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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

MONDAY, JULY 13, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance

Invocation—Bishop Doug Rock, Church of Jesus Christ Latter Day Saints, 5th Ward

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Appointments

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Ratify Appointments to the Urban Trails Committee

Citizen Comments

Council Comments

*** Indicates New, Moved, or Changed Item

® Requires Roll Call Vote

* * * CONSENT CALENDAR * * *

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

Action: Approve the Minutes of the June 29, 2009 and the July 1, 2009 Regular Meetings

2. **Setting a Hearing on Clarifying Ordinance No. 4188 in Regard to Section 36-17 of the Municipal Code and Ordinance No. 4234 Regarding the Inclusion of the Usage of Golf Carts in the 2003 Model Traffic Code for Colorado** [Attach 2](#)

The Municipal Code was amended with Ordinance No. 4188 to include a parking violation for stopping, standing or parking in whole or in part on a planting strip in Section 36-17(a). The City's intent was for subsections (b), (c) and (d) to remain unaltered and in full force and effect. Similarly, the 2003 Model Traffic Code was amended with Ordinance No. 4234 to include usage of golf carts on public roads. See Section 36-2. The City's intent was for sections 705, 1102, 1409, 1416, 1417, 1418 and 1503 as amended by Ordinance No. 4110 to remain in full force and effect. As clarified, these sections will promote statewide uniformity in traffic regulation.

Proposed Ordinance Clarifying Ordinance No. 4188 Regarding the Municipal Code and Ordinance No. 4234 Regarding the 2003 Model Traffic Code of Colorado as Adopted by the City of Grand Junction

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

Staff presentation: John Shaver, City Attorney

3. **Setting a Hearing on Zoning the Peiffer Annexation, Located at 2454 Bella Pago Drive** [File #ANX-2009-113] [Attach 3](#)

Request to zone the 1.76 acre Peiffer Annexation, located at 2454 Bella Pago Drive, to R-2 (Residential 2 du/acre).

Proposed Ordinance Zoning the Peiffer Annexation to R-2 (Residential 2 Du/Acre) Zone District, Located at 2454 Bella Pago

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009*

Staff presentation: Judith Rice, Associate Planner

4. **Setting a Hearing on the Fults Annexation, Located at 3066 F Road** [File #ANX-2009-130] [Attach 4](#)

Request to annex 3.72 acres, located at 3066 F Road. The Fults Annexation consists of one parcel.

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

Resolution No. 60-09—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Fults Annexation, Located at 3066 F Road

®Action: *Adopt Resolution No. 60-09*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fults Annexation, Approximately 3.72 Acres, Located at 3066 F Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 17, 2009*

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing on the Zoning the Monument Village Commercial Center Annexation, Located at 2152 Broadway** [File #ANX-2009-116] [Attach 5](#)

Request to zone the 5.77 acre Monument Village Commercial Center Annexation, located at 2152 Broadway, to B-1 (Neighborhood Commercial).

Proposed Ordinance Zoning the Monument Village Commercial Center Annexation to B-1 Neighborhood Business, Located at 2152 Broadway

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

6. **Public Hearing—Maverik Growth Plan Amendment, Located at 2948 F Road and 603 29 ½ Road** [File #GPA-2009-023] [Attach 6](#)

Growth Plan Amendment to change the Future Land Use designation on a portion of two properties from Residential Medium 4-8 du/ac to Commercial to allow for future commercial development.

Resolution No. 61-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 1.31 Acres Located at 2948 F Road and 603 29 ½ Road, Known as the Maverik Growth Plan Amendment, from Residential Medium 4-8 DU/Ac to Commercial

®Action: *Adopt Resolution No. 61-09*

Staff presentation: Senta L. Costello, Senior Planner

7. **Public Hearing—Vacating an Alley Right-of-Way through the Center of Melrose Park, Located at 1827 North 26th Street** [File # SPR-2009-064] [Attach 7](#)

Request to vacate 0.18 acres of alley right-of-way located through the center of Melrose Park located at 1827 North 26th Street which is unnecessary for future roadway circulation.

Ordinance No. 4363—An Ordinance Vacating the Alley Right-of-Way Located through the Center of Melrose Park at 1827 North 26th Street

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4363*

Staff presentation: Michelle Hoshide, Associate Planner

8. Contract to Purchase Planning Software System[Attach 8](#)

This project will provide an integrated planning software system to support the City's planning, permitting, and code enforcement functions. The resulting system will improve business productivity as well as citizen access and transparency in planning, permitting, and code enforcement services.

Action: Authorize the City Purchasing Division to Negotiate a Contract and Award the Planning Software System Project to EnerGov Solutions, LLC, Duluth, GA, for \$400,000

Staff presentation: Lisa Cox, Planning Manager
Jim Finlayson, Information Technology Manager

9. Non-Scheduled Citizens & Visitors**10. Other Business****11. Adjournment**

**Attach 1
Minutes of Previous Meetings**

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

June 29, 2009

The City Council of the City of Grand Junction convened into regular session on the 29th day of June 2009 at 7:04 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance followed by a moment of silence.

Appointments

Councilmember Coons moved to re-appoint Lenna Watson and Dr. William Findlay to the Parks and Recreation Advisory Board for three year terms to expire June 2012. Councilmember Todd seconded the motion. Motion carried.

Citizen Comments

Jodie Behrman, 107 Park Drive, stated that she and the rest of the folks wanting to address the 7th Street issue will return on Wednesday to address their issue.

Council Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve items #1 through #3. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the June 15, 2009 and the June 17, 2009 Regular Meetings

2. **Setting a Hearing on Vacating an Alley Right-of-Way through the Center of Melrose Park, Located at 1827 North 26th Street** [File # SPR-2009-064]

Request to vacate 0.18 acres of alley right-of-way located through the center of Melrose Park at 1827 North 26th Street which is unnecessary for future roadway circulation.

Proposed Ordinance Vacating the Alley Right-of-way Located through the Center of Melrose Park at 1827 North 26th Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for July 13, 2009

3. **Siena View Partial Vacation of Easement, Located at 448 San Juan Street, Lot 1, Block 1** [File # VE-2009-132]

A request to vacate a portion of a 14-foot multi-purpose easement (approximately 40.39 square feet), located at 448 San Juan Street, Lot 1, Block 1, Siena View Subdivision, Filing No. One, to amend a contractor's error.

Resolution No. 59-09—A Resolution Vacating a Portion of a Multi-Purpose Easement on Lot 1, Block 1, Siena View Subdivision, Filing No. One Located at 448 San Juan Street

Action: Adopt Resolution No. 59-09

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Road Oil for Chip Seal Program 2009

Request the purchase of approximately 226,327 gallons of road oil for the Streets Division Annual Chip Seal Program for 2009.

Darren Starr, Solid Waste and Streets Manager, presented this item. He explained the chip seal program and the need for the road oil. Chip seal helps prolong the street surfaces. The type of oil being purchased allows traffic on the street immediately after the chip seal has been laid down.

Councilmember Palmer inquired about the sole source and asked about the local distributor. He noted the County uses the local distributor. Mr. Starr responded that the County does not use the same type of oil the City uses. It was tested by Mr. Starr's predecessor and it was determined that the oil from Cobitol allows for traffic to get back on, it doesn't bleed through, and there are less chips to sweep up afterward. This year the price is less even though it is shipped from Denver. If the local distributor would carry this same product, they would consider purchasing from the local distributor.

Councilmember Coons asked if they will be trying to bid a bulk price. Mr. Starr said the \$2.31 per gallon is a bulk price.

Councilmember Palmer moved to authorize the City Purchasing Division to sole source purchase approximately 226,327 gallons of road oil from Cobitco, Inc., Denver, Colorado in the amount of approximately \$522,816. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing—Emergency Ordinance to Prohibit Certain Forms of Aggressive Solicitation and Declaring an Emergency and Public Hearing—Emergency Ordinance to Prohibit Solicitation in City Medians and Rights of Way and Declaring an Emergency

Council President Hill announced he was combining the two hearings regarding the solicitation ordinances.

The City of Grand Junction does not currently have a solicitation ordinance or one regulating interference with traffic on streets, roads and highways within the City. Acts of solicitation, such as soliciting for money or other things of value, have increased and may continue to do so because of the current economic recession. City staff, with the advice and consent of the City Council legislative committee, believes that it would be in the best interests of the community if ordinances are enacted that regulate certain aggressive acts of solicitation and solicitation in City medians and rights-of-way.

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

John Shaver, City Attorney, presented this item. He explained the difference between the two ordinances, one is the type of solicitation and one addresses the locations of solicitation. The number of solicitors has increased and there have been more complaints. There is concern as to the safety of the drivers and the solicitors. He gave some examples of the type of solicitations that have resulted in complaints.

City Attorney Shaver then explained the emergency adoption of ordinances. There are some safety concerns, thus the reason they are being presented as emergency ordinances. There are also some advantages to having the ordinances go into effect immediately.

Deputy Chief Troy Smith then addressed the City Council about the resources that would be available to react to the ordinances being put into effect. The School Resource Officers are placed on an Impact Team during the summer when the schools are closed and could address the implementation of and communication about the ordinances. Colleen Reynolds, 236 Pitkin Avenue, said they should be able to hold a sign if they are not being aggressive. She referred to the amendments that protect them to express their speech.

Bill Robinson, 754 26 ½ Road, said he was here to protest the two ordinances. He referred to a letter from the ACLU and said he believes the ordinances are a violation of the Constitution. He listed some of the other actions that would be prohibited by the ordinances. He said the City may get itself sued passing such ordinances. He agreed with arresting those that step out into the street or if they touch someone. He said prohibiting flying a sign is illegal and immoral.

Dorothea Locke, homeless, said flying a sign is the only means she has. She is not out there to get drunk. This is her livelihood. She said people don't give you money if they don't want to.

A former serviceman who did not provide a name stated he fought for freedom of speech and does not want that taken away.

Dianna Chadwant, homeless, said she receives social security and can't live on \$700 per month. She supplements her income by flying a sign. She is not aggressive.

Annie Murphy, 11073 Hwy 65, said she was opposed to the proposed ordinance. The ordinance is superfluous, there are already laws in place that address the concerns. It is overbroad, it prohibits peaceful activity and is content-based and not content-neutral. There is already a disorderly conduct ordinance in place. There are already ordinances prohibiting obstruction of roadways and other accessways. There is also a harassment statute in place. Loitering is already against the law. There is law in place for hindering transportation. Because there are these other laws in place, the first ordinance is unnecessary. Another ordinance will cost money to the taxpayers for training and enforcement. This ordinance prohibits activity that the Council probably does not want to prohibit. She listed a number of examples. The constitutionality is questionable; regulating panhandlers raises some concerns; the regulation must serve a compelling governmental interest and face a scrutiny test. There are problems in Grand Junction with poverty and homeless; she encouraged the resources be put toward a positive solution.

Mallory Rice, 425 N. 17th Street, a student at Mesa State College said this is the only source of income some people have and it becomes necessary for some; there are many other reasons. Not all homeless people drink and not all are asking for money to pay for liquor. The ordinance in place for no smoking in parks has brought hardship to the homeless because of the fines. She would like the City to be part of the solution. Criminalizing the homeless is just going to create more homelessness.

Susan Cleveland, 2910 North Ave, stated that such an ordinance prevents her from exercising her freedoms by giving someone a dollar. Panhandling, flying signs, who hasn't asked for help in their lives. She pointed out the provision which questions what the money is being spent on. She doesn't care what her dollar is being spent on; it's

none of her business. In regards to the safety issue, she questioned who this ordinance was meant to protect.

Reggie Cole stated he lives on the River, stated that it could be anyone in his shoes. No one has a secure job. He thinks the City is helping to create problems and would like the City to come up with another way to solve the homeless issue.

Nathan William O'Connell, stated his Colorado Department of Correction Register number, said he does not have an address. Because he is a felon, it is hard for him to get a job. He has three children. His wife has recently been kicked off assistance. The only way they have to collect the deposit for a house is by panhandling.

Dennis Hart, 823 Ute Avenue, stated he got a ticket for crossing the street in front of a police officer on a bike. Down the street two girls were jaywalking and they were not ticketed. He thinks this is selective prosecution. He said the jail will need to expand because the homeless people they are ticketing won't be able to pay their fines.

Beth Blakley, 3833 G ¼ Road, Palisade, said she recently moved here and works on human rights and considers herself homeless. She thought the ordinance is offensive and is a blatant attack on the homeless. She said she was shaking because she was so angry. She would like the City be a part of the viable solution for the homeless.

Kenneth Durrett, lives on the River, stated he estimated that the homeless will increase by ten percent. He stated that it takes a survivor to live on these streets.

Lisa Lightfoot, homeless, stated she is a fourth generation Coloradoan. She didn't think being homeless would ever happen to her, then she was assaulted and a lot changed in her life. She read a passage from the Bible to Council.

Kenneth Royal Wheeler, P.O. Box 3695, said he believes the police can pick and choose who they will give tickets to. He then referred to United Nations Universal Declaration of Human Rights.

Chris Hire, stated he has no address. He is part of the City's homeless community and originally from New York. He stated he is not familiar with all the City's laws, but in New York panhandling is considered aggressive unless a sign is being flown. He said that if this ordinance is passed that the City will be proving the New Yorkers right when they say that people in Colorado are "backwards". He stated that everyone is guaranteed freedom of expression under the Constitution.

Tom Aker, 2410 Sandridge Court, said he observed that the interactions have been very important, it has revealed new information about the homeless community. He said the poor are a valuable spiritual resource that help us to retain our bearings. He encouraged the Council to embrace all members of the community. He asked the Council to wait on

these ordinances and get more input and decide how they will do something that will really solve the problems.

Mike Valentine, homeless, described himself as a roughneck who lost his job in the oilfield. When he moved from New Mexico to Colorado, he flew a sign in Ouray when his truck broke down and he had two children in the car in freezing weather.

Milton Long, no address provided, stated he has lived here for over 14 years and is not a transient. He said Bruce Hill is a friend to the homeless. He asked that Council do the right thing and not adopt the ordinances.

David Cox, 1143 White Avenue, said he is in opposition for three reasons: 1. It is being brought forward as an emergency and he does not think there is an emergency. The putting aside of the standard thirty day time period seems to be a bad idea. 2. In his opinion, the ordinances will not reach its desired goal as he is not aware of any injuries from or to solicitors. This ordinance could potentially create a larger problem. For the most part solicitors are non-violent. If this type of activity is criminalized, the homeless may turn to other means including actual crime. It is not going to eliminate the homeless problem, instead it may exasperate the problem. 3. The broadness of this ordinance affects political activities. This could be interpreted as prohibiting protests.

Chuck Beecham stated he is a resident of Mesa County. He represents gjresults.com. He has concerns if the purpose is to affect free speech and free assembly. He asked if solicitation does not apply to protestor situations. Council President Hill acknowledged the question and said that Council will address it during their discussion.

Michael Christopher Garnier, "Wolf", stated he lives on North St. Vrain. He asked how much money the City is willing to spend? If panhandling is made illegal, they will still do it so more law enforcement will be needed. If the homeless do not have this resource they will turn to other methods like shoplifting. They aren't hunters/gatherers like him. He suggested other programs that may be motivational that will help out the homeless.

William Cole, 3405 Beechwood Street, said he works at the "Soup Kitchen" and said fining panhandlers is futile; he agreed with getting people off the street and paying them.

Tammy Martin, 1708 Road in Mack, Co., said her concern is that there is such a homeless problem. There are about 1,200 homeless including 400 children; her concern is many people have no other means except holding a sign. She solicits business herself and she thinks it is a choice when to give them money. She suggested more energy and thought go into where these people are going to sleep this winter. The problem is not going to go away. These people need a system that will help them. There needs to be more resources in place.

H.R. Gerrard stated he is a homeless artist. Although, he doesn't fly a sign, he thanked the Catholic Outreach for having a place to shower and the Soup Kitchen for feeding them and keeping himself and others going. This ordinance is a problem. Many of the homeless know how to do things such as painting, construction, and electric work. He suggested the City put these homeless people to work rehabilitating buildings that are boarded up.

Mike Brown stated he was discharged from the military for ADHD. He took seven months of computer training in Montrose and he has hands that want to work. He made suggestions on how the City Council could provide lower rents.

Fran Diddier, 2808 Laddie Way, said she represents Grand Valley Peace and Justice and they do not support this particular solicitation ordinance. They understand the problem but don't support the ordinance for many of the reasons stated already tonight. Their group has some ideas, one of which is an afternoon place to be. There are many homeless women with children. One morning they had 17 women with children. They need another place like the morning place. She asked that someone from the Council join other agencies at Homeward Bound on Thursday from 10:00 a.m. to 11:00 a.m. to talk about this.

Jerry Garner, 674 Peony Drive, said the sentiment is against these proposed laws. They are overkill and totally unnecessary. He stated the City already has all kinds of laws on disorderly conduct, and laws against violence. If anyone attacks someone they should be thrown in jail. The City has laws that should be enforced. Mr. Garner asked if it is true that it is illegal to smoke in the park. He does not think it is an emergency measure. He agreed there may need to be a law that speaks to standing in the medians which may be a safety issue, but not for an individual on the sidewalk. He does not want it to be a crime to be poor. He asked that Council look at positive ways to help the homeless.

Robert MacDonald, 629 Ouray Avenue, reiterated several points. They shouldn't make it be a crime to be poor; many agencies collect along the street and they are not being condemned. He does not think the City has done anything to help. He stated it is better to be homeless than heartless. Homelessness could happen to anybody.

Bill Robinson, spoke for the second time, and wanted to correct a statement that was made earlier by the previous commenter. The City has provided and helped a great deal, as the building for the Soup Kitchen was contributed by the City.

Sister Karen Bland, 541 ½ 23 Road, said she asked the Council to have compassion in dealing with this problem. She thinks the punitive part of it is outrageous. The current Police Department has made efforts to develop a rapport with the homeless community. The Day Center was given to them by the City for free. She also noted that the City helped with St. Benedicts to help 23 homeless people have homes and no longer be homeless.

Laurel Ripple, 1506 Rood Avenue, said she thinks this is 100% bad idea. No one is immune to homelessness. Her house was flooded and deemed uninhabitable so she is without a home. She will find another home, but others will not. She stated that trying to find a job without an address is impossible.

Shannon Levins stated she is homeless by choice. She is a graduate from Boston University. She traveled for a couple of months and then ran out of money. Because of her hardship she has flown signs and wants Council to know that sometimes people need help.

George Vancycle, 550 South Avenue which is the Rescue Mission, stated he recently became homeless. Some weeks he works for temporary agencies and some weeks he doesn't, and he has to fly a sign when he doesn't. There are ordinances on the books that aren't enforced. He stated because of the Constitution of the United States, the City will not be able to enforce the ordinance and besides, it will be too costly.

No one else came forward to speak.

The public hearing was closed at 8:50 p.m.

Council President Hill thanked the public for their comments. He said the Council will take a break and there will be discussion when they return but they won't take anymore public comments. A recess was called at 8:53 p.m.

The meeting was reconvened at 9:03 p.m.

Councilmember Kenyon noted that several people claimed this is unconstitutional. City Attorney Shaver responded that he does not think it is. City Attorney Shaver said neither of these ordinances prohibit the holding of a sign. The ordinances regulate the location of solicitation and certain manners of solicitations, i.e. aggressive. Some parts of the aggressive solicitation ordinance may need to be looked at, because of time, place, and manner.

Councilmember Kenyon said the purpose is to prevent certain behavior. City Attorney Shaver said the Constitution does allow for restrictions on time, place, and a manner of free speech.

Councilmember Palmer expressed appreciation for the comments and courtesy. He asked how effective issuing a fine to homeless people that have limited means is, and if jail time is enforced, how will that affect the County jail? City Attorney Shaver said they do not want to unduly impact the jail. He agreed they need to be sensitive to that. There may be other viable solutions. The City will work with violators. There has to be a consequence for violation. Many of these folks are dealt with in the courts and for the most part pay their fines.

Councilmember Beckstein noted one of the criticisms of the aggressive solicitation ordinance is the impact on other types of solicitations such as from Girl Scouts and Firefighters. City Attorney Shaver responded that the ordinance says it is prohibited without permission of the private property owners and within the distance from the intersections as stated. Councilmember Beckstein asked about campaigners and protestors, how would those be handled? City Attorney Shaver read the definition of soliciting in both proposed ordinances. A political rally is not solicitation, unless they are asking for donations. The ordinance could be amended to define those things protected by the First Amendment. City Attorney Shaver clarified that solicitation is the exchange of money or things of value.

Councilmember Coons said there are three statements in the ordinance relative to the manner of solicitation she needed clarification on. The wording in the ordinance which states “no person should solicit in a group of two or more persons.” If it was group, she would want her own children to have a buddy with them. The second is no person should solicit within 15 feet from a public or private building. She thinks this wording is unintentionally restrictive. City Attorney Shaver responded that the Downtown Shopping Park is an area of licensed activities so this provides relief from solicitations. The 15 feet wording in this ordinance also matches the smoking ordinance. A higher number of people (a group) creates a higher level of intimidation. All of these clauses can be severed from the ordinance and the remaining provisions can be retained.

Councilmember Todd was concerned about these being brought forward as an emergency although she understands the reasons. She asked if Council chose to take it through the normal process, how they could change it to a first reading? City Attorney Shaver responded that they could change this through Council’s motion and direction to the City Attorney to re-write the ordinance taking out the emergency provisions and set a public hearing for a future meeting.

Councilmember Beckstein asked about a Supreme Court ruling regarding the religious groups in the airports, she asked how this is different? City Attorney Shaver said the court would look at it with the strict scrutiny standard. The Council has the ability to change the distance restriction. The philosophy goes back to the time, place, and manner restrictions. This is a balancing test.

Councilmember Palmer asked, in the course of writing this ordinance, were other communities looked at and did they think it was a benefit to their community? Councilmember Palmer also asked if, based on some of the comments, about crime rates rising due to passing this ordinance. City Attorney Shaver stated that based on what he heard which is a misunderstanding in that the protestors think this is a prohibition of solicitation. He does not think the crime rate would rise if the rules are followed. The primary complaints have been the unsafe street crossing and the traffic interference. There have also been complaints about the number of people on the medians.

Councilmember Coons inquired about the other ordinances mentioned that deal with some of the issues. Are any of the things in these ordinances already covered by other ordinances?

City Attorney Shaver said these would not be recommended if there was not a concern. There is frequently crossover of ordinances. A disorderly conduct or assault violation is when a fight is engaged. There is not a clear ordinance that speaks to where a person can solicit.

Deputy Chief Smith stated there are some ordinances and those are enforced but none of them occur in the context of solicitation.

Council President Hill suggested the Council address each ordinance separately taking the first one first.

Councilmember Coons said she understands the concerns that brought this forward. Her concern is that she is unprepared to vote on this ordinance as an emergency measure. She is willing to look at some of the pieces that can solve some problems. If they are truly trying to deal with health, safety, and welfare issues. She is not prepared to address it in this manner.

Councilmember Beckstein agreed with Councilmember Coons, adding that more discussion and research is needed. There is a need because complaints have been received about harassment. However, more time is needed. She would like it to be referred back for more discussion.

Councilmember Pitts recognized the intent, however, hearing the public input, enforcement is broad based and the City needs to step back, consider some of the comments made, consider how the City can go forward with enforcement and recognize some of the laws that are already in place that perhaps could just be expanded. Councilmember Kenyon said he hopes that those affected help each other and police each other. This is all about complaints because of things that have happened. Council will have to address it if the complaints continue. He agrees this is not an emergency but wants to go back and consider the comments received and consider how to move forward.

Councilmember Todd said the conversation needs to be continued and, if not in full, some parts will come back. She hopes the next public hearing can be held without outbursts and signs.

Councilmember Palmer said he will hold most of his comments for the next public hearing on this matter.

Council President Hill then asked for comments on the solicitation in medians and rights-of-way ordinance.

Councilmember Beckstein said she will support the ordinance restricting solicitation in the medians. She does not believe there is any reason to be in the medians and rights-of-way putting lives at risk.

Councilmember Todd supports this ordinance although she's not sure about the emergency portion of it. She will support it either way.

Councilmember Palmer said they have the right and obligation to protect the citizens of the community. He agreed that median and rights-of-way are not safe places for panhandling. He too will support this ordinance.

Councilmember Kenyon agreed with Councilmember Palmer.

Councilmember Pitts does support this ordinance on the location for solicitations.

Councilmember Coons supports the median solicitation ordinance, but she is having a hard time with the aggressive solicitation ordinance with the wording of fifty feet from a signalized intersection. She wants it enforced for anyone. Given that, she would support this particular ordinance.

Council President Hill said neither ordinance was meant to be targeted at any sector of the community. Solicitation should not be in areas that are unsafe, so he supports the second ordinance. He believes promptness is important for safety issues. There is an opportunity to engage in a dialog in the community to explore the possibilities to improve what the City already has. He has issue with the fifty feet (item 3) and the parking space provision (item 4).

Councilmember Todd suggested they direct the City Attorney to redraft the first ordinance and set it for public hearing.

Councilmember Coons added that the Council and Staff should engage the community to find solutions that are less punitive and deal with the specific issues.

Council President Hill stated those should be two different discussions. He stated that as written, a motion could be entertained with Council not adopting it versus continuing it.

Councilmember Todd asked if it would be better to defer back to Staff.

City Attorney Shaver offered two options – vote on the question as it is on the agenda which is preferred by Staff for record reasons, or direct it back to Staff.

Ordinance No. 4363—An Ordinance to Prohibit Certain Forms of Aggressive Solicitation and Declaring an Emergency

Councilmember Kenyon moved to adopt Ordinance No. 4363 and ordered it published. Councilmember Todd seconded the motion. Motion failed unanimously by roll call vote.

Ordinance No. 4364—An Ordinance to Prohibit Solicitation in City Medians and Rights-of-Way and Declaring an Emergency

Councilmember Todd moved to adopt Ordinance No. 4364 and ordered it published. Councilmember Beckstein seconded the motion.

Council President Hill asked for more clarification from Staff on who is prohibited from solicitation in the medians and rights-of-way.

City Attorney Shaver offered Council additional verbiage to the solicitation definition that clarifies it does not apply to otherwise lawful assembly.

Councilmember Coons questioned the wording of this being truly a safety issue. The ordinance states that, if not soliciting, they can be in the unsafe location. She wants to see a revised form of this ordinance for clarification before she votes on it.

Councilmember Pitts stated that rather than amend the ordinance, Council should send it back to Staff for revision.

City Attorney Shaver clarified that if the previous speaker wanted affirmation, right to free speech is not considered solicitation.

Councilmember Coons stated she wanted clarification on the issue of unsafe solicitation, is it also not unsafe to picket?

Councilmember Beckstein added that this amendment does not change that median and rights-of-way activities are all illegal.

Councilmember Coons said she understood the definition of solicitation. She is concerned about this ordinance being an emergency in order to protect health and safety, no matter what they are doing.

Council President Hill stated that anybody standing out there doing nothing, it is still illegal.

Councilmember Coons asked about sidewalks.

City Attorney Shaver stated that this is severable from the rest of the provisions; the fifty feet is approximately two car lengths.

Councilmember Coons said she would support this ordinance if the fifty feet is severed. She would rather this come back as a newly crafted ordinance.

Councilmember Todd said this is truly a safety issue. Too many people standing in a right-of-way on the corner is a safety issue. She would like to support the ordinance as it is written.

Councilmember Kenyon said now he may have a problem. He supports protestors being able to express their views, he doesn't want to impede that.

Councilmember Palmer agreed with Councilmember Kenyon.

Motion failed by roll call vote with Councilmembers Pitts and Coons voting NO. As an emergency ordinance it had to be approved unanimously.

Council President Hill called a recess at 10:08 p.m.

The meeting reconvened at 10:18 p.m.

Public Hearing—Bella Dimora Property Subdivision/Planned Zone Amendment, Located at Patterson Road, Grand Falls Drive and Valentino Way in The Legends and Legends East Subdivisions [File #PP-2007-304]

A request for approval to amend and zone property located at Patterson Road, Grand Falls Drive and Valentino Way in The Legends and Legends East Subdivisions to PD, (Planned Development) with a default zone of R-8, (Residential – 8 du/ac) by approval of the Preliminary Development Plan as a Planned Development containing 114 dwelling units on 13.87 +/- acres.

The public hearing was opened at 10:19 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the request, the location, and the site, and asked that the Staff Report and attachments be entered into the record. There has been no public comment on this subdivision and the Planning Commission did approve the subdivision at their May 12, 2009 meeting. The applicant is in the audience. He declined to comment.

There were no public comments.

The public hearing was closed at 10:20 p.m.

Councilmember Palmer asked if the streets are less than standard width. Mr. Peterson said the right-of-way is standard but the street section is less than standard. There will be parking allowed on only one side of the street.

Ordinance No. 4360—An Ordinance Amending the Existing Planned Development Zone by Including Additional Land with a Rezone of the Additional Land to Planned Development and Amending the Preliminary Plan with a Default R-8 (Residential – 8 DU/Ac) Zone District for the Development of 114 Dwelling Units for the Bella Dimora Subdivision, Located South of Patterson Road, North of Grand Falls Drive and Valentino Way

Councilmember Coons moved to adopt Ordinance No. 4360 and ordered it published. Councilmember Todd seconded the motion.

Councilmember Palmer said he has an issue with streets that are substandard. There always seems to be issues in the future. He will vote against approval.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Public Hearing—Vacation of a Portion of the West Ridges Boulevard Right-of-Way, West of 2335, 2335 ½ and 2337A Rattlesnake Court [File # VR-2009-012]

Request to vacate an undeveloped portion of the West Ridges Boulevard right-of-way which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain the property.

The public hearing was opened at 10:23 p.m.

Michelle Hoshide, Associate Planner, presented this item. The vacation request is for a portion of West Ridges Boulevard right-of-way. She described the location and then she requested that the Staff Report and the attachments be entered into the record. A ten-foot utility easement will be retained. The development meets the criteria and the Planning Commission recommended approval on May 26, 2009. The applicant is present but does not wish to give a presentation.

Councilmember Palmer asked why the City had no need for this property. Ms. Hoshide said the City does not need it and the adjacent owners would like to take over responsibility.

Janet Raczak, owns 2335 Rattlesnake Court but lives in Aspen. She corrected the record noting one of the parcels is 2337A Rattlesnake for one of the addresses.

There were no public comments.

The public hearing was closed at 10:28 p.m.

Ordinance No. 4365—An Ordinance Vacating a Portion of the West Ridges Boulevard Right-of-Way Located West of 2335, 2335 ½ and 2337A Rattlesnake Court

Councilmember Todd moved to adopt Ordinance No. 4365 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Zoning and Development Code Amendment Regarding Temporary Low-Traffic Storage Yards [File # TAC-2009-105]

Request approval to amend Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

The public hearing was opened at 10:29 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the request and the Code sections affected, and asked that the Staff Report and attachments be entered into the record. The request does meet the criteria and the Planning Commission recommended approval.

Councilmember Coons asked for a definition of the low traffic storage yard. Mr. Moberg said less than 15 to 30 vehicles to the site per day. Councilmember Coons confirmed this allows up to one year with the opportunity to renew. Mr. Moberg answered one year with a one year extension. Anything longer would require the applicant to go back before the Planning Commission.

Councilmember Palmer asked how would the one year be extended, if it would be administratively. Mr. Moberg responded it would be through the Director of Public Works and Planning.

There were no public comments.

The public hearing was closed at 10:31 p.m.

Ordinance No. 4366—An Ordinance Amending Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code Regarding Temporary Low-Traffic Storage Yards

Councilmember Kenyon moved to adopt Ordinance No. 4366 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 10:32 p.m.

Stephanie Tuin, MMC
City Clerk

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

July 1, 2009

The City Council of the City of Grand Junction convened into regular session on the 1st day of July, 2009 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Representatives from Boy Scout Troop 383 led in the Pledge of Allegiance.

Council President Hill then recognized another troop present, Boy Scout Troop 386.

Certificates of Appointment

Dwain Watson was present to receive his certificate for appointment to the Grand Junction Regional Airport Authority.

Citizen Comments

Regarding the N. 7th Street Historic District

Jodie Behrman, 107 Park Drive, said she is an attorney representing several residents on 7th Street. She referred to two letters that were sent to the City. She summarized her concerns that the Plan for the District and the rezoning that was based on that Plan covered the uses in the District and the City has applied that Plan to every proposal that has come forward since then. The City has now changed its tactics stating the Plan was not formally adopted and have substituted R-8 zoning which allows a bed and breakfast as a use by right. She then identified a number of other uses that are uses by right. The City's Legislative Committee met, discussed this and did not forward the matter to City Council. This situation denies her clients' rights and due process. She asked that this be corrected.

Pat Olson, 445 N. 7th Street, said 25 years ago he helped put the Historic District together. The majority of the structures in the District have the same uses they had when they were built. As stated in the registration of the District, the District is the largest most intact residential neighborhood between Salt Lake City and Denver. He agreed that houses in the District, and in that price range, are difficult to sell, especially in the current market. He asked the City Council to review what was being presented as they believe the original Plan should remain in place.

Kathy Jordan, 440 N. 7th Street, reviewed the process she went through to downzone the District. She referred to a letter from Mark Achen, former City Manager, to Karl Metzner, Planning Director, commending him for the solution of coming up with the Plan. She is sure the Plan was part of the ordinance that rezoned the District. She also referred to a letter from Public Works and Planning Director Tim Moore that states the PR zoning would go forward. The residents trusted what they were told by City Planning Staff. Then when the matter came before the City Council they were told there would be no public hearing and they could not be heard. They were perplexed and shocked. She asked that City Council reconsider the matter.

Sharon Snyder, 639 N. 7th Street, reviewed her history of purchasing her home and how she became a part of the neighborhood and how the daycare came to be in that area. She asked the City Council take time for this decision.

Sherri De Rose, 604 N. 7th Street, said she and her husband have lived in Grand Junction all their lives and have lived in the Historical District for nine years. The application for the Bed and Breakfast does not impact the District. It will retain the historical aspect of the home and will also allow visitors an opportunity to stay in the Historical District. There are over 200 bed and breakfasts in historical districts. She asked the City Council to allow the application to go through the process.

Gordon Nicholson, 726 Ouray Avenue, said when he and his wife were looking for a home they looked for an area that was purely residential. There was not a home in the District available so they bought adjacent to it. Since the federal registration, none of the structures have changed use (25 years). The sole purpose of the down zone in 1984 was to protect the uses at that time. He referred to the letter from Tim Moore, Public Works and Planning Director, which contradicts what they are being told now. Allowing the bed and breakfast will devalue the District and make it less desirable.

Tom Watson, 417 N. 7th Street, said it is not entirely true to say the houses have not changed uses. Their house was a dental office and it was a boarding house in the past. He said he does not have a problem with having a bed and breakfast in the District. They have had company with several vehicles and it was not an impact to the neighborhood.

Steve Brown, 812 Chipeta Avenue, felt the property owners should have the opportunity to do what they choose. It will not adversely affect the neighborhood, and may add to the appeal. It is an intriguing idea. The consensus of the neighbors he spoke to is that they are not against this.

Other Citizen Comments

Dianna Chadwant, homeless, had a suggestion on another subject. In Amarillo, Texas where she lived was an area that was a ghetto. The City took over the houses in this area similar to the ones along Pitkin Avenue and renewed them. It is now a tourist

attraction. There are lots of skilled workers among the homeless. She said rents are out of control here and that contributes to the homeless problem.

Mallory Rice, 425 N. 17th Street, read a call to action plan written by a group recently formed. She listed a number of deficiencies in the community that need to change to save lives and demanded “no more deaths” on the streets of Grand Junction. She referred to a number of petty offenses that are enforced which impact the homeless. She called to service folks to organize and demand their rights. The first general meeting will be held next Tuesday, July 7th, at 10:00 a.m. in Whitman Park.

Jacob Richards, 629 Ouray Avenue, works with the homeless and has for a long time. The people he has met at the homeless shelter were nothing that he expected. He referred to a publication he wrote that he provided the City Councilmembers in their mailboxes and asked the City Council to read it. He asked the City to keep the restrooms open in the winter to provide a legal place for the homeless to go to the bathroom. He listed the illegal activities that the homeless are subject to are just human functions.

City Manager’s Report

The City Manager’s Report was deferred to the end of the meeting.

CONSENT CALENDAR

There were no items for the Consent Calendar.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for City Center Catalyst Project Development Plan

Contract award for the preparation and presentation of a City Center Catalyst Project Development Plan, for approximately 8-9 acres of public and privately-owned land, located at Grand Avenue and 5th Street.

Kathy Portner, Neighborhood Services Manager, introduced this item and deferred it to Heidi Ham, DDA Executive Director.

DDA Director Ham reviewed the previous presentation on the Downtown Master Plan. When that was being discussed, the property owners for this area around the library approached them about collaborating on the catalyst project. This has provided the opportunity for the City Center Catalyst Project. It could be separate from the Master Plan if need be. The plan is to bring the revised Downtown Plan to the City Council in early August. The Catalyst has credible value on its own, but also fits in with the Comprehensive Plan.

Kathy Portner, Neighborhood Services Manager, advised they have gone back with the Downtown Plan and spoke with many of the neighbors. They had a neighborhood meeting on March 24th, and 30 people attended. They distributed a survey to those interested and received about fifty back. They now have a good idea of what is important to those respondents. They had an open house June 24th where 15 people attended relative to the Seventh Street Historic District. A survey was distributed at that meeting relative to the Overlay District. Those are due back by July 15th. They plan to take that back to the neighborhood in August. Recommendation for the 7th Street Historic District will also go before the Historic Preservation Board for recommendation. The Plan can come back to the City Council sooner than the Overlay District if desired by the City Council.

Ms. Portner then proceeded to the presentation of the City Center the City Center Catalyst Project.

Council President Hill asked if they are asking for action tonight on the previous items. Ms. Portner said she would like direction on those items she identified.

Councilmember Coons said she would like to see the Plan in a workshop setting. Neighborhood Services Manager Kathy Portner said that would be September or October to include the Overlay Plan. Otherwise it could be sooner.

Councilmember Kenyon said this is new to him. He would like to see more information.

Council President Hill said there is a need for a workshop setting for just the Plan and some direction can be provided on the other pieces at that time.

Neighborhood Services Manager Kathy Portner said the item for consideration tonight is to hire a consultant to help the City look at the library block, the block to the north of the library and the Assembly of God block which is being purchased by a private investment company. The contract would be entirely funded by grants, CDBG and a New Energy Communities grant. She identified all the partners for the project. They are looking at a more urban type of development that will transition into the residential neighborhood. Ms. Portner described the selection process and how the recommended consultant was selected. All the partners participated in the selection process and unanimously recommended PUMA. Ms. Portner then described the schedule if the contract is approved. She mentioned that several of the partners for the project were in attendance.

Councilmember Pitts asked for confirmation about the purchase of the church property. Ms. Portner said it is under contract.

Council President Hill advised there are several catalyst proposals in the Downtown Plan but this is the only one that had an area identified and partners slated.

Councilmember Coons moved to authorize the City Purchasing Division to enter into a contract with Progressive Urban Management Associates (P.U.M.A.) in the amount of \$200,000 to complete the City Center Catalyst Project Development Plan.

Councilmember Todd seconded the motion. Motion carried by roll call vote with Councilmember Kenyon voting NO.

Certificate of Appointment

Lenna Watson was present to receive her certificate of appointment for her reappointment to the Parks and Recreation Advisory Board.

City Managers Report

The City Manager's Report was deferred with the City Manager offering to provide it in written form and present it at the next Council meeting.

Non-Scheduled Citizens & Visitors

Beth Laveley, 629 Ouray Avenue, told the Council about the work they have been doing in the last three days, talking to the homeless about the issue of panhandling. They have spoken to over 2,000 people. She asked about who is complaining now that she has seen the overwhelming support. They will continue to open lines of communication. She reiterated the invitation to the meeting on July 7th.

Other Business

There was none.

Adjourn to Workshop

The City Council adjourned into Workshop Session at 8:06 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

**Setting a Hearing on Clarifying Ordinance No. 4188 in Regard to Section 36-17 of the Municipal Code and Ordinance No. 4234 Regarding the Inclusion of the Usage of Golf Carts in the 2003 Model Traffic Code for Colorado
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Clarifying Ordinance No. 4188 in Regard to Section 36-17 of the Municipal Code and Ordinance No. 4234 Regarding the Inclusion of the Usage of Golf Carts in the 2003 Model Traffic Code for Colorado		
File #			
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 1, 2009		
Author Name & Title	DeLayne Merritt, Staff Attorney		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The Municipal Code was amended with Ordinance No. 4188 to include a parking violation for stopping, standing or parking in whole or in part on a planting strip in Section 36-17(a). The City's intent was for subsections (b), (c) and (d) to remain unaltered and in full force and effect. Similarly, the 2003 Model Traffic Code was amended with Ordinance No. 4234 to include usage of golf carts on public roads. See Section 36-2. The City's intent was for sections 705, 1102, 1409, 1416, 1417, 1418 and 1503 as amended by Ordinance No. 4110 to remain in full force and effect. As clarified, these sections will promote statewide uniformity in traffic regulation.

Budget: There is no direct budget impact from adoption of the Ordinance.

Action Requested/Recommendation: Introduction of proposed Ordinance and setting a hearing for August 3, 2009.

Attachments: Proposed Ordinance

Background Information: These subsections will allow parking to be enforced along the guidelines of the well-established and long-standing parking laws which allow predictability and certainty of the laws, increasing driver confidence and enhancing the safe and efficient flow of traffic within the City. The City's codifier seeks clarification of these sections.

ORDINANCE NO. _____

AN ORDINANCE CLARIFYING ORDINANCE NO. 4188 REGARDING THE MUNICIPAL CODE AND ORDINANCE NO. 4234 REGARDING THE 2003 MODEL TRAFFIC CODE OF COLORADO AS ADOPTED BY THE CITY OF GRAND JUNCTION

RECITALS:

Ordinance No. 4188 amended Section 36-17 of the Municipal Code to include parking violations on planting strips. The intent of the amendments were to correct subsection (a) only, allowing (b), (c) and (d) to remain unchanged and in full force and effect. An ordinance clarifying the scope of the amendments will assist law enforcement officers and legal staff in effectively prosecuting parking violations.

Ordinance No. 4234 amended the 2003 *Model Traffic Code*, as adopted by the City of Grand Junction, to include in Section 36-2 usage of golf carts. The revisions include law regarding golf carts and did not change the language of other sections of the 2003 *Model Traffic Code*. The intent of the revisions were to allow Sections 705, 1102, 1409, 1416, 1417, 1418 and 1503 to remain unchanged and in full force and effect.

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

Subsection (a) of Section 36-17 of the Municipal Code is hereby amended to include parking on planting strips in accordance with the language in Ordinance No. 4188 and subsections (b), (c) and (d) shall remain unaltered and in full force and effect.

The 2003 *Model Traffic Code for Colorado*, as adopted by the City of Grand Junction, is hereby amended to include usage of golf carts in accordance with the language in Ordinance No. 4234 and leave the rest of the Amendments made to Sections 705, 1102, 1409, 1416, 1417, 1418 and 1503 as set forth in Ordinance No. 4110 to remain unaltered and in full force and effect.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

Attest:

Bruce Hill
President of the Council

Stephanie Tuin
City Clerk

Attach 3
Setting a Hearing on Zoning the Peiffer Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Peiffer Annexation - Located at 2454 Bella Pago Drive		
File #	ANX-2009-113		
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 1, 2009		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: Request to zone the 1.76 acre Peiffer Annexation, located at 2454 Bella Pago Drive, to R-2 (Residential 2 du/acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for August 3, 2009.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2454 Bella Pago Drive			
Applicants:		Jenny N. Peiffer			
Existing Land Use:		Residential Single Family			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Vacant			
	South	Residential Single Family			
	East	Residential Single Family			
	West	Vacant			
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/acre)			
Proposed Zoning:		R-2 (Residential 2 du/acre)			
Surrounding Zoning:	North	PD (Residential Planned Development)			
	South	County RSF-4 (Residential Single Family 4 du/acre)			
	East	R-4 (Residential 4 du/acre)			
	West	PD (Residential Planned Development)			
Growth Plan Designation:		Residential Low			
Zoning within density range?		X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-2 (Residential 2 du/acre) zone district is consistent with the Growth Plan Future Land Use designation of Residential Low. The existing County zoning is RSF-4 (Residential Single Family 4 du/acre). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The proposed R-2 (Residential 2 du/acre) zone district conforms to the Growth Plan's Future Land Use Residential Low designation.

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

Adequate public facilities and services can be made available to accommodate the R-2 (Residential 2 du/acre) zone district. Existing sewer service is provided by a 4 inch gravity sewer service line which traverses the adjacent property to the east within a 10 foot wide sewer service easement. The 4 inch line connects to an 8 inch service line in the Country Club Park Road right-of-way. Per City standards, any further residential development will require an additional 4 inch sewer service line be provided to each new dwelling unit for adequate sewer service. Existing water service is connected to an 8 inch Ute Water line which lies in the Bella Pago Drive right-of-way. Any further residential development can connect directly to this water service line.

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

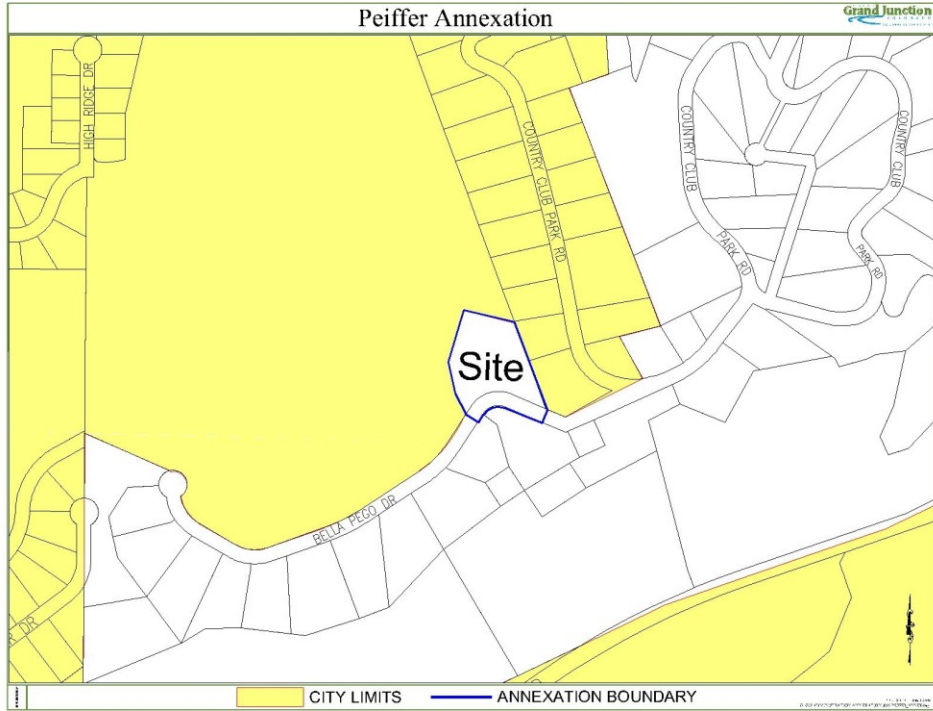
- a. R-E (Residential Estate 1 du/2 ac)
- b. R-1 (Residential 1 du/acre)

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-2 (Residential 2 du/acre) district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

Figure 1



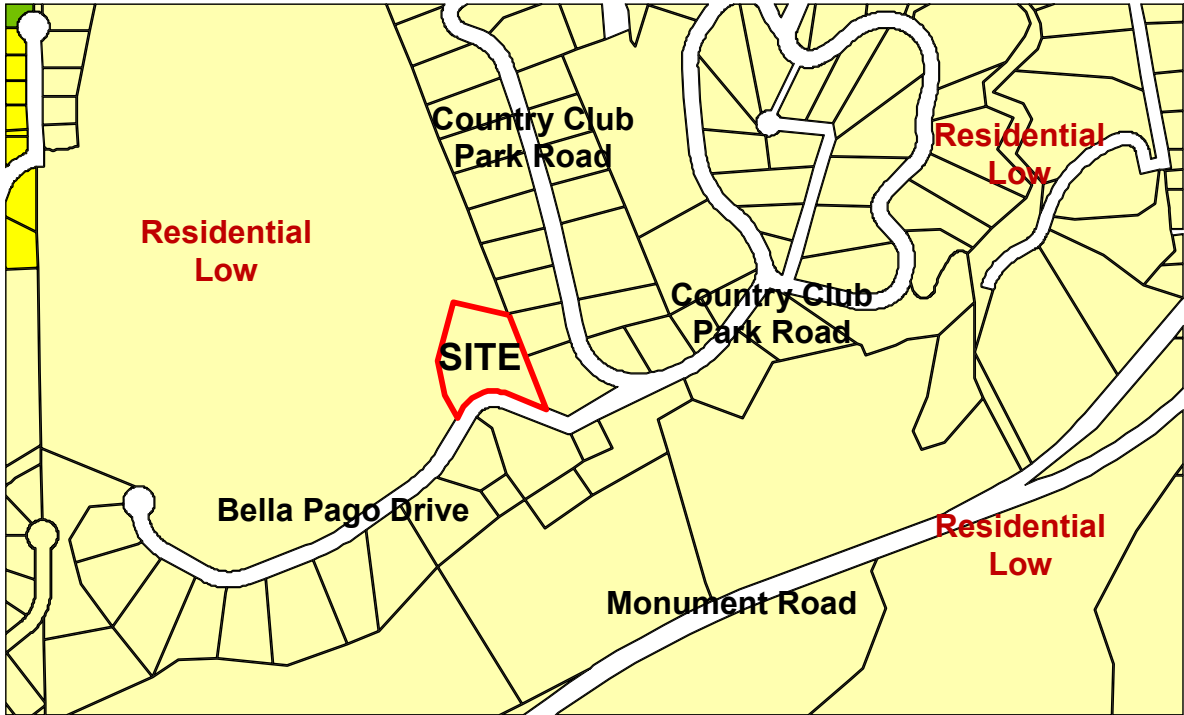
Aerial Photo Map

Figure 2



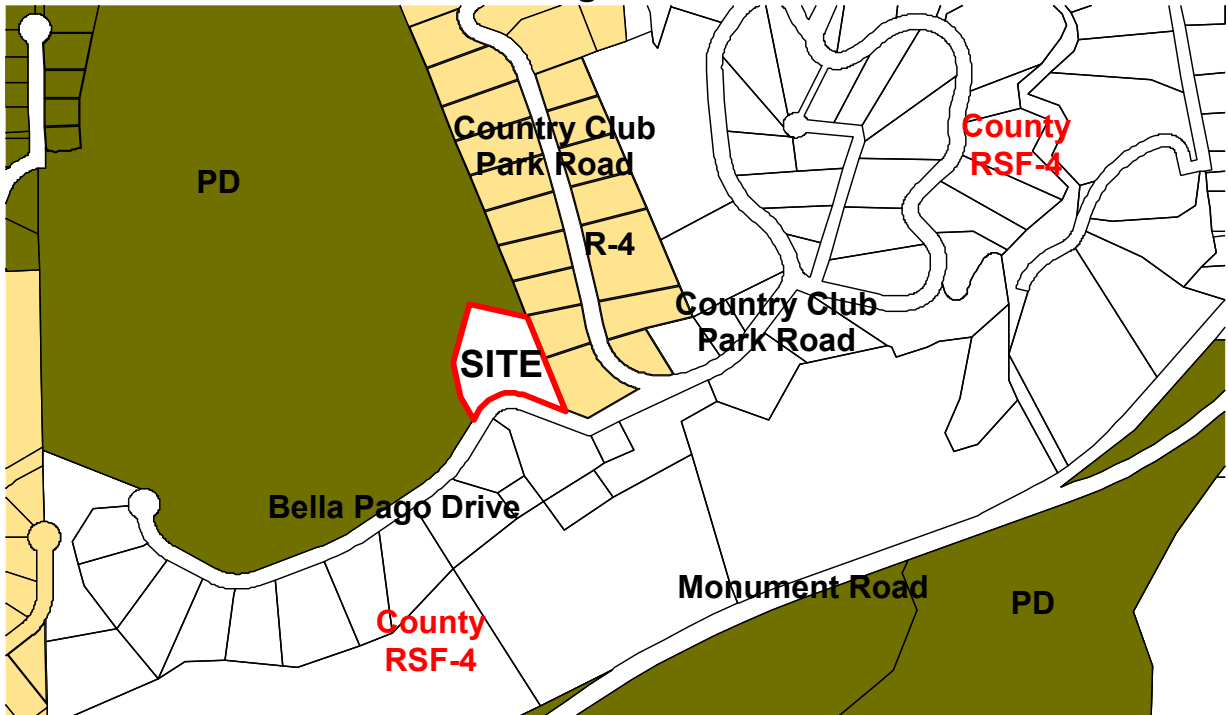
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PEIFFER ANNEXATION TO
R-2 (RESIDENTIAL 2 DU/ACRE) ZONE DISTRICT**

LOCATED AT 2454 BELLA PAGO

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Peiffer Annexation to the R-2 (Residential 2 du/acre) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-2 (Residential 2 du/acre) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-2 (Residential 2 du/acre).

A parcel of land in the E 1/2 of the NW 1/4 and the W 1/2 of the NE 1/4 of Section 21, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Beginning at a point on the West line of Country Club Park Subdivision, from which point the 1/4 corner of said Section 21 and Section 16 bears N 19°56'12" W, 1260.80 feet and S 89°31'51" E, 230.00 feet; thence along the said West line S 19°56'12" E, 331.51 feet to the North right-of-way of Bella Pago Drive; thence along said right-of-way the following 3 courses:

- 1) N 67°01'42" W, 139.37 feet;
- 2) along a curve to the left having a radius of 114.38 feet, a central angle of 79°59'03", a length of 159.68 feet, the chord of which bears S 72°58'47" W, 147.02 feet;
- 3) S 32°59'15" W, 28.79 feet;

thence leaving said right-of-way along the boundary of Ridge Point – Filing 1 the following 4 courses:

1) N 27°48'16" W, 81.73 feet;

2) N 11°34'38" W, 116.24 feet;

3) N 17°28'04" E, 190.91 feet;

S 75°59'13" E, 181.07 feet to the point of beginning.

CONTAINING 1.76 Acres (76,665.6 Sq. Ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

Attach 4
Setting a Hearing on the Fults Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Fults Annexation - Located at 3066 F Road		
File #	ANX-2009-130		
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 17, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request to annex 3.72 acres, located at 3066 F Road. The Fults Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Fults Annexation and introduce the proposed Ordinance and set a hearing for August 17, 2009.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3066 F Road			
Applicants:		Richard W. Fults, owner and developer. Larry B. Beckner, representative			
Existing Land Use:		Large lot single family residence			
Proposed Land Use:		Two residential lots			
Surrounding Land Use:	North	Vacant land			
	South	Cross Orchards Museum of Western Colorado			
	East	Orange Grove Subdivision			
	West	School District property (used as access to Thunder Mountain Elementary School)			
Existing Zoning:		County RSF-4			
Proposed Zoning:		R-4 (Residential – 4 units per acre)			
Surrounding Zoning:	North	R-4 (Residential – 4 units per acre)			
	South	County RSF-4			
	East	R-4 (Residential – 4 units per acre)			
	West	County PUD			
Growth Plan Designation:		Residential Medium Low 2 – 4 DU/AC			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.72 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

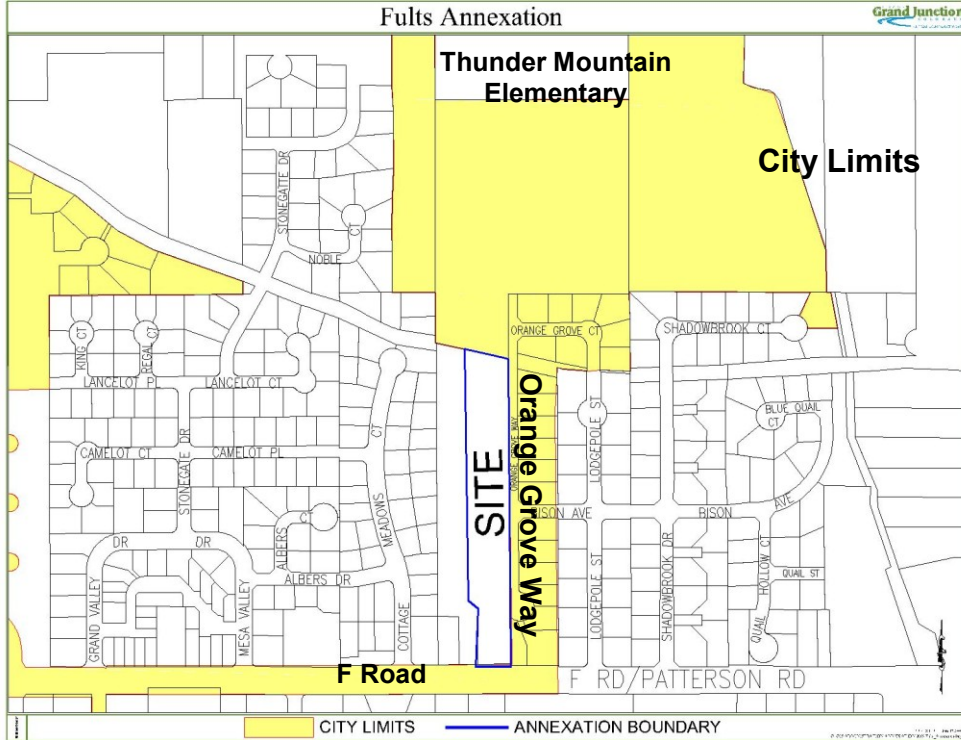
<u>ANNEXATION SCHEDULE</u>	
July 13, 2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
July 28, 2009	Planning Commission considers Zone of Annexation
Aug. 3, 2009	Introduction Of A Proposed Ordinance on Zoning by City Council
Aug. 17, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
Sept. 18, 2009	Effective date of Annexation and Zoning

FULTS ANNEXATION SUMMARY

File Number:	ANX-2009-130	
Location:	3066 F Road	
Tax ID Number:	2943-044-00-167	
# of Parcels:	one	
Estimated Population:	Two	
# of Parcels (owner occupied):	One	
# of Dwelling Units:	One	
Acres land annexed:	3.72	
Developable Acres Remaining:	3.29	
Right-of-way in Annexation:	None	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	R-4 (Residential – 4 du/ac)	
Current Land Use:	Single family large lot	
Future Land Use:	Residential	
Values:	Assessed:	\$14,530
	Actual:	\$147,050
Address Ranges:	3066 F Road	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire District
	Irrigation/ Drainage:	Grand Valley Water Users Association
	School:	District 51
	Pest:	Grand River Mosquito District

Annexation/Site Location Map

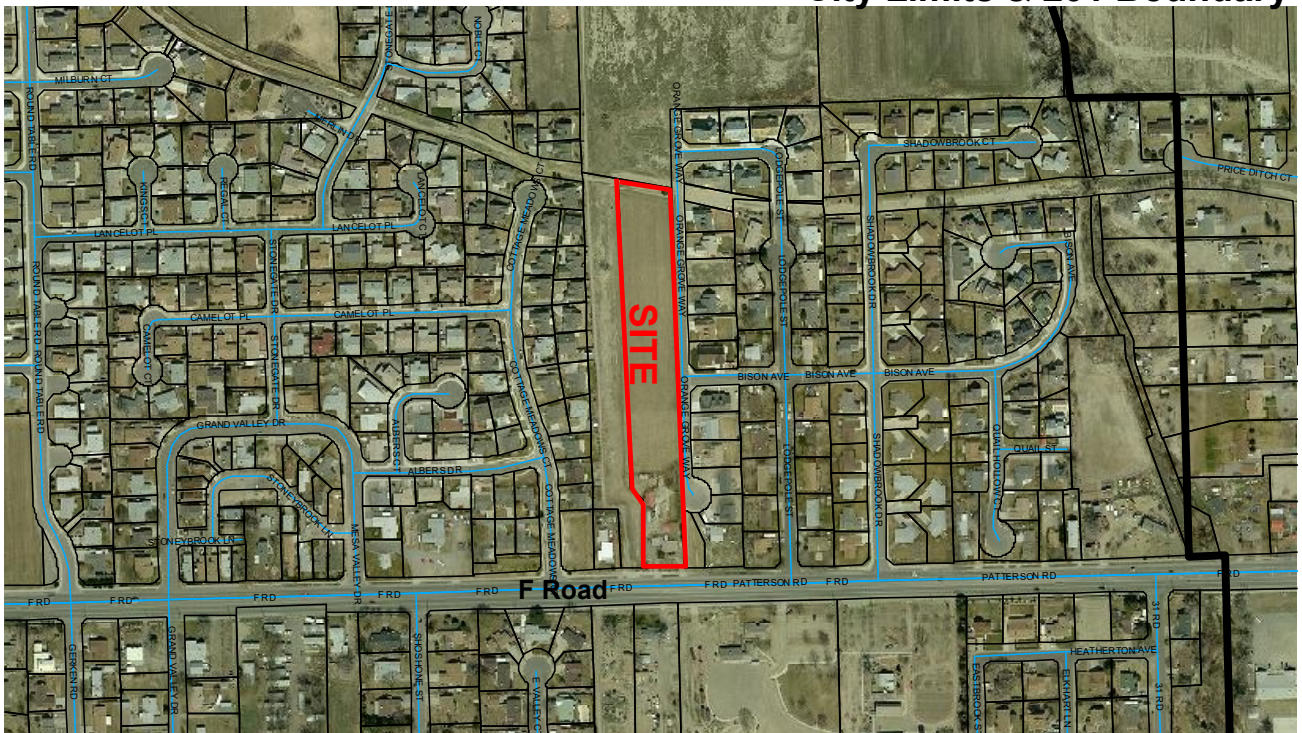
3066 F Road



Aerial Photo Map

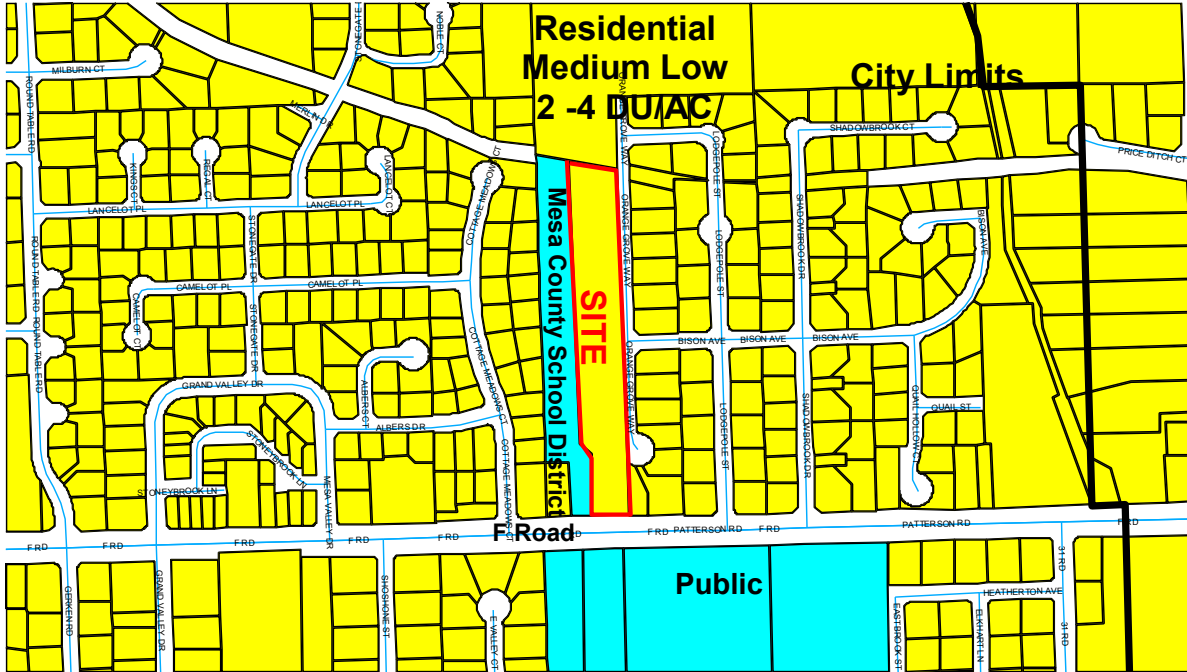
3066 F Road

City Limits & 201 Boundary



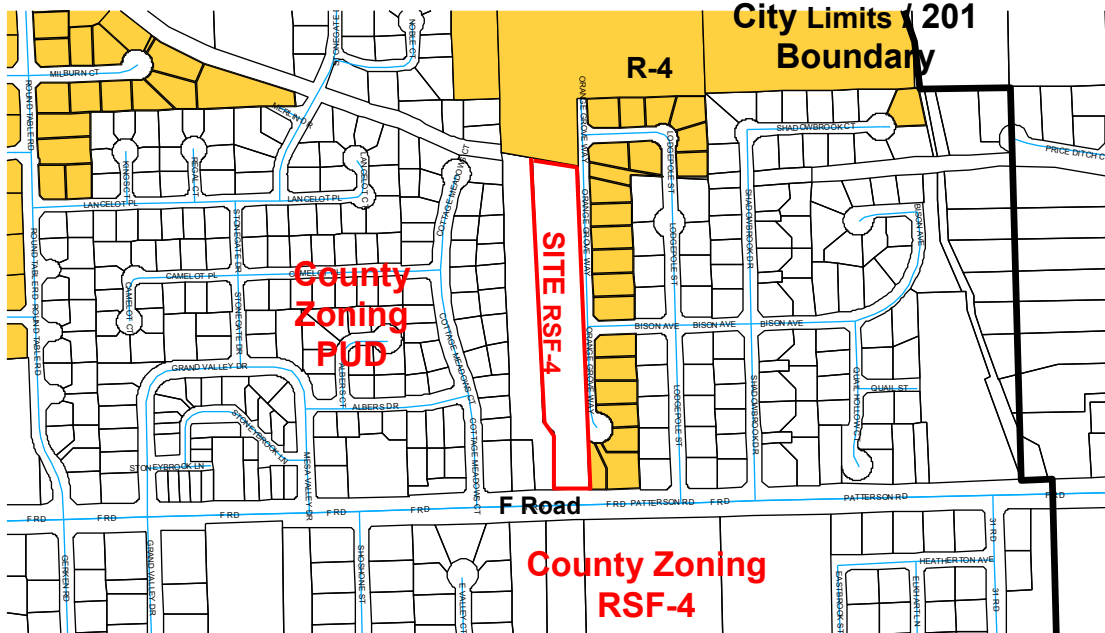
Future Land Use Map

3066 F Road



Existing City and County Zoning Map

3066 F Road



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 13th of July, 2009, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

FULTS ANNEXATION

LOCATED AT 3066 F ROAD

WHEREAS, on the 13th day of July, 2009, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FULTS ANNEXATION

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

Commencing at the Southeast corner of the SW 1/4 SE 1/4 said Section 4 and assuming the South line of SW 1/4 SE 1/4 of said Section 4 to bear N89°55'16"W with all bearings contained herein relative thereto; thence N89°55'16"W a distance of 412.55 feet along the South line of SW 1/4 SE 1/4 of said Section 4; thence N00°04'44"E a distance of 50.00 feet to the Point of Beginning; thence N89°55'16"W a distance of 118.40 feet along a line being 50.00 feet North of and parallel to the South line of the SW 1/4 SE 1/4 of said Section 4, said line also being the Northerly line of Sunrise Acres Annexation No. 3, Ordinance No. 3544, City of Grand Junction; thence N00°10'55"W a distance of 202.56 feet; thence N48°22'27"W a distance of 56.09 feet; thence N00°10'55"W a distance of 844.08 feet to the centerline of Price Ditch, as same is recorded in Book 1959, Pages 973 through 979 inclusive, said point also being on the Southerly line of Thunderbrook Estates Annexation, Ordinance No. 3986, City of Grand Junction; thence 108.09 feet along the arc of a 5729.58 foot radius curve, concave Southwest, having a central angle of 01°02'42" and a chord bearing S77°43'38"E a distance of 108.09 feet along the centerline of said Price Ditch, said line also being the Southerly line of said Thunderbrook Estates Annexation; thence S77°11'12"E a distance of 56.73 feet along the centerline of said Price Ditch, said line also being the

Southerly line of said Thunderbrook Estates Annexation to a point on the West line of Sunrise Acres Annexation No. 4, Ordinance No. 3545, City of Grand Junction; thence S00°08'54"E a distance of 1048.50 feet along the West line of line of Orange Grove Subdivision, as same is recorded in Book 3839, Pages 435 through 436 inclusive of the Mesa County, Colorado public records, said line also being the West line of said Sunrise Acres Annexation No. 4 to the Point of Beginning.

Said parcel contains 3.72 acres (161,943.49 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 17th day of August, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
July 15, 2009
July 22, 2009
July 29, 2009
August 5, 2009

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FULTS ANNEXATION

APPROXIMATELY 3.72 ACRES

LOCATED AT 3066 F ROAD

WHEREAS, on the 13th day of July, 2009, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of August, 2009; and

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

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

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

FULTS ANNEXATION

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

Commencing at the Southeast corner of the SW 1/4 SE 1/4 said Section 4 and assuming the South line of SW 1/4 SE 1/4 of said Section 4 to bear N89°55'16"W with all bearings contained herein relative thereto; thence N89°55'16"W a distance of 412.55 feet along the South line of SW 1/4 SE 1/4 of said Section 4; thence N00°04'44"E a distance of 50.00 feet to the Point of Beginning; thence N89°55'16"W a distance of 118.40 feet along a line being 50.00 feet North of and parallel to the South line of the SW 1/4 SE 1/4 of said Section 4, said line also being the Northerly line of Sunrise Acres

Annexation No. 3, Ordinance No. 3544, City of Grand Junction; thence N00°10'55"W a distance of 202.56 feet; thence N48°22'27"W a distance of 56.09 feet; thence N00°10'55"W a distance of 844.08 feet to the centerline of Price Ditch, as same is recorded in Book 1959, Pages 973 through 979 inclusive, said point also being on the Southerly line of Thunderbrook Estates Annexation, Ordinance No. 3986, City of Grand Junction; thence 108.09 feet along the arc of a 5729.58 foot radius curve, concave Southwest, having a central angle of 01°02'42" and a chord bearing S77°43'38"E a distance of 108.09 feet along the centerline of said Price Ditch, said line also being the Southerly line of said Thunderbrook Estates Annexation; thence S77°11'12"E a distance of 56.73 feet along the centerline of said Price Ditch, said line also being the Southerly line of said Thunderbrook Estates Annexation to a point on the West line of Sunrise Acres Annexation No. 4, Ordinance No. 3545, City of Grand Junction; thence S00°08'54"E a distance of 1048.50 feet along the West line of line of Orange Grove Subdivision, as same is recorded in Book 3839, Pages 435 through 436 inclusive of the Mesa County, Colorado public records, said line also being the West line of said Sunrise Acres Annexation No. 4 to the Point of Beginning.

Said parcel contains 3.72 acres (161,943.49 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

Attest:

President of the Council

City Clerk

**Attach 5
Setting a Hearing on the Zoning the Monument Village Commercial Center
Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Monument Village Commercial Center Annexation - Located at 2152 Broadway		
File #	ANX-2009-116		
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 1, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request to zone the 5.77 acre Monument Village Commercial Center Annexation, located at 2152 Broadway, to B-1 (Neighborhood Commercial).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for August 3, 2009.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2152 Broadway Blvd.		
Applicants: < Prop owner, developer, representative>		D & B Broadway Monument, LLC – owner and developer; Ciavonne Roberts and Associates – representative c/o Keith Ehlers		
Existing Land Use:		Vacant land		
Proposed Land Use:		Neighborhood commercial subdivision		
Surrounding Land Use:	North	Residential subdivision		
	South	Residential large lot and City Fire Station #5		
	East	Church and large lot residential		
	West	Gas station and shopping center		
Existing Zoning:		County PUD (Planned Unit Development)		
Proposed Zoning:		B-1 (Neighborhood Business)		
Surrounding Zoning:	North	PUD (County Planned Unit Development)		
	South	County RSF-4 and CSR (Community Services and Recreation)		
	East	County RSF-4 and R-2 (Residential – units per acre)		
	West	County C-1		
Growth Plan Designation:		Commercial		
Zoning within density range?	X	Yes		No

Staff Analysis:

The 5.77 acre Monument Village Commercial Center Annexation consists of one parcel located at 2152 Broadway Blvd. Right-of-way included in the annexation area consists of 1.54 acres; such right-of-way includes a portion of 21 1/2 Road, also known as Monument Village Drive; a portion of Rio Hondo Road and the entirety of Monument Lane. Right-of-way is not zoned. The property owners have requested the zoning designation, into the City to B-1, Neighborhood Commercial. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms

to the City's Growth Plan Future Land Use Map. The proposed zoning of B-1 conforms to the Future Land Use Map, which has designated the property as Commercial.

2. Section 2.6.A.3 and 4 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the B-1 (Neighborhood Commercial) zone district is consistent with the Growth Plan designation of Commercial. The existing County zoning is PUD (Planned Unit Development). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The proposed zone is consistent with and implements the Commercial Growth Plan Designation of Commercial for this property. The Redlands Area Plan also identifies this area as a potential commercial site.

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

Response: Adequate public facilities and services exist in the area and can be expanded through the site. Eight inch sewer lines surround the property on the North, West and East. Eight inch water lines are located on the North and East and a twelve inch line runs along Broadway.

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

- c. RO: Residential Office
- d. C-1: Light Commercial

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

FINDINGS OF FACT/CONCLUSIONS:

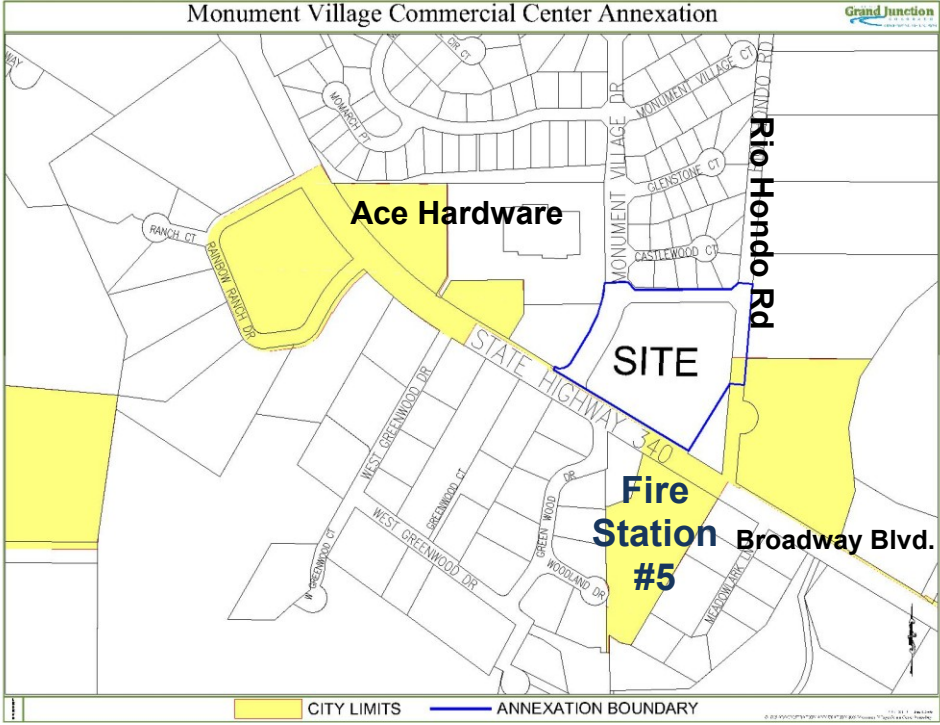
After reviewing the Monument Village Commercial Center Annexation, ANX-2009-116, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

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

RECOMMENDED PLANNING RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the B-1 district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

2152 Broadway



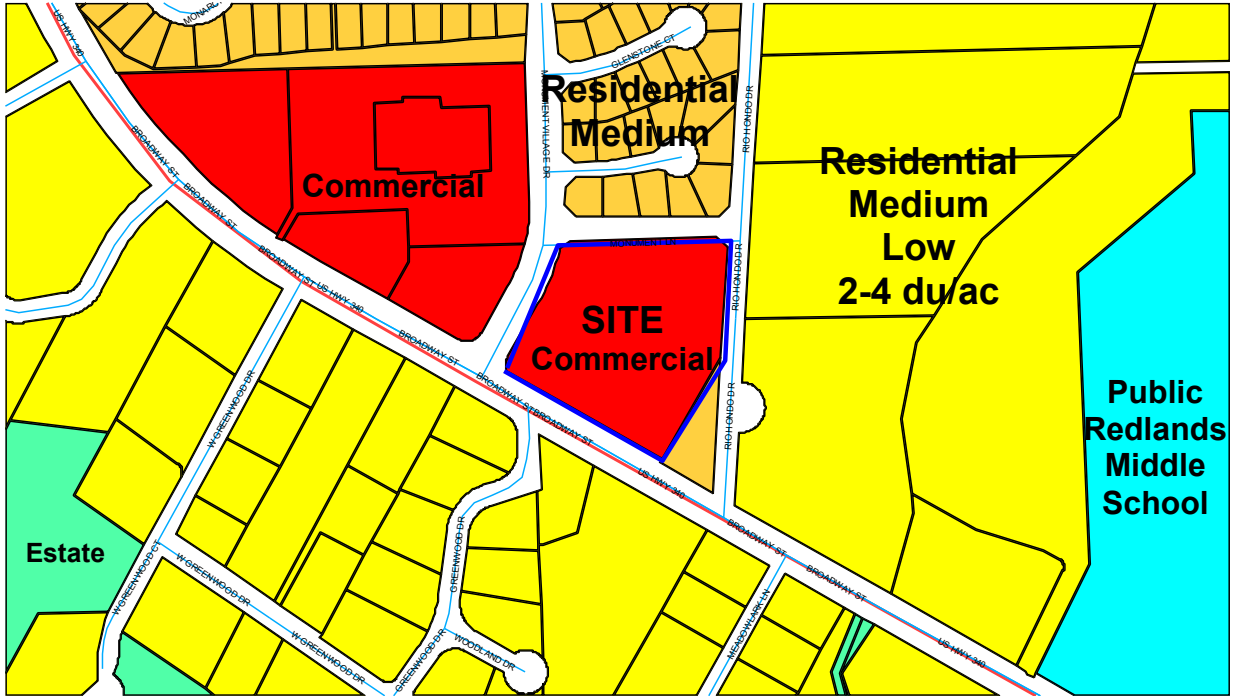
Aerial Photo Map

2152 Broadway



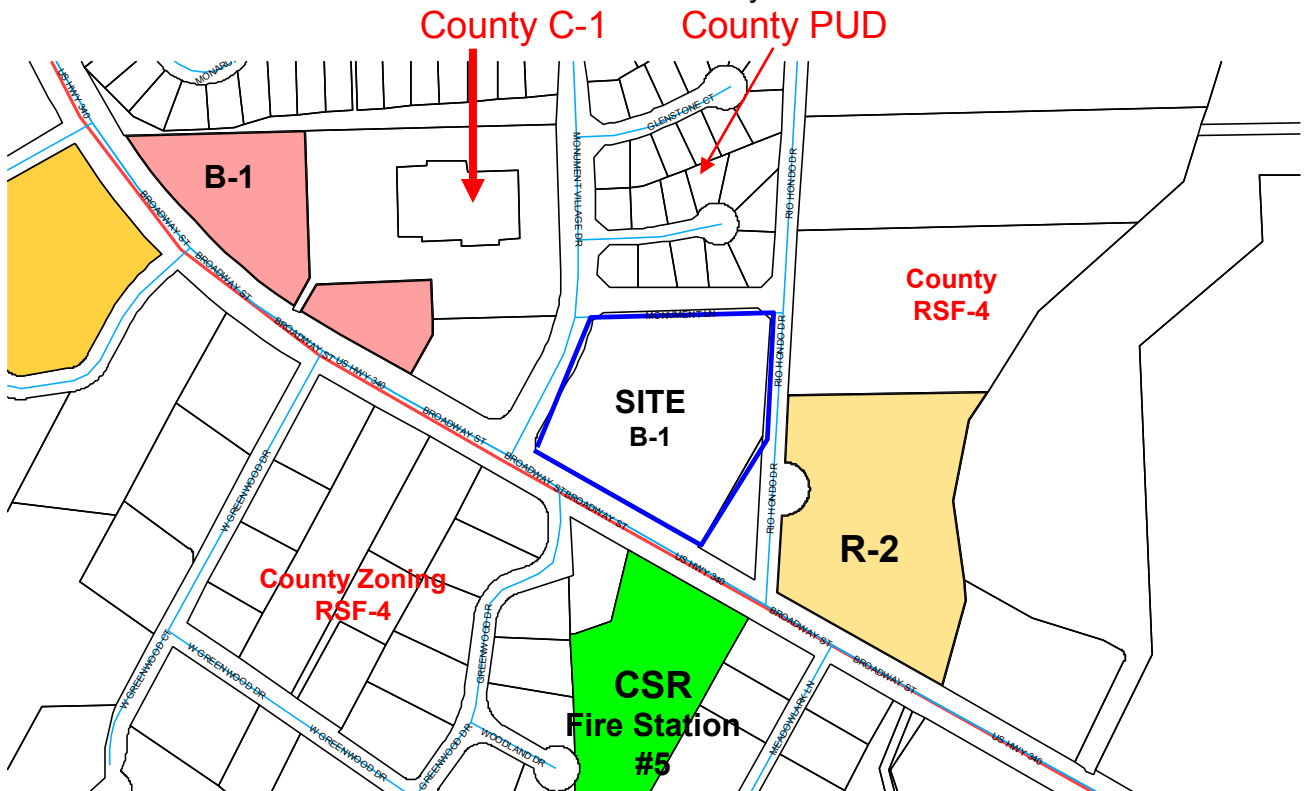
Future Land Use Map

2152 Broadway



Existing City and County Zoning Map

2152 Broadway



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MONUMENT VILLAGE COMMERCIAL CENTER
ANNEXATION TO B-1
NEIGHBORHOOD BUSINESS**

LOCATED AT 2152 BROADWAY

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the monument Village Commercial Center Annexation 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 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned B-1 (Neighborhood Business).

A certain parcel of land located in the North Half (N 1/2) of Section 23, Township Eleven South (11S), Range One Hundred One West (101W) of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southeast corner of Block 1 of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, public records of Mesa County, Colorado and assuming the Easterly line of Block 1 of said Monument Village Commercial Center to bear S31°49'46"W with all bearings contained herein relative thereto; thence N59°06'25"W a distance of 549.53 feet along the Northerly Right of Way of Colorado State Highway 340; thence N30°53'25"E a distance of 10.24 feet along the Northerly line of Ace Hardware Annexation No. 2, Ordinance No. 3831, City of Grand Junction to a point on the Southerly line of Monument Village Shopping Center Filing 2, as same is recorded in Plat Book 15, Pages 59 through 60 inclusive of the Mesa County, Colorado public records; thence along the Easterly line of Lot 2 of said

Monument Village Shopping Center Filing 2 the following three (3) courses: (1) 62.83 feet along the arc of a 40.00 foot radius curve, concave Northwest, having a central angle of 89°59'39" and a chord bearing N75°58'15"E a distance of 56.57 feet; (2) N30°58'06"E a distance of 135.67 feet; (3) 171.78 feet along the arc of a 357.69 foot radius curve, concave Northwest, having a central angle of 27°30'55" and a chord bearing N17°12'52"E a distance of 170.13 feet; thence N89°46'42"E a distance of 80.12 feet to a point on the Westerly line of Lot 1 of Monument Village Filing No. 6, as same is recorded in Plat Book 18, Page 85 of the Mesa County, Colorado public records; thence along the South line of said Monument Village Filing No. 6 the following three (3) courses: (1) S43°42'08"E a distance of 36.28 feet; (2) N89°46'42"E a distance of 335.90 feet; (3) N47°21'37"E a distance of 33.73 feet to a point on the West Right of Way of Rio Hondo Road, as same is recorded in Book 945, Page 602 of the Mesa County, Colorado public records; thence S85°03'29"E a distance of 50.00 feet to a point on the said East Right of Way of Rio Hondo Road; thence S04°56'31"W a distance of 350.32 feet along the East Right of Way of said Rio Hondo; thence N85°03'29"W a distance of 50.00 feet to a point on the West Right of Way of said Rio Hondo; thence S31°49'46"W a distance of 273.88 feet to the Point of Beginning.

Said parcel contains 5.77 acres (251,451.33 sq. ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____ 2009 and ordered published.

ADOPTED on second reading the ____ day of _____ 2009.

ATTEST:

President of the Council

City Clerk

**Attach 6
Public Hearing—Maverik Growth Plan Amendment
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Maverik Growth Plan Amendment – Located at 2948 F Road and 603 29 1/2 Road		
File #	GPA-2009-023		
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 29, 2009		
Author Name & Title	Senta L. Costello, Senior Planner		
Presenter Name & Title	Senta L. Costello, Senior Planner		

Summary: Growth Plan Amendment to change the Future Land Use designation on a portion of two properties from Residential Medium 4-8 du/ac to Commercial to allow for future commercial development.

Budget: N/A

Action Requested/Recommendation: Approval of the Growth Plan Amendment resolution.

Attachments:

Site Location Map / Aerial Photo Map
 Future Land Use Map / Existing City and County Zoning Map
 Letters and petition from neighboring property owners
 Resolution

Background Information: See attached report

STAFF REPORT / BACKGROUND INFORMATION				
Location:	2948 F Road and 603 29 1/2 Road			
Applicants:	Owners: Tina Million, Glenn Lorton Jr., George & Verna Halstead Developer/Representative: Maverik, Inc – Don Lilyquist			
Existing Land Use:	Single Family Residential			
Proposed Land Use:	Single Family Residential / Commercial			
Surrounding Land Use:	North	Single Family Residential		
	South	Convenience store		
	East	Single Family Residential		
	West	Vacant residential		
Existing Zoning:	County RSF-4 (Residential Single Family 4 du/ac)			
Proposed Zoning:	City C-1 (Light Commercial)/R-4 (Residential 4 du/ac)			
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)		
	South	County RSF-4 (Residential Single Family 4 du/ac) / City B-1 (Neighborhood Business)		
	East	County RMF-5 (Residential Multi-family 5 du/ac)		
	West	County RSF-4 (Residential Single Family 4 du/ac)		
Growth Plan Designation:	Residential Medium 4-8 du/ac			
Zoning within density range?	With GPA	Yes		No

ANALYSIS

1. Background

The property is currently in the annexation process. Referral of the annexation petition, introduction of the Annexation Ordinance, and Land Use Jurisdiction were accepted by City Council on May 4, 2009. If the Growth Plan Amendment is granted, the applicant wishes to reconfigure the property lines along the new Future Land Use designation line and develop the southern portion commercially.

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

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

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

Response: There was not an error in the Future Land Use designation at the time of adoption;

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

Response: Traffic volumes along F Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way.

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

Response: Traffic volumes along F Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 29 1/2 Road.

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

Response: The request is consistent with the following goals and policies of the Growth Plan:

- 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 1.6: The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.
 - 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.
 - Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.
 - Policy 11.1: The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.
 - Policy 11.2: The City and County will limit commercial encroachment into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.
- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

Response: A 12" Ute water line, 12" sanitary sewer line, and 36" storm sewer line exist in F Road adjacent the subject property; a 4" Ute water line and an 8" sanitary sewer line are located in 29 1/2 Road.

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

Response: F Road between 28 1/4 Road and 31 Road has very little opportunities for transitional or small scale commercial developments that could serve as neighborhood service possibilities. A commercial designation at this location would add an opportunity for additional service type uses to the neighborhood.

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

A commercial designation at this location would add an opportunity for additional service type uses to the neighborhood, potentially eliminating the need to drive to another location further away.

FINDINGS OF FACT/CONCLUSIONS/CONDITION

After reviewing the Maverik application, GPA-2009-023 for a Growth Plan Amendment, I make the following findings of fact, conclusions and condition:

3. The proposed amendment is consistent with the purpose and intent of the Plan.
4. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.
5. The Growth Plan Amendment is conditioned upon recordation of a Simple Subdivision within one year of the effective date of the zoning to realign to property line with the revised Future Land Use designation split.

PLANNING COMMISSION RECOMMENDATION:

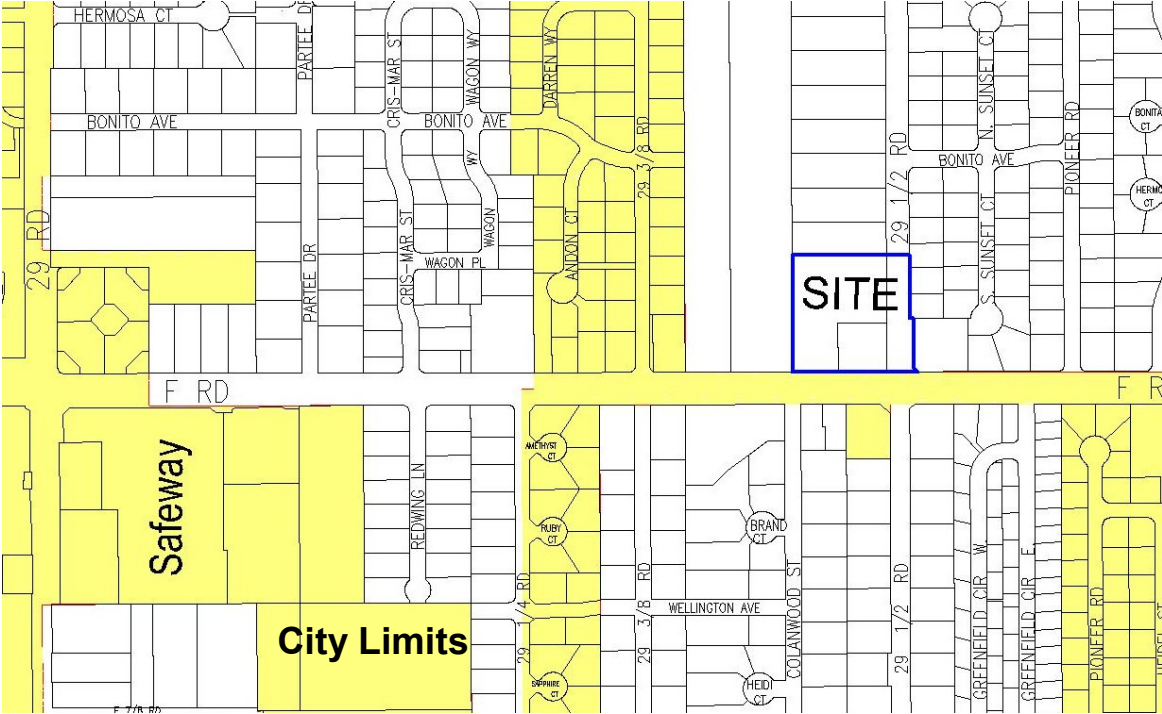
The Planning Commission forwarded a recommendation of approval of the requested Growth Plan Amendment, GPA-2009-023 to the City Council with the findings, conclusions and condition listed above.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Letters and petition from neighboring property owners
Resolution

Site Location Map

Figure 1



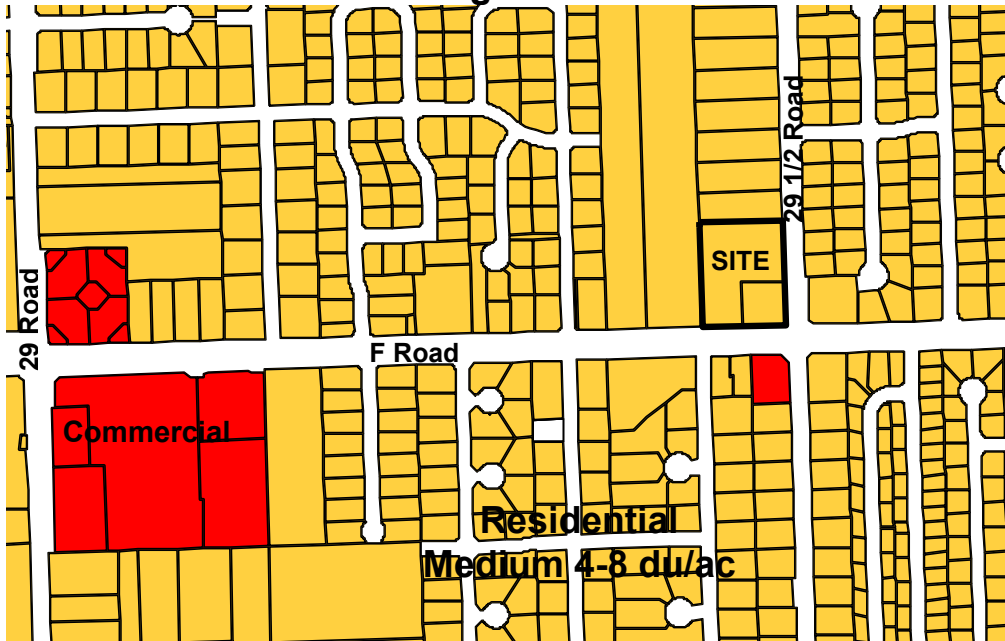
Aerial Photo Map

Figure 2



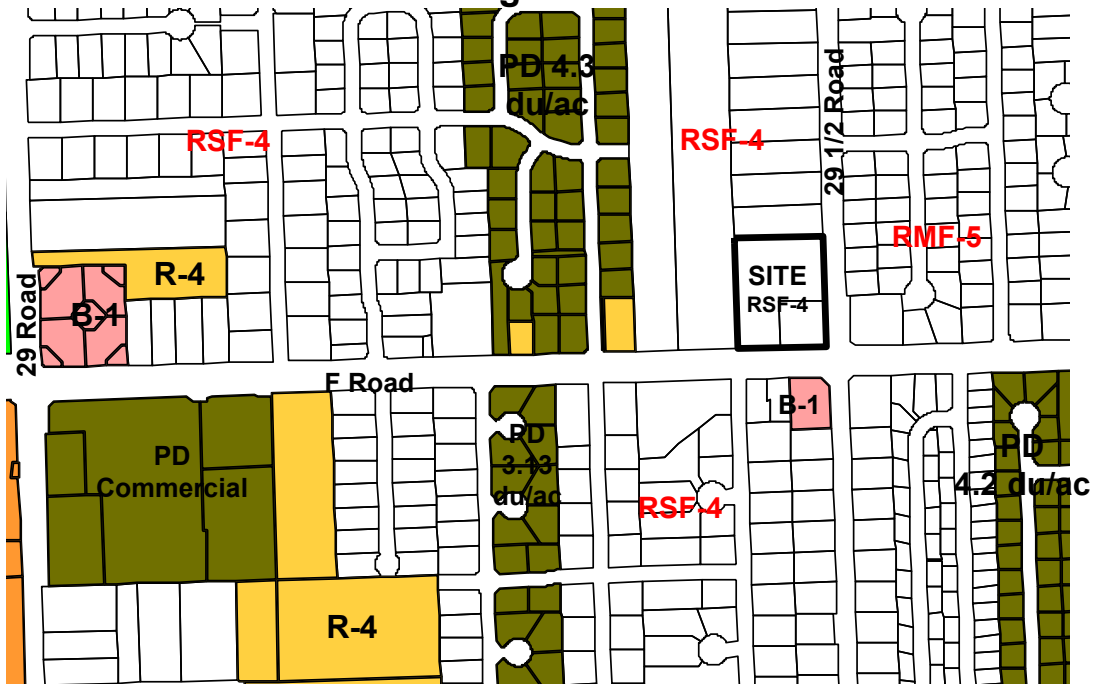
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

Grand Junction Planning and Zoning Dept.

Dear City of Grand Junction:

As the owners of the property at 609 29 ½ rd, we are asking that you do not re-zone the property on the corner of 29 ½ rd & Patterson to commercial. Thereby denying the proposed gas station/convenient store commercial establishment from being built at this location. As our home and at least six other homes within 400 feet of the proposed gas/convenient store, not to mention all the homes within a thousand feet, will lose a great number of potential buyers for our homes, if we ever decide to sell. The proprietors of the proposed establishment will probably tell you that their establishment will not affect the real estate market in the area. But you have to ask yourself, would you want to purchase a home that close to a convenient store?

There will also be an increased number of traffic accidents in the area; because of the volume of traffic, and the increased number of vehicles pulling in and out of the proposed gas station. Not only that, but the amount of crime in the area will also increase. If you ask any employee who works the graveyard shift at a 24 hour convenient store, they will all tell you that the majority of customers visiting a convenient store during the odd hours of the night are generally not outstanding citizens in the community. And if the proposed convenient store was built there would be people like that, loitering around our homes at all hours of the night.

This proposed convenient store is not needed. This is a residential area of Patterson, and there are already three gas station/convenient stores within a half mile of the proposed location, not to mention a Grocery Store. There is nowhere else in the city of Grand Junction, that these kinds of establishments are clustered in such close proximity. Therefore, there really is no good reason for building another gas station/convenient store in this area. And the consequences of building another one far outweigh the benefits.

We ask that you put yourselves in our shoes, and see it from our perspective. If the property is re-zoned to commercial; our home values will drop, we will have to deal with the noise, lights, gas smells, loiterers, and a whole wave of other issues that would come about if the establishment was built within this residential area.

Dean Rogers
Kim Rogers

Grand Junction Planning and Zoning Dept.

Dear Sir:

Please be advised that Mr. Herman Buser and Mr. Colin Gilmore, owners of the property and home at 610 29 ½ Road, Parcel Number 2924-054-36-005, are against the rezoning of the residential property at the corner of 29 ½ Road and Patterson Road for commercial use.

Over the years the traffic on 29 ½ Road has increased as has the traffic on Patterson Road, especially during the evening and night times to such extent that there is continual noise at all hours.

Having a fueling station and food market will surely increase the traffic and noise and decrease home values. We see little justification for adding this facility at this location as the same services are available just across the street.

Thank you in advance for your consideration


Herman Buser


Colin Gilmore

City of Grand Junction
Public Works & Planning Department
Planning Division
250 North 5th Street
Grand Junction, CO 81501

BACKGROUND:

Maverik County Stores, INC. has submitted a development application to the City of Grand Junction to construct a 24- hour convenience store and 24-hour gas station on the Northwest corner of Patterson Road and 29 ½ Road and rezone the property from R-4 (Residential 4 du/ac) to C-1 (Light Commercial).

PETITION:

We want the City of Grand Junction to deny the application and protect the residential uses, our property values and the safety of our neighborhood because:

1. The project expands an already busy commercial use area by adding a 4th Convenience Store/Gasoline Station within a 1075 foot radius and staying open 24 hours a day.
2. A convenience store will not serve the residents of the area but rather "The motoring public".
3. A 24 hour facility will increase the possibility of crime in the area.
4. The business would increase the noise, lighting and traffic into the bedtime hours and potentially create a public nuisance.
5. The residents of the area and public are already well served by 3 gasoline stations and 3 convenience/grocery stores. And are all located within a half mile of the site.
6. Adding a convenience store/gasoline station at an intersection where one already exists encourages loiters, unsafe activity and litter.
7. The business will decrease the residential property values in the immediate area.
8. Restore public confidence that government is for the people and by the people.

SIGN THE PETITION

Name	Address	Date
Jim ROGERS	6009 29 1/2 RD.	2-21-09
Blady Beale	2953 Bonito Ln	2-21-09
Mate Hoover	2954 Bonito Ln	2-21-09
Nehor Hoover	2954 Bonito Ln.	2-21-09
Nomik/Bauchard	621 N. Sunset Ct -	2-21-09
Ed/Tamara Shaden	624 N. Sunset Ct.	2-21-09
J. H.	622 N. Sunset Ct.	2-21-09
Iris Miller	619 1/2 N. Sunset Ct -	2-21-09
Rezanna Alba	618 1/2 N Sunset Ct	2-21-09

City of Grand Junction
Public Works & Planning Department
Planning Division
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Name	Address	Date
<u>William S. Charles</u>	<u>618 N. Sunset</u>	<u>2/21/09</u>
<u>Eleanor Martin</u>	<u>2956 Bonito Ln.</u>	<u>2/21/09</u>
<u>Gordon Weaver</u>	<u>2957 Bonito Ln</u>	<u>2/21/09</u>
<u>Edward Markuson</u>	<u>611, 29 ½ Rd</u>	<u>2/21/09</u>
<u>Dean Rogers</u>	<u>609 29 ½ RD</u>	<u>2/28/09</u>
<u>Miguel Torres</u>	<u>608 29 ½ RD</u>	<u>2/28/09</u>
<u>J. Charbonneau</u>	<u>605 S. Sunset</u>	<u>2/28/09</u>
<u>Diana S Nikkari</u>	<u>603 S Sunset Ct</u>	<u>2-28-09</u>
<u>Darrell Christensen</u>	<u>601 S. SUNSET CT</u>	<u>2-28-09</u>

City of Grand Junction
 Public Works & Planning Department
 Planning Division
 250 North 5th Street
 Grand Junction, CO 81501

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SIGN THE PETITION

Name	Address	Date
David Vigil	606 29½	2/20/09
Christine Angello	604 29½	2/20/09
Tim Richardson	602 29½	2/20/09
Barbara P. P. P.	613 29½	2-20-09
John Carl	619 29½	2/20/09
Steve Dibble	624 29½	2/20/09
Wayne Sumner	622 29½	2-20-09
Jane Atkinson	650 29½ Rd	2-20-09
[Signature]	2963 cedar pl	2-20-09

City of Grand Junction
Public Works & Planning Department
Planning Division
250 North 5th Street
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SIGN THE PETITION

Name	Address	Date
<u>Dan Waddell</u>	<u>602 S. Sunset Ct</u>	<u>2-28-09</u>
<u>Janet Waddell</u>	<u>602 S. Sunset Ct.</u>	<u>2-28-09</u>
<u>Daniel Booth</u>	<u>604 S. Sunset Ct.</u>	<u>2/28/09</u>
<u>Ron O'Hare</u>	<u>610 S Sunset Ct</u>	<u>2/28/09</u>
<u>Karen O'Hare</u>	<u>610 S sunset ct</u>	<u>2/28/09</u>
<u>Greg Smith</u>	<u>612 S. Sunset Ct</u>	<u>2-22-09</u>

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 1.31 ACRES LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD KNOWN AS THE MAVERIK GROWTH PLAN AMENDMENT FROM RESIDENTIAL MEDIUM 4-8 DU/AC TO COMMERCIAL

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 1.48 acres, located at 2948 F Road and 603 29 1/2 Road be redesignated from Residential Medium 4-8 du/ac To Commercial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL MEDIUM 4-8 DU/AC TO COMMERCIAL ON THE FUTURE LAND USE MAP.

The following described Growth Plan Amendment is hereby granted subject to the following conditions:

1. Recordation of the proposed subdivision to realign the property line with the revised Future Land Use designation split within one year of the effective date of the zone of annexation.

MAVERIK GROWTH PLAN AMENDMENT

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 5 and assuming the East line of the SE 1/4 SW 1/4 of said Section 5 bears N 00°12'26" W with all other bearings contained herein being referenced thereto; thence from said Point of Commencement, S 89°58'56" W along the South line of the SE 1/4 SW 1/4 of

said Section 5, a distance of 40.00 feet; thence N 00°12'26" W along a line 40.00 feet West of and parallel to the East line of the SE 1/4 SW 1/4 of said Section 5, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'56" W along a line 50.00 feet North of and parallel to the South line of the SE 1/4 SW 1/4 of said Section 5, a distance of 290.40 feet; thence N 00°11'39" W a distance of 221.04 feet; thence S 89°47'35" W a distance of 290.35 feet; thence S 00°12'26" E along a line 40.00 feet West of and parallel to, the East line of the SE 1/4 SW 1/4, a distance of 222.00 feet, more or less, to the Point of Beginning. Also known as Lot 1, Maverik 2 Subdivision.

CONTAINING 64,323 Square Feet or 1.48 Acres, more or less, as described.

PASSED on this _____ day of _____, 2009.

ATTEST:

City Clerk

President of Council

Attach 7

**Public Hearing—Vacating an Alley Right-of-Way through the Center of Melrose Park
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacating the Alley Right-of-Way located through the center of Melrose Park - Located at 1827 North 26 th Street.		
File #	SPR-2009-064		
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent		Individual
Date Prepared	July 2, 2009		
Author Name & Title	Michelle Hoshide – Associate Planner		
Presenter Name & Title	Michelle Hoshide – Associate Planner		

Summary: Request to vacate 0.18 acres of alley right-of-way located through the center of Melrose Park located at 1827 North 26th Street which is unnecessary for future roadway circulation.

Budget: N/A

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

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Ordinance

Background Information: See attached report

BACKGROUND INFORMATION				
Location:		Melrose Park located at 1827 North 26 th Street		
Applicant:		City of Grand Junction		
Existing Land Use:		Public Park		
Proposed Land Use:		Public Park		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		N/A		
Proposed Zoning:		CSR (Community Services and Recreation)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-8 (Residential 8 du/ac)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Growth Plan Designation:		Public		
Zoning within density range?	X	Yes		No

ANALYSIS

1. Background

The City of Grand Junction has made a request to vacate the alley right-of-way located through the center of Melrose Park at 1827 North 26th Street. The vacation will facilitate optimal use of Melrose Park. The alley right-of-way to be vacated has never been developed or used as a right-of-way; instead it has been used as part of Melrose Park since the park was built over 50 years ago.

2. Section 2.11.C of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to the following criteria:

- a. *The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.*

The vacation of the right-of-way will not impact the Grand Valley Circulation Plan, Growth Plan or policies adopted by the City of Grand Junction. The alley running through Melrose Park has never been used for traffic circulation and never will be used for traffic circulation because of the existence of Melrose Park.

- b. *No parcel shall be landlocked as a result of the vacation.*

No parcel will be landlocked as a result of the vacation because the existing street patterns in this area provide adequate connectivity and access to surrounding parcels.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Access will not be restricted to any parcel as a result of this vacation because all surrounding parcels currently access existing developed right-of-way.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if this alley is vacated.

A 6" sewer line currently runs through the existing alley right-of-way. The sewer line and Melrose Park are currently owned and maintained by the City of Grand Junction. The vacation of the alley will not inhibit the access to the sewer line.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.*

Adequate public facilities and services will not be inhibited to any property. All adjacent parcels have access to public facilities and services through existing right-of-way.

- f. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

The vacation will facilitate optimal use of Melrose Park.

FINDINGS OF FACTS/CONCLUSION

After reviewing the City of Grand Junction application, SPR-2009-064 for the vacation of an undeveloped portion of alley right-of-way, the following finding of facts and conclusion has been determined:

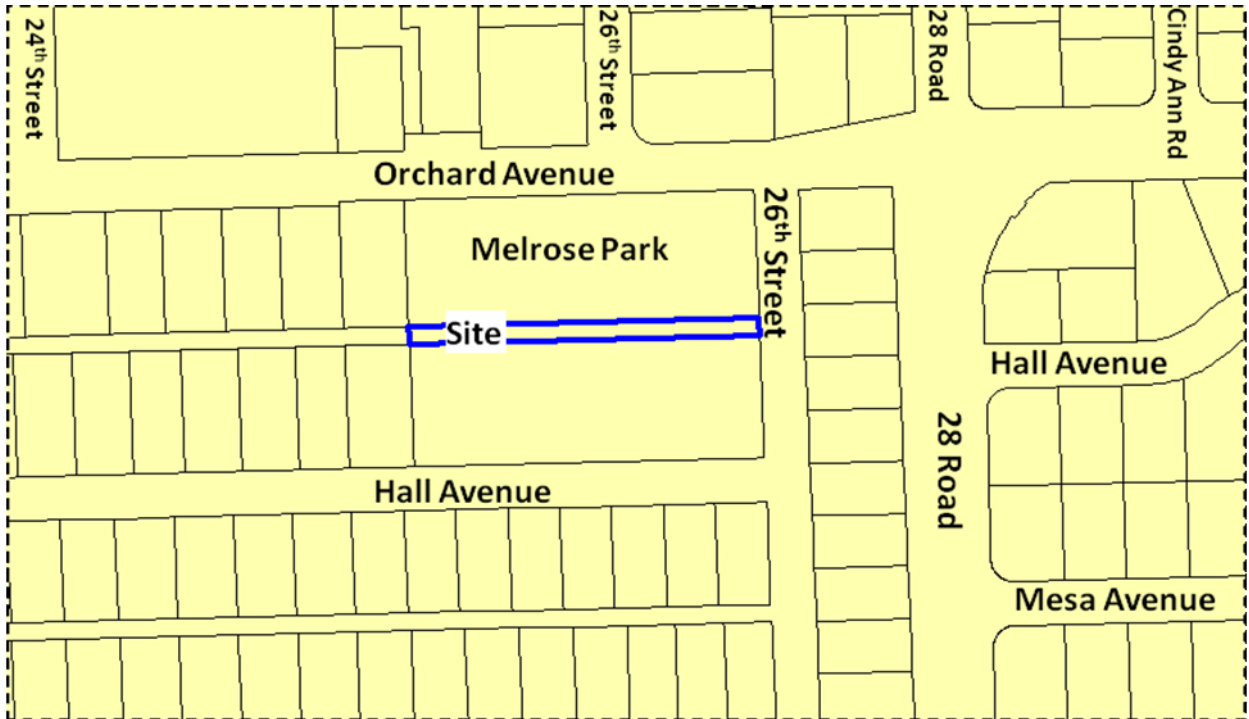
- 1.) The request is consistent with the goals and polices of the Growth Plan
- 2.) The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

On June 9, 2009, Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, SPR-2009-064, to the City Council with the findings and conclusions listed above.

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



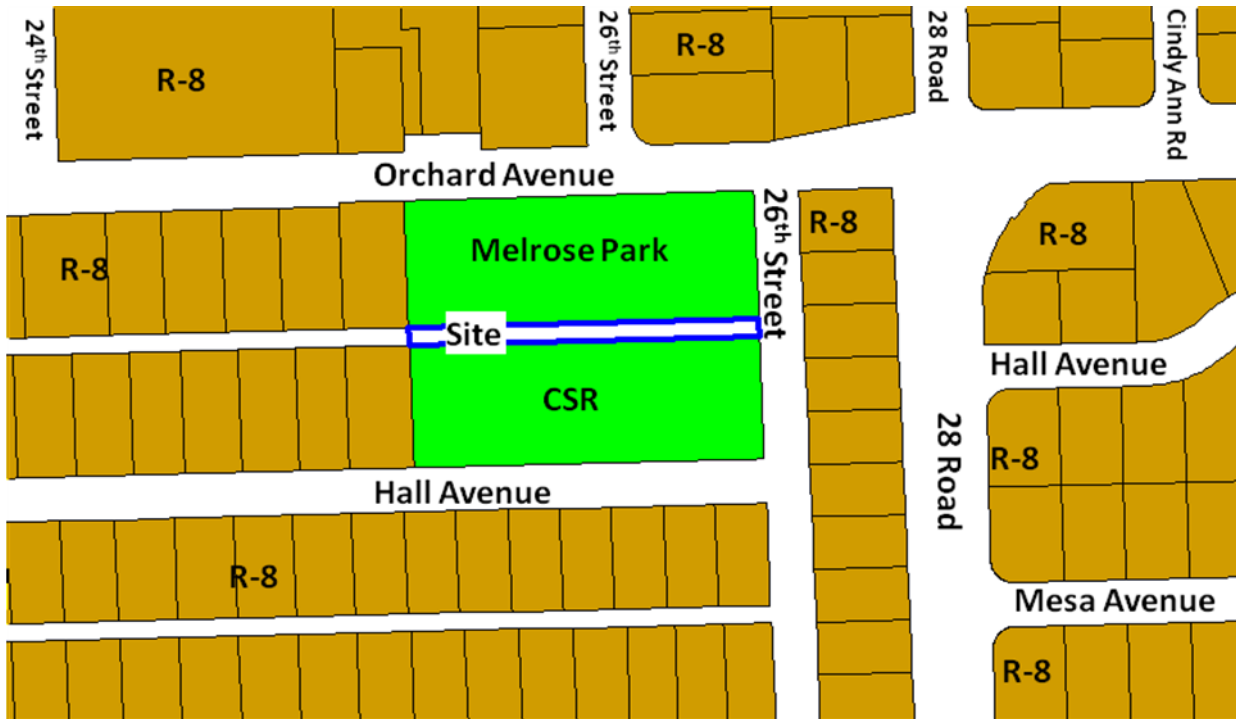
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING THE ALLEY RIGHT-OF-WAY LOCATED THROUGH
THE CENTER OF MELROSE PARK AT 1827 NORTH 26TH STREET**

RECITALS:

A request to vacate the alley right-of-way located through the center of Melrose Park at 1827 North 26th Street. This request has been made by the City of Grand Junction.

The City Council finds that the request to vacate the herein described portion of the Melrose Park Alley right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request on June 9, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIPTION BE VACATED:

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 12, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain 20.00 foot wide alley lying within Block No. 1, Melrose Park, as same is recorded in Plat Book 9, Page 2, Public Records of Mesa County, Colorado, lying West of the West right of way for North 26th Street, also being the East line of Lots 1 and 9, Block No. 1 of said Melrose Park AND lying East of the West line of Lots 7 and 15, Block No. 1 of said Melrose Park.

CONTAINING 7,794 Square Feet, more or less.

Introduced for first reading on this 29th day of June, 2009

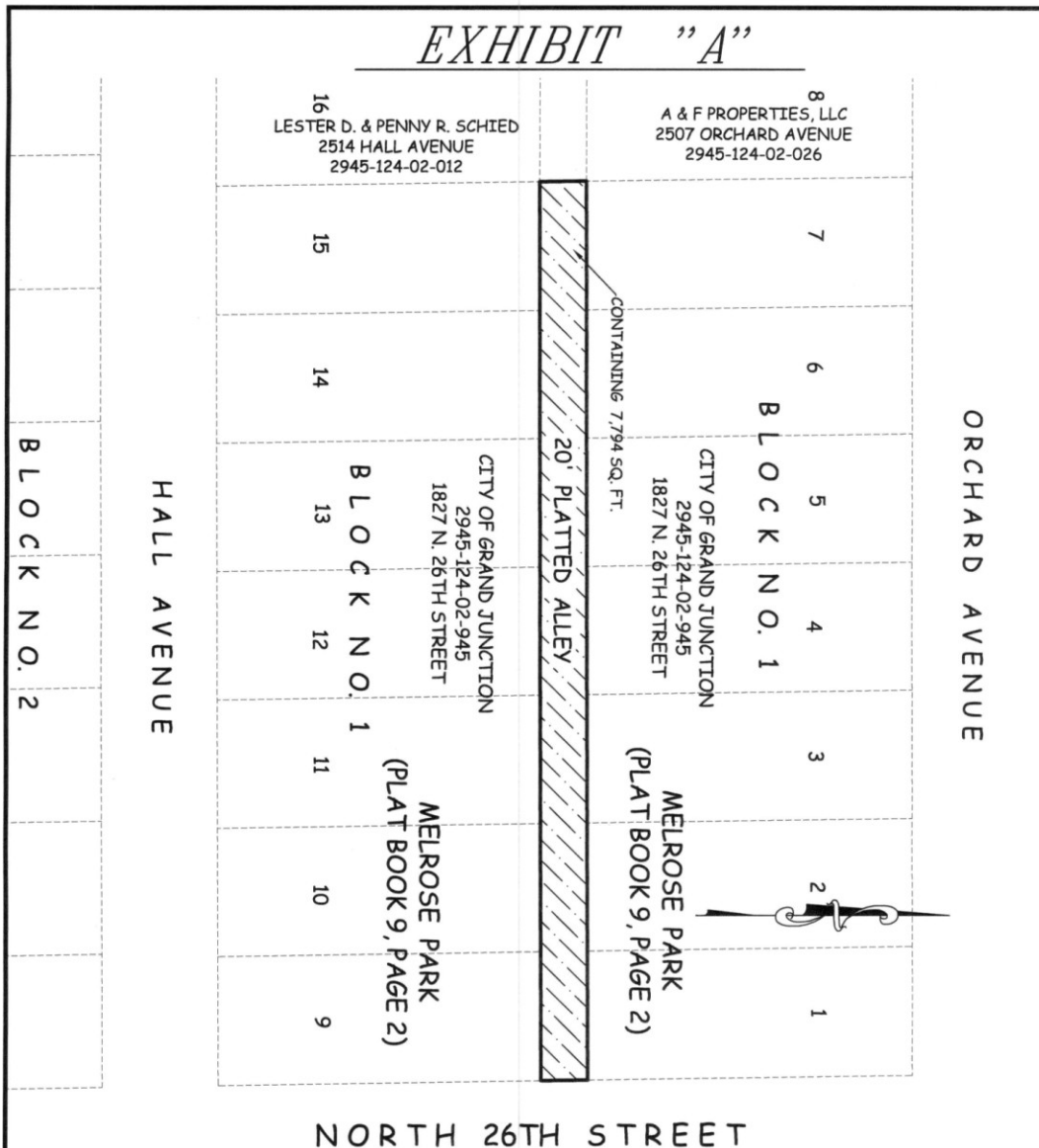
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

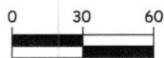
EXHIBIT "A"



ABBREVIATIONS

- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- SSMH SANITARY SEWER MAN HOLE

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



1 inch = 60 ft.
LINEAL UNITS = US SURVEY FOOT



THIS IS NOT A SURVEY

DRAWN BY: PTK
DATE: 4-23-09
SCALE: 1" = 60'
APPR. BY: PTK

CITY OF GRAND JUNCTION
2945-124-02-945
ALLEY VACATION, MELROSE PARK
NE 1/4 SE 1/4 SEC 12, TWP 1S, RGE 1W, U.M.



Attach 8
Contract to Purchase Planning Software System
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to Purchase Planning Software System		
File #			
Meeting Day, Date	Monday, July 13, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 1, 2009		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Lisa Cox, Planning Manager Jim Finlayson, Information Technology Manager		

Summary: This project will provide an integrated planning software system to support the City's planning, permitting, and code enforcement functions. The resulting system will improve business productivity as well as citizen access and transparency in planning, permitting, and code enforcement services.

Budget: \$400,000 has been budgeted in the Capital Improvement Project Fund in 2009, which is partially offset by a \$120,000 Energy and Mineral Impact Assistance Grant through the Department of Local Affairs.

Action Requested/Recommendation: Authorize the City Purchasing Division to negotiate a contract and award the Planning Software System project to EnerGov Solutions, LLC, Duluth, GA, for \$400,000.

Background Information: The City has been using the Impact AP software system for the past 14 years. The software has limited capacity for records management, reporting and program evaluation, and no citizen access for document submittal and review or for checking the status of a project. Current upgrades to the existing system would not provide the services that our citizens expect from a modern planning department, such as online document submission and review, permit application and web based fee payment. In its desire to provide outstanding customer service, the City has essentially outgrown the capabilities of the Impact AP software system.

Newer technology will help streamline the City’s planning, permitting and code enforcement services. It will provide a citizen portal for accessing project information, submitting project documents, applying for certain permits and payment of fees. Newer technology will increase citizen access to information and services, as well as increase transparency and efficiency in the development review process.

The evaluation team used the following criteria in determining which vendors would be finalists invited to perform an extended on-site demonstration:

Overall Quality of Product
Match with Functional Requirements
Technical Environment Compatibility
Ease of Use
Product Flexibility
Ability to Perform the Requirements of the Scenarios
Company Capacity
Experience
Reputation
Support and Maintenance
Training Capacity
References by similar users
RFP Compliance
Total cost of system

The following three finalists who were invited to perform an extended on-site demonstration of their product and offered the following costs:

Company	Location	Cost
EnerGov Solutions	Duluth, GA	\$400,000.00
CRW Systems	San Diego, CA	*\$213,300.00
Municipal Software	Victoria, B.C., Canada	\$537,056.00

* The CRW Systems proposal would have required the purchase of a separate Web Access and e-Review system (at an expected cost of \$160,000) in order to provide comparable functionality. Taking into consideration the additional purchase, the EnerGov system was evaluated to be a better overall value because of its higher quality and enhanced capability than the CRW system.

Based on EnerGov's strong performance in response to the City's RFP, the on-site demonstration and the strong references made by current EnerGov customers, the evaluation team is recommending EnerGov Solutions as the best overall value.

We expect that System implementation activities will be completed in the spring of 2010. The hardware, database, and supporting software systems needed for production are expected to cost \$100,000 and will be requested as part of the 2010 budget process. These costs will also be partially offset by \$30,000 from the same Energy and Mineral Impact Assistance Grant used to purchase the EnerGov software.