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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, JULY 14, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation—Michael Rossman, Valley Bible Church

Presentations

Annual Buffer Program Update: Margie Latta of Mesa Land Trust will present their Annual Update

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Minutes of the June 30, 2008 and the July 2, 2008, Regular Meetings
2. **Contract for Construction of Canyon View Park, Phase III** [Attach 3](#)

*** Indicates New Item
® Requires Roll Call Vote

REVISED

The Canyon View Park Phase III construction project includes six additional tennis courts and a restroom shade/picnic shelter to service the east side of the park.

Action: Authorize the Purchasing Division to Enter into a Contract with W.D. Yards, Inc. to Complete the Construction of Canyon View Park, Phase III in the Negotiated Amount of \$915,785

Staff presentation: Mike Vendegna, Interim Parks & Recreation Director
Jay Valentine, Assistant Financial Operations Manager

3. **Contract for Pipe for Waterline Replacement at Purdy Mesa Reservoir**

[Attach 4](#)

The Water/Pipeline Maintenance Division will be replacing an existing section of raw water flow line from Hwy 50 to Whitewater that was originally installed in the early 50's. This raw water supply line feeds directly to the City's Water Plant from Purdy Mesa/Juniata Reservoir.

Action: Authorize the Purchasing Division to Enter into a Contract with Grand Junction Pipe & Supply to provide 17,700' of 20" PVC Piping in the Amount of \$527,460

Staff presentation: Jay Valentine, Assistant Financial Operations Manager
Terry Franklin, Deputy Director, Utility and Street Systems

4. **Contracts for Technical Energy Audit**

[Attach 5](#)

The technical energy audit will determine the feasibility and cost of implementing energy and water saving measures for Persigo WWTF and the City Facilities.

Action: Authorize the City Purchasing Division to Enter into Contracts with Johnson Controls, Inc. (JCI) in the Amount of \$26,600 for the Completion of the City Facilities Technical Energy Audit and Project Proposal, and \$90,000 for the Persigo Wastewater Treatment Facility Technical Energy Audit and Project Proposal

Staff presentation: Terry Franklin, Deputy Director, Utility and Street Systems
Jay Valentine, Assistant Financial Operations Manager

5. **Purchase Street Sweeper** [Attach 6](#)

This purchase approval request is for a Street Sweeper for the City of Grand Junction Streets Maintenance Division.

Action: Authorize the City Purchasing Division to Purchase one 2008 Tymco Regenerative Air Street Sweeper with a 2008 Navistar Conventional Cab from Intermountain Sweeper Company, Denver, CO in the Amount of \$199,935

Staff presentation: Jay Valentine, Assistant Financial Operations Manager
Darren Starr, Solid Waste and Streets Manager

6. **Hillcrest Offices Sign Revocable Permit, Located at 132 Walnut** [File # RVP-2008-143] [Attach 7](#)

Request for a Revocable Permit to allow an existing sign to remain in a 100 square foot area of dedicated right-of-way in 1st Street.

Resolution No. 98-08— A Resolution Concerning the Issuance of a Revocable Permit to Hillcrest Professional Group Located at 132 Walnut Avenue

®Action: Adopt Resolution No. 98-08

Staff presentation: Ronnie Edwards, Associate Planner

7. **Setting a Hearing for Zoning the Level III Annexation, Located at 2922 B 1/2 Road** [File # ANX-2008-147] [Attach 8](#)

Request to zone the 19.68 acre Level III Annexation, located at 2922 B 1/2 Road, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Level III Annexation to R-4 (Residential 4 du/ac), Located at 2922 B 1/2 Road

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

Staff presentation: Senta L. Costello, Senior Planner

8. **Setting a Hearing on Rezoning the Grand View Care Lodge, Located at 815 26 ½ Road** [File # SPR-2008-144] [Attach 9](#)

Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 1/2 Road.

Proposed Ordinance Rezoning the Grand View Care Lodge from R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac), Located at 815 26 ½ Road

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

Staff presentation: Senta L. Costello, Senior Planner

9. **Setting a Hearing on the Shady Acre Annexation, Located at 528 29 Road** [File # ANX-2008-159] [Attach 10](#)

Request to annex 1.25 acres, located at 528 29 Road. The Shady Acre Annexation consists of one parcel and includes a portion of the 29 Road right-of-way.

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

Resolution No. 99-08—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, Shady Acre Annexation, Located at 528 29 Road Including a Portion of the 29 Road Right-of-Way

®Action: *Adopt Resolution No. 99-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shady Acre Annexation, Approximately 1.25 Acres, Located at 528 29 Road and a Portion of the 29 Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 18, 2008*

Staff presentation: Ivy Williams, Development Services Supervisor

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

10. **Petition for Exclusion of Property Located at 751 Horizon Court from the Horizon Drive Association Business Improvement District** [Attach 2](#)

The Horizon Drive Association Business Improvement District was formed by Ordinance No. 3621 on April 21, 2004. A resolution adopting a five mill levy for the district was subsequently approved by the City Council at that same meeting. On July 3, 2008, the City received a petition from Robert and Yvonne Armantrout asking for exclusion from the district for property they own at 751 Horizon Court.

Action: Refer the Request for Exclusion to the Horizon Drive Association Business Improvement District Board of Directors and Direct the City Clerk to Act as their Clerk in order to Provide Notice as Required by State Law

Staff presentation: Stephanie Tuin, City Clerk
John Shaver, City Attorney

11. **Public Hearing—The Houghton Annexation and Zoning, Located at 2964 D Road** [File #ANX-2008-120] [Attach 11](#)

Request to annex and zone 4.02 acres, located at 2964 D Road, to R-8 (Residential 8 du/ac). The Houghton Annexation consists of one parcel.

a. Accepting Petition

Resolution No. 100-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Houghton Annexation, Located at 2964 D Road, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4262—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Houghton Annexation, Approximately 4.02 Acres, Located at 2964 D Road

c. Zoning Ordinance

Ordinance No. 4263—An Ordinance Zoning the Houghton Annexation to R-8 (Residential 8 du/ac), Located at 2964 D Road

®Action: Adopt Resolution No. 100-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4262 and 4263

Staff presentation: Brian Rusche, Senior Planner

12. **Public Hearing—The Phillips-Ford Annexation and Zoning, Located at 2894 Orchard Avenue** [File #ANX-2008-117] [Attach 12](#)

Request to annex and zone 0.53 acres, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac). The Phillips-Ford Annexation consists of one parcel and a portion of adjacent Orchard Avenue right-of-way.

a. Accepting Petition

Resolution No. 101-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Phillips-Ford Annexation, Located at 2894 Orchard Avenue, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4264—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Phillips-Ford Annexation, Approximately 0.53 Acres, Located at 2894 Orchard Avenue, Including a Portion of Orchard Avenue Right-of-Way

c. Zoning Ordinance

Ordinance No. 4265—An Ordinance Zoning the Phillips-Ford Annexation to R-8 (Residential 8 du/ac), Located at 2894 Orchard Avenue

®Action: Adopt Resolution No. 101-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4264 and 4265

Staff presentation: Brian Rusche, Senior Planner

13. **Public Hearing—Rezone the Palmer Park Subdivision, Located at 2675 Highway 50** [File #PP-2007-317] [Attach 13](#)

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).

Ordinance No. 4266—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4266

Staff presentation: Brian Rusche, Senior Planner

14. **Public Hearing—The Pioneer Meadows Annexation and Zoning, Located at 3126 and 3134 E Road** [File #ANX-2008-078] [Attach 14](#)

Request to annex and 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.

a. Accepting Petition

Resolution No. 102-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pioneer Annexation, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4267—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pioneer Meadows Annexation, Approximately 9.24 Acres, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4268—An Ordinance Zoning the Pioneer Meadows Annexation to R-8 (Residential 8 du/ac), Located at 3126 and 3134 E Road

®Action: Adopt Resolution No. 102-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4267 and 4268

Staff presentation: Ronnie Edwards, Associate Planner

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

Attach 1

Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

June 30, 2008

The City Council of the City of Grand Junction convened into regular session on the 30th day of June 2008 at 7:01 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. Absent was Councilmember Bruce Hill. 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 Coons led in the Pledge of Allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

Appointments

Councilmember Beckstein moved to reappoint Harry Griff and Bill Wagner to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for four year terms ending June, 2012. Councilmember Thomason seconded the motion. Motion carried.

Council Comments

Council President Palmer said that he had the pleasure of joining Councilmember Doody to host the Wounded Warriors event which welcomed the Leap Frog Team to the community and the associated pilots that brought the team in. One member of the team was a Navy Seal who had done three tours in Afghanistan and two tours in Iraq and was a graduate from Grand Junction High School. The team also did a couple of jumps at Country Jam.

Council President Palmer advised that he and Council President Pro Tem Coons just completed the Citizens Public Safety Academy which lasted 15 weeks. It was the first time for the Academy and a wonderful experience. It was a class of 25 people whom all were overwhelmed with the experience. He commended the personnel at the Police and Fire Departments for their patience and their training. He encouraged citizens to participate in future academies.

Councilmember Coons stated that she feels better about living in the community because of all the compassion and dedication that the public safety staff bring to their jobs.

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 9.

1. **Minutes of Previous Meetings**

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**
[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

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

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

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

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

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

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

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

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

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

7. **Purchase of Road Oil for Chip and Seal Program**

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

8. **Sidewalk Dining Application for Junct'n Square Pizza, LLC**

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

9. **Grant for 26 Road and G ½ Road Improvements**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Grant for Police Radios

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.

Troy Smith, Deputy Chief of Police, presented the information and request. In the past, this grant has been used for interoperability projects. The new requirement for the grant application process requires Council pre-approval.

Councilmember Coons asked if this grant requires matching funds. Deputy Chief Smith said the funds do not require matching funds.

Council President Palmer asked if anyone in the audience wanted to comment on the proposal.

There were no public comments.

Councilmember Thomason moved to authorize the City Manager and GJPD to apply for the funds, and if awarded to manage/disperse \$28,648 in Grant Funds. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Shores Annexation and Zoning , Located at 166 Edlun Road [File #ANX-2008-104]

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

The public hearing was opened at 7:13 p.m.

Lori Bowers, Senior Planner, reviewed this item. The request is a serial annexation and contains two parts. She described each parcel, the site and the location. She said the reason for the Planning Commission recommendation of 2 units per acre is due to the topography, there are slopes up to 60%. The applicant is still requesting R-4 zoning

despite the Planning Commission recommendation. She identified the surrounding properties and Future Land Use Designation.

Councilmember Todd asked about lot size difference between the R-2 and R-4 zoning. Ms. Bowers explained that the applicant is using clustering provisions, and could have 26 lots under R-2 versus 48 under R-4.

The applicant was not present.

Council President Palmer asked all present to be respectful of others point of view. He will take five in favor and then five opposed and alternate.

No one approached in favor.

Those against:

Vicki Felmlee, 178 Glory View Drive, stated that there are many citizens present that are members of OMNIA (Orchard Mesa Neighbors In Action) and they are asking Council to postpone any decision on the annexation and zoning. She advised that some residents received notice of this application. This property includes access to the Old Spanish Trail and many residents are concerned with this application. Residents have been researching the legal status of this access and the trail. The BLM has verified they will not give up their easement and will invoke the Federal Land Policy and Management Act of 1976. The only other access is a 22 foot driveway that is encumbered by private property.

Between the protected trail and moving access they asked that the action before them be postponed.

Victoria Gipson, Old Spanish Trail Association Member and a Member of OMNIA, 179 Edlun Road, asked for postponement. She reviewed the history of the trail. The northern branch runs through this community, previously known as the Salt Lake Wagon Road, and there are two accesses. The north access is accessed by Valley View and Sunlight Road. There is informative signage which details the cooperative partnership to maintain the access to the trail and trail itself. She continued to describe the history of the trail and its subsequent designation. She displayed a copy of the Federal easement documentation.

Joseph Hayes, member of OMNIA, 185 Rainbow Drive, displayed a letter from the Chair of the Mesa County Commissioners Janet Rowland voicing concern. The letter was entered into the record.

Paul Oliver, 185 Lumley Drive, had a letter written by Senator Josh Penry addressed to the City Planning Commission and asked that it be entered into the record.

Carol Ward, 2860 Casimir Drive, introduced a letter from Catherine Robertson, BLM, into the record.

Lynn Ensley, 177 ½ Edlun, displayed the 22 foot roadway that goes to the property. He stated that there will need to be additional land taken from the neighbors to make it meet

the 40 foot standard. He detailed the history of the driveway and the easement provided in the cooperative agreement. He also had an excerpt from Title 5 that provides that any change to the access requires consultation with the Department of the Interior. He pointed out that the density being requested is much higher than the surrounding properties. The subject property has steep slopes and also a dead area that is high in salinity. Therefore, due to some areas not being developable, the R-2 will still allow four units per acre for the developable areas.

Susie Evans, 174 Rosalie Drive, has been an Orchard Mesa resident for 20 years, is an accountant, and runs and bicycles on the Old Spanish Trail. The OMNIA members have done a lot of research relevant to the property in question as well as surrounding properties. The Federal, State and local laws protecting the trail are complex and there will be even more issues that will come up in the future as the same property owner has adjacent ownership as well. Title 5 states clearly the requirements to protect the easements. She asked that consideration be postponed as well as any future consideration on adjacent parcels.

Ineke Hoops, 167 Edlun Road, had photographs and rhetorically asked if the Council was willing to erase the Old Spanish Trail and replace it with a plaque.

Sonny Shelton, 174 Shamrock Drive, stated that evidence clearly indicates reasons for postponement. She said that it is obvious that it is not a "not in my backyard" issue, but there are a myriad of other issues not the least of which is the closure of the access to the trail. It is a wonderful piece of history and once lost, it cannot be replaced.

Janet Magoon, 2752 Cheyenne Drive, supports OMNIA's efforts to preserve Old Spanish Trail and the access. She asked Council to listen to the concerns raised.

Pamela McGuirk, 101 29 Road, lives on 55 acres across from the property in question, and said it is spectacular and irreplaceable.

Debra Krabacher, 230 Sunset Hills, an equestrian that uses the trail, said that every single year students go there for educational mapping and surveying. It is 400 acres that is spectacular. She goes there every day and said there is lots of wildlife and asked that Council doesn't throw it away.

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

Councilmember Beckstein asked the City Attorney Shaver to clarify the action being requested. City Attorney Shaver said the annexation and zoning does not confer development rights. In order for a property to be annexed, the Statute requires the Council to make certain findings. The items brought forward by the public are consideration when a proposal for development comes forward. The current zoning is County RSF-4 and the Planning Commission recommendation is for R-2.

Councilmember Beckstein asked when the 90 days to zoning time clock begins. Lori Bowers, Senior Planner, advised that it is 90 days from the adoption of the annexation ordinance.

Councilmember Coons asked City Attorney Shaver if Council decides not to annex this property into the City, can the developer still develop it in the County? City Attorney Shaver stated that the Persigo Agreement requires any development within the 201 Boundary to be annexed and developed within the City.

Councilmember Todd asked if that requirement wouldn't make a difference whether it was 40 units or 10 units. City Attorney Shaver said that is correct.

Councilmember Todd asked if Council can make their decision in two steps, look at annexation and then look at zoning separately. City Attorney Shaver said yes, they can.

Council President Palmer asked for clarification on the access and if it non-compliant, would the City be required to condemn for additional access. City Attorney Shaver said that the developer is required to provide access. If they cannot provide access, then it cannot be developed. Currently no development application has been submitted.

Council President Palmer asked if Council sees that there is only a 20 foot wide street access coming with this property, and knowing that additional access would be needed, has the access been considered or not considered? City Attorney Shaver stated that the Zoning and Development Code says there must be a point of access but that level of detail is not addressed at this point; it is just at the conceptual stage at this time.

City Attorney Shaver advised that with an annexation process, the Statute requires a basis for the City to serve the property with services such as water, sewer, etc. In this case sewer service is a basis that the City can serve this property.

Councilmember Beckstein asked how the Old Spanish Trail would be impacted as a result of the City's decision. City Attorney Shaver stated that he would question whether or not there would be an impact on the existence of the trail. There is the letter from the BLM that there is a trail and access. City Staff and the legal department must protect those rights that the BLM has.

Council President Palmer asked if the trail is an easement, can anything be built on it? City Attorney Shaver stated that if it is a legal easement there are restrictions. According to the BLM they have a conveyed easement from the previous owners. Staff is fully aware that there is an easement burdening this property.

Councilmember Beckstein asked what would be the impact if City Council postpones this item. City Attorney Shaver replied that for the developer, it would mean time and money and to what end? It is currently zoned and could be developed under the County. From the City's perspective, it would delay the process and it will be back again before City Council. From the City Council's perspective, what do they expect Staff to do differently; the request meets statutory requirements. Staff could provide more evidence for City Council if that would be what they want.

Council President Palmer asked Ms. Bowers if there are plans and policies in affect that protect the Old Spanish Trail contrary to this land use application. Ms. Bowers replied no, the GIS system acknowledges the existence of the trail but the alignment is not correct on the GIS.

City Manager Laurie Kadrach explained that some maps show trails that are not there or in a different location, and it was revealed during an inventory of the urban trails maps. There are similar situations in other areas and a task force has been pulled together to try to remedy the problem.

City Attorney Shaver said that on this property it may be only a function of when it was surveyed. There are still legal protections for the trail and they will be recognized if the developer proceeds with development.

Council President Palmer asked City Attorney Shaver if the applicant is an entity that has dealt with the City before. City Attorney Shaver said the applicant is an LLC and is a separate legal entity apart from the individual owners of that property. The allegations of an individual in the LLC are not a concern for the City as the applicant is a separate legal entity. The applicant has not been scrutinized.

Council President Palmer asked if the Old Spanish Trail would first have to be annexed into the City for the City to protect access to the trail. City Attorney Shaver said that is correct, it will be recognized through the process of the annexation, zoning, and development as it is separate legal described property and it will be recognized through the process.

City Manager Kadrach said that planning meetings with the affected parties have begun, the BLM, the County, etc. The City has worked cooperatively on other trails, those meetings have included discussion on how a change in jurisdiction would impact that access.

Council President Palmer asked if any GOCO grants or matching grants will be jeopardized if the property is annexed. City Manager Kadrach said that it is her understanding that cooperation will still continue. City Attorney Shaver gave an good example of a recent GOCO grant where such cooperation took place.

City Attorney Shaver reviewed specific annexation criteria, mostly technical. He pointed out the community of interest provision; Staff believes that community of interest does exist by virtue of providing City services, etc.

Councilmember Doody complimented the citizens of OMNIA on their presentation. He believes that in staying consistent with the Persigo Agreement and having jurisdiction. Bringing the property into the City is what Council needs to do, however, for the zoning piece, he would have to agree with the R-2 recommendation.

Councilmember Thomason stated that he believes there is no reason to delay or postpone a decision and he agrees with Councilmember Doody regarding the Persigo Agreement. He would support the R-2 zoning as recommended by Planning Commission.

Councilmember Todd said she would like Council to address the annexation separate from the zoning.

Council President Palmer thanked those that showed up and those who spoke. He is finding it a difficult decision. Council has no obligation to the developer to make sure he

maximizes his investment. Council also has an obligation to the County with the Persigo Agreement, the entity is inside the 201 Boundary and is requesting annexation to the City. He agrees with Councilmember Doody and to ensure the protection for the Orchard Mesa community involved, the property must be annexed into the City.

Councilmember Beckstein believes in respect of the individual, she grew up in the west and has a passion for it. She respects the community's fears and concerns; however, Council has to have faith in the Planning Department that they will do their due diligence. She encouraged the group to stay in touch and engaged as the process goes forward and encouraged Staff to stay conscious of this. She will support the annexation.

Councilmember Coons stated that she is cognizant that there are larger issues beyond this parcel. The protection of the trails and access are paramount. She doesn't want to see a stalemate by postponement of the annexation just to come back in a few weeks and hear the same argument and try to make the same decision. She would prefer to separate the annexation and zoning.

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

Councilmember Beckstein moved to adopt Resolution No. 90-08 and Ordinance Nos. 4249 and 4250 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Councilmember Todd stated that she will support R-2 zoning and with working with Staff and the developer, the City will have opportunity to protect and preserve the trail.

Councilmember Beckstein agreed with Councilmember Todd that R-2 is the best for the property.

Councilmember Coons asked if it is possible to postpone zoning. City Attorney Shaver replied that it is possible to postpone the zoning. Councilmember Coons said that would be her preference.

Councilmember Palmer asked if there are options beside R-4 and R-2. City Attorney Shaver said that there is which would be a Planned Development option, and if

postponed, the Staff could have that conversation with the developer. With a Planned Development, much like a contract, there are negotiations and the developer is expected to go above and beyond requirements of a straight zone.

Councilmember Beckstein asked why Councilmember Coons wants to postpone zoning. Councilmember Coons replied that it concerns her that the applicant wasn't present, therefore the Council has no ability to ask the applicant questions.

Councilmember Todd stated that she is not in favor of postponing the zoning. Time is money for the Staff and developer and the conversation needs to be moving forward.

c. Zoning Ordinance

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

Councilmember Doody moved to adopt Ordinance No. 4251, an ordinance zoning the Shores Annexation to R-4, and ordered it published. Councilmember Todd seconded the motion. Motion failed by roll call vote.

Councilmember Todd moved to adopt R-2 zoning for the property. Councilmember Beckstein seconded the motion.

Councilmember Coons commented that if time is money, then why isn't the developer present.

Councilmember Beckstein asked Senior Planner Bowers if in postponing the zoning, is there anything that would be presented to change the Planning Commission's recommendation from R-2. Senior Planner Bowers said no, the growth plan designation is a range from R-2 to R-4. If the applicant were to request a Planned Development in the future, it would still require an underlying zoning.

Councilmember Beckstein asked if the applicant would come back with something different, like Planned Development in the future, would it come before the City Council. Ms. Bowers stated that it would. City Attorney Shaver confirmed that a Planned Development would require an ordinance and a public hearing and the community would have an opportunity for comment.

City Manager Kadrich commented that having Planned Development as an option requires a community benefit be derived from the development.

Council President Palmer said that he wants to support the least impact for the area.

Motion carried by roll call vote.

Council President Palmer called a recess at 8:38 p.m.

The meeting reconvened at 8:50 p.m.

Public Hearing—Sienna Creek Annexation and Zoning, Located at 2052 Broadway

[File #ANX-2008-107]

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.

The public hearing was opened at 8:51 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. He asked that the Staff Report and attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met.

Council President Palmer asked if there will be any site distance issues. Mr. Rusche said they haven't gotten to that point yet. There may be and that will be determined at the time of development.

Joe Carter, Ciavonne, Roberts, and Associates, was present representing the applicant. He had nothing to add but could answer questions.

Councilmember Todd asked if there would be any consideration of new access off of Highway 340. Mr. Carter stated that there will be no new access off of Highway 340; the intention would be to have access off of 20 ½ Road.

There were no public comments.

The public hearing was closed at 8:53 p.m.

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

Councilmember Todd moved to adopt Resolution No. 91-08 and Ordinance Nos. 4254 and 4255 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 8:54 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He asked that his Staff Report and attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met. The applicant's representative was present.

Paul Johnson, Meadowlark Consulting, 123 N. 7th Street, representing the applicant, had nothing to add and stated that they are in agreement with the Staff presentation. He said that 29 and D Road is a real changing area. Mr. Moyer, the applicant, has some good ideas for the development of the corner. They do agree with the C-1 zoning recommendation and he can answer any questions.

There were no public comments.

The public hearing closed at 8:55 p.m.

Councilmember Coons commented that this is an area that, in the Growth Plan, they wanted to have some commercial opportunities to provide services to that area. She agreed with the requested zoning.

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

Councilmember Coons moved to adopt Resolution No. 92-08 and Ordinance Nos. 4256 and 4257 and ordered them published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Sunshine of Delta Growth Plan Amendment—Located at 377 and 379 29 Road [File #GPA-2008-074]

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.

The public hearing opened at 8:58 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He requested that the Staff report and the attachments be entered into the record. He stated the request does meet the Growth Plan Amendment criteria and the Planning Commission recommended approval. A representative for the applicant was present.

Paul Johnson, Meadowlark Consulting, representing the landowner, 123 N. 7th Street, agreed with the Staff report and feels 8 to 12 units per acre is appropriate. The property is right on 29 Road and there are some parcels to the south and east that have plans for condominiums or apartments and are already zoned 8 to 12 units per acre. This is close to the commercial and the City needs some lower priced housing units. The area has changed thus the request for the Growth Plan Amendment.

Council President Palmer asked if there would be any buffering required. Mr. Moberg said that it will be minimal to the west and to the south.

There were no public comments.

The public hearing closed at 9:02 p.m.

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).

Councilmember Thomason moved to adopt Resolution No. 93-08. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council President Palmer commented that it is nice to see a higher density.

Public Hearing—Sunshine of Delta Annexation, Located at 377 and 379 29 Road

[File #GPA-2008-074]

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 ¾ Road rights-of-way.

The public hearing was opened at 9:04 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He asked that the Staff report and the attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met. The zoning will come forward in September.

Paul Johnson, Meadowlark Consulting, representing the applicant, 123 N. 7th Street, was present. He said they will be coming back with R-12 zoning. The applicant feels that condominiums/apartments are better for this area.

There were no public comments.

The public hearing was closed at 9:07 p.m.

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 ¾ 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 ¾ Road Right-of-Way

Councilmember Coons moved to adopt Resolution No. 94-08 and Ordinance Nos. 4258 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Paul Johnson, Meadowlark Consulting, applauded all the improvements to the Downtown. He likes the back in parking, as he feels it works great. 7th Street and the roundabout work wonderfully and he complimented the Council.

Council President Palmer thanked Mr. Johnson and stated that the City is blessed to have a unique downtown, and it is no surprise that it is the number one tourist area.

City Manager Kadrich updated Council on the fire service contract and on the lead up to that agreement. The contract has been signed. In the past, it was a complicated analysis that determined the amount to be billed to the Rural District. The new terms provide whatever funds the District collects will be remitted to the City, less an administrative amount.

Councilmember Palmer asked if, in the future, there are updates, that it be so noted on the agenda.

Adjournment

The meeting was adjourned at 9:20 p.m.

Stephanie Tuin, MMC
City Clerk

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

July 2, 2008

The City Council of the City of Grand Junction convened into regular session on the 2nd day of July 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. Absent was Councilmember Bruce Hill. 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.

Certificate of Appointment

Downtown Development Authority/Downtown Grand Junction Business Improvement District

Bill Wagner was present to receive his certificate of reappointment.

Citizen Comments

David Berry, 530 Hall Avenue, addressed City Council about the South Downtown Plan. He presented some reflections on the south downtown area. He is concerned with 3rd Avenue. He described the history of the south downtown area and the need for those uses, both past and present. He was concerned with the retention of property rights.

Emzy Veazy III, P.O. Box 2381, Aspen, addressed the City Council on safety and innovation. He returned to Colorado from California and has been observing traffic in the City. He felt a resolution to the poor driving habits of some citizens would be to identify problem areas and have them addressed. He also suggested ways in which to stabilize the economy. He suggested a study of the way they do things in Australia. Mr. Veazy said the City Council should not be afraid to accept foreign capital. Lastly, he said the City employees should be encouraged to bring back ideas from places they visit on vacation.

CONSENT CALENDAR

Councilmember Coons 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 3.

1. **Contract to Purchase Property at 723 and 727 Ute Avenue**

City staff has negotiated with the owner of 723 Ute Avenue and 727 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$359,900.00 has been signed by both parties.

Resolution No. 95-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 723 Ute Avenue and 727 Ute Avenue, Grand Junction

Action: Adopt Resolution No.95-08

2. **Contract to Purchase Property at 717 Ute Avenue**

City Staff has negotiated with the owner of 717 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$134,900.00 has been signed by both parties.

Resolution No. 96-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 717 Ute Avenue, Grand Junction

Action: Adopt Resolution No. 96-08

3. **Setting a Hearing Accepting Improvements and Assessments Connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07**

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located in the area of Galley Lane and Young Street. The proposed Resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the August 6, 2008 Council meeting.

Resolution No. 97-08—A Resolution Approving and Accepting the Improvements Connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 and Giving Notice of a Public Hearing

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Galley Lane Sanitary Sewer Improvement District No. SS-49-07 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Resolution No. 97-08, Introduction of Proposed Ordinance and Set a Hearing for August 6, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Proposed Amendments to the Zoning and Development Code

[File #TAC-2008-151]

The City of Grand Junction proposes 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 C-2 zone district.

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

Lisa Cox, Planning Manager, reviewed this item. The request is to amend the zoning and Development Code concerning the way in which notices are mailed. The difference will allow standard U.S. Mail instead of First Class mail. The delivery for local mail is virtually the same. The next section to be amended is to address uses in the C-1 Zone District. The text assumes residential uses in C-1, yet the allowance requires a Conditional Use Permit (CUP), and a public hearing process. The Code said the Administrator ensures compliance and compatibility with the Code which conflicts with the CUP requirement. The change is to make residential an allowed use in the Use Zone Matrix.

Council President Palmer asked for additional clarification on the delivery times between the two mail classes. Ms. Cox explained the delivery difference would be minimal and the change will not preclude the use of First Class mail.

There were no public comments.

The public hearing was closed at 7:20 p.m.

Ordinance No. 4259—An Ordinance Amending Various Sections in Chapter 2 and 3 of the Zoning and Development Code to Update or Clarify Certain Provisions

Councilmember Todd moved to adopt Ordinance No. 4259 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—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.

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

Lisa Cox, Planning Manager, reviewed this item. She explained the Code changes which affect off-premises signs along the Riverside Parkway corridor. She reviewed the history as being a Resolution that disallowed any signage along the Parkway. The Parkway has been under construction since then. A study has taken place and has determined to retain the prohibition of additional signs. There are currently 15 existing signs in that corridor. If the amendment is adopted, the existing signs would be allowed to remain as long as they comply with the rest of the Code. Staff and Planning Commission both have recommended approval of the Code Amendments.

Councilmember Coons asked Ms. Cox to confirm that these signs are not signs for businesses on their property. Ms. Cox confirmed, an off-premise sign advertises a business that is located elsewhere.

Councilmember Todd asked about the change being presented at this meeting. City Attorney Shaver explained it is a clarification to allow the existing signs that are compliant to remain. Those out of compliance, but existing, can be corrected as long as it is within three years.

Council President Palmer inquired about the 15 signs. City Attorney Shaver said they are within the 600 foot corridor, not necessarily along the Parkway. No new signs may be erected but if signs are non-conforming or become non-conforming, they can only remain if they are brought into compliance within three years.

Council President Palmer voiced his concern that there be a point at which even legal non-conforming must become conforming.

Councilmember Todd added the need for protection of the property rights and that owners look to a long term investment for this type of business.

Council President Palmer did not disagree but also said after that long term return has been achieved and a new sign is to be installed as a replacement, that may well be the time when the sign should go away.

Councilmember Todd noted there is also an investment in the location. Who is to say how long that business should be in business?

Councilmember Coons voiced that this discussion should be reserved for a discussion regarding the Sign Code.

City Attorney Shaver noted that the signs for the most part are along Highway 6 & 50 and with the Riverside Parkway running so close to Highway 6 & 50 are within the 600

foot corridor. The purpose of this ordinance is to prevent any new signs being erected relative to the Riverside Parkway.

There were no public comments.

The public hearing was closed at 7:37 p.m.

Ordinance No. 4260—An Ordinance Amending the Zoning and Development Code Regarding Off-Premise Signs on or Near the Centerline of the Riverside Parkway

Councilmember Coons moved to adopt Ordinance No. 4260 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating Portions of Right-of-Way for Teller Court, Located West of 30 Road at the 29 ¾ Road Alignment [File #PFP-2007-349]

Cal Frac Well Services Corp., property owners of 489 Teller Court and the proposed 31 acre, four lots, Calfrac Subdivision is requesting approval to vacate portions of the right-of-way of Teller Court located west of 30 Road at the 29 ¾ Road alignment.

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

Lisa Cox, Planning Manager, reviewed this item. The vacation request is for a portion of Teller Court right-of-way. She requested that the Staff Report and the attachments be entered into the record. The Planning Commission and Staff both recommend approval.

A representative for the applicant was present and stated he agrees with Staff.

There were no public comments.

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

Ordinance No. 4261—An Ordinance Vacating Right-of-Way for Teller Court Located at the Cul-de-Sac West of 30 Road at the 29 ¾ Road Alignment

Councilmember Thomason moved to adopt Ordinance No. 4261 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Doody wished everyone a wonderful and safe Fourth of July week-end.

Council President Palmer announced the fireworks show on Friday as well as the parade.

Adjournment

The meeting was adjourned at 7:43 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

**Petition for Exclusion of Property from the Horizon Drive Association BID
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Petition for Exclusion of Property Located at 751 Horizon Court from the Horizon Drive Association Business Improvement District		
File #			
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 8, 2008		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	Stephanie Tuin, City Clerk John Shaver, City Attorney		

Summary: The Horizon Drive Association Business Improvement District was formed by Ordinance No. 3621 on April 21, 2004. A resolution adopting a five mill levy for the district was subsequently approved by the City Council at that same meeting. On July 3, 2008, the City received a petition from Robert and Yvonne Armantrout asking for exclusion from the district for property they own at 751 Horizon Court.

Budget: The petitioner has included payment to cover the proceedings as required by Statutes.

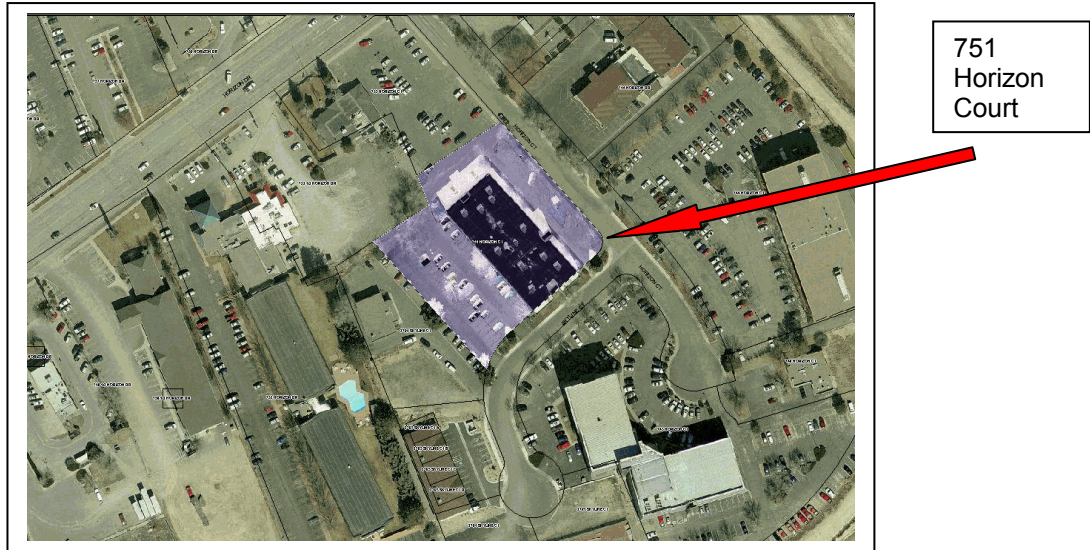
Action Requested/Recommendation: Refer the request for exclusion to the Horizon Drive Association Business Improvement District Board of Directors and Direct the City Clerk to act as their Clerk in order to provide notice as required by State law.

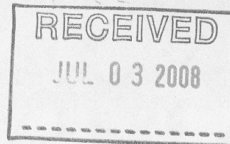
Attachments:

Petition for Exclusion
Map of District

Background Information: 31-25-1220 C.R.S. provides for a process to request exclusion from a business improvement district and requires a deposit to cover the cost of the process. On July 3, 2008, a petition was filed with the City asking for exclusion of property located at 751 Horizon Court, known as the Skyline Building. The owners, Robert and Yvonne Armantrout allege in their petition for exclusion that the property

should be excluded from the district because it is not located on Horizon Drive, other properties that sit as close to Horizon Drive were excluded, the costs incurred due to their inclusion cannot be passed along to their consumers, the fees to the District limit their ability to make capital improvements to the building and the building does not directly benefit from its inclusion.





CITY OF GRAND JUNCTION
City Council

Petitioners: ROBERT J ARMANTROUT & YVONNE C ARMANTROUT 2291 Shiprock Rd Grand Junction, CO 81503-1189	PETITION FOR EXCLUSION FROM THE HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT Tax Parcel # 2701-364-26-033 LEGAL DESCRIPTION: Lot 22, 23, 24 & S 50 Ft Lot 25 Horizon Park Plaza Sec 36 1N 1W Mesa County, Colorado Commonly Known As: 751 Horizon Court Grand Junction, CO 81506
Attorney or Party Without Attorney: (Name & Address) TRAYLOR, TOMPKINS & BLACK, P.C. Lance Phillip Timbreza, Esq. 751 Horizon Court, Suite 200 Grand Junction, CO 81506-8754 Phone Number: (970) 242-2636 FAX Number: (970) 241-3234 E-mail: lpt@grandjunctionlaw.com Atty. Reg. #: 38229	
PETITION FOR EXCLUSION FROM HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT	

TO: The City Council of the City of Grand Junction

COMES NOW Petitioners Robert J. Armantrout & Yvonne C. Armantrout (collectively "Petitioner" or "Armantrout") by and through their attorneys, Traylor, Tompkins & Black, P.C. and Petitions the Grand Junction City Council for exclusion from the horizon Drive Business Improvement District pursuant to C.R.S. § 31-25-1220 and states as follows:

FACTUAL BACKGROUND

Petitioner owns real property located at 751 Horizon Court, Grand Junction, Colorado. This real property is commonly known as "The Skyline Building." The Skyline Building is an office suite containing offices leased by 24 business tenants.

On March 30, 2004, the Horizon Drive Association business improvement district organizing committee filed a petition with the Grand Junction City Council requesting formation of a business improvement district. *See Ordinance No. 3621.*

On April 21, 2004, the Petition came before the City Council for public hearing and consideration by the Council. The City Clerk certified that the requisite signatures had been obtained representing at least 50% of the property and valuation within the business district. *See April 21, 2004 Grand Junction City Council Minutes*, p. 11. At that time, the City Clerk informed the City Council that, “the statute does not require the District to be contiguous, so if the Council chooses to exclude any properties, the District could still be formed.” *See April 21, 2004 Minutes*, p. 12. Councilmember Enos-Martinez inquired as to whether any property owners had requested exclusion and Richard Talely, President of the Horizon Drive Association, expressed that none had. *Id.* The City Clerk reported that signatures of 55.2% of the property and 60.8% of the value had been obtained. *Id.* at 12-13. Robert Armantrout attended the April 21, 2004 meeting and voiced his disapproval with the formation of the Horizon Drive Business Improvement District. *Id.* at 13. Mr. Armantrout also requested that the Skyline Building be excluded from the Horizon Drive Business Improvement District. *Id.* at 14.

A/R investments, another property owner, requested exclusion from the Horizon Drive Business Improvement District by way of a letter from its counsel, Reutzel & Associates, LLC, read by the City Clerk. *Id.* at 14. Doug Briggs, attorney for the Horizon Drive Association, stated that the exclusions “can’t be gerrymandered, since all in the District will benefit. Excluding some will provide them with the benefit at no cost. He said even though the statute allows exclusions, the reasons given [were] not significant.” *Id.* at 14.

Councilmember Hill inquired as to whether a property owner could be excluded at a later date. *Id.* John Shaver, City Attorney, stated that “the statute contains inclusion provisions, not an exclusion proviso.” *Id.*

The Council then adopted Ordinance No. 3621 “An Ordinance Creating and Establishing the Horizon Drive Association Business Improvement and Approving an Operating Plan and Budget Therefore” and Resolution 38.04 “A resolution Levying Taxes for the Year 2004 in the Horizon Drive Association Business Improvement District a part of the City of Grand Junction, Colorado.” *Id.* at 15. The former establishing the Horizon Drive Business Improvement District (“District”) and the latter imposing a Mill Levy at 5 Mills. *Id.*

Since the inception of the District, Petitioner has paid the annual assessment each tax year as follows:

2004	\$1,1813.70
2005	\$1,946.40
2006	\$1,946.40
2007	<u>\$2,530.10</u>
TOTAL	\$8,237.00

Throughout the time Petitioner has been included in the District, information has been slow in coming, they have not received notices of meetings, they have not seen budgets for the

District, they have not participated in the selection or election of Board Members, have not seen nor does Petitioner know of financial audits of the District books.

PETITION FOR EXCLUSION

A. The Colorado Statutory Scheme for Business Improvement Districts Permits Petitioner's Exclusion

A property within a business improvement district has a statutory right to petition for exclusion. *See* C.R.S. § 31-25-1220. In the past, the City Attorney's office has expressed its opinion that the "statute" contains only *inclusion* provisions and not *exclusion* provisions. *See City Council Minutes*, dated April 21, 2007. This reference in the City Council minutes makes it unclear whether the City Attorney was referring to the Ordinance itself or the Colorado Business Improvement District statutory scheme. In any case, C.R.S. § 31-25-1220 clearly provides a statutory right to seek exclusion.

While the formation ordinance may not have included an exclusion provision, the statute does. Petitioner's request for exclusion is being made pursuant to the statute and not pursuant to the formation ordinance. The City Attorney's office has conceded Petitioner's right to seek exclusion, "You may file the petition with the City Clerk as provided in the statute." *See E-mail from Shelly Dakonish to Lance Timbreza* dated October 19, 2007.

B. The Skyline Building Is Not Located on Horizon Drive and Other Property Owners Were Excluded Of Approximate Distances.

The Skyline Building is located at 751 Horizon Court. Horizon Court intersects with Horizon Drive. The Skyline Building is located approximately 125 yards from Horizon Drive and sits behind other buildings that are directly on Horizon Drive. The Bookcliff Country Club consists of substantially more property than the whole of the Horizon Drive Business District and sits in as close, if not closer, proximity to Horizon Drive than Petitioner's building. Bookcliff Country Club was not included within the Horizon Drive Business District. Like the Skyline Building, Bookcliff Country Club is privately owned and access is gained via Horizon Drive.

C. The Skyline Building's Costs Cannot Be Passed Along to Consumers.

The Skyline Building costs of office suites. It is not a retail shopping center like a substantial majority of the members of the Horizon Drive Business District. Other businesses within the District consist of restaurants, hotels and stores. These businesses directly benefit from the beautification efforts of the District. Importantly, these businesses are located directly on Horizon Drive where the District's improvements take place. These businesses also provide service to customers and the costs associated with the District can be passed along to these business customers; however, such is not the case with Petitioner. Petitioner does not have "customers" of the Skyline building. They do not operate a service or goods business and the costs incurred by Petitioner cannot be passed along to consumers.

D. The Skyline Building's Fees to the District Limit Its Ability to Make Capital Improvements.

Since its inception, Petitioner has paid more than \$8,000 in fees, costs and/or dues to the District. These payments have precluded Petitioner from making capital improvement and other maintenance to the Skyline Building that serve to benefit, directly, the Skyline Building's tenants and those members of the general public who use the Skyline Building. For example, Petitioner would like to repair the Skyline Building parking lot; however, such costs have been prohibitive as a result of Petitioner's membership in the District.

E. The Skyline Building Does Not Directly Benefit from District Membership.

Business located directly on Horizon Drive benefit from the District's efforts at beautification. Additionally, the District's improvements provide for a more aesthetically pleasing commercial area. These improvements are beneficial to those business that directly benefit from the District.

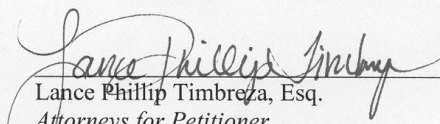
The District has not made any improvements nor has it planned to make any improvements along Horizon Court. Any benefit the Skyline Building receives are incidental to the direct benefits received by other business along Horizon Drive. Additionally, since the Skyline Building does not require customers to be "attracted" to its building or the area it does not benefit from overall improvement. The tenants of the Skyline Building also do not operate commercial or retail business. The substantial majority of the Skyline Building's tenants are involved in professional services and those tenants do not depend upon individuals being attracted to the businesses.

REQUEST FOR HEARING

For the reasons set forth in the Petition and for such additional reasons as may be presented at a public hearing, Petitioner requests a hearing, pursuant to Colorado law, for consideration of their Petition for exclusion. Petitioner submits this Petition together with the fee of \$437.50.

DATED this 4th day of June, 2008

TRAYLOR, TOMPKINS & BLACK, P.C.


Lance Phillip Timbreza, Esq.
Attorneys for Petitioner

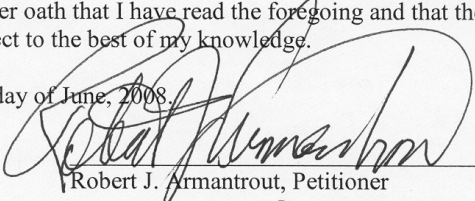
STATE OF COLORADO)
)ss.
COUNTY OF MESA)

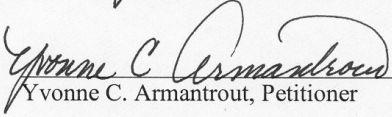
VERIFICATION

VERIFICATION AND ACKNOWLEDGMENT

I swear and affirm under oath that I have read the foregoing and that the statements set forth therein are true and correct to the best of my knowledge.

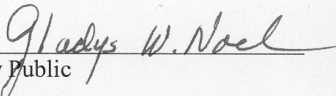
DATED THIS 4 day of June, 2008.

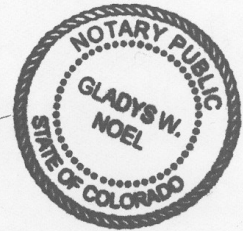

Robert J. Armantrout, Petitioner


Yvonne C. Armantrout, Petitioner

Subscribed and affirmed, or sworn to before me in the County of Mesa, State of Colorado, this 4th day of June, 2008 by Robert J. Armantrout.

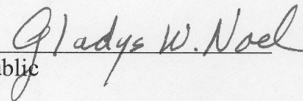
My Commission Expires: 7-12-2011

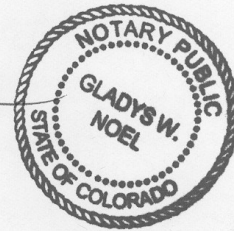

Notary Public



Subscribed and affirmed, or sworn to before me in the County of Mesa, State of Colorado, this 4th day of June, 2008 by Yvonne C. Armantrout.

My Commission Expires: 7-12-2011


Notary Public



HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT



751
Horizon
Court

Attach 3

**Contract for Construction of Canyon View Park, Phase III
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Canyon View Park Phase III Construction		
File #			
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 25, 2008		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Mike Vendegna, Interim Parks & Recreation Director Jay Valentine, Assistant Financial Operations Manager		

Summary: The Canyon View Park Phase III construction project includes six additional tennis courts and a restroom shade/picnic shelter to service the east side of the park.

Budget: The budget for the design and this phase of construction is \$716,000 with an additional contribution from the Parks Improvement Advisory Board of \$50,000. The remaining budget to complete Canyon View Phase III will come from other Parks CIP projects that have either been deferred or redesigned.

Action Requested/Recommendation: Authorize the Purchasing Division to enter into a contract with W.D. Yards, Inc. to complete the construction of Canyon View Park, Phase III in the negotiated amount of \$915,785.

Attachments: N/A

Background Information: The improvements will also better serve Parks & Recreation customers as Canyon View Park continues to grow, as detailed in the Canyon View Park Master Plan. If approved, W.D. Yards will provide all labor, equipment and materials necessary to complete the park addition.

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

- W.D. Yards, Inc., Grand Junction \$1,047,486
- PNCI Construction, Grand Junction \$1,092,268
- Clarke & Company, Grand Junction \$1,187,000
- Classic Constructors, Fruita \$1,169,099

***Negotiated \$ 915,785

Attach 4

**Contract for Pipe for Waterline Replacement at Purdy Mesa Reservoir
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Pipe for Waterline Replacement Purdy Mesa Reservoir		
File #			
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 8, 2008		
Author Name & Title	Duane Hoff Jr., Buyer		
Presenter Name & Title	Jay Valentine, Assistant Financial Operations Manager Terry Franklin, Deputy Director, Utility and Street Systems		

Summary: The Water/Pipeline Maintenance Division will be replacing an existing section of raw water flow line from Hwy 50 to Whitewater that was originally installed in the early 50's. This raw water supply line feeds directly to the City's Water Plant from Purdy Mesa/Juniata Reservoir.

Budget: The Water/Pipeline Maintenance Division has \$1,200,000 budgeted for this project.

Action Requested/Recommendation: Authorize the Purchasing Division to enter into a contract with Grand Junction Pipe & Supply to provide 17,700' of 20" PVC piping in the amount of \$527,460.

Attachments: N/A

Background Information: Over the past few years, there has been an increase in development in the area as well as several water breaks. These, with the addition of its age, are the main reasons for the waterline replacement. The solicitation for the installation portion of the project will be later in the year (the installation is projected for mid November 2008). The purchase of this piping is being expedited due to the continual rapid increase in costs of materials required to manufacture it. A formal Invitation for Bids was issued to a source list of local suppliers including the Western Colorado Contractors Association (WCCA). Three companies submitted formal bids, which were found to be responsive and responsible, in the following amounts:

- Grand Junction Pipe & Supply, Grand Junction \$527,460
- Grand Junction WinWater, Grand Junction \$557,550
- Irrigation Systems Company, Grand Junction \$562,506

Attach 5

Contracts for Technical Energy Audit

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Technical Energy Audit		
File #			
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 2, 2008		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Terry Franklin, Deputy Director, Utility and Street Systems Jay Valentine, Assistant Financial Operations Manager		

Summary: The technical energy audit will determine the feasibility and cost of implementing energy and water saving measures for Persigo WWTF and the City Facilities.

Budget: The Facilities Capital Improvement Fund has \$80,000, and Persigo WWTF Fund has \$800,000 budgeted for the completion of the Technical Energy Audit and Project Report.

Action Requested/Recommendation: Authorize the City Purchasing Division to enter into a contract with Johnson Controls, Inc. (JCI) in the amount of \$26,600 for the completion of the City Facilities Technical Energy Audit and Project Proposal, and \$90,000 for the Persigo Wastewater Treatment Facility Technical Energy Audit and Project Proposal.

Attachments: N/A

Background Information: The CORE (Conserving Our Resources Efficiently) committee recommends proceeding with the energy audit phase of performance contracting to identify specific measures to make City facilities as efficient as possible.

CORE has been working with the Governor's Energy Office, which has a program to assist communities through the process.

Persigo employs both primary and secondary treatment. Wastewater solids, after settling in the primary clarifiers, are pumped to the anaerobic digestion process. This sludge treatment process currently produces methane gas, of which a portion is used to operate existing boilers to heat the anaerobic digester's contents. Current gas production exceeds current use by approximately 100,000 cubic feet per day. This gas is currently flared on site.

During 2006, the City contracted with Rothberg, Tamburni and Windsor (RTW) Engineering for the purpose of identifying a beneficial use for the gas currently being wasted. The study evaluated three potential uses: **1)** Electricity producing micro-turbines; **2)** Selling the gas back to the public utility; **3)** Compressing the gas to be used as a motor vehicle fuel alternative (CNG). Based on the RTW report, the CNG project had the greatest impact in leading the City of Grand Junction towards being a sustainable community.

JCI will provide equipment selection including all primary components for digester gas conditioning, CNG conditioning, compression, vehicle fueling station, and any power generating equipment for the project. JCI will provide conceptual level schematic layout and preliminary level design drawings which will be adequate for pricing purposes, and will provide a summary level final report including project scope, guaranteed maximum price and construction schedule.

In addition, the contractor will audit 38 City Facilities and will survey major energy-using equipment, including, but not limited to, lighting (indoor and outdoor), heating and heat distribution systems, cooling systems, automatic temperature control systems, air distribution systems, outdoor ventilation systems, exhaust systems, hot water systems, electric motors, special systems such as kitchen/dining equipment and swimming pools, renewable energy systems, other energy using systems, and water consuming systems such as restroom fixtures, water fountains, and irrigation systems.

Based on the audit findings, a Project Proposal will be prepared by the contractor, giving the City a list of energy saving projects with projected payback analysis. At the City's discretion, projects will be chosen and funded through an Energy Performance Contract which allows the City to repay the audit and implementation costs through the guaranteed energy savings.

A formal Request for Proposals was issued, advertised in The Daily Sentinel, and sent to a source list of contractors preapproved by the Governor's Energy Office. Six companies submitted formal proposals:

- Johnson Controls, Inc.
- Chevron Energy Solutions
- Siemens
- McKinstry
- Long Environmental
- Trane

Four firms were selected for interviews and oral presentations. The selection panel selected Johnson Controls, Inc. as the most qualified to perform the scope of services based upon responsiveness, understanding of the project and objectives, necessary resources, required skills, and demonstrated capability.

Attach 6
Purchase Street Sweeper

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Street Sweeper Purchase		
File #			
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 1, 2008		
Author Name & Title	Shirley Nilsen, Senior Buyer		
Presenter Name & Title	Jay Valentine, Assistant Financial Operations Manager Darren Starr, Solid Waste and Streets Manager		

Summary: This purchase approval request is for a Street Sweeper for the City of Grand Junction Streets Maintenance Division.

Budget: The Utilities and Streets Department Capital Improvement Project Fund has \$200,000 budgeted for this expenditure.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase one 2008 Tymco Regenerative Air Street Sweeper with a 2008 Navistar Conventional Cab from Intermountain Sweeper Company, Denver, CO in the amount of \$199,935.

Background Information: During the annual equipment review by the Fleet Replacement Committee, it was recommended that a Regenerative Air Street Sweeper be added to the fleet to service the Streets Maintenance Division due to the increased annexation coverage area.

Proposals were opened and evaluated by a team of representatives from Streets and Utilities, Fleet Services and Purchasing. Among these were two alternate proposals from Intermountain Sweeper Company for the same sweeper models mounted on different chassis. The proposers were invited to demonstrate their sweepers to the evaluation team.

The selection and evaluation criteria included:

- Net Cost
- Responsiveness of RFP
- Compliance with specifications
- Ease of Operations

- Vendor Performance History
- Delivery Time
- Compatibility with Existing Equipment
- Service, Parts and/or Supplies Availability
- Advantageous Superior Design Features

After careful review, the evaluation team selected the 2008 Tymco with 2008 Navistar 4300 DT465 Conventional Cab based on the evaluation criteria and the following:

- Standardization of Tymco Sweeper components such as gutter and main brooms, pickup head and curtains, and consistent training requirements.
- The City owns one Tymco Sweeper and is pleased with the quality and service.
- Delivery and repair of parts has been excellent.
- The oil level float has a safety switch that will automatically shut down the power unit if the tank oil approaches an unsafe operating level (this feature was not available in Schwarz sweeper offered by O.J. Watson).
- The recommended sweeper is a demo unit and can be delivered immediately.

A formal Request for Proposal (RFP) was advertised in the Daily Sentinel and sent to 25 potential suppliers. Two firms submitted proposals as shown below.

Company	Price
O.J. Watson Denver, CO	\$185,723.76
Intermountain Sweeper Company Denver, CO	\$199,035.00
Intermountain Sweeper Company Denver, CO (alternate)	\$199,935.00
Intermountain Sweeper Company Denver, CO (alternate)	\$193,135.00

Attach 7

**Hillcrest Offices Sign Revocable Permit, Located at 132 Walnut
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
Subject	Hillcrest Offices Sign Revocable Permit – Located at 132 Walnut Avenue							
Meeting Date	Monday, July 14, 2008							
Date Prepared	June 27, 2008			File #RVP-2008-143				
Author	Ronnie Edwards		Associate Planner					
Presenter Name	Ronnie Edwards		Associate Planner					
Report results back to Council	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	When			
Citizen Presentation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name			
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: Request for a Revocable Permit to allow an existing sign to remain in a 100 square foot area of dedicated right-of-way in 1st Street.

Budget: N/A

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

Background Information: Please see attached Staff report

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Sign Easement Exhibit Map
5. Location Pictures
6. Resolution
7. Revocable Permit
8. Agreement

BACKGROUND INFORMATION			
Location:		132 Walnut Avenue	
Applicant:		Wilford D. Moses, DDS	
Existing Land Use:		Landscaping and Medical Office sign	
Proposed Land Use:		Landscaping and Medical Office sign	
Surrounding Land Use:	North	Single Family Residential	
	South	Retail/Office Complex	
	East	Single Family Residential	
	West	Single Family Residential/Dental Office	
Existing Zoning:		PD (Planned Development)	
Proposed Zoning:		PD (Planned Development)	
Surrounding Zoning:	North	R-4 (Residential, 4 du/ac)	
	South	B-1 (Neighborhood Business)/R-5 (Residential, 5 du/ac)	
	East	R-4 (Residential, 4 du/ac)	
	West	B-1 (Neighborhood Business) and R-4 (Residential, 4 du/ac)	
Growth Plan Designation:		Commercial	
Zoning within density range?		N/A	Yes
			No

Staff Analysis:

1. Background

The property was part of the original Hillcrest Manor Subdivision developed in 1931 and at that time only 30' of right-of-way was dedicated for 1st Street. It was annexed into the City of Grand Junction in August of 1970 as the Hillcrest Manor Annexation. Lots 28, 29 and 44 of the subdivision were reconfigured into two lots in 1976 as the First and Walnut Subdivision. With this subdivision, another 20' of right-of-way was dedicated for 1st Street. From the 1994 to 1997 aerial photos, it appears it was during this time that the extra 20' was required to build a detached sidewalk and a landscape strip.

Following this replat, the southernmost lot was developed in 1977 as medical/dental offices and remains in existence at this time. The signage for the offices was constructed to face 1st street and was placed within the landscape strip between the sidewalk and the paved parking area in 1977. In March of this year, the applicant wanted a sign permit to reface the sign, at which time it was discovered that the sign was within City right-of-way. The applicant is requesting this revocable permit to allow the existing sign to remain and no expansion of the signage is being proposed.

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

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

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

The public benefit is to allow the existing sign to remain in its present location, which gives identification of the medical offices from 1st Street as well as Walnut Avenue. This will allow the existing mature landscaping adjacent to 1st Street to remain undisturbed.

- b. There is a community need for the private development use proposed for the City property.

The signage is the main identification feature for the public to the medical offices, which I feel meets a community need, especially to the surrounding residential neighborhoods.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The right-of-way in this particular location is currently being used for sidewalk and a landscape strip. The sign placement within the landscape area has not caused any adverse impact on the neighborhood and its location is not within a sight distance triangle for vehicular circulation.

- d. The proposed use shall be compatible with the adjacent land uses.

The sign is professionally constructed and well maintained and appears to be compatible with other signage in the general vicinity. There are multiple existing signs to the south and west in the retail/office complexes.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

As previously stated, the sign placement is not within the a sight triangle for vehicular circulation at the intersection of 1st Street, Walnut Avenue and Hillcrest Drive. The sign will not affect the character of the neighbor as it has been in existence for 31 years and is adjacent to other business signs.

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The request is in conformance with goals, objectives and policies of the Growth Plan and the intents and requirements of this Code and other City policies.

Policy 5.2 states the City will encourage development that uses existing facilities and is compatible with existing development.

Policy 9.2 states the City will encourage neighborhood designs which promote neighborhood stability and security.

Policy 10.2 states the City will consider the needs of the community at large and the needs of individual neighborhoods when making development designs.

The existing signage is the only identification of the medical offices and is an historical feature to this site and neighborhood. It is located in a very prominent intersection with very large, mature landscape features and is creating no adverse impacts to the neighborhood.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

As stated in the above criteria, this request meets the Revocable Permit criteria of Chapter Two of the Zoning and Development Code.

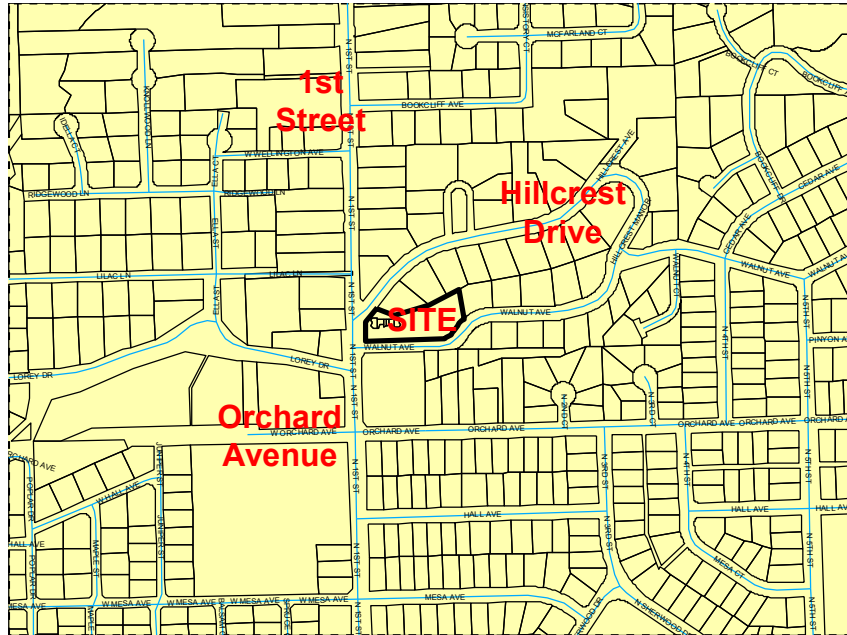
FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hillcrest Offices Sign Revocable Permit application, RVP-2008-143 for the issuance of a revocable permit for an existing sign, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.
2. The revocable permit request is in conformance with the goals and policies of the Growth Plan.

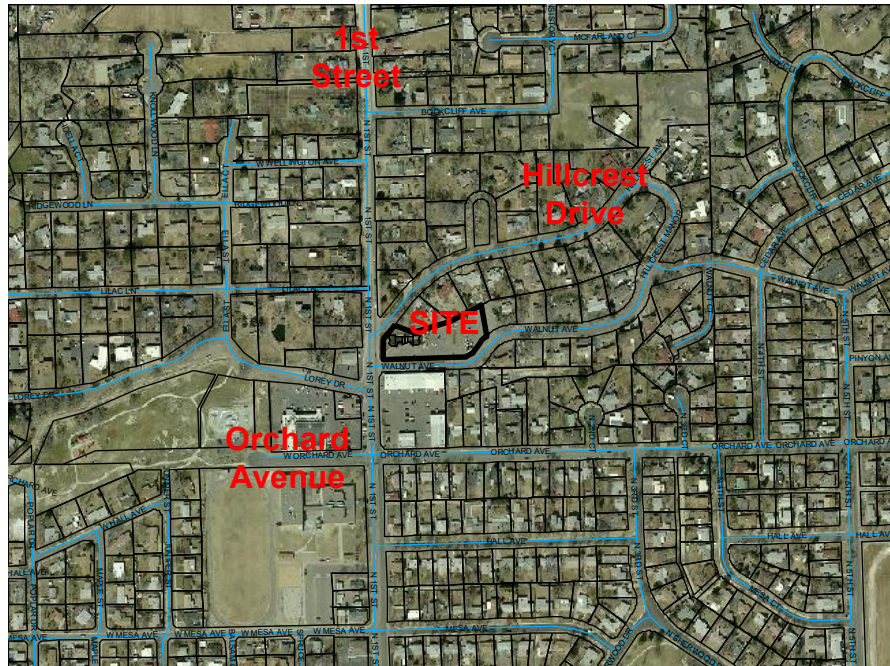
Site Location Map

Figure 1



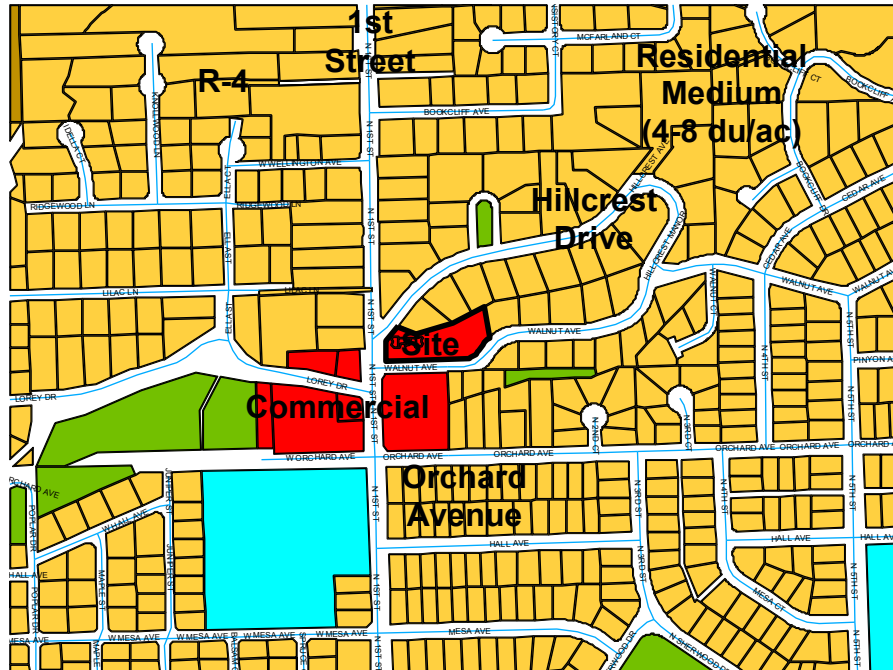
Aerial Photo Map

Figure 2



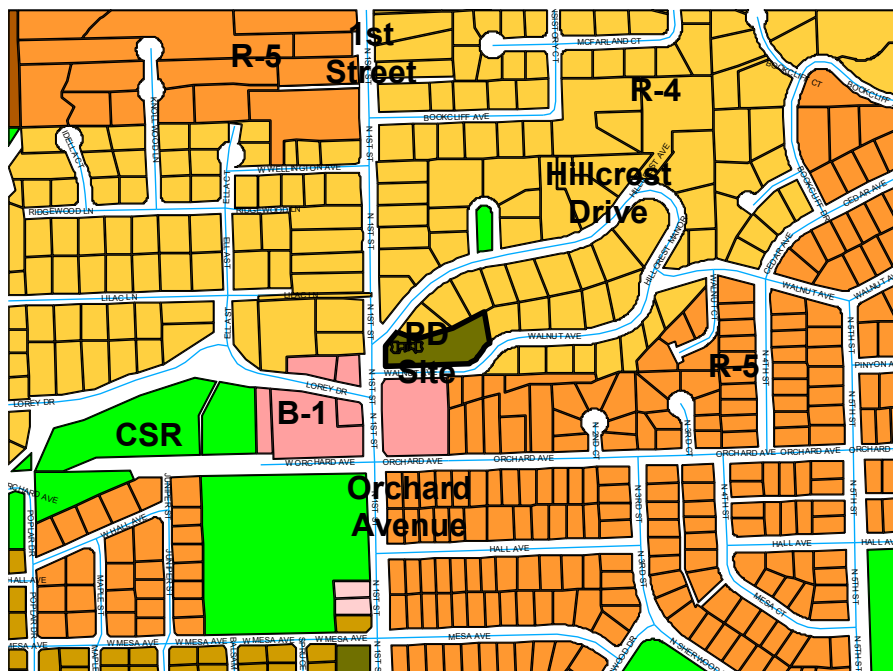
Future Land Use Map

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."

SIGN EASEMENT EXHIBIT
 LOCATED IN
NW 1/4, SECTION 11, T1S, R1W, UTE MERIDIAN



EASEMENT DESCRIPTION

Corner of the West Quarter of Section 11, Township 1 South, Range 1 West, 10th Meridian, 1st Range, NW 1/4 NW 1/4, Section 11, T1S, R1W, Ute Meridian, a distance of 1321.02 feet, with all bearings within known section. Distance thence N 72°57'16" E along the West line of said Section 11, a distance of 10.00 feet to the intersection of a line of 10.00 feet to the NW corner of the East 1/4 of Section 11, a distance of 10.00 feet thence East, a distance of 10.00 feet thence South, a distance of 10.00 feet thence West, a distance of 10.00 feet to the point of beginning.

Prepared by: 132 Walnut Avenue Grand Junction, CO 81501	
SIGN EASEMENT EXHIBIT NW 1/4 NW 1/4 SECTION 11 T1S, R1W, UTE MERIDIAN	
LANDOWNER: HILLCREST PROFESSIONAL CONDOMINIUMS 132 WALNUT AVENUE GRAND JUNCTION, CO 81501	

Sketch for Descriptions V-25



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO HILLCREST PROFESSIONAL GROUP LOCATED AT 132 WALNUT AVENUE

Recitals.

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

Parcel One, Lot One of First and Walnut Subdivision as recorded in the Mesa County Clerk & Records Office at Book 11, Page 206 and Parcel 2 Lot 30 in Hillcrest Manor Subdivision as recorded in the Mesa County Clerk & Records Office Book 5 Page 20, all located in the City of Grand Junction, Mesa County, Colorado.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain a monument identification sign within the following described public right-of-way:

Commencing at the West Quarter Corner of Section 11, Township 1 South, Range 1 West, Ute Meridian, whence the NW Corner SW 1/4 NW 1/4 of said Section 11 bears N 0°26'37"E, a distance of 1321.52 feet, with all bearings shown hereon relative thereto; thence N 0°26'37"E along the West line of said Section 11, a distance of 402.27 feet; thence S 89°33'23"E, a distance of 35.71 feet to the true POINT OF BEGINNING; thence North, a distance of 10.00 feet; thence East, a distance of 10.00 feet; thence South, a distance of 10.00 feet; thence West, a distance of 10.00 feet to the point of beginning. Contains 100 sq. ft.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2008-143 in the office of the City's Public Works and Planning Department, Planning Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and

within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2008.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

1. Hillcrest Professional Group, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioners to maintain a monument identification sign, as approved by the City, within the limits of the following described public right-of-way for 1st Street , to wit:

Permit Area:

Commencing at the West Quarter Corner of Section 11, Township 1 South, Range 1 West, Ute Meridian, whence the NW Corner SW 1/4 NW 1/4 of said Section 11 bears N 0°26'37"E, a distance of 1321.52 feet, with all bearings shown hereon relative thereto; thence N 0°26'37"E along the West line of said Section 11, a distance of 402.27 feet; thence S 89°33'23"E, a distance of 35.71 feet to the true POINT OF BEGINNING; thence North, a distance of 10.00 feet; thence East, a distance of 10.00 feet; thence South, a distance of 10.00 feet; thence West, a distance of 10.00 feet to the point of beginning. Contains 100 sq. ft.

2. Based on the authority of the Charter and § 2.17B of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Public Works and Planning Director, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HIS LAWFUL AUTHORITY, THE PUBLIC WORKS AND PLANNING DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of maintaining a monument identification sign within the limits of the public right-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The maintenance of the monument identification sign by the Petitioners within the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required by the City to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City, on its behalf and on behalf of the County of Mesa, the State of Colorado and the Public Utilities, hereby reserves and retains a perpetual right to utilize all or any portion of the public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any or no reason.

3. The Petitioners, for themselves and for their successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused by maintaining the signage by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

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

6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems.

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

Dated this _____ day of _____, 2008.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

Planner

Public Works and Planning Director

Acceptance by the Petitioners:

Property Owner

Property Owner

Property Owner

Property Owner

Property Owner

Property Owner

AGREEMENT

Hillcrest Professional Group, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for maintaining the monument identification sign. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities or the general public.

The Permittees acknowledge the existence of good and sufficient consideration for this Agreement.

Dated this _____ day of _____, 2008.

By signing, the Signatories represent that they have full authority to bind the Permittees to each and every term and condition hereof and/or in the Permit.

Property Owner

Property Owner

Property Owner

Property Owner

Property Owner

Property Owner

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

State of Colorado)

County of Mesa)ss.
)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2008, by _____

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

Notary Public

Attach 8

**Setting a Hearing for Zoning the Level III Annexation
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Zoning the Level III Annexation - Located at 2922 B 1/2 Road		
File #	ANX-2008-147		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 1, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to zone the 19.68 acre Level III Annexation, located at 2922 B 1/2 Road, to R-4 (Residential 4 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for August 4, 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:	2922 B 1/2 Road		
Applicants:	Owner/Developer: Level III Development LLC – Bill Ogle Representative: Austin Civil Group – Jim Joslyn		
Existing Land Use:	Single Family Residence/Agricultural		
Proposed Land Use:	Single Family Residential Subdivision		
Surrounding Land Use:	North	Single Family Residential Subdivision	
	South	Single Family Residential Subdivision	
	East	Single Family Residential /Agricultural	
	West	Single Family Residential/Agricultural	
Existing Zoning:	County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:	City R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	City R-4 (Residential 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac) / City R-4 (Residential 4 du/ac)	
	East	City R-R (Residential 5 ac/du)	
	West	County RSF-4 (Residential Single Family 4 du/ac) / City R-4 (Residential 4 du/ac)	
Growth Plan Designation:	Residential Medium Low 2-4 du/ac		
Zoning within density range?	X	Yes	No

Staff Analysis:

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

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

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

Response: The propose R-4 zone district conforms to and furthers the goals and policies of the Growth Plan. The surrounding properties are either large agricultural properties with further development potential or residential neighborhoods zoned and developed at R-4 densities. The R-4 zone district implements the Residential Medium Low 2-4 du/ac land use category of the Future Land Use Map and Growth Plan.

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

Response: There is an existing sewer line in B 1/2 Road that varies from 8" to 12" available for sewer service. Ute water has 2 water lines in B 1/2 Road, one 2" and one 12" available to provide domestic water.

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

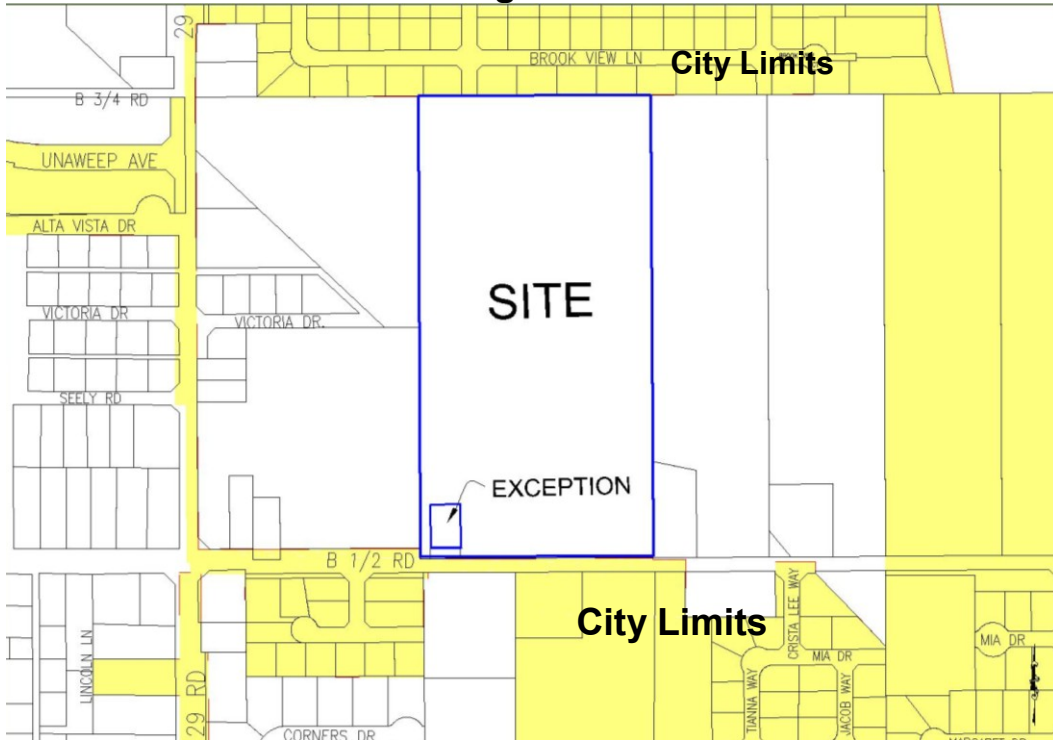
- a. R-2

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

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

Annexation-Site Location Map

Figure 1



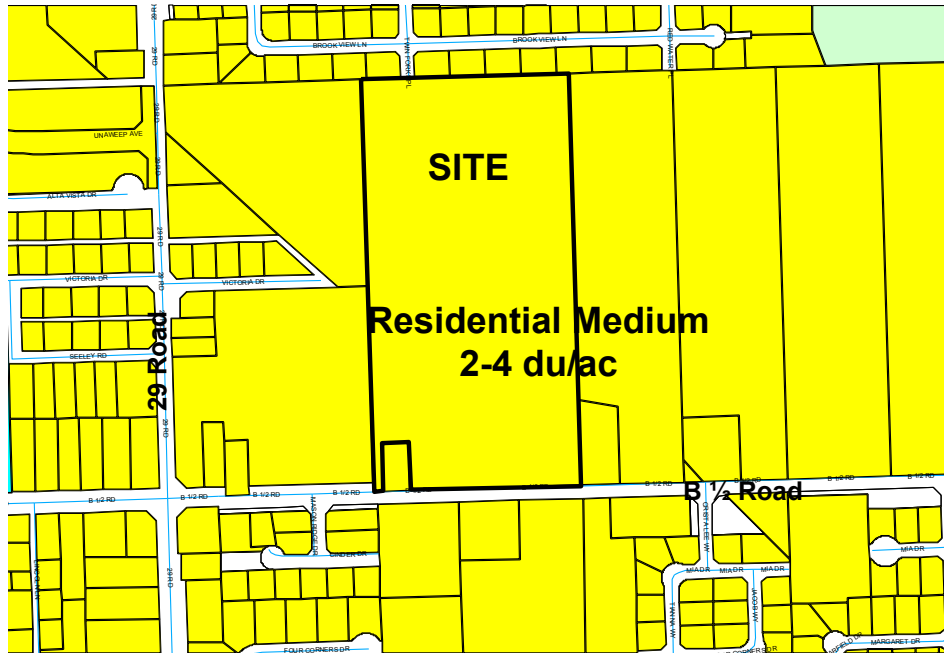
Aerial Photo Map

Figure 2



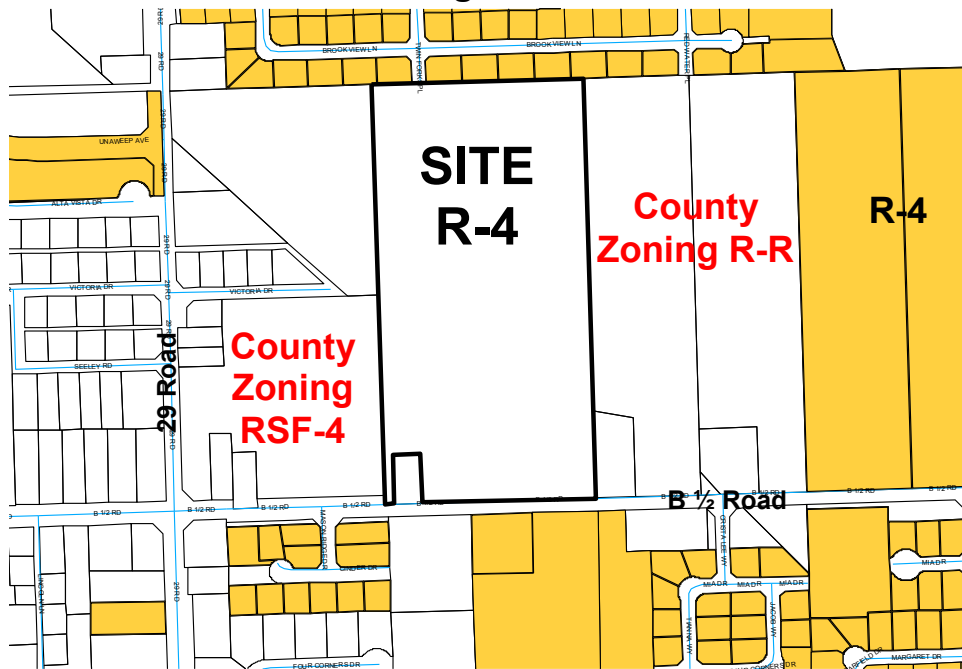
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LEVEL III ANNEXATION
TO R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 2922 B 1/2 ROAD

Recitals

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

LEVEL III ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows: The East-half (E 1/2) of the SW 1/4 NW 1/4 of said Section 29, LESS HOWEVER, that certain parcel of land described in Book 3524, Page 808 (Parcel 2943-292-00-018), public records of Mesa County, Colorado.

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 9

**Setting a Hearing on Rezoning the Grand View Care Lodge
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Rezoning of the Grand View Care Lodge - Located at 815 26 1/2 Road		
File #	SPR-2008-144		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 1, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for August 4, 2008.

Attachments:

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

Background Information: See attached report

BACKGROUND INFORMATION			
Location:	815 26 1/2 Road		
Applicants:	Owner/Developer: Paul & Korene Ewing Representative: Design Specialists, PC – Rob Rowlands		
Existing Land Use:	Vacant		
Proposed Land Use:	Small group living facility		
Surrounding Land Use:	North	Single Family Residential/Agricultural	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Agricultural	
Existing Zoning:	R-1 (Residential 1 du/ac)		
Proposed Zoning:	R-2 (Residential 2 du/ac)		
Surrounding Zoning:	North	R-1 (Residential 1 du/ac)	
	South	R-1 (Residential 1 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-1 (Residential 1 du/ac)	
Growth Plan Designation:	Residential Low 1/2 – 2 ac/du		
Zoning within density range?	X	Yes	No

Staff Analysis:

1. Background

The property was annexed as a part of the Paradise Hills Annexation #2 in 1994 and zoned RSF-R. In 2000, when the current Zoning and Development Code was adopted and zoning changed throughout the City, the property zoning designation was changed to RSF-1. The property was a part of the 6.57 acres RND Subdivision recorded in 2006. The applicant purchased the property in May 2007 with the intent to construct an assisted living home for 8 residents on the property. Through the review process to construct the home, it was determined that the site could not meet the density requirements with its current zoning designation. The density for group living facilities is calculated as 2 beds equals 1 residential unit. This would allow the property group living facility with a maximum of four residents. However, the R-2 zone district is consistent within the Future Land Use designation and would allow the project to move forward within the requirements of the Zoning and Development Code.

The difference between the R-1 and R-2 zone districts is allowable density. The same uses are allowed in both zones.

2. Consistency with the Growth Plan

The R-2 (Residential 2 du/ac) zone district is consistent with the Future Land Use designation of Residential Low 1/2 – 2 ac/du and the Growth Plan goals to have a mix of densities throughout the community and utilize existing infrastructure for development.

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

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

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

Response: The zoning was not in error at the time of adoption. However, due to development in the area, the character is changing. These changes weren't foreseen when the current zoning was adopted.

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

Response: There is a continuing change in the character of the neighborhood. Garfield Estates, Grand Vista, and Weeminuche Subdivisions are all new residential subdivisions that have been approved since the zoning in the area was adopted. The densities of these subdivisions range from 2.39 to 3.3 du/ac.

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

Response: The proposed rezone is compatible with the neighborhood. It is a zoning that is mid-range between existing and developing properties in the area. The proposed zone district is supported by the Future Land Use designation of Residential Low 1/2 – 2 ac/du, and meets the bulk standards required for an R-2 zone district in the Zoning and Development 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;

Response: Adequate public facilities and services are available to the site. There are three sewer lines directly adjacent to the property, two 8" and one 10" and two Ute Water lines in 26 1/2 Road, one 6" and one 3". The nearest hospital is approximately two miles and Canyon View Park is approximately two miles away.

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

Response: The surrounding area is a mix of zoning ranging from R-1 (Residential 1 du/ac) to R-4 (Residential 4 du/ac) with a majority being specifically R-1 or R-4. The recently approved Weeminuche Subdivision, with a zoning of PD (Planned Development, with a default zone of R-4) and a density of 2.39 du/ac, is the closest representation of the R-2 zoning and density in the area.

6. The community will benefit from the proposed zone.

Response: The community will benefit from the rezone by furthering the opportunity to provide needed quality care and housing for elderly and disabled residents of the valley.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Grand View Care Lodge application, SPR-2008-144 for a rezone, I recommend that the City Council make the following findings of fact and conclusions:

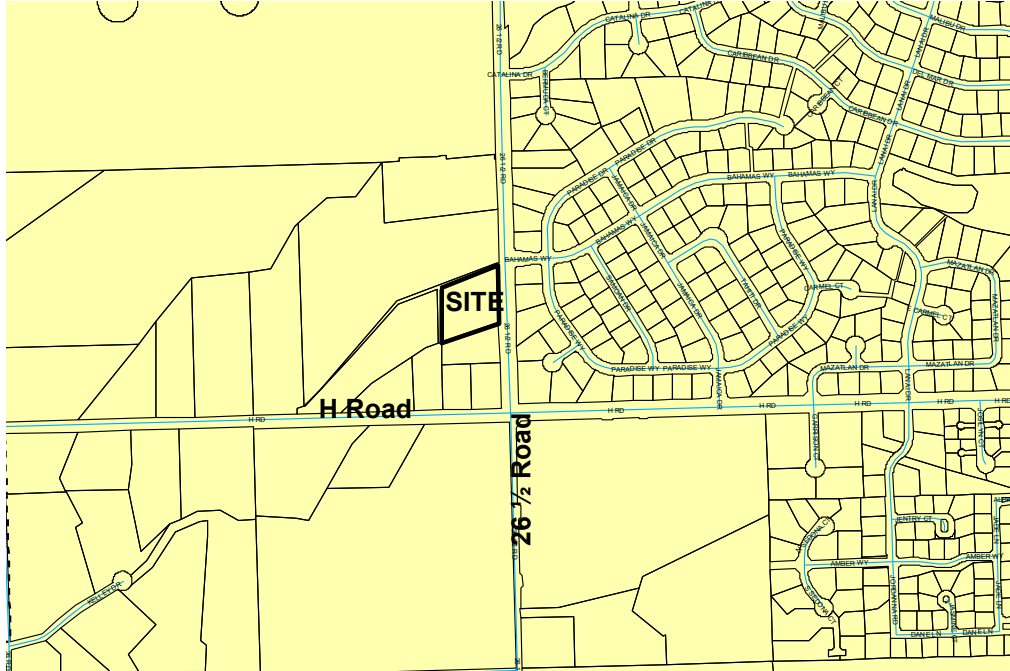
3. The requested zone is consistent with the Growth Plan
4. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

At its July 8, 2008 meeting, the Planning Commission forwarded a recommendation of approval of the requested zone, SPR-2008-144 to the City Council with the findings and conclusions listed above.

Annexation-Site Location Map

Figure 1



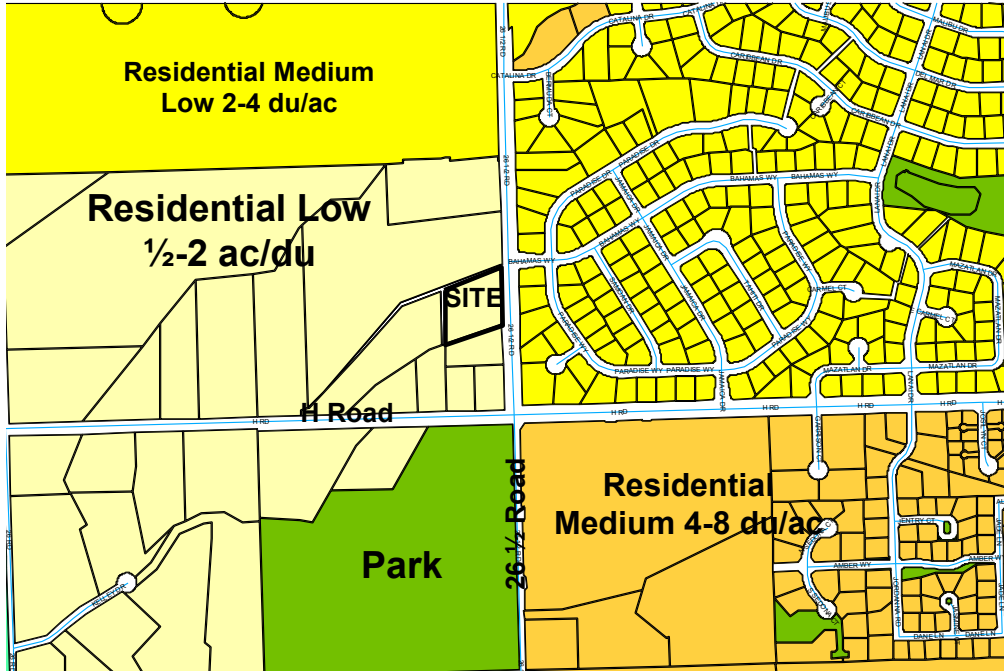
Aerial Photo Map

Figure 2



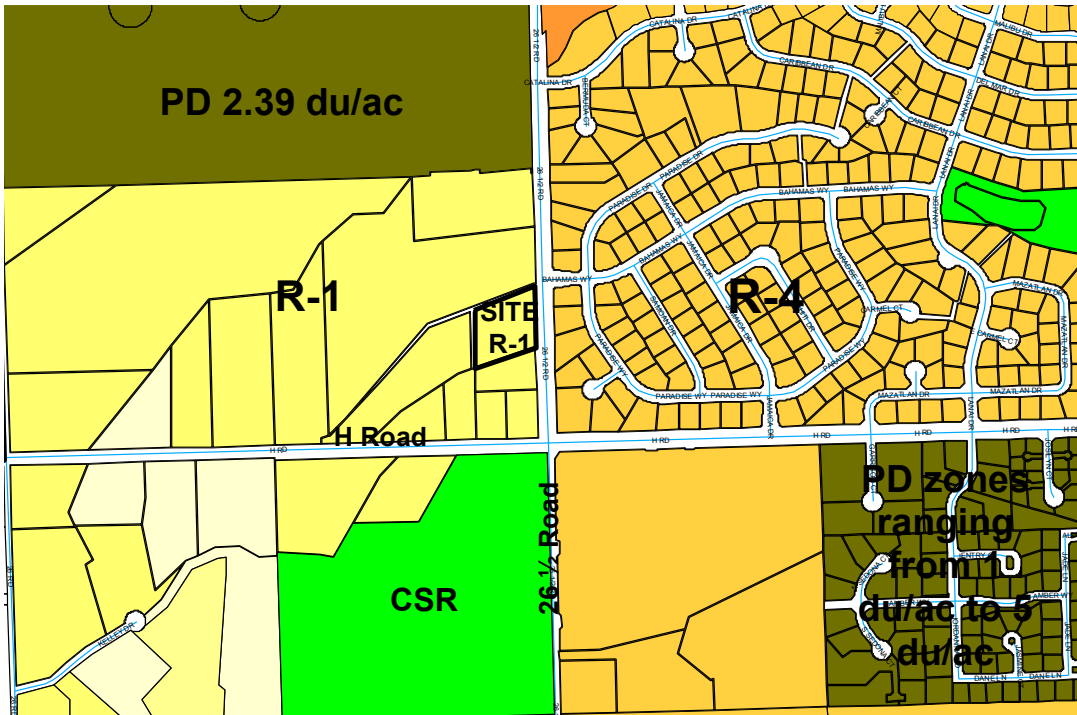
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE GRAND VIEW CARE LODGE
FROM R-1 (RESIDENTIAL 1 DU/AC) TO R-2 (RESIDENTIAL 2 DU/AC)**

LOCATED AT 815 26 1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Grand View Care Lodge 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-2 (Residential 2 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-2 (Residential 2 du/ac).

LOT 1 RND Subdivision

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 10

**Setting a Hearing on the Shady Acre Annexation, Located at 528 29 Road
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Shady Acre Annexation - Located at 528 29 Road		
File #	ANX-2008-159		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 24, 2008		
Author Name & Title	Ivy Williams, Development Services Supervisor		
Presenter Name & Title	Ivy Williams, Development Services Supervisor		

Summary: Request to annex 1.25 acres, located at 528 29 Road. The Shady Acre Annexation consists of one parcel and includes a portion of the 29 Road right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for Annexation and introduce the proposed Ordinance and set a hearing for August 18, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		528 29 Road			
Applicants:		Owner: Valley Mortgage, Inc – Representative: Tom Dixon			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Multi-family Residential			
Surrounding Land Use:	North	Single Family /Multi Family Residential			
	South	Daycare/Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RMF-8 (Residential Multi Family 8 du/ac)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	County RMF-8 (Residential Multi Family 8 du/ac)			
	South	County RMF-8 (Residential Multi Family 8 du/ac)			
	East	County RMF-8 (Residential Multi Family 8 du/ac)			
	West	R-8 (Residential 8 du/ac)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.25 acres of land, includes a portion of the 29 Road right-of-way and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

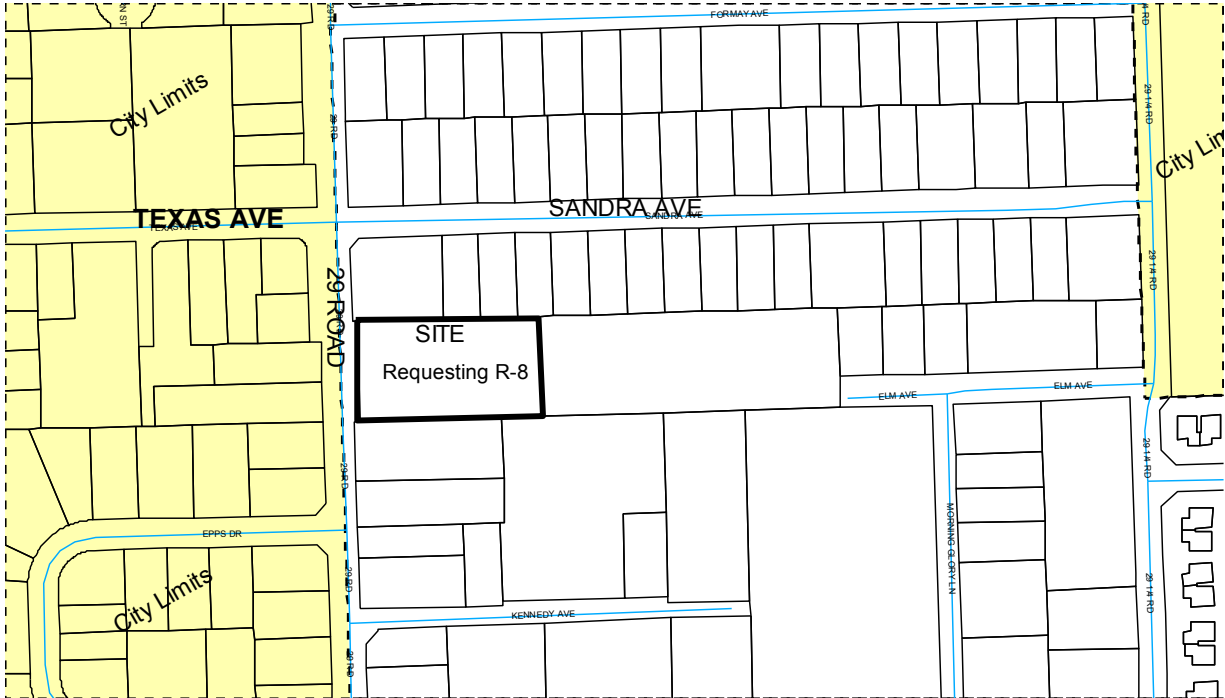
<u>ANNEXATION SCHEDULE</u>	
July 14, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
July 22, 2008	Planning Commission considers Zone of Annexation
August 4, 2008	Introduction of a proposed Ordinance on Zoning by City Council
August 18, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 19, 2008	Effective date of Annexation and Zoning

SHADY ACRE ANNEXATION SUMMARY

File Number:	ANX-2008-159	
Location:	528 29 Road	
Tax ID Number:	2943-083-00-101	
Parcels:	One	
Estimated Population:	Two	
# of Parcels (owner occupied):	None	
# of Dwelling Units:	One	
Acres land annexed:	1.25 acres	
Developable Acres Remaining:	1.13 acres	
Right-of-way in Annexation:	4,972.46 square feet of 29 Road	
Previous County Zoning:	RMF-8 (Residential Multi-Family 8du/ac)	
Proposed City Zoning:	R-8 (Residential 8 du/ac)	
Current Land Use:	Single Family Residential	
Future Land Use:	New Multi-Family	
Values:	Assessed:	\$15,420
	Actual:	\$193,690
Address Ranges:	528 29 Road only	
Special Districts:	Water:	Ute Water
	Sewer:	Fruitvale Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation/Grand Valley Drainage
	School:	Mesa County School District 51
	Pest:	N/A

Site Location Map

Figure 1



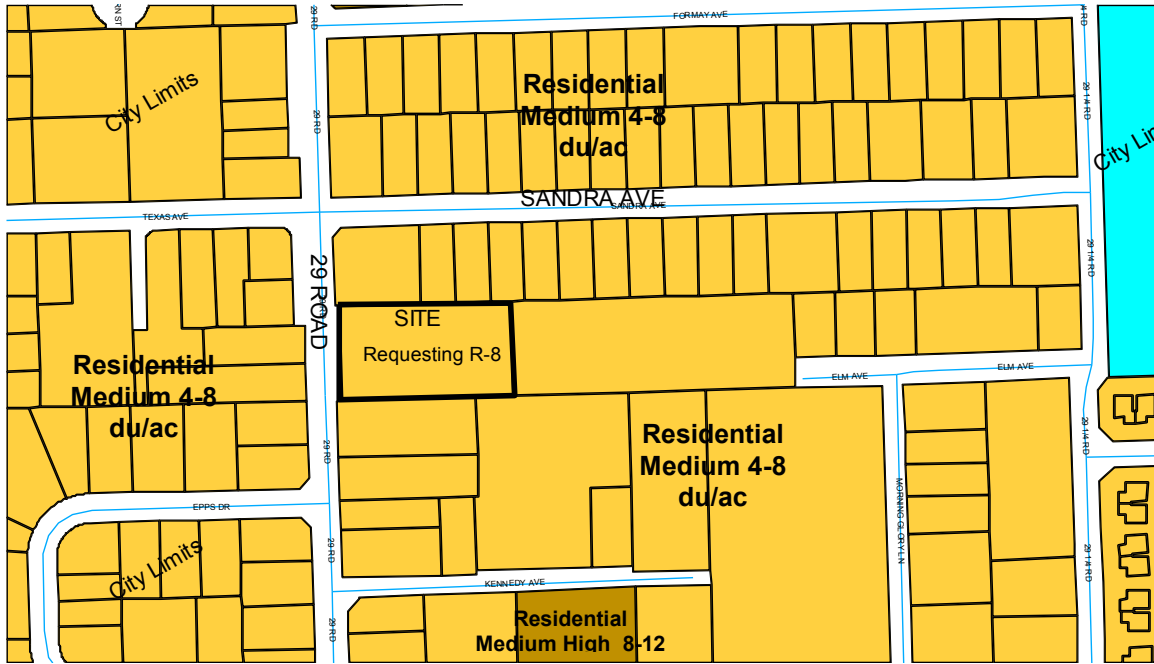
Aerial Photo Map

Figure 2



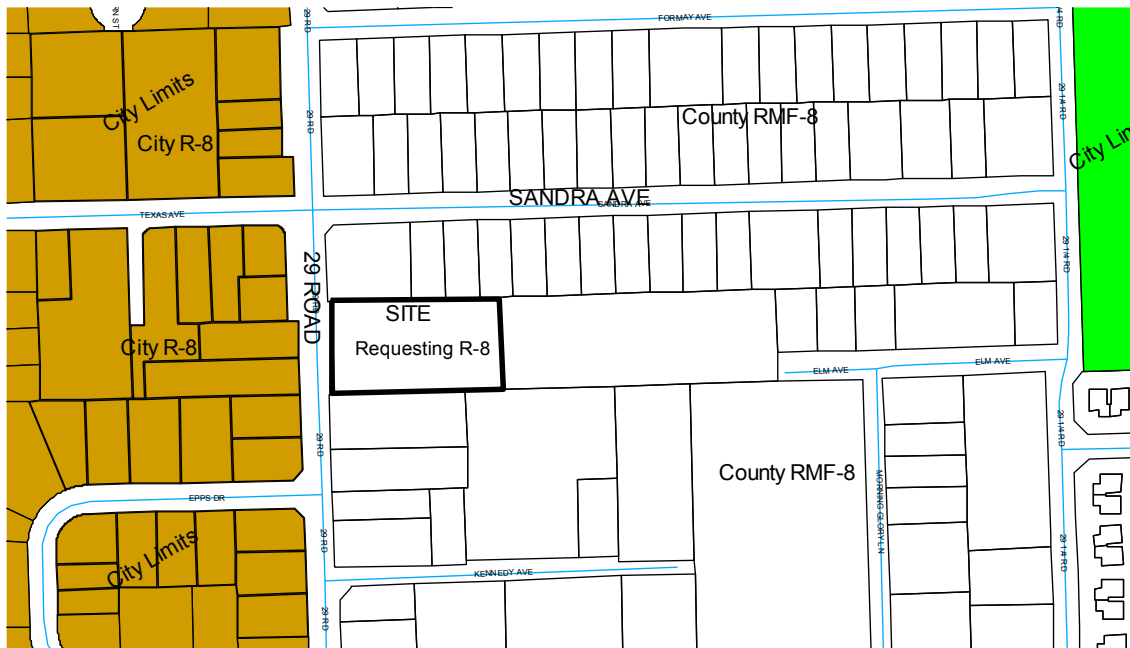
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 14th of July 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SHADY ACRE ANNEXATION

**LOCATED AT 528 29 ROAD INCLUDING A PORTION OF
THE 29 ROAD RIGHT-OF-WAY**

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

SHADY ACRE ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the NW 1/4 SW 1/4 of said Section 8 and assuming the South line of the NW 1/4 SW 1/4 of said Section 8 to bear N89°57'46"E with all bearings contained herein relative thereto; thence N00°03'15"W a distance of 165.75 feet along the West line of the NW 1/4 SW 1/4 of said Section 8, said line also being the East line of Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction; thence N89°57'46"E a distance of 30.00 feet to a point on the West line of Lot 1 of Shumacher Subdivision, as same is recorded in Plat Book 7, Page 30, public records of Mesa County, Colorado; thence S00°03'15"E a distance of 1.00 foot to the Southwest corner of Lot 1 of said Schumacher Subdivision; thence N89°57'46"E a distance of 300.00 feet along the South line of said Schumacher Subdivision; thence S00°03'15"E a distance of 164.75 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 8; thence S89°57'46"W a distance of 330.00 feet along the South line of the NW 1/4 SW 1/4 of said Section 8 to the Point of Beginning.

Said parcel contains 1.25 acres (54,397.44 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 18th day of August 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
July 16, 2008
July 23, 2008
July 30, 2008
August 6, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SHADY ACRE ANNEXATION

APPROXIMATELY 1.25 ACRES

LOCATED AT 528 29 ROAD AND A PORTION OF THE 29 ROAD RIGHT-OF-WAY

WHEREAS, on the 14th day of July 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 18th day of August 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:

SHADY ACRE ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the NW 1/4 SW 1/4 of said Section 8 and assuming the South line of the NW 1/4 SW 1/4 of said Section 8 to bear N89°57'46"E with all bearings contained herein relative thereto; thence N00°03'15"W a distance of 165.75 feet along the West line of the NW 1/4 SW 1/4 of said Section 8, said line also being the East line of Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction; thence N89°57'46"E a distance of 30.00 feet to a point on the West line of Lot 1 of Shumacher Subdivision, as same is recorded in Plat Book 7, Page 30, public records of Mesa County, Colorado; thence S00°03'15"E a distance of 1.00 foot to the Southwest corner of Lot 1 of said Schumacher Subdivision; thence N89°57'46"E a

distance of 300.00 feet along the South line of said Schumacher Subdivision; thence S00°03'15"E a distance of 164.75 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 8; thence S89°57'46"W a distance of 330.00 feet along the South line of the NW 1/4 SW 1/4 of said Section 8 to the Point of Beginning.

Said parcel contains 1.25 acres (54,397.44 sq. ft.), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 11

**Public Hearing—The Houghton Annexation and Zoning
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Houghton Annexation and Zoning - Located at 2964 D Road		
File #	ANX-2008-120		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 1, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex and zone 4.02 acres, located at 2964 D Road, to R-8 (Residential 8 du/ac). The Houghton Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Houghton 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:		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:

ANNEXATION:

This annexation area consists of 4.02 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Houghton 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>	
June 2, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
June 10, 2008	Planning Commission considers Zone of Annexation
June 30, 2008	Introduction of a proposed Ordinance on Zoning by City Council
July 14, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 15, 2008	Effective date of Annexation and Zoning

HOUGHTON ANNEXATION SUMMARY		
File Number:		ANX-2008-120
Location:		2964 D Road
Tax ID Number:		2943-174-00-183
Parcels:		1
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		4.02 acres
Developable Acres Remaining:		4.02 acres
Right-of-way in Annexation:		None
Previous County Zoning:		RSF-R (Residential Single Family 1du/5ac)
Proposed City Zoning:		R-8 (Residential 8 du/ac)
Current Land Use:		Single Family Residential
Future Land Use:		Residential – to be incorporated into future subdivision
Values:	Assessed:	\$15,500
	Actual:	\$194,730
Address Ranges:		2964 D Road
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sewer District
	Fire:	Grand Junction Fire District
	Irrigation:	Grand Valley Irrigation Company
	School:	District 51
	Drainage:	Grand Valley Drainage District

Staff Analysis:

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

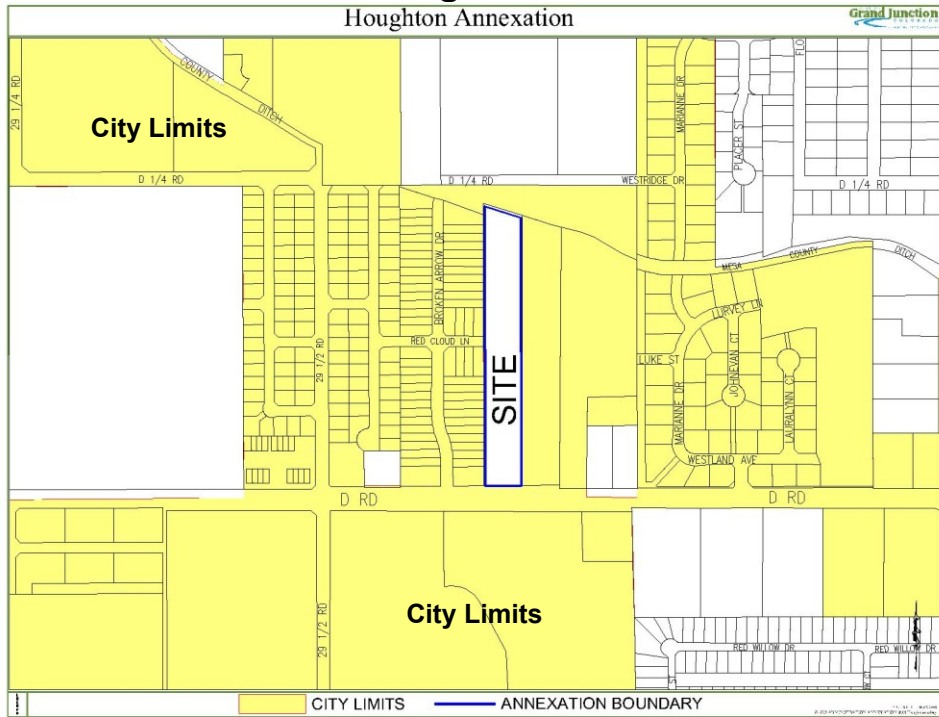
- b. R-4 (Residential 4 du/ac)
- c. R-5 (Residential 5 du/ac)

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

PLANNING COMMISSION RECOMMENDATION: 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.

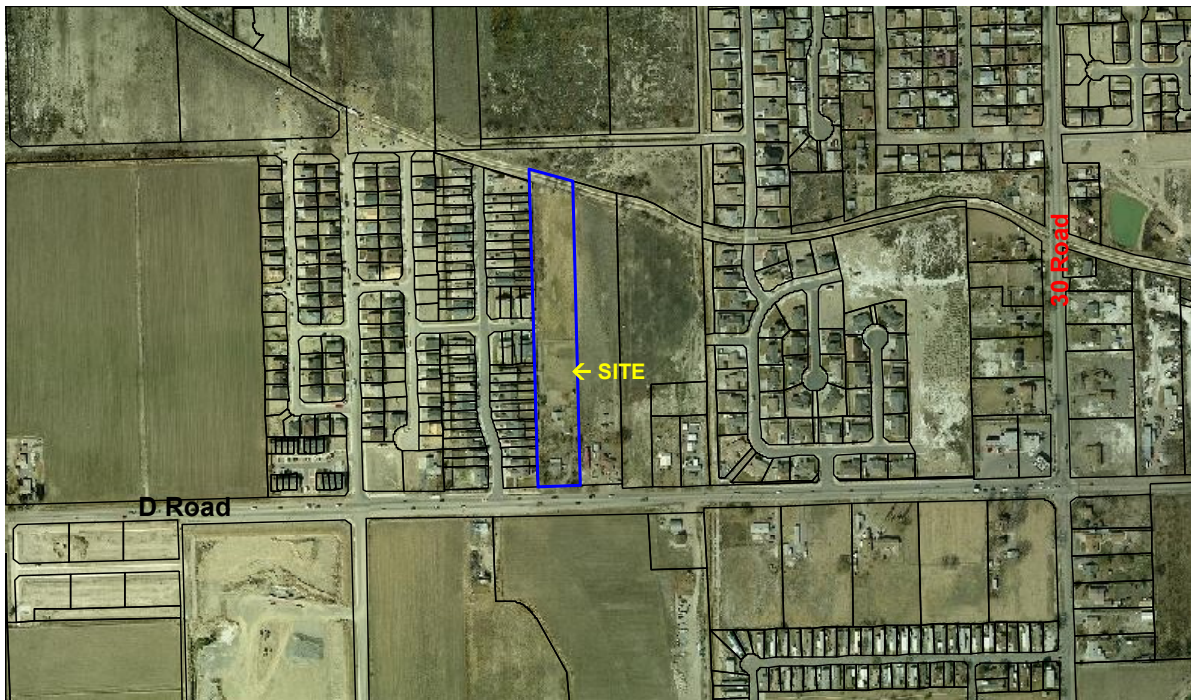
Annexation - Site Location Map

Figure 1



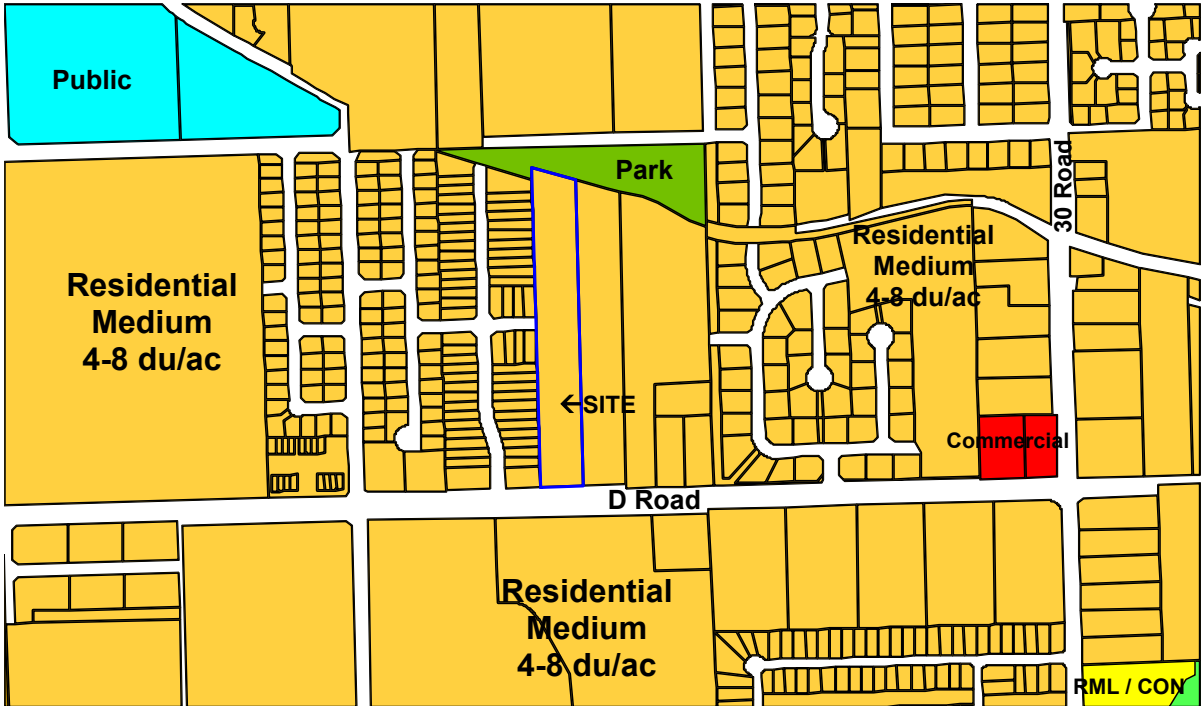
Aerial Photo Map

Figure 2



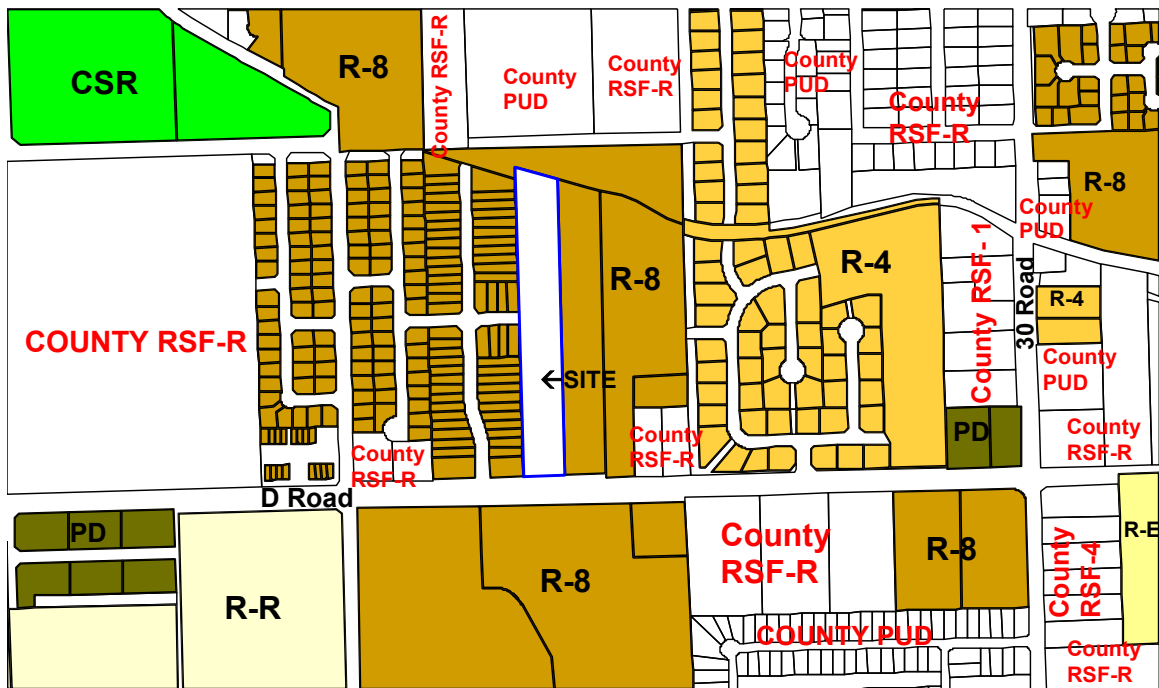
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

HOUGHTON ANNEXATION

LOCATED AT 2964 D ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of June, 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:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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 14th day of July, 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**

HOUGHTON ANNEXATION

APPROXIMATELY 4.02 ACRES

LOCATED AT 2964 D ROAD

WHEREAS, on the 2nd day of June, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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:

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.

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

INTRODUCED on first reading on the 2nd day of June, 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 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 30th day of June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 12

**Public Hearing—The Phillips-Ford Annexation and Zoning
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Phillips-Ford Annexation and Zoning - Located at 2894 Orchard Avenue		
File #	ANX-2008-117		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 1, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex and zone 0.53 acres, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac). The Phillips-Ford Annexation consists of one parcel and a portion of adjacent Orchard Avenue right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Phillips-Ford 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:		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:

ANNEXATION:

This annexation area consists of 0.53 acres of land and is comprised of one parcel and 0.06 acres (2,837.50 square feet) of Orchard Avenue right-of-way. The property owners have requested annexation into the City to allow for subdivision 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 Phillips-Ford 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>	
June 2, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
June 10, 2008	Planning Commission considers Zone of Annexation
June 30, 2008	Introduction of a proposed Ordinance on Zoning by City Council
July 14, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 15, 2008	Effective date of Annexation and Zoning

PHILLIPS-FORD ANNEXATION SUMMARY		
File Number:	ANX-2008-117	
Location:	2894 Orchard Avenue	
Tax ID Number:	2943-071-00-036	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	0.53 acres	
Developable Acres Remaining:	0.47 acres	
Right-of-way in Annexation:	0.06 acres (2,837.50 square feet)	
Previous County Zoning:	RMF-8 (Residential Multi-Family 8 du/ac)	
Proposed City Zoning:	R-8 (Residential 8 du/ac)	
Current Land Use:	Single Family Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$10,550
	Actual:	\$132,550
Address Ranges:	2894 Orchard Avenue	
Special Districts:	Water:	Grand Junction
	Sewer:	Fruitvale Sanitation District
	Fire:	Grand Junction Fire District
	Irrigation:	Grand Valley Irrigation Company
	School:	District 51
	Drainage:	Grand Valley Drainage District

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.

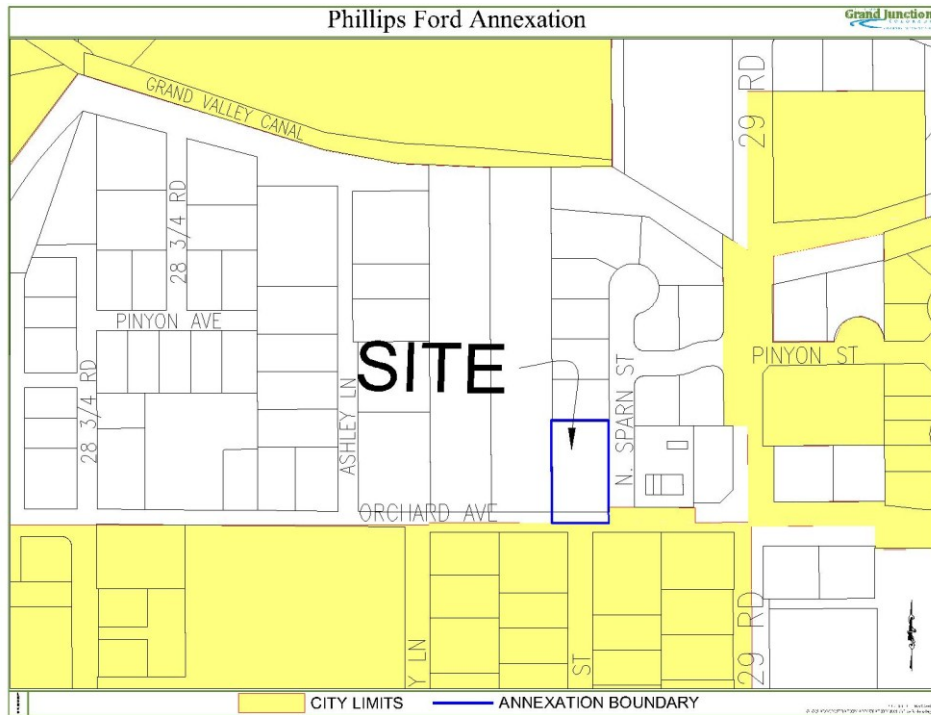
- d. R-4 (Residential 4 du/ac)
- e. R-5 (Residential 5 du/ac)

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

PLANNING COMMISSION RECOMMENDATION: 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



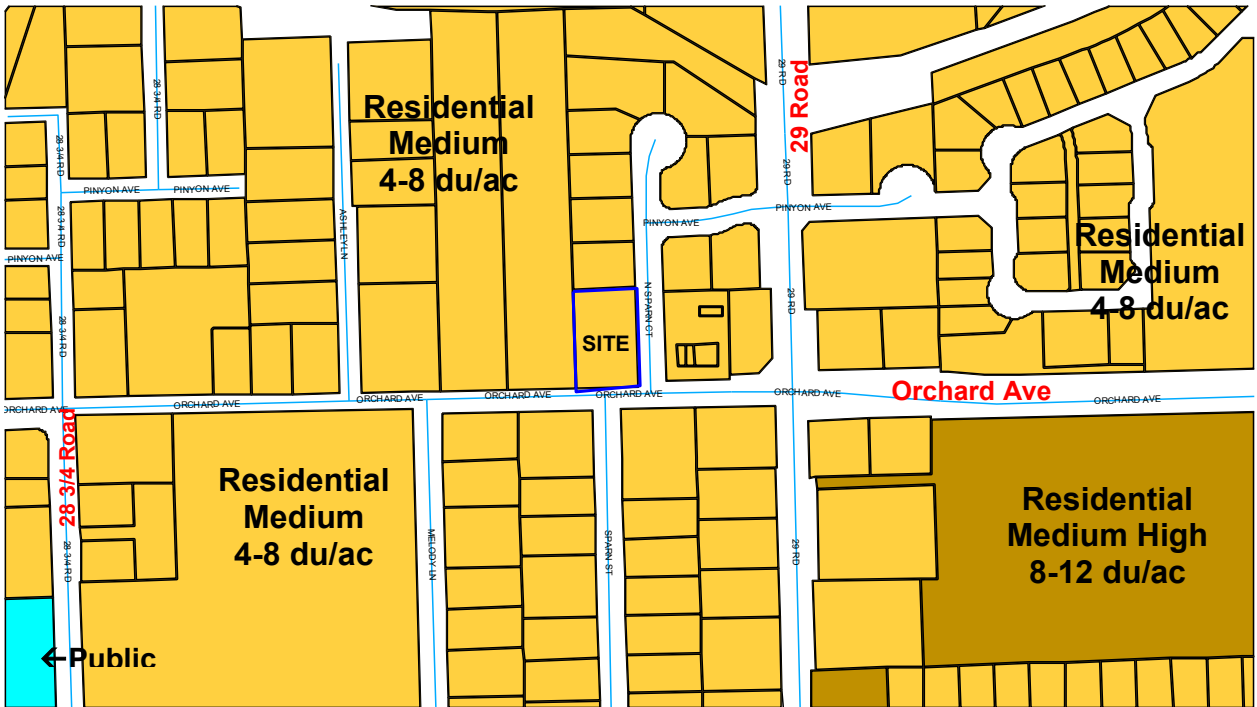
Aerial Photo Map

Figure 2



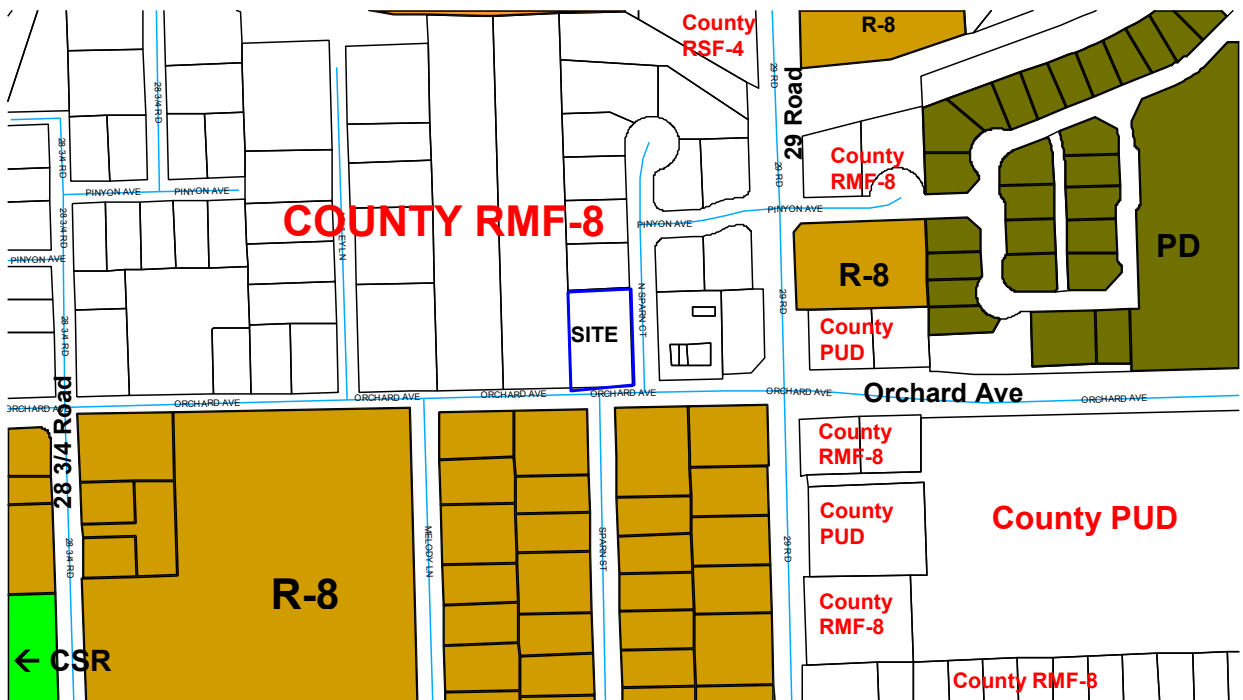
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

PHILLIPS-FORD ANNEXATION

LOCATED AT 2894 ORCHARD AVENUE

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of June, 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:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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**

PHILLIPS-FORD ANNEXATION

APPROXIMATELY 0.53 ACRES

**LOCATED AT 2894 ORCHARD AVENUE, INCLUDING A PORTION OF THE
ORCHARD AVENUE RIGHT-OF-WAY**

WHEREAS, on the 2nd day of June, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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:

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 Sparrn 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.

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

INTRODUCED on first reading on the 2nd day of June, 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 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 30th day of June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 13

**Public Hearing—Rezone the Palmer Park Subdivision
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Palmer Park Subdivision Rezone – Located at 2675 Highway 50		
File #	PP-2007-317		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 2, 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: Hold a public hearing and consider final passage of the Rezone Ordinance.

Background Information: See attached report.

Attachments:

1. Staff Report / Background Information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Proposed Zone Line exhibit
5. Zoning Boundary Line description
6. Planning Commission Minutes – June 10, 2008
7. Preliminary Subdivision Plan
8. 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.

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:

2. 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.

6. 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.

7. 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.

8. 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.

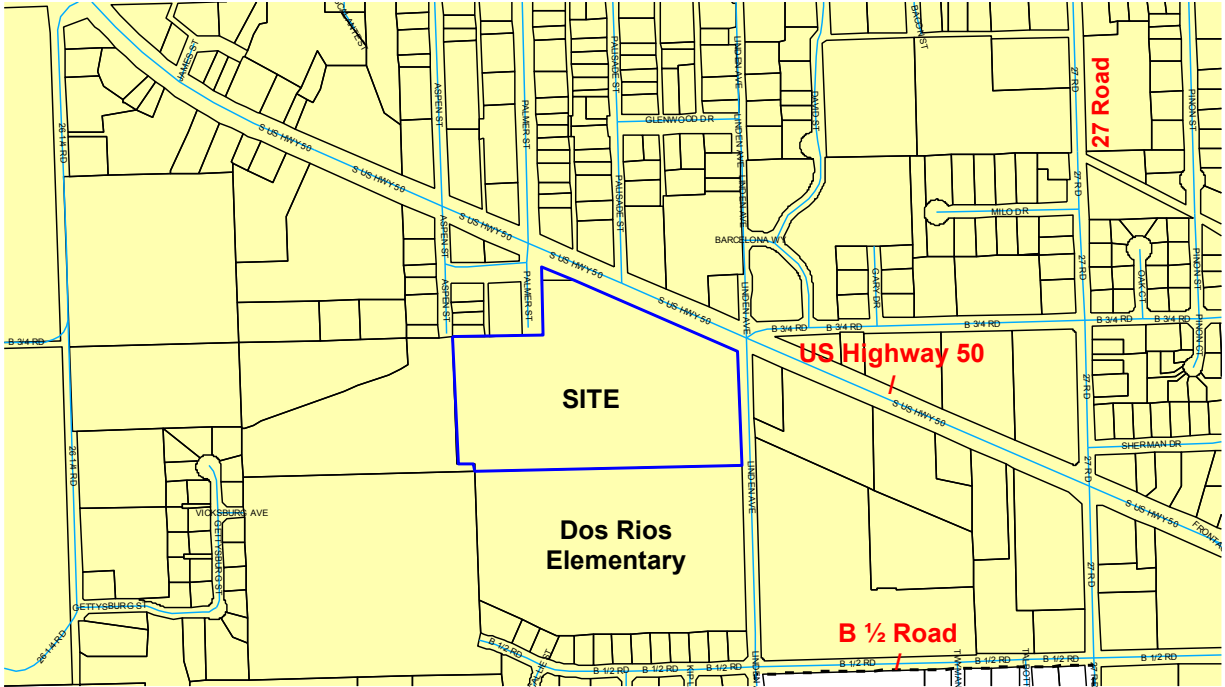
PLANNING COMMISSION RECOMMENDATION:

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:

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

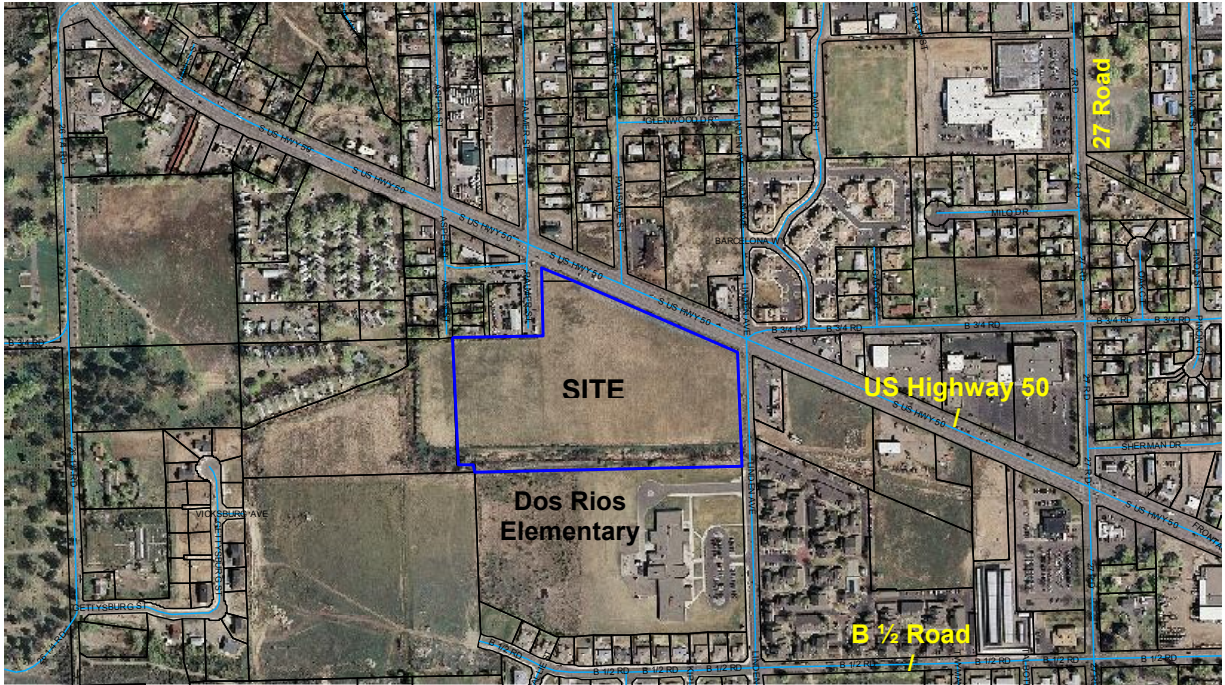
Site Location Map

Figure 1



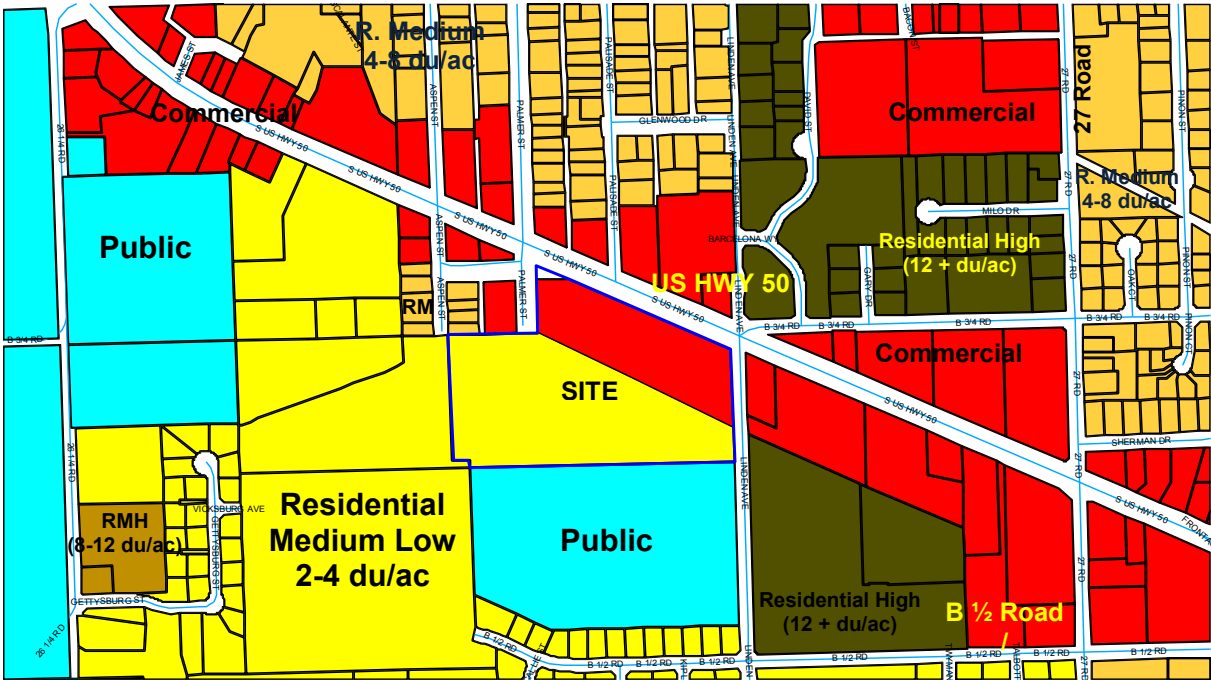
Aerial Photo Map

Figure 2



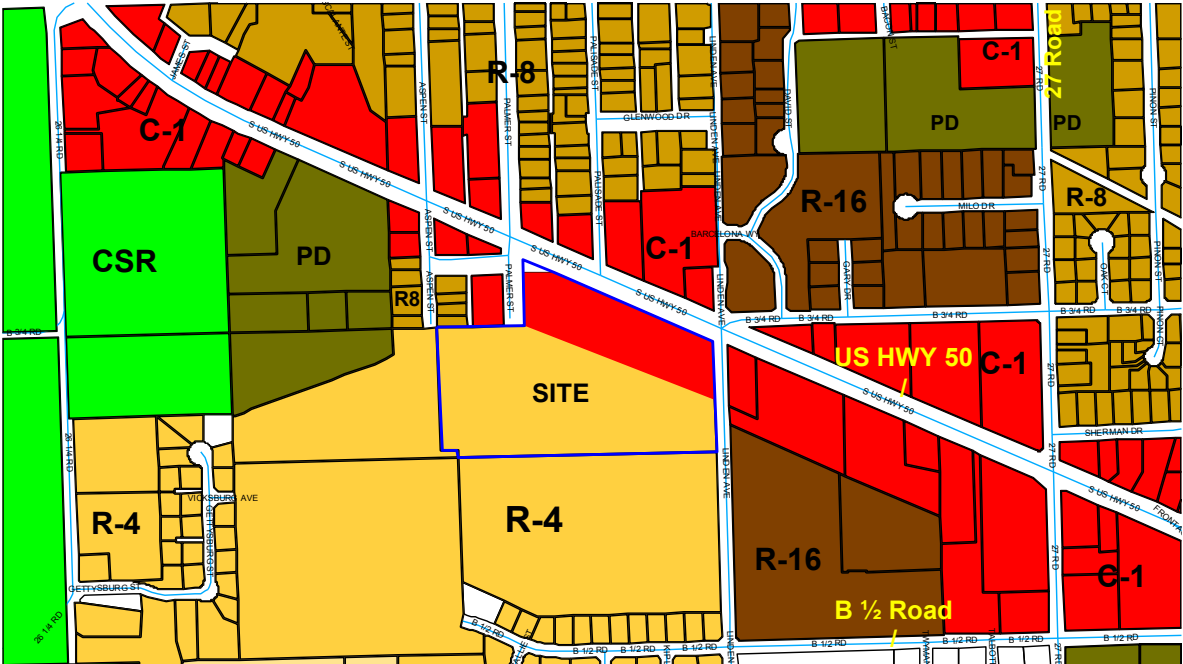
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



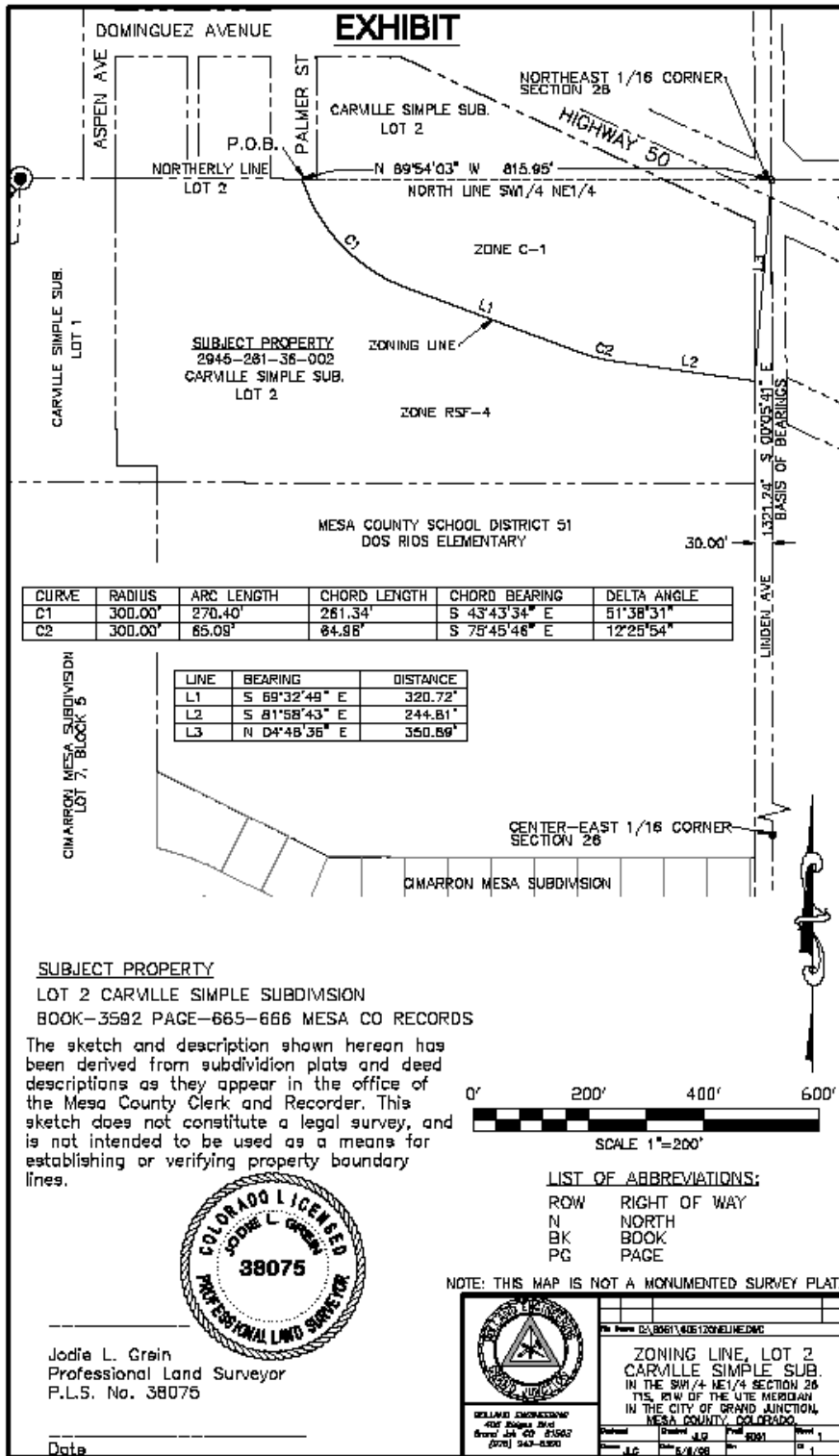


Exhibit showing the proposed boundary between the C-1 and R-4 Zone Districts.

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.



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

**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 14

**Public Hearing—The Pioneer Meadows Annexation and Zoning
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Pioneer Meadows Annexation and Zoning - Located at 3126 and 3134 E Road		
File #	ANX-2008-078		
Meeting Day, Date	Monday, July 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 12, 2008		
Author Name & Title	Ronnie Edwards – Associate Planner		
Presenter Name & Title	Ronnie Edwards – Associate Planner		

Summary: Request to annex and 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: Adopt Resolution accepting the petition for 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:		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	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		RSF-R (Residential Single Family Rural, 5 ac/du)			
Proposed Zoning:		R-8 (Residential 8-du/ac)			
Surrounding Zoning:	North	County PUD			
	South	County RSF-4 (4 du/ac) and County RSF-4 (4 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:

ANNEXATION:

This annexation area consists of 9.24 acres of land and is comprised of two parcels including a portion of the E Road Right-of-way. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's 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 Pioneer Meadows 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>	
June 2, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
June 24, 2008	Planning Commission considers Zone of Annexation
June 30, 2008	Introduction of a proposed Ordinance on Zoning by City Council
July 14, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 15, 2008	Effective date of Annexation and Zoning

PIONEER MEADOWS ANNEXATION SUMMARY

File Number:	ANX-2008-078	
Location:	3126 and 3134 E Road	
Tax ID Number:	2943-103-00-110 2943-103-00-109	
Parcels:	2	
Estimated Population:	4	
# of Parcels (owner occupied):	2	
# of Dwelling Units:	2	
Acres land annexed:	9.24 acres	
Developable Acres Remaining:	9.13 acres	
Right-of-way in Annexation:	0.11 acres (4,799.55 square feet)	
Previous County Zoning:	RSF-R (Residential Single Family Rural)	
Proposed City Zoning:	R-8 (Residential 8-du/ac)	
Current Land Use:	Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$31,470
	Actual:	\$388,310
Address Ranges:	3126 to 3136 E Road (Even Only)	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation District Grand Valley Drainage District
	School:	District 51
	Pest:	Grand Valley Mosquito

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 (Residential 8-du/ac) district is consistent with the Growth Plan designation of Residential Medium (4-8 du/ac). The existing County zoning is RSF-R (Residential Single Family Rural, 5 ac/du). 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: Policy 1.3 of the Growth Plan states that the City will use the Future Land Use Map in conjunction with the 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 annexation and zoning meets neighborhood compatibility. To the south there have been three residential subdivisions annexed and approved with zonings of R-5 and R-8 within the last five years. The proposed zoning request conforms with the surrounding subdivisions and neighborhood areas within proximity as adjacent county subdivisions are zoned RSF-4 with comparable lot sizes.

- 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.

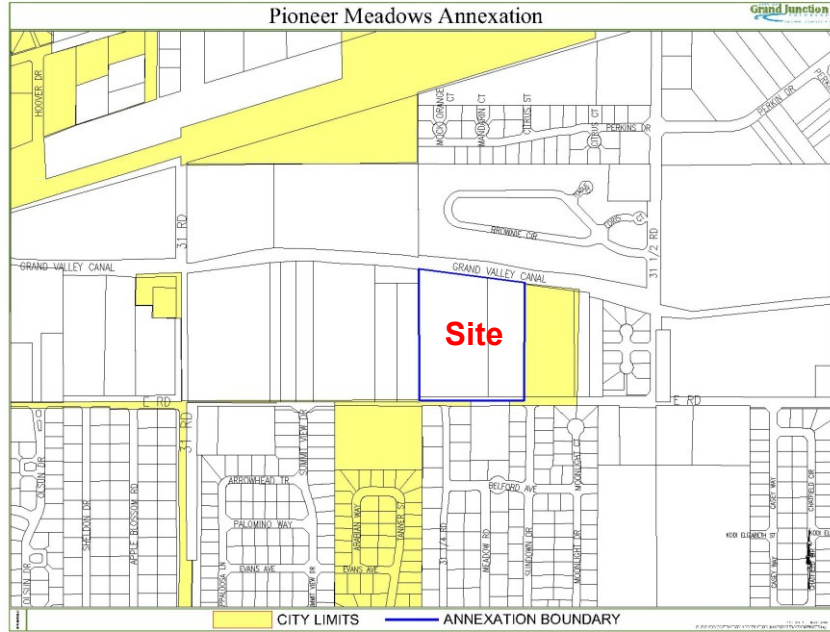
- f. R-4 (Residential 4-du/ac)
- g. R-5 (Residential 5-du/ac)

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



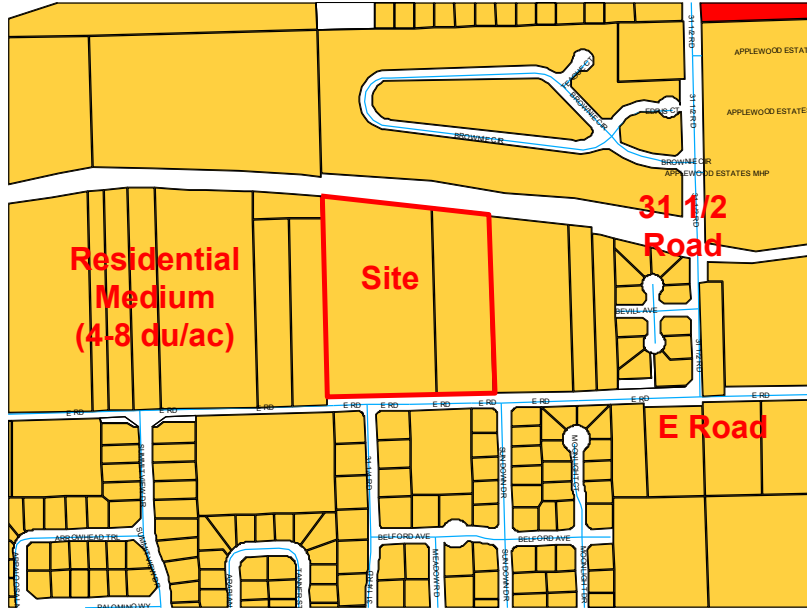
Aerial Photo Map

Figure 2



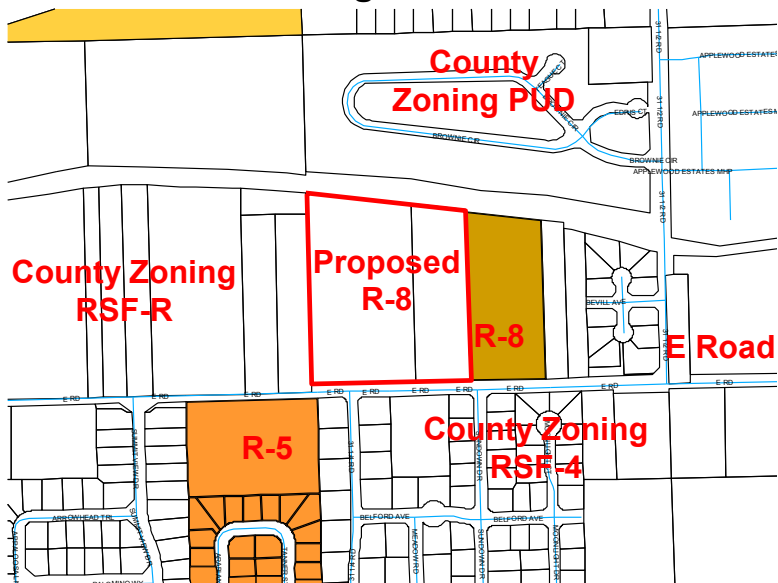
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

PIONEER MEADOWS ANNEXATION

**LOCATED AT 3126 AND 3134 E ROAD INCLUDING
A PORTION OF THE E ROAD RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of June, 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:

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 6.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 10 to a point on the Northerly line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction, said point also being the Point of Beginning; thence N00°08'11"W a distance of 729.14 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 654.00 feet along the East line of said Pellam Annexation; thence N89°51'00"W a distance of 580.11 feet along a line being 6.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 10, said line also being the Northerly line of said Pellam Annexation to the Point of Beginning. Said parcels contain 9.24 acres (402,376.70 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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**

PIONEER MEADOWS ANNEXATION

APPROXIMATELY 9.24 ACRES

**LOCATED AT 3126 AND 3134 E ROAD
INCLUDING A PORTION OF THE E ROAD RIGHT-OF-WAY**

WHEREAS, on the 2nd day of June, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of July, 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:

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 6.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 10 to a point on the Northerly line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction, said point also being the Point of Beginning; thence N00°08'11"W a distance of 729.14 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 654.00 feet along the East line of said Pellam Annexation; thence N89°51'00"W a distance of 580.11 feet along a line being 6.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 10, said line also being the Northerly line of said Pellam Annexation to the Point of Beginning.

CONTAINING 9.24 Acres (402,376.70 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 2nd day of June, 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 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).

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 30th day of June, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk