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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, DECEMBER 17, 2007, 7:00 P.M.**

Call to Order

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

Proclamations/Recognitions

Proclaiming January as “Volunteer Blood Donor Month” in the City of Grand Junction
Colorado Weed Management Association’s “Weed Manager of the Year” Award

Appointments

To the Public Finance Corporation
Ratify Appointments to the Riverview Technology Corporation

Certificates of Appointments

To the Grand Junction Housing Authority
To the Grand Junction Forestry Board
To the Visitor and Convention Bureau Board of Directors

Council Comments

Citizen Comments

*** Indicates New Item
® Requires Roll Call Vote

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

Action: Approve the Minutes of the December 3, 2007 and the December 5, 2007, Regular Meeting and the Minutes of the December 5, 2007, Special Session

2. **Setting a Hearing Rezoning the Pepper Ridge Townhomes, Located at the South End of W. Indian Creek Drive** [File #PP-2007-303] [Attach 2](#)

A request for rezone 3.32 acres, located at the south end of W. Indian Creek Drive, from PD (Planned Development) to R-8 (Residential 8 du/ac).

Proposed Ordinance Rezoning the Property Known as the Pepper Ridge Townhomes to R-8 (Residential 8 du/ac), Located at the South end of W. Indian Creek Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 2, 2008

Staff presentation: Adam Olsen, Senior Planner

3. **Setting a Hearing Vacating Public Right-of-Way for Portions of Palmer Street and Dominquez Avenue, Alpine Bank Subdivision** [File #PP-2007-317] [Attach 3](#)

The applicant, Alpine Bank, is proposing to subdivide this parcel into a major subdivision containing both commercial and residential lots. At the northwest corner of the property are the existing rights-of-way for Palmer Street and Dominquez Avenue. These rights-of-way are in excess of what is needed and required for access to the proposed subdivision. Therefore, a vacation request is proposed for these portions of right-of-way.

Proposed Ordinance Vacating Right-of-Way for Portions of Palmer Street and Dominquez Avenue, Located at 2675 Highway 50

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 2, 2008

Staff presentation: Adam Olsen, Senior Planner

4. **Setting a Hearing on the Foster Industrial Annexation, Located at 381 27 3/8 Road** [File #ANX-2007-330] [Attach 4](#)

Request to annex .41 acres, located at 381 27 3/8 Road. The Foster Industrial Annexation consists of one parcel and a portion of the 27 ½ Road right-of-way.

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

Resolution No. 178-07—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, Foster Industrial Annexation, Located at 381 27 3/8 Road and a Portion of the 27 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 178-07*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Foster Industrial Annexation, Approximately .41 acres, Located at 381 27 3/8 Road and a Portion of the 27 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 4, 2008*

Staff presentation: Justin Kopfman, Associate Planner

5. **Setting a Hearing on the Garden Grove – Turley Annexation, Located at 2962 A ½ Road** [File #ANX-2007-338] [Attach 5](#)

Request to annex 19.77 acres, located at 2962 A ½ Road. The Garden Grove – Turley Annexation consists of four parcels and is a two part serial annexation.

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

Resolution No. 179-07—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, Garden Grove-Turley Annexation No. 1 and 2, Located at 2962 A ½ Road

®Action: *Adopt Resolution No. 179-07*

b. Setting a Hearing of Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Garden Grove-Turley Annexation No. 1, Approximately 14.93 acres, Located at 2962 A ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Garden Grove-Turley Annexation No. 2, Approximately 4.94 Acres, Located at 2962 A ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for February 4, 2008*

Staff presentation: Justin Kopfman, Associate Planner

6. **Setting a Hearing Zoning the Gummin Annexation, Located at 2215 Magnus Court** [File #ANX-2006-100] [Attach 6](#)

Request to zone the 6.60 acre Gummin Annexation, located at 2215 Magnus Court, to R-2 (Residential, 2 units per acre).

Proposed Ordinance Zoning the Gummin Annexation, to R-2 (Residential, 2 units per acre), Located at 2215 Magnus Court

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 14, 2008*

Staff presentation: Faye Hall, Associate Planner

7. **Setting a Hearing on the Lochmiller Annexation, Located at 193 Shelley Drive** [File #ANX-2007-329] [Attach 7](#)

Request to annex 1.06 acres, located at 193 Shelley Drive. The Lochmiller Annexation consists of one parcel and includes a portion of the B Road and Shelley Drive rights-of-way. This property is located on the south side of B Road and east of 29 Road on Orchard Mesa.

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

Resolution No. 180-07—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, Lochmiller Annexation, Located at 193 Shelley Drive and also Includes a Portion of the B Road and Shelley Drive Rights-of-Way

®Action: *Adopt Resolution No. 180-07*

b. Setting a Hearing of Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lochmiller Annexation, Approximately 1.06 acres, Located at 193 Shelley Drive and also Includes a Portion of the B Road and Shelley Drive Rights-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 4, 2008*

Staff presentation: Faye Hall, Associate Planner

8. Setting a Hearing for the Ridges Mesa Planned Development (ODP) Outline Development Plan [File #ODP-2006-358] [Attach 8](#)

A request for approval of an Outline Development Plan (ODP) to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential-2 dwelling units per acre) zone district; retaining the R-2 zoning as the default zoning designation.

Proposed Ordinance Rezoning the Approximately 51.04 Acres from R-2 to PD (Planned Development) The Ridges Mesa Planned Development, Located East of Hidden Valley Drive and High Ridge Drive

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 14, 2008*

Staff presentation: Lori V. Bowers, Senior Planner

9. **Reimbursement Agreement for the Corner Square Project at the Southwest Corner of Patterson Road and North 1st Street** [File# INR-2007-246] [Attach 9](#)

This is a request for approval of an agreement for repayment of infill/redevelopment incentives awarded for reimbursement for the cost of undergrounding utilities along Ranchman's Ditch on Patterson Road. The infill grant was awarded at the September 19, 2007 City Council meeting. The award is associated with a project known as Corner Square at the southwest corner of N. 1st Street and Patterson Road.

Action: Ratify the Agreement for Reimbursement of Awarded Infill Monies

Staff presentation: John Shaver, City Attorney

10. **Contract Renewal for Visitor and Convention Bureau Advertising Services** [Attach 10](#)

This is the third year of a 5-year annually renewable contract 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 \$425,000 for the Period January 1 – December 31, 2008

Staff presentation: Debbie Kovalik, VCB Executive Director

11. **Contract Renewal for Visitor and Convention Bureau Website Marketing Services** [Attach 11](#)

This is the third 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 \$125,000 for the Period January 1, 2008 – December 31, 2008

Staff presentation: Debbie Kovalik, VCB Executive Director

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

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

12. **Public Hearing—Davis Annexation and Zoning, Located at 488 23 Road** [File #ANX-2007-297] [Attach 12](#)

Request to annex and zone 1.55 acres, located at 488 23 Road, to R-2 (Residential 2 du/ac). The Davis Annexation consists of 1 parcel and includes a portion of the 23 Road right-of-way. The owners have requested annexation in order to subdivide the property.

a. Acceptance Petition

Resolution No. 181-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Davis Annexation, Located at 488 23 Road, Including a Portion of the 23 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4154—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Davis Annexation, Approximately 1.55 Acres, Located at 488 23 Road, Including a Portion of the 23 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4155—An Ordinance Zoning the Davis Annexation to R-2, Located at 488 23 Road

®Action: Adopt Resolution No. 181-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4154 and 4155

Staff presentation: Senta L. Costello, Associate Planner

13. **Public Hearing—Krummel Annexation and Zoning, Located at 2953 Highway 50** [File #ANX-2007-294] [Attach 13](#)

Request to annex and zone 1.74 acres, located at 2953 Highway 50, to R-4 (Residential, 4 units per acre). The Krummel Annexation consists of one parcel and is located on the south side of Highway 50 directly west of Buena Vista Drive on Orchard Mesa.

a. Accepting Petition

Resolution No. 182-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Krummel Annexation, Located at 2953 Highway 50 is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4156—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krummel Annexation, Approximately 1.74 Acres, Located at 2953 Highway 50

c. Zoning Ordinance

Ordinance No. 4157—An Ordinance Zoning the Krummel Annexation to R-4 (Residential, 4 units per acre), Located at 2953 Highway 50

®Action: Adopt Resolution No. 182-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4156 and 4157

Staff presentation: Faye Hall, Associate Planner

14. **Public Hearing—Cooper-Tucker Annexation and Zoning, Located at 2825 D Road** [File #ANX-2007-289] [Attach 14](#)

Request to annex and zone 11.47 acres, located at 2825 D Road, to I-1 (Light Industrial). The Cooper-Tucker Annexation consists of one parcel and includes a portion of the D Road right-of-way. This property is located on the south side of D Road, east of 28 Road in the Pear Park area.

a. Acceptance Petition

Resolution No. 183-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Cooper-Tucker Annexation, Located at 2825 D Road and also Includes a Portion of the D Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4158—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cooper-Tucker Annexation, Approximately 11.47 Acres, Located at 2825 D Road and also Includes a Portion of the D Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4159—An Ordinance Zoning the Cooper-Tucker Annexation to I-1 (Light Industrial), Located at 2825 D Road

®Action: Adopt Resolution No. 183-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4158 and 4159

Staff presentation: Faye Hall, Associate Planner

15. **Request for Rehearing on Growth Plan Amendment, Located at 2510 N. 12th Street, 1212, 1228, 1238, 1308, 1310, 1314, and 1324 Wellington Avenue** [File #GPA-2006-241] [Attach 15](#)

The City received one (1) letter from a neighborhood citizen regarding the City Council's decision to approve a Growth Plan Amendment request to amend the Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for the properties located at 2510 N. 12th Street, 1212, 1228, 1238, 1308, 1310, 1314 and 1324 Wellington Avenue. The letter requested a rehearing in accordance with Section 2.18 D. of the Zoning and Development Code.

Action: Review and Consider Rehearing Request and, if Rehearing is Granted, Set a Hearing for January 14, 2008

Staff presentation: John Shaver, City Attorney

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

Attach 1
Minutes

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

December 3, 2007

The City Council of the City of Grand Junction convened into regular session on the 3rd day of December 2007 at 7:02 p.m. in the City Auditorium. Those present were, Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Pro Tem Bonnie Beckstein. Absent was Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Bonnie Beckstein called the meeting to order. Councilmember Todd led in the Pledge of Allegiance. The audience remained standing for the invocation by David Eisner of Congregation Ohr Shalom

Proclamations

Proclaiming December 13, 2007 as "Mesa State College Alumni Day" in the City of Grand Junction

Proclaiming December 15, 2007 as "Bill of Rights Day" in the City of Grand Junction

Council Comments

Councilmember Hill attended the Annual El Pomar Foundation Award presentation in Colorado Springs honoring local non-profits in the State of Colorado. The three local non-profits that made it to the finals were Mountains to Mesa, Girls on the Run, and Grand Junction's Hilltop, who won the top honors in their category.

Citizen Comments

There were none.

Presentations

City Youth Council (CYC) —Introduce New Members, and Update Council on their Recent Retreat

*** *Indicates New Item*
® *Requires Roll Call Vote*

Shandie Case, Council Youth Mayor, and a Junior at Grand Junction High School, had the members of the City Youth Council that were in attendance introduce themselves. Ellen Garcia, Vice Mayor, and a Junior at Central High School is in her 2nd year on the Youth Council. Brea LaBonte, Secretary, and a Junior at Grand Junction High School is in her 3rd year on the Youth Council. Rebecca Cackler, is a Junior at Grand Junction High School, and this is her 1st year on the Youth Council. Hudson Hawks, a Sophomore at Fruita Monument High School is in his 2nd year on the Youth Council, and Baylee Ragar, from Grand Junction High School, is in her 3rd year on the Youth Council. The names of the absent CYC members who could not attend, due to an Honor Society function, were listed.

Youth Mayor Case showed pictures from the retreat in Glenwood Springs. They were involved in team building and communication skills training. They also had an Assets for Youth training program that talked about youth needs, what youth from the community are looking for, and what will help youth succeed in Grand Junction. The CYC participated in the chip game for the Comprehensive Plan. The objectives they set up are: for the CYC to have more interaction with the City Council to support the opinion of the youth; and to provide youth with more activities and opportunities in City government and in Grand Junction overall. The CYC developed a new Code of Conduct and are going to complete a service project.

Youth Mayor Case described the new elements of their annual dance and the events they will be doing this year. The events include a dodge ball tournament, an 8th grade graduation party, and participation in Colorado Close-Up. She revealed the results from an extensive survey CYC did finding that CYC needs to be more known to the youth in the community, focus on more activities for teens, represent more teen's opinions, and publicize more effectively throughout the schools. In addition, there is a need for more input and interaction from the City Council.

Councilmember Thomason asked why there will not be a New Year's Eve party this year. Youth Mayor Case stated that they found in training that if an event is hosted three times, and the results are not optimum, then they should go in another direction. This year they decided to divide the events into separate age activities, such as an 8th grade graduation party, and then an event geared for high school students.

Councilmember Hill said more conversation and connectivity with the City Council was a welcomed idea. There are a variety of committees where individual CYC members could be paired with a City Councilmember, in addition to participating in workshops. He would be happy to bring a CYC member to any of the committee meetings.

Councilmember Todd likes to see the CYC focus in on those things that were just suggested by Councilmember Hill, and get more involved in Constitution Day for example.

Councilmember Coons stated she will look at the CYC assets review information distributed. She asked if CYC has thought about getting involved with younger kids too. Youth Mayor Case said the Youth Council has discussed it, and they have found that it seems like the older age group needs more help than the younger group.

Councilmember Coons asked what separates the Grand Junction Youth Council, and the Mesa County Teen Leadership Commission, and do the two groups work together on anything. Youth Mayor Case said they have attended meetings together, but have not been able to make the link together. She does agree that it is a good idea to get involved with them.

Councilmember Beckstein thanked the CYC for all their work, and lauded what they have put together, commending both the members and their parents for supporting the City Youth Council.

CONSENT CALENDAR

Councilmember Hill read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Palmer, and carried by roll call vote to approve the Consent Items #1 through #4.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the November 19, 2007 and the November 21, 2007 Regular Meetings

2. **Setting a Hearing on Zoning the Davis Annexation, Located at 488 23 Road**
[File # ANX-2007-297]

Request to zone the 1.55 acre Davis Annexation, located at 488 23 Road, to R-2 (Residential 2 du/ac).

Proposed Ordinance Zoning the Davis Annexation to R-2, Located at 488 23 Road

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

3. **Setting a Hearing on the Zoning the Cooper-Tucker Annexation, Located at 2825 D Road** [File #ANX-2007-289]

Request to zone the 11.47 acre Cooper-Tucker Annexation, located at 2825 D Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the Cooper-Tucker Annexation to I-1 (Light Industrial), Located at 2825 D Road

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

4. **Setting a Hearing on Zoning the Krummel Annexation, Located at 2953 Highway 50** [File #ANX-2007-294]

Request to zone the 1.74 acre Krummel Annexation, located at 2953 Highway 50, to R-4 (Residential, 4 units per acre). The Krummel Annexation consists of one parcel and is located on the south side of Highway 50 directly west of Buena Vista Drive on Orchard Mesa.

Proposed Ordinance Zoning the Krummel Annexation to R-4 (Residential, 4 units per acre), Located at 2953 Highway 50

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Zoning the Ingle Annexation, Located at 436 Clear Creek Drive [File #ANX-2007-269]

Request to zone the 5.90 acre Ingle Annexation, located at 436 Clear Creek Drive, to R-5 (Residential, 5 units per acre).

The public hearing opened at 7:34 p.m.

Faye Hall, Associate Planner, reviewed this item. She described the request and the location. She then entered the staff report and the attachments into the record. The Planning Commission recommended approval. The applicant was not present.

There were no public comments.

The public hearing was closed at 7:35 p.m.

Ordinance No. 4151—An Ordinance Zoning the Ingle Annexation to R-5 (Residential, 5 Units Per Acre), Located at 436 Clear Creek Drive

Councilmember Palmer moved to adopt Ordinance No. 4151, and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

North Avenue Corridor Plan, Phase One [File #PLN-2007-322]

A resolution adopting the North Avenue Corridor Plan, a plan for the future development and redevelopment of the North Avenue Corridor, a 3 mile section from 12th Street to the I-70 Business Loop.

Kathy Portner, Neighborhood Services Manager, reviewed this item. She stated that this part of North Avenue is Phase One. The purpose is to sustain and revitalize the corridor. The Plan addresses market, financial, regulatory, physical, and political aspects of the corridor. The preferred alternative identifies areas of the corridor that would be opportunities for a variety of uses: at the west end of the college for student related uses, moving to the east with Senior Housing, grocery and neighborhood retail, residential and multifamily, office uses, mixed use, and government function, and the last sector a regional, retail type of use. Ms. Portner said that parcel assemblage may be needed for the implementation of additional uses.

Ms. Portner said there is a need to improve the sidewalk network as it is sporadic and in disrepair. There is a need to upgrade the median where it exists, as well as improved landscaping, and a number of other improvement elements. The formation of a Business Improvement District is one idea that was suggested. Just what the City's role should be in the redevelopment is yet to be determined. Regarding the larger retail sites, especially those that lose their tenants, it might create an opportunity for redevelopment with housing which existing zoning would allow for, but it is a matter of directing those possibilities.

Ms. Portner advised that the Plan meets the goals and policies of the existing Growth Plan, and meets the criteria for a Corridor Plan in the Zoning and Development Code. She recommended adoption of the Plan.

Councilmember Hill asked what adopting this plan would allow. Ms. Portner said it sets a course of action, and it is not advocating any other action, except perhaps an overlay zone. The Growth Plan works with this Plan.

Councilmember Coons asked if there would be an opportunity to use low water plantings. Ms. Portner replied yes.

Councilmember Palmer said he had heard from a business owner asking about traffic flow and signage, and asked why North Avenue is being singled out. Councilmember Palmer's response was to make North Avenue something unique. Ms. Portner agreed.

Ms. Portner stated that it was hard to walk along North Avenue, and sections will look different because some buildings are up to the right-of-way line. There will need to be transportation improvements, but in no way do they want to restrict the flow of traffic.

Tim Moore, Public Works and Planning Director, said North Avenue is actually a State Highway right now, and they will be working on doing an exchange with Colorado

Department of Transportation (CDOT) once the Riverside Parkway is completed. CDOT's purpose is traffic flow and medians do play a role in traffic control.

Councilmember Hill asked regarding traffic signal coordination, what is the City's Master Plan for fiber to all signals.

Mr. Moore said that there is a contract with CDOT to manage all signals on North Avenue. There is fiber optic already installed between 1st and 12th Streets on North Avenue.

Councilmember Palmer asked how are changes, such as signage, going to be handled and will existing signs, etc., be grandfathered in. Mr. Moore said that grandfathering is an option; however, there might be a way to devise a timeline for compliance after discussion with owners and policy-makers.

City Attorney Shaver said that amortization is a good tool to use, as well as an overlay zone, as there may be different issues to address in the various sections of the corridor.

Councilmember Todd was concerned about making a decision without enough public input. She asked what percentage of owner participation was there at the two open houses. Ms. Portner stated at the first open house the number was close to 200, which she found to be surprisingly high; however, the second open house was not as well attended.

Councilmember Todd would still like to provide an opportunity for more community involvement, and find a balance between the upgrades required, and the cost to the owners. Ms. Portner said that will be the process for implementation, as they need to have local business owners be cheerleaders for the Plan.

Councilmember Hill said he was glad to hear there is interest in the Plan. He agrees the Plan does need a cheerleader. He said the City can lay the groundwork but the Owners' Association needs to further it and come to the policy-makers with ideas. He said there are a lot of good elements in the Plan. Regarding regulatory requirements, there is a need to have some sensitivity to comments from the public, and he has heard very optimistic responses to the Plan. He also commented that the City needs to identify the hospital on North Avenue as the VA Hospital.

Councilmember Palmer said he has heard the Plan is very timely, and the owners know their market share is dwindling, but find change scary. There is a need for an association, and the City can sit down with the owners along the corridor and find ways to help. The timing is great to recognize the needs now, and not 20 years from now. He is very comfortable with this Plan.

Councilmember Coons likes focusing on the west end, and would like Mesa College and the student population to be active in their ideas regarding the growth in and around the area even though this phase ends at 12th Street.

Councilmember Beckstein was in agreement for blending both phases to complement Mesa State's plans, by having student and facility involvement to bring enterprise they need on the west side and eliminate the need to commute east.

Councilmember Todd asked if the association should be in place first before the plan. Ms. Portner said it was important to have the plan first as it provides the market data, and what the possibilities are, and then the association can focus on the course of action.

Laurie Kadrich, City Manager, added that a plan is a tool for economic development to help the community see a professional study, and a needs assessment for that corridor could give newcomers an idea of what could be developed along that corridor.

Councilmember Hill said he is optimistic about North Avenue, mainly due to 29 Road and the development in the Pear Park area. It may be the adjustment needed for that market area. He believes that the City is ahead of the curve on this one. He asked if Phase II is in the budget, or is there a funding time line.

Ms. Portner said that some funds were put into the 2008 Budget, but pieces of Phase II are falling into place with Mesa State College's Plan, and the Downtown Plan. These plans will help build the base for Phase II.

Councilmember Hill said the City may be able to get the full corridor done, and that the College is very interested in being a part of the Plan.

Councilmember Todd said she is supporting the Plan, but wants to see the business owners encouraged to be participants, and does not want to put even one owner out of business. She wants it to be the business owners who buy into the Plan, rather than the City being the impetus for the Plan.

Councilmember Palmer would like to see more opportunity for housing, and more of a neighborhood created. He said most business owners know that they need to invest in their businesses, and he supports the City providing the opportunity for owners to buy into the Plan. He is very supportive of this Plan.

Councilmember Hill reiterated it is up to the City to assist in the implementation, and he looks forward to the future success of the Plan.

Councilmember Beckstein said she has seen a lot of changes, and can visualize what can be done with an association. She would like to see North Avenue brought back to life.

Resolution No. 174-07—A Resolution Adopting the North Avenue Corridor Plan as a Part of the Grand Junction Growth Plan

Councilmember Coons moved to adopt Resolution 174-07. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Council President Pro Tem Beckstein welcomed the students from the AP Government class in attendance.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:29 p.m.

Stephanie Tuin, MMC
City Clerk

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

December 5, 2007

The City Council of the City of Grand Junction convened into regular session on the 5th day of December 2007 at 7:07 p.m. in the City Auditorium. Those present were, Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Doody called the meeting to order. Councilmember Coons led in the Pledge of Allegiance.

Appointments

Councilmember Beckstein moved to reappoint Deborah Hoefer and Brunella Gualerzi, and appoint John Williams for three year terms expiring December 2010, and appoint Nathan Knoll to complete a partial term expiring December 2008 to the Visitor and Convention Bureau Board of Directors. Councilmember Hill seconded the motion.

Certificates of Appointment

To the Zoning Board of Appeals

Travis Cox and Mark Williams were present to receive their certificate of reappointment to the Zoning Board of Appeals.

To the Grand Junction Forestry Board

Dave Gave was present to receive his certificate of reappointment; and Kamie Long and Molly Pierce were present to receive their certificate of appointment to the Grand Junction Forestry Board.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Hill read the item on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Coons, and carried by roll call vote to approve Consent Item #1.

1. **Three Subrecipient Contracts for Projects within the City's 2007 Program Year Community Development Block Grant (CDBG) Program** [File # CDBG 2007-02, 2007-03 and 2007-09]

The Subrecipient Contracts formalize the City's award of \$4,500 to Audio Information Network of Colorado (formerly Radio Reading Service of the Rockies); \$7,181 to the Center for Enriched Communication; and \$24,547 to Hilltop Community Resources, Inc. as allocated from the City's 2007 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Three Subrecipient Contracts with Audio Information Network of Colorado, Center for Enriched Communication, and Hilltop Community Resources, Inc. for the City's 2007 CDBG Program Year

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Levying Property Taxes for the Year 2007 for Collection in the Year 2008

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.

Jodi Romero, Financial Operations Manager, reviewed this item. She presented the resolutions setting the mill levies and explained the purposes of each levy. The City's assessed valuations increased by 37% this year.

- a. Resolution No. 175-07—A Resolution Levying Taxes for the Year 2007 in the City of Grand Junction, Colorado
- b. Resolution No. 176-07—A Resolution Levying Taxes for the Year 2007 in the Downtown Development Authority
- c. Resolution No. 177-07—A Resolution Levying Taxes for the Year 2007 in the Ridges Metropolitan District #1

Councilmember Hill moved to adopt Resolution Nos. 175-07, 176-07, and 177-07. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—2007 Supplemental Appropriation and 2008 Budget

The request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2007 revised and 2008 proposed budgets.

The public hearing opened at 7:14 p.m.

Laurie Kadrach, City Manager, presented the “State of City” 2008 budget proposal. She first reviewed statistical data that indicated the current status of the City including economic growth, population, job growth, unemployment, wage and personal income growth, and real estate growth. She reviewed a graph that illustrated City service indicators for the last five years.

City Manager Kadrach then reviewed the proposed revised 2007 budget, and the proposed 2008 budget. The total 2008 recommended budget for the City of Grand Junction is \$142,249,786, which is a 23% decrease from the 2007 revised budget of \$183,806,930. She also reviewed the number of additional positions for consideration to the full time labor work force.

City Manager Kadrach then broke the proposed budget down into:

- Operating Revenues expected to increase by 8.5% from \$117 million to \$128 million in 2008
- Capital Proceeds
- DDA Capital Contribution is from TIF revenues
- Planned Use of Reserves (Fund Balance) of \$3.8 million

City Manager Kadrach said the Riverside Parkway has been a great accomplishment, and the City owes a thank you to the City Council, and the community for passing that bond issue. The community will also be able to see this information on the website, and be able to track it from year to year to see how close the City is getting to paying the debt off early.

She noted that of the \$56.7 million dollars, approximately \$16 million dollars is expected to be legally restricted by the end of the year (including the \$10+ million dollars expected in the Early Retirement of Parkway Debt Fund). The current balance is 18% of the goal.

Community participation at 3% of the budget was then addressed by City Manager Kadrach:

- Community Program Partnerships \$1.1 million (\$660k in 2007) including Grand Valley Transit (GVT), 5.2.1 Authority, Mesa Land Trust, and Animal Control Facility;
- Economic Development \$1.25 million (\$1.08 million in 2007) including Grand Junction Economic Partnership (GJEP), Infill & Redevelopment, St. Mary's, and Mesa State College; and
- Housing Initiatives \$750,000 (\$1.35 million in 2007) with the Grand Junction Housing Authority to leverage other dollars for projects like Village Park and Bookcliff Squire.

City Manager Kadrach referred to a pie chart outlining where the money for 2008 will go: 42% is a labor request, 27% non-personnel operating (equipment and utilities cost for operating the various departments), 25% goes to new capital construction, a small portion to the debt service, (Parkway bond payoff), 7% for the completion of the Parkway.

City Manager Kadrach addressed the question of whether government is growing in our community. She referenced a slide presentation based on staffing ratios of City Staff per 1,000 of population. Referring to the year 2002, the City had 12.76 employees for every 1,000 in population in the incorporated area. Today, in 2008, the City has 12.60 per 1,000; a smaller ratio today even though the City has more employees than in 2002. The bulk of the staff increase is for public safety with 26% for police and 18% for fire.

City Manager Kadrach reviewed the City facilities and identified the structures that need replacement or attention, including Fire Station #1 and the Quonset huts.

Interim Deputy City Manager Trent Prall reviewed the 2008 planned projects by sector within the City including those that are partnerships with the School District and the Downtown Development Authority. There are also a number of facility improvements in the Capital Improvement Program.

Interim Deputy City Manager Prall then turned over the budget review to the Department Directors for departmental review, by first introducing Fire Chief Ken Watkins.

Chief Watkins said he likens his department to people, places and things. The department is looking at increasing staff personnel to help with the increase in calls, and for future planning of the many upcoming retirements. The department is working on the design of the new safety services facility which will include fire, police, and municipal court. Money has been put into the budget for general maintenance, and minor fire station improvements. In addition, the department is looking at future locations for the next fire station in keeping with the City's growth. First Responder

Training partnership facility, in addition to new employee training, is going to be a big part of 2008. There will be upgrades to technology to allow for on-line reporting for greater efficiencies, as well as being used for fire prevention.

Chief Watkins said they are waiting to hear about several federal grants, in addition to the revenue source from EMS services and the contract with the Grand Junction Rural Fire Department.

Chief Watkins said that labor costs are the highest portion of the budget. He detailed the operating costs for operating the station, uniforms for new officers, and contract services.

Council President Doody asked about fire fighting in high rises, and will there be an impact on service. Chief Watkins said the department does do aboveground training, and currently has one arterial apparatus for these situations. The department has submitted an energy impact grant for an additional ladder truck for taller buildings.

Police Chief Bill Gardner was brought to the podium to discuss the Police Department budget. Chief Gardner stated that staffing was below authorized level for nearly the last year and one-half that he has been Chief of Police. Staffing levels have been increased, to full staffing levels, but he will continue to address the staffing issue of both new recruitments, and employee retention in order to provide the necessary services. Maintaining human resources is the main focus of the department.

Police Chief Gardner said that in partnership with Mesa State College, a new Police Academy was put into place. In order to sustain human resources they will have to provide good work conditions, and continued training. The planning for the new Public Safety Building is a critical piece for the department. Additional staff for the Communication Center is supported by the Communications Center Board who provides some of the funding for these positions. He supported the planning for the new Public Safety facility.

Darren Starr, Acting Utility and Street Systems Director, reviewed the department's focus as being resource stewardship, which includes both the work force and the customers. The challenge is to provide the services and protect and preserve these resources. He identified the challenges and opportunities the department is facing. There are additional mandates, there is competition for labor, demand with Federal regulations ruling water and wastewater, and working towards green policies (recycling).

Public Works and Planning Director Tim Moore discussed department reorganization to include Planning into the Public Works department, and the special projects that they are involved in such as the Riverside Parkway, Infill Redevelopment Program, and Land Use Comprehensive Plan.

Mr. Moore discussed the four different divisions within the department:

- Planning – Professional Planners who handle the review process for current and long range projects
- City Engineering and Development Engineering – Provide civil engineering services, relating to capital projects or development review, and includes other divisions such as: real estate, drafting, and construction inspection
- Transportation Engineering – Provides professional transportation and engineering services, maintains traffic signals, striping, and signage
- Riverside Parkway – Implemented in November 2003

Mr. Moore discussed “Where they are Going”, including the Capital Improvements Program, development of the Comprehensive Plan, improvements to the planning process, and completion of the Riverside Parkway. Looking at the department’s budget, he explained the increased labor costs, as well as non-personnel operating cost. The capital demand goes way down in 2008 since 2007 was the peak year for the Riverside Parkway.

Visitor and Convention Bureau (VCB) Director Debbie Kovalik gave an overview of their mission and goals to encourage visitors to come to Grand Junction and explained how they attract visitors. This is the first time the City of Grand Junction has had the highest hotel occupancy rate (82%) in the State, in what is typically called the “shoulder season” month.

VCB Director Kovalik said in 2008 the VCB will incorporate an aggressive marketing program to attract younger, (30ish) visitors, affluent and culturally minded visitors, and outdoor activity-minded visitors by working more closely with web booking companies like Travelocity and Orbit. There will be a focus on infrastructure using photography, videography, i-pod casting, and new online tours designed for the website. There are plans to redesign the Visitor Center exhibit to be more technology driven, as well as installing web cams in various places throughout the downtown area. In the off-season there will be a Culinary and Culture promotion, and the Air Show in September. One additional staff person is being requested to help with marketing. They plan to market for increased air service. There were no capital expenses planned for 2008.

Interim Deputy City Manager Trent Prall reviewed Administration’s proposed budget. Administration helps the various business units throughout the City organization. He reviewed the new technology advances including video streaming, and upgrades to the City Auditorium. There is only one additional staff requested, the Electronic Records Manager, in the City Clerk’s office. A new financial system will be implemented in 2008 as well as a new utility billing system. A data sharing system called Coplink will be implemented in the Police Department which will allow for the ability to link to other surrounding agencies.

Interim Deputy City Manager Prall said planning for the retirement of many experienced staffers through succession planning is being coordinated by Human Resources. In addition, the new CityScape video programs being produced by Administration will continue and be expanded.

Interim Deputy City Manager Prall said Neighborhood Services will continue to promote community services like neighborhood programs and block parties, while the Fleet Division is going “green”. The Fleet Division will be working with and promoting efforts along with the GJ CORE group, to address conservation on a number of different fronts.

Interim Deputy City Manager Prall finished by saying that the capital expenditures in the Administrative budget include the replacement of computers and fleet vehicles scheduled for replacement.

Parks and Recreation Director Joe Stevens reviewed a number of their goals and objectives. He said every department has been affected by the growth. The appearance and first impression of the community is very important, and the Parks and Recreation Department is responsible for maintaining those areas. Secondly, the department promotes healthy lifestyles, and the new pricing structure will make their recreation programs more inclusive. Due to demand, many of the facilities are booked to capacity. The main budget request is in the area of personnel to maintain the facilities. Director Stevens said that the capital expense includes completion of the tennis complex, and the parking area in Canyon View Park. Completion of the items; however, will not complete the Park. The rest of the capital is for Two Rivers Convention Center.

City Manager Kadrich wrapped up the presentation by assuring the City Council that Staff is tracking the booming economy to make sure past experiences will not impact the community again. There are other factors besides the Energy Industry. Ensuring there is attainable housing is very much a focus. She further explained the need for succession planning and retaining experienced employees by moving them into other career tracks. Last, but not least, there is the work being done on the Comprehensive Plan which will guide the City in planning for future growth.

That concluded the Staff presentation. Council President Doody opened it up for public comment.

Don Hartmann, 388 Hidden Valley Court, Development Director for the Grand Junction Housing Authority (GJHA), thanked the Council on behalf of the board and the Executive Director for their support.

Martha Graf, Executive Director for Kids Voting Mesa County, thanked the Council for their consideration in funding the program, and she vowed to continue to increase civic participation by reaching out to teachers and students.

Lena Elliot thanked the Council for completing the next phase at Canyon View Park.

Tim Foster, President, Mesa State College, thanked the City Council for their consideration by helping with the funding of the next phase of the Mesa State College expansion.

There were no other public comments.

The public hearing was closed at 8:33 p.m.

Councilmember Coons thanked the City Manager and staff for the presentation, and feels fortunate the City is able to do the things they are doing for the community.

Councilmember Palmer asked about spending down revenue reserves, and where are those balances.

City Manager Kadrach said that the City has in excess of \$30 million in reserves in all funds, and deferred to Ms. Romero for exact figures.

Ms. Romero replied that the general fund reserve balance by the end of 2008 will be \$21.8 million.

Councilmember Palmer asked if these funds are at levels that need to be maintained.

City Manager Kadrach said reserves are set aside for additional future projects. Another portion is operating reserves which are \$7 million that covers TABOR issues, and operating reserves. The spending of the reserves does not adversely affect the City's financial position or bond rating.

Councilmember Todd thanked the Staff and the City Manager for the budget workshop process as well as the presentation.

City Manager Kadrach said the presentation is only a portion of the information that is available to the public. A booklet summarizing the budget will be published. Councilmember Coons made known that both the City Council and Staff spent considerable hours at workshops going through the budget, in addition to the hours Staff spent preparing the budget.

Councilmember Beckstein said the process this year was much easier to digest and understand, and was more informative than in the past. She thanked City Manager Kadrach for the new approach.

Councilmember Doug Thomason asked if this was an award winning budget, as it was referred to in years past. City Manager Kadrach said the financial structure will meet the criteria.

Councilmember Thomason said he appreciated the method used in the budget preparation process. City Manager Kadrach said the budget was a difficult topic to present to elected officials, but it is easier if the information is presented in smaller pieces.

Councilmember Palmer said the Council has had countless meetings and lots of hours of complex discussion, and it is not possible for everyone to love every piece. He said he had issues with the employee pay because of the cost of living adjustment which he feels is a double raise, but that it is hard to hold out one piece when the entire body of the budget has been prepared so thoroughly. He has great confidence in this budget.

Councilmember Hill commented on the process. Addressing City Manager Kadrach, he said that she did a great job keeping Council updated, listened to Council comments and asked them for input on the process. Everyone was engaged as a team, and the budget reflects planning for the future, creating an award winning community with visionary leadership by leveraging dollars that impact this community in a huge way. He noted that 31% of the budget is capital, invested in the community, which is very rare. He is looking forward to celebrating the opening of Riverside Parkway next year, and he lauded the community's support to be able to use TABOR excess to pay off bonds. He would like to see the City develop a City facilities replacement fund.

Councilmember Todd said she would like to reach out to the department heads who brought forward the human element during this process.

City Manager Kadrach said that the key focus in this year's budget was for our No. 1 resource, people. The City is not a type of business that can turn over the kind of service delivery to technology, and it is rare that the City would be able to contract out the kind of services that the City provides. In addition, City Manager Kadrach said looking to the future market for employees was a huge issue as she looked at the budget. She said that she is confident that the formulas used addressed the needs in the community, the growth, and the impact that the City employees have had. As a result she believes that it is a fair and equitable presentation this year for a compensation package, as well as the request for added Staff that the City needs.

Councilmember Coons said the employees are also citizens of the community, and she commended the City Manager for seeing that they have the financial ability to live, work, and play in the community.

Councilmember Palmer said this is a budget that contains much benefit to the community outside of operating expenses, and includes a great number of community partnerships.

Council President Doody commended Ms. Romero on the way she prepared the budget. He said the partnership piece is so important, and he listed a number of them, and the creative ways to make the community better. He is looking forward to working with the CORE (Conserving our Resources Efficiently) group moving toward efficiency and resource conservation. Council President Doody then thanked the City Manager for all her effort she has put forward.

a. Second Supplemental Appropriation Ordinance for 2007

Ordinance No. 4152—An Ordinance Making Supplemental Appropriations to the 2007 Budget of the City of Grand Junction

b. 2008 Budget Appropriation Ordinance

Ordinance No. 4153—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, and the Ridges Metropolitan District for the Year Beginning January 1, 2008, and Ending December 31, 2008

Councilmember Hill moved to adopt Ordinance Nos. 4152, and 4153, and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Todd asked if there is a contingency fund for heat on her end of the dais.

Council President Doody reminded everyone of Friday, December 7th honoring World War II Veterans.

Adjournment

The meeting adjourned at 9:00 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

DECEMBER 5, 2007

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, December 5, 2007 at 5:30 p.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, Doug Thomason, Linda Romer Todd, and President of the Council Jim Doody. Staff present was Municipal Judge Care' McInnis Raam.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session for discussion of personnel matters under Section 402 (4)(f)(I) of Open Meetings Law for the review of City Council employees specifically the Municipal Judge and they will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

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

Stephanie Tuin, MMC
City Clerk

Attach 2

Setting a Hearing Rezoning the Pepper Ridge Townhomes, Located at the South End of W. Indian Creek Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Pepper Ridge Townhomes Rezone Request		
File #	PP-2007-303		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	December 7, 2007		
Author Name & Title	Adam Olsen, Senior Planner		
Presenter Name & Title	Adam Olsen, Senior Planner		

Summary: A request to rezone 3.32 acres, located at the south end of W. Indian Creek Drive, from PD (Planned Development) to R-8 (Residential 8 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Ordinance and set a hearing for January 2, 2008.

Background Information: See attached report.

Attachments:

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

BACKGROUND INFORMATION			
Location:		South end of W. Indian Creek Drive	
Applicants:		Steve Kesler-Owner The Kesler Group-Developer Paul Johnson-Representative	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		PD (Planned Development)	
Proposed Zoning:		R-8 (Residential 8 du/ac)	
Surrounding Zoning:	North	PD (Planned Development)	
	South	PD (Planned Development)	
	East	R-8 (Residential 8 du/ac)	
	West	R-8 (Residential 8 du/ac)	
Growth Plan Designation:		Residential Medium High (8-12 du/ac)	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: A request to rezone 3.32 acres, located at the south end of W. Indian Creek Drive, from PD (Planned Development) to R-8 (Residential 8 du/ac).

RECOMMENDATION: Approval of the request to rezone to the R-8 zone district.

Staff Analysis:

1. Background

This area consists of 3.32 acres and was platted as Lot 6, Filing 4, Pepper Tree Subdivision, for future development. The property was originally zoned PR-20 (Planned Residential 20 du/ac), subsequently zoned PD (Planned Development) in 2000. The existing Pepper Tree Subdivision, zoned PD, has a density of 11.25 du/ac. This property (3.32 acres) never had an associated preliminary subdivision plan. The

applicant has submitted a preliminary subdivision plan that is running concurrent with this rezone request. The applicant originally requested a zone district of PD, to match the Pepper Tree Subdivision; however a PD must also provide a community benefit. The applicant originally stated that the community benefit would be affordable housing but was informed that this could not be considered a community benefit unless the units were deed restricted. The applicant was not in favor of having the units deed restricted. After discussing the issue, the applicant agreed to pursue the R-8 zone as it would provide the bulk requirements and density that is being requested with the preliminary subdivision plan.

2. Consistency with the Growth Plan

The requested zone district of R-8 is consistent with the Future Land Use designation of Residential Medium High (8-12 du/ac).

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

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

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

Response: The existing zoning was not in error at the time of adoption. The property was a part of the Pepper Tree Subdivision, which previous to 2000 had a zone designation of PR-20 (Planned Residential 20 du/ac).

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

Response: The properties to the east and west are zoned and developed at R-8 densities. To the north is the existing Pepper Tree Subdivision, with a density of 11.25 du/ac. The R-8 zone district allows the applicant to develop the property at a density that will match the surrounding densities while providing the bulk requirements of the R-8 zone district.

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

Response: The R-8 zone district is compatible with the neighborhood and will not create adverse impacts. The Future Land Use Map designates the surrounding properties as RMH (Residential Medium High 8-12 du/ac).

The R-8 zone district is in conformance with the following goals and policies of the Growth Plan:

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

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

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

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.

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

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

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

Response: This area of the City is mostly built out. The Future Land Use Map designates this area as Residential Medium High (8-12 du/ac) and surrounding areas as Residential Medium (4-8 du/ac). Any lands comparably zoned have been developed. This area represents an in-fill location that can be developed to match surrounding densities.

6. The community will benefit from the proposed zone.

Response: The community will benefit from the proposed zone it will allow needed density to be added to an area of the City which is almost built out. This parcel can be considered an in-fill development, matching the densities of the properties surrounding it.

PLANNING COMMISSION RECOMMENDATION:

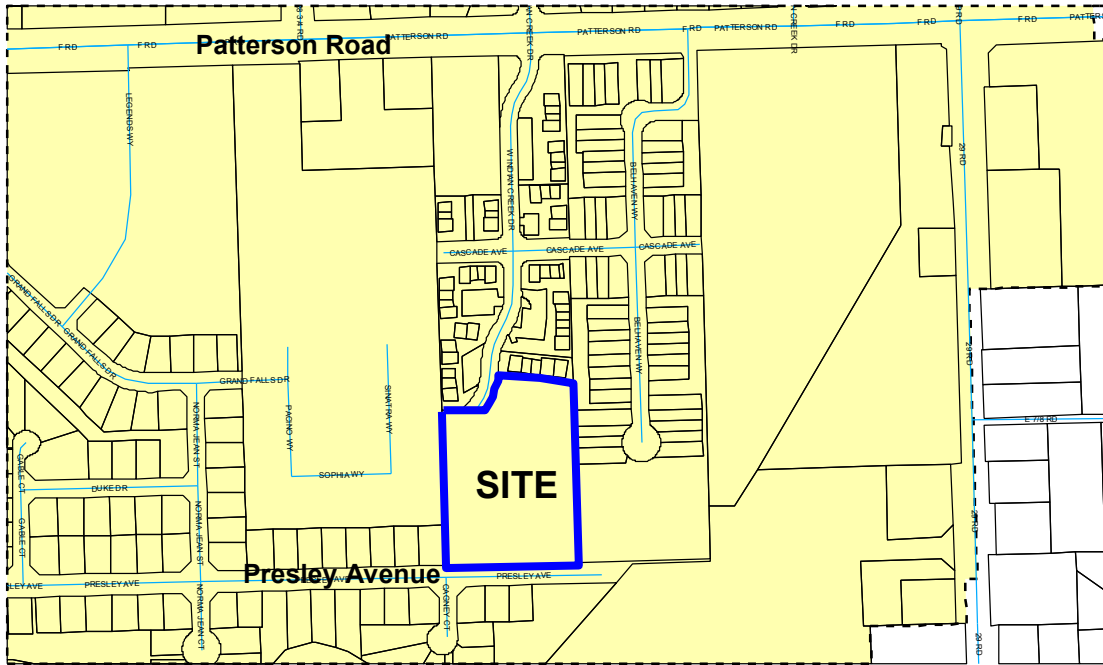
The Planning Commission recommended approval of the requested rezone, PP-2007-303, to the City Council with the following findings of fact and conclusions:

1. The requested zone 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.

Site Location Map

Figure 1



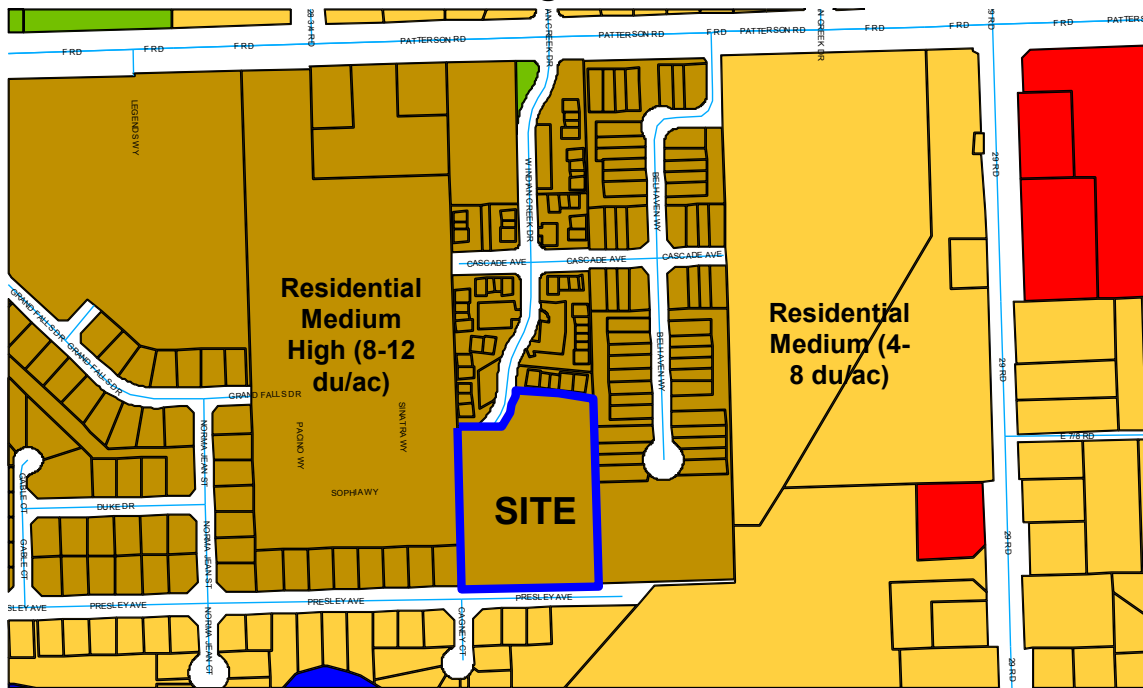
Aerial Photo Map

Figure 2



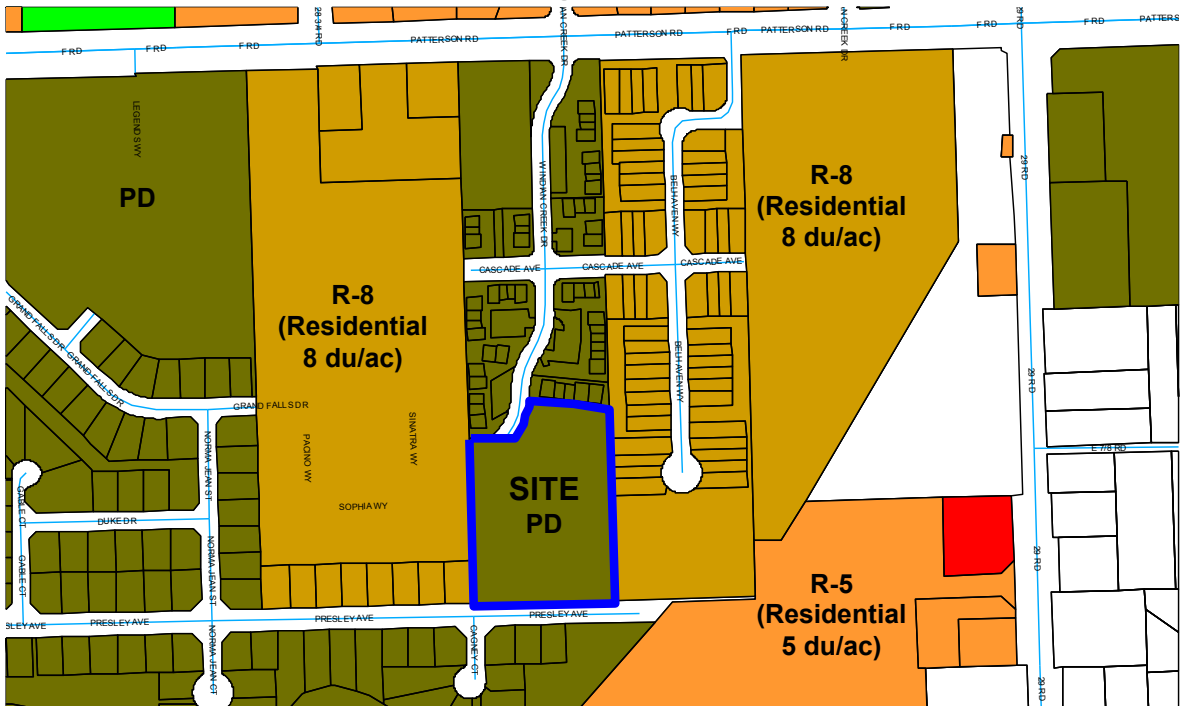
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE
PEPPER RIDGE TOWNHOMES TO
R-8, RESIDENTIAL 8 UNITS PER ACRE**

LOCATED AT THE SOUTH END OF WEST INDIAN CREEK DRIVE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Pepper Ridge Townhomes to the R-8, Residential 8 Units/Acre Zone District finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8, Residential 8 Units/Acre Zone District is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

The following property be zoned R-8, Residential 8 Units/Acre

Lot 6 Pepper Tree Filing No 4 Sec 7 1S 1E

Said parcel contains 3.32 acres more or less.

Introduced on first reading this 17th day of December and ordered published.

PASSED AND ADOPTED on second reading this ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 3

Setting a Hearing Vacating Public ROW for Portions of Palmer St. and Dominquez Ave.,
Alpine Bank Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Public Right-of-Way for portions of Palmer Street and Dominquez Avenue - Alpine Bank Subdivision.		
File #	PP-2007-317		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	x	Individual
Date Prepared	December 7, 2007		
Author Name & Title	Adam Olsen, Senior Planner		
Presenter Name & Title	Adam Olsen, Senior Planner		

Summary: The applicant, Alpine Bank, is proposing to subdivide this parcel into a major subdivision containing both commercial and residential lots. At the northwest corner of the property are the existing rights-of-way for Palmer Street and Dominquez Avenue. These rights-of-way are in excess of what is needed and required for access to the proposed subdivision. Therefore, a vacation request is proposed for these portions of right-of-way.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Ordinance and set a hearing for January 2, 2008.

Background Information: See attached report.

Attachments:

1. Site Location Map/Aerial Photo Map
2. Future Land Use Map/Existing City and County Zoning Map
3. Vacation Ordinance
4. Right-of-Way Vacation Illustration

BACKGROUND INFORMATION					
Location:		2675 Highway 50			
Applicants:		Alpine Bank-Owner Peter Icenogle-Representative			
Existing Land Use:		Agriculture			
Proposed Land Use:		Commercial			
Surrounding Land Use:	North	Commercial/Residential			
	South	Public (Elementary School)			
	East	Commercial			
	West	Commercial			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		n/a			
Surrounding Zoning:	North	C-1 (Light Commercial)			
	South	R-4 (Residential 4 du/ac)			
	East	C-1 (Light Commercial)			
	West	C-1 (Light Commercial)			
Growth Plan Designation:		Commercial			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: The applicant, Alpine Bank, is proposing to subdivide this parcel into a major subdivision containing both commercial and residential lots. At the northwest corner of the property are the existing rights-of-way for Palmer Street and Dominquez Avenue. These rights-of-way are in excess of what is needed and required for access to the proposed subdivision. Therefore, a vacation request is proposed for these portions of right-of-way.

RECOMMENDATION: Approval of the request to vacate portions of the rights-of-way for Palmer Street and Dominquez Avenue.

Staff Analysis:

1. Background

This property was annexed into the City with two annexations. The first one, annexing the northern portion which contains the rights-of-way was annexed into the City in 1973 under the “Central Orchard Mesa Annexation.” The southern portion of the property was annexed in 2003 under the “Carville Annexation.”

The rights-of-way have never been developed as streets. Palmer Street will be developed as the main entrance into the proposed subdivision from Highway 50. Right-of-way for Dominquez Avenue extends east from the Palmer Street right-of-way, intersecting Highway 50, but as stated above, was never developed. The applicant is requesting that ten feet (10’) at the eastern portion of the existing Palmer Street right-of-way and the Dominquez Avenue right-of-way east of Palmer Street be vacated. A total of 7,470 square feet is proposed for vacation.

These rights-of-way are in excess of what is needed and required for access into the proposed subdivision. Processing the vacation request at this time allows the applicant to design the future road, built to the Collector street standard, into the development. The area included in the vacation will then be a part of the lots in the proposed subdivision.

2. Consistency with the Growth Plan

The Future Land Use Map designates this area as Commercial. Palmer Street will be constructed to a “Collector” street standard which is adequate to serve both the residential and commercial components of the proposed subdivision.

This project is consistent with the following Goals and Policies of the Growth 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.

Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged.

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

Requests to vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.

Palmer Street is not classified on the major street plan but will be constructed to the standards of a Collector street. The vacation request is not in conflict with the Growth Plan, Major Street Plan or other adopted plans and policies of the City.

- b. No parcel shall be landlocked as a result of the vacation.

The vacation of portions of rights-of-way for Palmer Street and Dominquez Avenue will not cause any parcel to be landlocked.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access to parcels will not be restricted to the point where it is unreasonable, economically prohibitive or will reduce or devalue the adjacent parcels. Palmer Street will be constructed into the proposed subdivision, offering a street built to a Collector standard.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the health, safety, and/or welfare of the general community. The quality of public facilities and services will be enhanced by the construction of Palmer Street.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

The provision of adequate public facilities and services will not be inhibited to any of the adjacent parcels.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The portion of Dominquez Avenue that is to be vacated does not serve to improve traffic circulation or access any parcels of land. By vacating the portion of Palmer Avenue that is not required for access into the proposed

subdivision, the City shall have the benefit of reduced maintenance on Palmer Street. Palmer Street, when constructed and built to a Collector standard will improve traffic circulation in the immediate area.

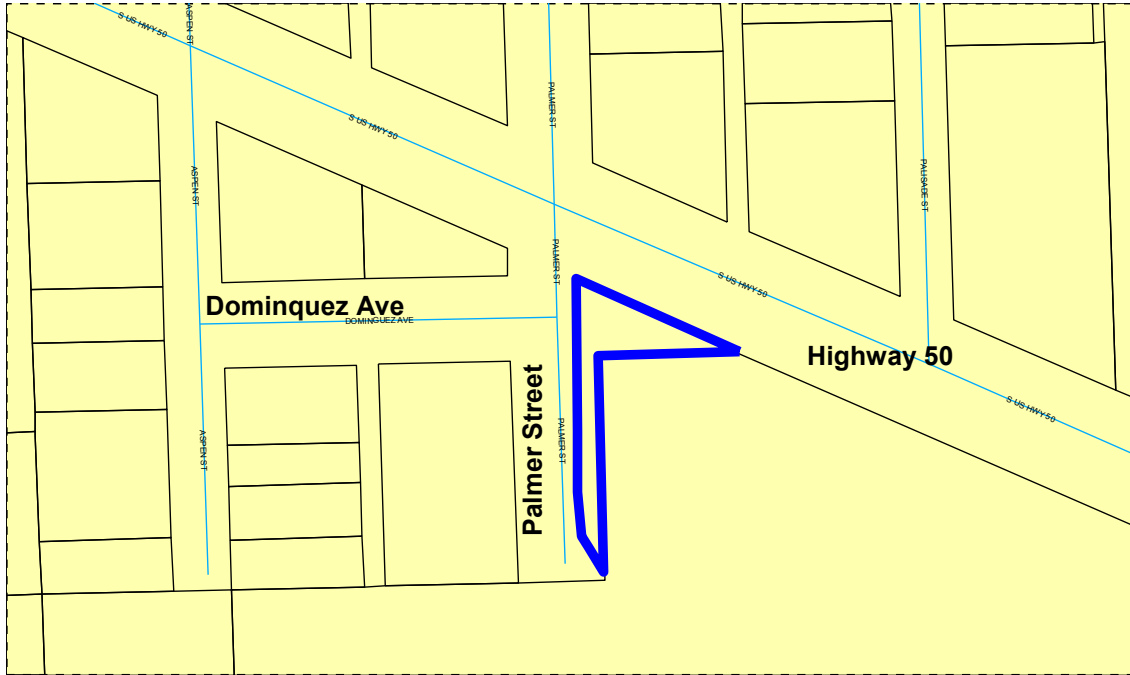
PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the request to vacate portions of the rights-of-way for Palmer Street and Dominquez Avenue with the following findings of fact and conclusions.

3. The requested right-of-way vacation is consistent with the Growth Plan.
4. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

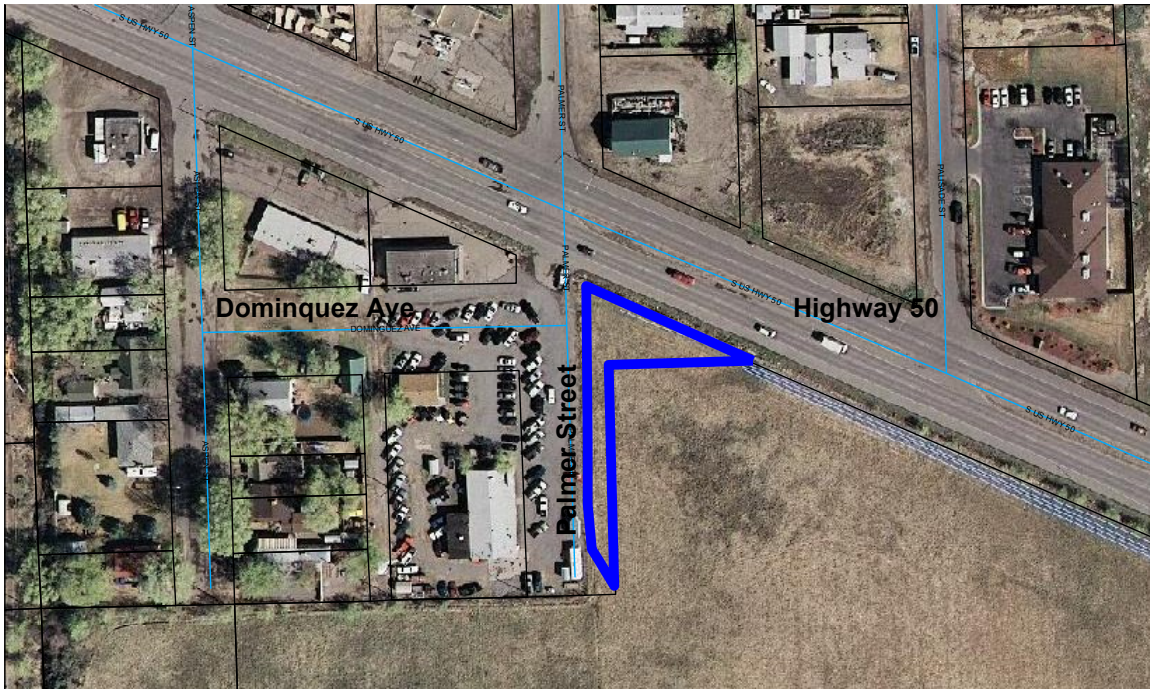
Site Location Map

Figure 1



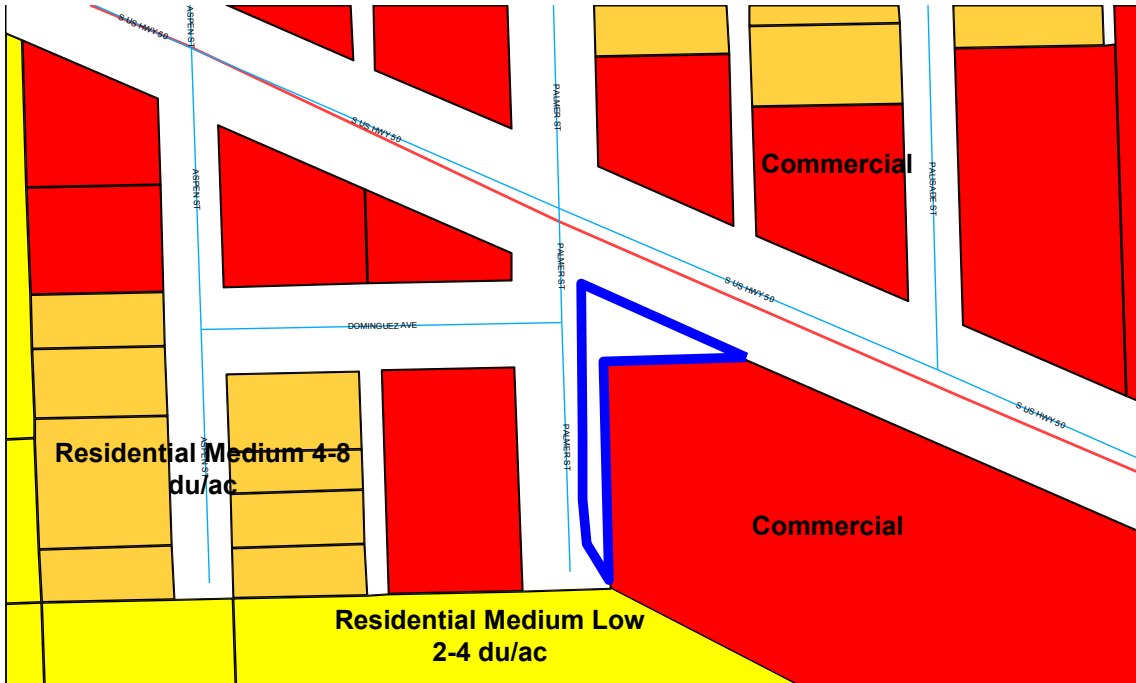
Aerial Photo Map

Figure 2



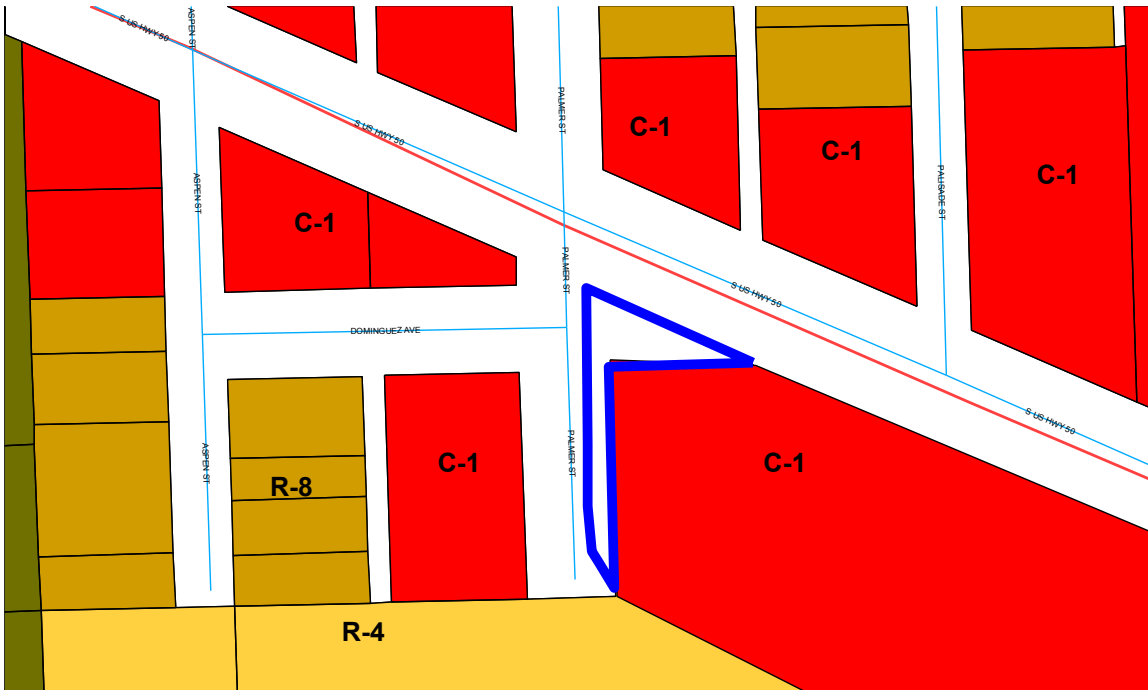
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY FOR PORTIONS OF PALMER STREET AND DOMINQUEZ AVENUE LOCATED AT 2675 HIGHWAY 50

Recitals

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of the easterly right-of-way of Palmer Street and a portion of the right-of-way of Dominguez Avenue situate in the NW1/4NE1/4 of section 26 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, said portion being more particularly described as follows:

Commencing at a #5 rebar for the Center-East 1/16 Corner of said Section 26; thence N00°05'41"W for a distance of 1321.24 feet to a "P.K." nail for the NE1/16 Corner of said Section 26; thence N74°54'25"W for a distance of 819.38 feet to the intersection of the southerly right-of-way line of Dominguez Avenue with the easterly right-of-way line of Palmer Street and the Point of Beginning; thence the following:

1. S00°18'14"E, on said easterly right-of-way line, for a distance of 193.89 feet;

2. Departing said easterly right-of-way line, northwesterly 73.71 feet on the arc of a non-tangent 270.00-foot radius curve to the right subtended by a central angle of 15°38'33" and having a chord which bears N08°07'30"W a distance of 73.48 feet;
3. N00°18'14"W, parallel with said easterly right-of-way line, for a distance of 194.41 feet to the southerly right-of-way line of U.S. Highway 50;
4. S65°00'43"E, on said southerly right-of-way line, for a distance of 174.34 feet to the intersection with the southerly right-of-way line of Dominguez Avenue;
5. Departing said Highway 50, N89°51'07"W for a distance of 147.63 feet to the Point of Beginning.

Containing approximately 7,470 square feet, more or less

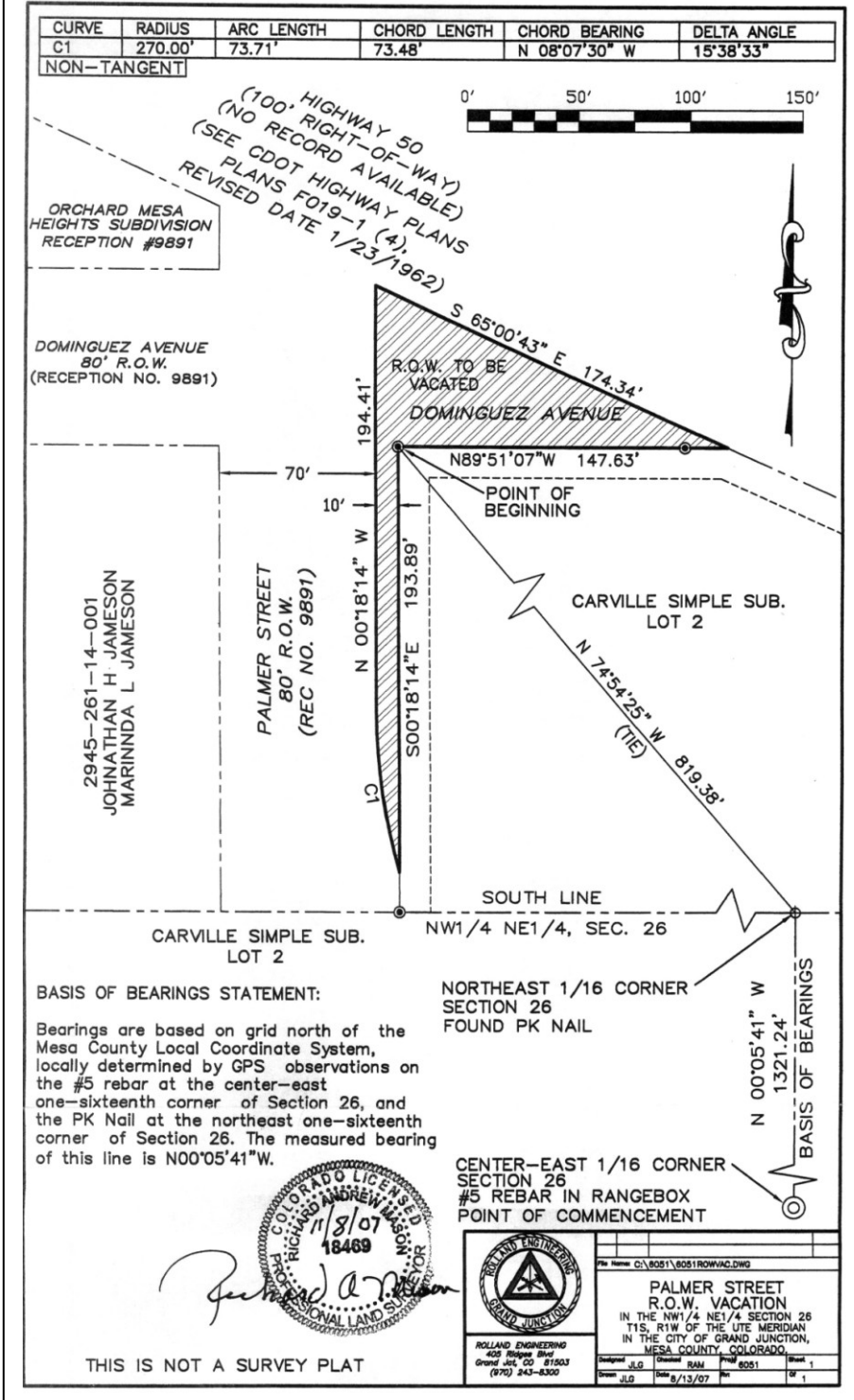
Introduced for first reading on this 17th day of December, 2007

PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

President of City Council

City Clerk



Attach 4

Setting a Hearing on the Foster Industrial Annexation, Located at 381 27 3/8 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Foster Industrial Annexation – Located at 381 27 3/8 Road		
File #	ANX-2007-330		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 4, 2007		
Author Name & Title	Justin Kopfman – Associate Planner		
Presenter Name & Title	Justin Kopfman – Associate Planner		

Summary: Request to annex .41 acres, located at 381 27 3/8 Road. The Foster Industrial Annexation consists of one parcel and a portion of the 27 1/2 Road right-of-way.

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Foster Industrial Annexation and introduce the proposed Ordinance and set a hearing for February 4, 2008.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County & City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information:

See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		381 27 3/8 Road		
Applicants:		Owner: Stanley and Gale Foster		
Existing Land Use:		County RSF-R (Residential Single Family-4 du/ac)		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		County RSF-4 (Residential Single Family-4 du/ac)		
Proposed Zoning:		Industrial		
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural)		
	South	County RSF-R (Residential Single Family Rural)		
	East	County RSF-R (Residential Single Family Rural)		
	West	County RSF-R (Residential Single Family Rural)		
Growth Plan Designation:		Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of .41 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 Foster Industrial 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:

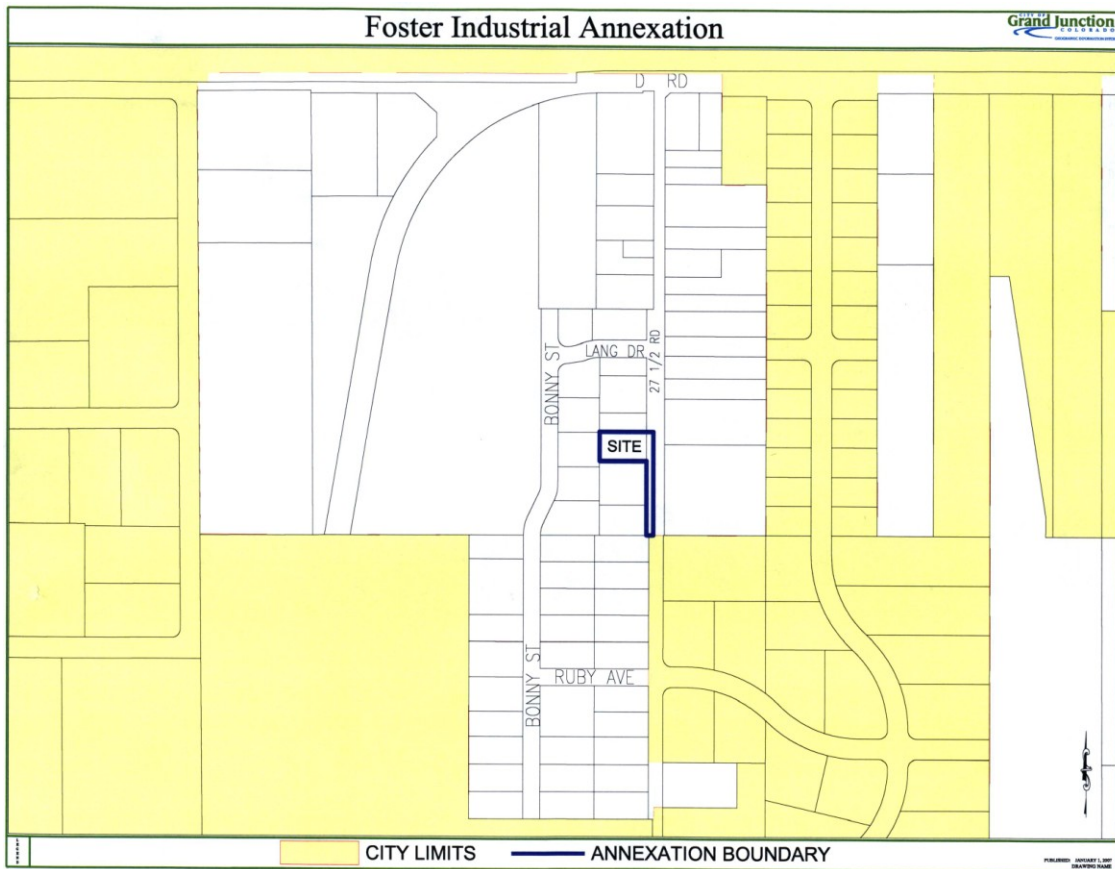
<u>ANNEXATION SCHEDULE</u>	
December 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 8, 2008	Planning Commission considers Zone of Annexation
January 14, 2008	Introduction Of A Proposed Ordinance on Zoning by City Council
February 4, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 7, 2008	Effective date of Annexation.

FOSTER INDUSTRIAL ANNEXATION SUMMARY

File Number:		ANX-2007-330
Location:		381 27 3/8 Road
Tax ID Number:		2945-242-01-009
Parcels:		1
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		.548 acres (23,874 square feet)
Developable Acres Remaining:		.41 acres (17,745 square feet)
Right-of-way in Annexation:		.138 acres (6,015 square feet)
Previous County Zoning:		County RSF-R (Residential Single Family Rural)
Proposed City Zoning:		Industrial
Current Land Use:		Residential
Future Land Use:		Industrial
Values:	Assessed:	\$8,060
	Actual:	\$35,000
Address Ranges:		381 27 3/8 Road (Odd Only)
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Junction Drainage District
	School:	District 51
	Pest:	Grand River Mosquito

Annexation/Site Location Map

Figure 1



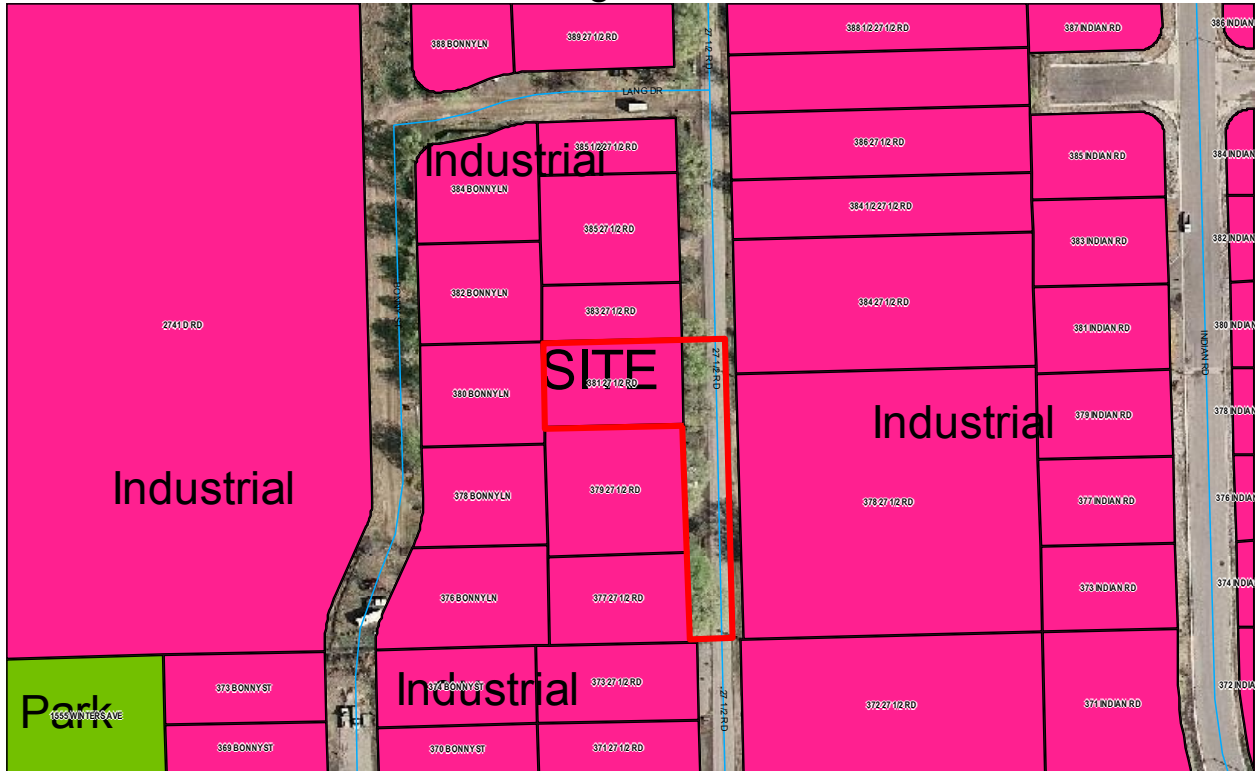
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



**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 17^h of December, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

FOSTER INDUSTRIAL ANNEXATION

**LOCATED AT 381 27 3/8 ROAD AND INCLUDING PARTS OF 27 1/2 ROAD RIGHT-OF
WAY**

WHEREAS, on the 17th day of December, 2007, 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:

FOSTER INDUSTRIAL ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 24, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the South line of the NE 1/4 NW 1/4 of said section 24 to bear N89°51'16"W with all bearing contained herein relative thereto; thence N89°51'16"W along the South line of the NE 1/4 NW 1/4 of said section 24, a distance of 20.00 feet to the Southeast corner of Lot 11 of Amelang Subdivision as recorded in Plat Book 9, Page 162 public records of Mesa County, Colorado; thence N00°08'44"E along the East line of said Amelang Subdivision a distance of 215.75 feet; thence N89°51'16"W along a line being 10.00 feet South of and parallel with, the South line of Lot 7 of said Amelang Subdivision, a distance of 138.00 feet to a point on the East line of Lot 6 of said Amelang Subdivision; thence N00°08'44"E along the East line of Lot 6 of said Amelang Subdivision, a distance of 85.00 feet; thence S89°51'16"E along the North line of said Lot 7 of Amelang Subdivision a distance of 158.00 feet to a point on the West line of the NW 1/4 NE 1/4; thence S00°08'44"W along the West line of the NW 1/4 NE 1/4 a distance of 300.75 feet to the Point of Beginning.

Said parcel contains 0.41 acres (17,745 sq. ft.), 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 4th day of February 2008, 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 Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

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 19, 2007
December 26, 2007
January 2, 2008
January 9, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FOSTER INDUSTRIAL ANNEXATION

APPROXIMATELY .41 ACRES

LOCATED AT 381 27 3/8 ROAD AND PARTS OF 27 1/2 ROAD RIGHT OF WAY

WHEREAS, on the 17th day of December, 2007, 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 4th day of February, 2008; 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 situates in Mesa County, Colorado, and described to wit:

FOSTER INDUSTRIAL ANNEXATION

WHEREAS, on the 17th day of December, 2007, 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:

FOSTER INDUSTRIAL ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 24, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the South line of the NE 1/4 NW 1/4 of said section 24 to bear N89°51'16"W with all bearing contained herein relative thereto; thence N89°51'16"W along the South line of the NE 1/4 NW 1/4 of said section 24, a distance of 20.00 feet to the Southeast corner of Lot 11 of Amelang Subdivision as recorded in Plat Book 9, Page 162 public records of Mesa County, Colorado; thence N00°08'44"E along the East line of said Amelang Subdivision a distance of 215.75 feet; thence N89°51'16"W along a line being 10.00 feet South of and parallel with, the South line of Lot 7 of said Amelang Subdivision, a distance of 138.00 feet to a point on the East line of Lot 6 of said Amelang Subdivision; thence N00°08'44"E along the East line of Lot 6 of said Amelang Subdivision, a distance of 85.00 feet; thence S89°51'16"E along the North line of said Lot 7 of Amelang Subdivision a distance of 158.00 feet to a point on the West line of the NW 1/4 NE 1/4; thence S00°08'44"W along the West line of the NW 1/4 NE 1/4 a distance of 300.75 feet to the Point of Beginning.

Said parcel contains 0.41 acres (17,745 sq. ft.), more or less, as described.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 5

Setting a Hearing on the Garden Grove-Turley Annexation, Located at 2962 A ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Garden Grove – Turley Annexation - Located at 2962 A ½ Road		
File #	ANX-2007-338		
Meeting Day, Date	December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 5, 2007		
Author Name & Title	Justin Kopfman – Associate Planner		
Presenter Name & Title	Justin Kopfman – Associate Planner		

Summary: Request to annex 19.77 acres, located at 2962 A ½ Road. The Garden Grove-Turley Annexation consists of four parcels, and is a two part serial annexation.

Action Requested/Recommendation: Adopt a Resolution referring the petition for The Garden Grove-Turley Annexation and introduce the proposed Ordinance and set a hearing for February 4, 2008.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County & City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2962 A ½ Road			
Applicants:		Owner: Richard Turley			
Existing Land Use:		AFT			
Proposed Land Use:		Residential 2 -4 du/ac			
Surrounding Land Use:	North	Vacant and Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		County RSF-R (Residential Single Family Rural)			
Proposed Zoning:		Residential Medium Low			
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural) and R-4			
	South	County RSF-R (Residential Single Family Rural)			
	East	County RSF-R (Residential Single Family Rural) and R-4			
	West	County RSF-R (Residential Single Family Rural)			
Growth Plan Designation:		Residential Medium Low			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 19.77 acres of land and is comprised of four 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

Garden Grove - Turley 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:

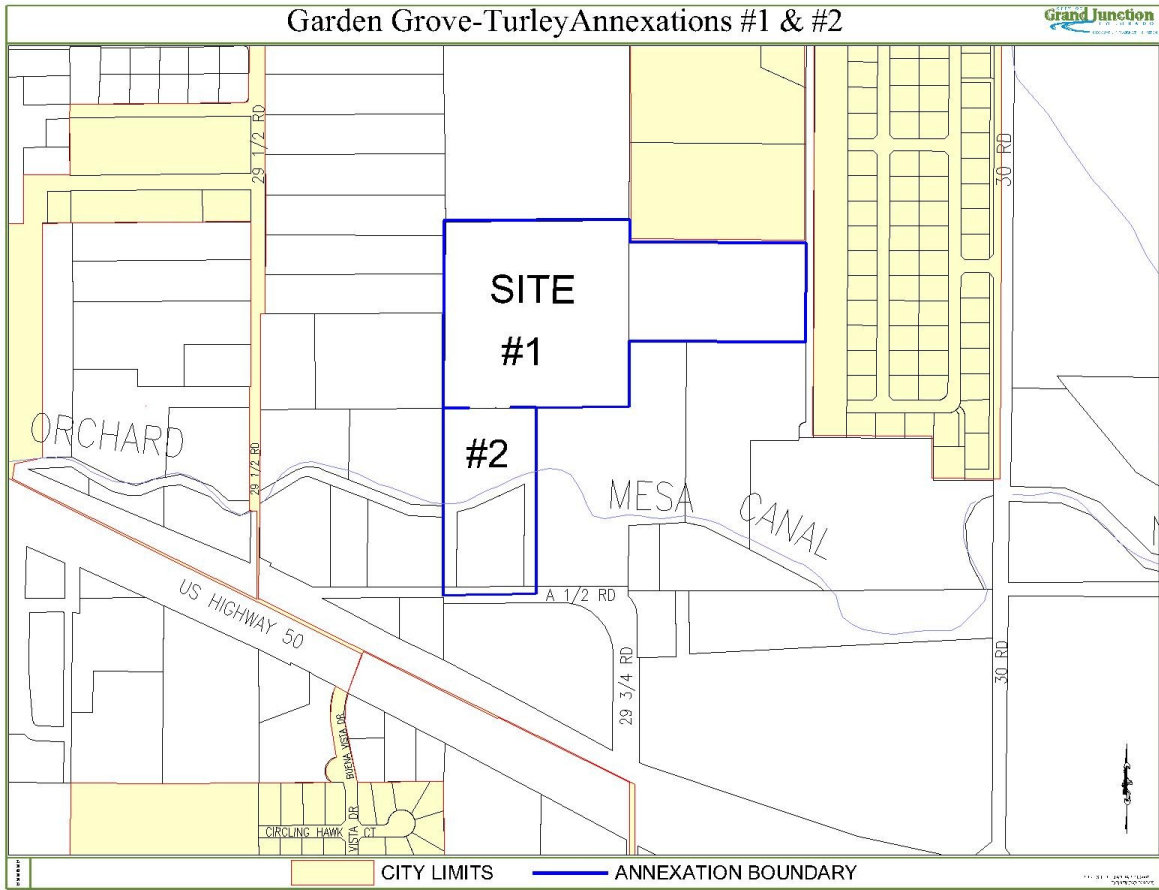
<u>ANNEXATION SCHEDULE</u>	
December 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 8, 2008	Planning Commission considers Zone of Annexation
January 14, 2008	Introduction of a proposed Ordinance on Zoning by City Council
February 4, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 7, 2008	Effective date of Annexation.

GARDEN GROVE TURLEY ANNEXATION SUMMARY

File Number:		ANX-2007-338
Location:		2962 A ½ Road
Tax ID Number:		2943-321-00-169/ 2943-321-00-158/2943-321-00-170/2943-321-00-171
Parcels:		4
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		19.77 acres (865,537 square feet)
Developable Acres Remaining:		19.77 acres (865,537 square feet)
Right-of-way in Annexation:		
Previous County Zoning:		County RSF-R (Residential Single Family Rural)
Proposed City Zoning:		Residential Medium Low
Current Land Use:		Residential
Future Land Use:		Residential Medium Low
Values:	Assessed:	\$17,540
	Actual:	\$175,980
Address Ranges:		2962 -2998 A ½ Road (Even Only)
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa and 201 Persigo
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Orchard Mesa Irrigation/Drainage
	School:	District 51
	Pest:	Grand River Mosquito

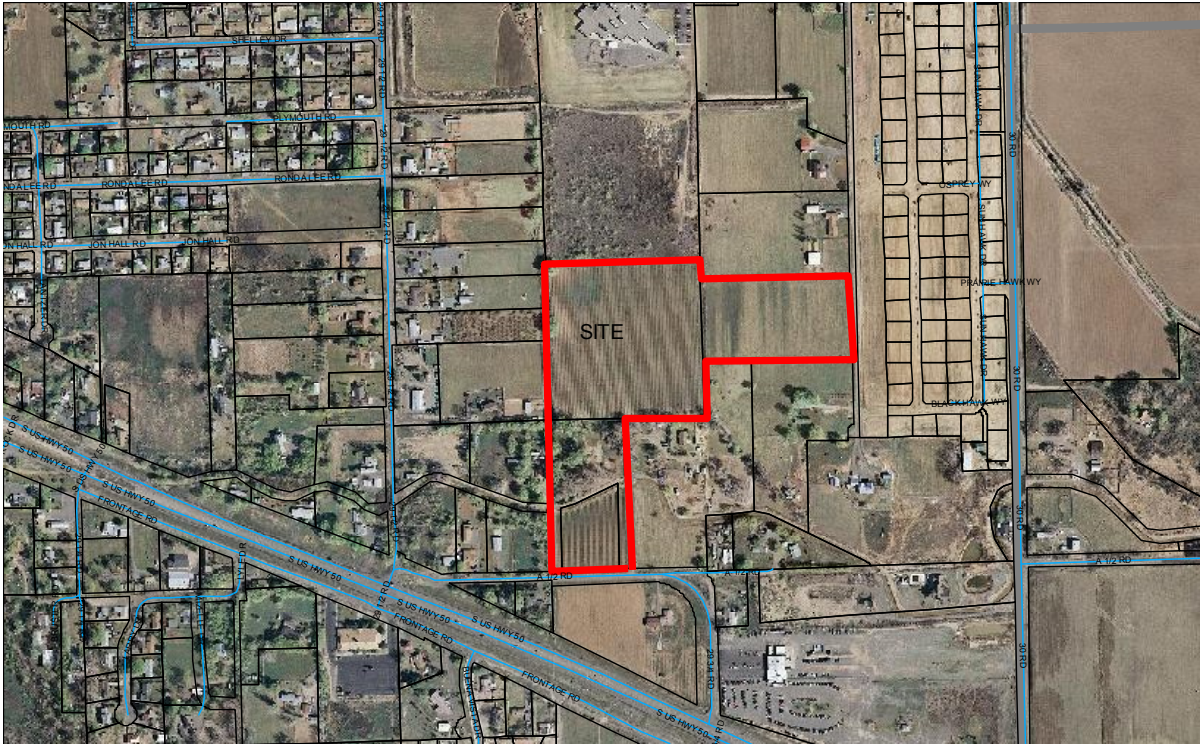
Annexation/Site Location Map

Figure 1

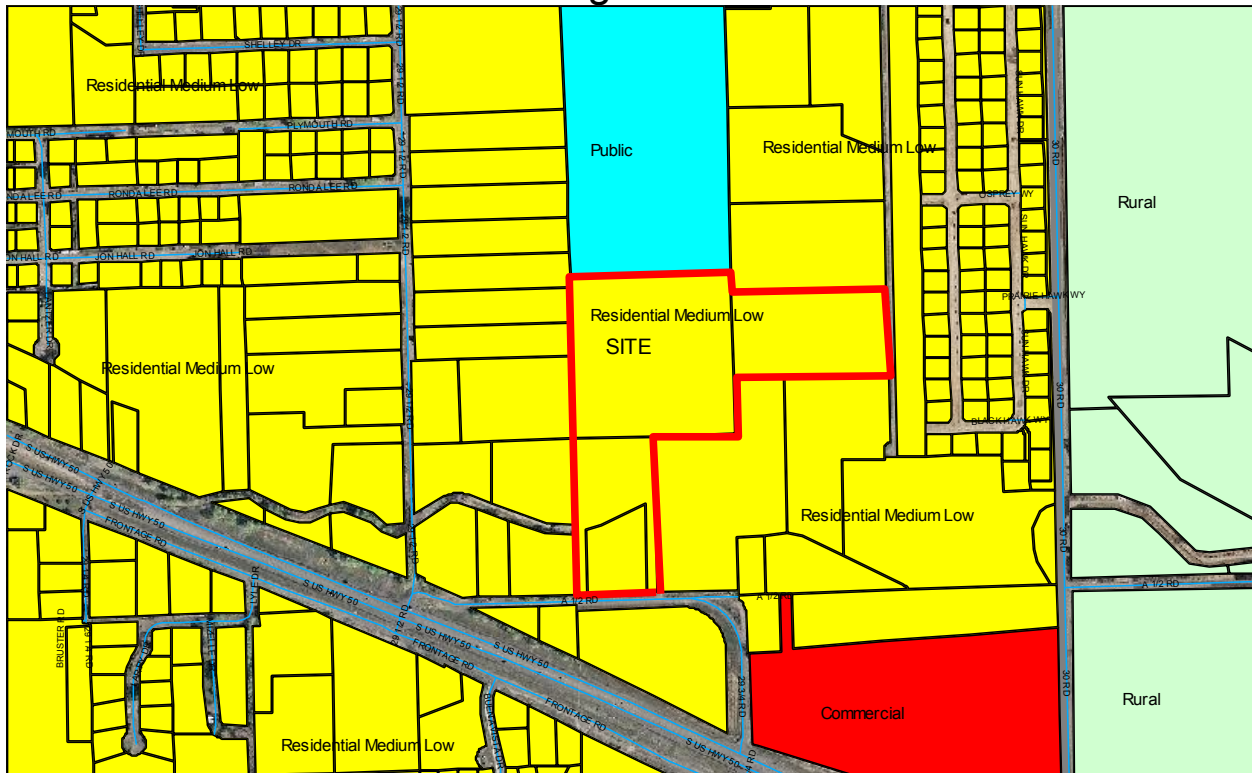


Aerial Photo Map

Figure 2



Future Land Use Map
Figure 3



**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 17^h of December, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

GARDEN GROVE-TURLEY ANNEXATION NO. 1 AND 2

LOCATED AT 2962 A 1/2 ROAD

WHEREAS, on the 17th day of December, 2007, 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:

Garden Grove-Turley Annexation No. 1

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of the SE 1/4 NE 1/4 of said Section 32 and assuming the West line of the SE 1/4 NE 1/4 of said Section 32 to bear S00°17'10"W with all bearings contained herein relative thereto; thence S00°17'10"W along the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 80.65 feet; thence S89°44'28"E a distance of 622.33 feet; thence S00°15'32"W a distance of 349.00 feet; thence N89°44'28"W to a point on the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 622.49 feet; thence S00°17'10"W along the West line of SE 1/4 NE 1/4 of said Section 32, a distance of 228.51 feet; thence S89°35'19"W a distance of 656.15 feet; thence N00°07'14"E along the East line, and the Southerly projection thereof, of Country Estates, as same as recorded in Plat Book 11, Page 129, public records of Mesa County, Colorado, to a point on the North line of the SW 1/4 NE 1/4 of said Section 32, a distance of 660.49 feet; thence N89°47'36"E along the North line of the SW 1/4 NE 1/4 of said Section 32, a distance of 657.98 feet to the Point of Beginning.

Said parcel contains 14.93 acres (650,413.19 sq. ft.), more or less, as described.

AND

Garden Grove-Turley Annexation No. 2

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of the SE 1/4 NE 1/4 of said Section 32 and assuming the West line of the SE 1/4 NE 1/4 of said Section 32 to bear S00°17'10"W with all bearings contained herein relative thereto; thence S00°17'10"W along the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 658.16 feet; thence S89°35'19"W a distance of 329.06 feet to the Point of Beginning; thence S00°07'11"W to a point on the South line of the SE 1/4 NE 1/4 of said Section 32, a distance of 657.81 feet; thence S89°37'30"W along the South line of the SE 1/4 NE 1/4 of said Section 32, a distance of 327.10 feet; thence N00°07'14"E along the East line, and the Southerly projection thereof, of Hoffman Minor Subdivision, as recorded in Plat Book 14, Page 34, public records of Mesa County, Colorado, a distance of 657.60 feet; thence N89°35'19"E a distance of 327.09 feet to the point of beginning.

Said parcel contains 4.71 acres (205,355.59 sq. ft.), 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 4th day of February 2008, 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 Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

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 19, 2007
December 26, 2007
January 2, 2008
January 9, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GARDEN GROVE-TURLEY ANNEXATION NO. 1

APPROXIMATELY 14.93 ACRES

LOCATED AT 2962 A ½ ROAD

WHEREAS, on the 17th day of December, 2007, 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 4th day of February, 2008; 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 situates in Mesa County, Colorado, and described to wit:

Garden Grove-Turley Annexation No. 1

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of the SE 1/4 NE 1/4 of said Section 32 and assuming the West line of the SE 1/4 NE 1/4 of said Section 32 to bear S00°17'10"W with all bearings contained herein relative thereto; thence S00°17'10"W along the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 80.65 feet; thence

S89°44'28"E a distance of 622.33 feet; thence S00°15'32"W a distance of 349.00 feet; thence N89°44'28"W to a point on the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 622.49 feet; thence S00°17'10"W along the West line of SE 1/4 NE 1/4 of said Section 32, a distance of 228.51 feet; thence S89°35'19"W a distance of 656.15 feet; thence N00°07'14"E along the East line, and the Southerly projection thereof, of Country Estates, as same as recorded in Plat Book 11, Page 129, public records of Mesa County, Colorado, to a point on the North line of the SW 1/4 NE 1/4 of said Section 32, a distance of 660.49 feet; thence N89 °47'36"E along the North line of the SW 1/4 NE 1/4 of said Section 32, a distance of 657.98 feet to the Point of Beginning.

Said parcel contains 14.93 acres (650,413.19 sq. ft.), more or less, as described.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

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**

GARDEN GROVE-TURLEY ANNEXATION NO. 2

APPROXIMATELY 4.94 ACRES

LOCATED AT 2962 A ½ ROAD

WHEREAS, on the 17th day of December, 2007, 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 4th day of February, 2008; 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 situates in Mesa County, Colorado, and described to wit:

Garden Grove-Turley Annexation No. 2

A certain parcel of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of the SE 1/4 NE 1/4 of said Section 32 and assuming the West line of the SE 1/4 NE 1/4 of said Section 32 to bear S00°17'10"W with all bearings contained herein relative thereto; thence S00°17'10"W along the West line of the SE 1/4 NE 1/4 of said Section 32, a distance of 658.16 feet; thence S89°35'19"W a distance of 329.06 feet to the Point of Beginning; thence S00°07'11"W to a point on the South line of the SE 1/4 NE 1/4 of said Section 32, a distance of 657.81 feet; thence S89°37'30"W along the South line of the SE 1/4 NE 1/4 of said Section 32, a distance of 327.10 feet; thence N00°07'14"E along the East line, and the Southerly projection thereof, of Hoffman Minor Subdivision, as recorded in Plat Book 14, Page 34, public records of Mesa County, Colorado, a distance of 657.60 feet; thence N89°35'19"E a distance of 327.09 feet to the point of beginning.

Said parcel contains 4.71 acres (205,355.59 sq. ft.), more or less, as described.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 6

Setting a Hearing Zoning the Gummin Annexation, Located at 2215 Magnus Ct.

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Gummin Annexation - Located at 2215 Magnus Court.		
File #	ANX-2006-100		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 5, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to zone the 6.60 acre Gummin Annexation, located at 2215 Magnus Court, to R-2 (Residential, 2 units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for January 14, 2008.

Attachments:

1. Staff report/Background information
2. Annexation - Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing County and City Zoning Map
4. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2215 Magnus Court		
Applicants:		Owner: Daniel Gummin Representative and Developer: Sonshine II Development and Construction, LLC – Kim Kerk		
Existing Land Use:		Vacant Residential		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Residential and Vacant		
	South	Vacant Residential		
	East	Single Family Residential		
	West	Vacant Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		R-2 (Residential, 2 units per acre)		
Surrounding Zoning:	North	County RSF-4		
	South	City R-E (Residential Estate, 1 unit per 2 acres)		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Low ½ - 2 ac/du		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-2 zone district is consistent with the Growth Plan designation of Residential Low ½ - 2 ac/du. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The Development Engineer and I reviewed a Site Analysis prepared for the Gummin project by the petitioner's engineer. After reviewing the information provided, staff is recommending the R-2 zone district. This property is subject to the Hillside (Section 7.2.G) requirements and standards of the Zoning and Development Code. Due to the amount of the property that has slopes between 20-30%, and the Hillside requirements, I do not believe that the site can develop 10 lots at the R-2 density. However, the R-1 zone district would only allow the applicant to develop 5 lots to meet the density. In my opinion, the Site Analysis shows that 6 or 7 lots will work and therefore, falls in between the R-1 and R-2 densities. The applicant believes that they can demonstrate how the property can develop under the R-2 zone district standards and still meet all of the other standards of the Zoning and Development Code. That will be up to the applicant to demonstrate at the Preliminary Plan stage.

The applicant will have to show that the Preliminary Plan can not only meet the Zoning and Development Code Standards but also needs to comply with the following goals and policies of the Growth Plan and Redlands Area Plan:

Goal 20 – To achieve a high quality of air, water and land resources.

Policies 20.7 – The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Book Cliffs, Grand Mesa and Colorado National Monument.

Policy 20.9 – The City and County will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainage ways and waterways surrounding the City.

Policy 20.10 – The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2 – The City and County will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3 – The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.

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

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

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

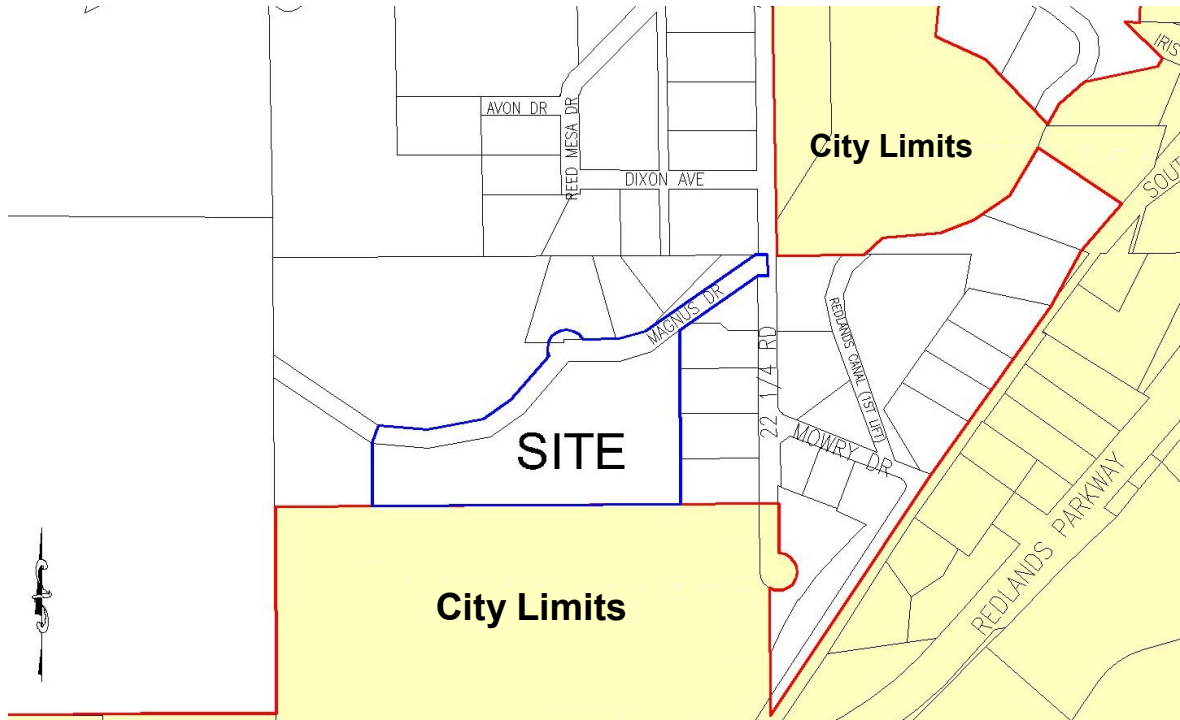
- a. R-E (Residential Estate, 1 unit per 2 acres)
- b. R-1 (Residential, 1 unit per acre)

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 R-2 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

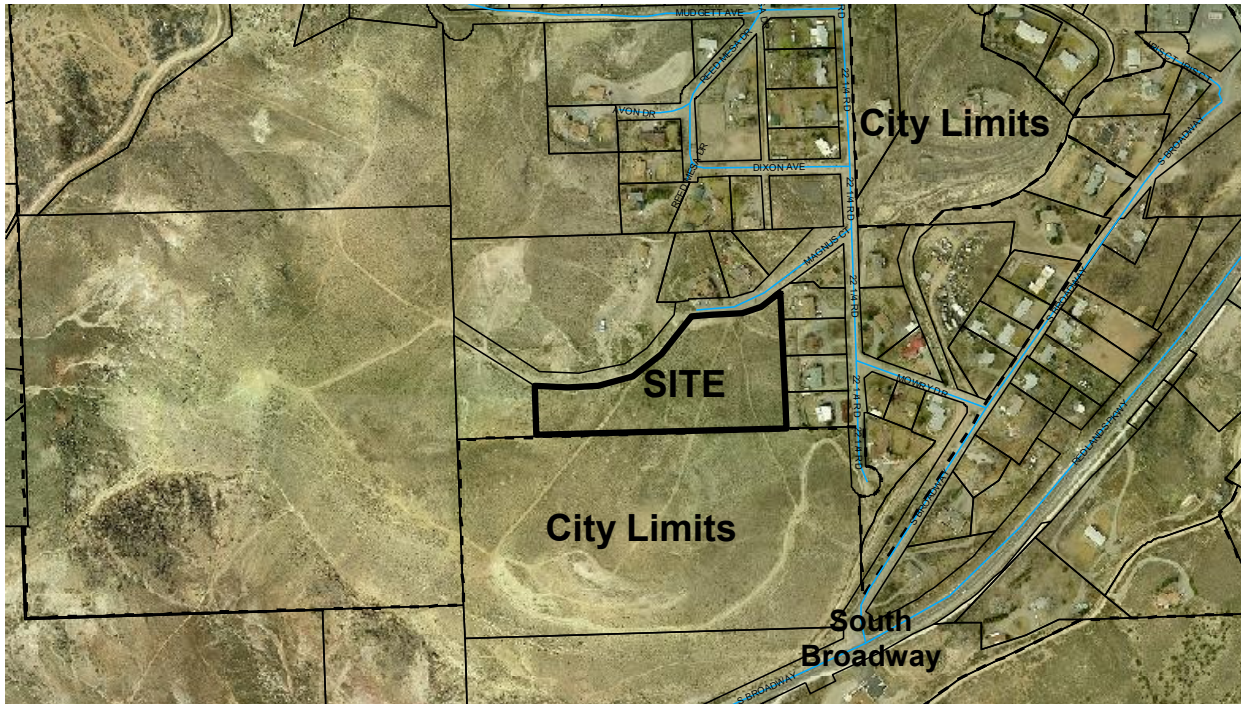
Site Location Map

Figure 1



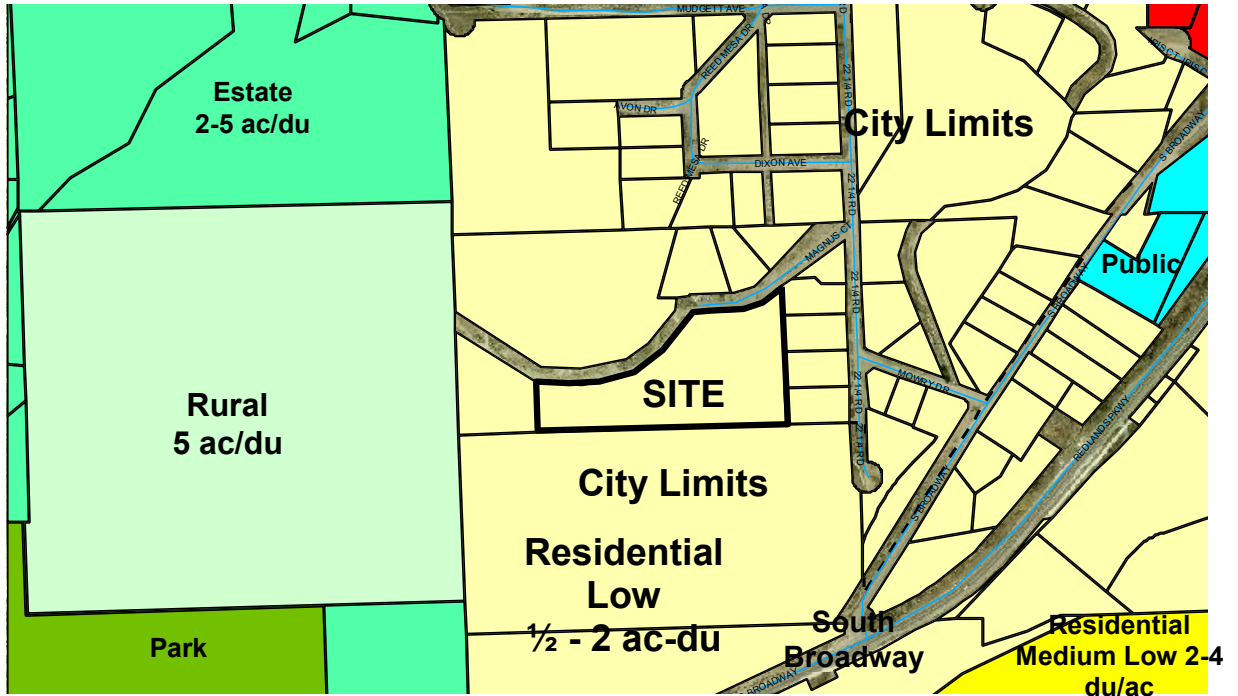
Aerial Photo Map

Figure 2



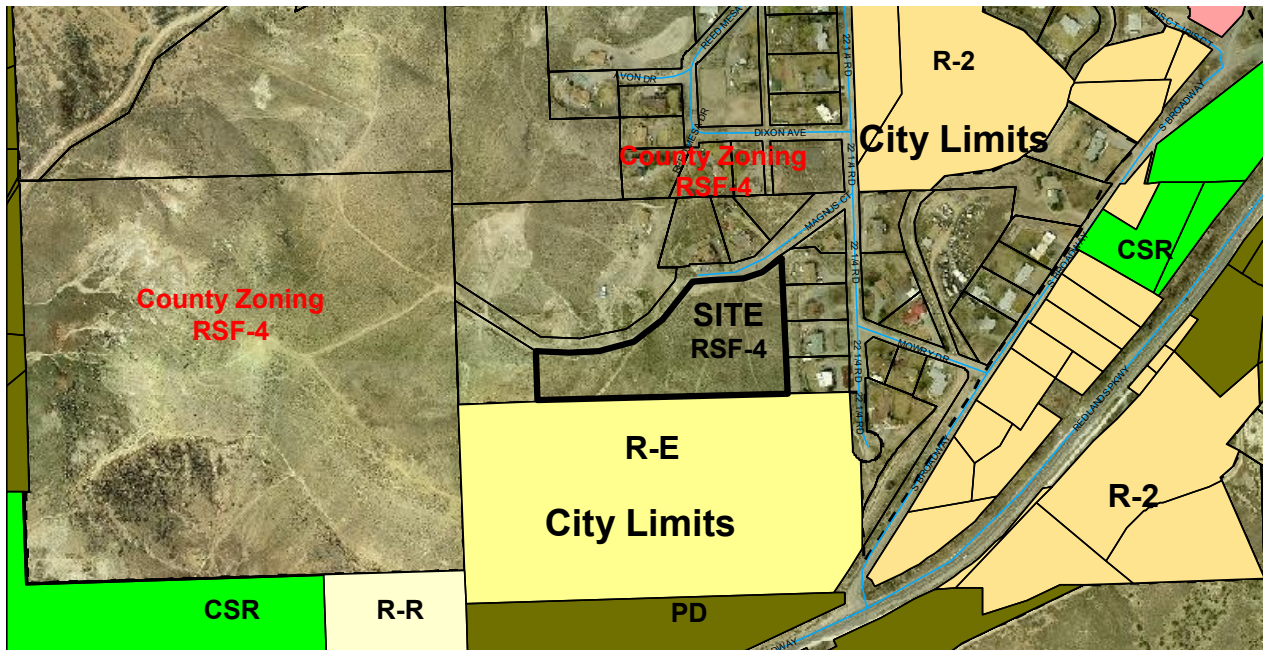
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE GUMMIN ANNEXATION TO
R-2 (RESIDENTIAL, 2 UNITS PER ACRE)**

LOCATED AT 2215 MAGNUS COURT

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Gummin Annexation to the R-2 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 R-2 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 R-2 (Residential, 2 units per acre).

A certain parcel of land lying in the North Half (N 1/2) of Lot 1 of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 5 of Mullins Subdivision as same is recorded in Plat Book 12, Page 264, Public Records of Mesa County, Colorado; and assuming the South line of the North Half of said Lot 1 of Section 18 bears S89°50'26"W with all other bearings contained herein being relative thereto; thence S89°50'26"W along said South line a distance of 817.98 feet to the Southeast corner of that certain parcel of land as described in Book 3908, Page 288, Public Records of Mesa County, Colorado; thence N00°08'08"W along the East line of said parcel, a distance of 163.43 feet to the Northeast corner of said parcel; thence N19°22'30"E a distance of 51.66 feet to a point on the North line of Magnus Court as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S85°10'19"E along said North line a distance of 130.42 feet; thence N79°50'25"E along said North line a distance of 151.14 feet; thence N54°50'25"E along said North line a

distance of 91.28 feet; thence N40°37'48"E along said North line a distance of 154.08 feet; thence 148.59 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 170°16'38" and a chord bearing N64°42'01"E a distance of 99.64 feet to a point on the North line of Magnus Court as same is recorded in Book 794, Page 336, Public Records of Mesa County, Colorado; thence N89°50'19"E along said North line a distance of 97.58 feet; thence N73°43'19"E along said North line a distance of 71.25 feet; thence N55°21'06"E along said North line a distance of 354.75 feet to a point on the North Line of said Lot 1 of Section 18; thence N89°50'19"E a distance of 32.91 feet to the Northeast corner of said Lot 1 of Section 18; thence S00°10'49"E along the East line of the North Half of said Lot 1 of Section 18 a distance of 55.21; thence S89°49'11"W a distance of 25.00 feet to the Northeast corner of Lot 1 of said Mullins Subdivision; thence S55°21'06"W along the North line of said Lot 1 a distance of 255.05 feet to the Northeast corner of that certain parcel of land as described in Book 3509, Page 852, Public Records of Mesa County, Colorado and also being the West line of said Mullins Subdivision; thence S00°10'19"E along the East line of said parcel a distance of 459.40 feet, more or less, to the Point of Beginning.

Said parcel contains 6.60 acres (287,641 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 7

Setting a Hearing on the Lochmiller Annexation, Located at 193 Shelley Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Lochmiller Annexation - Located at 193 Shelley Drive		
File #	ANX-2007-329		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 5, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to annex 1.06 acres, located at 193 Shelley Drive. The Lochmiller Annexation consists of one parcel and includes a portion of the B Road and Shelley Drive rights-of-way. This property is located on the south side of B Road and east of 29 Road on Orchard Mesa.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Lochmiller Annexation and introduce the proposed Ordinance and set a hearing for February 4, 2008.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County and City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		193 Shelley Drive		
Applicants:		Owners: Philip Lochmiller Sr. and Philip Lochmiller Jr. Representative: Tom Dixon		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential and Agricultural		
Existing Zoning:		County RSF-4		
Proposed Zoning:		R-4 (Residential, 4 units per acre)		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-R		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.06 acres of land and is comprised of one parcel and includes a portion of the B Road and Shelley Drive rights-of-way. 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 Lochmiller 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 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 8, 2008	Planning Commission considers Zone of Annexation
January 14, 2008	Introduction of a proposed Ordinance on Zoning by City Council
February 4, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 7, 2008	Effective date of Annexation and Zoning

LOCHMILLER ANNEXATION SUMMARY

File Number:		ANX-2007-329
Location:		193 Shelley Drive
Tax ID Number:		2943-322-00-163
Parcels:		1
Estimated Population:		3
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		1.06 acres
Developable Acres Remaining:		.73 acres
Right-of-way in Annexation:		.33 acres (14,437 sq ft)
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-4 (Residential, 4 units per acre)
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential
Values:	Assessed:	\$8,500
	Actual:	\$106,720
Address Ranges:		193 thru 199 Shelley Drive (odd only)
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Orchard Mesa Irrigation
	School:	District 51
	Pest:	Grand River Mosquito District

Annexation / Site Location Map

Figure 1

Chipeta Golf Course



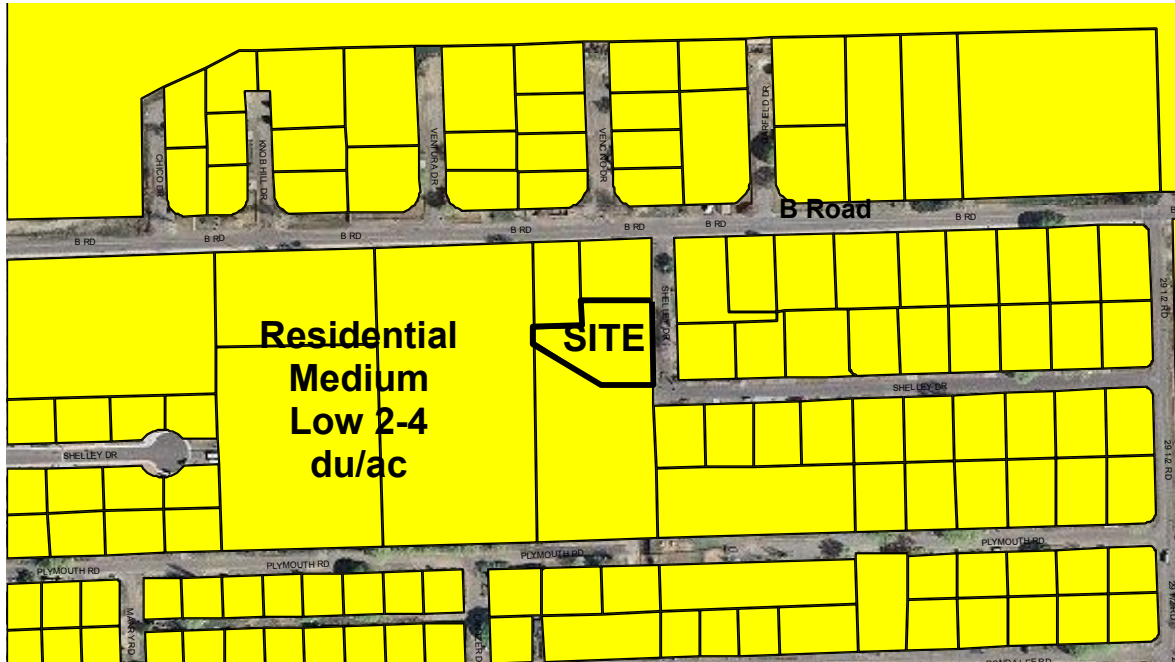
Aerial Photo Map

Figure 2



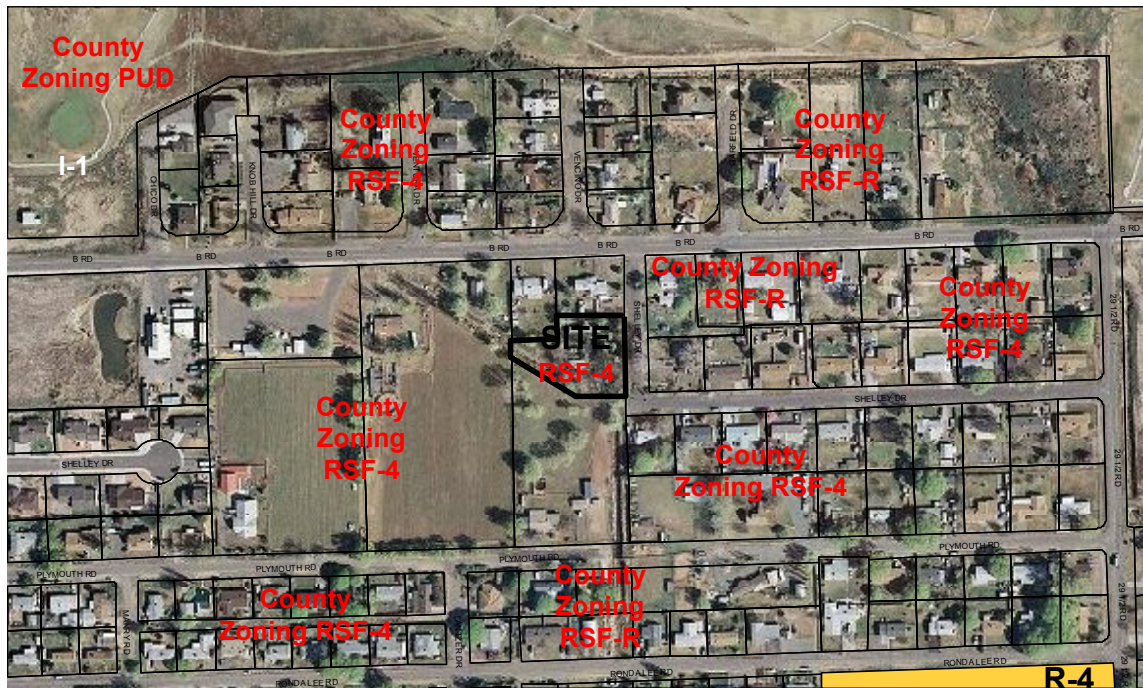
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**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 17th of December, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

LOCHMILLER ANNEXATION

**LOCATED AT 193 SHELLEY DRIVE AND ALSO INCLUDES A PORTION OF THE B
ROAD AND SHELLEY DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 17th day of December, 2007, 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:

LOCHMILLER ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of the NE 1/4 NW 1/4 of said Section 32 and assuming the North line of the NE 1/4 NW 1/4 of said section 32 to bear N89°51'20"E with all bearings contained herein relative thereto; thence N89°51'20"E along the North line of the NE 1/4 NW 1/4 of said section 32, a distance of 633.80 feet; thence S00°08'40"E a distance of 10.00 feet; thence S89°51'20"W along a line being 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 358.83 feet; thence S00°10'23"E a distance of 323.91 feet; thence S89°43'20"W a distance of 136.08 feet, along the South line of the easterly projection and the South line of that certain Parcel described in Book 3683, Page 628, public records of Mesa County, Colorado; thence N56°17'38"W along the South line of said Parcel, a distance of 167.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said section 32; thence N00°09'48"W along the West line of said NE 1/4 NW 1/4, a distance of 30.02 feet; thence N89°49'37"E along the North line of said Parcel, a distance of 104.00 feet; thence N00°10'23"W along the West line of said Parcel, a distance of 50.95 feet; thence N89°50'44"E along the North line of said Parcel, a

distance of 146.00 feet to a point on the West line of Shelley Drive, as recorded in Book 758, Page 431, public records of Mesa County, Colorado; thence N00°10'23"W along the West line of said Shelley Drive, a distance of 149.97 feet; thence S89°51'20"W along a line being 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 249.97 feet returning to the West line of the NE 1/4 NW 1/4 of said Section 32; thence N00°09'48"W along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 1.06 acres (46,207 sq. ft.), 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 4th day of February, 2008, 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 Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2007.

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 19, 2007
December 26, 2007
January 2, 2008
January 9, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCHMILLER ANNEXATION

APPROXIMATELY 1.06 ACRES

**LOCATED AT 193 SHELLEY DRIVE AND ALSO INCLUDES A PORTION OF THE B
ROAD AND SHELLEY DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 17th day of December, 2007, 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 4th day of February, 2008; 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:

LOCHMILLER ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of the NE 1/4 NW 1/4 of said Section 32 and assuming the North line of the NE 1/4 NW 1/4 of said section 32 to bear N89°51'20"E with all bearings contained herein relative thereto; thence N89°51'20"E along the North line of the NE 1/4 NW 1/4 of said section 32, a distance of 633.80 feet; thence S00°08'40"E a distance of 10.00 feet; thence S89°51'20"W along a line being 10.00

feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 358.83 feet; thence S00°10'23"E a distance of 323.91 feet; thence S89°43'20"W a distance of 136.08 feet, along the South line of the easterly projection and the South line of that certain Parcel described in Book 3683, Page 628, public records of Mesa County, Colorado; thence N56°17'38"W along the South line of said Parcel, a distance of 167.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said section 32; thence N00°09'48"W along the West line of said NE 1/4 NW 1/4, a distance of 30.02 feet; thence N89°49'37"E along the North line of said Parcel, a distance of 104.00 feet; thence N00°10'23"W along the West line of said Parcel, a distance of 50.95 feet; thence N89°50'44"E along the North line of said Parcel, a distance of 146.00 feet to a point on the West line of Shelley Drive, as recorded in Book 758, Page 431, public records of Mesa County, Colorado; thence N00°10'23"W along the West line of said Shelley Drive, a distance of 149.97 feet; thence S89°51'20"W along a line being 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 249.97 feet returning to the West line of the NE 1/4 NW 1/4 of said Section 32; thence N00°09'48"W along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 1.06 acres (46,207 sq. ft.), 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 _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 8

Setting a Hearing for the Ridges Mesa Planned Development (ODP)

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Ridges Mesa Planned Development (ODP) Outline Development Plan		
File #	ODP-2006-358		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 6, 2007		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: A request for approval of an Outline Development Plan (ODP) to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential -2 dwelling units per acre) zone district; retaining the R-2 zoning as the default zoning designation.

Budget: N/A

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for January 14, 2008

Attachments:

1. Staff report
2. Site Location Map / Aerial Photo
3. Future Land Use Map / Existing City & County Zoning Map
4. Proposed Ordinance with Exhibit

Background Information: Please see the attached Staff report and background information.

BACKGROUND INFORMATION				
Location:		E of Hidden Valley Drive and High Ridge Drive		
Applicants:		TKAR, LLC, owner; Ted Munkres, Freestyle, Inc., developer; Bob Blanchard, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		Single-family residential		
Surrounding Land Use:	North	Residential		
	South	Vacant land		
	East	Single-family residential		
	West	Ridges, residential subdivision		
Existing Zoning:		R-2 (Residential, 2 units per acre)		
Proposed Zoning:		PD (Planned Development		
Surrounding Zoning:	North	County RSF-4 and R-2 (Residential – 2 dwelling units per acre)		
	South	County RSF-4 (Residential single family, 4 units per acre)		
	East	R-2 (Residential – 2 dwelling units per acre)		
	West	R-2 (Residential - 2 du/ac) and Ridges PD		
Growth Plan Designation:		Residential Low ½ to 2 acres per dwelling unit		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. **Background:** An Outline Development Plan is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of land that is at least 20 acres in size. The purpose is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. Through this process a general pattern of development is established with a range of densities assigned to individual “pods” that will be the

subject to future, more detailed planning. Following approval of an ODP, a preliminary development plan approval and a subsequent final development plan approval shall be required before any development activity can occur. Preliminary Development Plans shall require approval by the Planning Commission as well as the City Council.

Planned Developments may apply to mixed-use or unique single-use project where design flexibility is desired and is not available through the standards of a straight zone, found in Chapter 3. Planned development zoning should be used only when long-term community benefits will be derived. PD zoning includes but is not limited to more effective infrastructure; reduced traffic demands; a greater quality and quantity of public and/or private open space; other recreational amenities; needed housing types and/or mix; innovative designs; protection and/or preservation of natural resources, habitat area and natural features; and/or public art. The Director shall determine whether substantial community benefits will be derived. The applicant provides that their public benefit will be obtained with creative design and a development that will work with the existing topography and rock out-croppings in this area. The applicants have committed a trail system within the open space areas that will be available for public use. This trail system is not shown on the Urban Trails Master Plan, and therefore is above and beyond the Code requirements. The Open Space provided will exceed that required by the Code in single-family residential developments.

The subject property was annexed into the City in 1992 as part of the Ridges Majority #3 Annexation. This 51.04 acre parcel has had several previous applications. In 1998 an ODP was proposed to request approval of an Outline Development Plan for Ridge Heights Subdivision and approve a Preliminary Plan for Ridge Point Filing #2. That application was withdrawn by the applicant. In 2000 the property went through the rezoning process. This rezone request was caught between the adoption and the effective date of a new Zoning Map and Zoning Code. The request was also for preliminary plan approval for 15 lots on 6.9 acres within Ridge Point Filing 2. The request was approved with conditions, and was valid for one year. That plan expired and in January of 2002, the applicant requested approval of another preliminary plan for a 9-lot subdivision on 8.97 acres, and one lot on 42.07 acres for future development. The application was subject to the hillside development standards and the applicant was utilizing the cluster development standards to reduce the lot sizes and setbacks. Unfortunately the approved plan expired prior to the Final Plat being recorded. In 2004, since the previous approval had expired, the applicant requested a pre-application conference as the changes to the Code and the Zoning Map now affected this property.

The project consists of one parcel of land over fifty acres in size, the requirements of Section 6.1 of the Zoning and Development Code applies. Section 6.1 states that each applicant for a major subdivision, planned development district or site plan review involving fifty (50) or more acres shall complete a site analysis as described in Chapter 6 for the first step of the project. It is the constraints of this parcel that need to be recognized prior to any preliminary plan being submitted. Furthermore, the question of

interconnectivity between parcels, as required by the Zoning and Development Code, needs to be answered. During previous reviews of the property many concerns were raised about future connections to adjacent properties as well as the ability to provide sufficient public utilities such as water and sewer.

The applicants have submitted the required Site Analysis for the property and are requesting approval of the proposed Outline Development Plan. The attached PD zoning ordinance will establish the default zoning and maximum and minimum number of dwelling units within each pod. It also shows areas of proposed open space and proposed trails. It further depicts possible roadway connections. Deviations from the bulk standards, specific design standards and signage detail will be established with the preliminary plan for each phase or pod.

2. Consistency with the Growth Plan: The Future Land Use Map designates the subject property as Residential Low, ½ to 2 acres per dwelling unit. The proposed ODP shows that the density falls within the minimum and maximum densities allowed by this designation. In addition, the applicant feels that the following Goals and Policies support this application:

Policy 1.4: The City and County may allow residential dwelling types (e.g., patio homes, duplex, multi-family and other dwelling types) other than those specifically listed for each residential category through the use of planned development regulations that ensure compatibility with adjacent development. Gross density within a project should not exceed planned densities except as provided in Policy 1.5. Clustering of dwellings on a portion of a site should be encouraged so that the remainder of the site is reserved for usable open space or agricultural land.

While the optional dwelling types are not planned for Ridges Mesa, the gross density will fall within the allowed range of the Residential Low plan designation. Clustering of homes will not only allow the preservation of significant open space, but also retain many of the significant topographical features on the site.

Policy 4.1: The City and County will place different priorities on growth, depending on where proposed growth is located within the Joint Planning Area, as shown in Exhibit V.3. The City and County will limit urban development in the Joint Planning Area to locations within the Urban Growth Boundary with adequate public facilities as defined in the City and County Codes.

This property is located inside the Urban Growth Boundary, inside the City limits. Adequate public facilities exist adjacent to the site and can be extended through the site, including water and sewer, to serve the proposed development.

Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas

which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.

Adequate public facilities exist to serve the proposed development. The Ridges Mesa property is within the Persigo 201 sewer service area and will be served by the City of Grand Junction. Eight inch sewer lines exist both on the western boundary of the property in High Ridge Drive and Hidden Valley Drive and to the east in Country Club Park Road. Water will be provided by Ute Water. Existing water mains exist in High Ridge Drive, Hidden Valley Drive and Country Club Park Road.

Policy 20.7: The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Book Cliffs, Grand Mesa and Colorado National Monument.

The subject property has significant topography that includes slopes in excess of 30%. Development will be limited on steep slope areas in accordance with the Zoning and Development Code.

Policy 26.3: The City and County will encourage the retention of lands that are not environmentally suitable for construction (e.g. steep grades, unstable soils, floodplains, etc.) for open space areas and, where appropriate, development of recreational uses. Dedications of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

Disturbance of steep slope areas will be limited as required by the Zoning and Development Code. The existing draws and drainages are being retained in their natural state as well as part of the larger open space area. Policy Redlands Area Plan: In the Redlands Area Plan, adopted on March 26, 2002, there are limited goals and policies specific to the proposed Ridges Mesa Planned Development ODP area. Review of the Plan finds that the proposed development is consistent with the Area Plan as a whole. Specific to the Plan is the policy to encourage the retention of lands that are not environmentally suitable for construction (e.g. steep grades, unstable soils, floodplains, etc.) for open space areas and where appropriate, development of recreational uses. Dedication of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

Disturbance of steep slope areas will be limited as required by the Zoning and Development Code. The natural draws and drainages are being retained in their natural state as well as part of the larger open space area in the development or may be enhanced if some disturbance is required.

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

Requests for an Outline Development Plan (ODP) for property zoned Planned Development (PD) must demonstrate conformance with all of the following:

- a. The Growth Plan, Major Street plan and other adopted plans and policies.

The ODP is consistent with all adopted plans and policies. Growth Plan and the Redlands Area Plan consistency were discussed above. The Grand Valley Circulation Plan does not identify any proposed major streets in this area.

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

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

This criterion does not apply with this rezone request to Planned Development. The applicant is not requesting a change to the default zoning of R-2, only that the future development of this parcel proceed under the Planned Development procedures of the Code and is phased as shown with the Outline Development Plan presented herein.

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

Significant growth and development have occurred nearby with Redlands Mesa. Along with the establishment of a golf course, multiple and associated facilities, multiple residential filings have been approved and development is occurring on the majority of those approved. In addition, Mariposa Drive has been improved to its intersection with Monument Road. Additionally, a new proposed subdivision, located south of the subject property, Pinnacle Ridge, is in the review process and is located adjacent to the proposed ODP area.

- 3) The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. The proposed rezone to PD remains compatible with the surrounding area since the actual default zoning of R-2 is not changing. Except for those areas noted for deviation from the bulk standards that may be proposed

with future Preliminary Development Plans, all standards of the R-2 district will continue to be met.

- 4) The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines

As noted previously, this project meets the goals and policies of the Growth Plan and the Redlands Area Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized.

Review of this proposal shows that that public infrastructure can address the impacts of any development consistent with the PD zone district, therefore this criterion is met.

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

Adequate public facilities are currently available or extensions of such facilities nearby will be made available and can address the impacts of development consistent with the Planned Development zone district.

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

While the Ridges development to the west and northwest as well as Redlands Mesa is zoned Planned Development, the majority of this land is developed, including the properties with equivalent default zoning of R-2.

The only other vacant property in the surrounding area with equivalent zoning of R-2 is the adjacent proposed Pinnacle Ridge subdivision.

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

The applicant's state that the proposed rezone to Planned Development will allow this property to be developed with significant benefits that may not occur otherwise under the R-2 zone district including recreational amenities, creative design that

recognizes and protects the existing topography and natural features.

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

The applicant has provided that the development standards found in Section 5.4 is consistent with all the applicable requirements of this section.

1. Residential density – The proposed residential density of approximately two homes per acre is consistent with the Growth Plan designation of Residential Low, ½ to 2 acres per dwelling unit.
2. Minimum District Size – The project is approximately 51 acres in size, larger than the required minimum of five acres.
3. Development Standards – Compliance with all development standards will be discussed as each Preliminary Development Plan is submitted.
4. Deviation From Development Default Standards – The applicant is proposing to use the existing zoning of R-2 as the default zone. Any deviation from this district's development standards will be identified in each PDP (Planned Development Plan) submittal along with explanations of public benefits that would justify the deviations.

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

Chapter Seven addresses hillside developments, which this property is subject to those regulations. The site analysis has identified these areas. As required, the areas of greater than 30% slopes are reserved with no development allowed. Each individual Preliminary Development Plan, as corresponding with each pod of the Outline Development Plan will identify lot sizes consistent with the requirements of Table 7.2.A or justify deviations based on the public benefit. This property is also located within the boundaries of the Redlands Area Plan. The Plan shows nothing specific to this parcel, but a goal is to minimize inappropriate development in natural hazard areas. These have been reflected on the site analysis map and are part of the Outline Development Plan.

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

How all public services and facilities will be provided will be detailed in the Preliminary and Final Development Plans. As with any major subdivision, these utilities will need to be in place prior to the Final Plat for each phase being recorded and/or the financial guarantees in place to assure the installation of such utilities.

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

The Outline Development Plan provides graphic representation of possibly 3 access points and how the access points and internal circulation system may be provided at the level required by the Code. Detailed access plans will be indentified on the Preliminary Development Plans as they proceed forward.

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

Screening and buffering of adjacent property uses is not necessary since the uses are residential with similar densities as the proposed Plan.

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

The applicants state that the proposed density is approximately two homes per acre which is consistent with the Residential Low Growth Plan designation for this area.

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

The applicants request the default zone of R-2 (Residential – two units per acre). The development standards will be identified with the first preliminary development plan to be filed. Since this will be a Planned Development a zoning ordinance will accompany the first phase, and all future phases of the Preliminary Plan. The underlying zoning designation will remain R-2.

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

The applicants request that Phase One begin immediately upon approval of the Final Development Plan for that area. A preliminary plan for Phase One has been submitted and is currently under review. The applicants had anticipated the spring of 2007 as the beginning of the project but that time has now passed. The spring of 2008 would be more likely. The applicants also proposed that Phase Two begin in the fall of 2008 and Phase Three in the fall of 2011.

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

The subject property is approximately 51.04 acres in size, therefore meeting this criterion.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Ridges Mesa Outline Development Plan application, file number ODP-2006-358 for a Planned Development, Outline Development Plan, I make the following findings of fact and conclusions:

5. The requested Planned Development, Outline Development Plan is consistent with the Growth Plan.
6. The review criteria in Section 2.12.B.2 of the Zoning and Development Code have all been met.
3. All subsequent Preliminary Development Plans shall require a recommendation by the Planning Commission as well as approval by the City Council as found in Section 5.4 of the Zoning and Development Code and the process chart found in Chapter 2.

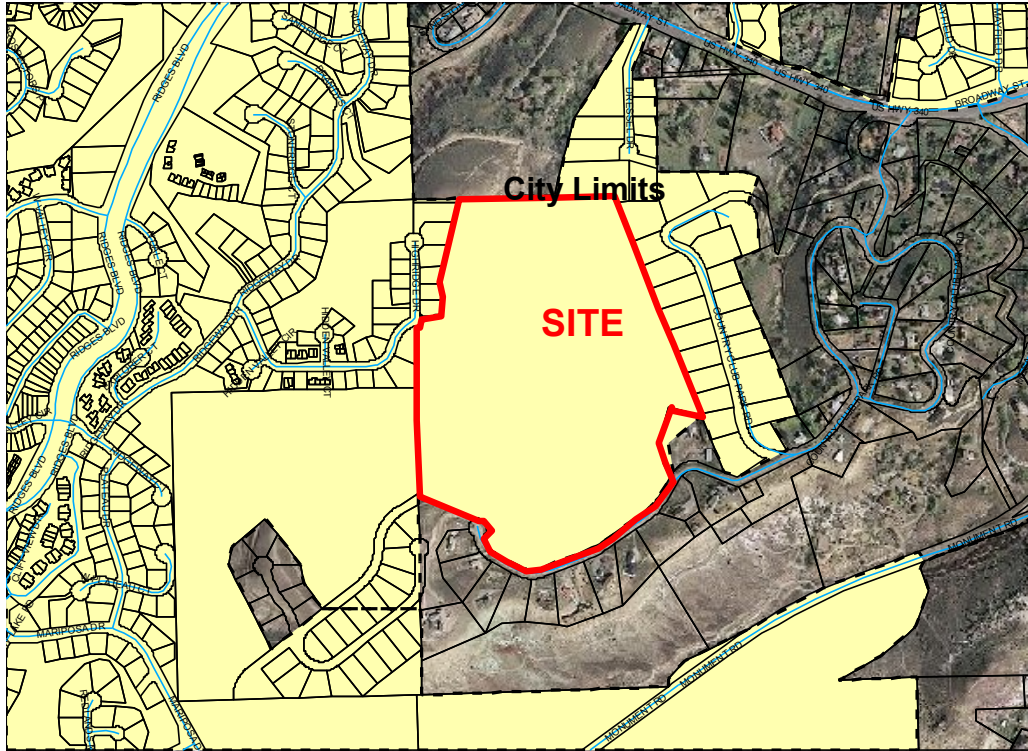
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission will make a recommendation on this item at their regularly scheduled meeting of December 11, 2007. That recommendation will be forwarded on after that time.

Site Location Map

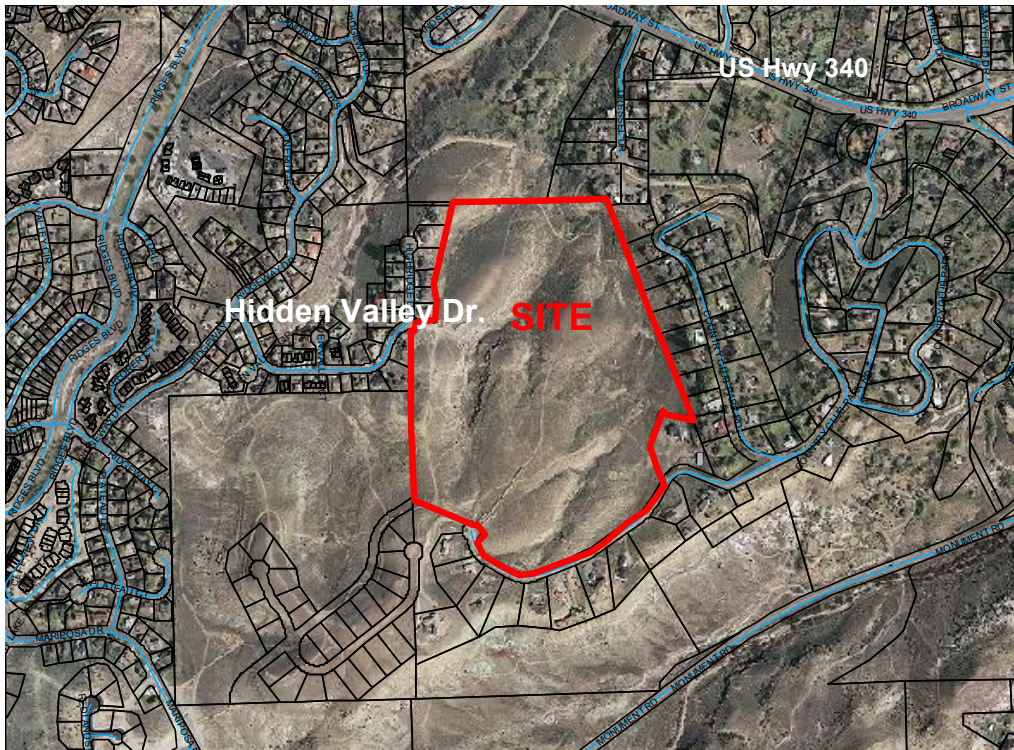
City Limits

Ridges Mesa ODP



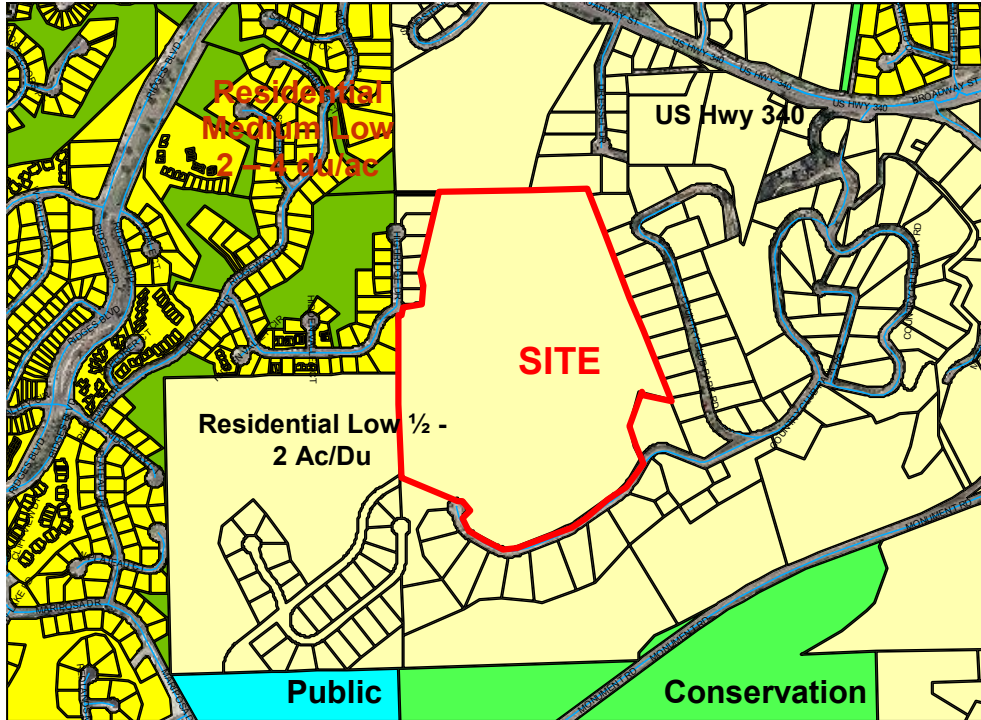
Aerial Photo Map

Ridges Mesa ODP



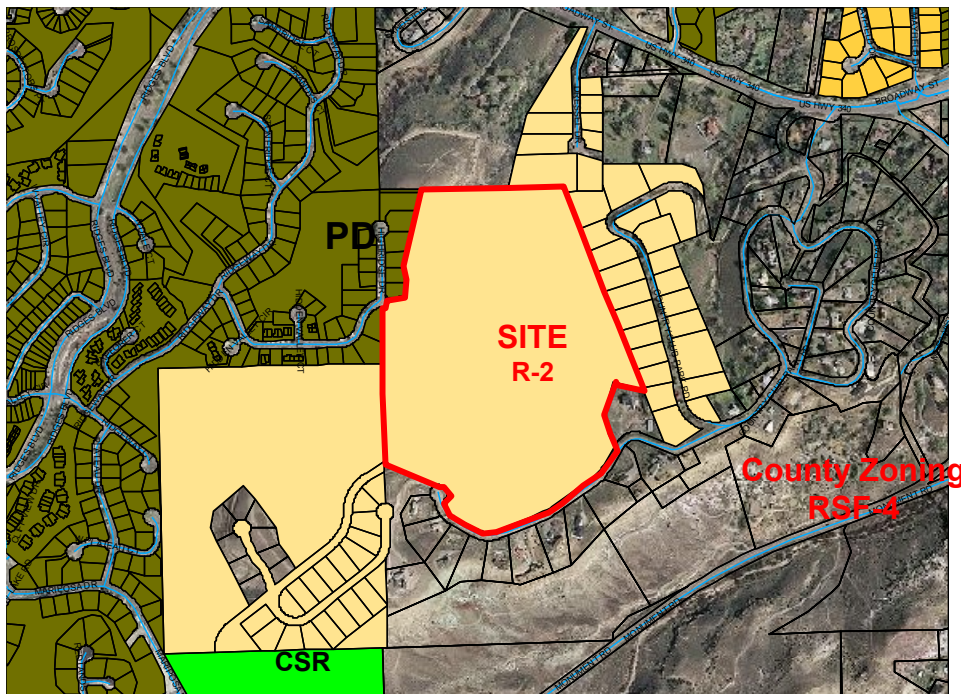
Future Land Use Map

Ridges Mesa ODP



Existing City and County Zoning

Ridges Mesa ODP



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." ⁹⁴

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING APPROXIMATELY 51.04 ACRES FROM R-2 TO PD
(PLANNED DEVELOPMENT)**

**THE RIDGES MESA PLANNED DEVELOPMENT
LOCATED EAST OF HIDDEN VALLEY DRIVE AND HIGH RIDGE DRIVE**

Recitals

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 51.04 acres located east of Hidden Valley Drive, High Ridge Drive and north of Bella Pago, be rezoned from R-2 (Residential, 2 units per acre) to PD (Planned Development) retaining R-2 as the default zoning designation.

The PD zoning ordinance will establish the default zoning and maximum and minimum number of dwelling units. It also shows approximate areas of proposed open space and areas of slopes greater than 30%. Possible roadway connections and trails are also shown. Deviations from the R-2 bulk standards, specific design standards and entrance signage details shall be established with the preliminary plan for each phase, if required.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM R-2 TO PD WITH AN R-2 DEFAULT ZONE:

Property to be Rezoned:

Tax Parcel Number 2945-212-17-007; Lot 7, Ridge Point Filing 1, recorded at Plat Book 14, Pages 348-350 of the Mesa County Clerk and Recorders Office.

PD Phases:

See Attached Exhibit A, Outline Development Plan

- Phase 1 – Maximum number of residential units – 28 / totaling 14.16 acres
- Phase 2 – Maximum number of residential units – 45 / totaling 22.58 acres
- Phase 3 – Maximum number of residential units – 28 / totaling 14.30 acres

The minimum number of dwelling units will be at a density of 0.5 dwelling units per acre.

The public benefit to be obtained by the Planned Development will be that the applicants have committed to a trail system within the open space areas that will be available for public use. This trail system is not shown on the Urban Trails Master Plan, and therefore is above and beyond the Code requirements. The Open Space provided will exceed that required by the Code in single-family residential developments.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading this _____ day of _____, 2008.

ATTEST:

President of Council

City Clerk

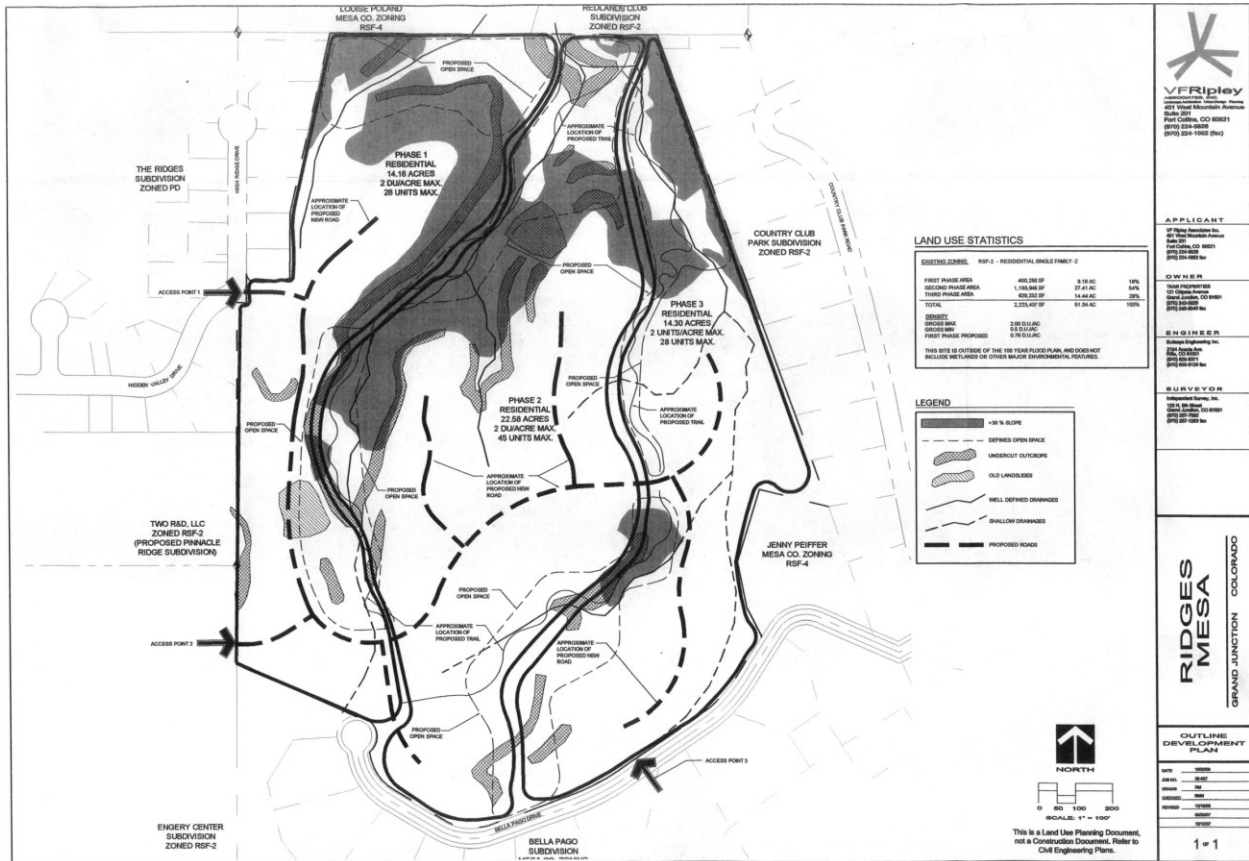


Exhibit A

Attach 9

Reimbursement Agreement for the Corner Sq. Project at the SW Corner of Patterson Rd and North 1st Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Reimbursement Agreement for the Corner Square project at the southwest corner of Patterson Road and North 1 st Street		
File #	INR – 2007- 246		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 5, 2007		
Author Name & Title	Ivy Williams, Development Services Supervisor		
Presenter Name & Title	John Shaver, City Attorney		

Summary: This is a request for approval of an agreement for repayment of infill / redevelopment incentives awarded for reimbursement for the cost of undergrounding utilities along Ranchman’s Ditch on Patterson Road. The infill grant was awarded at the September 19, 2007 City Council meeting. The award is associated with a project known as Corner Square at the southwest corner of N. 1st Street and Patterson Road.

Budget: The grant is structured in four payments of \$64,750.00. Total payments will not exceed \$259,000, with first payment to be made within 14 days of the date of signing of the agreement and subsequent payments of the same amount made on or before December 1 of 2008, 2009 and 2010. Infill/Redevelopment awards are paid out of the economic fund.

Action Requested/Recommendation: Ratify the attached agreement for reimbursement of awarded infill monies over time as stated in the agreement.

Attachments:

1. Infill and Development Incentive Grant Agreement

Background Information: At the September 17, 2007 public meeting, City Council approved \$258,896 to reimburse the undergrounding of utilities associated with Development Project FP-2007-238 known as Corner Square that is located at the southwest corner of Patterson Road and North 1st Street. The funding approval was given after review of the application for funding from the Infill/Redevelopment program.

The City Manager and the City Attorney were directed to negotiate a contract with the developer for reimbursement subject to City Council ratification.

Two exhibits are referred to in the agreement. Exhibit A is the Infill/Redevelopment application and Exhibit B consists of two maps that are too large and difficult to read to include with this report. These documents were submitted with the agreement and will be kept with the signed agreement in the development file.

ATTACHMENT 1

INFILL AND DEVELOPMENT INCENTIVE GRANT AGREEMENT

THIS INFILL AND DEVELOPMENT INCENTIVE GRANT AGREEMENT ("Agreement") is made and entered into this ____ day of November ____, 2007, by and between the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City", and F & P Development, LLC, hereinafter referred to as the "Developer".

Recitals.

In 2003 the City created the Infill and Redevelopment Incentive Program. That program was developed to encourage development of vacant infill parcels and the redevelopment of underutilized land within certain areas of the City of Grand Junction. The program is beneficial because it serves to make more efficient use of existing infrastructure including streets, water and sewer lines and other utilities; it provides opportunities to reduce commuting distance and it serves to relieve some pressures from suburban sprawl.

The Developer of the property located at the southwest corner of 1st Street and Patterson Road in the City applied for an infill incentive grant. The application for the project, known as Corner Square, is incorporated as Exhibit A by this reference as if fully set forth.

At its regular meeting on September 17, 2007 the City Council considered and approved the Corner Square application for infill and redevelopment incentive funds ("Application") in the amount of \$258,896.40.

The City Council, after due consideration, agreed to fund the Application on condition that the City would make payments of \$64,750.00 per year to the Developer over the course of four (4) years, subject to annual appropriation. In reliance on the City's funding the Developer has agreed to construct the improvements provided for in the Application and as otherwise agreed herein.

NOW THEREFORE BE IT AGREED by the Developer and the City, for and in consideration of the promises contained herein, that the Developer and the City as parties hereto mutually covenant and agree as follows:

1. Developer shall construct those certain improvements described in the Application specifically relating to and including, but not limited to, the undergrounding of utilities at and along the entire northern boundary of the F&P property (1470 linear feet) located at the intersection of 1st Street and Patterson Road in the City of Grand Junction. That construction shall be known for purposes of this Agreement as the "Infill Work." The Infill Work shall be completed in accordance with the plans and specifications approved by both parties and attached hereto as Exhibit B. Such construction shall be at the Developer's initial and sole expense, including all oversight, engineering and design costs.
2. This Agreement shall be in effect immediately with the first payment to be made as provided herein with each subsequent payment to be made on or before December 1, 2008, December 1, 2009 and December 1, 2010. Interest shall not be charged or accrue on the unpaid sums.
3. The City agrees to reimburse the Developer for 100% of the cost of construction of the Infill Work, without markup, administrative overhead or construction management charges by

the Developer, provided that the Developer does not incur or spend in excess of \$259,000.00 to complete the Infill Work under this Agreement. Any cost savings or price reduction shall be shared with the City; any cost overruns or increases shall be borne exclusively by the Developer.

4. For the purposes of this Agreement, "construction" means and includes all costs and expenses of any and all labor, equipment and materials, but shall exclude interest and the cost of oversight, engineering, design and survey work supplied by the Developer.

5. The Developer shall, at its sole cost and expense, provide the services of a Colorado registered professional engineer to oversee the Infill Work and to serve as the Developer's representative in connection with the construction of same. The Developer shall cause said engineer to prepare and submit to the City construction plans and specifications, to City standards, of and for the Infill Work. Any and all construction shall comply with City or industry standards, whichever is more stringent. The City designates the Developer as its agent to coordinate, supervise and inspect the performance of the Infill Work using and to the specifications prepared in accordance with this paragraph to require certifications and to otherwise take reasonable or necessary action(s) to ensure that the Infill Work is in conformance with applicable standards. The City has the right to reject non-conforming work.

6. The City shall reimburse the Developer as provided in Paragraph 2 above in accordance with the following payment schedule:

(a) The City shall pay an initial installment of \$64,750.00 within 14 days of the date of the date this Agreement is signed by both parties. Additional payments shall be paid after Substantial Completion of the Infill Work. Substantial Completion shall be determined by the City in its sole discretion.

(b) Substantial Completion is estimated to be achieved on or before July 1, 2008. Each subsequent payment after Substantial Completion shall be made on or before December 1, 2008, December 1, 2009 and December 1, 2010.

(c) Interest shall not be charged or accrue on any unpaid sums.

(d) The City may, subject to appropriation, pre-pay any and all sum(s) owing the Developer without penalty.

(e) Prior to final payment the Developer shall demonstrate to the City's reasonable satisfaction that the Infill Work is free and clear of all liens and encumbrances.

7. Upon the City's request, the Developer shall forward copies of construction invoices and/or copies of checks or other evidence of the payments by the Developer for the Infill Work. If the City objects to any part of any invoice it shall state its objection(s) in writing, addressed to the Developer, citing its objection(s) with reasonable particularity. If the City does not object in writing within seven (7) business days of the City's mailing, the invoice(s) shall be deemed approved.

8. The City has the right but shall not be required to review and approve all material orders and contracts for construction involving the Infill Work. The material orders and contracts shall be submitted to City Planning Division and shall be deemed approved if not rejected in writing within seven (7) business days of submittal.

9. The Developer shall enter into a written contract with its contractor(s) to perform the Infill Work.

10. The Developer agrees to indemnify and hold harmless the City from and against any claims, losses, expense, damages, including attorneys' fees, arising out of or in any way related to the Infill Work. Such indemnity and holding harmless shall include but not be limited to the City's nonpayment or non-appropriation of sums due or claimed to be due to the contractor(s) or other third parties pursuant to such contract(s).

11. The Developer shall include in its contracts with each contractor, materialmen, vendor, supplier, installer and/or contractor providing materials, equipment and/or labor in connection with the Infill Work that the City shall be a third party beneficiary of all warranties provided to the Developer concerning or relating to the material and labor provided in connection with the Infill Work. All warranties shall be for a minimum of one year from the date of final acceptance by the City and Developer in accordance with paragraph 12 below.

12. Final acceptance of the work shall not occur or be deemed to have occurred until the City and the Developer jointly accepts, in writing, the Infill Work.

13. This Agreement supersedes all prior discussions and agreements of the parties and may not be amended except in writing duly executed by the parties.

14. This Agreement may not be assigned and is binding upon and inures to the benefit of the parties hereto.

15. The City's fiscal obligations under this Agreement shall be subject to the following provisions and limitations:

(a) As prescribed by Colorado law, it is understood and agreed this Agreement is dependent upon the continuing availability of funds beyond the term of the City's current fiscal period ending upon each succeeding December 31, as financial obligations of a political subdivision of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. Further, the parties recognize that the act of appropriation is a legislative act; however, the City hereby covenants to take such action as is necessary under the laws applicable to the City to timely properly and zealously propose a budget, request of, seek and pursue full appropriation of funds from the City Council, which if appropriated will permit the City to perform its obligations hereunder. In the event there shall be no funds made available, this Agreement may terminate at the end of the then current year, with no penalty or additional cost as a result thereof to the City.

(b) It is the understanding of the parties that this Agreement will extend beyond the City's current financial year. The Developer and the City understand and intend that the obligation of the City to perform the financial obligations described herein constitutes a current expense of the City payable exclusively from City's funds and shall not in any way be construed to be a general obligation indebtedness of the City within the meaning of any provision of Article XI of the Colorado Constitution or any other Charter, constitutional or statutory limitation or requirement applicable to the City concerning the creation of indebtedness. Neither the City nor the Developer on behalf of the City has pledged the full-faith and credit of the City to the payment of the obligations hereunder

and this Agreement shall not directly or contingently obligate the City to apply money from or levy or pledge any form of taxation to the payment thereof.

(c) With such limitations in mind, the City has reason to believe that sufficient funds will be available to discharge its obligations under this Agreement. If the City Council does not appropriate funds for any fiscal period beyond the one in which this Agreement is entered into then this Agreement may terminate as provided in paragraph 15(a). In such event the City shall notify the Developer that the City shall not be obligated beyond that period. Written notice from the City forty-five (45) days prior to the effective date of the termination shall be provided.

16. The terms of this Agreement, including the recitals which are incorporated by this reference, are contractual in nature and accordingly serve to form an agreement.

17. Each party by its respective signature does represent that it has the authority to sign this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective the day and year first above written.

F&P DEVELOPMENT LLC, a Colorado
Limited Liability Company

By: _____

CITY OF GRAND JUNCTION, a
Colorado home rule municipality,

By: _____
Laurie M. Kadrach, City Manager

ATTEST:

Stephane Tuin, City Clerk

Attach 10

Contract Renewal for VCB Advertising Services

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	VCB Advertising Services Contract Renewal		
File #			
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 7, 2007		
Author Name & Title	Debbie Kovalik, VCB Executive Director		
Presenter Name & Title	Debbie Kovalik, VCB Executive Director		

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

Budget: \$425,000 is budgeted in 2008

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Hill & Company Integrated Marketing and Advertising in the amount of \$425,000 for the period January 1 – December 31, 2008.

Attachments:

Background Information: This is the third 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 13, 2007 meeting, the VCB Board voted unanimously to recommend renewal of this contract for 2008.

Attach 11

Contract Renewal for VCB Website Marketing Services

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	VCB Advertising Services Contract Renewal		
File #			
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 7, 2007		
Author Name & Title	Debbie Kovalik, VCB Executive Director		
Presenter Name & Title	Debbie Kovalik, VCB Executive Director		

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

Budget: \$425,000 is budgeted in 2008

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Hill & Company Integrated Marketing and Advertising in the amount of \$425,000 for the period January 1 – December 31, 2008.

Attachments:

Background Information: This is the third 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 13, 2007 meeting, the VCB Board voted unanimously to recommend renewal of this contract for 2008.

Attach 12

Public Hearing – Davis Annexation and Zoning, Located at 488 23 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Davis Annexation and Zoning - Located at 488 23 Road		
File #	ANX-2007-297		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent		Individual X
Date Prepared	November 28, 2007		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Request to annex and zone 1.55 acres, located at 488 23 Road, to R-2 (Residential 2 du/ac). The Davis Annexation consists of 1 parcel and includes a portion of the 23 Road right-of-way. The owners have requested annexation in order to subdivide the property.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Davis Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

Attachments:

1. Staff report/Background information
2. Annexation – Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing County and City Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		488 23 Road			
Applicants:		Owner: Judy I. Davis			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential Subdivision			
Surrounding Land Use:	North	Single Family Residential			
	South	Church			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RSF-4			
Proposed Zoning:		City R-2 (Residential – 2 du/ac)			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County 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:

ANNEXATION:

This annexation area consists of 1.55 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 Davis 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 5, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 27, 2007	Planning Commission considers Zone of Annexation
December 3, 2007	Introduction of a proposed Ordinance on Zoning by City Council
December 17, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 18, 2008	Effective date of Annexation and Zoning

DAVIS ANNEXATION SUMMARY		
File Number:		ANX-2007-297
Location:		488 23 Road
Tax ID Number:		2945-172-22-001
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		1.55 acres
Developable Acres Remaining:		1.21 acres
Right-of-way in Annexation:		15,147 sq ft of the 23 Road right-of-way
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-2
Current Land Use:		Vacant Residential
Future Land Use:		Residential Subdivision
Values:	Assessed:	=\$ 21,750
	Actual:	=\$ 75,000
Address Ranges:		488-496 23 Road (even only)
Special Districts:	Water:	Ute Water
	Sewer:	201
	Fire:	Grand Jct Rural
	Irrigation/ Drainage:	Redlands Water and Power
	School:	Mesa County School Dist #51
	Pest:	Grand River Mosquito Dist

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

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

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

Response: The proposed zone is compatible with the surrounding neighborhood which consists largely of properties which are 1/2 acre or greater. The proposal furthers the goals and policies of the Growth Plan by utilizing existing infrastructure in the area.

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

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

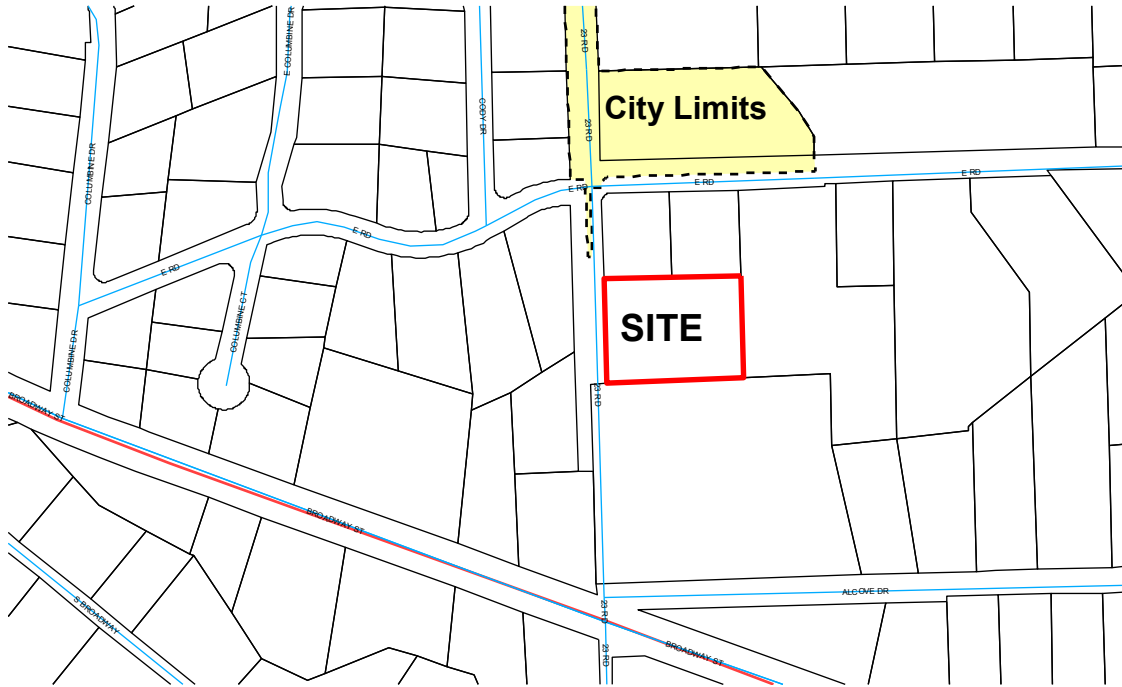
Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also be consistent with the Growth Plan designation for the subject property.

- c. R-4 (Residential 4 du/ac)

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-2 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



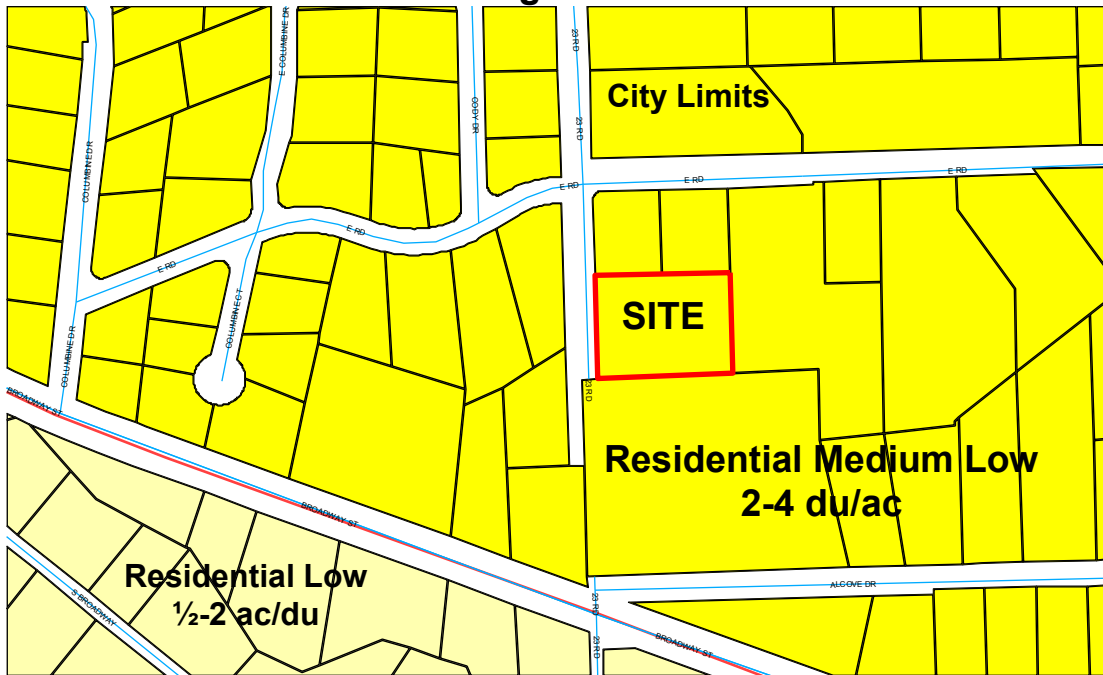
Aerial Photo Map

Figure 2



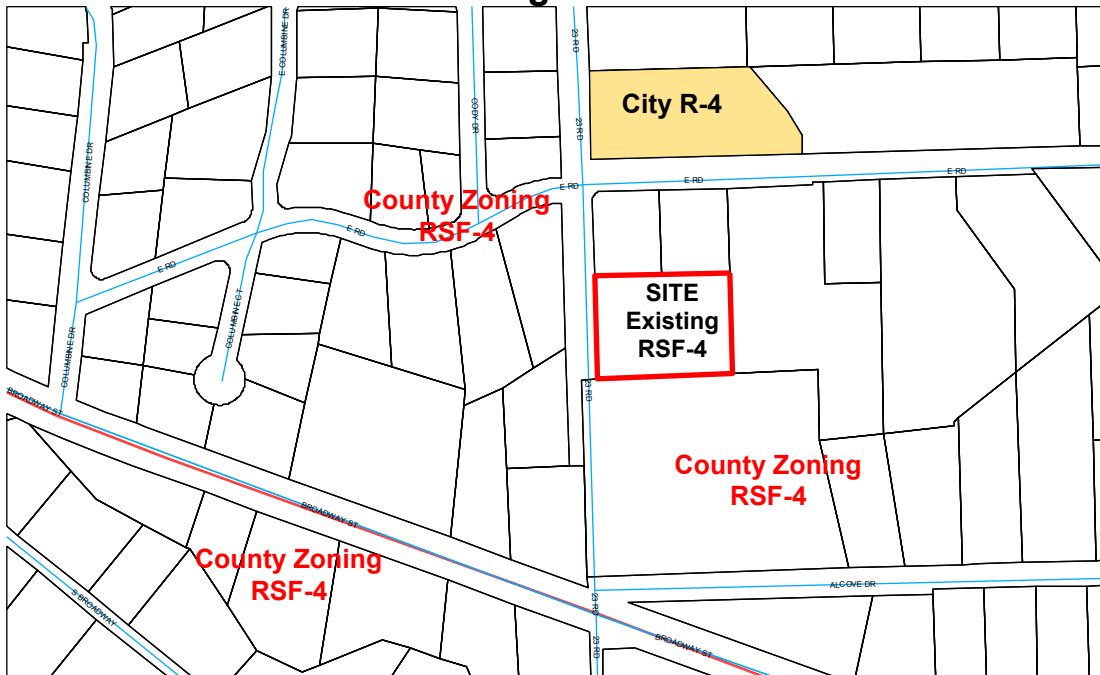
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

DAVIS ANNEXATION

**LOCATED AT 488 23 ROAD INCLUDING A PORTION OF THE 23 ROAD
RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 5th day of November, 2007, 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:

DAVIS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 17 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 18, all in Township 1 South, Range 1 West of the Ute principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 17 and assuming the West line of the NW 1/4 NW 1/4 of said Section 17 bears S 00°03'13" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'13" E along the West line of the NW 1/4 NW 1/4 of said Section 17 a distance of 98.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'13" E along said West line, a distance of 150.00 feet; thence N 89°56'47" E a distance of 10.00 feet; thence N 00°03'13" W along the limits of the Senatore Annexation No. 1, City of Grand Junction Ordinance No. 4093, a distance of 133.04 feet; thence N 89°56'47" E a distance of 20.00 feet; thence S 00°03'13" E along the East right of way for 23 Road a distance of 179.45 feet, more or less, to a point being the Northwest corner of Lot One, Plat of Lamplite Subdivision, as same is recorded in Plat Book 11, Page 94, Public Records of Mesa County, Colorado; thence S 89°59'01" E along the North line of said Lot One a distance of 265.00 feet to a point being the Northeast corner of said Lot One; thence S 00°03'19" E along the East line of said Lot One a distance of 196.49 feet to a point being the Southeast corner of said Lot One; thence S 89°19'58" W along the South line of said Lot One a distance of 295.05 feet to a point on the West line of the NW 1/4 NW 1/4 of said Section 17; thence N 00°03'13" W along said West line, a distance of 226.38 feet; thence S 89°56'47" W a distance of 30.00 feet to a point on the West right of way for 23 Road;

thence N 00°03'13" W along said West right of way, a distance of 170.00 feet; thence N 89°56'47" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINS 1.55 Acres or 67,641 Square Feet, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of December, 2007; 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 _____, 2007.

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**

DAVIS ANNEXATION

APPROXIMATELY 1.55 ACRES

**LOCATED AT 488 23 ROAD INCLUDING A PORTION OF THE 23 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 5th day of November, 2007, 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 December, 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:

DAVIS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 17 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 18, all in Township 1 South, Range 1 West of the Ute principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 17 and assuming the West line of the NW 1/4 NW 1/4 of said Section 17 bears S 00°03'13" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'13" E along the West line of the NW 1/4 NW 1/4 of said Section 17 a distance of 98.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'13" E along said West line, a distance of 150.00 feet; thence N 89°56'47" E a distance of 10.00 feet; thence N 00°03'13" W along the limits of the Senatore Annexation No. 1, City of Grand Junction Ordinance No. 4093, a distance of 133.04

feet; thence N 89°56'47" E a distance of 20.00 feet; thence S 00°03'13" E along the East right of way for 23 Road a distance of 179.45 feet, more or less, to a point being the Northwest corner of Lot One, Plat of Lamplite Subdivision, as same is recorded in Plat Book 11, Page 94, Public Records of Mesa County, Colorado; thence S 89°59'01" E along the North line of said Lot One a distance of 265.00 feet to a point being the Northeast corner of said Lot One; thence S 00°03'19" E along the East line of said Lot One a distance of 196.49 feet to a point being the Southeast corner of said Lot One; thence S 89°19'58" W along the South line of said Lot One a distance of 295.05 feet to a point on the West line of the NW 1/4 NW 1/4 of said Section 17; thence N 00°03'13"W along said West line, a distance of 226.38 feet; thence S 89°56'47" W a distance of 30.00 feet to a point on the West right of way for 23 Road; thence N 00°03'13" W along said West right of way, a distance of 170.00 feet; thence N 89°56'47" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINS 1.55 Acres or 67,641 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 5th day of November, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE DAVIS ANNEXATION TO
R-2**

LOCATED AT 488 23 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 Davis Annexation to the R-2 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 R-2 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 R-2 (Residential 2 du/ac).

DAVIS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 17 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 18, all in Township 1 South, Range 1 West of the Ute principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 17 and assuming the West line of the NW 1/4 NW 1/4 of said Section 17 bears S 00°03'13" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'13" E along the West line of the NW 1/4 NW 1/4 of said Section 17 a distance of 98.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'13" E along said West line, a distance of 150.00 feet; thence N 89°56'47" E a distance of 10.00 feet; thence N 00°03'13" W along the limits of the Senatore Annexation No. 1, City of Grand Junction Ordinance No. 4093, a distance of 133.04 feet; thence N 89°56'47" E a distance of 20.00 feet; thence S 00°03'13" E along the East right of way for 23 Road a distance of 179.45 feet, more or less, to a point being the Northwest corner of Lot One, Plat of Lamplite Subdivision, as same is recorded in Plat Book 11, Page 94, Public Records of Mesa County, Colorado; thence S 89°59'01" E along the North line of said Lot One a distance of 265.00 feet to a point being the

Northeast corner of said Lot One; thence S 00°03'19" E along the East line of said Lot One a distance of 196.49 feet to a point being the Southeast corner of said Lot One; thence S89°19'58" W along the South line of said Lot One a distance of 295.05 feet to a point on the West line of the NW 1/4 NW 1/4 of said Section 17; thence N 00°03'13"W along said West line, a distance of 226.38 feet; thence S 89°56'47" W a distance of 30.00 feet to a point on the West right of way for 23 Road; thence N 00°03'13" W along said West right of way, a distance of 170.00 feet; thence N 89°56'47" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINS 1.55 Acres or 67,641 Square Feet, more or less, as described.

INTRODUCED on first reading the 3rd day of December, 2007 and ordered published.

ADOPTED on second reading the _____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 13

Public Hearing – Krummel Annexation and Zoning, Located at 2953 Highway 50

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Krummel Annexation and Zoning - Located at 2953 Highway 50		
File #	ANX-2007-294		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	December 5, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to annex and zone 1.74 acres, located at 2953 Highway 50, to R-4 (Residential, 4 units per acre). The Krummel Annexation consists of one parcel and is located on the south side of Highway 50 directly west of Buena Vista Drive on Orchard Mesa.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Krummel Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

Attachments:

1. Staff report/Background information
2. Annexation – Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing County and City Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT/BACKGROUND INFORMATION					
Location:		2953 Highway 50			
Applicants:		Owner: Gemini Development LLC – Jaykee Jacobson Representative: Ciavonne Roberts and Associates – Keith Ehlers			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Single Family Residential			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Church			
Existing Zoning:		County RSF-R			
Proposed Zoning:		R-4 (Residential, 4 units per acre)			
Surrounding Zoning:	North	County RSF-R			
	South	R-4 (Residential, 4 units per acre)			
	East	County RSF-R			
	West	County RSF-R			
Growth Plan Designation:		Residential Medium Low 2-4 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.74 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 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 Krummel 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 5, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 27, 2007	Planning Commission considers Zone of Annexation
December 3, 2007	Introduction of a proposed Ordinance on Zoning by City Council
December 17, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 18, 2008	Effective date of Annexation and Zoning

KRUMMEL ANNEXATION SUMMARY		
File Number:	ANX-2007-294	
Location:	2953 Highway 50	
Tax ID Number:	2943-324-01-002	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	1.74 acres	
Developable Acres Remaining:	1.74 acres	
Right-of-way in Annexation:	0	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	R-4 (Residential, 4 units per acre)	
Current Land Use:	Single Family Residential	
Future Land Use:	Single Family Residential	
Values:	Assessed:	\$23,290
	Actual:	\$292,600
Address Ranges:	145 thru 149 Buena Vista Drive (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural
	Irrigation/Drainage:	Orchard Mesa Irrigation Orchard Mesa Drainage
	School:	District 51

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

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

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

Response: The proposed zone district of R-4 is the same zoning as the Red Tail Subdivision directly to the south of this property. The existing subdivisions that are in the county in this general area are zoned RSF-4. There are larger properties that have not been developed which are zoned RSF-R in the County. As these properties develop they will most likely be annexed and zoned as R-4 as this is the most compatible zone district for the neighborhood. The Growth Plan supports the R-4 zone as this area is all Residential Medium Low 2-4 du/ac.

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

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

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

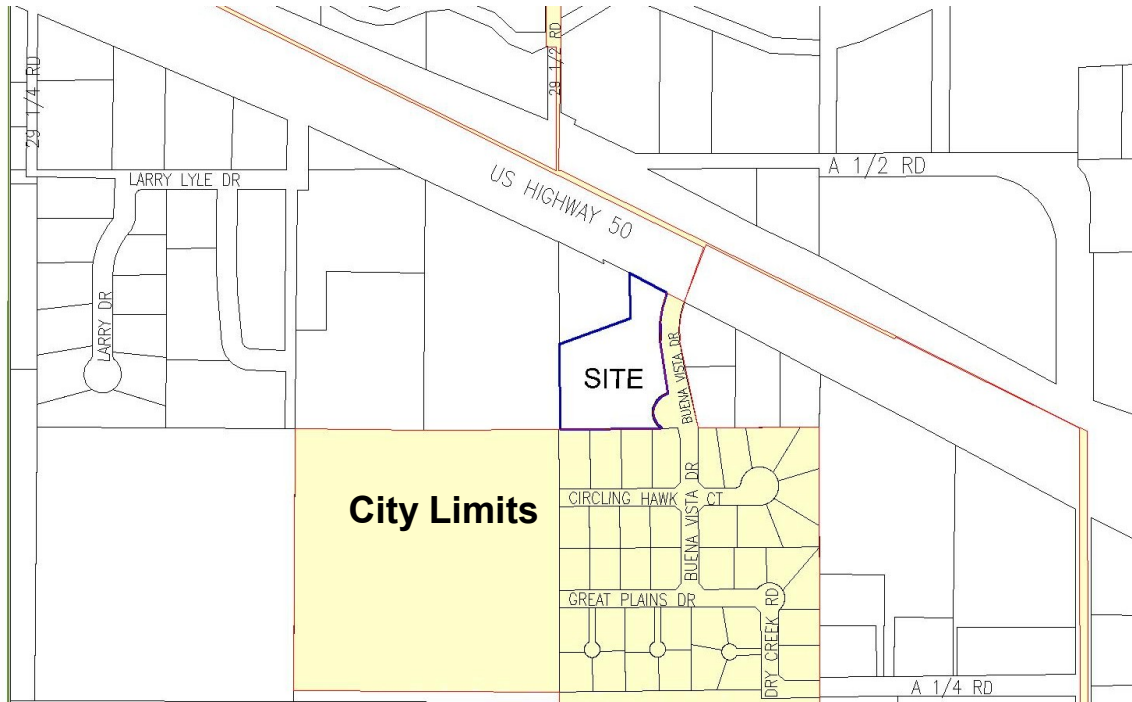
- d. R-2 (Residential, 2 units per acre)

PLANNING COMMISSION RECOMMENDATION:

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

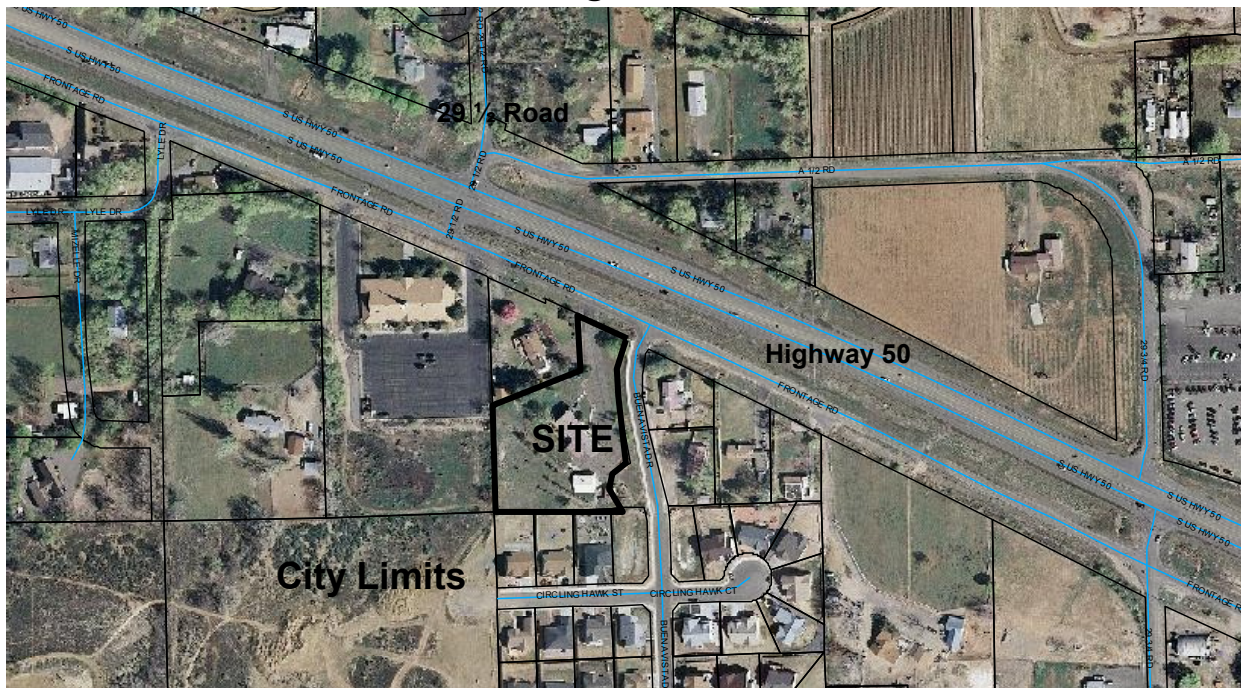
Annexation / Site Location Map

Figure 1



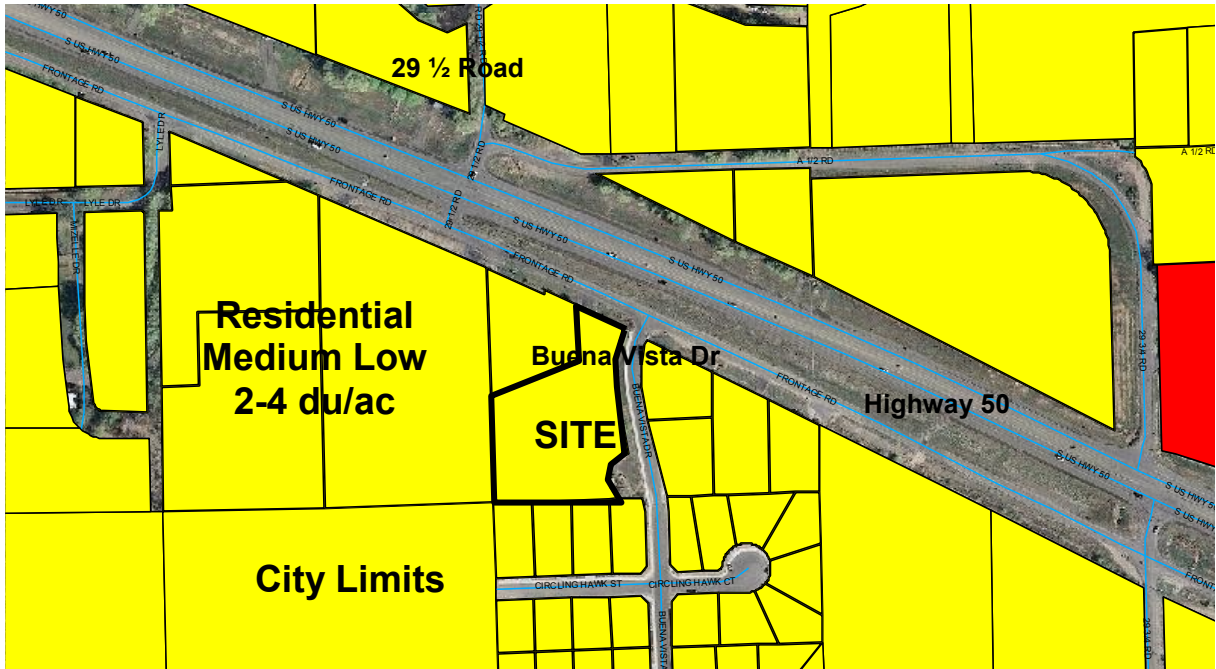
Aerial Photo Map

Figure 2



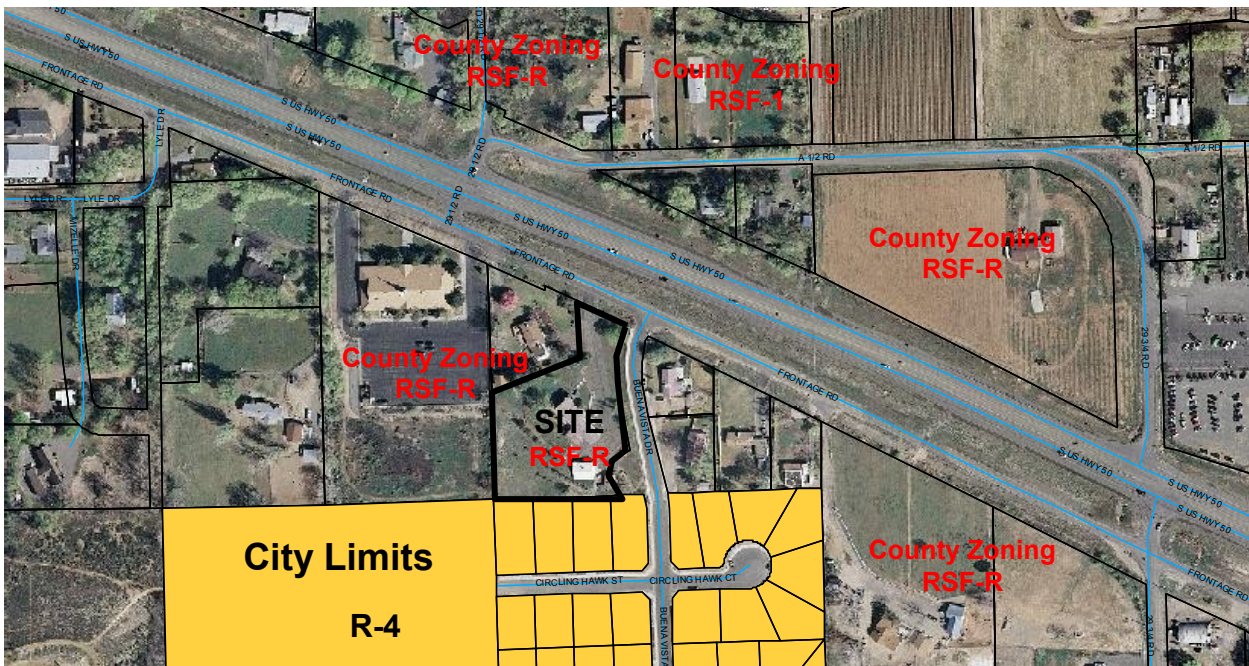
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

KRUMMEL ANNEXATION

LOCATED AT 2953 HIGHWAY 50

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 5th day of November, 2007, 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:

KRUMMEL ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of lot 3, Replat of Buena Vista Subdivision, as same is recorded in Plat Book 9, Page 167, Public Records of Mesa County, Colorado.

CONTAINS 1.74 Acres or 75,862 Square Feet, more or less, as described

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of December, 2007; 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 _____, 2007.

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**

KRUMMEL ANNEXATION

APPROXIMATELY 1.74 ACRES

LOCATED AT 2953 HIGHWAY 50

WHEREAS, on the 5th day of November, 2007, 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 December, 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:

Krummel Annexation

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of lot 3, Replat of Buena Vista Subdivision, as same is recorded in Plat Book 9, Page 167, Public Records of Mesa County, Colorado.

CONTAINS 1.74 Acres or 75,862 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 5th day of November, 2007 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE KRUMMEL ANNEXATION TO
R-4 (RESIDENTIAL, 4 UNITS PER ACRE)**

LOCATED AT 2953 HIGHWAY 50

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Krummel Annexation to the R-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 R-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 R-4 (Residential, 4 units per acre).

KRUMMEL ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of lot 3, Replat of Buena Vista Subdivision, as same is recorded in Plat Book 9, Page 167, Public Records of Mesa County, Colorado.

CONTAINS 1.74 Acres or 75,862 Square Feet, more or less, as described

Introduced on first reading this 3rd day of December, 2007 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 14

Public Hearing – Cooper-Tucker Annexation and Zoning, Located at 2825 D Rd

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Cooper-Tucker Annexation and Zoning - Located at 2825 D Road		
File #	ANX-2007-289		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 5, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to annex and zone 11.47 acres, located at 2825 D Road, to I-1 (Light Industrial). The Cooper-Tucker Annexation consists of one parcel and includes a portion of the D Road right-of-way. This property is located on the south side of D Road, east of 28 Road in the Pear Park area.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Cooper-Tucker Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

Attachments:

1. Staff report/Background information
2. Annexation – Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing County and City Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2825 D Road	
Applicants:		Owners: James Cooper and Gladys Tucker Representative: Bob Blanchard	
Existing Land Use:		Residential	
Proposed Land Use:		Industrial	
Surrounding Land Use:	North	State Land	
	South	Residential	
	East	Residential	
	West	Industrial	
Existing Zoning:		County RSF-R	
Proposed Zoning:		I-1 (Light Industrial)	
Surrounding Zoning:	North	County PUD	
	South	Woodring Annexation – Not zoned yet (requesting MU)	
	East	R-8 (Residential, 8 units per acre)	
	West	County PUD	
Growth Plan Designation:		Commercial / Industrial	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 11.47 acres of land and is comprised of one parcel and includes a portion of the D Road right-of-way. 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 Cooper-Tucker 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 5, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 27, 2007	Planning Commission considers Zone of Annexation
December 3, 2007	Introduction of a proposed Ordinance on Zoning by City Council
December 17, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 18, 2008	Effective date of Annexation and Zoning

COOPER-TUCKER ANNEXATION SUMMARY		
File Number:	ANX-2007-289	
Location:	2825 D Road	
Tax ID Number:	2943-192-00-014	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	11.47 acres	
Developable Acres Remaining:	10.52 acres	
Right-of-way in Annexation:	.95 acres (41,207 sq ft)	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	I-1 (Light Industrial)	
Current Land Use:	Residential	
Future Land Use:	Industrial	
Values:	Assessed:	\$4660
	Actual:	\$49,820
Address Ranges:	2815 thru 2833 D Road (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Rural
	Irrigation/Drainage:	Grand Valley Irrigation Company Grand Junction Drainage District
	School:	District 51

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan designation of Commercial / Industrial. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The proposed zone district of I-1 is compatible with the area as there are many existing commercial and industrial uses that are currently in the County and in the City to the west, southwest and northwest of this site. The Grand Junction Regional Center for Developmental Disabilities is also located directly to the north. There is a residential subdivision directly to the east, but buffering of a 6 ft wall and a 25 ft landscape buffer would have to be created when this site develops to buffer that subdivision from the industrial uses. The Growth Plan designation is for Commercial / Industrial which allows I-1 and the Pear Park Plan also supports Commercial / Industrial in this area. The more intensive uses will be farther to the west as that area is designated as Industrial. Therefore, this zone district is compatible with the neighborhood and furthers the goals and policies of the Growth Plan and the Pear Park Plan.

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

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

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

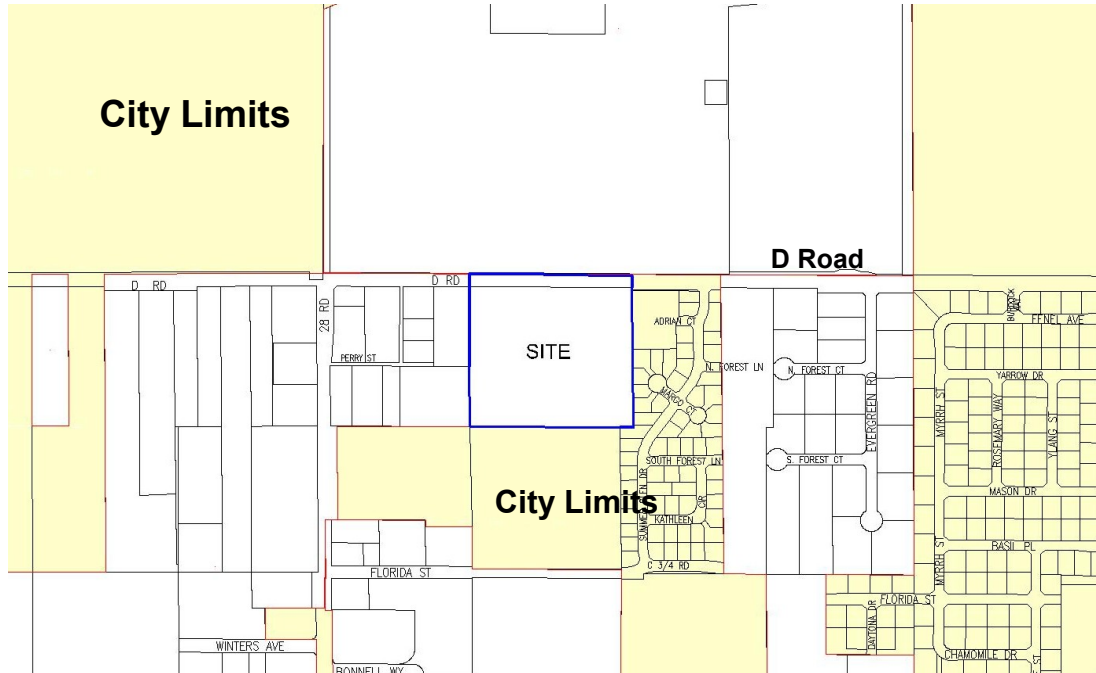
- e. C-2 (General Commercial)
- f. I-O (Industrial / Office Park)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

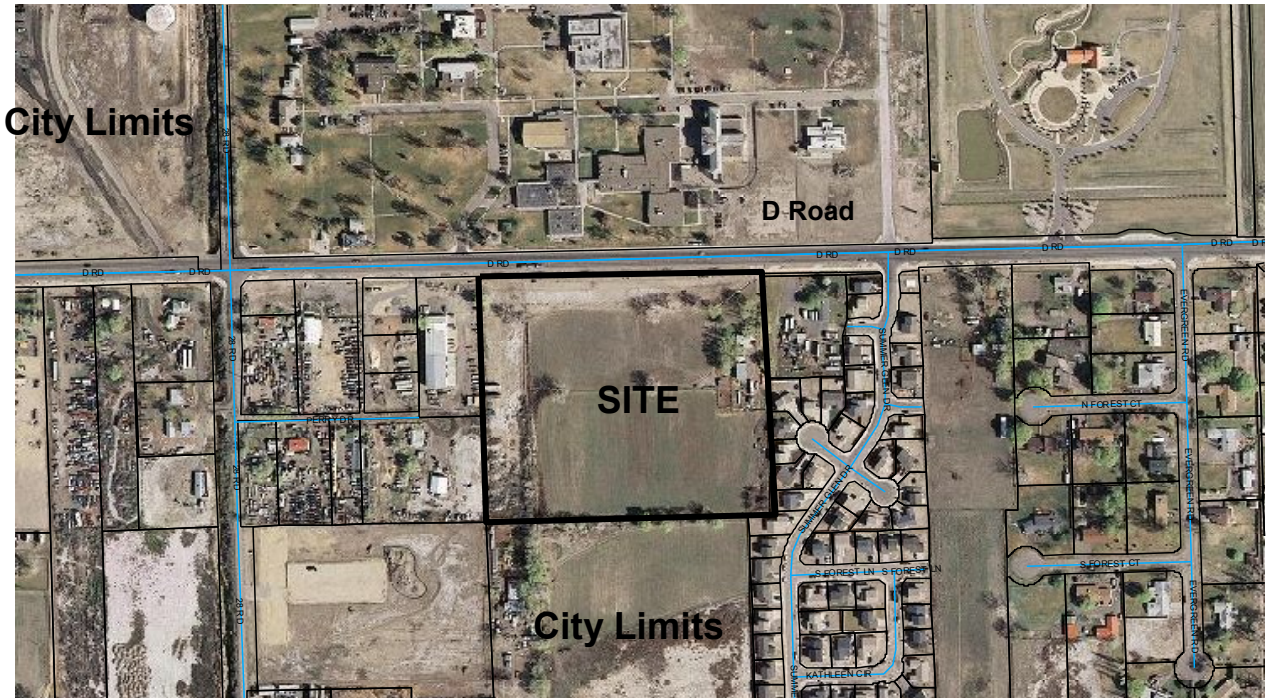
Annexation / Site Location Map

Figure 1



Aerial Photo Map

Figure 2



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

COOPER-TUCKER ANNEXATION

**LOCATED AT 2825 D ROAD AND ALSO INCLUDES A PORTION OF THE D ROAD
RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 5th day of November, 2007, 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:

COOPER-TUCKER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE 1/4 SW 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW 1/4 SE 1/4 SW 1/4) of Section 18 and the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW 1/4 NE 1/4 NW 1/4) of Section 19, all in 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 the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/) of said Section 19 and assuming the North line of the NW 1/4 NW 1/4 of said Section 19 bears N 89°39'16" W with all other bearings being relative thereto; thence from said Point of Commencement, S 89°39'23" E along the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19, a distance of 60.61 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°35'03" E along the East line of the West 60.6 feet of the NW 1/4 NE 1/4 NW 1/4 of said Section 19, a portion of said line being the West line of the Summer Glen Subdivision, as same is recorded in Book 4055, Pages 547 and 548, Public Records of Mesa County, Colorado, a distance of 662.10 feet; thence N 89°38'16" W a distance of 60.61 feet to a point on the East line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 89°40'25" W along the South line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 665.65 feet to the Southwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W along the West line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 662.24 feet to the Northwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W a distance of

28.00 feet to a point on the South line of the Darren Davidson Annexation, City of Grand Junction Ordinance No. 3205; thence S 89°39'16" E along the South line of said annexation, a distance of 324.49 feet; thence S 00°20'43" W along the Westerly limits of the Tomkins Annexation, City of Grand Junction Ordinance No. 3602; thence S 89°39'24" E along the South line of said annexation, a distance of 399.66 feet; thence S 00°35'03" E a distance of 26.00 feet, more or less, to the Point of Beginning.

CONTAINING 11.47 Acres or 499,662 Square Feet, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of December, 2007; 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 _____, 2007.

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**

COOPER-TUCKER ANNEXATION

APPROXIMATELY 11.74 ACRES

**LOCATED AT 2825 D ROAD AND ALSO INCLUDES A PORTION OF THE D ROAD
RIGHT-OF-WAY**

WHEREAS, on the 5th day of November, 2007, 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 December, 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:

Cooper-Tucker Annexation

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE 1/4 SW 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW 1/4 SE 1/4 SW 1/4) of Section 18 and the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW 1/4 NE 1/4 NW 1/4) of Section 19, all in 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 the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/) of said Section 19 and assuming the North line of the NW 1/4 NW 1/4 of said Section 19 bears N 89°39'16" W with all other bearings being relative thereto; thence from said Point of Commencement, S 89°39'23" E along the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19, a distance of 60.61 feet to the POINT OF BEGINNING; thence from said Point of

Beginning, S 00°35'03" E along the East line of the West 60.6 feet of the NW 1/4 NE 1/4 NW 1/4 of said Section 19, a portion of said line being the West line of the Summer Glen Subdivision, as same is recorded in Book 4055, Pages 547 and 548, Public Records of Mesa County, Colorado, a distance of 662.10 feet; thence N 89°38'16" W a distance of 60.61 feet to a point on the East line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 89°40'25" W along the South line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 665.65 feet to the Southwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W along the West line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 662.24 feet to the Northwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W a distance of 28.00 feet to a point on the South line of the Darren Davidson Annexation, City of Grand Junction Ordinance No. 3205; thence S 89°39'16" E along the South line of said annexation, a distance of 324.49 feet; thence S 00°20'43" W along the Westerly limits of the Tomkins Annexation, City of Grand Junction Ordinance No. 3602; thence S 89°39'24" E along the South line of said annexation, a distance of 399.66 feet; thence S 00°35'03" E a distance of 26.00 feet, more or less, to the Point of Beginning.

CONTAINING 11.47 Acres or 499,662 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 5th day of November, 2007 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE COOPER-TUCKER ANNEXATION TO
I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 2825 D 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 Cooper-Tucker Annexation to the I-1 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

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

COOPER-TUCKER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE 1/4 SW 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW 1/4 SE 1/4 SW 1/4) of Section 18 and the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW 1/4 NE 1/4 NW 1/4) of Section 19, all in 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 the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/) of said Section 19 and assuming the North line of the NW 1/4 NW 1/4 of said Section 19 bears N 89°39'16" W with all other bearings being relative thereto; thence from said Point of Commencement, S 89°39'23" E along the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19, a distance of 60.61 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°35'03" E along the East line of the West 60.6 feet of the NW 1/4 NE 1/4 NW 1/4 of said Section 19, a portion of said line being the West line of the Summer Glen Subdivision, as same is recorded in Book 4055, Pages 547 and 548, Public Records of Mesa County, Colorado, a distance of 662.10 feet; thence N 89°38'16" W a

distance of 60.61 feet to a point on the East line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 89°40'25" W along the South line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 665.65 feet to the Southwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W along the West line of the NE 1/4 NW 1/4 NW 1/4 of said Section 19 a distance of 662.24 feet to the Northwest corner of the NE 1/4 NW 1/4 NW 1/4 of said Section 19; thence N 00°24'25" W a distance of 28.00 feet to a point on the South line of the Darren Davidson Annexation, City of Grand Junction Ordinance No. 3205; thence S 89°39'16" E along the South line of said annexation, a distance of 324.49 feet; thence S 00°20'43" W along the Westerly limits of the Tomkins Annexation, City of Grand Junction Ordinance No. 3602; thence S 89°39'24" E along the South line of said annexation, a distance of 399.66 feet; thence S 00°35'03" E a distance of 26.00 feet, more or less, to the Point of Beginning.

CONTAINING 11.47 Acres or 499,662 Square Feet, more or less, as described.

Introduced on first reading this 3rd day of December, 2007 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 15

Request for Rehearing on Growth Plan Amendment, Located at 2150 N. 12th St., 1212, 1228, 1238, 1308, 1310, 1314, and 1324 Wellington Ave

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Request for Rehearing for Growth Plan Amendment - Located at 2510 N. 12 th Street, 1212, 1228, 1238, 1308, 1310, 1314 and 1324 Wellington Avenue		
File #	GPA-2006-241		
Meeting Day, Date	Monday, December 17, 2007		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 7, 2007		
Author Name & Title	Scott D. Peterson, Senior Planner		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The City received one (1) letter from a neighborhood citizen regarding the City Council's decision to approve a Growth Plan Amendment request to amend the Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for the properties located at 2510 N. 12th Street, 1212, 1228, 1238, 1308, 1310, 1314 and 1324 Wellington Avenue. The letter requested a rehearing in accordance with Section 2.18 D. of the Zoning and Development Code.

Budget: N/A

Action Requested/Recommendation: Review and consider rehearing request and, if rehearing is granted, set a hearing date for January 14, 2008.

Attachments:

1. November 13, 2007 Letter from Appellant
2. November 29, 2007 Letter from Applicant

Background Information: On November 7, 2007, the City Council held a public hearing to consider a request for an amendment to the Growth Plan and Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for properties located at 2510 N. 12th Street, 1212, 1228, 1238, 1308, 1310, 1314 and 1324 Wellington Avenue. At the public hearing, the City Council heard testimony from City staff, the applicant and twenty-one residents of the community, both for and against the proposed amendment. At the conclusion of all the testimony and discussion, the City Council unanimously approved the proposed Growth Plan Amendment.

Richard E. Fulton, 1556 Wellington Avenue, has requested a rehearing. The City Council has the discretion to grant a rehearing if it finds that:

- (1) the person requesting a rehearing was present at the original hearing or otherwise on the official record concerning the development application;
- (2) the rehearing was requested in a timely manner; **and**
- (3) in making its decision, the City Council failed to consider or misunderstood, pertinent facts in the record, or that information crucial to the decision was not made available at or prior to the decision being made.

A motion to grant a rehearing may be made only by any member who voted in the majority of the decision, and any other member may second the motion. If no motion is made or the motion dies for lack of second, the rehearing request shall be considered to be denied.

If a rehearing is granted, the City Council shall schedule the rehearing within forty-five calendar days from the date of the City Council's decision.

~ ~ ~
Laurie K.

1556 Wellington Avenue
Grand Junction, CO 81501
November 13, 2007

COPY

Mr. Jim Doody, Mayor
City of Grand Junction
City Hall
250 N. 5th Street
Grand Junction, CO 81501

Re: Rehearing request on Growth Plan amendment

Dear Mr. Doody:

I would like to request a rehearing on the Growth Plan amendment passed November 7, 2007 in accordance with Section 2.18 D of the Zoning and Development Code for the following reasons:

1. Notices of the hearing were not mailed by the City in a timely manner as prescribed in the Zoning and Development Code. Residents did not receive the notices until after the hearing.
2. The Council may have misunderstood or did not properly consider the criteria for amending the Growth Plan, which states:

C. Approval Criteria.

1. The City and County shall amend the Growth Plan, neighborhood plans, corridor plans, and area plans if the amendment is consistent with the purpose and intent of the Growth Plan, and if:
 - a. There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or
 - b. Subsequent events have invalidated the original premises and findings;
 - c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;
 - d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;
 - e. Public and community facilities are adequate to serve the type and scope of land use proposed;
 - f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
 - g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The criteria for approval obviously are the "rules" for amending the Growth Plan. The applicant did not even address the criteria in his presentation, and items cited in the

planners report were shown to have been a) pre-existing when the Growth Plan was passed in 1996, b) were irrelevant, or c) were in error.

As to the criteria for a rehearing, I was at the hearing on November 7, 2007, as the minutes of the Council meeting reflect.

I respectfully request a rehearing on this issue.

Sincerely,



Richard E. Fulton

GOLDBERG

Properties, Inc.

Brokerage
Development
Advisory

November 29, 2007

Mayor Jim Doody and Members of City Council
City of Grand Junction
City Hall
250 North 5th Street
Grand Junction, Colorado 81501

Re: *Rehearing Request for Growth Plan Amendment File #GPA-2006-241 (the "Application")*

Dear Mayor and Members of City Council,

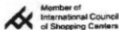
This letter shall serve as the Applicant's response to the above-referenced request for rehearing made by Mr. Richard E. Fulton dated November 14, 2007 (the "Rehearing Request"). The Rehearing Request sets forth the following reasons why Mr. Fulton believes City Council should grant a rehearing on the Application:

- 1) Notices of the hearing were not mailed by the City in a timely manner as prescribed in the Zoning and Development Code. Residents did not receive the notices until after the hearing.
- 2) The Council may have misunderstood or did not properly consider the criteria for amending the Growth Plan.

The City Council meeting on November 7, 2007, was properly noticed in accordance with the requirements of the Zoning and Development Code.

The Applicant does not believe City Council misunderstood or did not properly consider the criteria for amending the Growth Plan. City Council spent a significant amount of time discussing the criteria for approval of the Application and diligently considered the applicable facts. The Growth Plan was designed to be an evolving document that adapts to the changing needs of the community. Both the City Council and Planning Commission unanimously agreed that the Application satisfied the criteria for approval of amending the Growth Plan to meet the current needs and demands of the City.

It is anticipated that the Rehearing Request will be considered by City Council at your December 17, 2007 meeting. The Applicant respectfully requests if City Council

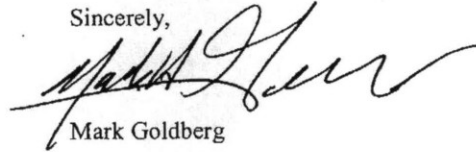


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approves the Rehearing Request that the rehearing for the Application does not also occur at the December 17, 2007 meeting.

The Applicant respectfully requests that City Council deny the Rehearing Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Goldberg", written in a cursive style.

Mark Goldberg

Cc: Keirstin Beck
Joel Starbuck
Phyllis Norris