture, stone type construction. The larger 11 x 17 version that you see above that was received by staff just last week and as you can see it differs from the earlier version. And so we're not 100% sure what is going to be constructed. I do have two materials boards which were also submitted by the applicant with the first rendering and I'll pass these to the

planning commission and you can look at these. The colors would be fairly consistent with both of their color renderings however the material is not, and I have to admit that the applicant's statement that they are going to be utilizing a stucco finish for the building, this is the first time that I've been advised of that. So staff was not aware of that particular finish for building materials but we do think it is important to establish what the building will generally look like; what the colors will be; what the building materials will be because we are looking for consistency not only with the building, the dumpster facility but also the signage. And it's important that it blend with the neighborhood, not only the residential usage to the north, and to the east and the west but also to the neighborhood commercial center to the south. So we probably do need to flush that issue out a little bit more. Let me just pass these boards to the Planning Commission.

Chairman Dibble: We'll take a few minutes to look at these if that's all right. Would you like to have a seat for a second and we'll just take a quick look at these as we go.

Rich Livingston: If I may just clarify, because like our friends in the federal government they misspeak. I just learned that I misspoke. I was operating off of the smaller drawing that was originally submitted with this application four years ago. What I've been told is that the new drawing is the larger one and you have the material samples and it is not stucco, it is a stone type material. So, call me a liar or let me do the political I misspoke thing but the drawing on the bottom was an original submittal that only involved five bays. The actual plan is rendered in the larger drawing that's at the top of the screen and it's not stucco, it's the stone material that you have.

Chairman Dibble: Will the number of bays remain the same then?

Rich Livingston: Six. Yes.

Chairman Dibble: Six bays. Will the metal roof remain the same?

Rich Livingston: Yes.

Chairman Dibble: It will be similar in texture to the materials to the ones to the south?

Rich Livingston: Correct.

Commissioner Lowrey: With the dormers?

Rich Livingston: With the dormers.

Chairman Dibble: The larger of the two drawings, and if I'm understanding this correctly, will be closer to the rendering of the building façade?

Rich Livingston: That's correct Mr. Dibble.

Roxanne Lewis: I'm sorry but this application has taken seven years. I'm Roxanne Lewis and I'm the applicant. The higher drawing is an artist rendition of the proposed car wash. When I brought it in last week, I've had it for a while, my engineer thought it might confuse the situation but we were going to have an outside bay. We have gone to an inside bay instead of what you see at the bottom. There was a six bay outside to the far left on the bottom drawing. We have in since enclosed that and that's why you are seeing the footprint of the six bay site plan.

Chairman Dibble: Are these fully enclosed front to back?

Roxanne Lewis: Fully enclosed. I asked Lisa. I didn't get to talk to Lisa last week. The front desk took the picture from me. I asked that that one be removed but obviously that didn't happen so I'm sorry for the confusion.

Chairman Dibble: Okay, in a second if we are through with our presentation we will ask if there are any questions and we might as you some too. So we have three people that we can ask from the presenter's point of view. Are there any questions for the presenter at this time or the applicant?

Commissioner Sublett: I have one. I would like to ask Lisa if she may have some idea about this. This has not come up at all and I have seen no mention of it in the paper. But just out of curiosity is there a way to compare the amount of light from lighting, from the artificial lighting that is going to occur at this site say relative to the amount of light that generated by the complex to the southwest there. Because, the reason I ask that is because the residents of the Redlands have clearly indicated on many cases the light pollution is a major concern of the Redlands.

Lisa Cox: Exactly. I wasn't finished with my presentation so I'll proceed with that and touch on that issue but to answer your question, the lighting for the site has been reviewed and we'll go into a little bit more detail about how and what those findings were. I guess what I wanted to discuss further with the planning commission was these two different renderings. Staff received the more up to date one Thursday morning around 11 AM and put it immediately into staff's report so we have not reviewed it to make sure that we felt that it was consistent with the B-1 performance standards and

something that would be harmonious with residential development in that area and neighborhood commercial. The rendition on the top is very similar to the color rendering on the bottom but with a head-on view to be honest with you, you can't even tell that it's a metal building and of course it's not and I wouldn't expect that either. But I think it's important as a part of the CUP we determine what will the general perimeters for architectural style, colors and materials be for the building so that the public and the neighborhood will know what the building will look like. And staff has given some general perimeters in the report as a condition of approval that may be something that you want to discuss further if you feel it hasn't been flushed out sufficiently.

Chairman Dibble: In your presentation you were very clear in what you anticipate based on I believe, this top one but based on the oral presentation rather than the visual depiction.

Lisa Cox: Correct.

Chairman Dibble: We can ask you further questions or ask the applicant at that time.

Lisa Cox: So in the staff report there was some discussion about how the design elements at least the earlier one that staff did review in greater detail, was consistent with architectural elements and colors and materials of not only the residential development to the north, the east and the west but also Meadow Lark Gardens which is the commercial neighborhood business development immediately to the south. As far as consistency with the Growth Plan, just to give you a little bit of history. This particular property was under review for Growth Plan consistency review, Growth Plan amendment in 2001 and the City Council did in fact grant the GPA, the Growth Plan Amendment, to change the land use designation from residential to commercial. After that application was granted, the applicant asked for a rezone of the property to B-1, the Neighborhood Business. The site has also been (Terri can you go back to the PowerPoint) the overall site has been reviewed for consistency with the Growth Plan goals and policies in addition to the Redlands Plan area that also covers, or this property is located within that and staff felt that the design of the site and the proposed use did in fact did meet the goals and the policies of the Redlands Area Plan as well.

Specific elements of that we felt were addressed were the visual character, the night lighting, which you had asked about, and the wetlands provisions of the Redlands Area Plan. When considering the use before you, the conditional use permit, part of that review process would be determining whether or not the proposal meets the criteria for the CUP in the Zoning Code and we won't go through each one of those unless you have specific questions, but staff did review the applicant's proposal, the elements of

design of the site and felt that the site did meet the CUP approval criteria in addition to being consistent with the submittal standards for the SSID manual which are the design standards for the site plan. The TEDS manual, the transportation engineering design standards and other City design standards, the Major Street Plan. So staff reviewed those and felt that the site did in fact meet those criteria.

In closing, the findings of facts and conclusion in reviewing the applicant's request for this CUP understanding that the site plan approval if the CUP is granted would follow and is an administrative process. Staff found that the request for this CUP was in fact consistent with the goals and the policies of the Growth Plan and the Redlands Area Plan. That the review criteria, Section 2.13C of the zoning and Development Code had been satisfied which addressed the CUP approval criteria. No. 3 that the proposed carwash be constructed within the perimeters of the US Army Corps of Engineers nationwide general permit number 39. No. 4 that the applicant should be responsible for the maintenance of the retaining wall and the driveway located within the City portion of the Kansas Avenue right-of-way. No. 5 that the applicant show dedicated approximately 6 feet of additional right-of-way for Kansas Avenue and rededicate the 14 foot multi-purpose easement along Kansas Avenue that have been previously dedicated with the Katelend Simple Subdivision prior to the site plan review being granted. No. 6 that free standing signs should be limited to monument style with maximum sign face area of 60 feet and a maximum height of 12 feet and no internal illumination. And No. 7 that the building and dumpster facility be consistent with the craftsman style design, earthen colors and stone, brick materials shown in the applicant's color rendering of the proposed car wash. Monument style signage should be constructed with similar design, color, and materials to be consistent with the carwash building and the dumpster facility. And staff does recommend approval of the CUP request by the applicant. In closing the only other thing I draw your attention to is the attachments in your staff report include the color renderings of the car wash building a copy of the Corp of Engineers permit number 39. CDOT access permit for the property and written comments, emails and letters that staff have received either in support or opposition to the applicant's request. We had two additional comments that were faxed into the office today and I passed that out at the beginning of the meeting so you have those before you. I'd be happy to answer any questions that you might have.

Chairman Dibble: Question please.

Commissioner Pitts: I have a question. Just a point of clarification. Would you describe a monument style sign?

Lisa Cox: A monument style sign would be. . . its signage that's basically built on a pedestal and so as opposed to being a pole it would have a foundation; no specific dimensions that we would require but it would be a signage that is sitting on a pedestal that's sorta of a frame or foundation for the sign face of the sign itself. So we're recommending that it be no taller than 12 feet and (inaudible) no more than 60 feet of sign face area within that pedestal and foundation.

Commissioner Pitts: So the base and all no higher than 12 feet or just the base?

Lisa Cox: The height of the total structure no higher than 12 feet.

Commissioner Pitts: Thank you.

Chairman Dibble: Looking at the site plan on the screen. . . . if the height of the site plan visibility were not so with that dumpster, or not visible, is there a plan perhaps offset the dumpster somewhat so that that sign will be visible especially in light of Mr. Lowrey's comment which I think is well taken that it may be up to 12 feet; it may not be 12 feet.

Lisa Cox: Exactly, absolutely. I think in between this evening's decision regarding the CUP request and the actual final approval of the site plan, the applicant will have an opportunity to consider what their signage is going to look like and how this dumpster facility located right in this corner may or may not impact visibility of that site and so they may need to put that sign here and move the dumpster slightly to the south; you know jog this forward. I'm not sure what the solution might be but I think the applicant will have sufficient time to consider what the impacts may be and can make that small of a revision to the site plan approval process.

Chairman Dibble: And that will be at the administrative review process right? Okay, is the dumpster going to be screened or walled?

Lisa Cox: The dumpster will be screened by a wall facility that will be constructed of materials that are consistent with the building of the carwash itself, the carwash structure.

Chairman Dibble: A walled facility, okay. And compatible with the sign of the same texture and material, okay.

Lisa Cox: Absolutely.

Chairman Dibble: Any other questions of staff at this time?

Commissioner Cole: Just one and perhaps is Rick allowed to speak in regard to the traffic?

Lisa Cox: He certainly can if you'd like him to address those issues.

Commissioner Cole: I think that would be appropriate.

Chairman Dibble: Okay we'll ask Rick if he'll come forward and share with us traffic impacts and move ability on or off the site.

Commissioner Cole: Specifically Rick I was wondering in one of the letters it speaks of the age of the traffic study that was done. Perhaps you could touch on that a bit too.

Rick Dorris: I'm Rick Dorris, Development Engineer with the City of Grand Junction. And we touched a little bit on that at the workshop last Thursday. The original traffic study was done in about 2000. I don't know the exact dates. And obviously traffic has increased on at least 340 probably in the neighborhood of 2 to 2 ½ percent per year. Kansas probably hasn't increased much because there hasn't been any new development on it. When the site was originally zoned to B-1 it allowed for many different uses as you can imagine. We had no assurance under a B-1 Zone that it would indeed be a car wash. So the City required that the developer or the applicant do a traffic study for a convenience store which we felt was the most intense use that could be allowed under that B-1 zone. This study came back that even with the convenience store, the intersection with Kansas and 340 would work. The left turn out onto 340 might be difficult at certain times of the day but it would work. It projected that 10 percent of the traffic from the convenience store would go north on Kansas, 90 percent of it would come south. Bringing that into reality of this application, we're dealing with a carwash which is a lot less traffic than a convenience store. And dependent on whether you use ITE or some of the industry's standards the total number of traffic into that site might be as low as 250 vehicles a day. I'm speaking in round numbers on up to maybe 5 or 600. I tend to believe the standards a little bit more. A lot of times ITE over estimates traffic for the City of Grand Junction. Most of the studies were based on larger cities. I had Jody Kliska review the traffic information about, well it was in December, and I gave her all of the traffic studies and all of the letters that have been written to date on this since 2000. her recommendation on this was that it wasn't necessary to update the numbers because, number one the traffic volume on Kansas Avenue is so low already, the City's traffic counts for a 24 hour period south of Holland Avenue showed 218 vehicles. A residential street nominally has a capacity of 1000

ADT which is an industry wide standard. It's not just something we made up for Grand Junction. If we use the industry standard for the six bay car wash of around 250 or 300 vehicles per day, even assuming that all that traffic went down Kansas we would add 250 to 218 and we'd still be beneath 500 and standing that the capacity is 1000 ADT we just didn't see the need to update the traffic study with 2006 data. It wasn't going to significantly affect the outcome of the project. So we chose to not require that, allow the applicant to go with the existing data and not have to spend more money on revising this study yet again. Have I answered your question? Made a short story long?

Chairman Dibble: Any other questions of the City Engineer?

Commissioner Sublett: I do. This is getting a little bit out of your area perhaps but what is the future growth plan for 340 in that area. What I'm getting at is there reasonable possibility that that road is going to become significantly wider in the predicable future?

Rick Dorris: I don't have a specific answer for that. It's not going to happen in the near future. Kathy do you have any recollection of what the 25 year projections for numbers on 340 are?

(Inaudible)

Rick Dorris: We looked at the Redlands Transportation Plan several years ago and I don't remember how many years ago, Paul is shaking his head so I'm assuming he was on Planning Commission when that was addressed. It was a joint adoption with the City and the County Planning Commissions. And Kathy knows more of the details of this but I'm going to wing it and she can correct me if I'm wrong. It was adopted from a general consensus and I believe it was, wasn't it transportation focused?

Kathy Portner: There was a transportation component but it was not the main focus.

Rick Dorris: And one of the things they looked at was an access control plan and you guys have heard me talk about access control quite a bit. The fewer access points we have on any street the less likelihood for accidents and the greater volume of traffic it can handle with a given number of lanes. The overall plan was adopted but the access control part of it was not adoption. And one of the things that the access control plan looked at was specific access points to the whole corridor, not just this intersection but the whole corridor I think from basically the River on out to the edge of this and maybe some into the County. In any event, that was not considered. Ultimately I expect that a

median will be constructed from Redlands Parkway south past this intersection so ultimately I'm assuming that will become a right in, right out intersection. That's when conditions warrant that change and as far as, I think you're asking is the parkway going to become five lanes. I don't have a good answer for you. I don't know the answer to that question.

Commissioner Sublett: Well then you pretty much hit on what I was after because if you go to the west there to the complex that has a filling station and three or four other areas, if you try to make a left hand turn out of that area now due to visibility in because you're cutting across several lanes. . . .it's a bit dicey
And I was just wondering if we were going to end up with exactly a mirror of that situation over on the other side. Of course the traffic would be less, but none the less one might end up with a very difficult left hand turn there.

Rick Dorris: I would say that is highly probable.

Chairman Dibble: Any other questions of the engineer? Thank you. Now I'll open this to public comment. We ask you to come forward and sign the form up here and we'll ask to give us your name and address and put that on the paper if you would. We would like to hear those that are in favor of the project to come forward first. Anyone here that would like to speak on behalf of the project?

PUBLIC COMMENTS

FOR:

Elizabeth Gowhari (563 20 1/2 Road, Grand Junction): Commissioners, my name is Elizabeth Gowhari and I live out in the Redlands and I think that having this Canyon View Carwash would be a very wonderful service and a convenience for our community out there. I know it sure would be for me because especially in the winter time having to come into Grand Junction to get my car washed. Being able to go to Canyon View Carwash would be such a nice and pleasant surprise. So I hope that you guys will consider having this carwash. We in the Redlands have been a little slow maybe in getting some of the conveniences of other parts of the City but we now have our own satellite post office. We have our own fire station. We have a bank, for many years the grocery store and convenience stores and we would be just very grateful if you guys would consider also allowing us to have the Canyon View carwash. Thank you very much.

Clara Zeigler (2108 Monument Village Circle, Grand Junction): Hi Paul. My name is Clara Zeigler. I've lived on the Redlands since 1960 so I've even a lot of gravel roads and everything else paved. But I agree that we do need a car wash. How many people

live on the Redlands; it's really not a good idea to wash your car and let all that stuff run down the City sewer or whatever since we are in the City now. But I really agree with this carwash. I think eight trips down here for these kids to try to get this done should be enough. Thank you.

Mike Lewis (2183 Canyon View Drive, Grand Junction): My name is Mike Lewis. I'm the applicant for this carwash. It's been a long haul for my family and myself. We did this in good faith. I hear a lot of mention about signage issue and a picture issue. I just want the record state that I've gone through every length to rectify every problem and every hurdle that has been put in front of me and if that's one of the hurdles that need to be concord I'm receptive to that. The signage issue we did what we thought was required by the City but if that's a major issue then we will go to a 12 foot sign. Also the picture rendition, the bottom one. Yes the colors are little more vivid in there but those all can be addressed and fixed to whatever requirements are needed. I just want to say that every thing that we've done on this project, we've done in good faith from doing the simple subdivision to having a buffer between the Bluffs subdivision to multiple traffic studies to make sure that the traffic was, all the issues were addressed to legal access to the property which has all been addressed. To working with the Army Corps of Engineers from cleaning up a previous wetlands dumping ground which we cleaned up to satisfy the Corps' requirements to working with the Corp not once but twice to make sure that we access the property properly and through all their requirements. And I just think it's a good. I'm not very good at speaking in front of people so I just want to close on that. That's all I've go to say.

Chairman Dibble: Someone else that's in favor? Okay we'd like to hear from those that are not in favor. If you'll come forward.

AGAINST:

Mary Ann Foster (519 Kansas Avenue, Grand Junction): My name is Mary Ann Foster. I live at 519 Kansas Avenue in Grand Junction, in the Bluffs Subdivision. I do have something against the traffic that the car wash will create on Kansas Avenue. I'm a mother and I'm a grandmother and I'm speaking on behalf of the children in our subdivision. I watch the children coming to and from school as they toss a ball back and forth, maybe, or just horsing around as kids do and they really aren't paying that much attention to traffic. And it is true, we don't have a lot of traffic although after South Rim opened it made us a through street there for kind of a short cut into the South Rim. So we do have more traffic now than we used to have. We're an older subdivision. Our streets are only 50 feet wide and when cars are parked along the curbs, it gets really narrow. There are no sidewalks for the children to ride their bicycles or skate upon so naturally they do these things in the street. The school buses do not

come into our area as we're that close to Broadway School. And the children walk to and from the school. The middle school and the high school children are left off at the buses at the bottom of the hill on South Rim Drive. So the walk up Kansas to their various homes. I also don't think that any of you are probably aware of how difficult it is to get onto Broadway from Kansas Avenue at certain times of the day. As we have to cross that turn lane in order to go East and then there is a traffic light less than a 100 feet from our exit to the west so that the traffic gets backed up there at certain times of the day. Now with a car wash on the corner adding who knows how much additional traffic to this intersection. The logical thing for most people to do is to turn out of the carwash and go down Kansas and then out onto the Redlands Parkway. And our busy little street is going to become a very dangerous place for not only the children but everyone else that is trying to back out of their driveways or perhaps go for a walk. Please reconsider what you're doing to this older subdivision with many young families living in it. Thank you.

Tom Foster (519 Kansas Avenue, Grand Junction): My name is Tom Foster. I'm of no reputation and have no credentials except that I was here on the 16th January 2002 on this same subject. It's been batted around all this time and it hasn't gotten any better. I have a list of the criteria that was posed, questions were posed relative to the changing of the land use permit and going down through the questions, I won't go through them, you know them as well as I do. Nothing has changed. We still have a traffic problem. Not only on Kansas Avenue, but we have a traffic problem entering 340. The problem gets worse every day even now without the carwash. It's dangerous to turn left and go east out of Kansas. We're working on a dysfunctional situation and probably making it worse. I have this folder about all of the plats that have been filed on this particular little area since 1955. When Mr. Fuoco and a group up here in the Columbine Subdivision dedicated that street 50 feet wide Kansas Avenue to the County in order to develop Columbine Subdivision. At that time there was an outlot to the west of it which was sold to the Louis's I believe on the cleanup program. None of the numbers agree with anything that was done in the last 50 years so I don't know, I guess anytime you get two engineers to make two surveys, you're going to have an ambiguous description. That seems like what happened here. Anyway, aside from all that I've spent a lot of time on planning commissions in my life, three different times. And I've never seen anybody demonstrate the tenacity that the Lewis' have to accomplish this program and I would like to congratulate you on your tenacity. But I'd like for you to also recognize that our side is entitled to the same tenacity. And we would like you to reconsider this whole thing and come up with something that will work. It looks like no matter what happens here. We go ahead with the plan we got, we're still dumping Kansas out on Highway 340 on a clandestine piece of ground. You're not even on the property that it belongs on so that's going to be dumped in the laps of the

City and my question is what's the City going to do about it. You're not going to make it better unless you totally change it and do a side road back to the East which might not be a bad idea. I don't have the answer. I hope you do. Thank you very much.

Tom Spehar (2268 Broadway, Grand Junction): My name is Tom Spehar. I have to ask this question before I proceed. My neighbor to the North, Judy Wolf, could not make it tonight so he said it was okay if I speak for him on his behalf if that's acceptable to you on the commission. So I'll be speaking for myself and for him as well. I'm going to read I guess a little bit from a prepared statement because I don't want to lose my train of thought. There's so much to think about when it comes to this. And I guess what it basically boils down to me is primarily a safety issue. The one thing that has not been addressed in any of the testimony that has been presented so far to date has been the intersection of Kansas Avenue and Broadway. Not being familiar with this process or how these committees work or how the development process works, I've made it a point to get down to the city planning office, read the engineer's files into as many of the reviews and revisions and things as I could as well as trying to investigate the different cuts to see how this falls into in. Simply so I could come from a point of having an informed decision. I can't fault the Lewis' for wanting to develop their property or make a go of it and I'm not about trying to prevent them from having an economically feasible project on that property. What I'm opposed to is this particular project and for this reason. Early reviews under the old existing code, they required developers to come ahead and make the infrastructure improvements required to go along with their development. The Lewis' would have been required to upgrade Kansas Avenue, because the intersection had been basically acknowledged by everyone, from CDOT to Mesa County to the City under the TEDs standards that the grade of that particular intersection was anywhere from 10 to 12 percent depending on whose numbers you chose. That grade was considered unsafe and inadequate. One of their requirements which initiated the whole right-of-way discussion between Ms. Lewis and myself was to improve and upgrade that intersection to a more acceptable 4% standard. So what has changed between now and then? Really nothing. The intersection is still below subgrade, it's still ruled unsafe in its current situation. But what has changed is the development code. What has now changed now is the financial burden has shifted from the developer to the City or some other public entity to make those improvements as long as the developer pays a development fee, if I understand this correctly for those entities to upgrade that. It doesn't change the situation. There's nothing in the City budget that I've seen that leads me to believe that there is an upgrade in the future to bring that intersection up to standard. Maybe you can help me here. There's some pictures here. I leave this to somebody else. We have some pictures that show that intersection graphically. And nothing has been changed on that. It still exists. We in the neighborhood get to live with that situation everyday. I understand that it is the

planning department goal to take these projects and make them fit into a defined set of standards. But I believe one of the unintended consequences of that development code change was to put people in our situation remaining in an unsafe environment while passing the cost along at some future date which nobody can tell us when and if that will ever happen. This condition will exist as it exists day as being unsafe by anybody's standards and allowing this carwash or this development to proceed will only add to a bad situation. I've watched enough of your meetings on television to get a feel for what you can and can't do. I've seen you approve variances over staff recommendations or against staff recommendations. I'm asking that you review this because I don't believe the recommendation for approval is a valid one. And I believe that what you should do is rule in favor of our neighborhood because we feel this is a detrimental situation for us. It will take us from an unacceptable situation to an even worse situation if this is allowed to proceed as presented. Thank you.

Paul Von Guerre (2290 Shane Court, Grand Junction): I'm Paul Von Guerre and I live a 2290 Shane Court. Which is right off of Kansas in the Bluffs West Subdivision. Before I say anything, I want to say this, that I appreciate Rick's and Lisa's efforts. I've worked with them the whole eight years in dealing with this process since day one. I also appreciate the perspective and also the efforts of the Lewis'. I think their operating, like I said, in good faith. I don't know how many notes I've written to the record over the years. I quit a few years ago after getting frustrated at the City Council level. But I would like to make a few comments about this and show you a few pictures that were referred to and I'll my comments brief. First let's go through some pictures then and I'll make a few comments. This is the site of the proposed CUP. The current housing structure that is on the site. This is a shot looking west along highway 340 at the intersection of Kansas and the right turn lane for Redlands Parkway and also the main route and this is the right turn lane so when Mr. Foster was talking about turning left, there's really three lanes we have to get across to make a left turn here. And it's fun, I'm teaching my son how to drive. I always say go the other way so we don't have to turn left here. It's really a wild time. This is a shot from the bank entrance to Broadway and you can see the issue of elevation at the intersection of Kansas and Broadway and it's significant. Some mornings when the streets are icy and it does occur, it's really difficult to get out on time and quickly enough to beat some of the traffic that you have to cross. As we go north on Kansas, we get into kind of a sinuous portion of the street and you go around a corner and then the road bails left. And also something that hasn't been mentioned; it goes down hill. It's not super steep but it's steep enough. I know when I road my bike I can coast down pretty quickly without peddling. And you know, kids use their skate board and other things on it and it's a lot fun. The other thing to notice on this picture is there's not sidewalks as was mentioned. You can see there are two cars parked there and how narrow the street would be. You

can see somebody standing in the middle of it down there at the intersection. We're going to look at that intersection of Shane Court, my court, and Kansas, here in a second. So one of the points that I would like to take issue with Rick as much as I respect him, I disagree with him on this point. He talks about the 1000 ADT per day industry standard. And I've asked a number of questions about that and the answers are well that's what the industry suggests. I don't know if they suggest if for a street with this sort of infrastructure or lack thereof. If a 1000 cars per day down this street is okay without sidewalks, being too narrow, with no striping, with nothing other than what you see. I don't know if that, since it's not a rule or regulation, it seems to be somewhat subjective. That perhaps a group like yours could so, you know maybe 218 cars per day that was measured about four or five years ago, that's adequate for a residential area like this. We don't have to go to 1000. There's nothing that says, let's develop until we get to a 1000 cars a day. And if you consider the safety issues that people have mentioned, a 1,000 cars a day would be very dangerous. This is the intersection where that person is standing, down here. Where is that pointer. . .right here. This is the intersection and this is late in the afternoon and these could have been my kids. My kids grew up here and they grew up with this process as a matter of fact. And these kids are crossing the street. I just took this candidly, I didn't stage it or anything. I was standing there at quitting time at Broadway Elementary. These kids are there everyday. There's kids playing in the area and throughout this process we have raised this issue. I know I have consistently. And I understand the goal of the City, not the goal perhaps, but the role of the City is to plan for development. What I think what we're doing is planning, if we approve this sort of activity that affects a residential area like this, we have to start planning for the affects of the development. I think we've got the cart before the horse. I don't take issue with people's rights to develop on their land but the responsibility of our officials and government and our planning commissions is to protect the public good as well as to let people develop their land. The public good is at jeopardy here. And I think it is incumbent upon you to recognize that and to do the right thing and at a minimum make sure these issues get addressed by the City before anything is done. And I appreciate your time and I'm going to take my disk. And that's the end of it. Thank you.

Chairman Dibble: Very well. Do you want a job? There's one being vacated, Just kidding, thank you very much.

Doug Larson (2278 Windwood Court, Grand Junction): My name is Doug Larson. I live at 2278 Windwood Court, also in the Bluffs. I've been involved in this carwash application since 2001. I'm past president of the Bluff's homeowner's association. I presently still serve as an officer for the Bluff's homeowners association. My contention is a carwash as it is presently designed is inefficient and is really basically a recipe for

failure. Can I show this; illustrate this here? What I put on the table is a ideal design for a carwash. As you can a flow through sort of situation where you have traffic comes in goes to the car wash and goes back out again. Can we go back to the previous drawing. What we've got here is, you got a carwash, you got as situation where traffic comes in goes through and has to come out again in the same situation which is going to be congested and is going to be a problem just in terms of operation of that facility. One of the criticisms, one of the earlier comments going way back to 2001, September 16, 2001 was that comments by Mr. Dorris to the review comments warn that the turning movements within the carwash appeared to be very tight for RVs and pickups with trailers. It looked like it was a difficult sort of situation and I think that's both within the carwash itself and then coming in and out of Kansas or on to Kansas Avenue. The other issue that people have talked about is only contentiously is about traffic along 340 itself. (END OF TAPE 1)

And the Lewis' had a traffic study that was done back in, that which was filed in, and it's in your files, October 18, 2005. And that addressed the eastbound traffic along 340 and how that would be impacted by this project and compliance with the state highway access code. And what they found was, and this is a report by trans systems corporation and it's people that were presumably hired by the Lewis' and the report is in your file was that the eastbound turn lane, a deceleration lane which would come through the intersection at highway 340 and head this way and eastbound deceleration lane into the carwash should be 395 feet long. Given the vehicles per hour and the speed. And the result was, given the spacing, there's not enough distant between the traffic light, the intersection, and Highway 340 and the Parkway. It says here the required left turn lane cannot be provided. And there's only about 50 feet there. So it's well below the 395 feet that is required so what happens is that their alternative is well they say that's okay, that's okay, because it'll be better if we have a left deceleration lane, it'll be better putting a little bit more distance in there than what we have now. But what it doesn't take into account is, it'll be better than what we have now, but we don't have a carwash now to increase the traffic there. So what we've got is an increased problem not only on the intersection of Kansas and 340 but we've also got a problem at the intersection of the Parkway and 340. Much has been discussed here with regard to the impacts of this project on our neighborhood. As Mr. Von Guerre stated it's balancing this between the neighborhood and there's a 120 people that live in the Bluff's Subdivision. So we're talking about 120 people here vs. the rights of the people to develop their property. Going back to September 11, 2001, George Miller, who was the City transportation engineer at that time stated that we should insulate the neighborhood to the north as much as possible and to quote further, it's imperative that residential neighborhood to the North be insulated from both access and egress flows generated by this proposal site. As you've seen on the pictures, there's been nothing to

show that there will be curbs, there will be sidewalks, that there will be any sort of protection or any sort of insulation of our neighborhood from this proposed development and that's been a concern for five years. It's not anywhere in here in terms of how that's going to be addressed. There's nothing. I've heard no comments whatsoever by how that's addressed but the project goes forward. It also hasn't been addressed and it's our issue, which is that this, and this is documented in your files that this project is in violation of our homeowners covenants. That the history of this project is that our homeowner's association, back in the early 80's or late 70's donated property to the County which was then given to the Lewis' which is still burdened by our covenants which prevent commercial development. That's our issue. But one aspect of that is that the Lewis' took the property that they are now proposing with the covenant, with the requirement that they would reclaim the wetlands which is what they have done. Now, with their proposal, essentially what they are going to be doing is filling in the wetlands to get access to the carwash because they don't have access close to Kansas like they wanted so ironic to say the least, I think that the original conditions which were imposed on the Lewis' to get the property in the first place to start out on this was to reclaim these wetlands. At this stage their proposal is to fill in the very wetlands that they are reclaiming. I have pictures to show, some of the pictures that you've seen so far don't show that but the wetlands that would be used are the ones back in this area here is all wetlands area here.

Chairman Dibble: Do you have pictures that you would like us to see? What kind of an area are we requiring for the wetlands reclamation?

Doug Larson: Well, the area is here which is looking south from Kansas.

Chairman Dibble: South from Kansas or south from?

Doug Larson: That looks from Kansas, Kansas makes a curve and it looks across the street or up on towards 340. It sort of behind the carwash. You saw pictures from Mr. Von Guerre right here in front of the carwash. In fact the way it's staked you can see the driveway. . .those stakes are where it's surveyed where the driveway from the carwash would come up and meet Kansas Avenue so it would have to come right across there. They claim that they have access on the paved area but you can see that they don't. That orange string there is Mr. Von Guerre at one end and the other end is held, it shows it comes right on over an unpaved area. So the representations that are made that it actually, that their right-of-way or their, the don't come onto private property seems to me not true, but I'm not a surveyor. But you can see, in any event that it comes right through where the wetlands are. So all in all it seems to me that due to the traffic issues which are both on Kansas, on 340 that the project is like trying to put a

square peg into a round hole. It's something that everybody wants to see happen, but the result is setting a change of events into action that is only a recipe for failure. The carwash itself seems poorly designed with an in/out. You have to go in you have to come out the same way. You have issues of access onto Kansas, you have the issue of access of Kansas onto 340 and then you've got the traffic issues on 340. It doesn't appear to me that any of those issues have really been addressed yet the project goes forward as though it's a birthright of some sort. Thank you.

Chairman Dibble: How many more of you would like to speak. If you'll raise your hand to get an idea here. Anyone else? All minds clear. No this is for those that are opposed to the project. You'll get your chance to rebut some of the answers to these questions and then. Anyone else that would like to speak in opposition to the project? Anyone like to speak comments in general? I'm not an auctioneer but going once, going twice, public hearing is now closed. We will not be taking any more public comment from the audience. We're going ask the representative, I'm not sure if I should an "s" on the end of that or not. Will someone that will speak definitively for the representative come and answer questions in rebuttal if they care to and I see Mrs. Lewis.

Commissioner Lowrey: I ask that we take a break.

Chairman Dibble: We will take a five minute break. Just a short break.

A brief recess was called at 8:45 p.m. The public hearing reconvened at 8:51 p.m.

PETITIONER'S REBUTTAL

Roxanne Lewis: To address Mary Fosters' concern about traffic. We will not be creating new traffic. People are not going to drive from the north area up to the Redlands to get their car washed. We will be utilizing the traffic that is already there. Let me say that we did do two traffic studies in 2000 for a car wash. In 2002 we did a more intensive convenience store, gas station combination with six filling stations. And we have also had two updates done, one in 2004, one in 2006. The opposition continues discount these professional's opinion of what kind of traffic a carwash will create. It seems a little bit to me like hearing Chicken Little saying the sky is falling, the sky is falling but it never does. I think Rick Dorris talked about this being a collector street that would support up to a 1000 cars a day. We are well below that. Grand Junction does have more traffic today. I'll be the first to admit it. We are a growing community. One might say we have traffic problems throughout the city. But to say that this is going to create more traffic. We think we're doing the right thing by helping people living in this area use a service that they need and lower some of their driving

miles that they would otherwise use going into the City. We're three miles from any carwash. I daily carpool with a family on South Rim and I come down South Rim often and I would concur that it's...we have more traffic. For me to turn back left on the Parkway, I have a difficult time after school at 3:00 but Mrs. Foster states that all the traffic from Canyon View is going to go down that street and come out on South Rim. I would disagree. I use that roadway as I carpooled daily to the Messiah Lutheran and home again and it is, that is the worst way to travel is to come down South Rim and try to take a turn on the Parkway, left.

To address Mr. Spehar. He talks about this intersection being unsafe. Mr. Spehar was at a meeting with his lawyer, Dan Wilson, when the County attorney specifically stated that there are literally hundreds of intersections just like this in the County that function and perform exactly as this one. And they have no need to fix this intersection at this point. It's functioning adequately. For some reason the opposition won't accept and doesn't believe what the professional traffic study show. They imagine a huge influx of new traffic. Paul's pictures were beautiful, but in none of those pictures did I even see any street traffic. We aren't putting in a liquor store which this project site is zoned for. That may impact the children in this neighborhood. We're Christians, we just want our own business and we've been working hard and judiciously in the last seven years. We've had an offer to sell it to a commercial realtor that stated that he could get it done because of who he is employed by. That's not our hope. We hope to have our own business there. It won't be a liquor store. It'll be a carwash which will have maybe 50 to 100 cars a day. Doug Larson complained about the traffic flow within the site. I disagree, we've had professionals look at this in the carwash, in the street. The nice thing about this site is the traffic will come in on the right, come in the back side of the carwash, the cars will flow out on the south side, pull over for vacuuming and circle on out the site with no crossing of traffic patterns. Where are the 120 people that Mr. Larson proposes that he represents who in live in the Bluffs. Tonight I've seen two residents speak in support of and another ten residents wrote letters supporting the carwash. Tonight I've seen five people in opposition of this development. Where are those neighbors. We know lots of people up there and there's not a day that hasn't gone by in the seven years that I've pursued this dream that I haven't had someone in the Redlands say to me, When are you going to get this done and I say, I don't know. It's in your hands. And then to talk about this wetlands issue. We did everything within our power to not encroach upon the wetlands but because of Mr. Spehar's objections, we made him a very generous offer to purchase ten square of his property for \$4,000. He declined. We didn't realize we could encroach upon the wetlands until we were told because of the small impact that you will have, it's okay for you to encroach upon the wetlands. You just have to file a nationwide permit. We not only did this once, we did it twice. We did clean up the wetlands but only because the neighbors had been

dumping on it for years before we even entered this picture. The cleanup in the wetlands that we completed, the Federal Corp said that it was the best reclamation that Nick Mezei in his 30 years as a member of the Corp had ever seen. I did tell him, yes we did it twice because he added some additional requirements after Randy Snyder had passed away. I do want to say that, in the past, the County gave us entrance off of Kansas Avenue. It was a trespass which no one really knew at that time. We offered to perfect the right-of-way, remove the liability from Mr. Spehar, clear his title, and compensate him which he completely would not and even threatened me with a, what's it called. . . .even contacting him, he threatened me with that. Don't contact me any more or I will file something to keep me from ever contacting him. So that is when we kind of gave up and sought some other avenues. I do want to say that the white line that Mr. Paul Von Guerre showed you, shows the right-of-way line on Kansas Avenue so we are indeed entrancing Kansas Avenue within the dedicated right-of-way. That's all I can say. I appreciate your listening to our life story but we just would like to have our own business. It's kind of the American dream. We've worked for corporations between Mike and I for close to 50 years and I really find it disarming that the opposition can't see that we're trying to re-use, redevelop a run down, worn out corner for people to utilize that live in the Redlands. Thank you for your time.

QUESTIONS

Chairman Dibble: Any questions?

Commissioner Cole: Ms. Lewis. One of the allegations here was that you were given the property. Were you given it? Did you buy it? And the further question is how does this relate to the HOA that was mentioned? The Homeowners Association?

Roxanne Lewis: The Federal government, the federal corps of Engineers came to me and 2000, I believe, you have illegal filling of the wetlands done on your property. And I said no, that's not my property that is the right-of-way. It is the County's property; you better talk to them. So they did talk to the County, a year went by, nothing was done, Randy Snyder came back to me and said you know, I don't know what to do about this and I said I don't either. But you know you were going; actually he told me I'm going to site you for illegally filling the wetlands which we hadn't done. But since we owned the adjacent property

Commissioner Cole: Is this in the ROW or is this the actual property that you want to put the carwash?

Roxanne Lewis: The illegal filling was in the wetlands that is adjacent to the parcel you see on your site plan.

Chairman Dibble: At the north side of the property line. Is it north of the property line or is it within the property line footprint?

Roxanne Lewis: No. If you see this line right here. . . .that line depicts a parcel of land.

Several voices: No.

Roxanne Lewis: Yes. That the county owned, it's called outlot. It's an outlot. That was added to our development.

Chairman Dibble: Okay we seem to have a, we'll ask staff to, staff are you prepared to comment on that?

Inaudible. . . .(several people talking at once).

Roxanne Lewis: We came into ownership of it because the county had allowed all this illegal dumping. Actually it's occurred all the way along Holland. The neighbors take their Christmas trees, their used tires, their diapers, their garbage and they literally have thrown it in this ravine. Anyway we came and when the Federal Corp wanted to site us. I said it's not our property, it's the County's. So they went to the County and sited the County and the County came to us and said would you buy the parcel from us? And I said, buy the parcel from you? You realize what that's going to cost to clean up. Skyline Construction gave an estimate of \$25,000 to clean it up. At that point the County said how about we deed it to you and you do the clean up? We said well certainly. After we looked at, we did the work ourselves.

Commissioner Cole: I guess I'm not clear how you became involved with the County. Did you own the property to the west of this, the parcel, the piece that you're talking about?

Roxanne Lewis: Well, Kansas Avenue is half of it is in the City.

Commissioner Cole: No, I'm not talking about Kansas Avenue.

Chairman Dibble: To the west, he's asking.

Commissioner Cole: The property where you actually . . .

Roxanne Lewis: We purchased it.

Commissioner Cole: You purchased where the house is? That's what I'm trying to get to.

Roxanne Lewis: Yes, we purchased the property in 1999.

Commissioner Cole: Okay, thank you.

Chairman Dibble: So the property line that you just described is contiguous to the property you purchased and it was deeded to you by the County?

Roxanne Lewis: That's correct.

Chairman Dibble: That's that strip going down that line to the east.

Roxanne Lewis: Well, no, I can't say that. That is actually the electrical line right there.

Chairman Dibble: it's the eastern most portion of the property that you're developing?

Roxanne Lewis: If you see this.

Rich Livingston: Mr. Dibble if I may, just to help clarify this. The parcel involved adjacent to the right-of-way was conveyed by the County because it was contiguous with the property that the Lewis' already owned. When those two parcels came together you then had this existing parcel with its boundary immediately adjacent to the ROW.

Chairman Dibble: Okay, that's

Rich Livingston: The difficulty comes because we have a roadway that is not in the ROW. And that's where all the confusion.

Chairman Dibble: Okay, but that has been rectified and resolved, correct?

Rich Livingston: It has.

Chairman Dibble: Okay, let's not go there then. Let's talk about the site itself and I think that's answered your question.

Commissioner Cole: Yes.

Chairman Dibble: Before you sit down, does anyone have any more questions for the applicant? And you're representing the applicant's position so go ahead.

Rich Livingston: Yes. If there are any other questions we will be more than happy to try to answer them. If there aren't I would merely summarize very briefly by saying we're here this evening to. . . .

Commissioner Cole: Excuse me just a minute. There was a further question I asked Mrs. Lewis. Maybe you. . . .how does this property relate to an HOA that, a Homeowner's Association that is been eluded to as being in place?

Rich Livingston: It does not. And if Mr. Larson who also happens to be a licensed attorney here in Grand Junction believes otherwise then there's an open avenue through the court system here for him to raise that issue. But a point of fact, when you plat a subdivision and you dedicate and convey to the public entity a partial ground within that subdivision, that dedicated parcel does not come encumbered by homeowner association covenants.

Commissioner Cole: Okay, I just wanted that clear.

Rich Livingston: Right, absolutely. The other point to clarify from Mr. Larson's comments. He had a photograph involving some staking. That particular staking, first of all, was not of the location for the driveway that is currently being proposed on the site plan. It was the earlier driveway that was located further back toward 340. But also important to note, and I'm sure you've run into this before, when you do drive survey stakes and your line is located on asphalt, you don't drive your survey stake into the asphalt. You set it off and you have what is called a five foot set off to mark that point. And if you remember the one photograph that had a white line painted right down the asphalt. That is the actual boundary line for the city/county road ROW that we cross to get onto the existing Kansas Avenue. As I sat here this evening, I thought back over the last 30 years of coming to these Planning Commission meetings. Some of you have been coming to those meetings almost as long and most of you have been coming to meetings much more frequently than I do. I'm pleased to get the opportunity to come on occasion and I'm equally pleased that it's on occasion. (laughter) What it lead me to think about though over the years, is how through the land planning process we have had to deal with that old saying that the only constant is change. Human being what it is, we do not like things particularly in our own neighborhood, to change. And

when a piece of property that is legally and properly zoned seeks to develop consistent with those zoning standards, there's change. Will the carwash fail? I don't know. Mr. Larson may be absolutely correct. He may have a crystal ball better than any thing I or my clients have ever been able to view. But if it fails, there will be another use. And as has been testified by the only engineer expert to testify tonight, Mr. Dorris, the City Engineer, all of the traffic information that he and Jody Kliska have reviewed on behalf of the city, indicate that a car wash is a lower impact use than most any other of the uses that are allowed under the B-1 zone. Will there be impacts? Of course. You can't have a change without some impact. But if you think in your own experience of the times you utilize a carwash, how often do you go to the carwash at the time school children are going to and from school. Most of us find other points during the day to be more convenient for use of the carwash. We believe and as has been pointed out by the traffic studies and testimony of Mr. Dorris that the existing infrastructure meets the standards that are applicable to this proposed use. We also believe, as shown in the staff report, and is backed up by the testimony from the parties here this evening, all of the conditions for approval of a conditional use permit, have been met by this application. We're not here rezoning this property. It got rezoned quite a while ago. Directly across the street, in two directions, we have comparable commercial zoning. We've also heard testimony and in the report from Ms. Cox, that there is buffering. The vacant ground and the remaining wetlands all of which are controlled both by the City and the Army Corps of Engineers will remain as the buffer to insulate the residential neighborhood from the business activities on this site. It's been a long drawn-out process. It's had its technical difficulties. It's been one of the more unusual ones I've had an opportunity to work on. But as we stand here tonight, and consistent with the report submitted by the city of grand junction staff, this application meets all of the criteria and all of the requirements and it should be granted and we respectfully request that you do so. Thank you. We are happy to entertain any further questions that you may have.

QUESTIONS

Commissioner Wall: I just have one. What will the hours be?

Rich Livingston: The hours of operation were proposed to be 7:00 AM to 11 PM. Did I get that right?

Chairman Dibble: The lighting will be outside? It will not be inside out? It'll be facing.

..

Rich Livingston: Correct. I'm no expert on it but my understanding is that it's called indirect or downward lighting and that's one of the reasons the staff recommendation

for the monument sign is that it would be back-lit. All lighting has to be down to stay on our property instead of going off property to impact the neighbors.

Chairman Dibble: Any other questions of the applicant?

Rich Livingston: Thank you again for your patience. We do appreciate it.

Chairman Dibble: I would like to ask Rick to come forward on a couple of things that are more City oriented as far as transportation corridor information. They mentioned a decel lane between, they mentioned 340 feet for a decel lane going east. But I think that would be a . . . we only have about a 100 feet isn't it between Broadway and the Parkway and Kansas Avenue. Is it more than that? We dealt with this in detail when we approved the property to the South.

Rick Dorris: I've looked through my entire file and I can't find the letter he's talking about. I know I've read it. They are working with CDOT because CDOT actually controls Highway 340 and what you see here redlined on this picture are the changes that CDOT is going to have them make so let me step away from the mic here and I'll speak a little louder and briefly explain them. Currently there is a continuous right turn lane that goes along here and on down to make a right turn to go north on Redlands Parkway. That creates some confusion here at Kansas but what they're going to have them do is make a solid stripe here bring a solid stripe out here so we have two separate right turn lanes rather than one continuous right turn lane which does improve the safety of the intersection as far as site distance and you shouldn't have as many turn lanes there. We should eliminate one turn lane. The other thing that CDOT is going to do is make this a continuous left-turn lane from Kansas back to here. There is around 330 feet, if I remember right, from here to about here. As far as the 375 feet in the letter, since I don't have it in my possession tonight, I can't necessarily speak to it. I don't know if that was a present requirement or one that was out twenty years in the future.

Chairman Dibble: 330 you say?

Rick Dorris: Yes, when the City changed our TCP ordinance a couple of years ago. The requirements that the developer, we used to require that the developer look out 20 years in the future and build their development to account for traffic conditions 20 years in the future. And they paid X-amount of TCP. The policy was changed two years and the TCP tripled roughly and the requirement was then the City's responsibility on (inaudible) streets to do the improvements. As you can imagine, the City and the County had 100's of miles of streets that we maintain so we have to prioritize those

improvements where they happen. Recently we had theater come through at 24 and F 1/2 and we're building the south half of Redlands Parkway and we're also building a right turn lane on 24 Road which, turning east on the Parkway. That was deemed a high priority safety need to happen with the development there. The accident history over this intersection for the last six years, Jody looked it up, and I think there were two accidents (inaudible) One happened here and the other one was a rear end accident that really didn't have anything to do with Kansas. Her statement was that neither one of them had anything to do with Kansas Avenue. I guess the point that I'm trying to make is, when it becomes a safety issue then CDOT and the City will work together to create the solution of the problem. It's not, CDOT is in control of the highway right now, doing the configuration that I'm showing here on this picture is what CDOT deems appropriate right now. The City concurs with that. And when something more rigorous is necessary in the future then the City and CDOT will work together and to create that solution.

Chairman Dibble: I don't know if you're able to answer the insulation issue or not, by that I'm assuming as the neighbors have stated that that would require the build out of gutter, sidewalk. What triggers that?

Rick Dorris: You're talking about the comments from George Miller that were referenced?

Chairman Dibble: Yes, the insulation whatever that means.

Rick Dorris: I could try to read George's mind but I always had trouble doing that. I'm not real sure what he was talking about. I could guess that he was thinking somehow make it difficult for traffic to go from the carwash. . .make it undesirable for me as a driver to want to go North on Kansas to get out of the carwash as opposed to wanting to go South on Kansas and go to 340.

Chairman Dibble: Would not the logic of that say to leave it the way it is, would be more undesirable than creating a wider thoroughfare with designated sidewalk and everything. It would make it safer, I think we can agree with that, but would it make it more desirable to do this, whatever this insulation factor is, if that was building, because it was in the same context as building sidewalks as I recall.

Rick Dorris: There's probably a dozen different ways to address that issue and I think one could easily make the statement that you just made and justify it. The thing that I'm thinking about,

Chairman Dibble: One thing Rick, providing that were required, which I don't think it is in this case, but in providing that would not be required to the applicant. It would be required of the citizens or the City to step up to the plate.

Rick. Dorris: Yes, that's correct. And at the time George's comments were made, it was under the old TCP ordinance which gave us more latitude to require the developer to do more. One of the things to think about right now. The existing street configuration, if you come, and I'm not sitting here trying to say that there will not be traffic going out of the carwash north on Redlands Parkway because I'm sure, I mean north on Kansas, because I'm sure there will. But at a lot of the seminars I've been to we talk about traffic calming and walkable communities and so forth and one of the things that helps slow traffic down and make things safer is to have actually narrower streets and have curvilinear streets. And this piece of Kansas right here is narrower and it is curvilinear. I don't remember exactly where it widens up but you can see that it's curvilinear up in here as well. I know it does straighten up and we've seen pictures tonight up in this area where it does have a steeper grade, roughly 5% and it is straight.

Over the years I've gone out to this site many times and I've purposely made this loop with Kansas and tried to paint a picture in my own mind. I might go out that way at certain times of the day if I needed to get a different direction and I didn't think I was going to be able to make that left turn. But, again what I stated earlier was that the total traffic for the carwash will be between 250 and 500 cars a day depending on which source of trip generation you want to believe. And let's even say that 50% of that traffic went up there so if you added 200, let's take the high number, let's say 500 cars a day trip generation. If you took half of it, so you got 250 and we add it to let's say there's 250 right now on Kansas which is a little bit higher than the counts. We're at 500 ADT, we're still half of what the 1000 ADT that I've talked about is. I don't live in this neighborhood. It's not my kids walking there. What I'm trying to do is to speak to industry and City standards and realize that these are the same standards that we apply City-wide. It's not just for this site. Like somebody mentioned here tonight. There's hundreds of intersections just like this and the Redlands is full of places that have no sidewalks on the street and kids crossing them.

Chairman Dibble: We face this issue constantly but if the upgrading of Kansas Avenue were required, what would trigger that? Just simply reaching a 1000 which, would that or would something else possibly trigger the upgrade or that insulation factor whatever that is?

Rick Dorris: You know, no more development potential than there is on Kansas, the traffic level on Kansas I don't see that it could ever get any where close to 1000. So more than likely what would trigger an upgrade to Kansas would be that the

homeowners would ban together, they would approach City Council and say we would like to do a street improvement district. We'd like to maybe straighten out the curves or put on sidewalks or you know there's a half of a dozen of different things that you might do to make it more pedestrian friendly. And they would like to cost share with the City to do and improvement district. I'm not going to say we don't currently do that, I'm not aware in almost the eight years that we've ever done a street improvement project like that. We do do that with alleys all the time. Matter of fact we have a very popular program where 51% of the neighborhood, a minimum of 51% will come to the City and say we'd like to do that. I don't know what the current wait is but it used to be about 40 years to get your alley done cause the City pays a large portion of the cost. So it is a very popular program. It's possible that might happen in the future. I would not say that it is probable.

Chairman Dibble: This may be a moot point, but would that also trigger a realignment of the Kansas Avenue closer to Broadway which is now out of alignment an on private property.

Rick Dorris: It could, it could. Let me back up there. If I'm hearing what you're saying, you're asking would Kansas be shifted over to the west to be within the current right-of-way.

Chairman Dibble: If it were required, yes. Because it's not dedicated for that purpose.

Rick Dorris: The answer to that question more than likely would be no because when Meadowlark Gardens was done, nobody knew that Kansas was outside the ROW. And the access for Meadowlark Gardens lines up with the asphalt where Kansas is built so more than likely it would involve trying to perfect the prescriptive easement across Mr. Spehar's property. And if Mr. Spehar's property, whether it's him or some subsequent owner were to develop, the City would require that ROW at that point and time.

Chairman Dibble: Do you have any comments as the engineer on the thoughts about the infrastructure of the carwash's turning radius's; congestion I think was the term used and the entrance and the exit, that kind of thing.

Rick Dorris: You know, I asked the question early on to look at the turning radius's and you can see these dashed lines in here, so I know that they've looked at it. The configuration of the majority of the site excluding the entrance, hasn't changed in a couple or three years so I haven't looked at that specific thing but I remember at some point and time looking okay well they have addressed this. Basically this is private property. The ingress and egress out to the public street is fine. And they can, we're

not going to be super controlling how they lay this out as long as it meets the TEDS manual and it does. I can't say that I've personally put a turning radius on this in a long time but I expect that Vista Engineering has and it works fine.

Chairman Dibble: Are there other questions that come to your mind? The wetlands problem, is it been taken care of and approved by the Army Corp of Engineers?

Rick Dorris: Yes, this is a very common thing. It happens all the time. I've got a half a dozen projects where that's going on right now. It's a normal permit system. The fact that they got a nationwide permit instead of a site specific 404 permit says that their impact was small.

Chairman Dibble: Do you know how many square feet was impacted? Laterally or cubic?

Rick Dorris: I don't. I do not. But they do have the appropriate permits.

Chairman Dibble: you have no idea what projected percent of traffic north on Kansas would be?

Rick Dorris: The traffic study projects 10% north, 90% in this area.

Chairman Dibble: Okay and that was done, upgrade in 2005 was it I heard?

Rick Dorris: Yes, but the trip distribution didn't change.

Chairman Dibble: If the applicant has stated 50 to 100 cars, does that fit within your diagnosis?

Rick Dorris: I'm not quite sure what you're asking there.

Chairman Dibble: Is there anyway to determine how much usage this would get. You have stated that the usage would be less than a convenience store or less than what else? I probably should ask staff this, what else could be by the matrix designated for this commercial node. That might be something that we'd like to explore.

Rick Dorris: The reason that we did the convenience store is we felt that was the most intensive traffic use that could be generated. So we wanted to know, because it had a B-1 zone, the Lewis's might have sold the project or the property to someone else who thought wow, this is a great site for a convenience store and gas station. So before

staff wanted to recommend a B-1 zone on this site we wanted to know that the most intense traffic generating use would work with the intersections and the site. So that's why we had them perform the traffic study based on a convenience store/gas station. That was the worst case scenario.

Chairman Dibble: I know that this is probably outside your purveyed information, but if we were to deny the applicant this evening on a carwash. I'm going to ask staff to come and answer the question. What else could be developed. If they were to sell it, what else possibly could be developed on that but you're saying that you've already done the traffic study on the higher impact so whatever else that might be developed, if it were to be developed, would be lesser, but it might have more social implications too. So that's why I'm the question to come up with a matrix representation of what could be developed on that corner.

Rick Dorris: I'll defer that to Lisa.

Chairman Dibble: Are there any other questions of the engineer? Thank you Rick. Is there anyone else, in your expert opinion, might have some input that would be valuable for us to take into consideration that's here this evening?

Rick Dorris: As far as traffic goes?

Chairman Dibble: As far as traffic control, as far as studies, as far as site plan, whatever.

Rick Dorris: Mr. Chase can certainly address them if he has something to add. He's the engineer of record for the site and has reviewed the traffic studies as well.

Chairman Dibble: If there's anything you can add to enlighten or embellish. . .

David Chase: I would just add that Rick is right in that CDOT has looked at this. Trans-systems has gathered the data, done the computations for the traffic study, submitted that to CDOT for their review. These are the experts in the field. CDOT is not new at these types of situations. As far as the use of the carwash, the carwash is a very difficult land use to determine what the traffic volume is going to be. Winter time you may not see a car in that thing for weeks, just because it's not the time of the year to wash your car, other times it may be the nicest day after a Spring snow storm and it may get a lot of use. But what we are going to see is that the primary peak use of the carwash is on the weekends. Morning, afternoons on a weekend, those aren't going to coincide what we normally see for peak hours of the surrounding streets of 340,

Kansas, Redlands Parkway or even schools so from that standpoint the carwash is going to have a minimal impact for coinciding with peak hours of surrounding traffic. It's going to probably have the less impact from a site usage on this corner. A convenience store is going to be 24/7 possibly or winter time, they are going to be coming and going in the morning to get their morning coffee on their way to work. So those type of peak hours are going to coincide. Carwash is not going to so from that standpoint we're trying to develop a use on that corner that isn't going to impact the neighborhood or the surrounding traffic. That's what I would add.

Chairman Dibble: Any thoughts on, ask questions of the engineer for the applicant? Thank you. Now we're going to ask staff if they'll take one last shot for us. We may have more, but I hope not.

Lisa Cox: I think primarily what we'd like to address is your question concerning other permitted uses and Kathy Portner has the zone matrix for the zone. She may be able to cover that more expeditiously for the B-1 Zone District.

Kathy Portner: Generally the B-1 zone district would allow for office and retail type uses and so in addition to the car wash as an optional use, there would be other types of retail where there would be indoor sales, restaurant use would also be allowed as would office type use, including office with a drive through such as a bank facility. However the size of the site is going to constrain some of those uses.

Chairman Dibble: Liquor stores:

Kathy Portner: That would be an allowed use, yes.

Commissioner Lowrey: Would they allow a lawyers office to be there?

Chairman Dibble: Oh you just want to move there.

Kathy Portner: Yes, professional offices.

Commissioner Lowrey: They wouldn't allow lawyers to be there, because then you'd really have a lot of arguments and hot air.

(Laughter)

Chairman Dibble: Enough of that. Anything that develops there would have some traffic impact on Kansas, is that a correct statement?

Lisa Cox: Undoubtedly there would be impacts no matter how intensive from one range to another, there would be at least some impact, yes.

Chairman Dibble: So the property is zoned B-1 and it has to have access and egress to it and that's been, I guess, mitigated.

Lisa Cox: Certainly it's been addressed. We have of course spoken about the fact that there is street frontage on all three sides, on three of the four sides of this parcel. It's not been brought up but perhaps it's been assumed, access is actually restricted to Kansas Avenue. Access will not be permitted from Highway 340 or the Redlands Parkway so there's very little alternatives for the developer. CDOT would not permit access to those other highways. So it's limited to Kansas Avenue.

Chairman Dibble: And it is developable property.

Lisa Cox: it is developable property.

Chairman Dibble: And according to you, it has met the Codes and regulations including the Growth Plan?

Lisa Cox: Absolutely. And the Redlands Area Plan as well. The only other comment that I would make is that in staff's review, whether it's the engineering staff, the planning staff, utilities, parks what have you not, when reviewing a site, and this is very generally speaking, not just for this particular proposed use. Staff's perspective is community wide. We're not looking at just this site. We're considering the potential impacts of a proposed development for any particular site on the neighborhood and the community as a whole. So certainly we considered the site specific requirements and we want to make sure that drainage has been taken care of and site distances been addressed, set backs are respected and so forth. But we also look to see what will the impacts be on, for instance, nearby intersections of streets and certainly traffic impacts for neighborhoods and those sorts of things so staff is considering the neighborhood as a whole and the community as a whole, the applicant is of course more specifically focused on their site, but City design standards, the zoning code, the TEDs manual, the SWMM manual, all of these technical documents that govern how you develop a site require the developer to also expand their focus so even if we were the only ones the voluntarily looked at the community impacts, City design standards require that the applicant and their professional development and engineering consultants address those impacts as well which is why those traffic studies are prepared, and the drainage studies, and everything that we've required to consider all the potential impacts for the

site. So I guess I've mentioned that just to give assurance that yes we look at the site specific requirements and impacts but also the impact that it's going to have on the immediate adjacent properties and community and neighborhood as a whole.

Chairman Dibble: Are all minds clear as far as the questions on them? Thank you very much. Thank you staff, thank you presenters. We'll now take this under consideration and advisement and comment on these various things we've seen this program come before us quite a few times over the past few years. We have stated to the applicant, this will be the last time we will consider it and we are in the process of concluding to do so. I'd like to hear from the Planning Commission as to some of the thoughts and comments.

DISCUSSION

Commissioner Cole: In looking at this and hearing all the testimony, it seems to me that the concerns here have all been addressed. Maybe not totally satisfactory to some but as I heard the testimony, the wetlands encroachment has been approved. We've heard concerns about traffic, however expert testimony from the engineer who I have to admit I rely on his testimony a lot, more than someone who is just saying there are going to be going traffic problems. I guess I concede perhaps no matter what goes in there and just about any business is allowed there within the zoning. There are businesses allowed there so therefore I think it meets those criteria. It seems to me that those who appose this, probably would oppose most any business going there and yet the zoning is consistent to allow a business to go there. It seems to me that the Lewis have bent over backwards to try to address the concerns of the neighborhood and given all the testimony that we've heard and I might also mention that we have a number of letters in the file concerning this issue and the majority of which are in favor of granting this conditional use and so I'm in favor of granting the conditional use.

Commissioner Pitts: Mr. Chairman, My comments would be clearly similar. We've got the traffic issue has been address, the safety issues about the street, the size, the sidewalk issue which has predominant in the Redlands and Redlands Village and Panorama. Even on the opposite end of town in Paradise Hills. The traffic engineers have convinced me that the trips generated would not be significant in the area as far as a car wash is concerned. I've driven Kansas Avenue, Columbine, up to the Bluffs area and I'm just not convinced that the impact of traffic in those areas are going to be significant and I will support the application.

Commissioner Pavelka-Zarkesh: Mr. Chairman I would concur with Commissioner Cole and Commissioner Pitts with respect to the impacts and the traffic. I also think that considering the zoning on this site as far as trip generation and actual activity in

that area, this will generate far less traffic than any type of retail development. We have a small portion of wetlands that's been handled and approved by the Corp of Engineers. I feel this would be an appropriate use.

Commissioner Lowrey: I'll agree. I would like to add two things. One, in condition number 6 in the staff report, where we talk about the height of the sign not being more than 12 feet. I would like to reduce that so that the height of the sign not be more than 8 feet. I would not change any other conditions in 6 but that sign not be more than 8 feet. And another is in number 7 when we're talking about the design of the building and these two drawings. I would like it to be built more like the first drawing, in particular which shows dormers on the roof and also shows stone facing on the walls from the ground to the bottom of the roof line. And if I would make the motion on this, I would those two conditions into the staff report. I could do it more briefly than what I just said though, in the motion. I would be favor those two.

Chairman Dibble: With your permission, when we finish dialoguing on the overall picture, we will address each on of those separately to see if we concur.

Commissioner Wall: I believe the applicants have met all the criteria for this. I think all the engineers that have been involved have provided us enough information to concur that this is a project that should go forward. I would also agree with the applicant that I don't believe that the carwash is going to generate more traffic. I drive that intersection every single day at all times of the day and I'm sorry I don't see the traffic there that everyone talks about. As far as safety goes, the children cross the Parkway every morning and every afternoon, and those children, most of them are probably coming from that neighborhood. So I think the kids are pretty cognizant. It's a pretty safe area. I don't believe more people would travel up Kansas Avenue. I've tried it several times just to see why I would do it and I don't know why I would do it unless I was going to that neighborhood or I lived in that neighborhood. I don't see any reason why I would go down Kansas Avenue because to me it's faster to take a right out of the carwash and then take a right out onto Broadway and then take another right onto the Parkway to go where I need to go. Taking a left, again I personally never had issues and I drive this thing every single day so I think this is a good project. Whether it is successful or not, time will tell. But I think the applicants have done everything that they need to do and I think that we should move forward with it.

Commissioner Sublett: Mr. Chairman, this project, like many projects we see, have some troubling aspects to it. And that's just the nature of all of these sorts of projects. This has been going for an awful long time. And the Lewis' have put a lot of work into this, the staff has put an awful lot of work into it. Many of the concerns that have been

brought up here today have been addressed quite a few times by both the staff, Lewis' and everybody else involved in this project. I find it a bit unusual in a certain sense that there are two, to my mind, seem to be pretty close carwashes to this. Of course I've never been a City person so maybe that's the reason I don't understand that. But we've got one right down the road which is just a few minutes from Brach's corner and we have one that's fairly close there in Mesa Mall. I find it a bit unusual that we would put three that close together but that's their business decision. I concur completely with the comments of Mr. Lowrey concerning the signage. I believe the signage should be pretty much brought in line with the sign for example that is across the street at Meadowlark Gardens and the signage one sees up the road over in the Tiara Rado animal hospital. That would blend in quite well. The signs were of that nature and about that size and I suggest, I believe that is what Mr. Lowrey is suggesting. I also concur completely with his comments on the exterior construction. But I will support this.

Chairman Dibble: The concept of planned development requires the planning staff and the planning Commission as well as City Council to take a look at everything under a constraint of the codes and restrictions and the Growth Plan that is in place. Much effort as gone into those, establishing those regulations and codes. This is, as long as it fits those, the Planning Staff doing due diligence will have presented us with the recommendation. All development represents more traffic. We face this every time we meet. More traffic requires more cognizant of safety, more cognizant of accesses and egresses. But progress requires that we accept new development on a controlled basis. I think that we have to look at what could develop on this land and in light of that, in my thinking, there could be a lot of things that would go in there that might be even more disadvantageous to the community to the east and to the north. To my way of thinking, I think evidence has been presented for a carwash being a less than what could possibly go in there from a social position and a traffic position. So I would also like to echo the thoughts of my fellow commissioners in their thinking. I think the impacts on Broadway, if it becomes necessary for control of the traffic as Mr. Dorris pointed out, with the decel lane being subscribed and limited going west, I believe it is, and the decel lane being dedicated going east, would have control of that. We still have the issue of crossing Broadway in both directions and the accident history doesn't show at this state, if I'm reading and listening carefully to them, have any history of accidents on Kansas per say. So I would also support this application. Now let's talk about the two issues as Mr. Lowrey has purported to the subject. The first one would be the height of the signage. It's number 6. The staff is recommending 12 feet, I believe that is the maximum allowed under the codes for this zoning. He suggested perhaps a more appropriate sign height would be 8 feet. Should we comment on this and then we'll take a vote on this to see if we would like to amend number 5.

Kathy Portner: Mr. Chairman, if I could just clarify the 12-foot height maximum is not a restriction in the B-1 zone district; it's a recommended condition by the staff.

Chairman Dibble: Okay, in this zone district, what is the maximum height of a sign?

Kathy Portner: It is the same as all of our commercial zone districts so it's based on the number of lanes on the street. And so it varies from either 25 feet or 40 feet. We're recommending that that's not appropriate for a neighborhood business and that a maximum of 12 feet be established. The discussion is whether that should go down to 8 feet rather than 12 feet.

Chairman Dibble: That would be a pole mounted sign. What is the maximum height of a monument sign in that district?

Kathy Portner: There is no maximum height.

Chairman Dibble: There is no? They could have a forty feet maximum monument sign then?

Kathy Portner: Well then they would exceed the square footage but we just wanted to clarify that for you.

Chairman Dibble: So, be that as it may whether we disagree or agree with the Code at the moment, we're talking about reducing, not the number of square feet of signage, but the height of the sign. We do have, I believe, a problem that needs to be dealt at final with the dumpster area. I'm sure it will affect the dumpster area at that point. But let's get input on the 8 foot as opposed to the 12 foot recommended by staff.

Commissioner Pitts: Mr. Chairman, my only comment that I could make in reference to the 8-foot versus the 12-foot in that particular location, I really think that an 8-foot sign would be adequate rather than going to 12-foot, if we could make that limitation.

Chairman Dibble: There's two locations if I'm understanding correctly, for an 8-foot monument sign, or a 12-foot as recommended by staff so there would be monument signs at Kansas and one out on the, facing perpendicular to the Parkway.

Commissioner Pavelka-Zarkesh: Can I ask staff one quick question?

Chairman Dibble: You may.

Commissioner Pavelka-Zarkesh: Is the 8-foot consistent with the Meadowlark Gardens PD across the street?

Lisa Cox: I'm going way back. That signage was approved a couple of years ago. I think that the signage is a little taller than that but it would not exceed 12 feet for the Meadowlark Gardens. But their signage is also posted on a hill so in order for them to have visibility that was part of the reason they accounted for a taller sign.

Chairman Dibble: This applicant?

Lisa Cox: I'm sorry?

Chairman Dibble: This applicant or Meadowlark Gardens?

Lisa Cox: Meadowlark Gardens.

Chairman Dibble: 12-foot, that's what their's is you think?

Lisa Cox: I believe it's in that vicinity, but it's hard to recall specifically.

Chairman Dibble: Surprise questions are always fun, right?

Lisa Cox: Always fun.

Chairman Dibble: Okay, other comments?

Commissioner Wall: Mr. Chairman, I think 8-foot is adequate. That corner, you're not going to miss it. You're not going to miss that building.

Chairman Dibble: If your car is dirty, you won't.

Commissioner Wall: You will not miss that building. The way the traffic flows in that area and the signage that's going to be on the building and the height that I'm presuming that building is going to be, there is. I've stared at that day in and day out. I don't know how you can miss that building, so.

Commissioner Cole: I think 8-foot is adequate.

Commissioner Sublett: Mr. Chairman, I concurred with Mr. Lowrey initially because. I actually stopped by there on the way in here to take a quick look at that. I didn't get out my tape measure and measure that but Meadowlark Gardens actually has two signs. One of which is right at the entrance to the bank and the other one is on the corner or closer to the corner. The one that is closer to the corner is certainly less than 10 feet tall. It's probably between 8 and 10 feet. And the one further up there at the entrance is much closer to the 8 foot. I believe the signs would be quite appropriate because the people who are going to use this carwash are the folks who drive past there every single day. After they've seen that sign twice, they don't need to see that sign again. They know where the carwash is. So there does not necessarily have to be a huge amount of advertisement because there's going to be an almost constant clientele that uses that. There's not going to be a bunch a tourists up there driving through there trying to get their cars washed.

Chairman Dibble: Okay, I'll entertain a motion that we change the maximum height from 12 feet to 8 feet.

Commissioner Lowrey: Should we do that in the whole motion or do you want to do it separately?

Chairman Dibble: Do you want to do that together or separate?

Inaudible: (Several conversations at once.)

Chairman Dibble: We can note it and include it in the total motion as an amendment to staff's recommendation of . . .okay, let's talk about number 7 as far as the style and designation of materials.

Commissioner Lowrey: Again my thought is, I think we want it to look more like the first drawing that Lisa Cox said was submitted. And particular my concerns are the dormers, I think should be there. And the stone going from the ground to the bottom of the roof line. This is in kind of a residential area. I know it's zoned B-1 or whatever that is, but it's a residential area and I think that this first drawing would be more in character with the area and help it blend in more. So I would be in favor of that rendition.

Chairman Dibble: Whatever comments from. . . .

Commissioner Cole: My comment would be that a combination of the two would be satisfactory. I guess the thing I like about the second drawing that we have there tonight is all the bays are under shelter. Where the first drawing had one outside bay

there. And I like the idea of that. And I think the dormers can be incorporated into the second drawing. This is not a final drawing, it's just artist concept of what could go there. I agree with the materials that are mentioned in 7 there but I would not want to restrict it to that first drawing to that we have there simply because I like the idea of all of them being under shelter.

Commissioner Lowrey: I think they all are. At least the applicant testified, she said they all are going to be under shelter.

Commissioner Cole: It's on the second drawing.

Chairman Dibble: The second drawing was but the first drawing did not have it. It had the 6th bay outside. But I think we've established that there will be 6 bays under shelter.

Commissioner Lowrey: Right, I'm assuming that, right.

Commissioner Wall: I'll agree, I think the dormers are appropriate for the neighborhood and the construction materials.

Chairman Dibble: You're suggesting that rock be rocked to the outside construction materials, not a stucco, but the rocking we showed. . .

Commissioner Wall: Yes, I think that's going to match.

Chairman Dibble: All the way to the dormer and also any second, I don't know what you call that second story thing. I don't think that's a second story, I think it's just an architectural piece. It may be second, maybe you'll have your offices up there, I don't know.

Inaudible: (Someone from audience replied but it wasn't audible.)

Chairman Dibble: Okay, well anyway that also would be constructed out of the materials presented.

Commissioner Sublett: Again I concur with what Mr. Lowrey said unfortunately I have to say I don't believe there's ever been in this country a good looking carwash made. And anything that can be done to both present an initial, as soon as it's built, a good looking establishment but also an establishment or building that is going to be somewhat durable because carwashes tend to fall apart fairly quickly and turn into a

rat's nest to a certain extent. So any effort to do this would be welcoming and I believe that the suggestions that have been made by Mr. Lowrey are appropriate and will help toward that.

Commissioner Lowrey: My wife is a good looking car wash.

Inaudible: (Several voices/laughter)

Chairman Dibble: Then you took out of my mouth. This is a carwash and a carwash is dealing with dirt, getting rid of it, washing it down. If this were an office space, I would be more inclined to say yes, let's make it look pretty. I think it should be pretty to an extent. I'm not opposed to having it rocked all the way up to the roof line but I think it's excessive but I would go along. My no vote if I did would be superfluous so I would say that if we're inclined to approved the overall recommendation then I think that this would be something that they could accomplish and they would be happy with it probably. We're going to also include this in the vote. If you have feelings otherwise, make them known at that time. So we have two adjustments to the staff's conclusions and findings as recommendations to us. And then we have a motion and perhaps you can addendum to as you did before.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item CUP-2003-024, request to approve a Conditional Use Permit for the Canyon View Car Wash, I move that we approve the request with the findings and conclusions as listed above, subject to the conditions noted with the findings and conclusions, with the amendments to condition 6, that the sign not exceed a maximum of 8 feet, and that the condition 7, the construction be more in accord with the first drawing submitted to the staff, which shows dormers on the roof and stone wall facing from the ground to the bottom of the roofline."

Commissioner Pitts: Second.

Chairman Dibble: Okay, I hear a motion and a second. Are all minds clear?

Kathy Portner: Mr. Chairman, if we can just clarify that the condition number 7 that the remainder of remains the same as far as the monument style signage constructed of similar design, colors and materials.

Commissioner Lowrey: Correct, the rest is right.

Chairman Dibble: The rest of number 7 remain the same, colors and materials as submitted.

Commissioner Lowrey: Yes, colors as submitted, right.

Chairman Dibble: Dumpster? Any problems with the dumpster it'll have to be re-looked at if we put an 8-foot. . . I just know it will.

Commissioner Lowrey: What I understand, because Lisa said that could be done administratively.

Chairman Dibble: That will have to be done that way.

Commissioner Lowrey: The dumpster needs to be. . . .

Lisa Cox: If it needs to be slightly relocated, that can be handled with the site plan approval.

Chairman Dibble: So visibility will be the driving force in that. All in favor of the motion signify by saying aye.

All: Aye

Chairman Dibble: All oppose same sign.

All: (silence)

Chairman Dibble: Motion carries 7 to 0. Thank you all for coming.

Verbatim Minutes from August 22, 2006 Planning Commission Meeting:

START OF VERBATIM MINUTES

CUP-2003-024 CONDITIONAL USE PERMIT – CANYON VIEW CAR WASH

**Amended Conditional Use Permit – Canyon View Car Wash - 2258 Broadway.
Request approval to modify the architectural design of the proposed car wash building as was approved by the Planning Commission at the April 11, 2006 meeting.**

**PETITIONER: Mikel Lewis and Roxanne Lewis
LOCATION: 2258 Broadway
STAFF: Scott Peterson**

STAFF'S PRESENTATION

Scott Peterson: Good evening Mr. Chairman. My name is Scott Peterson, Senior Planner, Community Development office. Tonight we have a request to modify the architectural design of the proposed carwash building and re-approve the conditional use permit that the Planning Commission approved at the April 11, 2006 meeting. As you are aware, this is the site location map. The proposed carwash facility would be located on the corner of Broadway and Redlands Parkway. It would be directly across the street from the existing Wells Fargo Bank and Meadowlark Gardens. This is the approved building design and it was approved by the Planning Commission on April 11.

In accordance with the Conditional Use Permit and the Redlands Area Plan, the Planning Commission approved a building design that incorporated a craftsman style building for the proposed architecture with earthen colors and stone brick materials. The Planning Commission also required that the stone brick materials shall be utilized from the ground up to the roof line and that dormers be included in the building design as indicated and approved on this drawing.

This is the proposed new building design by the Applicant. The applicant wished to construct an energy efficient building. And is now requesting that the Planning Commission approve the Conditional Use Permit modifying the architectural design to include solar panels as a means to heat the water needs of the proposed carwash facility. The applicant is also requesting that the Planning Commission reconsider the entire building design to not include the stone brick material from the ground to the roof line but instead have walls constructed of a finished polymer coating which is kind of like a hard plastic due to the use of the carwash building, basically a wet and corrosive environment. Cultured stone would be utilized at the base of the building and entrance to the office area. You can see on the drawing, this is the proposed cultured stone what it would look like and it would be up 3 or 4 feet at the carwash entrance and also this would be the entrance into the office area. Stucco would also be utilized on the 2nd floor office area. Basically in this area. There will also be three color stucco that would be along the fascia of the building in this area as well. One dormer would proposed to be developed on the north side of the building, basically here. The south side of the building would include the solar panels which the south would face Broadway. The

panel would be along this roof line and also along the west roof line which is in this color rendering. The west would face Redlands Parkway.

Findings of fact and conclusion, basically the zoning code does not have a process for amending the Conditional Use Permit making this request, the Applicant is requesting that the Planning Commission approve the new Conditional Use Permit with the same requirements and conditions of approval as previously made by the Planning Commission on April 11 with the exception of the proposed requirements regarding the building design. So staff would also recommend approval of the new Conditional Use Permit making the findings and conclusions as listed in the Staff Report and the applicant's representative is in the audience for any additional question and also the applicant is in the audience. And that would conclude my report Mr. Chairman. I'll entertain any questions the Commission may have.

QUESTIONS

Chairman Dibble: Question on the paneling. Since it is facing Broadway is the color of the paneling. It is my understanding in the discussion that the paneling will be a green in coordinate with the green roof material.

Scott Peterson: The applicant has stated in her letter or email to myself at the end of July that she can find a green type of solar panel that would match the roof line.

Chairman Dibble: She can find it?

Scott Peterson: I'll have her basically verify that.

Chairman Dibble: Okay, we'll ask her when she comes forward.

Commissioner Pitts: Scott, in the middle drawing on the right looks like a T-frame solar panel. Is that daylight between that?

Scott Peterson: That would be the 2nd floor office that would be stucco.

Commissioner Pitts: Okay, so that's not space?

Scott Peterson: No. Basically it would be this area here.

Chairman Dibble: So the carwash. . . where you're mouse is now is facing Broadway. Is that correct?

Scott Peterson: This would be the south elevation which would face Broadway. They would have two indoor bays and then four basic outdoor bays.

Chairman Dibble: I thought originally the outdoor bays were to the west rather than to the east. But these are to the east.

Scott Peterson: Yes, they are open bays.

Chairman Dibble: The open bays are . . .

Scott Peterson: I don't know if there is a door on these or not.

Chairman Dibble: But they are on the east end of the building? I thought originally, from my recollection it was the other way around. Any questions further of staff at this time? Okay, we'll ask the applicant to come forward and if it's going to be a co-tag-team match, we'll be glad to hear from both of you. I'll ask you to state your name and address for the record and then also speak into the microphone.

APPLICANT'S PRESENTATION

David Chase: My name is David Chase, I'm with Vista Engineering, 605 28¼ Road. I'm here representing the petitioners, Mikel and Roxanne Lewis who are here tonight as well. I just have a short presentation to kind of add to what Scott has done. As you know, in April we were before the Commission and received approval on our request for the conditional use permit at that time. At that time, we had no problems with approval of the project however there were two aspects of the approval that were a little bit different than what our original request was. One of those was the change in the pole signs to monument signs with a maximum height of 8'. We have no problem with that. The applicant would concur with that. The other one had to do with the architectural aspects of the building. Admittedly at that time we presented somewhat conceptual information to the planning commission on what the building would look like.

As you know this project has been somewhat lengthy in the approval process. A lot of that had to do with aspects that was totally separate from the building architectural look. Access, traffic, a lot of those type of things we were dealing with. And that's really where we concentrated our efforts back then on in getting approval of the Conditional Use Permit. So our information was a little bit conceptual for that reason as well as it was kind of iffy on whether or not the project would get approved. I think the Applicants were hesitant in spending a great deal of money with an architect to get plans drawn up on what it would look like if the project was going to be denied. Once we got the Conditional Use Permit approved, they were then able to go to an architect and start getting the building plans finalized and moving forward with getting the project going.

We met with planning staff numerous times through the last several months talking about the interpretation of what was in the minutes of the last Planning Commission meeting when this was approved and found that what was in the minutes really didn't fit with what the architect had in mind for this type of building. So we felt like we needed to revisit the Planning Commission on this issue. We knew it was a little risky because it was a Conditional Use Permit application but we felt like what was approved at that meeting just did not meet what we felt like the craftsman style should be and to be quite honestly wasn't sure it met with what the Planning Commission wanted either. So we felt like we needed to present something to the Planning Commission that was more defined on what was being presented. Three bullet items that we're really here to talk about tonight are those building elevations. To talk about the solar panels and the dormer on the roof line.

Craftsman style in the definition that the staff has presented in their staff report is simplistic. It's a blend of different types of materials. This is a view of the Wells Fargo Bank from the northeast direction. As you can see, they have a combination of brick as well as stucco. They have timber architectural details along the roof line. Again this is another view from the northwest again showing the combination and the blend of the different building types. That's kind of what we're trying to do is meet with area buildings that present the craftsman style providing a blend of the types of building materials. Carwash is specifically the architect that they are utilizing out of Salt Lake City has designed numerous carwashes. This is an example of a carwash in the Salt Lake City area showing the royal building material that is being proposed as well as the wayne's coat cultured stone at the lower portions of the building. This then also has some stucco along the gable and the fascia that would be used in similar fashion on our building. This is a close up of the inside wall using the royal block, it's kind of a smooth to help shed water it is also very impermeable to the water as well as it is easy to clean if it gets spray painted or tagged by young kids. It just wipes off. So it's a durable material.

Moving to the solar panels. There wasn't anything that was presented before but as the course of the design proceeded there were a lot of advantages to using solar panels. You can take advantage of the sunny climate that we're in. Reduce the dependency in fuel prices and help in conserving energy. The solar panels would be flat against the roof; they wouldn't be tilted up to be in a different tilt angle from the roof line. Because of that however we lose a little bit of efficiency with those solar panel. That's why we have more solar panels on the roof trying to pick up as much roof area as we possibility can limiting it to both to just the south elevation and the west elevation which are kind of one the Redlands Parkway and 340 side. From the neighbor's point of view, looking up from Kansas Avenue, those elevations from the North and the East would not have any

solar panels. It would just be the typical roof. And to confirm the panels would be a green color to match the roof. The dormers, the first conditional use permit did request that the dormers be placed on the building. We did do that on the North side with one. We did not do any on the side, the west or east, mainly because the west has the solar panels which would not allow the use of a dormer because then it takes away from the space that we need for the solar panels. So we didn't place any on the east elevation just so there wouldn't be this imbalance in the architectural look. You would almost need dormers on both sides to make it look in balance. So really that's my presentation of what we have for, what we're doing with this project. I know Roxanne has some samples of the royal building material as well as being able to answer any questions. We can go back and look at the elevation that has been colored for renderings. But I just might note that we are using a lot of the craftsman style with the stucco, the rock, the royal building material which is specifically used for carwashes. We have so exposed raw timber along the gable. On the gable ends, that will help in kind of matching in some of the craftsman style. So with that I would open it up to any questions you might have of me or for Roxanne with any of the aspects of the architectural look of the building.

QUESTIONS

Chairman Dibble: What the, on the dormer section, what will that second floor be used for, storage? Maybe Roxanne can you come forward maybe give us a aesthetic.

. .

Roxanne Lewis: My name is Roxanne Lewis and I'm one of the property owners. The office area has been mistakenly, or the mechanical room has been reportedly to be the office area. Actually that bottom space there is the mechanical room. The mechanical room is of course a lot of equipment necessary to run the automatics. The reason we placed the automatics at this end is because of the equipment would be closer to the highway away from the residential area. So that is how we've always had it. This upper area is the office area

Chairman Dibble: What about the area now, going down from the other elevation. The dormer in the center of the green . . . what is that hold?

Roxanne Lewis: Nothing actually.

Chairman Dibble: Why is the dormer necessary then?

Roxanne Lewis: Why is the dormer necessary? We'll ask (inaudible).

????: (Inaudible). ...It's just a façade to add to the look.

Roxanne Lewis: We really didn't want to include a dormer. We would like to go without. There is a lot going on the roof line. This is the problem. This is the reason we came back to the commission. When we tried to come to an agreement with the City Planning department, we opted for the two gables to match the Wells Fargo Bank. We also opted to bump out the building so we didn't have a flat building which we thought would create some dimension and more. If you look at this area, it almost looks like (inaudible)

Chairman Dibble: There won't be any second floor extending where your hands just were right?

Roxanne Lewis: No, this is not the second floor, it's just. . .

Chairman Dibble: I was just wondering what the purpose of the dormer was.

Roxanne Lewis: There's no purpose for a dormer. Usually you have dormer for a room upstairs. We put it on strictly because it was a requirement at the last CUP hearing. We opt to let it go if possible. Trying to (audible) the roof is something that you would like to do. We put it in strictly as a something to appease you and create a better look. When we went back to the City department, they asked us to put another dormer on this end, but we didn't have to put one at this end. So I was looking at a building that had four gables, a Dutch hip, a hip, and a dormer. That's actually, the City Planning wanted two dormers, and I just said no, enough is enough. Five different roof lines was too much. That's why we came back tonight.

Chairman Dibble: Okay. Any questions for the applicant?

Roxanne Lewis: There was one on solar. I think you had one earlier on solar?

Chairman Dibble: I think that was answered. The color of theWe ask you to standby and we'll ask the public to come in a discuss this with us. Same principle will apply, we ask those in favor of the project come forward. Those that are not, if they would like to comment.

PUBLIC COMMENTS

FAVOR:

There were no comments for the request.

AGAINST:

Doug Larson: Hello my name is Doug Larson and I've been before you before on this project. I guess I just have a few questions first of all. As I understand it, under the procedural rules for the Commission, this would be a new application. Is that what I'm understanding, this is a brand new application?

Chairman Dibble: Yes, with the additional conditions, but the conditions that were brought forward still standing and we have those in front of us.

Doug Larson: With the same requirements for notices to public apply then if this is a new application?

Chairman Dibble: I assume that they have been, is that correct? We assume that anyone within 500 feet is notified. That has been taken care of.

Doug Larson: I didn't get any notice other than a phone call from a neighbor. Her subdivision is the one that is most directly affected by this project.

Chairman Dibble: Was this person within 500 feet and was notified in writing.

Doug Larson: Yes.

Chairman Dibble: Okay then it has been satisfied. I don't know if you are or not.

Doug Larson: Our subdivision is the one that is most directly affected and we've received notices before. I thought we were on the notice list. But regardless this is a new application altogether then.

Chairman Dibble: That is correct.

Doug Larson: I'm just sort of surprised that after all of the discussion and the planning and the years that went into this that the Applicant now comes in and says well, the last time we were before you we really didn't have it together. We really didn't know what we were presenting or we really didn't have a plan to provide to you. It seems astounding to me that they can say that with a straight face. And that that would be. . .they came before you, they presented a plan, they had a project that they have been pushing for years and based on that, the City Council, the Planning Commission, I'm sorry, approved their project. There is sort of a contract between the Commission and the applicant. Now after they have the approval they come back and say we really didn't mean that. We really meant something else and we want you to change it all.

And it just is surprising to me that could be an acceptable process for the commission. Other than that I guess I have nothing else to say but it is established that this is brand new application, is that correct?

Chairman Dibble: Yes sir.

Doug Larson: Okay, thank you.

Chairman Dibble: Anyone else? Seeing no one come forward we'll close the public input and deliberate once more upon the project in front of us.

DISCUSSION

Commissioner Wall: I think what they're doing makes sense. I think they did the right thing coming back before us to ensure that the building that they put up stays the way it should be. You got to have a waterproof building when you're doing this so I think the reason why they came back to us is the correct reason that they came back to us. They also found out that solar was going to be more efficient. I think this is a smart business move. I think what they presented; I'm fine with it.

Commissioner Cole: Mr. Chairman I agree with my colleague down there. I however, do not really see the necessity of the false dormer that is being required there and I would not object to having that removed that is over the drive-through bays there.

Chairman Dibble: Would staff care to comment upon the necessity or the realization of a single dormer on the building.

Scott Peterson: As the applicant stated, the dormers were a requirement of the Planning Commission at the last, or the previous architectural design that was before you. Staff, in trying to work with the applicant and in trying to get something that basically look like the last drawing that was approved, did include dormers so the staff was thinking to include at least one dormer or a dormer on the sides, on the east or west elevations to kind of meet that requirement of providing dormers as originally was approved on the last architectural drawing.

Chairman Dibble: Basically what has changed in the roof line from the last time to this time? Now obviously the other is no longer on the table.

Scott Peterson: The last roofline was a metal roof. This is a metal roof with the exception of the solar panels on two sides so it's still a green metal roof. The previous roof line did have dormers. I think it was two on the south and north sides.

Chairman Dibble: Is the area for the office the same configuration as this basically?

Scott Peterson: It was more towards the center, but it kind of the same roof type of peaks and so forth. I can pull that back up again.

Chairman Dibble: Well irregardless of whether or not this is a new application. Whether or not a dormer up there has any significance and makes sense is architecturally enhancing the appearance? I'm questioning whether it does. I don't know. Is it required by staff?

Scott Peterson: Basically, the purpose of the architectural approval of the Conditional Use Permit is to kind of have a craftsman style building design that's an architectural feature with the surrounding neighborhood. That's what the Redlands Area Plan states for commercial development that it be something with earthen tones, craftsman style, and match the surrounding developments.

Chairman Dibble: Does staff feel that this dormer adds or detracts from the appearance of the building as we see it on the screen?

Scott Peterson: My personal feeling, to me it doesn't detract from the building. To me it adds to the building. But as another architectural feature that is different than just a basic flat metal roof. That's totally the choice of the Planning Commission how they wish to proceed with that.

Chairman Dibble: If the architect was driven by the requirements from the previous rendering there is enough differentiation in my mind that it is a new rendering. And if the architect believes there should be a dormer there for aesthetic appearances, the architect are making a recommendation to their customer. I'm just wondering, I'm trying to clarify whether it is a requirement from staff based on what had come forward. Did they understand that this was a new application? They could have changed the looks completely as far as I would be concerned. I would look at this on its own merit. But I'm not sure I think a dormer there, well I don't even want to say publicly what I think it looks like. But they used to have them when I was a kid. But I have to agree with Mr. Wall and I relate back to when I was a kid playing baseball. I would get up to the plate and I would whiff for a long time before I finally hit something. And then after awhile I could hit a little bit better and I think I would have to agree that this is better than what we had before for practical reasons and for energy efficiency reasons. So I think they've hit the ball a little bit further this time. We're going to miss you coming forward, (laughter), but I would say if you want to lose the dormer that would be entirely up to you and the

architect and I don't know how you would incur. I don't even know if I assent of the rest of the commission but I don't know that it makes that much difference.

Scott Peterson: If that's the route the Planning Commission wishes to take. I would like to do a separate motion just so that it is clear for the record that they do not have to do a dormer.

Chairman Dibble: I'm going to leave this open for some other comments. If I don't hear any other comments, then someone make a motion and the dormer will be there. As far as I'm concerned; it doesn't matter that much.

Commissioner Lowrey: I'll make a comment. This was before us a few months ago and we spent quite a bit of time with it. And actually I think the Planning Commission and City staff have spent a lot of time with this over the last several years and we approved something back then and we talked about the dormers. We decided to have the dormers on because we wanted the carwash to have a residential look because it is in a residential area. Granted this particular piece of property is zoned commercial but it is in a residential area. And one of the nicer residential areas of Grand Junction. And we wanted the earth tones so that it would blend in with the residential character of the area and the buildings that are there. Now the applicant comes before us two months later with these changes and people say yea go ahead and do it. So it seems to me that we're adhering to any kind of standards. We're acting pretty arbitrarily. Yea do this, do that. Yea we wanted the dormers two months ago, now we don't. Now I know that we're not a design review board and an architectural board but somehow we have been sucked into doing this on this and we're spending a lot of time. I'm not in favor of people just coming before us, they are not prepared the first time obviously so they had to come before us again two months later when they are more prepared. I don't know if they are going to come before us again with something else. We made a decision a couple months ago and now we're just saying ok just change it all without really any reason why we should change it. So I think we're setting bad precedence for ourselves as a hearing board. We're just opening ourselves up to more and more hearings on this kind of stuff, on architectural design and all that. Which we're really not qualified to do so I'm going to oppose this. There aren't enough reasons to before us why we should make the changes. We've had a hearing on it once. I'm not willing to rehear and rehear things because somebody wants to change something. If the City wants to set up a design review board that is more qualified to do these kinds of hearings and get into architectural design, then that's fine. I think the City Council should maybe look at doing that. But we approved it once and I think what we approved a few months ago was a good plan. There's no reason to change it and I don't like to set precedence for just rehearing things, so I'm going to vote no.

Commissioner Pavelka-Zarkesh: Mr. Chairman, I think that. I'll take this in different steps. On the issue of the dorm, right now, before the ridgeline was completely different. And the application of the dormer broke up that roofline and added a different flavor. It's application at this point, one spot in the middle of the roof which when you look at it, it looks out of place because of the new design. The theory behind the dormer the last time was different because it was a different design. As far as the applicant coming back with a change in design. The use of solar panels from an energy efficiency standpoint and a savings of resources, it's a prudent use these days especially when you look at fuel costs and heating costs overall for the water which seems very logical. So we kind of have three issues here. Then we have an issue with the outside material. We were very specific last time the way it was designed and while I understand the need for a waterproof coating on the inside of the bays, which is very important otherwise it won't hold up, you've got dirt, you've got water, you (inaudible) all those things to be considered. But to put that same laminate, that same type of, it's going to look plastic because it's going to have a shiny finish. That same man-made look on the outside compared to the natural material we approved last time. I think it's a step down in the architectural design that we had looked at. To use it inside the bays, I think is very practical and it's necessary but to use it on the outside of the façade, then you're taking in really coming back with a whole new look and whole new design and it doesn't necessarily fit into the overall area of what we had approved earlier.

Chairman Dibble: You're suggesting that, maybe I'm misunderstanding, but is the façade material going to be this man-made material? Or will it be stucco? It says the light color.

Roland Cole: The rocks are man made or is it actual rock?

Commissioner Pavelka-Zarkesh: It looks natural, the plastic. . .the panel there won't; it's going to look shiny.

Chairman Dibble: Which panel is that? The one right above it?

Commissioner Pavelka-Zarkesh: Yes.

Chairman Dibble: Now what material will that be Scott?

Scott Peterson: Basically what you see on that elevation drawing . . .let me pull it up. This area above the columns and then around the overhead or around the bay doors.

Chairman Dibble: Yes, what will that be?

David Chase: It's this. It's basically a unit so what you have on the inside is the outside. What's inside here is also the same as what you have on the outside and if you did rock or stucco or anything on the outside of this you would have to penetrate this and then you bring in a way for moisture to penetrate into that and then start to possibly degrade the concrete would be filler inside this unit.

Commissioner Pavelka-Zarkesh: Unless you're only using the structural supports this way and not wrapping it around.

David Chase: Uh, that would be up to the architect.

Commissioner Pavelka-Zarkesh: Yes, but what I'm saying is it's not like you have to use that on the outside. It would change the architectural structure of the wall but you could still use it on the interior panel.

David Chase: I would leave that up to the architect, there may be a way to do something

Chairman Dibble: that's an impervious man-made. . .well it's a, the color is earth tones and blends in but the material is a finished, not a shiny service or a reflective, would you describe it, it's not a dull surface like stucco would be.

Commissioner Pavelka-Zarkesh: It's as slick as your carpet.

(????): Yea, it does have a little gloss to it. And that may, over a course of time, may dull a little bit but as (inaudible) there's a little gloss to it.

Chairman Dibble: But it has some practicality because it is impervious to the water.

David Chase: Right, the moisture conditions.

Commissioner Cole: Mr. Chairman, to some degree I have to agree with Mr. Lowrey. I really did not want to hear the comment that we came before you at one time not knowing whether we were going to our project approved. We kind of threw together an idea just to bounce it off the wall to see it would be approved and that's what I heard. And that's really kind of, it's been bothering me ever since that statement was made. I think to go to the design of using the solar is a good idea but perhaps that solar could be. . . I think from a philosophical standpoint more than anything I don't object to the

design. I like the previous design but I just don't like the idea of waffling between the design and the applicant coming before us to and admitted that they really didn't know what they were doing. That really bothers me and consequently I'm going oppose this proposition on that basis.

Commissioner Putnam: I agree. And to say we really didn't mean it last time is not a very good selling point. I support the notion of the proposal to use solar collectors but not to completely redesign the thing. I, perhaps, if we deny this there will be some incentive to go back to the staff with a further compromise in mind. Being guided by with what we maybe don't think is so great about dormers, but otherwise to stick with the basic principals that we had before except for the solar collection. On that basis I suggest that we not approve this.

Commissioner Lowrey: I would like to append my comments to agree with Mr. Putnam. I agree with the solar panels but I think the solar panels can be put on the design we approved a few months ago.

Commissioner Wall: I do understand the waffling concern. I completely understand that. The way I view this project is, when you start to get involved in something you don't know everything at one time. I think you start to learn that as you go. I think they had the intention in mind that what they were doing the first time is what they wanted to do until it was then presented to them, so wait a minute. This building isn't going to last very long if you don't have it prepared correctly. So then they learned of this new thing that they needed to build this building with in order to preserve it with. And that's really what we're here for. We want the building to be preserved in the neighborhood. We don't want it to look run down after a couple years which may or may not happen with the other materials but as far as the waffling piece, I don't see it that way. I think the words were used incorrectly as far as the applicant saying they weren't prepared. They were just, I think they more or less were saying we didn't know about this option and sometimes you don't know about that option when you're making decisions like this so I'm not too concerned with the waffling piece on this one. I think this is something they've learned and it's going to be more beneficial for the building and the building will be preserved for a longer period of time.

Commissioner Putnam: Quoting from the minutes of the last meeting, Richard Livingston, legal counsel for the petitioners, said that the renderings had been submitted for purposes of illustration only. (inaudible) the green roofing materials (inaudible) and giving planning commissioners a general concept of what the building would look like. The actual structure would be stuccoed using materials consistent with those used in the business to the southwest. So renderings had been submitted for

purposes of illustration only. That suggests that they didn't really have a very clear idea in mind of what they were going to do which means the application was premature in my judgment. (inaudible) come back to us until they are absolutely certain that's what they want.

Chairman Dibble: Would you agree that tonight is the night that they are absolutely certain that they know what they want.

Commissioner Lowrey: How do we know?

Chairman Dibble: Well I'm just saying that. . .

Commissioner Putnam: There's no way to tell.

Commissioner Cole: I would have to agree with Mr. Wall that certainly when you get into something like this, often times there is reason to change. I remember my father telling me years ago a smart man can always change his mind and I think that they've come back with another design that is more compatible with what they feel their need is and I don't have a problem with them coming back reapplying, that's what our process says, and I think that was one of my questions earlier about another case where I asked "is there a process to amend a conditional use and since there isn't a process to amend a conditional use, this is the route they had to take and I don't have a problem with them coming back, even if they come back again. It seems to me that that's the process that our Codes have set up and I don't have a problem with that. Again, I think the materials that they have presented here are materials that are going to probably out last perhaps even the cultured stone. I know cultured stone will eventually stain from water getting on it and things like that so I don't have a problem with the project as presented.

Chairman Dibble: As I recall, the time we approved this we had two renderings that were different before us. Either one, one of them had the rockwork all the way to the dormers or to the eaves and the other one had them partially up the side. The planning commission chose the one that had them all the way up. I'm reading the motion and Mr. Lowrey made, (inaudible) while facing the ground to the bottom of the roofline. And so we actually picked one of the two examples and asked them to conform to the one that we picked. I can agree with Mr. Wall and Mr. Cole because I think they have now come back with a better plan, a better understanding. I may not like the finish as an appearance as much as I like a stucco, but I'm convinced, and I have stucco on my own building that I own, and it doesn't last that long especially under bad elements. And I think if this is meant to last longer, this will be a long time before it will be an

eyesore to the community. As I mentioned in the first hearing, they're dealing with dirt, grime and water and I think that anything that can be done to prevent the deterioration of their building because of the nature of their business should really be looked at very carefully. I think the element though of adding the panels for solar collection is a good one. I would be concerned with the aesthetics, that's why I asked the question about the coloring. If the coloring is not offensive, it blends in with the rest of the structure, it's going to be a benefit in the long run to the overall energy plight that we have in our country, even a little bit. So I think they've come back with a better plan this time even though they've come back. With tongue in cheek, I say we'll miss you because I would hope that we would not as been alluded to in the conversation. Have them now say well we got to modify it a little bit more and we'll come back again. I would be. I would look (inaudible) at that frankly. But I can live with a dormer if it's there or not there. That isn't a big issue to me. But I think they have demonstrated that they have a better plan this time for their conditional use application than they have the last time and I would be in favor of approving it.

Commissioner Pitts: Mr. Chairman, I think Mr. Putnam read from the minutes as I understood his reading was that what was presented was a conceptual design not necessarily a positive design; was that correct Mr. Putnam?

Commissioner Putnam: Well he said specifically that they had been submitted for purposes of illustration only.

Commissioner Pitts: I'm going to use that sentence or that paragraph and I'm going to back off of my position of being opposed to the presentation as it is tonight because and go with the idea that it was a conceptual design and did leave it open to perhaps change their mind and come up with something different and come back. I'm going to use that and I'm going to go for the project.

Commissioner Lowrey: And the problem I have with this process is that we are inviting ourselves to have a number of re-hearings based on architectural designs. We could hear the same project over and over again and that's the real problem I'm having with this process. And this is not something that the Planning Commission; this is not what we are supposed to be doing. We do land use hearings and things like that. We do not design hearings. What we are now saying is you come forth with kind of a general idea of what you want your building to look like and then if you want to change in a couple months because it's less expensive or something like that, then you can come back before us and you can come back before us because you find something different or better or you want to do something different. And I'm not willing to open ourselves up to that kind of a multi hearing process based on design and products,

what sidings are built out of or things like that. So I think when an applicant comes before us and they say here's what we want to do, then that should be it. If it's just an applicant based on their own whims, we want to change this design or something and they come back, we're going to be opening ourselves up to an awful lot of this stuff. And I'm not saying that maybe there isn't a purpose. Maybe the applicant should have a chance to come before a brief hearing for this type of purpose to build our building out of something better, this is an improvement. Then there should be a design review board. This is not a planning commission function.

Chairman Dibble: Can I ask our attorney a couple of pertinent questions in my opinion anyway? First of all, is there any limitation on the number of times they can make an application and is there any restrictions against them making an application once they have been approved on a previous application?

Jamie Kreiling: Technically with a Conditional Use Permit under these circumstances with them bringing forward the application that they brought forward, they could...they could bring it. That's why it's before you this evening.

Chairman Dibble: And they are taking a risk as they mentioned that. They are taking the risk that they'll be denied and they have a fall back.

Jamie Kreiling: Yes, the old Conditional Use Permit that has already been approved is still in place. Simply by asking for this new Conditional Use Permit does not do away with the original approval. It would be if this is denied, then they would be in the process of having to appeal this if they wanted to appeal it or if it was approved and somebody else wanted to appeal it, then it could be appealed. But. . . .

Chairman Dibble: But the new one would supersede it if it were approved tonight affirmatively?

Jamie Kreiling: If the new one was approved, then yes it would supersede the old one.

Chairman Dibble: Now the second question, if we are not an architectural committee, who is? Who would approve these kinds of things if we don't?

Jamie Kreiling: Well, technically what you're looking at if for are for purposes of the architectural is both the fact that this is located in the Redlands so it is part of the Redlands Plan. It is also for the criteria of approving a Conditional Use Permit which was the compatibility with the surrounding neighborhood. So it's not just the architecture itself but how that architecture fits within the neighborhood. So in

approving or denying this you should be looking at the criteria and does it meet the criteria.

Chairman Dibble: But that's within our purview to examine it from square one this evening as to does it meet the neighborhood and the Redland's architectural standards under the Code.

Jamie Kreiling: That's correct. Right. It's a new application that's before you.

Chairman Dibble: Not whether or not it's one thing or another but is it in conformity to the surroundings.

Jamie Kreiling: What you have before you is the application and you have to consider the criteria for determining whether or not it meets the criteria.

Chairman Dibble: Okay, so not how many times we have seen it and I agree that we'd rather see something one time do our job and then have that be the acceptable thing that has been built but they do have a right, is it a right, to come before us again and ask for a revision. And the only way our Code controls that is a new application.

Jamie Kreiling: Under the Code, they actually could have brought it back originally with a rehearing request if they felt they had not presented enough information at the first hearing for a reconsideration and they did not make that request. So the only option that was available under our Code would to be actually bring it back as a new application giving additional information or different information in regards to a new conditional use permit. And the building that they are presenting to you this evening is not the same building that they were presenting to you as part of the Conditional Use Permit that came before you in April.

Chairman Dibble: Regardless of the reasoning behind accepting one or the other, the way they got here again. They venue is for all is being approved this evening is our's and they have a right to come forward and ask for it.

Jamie Kreiling: Our Code allowed them to come forward with a new request for conditional use permit.

Chairman Dibble: And there are probably expenses incurred in doing so. So they have that option. So we're within our right to hear it again although we have in the past have kind of let it be known that we don't want to hear some things again. But we still have an obligation this evening to hear this under the new presentation with the new

architectural renderings which is within our jurisdiction. And the decision is based on what the Code requires for this type of structure.

Jamie Kreiling: That's correct. The criteria in the Code.

Chairman Dibble: Any other thoughts?

Commissioner Lowrey: Yes, being able to count votes somewhere I would at least ask the Commission that the people are going to allow this to consider what Lynn said 20 minutes ago or something. If you're going to allow this shiny plastic coating on this building so that it kind of looks like there's a new Fidelity building that's a year old on North and 7th, it's actually just a block south of North on 7th Street. I've heard a lot of adverse comments regarding the siding on that building and I think we're looking at a similar situation here in looks. At least Lynn said well put the plastic coating or whatever you call this stuff only on the inside of the bays and the exterior of the building should be a softer look. And I think that's what we discussed quite a bit a couple months ago and wanted so I would at least say modify your thinking and say ok, put the plastic stuff on the inside of the bays where it's going to be subject to water and dirt but on the outside of the structure that's not subject to the water, require the softer looking earth tones that we considered two months ago. I would at least ask the commission to do that.

Chairman Dibble: Isn't it true that, if I'm looking at that block again, that it is a unitized block with two sides on it and that's part of the wall structure? In fact, that is the wall structure. So I don't know if what you're saying could be practically.... he mentioned you'd have to perforate from the outside to put the stucco on. That would, to me, it wouldn't be a practical endeavor. They would have to go back to the drawing board and come up with a different surface and I'm not sure they could use the interior only. Maybe they can, maybe it'll glue on to the interior wall. I don't know what it is but this looks like it's a unitized construction material with two sides on it. But I don't know, here again we're venturing into construction materials and architectural décor. I think you have to weigh what is best for the community and what is practical in the requirement and does it have any merit. Does what they presented have any merit on it's own? Have we exhausted. . .

Commissioner Cole: We beat this dead horse enough.

Chairman Dibble: Beat the dead horse, okay. I would entertain a motion.

Commissioner Cole: Mr. Chairman, just to kind of see how it flies, I'm going to move that the dormer over the wash bays that is apparently a decorative dormer not be required.

Chairman Dibble: Is that it? So whoever crafts the motion puts that in there.

Commissioner Cole: Well no, that's a motion.

Chairman Dibble: We'll make the complete motion as you envision it if you're going to make one and then we'll see if we like that as far as our conclusion.

MOTION: (Commissioner Cole) "Mr. Chairman, on the request for a Conditional Use Permit for car wash, file number CUP-2003-024, I move that the Planning Commission approve the Conditional Use Permit making the findings of fact and conclusions as outlined in the City Staff Report with the exception of the decorative dormer."

Chairman Dibble: Do I hear a second.

Commissioner Wall: Second.

Chairman Dibble: I hear a motion and a second. We'll poll the Commission and begin with Mr. Pitts.

Commissioner Pitts: No.

Commissioner Pavelka-Zarkesh: No.

Commissioner Cole: Yes.

Chairman Dibble: Yes.

Commissioner Putnam: No.

Commissioner Lowrey: No.

Commissioner Wall: Yes.

Chairman Dibble: I concur that there are 3 yes's and 4 no's. I entertain a new motion. That motion has failed. Mr. Lowrey, Mr. Putnam and Lynn and Mr. Pitts have said negative on this so the motion fails. I'll entertain another motion.

MOTION: (Commissioner Lowrey): "Mr. Chairman, on the request for a Conditional Use Permit for car wash, file number CUP-2003-024, I move that the Planning Commission approve a Conditional Use Permit, and I would put in that the interior of the bay washes be allowed to be used with the, I don't know what they are called other than a plastic style material, is there a better word for it

????: ICF

That the interior of the bay washes be allowed to have ICF and that the part of the bay washes that faces the street and the sides of the building that face outward be either stone or stucco and that the things above the second can be stucco and that solar panels can be permitted and the dormers as shown on the original drawing two months ago be required except that no dormers be required on the north or south end of the building so that there are dormers facing south Broadway or 24 Road or whatever that road is, they face west. Only the dormers facing west be required.

Chairman Dibble: No, it would be North and South wouldn't it?

Commissioner Lowrey: I think the building runs north and south cause the street runs north and south.

Chairman Dibble: Now the dormer we're looking at in this picture on the screen faces south, north?

(????): No, North.

Chairman Dibble: So the dormers face north and south, not east and west is that correct.

Commissioner Lowrey: I don't think so.

Scott Peterson: The solar panels face south that faces Broadway.

Commissioner Lowrey: Redlands Parkway (inaudible) that would be facing west. Those dormers be required but those dormers facing onto Broadway which I think are facing south, not be required.

Scott Peterson: There are also solar panels on the west that face Redlands Parkway. That picture is just what the building would look like.

Commissioner Lowrey: I think if you want to remove one of the dormers, there are three of them, if you want to require only two dormers so the solar panels can be put on there, I'm agreeable to that.

Chairman Dibble: So that would be two at the off end of the building now.

Commissioner Lowrey: They are facing Redlands Parkway.

Chairman Dibble: Two dormers.

Commissioner Lowrey. Two dormers facing Redlands Parkway be required. I'm going with this rendering (inaudible).

Chairman Dibble: I have a question for legal. We have actually gone back to a rendering that has already been approved where as we have a new rendering under a new CUP. How do we reconcile an old picture with a new application?

Jamie Kreiling: I think what Mr. Lowrey is trying to say that taking the new rendering into consideration that his motion would be to approve the new rendering but with the additional conditions that he has placed on it. And if I'm understanding correctly then the additional conditions would be similar to those conditions that he originally placed on the original Conditional Use Permit would be that that the fascia of the building would on the outside would actually have stone or stucco from the floor to the eaves and that there would be dormers. Now the confusion that I must say I have in hearing the motion, I think the presentation was indicating that there was to be solar panels on the south edge of the building as well as on the west edge of the building. At least the roof line and if I'm understanding then Mr. Lowrey's motion correctly is that he would be then agreeable to the solar panels being on the south edge of the building but as far as the west edge which is on that side of Redlands Parkway that they would still have to have dormers and that the dormers would supersede whether or not they could have the panels. The solar panels would be alright but he definitely wanted at least two dormers.

Chairman Dibble: So we're eliminating the panels on the west end.

Commissioner Lowrey: No I'm not eliminating any solar panels, I just want to see one or two dormers.

Chairman Dibble: On the other end of the building?

Jamie Kreiling: Then I think we need some clarification exactly where the dormers are or (several people talking at once – inaudible)

Commissioner Lowrey: So there you see, here we are trying to design the building and trying to make a motion. Designing a building doesn't exactly fit into a motion. I just want to see them do this.

David Chase If I might make a proposal to see if this is agreeable to the Commission. We can't put anything on the south that faces South Broadway or 340 because of the solar panels that's the same way with the west that faces the Redlands Parkway, there are solar panels. But if it is agreeable we could put two dormers on the north elevation that would be, spread this one out and put two dormers on this elevation.

Commissioner Cole: That doesn't face a street either does it?

????: (several conversations at once – inaudible)

David Chase: Which would probably be more aesthetic for the neighborhood than the people traveling on the streets.

Commissioner Pitts: it seemed practical to put them on the west and the south that where you get your solar.

Chairman Dibble: Mr. Lowrey your motion. . .

Commissioner Lowrey: First of all, it seems to me the building runs north and south. Redlands Parkway runs north and south.

David Chase: Where we're talking about two dormers it would be on this elevation right here. Solar panels are on this roof line facing 340 and this roofline facing Redlands Parkway. So the two dormers we're talking about would

Chairman Dibble: They would be on the back side. Put the dormers on there.

Scott Peterson: This is what's on your screen is the approved site plan for the CUP from the April meeting.

Chairman Dibble: I have that one backwards then because I thought they were facing north toward the dormer that's there now. The one dormer was facing north and you'd put them on the north side.

Commissioner Lowrey: Let me ask, is it possible to have a dormer and have some solar panels. Can you do both?

David Chase: Not in this case because they are flat against the roof. We're losing efficiency. We feel like having the panels flat against the roof is a better architectural look when they aren't tilted up a looking like solar panels. We're trying to get it to where it doesn't look so much like solar panels and still get solar panels. Plus if we lose that efficiency we need more of them.

Chairman Dibble: You're suggesting two dormers on the north side facing the north and the residential. Instead of one.

David Chase: Right. If that would satisfy the group?

Chairman Dibble: Okay, Mr. Lowrey, the motion is your's so you may make it whatever way you'd wish but I guess you need to ask yourself a question do you want to sacrifice the efficiency by doing away with the panels on the side which you areend of tape.

Commissioner Lowrey: I'm not satisfied that you can't have both.

Commissioner Pavelka-Zarkesh: Let me add something. I understand your concern with the dormers and breaking up the roof line however the configuration of the building now has a much different roof line than it did before. The dormers, it's higher, it's only four bays across there. The solar panels are flat against the roof line will provide a much nicer architectural feature than being broken up by dormers on the side where you need solar panels. To put them on the neighborhood side,

Commissioner Lowrey: I don't care if the dormers are on the neighborhood side. I want the dormers facing the street.

Commissioner Pavelka-Zarkesh: They are not going to add anything to it right now. But there's an architectural opinion.

Chairman Dibble: That's the side where the panels are Tom, across the whole frontage of the street side where the flat green. So you're suggesting that

Commissioner Lowrey: I see a lot of roof. Even with the dormers there I see a lot of roof where they can put solar panels. I'm not an architect.

Commissioner Pavelka-Zarkesh: But they won't look as well if they are broken up. They won't blend into the roofline if you start breaking up with dormers (inaudible). You're going to have a rugged look. If you leave them flat, together, it's going to blend into the roofline and that would look tacky.

Commissioner Cole: A comment would be, I'm also not an architect and I know nothing about solar, but it appears to me that you've got to have X numbers of square footage of solar in order to make it an efficient operation of heating the water and if you take out three feet out of the roof line and put a dormer you're defeating a good portion of the purpose of the solar and you're going to have to extend the solar to come up with the same efficiency over the sides or something. I'd not be in favor of putting the dormers, breaking up the

Commissioner Lowrey: Fine, take the dormers out.

Chairman Dibble: I'm assuming that the reason roofline facing toward the south and facing toward the west are where the sun will more efficiently heat the water, is that a fair assumption? In that case that makes practical sense to leave as much space as you can for the efficiency. Dormers we've already discussed are just an aesthetic look and they probably got the idea that we wanted dormers because that is what we approved. I'm not so sure dormers are even necessary and

Commissioner Lowrey: Okay, I said take the dormers out. Okay so I still have a motion without the dormers.

Chairman Dibble: I hate to even ask this. Can you restate. . .

Commissioner Lowrey: I'm not going to repeat it.

Chairman Dibble: Will we be able to feather the . . .

Commissioner Pitts: I remember what it was.

Commissioner Lowrey: Then second it.

Commissioner Pitts: second.

Commissioner Cole: I do not remember what it was. It's been so convoluted.

Commissioner Lowrey: There's no dormers and basically we're allowing the IFC paneling to be on the bay wash where the walls face each other in the bays, but where the walls face the street then that's going to be either the stone or the stucco or brick.

Chairman Dibble: Up to the roof line? See the stucco could go up to the roof line then.

Commissioner Lowrey: Sure.

Chairman Dibble: And that is basically the only changes you want to include in your motion?

Commissioner Lowrey: That's what I made it now.

Commissioner Pitts: I think you also included the stucco on the dormer.

Commissioner Lowrey: Stucco on the second floor.

Commissioner Lowrey: See your memory is better than mine.

Chairman Dibble: Was this original architect rendering stucco on the second floor?

Several answered at the same time: Yes.

Chairman Dibble: Okay, that's what I thought it was. It's already there on the second floor. What we're talking about is the four columns and the fascia on what we commonly refer to as the office area and the closed bays.

Commissioner Lowrey: Well see, the bays have walls that face each other. That is what I'm saying can be the IFC. But there's also where the columns, it's a smaller wall face outward. That's what I'm saying needs to be . . .

Commissioner Pavelka-Zarkesh: The exterior walls need to be

Commissioner Lowrey: Stone or stucco or brick.

Commissioner Pavelka-Zarkesh: The interior walls can be IFC. The exterior walls will be the brick, stone, whatever.

Commissioner Pitts: Brick or stone or stucco.

Chairman Dibble: Still before I vote one way or the other I would like to have assurance that is feasible and can be done. I don't know who'd I would ask and if you'd like to come forward. Because if it can't be done we're got a temptist in a teapot.

Roxanne Lewis: This will be the interior walls. This will also be the exterior wall. If we are required to stone or rock all the way up, we're going to have to go with brick. Just for the fact that it will not hold (inaudible).

Chairman Dibble: Brick meaning?

Roxanne Lewis: We'll have to put a brick layer out on top with a wheat system in between of about a ½ an inch.

Chairman Dibble: You can rock or fascia rock?

Roxanne Lewis: No, if you looking at a cultured man-made stone that is not very durable. You know if someone just stepping around the corner with a pressure wand they are probably going to lift the whole thing off. And there again, we're introducing water now outside. You know how hard it is to keep water off outside of your home. We're introducing water from the outside in (inaudible) If that's what you'd like to see, rock or stone up to the roof line, I told the staff that we would go ahead and do that but we would have to do brick.

Chairman Dibble: The brick would be of a earth tone nature not a red brick or a black brick?

Roxanne Lewis: Oh yes, it would one of these three colors. Stone or rock. If that's what you want to do, we'll . . . from an architect's point of view, you're building a double wall. It's a ridiculous cost, very expensive proposition. Your car hits this, damage will be done to your car. On the North Avenue carwash, you hit that brick wall (inaudible). It's such a super product. We've seen stand up to hurricanes, (inaudible), Florida. It's

the newest thing. I didn't like it initially seven years ago but as I saw the newer colors come out, which there's white and this color in earth tone and I felt (inaudible) after seeing twelve carwashes built with it. This is state of the art.

Chairman Dibble: Okay. So we're looking basically at the fascia material and the dormer.

Roxanne Lewis: And I want say something about solar. We opted to place these panels flat for looks losing 10 to 15 percent efficiency. That's why roof spacing, if you had read our submittal to City staff on why we were asking for this re-clarification you would understand why we are back here tonight. It was a four page history of this of why we were back. We need the roof space. We need the south exposure and we need the west exposure. If you don't want them flat, it's not going to look as good but gee you can have your dormers. It's like whenever you build a home if you want bookshelves in the bedroom it's going to impact the closet. You know you're going to have a space that's impacted on the other side. If you want a shelf in your shower, it's going impact the wall on the other side. It's a cause and affect. And that's what we have with the solar. You just can't have your cake and eat it too. What's more important. We thought the look of the building with having the panels flat on the roof, the optimum angle is a 40 to 45 degree angle which is a 12 - 12 pitch; which is a very steep pitch. If we would have done a 12 -12 pitch we would have had an 18 foot roof line.

Commissioner Lowrey: Okay, we're not doing the dormers and you get the panel (inaudible), I don't think we need to discuss that.

Chairman Dibble: Basically we're looking at no dormers and rock, brick or stucco to the roofline.

Commissioner Lowrey: Only on the walls that are facing exterior.

Chairman Dibble: Right.

Commissioner Lowrey: Yes.

Chairman Dibble: And motion, second on that?

Commissioner Pavelka-Zarkesh: Second.

Chairman Dibble: I think Mr. Pitts seconded that. I just wanted to clarify that's.

Jamie Kreiling: Mr. Chairman, if I can, just to be clear on the motion itself. If I'm understanding so that staff will understand when we're done, we're doing basically the same motion that Mr. Cole would have originally done which said with the exception of the decorative dormer, including the information in that motion that is in the staff report and then adding to that though that there would be on the exterior facing walls, either brick, stone or stucco or a combination of those. Is that the motion?

Commissioner Lowrey: Yes. And all the other conditions that we approved two months ago are still going to apply, things regarding the signs and all that.

Jamie Kreiling: That was in the original motion that would include all the other conditions that was in staff's report.

Commissioner Lowrey: I don't know if we need to write, because this is a fairly detailed motion. Which is a real problem when we're trying to deal this kind of stuff. That's why I said this is not our function as a Planning Commission and I don't know if you write the motion up and we vote on it tonight. If it passes, we write it up but maybe we need to come back and review it or you email it out to everybody to say is this what you think you voted on. Because yea, we're putting a lot of detail in and it's tough.

Jamie Kreiling: If I may

Commissioner Lowrey: It's 10:30 and if we don't have it written out in front of us we're just going on memory.

Jamie Kreiling: Rather than writing it out in front of you, for time sake if I can read it, if you'll see if that applies. It would be Mr. Chairman on the request for a conditional use permit for a car wash File number CUP-2003-024, I move that the Planning Commission approve the conditional use permit making the findings of facts and conclusions as outlined in the City staff report with the exception of the decorative dormer and requiring then that the exterior fascia of the building has to include either stucco, brick, or stone from the ground to the eaves and or stucco then on the extra second floor will include then everything, I believe you were looking for because the staff report includes all the prior conditions.

Commissioner Lowrey: Sounds good to me.

David Chase: The exterior from the ground to the roof line. Can that be a combination of stone, brick or stucco?

Jamie Kreiling: Yes, it can be one of three or a combination of.

Chairman Dibble: Are our minds clear on that? I realize this is going to be. . . .

Commissioner Lowrey: Let's take a vote.

Chairman Dibble: I want to make sure we know what we're voting on because this does raise a question Tom and you'll think it's a good one. We need to go to City Council at a workshop and put this on the agenda for clarification. Because Kathy concurred that we need City Council clarification on this kind of thing that we're facing this evening. Okay, let's poll the Commission again.

Commissioner Pitts: Yes.

Commissioner Pavelka-Zarkesh: Yes.

Commissioner Cole: Yes.

Chairman Dibble: Yes.

Commissioner Putnam: Yes.

Commissioner Lowrey: Yes.

Commissioner Wall: Yes.

Chairman Dibble: We're in concurrence. We are adjourned. Thank you for coming. We trust that this will not be too much of an imposition and we appreciate your diligence in it.

END OF VERBATIM TRANSCRIPTION

Chairman Dibble acknowledged Tom Foster, a non-scheduled citizen who wanted to comment on the proceedings this evening. Mr. Foster is the president of the Bluffs West Subdivision and affirmed "the need to center in on what you're here for which is land use..." He is concerned that the subdivision has been violated and he hasn't had a say in it."

Chairman Dibble voiced his appreciation to Mr. Foster for coming forward and sharing his feelings.

With no further business to discuss, the public hearing was adjourned at 10:31 p.m.

Attach 14

Public Hearing – Second Supplemental Appropriation Ordinance for 2006

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2 nd Supplemental Appropriation Ordinance for 2006					
Meeting Date	December 6, 2006					
Date Prepared	November 6, 2006				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
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		Consent	X Individual Consideration

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

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$8,186,556. The following provides a summary of the requests by fund.

General Fund #100, \$215,018: The majority of the changes are attributed to additional Part-time Labor cost in the Community Development Department (\$56K), expenditures associated with the City Manager and Department Director recruitments (\$84K), Contract Labor in the Police Department (\$49K to the Mesa Co. Sheriff's Office for the interim Chief), and \$24K for operations at the new Bookcliff Middle School.

E-911 Special Revenue Fund #101, \$495,009: Transfer to the Communications Center Fund for equipment purchases.

Visitor & Convention Center Fund #102, \$81,015: Additional appropriation required for communications equipment and the building expansion project.

DDA Operating Fund #103, \$24,496: \$22,500 of this change is for contract services.

Parkland Expansion Fund #105, \$222,890: Transfer to the Sales Tax CIP Fund for the school district gymnasium projects.

TIF Special Revenue Fund #109, \$868,000: Transfer to the TIF Debt Service Fund to call the remaining principal on the 2003 Bonds.

Conservation Trust Fund #110, \$169,156: Transfer to the Sales Tax CIP Fund for the school district gymnasium projects.

Page 2

Fund #111, \$1,500: Additional operating expenditures for the Downtown BID.

TIF/CIP Fund #203, \$632,252: Appropriation of remaining funds available for the Downtown Parking Garage.

Future Street Improvements Fund #207, \$2,413,140: Transfer to the Sales Tax CIP Fund for partial funding of several street improvement projects.

Water Fund #301, \$250,917: To cover increased costs for water line replacements.

Solid Waste Fund #302, \$85,359: To appropriate funds for additional recycling costs the purchase of trash containers.

Swimming Pools Fund #304, \$5,566: To appropriate funds associated with various non-personnel operating costs.

Lincoln Park Golf Course Fund #305, \$491,803: Increased costs to repair the leaking roof on the clubhouse and to complete the irrigation system replacement project this year.

Tiara Rado Golf Course #306, \$37,329: To cover increased costs associated with inventory purchases, fertilizer, repairs, fuel and electricity costs.

Information Services Fund #401, \$145,235: Increased costs associated with a couple of retirements and system infrastructure equipment replacements.

Equipment Fund #402, \$28,481: Personnel costs due to a retirement and reorganization.

Self-Insurance Fund #404, \$688,151: Additional appropriation for insurance premiums and claims expense

Communications Center Fund #405, \$481,239: For expenses related to the CAD System Interface project and the Mobile Command Post.

TIF Debt Service Fund #611, \$850,000: Additional appropriation to call the remaining principal on the Series 2003 bonds.

Action Requested/Recommendation: Adoption of the ordinance following the public hearing on December 6th, 2006.

Attachments: Proposed Ordinance

Background Information: The second supplemental appropriation ordinance is adopted every year at this time to ensure adequate appropriation.

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2006 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2006, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 215,018
Enhanced 911 Special Revenue	101	\$ 495,009
Visitor & Convention Bureau	102	\$ 81,015
DDA Operations	103	\$ 24,496
Parkland Expansion	105	\$ 222,890
TIF Special Revenue	109	\$ 868,000
Conservation Trust	110	\$ 169,156
Downtown B.I.D.	111	\$ 1,500
TIF Capital Improvement	203	\$ 632,252
Future Street Improvements	207	\$ 2,413,140
Water	301	\$ 250,917
Solid Waste	302	\$ 85,359
Swimming Pools	304	\$ 5,566
Lincoln Park Golf Course	305	\$ 491,803
Tiara Rado Golf Course	306	\$ 37,329
Information Services	401	\$ 145,235
Equipment Fund	402	\$ 28,481
Self Insurance	404	\$ 688,151
Communications Center	405	\$ 481,239
TIF Debt Service	611	\$ 850,000
TOTAL ALL FUNDS		\$ 8,186,556

INTRODUCED AND ORDERED PUBLISHED the 15th day of November, 2006.

PASSED AND ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

06-BudOrd-S2.dc

Attach 15

Levying Property Taxes for the Year 2006 for Collection in the Year 2007

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Property Tax Resolutions for Levy Year 2006 / Collection Year 2007					
Meeting Date	December 6, 2006					
Date Prepared	December 19, 2011				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Administrative Services and Finance Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the Ridges levy is for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2005 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

Budget: The tax revenue generated by the respective entities is as follows:

City of Grand Junction (8.000 mills)	\$5,278,483
Temporary Credit (0.696 mills)	<u>(459,044)</u>
City of Grand Junction, Net	\$4,819,439
Ridges #1 (5.800 mills)	\$133,745
DDA (5.000 mills)	\$136,372

Action Requested/Recommendation: Adoption of the Tax Levy Resolutions.

Attachments:

Levy Resolutions and Tax Certifications for the City of Grand Junction, Downtown Development Authority, and the Ridges Metropolitan District.

Background Information:

Article X, Section 20 of the Colorado Constitution prohibits the increase in mill levies of property tax without a vote of the people. Excluding the temporary credit, the mill levies for the City and DDA are the same as last year. The mill levy for the Ridges Metropolitan District was reduced from 5.900 to 5.800. The levy for the Grand Junction West Water and Sanitation District was eliminated last year.

RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2006 IN THE
CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2006 according to the assessed valuation of said property, a tax of eight (**8.000**) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2007.

ADOPTED AND APPROVED THIS ____ day of _____, 2006.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2006, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2006, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this ____ day of _____, 2006.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

**A RESOLUTION LEVYING TEMPORARY CREDIT TAXES
FOR THE YEAR 2006 IN THE**

CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2006 according to the assessed valuation of said property, a **temporary credit tax levy** of six hundred and ninety-six thousandths **(0.696)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of refunding revenue collected in 2005 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The Assessor may include this temporary credit in the notice of estimated taxes, if any.

ADOPTED AND APPROVED THIS _____ day of _____, 2006.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the **temporary credit tax levy** to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2006, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2006, a copy of which is attached, is six hundred and ninety six thousandths **(0.696)** mills, the property tax credit of said levy to be used for the purpose of refunding revenue collected in 2005 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this _____ day of _____, 2006.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

A RESOLUTION LEVYING TAXES FOR THE YEAR 2006 IN THE
DOWNTOWN DEVELOPMENT AUTHORITY

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2006 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2007.

ADOPTED AND APPROVED THIS _____ day of _____, 2006.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2006, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2006, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this ____ day of _____, 2006.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

A RESOLUTION LEVYING TAXES FOR THE YEAR 2006 IN THE
RIDGES METROPOLITAN DISTRICT #1

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

That there shall be and hereby is levied upon all taxable property within the limits of the **Ridges Metropolitan District # 1**, City of Grand Junction, Colorado, for the year 2006 according to the assessed valuation of said property, a tax of five and eight hundred thousandths **(5.800)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Ridges Metropolitan District #1, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2007.

ADOPTED AND APPROVED THIS _____ day of _____, 2006.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO: County Commissioners of Mesa County, Colorado.

For the year **2006**, the Board of Directors of the **Ridges Metropolitan District #1** hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1992 *	<u>5.800</u> mills	\$ <u>133,745</u>
9. Temporary Property Tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>5.800</u> MILLS	\$ <u>133,745</u>

=====

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk, City of Grand Junction

* CRS 32-1-1603 (SB 92-143) requires Special Districts to “certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt.”

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

Attach 16

Public Hearing – 2007 Budget Appropriation Ordinance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Annual Appropriation Ordinance for 2007							
Meeting Date		December 6, 2006							
Date Prepared		11/30/06			File #				
Author		Lanny Paulson		Budget & Accounting Manager					
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				Consent	X	Individual Consideration

Summary: The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$187,200,214. Although not a planned expenditure, an additional \$2,175,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance.

Action Requested/Recommendation: Final passage on December 6th, 2006.

Attachments: n/a

Background Information: With the exception of an additional \$882K in the General Fund, as approved by the City Council on 11/29/06, the budget, by fund, is as presented to the City Council at the Budget Workshop on Monday October 30, 2006

Ordinance No. _____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, THE RIDGES METROPOLITAN DISTRICT, AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT, FOR THE YEAR BEGINNING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION	Emergency Reserve
General	100	\$ 54,487,598	\$2,175,000
Enhanced 911 Special Revenue	101	\$ 1,157,541	
Visitor & Convention Bureau	102	\$ 1,966,307	
D.D.A. Operations	103	\$ 202,963	
Community Development Block Grants	104	\$ 450,000	
Parkland Expansion	105	\$ 260,000	
Economic Development	108	\$ 454,356	
T.I.F.Special Revenue	109	\$ 2,369,540	
Conservation Trust	110	\$ 555,000	
Sales Tax CIP Fund	201	\$ 23,062,986	
Storm Drainage Improvements	202	\$ 8,075,000	
T.I.F. Capital Improvements	203	\$ 4,530,000	
Riverside Parkway	204	\$ 32,268,000	
Future Street Improvements	207	\$ 1,625,448	
Facilities Capital Fund	208	\$ 2,000,000	
Water Fund	301	\$ 4,870,283	
Solid Waste	302	\$ 2,883,872	
Two Rivers Convention Center	303	\$ 3,653,855	
Swimming Pools	304	\$ 945,107	
Lincoln Park Golf Course	305	\$ 646,520	
Tiara Rado Golf Course	306	\$ 1,355,987	
Parking	308	\$ 5,946,748	

Irrigation Systems	309	\$ 221,552	
Ambulance Transport	310	\$ 2,004,311	
Information Services	401	\$ 3,015,943	
Equipment	402	\$ 3,373,906	
Stores	403	\$ 108,032	
Self Insurance	404	\$ 1,320,296	
Communications Center	405	\$ 3,645,848	
General Debt Service	610	\$ 4,839,888	
T.I.F. Debt Service	611	\$ 2,297,540	
G.J.W.W.S.D. Debt Service	612	\$ 154,365	
Ridges Metro District Debt Service	613	\$ 229,790	
Parks Improvement Advisory Board	703	\$ 35,000	
Cemetery Perpetual Care	704	\$ 52,000	
Joint Sewer System, Total	900	\$ 12,134,632	
TOTAL, ALL FUNDS		\$ 187,200,214	

SECTION 2. The following amounts are hereby levied for collection in the year 2007 and for the specific purpose indicated:

	Millage Rate	Amount Levied
City of Grand Junction General Fund	8.000	\$5,278,483
Temporary Credit Mill Levy	0.696	- 459,044
Net Levy	7.304	\$4,819,439
Ridges Metropolitan District #1	5.800	\$133,745
Downtown Development Authority	5.000	\$136,372

SECTION 3. Commencing January 1, 2007 the annual salary for the City Manager of the City of Grand Junction, Colorado shall be \$140,000.

INTRODUCED AND ORDERED PUBLISHED the 15th day of November, 2006.

PASSED AND ADOPTED the ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

**Attach 17
Setting Utility Rates for 2007**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting Utility Rates 2007					
Meeting Date	December 6, 2006					
Date Prepared	November 30, 2006				File #	
Author	Greg Trainor		Public Works and Utilities Operations Manager			
Presenter Name	Greg Trainor		Public Works and Utilities Operations Manager			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Adoption of Utility Rates, effective January 1, 2007

Budget:

See attached resolution.

Action Requested/Recommendation:

Adoption of Resolution.

Attachments:

Proposed Resolution

Background Information:

The City of Grand Junction establishes rates for utility services on a periodic basis, and by the attached resolution, the City Council establishes rates for water, wastewater and solid waste utility services and to implement decisions made in the long-term financial plans for the water, wastewater, and solid waste enterprise funds.

The Water Enterprise Fund will establish a 5% revenue increase for increased water line replacement projects, totaling an additional \$200,000 in 2007. The attached resolution describes which rate block remains unchanged, which rate block is decreasing, and which rate block (higher consumption) is increasing.

The Wastewater Enterprise Fund will establish a 2.5% per EQU rate increase for all customers. This equates to .35 cents per month for a single family home, from \$13.90 to \$14.25 per month for full service customers.

The proposed Plant Investment Fee recommended by staff and the City's rate consultant will be postponed for further consideration until mid-2007. The current Plant Investment Fee schedule, adopted in 2001, will change the fee by \$250, raising the rate from \$1,750 to \$2,000 per single family equivalent unit.

The Solid Waste Enterprise Fund will increase rates to all customers by 8%, raising the typical 96-gallon monthly container rate by .85, or \$11.49 per month. This equates to \$2.87 per week and will be used for fuel costs, equipment, and additional support to the curbside recycling program. This will raise approximately \$190,000 for the Solid Waste Fund.

Resolution No. _____

**A Resolution Adopting Utility Rates for Water, Wastewater,
and Solid Waste Services effective January 1, 2007**

Recitals:

The City of Grand Junction establishes rates for utility services on a periodic basis, and by this resolution, the City Council establishes, rates for water, wastewater and solid waste utility services and to implement decisions made in the long-term financial plans for the water, wastewater, and solid waste enterprise funds.

There will be no change in the minimum water rate of \$7.50 per 3,000 gallons. The commodity rate for 3,000 – 10,000 will decrease \$0.10 per thousand gallons. From 11,000 – 20,000 will increase \$0.10 per thousand gallons. Commodity rate over 20,000 will increase \$0.30 per thousand gallons. This revenue increase of 5% reflects a water conservation rate, and an increase in the Water Funds major capital program.

There will be a change in the minimum water rate of \$27.50 per 3,000 gallons in the Kannah Creek Water System to \$30.00. The commodity rate for 3,000 – 10,000 will decrease \$0.50 per thousand gallons. From 11,000 – 20,000 will increase \$0.34 per thousand gallons. Commodity rate over 20,000 will increase \$1.16 per thousand gallons. This revenue increase of 5% reflects a water conservation rate, and an increase to reflect the cost of on-going operating expenses. This is the first rate increase in the Kannah Creek Water System since the City took over operations in 2000 and it is actually more of a rate restructure from a declining block rate to a proactive water conservation increasing block rate.

Wastewater rates are being increased to reflect the cost of on-going operating expenses, particularly energy, debt service for the combined storm and sanitary sewer elimination project, and an increase in the Waste Water major capital program. The increase in the plant investment fee (PIF) per EQU reflects a recommendation from staff related to findings of the 2006 Persigo Sewer System Rate Study. The PIF is established on the “buy in method” in which new development pays for existing capacity in the waste water plant and collection system based on a current value of that infrastructure.

Solid Waste rates have not been adjusted since 2005. The 2007 rate adjustment will reflect increases in operating costs like fuel, equipment, additional automated containers, and increase funding to the curbside recycling program.

The City Council has the authority to establish rates by resolution.

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

Effective January 1, 2007, rates for utility services will change according to the following schedule. Appropriate schedules will be developed showing charges for all utility services rendered.

City Water

Residential

0-3000 gal. of use	\$7.50	0 ¢ change.
Next 7,000 gal. of use	\$1.85 to \$1.75 per 1,000 gal.	10 ¢ <u>decrease</u> /1,000gal.
Next 10,000 gal. of use	\$2.00 to \$2.10 per 1,000 gal.	10 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use	\$2.15 to \$2.45 per 1,000 gal	30 ¢ <u>increase</u> / 1,000gal.

Kannah Creek Water System

0-3000 gal. of use	\$27.50 to \$30.00	\$2.50 change.
Next 7,000 gal. of use	\$4.00 to \$3.50 per 1,000 gal.	50 ¢ <u>decrease</u> /1,000gal.
Next 10,000 gal. of use	\$3.86 to \$4.20 per 1,000 gal.	34 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use	\$3.74 to \$4.90 per 1,000 gal	\$1.16 <u>increase</u> /1,000 gal.

Sewer:

2.5% per EQU increase for all customers. This equates to an increase of .35 cents per month for a single family home, from \$13.90 to \$14.25 per month for full service customers.

The Plant Investment fee will change from \$1,750 to \$2,000 per single family equivalent unit.

Irrigation Rates in the Ridges

Increase of 5% for all customers. This is first rate increase since we decreased the rates 29.4% in 2001. Single family rate will increase \$.60 per month from \$12.00 to \$12.60 and multi family rates will increase \$0.43 per month from \$8.50 to \$8.93.

Solid Waste:

Increase of 8% Residential, and Commercial. Recycling will remain at \$1.75 per month.

64 Gallon-\$9.07 increase of \$0.67

96 Gallon-\$11.49 increase of \$0.85
(2) 64 Gallon-\$13.93 increase of \$1.03
(1) 96 Gal (1) 64 Gal.-\$16.36 increase of \$1.21
(2) 96 Gallon-\$18.78 increase of \$1.39

PASSED and ADOPTED this _____ day of _____,
2006.

Mayor

Attest:

Stephanie Tuin, City Clerk

Attach 18

Economic Development Financial Participation Agreements
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Economic Development Financial Participation Agreements				
Meeting Date		December 6, 2006				
Date Prepared		November 28, 2006			File #	
Author		Sheryl Trent		Assistant to the City Manager		
Presenter Name		Sheryl Trent		Assistant to the City Manager		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<input type="checkbox"/>	Individual Consideration

Summary: The attached are agreements for the Business Incubator Center and the Grand Junction Economic Partnership regarding the expenditure of City funding for the fiscal year 2007. The agreements for both of those agencies detail the budget, goals, policies, and performance measures, as well as reporting requirements.

Budget: The City Council has designated the following amounts for the fiscal year 2007 budget:

\$40,000 for the Business Incubator
 \$100,000 for the Grand Junction Economic Partnership

Action Requested/Recommendation: That the City Council authorize the City Manager to sign the financial participation agreements. A separate action is requested for each agreement.

Attachments:

Financial Participation Agreement for the Business Incubator Center
 Financial Participation Agreement for the Grand Junction Economic Partnership

Background Information: As a part of the economic development strategic plan and the budget deliberations, staff has worked with the Business Incubator Center and the Grand Junction Economic Partnership to structure a financial participation agreement. The City Attorney has drafted two agreements, one for the Business Incubator Center and one for the Grand Junction Economic Partnership that outline goals, policies, objectives, performance measures, and reporting requirements for each agency.

The agreements list the amount of funding from the City of Grand Junction. The Business Incubator Center agreement is in the amount of \$40,000 and the Grand Junction Economic Partnership has an amount of \$40,000 and an amount of \$60,000, for a total of \$100,000. In that case the \$40,000 is for specific strategies and the \$60,000 is for the recruitment of new businesses to the Grand Valley. These agreements are only for the calendar year of 2007. Specific exhibits are attached to each contract detailing duties, responsibilities, and measurement of the accomplishments of each agency.

THE CITY OF GRAND JUNCTION
and
THE GRAND JUNCTION BUSINESS INCUBATOR CENTER
FINANCIAL PARTICIPATION AGREEMENT

Recitals:

The City Council of the City of Grand Junction, a Colorado municipal corporation (the "City"), has authorized participation in and financial support for the regional economic development program of the Grand Junction Business Incubator Center ("BUSINESS INCUBATOR CENTER"), a Colorado non-profit corporation.

The purpose of this agreement ("Agreement") is to set forth the program that the BUSINESS INCUBATOR CENTER agrees to undertake, the support that the City agrees to provide and the respective roles and responsibilities of the parties for the fiscal year January 1, 2007 – December 31, 2007.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City by the City Council and BUSINESS INCUBATOR CENTER by and through its Board, agree as follows:

I. RESPONSIBILITIES OF BUSINESS INCUBATOR CENTER

A. PURPOSE: THE BUSINESS INCUBATOR CENTER exists to provide educational services and business development tools to start-up businesses/commercial enterprises and entrepreneurs. The Business Incubator Center supports the beginning, growth, stabilization and long-term success of business enterprises in Grand Junction and Mesa County.

B. GOALS: BUSINESS INCUBATOR CENTER is guided by and strategically focused on seven specific long-range goals:

1. Guiding entrepreneurs through sound business planning and decision making;
2. Positively influencing economic growth in the City, Mesa County and Western Colorado region;
3. Facilitation of the startup and growth of small businesses in Mesa County through the use of the incubator;
4. Preservation and diversification of the economy in Grand Junction and Mesa County;
5. Providing consultation and technical support to the Grand Junction and Mesa County small business community;
6. Providing training for the small business community; and
7. Developing new assistance programs targeting existing businesses.

C. ACTION PLAN AND BUDGET:

In accordance with the Purpose and Goals set forth above and subject to the availability of adequate funding, the BUSINESS INCUBATOR CENTER shall implement the Action Plan and Budget as attached Exhibit A and as adopted by the BUSINESS INCUBATOR CENTER's Board of Directors.

The City shall be informed of any changes in the adopted Action Plan. Such notification will be in writing and will be made prior to changes being made. Notwithstanding the foregoing, the City acknowledges and agrees that the BUSINESS INCUBATOR CENTER may, in its reasonable judgment in accordance with its own practices and procedures, substitute, change, reschedule, cancel or defer certain events, meetings or activities described in the Action Plan as required by or resulting from changed market conditions, funding unavailability and/or circumstances beyond the BUSINESS INCUBATOR CENTER's reasonable control. The City may participate in the formulation of future BUSINESS INCUBATOR CENTER Action Plan(s). The Action Plan shall be revised to reflect agreed upon changes.

D. PERFORMANCE TARGETS:

Specific performance targets, established by the BUSINESS INCUBATOR CENTER's Executive Director and Board of Directors, are attached hereto as Exhibit B and shall be used to evaluate and report progress on the BUSINESS INCUBATOR CENTER's implementation of its Action Plan. Exhibit B is incorporated by this reference as if fully set forth. In the event of changed market conditions, funding unavailability and/or circumstances beyond the BUSINESS INCUBATOR CENTER's reasonable control, performance targets may be revised with the City's prior written approval.

The BUSINESS INCUBATOR CENTER will provide quarterly reports to the City describing in detail its progress in implementing the Action Plan as well as reporting the numerical results for each performance measurement set forth in Exhibit B.

The BUSINESS INCUBATOR CENTER shall provide a copy of its annual audit for the preceding fiscal year to the City by no later than December 15th. The financial contribution from the City to the BUSINESS INCUBATOR CENTER will be invested in two primary programs:

- 1) The Small Business Incubator and
- 2) The Small Business Development Center.

These programs provide technical assistance to start-up and existing businesses.

The Small Business Incubator is a program of the BUSINESS INCUBATOR CENTER and offers an array of business support resources and services designed to accelerate the successful development of entrepreneurial companies. Selected start-up

companies are housed at the Incubator for a 3-5 year period, at which time the businesses "graduate" into the community. Companies that participate in the Small Business Incubator program must go through intensive business training, goal setting and review. Overhead is controlled through shared office equipment and a sliding scale rent structure.

The Kitchen Incubator, which is a part of the Small Business Incubator, provides a licensed commercial kitchen, available by the hour, for food processors, caterers and vendors. Technical assistance programs assist these companies in the complexities of start-up and operation of food related businesses.

The Small Business Development Center provides high quality, cost-effective business assistance, information and training activities to start-up and existing businesses. Through the delivery of those services the successful growth and development of small businesses is fostered and in turn a positive long-term economic impact for Mesa County is provided.

The United States Small Business Administration (SBA) started the Small Business Development Center program and funds half of the local program.

Performance measures for the BUSINESS INCUBATOR CENTER include:

Number of training activities conducted;

Number of businesses participating in consulting activities;

Number of new assistance programs for existing businesses;

Number of qualified startups generated;

Number of businesses started that diversify the economy (by size and type);

Long term success of incubated businesses;

Hours of use of the kitchen incubator site;

Number of existing businesses assisted.

II. RESPONSIBILITIES OF THE CITY

A. COOPERATIVE ASSISTANCE: Representative(s) of the City shall be entitled to participate in BUSINESS INCUBATOR CENTER's program development provided that such participation shall not be at BUSINESS INCUBATOR CENTER's expense. When requested by the City, the BUSINESS INCUBATOR CENTER will provide assistance and support to City economic development staff for business development prospects identified and qualified by the City that meet BUSINESS INCUBATOR CENTER standards.

B. COMPENSATION:

1. The City agrees to pay \$40,000 for services to be provided by the BUSINESS INCUBATOR CENTER pursuant to the Agreement during the year ending on December 31, 2007, as set forth in this Agreement.
2. Funding of this Agreement shall be subject to the annual appropriation of funds by the City Council pursuant to the required budget process of the City;

3. Nothing herein shall preclude the City from contracting separately with the BUSINESS INCUBATOR CENTER for services to be provided in addition to those to be provided hereunder, upon terms and conditions to be negotiated by the City and the BUSINESS INCUBATOR CENTER; and
4. The BUSINESS INCUBATOR CENTER shall submit a written request for payment and the City agrees to pay the sum of \$40,000 on or before February 28, 2007. The foregoing notwithstanding, if BUSINESS INCUBATOR CENTER has not provided the City with the reports and the annual audit required by this Agreement, then the City may declare BIC in breach of this Agreement and demand repayment of its funds.

C. COOPERATION:

1. The parties acknowledge that cooperation between the BUSINESS INCUBATOR CENTER and the City is essential. Accordingly, the City and the BUSINESS INCUBATOR CENTER covenant and agree to work together in a productive and harmonious working relationship, to cooperate in furthering the BUSINESS INCUBATOR CENTER's goals for the 2007 fiscal year.
2. The City agrees to work with the BUSINESS INCUBATOR CENTER, as necessary or appropriate, to revise the performance measures and/or benchmarks and/or goals for the FY 2007 contract.

D. STAFF SUPPORT: The City agrees to provide staff support as it can to the BUSINESS INCUBATOR CENTER's economic development efforts as follows:

1. The City shall provide appropriate local hospitality, tours and briefings for incubator businesses visiting sites in the City;
2. The City shall provide a representative of the City to serve on the BUSINESS INCUBATOR CENTER Board of Directors;
3. The City shall reasonably cooperate with the BUSINESS INCUBATOR CENTER to provide and exchange information with the BUSINESS INCUBATOR CENTER's staff;
4. The City shall use its best efforts to respond to special requests by BUSINESS INCUBATOR CENTER for particularized information about the City within three business days after the receipt of such request;
5. In order to enable the BUSINESS INCUBATOR CENTER to be more sensitive to the City's requirements, the City shall, at its sole option deliver to BUSINESS INCUBATOR CENTER copies of any City approved economic development strategies, work plan(s), program(s) and incentive contribution evaluation criteria. The BUSINESS INCUBATOR CENTER shall not disclose the same to

the other participants in the BUSINESS INCUBATOR CENTER or their representatives.

III. GENERAL PROVISIONS:

- A. COVENANT AGAINST CONTINGENT FEES: The BUSINESS INCUBATOR CENTER warrants that no person has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For a breach or violation of this warranty, the City shall have the right to terminate this Agreement without liability or, in its discretion, to deduct the commission, brokerage or contingent fee from its payment to BUSINESS INCUBATOR CENTER.
- B. ASSIGNMENT PROHIBITED: No party to this agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and no effect.
- C. INDEPENDENT CONTRACTOR; NO AGENCY: Nothing contained in this Agreement creates any partnership, joint venture or agency relationship between the City and the BUSINESS INCUBATOR CENTER. At all times during the term of this Agreement, the BUSINESS INCUBATOR CENTER shall be an independent contractor and shall not be an employee of City. City shall have the right to control the BUSINESS INCUBATOR CENTER only as to the results of the BUSINESS INCUBATOR CENTER's services rendered pursuant to this Agreement. The BUSINESS INCUBATOR CENTER shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. The BUSINESS INCUBATOR CENTER shall have no authority, express or implied, pursuant to this Agreement to bind the City to any obligation whatsoever outside of this agreement.
- D. INDEMNIFICATION AND HOLD HARMLESS: During the term of this Contract, the BUSINESS INCUBATOR CENTER shall indemnify, defend, hold, protect and save harmless the City and any and all of its officers and employees from and against any and all actions, suits, proceedings, claims and demands, loss, liens, costs, expense and liability of any kind and nature whatsoever, for injury to or death of persons, or damage to property, including property owned by City, brought, made, filed against, imposed upon or sustained by the City, its officers, or employees in and arising from or attributable to or caused directly or indirectly by the negligence, wrongful acts, omissions or from operations conducted by the BUSINESS INCUBATOR CENTER, its directors, officers, agents or employees acting on behalf of the BUSINESS INCUBATOR CENTER and with the BUSINESS INCUBATOR CENTER's knowledge and consent.

Any party entitled to indemnity shall notify the BUSINESS INCUBATOR CENTER in writing of the existence of any claim, demand or other matter to which the BUSINESS INCUBATOR CENTER's indemnification

obligations would apply and shall give to the BUSINESS INCUBATOR CENTER a reasonable opportunity to defend the same at its own expense and with counsel reasonably satisfactory to the indemnified party.

Nothing in this Subsection D shall be deemed to provide indemnification to any indemnified party with respect to any liabilities arising from the fraud or willful or wanton misconduct of such indemnified party.

- E. INSURANCE: The BUSINESS INCUBATOR CENTER shall procure and maintain for the duration of this Agreement, at the BUSINESS INCUBATOR CENTER's own cost and expense, insurance against claims for injuries to persons or damages to property which may arise from or in connection with this Agreement by the BUSINESS INCUBATOR CENTER, its agents, representatives, employees or contractors, in accordance with the Insurance Requirements set forth in Exhibit C attached hereto. The City acknowledges that it has received and reviewed evidence of the BUSINESS INCUBATOR CENTER's insurance coverage in effect as of the execution of this Agreement.
- F. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement, the BUSINESS INCUBATOR CENTER agrees as follows:
 - 1. The BUSINESS INCUBATOR CENTER will not discriminate against any employee or applicant for employment because of race, color, religion, gender, sexual orientation, national origin, age or disability. The BUSINESS INCUBATOR CENTER shall take affirmative action to ensure that employees are treated during employment without regard to their race, color, religion, gender, sexual orientation, national origin, age or disability. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. BUSINESS INCUBATOR CENTER agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - 2. The BUSINESS INCUBATOR CENTER will, in all solicitations or advertisements for employees and businesses placed by or on behalf of the BUSINESS INCUBATOR CENTER, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, national origin, age or disability.
 - 3. The BUSINESS INCUBATOR CENTER will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to Agreements or subcontracts for standard commercial supplies or new materials.
 - 4. Upon request by the City, the BUSINESS INCUBATOR CENTER shall provide the City with information and data concerning action

taken and results obtained in regard to the BUSINESS INCUBATOR CENTER's Equal Employment Opportunity efforts performed during the term of this Agreement. Such reports shall be accomplished upon forms furnished by the City or in such other format as the City shall prescribe.

- G. COMPLIANCE WITH FEDERAL LAWS REQUIRED. The BUSINESS INCUBATOR CENTER understands and acknowledges the applicability of the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989 and agrees to comply therewith in performing under any resultant agreement and to permit City inspection of its records to verify such compliance.
- H. TERMINATION. The City shall have the right to terminate this Agreement if the BUSINESS INCUBATOR CENTER shall fail to duly perform, observe or comply with any covenant, condition or agreement on its part under this Agreement and such failure continues for a period of 30 days (or such shorter period as may be expressly provided herein) after the date on which written notice requiring the failure to be remedied shall have been given to the BUSINESS INCUBATOR CENTER by the City; provided, however, that if such performance, observation or compliance requires work to be done, action to be taken or conditions to be remedied which, by their nature, cannot reasonably be accomplished within 30 days, no event of default shall be deemed to have occurred or to exist if, and so long as, the BUSINESS INCUBATOR CENTER shall commence such action within that period and diligently and continuously prosecute the same to completion within 90 days or such longer period as the City may approve in writing. The foregoing notwithstanding, in the event of circumstances which render the BUSINESS INCUBATOR CENTER incapable of providing the services required to be performed hereunder, including, but not limited to, insolvency or an award of monetary damages against the BUSINESS INCUBATOR CENTER in excess of its available insurance coverage and assets, the City may immediately and without further notice terminate this Agreement.
- I. RESPONSIBILITY FOR COMPLIANCE WITH LEGAL REQUIREMENTS. The BUSINESS INCUBATOR CENTER's performance hereunder shall be in material compliance with all applicable federal, state and local laws, regulations, standards, and ordinances in effect during the performance of this Agreement.
- J. INSTITUTION OF LEGAL ACTIONS. Any legal actions instituted pursuant to this Agreement must be filed in Mesa County Colorado. In any legal action, the prevailing party in such action will be entitled to reimbursement by the other party for all costs and expenses of such action, including reasonable attorneys' fees (including the value of in-house counsel) as may be fixed by the Court.
- K. APPLICABLE LAW. Any and all disputes arising under any Agreement to be awarded hereunder or out of the proposals herein called for, which cannot be administratively resolved, shall be tried according to the laws of the

State of Colorado, and the BUSINESS INCUBATOR CENTER shall agree that the venue for any such action shall be Mesa County.

- L. CONTINUATION DURING DISPUTES. The BUSINESS INCUBATOR CENTER agrees that, notwithstanding the existence of any dispute between the parties, each party shall continue to perform the obligations required of it during the continuation of any such dispute, unless enjoined or prohibited by a Colorado court of competent jurisdiction.
- M. CITY REVIEW OF BUSINESS INCUBATOR CENTER RECORDS. The BUSINESS INCUBATOR CENTER must keep all Agreement records separate and make them available for audit by the City upon request.
- N. NOTICES. Any notice, consent or other communication required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to City: City Manager
 City of Grand Junction
 250 North 5th Street
 Grand Junction, Colorado 81502
 (970) 244-1503

With a copy to the City Attorney at the same address

If to BUSINESS INCUBATOR CENTER:
 Executive Director
 Business Incubator Center
 2591 B ¾ Road
 Grand Junction, Colorado 81503
 (970) 243-5242

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

- O. NON-LIABILITY OF OFFICIALS AND EMPLOYEES. No member, official or employee of the City will be personally liable to the BUSINESS INCUBATOR CENTER or any successor in interest in the event of any default or breach by the City or for any amount which may become due to the BUSINESS INCUBATOR CENTER or successor or on any obligation under the terms of this Agreement. No member, official or employee of the BUSINESS INCUBATOR CENTER will be personally liable to the City or any successor in interest in the event of any default or breach by the BUSINESS INCUBATOR CENTER or for any amount which may become due to the City or successor, or on any obligation under the terms of this Agreement.

- P. NO WAIVER. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, will not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.
- Q. SEVERABILITY. If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement will not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.
- R. CAPTIONS. The captions contained in this Agreement are merely a reference and are not to be used to construe or limit the text.
- S. NO THIRD PARTY BENEFICIARIES. No creditor of either party or other individual or entity shall have any rights, whether as a third-party beneficiary or otherwise, by reason of any provision of this Agreement.
- T. ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS. This Agreement may be executed in up to three (3) duplicate originals, each of which is deemed to be an original. This Agreement, including 7 pages of text and the below-listed exhibits which are incorporated herein by this reference, constitutes the entire understanding and agreement of the City and the BUSINESS INCUBATOR CENTER.

Exhibit A – Action Plan
Exhibit B - BUSINESS INCUBATOR CENTER Performance Measures
Exhibit C - Insurance Requirements

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or the BUSINESS INCUBATOR CENTER, and all amendments hereto must be in writing and signed by the appropriate authorities of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement this ____ day of December, 2006.

City of Grand Junction

By: _____

David Varley, Interim City

Attest:
Manager

By: _____

Stephanie Tuin, City Clerk

Approved as to form:

By: _____

John P. Shaver, City Attorney

Grand Junction Business Incubator Center

By: _____

Rich Emerson, Chairman of the Board

Exhibit A

Exhibit B

The Business Incubator Center (BIC) is a results driven provider of educational services and business tools. We support the launch, growth, stabilization and long-term success of business enterprises in Mesa County. We measure success by our ability to guide entrepreneurs through sound business decisions and our positive influence on economic growth in the region.

CITY OF GRAND JUNCTION FINANCIAL SUPPORT will be invested in 2 primary programs, the Small Business Incubator and the Small Business Development Center. Funding will be utilized to provide technical assistance to start-up and existing businesses.

PROGRAM DESCRIPTION

The Small Business Incubator is a program of BIC and offers an array of business support resources and services designed to accelerate the successful development of entrepreneurial companies. These start-up companies are housed at the Incubator for a 3-5 year period, at which point they graduate into the community. While companies participate in the Incubator program, they go through intensive business assistance, goal setting and review. Their overhead is controlled through shared office equipment and a graduated rent structure.

The Kitchen Incubator provides a licensed commercial kitchen, available by the hour, for food processors, caterers, and vendors. Technical assistance programs assist these companies in the complexities of start-up and operation of food related businesses.

Program Objectives

1. Facilitate the startup and growth of small businesses in Mesa County through the use of the Incubator tool.
2. Preserve and diversify the economy in Mesa County.

Performance Measures

- Number of qualified startups generated
- Number of businesses started that diversify the economy
- Long term success of incubated businesses
- Hours of use of the kitchen incubator site
- Number of existing businesses assisted

PROGRAM DESCRIPTION

The Small Business Development Center (SBDC) provides high quality, cost-effective business assistance, information and training activities to start-up and existing businesses, which fosters the successful growth and development of small businesses and result in a positive long-term economic impact for Mesa County. The U.S. Small Business Administration (SBA) started the Small Business Development Center program and funds half of the program locally. SBA partners with the state governments and local hosts to provide this service in all areas of the Country. The Mesa County SBDC is part of a 17 sub-center network covering the state of Colorado. At the state level, the Governor's Office of

Economic Development hosts the state office. The local host has been the Business Incubator Center since 1992.

Program Objectives

1. Provide consulting and technical support to the Mesa County small business community.
2. Provide training to the small business community.
3. Develop new assistance programs targeting existing businesses

Performance Measures

- Number of training activities
- Number of businesses participating in consulting activities
- Number of new assistance programs for existing businesses

_____ BUSINESS INCUBATOR CENTER
_____ City

Exhibit C

THE CITY OF GRAND JUNCTION
and
THE GRAND JUNCTION ECONOMIC PARTNERSHIP
PARTICIPATION AGREEMENT

Recitals:

The City Council of the City of Grand Junction, a Colorado municipal corporation (the "City"), has authorized participation in and financial support for the regional economic development program of the Grand Junction Economic Partnership ("GJEP"), a Colorado non-profit corporation.

The purpose of this agreement ("Agreement") is to set forth the regional economic development program that GJEP agrees to undertake, the support that the City agrees to provide and the respective roles and responsibilities of the parties for the fiscal year January 1, 2007 – December 31, 2007.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City by the City Council and GJEP by and through its Board, agree as follows:

I. RESPONSIBILITIES OF GJEP

A. PURPOSE: GJEP exists to collect, expend and leverage public and private money in support of innovative regional economic development strategies and tactics for the attraction and expansion of business.

B. GOALS: GJEP is guided by and strategically focused on three specific long-range goals:

1. Marketing Mesa County to qualified business/industry prospects in targeted economic clusters; and
2. Leveraging public and private contributions to finance the location of qualified businesses to Mesa County, improve competitiveness of business and to spur growth of the Grand Junction economy; and
3. Retention and expansion of existing business; as appropriate, efforts shall be in conjunction with the Business Incubator Center.

C. BUSINESS DEVELOPMENT POLICY:

1. GJEP's primary role is image building, marketing, expansion and retention of existing businesses, and new business attraction for Grand Junction and Mesa County.

D. INCENTIVES: Incentive offers by GJEP will be made when:

1. Grand Junction or Mesa County is in competition with one or more other communities for the location/relocation of a business; and
2. The offer of an incentive will induce the prospect to locate/relocate to Mesa County; and
3. The prospect business is currently in business and has a successful financial track record or if a "new" business has strong financial assets and qualified management as determined in the sole discretion of GJEP; and
4. The prospect business is involved in an activity which creates "base" jobs, defined as manufacturing, distribution or service jobs; or
5. Makes a product(s) or produces a service which is "exported" from Colorado; or
6. Is able to make a transition, either expansion or relocation, in the absence of an incentive.

An incentive offer will not be made unless:

1. The wage and salary level (i.e., the quality of the jobs) is not good enough. The wage and salary level must be above the median income for Grand Junction as determined by HUD.
2. The number of new jobs to be created in Mesa County is adequate as determined in the sole discretion of GJEP; and
3. The amount of new capital investment is adequate as determined in the sole discretion of GJEP.

The expenditure of public money for incentives will be justified if there is a demonstrable "return on investment", which the incentive causes or helps to cause when the incentive funds are leveraged by the prospect or GJEP.

For purposes of this agreement, incentives are not:

1. The intrinsic benefits of a location in Mesa County;
2. The benefits accruing from participation in the Colorado FIRST training program;
3. The benefits of location in the Mesa County Enterprise Zone; and
4. Revolving Loan Fund (RLF) loans.

F. ACTION PLAN AND BUDGET:

In accordance with the Purpose, Goals, Business Development and Retention Policies set forth above and subject to the availability of adequate funding, GJEP shall implement the Action Plan and Budget adopted by GJEP's Board of Directors, a copy of which is attached as Exhibit A and incorporated by this reference as if fully set forth.

The City shall be informed of any changes in the adopted Action Plan. Such notification will be in writing and will be made prior to changes being made. Notwithstanding the foregoing, the City acknowledges and agrees that GJEP may, in its reasonable judgment in accordance with its own practices and procedures, substitute, change, reschedule, cancel or defer certain events, meetings or activities described in the Action Plan as required by or resulting from changed market conditions, funding unavailability and/or circumstances beyond GJEP's reasonable control. The City may participate in the formulation of future GJEP marketing strategies and advertisements. The Action Plan shall be revised to reflect agreed upon changes.

G. PERFORMANCE TARGETS:

Specific performance targets, established by GJEP's Executive Committee and Board of Directors, are attached hereto as Exhibit B and shall be used to evaluate and report progress on GJEP's implementation of the Action Plan. Exhibit B is incorporated by this reference as if fully set forth. In the event of changed market conditions, funding unavailability and/or circumstances beyond GJEP's reasonable control, performance targets may be revised with the City's prior written approval.

GJEP will provide quarterly reports to the City describing in detail its progress in implementing the Action Plan as well as reporting the numerical results for each performance measurement set forth in Exhibit B.

GJEP shall provide a copy of its annual report and audit for the preceding fiscal year to the City by no later than June 30th, 2007.

III. RESPONSIBILITIES OF THE CITY

- A. MARKETING ASSISTANCE: Representative(s) of the City shall be entitled to participate in GJEP's marketing provided that such participation shall not be at GJEP's expense. When requested by the City, GJEP will provide assistance and support to City economic development staff for business location/relocation prospects. GJEP's assistance will include but not necessarily be limited to assisting the City with presentations to the prospect in the City or at the business location.

B. COMPENSATION:

1. The City agrees to pay GJEP \$40,000 for operations and \$60,000 for incentives pursuant to the Agreement during the year ending on December 31, 2007, as set forth in this Agreement.
2. Funding of this Agreement shall be subject to the annual appropriation of funds by the City Council pursuant to the required budget process of the City;
3. Nothing herein shall preclude the City from contracting separately with GJEP for additional services to be provided in addition to those to be provided hereunder, upon terms and conditions to be negotiated by the City and GJEP; and
5. The City agrees to pay the sum of \$100,000 on or before January 31, 2007 pursuant to a written request from GJEP and subject to the full and faithful completion of the terms of this agreement. The foregoing notwithstanding, if GJEP does not provide the City with the reports and audits required by this Agreement, then the City may declare GJEP in breach of this Agreement and demand repayment of its funds.

C. COOPERATION:

1. The parties acknowledge that cooperation between GJEP and the City is essential. Accordingly, the City and GJEP covenant and agree to work together in a productive and harmonious working relationship, to cooperate in furthering GJEP's goals for the 2007 fiscal year.
2. The City agrees to work with GJEP, as necessary or appropriate, to revise the performance measures and/or benchmarks and/or goals for the FY 2007 contract.

D. STAFF SUPPORT: The City agrees to provide staff support as it can to GJEP's economic development efforts as follows:

1. The City shall timely respond to leads or prospects referred by GJEP if the City desires to compete and if the lead is appropriate for the City as determined in the City's sole discretion. The City agrees to provide its response to the prospect in the format developed jointly by the City and GJEP;
2. The City shall provide appropriate local hospitality, tours and briefings for prospects visiting sites in the City;
3. The City shall provide a representative to serve on the GJEP Board of Directors;
4. The City shall cooperate in the implementation of GJEP process improvement recommendations including the use of common presentation formats, exchange of information on prospects with GJEP's staff, the use of land and building data bases;

5. The City shall use its best efforts to respond to special requests by GJEP for particularized information about the City within three business days after the receipt of such request;
6. In order to enable GJEP to be more sensitive to the City's requirements, the City shall, at its sole option deliver to GJEP copies of any City approved economic development strategies, work plan(s), program(s) and incentive contribution evaluation criteria. GJEP shall not disclose the same to the other participants in GJEP or their representatives;

III. GENERAL PROVISIONS:

- A. COVENANT AGAINST CONTINGENT FEES: GJEP warrants that no person has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For a breach or violation of this warranty, the City shall have the right to terminate this Agreement without liability or, in its discretion, to deduct the commission, brokerage or contingent fee from its payment to GJEP.
- B. ASSIGNMENT PROHIBITED: No party to this agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and no effect.
- C. INDEPENDENT CONTRACTOR; NO AGENCY: Nothing contained in this Agreement creates any partnership, joint venture or agency relationship between the City and GJEP. At all times during the term of this Agreement, GJEP shall be an independent contractor and shall not be an employee of City. City shall have the right to control GJEP only as to the results of GJEP's services rendered pursuant to this Agreement. GJEP shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. GJEP shall have no authority, express or implied, pursuant to this Agreement to bind the City to any obligation whatsoever outside of this agreement.
- D. INDEMNIFICATION AND HOLD HARMLESS: During the term of this Contract, GJEP shall indemnify, defend, hold, protect and save harmless the City and any and all of its officers and employees from and against any and all actions, suits, proceedings, claims and demands, loss, liens, costs, expense and liability of any kind and nature whatsoever, for injury to or death of persons, or damage to property, including property owned by City, brought, made, filed against, imposed upon or sustained by the City, its officers, or employees in and arising from or attributable to or caused directly or indirectly by the negligence, wrongful acts, omissions or from operations conducted by GJEP, its directors, officers, agents or employees acting on behalf of GJEP and with GJEP's knowledge and consent.

Any party entitled to indemnity shall notify GJEP in writing of the existence of any claim, demand or other matter to which GJEP's indemnification

obligations would apply and shall give to GJEP a reasonable opportunity to defend the same at its own expense and with counsel reasonably satisfactory to the indemnified party.

Nothing in this Subsection D shall be deemed to provide indemnification to any indemnified party with respect to any liabilities arising from the fraud or willful or wanton misconduct of such indemnified party.

- E. INSURANCE: GJEP shall procure and maintain for the duration of this Agreement, at GJEP's own cost and expense, insurance against claims for injuries to persons or damages to property which may arise from or in connection with this Agreement by GJEP, its agents, representatives, employees or contractors, in accordance with the Insurance Requirements set forth in Exhibit C attached hereto. The City acknowledges that it has received and reviewed evidence of GJEP's insurance coverage in effect as of the execution of this Agreement.
- F. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement, GJEP agrees as follows:
1. GJEP will not discriminate against any employee or applicant for employment because of race, color, religion, gender, sexual orientation, national origin, age or disability. GJEP shall take affirmative action to ensure that employees are treated during employment without regard to their race, color, religion, gender, sexual orientation, national origin, age or disability. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. GJEP agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 2. GJEP will, in all solicitations or advertisements for employees placed by or on behalf of GJEP, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, national origin, age or disability.
 3. GJEP will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to Agreements or subcontracts for standard commercial supplies or new materials.
 4. Upon request by the City, GJEP shall provide the City with information and data concerning action taken and results obtained in regard to GJEP's Equal Employment Opportunity efforts performed during the term of this Agreement. Such reports shall be accomplished upon forms furnished by the City or in such other format as the City shall prescribe.

- G. COMPLIANCE WITH FEDERAL LAWS REQUIRED. GJEP understands and acknowledges the applicability of the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989 and agrees to comply therewith in performing under any resultant agreement and to permit City inspection of its records to verify such compliance.

TERMINATION. The City shall have the right to terminate this Agreement if GJEP shall fail to duly perform, observe or comply with any covenant, condition or agreement on its part under this Agreement and such failure continues for a period of 30 days (or such shorter period as may be expressly provided herein) after the date on which written notice requiring the failure to be remedied shall have been given to GJEP by the City; provided, however, that if such performance, observation or compliance requires work to be done, action to be taken or conditions to be remedied which, by their nature, cannot reasonably be accomplished within 30 days, no event of default shall be deemed to have occurred or to exist if, and so long as, GJEP shall commence such action within that period and diligently and continuously prosecute the same to completion within 90 days or such longer period as the City may approve in writing. The foregoing notwithstanding, in the event of circumstances which render GJEP incapable of providing the services required to be performed hereunder, including, but not limited to, insolvency or an award of monetary damages against GJEP in excess of its available insurance coverage and assets, the City may immediately and without further notice terminate this Agreement.

- I. RESPONSIBILITY FOR COMPLIANCE WITH LEGAL REQUIREMENTS. GJEP's performance hereunder shall be in material compliance with all applicable federal, state and local laws, regulations, standards, and ordinances in effect during the performance of this Agreement.
- J. INSTITUTION OF LEGAL ACTIONS. Any legal actions instituted pursuant to this Agreement must be filed in Mesa County Colorado. In any legal action, the prevailing party in such action will be entitled to reimbursement by the other party for all costs and expenses of such action, including reasonable attorneys' fees (including the value of in-house counsel) as may be fixed by the Court.
- K. APPLICABLE LAW. Any and all disputes arising under any Agreement to be awarded hereunder or out of the proposals herein called for, which cannot be administratively resolved, shall be tried according to the laws of the State of Colorado, and GJEP shall agree that the venue for any such action shall be Mesa County.
- L. CONTINUATION DURING DISPUTES. GJEP agrees that, notwithstanding the existence of any dispute between the parties, each party shall continue to perform the obligations required of it during the continuation of any such dispute, unless enjoined or prohibited by a Colorado court of competent jurisdiction.
- M. CITY REVIEW OF GJEP RECORDS. GJEP must keep all Agreement records separate and make them available for audit by the City upon request.

N. NOTICES. Any notice, consent or other communication required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to City: City Manager
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81502
(970) 244-1503

With a copy to the City Attorney at the same address

If to GJEP: GJEP
122 North 6th Street
Grand Junction, Colorado 81501
(970) 245-4335

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

- O. NON-LIABILITY OF OFFICIALS AND EMPLOYEES. No member, official or employee of the City will be personally liable to GJEP or any successor in interest in the event of any default or breach by the City or for any amount which may become due to GJEP or successor or on any obligation under the terms of this Agreement. No member, official or employee of GJEP will be personally liable to the City or any successor in interest in the event of any default or breach by the GJEP or for any amount which may become due to the City or successor, or on any obligation under the terms of this Agreement.
- P. NO WAIVER. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, will not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.
- Q. SEVERABILITY. If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement will not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.

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Exhibit A - Action Plan
 Exhibit B - GJEP Performance Measures
 Exhibit C - Insurance Requirements

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or GJEP, and all amendments hereto must be in writing and signed by the appropriate authorities of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement this _____ day of December 2006.

City of Grand Junction

By:

 David Varley, Interim City Manager

By: _____

Stephanie Tuin, City Clerk

APPROVED AS TO FORM:

By: _____

John P. Shaver, City Attorney

Grand Junction Economic Partnership

By: _____

Ann Driggers, President

Exhibit A



Annual Budget Allocation Plan 2007

ress

Highlights of 2006

In the last year, progress continues with:

- Announcement of the expansion of Timber Creek Homes, a Nebraska company. A new facility of 80,000 square foot in the Fruita Greenway Business Park will be constructed with an estimated new capital investment of \$5.5 million. Estimated 100 jobs created with an annual payroll over \$3 million.
- Continued work to implement the Colorado Bureau of Investigation western slope facility. Facilitated the creation of the Grand Junction Colorado State Leasing Authority which will issue bonds to construct and own the facility and lease to CBI. Estimated construction costs are \$12,000,000. Anticipated relocation of CBI staff to occur by June 2008. Facility constructed on IDI land in Air Tech Park.
- 58 new prospects created of which 10% are existing business. Economic and demographic research provided to another 34 companies and individuals.
- Worked with public sector staff to increase the availability of industrial land in all areas of the County. Worked with IDI to place companies in both Air Tech and Bookcliff Business Parks.
- Stronger relationships and obtained financial operational support for the organization from the public sector, for the first time.
- Developed comprehensive database to track prospects and leads. Information and reports provide improved data on numerous factors to assist in all aspects of GJEP program, especially metrics. Conducted survey of past prospects to provide better understanding of site selection process and decision making criteria.
- New office identified, purchased and in the process of being renovated. Anticipated move-in date of January 1, 2007. New location will facilitate GJEP's relationships with investors, ED Partners, prospects both new and existing.
- Implemented new and successful investor relations program. Seventeen new investors have pledged a total of \$104,000 pledges over the next five years. Heightened awareness in community of GJEP, its mission and the importance of economic development through various mediums including a monthly radio show and Business Times column. Very successful annual meeting with record attendance and profits.
- Two new staff hired to build strong GJEP team. Improved competencies and core capabilities of GJEP staff.

Changes for 2007

Strategic planning sessions were held in October by both staff and Board. The meetings identified the following challenges and areas for improvement:

- Prospect recruitment needs improving, though our local offerings are slim. Workforce and real estate are tight. Incentives are not competitive. Research needs to be conducted in these areas to determine how to improve our competitiveness in these areas. Need to determine what our new 'pitch' is and implement a renewed marketing effort. This will involve reviewing the list of target industries.
- GJEP has worked with a significant and increasing number of local, existing businesses, but work needs to be done to ascertain best direct deliverables to this group, and establish a definitive program.
- GJEP needs to take a lead role in researching and implementing strategies to mitigate the current weaknesses in the local market, especially the price and lack of industrial land and workforce availability and development issues.
- Continued progress needed on databases and metrics, both prospect and investor. Understand the value of GJEP work.
- Website could be enhanced, as it is the number one source of prospects, as shown in national reports as well as data provided by GJEP.
- Further education of policy makers and the community at large on matters that are important to our economic future.
- While we are currently experiencing a period of strong economic growth, and GJEP is currently at the end of its five year strategic plan, the future of the local economy and GJEP's role in that future need to be determined. The next five year strategic plan, 2008-2013 needs to be written in 2007.

Program Summary

This 2007 Action Plan is the implementation of the strategies laid out in the Quality Jobs First Campaign. 2007 is the last year of the five year program. Organizational resources are targeted toward the achievement of four key objectives:

- **Prospect Generation**
- **Prospect Recruitment**
- **Area Competitiveness**
- **Organizational Development**

Prospect Generation

Purpose Statement

Plan and implement marketing, communications and research activities that will improve the area's business image and generate qualified business/industry prospects.

Strategies

- Target companies that best fit the community namely, small, locally owner-managed that offer primary, quality jobs (at least \$15ph and benefits)
- Revise and update the target industry list, taking into account new opportunities. Target companies in industries that best fit the community such as health/medical, environmental, outdoor, aviation/aerospace, IT/Communications. Companies may be involved in either services or manufacturing. Examine necessary policy/business climate adjustments for target industries. Develop message, brand and community positioning to targets
- Implement joint marketing programs with partner organizations such as the Incubator (marketing to entrepreneurs) and the Visitors and Conventions Bureau (marketing to visitors)
- Build research capabilities to develop information based marketing targeted to specific industries and businesses
- Generally build awareness of, and brand, the Grand Junction area as a business location, nationally and within Colorado and convey a consistent message through a combination of marketing platforms that connect, compliment and leverage each other
- Strengthen relationships with communities and stakeholders to leverage resources throughout program and strengthen relationships with other EDO's, playing a lead role in ED Partners
- Work with existing businesses, as requested, to assist in the retention or expansion of primary jobs.

Key Activities

General Marketing Materials

- Advertisement updates as needed
- General marketing brochure update
- Printed Community Profile

Website Development

Update of website on an as needed basis.

- Develop a long-term plan on utilization of interactive website tools.

General Branding and Awareness

- Identify 'success stories' which project the community and can be promoted to the media
- Continue to develop relations with media outlets, specifically on the Front-Range, CO Biz, Colorado Real Estate Journal and in target industry clusters
- Advertise in appropriate publications
- Continue to work with the Western Colorado Economic Alliance in its plan to promote the Western Slope as a business location to vacationing corporate executives
- Capitalize on other media opportunities as they arise
- Attend presentations and speaking engagements within, and outside, the community to promote the organization and generate local leads

Target Industry Cluster Marketing

- Identify target companies and geographic concentrations of companies in target clusters: Outdoor Industries; Medical and Health Technologies; Aviation; Environmental Technologies; and IT/Communications
- Develop relationships with local companies in clusters to leverage contacts and presence at events
- Establish and develop relationships through conferences and tradeshow

Other research

- Continue to benchmark competitor communities

Network Development

- Collaborate with communities and other partners as appropriate, throughout the program
- Strengthen relationships with other EDO's, especially on Front Range but also nationally

Local Lead Generation

- Increase awareness and exposure of organization in local area, through editorial marketing and GJEP investor relations program
- Make presentations to service clubs, professional organizations/associations, etc to raise awareness
- Continue local advertising to raise awareness

Performance Measures

- Number of qualified prospects generated
- Number of leads and inquiries
- Number of website hits
- Total reach of advertisement placements (local and national)
- Total reach of editorial placements (local and national)

Prospect Recruitment

Purpose Statement

Convert qualified prospects into corporate expansion and locations.

Strategies

- Deliver high value and excellent service in a timely manner
- Identify and deliver information that clients need, using the latest technologies
- Effectively engage and leverage the organization's network and stakeholders to assist in conversion
- Participate in local and state-wide efforts to improve tools and resources
- Strengthen menu of services for existing primary business
- Review and recommend incentive program restructuring

Key Activities and Projects

- Qualify and monitor all inquiries, leads and prospects
- Build relationships with all prospects and leads and sell the benefits of a Mesa County business location
- Build research capabilities to proactively supply prospects with customized and targeted information
- Strengthen relationships with communities by effectively communicating prospect activity and engagement in conversion process
- Strengthen interaction with governmental funding sources
- Improve client handling/customer interface
- Plan to improve/look at ways to improve website as a site selection/prospect recruitment tool (e.g. land/building database or custom industry information)

Performance Measures

- Value of direct and indirect economic impact, capital investment, number of jobs, payroll and average salary of corporate locations

- Prospect to locate conversion rate

Area Competitiveness

Purpose Statement

Assist in improving the area's competitive position.

Strategies

- Provide leadership and technical support to local efforts to increase the competitiveness of the area's development resources
- Effectively communicate and educate on issues critical to economic development

Key Activities and Projects

- Review available incentives and guidelines on their use and future needs
- Complete a survey of past clients (prospects) to identify reasons for their choice of other locations.
- Work with Mesa County and all communities to assist in the development of infrastructure.
- Work with the County and all communities to assist in the improvement of the planning process and implement a fast track permitting/planning system.
- Work with the City of Grand Junction and County planning departments to encourage the rezoning and development of land through an update of Master Plans.
- Work with IDI to encourage the development of additional sites specifically for clients.
- Examine the potential for spec building development and assist in the removal of barriers to this development.
- Participate in ED Partners and play key role in developing a workforce development/recruitment strategy
- Expand media connections to expand ways to educate the public about GJEP

Action Plan
FY2007

Organizational Development

Purpose Statement

Effectively manage and enhance human, fiscal, organizational and leadership resources in support of the overall mission.

Strategies

- Continue to increase the level of cooperation and information sharing among other local ED organizations
- Play a leadership role in building consensus around a comprehensive economic development strategy for the area
- Effectively engage public and private stakeholders in organizational network
- Maintain fiscal integrity and provision of resources for the organization
- Continue and enhance investor relations and development program.

Key Activities and Projects

- Continue to provide staff professional development training/opportunities
- Continue the effective investor relations program and generate new investors of \$40,000.
- Renew public sector contracts
- Continue the education and training of community leaders and legislators of our mission and program, the benefits, their role and the message. Identify economic development 'champions' in our community.

Performance Measures

- High investor satisfaction levels.
- New pledges of \$40,000 per annum.
- Program implemented within budget.
- Continued support of public sector for program.

Exhibit B

GJEP Performance Measures

GJEP will measure its performance and provide reporting to the City of Grand Junction as follows:

Prospect Generation

Report on marketing and prospect generation activities

Specific measurements including:

- Number of qualified prospects generated
- Number of website visitor sessions
- Reach of advertisement placements
- Reach of national editorial placements
- Reach of local editorial placements

Prospect Recruitment

Report on assistance provided to business

Specific measurements including:

- Number of information requests/responses
- Number of leads and prospects
- Number of new jobs created
- New payroll generated
- Average salary of new or retained jobs
- Prospect to location conversion rate
- New capital investment created

Area Competitiveness and Organizational Development

Report on activities and results per the action plan.

_____ GJEP

_____ City

Exhibit C

Attach 19

Public Hearing – Hall 22 Road Commercial Annexation, Located at 778 22 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Hall 22 Road Commercial Annexation - Located at 778 22 Road					
Meeting Date	December 6, 2006					
Date Prepared	November 30, 2006			File #GPA-2006-240		
Author	Senta L. Costello		Associate Planner			
Presenter Name	David Thornton		Principle Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>
Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	<input type="checkbox"/>	Individual Consideration

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

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Hall 22 Road Commercial Annexation and hold a public hearing and consider final passage of annexation ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

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

Staff Analysis:

ANNEXATION:

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

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Hall 22 Road Commercial Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

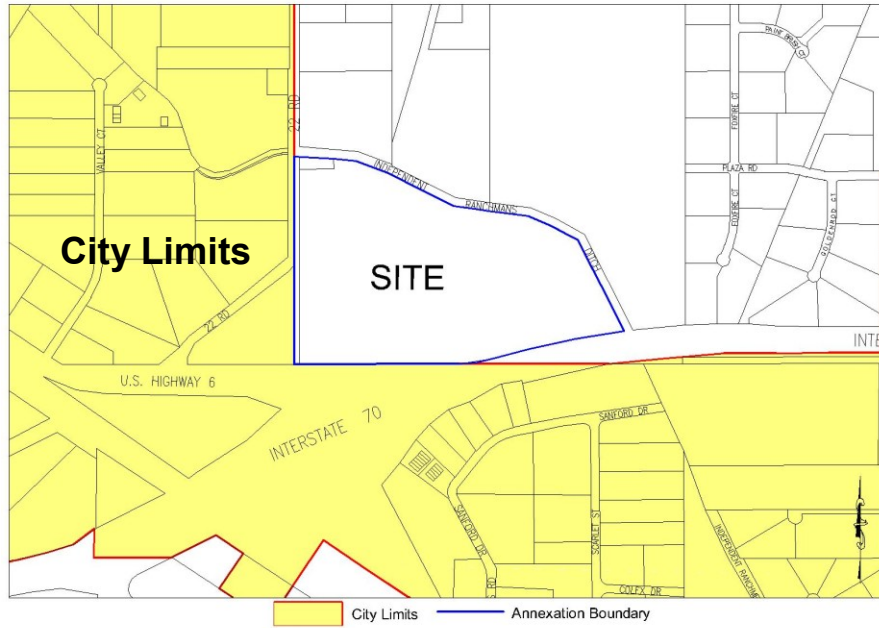
<u>ANNEXATION SCHEDULE</u>	
October 18, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be scheduled after GPA	Planning Commission considers Zone of Annexation – after GPA request
To be scheduled after GPA	Introduction Of A Proposed Ordinance on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

HALL 22 ROAD COMMERCIAL ANNEXATION SUMMARY

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

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

HALL 22 ROAD COMMERCIAL ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of October, 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:

HALL 22 ROAD COMMERCIAL ANNEXATION

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

Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 31 and assuming the West line of the Northwest Quarter (NW 1/4) of said Section 31 to bear N00°05'21"E with all bearings contained herein relative thereto; thence N00°05'21"E along the West line a distance of 1,320.86 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 31; thence N00°05'12"E along said West line of the NW 1/4 NW 1/4 a distance of 98.95 feet; thence S85°01'27"E a distance of 425.22 feet; thence S74°31'00"E a distance of 116.13 feet; thence S62°52'11"E a distance of 152.99 feet; thence S63°32'38"E a distance of 99.76 feet; thence S62°29'52"E a distance of 334.39 feet; thence S77°35'34"E a distance of 162.47 feet; thence S84°45'59"E a distance of 191.68 feet; thence S80°51'35"E a distance of 82.63 feet; thence S73°43'16"E a distance of 98.15 feet; thence S66°33'42"E a distance of 123.73 feet; thence S63°00'06"E a distance of 176.30 feet; thence S53°55'23"E a distance of 65.91 feet; thence S34°37'34"E a distance of 82.60 feet; thence S26°31'10"E a distance of 282.99 feet; thence S23°47'59"E a distance of 252.23 feet; thence S23°47'46"E a distance of 72.41 feet to a point on the North line of Interstate 70; thence along the North line of Interstate 70 right of way, 699.68 feet along the arc of a 5,830.00 foot radius curve concave Southeast, having a central angle of 06°52'35" and a chord that bears S79°43'58"W a distance 699.26 feet; thence continuing along said North line S75°28'24"W a distance of 247.30 feet; thence continuing along said North line 112.42 feet along the arc of a

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

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

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2006; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HALL 22 ROAD COMMERCIAL ANNEXATION

APPROXIMATELY 52.15 ACRES

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

WHEREAS, on the 18th day of October, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

HALL 22 ROAD COMMERCIAL ANNEXATION

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

Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 31 and assuming the West line of the Northwest Quarter (NW 1/4) of said Section 31 to bear N00°05'21"E with all bearings contained

herein relative thereto; thence N00°05'21"E along the West line a distance of 1,320.86 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 31; thence N00°05'12"E along said West line of the NW 1/4 NW 1/4 a distance of 98.95 feet; thence S85°01'27"E a distance of 425.22 feet; thence S74°31'00"E a distance of 116.13 feet; thence S62°52'11"E a distance of 152.99 feet; thence S63°32'38"E a distance of 99.76 feet; thence S62°29'52"E a distance of 334.39 feet; thence S77°35'34"E a distance of 162.47 feet; thence S84°45'59"E a distance of 191.68 feet; thence S80°51'35"E a distance of 82.63 feet; thence S73°43'16"E a distance of 98.15 feet; thence S66°33'42"E a distance of 123.73 feet; thence S63°00'06"E a distance of 176.30 feet; thence S53°55'23"E a distance of 65.91 feet; thence S34°37'34"E a distance of 82.60 feet; thence S26°31'10"E a distance of 282.99 feet; thence S23°47'59"E a distance of 252.23 feet; thence S23°47'46"E a distance of 72.41 feet to a point on the North line of Interstate 70; thence along the North line of Interstate 70 right of way, 699.68 feet along the arc of a 5,830.00 foot radius curve concave Southeast, having a central angle of 06°52'35" and a chord that bears S79°43'58"W a distance 699.26 feet; thence continuing along said North line S75°28'24"W a distance of 247.30 feet; thence continuing along said North line 112.42 feet along the arc of a 2,242.00 foot radius curve concave Northwest, having a central angle of 02°52'23" and a chord that bears S80°52'46"W a distance 112.41 feet to a point on the South line of the SW 1/4 NW 1/4 of said Section 31; thence N89°58'33"W along said South line a distance of 1,174.89 feet, more or less, to the Point of Beginning.

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

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

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

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

Attest:

President of the Council

City Clerk

Attach 20

Public Hearing – Pear Park School No. 3 Annexation & Zoning, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Pear Park School No. 3 Annexation and Zoning, located at Grand Valley Canal west of 29 ½ Road and north of D ¼ Road.					
Meeting Date	December 6, 2006					
Date Prepared	November 30, 2006			File #ANX-2006-276		
Author	Senta L. Costello		Associate Planner			
Presenter Name	Kathy Portner		Assistant Community Development Director			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

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

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Pear Park School No. 3 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:		Grand Valley Canal west of 29 ½ Road and north of D ¼ Road			
Applicants:		City of Grand Junction; Siena View, LLC – Gerry Dalton			
Existing Land Use:		Mesa County Ditch Canal			
Proposed Land Use:		Mesa County Ditch Canal			
Surrounding Land Use:	North	Residential / Agricultural			
	South	Residential / Agricultural			
	East	Residential / Agricultural			
	West	Residential / Agricultural			
Existing Zoning:		County PD			
Proposed Zoning:		City CSR			
Surrounding Zoning:	North	County RSF-E & RSF-R / City RMF-8			
	South	City CSR			
	East	County RSF-R			
	West	City CSR			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

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

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

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

PEAR PARK SCHOOL NO. 3 ANNEXATION SUMMARY

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

Zone of Annexation: The requested zone of annexation to the CSR district is consistent with the Growth Plan designation of Residential Medium 4-8 du/ac. The existing County zoning is PD (undeveloped). 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. Per Section 3.4.I.1 of the Zoning and Development Code, the CSR zone district may be used to implement the Public Future Land Use classification.

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 zoning is compatible with the neighborhood as the adjacent property to the south owned by the City of Grand Junction and Mesa County School District is also zoned CSR. The zoning furthers the goals and policies of the Growth Plan, the Pear Park Plan, and the Zoning and Development Code.

- 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: The property consists of the Mesa County Ditch and might provide trail connections in the future.

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

Response: The Pear Park area was shown to have a deficiency in public lands for use as open space/park/trail facilities. The CSR designation will help further the goal to gain more land for these types of facilities.

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.

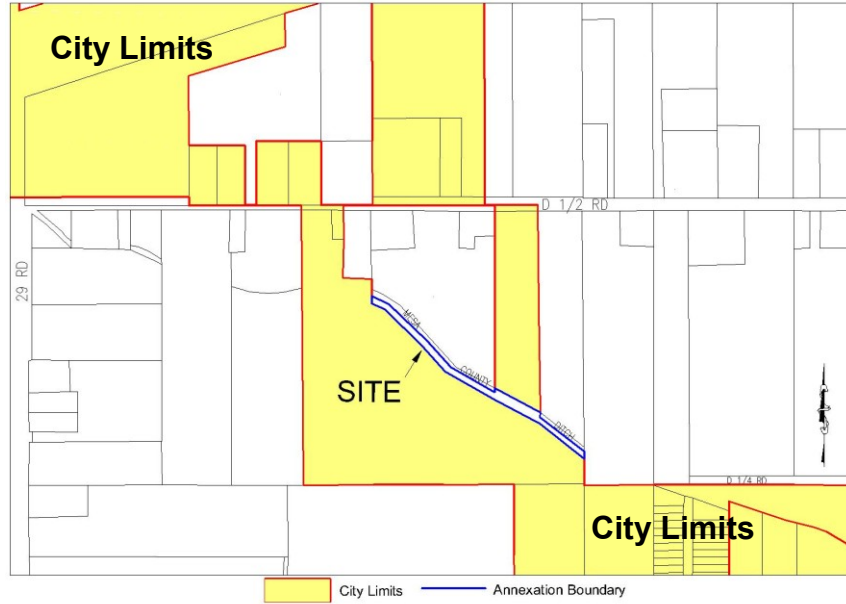
- g. RSF-4
- h. RMF-5
- i. RMF-8

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 CSR district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

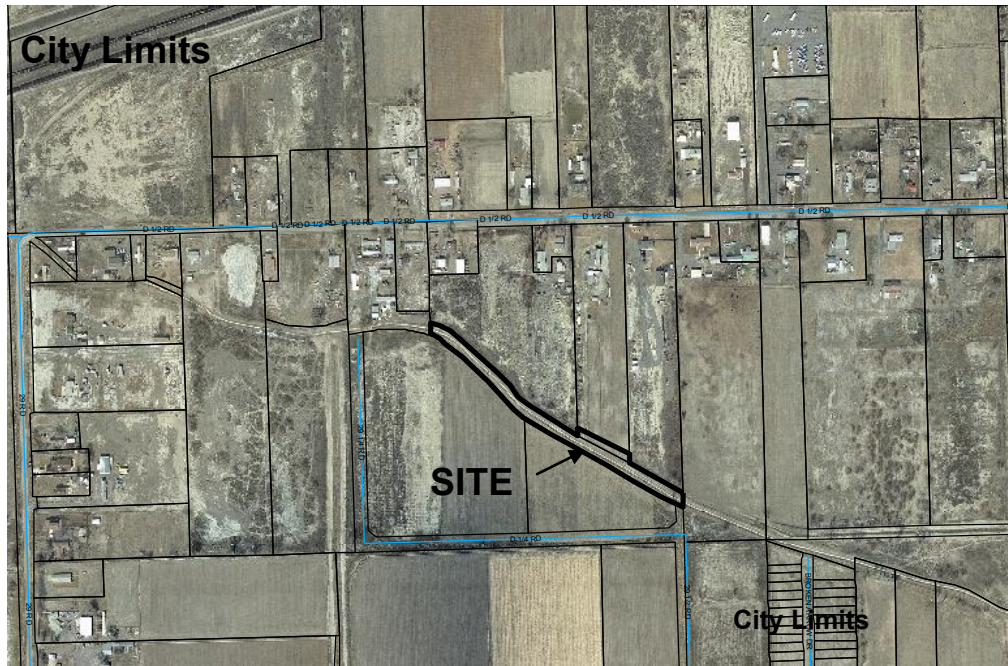
Site Location Map

Figure 1



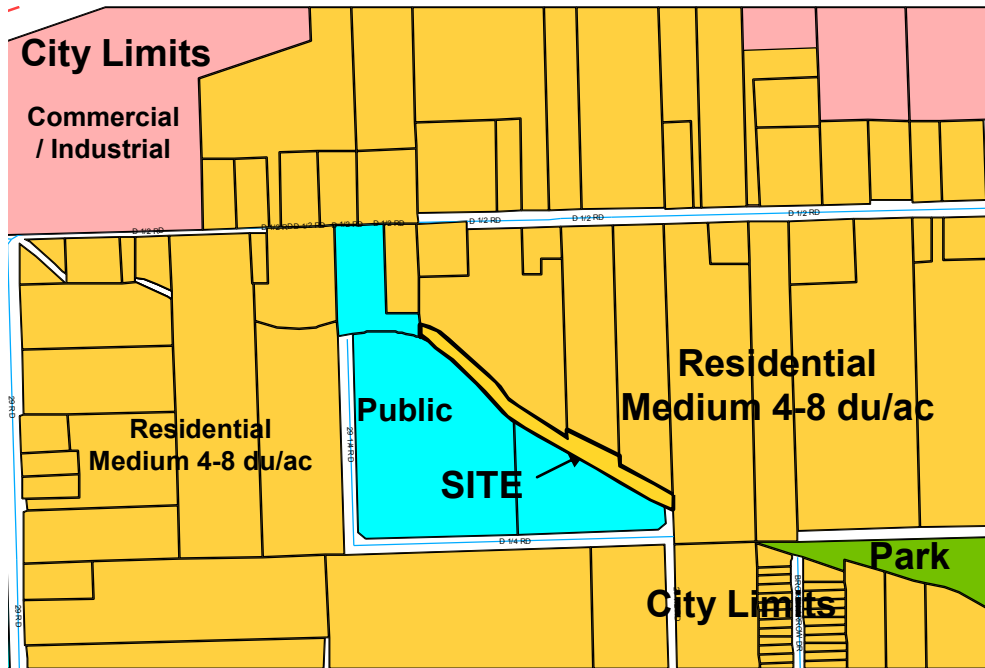
Aerial Photo Map

Figure 2



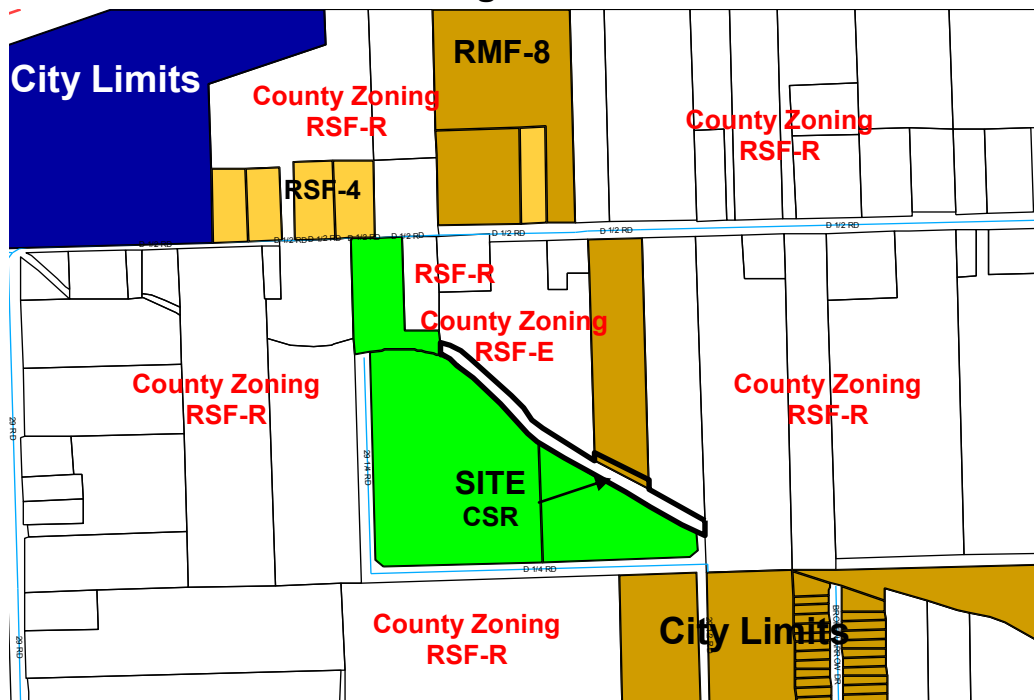
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

PEAR PARK SCHOOL NO. 3 ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of October, 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:

PEAR PARK SCHOOL NO. 3 ANNEXATION

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

Beginning at the Southeast corner of Siena View Annexation No. 2, Ordinance No. 3501, City of Grand Junction and assuming the Southerly line of said Siena View Annexation No. 2 to bear S60°16'02"E with all bearings contained herein relative thereto; thence S00°02'58"E along the Southerly projection of the East line of said Siena View Annexation No. 2 a distance of 30 feet more or less to the centerline of the Grand Valley Canal; thence Southeasterly along the centerline of the Grand Valley Canal a distance of 242 feet more or less to a point on the East line of said NE 1/4 SW1/4 of Section 17; thence S00°01'07"E along the East line of said NE 1/4 SW1/4 of Section 17 a distance of 36 feet more or less to the Northeast corner of Pear Park School Annexation No. 1, Ordinance No. 3805, City of Grand Junction; thence N58°21'28"W along the Northerly lines of said Pear Park School Annexation No. 1 and Pear Park School Annexation No. 2, Ordinance No. 3806, City of Grand Junction a distance of 758.54 feet; thence continuing along the Northerly line of said Pear Park School Annexation No. 2 the following three courses: (1) N42°08'07"W a distance of 169.97 feet; (2) thence N46°01'52"W a distance of 249.36 feet; (3) thence N68°08'05"W a distance of 78.38 feet; thence N00°09'17"W a distance of 34 feet more or less returning to the centerline of the Grand Valley Canal; thence meandering Southeasterly along the centerline of the Grand Valley Canal to the intersection with the Southerly projection of the West line of said Siena View Annexation No. 2; thence N00°02'58"W along the Southerly projection of the West line of said Siena View Annexation No. 2 a distance of 20 feet more or less to the Southwest corner of said

Siena View Annexation No. 2; thence S60°16'02"E along the Southerly line of said Siena View Annexation No. 2 a distance of 239.08 feet to the Point of Beginning.

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

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 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**

PEAR PARK SCHOOL NO. 3 ANNEXATION

APPROXIMATELY 1.00 ACRE

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

WHEREAS, on the 18th day of October, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

PEAR PARK SCHOOL NO. 3 ANNEXATION

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

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

Siena View Annexation No. 2 a distance of 30 feet more or less to the centerline of the Grand Valley Canal; thence Southeasterly along the centerline of the Grand Valley Canal a distance of 242 feet more or less to a point on the East line of said NE 1/4 SW1/4 of Section 17; thence S00°01'07"E along the East line of said NE 1/4 SW1/4 of Section 17 a distance of 36 feet more or less to the Northeast corner of Pear Park School Annexation No. 1, Ordinance No. 3805, City of Grand Junction; thence N58°21'28"W along the Northerly lines of said Pear Park School Annexation No. 1 and Pear Park School Annexation No. 2, Ordinance No. 3806, City of Grand Junction a distance of 758.54 feet; thence continuing along the Northerly line of said Pear Park School Annexation No. 2 the following three courses: (1) N42°08'07"W a distance of 169.97 feet; (2) thence N46°01'52"W a distance of 249.36 feet; (3) thence N68°08'05"W a distance of 78.38 feet; thence N00°09'17"W a distance of 34 feet more or less returning to the centerline of the Grand Valley Canal; thence meandering Southeasterly along the centerline of the Grand Valley Canal to the intersection with the Southerly projection of the West line of said Siena View Annexation No. 2; thence N00°02'58"W along the Southerly projection of the West line of said Siena View Annexation No. 2 a distance of 20 feet more or less to the Southwest corner of said Siena View Annexation No. 2; thence S60°16'02"E along the Southerly line of said Siena View Annexation No. 2 a distance of 239.08 feet to the Point of Beginning.

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

INTRODUCED on first reading on the 18th day of October, 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 ZONING THE PEAR PARK SCHOOL NO. 3 ANNEXATION TO
CSR**

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

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Pear Park School No. 3 Annexation to the CSR 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 CSR 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 CSR (Community Services and Recreation).

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

Beginning at the Southeast corner of Siena View Annexation No. 2, Ordinance No. 3501, City of Grand Junction and assuming the Southerly line of said Siena View Annexation No. 2 to bear S60°16'02"E with all bearings contained herein relative thereto; thence S00°02'58"E along the Southerly projection of the East line of said Siena View Annexation No. 2 a distance of 30 feet more or less to the centerline of the Grand Valley Canal; thence Southeasterly along the centerline of the Grand Valley Canal a distance of 242 feet more or less to a point on the East line of said NE 1/4 SW1/4 of Section 17; thence S00°01'07"E along the East line of said NE 1/4 SW1/4 of Section 17 a distance of 36 feet more or less to the Northeast corner of Pear Park

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

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

INTRODUCED on first reading the 15th day of November, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 21

Public Hearing – Becerra Annexation & Zoning, Located at 244 28 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Becerra Annexation and Zoning, located at 244 28 ½ Road						
Meeting Date	December 6, 2006						
Date Prepared	November 30, 2006				File #ANX-2006-256		
Author	Adam Olsen		Associate Planner				
Presenter Name	Adam Olsen		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 type="checkbox"/>	Yes	No	Name
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Request to annex and zone 1.5 acres, located at 244 28 ½ Road, to RSF-4 (Residential Single Family 4 du/ac). The Becerra Annexation consists of one parcel and is a three part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Becerra 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:		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 (County)	
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?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.5 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 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 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.

<u>ANNEXATION SCHEDULE</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

<u>BECERRA ANNEXATION SUMMARY</u>		
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:	1.5	
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:	RML (Residential Medium Low 2-4 du/ac)	
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

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

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.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 RSF-4 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties, with the exception of the properties to the west, as RML (Residential Medium Low 2-4 du/ac). Surrounding zoning includes County RMF-5 to the west, and County RSF-4 to the north, east, and south. A subdivision directly to the east, behind the subject property, has an average lot size of .16 acres and a density of four units per acre. Across the street to the west, the lots average .5 acres in size

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

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

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

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

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

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

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

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.

Response: At the time of annexation, a property shall be zoned to a district that is consistent with the Growth Plan or consistent with existing County Zoning.

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.

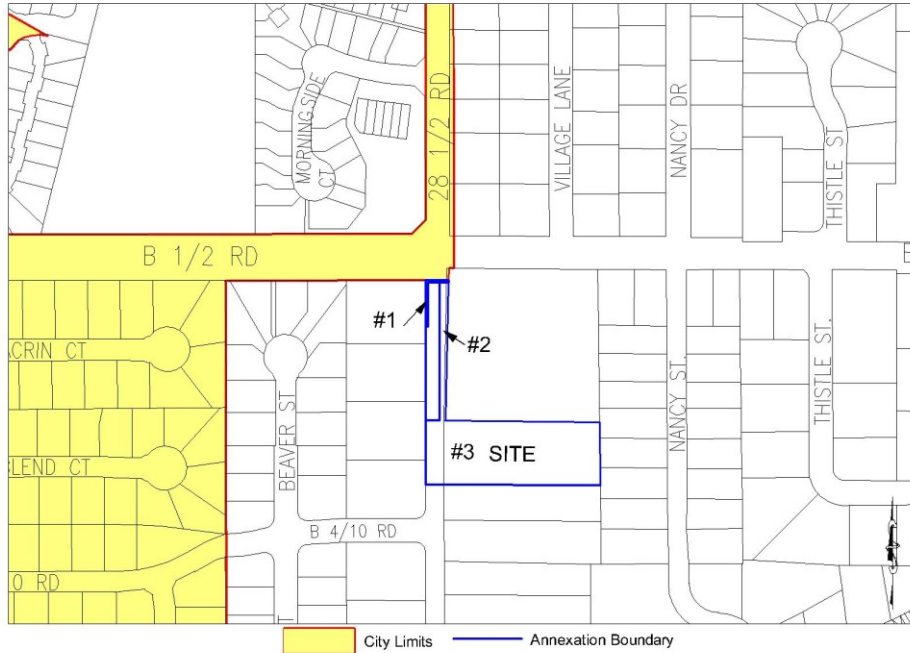
j. RSF-2

PLANNING COMMISSION RECOMMENDATION:

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

Site Location Map

Figure 1



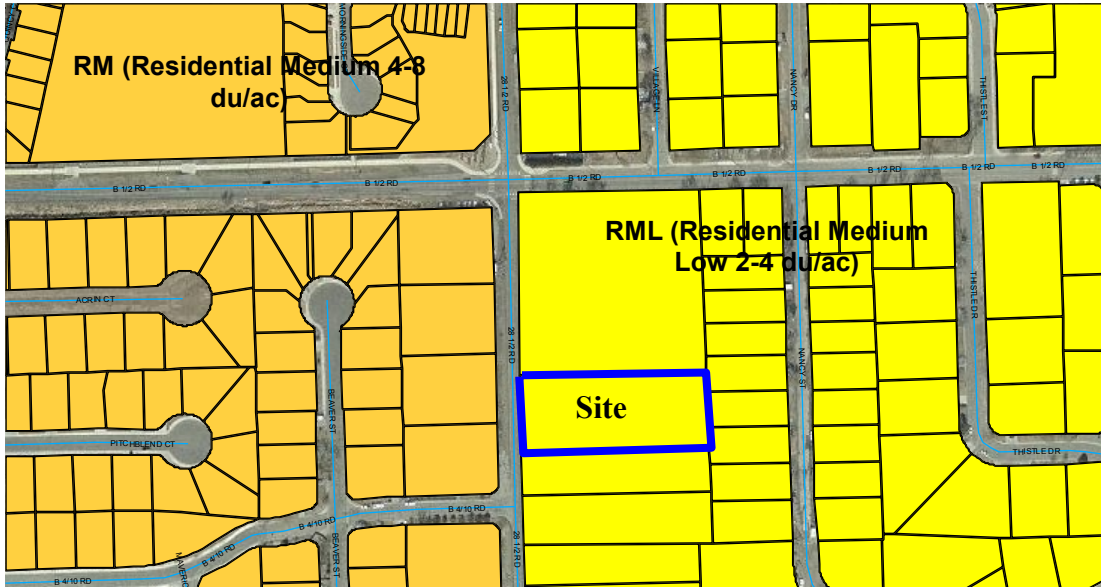
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

BECERRA ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of November, 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:

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, a hearing on the petition was duly held after proper notice on the 6th day of December, 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**

BECERRA ANNEXATION NO. 1

APPROXIMATELY .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 1st day of November, 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**

BECERRA ANNEXATION NO. 2

APPROXIMATELY .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 1st day of November, 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**

BECERRA ANNEXATION NO. 3

APPROXIMATELY 1.29 ACRES

LOCATED AT 244 28 ½ 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:

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 1st day of November, 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 BECERRA ANNEXATION TO
RSF-4**

LOCATED AT 244 28 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 Becerra Annexation to the RSF-4 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

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

The following property be zoned RSF-4 (Residential Single Family 4 du/ac).

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.

Introduced on first reading this 15 day of November, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 22

Public Hearing – Humphrey Annexation & Zoning, Located at 412 30 ¼ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Humphrey Annexation and Zoning, located at 412 30 ¼ Road					
Meeting Date	December 6, 2006					
Date Prepared	November 30, 2006			File #ANX-2006-260		
Author	Adam Olsen		Associate Planner			
Presenter Name	Adam Olsen		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	<input type="checkbox"/>
					Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Request to annex and zone 10.43 acres, located at 412 30 ¼ Road, to RMF-8 (Residential Multi Family 8 du/ac). The Humphrey Annexation consists of one parcel and is a three part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Humphrey 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. Draft Planning Commission Minutes, November 14, 2006
5. Acceptance Resolution
6. Annexation Ordinance
7. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		412 30 ¼ Road	
Applicants:		Robert & Susan Humphrey-Owners Redlands Development-Developer Ciavonne Roberts & Associates-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 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 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>ANNEXATION SCHEDULE</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

Zone of Annexation: The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan designation of RM (Residential Medium 4-8 du/ac). The existing County zoning is PD (10.4 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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 RMF-8 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding

properties as RM (Residential Medium 4-8 du/ac). Surrounding zoning includes PD to the north, east, and south with RSF-R to the west. The PD to the north has a density of 6.5 du/ac. The PD to the east has a density of 5.2 du/ac and the PD to the south has a density of 5.3 du/ac. To the northwest is a subdivision within the City limits with a density of 6.4 du/ac.

The RMF-8 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

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

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

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

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

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

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

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.

Response: At the time of annexation, a property shall be zoned to a district that is consistent with the Growth Plan or consistent with existing County Zoning.

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.

- k. RSF-4
- l. RMF-5

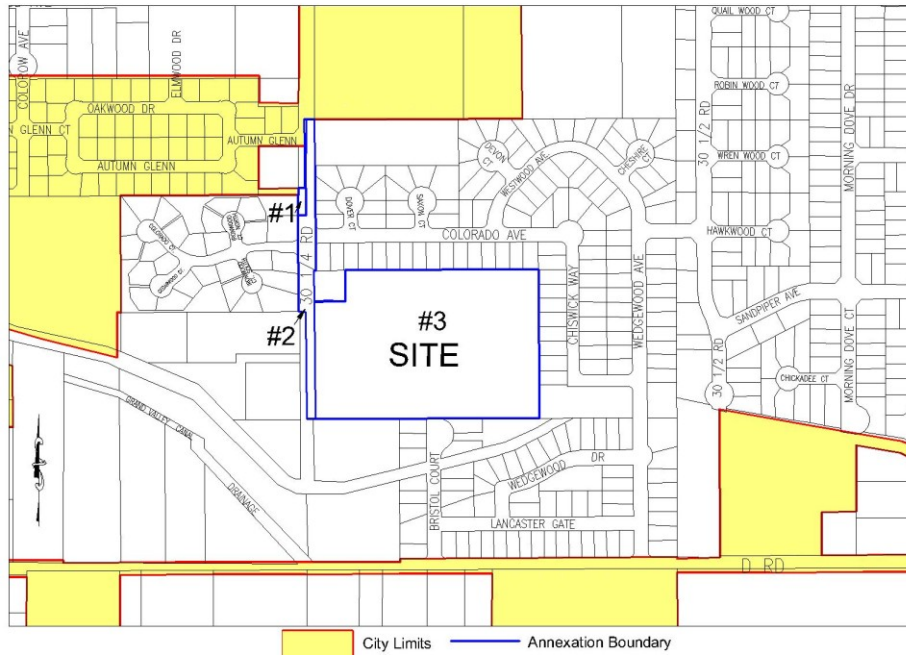
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1

Humphrey Annexations #1, 2 & 3



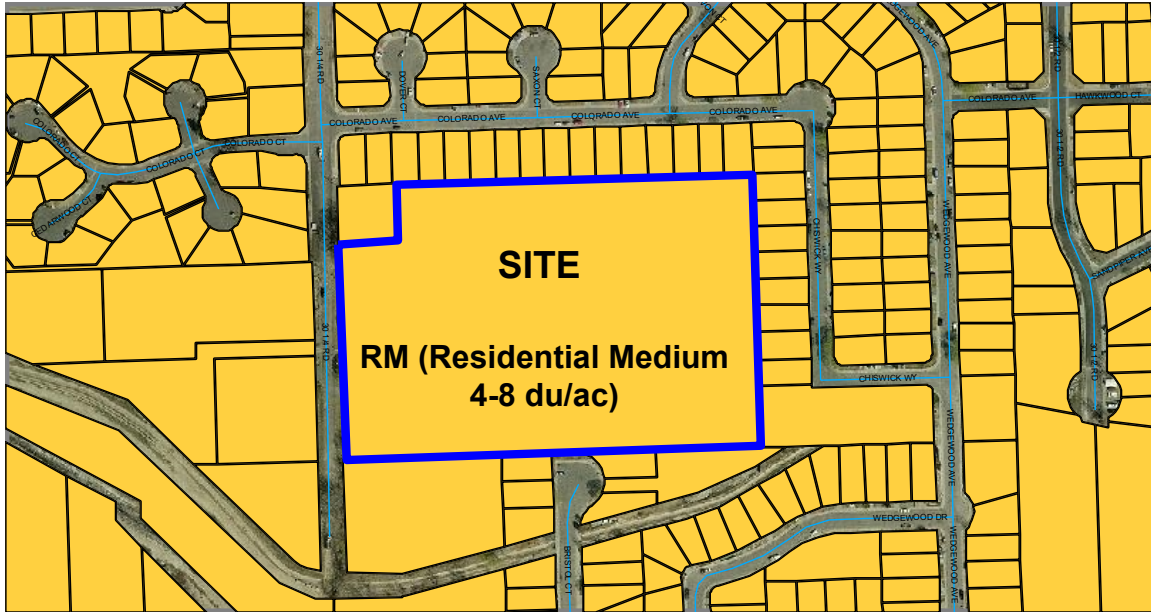
Aerial Photo Map

Figure 2



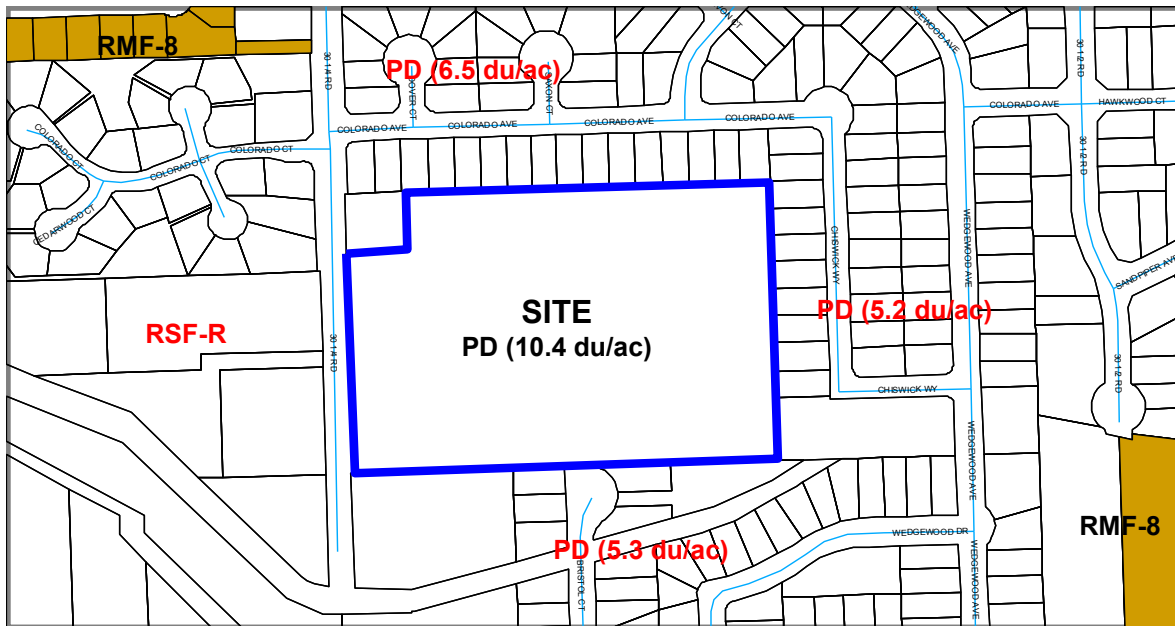
Future Land Use Map

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."

ANX-2006-260 **Zone of Annexation - Humphrey Annexation**
Request approval to zone 9.36 acres form County PD (Planned Development) to a City RMF-8 (Residential Multi-Family-8 units/acre) zone district.

PETITIONER: **Robert Humphrey**
LOCATION: **412 30 1/4 Rd**
STAFF: **Adam Olsen**

STAFF'S PRESENTATION

Adam Olsen (Associate Planner) Community Development, this is a request to zone the Humphrey Annexation, which is located at 412 30 1/4 Road. The applicant is requesting a zone of RMF-8, this area consists of roughly 10.5 acres and the requested zone is consistent with the Future Land Use designation of Residential Medium which corresponds to 4-8 units/acre. This is an ariel photo of the site, this illustrates the surrounding development which right now most of it is currently in the County. The Future Land Use Map designates the area as Residential Medium 4 - units/acre. Currently the site in the County is zoned PD (Planned Development) which in the application is 10.4 units/acre, I heard the applicant just say that was 10.8 units/acre. I was going off of 10.4 units/acre, regardless of the RMF-8 zone is more compatible with the surrounding areas you can see to the North is a PD with a zone of 6.5 units/acre in the County. To the East is a PD with a zone of 5.2, to the South is a PD zone of 5.3 units/acre. To the Northwest is a Subdivision which is in the City limits that is zoned RMF-8 and an other property to the Southeast that is also zoned RMF-8 in the City. After reviewing the Humphrey Annexation, staff make the following finding and facts of conclusions:

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

Those criteria's are in staff reports, therefore staff recommends that Planning Commission forward a recommendation of approval of the RMF-8 zone district to the City Council, with the findings of conclusions listed in your staff reports.

QUESTIONS

Chairman Dibble: any other questions of staff?

Chairman Cole: could you outline how you achieved continuity with this parcel?

Adam Olsen: with the existing City limits there is a right-of-way that is also in the Annexation, right-of-way down 30 1/4 Road.

Chairman Cole: okay that's more than 1 Annexation I assume, that is required.

Adam Olsen: It's a serial annexation.

Chairman Cole: that all comes down 30 Road?

Adam Olsen: It comes down 30 1/4 Road on the West side of the property.

Chairman Dibble: Any other questions at this time? On the property to the Northwest in the middle what is that presently zoned at? Do you have any idea it is a County zoning but do you have any idea?

Adam Olsen: I believe it is RSF-R, I looked on the County map if it was different it would be indicated that, but I believe that current zoning of that subdivision is still RSF-R.

Chairman Dibble: What's the build out for that? Do you know what it is?

Adam Olsen: The subdivision is built out, I'm not sure what the density in the County calls for with that.

Chairman Dibble: They seem to be more larger lots and have fewer homes on that piece.

Adam Olsen: As you can see they are slightly larger than the properties to the East where the PD zone 6.5, 5.2 and 5.3.

Keith Ehlers: Ciavonne Roberts & Associates, the County zoning map will show that it is a PUD.

Adam Olsen: sorry that is a PUD.

Chairman Dibble: can we interrupt that? Or should we just wait until the document he just described.

Adam Olsen: If it is a PUD, in order to calculate the density I would just go into our GIS and pull off the County Subdivision map.

Chairman Dibble: Most of the properties surrounding the site is building out at 5.2 to 6.5 at the low end of the spectrum of RMF-8 if it were RMF-8 and it is zoned medium density which is RMF-8 or RMF-5?

Adam Olsen: The Land Use designation for Residential Medium is anywhere from 4-8, so yes RMF-5 and RSF-4 are the compatible zones within that designation.

Chairman Dibble: So that is the lower end of the spectrum?

Adam Olsen: Yes it is, The existing subdivision to the Northeast yeah it is the lower end of the spectrum as far as the RMF-8 is concerned. They are still above RMF-5 and the RSF-4 zones.

Chairman Dibble: Any further questions at this time?

Chairman Pitts: Question about the size of the lot to the East of the 5.2, how big are those lots?

Adam Olsen: Trying to remember, I did pull the Subdivision Plat off of the GIS not exactly sure, I wouldn't want to say what the estimate, but I didn't look at that to figure out the density.

Chairman Dibble: All three Planned Developments, which means they can be sized with some open space, could be clustered together. It appears to be the answer, can you point out some open spaces surrounding the site.

Adam Olsen: Where the arrow is, is a small park area there is also one right here as well.

Chairman Dibble: the one that you just had your marker on?

Adam Olsen: This one and this one.

Chairman Dibble: How about the wedge shaped lot?

Adam Olsen: that is actually a lot.

Chairman Dibble: no home lot?

Adam Olsen: there is actually a home that does exist.

Chairman Dibble: Any other questions at this time? We ask for the applicant to come forward.

Keith Ehlers: Ciavonne Roberts & Associates, I'm representing the applicants with Cliff Anson here. Let me start off with addressing the Growth Plan and some of the plans that are already out there. The Growth Plan that we have here. This is a Growth Plan of the area that shows all of the Residential Medium 4 -8, and as Adam showed that is what is existing out there, the PUD's in are in the same sort of densities, and this is what the Growth Plan calls for. The Pear Park Neighborhood Plan which this site is also within is very clear in it's very begging that they used the Growth Plan and Mesa County, County wide use plan to base their projections and their plan specifications as to how they want to see things happen. We all have used these guidelines of the future land use map and thing in that nature to move forward with. The graphic that I showed earlier while Adam was speaking was the County zoning, which shows as it exists that we are surrounded by PUD's and he had the density of 6 and the 5.2 this area that you had in question before, appears to be somewhere in the 4 units/acre density. Coming right into the question about how these lots around parcel fit in what sorts of sizes they are and how do they compare they are about 50 feet, 49' x 95' to the north and they have square footages of close to 4,655 sq ft, to the East you have 50' x 100' which gives you 5,000 sq ft lots. So they are very similar, the lots that we will be presenting, and we understand that this is just an Annexation but if I can just give you a graphic. We understand how it all lays out then our RMF-8 once we start to developing at these sort of standards you have right-of-ways, detention and open spaces. The density really ends up being 6, and in this case it will end up being 6 units/acres, I hope that it helps with your question while the zoning is RMF-8 really what goes on out there is really a density at 6, because when the roads get taken out and the open space and the detention area and things of that nature. What we have done is tried do best to use what is out there with the Growth Plan Map, the neighborhood Plan, and things in that nature, in order to come in and say hey here is what the Planning Commission approved when they reviewed the Pear Park Neighborhood Plan, here is what

everybody approved when they did the Growth Plan. We feel like we can come in and say we have the confidence to say this is what the Community wants and what the Community needs, based on the larger planning that has been done in the years past. The RMF-8 respects that, and it conforms well with the existing lots that surround us we tried to get a little big bigger but we are still on the same road. We believe that it meets all the goals and policies of the plans that are in place.

Chairman Dibble: Can you go back to that County plat that you had before?

Keith Ehler: Caivonne Roberts & Associates, The zoning there, sorry but I hand wrote in the 10.8 units/acre and clearly we go into this knowing that this is out there, but we will be zoning back down into an RMF-8, which is considerably less than the PD that lets you have 10 units/acre if you could find a product that in the market that will work with that. RMF-8 as we have shown really ends up planning out to being something closer to 6 units/acre. We really feel like RMF-8 is fair it meets the plans and policies and we hope that you agree to this.

Chairman Dibble: Do you happen to know the build out of Autumn Glen; I believe it's the Autumn Glen in the City limits, the top left corner? Do you have something showing what the density is on that?

Adam Olsen: The zoning on that is RMF-8, the build out density is about 6 units/acre.

Chairman Dibble: Would you say that this is compatible with what they are intending to do? Knowing that we aren't looking at it this evening but knowing that their proposal is forthcoming.

Adam Olsen: I have not see the Preliminary Plan, this the first time I've seen anything.

Keith Ehlers: We have that plan here tonight, one other thing I would like to note here tonight. On this map the public area is the new school that is out there. Meeting the high end of the Growth Plan which is the RMF-8 gets density near the source of infrastructures in the school, has always seemed to be what the Community really liked and makes all the sense in the world. RMF-8 seems to be what fits here the best.

Chairman Lowrey: On the plan that you show that the build out is 6, how many units do you have on the site property?

Keith Ehlers: We are forecasting 56 units plus the existing house, again this is very preliminary the Planning Department hasn't even had a chance to look at the plan, it's not normally something we are prepared to speak about at this stage so again there will be plusses and minuses.

Chairman Lowrey: Is it 10.4 acres or 9.4 acres?

Keith Ehlers: The acre is 9.36 acres which gives it a density of 6.01.

Chairman Lowrey: If it were to be zoned RMF-5 not RMF-8 then how many units are we talking about 46 or 47 units?

Keith Ehlers: It would be very tuff to judge that, because what happens is right now at we are at RMF-8 and you can see that we are only getting 6 units to the acre that's based on the standards of lot sizes, widths, depths and things in that nature. When you go to RMF-5 the dynamics of the site and how efficiently it lays out changes, so it is a significant loss I can tell you that. But I can't direct it at this point what it would be to go into an RMF-5. Clearly with these plans the prices of lands and market are driven by those and if now this late in the game we are forced to go into something that is less it's a financial burden among other things.

Chairman Dibble: You have considered the RSF-4 and the RMF-5 policy, Is that the other zone districts available in that area?

Keith Ehlers: When I say we have considered it, we have considered it but have found that this seems to fit the best for this site. Considered is about as far as we have gone, we haven't done much planning in regards to those standards at all.

Chairman Pitts: Just for clarification on Mr. Lowrey's, question and because we have seen in that area is the high end of the spectrum where we are showing here on this drawing of 5.3 and 5.2. and 6.5 dwelling units per acre in an RMF-8 zone and if we went from your suggesting that we are going to wind up at about 6 units per acre. Which is getting close to the high end of the spectrum and in the RMF-8, I haven't heard exactly what the significant would be if this was looked at a RMF-5, exactly how many units. You said that you couldn't guess as too how many units would be in there, did I understand that correctly?

Keith Ehlers: Correct because the minimum lot widths and the density would get to be closer to that zones square footages changes so it may not be as efficient as a lay out, it may create even more of a inefficient that would drop me down on lots. Right off the bat we can from and RMF-5 of 6,500 square foot minimums to the RMF-8 which is 4,500, which I would like to mention that we are no where near 4,500 square foot. We are not going for the high density we just need the RMF-8 zoning standards in order to get up to the density where we are at, which is really closer to the RMF-5 so to drop it off right off the bat you could say that you are going to lose about 20 percent, 15 to 20 percent.

Chairman Dibble: When you compare what your intentions, that you don't before us with the existing lot sizes on the North and the South and the East how would you compare that in you sketch? It looked like your lots sizes are a little larger than what is already on the ground. It appears that way, but appearance can be deceiving. But how would you compare the density it looks like you have for example take the to the North there you said it was built out 6.5, so comparing 6.5 to your 6 that you are coming in under your not in on the high. I beg to differ with Mr. Pitts, because I think you are in the middle not at the upper end of the 4 - 8 units per acre. But the idea is that you are in the middle and your .8 units per acre higher than the properties to the East and .7 higher than the properties to the South, but you are .5 under the properties to the North? Do you see what I am saying?

Keith Ehlers: I do see what you are saying and where that occurs is that to be an RMF-5 we would have a minimum square footage of 5,000 sq ft. So when we go in here and look at these lot house this site lays out basically based on this dimension how we can

get a road system and lots in there if you look at this lot on the right hand side its 93' deep by 52' wide, but it's under the 5,000 square foot. That the RMF-5 zoning will require, and then you come over to another area where we accounted for, we wanted to make some bigger lots and have some different things out there that market these lots a little different of things that you see out there. However in this case we are well over the RMF-5. The RMF-5 zoning would be fine there. But when you start to get into these other areas in order to make a Subdivision unique and give some diversity you need the flexibility so at this point we ask for the RMF-8 zoning which allows us to work within what we are trying to do or work within diversity and get these different lots out there without being pegged to the requirements that are stringent to the RMF-5 on a site like this, and on a layout that we find that is preferable.

Chairman Dibble: Can you give us some examples of the surrounding properties, under 5,000 sq ft in lot size.

Kathy Portner: If I can just clarify, so you don't get attached to the number minimum lot size in an RMF-5 is 6,500 sq ft.

Chairman Dibble: oh 6,500 sq ft.

Keith Ehlers: I was correct the first time.

Chairman Dibble: What is RMF-8, is it 5,000 sq ft?

Kathy Portner: It's 4,500 sq ft.

Chairman Dibble: Are there any lots adjacent to this lot 4,500 level?

Keith Ehlers: Yes the lot directly here to the North that is 4, 655 square feet, the lot to the west is 5,000 square feet, both of which are less than the RMF-5 standards by at least 1,500 square feet. We really are conforming with what is surrounding to us, we are coming in near a school with some density that we feel brings people closer to the infrastructure that the City has provided: we are coming into an area where we can take this kind of zoning and get some diverse lots within it that make it to where you're not just driving the street seeing the same thing over and over again. We've looked at it hard that way.

Cliff Anson: Maybe I can speak more directly to these issues since I'm the guy who is doing this. When we contracted for this property, the Humphreys, Susan and Bob who are waiting the outcome of tonight's meeting. This is kind of their retirement and as it is happening in the Valley the land values are going up our contract is based on the potential of RMF-8 zoning, however when I took a look at this site I could see that small lots, town houses really isn't appropriate we tried to aim for a single family lot product that is greater than the minimum required by the zoning the minimum required by a single family lot is 50' x 90', 4,500 square feet. which is what you have along the top there, our density of 6 per acre is not the high site. As you so correctly announced it is right in the middle our minimum required in an RMF-8 is 4, so this fits in quite well with the surrounding land uses. That's what we are trying to aim for, now this is an Annexation and Zoning this is not a sketch plan however, if for part of your approval if you want to limit me to 6.2 units to the acre, I would gladly except that condition on approval, and I would put that on the table for you tonight. Also I want to point out that

we have been at this for a while, the property has been published it's been posted, we had a neighborhood meeting nobody showed up, as far as I know none has contacted staff, there has been no phone calls, no letters this is the only gentleman that I know of that has something to say, good or bad. So I think that we are quite welcomed in the community and in the neighborhood, it's a good project. I think we should move forward.

Chairman Dibble: Question this is RMF-8 multi-family, are your intentions to build single or have duplexes, single family units?

Cliff Anson: Our intentions are to build single family lots as you see on the perimeter. It will not be any duplexes they will all be single family lots.

Chairman Dibble: Is there 56 units shown on this drawing that we are looking at..

Cliff Anson: I believe there is 57 units total with the existing house plus 56 additional lots on 9.36 acres which is 6.1 units per acre.

Chairman Lowrey: That is what I will remember.

Chairman Dibble: Any further questions at this time. If not Mr. Anson you will have a chance to comment after this gentleman comes and shares with us.

PUBLIC COMMENTS

AGAINST:

John R. Byrnes, 420 30 1/4 Rd: That little square that you see taken out is mine. I thought that there was road that went out to 30 1/4 Rd, which is a dead end road, but now I see on the print that there is three different roads.

Cliff Anson: He's referring to the two access points and the third access existing in a cul-de-sac.

Chairman Dibble: Mr. Byrnes we don't know what it's going to look like yet, that was a little sneak preview. But it may or may not be that but it will be close to that, but at that point you have the house on the corner and you have access and it won't be disturbed you will still have access to your house.

John R. Byrnes: I will until they start construction.

PUBLIC COMMENTS

AGAINST:

Debra Tucker, 407 Bristol Ct: that is the Wedgewood Park Subdivision, which is neighboring right up to the Humprey property, I live on a cul-de-sac my concern is that

I do not want my street continuing into that subdivision, I would still like us to be separated so that we do not have the through traffic, we have a lot of children on our street and I am concerned about their safety.

Chairman Dibble is it the one South, Debra?

Debra Tucker: Yes it is.

Chairman Dibble We will have to discuss that at a later date also. When he brings in his plans so plan on being back with us if you would. Any body else? We are going to close the Public Meeting, we are going to ask the applicant if he has any further comments upon the zoning verification. I will take it back to the Planning Commission for discussion.

QUESTIONS

Chairman Lowrey I was going to pull this myself until this gentleman pulled it, but I was going to recommend RMF-5 instead of RMF-8, because I think that would be more compatible with the surrounding areas. I have now seen the plans, what I am going to do is vote for RMF-8 but I am going to hold the applicant to what he has shown us at 56 now we can not do that formally, at least I think the assistant City Attorney will tell me that, but I am going to remember this and far as I am concerned 56 if you come in with more than that on the Final Plat and I will vote against it. Only the 56 plus 1, so I hope you stick with that because I think we are zoning too much: in my opinion there is too much RMF-8 zoning out in this area and I think we are just getting too much of this density stuff, in there and I don't mind some RMF-8 but I would like to see RMF-4 and RMF-5, I would like to see a little diversity out there I just don't want to see a bunch of RMF-8. But if you are saying that you are going to stick to the plan that was presented. So to me that is compatible since it is really a 6, that is close to what is going on so I will vote for it but that is my personal condition or informal condition.

Jamie Kreiling, Assistant City Attorney basically you have to understand that you are zoning the property, we don't know who is actually going to develop the property the applicant is indicating that he intends too, it's possible that this piece of property could sell to somebody else, or the sale that he has set up right now at this point and time with the owner could fall through. And if you zone it at RMF-8 then they can come back and they could develop it however they choose based on our codes for those that are allowed on a zoning in RMF-8. So what you need to look at and determine is, is the RMF-8 the appropriate zoning based on the criteria of the code for you to recommend that to City Council as the zone for this particular piece of property or also consider the RMF-5 and RSF-4 as to what is the appropriate recommendation based on the criteria of the code with no expectations of any particular plan. This plan may never come back through back before you again.

Chairman Dibble, basically then the question would be it would probably be unappropriated to assign a 6.2 ceiling development in that. Or any other ceiling for that matter, because we are bound to recognize the limits of upper and lower limits of the zone district that we are approving.

Jamie Kreiling technically you can conditions some things, we always advise against conditioning a zone, I seriously would say I would not recommend it under these conditions, staff hasn't had an opportunity to look at this piece of property for possibilities of development all you have seen is some information that has been put together by the applicant and exactly putting those conditions together with the criteria under our code for any plan that might come before you in the future, this piece of property may develop better than at the 6.2 or may develop at something less than 6.2 for a good development but none of that has been considered at this point by staff. We are only at the Zone.

Chairman Dibble any other comments or thoughts? We will discuss this and then call a motion.

Chairman Putnam I would hate to hinder old procedure at this point by looking at the 5, I personally would prefer the 8 and see what comes before us. We don't have to approve it if it comes in packed in too tight.

Chairman Pavelka-Zarkesh based on the surrounding zoning the proximity of the school in the area and the infrastructure that is already there, I feel like the 8 zone would be appropriate to get actually 8 units by the time you add in the infrastructure, the roads, sidewalks and such for a subdivision for a development you just don't get up to 8 units. It's just the reality of the lay out. Like I said because of the existing infrastructure it seems appropriate density and an appropriate use for that area.

Chairman Cole I would agree, it seems to me that the 8, that's the maximum density that this could be build out and with this size of property you are going to have to have street access those type of things. It would be difficult if not nearly impossible to build it out at the maximum of 8, and I think the 8 would be appropriate, the Growth Plan shows up to 8, so there for I wouldn't have a problem with voting for the RMF-8 units to the acre.

Chairman Pitts my input is going to be that they somehow echo what Mr. Lowrey just mentioned, although we are realizing we are going to have a similar concern as to what we have been approving down there, on the high end then the density the school I understand in the area but the zoning is what we are concerned with tonight. Is the zoning of RMF-8 we have heard that they are going to be in at the lower end of that spectrum. With what I have heard tonight I am going to be in favor of the proposal.

Chairman Sublett also concurrent with the proposal.

MOTION: (Commissioner Cole "Mr. Chairman, on Zone of Annexation ANX-2006-260, I would move that the Planning Commission forward to the City Council a recommendation of Approval of the RMF-8 (Residential Multi-Family, 8 units per acre) zone district for the Humphrey Annexation with the facts and conclusions listed on the staff report.

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

With no further business to discuss, the public hearing was adjourned at 8:00 p.m.

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

HUMPHREY ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of November, 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:

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, a hearing on the petition was duly held after proper notice on the 6th day of December, 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**

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 1st day of November, 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**

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 1st day of November, 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**

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 1st day of November, 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 HUMPHREY ANNEXATION TO
RMF-8**

LOCATED AT 412 30 ¼ ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Humphrey Annexation to the RMF-8 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 RMF-8 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 RMF-8 (Residential Multi Family 8 du/ac).

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.

Introduced on first reading this 15th day of November, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 23

Public Hearing – 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		December 6, 2006					
Date Prepared		November 27, 2006			File # GPA-2006-248		
Author		Kenneth Kovalchik		Senior Planner			
Presenter Name		Kenneth Kovalchik		Senior 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 Resolution accepting the petition for the Pacheco Woodbring Annexation and hold a public hearing and consider final passage of the annexation 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:		2814 C ¾ Road	
Applicants:		Lillian Pacheco/Howard Woodbring, Owners	
Existing Land Use:		Residential/Agriculture	
Proposed Land Use:		Commercial Industrial/Residential	
Surrounding Land Use:	North	Residential/Agriculture	
	South	Residential/Agriculture	
	East	Residential	
	West	Industrial	
Existing Zoning:		Mesa County – RSF-R	
Proposed Zoning:		To be determined	
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?		x	Yes
			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 original submittal consisted of a Growth Plan Amendment and Annexation. Since the first reading of the annexation the applicant has withdrawn the Growth Plan Amendment. A zoning request will be submitted at a later date for this parcel.

The following annexation and zoning schedule is being proposed.

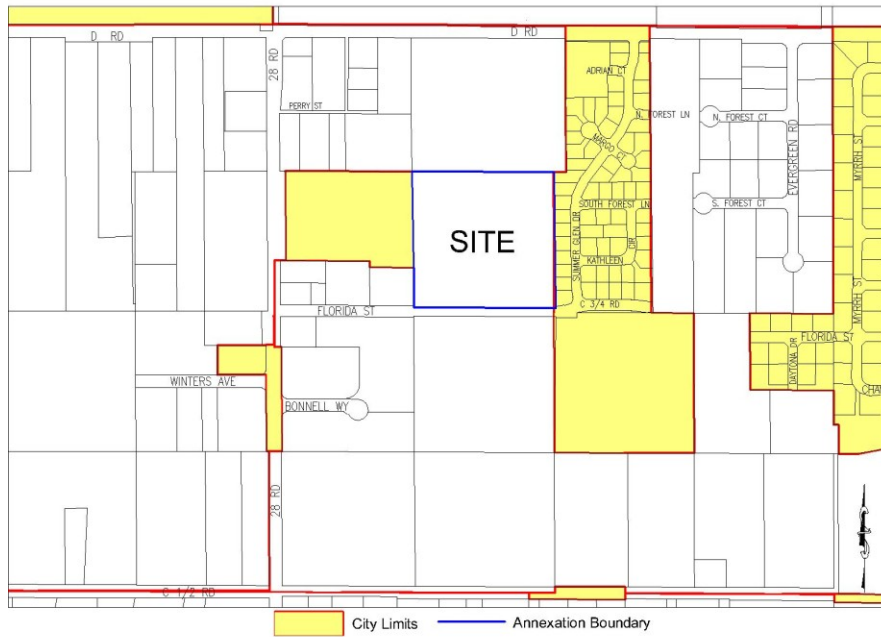
<u>ANNEXATION SCHEDULE</u>	
November 1, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be scheduled	Planning Commission considers Zone of Annexation
To be scheduled	Introduction Of A Proposed Ordinance on Zoning by City Council
December 6, 2006	Acceptance of Petition and Public Hearing on Annexation by City Council
January 7, 2006	Effective date of Annexation

<NAME> 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:	To be determined	
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

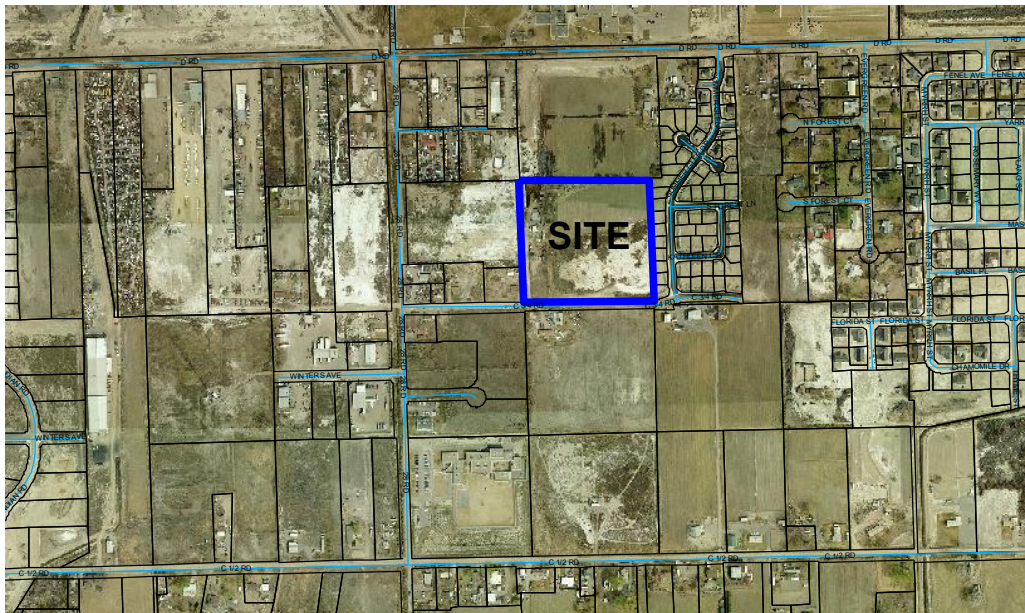
Site Location Map

Figure 1



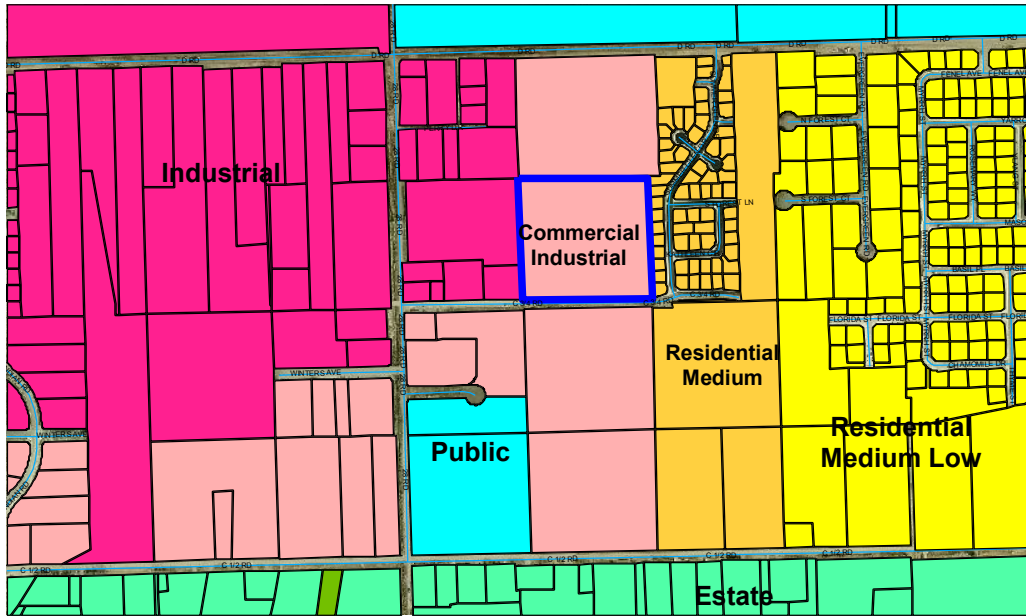
Aerial Photo Map

Figure 2



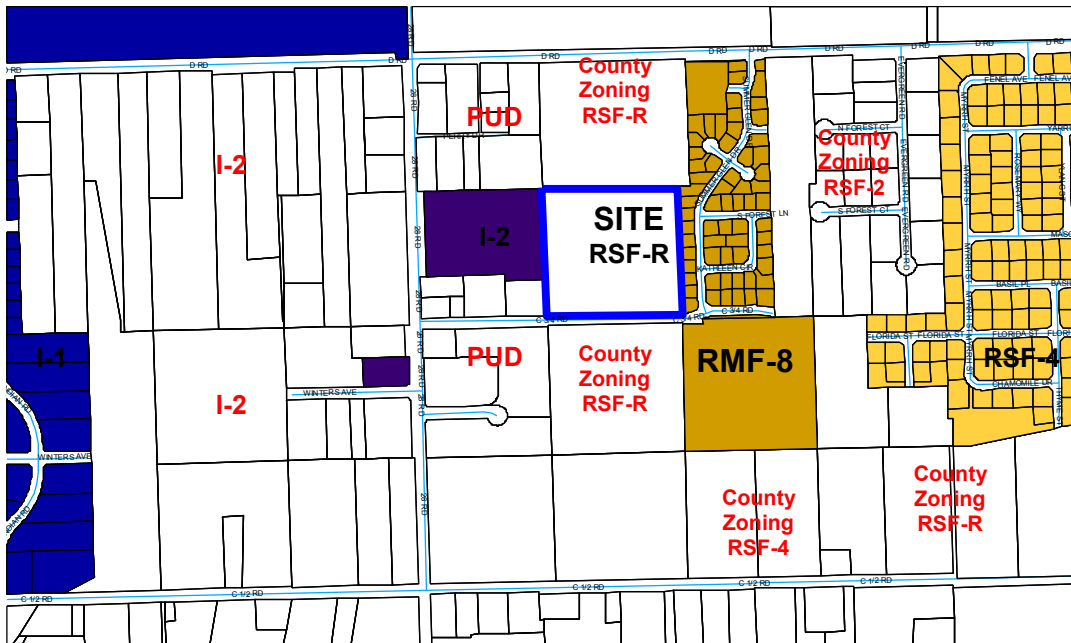
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

PACHECO WOODBRING ANNEXATION

LOCATED AT 2814 C ¾ ROAD.

IS ELIGIBLE FOR ANNEXATION

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 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:

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

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.

CONTAINING 10.13 Acres, more or less, as described.

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

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

ADOPTED the _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

Attach 24

Air Quality Control Relative to Oil and Gas Development

Dear City Council Member Jim Spehar: December 6, 2006

Please vote to adopt and support a more stringent position of emissions upon the energy producing industry this evening. I believe the councils' action will assist to improve the poor air quality that we currently experience. Entrusting others to protect our resources would be irresponsible. Strong evidence exists that prudent action must be taken into consideration to protect our most precious resources.

The first point I would like to address is the recent Editorial in our local paper from a member of the energy sector stating that "we don't have an ozone problem." When I called Perry Buda, Mesa Counties Air Quality Specialist yesterday he informed me that we don't have the ozone-monitoring equipment. We don't even have the equipment necessary to monitor the pollution components of ozone.

Strong evidence of ozone being created due to the oil and gas industry is seen in the Pinedale Wyoming, a booming oil and gas area. Ozone has been discovered forming there during the winter – which Perry states are not the norm. "Ozone formation is associated with warmer weather." He also stated that we have the potential to have the same components within our "unique" environment to produce and trap those hazardous compounds that create ozone.

Yesterday afternoon I heard comments from local television and radio personalities when they mentioned the inversion that a strange smell could also be detected. I also noticed that smell and all my previous experience of being in an environment with ozone is it smelled exactly the same, producing the same effects as we are experiencing here – inversion with colder temperatures underneath, and the unseen effects – health hazards.

Without monitoring equipment to properly identify the components of our air quality, it is necessary to adopt stringent regulations to protect our air quality equally. Supporting Front Range regulations would be a strong message to the industry and Oil and Gas Commission that "we're not going to sit back and entrust you with our natural resources." Our resources are wide-ranging – scenic beauties, quality of life. Our most important resource, the people that live and spend money here, their health and well being.

Thank you for your time and consideration of such an important issue.

Sincerely,

Paul Muldowney
293 ½ Pine St.
Grand Junction, Co. 81503
241-7928

RESOLUTION NO. _____

**A RESOLUTION TO PROTECT COLORADO'S AIR
FROM OIL AND GAS PRODUCTION EMISSIONS**

WHEREAS, energy development is occurring at an unprecedented pace in Colorado and the Rocky Mountain West; and

WHEREAS, the energy industry predicts as many as 400,000 new oil and gas wells will be drilled in the United States over the next 15 years, many of which are expected to be located in this state; and

WHEREAS, oil and gas exploration and production releases air pollution, including volatile organic compounds (VOCs), nitrogen oxides, and carbon monoxide; and

WHEREAS, air pollution from oil and gas exploration and production is only marginally controlled, if at all; and

WHEREAS, this air pollution contributes to the formation of smog, also known as ozone pollution, poses health threats to our communities, contributes to the loss of scenic vistas in Colorado's pristine areas, and poses threats to economic well-being; and

WHEREAS, air quality in Colorado will decline from increased air pollution from oil and gas developments; and

WHEREAS, air pollution problems may lead to economic sanctions, loss of business, and burdensome federal regulations; and

WHEREAS, Colorado counties and municipalities where residents have been impacted by the rapid increase in oil and gas development are unable to independently act under the current regulatory framework to reduce air pollution from this development; and

WHEREAS, other industries and private citizens in Colorado are doing their part to reduce air pollution; and

WHEREAS, the Colorado Air Quality Control Commission is considering a proposal by the Colorado Department of Public Health and Environment's Air Pollution Control Division that would require further reductions in emissions of smog-forming compounds from condensate tanks, glycol dehydrators, and reciprocating internal combustion engines statewide; and

WHEREAS, the Colorado Air Quality Control Commission has the authority to act on air pollution problems, to be proactive, rather than reactive, in reducing air pollution from oil and gas exploration and production activities, and to adopt the Division's proposed rules.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction, Colorado supports the smog reduction rules proposed by the Colorado Department of Public Health and Environment, Air Pollution Control Division; and

BE IT FURTHER RESOLVED, that the City of Grand Junction supports strengthening the Air Pollution Control Division's proposed rule for communities on the Western Slope by adopting the Denver metro area rule for condensate tanks statewide, and new and relocated compressor engines be regulated by May 1, 2007, and that all *existing* engines greater than 500 hp meet the proposed regulations for new engines by July 1, 2008; and

BE IT FURTHER RESOLVED, that the Grand Junction City Council requests that the Colorado Air Pollution Control Division establish an air monitoring network for ozone on the Western Slope of Colorado for purposes of obtaining data related to emissions from the oil and gas industry as well as other industrial sources and area sources within the region; and

BE IT FURTHER RESOLVED, that the City of Grand Junction supports the Colorado Air Quality Control Commission's efforts to proactively address air pollution problems throughout the state of Colorado.

ADOPTED AND APPROVED THIS _____ day of _____, 2006

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction