



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, MARCH 5, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Proclamation

Proclaiming the Week of March 2 – 8, 2008 as “Women in Construction Week” in the City of Grand Junction

Citizen Comments

***** CONSENT CALENDAR ***[®]**

1. **Setting a Hearing for the Vacation of Public Right-of-Way, 7th and Main North/South Alley** [File #VR-2007-222] [Attach 1](#)

Request to vacate the north/south alley located between North 7th Street and North 8th Street on the north side of Main Street. The applicant is requesting to vacate the alley in order to use the adjacent property to the east for a future mixed-used development.

Proposed Ordinance Vacating North/South Right-of-Way for Alley Located between North 7th and North 8th Streets, North of Main Street

Action: Introduction of Proposed Ordinance and Set a Hearing for March 19, 2008

Staff presentation: Senta L. Costello, Associate Planner

*** Indicates New Item

[®] Requires Roll Call Vote

2. **Setting a Hearing Zoning the Below-Senatore-Stone Annexation, Located at 209 ½ and 221 Red Mesa Heights Road** [File #ANX-2007-373] [Attach 2](#)

Request to zone the 2.95 acre Below-Senatore-Stone Annexation, located at 209 ½ and 221 Red Mesa Heights Road, to R-2 (Residential 2 du/ac).

Proposed Ordinance Zoning the Below-Senatore-Stone Annexation to R-2, Located at 209 ½ and 221 Red Mesa Heights Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 19, 2008

Staff presentation: Senta L. Costello, Associate Planner

3. **Setting a Hearing Zoning the Sage Hills Annexation, Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed Parcels on D ½ Road** [File #ANX-2007-363] [Attach 3](#)

Request to zone the 14.55 acre Sage Hills Annexation, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road, to R-5 (Residential 5-du/ac).

Proposed Ordinance Zoning the Sage Hills Annexation to R-5 (Residential 5 du/ac), Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed Parcels on D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 19, 2008

Staff presentation: Justin T. Kopfman, Associate Planner

4. **Construction Contract for Concrete Repair for Street Overlays** [Attach 4](#)

The 2008 Concrete Repair for Street Overlay project consists of replacing sections of hazardous or deteriorating curb and gutter, sidewalks and drainage pans on streets scheduled to be overlaid later this year.

Action: Authorize the City Manager to Sign a Construction Contract with B.P.S. Concrete for the Concrete Repair for Street Overlays in the Amount of \$226,338.15

Staff presentation: Tim Moore, Public Works and Planning Director

*** 5. **Ratification of a Letter Regarding Property Located at 2581 Patterson Road** [Attach 10](#)

Ratification of a letter from the City Manager to Jim and Frances Baughman concerning property at 2581 Patterson Road.

Action: Ratify the Letter Signed by the City Manager to Jim and Francis Baughman Regarding Property Located at 2581 Patterson Road

Staff presentation: Laurie Kadrach, City Manager

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

6. **Public Hearing—Amendment to Action Plan for 2006 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2006-04] [Attach 5](#)

Amend the City's Action Plan for the Community Development Block Grant (CDBG) Program Year 2006 to reallocate funds from previously approved projects to a new project.

Action: Approve the Amendments to the City's CDBG Consolidated Plan 2006 Action Plan to Reflect Reallocation of the Funds to the Orchard Mesa Drainage Improvements Project (2006-04)

Staff presentation: Kristen Ashbeck, Senior Planner

7. **Public Hearing—Mesa State Growth Plan Amendment for Property Located at 2899 D ½ Road** [File #GPA-2007-081] [Attach 6](#)

A request to amend the Growth Plan, changing the Future Land Use designation from Public to Mixed Use for 154.05 acres, located at 2899 D ½ Road.

Resolution No. 29-08—A Resolution Amending the Growth Plan of the City of Grand Junction Changing the Land Use Classification of Approximately 154.05 Acres, Known as Mesa State D ½ Road Property, Located at 2899 D ½ Road, from Public to Mixed Use

®Action: Adopt Resolution No. 29-08

Staff presentation: Greg Moberg, Planning Services Supervisor

8. **Public Hearing—Rezoning Properties Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive** [File #PP-2006-251] [Attach 7](#)

A request to rezone 10.3 acres located at the southeast corner of 28 ¼ Road and Grand Falls Drive from PD, Planned Development, to R-8, Residential – 8 units/acre Zoning District.

Ordinance No. 4180—An Ordinance Rezoning an Area of Land from PD, Planned Development, to R-8, Residential – 8 Units/Acre Zoning District, Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4180

Staff presentation: Scott D. Peterson, Senior Planner

9. **Public Hearing—Amending the City Parking Code** [Attach 8](#)

Amendments are needed to the Parking Code to prohibit parking in planting strips and outside designated spaces.

Ordinance No. 4188—An Ordinance Adopting Amendments to Chapter 36, Sections 36-17 and 36-33 of the City of Grand Junction Code of Ordinances Relating to the Parking Code as well as Adopting a New Section 36-38

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4188

Staff presentation: John Shaver, City Attorney

10. **Public Hearing—Amending the City Code Regarding Municipal Court Jurisdiction Over Theft Crimes of Less than \$1,000** [Attach 9](#)

Pursuant to a change in state law, a municipal court is authorized to take jurisdiction over theft crimes involving items less than \$1,000. The current City ordinance (GJCO §24-7) authorizes the Grand Junction Municipal Court jurisdiction over theft in an amount of \$300 or less. The proposed amendment will increase jurisdiction to \$1,000 or less.

Ordinance No. 4189—An Ordinance Amending Chapter 24, Section 7 of the City of Grand Junction Code of Ordinances Relating to Theft

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4189

Staff presentation: John Shaver, City Attorney

11. **Non-Scheduled Citizens & Visitors**
12. **Other Business**
13. **Adjournment**

Attach 1

**Setting a Hearing for the Vacation of Public Right-of-Way, 7th and Main N/S Alley
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacation of Public Right-of-Way, - Located between North 7 th Street and North 8 th Street on the north side of Main Street		
File #	VR-2007-222		
Meeting Day, Date	Wednesday – March 5, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	February 20, 2008		
Author Name & Title	Senta L. Costello – Associate Planner		
Presenter Name & Title	Senta L. Costello – Associate Planner		

Summary: Request to vacate the north/south alley located between North 7th Street and North 8th Street on the north side of Main Street. The applicant is requesting to vacate the alley in order to use the adjacent property to the east for a future mixed-use development.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Vacation Ordinance and set a public hearing for March 19, 2008.

Background Information: See attached staff report.

Attachments:

1. Staff Report
2. Vicinity Map / Aerial Photo
3. Future Land Use Map / Existing City Zoning Map
4. Vacation Ordinance
5. Vacation Exhibit

BACKGROUND INFORMATION			
Location:	7 th and Main north/south alley		
Applicants:	Owner: Douglas S. Simons & Bruce Milyard Developer: Constructors West – Bruce Milyard Representative: Ciavonne Roberts & Assoc – Joe Carter		
Existing Land Use:	Alley		
Proposed Land Use:	Mixed-Use (Residential/Commercial) building		
Surrounding Land Use:	North	Blue Moon Bar & Grill / East/West Alley	
	South	Cabaret Dinner Theater	
	East	Mesa County Offices	
	West	Parking Lot / Junct'n Square Pizza / Blue Moon	
Existing Zoning:	B-2 (Downtown Business)		
Proposed Zoning:	B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)	
	South	B-2 (Downtown Business)	
	East	B-2 (Downtown Business)	
	West	B-2 (Downtown Business)	
Growth Plan Designation:	Commercial		
Zoning within density range?	X	Yes	No

Staff Analysis:

1. Background

The property is located within the original square mile of Grand Junction and has historically been used as a gas station and auto repair garage. The owner plans to develop the property in the future with a mixed-use building, but an application has not been submitted.

The alley does have an existing telecommunications line in it that will be relocated along the northern property line of the property to the west.

2. Consistency with the Growth Plan

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. Development that is separate from existing urban services (“leap-frog” development) will be discouraged.
- Goal 6: To promote the cost-effective provision of services for businesses and residents by all service providers.
 - Policy 6.4 – The City and County will encourage consolidations of services whenever such consolidations will result in improved service efficiencies while maintaining adopted level of service standards.
- Goal 10: To retain valued characteristics of different neighborhoods within the community.
 - Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

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

Requests 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.

Applicant’s Response: The plan complies with the Growth Plan and other known plans. The 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street.

Staff’s Response: The request is in conformance with the Growth Plan, major street plan, and other adopted plans and policies of the City. See #2 above for Growth Plan consistency details.

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

Applicant's Response: The vacation of the alley will allow two parcels to be combined and no parcel will be landlocked as a result of the vacation.

Staff's Response: There will not be any parcels landlocked if the vacation is approved.

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.

Applicant's Response: Since the 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street, it is assumed that the City has already addressed these issues. Through the notification process associated with the 7th and Main Street improvement project, restricted access to this portion of alley is acceptable to the neighboring property owners and is not economically prohibitive, nor does it reduce or devalue any associated property. The proposed vacation will add 7.5' of land to the east end of the blue Moon property; hence, it could be argued that the vacation will increase the value of the Blue Moon property.

Staff's Response: Access will not be restricted to any parcels as a result of the vacation.

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).

Applicant's Response: Since the 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street, the health, safety, and welfare issues have already been addressed by the City of Grand Junction. No parcel of land will be landlocked nor will public facilities or services be restricted to any parcel of land.

Staff's Response: The vacation will not cause any 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 will not be reduced. The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will reduce public maintenance without reducing public services.

- 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.

Applicant's Response: Adequate fire and police protection is available to each property once served by this alley. The public utilities once located in this alley will be abandoned and relocated, but will continue to serve the existing customer base.

Staff's Response: The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will not inhibit any public facilities or services to any properties.

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

Applicant's Response:

- The pedestrian sidewalk will be a safer place to walk. The elimination of this alley will eliminate a vehicular access across a pedestrian zone (public sidewalk), which will make the sidewalk a safer place to walk. The alley was located at mid-block where people do not necessarily anticipate vehicular traffic.
- Maintenance costs will be reduced because the City will no longer have to maintain this portion of alley.
- The elimination of this alley will allow for the redevelopment of this parcel. The parcel is located within the City of Grand Junction Infill Boundary and Redevelopment Boundary. The City of Grand Junction encourages development within these two boundaries.

Staff's Response: The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will reduce public maintenance without reducing public services.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS

After reviewing the 7th and Main Alley right-of-way vacation application, VR-2007-222 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

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

3. A new easement(s) will need to be recorded for the relocation of the utilities existing within the existing alley and all utilities will need to be relocated and accepted by the utility provider prior to alley being vacated.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission heard the request at their February 26, 2008 meeting and forwarded a recommendation of approval to the City Council.

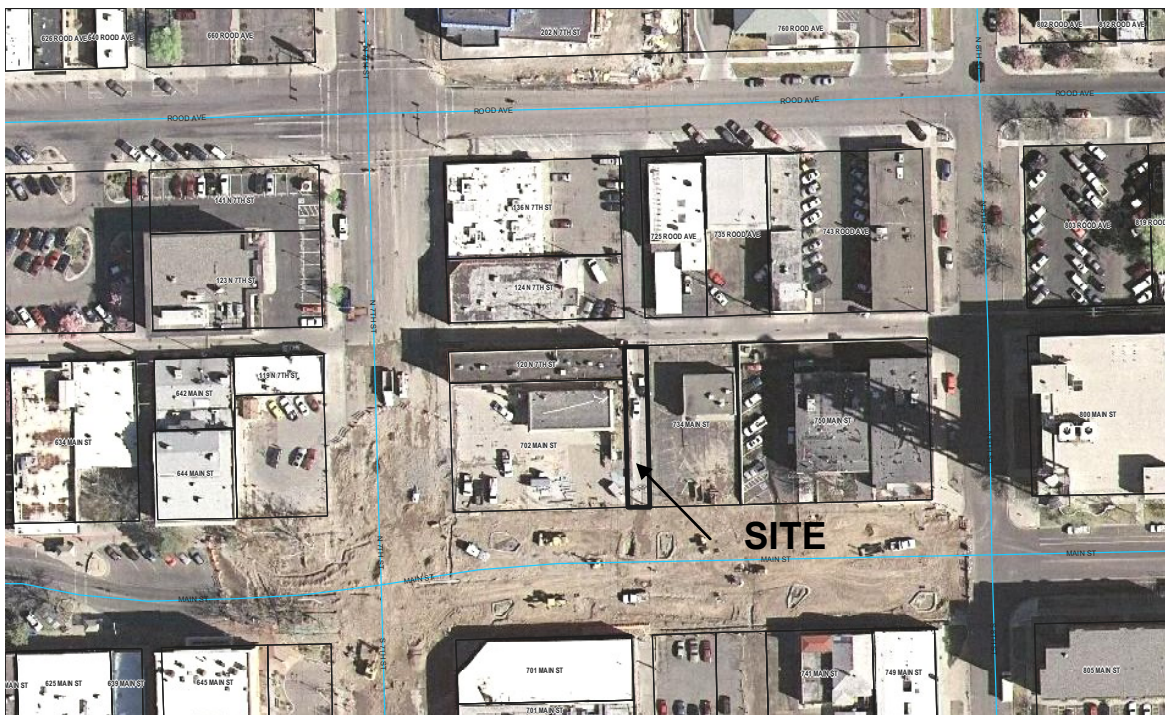
Site Location Map

Figure 1



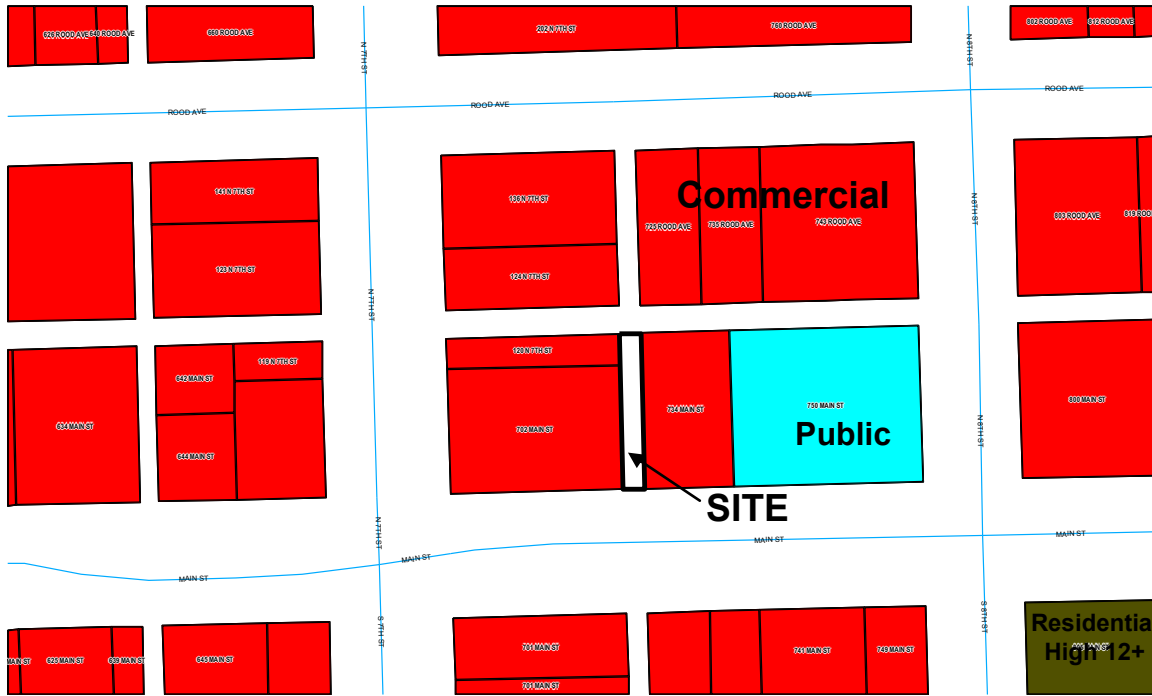
Aerial Photo Map

Figure 2



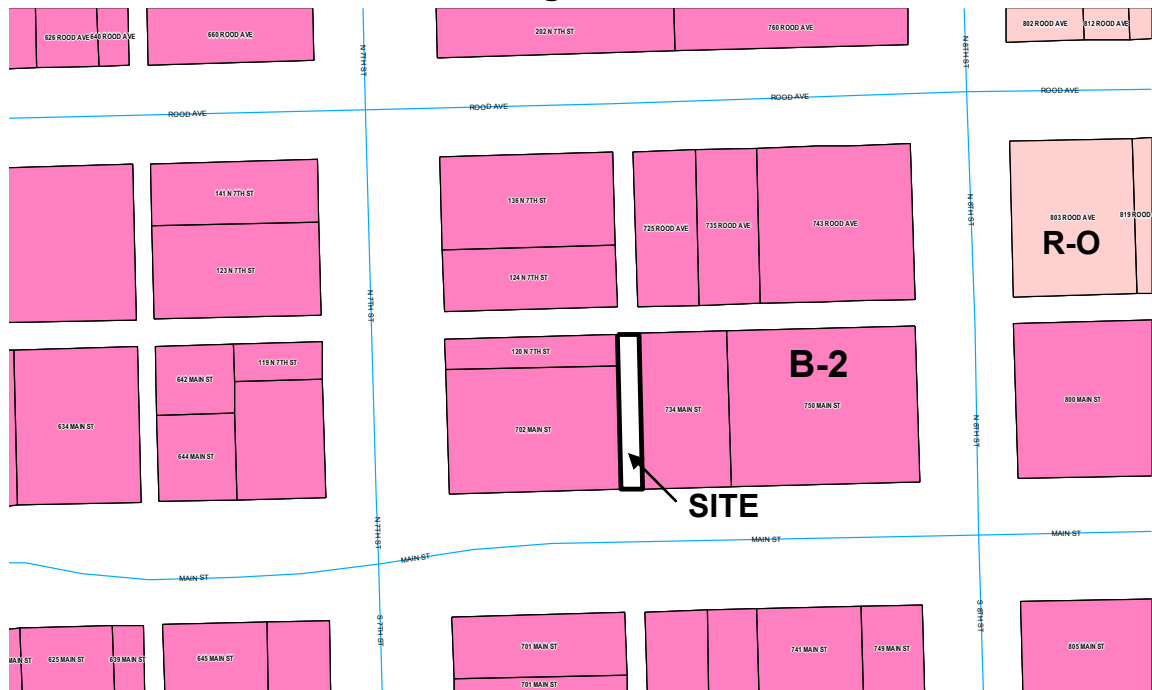
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, CO

ORDINANCE NO.

**AN ORDINANCE VACATING NORTH/SOUTH RIGHT-OF-WAY FOR ALLEY
LOCATED BETWEEN NORTH 7TH AND NORTH 8TH STREETS, NORTH OF
MAIN STREET**

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.
2. A new easement(s) will need to be recorded for the relocation of the utilities existing within the existing alley and all utilities will need to be relocated and accepted by the utility provider prior to alley being vacated.

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

Dedicated right-of-way to be vacated:

All of the fifteen foot alley between lots 1 - 5 and Lot 28, Block 106 of the City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows: BEG at the NE COR of said Lot 5; thence S89°58'10"E, a DIS of 15.00 ft to the NW COR of said Lot 28; thence S00°02'42"W, a DIS of 125.93 ft to the SW COR of said Lot 28; thence N89°58'45"W, a DIS of 15.00 ft to the SE COR of said Lot 1; thence N00°02'42"E, a DIS of 125.93 ft to the POB. Containing 0.043 acres or less.

Introduced for first reading on this _____ day of _____, 2008

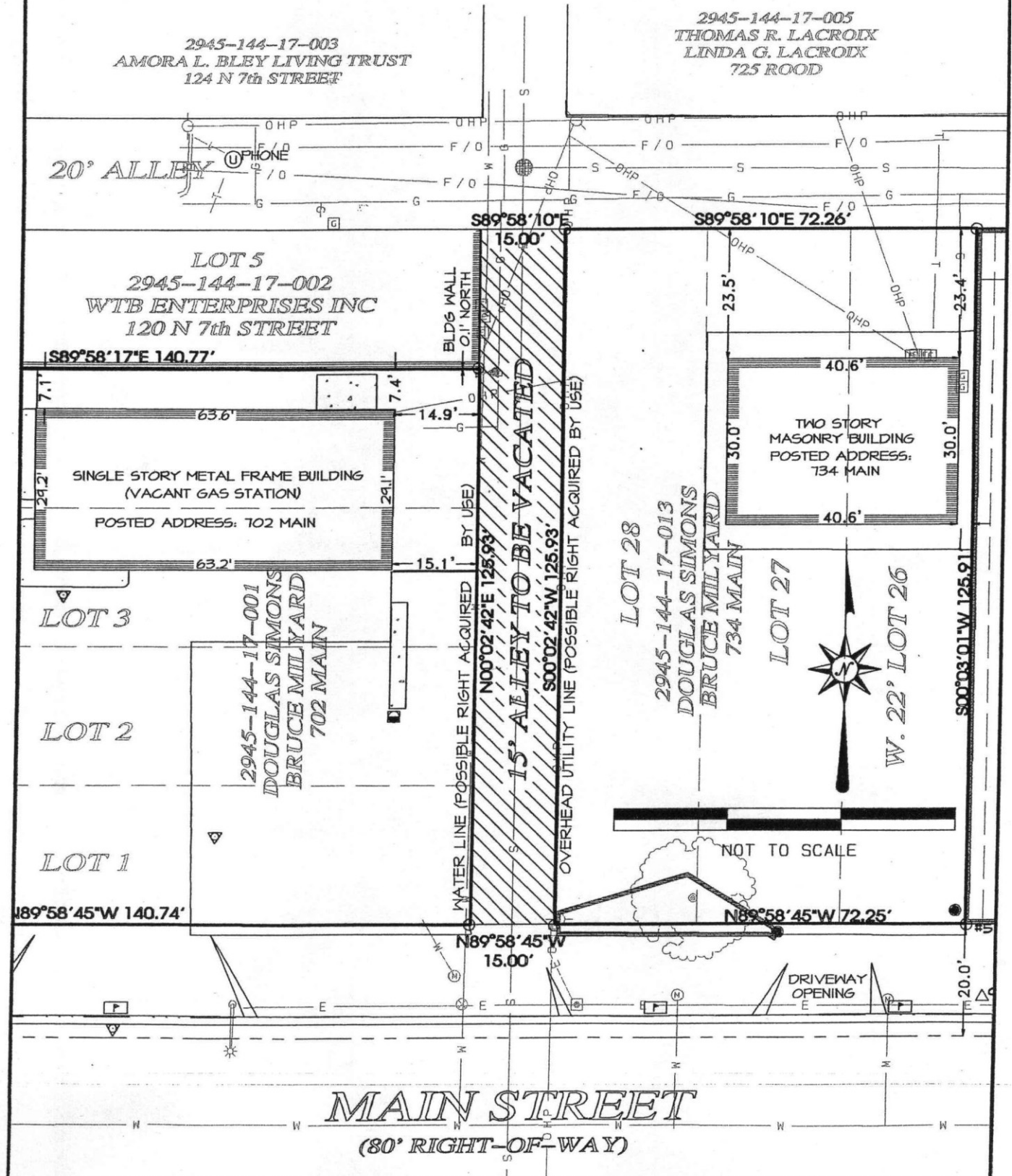
PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

President of City Council

City Clerk

ALLEY VACATION EXHIBIT



Attach 2
Setting a Hearing Zoning the Below-Senatore-Stone Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Below-Senatore-Stone Annexation - Located at 209 1/2 and 221 Red Mesa Heights Road		
File #	ANX-2007-373		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	February 20, 2008		
Author Name & Title	Senta L. Costello - Associate Planner		
Presenter Name & Title	Senta L. Costello - Associate Planner		

Summary: Request to zone the 2.95 acre Below-Senatore-Stone Annexation, located at 209 1/2 and 221 Red Mesa Heights Road, to R-2 (Residential 2 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for March 19, 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:		209 1/2 and 221 Red Mesa Heights Road	
Applicants:		Owners: Steve R. Below, Adrienne L. Senatore, Sherrill J. Stone; Representative: Independent Survey, Inc. – Vince Popish	
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	
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:

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 district is compatible with the existing Red Mesa Heights neighborhood existing 1/3 to 1/2 ac and up properties.

- 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. All lots front on an existing public street and water and sewer are available to all properties.

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.

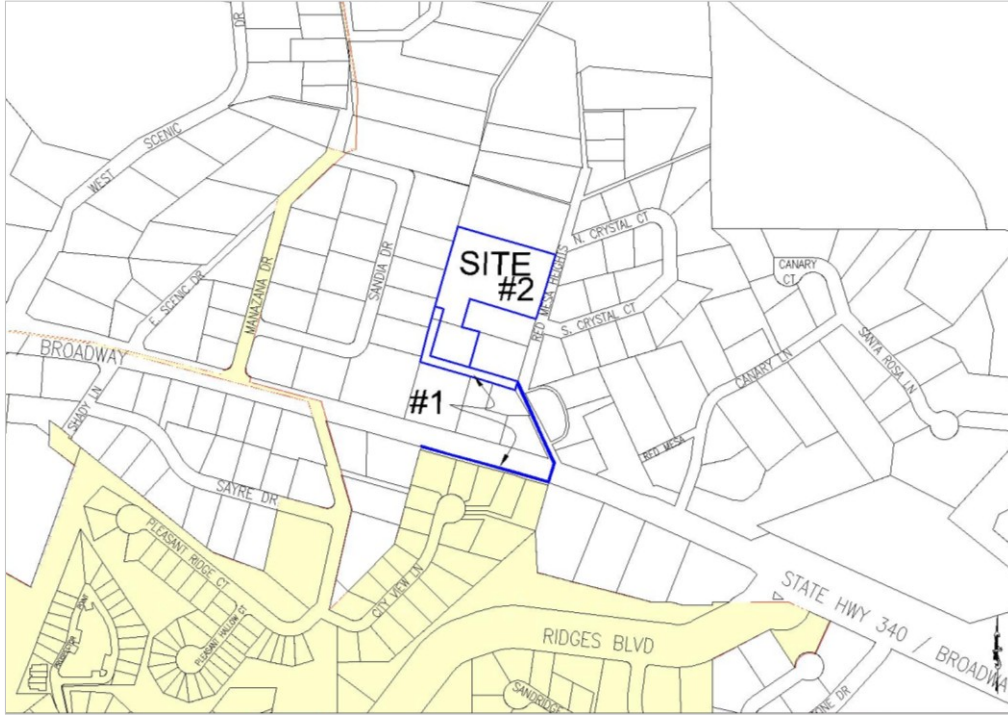
- a. R-4 (Residential 4 du/ac)

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-2 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



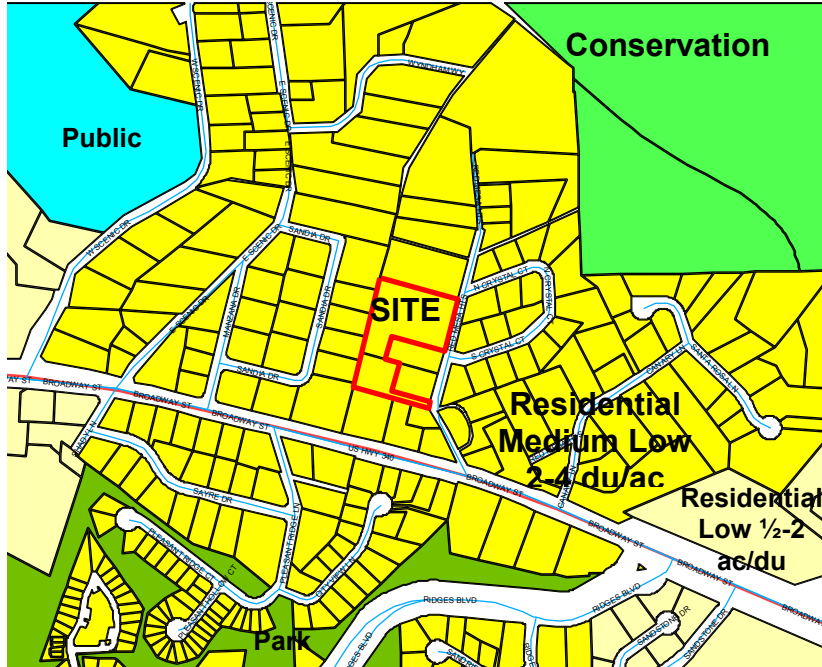
Aerial Photo Map

Figure 2



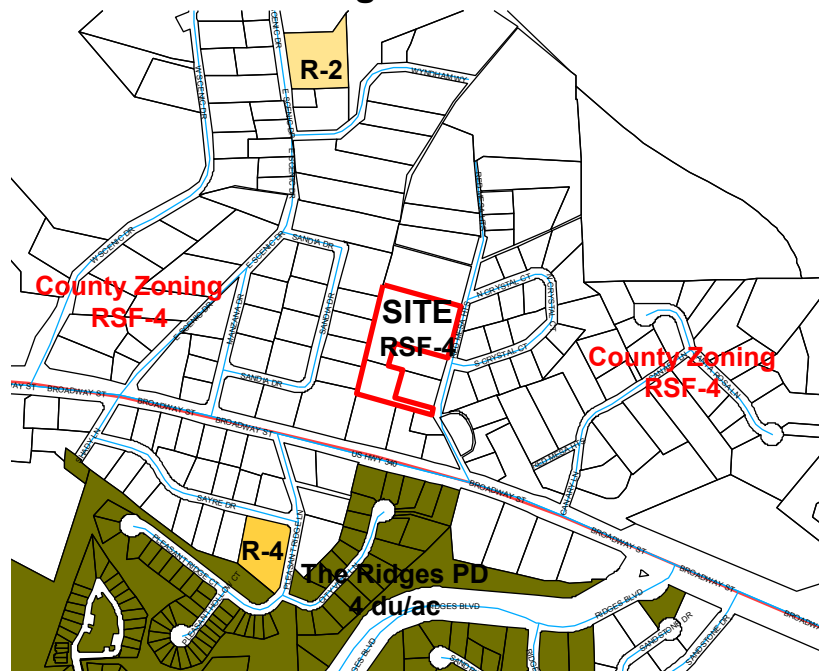
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BELOW-SENATORE-STONE ANNEXATION TO
R-2**

LOCATED AT 209 1/2 AND 221 RED MESA HEIGHTS 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 Below-Senatore-Stone 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).

BELOW/SENATORE/STONE ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, 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 Northwest corner of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction, also being the Northwest corner of Lot 8B, The Ridges Filing No. 1, as same as recorded in Plat Book 11, Page 268, public records of Mesa County, Colorado; thence N15°30'53"E a distance of 4.00 feet; thence S74°34'07"E along a line 4.00 feet North and parallel to the North line of said Ridges Filing No. 1, a distance of 324.09 feet; thence 133.93 feet along the arc of a 2829.00 foot radius curve, concave Southwest, having a central angle of 02°42'45" and a chord bearing S73°12'44"E a distance of 133.91 feet; thence N16°11'49"E a distance of 67.59 feet; thence N24°22'46"W a distance of 307.81 feet to a point on the East line of Lot 2 of William Carpenter Subdivision, as recorded in Plat Book 12, Page 258 of the

Mesa County, Colorado public records; thence S16°27'07"W along the East line of Lot 2 of said William Carpenter Subdivision, a distance of 23.94 feet; thence N73°32'53"W along the South line of Lot 2 of said William Carpenter Subdivision, a distance of 344.51 feet to a point on the East line of Lot 3 of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 200.00 feet; thence S73°32'53"E a distance of 30.00 feet; thence S15°37'47"W a distance of 170.03 feet; thence S73°32'53"E a distance of 315.02 to the Northeast corner of Lot 2 of said William Carpenter Subdivision; thence S24°22'46"E a distance of 313.79 feet; thence S16°11'52"W a distance of 73.21 feet to the Northeast corner of said Ridges Majority Annexation No. 3; thence 137.87 feet along the arc of a 2825.00 foot radius curve, concave Southwest, having a central angle of 02°47'47" and a chord bearing N73°10'13"W a distance of 137.86 feet, said line also being the North line of said Ridges Majority Annexation No. 3; thence N74°34'07"W along the said North line of Ridges Majority Annexation No. 3 a distance of 324.10 feet to the Point of Beginning.

CONTAINING 0.43 Acres or 18,795 Square Feet, more or less

BELOW/SENATORE/STONE ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows: Commencing at the Southwest corner of Lot 2 of William Carpenter Subdivision as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 200.00 feet to the Point of Beginning; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 291.98 feet; thence S73°32'51"E a distance of 355.85 feet; thence S17°06'51"W a distance of 233.98 feet; thence N73°12'52"W a distance of 240.14 feet; thence S17°06'51"W a distance of 101.40 feet to a point on the North line of Lot 2 of said William Carpenter Subdivision; thence S73°32'53"E along the North line of Lot 2 of said William Carpenter Subdivision, a distance of 63.47 feet to the Northwest corner of Lot 1 of said William Carpenter Subdivision; thence S16°14'07"W along the West line of Lot 1 of said William Carpenter Subdivision, a distance of 128.00 feet; thence N73°32'53"W a distance of 139.16 feet; thence N15°37'47"E a distance of 170.03 feet; thence N73°32'53"W a distance of 30.00 feet to the Point of Beginning.

CONTAINING 2.52 Acres or 109,853 Square Feet, more or less

INTRODUCED on first reading the ____ day of _____, 2008 and ordered published.

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

ATTEST:

City Clerk

President of the Council

Attach 3
Setting a Hearing Zoning the Sage Hills Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Sage Hills Annexation – Located at 3115½ and 3117 D½ and Two Unaddressed Parcels on D½ Road		
File #	ANX-2007-363		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	February 22, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to zone the 14.55 acre Sage Hills Annexation, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road, to R-5 (Residential 5-du/ac).

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for March 19, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road		
Applicants: < Prop owner, developer, representative>		Owner: Sage Hills of GJ, LLC (Mark Fenn) Representative: Ciavonne Roberts (Keith Ehlers)		
Existing Land Use:		Residential and Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Agricultural		
	East	Agricultural and Residential		
	West	Agricultural and Residential		
Existing Zoning:		County RSF-R (Residential Single Family Rural)		
Proposed Zoning:		City R-5 (Residential 5-du/ac)		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4-du/ac)		
	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:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the City R-5 (Residential 5 du/ac) zone district is consistent with the Growth Plan designation of Residential Medium 4-8 du/ac. The existing County zoning is County RSF-R (Residential Single Family Rural). 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 zoning of R-4 is consistent with the future growth plan, compatible with the neighborhood and meets the policies and requirements of the zoning and development code. The proposed zone is also consistent with the goals and objectives of residential medium to medium low density in the Pear Park Plan.

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

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

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

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

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

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

Goal 3, Transportation and Access Management, Pear Park Plan: Provide efficient circulation for emergency vehicles.

Goal 4, Transportation and Access Management, Pear Park Plan: Plan for future street cross-sections, sidewalks, bike lanes and trails.

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

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

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

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

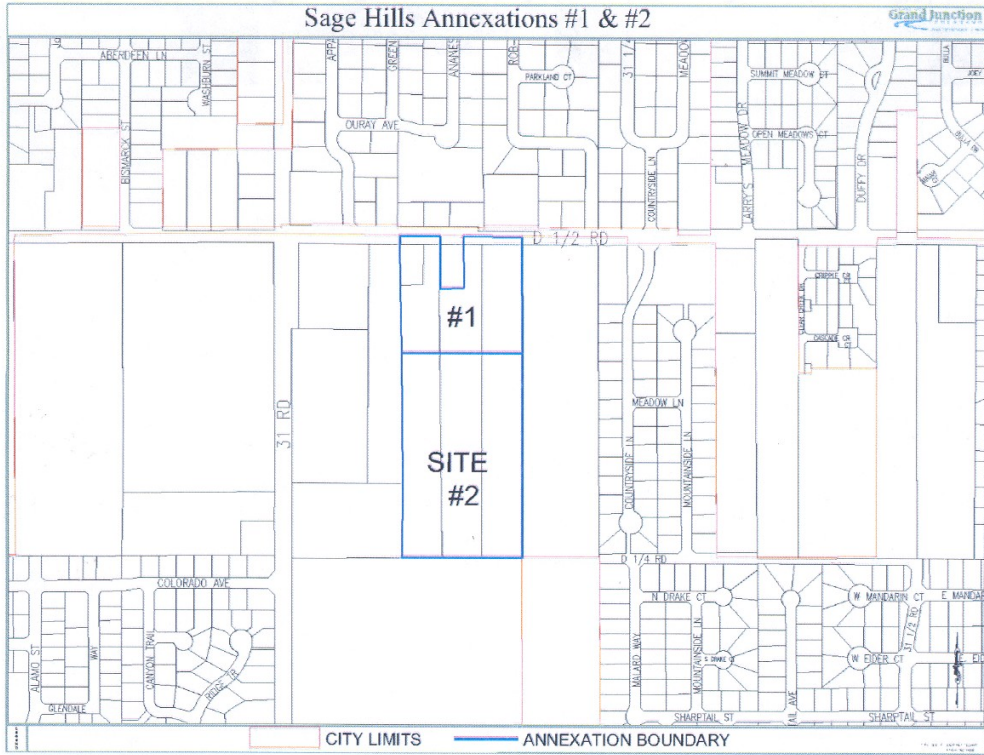
- b. R-2 (Residential 2 du/ac)
- c. R-4 (Residential 4 du/ac)

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on February 26, 2008, finding the zoning to the City R-5 (Residential 5 du/ac) district to be consistent with the Growth Plan, County RSF-R (Residential Single Family Rural) and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

Figure 1



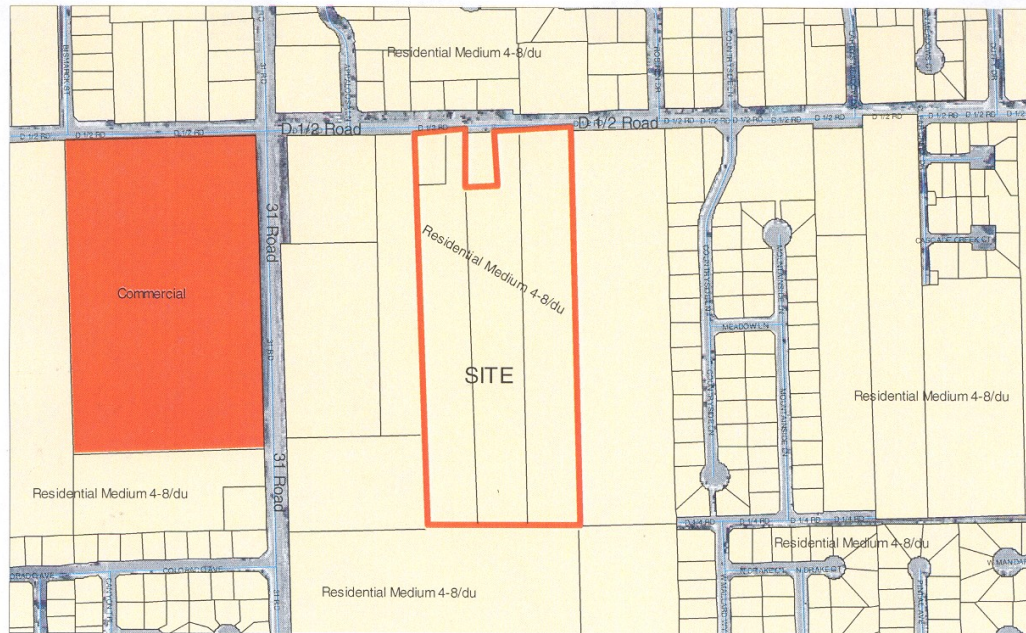
Aerial Photo Map

Figure 2



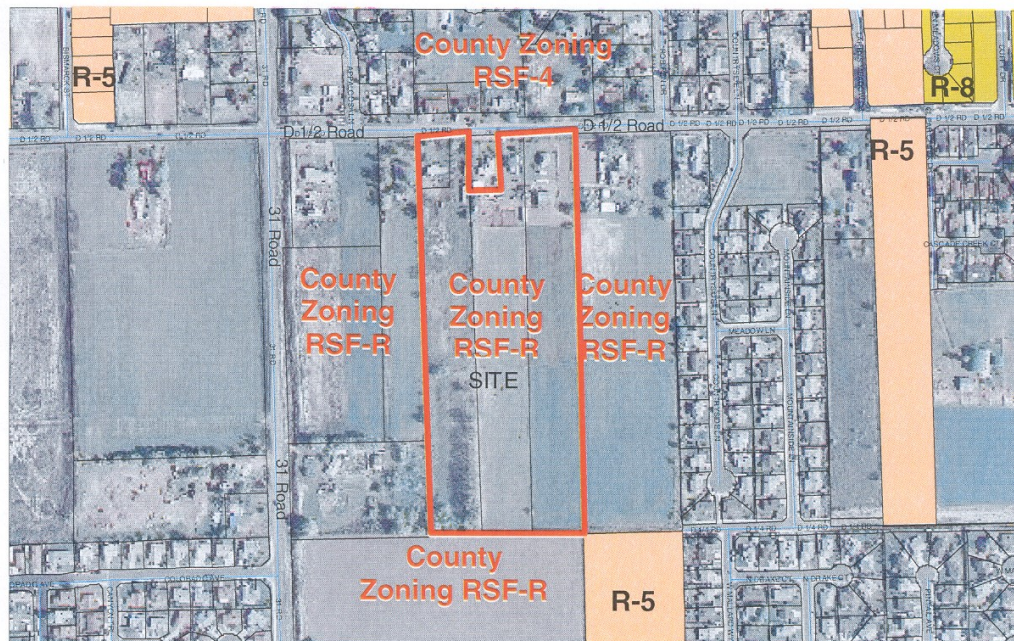
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE SAGE HILLS ANNEXATION TO
R-5 (RESIDENTIAL 5 DU/AC)**

**LOCATED AT 3115 1/2 AND 3117 D 1/2 ROAD AND TWO UNADDRESSED
PARCELS ON D 1/2 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 Sage Hills Annexation to the City R-5 (Residential 5 du/ac) 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 City R-5 (Residential 5 du/ac) 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 City R-5 (Residential 5 du/ac).

SAGE HILLS ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3360, a distance of

485.55 feet to the Point of Beginning; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 165.00 feet; thence S00°01'01"W along the West line of that certain Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the South line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 100.00 feet; thence

N00°01'01"E along the East line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 231.84 feet; thence S00°01'43"W a distance of 475.00 feet; thence N89°53'59"W a distance of 496.74 feet; thence N00°01'01"E a distance of 475.00 feet to the Point of Beginning.

Said parcel contains 4.92 acres (14,395.13 sq. ft.), more or less, as described.

AND

SAGE HILLS ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3460, a distance of 485.55 feet; thence S00°01'01"W a distance of 475.00 feet to the to the Point of Beginning; thence S89°53'59"E a distance of 496.74 feet; thence S00°01'43"W a distance of 844.58 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 15; thence N89°56'55"W along the South line of the NW 1/4 SW 1/4 of said Section 15, a distance of 496.57 feet; thence N00°01'01"E a distance of 845.00 feet to the Point of Beginning.

Said parcel contains 9.63 acres (419,569.44 sq. ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 4
Construction Contract for Concrete Repair for Street Overlays
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2008 Concrete Repair for Street Overlays		
File #			
Meeting Day, Date	Wednesday – March 5, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 25, 2008		
Author Name & Title	Justin Vensel, Project manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The 2008 Concrete Repair for Street Overlay project consists of replacing sections of hazardous or deteriorating curb and gutter, sidewalks and drainage pans on streets scheduled to be overlaid later this year.

The following bids were opened on February 19, 2008

BPS Concrete	Grand Junction	\$ 226,338.15
Vista Paving LLC	Grand Junction	\$ 232,412.00
Reyes Construction Inc.	Fruita	\$ 228,856.40
Engineers Estimate		\$ 279,830.60

Budget: Project No. 2011-F00400

Project Cost:

Construction Contract (low bid)	\$ 226,338.15
Design	\$ 7,580.00
Construction Administration and Inspection (est.)	\$ 20,000.00
	<u>\$ 253,918.15</u>

Project Funding :

<u>Capital Fund</u>	<u>2007 Current Balance</u>	<u>Allocation for this Project</u>	<u>Remaining Budget</u>
Fund 2011-F00400			
Contract Street			
Maintenance	\$ 1,850,000.00	\$ 253,918.15	\$ 1,596,081.85

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract with BPS Concrete Inc. for the **2008 Concrete Repair for Street Overlay Project** in the amount of **\$ 226,338.15**.

Attachments: None

Background Information:

This project will replace sections of concrete curb & gutter, sidewalks and drainage pans which have tripping hazards, broken/damaged concrete or do not properly drain. The work will take place on the following streets which are scheduled to be overlaid with hot mix asphalt.

- 1) 8th Street – Grand Ave to White Ave
- 2) 9th Street – Grand Avenue to Ute Ave
- 3) 3rd Ave – 7th Street to 9th Street
- 4) Orchard Ave – 5th Street to 7th Street
- 5) Bookcliff Ct – Bookcliff to end
- 6) Racquet way and Ct - 15th Street to End
- 7) W Pinyon Ave – S. Commercial to 25 ½ Rd
- 8) G Road – 25 Road west to 26 Rd

The work is scheduled to begin on March 17, 2007 and be completed by June, 27, 2007. The street overlay contract is scheduled to begin in July.

Attach 5

**Public Hearing—Amendment to Action Plan for 2006 CDGB Program Year
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Amendment to Action Plan for 2006 Community Development Block Grant (CDBG) Program Year		
File #	CDBG 2006-04		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual X
Date Prepared	February 25, 2008		
Author Name & Title	Kristen Ashbeck, Senior Planner		
Presenter Name & Title	Kristen Ashbeck, Senior Planner		

Summary: Amend the City's Action Plan for the Community Development Block Grant (CDBG) Program Year 2006 to reallocate funds from previously-approved projects to a new project.

Budget: The City will reallocate a total of up to \$130,000 CDBG funds from two previously-approved 2006 CDBG projects (Grand Valley Catholic Outreach Housing and Administration) to a new project, Orchard Mesa Drainage Improvements (CDBG project 2006-04). The Grand Valley Catholic Outreach will receive \$100,000 from the City's General Fund in exchange for the CDBG funds. The balance of up to \$30,000 to be allocated to the Orchard Mesa project if needed is from unspent 2006 CDBG administration funds.

Action Requested/Recommendation: Approve the amendments to the City's CDBG Consolidated Plan 2006 Action Plan to reflect reallocation of the funds to the Orchard Mesa Drainage Improvements project (2006-04).

Attachments:

1. Background Information
2. Orchard Mesa Drainage Improvements Location Map
3. Amendment as Advertised for Public Comment

Background Information:

The City developed a Consolidated Plan and 2006 Action Plan as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plan allocated funds for the 2006 Program Year to specific projects for that year. This proposal to amend the Action Plan affects the projects as outlined below.

Project 2006-01. The 2006 Action Plan included a project that earmarked \$69,656 to be used for administration expenses and salary for a part-time staff position devoted to administration of the CDBG program. Subsequently, the dedicated position has been eliminated and not all of the administrative funds will be expended for that purpose. A portion of these surplus funds (up to \$30,000) are proposed to be made available for use towards a new project to construct drainage improvements along Linden Avenue in the Orchard Mesa neighborhood (CDBG 2006-04).

Project 2006-03. The 2006 Action Plan included expenditure of \$100,000 CDBG funds to assist Grand valley Catholic Outreach with construction of a 23-unit apartment complex on a site at 217 White Avenue in Grand Junction. As the project started construction, it was realized that the project was not eligible for CDBG funds due to environmental concerns. Thus, rather than utilize the CDBG funds, staff proposed that the CDBG funds be swapped with City General Funds for an eligible capital improvements project scheduled to be completed in 2008. The \$100,000 CDBG funds will be reallocated to the drainage improvements in the Orchard Mesa Neighborhood described above.

Total 2006 CDBG funds to be allocated to the drainage project 2007-04 will be up to \$130,000. Any amount not expended for this project will be reallocated with the 2008 Program Year CDBG funds.



CDBG 2006-04 Orchard Mesa Drainage Improvements
City of Grand Junction

Area adjacent to Linden Avenue and Orchard Mesa Drainage Channel Intersection

USER PROJECT**ORIGINAL PROJECT 2006-01**

Project Title

CDBG Program Administration

Description

The City of Grand Junction will administer the 2006 Program Year funds.

Project ID

--

Local ID

2006-01

Activity

Administration

Funding

Community Development (CDBG)

\$69,656

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 0

TOTAL

\$69,656

Prior Funding

\$ Annual Appropriation

Eligibility

Type of Recipient

Local Government

Performance Administration and completion of 2006 CDBG Program Year projects

Location Type

NA

USER PROJECT ORIGINAL PROJECT 2006-03

Project Title	Grand Valley Catholic Outreach Housing
Description	Grand Valley Catholic Outreach will construct a 23-unit apartment complex for housing for the homeless. CDBG funds will be utilized for site improvements including private sidewalks and landscaping.
Project ID	--
Local ID	2006-04
Activity	Capital Construction
Funding	
Community Development (CDBG)	\$100,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ Private/Public Funding (amount unknown)
TOTAL	\$100,000
Prior Funding	\$ 0
Eligibility	
Type of Recipient	Private Non-Profit
Performance	Completion of proposed housing project
Location Type	Address
	217 White Avenue

USER PROJECT**AMENDED PROJECT 2007-04**

Project Title	Orchard Mesa Drainage Improvements
Description	The project will replace a 30-inch culvert that carries Orchard Mesa Drainage Channel across Linden Avenue with a 12'x 2' concrete box. The improvements will alleviate flooding of residences in the area during intense rain storms.
Project ID	--
Local ID	2007-04
Activity	Rehabilitation/Capital Construction/Improvement Project for a Neighborhood Infrastructure
Funding	
Community Development (CDBG)	\$130,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ 0
TOTAL	\$130,000
Prior Funding	0
Eligibility	
Type of Recipient	Local Government
Performance	Completion of drainage improvements on Linden Avenue in the Orchard Mesa Neighborhood
Location Type	Address Linden Avenue

Attach 6
Public Hearing—Mesa State Growth Plan Amendment
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>			
Subject	Mesa State Growth Plan Amendment		
File #	GPA-2007-081		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	February 1, 2008		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: A request to amend the Growth Plan, changing the Future Land Use designation from Public to Mixed Use for 154.05 acres, located at 2899 D ½ Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider a Resolution amending the Growth Plan.

Background Information: See attached Analysis/Background Information

Attachments:

1. Staff report
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City & County Zoning Map
4. Planning Commission Minutes for January 8, 2008
5. Resolution

BACKGROUND INFORMATION				
Location:		2899 D ½ Road		
Applicant:		Mesa State Real Estate Foundation		
Existing Land Use:		Agriculture/Vacant/CSU Facility/Lineman School		
Proposed Land Use:		Mixed Use – Residential/Commercial/Industrial		
Surrounding Land Use:	North	Industrial		
	South	Residential		
	East	Residential		
	West	State Offices/Cemetery		
Existing Zoning:		County – PUD		
Proposed Zoning:		To be determined. If the Growth Plan Amendment is approved the Owner will request that the property be zoned to M-U (Mixed Use).		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	County RSF-R, R-4 (Residential 4 du/ac), PD (Planned Development)		
	East	County RSF-R		
	West	County PUD		
Growth Plan Designation:		To be determined. The request is a Growth Plan Amendment from Public to MU (Mixed Use)		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

BACKGROUND

The Mesa State Real Estate Foundation has submitted a request to amend the Future Land Use Map from a Public designation to a Mixed Use designation on 154.05 acres located at 2899 D ½ Road. The property was annexed into the City on June 6, 2007 but was not zoned pending a decision on the requested Growth Plan Amendment. Current use of the property includes an electrical lineman training facility, Colorado State University Animal Diagnostic Laboratory and agriculturally cultivated lands. Also existing on the property are miscellaneous vacant buildings. The site is bounded by D

Road (also known as the Riverside Parkway) to the south, the Union Pacific Railroad and the I-70 Business Loop to the north, 29 Road to the east and land owned by the State to the west.

The Growth Plan was adopted on October 2, 1996 as the City's vision of its future. This vision is established through the implementation of goals and policies that guide decision makers. Chapter Six of the Growth Plan states that the document is intended to be dynamic, responding to the changing needs and conditions of the City. The Chapter goes on to state that the City will need to amend the Plan periodically but Plan amendments should not be made lightly. Each proposed amendment should be considered carefully to determine whether or not the proposed amendment is consistent with the Plan's goals and policies.

The Pear Park Neighborhood Plan was one such amendment that was considered based on the changing needs and desires of the community. The Pear Park Neighborhood Plan was adopted on January 5, 2005 as an amendment to the City's Growth Plan with the purpose of providing more specific guidance regarding development in the Pear Park area. The Mesa State property is located within the Pear Park area.

When the Pear Park Neighborhood Plan was adopted, Mesa State had no plans to develop the D and 29 Road property. Therefore the property was designated as Public as a default designation based on ownership and not on potential use. The Public designation restricts uses to public and quasi-public uses such as schools, government facilities, cemeteries, hospitals and churches. It is the desire of Mesa State to develop the site as a mixed-use development (residential, commercial and industrial) and therefore a Growth Plan Amendment is required prior to rezoning the property to M-U (Mixed Use).

It should be understood that this request is only to amend the Growth Plan. If the property is to be developed, an application to rezone, either to a conventional zone (i.e. Residential, Commercial and/or Industrial) or Planned Development (PD) must be approved. A request to rezone requires the owner to address the criteria and standards set forth in Section 2.6 and, if zoned to PD, Section 2.12 and Chapter 5. Further issues concerning, but not limited to, traffic, park land dedication, drainage, access, and infrastructure must be addressed at the time of application. Finally, development of this site may include the need to upgrade and/or improve existing off-site infrastructure to accommodate the proposed development.

CRITERIA

Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends that were reasonably foreseeable were not accounted for; or**

There was no error at the time of adoption of the Growth Plan or the Pear Park Neighborhood Plan. However, there may have been an underestimation of the potential use of the site.

- b. Subsequent events have invalidated the original premises and findings;**

Since the adoption of the Pear Park Neighborhood Plan, improvements to D and 29 Road have been made that would allow for more intense use of the property. In addition, the Central Grand Valley Sanitation District recently replaced the D Road interceptor with a new 24-inch PVC pipe that will add additional capacity to the system and be able to serve potential uses of the Mesa State property. Therefore these improvements and the continuing urban growth that is occurring in the Pear Park area invalidate the original premises and findings that the Public designation of this site is not the best use of the property.

- 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;**

The character of this neighborhood has been and continues to be developing with urban land uses; specifically with medium to medium-low residential density. This type of development requires supporting uses such as high density residential, commercial and industrial. Furthermore, there is a need to transition from the residentially designated lands to the south and east, to the industrially designated lands to the north and west.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;**

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

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

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

Policy 1.8: The City and County will use zoning and special area policies (adopted as part of this plan) to describe the preferred types of non-residential development in different parts of the community.

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

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

Goal 8: To support the long-term vitality of existing centers of community activity...

Policy 8.12: The City and County will encourage Mesa State College to retain its main campus in the City of Grand Junction at its current location, and will support the growth of the college at its current campus or at facilities located within nonresidential portions of the Urbanizing Area.

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

Policy 12.2: The City and County will limit the development of large scale retail and service centers to locations with direct access to arterial roads within commercial nodes shown in the Future Land Use Map.

Goal 18: To maintain the City's position as a regional provider of goods and services.

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

Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

Policy 28.3: The City's elected officials and leadership will consistently advocate and promote the planning, fiscal, and quality of life advantages and benefits achievable through infill and redevelopment.

It is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each land use category. Approximately one half of the Pear Park area is designated Residential Medium (4 – 8 dwelling units per acre) and one quarter is designated Public, Conservation or Park. The remaining 25% is designated Commercial/Industrial, Commercial, Industrial, Residential Low and Residential High. Therefore, there is a need for more property designated for higher density residential, commercial and industrial within the Pear Park area.

e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

Adequate public facilities are currently available or can be made available and can address the impacts of any development consistent with a Mixed Use designation.

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

There is an inadequate supply of higher density residential and commercially zoned land within the Pear Park area. Furthermore, there is a need to transition the residential land uses from the south and east to the industrial lands to the north and west. The Mixed Use designation would accommodate both of these concerns.

g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Amending the Growth Plan from Public to Mixed Use would create a transition between the existing residential and industrial uses. The amendment would also allow for the development of needed commercial and high density residential uses. This would benefit both the Pear Park area and the City as a whole.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Mesa State application, GPA-2007-081 for a Growth Plan Amendment, Planning Commission made the following findings of fact and conclusions:

4. The proposed amendment is consistent with the purpose and intent of the Growth Plan and the Pear Park Neighborhood Plan.
5. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

On January 8, 2008, the Planning Commission held a public hearing and recommended approval of the requested Growth Plan Amendment, GPA-2007-081, with the findings and conclusions listed above.

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 8, 2008 MINUTES
6:00 p.m. to 9:18 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Tom Lowrey, Bill Pitts and Patrick Carlow (1st Alternate). Commissioner William Putnam was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Scott Peterson (Senior Planner), Greg Moberg (Development Services Supervisor) and Senta Costello (Associate Planner).

- 8. GPA-2007-081 GROWTH PLAN AMENDMENT – Mesa State D½ Road Property
Request approval of a Growth Plan Amendment to change the Future Land
Use Designation from Public to Mixed Use.
PETITIONER: Annie Butler, Mesa State College Real
Estate Foundation
LOCATION: 2899 D½ Road
STAFF: Greg Moberg, Planning Services Supervisor**

PETITIONER'S PRESENTATION

Joe Carter of Ciavonne, Roberts & Associates, 844 Grand Avenue, addressed the Commission on behalf of applicant, Mesa State College Real Estate Foundation. Mr. Carter clarified that Arnie Butler represents the applicant rather than Tim Foster. He said that the property is located between D and D½ Road on 29 Road and is approximately 154 acres. The property was annexed into the City in June 2007 and the current land use designation on the property is Public. He went on to state that the current uses on the site are an electrical lineman training facility and the CSU animal diagnostic lab. He stated that the requested approval is to amend the Future Land Use designation of the property from a Public designation to a Mixed Use designation. Future applications of rezone will be submitted in the near future as will an ODP. These applications will look at a proposed mix of uses on the property to possibly include Residential, Commercial, and Commercial-Industrial uses. The Mixed Use designation would allow generally residential, commercial and employment. He further stated that the project is compliant with the Growth Plan, the goals and policies, land use, efficient use of public facilities, long-term vitality of existing centers and the project is within the infill boundary of the City. Furthermore, he said that the site has excellent access and is a very large contiguous parcel and utility infrastructure is also available.

STAFF'S PRESENTATION

Greg Moberg gave a PowerPoint presentation of the requested Growth Plan Amendment, 2007-GPA-081. He pointed out that the property was annexed June 6, 2007 and does not currently have a zone. He stated that current uses on the site are electrical lineman facility, diagnostic laboratory by Colorado State University and miscellaneous and vacant buildings and agricultural uses. Mr. Moberg said that the surrounding area is somewhat eclectic with Residential Medium to the east; Commercial-Industrial to the north; Industrial to the north; Public to the West; and Residential Medium Low to the south with PD and Commercial. He said that the Public designation was a default based on the fact that there were no uses placed on the property. As pointed out by Mr. Moberg, the Public designation, however, is a very restrictive designation restricting it to quasi-public uses, public uses, schools, government facilities, cemeteries, hospitals and churches. He stated that he hesitates to claim that there is an error to

the Growth Plan because it was a designation based on ownership and the use at that time. Since the adoption of the Pear Park Plan, many improvements have been made to D Road and 29 Road. Furthermore, the Central Grand Valley Sanitation District has upgraded or replaced their D Road interceptor that would be able to handle the additional capacity. Also, the character of the neighborhood continues to be developed into urban uses. Additionally, there is a need for transition between the Residential to the south and the east and the Industrial and Commercial to the north. He stated that the change would be consistent with the goals and policies of the plan. He also stated that it is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations. Currently, there is not a need for additional Public lands in the Pear Park area; however, there will be and is a need for higher density Residential, Commercial and Employment areas. Mr. Moberg said that there are adequate public facilities that can be made available. He also stated that at this point within the Pear Park area there is an inadequate supply of higher density residential and commercially zoned properties. He stated that he thinks the transition that would occur between Residential to the south and east and the Commercial Industrial to the north would be very beneficial. He concluded that the proposed amendment is consistent with the purpose and intent of the Growth Plan and the Pear Park Neighborhood Plan and the applicable review criteria of the Zoning and Development Code have all been met. He recommended the Planning Commission forward a recommendation of approval for this requested Growth Plan Amendment to City Council.

PUBLIC COMMENT

For:

No one spoke in favor of the amendment.

Against:

Erik Van de Bogard (354 29 Road) suggested that a wider range of notification should have been done, particularly with those with a vested interest in the Pear Park Plan. He asked if Mesa State College would continue to be a small to middle-sized liberal arts college or become a premier institution for the western slope that might need expansion further than what they can currently consume in residential development reconstruction. He raised certain questions regarding the site next to the cemetery that had a restriction related to Native American access, mineral extraction, and state government in competition with private enterprise. He also suggested that there are many parcels suitable for housing and commercial real estate expansion in the Pear Park area already. He stated that he believes it is shortsighted to divide the parcel. Mr. Van de Bogard also suggested that if this development occurs that they be responsible for bringing in the majority of public services such as fire, police, etc.

Dr. John Andrews stated that he is the director of the animal diagnostic laboratory and asked what the Growth Plan Amendment would do to the lease for the public use of this property. He said that he is not opposed to the redevelopment of this property but is concerned about the service that Colorado State offers to western Colorado.

PETITIONER'S REBUTTAL

Joe Carter said that it was his understanding that when a use exists and a change of Growth Plan designation, the use is grandfathered in. He next addressed the question raised regarding future growth and expansion of Mesa State College. Mr. Carter stated that it is his understanding that title to this property, and in particular to Parcel 1, is clear. Also, the mineral extraction would be an issue to be looked at at the time of ODP and further preliminary plan. He stated that he does not believe that the issue regarding government competing with private entities is a factor because Mesa State College Real Estate Foundation owns the property and not Mesa State College. Mr. Carter also stated that regardless of how the subject property is developed, adequate, reasonable services would still have to be provided and they exist on the site.

DISCUSSION

Commissioner Lowrey said that he agrees with amending the Growth Plan as it would benefit the college. Also, a Mixed Use in the area is needed to serve the Pear Park neighborhood. He said that he thinks the Growth Plan Amendment makes a lot of sense for this parcel.

Commissioner Pitts agreed that the Growth Plan Amendment is in order.

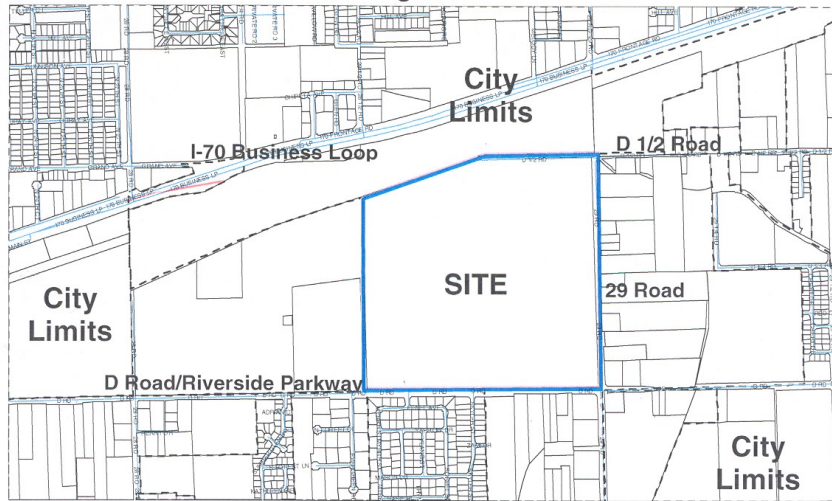
Chairman Dibble and Commissioner Wall also agreed.

MOTION: (Commissioner Lowrey) “Mr. Chairman, I move that we recommend approval of the requested Growth Plan Amendment for Mesa State, GPA-2007-081, with the findings and conclusions listed in the staff report.”

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

Site Location Map

Figure 1



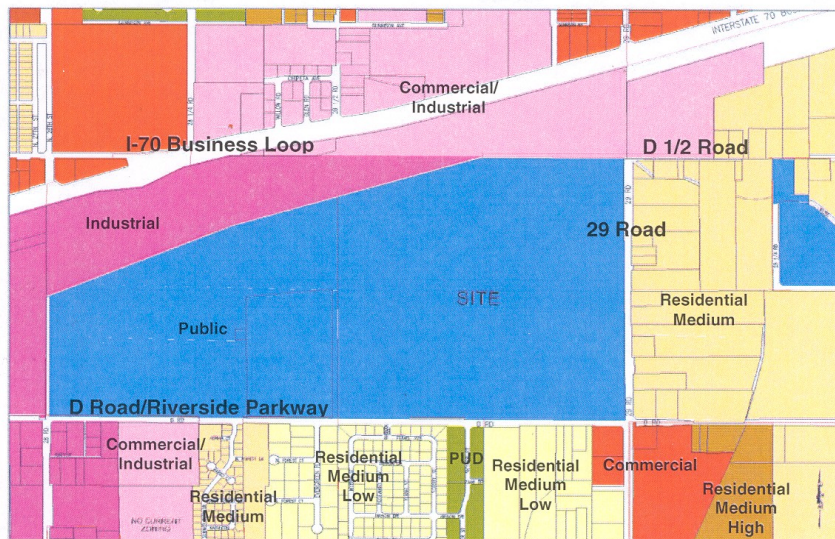
Aerial Photo Map

Figure 2



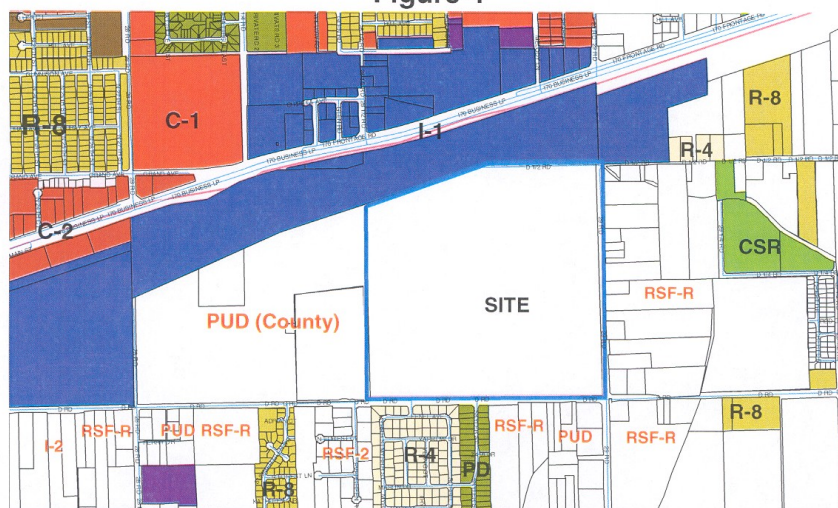
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION CHANGING THE LAND USE CLASSIFICATION OF APPROXIMATELY 154.05 ACRES, KNOWN AS MESA STATE D 1/2 ROAD PROPERTY, LOCATED AT 2899 D 1/2 ROAD FROM PUBLIC TO MIXED USE

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 154.05 acres, located at 2899 D 1/2 Road be redesignated from Public to Mixed Use on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM PUBLIC TO MIXED USE ON THE FUTURE LAND USE MAP.

MESA STATE PROPERTY

A certain parcel of land located in the Southeast Quarter of (SE 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 18 and assuming the South line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE1/4) of said Section 18 bears N89°40'51"W with all other bearings contained herein being relative thereto; thence N89°40'51"W along said South line a distance of 1319.50 feet to the Southwest corner of said SE 1/4 SE 1/4; thence N00°21'19"W along the West line of said SE 1/4 SE 1/4 a distance of 30.00 feet to a point on the North line of D Road; thence N89°37'59"W along said North line a distance of 1328.65 feet to a point on the West line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 18, said North line also being the North line of the Darren Davidson Annexation, City of Grand Junction, Ordinance No. 3205; thence N00°06'35"W along said West line a distance of 1288.69 feet to the Northwest corner of said SW 1/4 SE 1/4; thence N00°25'09"W along the West line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 18 a distance of 903.48 feet to a point on the South

line of the Southern Pacific Railroad Annexation, City of Grand Junction, Ordinance No. 3158; thence N73°01'14"E along said South line a distance of 1415.51 feet to a point on the North line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 18; thence N00°15'05"E a distance of 30.00 feet; thence N89°35'13"E along a line being 30.00 feet North of and parallel with the North line of said NE 1/4 SE 1/4 a distance of 1292.57 feet; thence S00°13'55"E along the East line of said NE 1/4 SE 1/4 a distance of 1350.87 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 18; thence S00°13'09"E along the East line of said SE 1/4 SE 1/4, a distance of 1321.23 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 154.05 acres (6,710,387 square feet), more or less, as described.

PASSED on this _____ day of _____, 2008.

ATTEST:

City Clerk

President of Council

Attach 7

**Public Hearing—Rezoning Properties Located at the Southeast Corner of
28 ¼ Road and Grand Falls Drive**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Rezone 10.3 acres - Located at the southeast corner of 28 ¼ Road and Grand Falls Drive		
File #	PP-2006-251		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	February 22, 2008		
Author Name & Title	Scott D. Peterson, Senior Planner		
Presenter Name & Title	Scott D. Peterson, Senior Planner		

Summary: A request to rezone 10.3 acres located at the southeast corner of 28 ¼ Road and Grand Falls Drive from PD, Planned Development to R-8, Residential – 8 units/acre Zoning District.

Budget: N/A.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage and publication of the proposed Ordinance.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / City Zoning Map
3. January 22, 2008 Planning Commission Minutes
4. Zoning Ordinance

BACKGROUND INFORMATION					
Location:		Southeast corner of 28 ¼ Road and Grand Falls Drive			
Applicants:		Ashbury Heights Cache, LLC and Thomas Ralzer, Owners			
Existing Land Use:		Vacant land			
Proposed Land Use:		Residential development			
Surrounding Land Use:	North	Single-family attached dwellings and Vacant land			
	South	Two-family dwellings and Vacant land			
	East	Single family residential			
	West	Proposed residential development (Ridgewood Heights Subdivision)			
Existing Zoning:		PD, Planned Development			
Proposed Zoning:		R-8, Residential – 8 units/acre			
Surrounding Zoning:	North	PD, Planned Development			
	South	R-8, Residential – 8 units/acre and R-16, Residential – 16 units/acre			
	East	PD, Planned Development			
	West	R-5, Residential – 5 units/acre			
Growth Plan Designation:		Residential Medium High (8 – 12 DU/Ac.)			
Zoning within density range?		X	Yes		No

Staff Analysis:

1. Background:

The applicant's, Ashbury Heights LLC and Thomas Ralzer, are requesting to rezone 10.3 acres of land located at the southeast corner of 28 ¼ Road and Grand Falls Drive to R-8, Residential – 8 units/acre in anticipation of development of the properties and adjacent properties for future residential development that is to be known as the Ashbury Heights Subdivision. These parcels of land are currently vacant.

These parcels of land were originally platted and designated as PD, Planned Development as part of the original The Falls Subdivision, a planned unit development,

which was developed in the County and annexed into the City in 1978. However, some of these parcels of land were never developed during the phased construction of the original master plan of the original subdivision and have now expired. Therefore, if the applicant wishes to maintain the existing PD Zone, the applicant will need to address the criteria in Section 5.1 A. of the Zoning and Development Code and provide a community benefit. The applicant and Project Manager felt that it would be easier for the proposed subdivision to move forward with a straight zone rather than a PD zone and thus the request to designate the properties, R-8, Residential – 8 units/acre.

2. Consistency with the Growth Plan:

The Growth Plan Land Use Map shows this area to be Residential Medium High (8 – 12 DU/Ac.). The requested zone district of R-8, Residential – 8 units/acre implements the Residential Medium High (8 -12 DU/Ac.) land use classification of the Growth Plan and therefore is consistent with the Growth Plan. Some of the goals and policies as stated in the Growth Plan that the proposed rezone meets are as follows;

- * Goal 4 is to coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

- * Goal 5 is to ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

- * Goal 11 is to promote stable neighborhoods and land use compatibility throughout the community.

- * Goal 13 is to enhance the aesthetic appeal and appearance of the community's built environment along high visibility corridors.

- * Goal 15 is to achieve a mix of compatible housing types and densities dispersed throughout the community and;

- * Goal 28 is the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

3. Consistency with Section 2.6 A. of the Zoning & Development Code:

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

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

The existing zoning designation of PD, Planned Development was not in error at the time of adoption for the original The Falls Subdivision. The applicant is now requesting to remove the PD designation and develop the property in accordance with the Growth Plan Future Land Use designation of Residential Medium High (8 – 12 DU/Ac.) which allows the R-8 designation.

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

The existing properties are located in an area of existing residential development both single family detached and attached units. The applicant wishes to develop these properties and the adjacent vacant residential properties to the south for residential development in accordance with the approved Future Land Use Map category of Residential Medium High (8 – 12 DU/Ac.). There has been a change of character in the neighborhood due to recent and current growth trends in the Grand Valley the past few years. This area in particular has seen increased residential development with the additional phases of The Legends and the upcoming Ridgewood Heights Subdivision.

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

The proposed zoning of R-8 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion D which requires that public facilities and services are available when the impacts of any proposed development are realized. I and other City staff/agencies have reviewed this request and determined that public infrastructure can address the impacts of any development consistent with the R-8 Zoning District; therefore this criterion is met as the proposed rezone is compatible with the adjacent residential neighborhoods.

The purpose of the R-8 Zoning District is to provide for medium-high density attached and detached dwelling units. This property is located along 28 ¼ Road (Minor Arterial). Policy 13.2 from the Growth Plan is to enhance the quality of development along key arterial street corridors.

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

Adequate public facilities are currently available or will be made available at the time of development and can address the impacts of development consistent with the R-8 Zoning District. A Preliminary Subdivision Plan review will be required at the time of development on the properties for review and approval by the Planning Commission (Preliminary Plan is currently under review by the Project Manager and other review agencies).

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

The proposed R-8 zone district implements the Future Land Use Designation of Residential Medium High (8 -12 DU/Ac.). Much of the R-8 designated properties in this

area have already been developed as single-family home properties leaving little if any, vacant land with this zoning designation. Therefore, the supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's need for higher density developments.

f. The community will benefit from the proposed zone.

Development of the property will result in appropriate infill consistent with the Growth Plan and provide additional housing options for the community, therefore the community will benefit from the proposed rezone.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested rezone, PP-2006-251, to the City Council with the following findings of fact and conclusions:

1. The requested rezone to R-8, Residential – 8 units/acre is consistent with the Growth Plan.
2. The review criteria in Section 2.6 A. of the Zoning & Development Code have all been met.

January 22, 2008 Planning Commission Minutes:

PP-2006-251

REZONE – Ashbury Heights

Request approval to rezone 10.3 acres from a PD (Planned Development) to an R-8 (Residential 8 du/ac) zone district.

PETITIONER: Sidney Squirrell – Cache Properties, LLC

LOCATION: SE Corner 28-1/4 Road & Grand Falls Drive

STAFF: Scott Peterson, Senior Planner

STAFF'S PRESENTATION

Scott Peterson, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation which included a Site Location Map, an Aerial Photo, Future Land Use Map and City Zoning Map. He said that the request is for a rezone from PD to an R-8 zone district. He said that the Preliminary Plan is currently in the City review process. He explained that existing properties are currently vacant. The Future Land Use Map shows this area to be Residential Medium High at 8 to 12 dwelling units per acre and the proposed rezoning request to the R-8 zone district is within the specified Growth Plan range. He said that the current zoning is Planned Development with the R-8 district directly to the south. Mr. Peterson further stated that the subject parcels of land were originally platted and designated as PD as part of the original Falls Subdivision Planned Unit Development that was developed in the County and annexed to the City in 1978. He went on to state that these parcels of land were never developed during the phased construction of the original Master Plan for the Falls and have now expired. Furthermore, after discussion with applicant, it was believed that it would be easier for the proposed subdivision to move forward with a straight zone rather than a PD zone and, therefore, recommended the R-8 district. Mr. Peterson said that adequate public facilities are currently available or will be made available at the time of development to address the impacts associated with the R-8 district. He stated that he would like to modify a couple of the review criteria in the staff report as follows: The last sentence in paragraph b. should be modified as there has been a change in character in the neighborhood due to the recent and current growth trends in the Grand Valley these past few years due to the current energy-related boom and this area in particular has seen increased residential development. He stated that he would also like to modify the last sentence in review criteria e. because much of the R-8 designated properties in this area have already been developed as single-family home properties leaving little, if any, vacant land with this zoning designation of the R-8 zone district. Therefore, the supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's need for higher density developments.

He concluded that City staff finds that the requested zoning of R-8 is consistent with the Growth Plan and the applicable review criteria have been met.

PETITIONER'S PRESENTATION

Ted Ciavonne of Ciavonne, Roberts and Associates addressed the Commission on behalf of Ashbury Heights Cache, LLC. He stressed that the purpose of this hearing is for a rezone of approximately 10.3 acres of land previously zoned Planned Development. According to Mr. Ciavonne, this property was 5 pieces of property which would have been difficult to develop independently and included one without access. He also stated that the property was split by two sewer districts which have now been combined into a single sewer district.

QUESTIONS

Commissioner Putnam asked about a particular piece of property that appears to go between lots in the previous subdivision. Mr. Ciavonne explained that that parcel is referred to as Tract E which is a drainage basin and tract.

PUBLIC COMMENT

For:

No one spoke in favor of the rezone.

Against:

Ebe Eslami, 583 28½ Road, stated that Tract E is a sewer easement. He advised that a lawsuit regarding Tract E was recently filed as the validity of the deed and contract is in question. He also stated that property was designated as open space for Falls No. 1 Filing.

Carl Mitchell of 582 Grand View Court asked if the Planning Commission would set a precedent to rezone open space to R-8. He stated that he filed a lawsuit in the District Court, 2008-CV-28. He again asked if property that is open space or common elements can be rezoned to R-8.

Jamie Beard, Assistant City Attorney, confirmed that at this point in time, the open space or the use of the property is not being changed. It is only a request for a rezone from its present zone to a different zone.

Carl Mitchell further stated that to change the zoning from open space land to R-8 would be treading on very perilous ground.

Jim Lance, 2837 Grand Falls Circle, asked for clarification of the particular parcels that would be rezoned. He also stated that he thinks it would be twice the residential densities that surround the subject property. He stated that both he and his wife are against the increase in density.

PETITIONER'S REBUTTAL

Ted Ciavonne stated that the letter from the staff attorney adequately addresses the issue regarding ownership of Tract E. Mr. Ciavonne stated that the existing PD would allow for 16 units per acre and combined with the additional properties, could result in over 155 units if the PD zone remained. The Growth Plan designation of 8 to 12 allows for a range of 120 to 180 and applicant is asking for 120 which would be a decrease rather than increase in density. He further stated that the proposed rezone is supported by the Growth Plan, Zoning and Development Code and staff.

QUESTIONS

Commissioner Lowrey asked since a lawsuit has been filed which may create an issue with the ownership of Tract E if the Commission should still proceed with this request. Jamie Beard advised the Commission to proceed at this time. She said that if the rezone is approved, it is possible that that decision may be reversed if the lawsuit determines that the ownership is other than the applicant.

DISCUSSION

Commissioner Dibble stated that he feels this site is more conforming to the Future Land Use Map and a straight zone is more desirable for development rather than a Planned Development.

Commissioners Lowrey and Pavelka-Zarkesh and Chairman Cole agreed with Commissioner Lowrey.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on Rezone, City file PP-2006-251, I move that the Planning Commission forward the rezone request to the City Council with the recommendation of the R-8, Residential – 8 units/acre Zoning District for the property located at the southeast corner of 28-1/4 Road and Grand Falls Drive (10.3 acres) with the facts and conclusions as identified in the staff report."

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING AN AREA OF LAND FROM PD, PLANNED DEVELOPMENT TO R-8, RESIDENTIAL – 8 UNITS/ACRE ZONING DISTRICT

LOCATED AT THE SOUTHEAST CORNER OF 28 ¼ ROAD AND GRAND FALLS DRIVE

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the following described area of land 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 and 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 and Development Code.

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

The following area be rezoned R-8, Residential – 8 units/acre Zone District.

A parcel of land located in the Northwest Quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian and including portions of the Falls 2004, recorded in Book 4100, Page 120 through 124 and The Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371 and being more particularly described as follows:

COMMENCING at the Southwest corner of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) (N1/16th Corner) of Section 7, Township 1 South, Range 1 East of the Ute Meridian, whence the Southwest corner of said NE¼ NW¼ (NW 1/16th Corner) bears North 89°57'01" West, a distance of 1321.23 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89°57'01" West, a distance of 33.00 feet to the POINT OF BEGINNING; thence along the South line of the Northeast quarter Northwest quarter (NE¼ NW¼) of said Section 7, North 89°57'01" West 1257.71 feet to a point on the East right of way line of 28 ¼ Road; thence North

01°08'47" West, a distance of 28.19 feet along said East right of way; thence along a curve to the left, having a delta angle of 11°09'32", with a radius of 1184.50 feet, an arc length of 230.69 feet, with a chord bearing of North 06°43'29" West, and a chord length of 230.33 feet along said East right of way; thence North 02°01'15" West, a distance of 73.70 feet, to a point on the South right-of-way line of Grand Falls Drive, as shown on plat of The Falls, Filing No. Three, as recorded in Plat Book 13, Page 122, Mesa county records; thence, along said South right-of-way line of Grand Falls Road the following five (5) courses: (1) North 72°51'13" East, a distance of 56.88 feet; (2) along a curve to the right, having a delta angle of 17°05'14", with a radius of 350.29 feet, an arc length of 104.47 feet, with a chord bearing of North 81°23'50" East, and a chord length of 104.08 feet; (3) North 89°56'27" East, a distance of 195.00 feet; (4) along a curve to the left, having a delta angle of 37°24'58", with a radius of 127.50 feet, an arc length of 83.26 feet, with a chord bearing of North 71°13'57" East, and a chord length of 81.79 feet; (5) North 52°31'27" East, a distance of 241.15 feet, to a point at the intersection of said South right-of-way line of Grand Falls Drive and the Westerly right-of-way line of South Grand Falls Court, as shown on plat of The Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371, Mesa County records; thence around the said right-of-way of said South Grand Falls Court the following sixteen (16) courses: (1) along a curve to the right, having a delta angle of 93°54'07", with a radius of 20.00 feet, an arc length of 32.78 feet, with a chord bearing of South 83°25'03" East, and a chord length of 29.23 feet; (2) along a curve to the right, having a delta angle of 17°41'34", with a radius of 167.38 feet, an arc length of 51.69 feet, with a chord bearing of South 28°37'44" East, and a chord length of 51.48 feet; (3) South 19°46'53" East, a distance of 87.75 feet; (4) along a curve to the left, having a delta angle of 07°50'32", with a radius of 124.00 feet, an arc length of 16.97 feet, with a chord bearing of South 23°42'08" East, and a chord length of 16.96 feet; (5) South 27°37'23" East, a distance of 71.00 feet; (6) along a curve to the right, having a delta angle of 45°05'10", with a radius of 131.00 feet, an arc length of 103.08 feet, with a chord bearing of South 05°04'51" East, and a chord length of 100.45 feet; (7) along a curve to the left, having a delta angle of 46°10'39", with a radius of 175.00 feet, an arc length of 141.04 feet, with a chord bearing of South 05°37'33" East, and a chord length of 137.25 feet; (8) along a curve to the left, having a delta angle of 242°02'52", with a radius of 50.00 feet, an arc length of 211.23 feet, with a chord bearing of North 30°15'41" East, and a chord length of 85.70 feet; (9) along a curve to the right, having a delta angle of 94°34'22", with a radius of 20.00 feet, an arc length of 33.01 feet, with a chord bearing of North 43°28'25" West, and a chord length of 29.39 feet; (10) along a curve to the right, having a delta angle of 12°31'43", with a radius of 131.00 feet, an arc length of 28.65 feet, with a chord bearing of North 11°11'55" East, and a chord length of 28.59 feet; (11) along a curve to the left, having a delta angle of 45°05'05", with a radius of 175.00 feet, an arc length of 137.70 feet, with a chord bearing of North 05°04'48" West, and a chord length of 134.18 feet; (12) North 27°37'23" West, a distance of 71.00 feet; (13) along a curve to the right, having a delta angle of 07°50'32", with a radius of 80.00 feet, an arc length of 10.95 feet, with a chord bearing of North 23°42'08" West, and a chord length of 10.94 feet; (14) North 19°46'53" West, a distance of 87.75 feet; (15) along a curve to

the left, having a delta angle of 17°41'13", with a radius of 211.38 feet, an arc length of 65.25 feet, with a chord bearing of North 28°37'29" West, and a chord length of 64.99 feet; (16) along a curve to the right, having a delta angle of 88°12'49", with a radius of 20.00 feet, an arc length of 30.79 feet, with a chord bearing of North 05°33'07" East, and a chord length of 27.84 feet, to a point on said South right-of-way line of Grand Falls Drive; thence North 52°31'27" East, a distance of 136.23 feet, along said South right-of-way line of Grand Falls Drive to a point on the Westerly line of a tract to The Falls Homeowners Association, granted in Book 4044, Page 540, Mesa County records; thence, along the Westerly boundary of said Homeowners Tract the following seven (7) courses: (1) South 19°46'53" East, a distance of 62.06 feet; (2) South 70°13'07" West, a distance of 52.80 feet; (3) South 19°46'53" East, a distance of 64.54 feet; (4) South 24°50'25" East, a distance of 74.73 feet; (5) North 70°13'07" East, a distance of 56.83 feet; (6) South 19°46'53" East, a distance of 125.48 feet; (7) South 81°04'58" East, a distance of 7.82 feet, to a point on the West line of Tract D, The Falls 2004, as shown on plat recorded in Book 4100, Page 120 through 124, Mesa County records; thence, along said Westerly line of said Tract D the following two courses: (1) South 00°10'03" East, a distance of 40.11 feet; (2) South 19°44'02" East, a distance of 115.66 feet, to a point at the Northwest corner of Tract E in said the Falls 2004; thence around the boundary of said Tract E and a portion of the 28¼ Road Right-of-Way the following fifteen (13) courses: (1) a curve to the left, having a delta angle of 115°14'13", with a radius of 50.00 feet, an arc length of 100.56 feet, with a chord bearing of South 77°23'01" East, and a chord length of 84.45 feet; (2) South 76°13'13" East, a distance of 33.98 feet; (3) North 70°14'19" East, a distance of 92.43 feet; (4) North 19°45'41" West, a distance of 195.41 feet; (5) North 67°24'45" East, a distance of 5.36 feet; (6) South 19°45'41" East, a distance of 92.42 feet; (7) North 70°14'19" East, a distance of 17.06 feet; (8) North 89°51'10" East, a distance of 9.18 feet; (9) South 00°01'36" East, a distance of 65.21 feet; (10) South 20°36'17" East, a distance of 50.52 feet; (11) South 00°08'50" East, a distance of 21.67 feet; (12) North 89°51'10" East, a distance of 108.40 feet, to a point on the projected West right-of-way line of 28½ Road; (13) South 00°10'02" East, a distance of 192.98 feet, along projected West right-of-way line of 28½ Road to the POINT OF BEGINNING.

Said parcel containing an area of 10.33 acres, as described.

By operation of law, Ordinance No. 1761 as amended is hereby further amended by removing the above described land from the Planned Development zone.

INTRODUCED on first reading the 20th day of February, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

**Attach 8
Public Hearing—Amending the City Parking Code
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Amending the City Parking Code		
File #	N/A		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	February 26, 2008		
Author Name & Title	DeLayne Merritt, Staff Attorney		
Presenter Name & Title	John Shaver, City Attorney		

Summary: Amendments are needed to the Parking Code to prohibit parking in planting strips and outside designated spaces.

Budget: N/A

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

Attachments: Proposed Ordinance

Background Information: On August 15, 2007, the 2003 *Model Traffic Code for Colorado* (hereinafter referred to as 2003 MTC), with amendments, was adopted by the City Council. That adoption did not include Part 12 (Parking) of the 2003 MTC; rather, a parking code was separately adopted to best fit the parking needs of Grand Junction.

The proposed amendments were included in the prior parking regulations but have been updated concerning parking on planting strips, parking outside a designated space, occupying more than one designated space, and parking in a City leased space.

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 36, SECTIONS 36-17
AND 36-33 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES
RELATING TO THE
PARKING CODE AS WELL AS ADOPTING A NEW SECTION 36-38**

RECITALS:

On August 15, 2007, the City of Grand Junction adopted a Parking Code largely based upon a combination of the 1977 *Model Traffic Code for Colorado Municipalities* and the parking rules that have been preserved and used by the City for many years. The Parking Code removed the discrepancies and inconsistencies that existed in the parking regulations.

In order to promote accessibility of commercial centers, public streets and parking areas, it is beneficial to continue to prohibit parking in certain areas of the City.

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

Chapter 36, Section 36-17 of the Parking Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Section 36-17. Stopping, standing or parking prohibited in specified places.

(a) No person, other than a peace officer conducting traffic enforcement in or on a marked patrol vehicle at or along an arterial or collector street or roadway as defined or described in the Grand Valley Circulation Plan, a duly adopted neighborhood plan or street plan, or Transportation Engineering Design Standards shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings; every vehicle shall be parked wholly within a designated parking space. Parking space

designations shall be made by markings, signs or other appropriate indication upon the curb and/or pavement. Except where prohibited by other provision of this code, a vehicle which is of a size too large to be parked within a single space shall be permitted to occupy two adjoining spaces when the vehicle will fit wholly and completely within the designated spaces and where, as applicable, the necessary number of parking meter charges have been paid.

- (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any other place where official signs prohibit stopping, standing, or parking.
- (12) Either in whole or in part on a planting strip.

Chapter 36, Section 36-33 of the Parking Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Section 36-33. Parking meter spaces.

- (a) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.
- (b) Except where parking is permitted within a double parking meter space, every vehicle shall be parked wholly within a metered space with the front end or front portion of such vehicle immediately opposite the parking meter for such space.
- (c) Every vehicle parked in a double parking meter space where coins or tokens shall be deposited in the meter on the right side of the double meter shall be parked wholly within the metered space with the back end or back portion of such vehicle immediately opposite the parking meter for such space.

(d) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this ordinance for the parking of other vehicles in such space.

Chapter 36, Section 36-38 of the Parking Code of Ordinances, City of Grand Junction, Colorado, is hereby added to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Section 36-38. Parking where spaces are designated.

In areas where parking spaces are designated by painted lines or other markings, no vehicle shall:

(a) park within more than one designated parking space;

(b) park where no parking space is designated;

(c) park in a space that is leased, reserved or otherwise assigned or designated by the City for the use of a specified person.

ALL OTHER PROVISIONS OF CHAPTER 36 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 20th day of February, 2008.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2008.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 9

Public Hearing—Amending the City Code Regarding Municipal Court Jurisdiction Over Theft Crimes of Less than \$1,000

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Amending the City Code regarding Municipal Court jurisdiction over theft crimes of less than \$1,000		
File #	N/A		
Meeting Day, Date	Wednesday, March 5, 2008		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	February 26, 2008		
Author Name & Title	DeLayne Merritt, Staff Attorney		
Presenter Name & Title	John Shaver, City Attorney		

Summary: Pursuant to a change in state law, a municipal court is authorized to take jurisdiction over theft crimes involving items less than \$1,000. The current City ordinance (GJCO §24-7) authorizes the Grand Junction Municipal Court jurisdiction over theft in an amount of \$300 or less. The proposed amendment will increase jurisdiction to \$1,000 or less.

Budget: There will be no direct budget line impact; however, approval of an increase in the jurisdiction of theft is estimated to increase the caseload by approximately 200 cases per year. While the caseload increase will raise administrative costs, such costs will likely be offset by fines collected for the additional cases.

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

Attachments: Proposed Ordinance with changes

Background Information: See Summary

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 24, SECTION 7 OF THE
CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO THEFT**

RECITALS:

The state court system is heavily burdened by criminal cases. The Municipal Court can help to alleviate the burden on the state court system and in turn provide efficient and effective management of some additional cases.

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

Chapter 24, Section 7 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Sec. 24-7 Theft

(a) It shall be unlawful to commit theft in the City. A person commits a theft when he knowingly obtains or exercises control over any thing of value of another without authorization or by threat or deception with intent to permanently deprive the person having lawful dominion, possession or control of the thing of value of its use or benefit. The municipal court shall have jurisdiction where the value of the thing involved is less than ~~\$300.00~~ \$1,000.00. For purposes of this section, the test of value is the reasonable market value of the stolen article at the time of the commission of the alleged offense. If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his own person or otherwise and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute a presumption that the person intended to commit the crime of theft.

(b) It shall be unlawful to knowingly transfer a label or other designation of price from one item to another or alter such label or designation of price with intent to purchase such item at a lesser cost.

**ALL OTHER PROVISIONS OF CHAPTER 24 SHALL REMAIN IN FULL FORCE AND
EFFECT.**

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 20th day of February, 2008.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2008.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 10

Ratification of a Letter Regarding Prop. Located at 2581 Patterson



February 22, 2008

Mrs. Francis Baughman
2579 F Road
Grand Junction, CO 81501

Re: Ranchmen's Ditch Flood Control Project, Phase II

Dear Mrs. Baughman:

I want to thank you, Jim, Bruce and Kent for sharing your concerns about the Ranchman's Ditch Flood Control Project ("Project") as well as the Corner Square Project adjoining your property. You and your family have a beautiful property with a long and rich history. I appreciate the attachment that you have to the land, your memories and your way of life.

I am aware from conversations with Kent, Jim and my staff that your family is willing to facilitate the completion of the Project so long as you are assured that the City will not use a condemnation process to construct a turn lane into the adjoining development on property that you own. I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project. Certainly any agreement that you may make with the developer, the City or any proposal that you may bring forward to develop your property will be separately considered.

As we discussed, I presented this letter to City Council for its review and approval. Based on authorization from a majority of Council I am sending this letter to you in hopes that you will agree in writing to allow the Project to proceed. If the Project proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project. I can also assure you that the City will not use your consent to the Project against you.

It is my hope that with these assurances you may comfortably approve the access and easement documents necessary to proceed with the construction of the Ranchmen's Ditch Flood Control Project. As you know from our meeting, the construction needs to begin on your property on February 25th. Construction needs to be complete by the end of March to be able to deliver irrigation water to users such as yourself and others downstream.

Please let me know if you have any questions or if you would like to meet and discuss this or any other matter further. I would very much appreciate your calling me to arrange a mutually convenient time to meet for signature of the documents.



CITY MANAGER'S OFFICE

Sincerely,

Laurie Kadrich
City Manager

pc: Jim Baughman
City Council
Joe Coleman



CITY MANAGER'S OFFICE

February 22, 2008

Mr. Jim Baughman
2581 F Road
Grand Junction, CO 81501

Re: Ranchmen's Ditch Flood Control Project, Phase II

Dear Jim:

I want to thank you, Francis, Bruce and Kent for sharing your concerns about the Ranchman's Ditch Flood Control Project ("Project") as well as the Corner Square Project adjoining your property. You and your family have a beautiful property with a long and rich history. I appreciate the attachment that you have to the land, your memories and your way of life.

I am aware from conversations with you, Kent and my staff that your family is willing to facilitate the completion of the Project so long as you are assured that the City will not use a condemnation process to construct a turn lane into the adjoining development on property that you own. I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project. Certainly any agreement that you may make with the developer, the City or any proposal that you may bring forward to develop your property will be separately considered.

As we discussed, I presented this letter to City Council for its review and approval. Based on authorization from a majority of Council I am sending this letter to you in hopes that you will agree in writing to allow the Project to proceed. If the Project proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project. I can also assure you that the City will not use your consent to the Project against you.

It is my hope that with these assurances you may comfortably approve the access and easement documents necessary to proceed with the construction of the Ranchmen's Ditch Flood Control Project. As you know from our meeting, the construction needs to begin on your property on February 25th. Construction needs to be complete by the end of March to be able to deliver irrigation water to users such as yourself and others downstream.

Please let me know if you have any questions or if you would like to meet and discuss this or any other matter further. I would very much appreciate your calling me to arrange a mutually convenient time to meet for signature of the documents.



CITY MANAGER'S OFFICE

Sincerely,

Laurie Kadrich
City Manager

pc: Francis Baughman
City Council
Joe Coleman