



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, JUNE 30, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Retired Pastor Eldon Coffey

Appointments

Downtown Development Authority/Downtown Grand Junction BID

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the June 16, 2008 Special Session and the Minutes of the June 16, 2008 and the June 18, 2008 Regular Meetings

2. **Setting a Hearing Zoning the Houghton Annexation, Located at 2964 D Road** [Attach 2](#)
[File #ANX-2008-120]

Request to zone the 4.02 acre Houghton Annexation, located at 2964 D Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Houghton Annexation to R-8 (Residential 8 du/ac), Located at 2964 D Road

*** Indicates New Item

® Requires Roll Call Vote

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

Staff presentation: Brian Rusche, Senior Planner

3. **Setting a Hearing Zoning the Phillips-Ford Annexation, Located at 2894 Orchard Avenue** [File #ANX-2008-117] [Attach 3](#)

Request to zone the 0.53 acre Phillips-Ford Annexation, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Phillips-Ford Annexation to R-8 (Residential 8 du/ac), Located at 2894 Orchard Avenue

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

Staff presentation: Brian Rusche, Senior Planner

4. **Setting a Hearing to Rezone the Palmer Park Subdivision, Located at 2675 Highway 50** [File #PP-2007-317] [Attach 4](#)

A request to rezone the subject property from 6.06 acres of C-1 (Light Commercial) and 9.04 acres of R-4 (Residential 4 du/ac) to 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac).

Proposed Ordinance Rezoning the Property Known as the Palmer Park Subdivision to C-1 (Light Commercial) and R-4 (Residential 4 du/ac), Located at 2675 Highway 50

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

Staff presentation: Brian Rusche, Senior Planner

5. **Setting a Hearing Zoning the Pioneer Meadows Annexation, Located at 3126 and 3134 E Road** [File #ANX-2008-078] [Attach 5](#)

Request to zone 9.24 acres located at 3126 and 3134 E Road, to R-8 (Residential 8 du/ac). The Pioneer Meadows Annexation consists of two parcels and a portion of the E Road Right-of-Way.

Proposed Ordinance Zoning the Pioneer Meadows Annexation to R-8 (Residential 8 du/ac), Located at 3126 and 3134 E Road

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

Staff presentation: Ronnie Edwards, Associate Planner

6. **Rename Portions of River Road and D Road to Riverside Parkway** [File #MSC-2007-139] [Attach 6](#)

Rename portions of River Road and D Road to Riverside Parkway. The portions of River Road right-of-way to be renamed are located between the Redlands Parkway interchange and Highway 340. The portions of D Road to be renamed are located between the newly constructed intersection of D Road, Riverside Parkway and 29 Road.

Resolution No. 88-08—A Resolution Renaming Portions of River Road and D Road to Riverside Parkway

®Action: Adopt Resolution No. 88-08

Staff presentation: Senta L. Costello, Senior Planner

7. **Purchase of Road Oil for Chip and Seal Program** [Attach 7](#)

Purchase of approximately 85,000 gallons of road oil for the annual chip and seal program, Streets Division.

Action: Authorize the City Purchasing Division to Sole Source Purchase 85,000 gallons of Road Oil from Cobitco, Inc., of Denver, Colorado, in the Amount of \$240,550

Staff presentation: Jay Valentine, Assistant Financial Operations Manager
Darren Starr, Solid Waste and Streets Manager
Terry Franklin, Deputy Director Utilities and Street Systems

8. **Sidewalk Dining Application for Junct'n Square Pizza, LLC** [Attach 8](#)

Junct'n Square Pizza, LLC dba Junct'n Square Pizza, is requesting an Outdoor Dining Lease for the property located at 119 N. 7th Street. They have applied for and received a Sidewalk Café Permit to serve food outside at 4-6 tables with 4 chairs at each table. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area, as well.

Resolution No. 89-08 — A Resolution Authorizing the Lease of Sidewalk Right-of-way to Junct'n Square Pizza, LLC dba Junct'n Square Pizza, Located at 119 N. 7th Street

®Action: *Adopt Resolution No. 89-08*

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

9. **Grant for 26 Road and G ½ Road Improvements** [Attach 9](#)

A request to accept an Energy and Mineral Impact Grant, in the amount of \$500,000, as partial funding for improvements to 26 Road and G ½ Road. The 26 Road improvements will include widening and sight distance improvements. The G ½ Road improvements include curb, gutter and sidewalk.

Action: *Accept the Grant and Authorize the City Manager to Sign the Grant Contract*

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

10. **Grant for Police Radios** [Attach 10](#)

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice, to apply for an annual grant in the amount of \$28,648. These funds are allocated evenly between GJPD and MCSO and will be used to purchase 800 MHz radios. The GJPD Administers and allocates the funds. The BJA requires the public to have an opportunity to comment and City Council approval for the application process.

Action: *Authorize the City Manager and GJPD to Apply for these Funds, and if Awarded to Manage/Disperse \$28,648 in Grant Funds*

Staff presentation: Troy Smith, Deputy Chief of Police

11. **Public Hearing—Shores Annexation and Zoning , Located at 166 Edlun Road**
[File #ANX-2008-104] [Attach 11](#)

Request to annex 17.97 acres and zone 17.36 acres, located at 166 Edlun Road, to R-4 (Residential 4 du/ac).

a. Accepting Petition

Resolution No. 90-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Shores Annexation No. 1 and No. 2, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way is Eligible for Annexation

b. Annexations Ordinances

Ordinance No. 4249—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

Ordinance No. 4250—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

c. Zoning Ordinance

Ordinance No. 4251—An Ordinance Zoning the Shores Annexation to R-4 (Residential 4 du/ac), Located at 166 Edlun Road

Action: Adopt Resolution No. 90-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4249, 4250, and 4251

Staff presentation: Lori V. Bowers, Senior Planner

12. **Public Hearing—Sienna Creek Annexation and Zoning, Located at 2052 Broadway**
[File #ANX-2008-107] [Attach 12](#)

Request to annex and zone 5.16 acres of land located at 2052 Broadway, to the R-4 (Residential 4 du/ac) Zoning District. The Sienna Creek Annexation consists of one (1) parcel of land and a portion of the adjacent Broadway right-of-way.

a. Accepting Petition

Resolution No. 91-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sienna Creek Annexation, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4254—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

c. Zoning Ordinance

Ordinance No. 4255—An Ordinance Zoning the Sienna Creek Annexation to R-4 (Residential 4 du/ac), Located at 2052 Broadway

Action: Adopt Resolution No. 91-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4254 and 4255

Staff presentation: Brian Rusche, Senior Planner

13. **Public Hearing—Sunshine-Moir Annexation and Zoning, Located at 2899 D Road and 383 29 Road** [File #ANX-2008-080] [Attach 13](#)

Request to annex and zone 5.54 acres, located at 2899 D Road and 383 29 Road, to C-1 (Light Commercial). The Sunshine-Moir Annexation consists of 2 parcels and includes a portion of the D Road and 29 Road rights-of-way and all of an unnamed right-of-way on the southern border of the property at 383 29 Road.

a. Accepting Petition

Resolution No. 92-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the 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 is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4256—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine-Moir Annexation, Approximately 5.54 Acres, Located at 2899 D Road and 383 29 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

c. Zoning Ordinance

Ordinance No. 4257—An Ordinance Zoning the Sunshine-Moir Annexation to C-1 (Light Commercial), Located at 2899 D Road and 383 29 Road

Action: Adopt Resolution No. 92-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4256 and 4257

Staff presentation: Greg Moberg, Planning Services Supervisor

14. **Public Hearing—Sunshine of Delta Growth Plan Amendment – Located at 377 and 379 29 Road** [File #GPA-2008-074] [Attach 14](#)

A request to amend the Growth Plan, changing the Future Land Use designation from Residential Medium Low (2 – 4 du/ac) to Residential Medium High (8 – 12 du/ac) for 4.3 acres, located at 377 and 379 29 Road.

Resolution No. 93-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 4.3 Acres Located at 377 and 379 29 Road, Known as the Sunshine of Delta Growth Plan Amendment, from Residential Medium Low (2-4 du/ac) to Residential Medium High (8-12 du/ac).

®Action: Adopt Resolution No. 93-08

Staff presentation: Greg Moberg, Planning Services Supervisor

15. **Public Hearing—Sunshine of Delta Annexation, Located at 377 and 379 29 Road** [File #GPA-2008-074] [Attach 15](#)

Request to annex 5.2 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of 2 parcels and includes portions of the 29 Road and C $\frac{3}{4}$ Road rights-of-way.

a. Accepting Petition

Resolution No. 94-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determine that Property Known as the Sunshine of Delta Annexation, Located at 377 and 379 29 Road Includes Portions of the 29 Road and C $\frac{3}{4}$ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4258—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 the 29 Road Right-of-Way and C ³/₄ Road Right-of-Way

Action: Adopt Resolution No. 94-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4258

Staff presentation: Greg Moberg, Planning Services Supervisor

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

17. **Other Business**

18. **Adjournment**

Attach 1
Minutes

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JUNE 16, 2008

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, June 16, 2008 at 6:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and President of the Council Gregg Palmer. Staff members present were City Manager Laurie Kadrich, City Attorney John Shaver, Deputy City Manager Rich Englehart and Visitor and Convention Bureau Director Debbie Kovalik.

Council President Palmer called the meeting to order.

Councilmember Doody moved to go into executive session relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under Section 402 (4)(e) of the Open Meetings Law relative to retail development and Council will not be returning to open session. Councilmember Beckstein seconded the motion. The motion carried.

The City Council convened into executive session at 6:04 p.m.

Stephanie Tuin, MMC
City Clerk

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

June 16, 2008

The City Council of the City of Grand Junction convened into regular session on the 16th day of June 2008 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. 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 Doody led in the Pledge of Allegiance. Invocation was given by Chaplain Abe Phiefer, New Horizons Foursquare Church.

Council Comments

There were none.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Hill read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Beckstein, and carried by roll call vote to approve Consent Items #1 through 8.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the June 2, 2008 and the June 4, 2008 Regular Meetings

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

Request to zone the 5.16 acre Sienna Creek Annexation, located at 2052 Broadway, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Sienna Creek Annexation to R-4 (Residential 4 du/ac), Located at 2052 Broadway

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

3. **Setting a Hearing on Zoning the Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road** [File #ANX-2008-080]

Request to zone the 5.54 acre Sunshine-Moir Annexation, located at 2899 D Road and 383 29 Road, to C-1 (Light Commercial).

Proposed Ordinance Zoning the Sunshine-Moir Annexation to C-1 (Light Commercial), Located at 2899 D Road and 383 29 Road

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

4. **Setting a Hearing on Zoning the Shores Annexation, Located at 166 Edlun Road** [File #ANX-2008-104]

Request to zone the 17.97 acre Shores Annexation, located at 166 Edlun Road, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Shores Annexation to R-4 (Residential 4 du/ac), Located at 166 Edlun Road

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

5. **Setting a Hearing on the Level III Annexation, Located at 2922 B ½ Road** [File #ANX-2008-147]

Request to annex 19.68 acres, located at 2922 B ½ Road. The Level III Annexation consists of 1 parcel and includes a portion of the B ½ Road right-of-way.

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

Resolution No. 77-08— 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, Level III Annexation, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way

Action: Adopt Resolution No. 77-08

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Level III Annexation, Approximately 19.68 Acres, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way

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

6. **Setting a Hearing on the Fournier Annexation, Located at 2132 Rainbow Ranch Drive** [File #ANX-2008-111]

Request to annex 6.48 acres, located at 2132 Rainbow Ranch Drive. The Fournier Annexation consists of 1 parcel and includes a portion of the Broadway right-of-way and all of the Rainbow Ranch Drive right-of-way.

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

Resolution No. 78-08—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, Fournier Annexation, Located at 2132 Rainbow Ranch Road Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Road Right-of-Way

Action: Adopt Resolution No. 78-08

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fournier Annexation, Approximately 6.48 Acres, Located at 2132 Rainbow Ranch Road Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Road Right-of-Way

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

7. **Address Change for the Sale of Property at 3rd and Main Streets**

City Council ratified the sale contract to Western Hospitality, LLC for property at 3rd and Main Streets by Resolution No. 53-08 at its May 19, 2008 meeting. City Staff then became aware of discrepancies in legal property descriptions in the contract documents. In order to proceed and close on the property, the sale contract and Resolution 53-08 need to be amended to accurately describe the property being sold to Western Hospitality and match the understanding and representations made by both parties throughout this transaction.

Resolution No. 79-08—A Resolution Amending Resolution 53-08 Regarding the Sale of Real Property Located at 236 Main Street, 238 Main Street, and an Adjoining Unnumbered Parcel

Action: Adopt Resolution No. 79-08

8. **Sidewalk Dining Application for Blue Moon Bar and Grille**

WTB Enterprises Inc., dba Blue Moon Bar and Grille, is requesting an Outdoor Dining Lease for the property located at 120 N. Seventh Street. They have applied for and received a Sidewalk Café Permit to serve food outside at up to 10 tables with a maximum of 40 seats. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area, as well.

Resolution No. 80-08—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to WTB Enterprises, Inc. dba Blue Moon Bar and Grille, Located at 120 N. 7th Street

Action: Adopt Resolution No. 80-08

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Simon Annexation and Zoning, Located at 3076 and 3080 F ½ Road [File #ANX-2008-106]

Request to annex and zone 6.30 acres, located at 3076 and 3080 F ½ Road, to R-2 (Residential 2-du/ac). The Simon Annexation consists of two parcels, a portion of the F ½ Road right-of-way, and is a two part serial annexation.

The public hearing was opened at 7:09 p.m.

Brian Rusche, Senior Planner, reviewed this item. He described the site and the location. He identified the surrounding properties and Future Land Use Designation. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met.

The applicant was present but had nothing to add.

There were no public comments.
The public hearing was closed at 7:11 p.m.

a. Accepting Petition

Resolution No. 81-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Simon Annexation, Located at 3076 and 3080 F ½ Road Including a Portion of the F ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4244—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Simon Annexation No. 1, Approximately 1.62 Acres, Located at 3076 F ½ Road Including a Portion of the F ½ Road Right-of-Way

Ordinance No. 4245—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Simon Annexation No. 2, Approximately 4.68 Acres, Located at 3080 F ½ Road Including a Portion of the F ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4246—An Ordinance Zoning the Simon Annexation to R-2 (Residential 2-Du/Ac), Located at 3076 and 3080 F ½ Road

Councilmember Thomason moved to adopt Resolution No. 81-08 and Ordinance Nos. 4244, 4245 and 4246 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing—Burnett Annexation and Zoning, Located at 2846 ½ C Road [File #ANX-2008-099]

Request to annex and zone 1.09 acres, located at 2846 ½ C Road, to R-4 (Residential 4-du/ac). The Burnett Annexation consists of one parcel and includes a portion of the C Road (also known as Unawep Avenue) Right-of-Way.

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

Brian Rusche, Senior Planner, reviewed this item. He described the site and the location. The property has one single family residence currently. The surrounding land use designation and zoning was described. The requested zoning is consistent with the Growth Plan.

The applicant was present but had nothing to add. There were no public comments.

The public hearing was closed at 7:15 p.m.

a. Accepting Petition

Resolution No. 82-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Burnett Annexation, Located at 2846 ½ C Road (AKA Unawep Avenue) and a Portion of the C Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4247—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Burnett Annexation, Approximately 1.09 Acres, Located at 2846 ½ C Road (AKA Unawep Avenue) and Including a Portion of the C Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4248—An Ordinance Zoning the Burnett Annexation to R-4 (Residential 4-Du/Ac), Located at 2846 ½ C Road (AKA UnawEEP Avenue)

Councilmember Coons moved to adopt Resolution No. 82-08 and Ordinance Nos. 4247 and 4248 and ordered them published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—South Downtown Neighborhood Plan [File #PLN-2007-292]

The City Planning Commission met in a public hearing on November 13, 2007 to consider adoption of the South Downtown Neighborhood Plan. The City Planning Commission recommended approval of the South Downtown Plan, including a Growth Plan Amendment to adopt the Plan, amendments to the Zoning Map and amendments to the Zoning and Development Code to include a Zoning Overlay.

The public hearing was opened at 7:16 p.m.

Kathy Portner, Neighborhood Services Manager, reviewed this item. The adoption of the plan includes an overlay plan and a new zoning map for the area. She described the history of the development of this plan and the number of times the presentation of this plan has been postponed. A letter, which was also a notice, was sent out to all of the affected property owners and all that participated in the planning process. In addition, emails were sent to those that had provided an email address.

Ms. Portner then described the area affected and the boundaries of the plan. The planning process has taken place over the last fourteen months with a number of meetings and open houses. That process was described in detail and the goals of the plan identified.

The basic strategies of the plan include a Future Land Use Plan for the area, the zoning which would implement those designations, and a circulation plan.

Ms. Portner described each of the zone districts in the area and the types of uses for those zone designations. She mentioned some of the rationale for the identified zone designations and the amenities that will be enhanced.

Another element of the plan is the overlay plan for the area. The overlay establishes a new C-1 zone district which allows a larger variety and mix of uses. The overlay plan also includes standards for landscaping, parking and other architectural elements. The standards are intended to create a more pedestrian friendly environment.

The character adjacent to the Parkway is of a much larger scale than the commercial core area. Overlay standards are also proposed for the industrial areas that front

Riverside Parkway. The intent of the standard is to maintain industrial uses in that area but create a higher quality visual character.

Ms. Portner then stated how the Plan is consistent with the Growth Plan and how the changes in the area have invalidated the original premises and findings. With the construction of the Riverside Parkway, the area has changed significantly. She addressed the other Growth Plan criteria.

The need for industrial land will increase as the City grows and it is expected that the preferred alternative for the Comprehensive Plan will include that premise.

Ms. Portner identified the parcels that will be affected by a zone change in the affected area. Most of them are smaller parcels and would be difficult to develop as industrial unless combined with other parcels. The zone district will not prohibit manufacturing; it just prohibits outdoor storage, but manufacturing with no outdoor storage could be located in those areas. Existing uses could remain as non-conforming.

A concern for mixing industrial with residential was raised. Residential in the Corridor Commercial zone would require a Conditional Use Permit. There would also be specific criteria for residential uses.

Building heights were also addressed; it will be the first time that a minimum building height is proposed within the Zoning and Development Code. The height is needed to create the scale for the buildings and to be consistent with the Riverside Parkway. Councilmember Hill asked about the new Future Land Use Designations. Ms. Portner displayed the map which indicated the changes proposed. She noted that those properties currently zoned I-2 in the County, if they are subsequently annexed into the City, the Council would have the option to honor the I-2 zoning.

Councilmember Hill said that is an option but the Council has always used the zoning that is supported by the Future Land Use Map.

Councilmember Todd asked, about a change in tenancy, would they need to meet the new Code. Ms Portner advised that they would not as long as the same use is continued. If there is a change in use then that is true.

Councilmember Todd said the changes on the use matrix are very different from the industrial zoning. Ms. Portner said if it is all indoors, it would still be allowed. If the building is to be upgraded substantially, it could trigger a site plan review.

Councilmember Todd asked if the manufacturing needs to be changed and the building must be changed, then what happens. Ms. Portner said that the Code requirement in that case would not be specific to the South Downtown Plan, it would be city-wide as identified in the Code. To clarify the differences between Corridor Commercial and Industrial relates to outdoor storage with the exception of automotive repair (which is not allowed).

Councilmember Hill asked about the statement that the Plan proposes a reduction of thirty acres of industrial; is all of that heavy industrial (I-2)? Ms. Portner stated that it only includes properties going from Industrial designation to Corridor Commercial designation, not from I-2 to I-1.

Council President Palmer opened the floor for public comments and asked that there be five in favor alternating with five opposed. He asked for concise comments and for those to agree and disagree but not repeat comments already made.

Five in favor:

Mark Eddings, 1068 Hwy 240, is looking to buy in the proposed South Downtown Plan area. The parcel they are considering is on 7th Street. He likes the proposal and hopes it will re-inspire more development. He looked at the minimum lot sizes and had some concerns. He suggested the minimum lot sizes be decreased. He said the pictures in the concept and the numbers don't quite match. He believes the current Zoning and Development Code will require a lot of upgrades under the new proposed Plan.

Dick Scariano, 710 Washington Court, is against the neighborhood concept on the Jarvis Property. He said any development in that floodplain should be looked at with scrutiny. He recommended the Jarvis property be traded or made a low tech park as the best use. He believed that developing the floodplain is inappropriate, seeing the consequences now with the high water. The City shouldn't spend money to develop the Jarvis property. The Planning Staff does an admirable job; he is not against the Plan but just that property being developed.

Bennett Boeschstein, 1255 Ouray Avenue, attended a number of meetings. He was pleased to recommend that it be approved as it is a difficult area with all the mixed uses. He hopes that Council will enact the zoning and allocate funding to make it happen. He serves on a number of other boards in that area and they are in favor of the green waterfront. He supported only those commercial activities that support the green riverfront.

David Brown, 17 Locust Way, Battlement Mesa, Director at the Botanical Gardens, supports the Plan.

Ted Ciavonne, Ciavonne, Roberts, and Associates, 474 North Sherwood Drive, believes it is a mishmash right now. The Plan pulls it together and creates transitions between uses.

Against the proposal:

Bill Wagner, 300 Cedar Court, was neither for or against. He said there are some wonderful elements. He is a very involved individual, but he is overwhelmed with the entire Plan and information. He urged the Council to take more time to adopt the Plan. He asked they wait until the Downtown Master Plan is presented.

David Berry, 530 Hall Ave, felt the City planners act as though they are insulated from the public need. He used a number of questions in the surveys and categorized the intent behind the questions. He then gave a historic example. Then he referred to his struggles to make a living in Grand Junction. He proposed the entire area be zoned mixed use. He concluded by stating three rights: life, liberty and right to property.

Lauralee Kerr, 559 Shoshone, was concerned about building in the floodplain. She cited the mistakes in Minnesota and Iowa.

Joe Loffreda, 2520 Arroyo Drive, owns 739 3rd Ave., an industrial warehouse, sold his business to his children who subsequently closed the business. He is trying to sell the building and this change will affect him, the value and reduce the number of potential buyers. He thinks this portion should stay as is.

In favor:

Jim Jeffryes, 859 and 905 Struthers, is planning to build a restaurant and brewery in the subject area. There is a vision for riverfront, and he is happy about the trail and the Gardens. He owns a business on 12th Street and is planning to open another one; people want to be by the river. The industrial owners have made a good living; they have had access to rail and transportation. Industrial users don't necessarily want to be by the river. It is time for Grand Junction to be part of the beautiful place called Colorado.

Duke Cox, owns property next to Jeffryes, has the same vision as Mr. Jeffryes, a beautiful downtown riverfront has long been a vision; he wants to accentuate the recreational use along the river. His property is currently being used industrially but he is ready to change.

Robert Jones, II, Vortex Engineering, 255 Valley Vista Dr, Fruita, was present on behalf of Carter-Page properties which was granted I-2 zoning a couple of weeks ago. His client has moved forward with site planning. If the South Downtown Plan is adopted then would the I-1 standards apply?

City Attorney Shaver advised the I-2 zoning will remain.

Mr. Jones voiced concern that any downzone does affect property owners. He is not against the Plan; just expressing a caution.

Bruce Bauerly, 225 15th, is a professor and has taken hundreds of students on the trails along the river and rides the trails nearly every day. He was in favor of the plan.

Maggie Robb, 2481 Canvasback Place, stated it is a good plan except for the floodplain issue on the Jarvis property. She encouraged keeping it green.

Against:

Sam Suplizio, 3210 Primrose Court, advised that smaller properties may get hurt by the change; the smaller buildings allow for smaller businesses that have been displaced by the oil and gas businesses. He felt the Plan is the wrong thing at the wrong time.

Glenn Hertel, 957 O Road, questioned who is going to pay for it.

Russ Justice, 601 Silverplum Drive, Fruita, states that industry is the core of the City; without industry there won't be a lot of people to use the parks and amenities. There is not very much industrial property available. He is not against the South Downtown as it has some great things going. He doesn't agree with downzoning the industrial properties.

Larry Licker, who lives in the Riverside area, referred to three story structures, R-2 and R-3 zoning, with parking underneath, as suiting the floodplain.

Mark Bonella, 973 21 ½ Road, and owns Castings at 860 4th Ave., said there are two points of view; both with good issues. He suggested the Plan could do both. The riverfront is being protected but the protection goes too far out; there doesn't need a buffer; the Parkway can be the buffer. There is a need for industrial property; every piece that is no longer I-2 or I-1 will have to go someplace else. His suggestion was leave the property north of the Parkway as I-2.

In favor:

Wes Harpole 295 Concord Lane, said he has been active in South Downtown for a long time. With cleaning up mill tailings and auto salvage, the City now has a gem worth protecting. He said he is an employee of an industrial user and there is a necessity for having that property down there. Property owners want to see some consistency for the future in that area.

Jeffrey Plummer, 2419 Hidden Valley Drive, is a planner and represents some of the owners in the area. There is available industrial land; industrial is not a dirty thing, some industrial areas are very clean and very nice. Along the riverfront, there should be parks, greenways and paths which will change land use. He represents a developer who is being affected. Staff has listened and the new designation will work well and make for good transition.

Denny Winn, Woodstove Warehouse on 7th and Winters, said he has always felt separated from Grand Junction due to his location being on the other side of the tracks. He has been there 20 years and is elated at the vision to develop the area. A project of this scope should require a lot of time and thought so he advises to go slow and get the input.

There were no other public comments.

The public hearing was closed at 8:47 p.m.

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

The meeting reconvened at 8:56 p.m.

Councilmember Todd noted the amount of effort that has gone into the development of the Plan. Her concern was that working on a Comprehensive Plan, the time will be ill spent if there are a number of individual plans already adopted. A rezone of industrial property to commercial is essentially a taking. She is very concerned for the small property owners; a change of use may not be able to meet the new regulations and there are fifteen different uses that will no longer be allowed. She thought they should look at changes that come forward on a case by case basis until the Comprehensive Plan is in place. It is not just about making it pretty; it is about changing lives and uses without asking.

Councilmember Hill had concerns originally when saw the preliminary Plan. He sees some conflicts. They adopted the Las Colonias Park Plan which sets the stage, and then purchased property to be assembled for riverfront-type activities. Then there was the Jarvis study. That property was not included in this Plan originally. Most of the river is somewhat protected and the City has invested in that. He noted nine of the eleven railheads are in this area. The Plan is trying to give best of both worlds; buffer the river area and industrial. He liked the mixed use zoning concept; and the push for high density housing, but creating an area when conflict is created concerns him. He asked if the intent is to start to move forward in eliminating industrial use in this area. The Plan would be the starting point, but so where will Industrial go? I-2 zoning is hard to replace. He is not ready yet for this Plan; the commercial core down 7th Street is too much of a stretch to adjust this plan. He agreed with Bill Wagner; it is too early to adopt this Plan. I-2 property as a replacement must come from the Comprehensive Plan, then the South Downtown Plan can go forward. Amenities for the workers in that area will move jobs out then the need diminishes. Part of what is happening is that areas in the community don't change because the Code is so restrictive. A change in use triggers other requirements. He believes the river corridor is protected and the City won't lose that vision.

Councilmember Coons asked about the residential use being discouraged. Ms. Portner stated the Plan was changed after they received comments; it is no longer an allowed use. There is a minimum density of 8 units per acre and there is no cap. Any residential would require a Conditional Use Permit, whereas a business use would be a use by right.

Councilmember Coons thanked all who attended, noting it is always good to hear comments on both sides. Uses in place for a number of years should not stop cities from making those changes; cities reinvent themselves all the time. As economic conditions change, communities reinvent themselves. However, it is not easy. She questioned if the Plan would be more acceptable if part of the Comprehensive Plan; she doubted it. She said there is no reason not to consider this Plan at this time. As far as the concept of property rights versus public rights, they should do the best thing for the community. There were lots of comments about exciting new opportunities versus those that will lose their existing business. She felt the Plan struck a balance; it has a lot of commercial plus industrial opportunity. Rights have been preserved, as have the use of rail spurs. She

was concerned about having no transition, as it might make people not use the area. She supports allowing public access to the river and the Plan, even though it may need some tweaking.

Councilmember Beckstein was concerned about existing businesses and long time owners who expressed concerns about loss of industrial area. 7th and 9th Streets are the only truck accesses. No one will feel the full impact of the Parkway until it is in operation. There are several generations that have businesses in that area, who need to be valued and respected. The riverfront is already separated, so there is no need for a buffer. She was not comfortable with this decision at this time. She wanted to see the Comprehensive Plan come forward first. She will not support the adoption at this time.

Councilmember Thomason had reservations regarding the Plan. A 45% reduction in I-1. where would that go? He disagreed with the Comprehensive Plan being the end all, solve all Plan. It may not fit those ideals. He won't be supporting this Plan.

Councilmember Doody asked Public Works and Planning Director Tim Moore about the Comprehensive Plan and the industrial components, specifically, will there be other areas designated as industrial?

Public Works and Planning Director Moore advised the Comprehensive Plan has four different scenarios. In talking with the consultants, the City will need an additional 2,000 acres of industrial property within the next 20 years. The areas generally identified in the conceptual plan will be presented the next day at the roundtable session. The role of the Council is to develop the Plan with the public input to support the Plan.

Councilmember Doody said there has been good dialogue, having the meetings, having the Plan and putting it together and adjusting it with Staff. There is a great opportunity for the private sector to help put their mark on it. Councilmember Doody will support the Plan.

Council President Palmer complimented Staff for doing a good job on reaching out and getting input. He noted no Plan is set in stone at this time and no one will be forced out of business. Industrial use around railroad spurs will continue. With all the work that has been done along the river, it is clear the area is changing with great deliberation and community support. This Plan is to move those changes along. He challenged Council to be visionary saying it is time to take that step. He will support the Plan.

Resolution No. 83-08—A Resolution Adopting the South Downtown Neighborhood Plan as a Part of the Grand Junction Growth Plan

Ordinance No. 4249—An Ordinance Adopting a New Zoning Map for the South Downtown Neighborhood Generally Located Between the Riverside Neighborhood to the Northwest, to 28 Road on the East and from the Railroad Tracks on the North, to the Colorado River on the South

Ordinance No. 4250—An Ordinance Amending the Zoning and Development Code to Add Section 7.7 South Downtown Neighborhood Plan Zoning Overlay

Councilmember Hill moved to adopt Resolution No. 83-08. Councilmember Coons seconded the motion. Motion failed by roll call vote. Hill, Thomason, Todd and Beckstein voted NO.

The City Attorney advised there is no need to take action on zoning ordinances, they are moot since the Plan was not adopted.

Public Hearing—Zoning the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road [File #GPA-2007-051] **Continued from June 4, 2008**

SLB Enterprises LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial/Office Park (I-O).

The public hearing was opened at 9:30 p.m.

Councilmember Hill recused himself as he has before due to any appearance or perception of a conflict.

Kathy Portner, Neighborhood Services Manager, reviewed this item. She described the parcels, including their location and their current uses. The Growth Plan Future Land Use Designation shows the easterly parcel as commercial industrial and the westerly parcel as industrial. The options for zoning include staying consistent with the Land Use Designation or applying the County zoning for the areas recently annexed. She described the zone designation being proposed.

Robert Jones II, Vortex Engineering, 255 Vista Valley Drive, Fruita, was representing the applicant. The applicant is requesting a combination of zones, I-1 on one parcel and I/O on two parcels. The existing zoning on the one parcel has been industrial in the County for a long period of time. Proposed zoning is compatible with the neighborhood and meets the criteria of the Growth Plan. He reviewed the history of the properties. He advised that the request meets the rezone criteria and the proposal meets the criteria for infill development. He asked for favorable consideration.

Council President Palmer asked that five in favor speak first and then against and continue alternating until all have been able to speak.

Maggie Robb, 2481 Canvasback Place, asked if the owner has said he would grant any easements along the property.

Laurie Kadrich, City Manager, advised that in early discussions with the applicant, he indicated a willingness to grant easements where there will be access and agreed to buffer the property.

Russ Justice, 601 Silverplum Drive, Fruita, said he has a petition with over 600 signatures for the zoning. He is not against screening the bike path. He purchased this property in 2006 and it was zoned I-2. At that time he asked the City if there would be a problem with industrial uses. He was told there would be no problem. He bought the property and spent over \$250,000 cleaning it up and the area around it. He has asked for zoning several times, but he has been delayed and pushed back. He is not asking for heavy industrial; he will be a good neighbor and won't create any pollution. There is access to the area and he restricts the truck routes. There is less screening and buffering required in an with I/O zone. He intends to clean up area and be friendly to the area. People up on the hill don't want to look at it but they have been looking at it for 50 years. He believes I-1 would be better for screening and buffering. He has gone above and beyond to act as a good neighbor and displacing the criminal element. Industrial property is hard to find and he was willing to clean up the area.

Councilmember Todd asked about the zoning being requested. Mr. Justice said he would rather have I-1 on all of the parcels, but he was told he couldn't get I-1 on the two parcels.

Council President Palmer told Mr. Justice that Council received his copies of the petition.

Those in favor:

Wes Harpole, 295 Concord Lane, supported the request, noting the applicant is willing to provide an easement for a bike path, a buffer zone, and has cleaned up the property.

Those against:

Maggie Robb, 2481 Canvasback Place, asked about the property above, how is that zoned. Council President Palmer said I-1. Ms. Robb asked how easy is it to change from I-1 to I-2.

Councilmember Todd answered that it would have to come before the Council and have a public hearing.

City Attorney Shaver suggested Ms. Robb could call him and he could try to explain the Code criteria.

Ms. Robb then read a statement with a preference to the private property owner. She reviewed the history of the river, including astounding development in the last forty years. She compared the situation to the San Antonio Riverwalk which has attracted over 9 million tourists and she gave other examples. She referred to a pamphlet from 2004, noting the vision since 1967. She expressed that it is easier to find a place to put industrial operations rather than find another place by the river.

Lee Gelatt, 320 Country Club Park Road, said he is not a neighbor but lived here over 20 years. He applauded the planning efforts and urged the Council to continue the vision. He is a long time member of Grand Valley Audubon Society. This is not just another parcel; it is right on the river. The applicant is a good guy and has done a good job cleaning that property up, but he asked Council to think about the future generations and make it mixed use. He urged denial.

Helen Traylor, a member of the original Riverfront Commission, has a very special interest. The objective is to enable the citizens of Mesa County as well as visitors to have access to the Colorado River and enjoy its beauty. The uses have increased each year. She warned them not to forget how the river banks looked twenty years ago. She wanted to protect this precious resource. The Colorado River is one of the major rivers of the west.

Carl Zimmerman, 666 Tamarron Drive, is familiar with this property as he owns property nearby. He served on the Riverfront Commission two terms and served as chair on the Old Mill Bridge Committee. He read an editorial from 1997 that reviews the prior ten years of river clean up when the Old Mill Bridge was opened. He commended Maggie Robb, her husband Jim, and Helen Traylor as visionaries. He lives above the river in Orchard Mesa and looked down on rendering plant. He did not envision diesel trucks warming up on a cold winter morning blanketing the trail with diesel fumes.

Becky Zamora Van Sice, 2782 Laguna Drive, lives in Orchard Mesa, and lived through the smells of the rendering plant. Her ten year old son wanted to speak; he has asthma and received relief when the rendering plant closed. Now she is horrified to hear there will be a trucking firm there. She is looking for some positive change.

John McCarty, 234 Elberta Drive, said the community doesn't understand this company. They do a fantastic job; making sure things are done right.

Bennett Boeschenstein, 1255 Ouray Ave., knows there has been an excellent effort on behalf of the City to try to relocate Brady Trucking. He would rather see Mixed Use zoning because it has specific performance standards. The property is within the 100 year floodplain so flooding should be mitigated.

Candi Clark, 331 Acoma Court, gave a three minute powerpoint presentation depicting the orientation and proximity of Brady Trucking with the park property. She referred to air quality and she also had photos of Brady Trucking. She listed all the different birds that inhabit that area and noted the river has endangered fish (pike minnow) in that area. She supported Mixed Use zoning.

Hannah Holmes, 1800 N. 3rd St., said she is the water organizer for Western Colorado Water Congress. She focused on the differences in the zoning choices and the riverfront vision. The Mixed Use zoning provides the most opportunity. She had a zoning matrix to

demonstrate the differences. She was concerned about flooding, especially residential except for flood proof structures and she encouraged a look forward with this decision.

Joseph Hayes, 185 Rainbow Drive, spoke about Jim Robb's vision for the riverfront reclamation. He supported that vision and gave several examples throughout the nation; he said the work is not yet done. He hopes the City Council will refuse to go back in time and hopes it honors Mr. Robb's vision.

Paul Didier, 2808 Laddie Way represented the Grand Valley Audubon Society as well as himself. He said he is not opposed to trucking and knows trucking is needed. He questioned how it can be considered to grant this zoning to a new company that is new to the area. The rights of the people need to be upheld. It is the desire of one company versus hundreds or thousands of citizens. The general public wants the waterfront to remain pristine so that the future picture will provide revenue for the City. The Riverfront Commission has worked diligently to transform the riverfront and he urged the Council to consider what the majority wants and zone it Mixed Use.

In Favor:

Mike Russell, 200 Grand Ave., is an attorney representing Brady Trucking. He really doesn't disagree that there were all valid points and everyone respects the work the Riverfront Commission has done. However, never before has the public asked private property owners to give up their use; that is different than purchasing property and redeveloping it. This is a huge shift in the way the City looks at it; taking their rights by downzoning. The use was available when the owner purchased it. This is a fundamental shift from the community and putting the burden on the private property owners. A case in Durango went to the Supreme Court and the court agreed it was a taking, sending it back to District Court. He believes it is the same situation here.

Against:

Katie Steele, 629 Rushmore Drive, noted there evidently has been some miscommunication with Mr. Justice and the City. However, the issue of the vision should be separate. City Council should look out to future for this community.

Harry Griff, 2636 Chestnut Drive, questioned how Mr. Justice could be surprised at the level of outcry. He has known of the level of opposition since day one. He knew he had to come before City Council to accomplish what he wanted to do. There were some eloquent comments in the South Downtown Plan hearing about having the Riverside Parkway be the buffer. This property is between the River and the Parkway. The City spent money on the Master Plan for Las Colonias Park just adjacent to the subject property. In the Plan, at the far east end, is a 2500 person amphitheatre and then next to that a community/recreation center. There was a previous Comprehensive Plan that identified different areas to strengthen Grand Junction's position as the hub of western Colorado and eastern Utah. The Plan called for support of a number of things including the preservation of the riverfront. Grand Junction has nothing on the riverfront for an

event. Approval of Brady Transportation tonight will set back development of the riverfront.

Vicki Femlee, 678 Glory View Drive, president of Orchard Mesa Neighbors in Action Group, was chair of the group that developed Orchard Mesa Neighborhood Plan. At that time, the riverfront had a river back. She knew Jim Robb back in the late 1980's. Private property owners do have rights. Jim Robb was absolutely against mixing commercial industrial in the riverfront areas. If approved, it will be too late.

Terry Lindauer, 2207 Dakota Drive, representing the kids from the Bookcliff Middle School who have bought into the vision of the riverfront and maintained that vision for over twenty years.

Steve Thoms, 627 Rushmore, and DDA Board member, agreed with Mr. Griff's statements. There has to be another way; it might not even be on the table this evening. This cannot be a trucking company; they need to figure out another way. He urged the Council not to give up on trying.

There were no other public comments.

The public hearing was closed at 10:58 p.m.

Robert Jones II, Vortex Engineering 255 Valley Vista Fruita, representing the applicant. 2000 acres of industrial zoned property will be needed as per the Comprehensive Plan. Subsequent to the adoption of the Growth Plan, the Riverside Parkway had not been planned, and it is an arterial for trucks. They believe the community will derive some benefits from the proposed zoning. He showed what portions of the property are in and out of the floodplain. There is site specific review for development in the floodplain and this site will be required to go through that review. The Mixed Use was considered and discussed with Staff, primarily because it allows multifamily residential. The Mixed Use zone does not provide specific buffering requirements; I-1 requires the largest buffer. I/O requires an 8 foot buffer; Mixed Use was designed for the 24 Road corridor and may not be appropriate for this parcel so Staff recommended I-1 and I/O combination as requested. He asked what about the property owner's vision? There have been discussions with the Riverfront Commission specifically about it and having the riverfront trail go along this area. They are in support of continuing the trail along the property. There will need to be some sort of buffering along the river and they support Staff's recommendation. He requested approval.

Councilmember Thomason asked about the outdoor storage on the rear of the property, will that be the river side or the road frontage? Mr. Jones said the rear half will be towards the river side, but outdoor storage will have to be approved under a Conditional Use Permit.

Councilmember Thomason noted that, unlike other tough decisions they have made, in this case both sides are right. The landowner purchased in good faith and spent money

improving site. Alternatives have been tried. This business doesn't have to be dirty, unsightly and a bad neighbor. Councilmember Thomason said he will support the request.

Councilmember Beckstein spoke of two extreme valid points, riverfront and nature and the right of the property owner to fulfill his vision. Mr. Justice didn't go into it blind; he checked with City, bought an eyesore and went through process. He compromised his desires in order to work with the City and is willing to work with City for the river trail. His intent is to be a good neighbor. Councilmember Beckstein will support the request.

Councilmember Coons appreciated Mr. Justice's efforts as the property was truly an eyesore and public hazard. However, community perspectives can change and perhaps is in a mode to remove industrial uses from the river. She is concerned about delaying as it will be more difficult when more money has been invested. Many people want industrial in that area but want that area south of the Parkway to be green to the river. She looked at the petitions submitted by Mr. Justice and read names and addresses. Many of the names on Mr. Justice's petitions were from out of the area. Future tenants may not be as good of citizens as Mr. Justice, so she is not in support of the zoning at this time.

Councilmember Todd pointed out Mr. Justice will put buffering there. He asked the questions, he followed process correctly, and the delays have been unfortunate. He is willing to give up heavy industrial zoning and is obviously a good neighbor. He is willing to be a partner for trails. Industrial is not a dirty word. She will be supporting the request.

Councilmember Doody said they have worked hard to work something out with the Land Trust, yet this fell through. There has been a huge investment in Las Colonias and the Botanical Gardens, and he supports the Planning Commission's recommendation for I/O.

Council President Palmer said to render a decision one must take the people and the emotion out of it and figure what the appropriate use is going forward. They need to look at the zoning. Industrial use is a giant step backward and Mixed Use is not a good use either along the river. He will honor the community's collective mindset and support Planning Commission's recommendation of I/O for both parcels.

Ordinance No. 4251—An Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District for the Properties Located at 348 27 ½ Road and 2757 C ½ Road and Light Industrial (I-1) for the Property Located at 347 27 ½ Road

Councilmember Thomason moved to adopt Ordinance No. 4251 and ordered it published. Councilmember Todd seconded the motion. Motion failed by roll call vote. Councilmembers Coons, Doody and Palmer voted NO.

Councilmember Coons moved to accept the Planning Commission's recommendation for zoning. Councilmember Doody seconded the motion. Motion failed by roll call vote. Councilmembers Todd, Beckstein and Thomason voted NO.

City Manager Kadrich presented some options for Council.

Council President Palmer said it is unlikely to resolve with a six member Council. City Attorney Shaver said they could go forward on the parcel they do agree on, or continue the hearing for further information or deliberation. He noted the number of Council members available to participate will not change.

Council President Palmer asked to hear from the applicants.

City Attorney Shaver cautioned that the hearing was closed so to simply ask if he would like the Council to proceed.

The Attorney for the applicant asked for a break so they could confer.

Council President Palmer called a recess at 11:31 p.m.

The meeting reconvened at 11:37 p.m.

Robert Jones II, Vortex Engineering, stated the applicant would like to defer and zone all three parcels at once.

Council President Palmer would defer to applicant and make no decision or consider them individually.

Councilmember Todd agreed they should listen to the applicant and let him hold all three parcels for zoning.

Councilmember Beckstein agreed.

Councilmember Coons would also agree; her only interest in separate consideration was to let the applicant move forward. However, she heeded to their wishes.

Councilmembers Doody and Thomason both agreed.

Council President Palmer stated there is some wisdom to that and would move to next item.

City Attorney Shaver stated they could set a schedule or have consultation with the applicant and then schedule the matter before Council.

Council President Palmer would like to wait to schedule, not make a date certain at this time.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Todd attended the Oil and Gas Commission meeting and there was standing room only at Two Rivers Convention Center. It was an outstanding showing but there were parking issues.

Council President Palmer thanked Councilmember Todd for attending that meeting.

Adjournment

The meeting was adjourned at 11:42 p.m.

Stephanie Tuin, MMC
City Clerk

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

June 18, 2008

The City Council of the City of Grand Junction convened into regular session on the 18th day of June 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Councilmember Bruce Hill was 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 Beckstein led in the Pledge of Allegiance.

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 Beckstein, and carried by roll call vote to approve Consent Items #1 through 6.

1. **Contract to Purchase Property at 336 South 5th Street**

City staff has negotiated with the owner of 336 South 5th Street, Grand Junction, Colorado, for purchase of the property. The negotiations have been successful and a purchase contract for \$832,625.00 has been signed by both parties.

Resolution No. 84-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 336 South 5th Street, Grand Junction

Action: Adopt Resolution No. 84-08

2. **Setting a Hearing on the Park Mesa Annexation, Located at Rosevale Road and Little Park Road in the Redlands** [File #ANX-2008-065]

Request to annex 13.58 acres, located at the northwest corner of Rosevale Road and Little Park Road in the Redlands. The Park Mesa Annexation consists of one parcel of land.

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

Resolution No. 85-08—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, Park Mesa Annexation, Located at the Northwest Corner of Rosevale Road and Little Park Road, Including Portions of the Rosevale Road and Little Park Road Rights-of-Way

Action: Adopt Resolution No. 85-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Park Mesa Annexation, Approximately 13.58 Acres, Located at the Northwest Corner of Rosevale Road and Little Park Road, Including Portions of the Rosevale Road and Little Park Road Rights-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2008

3. **Setting a Hearing on the FedEx-Swanson Annexation, Located at 788 22 Road and 2223 H Road** [File #ANX-2008-091]

Request to annex 13.2 acres, located at 788 22 Road and 2223 H Road. The FedEx-Swanson Annexation consists of two parcels, including a portion of the 22 Road right-of-way.

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

Resolution No. 86-08—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, FedEx-Swanson Annexation, Located at 788 22 Road and 2223 H Road, Including a Portion of the 22 Road Right-of-Way

Action: Adopt Resolution No. 86-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, FedEx-Swanson Annexation, Approximately 13.2 Acres, Located at 788 22 Road and 2223 H Road, Including a Portion of the 22 Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for August 6, 2008

4. **Setting a Hearing on Proposed Amendments to the Zoning and Development Code** [File #TAC-2008-151]

The City of Grand Junction requests approval to amend the Zoning and Development Code to consider amendments to update or clarify certain provisions of the Code related to mailing notices, the calculation of density bonuses and establishing multi-family residential as an allowed use in the C-1 zone district

Proposed Ordinance Amending Various Sections in Chapter 2 and 3 of the Zoning and Development Code to Update or Clarify Certain Provisions

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

5. **Setting a Hearing on Proposed Amendments to Chapters 4 and 9 of the Zoning and Development Code** [File #TAC-2008-153]

The City of Grand Junction proposes to amend Chapters 4 and 9 of the Zoning and Development Code to restrict the location of off-premises (billboard) signs on or near the centerline of the Riverside Parkway.

Proposed Amending the Zoning and Development Code Regarding Off-Premise Signs on or Near the Centerline of the Riverside Parkway

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

6. **Setting a Hearing on Vacating Portions of Right-of-Way for Teller Court, Located West of 30 Road at the 29 ³/₄ Road Alignment** [File #PFP-2007-349]

Cal Frac Well Services Corp., property owner of 489 Teller Court and the proposed 31 acre, four lots, Calfrac Subdivision is requesting approval to vacate portions of the right-of-way for Teller Court located west of 30 Road at the 29 ³/₄ Road alignment.

Proposed Ordinance Vacating Portions of the Right-of-Way for Teller Court, Located at the Cul-de-Sac West of 30 Road at the 29 ³/₄ Road Alignment

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Vacating a Portion of the Houston Avenue Right-of-Way and Alley Right-of-Way for Mesa State College [File #VR-2008-139]

Mesa State College is requesting to vacate approximately 240 feet of the southern end of the Houston Avenue right-of-way, as well as the east-west alley right-of-way and the south 100 feet of the north-south alley right-of-way between Houston Avenue and Cannell Street, adjacent to Mesa State properties, in anticipation of campus expansion.

The public hearing was opened at 7:04 p.m.

Kathy Portner, Neighborhood Services Manager, reviewed this item. She described the location of the requested vacation of right-of-way. She related the reason for the request. Mesa State is expanding and continuing to acquire additional properties. More vacation requests will be forthcoming. A request to change the Future Land Use designation and a subsequent rezoning will come forward in the future. Ms. Portner identified the Growth Plan policies that are supported by this request which includes supporting Mesa State expansion at their current location. The City will retain appropriate easements as required. The City will work with Mesa State to ensure the traffic signal at the 10th Street intersection continues to function appropriately.

Council President Palmer inquired about the access to properties between Cannel and 10th. Ms. Portner explained how access will need to be rerouted to accommodate the right-of-way vacation.

Tom Logue, representing Mesa State, accompanied by Kent Marsh the construction of facilities director, was present to answer questions.

There were no public comments.

The public hearing was closed at 7:10 p.m.

Ordinance No. 4252—An Ordinance Vacating a Portion of the Houston Avenue and Alley Right-of-Way Adjacent to Mesa State College Properties, Located Adjacent to 1121 and 1129 Houston Avenue, 936 and 950 North Avenue, and 1122, 1132 and 1142 Cannell Avenue

Councilmember Todd moved to adopt Ordinance No. 4252 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Adoption of the CDBG 2008 Action Plan

City Council will consider final adoption of the 2008 Program year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of Community Development Block Grant (CDGB) funds. The action plan includes the CDBG projects for the 2008 Program Year City Council approved for funding on May 21, 2008.

The public hearing was opened at 7:12 p.m.

Kathy Portner, Neighborhood Services Manager, reviewed this item. She listed the items under consideration including amendments to previous year plans as well as the 2008 Action Plan. She then briefly described each one of the projects as follows:

The City of Grand Junction Senior Multi-Use Campus Feasibility Study and Concept Design for the Senior Center is owned by the City and in the vicinity of the current library. The study would examine the possibility of combining a variety of activities that take place at the Center with other senior services such as Retired and Senior Volunteer Program (RSVP) and the Area Agency of Aging. The study will also tie into the Downtown Master Plan as it addresses the library and surrounding properties. The recommended funding is \$80,000.

The Riverside Educational Center (REC) provides after school tutoring for K through 12 students. REC has had significant growth since its inception in 2006 with just 22 students to the current enrollment of 75 students. Services are primarily provided to the students by over 50 volunteers. CDBG funds would fund 2 Americorps employees for the tutoring program. The recommended funding is \$5,000.

The St. Mary's Hospital Foundation Gray Gourmet Program delivers meals to homebound elderly residents. Funding is requested for food, personnel, travel, and other operating expenses to serve an additional 50 seniors. The program anticipates serving 57,388 meals in 2008. The recommended funding is \$20,500.

Funding for Homeward Bound of the Grand Valley is for the Homeless Shelter. CDBG funds would be used to construct an 8-foot masonry screen wall along the shelter's south boundary to mitigate impacts on the adjacent residential neighborhood. The neighbors are anxious to have the wall installed. The recommended funding is \$40,000.

The Riverside Task Force, Inc. is requesting funds for expansion of the Riverside School Campus through the acquisition of two residential parcels to the east of the school. The Task Force plans to acquire another two parcels in the future. The current campus consists of the Dual Immersion Elementary School, the Community Center in the old Riverside School which also houses some uses for the elementary school, playground and parking areas. The recommended funding is \$220,900.

Council President Palmer asked who would actually own the parcels. Ms. Portner replied she was unsure but would find out.

Mesa Youth Services, Inc. (Partners) Western Colorado Conservation Corps has outgrown their facility in south downtown and would like to utilize CDBG funds towards the acquisition of property at 2818 ½ North Avenue for purposes of relocating the facilities. The acquisition cost is \$347,000. The rest of the needed funds will be raised by Partners. The recommended funding is \$100,000.

The Center for Independence (CFI) New Horizon Vocational Center request will allow them to upgrade their electrical systems in the kitchen so they can offer additional services and instruction to students at the 740 Gunnison Avenue facility. The recommended funding is \$9,500.

The review committee recommended that the remainder of the funds be allocated to a City of Grand Junction Public Works or Parks Capital Improvement Project. A project has not been specified but two possible projects are the replacement of the restroom in Hawthorne Park or the replacement of playground equipment in Duck Pond Park on Orchard Mesa. The recommended funding is \$108,201.

Ms. Portner identified a number of other projects previously funded that are nearing completion.

The next step is to submit the plan to HUD for review and then the funds can be expended.

There were no public comments.

The public hearing was closed at 7:22 p.m.

Council President Palmer voiced concern that it appears one such funding is the purchase of property for the School District. Ms. Portner explained that even though the sellers are willing sellers since the Riverside Task Force does not have condemnation authority, it makes a difference relative to relocation rules. The Riverside Task Force will be acquiring the property.

Councilmember Coons inquired if the intended use is for community center purposes. Ms. Portner stated that is the primary purpose but there is not a restriction to prohibit school uses.

Resolution No. 87-08—A Resolution Adopting the 2008 Program Year Action Plan as a Part of the City of Grand Junction's 2006 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Thomason moved to adopt Resolution No. 87-08. Councilmember Coons seconded the motion.

Council President Palmer asked for a legal opinion from the City Attorney. City Attorney Shaver said the motion as stated has no conditions but Staff can certainly check into the concern regarding ownership of the property voiced by Council President Palmer. He advised there will be a subrecipient contract with the Riverside Task Force regarding the use but the contract does not restrict ownership.

Council President Palmer was concerned that ownership will ultimately be conveyed to the School District. City Attorney Shaver advised an amendment could be placed on the motion to make that condition.

No amendment came forward.

Motion carried by roll call vote with Council President Palmer voting NO.

Public Hearing—City Manager's 2008-2009 Salary

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by Ordinance.

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

John Shaver, City Attorney, reviewed this item. He explained that by Charter the City Manager's salary must be established by ordinance. The salary was established approximately one year ago. The salary will be retroactive to July 1, 2008.

There were no public comments.

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

Councilmember Coons thanked City Manager Laurie Kadrich for her service this year and complimented her work. The rest of the City Council concurred.

Council President Palmer added that the organization is enthusiastic about her leadership and the Council is very pleased.

Ordinance No. 4253—An Ordinance Amending Ordinance No. 4115 Concerning the Salary of the City Manager

Councilmember Coons moved to adopt Ordinance No. 4253 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Doody referred to a similar situation with the Vietnam War Memorial and the ownership as analogous to the Riverside Task Force situation.

Council President Palmer said his concern is not with the work done by the Riverside Task Force; his concern is that the School District is a taxing entity. If one taxing entity gives to another taxing entity it takes the voter out of the opportunity to express their opinion.

Council President Palmer spoke to Public Information and Community Relations Coordinator Sam Rainquet about the Coffee with the Mayor program conducted by the

past two Mayors. Council President Palmer suggested a different format on a quarterly basis. He suggested, for example, a larger event at a park thus making it more inclusive.

Councilmember Todd supported a different event but not in the morning on work days.

Council President Palmer suggested an event in August to spend time talking about the Public Safety initiative. He asked for Council to send him their feedback.

Another subject he spoke to Ms. Ranguet about is the City's participation at Farmer's Market. He asked if Councilmembers might volunteer to also be present (one at a time) at those booths as another opportunity to engage with the citizens.

Councilmember Coons said many Councilmembers have attended the City's booth at Farmers' Market in the past. It was suggested that it could be made more publicized.

Councilmember Todd said she is not one who will participate as she does not attend Farmer's Market.

There was no further business.

Adjournment

The meeting was adjourned at 7:40 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Setting a Hearing Zoning the Houghton Annex Located at 2964 D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Houghton Annexation - Located at 2964 D Road		
File #	ANX-2008-120		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 11, 2008		
Author Name & Title	Brian Rusche – Senior Planner		
Presenter Name & Title	Brian Rusche – Senior Planner		

Summary: Request to zone the 4.02 acre Houghton Annexation, located at 2964 D Road, to R-8 (Residential 8 du/ac).

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		2964 D Road		
Applicants:		Frances L. Houghton		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Residential – to be incorporated into future subdivision		
Surrounding Land Use:	North	Undeveloped – City property		
	South	Agricultural		
	East	Single Family Residential		
	West	Two-Family Residential (Flint Ridge Subdivision		
Existing Zoning:		County RSF-R (Residential Single Family Rural 1du/5ac)		
Proposed Zoning:		City R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	City R-8 (Residential 8 du/ac)		
	South	City R-8 (Residential 8 du/ac)		
	East	City R-8 (Residential 8 du/ac)		
	West	City R-8 (Residential 8 du/ac)		
Growth Plan Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 (Residential 8 du/ac) 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 1du/5ac).

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. The request is consistent with the Growth Plan designation of Residential Medium (4-8 du/ac).

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 properties surrounding the annexation are all zoned R-8 (Residential 8 du/ac).

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 for this. The Residential Medium designation was affirmed by the Pear Park Neighborhood Plan in 2005.

The adjacent land uses include a single-family dwelling on a long, narrow lot to the east and two-family dwellings to the west in the Flint Ridge Subdivision. Across D Road is a proposed subdivision; to the north is City property designated for a future park.

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

Response: The property is proposed to be incorporated with land to the east in a future subdivision. Adequate public facilities will be supplied at the time of development of the property.

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

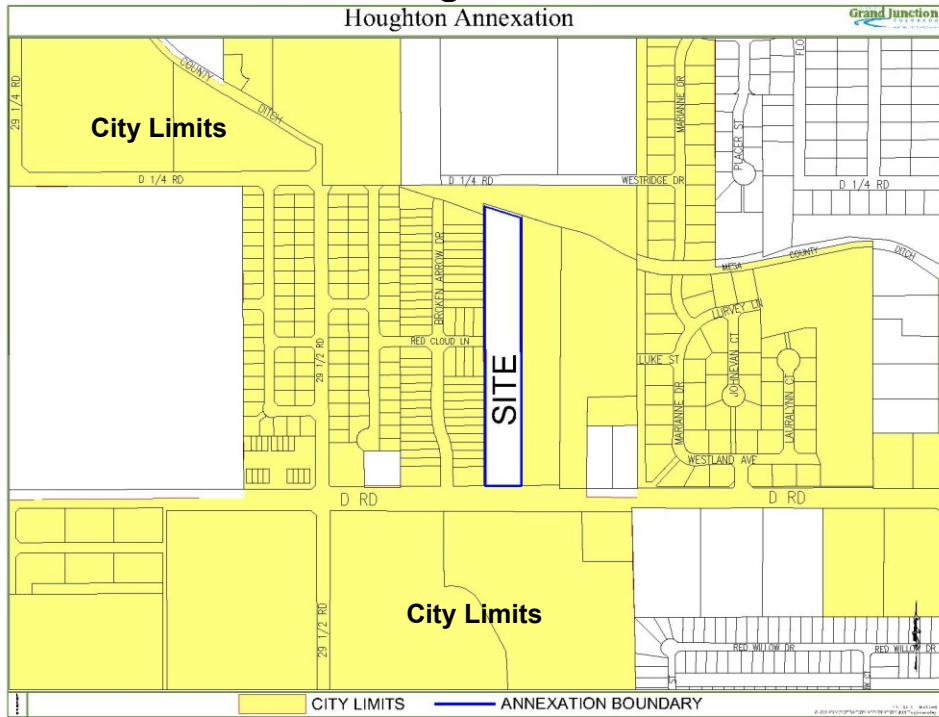
- a. R-4
- b. R-5

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

PLANNING COMMISSION RECOMMENDATION: On June 10, 2008 the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding that zoning to the R-8 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

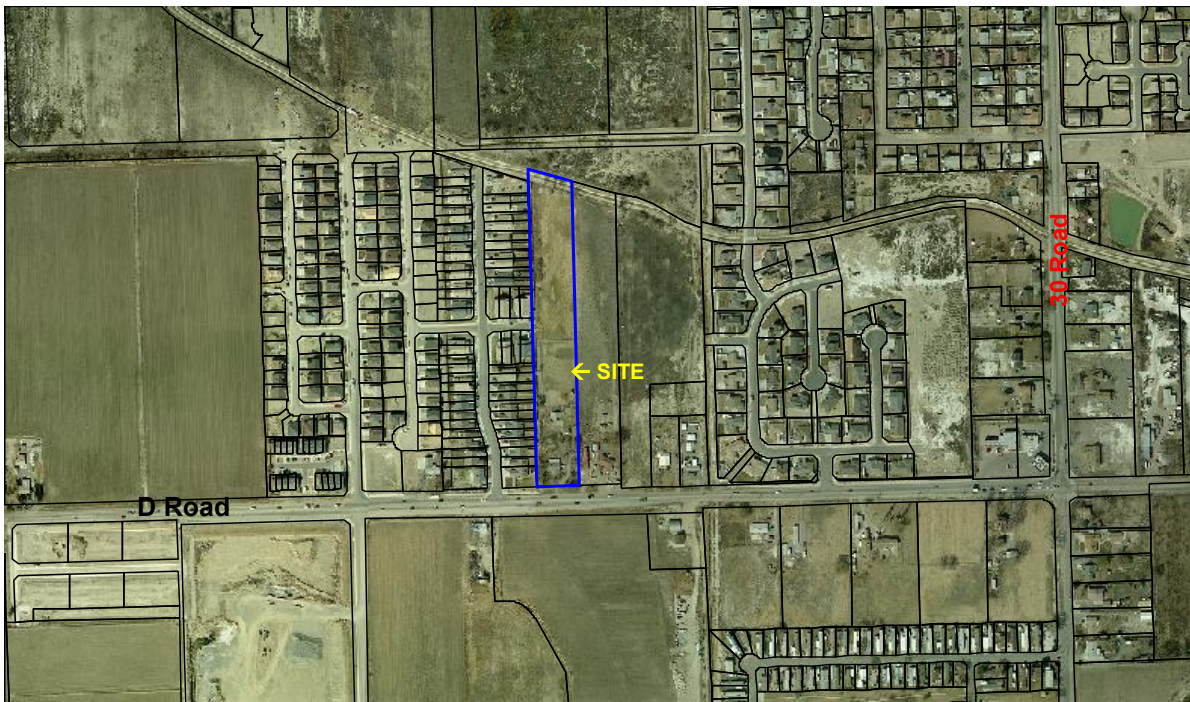
Annexation - Site Location Map

Figure 1



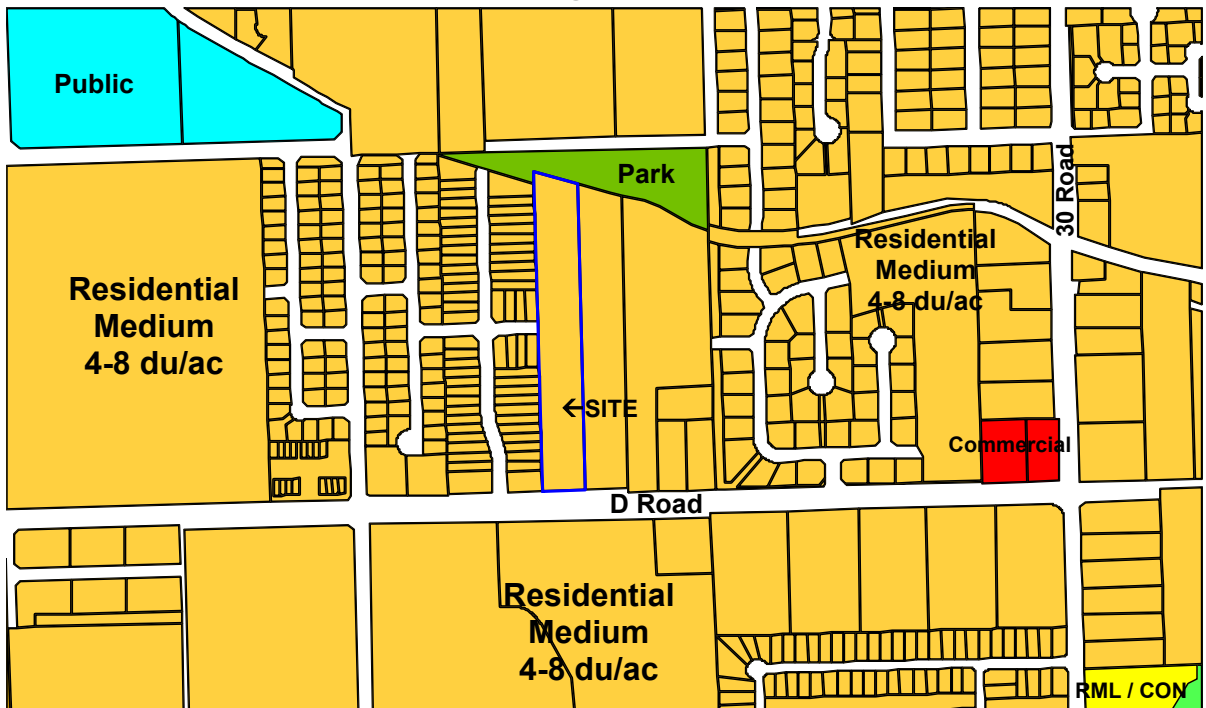
Aerial Photo Map

Figure 2



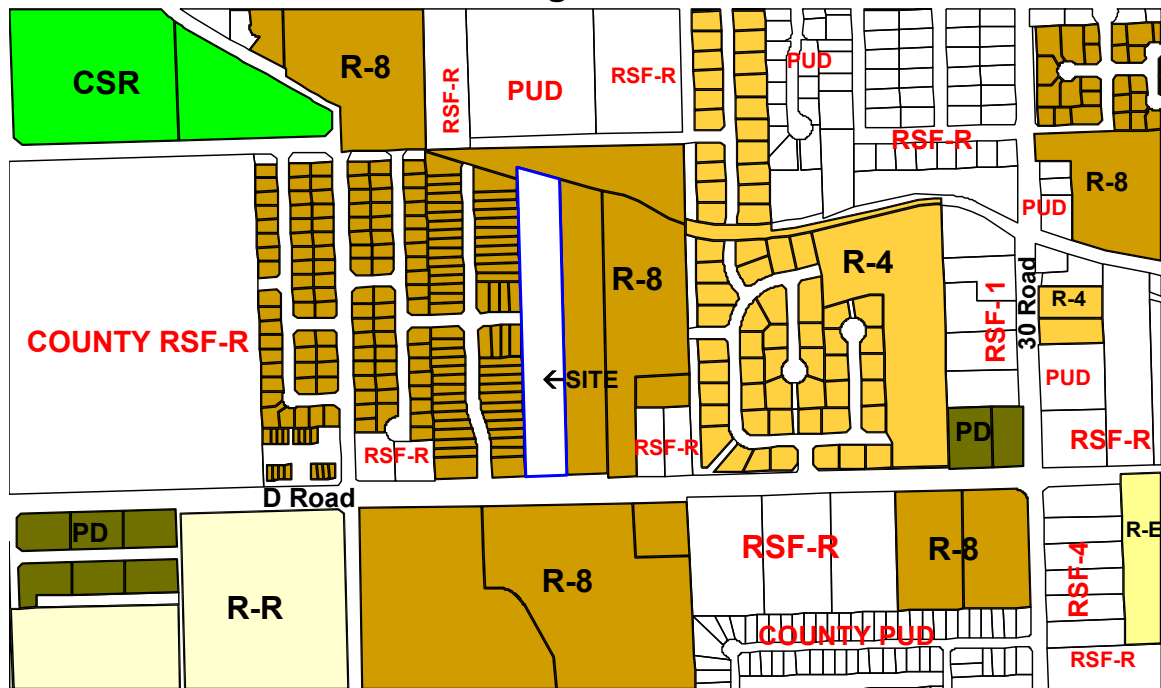
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

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

LOCATED AT 2964 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 Houghton 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).

HOUGHTON 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 bounded as follows:

On the South by the Northerly line of Paraham Annexation, Ordinance No. 3349, City of Grand Junction; On the West by the Easterly line of said Paraham Annexation; On the North by the Southerly line of said Paraham Annexation; On the East by the by the West line of Costopoulos Annexation, Ordinance No. 4032, City of Grand Junction.

Said parcel contains 4.02 acres (175,025.91 sq. ft.), more or less, as described.

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

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

ATTEST:

President of the Council

City Clerk

Attach 3

Setting a Hearing Zoning the Phillips Ford Annex Located at 2894 Orchard Ave

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Phillips-Ford Annexation - Located at 2894 Orchard Avenue		
File #	ANX-2008-117		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 11, 2008		
Author Name & Title	Brian Rusche – Senior Planner		
Presenter Name & Title	Brian Rusche – Senior Planner		

Summary: Request to zone the 0.53 acre Phillips-Ford Annexation, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac).

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		2894 Orchard Avenue		
Applicants:		Garland O. Phillips and Douglas R. and Margaret R. Ford		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential and Assisted Living (Bookcliff Manor)		
	East	Two-Family and Multi-family Residential		
	West	Single Family Residential		
Existing Zoning:		County RMF-8 (Residential Multi-Family 8 du/ac)		
Proposed Zoning:		City R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-Family 8 du/ac)		
	South	City R-8 (Residential 8 du/ac)		
	East	County RMF-8 (Residential Multi-Family 8 du/ac)		
	West	County RMF-8 (Residential Multi-Family 8 du/ac)		
Growth Plan Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 (Residential 8 du/ac) district is consistent with the Growth Plan designation of Residential Medium (4-8 du/ac). The existing County zoning is RMF-8 (Residential Multi-Family 8 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. This request is consistent with both.

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 properties on the south are zoned R-8 (Residential 8 du/ac) and the properties on the north, east, and west are zoned County RMF-8 (Residential Multi-family 8 du/ac).

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 for this neighborhood. The surrounding land uses include single-family dwellings on long, narrow lots to the west, a node of multi-family development (along N. Sparn Court) on the northwest corner of Orchard Ave and 29 Road, and single-family residential blocks to the south. Also to the south is an assisted living complex (Bookcliff Manor) at the southeast corner of Sparn St. and Orchard Ave.

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

Response: The property will ultimately be subdivided into two lots, with the existing single-family dwelling remaining on one lot.

Adequate public facilities will be supplied at the time of development of the property. There is an existing 6" City water line in N. Sparn Court and an 8" City water line in Orchard Ave. An 8" sanitary sewer line exists in both streets.

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:

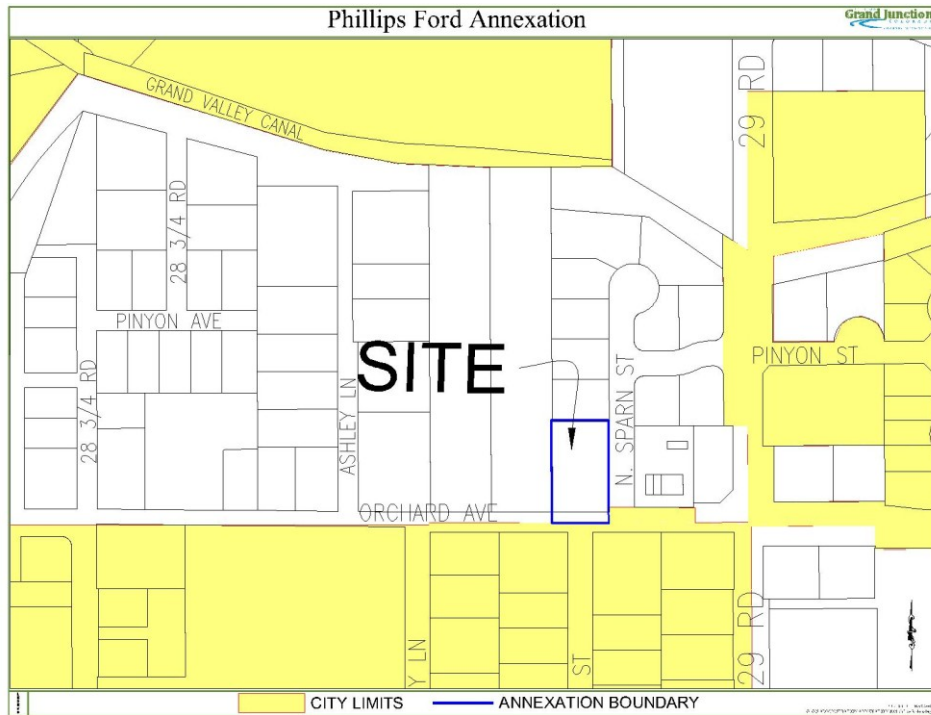
- c. R-4
- d. R-5

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

PLANNING COMMISSION RECOMMENDATION: On June 10, 2008 the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding that zoning to the R-8 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation - Site Location Map

Figure 1



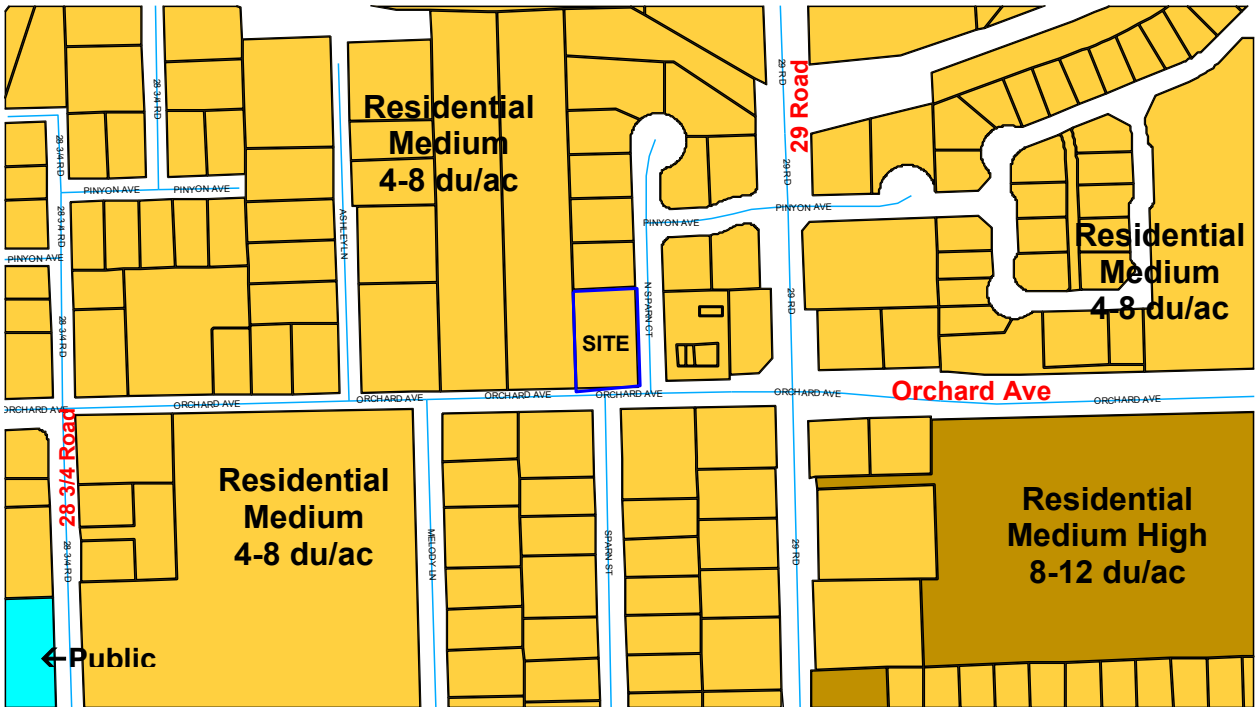
Aerial Photo Map

Figure 2



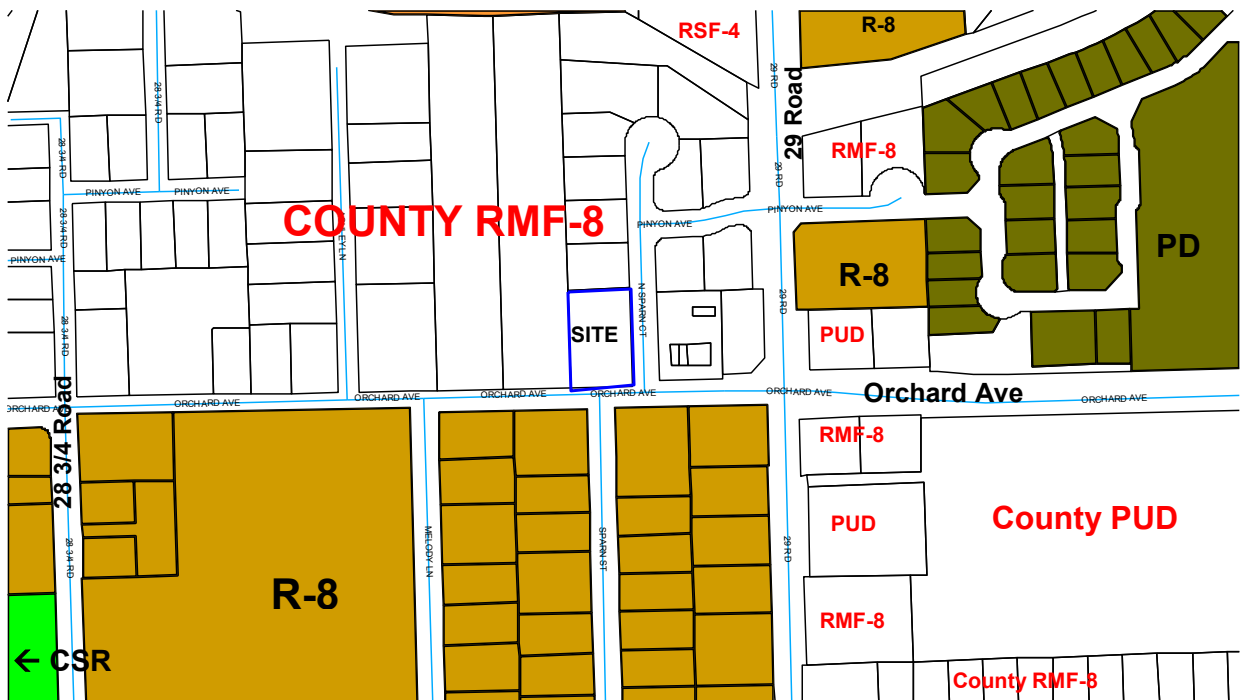
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

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

LOCATED AT 2894 ORCHARD AVENUE

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Phillips-Ford 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).

PHILLIPS-FORD ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 7, 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 the SE 1/4 NE 1/4 of said Section 7 and assuming the South line of the SE 1/4 NE 1/4 of said Section 7 to bear N89°45'42"W with all bearings contained herein relative thereto; thence N89°45'42"W a distance of 277.50 feet along the South line of the SE 1/4 NE 1/4 of said Section 7, said line also being the Southerly line of Arbors Annexation, Ordinance No. 3700, City of Grand Junction; thence N00°03'51"W a distance of 5.00 feet to a point on the Northerly line of said Arbors Annexation, said point also being the Point of Beginning; thence N89°45'42"W a distance of 113.50 feet along a line being 5.00 feet North of and parallel with the South line of the SE 1/4 NE 1/4 of said Section 7, said line also being the Northerly line of said Arbors Annexation; thence N00°03'51"W a distance of 205.00 feet; thence S89°45'42"E a distance of 113.50 feet to a point on the West line of Right of Way of North Sparn Street, as same is recorded in Book 716, Page 427 of the Mesa

County, Colorado public records; thence S00°03'51"E a distance of 205.00 feet along the West line of said Right of Way to the Point of Beginning

Said parcel contains 0.53 acres (23,267.50 sq. ft.), more or less, as described.

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

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

ATTEST:

President of the Council

City Clerk

Attach 4
 Rezoning the Palmer Park Subd, Located at 2675 Highway 50

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Rezone of Palmer Park Subdivision – Located at 2675 Highway 50		
File #	PP-2007-317		
Meeting Day, Date	June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 18, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: A request to rezone the subject property from 6.06 acres of C-1 (Light Commercial) and 9.04 acres of R-4 (Residential 4 du/ac) to 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac).

Budget: N/A

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

Background Information: See attached report.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City and County Zoning Map
3. Proposed Zone Line exhibit
4. Zoning Boundary Line description
5. Planning Commission Minutes – June 10, 2008
6. Preliminary Subdivision Plan
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2675 Highway 50		
Applicants:		Alpine Bank – Owner Blythe Group – Representative		
Existing Land Use:		Undeveloped (irrigated agricultural land)		
Proposed Land Use:		Commercial (6.14 ac) Residential (8.96 ac)		
Surrounding Land Use:	North	Commercial / Residential / Vacant		
	South	Dos Rios Elementary School / Vacant		
	East	Commercial / Residential / Vacant		
	West	Vacant		
Existing Zoning:		C-1 (Light Commercial) – 6.06 acres R-4 (Residential 4 du/ac) – 9.04 acres		
Proposed Zoning:		C-1 (Light Commercial) – 6.14 acres R-4 (Residential 4 du/ac) – 8.96 acres		
Surrounding Zoning:	North	C-1 (Light Commercial) R-8 (Residential 8 du/ac)		
	South	R-4 (Residential 4 du/ac)		
	East	C-1 (Light Commercial) R-16 (Residential 16 du/ac)		
	West	R-4 (Residential 4 du/ac)		
Growth Plan Designation:		RML (Residential Medium Low 2-4 du/ac) and Commercial		
Zoning within density range?		X	Yes	No

STAFF ANALYSIS:

1. Background

The proposed Palmer Park Subdivision, also known as the Alpine Bank Subdivision (“the Subdivision”) is located on the south side of US Highway 50 between Aspen Street and Linden Avenue, west of 27 Road and north of Dos Rios Elementary School. The property includes a portion of vacated Dominguez Avenue, approved by Ordinance 4161 on January 2, 2008.

The 15.10 acre parcel is currently irrigated agricultural property. The applicant has received approval, subject to approval by the Council of the requested rezone, of a Preliminary Subdivision Plan for five (5) commercial lots of just over one (1) acre each and 29 single-family residential lots, ranging in size from 8001 square feet to 11,474 square feet. The gross density of the proposed subdivision will be approximately 3.2

dwelling units per acre, which is within the density requirements of the Zoning and Development Code.

The Growth Plan Future Land Use Map designates the southern portion of the parcel as Residential Medium Low (2-4 du/ac), with the northern portion as Commercial. This designation is approximate and does not conform to existing parcel boundaries, nor is there a specific boundary description for this designation, which was adopted by the Orchard Mesa Neighborhood Plan on July 13, 2000.

The property is divided by a zone line separating the C-1 (Light Commercial) on the north side of the parcel from the R-4 (Residential 4 du/ac) on the southern portion of the parcel. As currently zoned, 6.06 acres are C-1 and 9.04 acres are R-4. As shown on the Preliminary Plan, the design of Palmer Street through the subdivision and the layout of the lots do not conform exactly to the boundary between the zones. Therefore, a rezoning of the property, pursuant to Section 2.6 of the Zoning and Development Code, is a necessary step. If the rezoning is approved, the result will be 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac). The zoning boundary will be the proposed centerline of Palmer Street (refer to the attached boundary description and exhibit).

The Planning Commission reviewed the proposed rezone at their regular meeting of June 10, 2008 and forwards a recommendation of approval. The Commission has also reviewed the Preliminary Plan for the Palmer Park Subdivision and has found it to meet the criteria of Section 2.8.B.2. This approval is subject to a condition that Council approves the requested rezone. A copy of the minutes is attached.

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan designates the parcel as Commercial along US Highway 50 and Residential Medium Low (2-4 du/ac) for the balance of the property, derived from the Orchard Mesa Neighborhood Plan, approved July 13, 2000. The proposed density of the residential portion of the Palmer Park Subdivision is 3.2 units per acre, consistent with a Residential Medium Low designation.

The design of the subdivision meets the intent of the land use designations by providing commercial acreage on the north side of the Palmer Street alignment and residential lots of proper size and appropriate density on the south side of the alignment, with the alignment itself chosen to address proper road engineering and access standards.

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

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

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

The existing zoning was not in error at the time of adoption. The zone districts were established at the time of the Carville Annexation, without the benefit of a proposed development.

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.;

This property joins other properties along the Highway 50 corridor that have seen new development. New development that has changed the character of the neighborhood includes Linden Pointe and the Orchard Mesa Retail Center. The need to provide access to Highway 50 from and through this development necessitated the proposed alignment of Palmer Street, which does not correspond to the zoning line recorded by the Carville Annexation. Therefore, new growth in this neighborhood and the provision of public facilities to previously undeveloped property constitute a change of character for 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 south side of Highway 50 has existing commercial development to the east and west of the subject property. To the south of the property is an elementary school and new residential development. The proposed layout of the subdivision and the proposed zoning boundary down the centerline of Palmer Street conform to the Growth Plan designations of Commercial on the northern portion and Residential Medium Low (2-4 du/ac). Therefore, the rezone is compatible with the neighborhood and conforms to the goals of the Growth Plan and the requirements of the Code.

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

Adequate public facilities will be made available at the time of the development. Existing facilities include an 18" Ute Water line along the south side of the property and a 10" Ute Water line along the west side of the property. An 8" sanitary sewer line is currently stubbed into the property along Palmer Street.

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

The overall supply of land in the proposed zones will not be impacted. The acreage difference between the existing and proposed zoning is 0.08 acres. The rezone will, however, put the existing property to better use by creating a logical

boundary between commercial and residential uses. If the existing zoning designations remain in place, one residential lot (Lot 4) would be eliminated and four of the five commercial lots (Lots 30-33) would have unusable space within their boundaries, due to the residential zoning.

6. The community will benefit from the proposed zone.

The community will benefit from the proposed zones as it will allow the addition of residential lots with a density consistent with that of surrounding subdivisions, while providing highly visible commercial lots to serve the growing neighborhood.

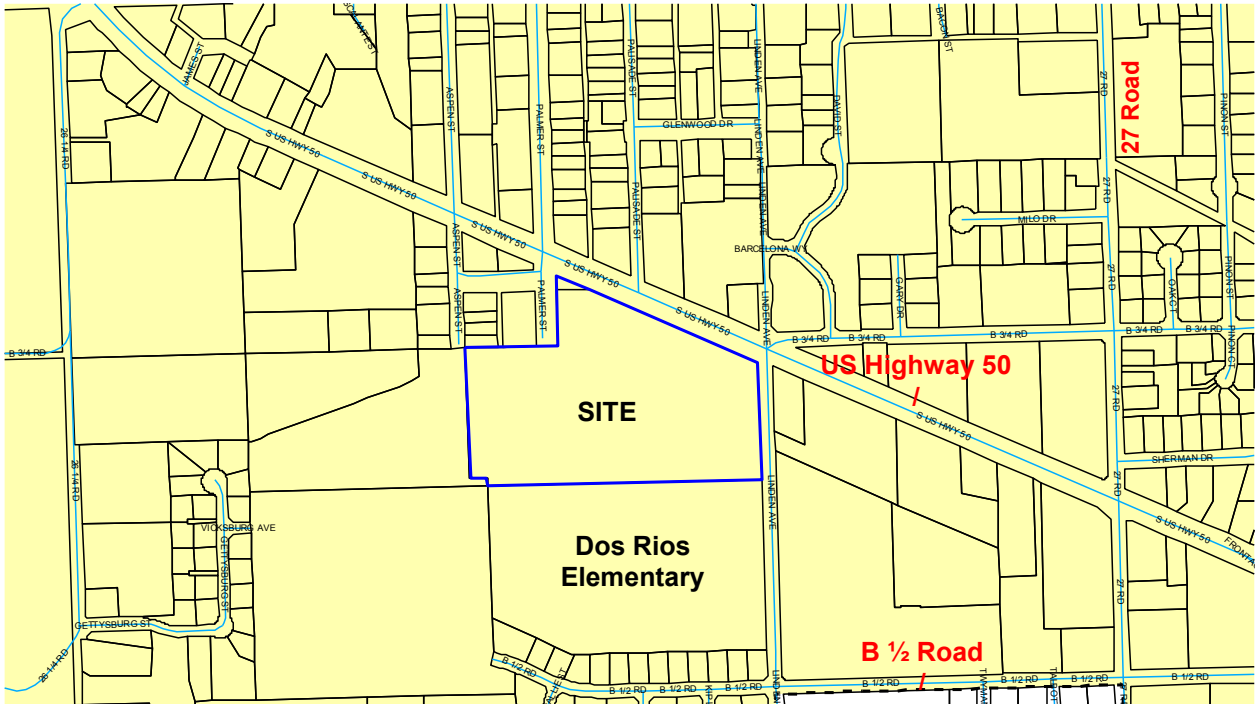
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regular meeting of June 10, 2008 recommended approval of the requested rezone, PP-2007-317, to the City Council with the following findings of fact and conclusions:

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

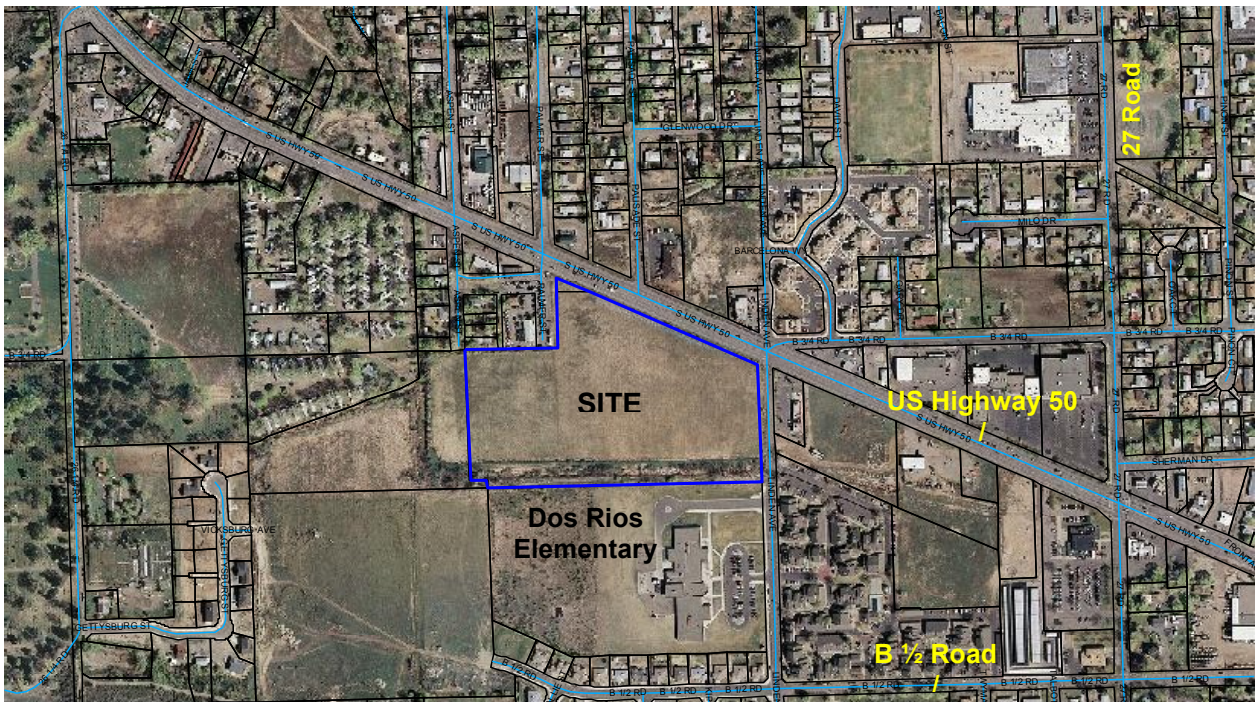
Site Location Map

Figure 1



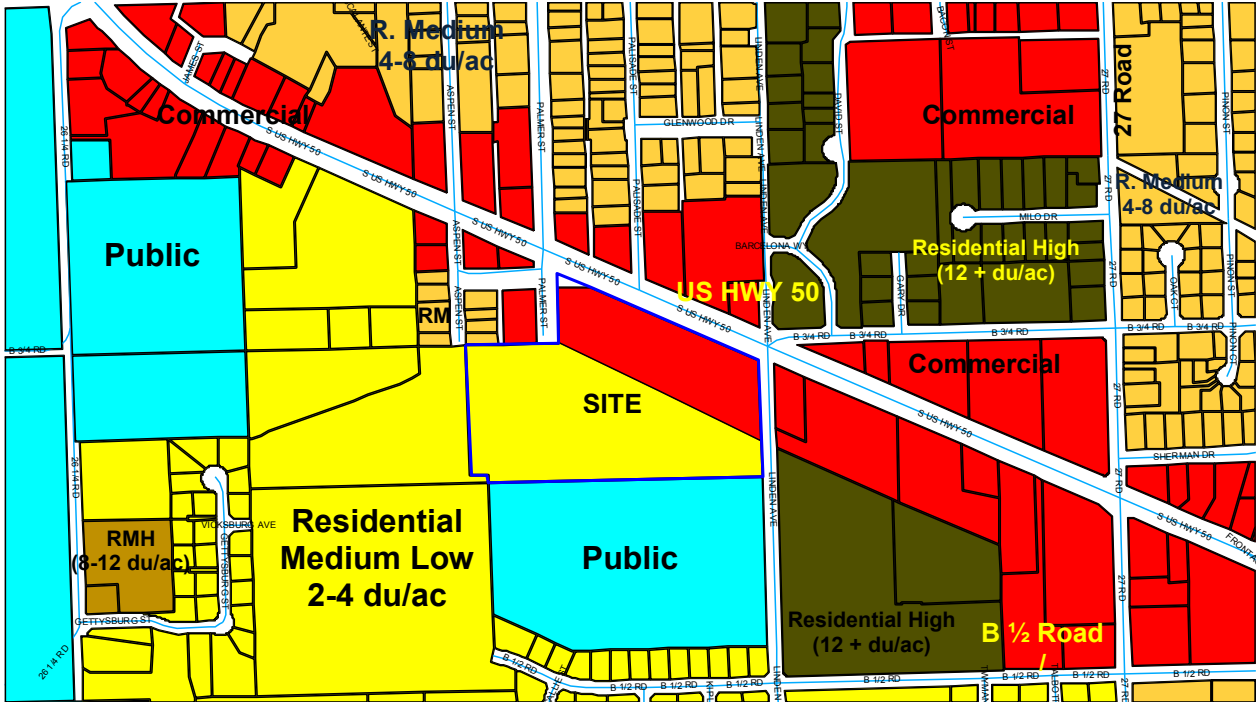
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing Zoning Map

Figure 4

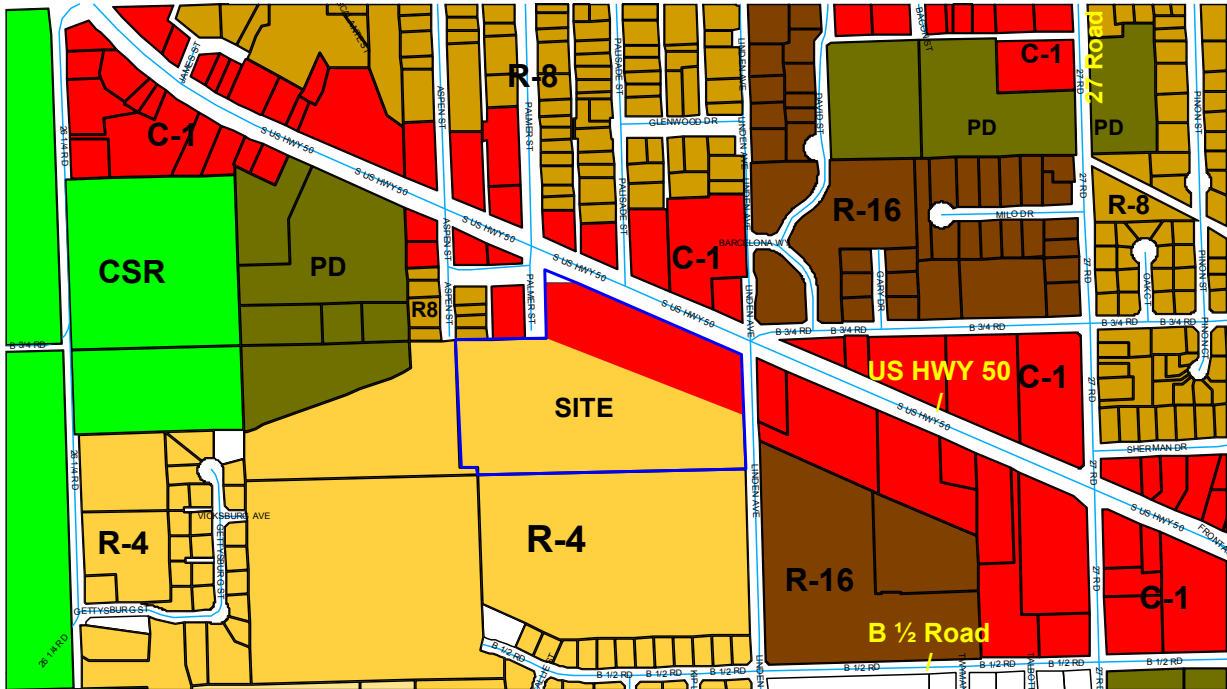
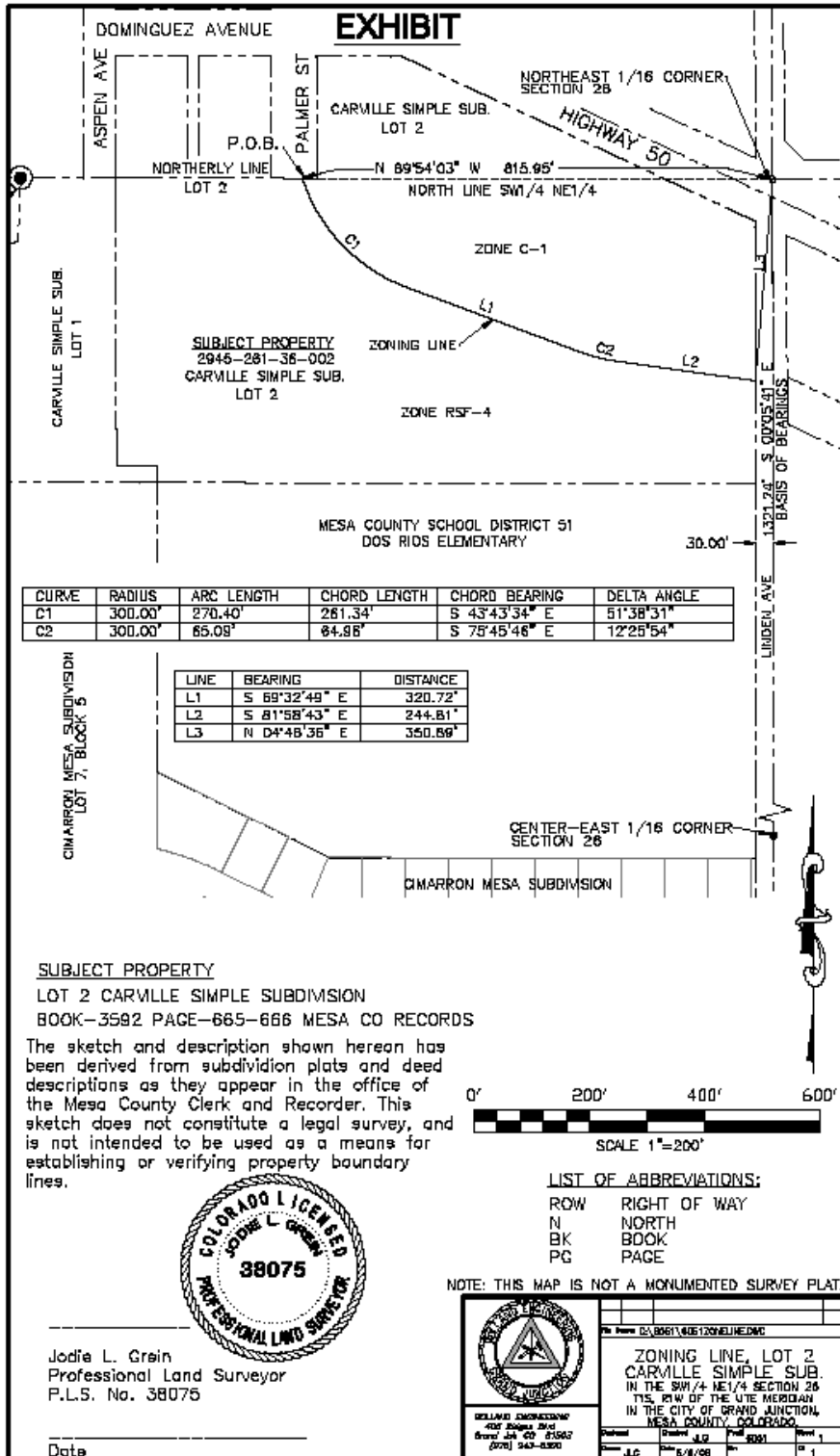


Exhibit showing the proposed boundary between the C-1 and R-4 Zone Districts.



A description of the proposed boundary between C-1 and R-4 Zone Districts.

EXHIBIT

Zoning Boundary Line Description:

A line dividing Lot 2 of Carville Simple Subdivision, situate in the SW1/4 NE1/4 of Section 26 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, described as follows:

Commencing at a PK Nail for the Northeast 1/16 Corner of said Section 26, whence a #5 Rebar for the Center-East 1/16 Corner of said Section bears S00°05'41"E a distance of 1321.24 feet; thence N89°54'03"W for a distance of 815.95 feet to a point on the northerly line of said Lot 2, and the Point of Beginning; thence the following:

1. Departing said northerly line, along a curve to the left having a radius of 300.00 feet, an arc length 270.40 feet, a chord of 261.34 feet, and a chord bearing of S43°43'34"E;
2. S69°32'49"E for a distance of 320.72 feet;
3. Along a curve to the left having a radius of 300.00 feet, an arc length 65.09 feet, a chord of 64.96 feet, and a chord bearing of S75°45'46"E;
4. S81°58'43"E, for a distance of 244.81 feet to the terminus; whence said Northeast 1/16 corner bears N04°48'36"E a distance of 350.89 feet.

This description was prepared by Jodie Grein for Rolland Engineering, 405 Ridge Blvd., Grand Junction, CO.



GRAND JUNCTION PLANNING COMMISSION
JUNE 10, 2008 MINUTES
6:00 p.m. to 6:42 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), Dr. Paul A. Dibble, William Putnam, Reggie Wall, Patrick Carlow (1st alternate) and Ken Sublett (2nd alternate). Lynn Pavelka-Zarkesh and Bill Pitts were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were David Thornton, Brian Rusche (Senior Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 18 interested citizens present during the course of the hearing.

PUBLIC HEARING ITEMS

3. Palmer Park Subdivision – Preliminary Subdivision Plan

Request: 1) a recommendation of approval to City Council to rezone portions of the property from C-1 (Light Commercial) to R-4 (Residential 4 du/ac) and from R-4 (Residential 4 du/ac) to C-1 (Light Commercial), resulting in 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac); and 2) approval of the Preliminary Subdivision Plan to develop 15.1 acres, including 6.14 acres of C-1 (Light Commercial) into 5 lots and 8.96 acres of R-4 (Residential 4 du/ac) into 29 lots.

FILE #: PP-2007-317
PETITIONER: Norm Franke – Alpine Bank
LOCATION: 2675 Hwy 50
STAFF: Brian Rusche

STAFF'S PRESENTATION

Brian Rusche, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding the Palmer Park Subdivision. He stated that this was a two-part request – first, to rezone property from C-1 to R-4 and from R-4 to C-1, and second, for approval of a Preliminary Subdivision Plan. Mr. Rusche noted that the property currently consisted of Agricultural land. The Future Land Use Map designated that portion of the property along Highway 50 as Commercial, with the remainder of the property designated as Residential Medium Low. The property was currently zoned for

6.06 acres of C-1, Commercial, and 9.04 acres of R4, Residential. He said that the design of the subdivision created access from Highway 50 through the subdivision by way of an extension of Palmer Street, constructed from Highway 50 to Linden Avenue. The design of Palmer Street to accommodate the subdivision would create portions of the property that are intended for Commercial or Residential use that are not exclusively in that zone, given the current zoning line. The requested zone line, if approved, would be the centerline of the Palmer Street extension resulting in 6.14 acres of C-1 and 8.96 acres of R-4.

The layout of the subdivision was intended to create 5 Commercial lots along Palmer Street and 29 single-family Residential lots with a density of approximately 3.2 dwelling units per acre. On the Commercial properties, staff has requested the establishment of cross access easements. Additionally, an earth ditch on the south side of the property, Orchard Mesa South Drain, would be piped onto Dos Rios Elementary School property requiring an easement.

Mr. Rusche said that he found that the zoning request was consistent with the Growth Plan. He discussed the criteria necessary for rezoning requests, including, but not limited to, that it was compatible with the neighborhood, public facilities either are available or would be made available, and by modifying the zoning to use the centerline of the future street extension, it would allow the addition of the residential lots to the south and west and would provide highly visible Commercial lots. He pointed out that the second part of the request was a review of the Preliminary Subdivision Plan and stated that he found it met the applicable criteria of the Zoning and Development Code and Growth Plan.

Mr. Rusche summarized that the rezoning request to modify the existing zoning from C-1 to R-4 and R-4 to C-1 was consistent with the criteria of the Zoning and Development Code as well as with the Growth Plan. He also found that the Preliminary Subdivision Plan met the criteria of the Zoning and Development Code. He said that there were three conditions of approval attached to the request: 1) the approval of the preliminary plan was contingent upon City Council approval of the rezone; 2) the request for cross access easements from Palmer Street into and through the Commercial properties; and 3) the need to obtain an easement by separate document for the drain across school district and other property to the south.

QUESTIONS

Chairman Cole asked for clarification regarding whether the rezone was to follow the centerline of the street. Mr. Rusche said that there was no right-of-way dedicated yet for the street. He said that using the proposed centerline as the zoning boundary would ensure that all of the lots that were intended for Commercial purposes would be in the proper C-1 zone and that all of the Residential lots would be in the R-4 zone. Commissioner Carlow asked if the developer was agreeable to CDOT's list of permits and improvements. Mr. Rusche said that the developer, City and CDOT were in discussion regarding those improvements. He also stated that there would be significant improvements to the highway as part of this project. He said that Palmer

Street would be designated as a collector through the subdivision and would also service the development to the south.

Commissioner Dibble asked what type of buffering would be between the backyards of the Residential properties and Dos Rios Elementary School. Mr. Rusche said that they did not have any specific buffering but would adhere to the applicable setback requirements. He said that the easement that would need to be established for the pipe would provide some buffer.

Commissioner Dibble asked if the proposed trees or shrubbery would be sufficient regarding the school, since all of the vegetation would be taken out as a result of the earthen ditch and the property would be leveled out. Mr. Rusche said he was unsure if the developer had any particular plans at this point for landscaping.

Commissioner Putnam asked if something needed to be changed as the Future Land Use Map in the staff report showed the line between Commercial and Residential terminating at the southeast corner of Palmer Street and the Palmer Park Subdivision Map showed the line terminating a few feet to the west of that point. Mr. Rusche said that the line shown on the subdivision map was an official zoning line with a legal description. He said that he was unsure why the GIS maps were different. Furthermore, he said that the land use was adopted as part of the Orchard Mesa Neighborhood Plan which designated a portion along Highway 50 for Commercial purposes and that when the property was annexed the line was specifically described.

PETITIONER'S PRESENTATION

John Potter with The Blythe Group appeared on behalf of Alpine Bank and stated that he had nothing to add to staff's presentation.

QUESTIONS

Commissioner Dibble asked if the applicant would be agreeable to put up a fence to demark the school ground playground from the backyards of the homeowners. Mr. Potter said that they would address that as they got further into the plan.

PUBLIC COMMENT

No one spoke either in favor of or in opposition to this request.

DISCUSSION

Commissioner Wall said that he thought it looked like a good plan and was one that he could support.

Commissioner Lowrey agreed, as did Commissioner Putnam.

Commissioner Sublett said that he liked the plan and in particular the Commercial arrangement with the access via Palmer.

Commissioner Putnam pointed out that there had been discussion with CDOT regarding a traffic signal at Palmer and Highway 6 & 50.

There was discussion as to whether or not the motions needed to be separated. Jamie Beard, Assistant City Attorney, said that with the possibility of someone not approving the rezone, it would normally be preferred that there would be two separate motions. However, it could technically be done as one motion. Commissioner Dibble asked if it would create any problems if City Council declined the rezone and the Commission approved both. Ms. Beard said that the Preliminary Plan Subdivision would only be approved if the rezone was approved by City Council. If City Council denied it, the Preliminary Plan would not be able to meet condition #1 of approval.

MOTION: (Commissioner Lowrey) “Mr. Chairman, I move that we recommend approval to City Council of the rezone to C-1 (Light Commercial) and R-4 (Residential 4 du/ac) as shown on the provided exhibit, which is Lot 2 Carville Simple Subdivision in Mesa County and pursuant to Section 2.6.A of the Zoning and Development Code; and that we approve the Preliminary Subdivision Plan for the Palmer Park Subdivision, PP-2007-317, with the findings, conclusions and conditions listed in the staff report.”

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE
PALMER PARK SUBDIVISION TO
C-1 LIGHT COMMERCIAL AND R-4 RESIDENTIAL 4 DU/AC**

LOCATED AT 2675 HIGHWAY 50

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning property known as the Palmer Park Subdivision to the C-1 Light Commercial and R-4 Residential 4 Units/Acre Zone Districts, finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 Light Commercial and R-4, Residential 4 Units/Acre Zone Districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

The following zoning line is established:

A line dividing Lot 2 of Carville Simple Subdivision, situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, described as follows:

Commencing at a PK Nail for the Northeast 1/16 Corner of said Section 26, whence a #5 Rebar for the Center-East 1/16 Corner of said Section bears S00°05'41"E a distance of 1321.24 feet; thence N89°54'03"W for a distance of 815.95 feet to a point on the northerly line of said Lot 2, and the Point of Beginning; thence the following:

1. Departing said northerly line, along a curve to the left having a radius of 300.00 feet, an arc length 270.40 feet, a chord of 261.34 feet, and a chord bearing of S43°43'34"E;
2. S69°32'49"E for a distance of 320.72 feet;

3. Along a curve to the left having a radius of 300.00 feet, an arc length 65.09 feet, a chord of 64.96 feet, and a chord bearing of S75°45'46"E;
4. S81°58'43"E, for a distance of 244.81 feet to the terminus; whence said Northeast 1/16 corner bears N04°48'36"E a distance of 350.89 feet.

And that within said Lot 2 of Carville Simple Subdivision, the zoning of C-1 Light Commercial shall apply to the north of said zoning line and that the zoning of R-4 Residential 4 units/acre shall apply to the south of said zoning line, as shown by the attached exhibit.

Said property containing 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac), more or less, as described.

Introduced on first reading this 30th day of June, 2008 and ordered published.

Adopted on second reading this _ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 5

Zoning the Pioneer Meadows Annex, Located at 3126 and 3134 E Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Pioneer Meadows Annexation - Located at 3126 and 3134 E Road		
File #	ANX-2008-078		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 11, 2008		
Author Name & Title	Ronnie Edwards - Associate Planner		
Presenter Name & Title	Ronnie Edwards - Associate Planner		

Summary: Request to zone 9.24 acres, located at 3126 and 3134 E Road, to R-8 (Residential 8-du/ac). The Pioneer Meadows Annexation consists of two parcels and a portion of the E Road Right-of-way.

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3126 and 3134 E Road			
Applicants:		Owner: Jason and Judy Young Representative: Ciavonne Roberts – Keith Ehlers			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Canal/Residential (Mobile Home Park)			
	South	Vacant/Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		RSF-R (Residential Single Family Rural)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	County PUD			
	South	County RSF-4 (4 du/ac) and RMF-5 (5 du/ac); City R-5 (Residential 5 du/ac)			
	East	R-8 (Residential 8 du/ac)			
	West	County RSF-R (Residential Single Family Rural, 5 ac/du)			
Growth Plan Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 zone district is consistent with the Growth Plan designation of Residential Medium (4-8 du/ac). The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing Mesa 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: Policy 1.3 of the Growth Plan states that the City will use the Future Land Use Map in conjunction with other policies of the Growth Plan to guide zoning and development decisions. The proposed zoning of R-8 (Residential 8-du/ac) is compatible with the neighborhood and conforms to the goals and policies of the Growth Plan.

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

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

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

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

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

The proposed zoning meets neighborhood compatibility. Pioneer Meadows Annexation zoning request conforms with surrounding subdivisions and neighborhood areas within proximity preceding the Pioneer Meadows Annexations as a Residential Medium density.

- 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. A 10" Clifton Water line is available as well as a 8" sanitary sewer line.

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

- e. R-4 (Residential 4-du/ac)
- f. R-5 (Residential 5-du/ac)

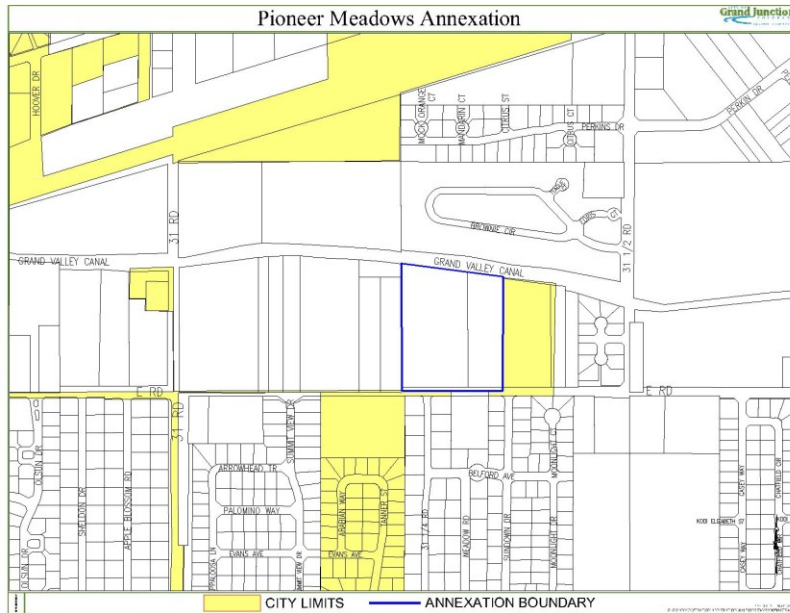
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on

June 24, 2008, finding the zoning to the R-8 (Residential 8 du/ac) district to be consistent with the goals and policies of the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

Figure 1



Aerial Photo Map

Figure 2



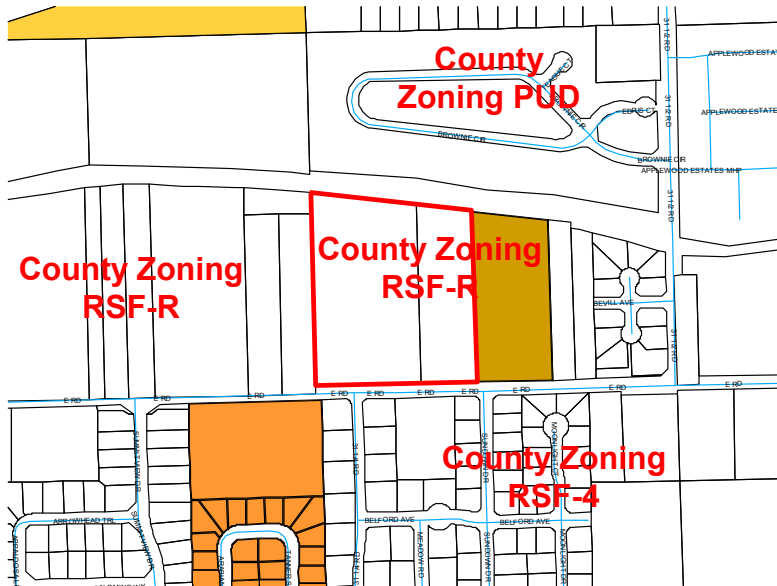
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 3126 AND 3134 E 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 Pioneer Meadows 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).

PIONEER MEADOWS ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 10, 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 Southwest corner of the SE 1/4 SW 1/4 of said Section 10 and assuming the West line of the SE 1/4 SW 1/4 of said Section 10 to bear N00°08'11"W with all bearings contained herein relative thereto; thence N00°08'11"W a distance of 30.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 10 to the Point of Beginning; thence N00°08'11"W a distance of 705.14 feet along the West line of the SE 1/4 SW 1/4 of said Section 10; thence S82°30'59"E a distance of 588.57 feet; thence S00°09'00"W a distance of 630.00 feet along the East line of the Pellam Annexation, ordinance Number 3613; thence N89°51'00"W a distance of 580.11 feet along a line being 30.00

feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 10 to the Point of Beginning.

CONTAINING 8.92 Acres (388,555.20 Sq. Ft.), more or less, as described.

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

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

ATTEST:

President of the Council

City Clerk

Attach 6
Rename portions of River Road and D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Rename portions of River Road and D Road to Riverside Parkway		
File #	MSC-2007-139		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 4, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Rename portions of River Road and D Road to Riverside Parkway. The portions of River Road right-of-way to be renamed are located between the Redlands Parkway interchange and Highway 340. The portions of D Road to be renamed are located between the newly constructed intersection of D Road and Riverside Parkway and 29 Road.

Budget: N/A

Action Requested/Recommendation: Consideration and approval of a Resolution renaming portions of River Road and D Road to Riverside Parkway.

Background Information: Please see attached Staff report

Attachments:

1. Staff report/Background information
2. Riverside Parkway Name Affected Properties Map
3. River Road Name Change Map / D Road Name Change Map
4. Proposed Resolution

BACKGROUND INFORMATION				
Location:		Portions of River Road and D Road		
Applicant:		City of Grand Junction		
Existing Land Use:		Right-of-way adjacent a variety of commercial, industrial, and residential uses		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Railroad		
	South	A variety of commercial, industrial, and residential uses		
	East	N/A – this is an east/west right-of-way		
	West	N/A – this is an east/west right-of-way		
Existing Zoning:		Various		
Proposed Zoning:		No change		
Surrounding Zoning:	North	Various		
	South	Various		
	East	Various		
	West	Various		
Growth Plan Designation:		Various		
Zoning within density range?	N/A	Yes		No

Project and Staff Analysis:

1. Background:

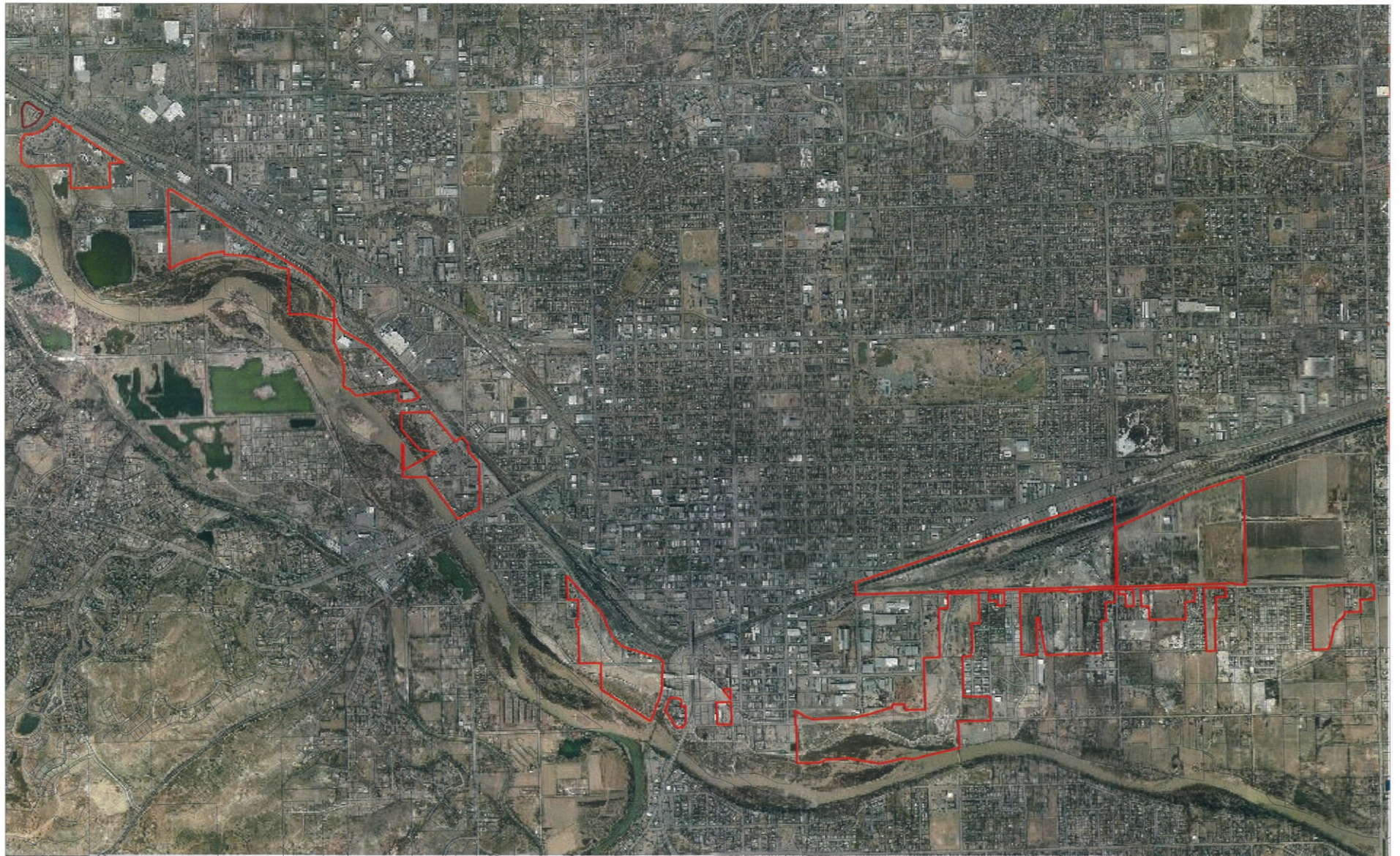
The request for this street name change comes as a result of the newly constructed Riverside Parkway. There are approximately 98 properties that will be affected by the renaming of the River Road and D Road rights-of-way. Property owners are being notified of the change and given 6 months from the hearing date to make necessary changes and updates for their property records.

Section 6.2.B.6 of the Zoning and Development Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposal is in conformance with the goals and policies of the Growth Plan and requirements of the Zoning and Development Code.

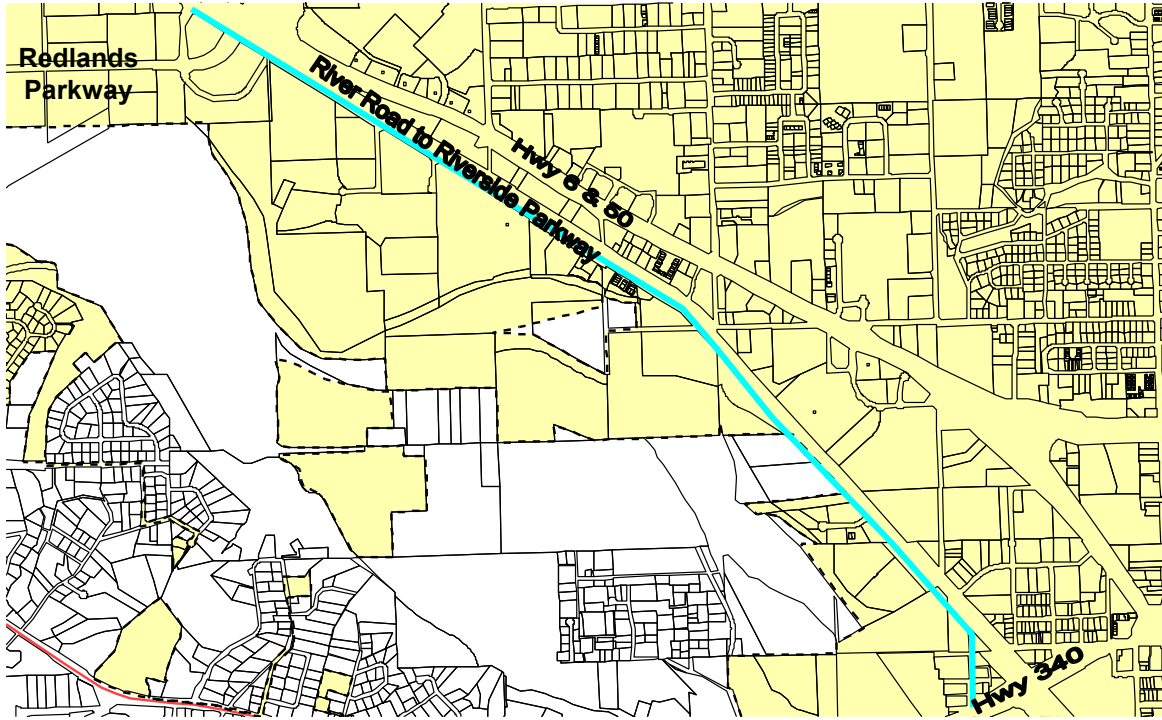
STAFF RECOMMENDATION: I recommend that the City Council approve the resolution renaming portions of River Road and D Road to Riverside Parkway.

Riverside Parkway Name Affected Properties



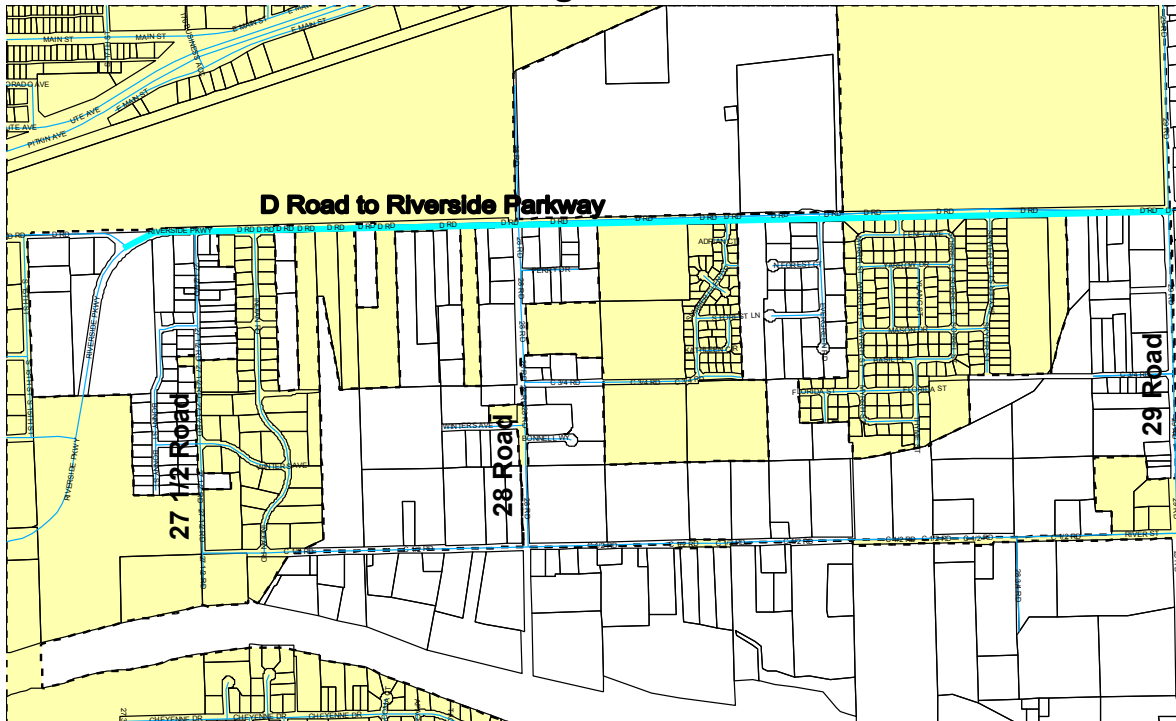
River Road Name Change Map

Figure 1



D Road Name Change Map

Figure 2



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

A RESOLUTION RENAMING PORTIONS OF RIVER ROAD AND D ROAD TO RIVERSIDE PARKWAY.

Recitals.

The request for this street name change comes as a result of the newly constructed Riverside Parkway. There are approximately 98 properties that will be affected by the renaming of the River Road and D Road rights-of-way.

Section 6.2.B.6 of the Zoning and Development Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposal is in conformance with the goals and policies of the Growth Plan and requirements of the Zoning and Development Code.

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

That portions of River Road and D Road as described in this Resolution is hereby changed to Riverside Parkway.

ADOPTED AND APPROVED THIS ____ day of _____. 2008.

ATTEST:

Stephanie Tuin
City Clerk

Gregg Palmer
President of City Council

Attach 7

Purchase of Road Oil for Chip and Seal Program

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Purchase of Road Oil for Chip Seal Program		
File #			
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 23, 2008		
Author Name & Title	Duane Hoff Jr., Buyer		
Presenter Name & Title	Jay Valentine, Assistant Financial Operations Manager Darren Starr, Solid Waste & Streets Manager Terry Franklin, Deputy Director of Utilities and Streets		

Summary: Purchase of approximately 85,000 gallons of road oil for the annual Chip Seal program, Streets Division.

Budget: \$245,461 has been budgeted for this expenditure in the Asphalt Preventative Maintenance Account.

Action Requested/Recommendation: Authorize the City Purchasing Division to sole source purchase 85,000 gallons of road oil from Cobitco, Inc., Denver, Colorado in the amount of approximately \$240,550.

Attachments: N/A

Background Information: Since 2005, the Streets Division has performed quality tests of road oil for the City's Chip Seal program. They found that between the two types of Cationic Rapid Setting Emulsified Asphalt Polymer Modified oils available, which are the CRS-2P and the CRS-2R, that the CRS-2R was deemed superior due to quicker setting, better chip retention, night fogging capability and product durability. Cobitco is the only manufacturer of the CRS-2R in the State. A local vendor, Sem Material, manufactures the CRS-2P product which was found to be an inferior and less expensive polymer. The result of the less expensive polymer includes decreased elastic recovery, toughness and tenacity that cause a stripping of the chips which leads to a decrease in the life of the overlay. While the Cobitco product is a higher initial cost, it has superior tenacity, retention and durability.

- Cobitco Inc., Denver, \$2.60/gallon (plus approximated shipping at \$.23/gallon)

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Outdoor Dining Lease – Junct'n Square Pizza, LLC		
File #			
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 26, 2008		
Author Name & Title	Heidi Hoffman Ham, DDA Executive Director		
Presenter Name & Title	Heidi Hoffman Ham, DDA Executive Director		

Summary: Junct'n Square Pizza, LLC, dba Junct'n Square Pizza is requesting an Outdoor Dining Lease for the property located at 119 N. Seventh Street. They have applied for and received a Sidewalk Café Permit to serve food outside at 4-6 tables with 4 chairs at each table. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area, as well.

Budget: No expenditures are required.

Action Requested/Recommendation: Approval of lease.

Attachments:

1. Resolution authorizing lease of sidewalk right-of-way to Junct'n Square Pizza, LLC
2. Outdoor Dining Lease Agreement between City of Grand Junction and Junct'n Square Pizza, LLC
3. Diagram of proposed serving area at 119 N. Seventh Street

Background Information: Council approved the expansion of sidewalk dining with liquor service in July, 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor license. Approval of this lease will allow for the applicant to apply for expansion of their premise through the proper State and City agencies. The Lease includes standards for appropriate access and control of the premise and is in keeping with the standards that have been in place in other communities in Colorado and that have worked well in Grand Junction.

RESOLUTION NO. _____-08

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY TO
JUNCT'N SQUARE PIZZA LLC DBA JUNCT'N SQUARE PIZZA,
LOCATED AT 119 N. 7TH STREET**

Recitals

The City has negotiated an agreement for Junct'n Square Pizza, LLC, DBA Junct'n Square Pizza to lease a portion of the sidewalk right-of-way located in front of 119 N. Seventh Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Junct'n Square Pizza, LLC dba Junct'n Square Pizza.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for a period of twelve months at \$360 per year, to Junct'n Square Pizza, LLC, DBA Junct'n Square Pizza

PASSED and ADOPTED this _____ day of June, 2008.

President of the Council

Attest:

City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease Agreement") is made and entered into as of June 30, 2008 by and between THE CITY OF GRAND JUNCTION, COLORADO, a Colorado home rule municipality, as Lessor, (hereinafter referred to as "City" or "Lessor"), and Junct'n Square Pizza, LLC, as Lessee, (hereinafter "Lessee").

RECITALS.

The City, by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120, established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park ("DSP") on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority the City Council and the Downtown Development Authority ("DDA") desire to make certain areas of the sidewalk in DSP available by lease to proximate land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. The City does hereby lease to Lessee approximately 360 square feet of the sidewalk in the DSP located in front of 119 N. Seventh Street (hereinafter "the Leased Area"). Specifically, the Leased Area is that portion of the sidewalk immediately across the sidewalk from the Lessee's business. The Leased Area is depicted on the attached Exhibit A.
2. In addition to the right to occupy the Leased Area on the terms of this Lease, the City does hereby grant an easement across the adjacent sidewalk for the purpose of transporting and service of alcohol beverages and providing food service to persons occupying the Leased Area. Such easement runs concurrent with this Lease Agreement and terminates when this Lease Agreement terminates.
3. The term of this Lease shall be for a period of ten months beginning on July 1, 2008 and terminating on April 30, 2009. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area, Lessee agrees to pay the City the total prorated sum of \$300.00, which sum shall be payable in advance on or before June 30, 2008, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. A full year lease payment is \$360.

If the rent payment is not paid in full when due, a Lease shall not issue.

4. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 12:00 midnight. Food shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.
5. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of Grand Junction. Further, Lessee agrees to comply with all reasonable recommendations by the DDA relating to the use of the Leased Area. Prior to alcohol service commencing in the Leased Area, the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Modification of the licensed premises, in accordance with Colorado law, is a precondition to the use of the Leased Area described in this Lease Agreement.**
6. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
7. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificates(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

8. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:
 - a. Not be wider than the street frontage of the business nor extend to the extent that pedestrian traffic on the sidewalk is impeded.
 - b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
 - c. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
 - d. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by the DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
 - e. No cooking shall be located on the Leased Area.
 - f. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
 - g. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.
 - h. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
 - i. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by the DDA.
9. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.

10. Lessee agrees to permit agents of the City and/or the DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Lease Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.

11. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.
12. Lessee agrees not to sublet any portion of the Leased Area, not to assign this Lease without the prior written consent of the City being first obtained.
13. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
14. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
15. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees.
16. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.
17. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

18. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Lessee:
Junct'n Square Pizza, LLC
119 N. Seventh St.
Grand Junction, Co. 81501

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the date first above written.

LESSOR:

LESSEE:

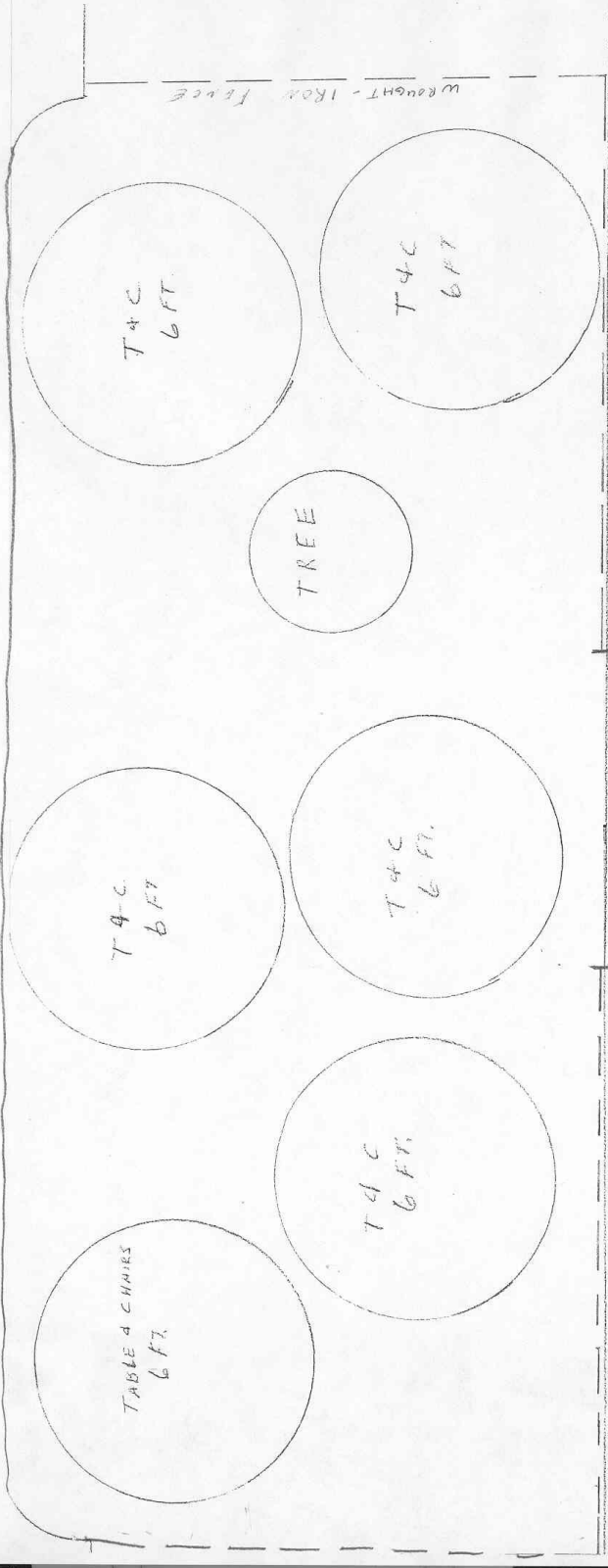
CITY OF GRAND JUNCTION, a
Colorado home rule municipality

Junct'n Square Pizza, LLC

By: _____

By: _____
Laurie M. Kadrach, City Manager

7th Street



Wrought-Iron Fence

T4C
6 FT.

T4C
6 FT.

TREE

T4C
6 FT.

T4C
6 FT.

T4C
6 FT.

TABLE & CHAIRS
6 FT.

SIDEWALK

10 FT.

FRONT DOOR

JUNEFIN SQUARE

ALLEY

Attach 9
Grant for 26 Road and G ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	26 Road and G ½ Road Energy and Mineral Impact Grant		
File #			
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 24, 2008		
Author Name & Title	Kathy Portner, Neighborhood Services Manager		
Presenter Name & Title	Tim Moore, Director of Public Works and Planning		

Summary: A request to accept an Energy and Mineral Impact Grant, in the amount of \$500,000, as partial funding for improvements to 26 Road and G ½ Road. The 26 Road improvements will include widening and sight distance improvements. The G ½ Road improvements include curb, gutter and sidewalk.

Budget: Total project cost of \$2,060,000 was budgeted using TCP (Transportation Capacity Payment) funds.

Action Requested/Recommendation: Accept the grant and authorize the City Manager to sign the grant contract.

Attachments: None

Background Information: The City applied for and received an Energy and Mineral Impact grant from the Department of Local Affairs for improvements to 26 Road and G ½ Road. The 26 Road project will improve safety along 1,800 feet at the G ½ Road intersection. The roadway will be widened and a hill minimized to improve sight distance and safety. The G ½ Road project will improve 1,000 feet of the roadway, complete with curb, gutter and sidewalk as well as turn lanes.

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Permission to apply for US Department of Justice annual Justice Assistance Grant		
File #			
Meeting Day, Date	June 30, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 19, 2008		
Author Name & Title	Kimberly Swindle		
Presenter Name & Title	Troy Smith, Deputy Chief of Police		

Summary: The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice, to apply for an annual grant in the amount of \$28,648. These funds are allocated evenly between GJPD and MCSO and will be used to purchase 800 MHz radios. The GJPD Administers and allocates the funds. The BJA requires the public to have an opportunity to comment and City Council approval for the application process.

Budget: \$28,648 in grant funds, if awarded, will be the beginning of purchasing handheld and mobile Radios for the GJPD (\$14,324) and MCSO (\$14,324) for when 800MHz is installed.

Action Requested/Recommendation: Authorize City Manager and GJPD to apply for these funds, and if awarded to manage/disperse \$28,648 in grant funds.

Attachments:

Background Information: The GJPD and MCSO have been recipients of funding from this annual grant for many years. While the funding level changes each year, the two departments have benefitted from the funding for various projects. A Memorandum of Understanding will be entered into with the MCSO for these funds.

These funds are awarded to the state by the Department of Justice and distributed to local law enforcement agencies. Grand Junction is one of 13 municipalities in Colorado that has been allocated funding in 2008.

Attach 11
Shores Annex and Zoning, Located at 166 Edlun Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Shores Annexation and Zoning- Located at 166 Edlun Road		
File #	ANX-2008-104		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 11, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Lori V. Bowers – Senior Planner		

Summary: Request to annex 17.97 acres and zone 17.36 acres, located at 166 Edlun Road, to R-4 (Residential 4 du/ac).

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Shores 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. Draft Planning Commission Minutes
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning 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 / Vacant			
	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 owner's 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

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 (Residential 4 du/ac) district is consistent with the Growth Plan designation of Residential Medium Low 2-4 du/ac as is the recommended designation of R-2 (Residential 2 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: When reviewing the topographic maps for this area, large portions of the site contain slopes greater than 30 percent. Some portions of the site contain slopes greater than 60 percent. Access to the site from Edlun Road is just over 22 feet in width. The same applies for the right-of-way that adjoins the property from Sunlight Drive, which is also just over 22 feet in width. The Sunlight Drive access is further encumbered by the Old Spanish Trail access easement. An easement was recorded in 1996 by the Johnsons. It is a strip of land 20 feet in width, which is parallel to the easterly most boundary of the parcel which provides access to the Old Spanish Trail. The easement states that access should be limited to foot, bicycle and horse access as documented in the recorded easement. Therefore, due to topography constraints, limited access, and the historical Old Spanish Trail, the requested R-4 zone district designation is not being supported and a recommendation of R-2 is being provided to City Council.

Response from applicant: Since all planning documents, including the Growth Plan indicate this property is expected to be "R-4", there is a reasonable expectation by the owner; and by the neighborhood, that this property will be zoned R-4. The R-4 zoning is compatible with the adjacent Mesa County neighborhoods. Notwithstanding that expectation, the constraints on developing the property would allow up to 48 lots, or 2.78 units/acre, with the R-4 zoning. The R-2 zoning, with consideration for clustering provisions, only yields 26 lots or 1.5 units/acre.

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property. There is a 6" water line in Edlun Road and an 8" water line in Sunlight Drive. Sewer can be provided to the property through an 8" line in Edlun Road and an 8" line in Sunlight Drive.

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.

- g. R-2 (Recommended)

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

FINDINGS OF FACT/CONCLUSIONS:

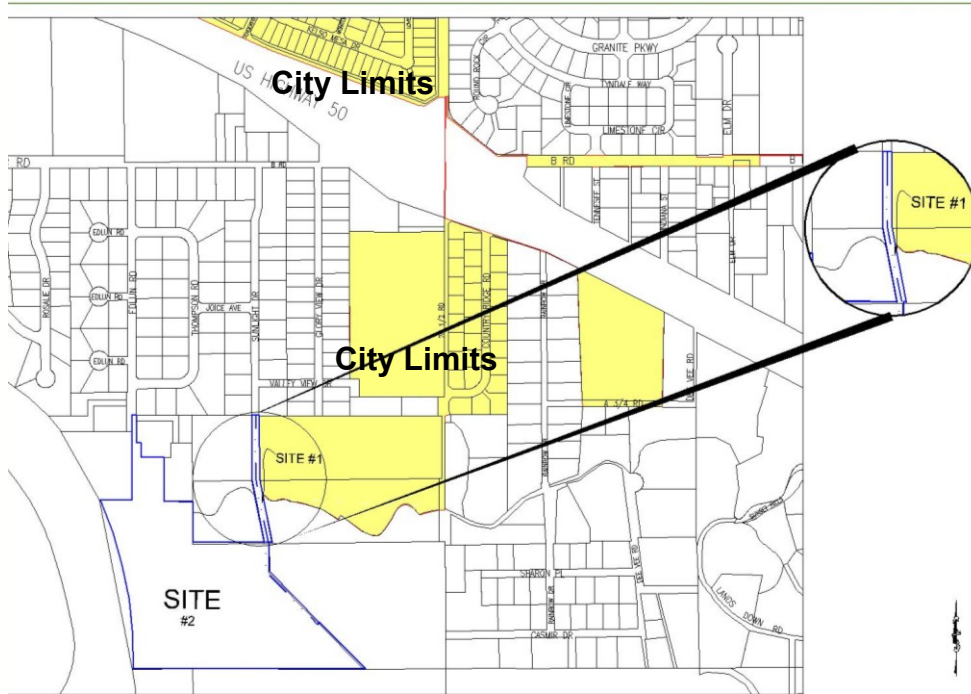
After reviewing the Shores Annexation, ANX-2008-104, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

3. The requested zone is consistent with the goals and policies of the Growth Plan.
4. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION: At the May 27, 2008 hearing, the Planning Commission recommended denial of the requested R-4 zone district to the City Council and by separate motion forwarded a recommendation of approval of the R-2 zone district finding the R-2 zone district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

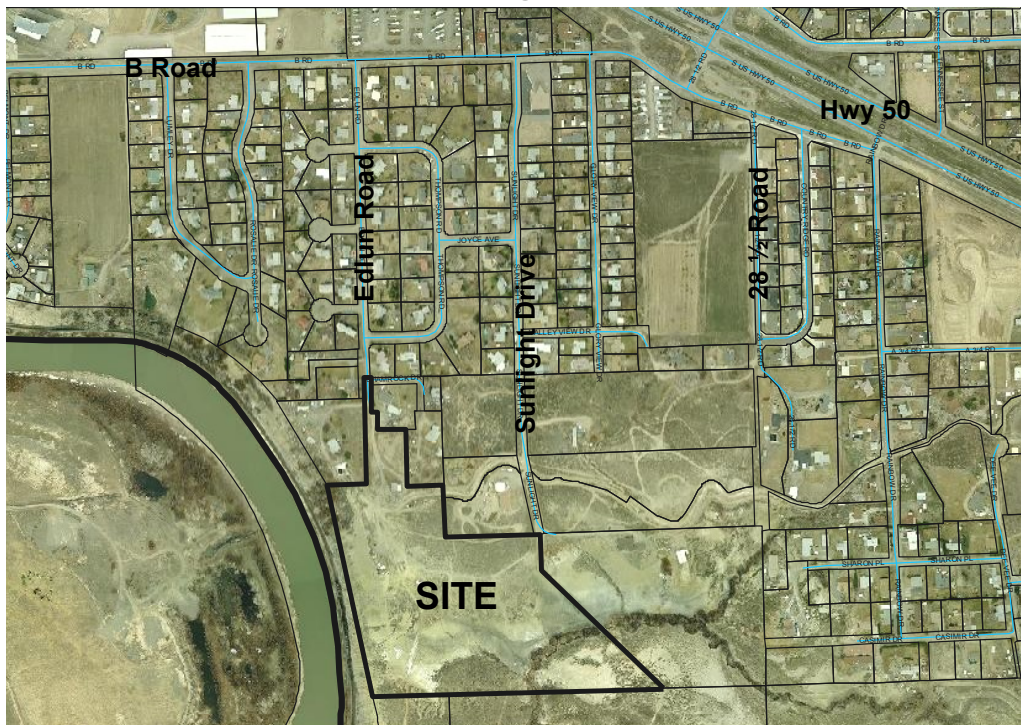
Annexation-Site Location Map

Figure 1



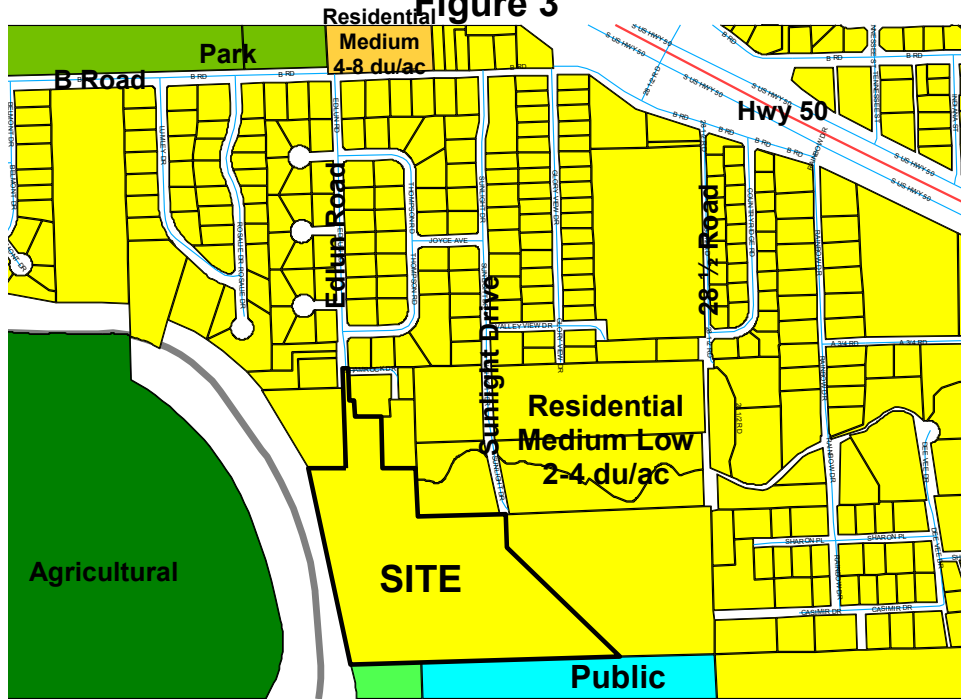
Aerial Photo Map

Figure 2



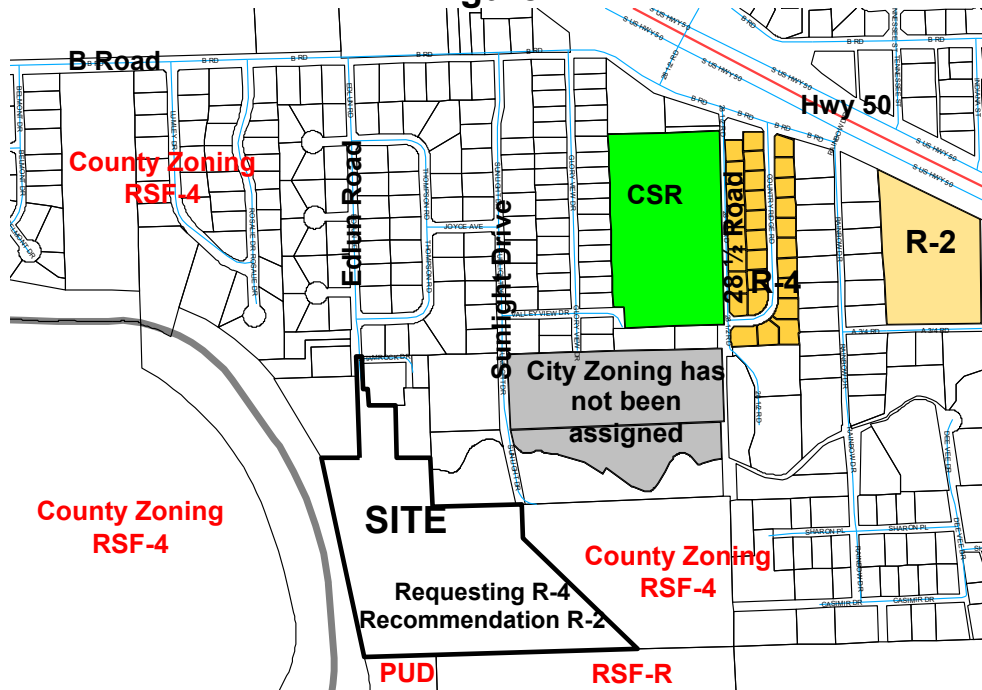
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4

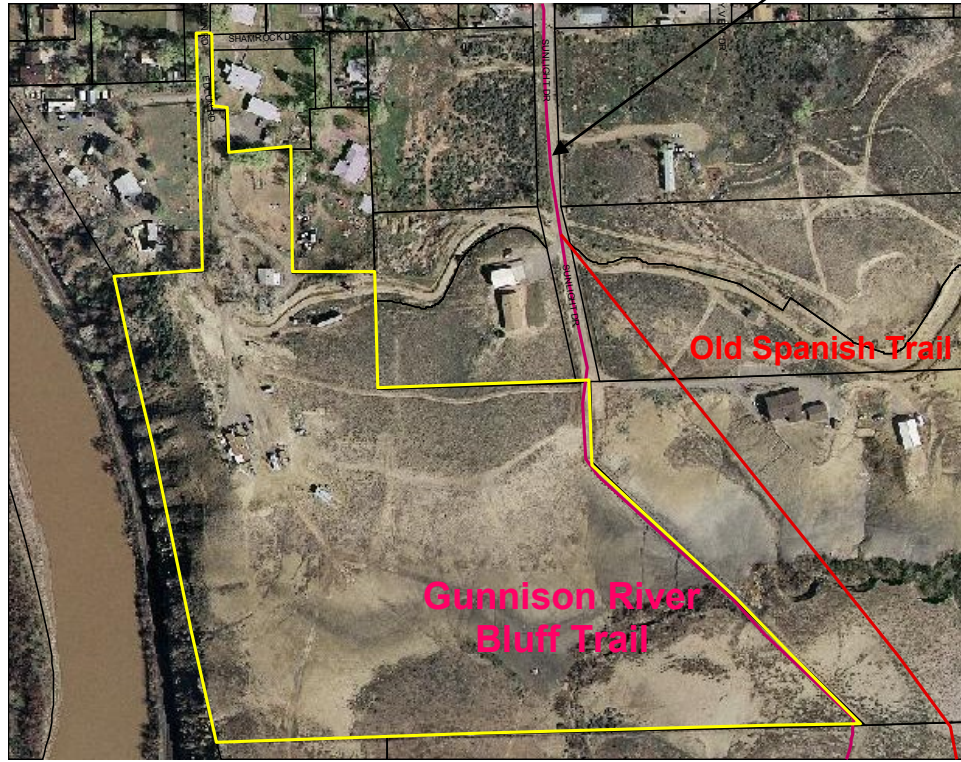


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

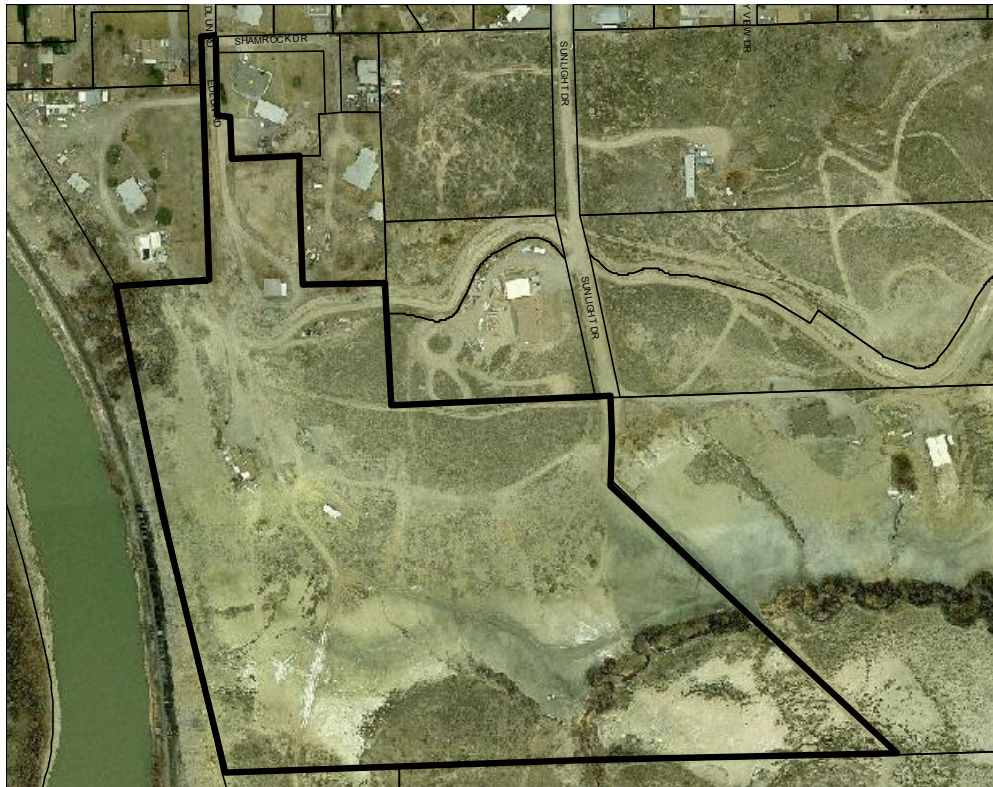
Trails/Transportation Map

166 Edlun Road Property

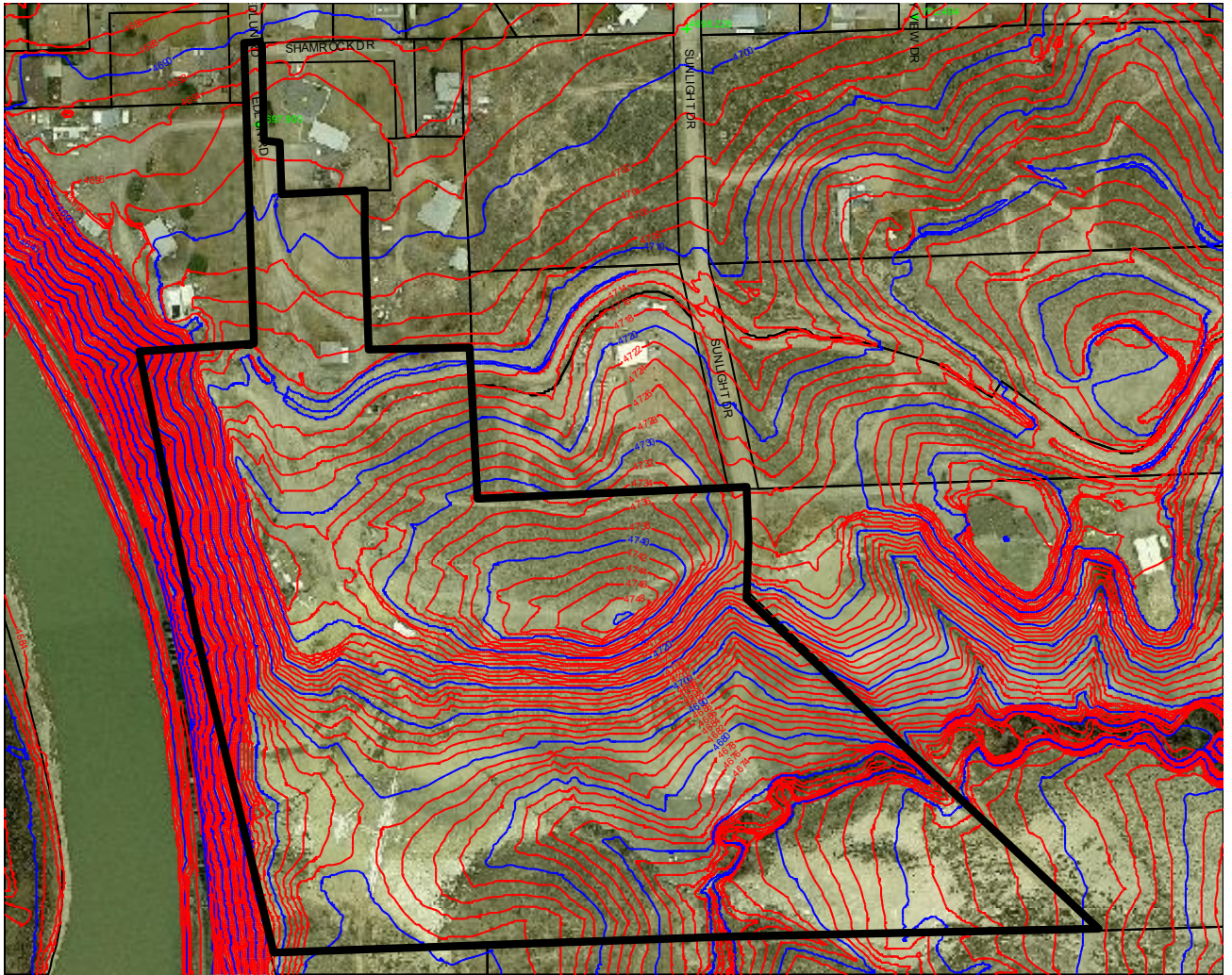
Sunlight Drive



Close-Up Aerial Photo Map



Topographic Map of Site



**DRAFT GRAND JUNCTION PLANNING COMMISSION
MAY 27, 2008 MINUTES
6:00 p.m. to 7:25 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, William Putnam, Patrick Carlow (1st alternate) and Ken Sublett (2nd alternate). Bill Pitts, Reggie Wall, and Dr. Paul A. Dibble were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lori Bowers (Senior Planner), Kathy Portner (Neighborhood Services Manager), and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 31 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

PUBLIC HEARING ITEMS

7. Shores Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 17.33 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2008-104
PETITIONER: Jeffrey Wald
LOCATION: 166 Edlun Road
STAFF: Lori Bowers, Senior Planner

STAFF'S PRESENTATION

Lori Bowers, Public Works and Planning Department, addressed the Commission regarding the Shores Annexation. She said that the property owners had requested annexation into the City to allow for the development of the property. She pointed out that under the 1998 Persigo Agreement, all proposed development within the Persigo wastewater treatment boundary required annexation and processing within the City. She said that the Future Land Use Map showed this area to develop in the 2 to 4

dwelling units per acre category. Ms. Bowers also stated that the requested zoning by the applicant was R-4, although she had recommended a zoning designation of R-2. Furthermore, according to Ms. Bowers, the existing County zoning surrounding this site was RSF-4 but the City, due to the constraints of the site, such as steep slopes, some in excess of 60%; and the access off of Edlun was just under 22 feet in width; and the access off of Sunlight Drive was quite narrow. There is also an easement that encompasses this property along the easternmost boundary of the site. She said that there were two existing trails in the area, the Gunnison River Bluff Trail and the Old Spanish Trail. She noted that the trails map provided in the presentation was wrong, but the City was working to correct it. She concluded that the requested zone was consistent with the goals and policies of the Growth Plan and the review criteria of the Zoning and Development Code have been met.

QUESTIONS

Commissioner Sublett asked if the area was an area of expansive soil. Lori Bowers said that she did not know.

PETITIONER'S PRESENTATION

Chris Pickett, VE Services, 808 8th Street, Greeley, Colorado 80631, appeared as a representative of Shores LLC regarding the request to zone the annexed parcel. He pointed out the historic County zoning of RSF-4 and the Growth Plan consideration of 2 to 4 units per acre. He advised that the applicant had taken into consideration the constraints of the property, including some very steep slopes along the Gunnison River, among other things. Mr. Pickett stated that if it were zoned R-4, the applicant anticipated the most number of lots that could be put on the site would be about 48, at approximately 2.7 units per acre. However, with a zoning of R-2, approximately 26 lots could be developed on the site. He said that applicant had taken into consideration the constraints of the land; the trails and some areas had expansive soils. These are planning and engineering issues that would need to be addressed if and when a subdivision are brought forward. Mr. Pickett acknowledged several valid concerns raised at the neighborhood meeting which would be considered at the point of annexation. However, he felt that those questions and concerns could not be adequately addressed until the zoning was known. He stated that the R-2 zoning would be a further restriction.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Joseph Hayes, 185 Rainbow Drive, Grand Junction, read into the record two letters – one from Senator Joshua Penry and the other from Janet Rowland, Chair of the Mesa County Commissioners. Both letters urged the Commission to delay a decision authorizing the proposed development.

Suzi Evans said that she has been a resident of Orchard Mesa for 20 years and was involved in Orchard Mesa Neighbors in Action Group concerning this property. She said that she cannot separate the fact that as a Commission, by discussing annexation from the petitioner, the Commission was discussing a business proposition and a business deal.

Chairman Cole disagreed with this opinion and asked for comment by legal counsel. Jamie Beard, Assistant City Attorney, said that in regards to a business proposition, at this point in time the Commission was not looking at an actual development for this particular project but rather a zone of annexation and placing a zone on the property which would allow for future uses based on that particular zone.

Lynn Ensley, 177½ Edlun, just north of this property, said that he was vice president of the Orchard Mesa Neighborhoods in Action. He said that the big problem they saw with this property was access. Mr. Ensley further said that Edlun was only 22 feet wide and with 50 homes, or 500 vehicle trips per day, there were buildings and irrigation right up against the property and Edlun Drive would not allow for fire or police to get in there safely. He stated that there was a 900 foot exclusive easement held by the BLM, with that being the only access, which was limited strictly to horseback, foot or bicycle which precluded access on that end as well. Also, the bluffs along the Gunnison River, the railroad tracks and expansive soils would further limit the developable land. He said that less than half of the 17 acres on top would be where 50 homes would be built. Lastly, he voiced a concern regarding the view shed. The Old Spanish Trail had to have a view shed that was compatible so that any building that went on there would necessitate consultation with the BLM liaison to the Old Spanish Trail. He asked that the Commission reject the petition to change the zoning.

Victoria Gibson, a resident on Edlun Road and a member of the Old Spanish Trail Association and a member of OMNIA, expressed her opposition to the proposed rezoning because it would negatively impact a nationally recognized historic trail by altering or eliminating public access, by destroying the current view shed, by destroying historical archeological evidence supporting its status as a national historic trail. She said that there was a six mile portion of trail that ran through Orchard Mesa and the entire Old Spanish Trail consisted of 2,700 miles managed by the Old Spanish Trail Association in partnership with the Partnership for the National Trail Association. Ms. Gibson pointed out that the dedicated easement on Sunlight was gravel. At the far north end of that road was signage that authorized BLM, the City and the County jurisdiction over this area and the access. Access is limited to hiking, biking and equestrian traffic other than the local residents accessing their property. Ms. Gibson requested the City and the County to uphold their commitment. She said that there was a cooperative effort by the Old Spanish Trail Association, Mesa County, the Colorado Riverfront Commission, the City of Grand Junction and the BLM, to take action to preserve the entire Gunnison Bluff area. She further stated that the Old Spanish Trail became a nationally recognized historic trail in 2002 and currently ranked 15th in the nation. She said that due to environmental impact issues she asked that the City and the County honor their previous commitment and vision to the trail system and not open

the floodgate to development to the Old Spanish Trail, Gunnison River Bluffs area by rezoning this property. She had also requested the BLM to consider eligibility to enact the National Historic Trail Preservation Act to provide a liaison on mitigation in the event this rezoning for development proceeded. She said that development of this property could directly impact the Gunnison River and may also be subject to the National Environmental Policy Act of 1969.

QUESTIONS

Commissioner Lowrey asked what protections the Spanish Trail had to prevent houses. Victoria Gibson said that the protection afforded by the public law was to preserve and promote the responsible use of recreational purposes of historic trail areas. She said that it did not presume to impede the private property owner. Furthermore, there had been in the past agreements to honor and protect this area as a recreational area which included the entire Gunnison River Bluffs area. Additionally, historic petroglyphs had been found in the area which were not widely known. She believed that there was the potential to make it to the National Registry of Historic Places. Also, according to the County Master Plan noted on the City of Whitewater side connecting the Spanish Trail to them, she said that it was conceivable that the trail could be connected to the Escalante, Dominguez Canyon conservation area.

PUBLIC COMMENT

Against:

Vicki Felmlee, 178 Glory View Drive, addressed the Commission as president of the Orchard Mesa Neighbors in Action. She clarified that there was a sign on Glory View as well as on Valley View. She said that several years ago, the Orchard Mesa Neighborhood Plan Committee, formulated a document for the future of Orchard Mesa which recognized Orchard Mesa's unique blend of city, county, rural and urban. She said that there were two pertinent areas in the plan that were discussed – the Old Spanish Trail and the compatibility issue. She said that it was compatibility with the surrounding neighborhood, adjoining neighborhood and adjacent neighborhood. They recognized that under the County zoning it was R-4 throughout much of this area. With regard to compatibility, Ms. Felmlee further pointed out that most of the adjoining or adjacent or neighborhood homes or lots in the area, you would be hard pressed to find 4 per acre as the vast majority were a third of an acre or more. She stated that they believed R-2 was much more adaptable and requested the Commission reject this petition.

Ineke Hoops, 167 Edlun Road, said that she agreed with the people who spoke before her and urged the Commission to reject this petition. She said that she was treasurer and secretary of OMNIA. She said that her daughters also did not want to see annexation in this part of town. She said that she did not want a plague on Sunlight showing where the Old Spanish Trail used to be like the sign on UnawEEP.

Holly Shelton, 174 Shamrock Drive, concurred with all the previous speakers in opposition to annexation and the acreage being discussed. In addition to concerns about the expansive soils, she said that she also had specific concerns about the

drainage. She said that it was extremely eroded, due to the unstable soils. She also had concerns about development, adding to pollution problems with the erosion causing silt and other drainage to go into the Gunnison River. She also expressed a concern with the view shed which would detract from the ambiance of the trail. Ms. Shelton asked the Commission to take the opportunity to consider that there was an opportunity to preserve history. She thought there was an obligation to preserve the area as it is.

Nathan Humphrey, 175 Edlun Road, said that from strictly a monetary view, paying to get roads fixed, he was curious where the money would come from to pay for all of the upgrades that would be needed for this development.

PETITIONER'S REBUTTAL

Chris Pickett observed that some of the comments made were relative not to development issues but to the land use itself. He said that he agreed with the concerns with respect to the topography of the ground; however, those were development issues and not a zoning issue. He said that they could not get the density of 50 homes with an R-4 but it would allow for the development of lots that were appropriate with the contours of the land and the issues on the land.

QUESTIONS

Chairman Cole asked that since a zone of annexation was being considered, what the status of the annexation was at this point. Lori Bowers said that the City had land use jurisdiction. Ms. Bowers said that the annexation was not complete yet and the land use jurisdiction gave the City authority to begin to look at this property and the zoning possibilities. The zoning designation would be considered on June 30, 2008.

Commissioner Putnam asked how the City gets land use jurisdiction. Ms. Bowers said that a petition is filed by a developer and the City drafts a petition for annexation which would then be put on the consent calendar for the City Council to enact on.

Chairman Cole inquired if the Commission was required to give it a zoning. Lori Bowers said that a zoning would need to be placed on a property within 90 days.

Commissioner Putnam asked if it was not certain that the annexation ordinance would be passed. Lori said that was correct.

Chairman Cole asked that if this property was zoned would it preclude the request from Senator Penry or Commissioner Rowland from proceeding with their proposals of making this a public area. Lori Bowers said that she did not see where a zoning would preclude that. Jamie Beard, Assistant City Attorney, agreed that they would not be precluded from moving forward with any of the actions that they had proposed.

DISCUSSION

Commissioner Carlow said that alternate zones had not been discussed. He said that taking into consideration the topography and access, he would like to discuss alternate

zones. He said that he would like to make his argument that he would prefer an R-2 zoning.

Commissioner Putnam said that it was not clear to him how the decision to apply a zone of annexation affected the Spanish Trail. He said that according to the map in the Staff Report, the trail was not on the property that was before them.

QUESTIONS

Chairman Cole asked if there was a BLM easement for the Spanish Trail. Lori Bowers confirmed that there was an easement 20 feet along the eastern most boundary of the parcel. She said that the City acknowledged the existence of the trails in the area.

Chairman Cole asked for clarification that when and if a development plan would come forward, that easement would then be identified and preserved. Lori Bowers confirmed that.

Commissioner Sublett asked what would be the interaction with the BLM were a development approved on this relative to this easement. Jamie Beard said that at the time of development, they would have to honor the easement as it exists today. If they did not want to honor the easement as it is, then they would have to work with the BLM to actually change the easement to modify it in some way with the agreement of the BLM. Any special conditions or requirements with regard to the easement would also have to be followed.

Commissioner Sublett asked, other than view requirements, what other special restrictions might exist on this from the BLM. Jamie Beard said that she had not seen any documentation which would indicate that there were any restrictions at all.

Commissioner Lowrey pointed out that part of the easement goes on Sunlight Drive and asked if Sunlight Drive allowed vehicle traffic. Jamie Beard said that was not clear based on the information she had available. She said that that portion of Sunlight Drive was an actual right-of-way that had been dedicated or otherwise granted for purposes of using it as a street. Furthermore, Ms. Beard said that technically that would override any other easement except that if the easement that was referred to was given to the United States which was similar to the easement given on the other piece, then those would have to work together with the right-of-way that was there. Ms. Beard said that if the right-of-way was there before the 1996 easement and was granted just as an easement, then the two easements would have to coexist together. However, if it was granted as an actual fee simple interest, in which case it would have been owned by Mesa County, then it would have been up to Mesa County at that time to actually grant the easement as the owner of the land.

DISCUSSION

Commissioner Putnam said that in view of so much uncertainty as to the location of the trail, the situation of easements and the uncertainty as to whether or not the annexation would occur at all, he felt that it was premature to decide this tonight.

Commissioner Sublett concurred with that view.

Chairman Cole said that the location of the trail was not part of the hearing tonight; however, it would be considered and dealt with in the event a development plan were to come before the City and the right-of-way would be dealt with at that time as well.

Jamie Beard said that the criteria would have to be looked at regarding the location of the trails and whether or not that affected the zoning. Also, the criteria didn't specify locations of the trail or how close other than to say it has to be in conformance or compliance with the Growth Plan. With regard to the right-of-way and the access being Edlun and Sunlight, then those are some of the criteria issues that would be considered as far as the infrastructure being available and for which zone to be added to the property.

Commissioner Lowrey asked what the issue was on whether or not it was annexed. Jamie Beard said that it was not uncommon to bring a zone of annexation forward before the actual annexation was completed. First, land use jurisdiction is taken, considered for purposes of which zones are possible on it, it's then brought forward to the Planning Commission and then usually the two issues are taken to City Council at the same time.

Commissioner Lowrey said that he would be prepared to decide the issue tonight but agreed with Commissioner Carlow that he would not vote for an R-4.

Chairman Cole said that he did not think that the trail issue should be part of this hearing tonight but should be dealt with at a later time. He said that he also would favor an R-2 zoning given the topographical issues, among others, and said that if the County or State or anyone else in the public would like to pursue the making of this property public property, park property, recreational, that the zone of annexation would not preclude any of that.

There was discussion regarding whether or not to vote on the proposal by the applicant for an R-4 zoning. Jamie Beard said that the advantage of doing that was to make clear that the actual request had been considered.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Shores Zone of Annexation, # ANX-2008-104, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Shores Annexation with the facts and conclusions listed in the staff report."

Commissioner Sublett seconded the motion. A vote was called and the motion was denied by a vote of 0 – 6.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on the Shores Zone of Annexation, # ANX-2008-104, I move that the Planning Commission forward to the City Council a recommendation of approval of an R-2 (Residential 2 du/ac) zone district for the Shores Annexation with the facts and conclusions listed in the staff report.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 5 – 1, with Commissioner Sublett opposed.

Feb. 14, 2008

From: Vicki Felmlee, 178 Glory View Dr., Grand Junction CO 81503, 970-245-8484
To: Tthe Grand Junction Planning Department,
Subject:: Proposed development, 166 Edlun Drive

Enclosed please find petitions signed by are residents concerned about the proposed development at 166. While we understand that the property owner and his representatives have not yet submitted an application for rezone/annexation, we felt is was important to gauge neighborhood interest and prepare for future involvement in this process. Once a file is created on this proposal, please include these petitions.

We plan on forming a coalition and registering with Mesa County in the next few weeks and, at the appropriate time, registering with the City of Grand Junction as well. Thank you very much.

RECEIVED

FEB 14 2008

**COMMUNITY DEVELOPMENT
DEPT.**

**A PETITION TO THE CITY OF GRAND JUNCTION
REGARDING A PROPOSED ANNEXATION/REZONING OF 17 ACRES
LOCATED AT 166 EDLUN ROAD**

Neighbors, Friends of The Old Spanish Trail and concerned Citizens: **You need to know** about the **plan to Annex property into the City Limits**. The property is at 166 Edlun Road and may be rezoned from RSF-4 to R-4 so that it can be developed for up to 40 homes on 17 acres. **A developer whose questionable business practices** has been the subject of multiple investigations by the Denver Post and the Greeley Tribune has also purchased much more acreage in the area and may intend to develop it.

We request that the City of Grand Junction postpone any annexation/rezoning decisions until all issues are fully researched, verified and resolved. We think this is not only wise but entirely reasonable and we are presenting this petition to the City of Grand Junction requesting this postponement.

Annexation and development of this property into the City of Grand Junction could result in:

- **An increase in traffic of over 300 cars a day on B road, Edlun, Sunlight and Glory View plus service vehicles. (avg of 2 cars per house and min of 4 trips per day).**
- **Compromised safety for our children due to increased traffic**
- **Long term road construction and possible disruption of irrigation water**
- **Impairment of access to the Old Spanish Trail – which may have legal protections.**
- **Disruption of the solitude and historic ambiance of the Old Spanish Trail**
- **Light pollution and noise pollution**
- **Disruption of Wildlife**

You can make a difference by doing the following:

Sign the petition

Inform your neighbors

Contact Pickett Engineering at Jess.Wallace@LRA-inc.com

Send emails, letters or call 244-1544, voice your opposition to the city council

Look at the City of Grand Junction Growth Plan www.gjcity.org

Go to the City Council meetings

Watch for posted updates!!!!!!!

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By signing, I give permission to have my support made public via television, electronic or newspaper coverage. We feel that all citizens of Mesa County are impacted by this possible action due to its negative impact on the solitude and historical aspect of The Old Spanish Trail, National Historic Trail.

#	DATE	NAME AND ADDRESS	CTY/STATE	COMMENTS
1	2/11	Victoria Felner 178 Glorly	GJ/CO	
2	2/11	Sonia Schwilert 177 Sunlight	GJ/CO	
3	2/11/08	Dallant Gundry 186 Sunlight Dr	GJ CO	241-6769
4	2/11/08	Clinton & 190 PETERSON 190 Sunlight Dr	GJ CO	243-4439
5	2/11/08	Jim Bradley & Dolores Ball 192 Sunlight	GJ	242-7294
6	2/11/08	Gene & Shifley	GJ	244-9887
7	2/11/08	Stanley & Melinda 195 Sunlight Dr.	GJ	245-0955
8	2/11/08	Gregory & Mary 187 Glory View Dr.	GJ	242-8979
9	2/11/08	Paul Nelson	GJ	778-2733
10	2/11/08	John Colvin 170 Sunlight	GJ	243-3344
11	2/11/08	Bekie Batacio 176 Glorly Drive	GJ	245-0811
12	2/11/08	Joe Santa Maria 175 Glory View DR	GJ CO	241-7115
13	2/11/08	Thomas & Marlene 178 Glorly	GJ	245-8484
14	2/11/08	Mary Spinning	GJ/CO	254-1787
15	2/12/08	John & Judy	GJ CO	243-1563
16	2/12/08	Janice L. Dault	GJ/CO	243-1563
17	2/12/08	Debbie McCabe	GJ/CO	255-1200
18	2/12/08	RW Mick	GJ/CO	242-1246
19	2/12/08	Ernie L. Mick	GJ/CO	242-1246
20	2/12/08	Lisa Burns	GJ/CO	245-3506
21	2/12/08	Lindsay Falsone	GJ/CO	245-3506
22	2/12/08	ERIC R. SELDGAARD 130 Rainbow Dr.	GJ/CO	255-0514
23	4/12/08	Delstra Krabacher 230 Sunset Hills	GJ/CO	243-8308
24	"	Joseph E Krabacher 230 Sunset Hills	"	216-2052
25	4-12-08	Joseph Hayes 185 Rainbow	GJ CO	263-7575
26	02/12/08	Holly Richard 174 Glory View, GJ, CO 81503	GJ, CO	314-2061

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#	DATE	NAME AND ADDRESS	CTY/STATE	COMMENTS
	2-11-08	Incke Hoops 167 Edlun Rd	GJ CO	
	2-11-08	Telene Demarr 176 Edlun Rd.	G.J. Colo.	
	2-11-08	Ann Demarr 176 Edlun	GJ CO	
	2-11-08	James Ingler 180 Edlun	GJ CO	
	2-11-08	Shirley Ann 182 Edlun Rd		
	2-11-08	Jacqui Hoops 184 Edlun	GJ CO	
	2-11-08	Shirley Ann 184 Edlun	GJ CO	
	2-11-08	Steph Hoops 188 Edlun rd	GJ CO	
	2-11-08	Steph Hoops 188 Edlun rd	GJ CO	
	2-11-08	Kathryn Brown 192 Edlun Rd	GJ CO	kathryn.brown@bresnan.net
	2-11-08	Paul Walker 234 27 Rd.	GJ CO	
	2-11-08	Quinn Roberts 2821 B Rd. 81503	GJ CO	
	2-11-08	James O. Hynup 2821 B Rd 81503	GJ CO	
	2-11-08	Stephanie K. Hynup 2821 B Rd 81503	GJ CO	stephynup@yahoo.com
	2-11-08	Jerry & Dorothy Golden 194 Edlun	GJ CO	erdorthe@bresnan.net
	2-11-08	Tyler & Chris Lehmann 195 Edlun rd	GJ CO 81503	
	2-11-08	Lou Colton & Becky Blacksher 197 Edlun	GJ	LouetteL@AOL.com
	2-11-08	Letha Poiriel 199 Edlun	GJ CO	NO-please!
	2-11-08	Beth Brown 193 Edlun Rd	GJ CO	djbrown@onlinecol.com
	2-11-08	RACHEL ANDREA 187 Edlun Rd	GJ CO	
	2-11-08	Oliver Cassidy 189 Edlun Rd	G.J.	
	2-11-08	Sharon Tackett 185 1/2 Edlun Rd	G.J.	
	2-11-08	Victoria Givson 179 Edlun Rd	GJ	vaslatyblurs@msn.com
	2-11-08	Robert Lynch 181 Edlun RD	GJ	
	2-11-08	Pamela L. Lynch 181 Edlun RD	GJ	bob810@bresnan.net
	2-11-08	Jessie R. Taylor 181 1/2 Edlun Rd	GJ CO	zhaniya73@yahoo.com
	2-12-08	Mary Jo Ward 664 Thornhill Ct.	GJ CO	
	2-12-08	Earlin Fisher 614 Rushmore Dr.	GJ CO	

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#	DATE	NAME AND ADDRESS	CTY/STATE	COMMENTS
	2-11-08	Galen Kissick 172 Shamrock Dr.	GJ, CO.	
	2/11/08	Charlotte Kuhn 100 Lacrimosa Dr.	GJ, CO.	
	2-11-08	John C. Davis 174 Edlun Rd.	GJ, CO.	
	2-11-08	Hubert Jones 174 Edlun Rd.	GJ, CO.	
	2-11-08	John Jones 176 Edlun Rd.	GJ, CO.	
	2-11-08	Belen Lemarr 176 Edlun Rd.	GJ, CO.	
	2-11-08	Bob Buehler 178 Edlun	GJ, CO.	
	2-11-08	Susan Belknap 178 Edlun	GJ, CO.	
	2-12-08	Mike Harmon 180 Thompson Rd.	GJ, CO.	
	2-11-08	Camille Elliott 154 Deer Deer Dr.	GJ, CO.	
	2-11-08	Ellen Elliott 182 1/2 Thompson	GJ, CO.	
	2-11-08	John M. Mangle 181 Thompson Rd	GJ, CO.	
	2-11-08	Rob. L. Ryan 188 Thompson Rd	GJ, CO.	
	2-11-08	Mark H. Ryan 188 Thompson Rd	GJ, CO.	
	2/11/08	Lynn M. Easley 177 1/2 Edlun Rd.	GJ, CO.	
	2/11/08	Ann L. Easley 177 1/2 Edlun Rd.	GJ, CO.	
	2-11-08	Jessie R. Taylor 181 1/2 Edlun Rd.	GJ, CO.	
	2-11-08	T. M. Oswaldy 174 Edlun Rd.	GJ, CO.	
	2-11-08	H. Shelton 174 Shamrock Dr.	GJ, CO.	
	2-11-08	Johnny L. Gillespie 2821 Thistle Dr.	GJ, CO.	
	2-11-08	Robert R. Rife 1833 Linden Dr.	GJ, CO.	
	2/11/08	Richard E. Balder 165 T2 Trail	GJ, CO.	
	2-11-08	Vernie A. Rathbone 1833 Linden	GJ, CO. 81503	
	2/11/08	Paul W. Luster 238 Montgomery	CO 81503	
	2/11/08	Beth Forsgren Whitewater	CO 81503	
	2/11/08	Elyana D. Handen 165 29 1/2 Rd.	GJ 81503	
	2/11/08	Valerie Boudet 220 Brandt #A	81503	
	2/11/08	Edythe Balder 165-T2 Trail	81503	
	2/11/08	Debra Stacy 264 Nashua Ln	81503	
	2/11/08	Bill Stacy 264 Nashua Ln	81503	
	2-11-08	Samuel Hallgren 2871 Thistle Dr.	81503	
	2/11/08	John Forsgren Whitewater	CO 81503	
	2/11/08	Carolyn Luster 238 Montgomery	81503	
	2/11/08	Scott J. Jones 241 Beaver	GJ 81503	
	2-11-08	Marlene M. Bower 241 Beaver	GJ 81503	
	2-11-08	Robert E. Lander 165 29 1/2 Road	GJ 81503	

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**A PETITION TO THE CITY OF GRAND JUNCTION
REGARDING A PROPOSED ANNEXATION/REZONING OF 17 ACRES
LOCATED AT 166 EDLUN ROAD**

Last week, residents on Orchard Mesa were presented with some of the details of a proposed development south of B Road, encompassing 17 acres. While the “d” word - development - has of late generated tremendous negative debate in many areas of the county, this development is problematic because there is a good chance it may be landlocked and therefore inaccessible to traffic.

This property adjoins the Old Spanish Trail, (a previous property owner had granted perpetual easement rights so that the Trail could be established). The Old Spanish Trail was established and is protected by a 2002 Federal Law.

The current owners, a front-range development firm, will be asking the Grand Junction City Council in two weeks to annex and rezone this property, allowing up to 4 homes per acre. Understandably, residents are concerned not only about the impact of their neighborhoods, but also about the integrity and continued usage and availability of the Old Spanish Trail for hikers, bicyclists and horse riders.

In the course of the discussion regarding access, the developer’s representative acknowledged there are problems with accessing the property from Edlun Drive, leaving Sunlight Drive as the only option. However, this option may not exist – a representative of the Old Spanish Trail Association, Mr. Earl Heusser, pointed out that the federal designation may prohibit the paving of the western half of Sunlight Drive south of the current pavement to preserve the trail for ideal horse-riding conditions. The City is unlikely to approve any development plans without a full-width, paved access road.

Because of this question, many of us believe it is prudent for the City of Grand Junction to postpone any annexation/rezoning decisions until this issue is fully researched and verified, and this may certainly take longer than two weeks. We think this is not only wise but entirely reasonable and we are presenting this petition to the City of Grand Junction requesting this postponement.

NAME	ADDRESS	PHONE NUMBER
Maureen Barta (MAUREEN BARTA)	438 WILAC LN 81505	252-7877
Melissa Booker	3282 C. road 81521	241-5909
Melina Mayberry	577 Greenfield Crw	255-8253
Heidi Jones	1042 Corona Ct. Fruita 81521	250-8949
Lori Banks	2864 1/2 Casimir Dr. GJ 81503	256-0826
Cassandra Beck	379 N Orchard St Fruita CO 81521	270-0755
Maile Stov	PO Box 281 Fruita Co 81521	970-858-8015
Rob Smelker	3247 San Marco Pl. Clifton, Co. 81520	970-434-222
Ed Tinsley	1140 Walnut Ave GJ 81501	970-245-2506
Laaric Smoky	269 W Danbury Cir HJ 81503	970-243-7186
Martha Brown	2170 S. 8 th Rd Glade Park, Co 81523	256-0504
Ineke Hoops	167 Edlon Road GJ 2434660	- inekes@brennan.net

2-09-08

To: Mr. Wallace

From: Sonny Shelton RN, C.

Dear Sirs,

I wish to express my concerns re: the rezoning and annexation of 166 Edlun road.

I am concerned that rezoning and annexation will result in the following negative developments.

- Potential for further annexation of properties into the Grand Junction City limits.
- A significant increase in taxes due to being in the City Limits.
- Loss of property due to road widening, sidewalks and curbing.
- An increase in traffic of over 500 cars a day on B road, Edlun, Sunlight and Glory View, plus service vehicles. (avg. 2 cars per house, min of 4 trips a day)
- Compromised safety for our children due to increased traffic.
- Long term road construction, historically very poorly done.
- Restrictions re: the ability to have livestock horses, chickens, llamas etc.
- Impairment of or negative alteration to access of The Old Spanish Trail.
- Disruption of the solitude and historic ambiance of The Old Spanish Trail.
- Light pollution, Noise pollution, and Disruption of Wildlife.

Should the rezoning and annexation be approved I would hope the developer would consider and implement the following:

- Reduction of the housing density to 20 homes or less with low lighting and green areas.
- Development of "Horse Property" that would consist of properties large enough to accommodate privately owned horses. I believe this would be very attractive to a stable group of buyers for several reasons:
 - The property has direct access to the Old Spanish Trail which is the only designated Horse trail in the county and an excellent riding trail.
 - The property is less than ½ a mile from the Mesa County Fairgrounds where hundreds of horsemen/women participate in many horseshows and competitions.
 - The majority of "horse people" in the region fall into an elite, financially stable group that are not dependent on the boom and bust economy. Historically, when any boom in Mesa County goes bust, and they all do, huge numbers of people default on mortgages, go bankrupt and leave. This would minimally affect this group.
 - There is no new high end development in the county providing estates for those who desire horse property; therefore it would be very attractive.
- Donation of some (or all) of the property to The Old Spanish Trail National Historic Trail.
 - If a portion of the land could be donated it would provide an excellent staging area for horseback riders, hikers and mountain bikers.
 - It's a great tax write off, fantastic public relations and is a good thing to do.

I trust you will consider these options with some degree of seriousness. If I and others were to receive assurance of plans to develop a subdivision with positive inclusions such as the above, it would promote community support and less organized resistance.

Thank you for your time and attention.

Respectfully Yours,

Sonny Shelton, RN, C.

Feb. 10, 2007

Dear Mr. Wallace:

Last week, residents on Orchard Mesa were presented with some of the details of your proposed development south of B Road, encompassing 17 acres. While the "d" word - development - has of late generated tremendous negative debate in many areas of the county, this development is problematic because there is a good chance it may be landlocked and therefore inaccessible to traffic.

This property adjoins the Old Spanish Trail, (a previous property owner had granted perpetual easement rights so that the Trail could be established). The Old Spanish Trail was established and is protected by a 2002 Federal Law.

You will be asking the Grand Junction City Council in approximately two weeks to annex and rezone this property, allowing up to 4 homes per acre. Understandably, residents are concerned not only about the impact of their neighborhoods, but also about the integrity and continued usage and availability of the Old Spanish Trail for hikers, bicyclists and horse riders.

In the course of the discussion regarding access, you acknowledged there are problems with accessing the property from Edlun Drive, leaving Sunlight Drive as the only option. However, this option may not exist – a representative of the Old Spanish Trail Association, Mr. Earl Heusser, pointed out that county documents or the federal designation may prohibit the paving of the western half of Sunlight Drive south of the current pavement to preserve the trail for ideal horse-riding conditions. The City is unlikely to approve any development plans without at least one full-width, paved access road.

Because of this question, many of us believe it is prudent for the City of Grand Junction to postpone any annexation/rezoning decisions until this issue is fully researched and verified, and this may certainly take longer than two weeks. We think this is not only wise but entirely reasonable and we will be presenting a petition to the City in the next few days requesting this postponement.

Sincerely,

Vicki Felmlee
178 Glory View Drive
Grand Junction CO 81503
970-245-8484

2-11-2008

Mr. Wallace,

I am a resident on Edlun Road. I am opposed to your request for a zoning change. I moved here 20 years ago and did not want to live in the City Limits.

I am opposed to the idea of having hundreds of cars traveling up and down Edlun and Sunlight.

I am opposed to the increased light and noise pollution.

I have wild turkeys, racoons, foxes, eagles, rabbits and hawks on my property. Several years ago a black bear. I don't think they will hang around as much with your proposed 68 unit subdivision.

Annexation into the City will result in higher property taxes, loss of property to all residents on Edlun and Sunlight due to road widening.

The increase of traffic will compromise the safety of our children.

I use the Spanish Trail. I still want to use it. My horse wants to use it.

Thank You,
Ineke Hoops

2/10/2008

Pickett Engineering
Project # 0207030.00

Jess Wallace

This is regards to the proposed annexation of the parcel on the south end of Edlun Road in Grand Junction, Colorado. Currently zoned RSF-4 I feel that it should remain that way and not developed with any growth at all. Edlun Road is the only access to this property by motor vehicle and I personally do not want more traffic on this street. I live at 173 Edlun Road and moved here for the quiet, which I have enjoyed for over twenty years. The impact of a development would definately make me move.

Also the soil and terrain of the parcel is really not conducive to development plus the need for lift stations to supply an adaquate sewer system. Any future derailments would be a desaster if houses were in the way of equipment needed to remove derailed cars.

There are many more reasons not to develope this parcel and I am sure you will be hearing them all so please paste this letter from me on the NO list for any development.

Thank you

Randall M Nelson

173 Edlun Road



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Grand Junction Field Office
2815 H Rd
Grand Junction, Colorado 81506
www.co.blm.gov/gjra/gjra.html

2100
CO-130
COC-57892

JUN 19 2008

Grand Junction City Councilmembers
250 North 5th Street
Grand Junction, Colorado 81501-2668

Dear Councilmembers:

This letter is to clarify the status of the easement held by the Bureau of Land Management (BLM) on a parcel of private land commonly known as 166 Edlun Road currently owned by The Shores LLC. The easement was granted to the BLM by prior owners of the property, Patsy and John Johnson, in June 1996, for a portion of the Old Spanish Trail crossing this private property. The easement, which is 863 feet in length and 20 feet wide, lies along the eastern boundary of the property and is a perpetual, exclusive public easement for foot, bicycle and horse access on the trail. In 2002, the Old Spanish Trail was designated by Congress as a National Historic Trail.

Should the owner of the property propose to alter the easement or to use it for any commercial or ancillary use, the landowner would be required to file an application with the BLM for a right-of-way under Title V of the Federal Land Policy and Management Act. Given the national status of the Old Spanish Trail and the high level of public interest in the Gunnison Bluffs area, the BLM would include public input as part of our process of reviewing any application to change the easement. Any request to relinquish the easement would be denied, as it would not be in the public interest to give away public access. As of this date, the BLM has not been approached to relinquish or otherwise alter our easement.

Maintaining public access is a primary objective in the BLM's management of our urban trail networks. It is my intention to keep this easement open to public access for the Old Spanish Trail.

Thank you for the opportunity to provide input in this matter. If you have any questions regarding the easement, please contact Robin Lacy at (970) 244-3028.

Sincerely,

Catherine Robertson
Field Manager

cc: Vicki Felmlee, OMNIA



Board of County
Commissioners

P.O. Box 20,000
544 Rood Ave
Grand Junction
CO 81502-5010

Ph (970)244-1800
Fax (970)244-1639

Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501

May 26, 2008

Dear Council-members:

We are requesting that you delay any decision that would authorize or otherwise set the stage for, the proposed development of The Shores, LLC, including any decisions surrounding annexation. We respectfully request that any such decision be postponed until such time as the state, the county, the city and other concerned citizen groups are given a full opportunity to explore the opportunity to conserve this area as open space for public use.

The significant recreational values of the affected and adjacent lands in this otherwise fast-growing segment of our community, combined with the truly important historical dimensions associated with this property that interfaces with the Congressionally-designated Old Spanish Trail, all make this a prime candidate for open space conservation.

What's more, the many legal questions surrounding at least one of the key players in the would-be development serve to reinforce the case that any decision about the would-be development be placed on the back burner until other options are explored.

We know that Senator Josh Penry has already had preliminary conversations with Great Outdoors Colorado about the possibility of open space grants, and we believe this historic landscape is a perfect candidate for funding through Mesa County's Conservation Trust dollars. Additionally, we know that citizens in the area have had a number of conversations with the Bureau of Land Management about a range of conservation options.

We would be pleased to join the City of Grand Junction and facilitate conversations with all of these stakeholders to investigate the possibility of open space for this historic tract. We hope the City will concur and hold off on any decisions that would authorize or otherwise set in motion this development.

Respectfully,

Janet Rowland, Chair
Mesa County Board of Commissioners



May 27, 2008

To the Members of the Grand Junction City Planning Commission,

I am writing to join with the Mesa County Commissioners and local citizen groups in expressing my concerns over the impacts of a proposed development in Orchard Mesa on the accessibility and use of the Old Spanish Trail, a historic pathway of local, regional and national significance. I join the Commissioners and these citizens in requesting that you delay any binding decisions on the Shores development until such time as the City, the County, the State and interested citizens can explore the possibility of pursuing, in collaboration with all stakeholders including landowners, open space funds to protect the integrity of this Congressionally-authorized, historic trail, and the popular recreational lands adjacent to it. These lands are an important resource to this community, and to the history of the West, and as such, are obvious candidates for open space conservation. I would welcome the opportunity to collaborate with the City and others on this effort.

Thank you for your consideration.

Most Sincerely,

/j/

Joshua Penry
State Senator
State of Colorado

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SHORES ANNEXATION NO 1 AND NO 2

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 19th day of May, 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:

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, a hearing on the petition was duly held after proper notice on the 30th day of June, 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**

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 19th day of May, 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 19th day of May, 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 SHORES ANNEXATION TO
R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 166 EDLUN 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 Shores Annexation to the R-2 (Residential 2 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).

SHORES ANNEXATION

A tract or parcel of land situated in the Northwest Quarter (NW1/4) of Section Thirty-One (31), Township One (1) South, Range One (1) East of the Ute Meridian and being more particularly described as follows:

Beginning at the Southeast corner of Lot Two (2) in said Section Thirty-One (31), whose East line is recorded as bearing North00°11'03"East in Book 1796 at Page 506 in the Mesa County Clerk and Recorder's Office and all bearings contained herein to be relative thereto; thence North89°35'23"West 314.74 feet to the Easterly right-of-way line of the Denver and Rio Grande Western Railroad, thence along said right-of-way along the arc of a curve to the left 903.07feet, with a central angle of 25°44'29", radius of 2,010.98 feet and whose long chord bears North10°42'10"West 895.50 feet, thence leaving said right-of-way line South89°45'55"East 165.38 feet, thence North00°11'03"East 442.30 feet to the Southerly right-of-way line of Edlun Road, thence South89°45'55"East along said right-of-way line of Edlun Road 25.03 feet, thence leaving said right-of-way line of Edlun Road South00°11'03West 143.00 feet, thence

South89°45'55"East 25.00 feet, thence South00°11'03"West 76.00 feet, thence South89°45'55"East 118.45 feet, thence South00°11'03"West 232.00 feet, thence South89°45'55"East 150.11 feet to the East line of said Lot Two(2), thence along said East line South00°11'03"West 212.53 feet to the Northwest corner of the South Half of the Southeast Quarter of the Northwest Quarter (S1/2SE1/4NW1/4) of said Section Thirty-One (31), thence along the North line of said South Half of the Southeast Quarter of the Northwest Quarter (S1/2SE1/4NW1/4) South89°36'27"East 400.00 feet, thence South00°23'33"West 150.00 feet, thence South44°23'12"East 713.11 feet to the South line of said South Half of the Southeast Quarter of the Northwest Quarter (S1/2SE1/4NW1/4), thence North89°47'06"West 900.00 feet to the point of beginning, all in Mesa County, Colorado.

INTRODUCED on first reading the 16th day of June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 12
 Sienna Creek Annex and Zoning, Located at 2052 Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sienna Creek Annexation and Zoning - Located at 2052 Broadway		
File #	ANX-2008-107		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 2, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex and zone 5.16 acres of land located at 2052 Broadway, to the R-4 (Residential 4 du/ac) Zoning District. The Sienna Creek Annexation consists of one (1) parcel of land and a portion of the adjacent Broadway right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Sienna Creek 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. Letter regarding street lighting
5. Acceptance Resolution
6. Annexation Ordinance
7. Zoning 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 4 du/ac)			
Proposed Zoning:		R-4 (Residential 4 du/ac)			
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)			
	South	County RSF-2 (Residential Single Family 2 du/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/Acre)			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.16 acres and is comprised of one (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 and 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 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

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/acre)	
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 Conservation District
	Sewer:	Persigo 201
	Fire:	Grand Junction Fire District
	Irrigation:	Redlands Water and Power
	School:	School District 51
	Drainage:	Redlands Water and Power

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4, Residential – 4 units/acre Zoning District is consistent with the Growth Plan designation of Residential Medium Low (2-4 DU/Ac.). The existing County zoning is RSF-4, Residential Single Family – 4 dwelling units / acre.

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. The R-4 zone district is consistent with both the Growth Plan and 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, east, and west are zoned County RSF-4 (Residential Single Family 4 du/ac). The R-4 Zone is consistent with the Growth Plan designation of Residential Medium Low (2-4 du/ac), which is the prevalent land use designation for this neighborhood north of Broadway between the Independence Valley Subdivision and Panorama Drive, except for some isolated Estate designations. This designation was affirmed in the Redlands Area Plan, adopted June 2002.

- 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 ultimately be subdivided into residential lots. Adequate public facilities will be supplied at the time of further development of the property. There is an existing 12" Ute water line under Broadway and an 8" and 24" water line under 20 ½ Road. A 15" sanitary sewer line traverses the property from southwest to northeast.

Attached to the report is a letter asking for consideration of reduced street lighting for this subdivision. Street lighting is considered infrastructure and will be evaluated at the time of subdivision

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

h. R-2

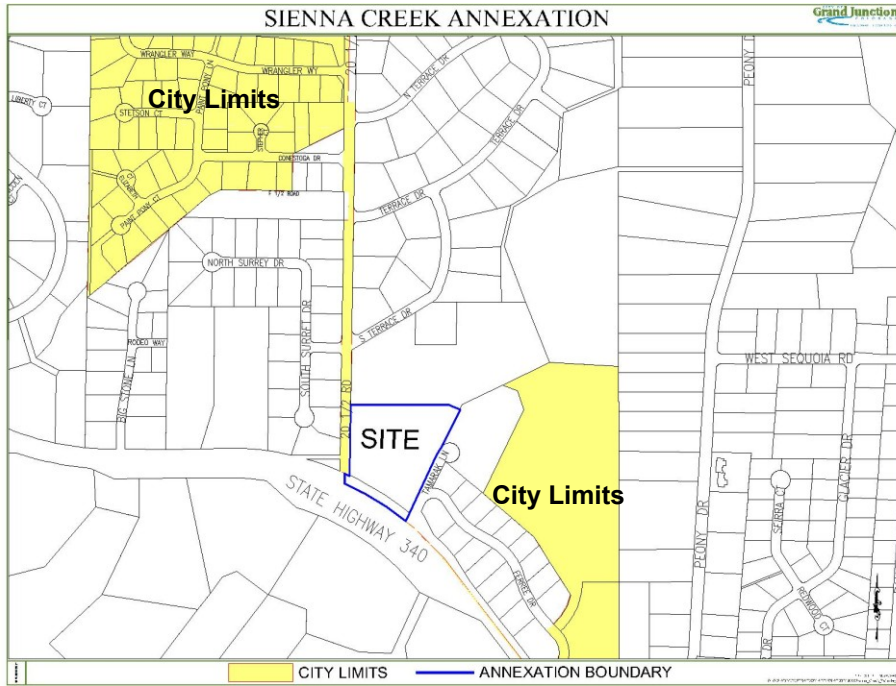
If the City Council chooses to recommend an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

On May 27, 2008 the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding that zoning to the R-4 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

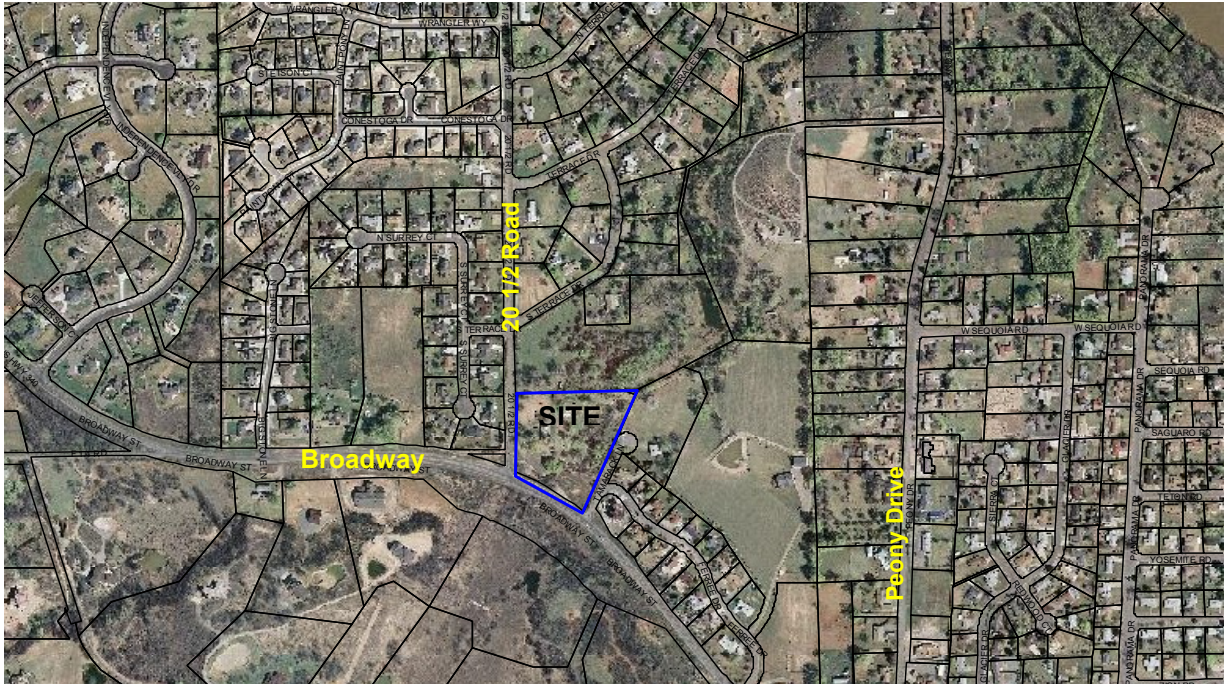
Annexation - Site Location Map

Figure 1



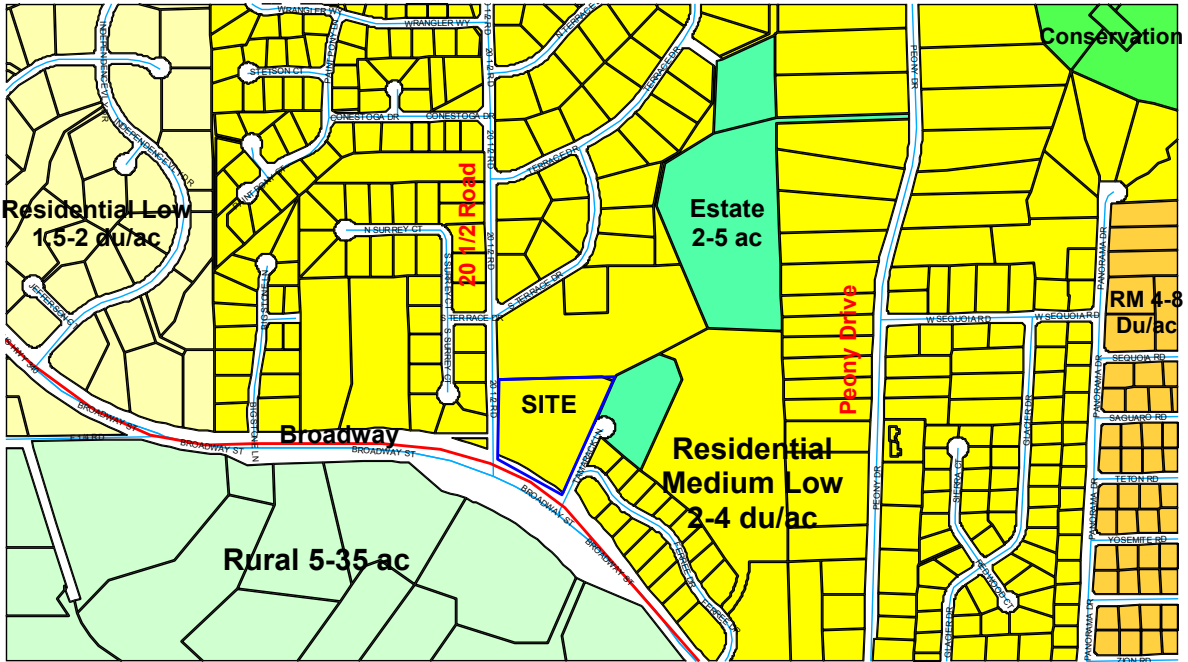
Aerial Photo Map

Figure 2



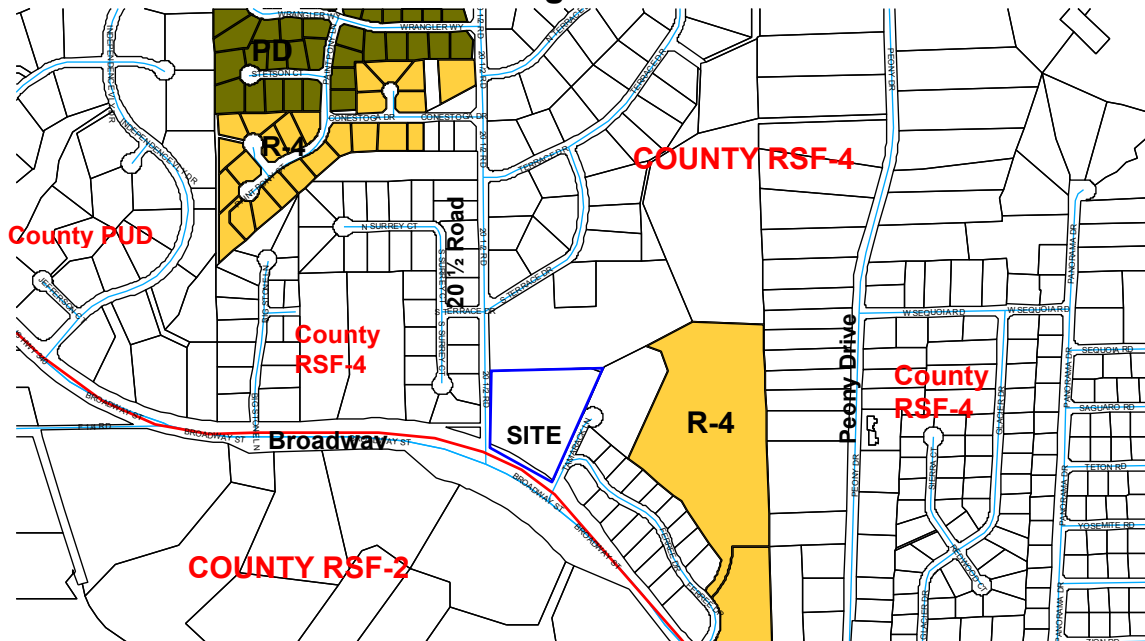
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



SUPPLEMENTAL INFORMATION

- LETTER REGARDING STREET LIGHTING

April 18, 2008

Brian Rusche
City of Grand Junction
Public Works and Planning Dept.
250 N. 5th St.
Grand Junction, CO 81501

Re: ANX-2008-107
Sienna Creek Annexation

Dear Brian,

Last month I sent Scott Peterson copies of two articles that appeared in a November 2007 issue of USA Today. The articles described a movement among cities across the nation (including some in Colorado) to curb night lighting both to conserve energy and to preserve the beauty of the night time skies.

One of the benefits that draw people to rural and suburban living is the opportunity to enjoy the beauty of the night skies. I ask that as you consider the proposed Sienna Creek Subdivision, you will preserve the night skies by avoiding requirements for street lighting. Throughout the Redlands and other areas of our community there are a number of small subdivisions which have not needed street lighting.

I would be happy to forward a copy of the articles to you if you have an interest.

Sincerely,



Bruce Skalicky
625 S. Surrey Ct.
Grand Junction, CO 81503
(970) 243-1533

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APR 22 2008

COMMUNITY DEVELOPMENT
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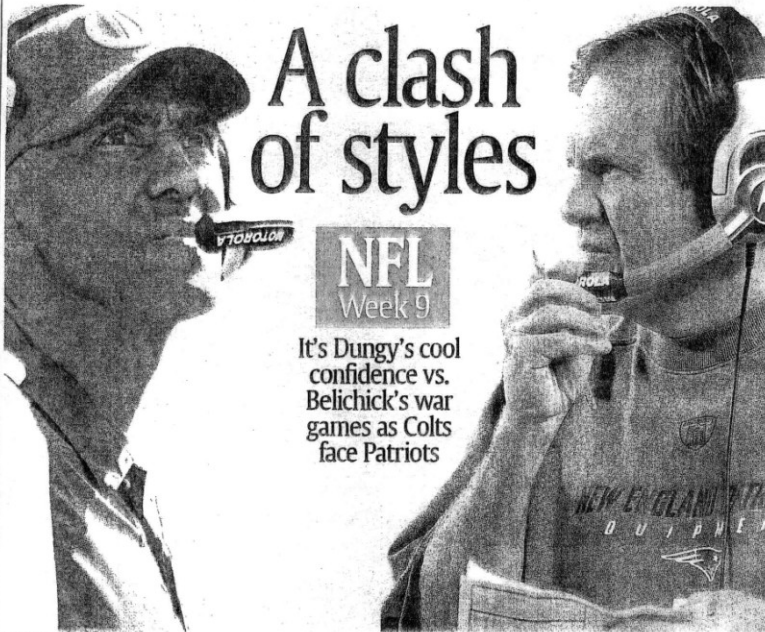
NO. 1 IN THE USA

Seas offerings
range from family
fun to grim drama,
4 pages in Life



By Leah Gallo, Dreamworks/Warner Br.

Sweeney Todd: Johnny Depp, Helena Bonham Carter in film out Dec. 21



A clash of styles

NFL
Week 9

It's Dungy's cool confidence vs. Belichick's war games as Colts face Patriots

By Bob Donnan, US Presswire

By Larry Weisman USA TODAY

Dungy: Leads defending champs.

One is warm and approachable; the other cool and distant. One is sunshine on his worst days; the other is icy on his best.

Tony Dungy. Bill Belichick. One with a winning grin, the other grim in winning. Dungy, whose Indianapolis Colts won the Super Bowl last February, and Belichick, whose New England Patriots have won three titles this decade, meet again Sunday in the latest installment of what is becoming the best rivalry in today's NFL.

Their teams, the league's best, will collide in Indianapolis (4:15 p.m. ET, CBS) in one of the most widely anticipated regular-season games in years. Neither team has lost, and the winner could threaten to match one of the NFL's most exalted records: an undefeated season, accomplished by only the 1972 Miami Dolphins.

New England is 8-0 for the first time in a

history that dates to 1960. The Colts are 7-0 and winners of 12 games in a row, including a playoff triumph against the Patriots that sent Indianapolis to the Super Bowl, where the Colts beat the Chicago Bears 29-17.

Patriots-Colts is a matchup spiced by perfect records, enhanced by the presence of marquee quarterbacks in New England's Tom Brady and Indianapolis' Peyton Manning. And it'll be orchestrated by two coaches who inspire deep devotion among their players but who could hardly be more different.

Dungy is calm and patient, tapping his players' talents with encouragement — a hugger, not a squeezer. Colts middle linebacker Gary Brackett says Dungy "is very consistent and sticks to his values. He's always on an even keel."

Belichick, meanwhile, is known as a scowling genius of football strategy. He extracts tal-

▶ Please see COVER STORY next page ▶

By John Sommers II, Reuters
Belichick: Team is 8-0 for the first time.

Tremors in volatile Dow

Financial stocks weaken, showing credit impact, 1B

Bush scores water deal

Move should help Atlanta's supply

By Alan Gomez USA TODAY

In the latest attempt to grapple with one of the harshest droughts on record and a decades-old battle over water rights, the Bush administration brokered a deal Thursday among three states that should keep Atlanta's water supply flowing.

Under the deal, the Army Corps of Engineers would send less water to Alabama and Florida from Georgia reservoirs that the Corps has jurisdiction over. The move would curtail water to power plants, farms, commercial fisheries and smaller municipalities in the two states.

Interior Secretary Dirk Kempthorne said the agreement could put an end to lawsuits involving the Corps and all three states. He said the water changes could go into effect in two weeks if the federal Fish and Wildlife Service gives preliminary approval.

State and federal agencies estimated before the deal that water supplies for Atlanta and some other cities in the region could begin running out in three to nine months.

The agreement was announced after a meeting of the states' governors and other administration officials in Washington.

"Georgia citizens are very grateful," Georgia Gov. Sonny Perdue said.

Homeowners and businesses in the Southeast have been dealing with restrictions on water usage because of below-average rainfall. The relatively mild hurricane and tropical storm season this year and last has not helped either.

According to the National Weather Service, Atlanta is experiencing its fourth-driest year since records began in 1878. Lake Lanier, Atlanta's main water supply, is 8 feet below its average water level and could drop to its all-time low by the end of November, according to the Corps.

As the drought has intensified, so has Perdue's criticism of the federal govern-

Cities dim lights to see stars, lower bills

By John Ritter USA TODAY

A desire for a starry night and concern about rising energy prices are prompting a growing number of cities and counties to dim their lights at night.

The so-called dark-sky movement aims to make the Milky Way visible to more people across the USA — and save money at the same time by switching to low-intensity outdoor lighting.

Hundreds of cities and counties are trying to curb bright lights, and at least a dozen states — California, Colorado, Connecticut, Georgia, Maine, New Jersey, New Mexico and Texas among them — have lighting laws covering highways and state projects.

The International Dark-Sky Association in Tucson, which promotes better outdoor lighting, is intent on making the Milky Way visible to more people

across the USA. It's starting to work.

Cities like Hilton Head Island, S.C.; Harmony, Fla.; and Jackson, Wyo., could soon become dark enough to join Flagstaff, Ariz., as the only dark-sky cities, says David Crawford, co-founder of the association.

Population growth and urban sprawl are fast claiming America's dark skies. Chad Moore, head of the National Park Service's Night Sky team, says there are a few large areas left, including northern Arizona, southern Utah, parts of eastern Oregon and Northern California, Texas' Big Bend and areas of West Virginia and Pennsylvania.

The park service now considers protecting dark skies part of its mission, Moore says. Several parks, including Death Valley, Joshua Tree, Kings Canyon and Sequoia, are monitoring light pollu-

tion. Lighting around the Old Faithful visitors center at Yellowstone has been retrofitted with reduced lighting.

Two-thirds of Americans who live in urban areas can't see the Milky Way or make out more than a fourth of the

stars that can be seen in an unpolluted night sky, says Chris Luginbuhl, an astronomer at the U.S. Naval Observatory outside Flagstaff. "It would be like going to the Tetons and not being able to see them, or going to the Grand Canyon and only being able to see a quarter of the way across," he says.

Many older lighting laws were ineffective, Crawford says, but that's changing amid growing interest. "Cities want to save energy, improve visibility or safety or the ambience of their town. Or just keep the sky dark," he says.

In Arizona
Passion for darkness, 3A

... of starry skies take a dim view of disappearing dark

When cities want to limit light pollution and save energy, they look to Flagstaff



Bright idea? Light shining down at a Flagstaff, Ariz., gas station reflects to the sky.

By John Ritter
USA TODAY

FLAGSTAFF, Ariz. — Stores in a new mall here found a way to get around one of the USA's toughest lighting ordinances. That's how Chris Luginbuhl sees it anyway.

The stores hung big round globes inside their front doors that shine bright light outside on the sidewalk and beyond. Retailers think lights attract customers like moths, Luginbuhl says, even though these "glare bombs" actually make it harder to see.

They also waste light — and energy — shining it into the night sky, he says. The lights of most urban areas in the USA erase the Milky Way and many stars from nighttime views.

"People have become estranged from the night," Luginbuhl says. "We're trying to remind people that darkness is a natural condition, not something pathological that needs fixing."

Part of Luginbuhl's job as an astronomer at the U.S. Naval Observatory here is to keep the night sky dark — or starry — and he has help. A movement to promote ways to keep the sky dark may still be small, but when a growing number of cities and towns study how to cut glaring lights and save energy costs, they look to this city of 58,000 south of the Grand Canyon as the model.

After Luginbuhl and John Grahame, co-founder of a local dark-sky coalition, complained about the mall lights, city officials got the developer to try getting the stores to change them.

"The vast majority of people grow up in a city and don't know what a dark sky looks like," says David Crawford, co-founder of the International Dark-Sky Association in Tucson. "I've never seen anybody who wasn't deeply impressed, their souls struck almost, by being out in a really dark place."

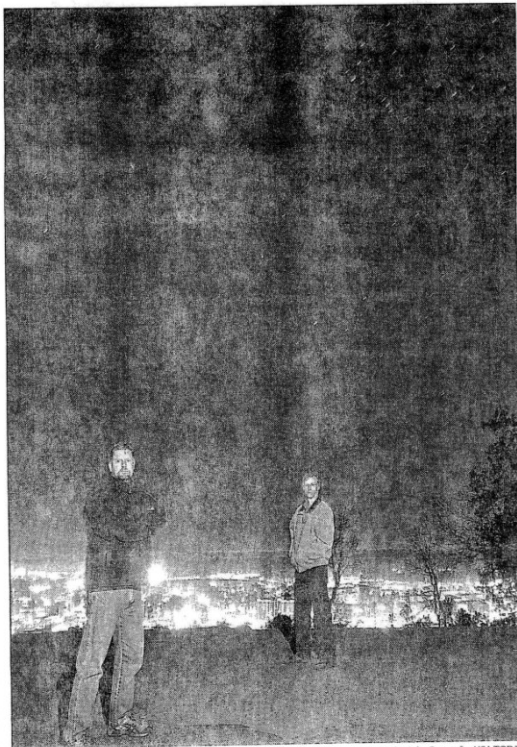
A half-century-old campaign

There's passion about dark skies here, in no small part because of the observatories that for decades have quietly lobbied for pristine viewing of the stars. Lowell Observatory was the first here in 1894. Percival Lowell came from the East looking for life on Mars. A Lowell astronomer discovered Pluto in 1930.

Next year, Flagstaff will celebrate 50 years of campaigning to protect dark skies. Signs proclaim Flagstaff is the "world's first international dark-sky city," and people are proud of it, Grahame says.

"This isn't just about astronomy, it's about a love of the dark sky," he says. "We don't want to lose it."

Flagstaff's first step was banning ad-



Photos by Jake Bacon for USA TODAY

"This isn't just about astronomy"; John Grahame, left, standing here with Chris Luginbuhl near Lowell Observatory overlooking Flagstaff, Ariz., before dawn Thursday, says "we really deeply love the dark sky. ... We don't want to lose it."

vertising search lights in 1958 after astronomers complained that they interfered with their observations. In 1973 came an ordinance, since amended several times, requiring low-intensity lights in businesses. Lights must be shielded and directed toward the ground.

Any light shining above horizontal "just lights up the bellies of bats," Grahame says.

Commercial signs must have opaque backgrounds with little white light. A business's total amount of outdoor light is restricted.

The goal is lights bright enough to see but not cause glare, which reduces visibility. Dark-sky fans talk about how less light at night provides greater security, because the lack of glare makes it easier

to see prowlers and harder for prowlers to avoid being seen.

A regional jail and a hospital here, institutions typically bathed in bright lights, have won awards from the dark-sky association for their dimmer, yet effective, lighting.

"You can see everything. In the absence of light, areas you want to see are illuminated," says state Rep. Tom Chabin, a former city councilman here. "You see every sidewalk, every entrance. You see where you need to go, but there's not light shining directly in your eyes, shutting your eyes down."

Many flagpoles around town are lit from the top instead of the bottom, so light isn't wasted in the sky. Car dealers here don't leave lights on after they

close. Many gas stations have greatly reduced bright lights under their canopies, rejecting the notion that a brighter station attracts more business.

Businesses whose lighting existed before the ordinance don't have to comply, though some have been persuaded to change fixtures, Grahame says. The coalition's goal is to raise enough money next year to pay the costs for "grandfathered" businesses to switch their lighting. Grahame thinks less than \$100,000 is needed. The coalition also hopes to get a home lighting code passed that would ban bright white security lights and "brass and glass" porch lights that shine light skyward.

Little opposition to dark-sky efforts

What Flagstaff has achieved can't be duplicated everywhere. Tucson had one of the nation's earliest and strictest lighting ordinances, but in that metro area of nearly 900,000 seeing the Milky Way is tough, Crawford says.

"No matter how well you do lighting, you're not going to make the Milky Way come back in New York City," Luginbuhl says.

Driving around Flagstaff, a visitor is struck by how the lack of flashy, bright lights seems to shrink the footprint of a community.

"It's interesting how lighting and the sky and the revelation of the sky and the stars out anybody's back door gives you this quiet sense of place," Chabin says.

City Councilman Al White says that aside from a few who don't like the government interfering into their affairs, the dark-sky effort has stirred virtually no opposition. "The politics of the dark-sky movement is like recycling," he says. "Recycling just makes good sense because it's a waste-not, want-not philosophy. So is dark skies."

Energy conservation is the movement's natural ally — less light means less electricity, which means fewer greenhouse gases contributing to global warming, goes the argument.

"In a sense, dark skies is one of the canaries in the mine about the whole concept of unlimited resources and expending things without any limits," says Wes Lockwood, a Lowell astronomer.

Astronomers, however, are the first to say that a dark sky is about more than scientific research.

"Just like seeing a redwood or a beautiful landscape in Yosemite or Grand Canyon, a starry sky can be an inspiring thing," says astronomer Luginbuhl. "Whoever thinks we preserve the Grand Canyon so geologists can do research?"

► Cities want starry night, 1A

New span connects Miss. cities split by Katrina

The Associated Press

BILOXI, Miss. — Two years ago, cities on the opposite sides of Biloxi Bay clashed over blueprints for a wider, taller bridge to replace a highway span demolished by Hurricane Katrina's storm surge. These divisions were an af-

Biloxi and Ocean Springs. The new 1.6-mile bridge restores the last broken link in coastal U.S. 90, a landmark in the region's recovery from the hurricane on Aug. 29, 2005.

"Water under the bridge," Biloxi Mayor A.J. Holloway said of his disagreement with his Ocean Springs counterpart,

celebration at both ends of the \$338 million structure. The span reconnects the casino resorts of Biloxi with the quaint shops and tree-lined streets of Ocean Springs, on the eastern side of the bay.

In Katrina's early aftermath, the size of the new bridge was a sore spot for some in Ocean

duced to concrete and pilings.

Moran, an advocate of the "New Urbanism" architectural movement's emphasis on creating compact, walker-friendly cities, said she feared that a bigger, wider bridge would turn her city's center into an expressway. Now, however, Moran says she is pleased by some

The Isle of Capri, at the foot of the washed-out bridge, was the second Gulf Coast casino to be in operation when it reopened in December 2005. Today, casinos are operating on Mississippi's coast — only one fewer than before Katrina hit.

All six lanes of the new bridge — and the path for 1

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

SIENNA CREEK ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 19th day of May, 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:

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, a hearing on the petition was duly held after proper notice on the 30th day of June, 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**

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 19th day of May, 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 SIENNA CREEK ANNEXATION TO
R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 2052 BROADWAY

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 Sienna Creek 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).

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.

INTRODUCED on first reading the 16th day of June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 13

Sunshine Moir Annex and Zoning, Located at 2899 D Road and 383 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sunshine-Moir Annexation and Zoning - Located at 2899 D Road and 383 29 Road		
File #	ANX-2008-080		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 18, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Greg Moberg – Planning Services Supervisor		

Summary: Request to annex and zone 5.54 acres, located at 2899 D Road and 383 29 Road, to C-1 (Light Commercial). The Sunshine-Moir Annexation consists of 2 parcels and includes a portion of the D Road and 29 Road rights-of-way and all of an unnamed right-of-way on the southern border of the property at 383 29 Road.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Sunshine-Moir 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. Acceptance Resolution
5. Annexation Ordinance
6. Zoning 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:		C-1 (Light Commercial)		
Surrounding Zoning:	North	Proposed PD with MU (Mixed Use) as the underlying zone		
	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 1.62 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>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

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:		C-1 (Light Commercial)
Current Land Use:		Vacant/Residential
Future Land Use:		Commercial
Values:	Assessed:	= \$4,880
	Actual:	= \$58,880
Address Ranges:		2889 D Road & 383-399 29 Road (odd only)
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Valley Drainage
	School:	Mesa County School District 51
	Pest:	Grand River Mosquito

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the C-1 (Light Commercial) district is consistent with the Growth Plan designation of Commercial. 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.

The proposed C-1 zone district conforms to and furthers the goals and policies of the Growth Plan and the Pear Park Plan as the underlying Future Land Use designation is Commercial.

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

Adequate public facilities are available or will be supplied at the time of further development of the property. An 8" Ute water line and an 18" Central Grand Valley sanitary sewer line are located within the 29 Road right-of-way.

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.

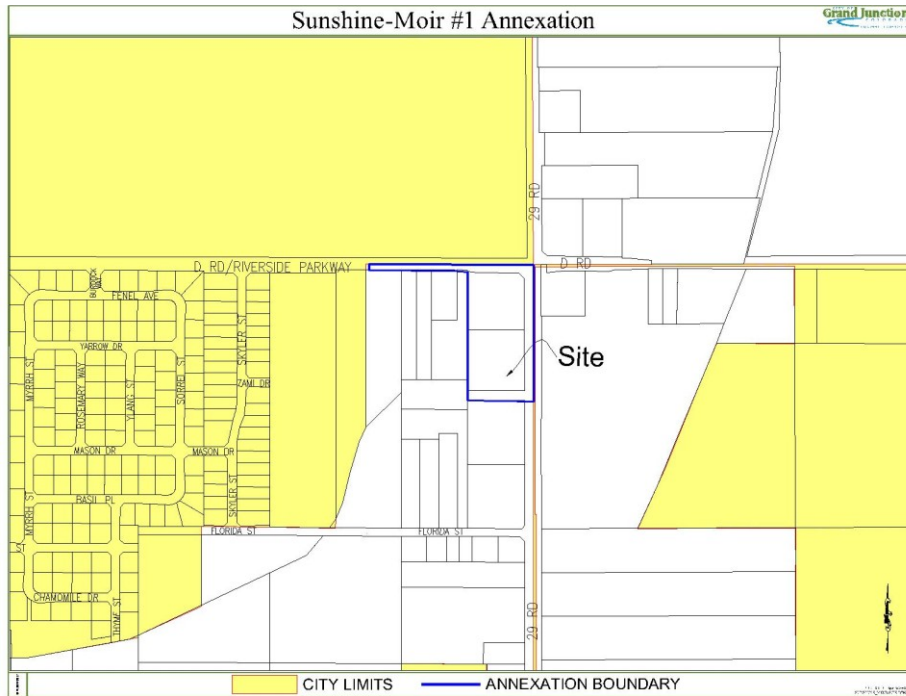
- i. R-O (Residential Office)
- j. B-1 (Neighborhood Commercial)
- k. C-2 (General Commercial)

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

PLANNING COMMISSION RECOMMENDATION: At the June 10, 2008 hearing, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning of the C-1 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

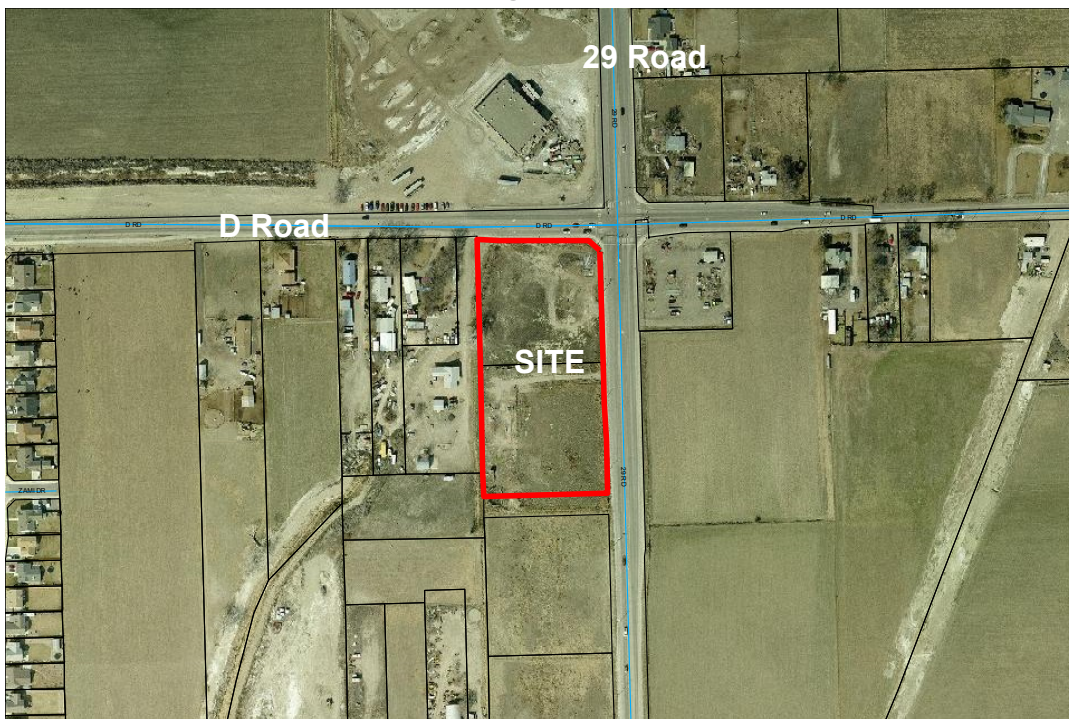
Annexation-Site Location Map

Figure 1



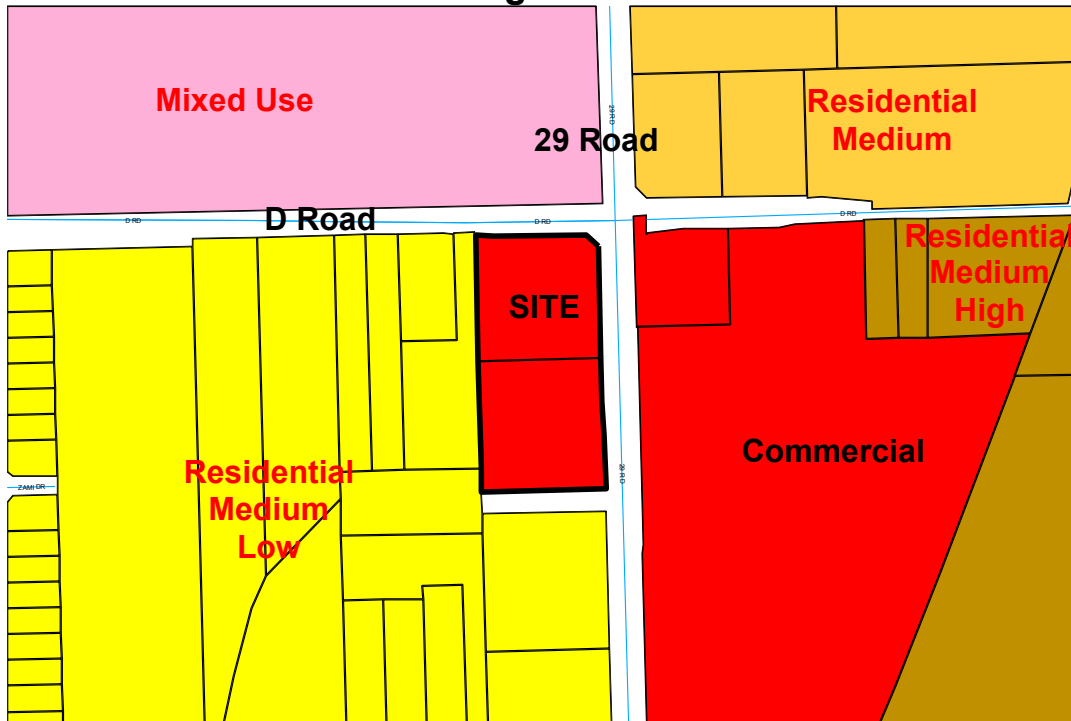
Aerial Photo Map

Figure 2



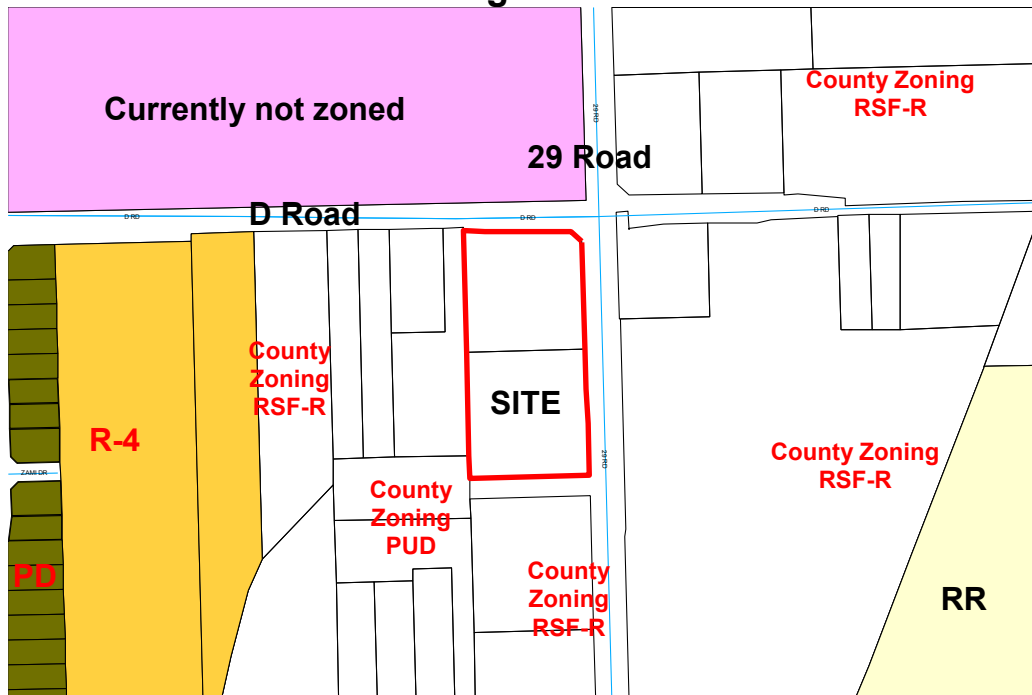
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SUNSHINE-MOIR ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 19th day of May, 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:

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, a hearing on the petition was duly held after proper notice on the 30th day of June, 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**

SUNSHINE-MOIR ANNEXATION

APPROXIMATELY 5.54 ACRES

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

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

INTRODUCED on first reading on the 19th day of May, 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 SUNSHINE-MOIR ANNEXATION TO
C-1 (LIGHT COMMERCIAL)**

LOCATED AT 2899 D ROAD AND 383 29 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 Sunshine-Moir Annexation to the C-1 (Light Commercial) 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 C-1 (Light Commercial) 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 C-1 (Light Commercial).

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.

INTRODUCED on first reading the 16th day of _June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 14

Sunshine of Delta Growth Plan Amendment, Located at 377 and 379 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sunshine of Delta Growth Plan Amendment – Located at 377 and 379 29 Road		
File #	GPA-2008-074		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	June 19, 2008		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: A request to amend the Growth Plan, changing the Future Land Use designation from Residential Medium Low (2 – 4 du/ac) to Residential Medium High (8 – 12 du/ac) for 4.3 acres, located at 377 and 379 29 Road.

Budget: N/A

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

Background Information: See attached Analysis/Background Information

Attachments:

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

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			
	South	Residential			
	East	Agriculture			
	West	Residential/Vacant			
Existing Zoning:		County 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 (2 – 4 du/ac)			
Zoning within density range?			Yes	X	No

Staff Analysis:

1. Background

The two parcels that are the subject of the Growth Plan Amendment are currently vacant. The parcels are designated as Residential Medium Low (2-4 du/ac) and zoned in the County as RSF-R (Residential Single Family – Rural, 1 du/5 ac.). The Owner would like the Land Use designation changed to Residential Medium High (8-12 du/ac) to allow the site to be developed at a higher density than what is currently allowed.

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

be considered carefully to determine whether or not the proposed amendment is consistent with the Plan's goals and policies.

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

2. Section 2.5.C.1 of the Zoning and Development Code

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

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

There was no error at the time of adoption of the Growth Plan or the Pear Park Neighborhood Plan. However, there may have been an underestimation of the potential use of this site as a transition between the Commercial designation to the north and east and the Residential Medium Low designation to the south and west.

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

Since the adoption of the Pear Park Neighborhood Plan, improvements (including street widening, sidewalks and signalized intersections) to 29 Road have been made that would allow for more intense use of this property. In addition, the Central Grand Valley Sanitation District recently replaced the D Road interceptor with a new 24-inch PVC pipe that will add additional capacity to the system and be able to serve potential uses of the surrounding area. These improvements have invalidated the original premises and findings and raise the question of whether use of the site under the Residential Medium Low designation is the best use of the property.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

The character of this neighborhood has been and continues to be developing with urban land uses. With such changes occurring there is a greater need to transition from the commercial designated lands to the north and east and the residential designated lands to the south and west. Furthermore, the completion of the 29 road bridge to Orchard Mesa and the anticipated

construction of a bridge over the railroad to North Avenue will transform this stretch of 29 Road into a major traffic corridor.

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

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

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

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

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

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

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

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

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

Adequate public facilities are currently available or can be made available and can address the impacts of any development consistent with a Residential Medium High designation. The property is located in the Central Grand Valley Sewer District. There is an 18" sewer line located in the 29 Road and C 3/4 Road right-of-ways. In addition, the Central Grand Valley Sanitation District recently replaced the D Road interceptor with a new 24-

inch PVC pipe that adds additional capacity to the system. The property is also located in the Ute Water District. There is an 8" water line located in the 29 Road right-of-way and a 10" water line located in the C 3/4 Road right-of-way.

- f. An inadequate supply of suitably designated land is available in the community (as defined by the presiding body) to accommodate the proposed land use;

There currently is an inadequate supply of higher density residential land within the Pear Park area. The Residential Medium High designation would accommodate this concern.

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

Amending the Growth Plan from Residential Medium Low to Residential Medium High would create a transition between the potential commercial use of the property to the north and east and the existing low density residential uses to the south and west. The amendment would also allow for the property to be developed at a higher density. This request would benefit both the Pear Park area and the City as a whole.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Sunshine of Delta Growth Plan Amendment application, GPA-2008-074, staff makes the following findings of fact and conclusions:

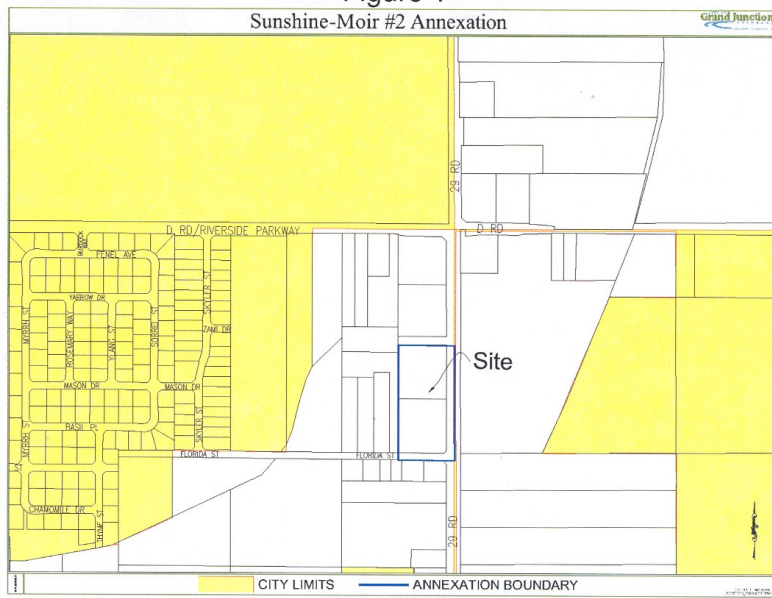
5. The proposed amendment is consistent with the purpose and intent of the Growth Plan and Pear Park Neighborhood Plan.
6. The review criteria in Section 2.5.C.1 of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

On June 10, 2008, the Planning Commission held a public hearing and recommended approval of the requested Growth Plan Amendment, GPA-2008-074, with the findings and conclusions listed above.

Site Location Map

Figure 1



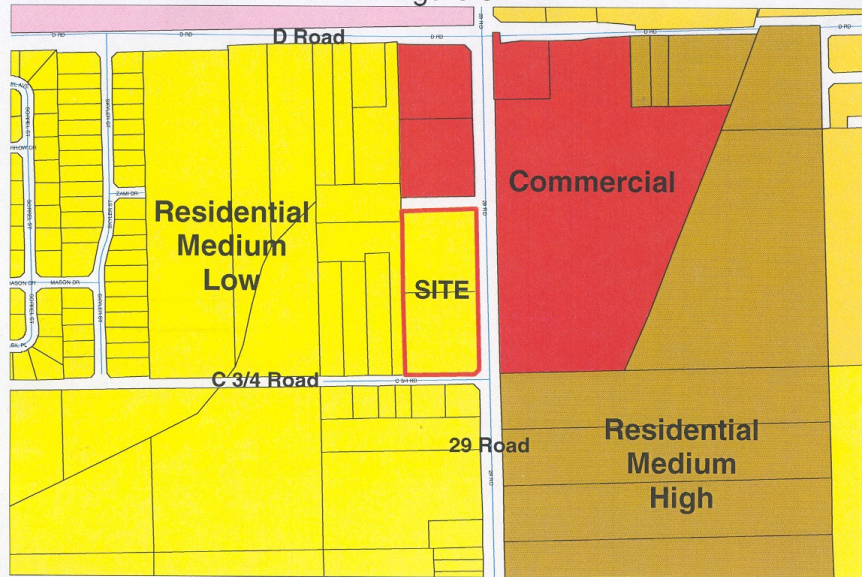
Aerial Photo Map

Figure 2



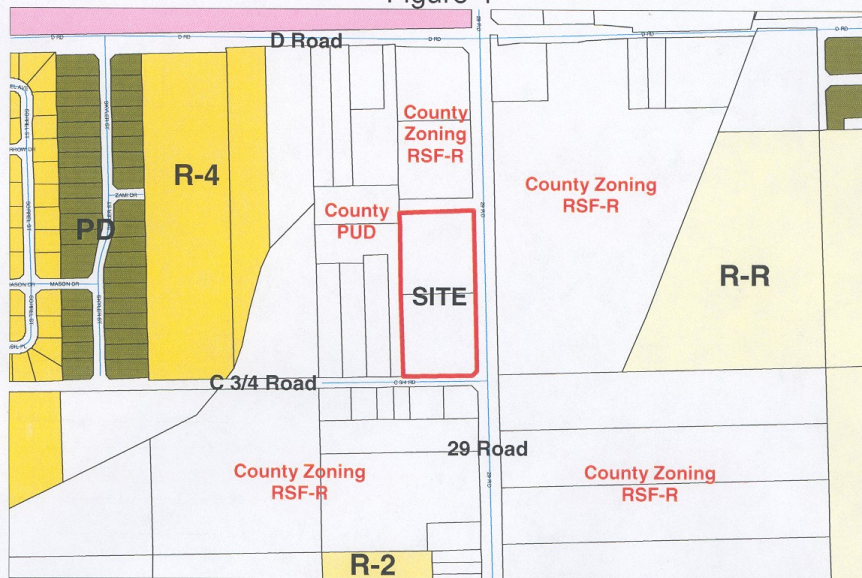
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 4.3 ACRES LOCATED AT 377 and 379 29 ROAD, KNOWN AS THE SUNSHINE OF DELTA GROWTH PLAN AMENDMENT, FROM RESIDENTIAL MEDIUM LOW (2-4 DU/AC) TO RESIDENTIAL MEDIUM HIGH (8-12 DU/AC).

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 4.3 acres, located at 377 and 379 29 Road be redesignated from Residential Medium Low (2-4 du/ac) to Residential Medium High (8-12 du/ac) on the Future Land Use Map.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL MEDIUM LOW (2-4 DU/AC) TO RESIDENTIAL MEDIUM HIGH (8-12 DU/AC) ON THE FUTURE LAND USE MAP.

SUNSHINE OF DELTA GROWTH PLAN AMENDMENT

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.

Less 29 Road and C 3/4 Road right-of-way.

Said parcel contains 4.3 acres, more or less, as described.

PASSED on this _____ day of _____, 2008.

ATTEST:

City Clerk

President of Council

Attach 15

Sunshine of Delta Annex, Located at 377 and 379 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sunshine of Delta Annexation Located at 377 and 379 29 Road		
File #	GPA-2008-074		
Meeting Day, Date	Monday, June 30, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 19, 2008		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: Request to annex 5.2 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of 2 parcels and includes portions of the 29 Road and C 3/4 Road rights-of-way.

Budget: N/A

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

Background Information: See attached Analysis/Background Information

Attachments:

5. Staff report
6. Site Location Map/Aerial Photo Map
7. Future Land Use Map/Existing City & County Zoning Map
8. Resolution
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		<i>377 and 379 29 Road</i>	
Applicants:		Owner: John T. Moir –Sunshine of Delta Representative: Paul Johnson - Meadowlark Consulting	
Existing Land Use:		<i>Vacant</i>	
Proposed Land Use:		<i>Residential</i>	
Surrounding Land Use:	North	<i>Vacant</i>	
	South	Residential	
	East	Agriculture	
	West	Residential/Vacant	
Existing Zoning:		County RSF-R (Residential Single Family Rural)	
Proposed Zoning:		R-12 (Residential 12 du-ac)	
Surrounding Zoning:	North	<i>County RSF-R (Residential Single Family Rural)</i>	
	South	County RSF-R (Residential Single Family Rural)	
	East	County RSF-R (Residential Single Family Rural)	
	West	<i>County RSF-R (Residential Single Family Rural) and County PUD.</i>	
Growth Plan Designation:		Residential Medium Low (2 – 4 du/ac)	
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Yes	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.

<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 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

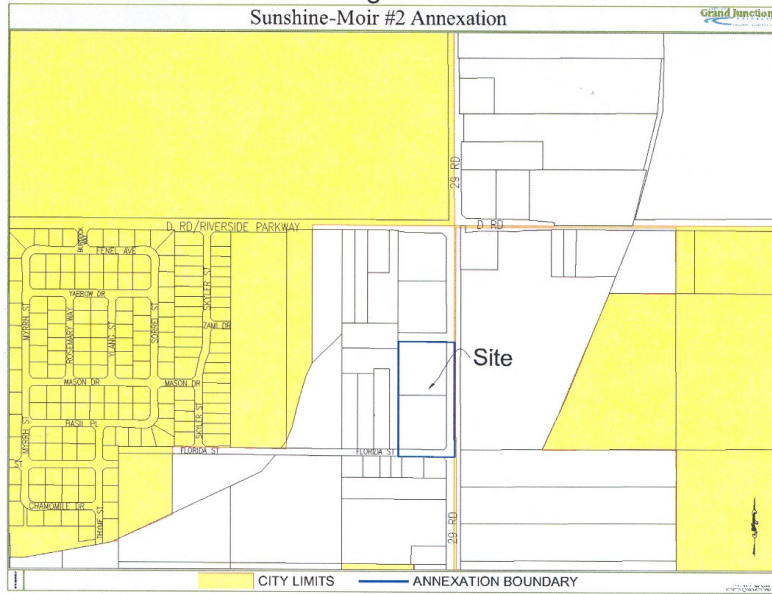
SUNSHINE OF DELTA ANNEXATION SUMMARY

File Number:	GPA-2008-074	
Location:	377 and 379 29 Road	
Tax ID Number:	2943-191-00-171 / 2943-191-00-161	
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:	R-12 (Residential 12 du-ac)	
Current Land Use:	Vacant	
Future Land Use:	Residential Medium Low	
Values:	Assessed:	= \$16,210
	Actual:	= \$58,880
Address Ranges:	377 and 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:	Mesa County School District 51
	Pest:	Grand River Mosquito

Site Location Map

Figure 1



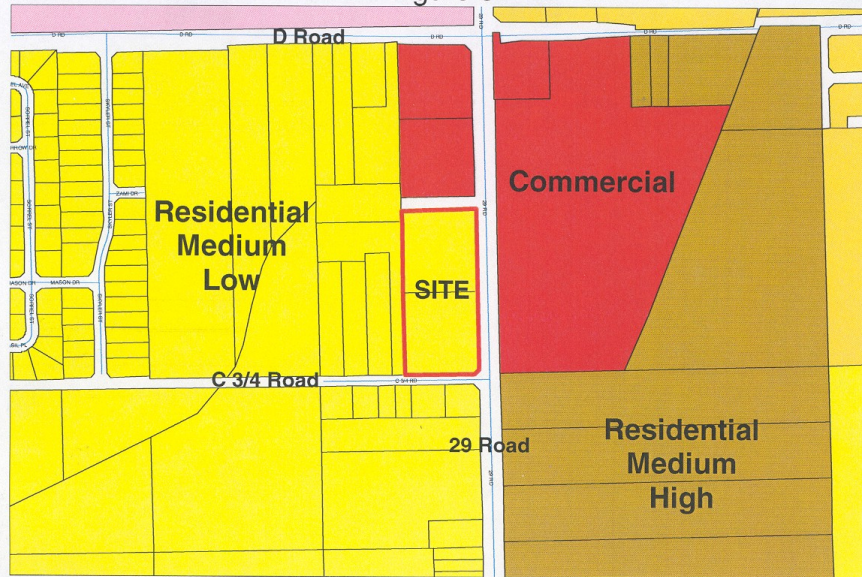
Aerial Photo Map

Figure 2



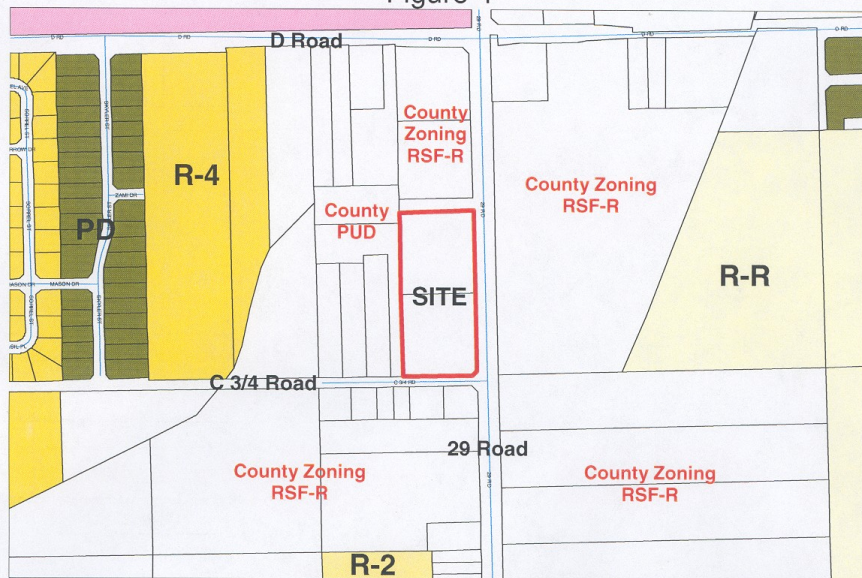
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

SUNSHINE OF DELTA ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 19th day of May, 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:

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, a hearing on the petition was duly held after proper notice on the 30th day of June, 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**

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 Emphemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence along the Westerly line of said Emphemeral 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 19th day of May, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk