

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



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

MONDAY, APRIL 4, 2011, 7:00 P.M.

Call to Order

Pledge of Allegiance
Reflection – John Jenkins, Western Colorado Atheists and
Free Thinkers

Presentations

Scout Executive Keith Alder to present a Medal of Merit to Boy Scout Kyle Dunn

Proclamations/Recognitions

Proclaiming April 2011 as “Month of the Young Child” in the City of Grand Junction

Proclaiming April 2011 as “Child Abuse Prevention Month” in the City of Grand Junction

Proclaiming April 16, 2011 as “National Health Care Decisions Day” in the City of Grand Junction

Proclaiming April 16, 2011 as "Arbor Day" in the City of Grand Junction

Council Comments

Citizen Comments

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

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

Action: Approve the Minutes of the March 14, 2011 Special Session and the March 14, 2011 Regular Meeting

2. Outdoor Dining Lease for Rockslide Brew Pub, Inc., Located at 401 Main Street [Attach 2](#)

Rockslide Brew Pub, Inc., is requesting an Outdoor Dining Lease for an area measuring 29 feet by 23 feet directly in front of the property located at 401 Main Street. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 16-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Rockslide Brewpub, Inc.

®Action: *Adopt Resolution No. 16-11*

Staff presentation: Heidi Ham, DDA Executive Director

3. Setting a Hearing on Correcting the Boundaries for the Grand Junction, Colorado Downtown Development Authority (DDA) [Attach 3](#)

Certain parcels have been identified by the Mesa County Assessor's Office and the City as having changed, possibly since the creation of the DDA database in 1981, so that the boundaries of those parcels are no longer accurately recorded. The DDA has worked with City and County staff to correct these maps and GIS databases of District properties. This ordinance makes the corrections complete and lawful.

Proposed Ordinance Determining the Boundaries for the Grand Junction, Colorado Downtown Development Authority

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

Staff presentation: Heidi Ham, DDA Executive Director
John Shaver, City Attorney

4. **Setting a Hearing on an Amendment to Parts of Chapter 6 of the City of Grand Junction Code of Ordinances Pertaining to Dogs Running at Large and the Presence of Dogs and Other Animals at Downtown Grand Junction Events** [Attach 4](#)

At the request of the Grand Junction Downtown Development Authority and the Downtown Association, the City Attorney has written a proposed clarification and expansion of the restrictions in Chapter 6 of the City of Grand Junction Municipal Code regarding dogs in common areas and dogs and other animals at downtown events.

Proposed Ordinance Amending Parts of Chapter 6 of the Grand Junction Municipal Code Relating to Pets and Dogs in Common and Public Areas

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

Staff presentation: Heidi Ham, DDA Executive Director
John Shaver, City Attorney

5. **Brookwillow Village Drainage Easement Vacation, Located at 663 Serenity Court** [File #VAC-2011-696] [Attach 5](#)

A request to vacate an existing 10-foot drainage easement that encumbers Lot 1, Brookwillow Village, Filing III (recorded in Bk. 4699, Pg. 675) along the south property line of 663 Serenity Court.

Resolution No. 17-11—A Resolution Vacating a Drainage Easement on Lot 1, Brookwillow Village Subdivision, Filing III, Located at 663 Serenity Court

®Action: *Adopt Resolution No. 17-11*

Staff presentation: Lori V. Bowers, Senior Planner

6. **Setting a Hearing on Text Amendments to Section 21.06.010(b)(3) of Title 21 of the Grand Junction Municipal Code, Concerning Nonresidential Streets**
[File #ZCA-2011-633] [Attach 6](#)

This text amendment to Section 21.06.010(b)(3), Existing Residential Streets, of the Grand Junction Municipal Code is to allow the Director authority to determine the minimum acceptable standards for local nonresidential streets and to defer construction of local nonresidential street improvements if certain criteria are met.

Proposed Ordinance Amending Section 21.06.010(B)(3), of the Grand Junction Municipal Code, Infrastructure Standards, Concerning Nonresidential Streets

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

Staff presentation: Lisa Cox, Planning Manager
Tim Moore, Public Works and Planning Director

7. **Setting a Hearing on Providing Standards and Allowing for Optional Premises Liquor License in Conjunction with a Hotel and Restaurant Liquor License for Mesa State College** [Attach 7](#)

Mesa State College has requested that, in addition to licensing their new College Center with a Hotel Restaurant Liquor License, that it be allowed optional premise permits for three of their recreational facilities. The State Liquor Code requires that in order for the municipality to issue optional premises permits, it must adopt specific standards by ordinance and eliminate the distance restriction for optional premises permits in the same manner it eliminated the distance restriction for hotel restaurants by Ordinance No. 3620 in 2004.

Proposed Ordinance for Optional Premises Permits for Mesa State College's Brownson Arena, Walker Field Soccer Stadium, and Elliott Tennis Center, all on the Mesa State College Campus and to Amend the Grand Junction Municipal Code Section 5.12.220 to Eliminate the Distance Restriction for Optional Premises Permits in Conjunction with Hotel Restaurant Liquor Licenses

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

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

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******8. Public Hearing—Western Trends Annexation and Zoning, Located at 507 and 512 Fruitvale Court [File # ANX-2011-467] [Attach 8](#)**

A request to annex the 5.019 acre Western Trends Annexation and to zone the annexation, less 3.882 acres of public right-of-way, to a C-1 (Light Commercial) zone district.

a. Accepting Petition

Resolution No. 18-11—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Western Trends Annexation, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4459—An 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

c. Zoning Ordinance

Ordinance No. 4460—An Ordinance Zoning the Western Trends Annexation to C-1 (Light Commercial), Located at 507 and 512 Fruitvale Court

®Action: Adopt Resolution No. 18-11 and Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4459 and 4460

Staff presentation: Brian Rusche, Senior Planner

**** 9. Public Hearing—Gay Johnson's Alley Right-of-Way Vacation, Located at 333 N. 1st Street [File #VAC-2010-314] [Attach 9](#)**

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. The applicant is requesting to continue to allow additional time to submit a subdivision plat that would adjust property boundaries and address access issues related to the requested vacation.

Ordinance No. 4461—An Ordinance Vacating Right-of-Way for Gay Johnson’s Alley, Located at 333 N. 1st Street

Action: Request to Continue a Hearing to April 18, 2011 of the Proposed Vacation of Alley Right-of-Way Ordinance

Staff presentation: Lori V. Bowers, Senior Planner

10. **Public Hearing—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 10](#)

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.

Ordinance No. 4462—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4462

Staff presentation: Lisa Cox, Planning Manager

11. **Public Hearing—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 11](#)

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.

Ordinance No. 4463—An Ordinance Amending Section 21.02.110, Conditional Use Permit, of the Grand Junction Municipal Code

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4463

Staff presentation: Lisa Cox, Planning Manager

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

Attach 1

Minutes of Previous Meetings

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

MARCH 14, 2011

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, March 14, 2011 at 12:09 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Sursuras, and President of the Council Teresa Coons. Councilmember Bruce Hill was absent. City Attorney John Shaver was also present.

Council President Coons called the meeting to order.

Councilmember Beckstein moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law Relative to City Council Employees Specifically the City Attorney and Council will not be returning to open session. Councilmember Palmer seconded the motion. The motion carried.

The City Council convened into executive session at 12:10 p.m.

Stephanie Tuin, MMC
City Clerk

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

March 14, 2011

The City Council of the City of Grand Junction convened into regular session on the 14th day of March 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Councilmember Bruce Hill was absent. Also present were Deputy City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Appointments

Councilmember Palmer moved to reappoint Ann Driggers, Sam Baldwin, and James Fleming to the Grand Junction Colorado State Leasing Authority, Inc. for three year terms expiring January 2014. Councilmember Susuras seconded the motion. Motion carried.

Certificates of Appointments

Jeptha Sheene was present to receive her Certificate of Appointment to the Commission on Arts and Culture.

Council Comments

There were none.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar Items #1 through #8 and then moved for approval. Councilmember Pitts seconded the motion.

Councilmember Kenyon said he would be recusing himself from voting on Item #5 as he has an interest in that project. City Attorney Shaver advised that Councilmember Kenyon should also file a written statement to that effect.

Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

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]

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

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]

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

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

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

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

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

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

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

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

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

8. **Purchase of a Rear Load Refuse Truck**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of a Dump Truck

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.

Jay Valentine, Assistant Financial Operations Manager, presented this item. Mr. Valentine highlighted that this is the City's first CNG vehicle that is not a trash truck. This factor makes the dump truck a little more expensive. The life of the dump truck is twelve years and the incremental cost difference between diesel and CNG will not be totally recovered. The additional cost over the life of the truck is around \$7,000 for CNG but the actual number will be dependent on the cost of diesel.

Councilmember Kenyon agreed that it is a guess as no one knows the cost of gas in the future. However, the cost of natural gas is somewhat stable and available locally. There are other considerations. CNG fueled vehicles do have lower emissions and so it is a good idea.

Mr. Valentine advised that a dump truck uses about 1,500 gallons per year compared to a trash truck which uses 18,000 gallons per year.

Councilmember Susuras asked when the older trucks are traded in. Mr. Valentine said there is a scheduled life cycle and in this case it is twelve years. Then other replacement

factors such as appearance and maintenance are considered and each factor has a point value. When a vehicle gets close to 15 points, it is considered for replacement. A fleet committee reviews the conditions of such vehicles and determines if its life can be extended or if it needs to be replaced.

Councilmember Susuras said he appreciates Purchasing providing the cost of both diesel and CNG vehicles in the bids. He asked for a justification for recommending the CNG truck which costs an additional \$42,000.

Mr. Valentine responded that it was Council's direction in a previous resolution to pursue these options as well as the availability of compressed natural gas. However, the large cost differential is the reason both options were provided.

Councilmember Palmer noted the difference but then added it may be the right thing to do. He asked if Purchasing intends to pursue CNG vehicles for all of the City's fleet. Mr. Valentine said they will look at each vehicle purchase. There are new emission systems being installed on diesel vehicles so that may diminish the emissions but that has yet to be tested regarding changing the life cycle of a vehicle.

Councilmember Beckstein noted that the City is working with Mesa County and the goal is to reduce emissions due to air quality which is creating issues during the valley inversions. She asked if the CNG vehicles will also be less maintenance. Mr. Valentine said that is a theory but it has yet to be tested.

Council President Coons asked when the particulate emissions filter systems were started and what the price difference was. Mr. Valentine said the first emission filters were available in 2007 and they increased the price by \$7,000. The next version of the emission filter will likely increase the price more.

Councilmember Pitts asked if CNG burns cooler than propane. Mr. Valentine said he was not sure but will find out. The particulate matter is 97% less of what a traditional diesel engine is.

Councilmember Susuras moved to authorize the City Purchasing Division to purchase a 2012 International/Layton CNG dump truck from Hanson International of Grand Junction, CO in the amount of \$160,807. Councilmember Pitts seconded the motion.

Councilmember Palmer said he will not support the motion; he loves using CNG on vehicles that are used all the time but since this vehicle is only used sparingly; the cost is just not justified in this economy.

Councilmember Kenyon has similar feelings but will support the motion due to the significant air quality issue in the valley. The Federal government will either enforce or increase the regulation and the citizens want the air quality improved. The cost will be

more intrusive than the additional cost of the truck. Local government is in a unique position to partner to run the CNG station and eventually CNG will be piped from the sewer plant. Although Councilman Kenyon does not like paying more, for other reasons, he will support it to demonstrate the need to improve the air quality.

Councilmember Susuras said he agrees with Councilmember Kenyon although he appreciates Councilmember Palmer's concerns. However, the Council directed Staff to pursue cleaner burning fuels for City vehicles.

Council President Coons said she can verify what Councilmember Kenyon has said regarding air quality standards, and the City does need to be proactive with reducing emissions.

Councilmember Beckstein said the City will either pay now or pay later. She wants to do what she can to prevent air quality additional regulation. This is a proactive way to address the issue and invest in the future.

Motion carried with Councilmember Palmer voting NO.

City Attorney Shaver advised that propane burns at 2,500 BTU's and CNG burns at 1,012 BTU's.

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

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.

Jay Valentine, Assistant Financial Operations Manager, presented this item. Mr. Valentine explained that the City went back out with an RFP. They met with the Chamber of Commerce and asked them to reach out to their membership. There were four interested parties and two actually went through the process. Then one withdrew, leaving one possible contractor. From a Staff perspective, the one company left was found to be a good fit and a good option.

Councilmember Palmer asked if the separation of the two venues (Lincoln Park and Tiara Rado) was considered. Mr. Valentine said that was an option. The contractor being recommended wanted to do both golf courses.

Councilmember Palmer asked about the limitation of events during golf times. Mr. Valentine said that the Parks and Recreation Director does have the option to deny the request for an event.

Councilmember Susuras asked if financials were reviewed for the company being recommended. Mr. Valentine said financials were reviewed and they were sound.

Councilmember Susuras asked if the scoring they used was the same as before. Mr. Valentine said yes but they added in the financials. Councilmember Susuras inquired if they rated as high as the top two from the previous process. Mr. Valentine said yes.

Councilmember Kenyon asked about details on the service to be provided at Lincoln Park. Mr. Valentine said there will be set hours, open when the golf course is open and the contractor has promised to listen to the golfers.

Councilmember Palmer said he is glad to see this go back into the private sector.

Councilmember Palmer moved to 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. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Council President Coons said she is glad to see that this process went smooth.

Public Hearing—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.

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

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The applicant is Mesa Management, LLC dba Columbine Caregivers as home based health care. He asked that the Staff Report and attachments be entered into the record. The request does meet the criteria of the Grand Junction Municipal Code. The Planning Commission forwarded a recommendation of approval at their February 22, 2011 meeting.

Councilmember Pitts asked about the access to the property. Mr. Peterson said the access will be off of 26 ½ Road, not Patterson. The next step will be renovating the property and installing some landscaping.

The applicant, Michael McCormick, was present and said they plan to restore the house to the 1940 era but he had no other comments.

There were no public comments.

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

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)

Councilmember Susuras moved to approved Ordinance No. 4458 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 was adjourned at 7:39 p.m.

Stephanie Tuin, MMC
City Clerk



Date: March 28, 2011
 Author: Heidi Hoffman Ham
 Title/ Phone Ext: DDA Exec Director / 256-4134
 Proposed Schedule: Apr 4, 2011
 2nd Reading: _____

CITY COUNCIL AGENDA ITEM

**Attach 2
 Outdoor Dining Lease for Rockslide Brew Pub,
 Inc., Located at 401 Main Street**

Subject: Outdoor Dining Lease for Rockslide Brew Pub, Inc., Located at 401 Main Street
File # (if applicable):
Presenters Name & Title: Heidi Ham, DDA Executive Director

Executive Summary:

Rockslide Brew Pub, Inc., is requesting an Outdoor Dining Lease for an area measuring 29 feet by 23 feet directly in front of the property located at 401 Main Street. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

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

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

The addition of outdoor dining areas continues to support the vibrant atmosphere of the downtown area, particularly along the newly-renovated Main Street.

Action Requested/Recommendation:

Adopt the Resolution Approving the Outdoor Dining Lease for Rockslide Brewpub, Inc., located at 401 Main Street.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor license. Approval of this lease will allow for the applicant to apply for

expansion of their premise through the proper State and City agencies. The Lease includes standards for appropriate access and control of the premise and is in keeping with the standards that have been in place in other communities in Colorado and that have worked well in Grand Junction.

Financial Impact/Budget:

There is no financial impact to the City.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way
Outdoor Dining Lease Agreement
Exhibit A – Depiction of Proposed Leased Area

RESOLUTION NO. __-11

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY TO
ROCKSLIDE BREWPUB, INC.**

Recitals:

The City has negotiated an agreement for Rockslide Brewpub, Inc. to lease a portion of the sidewalk right-of-way located in front of 401 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Rockslide Brewpub, Incorporated.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for a period of twelve months at \$667 per year, to Rockslide Brewpub, Incorporated.

PASSED and ADOPTED this _____ day of _____, 2011.

President of the Council

Attest:

City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of April 4, 2011, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and, Rockslide Brewpub, Inc., as Lessee, hereinafter Lessee.

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority the City Council and the Downtown Development Authority (DDA) desire to make certain areas of the sidewalk in the DSP available by lease to approximate land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. The City does hereby lease to Lessee approximately 667 square feet of the sidewalk in the DSP located in front of 401 Main Street, hereinafter the Leased Area; specifically the Leased Area is that portion of the sidewalk immediately across the sidewalk from the Lessee's business. The Leased Area is depicted on the attached Exhibit A.
2. The City does hereby grant an easement across the abutting sidewalk for the purpose of transporting alcohol beverages and providing food service. Such easement runs concurrent with said lease and terminates when said lease terminates.
3. The term of this lease shall be for a period of one year beginning on April 4, 2011, and terminating on August 18, 2012. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$889.36, which sum shall be payable in advance on or before April 4, 2011, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

If the rent payment is not paid in full when due, a Lease shall not issue.

4. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 12:00 midnight. Food shall be available to be served in the Leased Area during all

hours that it is open to the public and in accordance with the Lessee's liquor license.

5. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of Grand Junction. Further, Lessee agrees to comply with all reasonable recommendations by DDA relating to the use of the Leased Area. Prior to alcohol service the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Inclusion of the licensed premises in the licensed liquor service area, in accordance with Colorado law, is a precondition to exercise the authority allowed for by this lease.**
6. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
7. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificate(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.
8. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:
 - a. Not be wider than the street frontage of the business nor extend to the extent that pedestrian traffic is impeded.
 - b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, shade structure(s), umbrellas

while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.

- c. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
- d. The perimeter of the Leased Area is primarily enclosed by brick planter walls; any gap in this wall shall be closed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
- e. No cooking shall be located on the Leased Area.
- f. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
- g. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.
- h. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
- i. Between and including the dates of November 1 - March 1 the Lessee shall remove and store separate and away from the Leased Area all fixtures and furnishings including but not limited to umbrellas, chairs, tables, signs and food/beverage preparation and service equipment.
- j. On and after March 1, 2012 the Lessee shall not allow signage, including but not limited to banners, on the Leased Area. Similarly signage shall be disallowed on furniture, which includes but is not limited to, chairs, benches, tables, umbrellas, planters and the perimeter fence of the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by the DDA.
- k. At those locations where Lessee uses public trash and/or recycling receptacles for refuse generated from Leased Area, the Lessee shall periodically empty those receptacles. For those locations which regularly use public receptacles the Lessee may request that the DDA provide

trash bags/container liners for the Lessee's use in the public containers in accordance with the terms of this paragraph.

9. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.
10. Lessee agrees to permit agents of the City and/or the DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.

11. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.
12. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.
13. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
14. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
15. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees.
16. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.
17. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any

member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

18. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City Manager
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Lessee:
Rockslide Brewpub, Inc.
401 Main Street
Grand Junction, CO 81501

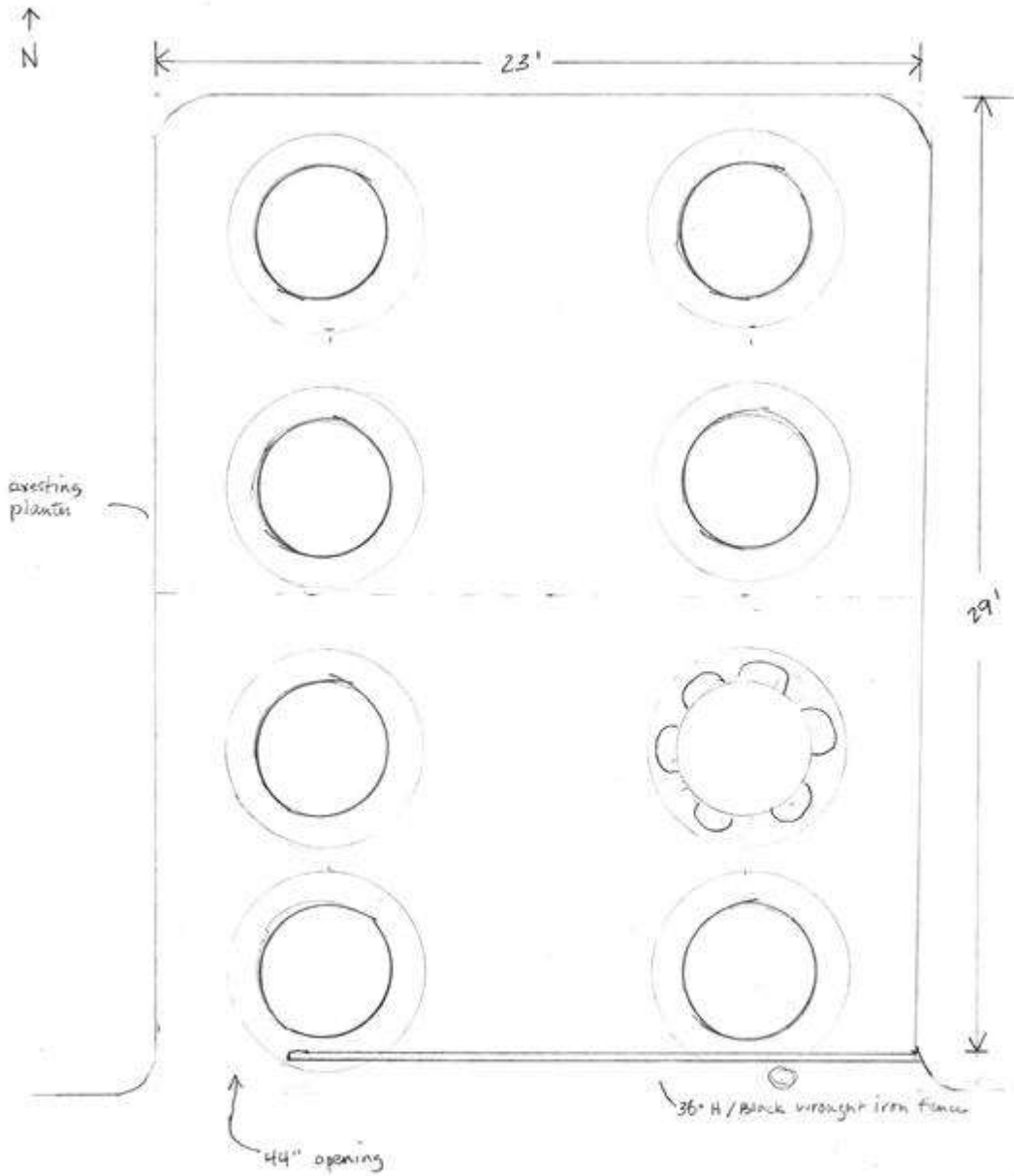
CITY OF GRAND JUNCTION

Laurie M. Kadrich, City Manager

LESSEE

Business Owner

EXHIBIT A



8 X 48" tables
6 chairs ea.
48 chairs
667 sq ft.



Date: March 22, 2011
 Author: Heidi Hoffman Ham
 Title/ Phone Ext: DDA Executive Director/4134
 Proposed Schedule: Monday, April 4, 2011
 2nd Reading (if applicable):
Monday, April 18, 2011

CITY COUNCIL AGENDA ITEM

**Attach 3
 Setting a Hearing on Correcting the Boundaries
 for the Grand Junction, Colorado Downtown
 Development Authority (DDA)**

Subject: Correcting the Boundaries for the Grand Junction, Colorado Downtown Development Authority (DDA)
File # (if applicable):
Presenters' Names & Titles: Heidi Ham, DDA Executive Director John Shaver, City Attorney

Executive Summary: Certain parcels have been identified by the Mesa County Assessor's Office and the City as having changed, possibly since the creation of the DDA database in 1981, so that the boundaries of those parcels are no longer accurately recorded. The DDA has worked with City and County staff to correct these maps and GIS databases of District properties. This ordinance makes the corrections complete and lawful.

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

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

Properties within the DDA District benefit from the contributions of the DDA in developing and redeveloping properties and capital improvement projects, thereby improving property values and bringing economic stability. Corrections to the property database will assure that property owners and agency staff have access to accurate information at all times. Coordinated data will eliminate confusion for property owners and DDA, County and City staff and assure correct assessments and benefits, assist in the ongoing development of the district and provide for the continuance of economic health in the community.

Action Requested/Recommendation:

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

Board or Committee Recommendation: The DDA Board endorses the ordinance.

Background, Analysis and Options:

Certain parcels of land have been identified by the Mesa County Assessor's Office and the City as having changed, possibly since the creation of the DDA database in 1981, so that the boundaries of those parcels are no longer accurately recorded. The DDA has worked with City and County staff to correct these maps and GIS databases of District properties. This ordinance makes the corrections complete and lawful.

Property owners that may see a change in the description of their property have been notified by mail and given notice of the hearing date of the proposed ordinance.

Financial Impact/Budget:

There is no financial impact to the City.

Legal issues:

Any legal issues will be resolved prior to the City Council's public hearing on April 18, 2011.

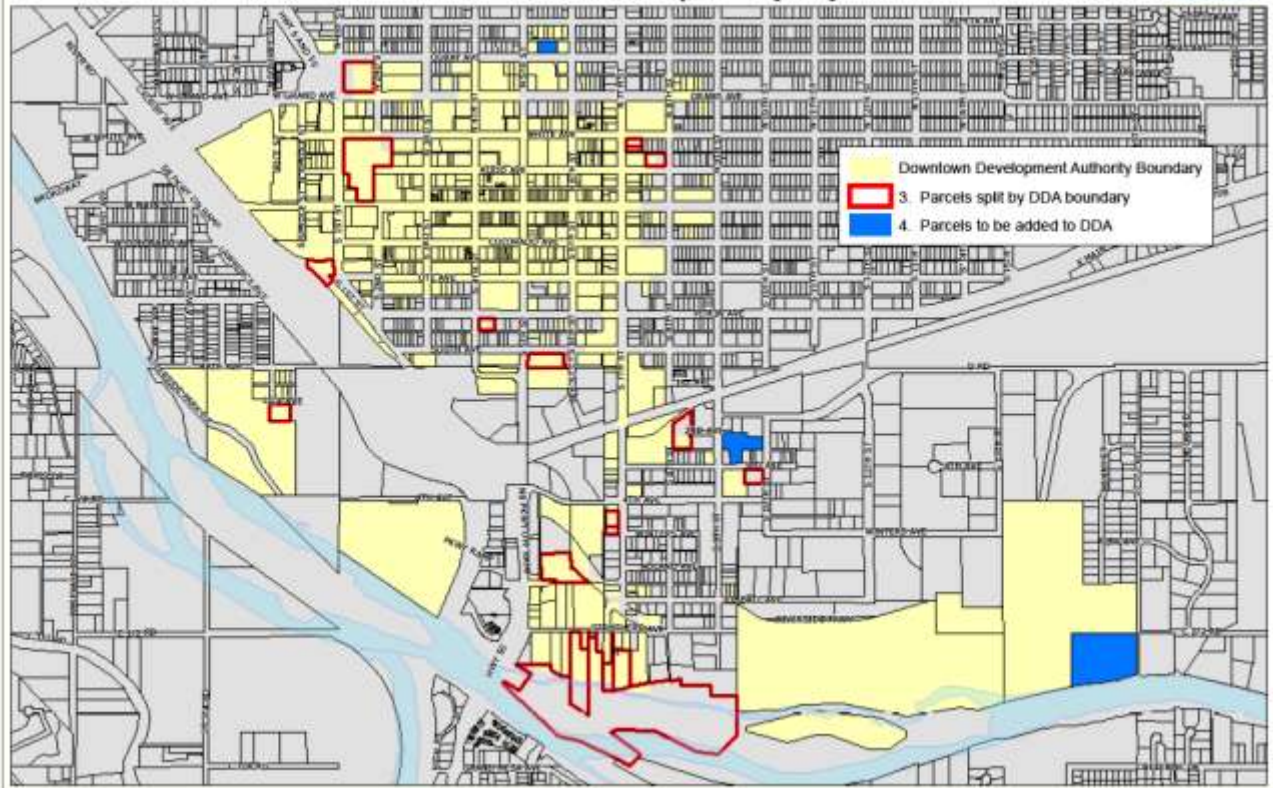
Other issues: N/A

Previously presented or discussed: N/A

Attachments:

- Site Map of Properties for Correction
- Proposed Ordinance

DDA Parcel & Boundary Cleanup Map



ORDINANCE NO. _____

**AN ORDINANCE DETERMINING THE BOUNDARIES FOR THE GRAND JUNCTION,
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY**

Recitals.

The Grand Junction, Colorado, Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the boundaries of the Authority. The Plan and boundaries were initially approved by the Grand Junction City Council (“the Council”) on December 16, 1981.

Since that time, several people and entities owning property near or within the DDA, pursuant to §31-25-822, C.R.S. and Article X of the Authority’s Plan, have petitioned for inclusion within the Authority’s boundaries. Additionally some properties may have been divided, lots combined or built upon without benefit of a proper legal description, all of which has contributed to some inaccuracies in the DDA database. The boundaries of the DDA have been expanded by the Council by Ordinance Nos. 2045, 2116, 2382, 2400, 2425, 2470, 2655, 2820, 2830, 2914, 3008, 4305, 4326 and 4395. Given the number of amendments that have occurred, some description errors and/or inaccuracies have also occurred.

The Authority, City and County staff have reviewed each parcel of land and determined with a high degree of certainty each parcels relationship to the DDA. By and with this ordinance the boundary as well as the list of parcels comprising the district will be set.

The DDA Board respectfully requests that City Council approve the boundary and the inclusion of the properties described in the ordinance into the Authority’s boundaries.

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

1. The Council finds the existence of blight within the boundary of the Authority, within the meaning of Section 31-25-802(1.5) C.R.S.

2. The Council hereby finds and determines that the inclusion of the properties listed on the attached Exhibit A will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority and the TIF district.

3. The Authority's boundary, as shown on the attached Exhibit B, is hereby approved by the Council and incorporated into the Plan for TIF purposes. The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with the Plan including, but not necessarily limited to, receiving and expending for development and redevelopment efforts a portion or increment of ad valorem and sales taxes generated in the area in accordance with Section 31-25-801, C.R.S.

4. The Council hereby requests that the County Assessor certify the valuation for the assessment of the new property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification.

5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the parcels contained therein and within the TIF District, does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.

6. If any provision of this Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

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

PASSED and ADOPTED this ____ day of _____, 2011, and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

EXHIBIT A

DETERMINING THE PARCELS WITHIN AND THE BOUNDARIES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY

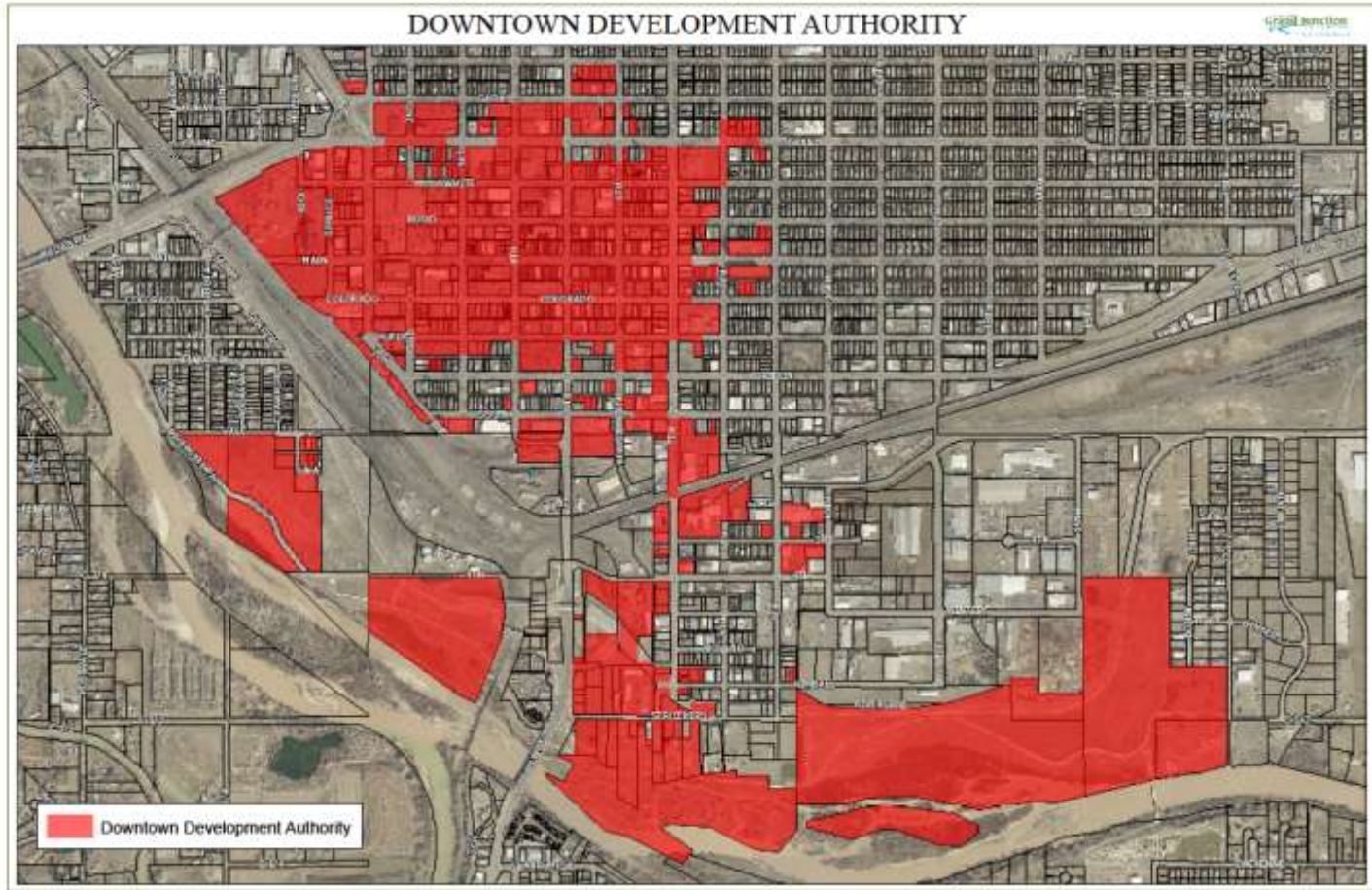
Parcels to be added to DDA

PARCEL_NUM	ACCOUNTNO	LOCATION	OWNER	TAC
2945-142-32-993	R063719	536 OURAY AVE	MESA COUNTY PUBLIC LIBRARY DISTRICT	10100
2945-231-21-001	R069028	702 S 9TH ST	ALSCO INC	10101
2945-243-00-081	R069788	347 27 1/2 RD	SLB ENTERPRISES LLC	10811

Parcels Split by DDA Boundary

PARCEL_NUM	ACCOUNTNO	LOCATION	OWNER	TAC
2945-142-37-018	R063795	400 N 1ST ST	THRIFTY PAYLESS INC	10107
2945-143-12-016	R063954	200 ROOD AVE	SADE PAUL	10107
2945-143-43-941	R064305		CITY OF GRAND JUNCTION	10108
2945-143-51-001	R064349	405 PITKIN AVE	SCOTTY INVESTMENTS LLP	10108
2945-144-08-029	R064474	222 N 7TH ST	GREENBOX INC	10107
2945-144-08-030	R064475	224 N 7TH ST	BRAY ROBERT L	10107
2945-144-49-001	R064917	760 ROOD AVE	RIO GRANDE FEDERAL CREDIT UNION	10107
2945-154-34-971	R065577	245 S 1ST ST	GRAND VALLEY CATHOLIC OUTREACH INC	10108
2945-221-01-006	R068499	201 LILA AVE	SPENDRUP & ASSOCIATES INC	10118
2945-231-02-015	R068811	734 S 8TH ST	BONELLA JOHN J	10118
2945-231-10-007	R068872	955 3RD AVE	ALLEN J MUNRO LLC	10118
2945-231-14-001	R068908		WILSON & YOUNG PRINTERS & STATIONERS INC	10118
2945-231-14-002	R068909		WILSON & YOUNG PRINTERS & STATIONERS INC	10118
2945-232-02-945	R069119		CITY OF GRAND JUNCTION SOUTH SIDE COM PARK	10118
2945-233-00-940	R069165	639 STRUTHERS AVE	CITY OF GRAND JUNCTION	10118
2945-233-00-941	R069166	601 STRUTHERS AVE	CITY OF GRAND JUNCTION	10118
2945-234-00-945	R069361		CITY OF GRAND JUNCTION	10118
2945-234-00-948	R069364		CITY OF GRAND JUNCTION	10118

EXHIBIT B





Date: March 25, 2011
 Author: John Shaver and Heidi Ham
 Title/ Phone Ext: 1508
 Proposed Schedule: April 4, 2011
 2nd Reading: April 18, 2011

CITY COUNCIL AGENDA ITEM

**Attach 4
 Setting a Hearing on an Amendment to the City of Grand Junction Code of Ordinances Pertaining to Dogs and Other Animals at Downtown Grand Junction Events**

Subject: An Amendment to Parts of Chapter 6 of the City of Grand Junction Code of Ordinances Pertaining to Dogs Running at Large and the Presence of Dogs and Other Animals at Downtown Grand Junction Events
File # (if applicable): N/A
Presenters Name & Title: Heidi Ham, DDA Executive Director John Shaver, City Attorney

Executive Summary: At the request of the Grand Junction Downtown Development Authority and the Downtown Association, the City Attorney has written a proposed clarification and expansion of the restrictions in Chapter 6 of the City of Grand Junction Municipal Code regarding dogs in common areas and dogs and other animals at downtown events.

How this item relates to the Comprehensive Plan Goals and Policies: These amendments to Chapter 6 support the following goals:

Goal 4: encouraging development of the downtown area into a vibrant location that provides tourist attractions by allowing the downtown streets and walkways to be attractive public spaces.

Goal 8: creating attractive public spaces and enhancing visual appeal of the downtown community.

Action Requested/Recommendation: Introduction of a Proposed Ordinance and Set a Public Hearing for April 18, 2011.

Board or Committee Recommendation: At its March 24th meeting the DDA Board endorsed the ordinance.

Background, Analysis and Options: An increase in the number of persons and animals, especially dogs, at events such as Farmer’s Market expands the risk and potential harm that may be caused to the citizens, tourists, visitors and vendors in the downtown area. Sanitation requirements of the food and drink vendors are compromised when animals are present. Crowded environments are not always conducive to animals, especially dogs, as their temperaments and anxiety levels vary. Many citizens, visitors and/or vendors may avoid

special events because of fear or intimidation caused by the presence of animals. Furthermore, according to Mesa County Animal Services, dogs are put at risk when they are exposed to extremely hot and/or cold temperatures, particularly when those conditions are found in the asphalt and concrete surfaces. Animals may lack the appropriate sustenance and protection from the weather conditions at events that are not specifically designed for the exhibition, performance and/or of those animals.

The Grand Junction Code of Ordinances presently enforces dog at large violations in common and certain public areas. The Code does not describe common areas similar to the downtown streets and sidewalks where citizens, tourists and vendors are located during special events. The proposed amendments will expand the language of the current ordinances by limiting the presence of animals at downtown events, in the designated event area, unless permission is first obtained by City authorities. If animals are allowed at special events, the event promoter must provide notice in the advertising of the event and at the event location on each day of the event.

Financial Impact/Budget: No direct budget or financial impact. The Grand Junction Police Department and Mesa County Animal Services currently enforce City animal laws at downtown events.

Legal issues: None at this time. There is no legal right for persons to have dogs or other animals in public areas. There is a legal duty for the City to provide protection to its citizens, visitors and tourists. Police canines are exempt from the ordinance.

Other issues: Mesa County Animal Services supports the ordinance. Many special events occur during the high temperature months causing physical stress on animals due to increased exposure to hot weather. Downtown events normally lack appropriate sustenance for animals (specifically water) and also do not provide appropriate alternatives or protection for animals, particularly dogs from the hot pavement. Mesa County Animal Services supports the allowance of animals at events that include, but are not limited to, exhibition, performance or education involving animals. Examples of these events include parades, the “wiener dog races” and approved humane society fundraiser walks held downtown.

Previously presented or discussed: N/A

Attachments: Proposed Ordinance with changes.

ORDINANCE NO. ____

AN ORDINANCE AMENDING PARTS OF CHAPTER 6 OF THE GRAND JUNCTION MUNICIPAL CODE RELATING TO PETS AND DOGS IN COMMON AND PUBLIC AREAS

RECITALS:

An expansion of the restrictions imposed upon pets, including but not limited to dogs, being present at downtown events is necessary to protect the health, safety and welfare of the citizens, tourists, visitors, vendors and to increase the quality of the events.

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

Part of Chapter 6, Section 12 of the City of Grand Junction, Colorado, Code of Ordinances is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Sec. 6.12.020 Definitions.

At large means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash or other mechanism of control.

~~This requirement does not apply to any A dog may be off leash and otherwise at large~~ while actually working livestock, locating or retrieving wild game in a lawful season for a licensed hunter, assisting law enforcement officers, or participating in an organized obedience training class, dog show, ~~or an~~ obedience trial or event in which the dog is participating and/or is entertainment. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed "at large" if the owner or custodian of such dog is not immediately present. ~~This general definition of "at large" shall be superseded by the following if the animal is within the following geographic areas:~~ The livestock and locating or retrieving wild game exceptions shall not apply in:

- (1) Downtown Grand Junction: defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue; or:
- (2) The North Avenue corridor: defined as the area oOne-half block north and south of North Avenue - from First Street on the west to 29 Road on the east.

~~In these areas, "at large" is defined as an animal off the premises of the owner or custodian and not under the direct physical control by means of a leash.~~

Section 6.12.040 Dogs running at large.

(a) *Confinement required.* No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of the dog, shall fail to prevent the dog from being or running at large. Any dog off its owner's premises shall be under leash control by its owner.

(b) *Dogs in common and public areas.*

(1) No dog owner, or any person who harbors a dog, shall fail to prevent his dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions or ~~or in public or county parks or fairgrounds,~~ unless permission is posted by public authorities allowing dogs at large.

(2) No dog owner, or any person who harbors a dog, shall permit his dog to be at, in or within the permitted area of any special event(s) in Downtown Grand Junction, as defined in 6.12.020 unless permission is posted by public authorities allowing dogs to be present within the permitted area of the event. Physical or mechanical confinement of the dog is not a defense to prosecution under this section. Service dogs and police canines shall be exempt from this section. For purposes of this section special events are those activities which hold a valid permit issued by the City or the Downtown Development Authority (hereinafter referred to as "DDA"). When dogs are allowed at special events the event promoter shall provide notice in the advertising for the event and at the event location on the day(s) of the event.

(3) The City, DDA or an event promoter authorized by the City or the DDA may allow dogs at any event or may as part or all of an event authorize an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs.

(4) When dogs are allowed at special events in Downtown Grand Junction notice shall be conspicuously posted at entrances to the event and at reasonable intervals throughout the event. Notice is not required if dogs are present at an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs, which event is permitted by the City or the DDA.

There is hereby created and enacted a new section of Chapter 6, Section 4 to be known as 6.04.0130 entitled Animals at Downtown Events (Additions are shown in underline; deletions are shown by strikethrough.)

(a) No animal owner, or any person who harbors an animal, shall permit his animal to be at, in or within the permitted area of any special event(s) in Downtown Grand Junction, as defined in 6.12.020 unless prior written permission is granted by the City or the DDA allowing the animal(s) to be present within the permitted area of the event. Physical or mechanical confinement of the animal is not a defense to prosecution under this section. Service dogs and police canines shall be exempt from this section. For purposes of this section special events are those activities which hold a valid permit issued by the City or the Downtown Development Authority (“DDA”).

(b) The City or the DDA or an event promoter authorized by the City or the DDA may allow animals at any event or may as part or all of an event authorize an organized race, exhibition and/or parade, training class(es), show(s) or obedience trial or similar activities or entertainment involving animals.

ALL OTHER PROVISIONS OF CHAPTER 6 ARTICLE SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2011.

PASSED AND ADOPTED on second reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado this _____ day of _____ 2011.

President of the Council

Attest:

City Clerk



CITY COUNCIL AGENDA ITEM

**Attach 5
Brookwillow Village Drainage Easement Vacation,
Located at 663 Serenity Court**

Date: March 25, 2011
Author: Lori V. Bowers
Title/ Phone Ext: Senior
Planner/4033
Proposed Schedule: April 4,
2011
2nd Reading
(if applicable): _____

Subject: Brookwillow Village Drainage Easement Vacation, Located at 663 Serenity Court
File: VAC-2011-696
Presenters Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

A request to vacate an existing 10-foot drainage easement that encumbers Lot 1, Brookwillow Village, Filing III (recorded in Bk. 4699, Pg. 675) along the south property line of 663 Serenity Court.

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

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

Vacation of the unnecessary easement will clear up and put in order the title for the pending sale of the newly constructed home.

Action Requested/Recommendation:

Adopt Resolution Vacating the Brookwillow Village, Filing III, Drainage Easement on Lot 1

Board or Committee Recommendation:

No other Board or Committee has reviewed this item.

Background, Analysis and Options:

Please see the attached Staff report.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

This item has not been previously presented or discussed.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / City Zoning Map
Resolution

BACKGROUND INFORMATION				
Location:		663 Serenity Court		
Applicant:		Grace Homes		
Existing Land Use:		Single-family residential		
Proposed Land Use:		Single-family residential		
Surrounding Land Use:	North	Residential subdivision		
	South	Residential subdivision		
	East	Residential subdivision		
	West	Single-family residences		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD (Planned Development)		
	South	PD (Planned Development)		
	East	PD (Planned Development)		
	West	R-12 (Residential – 12 Du/Acre)		
Future Land Use Designation:		Residential Medium High (8-16 DU/Acre)		
Zoning within density range?		X	Yes	No

ANALYSIS

1. Background

Brookwillow Village, Filing III, was platted in 2008. A Planning Clearance was issued for Lot 1, to construct a new single-family residence in January 2010. The house has been completed and the bank requested an ILC (Improvement Location Certificate) to verify that the house is located on the property. The ILC showed that the house encroached into a drainage easement. The drainage easement was not shown on the site plan presented to the City to obtain a Planning Clearance. When the Planning Clearance was issued it was identified on the Final Plat, but was interpreted as a short 10-foot section rather than a 10-foot section running approximately 72-feet in length in the east west direction.

Upon a recent site inspection, the City Inspector determined and confirmed what the builder had stated, that there were no drainage structures or required facility within the easement. The Applicant's engineering firm confirmed that the easement had been shown on the preliminary plan, but the storm drain was redesigned and at the final plat the storm drain was placed further south. The easement was not needed, but the reference to it was not removed from the Final Plat. This was not detected until the ILC was ordered by the bank.

The easement is dedicated as a public easement; therefore it needs to be vacated through the public process. It has been determined that it is not needed; therefore it is recommended that the City Council vacate this unnecessary easement and allow for a clear title on the property.

2. Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the drainage easement shall conform to the following:

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

The request for the vacation of the easement meets Goal 3: “The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community”. Vacation of the unnecessary easement will clear up and put in order the title for the pending sale of the newly constructed home. The easement has no affect on circulation or any other adopted plan or policy of 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 of the subject easement.

- 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.

There is no access involved with the proposed drainage easement vacation.

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

There will be no adverse impacts to the health, safety or welfare of the community and the quality of public facilities as there are no facilities located within the subject easement.

- 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.

Adequate facilities exist on the site and the subject drainage easement is not needed.

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

The City will benefit by not having an encumbrance upon a property that is not needed for a drainage easement.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Brookwillow Village Drainage Easement Vacation application, file number VAC-2011-696, for the vacation of a public easement, I make the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 GJMC have all been met.

Site Location Map

663 Serenity Court



Aerial Photo Map

663 Serenity Court



Comprehensive Plan Map

663 Serenity Court



Existing City Zoning Map

663 Serenity Court



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A DRAINAGE EASEMENT ON LOT 1,
BROOKWILLOW VILLAGE SUBDIVISION, FILING III
LOCATED AT 663 SERENITY COURT**

Recitals:

A request for the vacation of a drainage easement, located along the South property line of Lot 1, Brookwillow Village Subdivision, Filing III, has been submitted in accordance with the Grand Junction Municipal Code. The applicant has requested that the entire easement be vacated. The easement is recorded at Book 4699, Page 675, with the Mesa County Clerk and Recorder.

In a public hearing, the City Council reviewed the request for the vacation and determined that it satisfied the criteria as set forth and established in Section 21.02.100 of the Grand Junction Municipal Code. The proposed vacation is also consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA SHOWN ON EXHIBIT A, ATTACHED IS HEREBY VACATED.

PASSED on this _____ day of _____, 2011.

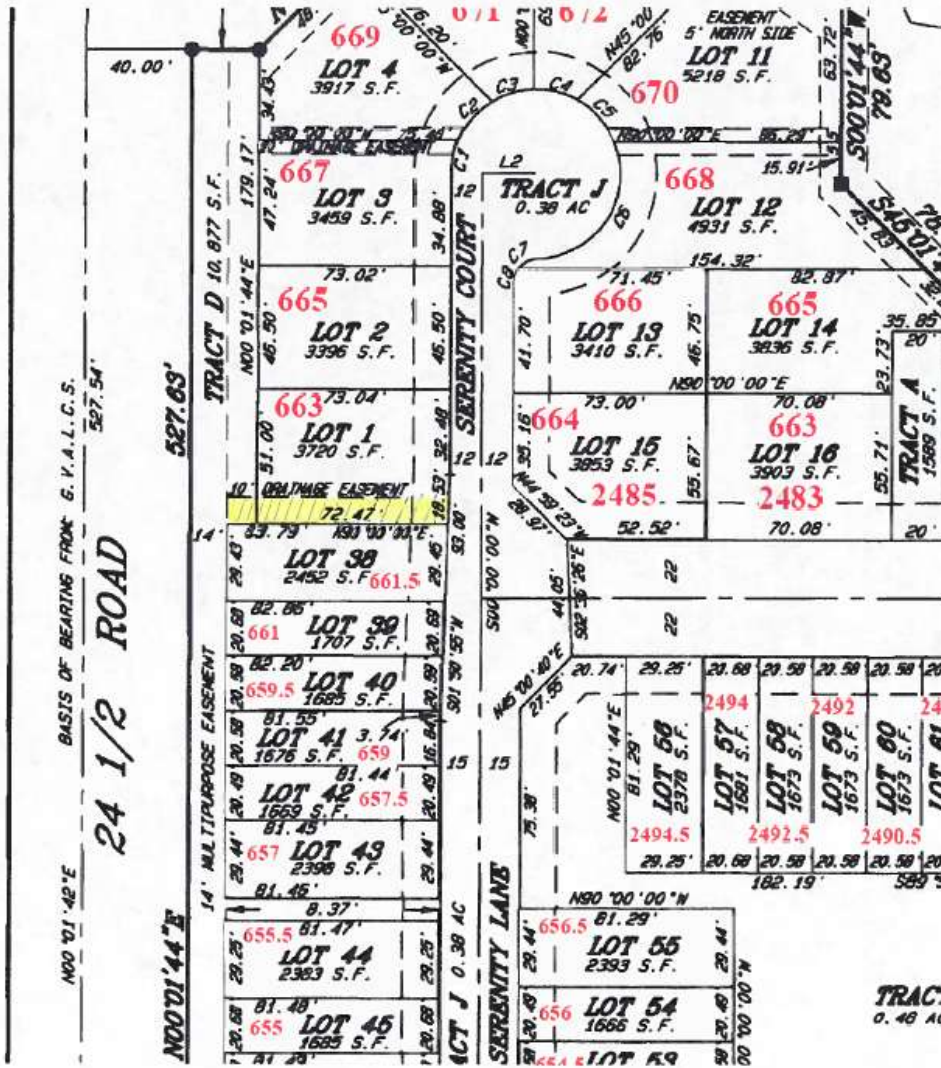
ATTEST:

City Clerk

President of Council

Exhibit A

Vacating the entire Drainage Easement that crosses Lot 1, Brookwillow Village Filing III,
That runs along the South property line, as depicted below.





Date: March 24, 2011
 Author: Lisa Cox
 Title/ Phone Ext: Planning Manager/
Ext: 1448
 Proposed Schedule:
 1st Reading: April 4, 2011
 2nd Reading: April 18, 2011

CITY COUNCIL AGENDA ITEM

Attach 6
Setting a Hearing on Text Amendments to Section 21.06.010(b)(3) of Title 21 of the Grand Junction Municipal Code, Concerning Nonresidential Streets

Subject: Text Amendments to Section 21.06.010(b)(3) of Title 21 of the Grand Junction Municipal Code, Concerning Nonresidential Streets
File # (if applicable): ZCA-2011-633
Presenters Name & Title: Lisa Cox, Planning Manager Tim Moore, Public Works and Planning Director

Executive Summary:

This text amendment to Section 21.06.010(b)(3), Existing Residential Streets, of the Grand Junction Municipal Code is to allow the Director authority to determine the minimum acceptable standards for local nonresidential streets and to defer construction of local nonresidential street improvements if certain criteria are met.

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:

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

Policy 8F: Encourage the revitalization of existing commercial and industrial areas.

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 amendments support the vision and goals of the Comprehensive Plan by encouraging development on smaller lots located on nonresidential streets in commercial and industrial areas of the community. New businesses create jobs and offer products and services 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 18, 2011.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendment at its March 8, 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. Staff makes the following proposals in an effort to maintain the effectiveness of the Zoning Code.

In many areas of the City, development occurred in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas or neighborhoods the existing streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

Under current Code provisions an owner in one of these commercial or industrial areas developing or subdividing a lot or parcel is required to construct street improvements. This often results in "short runs" of curbing, gutters and/or sidewalks that are of little value unless the improvements are extended off-site to connect to a larger system or until adjacent future development or improvement district connects them to other such facilities.

The Zoning and Development Code gives the Public Works and Planning Director the authority to determine the minimum acceptable residential street improvements that are required with development. When certain criteria (identified in the Code) have been satisfied, the Director may defer construction of the residential street improvements.

The proposed Code amendment is designed to allow the Director similar authority to determine the minimum acceptable street improvements for nonresidential streets in commercial and industrial areas and to defer nonresidential street improvements when specific criteria have been satisfied.

Financial Impact/Budget:

If all of the criteria have been met, instead of requiring "short run" improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in

lieu of construction. The agreement shall be in a form approved by the City Attorney, shall run with the land and be recorded with the Mesa County Clerk and Recorder.

With the recorded agreements in place, the City will make the determination as to when construction of the improvements will take place with the redevelopment of the lots. Tax payers will not bear the cost to construct curb, gutters or sidewalks.

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 21.06.010(b)(3), OF THE GRAND JUNCTION MUNICIPAL CODE, INFRASTRUCTURE STANDARDS, CONCERNING NONRESIDENTIAL STREETS

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.

In many areas of the City, development occurred in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many areas the existing streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

Under current Code provisions an owner in one of these commercial or industrial areas developing or subdividing a lot or parcel is required to construct street improvements. This often results in "short runs" of curbing, gutters and/or sidewalks that are of little value unless the improvements are extended off-site to connect to a larger system or until adjacent future development or improvement district connects them to other such facilities.

The Zoning and Development Code gives the Public Works and Planning Director the authority to determine the minimum acceptable residential street improvements that are required with development. When certain criteria (identified in the Code) have been satisfied, the Director may defer construction of the residential street improvements.

The proposed Code amendment is designed to allow the Director similar authority to determine the minimum acceptable street improvements for nonresidential streets in commercial and industrial areas and to defer nonresidential street improvements when specific criteria have been satisfied.

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 21.06.010(b)(3) related to Infrastructure Standards is amended as follows. (Amendatory language is shown by underline or strikethrough)

(3) Existing Streets

(i) Existing Local Residential Streets. Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing local residential streets do not have curbs, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these well established neighborhoods chooses to subdivide a lot or parcel, unless such improvements are extended off site to connect to a larger system, the new "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. The Director may defer street improvements if all of the following criteria are met:

- (A) The development is for three or less residential lots;
- (B) The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
- (C) The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1,000 average daily traffic ("ADT") based on an assumed typical 10 trips per day per residence and the volume is expected to be less than 1,000 ADT when the neighborhood or block is fully developed;
- (D) At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well established;
- (E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the street improvements being built; and

(F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar street improvements.

(G) If all of the criteria have been met, instead of requiring these “short run” improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

(ii) Existing Local Nonresidential Streets. Many commercial and industrial areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas the existing local nonresidential streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these local nonresidential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in a commercial or industrial area chooses to develop a lot or parcel, the new “short runs” of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways unless the improvements are extended off-site to connect to a larger system or until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. In order to promote development of infill properties the Director may defer nonresidential street improvements if all of the following criteria have been met:

(A) The development is for a single commercial or industrial lot or parcel that does not create a new lot or parcel;

(B) The proposed development or use of the lot or parcel must be consistent with the allowed uses and requirements of the current zone district;

(C) The lot or parcel size is 2 acres or less;

(D) The lot or parcel does not have more than 500 feet of frontage on the local nonresidential street;

(E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the local nonresidential street improvements being built; and

(F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar local nonresidential street improvements.

(G) If all of the criteria have been met, instead of requiring these “short run” improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

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 16, 2011
 Author: Stephanie Tuin,
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: 1st Reading
April 4, 2011
 2nd Reading: April 18, 2011

CITY COUNCIL AGENDA ITEM

**Attach 7
 Setting a Hearing on Providing Standards and
 Allowing for Optional Premises Liquor License in
 Conjunction with a Hotel Restaurant Liquor License
 for Mesa State College**

Subject: Providing Standards and Allowing for Optional Premises Liquor License in Conjunction with a Hotel Restaurant Liquor License for Mesa State College
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney Stephanie Tuin, City Clerk

Executive Summary:

Mesa State College has requested that, in addition to licensing their new College Center with a Hotel Restaurant Liquor License that it be allowed optional premise permits for three of their recreational facilities. The State Liquor Code requires that in order for the municipality to issue optional premises permits, it must adopt specific standards by ordinance and eliminate the distance restriction for optional premises permits in the same manner it eliminated the distance restriction for hotel restaurants by Ordinance No. 3620 in 2004.

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.*

By supporting the development of amenities on the Mesa State College Campus, regional services and the regional draw of the College is enhanced.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Hearing for April 18, 2011

Board or Committee Recommendation:

NA

Background, Analysis and Options:

Mesa State College intends to apply for a liquor license to license their new College Center facility along with three of their recreational facilities: the Maverick Center (including Brownson Arena), Walker Field Soccer Stadium and the Elliot Tennis Center.

The College hosts many events where alcoholic beverages are served and currently must apply for a Special Event Permit for each event. State law only allows ten such special events per calendar year. Having a permanent liquor license will be much more efficient and effective for both the college and for the administration/enforcement of lawful alcohol service.

Section 12-47-310 C.R.S. provides the “No optional premises license, or optional premises permit for a hotel and restaurant license, as defined in Section 12-47-103(22)(a), shall be issued within any municipality...unless the governing body of the municipality has adopted by ordinance,....specific standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license.” The standards may be set by the governing body and can include such things as the specific types of outdoor sports and recreational facilities, the number of optional premises for any one licensee, any size limitation, other requirements for control and enforcement. The applicant is required by law to notify the City at least forty-eight hours prior to serving on the optional premises.

Section 12-47-313 (1)(d)(III) C.R.S. provides that “The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance and the governing body of any other county, by resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restrictions established by or pursuant to this paragraph (d)”.

In 2004, the City Council eliminated the distance restriction for hotel-restaurant liquor licenses. In order for the same provision to be applied to optional premises permits issued in conjunction with hotel-restaurant liquor licenses, the Grand Junction Municipal Code must be amended.

Financial Impact/Budget:

There is revenue associated with the approval of the licenses.

Legal issues:

The City Attorney has reviewed all legal issues and the ordinance. The City Attorney has approved the ordinance as to form and content.

Other issues:

The City eliminated the distance restriction for hotel restaurant liquor licenses to college campuses by Ordinance No. 3620. As these optional premises permits are in conjunction with a hotel restaurant liquor license, the elimination of the distance restriction applies to those permits as well.

Previously presented or discussed:

This matter has not been previously with the City Council. The City Clerk and City Attorney have worked extensively with the College/its representatives to bring the proposed ordinance to Council.

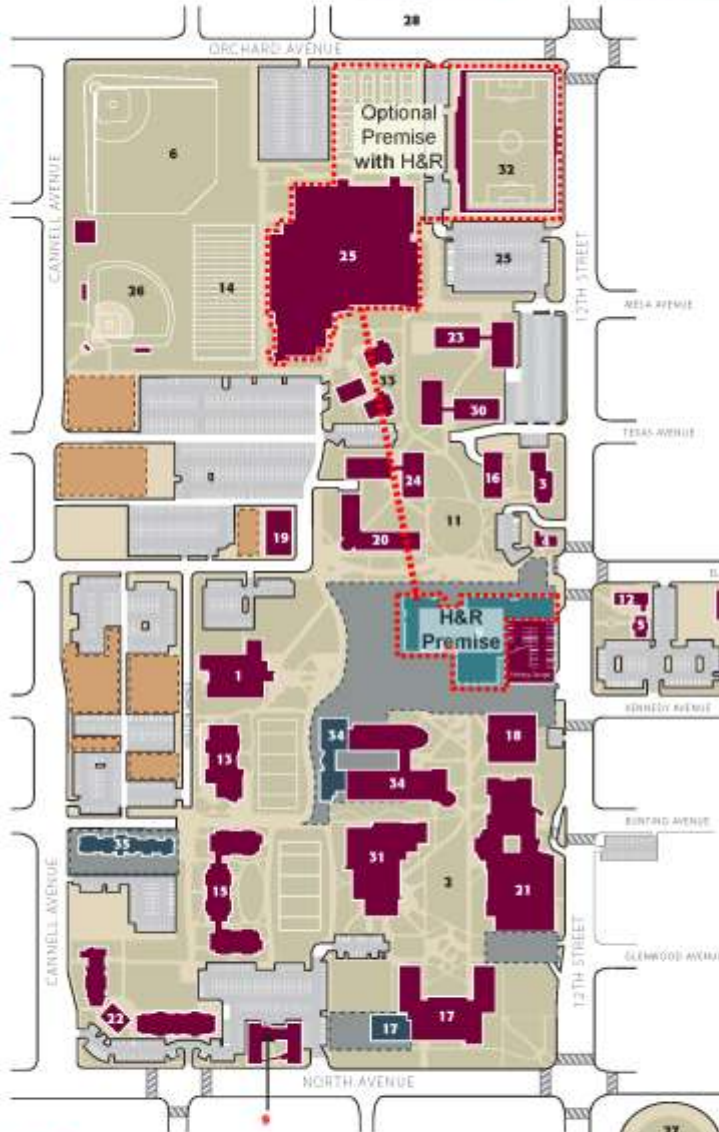
Attachments:

Depiction of Proposed Areas to be Licensed
Proposed Ordinance

MESA STATE COLLEGE

GRAND JUNCTION, COLORADO ▶▶

Main Campus Summer 2010



Map Legend

Building (code) Number

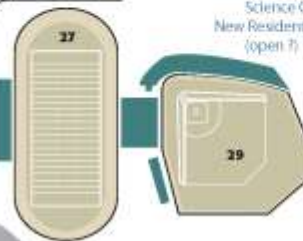
- Academic Classroom Building (ACB) 1
- Academic Quad 2
- Admissions Welcome Center (AD) 3
- Albers Residence Hall (A) 4
- Alumni Association (A/F) 5
- Bergman Practice Field 6
- Campus Services (CSA) (Facilities) 7
 - Mail Room, Purchasing, Maintenance Shops
- College Center (CC) 8
 - Bookstore (open Summer 2010)
- Development Center (DEWCTR) 9
- Development Office (A/F) 5
- Elliott Tennis Complex 10
- Elm Avenue Quad 11
- Elm Residence Hall (E) 12
- Fine Arts Building (FA) 13
- Football Practice Field 14
- Foundation (A/F) 5
- Grand Junction Police Substation 9
- Grand Mesa Residence Hall (GMH) 15
- Housing and Residence Life Center (SLC) 16
- Houston Hall (H) 17
 - (open ?)
- Little Mavs Learning Center 9
- Lowell Heiny Hall (LHH) 18
- Maverick Pavilion 19
 - Bookcliff Café, Dining Hall
- Monument Residence Hall (MH) 20
- Moss Performing Arts Center (MPAC) 21
 - Dance Studio, Mesa Experimental Theatre (MET), Recital Hall, Robinson Theatre
- North Avenue Student Housing (NASH) 22
- Outdoor Program Office (OP) 16
- Phon Residence Hall (PH) 23
- Rait Residence Hall (MRH) 24
- Maverick Center 25
 - Brownson Arena, El Pomar Natatorium, Hamilton Recreation Center, Health Sciences Center, MAVcard Office (open May 2010), Monfort Family Human Performance Lab, Parking Services (open May 2010), Saunders Field House (S), Temporary College Center (open May 2010)
- Softball Stadium 26
- Stocker Stadium 27
- Student Health Center 28
- Suplizio Field 29
- Tolman Residence Hall (TH) 30
- Tomlinson Library (L) 31
- Walker Field Soccer Stadium 32
- Walnut Ridge Apartments (WRA) 33
- Wubben Hall and Science Center (W) 34
 - Science Center (SL)
- New Residents Hall 35
 - (open ?)



- Campus Buildings
- Construction
- Parking Construction
- City of Grand Junction Buildings
- Parking

Mesa State College - Main Campus
 1100 North Avenue
 Grand Junction, CO 81501
 970.248.1020

Revised: May 2010



ORDINANCE NO. _____

AN ORDINANCE FOR OPTIONAL PREMISES PERMITS FOR MESA STATE COLLEGE'S BROWNSON ARENA, WALKER FIELD SOCCER STADIUM, AND ELLIOTT TENNIS CENTER, ALL ON THE MESA STATE COLLEGE CAMPUS AND TO AMEND THE GRAND JUNCTION MUNICIPAL CODE SECTION 5.12.220 TO ELIMINATE THE DISTANCE RESTRICTION FOR OPTIONAL PREMISES PERMITS IN CONJUNCTION WITH HOTEL RESTAURANT LIQUOR LICENSES

The City Council of Grand Junction makes the following findings:

1. Section 12-47-310, C.R.S. permits a municipality to pass an ordinance to provide for optional premises permits associated with hotel-restaurant licenses for an applicant to sell, dispense or serve alcohol beverages at locations designated by the applicant and approved by the State and local licensing authorities.
2. In conjunction with a hotel-restaurant license at the Mesa State College's College Center, service of alcohol beverages at and within designated areas of the Maverick Center (including Brownson Arena), Walker Field Soccer Stadium and at the Elliott Tennis Center on the Mesa State College campus would benefit the patrons of those facilities and ensure that alcohol service is done lawfully and with full benefit of professional management, supervision and regulation. In accordance with §12-47-310, C.R.S., the City may adopt such optional premises permits for a hotel and restaurant license and we find the facilities enumerated above to be consistent with the definition of an optional premises as defined in §12-47-103(22), C.R.S.
3. This ordinance refers only to the facilities named and specifically to the designated service areas contained within and as defined by those facilities and does not affect the status of any other liquor license(s) or lack thereof, of any other similar recreational facility. The optional premises shall be designated in the application for the Hotel and Restaurant License with Optional Premise Permits.
4. In 2004, by Ordinance No. 3620, the City Council determined that the distance restriction for hotel-restaurant liquor licenses from college campuses should be eliminated pursuant to 12-47-313(1)(d)(III), C.R.S. The City Council now finds that the distance restriction for optional premises permits issued in conjunction with hotel-restaurant liquor licenses should also be eliminated.

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

Section 1. Definitions. For the purposes of this ordinance, the following words or phrases shall have the meanings set forth.

- a. *Optional premises permit* means the same as that defined in the Colorado Liquor Code under § 12-47-310(3), C.R.S. The permits authorized in and by this ordinance

are “optional premises permits” which are issued in conjunction with the hotel-restaurant license serving the Mesa State College’s College Center. Each optional premise location designated herein may be referred to singularly or collectively an “optional premise” or as “optional premises” unless the context otherwise requires.

Licensee, for the purpose of this license means that person or entity designated by Mesa State College as the owner of the Mesa State College campus, which includes the named optional premises locations and the College Center. Until Mesa State College notifies the Licensing Authorities to the contrary, and the Licensing Authorities approve a replacement licensee, Sodexo America, LLC shall be the licensee of the said hotel-restaurant and optional premises permits authorized by this ordinance.

Section 2. Standards.

The following standards are for the issuance of optional premises permits for the Maverick Center (including Brownson Arena), Walker Field Soccer Stadium and the Elliott Tennis Center, all on the campus of Mesa State College.

The licensee shall at all times when exercising the privileges pursuant to this ordinance adhere to the requirements and all other standards applicable to the consideration and/or issuance of licenses under the Colorado Liquor Code and any and all applicable local laws, rules and regulations.

The licensee shall diligently enforce all rules and regulations pertaining to underage service, over service and the provision of food when serving alcohol.

Section 3. Form of Application. Application for the optional premises permits shall be made to the City Clerk on forms, which shall contain the following information in addition to information required by the State licensing authority. The application shall be heard publicly by the City’s local hearing officer.

- a) A map or other drawing illustrating the optional premises boundaries and the location of the proposed optional premises permits requested; and
- b) Proposed location(s) for permanent, temporary or movable structure(s) which are proposed to be used for the sale or service of alcohol beverages and a statement describing the use, if any, of mobile carts that will be used for the sale or service of alcohol beverages; and
- c) A description of the method(s) which shall be used to identify the boundaries of the optional premises permits when it is in use and how the licensee will ensure that alcohol beverages are not removed from such premises; and

- d) Proof of the applicant's right to possession of the optional premises including a sufficient description of the physical boundaries of the optional premises, along with supporting documentation to the satisfaction of the local licensing authority; and
- e) A description of provisions, including a description of facilities, which have been made for storing, in a secured area on or off the optional premises, the alcohol beverages to be used in the future on the optional premises. Such information shall be filed annually with the state and local Licensing Authorities.
- f) A description of the provisions which will be implemented to control over service, prevent underage service of alcohol beverages and the availability of food service as required by law.

Section 4. Eligibility. The licensee is the current designee of Mesa State College, pursuant to a written operating agreement between Sodexo and Mesa State College. The College is the owner of the optional premises, all of which are athletic/recreational facilities.

Section 5. Size of Premises. There is no minimum or maximum size within the constraints of the designated area for each license. The optional premises permits shall not be exercised to interfere with public access to or from any of the venues or in any way to inhibit the safety of persons or number of optional premises permits for the licensee.

Section 6. Additional Conditions. Nothing contained in this ordinance shall preclude the Licensing Authority in its discretion, from imposing conditions, restrictions, or limitations on any optional premises permits in order to serve the public health, safety and welfare. Any such conditions may be imposed when the license is initially issued, issued for any specific event, or renewed. The Authority shall have the right to deny any request for an optional premises permits or it may suspend or revoke the optional premises permit in accordance with the procedures specified by law.

Section 7. Notice filed with the Liquor Licensing Authority. It shall be unlawful for alcohol beverages to be served on the optional premises until the optional premises licensee has filed a written notice with the State and Local Licensing Authorities stating the specific days and hours during which the optional premises will be used for the service of alcohol beverages. Written notice must be provided to the State and Local Licensing Authorities at least 48 hours prior to serving alcohol beverages on the optional premises. Such notice shall contain the specific hours and days on which the optional premises will be used for the consumption of alcohol beverages.

Section 8. Amending the Distance Restriction.

Section 5.12.220 Distance restriction shall be amended to read as follows:

Under the provisions of §12-47-313(1)(d)(III), C.R.S., the distance that a hotel-restaurant liquor license premises must be separated from the principal campus of a college or university in the City is reduced to zero feet. The distance that optional premises permits issued in conjunction

with hotel-restaurant liquor licenses must be separated from the principal campus of a college or university in the City is also reduced to zero feet.

Under the provisions of §12-47-313(1)(d)(III), C.R.S., the distance that a brew pub liquor licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

The distance shall be determined in accordance with §12-47-313(1)(d)(II), C.R.S., and Colorado Liquor Regulation 47-326.

INTRODUCED ON FIRST READING THIS _____ day of _____
2011 AND ORDERED PUBLISHED IN PAMPHLET FORM.

PASSED AND ADOPTED ON SECOND READING THIS _____ day of _____
_____ 2011 AND ORDERED PUBLISHED IN PAMPHLET FORM.

President of the Council

ATTEST:

City Clerk



Date: March 1, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner/4058
 Proposed Schedule: Resolution
Referring Petition February 28, 2011
 2nd Reading
 (if applicable): April 4, 2011

CITY COUNCIL AGENDA ITEM

**Attach 8
 Public Hearing—Western Trends Annexation and
 Zoning, Located at 507 and 512 Fruitvale Court**

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

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

The Western Trends Annexation consists of three (3) parcels. There are 3.882 acres of public right-of-way contained within this annexation area.

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: Adopt Resolution and Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances.

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 and First Reading of the Annexation Ordinance was on February 28, 2011. First reading of the Zoning Ordinance was March 14, 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. Resolution Accepting Petition
5. Annexation Ordinance
6. Zoning 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

Staff Analysis:

ANNEXATION:

his annexation area consists of 5.019 acres of land

T

and is comprised of three (3) parcels and 3.882 acres of public right-of-way. The property owners have requested annexation into the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

ANNEXATION SCHEDULE

February 28, 2011	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
March 8, 2011	Planning Commission considers Zone of Annexation
March 14, 2011	Introduction Of A Proposed Ordinance on Zoning by City Council
April 4, 2011	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 6, 2011	Effective date of Annexation and Zoning

WESTERN TRENDS ANNEXATION SUMMARY

File Number:		ANX-2011-467
Location:		507 and 512 Fruitvale Court
Tax ID Numbers:		2943-093-53-015 2943-093-53-016 2943-093-53-037
# of Parcels:		3
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		5.019 acres
Developable Acres Remaining:		1.137 acres
Right-of-way in Annexation:		3.882 acres
Previous County Zoning:		County PUD (Planned Unit Development)
Proposed City Zoning:		C-1 (Light Commercial)
Current Land Use:		Commercial
Future Land Use:		Commercial
Values:	Assessed:	\$223,950
	Actual:	\$772,230
Address Ranges:		507 & 512 Fruitvale Court
Special Districts:	Water:	Clifton Water District
	Sewer:	Central Grand Valley Sanitation District
	Fire:	Clifton Fire Protection District
	Irrigation/ Drainage:	Grand Valley Irrigation Company Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

ZONE OF ANNEXATION:

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:

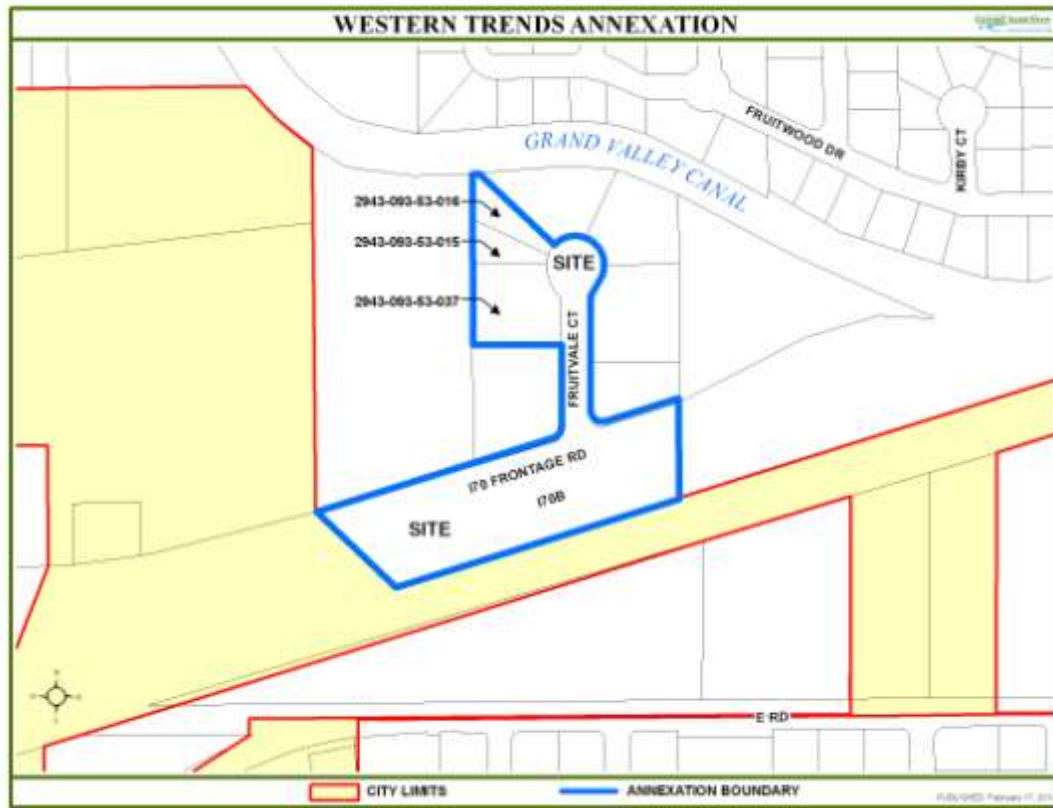
After reviewing the Western Trends Annexation, ANX-2011-467, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

- 3. 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
- 4. 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



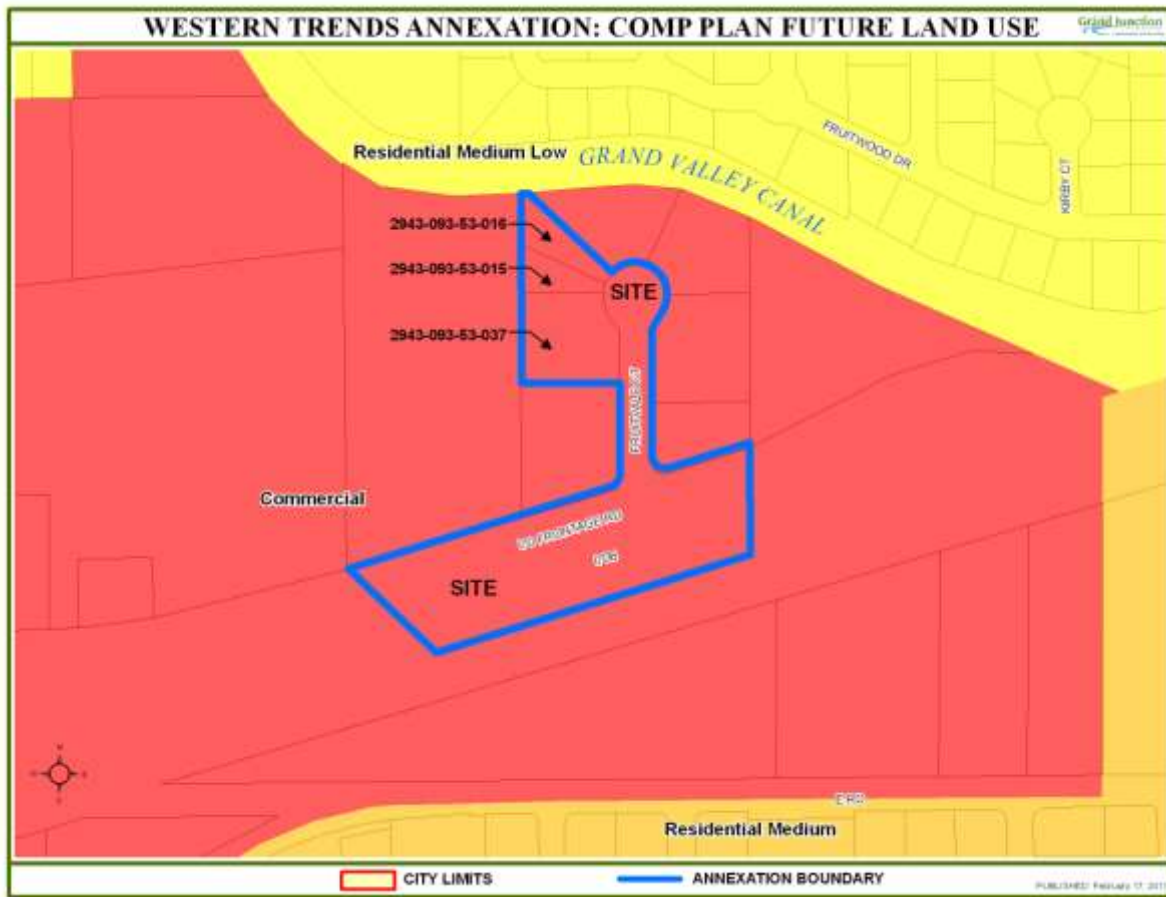
Aerial Photo Map

Figure 2



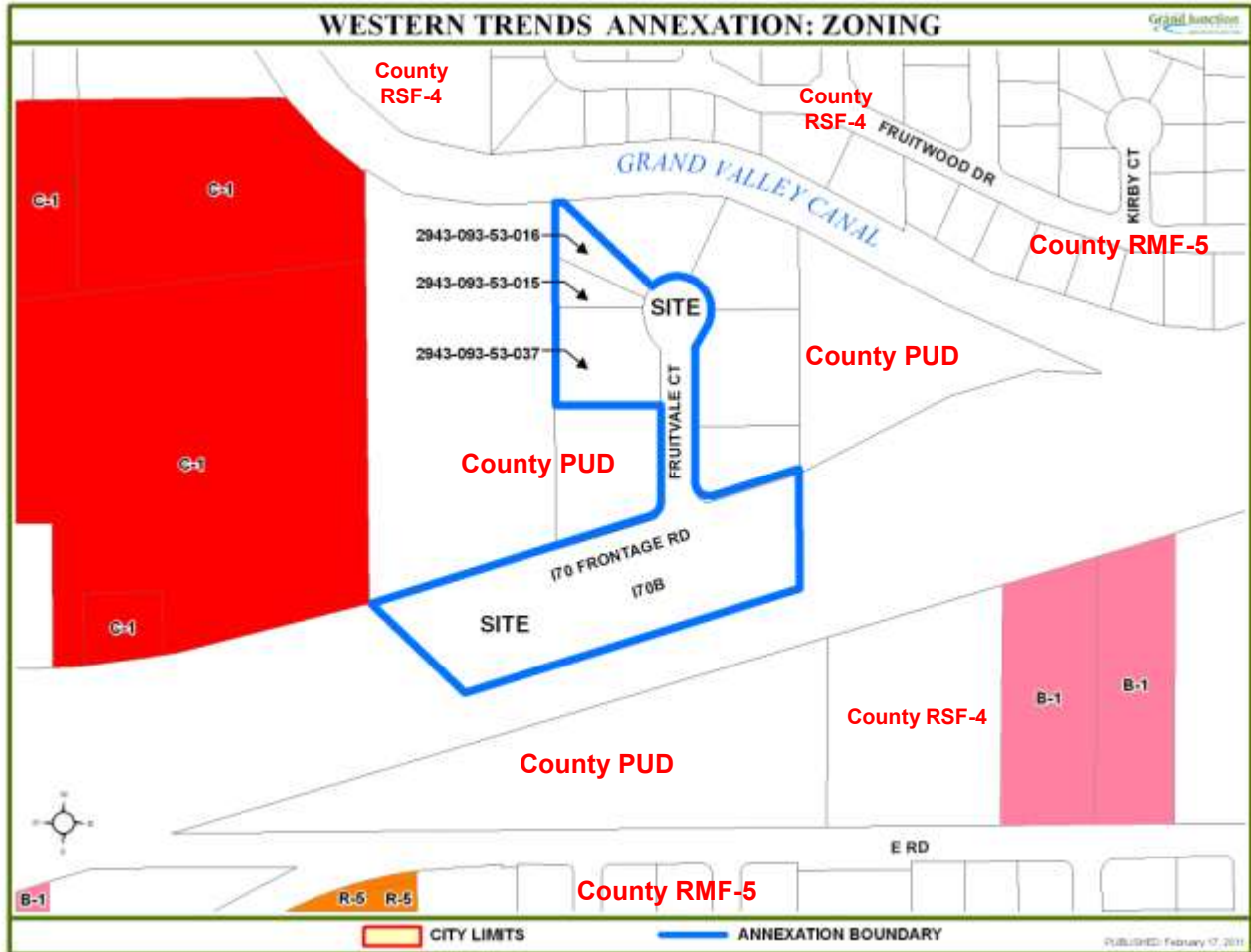
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-11

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION,
MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS THE**

WESTERN TRENDS ANNEXATION

**LOCATED AT 507 AND 512 FRUITVALE COURT AND INCLUDING A PORTION OF THE I-
70B AND FRUITVALE COURT RIGHTS-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 28th day of February, 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:

WESTERN TRENDS ANNEXATION

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

BEGINNING at the Southwest corner of Lot 8, Fruitvale Business Park, as same is recorded in Plat Book 12, Page 95, Public Records of Mesa County, Colorado; thence from said Point of Beginning, N 00°03'36" E (the West line of said Fruitvale Business Park is assumed to bear N 00°03'36" E with all other bearings contained herein being relative thereto) along the West line of said Fruitvale Business Park, a distance of 356.12 feet to a point being the Northwest corner of Lot 16 of said Fruitvale Business Park; thence N 85°24'03" E along the North line of said Lot 16, a distance of 14.88 feet; thence S 45°59'36" E along the Northerly line of said Lot 16, a distance of 215.02 feet to a point on a 60.00 foot radius curve, concave Southwest, whose long chord bears S 52°26'06" E with a chord length of 119.24 feet; thence along the right of way for Fruitvale Court, Easterly and Southwesterly along the arc of said curve, through a central angle of 167°07'58", a distance of 175.02 feet; thence S 31°08'15" W a distance of 41.42 feet; thence S 00°03'06" W, along the East right of way for said Fruitvale Court, a distance of 235.84 feet to the beginning of a 25.00 foot radius curve, concave Northeast, whose long chord bears S 53°33'24" E with a chord length of 40.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 107°13'00", a distance of 46.78 feet; thence N 72°50'06" E, along the North right of way for the I-70 Business Loop, a distance of 157.46 feet; thence S 00°03'06" W, a distance of 209.57 feet to a point on the North line of the Wells Annexation, City of Grand Junction Ordinance 3092, as same is recorded in Book 2564, Page 83, Public Records of Mesa County, Colorado; thence 73°00'09"

W along the North line of said Wells Annexation, a distance of 615.67 feet to a point being the Southeast corner of the Route 30 Partners Annexation, City of Grand Junction Ordinance 3301, as same is recorded in Book 2780, Page 20, Public Records of Mesa County, Colorado; thence N 45°52'38" W along the East line of said Route 30 Partners Annexation, a distance of 226.20 feet to a point on the North line of said I-70 Business Loop; thence N 72°56'31" E, along the north line of said I-70 Business Loop, a distance of 514.27 feet to the beginning of a 25.00 foot radius curve, concave Northwest, whose long chord bears N 36°26'36" E with a chord length of 29.67 feet; thence Northeasterly along the arc of said curve, through a central angle of 72°47'00", a distance of 31.76 feet; thence N 00°03'06" E, along the West right of way for Fruitvale Court, a distance of 169.93 feet to a point being the Southeast corner of said Lot 8, Fruitvale Business Park; thence N 89°56'54" W, along the South line of said Lot 8, a distance of 182.82 feet, more or less, to the Point of Beginning.

CONTAINING 218,381 Square Feet or 5.019 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April 2011; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the _____ day of _____, 2011.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

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**

WHEREAS, on the 28th day of February, 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 4th 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:

WESTERN TRENDS ANNEXATION

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

BEGINNING at the Southwest corner of Lot 8, Fruitvale Business Park, as same is recorded in Plat Book 12, Page 95, Public Records of Mesa County, Colorado; thence from said Point of Beginning, N 00°03'36" E (the West line of said Fruitvale Business Park is assumed to bear N 00°03'36" E with all other bearings contained herein being relative thereto) along the West line of said Fruitvale Business Park, a distance of 356.12 feet to a point being the Northwest corner of Lot 16 of said Fruitvale Business Park; thence N 85°24'03" E along the North line of said Lot 16, a distance of 14.88 feet; thence S 45°59'36" E along the Northerly line of said Lot 16, a distance of 215.02 feet to a point on a 60.00 foot radius curve, concave Southwest, whose long chord bears S 52°26'06" E with a chord length of 119.24 feet; thence along the right of way for Fruitvale Court, Easterly and Southwesterly along the arc of said curve,

through a central angle of 167°07'58", a distance of 175.02 feet; thence S 31°08'15" W a distance of 41.42 feet; thence S 00°03'06" W, along the East right of way for said Fruitvale Court, a distance of 235.84 feet to the beginning of a 25.00 foot radius curve, concave Northeast, whose long chord bears S 53°33'24" E with a chord length of 40.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 107°13'00", a distance of 46.78 feet; thence N 72°50'06" E, along the North right of way for the I-70 Business Loop, a distance of 157.46 feet; thence S 00°03'06" W, a distance of 209.57 feet to a point on the North line of the Wells Annexation, City of Grand Junction Ordinance 3092, as same is recorded in Book 2564, Page 83, Public Records of Mesa County, Colorado; thence 73°00'09" W along the North line of said Wells Annexation, a distance of 615.67 feet to a point being the Southeast corner of the Route 30 Partners Annexation, City of Grand Junction Ordinance 3301, as same is recorded in Book 2780, Page 20, Public Records of Mesa County, Colorado; thence N 45°52'38" W along the East line of said Route 30 Partners Annexation, a distance of 226.20 feet to a point on the North line of said I-70 Business Loop; thence N 72°56'31" E, along the north line of said I-70 Business Loop, a distance of 514.27 feet to the beginning of a 25.00 foot radius curve, concave Northwest, whose long chord bears N 36°26'36" E with a chord length of 29.67 feet; thence Northeasterly along the arc of said curve, through a central angle of 72°47'00", a distance of 31.76 feet; thence N 00°03'06" E, along the West right of way for Fruitvale Court, a distance of 169.93 feet to a point being the Southeast corner of said Lot 8, Fruitvale Business Park; thence N 89°56'54" W, along the South line of said Lot 8, a distance of 182.82 feet, more or less, to the Point of Beginning.

CONTAINING 218,381 Square Feet or 5.019 Acres, more or less, as described.

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

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:

President of the Council

City Clerk

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 14th day of March, 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 9
 Public Hearing—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. The applicant is requesting to continue to allow additional time to submit a subdivision plat that would adjust property boundaries and address access issues related to the requested vacation.

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:

Request to Continue a Hearing to April 18, 2011 of the Proposed Vacation of Alley Right-of-Way Ordinance.

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:

First Reading of the Vacation Ordinance was on March 14, 2011.



Date: March 24, 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 10
 Public Hearing—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:

Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance.

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

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
	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 14th day of March, 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 24, 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 1
 Public Hearing—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:

Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance.

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 14th day of March, 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