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**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
MONDAY, AUGUST 3, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

Invocation—Fruita United Methodist Church Trustee

[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 Riverfront Commission

Ratify the Appointment of a Downtown Development Authority Representative to the Historic Preservation Board

**Certificates of Appointment**

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

To the Urban Trails Committee

**Citizen Comments**

\*\*\* Indicates New, Moved, or Changed Item

® Requires Roll Call Vote

**Presentations**

Annual Update from the Business Incubator – Chris Reddin, Executive Director [Attach 1](#)

Update from Mesa Developmental Services – Jeff Nichols, Executive Director [Attach 2](#)

**Council Comments**

**\* \* \* CONSENT CALENDAR \* \* \***

1. **Minutes of Previous Meetings** [Attach 3](#)

*Action: Approve the Minutes of the July 13, 2009 and the July 15, 2009 Regular Meetings*

2. **Setting a Hearing on the Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds and Pledge the Tax Increment Revenues of the City for Payment of the Bonds – Series 2009** [Attach 4](#)

On April 3, 2007, a majority of qualified voters within the boundaries of the Grand Junction, Colorado Downtown Development Authority (DDA) authorized the City to issue bonds or other indebtedness for the purpose of financing certain capital improvements within the DDA’s “Plan of Development” area. The voters also authorized the pledge of tax increment funds for payment of the bonds. The City Council is authorized by the City Charter to authorize the issuance of such tax increment revenue bonds and now desires to cause the bonds to be issued, to authorize and direct the application of the proceeds and to provide security for the payment.

Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2009; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; and Related Matters

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

Staff presentation: John Shaver, City Attorney

3. **Setting a Hearing on Cross Referencing Old Municipal Code Numbering with New Numbering System to Allow the Transition Between the Two Systems** [Attach 5](#)

Staff has been working on reorganizing and renumbering of the Municipal Code and other reference documents such as the Zoning and Development Code, the various manuals (SSID, TEDS, and SWMM), the various neighborhood and corridor plans and other important previously approved documents in order to have them on the internet for easy public access. At this point, the work is close enough to completion that a transition ordinance is in order to allow any reference to the current Code (soon to be Old Code) to apply to the newly numbered Code (soon to be New Code).

Proposed Ordinance Providing for a Cross Reference Between the 1994 Code of Ordinances Old Numbering System and the New Numbering System

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

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

4. **Setting a Hearing on Fiesta Guadalajara Rezone, Preliminary Development Plan, and Vacation of Right-of-Way, Located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue** [File # RZ-2009-037] [Attach 6](#)

Requests for: 1) zone property located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to PD (Planned Development) with default zones of C-1(Light Commercial) and R-8 (Residential 8 du/ac), 2) approval of a Preliminary Development Plan, and 3) vacation of the west 7.5' of the north/south alley located east of North 7<sup>th</sup> Street and south of Glenwood Avenue.

Proposed Ordinance Rezoning Property, Known as the Fiesta Guadalajara Rezone, Located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to a PD (Planned Development) Zone

Proposed Ordinance Vacating a Portion of North-South Alley Right-of-Way Located West of North 7<sup>th</sup> Street and South of Glenwood Avenue

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

Staff presentation: Senta L. Costello, Senior Planner

5. **Setting a Hearing on the Redlands Vista Planned Development Rezone and Amendment to the Preliminary Development Plan, Located at West Ridges Blvd., School Ridge Rd., and Ridge Circle Drive** [File #PFP-2009-092] [Attach 7](#)

Amend the existing Ordinance for Redlands Vista in the Ridges Preliminary Development Plan (PDP) to increase the density from 3.8 dwelling units per acre, to 6.7 dwelling units per acre. The redesign includes private streets.

Proposed Ordinance Rezoning and Amending the Preliminary Development Plan for Redlands Vista Planned Development, Lot 1 and Lot 2, Block Twenty-One, the Ridges Filing No. Four, Located at West Ridges Blvd., School Ridge Road, and Ridge Circle Drive

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

Staff presentation: Lori V. Bowers, Senior Planner

6. **Setting a Hearing on Zoning the Fults Annexation, Located at 3066 F Road** [File #ANX-2009-130] [Attach 8](#)

A request to zone the 3.72 acre Fults Annexation, consisting of one parcel located at 3066 F Road, to an R-4 (Residential – 4 units per acre) zone district.

Proposed Ordinance Zoning the Fults Annexation to R-4 (Residential – 4 Units Per Acre), Located at 3066 F Road

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

Staff presentation: Lori V. Bowers, Senior Planner

7. **Setting a Hearing on Rezoning Property Located Between Ute Avenue and Pitkin Avenue, Between S. 5<sup>th</sup> and S. 6<sup>th</sup> Street and Between Ute Avenue and Pitkin Avenue from S. 7<sup>th</sup> Street, East 230 Feet** [File #RZ-2008-342] [Attach 9](#)

A request to rezone Block 139, consisting of 2.52 acres more or less, and a portion of Block 137, consisting of 1.45 acres more or less, from C-1 (Light Commercial) to B-2 (Downtown Business) for the purposes of facilitating a new fire station and police building on City owned property.



Proposed Ordinance Rezoning Parcels of Land from C-1 (Light Commercial) To B-2 (Downtown Business), Located Between Ute and Pitkin Avenues from S. 5<sup>th</sup> Street to S. 6<sup>th</sup> Street and from S. 7<sup>th</sup> Street East Approximately 230 Feet

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

Staff presentation: Brian Rusche, Senior Planner

- 8. **Setting a Hearing on Vacating the North/South Alley Between Ute Avenue and Pitkin Avenue, East of South 7<sup>th</sup> Street and a Portion of the East/West Alley Between South 7<sup>th</sup> and South 8<sup>th</sup> Street South of Ute Avenue** [File #VR-2008-342] [Attach 10](#)

Request to vacate alleys within Block 137 of the Original Town Site of Grand Junction for the purposes of consolidating City-owned parcels and the construction of a new Fire Station.

Proposed Ordinance Vacating Alley Rights-of-Way Located Between Ute and Pitkin Avenues, East of South 7<sup>th</sup> Street

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

Staff presentation: Brian Rusche, Senior Planner

- 9. **Purchase of Self Contained Breathing Apparatus (SCBA) for the Fire Department** [Attach 11](#)

Purchase of 64 Self Contained Breathing Apparatus (SCBA) units with accessories for the Grand Junction Fire Department to replace existing units. All the existing SCBA units are non-compliant with the National Fire Protection Association (NFPA) standards and need to be replaced at one time to ensure training and emergency safety procedures are met.

*Action: Authorize the City Purchasing Division to Award a Contract to Municipal Emergency Services (MES) of Englewood, CO in the Amount of \$395,875.25 for the Purchase of 64 Scott NXG7 SCBA Units*

Staff presentation: Ken Watkins, Fire Chief  
Bill Roth, Deputy Fire Chief

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

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

10. **Public Hearing—Reigan Growth Plan Amendment, Located at 2202, 2202 ½ and 2204 H Road** [File #GPA-2009-069] [Attach 12](#)

The petitioners, Robert and Marie Reigan, Jerry D. Patterson and TEK Leasing LLC, request adoption of a resolution to amend the Growth Plan Future Land Use Map from Mixed Use to Commercial/Industrial for three properties that total 12 +/- acres located at 2202, 2202 ½ and 2204 H Road. The Planning Commission recommended denial of the proposed Growth Plan Amendment request at their May 26, 2009 meeting.

Resolution No. 62-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 12 +/- Acres Located at 2202, 2202 ½ and 2204 H Road Known as the Reigan Growth Plan Amendment from Mixed Use to Commercial/Industrial

®Action: *Adopt Resolution No. 62-09*

Staff presentation: Scott D. Peterson, Senior Planner

11. **Public Hearing—Peiffer Annexation and Zoning, Located at 2454 Bella Pago Drive** [File #ANX-2009-113] [Attach 13](#)

A request to annex and zone 2.10 acres, located at 2454 Bella Pago Drive to R-2 (Residential 2 du/acre). The Peiffer Annexation consists of one (1) parcel and includes a portion of Bella Pago Drive.

**a. Accepting Petition**

Resolution No. 63-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Peiffer Annexation, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4364—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peiffer Annexation, Approximately 2.10 Acres, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 4367—An Ordinance Zoning the Peiffer Annexation to R-2 (Residential 2 Du/Acre) Zone District, Located at 2454 Bella Pago

*®Action: Adopt Resolution No. 63-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4364 and 4367*

Staff presentation: Judith Rice, Associate Planner

12. **Public Hearing—Monument Village Commercial Center Annexation and Zoning, Located at 2152 Broadway** [File #ANX-2009-116] [Attach 14](#)

Request to annex and zone 5.77 acres, located at 2152 Broadway, to B-1 (Neighborhood Business). The Monument Village Commercial Center Annexation consists of one parcel, and 1.54 acres of right-of-way.

**a. Accepting Petition**

Resolution No. 64-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Monument Village Commercial Center Annexation, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4368—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Village Commercial Center Annexation, Approximately 5.77 Acres, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane

**c. Zoning Ordinance**

Ordinance No. 4369—An Ordinance Zoning the Monument Village Commercial Center Annexation to B-1 Neighborhood Business, Located at 2152 Broadway

*®Action: Adopt Resolution No. 64-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4368 and 4369*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing—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 15](#)

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.

Ordinance No. 4370—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

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4370*

Staff presentation: John Shaver, City Attorney

14. **Negotiate Somerville Ranch and Anderson Ranch Lease** [Attach 16](#)

The Somerville and Anderson ranches comprise approximately 12,000 acres of deeded land within the Whitewater and North Fork of Kannah Creek basins. The ranches are a critical component of the City of Grand Junction's drinking water system. The ranch lands provide source water protection and the water allocated to the ranches are used for irrigation to maintain City owned water rights for future municipal use. The Utilities Department solicited interested parties in March 2009 to submit proposals on leasing the properties. The Department received eleven proposals from area ranchers, farmers, and the Colorado Division of Wildlife. Utilities Staff conducted in-depth personal interviews with eight of eleven presenters and selected three proposals for final consideration and completed on-site visits of their current properties.

*Action: Authorize Staff to Negotiate with Howard and Janie Van Winkle for a Ten-Year Lease on the Anderson and Somerville Ranches. The Draft Lease will Come before City Council at a Later Date*

Staff presentation: Greg Trainor, Director, Utilities and Street Systems  
Rick Brinkman, Water Services Manager

15. **Downtown Uplift Recommendations**

[Attach 17](#)

The DDA will present their final recommendation for the Downtown Uplift renovation of Main Street, including concept, scope, and timeline.

*Action: Approval of Design Concept for the Project as Recommended by the DDA and Authorization of City Manager and Staff to Proceed with Development of Cost Projections/Allocations and Timelines for Project*

Presenter Name: Heidi Hoffman Ham, DDA Executive Director

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

17. **Other Business**

18. **Adjournment**

## Attach 1

### Annual Update from the Business Incubator – Chris Reddin, Executive Director

# BUSINESS INCUBATOR CENTER

- *Supportive Entrepreneurial Community*
- *Free Consulting & Low Cost Training*
- *Business Loans & Financing*
- *Colorado State Tax Credits*

The Business Incubator Center serves a mission to accelerate the successful development of businesses from start-up, through the growth stages, and on. We measure our success by our ability to guide entrepreneurs through sound business decisions and thus create health, diversity, and a sustainable influence on economic growth in our region. Over the past 22 years we have supported the launch of more than 200 companies, thus creating nearly 9,000 jobs and generating more than \$137 million in revenue.

At the Incubator Center, entrepreneurs receive an array of targeted resources and services through the [Small Business Development Center](#), the [Business Loan Fund of Mesa County](#), the [Incubator Center](#), and the [Kitchen Incubator](#). Through these programs, the Incubator Center offers business owners, or those who are considering starting a small business, free individual consultations, low cost [Workshops](#), sources of needed working capital, and even office or manufacturing space. A [commercial kitchen](#) is also available for those interested in food services or food processing. Whether exploring an idea, launching new technology or marketing your grandmother's special sauce, the Incubator Center is here to help.

In addition, The Incubator Center is the home of Mesa County's [Enterprise Zone](#). The Enterprise Zone provides various tax credits and incentives to encourage expansion, location, or private enterprise and quality jobs in targeted areas.

The Business Incubator Center is nationally recognized as a leader in entrepreneurial business support. Communities from around the world draw on our organizational model for financial sustainability and our focus on economic diversification as a best practice within the Incubation industry.

To learn more or to set-up an appointment to review your business goals, go to [www.gjincubator.org](http://www.gjincubator.org).

**Executive Director - Chris Reddin**

[creddin@gjincubator.org](mailto:creddin@gjincubator.org)

LinkedIn: [christinareddin](#)

# History and Core Programs

The Business Incubator Center is a non-profit organization that has 22 years of proven experience generating tangible results in expanding and diversifying Mesa County's economy. The Center offers comprehensive services to businesses through the collaborative efforts of four programs. The Business Incubator Center provides business counseling and workshops through the Small Business Development Center (SBDC), financial support through the Business Loan Fund of Mesa County, hands-on business development through the Incubator Program and tax credits for investment and job creation through the Enterprise Zone.

Founded in 1987 by a group of community leaders, the Incubator Center was one of several initiatives created after the 1982 economic bust to diversify the economy and create jobs. The program was initially funded with a \$75,000 Department of Local Affairs (DOLA) grant, which used Community Development Block Grants (CDBG) to address slum and blight issues. The original site was a 40,000 square foot Biggs Kurtz warehouse owned by local businessman George Wheeler. Mr. Wheeler supported the development of the Incubator Program by offering to lease the occupied space for just \$1 per square foot, thus enabling the program to self-generate funds. The Center opened with just two tenants.

The Incubator Center was able to quickly expand services by moving the newly created Revolving Loan Fund (started in 1986) from the Mesa County offices into the Center. This provided the Center with the ability to provide direct financial support to businesses. In addition, the Incubator Center provided an office for the local Small Business Development Center (SBDC) on site. The SBDC's business counseling and workshops are integral to the services provided by the center. In 1993, the Incubator Center was named as the official host institution for the Grand Junction SBDC, thus formalizing this long-standing cooperative effort.

In 1999, the Incubator Center moved to the Department of Energy campus and now occupies 60,000 square feet of light manufacturing and office space. The move to this new location required some adaptation of the facilities to meet the needs of the entrepreneurial community. \$950,000 was raised from the City of Grand Junction, Mesa County and through the State of Colorado, utilizing Energy Impact funds, to support this capital campaign.

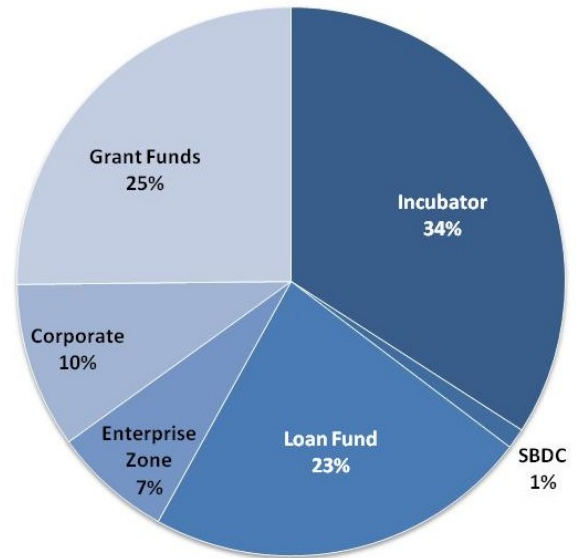
In 2002, The Incubator Center raised \$400,000 for building and site improvements from DOLA (Energy Impact funds) and the City of Grand Junction. The majority of these funds were used to open a Commercial Kitchen Incubator Program. The program is a critical tool to support the local agricultural community (peaches, cherries and wineries). All food-related businesses must use a licensed facility to produce commercial food products. The Incubator Center addressed

this need with this shared-use kitchen where food producers can legally prepare, process, cook and store food products. It is a fully licensed facility for catering, food preparation, and specialty food production.



### Current Financial Picture:

Today the center is 75% self-financed. Income is generated through a variety of program revenue opportunities: Incubator Program rent and program fee revenue, low-cost SBDC workshops, Business Loan Fund interest income, Enterprise Zone administrative fees and by providing property management services to the Department of Energy (also located on campus). The additional sources of external funding include state grants for the SBDC and BLF, local city and county support contracts, and donations from local private funders.



Periodic capital campaigns are necessary to maintain and improve the condition of our facilities. The Incubator Center has raised over \$2 million the past 8 years to support the campus. Sources of these funds include:

- Department of Local Affairs Energy & Mineral Impact
- Gates Family Foundation
- City of Grand Junction
- Mesa County
- Anschutz Foundation
- Bacon Family Foundation
- Boettcher Foundation
- Adolph Coors Foundation
- Lions Club
- Private Donations

Today the Incubator Center continues to serve a mission to support the launch, growth, stabilization and long-term success of business enterprises. The Center now extends its reach throughout the region from Collbran to Craig and into all types of industries including manufacturing, agriculture, construction and retail. The Incubator Center houses 54 clients on site and works with thousands of clients each year. The Center's role is to provide education and coaching to business owners and leaders and thus establishing an entrepreneurial infrastructure for the community. The Incubator Center measures success by its ability to guide entrepreneurs through sound business decisions and its positive influence on economic growth in the region. The Incubator Center results include:

- the launch of more than 200 companies,
- the generation of more than \$137 million in revenue by these companies,
- the creation of 8,982 jobs and
- the investment of \$50.6 million in capital.

Attach 2

Update from Mesa Developmental Services – Jeff Nichols, Executive Director



*Strategic Plan  
Fiscal Year 2010 - 2015*

*Approved  
June 30, 2009*

**Mission:**

“Mesa Developmental Services is a not-for-profit organization that provides community based services and supports for persons with developmental disabilities of Mesa County.

We promote, within caring environments, opportunities that nurture personal growth, improve self-esteem, support community inclusion, and advance the independence of those served.”

**Vision:**

“Our vision is for every person we serve to be included in all facets of the community, free to exercise the greatest degree of personal independence and empowered to pursue individual goals and dreams.”

**Values:**

Mesa Developmental Services is committed to, and holds these values as essential for, the quality of our operation:

- Integrity
- Compassion
- Positive Attitudes
- Dependability
- Mutual Trust, Respect, and Teamwork
- Accountability to Both our People we Serve and the Community
- Making Meaningful Contributions
- Providing Stability

***MDS.... Making dreams realities***

## Strategic Goals FY 2010 - 2015

**1) MDS will meet identified targets for satisfaction with quality and delivery of services. MDS will focus on meeting the identified and expressed needs and goals of people we support – in pursuit of meeting our mission.**

- MDS will maintain at least 95% rating for people rating services as Average or better on a satisfaction survey
- MDS will achieve and maintain national accreditation with CQL or similar
- MDS will meet or exceed average of number of Supports provided and Outcomes achieved by the people we serve as sampled through the accreditation process and as compared to national averages
- MDS will show positive progress in increasing the numbers of Supports in all Outcome areas less than 100%
- Zero substantiated Mistreatment Abuse Neglect Exploitation (MANE) allegations.

**2) MDS will generate 25% of its annual net revenue from sources other than state and federal funding and will diversify services overall in an effort to insulate the organization from governmental cutbacks and provide additional funding for services to people who would otherwise not be served and fill gaps in service areas. Target Date: 2015**

- Establish at least 10 additional collaborative ventures
- Diversify services into at least one additional area of service (not currently provided) and provide at least 50% of that service in Mesa County.
  - Potential of merging with/buying other service providers
  - Daycare
  - Home Health Care
  - Traumatic Brain Injury services
  - School age “transition services” (ages 14-22) (introduction to work training, career exploration, transition from K-12 school to post secondary opportunities, recreational/social/respite options, etc.)

- Expand current service delivery to at least one additional geographic area with a goal of increasing annual gross service revenue by at least 15%.
  - Potential of Eastern Utah
  - Potential of providing services in other CCB “catchment areas”

## **2) Continued**

- Expand the number of people currently being served by MDS by 20%.
  - Expand the number of people being served that are private funded for our typical services (Comprehensive, SLS, etc.)
  - Actively work with the state and local Regional Center as they “down-size”
  - Explore people that have other potential funding sources for some of the services we provide (or may provide) (e.g. - insurance for Early Intervention, Medicaid for Home Health Care, etc.)
  - Partner with other agencies, government entities and businesses to provide needed services (e.g. - evening and weekend day care)

## **3) Develop an active Foundation which would generate at least \$200,000 in net revenue in an effort to provide services to people that otherwise would not have funding. Target Date: 2015**

- “Re-brand” MDS for the purpose of increasing public awareness
- Establish a separate Foundation board
- Develop a marketing campaign and appeal
- MDS will enjoy at least 50% positive name recognition in the areas in which it operates, as measured by a random community sample, in support of:
  - Fund Raising efforts
  - Employee Recruitment
  - Volunteer Recruitment

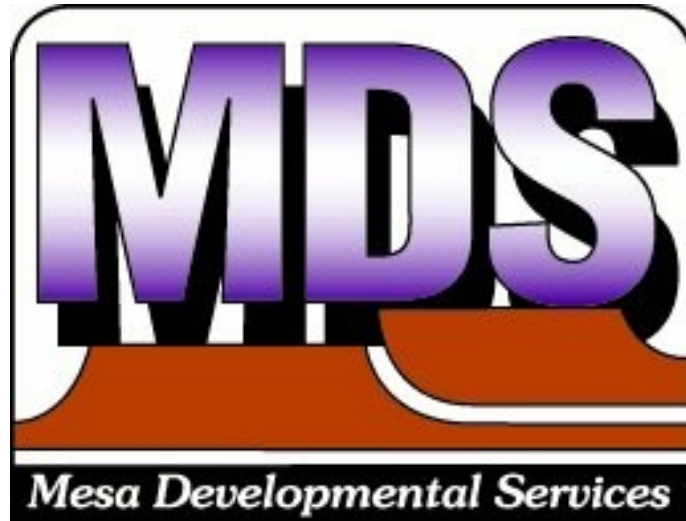
**4) MDS will be the employer of choice for people seeking careers in Human Services in the Grand Valley area as measured by comprehensive qualitative and quantitative assessment of staff after their first year of employment. Target date: 2013**

- Staff competency will be assessed annually through staff evaluations which will be directly tied to job descriptions and the staff job descriptions will be tied to overall strategic plan
- Staff competency will also be assessed annually as it relates to the agency values
- Annual survey of local competitors will be conducted to assess the numbers of open positions in the local area that would compete with openings at MDS
- Average pay and benefit will be comparable or better as compared to identified local and regional competitors
- Exit interviews will be used to assess trends of staff leaving MDS

**5) MDS will meet or exceed financial and operational performance metrics as compared to other comparable non-profits by 2013 and as demonstrated through national accreditation by 2017**

- Financial Metrics:
  - Number of months of unrestricted reserves will exceed 3.0
  - Administrative and General Costs as compared to Services will be 9% or less
  - Current Ratio will exceed 3.0
  - Days Sales Outstanding will not exceed 45 days
- Operational Metrics:
  - Average number of days from initial application for employment to final hiring determination will not exceed 5 days for direct care staff positions
  - Number of days from initial application for service to final eligibility determination will not exceed 5 days

- Monthly financial statements will be closed in 5 business days or less with zero material adjustments
- 100% of the needs identified by a person in services will be addressed in the service plan



*Organizational Accomplishments FY 2009*

*June 30, 2009*



### ***Public/Community Relations***

- Reaching out to: executives of all major local non-profits, county commissioners, County Administrator, Chamber Exec, United Way Exec, City Manager, ARC representative, Legal Center representatives and numerous State Senators and Legislators in an effort to raise awareness about MDS
- CEO Completed Chamber New Executives program and participated in Chamber Government Affairs committee
- Held successful public forum for strategic planning input
- Instituted the **Mesa Advocate** as a county-wide disability resource
- Significantly increased the number and frequency of media releases/news articles/advertising
- Changed focus of meetings with local “partner” providers and significantly changed/improved the relationship with Directors of those programs
- MDS employed an award winner of state-wide direct service professional award (Tony)
- Nominated (and she was chosen) Shari Sjerven for prestigious award for volunteer efforts in the disabilities field

### ***Financial/Fund-Raising***

- Began year with \$345,000 projected deficit – will end year “in the black” through numerous expense reductions and revenue increases
- Changed timeframe for annual raises to Oct. to allow time for appropriate organizational decision making after the start of fiscal year
- Ensured a shortened time period for closing monthly financial statements and ensuring monthly financial statements are available to board prior to each board meeting
- Collected \$160,000 in past due funding
- Increased collection efforts on all past due accounts
- Directed successful submission of CDBG grant application (\$40,000)
- Directing efforts for identifying and applying for numerous federal, state, local and foundation grant opportunities (Daniels Fund, Federal DOT, ARRA, etc.)
- Successful in application for Bridges out of Poverty funding (\$50,000+)
- Application for 5310 transportation grant
- Implemented numerous smaller internal operational changes to increase efficiency/reduce expenses – reduced clerical/administrative staff through attrition and will continue to do so

### ***Management/Leadership/Systems/Organizational Changes***

- Completed successful supervisor training series – will continue training for new supervisors
- Implemented monthly supervisor “support” meetings
- Changed new employee orientation process to increase frequency and reduce the time it takes to move new employees into active work roles (previously was a 6-8 week delay between hiring and first day on job)

- Combined “Aide” and “Trainer” roles into a combined Direct Support Professional role and increased the entry level wage for the combined position from \$8.50 to \$10.00/hour + This allows for much greater staffing flexibility and also improves our ability to recruit staff
- Successfully changed philosophy and direction in the Behavior Department – changed from traditional Behavior management model to more supportive/less restrictive “listening” model
- Substantially increased employee recruitment efforts with advertising campaign, utilization of numerous on-line web sites and referral bonus program
- Reduced number of open positions and turnover (with help of economy) to lowest levels ever
- Have begun significant efforts to implement on-line/electronic records storage and information dissemination – nearly complete with active records for people we support – now moving to historical records
- Implemented on-line timesheet and shifted the pay date schedule from once per month to twice per month
- Implemented new public website
- Implemented new internal website
- Added full Exchange server capability (email/scheduling/calendar/shared resources)
- Added computers at all locations (in particular residential)
- Updated computers to portable/laptop for numerous staff that are mobile/in the field
- Implemented use of “smart phones/PDA’s” for leadership team
- Updated network architecture/servers – added additional/more secure backup systems
- Updated telecommunications capabilities at
- Updated MDS logo/public relations materials/overall organization “look”
- Implemented expanded Mistreatment, Abuse, Neglect and Exploitation (MANE) training and better follow-up with all staff and extended this training to other partner providers
- Reduced number of Mistreatment, Abuse, Neglect and Exploitation (MANE) incidents from 26 to 23 overall and the substantiated ones from 17 to 5 (decrease of 76%)
- Increased the total number of people served by 38 (increase of 6.5%)
- Hosted numerous “Learning to Listen” training sessions in conjunction with a change in the philosophy used in supporting people with difficult behaviors
- Actively assisted and supported a person with a Traumatic Brain Injury to transition from group home placement with another local agency to host home placement
- Began serving numerous additional people under the newly acquired “respite program” funding

### ***State-wide and Community Leadership/Involvement***

- CEO recently elected to Alliance Executive Committee
- CEO also:
  - Member of Alliance Enterprise Committee
  - Member of Alliance Government Relations committee
  - Member of state-wide Non-Integrated Workshop Committee (appointed by DDD)
  - Member of state-wide Provider Fee workgroup
  - Member of Alliance “Futures” committee

- Active in state-wide summit and 6-state summit
  - Active in state-wide/Alliance strategic planning efforts
- Leadership Team members active in:
  - Chamber events
  - Partnership for Children
  - Rotary/Lions/Kiwanis
  - Regional philanthropy organization

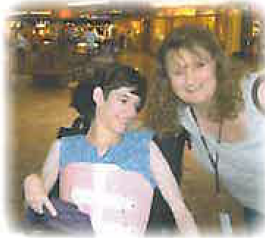
***Facilities/Miscellaneous***

- Facility assessment completed
- Three significant safety/compliance projects for Grand Ave. either underway or completed
  - Main electrical service moved
  - Water abatement/foundation shoring
  - Backflow preventer valve installed
- Landscaping nearly completed for Grand Ave. building
- Numerous projects completed at residential homes (too numerous to list)
- Project underway to install sprinkler system in last residential home without one
- Flooring installed in numerous bathrooms throughout various day program buildings
- Updates completed at Uniquely yours
- Painting and interior remodeling well along at main agency building
- Numerous furniture/fixture updates throughout the agency
- Fully implemented “Auto-Attendant” phone system and Direct Inward Dialing
- Implemented numerous “on-line” forms (versus paper forms)



*Making dreams realities.*

## An Overview



- **A private nonprofit under contract with the Colorado Department of Human Services, founded in 1966**
- **Serving people in Mesa County with developmental disabilities (intellectual and/or physical disabilities) that will continue indefinitely and affect the individual's ability to live independently without assistance**
- **MDS employs 275 people providing services from 12 group homes and eight program sites throughout the community**
- **We provide support services to enable people with a developmental disability to be healthy and safe, and to live as independently as possible within their community**
- **'08 served 187 infants and toddlers with developmental delays or disabilities (up 54.5% from '07), 92 families raising a child with significant disabilities (43 waiting for services) and 343 adults**
- **Adult services range from total care to support services to assist those living in the community; vocational training and placement; and therapy-based day programs**
- **Early intervention/prevention services for infants and toddlers**
- **Family services include disability-related funding, respite care, specialized equipment, etc. to meet the home care needs of each child**
- **Our funding:**
  - **\$15 million budget**
  - **Revenue: 88% State of Colorado; 5% client residential income; and 3% Mesa County**
  - **4% comes from other sources such as grants and donations**
  - **Only 9% of budget is administrative**
- **Benefits to our community:**
  - **Vulnerable members of our society are protected and have opportunities for personal growth**
  - **The cost of our services is 63- 70% less than the same services delivered through State institutions**
  - **Our services prevent homelessness and keep people out of the judicial system**
  - **Early intervention programs reduce the need for life-long services**
  - **Family Support prevents the need for foster care and other emergency services**
- **Beyond the service impact, MDS has a significant impact on the local economy**
  - **Paid \$8 million in salaries and benefits in '08**
  - **Assisted 114 clients gain and maintain employment, thus becoming taxpayers, consumers and more self-sufficient**
  - **Purchased \$6.6 million in goods and services last year**
  - **The vast majority of MDS' funding comes from outside the area, with minimal outflow**



*Making dreams realities.*

## Labor Solutions

A work program of SPEC-TRA Enterprises, the vocational division of  
*Mesa Developmental Services*



**Providing various affordable contract hand assembly services to the business community:**



- Bulk Mailing
- Collating
- Shredding
- Light Assembly
- Packaging
- Parts Sorting & Counting



***Call Today!***  
**245-3422 ext. 402**

All profits from contracts go to vocational programs for people with developmental disabilities.

**Attach 3**  
**Minutes of Previous Meetings**

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

**July 13, 2009**

The City Council of the City of Grand Junction convened into regular session on the 13<sup>th</sup> day of July 2009 at 7:00 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 Kenyon led in the Pledge of Allegiance followed by an invocation by Bishop Doug Rock, Church of Jesus Christ Latter Day Saints, 5<sup>th</sup> Ward.

**Appointments**

Councilmember Beckstein moved to re-appoint Scott Howard and Peggy Page to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for four year terms to expire June 2013. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Councilmember Coons moved to ratify the reappointment of Julie Sabin and ratify the appointments of Jennifer Moore, Jocelyn Mullen, Dr. Keith Dickerson, and Doug Conant to the Urban Trails Committee as recommended by the Riverfront Commission. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Citizen Comments**

Bill Hugenberg, 543 Rim Drive, addressed the City Council about the letter from the Mayor regarding fracturing with chemicals act sent to the legislature. The County sent a letter to the legislature too and Mr. Hugenberg requested the County to provide their documents that supported their letter against the "Frac Act". He was provided nothing. He then did his own research, wrote a white paper and then tried to address the County Commissioners about the basis of their letter. Commissioner Meis walked out. The City's letter was seemingly coordinated with the County as it was sent at the same time but it had different content. Mr. Hugenberg still had concerns about the content of the City's letter. He objected to the fact that the Council sent the letter out without the benefit of a public hearing.

Jacob Richards, 624 Ouray Avenue, thanked Councilmember Kenyon for his willingness to talk to those concerned about the homeless. He then addressed

selective enforcement and how the homeless are being targeted for walking violations; 48% of the walking violations are written to the homeless. He then quoted some statements made by a City policeman that he objected to.

Mallory Rice, 425 N. 17<sup>th</sup> Street, said ignoring homelessness and criminalizing it isn't working; the City still has a large homeless population. Other cities have taken action. First, she addressed housing. She said housing is a human right. She then reviewed a case study in Toronto. They have outreach workers that work on a one-on-one basis with the homeless, helping with steps along the way such as identification, assisting with job applications, and connecting them with the services available. It links the clients to the community. She listed a number of the improvements and benefits to the community.

Mary Sanchez, P.O. Box 1986, lives on the river, related the interaction she has had with police since March. She described an incident where her tent was stolen and the police were involved. She was told she had no legal right since she was camping illegally, therefore her belongings were abandoned. In contrast, the Sheriff's deputies were concerned and considerate, but the City police were rude and degrading.

Michael Christopher "Wolffe" Gagne, P.O. Box 1986, stated he was disabled from shattering his legs and said the drivers in town do not have any consideration for pedestrians. He suggested the police address the drivers rather than folks in the park. He suggested the traffic lights be adjusted to allow enough time for disabled pedestrians to get across the street.

### **Council Comments**

There were none.

### **CONSENT CALENDAR**

Councilmember Todd read the Consent Calendar and then moved to approve items #1 through #5. Councilmember Kenyon seconded the motion.

Councilmember Todd asked if there is a Council meeting on August 17<sup>th</sup>; it was her understanding there is an open house on the Comprehensive Plan that evening. Council President Hill advised the open house will be just prior to the meeting. There will be a regular meeting that night.

Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*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**

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*

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

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*

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

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*

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

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*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

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

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.

The public hearing was opened at 7:25 p.m.

Senta L. Costello, Senior Planner, reviewed this item. She described the request, the location and the site.

Ms. Costello then reviewed the criteria for a Growth Plan Amendment and her findings:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; to which the applicant responded: 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; to which the applicant responded: 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; to which the applicant responded: 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 ½ Road.
- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans; to which the applicant responded: the request is consistent with the following goals and policies of the Growth Plan. Patterson Road does not have a corridor plan however it does meet many of the goals and intents of the Growth Plan.
- e. Public and community facilities are adequate to serve the type and scope of the land use proposed; to which the applicant responded: 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 ½ 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; to which the applicant responded: F Road between 28 ¼ 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; to which the applicant responded: 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.

Based on that, Ms. Costello believed all the criteria for a Growth Plan Amendment have been met and she recommended approval.

Don Lilyquist, works for Maverik Convenience Stores, 880 West Center Street, North Salt Lake City, Utah, said the company is looking for places to expand. They have convenience stores in Utah and Colorado. They are not truck stops but rather for the convenience of neighborhoods.

Tina Million, 603 29 Road, the current owner of the property, said she has a contract with Maverik Convenience Stores. The area is way too loud and too much traffic to be sold as residential.

Robert Began, 607 29 Road, stated that no one would build a house there, so he is sure it will go commercial. He doesn't see anything wrong with what is proposed. There are already two businesses along that street. He felt commercial is already established.

There were no other public comments.

The public hearing was closed at 7:35 p.m.

Councilmember Pitts asked about ingress and egress to the property. Ms. Costello said a full movement intersection off of 29 Road and a right in/right out for Patterson Road is proposed but no approval has been granted for that at this time. It is not part of the Growth Plan Amendment process and therefore has not been considered yet.

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

Councilmember Kenyon moved to adopt Resolution No. 61-09. Councilmember Pitts seconded the motion.

Councilmember Palmer stated that there are a lot of established neighborhoods in that area and one of the goals of the Growth Plan was to not encroach into existing neighborhoods. He is not convinced it has met all the criteria and will therefore not support the change.

Councilmember Todd disagreed because the increased traffic has changed the character of that corridor. She feels this proposal will be compatible.

Councilmember Beckstein agreed with Councilmember Todd. The natural evolution of that area and traffic increasing has altered the personality of the corridor. In order to even

out some of the transportation issues by having some services in neighborhoods, she will support this.

Councilmember Coons noted that this area has received a lot of attention in the review for the Comprehensive Plan and has had an increase in traffic. She thinks the area along Patterson Road will become more commercial.

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

**Public Hearing—Vacating an Alley Right-of-Way through the Center of Melrose Park, Located at 1827 North 26<sup>th</sup> Street** [File # SPR-2009-064]

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

The public hearing was opened at 7:42 p.m.

Michelle Hoshide, Associate Planner, reviewed this item. She described the request which came from the City of Grand Junction, the location and the site. She asked that the Staff Report and attachments be entered into the record. She explained why the request is coming forward; the right-of-way has never been used and there are no plans to use the right-of-way in the future. Vacation will allow the full development of the park. The request does meet the criteria of the Zoning and Development Code.

Jerry Garner, 674 Peony Drive, asked for clarification. He questioned why the vacation needed to take place when there is no alley in the park.

The public hearing was closed at 7:45 p.m.

Council President Hill asked City Attorney Shaver to explain the process. City Attorney Shaver advised the right-of-way was reserved legally for potentially having an alley. Due to that reservation, the proper steps must be taken to vacate the right-of-way. Utility easements will be retained. Mr. Shaver offered to further clarify the process with Mr. Garner one on one.

Council President Hill added that the right-of-way was reserved and the City has no intention of building an alley through the park.

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

Councilmember Beckstein moved to adopt Ordinance No. 4363 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

## **Contract to Purchase Planning Software System**

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.

Tim Moore, Public Works and Planning Director, introduced the topic by describing that system will help with the goal of transparency and customer service.

Lisa Cox, Planning Manager, reviewed this item and the request. She described how the new software will streamline the development process. She described the current software which has been used for 14 years and how much of the process has to be accomplished manually. The current system has no citizen access, no on-line submittal, or any on-line review. She described how the new system would provide those services.

Ms. Cox detailed the current time consuming process. The new system will gain efficiencies by cutting down on paper and allow on-line submittals. The citizens and developers will be able to access the system 24/7. Any revisions to the plans will be available immediately and overlaid on the previous version so review agencies can see just what the changes to the plans were without having to start all over on the review process.

Ms. Cox described the development of the RFP (Request For Proposal), the review and evaluations of the product by the team including demonstrations, hands on trials, and checking of references. She said they expect to implement the software in the spring of 2010. An additional budget request will come forward in 2010. Some of the cost is offset by an energy impact grant.

Councilmember Kenyon said purchasing software is one of the most difficult processes an entity can go through. He applauded the steps the team has taken. He asked about other things that citizens will be able to do on-line. Ms. Cox said easy permits (fence and sign) will be able to be applied for on-line. They also will allow fees to be paid on-line. Also general information will be available such as the status of development applications. There will be different levels of access for citizens versus developers. Developers can have an account so they can submit plans, revisions, drawings, etc.

Councilmember Kenyon asked about Code Enforcement. Ms. Cox said Code Enforcement currently uses the Impact AP for their records and will use this new system. How that will be used is yet to be developed.

Councilmember Kenyon asked about new hardware that will be needed to support the system. Ms. Cox said there will be some amount of new hardware that will be required to

run the system optimally. For additional details she deferred to Jim Finlayson, Information Technology Manager.

Councilmember Kenyon said service is probably the most important aspect of the selection process. Ms. Cox agreed stating that is why the team spent a lot of time checking references.

Jim Finlayson, Information Technology Manager, said there will be additional hardware and software needed, mostly software, that is the Sequel Server software. They estimate that to cost \$100,000.

Councilmember Kenyon asked about the life expectancy of the software. Mr. Finlayson said the software is using the latest technology, dot net, and is a partner with Microsoft. They are also partners with GIS. They will be purchasing maintenance and support. In theory, as long as they stay current, they should not ever have to replace it.

City Manager Laurie Kadrich added that this purchase was purposefully split between two budget years, due to budget challenges, and the hope that some grant awards would be available. The original estimate for the project was \$600,000, so the additional \$100,000 is not additional budget for the project.

Councilmember Kenyon moved to 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. Councilmember Todd seconded the motion. Motion carried.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:14 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**July 15, 2009**

The City Council of the City of Grand Junction convened into regular session on the 15<sup>th</sup> day of July 2009 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, and Council President Bruce Hill. Councilmember Linda Romer Todd was absent. 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 Palmer led in the Pledge of Allegiance.

**Certificate of Appointment**

Peggy Page was present to receive her Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

**Presentation**

Rob Schoeber, Parks and Recreation Director, was present to promote the USTA Tennis Award. Grand Junction is a top ten finalist. The top prize is a \$100,000 award to the community. He spoke about the voting process and how the judging takes place. He showed a short video that lauded the City's tennis program and encouraged everyone to go to the internet and vote. He listed the other finalists. The website address is [www.besttennistown.com](http://www.besttennistown.com). He recognized those involved in putting the application together, especially Recreation Supervisor Traci Weiland. Voting is open for ten days which will narrow the contention to three. The three finalists are then invited to New York to make a presentation. Second place is \$50,000 and third place is \$25,000. Mr. Schoeber then invited Lena Elliot to address the City Council.

Lena Elliott thanked the City Council and said how their support put Grand Junction on the map in the tennis community. She said they are campaigning for votes.

Council President Hill asked Ms. Elliott to relate how the video plays into the competition. She told how the video came to be, noting the judging is 70% on the video.

The presenters were lauded and thanked.



## **Citizen Comments**

There were none.

## **City Manager's Report**

Laurie Kadrach, City Manager, presented the second fiscal report of the year. She reviewed what was presented at the last report in March 2009. The overview identified how sales and use tax revenues have declined and how the City has adjusted expenditures to address those reduced revenues. The budget has been reduced by \$7.5 million. The current staffing is at the same level that the City had in 2002.

Councilmember Pitts asked about the number of retirees that are anticipated in the next year that will also be filled internally from job shifts. City Manager Kadrach said they did have those numbers, but some have now delayed their retirement. Some of those positions can't be filled internally, such as firefighters and sworn police officers. The percentage is not large.

City Manager Kadrach reviewed in detail the personnel changes that have occurred City-wide. Originally it was thought the changes would be for three to six months. It is now thought it will be for a longer period of time.

Regarding revenues, only 33% of what was budgeted has been collected by mid-year. The revenues were not adjusted in the budget, but instead the City is making sure that expenditures do not exceed revenues.

For 2010, revenue projections are even less, so they will continue the hiring freeze and budget based on needs only.

The economic outlook for Colorado is that the economy will start to come out of the recession in early 2010, but since Grand Junction came into the recession later, it will likely come out of it later. City Manager Kadrach identified the activities that are down; energy industry, construction and development, versus the activities that place Grand Junction in the advantage – tourism, diversified job base, and attractive business environment. Since much of Grand Junction's sales tax is due to discretionary spending, that is way down and thus affects Grand Junction.

There are more people in town, but many do not have jobs, so unemployment is higher, however, the work force and number of jobs have also increased.

City Manager Kadrach then reviewed the efforts to obtain funding through the American Recovery and Reinvestment Act (ARRA) and other grant (non ARRA) funding.

Councilmember Palmer asked about a needs-based budget and how that is different from another budget. City Manager Kadrich said the budget has been needs-based the last two years. Previously the City budgeted two years ahead and had five and ten year capital plans.

Councilmember Palmer asked how the fact that 2010 will also be a tight year affect service delivery. City Manager Kadrich said they are looking at some service areas that may need to be reduced – one example is spring clean up. Council will then have the option of reducing those services or use fund balance to fund those programs.

Councilmember Kenyon expressed his disappointment at the long time frames the Recovery Act monies are being distributed. He said in his business, real estate, he and his colleagues do not see a quick recovery.

Councilmember Coons asked if the City has received some Recovery Act dollars. City Manager Kadrich said the City and County split \$500,000 in Public Safety, CDBG received \$98,000, and then there was some funding for the energy efficiency project.

That concluded the report.

## **CONSENT CALENDAR**

There were no items for the Consent Calendar.

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Grand Valley Housing Strategy**

The Grand Valley Housing Strategy is the product of a public-private initiative to create long-term, sustainable solutions for housing challenges in the Grand Valley. The Strategy addresses the full spectrum of housing needs in the Valley over the next 10 years.

Jody Kole, Grand Junction Housing Authority Executive Director and co-chair of the Grand Valley Housing Steering Committee, reviewed this item. Ms. Kole identified the committee members and other partners in this effort.

Ms. Kole then proceeded to review the Strategy developed and how quickly the housing landscape has changed. She addressed the market and how the cost of housing rapidly appreciated, exceeding the east slope markets by far. Using an affordability index, Grand Junction is higher than all metro areas with the exception of Boulder. Currently the average resident cannot afford an average home. Rents too have increased significantly. 53% of renters do not qualify for rental assistance and face very high rents. Even though there will be additional demand in the next ten years, rental rates do not support rentals

that would encourage construction of such units. The study showed that there is a deficit of land zoned for building multi-family units.

Council President Hill asked for clarification on the graphs displayed. He asked if Ms. Kole is referring to the Growth Plan and how that compares to the proposed Comprehensive Plan. Ms. Kole said she believes the consultants used the number of what is on the ground now, not what is projected in the Comprehensive Plan. Ms. Kole listed the barriers identified to an affordable housing delivery system.

She listed the recommendations: improve the process; community outreach; maximize resources, both public and private, to leverage investment; then focus, monitor, and adjust over time. She described specific ways to achieve these recommendations – fourteen specific points with the last one being to appoint a valley-wide task force to implements the recommendations.

Councilmember Kenyon thanked Ms. Kole and the whole committee for their work on this project as it is a big and complex issue. The report and the influence is already being felt in the Comprehensive Plan development. He supports the appointment of a task force to continue to study the situation.

Councilmember Coons asked for elected officials on the task force so it can carry out its role effectively.

Council President Hill advised this report did play a role in the Council's work on the Comprehensive Plan. If a task force is to be appointed, now is the time to do that. He encouraged a motion to that affect.

Councilmember Coons moved to authorize Staff to bring back a resolution to appoint a valley-wide task force to implement the recommendations of the Housing Strategy. Councilmember Kenyon seconded the motion. Motion carried.

Staff was encouraged to bring back a resolution in the next couple of weeks.

### **Non-Scheduled Citizens & Visitors**

Duncan McArthur, 2837 Kelso Mesa Drive, wanted to supplement some comments relative to the housing issue. The affordability gap study said there is an \$80,000 gap on the price of a house and what people can afford. There have been drastic changes in the marketplace and prices have dropped. Land is one commodity that is local and not controlled by outside markets. It will continue to be difficult to do multi-family and apartment developments. Banks now own many lots. The bottom line is it will be difficult to produce the type of housing in demand. He disagreed with one of the premises the study presented; one impact on the market is the Persigo Plant. He then quoted a scholar that analyzed the marketplace which addressed this issue of the price of land. It

is dependent exclusively on how the government puts artificial restrictions on the development of land.

Steve Kesler, facilitator for growth and developers in the valley, lauded the City Staff involved in this project. "Political will" comes up a lot and is not good without good leadership, but the Council has that. He underscored how important all these things are together. He thanked the City Council for what they do.

Jacob Richards, 629 Ouray, said homelessness is a housing strategy. The reason for homelessness is a housing problem. The opportunities are not available for the younger adults. There are many people who cannot afford more than \$200 a month for rent. The boarding houses that were available in years past are not available in this day. He supported the creation of a task force, but felt there should be either a homeless person or a homeless advocate on the task force.

H.R Gerard, homeless artist, appreciated the presentation but said homeless people need to live somewhere while they are homeless. He suggested that any landowner that allows the homeless to camp on their land, they should get a credit on their property taxes. He said that homeless people need a living wage. He suggested that any employer that employs ten percent homeless, they should get a tax break, an advantage, or preferential treatment. He had other ideas on employing the homeless such as working on distressed housing.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 8:43 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 4**

**Setting a Hearing on the Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Authorize the Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds and Pledge the Tax Increment Revenues of the City for Payment of the Bonds – Series 2009		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 21, 2009		
<b>Author Name &amp; Title</b>	Mary Lynn Bacus, Paralegal		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney		

**Summary:** On April 3, 2007, a majority of qualified voters within the boundaries of the Grand Junction, Colorado Downtown Development Authority (DDA) authorized the City to issue bonds or other indebtedness for the purpose of financing certain capital improvements within the DDA’s “Plan of Development” area. The voters also authorized the pledge of tax increment funds for payment of the bonds. The City Council is authorized by the City Charter to authorize the issuance of such tax increment revenue bonds and now desires to cause the bonds to be issued, to authorize and direct the application of the proceeds and to provide security for the payment.

**Budget:** The existing TIF expires in 2011 (final collection in 2012). City finance staff and advisors have conservatively projected that TIF revenues for this remaining period plus the current TIF budget are sufficient funds to pay back the bonds by 2012.

**Action Requested/Recommendation:** Introduction of proposed Ordinance and setting a hearing for Monday, August 17, 2009.

**Attachments:** Proposed Ordinance

**Background Information:** The DDA Plan of Development for improvements to the downtown area to the City Council was first enacted in the early 1980s. The Council approved and adopted the Plan of Development by resolution and established the tax increment fund, a special fund into which tax increments could be deposited by the City.

Tax increment funds (TIF) are a portion of the ad valorem and municipal sales tax revenue produced from the Plan of Development area. Since the Plan of Development was enacted, the DDA has financed a number of improvement projects in downtown. With the issuance of the Series 2009 TIF bonds, the DDA will continue to invest in the downtown area. A significant portion of the 2009 bond revenue is anticipated to be expended on the Main Street Uplift project.

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE BONDS, SERIES 2009; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS; AND RELATED MATTERS**

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

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Act: Title 31, Article 25, Part 8, C.R.S., as amended.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Sections 17 and 18 hereof and having a lien on the Pledged Revenues on a parity with the lien of the Bonds.

Authority: the Grand Junction, Colorado Downtown Development Authority, created by the City by an ordinance adopted March 16, 1977.

Average Annual Debt Service: the sum of principal and interest requirements on the Bonds or Additional Bonds to be paid during each Fiscal Year for the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond or Additional Bond becomes due, divided by the number of Fiscal Years (including portions thereof) during the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond or Additional Bond becomes due.

Beneficial Owner: any Person for which a Participant acquires an interest in the Bonds.

Bond Account: the account by that name created by Section 15 hereof.

Bonds: the City's Downtown Development Authority Tax Increment Revenue Bonds, Series 2009, in the aggregate principal amount approved by either the President or the Finance Director in the Sale Certificate, issued pursuant to this Ordinance.

Business Day: a day on which banks located in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

City: the City of Grand Junction, Colorado.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate: the Continuing Disclosure Certificate executed by the City on the date of delivery of the Bonds.

Council: the City Council of the City or any successor in functions thereto.

County: Mesa County, Colorado.

C.R.S.: Colorado Revised Statutes.

Depository: any securities depository that the City may provide and appoint, in accordance with the guidelines of the Securities and Exchange Commission, which shall act as securities depository for the Bonds.

DTC: The Depository Trust Company, New York, New York, and its successors and assigns.

Election: the special election held by the City within the boundaries of the Authority on April 3, 2007.

Federal Securities: only direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States (or ownership interests in any of the foregoing) and which are not callable prior to their scheduled maturities by the issuer thereof (or an ownership interest in any of the foregoing).



Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve-month period as may from time to time be designated by the Council as the Fiscal Year of the City.

Finance Director: the Financial Operations Manager of the City.

Letter of Representations: the blanket issuer letter of representations from the City to DTC to induce DTC to accept the Bonds as eligible for deposit at DTC.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the Bonds.

Official Statement: the final Official Statement in substantially the form of the Preliminary Official Statement.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

(a) Bonds theretofore canceled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

(b) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful registered owners thereof; or

(c) Bonds deemed to have been paid as provided in Section 20 hereof.

Owner or registered owner: the registered owner of any Bond as shown on the registration records kept by the Registrar.

Participant or Participants: any broker-dealer, bank, or other financial institution from time to time for which DTC or another Depository holds the Bonds.

Paying Agent: Zions First National Bank, or its successors and assigns.

Permitted Investment: any investment or deposit permitted by the laws of the State.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Plan: the Downtown Development Authority Plan of Development approved in the Resolution, including any amendments to the Plan subsequently approved by the Council.

Plan of Development Area: the area subject to the Plan, including any additional property subsequently included therein.

Pledged Revenues: the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83), all funds deposited in the Tax Increment Fund and Bond Account, and investment income from the Bond Account and Tax Increment Fund, subject to Federal tax laws regarding arbitrage rebate.

Preliminary Official Statement: the Preliminary Official Statement with respect to the Bonds.

President: the President of the Council.

Principal Operations Office: the principal operations office of the Registrar and Paying Agent, currently located at the City of Grand Junction, Colorado.

Project: the improvements in the Plan of Development Area constructed or acquired with the proceeds of the Bonds, which improvements shall be described in the Plan.

Purchase Contract: the Bond Purchase Agreement between the City and the Underwriter.

Rebate Account: the account by that name created by Section 15 hereof.

Registrar: Zions First National Bank, or its successors and assigns.

Registrar Agreement: the Registrar and Paying Agent Agreement between the City and the Registrar.

Regular Record Date: the last business day of the calendar month next preceding each interest payment date for the Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Resolution: the Council Resolution adopted December 16, 1981 approving the Plan and establishing the Tax Increment Fund, all as amended from time to time.

Sale Certificate: the certificate executed by the President or Finance Director dated on or before the date of delivery of the Bonds, setting forth: (i) the aggregate principal amount of the Bonds; (ii) the rate or rates of interest on the Bonds; (iii) the first interest payment date for the Bonds; (iv) the final maturity date of the Bonds; (v) the existence and amount of any capitalized interest or reserve fund; (vi) the conditions on which and the prices at which the Bonds may be called for optional redemption; (vii) the existence of any Term Bonds subject to mandatory sinking fund redemption; (viii) the amount or amounts of principal maturing on each date for the Bonds; (ix) the price at which the Bonds will be sold; and (x) any other finding or determination authorized under the Supplemental Act, all subject to the parameters and restrictions contained in Section 6 hereof.

Special Record Date: a special date fixed to determine the names and addresses of registered owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 6 hereof.

State: the State of Colorado.

Supplemental Act: the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and any regulations promulgated thereunder.

Tax Increments: those portions of the ad valorem and municipal sales tax revenue produced from the Plan of Development Area which are in excess of the amounts certified as base amounts by the County Assessor and the Finance Director pursuant to Section 31-25-807(3) of the Act and pledged herein for the repayment of and as security for the Bonds. "Tax Increments" also include specific ownership taxes, if and to the extent received by the City in connection with the property tax increment.

Tax Increment Fund: the special fund created by the Resolution into which the Tax Increments are to be deposited by the City.

Term Bonds: Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such Bonds on or before their specified maturity dates.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

Underwriter: D.A. Davidson & Co., Denver, Colorado.

Section 2. Recitals.

A. The City is a municipal corporation duly organized and existing under its Charter adopted pursuant to Article XX of the Colorado Constitution.

B. The Authority was organized by the City pursuant to the Act as a “downtown development authority” for the purposes of the Act, including the improvement of the Plan of Development Area. The Authority proposed and submitted the Plan to the Council, and the Plan was approved by the Council in the Resolution. The Plan has been modified from time to time by amendments to the Resolution for the purpose of including additional property within the Plan of Development Area and other relevant changes. The Plan provides for a division of taxes pursuant to Section 31-25-807(3) of the Act. The Resolution established the Tax Increment Fund for the deposit of the Tax Increments resulting from such division of taxes.

C. Pursuant to the Act, the City is permitted to issue securities made payable from the Tax Increments for the purposes of a project if the issuance of such bonds and the pledge of such revenues are first submitted for approval to the qualified electors of the Authority at a special election held for such purpose.

D. In addition, Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation (except that refundings of existing debt at lower interest rates do not require an election).

E. At the Election, a majority of the qualified electors of the Authority voting thereon authorized the City to issue bonds or other indebtedness not to exceed \$18,000,000, with a repayment cost of \$20,000,000, for the purpose of financing certain capital improvements within the Plan of Development Area and authorized the pledge of the Tax Increment Fund for

payment of principal, interest and any premiums due in connection with such bonds or other indebtedness, said pledge of funds not to exceed the maximum time permitted by law.

F. The ballot text submitted to the qualified electors of the Authority at the Election was as follows:

SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000 WITH A REPAYMENT COST OF \$20,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW; AND IF THIS QUESTION IS APPROVED, THE AUTHORITY TO ISSUE DEBT PURSUANT TO BALLOT ISSUE 5T AT THE CITY'S NOVEMBER 2, 2004 ELECTION SHALL BE OF NO FURTHER EFFECT?

G. The City has not previously issued any of the debt authorized at the Election.

H. The Bonds issued for the Project shall be issued with terms such that they meet the requirements of the proposition submitted at the Election.

I. The City does not presently have any debt payable from a pledge of the Pledged Revenues, and the Pledged Revenues may now be pledged lawfully and irrevocably for the payment of the Bonds.

J. The City expects to receive an offer from the Underwriter for the purchase of the Bonds for the purpose of defraying in whole or in part the costs of the Project and the costs of issuing the Bonds.

K. The Council desires to cause the Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

L. The Bonds shall be issued pursuant to the provisions of the Constitution and laws of the State, including the Act and the Supplemental Act, the Charter, the Election, this Ordinance, and all other laws thereunto enabling.

M. There is on file in the City offices the proposed forms of the following documents: (i) the Purchase Contract; (ii) the Registrar Agreement; (iii) the Letter of Representations; (iv) the Preliminary Official Statement; and (v) the Continuing Disclosure Certificate.

Section 3. Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and other officers of the City in the creation of the Tax Increment Fund, the pledging of the Tax Increments (to the extent described herein), the implementation of the Project, and the selling and issuing of the Bonds for those purposes are hereby ratified, approved and confirmed.

Section 4. Authorization of Project. The Project is hereby authorized at a cost not to exceed \$10,500,000 (excluding costs to be paid from sources other than the proceeds of the Bonds). The useful life of the Project is not less than 4 years.

Section 5. Authorization of Bonds; Delegation. In accordance with the Constitution and laws of the State, including the Act and the Supplemental Act, the Charter, the Election, and the provisions of this Ordinance, and for the purpose of defraying the costs of the Project, there hereby are authorized to be issued fully registered Tax Increment revenue securities of the City, to be designated "City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2009" in the aggregate principal amount approved by the President or Finance Director in the Sale Certificate, subject to the parameters and restrictions contained in this Ordinance, to be payable and collectible, both as to principal and interest, from the Pledged Revenues.

Section 6. Bond Details. The Bonds shall be sold at the price indicated in the Sale Certificate and shall be issued in fully registered form (i.e., registered as to payment of both

principal and interest), initially registered in the name of Cede & Co. as nominee for DTC, as Depository for the Bonds. The Bonds shall be issued in denominations of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual Bond may be issued for more than one maturity and interest rate); provided, however, that Term Bonds may be issued subject to annual sinking fund payments. The Bonds shall be dated as of their date of delivery. The Bonds shall be numbered in the manner determined by the Registrar.

2. The Bonds shall mature, bear interest from their date to maturity, and be sold, as provided in the Sale Certificate: provided that: (i) the aggregate principal amount of the Bonds shall not exceed \$10,500,000; (ii) the net effective interest rate on the Bonds shall not exceed 6.00%; (iii) the Bonds shall mature no later than December 15, 2012; (iv) the Bonds shall be subject to optional redemption, if at all, no later than December 15, 2012; (v) if applicable, the redemption price of the Bonds shall not exceed 100% of the principal amount so redeemed; (vi) the purchase price of the Bonds shall not be less than 99.0% of the original principal amount of the Bonds; (vii) the maximum annual repayment cost of the Bonds shall not exceed \$7,000,000; and (viii) the total repayment cost of the Bonds shall not exceed \$20,000,000.

Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day months, payable June 15 and December 15, commencing on the date specified in the Sale Certificate.

3. The principal of and premium, if any, on any Bond, shall be payable to the Registered Owner thereof as shown on the registration books kept by the Registrar upon maturity or prior redemption of the Bonds, upon presentation and surrender at the Principal Operations Office. If any Bond shall not be paid upon such presentation and surrender at maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full.

Payment of interest on any Bond shall be made to the Registered Owner thereof by check, draft or wire, sent by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a Business Day, on or before the next succeeding

Business Day), to the Registered Owner thereof at his or her address as it last appears on the registration books kept by the Registrar on the Record Date; but, any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof on the Record Date and shall be payable to the Person who is the Registered Owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of such defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Registered Owners not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration books on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest.

The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the Registered Owner of such Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the dates specified in the Registrar Agreement). All such payments shall be made in lawful money of the United States of America, without deduction for services of the Registrar or Paying Agent.

#### Section 7. Prior Redemption.

A. The Bonds, if any, designated in the Sale Certificate, will be subject to redemption prior to maturity at the option of the City.

B. The Term Bonds, if any, shall be subject to mandatory sinking fund redemption at the times and in the amounts set forth in the Sale Certificate, at a redemption price equal to 100% of the principal amount so redeemed plus accrued interest thereon to the date fixed for redemption. On or before the thirtieth day prior to each sinking fund payment date, the Registrar will proceed to call the Term Bonds (or any Term Bond or Bonds issued to replace such Term Bonds) for redemption from the sinking fund on the next December 15, and give notice of such call without further instruction or notice from the District.

At its option, to be exercised on or before the sixtieth day next preceding each sinking fund redemption date, the City may (a) deliver to the Registrar for cancellation Term



Bonds subject to mandatory sinking fund redemption on such date in an aggregate principal amount desired or (b) receive a credit in respect of its sinking fund redemption obligation for any Term Bonds subject to mandatory sinking fund redemption on such date, which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond so delivered or previously redeemed will be credited by the Registrar at the principal amount thereof on the obligation of the City on such sinking fund redemption date and the principal amount of Term Bonds to be redeemed by operation of such sinking fund on such date will be accordingly reduced. The City will on or before the sixtieth day next preceding each sinking fund redemption date furnish the Registrar with its certificate indicating whether or not and to what extent the provisions of (a) and (b) above are to be availed with respect to such sinking fund payment.

C. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bonds (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the Owner of such Bonds, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

D. Notice of any redemption shall be given by the Paying Agent in the name of the City by sending a copy of such notice by first-class mail, postage prepaid, not more than 60 days and not less than 30 days prior to the redemption date to the Underwriter and to each Registered Owner of any Bond all or a portion of which is called for redemption at his or her address as it last appears on the registration books kept by the Registrar. Failure to give such notice by mailing to the Registered Owner of any Bond or to the Underwriter, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bonds.

All official notices of redemption shall be dated and shall state:

- (1) the redemption date;
- (2) the redemption price;
- (3) if less than all Outstanding Bonds are to be redeemed, the identification of the Bonds (and, in the case of partial redemption, the respective principal amounts and interest rate) to be redeemed;

(4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Operations Office of the Paying Agent or such other office as shall be designated by the Paying Agent.

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all of the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same maturity and interest rate in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

Notwithstanding the provisions of this section, any notice of optional redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the Owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 8. Lien on Pledged Revenues; Special Obligations. The Bonds constitute a pledge of, and an irrevocable first lien (but not an exclusive first lien) on all of the

Pledged Revenues. The Bonds are equitably and ratably secured by a pledge of and lien on the Pledged Revenues. All of the Bonds, together with the interest accruing thereon shall be payable and collectible solely out of the Pledged Revenues, which are hereby irrevocably so pledged; the registered owner or owners of the Bonds may not look to any general or other fund of the City or the Authority for the payment of the principal of and interest on the Bonds, except the designated special funds and accounts pledged therefor. The Bonds shall not constitute an indebtedness nor a debt within the meaning of the Charter or any State constitutional or statutory provision or limitation; nor shall they be considered or held to be general obligations of the City or the Authority.

The creation, perfection, enforcement, and priority of the Pledged Revenues to secure or pay the Bonds as provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The Pledged Revenues, as received by or otherwise credited to the City or the Authority, shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act.

Section 9. Form of Bonds and Registration Panel. The Bonds and the registration panel shall be substantially as follows (provided that any portion of the Bond text may, with appropriate references, be printed on the back of the Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

[The remainder of this page intentionally left blank.]

(Form of Bond)

Unless this bond is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the City or its agent for registration of transfer, exchange, or payment, and any bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA  
STATE OF COLORADO  
COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO  
DOWNTOWN DEVELOPMENT AUTHORITY  
TAX INCREMENT REVENUE BOND  
SERIES 2009

R- _____			\$ _____
<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____ %			

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the “City”), for value received, promises to pay to the registered owner specified above, or registered assigns, solely from the special funds provided therefor, the principal amount specified above, on the maturity date specified above, and to pay from said sources interest thereon on June 15 and December 15 of each year, commencing on \_\_\_\_\_, 200\_\_, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. The principal of this bond is payable upon presentation and surrender hereof to the City’s registrar and paying

agent (the “Registrar” or the “Paying Agent”), initially Zions First National Bank, Denver, Colorado, at its principal operations office located in the City of Grand Junction, Colorado. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered (the “registered owner”) in the registration records of the City maintained by the Registrar at its principal operations office and at the address appearing thereon at the close of business on the last business day of the calendar month next preceding such interest payment date (the “Regular Record Date”). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner hereof at the close of business on a special record date for the payment of any defaulted interest (the “Special Record Date”). Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the bonds of the series of which this is one (the “Bonds”) not less than ten days prior to the Special Record Date. Alternative means of payment of interest may be used if mutually agreed to between the registered owner of any Bond and the Paying Agent, as provided in the ordinance of the City authorizing the issuance of the Bonds (the “Bond Ordinance”). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar. Terms not otherwise defined herein shall the meanings ascribed to them in the Bond Ordinance. The Bonds are [not] subject to redemption prior to maturity.

The Bonds are issued in fully registered form, in denominations equal to the principal amount of the Bonds maturing on each maturity date. Subject to the aforementioned restriction, the Bonds are transferable only as set forth in the Bond Ordinance.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Bond Ordinance with respect to Regular and Special Record Dates for the payment of interest.

The Bonds are authorized for the purpose of defraying wholly or in part the costs of the Project, for the payment of costs and expenses incidental thereto and to the issuance of the Bonds, all under the authority of and in full conformity with the Constitution and laws of the State of Colorado, including the Act, the Election, and pursuant to the Bond Ordinance duly adopted, published and made a law of the City, all prior to the issuance of this bond. As provided in the Act, this bond and the interest thereon is exempt from taxation by the State of Colorado, except inheritance, estate and transfer taxes. The Bonds are also issued pursuant to the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the "Supplemental Act"). Pursuant to Section 11-57-210 of the Supplemental Act, this recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds after their delivery for value.

The Bonds do not constitute a debt or an indebtedness of the City or the Grand Junction Downtown Development Authority (the "Authority") within the meaning of any applicable charter, constitutional or statutory provision or limitation. This bond shall not be considered or held to be a general obligation of the City, and is payable from, and constitutes a pledge of and an irrevocable first lien (but not an exclusive first lien) on all of the proceeds to be derived by the City from certain pledged revenues (the "Pledged Revenues"), consisting of funds derived from the incremental increase in property tax revenues (including specific ownership taxes, if and to the extent received by the City in connection with the incremental property tax revenues) and a portion of the incremental increase in sales tax revenues (the "Tax Increments") calculated with reference to a base year within the area of the City subject to the Plan of Development for the Authority, and also consisting of the Bond Account, the Tax Increment Fund and investment income thereon, all as more specifically provided in the Bond Ordinance.

The Bonds constitute a pledge of, and an irrevocable first lien on all of the Pledged Revenues. The Bonds are equitably and ratably secured by a pledge of and first lien on the Pledged Revenues.

Payment of the principal of and interest on this bond shall be made from, and as security for such payment there are irrevocably pledged, pursuant to the Bond Ordinance, moneys deposited and to be deposited into the Bond Account, which account the City has covenanted

under the Bond Ordinance to pay from the Pledged Revenues a sum sufficient, together with other moneys available in the Bond Account therefor, to pay when due the principal of and interest on the Bonds and any Additional Bonds. Except as otherwise specified in the Bond Ordinance, this bond is entitled to the benefits of the Bond Ordinance equally and ratably both as to principal and interest with all other Bonds issued and to be issued under the Bond Ordinance, to which reference is made for a description of the rights of the Owners of the Bonds and the rights and obligations of the City. This bond is payable from the Pledged Revenues, and the Owner hereof may not look to any general or other fund of the City or the Authority for the payment of the principal of and interest on this bond except the Pledged Revenues. Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security, the terms and conditions under which Additional Bonds payable from the Pledged Revenues may be issued, the rights, duties and obligations of the City, and the rights of the Owners of the Bonds; and by the acceptance of this bond the registered owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

FOR PURPOSES OF SECTION 265(b)(3)(B) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE CITY HAS DESIGNATED THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS.

This bond must be registered in the name of the registered owner as to both principal and interest on the registration records kept by the Registrar at its Principal Operations Office in conformity with the provisions stated herein and endorsed herein and subject to the terms and conditions set forth in the Bond Ordinance. No transfer of this bond shall be valid unless made in accordance with the restrictions set forth herein and in the Bond Ordinance and on the registration records maintained at the Principal Operations Office of the Registrar by the registered owner or his attorney duly authorized in writing.

It is further certified and recited that all the requirements of law have been fully complied with by the proper City officers in the issuance of this bond.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

IN TESTIMONY WHEREOF, the City Council of the City of Grand Junction has caused this bond to be signed and executed in its name with a manual or facsimile signature of the President of the City Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, with a manual or facsimile impression of the seal of the City affixed hereto, all as of the date specified above.

(Manual or Facsimile Signature)  
President of the City Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)  
City Clerk

(End of Form of Bond)



(Form of Registrar's Certificate of Authentication)

This is one of the Bonds described in the within-mentioned Bond Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

Date of Authentication  
and Registration: \_\_\_\_\_

ZIONS FIRST NATIONAL BANK  
as Registrar

By: \_\_\_\_\_  
Authorized Officer

(End of Form of Registrar's Certificate of Authentication)

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney, to transfer the same on the registration records of the Registrar, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_

Signature Guaranteed By:

\_\_\_\_\_  
(Firm or Bank)

Authorized Signature

Name and Address of transferee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Social Security or other tax  
identification number of transferee:

\_\_\_\_\_

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Authorized Representative of the Depository</u>

(End of Form of Prepayment Panel)

Section 10. Negotiability. Subject to the registration provisions hereof, the Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Owner or Owners thereof shall possess all rights enjoyed by the holders or owners of negotiable instruments under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the Bonds shall be paid, and the Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate owner of any Bonds or any setoffs or cross-claims.

Section 11. Execution. The Bonds shall be executed in the name and on behalf of the City by the signature of the President, shall be sealed with a manual or facsimile impression of the seal of the City and attested by the signature of the City Clerk. Each Bond shall be authenticated by the manual signature of an authorized officer or employee of the Registrar as hereinafter provided. The signatures of the President and the City Clerk may be by manual or facsimile signature. The Bonds bearing the manual or facsimile signatures of the officers in office at the time of the authorization thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor or before the issuance of the Bonds upon transfer, any or all of the persons whose manual or facsimile signatures appear thereon shall have ceased to fill their respective offices. The President and the City Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures any facsimiles thereof appearing on the Bonds. At the time of the execution of the signature certificate, the President and the City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially

delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Section 11. Registration and Transfer.

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the Bonds. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of the same series, of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such transfers of Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such transfer) shall be paid by the registered owner requesting such transfer.

B. The person in whose name any Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 6 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated Bond shall have matured or is

about to become due and payable, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

D. The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 13. Book Entry.

A. Notwithstanding any contrary provision of this Ordinance, the Bonds initially shall be evidenced by one Bond for each maturity and interest rate in denominations equal to the aggregate principal amount of the Bonds of such maturity and interest rate. Such initially delivered Bonds shall be registered in the name of “Cede & Co.” as nominee for DTC, the Depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of DTC or its nominee, which successor must be both a “clearing corporation” as defined in Section 4-8-102(a)(5), C.R.S. and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of DTC or a successor or new Depository under clause (1) or this clause (2) of this subsection A, or a determination by the Council that DTC or such successor or a new Depository is no longer able to carry out its functions, and the designation by the Council of another Depository acceptable to the Council and to the Depository then holding the Bonds, which new Depository must be both a “clearing corporation” as defined in Section 4-8-102(a)(5), C.R.S. and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of DTC or such successor new Depository; or

(3) upon the resignation of DTC or a successor or new Depository under clause (1) above or the designation of a new Depository pursuant to clause (2) above, or a determination of the Council that DTC or such successor or Depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another Depository under clause (2) to carry out such Depository functions.

B. In the case of a transfer to a successor of DTC or its nominee as referred to in clause (1) or (2) of subsection A hereof, upon receipt of the Outstanding Bonds or by the Registrar together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity and interest rate of the Bonds then Outstanding shall be issued to such successor or new Depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of subsection A hereof and the failure after reasonable investigation to locate another qualified Depository for the Bonds as provided in clause (3) of subsection A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in denominations of \$5,000 or any integral multiple thereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The Council and the Registrar shall be entitled to treat the Registered Owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council and the Registrar shall have no responsibility for transmitting payments or notices to the Beneficial Owners of the Bonds held by DTC or any successor or new Depository named pursuant to subsection A hereof.

D. The Council and the Registrar shall endeavor to cooperate with DTC or any successor or new Depository named pursuant to clause (1) or (2) of subsection A hereof in effectuating payment of the principal amount of the Bonds upon maturity or prior redemption by

arranging for payment in such a manner that funds representing such payments are available to the Depository on the date they are due.

E. Upon any partial redemption of any of the Bonds, Cede & Co. (or its successor) in its discretion may request the City to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Registrar prior to payment. The records of the Paying Agent shall govern in the case of any dispute as to the amount of any partial prepayment made to Cede & Co. (or its successor).

Section 14. Delivery of Bonds and Disposition of Proceeds. When the Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the Bonds to be delivered to the Underwriter on receipt of the agreed purchase price. The Bonds shall be delivered in such denominations as the Underwriter shall direct (but subject to the provisions of Section 13 hereof), and the Registrar shall initially register the Bonds in the name of "Cede & Co.," as nominee of DTC.

The proceeds of the Bonds shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Underwriter of the Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All proceeds of the Bonds shall be credited to the "City of Grand Junction, Colorado, Downtown Development Authority 2009 Tax Increment Project Fund," hereby created, to be used for the Project and for the costs of issuance of the Bonds. After payment of all costs of the Project and costs of issuance of the Bonds, or after adequate provision therefor is made, any unexpended balance of the proceeds of the Bonds shall be deposited in the Bond Account and applied to the payment of the principal of and interest on the Bonds.



Section 15. Use of Pledged Revenues. So long as any Bonds shall be Outstanding, either as to principal or interest, all Pledged Revenues in the Tax Increment Fund shall be applied as described below:

A. Bond Account. A special account is hereby created and designated as the “City of Grand Junction, Colorado, Downtown Development Authority 2009 Tax Increment Revenue Bond Account” (the “Bond Account”). The Bond Account shall be held, administered and distributed by the City in accordance with the terms of this Ordinance. The Pledged Revenues remaining in the Tax Increment Fund shall be credited immediately to the Bond Account until the total amount accumulated therein is equal to the sum of the following:

(1) Interest payments. The aggregate amount of the next maturing installment of interest on the Bonds, plus

(2) Principal payments. The aggregate amount of the next maturing installment of principal of the Bonds.

Once there has been accumulated in the Bond Account the entire amount necessary for the payment of principal of and interest on the Bonds in the current Fiscal Year, no moneys need be deposited in the Bond Account until the following Fiscal Year. The moneys in the Bond Account shall be used only to pay the principal of, prior redemption premium, if any, and interest on the Bonds as the same becomes due.

A similar bond account shall be created for any series of Additional Bonds and payments into such account shall be made contemporaneously with and have the same priority as payments into the Bond Account created hereunder.

B. Termination Upon Deposits to Maturity. No payment need be made into the Bond Account if the amount in the Bond Account totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be withdrawn and used for any lawful purpose.

C. Defraying Delinquencies in Bond Account. If on any required payment date the City shall for any reason not have in the Bond Account the full amount above stipulated,

then the City shall deposit into the Bond Account from the first Pledged Revenues thereafter received and not required to be applied otherwise by this Section (but excluding any payments required for any obligations subordinate to the Bonds) an amount equal to the difference between the amount then on deposit in the Bond Account and the amount needed to make the payments due on said payment date.

In the event that said first moneys credited to the Tax Increment Fund have been insufficient during a given Fiscal Year to meet the principal and interest requirements on the Bonds to be paid during said Fiscal Year, then during the month of December of said Fiscal Year, the City may at its option and sole discretion, transfer to the Bond Account from surplus legally available funds a sum equal to the amount needed to meet said debt service requirements due and owing on the Bonds. The City intends to include the question of whether to so replenish the Bond Account on its agenda in December of any Fiscal Year for which the balance of the Bond Account is inadequate to meet said debt service requirements. If and to the extent the City decides to replenish the Bond Account from surplus legally available funds, all such City moneys deposited into the Bond Account shall be deemed a loan to the Tax Increment Fund, to be paid back on an annually subordinate basis pursuant to Section 15E as a “subordinate obligation.”

The moneys in the Bond Account shall be used solely for the purpose of paying the principal of, redemption premium, if any, and the interest on the Bonds; provided, that any moneys in the Bond Account in excess of accrued and unaccrued principal and interest requirements to the respective maturities of the Outstanding Bonds, and not needed for rebate to the United States government, may be used as provided in paragraphs E and F of this Section.

D. Reserve Account. Next, there shall be deposited into any reserve account created in connection with the issuance of any Additional Bonds such amounts as are required to be deposited, if any, by the ordinance authorizing such Additional Bonds. A reserve account may be created for any series of Additional Bonds and payments into such account shall be made contemporaneously with payments made into the reserve funds for any other series of Additional Bonds outstanding.

E. Rebate Account. Next, there shall be deposited in a special account hereby created and to be known as the “City of Grand Junction, Colorado, Downtown Development

Authority 2009 Tax Increment Revenue Bonds Rebate Account” (the “Rebate Account”) amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury. A similar rebate account may be created for any series of Additional Bonds and payments into such account shall have the same priority as payments into the Rebate Account created hereunder.

F. Payment for Subordinate Obligations. After the payments required by paragraphs A, C and D of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds (including the repayment of any City loan to replenish the Bond Account), hereafter authorized to be issued, including reasonable reserves therefor.

G. Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose. Without limiting the foregoing, to the extent permitted by law, the City is hereby authorized to transfer any and all remaining Pledged Revenues which constitute investment income on moneys in the Tax Increment Fund to the Authority to be used for administrative expenses.

Section 16. General Administration of Accounts. The accounts designated in Sections 14 and 15 hereof and the Tax Increment Fund shall be administered as follows subject to the limitations stated in Section 19K hereof:

A. Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 15 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the Council in each year respectively while any of the Bonds, either as to principal or interest, are Outstanding and unpaid.

B. Places and Times of Deposits. Each of the special accounts created in Sections 14 and 15 hereof and the Tax Increment Fund shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding Business Day.

C. Investment of Accounts. Any moneys in any account established by Sections 14 and 15 hereof and the Tax Increment Fund may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60-day period, except for any moneys on deposit in an interest-bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 16C and Section 16E hereof; but the City is not

required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 19K hereof.

D. No Liability for Losses Incurred in Performing Terms of Ordinance.

Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

E. Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 16C hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 16C hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 17. Additional Bonds.

A. Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from and constituting a lien upon the Pledged Revenues on a parity with the lien of the Bonds; but before any such Additional Bonds are authorized or actually issued (excluding any parity refunding securities refunding the Bonds or a part thereof, as provided in Section 18 hereof), the following provisions B through F must all first be satisfied.

B. Absence of Default. At the time of the adoption of the supplemental ordinance or other instrument authorizing the issuance of the Additional Bonds, the City shall not be in default in making any payments required by Section 15 hereof.

C. Historic Revenues Test. The Tax Increments constituting Pledged Revenues, as certified by the Finance Director, received in the last complete Fiscal Year immediately preceding the date of the issuance of such Additional Bonds, shall have been sufficient to pay an amount at least equal to 100% of the sum derived by adding the following: (i) the Average Annual Debt Service for the Outstanding Bonds and (ii) the Average Annual Debt Service for the Additional Bonds proposed to be issued.

D. Adjustment of Historic Revenues. In the computation of the historic revenues test in Section 17 hereof, the amount of the Tax Increments constituting Pledged

Revenues for such Fiscal Year may be increased by the amount of gain which will result from any increase in the amount of the assessed valuation of taxable property within the Plan of Development Area, or the mill levy or percentage of sales tax which will be applied in the City during that Fiscal Year as provided in final ordinances, certifications, or resolutions of the City or county or other taxing authority, approved if required by the electors, providing for such increase.

E. Adequate Reserves. The City may, at its option, provide for the creation and maintenance of a reserve fund in connection with the issuance of any Additional Bonds.

F. Reduction of Annual Requirements. The respective annual debt service requirements set forth in Section 17 hereof (including as such a requirement, the amount of any prior redemption premiums due on any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of bonds or securities for redemption) shall be reduced to the extent such debt service requirements are scheduled to be paid in each of the respective Fiscal Years with moneys held in trust or in escrow for that purpose by any Trust Bank located within or without the State, including the known minimum yield from any investment of such moneys in Governmental Obligations and bank deposits, including any certificate of deposit.

G. Certification of Revenues. In the case of the computation of the revenue tests provided in Section 17C hereof and when adjusted in the manner provided in Section 17D hereof, the specified and required written certification by the Finance Director that such annual revenues are sufficient to pay such amounts as provided in Section 17C hereof shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver Additional Bonds on a parity with the then Outstanding Bonds.

H. Subordinate Securities Permitted. Nothing herein prevents the City from issuing additional bonds or other additional securities for any lawful purpose payable from the Pledged Revenues having a lien thereon subordinate, inferior and junior to the lien thereon of the Bonds.

I. Superior Securities Prohibited. Nothing herein permits the City to issue bonds or other securities payable from the Pledged Revenues and having a lien thereon prior and superior to the lien thereon of the Bonds.

Section 18. Refunding Obligations.

A. Generally. If at any time after the Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding obligations payable from the Pledged Revenues, said obligations, or any part thereof, may be refunded, subject to the provisions of paragraph B of this Section, if (1) the obligations to be refunded, at the time of their required surrender for payment, shall then mature or shall then be callable for prior redemption at the City's option upon proper call, or (2) the owners of the obligations to be refunded consent to such surrender and payment.

B. Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues shall be issued with such details as the Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of obligations payable from the Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the Pledged Revenues may be issued on a parity with the unrefunded Bonds only if:

(1) Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

(2) Requirements. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Revenues is not raised to a higher priority than the lien thereon of any obligations thereby refunded; or

(3) Earnings Tests. The refunding obligations are issued in compliance with Section 17 hereof.

Section 19. Protective Covenants. The City hereby additionally covenants and agrees with each and every Owner of the Bonds that:

A. Use of Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

B. Payment of Bonds. The City will promptly pay the principal of and interest on every Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said Bonds according to the true intent and meaning hereof. Such principal and interest is payable solely from the Pledged Revenues.

C. Amendment of the Resolution; Continuance and Collection of Taxes. The Resolution is now in full force and effect and has not been repealed or amended.

Unless required by law, the City shall not make any further modification of the Resolution or the Plan which would reduce the Tax Increments deposited or to be deposited in the Tax Increment Fund or otherwise materially impair the pledged security for the Bonds unless the required consent is obtained, all as provided in Section 28 hereof.

The City shall maintain the Tax Increment Fund as a fund of the City separate and distinct from all other funds of the City and immediately upon receipt or collection of the Tax Increments shall deposit the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83) into said fund.

The City shall take all reasonable action necessary to collect delinquent payments of the ad valorem and sales taxes owing from the Plan of Development Area or to cause such delinquent payments to be collected.

The foregoing covenants are subject to compliance by the City with its Charter, any legislation of the United States or the State or any regulation or other action taken by the federal government or any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof or the public welfare, which legislation, regulation or action applies to the City as a Colorado municipality and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83) shall be subject to the payment of the debt service requirements of all Bonds payable from the Pledged Revenues and the Tax



Increment Fund, including reserves therefor if any, as provided herein or in any instrument supplemental or amendatory hereto.

D. Defense of Legality of Application and Use of Tax Increments. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, the Resolution, or the imposition and collection of the Tax Increments, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Resolution.

The City shall, to the extent permitted by law, defend the validity and legality of the collection of the Tax Increments and any taxes contributing thereto, this Ordinance and the Resolution, and all amendments thereto against all claims, suits and proceedings which would diminish or impair the Pledged Revenues or Tax Increment Fund as security for the Bonds.

Except as specified in this Ordinance, the City has not assigned or pledged the Pledged Revenues or Tax Increment Fund in any manner which would diminish the security for the payment of the Bonds.

E. Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance. The City, acting by and through its officers, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of said Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the Bonds against all claims and demands of all Persons whomsoever.

F. Conditions Precedent. Upon the issuance of any of the Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance to exist, to have happened, and to

have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed, and the Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State or the Charter.

G. Records. So long as any of the Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created or continued by this Ordinance.

H. Audits. The City further agrees that it will cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Underwriter.

I. Performing Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the segregation of the Pledged Revenues as set forth in Section 15 hereof and their application to the respective accounts herein designated.

J. Other Liens. As of the date of issuance of the Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues.

K. Tax Covenants. The City covenants for the benefit of the Registered Owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities financed or refinanced with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code, or (iii) would cause interest on the Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in

full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

L. Bank Qualification. The City hereby determines that neither the City nor any entity subordinate thereto reasonably anticipates issuing more than \$30,000,000 face amount of tax-exempt governmental bonds (excluding private activity bonds) or any other similar obligations during calendar year 2009, which obligations are taken into account in determining if the City can designate the Bonds as qualified tax-exempt obligations as provided in the following sentence. For the purpose of Section 265(b)(3)(B) of the Code, the City hereby designates the Bonds as qualified tax-exempt obligations.

M. City's Existence. The City will maintain its corporate identity and existence so long as any of the Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding Bonds.

N. Continuing Disclosure. The City covenants for the benefit of the Owners, including Beneficial Owners, that it will comply with the Continuing Disclosure Certificate which will be executed by City officers in connection with the delivery of the Bonds. Any Owner, or, so long as the Bonds are registered in the name of the Depository, any Beneficial Owner, may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligation under this subsection; provided that the City shall incur no pecuniary liability for failure to comply with this subsection.

O. Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

P. Surety Bonds. Each official of the City having custody of the Pledged Revenues, or responsible for their handling, shall be fully bonded at all times, which bond shall be conditioned upon the proper application of such money.

Q. Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

R. Fund Balance Covenant. The City covenants to maintain a fund balance in the Tax Increments Fund equal to \$920,602 until December 15, 2010, and to maintain a fund balance in the Tax Increments Fund in each fiscal year thereafter for so long as the Bonds are outstanding equal to the greater of (1) the difference between the Tax Increments received for the prior fiscal year and 110% of the principal of and interest on the Bonds due in such fiscal year or (2) \$680,000. Moneys in the Tax Increments Fund subject to this covenant shall be available to pay principal and interest on the Bonds at all times and shall be transferred to the Bond Account and used to pay debt service on the Bonds in the event such funds are needed for such purpose.

Section 20. Defeasance. If, when the Bonds shall be paid in accordance with their terms (or payment of the Bonds has been provided for in the manner set forth in the following paragraph), then this Ordinance and all rights granted hereunder shall thereupon cease, terminate and become void and be discharged and satisfied.

Payment of any Outstanding Bond shall prior to the maturity or redemption date thereof be deemed to have been provided for within the meaning and with the effect expressed in this Section if (a) in case said Bond is to be redeemed on any date prior to its maturity, the City shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to give on a date in accordance with the provisions of Section 7 hereof notice of redemption of such Bond on said redemption date, such notice to be given in accordance with the provisions of Section 7 hereof, (b) there shall have been deposited with the Paying Agent or a commercial bank exercising trust powers either moneys in an amount which shall be sufficient, or Federal Securities which shall not contain provisions permitting the redemption thereof at the option of the issuer, the principal of and the interest on which when due, and without any reinvestment thereof, will provide moneys which, together with the moneys, if any, deposited with or held by the Paying Agent or other commercial bank exercising trust powers at the same time, shall be sufficient to pay when due the principal of, premium if any, and interest due and to become due on said Bond on and prior to the redemption date or maturity date thereof, as the case may be,

and (c) in the event said Bond is not by its terms subject to redemption within the next sixty days, the City shall have given the Paying Agent in form satisfactory to it irrevocable instructions to give, as soon as practicable in the same manner as the notice of redemption is given pursuant to Section 7 hereof, a notice to the Owner of such Bond that the deposit required by (b) above has been made with the Paying Agent or other commercial bank exercising trust powers and that payment of said Bond has been provided for in accordance with this section and stating such maturity or redemption date upon which moneys are to be available for the payment of the principal of, premium if any, and interest of said Bond. Neither such securities nor moneys deposited with the Paying Agent or other commercial bank exercising trust powers pursuant to this section or principal or interest payments on any such Federal Securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, premium if any, and interest of said Bond; provided any cash received from such principal or interest payments on such Federal Securities deposited with the Paying Agent or other commercial bank exercising trust powers, if not then needed for such purpose, shall, to the extent practicable, be reinvested in securities of the type described in (b) of this paragraph maturing at times and in amounts sufficient to pay when due the principal of, premium if any, and interest to become due on said Bond on or prior to such redemption date or maturity date thereof, as the case may be. At such time as payment of a Bond has been provided for as aforesaid, such Bond shall no longer be secured by or entitled to the benefits of this Ordinance, except for the purpose of any payment from such moneys or securities deposited with the Paying Agent or other commercial bank exercising trust powers.

The release of the obligations of the City under this section shall be without prejudice to the right of the Paying Agent to be paid reasonable compensation for all services rendered by it hereunder and all its reasonable expenses, charges and other disbursements incurred on or about the administration of and performance of its powers and duties hereunder.

Upon compliance with the foregoing provisions of this section with respect to all Bonds Outstanding, this Ordinance may be discharged in accordance with the provisions of this section but the liability of the City in respect of the Bonds shall continue; provided that the Owners thereof shall thereafter be entitled to payment only out of the moneys or Federal

Securities deposited with the Paying Agent or other commercial bank exercising trust powers as provided in this Section.

Section 21. Further Authority. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing; the printing of the Bonds and the execution of such certificates as may be required by the Underwriter, including, but not necessarily limited to, the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

Section 22. Events of Default. Each of the following events is hereby declared an “event of default:”

A. Nonpayment of Principal. If payment of the principal of any of the Bonds shall not be made when the same shall become due and payable at maturity; or

B. Nonpayment of Interest. If payment of any installment of interest on the Bonds shall not be made when the same becomes due and payable; or

C. Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

D. Default of Any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed, other than those delineated in paragraphs A and B of this Section, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding.

Section 23. Remedies. Upon the happening and continuance of any event of default as provided in Section 22 hereof, the Owner or Owners of not less than 25% in aggregate principal amount of the Outstanding Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall

be maintained for the equal benefit of all Owners of Bonds. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Section 24. Duties Upon Default. Upon the happening of any of the events of default as provided in Section 22 hereof, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on said Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account, pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this Section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Section 25. Approvals, Authorizations, and Amendments. The forms of the Purchase Contract, the Registrar Agreement, the Letter of Representations, and the Continuing Disclosure Certificate are hereby approved. The City shall enter into and perform its obligations under the Purchase Contract, the Registrar Agreement, the Letter of Representations, and the Continuing Disclosure Certificate in the forms of each of such documents as on file with the City, with only such changes therein as are not inconsistent herewith. The President is hereby authorized and directed to execute the Registrar Agreement, the Letter of Representations, and the Continuing Disclosure Certificate. The City Clerk is hereby authorized to attest and to affix the seal of the City, as necessary, to this Ordinance, the Purchase Contract, the Registrar Agreement, and the Continuing Disclosure Certificate, and the President and the City Clerk are further authorized to execute, attest, seal and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by

the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

Either the President or the Finance Director has the authority to accept the proposal of the Underwriter to purchase the Bonds and to execute the Purchase Contract and the Sale Certificate in connection therewith, as well as the authority to make determinations in relation to the Bonds contained in the Sale Certificate subject to the parameters and restrictions contained in Section 6 hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

Section 26. Replacement of Registrar or Paying Agent. The Registrar or Paying Agent may resign at any time on 30 days' prior written notice to the City. The City may remove said Registrar or Paying Agent upon 30 days' prior written notice to the Registrar and/or Paying Agent, as the case may be. No resignation or removal of the Registrar or Paying Agent shall take effect until a successor has been appointed; provided, that if no successor is appointed by the end of 90 days, the Paying Agent or Registrar may petition a court of competent jurisdiction to appoint a successor. If the Registrar or Paying Agent initially appointed shall resign, or if the City shall remove said Registrar or Paying Agent, the City may, upon notice mailed to each Registered Owner of any Bond, at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having



a shareowners' equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$10,000,000 or shall be an officer of the City. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Any company or national banking association into which the Registrar or Paying Agent may be merged or converted or with which it may be consolidated or any company or national banking association resulting from any merger, conversion or consolidation to which it shall be a party or any company or national banking association to which the Registrar or Paying Agent may sell or transfer all or substantially all of its corporate trust business, provided such company shall be eligible, shall be the successor to such Registrar or Paying Agent without the execution or filing of any paper or further act, anything herein to the contrary notwithstanding.

Section 27. Official Statement. The distribution and use of the Preliminary Official Statement is in all respects hereby ratified, approved and confirmed. The Underwriter is authorized to prepare or cause to be prepared, and the President is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the Bonds. The execution of a final Official Statement by the President shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

Section 28. Amendment. After any of the Bonds have been issued, this Ordinance shall constitute a contract between the City and the Owners of the Bonds and shall be and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged.

A. The City may, without the consent of, or notice to the Owners of the Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

(1) to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are

necessary or desirable and do not materially adversely affect the interests of the Owners of the Bonds;

(2) to subject to the lien of this Ordinance additional revenues, properties or collateral;

(3) to grant or confer upon the Registrar for the benefit of the registered owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the registered owners of the Bonds; or

(4) to qualify this Ordinance under the Trust Indenture Act of 1939, as amended.

B. Exclusive of the amendatory ordinances permitted by paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of at least 66% in aggregate principal amount of the Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the Bonds adversely affected thereby, no such ordinance shall have the effect of permitting:

(1) An extension of the maturity of any Bond authorized by this Ordinance; or

(2) A reduction in the principal amount of any Bond or the rate of interest thereon; or

(3) The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

(4) A reduction of the principal amount of Bonds required for consent to such amendatory or supplemental ordinance; or

(5) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(6) The modification of or otherwise affecting the rights of the Owners of less than all of the Bonds then Outstanding.

Section 29. No Recourse Against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bonds. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bonds and as a part of the consideration of their sale or purchase, any Person purchasing or selling such Bond specifically waives any such recourse.

Section 30. Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Section 31. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Bonds shall contain a recital that they are issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds after their delivery for value.

Section 32. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 33. Ordinance Irrepealable. After any of the Bonds herein authorized are issued, this Ordinance shall constitute a contract between the City and the Owners of the Bonds, and shall be and remain irrepealable until the Bonds and interest thereon shall be fully paid, canceled and discharged as herein provided.

Section 34. Disposition of Ordinance. This Ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City.

The adoption and publication shall be authenticated by the signatures of the President and City Clerk, and by the certificate of publication.

Section 35. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

[The remainder of this page intentionally left blank.]

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this \_\_\_\_ day of \_\_\_\_\_ 2009.

CITY OF GRAND JUNCTION, COLORADO

[ S E A L ]

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

Attest:

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

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this \_\_\_\_ day of \_\_\_\_\_ 2009.

CITY OF GRAND JUNCTION, COLORADO

[ S E A L ]

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

Attest:

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

STATE OF COLORADO            )  
   )  
 COUNTY OF MESA                ) SS.  
   )  
 CITY OF GRAND JUNCTION    )

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify that:

1. The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on August 3, 2009 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on August 17, 2009, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of August 3, 2009, by an affirmative vote of a majority of the members of the Council as follows:

Councilmember	Voting “Aye”	Voting “Nay”	Absent	Abstaining
Bruce Hill				
Teresa Coons				
Bonnie Beckstein				
Tom Kenyon				
Gregg Palmer				
Bill Pitts				
Linda Romer Todd				

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of August 17, 2009, by an affirmative vote of a majority of the members of the Council as follows:

Councilmember	Voting "Aye"	Voting "Nay"	Absent	Abstaining
Bruce Hill				
Teresa Coons				
Bonnie Beckstein				
Tom Kenyon				
Gregg Palmer				
Bill Pitts				
Linda Romer Todd				

4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of August 3, 2009 and August 17, 2009 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on August \_\_, 2009 and August \_\_, 2009 as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this \_\_\_\_ day of August, 2009.

\_\_\_\_\_  
City Clerk and Clerk to the Council

[ S E A L ]

EXHIBIT A

(Attach Notices of Meetings of August 3, 2009 and August 17, 2009)



**EXHIBIT B**  
**(Attach Affidavits of Publication)**

**Attach 5**

**Setting a Hearing on Cross Referencing Old Municipal Code Numbering with New Numbering System**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Cross Reference Old Municipal Code Numbering with New Numbering System to Allow the Transition between the Two Systems		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 24, 2009		
<b>Author Name &amp; Title</b>	Stephanie Tuin, City Clerk		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney Stephanie Tuin, City Clerk		

**Summary:** Staff has been working on reorganizing and renumbering of the Municipal Code and other reference documents such as the Zoning and Development Code, the various manuals (SSID, TEDS and SWMM), the various neighborhood and corridor plans and other important previously approved documents in order to have them on the internet for easy public access. At this point, the work is close enough to completion that a transition ordinance is in order to allow any reference to the current Code (soon to be Old Code) to apply to the newly numbered Code (soon to be New Code).

**Budget:** This has been an ongoing contract with a not to exceed amount of \$100,000. So far we have spent about \$29,189 on the project. The original budget included printing of several volumes but at this time are planning only very few in hard copies. \$40,000 is in the budget this year to complete the project.

The maintenance fee will be around \$8,000 annually.

**Action Requested/Recommendation:** Introduction of a proposed ordinance and set a hearing for August 17, 2009

**Attachments:** Proposed Ordinance

## **Background Information:**

This project was initiated several years ago but was subject to a host of delays as Staff awaited completion of various portions and other projects pushed it aside. At this time, Staff is very much aware that a new Zoning and Development Code is coming forward and has been working with the consultant to use the new numbering system. By using the new numbering system when the updated Zoning and Development Code is adopted, the transition will be seamless.

Nothing has been changed in the text of the General Code unless there were obvious errors and/or corrections for cross references; it is simply a new numbering system. The last hard copy of the Code was last fully updated in 2004 and it is now become critical that a revised Code be made available for both the Staff and the public.

The review by an outside code company (Code Publishing, Inc.) has brought forward a number of suggestions for clarifications and changes to make the code more consistent. Those changes will be brought forward to you separately for Council's consideration.

The plan is to have Code Publishing, Inc. continue with ongoing maintenance of the Code which means among other things that they will integrate new code changes and post them to the web version within a couple of weeks.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE PROVIDING FOR A CROSS REFERENCE  
BETWEEN THE 1994 CODE OF ORDINANCES OLD NUMBERING SYSTEM  
AND THE NEW NUMBERING SYSTEM**

Recitals.

The City's Ordinances were last codified November 16, 1994. The process of codification includes evaluation of the provisions of the existing Code for applicability and the deletion and/or amendment of antiquated and obsolete provisions.

The 1994 Code of Ordinances (1994 Code) was subsequently supplemented through Ordinance No. 3626, adopted on May 4, 2004.

In 2005, the City contracted with Code Publishing, Inc. to review, analyze, reformat and reprint the 1994 Code, as amended, and to combine into one set all manuals and the other regulatory "Code" books of the City.

As part of the reformatting, the 1994 Code will be renumbered to establish a consistent system for all the manuals and thus provide a single indexing and citation system.

The City Council has determined that it is necessary to ensure that the transition from the old numbering system to the new numbering system is seamless. To ensure that any reference to one section equally applies to the other numbering system, the City Council does hereby authorize and direct a single system of indexing and citation as provided herein.

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

**Section 1.** Pursuant to the authority conferred by the Charter of the City and the Colorado Revised Statutes, Title 31, Article 16, Part 2, there is hereby accepted that certain Code, entitled the "Code of Ordinances, City of Grand Junction, Colorado," together with all ancillary codes and manuals duly described in the Code of Ordinances and incorporated therein by reference, hereinafter the "Code" as renumbered and reformatted.

**Section 2.** All ordinances of a general and permanent nature enacted on or before the effective date of this ordinance, and not included in the Code or recognized

and continued in force by reference therein are hereby repealed unless otherwise provided.

**Section 3.** Section 2 hereof shall not be construed to revive any ordinance or any part thereof that had been previously repealed by any ordinance being repealed by this ordinance.

**Section 4.** Nothing in this ordinance shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date hereof. References to the 1994 Code sections will by this provision be construed to refer to the corresponding section in the Code. City employees shall have jurisdiction and authority to cite and enforce any ordinance violation by or according to the Code section. No person may claim or assert a defense to enforcement of the Code because of renumbering and/or change or indexing as provided in this ordinance.

**Section 5.** One (1) copy of the Code is on file in the City Clerk's office and is available for public inspection. The complete text of the Code is available to the public via the internet.

**Section 6.** Additions or amendments to the Code, when passed in the form as to indicate the intention of the City Council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments. The City Clerk shall develop and implement a numbering and indexing system as provided in the ordinance in her discretion.

**Section 7.** Ordinances adopted after the effective date of this ordinance, that amend or refer to ordinances that have been codified the Code, shall be construed as if they amend or refer to those provisions of the Code and will be incorporated into said Code.

**Section 8.** This ordinance shall become effective thirty days after final publication.

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

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

City of Grand Junction

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President of the Council

ATTEST:

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City Clerk

**Attach 6**

**Setting a Hearing on Fiesta Guadalajara Rezone, Preliminary Development Plan, and Vacation of Right-of-Way**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Fiesta Guadalajara – Rezone, Preliminary Development Plan, and Vacation of right-of-way		
<b>File #</b>	RZ-2009-037		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 20, 2009		
<b>Author Name &amp; Title</b>	Senta L. Costello – Senior Planner		
<b>Presenter Name &amp; Title</b>	Senta L. Costello – Senior Planner		

**Summary:** Requests for: 1) rezone property located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to PD (Planned Development) with default zones of C-1(Light Commercial) and R-8 (Residential 8 du/ac), 2) approval of a Preliminary Development Plan, and 3) vacation of the west 7.5' of the north/south alley located east of North 7th Street and south of Glenwood Avenue.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed ordinance and set a public hearing for August 17, 2009.

**Attachments:**

Site Location Map/Aerial Photo Map  
Future Land Use Map/Existing City Zoning Map  
Letter from adjacent property owner  
Planned Development Boundary with default boundaries  
Preliminary Development Plan  
Preliminary Landscape Plan  
Preliminary Elevations  
Corridor Example  
PD Zoning Ordinance  
Vacation of Right-Of-Way Ordinance

**Background Information:** See attached staff report



BACKGROUND INFORMATION				
Location:		710 / 748 North Avenue and 705 / 727 Glenwood Avenue		
Applicants:		Sanchez/Ortiz, LLC – Derrick Draper		
Existing Land Use:		Restaurant, Bar, Residential, Parking		
Proposed Land Use:		Restaurant, Bar, Residential, Parking		
Surrounding Land Use:	North	Office, Residential		
	South	Retail		
	East	Retail, Residential		
	West	Office, Retail		
Existing Zoning:		C-1 (Light Commercial)/R-8 (Residential 8 du/ac)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	B-1 (Neighborhood Business)/R-8 (Residential 8 du/ac)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)/R-8 (Residential 8 du/ac)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial / Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

## ANALYSIS

### 1. Background

The property is located at the northeast corner of North Avenue and North 7<sup>th</sup> Street and was platted as part of the Capitol Hill Subdivision in 1898 and replatted as part of the Craig's Subdivision in 1940. The property was annexed into the City of Grand Junction in 1909 as part of the Capitol Hill Addition annexation.

The building located at 710 North Avenue was built in 1978 and has historically been used as a restaurant. The building located at 748 North Avenue was built in 1955 and has been occupied by a variety of uses including a restaurant and bar. The property at 705 Glenwood Avenue is used as a parking lot and a drive-thru coffee kiosk was added in 1998. A single family residence is located at 727 Glenwood Avenue and was built in 1943.

Current use of the property includes a restaurant, bar, coffee kiosk, one single family house and parking.

The Applicant is proposing that the properties be rezoned to a PD (Planned Development) with default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac). Section 3.3.G and 3.4.D of the Zoning and Development Code ("Code") states that the purpose of the R-8 and C-1 zone districts are respectively:

"To provide for medium-high density attached and detached dwellings, duplexes, two-family dwelling, stacked dwelling, and multi-family units. R-8 is a transitional zone district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district."

and

"To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 zone district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses."

In conjunction with the proposed rezone, the applicant is also requesting to vacate a 7.5 foot section of the north/south alley which is interior to the project boundaries. The portion of the alley requesting to be vacated was dedicated in 1980 for alley and utility purposes. The 7.5 feet of additional alley right-of-way was never constructed, is not needed for the alley to function and contains no utilities.

The applicant proposes to demolish the existing restaurant building and remodel the existing bar building for use as a temporary location while a new restaurant is constructed. Once the new restaurant building is completed, the bar building will be returned to a bar use. The existing single family home will be removed and a new 3 unit residential building constructed.

### **Uses and Development Character**

Multifamily residential and commercial uses will be constructed on the 1.422 acre site which is composed of 4 parcels.

Unified development of the site is proposed with similar architectural styles and themes across the 1.422 acres including common landscape and streetscape features. The existing bar building located on the eastern boundary of the site is southwest style architecture and will remain on the property. The new restaurant building will also be constructed with the southwest architecture theme (see attached elevations). The residential units will maintain the residential character of the surrounding neighborhood. Shared parking is proposed with uses that have offset peak hours for parking needs (i.e. the restaurant peak hours are lunch and dinner hours and the bar peak hours are late evening and nighttime hours). Adequate parking will be provided at peak business hours for each use.

## **Density**

The maximum density for the area of the site with a default zone of C-1 is 24 du/ac. On the portion of the site with a default zone of R-8, a maximum density of three dwelling units is allowed. The entire Planned Development (PD) requires at least three dwelling units. The proposed development has a total of three dwelling units on the R-8 portion of the site, with no dwelling units on the C-1 portion; however, the area could be re-developed in the future to include up to 31 additional dwelling units. A maximum of 34 and a minimum of 3 dwelling units could be developed within the Planned Development.

## **Access**

Access to the site will be from a single entrance on North Avenue, along the east/west alley north of the site, and a new access along Glenwood Avenue. The existing driveway located on North 7th Street will be removed (see attached Preliminary Development Plan).

## **Signage**

Freestanding signage along North Avenue, North 7th Street, and Glenwood Avenue will be limited to one monument sign per street frontage per parcel and limited to 10 feet in height. A sign package will be submitted as part of the Final Development Plan for all signage within the Planned Development and will meet all requirements of the Zoning and Development Code.

## **Community Benefit**

The proposed development combines multifamily residential dwelling units and commercial uses within the 1.422 acre site. Internal traffic and pedestrian circulation and concentrated development create more efficient use of street and related infrastructure. The mix of residential and commercial uses share parking on the site with pedestrian connections between the parking lot and the residential units, lowering the overall parking requirement. The driveway located on North 7<sup>th</sup> Street will be eliminated, improving circulation on North 7<sup>th</sup> Street. Additional residential dwelling units near North Avenue, Mesa State College and the commercial center of Grand Junction are needed and development of these may tend to reduce overall traffic and driving distances to essential services. The proposed development will provide three residential units and incorporates an innovative design that pulls the building up to the street and puts a majority of the parking behind the building. This creates a relationship and equity of scale between pedestrians and the building itself.

A southwestern architectural theme will be incorporated throughout the development (see attached elevations) and the streetscape will further tie the site together (see attached Preliminary Landscape Plan and Corridor Example), creating a look similar to what is encouraged by the North Avenue Corridor Plan which affects properties just to

the east of this site. The proposed development incorporates approximately 90% more landscaping (trees and shrubs) throughout the site than is required by the Zoning and Development Code.

Based on the foregoing, the Director has determined that substantial community benefits as outlined in Chapter 5 will be derived with this project. These benefits are:

- a. More effective infrastructure;
- b. Reduced traffic demands;
- c. Innovative designs
  - i. Including increased landscaping.
  - ii. Street interactive buildings located at the front property line

### **Phasing Schedule**

The Final Plan shall be submitted within 2 years after this approval.

### **Default Zoning/Deviations**

The Applicant is proposing default zones of C-1 and R-8, which are consistent with the Growth Plan designations of Commercial and Residential Medium 4-8 du/ac. There are no proposed deviations for the R-8 zone district. The proposed C-1 deviations are the front setbacks and use.

The Planning Commission may recommend and the City Council may deviate from the default district standards if the Applicant has provided community amenity from the list under Section 5.4.G.5 "Other Amenities" of the Code. The applicant is providing:

- a. A varied streetscape which incorporates hardscape (i.e. decorative concrete, pavers, trees in tree wells, planters, street furniture, etc) and traditional street frontage (trees, shrubs, and groundcover within planting beds) landscaping improvements. Overall, the site incorporates approximately 90% more landscaping throughout the site than is required by the Zoning and Development Code.
- b. Incorporates an innovative design that pulls the building up to the street and puts a majority of the parking behind the building, creating relationship and equity of scale between pedestrians and the building itself.
- c. Needed housing in the Mesa State College neighborhood;
- d. Redevelopment of an existing older site which is non-conforming by current Zoning Code standards for landscaping and circulation;
- e. While outside the boundaries of the North Avenue Plan, the project implements many of the design elements of the Plan such as:
  - i. Encouraging mixed uses including residential and multifamily;
  - ii. Allows for an improved streetscape which could include (see attached Corridor Example): colored/stamped/aggregated sidewalk treatments, pavers, planters, greater visibility of storefronts with the

buildings being closer to the street, clear and safe pedestrian connections by directing pedestrian traffic along sidewalks through use of the streetscape.

- iii. Parking lots adjacent to streets should have a defined curb cut entrance, added sidewalks and additional plantings to define parking lot circulation and enhance way finding. Additionally, planting islands within these expanses of asphalt will allow for a reduction in the urban heat islands typically found in large parking lots.
- iv. Signage along North Avenue will be improved by eliminating pole mounted signs and replacing them with ground mounted monument signs.

C-1 and R-8 bulk standards deviations -

No setback deviations are proposed to the R-8 bulk standards.

Required/Proposed commercial setbacks (principal structures/accessory structures)

	<b>Required</b>	<b>Proposed</b>
<b>Front yard setback:</b>	15'/25'	0'/25'
<b>Side yard setback:</b>	0'/0'	0'/0'
<b>Rear yard setback:</b>	10'/10'	10'/10'

Use deviations -

- a. Bar / Nightclub and Drive-thru coffee kiosk – bar/nightclub and/or drive-thru coffee kiosk applications shall be reviewed for compatibility by the Director, rather than Planning Commission, using the Conditional Use Permit criteria established by the Zoning and Development Code. Compatibility shall be determined by the Director, who may then approve or deny or approve with conditions the applications for such uses.

2. Section 2.12.C.2. of the Zoning and Development Code.

A preliminary development plan application shall demonstrate conformance with all of the following:

- A. The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code;
  - 1) The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The proposed development implements 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 1.4: The City and County may allow residential dwelling types (e.g., patio homes, duplex, multi-family and other dwelling types) other than those specifically listed for each residential category through the use of planned development regulations that ensure compatibility with adjacent development. Gross density within a project should not exceed planned densities except as provided in Policy 1.5. Clustering of dwellings on a portion of a site should be encouraged so that the remainder of the site is reserved for usable open space or agricultural land.

Policy 1.5: The City and County may allow maximum residential densities to exceed those specified in Exhibit V.2 (Future Land Use Categories, Page 15) by up to twenty (20) percent through the use of planned development or clustering regulations that result in specific community benefits, if adequate public facilities can be provided and the proposed development will be compatible with adjacent development. (Specific community benefits may include: compatible infill, affordable housing, community parks, trails, open space.)

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.

Goal 13: To enhance the aesthetic appeal and appearance of the community's built environment.

Policy 13.2: The City and County will enhance the quality of development along key arterial street corridors. The Urban Area Plan will prevail when corridor plans, adopted prior to 1996, are inconsistent with this plan.

Policy 13.4: The community's streets and walkways will be planned, built, and maintained as attractive public spaces.

Policy 13.8: The City and County will encourage building and landscape designs which enhance the visual appeal of individual projects and the community as a whole. Design guidelines should provide flexibility while promoting aesthetics, traffic safety and land use compatibility.

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

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

The proposed development is in conformance with the Grand Valley Circulation Plan. There are no other applicable plans for this property.

2) The rezoning criteria provided in Section 2.6 A. of the Zoning and Development Code.

a. The existing zoning was in error at the time of adoption.

The current zoning of the properties are in conformance with the Future Land Use Map and the existing uses are allowed within the zone districts. The existing zone districts were not in error and are still in conformance; however through the use of a Planned Development, community benefit will be derived including an innovative design on a prominent corner and increased landscaping.

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

Redevelopment of this property and other properties is an emerging growth trend along North Avenue and approval of the PD zone would allow this site to redevelop.

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

The proposed PD, with default zones of C-1 and R-8, is compatible with the surrounding area and furthers the goals and policies of the Growth Plan.

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

Adequate public facilities are currently available and in use by the existing businesses on the site. The proposed redevelopment of the property will be utilizing the existing facilities and will not create greater demand.

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

There is an inadequate supply of zoning which allows for street interactive buildings which create a higher quality pedestrian experience with streetscape improvements such as: colored/stamped/aggregated sidewalk treatments, pavers, planters and buildings with a relationship to pedestrians and the street. The proposed planned development will make those improvements. The attached "Corridor example" is a graphic example of what the type of streetscape that can only occur under a PD zone.

- f. The community will benefit from the proposed zone.

The project will provide the following community benefits:

- More effective infrastructure;
  - Reduced traffic demands;
  - Innovative designs
    - Including increased landscaping.
    - Street interactive buildings located at the front property line
- 3) The planned development requirements of Chapter Five of the Zoning and Development Code.
    - a. Setback standards – Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
      - i. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;

The front yard setback is reduced to 0' for the C-1 default zone area of the Planned Development. The only potential safety issue would be the site triangle. Due to the corner of the building being angled and the location of the building on the northeast corner, there is not a safety issue with the reduced setback as identified on the submitted Preliminary Development Plan;



- b. Open Space – All residential planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater.

The R-8 default zone area will provide the required 600 square feet per unit of public or private outdoor living space and will be reviewed with the Final Development Plan.

- c. Fencing/Screening – Planned developments shall provide uniform perimeter fencing in accordance with Chapter Six.

Exhibit 6.5.C – Buffering between Zoning Districts requires an 8’ landscape strip and a wall between and R-8 zone district and a C-1 zone district. It also allows for increased landscaping in lieu of these requirements if there is an intervening alley. The site does have an alley separating the R-8 default zoning area and the neighborhood R-8 zoned properties from the C-1 default zoning area and additional landscaping will be provided to create the required buffer.

- d. Compatibility – Nonresidential design and construction shall be compatible with adjacent residential development

The proposed building is similar in scale to the existing commercial buildings in the area. The adjacent residential neighborhood will be buffered by the proposed residential units on the northeastern portion of the development and additional landscaping along the northern property line between the bar site and the neighborhood.

- e. Landscaping – Landscaping shall meet or exceed the requirements of Chapter Six of this Code.

The development does propose variations to traditional landscaping by including a hardscape type of street treatment along North Avenue; however, the projects trees and shrubs exceed the requirements of the Code by approximately 90%.

- f. Parking – Off-street parking shall be provided in accordance with Chapter Six of this Code.

The development utilizes shared parking between the proposed uses with differing peak hours and will meet the requirements of the Code.

- g. Street Development Standards – Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

The development will dedicate an additional 5' of right-of-way along North Avenue to accommodate a future right turn lane. All other adjacent rights-of-way are existing and meet Zoning and Development Code and TEDS standards.

4) The applicable corridor guidelines and other overlay districts in Chapter Seven.

The project site does not have any applicable corridor guidelines or overlay district that require compliance. However, while the property is located approximately 1/2 mile west of the western boundary of the North Avenue Corridor Plan area, the project implements many of the Goals of the North Avenue Plan including:

- Encouraging mixed uses including residential and multifamily;
- Allows for an improved streetscape which could include (see attached "Corridor example": colored/stamped/aggregated sidewalk treatments, pavers, trees in tree wells, planters and street furniture, greater visibility of storefronts with the buildings being closer to the street, clear and safe pedestrian connections by directing pedestrian traffic along sidewalks with through use of the streetscape.
- Parking lots adjacent to streets should have a defined curb cut entrance, added sidewalks and additional plantings to define parking lot circulation and enhance way finding. Additionally, planting islands within these expanses of asphalt will allow for a reduction in the urban heat islands typically found in large parking lots.
- Signage along North Avenue will be improved by minimizing pole mounted signs and replacing them with ground mounted monument signs.

5) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities are currently available and in use by the existing businesses on the site. The proposed redevelopment of the property will be utilizing the existing facilities in a similar manner.

6) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Better circulation and access will be provided with the redevelopment of the site. The access along North 7th Street will be removed and relocated to the Glenwood Avenue street frontage. An additional 5' of right-of-way will be provided along the North Avenue frontage to accommodate a future right-turn lane.

7) Appropriate screening and buffering of adjacent property and uses shall be provided.

Buffering between Zoning Districts requires an 8' landscape strip and a wall between and R-8 zone district and a C-1 zone district. It also allows for increased landscaping in lieu of these requirements if there is an intervening alley. The site does have an alley

separating the R-8 default zoning area and the neighborhood R-8 zoned properties from the C-1 default zoning area and additional landscaping will be provided to create the required buffer.

- 8) An appropriate range of density for the entire property or for each development pod/area to be developed.

A minimum of 3 residential units will be developed as a part of this project. The PD allows for more dwelling units to be developed in the future on the C-1 default zone area of the site (up to 31 additional dwelling units). Presently the C-1 default zone area of the site is dedicated to commercial use.

- 9) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The Applicant has proposed default zones of C-1 and R-8 with the requested deviations that are established in the attached Ordinance.

- 10) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The development shall be in accordance with the Code, unless a different phasing/development schedule is approved. The Final Plan shall be submitted within 2 years after this approval.

- 11) The property is at least twenty (20) acres in size.

Not applicable – as this is a request of a Preliminary Development Plan and an Outline Development Plan. The Preliminary Development Plan criterion calls for a minimum of 5 acres for a Planned Development. Please see “g” below.

- B. The applicable preliminary subdivision plan criteria in Section 2.8.B;

Not applicable – A preliminary subdivision plan is not needed or required for the proposed development.

- C. The applicable site plan review criteria in Section 2.2.D.4;

The Final Development Plan shall be submitted for review and the attached preliminary plan shows that all criteria of Section 2.2.D.4 can be met.

- D. The approved ODP, if applicable;

There is not an approved ODP for this proposal.

- E. The approved PD rezoning ordinance, if adopted with an ODP;

There is not an approved ODP for this proposal.

- F. An appropriate, specific density for all areas included in the preliminary plan approval;

The specific density shall be as follows:

The maximum density for the area of the site with an default C-1 zone district is 24 du/ac. On the portion of the site with an default zone of R-8 the maximum density is three dwelling units. The entire Planned Development (PD) requires at least three dwelling units. The proposed development has a total of three dwelling units on the R-8 portion of the site, with no dwelling units on the C-1 portion; however, the area could be re-developed in the future to include up to 31 dwelling units. A total of 34 dwelling units could be developed within the Planned Development.

- G. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The property is less than 5 acres in size; however,

- the proposed development with street interactive buildings and a higher quality pedestrian experience cannot be developed under conventional zoning and still achieve the desired community benefits,
- is adequately buffered from adjacent residential properties by use of existing buildings to remain, the proposed residential site and increased landscaping,
- mitigates adverse impacts to adjacent properties through the placement of buildings, landscaping and uses,
- Is consistent with the goals and policies of the Growth Plan as previously stated in the staff report.

### 3. Consistency with Chapter 5 of the Zoning and Development Code

In addition to the questions asked by Zoning and Development Code Sections 2.6 and 2.12, the petitioner must identify what public benefits arise from zoning the property to PD as required by Chapter 5 of the Zoning and Development Code. Below are the public benefits as identified by the petitioner:

- a. More effective infrastructure;
- b. Reduced traffic demands;
- c. Innovative designs
  - i. Including increased landscaping.
  - ii. Street interactive buildings located at the front property line

Staff agrees that the benefits as described by the petitioner are public benefits achieved with the proposed project.

4. Section 2.11.c of the Zoning and Development Code

The vacation of the right-of-way shall conform to the following:

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

The right-of-way vacation request are in conformance the Growth Plan, Grand Valley Circulation Plan, and all other adopted plans and policies of the City.

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

No parcels will be landlocked as a result of vacation of the west 7.5' of the north/south alley.

- 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 to adjoining properties will not change as a result of the vacation of the western 7.5' of the north/south alley. This portion of the alley was never constructed for alley purposes and the remainder of the alley will remain as it currently exists.

- 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); there are no utilities within the 7.5' of alley proposed for vacation.

There will not be adverse impacts on the health, safety, and/or welfare of the community and the quality of public facilities and services will be maintained if the vacation of the west 7.5' of the north/south alley is approved.

- 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 be maintained through the existing infrastructure.

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

The proposed vacation will reduce maintenance requirements of the western 7.5' of the north/south alley while providing/maintaining traffic circulation.

## FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS:

After reviewing the Fiesta Guadalajara Planned Development application, RZ-2009-037, for a rezone to PD and vacation of alley right-of-way, the following findings of fact, conclusions, and conditions have been determined:

- 1) The requested rezone and Preliminary Development Plan are consistent with the Growth Plan.
- 2) The requested right-of-way vacation is consistent with the Growth Plan.
- 3) The rezone review criteria of Section 2.6.A of the Zoning and Development Code have been met.
- 4) The Preliminary Development Plan review criteria of Section 2.12.C.2 of the Zoning and Development Code have been met.
- 5) The Vacation of Right-of-Way review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
- 6) The proposed development provides long-term community benefits above and beyond those required to mitigate the impacts of development and complies with Chapter 5 of the Zoning and Development Code.
- 7) Sign Package

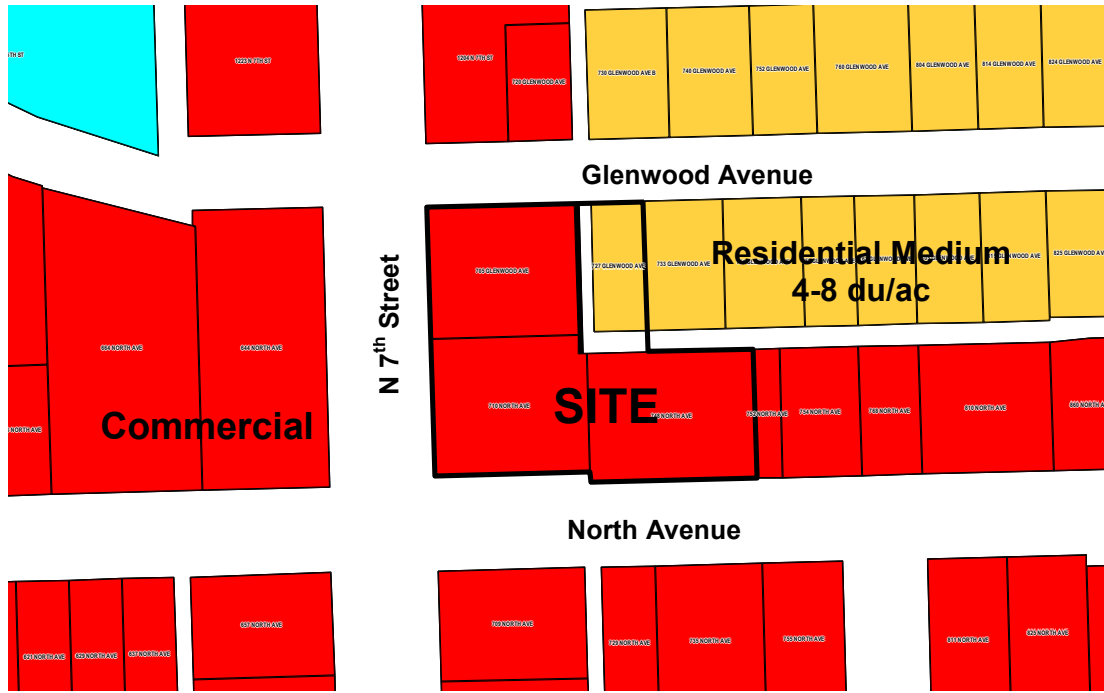
## PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval of the request to zone 1.422 acres to PD with the default zones of C-1 and R-8, approval of the Preliminary Development Plan and approval of the right-of-way vacation, RZ-2009-037 to the City Council with the findings of facts, conclusions, and conditions listed above.



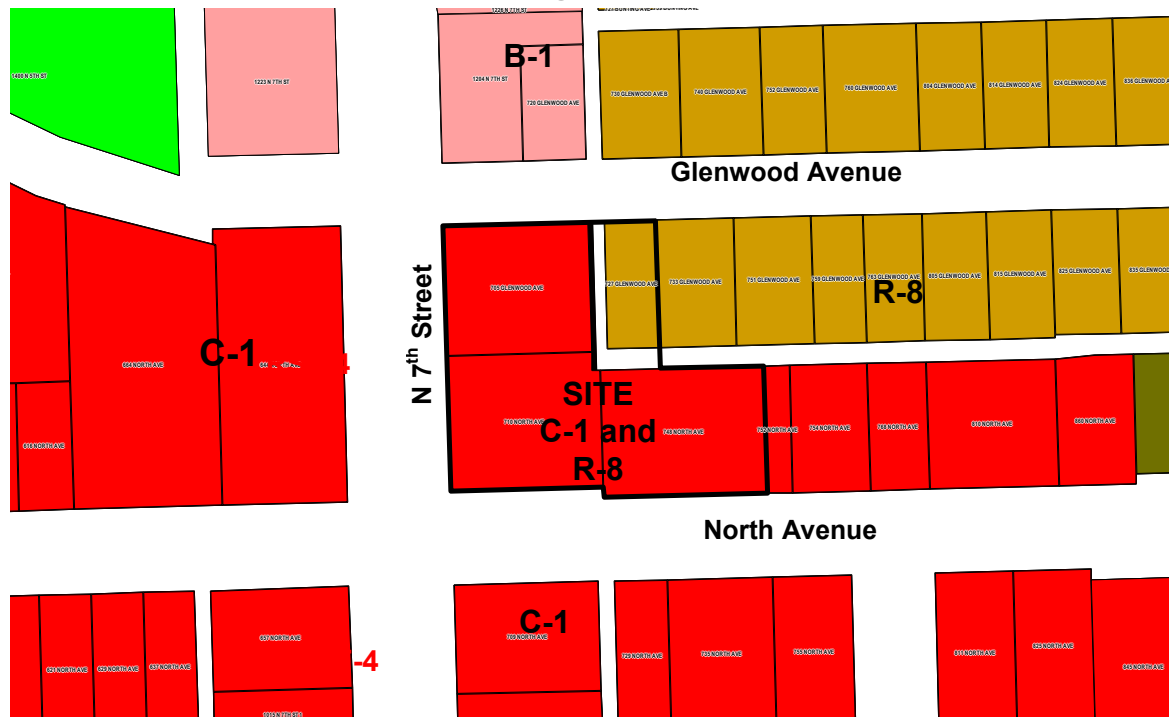
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



-4



Senta:

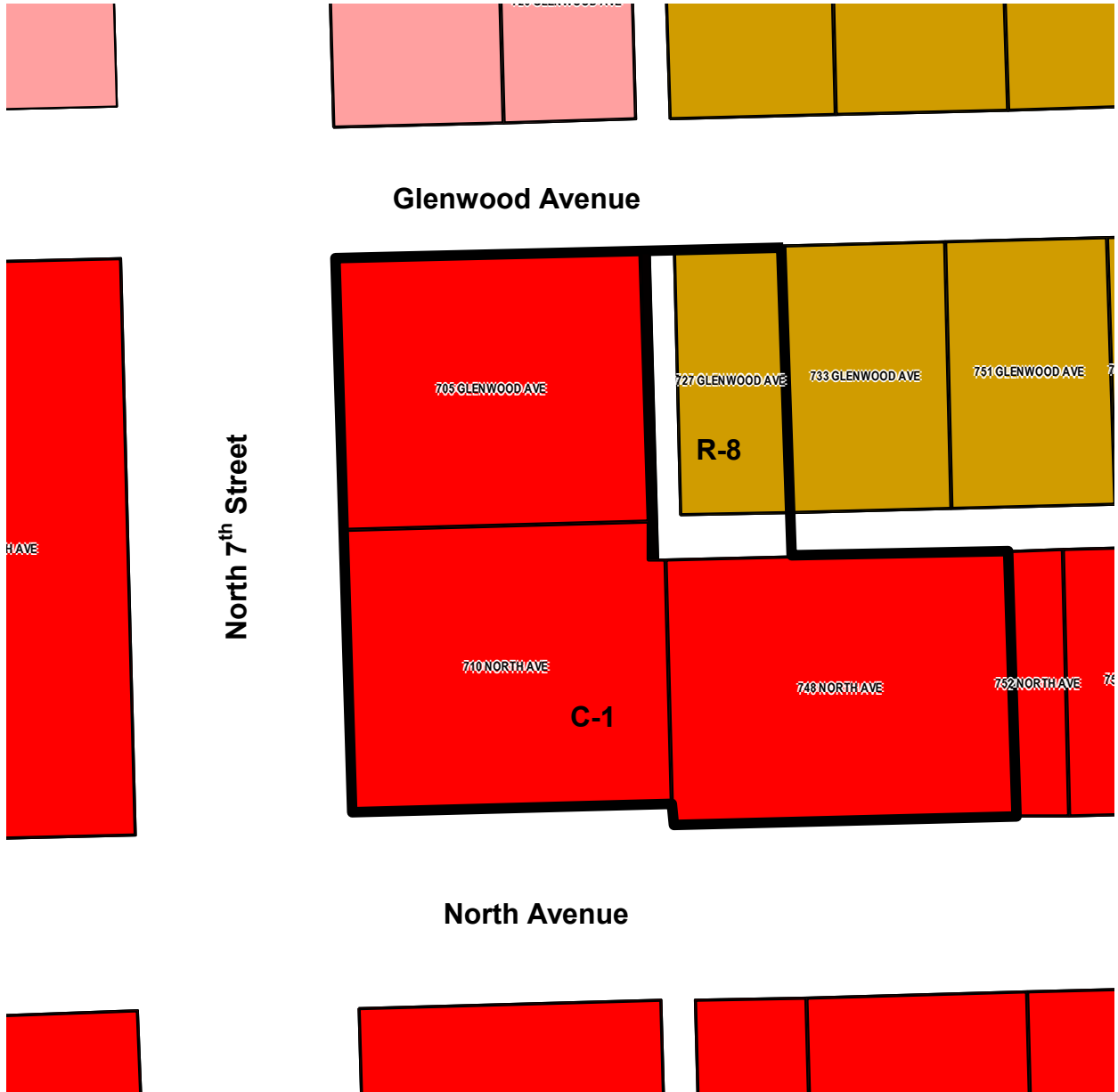
This letter is regarding the Fiesta Guadalajara expansion. As you may know we own the property at 733 Glenwood Avenue and it is the immediate property adjoining this proposed expansion. While we do not oppose the expansion and plans we would ask that through landscaping or planning that a buffer is planned between this project and our property. In the past we have been impacted by the noise and traffic and trash to the point where it was difficult on some nights to get a full nights sleep. In addition, we had people urinating on our fence, driveway and at times they would trespass onto the property.

Again, we do not oppose this project but would like to protect our privacy through careful landscaping planning and parking. We will try to be at this meeting on Tuesday but may be able to attend because of a conflict in the schedule.

Sincerely;

Brendon Gallegos  
Glen Gallegos

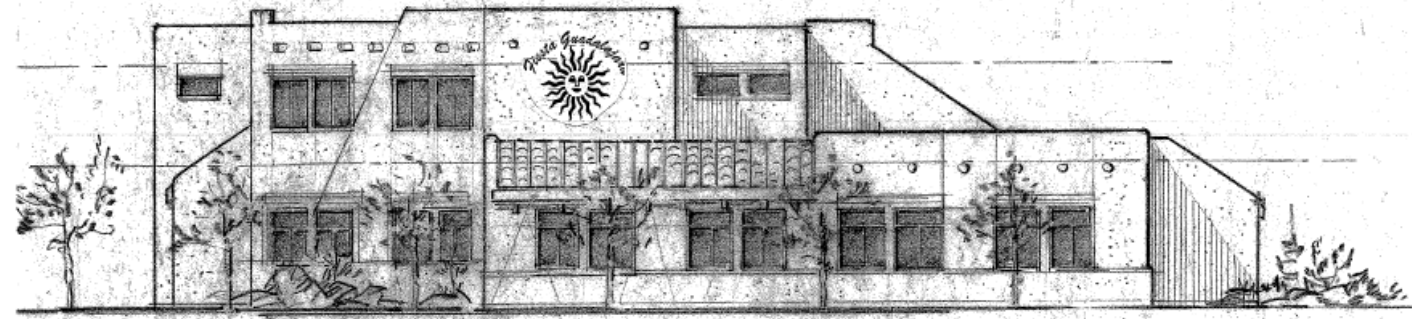
# Planned Development Boundary



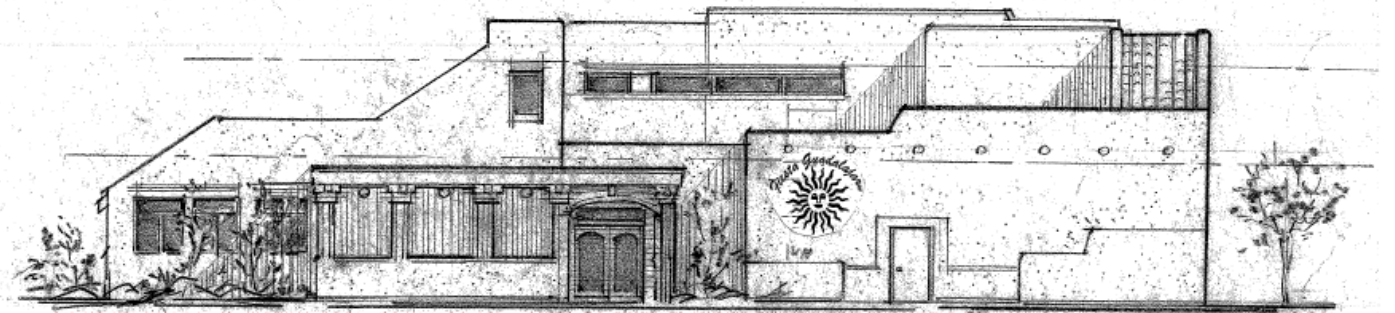




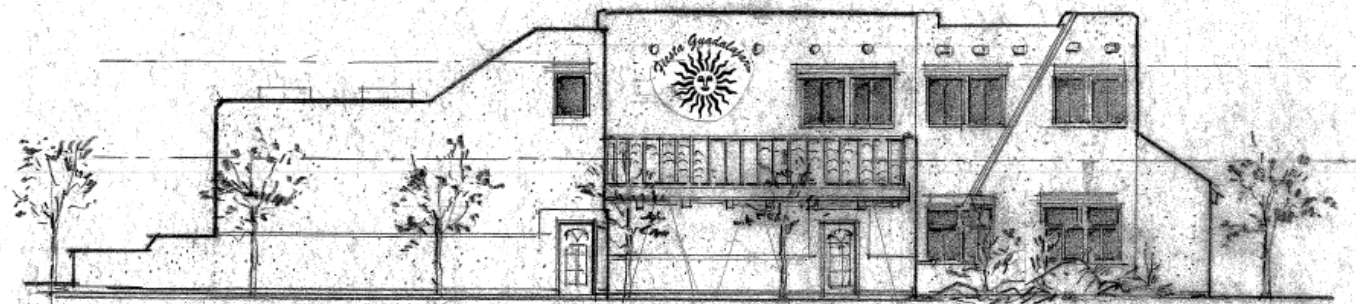
# Elevations



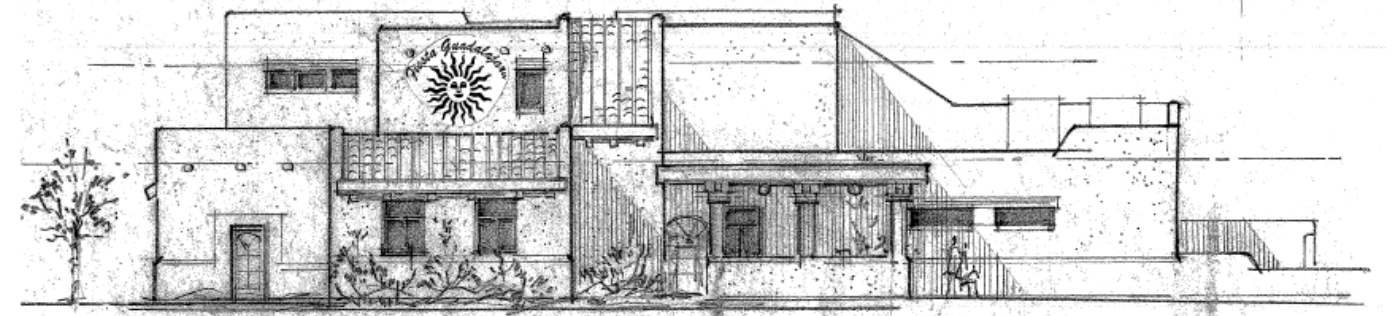
• SOUTH ELEVATION / NORTH AVENUE SIDE •



• NORTH ELEVATION / MAIN ENTRY



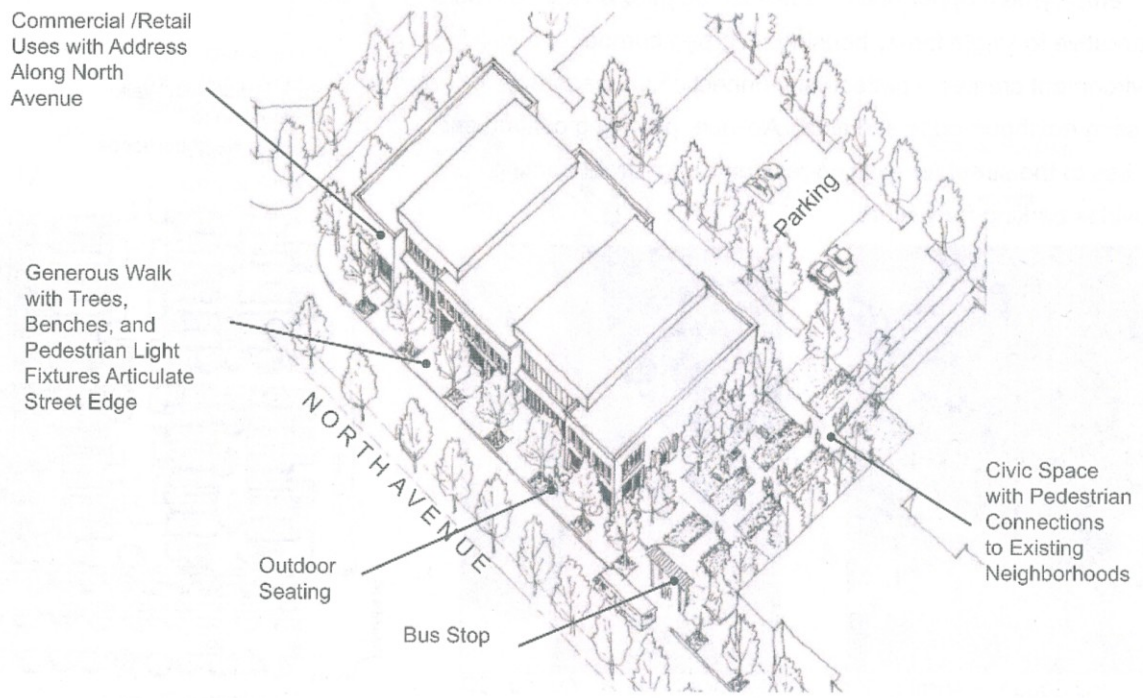
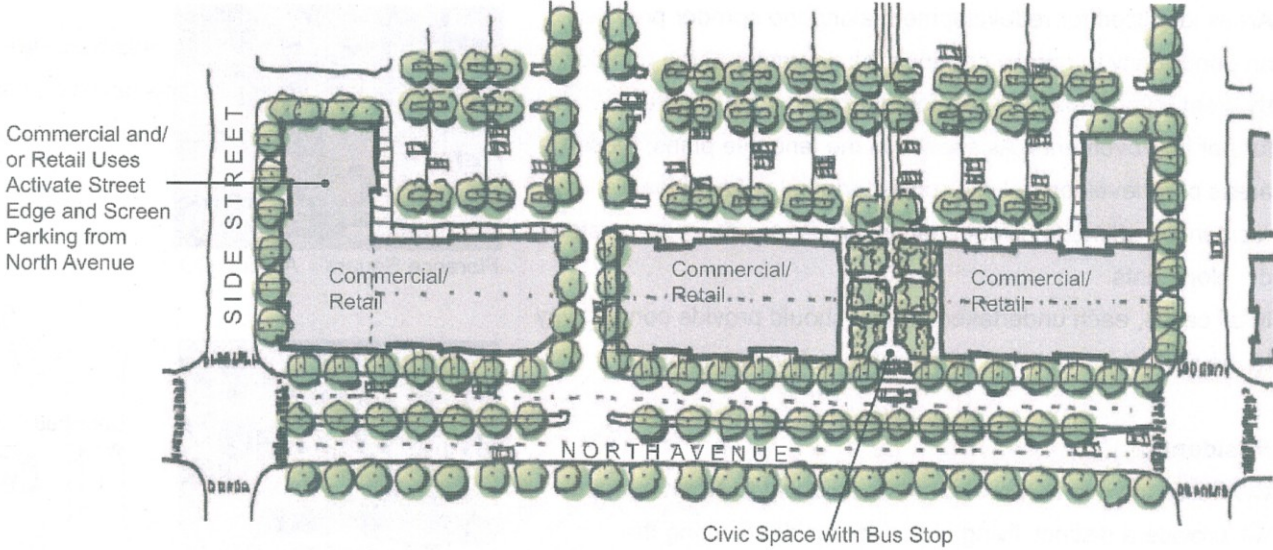
• WEST ELEVATION / 7<sup>th</sup> STREET SIDE •



• EAST ELEVATION •



# Corridor example



North Avenue Corridor Plan

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PROPERTY, KNOWN AS THE FIESTA  
GUADALAJARA REZONE,  
LOCATED AT 710 AND 748 NORTH AVENUE AND 705 AND 727 GLENWOOD  
AVENUE TO A PD (PLANNED DEVELOPMENT) ZONE**

Recitals:

A request to rezone 1.422 acres to PD (Planned Development) with default C-1 (Light Commercial) and R-8 (Residential 8 du/ac) zone districts has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance establishes the standards and default zoning for the property referenced herein.

In public hearings, the Planning Commission and City Council reviewed the request for a rezone of the property to Planned Development and determined that the request satisfied the applicable criteria of the Code, that it is consistent with the purpose and intent of the Growth Plan, and that it achieves long-term community benefits by proposing needed housing types and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

A. LOTS 16 TO 20 INC BLK 2 CRAIG SUB + 1/2 VAC ALLEY LYG ADJ ON EAST SEC 11 1S 1W PER B-1148 P-193 EXC BEG NE COR LOT 13 W 7.5FT S 142.5 FT E 7.5FT N TO BEG FOR ALLEY ROW PER B-1251 P-285 MESA CO RECORDS EXC 10FT ROW ON S AS PER B-1370 P-425; and also LOTS 13 TO 15 INC BLK 2 CRAIG SUB SEC 11 1S 1W EXC BEG NE COR LOT 13 W 7.5FT S 142.5 FT E 7.5 FT N TO BEG FOR ALLEY ROW PER B-1251 P-285 MESA CO RECORDS; and also LOTS 21 TO 26 INC BLK 2 CRAIG'S SUB SEC 11 1S 1W & 1/2 VAC ALLEY LYG ADJ TO WPER B-1148 P-193 MESA CO RECDS; and also LOTS 11 + 12 BLK 2 CRAIG SUB

B. The default zones are as follows: C-1 (Light Commercial) for the 1.281 acres of the site adjacent to 7<sup>th</sup> Street and North Avenue and bordered by the alleys; and R-8 (Residential 8 du/ac) for the 0.141 acres of the site that is adjacent to Glenwood Avenue and bordered by the alleys, as shown on the attached "Planned Development Boundary", and with deviations therefore as established by this Ordinance. Upon expiration of the PD Plan approval, or if the PD Plan is otherwise rendered invalid, the property shall be subject to the default zone of the C-1 and R-8 zone districts in pertinent part.

C. Public Benefit

1. More effective infrastructure;
2. Reduced traffic demands;
3. Innovative designs
  - a. Including increased landscaping.
  - b. Street interactive buildings located at the front property line

D. The site design includes approximately 90% more landscaping than required by the Zoning and Development Code, innovative design with urban design streetscape, and closing of the access on North 7<sup>th</sup> Street.

E. The project shall develop in a unified manner with similar architectural styles and themes throughout the site (see attached elevations).

F. Purpose

The proposed development will provide for a mix of retail, office, and multifamily residential uses with appropriate screening, buffering, and common landscape and streetscape character (see attached Preliminary Development Plan and Preliminary Landscape Plan).

G. Density

1. Maximum overall gross residential density shall not exceed twenty-four (24) units per acre within the Planned Development.
2. A minimum of 3 dwelling units shall be provided on the property within the Planned Development.
3. No more than 3 dwelling units allowed on the portion of the property carrying the R-8 default standard as described above.

H. Performance Standards

There are no applicable overlay zone districts and/or corridor design standards or guidelines that apply. The applicable performance standards are established by the C-1 and R-8 zone district requirements in the Zoning and Development Code.

I. Authorized Uses

The list of authorized uses allowed within the C-1 zone is hereby amended to include the following:

1. Bar / Nightclub and Drive-thru coffee kiosk – bar/nightclub and/or drive-thru coffee kiosk applications shall be reviewed for compatibility by the Director using the Conditional Use Permit criteria established by the Zoning and Development



Code. Compatibility shall be determined by the Director, who may then approve or deny or approve with conditions the applications for such uses.

J. Dimensional Standards

There are no proposed deviations from the dimensional standards of the R-8 zone district. The dimensional standards for the C-1 default zones shall be met with the exception of the following deviations.

Commercial\*

Minimum Setbacks	Principal Structure / Accessory Structure
Front	0'

\*Reduced setbacks are contingent on a requirement of a minimum 2-story structure. All other dimensional and bulk standards of the C-1 and R-8 zone districts shall apply.

K. Other Regulations

Sign Regulations shall meet Section 4.2 with the following exceptions:

1. Freestanding signs shall be limited to monument type signage.
2. Freestanding signs shall not exceed 10' in height – sign face calculated per Section 4.2.
3. A sign package is required as part of the Final Development Plan approval.

INTRODUCED on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

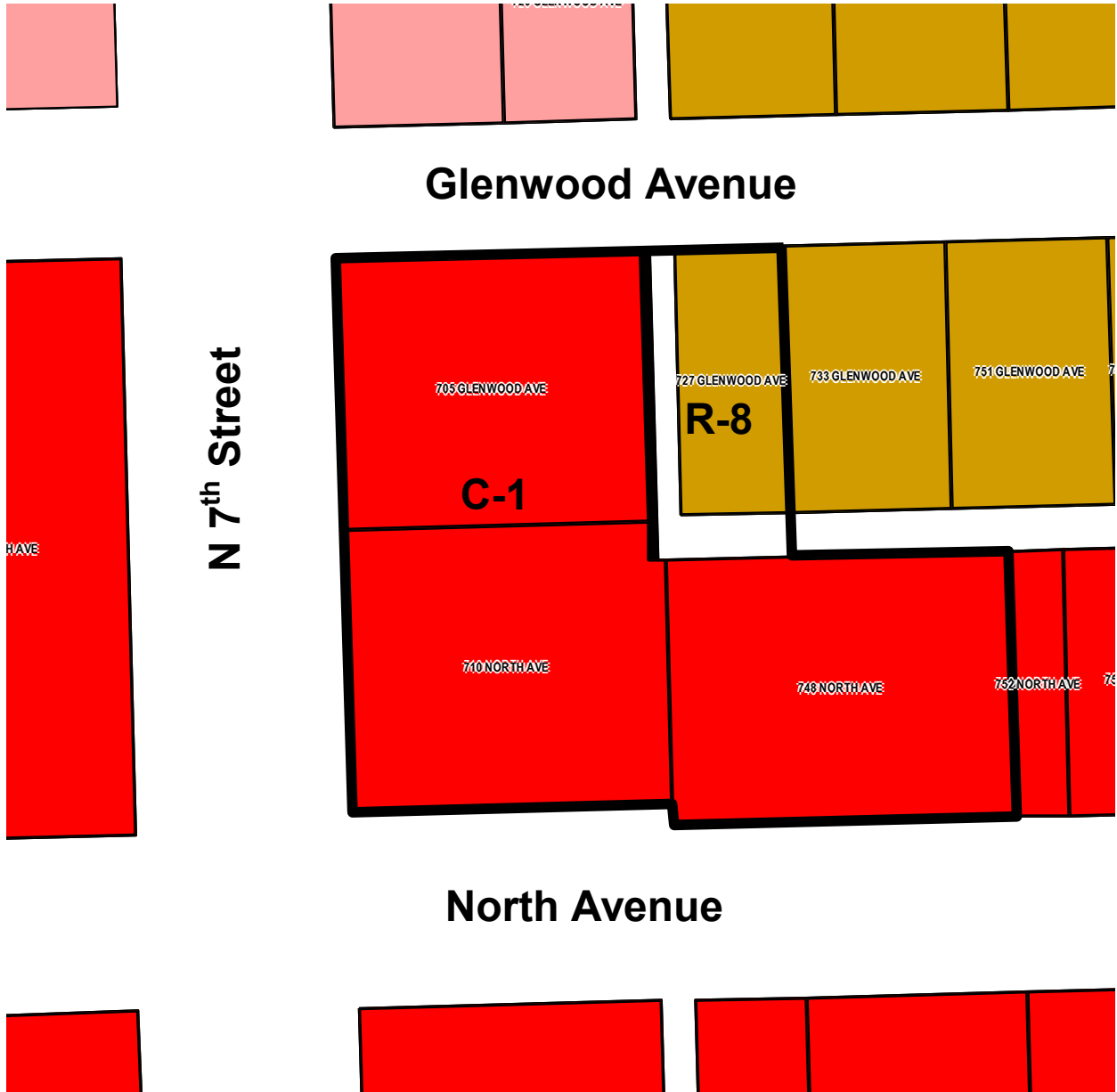
ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

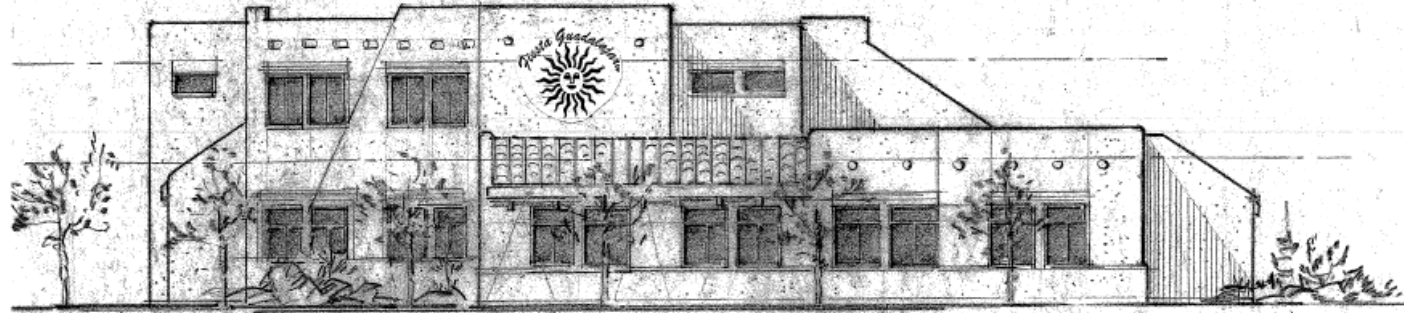
\_\_\_\_\_  
President of the Council

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

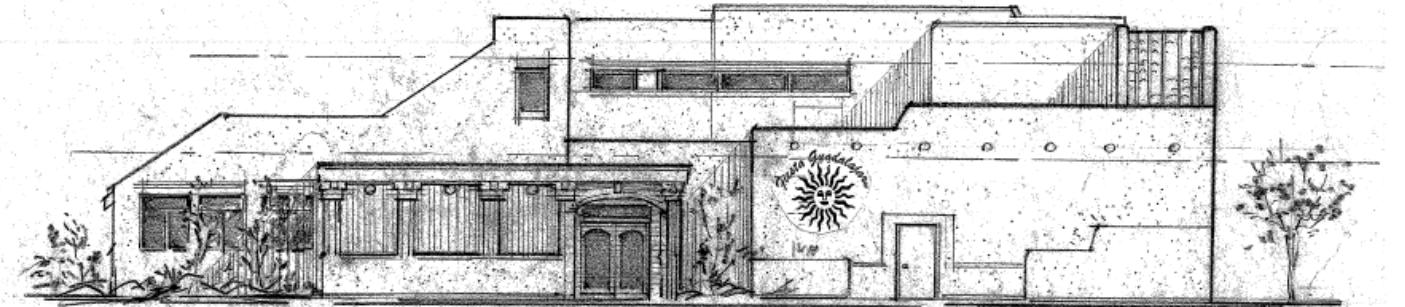
# PLANNED DEVELOPMENT BOUNDARY



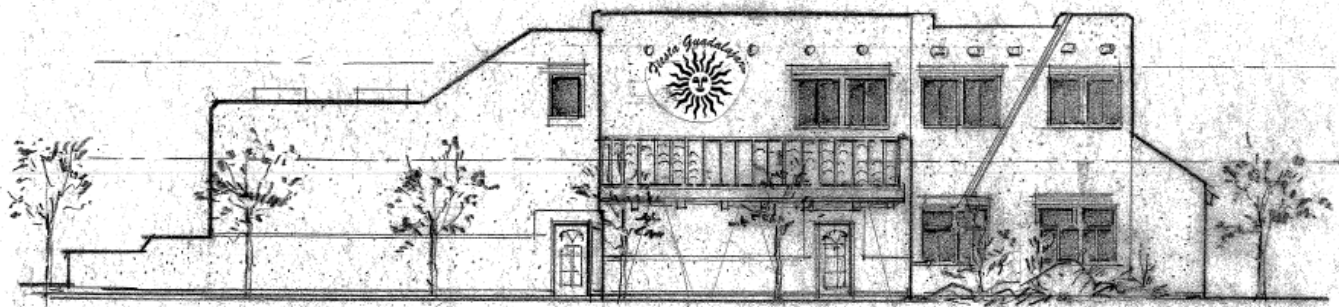
# Elevations



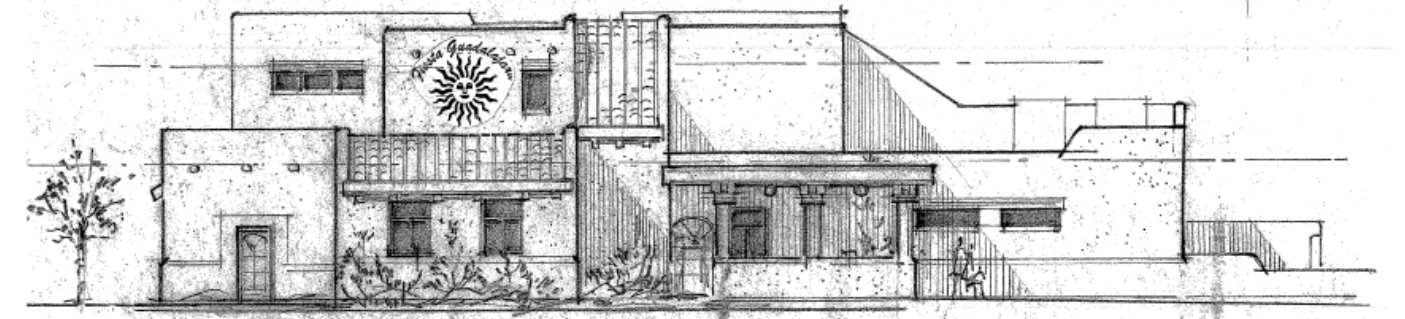
• SOUTH ELEVATION / NORTH AVENUE SIDE •



• NORTH ELEVATION / MAIN ENTRY



• WEST ELEVATION / 7<sup>th</sup> STREET SIDE •



• EAST ELEVATION •





**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF NORTH-SOUTH ALLEY RIGHT-OF-WAY  
LOCATED WEST OF NORTH 7TH STREET AND SOUTH OF GLENWOOD AVENUE**

RECITALS:

A vacation of the dedicated rights-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

Dedicated right-of-way to be vacated:

Beginning at the northeast corner of Lot 13 in block 2 of Craig's Subdivision in the City of Grand Junction, Colorado: Thence west 7.5 feet, thence south parallel to the east boundary of Lots 13 to 16, inclusive, in Block 2 of Craig's Subdivision, a distance of 142.5 feet, thence east 7.5 feet, thence north along the east boundary of Lots 13 to 16, inclusive, in Block 2 of Craig's Subdivision, to the point of beginning.

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

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

ATTEST:

\_\_\_\_\_  
President of City Council

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

**Attach 7**

**Setting a Hearing on the Redlands Vista Planned Development Rezone and Amendment to the Preliminary Development Plan**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Redlands Vista Planned Development, Amending the Preliminary Development Plan; Located at West Ridges Boulevard, School Ridge Road and Ridge Circle Drive.		
<b>File #</b>	PFP-2009-092		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual</b>
<b>Date Prepared</b>	July 21, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** Amend the existing Ordinance for Redlands Vista in the Ridges Preliminary Development Plan (PDP) to increase the density from 3.8 dwelling units per acre, to 6.7 dwelling units per acre. The redesign includes private streets.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed Ordinance rezoning and amending the Preliminary Development Plan (PDP) for Redlands Vista and set a public hearing for August 17, 2009.

**Attachments:**

Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City and County Zoning Map  
Building rendering exhibits for height  
Proposed New Ordinance

**Background Information:** See attached Staff Report/Background Information



BACKGROUND INFORMATION				
Location:		West Ridges Blvd.; School Ridge Rd.; Ridge Circle Drive		
Applicants:		Redlands Vista LLP, owner and developer; Colorado Civil Engineering LLC, Otto Burden, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		Multi-family residential subdivision		
Surrounding Land Use:	North	Single-family residential and Open Space		
	South	Vacant land		
	East	Open space		
	West	Single-family and multi-family residential		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD (Planned Development)		
	South	PD (Planned Development)		
	East	PD (Planned Development)		
	West	PD (Planned Development)		
Growth Plan Designation:		RML Residential Medium Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

## ANALYSIS

### Background

The 8.3 acre “Redlands Vista in the Ridges” parcels are part of the Ridges Planned Development. The parcels are designated for multi-family use within the overall PD. The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970s. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The original approved PUD included open space (approximately 85 acres in Filings 1 through 6), numerous developed parks of varying sizes and a network of detached multi-use trails throughout, as well as a mix of uses and a variety of housing types, including apartments, detached single family units, townhomes, condominiums, offices and a neighborhood commercial center.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City of Grand Junction. Upon annexation an amended plan and zoning ordinance for the Ridges were adopted, zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. The parcels were designated "A", "B" or "C" lots or, if originally planned as a multifamily site, a specific density was assigned. The area comprising the Redlands Vista parcels was assigned a maximum density of 7.5 units per acre.

In May of 2006, the Planning Commission recommended and the City Council adopted Ordinance No. 3905, and approved a new Preliminary Development Plan for 32 single-family patio homes on this site. The Final Plat was subsequently approved but never recorded. Work began on the project using a "Plat Hold" as security for the Development Improvements Agreement (DIA) but work on the improvements ceased. The applicants now request, due to a change in demand for a different housing type, to amend the plan to provide more density with a housing type, similar to a previous Ridges project, Shadow Run. They now propose to develop 56 residential units, consisting of two-story duplexes and two-story fourplexes, on the parcels, to be served by private streets as set forth in detail in the attached plan.

#### Density

The amended plan proposes a density of 6.7 dwelling units per acre. The Ridges Planned Development allows for a maximum of 7.5 dwelling units per acre for these two parcels, therefore not exceeding the allowed density. Ordinance 3905 limited the density to 3.8 units per acre.

#### Access

Access to the Redlands Vista site is obtained from Ridge Circle Drive and School Ridge Road. The amended plan proposes internal private streets which will be owned and maintained by the Redlands Vista home owners association (HOA).

#### Road Design

The proposed interior private streets and drive aisles vary in width, but the average size of the asphalt roadway is 22 feet. Additional off-street parking stalls are dispersed through the development, as required by the City's Transportation Engineering Design Standards (TEDS). The City Council approved private streets for the previous application, but since the road configuration is different than previously approved, it is necessary to again request approval from the City Council for this re-design. The Fire Department will require "No parking" signs along both sides of Fire Department Access routes where the private street will be between 16 and 22 feet wide. "No parking" signs are required along one side when the Fire Department Access route is between 22 and 28 feet wide.

### Open Space / Park

The project is next to City owned open space. The overall project will provide 3.84 acres of open space. Building coverage is 2.40 acres. The remaining 2.06 acres will be street, driveways and off-street parking. Parks and opens space requirements were part of the original Ridges overall development plan.

### Lot Layout

The proposed lots will front the interior private street, Cold Shivers Circle, except Lots 1 and 2, which will access directly on to School Ridge Road. This is a zero lot line development.

### Landscaping

The landscaping plan shows a common area that will provide a picnic area and gazebo. A concrete path will lead to the gazebo. Stepping stones will be used to extend the path to the City's open space area. The entrances off Ridge Circle Drive and School Ridge Road have landscaped entry features, a guardhouse monument (which will house the irrigation pump) and monument entry signs. The street crossings will have patterned cross-walks. The patterned cross-walks will help delineate the interior private streets from the dedicated public right-of-way on School Ridge Road and Ridge Circle Drive. Some natural vegetation will be preserved along with a landscaped retaining wall and a 14-foot landscape buffer along Ridges Boulevard.

### Phasing

The first phase of the project will be to build on Lots 1 and 2, and should be submitted for review by December 31, 2010. The second phase is to be submitted by December 31, 2013; Phase 3, by December 31, 2016, and the fourth and final phase by December 31, 2019.

### Long-Term Community Benefit

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Chapter 3 of the Code.

The Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative design;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed development has met the following long-term community benefits:

While the entire Ridges Planned Development provided long-term community benefits with the original PUD, the Redlands Vista project further provides a needed housing type, with innovative design by utilizing the topography of the site. Taking advantage of the allowed higher density will provide for more effective and efficient infrastructure.

#### Default Zone

The dimensional standards for the R-8 (Residential – 8 du/ac) zone, as indicated in Table 3.2 (including Footnotes) in the Zoning and Development Code, are as follows:

Density: Not to exceed 8 dwelling units per acre.

Minimum lot area: Does not apply to single family attached dwellings or multifamily dwellings.

Minimum lot width: Does not apply to single family attached dwellings or multifamily dwellings.

Side yard setback: 5-feet

Front yard setback: 20-feet

Maximum building height: 35-feet

#### Deviations

Building height shall be measured from the highest natural grade line immediately adjoining the foundation or structure. No height limit is provided in the Ridges plan for the parcels designated for multifamily use. The applicants are proposing a maximum building height of 45 feet. This height allowance is only pertaining to those units where a walk-out basement is provided. The height is measured from ground level on the walk-out side to the roof-line ridge. For the duplex units, the height will only be 25 feet above the street level on the front side. The fourplex units will be up to 32 feet high above the street level on the front side. These building heights are part of the new Planned Development Ordinance. Please see the attached building rendering exhibit for clarification of the heights proposed.

### 3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

1) The Growth Plan, Major Street plan and other adopted plans and policies.

Redlands Vista implements the goals, policies and objectives of each of the various community adopted plans by designing a neighborhood in an area identified as multifamily development with a density to not exceed 7.5 dwelling units per acre, as per the overall Ridges PD plan. In addition, the project meets the following specific principles, goals and policies of the Growth Plan and the Redlands Neighborhood Plan:

“Maintain a compact development pattern to concentrate urban growth, use existing infrastructure most efficiently and cost-effectively and support/enhance existing neighborhoods” - this project is the development of an infill site that is surrounded by existing development, which utilizes existing infrastructure.

“Develop and maintain an interconnected system of neighborhood and community parks, trails and other recreation facilities”. Specific design details of this project will provide pedestrian access and connectivity that has historically informally existed on this site.

The Grand Valley Circulation Plan does not address local streets. Private streets are being proposed for this subdivision, which requires approval by City Council per Section 6.7.E.5 of the Zoning and Development Code. The proposed roadway, designed with varying pavement widths and parking stalls for additional off-street parking (in addition to 4 parking spaces provided on-site for each unit, counting the garage) meets the design standards of the Transportation Engineering Design Standards (TEDS) manual. TEDS requires a minimum 20-foot pavement section and one off-street space per two units (27 required for this project). Access to the development will be from Ridges Circle Drive and School Ridge Road.

There is an existing asphalt pedestrian path that runs along Ridges Boulevard. This will be replaced with a 10-foot wide concrete path that meets the current City standards for pedestrian paths.

- 2) The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

Not applicable since this is an amendment to and further refinement of the existing PD zone district.

- 3) The planned development requirements of Chapter Five of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Chapter Five of the Zoning and Development Code by providing more effective infrastructure, and a needed housing type and/or mix. Section 5.4.F also requires a closer look at setbacks, which are in conformance with the default zoning of R-8; open space, which was addressed above; fencing and screening has been approved with the landscaping plan and is further discussed below. Parking and streets have also been addressed above.

- 4) The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no overlay districts for this property and the special regulations found in Chapter Seven do not apply. The plan does however meet the requirements of the Redlands Area Plan, as mentioned above by providing an interconnected system of neighborhood and community parks, trails and other recreational facilities throughout the urban area. The plan further is in compliance with the Ridges overall Planned Development.

- 5) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

There currently are adequate public services and facilities to serve the proposed parcels. The proposed development surrounded on two sides by residential development and is adjacent to City owned open space. The utilities serving the individual units will be placed within the private access and utility tracts.

- 6) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation will be obtained by a private street system accessed from School Ridge Road and Ridge Circle Drive. The City Council approved the previous private streets with the last application. With this amendment to the plan they are again requesting approval per Section 6.7.E.5 of the Zoning and Development Code as the streets are configured differently.

- 7) Appropriate screening and buffering of adjacent property and uses shall be provided.

In accordance with Section 6.5.D.1 of the Zoning and Development Code, a 14-foot wide landscaped area, adjacent to West Ridges Boulevard, will be placed in a Tract and will include a retaining wall with landscaping. Given the topography of the site, perimeter fencing may not be necessary and is not being required.

- 8) An appropriate range of density for the entire property or for each development pod/area to be developed.

The project is compatible with adjacent residential uses. The overall density of this proposal is 6.7 dwelling units per acre. This is less than the maximum allowed by the Ridges Planned Development (7.5 units per acre), but greater than the density of 3.8 units per acre allowed by the most recent Ordinance 3095.

- 9) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The default zoning and minimum standards for the property are that of the R-8 zoning district. A deviation from the height restrictions in an R-8 zoning district is requested, as discussed above, and approval is recommended by Staff and by the Planning Commission.

- 10) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The proposed phasing schedule and a graphic depiction of the phasing are shown on sheet 22, C 8.0 of the Preliminary Plan, dated 06/23/09. It allows for each phase to be submitted by the following dates:

First Phase	December 31, 2010
Second Phase	December 31, 2013
Third Phase	December 31, 2016
Fourth Phase	December 31, 2019

- 11) The property is at least twenty (20) acres in size.

The original Planned Development of the Ridges is well over twenty acres in size. This property is 8.3 acres.

- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

- 1) The preliminary subdivision plan will be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Master Plan, and other adopted plans;

As mentioned above, [3 a) 1)] the plan provides conformance with the adopted plans and policies.

- 2) The Subdivision standards in Chapter Six;

The proposal meets the subdivision standards found in Chapter Six.

- 3) The Zoning standards in Chapter Three;

The project meets the requirements of the default zoning, which is R-8, with deviations as more fully described elsewhere in the report, which staff believes preserves the intent of these standards in lieu of the public benefits provided by the overall Plan.

- 4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations;

All standards and requirements of the Zoning and Development Code, City policies and regulations have or will be met with the Final Plat, and the proposal complies with the overall Ridges PD plan.

- 5) Adequate public facilities and services will be available concurrent with the subdivision;

As addressed above, there are adequate public facilities and services currently available to be extended throughout the project to serve the proposed project.

- 6) The project will have little or no adverse or negative impacts upon the natural or social environment;

The project will have no adverse or negative impacts upon the natural or social environment, once the project is built and complete. There have been complaints with the unfinished project such as dust, run-off and disrepair of the pedestrian path. Many of these issues have been addressed and repaired. The overall appearance of the project has been a concern of the neighbors, but completion of the infrastructure will address or alleviate these concerns.

- 7) Compatibility with existing and proposed development on adjacent properties;

The Plan is compatible with the other residential uses and varying densities in the Ridges area.

- 8) Adjacent agricultural property and land uses will not be harmed;

There are no adjacent agricultural properties or land uses that will be harmed with this proposal.

- 9) Is neither piecemeal development nor premature development of agricultural land or other unique areas;

The project is neither piecemeal nor premature. This is an infill project within the existing Ridges Planned Development.

- 10) There is adequate land to dedicate for provision of public services;

There is adequate land available to dedicate for the provision of public services.



- 11) This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities;

This project will not cause an undue burden on the City for maintenance or improvement of the land or facilities. A home owners association (HOA) will be formed for the maintenance of the private streets and associated pedestrian paths through the subdivision. The HOA will also be responsible for the maintenance of the gazebo and guardhouse entry features.

- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan;

These have been discussed above.

- 2) Conditions of any prior approvals

Conditions of the Ridges Planned Development are met with this project.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

As each Filing of the subdivision is reviewed for Final Plat compliance and a site plan review for each building is submitted, for Planning Clearances, the Code requirements for each section of the Code will be reviewed again for compliance along with the adopted PD Ordinance.

- 4) Quality site design practices

The renderings of the architectural elements and the overall landscaping plan shows good site design and should result in a quality project; an enhancement to the existing neighborhood. The architecture takes advantage of the topography by providing some walk-out basement units. Native bushes and rock outcroppings will remain in some areas on the plan. Safe and convenient pedestrian crossings and access to public open space will be provided. Emergency access is still being discussed as the applicants wish to provide the appearance of a gated community. Security gates must be operable in an emergency and the means of operation must be accepted by the fire code official prior to installation.

- d) The approved ODP, if applicable

The Planned Development of the Ridges was established back in the late 1970's, and this application meets the requirements of the Planned Development.

- e) The approved PD rezoning ordinance, if adopted with an ODP

This request amends the previous Planned Development Ordinance,

- f) An appropriate, specific density for all areas included in the preliminary plan approval

The density of 6.7 dwelling units per acre is under the previously allowed density of 7.5, per the approved Ridges Planned Development for multi-family lots.

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The site is over 5 acres in size at 8.3 acres.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Vista application, PFP-2009-092 for a major amendment to the Planned Development, Preliminary Development Plan, I make the following findings of fact and conclusions:

1. The requested major amendment to the Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 (Planned Development) of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.8.B (Subdivisions) of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.2.D.4 (Major Site Plan Review) of the Zoning and Development Code have all been met.

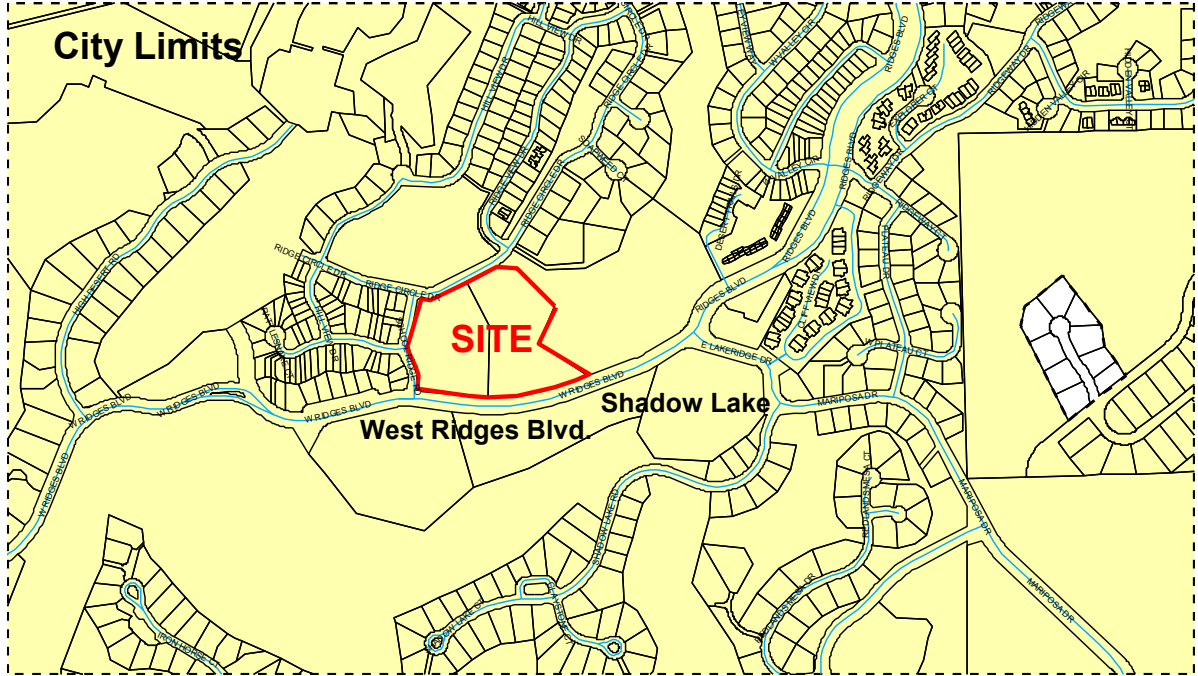
#### PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of July 14, 2009, the Planning Commission forwards the following recommendation:

A recommendation of approval of the requested major amendment and private streets for Redlands Vista Planned Development, Preliminary Development Plan, PFP-2009-092 to the City Council with the findings and conclusions listed above.

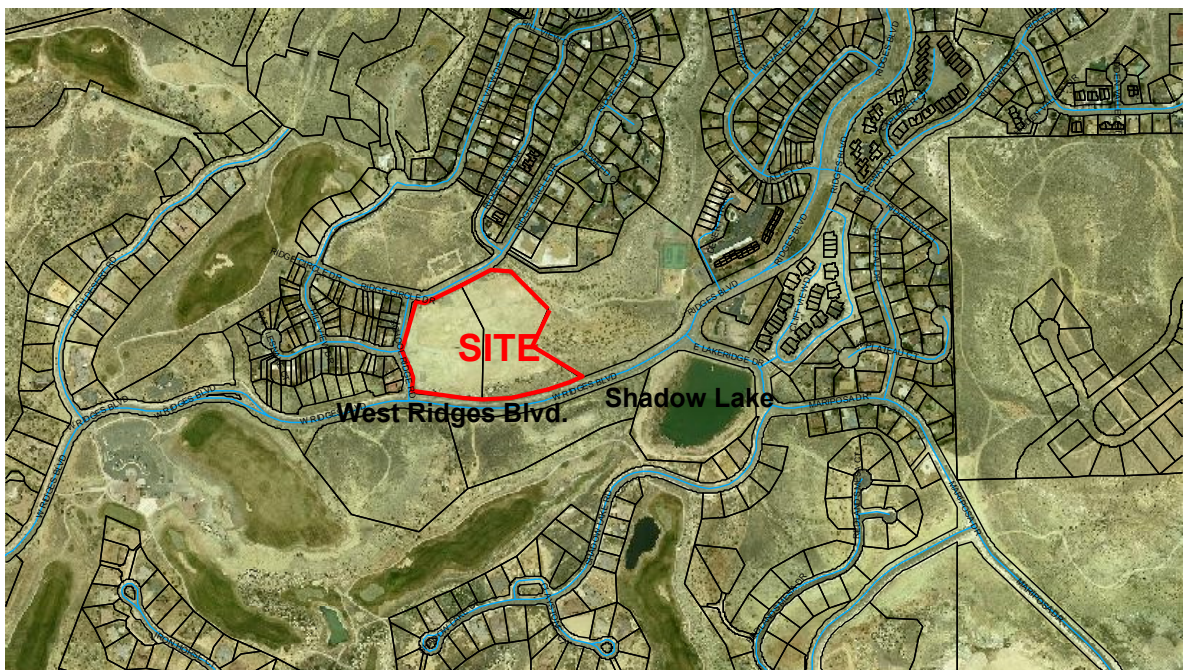
# Site Location Map

Redlands Vista



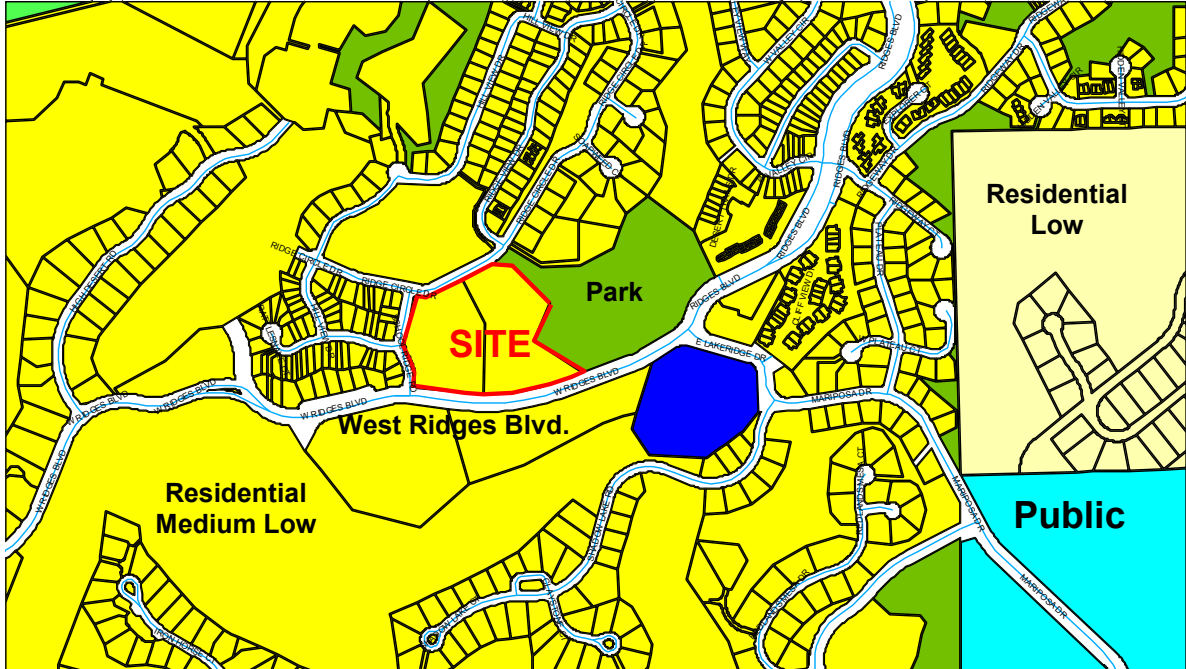
# Aerial Photo Map

Redlands Vista



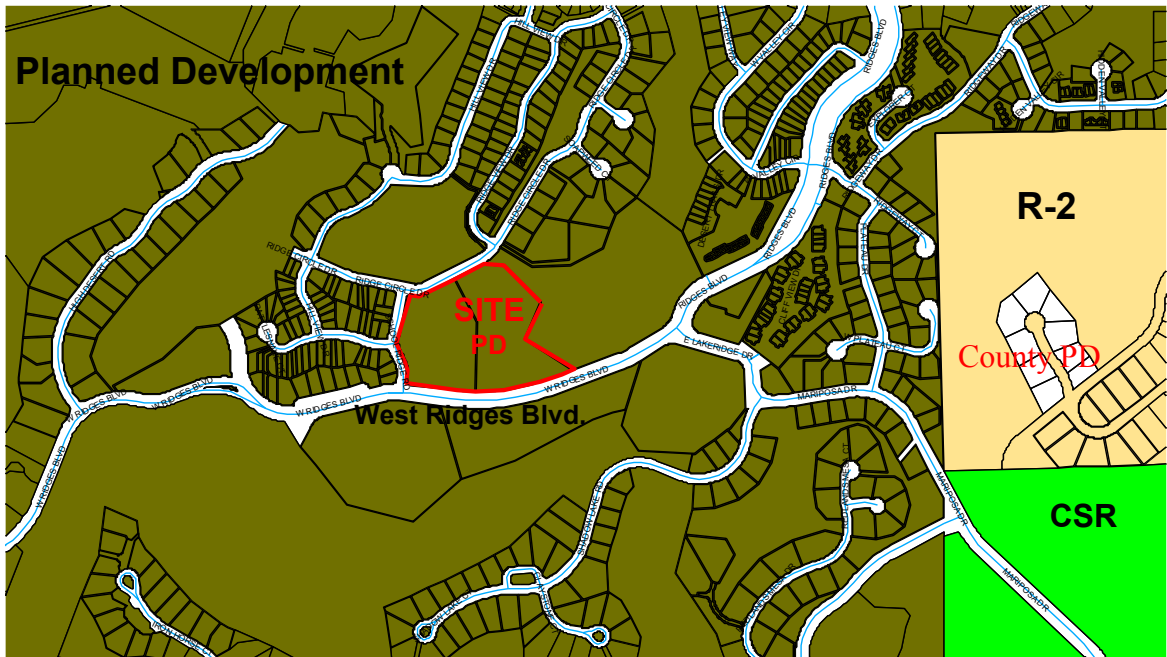
# Future Land Use Map

## Redlands Vista

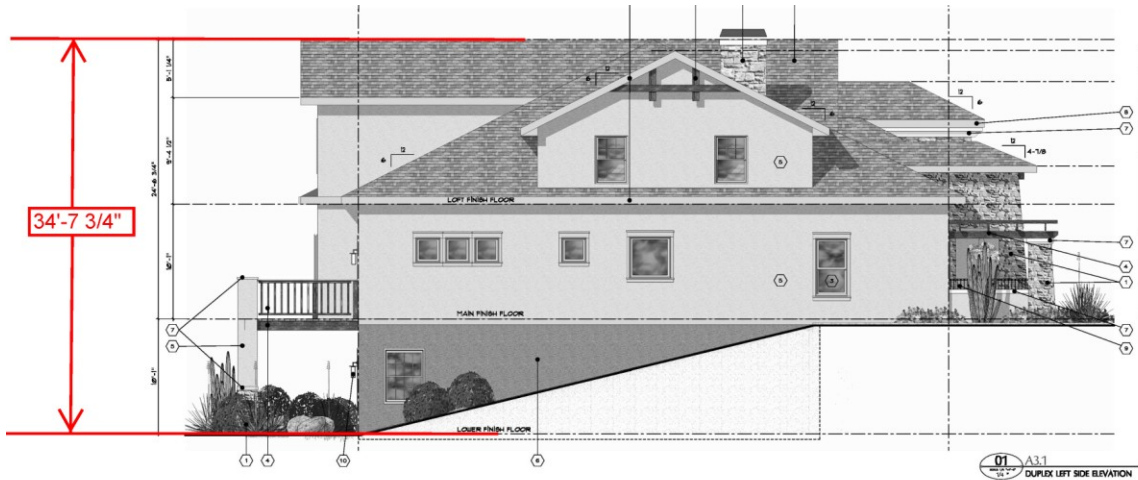


# Existing City and County Zoning

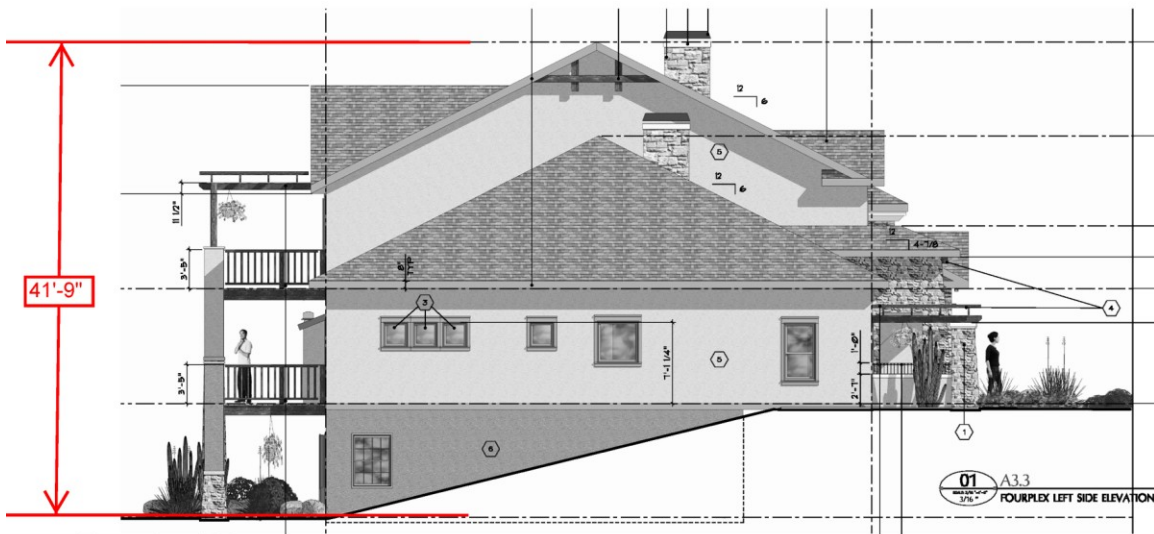
## Redlands Vista





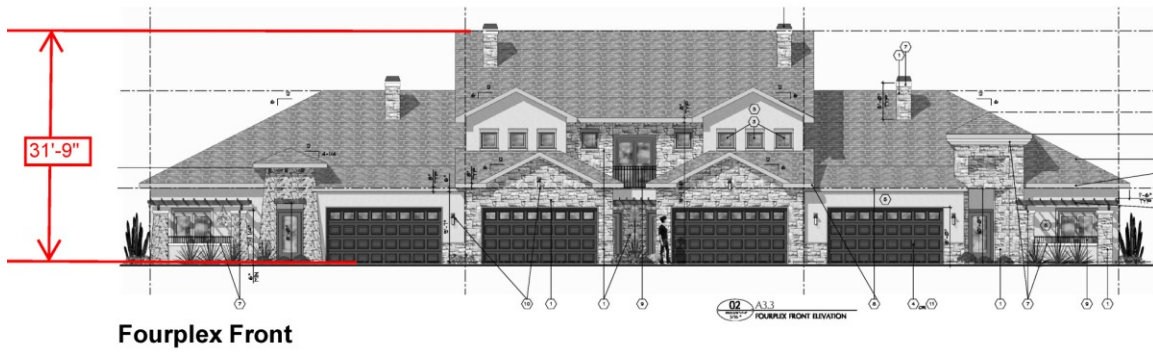
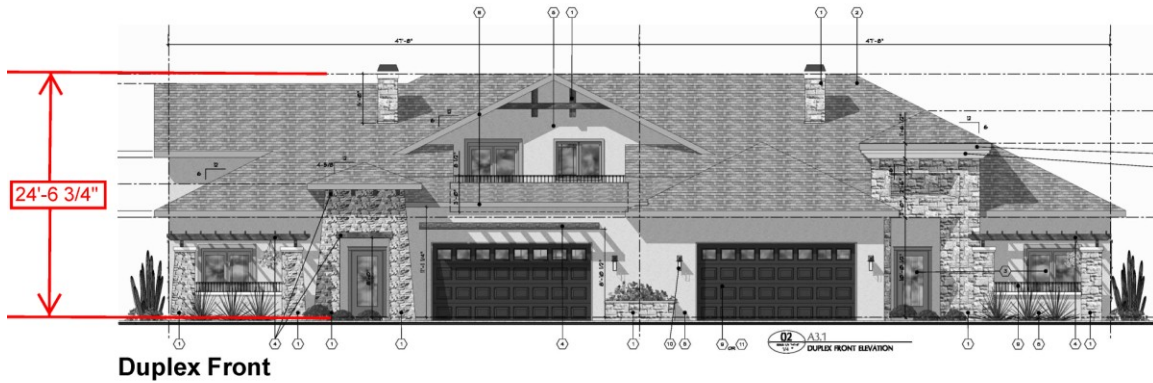


Duplex Side



Fourplex Side

Building renderings for height / side



Building renderings for height / front

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING AND AMENDING THE PRELIMINARY DEVELOPMENT PLAN FOR REDLANDS VISTA PLANNED DEVELOPMENT, LOT 1 AND LOT 2, BLOCK TWENTY-ONE, THE RIDGES FILING NO. FOUR, LOCATED AT WEST RIDGES BLVD., SCHOOL RIDGE ROAD, AND RIDGE CIRCLE DRIVE**

Recitals.

An amendment to Ordinance No. 3095 from Planned Development 3.8 units per acre (PD 3.8) to Planned Development 6.7 (PD 6.7), has been requested for the property located on Lot 1, and Lot 2, Block Twenty-One, The Ridges Subdivision, Filing Number Four, known as Redlands Vista, for purpose of developing 56 residential units, consisting of two-story duplexes and two-story fourplexes, on the two subject parcels. The City Council finds that the request meets the goals and policies and future land use designation of two to four dwelling units per acre set forth in the Growth Plan. City Council also finds that the requirements for a Planned Development set forth in Section 2.12 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its July 14, 2009 hearing, recommended approval of the rezone from PD 3.8, to PD 6.7, approval of the attached and incorporated Preliminary Planned Development (PD) for Redlands Vista, including private streets within the subdivision.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT 6.7 UNITS PER ACRE (PD 6.7):

Lots 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four, as recorded in Plat Book 12 at Page 18 of the records of Mesa County. Said parcels are within the City of Grand Junction, Mesa County, State of Colorado.

- 1) The uses allowed for this zone and property shall be 56 residential units, consisting of two-story duplexes and two-story fourplexes, on two parcels.
- 2) The underlying zoning designation is R-8.
- 3) The development shall contain a public pedestrian pathway to connecting to the City owned park property to the east as shown on the attached Preliminary Plan. (Exhibit A)
- 4) Private streets as shown on the attached and incorporated Preliminary Plan are allowed. All street crossings shall be marked for safe pedestrian crossing. (Exhibit B)



5) Setbacks shall be as shown on the attached and incorporated Site Plan, (Exhibit B) page C2.2.

6) Maximum building heights shall be as follows: Maximum building height is 45 feet. This height allowance is only pertaining to those units where a walk-out basement is provided. The height is measured from ground level on the walk-out side to the roof-line ridge. For the duplex units, the height will only be 25 feet above the street level on the front side. The fourplex units will be up to 32 feet high above the street level on the front side.

7) The preliminary development plan shall be effective for two years from the date of the recording of this Ordinance.

8) The proposed phasing schedule and a graphic depiction of the phasing are shown on sheet 22, C 8.0 of the approved Preliminary Plan, dated 06/23/09 (Exhibit A). It allows for each phase to be submitted by the following dates:

First Phase	December 31, 2010
Second Phase	December 31, 2013
Third Phase	December 31, 2016
Fourth Phase	December 31, 2019

INTRODUCED on first reading on the \_\_ day of \_\_\_\_, 2009 and ordered published.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

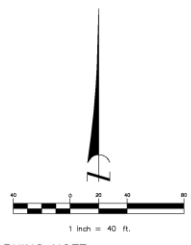
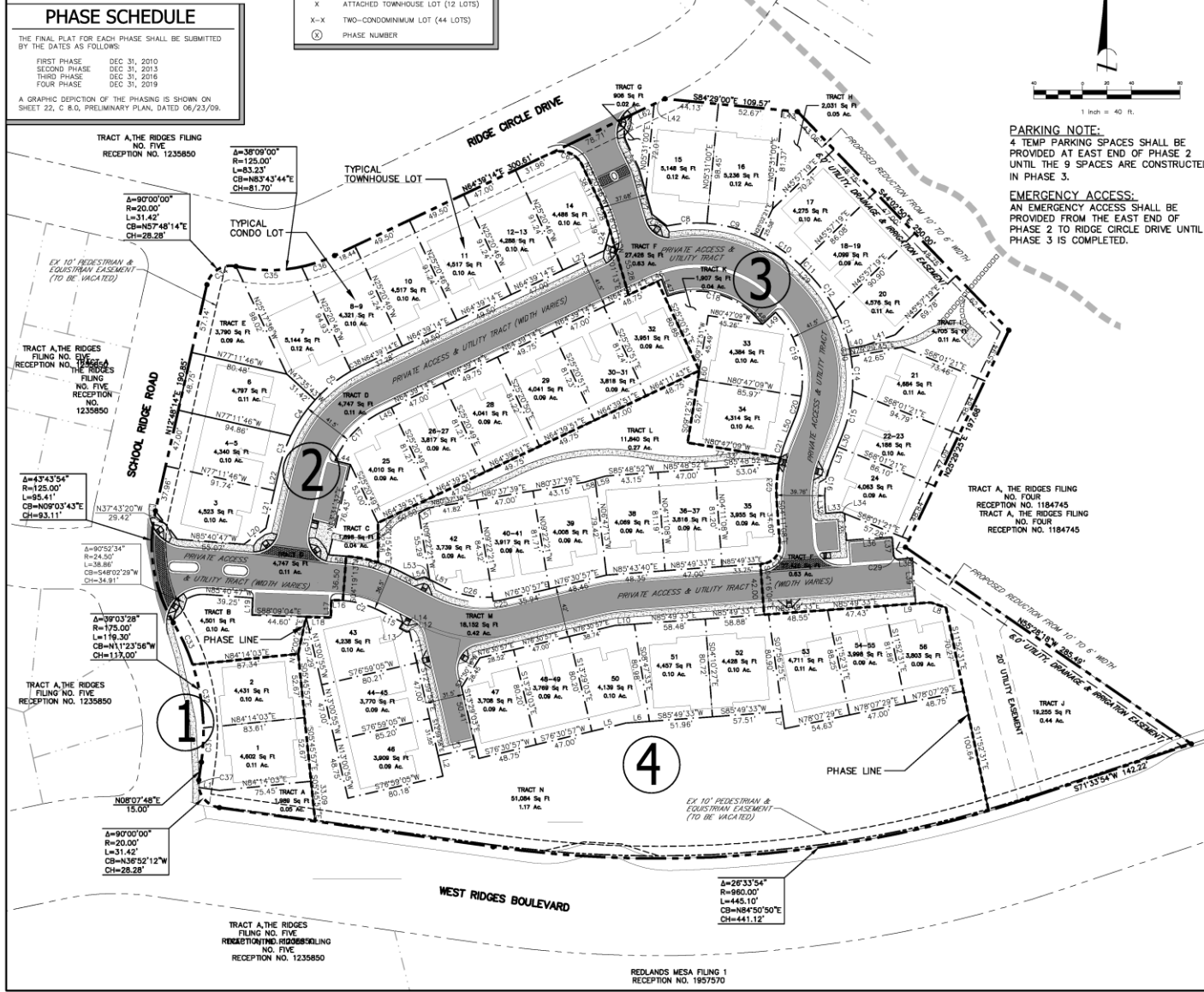
\_\_\_\_\_  
President of Council

PHASE TABLE				
PHASE NUMBER	PHASE AREA (S.F.)	PHASE AREA (AC.)	LOTS	CONDO LOTS
1	11,021	0.25	2	0
2	100,300	2.30	15	5
3	100,387	2.30	10	2
4	150,100	3.45	17	5
TOTALS = 361,808 8.30 44 12				

LOT INFORMATION	
NUMBER OF ATTACHED TOWNHOUSE LOTS = 44	NUMBER OF TWO-CONDOMINIUMS LOTS = 12
MAXIMUM LOT SQUARE FOOTAGE = 5,456	MINIMUM LOT SQUARE FOOTAGE = 3,739
AVERAGE LOT SQUARE FOOTAGE = 4,391	
MAXIMUM LOT ACREAGE = 0.13	MINIMUM LOT ACREAGE = 0.09
AVERAGE LOT ACREAGE = 0.10	
LEGEND:	
X	ATTACHED TOWNHOUSE LOT (12 LOTS)
X-X	TWO-CONDOMINIUM LOT (44 LOTS)
⊙	PHASE NUMBER

PHASE SCHEDULE		
THE FINAL PLAT FOR EACH PHASE SHALL BE SUBMITTED BY THE DATES AS FOLLOWS:		
FIRST PHASE	DEC 31, 2010	
SECOND PHASE	DEC 31, 2013	
THIRD PHASE	DEC 31, 2016	
FOUR PHASE	DEC 31, 2019	
A GRAPHIC DEPICTION OF THE PHASING IS SHOWN ON SHEET 22, C 8.0, PRELIMINARY PLAN, DATED 06/23/09.		

# REDLANDS VISTA CONSTRUCTION PLANS

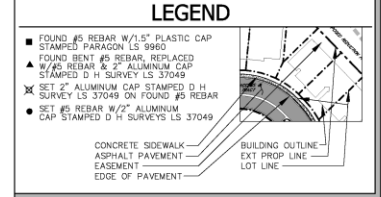


CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	7.00	14.00	14.00
C2	32.38	82.00	72.36
C3	22.78	133.00	103.93
C4	35.78	133.00	103.93
C5	38.04	123.00	97.37
C6	30.50	150.00	105.00
C7	28.80	18.00	18.00
C8	39.75	133.00	103.93
C9	45.00	133.00	103.93
C10	40.84	133.00	103.93
C11	4.81	133.00	103.93
C12	34.13	133.00	103.93
C13	33.75	133.00	103.93
C14	28.42	133.00	103.93
C15	37.02	133.00	103.93
C16	34.77	77.00	67.24
C17	37.02	81.00	70.43
C18	29.03	87.00	74.34
C19	24.81	81.00	70.43
C20	17.82	81.00	70.43
C21	17.38	118.00	102.47
C22	4.70	118.00	102.47
C23	32.00	118.00	102.47
C24	23.95	130.00	105.00
C25	11.17	81.00	70.43
C26	42.78	78.00	67.24
C27	48.92	118.00	102.47
C28	13.35	82.00	72.36
C29	5.00	350.00	350.00
C30	7.28	133.00	103.93
C31	28.00	175.00	150.00
C32	53.00	175.00	150.00
C33	38.01	175.00	150.00
C34	31.42	20.00	20.00
C35	84.42	120.00	103.93
C36	28.81	133.00	103.93
C37	6.09	20.00	20.00
C38	9.72	133.00	103.93

**PARKING NOTE:**  
4 TEMP PARKING SPACES SHALL BE PROVIDED AT EAST END OF PHASE 2 UNTIL THE 9 SPACES ARE CONSTRUCTED IN PHASE 3.

**EMERGENCY ACCESS:**  
AN EMERGENCY ACCESS SHALL BE PROVIDED FROM THE EAST END OF PHASE 2 TO RIDGE CIRCLE DRIVE UNTIL PHASE 3 IS COMPLETED.

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	7.00	14.00	14.00
C2	32.38	82.00	72.36
C3	22.78	133.00	103.93
C4	35.78	133.00	103.93
C5	38.04	123.00	97.37
C6	30.50	150.00	105.00
C7	28.80	18.00	18.00
C8	39.75	133.00	103.93
C9	45.00	133.00	103.93
C10	40.84	133.00	103.93
C11	4.81	133.00	103.93
C12	34.13	133.00	103.93
C13	33.75	133.00	103.93
C14	28.42	133.00	103.93
C15	37.02	133.00	103.93
C16	34.77	77.00	67.24
C17	37.02	81.00	70.43
C18	29.03	87.00	74.34
C19	24.81	81.00	70.43
C20	17.82	81.00	70.43
C21	17.38	118.00	102.47
C22	4.70	118.00	102.47
C23	32.00	118.00	102.47
C24	23.95	130.00	105.00
C25	11.17	81.00	70.43
C26	42.78	78.00	67.24
C27	48.92	118.00	102.47
C28	13.35	82.00	72.36
C29	5.00	350.00	350.00
C30	7.28	133.00	103.93
C31	28.00	175.00	150.00
C32	53.00	175.00	150.00
C33	38.01	175.00	150.00
C34	31.42	20.00	20.00
C35	84.42	120.00	103.93
C36	28.81	133.00	103.93
C37	6.09	20.00	20.00
C38	9.72	133.00	103.93



CONTACTS	
WATER: UTE WATER DISTRICT 5615 ZION ROAD GRAND JUNCTION, CO 81505 970-242-7491	GAS: XCEL ENERGY 2538 BUCHMANN AVENUE GRAND JUNCTION, CO 81505 970-244-2698
SEWER: CITY OF GRAND JUNCTION 2145 RIVER ROAD GRAND JUNCTION, CO 81501 970-256-4161	TELEPHONE: QWEST 2524 BUCHMANN AVENUE GRAND JUNCTION, CO 81505 970-244-4721
IRRIGATION: CITY OF GRAND JUNCTION WATER DEPARTMENT 253 RIVER ROAD GRAND JUNCTION, CO 81501 970-256-4120	TELEVISION: TCI CABLE 2924 NORTH AVENUE GRAND JUNCTION, CO 81504 970-243-7237
ELECTRICITY: XCEL ENERGY 2538 BUCHMANN AVENUE GRAND JUNCTION, CO 81505 970-244-2698	FIRE DEPARTMENT: GRAND JUNCTION FIRE DEPT 330 S 6TH STREET GRAND JUNCTION, CO 81501 970-244-1473

**BENCHMARK**  
FOUND #5 REBAR AT THE NW CORNER OF THE SITE.  
ELEVATION = 4804.19

**ENGINEER'S STATEMENT**  
"THIS PLAN HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF GRAND JUNCTION, COLORADO."  
*John L. Borden* 06/23/09  
DATE  
0110 BURNETT, P.E.  
COLORADO P.E. 37088  
FOR AND ON BEHALF OF COLORADO CIVIL ENGINEERING, LLC

**CCCE** Colorado Civil Engineering, LLC  
100 West 27th Street  
Littleton, CO 80127  
Phone: 303.750.3618  
Fax: 303.750.3618

PREPARED FOR:  
REDLANDS VISTA, L.L.P.  
7295 E. Pearce Street  
Suite 1000  
Littleton, CO 80120

**REDLANDS VISTA CONSTRUCTION PLAN**

JOB NO. 1013  
DESIGN BY: RGZ  
DRAWN BY: RGZ  
CHECK BY: OLB  
ISSUE DATE: 04/03/09

REVISIONS: BY: 1) 06/10/09 OLB  
2) 06/23/09 OLB  
3) 06/23/09 OLB  
4) 06/23/09 OLB  
5) 06/23/09 OLB  
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99) 06/23/09 OLB  
100) 06/23/09 OLB

**PRELIMINARY PLAN**

**C8.0**

SHEET: 22 OF 37

Preliminary Plan with phasing schedule. (Exhibit A)

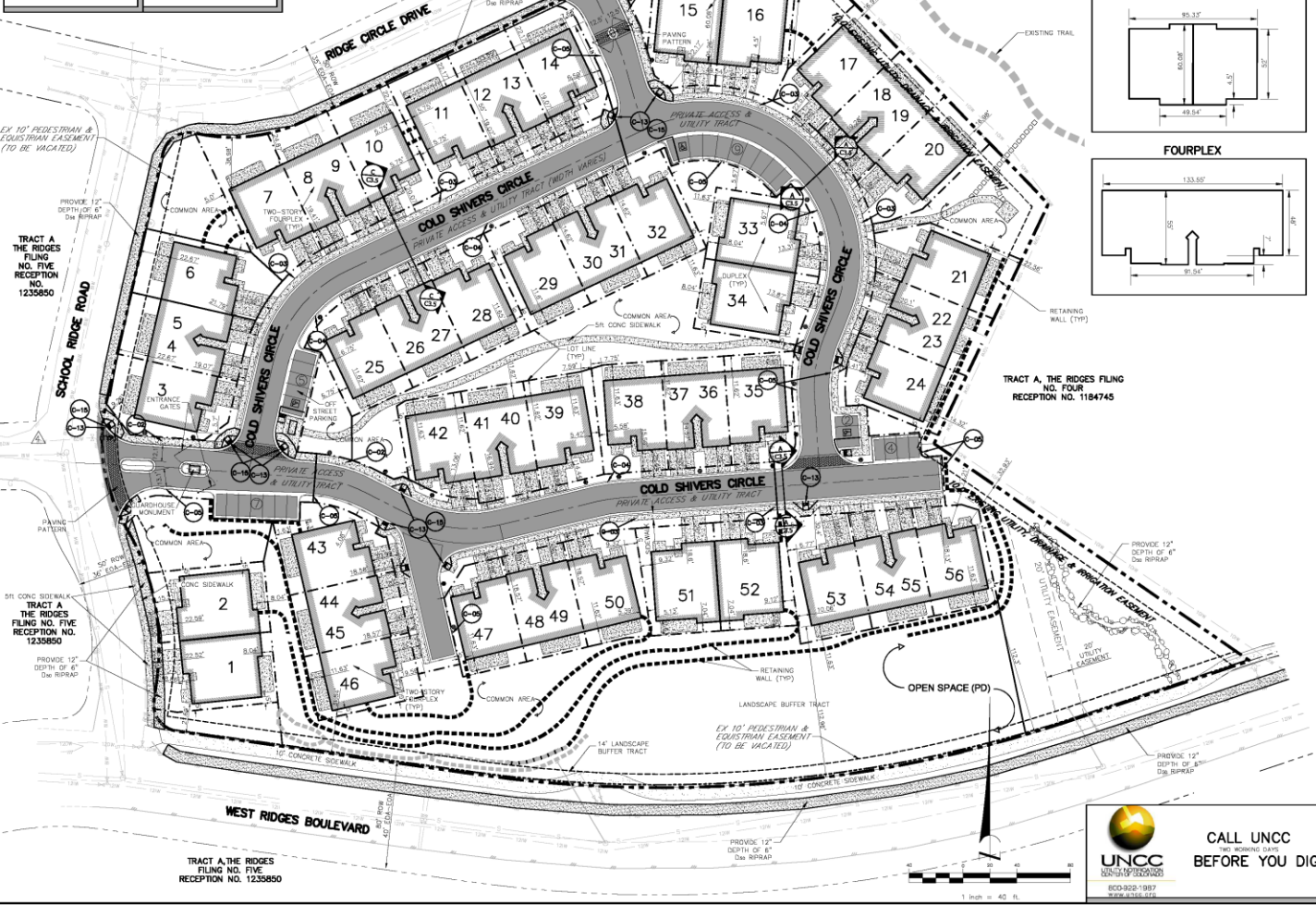
# REDLANDS VISTA CONSTRUCTION PLANS

LAND USE TABLE	UNITS	PERCENT
TYPE SITE		
BUILDINGS DUPLEX	8	14.2%
FOURPLEX TOWNHOMES	24	42.9%
FOURPLEX CONDO UNITS	24	42.9%
TOTAL UNITS	56	100%
AREA CALCULATIONS		
PAVEMENT, SIDEWALK, AND DRIVEWAYS	2.06 ACRES	24.8%
BUILDING COVERAGE	2.40 ACRES	28.0%
LANDSCAPE AREA	3.84 ACRES	45.3%
TOTAL SITE	8.30 ACRES	100.0%

**SECURITY GATES**  
 THE INSTALLATION OF SECURITY GATES REQUIRES APPROVAL FROM THE FIRE CODE OFFICIAL. SECURITY GATES MUST BE OPERABLE IN AN EMERGENCY AND THE WEIGH OF OPERATION MUST BE ACCEPTED BY THE FIRE CODE OFFICIAL PRIOR TO INSTALLATION. IF ELECTRICALLY OPERATED, THE GATE SHALL ALSO INCLUDE A MANUAL METHOD OF OPERATION. SECURITY GATES SHALL BE MAINTAINED IN AN ON-GOING FASHION TO ENSURE THAT THEY OPERATE PROPERLY IN THE EVENT OF AN EMERGENCY. IF THE SECURITY GATES ARE NOT MAINTAINED PROPERLY AND ADVERSELY AFFECTING EMERGENCY ACCESS, THEN THE FIRE CODE OFFICIAL HAS THE ABILITY TO REVOKE THE GATES AS AN OBSTRUCTION AND REQUIRE THE OWNER TO REMOVE THEM. AT THE TIME OF CONSTRUCTION, THE PERMITTEE MUST SUBMIT SEPARATE PLANS TO THE FIRE DEPARTMENT FOR THE SECURITY GATE AND GUARD SHACK FOR APPROVAL PRIOR TO INSTALLATION.

ALL WASTE WILL BE PICKED UP VIA GARBAGE CANS  
 NO PARKING SIGNS SHALL BE PLACED AS NOTED.

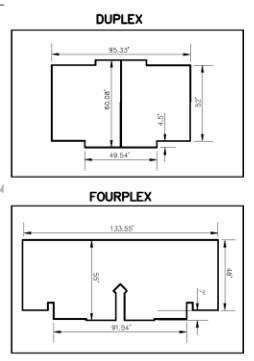
TRACT A, THE RIDGES FLING NO. FIVE  
 RECEPTION NO. 1235850



**PHASE SCHEDULE**  
 THE FINAL PLAN FOR EACH PHASE SHALL BE SUBMITTED BY THE DATES AS FOLLOWS:

FIRST PHASE	DEC 31, 2010
SECOND PHASE	DEC 31, 2013
THIRD PHASE	DEC 31, 2016
FOUR PHASE	DEC 31, 2019

A GRAPHIC DEPICTION OF THE PHASING IS SHOWN ON SHEET 22, C.B.D. PRELIMINARY PLAN, DATED 06/23/09.



**EXISTING UTILITIES**

- STREET LIGHT
- LIGHT POLE
- ELECTRIC UTILITY
- WATER MANHOLE
- SANITARY SEWER MANHOLE
- WATER VALVE/IRRIGATION VALVE
- FIRE HYDRANT
- WATER METER
- SIGN
- IRRIGATION MANHOLE/IRRIGATION VALVE
- IRRIG. VALVE

**PROPOSED UTILITIES**

- STREET LIGHT
- LIGHT POLE
- ELECTRIC UTILITY
- WATER MANHOLE
- SANITARY SEWER MANHOLE
- WATER VALVE/IRRIGATION VALVE
- FIRE HYDRANT
- WATER METER
- SIGN
- IRRIGATION MANHOLE/IRRIGATION VALVE
- IRRIG. VALVE

**LEGEND**

- FOUND #5 REBAR W/1.5" PLASTIC CAP STAMPED PARAGON LS 9960
- FOUND BENT #6 REBAR, REPLACED W/#5 REBAR & 2" ALUMINUM CAP STAMPED D.H. SURVEY LS 37049
- SET 2" ALUMINUM CAP STAMPED D.H. SURVEY LS 37049 ON FOUND #5 REBAR
- SET #5 REBAR W/2" ALUMINUM CAP STAMPED D.H. SURVEY LS 37049
- ELECTRIC PED./VAULT
- TELEPHONE PED.
- TELEPHONE MANHOLE
- CABLE TELEVISION PED.
- RETAINING WALL
- ELECTRIC LINE
- GAS LINE
- WATER LINE
- BSS SEWER LINE
- IRRIGATION LINE
- LIMITS OF ASPHALT
- GRAND JUNCTION STANDARD DETAIL

**ABBREVIATIONS**

- W/ = WITH
- ATT. = ATTACHED
- R-O-W = RIGHT OF WAY
- SAN = SANITARY SEWER
- FL = FLOW LINE TO FLOW LINE
- INV. = INVERT
- MH = MANHOLE
- EXIST. = EXISTING
- EOA = EDGE OF ASPHALT
- CL = CENTERLINE
- CATV = CABLE TV
- IRR = IRRIGATION LINE
- (E) = EXISTING
- (P) = PROPOSED
- PL = PROPERTY LINE
- STA = STATION
- L OR LT. = LEFT
- R OR RT. = RIGHT

AREA: 8.3 ACRES  
 ZONE: PD  
 NO. OF LOTS: 44  
 FLOODPLAIN: THIS SITE IS NOT LOCATED WITHIN ANY DESIGNATED FLOODPLAIN, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT ASSOCIATION'S (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 080115 0470 B DATED JULY 15, 1992.  
 4 SPACES PER UNIT (2 IN GARAGE & 2 IN DRIVEWAY)  
 GUEST PARKING @ 0.5 PER UNIT = 28 SPACES (EXCEPT LOTS 1&2)

**CONTACTS**

WATER: UTE WATER DISTRICT 560 25 ROAD GRAND JUNCTION, CO 81505 970-242-7491	GAS: XCEL ENERGY 2538 BLICHMANN AVENUE GRAND JUNCTION, CO 81505 970-244-2698
SEWER: CITY OF GRAND JUNCTION SEWER DEPARTMENT 2145 RIVER ROAD GRAND JUNCTION, CO 81501 970-256-4161	TELEPHONE: CITY OF GRAND JUNCTION 2924 NORTH AVENUE GRAND JUNCTION, CO 81505 970-244-4121
IRRIGATION: CITY OF GRAND JUNCTION WATER DEPARTMENT 253 RIVER ROAD GRAND JUNCTION, CO 81501 970-256-4120	TELEVISION: CITY OF GRAND JUNCTION 2924 NORTH AVENUE GRAND JUNCTION, CO 81504 970-243-7237
ELECTRICITY: XCEL ENERGY 2538 BLICHMANN AVENUE GRAND JUNCTION, CO 81505 970-244-2698	FIRE DEPARTMENT: GRAND JUNCTION FIRE DEPT 330 S 6TH STREET GRAND JUNCTION, CO 81501 970-244-1473

**APPROVAL SIGNATURE**

CITY DEVELOPMENT ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

**BENCHMARK**

FOUND #5 REBAR AT THE NW CORNER OF THE SITE.  
 ELEVATION = 4804.15' LOCAL DATUM.

**ENGINEER'S STATEMENT**

"THIS PLAN HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF GRAND JUNCTION, COLORADO."

*Att. J. Borden* 06/23/09  
 DATE

0110 BURDEN P.E., 37088  
 COLORADO P.E.  
 FOR AND ON BEHALF OF COLORADO CIVIL ENGINEERING, LLC

**UNCC**  
 TWO WORKING DAYS  
 BEFORE YOU DIG

800.955.1987  
 WWW.UNCC.UTR

**CCCE** Colorado Civil Engineering, LLC  
 1901 Inverness Street  
 Suite 200A, West Bank CT-16  
 Englewood, CO 80112  
 303.758.1800  
 Fax: 303.758.0116

PREPARED FOR:  
 REDLANDS VISTA, L.L.P.  
 2538 BLICHMANN AVENUE  
 ENGLEWOOD, CO 80112

**REDLANDS VISTA  
 CONSTRUCTION PLAN**

JOB NO.: 1013  
 DESIGN BY: OLB  
 DRAWN BY: OLB  
 CHECK BY: OLB  
 ISSUE DATE: 04/03/09

REVISIONS: BY: DATE  
 1.) 6/10/09 OLB  
 REV S/W DIMENSIONS  
 2.) 6/23/09 OLB  
 ADDED SCHEDULE INFO  
 3.)  
 4.)

**SITE PLAN**

**C2.2**

SHEET: 4 OF 37

Redlands Vista Site Plan (Exhibit B)

**Attach 8**

**Setting a Hearing on Zoning the Fults Annexation, Located at 3066 F Road**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Zoning the Fults Annexation, Located at 3066 F Road		
<b>File #</b>	ANX-2009-130		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	July 15, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** A request to zone the 3.72 acre Fults Annexation, consisting of one parcel located at 3066 F Road, to an R-4 (Residential – 4 units per acre) zone district.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed ordinance and set a public hearing for August 17, 2009.

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

*STAFF REPORT / BACKGROUND INFORMATION*

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

ANALYSIS:

1. Background:

The 3.72 acre Fults Annexation consists of one parcel located at 3066 F Road. The property owners have requested annexation into the City to subdivide their property. 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 R-4 conforms

to the Future Land Use Map, which has designated the properties as Residential Medium Low 2 to 4 dwelling units per acre, and is the same as the County zoning designation of RSF-4.

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

Zone of Annexation: The requested zone of annexation to the R-4 (Residential – 4 units per acre) zone district is consistent with the Growth Plan designation of Residential Medium Low, 2 to 4 dwelling units per acre. The existing County zoning is RSF-4 (Residential Single Family, 4 units per 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 zone is consistent and compatible with the surrounding neighborhood, and furthers the goals and policies of the Growth Plan by utilizing a zoning designation consistent with the Future Land Use Map.

- 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 currently are available to the site. All utilities are along Orange Grove Way and fire hydrants were located during the construction of Orange Grove Subdivision. Clifton Water is the water provider with the main line throughout the subdivision being 6" PVC. Central Grand Valley Sanitation District is the sewer provider.

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-2 (Residential, not to exceed two dwelling units per acre)

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Fults Annexation, ANX-2009-130, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

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

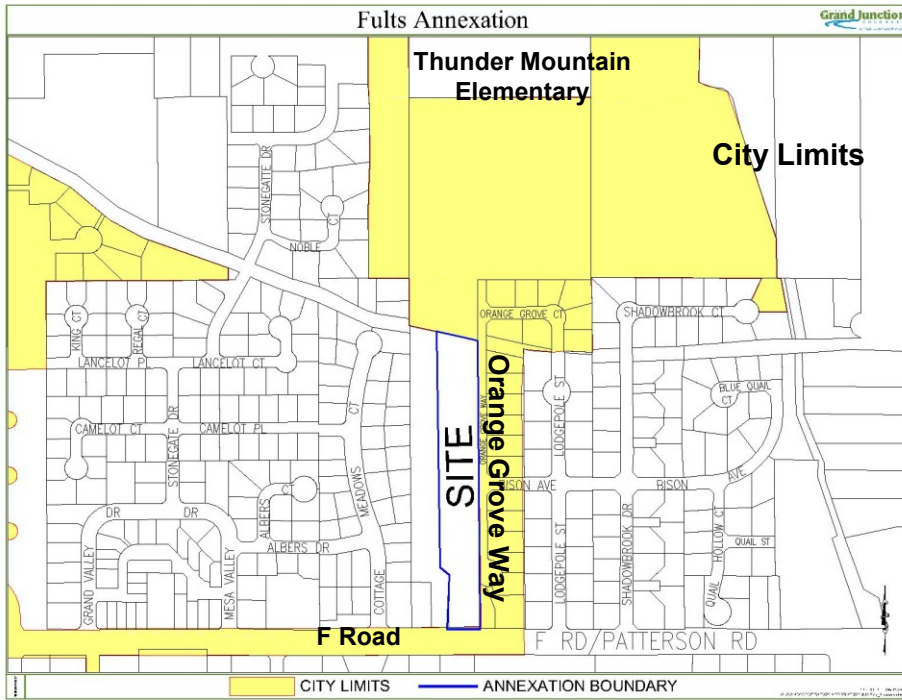
**PLANNING COMMISSION RECOMMENDATION:**

At the July 28, 2009 hearing, the Planning Commission recommended approval of the requested R-4 zone district to the City Council, finding it to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.



# Annexation/Site Location Map

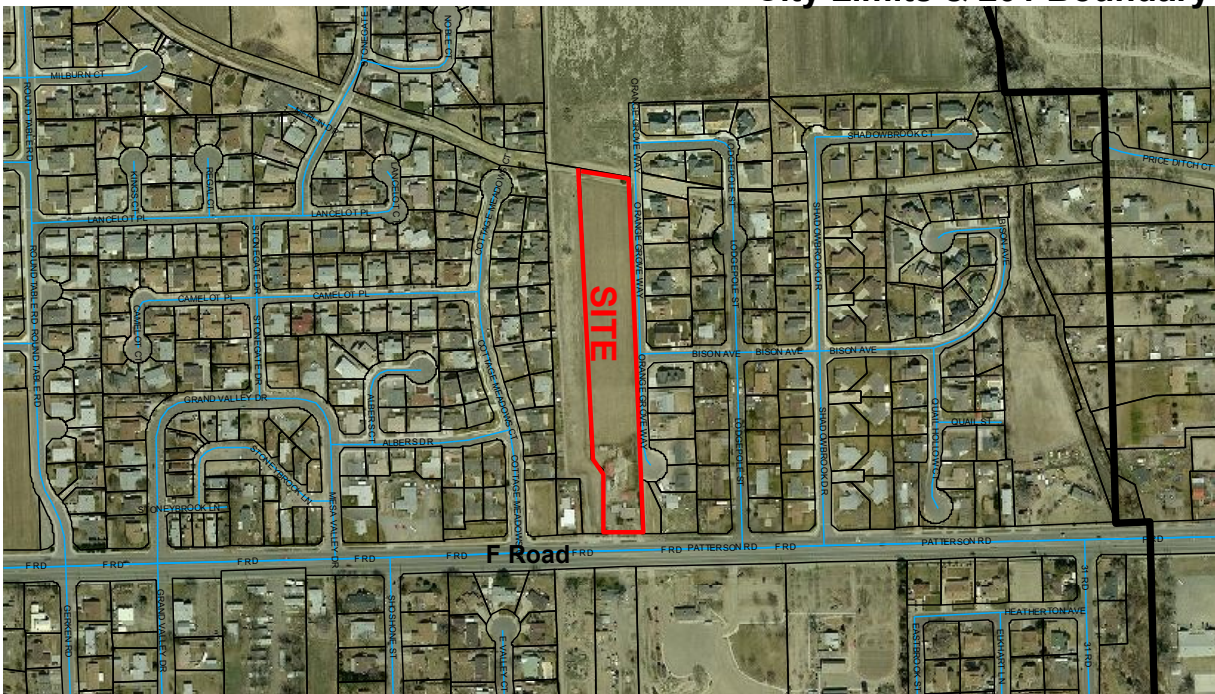
3066 F Road



# Aerial Photo Map

3066 F Road

City Limits & 201 Boundary









**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE FULTS ANNEXATION  
TO R-4 (RESIDENTIAL – 4 UNITS PER ACRE)**

**LOCATED AT 3066 F ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Fults Annexation to the R-4 (Residential – 4 units per 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-4 (Residential – 4 units per 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-4 (Residential – 4 units per acre).

**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.

**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 9**

**Setting a Hearing on Rezoning Property Located Between Ute Avenue and Pitkin Avenue, Between S. 5<sup>th</sup> and S. 6<sup>th</sup> Street and Between Ute Avenue and Pitkin Avenue from S. 7<sup>th</sup> Street, East 230 Feet**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Rezone property located between Ute Avenue and Pitkin Avenue, between S. 5 <sup>th</sup> and S. 6 <sup>th</sup> Street, and between Ute Avenue and Pitkin Avenue from S. 7 <sup>th</sup> Street, East 230 feet		
<b>File #</b>	RZ-2008-342		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 15, 2009		
<b>Author Name &amp; Title</b>	Brian Rusche, Senior Planner		
<b>Presenter Name &amp; Title</b>	Brian Rusche, Senior Planner		

**Summary:**

A request to rezone Block 139, consisting of 2.52 acres more or less, and a portion of Block 137, consisting of 1.45 acres more or less, from C-1 (Light Commercial) to B-2 (Downtown Business) for the purposes of facilitating a new fire station and police building on City owned property.

**Budget:**

N/A

**Action Requested/Recommendation:**

Introduction of a proposed ordinance and set a hearing for August 17, 2009.

**Background Information:**

See attached report.

**Attachments:**

Site Location Map/Aerial Photo Map  
Future Land Use Map/Existing City Zoning Map  
Planning Commission Minutes – July 14, 2009  
Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		Ute Avenue to Pitkin Avenue between S. 5 <sup>th</sup> and S. 6 <sup>th</sup> Street and from S. 7 <sup>th</sup> Street east 230 feet			
Applicant:		City of Grand Junction			
Existing Land Use:		Vacant			
Proposed Land Use:		Public Safety Services			
Surrounding Land Use:	North	Commercial / Bus Depot / Enstrom Candies			
	South	Commercial			
	East	Single Family Residential / Commercial			
	West	Whitman Park			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		B-2 (Downtown Business)			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	C-1 (Light Commercial)			
	6 <sup>th</sup> to 7 <sup>th</sup> St	B-2 (Downtown Business)			
	East	C-1 (Light Commercial)			
	West	CSR (Community Services and Recreation)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

STAFF ANALYSIS:

1. Background

Block 137, 138, and 139 are part of the original town site of Grand Junction, platted in 1882.

The existing police and fire stations have been located in the 600 Block (Block 138) since 1958. This block is currently zoned B-2 (Downtown Business).

The subject property (all of Block 139 and portions of Block 137) has been acquired by the City over time, with the final acquisitions in 2008 in anticipation of the Public Safety Initiative. They have been cleared of their previous uses and structures in anticipation of redevelopment.

The City is requesting a rezone of the subject property from C-1 (Light Commercial) to B-2 (Downtown Business) in order to provide a single, uniform zone for the entire area anticipated for the redevelopment and expansion of public safety services.

2. Consistency with the Growth Plan

The Growth Plan's Future Land Use designation is Commercial. Therefore, the proposed B-2 zone district is consistent with the Growth Plan.

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

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

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

The existing zoning was not in error at the time of adoption. Prior to the City's acquisition of the properties, a variety of uses, primarily highway oriented commercial and residential dwellings, occupied the site.

Therefore, the existing zoning of C-1 Light Commercial was not in error.

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

The City has acquired the subject properties and they have been cleared of their previous uses and structures in anticipation of redevelopment. Aside from the change to the properties themselves, several public improvements have occurred within the neighborhood that has had the effect of expanding the downtown core. These include:

- Grand Valley Transit transfer station at S. 5<sup>th</sup> Street & South Ave.
- Riverside Parkway interchange at S. 5<sup>th</sup> Street
- 7<sup>th</sup> Street corridor and pedestrian improvements
- Colorado Avenue corridor and pedestrian improvements

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

The City has acquired the subject properties for the purpose of constructing a public safety campus. One of the goals of the public safety campus is to connect with the existing downtown fabric. Rezoning the property is an opportunity to connect this public property with the existing police and fire stations and the downtown core, including Whitman Park.

In addition, the request furthers the following policies:

Policy 8.2 of the Growth Plan specifically states that “The City and County will maintain the majority of governmental operations Downtown to help support the area’s economic stability/vitality.”

Policy 13.5 of the Growth Plan states that “Community entryways will be enhanced and accentuated at key entry points to the city including interstate interchange areas, and other major arterial street leading into the City.” Fifth Street is identified in Exhibit V.6 as a Gateway.

The proposed rezone is compatible with a Future Land Use designation of Commercial.

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

Existing utility infrastructure is already in place, including a 12” city water line in S. 5<sup>th</sup> Street, 8” water lines in Ute and Pitkin Avenues and S. 7<sup>th</sup> Street, and a 12” combined sewer running east/west through the alley. These services are adequate and available for development of the property.

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

The goal of the Public Safety Initiative is to enhance public safety facilities in order to provide the best response times and to provide coverage to the areas in which calls for service are generated. Moving these essential services to a site outside of the downtown area would not be consistent with thoughtful community planning, both from a land use and service delivery perspective. The City and County have committed, as discussed in the Growth Plan compatibility section of this report, to a presence Downtown. Examples include the Mesa County Justice Center, Sheriff’s Office and Jail, City Hall, and the Old County Courthouse, all zoned B-2.

The existing police and fire stations are on 3.34 acres. In order to accommodate the proposed expansion of the existing public safety facilities, these adjacent properties, totaling 3.97 acres, were acquired; however, they are not zoned comparable to the existing public safety facilities. There are no other locations available of this size (about 8 acres total) within the B-2, Downtown Business zone. In addition, the B-2 zone provides more flexibility in creating a project that fits within the fabric of the original town site and downtown core.



Approval of this rezone request would meet the community need.

6. The community will benefit from the proposed zone.

The community and surrounding area will benefit from a single, uniform zone that will connect the public safety campus to the downtown core. The creation of a uniform zone will provide the standards necessary to develop an enhanced public safety campus that is both functional and integrated into the downtown core.

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

- b. C-1 Light Commercial (existing zoning)
- c. C-2 General Commercial

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

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Public Safety Rezone, RZ-2008-342, a request to rezone Block 139 and a portion of Block 137 from C-1 (Light Commercial) to B-2 (Downtown Business), the following findings of fact and conclusions have been determined:

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

#### PLANNING COMMISSION RECOMMENDATION:

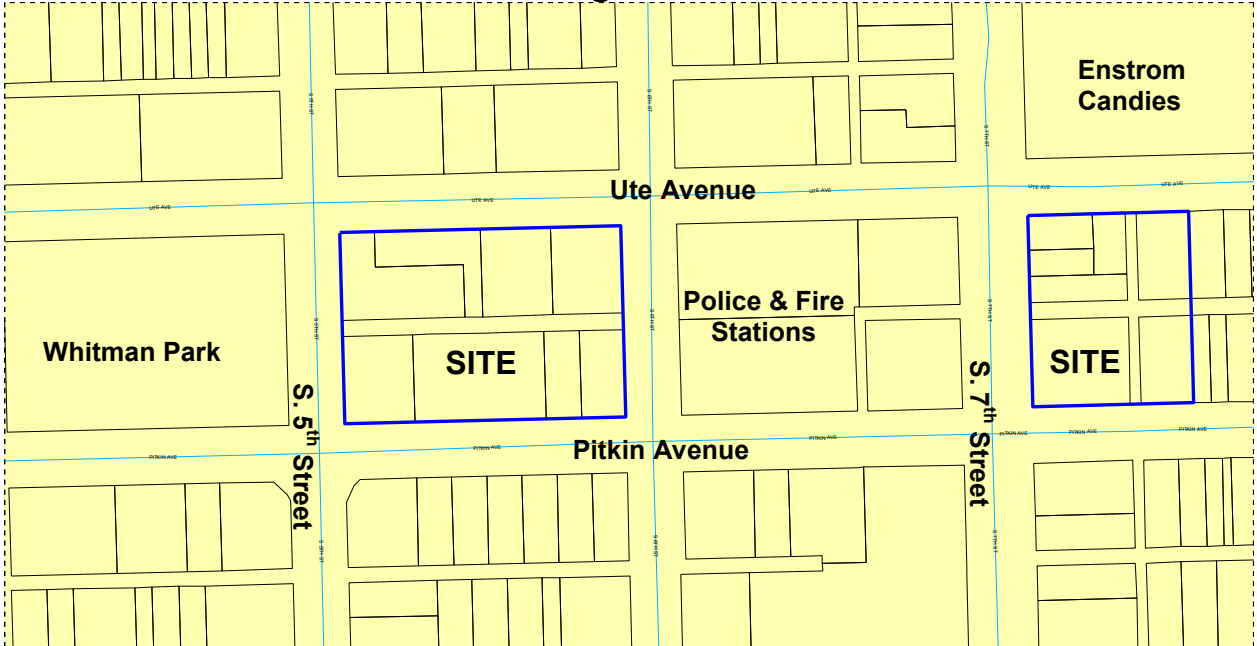
The Planning Commission recommended approval of the requested rezone to the City Council on July 14, 2009, finding the requested rezone from C-1 (Light Commercial) to B-2 (Downtown Business) zone district, to be consistent with the goals and policies of the Growth Plan and Section 2.6.A of the zoning and Development Code.

#### Attachments:

Site Location Map/Aerial Photo Map  
Future Land Use Map/Existing City Zoning Map  
Ordinance  
Planning Commission Minutes – July 14, 2009

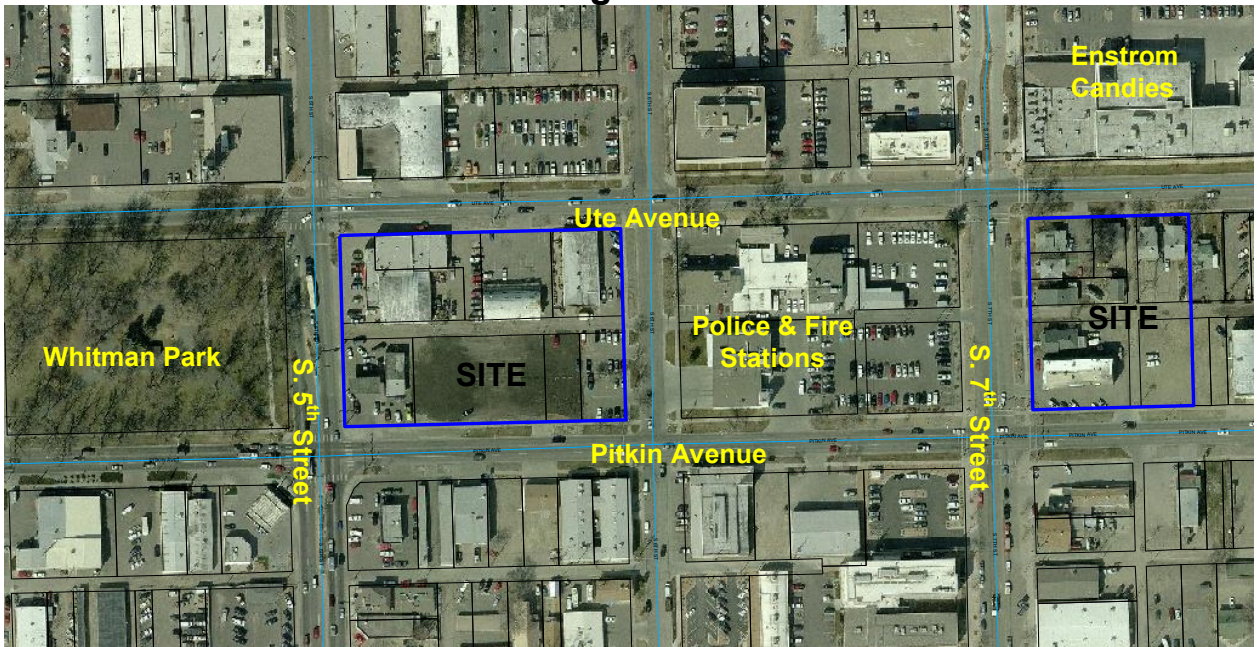
# Site Location Map

Figure 1



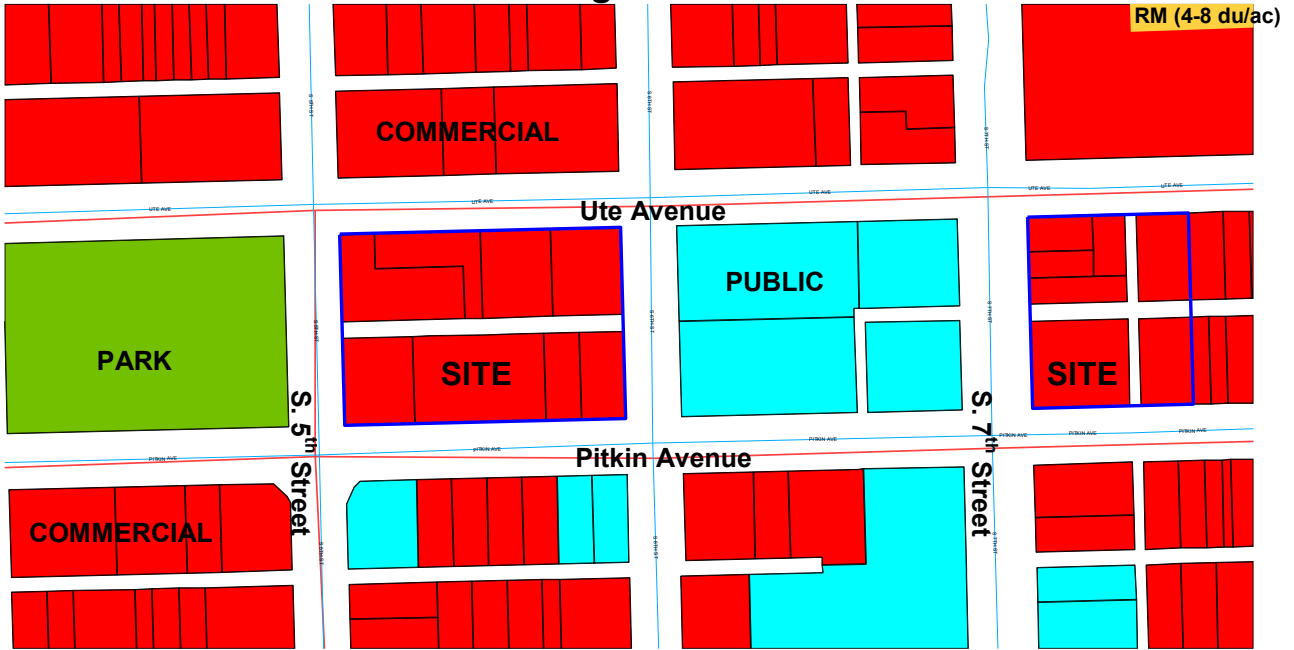
# Aerial Photo Map

Figure 2



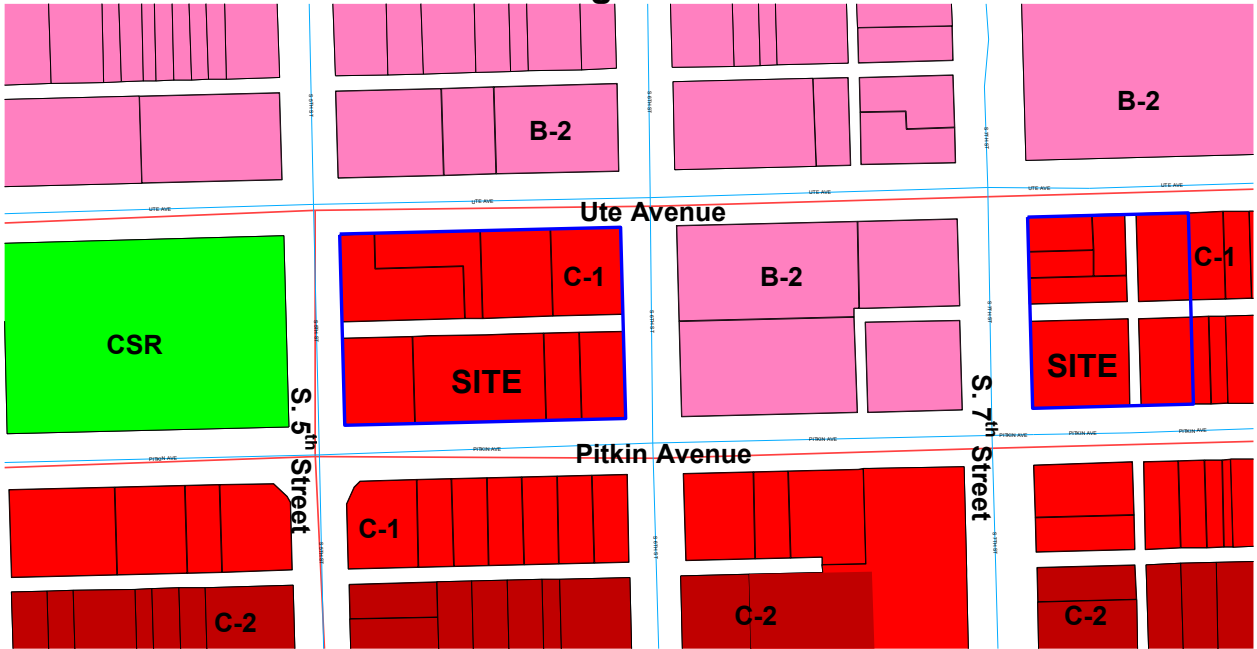
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4





**GRAND JUNCTION PLANNING COMMISSION  
JULY 14, 2009 MINUTES  
6:00 p.m. to 6:51 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Patrick Carlow, Ebe Eslami, Mark Abbott and Richard Schoenrad (Alternate). Reginald Wall was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Senta Costello (Senior Planner), Brian Rusche (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 14 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the May 26 and June 6, 2009 Regular Meetings.

**2. Public Safety Facility – Vacation of Right-of-Way**

Request a recommendation of approval to City Council to vacate the north/south alley and a portion of the east/west alley between 7<sup>th</sup> & 8<sup>th</sup> Street between Ute and Pitkin Avenues.

**FILE #:** VR-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Alleys located between 7<sup>th</sup> and 8<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

**3. Public Safety Facility – Rezone**

Request a recommendation of approval to City Council to rezone 2.52 acres between 5<sup>th</sup> and 7<sup>th</sup> Streets and Ute and Pitkin Aves along with 1.45 acres east of 7<sup>th</sup> Street between Ute and Pitkin Aves from a C-1 (Light Commercial) to a B-2 (Downtown Business) zone district.

**FILE #:** RZ-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 5<sup>th</sup> to 7<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

**4. Fiesta Guadalajara Expansion – Preliminary Development Plan**

Request 1) a recommendation of approval to City Council to zone 1.422 acres to a PD (Planned Development) with the default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac); 2) a recommendation of approval to City Council for a Preliminary Development Plan; 3) and a recommendation of approval to City Council for a vacation of the west 7.5 feet of the North /South alley located east of North 7<sup>th</sup> Street and south of Glenwood Avenue.

**FILE #:** RZ-2009-037  
**PETITIONER:** David Ortiz  
**LOCATION:** 710, 748 North Avenue and 705, 727 Glenwood Avenue  
**STAFF:** Senta Costello

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

**MOTION: (Commissioner Carlow) “Mr. Chairman, I move we approve the Consent Agenda as presented.”**

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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING PARCELS OF LAND FROM**

**C-1 (LIGHT COMMERCIAL) TO B-2 (DOWNTOWN BUSINESS)**

**LOCATED BETWEEN UTE AND PITKIN AVENUES FROM S. 5<sup>TH</sup> STREET TO S. 6<sup>TH</sup> STREET AND FROM S. 7<sup>TH</sup> STREET EAST APPROXIMATELY 230 FEET**

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 the rezone request from C-1 zone district to the B-2 zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Commercial. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE B-2 (DOWNTOWN BUSINESS) ZONE DISTRICT:

A tract of land situate in the SW 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

All of Lots 1 through 10, inclusive, all of Lots 11 through 13, inclusive, all of Lots 26 through 28, inclusive, in Block 137, TOGETHER WITH All of Block 139, City of Grand Junction, according to the Plat of Part of Second Division Resurvey as Amended, Plat Book 3, Page 21, Reception Number 54332 in the Office of the Mesa County Clerk and Recorder.

Introduced on first reading on the \_\_\_\_\_ day of \_\_\_\_\_ 2009

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

Attest:

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

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





**Attach 10**

**Setting a Hearing on Vacating the North/South Alley Between Ute Avenue and Pitkin Avenue, East of South 7<sup>th</sup> Street and a Portion of the East/West Alley Between South 7<sup>th</sup> and South 8<sup>th</sup> Street South of Ute Avenue**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacate the North/South Alley between Ute Avenue and Pitkin Avenue, East of South 7 <sup>th</sup> Street and a portion of the East/West alley between South 7 <sup>th</sup> and South 8 <sup>th</sup> Street South of Ute Avenue.		
<b>File #</b>	VR-2008-342		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 15, 2009		
<b>Author Name &amp; Title</b>	Brian Rusche – Senior Planner		
<b>Presenter Name &amp; Title</b>	Brian Rusche – Senior Planner		

**Summary:** Request to vacate alleys within Block 137 of the Original Town Site of Grand Junction for the purposes of consolidating City-owned parcels and the construction of a new Fire Station.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed ordinance and set a public hearing for August 17, 2009

**Attachments:**

Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Planning and Zoning Commission Minutes – July 14, 2009  
Ordinance

**Background Information:** See attached report

BACKGROUND INFORMATION				
Location:		Ute Avenue to Pitkin Avenue east of S. 7 <sup>th</sup> Street		
Applicant:		City of Grand Junction		
Existing Land Use:		Public Alley		
Proposed Land Use:		Public Safety Services		
Surrounding Land Use:	North	Enstrom Candies		
	South	Commercial		
	East	Single Family Residential / Commercial		
	West	Police and Fire Stations		
Existing Zoning:		N/A		
Proposed Zoning:		B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)		
	West	B-2 (Downtown Business)		
Growth Plan Designation:		N/A		
Zoning within density range?	X	Yes		No

## ANALYSIS

### 1. Background

Block 137 is part of the original town site of Grand Junction, platted in 1882.

Lots 1-13 and Lots 26-28 of Block 137 have been acquired by the City as part of the Public Safety Initiative. They have been cleared of their previous uses and structures in anticipation of redevelopment.

In order to provide a large enough property for the anticipated construction of a new Fire Station, the existing alley right-of-way must be vacated. The entire north/south alley is requested to be vacated, but only a portion of the east/west alley is requested to be vacated, as there are uses that remain within the block.

Access to the proposed Fire Station is available from South 7<sup>th</sup> Street, as well as Ute and Pitkin Avenues. No access would be provided from the property to the remaining east/west alley, due to the proposed layout of the site. Existing utilities will be relocated as part of the development of the property. A multi-purpose easement is proposed

running north/south on the eastern edge of the subject property, according to the subdivision plat filed to combine the existing parcels.

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.*

Granting the right-of-way vacation does not conflict with the Growth Plan, major street plan and/or any other adopted plans and policies of the City.

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

No properties will be landlocked with this vacation. Access will be maintained for all properties to the east via public streets and the remaining alley right-of-way.

- 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 be maintained for all properties to the east via public streets and the remaining 150 foot alley right-of-way. The dead-end alley will not affect the operations of the Fire Department or the Solid Waste Department.

- 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 have adverse impact on the health, safety, and/or welfare of the community. The land that is currently alley right-of-way will be consolidated with the adjacent parcels to provide a property large enough for the construction of a fire station. The remaining east/west alley will provide access to public facilities in virtually the same manner as currently provided. Existing utilities, including sewer and electric, within the proposed vacation will be relocated. Service will be maintained. Access to the consolidated parcel will be available from Ute, Pitkin, and South 7<sup>th</sup> Street.

- 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.*

The land that is currently alley right-of-way will be consolidated with the adjacent parcels. The remaining east/west alley will provide access to public facilities in virtually the same manner as currently provided. Existing utilities within the proposed vacation will be relocated and service will be maintained. Access to

the consolidated parcel will be available from Ute and Pitkin Avenues and South 7<sup>th</sup> Street.

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

The request provides benefits to the City with the additional land necessary for the construction of a fire station.

#### FINDINGS OF FACTS/CONCLUSIONS

After reviewing the Public Safety Plaza application, VR-2008-342 for the vacation of public rights-of-way, the following findings of fact and conclusions have been determined:

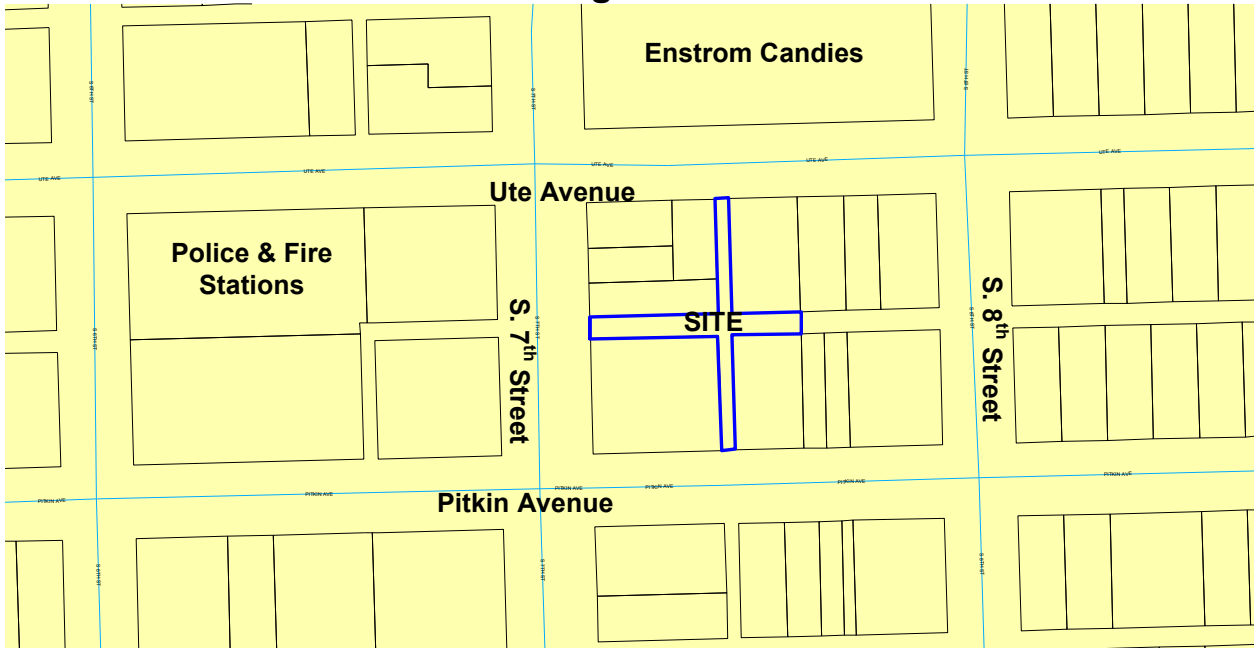
7. The requested right-of-way vacation is consistent with the Growth Plan.
8. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

#### PLANNING COMMISSION RECOMMENDATION:

On July 14, 2009, Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, VR-2008-342, to the City Council with the findings and conclusions listed above.

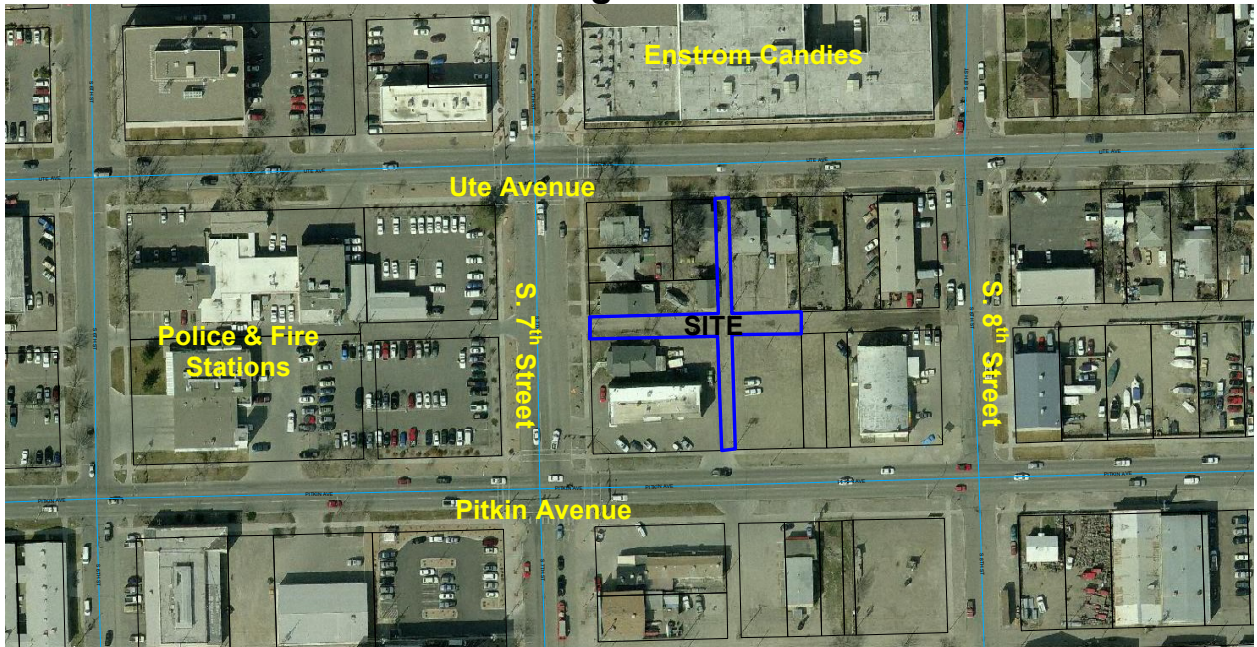
# Site Location Map

Figure 1



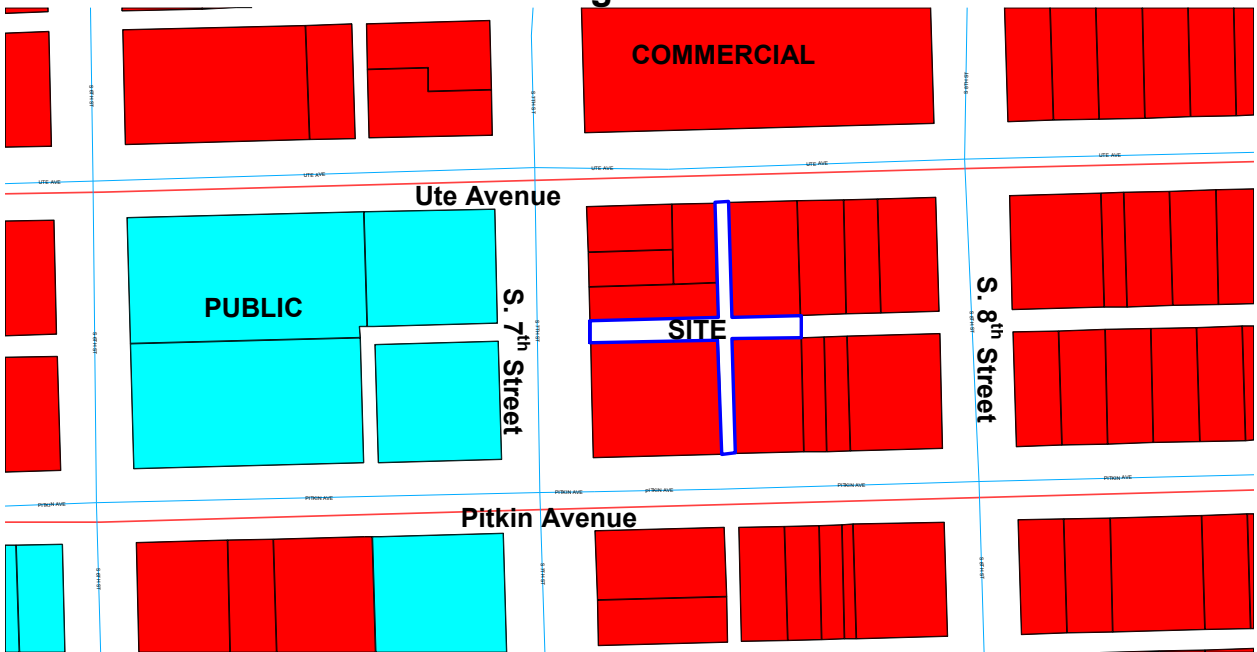
# Aerial Photo Map

Figure 2



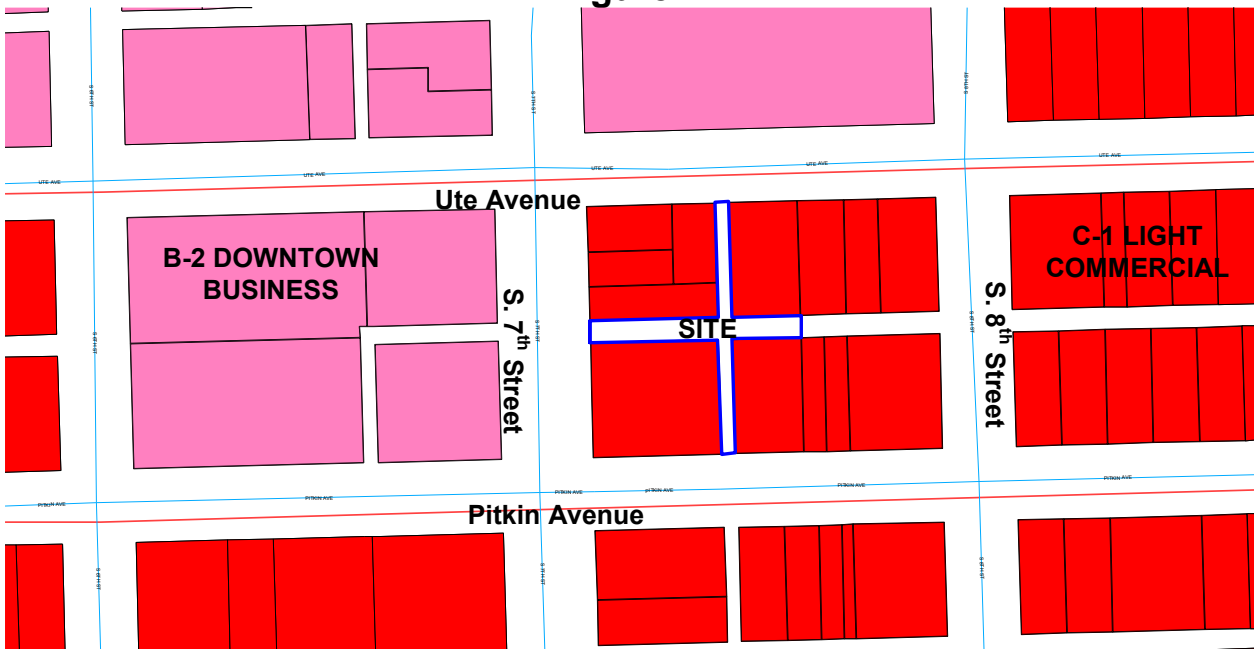
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4







**GRAND JUNCTION PLANNING COMMISSION  
JULY 14, 2009 MINUTES  
6:00 p.m. to 6:51 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Patrick Carlow, Ebe Eslami, Mark Abbott and Richard Schoenrad (Alternate). Reginald Wall was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Senta Costello (Senior Planner), Brian Rusche (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 14 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the May 26 and June 6, 2009 Regular Meetings.

**2. Public Safety Facility – Vacation of Right-of-Way**

Request a recommendation of approval to City Council to vacate the north/south alley and a portion of the east/west alley between 7<sup>th</sup> & 8<sup>th</sup> Street between Ute and Pitkin Avenues.

**FILE #:** VR-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Alleys located between 7<sup>th</sup> and 8<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

**3. Public Safety Facility – Rezone**

Request a recommendation of approval to City Council to rezone 2.52 acres between 5<sup>th</sup> and 7<sup>th</sup> Streets and Ute and Pitkin Aves along with 1.45 acres east of 7<sup>th</sup> Street between Ute and Pitkin Aves from a C-1 (Light Commercial) to a B-2 (Downtown Business) zone district.

**FILE #:** RZ-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 5<sup>th</sup> to 7<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

**4. Fiesta Guadalajara Expansion – Preliminary Development Plan**

Request 1) a recommendation of approval to City Council to zone 1.422 acres to a PD (Planned Development) with the default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac); 2) a recommendation of approval to City Council for a Preliminary Development Plan; 3) and a recommendation of approval to City Council for a vacation of the west 7.5 feet of the North /South alley located east of North 7<sup>th</sup> Street and south of Glenwood Avenue.

**FILE #:** RZ-2009-037  
**PETITIONER:** David Ortiz  
**LOCATION:** 710, 748 North Avenue and 705, 727 Glenwood Avenue  
**STAFF:** Senta Costello

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

**MOTION: (Commissioner Carlow) “Mr. Chairman, I move we approve the Consent Agenda as presented.”**

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

**CITY OF GRAND JUNCTION**

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

**AN ORDINANCE VACATING ALLEY RIGHTS-OF-WAY  
LOCATED BETWEEN UTE AND PITKIN AVENUES, EAST OF SOUTH 7<sup>TH</sup> STREET**

RECITALS:

A vacation of dedicated rights-of-way has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way is hereby vacated subject to the listed conditions:

1. The alley area described herein shall be retained as a temporary multi-purpose easement on, along, over, under, through and across the described area for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines.
2. Said multi-purpose easement shall be extinguished upon relocation of utilities into new easements or right-of-way.

Dedicated right-of-way to be vacated:

A tract of land situate in the SW 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

All of the north to south alley in Block 137 and all of that portion of the east to west alley in Block 137 lying west of the east line of Lot 13 and the east line of Lot 26, City of Grand Junction, according to the Plat of Part of Second Division Resurvey as Amended, Plat Book 3, Page 21, Reception Number 54332 in the Office of the Mesa County Clerk and Recorder.

Said right-of-way shown on attached Exhibit A.

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_ 2009  
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

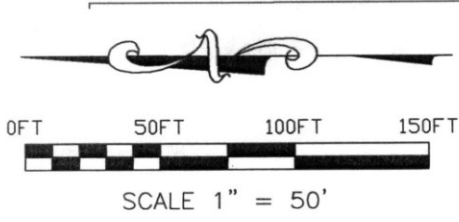
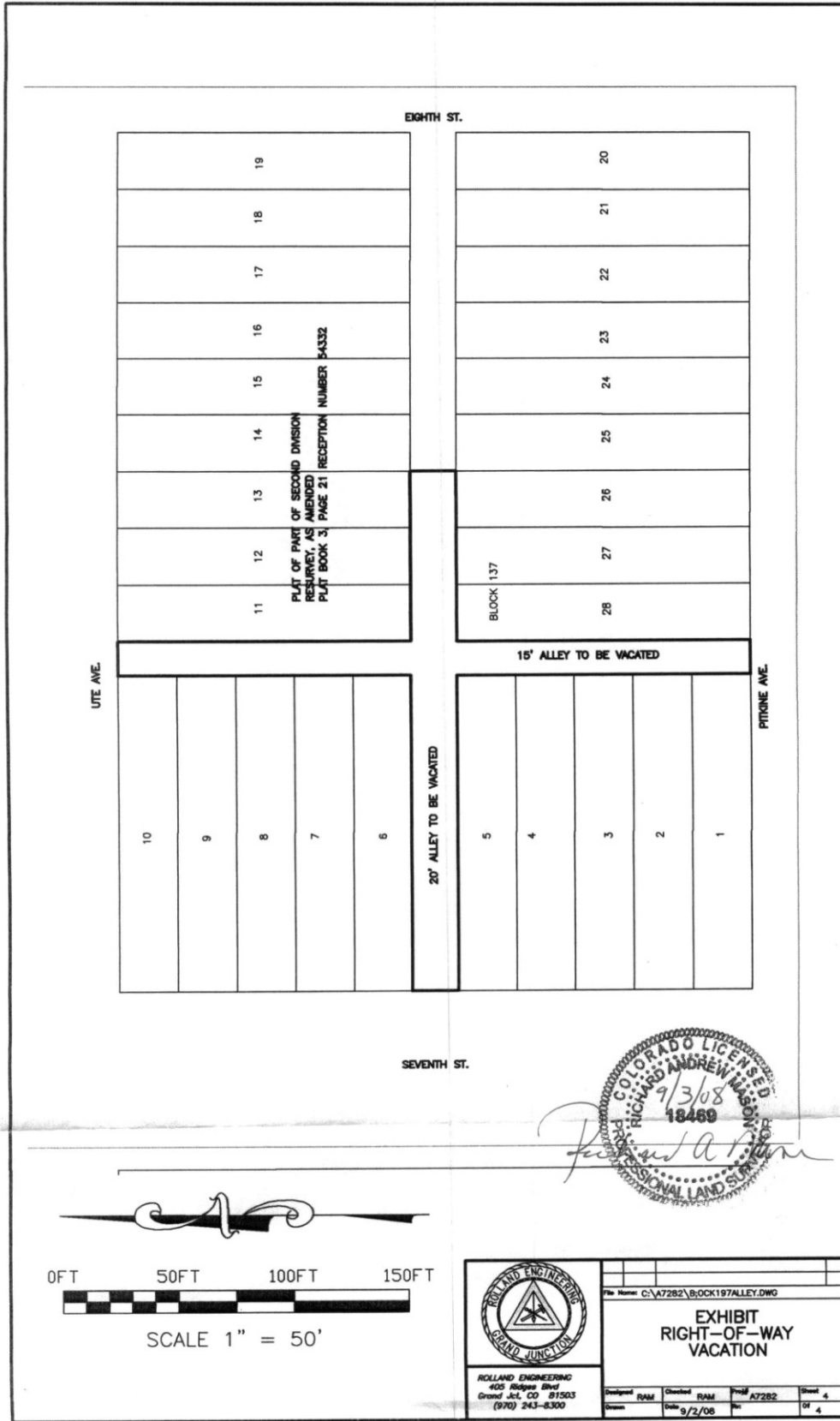
ATTEST:

\_\_\_\_\_  
President of City Council

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

# Exhibit A

ROJECTS\A7282\fromcity\BLOCK197ALLEY.dwg, 9/3/2008 10:21:53 AM



ROLLAND ENGINEERING  
405 Ridge Blvd  
Grand Jct. CO 81503  
(970) 243-8300

File Name: C:\A7282\BLOCK197ALLEY.DWG			
<b>EXHIBIT RIGHT-OF-WAY VACATION</b>			
Designed	RAM	Checked	RAM
Drawn		Date	9/2/08
Proj	A7282	Sheet	4
		Of	4

**Attach 11**

**Purchase of Self Contained Breathing Apparatus (SCBA) for the Fire Department**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Purchase of Self Contained Breathing Apparatus (SCBA) for the Fire Department		
<b>File #</b>			
<b>Meeting Day, Date</b>			
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	July 15, 2009		
<b>Author Name &amp; Title</b>	Susan Hyatt, Senior Buyer		
<b>Presenter Name &amp; Title</b>	Ken Watkins, Fire Chief Bill Roth, Deputy Fire Chief		

**Summary:** Purchase of 64 Self Contained Breathing Apparatus (SCBA) units with accessories for the Grand Junction Fire Department to replace existing units. All the existing SCBA units are non-compliant with the National Fire Protection Association (NFPA) standards and need to be replaced at one time to ensure training and emergency safety procedures are met.

**Budget:** Sufficient Funds have been budgeted for the SCBA Units in the Equipment Replacement Fund (50 Units) and the General Fund (14 Units).

**Action Requested/Recommendation:** Authorize the City Purchasing Division to Award a Contract to Municipal Emergency Services (MES) of Englewood, CO in the Amount of \$395,875.25 for the Purchase of 64 Scott NXG7 SCBA Units.

**Attachments:** None

**Background Information:** Self-contained breathing apparatus (SCBA) are a critical component of firefighting gear. Without this equipment, firefighters do not have the ability to enter heated, smoke filled or other hazard environments for rescue or extinguishment of fire. The Department's current equipment is approaching the end of its life cycle, does not have many of the safety enhancements made in the industry over the last 15 years and are essentially non-compliant with the National Fire Protection Association standards.

The Grand Junction Fire Department conducted an in-depth field evaluation on five (5) different manufacturers' SCBA Units. The evaluators wore full gear consistent with the equipment used on a fire scene. Each evaluator completed a series of events while

wearing each of the manufacturer's SCBA unit for a minimum of one complete 30 minute bottle.

The fit and function evaluation was completed over a two day period using a house donated for training. The team moved through extremely physical stations wearing the units while performing maneuvers such as climbing a ladder, crawling through a low visibility scenario with a fire hose, cutting a ventilation hole with a power saw and using hand tools carried on a fire engine. In this smoke filled environment, life safety and use of buddy breathing apparatus was a key part of the evaluation. Units were evaluated on ease of donning and doffing, comfort, fit and weight distribution, ease of air bottle change, visibility, clarity of speech through the face mask, gauge visibility, air bottle valve location and operation, comfort while crawling, climbing a ladder and using power tools.

The Request for Proposal (RFP) was sent to the five firms who produce SCBA Units. There are no local vendors who produce SCBA units. The five responses were received and evaluated by representatives from the Fire Department and the Purchasing Division. Responses were weighted and scored in the following areas: demo and testing, pricing, factory service, mandatory replacement parts, service support, training support, operational and technical training, modularity (component attachments), warranty, delivery, references, past service history, recall rates and litigation. The firms were ranked in the following order:

Company/Make and Model	Location	Dollar Total	Eval Score
MES (Municipal Emergency Services)/Scott NXG7	Englewood, CO	\$395,875.25	1390
International Safety Instruments/Viking Z7	Lawrenceville, GA	\$252,974.80	1365
L.N. Curtis & Sons/Sperian Warrior	Salt Lake City, UT	\$289,497.00	1277
North American Service Company/Firehawk M7	Colorado Springs, CO	\$386,295.77	1155
Draeger Safety Inc./Draeger PSS7000	Pittsburg, PA	\$427,077.30	1105

SCBA's are the single-most critical life safety tool for firefighters. As a result, the overall scores were heavily weighted in the demo and testing category. MES stood out among the evaluation team because of safety features such as a low profiled and streamlined backframe (user comfort, less fatigue), advanced facepiece technology (excellent, vision, comfort, communication, voice amplifier), and audible and visual warning devices.

In addition, based on MES' (Municipal Emergency Services) strong performance in response to the City's RFP, functional requirements, the on-site demonstration and the strong references made by current MES customers, the Grand Junction Fire Department and Purchasing is recommending MES as the provider for the SCBA units.

**Attach 12**  
**Public Hearing— Reigan Growth Plan Amendment**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Reigan Growth Plan Amendment located at 2202, 2202 ½ and 2204 H Road		
<b>File #</b>	GPA-2009-069		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	July 22, 2009		
<b>Author Name &amp; Title</b>	Scott D. Peterson, Senior Planner		
<b>Presenter Name &amp; Title</b>	Scott D. Peterson, Senior Planner		

**Summary:** The petitioners, Robert and Marie Reigan, Jerry D. Patterson and TEK Leasing LLC, request adoption of a resolution to amend the Growth Plan Future Land Use Map from Mixed Use to Commercial/Industrial for three properties that total 12 +/- acres located at 2202, 2202 ½, and 2204 H Road. The Planning Commission recommended denial of the proposed Growth Plan Amendment request at their May 26, 2009 meeting.

**Budget:** N/A.

**Action Requested/Recommendation:** Hold a public hearing and consider adopting a Resolution amending the Growth Plan Future Land Use Map from Mixed Use to Commercial/Industrial.

**Attachments:**

Background Information  
 Site Location Map / Aerial Photo Map  
 Future Land Use Map / Draft Comprehensive Plan Map  
 Existing City and County Zoning  
 Applicant's General Project Report  
 Table 3.5 of the Zoning and Development Code  
 May 26, 2009 Planning Commission Minutes  
 Email from resident of the area  
 Resolution



BACKGROUND INFORMATION					
<b>Location:</b>		2202, 2202 ½ and 2204 H Road			
<b>Applicants:</b>		Robert and Marie Reigan, Jerry D. Patterson and TEK Leasing LLC, Owners			
<b>Existing Land Use:</b>		Single-family residential, private shop building and vacant land			
<b>Proposed Land Use:</b>		Light industrial development			
<b>Surrounding Land Use:</b>	<b>North</b>	Residential			
	<b>South</b>	Light industrial			
	<b>East</b>	Residential			
	<b>West</b>	Light industrial			
<b>Existing Zoning:</b>		M-U, (Mixed Use) (City)			
<b>Proposed Zoning:</b>		To be determined – possible I-1, (Light Industrial) if GPA would be approved by City			
<b>Surrounding Zoning:</b>	<b>North</b>	M-U, (Mixed Use) (City)			
	<b>South</b>	PUD, (Planned Unit Development – Industrial) (County)			
	<b>East</b>	RSF-R, (Residential Single Family – Rural) (County)			
	<b>West</b>	I-1, (Light Industrial) (City) and RSF-R, (Residential Single Family – Rural) (County)			
<b>Growth Plan Designation:</b>		Mixed Use			
<b>Zoning within density range?</b>		X	Yes		No

The three applicants currently own their individual properties located at the intersection of H and 22 Roads. Total acreage for all three properties is 12 +/- acres. In August 2007, these three properties along with two others were added into the Persigo 201 Boundary (since that time, the Persigo 201 Boundary has been further extended to the north to I and J Roads). Also in December, 2007, the three applicants along with a fourth property directly to the north (824 22 Road) applied for and received approval from the City to change the Growth Plan Future Land Use Map from Rural (5 – 35 ac/du) to Mixed Use (City file # GPA-2007-279) due in part to the changing urban character of the area that was acknowledged by the City and County when the Persigo 201 Boundary was adjusted in August 2007 and to accommodate their desire to market

the properties for more intense non-residential land uses. These four properties were officially annexed into the City and zoned M-U, (Mixed Use) in February, 2008.

The three lots contain, respectively, one single-family detached dwelling unit, vacant land and one private shop building and modular home. To the north and east is existing single family residential development on larger parcels of land. To the south are various light industrial developments. Directly to the west, across 22 Road, is the approved H Road/Northwest Area Plan Study Area and a Growth Plan Future Land Use Map designation of Commercial/Industrial. Presently there are various light industrial properties currently under development along 22 Road in this vicinity.

The Planning Commission and Project Manager feels the Mixed Use designation remains appropriate for these properties, because it provides a transition between the industrial development to the west and south and the residential land uses to the north and east. Furthermore, the natural geographic barriers of H Road and 22 Road between light industrial and residential development would be eroded by allowing the introduction of industrial zoning on the northside of H Road, east of 22 Road. The current preferred version of the proposed Comprehensive Plan also indicates this area to be designated as a "Village Center" with a Mixed Use zoning designation.

Table 3.5 of the Zoning and Development Code (see attached) identifies numerous permitted land uses for the M-U, Mixed Use Zoning District, such as the following: multi-family and single-family attached residential development, general offices, limited retail (either allowed or through a Conditional Use Permit), contractors and trade shops with outside storage (Conditional Use Permit required) and warehouse and freight movement (Conditional Use Permit required – for outdoor loading docks).

The purpose of the Mixed Use zoning classification as described in the Zoning and Development Code is as follows; *"To provide for a mix of light manufacturing and office park employment centers, retail, service and multi-family residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.....as well as serving as a transition between residential and nonresidential use areas."*

According to one of the applicants, they wish to sell their property located at 2204 H Road, but cannot market the property(s) with the current M-U, Mixed Use zoning classification and thus the request to change the Future Land Use Map from Mixed Use to Commercial/Industrial with the ultimate goal to zone the properties I-1, Light Industrial. While the Project Manager sympathizes with the applicant's situation of having a residential property near the intersection of 22 and H Roads, nevertheless, these two (2) rights-of-way serve as a natural geographic boundary between the industrial land uses to the south and west and the mixed use/residential properties to the north and east. A zoning decision should be based on the interests of the

community as a whole and not upon the desires of a property owner to sell his/her property.

**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:

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

There was no error at the time of the 1996 Growth Plan adoption. At that time, these three properties were agricultural and not included within the Urban Growth Boundary or the Persigo 201 Boundary. In December, 2007 the City Council approved a Growth Plan Amendment for these three properties along with a fourth property from Rural (5 – 35 ac/du) to Mixed Use in order to provide a transition and buffer between the existing and future industrial land uses and residential development.

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

Subsequent events have not changed since 2007 when the Future Land Use Map was changed from Rural (5 – 35 ac/du) to Mixed Use in order to address the current impacts of existing and future industrial development in the area. The area is zoned light industrial to the south and west with existing residential development to the east and north. The present Mixed Use designation serves as a buffer and transition between the existing two land uses of industrial and residential.

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

The character of this area has been and continues to be developing with urban land uses; specifically industrial uses that bring with them noise and traffic. The interface with these industrial uses and the existing residential uses has become and continues to be an ongoing problem for area residents.

However, the applicant's request to change the Growth Plan Future Land Use Map from Mixed Use to Commercial/Industrial will only exacerbate the problem and bring industrial development even closer to the existing residential development. In 2007 the City changed the Growth Plan Future Land Use Map to Mixed Use in order to provide a transitional area between two contrasting land uses. There have been no significant changes since

2007 to warrant another amendment to the Growth Plan Future Land Use Map to Commercial/Industrial.

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

The proposed change from Mixed Use to Commercial/Industrial is not consistent and/or does not meet with the following goals and policies as described in 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 1.3:** The City and County will use the Future Land Use Map in conjunction with the other policies of this plan to guide zoning and development and decisions – City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

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

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

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

**Goal 10:** To retain valued characteristics of different neighborhoods within the community.

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

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

**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.

**Goal 12:** To enhance the ability of neighborhood centers to compatibly serve the neighborhoods in which they are located.

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

**Policy 12.3:** The City and County will protect stable residential neighborhoods from encroachment of incompatible residential and non-residential development.

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

**Policy 15.3:** Prior to any future plan amendments, the City and County will ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each residential land use category for the next ten years. (FYI. The current Mixed Use category allows multi-family etc., residential development.)

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

Adequate public and community facilities are currently available or can be made available that can address the impacts of any development consistent with either the existing Mixed Use or proposed Commercial/Industrial Growth Plan Future Land Use Map designations.

- m. 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

While it is understood that the Grand Junction area is experiencing a shortage of industrially zoned properties at the moment, the fact remains that the Mixed Use category was approved in 2007 by the City at the applicant's request in order to give the applicant's more options in the sale and marketing of their properties and also in order to provide and create a

transition between industrial and residential land uses. The existing Mixed Use category and zoning accomplishes this.

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

The community and area will not benefit if the proposed request to Commercial/Industrial would be approved. The area does benefit however by keeping the existing Mixed Use category in place which creates a buffer and transition between industrial and residential land uses, thus meeting the goals and policies of the Growth Plan.

## **FINDINGS OF FACT/CONCLUSIONS**

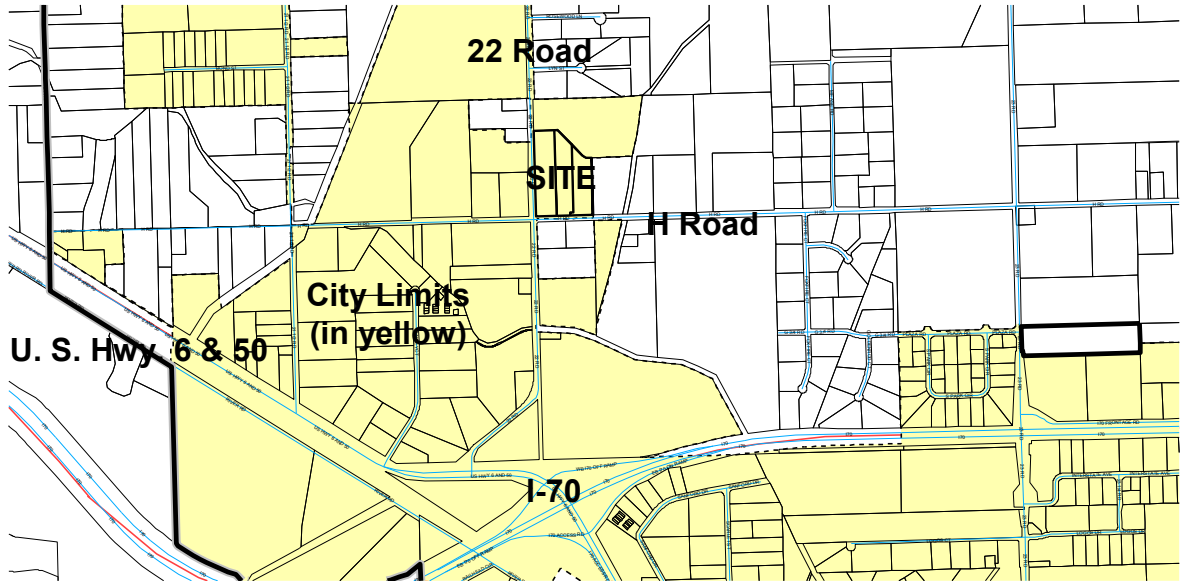
After reviewing the Reagan Growth Plan Amendment application, GPA-2009-069 for a Growth Plan Amendment, the Planning Commission made the following findings of fact and conclusions:

9. The proposed amendment is not consistent with the purpose and intent of the Growth Plan.
10. The review criteria in Section 2.5 C. of the Zoning and Development Code have not all been met.



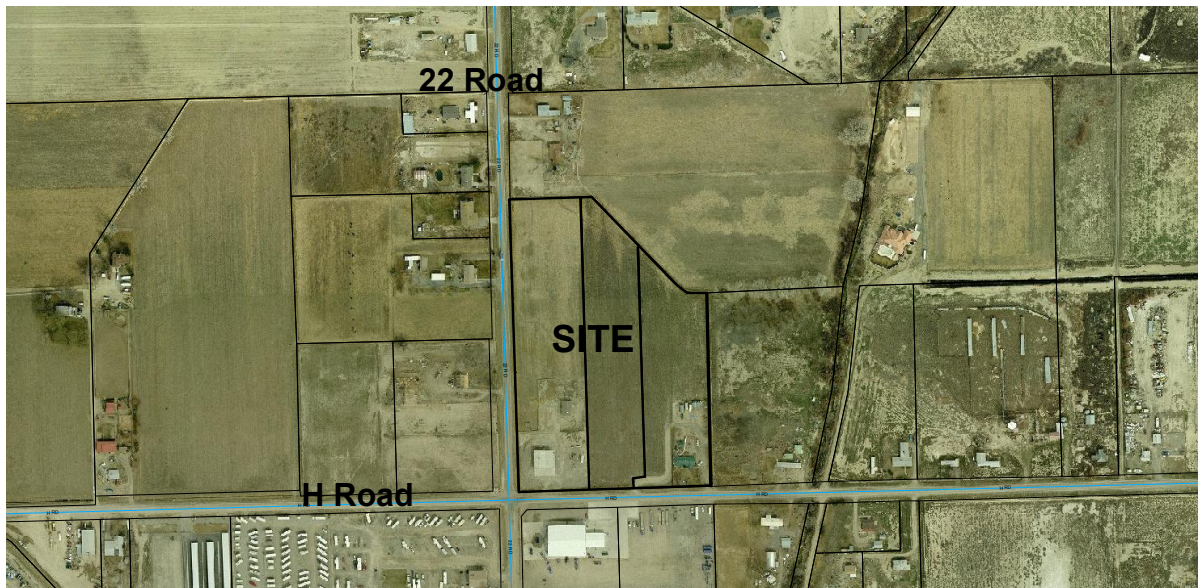
# Site Location Map

Figure 1



# Aerial Photo Map

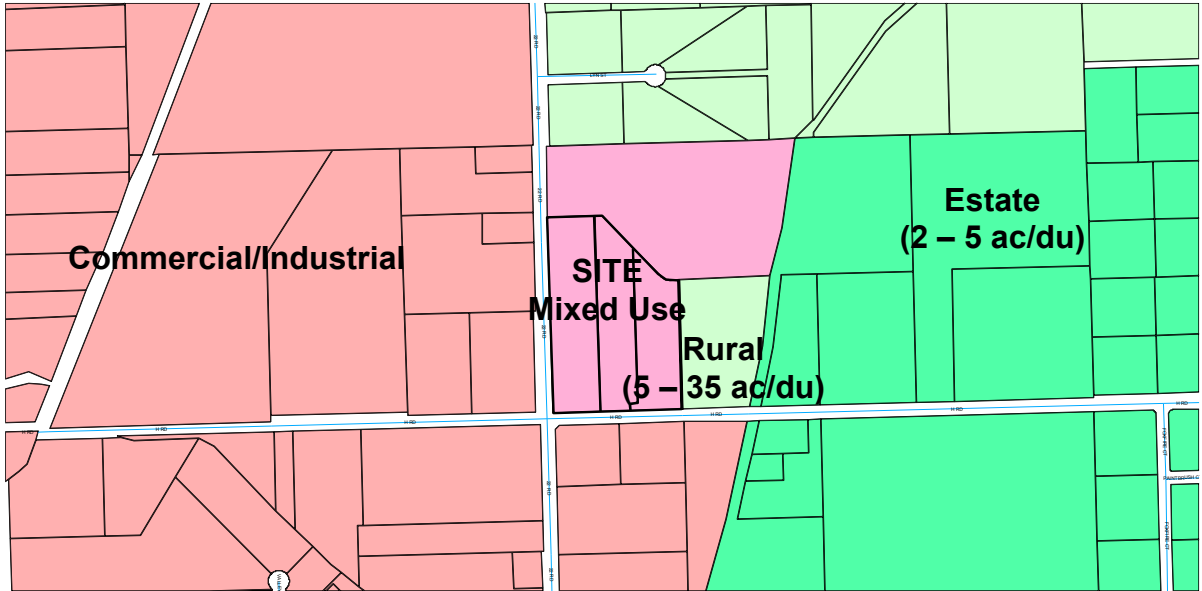
Figure 2





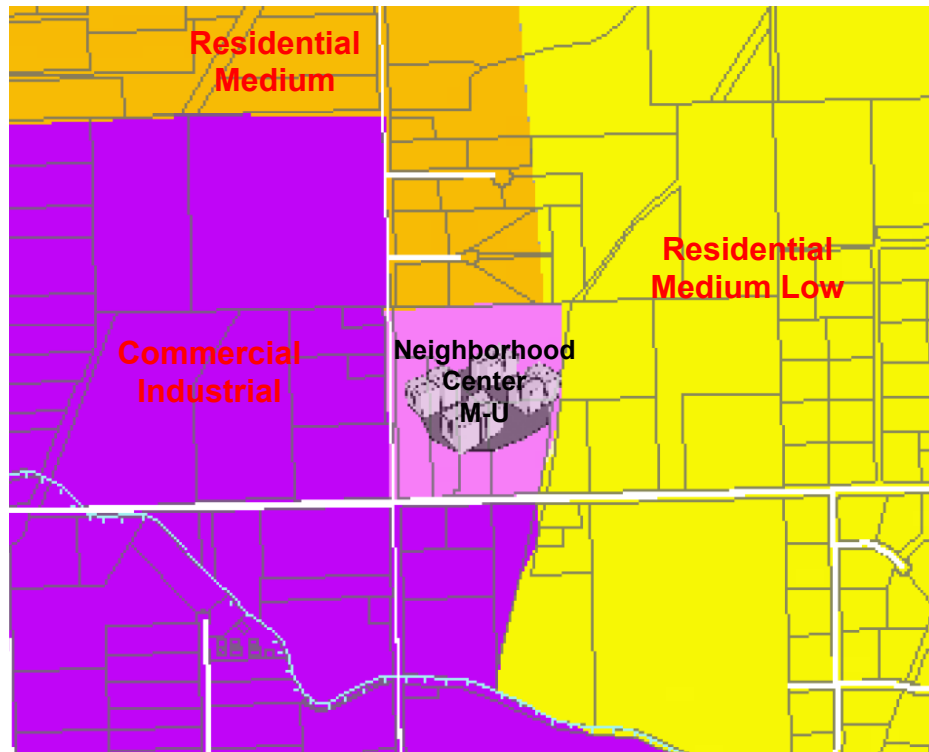
# Future Land Use Map

Figure 3



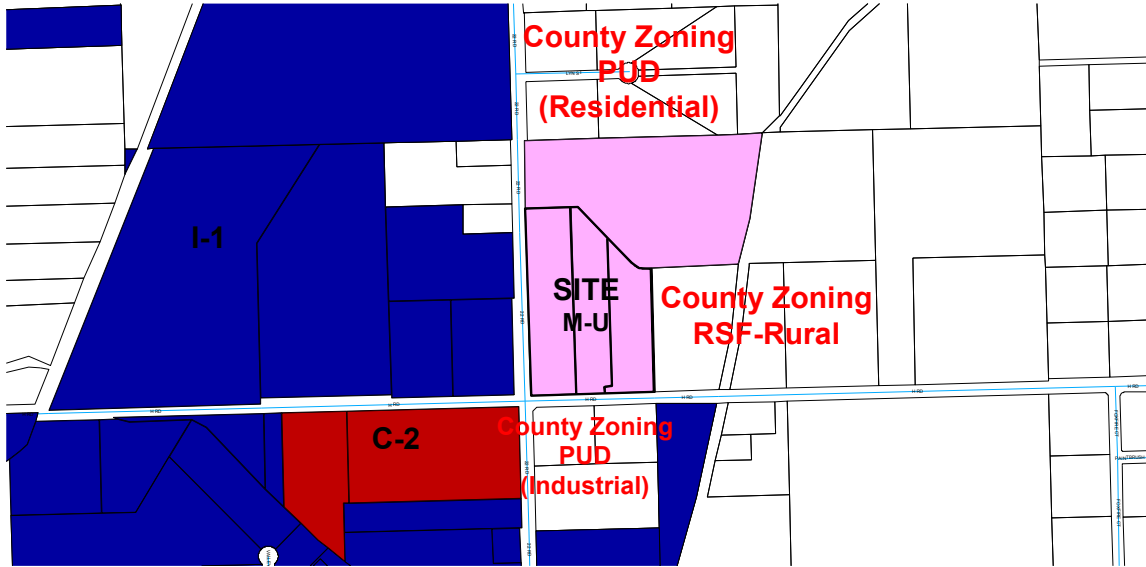
# Draft Comprehensive Plan Map

Figure 4



# Existing City and County Zoning

Figure 5



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."

## General Project Report

### A. Project Description

1. Location- 2204, 2202 ½, 2202 H Road
2. Acreage- 12.1+/- acres
3. Proposed use- Business development compatible with an I1 zoning

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

There indeed were projects and trends that were reasonably foreseeable, and not accounted for when we were advised by the G.J. city's planning dept. that an M-U zoning of our parcels would be the appropriate zoning. This zoning according to planning would provide for a transition from industrial use properties to residential. The subsequent expansion of the Persigo sewer district has facilitated the expansion of industrial properties to the south of our properties extending east, and west of our properties extending north.

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

With the expansion of industrial properties to the south of our properties extending east, also properties to the west of ours extending north, this expansion has negated the usefulness of our properties to the city and county as a buffer or transitional property between then existing residential and industrial properties.

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

The character and condition of the area has and is changing drastically, properties that were previously vacant, agricultural, and residential in use are now used for industrial purposes.

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

After review of the City of Grand Junction and Mesa County property's Future Land Use Map Draft in December of 2008, it was amazing to see that our properties with their M-U

zoning were to be a “village center”. The demand for “village center” properties in our local is quite low literally non-existent according to commercial real-estate brokers, however industrial property is in demand in this area, in their professional opinions an I1 zoning would be the most suitable use of these parcels. The location of these parcels with respect to immediate Interstate and State highway access, a fueling station, and other industrial and commercially zoned supporting businesses, make these properties extremely suitable for industrial zoning, the same zoning and use as the properties to the south and west of our parcels. There still would remain a buffering property with M-U zoning between our parcels and the subdivision to the north, that property being the 14.245 acre Morario parcel at 824 22 Road.

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

Responses from the utility companies serving this area were that they can and will provide for the needs of new and expanding Grand Valley businesses.

This area has many businesses with symbiotic relationships and the future I1 use of our properties would further that cohesive business environment.

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

Both City and County officials have acknowledged the inadequate supply of commercial and industrial properties available in the Grand Valley. The expansion of the Persigo sewer district in our immediate area and the subsequent expansion of I1 properties to the south and west of our parcels demonstrate that need especially in our area.

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

The influx of new, or the expansion of existing businesses in need of this zoning helps greatly to advance and stabilize a communities economy through job growth, and increased sales and property taxes.

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL												NONRESIDENTIAL					Use-Specific Standard			
		R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-24	R-40	B-1	B-2	C-1	C-2	I-O	I-1	I-2		CSR	M-U	
<b>RESIDENTIAL</b>																						
Household Living - residential occupancy of a dwelling unit by a "household"	Business Residence							C	C	A	A	A	A	A	A	A	A	A	C	A	4.3.I	
	Rooming/Boarding House																					
	Two Family Dwelling <sup>3</sup>				A	A	A	A	A	A	A	A	A	C	C							
	Single-Family Detached	A	A	A	A	A	A	A	A	A	A	A	A	C	C					A	4.3.N	
	Duplex <sup>3</sup>					A	A	A	A	A	A	A	A	C	C							
	Multifamily <sup>3</sup>								A	A	A	A	A	A	A	A					A	4.3.O
	Stacked Dwelling								A	A	A	A										
	Residential Subunits/Accessory Units	A	A	A	A	A	A	A	A	A	A	A										4.1.G
	Agricultural Labor Housing	A																		A		
	Single-Family Attached						A	A	A	A	A	A	C								A	
	Manufactured Housing Park						C	C	C	C	C	C	C		C							4.3.F
	All Other Housing Living						A	A	A	A	A	C	C	C							A	
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A							A	4.1.H	
Group Living - residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"	Small Group Living Facility	A	A	A	A	A	A	A	A	A	A	A	C	C	C				C	C	4.3.Q	
	Large Group Living Facility (includes secure facilities)						C	C	C	C	C	C	C	C	C	C				C	C	4.3.Q
	Unlimited Group Living Facility							C	C	C	C	C	C	C	C	C				C	C	4.3.Q
<b>INSTITUTIONAL &amp; CIVIC</b>																						
Colleges and Vocational Schools - colleges and institutions of higher learning	Colleges and Universities						C	C	C	C	C	C	C	A	A	A	A	C	C	C	A	A
	Vocational, Technical & Trade Schools													C	A	A	A	A	C	C	A	A
	All Other Educational Institutions														C	C	C	C	C	C	C	A
Community Service - uses providing a local service to the community	Community Activity Building	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C				A	A	
	All Other Community Service	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C	C	C	A	C	
Cultural - establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society	Museum, Art Galleries, Opera Houses, Libraries	C	C	C	C	C	C	C	C	C	C	A	A	A	A	C	C	C	C	A	A	
	Home-Based Day Care (1-12)	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C				C	C	
Day Care - care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	General Day Care	C	C	C	C	C	C	C	C	A	C	A	A	A	C	C				C	C	









**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL							Use-Specific Standard			
		R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	I-O	I-1		I-2	CSR	M-J
<b>Vehicle Service, Limited</b> - direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed	Car Wash														A	A	A	A	A	C		
	Gasoline Service Station														A	A	A	C	A	A	C	
	Quick Lube														A	A	A	C	A	A	C	
	All Other Vehicle Service, limited														C	A	A	A	A			
<b>INDUSTRIAL</b>																						
<b>Manufacturing and Production</b> - firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	<b>Indoor Operations and Storage</b>																					
	Assembly															A	A	A	A	A	A	
	Food Products															A	A	A	A	A	A	
	Manufacturing/Processing															C	C	A	A	A	A	
	<b>Indoor Operations with Outdoor Storage</b>																					
	Assembly																C	A	A	A	A	C
	Food Products																C	C	A	A	A	C
	Manufacturing/Processing																	A	A	A	A	C
	<b>Outdoor Operations and Storage</b>																					
	Assembly																C	C	A	A		
	Food Products																C	C	A	A		
	Manufacturing/Processing																C	C	A	A		
All Other Industrial Service, including the storage of hazardous materials and explosives																		C	C	C		
<b>Contractors and Trade Shops</b>	Indoor operations and storage															C	A	A	C	A	A	
	Indoor operations and outdoor storage (including heavy vehicles)																C	A	C	A	A	
	Outdoor storage and operations																		C	A	A	
<b>Junk Yard</b>	Junk Yard																		C	C		
<b>Impound Lot</b>	Impound Lot																		C	C		
<b>Heavy Equipment Storage/Pipe Storage</b>	All																		C	A	A	
	Indoor Operations, Storage and Loading																		A	A	A	
<b>Warehouse and Freight Movement</b> - firms involved in the storage or movement of freight	Indoor Storage with Outdoor Loading Docks																		C	A	A	
	Outdoor Storage or Loading																		C	A	A	
	Gas or Petroleum Storage																		C	C	C	
	Sand or Gravel Storage																		A	A		
	All Other																		C	C		
	Non-Hazardous Waste Transfer																		C	C	C	
<b>Waste-Related Use</b> - uses that receive solid or liquid wastes from others, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material	Medical/Hazardous Waste Transfer Station																		C	C	C	
	Solid Waste Disposal Sites																		C	C	C	
	Recycling Collection Point															C	C	C	C	C	C	
	All Other Waste-Related																		C	C	C	



## **May 26, 2009 Planning Commission Minutes:**

### **Reigan Growth Plan Amendment – Growth Plan Amendment**

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Mixed Use to Commercial/Industrial on 12.00 acres.

**FILE #:** GPA-2009-069

**PETITIONER:** Robert Reigan

**LOCATION:** 2204, 2202 1/2, 2202 H Road

**STAFF:** Scott Peterson

### **STAFF'S PRESENTATION**

Scott Peterson, Senior Planner with the Public Works and Planning Department made a PowerPoint presentation regarding the request for a Growth Plan Amendment for 3 properties from Mixed Use to Commercial/Industrial. He said the requested property was located north of H Road and east of 22 Road. According to Mr. Peterson, applicants requested a Growth Plan Amendment in order to market the properties as industrial lots. Presently, the 3 lots contain one single-family detached dwelling unit, vacant land and one private shop building with a modular home.

He went on to state that to the north and east was an existing single-family residential development on larger parcels of land and to the south were various Light Industrial developments and directly to the west was the approved H Road Northwest Area Plan Study Area and a Growth Plan Future Land Use Map designation of Commercial/Industrial. Mr. Peterson added that there were various Light Industrial properties currently under development along the 22 Road corridor in the vicinity of the subject property.

Also, in August 2007 these three properties along with two others were added into the Persigo 201 boundary and in December 2007 the three applicants, along with a fourth property owner directly to the north, applied for and received the City's approval to change the Growth Plan Future Land Use Map from Rural to the Mixed Use land use designation. One of the reasons for this change was to accommodate their desire to market the properties for more intense, non-residential land uses. Mr. Peterson said that the four properties were officially annexed into the City and zoned MU in February 2008. According to the current Land Use Map, he felt that the Mixed Use designation remained appropriate for these properties as it provided a transition between the Industrial development to the west and south and the Residential land uses to the north and east.

Additionally, the natural geographic barriers of H and 22 Roads would be eroded by the introduction of Industrial zoning on the north side of H Road east of 22 Road. After a review of the criteria for a Growth Plan Amendment, Mr. Peterson commented that there was no error at the time of the adoption of the Growth Plan in 1996. In December 2007 City Council approved the Growth Plan Amendment for these properties from

Rural to Mixed Use in order to provide a transition and buffer between existing and future Industrial land uses and the residential development.

Mr. Peterson opined that the proposed change did not meet with the applicable goals of the Growth Plan. While understanding that the area was experiencing a shortage of Industrial zoned properties, the Mixed Use category was approved in 2007 at applicants' request to provide them with more options for the sale and marketing of these properties. He added that neither the community nor the area would benefit from the proposed request and alternatively, applicants' request to change the Growth Plan and Future Land Use Map would exacerbate the problem and bring Industrial development closer to the existing Residential development. Mr. Peterson added that since the Growth Plan Amendment in 2007, there have been no significant changes to warrant another amendment to the Commercial/Industrial designation.

Lastly, he found that the proposed Growth Plan Amendment was not consistent with the purpose and intent of the Growth Plan and that the pertinent Zoning and Development Code review criteria had not all been met and recommended that the Planning Commission forward a recommendation of denial of the requested Growth Plan to the City Council. He said that he attended a neighborhood meeting wherein two property owners voiced their concern regarding the proposed designation and also that he had received a phone call from an adjacent property owner voicing his opposition to the proposed change.

### **APPLICANTS' PRESENTATION**

Robert Reigan addressed the Commission together with his wife, Marie, and Jerry Patterson and the manager of TEK Leasing, LLC. He addressed the issues in opposition to their request. He listed the major objections to be that the property served as a transitional property and buffer. He said that the only residential properties that could be affected were the Lynwood Subdivision to the north and the larger parcel to the direct east of the Morario property. He advised that they had more distance separating their properties from the residential properties than what had already been expanded along the south side of H Road and the west side of 22 Road.

Regarding the rezone in 2007, they had been trying to market their property as residential property for more than two years and were not successful due to the expansion of Industrial to the south. After speaking with the Planning Department, it was suggested to go to MU. However, with the expansion of Industrial to the east, on the south side of H Road and its expansion to the north on 22 Road on the west side, that had negated their property as a buffer. Mr. Reigan stated that all of the properties along H Road on the west side of 22 Road were previously agricultural properties as well as those to the north of H Road on the west side of 22 Road. Those have subsequently been rezoned to Commercial and Industrial properties and questioned why the criteria would be any different.

He identified what he believed to be a lot of changes since their application for the Mixed Use zoning. With respect to the neighborhood meeting, he added that there were

only two property owners who voiced any concerns and added that after an explanation regarding an expansion of Commercial and Industrial properties that their use as a buffer had been negated because of that expansion. He said that those two property owners stated that while they did not like the requested relief, they understood why they were asking for it and would likely do the same thing if they were in applicants' position.

He also addressed the marketing of their property; first as Residential, then as Mixed Use to which they have had no success. He asked that the Commission have due diligence in consideration of their proposal to a Commercial and Industrial zoning of those properties because of the expansion in that area as well as there were other properties to provide the necessary buffer. Finally, he said that there was no opposition from the property owner directly to the east and asked for approval of the Commercial and Industrial zoning.

Marie Reigan, 2204 H Road, said that they purchased the property 18 years ago and they were now not able to provide a good, safe home for their children. She said that a zoning of Industrial was the only way that they would be able to sell the property as the property was not designed for Mixed Use. According to Ms. Reigan, they had asked for Commercial in 2007; however, they were told that the best they could do at the time was multi-use.

### **PUBLIC COMMENT**

#### **For:**

Marcie Johnson along with Jerry Patterson, owner of 2202 H Road, said that there was now a three acre building directly across the street. She said that they received approximately 25 calls a week and those callers were no longer interested when advised of the MU zoning. She agreed with Ms. Reigan that it was dangerous as they were surrounded by Commercial.

Jerry Patterson said that he spoke with a person interested in their property who identified how they would like to use the property only to be told that while it was allowed right across the street, it was not allowed on his property.

Marcie Johnson said that it was no longer Mixed Use.

Julie Butherus with ReMax 4000 spoke on behalf of Glen Larsen (2202½ H Road) and advised that she had been trying to market his property for over 400 days. While there have been many, many calls the criteria required for an MU zone district made it unsalable.

Chairman Cole excused himself from hearing the remainder of this item. Commissioner Wall resumed the hearing as chairman.

Glen Larsen said that he was in favor of changing the Growth Plan to Commercial/Industrial.

**Against:**

No one spoke in opposition to this request.

**DISCUSSION**

Commissioner Abbott said that he was unsure as to how he would vote as there were valid arguments from both sides.

Commissioner Eslami said that he thought this site should be left alone because of the buffering and he supported staff regarding this request.

Acting Chairman Wall said that his belief was that if a zone was changed based on sales, there would be a hodgepodge and based on the staff report, and feathering of zoning, he thought a Mixed Use was the appropriate zone.

**MOTION: (Commissioner Abbott) “Mr. Chairman, I move that the Planning Commission forward a recommendation of approval of the Reigan Growth Plan Amendment request, GPA-2009-069, to the City Council.”**

Commissioner Eslami seconded the motion. A vote was called and the motion failed by a vote of 0 - 5.

**Scott Peterson**

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**From:** "Jackie Pinkham" <jkpinkham@msn.com>  
**To:** <scottp@gjcity.org>  
**Date:** 6/12/2009 3:37 PM

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Dear Mr. Peterson,

After speaking with you this morning, I was pleased to hear the city is not approving the north east corner of H rd. for light industrial. I feel there must be a buffer zone for the residential areas that were purchased in good faith. Keeping it as mixed use at least buffers us from the noise and lights from the industrial use area. Thank you for your time and concern.

Sincerely,  
Jacquelyn Pinkham  
2224 H Road  
G.J., Co. 81505

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 12 +/- ACRES LOCATED AT 2202, 2202 1/2, AND 2204 H ROAD KNOWN AS THE REIGAN GROWTH PLAN AMENDMENT FROM MIXED USE TO COMMERCIAL/INDUSTRIAL**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicants have requested that approximately 12.0 +/- acres, located at 2202, 2002 1/2 and 2204 H Road be redesignated from Mixed Use to Commercial/Industrial 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 MIXED USE TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP.

**Reigan Growth Plan Amendment**

Parcel A, Reigan Simple Land Division and Lots 1 and 2, Ram's Subdivision

Said parcels contain 12.0 +/- acres (522,720 +/- square feet), more or less, as described.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

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



**Attach 13**  
**Public Hearing—Peiffer Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Peiffer Annexation and Zoning - Located at 2454 Bella Pago Drive		
<b>File #</b>	ANX-2009-113		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> X
<b>Date Prepared</b>	July 21, 2009		
<b>Author Name &amp; Title</b>	Judith Rice, Associate Planner		
<b>Presenter Name &amp; Title</b>	Judith Rice, Associate Planner		

**Summary:** A request to annex and zone 2.10 acres, located at 2454 Bella Pago Drive to R-2 (Residential 2 du/acre). The Peiffer Annexation consists of one (1) parcel and includes a portion of Bella Pago Drive.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt Resolution Accepting the Petition for the Peiffer Annexation and Hold a Public Hearing and Consider Final Passage and Publication of the Annexation and Zoning Ordinances.

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

**STAFF REPORT / BACKGROUND INFORMATION**

Location:		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:**

**ANNEXATION:**

This annexation area consists of 2.10 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 Peiffer Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
  - e) The area is capable of being integrated with the City;
  - f) No land held in identical ownership is being divided by the proposed annexation;
  - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<u><i>ANNEXATION SCHEDULE</i></u>	
6/15/2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
6/23/2009	Planning Commission considers Zone of Annexation
7/13/2009	Introduction Of A Proposed Ordinance on Zoning by City Council
8/3/2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
9/4/2009	Effective date of Annexation and Zoning

<b>PEIFFER ANNEXATION SUMMARY</b>		
<b>File Number:</b>	ANX-2009-113	
<b>Location:</b>	2454 Bella Pago Drive	
<b>Tax ID Number:</b>	2945-211-00-065	
<b># of Parcels:</b>	1	
<b>Estimated Population:</b>	1	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	2.10 acres	
<b>Developable Acres Remaining:</b>	1.76 acres	
<b>Right-of-way in Annexation:</b>	.34 acres in Bella Pago Drive ROW	
<b>Previous County Zoning:</b>	RSF-4 (Residential Single Family 4 du/acre)	
<b>Proposed City Zoning:</b>	R-2 (Residential 2 du/acre)	
<b>Current Land Use:</b>	Residential Single Family	
<b>Future Land Use:</b>	Residential Low	
<b>Values:</b>	<b>Assessed:</b>	\$ 39,750
	<b>Actual:</b>	\$ 499,410
<b>Address Ranges:</b>	2453 – 2554 Bella Pago Drive	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	201 Boundary
	<b>Fire:</b>	Grand Junction Fire District (Area E)
	<b>Irrigation/ Drainage:</b>	Redlands Water and Power Company
	<b>School:</b>	District 51
	<b>Pest:</b>	n.a.

**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 are 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.

- d. R-E (Residential Estate 1 du/2 ac)
- e. R-1 (Residential 1 du/acre)

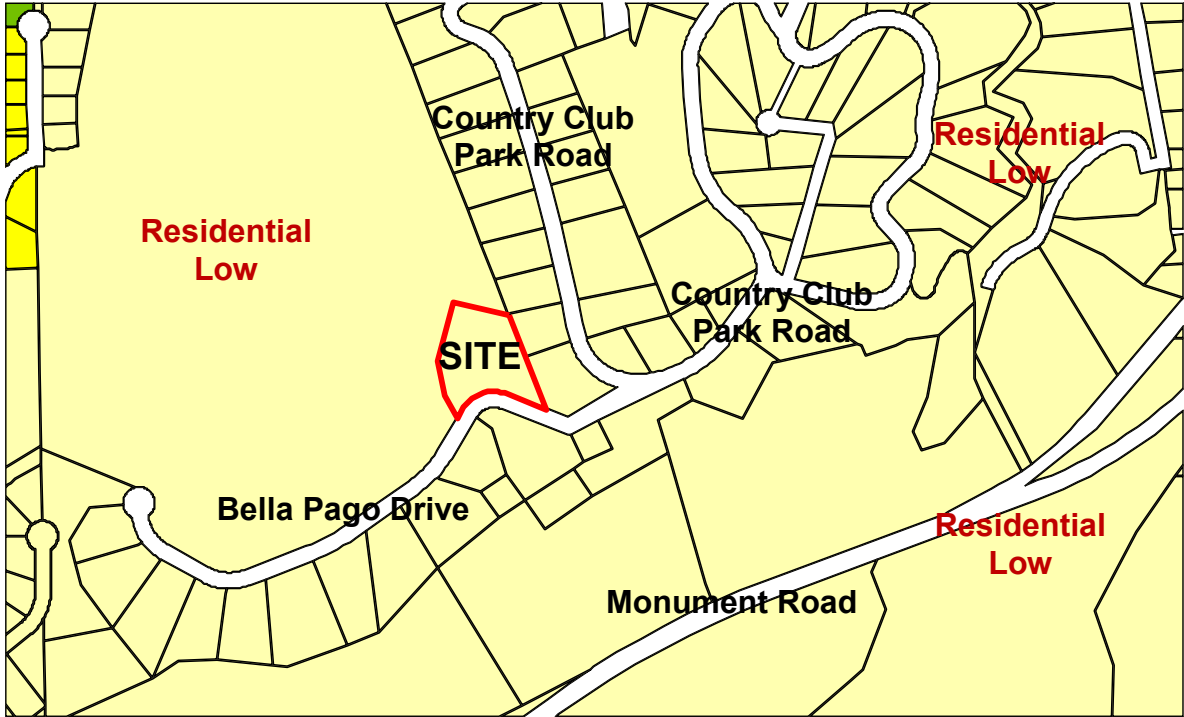
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

**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.



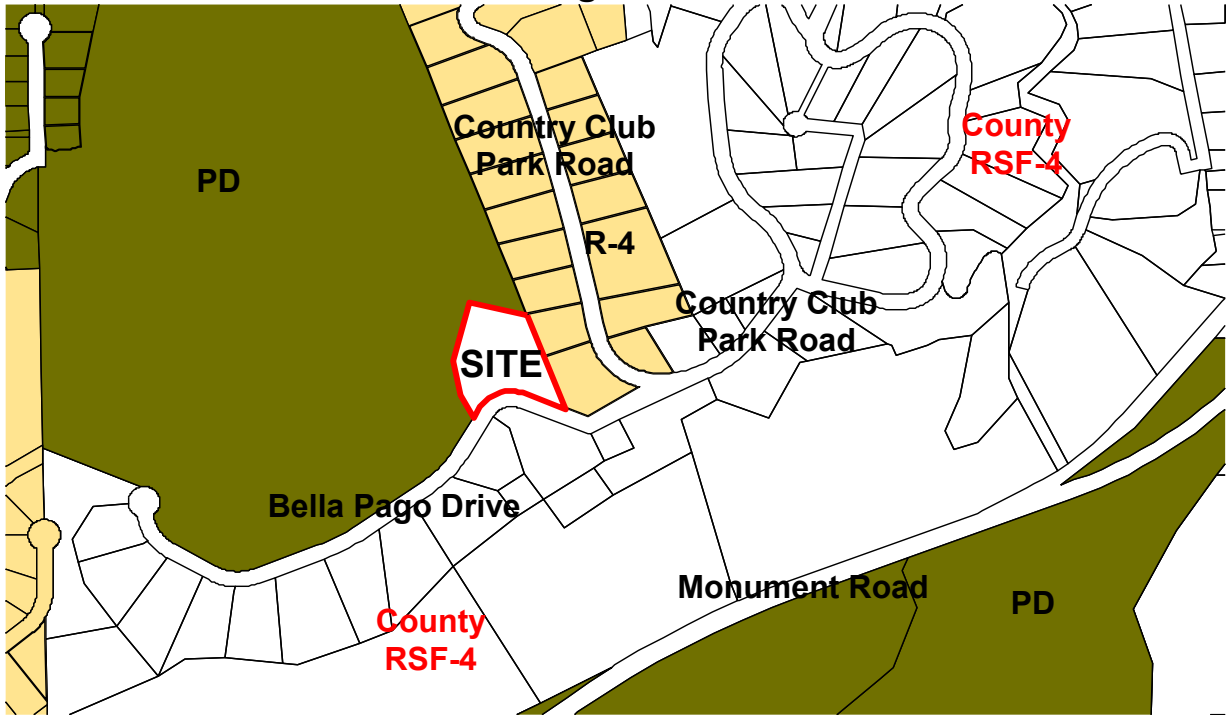
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4







**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

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

**PEIFFER ANNEXATION**

**LOCATED AT 2454 BELLA PAGO DRIVE AND INCLUDING A PORTION OF THE  
BELLA PAGO DRIVE RIGHT-OF-WAY**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 15<sup>th</sup> day of June 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:

**PEIFFER ANNEXATION**

A certain parcel of land located in the East half of the Northwest Quarter (E 1/2 NW 1/4) and the West half of the Northeast Quarter (W 1/2 NE 1/4) of Section 21, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 21 and assuming the North line of the SE 1/4 NW 1/4 of said Section 21 to bear N89°48'35"E with all bearings contained herein relative thereto; thence N89°48'35"E a distance of 1277.50 feet along the North line of the SE 1/4 NW 1/4 of said Section 21 to the Point of Beginning; thence N16°55'21"E a distance of 190.91 feet along the Easterly line of Ridge Point-Filing 1, as same is recorded in Plat Book 14, Page 348, public records of Mesa County, Colorado, said line also being the Easterly line of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction; thence S76°31'56"E a distance of 181.07 feet along the Southerly line of said Ridge Point-Filing 1, said line also being the Southerly line of said Ridges Majority Annexation No. 3; thence S20°28'32"E a distance of 331.58 feet along the Westerly line of Country Club Park Subdivision, as same is recorded in Plat Book 6, Page 15, public records of Mesa County, Colorado, said line also being the Westerly line of Country Club West Annexation, Ordinance No. 2828, City of Grand Junction; thence S22°25'35"W a distance of 50.00 feet to a point on the Northerly line of Bella Pago Subdivision, as same is recorded in Plat Book 10, Page 64, public records of Mesa County, Colorado; thence along the Northerly line of said Bella Pago Subdivision the following three (3) courses: (1) N67°32'27"W a distance of 139.39 feet; (2) 89.91 feet along the arc of a 64.38 foot radius curve, concave Southeast, having a central

angle of 80°01'01" and a chord bearing S72°27'03"W a distance of 82.78 feet; (3) S32°26'42"W a distance of 29.05 feet; thence N57°15'40"W a distance of 50.00 feet to a point on the Easterly line of said Ridge Point-Filing 1, said point also being on the Easterly line of said Ridges Majority Annexation No. 3; thence N28°20'59"W a distance of 81.73 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation; thence N12°07'21"W a distance of 116.24 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation No. 3 to the Point of Beginning.

Said parcel contains 2.10 acres (91,624.39 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 3<sup>rd</sup> day of August, 2009 and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;**

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2009.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PEIFFER ANNEXATION**

**APPROXIMATELY 2.10 ACRES**

**LOCATED AT 2454 BELLA PAGO DRIVE AND INCLUDING A PORTION OF THE  
BELLA PAGO DRIVE RIGHT-OF-WAY**

**WHEREAS**, on the 15<sup>th</sup> day of June 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 3<sup>rd</sup> 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:

**PEIFFER ANNEXATION**

A certain parcel of land located in the East half of the Northwest Quarter (E 1/2 NW 1/4) and the West half of the Northeast Quarter (W 1/2 NE 1/4) of Section 21, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 21 and assuming the North line of the SE 1/4 NW 1/4 of said Section 21 to bear N89°48'35"E with all bearings contained herein relative thereto; thence N89°48'35"E a distance of 1277.50 feet along the North line of the SE 1/4 NW 1/4 of said Section 21 to the Point of Beginning; thence N16°55'21"E a distance of 190.91 feet along the Easterly line of Ridge Point-Filing 1, as same is recorded in Plat Book 14, Page 348, public records of Mesa County, Colorado, said line also being the Easterly line of Ridges Majority Annexation No. 3, Ordinance No. 2569,

City of Grand Junction; thence S76°31'56"E a distance of 181.07 feet along the Southerly line of said Ridge Point-Filing 1, said line also being the Southerly line of said Ridges Majority Annexation No. 3; thence S20°28'32"E a distance of 331.58 feet along the Westerly line of Country Club Park Subdivision, as same is recorded in Plat Book 6, Page 15, public records of Mesa County, Colorado, said line also being the Westerly line of Country Club West Annexation, Ordinance No. 2828, City of Grand Junction; thence S22°25'35"W a distance of 50.00 feet to a point on the Northerly line of Bella Pago Subdivision, as same is recorded in Plat Book 10, Page 64, public records of Mesa County, Colorado; thence along the Northerly line of said Bella Pago Subdivision the following three (3) courses: (1) N67°32'27"W a distance of 139.39 feet; (2) 89.91 feet along the arc of a 64.38 foot radius curve, concave Southeast, having a central angle of 80°01'01" and a chord bearing S72°27'03"W a distance of 82.78 feet; (3) S32°26'42"W a distance of 29.05 feet; thence N57°15'40"W a distance of 50.00 feet to a point on the Easterly line of said Ridge Point-Filing 1, said point also being on the Easterly line of said Ridges Majority Annexation No. 3; thence N28°20'59"W a distance of 81.73 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation; thence N12°07'21"W a distance of 116.24 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation No. 3 to the Point of Beginning.

Said parcel contains 2.10 acres (91,624.39 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 15<sup>th</sup> day of June 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

Attest:

---

President of the Council

---

City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LOCATED AT 2454 BELLA PAGO DRIVE**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Peiffer Annexation to the R-2 (Residential 2 dwelling units per 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 dwelling units per 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 dwelling units per 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 13<sup>th</sup> day of July 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

ATTEST:

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

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

**Attach 14**

**Public Hearing—Monument Village Commercial Center Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Monument Village Commercial Center Annexation and Zoning, Located at 2152 Broadway		
<b>File #</b>	ANX-2009-116		
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b>   <b>X</b>
<b>Date Prepared</b>	July 13, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** Request to annex and zone 5.77 acres, located at 2152 Broadway, to B-1 (Neighborhood Business). The Monument Village Commercial Center Annexation consists of one parcel, and 1.54 acres of right-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt Resolution Accepting the Petition for the Monument Village Commercial Center Annexation and Hold a Public Hearing and Consider Final Passage of the Annexation Ordinance and Zoning Ordinance.

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

**STAFF REPORT / BACKGROUND INFORMATION**

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

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 5.77 acres of land and is comprised of one parcel and 1.54 acres of right-of-way. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;



- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>June 15, 2009</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 23, 2009</b>	Planning Commission considers Zone of Annexation
<b>July 13, 2009</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 3, 2009</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 4, 2009</b>	Effective date of Annexation and Zoning

<b>MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION SUMMARY</b>		
<b>File Number:</b>		ANX-2009-116
<b>Location:</b>		2152 Broadway
<b>Tax ID Number:</b>		2947-231-20-003
<b># of Parcels:</b>		one
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		5.77
<b>Developable Acres Remaining:</b>		4.23
<b>Right-of-way in Annexation:</b>		1.54 acres / 21 1/2 Road (aka Monument Village Dr.); Monument Lane; Rio Hondo Road
<b>Previous County Zoning:</b>		County Planned Unit Development (PUD)
<b>Proposed City Zoning:</b>		B-1 (Neighborhood Commercial)
<b>Current Land Use:</b>		Vacant land
<b>Future Land Use:</b>		Commercial subdivision
<b>Values:</b>	<b>Assessed:</b>	\$160,300
	<b>Actual:</b>	\$552,770
<b>Address Ranges:</b>		To be determined with development
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	City 201
	<b>Fire:</b>	Grand Junction
	<b>Irrigation/ Drainage:</b>	Redlands Water and Power
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand River Mosquito District

**Staff Analysis:**

**ZONE OF ANNEXATION:**

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.

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.

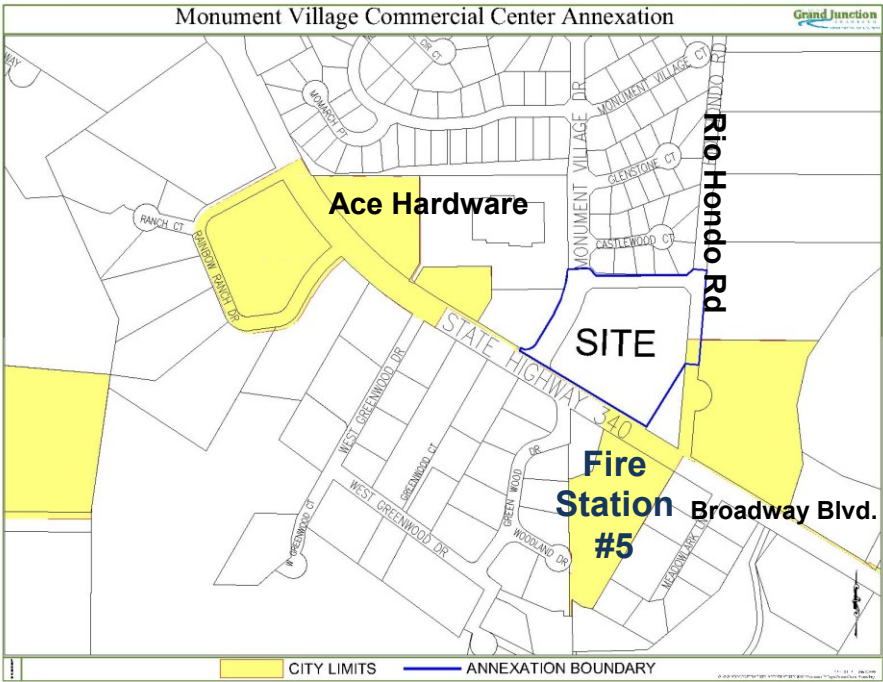
- f. RO: Residential Office
- g. C-1: Light Commercial

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 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



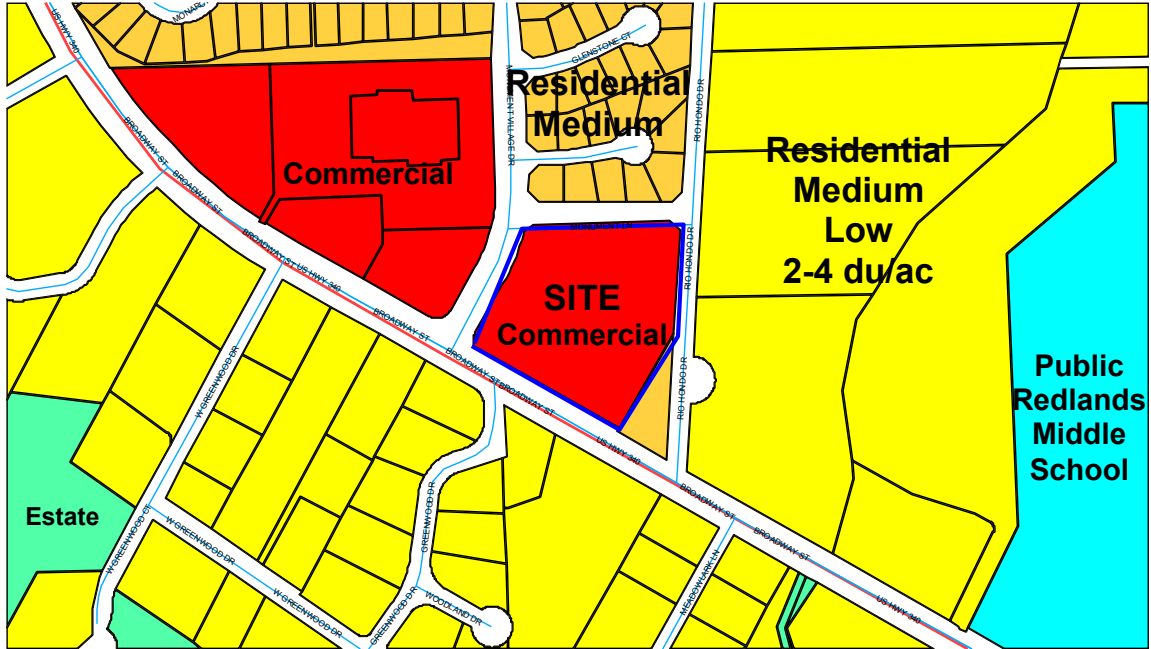
# Aerial Photo Map

2152 Broadway



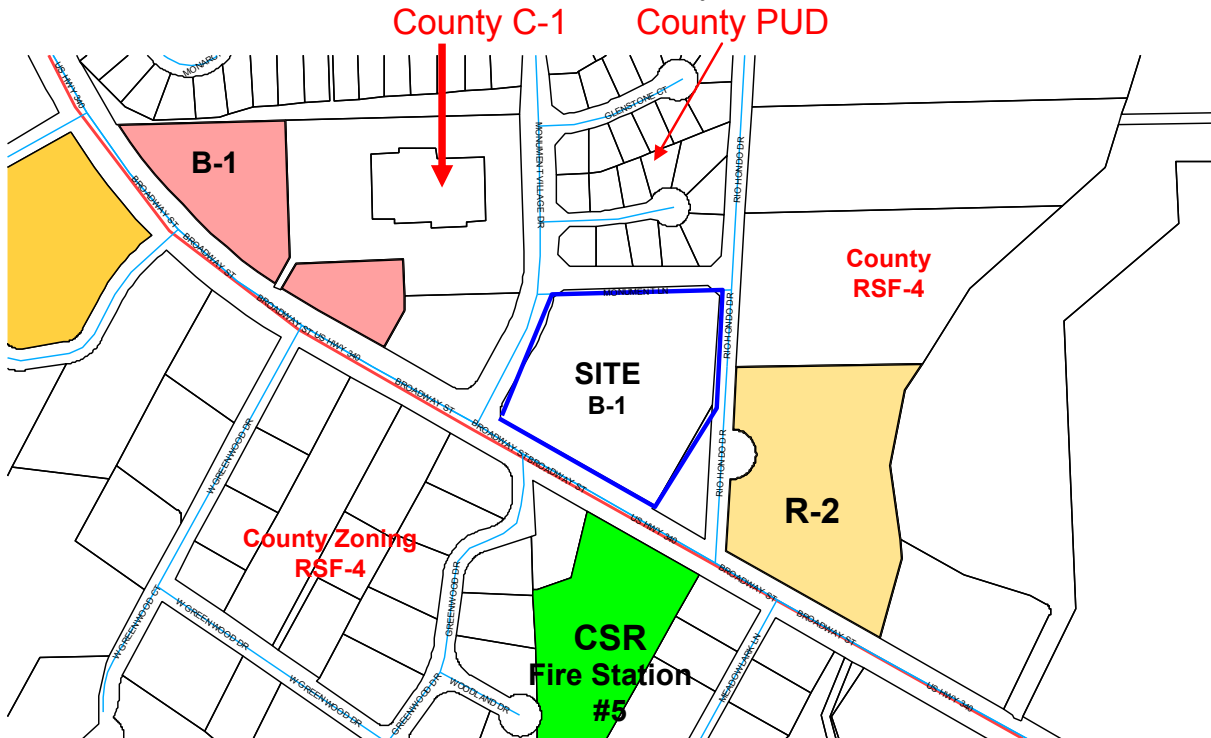
# Future Land Use Map

2152 Broadway



# Existing City and County Zoning Map

2152 Broadway



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

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

**MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION**

**LOCATED AT 2152 BROADWAY AND INCLUDES PORTIONS OF RIGHT-OF-WAY  
FOR MONUMENT VILLAGE DRIVE AND RIO HONDO ROAD AND ALL OF  
MONUMENT LANE**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 15<sup>th</sup> day of June 2009, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION**

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 3<sup>rd</sup> day of August, 2009; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2009.

Attest:

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

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





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION**

**APPROXIMATELY 5.77 ACRES**

**LOCATED AT 2152 BROADWAY AND INCLUDES PORTIONS OF RIGHT-OF-WAY  
FOR MONUMENT VILLAGE DRIVE AND RIO HONDO ROAD AND ALL OF  
MONUMENT LANE**

**WHEREAS**, on the 15<sup>th</sup> day of June, 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 3<sup>rd</sup> 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:

**MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION**

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.

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

**INTRODUCED** on first reading on the 15<sup>th</sup> day of June 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

Attest:

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

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

**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 Commercial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the 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 Commercial).

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 13<sup>th</sup> day of July 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

ATTEST:

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

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

**Attach 15**

**Public Hearing—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			
<b>Subject</b>	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		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	July 23, 2009		
<b>Author Name &amp; Title</b>	DeLayne Merritt, Staff Attorney		
<b>Presenter Name &amp; Title</b>	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:** Hold a Public Hearing and consider final passage and final publication of proposed ordinance.

**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 13<sup>th</sup> day of July 2009.

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

Attest:

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

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



**Attach 16**  
**Negotiate Somerville Ranch and Anderson Ranch Lease**  
**CITY OF GRAND JUNCTION**

City Council Property Committee			
<b>Subject</b>	Negotiate Somerville Ranch and Anderson Ranch Lease		
<b>File #</b>			
<b>Meeting Day, Date</b>			
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> <b>X</b>
<b>Date Prepared</b>	July 17, 2009		
<b>Author Name &amp; Title</b>	Terry Franklin, Deputy Utilities and Street Systems Director		
<b>Presenter Name &amp; Title</b>	Greg Trainor, Director Utilities and Street Systems Rick Brinkman, Water Services Manager		

**Summary:**

The Somerville and Anderson ranches comprise approximately 12,000 acres of deeded land within the Whitewater and North Fork of Kannah Creek basins. The ranches are a critical component of the City of Grand Junction’s drinking water system. The ranch lands provide source water protection and the water allocated to the ranches are used for irrigation to maintain City owned water rights for future municipal use. The Utilities Department solicited interested parties in March 2009 to submit proposals on leasing the properties. The Department received eleven proposals from area ranchers, farmers, and the Colorado Division of Wildlife. Utilities Staff conducted in-depth personal interviews with eight of eleven presenters and selected three proposals for final consideration and completed on-site visits of their current properties.

Staff met with the City Council Property Committee to review the process and proposals and get a recommendation to bring forward to City Council. The Property Committee recommended that Howard and Janie Van Winkle be considered for a formal lease.

**Budget:**

N/A

**Action Requested/Recommendation:**

Authorize staff to negotiate with Howard and Janie Van Winkle for a ten-year lease on the Anderson and Somerville ranches. The draft lease will come before City Council at a later date.

**Background Information:**



Over the past 98 years, lands have been acquired by the City for the water rights attached to those lands. The property has, subsequently, been leased for ranching purposes and to help maintain the water rights. Without the ranch leases, finding a beneficial use for the water until it is needed for water customers in the City would be a challenge.

Cliff and Judy Davis has been the lessee on the Anderson Ranch for over 30 years and the lessee on the Somerville Ranch since the City purchased it in 1990. City control and oversight has been benign. That is, the City has relied on ranch lessees to provide land management activities, keeping the property in reasonable repair and replacement, using water for its intended uses, and responding to City requirements for various improvements as determined. The latter cases have been when lease conditions have deteriorated and lessees have been reminded of their responsibilities.

Some specific objectives the City has envisioned for the ranch properties include:

- To maximize the beneficial use of agricultural water owned by the City.
- Develop a long range capital improvement program that will either put existing fields back into hay production or develop new fields to accomplish same, along with developing water efficiencies that will allow a portion of the water to be used for future municipal uses while minimizing impacts on agricultural lands.
- In joint cooperation with the lessee and the State Engineer's Office, ensure a full program of water measurement within the Basins.
- Insure the adequate management of the Deeded lands of the ranch and the public grazing permits. This will include, but not be limited to:
  - Protection of the real property from damage, theft, fire, and loss.
  - Full use of pastures and fields for agricultural purposes.
  - Cleaning, maintenance, and upgrading of ditches, dividers, and measuring devices.
  - Maintenance and improvement of real property: buildings, fences, gates, and roads.
  - Ensure only authorized uses of Deeded property and public grazing allotments.
  - Removal of invasive Tamarisk, Russian Olive, and other weed species.
- Maintain cooperative and productive relationships with the associated Federal and State agencies, such as the BLM, Forest Service, Soil Conservation Districts, Colorado Division of Wildlife and various water user associations.

**Attachments:**

2009 Ranch Lease Process and Outcomes  
Letter from Mesa County Farm Bureau  
Ranch lease proposal matrix  
Property Map



## HISTORY OF ACQUISITIONS AND WATER RIGHTS

Anderson Ranch Acquisition – 1955 – acquired approximately 1,200 acres of private lands, including ownership of 7 reservoirs with a capacity of 2,143 acre feet and direct flow decrees of 11 cfs for municipal uses and 25+ cfs for irrigation purposes.

Somerville Ranch – 1990 - acquired approximately 11,000 acres of private lands, including all the mineral interests of the seller, Midwest Resources, Inc. and substantial grazing interests. Acquisition included ownership in 1 reservoir with a capacity of 977 acre feet and direct flow decrees of 15 cfs for municipal uses and 30+ cfs for irrigation purposes.

## WHY RANCH LEASES AND USE OF WATER RIGHTS

Over the past 80 years, lands have been purchased by the City in the Kannah Creek and the Whitewater Creeks area for the water rights attached to those lands. The property has, subsequently, been leased for ranching purposes and to help maintain the water rights. Without the ranch leases, finding a beneficial use for the water until it is needed for water customers in town would be a challenge. Adding the water from these Ranches to our pool of excess irrigation water we lease as supplemental irrigation water each year to other area Kannah Creek ranchers would triple the amount available. Current demand is slightly above supply and increasing supply would drive the market price down, which would lead to less water conserving irrigation practices. Water not able to be leased or stored and returned to the stream gives residents the impression that water is available to use and to file a water right on. Then when time comes for the City to use our water the residents complain that the City is stealing their water since they have been using it for years.

## HISTORY OF RANCH LEASES

Cliff and Judy Davis has been the lessee on the Anderson Ranch for over 30 years and the lessee on the Somerville Ranch since the City purchased it in 1990.

City control and oversight has been benign. That is, the City has relied on ranch lessees to provide land management activities, keeping the property in reasonable repair and replacement, using water for its intended uses, and responding to City suggestions/demands for various improvements as determined. The latter cases have been when lease conditions have deteriorated and lessees have been reminded of their responsibilities.

The City receives an annual income of \$32,201 for the Somerville and Anderson Ranches. Along with this annual payment the City receives 20% of annual revenue for the hunting rights for both ranches which has averaged \$4,206 for last three years.

## OBJECTIVES: LAND USE, WATER USE, MAKING LANDS PRODUCTIVE, APPEARANCE

Some specific objectives the City has envisioned for the ranch properties include:

- To maximize the beneficial use of agricultural water owned by the City for the benefit of the ranch.
- Develop a long range capital improvement program that will either put existing fields back into hay production or develop new fields to accomplish same, along with developing water efficiencies that will allow a portion of the water to be used for future municipal uses while minimizing affects on agricultural lands.
- In joint cooperation with the lessee and the State Engineer's Office, ensure a full program of water measurement within the Whitewater Creek Basin, onto and off of the ranch lands, and return flows to Whitewater Creek.
- Insure the adequate management of the private lands of the ranch and the public grazing permits. This will include, but not be limited to:
  - Protection of the real property from damage, theft, fire, and loss.
  - Full use of pastures, and fields for agricultural purposes.
  - Cleaning, maintenance, and upgrading of ditches, dividers, and measuring devices.
  - Maintenance and improvement of real property: buildings, fences, gates, and roads.
  - Ensure only authorized uses of private property and public grazing allotments.
  - Removal of invasive tamarisk, Russian Olive, and other weed species.
- In cooperation with Colorado Division of Wildlife, the City, and the lessee maximize wildlife resources for State purposes and to generate income to the City of Grand Junction.
- Maintain cooperative and productive relationships with the associated Federal and State agencies, such as the BLM, Forest Service, Soil Conservation Districts, and various water user associations.

## 2009 PROCESS: OBJECTIVES, RFP, WALK-THROUGH, INTERVIEWS

With the current lease set to expire on May 1<sup>st</sup>, 2010, a schedule and process was developed that if current lessee was not successful in renewing lease they would have adequate time to vacate properties and new lessee adequate time to prepare to occupy properties.

- October 2008 – February 2009 – develop Request for Proposal (RFP)
- Advertise RFP – March 6<sup>th</sup> – local news print – internet – The Fence Post (trade journal used by ranchers)
- Ranch Tour – March 13<sup>th</sup>
- RFP Due – March 27<sup>th</sup> - received 11 proposals – 4 proposals for one ranch or the other.
- Review proposals – Utilities & Streets staff reviewed proposals and developed an interview list. Four or five of the proposals stood out and were put on interview list. In reviewing the remaining proposals it was decided to add all ranchers who currently had ties or current operations in the area to avoid any hard feelings later on. See attached proposal matrix.
- Interviews – April 20<sup>th</sup> – April 21<sup>st</sup> – two days were set aside to interview 8 proposals. The interview panel consisted of: Scott Hockins, Greg Trainor, Dan Vanover, Rick Brinkman and Terry Franklin. The consensus of the interview panel for the top three proposals to continue through the process was: Rex Beach, Division of Wildlife and Howard & Janie Van Winkle.

## TOP THREE PROPOSALS AFTER INTERVIEWS

- DOW Proposal
  - Matches City objectives
  - Expertise in range management
  - Grazing on an as needed basis to maintain land health.
    - Potential for area ranchers to use grazing AUM's (Animal Unit per Month, cow – calf pair)
  - Ranching continues on a “sharecropping” basis.
    - This eliminates concern about taking land out of private hands
    - Increase production on fields to get two cuttings plus final production left for wildlife.
    - Maximizes water use for beneficial purposes
    - Sharecropping allows interested local farmer to have access to irrigated acreage for partial own benefit.
  - Increased public access and use.
  - Fulltime caretaker lives on property.
    - More time for maintenance activities and community policing.
    - Don't know who caretaker might be.
  - Well established partnerships with Federal agencies
  - Access to grant funding opportunities not available to others.
    - Reduces potential capital costs to City for major ranch improvements.
  - Lease payments not tied to cattle grazing, cattle prices or crop production.
  
- Howard & Janie Van Winkle
  - Currently running cows on parts of lease property.
    - Would like to sublease Grand Mesa property to Hawkins
    - Would like to sublease Anderson Ranch to Davis so they could continue raising and hunting pheasants.
      - Current bird operation interferes with meeting City objectives for maximizing beneficial use of agricultural water.
    - Feels property is currently over grazed.
  - Lease payment tied partially to grazing and AUM's.
  - Don't know if they would live on place. Have their own ranch in Fruita.
    - A nephew would irrigate both places.
    - Both have full time jobs besides ranching.
    - Seem committed to do whatever it takes to operate ranch.
  - Have a local guide lined up for hunting rights.
  - Good common sense approach to getting fields back into production.
    - Interested in ways to utilize irrigation water more efficiently.

- Alfalfa on lower fields.
  - Presentation highlighted areas of the ranch that need to be worked on
  - Not familiar with bench or Grand Mesa properties.
- Rex Beach
  - Done his research before submitting lease proposal
    - Discussed some past history of hay production on ranches
    - Possible different kind of grasses that may work
  - Very enthusiastic
  - Would be sole operator for all ranch properties
    - Great pride in his workmanship.
    - Would be livelihood.
  - Good plan for improving aesthetics of ranches.
  - Would live in main ranch house.
    - Other ranch houses for hired help
    - Hire legal immigrants as hired help.
  - Wants lots of communication between himself and City
  - Wants to work with outside agencies
    - Future Farmers of America
    - Partners
    - Youth Hunt opportunities
  - Limited irrigation experience
  - Lease payment partially tied to AUM's.



## **MESA COUNTY FARM BUREAU**

1025 NORTH 4TH STREET GRAND JUNCTION, CO 81501  
(970) 242-9255 FAX (970) 242-9257

June 29, 2009

Mayor Bruce Hill and Grand Junction City Council Members;

It has come to the Mesa County Farm Bureau's (MCFB) attention that the City is nearing the selection process of a lessee for the Summerville and Anderson Ranches. The MCFB encourages the City to keep the management of the properties in private hands rather than leasing it to a governmental agency.

Farm Bureau policy opposes any leasing of state land (in this case the city) to Colorado Division of Wildlife (CDOW) and opposes competition from the CDOW in the agricultural industry. Our State Staff has indicated that Director Tom Remington stated in a public hearing that CDOW funding is insufficient to pay for the backlog of maintenance requirements on current CDOW properties.

The RFP indicates the lessee is to insure adequate management of the private lands of the ranch and the public grazing permits which includes "full use of pastures and fields for agricultural purposes". We believe the private lessees are the most qualified to fulfill this vision for the City.

Through your selection process, we are confident you have well qualified private individuals with the background and experience for managing these lands in a very efficient, productive, and environmentally sound manner. The private land managers will be far more committed to being good stewards of the land than hired governmental staff because they have years of experience and it affects their bottom line.

As a result of private land owners and managers, ranchers provide nearly \$30 million to Mesa County's economy annually. As more land is developed in Mesa County, it becomes more difficult for agriculture to continue their businesses that contribute this significant portion to our currently struggling economy. By leasing these properties to private individuals/businesses, they will support the economy through their agriculture products while providing wildlife habitat.

Through our conversations with City staff, it appears public access is a priority. Although this was not identified in the RFP, if public access is a priority for the City Council, we encourage you to work with the private individuals to work out possible arrangements.

In the past the City of Grand Junction has been supportive of keeping land in agriculture by their participation in the Purchase of Development Rights Program in the buffer zones between Grand Junction, Fruita, and Palisade. As the Grand Valley grows there will be continuing pressure to remove land from agricultural production. In this instance, the City has a continued opportunity to support agriculture and open space by leasing its properties to private agriculture producers. This can be done at no cost to the City and indeed a benefit. Remember we all need food to eat and it is up to everyone to do their small part.

If you have questions contact Mel Rettig at phone, 434-8470, or email, [mmrettig@bigdoghsi.com](mailto:mmrettig@bigdoghsi.com).

Mel Rettig  
President  
Mesa County Farm Bureau  
1025 N. 4<sup>th</sup> Street  
Grand Junction, CO 81501



**Somerville and Anderson Ranch Lease Summary  
of Proposals 2009 – Pre Interview**

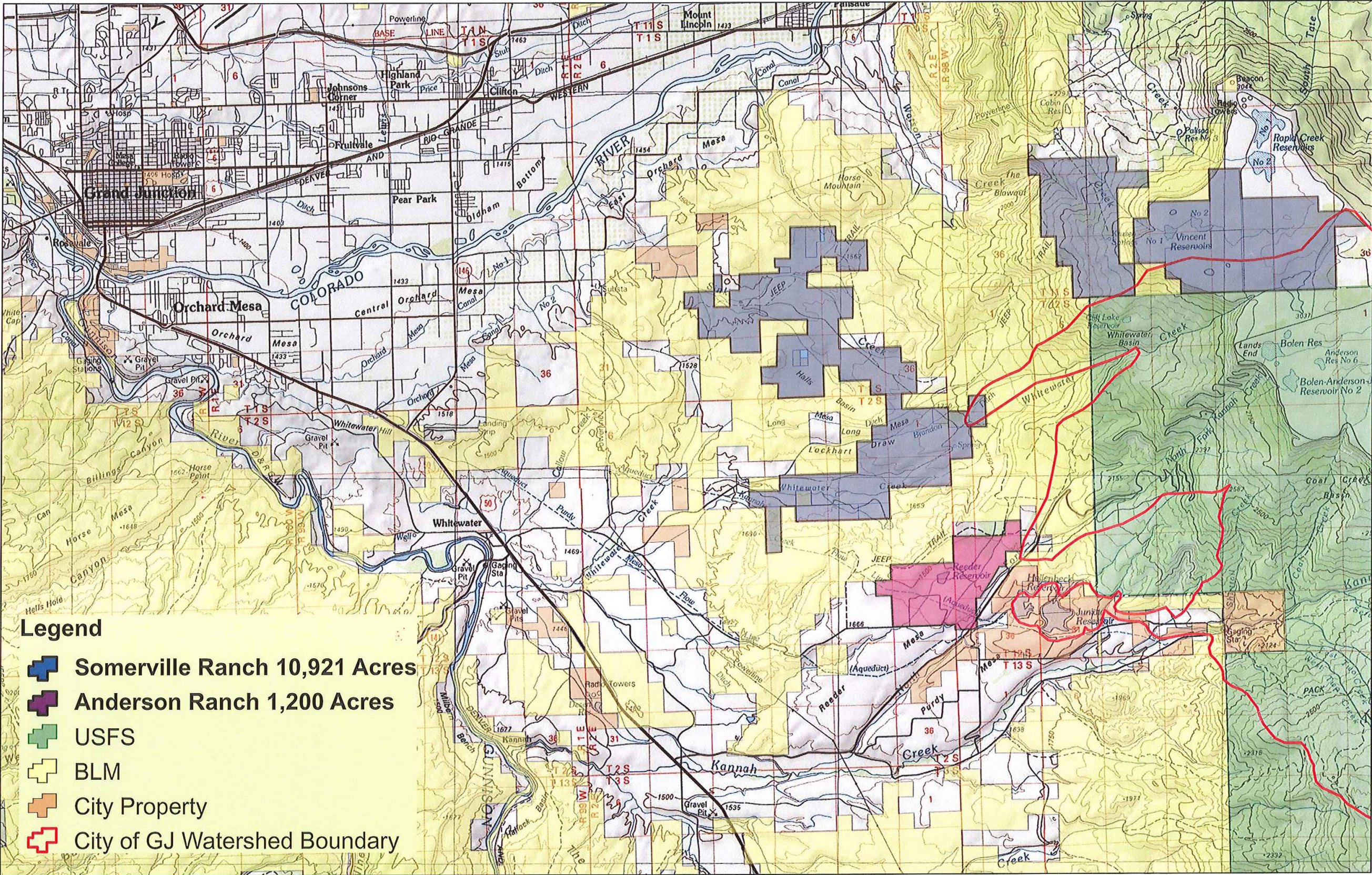
Name of Proposal	Current Ranch Operators	Water Rights Experience	Land Management	Equipment	Livestock Management	Hunting/Outfitting	Ranch Goals	Proposed Income to the City	General Comments on the RFPs
Division of Wildlife	Ranching operations are sub-leased out	Their focus is on in-stream flows on public lands, and maintaining water quality	DOW owns 230 properties which equals 380,987 acres and currently lease another 709,925 acres	Not listed on RFP. Assumed to be adequate or provided by their sub-lessee's	DOW does not own livestock, allows grazing to the extent that it enhances wildlife habitat	DOW acquires lands specifically to provide public access to hunting and fishing	Improve wildlife habitat and water quality. Grow hay/food plots for wildlife. Provide peace officer on-site. Share crop the farming/grazing	\$35,000/year public access for hunting/open space, partnership (funding) with City to make ranch improvements	The DOW proposal is interesting in that it is totally different from what has been done in the past on the City ranches. Their proposal stresses a partnership concept with the City which emphasizes improving wildlife habitat, increased public access to the area, and cost sharing capital projects on the ranches.
Rex Beach	Currently operates a cattle operation on Glade Park in the summer and Mack in the winter	Rex has limited experience with administration of water rights. Leased property (Mack) has water rights but Rex does not do the irrigating	Own- 185 acres Irrigated- 0 acres Leased- 500 acres Irrigated- ? Acres Member Soil Conservation District	Backhoe Loader Farm Equipment Corrals	120 cow/calf pairs 12 roping steers 6 bulls 8 horses	No outfitters license. 21 years experience outfitting for others. DOW wildlife ranching program may sublet hunting	Hire 2 full time employees. They will concentrate on irrigation, fencing, farming. Rex will concentrate on cattle operations	\$37,000/ year plus 20% of hunting, proposes monthly meetings with City staff to keep lines of communications open	Rex is very enthusiastic about ranching and has shown a lot of interest in the ranch lease. On his own initiative he has met with staff to discuss his ideas about how he would run and improve the ranches. He seems to have a good plan for running cattle, irrigating, and improving the appearance of the ranches.
Howard & Janie Van Winkle	Currently ranches in the Fruita, Unaweep, and Uncompahgre areas. One part-time employee plus family members. Also produces 500 ton hay/year	Secretary/treasurer for Tilton lateral	Own- 112 acres Irrigated-50 acres Leased-231 acres Irrigated-151 acres. Member Soil Conservation District	Backhoe Tractors Farm Equipment Cattle Equipment	300 cow/calf pairs 46 two year old heifers 50 yearlings 23 bulls 8 horses	No outfitting license. Propose to sublet hunting including maintaining the bird operation at the Anderson	They have well thought out plans for putting the fields back into production, and repairing fences, cutting back on AUMs to allow the grazing areas to improve	Revenue based on AUMs for 2010=\$23,180 Hunting= \$5000 House rentals=\$9600 Total for 2010=\$37,780	The Van Winkles are area ranchers who currently lease the lower Somerville in the winter for grazing some of their cattle. They seem to have a fair amount of farming and cattle experience. Their proposal has some good ideas for improving the grazing and hay production on the ranches.
Broken Spoke Ranch (Davis's)	Long time lessee's of the Somerville and Anderson ranches. Somerville is currently sublet to various ranchers for grazing, the Anderson is used as an upland game bird hunting ranch	Long time lessee's of the ranches, understand the City's water rights for the ranches	Long time lessee's of the 12,000 City owned acres, they also own 160 acres	Backhoe Tractor Farm Equipment Corrals	The Davis's currently do not own any livestock. Prior to Cliff's accident they owned 400 head	Judy Davis is a licensed outfitter with 15 years experience	Lease out the pastures for grazing. Continue the bird hunting, 3D shoots and the big game hunting. They also propose improvements to the Anderson house	2010 payment=\$7500 scaling up each year by 3% 2019 payment=\$9785 plus 20% of the outfitting (big game)	The Davis's are the current and long time lessee's of the City ranches. Their proposal this time around is only for the Anderson ranch. Their proposal emphasizes leasing of lands for cattle grazing, continuing their bird hunting, and 3D archery shoots.

Miller Enterprises Clint Miller	Current Rancher in the Kannah Creek area	Currently leases the Hallenbeck property from the City and is using and accounting for the water allocated to the ranch	Own-7.5 acres Irrigated- 0.5 acres Leased-460 acres Irrigated- 225 acres	Backhoe Tractor Farm Equipment	60 cow/calf pairs 25 yearlings 5 bulls, 10 steers horses	No outfitting license. Minimal outfitting experience; wants to obtain outfitters license, develop private hunt club. No bird hunting	Remove invasive species. Maximize hay and pasture production, full time caretakers at both ranches, interested in improving irrigation systems	Year 1- \$15,000 + 10% hunting Year 2- \$20,000 + 14% of hunting Year 3- \$25,000 + 18% of hunting Year 4-10- \$31,500 + 21% of hunting	The Millers currently lease the City owned Hallenbeck ranch. They have made good use of the water and land they lease. They seem to be mostly interested in leasing the Anderson ranch, since it is in close proximity to their private land and fits in with their emphasis towards hay production.
Name of Proposal	Current Ranch Operators	Water Rights Experience	Land Management	Equipment	Livestock Management	Hunting/Outfitting	Ranch Goals	Proposed Income to the City	General Comments on the RFPs
Massey Ranches	The Massey's currently run a cattle operation in the Whitewater and Unaweep areas	Massey's currently have water right's on their properties in division 4	Own- 1400 acres Irrigated- 270 acres Leased- 500 acres Member Soil Conservation District	Tractors Farm Equipment Gated pipe corrals	1200 cows	Hunting to be sub-leased to the Davis's	Improve the productivity of the current fields by seeding and fertilization, install additional 300 acres of irrigated farming utilizing center pivots	\$10/AUM based on 3700 AUMs=\$37,000 Hay @ 40% of market value=\$37,520 20% of the hunting, 40% of house rentals The Massey's propose numerous improvements to the ranch, most of which are at the City's expense	The Massey's currently own and operate a fairly large cattle and farming operation in Unaweep and on land just west of the Somerville ranch where they share interest in water rights and grazing permits on the BLM. They seem to have a good plan for improving the hay production on the ranches.
Hawkins Family Ranch	Currently ranches in the Whitewater area BLM 1800 AUMs, Somerville bench 200 AUMs, Somerville top 750 AUMs, USFS 1050 AUMs	Hawkin's have water rights on Surface creek, Forked Tongue, and Uncompahgre	Own- 1600 acres Irrigated- 350 acres Lease- 6000 acres Irrigated- 600 acres	Backhoe Tractors Farm Equipment Semi's	570 cow/calf pairs 100 yearlings 30 bulls	No outfitting license. Not interested in pursuing any hunting on the Somerville. Concerned about their cattle and conflicts with hunters	The Hawkins have good ideas on grazing rotations and how they can use the Somerville in concert with their other grazing leases	Want to lease out the ranch house. They would use the bunk house for a possible employee or for use by them. Payment to City = \$20,000	The Hawkins currently lease the upper Somerville ranch from the Davis's in the summer to use in conjunction with their USFS grazing rights on the Grand Mesa. The Hawkins are good cowboys who make sure their cattle are where they are supposed to be. They are only interested in leasing the Somerville ranch.
Lumbardy Ranch	Currently ranches in the Whitewater area below the Somerville ranch. One part-time employee, plus family members. Farming for hay and grass.	Lumbardy has water rights on Whitewater creek	Own- 600 acres Irrigated- 80 acres	Backhoe Tractors Farm Equipment	24 cow/calf pairs 23 yearlings 14 sheep 25 goats	Hunting would be between the City and DOW	Lumbardy's ideas center around hay/grass production, Russian Olive and Tamarisk removal via goats	Looking for the City to provide all materials and labor for the house, fencing, and initial ditch work payment to City=\$5000	The Lumbardy's currently own and operate a ranch which adjoins the Somerville ranch to the west and is a few miles north west of the Anderson ranch. Their proposal is for leasing the Anderson ranch only. Their emphasis would be on hay and pasture production on the Anderson.
Dillon Cattle Company	Currently do not own or operate a ranch or farm. Operated the Blue Creek ranch 1983-2000	Blue Creek ranch had water rights on Blue and Calamity creeks	Do not own any ranch/farm land. Blue Creek ranch was 360 acres with 150 irrigated acres	Tractor Skidsteer Very limited farm equipment	Do not own any livestock, looking to get back into the business	Licensed outfitter. They operated an outfitting operation on the Uncompahgre from 1983-2003	They propose "Holistic Resource Management" of grazing, improvements to the irrigation system, guided hunts, improvements to fences, houses, corrals, and weed management	Did not specify any payments to the City, they are unsure of the AUMs, did not offer specifics on % of hunting	This a newly formed company with no current ranching or farming operations. Some of the family members have some past ranching experience. We did not choose to interview this RFP because they did not have a current operation, which would make them hard to evaluate and they did not attend the onsite ranch tour.

Ty Gaylord	Operates a small cattle ranch in Clifton. Previously operated a 500 acre ranch in Debeque	Currently using GVIC water	Own- 75 acres Irrigated- 60 acres Lease- 45 acres Irrigated- 45 acres	Backhoe Tractors Some farming equipment	12 cow/calf pairs 6 yearlings bull	No outfitting license. Wants to develop a game management plan with DOW and the City	They propose to work with the Soil Conservation District to improve the pasture production plan to run 100 pair themselves and lease the rest of the AUMs	They propose to use two of the houses for ranch hands. Payment to City= \$40,000 + 15% of hunting	Currently a very small operation. No water rights usage experience. We did not choose to interview this RFP because Their plan vs. the revenue to the City did not seem feasible. They also did not attend the onsite visit, so not sure how they could accurately evaluate the potential of the ranches.
Name of Proposal	Current Ranch Operators	Water Rights Experience	Land Management	Equipment	Livestock Management	Hunting/Outfitting	Ranch Goals	Proposed Income to the City	General Comments on the RFPs
Rick Bumgardner	Has a cow/calf operation on leased land around the Parachute/Rifle area. Has been ranching for 15 years	Only irrigates 10 acres. Not sure of his water rights experience	Own- 10 acres Irrigated- 10 acres Lease- 24,400 acres Irrigated- 450 acres	Tractors Some farming equipment	275 cows 60 Angus and Gelbveih 35 yearlings 10 horses	No outfitting license. Has experience as a hunting guide	Proposes improvements to the irrigation system and hydro- electric system but no specifics on how to accomplish	Revenue to the City based on \$90/cow unit \$90X308=\$27,720; hunting revenue based on \$500/antlered animals, 20 bulls + 20 bucks X\$500=\$22,000, payments made in Dec when cows are sold	The RFP was a hand written document. The family does own a fair number cattle and range them in the Parachute, Silt area. We did not choose to interview this RFP because they really seem to be just looking for some place to put their cattle. RFP had no real plan for the managing the ranch as far as improvements, use of the houses, etc.



### Area Map of the Somerville and Anderson Ranches



**Legend**

- Somerville Ranch 10,921 Acres
- Anderson Ranch 1,200 Acres
- USFS
- BLM
- City Property
- City of GJ Watershed Boundary



**Attach 17**

**Downtown Uplift Recommendations**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Downtown Uplift Recommendations		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, August 3, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> X
<b>Date Prepared</b>	July 28, 2009		
<b>Author Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		
<b>Presenter Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		

**Summary:** The DDA will present their final recommendation for the Downtown Uplift renovation of Main Street, including concept, scope, and timeline.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of design concept for the project as recommended by the DDA and authorization of City Manager and staff to proceed with development of cost projections/allocations and timelines for project.

**Attachments:** None

**Background Information:** Since the last meeting with the DDA on July 1, at which time a preferred concept was unanimously approved for further public comment, the Project Team has hosted an open house, advertised extensively for public feedback with the design on the website, and solicited merchant/property owner opinion surveys.

At their meeting on July 23, the DDA Board considered the public comments and reviewed the conceptual design of the 100-200 blocks of Main Street. Revisions were requested based on feedback and budget estimates; timing and phasing of the project was discussed, particularly in light of the continued economic downturn facing many merchants on Main Street. The Board met again on July 28 to finalize their recommendation to City Council for this project.

The primary goals of the Uplift remain to:

- Improve and standardize lighting fixtures and light levels on all blocks
- Replace aging water and storm sewer infrastructure
- Replace asphalt surface with concrete to decrease temperatures and improve maintenance
- Enhance urban forest health by replacing and adding trees
- Reconstruct planter walls with foundations

- Enhance pedestrian spaces for customer comfort and merchant marketing uses
- Improve pedestrian safety and handicap accessibility
- Enhance public spaces including play and multi-use performance areas
- Reduce maintenance costs through thoughtful design
- Enhance Art on the Corner displays and security
- Attract new customers by adding WiFi, webcams, and other technology
- Improve public information efforts with new signage and kiosks
- Increase availability of power for vendors and events, particularly in the 600 block