

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



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

MONDAY, MARCH 14, 2011, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Pastor Roger Cooper, Fruita Faith Baptist
Church

[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

Grand Junction Colorado State Leasing Authority

Certificates of Appointments

To the Commission on Arts and Culture

Council Comments

Citizen Comments

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

* * * CONSENT CALENDAR * * *®

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

Action: Approve the Minutes of the February 28, 2011 Regular Meeting

2. **Setting a Hearing on Text Amendments to Section 21.04.030 of Title 21 of the Grand Junction Municipal Code, Concerning Parking Spaces at a Business Residence** [File # ZCA-2011-631] [Attach 2](#)

This text amendment to Section 21.04.030(i)(2)(iv), Business Residence, of the Grand Junction Municipal Code is to clarify the number of required parking spaces for a Business Residence.

Proposed Ordinance Amending Section 21.04.030(i)(2)(iv), Business Residence, of the Grand Junction Municipal Code Concerning the Number of Parking Spaces Required

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011

Staff presentation: Lisa Cox, Planning Manager

3. **Setting a Hearing on Text Amendments to Section 21.02.110 of Title 21 of the Grand Junction Municipal Code Concerning Conditional Use Permits** [File # ZCA-2011-630] [Attach 3](#)

This text amendment to Section 21.02.110, Conditional Use Permit, is to allow an amendment to a CUP and to correct a scrivener's error that deleted specific terms related to Compatibility with Adjoining Properties.

Proposed Ordinance Amending Section 21.02.110, Conditional Use Permit, of the Grand Junction Municipal Code

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011

Staff presentation: Lisa Cox, Planning Manager

4. **Setting a Hearing on Gay Johnson's Alley Right-of-Way Vacation, Located at 333 N. 1st Street** [File # VAC-2010-314] [Attach 4](#)

A request to vacate the entire north/south alley way between Grand Avenue and White Avenue, west of N. 1st Street, and east of North Spruce Street. The

vacation of this alley will allow for an expansion of the business located at 333 N. 1st Street.

Proposed Ordinance Vacating Right-of-Way for Gay Johnson's Alley, Located at 333 N. 1st Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing on the Pomona 24 Road Annexation, Located South of H Road along 24 Road** [File # ANX-2011-653] [Attach 5](#)

Request to annex 1.17 acres of 24 Road Right-of-Way, located south of H Road and north of I-70. The Pomona 24 Road Annexation consists only of right-of-way.

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

Resolution No. 15-11—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Pomona 24 Road Annexation, Approximately 1.17 Acres of Public Right-of-Way for 24 Road, Located South of H Road and North of I-70

®Action: Adopt Resolution No. 15-11

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Pomona 24 Road Annexation, Approximately 1.17 Acres of Public Right-of-Way for 24 Road, Located South of H Road and North of I-70

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2011

Staff presentation: Brian Rusche, Senior Planner

6. **Setting a Hearing on Zoning the Western Trends Annexation, Located at 507 and 512 Fruitvale Court** [File # ANX-2011-467] [Attach 6](#)

A request to zone the 5.019 acre Western Trends Annexation, less 3.882 acres of public right-of-way, located at 507 and 512 Fruitvale Court, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the Western Trends Annexation to C-1 (Light Commercial), Located at 507 and 512 Fruitvale Court

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011

Staff presentation: Brian Rusche, Senior Planner

7. **2011 Interceptor Sewer Repair and Replacement Project** [Attach 7](#)

This request is for the contract award for the repair and replacement of approximately 5,900 lineal feet of interceptor sewer pipe and the reconditioning of 22 existing manholes. This maintenance is necessary to prolong the life of the existing concrete sewer pipe that has been damaged by hydrogen sulfide gas.

Action: Authorize the Purchasing Division to Enter into a Contract with Reynolds Inliner, LLC of Orleans, Indiana for the Construction of the 2011 Sewer Interceptor Repair and Replacement Project in the Amount of \$378,188

Staff presentation: Tim Moore, Public Works and Planning Director
Jay Valentine, Assistant Financial Operations Manager

8. **Purchase of a Rear Load Refuse Truck** [Attach 8](#)

This request is for a new Compressed Natural Gas (CNG) Rear Load Refuse Truck to replace a diesel unit in the City's fleet.

Action: Authorize the City Purchasing Division to Award a Contract to Purchase a 2011 Peterbilt/Leach CNG Rear Load Refuse Truck from Grand Junction Peterbilt of Grand Junction, CO in the Amount of \$207,043

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******9. Purchase of a Dump Truck [Attach 9](#)**

This request is for a new Compressed Natural Gas (CNG) Dump Truck that is scheduled to replace an aging diesel unit in the City's fleet.

Action: Authorize the City Purchasing Division to Award a Contract to Purchase a 2012 International/Layton CNG Dump Truck from Hanson International of Grand Junction, CO in the Amount of \$160,807

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

10. Contract for Food and Beverage Services for Tiara Rado and Lincoln Park Golf Courses [Attach 10](#)

This request is for the contract award for the Food and Beverage Services at Tiara Rado and Lincoln Park Golf Courses. The Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic), banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses.

Action: Authorize the Parks and Recreation Director to Contract with Two Miles, LLP for the Food and Beverage Services at Tiara Rado and Lincoln Park Golf Courses

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

11. Public Hearing—Columbine Caregivers Rezone, Located at 602 26 ½ Road [File # RZN-2011-483] [Attach 11](#)

Request to rezone 0.43 +/- acres located at 602 26 ½ Road from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) zone district in anticipation of future office development.

Ordinance No. 4458—An Ordinance Rezoning the Columbine Caregivers Rezone, Located at 602 26 ½ Road, from R-4, (Residential – 4 Du/Ac) to R-O (Residential Office)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4458

Staff presentation: Scott D. Peterson, Senior Planner

12. **Non-Scheduled Citizens & Visitors**
13. **Other Business**
14. **Adjournment**

**Attach 1
Minutes of Previous Meeting**

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

February 28, 2011

The City Council of the City of Grand Junction convened into regular session on the 28th day of February 2011 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Pitts led the Pledge of Allegiance followed by a moment of silence.

Presentations

Boy Scout Council Commissioner Bruce Ricks presenting a National Certificate of Merit Award to Boy Scout Ian Hegstrom

There were a number of boy scouts from Troop 303 in the audience. Ian Hegstrom's Scoutmaster John Sites described the incident leading up to the recognition of Ian. Boy Scout Commissioner Bruce Ricks then described the qualities it takes for such an act and how this young man made the right decision. There are four citizenship merit badge honors in Boy Scouts: citizenship in the home, community, nation, and world. Upon recommendation of the National Court of Honor, Ian Hegstrom was given the merit badge for Significant Act of Service.

Certificates of Appointments

Randall Cupp and Lancer Livermont were present to receive their Certificates of Re-Appointment to the Commission on Arts and Culture. Charity Finnigsmier, and Diane Kress Hower were present to receive their Certificates of Appointment to the Commission on Arts and Culture.

Lynne Sorlye was present to receive her Certificate of Appointment to the Visitor and Convention Bureau Board of Directors.

Proclamations/Recognitions

Proclaiming the Week of March 6 through March 12, 2011 as "Women in Construction Week" in the City of Grand Junction

Council Comments

Councilmember Kenyon said he was in Denver at Colorado Municipal League (CML) meetings including with the Governor. The big buzz in the Capital is the budget. There are a lot of bills dying due to budget constraints. The Governor's budget proposal is pretty challenging. There will be some hard choices.

Councilmember Susuras said he went to the 2011 Realtors Day at the Capital in Denver. There were two hundred realtors, representing the 21,000 member Colorado Association of Realtors, in attendance stating their support or objections to the various bills. The common thread in their comments were the subjects of jobs, economic development, and the State budget.

Councilmember Hill said he and Council President Coons, along with City Clerk Stephanie Tuin, attended the Kids Voting banquet. He said there was a record turnout and he was pleased to have his six year old daughter as his date. It was great to see youth engaged in the community. He also recognized the Boy Scouts and their community involvement.

Council President Coons also recognized the Kids Voting program. She also went to an open house at Homeward Bound. They displayed unique art that was produced by volunteer Steven Maxwell who has taken pictures of guests and families of the clients of the facility and recorded their stories. Some of their situations are due to substance addiction or mental illness but many were taxpaying citizens until recently and due to some event they found themselves homeless.

Citizen Comments

Ron Wriston, 180 Dike Road, living in a fifth wheel, addressed the City Council regarding a property dispute. He is being kicked off 8 acres of property that he purchased about four years ago. He was told it is in the floodplain and it has been rezoned. He was not notified of the change. If he leaves, the transients will make it a tent city.

Dave Ferguson, 125 Franklin Avenue, addressed the City Council on behalf of the Alamo Club, 404 Glenwood Avenue, regarding a need for additional handicapped parking. There are three on-site handicapped parking spaces and he would like to have two spots on the street.

City Manager's Report

Laurie Kadrach, City Manager, presented this item. She gave an update on the Public Safety Project, noting that some utility work has been started and some rights-of-way have been vacated. The first slide she showed was the first floor plan and she noted it

meets the goal of what was heard from the citizens which was “build what can be built with the available funding.” She then displayed the second story floor plan. The floor plans were shaded to depict existing space versus the new space (size comparison). The total size is 62,000 square feet on two floors. The groundbreaking event will be April 4th, starting at 11:00 a.m., with the actual groundbreaking at 11:30 a.m.

There was a follow-up to an earlier workshop held that day on the ambulance services. The workshop was held because there was a five year time frame for the ambulance services to be reviewed after the contract was awarded to the City Fire Department. She reviewed the history of the service leading up to the contract in 2006. City Manager Kadrach read the language in the contract that relates to the contract term, “The performance for work under this contract shall be for a period of five (5) years or until the City determines that termination is in the City’s best interest.” City Manager Kadrach reviewed the financial investment the City has made into ambulance transport and how the financial impact is more on the EMS service with only 15% of the Fire Department expenses being related to fire response. She then discussed the integration between the EMS and the fire protection services. The inter-facility service helps reduce the cost of emergency calls and to take out the non-emergent transport service would cost the City significantly, roughly \$623,000.

Councilmember Beckstein said she expected to hear some information from the private sector at the workshop. City Manager Kadrach said that her understanding was that purpose of the workshop was an accounting of the City service.

Council President Coons concurred with City Manager Kadrach but she can also understand the desire to have that private sector information.

Councilmember Beckstein said she was speaking more of national surveys or other areas where there is private sector involvement.

Councilmember Palmer said he understands but the City has experienced both. In looking at what the experts say, specifically the Medical Director, who has said the service has been better with the City service and there has been better patient care. Community Hospital emergency medical care director also had similar comments.

Councilmember Hill thought they wanted to look at the option of slicing that portion off to see how that will affect service. He thinks the opportunity still exists for the private sector to provide that service. That is what the Staff brought forward. He thinks the City is doing a good job.

Fire Chief Ken Watkins recounted how the County and the City leaders developed one of the most progressive and integrated emergency services program. He is proud of what his Department has done. It is an integrated system which he then detailed. The emergency transports and the inter-facility transports can handle either type of call.

About three calls per day change from emergent to non-emergent or vice versa. Chief Watkins frequently hears questions as to why a fire engine responds to an EMS call. He said the 911 dispatch triages (assesses) the call and there are certain triggers that would require sending an engine.

Councilmember Palmer clarified that a dedicated ambulance at an event calls another ambulance to transport unless the situation is critical because at events where an ambulance is dedicated, the ambulance leaving ends the event.

Chief Watkins reviewed the ambulance compliance rates for response in all areas. They have exceeded the response rate every month since taking over the ambulance service. By providing the service to the community there have been a number of improvements including: advanced life support on all ambulances, fire engines and trucks, six additional firefighters every day for all calls, two additional EMS personnel every day for auxiliary duties on all calls, and the licensee is accountable and responsible for the service. The County resolution holds the City responsible for the service regardless of who is providing the actual service.

Council President Coons asked if the private company had the advanced life support on all ambulances and if the City were to go back to a private provider, should they require that? Fire Chief Watkins said he was not with the City at the time, but it is his understanding that, under the contract, they only had to have one ambulance staffed with advanced life support personnel. He agreed it would be reasonable to require. He does know that there were times that the City's advanced support personnel would accompany the patient in the private ambulance.

Councilmember Palmer noted that in County regulations, a paramedic cannot hand off a patient to an EMT. Fire Chief Watkins concurred that in the case of an advanced life support situation; the paramedic would have to stay with and assist an EMT.

Councilmember Hill agreed and stated that is because some of the regulations have changed in the last five years.

Councilmember Susuras asked if the current contract is ongoing. City Attorney Shaver said yes, it will continue until there is reason to terminate. The five year term was in the original RFP, additional terms could be offered. Councilmember Susuras said it is important to clarify that the Council agreed five years ago that they would review the contract to make sure it was being performed satisfactorily and not that it would be opened up for bid again. City Attorney Shaver concurred.

Councilmember Kenyon noted that some of the members of the public have an issue with the City entering into a contract with itself and to rate itself. In this review, he does not see that there is a piece of the service that can be carved off for the private sector. It is easy to see why the City has been successful. There have been no complaints from the

medical community, only praise. This is not the time to delve into changes. They are doing a good job. The City Council always reserves the right to look at changes in the future.

Councilmember Beckstein said her concerns have nothing to do with the performance of the Fire Department; it was her understanding that there would be a review in five years and possibly take a look at taking the non-emergent care to see if it would be feasible to put out to bid. It may be that the County requirements may be so stringent that it couldn't happen. The two tier system in place five years ago is not what she wanted to review; she did not want patients traded to a private ambulance service in emergencies. Her thought was to review the non-emergent transport in order to allow the Fire Department to focus on the more critical incidents.

Councilmember Pitts noted that after hearing the presentation at the workshop, there were no complaints; he only heard praise. That integration provides better service and, he thought the City could best perform the service to the public by continuing the contract.

Councilmember Palmer said the purpose of this discussion is to let the community know how the decision was reached. The Fire Department has historically done emergency transport until the bust in the 1980's and there was a hiring freeze and the City did not have the resources. That was when the decision was made to bring in another ambulance service. The non-emergent piece is a small portion of what they do. The conclusion is that the system has greater strengths with both emergent and non-emergent provided by one entity. Looking at all the factors, it was hard to make sense of carving that piece out. The system is working well and the advice is to not change it.

Councilmember Susuras noted that this discussion does not end any future discussions, as this can be brought back up at any time. The medical community also praised the non-emergent care.

Councilmember Hill agreed and noted that 15% of non-emergent calls turn into emergent calls, and he was opposed to the City contract at the time due to the financial impact. The investment has now been made. The non-emergent is the highest financial recovery. The overlay between the two types of care provides better coverage. In looking at the current data, he is extremely comfortable with the service being provided and at the best cost to the community.

Council President Coons said she too was concerned about the City taking over the service even though there were some problems with the two tiered system. Looking at it today, if the City were to cut off the non-emergent transport, would that serve the citizens better? Standards have changes and the City is in a different place as well as the Fire Department; many efficiencies and improvements have been accomplished. The medical community and others are seeing better outcomes. The integration is partly the reason for that. Five years ago she was concerned about the loss of jobs, a switch now would

have that same kind of effect on the City employees. There is could be a loss of local control. There is cost of the equipment and training and how much of that would be lost. She feels continuing the ambulance service with the City is appropriate for this community.

That concluded the discussion. Council President Coons called a recess at 8:44 p.m.

The meeting reconvened at 8:50 p.m.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve Items #1 through #4. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the February 14, 2011 Regular Meeting

2. **Setting on Hearing on the Columbine Caregivers Rezone, Located at 602 26 ½ Road** [File # RZN-2011-483]

Request to rezone 0.43 +/- acres located at 602 26 ½ Road from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) zone district in anticipation of future office development.

Proposed Ordinance Rezoning the Columbine Caregivers Rezone, Located at 602 26 ½ Road, from R-4, (Residential – 4 Du/Ac) to R-O (Residential Office)

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 14, 2011

3. **Setting a Hearing on the Western Trends Annexation, Located at 507 and 512 Fruitvale Court** [File # ANX-2011-467]

Request to annex 5.019 acres, located at 507 and 512 Fruitvale Court. The Western Trends Annexation consists of three (3) parcels. There are 3.882 acres of public right-of-way contained within this annexation area.

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

Resolution No. 13-11—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a

Hearing on Such Annexation, and Exercising Land Use Control, Western Trends Annexation, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way

Action: Adopt Resolution No. 13-11

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Western Trends Annexation, Approximately 5.019 Acres, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011

4. **Spendrup Revocable Permit, Located within South 7th Street Right-of-Way**
[File #RVP-2011-536]

Applicant is requesting approval of a Revocable Permit for an existing structure, originally designed for lumber storage, within the South 7th Street right-of-way. The encroachment has existed since before 1954.

Applicant is also requesting the revocation of an existing Revocable Permit for a structure that no longer exists.

Resolution No. 14-11—A Resolution Concerning the Issuance of a Revocable Permit to John O. Spendrup LLC

Action: Adopt Resolution No. 14-11

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Right-of-Way Vacations, Adjacent to 515 S. 7th Street [File # VAC-2010-388]

A request to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary "gap" oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6th Court adjacent to Lot 1, Block 160; and an irregular portion of South Avenue adjacent to Block 160, all public right-of-way that is no longer needed.

The public hearing was opened at 8:54 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He described the specific right-of-ways including a gap portion to be vacated.

Councilmember Hill asked for an explanation of the gap property. Mr. Rusche explained how that occurred when the original town site was platted and then the property to the south was added, the legal descriptions did not match up. This occurred all along the town's boundary.

Councilmember Susuras asked about the utilities. Mr. Rusche said the utilities and the easement will remain.

Councilmember Palmer asked about the alley as it was chained off. Mr. Rusche said it is platted as an alley but is not used.

There were no public comments.

The public hearing was closed at 8:57 p.m.

Ordinance No. 4456—An Ordinance Vacating a North-South Alley in Block 160 Original Plat of the Town of Grand Junction and Replatted in Grand Junction Plat of Part of Second Division Resurvey as Amended; an Area Oriented East-West Between the South Boundary of Block 160 and the North Boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; Approximately 5 Feet of 6th Court Adjacent to Lot 1, Block 160; and an Irregular Portion of South Avenue Adjacent to Block 160 (Spendrup Vacations)

Councilmember Palmer moved to approve Ordinance No. 4456 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Public Hearing—Affidavit Qualifying Write-in Candidates for Municipal Office

In order to ensure that the votes cast for a write-in candidate(s) may be counted, the City Clerk and City Attorney have proposed that the Council adopt an ordinance requiring that any such candidate file an affidavit of intent and statement of qualifications 20 days prior to the municipal election.

The public hearing was opened at 8:58 p.m.

John Shaver, City Attorney, presented this item. He explained the purpose of the ordinance and how in the City Charter there is a provision that requires that City ballots must include a blank line for write-in candidates but it does not require that those write-in candidates be qualified for the office. This ordinance will require that for a write-in

vote to count, the candidate must file an affidavit twenty days prior to the election qualifying for the seat.

Councilmember Palmer inquired if this ordinance will be in effect for this election. He wondered if it should be adopted as an emergency.

City Attorney Shaver said for purposes of this election, he feels it will for all purposes be in effect for all future candidates.

Councilmember Hill noted that it this would clarify the qualifications needed to be a write in candidate.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Ordinance No. 4457—An Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning Write-in Candidate Affidavits

Councilmember Susuras moved to approved Ordinance No. 4457 and ordered it published in pamphlet form. Councilmember Pitts 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 9:07 p.m.

Stephanie Tuin, MMC
City Clerk



Date: Feb. 25, 2011
 Author: Lisa Cox
 Title/ Phone Ext: Planning
 Manager/ Ext: 1448
 Proposed Schedule:
 1st Reading: March 14, 2011
 2nd Reading: April 4, 2011

CITY COUNCIL AGENDA ITEM

**Attach 2
 Setting a Hearing on Text Amendments to Section
 21.04.030 of Title 21 of the Grand Junction
 Municipal Code, Concerning Parking Spaces at a
 Business Residence**

Subject: Text Amendments to Section 21.04.030 of Title 21 of the Grand Junction Municipal Code, Concerning Parking Spaces at a Business Residence
File # (if applicable): ZCA-2011-631
Presenters Name & Title: Lisa Cox, Planning Manager

Executive Summary:

This text amendment to Section 21.04.030(i)(2)(iv), Business Residence, of the Grand Junction Municipal Code is to clarify the number of required parking spaces for a Business Residence.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

Policy 6A: In making land use and development decisions, the City and County will balance the needs of the community.

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by encouraging a mix of housing types that support new businesses in the community. Business residences support small businesses in our community which help sustain the community’s role of a regional provider of goods and services.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for April 4, 2011.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendment at its February 22, 2011 meeting with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. The following proposed amendment enhance the effectiveness of the Zoning Code.

Section 21.04.030(i)(2)(iv), Business Residence (parking requirement) states that “A minimum of two off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business.” However, Section 21.06.050(c) also addresses the parking requirement for a Business Residence but requires “1 per residence plus business parking.”

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
RESIDENTIAL		
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Group Living Facilities	1 per 4 beds + 1 per each 3 employees
Household Living	Business Residence	1 per residence + business parking
	Bed and Breakfast	1 per guest room + 2 spaces for owner’s portion
	Rooming/Boarding House	1 per rooming unit
	Accessory Dwelling Unit	1 per unit
	Dormitories/Fraternities/Sororities	1 per 2 beds
	Single-Family, Two-Family	2 per unit
	Multifamily – 1 bedroom	1.25 per unit
	Multifamily – 2 bedroom	1.5 per unit
Multifamily – 3+ bedroom	2 per unit	

A business residence is most similar in use to a multifamily 1 bedroom dwelling unit which requires only 1.25 parking spaces (see chart above). To clarify the required parking requirement for a business residence and to address the conflicting provisions of the Code, staff recommends that Section 21.04.030(i)(2)(iv) be revised to require one parking space per business residence in addition to the required parking for the business.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendment has been reviewed and is supported by the Legal Division.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.04.030(i)(2)(iv), BUSINESS RESIDENCE,
OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE NUMBER OF
PARKING SPACES REQUIRED**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, also known as Title 21 of the Grand Junction Municipal Code of Ordinances.

Staff makes the following proposal in an effort to maintain the effectiveness of the Zoning Code.

Section 21.04.030(i)(2)(iv), Business Residence (parking requirement) states that “A minimum of two off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business.”

However, Section 21.06.050(c) also addresses the parking requirement for a Business Residence but requires “1 per residence plus business parking.”

To clarify the required parking requirement for a business residence and to address the conflicting provisions of the Code, staff recommends that Section 21.04.030(i)(2)(iv) be revised to require one parking space per business residence in addition to the required parking for the business.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.04.030(i)(2)(iv) related to Business Residence is amended as follows. (Amendatory language is shown by underline or strikethrough)

(i) Business Residence.

(1) Residence Occupancy. A business residence is a primary residence, located within a business structure, of the owner, operator or employee of the business. This subsection is not intended to permit general residential uses in business or commercial areas.

(2) Residence as Accessory Use. The same procedures and requirements shall govern a residential accessory use as the principal use with which it is associated (see GJMC 21.04.010, Use table). The following conditions apply to all business residences:

(i) The residential unit shall comply with all appropriate building and fire codes and with all applicable portions of this code;

(ii) Only one single-family dwelling unit per business or structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use and immediate family;

(iii) The dwelling unit shall be located within a structure used primarily for business purposes;

(iv) A minimum of ~~two~~ one off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business; and

(v) Other conditions as required through the site plan approval process.

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: Feb. 25, 2011
 Author: Lisa Cox
 Title/ Phone Ext: Planning
 Manager/ Ext: 1448
 Proposed Schedule:
 1st Reading: March 14, 2011
 2nd Reading: April 4, 2011

CITY COUNCIL AGENDA ITEM

**Attach 3
 Setting a Hearing on Text Amendments to Section
 21.02.110 of Title 21 of the Grand Junction
 Municipal Code Concerning Conditional Use
 Permits**

Subject: Text Amendments to Section 21.02.110 of Title 21 of the Grand Junction Municipal Code Concerning Conditional Use Permits
File # (if applicable): ZCA-2011-630
Presenters Name & Title: Lisa Cox, Planning Manager

Executive Summary:

This text amendment to Section 21.02.110, Conditional Use Permit, is to allow an amendment to a CUP and to correct a scrivener's error that deleted specific terms related to Compatibility with Adjoining Properties.

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

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

Policy 6A: In making land use and development decisions, the City and County will balance the needs of the community.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing flexibility to property and business owners that will provide an opportunity to amend a Conditional Use Permit when business circumstances change. This will allow businesses to be more competitive in some situations or to be more responsive to a changing business environment in other situations.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for April 4, 2011.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendments at its February 22, 2011 meeting with the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. The following proposed amendments will enhance the effectiveness of the Zoning Code.

Staff proposes an amendment to Section 21.02.110, Conditional Use Permit, which would allow a Conditional Use Permit (CUP) to be amended. The ability to amend a CUP would provide a valuable tool for citizens when development or business circumstances change significantly after a CUP has been granted. The opportunity to amend a CUP would provide flexibility to adapt and be responsive to such substantial changes.

The proposed amendment also includes correction of a scrivener's error. Prior to adoption of the updated 2010 Zoning and Development Code (Title 21), Section 21.02.110, Conditional Use Permit, included specific terms related to maintaining compatibility with adjoining properties. Those terms were inadvertently deleted from the 2010 Code when it was approved. In the approval of the 2010 Code the terms were not intended to be deleted.

The deletion of these criteria was not part of or approved by the Ordinance adopting the 2010 Code and therefore the omission may be considered a scrivener's error. Upon advice of the City Attorney, an Administrative Regulation was issued by the Director of Public Works and Planning in June 2010 to interpret that section of the zoning and development code and to afford notice of the inadvertent deletion of the approval criteria until such time as Section 21.02.110 could be amended to correct the deletion.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendments have been reviewed and are supported by the Legal Division.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.02.110, CONDITIONAL USE PERMIT, OF
THE GRAND JUNCTION MUNICIPAL CODE**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, also known as Title 21 of the Grand Junction Municipal Code of Ordinances.

Staff makes the following proposals in an effort to maintain the effectiveness of the Zoning Code.

Section 21.02.110, Conditional Use Permit, currently does not contain language to amend a Conditional Use Permit (CUP). The ability to amend a CUP would provide a valuable tool for citizens when development or business circumstances change after a CUP has been granted. The opportunity to amend a CUP would provide flexibility to adapt and be responsive to such changes.

Prior to adoption of the updated 2010 Zoning and Development Code (Title 21), Section 21.02.110 contained specific terms related to compatibility with adjoining properties that were inadvertently deleted from the 2010 Code when it was approved. In the approval of the 2010 Code the terms were not intended to be deleted.

The deletion was not part of or approved by the Ordinance adopting the 2010 Code and therefore the omission may be considered a scrivener's error. An Administrative Regulation was issued by the Director of Public Works and Planning in June 2010 to afford notice of the problem until such time as Section 21.02.110 could be amended to correct the deletion.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.02.110 related to Condition Use Permit is amended by the addition of subparagraph (h) as follows. (Amendatory language is shown by underline)

(h) Amendment or Revocation of Conditional Use Permit.

(1) Interested Party. Any interested party may apply to the City for the amendment or revocation of a conditional use permit. For purposes of this Section, "interested party" shall include the following:

(i) The original applicant or successor in interest, or the current owner or lessee of the property for which the conditional use was granted (may also be referred to as the permit holder);

(ii) The City;

(iii) Any owner or lessee of property that lies within five hundred feet (500') of the property for which the conditional use permit was granted.

(2) Fee. Any person or entity, other than the City, seeking to amend or revoke a conditional use permit, shall pay a fee in the amount established for an application for a conditional use permit.

(3) Preliminary Criteria. An applicant for amendment or revocation of a conditional use permit must establish the following to the satisfaction of the decision maker before the requested change(s) can be considered by the decision maker:

(i) Grounds for Amendment – Permit Holder. A conditional use permit may be amended at the request of the holder of the permit (the holder of the permit being the original applicant or successor in interest or the current owner or lessee of the land subject to the conditional use permit) upon a showing that a substantial change in circumstance has occurred since the approval of the permit which would justify a change in the permit.

(ii) Grounds for Revocation or Termination – Permit Holder. A conditional use permit may be revoked or terminated at the request of the holder of the permit upon a showing that, under this Title 21, the use is an allowed use in the zone in which it is now established.

(iii) Grounds for Amendment or Revocation – Other Interested Party. A conditional use permit may be amended or revoked at the request of any other interested party if one or more of the following is established:

(A) The conditional use permit was obtained by misrepresentation or fraud;

(B) The use, or, if more than one, all the uses, for which the permit was granted has ceased or has been suspended for six months,

(C) The holder or user of the conditional use permit has failed to comply with any one or more of the conditions placed on the issuance of the permit;

(D) The holder or user of the conditional use permit has failed to comply with any City regulation governing the conduct of that use;

(E) The holder or user of the conditional use permit has failed to construct or maintain the approved site as shown on the approved site plan;

(F) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.

(iv) Due Process. No conditional use permit shall be amended or revoked against the wishes of the holder of the permit without first giving the holder an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Amendment or revocation of the permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

(4) Decision Maker. All applications for amendment of a conditional use permit shall be processed in the same manner as a new request for a conditional use permit, as set forth in Subsection (e) of this Section.

(5) Approval Criteria. An application for amendment or revocation of a conditional use permit shall demonstrate that the development or project will comply with all of the criteria set forth in Section 21.02.110(c).

Section 21.02.110(c) related to Condition Use Permit is amended by the addition of subparagraph (5) as follows. (Amendatory language is shown by underline)

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

- i. Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
- ii. Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
- iii. Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development.

Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emission and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: Tues., March 1, 2011
Author: Lori V. Bowers
Title/ Phone Ext: Sr. Planner / 4033
Proposed Schedule: Mon., March 14, 2011
2nd Reading: Monday, April 4, 2011

CITY COUNCIL AGENDA ITEM

Attach 4 Setting a Hearing on Gay Johnson’s Alley Right-of-Way Vacation - Located at 333 N 1st Street

Subject: Gay Johnson’s Alley Right-of-Way Vacation - Located at 333 N 1 st Street
File # : VAC-2010-314
Presenters Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

A request to vacate the entire north/south alley way between Grand Avenue and White Avenue, west of N. 1st Street, and east of North Spruce Street. The vacation of this alley will allow for an expansion of the business located at 333 N. 1st Street.

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

The request to vacate the alley right-of-way is supported by the Comprehensive Plan’s **Goal 4** to: “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 applicant wishes to expand an existing business on his property, by vacating the dedicated public alley right-of-way there will be more flexibility for further site development.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for April 4, 2011.

Board or Committee Recommendation:

On March 8, 2011, the Planning Commission forwarded a recommendation of approval to vacate the subject alley right-of-way.

Background, Analysis and Options:

Please see the attached Staff report.

Financial Impact/Budget:

By vacating the subject alley right-of-way, it removes the City from any future maintenance of the alley.

Legal issues:

N/A

Other issues:

No other issues.

Previously presented or discussed:

This item has not been previously presented to the City Council.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Ordinance

BACKGROUND INFORMATION					
Location:		333 North 1 st Street			
Applicants:		Gay Johnson's, Inc. c/o Doug Colaric, owner; Design Specialists, PC c/o Rob Rowlands, representative.			
Existing Land Use:		Fueling and convenience store			
Proposed Land Use:		Future drive-up window for convenience store			
Surrounding Land Use:	North	City owned right-of-way			
	South	Burger King			
	East	Motel and Convenience Store			
	West	Mesa County Buildings			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	Right-of-way (not zoned)			
	South	B-2 (Downtown Business)			
	East	B-2 (Downtown Business)			
	West	B-2 (Downtown Business)			
Future Land Use Designation:		Downtown Mixed Use (DTMU)			
Zoning within density range?		X	Yes		No

ANALYSIS

1. Background

The existing 15-foot wide alley, which runs in a north/south direction in the 300 block of N. 1st Street, has been requested to be vacated by the property owner. The property owner, Gay Johnson's Incorporated, owns the entire block in which the alley is located. Two of the businesses located in this block, Subway and Smash Burger, are leased spaces and will have adequate access to public streets. If the vacation is approved, the City will retain a 20-foot wide easement for existing water and sewer lines and a private ingress/egress easement for existing businesses. The owner anticipates future expansion of the other existing business, a Shell convenience store, on this site. The removal of the alley right-of-way provides more flexibility for future expansion without compromising access to the Shell station.

A neighborhood meeting was held on February 16, 2011. There were no concerns presented from those who attended.

2. Section 21.02.100 of the Grand Junction Municipal Code

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

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

The request to vacate the alley right-of-way is supported by the Comprehensive Plan's Goal 4 to: "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 applicant wishes to expand an existing business on his property, by vacating the dedicated public alley right-of-way there will be more flexibility for further site development.

The proposed vacation of the alley will not affect the Grand Valley Circulation Plan or other policies in effect with the City.

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

No parcel will be landlocked as a result of the vacation. A shared access easement, 20-feet wide, for the length of the vacated north/south alley will be provided by separate document.

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

The shared access easement referenced above will allow sufficient access without devaluing property. The entire block is owned by one entity. Businesses leasing space in this block will not be economically impacted by the vacation of the alley right-of-way because an adequate access easement will be retained.

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

Public services and facilities will not be impacted by the vacation of the alley. The public health, safety and welfare of the community will be protected by the easement that will be in place of the alley right-of-way. The property owner is the owner of the entire block.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

The City will retain utility easements to protect the existing public utilities that area currently located in the alley. The easement that contains the sewer and water will be 20-feet wide and will be centered over the main. In addition the applicant will provide an ingress egress easement, the length of the vacated alley to provide continued access to the parcel.

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

The City will be relieved of any future maintenance of the subject alley, yet all public utilities will have adequate easements provided. The alley being vacated is only 15-feet wide, while the new easement will be 20-feet wide.

FINDINGS OF FACT/CONCLUSIONS

After reviewing Gay Johnson's Alley Vacation, VAC-2010-314, for the vacation of a public right-of-way, I make the following findings of fact, conclusions and conditions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
3. The Ordinance vacating the subject alley right-of-way is conditioned upon recording a new ingress/egress and utility easement document.

Site Location Map

333 N 1st Street

All in City Limits



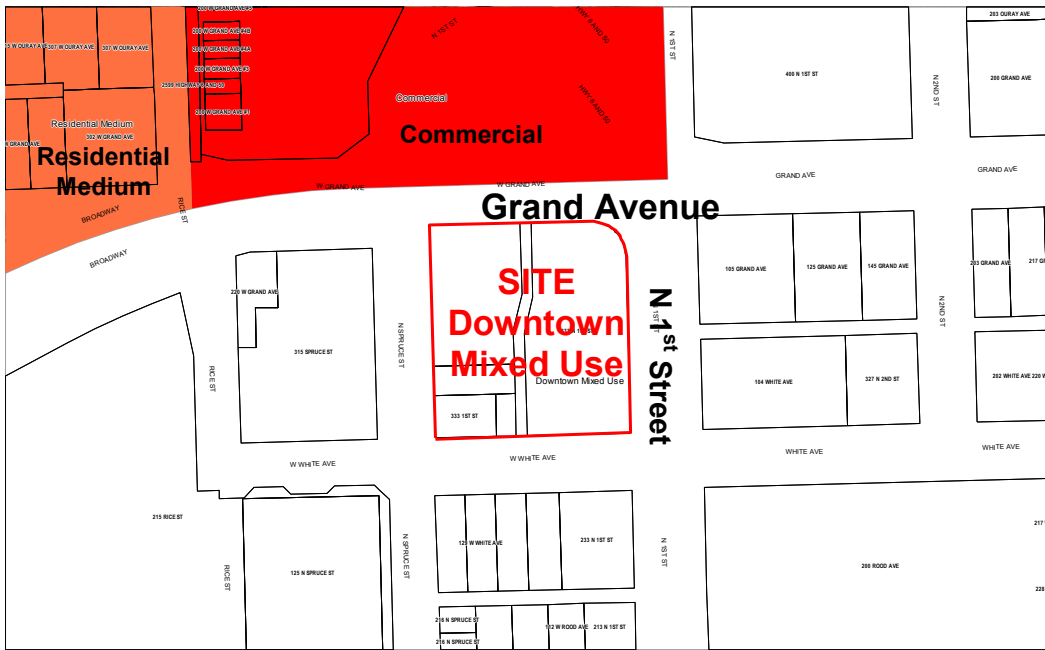
Aerial Photo Map

333 N 1st Street



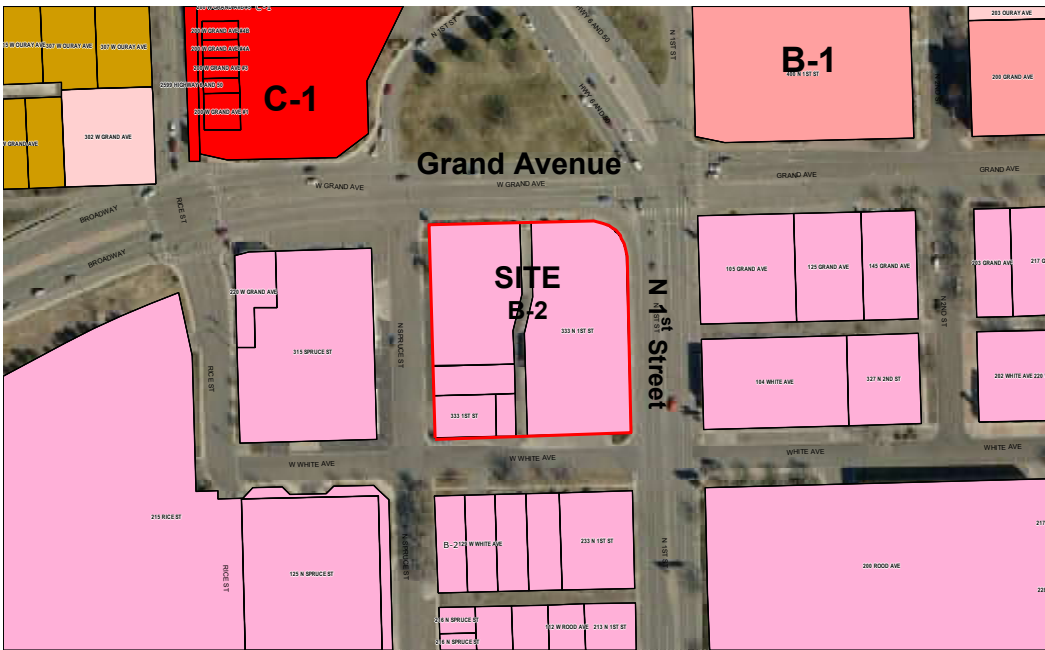
Comprehensive Plan Map

333 N 1st Street



Existing City Zoning Map

333 N 1st Street



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR
GAY JOHNSON'S ALLEY
LOCATED AT 333 N. 1ST STREET**

RECITALS:

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

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. An easement dedicating a 20-foot wide utility easement, with an ingress/egress easement shall be recorded after the subject Vacation Ordinance.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

15.00 FOOT WIDE ALLEY VACATION

A fifteen foot wide alley right-of-way located in Wilson's Subdivision of Block 2, Mobley's Subdivision, Northeast Quarter (NE1/4), Section 15, Township 1 South, Range 1 West, Ute Meridian, in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said Wilson's Subdivision, whence the Southeast corner of that parcel described in Book 2368, Page 505, Mesa County records, also being the Southwest corner of said alley right-of-way as described in Book 821, Page 33, Mesa County records, bears South 89°55'17" East, a distance of 112.00 feet to the POINT OF BEGINNING; thence along the Westerly alley right-of-way line the

following three (3) courses: (1) North 00°03'20" East, a distance of 145.81 feet; (2) North 14°46'53" East, a distance of 51.79 feet; (3) North 00°06'13" East, a distance of 95.55 feet, to a point on the South right-of-way line of Grand Avenue, as described in Reception Number 545896, Mesa County records; thence North 89°40'57" East, a distance of 15.00 feet, along said South right-of-way line of Grand Avenue to a point on the Easterly alley right-of-way line; thence along said Easterly alley right-of-way line the following three (3) courses: (1) South 00°06'13" West, a distance of 99.55 feet; (2) South 14°46'41" West, a distance of 51.79 feet; (3) South 00°03'20" West, a distance of 141.91 feet to a point on the North right-of-way line of White Avenue; thence along said North right-of-way line of White Avenue North 89°55'17" West, a distance of 15.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 0.102 Acres or 4424 square feet, as described.

INTRODUCED on first reading the __ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the _____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A
WILSONS SUBDIVISION OF BLOCK 2, MOBLEY'S SUBDIVISION
NE1/4 SECTION 15, T18, R1W, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO

Colorado Department of Highways
 Reception #545896

E $\frac{1}{4}$ Corner
 Section 15
 T18, R1W, UM
 3 $\frac{1}{4}$ " Aluminum Cap
 in Monument Box
 PLS 18478

Colorado Department of Highways
 Book 685, Page 91

Colorado Department
 of Transportation
 Brass Cap

Alley Right-of-Way
 To Be Vacated

Grand Avenue

N89°40'57"E
 15.00'

N89°40'57"E 125.00'

N89°40'57"E
 79.04'

$\Delta=90°20'10"$
 $R=50.00'$
 $L=78.83'$
 $Ch=70.92'$
 $Ch\ Brg=S45°08'58"E$

Book 952, Page 972

North Spruce Street

First Street

N00°06'13"E 290.58'

S00°01'08"W 242.15'

Red Plastic Cap
 Illegible

Point of
 Commencement
 1 $\frac{1}{2}$ " Aluminum Cap
 "Cope" PLS 11221

Book 2368, Page 505
 Book 5015, Page 972

Book 974, Page 238
 Book 956, Page 833

City Survey Marker
 Chiseled Cross On Brass Cap
 Spruce And White

POINT OF BEGINNING

N89°55'17"W
 15.00'

N89°55'17"W 142.76'

White Avenue

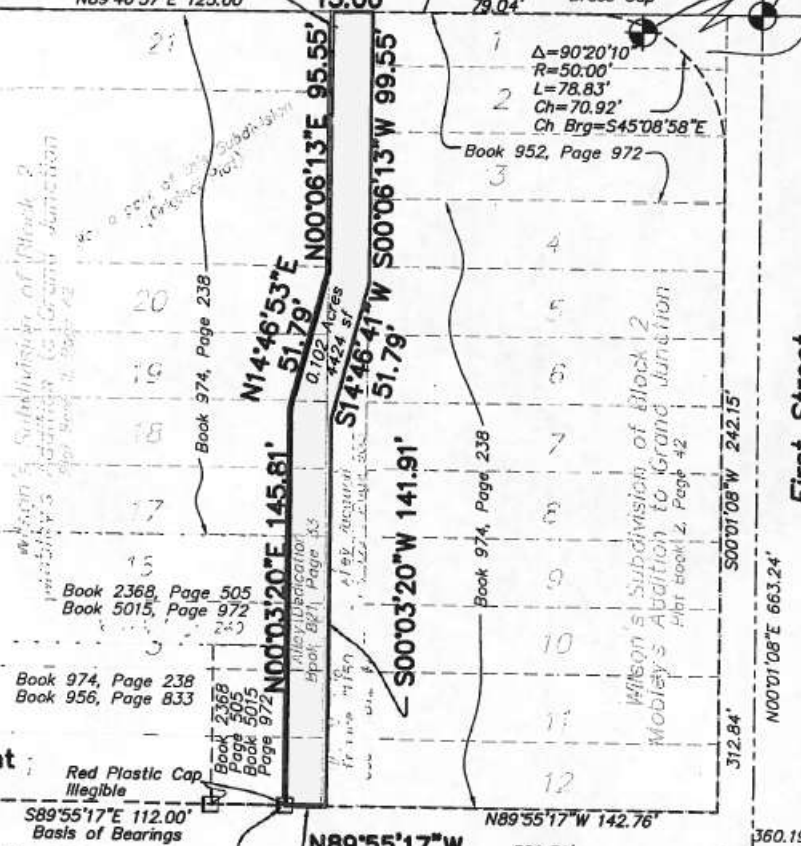
City Survey Marker
 Chiseled Cross On Lead Rod
 Second And White

LEGEND

ALIQUOT SURVEY MARKER, AS NOTED

FOUND REBAR, AS NOTED

City Survey Marker
 Aluminum Cap PLS 24953
 First And Road





Date: March 1, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner/4058
 Proposed Schedule: Resolution Referring Petition March 14, 2011
 2nd Reading
 (if applicable): April 18, 2011

CITY COUNCIL AGENDA ITEM

**Attach 5
 Setting a hearing on the Pomona 24 Road
 Annexation, Located South of H Road along 24
 Road**

Subject: Pomona 24 Road Annexation, Located South of H Road along 24 Road
File #: ANX-2011-653
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: Request to annex 1.17 acres of 24 Road Right-of-Way, located south of H Road and north of I-70. The Pomona 24 Road Annexation consists only of right-of-way.

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

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy D: For development that requires municipal services, those services shall be provided by a municipality or district capable of providing municipal services.

The proposed annexation meets Goal 1, Policy D as the purpose of the annexation is to extend a sanitary sewer main within public right-of-way. Annexation will allow maintenance of both the sewer line and the street above by the City of Grand Junction.

Action Requested/Recommendation: Adopt a Resolution Referring the Petition for the Pomona 24 Road Annexation, Introduce the Proposed Ordinance and Set a Hearing for April 18, 2011.

Board or Committee Recommendation: Public right-of-way is not assigned a zoning designation, so no Planning Commission recommendation is required.

Background, Analysis and Options: See attached Staff Report/Background Information

Financial Impact/Budget: The annexation of the right-of-way will transfer maintenance responsibilities from Mesa County to the City of Grand Junction. The City already has jurisdiction over a portion of 24 Road north of I-70, so the impact is minimal.

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: No.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Resolution Referring Petition
4. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		A portion of 24 Road located South of H Road and North of I-70.		
Applicant:		City of Grand Junction		
Existing Land Use:		Right-of-Way		
Proposed Land Use:		Right-of-Way		
Surrounding Land Use:	North	N/A		
	South	N/A		
	East	N/A		
	West	N/A		
Existing Zoning:		N/A		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	N/A		
	South	N/A		
	East	N/A		
	West	N/A		
Future Land Use Designation:		N/A		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.17 acres of land, all of which lies in the 24 Road right-of-way. The City of Grand Junction is requesting annexation into the City to allow for ease of maintenance and delivery of services.

Under the 1998 Persigo Agreement, the County consents to the annexation of all or a portion of any road, street, easement, right-of-way, open space or other County-owned property within the Persigo Wastewater Treatment boundary.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Pomona 24 Road Annexation is eligible to be annexed because of compliance with the following:

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

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

Please note that this petition has been prepared by the City. Because the petition annexes right-of-way, the ownership and area requirements of the statute are not applicable.

The following annexation schedule is being proposed:

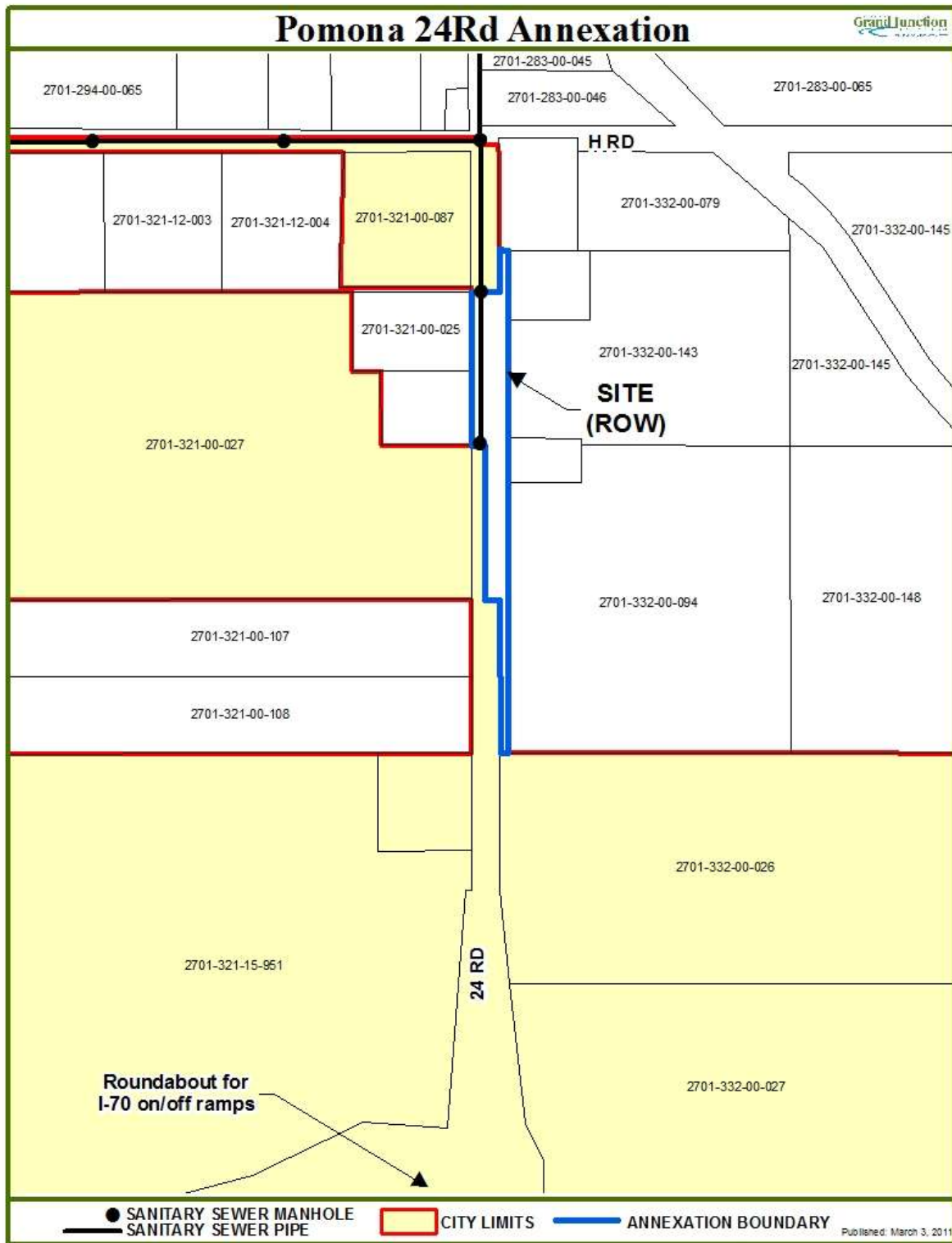
<i>ANNEXATION SCHEDULE</i>	
March 14, 2011	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
April 18, 2011	Acceptance of Petition and Public Hearing on Annexation by City Council
May 20, 2011	Effective date of Annexation

POMONA 24 ROAD ANNEXATION SUMMARY

File Number:	ANX-2011-653	
Location:	A portion of 24 Road right-of-way located south of H Road and north of I-70	
Tax ID Numbers:	See legal descriptions	
# of Parcels:	0	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	1.17 acres	
Developable Acres Remaining:	0	
Right-of-way in Annexation:	1.17 acres	
Previous County Zoning:	N/A	
Proposed City Zoning:	N/A	
Current Land Use:	N/A	
Future Land Use:	N/A	
Values:	Assessed:	N/A
	Actual:	N/A
Address Ranges:	N/A	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Pest:	N/A

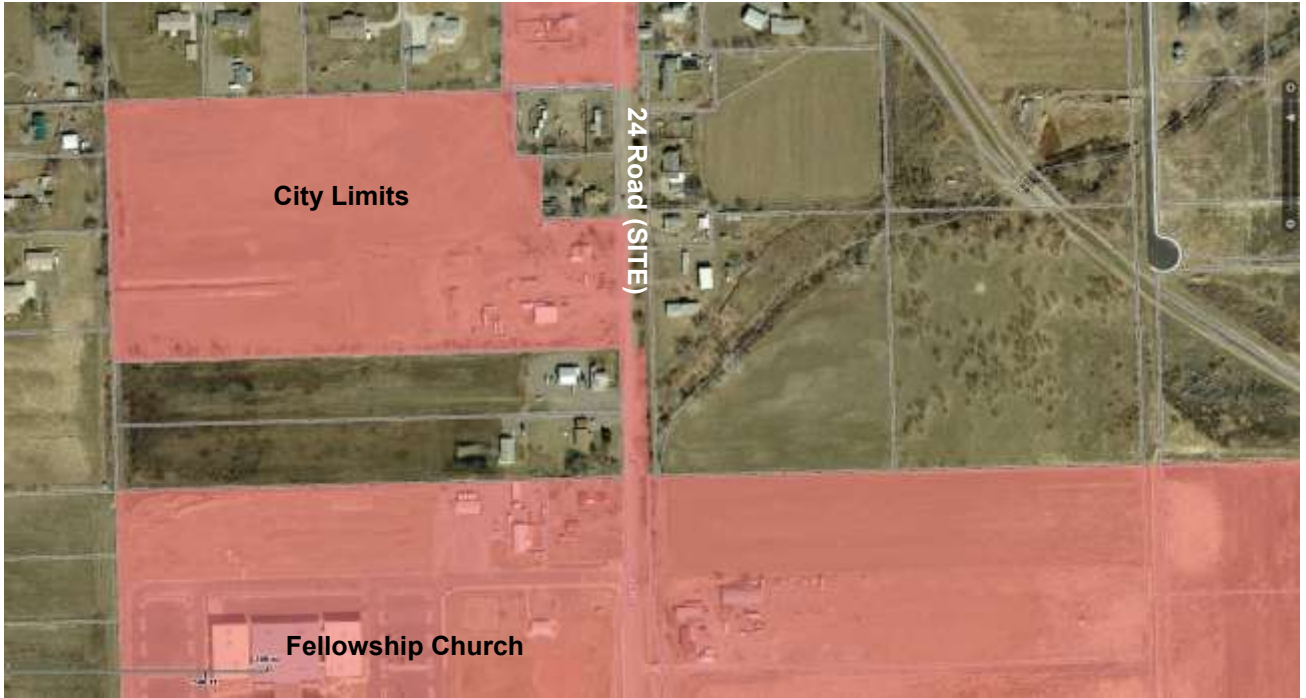
Annexation / Site Location Map

Figure 1



Aerial Photo Map

Figure 2



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 14th day of March, 2011, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-11

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

POMONA 24 ROAD ANNEXATION

**APPROXIMATELY 1.17 ACRES OF PUBLIC RIGHT-OF-WAY FOR 24 ROAD
LOCATED SOUTH OF H ROAD AND NORTH OF I-70**

WHEREAS, on the 14th day of March, 2011, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

POMONA 24 ROAD ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 33, all in Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, lying entirely within the right of way for 24 Road, being more particularly described as follows:

COMMENCING at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32, thence S 89°50'33" E (the East line of the NE 1/4 NE 1/4 of said Section 32 bears N 00°03'00" E with all bearings contained herein being relative thereto) along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'00" E along a line 30.00 feet East of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.29 feet; thence N 89°57'56" W, a distance of 30.00 feet; thence N 00°03'00" E along the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.22 feet; thence N 89°58'07" W, a distance of 29.00 feet; thence N 00°03'00" E along a line 29.00 feet West of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.21 feet; thence N 89°58'16" W, a distance of 59.00 feet; thence N 00°03'00" E along a line 30.00 feet East of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 88.15 feet to a point on the South line of that certain parcel of land described in Book 3557, Page 963, Public Records of Mesa County, Colorado; thence S 89°48'32" E, along the South line of said parcel, a distance of 20.00 feet; thence S 00°03'00" W, along a line 50.00 feet East of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 1,078.86 feet to a point on the South line of the NW 1/4 NW 1/4 of said Section 33;

thence N 89°50'33" W along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 50,966 Square Feet or 1.17 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 18th day of April, 2011, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2011.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
March 16, 2011
March 23, 2011
March 30, 2011
April 6, 2011

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

POMONA 24 ROAD ANNEXATION

APPROXIMATELY 1.17 ACRES OF PUBLIC RIGHT-OF-WAY FOR 24 ROAD

LOCATED SOUTH OF H ROAD AND NORTH OF I-70

WHEREAS, on the 14th day of March, 2011, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of April, 2011; and

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

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

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

POMONA 24 ROAD ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 33, all in Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, lying entirely within the right of way for 24 Road, being more particularly described as follows:

COMMENCING at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32, thence S 89°50'33" E (the East line of the NE 1/4 NE 1/4 of said Section 32 bears N 00°03'00" E with all bearings contained herein being relative thereto) along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'00" E along a line 30.00 feet East of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.29 feet; thence N 89°57'56" W, a distance of 30.00 feet; thence N 00°03'00" E along the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.22 feet; thence N 89°58'07" W, a distance of 29.00 feet; thence N 00°03'00" E along a line 29.00 feet West of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 330.21 feet; thence N 89°58'16" W, a distance of 59.00

feet; thence N 00°03'00" E along a line 30.00 feet East of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 88.15 feet to a point on the South line of that certain parcel of land described in Book 3557, Page 963, Public Records of Mesa County, Colorado; thence S 89°48'32" E, along the South line of said parcel, a distance of 20.00 feet; thence S 00°03'00" W, along a line 50.00 feet East of and parallel with the East line of the NE 1/4 NE 1/4 of said Section 32, a distance of 1,078.86 feet to a point on the South line of the NW 1/4 NW 1/4 of said Section 33; thence N 89°50'33" W along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 50,966 Square Feet or 1.17 Acres, more or less, as described.

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

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk



Date: February 28, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner / 4058
 Proposed Schedule: 1st Reading: Monday, March 14, 2011
 2nd Reading (if applicable): Monday, April 4, 2011

CITY COUNCIL AGENDA ITEM

**Attach 6
 Setting a Hearing on Zoning the Western Trends Annexation, Located at 507 and 512 Fruitvale Court**

Subject: Zoning the Western Trends Annexation, Located at 507 and 512 Fruitvale Court
File #: ANX-2011-467
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: A request to zone the 5.019 acre Western Trends Annexation, less 3.882 acres of public right-of-way, located at 507 and 512 Fruitvale Court, to a C-1 (Light Commercial) zone district.

How this item relates to the 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.

The proposed annexation meets Goal 12 by incorporating an existing commercial building into the city limits and providing an opportunity for further commercial use.

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for April 4, 2011.

Board or Committee Recommendation: On March 8, 2011 the Planning Commission forwarded a recommendation of approval of the C-1 (Light Commercial) zone district.

Background, Analysis and Options: See attached Staff Report/Background Information

Financial Impact/Budget: There are none.

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: Referral of the Petition for Annexation was presented on February 28, 2011.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		507 and 512 Fruitvale Court		
Applicants:		Western Trends LLC		
Existing Land Use:		Commercial		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Single-family Residential (across canal)		
	South	Commercial		
	East	Commercial		
	West	Commercial		
Existing Zoning:		County PUD (Planned Unit Development)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County PUD (Planned Unit Development)		
	South	County PUD (Planned Unit Development)		
	East	County PUD (Planned Unit Development)		
	West	County PUD (Planned Unit Development)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

ANALYSIS:

1. Background:

The 5.019 acre Western Trends Annexation consists of three (3) parcels located at 507 & 512 Fruitvale Court, along with 3.882 acres of public right-of-way.

The property encompasses nine (9) lots within the Fruitvale Business Park, which was platted in 1978. An 8,800 square foot building and outdoor storage area, along with associated parking, occupy the southernmost parcel while the two northern parcels are currently vacant.

Green Natural Solutions is the business operating out of the building. The establishment cultivates and processes medicinal marijuana. No retail sales occur at this location, according to the business owner. A neighborhood meeting was held on December 16, 2010. The primary concerns were with the nature of the existing business. The City of Grand Junction currently has a moratorium on medicinal marijuana commercial operations within the City Limits which prohibits the business currently utilizing the property. Therefore, even if the property is annexed into the City, the use of the property is prohibited by the moratorium and cannot continue. The business owner and property owner have been made aware of this fact. In addition, the Persigo Agreement does not compel annexation in this case, as there is no pending development application for the property.

The properties are currently zoned PUD (Planned Unit Development), which allows commercial uses. The PUD was approved by Mesa County in 1980. Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the Comprehensive Plan Future Land Use Map.

The applicant is requesting a C-1 zone. This zone would permit utilization of the property for a variety of commercial purposes.

2. Grand Junction Municipal Code – Chapter 21.02:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be in accordance with the criteria set forth in Section 21.02.140 and consistent with the adopted Comprehensive Plan.

The criteria cited in Section 21.02.140 are as follows:

- (1) Subsequent events have invalidated the original premises and findings; and/or

Response: The property is zoned for commercial development in Mesa County and is designated as Commercial on the Comprehensive Plan – Future Land Use Map. The proposed zoning of C-1 is consistent with these commercial designations. Therefore, this criterion does not apply as the request is not a rezone, but a reassignment of commercial zoning from County to City.

- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: Other annexations have taken place in this portion of the community since the adoption of the Persigo agreement in 1998, including the Route 30 Partners Annexation (2000) and the James Annexation (2010), both of which were zoned C-1 (Light Commercial). The property has been developed for commercial use since 1981, so its annexation into the City and zoning for commercial use is a logical progression for the property. Prior to the Comprehensive Plan, the property was designated as Commercial on the 1996 Growth Plan. Therefore, the proposed zoning is consistent with the Plan and this criterion has been met.

- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: Public facilities are currently serving the existing building. The adjacent public right-of-way on Fruitvale Court is including within the annexation. This criterion has been met.

- (4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: Since the property is already an existing commercial property, it is available for commercial use within the community, though not within the City Limits. Therefore, this criterion does not apply.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Response: The property has an existing commercial building and associated infrastructure. Goal 6 of the Comprehensive Plan states: Land use decisions will encourage preservation of existing buildings and their appropriate reuse. The proposed annexation will meet this goal by permitting a variety of commercial uses within an existing structure utilizing existing infrastructure.

Goal 12 of the Comprehensive Plan states: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy. The proposed annexation meets Goal 12 by incorporating an existing commercial building into the city limits and providing an opportunity for further commercial use. In addition, sales taxes generated by commercial use of the property will become available to the City.

This criterion has been met.

Alternatives:

Alternative zone districts available under the Comprehensive Plan – Commercial designation are as follows:

- a. R-O
- b. B-1
- c. C-2
- d. M-U

PLANNING COMMISSION RECOMMENDATION:

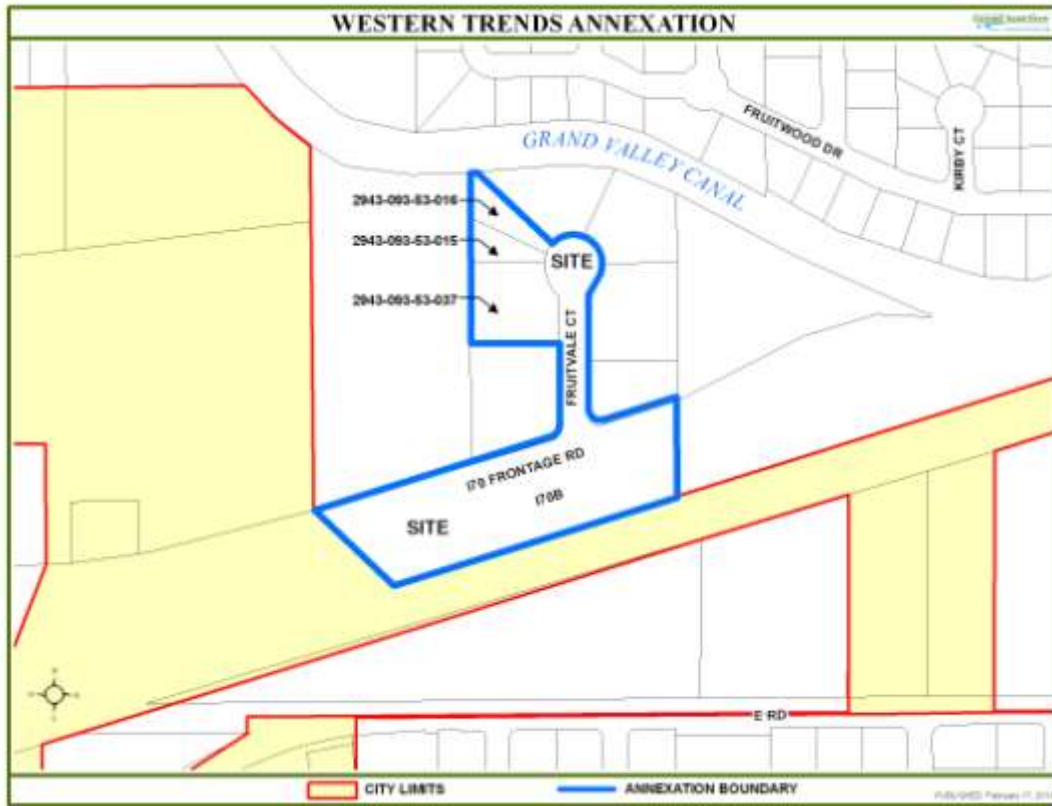
After reviewing the Western Trends Annexation, ANX-2011-467, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

- 4. The requested C-1 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Commercial Future Land Use designation; and
- 5. Specific review criteria in Section 21.02.140 and Section 21.02.160 of the Grand Junction Municipal Code have been met.

If the Council chooses to not approve the request and instead approves one of the alternative zone designations, specific alternative findings must be made as to why the Council is approving an alternative zone designation.

Annexation / Site Location Map

Figure 1



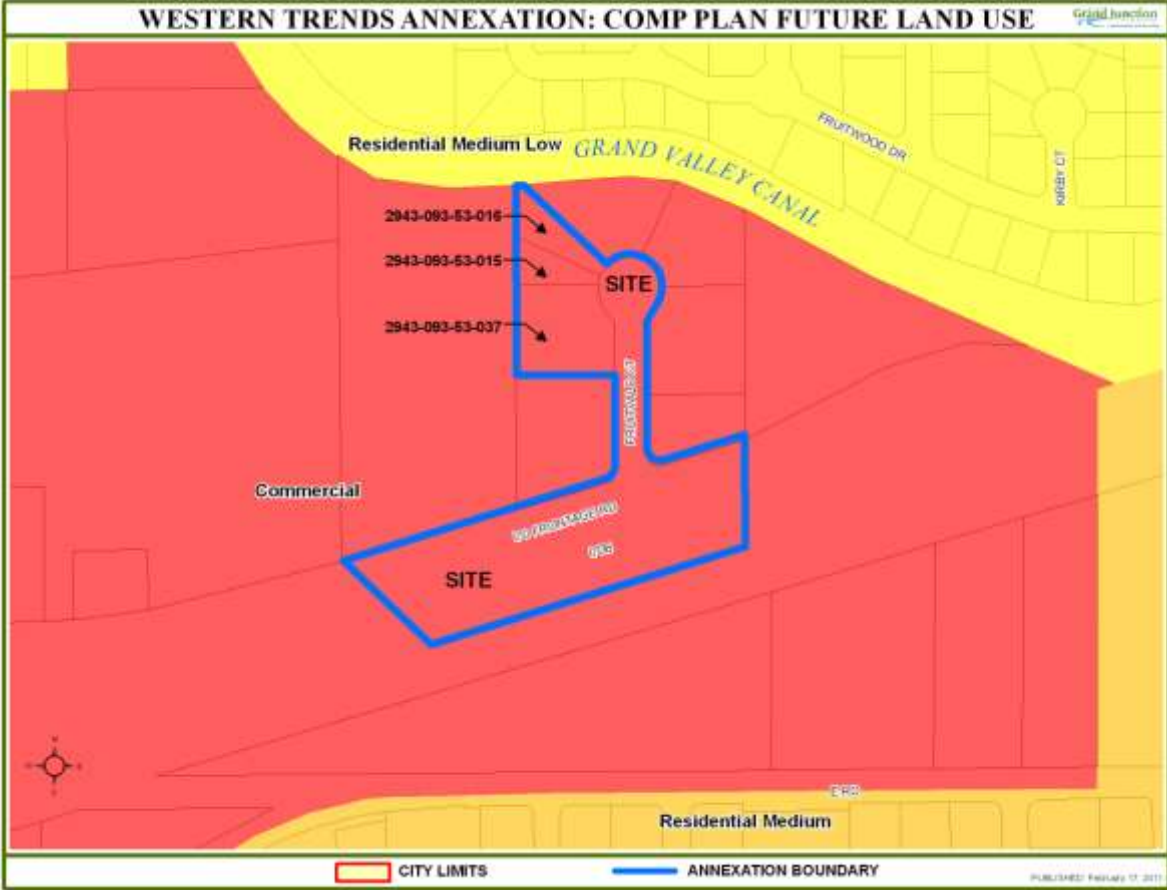
Aerial Photo Map

Figure 2



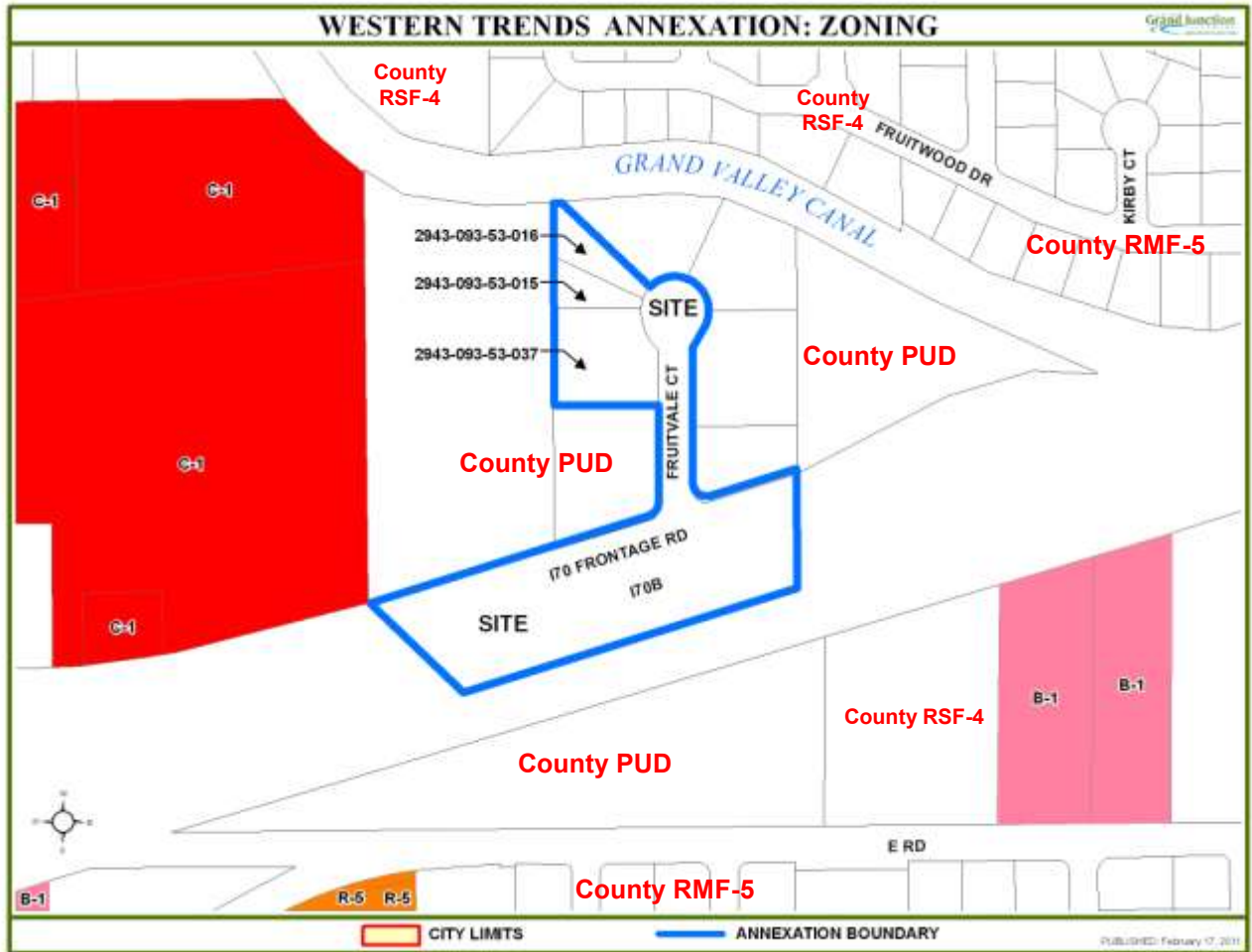
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 507 AND 512 FRUITVALE COURT

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Western Trends Annexation to the C- (Light Commercial) zone district finding that it conforms with the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets specific criteria found in Section 21.02.140 of the Grand Junction Municipal 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 21.02.140 of the Grand Junction Municipal Code.

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

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

WESTERN TRENDS ZONE OF ANNEXATION

Lots 8 through 16 in Fruitvale Business Park, as recorded in Plat Book 12, Page 95 of the records of Mesa County, State of Colorado.

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: March 2, 2011
 Author: Scott Hockins
 Title/ Phone Ext: Purchasing
Supervisor, 1484
 Proposed Schedule: March 14,
2011
 2nd Reading
 (if applicable): _____

CITY COUNCIL AGENDA ITEM

**Attach 7
 2011 Interceptor Sewer Repair and Replacement
 Project**

Subject: 2011 Interceptor Sewer Repair and Replacement Project
File # (if applicable):
Presenters Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for the contract award for the repair and replacement of approximately 5,900 lineal feet of interceptor sewer pipe and the reconditioning of 22 existing manholes. This maintenance is necessary to prolong the life of the existing concrete sewer pipe that has been damaged by hydrogen sulfide gas.

How this item relates to the 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.

This repair and maintenance will guard against failure and ensure longevity for the wastewater treatment delivery system.

Action Requested/Recommendation:

Authorize the Purchasing Division to Enter into a Contract with Reynolds Inliner, LLC of Orleans, Indiana for the Construction of the 2011 Sewer Interceptor Repair and Replacement Project in the Amount of \$378,188.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

The majority of this project will consist of rehabilitation of a portion of the Horizon Drive Interceptor located west of 7th Street along the Independent Ranchmen’s Ditch, and along Patterson Road from 1st Street to the east side of the Pomona Elementary School property. The existing concrete sewer lines and manholes have been structurally

damaged due to exposure to hydrogen sulfide gas. This rehabilitation effort will include Cured In Place Pipe (CIPP) lining of the lines and epoxy or polyurea coating of the manholes. The rehabilitation of the infrastructure can be completed for approximately sixty percent of the cost of conventional dig and replace construction.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Three responsive bids were received and from the following firms:

Firm	Location	Amount
Reynolds Inliner, LLC	Orleans, IN	\$378,188.00
Western Slope Utilities, Inc.	Breckenridge, CO	\$448,301.25
Insituform Technologies, Inc.	Chesterfield, MO	\$461,182.00

This project is scheduled to begin in mid March and be completed by the end of May 2011.

Financial Impact/Budget:

This project is budgeted in the Joint Sewer Operations Fund for an amount of \$600,000. The remaining \$221,812 will be used for additional sewer pipe rehabilitation and will be brought to Council for consideration when the final scope of work is defined.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

N/A



Date: 2/25/11

Author: Susan Hyatt

Title/ Phone Ext: Senior

Buyer/1513 _____

Proposed Schedule: March 14,

2011

2nd Reading: NA

(if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 8

Purchase of a Rear Load Refuse Truck

Subject: Purchase of a Rear Load Refuse Truck
File # (if applicable):
Presenters Name & Title: Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for a new Compressed Natural Gas (CNG) Rear Load Refuse Truck to replace a diesel unit in the City's fleet.

How this item relates to the 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.*

This purchase will positively affect the environment by using CNG compared with diesel. Not only is CNG a cleaner burning fuel, but when it is combined with the "operate at idle" package, the City also saves on fuel consumption, The "operate at idle" feature reduces fuel consumption by not requiring the unit to run at higher RPM's while dumping and compacting garbage, which is what the truck does approximately 75% of the time.

Action Requested/Recommendation:

Authorize the City Purchasing Division to Award a Contract to Purchase a 2011 Peterbilt/Leach CNG Rear Load Refuse Truck from Grand Junction Peterbilt of Grand Junction, CO in the Amount of \$207,043.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

A formal solicitation was advertised in the Daily Sentinel and sent to a source list of manufacturers and dealers capable of providing complete refuse trucks per our specifications. A 2000 Mack truck with a 2000 Heil body was offered as a trade-in unit.

The prices listed are after trade-in allowance is deducted. The following firms responded:

FIRM	LOCATION	FEES
Western Colorado Mack Truck/New Way	Grand Junction, CO	\$201,111.00
Grand Junction Peterbilt/Leach	Grand Junction, CO	\$207,043.00
Grand Junction Peterbilt/Heil	Grand Junction, CO	\$215,335.00
Southwest International/Workstar	Arlington, TX	\$221,089.18
Western Colorado Mack Truck/Wayne	Grand Junction, CO	\$226,680.00
Western Colorado Mack Truck/Leach	Grand Junction, CO	\$227,470.00
Western Colorado Mack Truck/Heil	Grand Junction, CO	\$239,912.00

After review, Grand Junction Peterbilt offering a Leach body was chosen over the Western Colorado Mack Truck with a New Way body because of past experience with New Way. The Solid Waste Division has experienced manufacturer defects with the current New Way that were known by the manufacturer to be problematic. The manufacturer did not inform Solid Waste or Fleet of the defects until after the warranty period had expired and the component failed. They did, however, sell the Fleet Division the replacement parts at a reduced cost and Fleet performed the repair. In contrast, when there was a manufacturer defect on the current Labrie body, who makes Leach, the truck was taken to the local dealer who repaired the problem and extended our warranty an additional year at no cost to the City.

Leach has a local dealer who will perform warranty repairs. New Way repairs would have to be performed in house or transported to the nearest dealer in Iowa.

Financial Impact/Budget:

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

N/A



Date: 03/02/11

Author: Susan Hyatt

Title/ Phone Ext: Senior

Buyer/1513 _____

Proposed Schedule: March 14,
2011

2nd Reading: NA

(if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 9 Purchase of a Dump Truck

Subject: Purchase of a Dump Truck
File # (if applicable):
Presenters Name & Title: Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for a new Compressed Natural Gas (CNG) Dump Truck that is scheduled to replace an aging diesel unit in the City's fleet.

How this item relates to the 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.*

This purchase will positively affect the environment by using CNG compared with diesel. CNG is a cleaner burning fuel which reduces the harmful emissions emitted into the air.

Action Requested/Recommendation:

Authorize the City Purchasing Division to Award a Contract to Purchase a 2012 International/Layton CNG Dump Truck from Hanson International of Grand Junction, CO in the Amount of \$160,807.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

A formal solicitation was advertised in the Daily Sentinel and sent to a source list of manufacturers and dealers capable of providing dump trucks per our specifications. Both diesel and CNG options were evaluated. A 1997 International truck with a 1999 Warren V-Box was offered as a trade-in unit. The prices listed are after trade-in allowance is deducted. The following firms responded:

Company	Location	Diesel	CNG
Hanson International/ Layton	Grand Junction, CO	\$118,068.00	\$160,807.00
Hanson International/ OJ Watson	Grand Junction, CO	\$120,297.00	\$163,320.00
Hanson International/ MacDonald	Grand Junction, CO	\$122,445.00	\$165,157.00
Hanson International/ Kois	Grand Junction, CO	\$127,888.00	\$170,627.00
Transwest Trucks Freightliner/ Layton	Commerce City, CO	\$124,981.00	\$183,850.00
Transwest Trucks Freightliner/ MacDonald	Commerce City, CO	\$129,358.00	\$188,227.00
Transwest Trucks Freightliner/ Kois	Commerce City, CO	\$134,801.00	\$191,670.00
MHC Kenworth/ OJ Watson	Grand Junction, CO	\$134,570.00	N/A
Western Colorado Mack Truck/ Kois	Grand Junction, CO	\$141,540.00	N/A
Western Colorado Mack Truck/ Layton	Grand Junction, CO	\$152,961.00	N/A
Western Colorado Mack Truck/ OJ Watson	Grand Junction, CO	\$155,191.00	N/A
Western Colorado Mack Truck/ MacDonald	Grand Junction, CO	\$157,338.00	N/A

After review, Hanson International offering a Layton body was chosen because it meets all the City's criteria and is the lowest price. Hanson International is a local dealer who will perform warranty repairs.

Financial Impact/Budget:

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

Legal issues:

N/A

Other issues:

The City of Grand Junction began exploring CNG opportunities as a way of capturing excess biomethane gas currently being flared off at the Persigo Wastewater Treatment Plant. It has since evolved into a partnership involving various government entities and private sector companies.

The City will soon complete Western Colorado's first CNG station, giving the local governments an opportunity to transition to the cleaner burning alternative fuel. Because of its clean burning properties, CNG vehicles require fewer oil changes and have longer life spans.

Previously presented or discussed:

In 2007, City Council passed Resolution No. 112-07 supporting the efforts of GJ CORE to promote conservation and reuse of our resources. The resolution in part states:

Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use by influencing land use, transportation, building construction, waste management and management of City facilities and operations. Local government actions taken to conserve resources and increase energy efficiency provide multiple local benefits by decreasing pollution, creating jobs, reducing energy expenditures, enhancing urban livability and sustainability, and saving money for the City government, its businesses and its citizens.

Attachments:

N/A



Date: 3/1/2011
 Author: Scott Hockins
 Title/ Phone Ext: Purchasing
Supervisor, ext 244-1484
 Proposed Schedule: 3/14/2011
 2nd Reading
 (if applicable): _____

CITY COUNCIL AGENDA ITEM

**Attach 10
 Contract for Food and Beverage Services for
 Tiara Rado and Lincoln Park Golf Courses**

Subject: Contract for Food and Beverage Services for Tiara Rado and Lincoln Park Golf Courses
File # (if applicable):
Presenters Name & Title: Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for the contract award for the Food and Beverage Services at Tiara Rado and Lincoln Park Golf Courses. The Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic), banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses.

How this item relates to the 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.*

This award will add to the continued use and support of both city-owned golf courses by offering a quality beverage and catering service.

Action Requested/Recommendation:

Authorize the Parks and Recreation Director to Contract with Two Miles, LLP for the Food and Beverage Services at Tiara Rado and Lincoln Park Golf Courses.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

The selected Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic) banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses as well as the operation of certain areas of the facilities designated by the City (kitchen, storage space, bars, fixed and mobile concessions). Tiara Rado will be operated as a full-service food and

beverage facility; Lincoln Park will be operated as a limited service food and beverage facility.

A formal solicitation was advertised in the Daily Sentinel, sent to the Chamber of Commerce and a source list of local companies. Two proposals were received and evaluated, however after the evaluation process, Jeanne Carver, LLC requested that they not be considered and withdrew from the process leaving Two Miles, LLP as the only vendor up for consideration.

Selection committee members consisted of staff from Golf, Parks Administration, Purchasing, board members from the Parks and Recreation Advisory Board, members of the Men's Club at Tiara Rado, members of Women's Club at Lincoln Park, and a private business owner. Proposers were asked to participate in a three-part selection process consisting of their written proposal, an oral interview, and food tasting.

Written Proposals were evaluated on responsiveness, understand of the project and objectives, financial stability, business plan, required skills and demonstrated capability.

Oral interviews were evaluated based on qualifications of key personnel, past experience, marketing plan, sample menu, customer service, general approach, and presentation quality.

Food tasting was evaluated on appearance, taste, quality, service, value and overall impression.

After thorough review and discussion, the selection committee members have recommended award to Two Miles, LLP. The committee was impressed by their written proposal, food quality, service and presentation during the interview.

Financial Impact/Budget:

The Contractor will pay the City \$800 per month in rent, and 5% gross sales of the food and beverage service. The contract is for two (2) years with an option to renew three (3) additional years annually upon review and recommendation of the Parks and Recreation Director, the satisfactory negotiation of terms.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

As per the direction of City Council, the Parks and Purchasing Divisions revised the Scope of Services, and re-solicited for the food and beverage services to be provided at Tiara Rado and/or Lincoln Park Golf Courses.

Attachments:

N/A



Date: March 3, 2011
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: February 28, 2011
 2nd Reading: March 14, 2011

CITY COUNCIL AGENDA ITEM

**Attach 11
 Public Hearing—Columbine Caregivers Rezone,
 Located at 602 26 ½ Road**

Subject: Columbine Caregivers Rezone, Located at 602 26 ½ Road
File #: RZN-2011-483
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request to rezone 0.43 +/- acres located at 602 26 ½ Road from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) zone district in anticipation of future office development.

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

By facilitating ordered and balanced growth throughout the community, creating appropriate buffering between new and existing land use types and preserving and appropriately reusing existing structures, the proposed request furthers Goals, 3, 6 and 7 of the Comprehensive Plan.

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

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

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

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Final Publication of a Proposed Ordinance for the Columbine Caregivers Rezone.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their February 22, 2011 meeting.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

First Reading of the Ordinance was February 28, 2011.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Proposed Ordinance

BACKGROUND INFORMATION				
Location:		602 26 ½ Road		
Applicants:		Mesa Management, LLC, Owner Michael McCormick, Applicant		
Existing Land Use:		Single-family house		
Proposed Land Use:		Office space for Columbine Caregivers with possible business residence		
Surrounding Land Use:	North	Single-family residential		
	South	St. Mary's Hospital		
	East	Single-family residential		
	West	Commercial neighborhood shopping center		
Existing Zoning:		R-4, (Residential – 4 du/ac)		
Proposed Zoning:		R-O, (Residential Office)		
Surrounding Zoning:	North	R-4, (Residential – 4 du/ac)		
	South	PD, (Planned Development)		
	East	R-4, (Residential – 4 du/ac)		
	West	B-1, (Neighborhood Business)		
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)		
Zoning within density range?		X	Yes	No

1. **Background:**

The applicant, Michael McCormick – Columbine Caregivers, is requesting to rezone his property located at 602 26 ½ Road. The property is situated at the northeast corner of 26 ½ Road/7th Street and Patterson Road. The property must be rezoned to R-O in order to develop the property as an office with the possibility of a business residence.

The R-O District was established to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards for the R-O District are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

The applicant held a Neighborhood Meeting on December 20, 2010 with three (3) adjacent property owners in attendance. No adverse comments related to the proposed rezone were raised during the meeting.

2. Title 21, Section 02.140 of the Grand Junction Municipal Code:

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

(1) Subsequent events have invalidated the original premise and findings; and/or

Response: Since the property was zoned R-4, 26 ½ Road/7th Street and Patterson Road have become more heavily traveled as major travel corridors, limiting the potential use of this property as a single family residence. In addition, since the R-4 zoning decision, the City has adopted the Comprehensive Plan that designated the property as Residential Medium (4 – 8 du/ac). The proposed R-O District is an allowed zone district within the Residential Medium category of the Comprehensive Plan. The use of this property as an office for home based health care is a logical extension of and makes good use of the existing commercial and service agency land uses surrounding St. Mary's Hospital.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: The Comprehensive Plan designation of Residential Medium encourages the proposed R-O zoning and therefore the request is consistent with the Comprehensive Plan. The proposed rezone to R-O will provide an appropriate transition between St. Mary's Hospital and the commercial retail development to the south and west and the existing single-family residential development to the north and east.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: There are adequate public and community facilities existing in the area of the proposed rezone request. The proposed rezone is also within walking distance of services offered by St. Mary's Hospital and commercial retail services and restaurants along Patterson Road. Grand Valley Transit also provides bus service along Patterson Road.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: The proposed rezone to residential office would be a natural progression and transition between the existing medical services and residential areas. The proposed zone will allow uses that are supportive to the existing PD, Planned Development zone and services offered by St. Mary's Hospital.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Response: The community and the area will derive benefits from the proposed rezone by creating the potential for office uses that are compatible with the surrounding residential, commercial and health service uses, such as the home based health care proposed by the applicant, adjacent to St. Mary's Hospital. The community and area also benefit from the potential for attractive and useful re-development of a parcel that will include new and upgraded landscaping and on-site improvements.

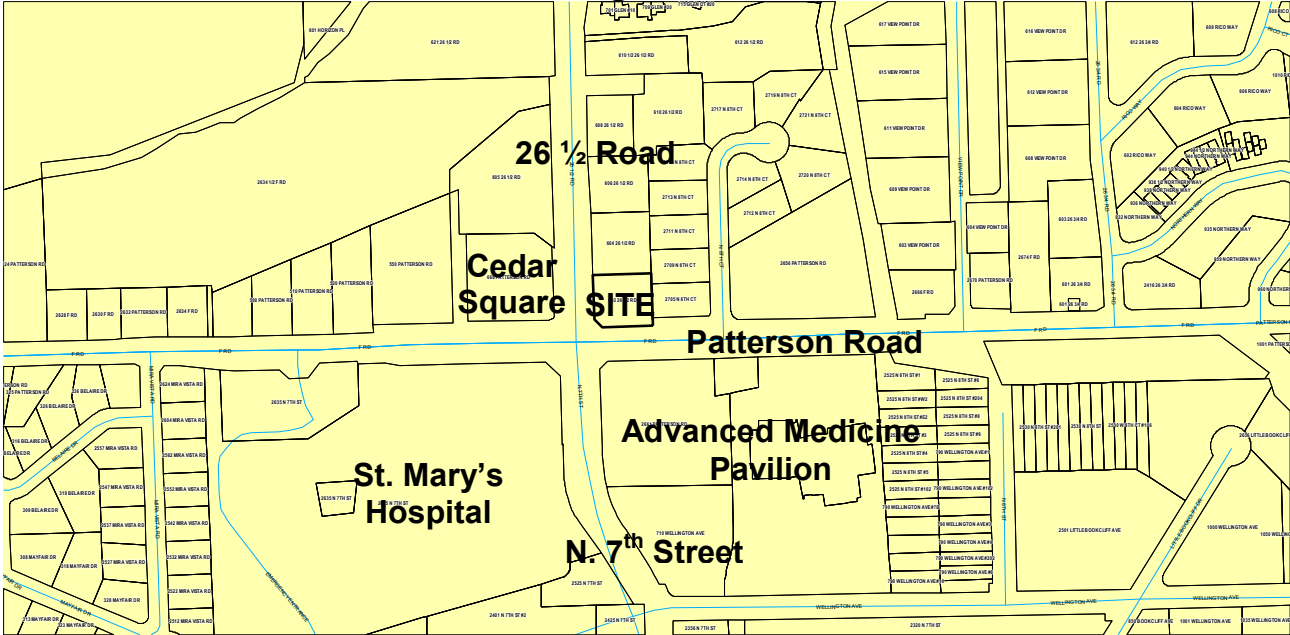
Alternatives: In addition to the R-O zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation for the subject property:

- a. Existing zoning – R-4, (Residential – 4 du/ac)
- b. R-5, (Residential – 5 du/ac)
- c. R-8, (Residential – 8 du/ac)
- d. R-12, (Residential – 12 du/ac)

The Planning Commission recommends a R-O zone designation and does not recommend R-4, R-5, R-8 or R-12. If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

Site Location Map

Figure 1



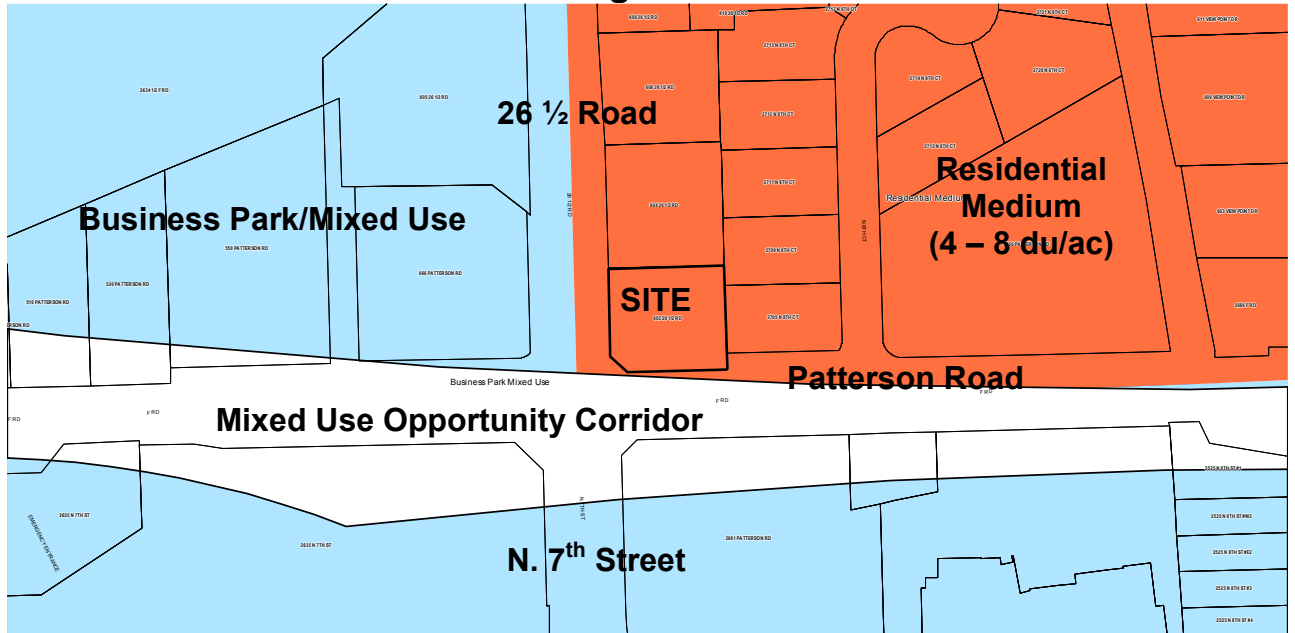
Aerial Photo Map

Figure 2



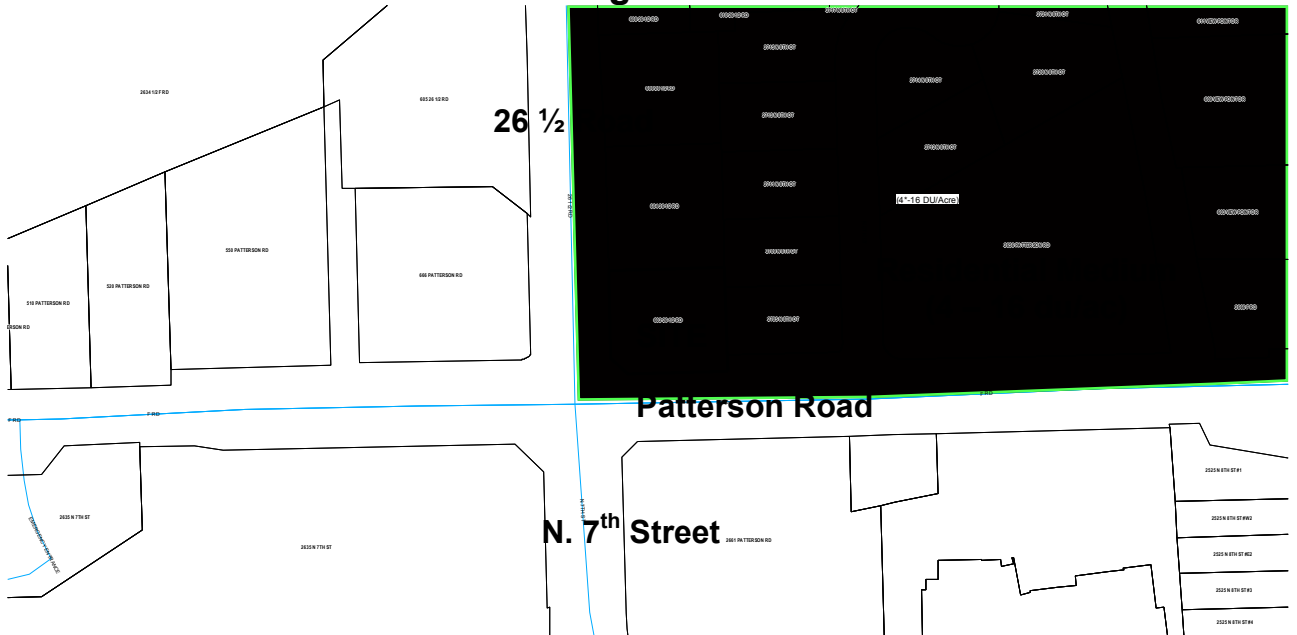
Comprehensive Plan

Figure 3



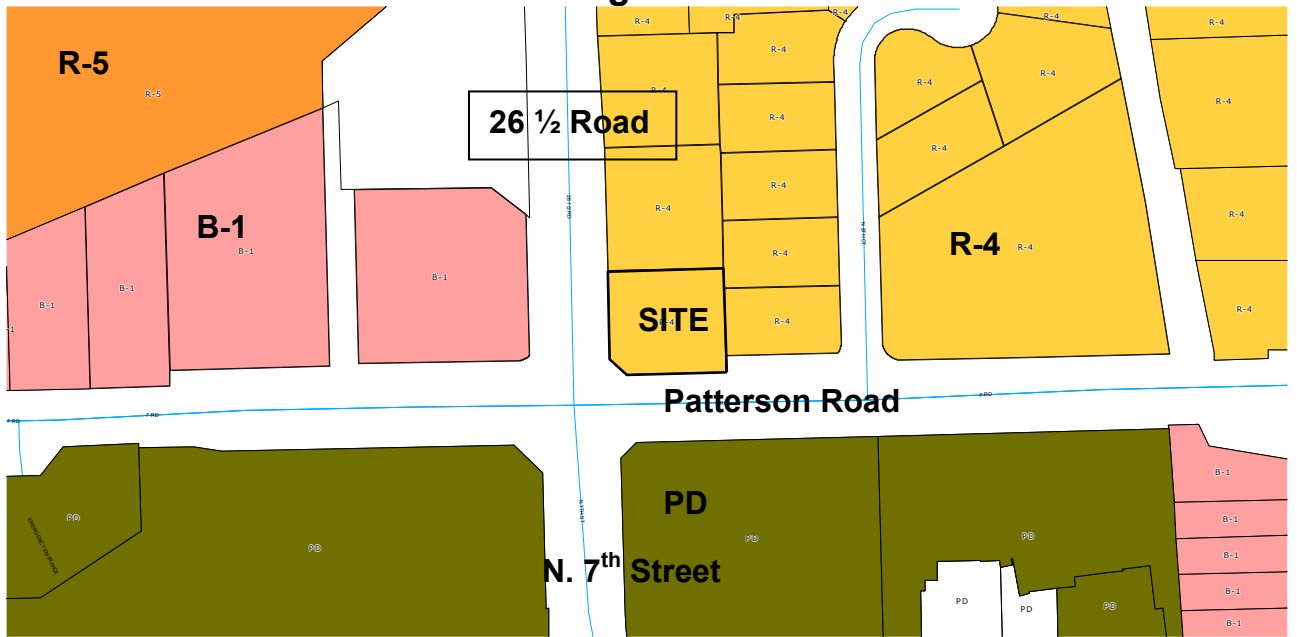
Blended Residential Map

Figure 4



Existing City Zoning Map

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE COLUMBINE CAREGIVERS REZONE
LOCATED AT 602 26 1/2 ROAD
FROM R-4, (RESIDENTIAL – 4 DU/AC)
TO R-O (RESIDENTIAL OFFICE)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Columbine Caregivers property from R-4, (Residential – 4 du/ac) to the R-O, (Residential Office) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium (4 – 8 du/ac) and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O zone district to be established.

The Planning Commission and City Council find that the R-O zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-O, (Residential Office).

A parcel of land situate in the SE 1/4 SW 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SE 1/4 SW 1/4 to the C-S 1/16 corner of said Section 2;
thence N00°01'19"E a distance of 160.00 feet;
thence S89°53'32"E a distance of 45.00 feet to the east right-of-way line of 26 1/2 Road and the point of beginning;
thence S89°53'32"E a distance of 144.88 feet;
thence S00°01'03"E a distance of 130.00 feet to the north right-of-way of F Road;

thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 110.00 feet along said right-of-way to the point of
beginning.

Said parcel contains 0.43 acres more or less.

INTRODUCED on first reading the 28th day of February, 2011 and ordered published in
pamphlet form.

PASSED and ADOPTED on second reading the _____ day of _____, 2011 and
ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor