



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, DECEMBER 17, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Citizen Comments

***** CONSENT CALENDAR *****

1. **Armantrout Exclusion Request from the Horizon Drive Association Business Improvement District – Continued from December 1, 2008** [Attach 1](#)

The City received a request from Robert and Yvonne Armantrout asking for exclusion from the Horizon Drive Association Business Improvement District (HDABID) for property they own at 751 Horizon Court. The matter was referred to the HDABID board who, after conducting a hearing, recommended denial.

Action: Deny the Armantrout Request for Exclusion from the Horizon Drive Association Business Improvement District for Property Located at 751 Horizon Court

Staff presentation: Stephanie Tuin, City Clerk

2. **Setting a Hearing on Amendments to the Zoning and Development Code Related to Nonconforming Uses, Structures and Sites, and Certain Development Standards for the B-2 (Downtown Business) Zone District** [File #TAC-2008-314] [Attach 2](#)

The City of Grand Junction proposes to amend various sections of the Zoning and Development Code related to nonconforming uses, structures and sites, and certain development standards for the B-2 (Downtown Business) zone district.

*** Indicates New Item

® Requires Roll Call Vote

Proposed Ordinance Amending Various Sections of the Zoning and Development Code Related to Nonconforming Uses, Structures and Sites, and Certain Development Standards for the B-2 (Downtown Business) Zone District

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 7, 2009

Staff presentation: Lisa E. Cox, Planning Manager

3. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 477 29 Road and 2898 I-70 Business Loop** [Attach 3](#)

The City has entered into a contract to purchase a portion of the property at 477 29 Road and 2898 I-70B from CTS Valley Properties, LLC. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 154-08—A Resolution Authorizing the Purchase of Real Property at 477 29 Road and 2898 I-70 Business Loop from CTS Valley Properties, LLC

®Action: Adopt Resolution No. 154-08

Staff presentation: Tim Moore, Public Works and Planning Director

4. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 485 29 Road** [Attach 4](#)

The City has entered into a contract to purchase a portion of the property at 485 29 Road from Terence L. and Camilla A. Hammer. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 155-08—A Resolution Authorizing the Purchase of Real Property at 485 29 Road from Terence L. Hammer and Camilla A. Hammer

®Action: Adopt Resolution No. 155-08

Staff presentation: Tim Moore, Public Works and Planning Director

5. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 481 29 Road** [Attach 5](#)

The City has entered into a contract to purchase a portion of the property at 481 29 Road from Alan and Connie Miracle. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 156-08—A Resolution Authorizing the Purchase of Real Property at 481 29 Road from Alan R. Miracle and Connie L. Miracle

®Action: Adopt Resolution No. 156-08

Staff presentation: Tim Moore, Public Works and Planning Director

6. **Contract for 29 Road and I-70B Interchange Undergrounding and Street Lighting Phase One** [Attach 6](#)

The construction of the 29 Road and I-70B Interchange project will require the relocation of many overhead power lines. This first phase will provide street lights and underground approximately 2,100 feet of power lines along 29 Road between D and D ½ Road.

Action: Authorize the City Manager to Sign a Contract with Xcel Energy to Provide Street Lighting and to Relocate the Existing Overhead Power Lines Underground along 29 Road between D and D ½ Road

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

7. **Public Hearing - Sterling Crane Rezone, Located at 2220 Sanford Drive** [File #RZ-2008-315] [Attach 7](#)

Request to rezone 4.32 acres from C-2 (General Commercial) zone district to I-1 (Light Industrial) zone district, located at 2220 Sanford Drive.

Ordinance No. 4317—An Ordinance Rezoning the Sterling Crane Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2220 Sanford Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4317

Staff presentation: Judith Rice, Associate Planner

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

9. **Other Business**

10. **Adjournment**

Attach 1

Armantrout Exclusion Request from the Horizon Drive Association Business Improvement District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Armantrout Exclusion Request from the Horizon Drive Association Business Improvement District		
File #			
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 17, 2008		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	Stephanie Tuin, City Clerk		

Summary: The City received a request from Robert and Yvonne Armantrout asking for exclusion from the Horizon Drive Association Business Improvement District (HDABID) for property they own at 751 Horizon Court. The matter was referred to the HDABID board who, after conducting a hearing, recommended denial.

Budget: N/A

Action Requested/Recommendation: Deny the Armantrout request for exclusion from the Horizon Drive Association Business Improvement District for property located at 751 Horizon Court

Attachments:

Map of Property Location

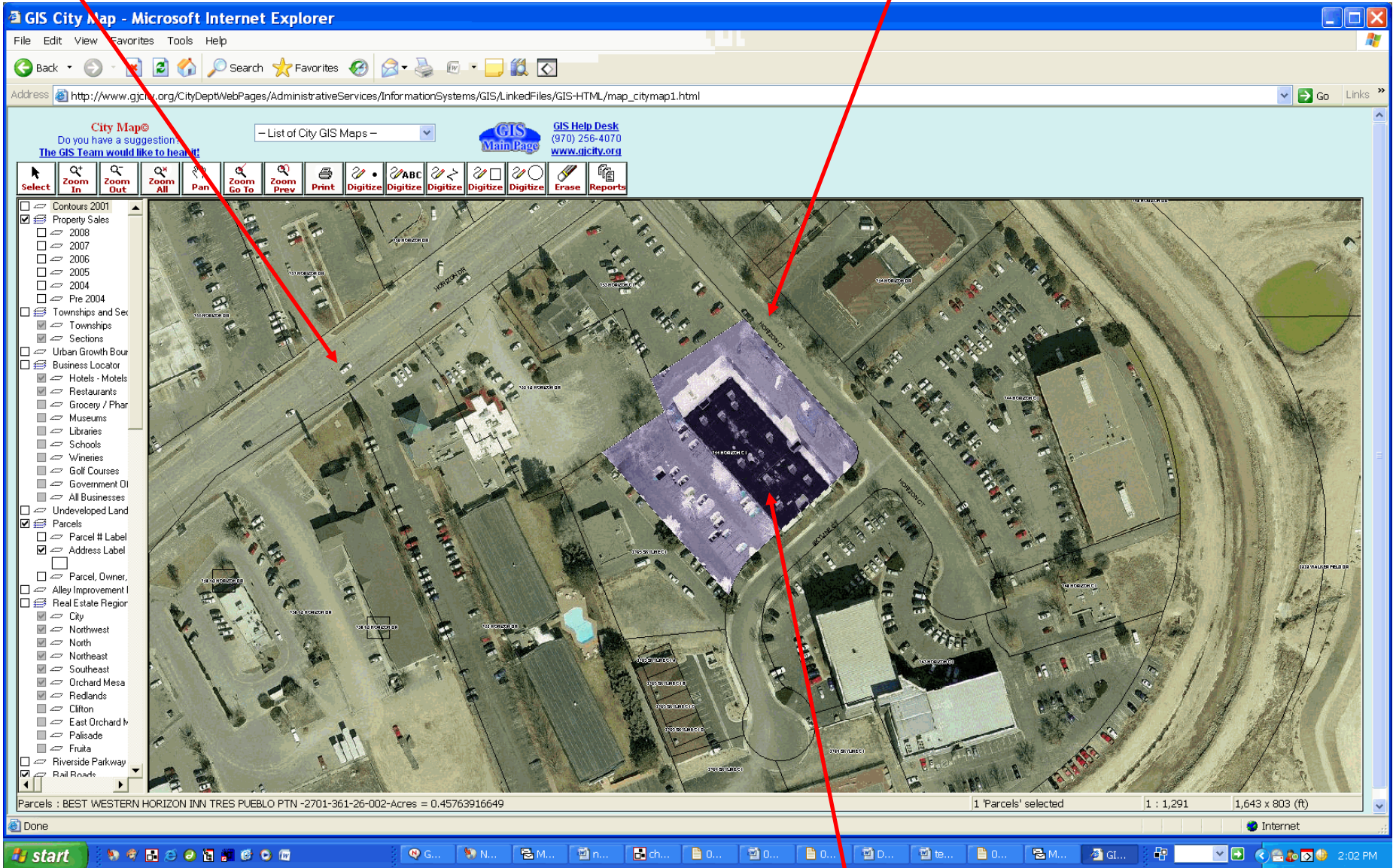
Petition for Exclusion from Robert and Yvonne Armantrout

Minutes from HDABID's Meeting of September 10, 2008

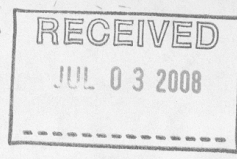
Background Information: The Horizon Drive Association Business Improvement District was formed by Ordinance No. 3621 on April 21, 2004. The District assesses a property tax of five mills on properties within the District. On July 3, 2008, the City received a petition from Robert and Yvonne Armantrout asking for exclusion from the District for property they own at 751 Horizon Court known as the Skyline Building. The City Council referred that petition to the Horizon Drive Association Business Improvement District (HDABID) for their recommendation. The HDABID held a hearing on September 10, 2008 and recommended denial of the petition for exclusion.

Horizon

Horizon



751 Horizon Court



CITY OF GRAND JUNCTION
City Council

Petitioners: ROBERT J ARMANTROUT & YVONNE C ARMANTROUT 2291 Shiprock Rd Grand Junction, CO 81503-1189	<p align="center">PETITION FOR EXCLUSION FROM THE HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT</p> <p align="center">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</p> <p align="center">Commonly Known As: 751 Horizon Court Grand Junction, CO 81506</p>
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	
<p align="center">PETITION FOR EXCLUSION FROM HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT</p>	

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.*

*** Indicates New Item
® Requires Roll Call Vote

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 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.

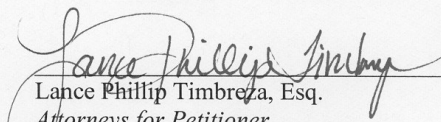
The District has not made any improvements nor has it planned to make any improvements along Horizon Court. Any benefit the Skyline Building receives are incidental to the direct benefits received by other business along Horizon Drive. Additionally, since the Skyline Building does not require customers 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

District. Mr. Timbreza said that the location and appearance of improvements on Horizon Drive on the intersection of Interstate 70 has no favorable impact on Armantrouts, and that Armantrouts are financially unable to raise rents for the tenants in their building in order to pass along the District taxes. Mr. Timbreza ended his presentation at 9:23 a.m.

In keeping with the agreed upon hearing procedures, the Board opened the floor to comments by interested persons in attendance at the hearing.

The Board heard first from Mr. Jim Garber, Property Manager for CORE, Inc., which owns property at 715 Horizon Drive, Assessor's schedule no. 2701-363-00-121. Mr. Garber, on behalf of CORE, Inc., expressed opposition to the Petition, presented evidence that refuted some of Armantrouts' statements about Armantrouts' own tenants, and suggested that the District serves the common good of all properties located within its boundaries.

On behalf of the Board of Directors, Ms. Eileen Blanchard responded to allegations made by Armantrouts against the Board.

1. Ms. Blanchard testified that meeting notices for the District are posted in the City Council building and she offered into evidence an example of a notice of a meeting that had been posted. Exhibit A.

2. Ms. Blanchard testified that invitations to the ground breaking celebration for the Horizon Drive Gateway Improvements project had been mailed to all properties in the District and had also been hand-delivered to all such properties. She offered into evidence a color copy of the invitation. Exhibit B.

3. Ms. Blanchard testified that there had been several public meetings to develop a master plan for the District. She informed the hearing that a survey had been mailed to all owners in the District and she offered into evidence a sample of the District's Master Plan Questionnaire/Survey, dated Spring 2007. Exhibit C.

4. Ms. Blanchard testified that Cobb & Associates, a contractor that provides marketing services for the District, had called Armantrouts to obtain contact information, so that the District could be sure to keep Armantrouts informed of all notices, meetings and activities. Cobb & Associates received an uncooperative response from Mr. Armantrout and he expressed disinterest in having any involvement with the District.

5. Ms. Blanchard testified that the District's budget is filed annually with the City and with the State. She offered into evidence a cover letter from legal counsel for the District dated September 28, 2007 and a copy of the Operating Budget for fiscal year 2008. Exhibit D.

RMHP owns property in the District that does not front on Horizon Drive. It is RMHP's position that all members of the District benefit from it, regardless of the specific location of their property, and that it would be contrary to the best interests of the District to grant the Petition.

Mr. John Moss addressed the Board, as owner of property at 736 Horizon Drive on which a Taco Bell restaurant is located and as owner of 2764 Compass Drive, an office building and an adjoining parking lot, that is in the District but does not front Horizon Drive. Mr. Moss opposes the Petition. Mr. Moss testified that his office building does not front on Horizon Drive, has a similar tenant mix to that of Armantrouts, that he has owned it for approximately twenty-five (25) years, and has successfully passed along the increased cost of District taxes to his tenants. Mr. Moss observed that Armantrouts, while arguing that they could not afford to maintain their building, have in fact done a very nice remodel of their building that benefits the community.

Mr. Bill Millius addressed the Board, as owner of property located at 759 Horizon Drive. Mr. Millius opposes the Petition. Mr. Millius observed that the District is in many ways a community, and that the improvements it has completed, and that it plans to undertake, benefit everyone in the District. Mr. Millius observed that Horizon Drive is principally composed of retail services, not merchandise retailers.

Mr. Steve Myer addressed the Board as an owner of property located at 760 Horizon Drive. Mr. Myer opposes the Petition. Mr. Myer said that he echoed the comments of the persons who had already addressed the hearing. Mr. Myer is concerned that if the Board allows the Petition, it places itself on a slippery slope, such that if one owner is excluded from the District, many others may seek exclusion also. Mr. Myer believes that excluding properties from the District is not in the best interests of the District.

At the conclusion of comments by persons attending the hearing, the Board opened the meeting to discussion about the evidence that had been presented. Mr. Reece addressed the Armantrouts and informed them that the Board has always attempted to be open, transparent and available to all members, and he expects that to continue. Mr. Clark Atkinson addressed Mr. Armantrout and thanked him for his participation at the hearing. Mr. Atkinson said that the District will function best when there are collaborative efforts among all stakeholders. He informed the Armantrouts that nothing could be further from the truth to argue that they get no benefit from the efforts of the District.

At the conclusion of the open discussion by the Board, Mr. Lance Timbreza again addressed the Board and summarized points that he had made in his opening remarks and his remarks after testimony by Ms. Eileen Blanchard.

I-70/Horizon Drive Interchange Landscape Project Open House

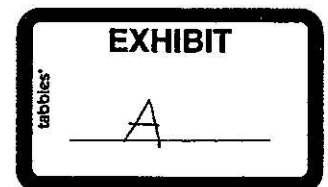
Wednesday, December 14, 2005
5 to 7 PM

Grand Junction Visitor & Convention Bureau
740 Horizon Drive

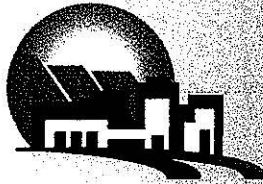
You are invited to attend our open house presentation of proposed landscape improvements at the Horizon Drive Interchange. The goal of the **I-70/Horizon Drive Interchange Landscape Project** is to improve this important gateway to the City with pedestrian walkways and lighting, signage, and enhanced landscaping. The final design of the landscape improvements is nearly complete. The City of Grand Junction and its design consultants, Carter & Burgess, will present the proposed improvements and give you the opportunity to make comments regarding the details of the design.

The design phase is scheduled to be completed by mid-January, with construction beginning in the spring of 2006.

For more information about the project, please contact D. Paul Jagim, City of Grand Junction Project Engineer, at 256-4023 or paulj@gjcity.org.



April 3, 2007



HORIZON DRIVE

District

Gateway to Grand Junction®

Horizon Drive BID Master Plan Questionnaire/ Survey Spring 2007

The Horizon Drive Business Improvement District (BID) seeks your help in developing a vision for our community. In order to secure the broadest input into this process, the BID is requesting your answers to the following questions. It is important to us that we hear from you! The information provided from these questionnaires will help to define the priorities and goals for the Horizon Drive BID Master Plan.

Business / Property Information:

Contact Name: _____ Owner [] or Tenant []

Email: _____

Business Name: _____

Business Address: _____

Telephone Number: (_____) _____ Fax Number: (_____) _____

Owner Name: _____

Owner Address: _____

Telephone Number: (_____) _____ Fax Number: (_____) _____

What is the best way to communicate with you?

_____ Fax _____ Email _____ Phone – best time _____

Horizon Drive BID Master Plan Stakeholder Workshop

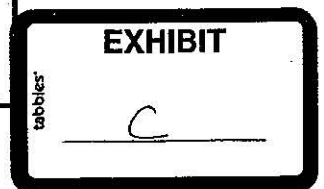
Please join us for the 1st Stakeholder Workshop to discuss potential improvements in the Horizon Business Improvement District

When: April 25th

Where: Holiday Inn on Horizon Drive

Time: 4 PM to 7 PM

Formal Presentation from 5:00 – 5:30



Horizon Drive BID Master Plan Questionnaire/ Survey

6. Would you like to see provisions made to hang banners along Horizon Drive? Yes / No

7. Would you like to see Gateway treatments at the Horizon Drive and G Road and Horizon Drive and H Road denoting the limits of the Business Improvement District? Yes / No

8. Do you perceive the pedestrian circulation along Horizon Drive to be unsafe? Yes / No

If Yes, please explain _____

9. Would you like to see pedestrian lighting along Horizon Drive? Yes / No

10. Is the existing width of the Horizon Drive sidewalk sufficient? Yes / No

11. Would you like to maintain the tree lawn, which is the green space between the back of curb and the sidewalk? Yes / No If Yes, would you like to see a uniform landscape design applied throughout the BID? Yes / No

12. Pedestrian connections between the east side and west side of Horizon Drive have been identified as a concern of this project. Do you feel your business would benefit from an improved connection? Yes / No If yes, where would you like to see these connections?

13. Do you perceive a problem with handicap accessibility on Horizon Drive, at crosswalks, with relation to sidewalk widths or access to amenities? Yes / No If Yes, please explain.

Horizon Drive BID Master Plan Questionnaire/ Survey

23. Would you be willing to grant an easement to have a display of public art in front of your business? Yes / No

24. Would you be willing to grant an easement for public park space adjacent to your business? Yes / No

25. Would you like to see the continuation of the existing bike path that ends south of G Road? Yes / No If Yes, where would you like to see the trail placed? _____

26. Would you be supportive of a multi-use recreational loop trail within the Business Improvement District? Yes / No If Yes, please provide examples of locations you would like to see considered for such a trail. _____

Please return the questionnaire/ survey by April 12th

For questions pertaining to this survey or the Horizon Drive BID Master Plan please contact Richard Tally at (970) 261-7758. The information you have provided will help make a difference in improving the Horizon Drive Master Plan. The results of this survey will be summarized and presented at the Stakeholder Workshop being held on April 25. Thank you for completing the survey. Please return it in the enclosed postage-paid envelope to:

Carter & Burgess
Attention: Jennifer Merer
707 17th Street Suite 2300
Denver, CO 80202

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

Operating Budget for Fiscal Year 2008

Current Fund Balance 09/30/2007	\$394,941	
Less Reserve For 2007 Obligations:	<u>(92,500)</u>	
Beginning Fund Balance 01/01/2008		\$302,441
Tax Revenues		180,000
Interest Income		<u>1,000</u>
Total Funds Available		483,441
Expenditures		
Administrative		
Insurance	1,500	
Professional Services	10,000	
Marketing & Communications	18,000	
Clerical/Administrative	<u>3,500</u>	33,000
Horizon Drive/I70 Improvement Payment**		57,000
Long Term Planning, Design & Improvement Projects		<u>390,000</u>
Ending Fund Balance		<u><u>\$3,441</u></u>

**Third of five annual payments to City of Grand Junction for Horizon Drive/I70 Improvements

including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all incidental including relocation of utility lines.

Governance of the District:

- New Board of Directors are appointed by Grand Junction City Council.
- Board of Directors appoints management staff in accordance with District bylaws.

Powers of the District:

- The power to sue and be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.
- To consider and, if deemed necessary, provide services within the district including but not limited to:
 - * management and planning
 - * maintenance of improvements, by contract if necessary
 - * promotion or marketing
 - * organization, promotion and marketing of public events
 - * activities in support of business recruitment, management and development
 - * snow removal or refuse collection
 - * provide design assistance
- To acquire, construct, finance, install, and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the district, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to levy taxes against taxable commercial property.
- See the attached Bylaws of the Horizon Drive Business Improvement District.



Gregg Palmer, Mayor; Teresa Coons; Bruce Hill; Linda Romer Todd; Jim Doody; Bonnie Beckstein

City Council	Contact Us	Convention	Hot Topics	Jobs	News	Recreation
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City Services

Search:



City Departments

Horizon Drive Association Business Improvement District Board

Directors must be electors of the District. Appointments are made by the City Council of the City of Grand Junction .

The function of the Horizon Drive Association Business Improvement District Board of Directors is to take such actions and perform such duties as are required of the operations of the District. The district is allowed to make and contemplate a broad range of public improvements including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities and all incidental including relocation of utility lines. The District may provide services within the district including but not limited to: management and planning, maintenance of improvements, by contract if necessary, promotion or marketing, organization, promotion and marketing of public events, activities in support of business recruitment, management and development, snow removal or refuse collection and provide design assistance. The Board meets as needed.

You may apply to serve on this board by submitting a letter of interest accompanied by an application and brief resume addressed to the Grand Junction City Council, c/o the City Clerk, 250 N. 5th Street, Grand Junction, CO 81501. [\(click here for application\)](#)

Board Members:

Richard Tally - Term: 04-21-04 through 04-30-10*

Chuck Keller - Term: 01-02-08 through 04-30-12*

Merv Heinecke, Secretary- Term: 11-05-07 through 04-30-12*

Dale Reece, President - Term: 04-21-04 through 04-30-10*

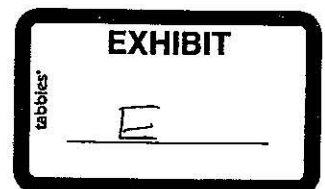
Eileen Blanchard, VP - Term: 04-05-05 through 04-30-10*

Patrick Duncan, Treasurer - Term: 01-02-08 through 04-09

Clark Atkinson - Term: 01-02-08 through 04-09

More information at

- [Airport Authority](#)
- [Avalon Theatre Advisory Committee](#)
- [Building Code Board of Appeals](#)
- [City Youth Council](#)
- [Commission on Arts and Culture](#)
- [Downtown Development Authority/Downtown Grand Junction Business Improvement District](#)
- [Forestry Board](#)
- [Historic Preservation Board](#)
- [Horizon Drive Association Business Improvement District Board](#)
- [Housing Authority](#)
- [Parks & Recreation Advisory Board](#)
- [Parks Improvement Advisory Board](#)
- [Planning Commission](#)
- [Public Finance Corporation](#)
- [Ridges Architectural Control Committee](#)
- [Riverfront Commission](#)
- [Riverview Technology Corporation](#)
- [Urban Trails Committee](#)
- [Visitor & Convention Bureau Board of Directors](#)
- [Volunteer Boards and Commissions](#)
- [Zoning Board of Appeals](#)



VALUE ENHANCEMENT GROUP, INC.

CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS DEVELOPMENT SPECIALISTS

Karl Pfeiffer, CPA

Bruce Dwire, CPA

2754 COMPASS DRIVE, SUITE 240
GRAND JUNCTION, COLORADO 81506

Phone: 970-241-8633

Toll Free: 866-212-1216

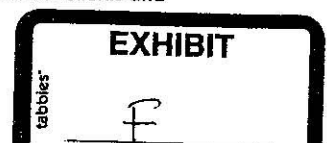
FAX: 970-241-7211

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

Financial Statements and
Accountants' Compilation Report
For the Year Ended December 31, 2007

Value Enhancement Group, Inc.

Value Enhancement Group, Inc. is committed to providing a total business and financial management service to our clients and associates, giving them the opportunity to identify, develop and achieve their goals.



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Board of Directors
Horizon Drive Business Improvement District
Grand Junction, CO

We have compiled the accompanying statement of net assets of Horizon Drive Business Improvement District as of December 31, 2007, and the related statements of revenue, expenses and changes in fund net assets, and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Value Enhancement Group, Inc.

Value Enhancement Group, Inc.
March 20, 2008

Value Enhancement Group, Inc.

Value Enhancement Group, Inc. is committed to providing a total business and financial management service to our clients and associates, giving them the opportunity to identify, develop and achieve their goals.

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT
STATEMENT OF NET ASSETS
As of December 31, 2007

ASSETS

CURRENT ASSETS

Cash in banks \$ 368,336

TOTAL ASSETS **\$ 368,336**

NET ASSETS

Unrestricted \$ 197,336
Restricted 171,000

TOTAL NET ASSETS **\$ 368,336**

See accompanying notes to financial statements and accountants' report.

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT
 STATEMENT OF REVENUE, EXPENSES AND CHANGES IN FUND NET ASSETS
 For the Year Ended December 31, 2007

OPERATING REVENUE	\$ 189,847
OPERATING EXPENSES	
Accounting fees	1,050
I-70 Horizon Drive Interchange Landscape Improvements Project contribution	57,000
Legal fees	1,974
Meals	317
Post office box	92
Professional services	67,866
Travel & lodging	275
Total Operating Expense	128,574
Net Income from Operations	61,273
NON-OPERATING REVENUE	
Interest income	10,370
NET INCOME	71,643
Total Fund Net Assets - Beginning	296,693
Total Fund Net Assets - Ending	\$ 368,336

1

See accompanying notes to financial statements and accountants' report.

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT
STATEMENT OF CASH FLOWS
For the Year Ended December 31, 2007

INCREASE IN CASH & CASH EQUIVALENTS	
CASH FLOW FROM OPERATING ACTIVITIES	
Cash received	\$ 189,847
Cash payments	<u>(128,574)</u>
NET CASH PROVIDED BY OPERATING ACTIVITIES	61,273
CASH FLOW FROM INVESTING ACTIVITIES	
Interest income	<u>10,370</u>
NET INCREASE IN CASH & CASH EQUIVALENTS	71,643
CASH - Beginning of year	<u>296,693</u>
CASH - End of year	<u>\$ 368,336</u>

See accompanying notes to financial statements and accountants' report.

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2007

NOTE 2 – CASH AND INVESTMENTS - continued

Deposits are categorized to give an indication of risk assumed by the government at the end of the year. Category 1 includes deposits that are insured, Category 2 includes collateralized deposits held by the pledging institution's department or agent in the District's name, and Category 3 included uncollateralized, uninsured deposits. At year end, the balance of the District's deposits were \$381,403, of which \$100,000 was covered by federal depository insurance and \$281,403 was collateralized under PDPA.

NOTE 3 – RESTRICTED NET ASSETS

The District and the City of Grand Junction have a memorandum of agreement where the District is obligated to pay \$57,000 a year for the renovation of the I-70 and Horizon Drive interchange, the funds were due starting on July 1, 2006 annually thereafter through 2010. The remaining balance of \$171,000 is reported as restricted net assets on the statement of net assets.

Attach 2

Setting a Hearing on Amendments to the Zoning and Development code Related to Nonconforming Uses, Structures and Sites, and Certain Development Standards for the B-2 (Downtown Business) Zone District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Amendments to the Zoning and Development Code related to nonconforming uses, structures and sites, and certain development standards for the B-2 (Downtown Business) zone district		
File #	TAC-2008-314		
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	November 26, 2008		
Author Name & Title	Lisa E. Cox, Planning Manager		
Presenter Name & Title	Lisa E. Cox, Planning Manager		

Summary: The City of Grand Junction proposes to amend various sections of the Zoning and Development Code related to nonconforming uses, structures and sites, and certain development standards for the B-2 (Downtown Business) zone district.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for Wednesday, January 7, 2009.

Attachments:

1. Staff report
2. Proposed ordinance.

Background Information: The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes are desirable to maintain the effectiveness of the

development review process and to ensure that the goals and policies of the Growth Plan are being implemented.

Staff Analysis:

Staff is proposing amendments to the Zoning and Development Code which are intended to be responsive to changing conditions, to facilitate the development review process and create a more efficient Code.

Nonconforming Uses, Structures and Sites

As communities develop and grow, development regulations often change to meet the needs of that community. One of the results of changing regulations is that once conforming uses, structures and sites may become nonconforming with the new regulations. Over time some nonconformities will redevelop into new conforming uses, structures and sites, however that process can take several years and many nonconformities do not redevelop or go away at all.

Nonconformities tend to be located in the older parts of a community where they were developed before the ordinances that made them illegal. Existing regulations can create barriers to reinvestment and redevelopment in mature neighborhoods. Most investments in mature areas are made piecemeal, not wholesale, and redevelopment occurs over time. Regulations that acknowledge that development pattern can help support the sustainability and vitality of older neighborhoods and communities.

As the City seeks to make greater and more efficient use of its infrastructure, more consideration has been given to infill and redevelopment. Certainly one way to accomplish this goal is to be more accepting of nonconformities in our community. The following items highlight proposed changes to the Zoning and Development Code which address nonconforming uses, structures and sites in a more tolerant and generous manner.

1. Reorganize the existing section of the Zoning Code that addresses nonconforming uses, structures and sites into 3 distinct, separate sections. This will make it easier to read and understand which provisions apply to a person's property.
2. Delete unnecessary provisions of the Code related to nonconformities.
3. Nonconforming Uses:
 - a. Lesser nonconforming uses may replace existing nonconforming uses
 - b. After approval, damaged nonconforming uses would have two years instead one year to obtain a building permit to rebuild.

- c. Accessory structures such as a garage or shed would be permitted for nonconforming residential structures.
- 4. Nonconforming Structures:
 - a. Elimination of requirement to correct nonconforming parking, landscaping and screening/buffering for interior and exterior remodeling.
- 5. Nonconforming Sites:
 - a. Elimination of requirement to correct nonconforming parking, landscaping and screening/buffering for interior and exterior remodeling of nonconforming structures located on nonconforming sites.
 - b. Allow 65% expansion of structures before entire property must meet landscaping and screening/buffering requirements. Current requirement is 35% expansion or more would trigger full site improvements.
- 6. Conversion of nonconforming commercial or residential structures and sites to condominiums would not require compliance with current parking, lighting and landscaping requirements.

B-2 (Downtown Business) Zone District

In an effort to encourage more compact and mixed use development in the downtown area, in addition to encouraging infill and redevelopment of properties in the same area, the following items highlight proposed changes to the B-2 (Downtown Business) zone district:

- 1. Eliminate the Floor Area Ratio (FAR) and maximum nonresidential intensity. Minimum net density would not apply to mixed use development.
- 2. Allow landscaping to be waived by the Director if landscaping exists or will be provided in the right-of-way.
- 3. Increase the building height to 80 feet.
- 4. The Director may determine the parking for projects to reduce amount of new surface parking in the downtown area.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

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

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

Goal 8: To support the long-term vitality of existing centers of community activity as shown in Exhibit V.5 of the Growth Plan (Downtown Commercial Core Area).

Policy 8.3: The City and County will support efforts to increase the vitality of the Downtown.

Policy 13.10: The City and County will develop Code provisions that enhance landscape requirements, yet are appropriate to the climate and available plant species of the Grand Valley.

FINDINGS/CONCLUSIONS:

In reviewing the various proposed amendments at their December 9, 2008 meeting, the Planning Commission found that the requested Code amendments furthered the goals and policies of the Growth Plan by ensuring that the Zoning and Development Code is maintained in a manner that addresses development issues in an efficient and effective manner.

PLANNING COMMISSION RECOMMENDATION:

After discussion of the proposed Ordinance, the Planning Commission forwarded a recommendation of approval to City Council of the proposed text amendments, TAC-2008-314, with the findings and conclusions listed above.

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING AND DEVELOPMENT CODE RELATED TO NONCONFORMING USES, STRUCTURES AND SITES, AND CERTAIN DEVELOPMENT STANDARDS FOR THE B-2 (DOWNTOWN BUSINESS) ZONE DISTRICT

Recitals:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

As the City seeks to make greater and more efficient use of its infrastructure, more consideration has been given to encouraging infill and redevelopment. One way to accomplish that goal is to be more accepting of nonconformities in the community.

And in an effort to encourage more compact and mixed use development in the downtown area, the City Council finds that certain changes to the B-2 (Downtown Business) zone district are desirable.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

Repeal Section 3.8 and replace with the following:

3.8 NONCONFORMITIES IN GENERAL

- A. **Continuation.** A nonconformity may be continued in accordance with sections 3.9 through 3.12 below as applicable.

- B. **Types of Nonconformity.** There are several types of nonconformities that may exist, as follows:
 - 1. Nonconforming uses (see 3.9)
 - 2. Nonconforming structures (see 3.10)
 - 3. Nonconforming sites, including parking, landscaping and screening/buffering (see 3.11)
 - 4. Nonconforming lots/parcels (see 3.12)
 - 5. Nonconforming signs (see 4.2)
- C. **Evidence of Status.** Evidence of the status of a nonconforming use shall be supplied by the owner of the property upon request of the Director.
- D. **Time Extensions.** The Zoning Board of Appeals may permit one extension of up to 12 additional months to the time periods for abandonment, obtaining a building permit or completing construction, provided the applicant can demonstrate circumstances out of his or her control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.
- E. **Variance.** The Zoning Board of Appeals may vary the provisions of Sections 3.9 through 3.12. Application and processing shall be in accordance with the provisions of Section 2.16.

Addition of the following sections:

3.9 NONCONFORMING USES

- A. **Continuation.** A lawful use made nonconforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not expanded, increased or changed, except as provided in this section.
- B. **Nonresidential Uses.**
 - 1. **Expansion.** In a nonresidential zone, an existing structure may be expanded up to 20 percent of the existing gross floor area as it existed on *(the effective date of this ordinance shall be inserted herein)*, provided all other provisions of this Code are met. An outdoor operations/storage/display area may be expanded by up to 20 percent beyond the area of the use [square footage of the structure(s) or square footage operations/storage/display area] as it existed on *(the effective date of this ordinance shall be inserted herein)*, provided all other provisions of this Code are met. A nonconforming use shall not be expanded in any residential zoning district.
 - 2. **Change of Use.** No use shall be changed to a conforming use until the Director has determined that the requirements of the zone will be met. The Director may approve a different nonconforming

use, provided such use is deemed by the Director to be less intense than the existing use. Prior to approval, the Director shall determine that traffic generation and parking requirements for the new nonconforming use are less than what was required for the existing use. No change to a more intense nonconforming use is allowed.

3. **Abandonment.** A nonconforming use that has been discontinued for any 12 month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this Code. Evidence of intent to abandon is not required.
4. **Destruction.** A nonconforming use that is damaged may be reestablished following approval by the Director in accordance with the following:
 - a. A nonconforming use may only be reestablished within a conforming structure.
 - b. All restorative and other work must conform to adopted building codes.
 - c. A building permit must be issued within two years from the date of the damage.
 - d. The Certificate of Occupancy (or other final inspection) must be issued as provided by adopted codes.

C. **Residential Uses.** As used in this paragraph, a “nonconforming residential use” is a structure(s) which contains more dwellings than allowed by the zone or is a dwelling(s) located in a nonresidential zone that does not permit residential uses.

1. **Expansion.** In all zones, a nonconforming residential use may be expanded by up to 20 percent beyond the area of the use [square footage of the structure(s)] as it existed on *(the effective date of this ordinance shall be inserted herein)*, if no additional dwelling units are created and all other provisions of this Code are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if the provisions of Section 4.1 are met. Accessory dwelling units shall not be permitted.
2. **Abandonment.**
 - a. A nonconforming residential use, other than a single family dwelling, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this Code. Evidence of intent to abandon the nonconforming use is not required.

- b. A nonconforming single-family dwelling that has not been occupied for a continuous period of 12 months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.
 - c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this Code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.
3. **Destruction.** Nonconforming residential uses that are damaged may be reestablished in accordance with the following:
- a. All portions of a structure being restored are not on or over a property line;
 - b. The number of dwelling units does not increase;
 - c. All construction is in compliance with current construction codes, such as the fire and building codes;
 - d. A building permit is obtained within two years from the date of the damage; and
 - e. The Certificate of Occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

3.10 NONCONFORMING STRUCTURES

- A. **Continuation.** A lawful structure existing as of (*the effective date of this ordinance shall be inserted herein*) that is nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and criteria of the underlying zone may be used for any purpose permitted in the zone so long as the use is in conformance with the provisions of this section.
- B. **Maintenance and Restoration.** A nonconforming structure may be maintained or restored provided no expansion of the nonconformity occurs.
- C. **Expansion.** A nonconforming structure may be expanded, provided that no increase in the structural nonconformity occurs. For example, an addition may be constructed, provided it meets the dimensional requirements for the zone. If the expansion results in an expansion of the nonconforming use, then see Section 3.9.

D. Destruction.

1. A nonconforming residential structure which is damaged may be restored within the existing footprint provided that:
 - a. all portions of the structure being restored are not on or over a property line;
 - b. all construction is in compliance with current construction codes, such as the Fire and Building Codes;
 - c. a building permit is obtained within twelve months from the date of the damage;
 - d. and the Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.
 - e. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.
2. A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that:
 - a. all portions of the structure being restored are not on or over a property line;
 - b. all construction is in compliance with current construction codes, such as the Fire and Building Codes;
 - c. a building permit is obtained within twelve months from the date of the damage;
 - d. and the Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.
 - e. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

- E. Signs.** This section shall not apply to nonconforming signs (see Sign Regulations Section 4.2).

3.11 NONCONFORMING SITES

- A. Continuation.** A parcel of land existing as of *(the effective date of this ordinance shall be inserted herein)* that is nonconforming due solely to

failure to meet the parking, landscaping and/or screening/buffering standards may be used for any purpose permitted in the zone so long as the use is in conformance with the provisions of this section.

- B. **Maintenance and Restoration.** A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs, unless the expansion occurs in conformance with this section.
- C. **Expansion.** Additions to structures, paving, parking and/or outdoor operations/storage/display on nonconforming sites shall require correction of existing nonconforming parking, landscaping and/or screening/buffering as follows:
1. Redevelopment or expansion(s) which result in a 65 percent or greater increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving and/or parking areas shall require the entire property to meet all the landscaping and screening/buffering requirements of this Code. The increase may be to only one of the gross square footage areas or a combination of increases of the gross square footage areas which result in an overall increase of 65 percent or greater. (For example, if the gross square footage area of the structure increases by 50 percent and the outdoor storage gross square footage area increases by 20 percent, then the overall increase is 70 percent and the entire property shall be required to meet all the landscaping and screening/buffering requirements of this Code.)
 2. Redevelopment or expansion(s) which result in less than a 65 percent increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving and/or parking areas shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this Code until the site achieves 100 percent compliance. (For example, if the gross square footage area of the structure increases by 10 percent and the outdoor storage gross square footage area increases by 15 percent, then the overall increase is 25 percent and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the site to 75 percent of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.)
 3. Redevelopment or expansions that necessitate an increase in the number of parking spaces shall be required to provide 50 percent of the required parking spaces for the additional floor area in

accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.

4. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Director using the following criteria:
 - a. Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
 - b. Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building façade, relocating landscaping on-site, increasing planting sizes and/or planting density, public art, *etc.*?
 - c. Will the proposed deviation result in a safe, efficient condition?
 - d. What other alternatives have been considered that would meet the current standards?

D. Change of Use.

1. Changes of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this Code. Where this calculation results in the addition of five or less spaces, then no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
2. New (meaning not having had the accessory use on the site before) outdoor operations/storage/display requires the entire lot or parcel to meet all requirements of this Code.

3.12 NONCONFORMING LOTS/PARCELS

- A. Nonconforming Lots/Parcels.** A lot or parcel of land with a lot size and/or minimum street frontage that is less than prescribed in the applicable zone may be used for any purpose permitted in the zone if:
1. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created; and
 2. The use meets all other regulations prescribed for the zone prior to occupancy or use.

Amend Section 3.4.C as follows:

C. B-2: Downtown Business

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:
 - a. There shall be no maximum gross density within the B-2 zone district;
 - b. There shall be no maximum nonresidential intensity or floor area ratio (FAR); and
 - c. Minimum net density shall not be less than eight dwellings per acre if the only uses are residential. Minimum net density shall not apply to mixed use developments.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
 - a. **Landscaping.** All landscaping shall be designed with plantings that are compatible with the low-water environment of Grand Junction. The Director may determine the landscaping requirements for any property in the B-2 zone district if streetscape exists or will be provided.
 - b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses

B-2 Summary

Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	No max FAR, No max residential density
Min. Density	8 units/acre, except in mixed use developments

which are not separated by a street (not counting an alley or any easement).

- c. **Mixed Use.** There shall be no maximum residential density for Mixed Use projects in a B-2 zone district.
- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

6. **Open Space**

- a. **Public Parks and Open Space Fee.** The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required Parks Impact Fee.
- b. **Open Space Requirement.** Multifamily or mixed use developments in a B-2 zone district shall not be subject to the open space requirements of Section 6.3.B.7; but shall be required to pay 10 percent of the value of the raw land of the property as determined in Section 6.3.B.

Amend Table 3.2 as follows:

**Table 3.2
ZONING DISTRICTS DIMENSIONAL STANDARDS**

Zoning District	Minimum Lot Size ^{12,13}		Minimum Street Frontage ¹² (ft.)	Minimum Setbacks ¹ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width ¹¹ (ft.)		Front ⁸ (ft.)	Side (ft.)	Rear ⁸ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
Urban Residential Zoning Districts									
R-R	5 Acres	150	50 ²	20/25	50/50	50/50	5	0.40 ³	35
R-E	2 Acres	100	50 ²	20/25	15/5	30/10	15	0.40 ³	35
R-1	1 Acres	100	50 ²	20/25	15/3	30/10	20	0.40 ³	35
R-2	17,000	100	50 ²	20/25	15/3	30/5	30	0.40 ³	35
R-4	8,000	75	20	20/25	7/3	25/5	50	0.40 ³	35

Zoning District	Minimum Lot Size ^{12,13}		Minimum Street Frontage ¹² (ft.)	Minimum Setbacks ¹ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width ¹¹ (ft.)		Front ⁸ (ft.)	Side (ft.)	Rear ⁸ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
R-5	6,500	60	20	20/25	5/3	25/5	60	0.40 ³	35
R-8	4,000	40	20	20/25 ¹⁴	5/3	10/5	70 ¹⁵	0.45 ³	35
R-12	2,500	30	20	20/25 ¹⁴	5/3	10/5	75 ¹⁵	0.50 ³	40
R-16	2,000	30	20	20/25 ¹⁴	5/3	10/5	75 ¹⁵	0.60 ³	40
R-24	2,000	30	20	20/25 ¹⁴	5/3	10/5	80 ¹⁵	0.60 ³	40
Nonresidential Zoning Districts									
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 ⁵	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 ⁷	0/0 ^{5,10}	0/0 ⁵	N/A	N/A 8.00	80 65 ⁴
C-1	0.5 Acre	50	N/A	15/25	0/0 ⁵	10/10	N/A	1.00	40 ⁶
C-2	0.5 Acre	50	N/A	15/25	0/0 ⁵	10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 ⁶
I-1	1 Acre	100	N/A	15/25	5/5 ^{5,10}	10/10	N/A	2.00	40
I-2	1 Acre	100	N/A	15/25	0/0 ¹⁰	10/10	N/A	2.00	40
CSR	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 ⁴
M-U	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 ⁹

Zoning District	Minimum Lot Size ^{12,13}		Minimum Street Frontage ¹² (ft.)	Minimum Setbacks ¹ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width ¹¹ (ft.)		Front ⁸ (ft.)	Side (ft.)	Rear ⁸ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H

GENERAL NOTE: See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

FOOTNOTES:

- 1 Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- 2 Minimum street frontage on cul-de-sac is thirty feet (30').
- 3 FAR (Floor Area Ratio) applies only to nonresidential uses.
- 4 Maximum height is forty feet (40') if adjacent to any residential zoning district.
- 5 10/5 foot setback if abutting a residential zone or use.
- 6 Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- 7 Setbacks may be reduced to zero feet (0') by the Director.
- 8 The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- 9 Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.
- 10 A minimum side yard setback of six feet (6') will be required where perimeter side yard landscaping is required.
- 11 For all lots created after October 22, 2006, garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two-family dwellings, or duplex dwellings in the R-8, R-12, R-16 and R-24 zone districts. The garage door(s) can be up to a maximum of 60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house.
- 12 Minimum lot size, minimum lot width, and minimum street frontage does not apply to single family attached dwellings or multifamily dwellings in R-8, R-12, R-16 and R-24 zone districts. See Section 6.3.B.7 for outdoor living area requirements.
- 13 Minimum lot size and lot width for a duplex or stacked unit shall be one and one-half times the standards shown for the R-8, R-12, R-16 and R-24 zone districts.
- 14 For all dwellings in the R-8, R-12, R-16 and R-24 zone districts, the front yard setback shall be a minimum of twenty (20) feet for principal structures with street facing garages and fifteen (15) feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.
- 15 Maximum lot coverage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

Amend Section 6.6.A.12 as follows:

12. **Downtown Area.** Parking regulations for uses in the downtown area are:
- a. There is no parking requirement for the reuse or remodel of an existing structure within an existing building envelope.
 - b. There is no parking requirement for new construction replacing an existing use which is entirely within the building envelope which existed as of *(the effective date of this ordinance shall be inserted herein)*.
 - c. Parking shall be provided for the additional square feet of any addition to an existing structure outside of the existing building envelope, and other new construction. The Director may determine the parking requirements for each project in an effort to reduce the amount of surface parking in the downtown.
 - 1. The determination shall assume that no more than three spaces per 1,000 square feet of new floor area are required, unless otherwise proven by the applicant through the submission of parking data.
 - 2. Existing available spaces in structured parking shall be utilized prior to the development of new surface parking spaces.
 - d. Permanent parking available to the public and within 500 feet [1,000 feet for employees] of the proposed construction counts towards the total parking requirement. Unless the Director determines that he has sufficient parking data, the applicant shall, at the time of application, collect parking data and survey information sufficient for the Director to determine if off-site parking is "available."

Introduced for first reading this ____ day of _____, 2008.

Passed and adopted this ____ day of _____, 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 3

Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 477 29 Road and 2898 I-70 Business Loop

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Purchase of Property for the 29 Road and I-70B Interchange Project – Located at 477 29 Road and 2898 I-70 Business Loop		
File #			
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 5, 2008		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has entered into a contract to purchase a portion of the property at 477 29 Road and 2898 I-70B from CTS Valley Properties, LLC. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 2011 for Program Years 2009 and 2010. Sufficient funds exist to complete the City's purchase of this property.

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Project Right-of-Way Budget	\$ 1,800,000	\$ 3,600,000
Previous Right-of-Way Costs		
R-O-W Costs to Date in City of Grand Junction jurisdiction	\$ 321,802	\$ 643,604
R-O-W Costs to Date in Mesa County jurisdiction (approved as necessary by County Board of Commissioners)	\$ 345,052	\$ 690,104
Other Purchases being considered at 12/17/08 Council Meeting	\$ 157,030	\$ 314,060
Costs Related to this Property Purchase		
Purchase Price	\$ 93,260	\$ 186,521
Appraisal Fees	\$ 2,250	\$ 4,500

Moving & Relocation Costs	\$ 0	\$ 0
Closing Costs	\$ 500	\$ 1,000
Total Costs Related to This Request = \$ 192,021		
Remaining Funds in the Project Right-of-Way Budget	\$ 880,106	\$ 1,760,211

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 2011-F42200)	\$ 14,000,000	\$ 28,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 479,129	\$ 958,258
Final Design (2007/2008)	\$ 556,766	\$ 1,113,533
Estimated Project Costs		
Right-of-Way & Easement Acquisition	\$ 1,800,000	\$ 3,600,000
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City & County Administration	\$392,000	\$ 500,000
Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 10,000,000	\$ 20,000,000
Phase One Irrigation Package Construction Contract	\$ 184,404	\$ 368,807
Total Previous and Estimated Project Costs	\$ 13,995,299	\$ 27,990,598

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 477 29 Road and 2898 I-70B from CTS Valley Properties, LLC.

Attachments:

1. Proposed Resolution

Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly. The City and County are currently contracting to purchase the necessary right-of-way and easements.

The property being acquired is located on the northwest corner of 29 Road and the I-70 Business Loop. The project requires the acquisition of two right-of-way parcels in fee simple: one for the widening of 29 Road, and the second for the widening of Sparrn Street. In addition, three multi-purpose easements extending along the 29 Road, I-70B frontage road, and Sparrn Street frontages are required for the relocation of public utilities. Three temporary easements are also required for construction activities. The parcel at 477 29 Road is zoned C-2, and the parcel at 2898 I-70 Business Loop is zoned I-1. The property at 477 29 Road is unimproved, while the property at 2898 I-70B is improved with a 9,622 square foot steel framed building occupied by E & E

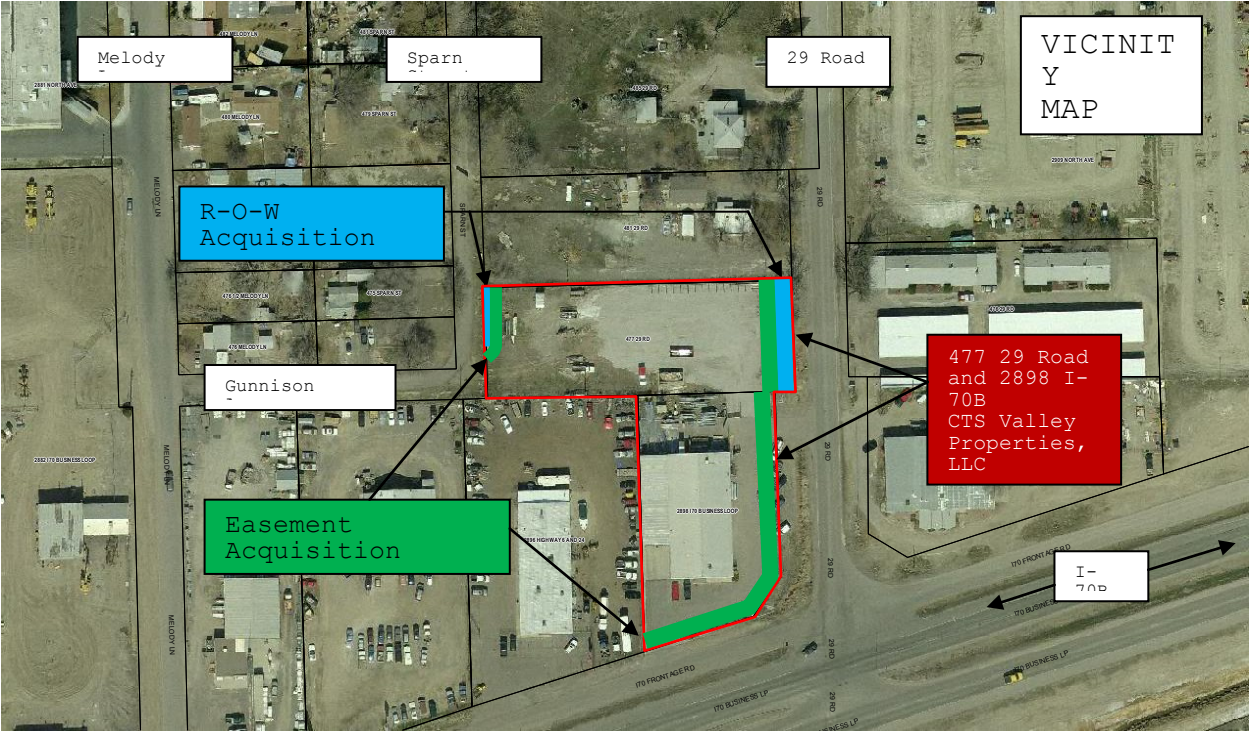
Window and Door, a business owned and operated by the principals of CTS. The building is not directly impacted by the taking, but certain landscape improvements, fences, and the business sign are within the multi-purpose easement.

An appraisal was prepared for the City to determine the fair market value of the parcels to be acquired. The appraisal valued both tax parcels together as one larger parcel, because of unity of ownership, contiguity, and same highest and best use. The City's appraisal concluded a value of \$172,790. An offer to acquire in the amount of \$172,790, was presented to Tom and Carol Skubic, principals of CTS on September 18, 2008. Upon their review of the appraisal, Mr. and Mrs. Skubic did not believe that their property was adequately valued for its corner location at 29 Road and I-70B. They noted that corner properties were routinely 25% above and beyond the value of interior lots, and indicated that the downward adjustments of the comparable sales on corners used in the appraisal report were not warranted. Mr. and Mrs. Skubic counter offered for an additional \$8,000 for the purchase of the property to be acquired in fee simple and the multi-purpose easements. The cost per square foot of this counter offer is still 5-12% less than the cost per square foot of comparable sales used in the appraisal report that were also corner lots. Appraisal adjustments can be as much qualitative as quantitative, and this analysis of the data contained within the appraisal is deemed reasonable.

Additionally, discussions with Mr. and Mrs. Skubic revealed certain access issues related to truck traffic, the remedies of which had not been contemplated in the appraisal report. Current access to and from the rear storage yard and the overhead doors located along the east elevation of the building is from 29 Road. The property will lose its direct access to 29 Road. There is a tight curve around the southeast corner of the building that is not navigable by large delivery trucks or trucks with trailers in tow. The Owner's requested additional restoration costs of \$5,750 to install a gate and improve the access from Sparn Street, which will make it possible to maintain truck and trailer access to the rear storage yard and the overhead doors on the east face of the building. This amount has been substantiated by a contractor's estimate.

The total of the negotiated settlement equals \$186,521, an increase of \$13,731 or 8% above the amount of the initial offer.

This settlement as proposed is reasonable, prudent, and necessary for the construction of the 29 Road project, and City Staff recommends its approval. Closing is scheduled to occur on or after January 1, 2009 contingent upon the Council's approval.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 477 29 ROAD AND 2898 I-70 BUSINESS LOOP FROM CTS VALLEY
PROPERTIES, LLC**

Recitals.

A. The City of Grand Junction has entered into a contract with CTS Valley Properties, LLC, for the purchase by the City of certain real property located within the proposed alignment of the 29 Road and I-70B Interchange.

Parcel #	Schedule #	Address	Zoned	Current Use	ROW Req'd (Sq ft)	Multi-Purpose Easement Req'd (Sq ft)	Temporary Easement Req'd (Sq ft)
H-28A	2943-181-00-042	477 29 Road	C-2	Commercial	2,278		
H-28B	2943-181-00-042	477 29 Road	C-2	Commercial	266		
H-23PE Rev	2943-181-12-002	2898 I-70 Business Loop	I-1	Commercial		5,753	
H-28PE1	2943-181-00-042	477 29 Road	C-2	Commercial		2,160	
H-23PE2	2943-181-12-002	2898 I-70 Business Loop	I-1	Commercial		978	
H-23TE	2943-181-12-002	2898 I-70 Business Loop	I-1	Commercial			507
H-28TE1	2943-181-00-042	477 29 Road	C-2	Commercial			540
H-28TE2 Rev2	2943-181-00-042	477 29 Road	C-2	Commercial			154
Total Sq Ft. =					2,544	8,891	1,201

B. The purchase contract provides that on or before December 17, 2008, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase a portion of the property at 477 29 Road and 2898 I-70 Business Loop.

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

1. The property described herein shall be purchased for a price of \$186,521. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$186,521 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this ____ day of _____, 2008.

Attest:

Gregg Palmer, President of the Council

Stephanie Tuin, City Clerk

Attach 4

Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 485 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Purchase of Property for the 29 Road and I-70B Interchange Project – Located at 485 29 Road		
File #			
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 5, 2008		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has entered into a contract to purchase a portion of the property at 485 29 Road from Terence L. and Camilla A. Hammer. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 2011 for Program Years 2009 and 2010. Sufficient funds exist to complete the City's purchase of this property.

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Project Right-of-Way Budget	\$ 1,800,000	\$ 3,600,000
Previous Right-of-Way Costs		
R-O-W Costs to Date in City of Grand Junction jurisdiction	\$ 321,802	\$ 643,604
R-O-W Costs to Date in Mesa County jurisdiction (approved as necessary by County Board of Commissioners)	\$ 345,052	\$ 690,104
Other Purchases being considered at 12/17/08 Council Meeting	\$ 145,018	\$ 290,037
Costs Related to this Property Purchase		
Purchase Price	\$ 105,272	\$ 210,544
Appraisal Fees	\$ 2,250	\$ 4,500
Moving & Relocation Costs	\$ 0	\$ 0

Closing Costs	\$ 500	\$ 1,000
Total Costs Related to This Request = \$ 216,044		
Remaining Funds in the Project Right-of-Way Budget	\$ 880,106	\$ 1,760,211

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 2011-F42200)	\$ 14,000,000	\$ 28,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 479,129	\$ 958,258
Final Design (2007/2008)	\$ 556,766	\$ 1,113,533
Estimated Project Costs		
Right-of-Way & Easement Acquisition	\$ 1,800,000	\$ 3,600,000
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City & County Administration	\$392,000	\$ 500,000
Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 10,000,000	\$ 20,000,000
Phase One Irrigation Package Construction Contract	\$ 184,404	\$ 368,807
Total Previous and Estimated Project Costs	\$ 13,995,299	\$ 27,990,598

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 485 29 Road from Terence L. and Camilla A. Hammer.

Attachments:

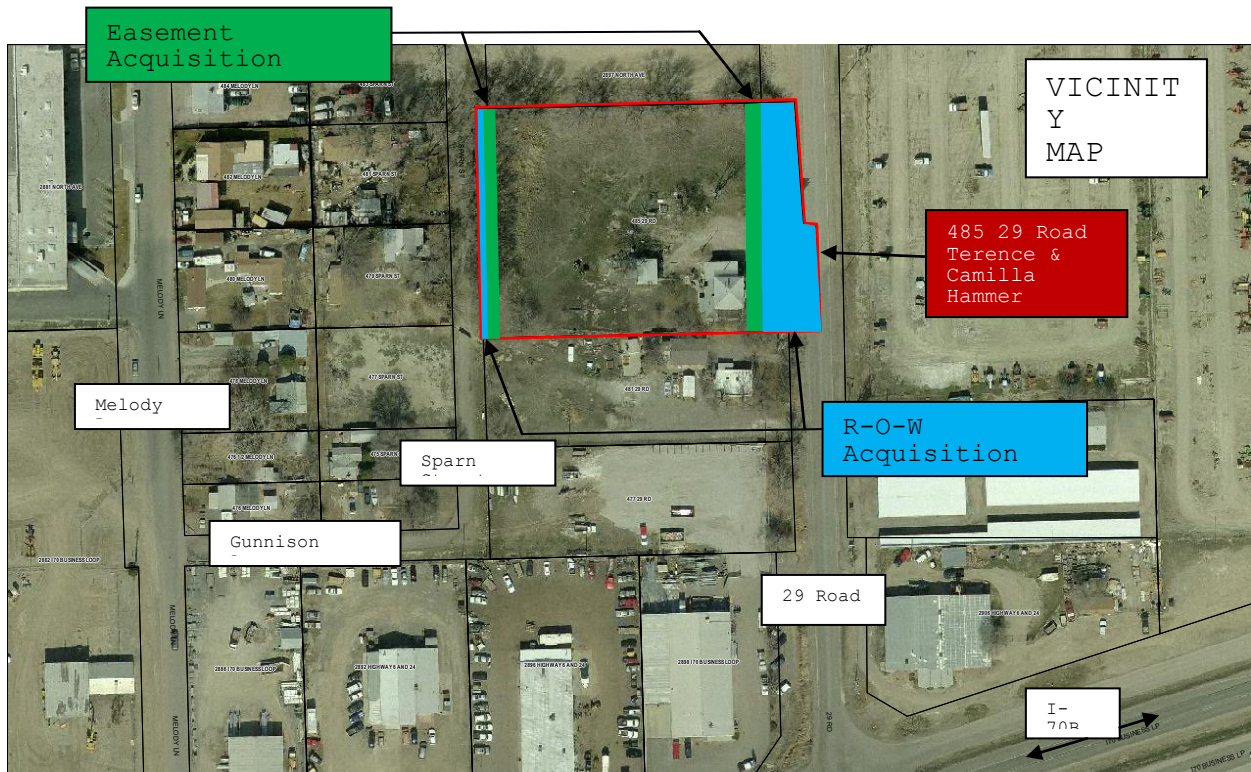
1. Proposed Resolution

Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly. The City and County are currently contracting to purchase the necessary right-of-way and easements.

The property being acquired is located on the west side of 29 Road between I-70B and North Avenue. The project requires the acquisition of two right-of-way parcels in fee simple: one for the widening of 29 Road, and the second for the widening of Sparrn Street. In addition, multi-purpose easements extending along the Sparrn and 29 Road frontages and two temporary easements are required for the relocation of public utilities and construction activities. The property is zoned C-2, General Commercial and contains a land area of 1.669 acres, more or less. It is improved with a single family residence, which is not within the areas to be acquired.

An appraisal was prepared for the City to determine the fair market value of the parcels to be acquired. The City's appraisal concluded a value of \$210,544. An offer to acquire in the amount of \$210,544, consistent with the City's approved appraisal, was presented to Mr. and Mrs. Hammer on November 24, 2008. Mr. and Mrs. Hammer have accepted the City's offer of \$210,544.

This settlement as proposed is reasonable, prudent, and necessary for the construction of the 29 Road project, and City Staff recommends its approval. Closing is scheduled to occur on or before December 31, 2008 contingent upon the Council's approval.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 485 29 ROAD FROM TERENCE L. HAMMER AND CAMILLA A. HAMMER**

Recitals.

A. The City of Grand Junction has entered into a contract with Terence L. Hammer and Camilla A. Hammer, for the purchase by the City of certain real property located within the proposed alignment of the 29 Road and I-70B Interchange.

Parcel #	Schedule #	Address	Zoned	Current Use	ROW Req'd (Sq ft)	Multi-Purpose Easement Req'd (Sq ft)	Temporary Easement Req'd (Sq ft)
H-31A Rev	2943-181-00-065	485 29 Road	C-2	Residential	9,520		
H-31B	2943-181-00-065	485 29 Road	C-2	Residential	1,548		
H-31PE1 Rev	2943-181-00-065	485 29 Road	C-2	Residential		4,089	
H-31PE2	2943-181-00-065	485 29 Road	C-2	Residential		3,156	
H-31TE1	2943-181-00-065	485 29 Road	C-2	Residential			762
H-31TE2	2943-181-00-065	485 29 Road	C-2	Residential			1,500
Total Sq Ft. =					11,068	7,245	2,262

B. The purchase contract provides that on or before December 17, 2008, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase a portion of the property at 485 29 Road.

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

1. The property described herein shall be purchased for a price of \$210,544. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$210,544 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this ____ day of _____, 2008.

Attest:

Gregg Palmer, President of the Council

Stephanie Tuin, City Clerk

Attach 5

Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 481 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Purchase of Property for the 29 Road and I-70B Interchange Project – Located at 481 29 Road		
File #			
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 5, 2008		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has entered into a contract to purchase a portion of the property at 481 29 Road from Alan and Connie Miracle. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 2011 for Program Years 2009 and 2010. Sufficient funds exist to complete the City's purchase of this property.

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Project Right-of-Way Budget	\$ 1,800,000	\$ 3,600,000
Previous Right-of-Way Costs		
R-O-W Costs to Date in City of Grand Junction jurisdiction	\$ 321,802	\$ 643,604
R-O-W Costs to Date in Mesa County jurisdiction (approved as necessary by County Board of Commissioners)	\$ 345,052	\$ 690,104
Other Purchases being considered at 12/17/08 Council Meeting	\$ 204,032	\$ 408,065
Costs Related to this Property Purchase		
Purchase Price	\$ 46,258	\$ 92,516
Appraisal Fees	\$ 2,250	\$ 4,500
Moving & Relocation Costs	\$ 0	\$ 0
Closing Costs	\$ 500	\$ 1,000

Total Costs Related to This Request = \$ 98,016		
Remaining Funds in the Project Right-of-Way Budget	\$ 880,106	\$ 1,760,211

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 2011-F42200)	\$ 14,000,000	\$ 28,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 479,129	\$ 958,258
Final Design (2007/2008)	\$ 556,766	\$ 1,113,533
Estimated Project Costs		
Right-of-Way & Easement Acquisition	\$ 1,800,000	\$ 3,600,000
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City & County Administration	\$392,000	\$ 500,000
Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 10,000,000	\$ 20,000,000
Phase One Irrigation Package Construction Contract	\$ 184,404	\$ 368,807
Total Previous and Estimated Project Costs	\$ 13,995,299	\$ 27,990,598

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 481 29 Road from Alan and Connie Miracle.

Attachments:

1. Proposed Resolution

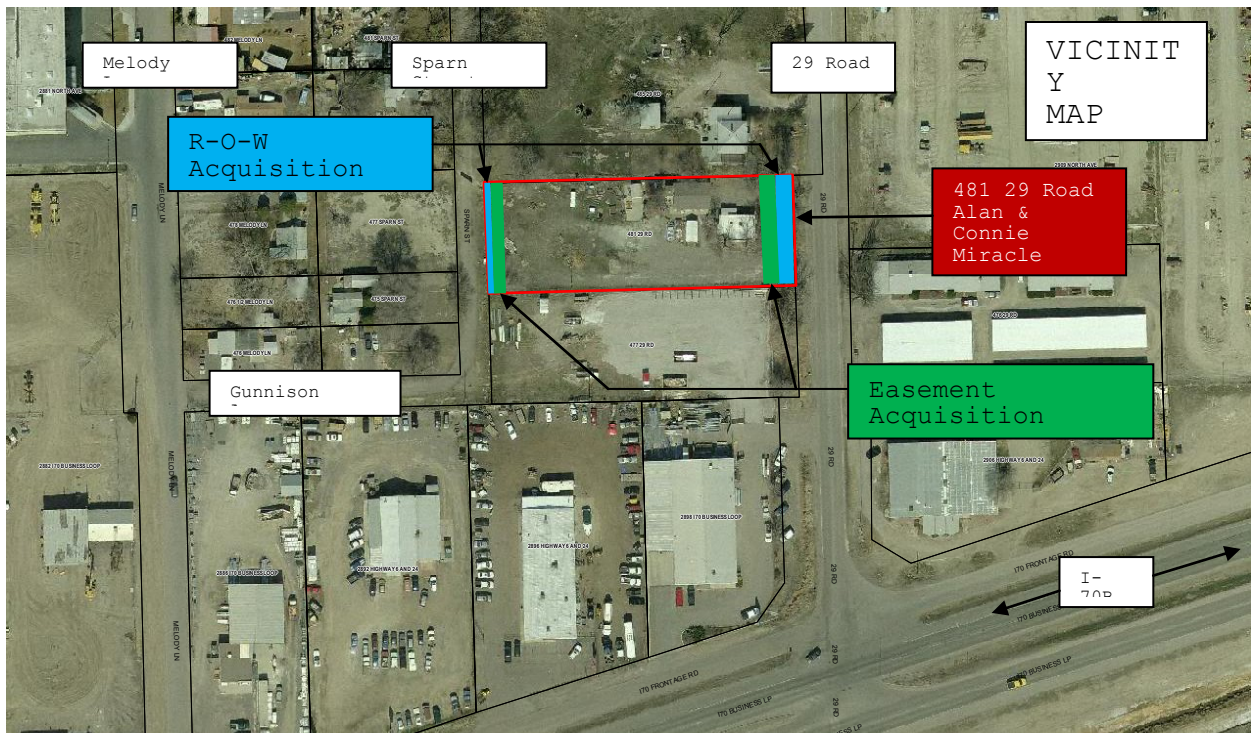
Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly. The City and County are currently contracting to purchase the necessary right-of-way and easements.

The property being acquired is located on the west side of 29 Road between I-70B and North Avenue. The project requires the acquisition of two right-of-way parcels in fee simple: one for the widening of 29 Road, and the second for the widening of Sparrn Street. In addition, multi-purpose easements extending along the Sparrn and 29 Road frontages and three temporary easements are required for the relocation of public utilities and construction activities. The property is zoned C-2, General Commercial and contains a land area of 0.82 acres, more or less. It is improved with a 796 square foot

single family residence constructed in 1928 and a 929 square foot detached garage, which are not within the areas to be acquired.

An appraisal was prepared for the City to determine the fair market value of the parcels to be acquired. Additionally, Mr. and Mrs. Miracle secured an appraisal. The City's appraisal concluded a value of \$92,516. The Miracle's appraisal indicated a value of \$87,000. An offer to acquire in the amount of \$92,516, consistent with the City's approved appraisal, was presented to Mr. and Mrs. Miracle on November 17, 2008. Mr. and Mrs. Miracle have accepted the City's offer of \$92,516.

This settlement as proposed is reasonable, prudent, and necessary for the construction of the 29 Road project, and City Staff recommends its approval. Closing is scheduled to occur on or before December 31, 2008 contingent upon the Council's approval.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 481 29 ROAD FROM ALAN R. MIRACLE AND CONNIE L. MIRACLE**

Recitals.

A. The City of Grand Junction has entered into a contract with Alan R. Miracle and Connie L. Miracle, for the purchase by the City of certain real property located within the proposed alignment of the 29 Road and I-70B Interchange.

Parcel #	Schedule #	Address	Zoned	Current Use	ROW Req'd (Sq ft)	Multi-Purpose Easement Req'd (Sq ft)	Temporary Easement Req'd (Sq ft)
H-30A	2943-181-00-041	481 29 Road	C-2	Residential	2,283		
H-30B	2943-181-00-041	481 29 Road	C-2	Residential	716		
H-30PE1	2943-181-00-041	481 29 Road	C-2	Residential		2,160	
H-30PE2	2943-181-00-041	481 29 Road	C-2	Residential		1,512	
H-30TE1	2943-181-00-041	481 29 Road	C-2	Residential			202
H-30TE2	2943-181-00-041	481 29 Road	C-2	Residential			178
H-30TE3 Rev2	2943-181-00-041	481 29 Road	C-2	Residential			836
Total Sq Ft. =					2,999	3,672	1,216

B. The purchase contract provides that on or before December 17, 2008, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase a portion of the property at 481 29 Road.

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

1. The property described herein shall be purchased for a price of \$92,516. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$92,516 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this ____ day of _____, 2008.

Attest:

Gregg Palmer, President of the Council

Stephanie Tuin, City Clerk

Attach 6

Contract for 29 Road and I70B Interchange Underground and Street Lighting Phase One

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract for 29 Road and I-70B Interchange Undergrounding and Street Lighting Phase One		
File #			
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 5, 2008		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The construction of the 29 Road and I-70B Interchange project will require the relocation of many overhead power lines. This first phase will provide street lights and underground approximately 2,100 feet of power lines along 29 Road between D and D ½ Road.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 2011 for Program Years 2009 and 2010. The table below summarizes the budget for the street lighting and undergrounding of Xcel’s overhead utilities.

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Project Budget for Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Previous 29 Rd Street Lighting & Undergrounding Expenses	\$ 0	\$ 0
Phase One Lighting & Undergrounding (D to D ½ Road)	\$ 107,350	\$ 214,701
Remaining Project Budget for Street Lighting & Utility Undergrounding	\$ 42,650	\$ 85,299

Overall Project Budget (Fund 2011-F42200)	\$ 14,000,000	\$ 28,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 479,129	\$ 958,258
Final Design (2007/2008)	\$ 556,766	\$ 1,113,533
Estimated Project Costs		

Right-of-Way & Easement Acquisition	\$ 1,800,000	\$ 3,600,000
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City & County Administration	\$392,000	\$ 500,000
Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 10,000,000	\$ 20,000,000
Phase One Irrigation Package Construction Contract	\$ 184,404	\$ 368,807
Total Previous and Estimated Project Costs	\$ 13,995,299	\$ 27,990,598

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Xcel Energy to provide street lighting and to relocate the existing overhead power lines underground along 29 Road between D and D ½ Road.

Attachments:

1. Xcel Energy's estimate for Phase One, D to D ½ Road.

Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly.

The widening of 29 Road between D Road and D ½ Road will require the relocation of existing overhead lines on both the east and west side of the road. Per the franchise agreement, Xcel is only required to relocate their facilities in kind and would leave the utilities overhead. On the west side of the road, Xcel proposes to relocate the power and leave the utilities overhead. There will be no cost to the City for this work. On the east side the overhead power lines will be relocated to an underground joint utility trench, which will also be utilized by gas, phone, cable, and FO utilities. This joint utility trench on the east side of the road will be a continuation of the joint trench installed by Phase One of the Riverside Parkway project. This Phase One purchase order with Xcel Energy will cover the cost of undergrounding the overhead power lines on the east side of the road, as well as providing street lighting between D and D ½ Roads.



November 19, 2008

2538 Blichmann Avenue
Grand Junction, Colorado 81505

City of Grand Junction
Mr. Paul Jagim
2529 High Country Ct.
Grand Junction, CO
81501

RE: 29 Road

Dear Paul,

I have completed the design and estimate for relocating/undergrounding the electric facilities to clear the reconstruction of 29 Road, from D to D ½ Road, and along the old D ½ Road alignment. This estimate also includes street lighting for 29 Road and the new D ½ Road section.

Overhead to Underground conversion –

Xcel Energy will install new underground facilities along the East side of 29 Road within the 14' multi-purpose easement. We will provide all trench, backfill and surveying for this installation. Existing overhead service drops to the residences will remain overhead. A few new poles will need to be installed to serve these locations. Estimated cost = \$172,850.00

Relocations –

Xcel will relocate the existing overhead 3-phase line along the West side of 29 Road and the overhead facilities in D ½ road as required to clear the proposed reconstruction. There is no cost to the city of Grand Junction for this work.

Street Lighting –

I have designed a layout using a combination of "Cobra" 250-watt lights mounted on wood poles and "Curvilinear" 250-watt lights mounted on black steel poles. In the areas that wood poles will be located, for serving the residences on the east side of 29 Road and for the overhead conductors along the west side; we will install the cobra head streetlights. Along the new D ½ Rd and at the south end of 29 Road, we will install the curvilinear streetlights. By utilizing the existing wood poles with cobra style of lights, the cost for the street lighting was significantly reduced.

The total cost for street lighting is \$41,851.00.

Joint Trench –

We will install new gas line with our underground electric facilities and abandon the 4" steel line currently located in 29 Road ROW. I have provided Bresnan and

Qwest copies of my construction sketch and anticipate they will utilize our trench to underground their facilities.

This estimate is contingent on the following items:

1. All easements will be acquired for our facilities by the City of Grand Junction and /or Mesa County. This includes the new underground and the relocated overhead facilities.
2. Our trench route will be cleared and grubbed prior to our construction.
3. The existing irrigation ditch along the east side of 29 Road will be piped prior to our construction.

If this estimate is acceptable to you, please sign a return to me a copy of this letter. Once I receive this, the material will be ordered and the work order will be release to our construction department for scheduling. If you have any questions, I can be reached at 244-2693.

Sincerely,



Jon Price
Xcel Energy
PO Box 849
Grand Junction, CO
81502

Attach 7

Public Hearing Sterling Crane Rezone, Located at 2220 Sanford Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sterling Crane Rezone – Located at 2220 Sanford Drive		
File #	RZ-2008-315		
Meeting Day, Date	Wednesday, December 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	December 1, 2008		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: : Request to rezone 4.32 acres from C-2 (General Commercial) zone district to I-1 (Light Industrial) zone district, located at 2220 Sanford Drive.

Budget: N/A

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

Attachments:

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

Background Information: See attached staff report and background information.

BACKGROUND INFORMATION					
Location:		2220 Sanford Drive			
Applicants:		Owner: Sterling Crane, Inc Developer: Souder, Miller and Associates Representative: Ciavonne, Roberts and Associates			
Existing Land Use:		Vacant			
Proposed Land Use:		Storage Yard			
Surrounding Land Use:	North	Sterling Crane Office and Outdoor Storage			
	South	Vacant land			
	East	Metal Fabrication, Diesel repair			
	West	Motel and Acorn Truck Stop			
Existing Zoning:		C-2 (General Commercial)			
Proposed Zoning:		I-1 (Light Industrial)			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	I-1 (Light Industrial)			
	East	I-1 (Light Industrial)			
	West	C-2 (General Commercial)			
Growth Plan Designation:		Commercial Industrial			
Zoning within density range?		X	Yes		No

Staff Analysis:

1. Background

The subject property was annexed with 380 acres as part of the Grand Junction West Annexation in 1992. All but three of the over 100 properties north of G Road in this annexation have an I-1 or 1-2 (General Industrial) zoning.

The surrounding properties along Sanford Drive and Scarlet Street have been steadily developing as industrial uses in accordance with their I-1 zoning. The applicant, Sterling Crane, one of those industrial businesses, is located adjacent and north of the subject property. The applicant plans to expand their current business and this property would be an excellent and convenient location.

2. Consistency with the Growth Plan

The Growth Plan's future land use designation is Commercial Industrial. Therefore, the proposed I-1 zone district is consistent with Growth Plan.

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*

The existing zoning was not in error at the time of adoption.

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

New growth trends in the Grand Valley have stimulated the development of industrial uses along Sanford Drive and adjacent Scarlet Street. The character of the neighborhood is more industrial than commercial and I-1 zoning would be more in character with the current uses.

3. *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances*

The commercial uses directly to the west are a 24-hour truck stop and motel accommodating large tractor trailers coming from and going to Interstate 70. Most of the surrounding area uses are industrial (i.e. railroad, warehousing, construction contractors, energy company contractors, etc.) and an I-1 zone will be compatible.

Industrial use will not create adverse impacts. Review by the Development Engineer and Planner confirms that parking and street capacity can be accomplished adequately and safely through review of future development. Stormwater drainage will be adequately provided for according to Code through review of the site plan.

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

The proposed zoning district of I-1 supports the Future Land Use classification of Commercial Industrial and therefore is consistent with the goals and policies of the Growth Plan. Development of the site will be reviewed for consistency with adopted plans and City regulations.

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

There is an existing 8 inch water line and an existing sewer line that run the length of the property along Sanford Drive. These services are adequate and available for development of the property.

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

In general, our community needs more industrially zoned properties and most of the properties in this area are zoned I-1. Furthermore, the applicant plans to expand their existing business which occupies the I-1 zoned parcel directly to the north. This is the best possible location for their expansion given the proximity to their existing business and the existing industrial uses in the area.

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

The proposed rezone will allow storage of heavy equipment, that is, mobile cranes, adjacent to major roadways and company headquarters.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Sterling Crane Rezone, RZ-2008-315, a request to rezone the property from C-2 to I-1, the following findings of fact and conclusions have been determined:

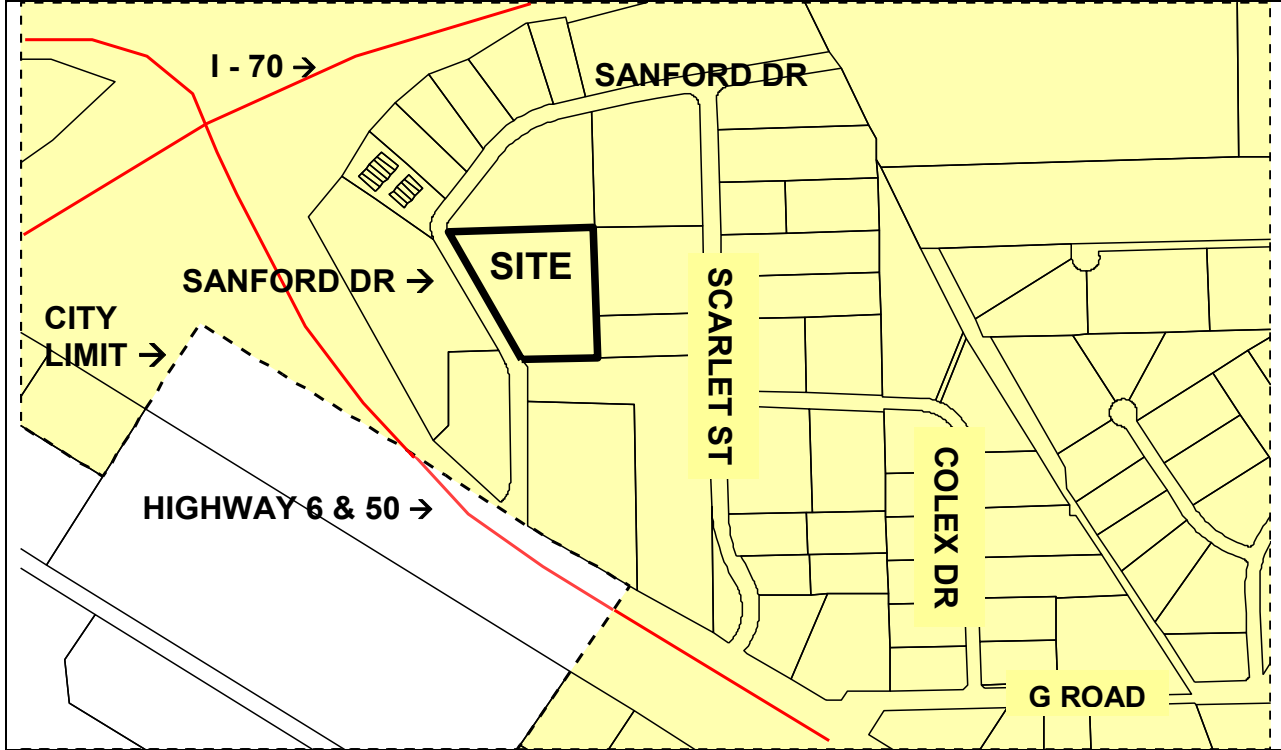
1. The requested zone is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested rezone to the City Council on November 25, 2008, finding the zoning from C-2 (General Commercial) to I-1 (Light Industrial) zone district, to be consistent with the goals and policies of the Growth Plan and Section 2.6.A of the zoning and Development Code.

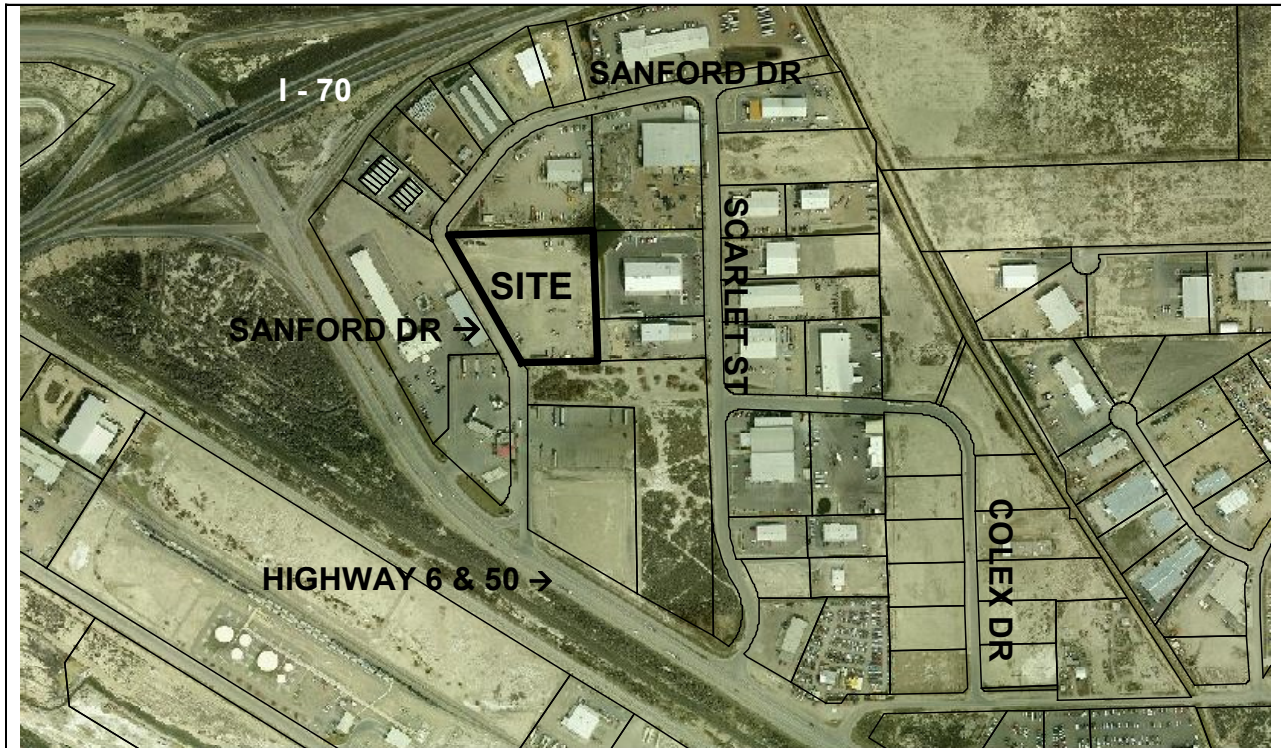
Site Location Map

Figure 1



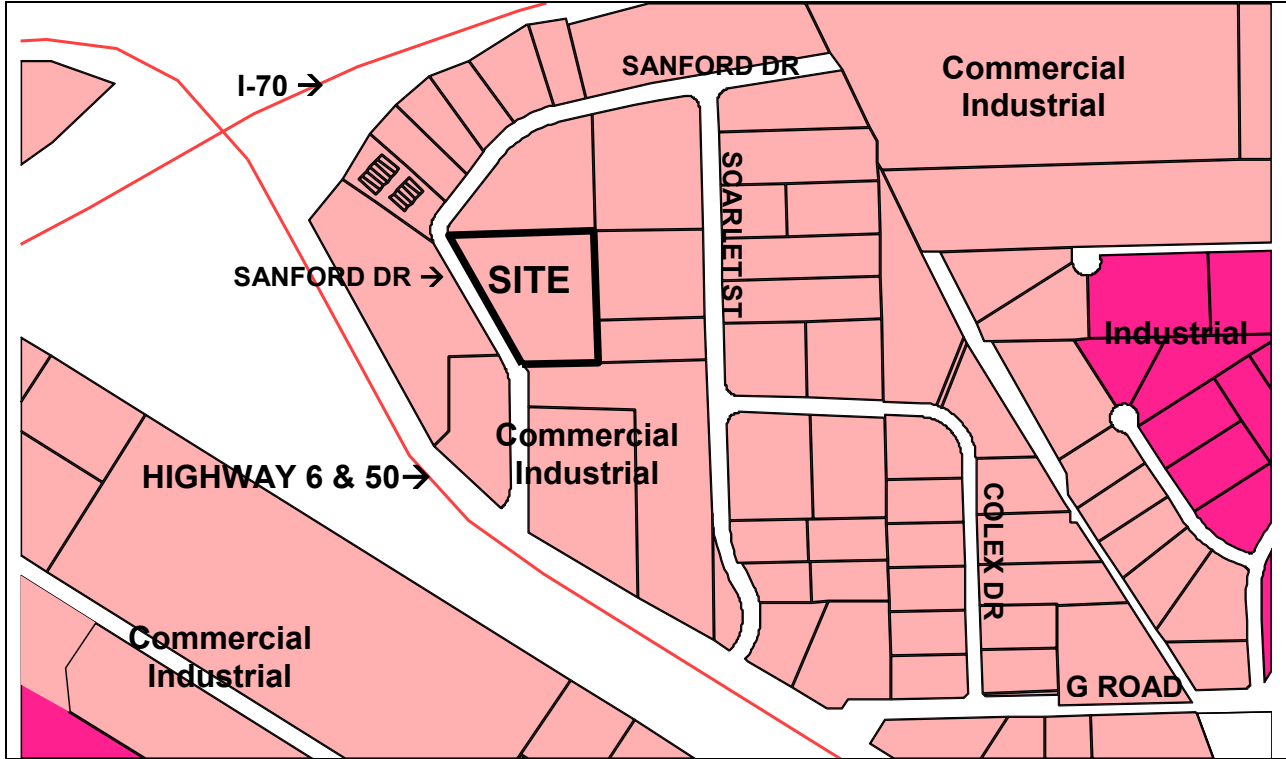
Aerial Photo Map

Figure 2



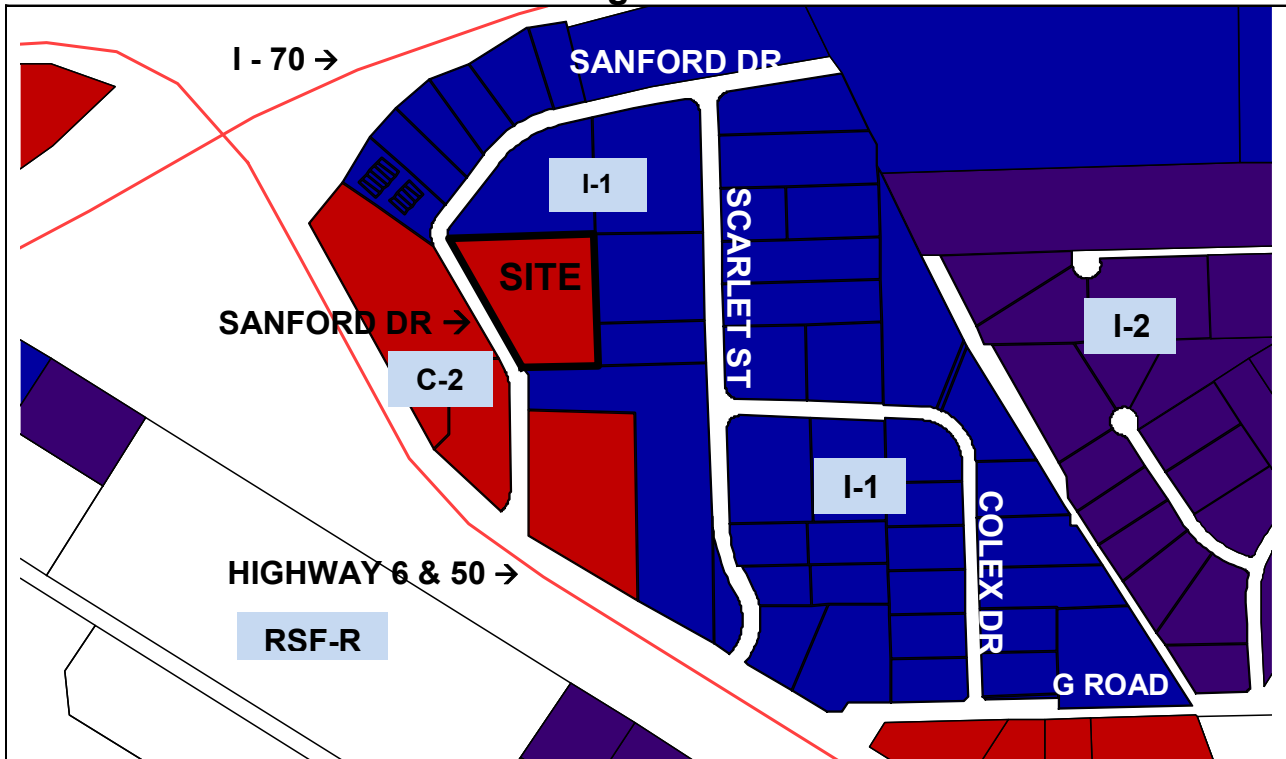
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE STERLING CRANE PROPERTY
FROM C-2 (GENERAL COMMERCIAL) TO I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 2220 SANFORD DRIVE

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Sterling Crane property from C-2 (General Commercial) to I-1 (Light Industrial) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the Future Land Use map of the Growth Plan, Commercial Industrial, and the Growth Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district to be established.

The Planning Commission and City Council find that the I-1 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

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

Lot 4, Block 1, SWD Subdivision

Said property contains 4.32 acres, more or less, as described.

Introduced on first reading this 3rd day of December, 2008 and ordered published.

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

ATTEST:

City Clerk

Mayor