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**CITY COUNCIL AGENDA
MONDAY, APRIL 18, 2011
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

Call to Order
(7:00 P.M.)

Pledge of Allegiance
Moment of Silence

Presentation

Appreciation Plaques Presented to Outgoing City Councilmember Bruce Hill and Gregg Palmer

Proclamations

Proclaiming the Week of May 1 through May 8, 2011 as “Days of Remembrance” in the City of Grand Junction

Proclaiming the Week of April 24 through 30, 2011 as “Administrative Professionals Week” and Wednesday, April 27 as “Administrative Professionals Day” in the City of Grand Junction

Council Comments

Citizen Comments

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

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

Action: Approve the Minutes of the April 4, 2011 and April 6, 2011 Regular Meetings and the Minutes of the April 6, 2011 Special Session

2. Setting a Hearing on Hyre Heights Rezone, Located at 2674 F Road [File # RZN-2011-643] [Attach 2](#)

Request to rezone 0.64 acres located at 2674 F Road from R-4, (Residential – 4 du/ac) to MXG-3 (Mixed Use General Form District – 3 stories) zone district.

Proposed Ordinance Rezoning the Hyre Rezone Property Located at 2674 F Road from R-4 (Residential – 4 Dwelling Units per Acre) to MXG-3 (Mixed Use General Form District – 3 Stories)

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2011

Staff presentation: Brian Rusche, Senior Planner

3. Setting a Hearing on Amendments to the Grand Junction Municipal Code, Chapter 6.12, Dogs and Cats, Concerning Barking Dogs [Attach 3](#)

The Grand Junction Municipal Code (“Code”) had a comprehensive review as part of a contract with Code Publishing Company. A misunderstanding developed during that review and, mistakenly, a change was made to section 6.12.060, Barking Dogs, due to that misunderstanding. The amendment concerning this section 6.12.060 will remedy that mistake.

Proposed Ordinance Amending Section 6.12.060 of Chapter 6 of the Grand Junction Municipal Code Concerning Barking Dogs

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2011

Staff presentation: John Shaver, City Attorney

4. Indemnifying William Baker, John Camper, Rick Dyer, William Gardner, and John Zen in Civil Action 10CV01719 MSK KLM [Attach 4](#)

Misti Schneider has sued the City along with four current and one former Police Department employees. Recently the Plaintiff, Ms. Schneider, filed to amend her

lawsuit to state punitive damage claims against the current and former Police Department employees. By making the allegations the Plaintiff is now seeking personal, individual payment from the defendants for events that arose out of their employment with the City.

Under the Colorado Governmental Immunity Act, the City, upon a finding that it is in the public interest to do so, may defend, pay or settle punitive damage claims against public employees. It is the purpose of the proposed resolution to acknowledge the defense of those persons named in the resolution.

Resolution No. 18-11—A Resolution Acknowledging the Defense of William Baker, John Camper, Rick Dyer, William Gardner, and John Zen in Civil Action No. 10CV01719 MSK KLM

®Action: *Adopt Resolution No. 18-11*

Staff presentation: John Shaver, City Attorney

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

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

5. **Public Hearing—An Amendment to Chapter 6 of the City of Grand Junction Municipal Code Pertaining to Dogs Running at Large and the Presence of Dogs and Other Animals at Downtown Grand Junction Events** [Attach 5](#)

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.

Ordinance No. 4459—An Ordinance Amending Chapter 6 of the Grand Junction Municipal Code Relating to Pets and Dogs in Common and Public Areas

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4459*

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

6. **Public Hearing—Providing Standards and Allowing for Optional Premises Liquor License in Conjunction with a Hotel and Restaurant Liquor License for Mesa State College** [Attach 6](#)

Mesa State College has requested that, in addition to licensing their new College Center with a Hotel and 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 and restaurant liquor licenses by Ordinance No. 3620 in 2004.

Ordinance No. 4460—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 and Restaurant Liquor Licenses

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4460

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

7. **Public Hearing—Correcting the Boundaries for the Grand Junction, Colorado Downtown Development Authority (DDA)** [Attach 7](#)

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.

Ordinance No. 4461—An Ordinance Determining the Boundaries for the Grand Junction, Colorado Downtown Development Authority

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4461

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

8. **Public Hearing—Gay Johnson’s Alley Right-of-Way Vacation, Located at 333 N. 1st Street** [File #VAC-2010-314] – **Continued from April 4, 2011** [Attach 8](#)

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.

Ordinance No. 4464—An Ordinance Vacating Right-of-Way for Gay Johnson’s Alley, Located at 333 N. 1st Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4464

Staff presentation: Lori V. Bowers, Senior Planner

9. **Public Hearing—Pomona 24 Road Annexation, Located South of H Road along 24 Road** [File # ANX-2011-653] [Attach 9](#)

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. Accepting Petition

Resolution No. 19-11—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the 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 is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4465—An Ordinance Annexing Territory to the City of Grand Junction, Colorado Pomona 24 Road Annexation, Approximately 1.17 Acres of Public Right-of-Way for 24 Road, Located South of H Road and North of I-70

®Action: Adopt Resolution No. 19-11 and Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4465

Staff presentation: Brian Rusche, Senior Planner

10. **Public Hearing—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 10](#)

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.

Ordinance No. 4466—An Ordinance Amending Section 21.06.010(b)(3), of the Grand Junction Municipal Code, Infrastructure Standards, Concerning Nonresidential Streets

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4466

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

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

**Attach 1
Minutes of Previous Meetings**

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

April 4, 2011

The City Council of the City of Grand Junction convened into regular session on the 4th day of April 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led the Pledge of Allegiance followed by a reflection from John Jenkins, Western Colorado Atheists and Free Thinkers.

Presentations

Scout Executive Keith Alder presented a Medal of Merit to Boy Scout Kyle Dunn. Mr. Alder said Kyle Dunn is receiving a National Heroism Award and he introduced Boy Scout Commissioner Bruce Ricks who presented the award. Commissioner Ricks asked Kyle Dunn and his aunt, Nancy Leonard, to come forward. He asked Kyle to recite the Boy Scout Pledge. Commissioner Ricks then related the story of Kyle's heroism of helping a boy having a seizure in the bleachers at a sporting event. Kyle is a member of Troop 318, sponsored by Holy Family.

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

Councilmember Kenyon advised he recently went to a Parks Improvement Advisory Board meeting. JUCO is coming up and the day after JUCO, the Stadium improvements will begin.

Council President Coons reminded all citizens that are registered voters to turn in their ballots by the next day, Election Day.

She also said she attended two wonderful long-awaited events. The first was the ribbon cutting for the new CNG fueling facility on Riverside Parkway near City Shops. The second event was a groundbreaking for the new Public Safety Building.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Susuras moved to approve Items #1 through #7 on the Consent Calendar which he then read. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

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**

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

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

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

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**

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

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

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

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]

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

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**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Western Trends Annexation and Zoning, Located at 507 and 512 Fruitvale Court [File # ANX-2011-467]

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 public hearing was opened at 7:32 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The annexation consists of three parcels. The Comprehensive Plan designates the property for commercial use. The property is currently a commercial planned development and is being used commercially. This is the final hearing for annexation. The applicant requested voluntary annexation and the request is consistent with the Comprehensive Plan and the request meets all criteria of the Grand Junction Municipal Code.

Councilmember Palmer asked if the property will create an enclave. Mr. Rusche said it will not.

Councilmember Susuras asked for clarification on the contiguity with the City limits. Mr. Rusche showed where there is right-of-way that is contiguous. The request also falls under the Persigo Agreement. The City Attorney was asked to clarify it further.

City Attorney Shaver advised that only one-sixth contiguity is required and part of the adjacent Business Loop is in the City limits.

Councilmember Palmer queried if contiguity can be achieved with right-of-way and not create an enclave. City Attorney Shaver said that is correct.

Tom Logue, representing the applicant, said they did not have anything to add.

There were no public comments.

Councilmember Susuras asked why the business in the building on the property requesting annexation, is in business when it is a marijuana farm, in the County jurisdiction and not allowed. He asked why this business has not been shut down.

City Attorney Shaver said he is not sure but can find out. The business closing may have been deferred due to its pending annexation.

Councilmember Susuras asked why this would come forward at this meeting when the following day the marijuana question will be settled. City Attorney Shaver responded it is a separate legal process.

Councilmember Susuras asked when action can be taken against the grow farm. City Attorney Shaver said the ordinance will become effective immediately if not turned down by the voters.

Councilmember Pitts asked if the same owner owns all parcels. Mr. Rusche said there are three tax parcels with nine lots and are all owned by the applicant.

Councilmember Palmer said the Persigo Agreement is triggered by development activity. Since there is no development, the annexation is not triggered by development. He asked if the County is notified when these processes begin.

Mr. Rusche said yes they are notified and asked to provide any comments.

Councilmember Pitts asked about the formula for annexation. City Attorney Shaver said it is based on 1/6 contiguity and the City surveyor calculates that. There are other criteria in the law; urban or urbanizing, whether it is capable of being integrated into the

community, etc. The Planner makes those determinations and brings them before the Council.

There were no public comments.

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

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

Councilmember Kenyon moved to adopt Resolution No. 18-11 and also adopt Ordinance Nos. 4459 and 4460 and ordered them published in pamphlet form. Councilmember Hill seconded the motion.

Councilmember Palmer objected to not bringing in the entire development into the City but rather “plucking” commercial development. It only adds to the problem of patchwork of City boundaries. He felt it was an attempt by the applicant to bring the property into the City as the activity is illegal in unincorporated Mesa County. He will not support the annexation.

Councilmember Pitts agreed with the term “plucked”. He will not support the annexation.

Councilmember Susuras agreed.

Councilmember Hill said the request meets the criteria of the Comprehensive Plan and the City has to start somewhere to fulfill the future plan. It will have a positive impact on

the City from a property and sales tax perspective. He is supportive because it meets the criteria of the Plan as far as growing the City of Grand Junction.

Councilmember Kenyon said he agrees; the areas not in the City need to be filled in. The City has to accept the application from the owners if they are going to fill these areas in.

Council President Coons agreed with Councilmember Hill, it is a voluntary request. They need to recognize that the current use of the property is not the only or final use of the property.

Motion failed by roll call vote with Councilmembers Palmer, Pitts and Susuras voting NO.

Public Hearing—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. 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

Councilmember Hill moved to continue the hearing to April 18, 2011 of the proposed Vacation of Alley Right-of-Way Ordinance. Councilmember Palmer seconded the motion. Motion carried.

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]

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.

The public hearing was opened at 7:54 p.m.

Lisa Cox, Planning Manager, presented this item. She explained the reason for amending the Code. The amendment is to correct a conflict that has existed in the

Code since 2000. They analyzed the situation and determined that there should be one parking space minimum per Business Residence.

Councilmember Palmer asked if it is one parking space plus the parking for a business. Ms. Cox answered yes. Councilmember Palmer inquired if five people live there, all with vehicles, will it push more cars out onto the street. Ms. Cox said it is unlikely a Business Residence will be in a residential area. Staff would have discussions with the applicant and analyze the need and would have concerns if the residence is large and there was a potential for concern.

Councilmember Palmer asked about fraternities and sororities and the requirement for one space per two beds. Ms. Cox advised that, at this time, there are no fraternities or sororities but they are happy to review that provision if those develop on campus.

Councilmember Hill inquired what would trigger a Business Residence. Ms. Cox said that will come into play when someone wants a business to have an accessory use of a dwelling unit.

Councilmember Susuras asked about the conflict, one area requires one space and in another place in the Code two spaces are required. Ms. Cox said that is correct.

There were no public comments.

The public hearing was closed at 8:05 p.m.

Councilmember Susuras said it addresses and fixes conflicting provisions in the Code and he will support it.

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

Councilmember Hill moved to approve Ordinance No. 4462 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

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]

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.

The public hearing was opened at 8:07 p.m.

Lisa Cox, Planning Manager, presented this item. She said the reason for the amendments is to clarify the Code and fix a scrivener's error. The proposal involves allowing a Conditional Use Permit (CUP) to be amended if appropriate and to add the compatible language that was inadvertently left out.

Currently, there is no provision to allow for an amendment to a Conditional Use Permit instead of forcing a complete new application. It also allows someone other than the applicant to request that a CUP be revoked. The City could also request such a revocation.

Councilmember Pitts asked for an example; is there an existing situation? Ms. Cox had a couple of examples. The Code is very restrictive. There is a car wash that wanted to make some changes but because the applicant was approved under a Conditional Use Permit under the existing code, he would be required to apply for a new Conditional Use Permit. Another example is a drive through which required a Conditional Use Permit and now they want outside storage. The existing Code requires a new CUP.

Councilmember Susuras was concerned that anyone within 500 feet could seek a revocation of the CUP. Ms. Cox said there are particular grounds for such a request (A through F of the Code).

Council President Coons asked if the original CUP would be a public hearing process whereas a change would not require a public hearing. Ms. Cox said the amended CUP would require a public hearing but they do not have to relinquish their old CUP and apply for a whole new one.

There were no public comments.

The public hearing was closed at 8:16 p.m.

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

Councilmember Hill moved to approve Ordinance No. 4463 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion.

Councilmember Kenyon thanked Ms. Cox and recognized the difficulty in bringing forward changes. He said this is a commonsense improvement.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Council President Coons asked Councilmember Palmer if he would like the discussion of parking at fraternities and sororities to be brought forward. Councilmember Palmer said that he would like the issue looked at.

Adjournment

The meeting was adjourned at 8:20 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

April 6, 2011

The City Council of the City of Grand Junction convened into regular session on the 6th day of April 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Teresa Coons. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Call to Order

Council President Coons called the meeting to order. Council President Coons asked Boy Scout Troop 365, which was in attendance, to lead in the Pledge of Allegiance.

Presentation

The Fruita Monument High School Civics Task Force gave a presentation on Kids Voting. Austin Douglas, Josh Elsworth, and Tyler Saylor from Fruita Monument High School Civics Task Force introduced themselves and their teacher/mentor Dr. Sherri Arosteguy.

Mr. Douglas passed out their Constitution and then presented. He first explained the mission of Kids Voting. The Civics Task Force was founded in March 2010 with Dr. Arosteguy and Chris Wehner. The mission of the Task Force is to encourage civics, leadership, and voting in elementary through high school. There is a membership of seven students in this Task Force and they meet one to two times per week. The Task Force statement was shared and it was pointed out that it reflects a non-partisan group that allows each student who is a member to share their thoughts and opinions. The Task Force is there to provide the tools to make an informed decision. His passion is to get people his age to care about what is going on in the world. He described what they did during the last General Election to get informed and how they shared that information and encouraged fellow students to conduct further research on the candidates and their platforms. When presenting information on the ballot issues, they present both sides so others can have all the information needed to make an informed decision. They also provide information on what the political positions and responsibilities are as well as background on individual candidates. They used situational context for people to consider in relation to the issues. They gave about one hundred presentations among the seven students. Although they raised the Kids Voting percentage by 6%, they raised the percent of informed students by much more than that. Mr. Douglas then talked about what they see as the future of their organization. The Task Force goes beyond just politics, it includes gaining experience in research and public speaking.

Council President Coons thanked Mr. Douglas for the presentation and said she had the privilege of buying lunch for some of the members of the Task Force and was able to learn more about the Task Force.

Canvass Results of Downtown Development Authority Special Election

City Clerk Stephanie Tuin reviewed the election returns. She displayed a Power Point presentation outlining the results of the election. The election was a single question to have the ability to increase the debt in the downtown area.

Councilmember Susuras asked if the election is decided by a simple majority. Ms. Tuin confirmed that it is.

She advised that 289 ballots were cast, 177 in favor of the question and 110 against. The voter turnout was 30.3%.

After review of the election returns, the canvassing board executed the Certificate of Election (attached).

Canvass Results of City of Grand Junction Regular Election

City Clerk Stephanie Tuin reviewed the election returns. She displayed a Power Point presentation outlining the results of the election which included the number of votes that were received for each candidate and each Referred Measure for each District.

She advised that 13,786 ballots were cast, for a 57.61% turnout. The turnout was a record number.

After review of the election returns, the canvassing board executed the Certificate of Election (attached).

City Clerk Stephanie Tuin presented newly elected Councilmembers Sam Susuras and Bennett Boeschenstein, who were in attendance, their Certificates of Election. Ms. Tuin indicated she will mail Jim Doody's certificate as he was not in attendance.

City Manager's Report

City Manager Laurie Kadrich presented this item. She first spoke regarding the Crown Point Cemetery and what has occurred with the water and improvements. There has been an anonymous donor who provided a number of improvements which then placed an urgency to obtain legal water rights to provide proper irrigation to the site. This has been accomplished and the project is complete.

City Manager Kadrich gave a presentation on recycling. This is another public-private partnership, and grant funds were sponsored towards a new building and equipment for the recycling center. This increased the capacity to 9 million pounds per year, and has also increased the types of materials that can be recycled. Ms. Kadrich expressed her appreciation for the Foss' who operate the facility.

The Downtown Uplift Project was then addressed. The City is assisting the Downtown Development Authority in this project. The project is on schedule and should be open the first week in June. There are mid block crossings to provide better access to alley sides of businesses. In regards to the tree canopy on the streetscape, the solution was to relocate some of the trees from other areas of the City to the Downtown area in order to have a more mature tree canopy.

Regarding the medical marijuana dispensaries, there have been a variety of questions. Specifically regarding sales tax, last year the collection was \$134,000, this year was \$20,500. The impact would have been 1/3 of 1% of the sales tax collections for these businesses but those numbers were not included in the budgeted revenues.

City Attorney Shaver relayed what City Staff has done that day to get the businesses informed. The ordinance was not in effect until the election results were certified at this meeting. The Police Department has begun making contact with the businesses. The Sales Tax Auditor will also be sending a letter asking for surrender of their sales tax licenses as well as following up on sales tax due. There is an expectation that there will be no further sales of marijuana. There may be enforcement action by the State. The dispensaries were put aside pending the outcome of the election and the expiration of the City moratorium. Any business will be given a reasonable time to wind up operations, but it will be sooner rather than later.

Council President Coons asked if other products mentioned under the sales tax licenses would include marijuana-infused products. City Attorney Shaver said any marijuana products would now be illegal. He encouraged any constituents with questions to contact the City Attorney's office.

Adjournment

The meeting was adjourned at 7:45 p.m.

Stephanie Tuin, MMC
City Clerk

CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

APRIL 5, 2011

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Downtown Development Authority Special Election held in the City on Tuesday, April 5, 2011, were as follows:

TOTAL BALLOTS CAST 289

DOWNTOWN DEVELOPMENT AUTHORITY REFERRED MEASURE C

“SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED NOT TO EXCEED \$65,000,000 WITH A REPAYMENT COST OF \$72,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW?”

Yes	177
No	110

We, the undersigned Canvassing Board, have reviewed the results of the Downtown Development Authority Special Election held April 5, 2011, and do hereby conclude:

That Referred Measure C passed by the greater number of votes.

CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

APRIL 5, 2011

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Regular Municipal Election held in the City on Tuesday, April 5, 2011, were as follows:

Total Ballots Cast in District A	3021
Total Ballots Cast in District B	3516
Total Ballots Cast in District C	1719
Total Ballots Cast in District D	3535
Total Ballots Cast in District E	1995
TOTAL BALLOTS CAST	13786

FOR COUNCILPERSON – DISTRICT "B" – FOUR-YEAR TERM

Candidate	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Sam Susuras	1746	2121	989	2219	1141	8216

FOR COUNCILPERSON – DISTRICT "C" – FOUR-YEAR TERM

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Bennett Boeschstein	1777	2070	1022	2167	1209	8245

FOR COUNCILPERSON – “CITY AT LARGE” – FOUR-YEAR TERM

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
John L. Ballagh	398	619	169	638	188	2012
Jim Doody	925	1141	489	1171	585	4311
Aaron Garth Norris	364	413	203	450	196	1626
Jacob N. Richards	563	466	484	429	528	2470
Joshua Wussick	260	229	100	250	139	978

CITY OF GRAND JUNCTION REFERRED MEASURE A

Shall the City of Grand Junction prohibit the operation of medical marijuana businesses and amend the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana by Ordinance No. 4437, the title to which shall read:

AN ORDINANCE PROHIBITING THE OPERATION OF MEDICAL MARIJUANA BUSINESSES AND AMENDING THE GRAND JUNCTION MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION PROHIBITING CERTAIN USES RELATING TO MARIJUANA

	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
For the Ordinance	1665	2238	767	2248	884	7802
Against the Ordinance	1296	1216	916	1208	1067	5703

CITY OF GRAND JUNCTION REFERRED MEASURE B

Shall the City of Grand Junction grant franchises to Public Service Company of Colorado, d/b/a Xcel Energy and to Grand Valley Rural Power Lines, Inc. by People’s Ordinance No. 37?

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS AND ELECTRICITY TO THE CITY AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE GAS AND ELECTRICITY WITHIN THE CITY AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF; AND

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO GRAND VALLEY RURAL POWER LINES, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY TO THE CITY AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE CITY AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
For the Ordinance	2048	2700	1081	2654	1239	9722
Against the Ordinance	627	544	462	595	588	2816

We, the undersigned Canvassing Board, have reviewed the results of the Regular Municipal Election held April 5, 2011, and do hereby conclude:

That Sam Susuras has been duly elected as Councilperson for District "B" by the greater number of votes.

That Bennett Boeschstein has been duly elected as Councilperson for District "C" by the greater number of votes.

That Jim Doody has been duly elected as Councilperson for "City at Large" by the greater number of votes.

Further we, the undersigned Canvassing Board, do hereby conclude that for the City of Grand Junction Referred Measure A, the ordinance was upheld by the greater number of votes; and that for the City of Grand Junction Referred Measure B, the ordinance was adopted by the greater number of votes.

Certified this 6th day of April, 2011.

/s/ Stephanie Tuin
Stephanie Tuin, MMC
City Clerk

Dated this 6th day of April, 2011.

/s/ Teresa Coons
Teresa Coons
Councilmember, District E

/s/ Thomas Kenyon
Thomas Kenyon
Councilmember, District A

/s/ Bill Pitts
Bill Pitts
Councilmember, At Large

Seat Vacant
Councilmember, District D

/s/ Bruce Hill
Bruce Hill
Councilmember, At Large

/s/ Gregg Palmer
Gregg Palmer
Councilmember, District C

/s/ Debra M. Kemp
Debra M. Kemp
Notary Public

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

APRIL 6, 2011

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, April 6, 2011 at 12:20 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Sursuras, and President of the Council Teresa Coons. Also present were City Manager Laurie Kadrach, Deputy City Manager Rich Englehart, and City Attorney John Shaver.

Council President Coons called the meeting to order.

Councilmember Tom Kenyon moved to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiators and/or instructing negotiators pursuant to Section 402 4 e of Colorado's Open Meetings Act and Council will not be returning to open session. Councilmember Bruce Hill seconded the motion. The motion carried.

The City Council convened into executive session at 12:20 p.m.

Stephanie Tuin, MMC
City Clerk



Date: April 1, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner/4058
 Proposed Schedule: April 18, 2011
 2nd Reading: May 2, 2011

CITY COUNCIL AGENDA ITEM

**Attach 2
 Setting a Hearing on Hyre Heights Rezone**

Subject: Hyre Heights Rezone, Located at 2674 F Road
File #: RZN-2011-643
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

Request to rezone 0.64 acres located at 2674 F Road from R-4, (Residential – 4 du/ac) to MXG-3 (Mixed Use General Form District – 3 stories) zone district.

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

The proposed zoning will implement several goals of the Comprehensive Plan:

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

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

The intersection of 12th Street and Patterson / F Road is designated as a Neighborhood Center and is located approximately ¼ mile from the subject property.

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

The applicant is interested in converting the existing residence to an office use.

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

The subject property is within an identified Mixed Use Opportunity Corridor.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for May 2, 2011.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their April 12, 2011 meeting.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

No.

Attachments:

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

BACKGROUND INFORMATION				
Location:		2674 F Road		
Property Owner:		Hyre Heights LLC		
Existing Land Use:		Single-family Residential		
Proposed Land Use:		Office		
Surrounding Land Use:	North	Single-family Residential		
	South	Medical Office		
	East	St. Mary's Parking Lot Single-family Residential		
	West	Single-family Residential		
Existing Zoning:		R-4 (Residential 4 du/ac)		
Proposed Zoning:		MXG-3 (Mixed Use General Form District – 3 stories)		
Surrounding Zoning:	North	R-4 (Residential 4 du/ac)		
	South	B-1 (Neighborhood Business)		
	East	R-4 (Residential 4 du/ac) PD (Planned Development) – St. Mary's Hospital		
	West	R-4 (Residential 4 du/ac)		
Future Land Use Designation:		Residential Medium (4 – 8 du/ac) Mixed Use Opportunity Corridor (Patterson Road)		
Zoning within density range?		X	Yes	No

1. Background:

The subject property is a single-family residence constructed in 1939 on approximately 0.64 acres. The property is currently zoned R-4 (Residential – 4 du/ac).

The applicant has been marketing the property for nearly two years and has only found interest in using the existing home for business purposes, due in part to its location on Patterson / F Road and proximity to St. Mary's Hospital.

A neighborhood meeting was held on October 27, 2010. Several neighbors were in attendance and expressed concerns regarding the existing traffic volume and access to the neighborhood from Patterson / F Road. The owners explained that the only prospects for the sale of the property were to utilize the existing residence for office or other commercial purposes. The planner discussed the concept of the Mixed Use Opportunity Corridor as well as the form district provisions, which were adopted in 2010.

Areas within a Mixed Use Opportunity Corridor that are currently zoned for residential purposes may be rezoned for more intense use (including nonresidential uses), provided that Form Districts are utilized and the depth of the lot is at least 150 feet (Grand Junction Municipal Code Section 21.02.140.c.2). The property is approximately 275 feet in depth, excluding right-of-way.

The request to rezone the property to MXG-3 (Mixed Use General Form District – 3 stories) would allow the existing structure to be used for offices, which is currently not permitted within the R-4 zone.

The building types permitted within the Mixed Use General (MXG) districts include general, apartment, townhouse, and civic. The standards for each building type would apply to new structures built upon the property.

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

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

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

Response: The adoption of the Comprehensive Plan in 2010 created a Mixed Use Opportunity Corridor along Patterson / F Road. The Mixed Use Opportunity Corridor allows for the consideration of commercial uses along major corridors for some properties that previously could not be considered, provided that the properties are included in a Form-based District, which was developed as part of the Comprehensive Plan. The designation as a Mixed Use Opportunity Corridor changes the potential for the property, which has been marketed for nearly two years, with no interest expressed in continued use as a single family dwelling.

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

Response: The property has been marketed for nearly two years, with no interest expressed in continued use as a single-family dwelling. The proximity to Patterson / F Road, a major transportation corridor, along with the expansion of St. Mary's Hospital, are two factors cited by the applicants. The adoption of the Comprehensive Plan created an opportunity for mixed uses along the Patterson / F Road corridor.

Parcels along Patterson / F Road, particularly in proximity to existing commercial uses, have been considered for rezoning on a case-by-case basis, with the most recent approval at 602 N. 7th Street (RZN-2011-483) from R-4 to R-O. The subject property is located adjacent to a parking lot, which has existed since 2000, for St. Mary's Hospital.

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

Response: There are public utilities already connected to the existing residence. Public utilities, including potable water provided by the City of Grand Junction, are adjacent to the subject parcel that can be utilized and have the capacity to facilitate new construction under the proposed form based zoning.

Community facilities, including retail, service, restaurant and other neighborhood uses, along with St. Mary's Hospital, are within walking distance of the subject parcel. Grand Valley Transit also provides bus service along Patterson / F Road, with a stop adjacent to this property.

(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: This is only the second property to be considered for a Mixed Use Form Based zoning district. Areas within a Mixed Use Opportunity Corridor that are currently zoned for residential purposes may be rezoned for more intense use (including nonresidential uses), provided that Form Districts are utilized and the depth of the lot is at least 150 feet (Grand Junction Municipal Code Section 21.02.140.c.2).

Parcels along Patterson / F Road, particularly in proximity to existing commercial uses, have been considered for rezoning on a case-by-case basis, with the most recent approval at 602 N. 7th Street (RZN-2011-483) from R-4 to R-O. The subject property is located adjacent to a parking lot, which has existed since 2000, for St. Mary's Hospital.

While there may be other commercial properties available for sale or lease within the community, there are no other properties along the corridor within ½ mile of the subject property for small scale office or service businesses that are not already devoted to that use.

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

Response: The proposed zoning will implement several goals of the Comprehensive Plan:

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

Policy A: To create large and small "centers" throughout the community that provide services and commercial areas.

The intersection of 12th Street and Patterson / F Road is designated as a Neighborhood Center and is located approximately ¼ mile from the subject property.

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

The applicant is interested in converting the existing residence to an office use.

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

The subject property is within an identified Mixed Use Opportunity Corridor.

In addition to the rezone criteria of Section 21.02.140(a), Section 21.02.140(c)(2) states that during consideration of the application of a Form District, the City Council shall consider the following:

- i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and

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

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

The intersection of 12th Street and Patterson / F Road is designated as a Neighborhood Center and is located approximately ¼ mile from the subject property.

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

The applicant is interested in converting the existing residence to an office use.

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

The subject property is within an identified Mixed Use Opportunity Corridor.

- ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.

Response: There are several apartments along Northern Way, which is less than a quarter-mile (1/4 mi) walk from the subject property. While the MXG-3 would permit a variety of uses, including offices, that may not be in demand by the adjacent residents, the potential is still present. In addition, the potential for the property is complemented by the proximity to St. Mary's Hospital and other commercial uses at the intersection of 7th Street and 12th Street with Patterson / F Road, along with a bus stop located adjacent to the property.

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

- 1) R-O (Residential Office)
- 2) MXG-5 (Mixed Use General Form District – 5 stories).
- 3) MXG-8 (Mixed Use General Form District – 8 stories).

The Planning Commission recommends the MXG-3 (Mixed Use General Form District – 3 stories) zone designation and does not recommend any of the above alternatives. If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

Site Location Map

2674 F Road



Aerial Photo Map

2674 F Road



Comprehensive Plan Map

2674 F Road



Existing City Zoning Map

2674 F Road





Memorandum

TO: Planning Commission
FROM: Brian Rusche, Senior Planner
DATE: February 25, 2011
SUBJECT: Objection to Hyre Heights Rezone

I spoke with Robert Alstatt, who resides at 2670 Patterson Road, adjacent to the proposed Hyre Heights Rezone.

Mr. Alstatt expressed his opposition to the request.

I informed him that I would convey his opposition in the event he is unable to attend the public hearing(s).

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING THE HYRE REZONE PROPERTY

LOCATED AT 2674 F ROAD

FROM

R-4 (RESIDENTIAL – 4 DWELLING UNITS PER ACRE)

TO

MXG-3 (MIXED USE GENERAL FORM DISTRICT – 3 STORIES)

Recitals.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning the property at 2674 F Road from R-4 (Residential – 4 dwelling units per acre) to the MXG-3 (Mixed Use General Form District – 3 stories) zone district for the following reasons:

The zone district is consistent with the designation of the property as a Mixed Use Opportunity Corridor as shown on 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.

After the public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds that the MXG-3 zone district should be established.

The Planning Commission and City Council find that the MXG-3 zone district is in conformance with the stated criteria of Title 21, Section 02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned to MXG-3 (MIXED USE GENERAL FORM DISTRICT – 3 STORIES):

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

Commencing at the south 1/4 corner of said Section 2, being a found Mesa County Survey Marker, the basis of bearing being N90°00'00"E to the east 1/16th corner on the south line of said Section 2, also being a found Mesa County Survey Marker; thence N90°00'00"E a distance of 1080.40 feet to the Point of Beginning;

thence N00°00'00"E a distance of 316.70 feet;
thence N90°00'00"E a distance of 100.00 feet;
thence S00°00'00"E a distance of 316.70 feet;
thence N90°00'00"W a distance of 100.00 feet to the Point of Beginning,
EXCEPT for that portion conveyed to The City of Grand Junction a Municipal Corporation
by Warranty Deed recorded July 18, 1985 in Book 1547 at Page 232 of the Mesa County
records.

Said parcel contains 0.64 acres more or less.

ALSO KNOWN AS TAX PARCEL NUMBER 2945-024-00-019

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:

City Clerk

Mayor



Date: April 4, 2012
 Author: Jamie B. Beard
 Title/ Phone Ext: Asst. City Atty.
4032
 Proposed Schedule: April 18,
2011
 2nd Reading
 (if applicable): May 2, 2011

CITY COUNCIL AGENDA ITEM

**Attach 3
 Setting a Hearing on Amendments to the Code
 Concerning Barking Dogs**

Subject: Amendments to the Grand Junction Municipal Code, Chapter 6.12, Dogs and Cats, Concerning Barking Dogs
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney

Executive Summary:

The Grand Junction Municipal Code (“Code”) had a comprehensive review as part of a contract with Code Publishing Company. A misunderstanding developed during that review and, mistakenly, a change was made to section 6.12.060, Barking Dogs, due to that misunderstanding. The amendment concerning this section 6.12.060 will remedy that mistake.

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

There is no direct or indirect relationship between this matter and the goals and policies of the Comprehensive Plan.

Action Requested/Recommendation:

Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2011.

Board or Committee Recommendation:

Not Applicable

Background, Analysis and Options:

During the comprehensive review of the Code of Ordinances, there were a few inconsistencies noted by the contractor, Code Publishing. Some of the inconsistencies were non-substantive editorial corrections and some were substantive.

A substantive change was made to Section 6.12.060. The substantive change was a mistake. Only a non-substantive scrivener’ error needed to be corrected in the section.

The proposed ordinance includes the appropriate language that is in conformance with the intent of City Council when the barking dog ordinance was amended and approved in 2003.

Financial Impact/Budget:

None

Legal issues:

The City Attorney has reviewed and approved the change.

Other issues:

Animal Control is aware of the amendment and is in agreement with the change.

Previously presented or discussed:

Not applicable

Attachments:

Attached is a copy of the present section proposed to be amended. Words to be deleted are shown with strikethroughs and new language added is underlined.

A proposed Ordinance is attached.

6.12.060 Barking dogs.

(a) Prohibition. No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

(b) Provocation Defense. Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) Complainant's Rights and Responsibilities.

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a) of this section. Other reliable evidence includes, but is not limited to, videotape and digital video recordings.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6.12.060 OF CHAPTER 6 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING BARKING DOGS

RECITALS:

The City Code of Ordinances (“Code”) had a comprehensive review as part of a contract with Code Publishing Company. During that review some inconsistencies in the Code were found.

Section 6.12.06 was amended to correct an inconsistency. The amendment itself was incorrect. It included more information than intended which caused confusion for enforcement.

This ordinance proposed sets forth the elements for the prosecution of an owner/keeper of a dog who has failed to prevent the dog from disturbing the peace of another.

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

Section 6.12.060 of the Grand Junction Municipal Code is amended to read as follows:

6.12.060 Barking dogs.

(a) Prohibition. No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner’s premises.

(b) Provocation Defense. Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) Complainant’s Rights and Responsibilities.

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a) of this section. Other reliable evidence includes, but is not limited to, videotape and digital video recordings.

Introduced on first reading the ____ day of _____, 2011.

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

President of the City Council

ATTEST:

City Clerk



Date: April 4, 2011
 Author: John Shaver
 Title/ Phone Ext: City Attorney
X1508
 Proposed Schedule: April 18,
2011

CITY COUNCIL AGENDA ITEM

Attach 4
Indemnifying William Baker, John Camper, Rick Dyer, William Gardner and John Zen

Subject: Indemnifying William Baker, John Camper, Rick Dyer, William Gardner and John Zen in Civil Action 10CV01719 MSK KLM
File # (if applicable):
Presenter Name & Title: John Shaver, City Attorney

Executive Summary:

Misti Schneider has sued the City along with four current and one former Police Department employees. Recently the Plaintiff, Ms. Schneider, filed to amend her lawsuit to state punitive damage claims against the current and former Police Department employees. By making the allegations the Plaintiff is now seeking personal, individual payment from the defendants for events that arose out of their employment with the City.

Under the Colorado Governmental Immunity Act, the City, upon a finding that it is in the public interest to do so, may defend, pay or settle punitive damage claims against public employees. It is the purpose of the proposed resolution to acknowledge the defense of those persons named in the resolution.

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

This item does not implicate the Comprehensive Plan.

Action Requested/Recommendation:

Adopt the Proposed Resolution

Board or Committee Recommendation:

No board or committee has reviewed the resolution. The City Attorney and City Manager recommend that the Council approve the resolution.

Background, Analysis and Options:

The resolution contains background and analysis.

If the Council does not approve the resolution then William Baker, John Camper, Rick Dyer, William Gardner and John Zen will have to hire attorneys to represent their interests and will be exposed to possible liability.

Financial Impact/Budget:

By adopting the resolution the City Council will be agreeing to indemnify each of the persons named against personal liability/judgment. There is no direct financial impact because the City has heretofore been defending the lawsuit. The amount, if any, of punitive damage claims would be determined at trial.

City Attorney and CIRSA Counsel Tom Rice do not believe that punitive damage claims will be sustained.

Legal issues:

Neither the City Attorney nor CIRSA Counsel believes that punitive damage claims will be sustained against the defendants.

Attachments:

Resolution

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. __-11**

**A RESOLUTION ACKNOWLEDGING THE DEFENSE OF WILLIAM BAKER, JOHN
CAMPER, RICK DYER, WILLIAM GARDNER, AND JOHN ZEN IN
CIVIL ACTION NO. 10CV01719 MSK KLM**

RECITALS:

A Federal District Court action has been filed by Misti Lee Schneider alleging that current and former employees of the Grand Junction Police Department, William "Bill" Baker, John Camper, Rick Dyer, William "Bill" Gardner and John Zen violated her 14th Amendment rights as protected by 42 U.S.C. § 1983. The City has answered the lawsuit and the discovery phase of the litigation is underway. The Plaintiff claims that the City did not properly hire, train, discipline and/or supervise former police officer Glenn Coyne.

On February 25, 2011 the Plaintiff filed a motion to amend her lawsuit to state punitive damage claims against Baker, Camper, Dyer, Gardner and Zen. The essence of such claims is that the Plaintiff now asserts that Baker, Camper, Dyer, Gardner and Zen purposely (willfully and wantonly) acted to harm the Plaintiff. In her amended complaint the Plaintiff has stated no new facts or allegations but instead has alleged the claims made against the City are now additionally made against these current and former Police Department employees.

Under the provisions of the Colorado Governmental Immunity Act, specifically sections 24-10-110 and 24-10-118 C.R.S., the City has certain indemnification obligations and it may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend public employees against punitive damage claims or pay or settle any punitive damage claim against a public employee. It is the purpose of this Resolution to acknowledge the defense of each person named herein below.

Although it is not believed that punitive damage claims will be sustained against these employees and former Chief Gardner, it is right and proper to pass this resolution defending them from the personal claims and liability. In support of the adoption of the resolution the City Council does hereby consider the following information to be relevant, appropriate and determinative.

The Defense of William Baker

The lawsuit alleges that Bill Baker, as a Patrol Sergeant, failed to adequately supervise Glenn Coyne when he was a police officer. Sergeant Baker has given 13 years of superb service to the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Sergeant Baker. Sergeant Baker denies all of the allegations made against him.

The City has no basis to conclude that Sergeant Baker acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

The Defense of John Camper

The lawsuit alleges that John Camper, as police chief, failed to adequately supervise Coyne when he was a police officer. Chief Camper began his service to the City as an interim chief approximately 2 weeks before the Plaintiff claims to have been injured by Coyne. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Chief Camper. Chief Camper denies all of the allegations made against him.

The City has no basis to conclude that Chief Camper acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

The Defense of Rick Dyer

The lawsuit alleges that Rick Dyer, as the Professional Standards Administrator for the Police Department failed to use appropriate hiring practices regarding the hiring of Glenn Coyne and that he failed to adequately investigate a complaint made against Coyne. Professional Standards Administrator (PSA) Dyer has given 18 years of excellent service to the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally PSA Dyer. PSA Dyer denies the allegations.

The City has no basis to conclude that PSA Dyer acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

The Defense of William Gardner

The lawsuit alleges that Bill Gardner, when he was police chief failed to adequately investigate and/or discipline Glenn Coyne when he was a police officer and therefore condoned illegal, unconstitutional behavior toward the Plaintiff. Gardner retired from the Grand Junction Police Department approximately three weeks before the Plaintiff claims to have been injured by Coyne. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from the Former Chief. Former Chief Gardner denies all the allegations made against him.

The City has no basis to conclude that Former Chief Gardner acted willfully and wantonly in this matter and accordingly that he should not have to withstand the claims made against him without protection of the City.

The Defense of John Zen

The lawsuit alleges that John Zen, as Deputy Police Chief of Operations, failed to properly investigate and/or discipline Glenn Coyne when he was a police officer and therefore condoned illegal, unconstitutional behavior toward the Plaintiff. Deputy Chief

Zen has an exemplary 30 year history with the Grand Junction Police Department. The Plaintiff has sued for compensatory and punitive damages. By stating punitive damage claims the Plaintiff seeks financial recovery personally from Deputy Chief Zen. Deputy Chief Zen denies all of the allegations made against him.

The City has no basis to conclude that Deputy Chief Zen acted willfully and wantonly. He should not have to withstand the claims made against him without protection of the City.

Because the City Council finds that the Grand Junction Police Department officers were acting appropriately and within the scope of their employment and also because to do otherwise would send a wrong message to the employees of the City, that the City may be unwilling to stand behind them when such employees are being sued for the lawful performance of their duties, the City Council adopts this resolution.

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend William Gardner, John Camper, John Zen, William Baker and Rick Dyer against claims for damages in accordance with 24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118 C.R.S. arising out of case 10CV01719.

PASSED and ADOPTED this __ day of _____ 2011.

President of the Council

ATTEST:

City Clerk



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 5

**Public Hearing—An Amendment to the Code
 Pertaining to Dogs Running at Large at Downtown Grand Junction Events**

Subject: An Amendment to Chapter 6 of the City of Grand Junction Municipal Code 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: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Proposed Ordinance.

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 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 ~~One-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 4th day of April, 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 6 Public Hearing—Optional Premises Liquor License for Mesa State College

Subject: Providing Standards and Allowing for Optional Premises Liquor License in Conjunction with a Hotel and 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 and 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 and restaurant liquor licenses 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:

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

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 and restaurant liquor licenses. In order for the same provision to be applied to optional premises permits issued in conjunction with hotel and 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 and restaurant liquor licenses to college campuses by Ordinance No. 3620. As these optional premises permits are in conjunction with a hotel and 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.

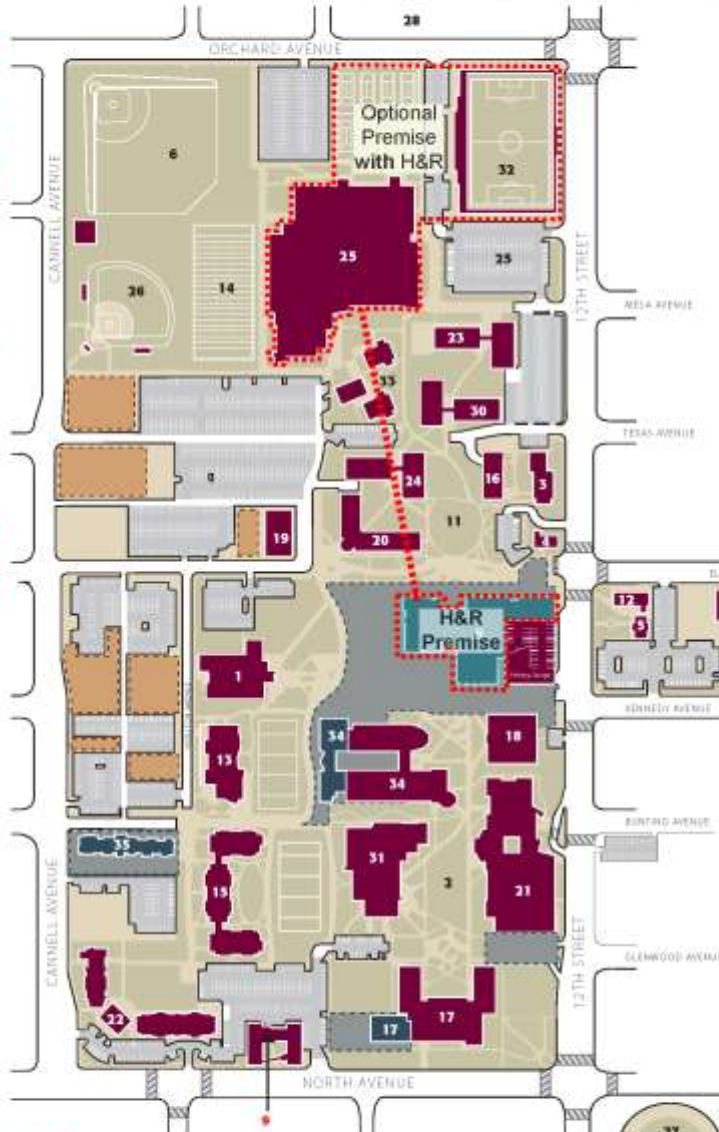
Attachments:

Depiction of Proposed Areas to be Licensed
Proposed Ordinance

MESA STATE COLLEGE

GRAND JUNCTION, COLORADO ▶▶

Main Campus Summer 2010



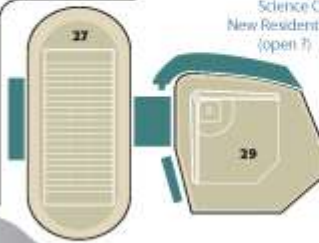
- Campus Buildings
- Construction
- Parking Construction
- City of Grand Junction Buildings
- Parking

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

Revised: May 2010

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, Mail Room, Purchasing, Maintenance Shops)	7
College Center (CC)	8
Bookstore (open Summer 2010)	
Development Center (DEVCTR)	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 7)	
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
Pinon Residence Hall (PH)	23
Rail 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 (WR)	33
Wubben Hall and Science Center (W)	34
Science Center (SL)	
New Residents Hall	35
(open 7)	



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 AND 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 4th day of April 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 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 7
 Public Hearing—Correcting the Boundaries for
 the 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:

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

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.

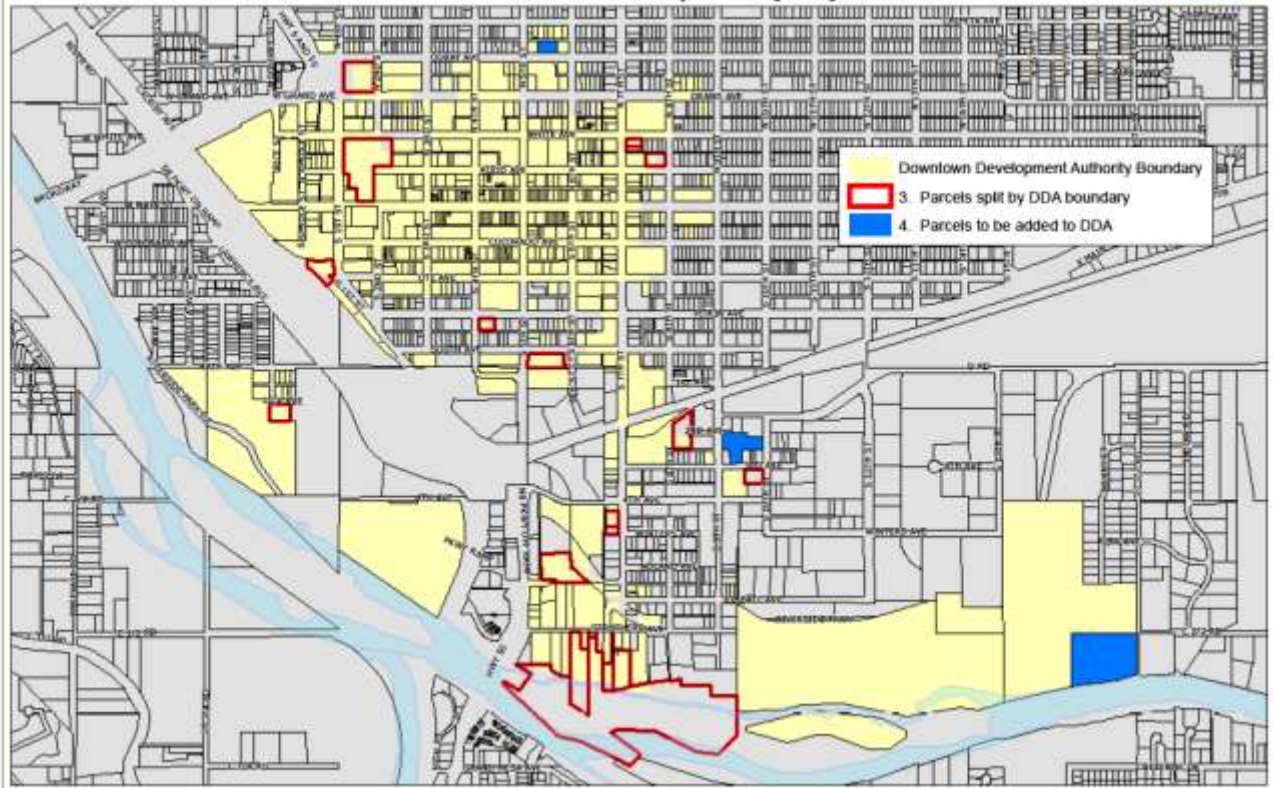
Other issues: N/A

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 4th day of April, 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

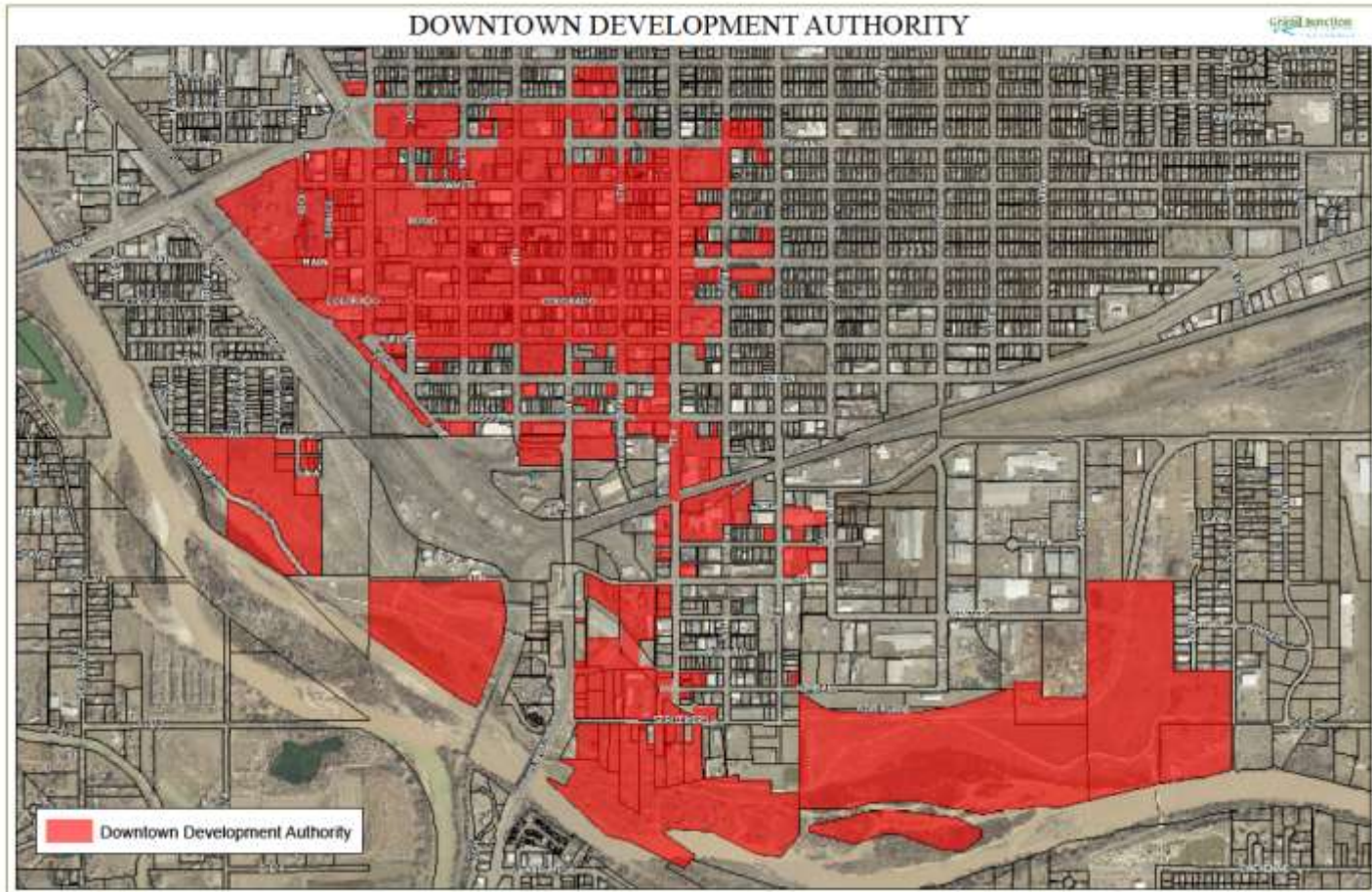
Parcels to be added to DDA

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: Tues., March 1, 2011
Author: Lori V. Bowers
Title/ Phone Ext: Sr. Planner / 4033
Proposed Schedule: Mon., March 14, 2011
2nd Reading:
Monday, April 18, 2011 - continued from April 4, 2011

CITY COUNCIL AGENDA ITEM

Attach 8 Public Hearing—Gay Johnson’s Alley Right-of-Way Vacation

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

Executive Summary:

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

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

The request to vacate the alley right-of-way is supported by the Comprehensive Plan’s **Goal 4** to: “Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.”

The applicant wishes to expand an existing business on his property, by vacating the dedicated public alley right-of-way there will be more flexibility for further site development.

Action Requested/Recommendation:

Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form 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.

Attachments:

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

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

ANALYSIS

1. Background

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

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

2. Section 21.02.100 of the Grand Junction Municipal Code

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

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

The request to vacate the alley right-of-way is supported by the Comprehensive Plan's Goal 4 to: "Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions." The applicant wishes to expand an existing business on his property, by vacating the dedicated public alley right-of-way there will be more flexibility for further site development.

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

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

No parcel will be landlocked as a result of the vacation.

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

The entire block is owned by one entity. Businesses leasing space in this block will not be economically impacted by the vacation of the alley right-of-way because an adequate access will be retained and remains unchanged.

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

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

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

The City will retain a utility easement to protect the existing public utilities that area currently located in the alley. The easement that contains the sewer and water will be 20-foot wide and will be centered over the main.

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

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

FINDINGS OF FACT/CONCLUSIONS

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

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
3. The Ordinance vacating the subject alley right-of-way is conditioned upon recording a new plat that shows the 20-foot public utility easement.

Site Location Map

333 N 1st Street

All in City Limits



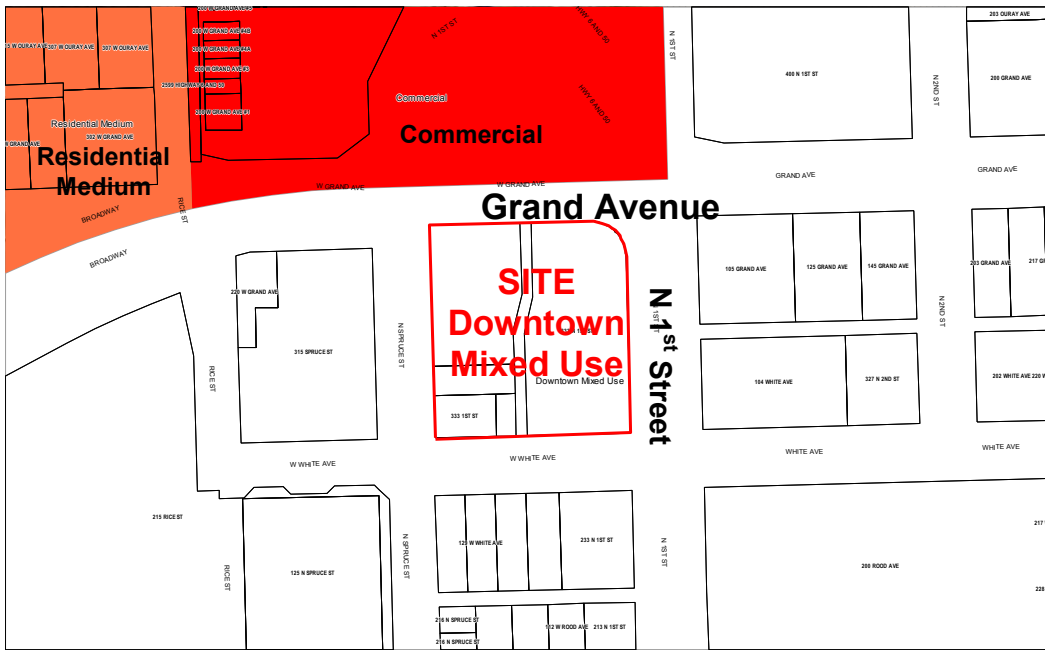
Aerial Photo Map

333 N 1st Street



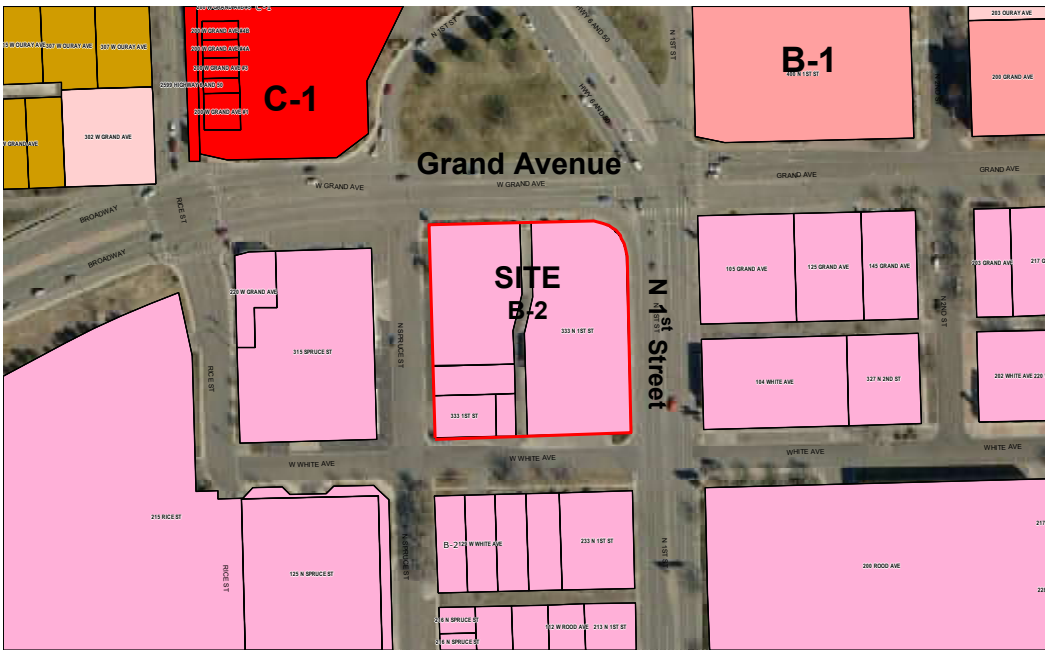
Comprehensive Plan Map

333 N 1st Street



Existing City Zoning Map

333 N 1st Street



CITY OF GRAND JUNCTION

ORDINANCE NO.

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

RECITALS:

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

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

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. An easement dedicating a 20-foot wide utility easement will be provided on the new Final Plat that shall be recorded after the subject Vacation Ordinance.

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

Dedicated right-of-way to be vacated:

15.00 FOOT WIDE ALLEY VACATION

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

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

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

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

INTRODUCED on first reading the 14th day of March, 2011 and ordered published in pamphlet form.

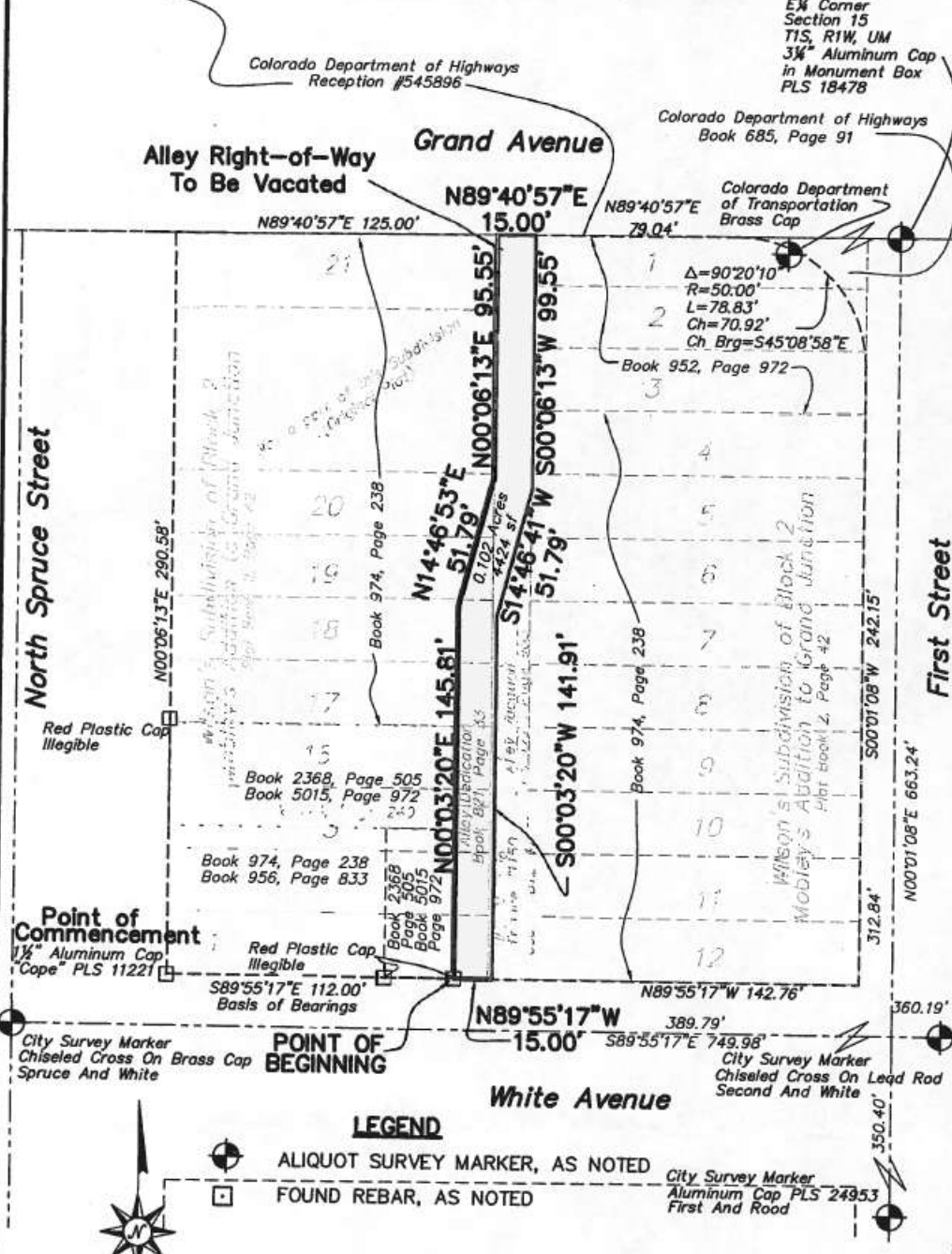
PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A
WILSONS SUBDIVISION OF BLOCK 2, MOBLEY'S SUBDIVISION
NE1/4 SECTION 15, T15, R1W, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO





Date: March 8, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner/4058
 Proposed Schedule: Resolution
Referring Petition March 14, 2011
 2nd Reading
 (if applicable): April 18, 2011

CITY COUNCIL AGENDA ITEM

**Attach 9
 Public Hearing—Pomona 24 Road Annexation**

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

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

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

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

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

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

Action Requested/Recommendation: Hold a Public Hearing to Consider Final Passage and Final Publication of the Proposed Annexation Ordinance.

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

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

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

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: Referral of the Petition and First Reading of the Annexation Ordinance was on March 14, 2011.

Attachments:

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

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

Staff Analysis:

ANNEXATION:

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

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

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

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

The following annexation and zoning schedule is being proposed:

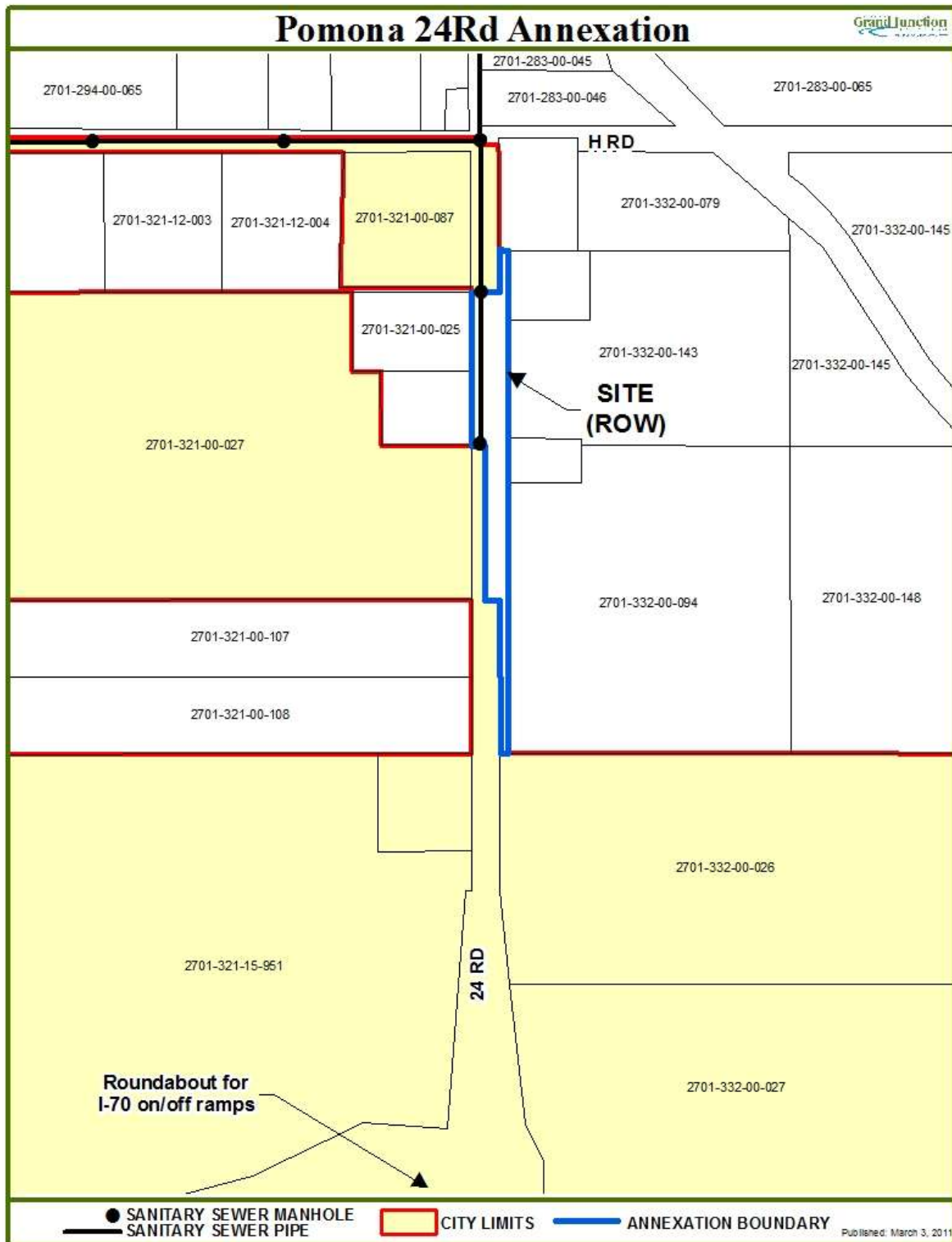
<u>ANNEXATION SCHEDULE</u>	
March 14, 2011	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
April 18, 2011	Acceptance of Petition and Public Hearing on Annexation by City Council
May 20, 2011	Effective date of Annexation

POMONA 24 ROAD ANNEXATION SUMMARY

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

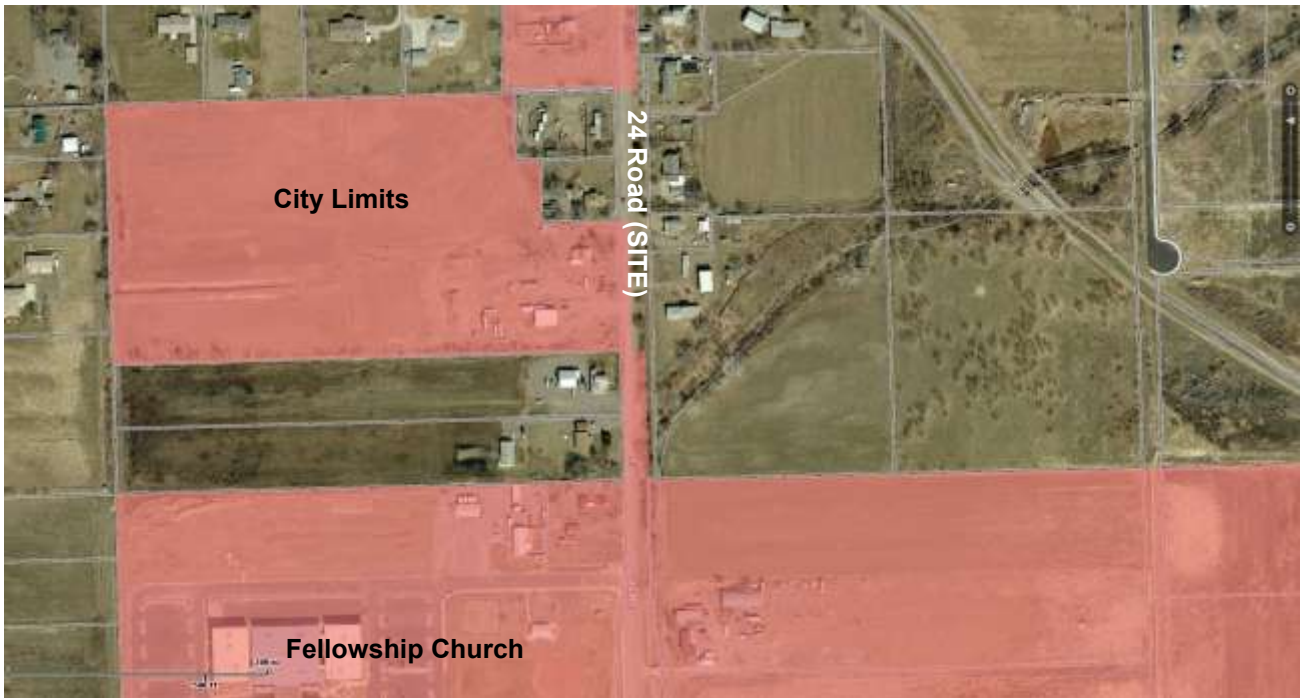
Annexation / Site Location Map

Figure 1



Aerial Photo Map

Figure 2



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-11

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

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**

IS ELIGIBLE FOR ANNEXATION

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

POMONA 24 ROAD ANNEXATION

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

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

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

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th 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**

POMONA 24 ROAD ANNEXATION

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

LOCATED SOUTH OF H ROAD AND NORTH OF I-70

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

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

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

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

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

POMONA 24 ROAD ANNEXATION

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

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

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

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

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

INTRODUCED on first reading the 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: April 7, 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 10
 Public Hearing—Text Amendments to the 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:

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 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), 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 4th day of April, 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