



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, MAY 19, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation—David Eisner, Congregation Ohr Shalom

Proclamations/Recognitions

Proclaiming July 1, 2008 as “Harold and Nancy Staf Day” in the City of Grand Junction

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the May 5, 2008 and the May 7, 2008 Regular Meeting

2. **Sale of City Property Located at 238 Main Street** [Attach 2](#)

Western Hospitality, LLC, in response to a Request for Proposal has offered to purchase the City-owned property located at 238 Main Street. Western Hospitality and the City have been parties to an Option Agreement ratified by City Council on September 17, 2007. The Option Agreement required a number of items be completed by the Buyer during a defined period of time. Western Hospitality has

*** Indicates New Item

® Requires Roll Call Vote

completed the due diligence work required by the Option Agreement and is now ready to proceed with the purchase of the property. After closing, Western Hospitality will lease the property back to the City until such time as development begins.

Resolution No. 53-08—A Resolution Authorizing the Sale of Real Property Located at 238 Main Street, Grand Junction, Colorado

®Action: *Adopt Resolution No. 53-08*

Staff presentation: John Shaver, City Attorney

3. **Economic Development Payment to Vectra Bank Colorado** [Attach 3](#)

In 2006, the City entered into an agreement with Vectra Bank Colorado to construct storm drain facilities that benefited not only Vectra Bank's Patterson Road location, but also other developable properties on the west side of 24 Road. In closing out the project file, Staff determined that the City's payment of \$50,000 had not been made. This was intended to be an economic development expenditure, however was never budgeted and therefore funds will need to be appropriated this fall.

Action: *Authorize the City Manager to Disburse to Vectra Bank Colorado, N.A. \$50,000 per the April 27, 2006 Agreement*

Staff presentation: Tim Moore, Public Works and Planning Director

4. **Revocable Permit for Property Located at 653 Santa Clara Avenue** [File #SS-2007-141] [Attach 4](#)

Request for a revocable permit to retain a chain link fence within the Santa Clara Avenue right-of-way.

Resolution No. 66-08—A Resolution Concerning the Issuance of a Revocable Permit to Sue Lopez, Located in Santa Clara Right-of-Way Adjacent to 635 Santa Clara Avenue

®Action: *Adopt Resolution No. 66-08*

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing on the Shores Annexation, Located at 166 Edlun Road** [File #ANX-2008-104] [Attach 5](#)

Request to annex 17.97 acres, located at 166 Edlun Road. The Shores Annexation consists of 1 parcel, includes a portion of the Sunlight Drive right-of-way, and is a 2 part serial annexation.

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

Resolution No. 67-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Shores Annexation No. 1 and No. 2, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way

®Action: Adopt Resolution No. 67-08

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 1, Approximately 0.49 Acres, a Portion of the Sunlight Drive Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 2, Approximately 17.48 Acres, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for June 30, 2008

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing on Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road** [File #ANX-2008-080] [Attach 6](#)

Request to annex 5.54 acres, located at 2899 D Road and 383 29 Road. The Sunshine-Moir Annexation consists of two parcels and D Road right-of-way, 29 Road right-of-way and unnamed right-of-way along the southern border of 383 29 Road.

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

Resolution No. 68-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road Including Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road

®Action: *Adopt Resolution No. 68-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine-Moir Annexation, Approximately 5.54 Acres, Located at 2899 29 Road and 383 D Road and Includes Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for June 30, 2008*

Staff presentation: Justin T. Kopfman, Associate Planner

7. Setting a Hearing on the Sunshine of Delta Annexation, Located at 377 and 379 29 Road [File #GPA-2008-074] [Attach 7](#)

Request to annex 5.20 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of two parcels, 29 Road right-of-way and the C $\frac{3}{4}$ Road right-of-way.

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

Resolution No. 69-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Sunshine of Delta Annexation Located at 377 and 379 29 Road Includes Portions of 29 Road and C $\frac{3}{4}$ Road Right-of-Way

®Action: *Adopt Resolution No. 69-08*

b. Setting a Hearing on a Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine of Delta Annexation, Approximately 5.20 Acres, Located at 377 and 379 29 Road and Includes Portions of 29 Road Right-of-Way and C ¾ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 30, 2008

Staff presentation: Justin T. Kopfman, Associate Planner

8. Setting a Hearing on the Sienna Creek Annexation, Located at 2052 Broadway [File #ANX-2008-107]

[Attach 8](#)

Request to annex 5.16 acres, located at 2052 Broadway. The Sienna Creek Annexation consists of 1 parcel and a portion of the adjacent Broadway right-of-way.

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

Resolution No. 70-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Sienna Creek Annexation, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way

®Action: Adopt Resolution No. 70-08

b. Setting a Hearing on a Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sienna Creek Annexation, Approximately 5.16 Acres, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 30, 2008

Staff presentation: Brian Rusche, Senior Planner

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

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

9. **Fleet Building Addition Contract** [Attach 9](#)

This request is for the award of a construction contract for the Fleet Building Addition. This project will add an additional six vehicle bays and an additional 6,912 square feet of space. The additional space will be used for automotive repairs, maintenance, tire repair and alignments on light duty vehicles and will eliminate the need to pull large equipment outside in order to perform preventive maintenance.

Action: Authorize the Purchasing Division to Enter into a Contract with FCI Constructors, Inc. for the Fleet Building Addition Construction in the Negotiated Amount of \$1,079,519

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

10. **Public Hearing—Schuckman Annexation and Zoning, Located at 231 28 ½ Road** [File #ANX-2008-018] **Continued from April 14, 2008** [Attach 10](#)

Request to annex and zone 0.87 acres, located at 231 28 ½ Road, to R-8 (Residential 8 du/ac). The Schuckman Annexation consists of 1 parcel, includes a portion of the 28 ½ Road right-of-way, and is a 3 part serial annexation.

a. Accepting Petition

Resolution No. 71-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Schuckman Annexations No. 1, 2, 3, Located at 231 28 ½ Road Including a Portion of the 28 ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4236—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 1, Approximately 0.02 acres, Located within the 28 ½ Road Right-of-Way

Ordinance No. 4237—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 2, Approximately 0.08 acres, Located within the 28 ½ Road Right-of-Way

Ordinance No. 4238—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 3, Approximately 0.77 acres, Located at 231 28 ½ Road and Including a Portion of the 28 ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4239—An Ordinance Zoning the Schuckman Annexation to R-8, (Residential 8 du/ac), Located at 231 28 ½ Road

®Action: Adopt Resolution No. 71-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4236, 4237, 4238, and 4239

Staff presentation: Senta L. Costello, Associate Planner

11. **Public Hearing—Thorson Annexation and Zoning, Located at 2972 D Road**
[File #ANX-2008-071] [Attach 11](#)

Request to annex and zone 0.81 acres of land located at 2972 D Road, to the R-8 (Residential 8 du/ac) Zoning District. The Thorson Annexation consists of one (1) parcel of land and a portion of the adjacent D Road right-of-way.

a. Accepting Petition

Resolution No. 72-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Thorson Annexation, Located at 2972 D Road, Including a Portion of the D Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4240—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Thorson Annexation, Approximately 0.81 Acres, Located at 2972 D Road, Including a Portion of the D Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4241—An Ordinance Zoning the Thorson Annexation to R-8 (Residential 8 du/ac), Located at 2972 D Road

®Action: Adopt Resolution No. 72-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4240 and 4241

Staff presentation: Brian Rusche, Senior Planner

12. **Public Hearing—Zoning the Apple Glen Annexation, Located at 2366 H Road**
[File #ANX-2007-306] [Attach 12](#)

Request to zone the 16.24 acre Apple Glen Annexation, located at 2366 H Road, to R-4 (Residential 4-du/ac).

Ordinance No. 4242—An Ordinance Zoning the Apple Glen Annexation to R-4 (Residential, 4 du/ac), Located at 2366 H Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4242

Staff presentation: Justin T. Kopfman, Associate Planner

13. **Public Hearing—Rezoning Property Known as the Cobble Creek Subdivision, Located at 2524 F ½ Road** [File #PP-2007-169] [Attach 13](#)

A request for approval to rezone property located at 2524 F ½ Road from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and an overall density of 4.00 du/ac by approval of the Preliminary Development Plan to develop 12 dwelling units on approximately 3 acres as a Planned Development.

Ordinance No. 4243—An Ordinance Rezoning the Cobble Creek Subdivision from R-R (Residential Rural) to PD (Planned Development) Zone by Approving a Preliminary Development Plan with a Default R-8 (Residential – 8) Zone, with Deviations, for the Development of 12 Single-Family Detached Dwelling Units, Located 2524 F ½ Road

®Action: Hold a Public Hearing and Consider Approval of a Preliminary Development Plan and Final Passage and Final Publication of Ordinance No. 4243

Staff presentation: Lori V. Bowers, Senior Planner

14. **Non-Scheduled Citizens & Visitors**

15. **Other Business**

16. **Adjournment**

Attach 1

Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

May 5, 2008

The City Council of the City of Grand Junction convened into regular session on the 5th day of May 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Councilmember Bonnie Beckstein was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Coons led in the Pledge of Allegiance. Invocation was given by Chaplin Alan Kaiser, Good News Jail and Prison Ministry.

Proclamations/Recognitions

Annual Historic Preservation Award to Hospice and Palliative Care of Western Colorado

Proclaiming May 13, 2008 as "Livestrong Day" in the City of Grand Junction

Proclaiming May 10, 2008 as "Grand Junction Letter Carriers Stamp Out Hunger Day" in the City of Grand Junction

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Councilmember Thomason nominated Gregg Palmer as Mayor for the City of Grand Junction. Councilmember Coons seconded the nomination. Councilmember Gregg Palmer was elected as President of the Council/Ex Officio Mayor by unanimous roll call vote.

Councilmember Palmer nominated Teresa Coons as Mayor Pro Tem for the City of Grand Junction. Councilmember Todd seconded the nomination. Councilmember Teresa Coons was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem by unanimous roll call vote.

City Clerk Stephanie Tuin administered the oath of office to both Council President Palmer and Council President Pro Tem Coons and President of the Council Palmer took his seat at the dais.

Council President Palmer recognized the outgoing Mayor Doody and all of his time and effort, noting a formal recognition will take place at the next meeting

Council Comments

Councilmember Hill praised the DDA Annual Banquet held on May 1st, which Councilmember Todd and Doody in addition to City Staff Deputy City Manager Rich Englehart and City Attorney John Shaver being present. Councilmember Hill said there were lots of awards and recognitions given and it was topped off by the recognition of Harold and Nancy Stalf. Mr. Stalf gave his Board plenty of notice of his resignation and was determined to get the critical information for the TIF legislation for this community, even knowing he was leaving. Council President Palmer thanked Councilmember Hill for his part also in this legislation.

Councilmember Coons explained that she will be absent on Wednesday due to her commitment to attend an Air Quality Control Commission quarterly meeting which will be held at City Hall. She invited the public to come and participate.

The following week the Air Quality Control Commission's monthly meeting and retreat will also be hosted here in Grand Junction at the Courtyard Marriot.

Councilmember Todd recognized the Portner–Fife family with the success of their son and the Student of the Week recognition in the newspaper.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Thomason read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Hill, and carried by roll call vote to approve Consent Items #1 through 6.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the April 14, 2008 and the April 16, 2008 Regular Meeting and the Joint Persigo Meeting Minutes of the February 13, 2008 Meeting

2. Setting a Hearing on the Simon Annexation, Located at 3076 and 3080 F ½ Road [File #ANX-2008-106]

Request to annex 6.30 acres, located at 3076 and 3080 F ½ Road. The Simon Annexation consists of two parcels.

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

Resolution No. 54-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on

Such Annexation and Exercising Land Use Control, Simon Annexation, Located at 3076 and 3080 F ½ Road

Action: *Adopt Resolution No. 54-08*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Simon Annexation No. 1, Approximately 1.62 Acres, Located at 3076 F ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Simon Annexation No. 2, Approximately 4.68 Acres, Located at 3080 F ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for June 16, 2008*

3. **Setting a Hearing on the Burnett Annexation, Located at 2846 ½ C Road** [File #ANX-2088-099]

Request to annex 1.09 acres, located at 2846 ½ C Road and part of the C Road right-of-way. The Burnett Annexation consists of one parcel.

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

Resolution No. 55-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Burnett Annexation, Located at 2846 ½ C Road and Parts of the C Road Right-of-Way

Action: *Adopt Resolution No. 55-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Burnett Annexation, Approximately 1.09 Acres, Located at 2846 ½ C Road and Parts of the C Road Right-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 16, 2008*

4. **Setting a Hearing on Zoning the Apple Glen Annexation, Located at 2366 H Road** [File #ANX-2007-306]

Request to zone the 16.24 acre Apple Glen Annexation, located at 2366 H Road, to R-4 (Residential 4-du/ac).

Proposed Ordinance Zoning the Apple Glen Annexation to R-4 (Residential, 4 du/ac), Located at 2366 H Road

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

5. **Setting a Hearing on Zoning the Thorson Annexation, Located at 2972 D Road** [File #ANX-2008-071]

Request to zone the 0.81 acre Thorson Annexation, located at 2972 D Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Thorson Annexation to R-8 (Residential 8 du/ac), Located at 2972 D Road

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

6. **Setting a Hearing on Rezoning Property Known as the Cobble Creek Subdivision, Located at 2524 F ½ Road** [File #PP-2007-169]

A request for approval to rezone property located at 2524 F ½ Road from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and an overall density of 4.00 du/ac by approval of the Preliminary Development Plan to develop 12 dwelling units on approximately 3 acres as a Planned Development.

Proposed Ordinance Rezoning the Cobble Creek Subdivision from R-R (Residential Rural) to PD (Planned Development) Zone by Approving a Preliminary Development Plan with a Default R-8 (Residential – 8) Zone, with Deviations, for the Development of 12 Single-Family Detached Dwelling Units, Located at 2524 F ½ Road

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Carter-Page Annexation and Zoning, Located at 2793 D Road [File #ANX-2008-046]

Request to annex and zone 6.29 acres, located at 2793 D Road, to I-2. The Carter-Page Annexation consists of 1 parcel and includes a portion of the D Road right-of-way.

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

Senta L. Costello, Associate Planner, reviewed this item. She described the site and the location. The site includes 6.29 acres and a portion of the D Road right-of-way. She described the surrounding uses and zoning, and the existing zone designation. The applicant is asking for I-2 zoning but Staff is recommending I-1 mostly due to the proposals in the South Downtown Plan that will be coming before Council in the near future.

Councilmember Todd asked about the group Ms. Costello referred to that was discussing what the best zoning would be for properties in that area. Ms. Costello identified the people involved in the discussion groups including there being three members of Council.

She was not sure if the applicants for this application were involved in those focus groups but they were invited as were all property owners in that area.

Councilmember Hill asked if I-2 should not go there, then where? The Plan being referred to has not been adopted. He asked if there is a supply of this type of zoning.

Ms. Costello said there is other I-2 available in the South Downtown area (not of this size) and on the west end of town.

Councilmember Todd inquired if those areas are already zoned I-2. Ms. Costello said in the west there are some and some areas that would need to be annexed and zoned. She pointed out the other I-2 zoned properties in area south of downtown on the map.

Robert Jones II, Vortex Engineering, 255 Vista Valley Drive, was present representing the applicant. He reviewed the request. He then addressed the zoning criteria and stated that the request is compatible with the neighborhood and that adequate services are available to the property. The current Growth Plan does call for this property to be industrial. The amount of industrially zoned property is dwindling due to the construction of the Riverside Parkway. He asked that Council approve the I-2 zoning.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Councilmember Doody agreed with the applicant that the current Growth Plan is what needs to be considered. He supported the I-2.

Councilmember Hill said he is not sure that Riverside Parkway has caused the amount of industrial land to dwindle but it certainly consumed it. There is some I-2 zoning on the ground but it is not planned (designated) as such. The reference to the South Downtown Plan is property south of downtown and is not the same as LoDo; 9 out of 11 rail spurs in town are in that area. He supports the I-2 zoning.

Councilmember Todd agreed the Plan is not in place. Everybody needs predictability. The purpose of the Riverside Parkway was to get the truck traffic out of downtown; it is industrial through the whole area. She supports the I-2 zoning.

Councilmember Thomason was also supportive of an I-2 zone.

Councilmember Coons sat in on the focus groups and although the Plan has not been adopted, there was a lot of discussion and involvement of people that want a long term plan for the redevelopment of the area; to set this aside does not make sense. If that discussion is bypassed, then there is a question of adopting the South Downtown Plan. Council's job is to be forward-looking and see how this area should look in the future. She supports I-1. She added that the City is in the middle of Comprehensive Planning.

Council President Palmer said the current Growth Plan designates it industrial and he agrees the Council should look to that adopted plan.

a. Accepting Petition

Resolution No. 56-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Carter-Page Annexation, Located at 2793 D Road Including a Portion of the D Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4215—An Ordinance Annexing Territory to the City of Grand Junction, the Carter-Page Annexation, Approximately 6.29 Acres, Located at 2793 D Road Including a Portion of the D Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4216—An Ordinance Zoning the Carter-Page Annexation to I-2 (General Industrial), Located at 2793 D Road

Councilmember Thomason moved to adopt Resolution No. 56-08, and adopt Ordinance Nos. 4215 and 4216, and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote with Councilmember Coons voting NO.

Public Hearing—Willow Wood Village Annexation and Zoning, Located at 3147 E Road [File #ANX-2008-033]

Request to annex and zone 7.94 acres, located at 3147 E Road, to R-8 (Residential 8 du/ac). The Willow Wood Village Annexation consists of 2 parcels, includes a portion of the E Road right-of-way, and is a two part serial annexation.

The public hearing was opened at 7:54 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site and the location. She asked that the Staff report and the attachments be entered into the record. The annexation meets the criteria of the Zoning and Development Code and the

Planning Commission recommended approval. The applicant was present to answer questions.

Mark Austin, Austin Civil Group, 336 Main Street, was present to answer questions. There were none.

There were no public comments.

The public hearing was closed at 7:55 p.m.

a. Accepting Petition

Resolution No. 57-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Willow Wood Village Annexation No. 1 and No. 2, Located at 3147 E Road Including a Portion of the E Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4217—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Willow Wood Village Annexation No. 1, Approximately 4.45 Acres, Located at 3147 E Road

Ordinance No. 4218—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Willow Wood Village Annexation No. 2, Approximately 3.49 Acres, Located at 3147 E Road Including a Portion of the E Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4222—An Ordinance Zoning the Willow Wood Village Annexation to R-8 (Residential 8 du/ac), Located at 3147 E Road

Councilmember Todd moved to adopt Resolution No. 57-08, and adopt Ordinance Nos. 4217, 4218, and 4222 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Summers Annexation and Zoning, Located at 2144 Broadway [File #ANX-2008-028]

Request to annex and zone 0.90 acres, located at 2144 Broadway, to B-1 (Neighborhood Business). The Summers Annexation consists of 1 parcel.

The public hearing was opened at 7:57 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site and the location. She asked that the Staff report and the attachments be entered into the record.

The annexation request meets the Zoning and Development Code criteria. The Planning Commission recommended approval as does Staff. The applicant was present to answer questions.

Mark Austin, Austin Civil Group, 336 Main Street, was present representing the applicant and was available to answer questions.

There were no public comments.

The public hearing was closed at 7:59 p.m.

a. Accepting Petition

Resolution No. 58-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summers Annexation, Located at 2144 Broadway is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4223—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summers Annexation, Approximately 0.90 Acres, Located at 2144 Broadway

c. Zoning Ordinance

Ordinance No. 4224—An Ordinance Zoning the Summers Annexation to B-1 (Neighborhood Business), Located at 2144 Broadway

Councilmember Coons moved to adopt Resolution No. 58-08, and adopt Ordinance Nos. 4223 and 4224 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing—Prather Annexation, Located at 243 29 Road [File #ANX-2008-048]

Request to annex and zone 0.55 acres, located at 243 29 Road, to R-4 (Residential 4 du/ac). The Prather Annexation consists of 1 parcel and is a 2 part serial annexation.

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

Senta L. Costello, Associate Planner, reviewed this item. She described the site and the location. She asked that the Staff report and the attachments be entered into the record.

The annexation request meets the Zoning and Development Code criteria. The Planning Commission recommended approval as does Staff. The applicant was present to answer questions.

Larry Prather, 437 Rust Court, the property owner, was available for questions. There were none.

There were no public comments.

The public hearing was closed at 8:02 p.m.

a. Accepting Petition

Resolution No. 59-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Prather Annexations No. 1 and No. 2, Located at 243 29 Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4225—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prather Annexation No. 1, Approximately 0.47 Acres, Located at 243 29 Road

Ordinance No. 4226—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prather Annexation No. 2, Approximately 0.08 Acres, Located at 243 29 Road

c. Zoning Ordinance

Ordinance No. 4227—An Ordinance Zoning the Prather Annexation to R-4, (Residential 4 du/ac), Located at 243 29 Road

Councilmember Doody moved to adopt Resolution No. 59-08, and adopt Ordinance Nos. 4225, 4226, and 4227 and ordered them published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacation of Public Right-of-Way, South 6' of Second Avenue West of South 9th Street [File #VR-2007-316]

Request to vacate the south 6' of the Second Avenue right-of-way west of S. 9th Street. The applicant is requesting the vacation in order to improve the on-site circulation of the property to the south when it's redeveloped in the near future.

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

Senta L. Costello, Associate Planner, reviewed this item. She described the site and the location. She asked that the Staff report and the attachments be entered into the record.

The request meets the Zoning and Development Code criteria. The Planning Commission recommended approval. The applicant was present to answer questions.

Councilmember Todd asked why the applicant is asking for the six foot vacation. Ms. Costello explained how the right-of-way for an industrial street is 48 feet. There is sixty feet of right-of-way so vacating six feet on one side allows this property owner to acquire that additional footage. The owner on the other side could do the same and it would still leave adequate right-of-way.

Mark Austin, Austin Civil Group, 336 Main Street, was present representing the applicant, and was in agreement with the Staff presentation.

There were no public comments.

The public hearing was closed at 8:08 p.m.

Councilmember Doody moved to adopt Ordinance No. 4228 and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Lambert Annexation and Zoning, Located at 2813 C $\frac{3}{4}$ Road [File #ANX-2008-045]

Request to annex and zone 10.14 acres, located at 2813 C $\frac{3}{4}$ Road, to I-1 (Light Industrial). The Lambert Annexation consists of one parcel.

The public hearing was opened at 8:10 p.m.

Justin T. Kopfman, Associate Planner, reviewed this item. He described the site and the location. He asked that the Staff report and the attachments be entered into the record. The annexation request meets the Zoning and Development Code criteria. The Planning Commission recommended approval as does Staff. This property is just next to the Carter –Page property reviewed earlier. The applicant was present to answer questions.

Brook Bray, representing Kevin Bray, the applicant, was available for questions. There were none.

There were no public comments.

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

Councilmember Hill said he was concerned about the industrial being next to residential medium designation but after looking at the bigger GIS map his question was resolved.

a. Accepting Petition

Resolution No. 60-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Lambert Annexation, Located at 2813 C $\frac{3}{4}$ Road and a Portion of the C $\frac{3}{4}$ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4229—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lambert Annexation, Approximately 10.14 acres, Located at 2813 C $\frac{3}{4}$ Road and a Portion of the C $\frac{3}{4}$ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4230—An Ordinance Zoning the Lambert Annexation to I-1 (Light Industrial), Located at 2813 C ³/₄ Road

Councilmember Hill moved to adopt Resolution No. 60-08, and adopt Ordinance Nos. 4229 and 4230 and ordered them published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezone the Trail Side Subdivision, Located at 381 31 ⁵/₈ Road [File #PP-2007-321] **Attach 14**

A request to rezone 9.15 acres, located at 381 31 ⁵/₈ Road, from R-4 (Residential 4 du/ac) to R-5 (Residential 5 du/ac).

The public hearing was opened at 8:15 p.m.

Brian Rusche, Senior Planner, reviewed this item. He described the site and the location. He asked that the Staff report and the attachments be entered into the record. The request meets the Zoning and Development Code criteria. The Planning Commission recommended approval as does Staff. The applicant was present to answer questions.

Jeffrey Fleming, the land planner for this project, was representing the applicant. He explained the reason for the zone change. It was annexed and zoned about one year ago. It was originally looked at for affordable housing through Housing Resources. The plan is to incorporate additional land for additional housing.

There were no public comments.

The public hearing was closed at 8:17 p.m.

Ordinance No. 4231—An Ordinance Rezoning the Property Known as the Trail Side Subdivision to R-5, Residential 5 Units Per Acre, Located at 381 31 ⁵/₈ Road

Councilmember Thomason moved to adopt Ordinance No. 4231 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:20 p.m.

Stephanie Tuin, MMC
City Clerk

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

May 7, 2008

The City Council of the City of Grand Junction convened into regular session on the 7th day of May 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Councilmembers Bonnie Beckstein and Teresa Coons were absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance.

Presentation

Council President Palmer presented flowers to Councilmember Doody's wife, Melanie. He recapped all the many things that have occurred on former Council President Doody's watch and then presented a plaque of appreciation to Outgoing President of the Council Jim Doody.

Former Council President Doody expressed that he is most proud of the partnerships that have been developed over the last two years. He then thanked many, many staff members who have supported him during his two terms.

Councilmember Hill thanked Mrs. Doody for her support of Mayor Doody and expressed his appreciation for Councilmember Doody's dedication and commitment to the position.

Citizens Comments

There were none.

CONSENT CALENDAR

Councilmember Todd read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Doody, and carried by roll call vote to approve Consent Items #1 through 6.

1. **Increase Application Fees for Liquor Licensing**

In 2007, the Colorado Legislature authorized an increase in the application fees allowed to be charged by local jurisdictions. The law enacted allows for a stepped increase through 2010. The cost of processing and administering liquor licenses continues to increase.

Resolution No. 61-08—A Resolution Amending Resolution No. 95-07 to Amend Liquor License Application Fees in the City of Grand Junction, Colorado

Action: Adopt Resolution No. 61-08

2. **Contract to Purchase Property at 306 S. 5th Street, Grand Junction**

City staff has negotiated with the owner of 306 S. 5th Street, Grand Junction, Colorado for purchase of the property. The negotiations have been successful and a purchase contract has been signed by both parties.

Resolution No. 62-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 306 South 5th Street, Grand Junction

Action: Adopt Resolution No. 62-08

3. **Conveyance of a Non-Exclusive Easement Across City Property, Located at 26 $\frac{3}{8}$ Road** [File #MSP-2008-116]

Derril and Debra Rockwell (“the Rockwells”), owners of 2590 B $\frac{3}{4}$ Road, are requesting an easement across City Property adjacent to 26 $\frac{3}{8}$ Road to install a water service line to the property for residential use.

Resolution No. 63-08—A Resolution Granting a Non-Exclusive Water Service Line Easement to Derril and Debra D. Rockwell

Action: Adopt Resolution No. 63-08

4. **Contract for the Asbestos Contaminated Soil Removal from the Former Steam Plant, Located at 531 South Avenue**

Six bids were opened on April 29, 2008 for the removal of asbestos contaminated soil from the former Public Service Steam Plant site at 531 South Avenue. The low bid was submitted by LVI Environmental Services from Denver, Colorado. This project will remove asbestos contaminated soil from the property in preparation for construction of a new Grand Valley Transit Transfer Station.

Action: Authorize the City Manager to Sign a Contract with LVI Environmental Services in the Amount of \$99,899 for Asbestos Contaminated Soil Removal at 531 South Avenue

5. **Purchase of an Emergency Notification System**

This Emergency Notification system will support the Grand Junction Regional Communication Center (GJRCC), and provide a high speed mass notification to residents, employees, and businesses in Mesa County.

Action: Authorize the City Purchasing Division to Purchase Emergency Notification Software from National Notification Network, LLC, Glendale, CA for \$115,990

6. **Comprehensive Plan Contract Addendum**

This request is for an addendum to the original Comprehensive Plan contract with the firm Winston Associates for services to update the Zoning and Development Code as part of the Comprehensive Plan process.

Action: Authorize the City Manager to Enter into a Contract with Winston Associates in the Amount of \$115,600 for Planning Services to Update the Zoning and Development Code as part of the Comprehensive Plan Process

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

Public Hearing—Vacation of a Portion of 28 ½ Road and South Grand Falls Court and Miscellaneous Easements for the Ashbury Heights Subdivision, Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive [File #PP-2006-251]

A request to vacate existing public rights-of-way (portion of 28 ½ Road and South Grand Falls Court) and miscellaneous easements in anticipation of future residential subdivision development. The proposed vacation requests are located at the southeast corner of 28 ¼ Road and Grand Falls Drive.

The public hearing was opened at 7:19 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the site, the location and the request to vacate the existing public right-of-way located adjacent to the east property line. Mr. Peterson also gave a history of the “bulb” portion of the right-of-way but it isn’t needed due to 28 ½ Road connecting with Presley Avenue to the south. The second right-of-way request is to vacate platted, unimproved right-of-way south of Grand Falls Court. This right-of-way was dedicated as part of The Falls but never utilized nor constructed.

Mr. Peterson stated the findings and conclusions are that the requests are consistent with the Growth Plan and meet the criteria of the Zoning and Development Code. The Planning Commission did recommend approval.

Mr. Peterson read an email into the record from Carl Mitchell (attached).

Councilmember Todd asked why the existing City zoning map did not show the zoning for part of the subdivision. Mr. Peterson explained that non-taxable parcels show up as white but it is zoned R-8.

Ted Ciavonne, Ciavonne, Roberts, and Associates, 222 N. 7th Street, was present representing the Ashbury Heights developer. He clarified that the entire site is now zoned R-8. He said he has nothing to add to the presentation. He reviewed the infill and redevelopment policy and how this project fits that policy.

There were no public comments.

The public hearing was closed at 7:28 p.m.

Councilmember Hill reviewed the criteria the request needs to comply with and he believes the request does conform to those criteria.

Councilmember Doody said he is comfortable with the Planning Commission's recommendation.

Council President Palmer asked City Attorney Shaver to address Mr. Mitchell's comment about the pending litigation. City Attorney Shaver clarified that from the City's perspective, the Tract E in question has been properly conveyed so there is no problem with the Council proceeding, regardless of other issues that may be litigated.

a. Ordinance

Ordinance No. 4232—An Ordinance Vacating the Rights-of-Way for South Grand Falls Court and a Portion of 28 ½ Road in the Proposed Ashbury Heights Subdivision

b. Resolution

Resolution No. 64-08—A Resolution Vacating Miscellaneous Easements in Conjunction with Proposed Ashbury Subdivision, Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive

Councilmember Thomason moved to adopt Resolution No. 64-08, and adopt Ordinance No. 4232 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing—Creating a New Administrative Citation Process for Code Enforcement and Establishing a Fine Schedule

Code Enforcement Staff is proposing the adoption and use of an administrative citations process as another means of enforcement of City Codes. Specifically, the administrative citations process will be used for violations that affect the livability of neighborhoods and quality of life. The program would impose administrative penalties for certain violations of the Code, in turn decriminalizing the process and resulting in a more efficient and effective resolution of Code violations.

The public hearing was opened at 7:30 p.m.

Kathy Portner, Neighborhood Services Manager, introduced the presentation noting that John Shaver, City Attorney, can add anything from a legal perspective. Code Enforcement Officer Randy Keller was present to address the technical aspects as it was his suggestion to bring this tool forward. Ms. Portner said the Code change will allow them to impose administrative penalties in order to gain compliance more quickly and more efficiently. She explained the current process. The new process allows the officer to write a ticket with a fine, without citing the matter into court. The officer has the ability to reduce the fine if the violator comes into compliance. There is also a graduated penalty as an incentive to come into compliance. If the matter goes further, the matter goes before an Administrative Hearing Officer who will be the Municipal Judge, but this will be a less formal process. Ms. Portner named a number of other municipalities that have the same process in place and in general those communities are gaining compliance more consistently and quicker. The current proposal will not include the weed violation process, that system will be maintained. The resolution for the fee schedule is also before the City Council for approval.

Councilmember Thomason asked about the ten day compliance period, if that is ten business days. Ms. Portner confirmed it is unless it is a safety issue.

Councilmember Hill asked if the enforcement is still based on complaints. Ms. Portner confirmed adding they have a line of sight policy, that is, if a violation is in clear sight. Occasionally, proactive enforcement occurs with signs and banners.

Councilmember Hill asked if the administrative citation includes the fine and is there room to waive the fine if they come into compliance or if there is some extenuating circumstances? Ms. Portner said the officer has the ability to reduce the fine.

Councilmember Todd asked if the fee schedule accounts for the time involved enforcing the Code. Ms. Portner said that aspect was not looked at; the time required varies from case to case.

Councilmember Doody asked if the City facilitates mediators in cases of neighbor disputes. Ms. Portner deferred to City Attorney Shaver.

City Attorney Shaver said yes they do have neighborhood mediation service, however usually that occurs after somebody comes to court. When tried prior to court, there has been limited success, without court ordered mediation.

Council President Palmer asked, in relation to repeat offenders, if they don't pay the fine, are there collection issues. City Attorney Shaver said there is a line where the fines are so prohibitive they won't pay and won't come into compliance. It is a very significant recurring cycle. However, when the officer develops a rapport with the

offender and can then negotiate a reduction for compliance, fines can be reduced. This can be as much as fifty percent, dependent on the degree of cooperation.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Ordinance No. 4233—An Ordinance Amending Chapter 2 of the City Code of Ordinances to Include a New Article VI, Adding an Administrative Enforcement Process to Address Violations of the City Code and Amending Chapter 16, Article III, Section 16.60 to Provide that a Notice of Violation Issued Pursuant to Chapter 2, Article VI, shall also Constitute a Notice to Abate a Nuisance and Amending Chapter 16, Article VII, Section 16-141 and Section 16-144 to Revise Definitions and Enforcement of the Stormwater Management Program

Resolution No. 65-08—A Resolution Establishing a Fine Schedule for Enforcement of Code Violations in the Administrative Citation Process

Councilmember Todd moved to adopt Resolution No. 65-08, and adopt Ordinance No. 4233 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending Ordinance No. 4110 to Allow Limited Golf Cart Use in Specified Areas Around Mesa State College

The Facilities Services Department at Mesa State College (MSC) has submitted a request to City Staff for an ordinance to allow MSC facilities maintenance and management to use golf carts to access certain college campus grounds, buildings and construction projects.

The public hearing opened at 7:46 p.m.

John Shaver, City Attorney, presented this item. He explained that currently golf carts are allowed on City streets in the Bookcliff Country Club area and in the Redland Mesa Golf Course area and there are very specific restrictions. This is different because the carts will be used for utility use at the College. The College has relocated their maintenance facility to the east of 12th Street. The request will allow the use of those carts to cross 12th Street and some limited areas around the campus. He stated the approval of the ordinance is appropriate for limited use.

Councilmember Thomason asked where those carts can cross. City Attorney Shaver stated they must operate as motor vehicles and cross at intersections.

Councilmember Hill asked about the provision relative to the State Highway. City Attorney Shaver replied that is to prohibit use on State Highway 6, i.e., North Avenue.

Councilmember Hill suggested that be clarified, adding the text “not allowed on North Avenue”. City Attorney Shaver agreed that can be clarified.

There were no public comments.

The public hearing closed at 7:52 p.m.

Ordinance No. 4234—An Ordinance Amending Ordinance No. 4110 to Allow Limited Golf Cart Use Near Mesa State College

Councilmember Hill moved to adopt Ordinance No. 4234 , adding wording in Section 238 (b)(3) “(However, driving on North Avenue is not allowed)”, and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Expanding the DDA Boundaries

The DDA recently awarded a grant to the Mesa County Library Board of Trustees. Those funds will be used for a new sign, landscaping, and to help complete capital improvements to the main library building façade. The DDA and Board of Trustees agreed that receipt of the grant funds was conditioned upon the inclusion of Mesa County Library District Grand Junction properties into the DDA boundary.

The public hearing opened at 7:54 p.m.

John Shaver, City Attorney, presented this item. There will be no change to the revenue to the DDA but the inclusion will honor the DDA’s requested condition on the grant funds that the library properties be included.

Councilmember Thomason asked City Attorney Shaver to confirm that all subject properties are library properties. City Attorney Shaver confirmed they are.

Councilmember Hill asked if these properties are contiguous with the existing DDA boundary. City Attorney Shaver answered they are.

There were no public comments.

The public hearing closed at 7:57 p.m.

Councilmember Hill thanked the DDA board for their support of the library and the relationship between the two entities. This inclusion will open up new possibilities in that relationship.

Ordinance No. 4235—An Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority

Councilmember Hill moved to adopt Ordinance No. 4235 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Former Mayor Doody thanked Council President Palmer for making this meeting special for his wife Melanie.

Council President Palmer again thanked Mr. Doody for his work as Council President.

Adjournment

The meeting adjourned at 8:00 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 7 – Vacation of a Portion of 28 ½ Road and South Grand Falls Court and Misc. Easements for Ashbury Heights Subd. Located at the SE corner of 28 ¼ Road and Grand Falls Drive.

"Carl Mitchell" <carlmitchell@bresnan.net> 5/7/2008 8:04 AM >>>

In reference to Application #PP 2006 - 251 . I am opposed to the ROW Vacation of 28 1/2 Road , the "bulb" as referred to in the city's description of the vacation application. This vacation by the city would not be in interest of city action, as the issue of ownership of tract "E" by Ashbury Heights LLC is not settled and also given the suit against the city it would be best if the city did not Vacate this ROW. This is unchartered action by the city. Thank you, Carl W, Mitchell
582 Grand View Ct
Grand Junction, Co. 81501
ph 970.245.8455

Attach 2
Sale of City Property Located at 238 Main Street
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sale of City Property located at 238 Main Street		
File #			
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	May 7, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: Western Hospitality, LLC, in response to a Request for Proposal has offered to purchase the City-owned property located at 238 Main Street. Western Hospitality and the City have been parties to an Option Agreement ratified by City Council on September 17, 2007. The Option Agreement required a number of items be completed by the Buyer during a defined period of time. Western Hospitality has completed the due diligence work required by the Option Agreement and is now ready to proceed with the purchase of the property. After closing, Western Hospitality will lease the property back to the City until such time as development begins.

Budget: Proceeds of the sale are designated to offset expenses associated with the construction of the Rood Avenue Parking Garage and changes associated with restructuring of the Downtown parking system.

Action Requested/Recommendation: Staff recommends approval of the sale contract. By Resolution No. ____-08 the City Council authorizes the sale of the property located at 238 Main Street, to Western Hospitality, LLC.

Attachments: Proposed Resolution

Background Information: The sale of the property located at 238 Main Street is part of the plan for the Downtown parking system. With completion of the parking structure on Rood Avenue, the property, which consists of surface parking, can now be developed by Western Hospitality for expansion of their hotel operations.

RESOLUTION NO. __-08

**A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY LOCATED
AT 238 MAIN STREET, GRAND JUNCTION, COLORADO**

RECITALS:

In April of 2007, the City published an RFP for the purchase and development of City-owned property located at 238 Main Street. Western Hospitality, LLC ("Western") was awarded the bid. Since that time, Western and City staff have worked to negotiate a Purchase Contract for the property, which included an Option Agreement, signed by both parties.

Western has completed the requirements of the Option Agreement and wishes to proceed with purchase of the property. On April 23, 2008, Western presented the City with a Contract to purchase the property, in the amount of \$656,250.00. Deputy City Manager, Rich Englehart, accepted and signed the Purchase Contract, subject to ratification of that Contract by City Council.

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

1. The City-owned property located at 238 Main Street shall be conveyed to Western Hospitality, LLC by general warranty deed for a price of \$656,250.00.
2. All actions heretofore taken by the officers, employees and agents of the City relating to the sale of the property which are consistent with the provisions of the negotiated Contract for the sale of the property and this Resolution are hereby ratified, approved and confirmed.
3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the sale of the described property. Specifically, City staff is directed to effectuate this Resolution and the Contract, including the execution and delivery of the deed and such documents as are necessary to complete the sale.

PASSED and ADOPTED this _____ day of _____, 2008.

Gregg Palmer, President of the Council

Attest:

Stephanie Tuin, City Clerk

Attach 3
Economic Development Payment to Vectra Bank Colorado
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Authorization for Economic Development Payment to Vectra Bank Colorado		
File #	N/A		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	May 12, 2008		
Author Name & Title	Trent Prall, Engineering Manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: In 2006, the City entered into an agreement with Vectra Bank Colorado to construct storm drain facilities that benefited not only Vectra Bank's Patterson Road location, but also other developable properties on the west side of 24 Road. In closing out the project file, staff determined that the City's payment of \$50,000 had not been made. This was intended to be an economic development expenditure, however was never budgeted and therefore funds will need to be appropriated this fall.

Budget:

Project costs:	\$50,000
Project funding:	
Economic Development Fund	\$50,000
108-111-70825-11	

Action Requested/Recommendation: Authorize the City Manager to disburse to Vectra Bank Colorado, N.A. \$50,000 per the April 27, 2006 Agreement.

Background Information: As part of a couple of developments on the west side of 24 Road and adjacent to Patterson Road, storm drainage conveyance was needed to handle drainage from the area. This project was to construct 48 inch storm drain facilities from Leach Creek adjacent to I-70B to the intersection of 24 Road and Patterson to accommodate drainage from what is now Vectra Bank and American National Bank.

According to the City Attorney's office, funding was envisioned to come from the Economic Development Fund as it benefited not only Vectra Bank, but also American National Bank, and FP Investments.

As part of the project closeout it was discovered that the subject payment was never made after the construction was completed in 2006.

Funds were not appropriated for this expenditure in 2008 and therefore we will make the adjustment in this fall during the 2008 budget revisions.

Attach 4

**Revocable Permit for Property Located at 653 Santa Clara Avenue
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Revocable Permit – 653 Santa Clara Avenue		
File #	SS-2007-141		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 30, 2008		
Author Name & Title	Senta L. Costello - Associate Planner		
Presenter Name & Title	Senta L. Costello – Associate Planner		

Summary: Request for a revocable permit to retain a chain link fence within the Santa Clara Avenue right-of-way.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution issuing the Revocable Permit.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing Zoning Map
4. Resolution
5. Revocable Permit
6. Agreement

Background Information: See attached report.

BACKGROUND INFORMATION					
Location:		653 Santa Clara Avenue			
Applicant:		Sue Lopez			
Existing Land Use:		Single Family Residence			
Proposed Land Use:		Single Family Residence			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-8 (Residential 8 du/ac)			
	East	R-8 (Residential 8 du/ac)			
	West	R-8 (Residential 8 du/ac)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Project Analysis:

1. Background

A chain link fence has existed around the front yard of the house located at 653 Santa Clara for many years. When the current property owner submitted an application for a Simple Subdivision of the property, it was discovered that a portion of the fence was within the right-of-way for Santa Clara Avenue. The owner would like to retain the fence in it's current location and is requesting a Revocable Permit to allow that to happen.

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

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

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.
- b. There is a community need for the private development use proposed for the City property.
- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.
- d. The proposed use shall be compatible with the adjacent land uses.
- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.
- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.
- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Sue Lopez Revocable Permit application, SS-2007-141 for the issuance of a revocable permit for a fence, I make the following findings of fact and conclusions:

1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the City Council approve the requested revocable permit for a fence, SS-2007-141.

Site Location Map

Figure 1



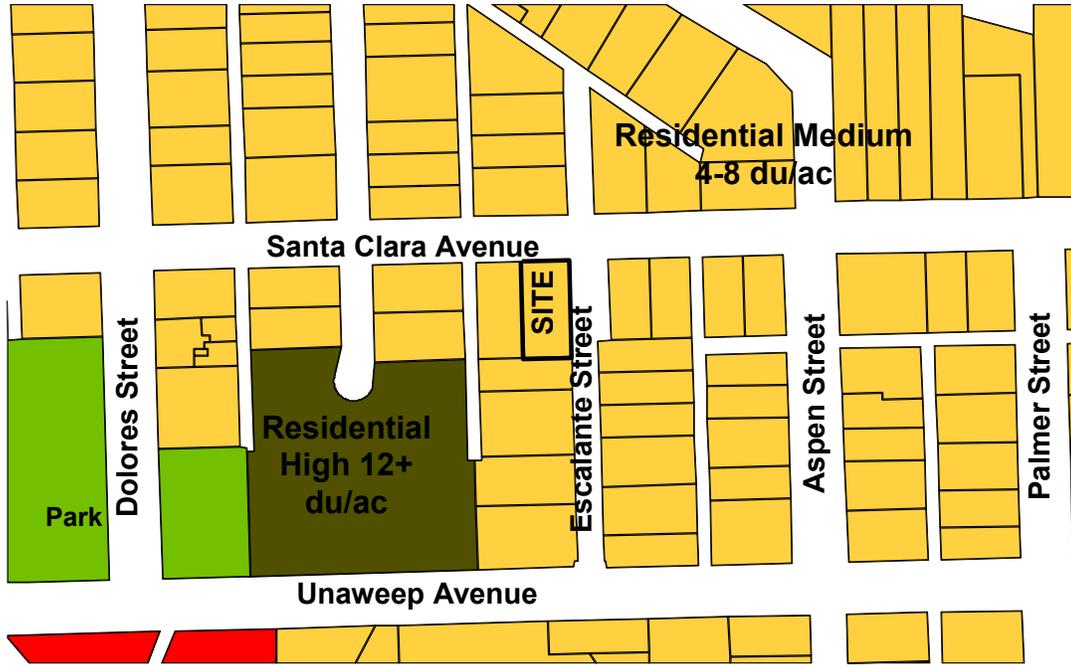
Aerial Photo Map

Figure 2



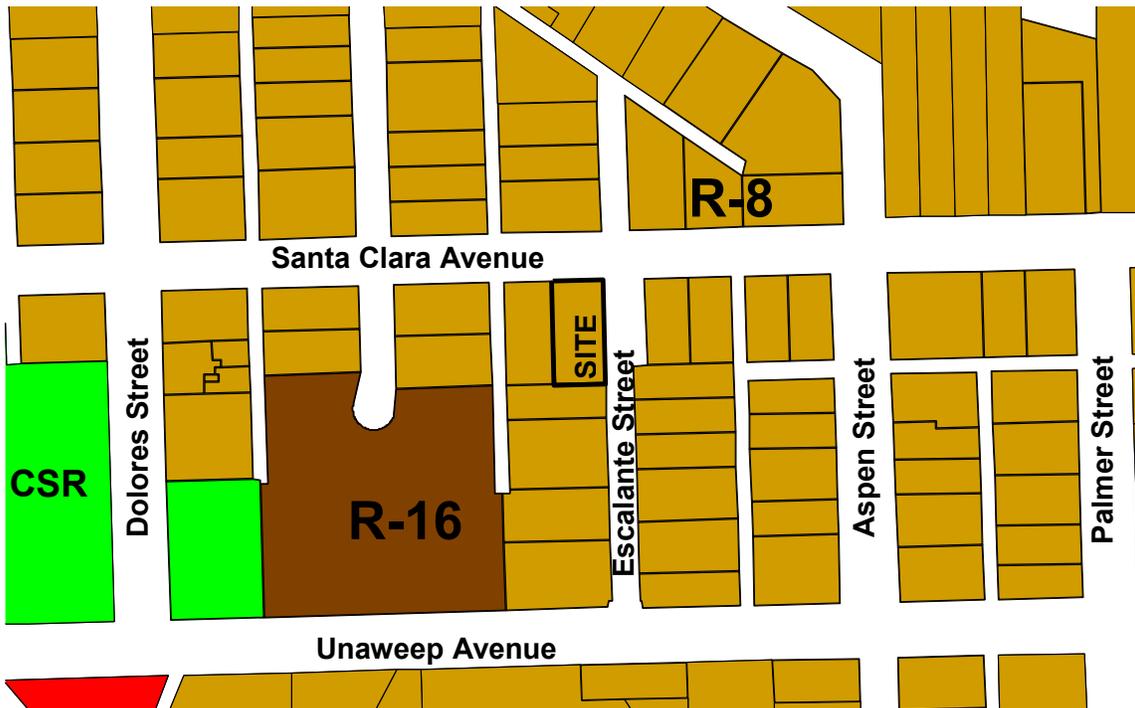
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
SUE LOPEZ**

**LOCATED IN SANTA CLARA RIGHT-OF-WAY ADJACENT TO 635 SANTA CLARA
AVENUE**

Recitals.

A. Sue Lopez hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 Sulopez Subdivision, City of Grand Junction, Mesa County, Colorado in Book 4602 Page 436 of the Mesa County Clerk and Recorder's Office and identified by Mesa County Tax Schedule Number 2945-233-04-007.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a fence within the following described public right-of-way:

A REVOCABLE PERMIT being a portion of Santa Clara Avenue, situate in the Southeast Quarter of the Southwest Quarter of Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of Section 23, Township 1 South, Range 1 West, of the Ute Meridian, whence the West Sixteenth Corner on the South line of Section 23 bears N 89°55'19"W, a distance of 1318.51 feet, for a basis of bearing with all bearings being relative thereto; thence N 89° 55'19"W, a distance of 210.00 feet, to a point on the said South line of said Southwest Quarter; thence N 00°00'27"E, a distance of 554.93 feet; thence N 89° 59' 33"W, a distance of 20.00 feet; thence N 89° 47'02" W, to the POINT OF BEGINNING, being a point on the North Line of Lot 1, SULOPEZ SUBDIVISION; thence N 89° 47'02"W, along said North Line, a distance of 65.28 feet; thence N 00°15'08"W, a distance of 9.61 feet; thence S 89°06'31"E, a distance of 58.12 feet; thence S38°50'40"E, a distance of 11.50 feet, to the POINT OF BEGINNING.

The above described easement contains 571 square feet

C. Relying on the information supplied by the Petitioner and contained in File No. SS-2007-141 in the office of the City's Public Works and Planning Department, the City

Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2008.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

A. Sue Lopez hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 Sulopez Subdivision, City of Grand Junction, Mesa County, Colorado in Book 4602 Page 436 of the Mesa County Clerk and Recorder's Office and identified by Mesa County Tax Schedule Number 2945-233-04-007.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a fence within the following described public right-of-way:

A REVOCABLE PERMIT being a portion of Santa Clara Avenue, situate in the Southeast Quarter of the Southwest Quarter of Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of Section 23, Township 1 South, Range 1 West, of the Ute Meridian, whence the West Sixteenth Corner on the South line of Section 23 bears N 89°55'19"W, a distance of 1318.51 feet, for a basis of bearing with all bearings being relative thereto; thence N 89° 55'19"W, a distance of 210.00 feet, to a point on the said South line of said Southwest Quarter; thence N 00°00'27"E, a distance of 554.93 feet; thence N 89° 59' 33"W, a distance of 20.00 feet; thence N 89° 47'02" W, to the POINT OF BEGINNING, being a point on the North Line of Lot 1, SULOPEZ SUBDIVISION; thence N 89° 47'02"W, along said North Line, a distance of 65.28 feet; thence N 00°15'08"W, a distance of 9.61 feet; thence S 89°06'31"E, a distance of 58.12 feet; thence S38°50'40"E, a distance of 11.50 feet, to the POINT OF BEGINNING.

The above described easement contains 571 square feet

C. Relying on the information supplied by the Petitioner and contained in File No. SS-2007-141 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2008.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Sue Lopez

AGREEMENT

Sue Lopez, for itself and for its successors and assigns, does hereby agree to:

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

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

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

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

Dated this _____ day of _____, 2008.

By: _____
Sue Lopez

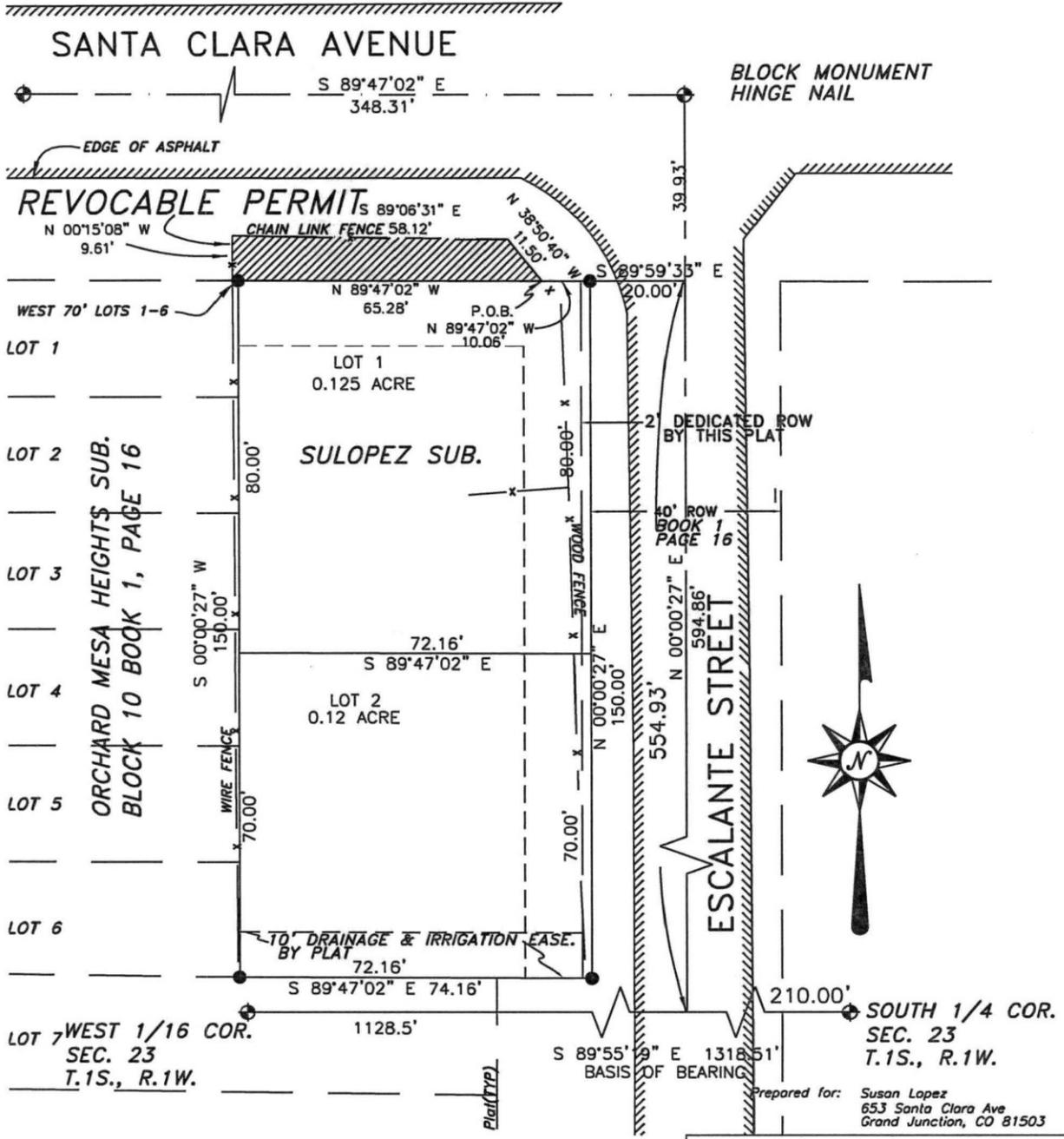
State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2008, by Sue Lopez.

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

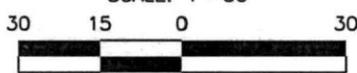
Notary Public

EXHIBIT REVOCABLE PERMIT



THIS DOCUMENT DOES NOT CONSTITUTE A FIELD SURVEY

SCALE: 1"=30'



LEGEND

- ALIQUOT SURVEY MARKER
- FOUND REBAR
- SET ALUMINUM CAP ON No. 5 REBAR, PLS 16835
- (R) RECORD MEASUREMENT

REVOCABLE PERMIT				
653 Santa Clara Ave GRAND JUNCTION MESA COUNTY, COLORADO				
LANDesign ENGINEERS • SURVEYORS • PLANNERS				
259 GRAND AVENUE GRAND JUNCTION, COLORADO 81501 (970) 245-4099				
PROJECT NO. 2007-20	Surveyed	Drawn	APP'D	SHEET OF
DATE: Aug, 2007				

Attach 5
Setting a Hearing on the Shores Annexation, Located at 166 Edlun Road
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Shores Annexation - Located at 166 Edlun Road		
File #	ANX-2008-104		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 29, 2008		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Request to annex 17.97 acres, located at 166 Edlun Road. The Shores Annexation consists of 1 parcel, includes a portion of the Sunlight Drive right-of-way, and is a 2 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Shores Annexation and introduce the proposed Ordinance and set a hearing for June 30, 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. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		166 Edlun Road		
Applicants:		Owner: The Shores, LLC – Jeffrey Wald Representative: Value Engineering Services, LLC – Kris A. Pickett		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		New Single Family Residential Subdivision		
Surrounding Land Use:	North	Single Family Residential		
	South	BLM / Vacant		
	East	Single Family Residential		
	West	Single Family Residential / Gunnison River		
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:		Requesting City R-4 (Residential 4 du/ac) Recommendation City R-2 (Residential 2 du/ac)		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)		
	South	County PUD (Undeveloped) / RSF-R (Residential Single Family Rural 1 du/5 ac)		
	East	County RSF-4 (Residential Single Family 4 du/ac)		
	West	County RSF-4 (Residential Single Family 4 du/ac)		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 17.97 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

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

The following annexation and zoning schedule is being proposed.

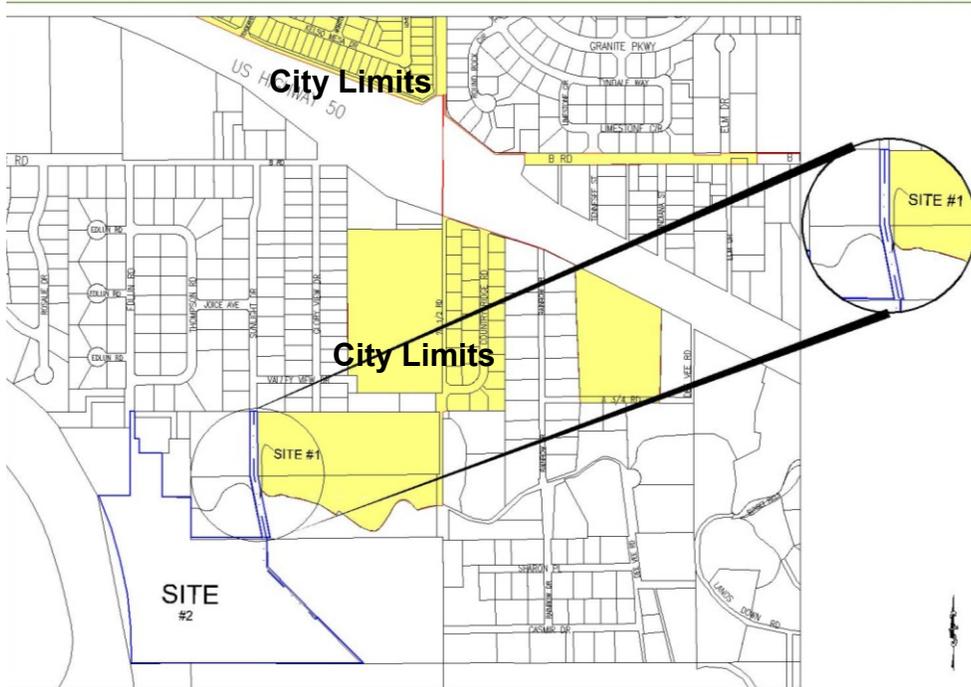
<i>ANNEXATION SCHEDULE</i>	
May 19, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
May 27, 2008	Planning Commission considers Zone of Annexation
June 16, 2008	Introduction of a proposed Ordinance on Zoning by City Council
June 30, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 1, 2008	Effective date of Annexation and Zoning

SHORES ANNEXATION SUMMARY

File Number:	ANX-2008-104	
Location:	166 Edlun Road	
Tax ID Number:	2943-312-00-098	
Parcels:	1	
Estimated Population:	1	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	3	
Acres land annexed:	17.97 acres	
Developable Acres Remaining:	14.64 acres	
Right-of-way in Annexation:	26703.26 square feet of Sunlight Drive	
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/ac)	
Proposed City Zoning:	Requesting City R-4 (Residential 4 du/ac) Recommendation City R-2 (Residential 2 du/ac)	
Current Land Use:	Single Family Residential	
Future Land Use:	New Single Family Residential Subdivision	
Values:	Assessed:	= \$22,030
	Actual:	= \$276,720
Address Ranges:	166 Edlun Road only	
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation:	Orchard Mesa Irrigation District
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito

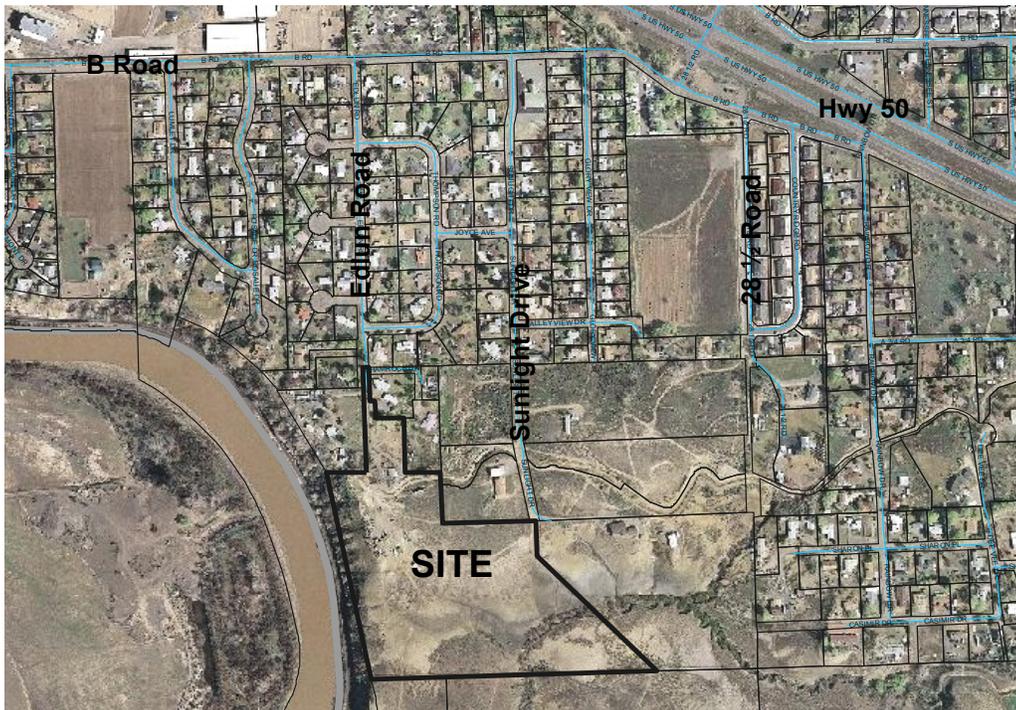
Annexation-Site Location Map

Figure 1



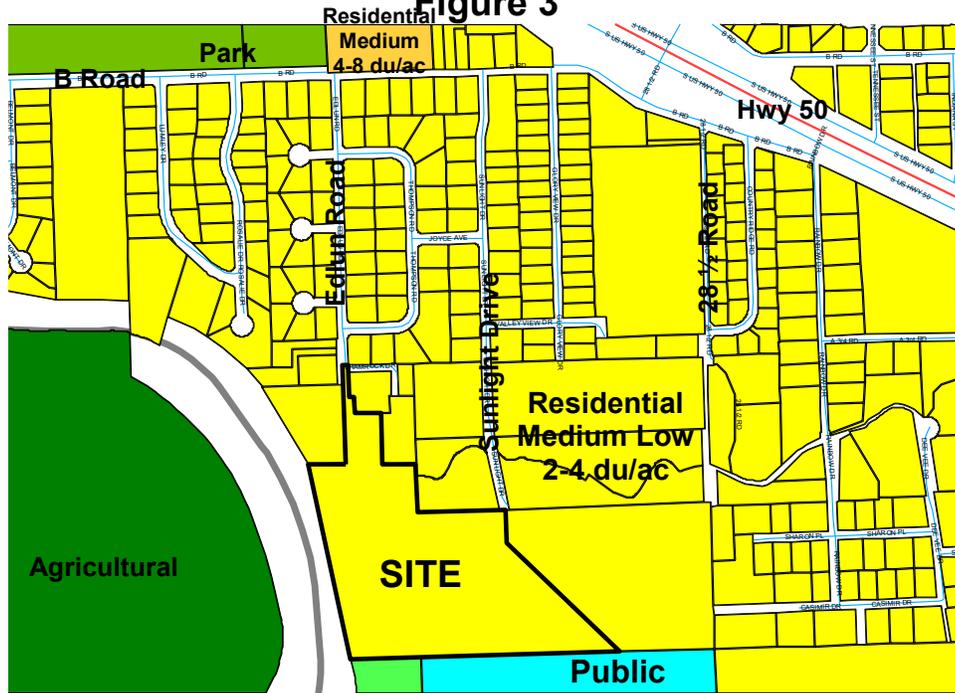
Aerial Photo Map

Figure 2



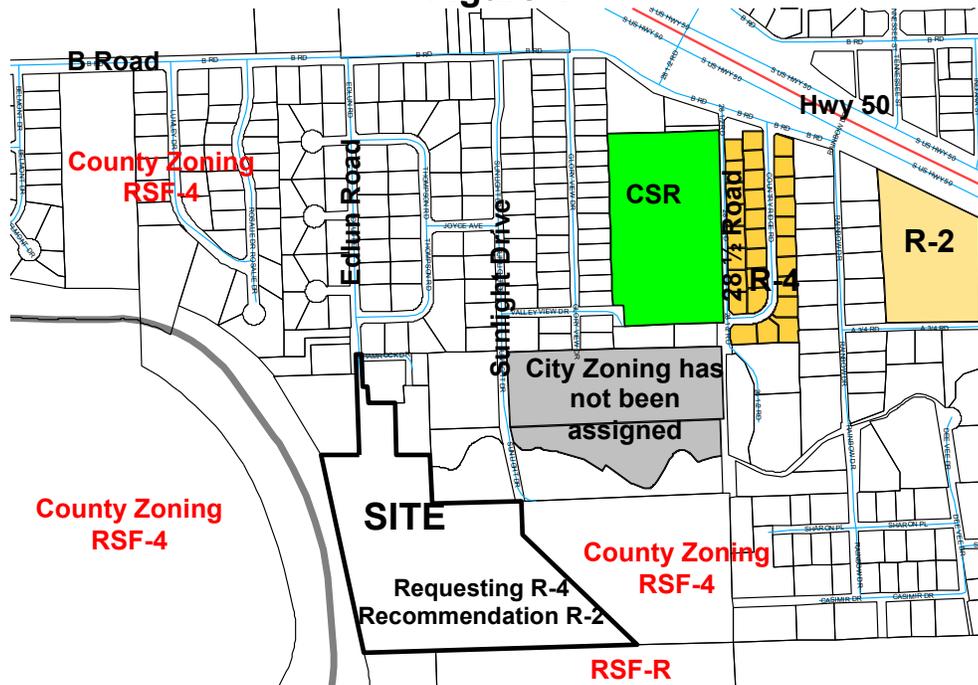
Future Land Use Map

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."

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 19th of May, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SHORES ANNEXATION NO. 1 AND NO. 2

**LOCATED AT 166 EDLUN ROAD INCLUDING A PORTION OF THE SUNLIGHT DRIVE
RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Shores Annexation No. 1

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

Commencing at the Southeast corner of Lot 1 of Golden Acres Subdivision, as same is recorded in Plat Book 8, Page 50, public records of Mesa County, Colorado and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31, said line also being the North line of Right of Way, as same as recorded in Book 788, Page 242 of the Mesa County, Colorado public records to the Point of Beginning; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31 to the Northwest corner of Sunlight Annexation No. 4, Ordinance No. 4029, City of Grand Junction, said line also being the North line of said Right of Way; thence S00°01'41"E a distance of 330.39 feet along the East line of said Right of Way, said line also being the Westerly line of said Sunlight Annexation No. 4; thence N89°58'04"E a distance of 0.73 feet along the North line of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records, said line also being the Southerly line of said Sunlight Annexation No. 4; thence S10°55'16"E a distance of 337.44 feet along the East line of said Right of Way, said line also being the Westerly line of said Sunlight Annexation No. 4; thence N89°44'53"W a distance of 14.20 feet along the South line of said Right of Way; thence along the following five (5) courses:

(1) S00°01'12"W a distance of 149.86 feet; (2) S44°27'10"E a distance of 375.00 feet; (3) S45°32'50"W a distance of 15.00 feet; (4) N44°27'10"W a distance of 381.13 feet; (5) N00°01'12"E a distance of 156.05 feet to a point on the South line of said Right of Way; thence S89°44'53"E a distance of 8.47 feet along the South line of said Right of Way; thence N10°55'16"W a distance of 337.33 feet to a point on the North line of said Right of Way; thence N00°01'41"W a distance of 330.38 feet to the Point of Beginning

Said parcel contains 0.49 acres (21,437.03 sq. ft.), more or less, as described.

Shores Annexation No. 2

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 31, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southeast corner of Lot 1 of Golden Acres Subdivision, as same is recorded in Plat Book 8, Page 50, public records of Mesa County, Colorado and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31 to the Northwest corner of Shores Annexation No. 1, City of Grand Junction, said line also being the North line of Right of Way, as same as recorded in Book 788, Page 242 of the Mesa County, Colorado public records; thence S00°01'41"E a distance of 330.38 feet along the Westerly line of said Shores Annexation No. 1 to a point on the South line of said Right of Way; thence S10°55'16"E a distance of 337.33 feet along the Westerly line of said Shores Annexation No. 1 to a point on the South line of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records; thence N89°44'53"W a distance of 8.47 feet along the South line of said Right of Way, said line also being the Northerly line of said Shores Annexation No. 1; thence S00°01'12"W a distance of 156.05 feet along the Westerly line of said Shores Annexation No. 1; thence S44°27'10"E a distance of 381.13 feet along the Westerly line of said Shores Annexation No. 1; thence N45°32'50"E a distance of 15.00 feet along the Southerly line of said Shores Annexation No. 1; thence S44°27'10"E a distance of 339.23 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 31; thence N89°58'40"W a distance of 899.92 feet along the South line of the SE 1/4 NW 1/4 of said Section 31 to the Southwest corner of the SE 1/4 NW 1/4 of said Section 31; thence N89°25'03"W a distance of 314.49 feet along the South line of the SW 1/4 NW 1/4 of said Section 31 to a point on the Easterly Right of Way of Denver and Rio Grande Western Railroad; thence 903.07 feet along the arc of a 2010.98 foot radius curve, concave Southwest, having a central angle of 25°43'47" and a chord bearing N10°57'38"W a distance of 895.50 feet along the Easterly line of said Right of Way; thence S89°33'42"E a distance of 165.38 feet; thence N00°03'40"E a distance of 442.30 feet to a point on the East line of Lot 1 of Vessels Subdivision, as same is recorded in Plat Book 12, Page 265, public records of Mesa County, Colorado; thence S89°58'25"E a distance of 25.03 feet to the Northwest corner of Right of Way, as same

as recorded in Book 898, Page 343 of the Mesa County, Colorado public records; thence S00°03'40"W a distance of 142.87 feet along Westerly line of said Right of Way; thence along the following five (5) courses: (1) N89°41'14"E a distance of 25.00 feet; (2) S00°10'19"E a distance of 76.00 feet; (3) N89°58'50"E a distance of 118.45 feet; (4) S00°05'05"W a distance of 232.00 feet; (5) N89°53'03"E a distance of 150.11 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 31; thence S00°02'14"E a distance of 211.89 feet along the West line of the SE 1/4 NW 1/4 of said Section 31; thence S89°44'53"E a distance of 373.67 feet to the Southwest corner of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records; thence N10°55'16"W a distance of 337.23 feet along the West line of said Right of Way to the Northwest corner of said Right of Way; thence N00°01'41"W a distance of 330.37 feet along the West line of Right of Way, as same as recorded in Book 788, Page 242 of the Mesa County, Colorado public records to the Point of Beginning

Said parcel contains 17.48 acres (748,360.8 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 30th day of June, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
May 21, 2008
May 28, 2008
June 4, 2008
June 11, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SHORES ANNEXATION NO. 1

APPROXIMATELY 0.49 ACRES

A PORTION OF THE SUNLIGHT DRIVE RIGHT-OF-WAY

WHEREAS, on the 19th day of May, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 30th day of June, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

Shores Annexation No. 1

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

Commencing at the Southeast corner of Lot 1 of Golden Acres Subdivision, as same is recorded in Plat Book 8, Page 50, public records of Mesa County, Colorado and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31, said line also being the North line of Right of Way, as same as recorded in Book 788, Page 242 of the Mesa County, Colorado public records to the Point of Beginning; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31 to the Northwest corner of Sunlight Annexation No. 4, Ordinance No. 4029,

City of Grand Junction, said line also being the North line of said Right of Way; thence S00°01'41"E a distance of 330.39 feet along the East line of said Right of Way, said line also being the Westerly line of said Sunlight Annexation No. 4; thence N89°58'04"E a distance of 0.73 feet along the North line of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records, said line also being the Southerly line of said Sunlight Annexation No. 4; thence S10°55'16"E a distance of 337.44 feet along the East line of said Right of Way, said line also being the Westerly line of said Sunlight Annexation No. 4; thence N89°44'53"W a distance of 14.20 feet along the South line of said Right of Way; thence along the following five (5) courses: (1) S00°01'12"W a distance of 149.86 feet; (2) S44°27'10"E a distance of 375.00 feet; (3) S45°32'50"W a distance of 15.00 feet; (4) N44°27'10"W a distance of 381.13 feet; (5) N00°01'12"E a distance of 156.05 feet to a point on the South line of said Right of Way; thence S89°44'53"E a distance of 8.47 feet along the South line of said Right of Way; thence N10°55'16"W a distance of 337.33 feet to a point on the North line of said Right of Way; thence N00°01'41"W a distance of 330.38 feet to the Point of Beginning

Said parcel contains 0.49 acres (21,437.03 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SHORES ANNEXATION NO. 2

APPROXIMATELY 17.48 ACRES

**LOCATED AT 166 EDLUN ROAD INCLUDING A PORTION OF THE SUNLIGHT DRIVE
RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 30th day of June, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

Shores Annexation No. 2

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 31, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southeast corner of Lot 1 of Golden Acres Subdivision, as same is recorded in Plat Book 8, Page 50, public records of Mesa County, Colorado and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence N89°57'24"E a distance of 20.00 feet along the North line of the SE 1/4 NW 1/4 of said Section 31 to the Northwest corner of Shores Annexation No. 1, City of Grand Junction, said line also being the North line of Right of Way, as same as recorded in Book 788, Page 242 of

the Mesa County, Colorado public records; thence S00°01'41"E a distance of 330.38 feet along the Westerly line of said Shores Annexation No. 1 to a point on the South line of said Right of Way; thence S10°55'16"E a distance of 337.33 feet along the Westerly line of said Shores Annexation No. 1 to a point on the South line of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records; thence N89°44'53"W a distance of 8.47 feet along the South line of said Right of Way, said line also being the Northerly line of said Shores Annexation No. 1; thence S00°01'12"W a distance of 156.05 feet along the Westerly line of said Shores Annexation No. 1; thence S44°27'10"E a distance of 381.13 feet along the Westerly line of said Shores Annexation No. 1; thence N45°32'50"E a distance of 15.00 feet along the Southerly line of said Shores Annexation No. 1; thence S44°27'10"E a distance of 339.23 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 31; thence N89°58'40"W a distance of 899.92 feet along the South line of the SE 1/4 NW 1/4 of said Section 31 to the Southwest corner of the SE 1/4 NW 1/4 of said Section 31; thence N89°25'03"W a distance of 314.49 feet along the South line of the SW 1/4 NW 1/4 of said Section 31 to a point on the Easterly Right of Way of Denver and Rio Grande Western Railroad; thence 903.07 feet along the arc of a 2010.98 foot radius curve, concave Southwest, having a central angle of 25°43'47" and a chord bearing N10°57'38"W a distance of 895.50 feet along the Easterly line of said Right of Way; thence S89°33'42"E a distance of 165.38 feet; thence N00°03'40"E a distance of 442.30 feet to a point on the East line of Lot 1 of Vessels Subdivision, as same is recorded in Plat Book 12, Page 265, public records of Mesa County, Colorado; thence S89°58'25"E a distance of 25.03 feet to the Northwest corner of Right of Way, as same as recorded in Book 898, Page 343 of the Mesa County, Colorado public records; thence S00°03'40"W a distance of 142.87 feet along Westerly line of said Right of Way; thence along the following five (5) courses: (1) N89°41'14"E a distance of 25.00 feet; (2) S00°10'19"E a distance of 76.00 feet; (3) N89°58'50"E a distance of 118.45 feet; (4) S00°05'05"W a distance of 232.00 feet; (5) N89°53'03"E a distance of 150.11 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 31; thence S00°02'14"E a distance of 211.89 feet along the West line of the SE 1/4 NW 1/4 of said Section 31; thence S89°44'53"E a distance of 373.67 feet to the Southwest corner of Right of Way, as same as recorded in Book 2398, Page 148 of the Mesa County, Colorado public records; thence N10°55'16"W a distance of 337.23 feet along the West line of said Right of Way to the Northwest corner of said Right of Way; thence N00°01'41"W a distance of 330.37 feet along the West line of Right of Way, as same as recorded in Book 788, Page 242 of the Mesa County, Colorado public records to the Point of Beginning

Said parcel contains 17.48 acres (748,360.8 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

**Attach 6
Setting a Hearing on Sunshine-Moir Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sunshine-Moir Annexation – Located at 2899 D Road and 383 29 Road		
File #	ANX-2008-080		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	May 7, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex 5.54 acres, located at 2899 D Road and 383 29 Road. The Sunshine-Moir Annexation consists of two parcels and D Road right-of-way, 29 Road right-of-way and unnamed right-of-way along the southern border of 383 29 Road.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Sunshine-Moir Annexation and introduce the proposed Ordinance and set a hearing for June 30, 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. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		2899 D Road and 383 29 Road		
Applicants:		Owner: John T. Moir –Sunshine of Delta Representative: Paul Johnson - Meadowlark Consulting		
Existing Land Use:		Residential		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Vacant		
	South	Vacant		
	East	Vacant		
	West	Residential		
Existing Zoning:		RSF-R (Residential Single Family Rural)		
Proposed Zoning:		B-1 (Neighborhood Business)		
Surrounding Zoning:	North	M-U (Mixed Use)		
	South	County RSF-R (Residential Single Family Rural)		
	East	County RSF-R (Residential Single Family Rural)		
	West	County PUD and County (Residential Single Family Rural)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.54 acres of land and is comprised of two parcels and 1.8 acres of public right-of-way. The property owners have requested annexation into the City to allow for development of the property. Under the 1998

Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

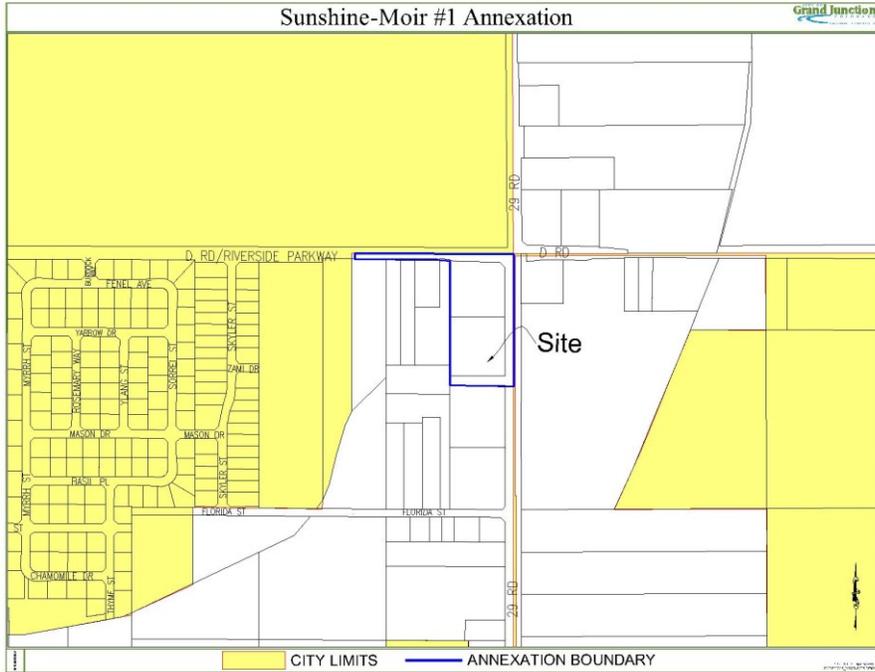
The following annexation and zoning schedule is being proposed.

<u><i>ANNEXATION SCHEDULE</i></u>	
May 19, 2008	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 27, 2008	Planning Commission considers Zone of Annexation
June 16, 2008	Introduction Of A Proposed Ordinance on Zoning by City Council
June 30, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 1, 2008	Effective date of Annexation and Zoning

SUNSHINE-MOIR ANNEXATION SUMMARY		
File Number:	ANX-2008-080	
Location:	2899 D Road & 383 29 Road	
Tax ID Number:	2943-191-00-169 2943-191-00-170	
Parcels:	2	
Estimated Population:	6	
# of Parcels (owner occupied):	2	
# of Dwelling Units:	2	
Acres land annexed:	5.54 acres (241,322.40 square feet)	
Developable Acres Remaining:	3.92 acres (170,755.20 square feet)	
Right-of-way in Annexation:	1.62 acres (70,567.20 square feet)	
Previous County Zoning:	RSF-R (Residential Single Family Rural)	
Proposed City Zoning:	B-1 (Neighborhood Business)	
Current Land Use:	Vacant/Residential	
Future Land Use:	Commercial	
Values:	Assessed:	\$4,880
	Actual:	\$58,880
Address Ranges:	2889 D Road & 383 29 Road	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Valley Drainage
	School:	District 51
	Pest:	Grand River Mosquito

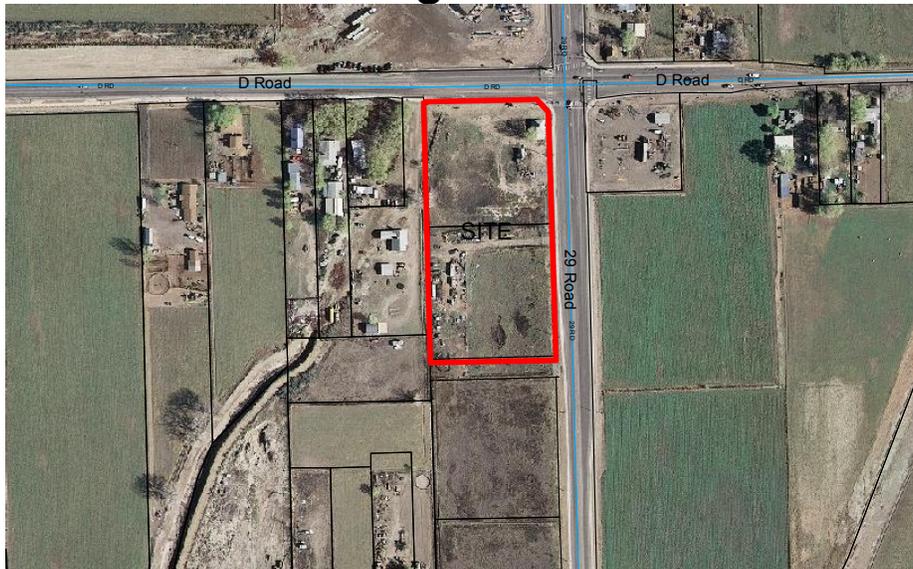
Annexation/Site Location Map

Figure 1



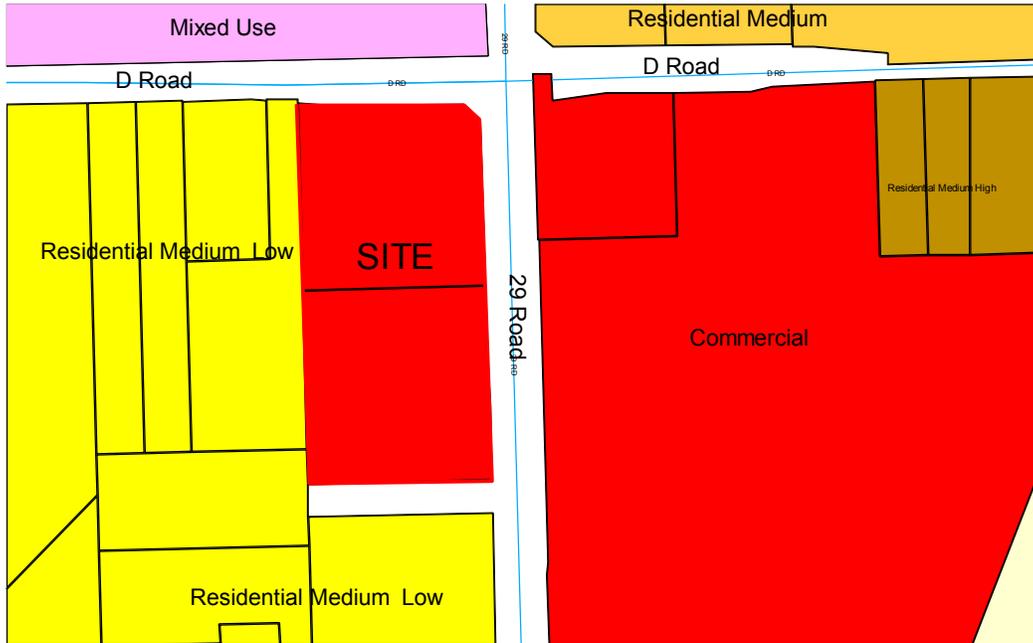
Aerial Photo Map

Figure 2

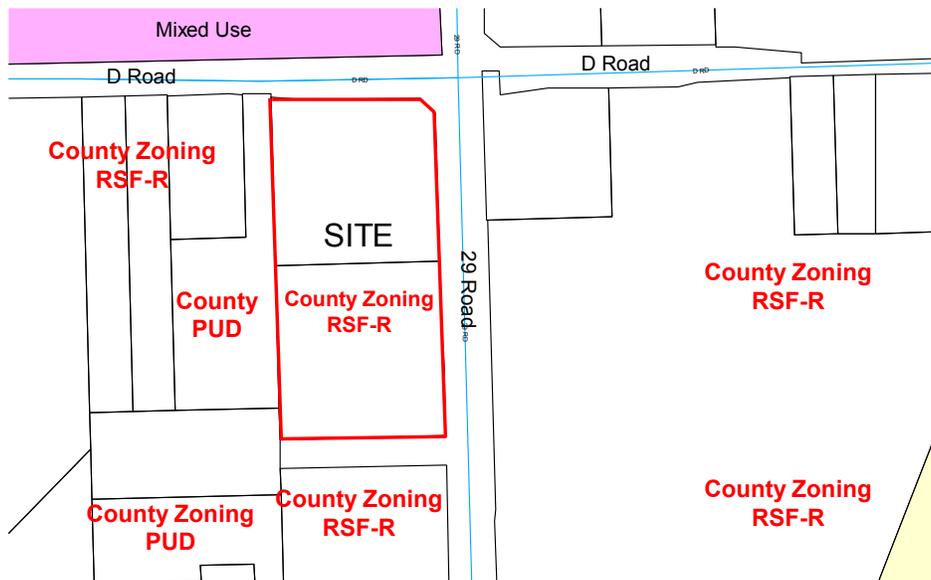


Future Land Use Map

Figure 3



Existing City and County Zoning Map
Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 19th of May, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SUNSHINE-MOIR ANNEXATION

**LOCATED AT 2899 D ROAD AND 383 29 ROAD INCLUDING PORTIONS OF D ROAD
RIGHT-OF-WAY, 29 ROAD RIGHT-OF-WAY AND UNNAMED PORTIONS OF RIGHT-
OF-WAY ALONG THE SOUTHERN BORDER OF 383 29 ROAD**

WHEREAS, on the 19th day of May, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SUNSHINE MOIR ANNEXATION

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

Beginning at the Northeast corner of the NE 1/4 NE 1/4 of said Section 19 and assuming the North line of the NE 1/4 NE 1/4 of said Section 19 to bear S89°40'49"E with all bearings contained herein relative thereto; thence S00°06'21"W a distance of 685.00 feet along the East line of the NE 1/4 NE 1/4 of said Section 19, said line also being the Westerly line of Ephemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence N89°36'49"W a distance of 330.24 feet along South line of Right of Way, as same as recorded in Book 1146, Page 343 of the Mesa County, Colorado public records to a point on the East line of Wallace Minor Subdivision, as same is recorded in Plat Book 13, Page 333, public records of Mesa County, Colorado; thence along the following three (3) courses: (1) N00°07'46"E a distance of 647.67 feet along the East line of said Wallace Minor Subdivision; (2) N84°12'08"W a distance of 72.63 feet along the Northerly line of said Wallace Minor Subdivision; (3) N89°40'49"W a distance of 422.81 feet to a point on the East line of Sky View Annexation, Ordinance No. 4098, City of Grand Junction; thence N00°04'53"E a distance of 30.00 feet along

the East line of said Sky View Annexation to a point on the North line of the NE 1/4 NE 1/4 of said Section 19; thence S89°40'49"E a distance of 825.00 feet along the North line of the NE 1/4 NE 1/4 of said Section 19 to the Point of Beginning

Said parcel contains 5.54 acres (241,131.49 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 16th day of June, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
Wednesday May 21, 2008
Wednesday May 28, 2008
Wednesday June 4, 2008
Wednesday June 11, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SUNSHINE-MOIR ANNEXATION

APPROXIMATELY 5.54 ACRES

**LOCATED AT AND 2899 29 ROAD AND 383 D ROAD AND INCLUDES PORTIONS OF
D ROAD RIGHT-OF-WAY, 29 ROAD RIGHT-OF-WAY AND UNNAMED PORTIONS OF
RIGHT-OF-WAY ALONG THE SOUTHERN BORDER OF 383 29 ROAD**

WHEREAS, on the 19th day of May, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 30th day of June, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SUNSHINE-MOIR ANNEXATION

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

Beginning at the Northeast corner of the NE 1/4 NE 1/4 of said Section 19 and assuming the North line of the NE 1/4 NE 1/4 of said Section 19 to bear S89°40'49"E with all bearings contained herein relative thereto; thence S00°06'21"W a distance of 685.00 feet along the East line of the NE 1/4 NE 1/4 of said Section 19, said line also being the Westerly line of Emphemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence N89°36'49"W a distance of 330.24 feet along South line of

Right of Way, as same as recorded in Book 1146, Page 343 of the Mesa County, Colorado public records to a point on the East line of Wallace Minor Subdivision, as same is recorded in Plat Book 13, Page 333, public records of Mesa County, Colorado; thence along the following three (3) courses: (1) N00°07'46"E a distance of 647.67 feet along the East line of said Wallace Minor Subdivision; (2) N84°12'08"W a distance of 72.63 feet along the Northerly line of said Wallace Minor Subdivision; (3) N89°40'49"W

a distance of 422.81 feet to a point on the East line of Sky View Annexation, Ordinance No. 4098, City of Grand Junction; thence N00°04'53"E a distance of 30.00 feet along the East line of said Sky View Annexation to a point on the North line of the NE 1/4 NE 1/4 of said Section 19; thence S89°40'49"E a distance of 825.00 feet along the North line of the NE 1/4 NE 1/4 of said Section 19 to the Point of Beginning

Said parcel contains 5.54 acres (241,131.49 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

**Attach 7
Setting a Hearing on the Sunshine of Delta Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sunshine of Delta Annexation		
File #	GPA-2008-074		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	May 7, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex 5.20 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of two parcels, 29 Road right-of-way and the C 3/4 Road right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Sunshine of Delta Annexation and introduce the proposed Ordinance and set a hearing for June 30, 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. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		377 and 379 29 Road		
Applicants:		Owner: John T. Moir –Sunshine of Delta Representative: Paul Johnson - Meadowlark Consulting		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Vacant/Residential		
	South	Residential		
	East	Agriculture		
	West	Vacant/Agriculture		
Existing Zoning:		RSF-R (Residential Single Family Rural)		
Proposed Zoning:		R-12 (Residential 12 du-ac)		
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural)		
	South	County RSF-R (Residential Single Family Rural)		
	East	County RSF-R (Residential Single Family Rural)		
	West	County RSF-R (Residential Single Family Rural) and County PUD.		
Growth Plan Designation:		Residential Medium Low		
Zoning within density range?			Yes	X
				No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.20 acres of land and is comprised of two parcels and .91 acres of public right-of-way. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

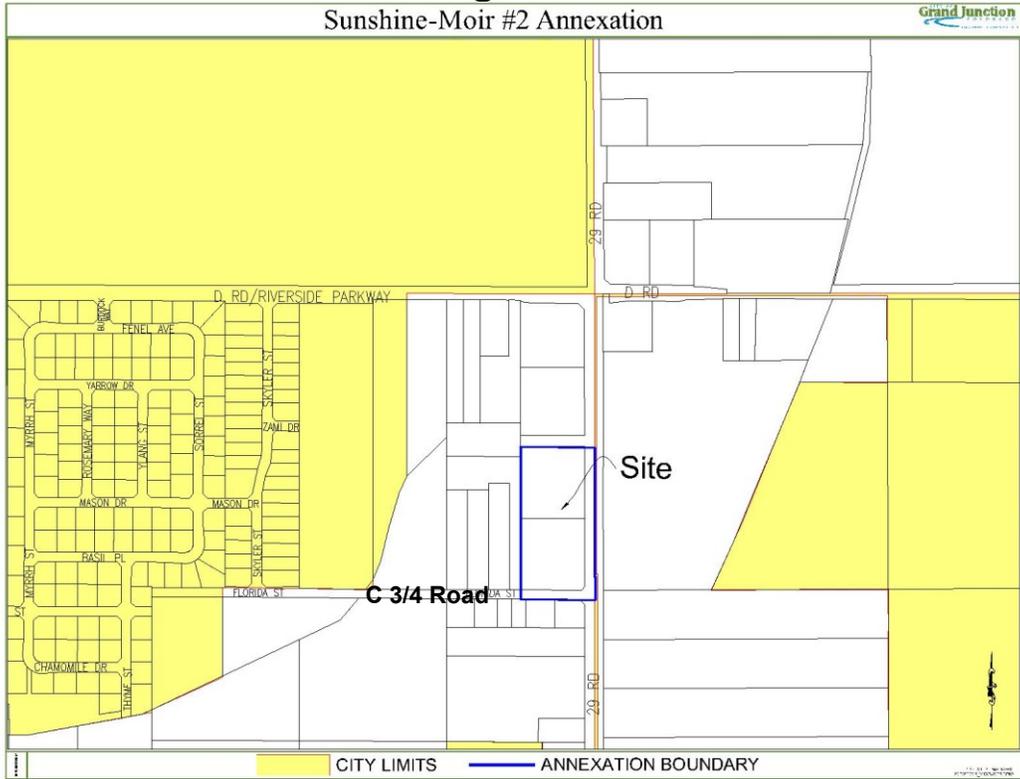
<u>ANNEXATION SCHEDULE</u>	
May 19, 2008	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 27, 2008	Planning Commission considers Growth Plan Amendment (GPA)
June 30, 2008	Acceptance of Petition and Public Hearing on Annexation by City Council
June 30, 2008	City Council considers Growth Plan Amendment (GPA)
August 1, 2008	Effective date of Annexation
August 12, 2008	Planning Commission considers Zone of Annexation
August 18, 2008	Introduction of a Proposed Ordinance on Zoning by City Council
September 17, 2008	Public Hearing on Zoning By City Council
October 24, 2008	Effective Date of Zoning

SUNSHINE OF DELTA ANNEXATION SUMMARY

File Number:		GPA-2008-074
Location:		377 and 379 29 Road
Tax ID Number:		2943-191-00-161 2943-191-00-171
Parcels:		2
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		2
Acres land annexed:		5.20 acres (226,512 square feet)
Developable Acres Remaining:		4.29 acres (186,872.40 square feet)
Right-of-way in Annexation:		.91 acres (39,636.60 square feet)
Previous County Zoning:		RSF-R (Residential Single Family Rural)
Proposed City Zoning:		To be determined
Current Land Use:		Vacant
Future Land Use:		Residential Medium Low
Values:	Assessed:	\$16,210
	Actual:	\$58,880
Address Ranges:		377 29 Road & 379 29 Road
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Valley Drainage
	School:	District 51
	Pest:	Grand River Mosquito

Annexation/Site Location Map

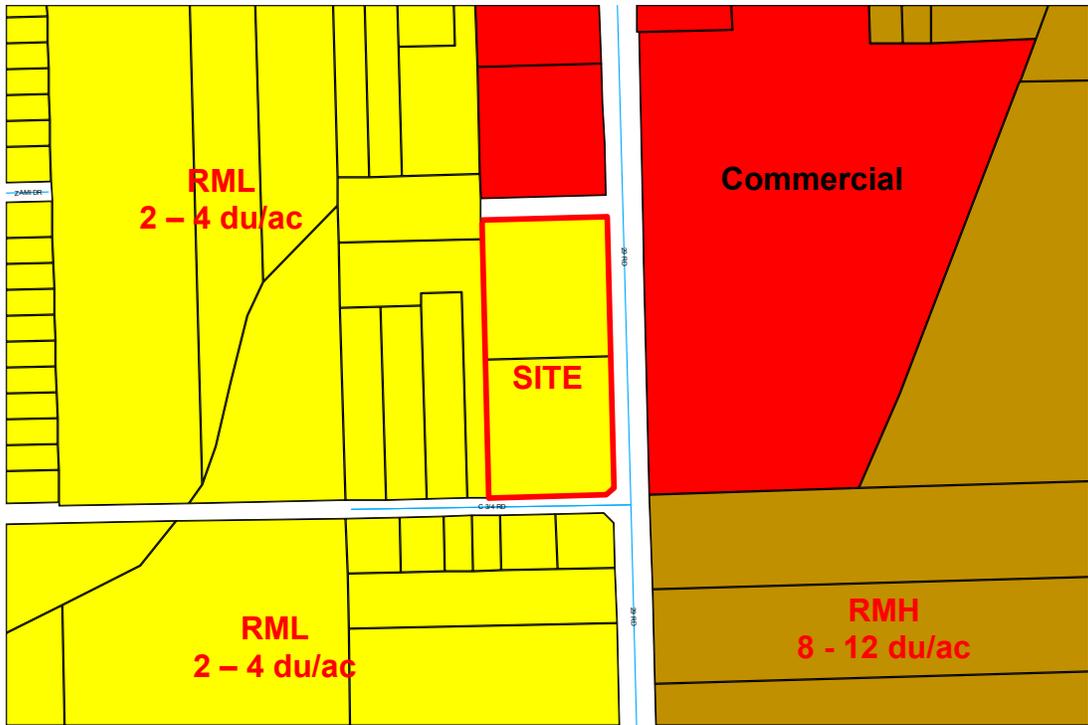
Figure 1



**Aerial Photo Map
Figure 2**

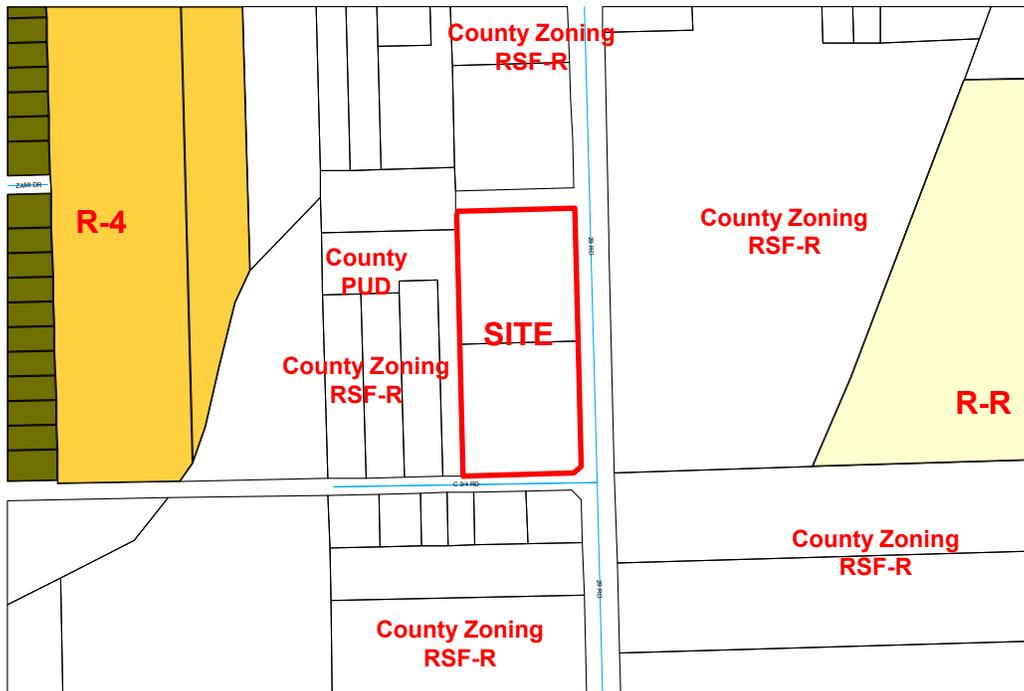


**Future Land Use Map
Figure 3**



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 19th of May, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SUNSHINE OF DELTA ANNEXATION

**LOCATED AT 377 AND 379 29 ROAD INCLUDES PORTIONS OF 29 ROAD AND C 3/4
ROAD RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SUNSHINE OF DELTA ANNEXATION

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

Beginning at the Northeast corner of Lot 1 of Bevier Subdivision, as same is recorded in Plat Book 2, Page 9, public records of Mesa County, Colorado and assuming the South line of the NE 1/4 NE 1/4 of said Section 19 to bear N89°32'33"W with all bearings contained herein relative thereto; thence N89°32'33"W a distance of 300.59 feet along the North line of Lot 1 said of Bevier Subdivision; thence N00°08'05"E a distance of 683.98 feet along East line of Wallace Minor Subdivision, as same is recorded in Plat Book 13, Page 333, public records of Mesa County, Colorado; thence S89°36'49"E a distance of 330.24 feet along the South line of Sunshine-Moir Annexation, City of Grand Junction to a point on the East line of the NE 1/4 NE 1/4 of said Section 19, said point also being on the Westerly line of Ephemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence along the Westerly line of said Ephemeral Annexation No. 2 the following three (3) courses: (1) S00°06'22"W a distance of 580.00 feet along the East line of the NE 1/4 NE 1/4 of said Section 19; (2) S89°53'38"E a distance of 5.00 feet; (3) S00°06'22"W a distance of 104.42 feet along a line being 5.00 feet East

and parallel with the East line of the NE 1/4 NE 1/4 of said Section 19; thence N89°32'33"W a distance of 35.00 feet to the Point of Beginning

Said parcel contains 5.20 acres (226,587.43 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 16th day of June, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
Wednesday May 21, 2008
Wednesday May 28, 2008
Wednesday June 4, 2008
Wednesday June 11, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SUNSHINE OF DELTA ANNEXATION

APPROXIMATELY 5.20 ACRES

**LOCATED AT 377 AND 379 29 ROAD AND INCLUDES PORTIONS OF 29 ROAD
RIGHT-OF-WAY AND C 3/4 ROAD RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 30th day of June, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SUNSHINE OF DELTA ANNEXATION

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

Beginning at the Northeast corner of Lot 1 of Bevier Subdivision, as same is recorded in Plat Book 2, Page 9, public records of Mesa County, Colorado and assuming the South line of the NE 1/4 NE 1/4 of said Section 19 to bear N89°32'33"W with all bearings contained herein relative thereto; thence N89°32'33"W a distance of 300.59 feet along the North line of Lot 1 said of Bevier Subdivision; thence N00°08'05"E a distance of 683.98 feet along East line of Wallace Minor Subdivision, as same is recorded in Plat Book 13, Page 333, public records of Mesa County, Colorado; thence S89°36'49"E a

distance of 330.24 feet along the South line of Sunshine-Moir Annexation, City of Grand Junction to a point on the East line of the NE 1/4 NE 1/4 of said Section 19, said point also being on the Westerly line of Ephemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence along the Westerly line of said Ephemeral Annexation No. 2 the following three (3) courses: (1) S00°06'22"W a distance of 580.00 feet along

the East line of the NE 1/4 NE 1/4 of said Section 19; (2) S89°53'38"E a distance of 5.00 feet; (3) S00°06'22"W a distance of 104.42 feet along a line being 5.00 feet East and parallel with the East line of the NE 1/4 NE 1/4 of said Section 19; thence N89°32'33"W a distance of 35.00 feet to the Point of Beginning

Said parcel contains 5.20 acres (226,587.43 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 8
Setting a Hearing on the Sienna Creek Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sienna Creek Annexation – Located at 2052 Broadway		
File #	ANX-2008-107		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	May 9, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex 5.16 acres, located at 2052 Broadway. The Sienna Creek Annexation consists of 1 parcel and a portion of the adjacent Broadway right-of-way.

Budget: N/A

Action Requested: Adopt a Resolution referring the petition for the Sienna Creek Annexation and introduce the proposed Ordinance and set a hearing for June 30, 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. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2052 Broadway	
Applicants:		AAA Land Holdings, LLC – William Fitzgerald, Manager	
Existing Land Use:		Single Family Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Undeveloped	
	South	Undeveloped	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4 (Residential Single Family 4du/ac)	
Proposed Zoning:		City R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4du/ac)	
	South	County RSF-2 (Residential Single Family 2du/ac)	
	East	County RSF-4 (Residential Single Family 4du/ac)	
	West	County RSF-4 (Residential Single Family 4du/ac)	
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.16 acres of land and is comprised of 1 parcel and 0.39 acres (17,032.57 square feet) of public right-of-way. The property owner has requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition, pursuant to C.R.S. 31-12-104, that the Sienna Creek Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

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

The following annexation and zoning schedule is being proposed.

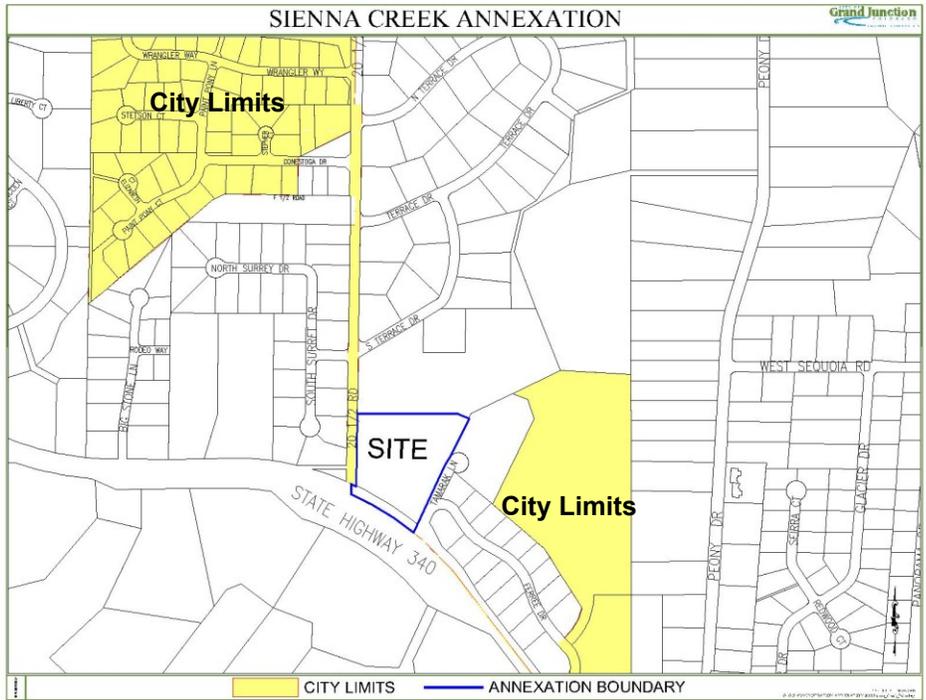
<u>ANNEXATION SCHEDULE</u>	
May 19, 2008	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
May 27, 2008	Planning Commission considers Zone of Annexation
June 16, 2008	Introduction Of A Proposed Ordinance on Zoning by City Council
June 30, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 1, 2008	Effective date of Annexation and Zoning

SIENNA CREEK ANNEXATION SUMMARY

File Number:	ANX-2008-107	
Location:	2052 Broadway	
Tax ID Number:	2947-154-00-118	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	5.16 acres	
Developable Acres Remaining:	4.77 acres	
Right-of-way in Annexation:	0.39 acres (17,032.57 square feet)	
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/ac)	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Single Family Residential	
Future Land Use:	Residential	
Values:	Assessed:	= \$22,190
	Actual:	= \$278,750
Address Ranges:	2052 Broadway	
Special Districts:	Water:	Ute Water
	Sewer:	Persigo 201
	Fire:	Grand Junction Fire District
	Irrigation:	Redlands Water and Power
	School:	Mesa County School Dist #51
	Drainage:	Redlands Water and Power

Annexation - Site Location Map

Figure 1



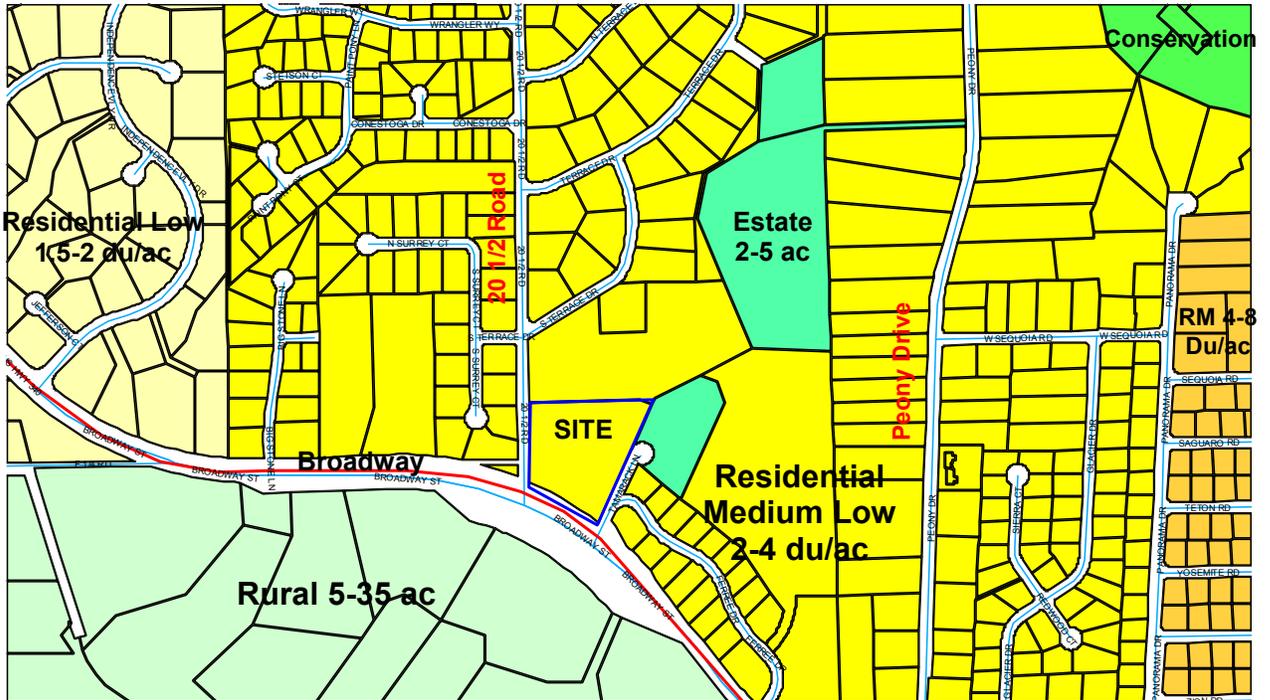
Aerial Photo Map

Figure 2



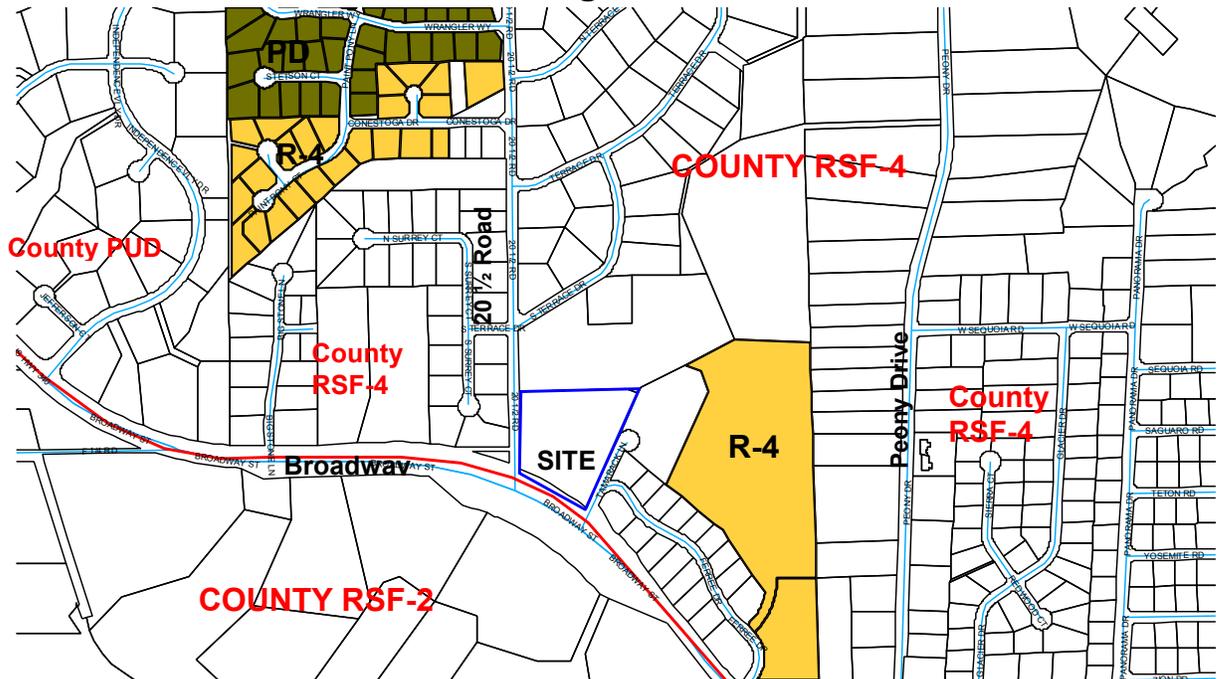
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 19th of May, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SIENNA CREEK ANNEXATION

**LOCATED AT 2052 BROADWAY, INCLUDING A PORTION OF THE
BROADWAY RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SIENNA CREEK ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 15, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of the NW 1/4 SE 1/4 of said Section 15 and assuming the South line of the NW 1/4 SE 1/4 of said Section 15 to bear S89°26'30"E with all bearings contained herein relative thereto; thence S89°26'30"E a distance of 30.00 feet along the South line of the NW 1/4 SE 1/4 of said Section 15 to the Point of Beginning; thence N00°58'56"E a distance of 257.55 feet along a line being 30.00 feet East of and parallel with the East line of the NW 1/4 SE 1/4 of said Section 15, said line also being the Easterly line of Page Annexation No. 3, Ordinance No. 4084, City of Grand Junction; thence S89°57'57"E a distance of 499.89 feet; thence S66°21'11"E a distance of 59.64 feet; thence S26°02'26"W a distance of 209.62 feet; thence S31°49'26"W a distance of 48.90 feet; thence S24°41'02"W a distance of 375.46 feet to a point on the Northerly line of Page Annexation No. 4, Ordinance No. 4085, City of Grand Junction; thence 369.43 feet along the arc of a 1421.00 foot radius curve, concave Southwest, having a central angle of 14°53'44" and a chord bearing N58°07'00"W a distance of 368.39 feet along the Northerly line of said Page Annexation No. 4; thence N01°00'33"E a distance of 50.23 feet along a line being 4.00 feet East of and parallel with the East line of the SW 1/4 SE 1/4 of said Section 15, said line also being the Easterly line of said Page Annexation No. 4 to a point on the

Southerly line of said Page Annexation No. 3; thence S64°27'06"E a distance of 28.63 feet along the Southerly line of said Page Annexation No. 3; thence N00°58'56"E a distance of 105.39 feet along the Easterly line of said Page Annexation No. 3 to the Point of Beginning

Said parcel contains 5.16 acres (224,939.86 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 30TH day of June, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
May 21, 2008
May 28, 2008
June 4, 2008
June 11, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SIENNA CREEK ANNEXATION

APPROXIMATELY 5.16 ACRES

**LOCATED AT 2052 BROADWAY, INCLUDING A PORTION OF THE
BROADWAY RIGHT-OF-WAY**

WHEREAS, on the 19th day of May, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 30th day of June, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SIENNA CREEK ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 15, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of the NW 1/4 SE 1/4 of said Section 15 and assuming the South line of the NW 1/4 SE 1/4 of said Section 15 to bear S89°26'30"E with all bearings contained herein relative thereto; thence S89°26'30"E a distance of 30.00 feet along the South line of the NW 1/4 SE 1/4 of said Section 15 to the Point of Beginning; thence N00°58'56"E a distance of 257.55 feet along a line being 30.00 feet East of and parallel with the East line of the NW 1/4 SE 1/4 of said Section 15, said line also being the Easterly line of Page Annexation No. 3, Ordinance No. 4084, City of

Grand Junction; thence S89°57'57"E a distance of 499.89 feet; thence S66°21'11"E a distance of 59.64 feet; thence S26°02'26"W a distance of 209.62 feet; thence S31°49'26"W a distance of 48.90 feet; thence S24°41'02"W a distance of 375.46 feet to a point on the Northerly line of Page Annexation No. 4, Ordinance No. 4085, City of Grand Junction; thence 369.43 feet along the arc of a 1421.00 foot radius curve, concave Southwest, having a central angle of 14°53'44" and a chord bearing N58°07'00"W a distance of 368.39 feet along the Northerly line of said Page Annexation No. 4; thence N01°00'33"E a distance of 50.23 feet along a line being 4.00 feet East of and parallel with the East line of the SW 1/4 SE 1/4 of said Section 15, said line also being the Easterly line of said Page Annexation No. 4 to a point on the Southerly line of said Page Annexation No. 3; thence S64°27'06"E a distance of 28.63 feet along the Southerly line of said Page Annexation No. 3; thence N00°58'56"E a distance of 105.39 feet along the Easterly line of said Page Annexation No. 3 to the Point of Beginning

Said parcel contains 5.16 acres (224,939.86 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 9
Fleet Building Addition Contract
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Fleet Building Addition		
File #			
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	May 12, 2008		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Jay Valentine, Assistant Financial Operations Manager		

Summary: This request is for the award of a construction contract for the Fleet Building Addition. This project will add an additional six vehicle bays and an additional 6,912 square feet of space. The additional space will be used for automotive repairs, maintenance, tire repair and alignments on light duty vehicles and will eliminate the need to pull large equipment outside in order to perform preventive maintenance.

Budget: The Fleet Building Addition was budgeted in the 2007 Facilities Fund but the budgeted amount was unspent. Approval of this expenditure will serve as a 2008 budget appropriation, which will be confirmed in a supplemental appropriation ordinance later this year.

Action Requested/Recommendation: Authorize the Purchasing Division to enter into a contract with FCI Constructors, Inc. for the Fleet Building Addition construction, in the negotiated amount of \$1,079,519.

Attachments: N/A

Background Information: The additional space will be utilized to better serve Fleet's customers as the City fleet continues to grow. The addition and associated improvements are detailed in the Facilities Master Plan.

If approved, FCI Constructors, Inc. will provide all labor, equipment and materials necessary to complete the building addition.

The negotiated price includes an alternate brand of overhead doors, and alternate window and door package as well as other concessions. All alternates are acceptable to City staff, and have been approved by Johnson-Carter Architects, the City's architect of record for this project.

The Invitation for Bid was advertised in the *Daily Sentinel* and sent to a source list of construction contractors including the Western Colorado Contractors Association (WCCA) and Associated Builders and Contractors (ABC). Five companies submitted formal bids in the following amounts:

- FCI Constructors, Inc., Grand Junction \$1,106,824
- ***Negotiated \$1,079,519
- Vostatek Construction, Grand Junction \$1,123,452
- Classic Constructors, Fruita \$1,187,000
- Mueller Construction, Glenwood Springs \$1,215,155
- PNCI Construction, Grand Junction \$1,342,381

Attach 10
Public Hearing—Schuckman Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Schuckman Annexation and Zoning - Located at 231 28 1/2 Road		
File #	ANX-2008-018		
Meeting Day, Date	Monday, May 19, 2008 continued from April 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 28, 2008		
Author Name & Title	Senta L. Costello – Associate Planner		
Presenter Name & Title	Senta L. Costello – Associate Planner		

Summary: Request to annex and zone 0.87 acres, located at 231 28 1/2 Road, to R-8 (Residential 8 du/ac). The Schuckman Annexation consists of 1 parcel, includes a portion of the 28 1/2 Road right-of-way, and is a 3 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Schuckman Annexation and hold a public hearing and consider final passage of the annexation ordinance and zoning ordinance.

Attachments:

1. Staff report/Background information
2. Draft Planning Commission Minutes
3. Letter from applicant
3. Annexation – Site Location Map / Aerial Photo Map
4. Future Land Use Map / Existing City and County Zoning Map
5. Acceptance Resolution
6. Annexation Ordinance
7. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		231 28 1/2 Road		
Applicants:		Russell & Norma Schuckman		
Existing Land Use:		Duplex		
Proposed Land Use:		Additional Duplex		
Surrounding Land Use:	North	Duplex		
	South	Duplex / Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:		City R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)		
	South	County RSF-4 (Residential Single Family 4 du/ac)		
	East	County RSF-4 (Residential Single Family 4 du/ac)		
	West	County RMF-5 (Residential Multi-Family 5 du/ac)		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 0.87 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i><u>ANNEXATION SCHEDULE</u></i>	
March 3, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
March 25, 2008	Planning Commission considers Zone of Annexation
March 31, 2008	Introduction of a proposed Ordinance on Zoning by City Council
April 14, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 16, 2008	Effective date of Annexation and Zoning

SCHUCKMAN ANNEXATION SUMMARY		
File Number:		ANX-2008-018
Location:		231 28 1/2 Road
Tax ID Number:		2943-303-16-004
Parcels:		1
Estimated Population:		4
# of Parcels (owner occupied):		1
# of Dwelling Units:		2
Acres land annexed:		0.87 acres
Developable Acres Remaining:		0.25 acres
Right-of-way in Annexation:		16565.97 acres
Previous County Zoning:		RSF-4 (Residential Single-Family 4 du/ac)
Proposed City Zoning:		R-8 (Residential 8 du/ac)
Current Land Use:		Duplex
Future Land Use:		Duplex + New duplex
Values:	Assessed:	= \$14,610
	Actual:	= \$183,620
Address Ranges:		231 28 1/2 Road
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural
	Irrigation:	Orchard Mesa Irrigation
	School:	Mesa County School District #51
	Pest:	Grand Rural Mosquito

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 (Residential 8 du/ac) district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-4 (Residential Single Family 4 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 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 R-8 zone district is compatible with the neighborhood. The properties to the west and south range from 1/6 to 1/8 of an acre in size and if annexed would most likely be given a zone district of R-8 as the majority could not meet the bulk standards of the R-4 or R-5 zone districts. If a R-4 zone district were designated for this property, the existing use would not meet the required performance standards for a duplex in an R-4 zone. In the R-5 zone district, the duplex would be conforming, but the property could not be further developed. The zoning is consistent with the goals and policies of the Growth Plan by utilizing existing infrastructure for further development potential instead of “leap frog” development and is consistent with the Orchard Mesa Plan, the requirements of the Code and other City regulations.

- 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. 8” water and sewer lines exist in 28 ½ Road and a 6” water line is located in B.3 Road.

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

- a. R-4
- b. R-5

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

PLANNING COMMISSION RECOMMENDATION: At its March 25, 2008 meeting, the Planning Commission recommended denial of the requested zone of annexation to the City Council, finding the zoning to the R-8 district to be inconsistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code. Their recommendation for zoning on this property is R-4 (Residential 4 du/ac).

At the April 14, 2008 City Council meeting, the applicant requested that the public hearing for the annexation zoning be continued until May 5, 2008. Due to the extensive agenda for the May 5, 2008 City Council meeting, the Monday, May 19, 2008 meeting date was suggested. The applicant agreed to the alternate date.

**DRAFT GRAND JUNCTION PLANNING COMMISSION
MARCH 25, 2008 MINUTES
6:00 p.m. to 9:37 p.m.**

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

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

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner), Adam Olsen (Senior Planner), Eric Hahn and Rick Dorris (Development Engineers).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 65 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

CONSENT AGENDA

- 1. Minutes of the Previous Meetings**
Available for consideration were the minutes of the February 26, 2008 Planning Commission meeting.
- 2. Schuckman Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone .483 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-8 (Residential 8 du/ac) zone district
- 3. ThreeP Development Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone 1.279 Acres from County B-2 (Concentrated Business District) to a City B-1 (Neighborhood Business) zone district.
- 4. Summers Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone .90 acres from County C-1 (Light Commercial) to a City B-1 (Neighborhood Business) zone district.

5. **Desert Breeze Subdivision - Preliminary Subdivision Plan**
Request approval for a Preliminary Subdivision Plan to develop 47 single family units/lots on 12.07 acres in an R-5 (Residential Single Family 5 du/ac) zone district.
6. **Trail Side Subdivision Rezone – Rezone**
Request a recommendation of approval to City Council to rezone 9.15 acres from an R-4 (Residential 4 du/ac) to an R-5 (Residential 5 du/ac) zone district.
7. **Links Subdivision - Preliminary Subdivision Plan**
Request approval of a Preliminary Subdivision Plan to develop three single family lots on 1.73 acres in an R-4 (Residential 4 du/ac) zone district.
8. **Sundance Village Subdivision - Final Subdivision Plan**
Request a recommendation of approval to City Council to vacate two sanitary sewer easements; three multi-purpose easements; and one drainage easement that were dedicated as part of the Glens at Canyon View Subdivision.

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Commissioner Carlow asked to be abstained from Item No. 2 if pulled from the Consent Agenda for Full Hearing. The Schuckman Annexation was pulled for Full Hearing at public request. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the remaining Consent Agenda items

MOTION: (Commissioner Dibble) “Mr. Chairman, I move we approve the Consent Agenda as written and adjusted to exclude Item No. 2.”

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

FULL HEARING

Public Hearing Items

2. **Schuckman Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone .483 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-8 (Residential 8 du/ac) zone district.
FILE #: ANX-2008-018
PETITIONER: Russell Schuckman
LOCATION: 231 28 1/2 Road
STAFF: Senta Costello, Associate Planner

STAFF’S PRESENTATION

Adam Olsen addressed the Commission regarding the Schuckman Annexation. He pointed out that the staff report says that the annexation consists of .87 acres which is correct because they are also including the right-of-way on 28½ Road in order to make

that annexation happen. The parcel to be zoned this evening is .483 acres. Existing development surrounding the property is all Residential in nature. The Future Land Use Map designates this area as Residential Medium and the existing City and County Zoning Map illustrates zoning designations of R-8 and R-5 in the City to the west and south and County zoning of RSF-4 to the north and east of the subject property.

QUESTIONS

Commissioner Pitts asked if the adjoining property is being flagged. Adam Olsen stated that it is portions of the right-of-way to make it contiguous.

Commissioner Dibble asked what the property to the east is zoned. Mr. Olsen said that he believes it is County RSF-4.

Commissioner Lowrey asked how many lots would be put on the site if zoned R-8. Adam said that there is currently a duplex on the property and applicant is interested in putting another duplex on the property. The R-8 zone would allow them to do that.

Commissioner Pitts asked what is to the north. Adam Olsen said that to the north are duplexes as well.

Commissioner Lowrey asked if those duplexes to the north are non-conforming. Mr. Olsen said that they were built in the County.

Commissioner Lowrey asked what would be permissible if this property were zoned R-4. Mr. Olsen said that the existing duplex would still be allowed but another duplex would not. He further stated that applicant has not submitted for another duplex as yet.

Commissioner Lowrey asked how many duplexes are on the property to the north. Mr. Olsen said that they have one duplex consisting of two units. Mr. Olsen stated that applicant has been informed that if they can put another duplex on the property, they would have to meet requirements for open space, parking and landscaping.

PETITIONER'S PRESENTATION

Russ Schuckman stated that he and his wife own the property and see this as a modest infill project that would provide new construction for a new duplex. Their goal is to provide more affordable housing. He further stated that it is compatible with the neighborhood and meets the Growth Plan and urged the Commission to recommend approval to City Council.

QUESTIONS

Commissioner Pitts asked if there was the potential of putting a four-plex on the property. Adam Olsen said that one additional duplex, 4 total units, is all that this property could support.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Paula White, 231 28½ Road, said that she does not agree with it at all. She further stated that the property as is complements her licensed child care home and thinks it is a bad idea all together.

Edward Vanslayke, 2836 B 3/10 Road, said that he has gotten two conflicting letters in the last couple of months. He believes there will be an increase in drug activity, traffic, and crime.

Michael Burritt, 28½ Road, stated that he owns a one acre lot on the east side of the road adjacent to the proposed development. He said that one of his concerns is that the proposed property is within a homeowners' association and does not believe this meets the provisions of the homeowners' association. He said that parking is an issue. He questioned if it makes sense to have one .4 acre lot zoned in the City where everything else surrounding it is County. Furthermore, the current duplexes along the north side were built with a one car garage per unit and asked that that it meet those historical standards if approved. He also addressed parking, traffic and safety. Mr. Burritt stated that higher density may impact the value of the one acre parcels to the east.

Robert Hamner, 217 Shoney Drive, stated that he was speaking on his own behalf as well as a member of the Granite Springs Board homeowners' association and stated that he strongly supports the opposition that has been expressed. He stated that this proposal is not compatible with housing that has developed and is developing in the area around it.

Jana Burritt, 228 28½ Road, said that she is afraid that this could really change the flavor of the neighborhood.

Chuck Beacham, 230 28½ Road, stated that he is right across the street from the subject property. He said that if applicant is allowed to do this, it will affect Granite Springs and Fox Run and Mesa Estates. He believes it is the wrong thing to do and does not think it will work.

Tiffany Wilson said that she is a resident at 231½ 28½ Road. She said that the front yard is not completely fenced and there is no irrigation water to take care of the back yard. She opposes it for the safety of her children.

Vernon Jones said that this has been his neighborhood for the past 48 or 49 years and the duplexes to the north are not well kept. He does not believe there is room on the site for parking and parking would have to be on the street. He said that this development does not fit. He urged the Commission to deny this.

Troy Sievers, 232 Beaver Street, said that for compatibility reasons this is not compatible with the current housing and concurred with everything that has been said. He said that parking is also an issue. He stated that he would like this area and the surrounding areas kept in good condition.

Valerie Stow (232½ Beaver Street) said that she agrees with all of the opposition and putting the one lot zoned City with the rest around it being County seems odd and not congruent. She said that quality versus quantity is really important.

Jackie Sievers, 232 Beaver Street, stated that she lives diagonally behind the property. She said that she is concerned with compatibility with the neighborhood and with the precedent it would set and the impact on property values.

Jana Burritt, 228 28½, said that the Commission also needs to consider that there is an 8 foot irrigation easement at the back of the subject property and the house behind them that she does not think is being considered.

Joel Wilson, 2866 Emily Drive, said that he does not think it is in the best interest of the City to annex this property. He also does not believe that putting a second dwelling on the property is going to help anything other than the property owner and would not be in the best interests of the Commission to approve this plan.

Shirley Tate of 241 Arlington Drive said that she is concerned with the traffic.

PETITIONER'S REBUTTAL

Russ Schuckman said that they have owned the property for about 4½ years and said that he takes exception with his name being disparaged. He said that he believes that they have been very good landlords to their tenants.

DISCUSSION

Commissioner Pitts said that he is in favor of increased zoning and increased capacity but at this particular time he believes it would be a detriment to approve the annexation.

QUESTIONS

Chairman Cole asked whether or not this property has already been annexed. Adam Olsen said that it is in the process of being annexed. This is just assigning a zone district to it.

Chairman Cole asked if they had the option of zoning it something other than R-8 as applied for. Jamie Beard said that the Commission would have 3 options based on the Future Land Use Map and according to the staff report, it could be either R-4, R-5 or R-8.

DISCUSSION

Commissioner Dibble said that his personal opinion is that the whole area is in a

transition toward the redevelopment of R-4 or R-5. He further said that he thinks this particular property is in a transition to redevelop to a type of property that is coming into the area. He said that he personally feels that an R-8 zone of annexation would not be in order.

Commissioner Pavelka-Zarkesh concurred.

Chairman Cole also concurred with Commissioner Dibble and said that he would not see the R-8 zoning as compatible with the neighborhood and would prefer an R-4 for this particular property at this time.

QUESTIONS

Commissioner Dibble asked legal counsel if the applicant does not concur with the zone of annexation if he has the ability to withdraw his annexation request. Jamie Beard stated that he has the ability to request to withdraw but it is up to City Council and whether City Council would allow him to withdraw.

MOTION: (Commissioner Dibble): “Mr. Chairman, I recommend the Planning Commission forward a recommendation of approval of R-4 (Residential 4 du/ac) zone district for the Schuckman Annexation, #ANX-2008-018, to the City Council with the findings and conclusions discussed in Planning Commission and listed in the recommendations with the alternatives from the staff.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

SCHUCKMAN REBUTTALS

We are before you to request R8 zoning on our property. This request is supported by the City of Grand Junction Community Development staff. With this zoning, we hope to build a new, quality duplex which would do two things in the City's best interest. 1) It would be a modest in-fill project on the vacant portion of our property, and would be within the limits of the City's **Proposed Infill Boundary**. 2) It would provide affordable housing for two families who are presently unable to purchase their own homes. The Grand Junction Housing Authority has a 1-1/2 year waiting list of people needing homes, with 1,500 people on the list.

On March 25, the Planning Commission recommended a zone designation of R4, following numerous objections of "incompatibility." They objected to one parcel of land being designated "City" in the midst of land designated as "County." It is our understanding that at some point in the not too distant future, all the land surrounding our property will be designated as "City."

There are nine existing duplexes along 28-1/2 Road, starting at 227 28-1/2 Road, to the south of us, then continuing north to 249 28-1/2 Road, then ending at B-1/2 Road. Our projected new duplex would be the tenth in the neighborhood, and would **not** be incompatible with existing dwellings.

Other complaints were regarding the lack of parking and increased traffic along 28-1/2 Road, specifically directed at the duplexes along 28-1/2 Road. However, our projected duplex would front on B-3/10 Road, with a driveway into the property. All the houses along B-3/10 Road (26 of them) have driveways which back into the street. Ours would be no different.

One person from the Granite Springs Subdivision to the southeast of us objected to what he called "low income housing." being built in his high-end, expensive neighborhood. Does he think we are going to build this duplex with cardboard boxes and old packing crates? We intend to build a high quality, energy-efficient unit which will provide affordable housing for two working families.

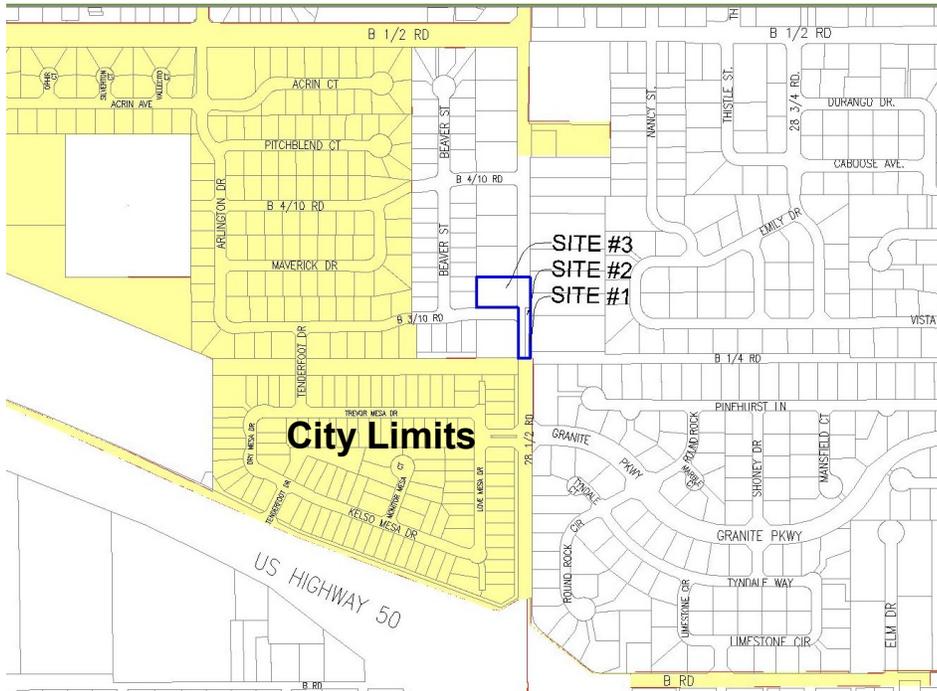
Crime and drugs were mentioned as being associated with rental housing. On the contrary, crime and drugs are not limited to rental housing, but are just as prevalent in dwellings occupied by owners. Under the cover of privacy, they are able to traffic in drugs and commit crime as much as any renter; sometimes more so because they are not bound by strict rental rules and regulations.

You may ask why these rebuttals were not voiced at the Planning Commission Meeting. Our only response is that we were unprepared to defend against the onslaught of objections voiced regarding the existing duplexes along 28-1/2 Road. **Those duplexes have been there for thirty years**. We can't change that. Eventually the County or the City will require sidewalks and curbs and proper driveways, but we have no control over that. Our project will not impact those properties since we will be facing B-3/10 Road and we will provide sidewalks and curbing.

Finally, we believe there was underlying concern, though not voiced, that if we were allowed to build it would set a precedent for all other duplexes along the way to do the same. This is not true because they are not all on a corner lot. This corner lot allows access from a side street which the other duplexes do not have, unless they are also on a corner lot. As a closing note, we would like to mention that one of the members of the Planning Commission wrote a personal note to us, apologizing for allowing a venue for some of the disparaging remarks. He mentioned that he had spoken to others on the Commission who shared his feelings.

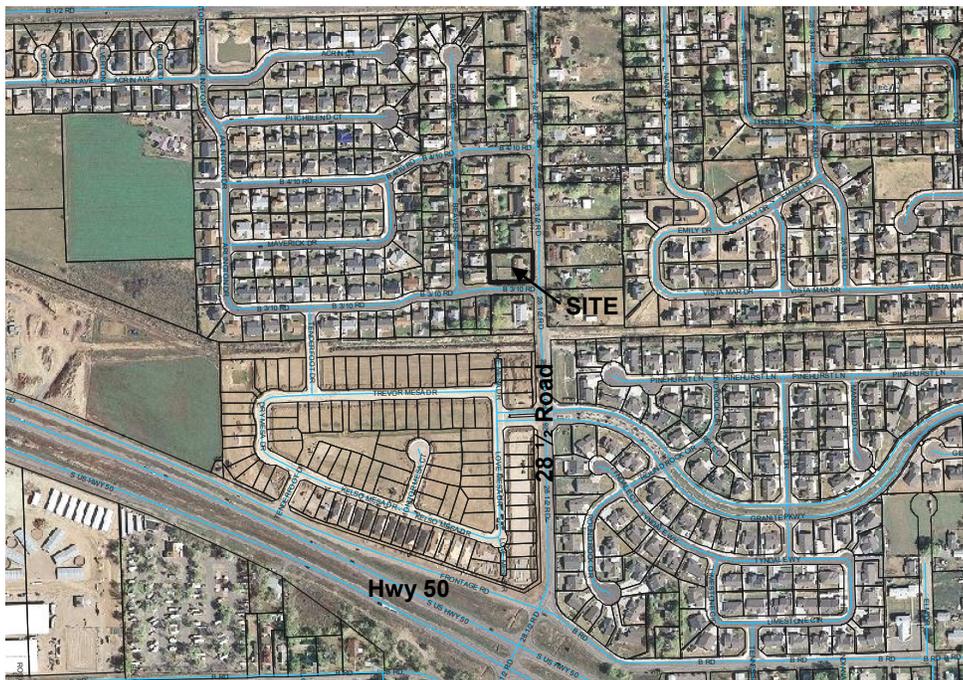
Annexation/Site Location Map

Figure 1



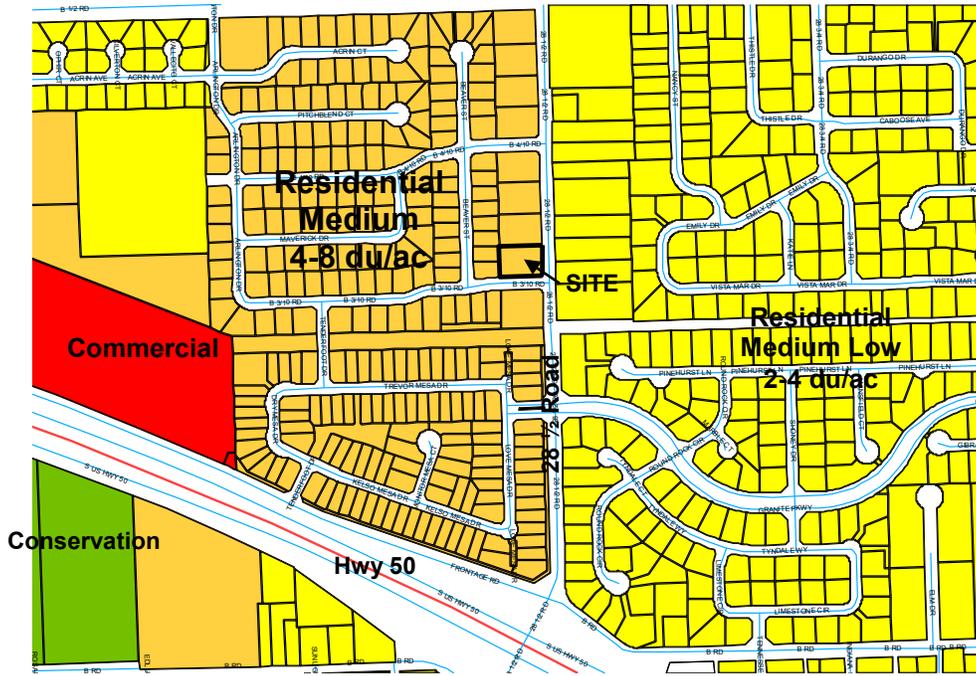
Aerial Photo Map

Figure 2



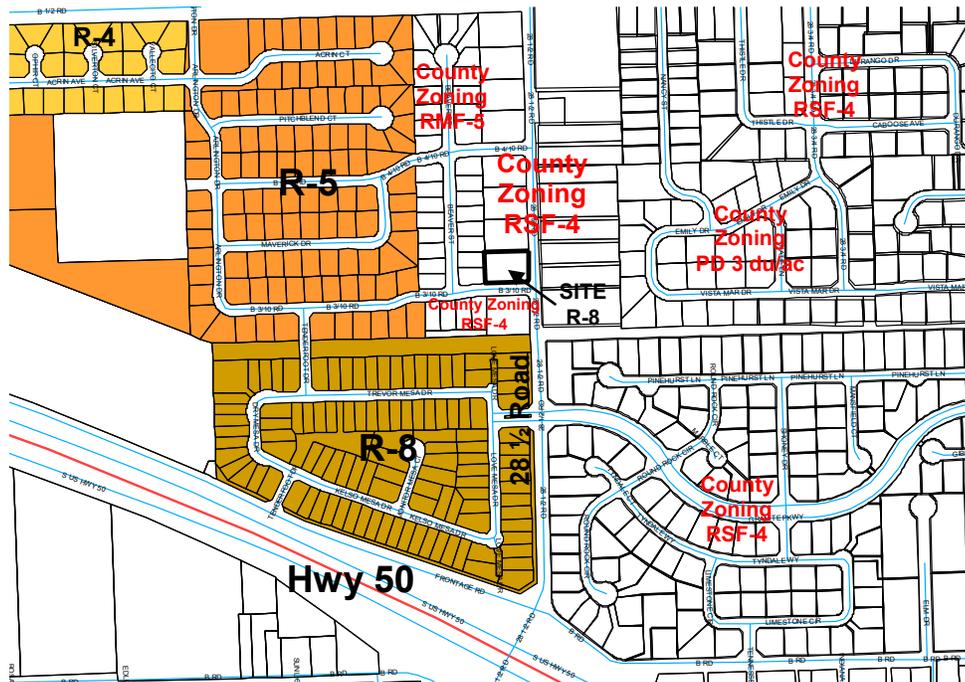
Future Land Use Map

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."

PETITION

We the undersigned members of the Granite Springs Home Owners Association are opposed to the proposed annexation and development of the property located at 231 and 231 1/2 28 1/2 Road. This proposed annexation and development is immediately adjacent to the GSHOA and would be a detrimental to the land values in our area.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBER</u>
1. Rachelle Dittick	2878.5 Pinehurst Ln.	424-0224
2. Wayne C. Arey	222 MANSFIELD CR.	241-6483
3. Rashell Coleman	220 Mansfield CT	241-0290
4. Troy Anderson	2880 Pinehurst Ln.	234-1230
5. Emily + Jeremy Morkus	2880 1/2 Pinehurst Ln	424-0450
6. Alice Dney	2882 1/2 Pinehurst Ln	523-0529
7. Jody Fladeland	2884 1/2 Pinehurst Lane	433-7786
8. Joe Jan	2886 Pinehurst Ln	263-4254
9. Jim [unclear]	217 BASALT ST	241-1014
10. Jeannine M. Fogus	2883 Sibley Ct.	255-7658
11. [unclear]	2872 ^{PINEHURST} [unclear] Lane	243-8066
12. Jamal Myffett	2872 PINEHURST LN	243-8066
13. Dean Nelson	2864 Pinehurst Ln	263-7851

PETITION

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<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBER</u>
1. Hammer Family Trust	217 Shoney Dr	245-7694
2. Daniel R Boz	213 SHONEY DR	241-9034
3. John F. Kasper	214 Shoney Dr.	433-7127
4. Nadine F. Kasper	214 Shoney Dr.	433-7127
5. [Signature]	220 Shoney Dr.	242-3657
6. Elizabeth Williams	220 Shoney Dr	250-8417
7. Thomas Gregory	221 SHONEY DR	434-8289
8. [Signature]	215 Shoney Dr.	242-0557
9. Shirley Callaway	218 Shoney Dr	241-8604
10. Terrence Fickett	222 Shoney Dr	263-4312
11. Mark L Erbe	219 Mansfield Ct	242-9365
12. Valerie Sibbets	217 Mansfield Ct.	242-8602
13. Edward A. Kulian	213 Mansfield Ct.	254-8392

PETITION

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<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBER</u>
1. Eneke Kulasik	213 Mansfield Ct.	254-8392
2. Kustwa M Smith	2879 Pinehurst Ln	250-7268
3. ART SMITH	2879 PINEHURST LN	216-3153
4. Hilda Hunt	2881 Pinehurst Ln	434-0698
5. Chris Anderson	2883 Pinehurst Ln	
6. Sharon Markley	2885 Pinehurst Ln	
7. Don Bergquist	2884 Gibraltar	3149395
8. Sady Bergquist	2884 GIBRALTAR	314-9395
9. Doug Bant	2882 G. BRALTAR	270-0141
10. Laura Bant	2882 Gibraltar Ct.	216-5752
11. David Crowley	2879 Gibraltar Ct	424-0568
12. Vicki Robbins	2874 Pinehurst Dr.	314-7772
13. Elaine Schramm	2866 Pinehurst Ln	243-5528

PETITION

We the undersigned members of the Granite Springs Home Owners Association are opposed to the proposed annexation and development of the property located at 231 and 231 1/2 28 1/2 Road. This proposed annexation and development is immediately adjacent to the GSHOA and would be a detrimental to the land values in our area.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBER</u>
<u>1.</u> Richard + Ann Trigg	2876 Pinehurst Ln G.J., Co. 81503	970-255-7044
<u>2.</u>		
<u>3.</u>		
<u>4.</u>		
<u>5.</u>		
<u>6.</u>		
<u>7.</u>		
<u>8.</u>		
<u>9.</u>		
<u>10.</u>		
<u>11.</u>		
<u>12.</u>		
<u>13.</u>		

We, the undersigned, are opposed to the proposed annexation and development of the property at 231 and 231 1/2 ~~Road~~ owned by Russell and Norma Schuckman and ask that you DENY ANX-2008-018

28 1/2 Road

NAME	ADDRESS	PHONE
Paula A White	231 28 1/2 Rd	257-9264
Shawna Lee Demers	2801 Monroe Ct.	314-7334
Danna Schuchman	2837 A Monroe Ln.	242-8228
Jaisy Sanchez	222 Vista Rey Ct.	314-7044
Michelle Coyne	307 Maple Wy	985-4162
Debbi Steels	553 Rosa	464-7193
P. Sylvia Montague	188 Indiana St.	243-9007
Janine Fidler	2873 Bear Canyon Ct	243-9796
Jana Burrill	228 28 1/2 Rd	257-1033
Herb Stevens	242-8640	210 Love Mesa Dr.
Louise Stevens	210 Love Mesa Dr.	242-8640
Milly Lill	619 Acapahoe Way	250-5651
Clayton Cause	212 Love Mesa Dr	216-5435
Mildred Dause	212 Love Mesa Dr.	241-9763
MAURICE MOORE	2845 1/2 Kelso	81523
	2242 E. Prince St	433-1946
Rose Moore	2845 1/2 Kelso Mesa Dr.	245-3176

We, the undersigned, are opposed to the proposed annexation and development of the property at 231 and 231 1/2 ~~Road~~ ^{231 1/2 Road}, owned by Russell and Norma Schuckman and ask that you DENY ANX-2008-018

NAME	ADDRESS	PHONE
Jayla Becerra	227 28 1/2 Rd.	(970) 241-6929
Jose P. Becerra	235 28 1/2 Rd	(970) 243-6778
Amelia Becerra		243-6778
Emily Ab	235 28 1/2 Rd	243-6778
David Talamantes	235 28 1/2 Rd	(970) 243-6778
Rolando Becerra	235 1/2 28 1/2 Rd	970-241-1028
Jane Becerra	" "	" "
Jose Becerra	235 1/2 28 1/2 Rd	
Gustavo Becerra	241 1/2 28 1/2 Rd	(970) 216-4752
Juan Becerra	241 1/2 28 1/2 Rd	(216-3785)
Blanca Becerra	242 28 1/2 Rd	243-4348
Julia Davis	242 28 1/2 Rd	243-4348
Ronald Amador	237 28 1/2 Rd	243-7038
Jeremy Bump	232 28 1/2 Rd	243-7038
Rene Blair	238 28 1/2 Rd	241-2882
Shirley Peterson	233 1/2 28 1/2	242-9463

We, the undersigned, are opposed to the proposed annexation and development of the property at 231 and 231 1/2 ~~Road~~ owned by Russell and Norma Schuckman and ask that you DENY ANX-2008-018

28 1/2 Rd

NAME ADDRESS PHONE

Lynn Robison 233 1/2 28 1/2 Rd. 242-9463

Joyce Self 233 - 28 1/2 Rd 242-9463

Juan Brown 242 28 1/2 Rd 216-8862

Clara 227 28 1/2 Rd 241-6929

Allen Olson 328 Mountain View Ct 245-5654

for McCampby 2111 Saguaro Rd 248-9866

Amanda Brown 2849 Morningside Ct #A 314-2657

Wynona P Bonner 3039 Wedgewood Dr 314-7771

Jason Brown 2849 Wedgewood Unit F 216-7900

Denise Bell 263 Handker Circle EAST 314-7357

Leslie Kerie 2874 Vista Mar G.J. Colo. 314-9764

David Rich 578 Colanwood St G.J. Colo 245-3073

Jennifer Castelli 2834 Newport Cir. 242-8734

Cassandra Ripper 259 Quincy Ln 314-2178

Julie Albright 3095 Silver Ct G.J. CO 270-6265

Cassandra Lee 2835 B Monroe Ln. G.J. CO 81503 241-5937

We, the undersigned, are opposed to the proposed annexation and development of the property at 231 and 231 1/2 Road, owned by Russell and Norma Schuckman and ask that you DENY ANX-2008-018

287

NAME

ADDRESS

PHONE

NAME	ADDRESS	PHONE
Michael BARRITT	236 28 1/2 Rd.	910-257-1033
Geraldine E Smith	230 28 1/2 Rd	910-242-5558
Ruth Bauchman	" "	610-8215
Cheryl Bauchman	" "	" "

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

SCHUCKMAN ANNEXATIONS NO 1, 2, 3

**LOCATED AT 231 28 1/2 ROAD INCLUDING A PORTION OF THE 28 1/2 ROAD
RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 3rd day of March, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Schuckman Annexation No. 1

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

Beginning at the Southwest corner of the NW 1/4 SE 1/4 of said Section 30 and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N89°57'44"W a distance of 30.00 feet along South line of the NE 1/4 SW 1/4 of said Section 30, said line also being the North line of Grand Bud Annexation, Ordinance No. 3583, City of Grand Junction to the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence S89°57'44"E a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30; thence S89°53'49"E a distance of 15.00 feet along a line being 5.00 feet North and parallel with the South line of the NW 1/4 SE 1/4 of said Section 30; thence N00°04'16"E a distance of 94.00 feet along a line being 15.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30; thence S89°53'49"E a distance of 5.00 feet; thence S00°04'16"W a distance of 99.00 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the South line of the NW 1/4 SE

1/4 of said Section 30; thence N89°53'49"W a distance of 20.00 feet along the South line of the NW 1/4 SE 1/4 of said Section 30, said line also being the North line of said Grand Bud Annexation to the Point of Beginning.

Said parcel contains 0.02 acres (719.93 sq. ft.), more or less, as described.

Schuckman Annexation No. 2

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

Commencing at the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence S89°57'44"E a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30, to a point on the West line of the NE 1/4 SW 1/4 of said Section 30, said point also being the Point of Beginning; thence N00°04'16"E a distance of 200.16 feet along the West line of the NE 1/4 SW 1/4 of said Section 30; thence S89°54'25"E a distance of 20.00 feet; thence S00°04'16"W a distance of 106.17 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the North line of Schuckman Annexation No. 1, City of Grand Junction; thence N89°53'49"W a distance of 5.00 feet along the North line of said Schuckman Annexation No. 1; thence S00°04'16"W a distance of 94.00 feet along a line being 15.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Westerly line of said Schuckman Annexation No. 1; thence N89°53'49"W a distance of 15.00 feet along a line being 5.00 feet North and parallel with the South line of the NW 1/4 SE 1/4 of said Section 30, said line also being the Northerly line of said Schuckman Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.08 acres (3,533.10 sq. ft.), more or less, as described.

Schuckman Annexation No. 3

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

Commencing at the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1 to the Point of Beginning; thence N00°04'16"E a distance of 200.19 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence N89°54'25"W a distance of 169.00 feet along the South line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Southwest corner of said Lot 4; thence N00°04'16"E a distance of 125.00 feet along the West line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Northwest corner of said Lot 4; thence S89°54'25"E a distance of 218.92 feet along the North line of Lot 4 of said Orchard Villas Subdivision Filing No. 1; thence S00°04'16"W a distance of 125.00 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the North line of Schuckman Annexation No. 2, City of Grand Junction; thence N89°54'25"W a distance of 20.00 feet along the North line of said Schuckman Annexation No. 2, to a point on the West line of the NE 1/4 SW 1/4 of said Section 30; thence S00°04'16"W a distance of 200.16 feet along the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Westerly line of said Schuckman Annexation No. 2; thence N89°57'44"W a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Northerly line of said Schuckman Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.77 acres (33,352.02 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of April, 2008; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SCHUCKMAN ANNEXATION NO 1

APPROXIMATELY 0.02 ACRES

LOCATED WITHIN THE 28 1/2 ROAD RIGHT-OF-WAY

WHEREAS, on the 3rd day of March, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of April, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SCHUCKMAN ANNEXATION NO. 1

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

Beginning at the Southwest corner of the NW 1/4 SE 1/4 of said Section 30 and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N89°57'44"W a distance of 30.00 feet along South line of the NE 1/4 SW 1/4 of said Section 30, said line also being the North line of Grand Bud Annexation, Ordinance No. 3583, City of Grand Junction to the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado;

thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence S89°57'44"E a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30; thence S89°53'49"E a distance of 15.00 feet along a line being 5.00 feet North and parallel with the South line of the NW 1/4 SE 1/4 of said Section 30; thence N00°04'16"E a distance of 94.00 feet along a line being 15.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30; thence S89°53'49"E a distance of 5.00 feet; thence S00°04'16"W a distance of 99.00 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the South line of the NW 1/4 SE 1/4 of said Section 30; thence N89°53'49"W a distance of 20.00 feet along the South line of the NW 1/4 SE 1/4 of said Section 30, said line also being the North line of said Grand Bud Annexation to the Point of Beginning.

Said parcel contains 0.02 acres (719.93 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 3rd day of March, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SCHUCKMAN ANNEXATION NO 2

APPROXIMATELY 0.08 ACRES

LOCATED WITHIN THE 28 1/2 ROAD RIGHT-OF-WAY

WHEREAS, on the 3rd day of March, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of April, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SCHUCKMAN ANNEXATION NO. 2

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

Commencing at the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence S89°57'44"E a distance of 30.00

feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30, to a point on the West line of the NE 1/4 SW 1/4 of said Section 30, said point also being the Point of Beginning; thence N00°04'16"E a distance of 200.16 feet along the West line of the NE 1/4 SW 1/4 of said Section 30; thence S89°54'25"E a distance of 20.00 feet; thence S00°04'16"W a distance of 106.17 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the North line of Schuckman Annexation No. 1, City of Grand Junction; thence N89°53'49"W a distance of 5.00 feet along the North line of said Schuckman Annexation No. 1; thence S00°04'16"W a distance of 94.00 feet along a line being 15.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Westerly line of said Schuckman Annexation No. 1; thence N89°53'49"W a distance of 15.00 feet along a line being 5.00 feet North and parallel with the South line of the NW 1/4 SE 1/4 of said Section 30, said line also being the Northerly line of said Schuckman Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.08 acres (3,533.10 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 3rd day of March, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SCHUCKMAN ANNEXATION NO 3

APPROXIMATELY 0.77 ACRES

**LOCATED AT 231 28 1/2 ROAD AND INCLUDING A PORTION OF THE 28 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 3rd day of March, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of April, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

SCHUCKMAN ANNEXATION NO. 3

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

Commencing at the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West

line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1 to the Point of Beginning; thence N00°04'16"E a distance of 200.19 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence N89°54'25"W a distance of 169.00 feet along the South line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Southwest corner of said Lot 4; thence N00°04'16"E a distance of 125.00 feet along the West line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Northwest corner of said Lot 4; thence S89°54'25"E a distance of 218.92 feet along the North line of Lot 4 of said Orchard Villas Subdivision Filing No. 1; thence S00°04'16"W a distance of 125.00 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the North line of Schuckman Annexation No. 2, City of Grand Junction; thence N89°54'25"W a distance of 20.00 feet along the North line of said Schuckman Annexation No. 2, to a point on the West line of the NE 1/4 SW 1/4 of said Section 30; thence S00°04'16"W a distance of 200.16 feet along the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Westerly line of said Schuckman Annexation No. 2; thence N89°57'44"W a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Northerly line of said Schuckman Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.77 acres (33,352.02 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 3rd day of March, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE SCHUCKMAN ANNEXATION TO
R-8 (RESIDENTIAL 8 DU/AC)**

LOCATED AT 231 28 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 Schuckman Annexation to the R-8 (Residential 8 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 R-8 (Residential 8 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 R-8 (Residential 8 du/ac).

SCHUCKMAN ANNEXATION

Lot 4 Block 2 Orchard Villas Sub Filing No 1 Sec 30 T1S R1E, Mesa County, Colorado.

INTRODUCED on first reading the 31st day of March, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 11
Public Hearing—Thorson Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Thorson Annexation and Zoning - Located at 2972 D Road		
File #	ANX-2008-071		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	April 23, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex and zone 0.81 acres of land located at 2972 D Road, to the R-8 (Residential 8 du/ac) Zoning District. The Thorson Annexation consists of one (1) parcel of land and a portion of the adjacent D Road right-of-way

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information.

STAFF REPORT / BACKGROUND INFORMATION

Location:		2972 D Road		
Applicants:		2972 D Road, LLC – Ben Hill, Manager		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Residential – to be incorporated into future subdivision		
Surrounding Land Use:	North	Undeveloped		
	South	Agricultural with one single family residence		
	East	Single-family residential		
	West	Undeveloped		
Existing Zoning:		County RSF-R (Residential Single Family Rural 1du/5ac)		
Proposed Zoning:		R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-8 (Residential 8 du/ac)		
	East	County RSF-R (Residential Single Family Rural 1du/5ac)		
	West	R-8 (Residential 8 du/ac)		
Growth Plan Designation:		Residential Medium (4-8 DU/Acre)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 0.81 acres and is comprised of one (1) parcel and 9,450 square feet of public right-of-way. The property owner has requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and pursuant to C.R.S. 31-12-104, that the Thorson Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

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

The following annexation and zoning schedule is being proposed.

<u><i>ANNEXATION SCHEDULE</i></u>	
April 14, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
April 22, 2008	Planning Commission considers Zone of Annexation
May 5, 2008	Introduction of a proposed Ordinance on Zoning by City Council
May 19, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 20, 2008	Effective date of Annexation and Zoning

FORD ANNEXATION SUMMARY		
File Number:	ANX-2007-071	
Location:	2972 D Road	
Tax ID Number:	2943-174-00-129	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	0.81 acres	
Developable Acres Remaining:	0.59 acres	
Right-of-way in Annexation:	9,450 square feet	
Previous County Zoning:	RSF-R (Residential Single Family Rural – 1du/5 acres)	
Proposed City Zoning:	R-8 (Residential 8 units/acre)	
Current Land Use:	Single family home	
Future Land Use:	Residential Medium (4 – 8 DU/Ac.)	
Values:	Assessed:	\$9,470
	Actual:	\$119,050
Address Ranges:	2972 D Road	
Special Districts:	Water:	Ute Water Conservation District
	Sewer:	Central Grand Valley Sewer District
	Fire:	Grand Junction Fire District
	Irrigation:	Grand Valley Irrigation Company
	School:	School District 51
	Drainage:	Grand Valley Drainage District

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8, Residential – 8 units/acre Zoning District is consistent with the Growth Plan designation of Residential Medium (4-8 DU/Ac.). The existing County zoning is RSF-R, Residential Single Family Rural – 1 dwelling unit / 5 acres.

In accordance with Section 2.14 of the Zoning and Development Code, the zoning of the 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.

The properties on the north and west are zoned R-8 and will be incorporated with the subject property into a future residential subdivision. The property to the south, across D Road, is also zoned R-8 and is anticipated to become a residential subdivision. An existing single-family residence at 2974 D Road sits on 0.672 acres east of the subject property and will remain in County RSF-R zoning. Further east is Westland Estates, zoned R-4.

The R-8 Zone is consistent with the Growth Plan designation of Residential Medium (4-8 du/ac), which is the prevalent land use designation north of D Road from 29 Road east to 32 Road. This designation was affirmed in the Pear Park Neighborhood Plan, adopted by the City in January 2005.

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

The property will be incorporated into a larger residential subdivision. Adequate public facilities will be supplied at the time of further development of the property. There is an existing 8" Ute water line and an existing 8" sanitary sewer line in D Road adjacent to the property.

At the neighborhood meeting of March 4, 2008, concerns were expressed about the future subdivision being accessed solely through adjacent subdivisions (Westland Estates and Flintridge). Discussion of access onto D Road from the future subdivision will be a part of the subdivision process. The request to annex and zone the property does not determine access routes to and within a subdivision. Appropriate access to the development will need to be provided as part of the subdivision approval.

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.

- c. R-4
- d. R-5

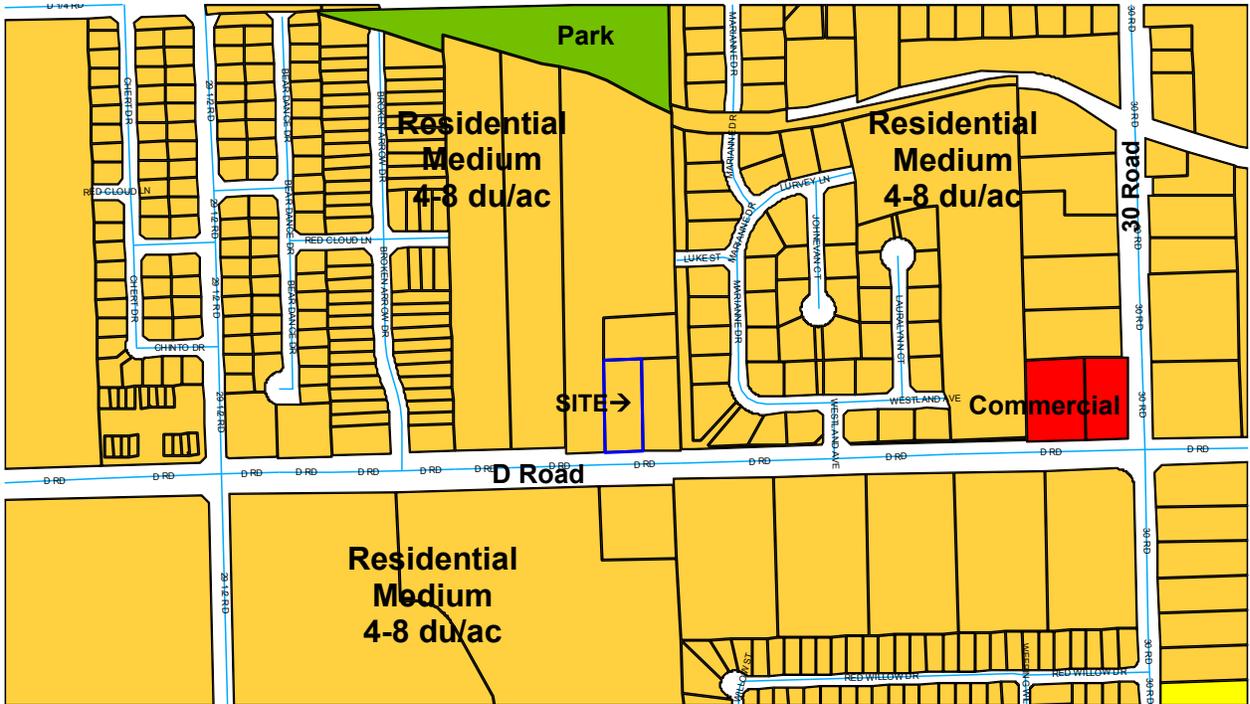
If the City Council chooses to recommend an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

During their April 22, 2008 meeting, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to be the R-8, Residential – 8 units/acre Zoning District to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

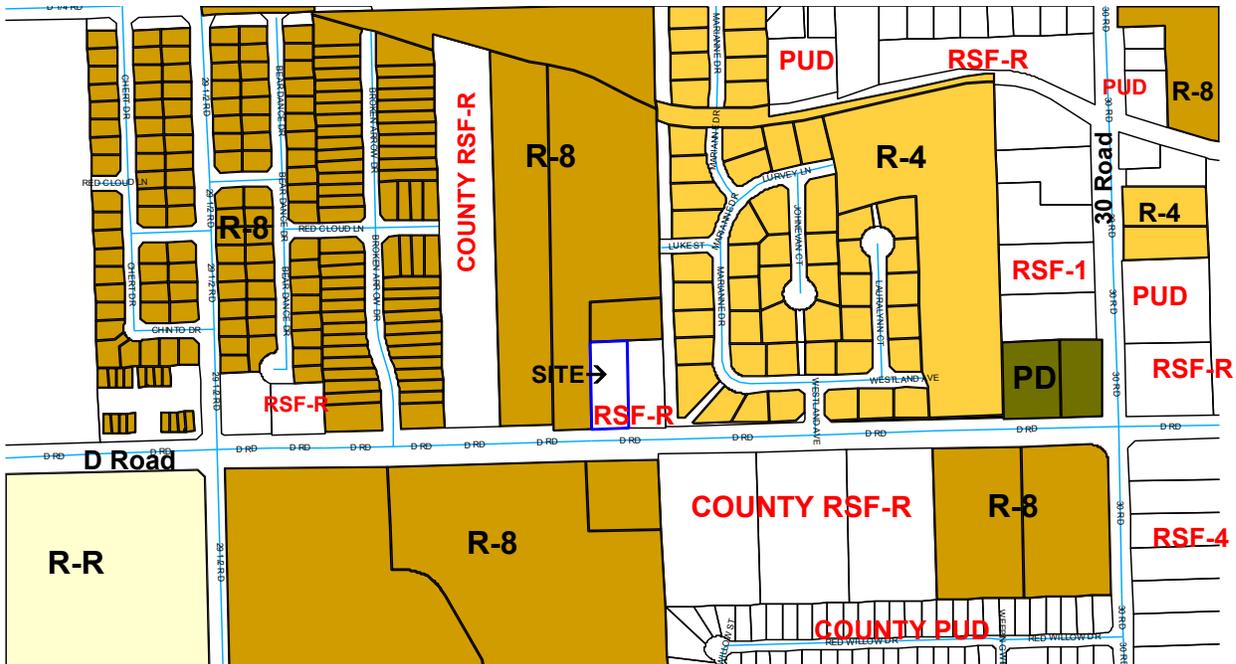
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



SUPPLEMENTAL INFORMATION

- NEIGHBORHOOD MEETING MINUTES WITH ATTACHMENTS
- LETTER REGARDING WESTLAND ESTATES ACCESS WITH ATTACHEMENT
- LETTERS REGARDING ACCESS TO FUTURE SUBDIVISION (SUBMITTED MARCH 4, 2008)

HOUGHTON and THORSON ANNEXATION
WEST BRANCH SUBDIVISION
Preliminary Plan
NEIGHBORHOOD MEETING
March 4, 2008

A neighborhood meeting to discuss the pending Houghton and Thorson Zone of Annexation and the West Branch Subdivision preliminary plan application was held at 5:30 p.m. on March 3, 2008 at the Pear Park Elementary School cafeteria.

In addition to Brian Rusche, Community Development Department staff planner, the land owner and his representative, approximately 25 nearby land owners were in attendance. An attendance roster is attached.

An overview of the request was presented by the owner and his representatives. A reduced copy of the proposed subdivision that was presented at the neighborhood meeting is also attached. The meeting lasted about 60 minutes. All of the dialogue at the meeting was related to the future development plans for the subdivision. Topics discussed included:

- All of the individuals in attendance indicated that they could not support the proposed subdivision configuration as presented, because of the lack of any direct public access to D Road.
- The status of correspondence that was transmitted to the City Community Development Department after a previous neighborhood meeting that was conducted in 2007 to discuss a prior proposal for development on part of the subject property.
- The size and architectural style and character of the planned dwelling units.
- The City's development review process for annexations, zoning, and subdivision development procedures.
- Support of the proposed piping of the Beswick Drain ditch adjacent to the proposed subdivision and grading alternatives in the ditch area once piping is completed.
- Irrigation water delivery and drainage alternatives for the proposed development.
- Having an additional neighborhood meeting after future discussions between the applicant and City staff members about the possibility of including a public access to D Road from the development.

**HOUGHTON and THORSON ZONE OF ANNEXATION and
WEST BRANCH SUBDIVISION
NEIGHBORHOOD MEETING
Pear Park Elementary School
5:30 pm, March 3, 2008**

Print Name	Address	Phone
Krishanna Elder	2829 N. Ave.	843-3355
Tom Logue	537 Fruitwood Dr. 81504	434-8215
Marianne Traver	2967 D/2 (Owner Filing Five)	263-4014
Keith: Sandra Bailey	2986 Westland Ave	242-2324
Barry & Vicky Seitz	408 Marianne Dr.	970-846-4228
JAMES WAYNE McELROY	406 Marianne Dr	970-314-7899
MARIA C. KECAN	404 Marianne Dr.	245-9369
Tim & Betty Rhodes	467 Marianne Dr.	245-4113
Kamie & Brian Long	2984 Westland Ave	250 2411
MARCELLA WELSH ROBY	2977 Sulez St	241-2791
FRAN HORTON 6/27	2944 D Rd	-
Jerry & Lisa Dudley	8978 Luke St.	910-2555
Linda Cornell	414 Marianne Dr.	
Brad Thompson	2974 D Rd	216 4286
Brian Roscoe	250 N. 5TH ST.	256-4058
JAMES DILLON	2984 LURVEY LN	424-0114
Rich & Marianne TRAVER	2967 D/2 G. 5th Developer Westland Estates	263-4014
David & Gerri Shrum	2979 Westland Estates Westland Estates 61504	243 8336
DAN WHALEN	336 Iron Horse Ct	245-4368
Ben Hill		

March 5, 2008

Planning Department
Grand Junction, CO

Dear Planners:

Regarding the new **West Branch Subdivision**, by Hill & Davidson, LLC, located at 2964 to 2972 D Road, the neighborhood meeting of 3/3/08 was exceptionally well attended. This was due primarily to the reported intent on the part of the City to deny access out of that subdivision onto D Road directly. That denial being especially outrageous, considering the number of new homesites (64) now proposed for that location, and the history related to the present plan.

The City proposes to divert all the traffic (estimated at 640 car-trips per day) out through the Westland Estates Subdivision. The excuse offered that some of that traffic will have the connection to Flint Ridge Subdivision as a second way in and out is less than acceptable, considering the nature of the street situation in that project. It is easy to understand why the majority will opt to use the Westland access, when you see the density of driveways and parked cars in Flint Ridge. Especially truck traffic! Realistically, Westland is going to bear the brunt of this. And besides, Westland was required to provide a center turn lane in D Road (for 66 lots) where Flint wasn't required to provide one (with their 62 homes), which increases the attractiveness of the Westland option!

What is especially outrageous is the considerations already imposed on Westland to accommodate this direct entrance into West Branch. Let's review the history.

In early 2000, a Preliminary Westland Plan was submitted, showing two access points onto D Road. That was quickly shot down, disallowing two entrance drives in 990 feet of frontage (though two were allowed to Flint Ridge I & III recently having some 900 feet of frontage!).

In response to being allowed only one entrance drive, the plan was revised to have only one. That plan is illustrated in "**Exhibit A**". A second entrance drive had originally been located roughly in line with the cul-de-sac street to the east in Phase V. Reference to this original two entrance configuration is reflected in the written response to comments, paragraph 27, in "**Exhibit B**". The reference there to "2962 and 2960" should have read "2972 and 2960", 2960 being the Flint Ridge parcel which was a month behind Westland at this stage, and 2972 being the Soinski (later Reyes / later Hill-Davidson) property, which is the subject of this letter. That narrative gives 440 feet from the Texaco (now Shell) gas station entrance to the first Westland entrance, then 470 feet to the second Westland entrance, then another 470 feet to the Soinski property, then another 450 feet to the proposed entrance into Parham's (Flint Ridge) property.

RECEIVED

MAR 10 2008

COMMUNITY DEVELOPMENT
DEPT

Subsequent to this, in the second round of Review Comments, the Plan was revised to relocate Westland's single entrance drive some 310 feet to the east. Comment 9 in response, on "**Exhibit C**", explains that re-design, allowing 600 feet from Texaco to Westland, 700 feet from Westland to Soinski, then another 500 feet to Flint Ridge. Westland did so to create an interval that would have allowed a Soinski property entrance drive thru its 90-foot wide panhandle frontage. This accommodation required Westland to bear the delay and extra expense to re-design its sewer plan. Sewer was originally to enter the site on the original straight Westland Avenue alignment, its lowest corner. Moving the entrance drive to the east made necessary a new design, as there was insufficient sewer depth in D Road to enter any further east, without having to elevate the entire 20-acre site one to one and a half feet. (48,000 yards of fill) A new Tract had to be created for a sewer line in Lot 3 of Block 1 as shown in "**Exhibit D**" to keep the sewer as low as possible.

Later in the Review Process, a small scale "Projected Road Network" plan was provided, in response to the City's call for a distance interval that would allow Soinski property to have direct access. That plan was dated 5/14/01, "**Exhibit E**", (but is updated to show the second Flint Ridge entrance as of 12/06). It shows 631 feet from Westland to Soinski, 563 feet Soinski to Flint Ridge I, and another 524 feet to the Flint Ridge III entrance.

Another factor that might have been forgotten was that Westland was required to design as though D Road was a "Major Arterial". Some time during the design phase in 2001 the designation was down-graded to "Minor Arterial", though we were never shown the courtesy of being made aware of that. Brian from City Planning at the West Branch neighborhood meeting said that on the plan he had, D Road was still being shown as a "**Minor Arterial**" as late as 2004, the date on his map. That would allow a **closer** street access interval than the "Major Arterial" would have! I enclose a page out of the TEDS Manual, Chapter 4, which indicates a 150-foot interval is acceptable! 300-feet if on a "Major Arterial". We're talking about nearly twice that!!

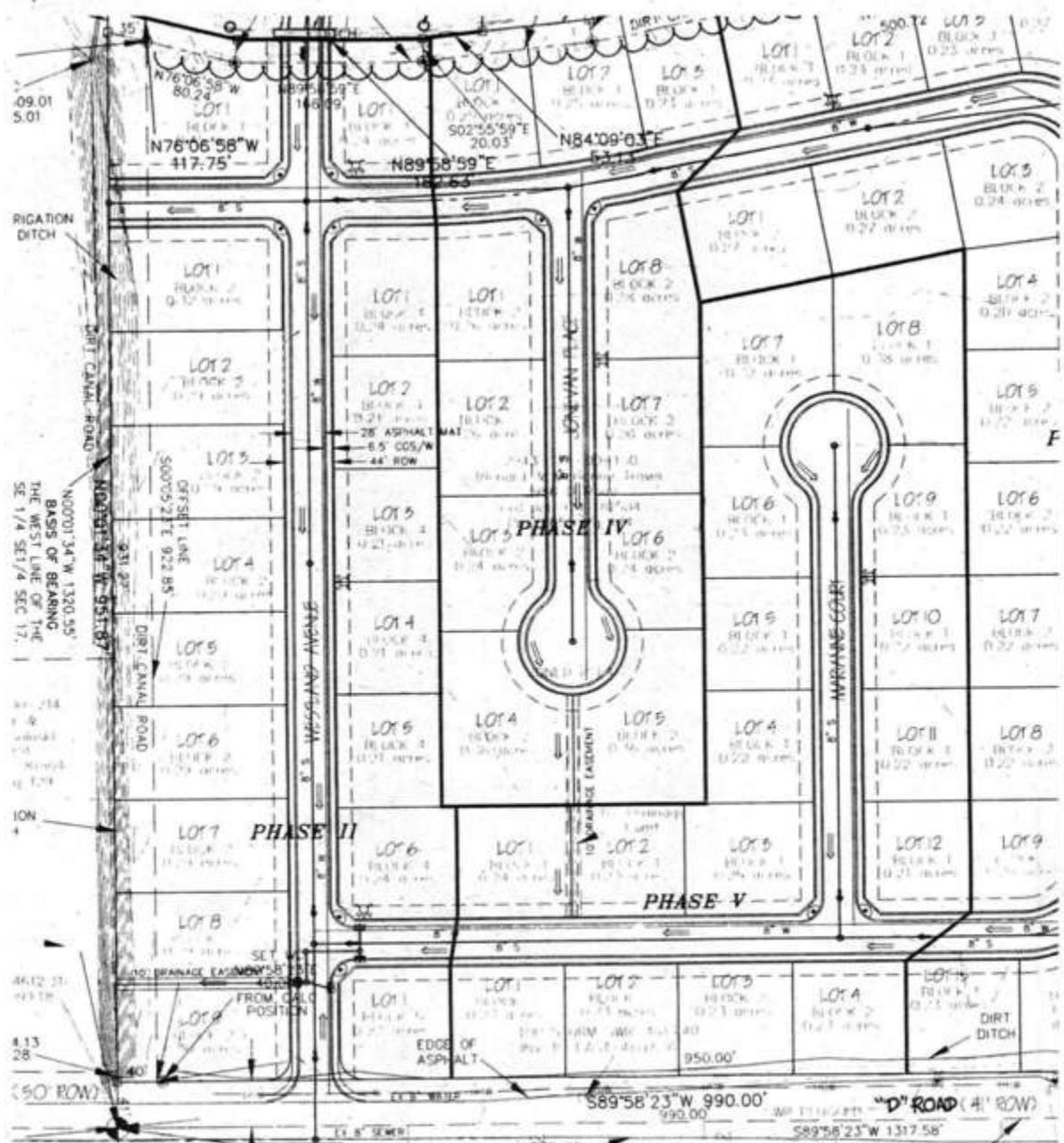
That being the case, there should be no problem with West Branch having a direct access onto D Road. We're talking about 631 feet from the existing Westland entrance and 563 feet from the first existing Flint Ridge entrance. Also consider, the Wareham property across the street will want an access point in about that same location, all the more reason for West Branch to have one in their panhandle.

The word 'outrage' was used in the opening paragraph. Not only is it one to put the traffic from a high-density subdivision (RMF-8) out thru a low-density subdivision, (RSF-4) but the Westland Subdivision was made to bear the delay and expense of redesign in order to allow West Branch a direct access point. To deny them one after making Westland bear the extra expense so that they could have one is an outrage!

Consider also the convoluted access the Fire Department would have to negotiate to get into the West Branch site.

It is hoped that this access denial decision will be reversed without delay.

Rich Graver



FND MCSM
E 1/16 COR
SEC 17, T1S,
R1E, U.M

**WESTLAND ESTATES
FIRST SUBMISSION**

"EXHIBIT A"

THE SOUTH LINE OF THE
SE1/4 SE1/4 SEC 17,
T1S, R1E, U.M



opment proceeds, this will allow yet a third access route, making the Road Avenue access a fourth means. The current two (guaranteed) should suffice.

25. Ditch slope stability has proven good over the existence of these ditches. Being generally up to ten feet deep, and 30 feet wide on average, their side slopes are approximately 1.5 to 1. The easement being fifty feet from the property line, with additional distance on account of setback requirements, there's no likelihood of a structure occurring within a 5 to 1 slope distance from the ditch channel. Being that the lots along the west side are all over 125 feet deep, there would be no reason to crowd the ditch. As heavy earthmoving equipment routinely travels over these ditch roads, any instability would be apparent.
26. See comment on CDE #13.. Four lanes are anticipated here, with a future fifth lane being added, if and when, on the opposite side, to balance the off-centeredness these accel/decel turn lanes will create. It is our intent to locate project curb lines where they would be under a five-lane design, to eliminate having to remove and relocate the north curb under future widening efforts. The 20-year design parameters used to design the 30 & D-Road intersection should indicate what is appropriate design for the extensions westward.
27. The third lane need for connecting onto D-Road may be rendered unnecessary by our providing a second entrance. Regarding this, it should be noted that the 2 developable properties to the west, namely 2962 and 2960 D-Road (the latter of which is currently under development proposal), will require access out onto D-Road at a frequency of about every 400 to 500 feet. These are shown on an areal photograph included. From the 30 & D Texaco, which has two entrances in the first 280 feet, it's 440 feet to the first Westland Estates entrance, then another 470 feet to the next, then 470 feet to where Soinski property would have to be accessed, then 450 feet to where Parham has to access into his development.
29. We intend an underdrain and sidewalk thru here, HOA dedicated.

GVI (Phil Bertrand)

RESPONSE TO 1ST ROUND
REVIEW COMMENTS
1/23/01

- 1.
2. Canal roads will not be used for access.
3. Irrigation is provided to each parcel from two separate sources. The south parcel from its own headgate directly on the GV Canal, the north parcel from a lateral fed by headgate 141.
4. This being the situation, we have removed the street connection between the north and south parcels, removing the bridge.
5. The water table situation will be evaluated during the design phase.
6. Drainage should not affect the canal.

This larger-scale requirement will now involve three drawings, adding a separate drawing for each of the parcels due to size.

9. The D-Road entrance to Westland Estates is relocated eastward as requested. The location is 600 feet west of the Texaco entrance. However, this will not accommodate another street entrance between Westland Estates and Flint Ridge without waiving the 600 foot interval requirement. The most logical new street location would be into the Soinski property (the only one without a house in the way) some 700 feet west, but some 500 feet east of Flint Ridge.
10. Regarding the Flint Ridge Park issue, and the D-1/4 Road connection, it was determined at the 4/13 meeting that Flint Ridge would not provide any crossing of the canal north of their property. Later that day, the Flint Ridge engineer contacted Westland with a change of heart on the crossing idea. A subsequent meeting and letter of understanding resulted. Under the impression that we were going to be allowed only one crossing point by GVI, we agreed that the F.R. location would better serve future neighborhood development needs for access thru to D-Road.

There were at least two unreturned phone calls to city planning attempting to make the city aware of the revised positions and the latest thinking.

Had either party been aware of the complexities involved in order to provide the D-1/4 Road connector, and the expense and delays (especially the delays) that approach imposed, it would not have been proposed.

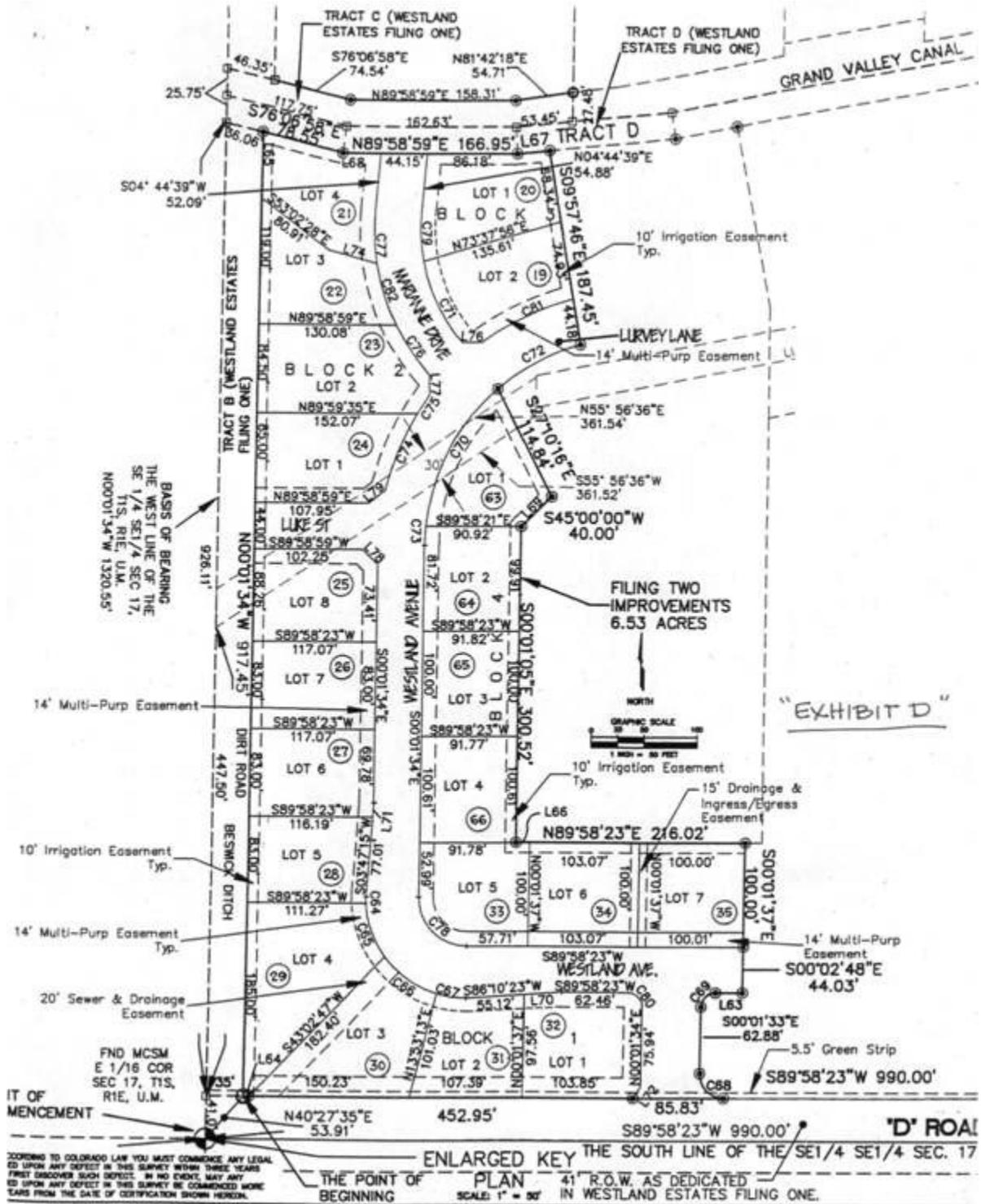
Being that these were county lands, it was thought that the connector could be provided under a separate project and not impact either development, remaining a county road until such time as further development of these abutting parcels occurred. Also, it was understood that any park access provision would remain contingent upon there being a park.

The reasons for reverting to the approach decided upon at our 4/13 meeting are more fully addressed in the attached W.L.D. letter of 5/8/01. Westland intends to provide access to the proposed Flint Ridge Park at its northeast corner by crossing the Beswick Ditch as was agreed on 4/13. This provision is shown on the attached plan.

In meeting with Mr. Bertrand (GVI) on 5/7, it was determined that a culvert crossing of the canal will be acceptable at the Westland Avenue location. That is the approach shown.

RESPONSE TO 2nd ROUND
REVIEW COMMENTS
5/2/01

"EXHIBIT C"



ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN FROM THE DATE OF CERTIFICATION SHOWN HEREON.

ENLARGED KEY THE SOUTH LINE OF THE SE 1/4 SEC. 17
 PLAN 41 THE POINT OF BEGINNING SCALE: 1" = 30'
 IN WESTLAND ESTATES FILING ONE.

to minimize the number of access points along a street. Shared access provides for safer and more efficient operation of the flow of traffic on the street and shall meet the above requirements.

4.1.3 Corner Clearance

Corner clearances are defined as the distance between a driveway and the nearest intersecting street. The clearance is necessary so that accesses do not interfere with street intersection operations and should provide drivers with adequate perception-reaction time to avoid potential conflicts. On corner lots, the access location shall be on the street of lowest functional classification.

Minimum Corner Clearance (ft)
Measured from Flowline to Near Edge of Access

Street Classification	Clearance From Unsignalized Intersections	Clearance From Signalized Intersections	Single Family Residential Driveways
Local	50'	150'	50'
Collector	150'	150'	100'
Minor Arterial	150' *	300' *	100' *
Major Arterial	300' *	300' *	150' *

May be restricted to right-in, right-out only access. Single family access to arterial streets is not acceptable practice and will be permitted only in extreme hardship cases.

2 Access Design

4.2.1 Types of Access

Generally, all new private property access shall be designed as curb cuts. Radii type curb returns with handicap ramps will be required for accesses when the peak hour right turn entering volume exceeds 20 vehicles in the peak hour. Auxiliary lanes shall be constructed when turn volumes meet the minimum criteria in the right turn warrant chart.

4.2.2 Design Vehicles

All accesses shall be designed to accommodate the turning characteristics of the largest vehicle that will most commonly utilize the proposed access. Most residential and small commercial driveways only need to accommodate passenger cars; other commercial or industrial developments will usually require at least one access that can accommodate the efficient entry or exit of larger vehicles.

Copy of letter delivered

Kevin and Maria C. Keenan

404 Marianne Dr.
Grand Junction, CO 81504

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

Re: Protesting of Luke St. entrance for new subdivision into Westland Estates Subdivision

Attn: Planning Dept.

I am a homeowner and currently the Secretary/Treasurer of Westland Estates Homeowners Association, Inc., which is located at 30 and D Road. Our subdivision's main entrance and is located on D Road.

We have just been notified of a new subdivision that is going to be developed very soon on the west side of Westland Estates Subdivision, across the current canal between 2966 D Road and 2972 D Road. The developers are Davidson Construction Company, affiliated with Precision Paving Company, and Hill and Homes Realtors.

Our subdivision is rated RF4 and the new subdivision is rated RF8. In viewing the plat of our subdivision, Davidson Construction is planning on making a bridge across the current canal, located on Luke St., as their main entrance for this new subdivision. This is going to cause a major problem for our subdivision. The traffic flow is already extremely high, due to the continuing building happening right now in our subdivision and also in the subdivision located above us. The traffic flow from this new subdivision would cause considerable traffic into our small subdivision. Our subdivision is already having problems with current traffic speeding through at all hours of the day and night.

There is currently several subdivisions being developed on D Road that have their own entrance. The City of Grand Junction needs to have their Planning Department reconsider allowing Davidson Construction Company and Hill and Homes Real Estate, from developing their main entrance on Luke St., into Westland Estates subdivision.

Therefore, we are filing this letter protesting the proposed new main entrance on Luke St. into Westland Estates Subdivision and also for the City of Grand Junction allowing this new entrance to happen.

We are currently contacting all the homeowners in our subdivision and will be filing a Petition regarding this proposed entrance.

Sincerely,
Kevin M. Keenan and Maria C. Keenan

Kevin M. Keenan
Maria C. Keenan

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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Sincerely,

Joshua & Shannon Lynch
410 Marianne Drive
Grand Jct. CO 81504
Shannon Lynch

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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Sincerely,

Mariah & Jeremy English
408 Marianne Drive
Grand Junction, CO 81504
970-261-7972

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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Sincerely,

Kith S. Bailey
2986 Westland Ave
Grand Jct. CO 81504

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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Sincerely,

Dwight + Diana Walter
2980 Westland Avenue
Grand Junction, CO 81504

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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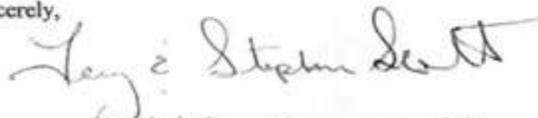
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Sincerely,


403 Mountain Dr
GJ Colo 81504

June 11, 2007

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Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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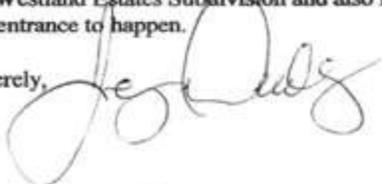
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Sincerely,



Jerry Dudley 970-210-2555
2978 Luke St.

Grand Jct, CO 81504

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

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Sincerely,

Doug & Dede Miller
410 Johnevan Ct
Grand Jct. CO 81504

June 11, 2007

City of Grand Junction Planning Dept.
Corner of 5th St. and Rood Ave.
Grand Junction, CO 81501

Kamie and Brian Long
2984 Westland Ave
Grand Junction, CO 81504

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Sincerely,

Kamie & Brian Long

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

THORSON ANNEXATION

**LOCATED AT 2972 D ROAD, INCLUDING A PORTION OF THE
D ROAD RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 14th day of April, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

THORSON ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 SE 1/4 of said Section 17 and assuming the East line of the SW 1/4 SE 1/4 of said Section 17 to bear N00°01'01"W with all bearings contained herein relative thereto; thence N00°01'01"W a distance of 5.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 17 to the Point of Beginning; thence S89°58'44"W a distance of 210.00 feet along a line being 5.00 feet North and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, said line also being the Northerly line of Parham Annexation, Ordinance No. 3349, City of Grand Junction; thence N00°01'01"W a distance of 290.00 feet along a line being the Easterly line of Costopoulos Annexation, Ordinance No. 4032, City of Grand Junction; thence N89°58'44"E a distance of 105.00 feet along a line being the Southerly line of said Costopoulos Annexation to the Northwest corner of that certain parcel of land described in Book 4183, Page 736, public records of Mesa County, Colorado; thence S00°01'01"E along the West line of said parcel of land a distance of 245.00 feet; thence N89°58'44"E along the South line of said parcel of land a distance of 105.00 feet to a point on the East line of the SW 1/4 SE 1/4 of said Section 17, said point also being a point on the West line of Westland Estates Filing Two, as same is described in Plat Book 19, Pages 331 and 332, public records of Mesa County, Colorado; thence S00°01'01"E a distance of 45.00 feet along a line being the East line of the SW 1/4 SE

1/4 of said Section 17, said line also being the Westerly line of said Parham Annexation to the Point of Beginning.

Said parcel contains 0.81 acres (35,175.00 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of May, 2008; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

THORSON ANNEXATION

APPROXIMATELY 0.81 ACRES

**LOCATED AT 2972 D ROAD, INCLUDING A PORTION OF THE
D ROAD RIGHT-OF-WAY**

WHEREAS, on the 14th day of April, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of May, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

THORSON ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 SE 1/4 of said Section 17 and assuming the East line of the SW 1/4 SE 1/4 of said Section 17 to bear N00°01'01"W with all bearings contained herein relative thereto; thence N00°01'01"W a distance of 5.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 17 to the Point of Beginning; thence S89°58'44"W a distance of 210.00 feet along a line being 5.00 feet North and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, said line also being the Northerly line of Parham Annexation, Ordinance No. 3349, City of Grand

Junction; thence N00°01'01"W a distance of 290.00 feet along a line being the Easterly line of Costopoulos Annexation, Ordinance No. 4032, City of Grand Junction; thence N89°58'44"E a distance of 105.00 feet along a line being the Southerly line of said Costopoulos Annexation to the Northwest corner of that certain parcel of land described in Book 4183, Page 736, public records of Mesa County, Colorado; thence S00°01'01"E along the West line of said parcel of land a distance of 245.00 feet; thence N89°58'44"E along the South line of said parcel of land a distance of 105.00 feet to a point on the East line of the SW 1/4 SE 1/4 of said Section 17, said point also being a point on the West line of Westland Estates Filing Two, as same is described in Plat Book 19, Pages 331 and 332, public records of Mesa County, Colorado; thence S00°01'01"E a distance of 45.00 feet along a line being the East line of the SW 1/4 SE 1/4 of said Section 17, said line also being the Westerly line of said Parham Annexation to the Point of Beginning.

Said parcel contains 0.81 acres (35,175.00 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 14th day of April, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE THORSON ANNEXATION TO
R-8, RESIDENTIAL – 8 UNITS/ACRE**

LOCATED AT 2972 D ROAD

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Thorson Annexation 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 property be zoned R-8, Residential – 8 units/acre Zone District.

THORSON ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 SE 1/4 of said Section 17 and assuming the East line of the SW 1/4 SE 1/4 of said Section 17 to bear N00°01'01"W with all bearings contained herein relative thereto; thence N00°01'01"W a distance of 5.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 17 to the Point of Beginning; thence S89°58'44"W a distance of 210.00 feet along a line being 5.00 feet North and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, said line also being the Northerly line of Parham Annexation, Ordinance No. 3349, City of Grand Junction; thence N00°01'01"W a distance of 290.00 feet along a line being the Easterly

line of Costopoulos Annexation, Ordinance No. 4032, City of Grand Junction; thence N89°58'44"E a distance of 105.00 feet along a line being the Southerly line of said Costopoulos Annexation to the Northwest corner of that certain parcel of land described in Book 4183, Page 736, public records of Mesa County, Colorado; thence S00°01'01"E along the West line of said parcel of land a distance of 245.00 feet; thence N89°58'44"E along the South line of said parcel of land a distance of 105.00 feet to a point on the East line of the SW 1/4 SE 1/4 of said Section 17, said point also being a point on the West line of Westland Estates Filing Two, as same is described in Plat Book 19, Pages 331 and 332, public records of Mesa County, Colorado; thence S00°01'01"E a distance of 45.00 feet along a line being the East line of the SW 1/4 SE 1/4 of said Section 17, said line also being the Westerly line of said Parham Annexation to the Point of Beginning.

Said parcel contains 0.81 acres (35,175.00 sq. ft.), more or less, as described.

INTRODUCED on first reading the 5th day of May, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

**Attach 12
Public Hearing—Zoning the Apple Glen Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Apple Glen Annexation – Located at 2366 H Road		
File #	ANX-2007-306		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	March 18, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to zone the 16.24 acre Apple Glen Annexation, located at 2366 H Road, to R-4 (Residential 4-du/ac).

Budget: N/A

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

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. 201 Persigo Boundary Map
5. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		2366 H Road		
Applicants:		Owner: Steven Hejl		
Existing Land Use:		Vacant/Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	School/Vacant		
Existing Zoning:		County RSF-R (Residential Single Family Rural)		
Proposed Zoning:		City R-4 (Residential 4 - du/ac)		
Surrounding Zoning:	North	County AFT		
	South	County RSF-R		
	East	County RSF-R/AFT		
	West	County RSF-R/AFT		
Growth Plan Designation:		Residential Medium Low		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 (Residential 4 du/ac) zone district is consistent with the Growth Plan designation of Residential Medium Low. The existing County zoning is 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: Current growth trends in the Grand Valley the past few years could not anticipate the last revised Growth Plan when adopted. There was no way to predict the rapid residential growth of the Grand Valley nor the current energy related boom and housing needs spawned thereby. Because of the issues stated above, I feel there is a need for a higher density in this area and R-4 (Residential 4-du/ac) is appropriate, adequate and reasonable; given existing infrastructure.

Because this property is located within the Persigo 201 sewer service urban boundary and has access to both water and sewer services (water and sewer are located in H Road), the Persigo agreement encourages urban development in this area to take advantage of this public infrastructure and to decrease the negative effects of urban sprawl.

- **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. An 8" sewer line is located in H Road with the capacity to service approximately 750 homes. Currently, use of this line is at less than 50% capacity. This availability of infrastructure, and the presumption of an urban residential character of this area created by the Persigo Agreement, constitutes a sufficient change in the character and condition of the area to warrant zoning this property to R-4 (Residential 4-du/ac).

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-2 (Residential 2 du/ac)

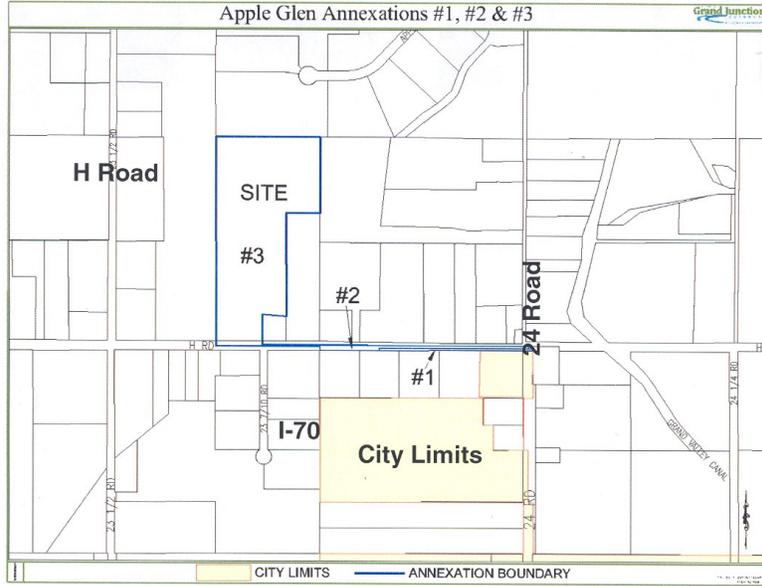
If the City Council chooses to recommend the alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on April

8, 2008, finding the zoning to the R-4 (Residential 4 du/ac) district to be consistent with the Growth Plan, RSF-R (Residential Single Family Rural), and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



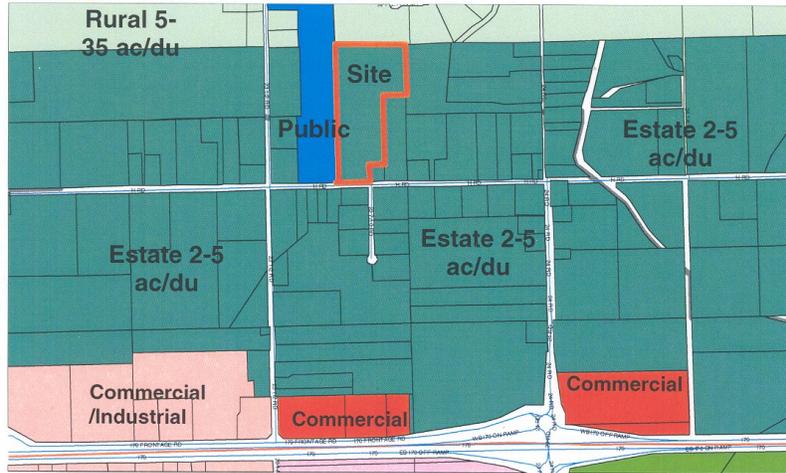
Aerial Photo Map

Figure 2



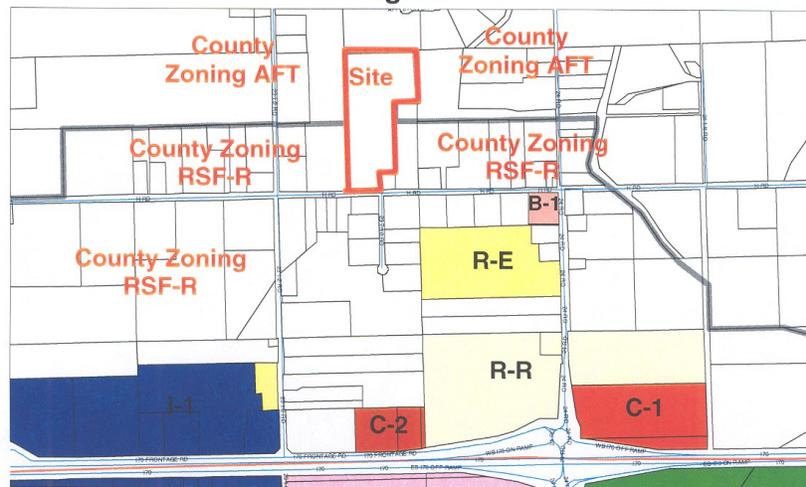
Future Land Use Map

Figure 3



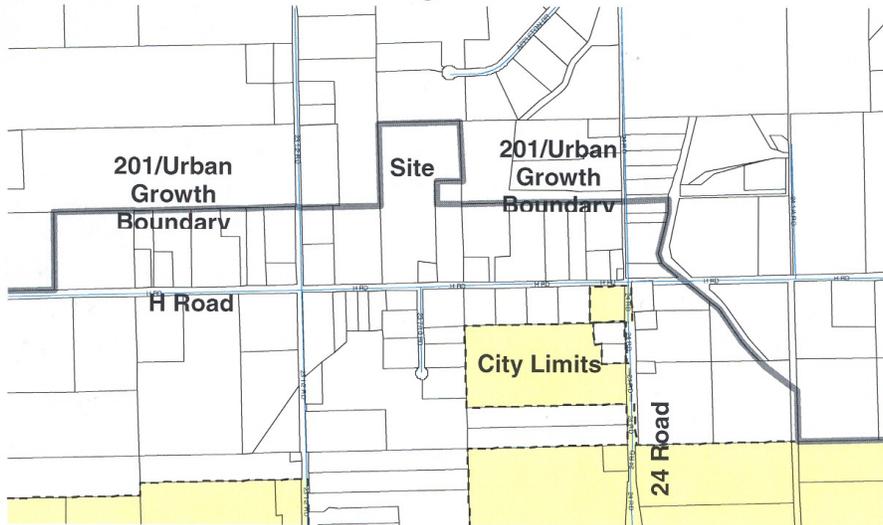
Existing City and County Zoning Map

Figure 4



201/Urban Growth Boundary Map

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE APPLE GLEN ANNEXATION TO
R-4 (RESIDENTIAL 4-DU/AC)**

LOCATED AT 2366 H 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 Apple Glen Annexation to the R-4 (Residential 4-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 R-4 (Residential 4-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 R-4 (Residential 4-du/ac).

APPLE GLEN ANNEXATION

APPLE GLEN ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter Northeast Quarter (NE 1/4 NE 1/4) of Section 32 and the Northwest Quarter (NW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the NE 1/4 NE 1/4 of said Section 32 bears S 89°58'27" E with all other bearings shown here on being relative thereto; thence from said Point of Commencement, S 00°02'59" W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 15.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N

89°48'31" W along a line 15.00 feet South of and parallel with the North line of the NW 1/4 of said Section 33, a distance of 30.04 feet; thence S 00°11'29" W a distance of 15.00 feet; thence N 89°48'31" W along a line 30.00 feet South of and parallel with the

North line of the NW 1/4 of said Section 33 a distance of 30.00 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence N 89°58'27" W along the North

right of way for H Road, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 945.00 feet; thence N 00°01'33" E a distance of 15.00 feet; thence S 89°58'27" E along a line 15.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 945.01 feet, more or less, to the Point of Beginning.

CONTAINING 0.34 Acres or 14,625 Sq. Ft., more or less, as described.

AND

APPLE GLEN ANNEXATION NO. 2

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

BEGINNING at the Northeast corner of said Section 32 and assuming the North line of the NE 1/4 NE 1/4 of said Section 32 bears S 89°58'27" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°02'59" W along the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 15.00 feet; thence N 89°58'27" W along a line 15.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 945.01 feet; thence S 00°01'33" W a distance of 15.00 feet; thence N 89°58'27" W along the South right of way for H Road, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 372.77 feet to a point on the West line of the NE 1/4 NE 1/4 of said Section 32; thence N 00°03'26" E along the West line of the NE 1/4 NE 1/4 of said Section 32, a distance of 25.00 feet; thence N 89°57'52" W along a line 5.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet; thence N 00°01'45" E a distance of 5.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 32; thence S 89°57'52" E along the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence

S 89°58'27" E along the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 1317.77 feet, more or less, to the Point of Beginning.

CONTAINS 0.66 Acres or 28,652 Sq. Ft., more or less, as described.

AND

APPLE GLEN ANNEXATION NO. 3

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of

Section 29, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:
BEGINNING at the Southwest corner of the SE 1/4 SE 1/4 of said Section 29 and assuming the South line of the SE 1/4 SE 1/4 of said Section 29 bears S 89°58'27" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'52" W along the South line of the SW 1/4 SE 1/4 of said Section 29, a distance of 658.88 feet;
Thence N 00°01'45" E along the West line of that certain parcel of land described in Book 3871, Page 964, Public Records of Mesa County, Colorado, a distance of 1319.59 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 29; thence S 89°57'17" E along the North line of the SW 1/4 SE 1/4 of said Section 29, a distance of 659.48 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 29; thence S 00°03'19" W along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 479.42 feet; thence N 89°57'43" W a distance of 214.97 feet to a point on the East line of that certain parcel of land described in Book 3871, Page 964, Public Records of Mesa County, Colorado; thence S 00°03'19" W along said East line, a distance of 655.12 feet; thence N 84°22'02" W a distance of 150.71 feet; thence S 00°03'19" W a distance of 194.65 feet; thence S 89°57'52" E along a line 5.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 29, a distance of 364.97 feet to a point on the East line of the SW 1/4 SE 1/4 of said Section 29; thence S 89°58'27" E along a line 5.00 feet North of and parallel with the South line of the SE 1/4 SE 1/4 of said Section 29, a distance of 300.00 feet; thence S 00°01'233" W a distance of 5.00 feet; thence N 89°58'27" W along the South line of the SE 1/4 SE 1/4 of said Section 29, a distance of 300.00 feet, more or less, to the Point of Beginning.

CONTAINING 15.24 Acres or 663,702 Sq. Ft., more or less, as described

INTRODUCED on first reading the 4th day of February, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 13

**Public Hearing—Rezoning Property Known as the Cobble Creek Subdivision
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Cobble Creek Subdivision Planned Development – Located at 2524 F ½ Road		
File #	PP- 2007-169		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	May 9, 2008		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: A request for approval to rezone property located at 2524 F ½ Road from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and an overall density of 4.00 du/ac by approval of the Preliminary Development Plan to develop 12 dwelling units on approximately 3 acres as a Planned Development.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider approval of a Preliminary Development Plan and final passage of an Ordinance rezoning the property to Planned Development.

Attachments:

1. Staff Report/Background Information
2. Planning Commission Meeting Minutes
3. Site Location Map / Aerial Photo Map
4. Future Land Use Map / Existing City and County Zoning Map
5. Applicant's response
6. Renderings of housing type
7. Example of setback variations
8. Preliminary Plan for subdivision
9. Planned Development Ordinance

Background Information: See attached Staff Report/Background Information.

BACKGROUND INFORMATION				
Location:		2524 F ½ Road		
Applicants:		Owner: Divine Guidance, LLC. Representative: Development Construction Services.		
Existing Land Use:		Single family residential		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	Valley Meadows West Subdivision		
	South	Western Colorado Community College and Qwest		
	East	Westwood Ranch Subdivision		
	West	Diamond Ridge Subdivision		
Existing Zoning:		R-R (Residential – Rural, 1 unit per 5 acres)		
Proposed Zoning:		PD (Planned Development – 4 units per ac)		
Surrounding Zoning:	North	PD (Planned Development – 2.7 du/ac)		
	South	I-O (Industrial / office park)		
	East	PD (Planned Development – 4.3 du/ac)		
	West	PD (Planned Development – 4.2 du/ac)		
Growth Plan Designation:		RM (Residential Medium 4 – 8)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Background

On March 25, 2008, the Planning Commission reviewed the Cobble Creek Planned Development. There was considerable discussion and public testimony presented during the Public Hearing. The Planning Commission remanded the applicant to go back and further refine their plan, considering the comments and suggestions provided by the neighbors and the Commission. This report has been modified to reflect the changes now proposed by the applicant.

The property was annexed into the City in 2000 as part of the Clark/Wilson Enclave. It is a long narrow lot; approximately 120 feet wide by 1300 feet in length. The site is bounded on the west by Diamond Ridge Subdivision, Filing Two, and on the east by Westwood Ranch, Filing Two. Valley Meadows West is directly north. The property has direct access to F ½ Road. The northeastern portion of the side bordering the existing irrigation canal is labeled as Tract C and also described on the plan as "Title in Dispute."

The City Attorney's office opines, based on a review of the conveyance documents in the chain of title and Colorado case law interpreting boundaries defined by waterways, that the land is owned to the centerline of the canal by the Applicant. Grand Valley Irrigation Company (hereinafter GVIC), however, has asserted that it owns the canal bed and seventy-five feet of land on both sides of the canal in fee simple, based on a 1890 water deed reserving a "right-of-way" for canal maintenance. According to the City Attorney's office, this document creates nothing more than an easement in favor of GVIC and does not create fee simple ownership. Tract C has been included in the proposed subdivision's open space, connecting to open space provided by adjacent subdivisions. Although no development, structures or trails are currently shown in this area, a future pedestrian trail connection may be made through Tract C, depending upon the resolution or compromise of the title dispute. At this time, the public pedestrian trail easement required by the Urban Trails Master Plan is dedicated outside the 75 foot disputed area.

Although the Applicant is not seeking incentives to develop under the "Infill and Redevelopment" program, this land certainly is a classic infill project. The parcel is bordered on all sides by development that has occurred within the last 10 years. All utilities and street access are available immediately adjacent to the parcel. Generally, infill sites are vacant because they were considered of insufficient size for development, because an existing building located on the site was demolished, or because there were other more desirable or less costly sites for development. This site houses a mobile home, which will be removed prior to the final plat being recorded. The subdivisions on either side of the proposed development never stubbed a street for access to this linear parcel so the site is left to have a roadway along one side and lots on the other side. Due to the size and shape of the parcel and the fact that it is difficult to develop and still meet the minimum density required by the Growth Plan, a planned development zoning provides the best options for development of this currently under utilized property.

A pre-application conference was held in December of 2006 regarding this proposal. In March of 2007 a petition was presented to the City Planning Department signed by twenty-two neighbors opposing a change in zoning for the property. Other letters were received in opposition to the project after the neighborhood meeting was held. Since March of 2007, twelve additional letters of opposition have been submitted to the City. Copies of these letters are available for review in the project file. As mentioned above, on March 25th, numerous people spoke during the Public Hearing. Attached to this report is the applicant's response to their concerns.

Density

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site into 12 lots as part of a Planned Development with a default zone of R-8. If approved, the overall density of 4 dwelling units per acre is consistent with the Growth Plan designation of Residential Medium. The densities of adjacent subdivisions are Diamond Ridge to the west with a density of 4.2 units per acre and Westwood Ranch to the east at a density of 4.3 units per acre.

Access

Due to the linear shape of the lot and the fact that neither subdivision to the east or west provided a stub street for future access to this site, there is only one access from F ½ Road into the subdivision. Currently the plat shows a 26 foot by 26 foot triangle that must be acquired from the property to the west (located at the northwest corner of the intersection between Cobblestone Way and F ½ Road) for the installation of the curb return. This 26 foot triangle is required to allow Cobblestone Way to meet the Transportation Engineering Design Standards (TEDS). The adjoining property owner has submitted a letter of intent but the property but does not want to transfer the property until the proposed development has been approved.

Road Design

The Applicant requested four (4) TEDS exceptions.

1. Non-standard curb return and handicap ramp design on the west side of the subdivision entrance.
2. Extend length of cul-de-sac to 913 feet.
3. Reduce spacing between subdivision entrance and access on opposite side of F ½ Road from 150 feet to 140.86 feet.
4. Reduce spacing between subdivision entrance and adjacent access to the west from 150 feet to 112.18 feet.

The TEDS Exception Committee denied request 1 and approved requests 2, 3 and 4.

The proposed residential street will have twenty-eight feet of asphalt with a landscaping strip along the west side and a sidewalk along the residential east side of the street. A cul-de-sac terminates the street on the northern end. There is no need for future connections to adjacent properties as the property is bounded on three sides by existing subdivisions. The landscape strip along the west side of the street will be owned and maintained by the Home Owners Association.

Open Space / Park

Tract B is located adjacent to open space previously dedicated by the adjacent subdivisions of Westwood Ranch and Diamond Ridge. The Applicant is proposing that this 15-foot wide Tract which will provide for future trail connections in this area be dedicated to the City of Grand Junction.

Lot Layout

Due to the shape of the parcel the lot layout is linear and has been designed for single-family detached dwellings. The minimum lot size is 4,971 square feet and the largest lot is 6,701 square feet in size. The default zoning of R-8 allows for a minimum lot size of 4,000 square feet. All of the lots exceed the minimum lot width of 40 feet. The applicant's are now proposing through the PD Ordinance to increase the rear setback to 15-feet, and the front setback to 15-feet. Some garages will be recessed to maintain a 20-foot depth from the property line, while others will be flush with the house, with a 15-foot setback. Single story homes are proposed and will become part of the PD Ordinance.

Landscaping

A landscaped strip (Tract C) will be provided along the west side of Cobblestone Way adjacent to the Diamond Ridge Subdivision, the distance from north to south to Lot 4. Privacy fencing currently exists in the rear yards of the lots located in the Diamond Ridge Subdivision adjacent Tract C. The landscaping will add an additional buffer to the subdivision to the west. Tract A is a required detention pond that will be landscaped and give the appearance as an entryway for the subdivision. The open space area at the far northern end of the subdivision (Tract D) will also be landscaped. Tracts A, C and D will be conveyed to and maintained by the Home Owners Association.

STANDARDS AND CRITERIA

Consistency with the review criteria of Section 2.6 A. of the Zoning and Development Code.

A request to rezone property must only occur if:

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

It is unknown if the existing zoning on the parcel was an error at the time the property was annexed into the City or if it honored the existing County zoning at the time of annexation. What is known is that the current zoning does not meet the requirements of the Growth Plan and to re-develop this parcel requires a rezone, concurrent with the Future Land Use Map designation of Residential Medium. The Applicants request the zoning designation of PD (Planned Development) with a default zoning designation of R-8. The Applicants wish to stress the point that their density will be at 4 dwelling units per acre, not 8.

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

The character of the neighborhood to the east and west is residential with an approximate density of 4.3 dwelling units per acre. Therefore the proposed development is consistent with the neighborhood.

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

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site at a density of 4 dwelling units per acre. Therefore this proposal is consistent with the Growth Plan.

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

All public facilities and services are currently available and can be extended through the subdivision to meet the impacts of the Planned Development.

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

Due to the growth demands currently being experienced in Grand Junction, there is little need for R-R zoned land and a much greater need for land allowing higher residential densities. Therefore the supply of comparably zoned land is inadequate to accommodate the community's needs.

6. The community will benefit from the proposed zone.

The community will benefit from the proposed zoning by providing a density that is compatible the surrounding developments.

Consistency with the review criteria of Section 2.12.C.2. of the Zoning and Development Code.

A preliminary development plan application shall demonstrate conformance with all of the following:

1. The ODP review criteria in Section 2.12.B;
 - a. The Growth Plan, Major street plan and other adopted plans and policies.

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site at a density of 4 dwelling units per acre. Therefore this proposal is consistent with the Growth Plan. There are no major streets associated with this proposal and the property does not lie within an area of the City identified in a special area plan. Therefore the request meets all applicable plans and policies.

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

The proposed development meets the criteria provided in Section 2.6 of the Zoning and Development Code.

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

The proposed development meets the requirements of Chapter Five. The Applicant is proposing approximately .74 acres (32,560 square feet) of open space equaling approximately 24.9% of the overall site. The parcel is currently surrounded by existing privacy fences from the adjacent subdivisions therefore no additional privacy fencing is required. The proposed development is compatible to the adjacent subdivisions. The landscaping shall be required on all tracts and shall meet the requirements of Chapter Six. Off-street parking will meet the Code requirements of two spaces per dwelling unit. Based on approval of the TEDS exceptions, the proposed street will meet the remaining standards when the 26 foot triangle located west of the intersection is dedicated.

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

There are no applicable corridor guidelines or overlay districts that cover this property.

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

All public services and facilities are currently available. Multi-purpose easements are shown on the preliminary development plan that will provide adequate room for the extension of the existing facilities.

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

There is adequate circulation to serve the subdivision.

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

Typically, residential zones abutting residential zones do not require additional buffering or screening. However, the Applicant is proposing additional landscaping along the western side of Cobblestone Way providing additional buffering to the adjacent properties to the west.

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

The entire property will be developed at a gross density of 4 dwelling units per acre.

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

A default zone of R-8 is proposed, with a modification of the rear and front setbacks to 15 feet. Only single story structures will be allowed. Minimum lot sizes remain above the bulk standard requirement of 4,000 square feet.

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

The property will be developed in one phase.

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

The property is less than 20 acres in size. Section 5.4.E. of the Zoning and Development Code calls for a minimum of five acres for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development as a PD.

- 2. The applicable preliminary subdivision plan criteria in Section 2.8.B;

A preliminary plat can only be approved when it is in compliance with all of the following:

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

The Growth Plan for this area is Residential Medium, 4 to 8 du/ac. With the existing zoning at R-R, a rezone must take place to develop the property in compliance with the Growth Plan. The zoning designation of PD may apply when a unique single-use project is desired and is not available through application of the standards established in Chapter Three. There are no major streets associated with this proposal and the property does not lie within an area of the City identified in a special area plan. Therefore the request meets applicable plans and policies.

- b. The Subdivision standards Chapter Six.

All of the subdivision standards have been met.

- c. The Zoning standards contained in Chapter Three.

The Zoning standards found in Chapter 3 have been met.

- d. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations.

Standards of the Zoning and Development Code have been met as well as the requirements for the Transportation Engineering Design Standards (TEDS).

- e. Adequate public facilities and services will be available concurrent with the subdivision.

Adequate public facilities and service are available and are adequate to the subdivision.

- f. The project will have little or no adverse or negative impacts upon the natural or social environment.

The proposed subdivision, with detached single-family dwellings, will have no adverse or negative impacts on the natural or social.

- g. Compatibility with existing and proposed development on adjacent properties.

The subdivision will provide single-family detached housing, therefore making it compatible with the adjacent subdivisions.

- h. Adjacent agricultural property and land uses will not be harmed.

There are no adjacent agricultural lands.

- i. Is neither piecemeal development nor premature development of agricultural land or other unique areas.

This is an infill property, therefore it is not premature.

- j. There is adequate land to dedicate for provision of public services.

The preliminary development plan shows that there is adequate room for easements for all public services that will be provided for the development of this subdivision.

- k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The project will not cause an undue burden on the City as all open space areas and detention pond will be conveyed to and maintained by the Home Owners Association.

- 3. The applicable site plan review criteria in Section 2.2.D.4;

Site plan review criteria is not applicable to this project, only the subdivision criteria that was addressed above applies.

- 4. The approved ODP, if applicable;

There is no ODP, therefore this is not applicable.

- 5. The approved PD rezoning ordinance, if adopted with an ODP;

Not applicable. There is no approved ODP.

- 6. An appropriate, specific density for all areas included in the preliminary plan approval;

Due to the small size of this parcel, the density of 4 dwelling units per acre is for the entire site.

- 7. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The property is less than 5 acres in size. Section 5.4.E. of the Zoning and Development Code calls for a minimum of five acres for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development as a PD.

Long-Term Community Benefit

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Chapter 3 of the Code. The Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative design;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The following are the community benefits as identified by the Applicant:

1. A more effective use of existing utilities, streets and sidewalks (infrastructure), with an intensity of development similar to adjacent neighborhoods.
2. The PD zoning allows for the Applicant to commit to a site layout with single family home lots that compliment the size and value of those adjacent subdivisions, thus satisfying concerns expressed by neighbors NOT wanting multifamily housing with detached single story homes.
3. The location of this property and adjacency to the mall, other planned shopping areas and a hospital expansion allow for reduced traffic demands.
4. The PD zoning layout provided allows the Applicants to provide a native open space on the north end of the property, which allows a walking connection with a trail access from the west via Diamond Ridge subdivision and adjacency to an existing open space in Westwood Ranch Subdivision to the east.
5. Cobble Creek Subdivision will have .807 acres of open space or 24.9%. The required open space for a development this size (3.247 acres) per Chapter 6.3.B of the Zoning Code is 10% or .3247 of an acre. Cobble Creek will have more than 1 ½ times the required open space. The maximum amount of open space on all surrounding subdivision is 13.91% in Westwood Ranch filing #1, #A & #2. The average % of open space on all surrounding subdivisions is 8.14%. The Cobble Creek Development % of open space is more than one and two-thirds that all surrounding

subdivision. This information was taken from the recorded plats for these developments. The percentage of open space provided in this is a public benefit to the project.

6. Though the narrowness of the lot has led staff to allow for reduced street widths the Applicants have worked with elements of the PD design to leave full size streets with sidewalk on one side), to allow for recreational uses of walking, strolling children in buggies, movement of wheel chairs from homes to open space, etc. without having to be in the street.
7. A needed type of housing has been provided by the use of the PD zoning of the property and the site plan design allowed by the PD. This includes lesser setbacks for the front yard and larger setbacks for the back yard, than that of the straight zone. This will implement smaller yards, yet shared open space. Research by the owners shows a need for senior and less mobile housing users. This allows the Applicants to provide a need for reasonably priced homes for retired and working couples, which allow for them to own a single family home on their own lot, with a minimal size yard. This public benefit has the Applicants more closely reviewing builder home layouts that are innovative, providing efficient storage areas, green spaces and allow for some units to be fully accessible for a number of needs.
8. The PD zoning encourages preservation of natural features, which encourages the Applicants to protect the native open space at the north end of the site, where birds, squirrels and other native animals live near the canal.

The proposed development has met the following long-term community benefits:

1. More effective infrastructure;
2. A greater quality and quantity of public and/or private open space;
3. Needed housing types and/or mix; and
4. Innovative design.

FINDINGS, CONCLUSIONS AND CONDITIONS:

After reviewing the Cobble Creek Planned Development application, PP-2007-169, for a rezone to PD, I make the following findings of fact, conclusions and conditions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria of Section 2.6.A. of the Zoning and Development Code have been met.
3. The review criteria of Section 2.12.C.2. of the Zoning and Development Code have been met.

4. The proposed development provides long-term community benefits above and beyond those required to mitigate the impacts of development and complies with Chapter 5 of the Zoning and Development Code.
5. Prior to final plat approval, a 26 foot by 26 foot triangle must be acquired from the property to the west for the installation of the curb return to allow Cobblestone Way to meet the Transportation Engineering Design Standards.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of April 22, 2008; the Planning Commission forwards a recommendation of approval to the City Council, for the requested rezone from R-R to PD and approval of the Preliminary Development Plan for Cobble Creek Subdivision, file number PP-2007-469, with the findings, conclusions and conditions as listed in the Staff Report. The minutes of the meeting are following:

**GRAND JUNCTION PLANNING COMMISSION
APRIL 22, 2008 MINUTES
6:00 p.m. to 6:45 p.m.**

4. Cobble Creek – Preliminary Development Plan

Request a recommendation of approval to City Council to rezone from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and a request for a recommendation of approval to City Council of a Preliminary Development Plan (PDP) to develop 12 single-family lots on 3.002 acres in a PD (Planned Development) zone district.

FILE #: PP-2007-169

PETITIONER: Jana Gerow - Divine Guidance, LLC

LOCATION: 2524 F 1/2 Road

STAFF: Lori Bowers, Senior Planner

APPLICANT'S PRESENTATION

Jana Gerow with Development Construction Services addressed the Commission regarding the requested rezone and request for a Preliminary Development Plan. She stated that this matter was deferred back to staff for revisions from the March 25th Planning Commission. She provided a brief background regarding the project. She said that the site currently has a mobile home on the front of the site with pasture behind which is used for horses. She stated that the main changes were to look at the closeness of the buildings to those of existing neighbors, the setbacks and the height of the homes. According to Ms. Gerow, they are now proposing the rear yard setback from a 10 foot setback to a 15 foot rear yard setback; a 15 foot front yard setback, lot area standard of a minimum of 4,000 square feet; and side yard setbacks of 5 feet. She further said that they have some homes with a recessed garage to allow for a longer driveway and some others that may be flush. Additionally, she said that applicant is willing to restrict the homes to all single-family homes. She also said that the art component has been taken out of the project. She confirmed that the green space on the west side is 6 feet.

QUESTIONS

Commissioner Dibble raised a question regarding single-family residences as mentioned by Ms. Gerow. He said that he believed the object in question was two-story homes versus single-story homes. Jana Gerow confirmed that applicant is willing to restrict the homes to single-story homes.

Commissioner Dibble next asked Ms. Gerow what prompted the removal of the art on the block from the project. Ms. Gerow stated that there was input that it was a waste of time.

PUBLIC COMMENT

For:

Bob Ingelhart stated that he lives in the Colonial Heights Subdivision. He said that this type of project would be in keeping with what is already there and would fit in very well and was in favor of it.

Judy Duncan read an e-mail from someone who owns two units next door, just to the east of the detention area at 2527A & B Shetland, which e-mail stated that they would have no problem with two-story design. Ms. Duncan stated that she was in favor of the project.

Amanda Potter, a resident of Colonial Heights, said that she thinks it is a good idea to have single-family homes and was in favor of the project.

Against:

Ron Stoneburner, 653 Longhorn Street, stated that he made a lengthy presentation at the last hearing regarding this project. He said that they were appreciative that the Commission listened to their concerns. He said that it was his understanding that the density was going to change. He further stated that it is not compatible and does not conform to the existing neighborhoods. He asked that this be taken into consideration and does not believe it appropriate to put that many houses on the acreage.

Richard Bell stated that he lives in Diamond Ridge Subdivision. He pointed out that the Colonial Heights Subdivision is not really impacted by this development. He said that they do appreciate the applicant's willingness to restrict the development to one-story units as well as the setbacks which are improvements but he thinks the awkwardness of the site seems to be an overuse of the property. He also said that he believed the open space issue has not yet been resolved for this particular development.

Sue Love, 661 Longhorn, said that she agrees with the changes that have been made and asked that there be less houses allowed on the acreage.

Pete Tuckness, 2534 Shetland Drive in the Westwood Subdivision, said that he is in 100 percent agreement with the statements made by Mr. Stoneburner.

PETITIONER'S REBUTTAL

Jana Gerow said that open space has been provided. Also, she would defer the issue of the area in dispute between the City and the irrigation company. It is her belief that that property would be usable open space unless something changes. Furthermore, conditions could be put on it which could be dealt with as the project goes forward if the open space becomes non-usable and applicant could then look at some alterations to give them additional open space. She said that compatibility doesn't always mean exactly the same. Ms. Gerow said that applicant chose this type of housing because there are elderly members who would like to have a small lot with not a lot of yard maintenance. Therefore, she said that she thinks applicant has provided an acceptable project. She said that she hopes that the Commission will approve this plan based upon the changes that have been made.

QUESTIONS

Commissioner Dibble asked if 13 houses were originally proposed. Ms. Gerow said that at one point there was an additional lot for a total of 14. However, one lot was given up with the widening of the cul-de-sac and the proposal now is for 12 lots.

Commissioner Pitts asked if 12 lots were proposed in the previous presentation. Jana Gerow said that they have not reduced any lots from the previous presentation and the only thing that has changed on the site plan is the setbacks.

Commissioner Dibble said that the PD zone appears to be the default zone rather than the R-8 as the modifications have been made away from R-8 zone requirements. Lori Bowers said that the zoning will be a PD zoning with a default zoning of R-8. Ms. Bowers confirmed that the changes would be specific in the ordinance that would go to City Council.

Commissioner Dibble asked legal staff if the area in dispute is that which goes out into the canal and not the area being considered as open space. Jamie Beard, Assistant City Attorney, said that it is her understanding that the question was whether or not the description for this particular property went to the centerline of the canal or if it went only to the right-of-way. Ms. Beard said that it was determined, based on the information provided, that it went to the centerline of the canal and if the canal company wanted to claim otherwise, then they would have to take further action to be able to do that. She further said that there would still be some open space but some of the property that may be taken into consideration for the overall acreage for the property is part of that portion to the centerline of the canal.

Commissioner Dibble asked if there was enough open space for a PD requirement without the inclusion of the area in dispute. Jamie Beard said that there was enough open space for the project. She said that based on the information available, the project includes the full property to the centerline of the canal which would be taken into consideration for the open space.

Commissioner Dibble asked if it could be remanded back for adjustment. Ms. Beard confirmed that if later it was determined that there was a question as to the ownership of that portion and it would affect the approval, then it would be possible that it could come back to the Commission.

Commissioner Sublett asked if the service road for the canal was on the south side or the north side and if access could be prohibited via no trespassing signs. Jamie Beard said that at this point in time, in regards to the Urban Trails Map and the position and policy of the City Council, the trails have not been opened up and so no trespassing signs would be allowed in regards to the canal property but that doesn't reflect on whether it was open space for purpose of public benefit.

Commissioner Putnam said that it was his understanding that any new development in the City that has a canal on it requires that the owner dedicate for public use the access to the service roads. Jamie Beard said that was correct as it is the policy of the City that where there are canal roads included on the Urban Trails Map that there is a requirement that there be a dedication for a trails easement.

DISCUSSION

Commissioner Pitts said that when this project was looked at he recalled that the Commission had concerns with the open space, density and height of the structures. He further said that he was hopeful the density would have been decreased to make it more compatible with the properties on the east and west. He further stated that he does not think the change is what he was looking for.

Jamie Beard said that she was informed that not only is the area that would be normal for the trail included in the open space but if it were determined later that the disputed property is not included as a part of this property, applicant had dedicated additional space so that there would be a continuation of the trail from the two subdivisions on either side.

Commissioner Putnam said that according to the definition of compatible - capable of living together harmoniously - it was his opinion that compatibility was in the eye of the beholder and one should not rely on just that word.

Commissioner Dibble said that he would like to see quality rather than quantity. He said that he does not see any problem with an R-8, or 12 homes.

Commissioner Carlow asked if it was an oversight by the City that stub streets were not required for the subdivisions on either side of the proposed development. Lori Bowers said that she doesn't believe it was an oversight. She said that she thinks at that time, they never thought this property would develop.

Vice Chairman Lowrey said that he does not find the density incompatible and thought the changes made regarding the setbacks and the single-story limitation meet the legitimate objections that the nearby property owners had and would approve the project.

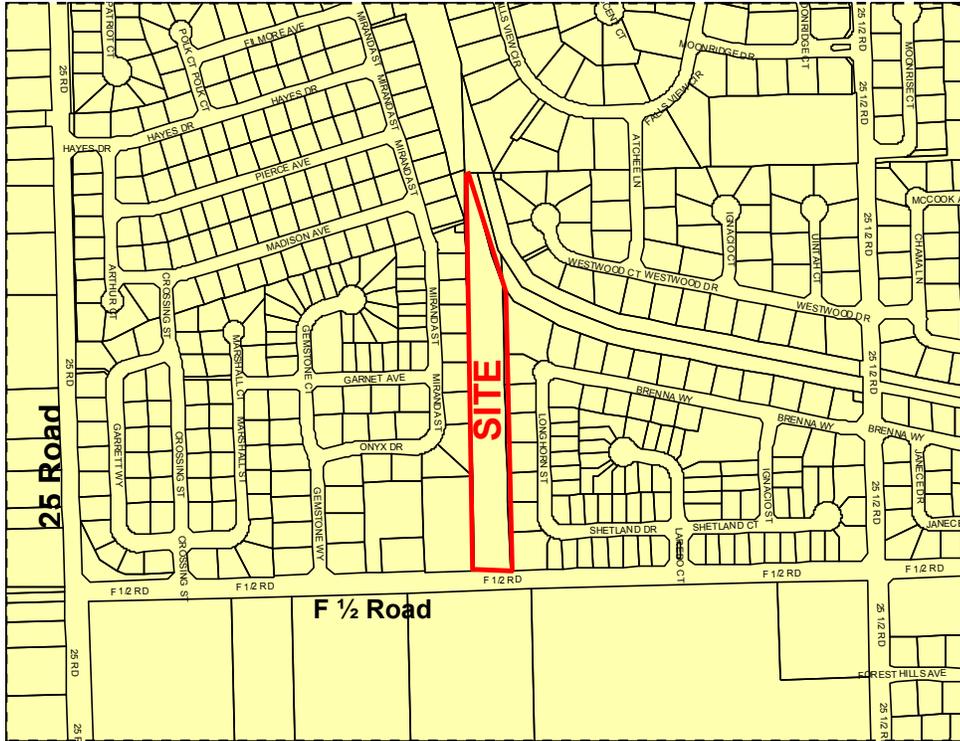
Commissioner Wall said that he likes the project because it is a Planned Development and felt that the applicants have made some good concessions. He further stated that he likes the fact that it is a Planned Development, knowing what we're getting ahead of time and thinks it is a good project.

Commissioner Sublett stated that he thinks it is a good project as well.

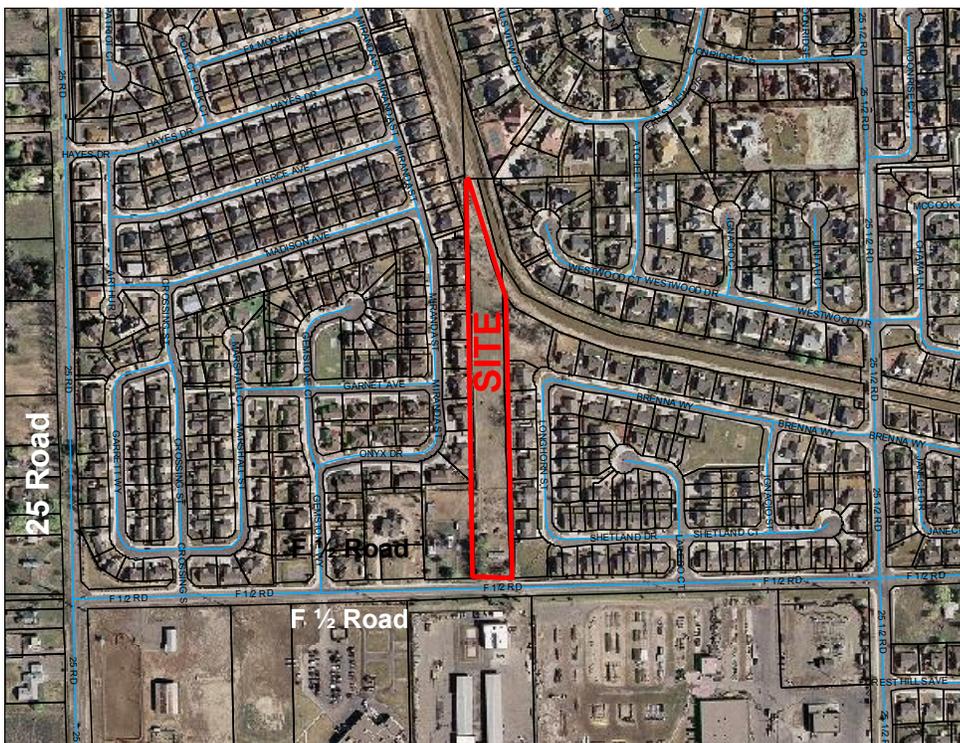
MOTION: (Chairman Wall) "Mr. Chairman, I move that the Planning Commission forward a recommendation of approval to the City Council, for the requested rezone from R-R to PD and approval of the Preliminary Development Plan for Cobble Creek Subdivision, file number PP-2007-469, with the findings, conclusions and condition as listed in the Staff Report."

Commissioner Sublett seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

Site Location Map

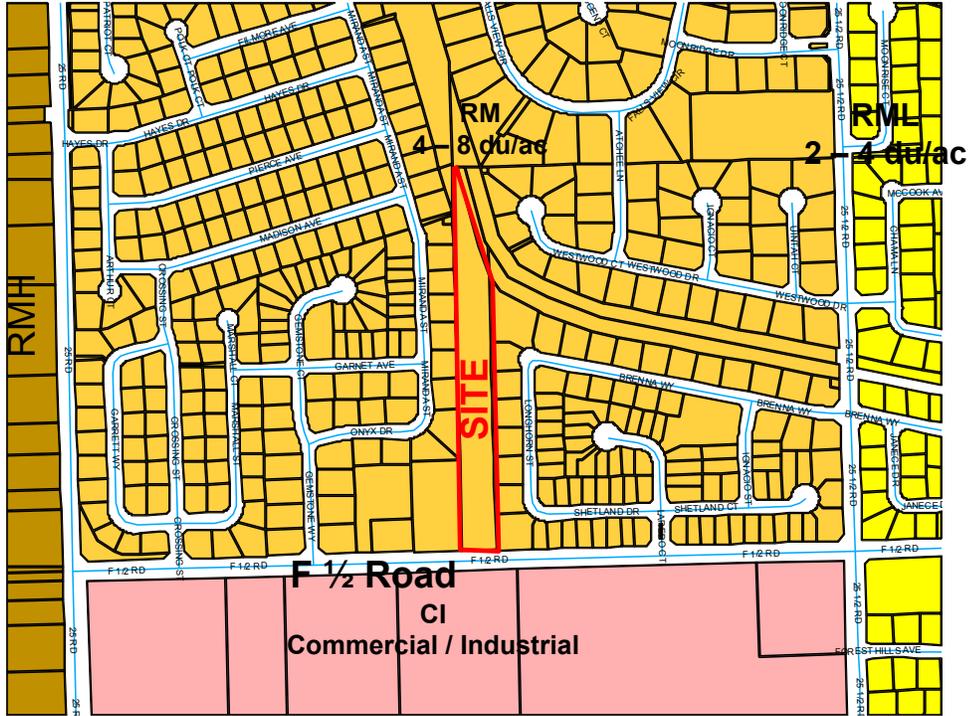


Aerial Photo Map



Future Land Use Map

2524 F 1/2 Road



Existing City and County Zoning

2524 F 1/2 Road



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."

General Project Report

Response to Planning Commission Comments of March 25, 2008

Cobble Creek Subdivision

2524 F ½ Road, Grand Junction, Colorado

Planned Development

- A. General Project Description** – This is a request for a Planned Development for City of Grand Junction Plan file #PP-2007-169 for Parcel No. 2945-032-00-118, which consists of 3.002 acres, into 12 separate lots from the south to the north to be used for single family residential homes. The parcel is zoned RSF-R with a future land use of residential medium. We also propose to rezone this land from RSF-R to Planned Development (PD) combining design elements from other zones.
- B. Response to Planning Commission Comments of March 25, 2008** – In response to concerns expressed from the neighbors and direction given by the planning commission, the owners (Divine Guidance, LLC) of the project – Cobble Creek Subdivision – respectfully clarify their intentions and would like to provide drawings and sketches to support their design modifications.
- 1) Changes to the building setbacks have been proposed with the rear set back moving forward 5 feet and the front set back moving forward 5 feet. Thus giving the same depth and size of building envelope, but providing additional distance from the rear property line to the closest portion of the building/home. See the attached sketch, with the PD setbacks to be the newly revised setbacks for the subdivision (Exhibit A attached.).
 - 2) Houses will be designed to include some houses flush with the set backs and others where the garages recessed or a portion of the front façade recessed. See the second attachment showing a rendered site plan with conceptual layouts of homes on lots with the revised setbacks. (Exhibit B attached.)
 - 3) Building Elevations have been provided with a couple of possible designs for the homes. These show that all the homes are designed with single story or ranch plan layout. To satisfy concerns by the neighbors Divine Guidance LLC is willing to place a requirement for single story homes with in the Development Guidelines for the subdivision and will assure all homes are built following this requirement for single story homes – ONLY. (Exhibit C attached.)
 - 4) Other clarifications include –
 - A.) Verification that the green space along the western boundary of the subdivision is 6' of green space behind the curb. This green space will extend from the northern boundary of the subdivision to a point where the

sidewalk curves back in to allow for walking access along the entrance off of F-1/2 Road (across from lot 4).

B.) In response to concerns from neighbors that artwork will not be maintained, the owners have agreed to remove the proposed art work at the detention area on the south side of the property.

We appreciate the opportunity to address the concerns that were referred back to us from the March 25 meeting and trust that with these modifications and additional information we will gain Planning Commissions full support to move forward with the project.

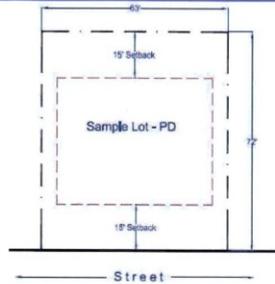


COBBLE CREEK
HOME ELEVATIONS

F 1/2 Rd.

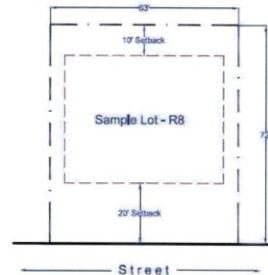


Cobble Creek Design Comparison: Proposed PD to R-8 standards



Proposed PD Bulk Requirements

Lot Area	4,000 sf
Lot Coverage	70%
Front Yard	15'
Side Yard	5'
Rear Yard	15'



Current R8 Bulk Requirements

Lot Area	4,000 sf
Lot Coverage	70%
Front Yard	20'
Side Yard	5'
Rear Yard	10'

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING THE COBBLE CREEK SUBDIVISION FROM R-R (RESIDENTIAL RURAL) TO PD (PLANNED DEVELOPMENT) ZONE BY APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH A DEFAULT R-8 (RESIDENTIAL – 8) ZONE, WITH DEVIATIONS, FOR THE DEVELOPMENT OF 12 SINGLE-FAMILY DETACHED DWELLING UNITS, LOCATED 2524 F 1/2 ROAD

Recitals:

A request for a rezone from R-R (Residential – Rural, 1 dwelling unit per 5 acres) to PD (Planned Development) on approximately 3.0 acres by approval of a Preliminary Development Plan (Plan) with a default R-8 zone, with deviations, has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (R-8) and deviations and adopt the Preliminary Development Plan for Cobble Creek Subdivision. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the R-8 zone district.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Preliminary Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Growth Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” by proposing more effective infrastructure, a greater quantity of public open space, needed housing types and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING STANDARDS, DEFAULT ZONE AND DEVIATIONS:

- A. Beginning at the SW corner of the SE 1/4 NW 1/4 of Section 3 T1S R1W of the Ute Meridian, thence East 116 ft, thence North to the right of way of the Grand Valley Irrigation Canal, thence Northerly along the West right of way line of said Canal to the North boundary line of the said SE 1/4 NW 1/4, thence West to the West boundary line of the said SE 1/4 NW 1/4, thence South to the Point of Beginning;

EXCEPTING THEREFROM those portions thereof conveyed to the City of Grand Junction for Public Roadway and Utilities Right-of-Way purposes

by instruments recorded March 22, 2001 in Book at Pages 451 and 453, Mesa County, Colorado.

Also known by the street and number as 2524 F 1/2 Road, Grand Junction, Colorado 81505.

Said parcel contains 3.002 acres more or less.

- B. Cobble Creek Subdivision Preliminary Development Plan is approved with the Findings of Facts, Conclusions and Conditions listed in the Staff Presentations dated May 5, 2008 and May 19, 2008 including attachments and Exhibits.
- C. The default zoning will be R-8 with the following deviations:
 - a. Minimum front yard setbacks shall be 15 feet;
 - b. Minimum rear yard setbacks shall be 15 feet;
 - c. All structures shall be limited to a single story.

INTRODUCED on first reading on the 5th day of May 2008 and ordered published.

ADOPTED on second reading this ____ day of ____ 2008.

ATTEST:

Gregg Palmer
President of the Council

Stephanie Tuin
City Clerk