



**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
WEDNESDAY, FEBRUARY 4, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Setting a Hearing on Rezoning the Twelfth and Patterson Center (City Market)** [File #RZ-2008-323] [Attach 1](#)

Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320, and 1324 Wellington Avenue Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District.

Proposed Ordinance Rezoning the Property Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District Located at 1212,1228, 1238,1308,1310,1314,1320, and 1324 Wellington Avenue

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 18, 2009*

Staff presentation: Scott D. Peterson, Senior Planner

\*\*\* Indicates New Item

® Requires Roll Call Vote

2. **Setting a Hearing on a Request from GCK, LLC, for Inclusion Into Downtown Development Authority Boundaries** [Attach 2](#)

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to "replat" four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

Proposed Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

*Action: Introduction of a Proposed Ordinance and Set a Hearing for February 18, 2009*

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

3. **Construction Contract Award for the 22 Road Bridge Replacement** [Attach 3](#)

Bids were received on Wednesday, January 28, 2009 for replacement of the 22 Road Bridge crossing the Ranchman's Ditch. Mays Concrete, Inc. submitted the low bid in the amount of \$127,362.

*Action: Authorize the City Manager to Sign a Construction Contract with Mays Concrete Inc. for the 22 Road Bridge Replacement in the Amount of \$127,362*

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

4. **Energy Performance Contract Project Proposal** [Attach 4](#)

Staff will present an update of the CORE (Conserving Our Resources Efficiently) committee work and present the facility improvement measures recommended

by the technical energy audit completed for City facilities and the proposed Performance Contract with Johnson Controls (JCI) to implement the measures.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Johnson Controls, Inc. (JCI) in the Amount of \$2,046,342 for the Completion of the City Facilities Energy Performance Contract*

Staff presentation: Kathy Portner, Neighborhood Services Manager  
Terry Franklin, Utilities and Streets Deputy Director  
Jay Valentine, Assistant Financial Operations Manager

5. **Public Hearing - Regarding the Regulation and Licensing of Massage Parlors**

[Attach 5](#)

In an ongoing effort to monitor and police community nuisance and criminal activities, the Grand Junction Police Department and the City Attorney have become aware of some growth in criminal activities related to massage parlor establishments. City Staff believes that it would be in the best interests of the community if City Council would consider a new City ordinance to regulate and license massage parlors. Those establishments can be a front for criminal activity. With licensing as proposed, law enforcement will have greater opportunity to monitor businesses before problems arise.

Ordinance No. 4324—An Ordinance Regulating and Licensing Massage Parlors

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4324*

Staff presentation: John Shaver, City Attorney

6. **Public Hearing - DeRush Mini Storage Rezone, Located at 2179 H Road** [File #RZ-2008-319] [Attach 6](#)

Request to rezone 4.60 acres located at 2179 H Road, from C-2 (General Commercial) to I-1 (Light Industrial) zone district.

Ordinance No. 4325—An Ordinance Rezoning DeRush Mini Storage Unit Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2179 H Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4325*

Staff presentation: Senta L. Costello, Senior Planner

7. **Non-Scheduled Citizens & Visitors**
8. **Other Business**
9. **Adjournment**

**Rezoning the Twelfth and Patterson Center (City Market)**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Rezone for the Twelfth and Patterson Center (City Market)		
<b>File #</b>	RZ-2008-323		
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	January 21, 2009		
<b>Author Name &amp; Title</b>	Scott D. Peterson, Senior Planner		
<b>Presenter Name &amp; Title</b>	Scott D. Peterson, Senior Planner		

**Summary:** Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320 and 1324 Wellington Avenue known as the Twelfth and Patterson Center, from R-8, (Residential – 8 du/ac.) to B-1, (Neighborhood Business) zone district.

**Budget:** N/A.

**Action Requested/Recommendation:** Introduce a proposed Ordinance and set a public hearing for February 18, 2009.

**Attachments:**

1. Staff Report
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City Zoning
4. Proposed Ordinance

**Background Information:** See attached report.

BACKGROUND INFORMATION				
<b>Location:</b>		1212, 1228, 1238, 1308, 1310, 1314, 1320 and 1324 Wellington Avenue		
<b>Applicants:</b>		Dillon Real Estate Company, Inc., Owners; 12 <sup>th</sup> & Patterson GJ Goldberg, LLC, Representative		
<b>Existing Land Use:</b>		Vacant land and former real estate office		
<b>Proposed Land Use:</b>		City Market grocery store and neighborhood business commercial development		
<b>Surrounding Land Use:</b>	<b>North</b>	Bookcliff Baptist Church, Counseling and Education Center and American Family Insurance		
	<b>South</b>	Single and Multi-Family Residential		
	<b>East</b>	Single and Multi-Family Residential (Patterson Gardens)		
	<b>West</b>	Village Fair Shopping Center		
<b>Existing Zoning:</b>		R-8, (Residential – 8 du/ac.)		
<b>Proposed Zoning:</b>		B-1, (Neighborhood Business)		
<b>Surrounding Zoning:</b>	<b>North</b>	R-O, (Residential Office) and R-8, (Residential – 8 du/ac.)		
	<b>South</b>	PD, (Planned Development) and R-8, (Residential – 8 du/ac.)		
	<b>East</b>	R-8, (Residential – du/ac.)		
	<b>West</b>	B-1, (Neighborhood Business)		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		X	Yes	No

**Staff Analysis:**

**1. Background:**

The existing 21 properties of land located at the southeast corner of N. 12<sup>th</sup> Street and Patterson Road are currently undeveloped and contain split zoning designations of B-1, (Neighborhood Business) and R-8, (Residential – 8 du/ac.). All 21 parcels are owned by the applicant and contain a total of 8.45 +/- acres. Eight (8) of the 21 parcels (3.62 +/- acres) are designated as R-8 adjacent to Wellington Avenue. The applicant is requesting to change the zoning for these eight (8) parcels adjacent to Wellington Avenue so that all of their 21 parcels would be uniform, designated B-1. If this zoning request is approved by the City, the applicant plans to apply for a Conditional Use

Permit/Site Plan Review and Simple Subdivision application in order to develop the properties for a neighborhood business commercial development.

These 21 parcels of land have also been the subject of at least three (3) previous proposals to change the existing residential zoning to some type of commercial zone designation and associated development, most recently in 2002 (City file # RZ-2002-118). At that time this same applicant requested a rezone to PD, Planned Development, to develop the property as a mixed-use development of a grocery store and neighborhood commercial center and twelve (12) residential units. That request was denied by the City Council. In 1998/1999 (City file # RZ-1998-082), this same applicant requested a Growth Plan Amendment, Rezone and a Site Specific Development Plan for a 60,405 sq. ft. grocery store, which was also ultimately denied by the City Council. In 1984 (City file # RZO-1984-031) Smith's Food and Drug, which owned the property at that time, requested a zoning change to PB, Planned Business and submitted an Outline Development Plan which was denied by City voters via a special election.

In November, 2007 the City Council approved a Growth Plan Amendment to change the Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for the properties adjacent to Wellington Avenue. The applicant is now requesting that the City approve the zoning application to bring these properties into compliance with the Future Land Use Map designation of Commercial.

## **2. Consistency with the Growth Plan:**

The Growth Plan Future Land Use Map designates these eight (8) properties as Commercial. The requested zone district of B-1, Neighborhood Business implements the Commercial land use classification of the Growth Plan. The rezone is also consistent with the following Goals and Policies of the Growth Plan:

Goal 1: Policy 1.1: The City and County will use the future land use categories to designate appropriate land uses within the Joint Planning Area. City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities. Policy 5.2 states that the City and County will encourage development that uses existing facilities and is compatible with existing development.

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

Goal 12: Policy 12.1: The City and County will encourage the retention of small-scale neighborhood commercial centers that provide retail and service opportunities in a manner that is compatible with surrounding neighborhoods.

Goal 13: Policy 13.2: The City and County will enhance the quality of development along key arterial street corridors.

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.

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

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

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

Response: The current Future Land Use Map designation for these eight (8) parcels of land is Commercial. The current zoning designation of R-8 is in conflict with this current Future Land Use Map designation, however, I cannot say that at the time the R-8 zoning was adopted it was an error. The proposed rezoning request to B-1 would however, bring the existing eight (8) properties into compliance with the current Future Land Use Map designation of Commercial. In November 2007 the applicant received approval from the City for a Growth Plan Amendment request to change the Future Land Use Map designation for these eight (8) parcels of land from Residential Medium (4 – 8 DU/Ac.) to Commercial in anticipation of future neighborhood business commercial development. Prior to the year 2002, single-family homes once occupied these eight (8) lots, thus the Residential Medium (4 – 8 DU/Ac.) classification was appropriate at the time it was zoned.

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

Response: The character of the area is a mix of commercial, medical office and single/multi-family residential uses. The proposed rezoning is acceptable since the residential land supply in the community will not be adversely affected and also due to the fact that the proposed rezoning would bring the eight (8) parcels of land into compliance with the current Future Land Use Map designation of Commercial. Existing and anticipated development and higher traffic volumes in the area make new single-family residential development questionable for these eight (8) properties. Multi-family residential development could be a viable option; however, given the small amount of land, (3.62 +/- acres), the irregular



shape of the properties, the off-street parking, open space, landscaping and buffering requirements could render residential development difficult.

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

Response: The applicant's intent is to utilize these properties as a neighborhood commercial retail center for the benefit of the adjacent residential neighborhoods and the surrounding neighborhood. It is not intended to capture customers from the entire city as a whole, but to capture the existing traffic that already passes by daily on N. 12<sup>th</sup> Street and Patterson Road.

The proposed rezoning is consistent with the goals and policies of the Growth Plan as noted in the Analysis #2. The proposed rezone would be compatible with other commercial uses in the area (Village Fair Shopping Center and medical offices) and the existing Growth Plan designation of Commercial, while providing retail and service opportunities to nearby residential areas. Furthermore, the Zoning and Development Code requires screening and buffering requirements between all commercial and residentially zoned properties. Therefore, the proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies.

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

Response: Existing and proposed infrastructure facilities are adequate to serve the commercial development. However, significant additional upgrades to the 12<sup>th</sup> and Patterson Road intersection will be necessitated by a commercial development at this site including the acquisition of private property for right-of-way at this intersection. In addition, the City will be required to construct all the street improvements, including widening the intersection for double left turn lanes on all four sides, along with a bus pull out area on Patterson Road. The intersection at 12<sup>th</sup> and Patterson would need to be upgraded by the City at some point in the future due to population growth trends and increased traffic volumes within Grand Junction, this proposed development is necessitating the need to reconstruct this intersection sooner rather than later. Wellington Avenue will also need to be upgraded with half (1/2) street improvements that would include curb/gutter/sidewalk on the northside of Wellington adjacent to the site which will be the responsibility of the developer.

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

Response: The southeast corner of N. 12<sup>th</sup> Street and Patterson Road is one of the few existing, if not only, larger acreage, undeveloped, commercially designated by the Future Land Use Map pieces of land located along Patterson Road between Mesa Mall and Clifton. The requested rezone would allow the applicant to develop the entire 8.45 acres as a single commercial development project. Currently, 13 parcels are designated B-1 and eight parcels zoned R-8, which makes development of the site challenging, as the site does not encompass enough land area for a well-planned commercial or residential development as currently designated.

6. The community will benefit from the proposed zone.

Response: The community and area can benefit from the proposed rezone in the respect that it may provide additional neighborhood commercial development (such as grocery, restaurant and retail establishments) that can be accessed by both vehicular and pedestrian traffic from existing and nearby residential neighborhoods as well as passing-by traffic, the volume of which is significant. It may also provide additional job opportunities for neighborhood community residents.

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

- a. R-O, Residential Office
- b. C-1, Light Commercial
- c. C-2, General Commercial

If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Twelfth and Patterson Center application, RZ-2008-323 for a rezone, the following findings of fact and conclusions have been determined:

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

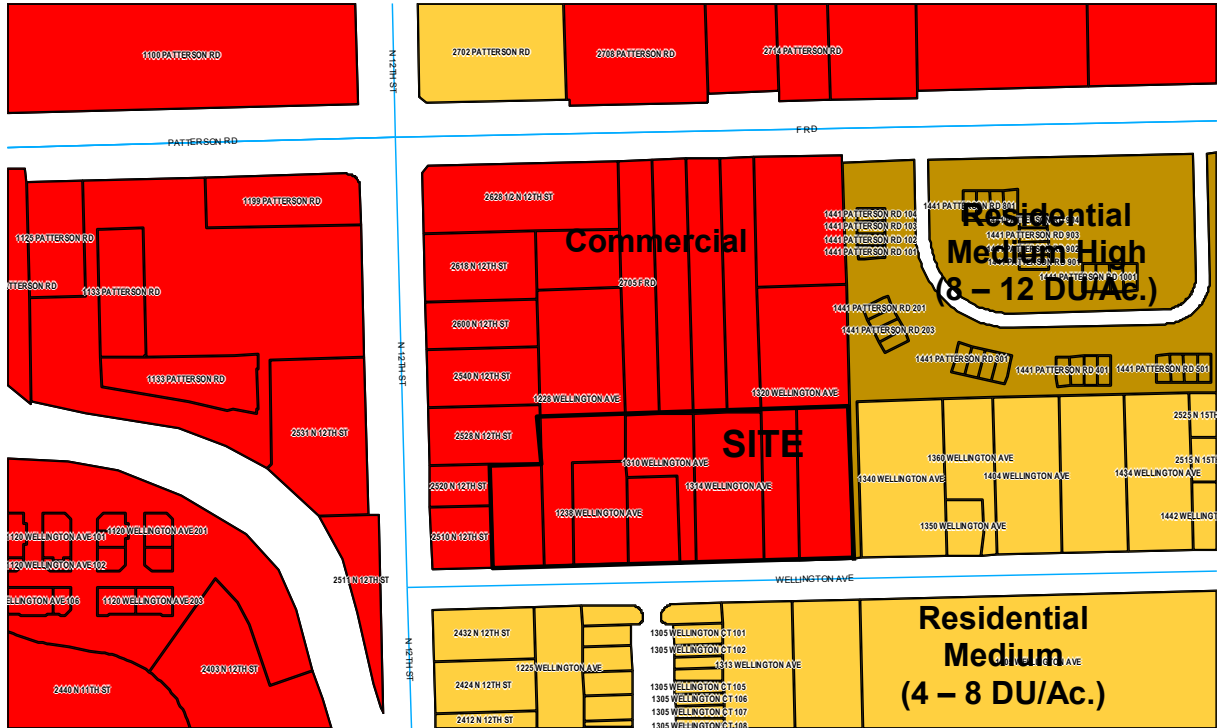
**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested rezone to the City Council on January 13, 2009, finding the requested rezone from R-8, (Residential – 8 du/ac.) to B-1, (Neighborhood Business) 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.



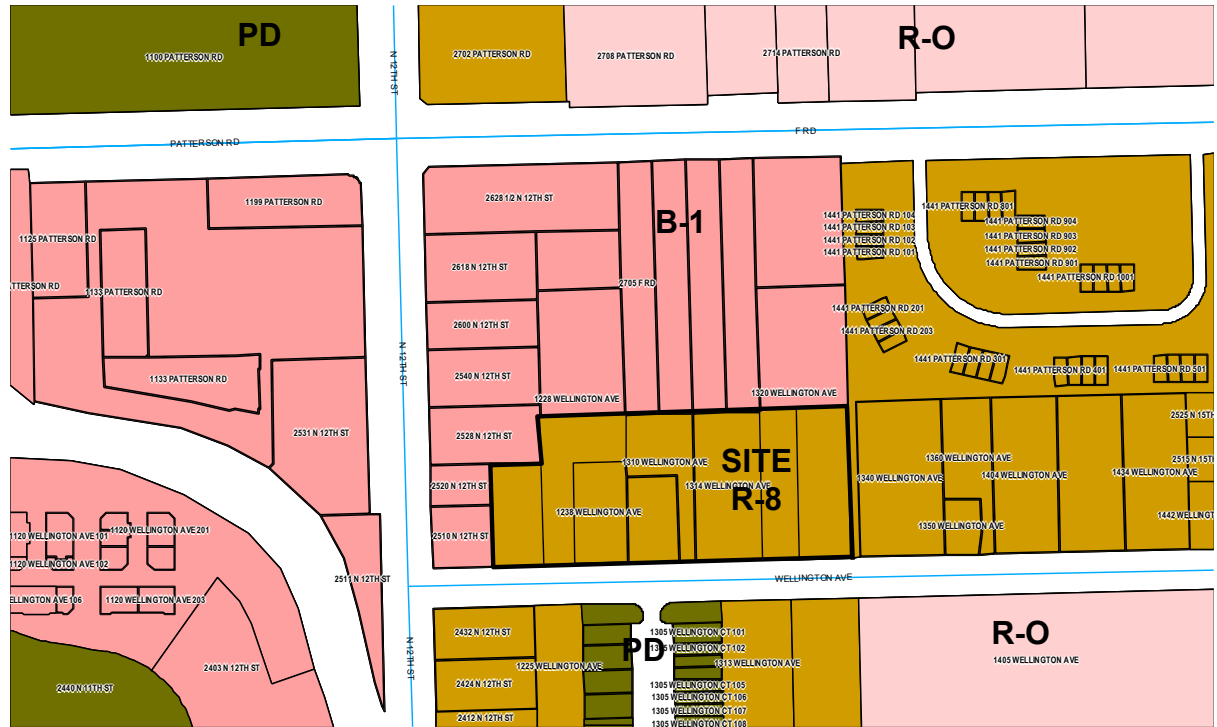
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING PROPERTY KNOWN AS  
TWELFTH AND PATTERSON CENTER  
FROM R-8, (RESIDENTIAL – 8 DU/AC) TO  
B-1, (NEIGHBORHOOD BUSINESS)**

**LOCATED AT 1212, 1228, 1238, 1308, 1310, 1314, 1320  
AND 1324 WELLINGTON AVENUE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning property known as the Twelfth and Patterson Center to the B-1, (Neighborhood Business) zone district, finding that it conforms with the recommended land use category as shown on the Future Land Use Map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the B-1, (Neighborhood Business) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following properties be zoned B-1, (Neighborhood Business):

**Parcel # 1: Parcel #: 2945-122-00-033 Address: 1212 Wellington Avenue**

This legal description was obtained from a Deed recorded November 2, 1994 in Book 2108 on Page 778 in Mesa County.

Beginning at a point 165 feet East of the Southwest corner of Block 11, Fairmount Subdivision, thence North 150 feet, thence West 75 feet, thence South 150 feet, thence East 75 feet to the Point of Beginning.

**Parcel #2: Parcel #: 2945-122-00-021 Address: 1228 Wellington Avenue**

This legal description was obtained from a Deed recorded November 16, 1987 in Book 1670 on Page 481 in Mesa County.

Beginning 150 feet North of the Southeast corner of Lot 37 in Block 11 of Fairmount Subdivision, thence North 339 feet, thence West 125 feet, thence South 489 feet, thence East 45 feet, thence North 150 feet, thence East 80 feet to beginning; Mesa County, Colorado.

**Parcel #3: Parcel #: 2945-122-00-032 Address: 1238 Wellington Avenue**

This legal description was obtained from a Deed recorded March 11, 1998 in Book 2414 on Page 834 in Mesa County.

Beginning at the Southeast Corner of the West half of Block 11 Fairmount Subdivision, thence West 80 feet, thence North 150 feet, thence East 80 feet, thence South 150 feet, to the Place of Beginning, Mesa County, Colorado.

**Parcel #4: Parcel #: 2945-122-22-001 Address: 1308 Wellington Avenue**

This legal description was obtained from a Deed recorded May 11, 1998 in Book 2438 on Page 702 in Mesa County.

Lot 1, Yo Minor Subdivision, Mesa County, Colorado.

**Parcel #5: Parcel #: 2945-122-22-002 Address: 1310 Wellington Avenue**

This legal description was obtained from a Deed recorded January 9, 1996 in Book 2199 on Page 124 in Mesa County.

Lot 2 of Yo Minor Subdivision, Mesa County, Colorado.

**Parcel #6: Parcel #: 2945-122-00-025 Address: 1314 Wellington Avenue**

This legal description was obtained from a Deed recorded March 19, 1997 in Book 2309 on Page 781 in Mesa County.

Beginning at a point 100 feet East of the Southwest Corner of Lot 40 in Block 11 in Fairmount Subdivision, thence North 217.8 feet, thence East 100 feet, thence South 217.8 feet, thence West 100 feet to the Point of Beginning, Mesa County, Colorado.

**Parcel #7: Parcel #: 2945-122-00-135 Address: 1320 Wellington Avenue**

This legal description was obtained from a Deed recorded November 19, 1987 in Book 1670 on Page 974 in Mesa County.

Beginning at a point North 89<sup>0</sup>50' West 48.25 feet from the Southeast corner of Lot 40 in Block 11 of Fairmount Subdivision, thence North 223 feet, thence South 89<sup>0</sup>50' East 78.25 feet, thence North 176.5 feet, thence North 89<sup>0</sup>52' West 130.5 feet, thence South 399.4 feet, thence South 89<sup>0</sup>50' East 52.25 feet to the point of beginning.

**Parcel #8: Parcel #: 2945-122-00-133 Address: 1324 Wellington Avenue**

This legal description was obtained from a Deed recorded December 24, 1997 in Book 2389 on Page 73 in Mesa County.

Beginning at the Southeast corner of Lot 40 in Block 11 of Fairmount Subdivision, thence North 89 Deg 50' West 48.25 feet; thence North 223 feet; thence South 89 Deg 50' East 78.25 feet; thence South 223 feet; thence North 89 Deg 50' West 30 feet to the Point of Beginning, Mesa County, Colorado.

Said properties contain 3.62 +/- acres, more or less, as described.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**GCK, LLC, Inclusion Into Downtown Development Authority Boundaries**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Request from GCK, LLC, for Inclusion into Downtown Development Authority Boundaries		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	January 23, 2009		
<b>Author Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		
<b>Presenter Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		

**Summary:**

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

**Budget:** N/A

**Action Requested/Recommendation:**

Introduce an Ordinance for inclusion into the DDA of property Located at 105 W. Colorado Avenue by GCK, LLC, and set a hearing for February 18, 2009.

**Attachments:**

Letter from David E. Chase, P.E., on behalf of GCK, LLC  
 Minutes of DDA meeting approving the request  
 Map of property  
 Ordinance to Amend DDA Boundaries

**Background Information:**

The GJDDA boundaries were set upon creation of the DDA and, in order to be added to the Authority, an entity must present a letter to the DDA Board requesting inclusion. If approved, this request is forwarded on to the City Council for consideration. This

property is owned by GCK, LLC, and is in the process of being "replatted." In order to consolidate the parcels into one property, Mesa County stipulates that all parcels be uniform in their taxing requirements. The DDA appreciates that GCK, LLC, has requested to include the entire property into the boundaries Authority and approved this request at its January 22, 2009, meeting.

**VISTA ENGINEERING CORP.**  
**CONSULTING ENGINEERS & LAND SURVEYORS**

January 12, 2009

Ms. Heidi Hoffman Ham  
DOWNTOWN DEVELOPMENT AUTHORITY  
248 S. 4<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Growth Plan Amendment, 105 W. Colorado Avenue

Dear Heidi,

This letter is being written as a follow-up to our phone conversation earlier today. As we discussed, there is currently a land use application being reviewed by the City of Grand Junction for the above referenced property. This application is to 'replat' four existing tax parcels into just one lot, as well as to vacate a portion of the public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. From our discussion, and the review comments submitted by the DDA regarding this proposal, it is the Growth Plan Amendment portion of the application that needs to be addressed.

The request to amend the Growth Plan stems from the apparent error in identifying the western portion of the site as a PUBLIC use, whereas the rest of the site is identified as a COMMERCIAL use. As such, this western portion of the site is not currently included in the Downtown Development Authority's boundary. It is the desire of the property owner, GCK, LLC, to have this portion of the site included in the DDA boundary and it is our understanding that there is a petition process that needs to be completed in order to accomplish this. Therefore, please consider this letter as our formal request to place this matter on the next agenda for the DDA Board of Directors for their consideration for this site to be included in the DDA boundary.

If there is any additional information that you may need as part of this request or if there are any questions or comments that you may have, please feel free to contact me at your convenience.

Sincerely,

VISTA ENGINEERING CORP.



David E. Chase, P.E.  
Project Manager

DEC/dc

xc: Senta L. Costello, City Community Development Dept.  
Cary Eidsness, GCK, LLC



GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD MINUTES  
Thursday, January 22, 2009  
248 S. 4<sup>th</sup> Street, Grand Junction, CO  
7:30 a.m.

PRESENT: Bill Wagner, Peggy Page, Bonnie Beckstein, Scott Holzschuh, Bill Keith, Steve Thoms

ABSENT: Harry Griff, Scott Howard

STAFF: Heidi Hoffman Ham, Diane Keliher

GUESTS: John Shaver, Rich Englehart

CALL TO ORDER: Steve called the meeting to order at 7:52 a.m.

APPROVAL OF MINUTES: Scott Holzschuh made a motion to approve the January 8 minutes; Bill W. seconded; minutes were approved.

CHAIRMAN'S REPORT – The City attorney has given us guidelines to follow regarding calling executive session. All items are to be posted 24 hours in advance of the meeting. Bonnie has gotten comments from City Council that indicates that issues have been discussed outside of executive session.

EXECUTIVE DIRECTOR REPORT – Today is the deadline for the bids on the heating system at the Schiesswohl Building. Heidi is working with Big Horn Consulting to go over the bids. She will send an email to the Board with a final decision after 2:00 today. She mentioned that there was some roof damage under the swamp cooler and that the ceiling will need to be fixed.

There have been four recent incidences of vandalism of Art on the Corner. One incident was in the 300 block, and three were in the 600 block. The City Parks Department will try to fix the welds. Alison has spoken with the Police Department concerning this issue. Steve wondered if there is a pattern with these vandalisms. Alison will be looking for sturdier pieces to be placed in the 600 block. Scott suggested a webcam.

The DDA has been authorized to advertise the RFP for the catalyst project in cooperation with the Strategic Plan. Rich mentioned that the DDA Downtown Plan still needs to be presented to and approved by City Council.

There is a group of people interested in developing the Union Depot. The group has received money for a historical assessment. Heidi is asking if the DDA supports this project. The Board agreed that this is not high on the priority list.

Jovan Paprocki submitted a design for hand-made benches for 7<sup>th</sup> Street. His design would deter skateboarders and add a divider to the benches to keep people from sleeping on them. His estimate would put us over the current budget. It was agreed that it makes more sense to go with the manufacturer who can warrantee the product for a long period and can be added on to in the future.

Heidi is going to the National Main Street Conference in Chicago this spring. Relevant topics include; a child-friendly downtown, music on Main Street, façade programs, cameras on the street, etc.

Quilters' Corner is having major sewer issues. The line at the tap needs to be replaced. Fortunately, the City is already putting in a new sewer line and the DDA would like to partner with them. Heidi will bring back numbers for ratification at the next meeting.



ACTION ITEMS:

1. The DDA has received a request from Vista Engineering Corporation on behalf of their client, GCK, LLC, to be added to the DDA. Part of their property is in the DDA and part of it is out and they are requesting that all of the property be included. Scott Holzschuh made a motion to approve the request from GCK, LLC to add their property to the DDA; Peggy seconded; motion passed.
2. One response was received to the call for DTA board members. The applicant is Lenée Grisier who works at American National Bank. The DTA gave her their recommendation. Peggy made a motion to consider the DTA recommendation for appointment; Bill K. seconded; motion carried.
3. Heidi distributed copies of the completed Façade Improvement Program application form. Scott would like to use photos of our downtown, if possible. Chris Redden of the Business Incubator has offered to help merchants take advantage of the program. Bonnie made a motion to approve the application and direct staff to proceed with implementation of the program; Bill W. seconded; motion passed.
4. Heidi spoke with nine or ten individuals regarding the Air Space RFP and has received three submittals. The Blythe Group would like to plan and design the space; Wagner Galloway from Palisade submitted a design; and Obermeier Sheykhet from Denver submitted a design/build proposal in cooperation with Shaw Construction. Steve would like to see it stay open as a breezeway. It was decided to reopen the RFP for thirty days and revisit it next meeting. Heidi will meet with City engineers regarding the building structure and the adjacent buildings.

ADJOURN – Bill K. made a motion to move into executive session to discuss issues related to C.R.S. 24-6-402 (4)(f); Peggy seconded; the Board adjourned into executive session.

EXECUTIVE SESSION: C.R.S. 24-6-402(4)(f)

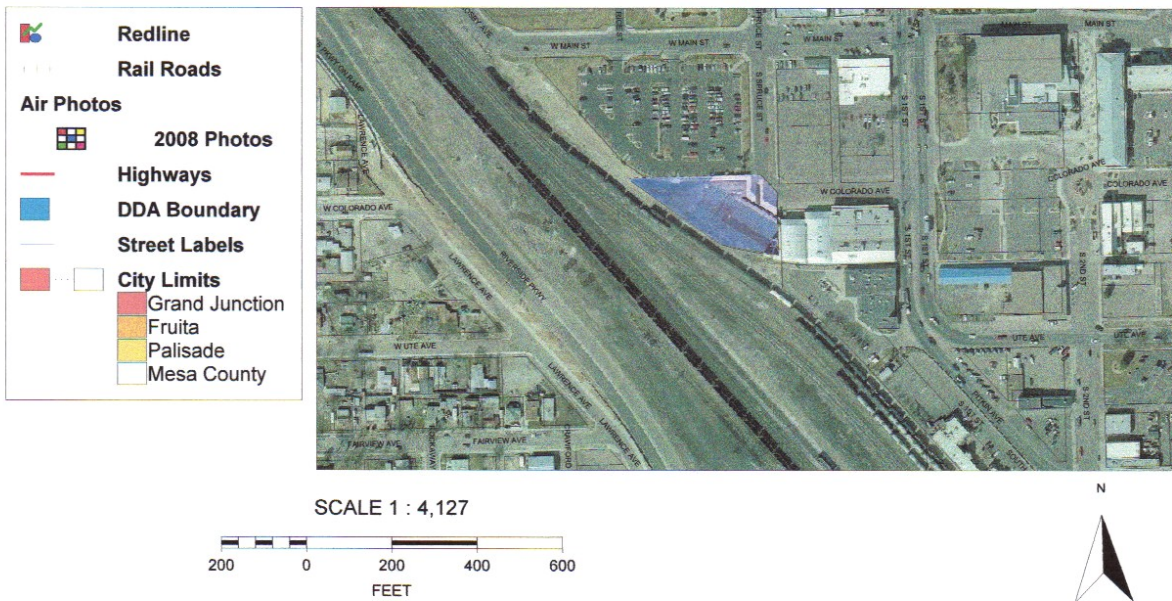
APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

SENT TO CITY CLERK \_\_\_\_\_

DATE \_\_\_\_\_

# City of Grand Junction GIS City Map ©



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO  
APPROVING EXPANDING THE BOUNDARIES FOR THE GRAND JUNCTION,  
COLORADO  
DOWNTOWN DEVELOPMENT AUTHORITY

The Grand Junction, Colorado, Downtown Development Authority (the Authority) has adopted a Plan of Development for the boundaries of the Authority and the plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (the Council) on December 16, 1981.

Since that time, several individuals, pursuant to Section 31-25-822, 12A C.R.S., as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority have been expanded by the Council by Ordinances No. 2045, 2116, 2382, 2400, 2425, 2470, 2820, 2830 and 4305;

The Board of Directors of the Authority has reviewed and approved a current petition from GCK, LLC, requesting inclusion into the Authority's boundaries for its newly-consolidated property at 105 W. Colorado Avenue and requests Council approval to expand the Authority's boundaries to include the entire property.

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

1. The Council finds the existence of blight within the Authority within the meaning of C.R.S. 1973, Section 31-25-802(1.5), as amended.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Downtown Development Authority Plan of Development as shown on the attached Exhibit 1, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district, and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority.
3. The expansion of the Authority's boundaries, as shown in the attached Exhibit 1, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in the Plan.



4. The City Council is requested to ask the County Assessor to certify the valuation for assessment of the new property included as of the date of the last certification, and the City Finance Director is requested to certify the sales tax receipts for the properties for the twelve (12) months prior to the inclusion of such property.

5. If any provision of this ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Construction Contract Award for the 22 Road Bridge Replacement  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Construction Contract Award for the 22 Road Bridge Replacement		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	Wednesday, January 28, 2009		
<b>Author Name &amp; Title</b>	William Frazier, Project Engineer		
<b>Presenter Name &amp; Title</b>	Tim Moore, Public Works and Planning Director		

**Summary:** Bids were received on Wednesday, January 28, 2009 for replacement of the **22 Road Bridge** crossing the Ranchman's Ditch. Mays Concrete, Inc. submitted the low bid in the amount of **\$127,362.00**.

**Budget:** This project is budgeted under Fund 201 for the Program Year 2009.

22 Road Bridge Project costs:

Construction contract (low bid)	\$127,362.00
Design	\$8,000.00
Construction Inspection and Administration (est.)	<u>\$15,000.00</u>
Total Project Costs	\$150,362.00

22 Road Bridge Project funding:

City budgeted funds (201-F004301)	\$218,616.00
Total Costs	<u>\$150,362.00</u>
Balance	\$68,254.00

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract with Mays Concrete, Inc. for the **22 Road Bridge Replacement Project** in the amount of **\$127,362.00**.

**Attachments:** None

**Background Information:** The following bids were opened on Wednesday, January 28, 2009:

Bidder	From	Bid Amount
Structures, Inc.	Englewood, CO	\$233,670.00
Mays Concrete, Inc.	Grand Junction, CO	\$127,362.00
G.A. Western Const. Co.	Palisade, CO	\$162,819.00
Engineer's Estimate		\$218,060.00

This project generally consists of the removal and replacement of the existing 22 Road Bridge which crosses the Ranchman's Ditch. The existing bridge is structurally deficient and functionally obsolete. The bridge will be replaced with a 14' wide X 4' high X 60' long cast-in-place concrete box culvert and will include concrete approach slabs, sidewalks, parapet walls, bridge railing, Type 3 Guardrails, and shotcrete canal lining. The Contractor will provide construction surveying/staking, traffic control, and weekly newsletters.

22 Road will be closed during construction of the new box culvert. Traffic will be detoured to 21-1/2 Road or 23 Road while the bridge is being replaced.

The project schedule is as follows:

22 Road Bridge Replacement Construction Start  
February 17, 2009

22 Road Bridge Replacement Construction Complete

April 3, 2009

**Energy Performance Contract Project Proposal**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Energy Performance Contract Project Proposal		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	January 26, 2009		
<b>Author Name &amp; Title</b>	Scott Hockins, Purchasing Supervisor		
<b>Presenter Name &amp; Title</b>	Kathy Portner, Neighborhood Services Manager Terry Franklin, Utilities and Streets Deputy Director Jay Valentine, Assistant Financial Operations Manager		

**Summary:** Staff will present an update of the CORE (Conserving Our Resources Efficiently) committee work and present the facility improvement measures recommended by the technical energy audit completed for City facilities and the proposed Performance Contract with Johnson Controls (JCI) to implement the measures.

**Budget:**

With approval of this proposal City Council will authorize the use of \$2,046,342 from the City's investment pool. The accumulated guaranteed annual savings will pay back the pool over the term of the investment due to the unique nature of this project and it's "appropriation neutrality". Approximately \$325,000 of the total project cost will be covered by rebates from Xcel Energy and the New Energy Communities grant from the Department of Local Affairs and Governor's Energy Office.

**Action Requested/Recommendation:** Authorize the City Purchasing Division to enter into a contract with Johnson Controls, Inc. (JCI) in the amount of \$2,046,342 for the completion of the City Facilities Energy Performance Contract.

**Attachments:** N/A

**Background Information:** The CORE (Conserving Our Resources Efficiently) committee recommends proceeding with the energy performance contract which has identified specific measures to make City facilities as efficient as possible. A technical energy audit has determined the feasibility and cost of implementing energy and water saving measures for selected City Facilities.

JCI has completed an audit 38 City Facilities and has surveyed major energy-using equipment, including lighting (indoor and outdoor), heating and heat distribution systems, cooling systems, automatic temperature control systems, air distribution systems, outdoor ventilation systems, exhaust systems, hot water systems, electric motors, special systems such as kitchen/dining equipment and swimming pools, renewable energy systems, other energy using systems, and water consuming systems such as restroom fixtures, water fountains, and irrigation systems.

Based on the audit findings, a project proposal has been prepared by JCI, giving the City a list of energy saving projects with projected payback analysis.

**Regulation and Licensing of Massage Parlors**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Regulate and License Massage Parlor Establishments		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	January 29, 2009		
<b>Author Name &amp; Title</b>	Mary Lynn Kirsch, City Attorney's Office		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney		

**Summary:** In an ongoing effort to monitor and police community nuisance and criminal activities, the Grand Junction Police Department and the City Attorney have become aware of some growth in criminal activities related to massage parlor establishments. City Staff believes that it would be in the best interests of the community if City Council would consider a new City ordinance to regulate and license massage parlors. Those establishments can be a front for criminal activity. With licensing as proposed, law enforcement will have greater opportunity to monitor businesses before problems arise.

**Budget:** There is no direct budget impact from adoption of the Ordinance. Increased enforcement will have a cost that is unknown at this time. The Grand Junction Police Department, City Clerk and City Attorney will be responsible for enforcement.

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

**Attachments:** Proposed Ordinance

**Background Information:** Grand Junction Police Officers are aware of increased criminal activities associated with massage parlor establishments. As there is a general community expectation that the City be alert and responsive to criminal activities of this kind, it is the recommendation of staff that a new ordinance be adopted that regulates and provides licensing and oversight authority for these types of establishments.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING AND LICENSING MASSAGE PARLORS**

**RECITALS:**

The number of massage businesses in Grand Junction has increased. With that growth there has been increased concern about criminal conduct and nuisance activity related to massage parlor establishments. The efforts of the Grand Junction Police Department to police and monitor these activities have been ongoing but there is a need for more direct involvement with licensing and enforcement. This would be accomplished by adopting a new ordinance specifically regulating and licensing massage parlor establishments.

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

A new Article VII be added to Chapter 10 of the Grand Junction Code of Ordinances regarding businesses. The Ordinance establishes regulations and licensing requirements for massage parlor establishments. The new Article VII shall read as follows:

**Chapter 10 BUSINESSES**

**ARTICLE VII. MASSAGE PARLORS**

**Sec. 10-200. Purpose.**

This chapter is enacted for the purpose of promoting the health, safety and welfare of the citizens of the City by regulating and licensing massage parlors.

**Sec. 10-220. Definitions.**

As used in this chapter, unless the context otherwise requires, the following words and terms shall be defined as follows:

**“License”** means a grant to a licensee to operate a massage parlor.

**“Licensed Premises”** means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is authorized to carry on the practice of massage.

**“Licensing Authority”** or **“Authority”** means the massage parlor licensing authority of the City.

“**Location**” means a particular parcel of land that may be identified by an address or by other descriptive means.

“**Massage**” means a method of treating the body of another for medical, remedial or hygienic purposes, including but not limited to rubbing, stroking, kneading or tapping with the hand or an instrument or both.

“**Massage Parlor**” means an establishment providing massage, but it does not include training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams or licensed health care facilities. A facility that is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor.

“**Massage Therapist**”. For purposes of this subsection, “massage therapist” has the meaning set forth in C.R.S. §12-35.5-103. For purposes of this subsection, a massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

“**Person**” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

“**Premises**” means a distinct and definite location which may include a building, a part of a building, a room, or any other definite area contiguous thereto.

**Sec. 10-230. Licensing authority established.**

(a) There is established a massage parlor licensing authority, which shall have and is vested with the authority to grant or refuse licenses for massage parlors based upon the criteria set forth herein, and state law to conduct investigations and to suspend or revoke such licenses for cause in the manner provided by this Code.

(b) Hereinafter, the massage parlor Licensing Authority shall be the persons that comprise the Grand Junction Liquor and Fermented Malt beverage Licensing Authority (to wit a designated hearing officer, the City Attorney or his/her designee and the City Clerk or her/his designee). The qualifications and appointment of members to fill vacancies and removal of members by the City Council shall be in the manner provided by Charter and this Code.

(c) The Authority shall meet as needed. The hearing officer shall preside over all hearings and proceedings of the Authority.

(d) The City Clerk shall receive all applications for licenses and shall issue all licenses granted by the Authority, upon receipt of all fees as are required by this chapter. All public notices required by this chapter shall be accomplished by the City Clerk.

(e) The Code Enforcement Officer for the affected area shall also be the massage parlor inspector, who shall perform routine periodic inspections of the licensed premises and such other duties as the massage parlor Licensing Authority may reasonably direct. Public notice by posting of signs required by this chapter shall be accomplished by the Code Enforcement Officer.



**Sec. 10-240. Licensed required – Display.**

(a) It is unlawful for any person to operate a massage parlor within this city unless such person shall have first obtained a massage parlor license from the City.

(b) Such license shall be prominently displayed at all times upon the premises for which the license was issued.

**Sec. 10-250. Application fee.**

Each applicant, whether an individual, partnership or corporation, shall pay an application fee as determined by City Council in accordance with its annual fee resolution at the time of filing an application. Such application fee shall be nonrefundable.

**Sec. 10-260. License application.**

(a) Applications for a License under the provisions of this Chapter shall be on forms prepared and furnished by the City Clerk which shall set forth such information as the Licensing Authority requires to enable the Authority to determine whether a license should be granted. Each individual applicant, partner of a partnership, officer, director and holder of over ten percent of the corporate stock of the corporate applicant and all managers shall be named in each application form and each of them shall be photographed and fingerprinted by the Grand Junction Police Department.

Each individual applicant, partnership and corporate applicant shall also furnish evidence from the Public Works and Planning Department that the proposed establishment meets the requirements of the City zoning ordinance, proof of the applicant's right to possession of the premises, complete plans and specifications for the premises, a financial questionnaire, a background investigation report and consent to release financial information and any other information necessary to complete the investigation of the applicant. Each corporate applicant shall furnish evidence that it is in good standing under the laws of the State of Colorado or in the case of a foreign corporation, evidence that the corporation is currently authorized to do business in the State of Colorado.

(b) The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk or the Licensing Authority. All fees shall be returned with the application. For purposes of this chapter, the date the City Clerk accepts an application which is complete in every detail shall be the filing date.

(c) Upon receipt of a complete application for a license to operate a massage parlor, the City Clerk shall set the boundaries of the neighborhood to be considered pursuant to Section 10-290 (b) of this chapter in determining whether or not to grant said license.

**Sec. 10-270. Public Notice – Posting and Publication.**

(a) Upon receipt of a complete application, except an application for renewal or for transfer of ownership, the Licensing Authority shall schedule a public hearing upon the application not less than thirty days after the filing date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation in the municipality in which the premises are

located.

(b) Notice given by posting shall include a sign of suitable material, stating the type of license applied for, the date of the application, the date of the hearing, the name and address of the applicant and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners and, if the applicant is a corporation, association or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary and manager.

(c) Notice given by publication shall contain the same information as that required for notice signs.

(d) If the building in which the massage parlor is to be operated is in existence at the time of the application, any sign posted as required in subsections (a) and (b) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

(e) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and cross-examine witnesses. As used in this chapter, "party in interest" includes the applicant, a resident of the neighborhood under consideration, or the owner or manager of a business located in the neighborhood under consideration.

(f) The Licensing Authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.

#### **Sec. 10-280. Investigation.**

(a) When a complete application has been accepted for filing, the required individuals have been fingerprinted and photographed, and the license fee has been paid, the City Clerk shall transmit the application to the Grand Junction Police Department for investigation of the background and financial interest of each individual applicant, each partner holding over ten percent interest of a partnership, each officer, director and holder of over ten percent of the stock of a corporation of a proposed massage parlor establishment. The Police Department shall also investigate the source of funds for the business. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated.

(b) The investigation conducted by the Grand Junction Police Department shall be sufficient to verify the accuracy of all the information submitted as part of the application. The Grand Junction Police Department shall make a recommendation to the Licensing Authority to approve or deny the license based on its investigation. In investigating the qualifications of any applicant, licensee, or employee or agent of the licensee or applicant, the Licensing Authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the Licensing Authority takes into consideration information concerning the applicant's criminal history records, the Licensing Authority shall also consider any information provided by the applicant regarding such criminal

history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of his/her application for a license.

As used in this subsection (b), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(c) No application for a massage parlor license at a particular location by or on behalf of the same person shall be received or acted upon concerning a location for which, within two years preceding, the local Licensing Authority has refused to approve a license on the grounds, in whole or in part, that the license(s) already granted for the particular locality were adequate for the reasonable requirements of the neighborhood and the desires of the inhabitants at the time of such refusal.

#### **Sec. 10-290. Results of Investigation – Decision of Authority – Change of Financial Interest.**

(a) Not less than ten days prior to the date of the hearing, the City shall make known the findings based upon its investigation, in writing, the applicant and other interested parties. The Licensing Authority has authority to refuse to issue any license, subject to judicial review.

(b) Before entering any decision approving or denying the application, the Licensing Authority shall consider, except where this chapter specifically provides otherwise, the facts and evidence produced as a result of the investigation, including the reasonable requirements of the neighborhood for the license for which application has been made, the desires of the inhabitants, the number, type and availability of other massage parlors located in or near the neighborhood under consideration, and any other pertinent matters affecting qualifications of the applicant for the conduct of the business proposed.

(c) Any decision of the Licensing Authority approving or denying an application shall be in writing stating the reasons therefor and shall be made within thirty days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application.

(d) No license shall be issued by the Licensing Authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the provisions of this chapter, and then only after inspection of the premises has been made by the Licensing Authority to determine that the applicant has complied with the plans and specifications submitted upon application. If the building has not been constructed or placed in operation within one year after approval of the license application or construction of the building has not commenced within one year after such approval, the Licensing Authority, in its discretion, may revoke or elect not to renew the license.

(e) Any change in the partners holding over ten percent in interest of a partnership or in the officers, directors or holders of over ten percent of the stock of a corporate licensee holding a massage parlor license shall result in termination of the license of the partnership or corporation,

unless such licensee within thirty days after such change, files a written notice of such change with the City Clerk on forms provided by the City Clerk, together with the required fees, fingerprints and photographs. The Grand Junction Police Department shall thereafter conduct an investigation and make a recommendation as set out in Section 10-280.

(f) Each license issued under this chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location.

#### **Sec. 10-300. Renewals.**

Application for the renewal of an existing license shall be made to the Licensing Authority not less than forty-five days prior to the date of expiration. The Licensing Authority may cause a hearing on the application or renewal to be held. No such renewal hearing shall be held by the Licensing Authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The Licensing Authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three months. The Licensing Authority may also refuse to renew any license for good cause, subject to judicial review.

#### **Sec. 10-310. Transfer of ownership.**

(a) Application shall be made to the Licensing Authority prior to any transfer of ownership on forms prepared and furnished by the Licensing Authority. In determining whether to permit a transfer of ownership, the Licensing Authority shall consider the requirements of Section 10-260. The Licensing Authority may cause a hearing on the application for transfer of ownership to be held. No such hearing shall be held by the Licensing Authority until the notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and written notice of the hearing has been provided the applicant at least ten days prior to the hearing.

(b) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

#### **Sec. 10-320. Location of Massage Parlors.**

(a) It is unlawful to operate or cause to be operated a massage parlor which is in violation of the Grand Junction zoning ordinance.

(b) It is unlawful to operate or cause to be operated a massage parlor within one thousand feet of:

- (1) A church;
- (2) A school or child care facility, as defined in the Grand Junction Zoning Code;
- (3) A public park;
- (4) A boundary of any residential district;

(5) The property line of a lot devoted to residential use.

(c) It is unlawful to cause or permit the operation of a massage parlor within one thousand feet of another massage parlor or an adult business as defined in the Grand Junction Zoning and Development Code.

(d) It is unlawful to cause or permit the operation or maintenance of more than one massage parlor in the same building, structure or portion thereof.

(e) For the purposes of subsections (b) and (c) above, the distance between any two massage parlors shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the property line of such use to the closest exterior wall of the structure in which the massage parlor is located.

(f) Any massage parlor lawfully operating on the effective date of this chapter that is in violation of subsections (b) through (e) of this section shall be allowed to continue operating for an amortization period of six (6) months. Six (6) months after this ordinance becomes effective, all massage parlors must comply with subsections (b) through (e) of this section and all other provisions of this chapter.

(g) A massage parlor lawfully operating is not rendered a nonconforming use by the subsequent location of a church, a school or child care facility, as defined in the Grand Junction Zoning and Development Code, public park, residential district, a residential lot, or adult business within one thousand feet of the massage parlor; however, if the massage parlor ceases operation for a period of one hundred eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location.

(h) No changes of location for a licensed massage parlor shall be allowed.

#### **Sec. 10-340. Identity cards.**

(a) Every applicant, licensee, agent or employee of said applicant or licensee who administers massages shall, prior to commencing work in or upon the licensed premises, obtain an identity card from the City Clerk and shall carry said identity card at all times while in or upon the licensed premises.

(b) The identity card shall include the location of the massage parlor, the name, signature and photograph of the individual. A fee of fifty (\$50) dollars shall be charged for each card, said fee to be collected by the City Clerk and used to defray the expenses of providing such identity cards. A separate identity card shall be required for each person for each place of employment.

(c) Each applicant for an identity card shall be photographed and fingerprinted by the Grand Junction Police Department and must submit an application form, background investigation report, a copy of a valid picture driver's license or other form of acceptable picture identification, and the required identity card and investigation fees to the City Clerk. Upon receipt of a properly completed application form, acceptable form of identification and fee, the City Clerk shall transmit the application to the Grand Junction Police Department for investigation of the applicant's background. The City Clerk shall reject any application that is not complete in every detail.

(d) Within forty-five (45) days after filing of a properly completed application for an identity card, the City Clerk will either issue the requested identity card or notify the applicant that the Police Department has recommended denial of the identity card. The Police Department may request a reasonable extension of time from the City Clerk if such extension of time is necessary in order to complete its investigation. Notice of denial of an identity card setting out the grounds for denial shall be sent by certified mail to the applicant at the address provided by the applicant. The grounds for denial shall be those set out in this section and Section 10- 350 herein. In the event of a denial, an applicant shall have the right to a hearing before the Licensing Authority as set for in Section 10-350.

(e) Should any identity card be lost, stolen or otherwise missing, the person to whom the identity card was issued shall report the missing card to the City Clerk within forty-eight (48) hours of discovery that the identity card is missing. Replacement identity cards shall be issued within five (5) business days of receipt of an application for a replacement identity card. The fee for a replacement card shall be ten (\$10) dollars.

**Sec. 10-350. Suspension – Revocation - Denial of Identification Card - Hearings.**

(a) The Licensing Authority may suspend or revoke any license granted pursuant to this chapter upon a finding of the following:

- (1) That repeated disturbances of the public peace involving patrons, agents or employees, or the licensee of the establishment have occurred within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the licensed establishment;
- (2) That the licensee or any agents or employees thereof are illegally offering for sale or illegally allowing to be sold or consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed Premises, narcotics or dangerous drugs, fermented malt beverages, or malt, vinous or spirituous beverages;
- (3) That the licensee or any agents or employees thereof permitted patrons to engage in public displays of indecency prohibited by law or permitted patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution with the licensed establishment or upon any parking areas, sidewalks, access ways or grounds immediately adjacent to the licensed establishment, when the licensee or agent or employee knew or should have known such displays or acts were taking place;
- (4) That the licensee made a false statement or gave false information in connection with an application for or renewal of a massage parlor license;
- (5) That the licensee violated or permitted a violation of any provisions of this chapter.

(b) Nothing in this chapter shall prohibit the City from taking any other enforcement action provided for by the Grand Junction Municipal Code, the laws of the state or of the United States.

(c) A licensee shall be entitled to a hearing before the Licensing Authority if the City Attorney files a written complaint with the Licensing Authority seeking to suspend or revoke a license.

- (1) When there is probable cause to believe that a licensee has committed or has allowed to be committed acts which are grounds for suspension or revocation under this chapter, the City Attorney may file a written complaint with the Licensing Authority setting forth the circumstances of such acts.
- (2) The Licensing Authority shall provide a copy of the complaint to the licensee, together with notice to appear before the Licensing Authority or his designee for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.
- (3) At the hearing referred to above, the Licensing Authority shall hear and consider relevant evidence from any witness. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, evidence and statements in aggravation of the offense shall also be permitted. The Licensing Authority shall make findings of fact from the evidence as to whether a violation has occurred. If the Licensing Authority determines that a violation did occur, it shall issue an order within thirty (30) days after the hearing suspending or revoking the licensee's license based on its findings of fact. No suspension shall be for a period longer than six (6) months. A copy of the findings and order shall be mailed to or served on the Licensee at the address on the license.
- (4) The order of the Licensing Authority made pursuant to subsection (c)(3) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to appeal said order in a timely manner shall constitute a waiver of any right a licensee may otherwise have to contest the suspension or revocation of his or her license.
  - a. The Licensing Authority has the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books and records necessary for the determination of any hearing which the Licensing Authority conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Licensing Authority.
  - b. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall petition any judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its

order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

(d) The City Attorney may act on behalf of the City during hearings before the Licensing Authority.

(e) All hearings held before the Licensing Authority under this chapter shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the City Clerk, and shall pay all costs of preparing such record.

**Sec. 10-360. Persons prohibited as licensees.**

No license provided by this chapter shall be issued to or held by:

(a) Any corporation, any of whose officers, directors or stockholders holding more than ten percent of the stock thereof are not of good moral character;

(b) Any partnership, association or company, any of whose officers, or any of whose members holding more than ten percent interest therein, are not of good moral character;

(c) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the Licensing Authority;

(d) Any sheriff, deputy sheriff, police officer or prosecuting officer or any of the Licensing Authority's inspectors or employees;

(e) Any person unless he or she is, with respect to his or her character, record and reputation, satisfactory to the Licensing Authority.

**Sec. 10-370. Unlawful acts.**

(a) It is unlawful for any person:

(1) to operate a massage parlor anywhere within the City without holding a valid Grand Junction massage parlor license;

(2) to work in or upon the licensed premises of a massage parlor administering massages without obtaining and displaying a valid identity card pursuant to Sec. 10- 340 of this chapter;

(3) to be in or upon the premises of a massage parlor or to obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under eighteen (18) years of age, unless such person is accompanied by his or her parent or legal guardian, or has a physician's prescription for such massage services;

(4) to allow the sale, giving or procuring of any massage services to any person under the age of eighteen (18) years, unless such person is accompanied by his or her parent or legal guardian, or has a physician's prescription for such



massage services;

- (5) to employ any person under the age of eighteen (18) years in a massage parlor; however, if any person who is not eighteen (18) years of age exhibits a fraudulent proof of age that he or she is eighteen (18) years of age or older, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this chapter for violation of subsection (a)(3) through (5) of this section, unless the person inspecting such proof of age knew or should have known that it was fraudulent;
- (6) to fail to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen inches and a width of eleven inches with each letter a minimum of one-half inch in height, which shall read as follows:

**WARNING**

**IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN (18) YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.**

**IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER EIGHTEEN (18) YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.**

**FINES OR IMPRISONMENTS MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER THE GRAND JUNCTION MUNICIPAL CODE AND ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.**

- (7) to permit any narcotics or dangerous drugs on the licenses premises;
- (8) to permit any fermented malt beverages or malt, vinous or spirituous liquors on the licensed premises;
- (9) to administer a massage or permit any massage to be administered to a patron whose genitals, anus or female breasts are exposed during the massage treatment; and no patron of a massage parlor shall knowingly expose his or her genitals, anus or female breasts during a massage;
- (10) to intentionally touch or permit any other person to touch the genitals, anus or female breasts of any other person while on the licensed premises;
- (11) to engage in, encourage, or request, or to permit any person to engage in, encourage, or request acts of masturbation while on the licensed premises;

(12) to interfere with or refuse to permit any inspection of the licensed premises by the Grand Junction Police Department or agent of the City.

(b) No massage parlor shall be open for business between the hours of twelve (12) midnight and six (6) a.m.

**Sec. 10-380. Penalty.**

(a) Any person violating any provision of this chapter shall be punished pursuant to Chapter 1.16 of the Grand Junction Municipal Code.

(b) The penalties provided in this section shall not be affected by the penalties provided in any other section of this chapter but shall be construed to be an addition to any other penalties.

**Sec. 10-390. Employee apparel.**

All employees of the establishment shall wear clothing that covers the pubic area, perineum, buttocks, cleft of the buttocks and entire chest to four (4) inches below the collar bone and legs not exposed more than six (6) inches above the knees. No transparent clothing shall be permitted.

**Sec. 10-400. Right of entry.**

The application for a massage parlor license shall constitute consent of the licensee and his or her agents or employees to permit the Grand Junction Police Department or any other agent of the City to conduct routine inspections of any licensed massage parlor during the hours the establishment is conducting business and at other times during which activity on the premises is in evidence.

**Sec. 10-410. Exemptions.**

The following classes of persons and establishments are exempted from this ordinance:

(a) Physicians, osteopaths, physical therapists, chiropodists, chiropractors or podiatrists licensed or registered to practice in this state while performing such services in the practice of their respective professions;

(b) Registered nurses and licensed practical nurses that are licensed to practice in this state while performing such services in their usual nursing duties;

(c) Barbers and cosmetologists duly licensed under the laws of this state in the course of practice of their usual and ordinary licensed vocation and profession, as defined in C.R.S. § 12-8-101, et seq.;

(d) Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed under the laws of this state where massage and baths may be given;

(e) Massage practiced in an institution of learning established for such instruction under C.R.S., Title 12, Article 59;

(f) Training rooms of public and private schools accredited by the State Board of Education or approved by the State Board for Community Colleges and Occupational Education, and training rooms of recognized professional or amateur athletic teams;

(g) Health care facilities licensed by the State of Colorado and not specified in this chapter;

(h) Massage therapists as defined in Section 10-220 of this chapter.

**Sec. 10-420. Severability.**

If any paragraph or subparagraph of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this chapter and, to this end, the provisions of this chapter are declared to be severable.

**Sec. 10-430. Prostitution prohibited.**

(a) Any person who performs, offers or agrees to perform any act of sexual intercourse, anal intercourse, cunnilingus, fellatio or masturbation with any person not his or her spouse in exchange for money or other thing of value commits prostitution.

(b) Any person, while giving a massage or while appearing nude or semi-nude, who permits or encourages another person not his or her spouse to masturbate in exchange for money or other thing of value commits prostitution.

**Sec. 10-440. Soliciting for prostitution.**

Any person who does any of the following commits soliciting for prostitution:

(a) Solicits another for the purpose of prostitution;

(b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution;

(c) By word, gesture or action, endeavors or arranges to further the practice of prostitution or to obtain the services of a prostitute; or

(d) Directs another to a place knowing such direction is for the purposes of prostitution.

**Sec. 10-450. Pandering.**

Any person who for money or other thing of value knowingly arranges or offers to arrange a situation in which a person may practice prostitution commits pandering.

**Sec. 10-460. Keeping a place of prostitution.**

Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of prostitution:

(a) Knowingly grants or permits the use of such place for the purpose of prostitution; or

(b) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

**Sec. 10-470. Patronizing a prostitute.**

(a) Any person who offers or agrees to pay money or other thing of value to a person not his or her spouse in exchange for the performance of an act of sexual intercourse commits

patronizing a prostitute.

(b) Any person who enters or remains in a place of prostitution, with intent to engage in an act of sexual intercourse with a person not his or her spouse, in exchange for the payment of money or other thing of value, commits patronizing a prostitute.

**Sec. 10-480. Prostitute making display.**

Any person who by word, gesture or action, endeavors to further the practice of prostitution in any public place or within public view commits prostitute making display.

**Sec. 10-490. Confiscation of monies used in prostitution offenses.**

In addition to any fines, costs or other penalty that the court may impose, a conviction, plea of guilty, no contest or entry of a deferred judgment or sentence to a violation of this chapter shall result in forfeiture to the seizure fund of the Grand Junction Police Department of any monies used in the commission of a violation of this chapter.

**Sec. 10-500. Additional Definitions.**

For the purposes of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

“*Anal intercourse*” means sexual contact between human beings of the genital organs of one and the anus of another.

“*Cunnilingus*” means any act of oral stimulation of the vulva or clitoris.

“*Fellatio*” means any act of oral stimulation of the penis.

“*Masturbation*” means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

“*Nude*” means the appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

“*Semi-nude*” means a state of dress in which clothing covers no more than the genitals, public region or areola of the female breast, as well as portions of the body covered by supporting straps or devices.

“*Sexual intercourse*” means real or simulated intercourse, whether genital-genital, anal-genital, anal intercourse, cunnilingus or fellatio, between human beings of the opposite or same sex or with an artificial device.

**ALL OTHER PROVISIONS OF CHAPTER 10 SHALL REMAIN IN FULL FORCE AND EFFECT.**

PASSED for first reading and authorized the publication in pamphlet form by the City Council of the City of Grand Junction, Colorado this 21st day of January, 2009.

PASSED AND ADOPTED on second reading and authorized the publication in pamphlet form by the City Council of the City of Grand Junction, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**DeRush Mini Storage Rezone, Located at 2179 H Road**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	DeRush Mini Storage Rezone – Located at 2179 H Road		
<b>File #</b>	RZ-2008-319		
<b>Meeting Day, Date</b>	Wednesday, February 4, 2009		
<b>Placement on the Agenda</b>	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
<b>Date Prepared</b>	January 22, 2009		
<b>Author Name &amp; Title</b>	Senta L. Costello, Senior Planner		
<b>Presenter Name &amp; Title</b>	Senta L. Costello, Senior Planner		

**Summary:** Request to rezone 4.60 acres located at 2179 H Road, from C-2 (General Commercial) to I-1 (Light Industrial) zone district.

**Budget:** N/A

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

**Attachments:**

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

**Background Information:** See attached report.

BACKGROUND INFORMATION				
Location:		2179 H Road		
Applicants:		Owner: Gary DeRush Representative: LANDesign Consulting – Clint Green		
Existing Land Use:		Storage Units		
Proposed Land Use:		Storage Units		
Surrounding Land Use:	North	Vacant		
	South	Office/Warehouse		
	East	Outdoor Storage		
	West	Single Family Residential		
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	C-2 (General Commercial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Commercial Industrial		
Zoning within density range?		X	Yes	No

**Staff Analysis:**

1. Background

The 2179 H Road property was annexed as part of the Persigo Annexation No. 2 and zoned as a C-2 property in 2004. The property underwent the Patterson Simple Subdivision No. 2 in 2006. The owner submitted a major site plan in 2006 to develop an initial phase of storage units, then proposed expansion with another major site plan for more storage units in 2008. The expansion of the facility was approved by the City.

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

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

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

**Response:** The existing C-2 zone district supports the existing and proposed use and 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/growth trends, deterioration, development transitions, etc.;

**Response:** The H Road corridor has been experiencing continuous development over the last several years. This development and recent zone changes that have occurred north of H Road changed the character of the neighborhood.

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

**Response:** The H Road corridor has been experiencing continuous development over the last several years. This development and recent zone changes that have occurred north of H Road changed the character of the neighborhood.

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

Policy 1.1: The City and County will use the future land use categories listed and described in Exhibit V.2 (Future Land Use Categories, Page 15) to designate appropriate land uses within the Joint Planning Area identified in Exhibit V.1(Joint Planning Area, Pages 3-4). City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Policy 1.3: The City and County will use Exhibit V.3 (Future Land Use Map, Pages 17-18) in conjunction with the other policies of this plan to guide zoning and development decisions.

- City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.



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

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

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

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

**Response:** Adequate facilities and services are existing. There is a 12" Ute Water line in H Road and an 8" sewer line, which runs through the 2179 H Road property. Staff concludes that the impacts of any I-1zone use can be handled by existing infrastructure.

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

**Response:** There is a high demand for light industrial facilities (which support the energy and other area industry) and the surrounding area includes insufficient I-1 land to meet community needs.

6. The community will benefit from the proposed zone.

**Response:** Development of the site with an I-1use will benefit this area with higher intensity, multiple industry related services and office uses. It also benefits the community by implementing the intent of the H Road Area Plan.

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

- d. C-2 (General Commercial)
- e. I-O (Industrial Office)

If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the DeRush Storage Unit Rezone, RZ-2008-319, 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.
3. 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 January 13, 2009, finding the requested rezone 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



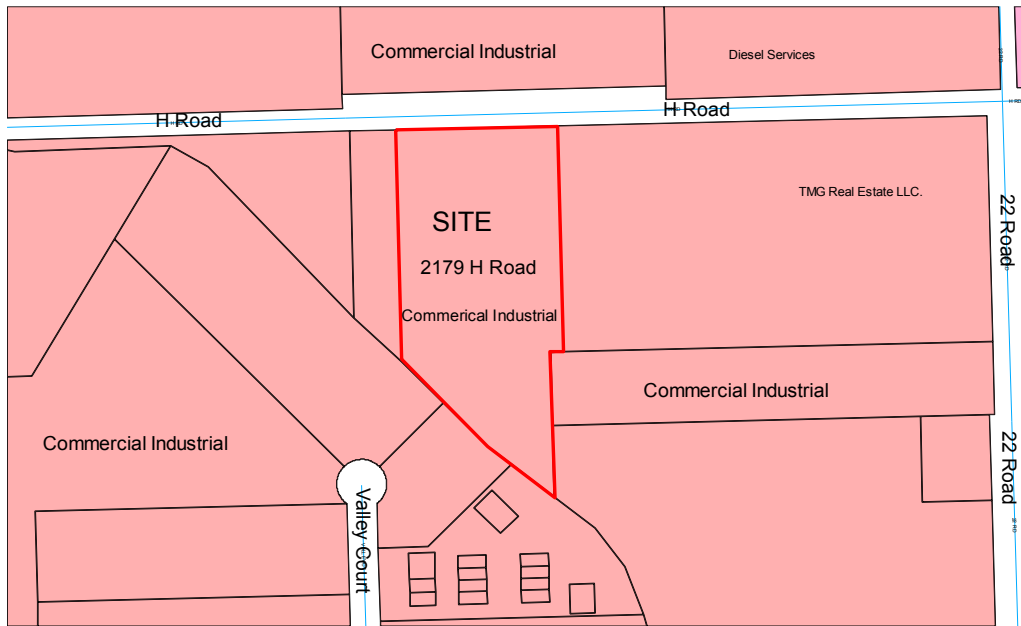
# AERIAL PHOTO MAP

Figure 2



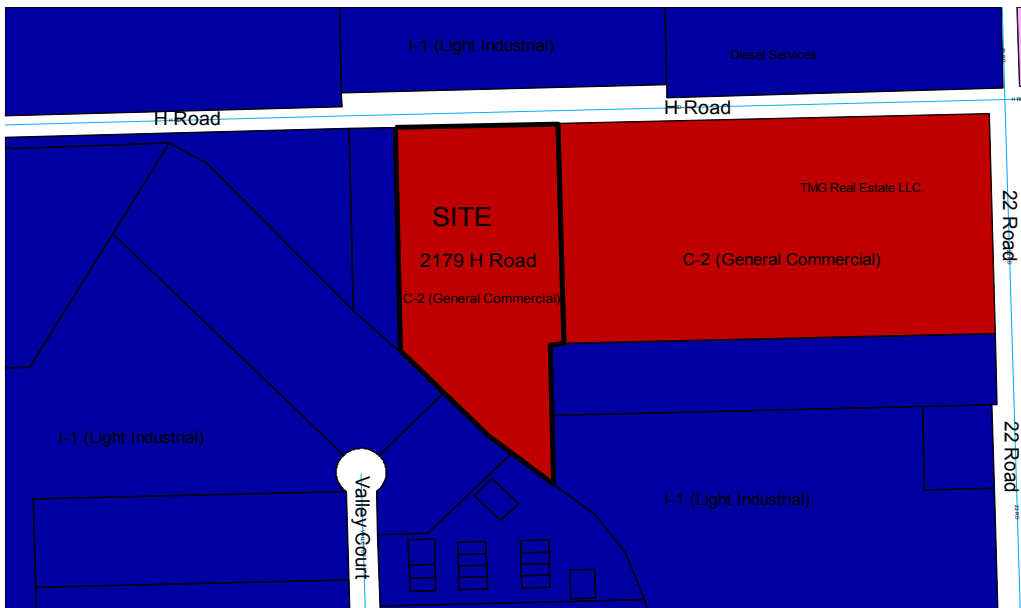
# FUTURE LAND USE MAP

Figure 3



# EXISTING CITY ZONING MAP

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING DERUSH MINI STORAGE UNIT PROPERTY  
FROM C-2 (GENERAL COMMERCIAL) TO  
I-1 (LIGHT INDUSTRIAL)**

**LOCATED AT 2179 H ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning DeRush Mini Storage Unit property from C-2 (General Commercial) to the 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 shall be rezoned I-1 (Light Industrial).

Parcel 1, Patterson Simple Subdivision No. 2

Introduced on first reading this 21<sup>st</sup> day of January, 2009 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor