

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, NOVEMBER 16, 2009, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Pastor Mark A. Johnson, First Baptist Church,
Palisade

Appointments

To the Grand Junction Regional Airport Authority

Council Comments

Citizen Comments

Presentations

Annual Water Update – Jim Lochhead, Water Attorney

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the November 2, 2009 Regular Meeting

*** Indicates New Item

® Requires Roll Call Vote

2. **Setting a Hearing for the Reman Rezone, Located at 555 West Gunnison Avenue and Two Adjacent Properties** [File # RZ-2009-163] [Attach 2](#)

Request to rezone 1.76 acres, from C-1(Light Commercial) to C-2 (General Commercial).

Proposed Ordinance Rezoning Three Parcels of Land from C-1 (Light Commercials) to C-2 (General Commercial), Located at 555 West Gunnison Avenue and Two Adjacent Parcels (Reman Rezone)

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 30, 2009

Staff presentation: Michelle Hoshide, Associate Planner

3. **Setting a Hearing on the Landmark Baptist Church Rezone, Located at 1600 Ute Avenue** [File # RZ-2009-195] [Attach 3](#)

Request to rezone 3.53 acres located at 1600 Ute Avenue, from C-2 (General Commercial) zone district to C-1 (Light Commercial) zone district.

Proposed Ordinance Rezoning the Property Known as the Landmark Baptist Church Rezone from C-2 (General Commercial) to C-1 (Light Commercial), Located at 1600 Ute Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 30, 2009

Staff presentation: Judith Rice, Associate Planner

4. **Setting a Hearing for the 2009 Supplemental Appropriation Ordinance and the 2010 Budget Appropriation Ordinance** [Attach 4](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2009 amended and 2010 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2009 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the

Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2010 and Ending December 31, 2010

Action: Introduction of Proposed Ordinances and Set a Hearing for November 30, 2009

Staff presentation: Laurie Kadrich, City Manager
Jodi Romero, Financial Operations Manager

5. **Setting a Hearing for the LaHue Annexation, Located at 514 Morning Glory Lane** [File # ANX-2009-214] [Attach 5](#)

A request to annex 0.32 acres, located at 514 Morning Glory Lane. The LaHue Annexation consists of one (1) parcel and includes a portion of Morning Glory Lane.

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

Resolution No. 86-09—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, LaHue Annexation, Located at 514 Morning Glory Lane and Includes Portions of the Morning Glory Lane Right-of-Way

®Action: Adopt Resolution No. 86-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, LaHue Annexation, Approximately 0.32 Acres, Located at 514 Morning Glory Lane and Includes Portions of the Morning Glory Lane Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 6, 2010

Staff presentation: Judith Rice, Associate Planner

6. **Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget** [Attach 6](#)

As required by statute, the DGJBID has filed the 2010 Operating Plan and Proposed Budget with the City Clerk by September 30. It has been reviewed by Staff and found to be reasonable.

Action: Approve the DGJBID 2010 Operating Plan and Proposed Budget

Staff presentation: Jodi Romero, Financial Operations Manager

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

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

7. **Public Hearing – Fuoco Rezone, Located at 160 Hill Avenue** [File #GPA-2009-147] [Attach 7](#)

Request to rezone 0.14 acres located at 160 Hill Avenue from R-O (Residential Office) to C-1, (Light Commercial).

Ordinance No. 4388—An Ordinance Rezoning Property Known as the Fuoco Rezone from R-O (Residential Office) to C-1 (Light Commercial), Located at 160 Hill Avenue

Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4388

Staff presentation: Scott D. Peterson, Senior Planner

8. **Public Hearing – Correcting Legal Description on a Vacation of Right-of-Way Ordinance for a Portion of Gunnison Avenue** [File #VR-2009-223] [Attach 8](#)

The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right-of-way within the limits specified by said ordinance; however, due to scrivener’s error not all documents conveying Gunnison Avenue right-of-way were cited in said ordinance. The amended ordinance list all documents conveying right-of-way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

Ordinance No. 4391—An Ordinance Amending Ordinance No. 2639 Vacating a Portion of Gunnison Avenue Right-of-Way between Harris Road and Melody Lane

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4391

Staff presentation: Tim Moore, Public Works and Planning Director
John Shaver, City Attorney

9. **Public Hearing – Medicinal Marijuana Dispensary Moratorium** [Attach 9](#)

The proposed ordinance would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to carefully evaluate and determine as appropriate, the proper regulation of those businesses. The ordinance also proposes a moratorium on the issuance of sales tax licenses for new dispensaries/marijuana care-givers.

Ordinance No. 4392—An Ordinance Concerning Land Use Applications in the City of Grand Junction, Instituting a Temporary Moratorium on the Issuance of Land Use Approvals and Sales Tax Licenses for Medical Marijuana Dispensaries and Providing Penalties for Violation Thereof

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4392

Staff presentation: John Shaver, City Attorney

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

11. **Other Business**

12. **Adjournment**

Attach 1
Minutes

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

November 2, 2009

The City Council of the City of Grand Junction convened into regular session on the 2nd day of November 2009 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd and Council President Pro Tem Teresa Coons. Council President Bruce Hill was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

President of the Council Pro Tem Coons called the meeting to order. She recognized Boy Scout Troops 323 and 328 in attendance. Cub Scout Pack 320 posted the colors and led in the Pledge of Allegiance followed by an invocation by David Huslig, Bethel Assembly of God.

Proclamations/Recognitions

Proclaiming November as “Alzheimer’s Awareness Month” in the City of Grand Junction

Proclaiming November 11, 2009 as “A Salute to All Veterans 2009” in the City of Grand Junction

Proclaiming November as “Hospice and Palliative Care Month” in the City of Grand Junction

Proclaiming November as “Blue Star Mothers Month” in the City of Grand Junction

Council Comments

Council President Pro Tem Coons reported that City Council and City Staff spent over four and one half hours going over next year’s budget and she appreciated all the work and effort. She said Staff did an excellent job.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve items #1 through #9 with item #6 being continued to November 16, 2009. Councilmember Palmer seconded the motion.

Upon request by Councilmember Todd, Council President Pro Tem Coons explained the purpose of the Consent Calendar.

Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the October 19, 2009, and the Minutes of the October 21, 2009, Regular Meeting

2. **Setting a Hearing on the Fuoco Rezone, Located at 160 Hill Avenue** [File #GPA-2009-147]

Request to rezone 0.14 acres located at 160 Hill Avenue from R-O, (Residential Office) to C-1, (Light Commercial).

Proposed Ordinance Rezoning Property Known as the Fuoco Rezone from R-O (Residential Office) to C-1 (Light Commercial), Located at 160 Hill Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing of November 16, 2009

3. **Setting a Hearing on the Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway** [File #ANX-2009-209]

A request to annex 10.53 acres of enclaved property, located along the Colorado River west of 25 Road and south of the Riverside Parkway. The Matthews Enclave consists of one privately-owned parcel and portions of two publicly-owned parcels, along with 0.83 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Matthews Enclave has been enclaved since January 16, 2005.

a. Notice of Intent to Annex and Exercising Land Use Control

Resolution No. 84-09—A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Matthews Enclave, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: Adopt Resolution No. 84-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 14, 2009

4. Setting a Hearing Correcting Legal Description on a Vacation of Right-of-Way Ordinance for a Portion of Gunnison Avenue [File #VR-2009-223]

The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right-of-way within the limits specified by said ordinance; however, due to scrivener's error not all documents conveying Gunnison Avenue right-of-way were cited in said ordinance. The amended ordinance lists all documents conveying right of way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

Proposed Ordinance Amending Ordinance No. 2639 Vacating a Portion of Gunnison Avenue Right-of-Way between Harris Road and Melody Lane

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009

5. Setting a Hearing on the Medicinal Marijuana Dispensary Moratorium

The proposed ordinance would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to carefully evaluate and determine as appropriate, the proper regulation of those businesses. The ordinance also proposes a moratorium on the issuance of sales tax licenses for new dispensaries/marijuana care-givers.

Proposed Ordinance Concerning Land Use Applications in the City of Grand Junction, Instituting a Temporary Moratorium on the Issuance of Land Use Approvals and Sales Tax Licenses for Medical Marijuana Dispensaries and Providing Penalties for Violation Thereof

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009

6. **Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget** CONTINUED TO NOVEMBER 16, 2009

As required by statute, the DGJBID has filed the 2010 Operating Plan and Proposed Budget with the City Clerk by September 30. It has been reviewed by Staff and found to be reasonable.

Action: Continue to November 16, 2009

7. **Construction and Maintenance Agreement and Purchase of Property from Union Pacific Railroad Company for the 29 Road and I-70B Interchange Project**

The Public Utility Commission requires that the City and the Union Pacific Railroad Company enter into a Construction and Maintenance Agreement for the construction and future maintenance of the 29 Road Overpass Bridge. The City's cost for the Easement Fees and Permit Fees included in this Agreement is \$177,547. The City has also signed a Letter of Understanding with the Union Pacific Railroad Company to purchase street right-of-way at 29 Road and D ½ Road. The City's cost for the right-of-way is \$120,680.

Resolution No. 85-09—A Resolution Authorizing the Purchase of Real Property at 29 Road and D ½ Road, Identified by Parcel Schedule #2943-172-00-056 from Union Pacific Railroad Company

Action: Authorize the City Manager to Sign the Construction and Maintenance Agreement with Union Pacific Railroad Company for the 29 Road Overpass and Adopt Resolution No. 85-09

8. **Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC**

Authorization of the City Manager to consent to the assignment of the Water Agreement Amended and Restated to provide irrigation water for the public golf course for the land where the Golf Course at Redlands Mesa ("Golf Course") is located in the Redlands.

Action: Authorize the City Manager to Act by Executing the Consent to Assignment of the Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC

9. **Tiara Rado Golf Course Irrigation Replacement – Phase Two**

This project will replace the 40 year old irrigation system at Tiara Rado Golf Course that is deteriorating and in some cases beyond repair. This approval request is for Phase Two of the project (pond construction and dirt work), consisting of the Civil Contractor (\$584,923.50) and Golf Course Specialty Contractor (\$727,189.69) for a total Phase Two cost in the amount of \$1,312,113.19.

If approved, the City will realize future cost savings through reduced irrigation and pump repairs, and decreased electrical costs. The pond construction is being done in conjunction with the irrigation replacement project. The irrigation system and pump station are designed to operate from the ponds being built by the Civil Contractor.

Action: Authorize the City Purchasing Division to Enter into Construction Contracts with M.A. Concrete in the Amount of \$584,923.50 for the Civil Construction Portion of the Project, and Stonefly Earthworks in the Amount of \$727,189.69 for the Golf Course Specialty Construction Portion of the Project

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Authorizing the Issuance and Sale of the City of Grand Junction Joint Sewer System Revenue Bonds, Series 2009

City Council and the Mesa County Commissioners have determined that in the best interests of the joint sewer system and its customers, to complete certain improvements to the Persigo sewer system. To finance the projects, the City Council has determined that it is necessary and advisable to issue its “City of Grand Junction, Colorado, Joint Sewer System Revenue Bonds, Series 2009 (Direct Pay Build America Bonds)” in the approximate amount of \$5.2 million to help defray part of the costs of the Project.

The public hearing was opened at 7:26 p.m.

Greg Trainor, Facilities, Utilities, and Street Systems Director, presented this item. He explained that the City finds it reasonable to take advantage of low interest loans to move projects forward, not only for the citizens, but also for the contracting community. They are proposing to borrow \$5.2 million in funding and put to use \$4.6 million with the remainder establishing a reserve fund for debt service. The bonds are for ten years. The interest is subsidized by the federal government. The projects include an increase in

capacity in the Pear Park area, an upgrade to the River Road interceptor, construction of an improvement district along Canary Lane, and the construction of additional capacity in the Persigo Sewer System for future growth.

Councilmember Kenyon asked about the additional capacity project. Mr. Trainor explained that plant investment fees are collected in order to enlarge the capacity of the sewer system. One such improvement is to convert to an ultraviolet sanitation system.

Council President Pro Tem Coons asked how long it would take to save for these projects. Mr. Trainor said it would take about three or four years to plan and save for these projects over time.

Roger Gobel, 409 Rosevale, said the proposal sounds dirt cheap and is priceless for future generations. He was supportive.

There were no other public comments.

The public hearing was closed at 7:36 p.m.

Ordinance No. 4389—An Ordinance Authorizing the Issuance and Sale of the City of Grand Junction, Colorado, Taxable Joint Sewer System Revenue Bonds (Direct Pay Build America Bonds), Series 2009, Payable Solely out of the Net Revenues to be Derived from the Operation of the Joint Sewer System of the City and Mesa County, Colorado and Certain Other Revenues

Councilmember Palmer moved to adopt Ordinance No. 4389 and ordered it published. Councilmember Todd seconded the motion.

Councilmember Kenyon said normally he would not be supportive of borrowing money but given the rate and the projects being proposed, which are reasonable, he does support this request.

Councilmember Palmer added that this is the City's own stimulus project.

Motion carried by roll call vote.

Public Hearing—Approving Loan from the Colorado Water Resources and Power Development Authority

The City Council has determined that in the interests of the City and the public, certain improvements are required to the City's water system, including the replacement of certain existing cast iron and steel water distribution lines within the system. To finance the project, the City Council has determined that it is necessary and advisable to enter

into a loan agreement with the Colorado Water Resources and Power Development Authority (“CWRPDA”) for a loan amount of \$3.8 million.

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

Greg Trainor, Facilities, Utilities, and Street Systems Director, presented this item. This item is also borrowing money that will be repaid by water user fees. This is a direct loan from the Colorado Water Resources and Power Authority. This will take advantage of similar circumstances, borrowing money at a low rate to repair and replace significant parts of the water system. He asked Utilities Engineer Bret Guillory to detail those projects. The water fund will be borrowing \$3.8 million.

Bret Guillory, Utilities Engineer, listed the projects in three phases. One phase will replace an aging water line that has been problematic. The second phase includes another water line to be replaced on Orchard Mesa and a replacement of another section along North Avenue. The third phase is along 27 ½ Road where there has been a water quality issue.

Councilmember Todd asked about recapturing the water from leakage. Mr. Guillory said he is unsure of the amount of leakage; the concern and the reason for the projects are mostly line failures.

Council President Pro Tem Coons asked how this loan is different from the previous item. City Attorney Shaver advised this is a direct loan from the Colorado Water Resources and Power Authority who is the borrowing entity. The City is the beneficiary of the loan proceeds. This loan is not to exceed \$4.3 million.

Roger Gobel, 409 Rosevale, asked if there will be more than one bid. Mr. Guillory advised that the projects will be competitively bid, therefore bids will be solicited from contractors.

Councilmember Beckstein said it was discussed that these bids will be structured in such a way that it will be an enhancement for the community. It will be part of the City’s stimulus program to keep jobs and businesses going.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

Ordinance No. 4390—An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City’s Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Authorizing the Execution and

Delivery of Documents Related Thereto; and Prescribing Other Details in Connection Therewith

Councilmember Beckstein moved to adopt Ordinance No. 4390 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:49 p.m.

Stephanie Tuin, MMC
City Clerk



Date: November 16, 2009
 Author: Michelle Hoshide
 Title/ Phone Ext: Associate
 Planner / 4043
 Proposed Schedule:
November 16, 2009
 2nd Reading: November 30,
 2009.

Attach 2
**Setting a Hearing for the Reman Rezone, Located
 at 555 West Gunnison Ave**

CITY COUNCIL AGENDA ITEM

Subject: Reman Rezone - Located at 555 West Gunnison Avenue and Two Adjacent Properties
File #: RZ-2009-163
Presenters Name & Title: Michelle Hoshide, Associate Planner

Executive Summary:

Request to rezone 1.76 acres, from C-1(Light Commercial) to C-2 (General Commercial).

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 6: Land Use decisions will encourage preservation and appropriate reuse.

Rezoning 555 West Gunnison Avenue and the two adjacent properties will encourage the preservation of the business of Spring Works, currently at 555 West Gunnison Avenue and will also promote the reuse of the properties by providing a more flexible zone district.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

Any uses placed on the vacant adjoining lots would be required to be screened from the bordering residential lots with a landscaped buffer and fence per the Zoning and Development Code.

Goal 12: Being a regional provider of goods and services the City and county will sustain develop and enhance a healthy, diverse economy.

The rezoning of 555 West Gunnison Avenue and the two adjacent properties will allow the growth of the existing business and will allow the properties to cater to future development.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for Monday, November 30, 2009.

Board or Committee Recommendation:

On October 27, 2009, Planning Commission forwarded a recommendation of approval for the request to rezone 555 West Gunnison Avenue and two adjacent properties, RZ-2009-163, to the City Council with the findings that the request is consistent with the Goals and Policies of the Growth Plan and Section 2.6.A of the Zoning and Development Code.

Background, Analysis and Options: See attached

Financial Impact/Budget: N/A

Legal issues: None

Other issues: None

Previously presented or discussed: No previously presented discussions.

Attachments:

Figure 1: Site Location Map

Figure 2: Aerial Photo Map

Figure 3: Future Land Use Map

Figure 4: Existing City Zoning Map

Ordinance

BACKGROUND INFORMATION				
Location:		555 West Gunnison Avenue and adjacent properties		
Applicants:		Owner: 725 Scarlett LLC. Representative: TPI Industrial Inc.		
Existing Land Use:		Spring Works and Vacant		
Proposed Land Use:		General Commercial		
Surrounding Land Use:	North	Office/Warehouse with Outdoor Storage and Manufacturing		
	South	Single Family Residential		
	East	Indoor General Retail Sales		
	West	Self-Service Storage		
Existing Zoning:		C-1 (Light Commercial)		
Proposed Zoning:		C-2 (General Commercial)		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	R-8 (Residential 8 du/ac)		
	East	C-1 (Light Commercial)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

1. Background:

In 1978 the Six and Fifty West Subdivision, Filing No. Two was platted. The vacant parcels (known as Lots 4 and 5 of the Six and Fifty Subdivision West Filing No. Two), as well as, 555 West Gunnison Avenue were originally platted in this subdivision. In 2004, 555 West Gunnison Avenue (Spring Works) Lots 6, 7 and 8, from the Six and Fifty Subdivision West, Filing No. Two, were consolidated into one lot.

In recent months Spring Works has reached their storage capacity. They are proposing to use the adjacent property for extra overflow storage.

2. Rezone Criteria of the Zoning and Development Code:

In order to maintain internal consistency between the Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with criteria one or all criteria two through six for approval:

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

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

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

Growth trends in this area have stimulated the development of C-2 (General Commercial) uses within the area surrounding the site. The properties (555 West Gunnison Avenue and the adjacent properties) are directly surrounded on the north, east, and west side by commercial businesses zoned C-1 (Light Commercial). However, the character of the neighborhood consists of businesses that house indoor manufacturing, office/warehouse, and outdoor storage, as well as self-storage units.

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

The proposed rezone is compatible with the surrounding commercial uses and zoning in the area and the Future Land Use designation of Commercial. Eleven C-2 (General Commercial) zoned properties exist less than 300 feet northwest of 555 West Gunnison Avenue and the adjacent properties. The properties (555 West Gunnison Avenue and adjacent properties) are surrounded by C-1 (Light Commercial) zoned properties to the north, east and west, with R-8 (Residential 8 du/ac) across a street to the south. Any use on the properties would need to be screened from the residential zone district by a landscape strip and wall.

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

There is an existing 8 inch City water line that runs along West Gunnison Avenue and an existing 8 inch sewer line that also runs along West Gunnison Avenue. These services are adequate and available for development of the property.

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

There is an inadequate supply of C-2 (General Commercial) zoned land available in the neighborhood directly surrounding Spring Works and the adjacent properties.

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

The community and surrounding area will benefit from the proposed rezone because it will allow the business on 555 West Gunnison Avenue (Spring Works) to potentially expand their business in their current location.

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. C-1 (Light Commercial)

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

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



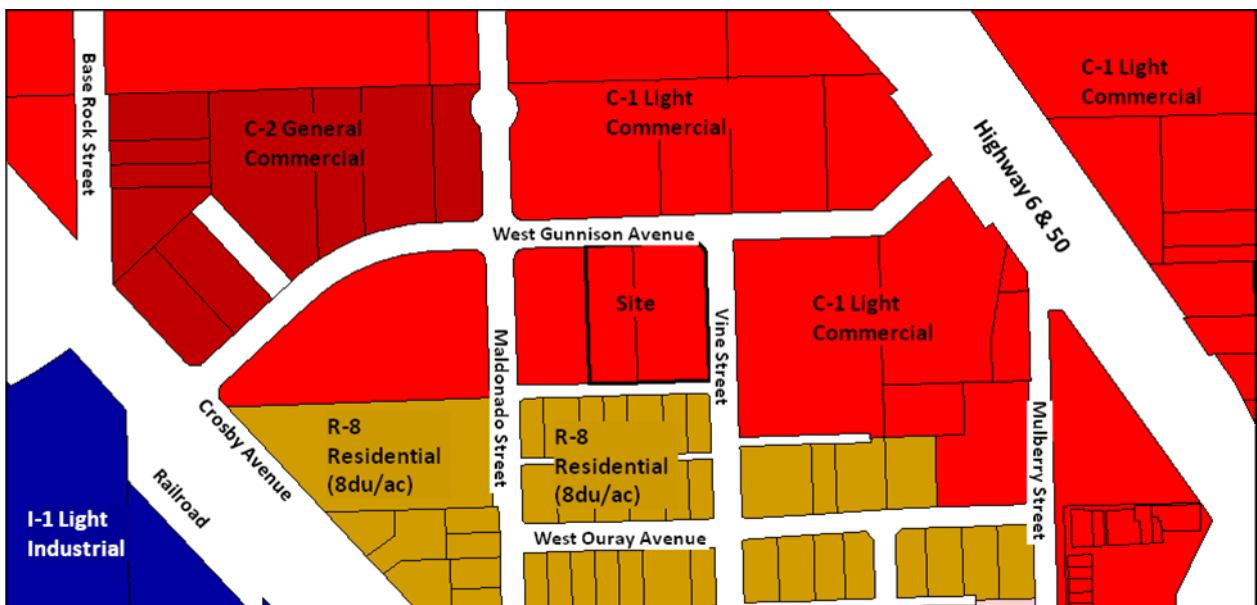
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING THREE PARCELS OF LAND FROM C-1 (LIGHT COMMERCIAL) TO C-2 (GENERAL COMMERCIAL)

LOCATED AT 555 WEST GUNNISON AVENUE AND TWO ADJACENT PARCELS (REMAN REZONE)

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 (Light Commercial) C-2 (General Commercial).

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 Industrial. 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 C-2 (GENERAL COMMERCIAL) ZONE DISTRICT:

Lot 1 Reman Simple Subdivision SEC 15 1S 1W-1.00AC and Lots 4 and 5 BLK 7 Six and Fifty West Subdivision Filing No. Two SEC 15 1S 1W – 0.66 AC

Introduced on first reading on the _____ day of _____, 2009

PASSED and ADOPTED on second reading this _____ day of _____, 2009.

Attest:

City Clerk

President of the Council



Date: Nov 5, 2009
 Author: Judith Rice
 Title/ Phone Ext: Associate Planner / 4138
 Proposed Schedule: Nov 16, 2009
 2nd Reading(if applicable): Nov 30, 2009

Attach 3
Setting a Hearing on the Landmark Baptist Church Rezone, Located at 1600 Ute Avenue

CITY COUNCIL AGENDA ITEM

Subject: Landmark Baptist Church Rezone Located at 1600 Ute Avenue
File # (if applicable): RZ-2009-195
Presenters Name & Title: Judith Rice, Associate Planner

Executive Summary:

Request to rezone 3.53 acres located at 1600 Ute Avenue, from C-2 (General Commercial) zone district to C-1 (Light Commercial) zone district.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Rezone of the 3.53 acres will facilitate the preservation of an existing use and allow reuse of the property.

Goal 12: Being a regional provider of goods and services, the City and County will sustain, develop and enhance a healthy, diverse economy.

Rezone of the 3.53 acres from C-2 to C-1 supports appropriate commercial development (offices) for the neighborhood and allows needed services (church and private school) to be developed within the City, helping to sustain a healthy, diverse economy.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for November 30, 2009.

Board or Committee Recommendation:

Planning Commission hearing to consider the rezone application is scheduled for November 10, 2009.

Background, Analysis and Options: See attached.

Financial Impact/Budget: None.

Legal issues: None

Other issues: None.

Previously presented or discussed: None

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning Map
Proposed Ordinance

BACKGROUND INFORMATION					
Location:		1600 Ute Avenue			
Applicant:		Applicant: Landmark Baptist Church Owner: Craig A. and Elaine M. Shelley			
Existing Land Use:		Office Space, Telecommunications Tower, Undeveloped Area			
Proposed Land Use:		Office Space, Church and Private School			
Surrounding Land Use:	North	Mini Storage Units			
	South	Industrial and Railroad (across I-70 Business Loop)			
	East	Commercial Retail (Auto Interiors, Computer Service)			
	West	Commercial Retail (Wheelchair Sales, Carpet Installation Office, General Contractor Office)			
Existing Zoning:		C-2 (General Commercial)			
Proposed Zoning:		C-1 (Light Commercial)			
Surrounding Zoning:	North	C-2 (General Commercial)			
	South	I-1 (Light Industrial) and C-2 (General Commercial)			
	East	C-2 (General Commercial)			
	West	C-1 (Light Commercial)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background

Annexation of this property occurred in 1957 as part of the Union Carbide Annexation. The property was given a C-2 zoning designation in 1961.

The building was used as the offices of Union Carbide and UMETCO, energy companies, until 1994 when private individuals bought the property. The property has since had a variety of tenants including business offices, a school (alternative high school) and developmental services center. A Cell Tower was erected in 1999 at the east end of the property. Currently, a portion of the building is occupied by offices.

The applicant has proposed the following uses: offices, a church, and a private school, elementary through high school grades. All of these uses are allowed in a C-2 zoning except for the elementary school component. Elementary schools are allowed in a C-1 zone district. Hence the request for a rezone from C-2 to C-1.

A portion of the land is vacant with no current plans to develop.

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

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must occur only if:

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

The existing zoning of C-2 was not in error at the time of adoption.

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

Over time the neighborhood character has changed with less intense uses. The property has a history of less intense commercial uses, such as, offices, a school and a developmental services center. The neighborhood has come to expect these types of commercial uses on this property. A C-1 zone would allow development more in character with the residential and other commercial properties in the vicinity. Other more intense C-2 uses which would be possible if the existing zoning remains (tire recapping, outdoor storage and operations, body shop, heavy vehicle fuel sales, outdoor manufacturing operations) would be out of character with the neighborhood.

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 neighborhood includes R-8 (Residential 8 du/acre) zoning to the north and west. Also, to the west is R-O (Residential Office) located on Colorado Avenue and C-1 (Light Commercial) west along Ute Avenue. This property is ideally situated to create a transition from the more intense C-2 zoning to the east to less intense C-1, R-0 and R-8 zones to the west.

The Growth Plan encourages the continued use of existing facilities compatible with existing development. Development in areas which have adequate public facilities in place is encouraged. The C-1 zone is compatible with the Future Land Use designation of Commercial.

This property and the existing facility meet Code requirements for dimensional standards, landscaping, parking and other City regulations.

- 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*

The existing public facilities and services are adequate and can serve uses allowed in the C-1 zone.

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

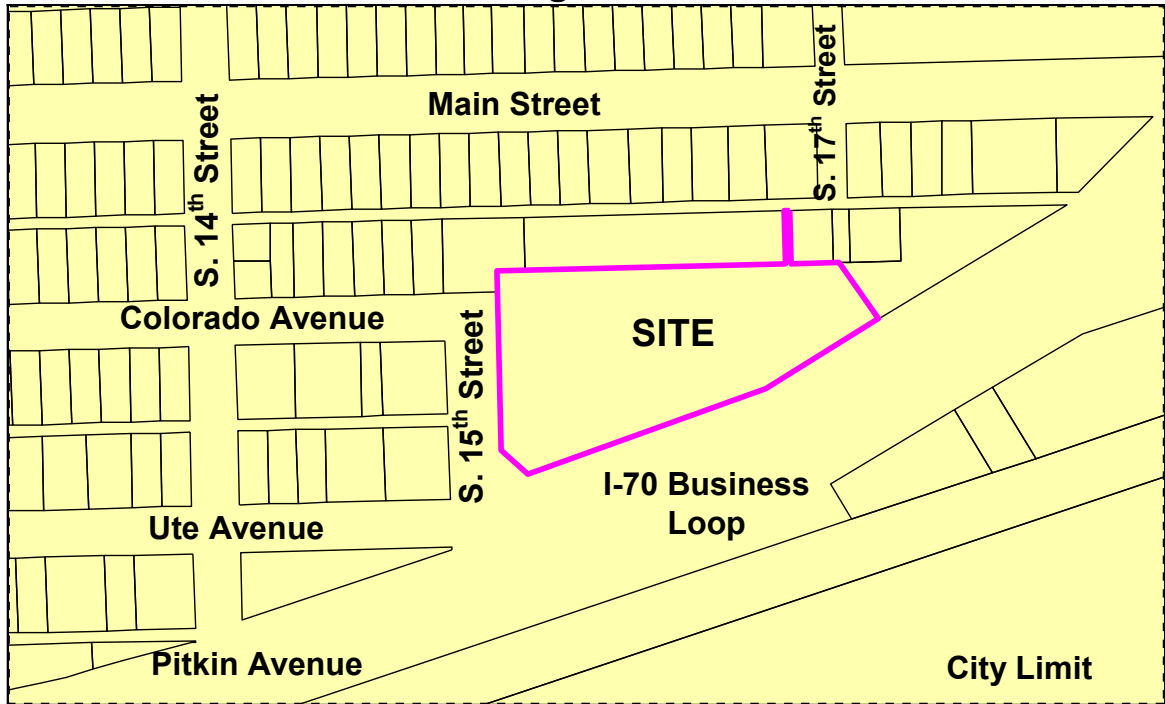
Large properties zoned C-1 which provide existing infrastructure for multiple uses (church, school, offices) are not available in the area. Also, a C-1 zone for this property will allow the applicant to provide the community with much needed classrooms.

- 6. The community will benefit from the proposed zone*

The proposed zone will allow continuation of the current office uses and encourage other uses on the property more in character with the lower intensity residential and commercial uses in the vicinity and limit more intense uses. The proposed zone would support a transition from the I-70 Business Loop to the R-8, R-O and C-1 properties leading to the downtown area. A C-1 zone for this property will provide the community with an opportunity to increase needed schools.

Site Location Map

Figure 1



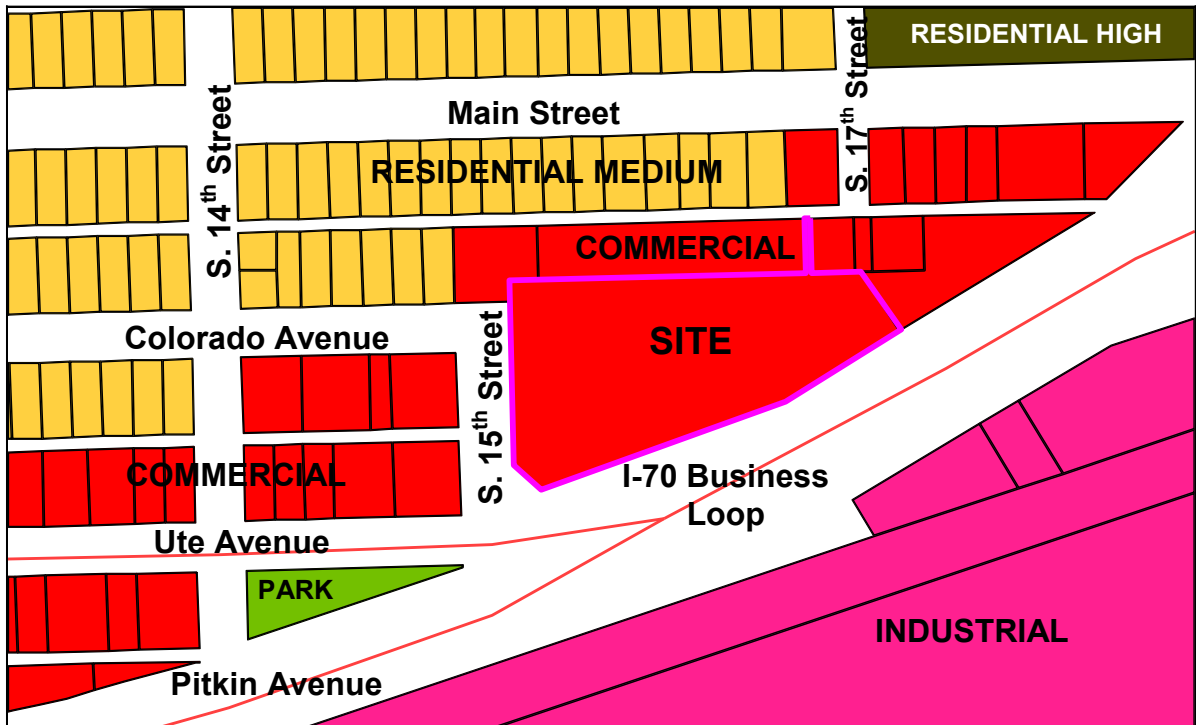
Aerial Photo Map

Figure 2



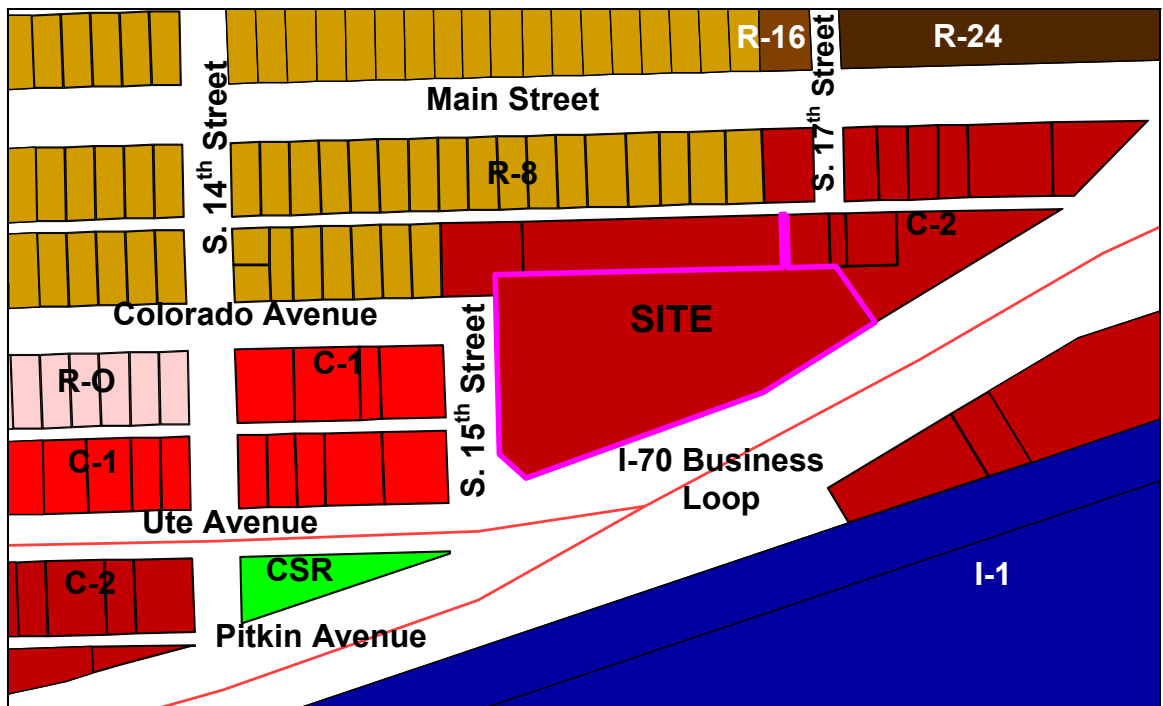
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS
THE LANDMARK BAPTIST CHURCH REZONE
FROM C-2 (GENERAL COMMERCIAL) TO C-1 (LIGHT COMMERCIAL)**

LOCATED AT 1600 UTE AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning the property located at 1600 Ute Avenue to the C-1 (Light 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 & Development Code.

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

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

The following the property be zoned C-1 (Light Commercial):

BEG at a pt which lies S89°57'E 82.97 ft from the NW COR of the SE1/4 of the SW1/4 of SEC 13, T1S, R1W of the UM which has been reestablished according to a plat the East Main Street Subdivision of Grand Junction, CO, as being 89.13 ft South of the City Monument of the intersection of the West line of 15th Street extended and the South line of the alley between Main Street and Colorado Avenue; thence S47°52'E a DIS of 67.10 ft; thence along an arc of a curve to the left with a radius of 107.30 ft, a DIS of 430.6 ft (the chord of which bears N71°26'E a DIS of 427.8 ft) to a concrete ROW marker, thence N59°56'E a DIS of 415.30 ft, more or less, to a pt of intersection with the North line of said SE1/4 of the SW1/4 of said SEC 13, thence N89°57'W a DIS of 814.75 ft, more or less, to the POB. EXCEPT THEREFROM that portion thereof described as follows: BEG at a pt which bears S89°57'E 670.6 ft from the NW COR of the SE1/4 SW1/4 of SEC 13, T1S, R1W of the UM, thence S89°57'E 226.8 ft to the Northerly ROW of Colorado Highway 6 & 24, thence along said ROW S59°56'W 192.7 ft, thence N31°49'W 113.85 ft, to the POB, a part of the City of Grand Junction, all in Mesa County, Colorado.

Said the property contains 3.53 acres, more or less, as described.

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

Adopted on second reading this ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk



Date: 11-9-09
 Author: Jay Valentine
 Title/ Phone Ext: Asst. Fin. Ops. Mgr., 1517
 Proposed Schedule: _____ Nov. 16, 2009
 2nd Reading
 (if applicable): Nov. 30, 2009

Attach 4
Setting a Hearing for the 2009 Supplemental Appropriation Ordinance and the 2010 Budget Appropriation Ordinance

CITY COUNCIL AGENDA ITEM

Subject: Setting a Hearing for the 2009 Supplemental Appropriation Ordinance and the 2010 Budget Appropriation Ordinance
File # (if applicable):
Presenters Name & Title: Laurie Kadrich, City Manager Jodi Romero, Financial Operations Manager

Executive Summary:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2009 amended and 2010 proposed budgets.

How this action item meets City Council Comprehensive Plan Goals and Policies:

This action is needed to meet the plan goals and policies.

Action Requested/Recommendation:

Introduction of Proposed Ordinances and Set a Hearing for November 30, 2009

Board or Committee Recommendation:

The Supplemental Appropriation Ordinance and the 2010 Budget Appropriation for the Funds of Downtown Development Authority (DDA) have been approved by the DDA Board.

Financial Impact/Budget:

The supplemental appropriation ordinance and the 2010 budget appropriation ordinance is presented every year at this time to ensure adequate appropriation by fund.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

The supplemental budget appropriation increase is partly due to the re-appropriation of budget dollars for capital projects that were previously approved but incomplete at the end of 2008. Additional appropriation is also needed for projects approved by City Council during 2009.

The 2010 City of Grand Junction Budget was presented to City Council at the budget presentation workshops.

Background, Analysis and Options:

The 2010 appropriation ordinance is the legal adoption of the City Manager's budget by the City Council for the upcoming fiscal year.

The supplemental increase in Golf, Water, Solid Waste and Sewer Funds appropriation is mainly attributed to Capital Projects funded through loan proceeds.

Attachments:

Proposed Supplemental Appropriation Ordinance for 2009 Budget
Proposed 2010 Budget Appropriation Ordinance

ORDINANCE NO. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2009
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2009, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
D.D.A. Operations	103	\$ 317,363
Comm. Dev. Block Grant	104	\$ 208,601
Parkland Expansion	105	\$ 293,234
Economic Development	108	\$ 40,699
T.I.F. Special Revenue	109	\$ 1,508,010
Conservation Trust	110	\$ 195,815
Public Art	112	\$ 18,000
D.D.A. TIF	203	\$ 4,267,214
Facilities	208	\$ 303,515
Water Fund	301	\$ 433,737
Solid Waste	302	\$ 1,247,210
Golf Courses	305	\$ 1,152,046
Parking	308	\$ 37,433
Self Insurance	404	\$ 577,875
DDA Debt Service	611	\$ 6,043,077
Ridges Debt Service	613	\$ 6,700

INTRODUCED AND ORDERED PUBLISHED this _ day of _____, 2009.

PASSED AND ADOPTED the _ day of _____, 2009.

Attest:

President of the Council

City Clerk

ORDINANCE NO. ____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE RIDGES METROPOLITAN DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2010, and ending December 31, 2010, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 64,791,309
Enhanced 911 Special Revenue	101	\$ 2,532,118
Visitor & Convention Bureau	102	\$ 2,242,643
D.D.A. Operations	103	\$ 384,760
Community Development Block Grants	104	\$ 546,201
Parkland Expansion	105	\$ 111,640
Economic Development	108	\$ 1,070,572
T.I.F.Special Revenue	109	\$ 3,371,152
Conservation Trust	110	\$ 320,479
Public Art	112	\$ 10,506
Sales Tax CIP Fund	201	\$ 19,822,286
Storm Drainage Improvements	202	\$ 79,603
T.I.F. Capital Improvements	203	\$ 3,156,091
Future Street Improvements	207	\$ 1,511,782
Facilities Capital Fund	208	\$ 1,151,200
Water Fund	301	\$ 9,110,211
Solid Waste	302	\$ 3,515,941
Two Rivers Convention Center	303	\$ 2,823,832
Swimming Pools	304	\$ 1,057,044
Golf Courses	305	\$ 4,745,304
Parking	308	\$ 586,328
Irrigation Systems	309	\$ 248,254

Ambulance Transport	310	\$	2,437,383
Information Services	401	\$	4,890,358
Equipment	402	\$	3,953,851
Self Insurance	404	\$	2,267,552
Communications Center	405	\$	8,113,193
General Debt Service	610	\$	6,980,688
T.I.F. Debt Service	611	\$	3,294,750
Ridges Metro District Debt Service	613	\$	226,006
Parks Improvement Advisory Board	703	\$	36,744
Cemetery Perpetual Care	704	\$	40,729
Joint Sewer System, Total	900	\$	16,080,550

INTRODUCED AND ORDERED PUBLISHED the ____ day of _____, 2009.

PASSED AND ADOPTED the ____ day of _____, 2009.

Attest:

President of the Council

City Clerk



Date: Nov 5, 2009
 Author: Judith Rice
 Title/ Phone Ext: Associate Planner
4138
 Proposed Schedule: Nov 16,
2009
 2nd Reading (if applicable): Jan 6, 2010

Attach 5
Setting a Hearing for the LaHue Annexation,
Located at 514 Morning Glory Lane

CITY COUNCIL AGENDA ITEM

Subject: LaHue Annexation Located at 514 Morning Glory Lane
File #: ANX-2009-214
Presenters Name & Title: Judith Rice , Associate Planner

Executive Summary:

A request to annex 0.32 acres, located at 514 Morning Glory Lane. The LaHue Annexation consists of one (1) parcel and includes a portion of Morning Glory Lane.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Annexation will allow appropriate residential use of this property within the City’s urban setting.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Annexation and future development will help to sustain a healthy, diverse economy with in the City’s urban setting.

Action Requested/Recommendation:

Adopt a Resolution Referring the Petition for the LaHue Annexation and Introduce the Proposed Ordinance and Set a Hearing for January 6, 2010.

Board or Committee Recommendation:

None

Background, Analysis and Options:

See attached Staff Report and Background Information.

Financial Impact/Budget:

None

Legal issues:

None

Other issues:

None

Previously presented or discussed:

None

Attachments:

Staff Report / Background Information

Annexation / Site Location Map

Aerial Photo Map

Future Land Use Map

Existing City and County Zoning Map

Resolution Referring Petition

Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		514 Morning Glory Lane		
Applicants:		Casey Clifford and Christian M. LaHue		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		County RMF-8 (Residential Multi Family 8 du/acre)		
Proposed Zoning:		R-8 (Residential 8 du/acre)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi Family 8 du/acre)		
	South	County RMF-8 (Residential Multi Family 8 du/acre)		
	East	R-8 (Residential 8 du/acre)		
	West	County RMF-8 (Residential Multi Family 8 du/acre)		
Growth Plan Designation:		Residential Medium		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 0.32 acres of land and is comprised of one (1) parcel and includes a portion of Morning Glory Lane. 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 LaHue Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;

- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

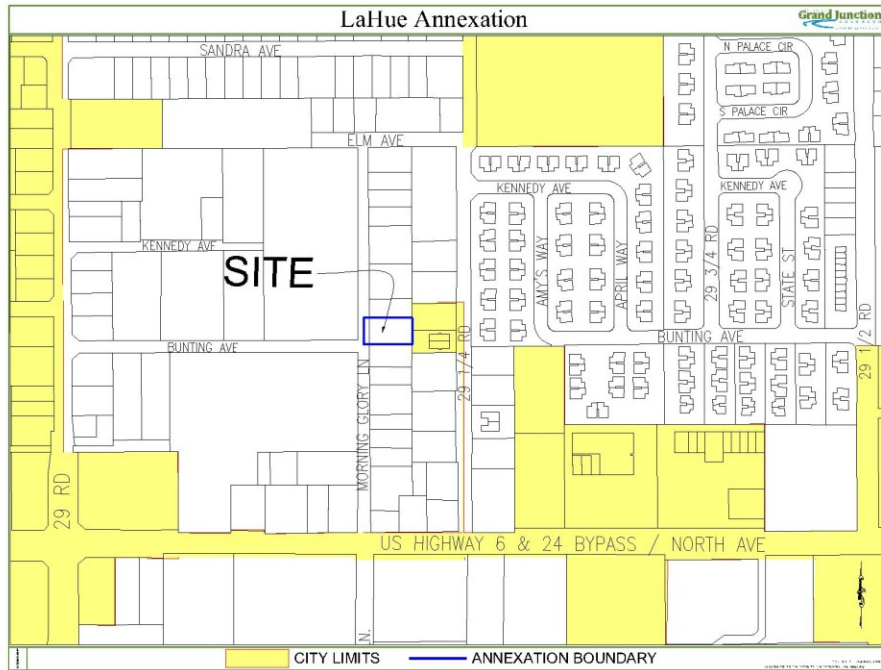
<i>ANNEXATION SCHEDULE</i>	
11/16/2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
12/8/2009	Planning Commission considers Zone of Annexation
12/14/2009	Introduction Of A Proposed Ordinance on Zoning by City Council
1/6/2010	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
2/7/2010	Effective date of Annexation and Zoning

<NAME> ANNEXATION SUMMARY

File Number:		ANX-2009-214
Location:		514 Morning Glory Lane
Tax ID Number:		2943-083-00-055
# of Parcels:		1
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		0.32 Acres
Developable Acres Remaining:		0.28 Acres
Right-of-way in Annexation:		0.04 Acres
Previous County Zoning:		County RMF-8 (Residential Multi Family 8 du/acre)
Proposed City Zoning:		R-8 (Residential 8 du/acre)
Current Land Use:		Residential
Future Land Use:		Residential Medium
Values:	Assessed:	\$8,240.00
	Actual:	\$103,470.00
Address Ranges:		512 ½ - 516 Moring Glory Lane
Special Districts:	Water:	Ute Water District
	Sewer:	Fruitvale Sanitation District
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation District
	School:	District 51 (Nisley Elementary School, Bookcliff Middle School, Central High School)
	Pest:	N/A

Site Location Map

Figure 1



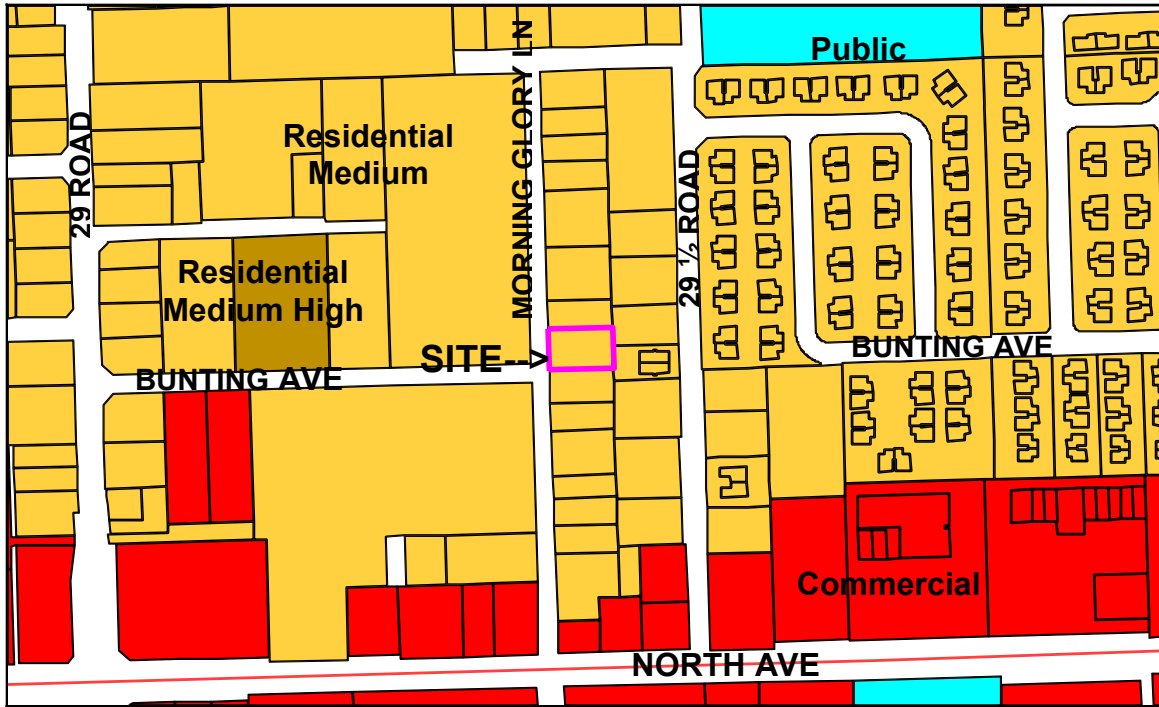
Aerial Photo Map

Figure 2



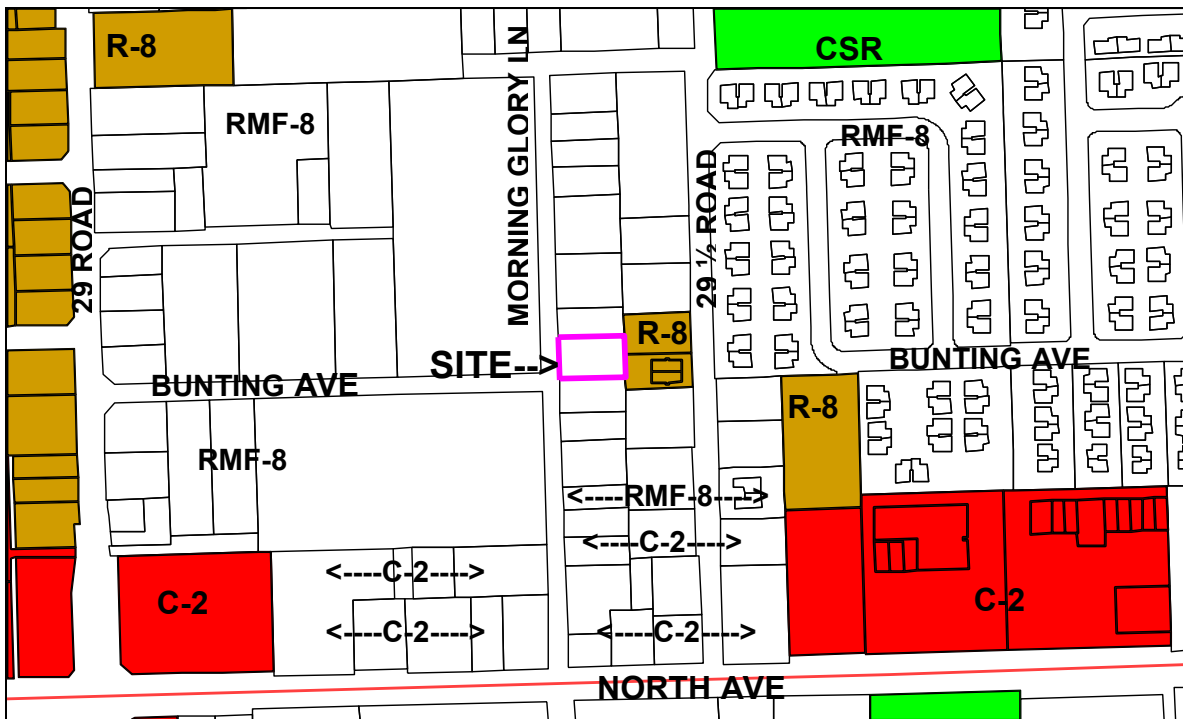
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16th day of November, 2009, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

LAHUE ANNEXATION

**LOCATED AT 514 MORNING GLORY LANE AND INCLUDES PORTIONS OF
MORNING GLORY LANE RIGHT-OF-WAY**

WHEREAS, on the 16th day of November, 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:

LAHUE ANNEXATION

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

BEGINNING at the Northeast corner of that certain parcel of land described in Book 4450, Page 722, Public Records of Mesa County, Colorado and the East line of the SW 1/4 SW 1/4 of said Section 8 is assumed to bear N 00°03'56" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°03'56" E along the East line of said parcel, also being the West line of the Schultz Annexation No. 2, City of Grand Junction Ordinance No. 3810, a distance of 88.20 feet; thence N 89°59'49" W along the South line of said parcel, a distance of 160.00 feet; thence N 00°03'56" W a distance of 88.20 feet; thence S 89°59'49" E along the North line of said parcel, a distance of 160.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.32 Acres or 14,112 Square Feet, more or less, as described.

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

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

1. That a hearing will be held on the 6th day of January, 2010, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
November 18, 2009
November 25, 2009
December 2, 2009
December 9, 2009

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LAHUE ANNEXATION

APPROXIMATELY 0.32 ACRES

**LOCATED AT 514 MORNING GLORY LANE AND
INCLUDES A PORTION OF MORNING GLORY LANE RIGHT-OF-WAY**

WHEREAS, on the 16th day of November, 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 6th day of January, 2010; 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:

LAHUE ANNEXATION

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

BEGINNING at the Northeast corner of that certain parcel of land described in Book 4450, Page 722, Public Records of Mesa County, Colorado and the East line of the SW 1/4 SW 1/4 of said Section 8 is assumed to bear N 00°03'56" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°03'56" E along the East line of said parcel, also being the West line of the Schultz Annexation No. 2, City of Grand Junction Ordinance No. 3810, a distance of 88.20 feet; thence N 89°59'49" W along the South line of said parcel, a distance of 160.00 feet; thence N 00°03'56" W a distance of 88.20 feet; thence S 89°59'49" E along the North line of said parcel, a distance of 160.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.32 Acres (14,112 Sq. Ft.), more or less, as described.

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

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

ADOPTED on second reading the ____ day of _____, 2010.

Attest:

President of the Council

City Clerk



Date: 9/29/2009 (Rev. 11/6/09)

Author: Heidi Hoffman Ham

Title/ Phone Ext:

Exec Dir, GJDDA /256-4134

Proposed Schedule: 11/16/09

2nd Reading (if applicable): N/A

Attach 6
Downtown Grand Junction Business
Improvement District (DGJBID) Operating Plan

CITY COUNCIL AGENDA ITEM

Subject: Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget
File # (if applicable):
Presenters Name & Title: Jodi Romero, Financial Operations Manager

Executive Summary:

As required by statute, the DGJBID has filed the 2010 Operating Plan and Proposed Budget with the City Clerk by September 30. It has been reviewed by Staff and found to be reasonable.

How this item relates to the draft Comprehensive Plan Goals and Policies:

N/A

Action Requested/Recommendation:

Approve the DGJBID 2010 Operating Plan and Proposed Budget.

Board or Committee Recommendation:

The DGJBID Board reviewed and approved the 2010 Proposed Budget at their meeting on October 22, 2009.

Background, Analysis and Options:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District, approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30. The municipality shall approve or disapprove the operating plan and budget within

thirty days of receipt but no later than December 5 so the BID can file their Special Assessment with the County Treasurer by December 10.

Financial Impact/Budget:

The finances of the DGJBID do not have an impact on the City's budget except for an in-lieu contribution for the City properties within the District of \$13,466.

Legal issues:

N/A

Other issues:

The most notable changes in the BID Budget are related to salaries, contract labor, and DTA expenses. In 2008 and the first quarter of 2009, two staff salaries were incorrectly and inadvertently allocated into the BID budget, accounting for the higher projected total in 2009. The 2010 budget accurately reflects the appropriate allocation of events/marketing staff to the BID fund.

In 2008, the part-time and contract labor was included in specific events and full-time rather than being tracked separately. In 2009, these expenses were tracked in a separate line item to discern where this labor was being used; the 2010 budget reflects the allocation of a portion of contract and part-time labor into both events and general labor so the true cost of events is more accurately reflected.

Downtown Association (DTA) expenses cover both general and event-specific marketing efforts (including website, print media, radio, television), as well as street banners, billboards, videography, photography, Downtowner meetings, and gift certificates. The amount was increased in 2009 to fund a complete overhaul of the website. Starting in 2009, all event-specific revenue and expenditures are tracked in the DTA budget, which is not a City fund. The allocation of a lump sum to the DTA by the BID board represents the specific request from the DTA based on the events and marketing for that year; the DTA board is then charged to manage that budget.

The BID budget is a relatively young budget since the district started in 2006, and the change of executive director in 2008 was reflected in a change of philosophy in tracking and budgeting for events and staff. Both the BID Board and the DTA Board oversee the budget on a quarterly basis to ensure that it remains accurately focused on the mission of the BID.

Previously presented or discussed:

The 2010 Budget and Operating Plan are very similar in scope and focus to previous years. It focuses entirely on the mission of the BID, which is promotion of the downtown area through marketing and events.

Attachments: 2009 Annual Report, 2010 Proposed Budget

Downtown Business Improvement District 2009 Annual Report and 2010 Proposed Budget

With the successful passage of the Downtown Business Improvement District in November 2005, the Downtown Partnership (DDA/DTA) was able to embark on an expanded program of advertising and promotion. The BID covers an area of nearly 50 square blocks and has over 600 property owners and businesses representing a mix of retail, restaurants, professional services and commercial activities. The BID was formed with the intention of performing the following functions:

Downtown Marketing and Promotions

- Public relations to project a positive community and business image
- Collaborative advertising with other agencies (VCB, Chamber, etc)
- Biweekly email to members and quarterly membership meetings
- Revision of website to reflect changing needs of merchants, visitors
- Holiday/seasonal advertising campaigns in print, radio, television, billboards
- Expansion of downtown gift certificate marketing
- Continued support of marketing efforts for Art on the Corner program

Staff works closely with representatives from Colorado Public Radio, the Avalon Theatre, the Museum of Western Colorado, Western Colorado Botanical Gardens, the Visitor and Convention Bureau, Two Rivers Convention Center, and local nonprofit groups to market and support downtown activities. Other beneficial communication efforts have included promotion of new and expanding businesses, special events, and development of the Downtown Uplift project. The addition of a marketing/events staff person in early 2009 greatly expanded the ability of the BID to communicate these efforts, particularly through a complete website renovation, social networking, and in-house graphic design as well as increased customer service for merchants and public customers of the Partnership.

Special Events

The Art & Jazz Festival, the Farmers' Market, the Independence Day Parade, the Car Show, Spooktacular, and the Parade of Lights have all continued to grow in attendance and participation. These popular events bring thousands of people into Downtown Grand Junction to enjoy the unique atmosphere and spend additional dollars in the downtown shopping district.

Budget and Administration:

The 2010 Proposed Budget supports the operating plan and goals for the BID. The DTA Board continues to administer the majority of the funds for events and marketing

under close supervision of the BID Board, including a comprehensive quarterly report and approved budget.

GJ BID Operating Budget

	2008 Actual	2009 Budget	2009 Estimated	2010 Proposed
Start Fund Balance	95,048	117,698	117,698	95,275
Revenues				
Special Assessments	133,626	135,000	131,953	130,000
Interest Income	2,848	3,000	4,876	3,500
Govt Reimbursements	34,500	34,500	24,500	26,000
Other Income	3,095	0	0	0
Event Income	168,000	0	0	0
Revenues Sub Total	342,069	172,500	161,329	159,500
Expenses				
Salaries	34,041	33,280	57,034	41,683
Part-time/Contract Labor	30,347	48,400	450	9,360
Benefits	14,628	8,320	14,259	10,421
Treasurer's Fees	2,662	3,000	2,643	3,100
Donations	0	0	0	0
FF&E	0	5,000	3,644	5,000
Other	6,467	3,000	722	2,500
Interfund Transfers	2,870	3,500	3,500	8,000
Event Expenses	103,210	0	0	0
Marketing Expenses	50,194	0	0	0
DTA Expenses	75,000	101,500	101,500	76,000
Expenses Sub Total	319,419	206,000	183,752	156,064
Net Difference	22,650	-33,500	-22,423	3,436
Fund Balance	117,698	84,198	95,275	98,711



Date: November 3, 2009
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner
 1447
 Proposed Schedule:
 November 2, 2009
 2nd Reading:
 November 16, 2009

Attach 7
Public Hearing – Fuoco Rezone, Located at 160 Hill Avenue

CITY COUNCIL AGENDA ITEM

Subject: Fuoco Rezone, Located at 160 Hill Avenue
File #: GPA-2009-147
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request to rezone 0.14 acres located at 160 Hill Avenue from R-O, (Residential Office) to C-1, (Light Commercial).

How this item relates to the draft Comprehensive Plan Goals and Policies:

By the continued support of jobs within the downtown area of the City Center, appropriate reuse of an existing property and the expansion of an existing business that supports Grand Junction as a regional provider of goods and services to help sustain, develop and enhance a healthy, diverse economy. The proposed request meets with Goals 4, 6 and 12 of the proposed Comprehensive Plan.

Goal 4: Support the continued development of the downtown area of the City Center into vibrant and growing area with jobs, housing and tourist attractions.

Goal 6: Land Use decisions will encourage preservation and appropriate reuse.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage of the Proposed Ordinance

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their October 13, 2009 meeting, finding that the proposed rezone request is consistent with the purpose and intent of the Growth Plan and Section 2.6 A. of the Zoning and Development Code.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

On September 14, 2009, the City Council approved a Growth Plan Amendment to change the Future Land Use Map from Residential High (12+ du/ac) to Commercial for this property.

First Reading of this Rezone request was introduced on November 2, 2009.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning Map
Proposed Ordinance

BACKGROUND INFORMATION				
Location:		160 Hill Avenue		
Applicants:		Fuoco Investments, LLC, Owner River City Consultants, Inc., Representative		
Existing Land Use:		Single-family residence		
Proposed Land Use:		Excess inventory parking lot for Honda automobiles		
Surrounding Land Use:	North	Single-family residential		
	South	Fuoco Honda		
	East	Single-family residential		
	West	Fuoco Motor Company Body Shop		
Existing Zoning:		R-O, (Residential Office)		
Proposed Zoning:		C-1, (Light Commercial)		
Surrounding Zoning:	North	R-O (Residential Office)		
	South	C-1, (Light Commercial)		
	East	R-8, (Residential – 8 du/ac)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

1. Background:

The existing property is located at the northwest corner of N. 2nd Street and Hill Avenue and currently contains a single-family residence and detached structures and was recently purchased by the Applicant. It is the intension of the Applicant to remove the existing structures and develop the property as a parking lot for excess inventory for Honda automobiles with no customer viewing. Fuoco Honda, owned and operated by the Applicant, is located directly to the south, across Hill Avenue. Total acreage for the parcel requesting the rezone is 0.14 acres (Lots 13 and 14, Block 33, Grand Junction). The Applicant requests a rezone for this property so that the entire Block will have a uniform, C-1, (Light Commercial) zone. If this rezone request is approved by the City, the applicant plans to submit a site plan review application in order to develop as part of their Fuoco Honda operations.

The existing R-O, (Residence Office) zoning district does allow parking lots, however a Conditional Use Permit from the Planning Commission would be required. In addition, the R-O District requires that parking be setback a minimum of 20' from the front property lines. This requirement would greatly impact the usability of this property if the existing zoning designation were to remain.

In September, 2009 the City Council approved a Growth Plan Amendment to change the Future Land Use Map from Residential High (12+ du/ac) to Commercial for this property. The applicant is now requesting that the City approve the corresponding zoning application to bring this property into compliance with the Future Land Use Map designation of Commercial.

2. Consistency with the Growth Plan:

The Growth Plan Future Land Use Map designates this property as Commercial. The requested zone district of C-1 (Light Commercial) implements the Commercial land use classification of the Growth Plan. The rezone is also consistent with the following Goals and Policies of the Growth Plan:

Goal 5 from the Growth Plan is; "to ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities."

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

Goal 11 as stated in the Growth Plan is; "to promote stable neighborhoods and land use compatibility throughout the community."

Policy 11.2 states that; "the City and County will limit commercial encroachment into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact."

Goal 18 as stated in the Growth Plan is to; "maintain the City's position as a regional provider of goods and services."

Policy 18.1 states that; "The City and County will coordinate with appropriate entities to monitor the supply of land zoned for commercial and industrial development and retain an adequate supply of land to support projected commercial and industrial employment."

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

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

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

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

Response: There was no error at the time of the adoption of the 1996 Growth Plan. The property contained a single-family residence, and there is no other indication than an error was made in originally designating the property Residential High (12+ du/ac). However, the City has recently changed the Growth Plan designation for this property to Commercial; therefore the applicant is now requesting a zoning designation that matches and coincides with the approved Growth Plan Future Land Use Map.

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

Response: The N. 1st Street area has undergone changes through the years with the increase and expansions of existing and new commercial land uses. After adoption of the Growth Plan in 1996, this property, along with properties to the north, was zoned to R-O (Residential Office) in 2000. The purpose of the R-O district is to “provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods.” The R-O district is used with Medium to High Density Residential and Commercial land use designations within the Growth Plan to achieve the purpose stated above and to provide an adequate buffer between commercial and residential land uses.

However, the majority of businesses along the N. 1st Street corridor between Grand and North Avenues are retail in nature, including automotive services. The previous Growth Plan designation did not anticipate or allow for any future expansion by these existing businesses. Also, the existing residential properties which are located within the same block as commercial development have not transitioned into either offices or consolidated parcels to achieve higher density housing, as anticipated by the Growth Plan and the subsequent R-O zoning. Therefore, there has been a change of character in the neighborhood due to new growth/trends and development transitions.

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

Response: The character of the area is a mix of commercial development along N. 1st Street and single/multi-family residential uses along N. 2nd Street. The proposed rezone is acceptable because the change from R-O to C-1 would be more in keeping with the existing commercial development, which is owned by the applicant, directly to the west. The small size of the property (0.14 acres – 6,098 sq. ft.) makes new multi-family or office development unlikely. The small amount of land, together with the current Code requirements for; off-street parking, open space, landscaping and buffering requirements make use of the property as R-O difficult.

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

Response: Existing infrastructure facilities are adequate to serve the proposed commercial development. The existing property is located at the northwest corner of the intersection at N. 2nd Street and Hill Avenue. Sufficient access is available from Hill Avenue. No access would be permitted onto N. 2nd Street. Secondary access is available via an existing, alley directly to the north, provided that the alley is paved. The paving could be accomplished by the developer, applicant or through establishment of an Alley Improvement District.

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

Response: The applicant owns the existing parcels on this block and has recently purchased this property to allow for the continued expansion of their automobile business. The proposed rezone request is a logical extension of the existing C-1 zone on this Block and will eliminate the remaining R-O zone so that the entire Block would become uniformly zoned C-1.

6. The community will benefit from the proposed zone.

Response: The adjacent neighborhood will benefit from the proposed rezone in the respect that it may help with getting parked vehicles off the street and onto private property as the applicant's automobile dealership continues to expand. Project Manager believes that the proposed rezone request, adjacent to the applicant's property and within one block of a major transportation route, N. 1st Street, would be an appropriate zone for the property. Furthermore, N. 2nd

Street provides an adequate buffer between Commercial and Residential land uses.

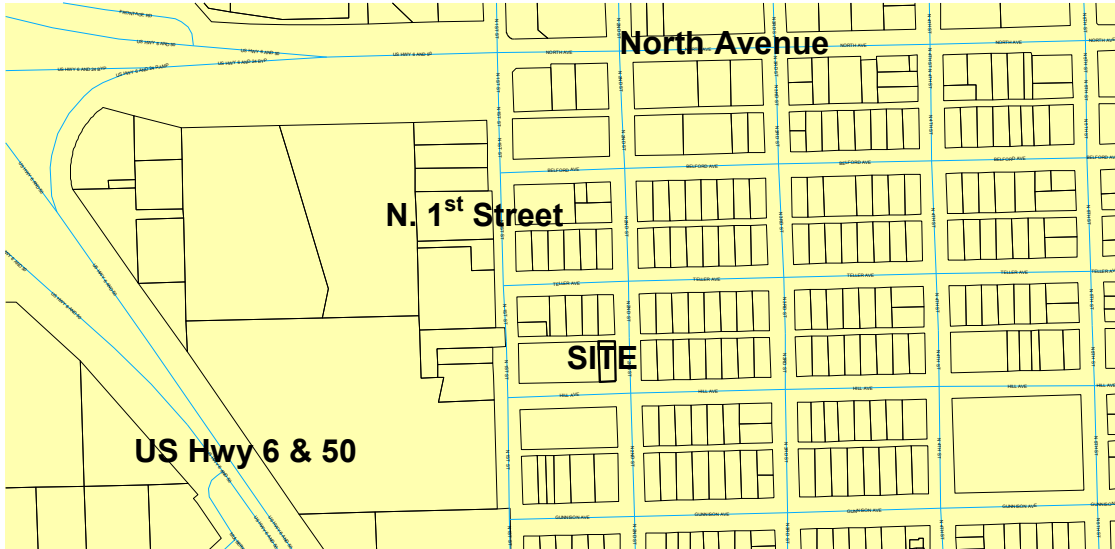
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- b. Existing - R-O (Residential Office)
- c. B-1, (Neighborhood Business)
- d. C-2, (General Commercial)

The Planning Commission recommends a C-1 zone designation and does not recommend R-O, B-1 or C-2. 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.

Site Location Map

Figure 1



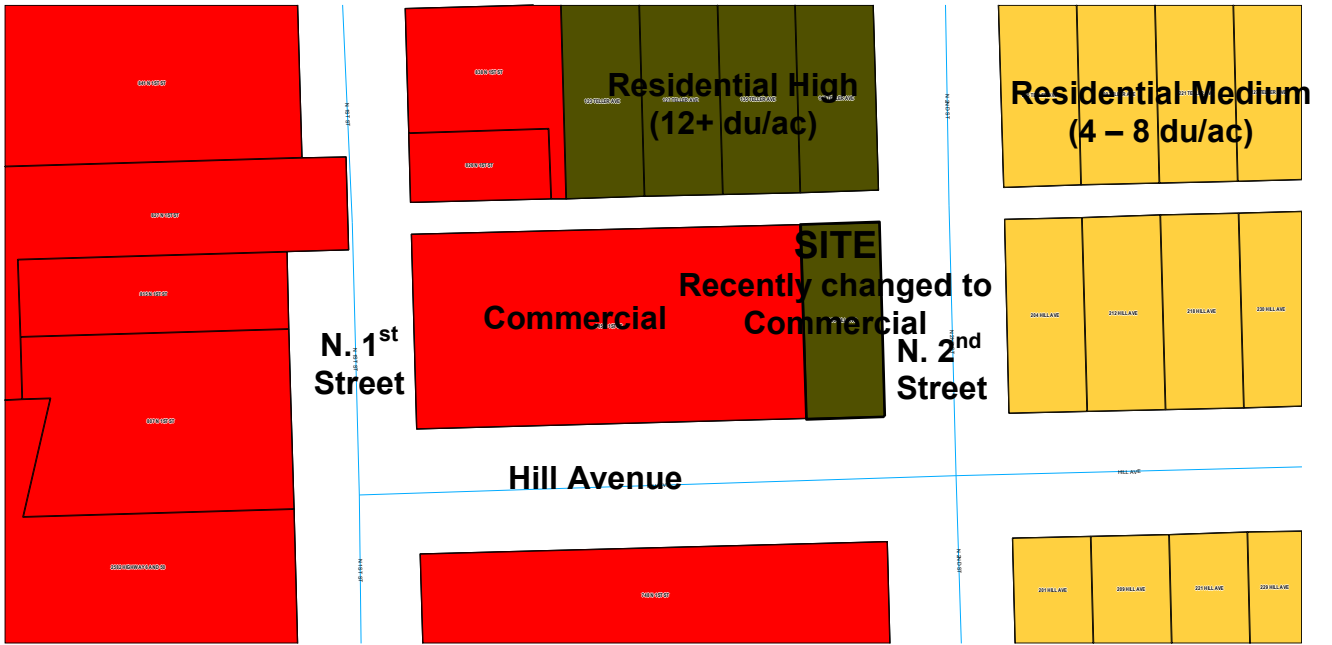
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING PROPERTY KNOWN AS THE FUOCO REZONE
FROM R-O (RESIDENTIAL OFFICE) TO
C-1 (LIGHT COMMERCIAL)**

LOCATED AT 160 HILL AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning property known as the Fuoco Rezone from R-O, (Residential Office) to the C-1, (Light Commercial) zone district, finding that it conforms with the recommended land use category of Commercial 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.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1, (Light Commercial) zone district be established.

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

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

The following properties shall be rezoned C-1, (Light Commercial).

Lots 13 and 14, Block 33, City of Grand Junction

Introduced on first reading this 2nd day of November, 2009 and ordered published.

Adopted on second reading this _____ day of _____, 2009.

ATTEST:

City Clerk

President of the Council



Date: November 2, 2009
 Author: Senta L. Costello
 Title/ Phone Ext: Sr. Planner, Ext. 1442
 Proposed Schedule: Monday, November 16, 2009
 2nd Reading): Monday, November 16, 2009

Attach 8
Public Hearing – Correcting Legal Description on a Vacation of Right-of-Way Ordinance for a Portion of Gunnison Avenue

CITY COUNCIL AGENDA ITEM

Subject: Correcting Legal Description on a Vacation of Right-Of-Way Along Gunnison Avenue Ordinance
File # VR-2009-223
Presenters Name & Title: John Shaver, City Attorney Tim Moore, Public Works & Planning Director

Executive Summary: The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right-of-way within the limits specified by said ordinance; however, due to scrivener’s error not all documents conveying Gunnison Avenue right-of-way were cited in said ordinance. The amended ordinance lists all documents conveying right-of-way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Property descriptions that are concise and accurate help achieve ordered and balanced growth in the community.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage of the Proposed Ordinance.

Board or Committee Recommendation: N/A

Background, Analysis and Options:

In June 1991, Wagner Equipment requested the vacation of the portion of Gunnison Avenue north of and adjacent to their property located at 2882 I-70 Business Loop. City Council approved the request and passed Ordinance 2639.

Financial Impact/Budget: There is no fiscal impact to the City of Grand Junction.

Legal issues: The proposed Ordinance serves to amend Ordinance No. 2639 to satisfy the intent of the original Ordinance.

Other issues: N/A

Previously presented or discussed: First Reading was on November 2, 2009.

Attachments:

Proposed Ordinance amending Ordinance No. 2639.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 2639 VACATING A PORTION OF
GUNNISON AVENUE RIGHT OF WAY BETWEEN HARRIS ROAD AND MELODY
LANE**

Recitals:

The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right of way within the limits specified by said ordinance; however, due to scrivener's error not all documents conveying Gunnison Avenue right of way were cited in said ordinance. The amended ordinance lists all documents conveying right of way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

This Ordinance amends Ordinance No. 2639 and by adoption there of amends the legal description of the Gunnison Avenue right-of-way vacated.

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

Ordinance No. 2639 is hereby amended to wit:

That portion of Gunnison Avenue right-of-way, as described in the following Books:

Book 1050, Page 307 and 308;

Book 878 Page 663;

Book 865 Page 281;

Book 829, Page 49;

Book 825 Page 176;

Book 1059 Page 684;

and as shown on the final plat for Gunnison Avenue South in Plat Book 12, Page 304, all in the records of the Mesa County Clerk and Recorder,

lying 30 feet east of the west line $W\frac{1}{2} E\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$ of Section 18, Township One South, Range 1 East of the Ute Meridian and lying 30 feet west of the east line $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, of Section 18 Township One South, Range 1 East of the Ute Meridian.

INTRODUCED for FIRST READING and publication on this 2nd of November, 2009.

PASSED and ADOPTED this _____ day of November, 2009.

Attest:

Bruce Hill
President of the Council

Stephanie Tuin
City Clerk



Date: November 5, 2009
 Author: John Shaver
City Attorney
 Title/ Phone Ext: 244-1506
 Proposed Schedule: Monday,
November 2, 2009
 2nd Reading (if applicable):
Monday, November 16, 2009

Attach 9
Public Hearing – Medical Marijuana Dispensary
Moratorium

CITY COUNCIL AGENDA ITEM

Subject: Medical Marijuana Dispensary Moratorium
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney

Executive Summary:

The proposed Ordinance would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to carefully evaluate and determine as appropriate, the proper regulation of those businesses. The ordinance also proposes a moratorium on the issuance of sales tax licenses for new dispensaries/marijuana care-givers.

How this item relates to the draft Comprehensive Plan Goals and Policies:

N/A

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Publication of the Ordinance.

Board or Committee Recommendation:

The City Council Legislative Committee recently met and recommended that the Council consider adopting a moratorium on sales tax licenses and permitting additional establishments in Grand Junction.

Background, Analysis and Options:

In November 2000 Colorado voters approved Amendment 20 to the Colorado Constitution. In general that amendment allows certain people the right to sell, use, possess, distribute and transport marijuana and the means of consumption to treat debilitating medical conditions. The Amendment generally provides an exemption to

prosecution under state law. Amendment 20 does not provide an exemption to prosecution for federal criminal violations.

Because of the proliferation of medical marijuana dispensaries in Grand Junction and because of the fact that Amendment 20 is silent on the “business” aspects of medical marijuana distribution aka “dispensaries,” the City Council Legislative Committee recently met and recommended that the Council consider adopting a moratorium on 1) sales tax licenses and 2) permitting additional establishments in Grand Junction.

During the 2010 session of the Colorado General Assembly it is likely that a bill or bills will be introduced to clarify Amendment 20 and/or to regulate the some or all aspects of siting and/or operating dispensaries. In addition to the possibility that the legislature may act, the City may also consider and/or adopt its own local regulation. In order to coordinate the City regulation with what the State may do, it is reasonable to temporarily suspend the permitting of new dispensaries/care giver operations.

Financial Impact/Budget: No direct impact from adoption of the Ordinance; enforcement costs may result.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE CONCERNING LAND USE APPLICATIONS IN THE CITY OF GRAND JUNCTION, INSTITUTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF LAND USE APPROVALS AND SALES TAX LICENSES FOR MEDICAL MARIJUANA DISPENSARIES AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Recitals.

The purpose of this Ordinance is to afford the City Council an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to determine the appropriate regulations and requirements for the conduct of those businesses in the City of Grand Junction.

A moratorium is lawful, necessary and appropriate so that the citizens of the City, by and through the City Council, may carefully evaluate and determine as appropriate the proper zoning, site specific regulation(s), use specific regulation(s) and/or licensing for any person or entity that purports to operate as a “primary care-giver” for the cultivation, sale, possession, distribution and/or provision of medical marijuana to or for any person with a “debilitating medical condition” as the same are defined In Article XVIII, Section 14, Amendment 20 of the Colorado Constitution.

This Ordinance shall apply to any person or entity applying to function, to do business as or hold itself out as a medical marijuana dispensary in the City of Grand Junction. The Ordinance shall equally apply to any person or entity regardless of zoning.

This Ordinance shall apply to any person or entity applying to function, do business as, or hold him, her or itself out as a “primary care-giver” as the same is defined in Article XVIII, Section 14, Amendment 20 of the Colorado Constitution. The Ordinance shall equally apply to any person or entity regardless of zoning and/or compliance with other applicable City regulation(s) including but not limited to home occupation.

This Ordinance shall apply to any person or entity applying for a sales tax license to function, do business as or hold him, her or itself out as a “primary care-giver” as the same is defined In Article XVIII, Section 14, Amendment 20 of the Colorado Constitution. The Ordinance shall equally apply to any person or entity regardless of compliance with other applicable State regulation(s) regarding the collection of sales tax.

Because of the proliferation of medical marijuana dispensaries and the recent incidence of two burglaries at one dispensary location, the Grand Junction Police Department by and through Chief John Camper has warned that further violent crime may result. Chief Camper has endorsed the moratorium provided for in this Ordinance.

A stated goal of the City Council is to make Grand Junction the most livable community west of the Rockies by 2025. While the Council acknowledges the rights of those members of the community that are suffering from a debilitating medical condition to access medical marijuana, the City Council must balance those rights against the need for regulation of the number, the location and the safety practices of those businesses supplying medical marijuana.

The City Council is concerned about and during the moratorium period may study whether an undue concentration of dispensaries may result in among other things the businesses becoming illegitimate. The existence of illegitimate dispensary businesses will harm those persons that rely on the drug for medicinal purposes and at the same time the community will be harmed if those businesses become fronts for criminal activity and/or targets for related crimes such as robbery, burglary and/or fraud. Through a concerted effort Attorney General Suthers and the Colorado Association of Chiefs of Police have identified significant concerns with the proliferation of dispensary businesses.

The City Council anticipates that the local legislative delegation and other State representatives and senators may be proposing legislation to “fill the gaps” that exist in the current body of law concerning Amendment 20 and medical marijuana. The City Council generally endorses a state-wide licensing process/regulation of dispensaries; however, the City Council urges that in any bill(s) that the legislature approves that Home Rule communities’ right to craft more restrictive regulations be recognized and preserved.

The City Council hereby directs the City Manager and the City Attorney to monitor and evaluate any bill(s) brought to the legislature regarding medical marijuana and to advise the City Council Legislative Committee of those bills.

Consistent with the City’s authority and obligation to promote the health, safety and general welfare of the citizens and residents of the City, the City Council does hereby find and determine that for a period of 12 months from the effective date of this Ordinance the City Manager is not to accept, process or act on any use or development application(s) or issue any permits for uses that are either conditional or allowed by the Zoning and Development Code for any use, business, activity or action that is known as or functions as a medical marijuana dispensary and/or a medical marijuana primary care-giver.

The City Manager shall issue no new sales tax licenses for any use, business or activity that is known as or functions as a medical marijuana dispensary and/or a medical marijuana primary care-giver. The City Manager may renew sales tax licenses issued prior to the date of this Ordinance if the licensee is in good standing with the City but no new sales tax licenses for the sale of medical marijuana shall issue.

It shall be illegal for any person or entity to function, do business as or hold him, her or itself out as a primary care-giver for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such

marijuana as the same is defined in Article XVIII, Section 14, Amendment 20 of the Colorado Constitution without having a City sales tax license. An existing sales tax licensee, as of the effective date of this Ordinance, may not lawfully add medical marijuana to his, her or its inventory.

This Ordinance is reasonable and proper because there are no applications pending at this time and a temporary moratorium will allow the opportunity for careful determination of the public and private needs.

The authority for this Ordinance derives from the Colorado Constitution and the Charter and laws and ordinances of the City of Grand Junction.

This Ordinance shall expire, if not renewed or sooner repealed by the City Council, on a date 12 months from the final passage and 32 days following publication thereof.

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

For the 12 month period following the date of lawful adoption of this Ordinance the City Manager, in accordance with the foregoing recitals which are adopted herein and made a part hereof, shall not accept, act on, process or approve any use or development application(s) or issue any permits for uses that are either conditional or allowed by the Zoning and Development Code for any use, business, activity or action that is known as or functions as a medical marijuana dispensary and/or a medical marijuana primary care-giver in the City of Grand Junction.

The moratorium established by this Ordinance shall apply to any person or entity applying to function, do business as, or hold itself out as a medical marijuana dispensary in the City of Grand Junction.

The moratorium shall equally apply to any person or entity regardless of zoning and/or the location of the medical marijuana dispensary.

The moratorium shall apply to any person or entity applying to function, do business as, or hold him, her or itself out as a "primary care-giver" as the same is defined In Article XVIII, Section 14, Amendment 20 of the Colorado Constitution.

The moratorium shall equally apply to any person or entity regardless of zoning and compliance with other applicable regulation(s) including but not limited to home occupation.

The moratorium shall equally apply to any person or entity, activity or action that applies for a sales tax license to function as a medical marijuana dispensary and/or a medical marijuana primary care-giver.

It shall be illegal for any person or entity to function, do business as or hold him, her or itself out as a primary care-giver for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such marijuana as the same is defined in Article XVIII, Section 14, Amendment 20 of the Colorado Constitution without having a City sales tax license.

The City Manager may renew sales tax licenses issued prior to the date of this Ordinance but no new sales tax license for the sale of medical marijuana shall issue during the moratorium period. An existing City sales tax licensee, as of the effective date of this Ordinance, may not lawfully add medical marijuana to his, her or its inventory during the moratorium period.

Definitions of terms in Amendment 20 shall be applicable as necessary or required to construe this Ordinance.

Conducting business in violation of the provisions of this Ordinance constitutes a misdemeanor punishable in accordance with the penalties provided in Section 1.04.090 of the Grand Junction Code of Ordinances.

If any section, sentence, clause or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

This Ordinance shall expire, if not renewed or sooner repealed by the City Council, on a date 12 months from the final passage and 32 days following publication thereof.

INTRODUCED for FIRST READING on the 2nd of November, 2009.

PASSED and ADOPTED this _____ day of November, 2009.

President of the Council

Attest:

City Clerk