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

WEDNESDAY, JANUARY 20, 2010, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Dr. Paul Dibble, Retired Pastor Colorado
Christian University

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

Appointments

Visitor and Convention Bureau Board of Directors

Recognitions/Presentations

“Water Partner of the Year” Presented by Regional Forest Supervisor Connie Clementson

Recognition of Neighborhood Associations: Valley Meadows North, Bluffs West, and Chipeta West

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

**** Indicates New Item*

® Requires Roll Call Vote

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

Action: Approve the Minutes of the January 4, 2010 and January 6, 2010 Regular Meetings

2. **Establish and Adjust Application Fees for Liquor Licensing** [Attach 2](#)

The State recently established an Art Gallery Permit allowing complimentary alcoholic beverages to be served in small quantities in an establishment whose primary focus is art, precious and/or semi-precious metals or stones. There has been some interest in these permits in the local galleries and therefore it is necessary for the City to establish the application and renewal fees to be charged. The maximum permit and application fees are established by the State; the City is proposing a lesser fee for applications for renewal.

In 2007, the Colorado Legislature authorized an increase in the liquor license application fees allowed to be charged by local jurisdictions. The law allowed for a stepped increase through 2010, which was been approved and authorized by the City Council with Resolution No. 61-08. The stepped increase for transfer of ownership application fees capped at \$750 and Resolution No. 61-08 failed to recognize that cap. The proposed resolution corrects that oversight.

Resolution No. 06-10—A Resolution Establishing Application Fees for Art Gallery Permits and Amending Transfer of Liquor License Application Fees in the City of Grand Junction, Colorado

®Action: Adopt Resolution No. 06-10

Staff presentation: Stephanie Tuin, City Clerk

3. **Setting a Hearing Zoning the James Annexation, Located at 514 30 Road** [Attach 3](#)
[File # ANX-2009-241]

A request to zone the 1.29 acre James Annexation, consisting of one parcel located at 514 30 Road, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the James Annexation to C-1 (Light Commercial)
Located at 514 30 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2010

Staff presentation: Brian Rusche, Senior Planner

4. **Setting a Hearing for the Sign Code Amendment** [File # TAC-2009-251] [Attach 4](#)

Proposed amendment to repeal Section 4.2B6 of the Zoning and Development Code regarding lighted, moving and changeable copy signs.

Proposed Ordinance Repealing Section 4.2B6 of the City of Grand Junction Zoning and Development Code Regarding Lighted, Moving and Changeable Copy Signs

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2010

Staff presentation: Lisa Cox, Planning Manager

5. **Setting a Hearing for the 7th Street District Rezone** [File # RZ-2009-253] [Attach 5](#)

Consideration of a rezoning of the 7th Street District from PD, Planned Development to PRD, Planned Residential Development – 7th Street with a default zone of R-8, Residential – 8 du/ac.

Proposed Ordinance Zoning the 7th Street District Planned Residential Development by Approving a List of Uses with a Default R-8 (Residential 8) Zone

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 17, 2010

Staff presentation: John Shaver, City Attorney
Scott Peterson, Senior Planner

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

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

6. **Public Hearing - Trail Side Subdivision Rezone, Located at 381 31 5/8 Road** [File #RZ-2009-136] [Attach 6](#)

Request to rezone 9.15 acres located at 381 31 5/8 Road, from an R-5 (Residential 5 du/ac) zone district to an R-8 (Residential 8 du/ac) zone district.

Ordinance No. 4402—An Ordinance Rezoning the Property Known as the Trail Side Subdivision from R-5, Residential 5 Units per Acre, to R-8, Residential 8 Units per Acre, Located at 381 31 5/8 Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4402

Staff presentation: Brian Rusche, Senior Planner

7. **Construction Contract for the Persigo Vault and 54” Reinforced Concrete Pipe (RCP) Rehabilitation Project** [Attach 7](#)

This project is one of four projects aimed at replacing, rehabilitating, or increasing capacity of aging sewer lines in the Persigo collection system. The City of Grand Junction as manager of the Persigo System will utilize Build America Bonds to fund the estimated \$4.6 million in projects.

These projects were included with the City’s unsuccessful application for ARRA Funds earlier this year. The City has continued to move forward with the projects utilizing the Build America Bonds in an effort to provide stimulus to the construction community.

Action: Authorize the City Manager to Sign a Construction Contract with Insituform Technologies, Inc. Colorado Springs, Colorado for the Persigo Vault and 54” RCP Rehabilitation Project in the Amount of \$859,655

Staff presentation: Tim Moore, Public Works and Planning Director

8. **Construction Contract for the 2010 Waterline Replacement Project – Phase 2** [Attach 8](#)

This project is Phase 2 of a three phase project aimed at replacing aging water lines in the City’s water distribution system. The City of Grand Junction received a \$3.8 million low interest loan through the Colorado Water Resources and Power Development Authority (CWRPDA) to fund these waterline replacement projects.

These projects were included with the City’s unsuccessful application for ARRA Funds earlier this year. The City has continued to move forward with the projects utilizing the CWRPDA loan in an effort to provide stimulus to the construction community.

Action: Authorize the City Manager to Sign a Construction Contract with Schmidt Earth Builders, Inc. of Windsor, Colorado for the 2010 Waterline Replacement Project – Phase 2 in the Amount of \$851,336.20

Staff presentation: Tim Moore, Public Works and Planning Director

9. **Amendment to Action Plan for 2009 Community Development Block Grant (CDBG) Program Year and Subrecipient Contract for Project within the 2009 CDBG Program Year** [File #CDBG 2009-06] [Attach 9](#)

Amend the City's Action Plan for CDBG Program Year 2009 to revise the grant to Mesa Developmental Services (MDS) to remodel seven group homes within the City limits rather than remodel the main program office and the Subrecipient Contract formalizes the City's award of \$40,000 to MDS as allocated from the City's 2009 CDBG Program previously approved by Council.

Action: 1) Approve the Amendment to the City's CDBG Consolidated Plan 2009 Action Plan to Reflect the Revision to Project CDBG 2009-06 to Remodel Seven Group Homes; and 2) Authorize the City Manager to Sign the Subrecipient Contract with Mesa Developmental Services for the City's 2009 CDBG Program Year

Staff presentation: Kristen Ashbeck, Senior Planner

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

11. **Other Business**

12. **Adjournment**

Attach 1
Minutes

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

January 4, 2010

The City Council of the City of Grand Junction convened into regular session on the 4th day of January 2010 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Appointments

Councilmember Coons moved to reappoint Paul Marx to the Grand Junction Housing Authority for a five year term to expire October 2014. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Councilmember Kenyon moved to reappoint Kathy Jordan and appoint John Slay to the Historic Preservation Board, both for four year terms to expire December 2013. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Councilmember Todd moved to reappoint Dr. Lynn James and Laurie Kadrich to the Public Finance Corporation, both for three year terms to expire January 2013. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council Comments

There were none.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Pitts read the Consent Calendar and then moved to approve items #1 through #7. Councilmember Kenyon seconded the motion.

Council President Hill asked if there are any clarifications or questions on the Consent Calendar before the vote.

Councilmember Kenyon wanted assurance that the City will not perpetuate the problem with the ambulances by avoiding the problematic brand. That was confirmed.

Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the December 14, 2009 Special Session and the Minutes of the December 14, 2009 Regular Meeting

2. **2010 Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-10—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2010 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-10

3. **Setting a Hearing for the Trail Side Subdivision Rezone, Located at 381 31 5/8 Road** [File #RZ-2009-136]

Request to rezone 9.15 acres located at 381 31 5/8 Road, from an R-5 (Residential 5 du/ac) zone district to an R-8 (Residential 8 du/ac) zone district.

Proposed Ordinance Rezoning the Property Known as the Trail Side Subdivision from R-5, Residential 5 Units per Acre, to R-8, Residential 8 Units per Acre, Located at 381 31 5/8 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January, 20, 2010

4. **Construction Contract for Canary Lane Sewer Improvement District (SID)**

Upon completion of the Canary Lane ID project, sewer service from the Persigo System will be made available to 34 properties.

This is one of four system expansion and collection system upgrade/rehabilitation projects planned in the Persigo System in 2010 utilizing Build America Bonds. These projects were included in the ARRA fund application earlier in 2009. The City was not successful in securing ARRA funds but is taking advantage of low interest Build America Bonds to provide stimulus to the contracting community.

Action: Authorize the City Manager to Execute a Construction Contract for the Canary Lane Sewer Improvement District with MA Concrete Construction Inc. in the Amount of \$745,259.77. Award is to be Contingent on Formation of the District by the Mesa County Board of County Commissioners

5. **Construction Contract for the 2010 Waterline Replacement Project, Phase I**

This project is Phase 1 of a three phase project to replace aging water lines in the City's water distribution system. The City of Grand Junction received a \$3.8 million low interest loan through the Colorado Water Resources and Power Development Authority (CWRPDA) to fund these waterline replacement projects.

These projects were included with the City's unsuccessful application for ARRA funds earlier this year. The City has continued to move forward with the projects utilizing the CWRPDA loan in an effort to provide stimulus to the construction community.

Action: Authorize the City Manager to Sign a Construction Contract with M.A. Concrete Construction, Inc. of Grand Junction, Colorado for the 2010 Waterline Replacement Project – Phase 1 in the Amount of \$1,230,831.00

6. **Purchase of Type III Ambulance**

Purchase of a Type III Ambulance from Life Line Emergency Vehicles. This is a scheduled replacement of an existing ambulance unit out of the City's fleet for use by the Grand Junction Fire Department.

Action: Authorize the Purchasing Division to Award a Contract to Life Line Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, Colorado in the Amount of \$157,770 for the Purchase of a Type III Ambulance for the Grand Junction Fire Department

7. **Re-Chassis Two Fleet Ambulances**

Purchase of two ambulance chassis from Life Line Emergency Vehicles. This purchase will provide new chassis for two ambulance units currently in the City's fleet that have experienced significant out-of-service time due to chronic mechanical failures of the chassis. The City has obtained \$102,527 from State EMS grant funds to use towards this purchase.

Action: Authorize the Purchasing Division to Award a Contract to Life Line Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, Colorado in the Amount of \$201,982 for the Purchase of Two Chassis and the Remount of Two Ambulances for the Grand Junction Fire Department

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Create Alley Improvement District ST-10

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the following alley:

- East/West Alley from 11th to 12th, between Belford Avenue and North Avenue

The public hearing was opened at 7:10 p.m.

Tim Moore, Public Works and Planning Director, presented this item. He recalled that in the budget discussions the alley improvement program was eliminated with the caveat that if a successful petition was brought forward that was in-process, the budget would be modified to allow for it to go forward. That is what happened with this alley so it is being brought forward.

Councilmember Palmer asked who does the work on the alley improvements districts. Mr. Moore advised the City designs the project but the construction is bid out.

Councilmember Kenyon asked for more information on the program. Mr. Moore advised that the program is popular because the City participates in the cost and the area gets a concrete alley with the drainage and utilities upgraded. The City pays about 85% of the cost for a residential lot, 75% for a multi-family lot and 50% for commercial lots. It is a benefit to the City as there is less maintenance of the alley and it helps with trash pickup. About one-half of the City's alleys are paved.

Councilmember Pitts asked what the surface is on this alley currently. Mr. Moore said mostly asphalt and gravel. It is a high traffic alley.

Councilmember Coons praised the program as a recipient of an earlier paving district. She asked if the economics improve, will the program be reinstated? Mr. Moore said that is the plan.

There were no public comments.

The public hearing was closed at 7:16 p.m.

Councilmember Palmer confirmed that the alley is asphalt and it is a good program but in light of the other cuts being made, 3% pay cut and suspension of services, he does not believe the money is best spent on this project. There are greater needs.

Councilmember Pitts agreed with Councilmember Palmer. He disagreed with spending the money at this time.

Councilmember Beckstein confirmed the petitioners did meet the exception criteria the City Council put in place for modifying the budget. Mr. Moore said they did.

Councilmember Beckstein advised that she is familiar with the alley and the paving will also alleviate a health issue that occurs in that alley.

Councilmember Coons added that the utilities probably need to be upgraded. Paving would also decrease dust violations.

Councilmember Todd added that this will also provide work for possibly a small local company.

Council President Hill noted that this program budget was cut by 75%. He disagreed with completely stopping improvements to the community. This is an important alley that is highly used. It is supported by the adjacent property owners.

Councilmember Kenyon agreed with the Council President although he understands Councilmember Palmer's points. He will support this one since the petitioners met the criteria.

Resolution No. 02-10—A Resolution Creating and Establishing Alley Improvement District No. ST-10 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Councilmember Todd moved to adopt Resolution No. 02-10. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Palmer and Pitts voting NO.

Intergovernmental Agreement with CDOT for the Construction of the 29 Road and I-70B Interchange

The City and County have completed a Feasibility Study and Environmental Assessment for the proposed interchange connection of 29 Road and I-70B according to CDOT's 1601 Interchange Approval Process. The 1601 process requires that the City and CDOT enter into an Intergovernmental Agreement (IGA) to define the responsibilities for the construction and maintenance of the facilities associated with this interchange.

The cost for the work included in this Agreement is \$158,351.

Tim Moore, Public Works and Planning Director, presented this item. The agreement is required by CDOT and is their standard language which says in part that the City will pay CDOT \$158,351 to inspect all the forms and girders and certify them. The City would have to pay someone for these inspections and CDOT will be inspecting the forms and girders for the highway overpass so this will pay them to inspect the railroad overpass girders. CDOT will also oversee the installation.

Councilmember Kenyon asked if this is the cheapest and best way for the City to get these inspections and certifications. Mr. Moore said it is cheaper and the most efficient plus there is assurance there will not be any discrepancies. Councilmember Kenyon asked if that does place the liability on CDOT. Mr. Moore said it reduces the probability and opportunity for error but does not transfer any liability.

City Attorney Shaver added that under the contract, CDOT does not assume liability, nor are they liable above the limits of the Governmental Immunity Act.

Councilmember Pitts asked why this was not included in the total costs of the project. Mr. Moore said these items are figured into the total costs budgeted.

Council President Hill added that this is not an addition to the project, but it needs Council approval due to the amount.

Resolution No. 03-10—A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding I-70B and 29 Road Interchange

Councilmember Beckstein moved to adopt Resolution No. 03-10. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Amendment #4 of Engineering Services Contract with Jacobs Carter Burgess (formerly Carter and Burgess) for the 29 Road and I-70B Interchange Project

This amendment will add scope of work to the original engineering services contract for the 29 Road and I-70B Interchange Project to include limited construction services during the upcoming Interchange Phase, preparation of additional design documents required by CDOT and the UPRR, and production of an additional set of bid documents. The total cost of this contract amendment is \$383,468, which will be split by the City and County. The City's share of the cost is \$191,734.

Tim Moore, Public Works and Planning Director, presented this item. Mr. Moore explained the scope of the project and why this amends the original contract including the additional items that have been added by CDOT and UPRR (Union Pacific Railroad.)

Councilmember Kenyon moved to authorize the City Manager to amend the engineering services contract for the 29 Road and 1-70B Interchange project with Jacobs Carter Burgess for a total fee of \$2,975,978 thereby increasing the contract by \$383,468. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Milton "Tony" Long, 237 White Avenue, Apt. B, said he has been meeting with "Housing First, No More Deaths" organization and there is concern about folks dying from exposure. He advised there is a tent that will withstand a certain snow load; he asked the City Council to work with this organization to help out any way they can.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:39 p.m.

Stephanie Tuin, MMC
City Clerk

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

January 6, 2010

The City Council of the City of Grand Junction convened into regular session on the 6th day of January 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Todd led in the Pledge of Allegiance.

Certificates of Appointments

Paul Marx was present to receive his Certificate of Appointment to the Grand Junction Housing Authority.

Kathy Jordan and John Slay were present to receive their Certificates of Appointment to the Historic Preservation Board.

Kevin Reimer was present to receive his Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

Citizen Comments

There were none.

CONSENT CALENDAR

There were no items on the Consent Calendar.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—LaHue Annexation and Zoning, Located at 514 Morning Glory Lane
[File # ANX-2009-214]

A request to annex and zone 0.32 acres, located at 514 Morning Glory Lane, to R-8 (Residential 8 du/acre). The LaHue Annexation consists of one (1) parcel and includes a portion of Morning Glory Lane.

The public hearing was opened at 7:06 p.m.

Judith Rice, Associate Planner, presented this item. She described the request, the site, and the location. She asked that the Staff Report and attachments be entered into the record. This annexation meets the criteria of the Zoning and Development Code and Planning Commission recommended approval of the R-8 zone district. The applicant is not present.

There were no public comments.

The public hearing was closed at 7:08 p.m.

a. Accepting Petition

Resolution No. 04-10—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the LaHue Annexation, Located at 514 Morning Glory Lane and Including a Portion of the Morning Glory Lane Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4400—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, LaHue Annexation, Approximately 0.32 Acres, Located at 514 Morning Glory Lane and Including a Portion of the Morning Glory Lane Right-of-Way

c. Zoning Ordinance

Ordinance No. 4401—An Ordinance Zoning the LaHue Annexation to R-8 (Residential 8 DU/Acre), Located at 514 Morning Glory Lane

Councilmember Palmer moved to adopt Resolution No. 04-10 and also Ordinance Nos. 4400 and 4401 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Mesa County Multi-Jurisdictional Hazard Mitigation Plan

The Mesa County Multi-Jurisdictional Hazard Mitigation Plan is intended to identify and mitigate potential natural hazards. This is a revision/update to the current plan that expires in 2010. Adoption of this plan is a required component for the City to be eligible to receive federal funds for hazard mitigation, pre-disaster mitigation, and flood mitigation projects.

Tim Moore, Public Works and Planning Director, introduced this item. Mr. Moore said that Mesa County was the lead agency and he listed the other entities involved in the

development of the Plan. The purpose is to identify the natural hazards in this area and develop a way to respond to those hazards. This is an update to the previous Plan adopted in 2005. Adoption of a plan is required to apply for a number of grants through Federal Emergency Management Agency (FEMA).

Councilmember Kenyon asked if there is a budget that will correspond with the adoption of this Plan. Mr. Moore said there may be some projects that will be rolled into a future capital plan. Any drainage/flooding issues would be addressed by the 5-2-1 Drainage Authority.

Councilmember Todd asked if the adoption of the Plan ties the City to the goals and objectives. Mr. Moore said it does not obligate the Council but projects can come out of the Plan. Councilmember Todd asked specifically about a basin study that is due in May 2010. Mr. Moore said any required amendments can be made to the Plan.

Councilmember Coons asked if this is a new plan or an upgrade to an existing plan and what other hazards are in this area besides flooding. Mr. Moore responded that this is an update to the Plan adopted in 2005. As far as other hazards, he listed, besides flooding, wildfire and rock fall as the top hazards.

Councilmember Pitts pointed out the mention of the volcano in Dotsero in the Plan and the fact it hasn't erupted in four thousand years; he felt safe in that regard.

Councilmember Palmer said he sat in on the development of the Plan. He pointed out that the Plan does not address mitigation of landslides and they are frequent in the eastern end of the valley. He asked if there is anything in the Plan that suggests how that can be addressed. Mr. Moore said CDOT has done some improvements in that area and recently with ARRA (federal stimulus) money, some rock fences have been installed in some of the vulnerable locations.

Bret Guillory, Utility Engineer, added that the topic was discussed a lot but because it is so hard to identify where a rock fall might occur, there is not a whole lot of mitigation planning that can be put into place. The representatives from CDOT expressed that landslides are hard to predict location-wise.

Councilmember Todd said she would like to see an amendment to remove the date specificity of the Big Salt Wash Basin Study.

Councilmember Todd asked for legal advice on how to handle that change.

City Attorney Shaver said a note could be made as a footnote or it could be stricken from the Plan. Councilmember Todd said it is on the bottom of page 7 of the Plan.

City Manager Kadrich advised that this has been discussed with the 5-2-1 Drainage Authority Board and there is not a budget for that project. It was probably an oversight that it was left in the document.

Council President Hill suggested that the motion include a notation that the City Council knows that date will not be met and then it will be in the record.

Councilmember Todd noted that the Big Salt Wash Project will not be funded in 2010 and possibly not in 2011. It is still on the priority list of the 5-2-1 Drainage Authority Board and with that she moved that in the Plan in the mitigation matrix on page 7, it is understood that the date will not be met. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Resolution No. 05-10—A Resolution Adopting the Mesa County, Colorado Hazard Mitigation Plan

Councilmember Todd moved to adopt Resolution No. 05-10. Councilmember Coons 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 7:25 p.m.

Stephanie Tuin, MMC
City Clerk



Date: December 28, 2009

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk, x1511

Proposed Schedule:
January 20, 2010

Attach 2
Establish and Adjust Application Fees for Liquor Licensing

CITY COUNCIL AGENDA ITEM

Subject: Establish and Adjust Application Fees for Liquor Licensing
File # (if applicable):
Presenters Name & Title: Stephanie Tuin, City Clerk

Executive Summary:

The State recently established an Art Gallery Permit allowing complimentary alcoholic beverages to be served in small quantities in an establishment whose primary focus is art, precious and/or semi-precious metals or stones. There has been some interest in these permits in the local galleries and therefore it is necessary for the City to establish the application and renewal fees to be charged. The maximum permit and application fees are established by the State; the City is proposing a lesser fee for applications for renewal.

In 2007, the Colorado Legislature authorized an increase in the liquor license application fees allowed to be charged by local jurisdictions. The law allowed for a stepped increase through 2010, which was been approved and authorized by the City Council with Resolution No. 61-08. The stepped increase for transfer of ownership application fees capped at \$750 and Resolution No. 61-08 failed to recognize that cap. The proposed resolution corrects that oversight.

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

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

The art in the downtown is one of the City's premier tourist attractions and the serving of wine during art gallery openings and exhibitions has become a popular trend. The issuance of art gallery permits adds an additional dimension to the atmosphere and ambience of the art and culture scene in the downtown.

Action Requested/Recommendation:

Adopt the Proposed Resolution Establishing Art Gallery Permit Application Fees and Correcting Resolution No. 61-08 Capping the Application Fee for Transfer of Ownership Applications

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

When the State established Art Gallery Permits, the maximum fees for the application and for the permit were established at one hundred dollars for the application and twenty-five dollars (of which the City receives \$3.75) for the permit. While one hundred dollars for an application for a new permit may be appropriate, it is recommended that the application for renewal be less. The City Clerk's Office is recommending the renewal fee for an Art Gallery Permit be established at twenty-five dollars.

Resolution No. 61-08 authorized an increase in application fees for both new and transfer liquor licenses. The application fee for transfers was capped at seven hundred and fifty dollars. Although Staff realized the error and did not increase the fee to applicants, a correction for the record is in order.

Financial Impact/Budget:

While not a big impact, the City will realize additional revenues from the issuance of Art Gallery Permits.

Legal issues:

The City Attorney has reviewed the proposed resolution and recommends adoption.

Other issues:

Enforcement is generally not an issue for Art Gallery Permits. Times and hours of Art Gallery Permits are limited and the gallery must establish only 15 days per year when the gallery serves complimentary beverages. Art Gallery Permits are subject to the Colorado liquor laws the same as any other liquor license.

Previously presented or discussed:

This has not been presented previously.

Attachments:

Proposed Resolution

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING APPLICATION FEES
FOR ART GALLERY PERMITS AND
AMENDING TRANSFER OF LIQUOR LICENSE APPLICATION FEES
IN THE CITY OF GRAND JUNCTION, COLORADO**

Recitals.

Resolution No. 95-07 and Resolution No. 61-08 which were adopted by City Council on the 18th day of July 2007 and the 7th day of May 2008 respectively, established fees to be charged under the Colorado Liquor Code. Such fees include application fees. License and permit fees are set by State Statute.

In January, 2008, Art Gallery Permits were authorized by the State. The maximum fees for the permit and application were set by the State. The maximum fee for a renewal is one hundred dollars. The City is proposing a lesser amount for renewals.

In accordance with the City of Grand Junction's Code of Ordinances, Section 5.12.210, application fees are set by resolution of the City Council.

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

1. The application fees shall be set to offset as allowed by Law the costs incurred by the City for reviewing and processing the applications, including the costs of publication, hearing, administration, inspection and enforcement of licensed liquor establishments.
2. The new application fee for an Art Gallery Permit shall be one hundred dollars. The renewal application fee for an Art Gallery Permit shall be twenty-five dollars.
3. As of July 1, 2008, the application fee for a transfer license shall be \$750.
4. Fees set by prior resolution in conflict with this resolution are hereby repealed and all other fees not in conflict or specifically modified herein shall remain in full force and effect.

PASSED AND ADOPTED this _____ day of _____ 2010.

President of the Council

ATTEST:

City Clerk



Date: January 5, 2010
Author: Brian Rusche
Title/ Phone Ext: x. 4058
Proposed Schedule:
January 20, 2010
2nd Reading: February 1, 2010

Attach 3
Zoning the James Annexation, Located at 514 30 Road

CITY COUNCIL AGENDA ITEM

Subject: Zoning of the James Annexation, Located at 514 30 Road
File # (if applicable): ANX-2009-241
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to zone the 1.29 acre James Annexation, consisting of one parcel located at 514 30 Road, to a C-1 (Light Commercial) zone district.

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

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

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

Action Requested/Recommendation:

Introduce a Proposed Zoning Ordinance and Set a Public Hearing for February 1, 2010.

Board or Committee Recommendation: On January 12, 2010 the Planning Commission voted unanimously to recommend approval of the requested zone of annexation to the City Council.

Financial Impact/Budget: N/A

Legal issues: None

Other issues: None

Previously presented or discussed: On December 14, 2009 the City Council adopted Resolution 95-09, referring the petition for annexation, setting a hearing date for the annexation, and exercising land use control.

Background, Analysis and Options: See attached.

Attachments:

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

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		514 30 Road		
Applicant:		Fruitvale III, LLC – James M. Flynn		
Existing Land Use:		Vacant		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Commercial		
	South	Commercial		
	East	Commercial		
	West	Commercial		
Existing Zoning:		County B-2 (Concentrated Business)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County B-2 (Concentrated Business)		
	South	County B-2 (Concentrated Business)		
	East	County PUD (Planned Unit Development)		
	West	B-1 (Neighborhood Business)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the C-1 (Light Commercial) zone district is consistent with the Growth Plan designation of Commercial. The existing County zoning is B-2 (Concentrated Business). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning. The request is consistent with the Growth Plan.

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

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

Response: The neighborhood consists of existing commercial uses, including a mini-storage complex to the north, a spa and carwash to the south, a building supply outlet to the east, and retail and restaurant uses on the opposite side of 30 Road to the west. The existing zoning is primarily County B-2 (Concentrated Business) on both sides of 30 Road from the I-70B intersection north to Elm

Avenue; except for a restaurant zoned B-1 and the building supply outlet zoned C-1.

The proposed C-1 zoning is compatible with the neighborhood and conforms to the Growth Plan's Future Land Use Commercial designation.

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

Response: There is an 8 inch Clifton Water line and an 8 inch Central Grand Valley Sanitation District sanitary sewer line within 30 Road, both adequate to provide service to commercial uses allowed in a C-1 zone. Any additional service connections, fire hydrants, etc. will be the responsibility of the developer.

30 Road is designated as a Minor Arterial. Any modification of access to the roadway will be the responsibility of the developer. The existing traffic flow and any future roadway improvements are paid for by the Transportation Capacity Payment (TCP) fund.

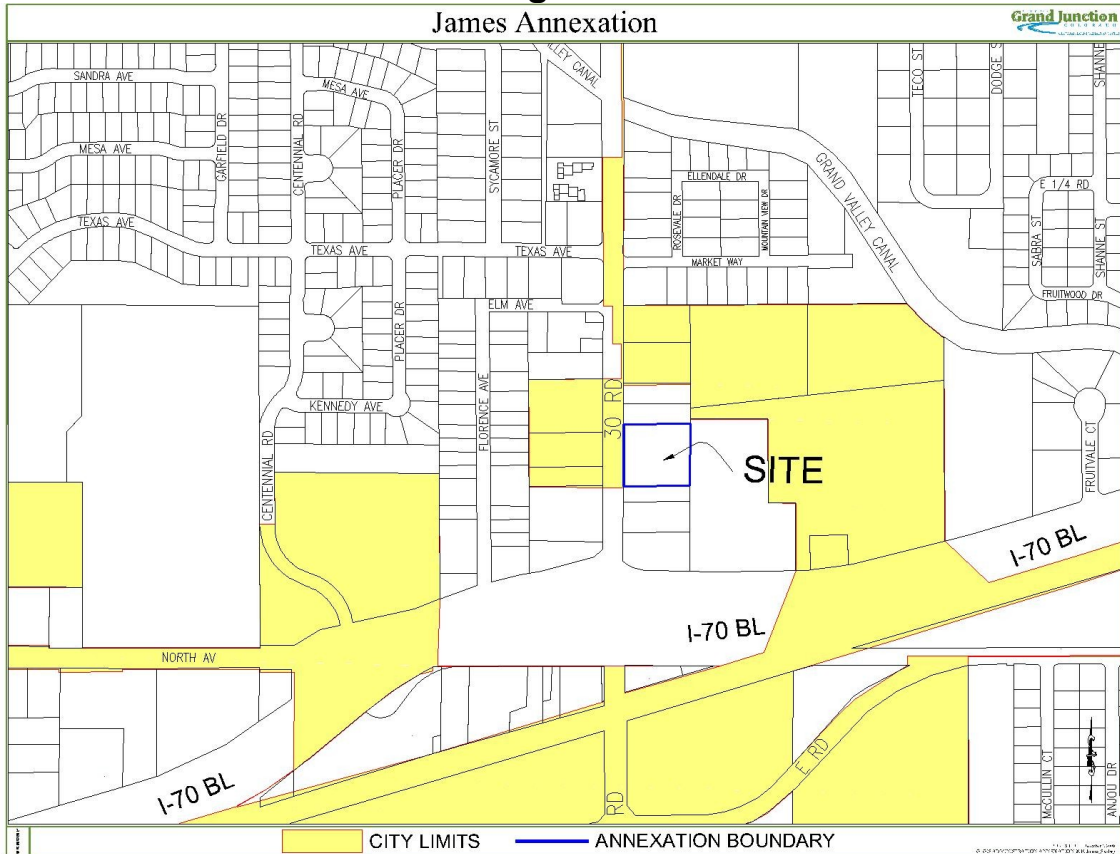
Therefore, adequate facilities are available or will be made available at the time of development.

Alternatives: The following zone districts would also be consistent with the Growth Plan designation for the subject property:

- a. B-1 (Neighborhood Business) – exists on the west side of 30 Road
- b. C-2 (General Commercial)

Annexation - Site Location Map

Figure 1



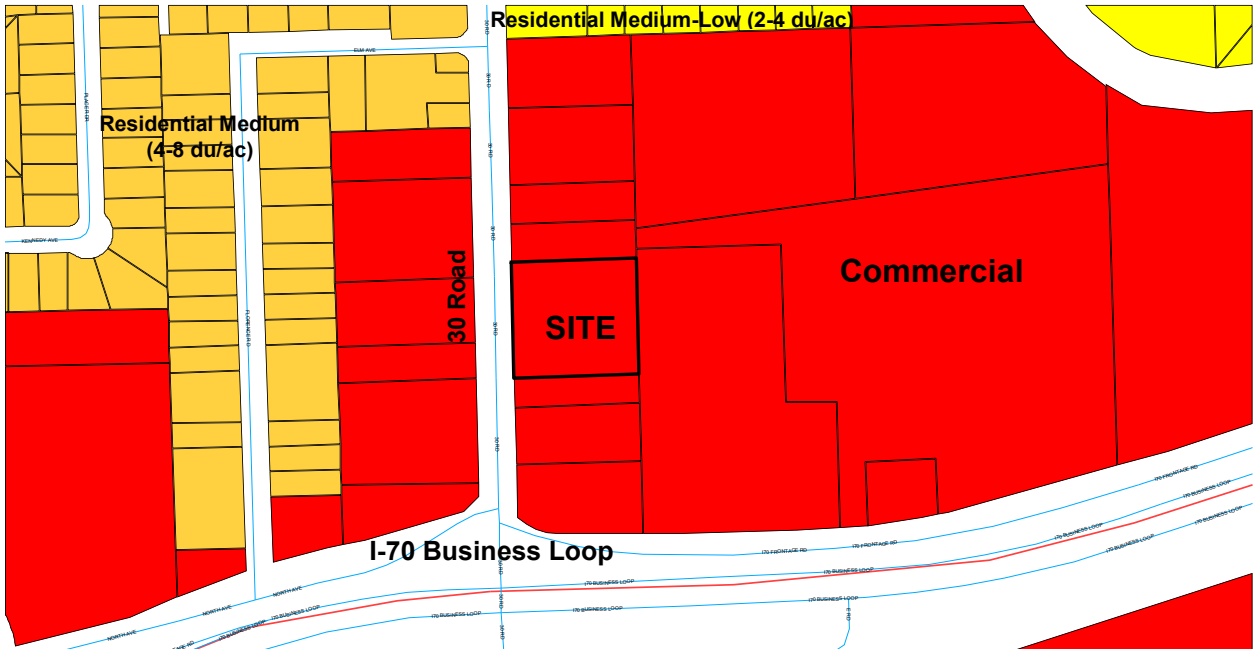
Aerial Photo Map

Figure 2



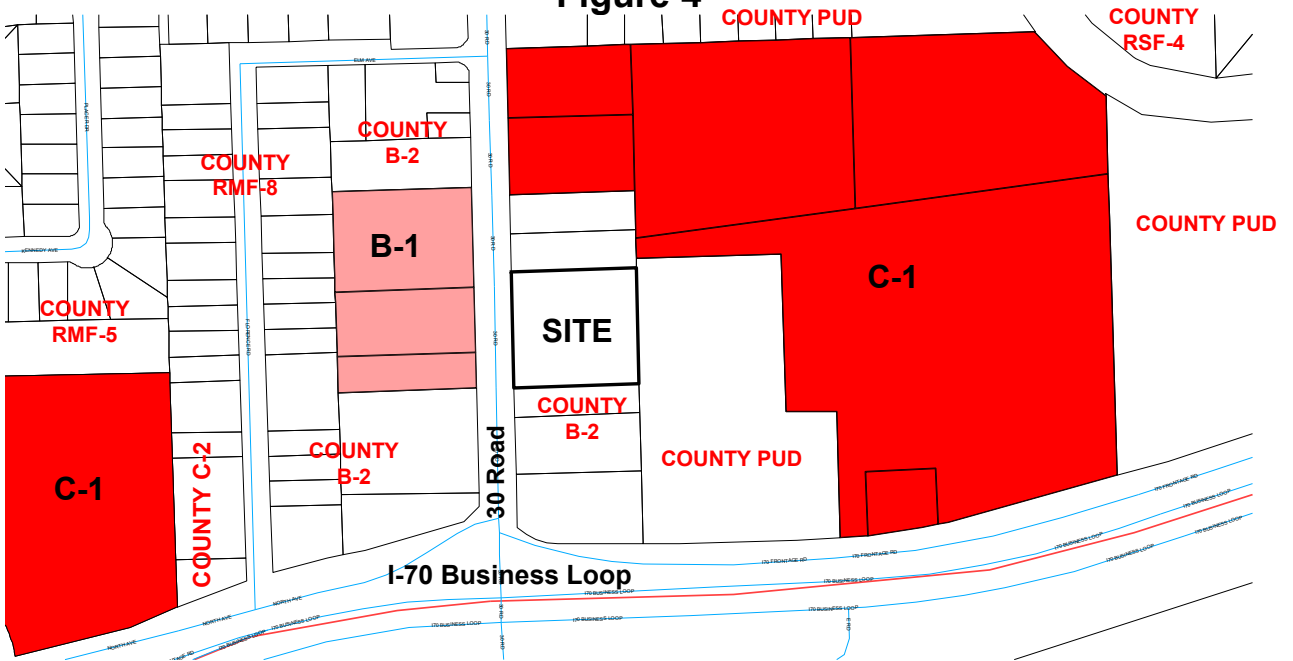
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE JAMES ANNEXATION
TO C-1 (LIGHT COMMERCIAL)**

LOCATED AT 514 30 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the James Annexation 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 and 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 and Development Code.

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

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

JAMES ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section to bear S 00°07'38" E with all other bearings noted hereon being relative thereto; thence from said Point of Commencement, S 00°07'38" E along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 445.00 feet; thence N 89°50'04" E a distance of 40.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°50'04" E a distance of 247.10 feet; thence S 00°07'38" E a distance of 228.00 feet; thence S 89°50'04" W a distance of 247.10 feet to a point on the existing East right of way for 30 Road; thence N 00°07'38" W along said East right of way and the East line of DM

South Annexations No. 1 and 2 (Ordinance No.'s 3455 and 3456) a distance of 228.00 feet, more or less, to the Point of Beginning.

CONTAINING 56,338 Square Feet or 1.29 Acres, more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2010 and ordered published.

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

ATTEST:

President of the Council

City Clerk



Date: January 4, 2010
 Author: John Shaver and Lisa Cox
 Title/ Phone Ext: Attorney/1506 and Planning Manager/1448
 Proposed Schedule: January 20, 2010
 2nd Reading: February 1, 2010

Attach 4
Sign Code Amendment

CITY COUNCIL AGENDA ITEM

Subject: Sign Code Amendment
File # : TAC-2009-251
Presenters Name & Title: Lisa Cox, Planning Manager

Executive Summary:

Proposed amendment to repeal Section 4.2B6 of the Zoning and Development Code regarding lighted, moving and changeable copy signs.

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

The City’s Zoning and Development Code is dated and does not recognize the technological advances that are available for commercial and non-commercial signs. The proposed amendment would permit commercial and non-commercial signs to take advantage of current technologies and thereby further promote goods and services offered which support the City’s role of being a regional provider of such services. The proposed amendment supports Goal 12 and Policies A and B of the draft Comprehensive Plan.

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

Policy A: Through the Comprehensive Plan’s policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

Action Requested/Recommendation:

Consider First Reading of the Proposed Ordinance and Set February 1, 2010 for a Public Hearing and Final Reading.

Board or Committee Recommendation:

The Legislative Committee of City Council recommended consideration of the attached ordinance.

Background, Analysis and Options:

Section 4.2B6 of the Zoning and Development Code provides that signs that flash, move, blink, change color, chase or have other animation effects are prohibited. With changing technology many signs are now capable of displaying much more information in the form of electronic messages and images. The conventional wisdom regarding electronic signs is that electronic signs cause accidents by distracting the driver, but that has not proven to be the case. Variable electronic message signs do not cause traffic accidents and may in fact prevent them due to superior legibility, readability and conspicuity.

In a report entitled *Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction* the Federal Highway Administration (FHWA) could make no conclusive finding correlating electronic signs and roadway safety. In another study of tri-vision billboards the FHWA found that tri-vision signs do not appear to compromise the safety of the motoring public and a majority of states allow tri-vision signs with no reports of increases in traffic accidents in those states due to tri-vision signs being installed adjacent to highways. There is data that flashing lights do contribute to accidents; however, the FHWA has determined that electronic signs when operated in a certain manner do not constitute flashing, intermittent or moving lights.

In order for electronic signs not to become distracting the signs must change messages at only reasonable intervals. A common, long-lived sign that motorists are familiar with is the "time and temperature" display. Those signs change every 1-2 seconds and do so without any negative impact on traffic safety. Changes of messages and/or light intensities that occur at intervals of 1-2 seconds are by FHWA's definition not flashing, intermittent or moving.

The 2009 *Manual on Uniform Traffic Control Devices (MUTCD)* adopted December 16, 2009 provides guidance in determining safe techniques for displaying a message(s) on a changeable message sign. Those techniques are restated in the proposed ordinance.

According to the *Symposium on Effective Highway Accident Countermeasures*, our mobile society requires traffic-oriented messages that are easily discernable and quickly readable and understandable. To assist safety and to meet the need for information, signs should provide drivers with clear images and messages, which are visible under most conditions.

Because the City's code is dated and does not recognize the technological advances that are available for commercial and non-commercial signs and in accordance with the foregoing recitals, the Legislative Committee of the City Council, which has been tasked with studying this issue, does recommend to the City Council the repeal of section 6 of the Zoning and Development Code. The Legislative Committee finds, consistent with the 2009 MUTCD that electronic message signs should change at no less than a 1

second interval and preferably at an interval of 2-3 seconds but does not recommend a separate regulation.

Consistency with the Growth Plan

The proposed amendment supports the following goals of the Growth Plan:

Goal 12: To enhance the ability of neighborhood centers to compatibly serve the neighborhoods in which they are located.

Goal 14: To encourage public awareness and participation in community activities.

Goal 17: To promote a healthy, sustainable, diverse economy.

Goal 18: To maintain the City's position as a regional provider of goods and services.

The proposed amendment supports Goal 12 and Policies A and B of the draft Comprehensive Plan.

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

Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the proposed amendment, TAC-2009-251, the following findings of fact and conclusion has been determined:

1. The requested amendment is consistent with the goals and policies of the Growth Plan and proposed Comprehensive Plan as noted in this report; and
2. The Code should be amended in accordance with the proposed ordinance.

Financial Impact/Budget:

N/A

Legal issues:

None

Other issues:

None

Previously presented or discussed:

None

Attachments:

Ordinance

ORDINANCE NO. ____

**AN ORDINANCE REPEALING SECTION 4.2B6
OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE
REGARDING LIGHTED, MOVING AND CHANGEABLE COPY SIGNS**

RECITALS:

Section 4.2B6 of the Zoning and Development Code provides that signs that flash, move, blink, change color, chase or have other animation effects are prohibited. With changing technology many signs are now capable of displaying much more information in the form of electronic messages and images. The conventional wisdom regarding electronic signs is that electronic signs cause accidents by distracting the driver, but that has not proven to be the case. Variable electronic message signs do not cause traffic accidents and may in fact prevent them due to superior legibility, readability and conspicuity.

In a report entitled *Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction* the Federal Highway Administration (FHWA) could make no conclusive finding correlating electronic signs and roadway safety. In another study of tri-vision billboards the FHWA found that tri-vision signs do not appear to compromise the safety of the motoring public and a majority of states allow tri-vision signs with no reports of increases in traffic accidents in those states due to tri-vision signs being installed adjacent to highways. There is data that flashing lights do contribute to accidents; however, the FHWA has determined that electronic signs when operated in a certain manner do not constitute flashing, intermittent or moving lights.

In order for electronic signs not to become distracting the signs must change messages at only reasonable intervals. A common, long-lived sign that motorists are familiar with is the "time and temperature" display. Those signs change every 1-2 seconds and do so without any negative impact on traffic safety. Changes of messages and/or light intensities that occur at intervals of 1-2 seconds are by FHWA's definition not flashing, intermittent or moving.

The 2009 *Manual on Uniform Traffic Control Devices (MUTCD)* adopted December 16, 2009 provides guidance in determining safe techniques for displaying a message(s) on a changeable message sign. According to the MUTCD, in relevant part, "when designing and displaying messages on changeable message signs the following principles relative to message design should be used:

- A. The minimum time that an individual phase is displayed should be based on 1 second per word or 2 seconds per unit of information. The display time for a phase should never be less than 2 seconds.

- B. The maximum cycle time of a two-phase message should be 8 seconds.
- C. The duration between the display of two phases should not exceed .3 seconds.
- D. No more than three units of information should be displayed on a phase of a message.
- E. No more than four units of information should be in a message when the traffic operating speeds are 35 mph or more.
- F. No more than five units of information should be in a message when the traffic operating speeds are less than 35 mph.
- G. Only one unit of information should appear on each line of the sign.
- H. Compatible units of information should be displayed on the same message phase.

According to the *Symposium on Effective Highway Accident Countermeasures*, our mobile society requires traffic-oriented messages that are easily discernable and quickly readable and understandable. To assist safety and to meet the need for information, signs should provide drivers with clear images and messages, which are visible under most conditions.

Because the City's code is dated and does not recognize the technological advances that are available for commercial and non-commercial signs and in accordance with the foregoing recitals, the Legislative Committee of the City Council, which has been tasked with studying this issue, does recommend to the City Council the repeal of section 6 as more particularly described herein below. The Legislative Committee finds, consistent with the 2009 MUTCD that electronic message signs should change at no less than a 1 second interval and preferably at an interval of 2-3 seconds but does not recommend a separate regulation.

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

Section 4.2B6 of the City of Grand Junction Zoning and Development Code regarding lighted, moving and changeable copy signs is repealed.

ALL OTHER PROVISIONS OF CHAPTER 4 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2010.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2010.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk



Date: January 11, 2010
 Author: John Shaver and Scott Peterson
 Title/ Phone Ext: City Attorney/1506 and Senior Planner/1447
 Proposed Schedule: First Reading: January 20, 2010
 2nd Reading: February 17, 2010

Attach 5
7th Street District Rezone

CITY COUNCIL AGENDA ITEM

Subject: 7 th Street District Rezone
File # (if applicable): RZ-2009-253
Presenters Name & Title: John Shaver, City Attorney and Scott Peterson, Senior Planner

Executive Summary:

Consideration of a rezoning of the 7th Street District from PD, Planned Development to PRD, Planned Residential Development – 7th Street with a default zone of R-8, Residential – 8 du/ac.

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

The proposed rezone continues to support historic housing and tourist activity within the Downtown area of the City Center and encourages preservation, appropriate reuse and provides a broader mix of housing types within the community. The actions help to meet the needs of a variety of incomes, family types and life stages. The proposed request meets with Goals 4, 5, and 6 of the proposed Comprehensive Plan.

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

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

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

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for February 17, 2010.

Board or Committee Recommendation:

The Legislative Committee of the City Council recommended consideration of the attached ordinance.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

None.

Attachments:

Background Information/Staff Report
Ordinance

Background Information

The Legislative Committee of the City Council has requested that the City Council adopt a new Ordinance that would change the existing zoning designation of the Seventh Street Historical District between Grand and Hill Avenue from PD, Planned Development to PRD, Planned Residential Development – 7th Street with an underlying default zone of R-8, Residential – 8 du/ac. The proposed Ordinance would also include three properties located on the southside of Grand Avenue. This proposed Ordinance would repeal Ordinance 2211 as adopted on October 3, 1984 specifically for the Seventh Street Historical District. As was recently discovered by City Staff, Ordinance 2211 did not establish or adopt an approved “plan” for the planned zone designation as would be the common practice today. The proposed new zoning designation and accompany ordinance would rectify that situation.

The rezone to Planned Residential Development – 7th Street district is intended to apply to mixed-use or unique single use applications and to provide design flexibility not available through strict application and interpretation of the standards established in the Code. The planned development zoning imposes any and all regulations applicable to the land as stated in the Ordinance. Planned development rezoning is appropriate because long-term community benefits may be achieved through high quality development.

The Planned Residential Development – 7th Street zoning ordinance establishes the current, lawful uses, explains the development application processes and standards, establishes the default zoning (R-8) and deviations and adopts the Plan for the 7th Street District properties. If the Ordinance becomes invalid for any reason, the properties shall be fully subject to the default standards of the R-8 zone district.

In order to validate the current, lawful uses that constitute the foundation of the Plan, the City is carefully inventorying the 7th Street District properties. The inventory for each property includes an aerial photograph, a three dimensional view of each property using the City’s pictometry system, a review of the Mesa County Assessor’s records which confirms the square footage and design of each structure on each property and a written inventory sent to each property owner of record confirming the use of the property. The inventory should be completed by January 29, 2010 and will be included within the Ordinance. In general the Plan is founded on recording the uses of each of the 7th Street District Properties as they exist at this point in time but the Plan is not intended to preclude new or different uses.

The use, bulk, development, improvement and other standards for the proposed rezoning to Planned Residential Development – 7th Street shall be derived from the R-8 underlying Zoning, as defined in Chapter Three of the Code. The Director shall initially determine whether the character of any proposed development application is consistent with the R-8 zoning. The R-8 zone shall be used as a point of reference by the Director and the City Council when reviewing any application; however, the R-8 use matrix shall not be used solely as a basis for denial or approval of an application. The City Council

will have final authority to approve land use decisions that are not listed in the R-8 matrix as deemed appropriate.

The proposed rezone also specifies that the City Council may refer an application, after it has been reviewed by the Director and prior to a decision by the City Council, to the City's Historic Preservation Board and/or the City Planning Commission. Deviations from any of the default zoning standards may be approved and shall be explicitly stated in the zoning/rezoning ordinance allowing for the land use/development.

Section 2.6 A. of the Zoning and Development Code:

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

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

Response: There was no error at the time of adoption of the existing PD, Planned Development zoning designation in 1984. The proposed new zoning designation of PRD, Planned Residential Development – 7th Street as proposed by the Legislative Committee of the City Council is intended to apply to mixed-use or unique single use applications and to provide further design flexibility not available through strict application and interpretation of the standards established in the Zoning and Development Code. The City Council would have final review authority on which types of land uses that would be applicable within the District.

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 proposed zoning designation of PRD, Planned Residential Development – 7th Street promotes traditional neighborhood development; however, this does not mean that for land uses to be compatible, they all have to be all the same. In a traditional neighborhood development pattern stores, shops and homes are all within walking distances which meets with the new goals and policies of the Comprehensive Plan. This proposed Ordinance would repeal Ordinance 2211 as adopted on October 3, 1984. As was recently discovered by City Staff, Ordinance 2211 did not establish or adopt an approved "plan" for the planned zone designation as would be the common practice today. The proposed new zoning designation and accompany ordinance would rectify that situation.

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

Response: The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and proposed Comprehensive Plan. In addition to the community deriving benefit from the Plan, the proposed rezone finds that growth and development trends, especially in the Downtown area, support Planned Development zoning which allows a higher standard of review and development than what normally would take place with a straight zone and that the Planned Development zoning is not otherwise available in the central part of the City.

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

Response: Existing infrastructure facilities are adequate to serve any existing and future land uses located within the 7th Street District.

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

Response: The existing Planned Development zoning district is being replaced with a more specific ordinance that will allow design and land use flexibility as determined by the City Council. City Council will have the final authority to determine the appropriateness of any change of use, boundary adjustments or re-subdivision or application for a construction permit after review and recommendation by City Staff.

6. The community will benefit from the proposed zone.

Response: The 7th Street District and community as a whole will benefit from the proposed rezone by assuring a consistent, high level review by elected City officials of development patterns with recommendation by City Staff in a unique and historical neighborhood in the City. Review at the highest level by City elected officials will afford the highest quality development consistent with the needs and desires of the community. Through the adoption of the Plan, the City Council will act to establish, provide and protect long-term community benefits as the Council sees fit. Those benefits are assured by the Plan's recognition and continuation of a mix of stable housing with other uses in close proximity to Downtown. Through the Plan, the Council will encourage innovative use of unique buildings and properties. The Plan demonstrates that single family, multi-family and high intensity uses like the day care center and two large churches are compatible.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the proposed rezone to PRD, Planned Residential Development – 7th Street, RZ-2009-253, the following findings of fact and conclusions have been determined.

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE 7TH STREET DISTRICT PLANNED RESIDENTIAL DEVELOPMENT BY APPROVING A LIST OF USES WITH A DEFAULT R-8 (RESIDENTIAL – 8) ZONE

Recitals:

After thorough review, deliberation and consideration the City Council of the City of Grand Junction has determined that the existing Planned Development zone created by Ordinance 2211 be repealed.

Upon repeal of the existing zoning the approximately 9.68 +/- acres shall be rezoned *Planned Residential Development – 7th Street* by approval of a Development Plan (Plan) with a default R-8 zone, including deviations from the default zoning, all in accordance with the Zoning and Development Code (Code) and this Ordinance. This Ordinance shall constitute the Development Plan (“Plan”) for the properties described herein.

The *Planned Residential Development – 7th Street* district is intended to apply to mixed-use or unique single use applications and to provide design flexibility not available through strict application and interpretation of the standards established in the Code. The planned development zoning imposes any and all regulations applicable to the land as stated in this ordinance. Planned development rezoning is appropriate because long-term community benefits that may be achieved through high quality development will be derived.

This *Planned Residential Development – 7th Street* zoning ordinance establishes the current, lawful uses, the development application processes and standards, default zoning (R-8) and deviations and adopts the Plan for the 7th Street District Properties. If this ordinance becomes invalid for any reason, the Properties shall be fully subject to the default standards of the R-8 zone district.

In public hearings, the City Council has reviewed the need for a Plan for the Properties. The content of the Plan, which is established by this ordinance, is consistent with and satisfies the criteria of the Code and is premised on the purpose and intent of the Growth Plan and the Comprehensive Plan.

Furthermore, the City Council has determined that the proposed Plan achieves long-term community benefits by assuring a consistent, high level review by elected officials of development patterns in a unique neighborhood in the City. Review at the highest level will afford the highest quality development consistent with the needs and desires of the community.

Through the Plan the City Council will act to establish, provide and protect long-term community benefits as the Council sees fit. Those benefits are assured by the Plan's recognition and continuation of a mix of stable housing with other uses in close proximity to Downtown. Through the Plan the Council will encourage innovative use of unique buildings and properties. The Plan demonstrates that single family, multi-family and high intensity uses like the day care center and two large churches are compatible.

The Council's Plan promotes traditional neighborhood development; the Plan demonstrates that for uses to be compatible they do not have to be the same. In a traditional neighborhood development pattern stores, shops and homes are within walking distance, front porches are a predominate feature of the homes, garages are located off alleys and streets connect from block to block. Traditional neighborhood development generally respects existing scale and proportion, residences over trade uses are not uncommon, the neighborhood has a close relationship to the street, which reinforces the continuity of a townscape, different uses exist and are mixed, both horizontally and vertically, and intrusiveness from parking is ideally minimized. Traditional neighborhood development provides an attractive and welcoming sense of place.

In addition to the community deriving benefit from the Plan, the Council reasonably found that growth and development trends, especially in the Downtown area, support planned development zoning, that the Planned Development zoning is not otherwise available in the central part of the City and that there are adequate facilities and infrastructure to support the zoning of the area.

To affirm the current, lawful uses that constitute the foundation of the Plan, the City has carefully inventoried the 7th Street District Properties. The inventory for each property includes an aerial photograph, a three dimensional view of each property using the City's pictometry system, a review of the Mesa County Assessor's records which confirms the square footage and design of each structure on each property and a written inventory sent to each property owner of record confirming the use of the property. In general the Plan is founded on recording the uses of each of the 7th Street District Properties as they exist at a point in time but the Plan is not intended to preclude new or different uses.

Applications for a new or different use ("a change of use") or a new or different configuration of a lot or lots ("a boundary adjustment or re-subdivision") or a new or different structure, accessory structure or fence ("a construction permit") will be decided by the City Council after review and a recommendation by City staff. The staff recommendation will consist of a recommendation of approval, a recommendation of denial or a recommendation of approval with conditions.

City Council will determine the propriety of any change of use, boundary adjustment or re-subdivision or application for a construction permit, following adoption of this Ordinance, by reference to the City's Comprehensive Plan, by reference to the R-8

zone district standards (although those standards shall not serve as a sole basis for denial or approval of an application but instead a frame of reference) and as determined necessary by a majority of the City Council a review and recommendation from the City's Historic Preservation Board and/or the City Planning Commission. The City Council shall be the decision maker vested with sole and exclusive authority. The City Council shall state with reasonable particularity the reasons for any development application that it approves.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE CURRENT PLANNED DEVELOPMENT ZONE IS REPEALED AND THAT FOR THE AREA DESCRIBED BELOW WITH THE FOLLOWING STANDARDS, DEFAULT ZONE AND DEVIATIONS SHALL APPLY:

That Ordinance No. 2211 is hereby repealed. Furthermore, be it ordained that the properties within the District described as:

- Lots 11 through 21, inclusive, Block 39;
- Lots 1 through 11, inclusive, Block 40;
- Lots 1 through 10, inclusive, Block 49;
- Lots 11 through 21, inclusive, Block 50;
- Lots 11 through 20, inclusive, Block 61;
- Lots 1 through 10, inclusive, Block 62;
- Lots 1 through 12, +W19 ft. of lot 13, inclusive, Block 71;
- Lots 11 through 21, inclusive Block 72;
- Lots 11 through 13, inclusive, Block 83;
- Lots 14 through 16, inclusive, Block 83; and
- All of Block 84, City of Grand Junction, Section 14 1s 1W except the right-of-way in the northwest corner

shall be zoned Planned Residential Development with a list of approved uses and with R-8 being established as the default zone except that the default zone shall not be uses solely as a basis for denial or approval of an application.

[insert inventory]

The use, bulk, development, improvement and other standards for the Planned Residential Development established by this ordinance shall be derived from the R-8 underlying Zoning, as defined in Chapter Three of the Code. The Director shall initially determine whether the character of any proposed development application is consistent with the R-8 zoning. The R-8 zone shall be used as a point of reference by the Director and the City Council when reviewing any application; however, the R-8 use matrix shall not be used solely as a basis for denial or approval of an application.

As determined necessary by a majority of the City Council, the City Council may refer an application, after it has been reviewed by the Director and prior to a decision by the City Council, to the City's Historic Preservation Board and/or the City Planning Commission.

Deviations from any of the default zoning standards may be approved as provided in this ordinance and shall be explicitly stated in the zoning/rezoning ordinance allowing for the development.

If this ordinance becomes invalid for any reason, the Property shall be fully subject to the default standards.

Introduced on first reading this ____ day of _____, 2010 and authorized the publication in pamphlet form.

Passed and adopted on second reading the ____ day of _____, 2010 and authorized the publication in pamphlet form.

Bruce Hill
President of the City Council

ATTEST:

Stephanie Tuin
City Clerk



Date: January 5, 2010
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner / 4058
 Proposed Schedule: January 4, 2010
for 1st reading
 2nd Reading: January 20, 2010

Attach 6
Trail Side Subdivision Rezone, Located at 381 31
5/8 Road

CITY COUNCIL AGENDA ITEM

Subject: Trail Side Subdivision Rezone, Located at 381 31 5/8 Road
File #: RZ-2009-136
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

Request to rezone 9.15 acres located at 381 31 5/8 Road, from an R-5 (Residential 5 du/ac) zone district to an R-8 (Residential 8 du/ac) zone district.

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.

Rezone of the 9.15 acres will provide additional housing near jobs and established neighborhoods, with access to major transportation routes.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types, and life stages.

Rezone of the 9.15 acres from R-5 to R-8 provides the opportunity for additional housing types to fill an unmet demand for housing, as identified in the Grand Valley Housing Strategy.

Action Requested/Recommendation:

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

Board or Committee Recommendation:

The Planning Commission recommended approval of the R-8 zone district at a public hearing on December 8, 2009.

Background, Analysis and Options: See attached.

Financial Impact/Budget: None.

Legal issues: None

Other issues: None.

Previously presented or discussed: The ordinance was introduced on first reading on January 4, 2010.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
December 8, 2009 Planning Commission Minutes
Ordinance

BACKGROUND INFORMATION					
Location:		381 31 5/8 Road			
Applicant:		Ankarlo Hilldav LLC-Owner Davidson Homes-Representative			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential/Church			
	South	Residential/Agriculture			
	East	Industrial			
	West	Residential/Vacant			
Existing Zoning:		R-5 (Residential 5 du/ac)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	R-4 (Residential 4 du/ac), RSF-R (County)			
	South	AFT (County)			
	East	C-2 (General Commercial) I-1 (Light Industrial)			
	West	R-8 (Residential 8 du/ac)			
Growth Plan Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background

This area consists of 9.15 acres and was annexed December 4, 2005 as part of the Ankarlo Annexation and zoned R-4 (Residential 4 du/ac). It was subsequently platted on December 1, 2006 as Lot 2, Ankarlo Subdivision. The property was rezoned to R-5 (Residential 5 du/ac) on May 5, 2008, as part of a review of a Preliminary Subdivision Plan for development of the property. The Preliminary Subdivision Plan, consisting of 44 single-family lots for a density of 4.8 du/ac, was approved by the Planning Commission on May 27, 2008. This Plan is valid until May 27, 2010.

The applicant has requested that the property be rezoned from R-5 to R-8 (Residential 8 du/ac), in order to gain more flexibility in setback requirements and to allow for additional dwelling units. The applicant has submitted a revised development proposal (PFP-2008-321), which is currently under review.

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 was not in error at the time of adoption. The property owner requested the R-5 zone district in conjunction with a Preliminary Subdivision Plan for the development of the property.

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.;*

Since the property was rezoned to R-5 in May of 2008, the economic conditions within the Grand Valley have changed. In particular, there is a renewed focus on higher density development. The applicant cites the Grand Valley Housing Strategy Report, published April 30, 2009, which states "Over 90 percent of the acreage in the pipeline..." meaning awaiting approval or under construction, "...has a density of 5 units per acre or less." Furthermore, it states "Land for developments at 5 or more units per acre is well short of demand."

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 R-8 zone district is compatible with the neighborhood. The Future Land Use Map designates this area as Residential Medium (4-8 du/ac). The proposed River Trail Subdivision, located to the west, is zoned R-8 (Residential 8 du/ac) and has an approved density of 4.5 du/ac. Additional land has been annexed to the City west of River Trail (RQ Annexation) and zoned R-8 (effective November 6, 2009).

The R-8 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan:

Growth Plan:

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

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

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Pear Park Plan:

Goal 3, Land Use and Growth, Pear Park Neighborhood Plan: Establish areas of higher density to allow for a mix in housing options.

The Pear Park Plan, as amended April 20, 2005, designates this area "Residential Medium", with densities ranging from four to eight units per acre. The R-8 zone district falls within the "Residential Medium" density range.

In addition, the draft Comprehensive Plan continues to designate the property as Residential Medium (4-8 du/ac).

- 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*

Adequate public facilities are available or will be made available at the time of development on the property. Water and sewer lines are located in 31 5/8 Road and are proposed to be extended into the development. A new regional lift station has been designed to serve the neighborhood and would be built in conjunction with development(s) south of D Road.

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

The development pattern of Pear Park, east of 30 Road, is a mix of subdivisions developed within the County and new development annexed to the City since the Persigo Agreement in 1998. Several more subdivisions have been recently approved (since 2006), though few have been built.

The stated zone densities are in the 5 to 8 du/ac range, while the actual development rarely approaches 8 du/ac and, more often, is less than 5 du/ac.

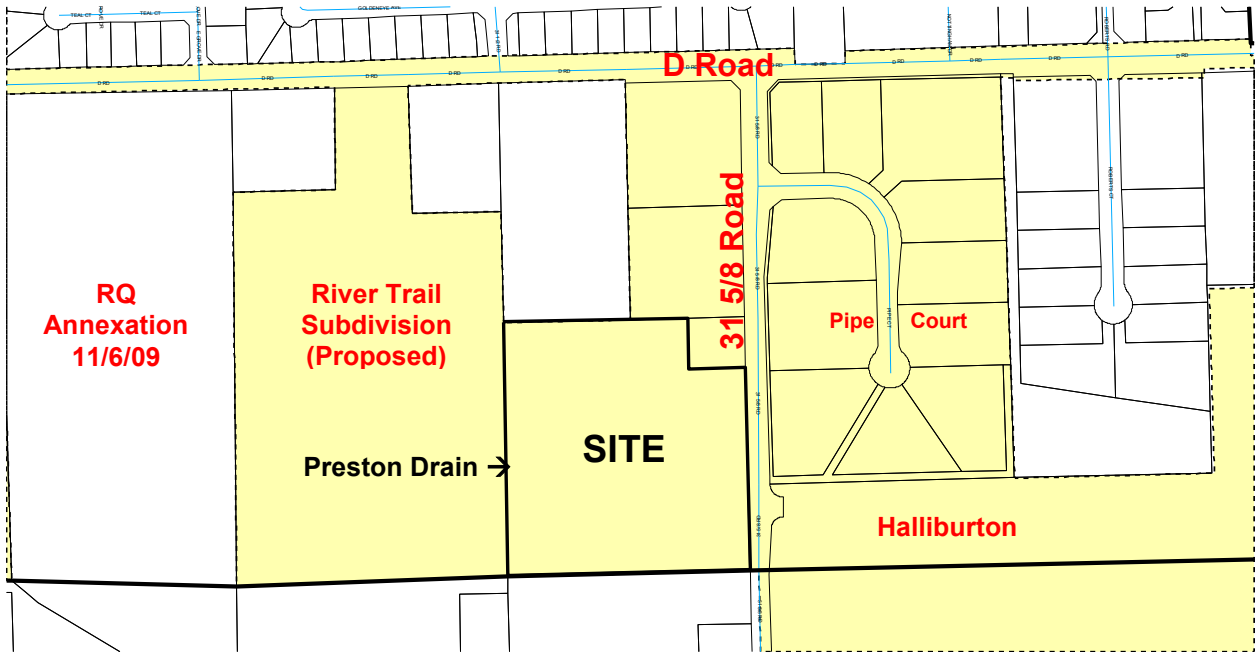
The findings of the Grand Valley Housing Strategy (April 2009) indicate that there is excess acreage in the 5 du/ac and lower density range, but a greater demand for development in the 5 du/ac and greater density range.

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

The community will benefit from the proposed rezone, which will create more opportunity for additional density and variety of housing type, consistent with proposed developments adjacent to the subject property.

Site Location Map

Figure 1



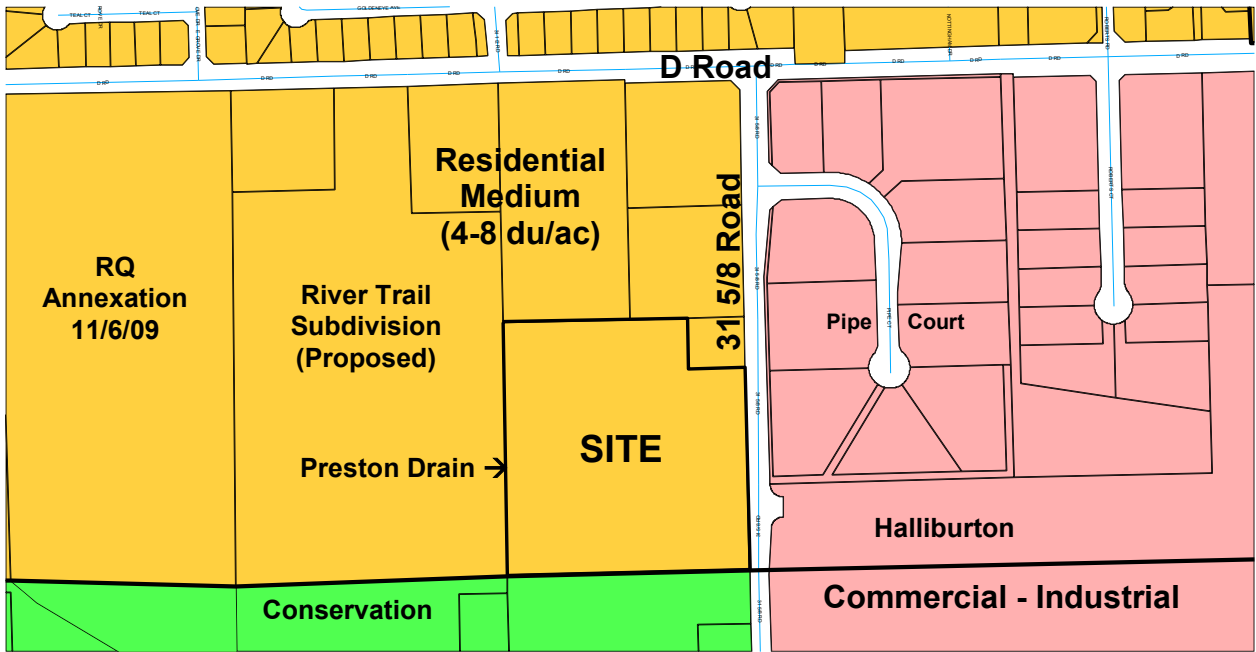
Aerial Photo Map

Figure 2



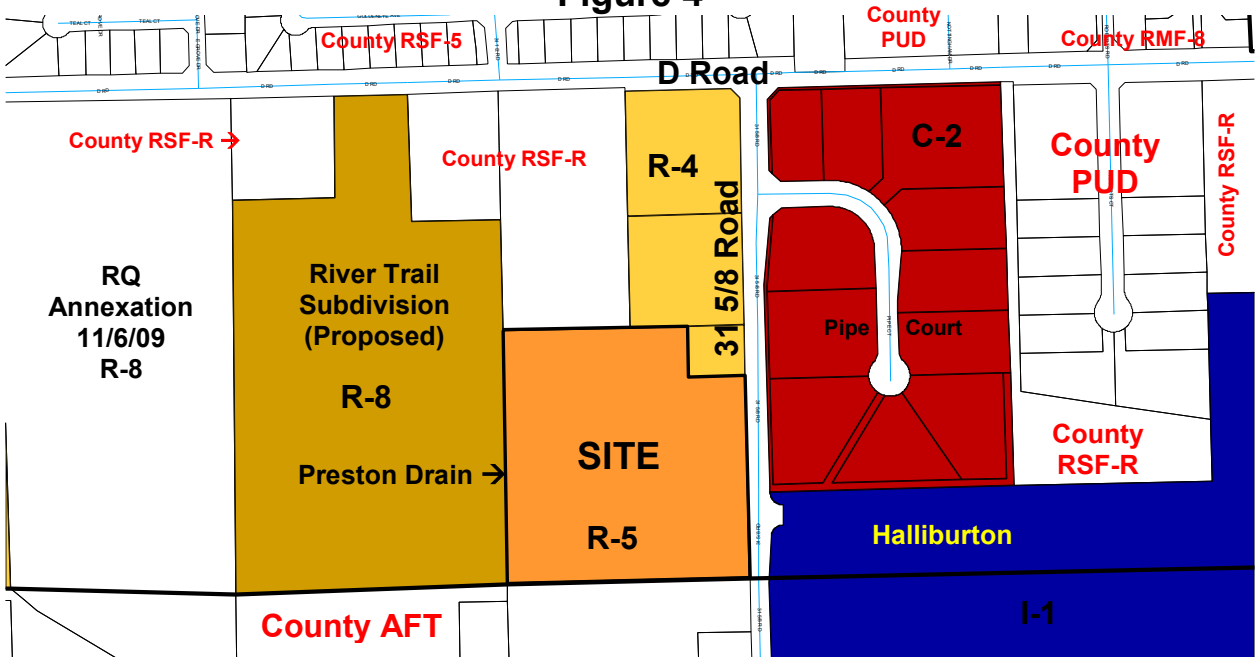
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



**GRAND JUNCTION PLANNING COMMISSION
DECEMBER 8, 2009 MINUTES
6:00 p.m. to 6:31 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Lynn Pavelka-Zarkesh, Patrick Carlow, Ebe Eslami, Mark Abbott, Richard Schoenrad (Alternate) and Rob Burnett (Alternate). Commissioners William Putnam (Vice-Chairman) and Reginald Wall were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Brian Rusche (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the November 10, 2009 Regular Meeting.

2. Energy Center Enclave Annexation – Zone of Annexation (PULLED 11/26/09)

3. Trail Side Subdivision - Rezone

Request a recommendation of approval to City Council to rezone 9.15 acres from an R-5 (Residential 5 du/ac) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZ-2009-136
PETITIONER: Ankarlo HillDay, LLC
LOCATION: 381 31-5/8 Road
STAFF: Brian Rusche

4. TNG Subdivision – Rezone

Request a recommendation of approval to City Council to rezone 2.62 acres from an R-5 (Residential 5 du/ac) to a C-1 (Light Commercial) zone district.

FILE #: RZ-2008-378
PETITIONER: Bob Harris – Harris Realty Holdings, LLC
LOCATION: 29 Road & G Road
STAFF: Michelle Hoshide

5. LaHue Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone .293 acres from County RMF-8 (Residential Multi Family 8 du/ac) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2009-214
PETITIONER: Casey Clifford and Christian LaHue
LOCATION: 514 Morning Glory Lane
STAFF: Judith Rice

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. He announced that item 2 had been pulled. At public request, the Trail Side Subdivision Rezone, item 3, was pulled for a full hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items

MOTION: (Commissioner Eslami) “Mr. Chairman, I make a motion to approve 1, 4, 5 of Consent Agenda.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

Public Hearing Items

3. Trail Side Subdivision - Rezone

Request a recommendation of approval to City Council to rezone 9.15 acres from an R-5 (Residential 5 du/ac) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZ-2009-136
PETITIONER: Ankarlo HillDav, LLC
LOCATION: 381 31-5/8 Road
STAFF: Brian Rusche

STAFF’S PRESENTATION

Brian Rusche, Senior Planner, made a PowerPoint presentation regarding the Trail Side Subdivision Rezone. He reiterated that the request was for a rezone for approximately 9.15 acres which was currently zoned R-5. The Future Land Use designation for the property under the Growth Plan was Residential Medium (4 to 8 dwelling units per acre). He added that this was created through the Pear Park Neighborhood Plan which was amended in April 2005. Mr. Rusche said that the property was originally annexed into the City in December 2005 and at that time was zoned R-4. It was subsequently platted into two lots and rezoned to R-5 in May 2008 as part of a review of the Preliminary Subdivision Plan for Trail Side. According to Mr. Rusche, the applicant had requested that the property be rezoned to R-8 in order to gain more flexibility and setback requirements and to allow for additional dwelling units. He advised that the applicant had submitted a revised development proposal which was currently in review. He next discussed the necessary rezone criteria. Mr. Rusche also discussed a number of the goals of the Growth Plan which included, among others, the efficient use of investments

in streets and other public utilities, the use of zoning to promote land use compatibility as well as the desire to create a variety of housing and densities throughout the community. Also, public utilities would be made available upon development of the property and a proposed new lift station would facilitate the development of these properties for residential purposes by replacing some antiquated lift stations currently in operation. Mr. Rusche said that the R-8 zoning would provide a different variety of housing type. He concluded that after a review of the rezone request, he recommended that the Planning Commission approve the request as the R-8 zoning was consistent with the Growth Plan and with the Pear Park Neighborhood Plan and was also consistent with the review criteria.

APPLICANT'S PRESENTATION

Jeffrey Fleming, the land planner for the developer, appeared on behalf of applicant and stated that they had been looking at making this project a little more affordable to potential buyers in the future. Their proposed plan was to increase the density to 5.8. The proposal included additional duplex units which could potentially increase the affordability. They had also been communicating with a representative of Western Colorado Housing Resources in further effort to provide more affordable housing. It is their belief that the plan met all of the criteria and qualifications.

Chairman Cole confirmed that only the zoning was before the Commission for consideration at this time.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Laura Quinn, 3157 D Road, requested that this application be denied. She said her property was adjacent to the north side of the proposed subdivision. She said that she, as well as others, were concerned that the area would be too densely populated. She did not see why the number of homes and people should be doubled. She pointed out that there was no access on the south side of the subdivision because of the river so the majority of the traffic would be on D Road and 31-5/8 Road. She said that the opponents were very concerned that the subject property would be overpopulated. Ms. Quinn said that she would like the community to be preserved as much as possible.

APPLICANT'S REBUTTAL

Jeffrey Fleming addressed some of the concerns as there would only be 8 additional units being brought into the subdivision, for a change in density from 4.9 to 5.8. He reiterated that these additional units would reduce the cost on all of the lots so that the lots could be built on and sold at a lower cost. According to Mr. Fleming, by increasing the density, urban sprawl would be reduced and reduction in maintenance by the City to infrastructure.

QUESTIONS

Commissioner Eslami asked if staff agreed that it would be a total of 8 additional units by going to the R-8 zoning. Mr. Rusche said that the R-8 could allow more than 8 additional

units; however, the developer had already submitted a revised version of their previous plan which proposed a total of 8 additional units.

Commissioner Schoenradt asked what the proposed density of the existing River Trail Subdivision was. Mr. Rusche said that he was unsure of that but did not suspect that it was up to 8 dwelling units per acre. He added that the two subdivisions were tied together because of the need to construct a regional lift station as well as the street connectivity system.

Chairman Cole advised that the public would have another opportunity to speak when the preliminary plan came before the Commission.

MOTION: (Commissioner Abbott) “Mr. Chairman, on Rezone, RZ-2009-136, I move that the Planning Commission forward the rezone to the City Council with the recommendation of R-8 (Residential 8 dwelling units per acre) zone district for the Trail Side Rezone with the facts and conclusions listed in the staff report.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

General Discussion/Other Business

Chairman Cole requested election of officers be postponed until the next regular meeting of the Commission as one of the Commission members had had a death in the family and was unable to attend the hearing this evening. He recommended that the election of officers be postponed until January 12, 2010. Jamie Beard, Assistant City Attorney, affirmed that there was no need to have a motion as there was no objection.

Lisa Cox, Planning Manager, announced that this was the last meeting that Chairman Cole would serve as Chairman as he was term limited and his appointment to the Planning Commission had expired. Vice Chairman Putnam's term had also expired. To acknowledge the City's appreciation for Chairman Cole's and Vice Chairman Putnam's outstanding and dedicated service as Planning Commissioners, plaques were presented in recognition of their service contributions. She noted that between the two Commissioners there was 17 years of combined service to the Planning Commission, the City and to the community as well as to the Zoning Board of Appeals and thanked them for their service. Chairman Cole expressed his appreciation to the Commission for allowing him the opportunity to chair the Commission, thanked those who presently served on the Commission and who would continue to serve and wished them good luck. He also expressed his appreciation to the staff.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 6:31 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE
TRAIL SIDE SUBDIVISION
FROM R-5, RESIDENTIAL 5 UNITS PER ACRE,
TO R-8, RESIDENTIAL 8 UNITS PER ACRE**

LOCATED AT 381 31 5/8 ROAD

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 Trail Side Subdivision Rezone to the R-8, Residential 8 Units/Acre Zone District finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8, Residential 8 Units/Acre 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 property be zoned R-8, Residential 8 Units/Acre

Lot 2, Ankarlo Subdivision, being a replat of Parcel 1A Ankarlo Simple Land Division situated in the NW ¼, NE ¼ in Section 22, Township 1 South, Range 1 East of the Ute Meridian, Grand Junction, Mesa County, Colorado.

Said parcel contains 9.15 acres more or less.

Introduced on first reading this 4th day of January, 2010 and ordered published.

ADOPTED on second reading this _____ day of _____, 2010.

ATTEST:

President of the Council

City Clerk



Date: January 8, 2010

Author: Bret Guillory

Title/ Phone Ext: Utility Engineer
970-244-1590

Proposed Schedule: January 20,
2010

Attach 7
Construction Contract for the Persigo Vault and 54” Reinforced Concrete Pipe (RCP) Rehabilitation Project

CITY COUNCIL AGENDA ITEM

Subject: Construction Contract for the Persigo Vault and 54” Reinforced Concrete Pipe (RCP) Rehabilitation Project
File # 904-F000603
Presenters Name & Title: Tim Moore, Public Works and Planning Director

Executive Summary:

This project is one of four projects aimed at replacing, rehabilitating, or increasing capacity of aging sewer lines in the Persigo collection system. The City of Grand Junction as manager of the Persigo System will utilize Build America Bonds to fund the estimated \$4.6 million in projects.

These projects were included with the City’s unsuccessful application for ARRA Funds earlier this year. The City has continued to move forward with the projects utilizing the Build America Bonds in an effort to provide stimulus to the construction community.

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

The proposed Persigo Vault and 54” RCP Rehabilitation Project supports the following Goal from the comprehensive plan:

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

The City of Grand Junction has the responsibility of providing safe and reliable sewer service to the citizens and businesses located within the Persigo service area. As a result of yearly replacement and rehabilitation of aging collection system infrastructure; the Persigo system will have infrastructure that is reliable, providing safe and sanitary disposal years to come.

Action Requested/Recommendation:

Authorize the City Manager to Sign a Construction Contract with Insituform Technologies, Inc. Colorado Springs, Colorado for the Persigo Vault and 54” RCP Rehabilitation Project in the Amount of \$859,655.

Board or Committee Recommendation:

None

Financial Impact/Budget:

The four sewer projects are budgeted at \$4,600,000 with the budget for this project estimated at \$1,200,000. After the bids were received for the construction contract, the total project costs as summarized below came in at \$895,155 resulting in savings of just over \$304,845.

The remaining budget for the 2010 Build America Bond Projects will then be \$3,704,845.

Project Costs:

Total Construction Contract Amount -	\$859,655.00
Design Costs -	\$10,000.00
City Construction Inspection & Contract Admin.	<u>\$25,500.00</u>
Total Project Cost -	\$895,155.00

Legal issues:

None

Other issues:

None

Previously presented or discussed:

N/A

Background, Analysis and Options:

Three bids for the Persigo Vault Rehabilitation and 54” RCP Rehabilitation Project were received on Tuesday, December 22, 2009. Insituform Technologies, Inc. of Colorado Springs, Colorado was the apparent low bidder with a bid of \$859,655.00.

The following bids were received on December 22, 2009:

FIRM	LOCATION	AMOUNT
Insituform Technologies, Inc.	Colorado Springs, CO	\$859,655.00
Wildcat Civil Services Div.	Kiowa, CO	\$1,111,900.00
Glacier Construction Co.	Englewood, CO	\$1,349,300.00
Persigo Vault/54" RCP Budget		\$1,200,000.00

Background, Analysis and Options:

The protective T Lock coating inside the vaults has failed and a new coating needs to be installed to prevent further deterioration of the concrete vaults. The deterioration is a result of the hydrogen sulfide gas from the sewage combining with the water vapor to produce sulfuric acid. The acid softens the concrete mortar to a point that allows the aggregates to be released from the concrete vault walls. This will continue until the concrete vaults are completely dissolved. The existing concrete vaults are 33 years old.

The reinforced concrete pipe has deteriorated and exposed rusted welded wire fabric is showing in the pipe. This is a result of the hydrogen sulfide gas combining with the water vapor to produce sulfuric acid the acid softens the concrete mortar to a point allowing the aggregates to be released from the concrete pipe walls. This will continue until the concrete vaults are completely dissolved. The existing concrete pipe is 33 years old.

The solution is to clean the concrete vaults to remove all of the deteriorated concrete and biosolids that have attached to the walls and flow lines for the vaults. All of the rust will be removed from the exposed reinforcing bar and then coated with a silica concrete mortar. After the mortar has cured a polymer Poly-urea liner will be sprayed inside the vaults. This coating is highly resistant to the sulfuric acid. This procedure shall last an additional 30 years or more.

The existing reinforced concrete pipe will be cleaned and lined with a cured in place fiberglass liner that is placed inside the host pipe. The fiberglass pipe lines the host pipe to provide a smooth interior that is unaffected by the sulfuric acid.

Attachments:

none



Date: January 4, 2010
 Author: Lee Cooper
 Title/ Phone Ext: Project Engineer, (256-4155)
 Proposed Schedule: January 20, 2010
 2nd Reading
 (if applicable): n/a

Attach 8
Construction Contract for the 2010 Waterline Replacement Project – Phase 2

CITY COUNCIL AGENDA ITEM

Subject: Construction Contract for the 2010 Waterline Replacement Project – Phase 2
File # (if applicable): N/A
Presenters Name & Title: Tim Moore, Public Works and Planning Director

Executive Summary:

This project is Phase 2 of a three phase project aimed at replacing aging water lines in the City’s water distribution system. The City of Grand Junction received a \$3.8 million low interest loan through the Colorado Water Resources and Power Development Authority (CWRPDA) to fund these waterline replacement projects.

These projects were included with the City’s unsuccessful application for ARRA Funds earlier this year. The City has continued to move forward with the projects utilizing the CWRPDA loan in an effort to provide stimulus to the construction community.

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

The 2010 Waterline Replacement Project – Phase 2 supports the following Goal from the comprehensive plan:

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

The City of Grand Junction has the responsibility of providing safe and reliable domestic water service to the citizens and businesses of Grand Junction. As a result of yearly replacements of old City waterlines that are prone to corrosion and breaks with new PVC waterline pipe; the City will have a waterline infrastructure that is reliable delivering safe and clean water for many years to come.

Action Requested/Recommendation:

Authorize the City Manager to Sign a Construction Contract with Schmidt Earth Builders, Inc. of Windsor, Colorado for the 2010 Waterline Replacement Project – Phase 2 in the Amount of \$851,336.20.

Board or Committee Recommendation:

None

Financial Impact/Budget:

The three phase 2010 Waterline Replacement budget total is \$3,800,000 with the Phase 2 budget estimated at \$1,300,000. After the bids were received for the construction contract, the total project costs as summarized below came in at \$926,133.20 resulting in savings of just over \$373,866.

The remaining budget for the 2010 SRF Loan Waterline Projects will then be \$1,536,036 [\$3,800,000 – (Ph 1) \$1,337,831 – (Ph 2) \$926,133].

Project Costs:

Total Construction Contract Amount -	\$851,336.20
Design Costs -	\$45,000.00
City Construction Inspection & Contract Admin.	<u>\$29,797.00</u>
Total Phase 2 Project Cost -	\$926,133.20

Legal issues:

None

Other issues:

None

Previously presented or discussed:

N/A

Background, Analysis and Options:

Eight bids for the 2010 Waterline Replacement Project – Phase 2 were received on Tuesday, January 5, 2010. Schmidt Earth Builders, Inc. of Windsor, Colorado was the apparent low bidder with a bid of \$851,336.20.

The following bids were received on January 5, 2010:

FIRM	LOCATION	AMOUNT
<i>Schmidt Earth Builders, Inc.</i>	<i>Windsor, CO</i>	<i>\$851,336.20</i>
Mendez, Inc.	Grand Junction, CO	\$918,750.00
M.A. Concrete Construction	Grand Junction, CO	\$978,009.00
Sorter Construction, Inc.	Grand Junction, CO	\$996,500.00
Scott Contracting, Inc.	Henderson, CO	\$1,009,145.00
Martinez Western Const.	Rifle, CO	\$1,157,055.60
Concrete Works of Colo.	Lafayette, CO	\$1,203,187.00
Nelson Pipeline Const.	Fort Lupton, CO	\$1,273,634.40
Phase 2 Budget		\$1,3000,000

This is the second phase of the 2010 Water Line Replacements. The overall 2010 Waterline Replacement Project entails replacing approximately six miles of existing steel and cast-iron waterlines of varies sizes with new PVC (plastic) waterline. The following list shows the waterline replacement locations with approximate pipe quantities that are part of the 2010 Waterline Replacement Project – Phase 2:

- **Patterson Road** – 7th Street to 27½ Road (Approx. 6,400 LF of PVC Pipe)
- **15th Street** – Elm Avenue to Bookcliff Court (Approx. 3,055 LF of PVC Pipe)

The waterline replacement project is scheduled to begin on February 8, 2010 with an expected final completion date of June 17, 2010.

The majority of work along Patterson Road will take place during the daylight hours with specific areas along Patterson Road requiring night time work. There will be lane closures on Patterson Road only where the contractor is working. The construction zone for the contractor to complete work in will be about 350 to 400 feet long and will be dynamic; moving as the waterline installation progresses. A minimum of one traffic lane in each direction will be maintained around the construction zone.

Waterline installation work on 15th Street will take place during the daylight hours, with a moving road closure of about one block long allowing access for local residents only. Detours will be provided for non-local motorists to use in order to bypass the road closure area.

Attachments:

none



Date: 1-8-2010

Author: Kristen Ashbeck

Title/ Phone Ext: Senior Planner,
244-1491

Proposed Schedule: 1-20-
2010

Attach 9

Amendment to Action Plan 2009 CDBG and Sub-recipient Contract for Project within the 2009 CDBG Program Year

CITY COUNCIL AGENDA ITEM

Subject: Amendment to Action Plan for 2009 Community Development Block Grant (CDBG) Program Year and Subrecipient Contract for Project within the 2009 CDBG Program Year
File # : CDBG 2009-06
Presenters Name & Title: Kristen Ashbeck, Senior Planner

Executive Summary: Amend the City’s Action Plan for CDBG Program Year 2009 to revise the grant to Mesa Developmental Services (MDS) to remodel seven group homes within the City limits rather than remodel the main program office and the Subrecipient Contract formalizes the City’s award of \$40,000 to MDS as allocated from the City’s 2009 CDBG Program previously approved by Council.

How this item relates to the draft Comprehensive Plan Goals and Policies: The projects funded through the 2009 CDBG grant year allocation will include steps towards the City’s draft Comprehensive Plan Goal listed below:

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: The MDS 2009 CDBG project provides services that enhance our community including improved residential facilities and services for the disabled persons of Grand Junction.

Action Requested/Recommendation: 1) Approve the Amendment to the City’s CDBG Consolidated Plan 2009 Action Plan to Reflect the Revision to Project CDBG 2009-06 to Remodel Seven Group Homes; and 2) Authorize the City Manager to Sign the Subrecipient Contract with Mesa Developmental Services for the City’s 2009 CDBG Program Year.

Board or Committee Recommendation: N/A

Background, Analysis and Options:

Plan Amendment:

The City developed a Consolidated Plan and a 2009 Action Plan as part of the requirements for use of CDBG funds under its status as an entitlement city. The 2009 Action Plan earmarked \$40,000 for Mesa Developmental Services (MDS). MDS provides services for children and adults in Mesa County with developmental disabilities

and their families, and for infants and toddlers diagnosed with a developmental delay or at risk for life-long disability. A facility condition assessment was recently completed for all of the facilities that MDS owns and operates, including the main offices at 950 Grand Avenue and twelve group homes. Specific deficiencies were identified and MDS originally requested funds to remodel the main program office but is now proposing to do remodeling work to correct deficiencies in seven of the group homes, much of which is relating to improving energy efficiency in the facilities.

Subrecipient Contract:

Mesa Developmental Services (MDS) is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2009 Program Year CDBG funds to MDS but the City remains responsible for the use of these funds. The contract with MDS outline the duties and responsibilities of each party/program and are used to ensure that the subrecipient complies with all Federal rules and regulations governing the use of these funds. The contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the contract (attached) contains the specifics of the project and how the money will be used by MDS.

Financial Impact/Budget: This request fits within the total 2010 CDBG program budget of \$546,201.

Legal issues: None

Other issues: None

Previously presented or discussed:

City Council discussed and approved the allocation of CDBG funding to this project at its May 18, 2009 meeting.

Attachments:

1. Amendment as Advertised for Public Comment
2. Exhibit A, Subrecipient Contract – Mesa Developmental Services

USER PROJECT

ORIGINAL PROJECT 2009-06

Project Title Mesa Developmental Services (MDS)
Program Office Remodel

Description MDS will remodel portions of the existing program office, primarily for energy efficiency

Project ID --
Local ID 2009-06

Activity Rehabilitation/Capital Construction

Funding
Community Development (CDBG) \$40,000
Homeless (ESG) \$ 0
Housing (HOME) \$ 0
HIV/AIDS (HOPWA) \$ 0
Other Funding \$ 0
TOTAL \$40,000

Prior Funding \$ 0

Eligibility
Type of Recipient Private Non-Profit

Performance Completion of remodel construction

Location Type Address
950 Grand Avenue

USER PROJECT

AMENDED PROJECT 2009-06

Project Title Mesa Developmental Services (MDS)
Group Home Remodel

Description
seven existing
group homes, primarily for energy efficiency

MDS will remodel portions of

Project ID --
Local ID 2009-06

Activity Rehabilitation/Capital Construction

Funding
Community Development (CDBG) \$40,000
Homeless (ESG) \$ 0
Housing (HOME) \$ 0
HIV/AIDS (HOPWA) \$ 0
Other Funding \$ 0
TOTAL \$40,000

Prior Funding 0

Eligibility
Type of Recipient Private, Non-Profit

Performance Completion of remodel construction

Location Type **Addresses**
181 Elm Avenue
1260 Glenwood Avenue
1825 Orchard Avenue
1444 North 23rd Street
424 North 22nd Street
2802 Mesa Avenue
2859 Elm Circle

**2009 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
MESA DEVELOPMENTAL SERVICES**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$40,000.00 from its 2009 Program Year CDBG Entitlement Funds for the remodeling of several group homes owned and operated by MDS within the City limits of Grand Junction, Colorado ("Properties" or "the Properties"). The general purpose of the project is to update heating and cooling systems and upgrade exterior sites of the properties.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services.
3. The project consists of capital construction/improvement to several group homes within the City limits of Grand Junction as listed below. The Properties are owned by Mesa Developmental Services, which will continue to operate the facilities. It is understood that the City's grant of \$40,000.00 in CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project or costs above the grant amount shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2009 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2010.
5. The project budget for the improvements to the group homes is as listed below.
 - New Tankless Water Heaters: 181 Elm Avenue, 1260 Glenwood Avenue, 1825 Orchard Avenue, 1444 North 23rd Street, 424 North 22nd Street, 2802 Mesa Avenue
Approximate Total Cost: \$22,400
 - 2802 Mesa Avenue: Replace driveway, sidewalk, move electrical for sump pump, replace gutters, correct drainage, repair roof flashing, repair damaged concrete at back patio
Approximate Total Cost: \$9,100
 - 2859 Elm Circle: Construct covered roof over back patio, replace single pane aluminum windows with energy efficient windows
Approximate Total Cost: \$8,500

_____ Mesa Developmental Services
_____ City of Grand Junction

6. Mesa Developmental Services houses a total of 42 disabled persons at these group home facilities and will continue to serve at least this many persons in the coming year.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the date of completion of the project the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$40,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the US Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

____ Mesa Developmental Services
____ City of Grand Junction