

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



**CITY COUNCIL AGENDA
WEDNESDAY, FEBRUARY 4, 2015
250 NORTH 5TH STREET
6:15 P.M. – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

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

Pledge of Allegiance
Pastor Dan Russell, Appleton Christian Church

Citizen Comments

[Supplemental Documents](#)

Council Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meeting**

[Attach 1](#)

Action: Approve the Minutes of the January 21, 2015 Regular Meeting

*Revised February 5, 2015
** Indicates Changed Item
*** Indicates New Item
® Requires Roll Call Vote*

REVISED

2. **Setting a Hearing Amending Sections of the Zoning and Development Code to Allow Permanent Outdoor Display within the Front Yard in B-1, C-1, and C-2 Zone Districts, Including Seasonal Sales and Exemption Certain Display Areas** [File #ZCA-2014-478] [Attach 2](#)

The proposed amendment to the Zoning and Development Code clarifies outside storage and display in the B-1 zone district, allows permanent display areas within the front yard in the C-1 zone district without approval of a Conditional Use Permit, and clarifies where and how permanent outdoor display is allowed in the C-2 zone district. The proposed amendments do not change the outdoor storage restrictions along commercial corridors, but allow outdoor display of merchandise, such as automobiles, along street frontages. In addition, the amendment would allow display areas under eaves, canopies, or other storefront features immediately connected to the building; because these are discreet and commonly accepted as simply an extension of the indoor display, Staff has determined that they should not be treated as “outdoor display.”

Proposed Ordinance Amending Sections 21.03.070 (b), (d), and (e), and 21.04.040(h)(3) of the Grand Junction Municipal Code Regarding Outdoor Display and Outdoor Storage

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 18, 2015

Staff presentation: Lori V. Bowers, Senior Planner

3. **Ruby Ranch Easement Vacations** [File #VAC-2014-414] [Attach 3](#)

Ruby Ranch Subdivision consists of 27 lots on 9.69 acres in an R-4 (Residential 4 du/ac) zone district. A portion of a 14-foot multi-purpose easement was inadvertently dedicated as the City of Grand Junction (City) had previously agreed with Grand Valley Water Users Association (GVWUA) to not place a multi-purpose easement in the same location as the GVWUA easement. Upon learning of the conflict and discussions with GVWUA, Staff has agreed that a portion of the trail on GVWUA’s easement may be vacated also. This request is to remove the portions of the easements that may conflict with GVWUA’s easement.

Resolution No. 07-15—A Resolution Vacating a Portion of a 14-foot Multipurpose Easement and a Portion of a Public Trail Easement, Located within Tract C, Ruby Ranch Subdivision, Adjacent to the West Side of 26 Road, South of G ½ Road

®Action: *Adopt Resolution No. 07-15*

Staff presentation: Lori V. Bowers, Senior Planner

4. **Request for Fireworks Displays at Suplizio Field**

[Attach 4](#)

The request is for fireworks displays from the Grand Junction Rockies, City of Grand Junction, Grand Junction Baseball, Inc. (JUCO) and Colorado Mesa University (CMU). The dates include community displays on Memorial Day and Independence Day, a Friday evening CMU game (April 24th), and 5 regular season Grand Junction Rockies games.

Action: *Consider Approval of a Request to Sponsor Fireworks at Suplizio Field on April 24, May 25, June 26, July 4, July 10, July 24, August 7, and September 6, 2015*

Staff presentation: Rob Schoeber, Parks and Recreation Director

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

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

5. **Public Hearing—Casas de Luz Phasing Schedule Extension Request, Located at West Ridges Boulevard and School Ridge Road** [File #PLD-2010-259] [Attach 5](#)

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development (PD) residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

Ordinance No. 4654—An Ordinance Amending Ordinance No. 4482 for the Casas de Luz Planned Development Residential Subdivision Revising the Proposed Phasing Schedule Located Adjacent to West Ridges Boulevard and West of School Ridge Road

®Action: Adopt Ordinance No. 4654 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form

Staff presentation: Scott D. Peterson, Senior Planner

6. **Acceptance of the State of Colorado Northwest Regional Emergency Medical and Trauma Advisory Council (RETAC) Consolidated Grant and Purchase of Zoll “X” Series Cardiac Monitors** [Attach 6](#)

The Fire Department has been awarded a State of Colorado Northwest Regional Emergency Medical and Trauma Advisory Council (RETAC) Consolidated Grant to assist with the purchase of 10 Zoll “X” series cardiac monitors. Eight of these are replacements for older units and two are new units.

Action: Authorize the City Manager to Accept the RETAC Consolidated Grant Award for 10 Cardiac Monitors and Ratify the Purchase from RETAC in an Amount of \$170,816.84 (City’s 50% match)

Staff presentation: Ken Watkins, Fire Chief
Jay Valentine, Internal Services Manager

***7. **Restoring Municipal Authority for Broadband** [Attach 7](#)

Requesting City Council refer a measure to April’s ballot that would ask voter approval to restore municipal authority previously revoked by Colorado Senate Bill 05-152.

Resolution No. 08-15—A Resolution Setting a Title and Submitting to the Electorate on April 7, 2015 a Measure Regarding Local Authority to Provide Services Restricted Since 2005 by Senate Bill 05-152

®Action: Adopt Resolution No. 08-15

Staff presentation: Elizabeth Tice, Management and Legislative Liaison
John Shaver City Attorney

***8. **Authorization to Incur Additional Debt and Retain Excess Revenues for the Instruction of the Westside Beltway Projects** [Attach 8](#)

The request is to set a ballot title asking voters at the April 7, 2015 election if they want to finance the construction of the Westside Beltway, which includes improvements to 25 Road from I-70 B/Highway 6&50 to F 1/2 Road, F 1/2 Road

to 24 Road and 24 Road from Patterson Road to the interchange at I-70 in the City. To finance such construction it is necessary to issue bonds and to use funds above limits established by Article X, Section 20 of the Colorado Constitution (“TABOR”) for purposes of the project.

Resolution No. 09-15—A Resolution Setting a Title and Submitting to the Electorate on April 7, 2015 a Measure Concerning the Issuance of Bonds to Finance the Westside Beltway and to Retain and Spend Revenues as Defined by Article X, Section 20 of the Colorado Constitution for the Westside Beltway and Providing Other Details Relating Thereto

®Action: Adopt Resolution No. 09-15

Staff presentation: Rich Englehart, City Manager
John Shaver, City Attorney

9. **Non-Scheduled Citizens & Visitors**
10. **Other Business**
11. **Adjournment**

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

January 21, 2015

The City Council of the City of Grand Junction convened into regular session on the 21st day of January, 2015 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Sam Susuras, and Council President Phyllis Norris. Absent was Councilmember Barbara Traylor Smith. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Councilmember Chazen followed by a moment of silence.

Presentation

Rob Schoeber, Parks and Recreation Director, recognized Lorie Gregor for all of her work on the art program and this award presentation. He then introduced Darcy Johnson, Vice Chair of the Commission on the Arts and Culture. Ms. Johnson gave the background on how the Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. There were eight nominations this year. The Champion of the Arts Business Award goes to Chuck and Patti Shear of SHEAR Inc. She described all the ways the Shears have supported the arts. They were presented with "Poppies Three" by Lynn Pavelka. The award was accepted by Quinton and Sherry Shear. The individual Champion was awarded to Karen Combs. Ms. Johnson described how she has supported the arts. Ms. Combs was awarded "Victory" by Pavia Justinian. Ms. Combs was present to accept the award. Ms. Johnson thanked the City Council for their continued support to help local art thrive and grow in Grand Junction.

Council President Norris thanked Ms. Johnson for all of her contributions.

Proclamation

Council President Norris said she had the honor of presenting the proclamation at the Martin Luther King, Jr. Day celebration held at Handy Chapel on January 19th but wanted it read again so that all citizens could hear it. Councilmember Chazen read the proclamation.

Juanita Trujillo was present to accept the proclamation for Martin Luther King, Jr. Day. She introduced Janielle Westermire Butler and David Combs.

Mr. Combs thanked the Council for the proclamation saying that it speaks volumes to the community. He and Ms. Trujillo created a service award in honor of former Councilmember Harry Butler and it will be awarded annually.

Certificates of Appointment

Council President Norris asked Visitor and Convention Bureau Manager Barbara Bowman to come to the podium. Ms. Bowman introduced the two new board members and described their qualifications.

Council President Norris presented Don Bramer and Susie Kiger their Certificates of Appointment to the Visitor and Convention Bureau Board of Directors.

Citizens Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, addressed the City Council and said his sculptures that won the Colorado Mesa University Veteran's Art Center competition may be added to a collection that will be shown in New Mexico. He then said City Attorney John Shaver gave him an audio recording of some discussions they have had regarding court cases. Mr. Lohmiller mentioned he sent a presentation to Sheriff Matt Lewis, suggested a sex education program for School District 51, and asked City Council if they have made a decision about Whitman Park.

Chris Kennedy, 2514 Filmore Avenue, addressed the City Council and said he would like to see TABOR funds go first to a recreation center, the school district second, and then to infrastructure developments. He feels the benefits from these types of investments will be very high.

Scott Beilfuss, 422 ½ Prospectors Point #22, also addressed the City Council on getting a recreation center. He said the last time there was a TABOR question there was an open house and several proposals were available for public review and discussion. This time there has been no input from the community. He said a recreation center would make this community more livable and described some benefits of building a recreation center. He concluded by saying recreation is a strong point for the area and a recreation center will help the City stand out. He hopes City Council will consider this.

Alan R. Story, 1831 L Road, Fruita, addressed the City Council regarding a young lady who is doing community service; he sat in on her municipal court hearing and was

upset by it. He would like to discuss the issue with one of the Councilmembers. The young lady belongs to the Sanchez family. He respects the family. Councilmember Doody offered to sit down with Mr. Story.

Council Comments

Councilmember McArthur said he attended the Fruita City Council meeting on January 20th and gave a presentation on the local drainage issues and the process of working toward a drainage summit between all the drainage districts in the valley. Once all the representatives are in place a summit will be called. He also attended the grand opening of the Maverik store on Orchard Mesa; it was a successful event.

Councilmember Boeschstein went to the Riverfront Commission meeting on January 20th; they have a lot of projects, the main one being Las Colonias Park which will have its groundbreaking soon. He also attended the meeting with the Las Colonias Park Amphitheater design team and said this is a good project. Later that day, he went to the Mesa County Public Library and attended a meeting on domestic violence put on by the Hispanic Coalition and local law enforcement. The event was well attended. He also went to the Horizon Drive Association Business Improvement District meeting where they talked about getting ready for the rebuild of the Horizon Drive and I-70 interchange which included details on the sculptures, different lighting standards, and a bicycle/pedestrian trail. On January 22nd, Jim Jordan from the Denver based Rocky Mountain Heritage Society will talk about what can be done to restore the train depot. The Friends of the Grand Junction Depot will be participating with this presentation along with the Museum of Western Colorado and the Historic Preservation Board.

Councilmember Chazen attended the Martin Luther King, Jr. Day event held at the Handy Chapel on January 19th; it was a moving event. Also that day, he attended a meeting the County hosted with Charter Communications. Individuals from the community described their service problems and Charter gave a presentation explaining the issues they are having with their conversion.

Councilmember Doody mentioned attending the Council Retreat where they and Staff discussed many issues. He said Charter Communications and CenturyLink gave a presentation at the Council Workshop on January 19th. The recent service issues present City Council with a good opportunity to address whether the City should have a role in this type of issue. Council should discuss and decide if this should be a ballot question.

Councilmember Susuras attended three Grand Junction Economic Partnership meetings; the 2015 Vision was approved. On January 20th he went to the Grand Junction Regional Airport Authority Board meeting. They are working hard to resolve

some building issues with the Grand Junction Regional Airport. January 28th through the 30th he will be attending the annual Colorado Water Congress meeting in Denver.

Council President Norris agreed with Councilmember Doody's observations regarding the recent situation surrounding internet/cable services. She said the City's hands are currently tied due to law. This question of whether or not to ask voters to allow the City to step in and take action will be discussed in a future Council Workshop.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #3 and then moved to adopt the Consent Calendar. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the December 15, 2014 Workshop and the Minutes of the January 7, 2015 Regular Meeting

2. **Setting a Hearing for Casas de Luz Phasing Schedule Extension Request, Located at West Ridges Boulevard and School Ridge Road** [File # PLD-2010-259]

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development (PD) residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

Proposed Ordinance Amending Ordinance No. 4482 for the Casas de Luz Planned Development Residential Subdivision Revising the Proposed Phasing Schedule Located Adjacent to West Ridges Boulevard and West of School Ridge Road

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 4, 2015

3. **Authorization for the City Manager to Disburse a Portion of the J. Heywood Jones Estate Trust Funds to the Museum of Western Colorado**

In 2013, the City was named as the Trustee for a portion of the J. Heywood Jones Estate Trust. Instructions were to disburse the funds for museum and

library purposes. At a workshop on January 19, 2015, Museum Executive Director Peter Booth presented a list of expenses proposed for the use of a portion of the funds from the Trust.

Resolution No. 06-15 — A Resolution Authorizing the City Manager to Disburse Trust Assets

Action: Adopt Resolution No. 06-15

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Hearing – Appeal of the Planning Commission's Decision on Variances and a Conditional Use Permit Issued to City Market, Located at the Intersection of N. 12th Street and Patterson Road

Council President Norris stated she submitted a letter to her fellow Councilmembers regarding the possibility of an appearance of a conflict of interest with this item. She then recused herself and left the dais.

Council President Pro Tem Chazen presided over this portion of the meeting.

The hearing was opened at 7:37 p.m.

Appeal of the Planning Commission's (PC) conditional Variance approval and conditional approval of a Conditional Use Permit (CUP-2014-134) for City Market to construct a building in excess of 15,000 sq. ft. within the existing B-1 (Neighborhood Business) zone district on 7.99 +/- acres at the intersection of N. 12th Street and Patterson Road. The Appellant appealed three issues. As to the conditional approval of a Conditional Use Permit, the appeal concerns the location of the fuel islands abutting the residential property, Patterson Gardens, on the east and the eight foot masonry wall. The Appellant argues that the fuel station is too close to the residential neighbor and the wall should be ten feet tall. The Appellant also appealed the conditional approval of a Variance request to operate the store and fuel islands 24 hours a day, seven days a week.

John Shaver, City Attorney, introduced this item, provided information on the legal process, and gave City Council different options. There are two items for the Council to decide on. The first is whether or not to grant the appeal. He listed the criteria noting Council was provided the full record of the PC hearing. A summary of the appeals were provided to the City Council. There are four areas for the Council to consider regarding the PC's decision: was the PC acting inconsistently, did the PC make errors in their findings, did the PC fail to fully consider the matters, and/or did the PC act arbitrarily, capriciously, and/or abuse its discretion. If Council finds that one or more of these

conditions apply, the appeal may be granted for the process to proceed to the next step which is a discussion of the record. Once that discussion is completed the Council may affirm the appeal, deny the appeal, or remand the decision back of the Planning Commission for further consideration. A decision will require four votes.

Council President Pro Tem Chazen asked Council about their desire to discuss the matter. All members of Council were in favor of discussion. Council President Pro Tem Chazen asked Scott Peterson, Senior Planner, to make a few comments. Mr. Peterson brought up an aerial photo of the property, then the proposed site plan, and clarified the issues being appealed and the requests the appellants have made to the applicant. As background, the Zoning Code only requires a six foot solid fence with an eight foot wide landscaping strip; the applicant has proposed an eight foot masonry wall and an 11 foot landscaping strip. The appellants would like the wall to be ten feet.

Councilmember Susuras asked if the fence could be chain link or wooden. Mr. Peterson said it would need to be a solid fence to provide screening and a buffer. Councilmember Susuras said the appellants would like the fuel islands moved to the corner and then noted the applicant planned to use that area for a bank. Mr. Peterson said the applicant has not finalized plans for that area, but would like to split off that pad site for some type of commercial use.

Councilmember McArthur summarized the purpose of the discussion. He felt there is some additional work that needs to be done to make sure the applicant has met the criteria of the Conditional Use Permit. He thinks the matter should be re-reviewed as the City Attorney had noted the record wasn't clear that the criteria had been met. It left a question for Councilmember McArthur that the issues might be addressed better.

Councilmember Susuras thought the PC did a very thorough job.

Councilmember Doody asked what some other City Market stores are zoned. Mr. Peterson said their zoning is C-1. Councilmember Doody asked what this site is zoned. Mr. Peterson said this site is zoned B-1 which is a neighborhood business zone district which limits the hours of operations. Councilmember Doody asked what the difference is for a C-1 zone. Mr. Peterson said C-1 is a blanket commercial zone which allows retail offices, multi-family units, and 24 hour operations; this is the predominant commercial zoning district in the City. Councilmember Doody asked when the B-1 zone was created. Mr. Peterson said it has always been in the City's Zoning Code and is intended to provide a buffer between commercial and residentially zoned areas.

Councilmember Boeschstein said the 15,000 square foot building is inconsistent with the zoning. Mr. Peterson said for a building that size in a B-1 zone a CUP is required which is why this request went to the PC for review. Councilmember Boeschstein asked if the hours of operations are also inconsistent with the B-1 zone. Mr. Peterson said 24 hour operations are not permitted in this zone. Councilmember Boeschstein

said the idea of a neighborhood commercial unit as opposed to a big block store is based on size, scale, and magnitude of the building as well as the impact on surrounding neighborhood. Mr. Peterson said compatibility was also reviewed. Staff and the PC felt the building itself and the use of screening and buffering met the requirements. Councilmember Boeschstein asked where the delivery area will be. Mr. Peterson said deliveries will be at the back of the store where the truck bay will be located. The applicant said deliveries will only be allowed between 7 a.m. and 11 p.m. Councilmember Boeschstein then asked if Staff worked with City Market on mitigating measures and which ones are a part of this plan. Mr. Peterson said the mitigating measures that are part of the plan include the eight foot masonry wall, 11 foot wide landscaping strip, and additional landscaping to screen the fuel islands from Patterson Gardens. Councilmember Boeschstein asked if the applicant had explored the idea of moving the fuel island to the northwest corner. Mr. Peterson said in 2010, the applicant proposed placing the fueling island on the NW corner, but moved it for this application. Mr. Peterson brought this option back up, but he said City Market preferred the current location. Councilmember Boeschstein asked what drainage provisions have been made. Mr. Peterson said detention ponds have been planned along the south portion of the property and will meet the historic retention and drainage needs. Councilmember Boeschstein asked what type of lighting fixtures will be used and if light will shine into the residential area. Mr. Peterson said the City's Zoning Code requires all parking lot and building lights to be down directional. Councilmember Boeschstein asked what the reasons were to request 24 hours of operation. Mr. Peterson said City Market felt since the building and parking lot lights will be on and employees will be working in the store they would like the store to be open and allow area residents, students, and employees the opportunity to shop. Councilmember Boeschstein asked what the hours of operation are for the nearby Albertson's store. Mr. Peterson said they are open from 5 a.m. until midnight.

Council President Pro Tem Chazen said he had reviewed all the video testimony and read the documentation and noted the only thing Staff did not support was the 24 hour operation. He then asked why. Mr. Peterson said the request for 24 hours of operation would require a variance and Staff did not feel any of the variance criteria was met: hardship, special privilege, and ample uses within the Code's specified hours. Council President Pro Tem Chazen said this is for a grocery store and as such it will have employees working 24 hours a day. He is concerned about the distinction between operations and sales; there is no clear delineation which leads him to think it should be remanded back to the PC. He specifically mentioned the testimony and the discussion by City Market only pointed to benefits; it did not address the variance criteria of undue hardship, reasonable use, etc. He felt the PC did not thoroughly vet this issue. He is not against this project but recommends it go back to the PC for more consideration and clarification regarding the question of 24 hour operations.

Councilmember Susuras noted the gas station will be open 24 hours a day because of credit card use. Council President Pro Tem Chazen said the record is unclear if the fuel island will be allowed to operate after the clerk leaves the area at 11 p.m. Mr. Peterson said the B-1 zone strictly limits the hours of commercial use; the applicant would be required to shut down the gas pumps and close the store at 11 p.m. which is why they are requesting a variance.

Councilmember Susuras asked since this is a B-1 zone, is this project considered a neighborhood center that would meet the Comprehensive Plan (CP) goals. Mr. Peterson said the CP shows this site as Business Park Mixed Use in a high volume traffic area. Councilmember Susuras read from the record where it states Staff said the B-1 zone meets the CP by creating a center and specifically meets CP goals 3, 7, 8, and 12. This is a very positive zoning and usage.

Council President Pro Tem Chazen said he would like City Market to address the undue hardship issue since it was not addressed in the record. He again recommended this go back to the PC for clarification.

Councilmember Susuras mentioned the owners said since they will have staff in the building 24 hours a day, they would also like to have a clerk and supervisor available for sales. He did not recall any mention of a hardship.

Council President Pro Tem Chazen asked City Attorney Shaver if a motion is needed to grant, deny, or remand this appeal.

City Attorney Shaver said Council needs to make a motion and they can include both issues. If they would like to remand the appeal back to the PC, they can make it general or specific. Four votes are needed for a decision.

Councilmember Doody asked Mr. Peterson when this property was zoned B-1. Mr. Peterson said it was rezoned in 2010, which was the last time City Market looked into building on this site. Councilmember Doody asked if City Market was okay with the B-1 zoning change. Mr. Peterson said they were.

Councilmember Boeschstein made a motion to grant the appeal and send the matter back to the PC, after finding they acted inconsistently with the Zoning Code and didn't properly consider mitigation issues. Councilmember Doody seconded the motion.

Council President Pro Tem Chazen asked City Attorney Shaver if this is remanded back to the PC, will they only need to consider the specific issues addressed at the PC meeting. City Attorney Shaver said based on Councilmember Boeschstein's motion, that is correct. It would be specific to the issues mentioned in the motion. He clarified the general versus specific remand options.

Councilmember McArthur asked if City Market is required to get a CUP to go forward. City Attorney Shaver said the CUP is for the size of the building, the variances were for the other aspects of the proposed operation.

Motion failed by roll call vote with Councilmembers McArthur and Susuras voting NO.

City Attorney Shaver said Councilmember Traylor Smith, who was ill, indicated her opinion to him and if the majority of Council approves he will read her position.

Councilmember Susuras said he did not want to set a precedent of accepting Councilmember votes if they are not present.

Councilmember Boeschstein said this is a very important decision to make and feels as many Councilmembers as possible should vote. He would like to postpone the vote.

Councilmember Doody said because Councilmember Traylor Smith reviewed the record she did not need to be part of this discussion.

Councilmember McArthur said this is similar to a proxy vote which has not been done before; this is more of a hybrid situation. He would be ok with a proxy.

Council President Pro Tem Chazen asked if this could be tabled.

City Attorney Shaver said yes, but the same discussion would need to be held.

Councilmember McArthur said he would support a remand back to PC with a general direction for them to close the loops.

Councilmember McArthur moved to grant the appeal and remand the matter to the Planning Commission with general instructions to address the issues brought forward by those that appealed. Councilmember Doody seconded. Motion carried by roll call vote with Councilmember Susuras voting NO.

Council President Pro Tem Chazen called a recess at 8:20 p.m.

The meeting reconvened at 8:28 p.m.

Council President Norris returned to the meeting.

Recording System for the Grand Junction Regional Communication Center

The Grand Junction Regional Communications Center (GJRCC) would like to enter into a contract with DSS Corporation to purchase an upgraded replacement recording system for the GJRCC for \$210,000. This recording system will record all 911 calls, non-emergency calls, administrative calls, and radio communications.

John Camper, Police Chief, introduced this item, the purpose of the request, and provided the reasons the upgrade is needed. He provided background on the issues with the present recording system. Jay Valentine, Internal Services Manager and Paula Creasy, Communication Center Project Manager, were present.

Councilmember Susuras asked if this is a budgeted item. Chief Camper said it is budgeted from the 911 fund.

Councilmember Chazen reviewed the funds budgeted for this project and remarked at how low the bid was. Mr. Valentine said this project was planned for 2014, but was not completed; these funds were not re-appropriated for a project in 2015. The source of budget funds is not specifically for this project, but it does demonstrate that the appropriation spending authority is there and when the City comes back for supplemental appropriation, the specific cost of the project will be shown. The fund amount shows that this project can be approved based on the authorized funding by Council. Councilmember Chazen asked for clarification regarding how the money can be used for this project. Mr. Valentine said the project was budgeted for 2014, but it was not completed; the funds stayed in the 911 fund and will be re-appropriated when there is a supplemental appropriation process. Councilmember Chazen asked what the budgeted amount was in 2014. Mr. Valentine said it was budgeted at \$160,000 in 2014. Councilmember Chazen then asked if there are sufficient reserves for the additional \$50,000 cost. Mr. Valentine said there was another \$50,000 project that was in the 2014 budget and was not pursued. The Communication Center has identified these two funding sources and will propose these for the supplemental appropriation.

Councilmember Boeschstein commented that Chief Camper said this type of funding for 911 cannot be sustained forever. He finds it amazing the City has been able to bring in all of the partners to help fund 911. He asked Chief Camper to comment on his ideas to improve this. Chief Camper said there are two primary funding sources. One is for capital expenditures which come from 911 surcharges and the other is the cost sharing from the 24 partner agencies. There is concern for both, but the cost sharing model is of primary concern and is exacerbated by the fact that 911 revenues are topping out and even starting to show a bit of a decline.

Council President Norris said part of the Council Retreat presentation was on how the 911 Center is changing and she would like to make sure this equipment will help the 911 Center move forward and take care of the citizens. Chief Camper said it is his understanding that the beauty of this equipment is that it has a much better capability to deal with anticipated modes of communication such as video and text messaging.

Councilmember Chazen asked what the \$50,000 was allocated for in 2014. Ms. Creasy said those funds were for the purchase of Next Generation 911; the DSS recording system will address that need. Councilmember Chazen asked if the purchase of the

DSS system will solve the needs that the two separate 2014 projects were going to address. Ms. Creasy said DSS is already working on those issues.

Councilmember Susuras moved to authorize the Grand Junction Regional Communication Center to enter into a contract with DSS Corporation, Southfield, MI, in the amount of \$210,000. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Contract for Consulting Services to Design for Expansion of Radio Coverage in Canyon and Rural Areas of Mesa County

The Grand Junction Regional Communications Center (GJRCC) would like to enter into a contract with Centerline Solutions for consulting services for a not to exceed amount of \$69,620. Centerline Solutions will provide solutions for expanding radio coverage in the canyon areas and rural areas of Mesa County.

John Camper, Police Chief, introduced this item and provided background on the issues for expanding the radio coverage in the canyon areas and rural areas of Mesa County. Although the system is robust there are still gaps in service where public service safety personnel are not able to communicate with dispatch and each other. The GJRCC needs the expertise to build coverage in the rural areas. The 911 Board agreed to redirect a portion of 911 funds that were allocated to build a tower; they felt it would be better to take a broader look to see where and what type of systems will be needed. He listed the areas to be studied. He deferred to Jay Valentine, Internal Services Manager, and Paula Creasy, Communication Center Project Manager, for any technical questions.

Councilmember Boeschstein asked if co-locating had been looked into rather than building a new tower. Ms. Creasy said co-locating had been looked at and using it would be dependent on where access is available. The City asked the consultant to consider all available sites for co-locating. Chief Camper said there may be some areas where mobile repeaters would be more beneficial than towers; the consultant will help the City make educated decisions regarding equipment and its location.

Councilmember Chazen wanted clarification on how much was budgeted. Chief Camper said initially \$500,000 was budgeted for a new tower, but the 911 board felt it would be more prudent to conduct a comprehensive study and identify the needs of the whole County.

Councilmember Susuras made a motion to authorize the purchasing division to enter into a contract with Centerline Solutions to provide professional consulting services for expansion of the 800MHz Radio coverage within Mesa County, in a not to exceed

amount of \$69,620. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:45 p.m.

Stephanie Tuin, MMC
City Clerk



Date: Jan 14, 2015
 Author: Lori V. Bowers
 Title/ Phone Ext: Sr. Planner/256-4033
 Proposed Schedule: PC – Jan 13, 2015
 CC 1st Reading: February 4, 2015
 CC 2nd Reading: February 18, 2015
 File # (if applicable): ZCA-2014-478

Attach 2
CITY COUNCIL AGENDA ITEM

<p>Subject: Amending Sections of the Zoning and Development Code to Allow Permanent Outdoor Display within the Front Yard in B-1, C-1 and C-2 Zone Districts, Including Seasonal Sales and Exempting Certain Display Areas</p>
<p>Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 18, 2015</p>
<p>Presenter(s) Name & Title: Lori V. Bowers, Senior Planner</p>

Executive Summary:

The proposed amendment to the Zoning and Development Code clarifies outside storage and display in the B-1 zone district, allows permanent display areas within the front yard in the C-1 zone district without approval of a Conditional Use Permit, and clarifies where and how permanent outdoor display is allowed in the C-2 zone district. The proposed amendments do not change the outdoor storage restrictions along commercial corridors, but allow outdoor display of merchandise, such as automobiles, along street frontages. In addition, the amendment would allow display areas under eaves, canopies, or other storefront features immediately connected to the building; because these are discreet and commonly accepted as simply an extension of the indoor display, Staff has determined that they should not be treated as “outdoor display.”

Background, Analysis and Options:

In April, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. The proposed amendments will enhance the responsiveness of the Code to the concerns of citizens and enhance its effectiveness. In addition, City Council has recently developed an Economic Development Plan. The proposed amendments will implement the Plan by removing barriers and streamlining the review process by eliminating the requirement of a conditional use permit (CUP) for outdoor display in the C-1 zoning district and for displays that are adjacent to the building and integral to the indoor operations.

Merchandise displayed in doorway areas are increasingly common and expected with retail businesses. Staff feels that displays immediately adjacent to the primary façade near the customer entrance that do not negatively impact pedestrian and parking areas or beyond the roof overhang do not warrant special or conditional permitting.

The proposed amendment would have the effect of allowing vending machines such as Red Box video rental, newspaper stands, propane gas tank exchanges, soda and ice machines, and seasonal merchandise to be located “outdoors” but near the front door area, under the roof eaves or canopies. Under the proposed amendment, these types of displays will no longer be considered “outdoor display,” and will not require a CUP in any zone district.

Presently in the C-1 zone district outdoor storage and outdoor display are allowed only in the rear half of the lot, beside or behind the principal structure, unless a CUP has been issued. Since 2010 several CUPs have been issued for outdoor display in the C-1 zone. Given that, it is reasonable to conclude that front yard merchandise display is now considered consistent and compatible with the C-1 zone district. Outdoor storage, however, is generally not as aesthetically pleasing as display of outdoor merchandise, which are by their nature designed to attract customers; therefore outdoor storage will not be allowed in the front yard in the C-1 zone district.

Performance standards in the C-2 zone district state that “[o]utdoor storage and display areas are not allowed within the front yard. Permanent and portable display of retail merchandise is permitted,” creating an ambiguity. The distinction should be made between storage and display. The amendment clarifies that outdoor storage is not allowed in the front yard in the C-2 zone district, but outdoor display is allowed in the front yard. C-2 is a highly visible zone district, predominate along the western end of North Avenue heading west along Highway 6 and 50 to the Mall and past 24 Road. To clarify the difference for consideration, auto dealerships “display” cars; storage units are displayed by business selling storage units; large pieces of granite and/or stone are displayed outdoors by retailers, as are other large items that are too large to either display indoors or move in and out of doors, either as purchased or at the end of the business day. But inoperable vehicles, pallets of building materials, items that a customer would not normally browse through to make a selection or that are not for immediate retail sale, would be considered “stored” items rather than “displayed” items.

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

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

By clarifying the Code where it was unclear or contradictory regarding outdoor display vs. outdoor storage; and removing a step (CUP for outdoor display in the C-1 zone district) from the development review process will continue to provide quality development that is visually appealing.

How this item relates to the Economic Development Plan:

These amendments to eliminate barriers to economic growth by streamlining the review process, clarifying the commercial zone district performance standards to make development review more predictable, and eliminating special review for commercial activity that has become more commonplace and expected in commercial zones. They do so while continuing to respect the protections put in place through the Comprehensive Plan. The proposed amendments relate to the following Action Step of the Economic Development Plan: Be proactive and business friendly and review

development standards and policies to ensure that they are complimentary and support the common mission.

Board or Committee Recommendation:

Planning Commission made the recommendation of approval to City Council at their meeting of January 13, 2015. There was no one present from the public to speak for or against the amendments. The vote was unanimous by those Commissioners present.

Financial Impact/Budget:

No financial impacts have been identified.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This proposed text amendment was discussed with Planning Commission at a Code workshop. It has not been discussed with or previously presented to the City Council.

Attachments:

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING SECTIONS 21.03.070(b), (d), AND (e), AND
21.04.040(h)(3) OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING
OUTDOOR DISPLAY AND OUTDOOR STORAGE**

Recitals:

This ordinance amends Title 21 of the Grand Junction Municipal Code (known as the Zoning and Development Code), allowing display areas in the front yard in the C-1 zone district without a conditional use permit, clarifying the C-2 performance standards regarding outdoor display and outdoor storage, and exempting from specially regulated “outdoor display” display areas under eaves, canopies or other storefront features immediately adjacent to buildings, which are increasingly commonplace and integral to indoor retail operations.

The amendments enhance the effectiveness of the Code and its responsiveness to changing business practices and community expectations and implement the Economic Development Plan by removing unnecessary barriers to development and business expansion and streamlining development review processes.

The amendments eliminate the requirement of a conditional use permit for outdoor display in certain areas of lots in commercial and mixed use zones and exempt from special regulation displays that are in building entrance areas and more integral to indoor operations.

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

The City Council finds that the amendments are in the best interest of the community and further the goals of the Comprehensive Plan and the Economic Development Plan.

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

Section 21.03.070(b)(2) (B-1 performance standards) of the Grand Junction Municipal Code is amended as follows (deletions struck through; additions underlined):

- (2) Performance Standards.

(i) Parking. Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.

(ii) Hours of Business. No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. "Close" includes no customers on site and no deliveries.

(iii) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

(iv) Outdoor Storage and Display. Outdoor storage and ~~permanent displays~~ are is prohibited. ~~Portable~~ Outdoor display of retail merchandise ~~may be~~ is permitted ~~as elsewhere provided in this code~~ subject to Section 21.04.040(h) of this Code.

All other provisions of Section 21.03.070(b) shall remain in effect.

Section 21.03.070(d)(3) (C-1 performance standards) is amended as follows (deletions struck through; additions underlined):

(3) Performance Standards.

(i) Service Entrances. Building entrances to service yard and loading areas shall be located only in the rear and side yard.

(ii) Outdoor Storage and Display. Outdoor storage and ~~permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure except when a CUP has been issued~~ is not allowed within the front yard. ~~Portable~~ Outdoor display of retail merchandise ~~may be~~ is permitted subject to Section 21.04.040(h) of this Code.

All other provisions of Section 21.03.070(d) shall remain in effect.

Section 21.03.070(e)(3) (C-2 performance standards) is amended as follows (deletions struck through; additions underlined):

(3) Performance Standards. Outdoor storage and ~~display areas are~~ is not allowed within the front yard ~~setback.~~ ~~Permanent and portable~~ Outdoor display of retail merchandise is permitted subject to Section 21.04.040(h) of this Code.

All other provisions of Section 21.03.070(e) shall remain in effect.

Section 21.04.040(h)(3) is amended as follows (deletions struck through; additions underlined):

(3) Outdoor Display. ~~A permissible outdoor~~ “Outdoor display” of merchandise is a includes portable displays taken inside at the close of each business day or a display of large commercial items of merchandise for immediate sale and open to customers for browsing (e.g., such as, but not limited to, operable autos, RVs, trucks, modular homes, hot tubs) that is permanent permanently located outdoors. Retail sales areas located outdoors and generally on-grade will be considered permanent display if the area is open daily to customers for browsing. Retail displays including shelving or rack areas higher than six feet, wholesale merchandise displays, and other areas not accessible to the general public are considered outdoor storage and subject to the provisions of subsections (h)(3)(vii) (h)(1) and (2) of this section 21.04.040. “Outdoor display” does not include merchandise displayed immediately adjacent to the primary façade near the customer entrance(s) that does not protrude into parking areas or drive aisles or beyond the eaves, roof overhang or covered entrance area; rather, these displays are considered permissible extensions of the indoor retail operations. All permissible outdoor display areas shall comply with the following requirements, except as otherwise indicated:

- (i) All outdoor display shall conform to specific zone performance criteria in GJMC [21.03.070](#) and the use-specific requirements of that particular use;
- (ii) No permanent outdoor display area shall be located in a required landscaped area;
- (iii) Outdoor display areas shall meet all landscaping requirements, but shall not be subject to the screening requirements for storage lots;
- (iv) No portion of a right-of-way shall be used for any type of display without a valid revocable permit;
- (v) For vehicle sales, not more than one vehicle display pad, elevated up to six feet in height as measured at the highest point, shall be permitted per 100 feet of street frontage;
- (vi) Display lots shall be paved, except that only the access roads shall be required to be paved for lots displaying large merchandise, such as manufactured homes or heavy equipment;
- (vii) All outdoor display shall conform to all requirements of TEDS (GJMC Title [29](#)) and the applicable sight distance triangle. Regardless of any provision to the contrary, no display shall be maintained in a location if it obstructs view, thereby constituting a traffic or pedestrian hazard; and
- (viii) Nonconforming sites shall comply with Chapter [21.08](#) GJMC.

All other provisions of Section 21.04.040(h) shall remain in effect.

Introduced on first reading this ____ day of _____, 2015 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2015.

ATTEST:

City Clerk

Mayor



Date: January 20, 2015
 Author: Lori V. Bowers
 Title/ Phone Ext: Senior Planner / 256-4033
 Proposed Schedule:
 PC: Jan 13, 2015
 CC: February 4, 2015
 File #: VAC-2014-414

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Ruby Ranch Easement Vacations
Action Requested/Recommendation: Adopt a Resolution Vacating a Portion of a Trail Easement and a Portion of a Multipurpose Easement Within Tract C, Ruby Ranch Subdivision, Adjacent to 26 Road, South of G ½ Road
Presenter(s) Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

Ruby Ranch Subdivision consists of 27 lots on 9.69 acres in an R-4 (Residential 4 du/ac) zone district. A portion of a 14-foot multi-purpose easement was inadvertently dedicated as the City of Grand Junction (City) had previously agreed with Grand Valley Water Users Association (GVWUA) to not place a multi-purpose easement in the same location as the GVWUA easement. Upon learning of the conflict and discussions with GVWUA, Staff has agreed that a portion of the trail on GVWUA’s easement may be vacated also. This request is to remove the portions of the easements that may conflict with GVWUA’s easement.

Background, Analysis and Options:

Ruby Ranch Subdivision was approved in October, 2013. The Final Plat was recorded July 7, 2014. This subdivision was a re-plat of the Sunpointe North Subdivision. The subdivision is bounded on the West by the Grand Valley Highline Canal; the North by G ½ Road; the East by 26 Road; and the South by an undeveloped 2.5 acre parcel.

In 2008, another developer began the process to create the Ruby Ranch Subdivision. At the same time the property to the east across 26 Road also had filed an application to develop a subdivision referred to as Jacobson’s Pond (the development was not finalized.) The City began reconstruction of the 26 Road intersection with G½ Road. The City had agreed, as part of its project, to relocate the irrigation pipe that carried water from the Jacobson’s Pond property across 26 Road and then down the east portion of the Ruby Ranch Subdivision to allow for improved designs of the two proposed subdivisions. The two developers were to pay a portion of the cost for the construction and for the relocation. During the reconstruction some irrigation and slope easements had to be moved and reconfigured. This impacted some facilities and existing easements belonging to GVWUA.

GVWUA agreed to cooperate with the changes effecting its facilities and its easement on the property now known as Ruby Ranch Subdivision as long and the City agreed

that a multipurpose easement would not be granted to it that overlaid or overlapped the portion of GVWUA's easement that parallels 26 Road.

It is customary to plat a 14-foot multi-purpose easement adjacent to double frontage lots within a subdivision, which is the case in this instance. It was not realized until after the recording of the Ruby Ranch Subdivision that the dedication of the multipurpose easement conflicted with this earlier agreement.

A pedestrian trail easement was requested along the same area to allow for possible future pedestrian trails in this area, as shown on the Urban Trails Master Plan. However, there is sufficient right-of-way along 26 Road to accommodate the required Collector section, consisting of two 12' travel lanes and a 12' center-turn lane, as well as 4' bike lanes and 7' curb, gutter and sidewalk, with some excess right-of-way that could be used to detach and/or widen the sidewalks. In discussions with GVWUA, it was agreed to request a vacation of a portion of the trail easement that overlaps GVWUA's easement and to retain a portion with understanding that the two parties will cooperate in the actual locating of the trail on GVWUA's easement if construction is contemplated. The intent and expectation is to work within the existing right-of-way where possible and potentially place the trail in the northern area of the easement that does not conflict with GVWUA's easement.

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

The request is consistent with the goals and policies of the Comprehensive Plan.

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

In order to consistently implement the Comprehensive Plan between the City and service providers, such as GVWUA, City Staff strives to review and work with the utility companies when utilities may be impacted. It was not realized until after the recording of the Ruby Ranch Subdivision that the dedication of the multipurpose easement and the pedestrian trail conflicted with the earlier agreement.

How this item relates to the Economic Development Plan:

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

GVWUA cooperated with the City in the relocation of their utilities during the design of two new subdivisions. By honoring the original agreement that was missed during the re-platting of Ruby Ranch Subdivision, shows the City's commitment (and GVWUA willingness) to continue to cooperate and work with utility providers for future growth and expansion.

Board or Committee Recommendation:

The Planning Commission forwards a recommendation of approval to the City Council. The item was considered non-controversial in nature and was placed on the

Commission's Consent Agenda, January 13, 2015.

Financial Impact/Budget:

There should be no financial impact to the City due to the vacation of the subject easements.

Legal issues:

The Code specifies criteria which must be satisfied as a pre-condition to the vacation. The City Attorney will be available to answer any questions about the legal sufficiency of the application and/or the Planning Commission's review/recommendation that the criteria have been met.

Other issues:

There are no known issues at this time regarding the vacation of the easements.

Previously presented or discussed:

This item has not been previously discussed or presented.

Attachments:

Site Location/Aerial Photo Map
Comprehensive Plan Map
Existing City Zoning Map
Area of Easements
Resolution with Exhibits

BACKGROUND INFORMATION					
Location:		Tract C, Ruby Ranch Subdivision along 26 Road; South of G ½ Road, West Side			
Applicants:		City of Grand Junction			
Existing Land Use:		Residential Subdivision			
Proposed Land Use:		Residential Subdivision			
Surrounding Land Use:	North	Bookcliff Gardens			
	South	Vacant Land			
	East	Vacant Land			
	West	Grand Valley Highline Canal			
Existing Zoning:		R-4 (Residential – 4 du/ac)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	B-1 (Neighborhood Business)			
	South	R-4 (Residential – 4 du/ac)			
	East	R-4 (Residential – 4 du/ac)			
	West	R-4 (Residential – 4 du/ac)			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easements shall conform to the following:

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

The Comprehensive Plan is met and is discussed above.

The vacation of the easements do not impact the Grand Valley Circulation Plan. 26 Road is designated as a Major Collector. The requested vacations do not reduce the amount of existing right-of-way.

The Urban Trails Master Plan shows a bike lane on 26 Road. The final design of the road and proposed striped bike lane has not been completed. GVWUA has agreed to work with the City when the design and construction of the trail is ready to move forward.

The agreement with GVWUA supersedes the City policy of placing a 14-foot multi-purpose easement along most rights-of-way for the purpose of adequate room for existing and future utilities. A 14-foot multi-purpose easement is provided on the west side of the double frontage lots adjacent to the requested vacation areas.

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

No parcel will be landlocked as a result of the proposed vacations.

- 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.

Access will not be restricted by vacation of the subject easements nor will it devalue the properties that are platted adjacent to this area.

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

There should be no adverse impacts to the health, safety or welfare of the community or the quality of public facilities.

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

Adequate utilities exist in this area and are available for future expansion if needed. The willingness of GVWUA to cooperate with the City for possible trail expansion will ensure that public facilities will be provided in the future as they are able to be funded.

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

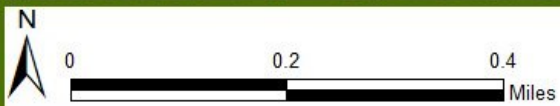
The proposed easement vacations are necessary to honor a previous agreement with GVWUA that was missed during the platting process of Ruby Ranch Subdivision. This is not a detriment to the City.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Ruby Ranch Easement Vacation application, VAC-2014-414 for the vacation of a portion of the 14-foot multi-purpose and a portion of a public trail easement located within Tract C, Ruby Ranch Subdivision I make the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

Location / Air Photo Map

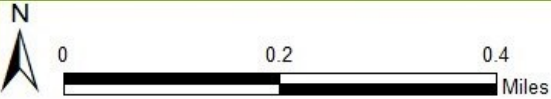
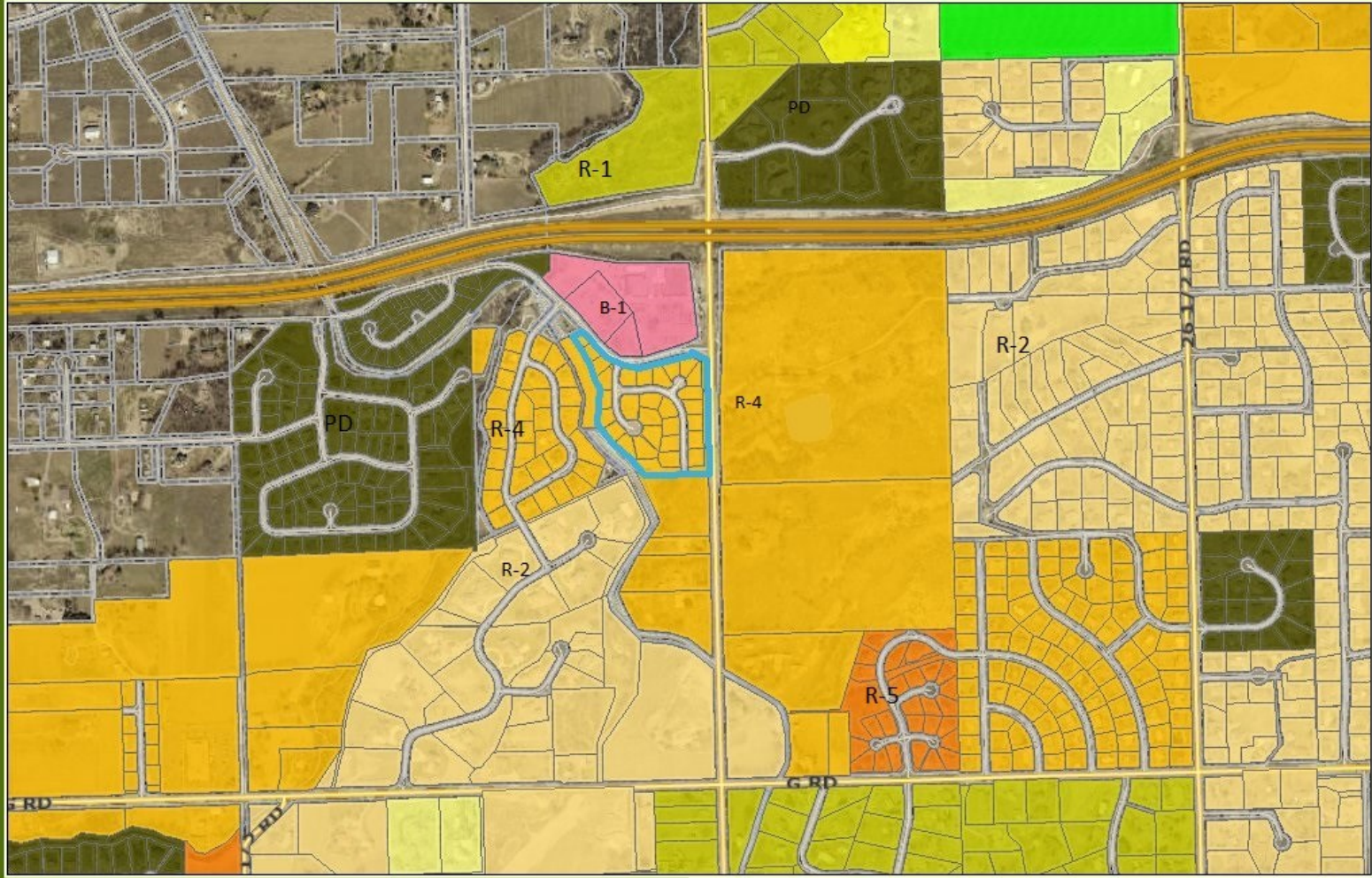


Printed: 12/31/2014

1 inch = 716 feet



Zoning Map

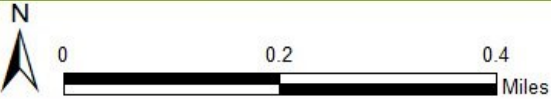
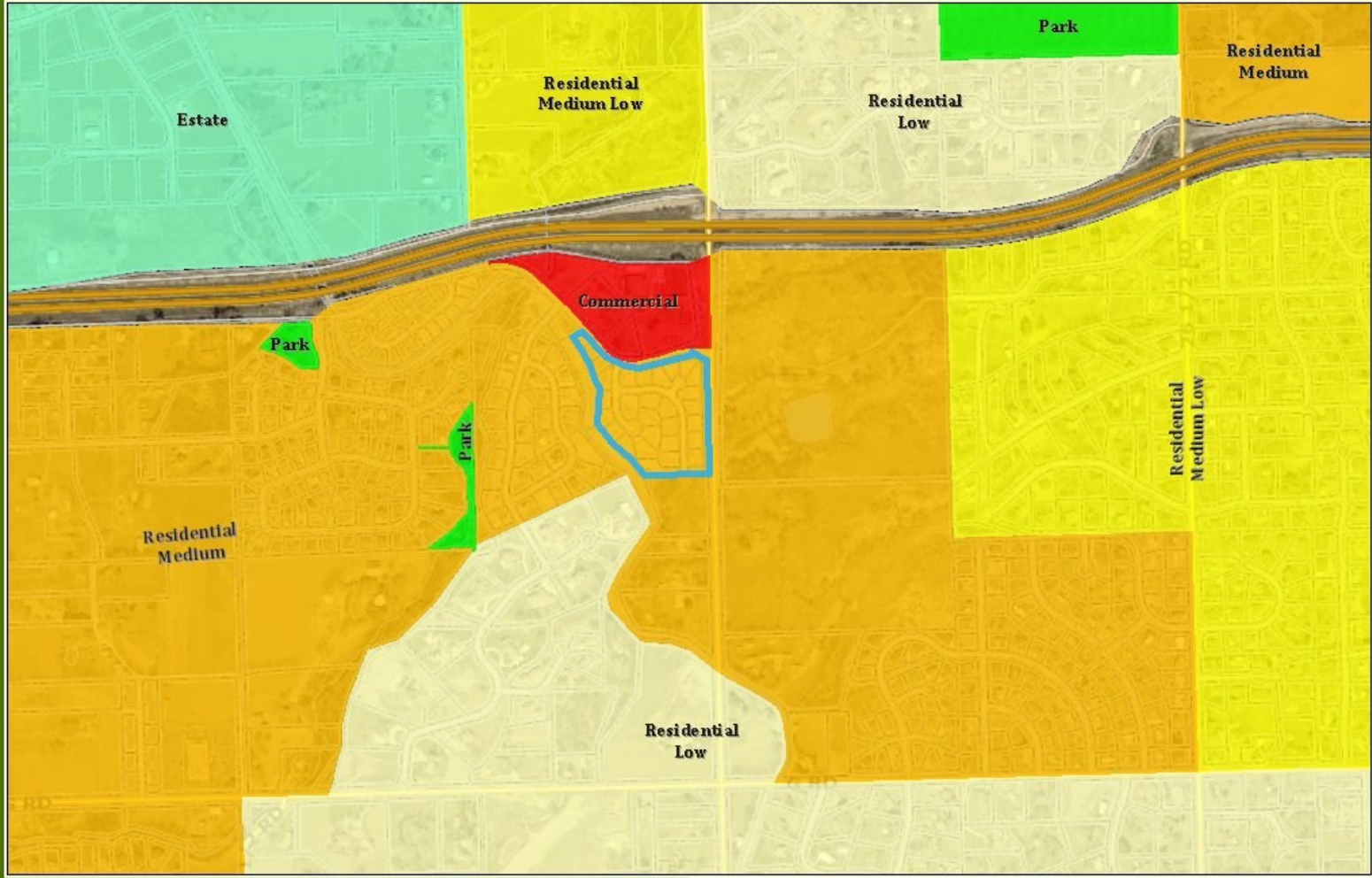


Printed: 12/31/2014

1 inch = 716 feet



Comprehensive Plan Map



Printed: 12/31/2014

1 inch = 716 feet



Area of Easements



Printed: 12/31/2014

1 inch = 179 feet



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A PORTION OF A 14-FOOT MULTI-PURPOSE
EASEMENT AND A PORTION OF A PUBLIC TRAIL EASEMENT
LOCATED WITHIN TRACT C, RUBY RANCH SUBDIVISION,
ADJACENT TO THE WEST SIDE OF 26 ROAD, SOUTH OF G ½ ROAD**

Recitals:

A request for the vacation of a portion of a 14-foot multi-purpose easement dedicated in error on the Ruby Ranch Subdivision Final Plat and to vacate a portion of a trail easement in the same Tract on the subdivision. The City of Grand Junction (City) had previously agreed with Grand Valley Water Users Association (GVWUA) to not place a multi-purpose easement in the same location as GVWUA easement. This request is to remove the portions of the easements that may conflict with GVWUA's easement.

In a public hearing, the Planning Commission reviewed the request for the vacation of the easements and determined that it satisfied the criteria as set forth and established in Section 21.02.100 of the Grand Junction Municipal Code. The proposed vacations are consistent with the purpose and intent of the Comprehensive Plan and the City's Economic Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS SHOWN ON THE ATTACHED EXHIBITS A AND B, ARE HEREBY VACATED AS SHOWN ON THE RUBY RANCH SUBDIVISION FINAL PLAT, RECORDED AT BOOK No. 5618 PAGES 337 and 338.

PASSED on this _____ day of _____, 2015.

ATTEST:

City Clerk

President of Council

**Portion of 14' MPE
Ruby Ranch Subdivision**

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

A portion of a 14 foot Multipurpose Easement, graphically depicted and dedicated on the plat of Ruby Ranch Subdivision, as same is recorded in Book 5618, Pages 337 and 338, Public Records of Mesa County, Colorado lying within Tract C of said Ruby Ranch Subdivision, said portion lying North of the South line of said plat and South of the Northerly limits of the Grand Valley Water Users Association Easement, as same is recorded with Reception Number 2479274, Public Records of Mesa County, Colorado, all lying adjacent to the West right of way for 26 Road, as depicted on said plat.

CONTAINING 5,249 Square Feet or 0.12 Acres, more or less, as described and as shown on Exhibit A attached.

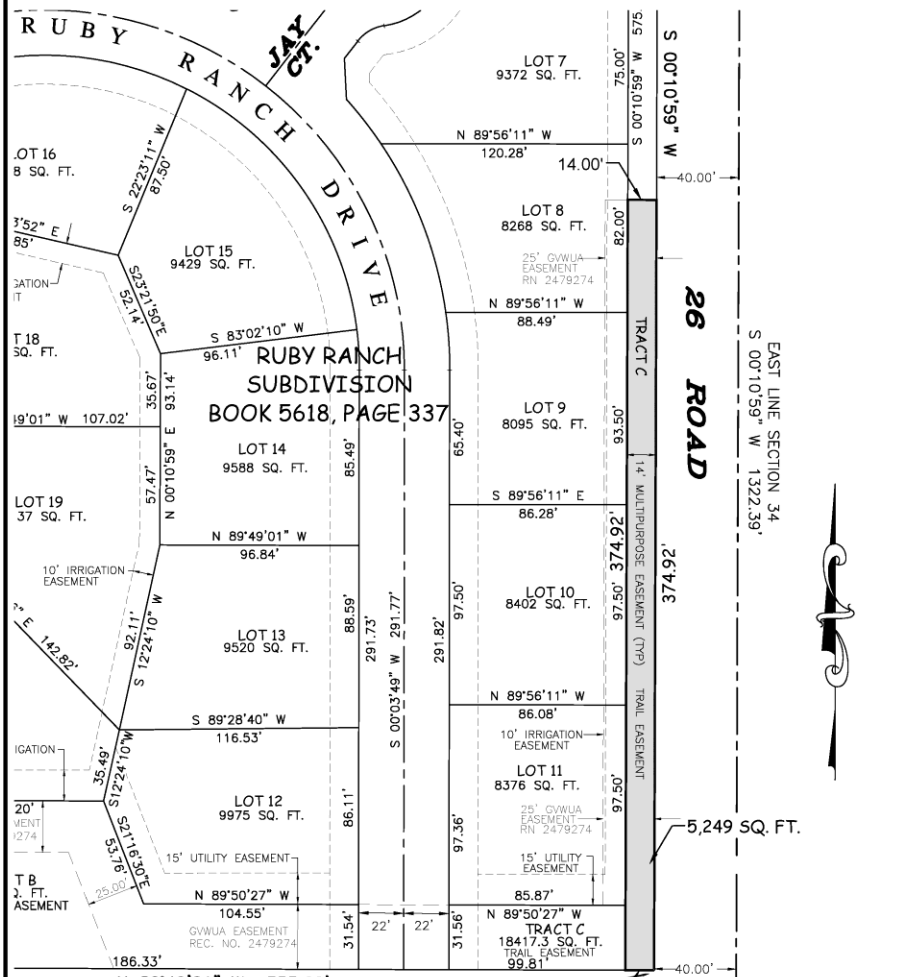
**Portion of Public Trail Easement
Ruby Ranch Subdivision**

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

A portion of a Public Trail Easement, graphically depicted and dedicated on the plat of Ruby Ranch Subdivision, as same is recorded in Book 5618, Pages 337 and 338, Public Records of Mesa County, Colorado lying within Tract C of said Ruby Ranch Subdivision, said portion lying North of the South line and its Easterly prolongation of Lot 11 of said plat and South of the Northerly limits of the Grand Valley Water Users Association Easement, as same is recorded with Reception Number 2479274, Public Records of Mesa County, Colorado, all lying adjacent to the West right of way for 26 Road, as depicted on said plat.

CONTAINING 4,806 Square Feet or 0.11 Acres, more or less, as described and as shown on Exhibit B attached.

EXHIBIT "A"



R = RANGE
 U.P.M. = UTE MERIDIAN
 T = TOWNSHIP

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

0 30 60
 1 inch = 60 ft.
 Lineal Units = U.S. Survey Foot

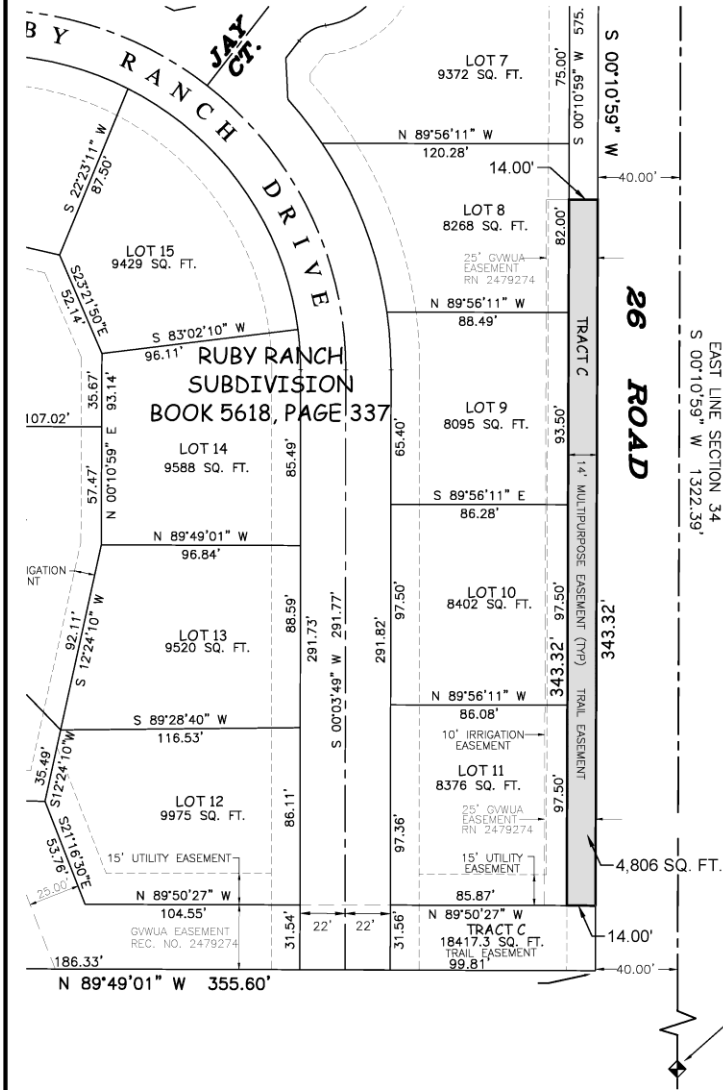


DRAWN BY: PLAT
 DATE: 11-03-2014
 SCALE: 1" = 60'
 APPR. BY: PTK

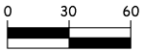
VACATION OF A PORTION OF THE 14'
 MULTIPURPOSE EASEMENT WITHIN
 RUBY RANCH SUBDIVISION
 RECORDED IN BOOK 5618, PAGES 337-338



EXHIBIT "B"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



1 inch = 60 ft.
Lineal Units = U.S. Survey Foot



DRAWN BY: PLAT
DATE: 11-03-2014
SCALE: 1" = 60'
APPR. BY: PTK

*VACATION OF A PORTION OF THE
PUBLIC TRAIL EASEMENT WITHIN
RUBY RANCH SUBDIVISION
RECORDED IN BOOK 5618, PAGES 337-338*





Date: January 23, 2015
 Author: Rob Schoeber
 Title/ Phone Ext: Parks & Rec
Director - 3881
 Proposed Schedule: February 4, 2015
 2nd Reading
 (if applicable): _____

Attach 4
CITY COUNCIL AGENDA ITEM

Subject: Request for Fireworks Displays at Suplizio Field
Action Requested/Recommendation: Consider Approval of a Request to Sponsor Fireworks at Suplizio Field on April 24, May 25, June 26, July 4, July 10, July 24, August 7, and September 6, 2015
Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

The request is for fireworks displays from the Grand Junction Rockies, City of Grand Junction, Grand Junction Baseball, Inc. (JUCO) and Colorado Mesa University (CMU). The dates include community displays on Memorial Day and Independence Day, a Friday evening CMU game (April 24th), and 5 regular season Grand Junction Rockies games.

Background, Analysis and Options:

There are two large community Fireworks shows held at Lincoln Park annually including Memorial Day (JUCO) and July 4th. This request adds an additional 6 shows to be held in conjunction with home baseball games for CMU and the Grand Junction Rockies. In an effort to minimize impacts to the adjacent neighborhoods, game times for the Rockies and CMU games will be moved up to 6:30 p.m., shell sizes will be limited to 2” in size, and loud exploding shells will be limited. If approved, a direct mailing will be sent to all adjacent neighbors highlighting the dates of the shows this season.

All shows at Lincoln Park require a coordinated effort including the event organizer, Parks Staff, Police Department, Traffic Control, Golf Course and Security. If approved, the fireworks will be staged and launched from the practice field located east of Suplizio. Considering the size of the proposed fireworks, there will be no impacts to the golf course. The event organizer and fireworks contractor worked closely last year with Parks Staff and there are no concerns from the Department. Estimated start times for all of the shows will be from 9:00-9:45 p.m.

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

The various levels of baseball in Grand Junction have proven to be popular for families and visitors to the area. This request will help to keep the event innovative and a unique experience for fans of all ages.

How this item relates to the Economic Development Plan:

Lincoln Park draws thousands of visitors to Grand Junction every year. Special events – such as fireworks shows – continue to bring fans into the community to support other local businesses.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

None.

Legal issues:

No legal issues have been identified.

Other issues:

None.

Previously presented or discussed:

This item was discussed at a City Council Workshop on January 19, 2015.

Attachments:

None.



Date: January 23, 2015
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: 1st Reading:
January 21, 2015
2nd Reading: February 4, 2015
 File #: PLD-2010-259

Attach 5

CITY COUNCIL AGENDA ITEM

Subject: Casas de Luz Phasing Schedule Extension Request, Located at West Ridges Boulevard and School Ridge Road
Action Requested/Recommendation: Adopt on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development (PD) residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

Background, Analysis and Options:

The 1.88 acre Casas de Luz (meaning; “Houses of Light”) property is part of the Ridges Planned Development and is to be completed over a total of four phases. The property is presently platted into ten lots. Under the current Ridges PD each lot was designated for a maximum of two dwelling units (termed “A” lots in the Ridges PD plan). The total number of dwelling units proposed with the Casas de Luz development (20) is the same number as originally planned for this site, but the Casas de Luz development plan approved in 2011 consists of reconfigured residential lots, common areas and stacked condominium units.

The applicant, Dynamic Investments, Inc., reports that completing the project has not been economically viable during the economic downturn but is optimistic given current market indicators that it could be completed within the following proposed extended phasing schedule:

<u>Deadline from prior approval:</u>	<u>Proposed new deadline:</u>
Phase 1: December 31, 2014	December 31, 2017
Phase 2: December 31, 2017	December 31, 2019
Phase 3: December 31, 2019	December 31, 2020
Phase 4: December 31, 2021	December 31, 2021(unchanged).

The owner is committed to completing the project. The public benefit supporting the original PD approval is still viable today by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates

elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard. The existing Planned Development will continue to provide benefits for additional residential development opportunities within the Ridges.

This extension of the phasing schedule is the only proposed amendment to the PD plan and ordinance.

Neighborhood Meeting:

Neighborhood Meeting was held by the applicant on January 12, 2015 with four citizens attending the meeting along with City staff. Neighborhood concerns expressed at the meeting were regarding the amended timeline with no major objections expressed. Other comments and discussion centered on how sight views would be impacted by the proposed development.

Board or Committee Recommendation:

The Planning Commission recommended approval of the proposed Planned Development extension request at their January 13, 2015 meeting.

Financial Impact/Budget:

No financial impact for this item.

Legal issues:

The City Attorney has reviewed and approved of the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

First Reading consideration of the revised phasing extension ordinance was on January 21, 2015. City Council approved the Casas de Luz PD on September 21, 2011, finding the approval criteria in GJMC 21.02.150 for establishment and amendment of a planned development were satisfied. Those approval criteria have not changed and the development plan, even with the proposed extension of the phasing schedule, still meets the applicable criteria.

Attachments:

1. Letter of Extension Request from Applicant
2. Correspondence received in support of proposed extension request
3. City Council Staff Report from September 21, 2011

4. Ordinance No. 4482
5. Proposed Ordinance

October 27, 2014

Scott Peterson
Senior Planner
City of Grand Junction
Grand Junction, CO

Dear Scott:

Dynamic Investments, Inc. hereby requests an extension of the approval and deadlines for development of the Casas de Luz project located in The Ridges, Grand Junction, Colorado. Dynamic has been unable to initiate development of the project due to market conditions and economic feasibility.

We request that the deadline for the filing of Phase One be extended from December 31, 2014 to December 31, 2017; Phase Two from December 31, 2017 to December 31, 2019; Phase Three from December 31, 2019 to December 31, 2020; and Phase Four deadline to remain unchanged at December 31, 2021.

Please submit this request for extension of the approval and development deadlines for Casas de Luz to the Planning Commission and City Council for review and approval of this request.

Should you have questions or require additional information, please do not hesitate to contact me.

Respectfully,

Mike Stubbs
President
Dynamic Investments, Inc.

From: <driveforzuberfizz@gmail.com>
To: "rmstubbs@icloud.com" <rmstubbs@icloud.com>, "scottp@gjcity.org" <scottp@gjcity.org>
Date: 1/5/2015 12:35 PM
Subject: Casas De Luz

Gentlemen,

I am a resident and owner of 2345 1/2 Rattlesnake Ct, a property that is directly affected by the project named Casas De Luz on West Ridges Blvd. . Although I will be unable to attend the scheduled meetings regarding the project, I am in support of the extension of project dates as proposed by Dynamic Investments, Inc. Thank you for your communications directed at the residents currently living in the area in question. If you have further questions or concerns, please feel free to contact me at any time. Thank you. Sincerely,

Lindsay Beill

970-986-7642

Sent from Windows Mail



CITY COUNCIL AGENDA ITEM

Date: September 2, 2011
Author: Scott D. Peterson
Title/ Phone Ext: Senior Planner/1447
Proposed Schedule: September 7, 2011 (First Reading)
2nd Reading
(if applicable): September 21, 2011
File # (if applicable): PLD-2010-259

Subject: Amending the Ridges Planned Development for Casas de Luz Residential Development, Located adjacent to West Ridges Boulevard and West of School Ridge Road in the Ridges Subdivision
Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication for Proposed Ordinance(s) and adopt Resolution
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request for approval for an amendment to the Planned Development zoning ordinance for the Ridges Planned Development (“Ridges PD”) for a portion of the property, Lots 34A-40A, Block Twenty-five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five, within the Ridges PD located adjacent to West Ridges Boulevard, across from the driving range for Redlands Mesa Golf Course. The applicant is also requesting approval for the vacation of a dedicated frontage road (right-of-way) and utility and drainage easements in conformance with the new plan.

Background, Analysis and Options:

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. Project may be completed over four phases. The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development.

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

The proposed residential development request for Casas de Luz furthers **Goals 3, 5, and 8** of the Comprehensive Plan by:

- Facilitating ordered and balanced growth and spreading future growth throughout the community;

- Providing a broader mix of housing types (two-family and multi-family dwelling units) in the community to meet the needs of a variety of incomes, family types and life stages, and
- By creating attractive public spaces and enhancing the visual appeal of the community through quality development.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested Amended Planned Development Ordinance and Right-of-Way, Utility and Drainage Easement Vacations at their August 9, 2011 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

First Reading of the Ordinance(s) was September 7, 2011.

Attachments:

Site Location Map/Aerial Photo Map
Comprehensive Plan/Blended Residential Map
Existing City Zoning Map
Site Layout Plan
Bulk Standards document prepared by Applicant
Letter from Sue Carbone, Adjacent Property Owner
Letter from Rick Thurtle, Adjacent Property Owner
Ordinance for Amended Planned Development
Ordinance for Vacation of Right-of-Way (Frontage Road)
Resolution for Utility and Drainage Easement Vacation

BACKGROUND INFORMATION				
Location:		West Ridges Boulevard and School Ridge Road		
Applicants:		Dynamic Investments, Inc., Owner		
Existing Land Use:		Vacant land		
Proposed Land Use:		One Single-Family Detached, Two-Family and Multi-Family dwellings		
Surrounding Land Use:	North	Single-Family Attached dwelling units		
	South	Vacant land and driving range for Redlands Mesa Golf Course		
	East	Single-Family Attached dwelling units		
	West	Redlands Mesa Real Estate Office		
Existing Zoning:		PD, Planned Development		
Proposed Zoning:		PD, Planned Development		
Surrounding Zoning:	North	PD, Planned Development		
	South	PD, Planned Development		
	East	PD, Planned Development		
	West	PD, Planned Development		
Future Land Use Designation:		Residential Medium (4 – 8 du/ac) and Residential Medium Low (2 – 4 du/ac)		
Zoning within density range?		X	Yes	No

1. Background:

The 1.88 acre “Casas de Luz Property” consisting of Lots 34A-40A, Block Twenty-Five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five as part of the Ridges Planned Development. The property is presently platted into ten lots. Under the current Ridges PD each lot is designated for a maximum of two dwelling units (“A” lots) within the overall PD.

The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970’s. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of land uses including

a variety of housing types – from apartments to detached single family units – offices and neighborhood commercial uses.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City limits. Upon annexation, an amended plan and zoning ordinance for the Ridges was adopted zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. Original platted parcels indicated the expected use, for example “A”, “B” or “C” lots. Multifamily sites were assigned specific densities.

The Casas de Luz Property was designated as “A” lots with a density of two family dwellings for each platted lot. However, it was specifically noted on the plat that the same area could be developed as a multifamily area. The area is limited to the maximum density of 20 dwelling units already determined for the ten “A” lots.

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. The new subdivision is proposed to be named Casas de Luz (meaning; “Houses of Light”) and may be completed over four phases. The proposed development shall be subject to the provisions of the Zoning and Development Code, except as deviated by the approved Casas de Luz Plan to be adopted as a part of the amended ordinance.

The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development. The existing frontage road provides access for seven of the existing ten lots. The frontage road provides a separate ingress/egress point for each lot without impacting traffic movements on West Ridges Boulevard. However, since the Casas de Luz development is modifying the existing lot configuration and proposing three access points to serve 20 dwelling units, this frontage road will no longer be necessary, except for the retaining of a 10’ multipurpose easement along the remaining right-of-way for utilities, including utilities presently in place.

The easements to be vacated appear on the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five. The existing 10’ Drainage and Utility Easement on Lot 41A; a small portion of the 10’ Utility Easement on Lot 43A; and a portion of the 20’ Utility Easement on Lots 41A through 43A are to be vacated. The easements are not necessary for development and some interfere with the location of buildings within the proposed development. These existing easements do not contain any public utilities in the areas to be vacated.

Density

The Comprehensive Plan Future Land Use Map indicates this area of the Ridges to be Residential Medium (4–8 du/ac) and Residential Medium Low (2–4 du/ac). The Ridges

PD overall density is four dwelling units per acre which includes all lots, open space tracts, etc. The densities are consistent with the Comprehensive Plan. The above stated Ridges density is calculated as a gross density for the entire Ridges Plan, not site specific. The site specific density for this proposal would be 10.6 dwelling units an acre matching what was originally approved for this site. The proposed Casas de Luz development is a resubdivision of "A" lots within the Ridges development which allowed up to a maximum of two-family dwellings for each platted lot.

The applicant has not proposed a change to the density.

Access

Access for the Proposed Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

Plan Layout

The Proposed Plan will have a mixture of two-family, multifamily, and/or single-family detached dwelling units. As proposed some of the multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

Landscaping

Landscaping shall be in conformance with the Zoning and Development Code for a multifamily residential development (see Ordinance for Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

Phasing

The proposed Casas de Luz Plan shall be developed in four phases. The proposed phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner

acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

Community Benefit

As this is an amendment to the original Planned Development ordinance for the Ridges, a community benefit is not required to be found by the decision-maker. However, the proposed amendment for the Casas de Luz Property does provide community benefit by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

Default Zoning

If the first phase for the Casas de Luz Plan is not completed as indicated in the approved amended ordinance and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, but the entire Plan is not completed, then the Casas de Luz Development Plan proposes a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: According to the City's Code density is not to exceed 8 dwelling units per acre. However, as this is an amendment to the Ridges PD, the density has already been determined for this area and the default for density purposes shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for proposed deviations from standards for the Proposed Plan.)

Detached Single-Family	minimum 3000 square feet of area
	minimum 40 feet width

Two Family Attached	minimum 20 feet frontage minimum 6,000 square feet of area minimum 60 feet width
Multifamily	minimum 20 feet frontage No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

As the proposed Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Proposed Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Staff finds the reduced setbacks to be reasonable as there is additional right-of-way along the Casas de Luz Property that is not likely be developed as roadway because of the detached trail that is a part of the Ridges plan for the Planned Development. The trail and additional green space will provide a similar appearance to the area as would the standard setbacks.

3. Maximum Building Height:

The Ridges PD has an overall density of 4 units per acre. By the PD ordinance, the maximum height for a multifamily dwelling is 40' and for single family attached and

detached, including two family dwelling units is 25'. The applicant is proposing to amend The Ridges PD as follows:

All measurements for maximum heights are at sea level.

Unit 1: 4888'
Unit 2: 4883'
Unit 3: 4871'
Unit 4: 4861'
Unit 5: 4870'
Units 6, 7 & Unit 8: 4868'
Units 9, 10 & Unit 11: 4868'
Units 12, 13, & Unit 14: 4868'
Units 15, 16 and Unit 17: 4868'
Unit 18: 4850'
Unit 19: 4848'
Unit 20: 4844'

(See Ordinance for building rendering exhibits for clarification of the building heights proposed by the applicant).

The Casa de Luz Property could be developed as a multifamily project without amending The Ridges PD. If all multifamily units were built, then the developer could build each up to 40' in height. With the Proposed Plan, all but two of the single family detached and attached dwellings are taller than originally allowed on an "A" lot in the Ridges PD, but the multifamily units are shorter than what would be allowed. As shown by the applicant in the exhibits, all of the building roofs will be lower than the roofs on the homes built on the nearest elevated landscape behind the development to the west. With the clustering of the buildings it opens more space between the buildings to reduce the overall obstruction of views. The applicant has taken into consideration the appropriate height for each building in the development.

It is the applicant's position and staff agrees that the development as proposed is reasonable considering the topography of the site, the immediately surrounding area, and the fact that all buildings are at least 5' below the allowed possible height of 40' for multifamily units.

4. Multipurpose Easement:

City standards also require a development to dedicate a 14' multipurpose easement along right-of-ways abutting a development and along right-of-ways within a development. As previously explained, the right-of-way for West Ridges Boulevard is greater than needed for the constructed roadway. The additional right-of-way is used for a detached trail and additional green space. Four feet of this additional right-of-way may be used for the area that would normally encompass the 14' multipurpose

easement, so only a 10' multipurpose easement is needed along the abutting West Ridges Boulevard.

2. Section 21.02.150 (b) and (e) of the Zoning and Development Code:

Pursuant to Section 21.02.150(e)(1)(iii), to amend the bulk, performance, and/or default standards of a planned development, the zoning ordinance must be amended through the rezone process. Based on the City's Code, the rezone process includes considering the rezone criteria and the criteria for approving an Outline Development Plan (ODP) by demonstrating conformance with the following:

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

The Proposed Plan complies with the Comprehensive Plan which designates this area as Residential Medium Low (2-4 du/ac) and Residential Medium (4-8 du/ac) with the Blended Residential map allowing up to 16 residential units per acre. The Proposed Plan specifically meets Goal 5 of the Comprehensive Plan in providing a broader mix of housing types and encourages sustainable growth with development of a property that is infill. This area of the Ridges has been platted for single-family attached units since the very early 1980s with no homes being built. The land has remained vacant. The proposed variety of housing types allows more options with less risk for a developer to build these homes.

The Proposed Plan is in conformance with the Grand Valley Circulation Plan ("GVCP"). West Ridges Boulevard is already constructed and designated as right-of-way as part of the GVCP. The Proposed Plan is a safer option for development regarding the GVCP as only three accesses will be allowed to West Ridges Boulevard rather than ten separate accesses.

The Redlands Area Plan was approved by City Council in June 2002 long after the Ridges PD. The Proposed Plan is in conformance with the Redlands Area Plan with only the proposed changes requested from the original Ridges PD which do not conflict with the Redlands Area Plan. The changes are designed in a manner to allow more variety of housing types (all originally considered and allowed in the Ridges) and more efficiently and effectively using the land area and utilizing the infrastructure more safely.

- b. The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

A rezone must only occur if one or more of the following criteria are found.

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (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
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Criteria 3 and 5 are found. The public and community facilities are adequate to serve the scope of land use proposed and as previously explained the Ridges community and the Redlands area will derive benefits from the variety of housing and more efficient and effective use of the land and the infrastructure.

- c. The planned development requirements of Section 21.05 of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Section 21.05 of the Zoning and Development Code by providing more effective use of infrastructure, a needed housing type and/or mix and improved landscaping. The existing Ridges PD previously provided open space, numerous parks of varying sizes and a network of detached multi-use trails throughout the development. Additional open space will come with this proposal.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no overlay districts for these properties and the special regulations found in Section 21.07 of the Zoning and Development Code do not apply.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities and services will be provided concurrent with the development as defined in the attached plans and phasing schedules. Ute Water and City sewer are both currently available within West Ridges Boulevard.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Access for the proposed subdivision will be from West Ridges Boulevard in three (3) different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

Not applicable since all adjacent land uses are residential in character. The Casas de Luz Plan proposes that all land area located outside of the building footprints are to be platted as tract(s) of land that will be owned and maintained by a homeowner's association and be fully landscaped in accordance with the Zoning and Development Code.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

The existing plat designates ten two-family dwelling lots ("A" lots). The applicant is proposing a total of 20 units matching the original approved density.

- i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The Casas de Luz Plan proposes an R-8 default zone with deviations identified and explained previously in this report.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicant has submitted a development schedule consisting of four phases with final plat recording with the Mesa County Clerk and Recorder as identified and explained previously in this report.

- k. The property is at least twenty (20) acres in size.

The Ridges PD is over 20 acres in size. This property, a portion of the Ridges PD, is 1.88 acres.

3. Section 21.02.100 of the Zoning and Development Code:

The vacation of the right-of-way and utility easements shall conform to the following:

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

Granting the request to conditionally vacate right-of-way and to vacate utility easements and a drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

The right-of-way to be vacated is a frontage road that was dedicated to allow for additional roadway for someone exiting lots 34A through 40A of The Ridges Filing No. Five so as to better maneuver a vehicle safely into a position to more safely enter onto West Ridges Boulevard. With the redesign of the plan layout for the dwelling units and the reduced access points of the Proposed Plan, the additional roadway area will no longer be necessary.

The recommendation to vacate is conditioned because a plat must be recorded with the lots and or units platted in a manner that the frontage road is not needed for safety purposes. In addition, an easement is necessary to be retained for multipurpose use as utilities are located in the roadway and City standards requires a multipurpose easement.

The easements being vacated are not needed.

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

No parcel will be landlocked as a result of these vacations.

- b. 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.

As the right-of-way shall only be vacated with the recording of a new plat such that the right-of-way is not needed, then access will not be restricted.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests.

- d. 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 provision of adequate public facilities and services will not be inhibited for any property as required in Chapter 21.06 of the Zoning and Development Code. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements for the City will be slightly reduced with less right-of-way to maintain. A multipurpose easement will be reserved and improved traffic circulation will be continued by the limiting of access points to three (3) onto West Ridges Boulevard.

FINDINGS OF FACT/CONCLUSIONS AND CONDITION OF APPROVAL

After reviewing the Casas de Luz application, PLD-2010-259 for an Amendment to the previously amended Planned Development zoning ordinance for the Ridges Planned Development, Conditional Vacation of Right-of-Way, and Vacation of portions of Utility Easements and a Drainage Easement, the Planning Commission makes the following findings of fact and conclusions with conditions for the right-of-way vacation:

1. The requested amendments to the amended Ridges Planned Development ordinance are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.150 (b) of the Zoning and Development Code have all been met for amendment of the Planned Development ordinance.
3. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for vacating the frontage road with the condition that a plat be recorded with the first phase of the Plan with the Mesa County Clerk and Recorder including all the lots in The Ridges Filing No. 5 abutting the frontage road being eliminated or platted in a manner acceptable to the City's Public Works and Planning Director so that access for the newly platted parcels be accomplished in accordance with City standards. In addition, a 10' multipurpose easement shall be retained and reserved as needed for existing utilities.
4. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for the portions of the Utility Easements identified to be vacated and the Drainage Easement to be vacated.

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



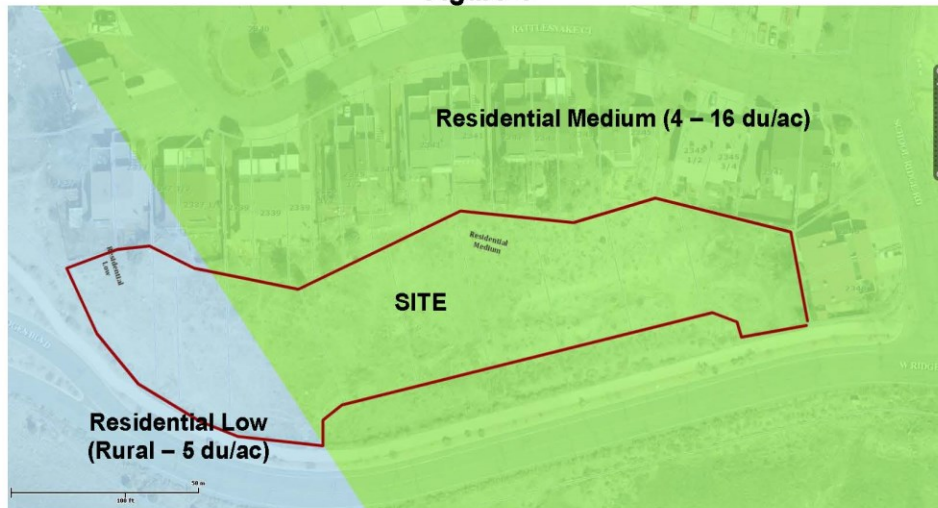
Comprehensive Plan

Figure 3



Blended Residential Map

Figure 4



Existing City Zoning

Figure 5



Bulk Standards – Casas De Luz

Overview

Dynamic Investments, Inc. has submitted a request for a Planned Development Preliminary / Final review as well as Easement & Right-of-Way Vacation for ten duplex lots located in The Ridges Filing 5 Planned Development. The property of interest is 1.88 acres located north and west of the intersection of School Ridge Road and West Ridges Boulevard off of West Ridges Boulevard.

The existing plat designates ten duplex lots to be constructed accessing off of West Ridges Boulevard. The proposal under review is for the same number of units, twenty, to be constructed in townhome and condominium design. The proposed design incorporates elements of clustering the units to allow for more private open space within the development. Additionally, the proposal uses three shared accesses, minimizing the impact on West Ridges Boulevard.

Before the Neighborhood Meeting, building and landscape architects were consulted to produce a design intended to minimize impacts on geographical features as well as neighboring properties. The bulk standards under review herein incorporate these design standards.

A Neighborhood Meeting was held September 8, 2010 to inform the neighbors of the design of Casas de Luz. Though ideas and concerns were heard at the meeting and any feasible requests were incorporated, the design presented to the neighbors is the same design that was submitted for review by the City of Grand Junction and appears detailed in this report.

Public Benefit

The modification to the existing plat would be of public benefit. The visual appeal of the architecture of the buildings would benefit the public. The incorporation of using the existing land and landscaping the overall project would also carry visual appeal. Additionally, the infrastructure to the lots is currently in place and use of existing infrastructure benefits the public. Finally, the types of residences proposed are a benefit by giving the community a variety of housing.

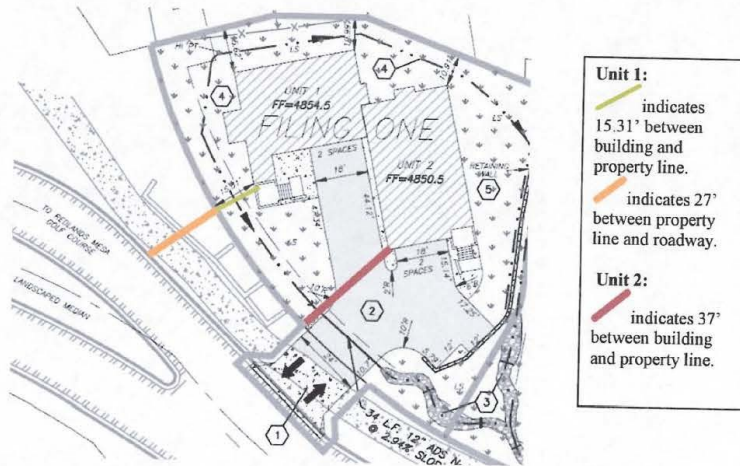
The main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right of way, setbacks are non-existent between property line and the structure and therefore are obviously not met.

Setbacks

Setbacks generally dictate the location of a building in relation to the area surrounding that building. As the design for Casas de Luz is to have the specific building footprints

be the property line, there are no setbacks from the property line. However, the ideals of the setback, being distance from surrounding features, have been taken into account. It is understood that generally setbacks allow for parking, sight distance and streetscape for and in adjacent roadways and proximity to neighboring buildings. This section will detail how each of these factors have been accounted for in the placement of each building.

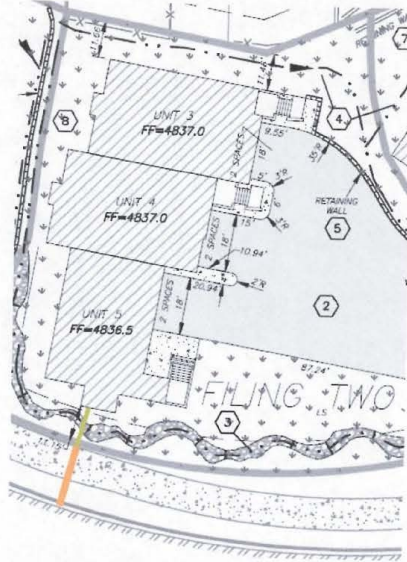
Filing One



All units in the proposed Casas de Luz are at least 10' from the rear and adjacent property lines. Each of these will be shown in the upcoming segments. In addition, the buildings within Casas de Luz are proposed with more than 20 feet of separation between structures.

The above excerpt from the Site Plan shows Units One and Two. As is colored on the above picture, there is a distance of 15.31 feet from Unit One to the property line. However, the Casas de Luz property line is 27' from the road, as indicated in orange. Therefore, the building is actually more than 43 feet from the roadway. Unit Two has more than 37 feet between the structure and the subdivision property line.

Filing Two



Unit 5:
— indicates 11.1' between building and property line.
— indicates 20' between property line and roadway.

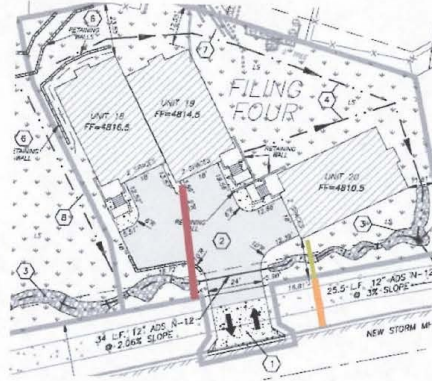
In Filing Two, buildings are set back from the rear property line by over 10 feet. In addition, there is more than 20' of separation between these buildings and those found in the surrounding Filings One and Three. The main area of interest is that of the proximity of Unit 5 to the street. As shown on the above excerpt from the Site Plan in green, there is 11.1 feet of separation between the building and the subdivision property line. As shown by the line in orange, there is an additional 20 feet of separation between the property line and the roadway. Thus, in total Unit 5 is more than 30 feet from the roadway.

Filing Three



The units comprising Filing Three require little discussion for setbacks as the buildings are set back more than 75 feet from the property line. They are set at least 10 feet from the rear property line and there is more than 20 feet of separation between structures.

Filing Four



Unit 19:
indicates 50'
between building
and property line.

Unit 20:
indicates
16.81' between
building and
property line.

indicates 23'
between property
line and roadway.

In Filing Four, all buildings are set at least 10 feet from adjacent property lines. Between structures, 20 feet of separation is also included in the design.

Units 18 and 19 are 50 and 55 feet from the property line, respectively. Unit 20 is 16.81 feet from the subdivision property line and an additional 23 feet from the roadway. Unit 20 is approximately 40 feet from the roadway.

As has been shown in this section, the design of the location of the buildings satisfies the intent of setbacks in proximity to adjacent elements. A sight distance analysis has also been performed to ensure the sight distance from each of the entrances is safe. None of the buildings hinder sight distance for traffic.

Height

The intent of the design of Casas de Luz is to create an aesthetically appealing architectural roof line. This means the heights of the buildings will vary. Several discussions have ensued in the planning portion for this design. Comparison will be made relating the height in two different measures. First, the measure of elevation in feet from sea level will be listed. Next, the height from finished grade to the top of the roof is given.

Unit 1 – 4887.8 – 27.8
Unit 2 – 4882.8 – 24.8
Unit 3 – 4870.3 – 25.8

Unit 4 – 4860.2 – 15.7
Unit 5 – 4869.8 – 25.3
Units 6, 7 & 8 – 4867.9 – 34.9
Units 9, 10 & 11 – 4867.9 – 34.9
Units 12, 13 & 14 – 4867.9 – 27.4
Units 15, 16 & 17 – 4867.9 – 27.4
Unit 18 – 4849.8 – 25.8
Unit 19 – 4847.8 – 23.8
Unit 20 – 4840.8 – 30.8

The Amended Final Plan for the Ridges does not include height limitations for structures such as those proposed with Casas de Luz, the previous prevailing document, the Protective Covenants for "The Ridges" PUD, does include such a discussion (Article 3, Section 5). The height limitation as determined by the Covenants is based on the adjacent ridge line. Buildings built on top of ridges or mesas, such as Units 1 and 2 in Casas de Luz, maximum building height shall not exceed 28 feet above natural ground. Buildings in lower elevations, such Units 3 through 20 in Casas de Luz, must not exceed 20 feet above the elevation of the closest adjacent ridge or mesa. As applied to Casas de Luz, the closest natural ridge line is at 4860 feet. The corresponding elevation line(s) are shown as a dashed line on the elevations also included with this document.

A current zoning designation that would accompany densities such as those originally platted for this property would be an R-8 zone designation. The associated height limitation for such a zoning designation would be 40 feet for any structure. The tallest building in Casas de Luz is less than 36 feet, which means Casas de Luz complies with this requirement.

Conclusion

The Casas de Luz proposal is for a modified layout to ten duplex lots in the Ridges subdivision. The intent of this proposal is for visual harmony with the surrounding area by implementing landscaping and architectural design principles. Because of these design principles, the plat will look slightly different than a standard subdivision plat. Therefore, modified bulk requirements are sought to incorporate the societal benefit that a community such as Casas de Luz will provide.





UNITS 18-20

Susan P. Carbone
2337 B Rattlesnake Ct.
Grand Junction, CO 81507
970-242-4379
July 7, 2011

Grand Junction Planning Commission
Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501
attn: Scott Petersen

RECEIVED
JUL 21 2011
COMMUNITY DEVELOPMENT
DEPT.

Dear Planning Commission and City Council Members,

I urge you to reject the proposal for a new PD ordinance for the subdivision, Casas de Luz, from Dynamic Investments (Mike Stubbs and Mansel Zeck). Dynamic Investments is seeking a re-plat of land between Rattlesnake Ct. and West Ridges Blvd. I believe that this proposal is in no way advantageous to current homeowners and residents.

As native Chicagoans, my late husband and I purchased our town home at 2337 B Rattlesnake Ct. in the spring of 1987 and were delighted to have proximity both to town and to the recreational opportunities provided by the Ridges. Over the years, buildings have grown up around the cul-de-sac and many of the hiking trails are no longer accessible with the advent of the golf course. Ridges Blvd was also extended behind our town homes with greater noise from its traffic.

At the time of our town home purchase, we understood that the land adjacent to the home was platted as a duplex lot. Now, Dynamic Investments wants to have that land re-platted and has proposed a two story building that would extend across the entire width of my property and extending across the adjacent properties on either side of me. This proposed building would be 25 feet tall and be placed less than 10 feet from my back property line. I would not have considered making my home purchase had that plat existed in 1987.


"We want to create a feeling of spaciousness and views," declared Mr. Zeck in an article for The Daily Sentinel in August, 2010 but this comes at the price of Rattlesnake residents losing any semblance of spaciousness and obliterating any view. I also mourn the anticipated loss of my privacy. The impact to the passive solar capabilities of the condos already existing may be another casualty of this re-platting. I believe that proposal also violates the Adopted Bulk Standards of the Ridges Planned Development in the following areas:

1. Proposed building heights may exceed 25 feet from the highest grade lines.
2. The developer does not always meet the front yard setbacks of 20 feet from West Ridges Blvd.
3. The Ridges ACCO has stated that the proposed site plan is NOT consistent with the covenants which provide for no more than 2 units per lot.

Dynamic Investments addresses benefits of their proposed development to the golf course but not to current residents. They state the visual appeal as a benefit and that the types of residences proposed give a variety of housing to the area. These proposed buildings are not adequately buffered from our existing homes and adversely impact our properties. At a meeting with current residents in September,

2010, the developers were asked to consider leaving greater distances from our lot lines to their proposed buildings and to modify proposed heights of buildings. It appears that the developers have made no design changes to accommodate the concerns of current residents. The Ridges already has a large number of condos and town homes as provided by those recently build at Shadow Run and those proposed to be built at Redlands Vista Development (signage states that 56 sites are to be built).

The proposed re-platting of land is not in the best interest of the existing neighborhood. If the re-platting is approved, I fear it will compromise the quality of life enjoyed by Rattlesnake Ct. residents. Privacy will be compromised and crowding is not a healthy way of life. I do understand that the landowner and developer have a right to develop that land, but I believe they could do so under the current platting. Please allow current residents to maintain a quality environment in which to live.

Sincerely,

Sue Carbone

This is a formal request by the citizens of the Rattlesnake Ct. Concerned Citizens for denial of a request by Dynamic Investments for the proposed Casas De Luz planned development. The group feels this planned development is not in the best interest of all citizens in the area and cite the following reasons:

1. Dynamic Investments has not established how their proposed development, Casas de Luz, will benefit current Rattlesnake residents. In fact, it will adversely affect residents due to lack of adequate buffering from existing homes, lack of privacy, and may have a negative impact on our passive solar capabilities. Dynamic Investments acknowledges in page 1 of its Bulk Standards-Casas De Luz that the main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right-of-way, set-backs are non-existent between property line and the structure and therefore obviously are not met.
2. Dynamic Investments proposal violates the Adopted Bulk Standards of the Ridges Planned development with building heights that may exceed 25 feet from the highest grade lines, not meeting the front yard setbacks of 20 feet from West Ridges Blvd, and that the site plan is not consistent with the covenants which allow for no more than 2 units per lot.
3. An additional concern is impeding traffic on West Ridges Blvd. Ingress and egress into this area could lead to traffic safety issues for those entering and exiting Redlands Mesa Golf Course and the surrounding homes in the area.
4. Concerns about whether the proposed development is adequately funded to carry through to completion (as has happened to the development on the southeast corner of Ridges Blvd and School Ridge). In addition to the Shadow Run Subdivision near Shadow Lake this would be the third development in the area and the first two have not been completed. The timetable of possible completion of the Casas De Luz project requested by Dynamic Investments if December 31, 2021. That is simply too long for residents in the area to be living in a construction zone.
5. Existing and future property values. The recent economic downturn in Mesa County has caused a decline in real estate values in the area. Will a long running construction project hamper future real estate values from stabilizing or increasing in the future? A more than 10 year window to complete the project is not acceptable to nearby residents.
6. Concerns about stability of the land and run off. Citizens are concerned it the development will cause building shift in the soil under their homes.

RICK THURTLÉ
2343 B RATTLESNAKE CT.
GRAND JUNCTION CO 81507

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4482

AN ORDINANCE AMENDING THE AMENDED PLANNED DEVELOPMENT ZONING ORDINANCE FOR THE RIDGES PD FOR LOTS 34A-40A, BLOCK TWENTY-FIVE OF THE RIDGES FILING NO. FIVE AND LOTS 41A-43A OF THE REPLAT OF LOTS 22A THROUGH 30A, BLOCK TWENTY FIVE THE RIDGES FILING NO. FIVE WITHIN THE RIDGES PD "CASAS DE LUZ PROPERTY" WITH A DEFAULT R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT FOR THE DEVELOPMENT OF 20 DWELLING UNITS

LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND WEST OF SCHOOL RIDGE ROAD

Recitals:

The land zoned Planned Development under Ordinance 2596 "Zoning Certain Lands Annexed to the City Known as the Ridges Majority Annexation" in 1992 has not fully developed and/or built out. There are remaining parcels within the approved Ridges plan that are still vacant. A proposal for several of the platted "A" lots located adjacent to West Ridges Boulevard and west of School Ridge Road, specifically, Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5, referred to as "Casas de Luz Property or Casas de Luz" has been presented to the Planning Commission to recommend to City Council an amendment to the Amended Planned Development Ordinance and to establish the underlying zone for these properties that total 1.88 acres.

The Grand Junction Planning Commission, at its August 9, 2011 public hearing, recommended approval of the amended Planned Development zoning ordinance for a maximum of 20 dwelling units for Casas de Luz Property with a default R-8, (Residential – 8 du/ac) zoning district, including some deviations.

This Planned Development zoning ordinance establishes the standards, default zone (R-8), and amends the original Planned Development zoning ordinance for the above mentioned properties.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amended Planned Development approval and determined that the Amended Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by proposing effective infrastructure design and in-fill project. While the entire Ridges Planned Development provided long-term community benefits with the original PUD, the Casas de Luz project further provides a needed housing type, with innovative design and by utilizing the

topography of the site. The proposed design incorporates elements of clustering units to allow for more private open space within the development. Also, the development uses three (3) shared accesses to access the 20 dwelling units, minimizing the impact onto West Ridges Boulevard (attached Exhibit A).

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

- A. Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5 and associated vacated Right-of-Way.

Said parcels contain 1.88 +/- acres more or less.

- B. This Ordinance is further conditioned:

1. Density

The density shall remain the same at 10.6 dwelling units per acre.

2. Access

Access for the Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

3. Plan Layout

The Plan shall have a mixture of two-family, multifamily, and/or single-family detached dwelling units. The multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

4. Landscaping

Landscaping shall be in conformance with the Zoning and Development Code (Code) for a multifamily residential development (see Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

5. Phasing

The Casas de Luz Plan shall be developed in four phases. The phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

6. Community Benefit

The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

7. Default Zoning

If the first phase for the Casas de Luz Plan is not completed in accordance with the approved scheduling phases and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, then the Casas de Luz Property shall have a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: The density shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for deviations from standards for the Proposed Plan.)

Detached Single-Family minimum 3000 square feet of area
minimum 40 feet width
minimum 20 feet frontage

Two Family Attached minimum 6,000 square feet of area
minimum 60 feet width
minimum 20 feet frontage

Multifamily No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

The Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Standard setbacks to the exterior boundary of the Casa de Luz Property setbacks apply unless otherwise noted.

3. Maximum Building Height:

All measurements for maximum heights are at sea level.

Unit 1: 4888'
Unit 2: 4883'
Unit 3: 4871'
Unit 4: 4861'
Unit 5: 4870'
Units 6, 7 & Unit 8: 4868'
Units 9, 10 & Unit 11: 4868'
Units 12, 13, & Unit 14: 4868'
Units 15, 16 and Unit 17: 4868'
Unit 18: 4850'
Unit 19: 4848'
Unit 20: 4844'

(See attached building rendering exhibits for clarification of the building heights and reference to each unit).

4. Multipurpose Easement:

A 10' multipurpose easement is allowed along the abutting West Ridges Boulevard.

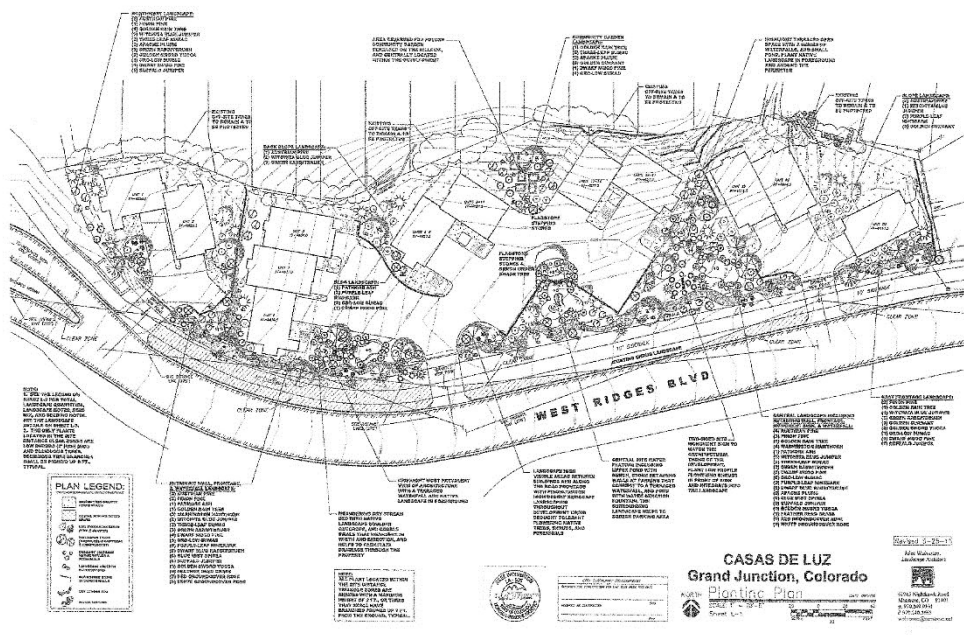
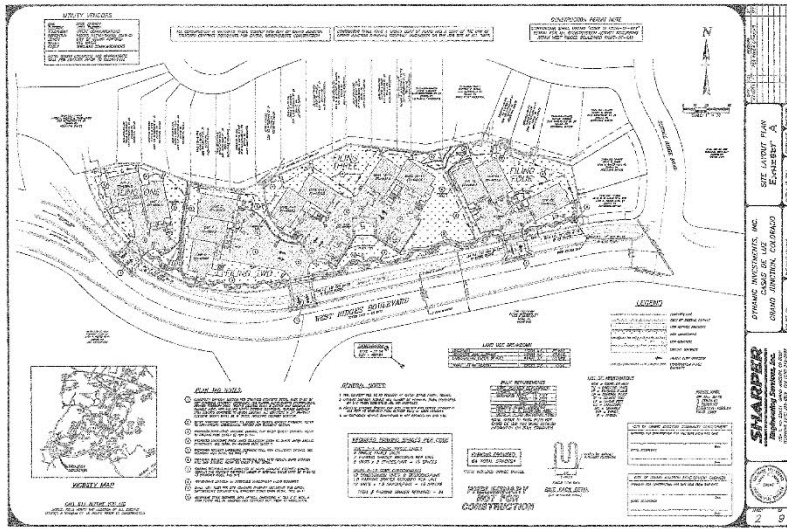
INTRODUCED on first reading on this 7th day of September, 2011 and ordered published in pamphlet form.

PASSED AND ADOPTED on second reading this 21st day of September, 2011 and ordered published in pamphlet form.

ATTEST:


Stephanie Tuin
City Clerk


President of the Council

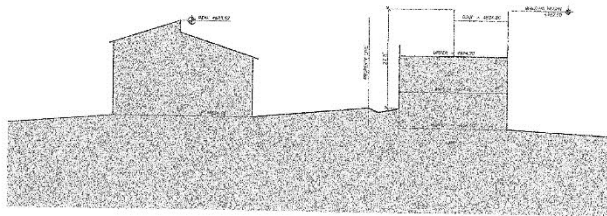




CASAS de LUZ

SITE PLAN

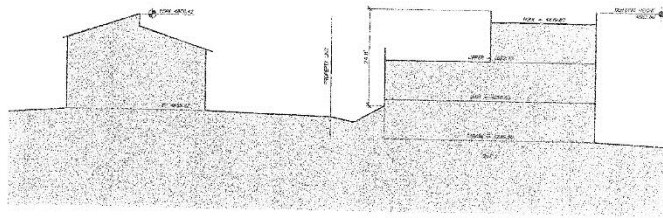
CHARLES PERRELL



CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 1

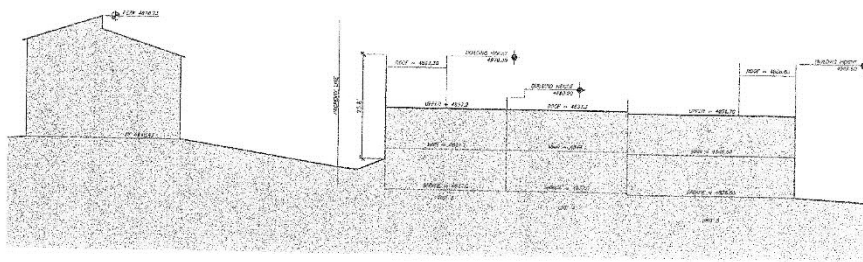
CHARLES PERRELL



CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 2

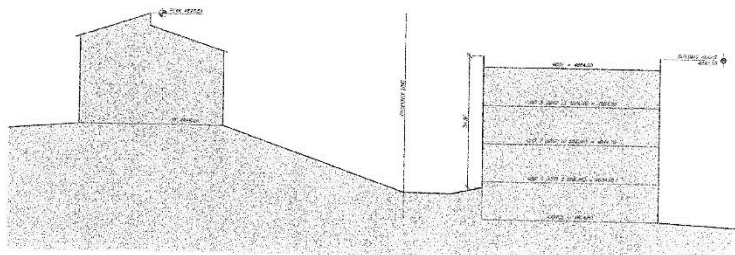
CHAMBERLIN ARCHITECTS



CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 3

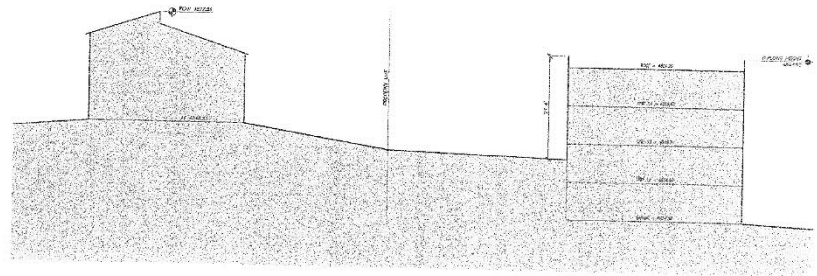
CHAMBERLIN ARCHITECTS



CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 4

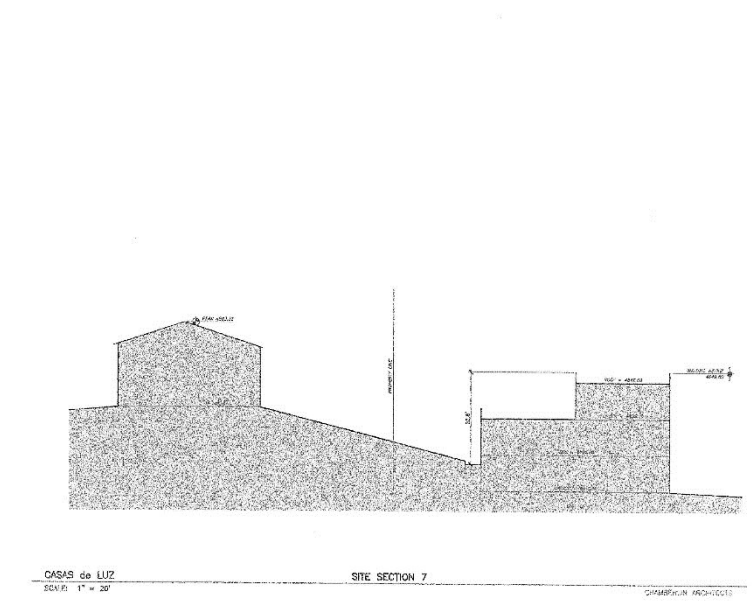
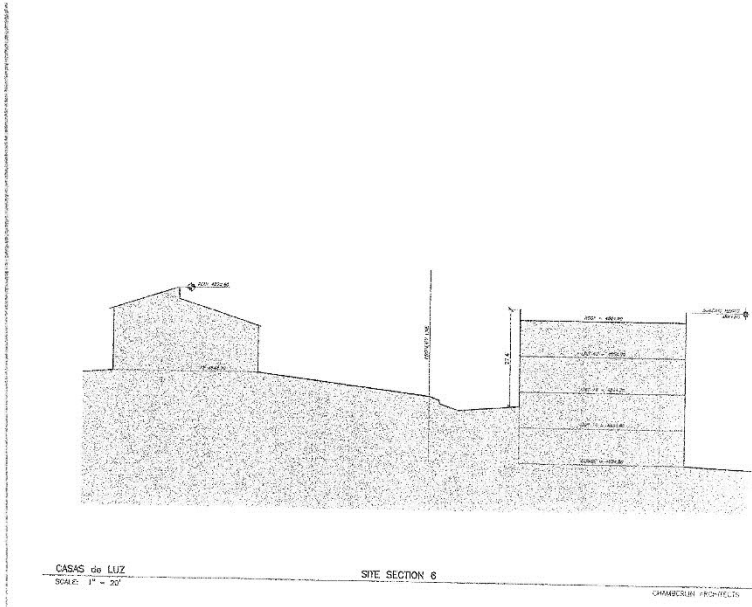
CHAMBERLIN ARCHITECTS

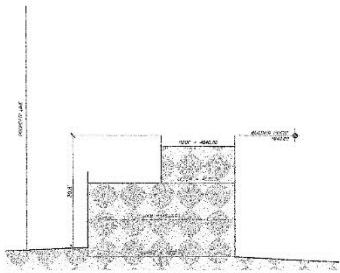


CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 5

CHAMBERLIN ARCHITECTS





CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 9

CHARLENE ADRIANO

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE NO. 4482 FOR THE CASAS DE LUZ
PLANNED DEVELOPMENT RESIDENTIAL SUBDIVISION REVISING THE
PROPOSED PHASING SCHEDULE**

**LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND
WEST OF SCHOOL RIDGE ROAD**

Recitals:

The applicant, Dynamic Investments Inc., wishes to revise the proposed phasing schedule for the Casas de Luz Planned Development residential subdivision in order to develop (20) dwelling units on 1.88 +/- acres. The Casas de Luz residential development plan consists of proposed new residential lots, common areas and stacked condominium units on property zoned PD (Planned Development).

The purpose of this Ordinance is to extend the phasing schedule for the Casas de Luz Planned Development provided in Ordinance No. 4482, without modifying any other aspects of Ordinance No. 4482 or of the residential development plan.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the extended phasing schedule for the Casas de Luz Planned Development.

The City Council finds that the review criteria for the planned development that were established at the time Ordinance No. 4482 was adopted are still applicable and are still met and that the establishment thereof is not affected by the extension of the phasing schedule.

The City Council finds that extending the phasing schedule is reasonable in light of the economic downturn and is in the best interests of the community.

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

The development phasing schedule established by Ordinance No. 4482 is amended as follows:

Phase 1 plat must be recorded by December 31, 2017 (extended by three years, from December 31, 2014)

Phase 2 plat must be recorded by December 31, 2019 (extended by two years, from December 31, 2017)

Phase 3 plat must be recorded by December 31, 2020 (extended by one year, from December 31, 2019)

Phase 4 plat shall be recorded by December 31, 2021 (unchanged).

All other aspects of Ordinance No. 4482 shall remain in effect.

Introduced on first reading this 21st day of January, 2015 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2015 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

Attach 6

CITY COUNCIL AGENDA ITEM

Subject: Acceptance of the State of Colorado Northwest Regional Emergency Medical and Trauma Advisory Council (RETAC) Consolidated Grant for the Purchase of Zoll “X” Series Cardiac Monitors

Action Requested/Recommendation: Authorize the City Manager to Accept the RETAC Consolidated Grant Award for 10 Cardiac Monitors and Ratify the Purchase from RETAC in an Amount of \$170,816.84 (City’s 50% match)

Presenter(s) Name & Title: Ken Watkins, Fire Chief
Jay Valentine, Internal Services Manager

Executive Summary:

The Fire Department has been awarded a State of Colorado Northwest Regional Emergency Medical and Trauma Advisory Council (RETAC) Consolidated Grant to assist with the purchase of 10 Zoll “X” series cardiac monitors. Eight of these are replacements for older units and two are new units.

Background, Analysis and Options:

The RETAC Grant provides funding for the purchase of EMS vehicles and equipment. Grants are awarded by consolidating multiple agency purchases for similar equipment or awarded individually. The Fire Department has successfully used the individual grants in the past to re-chassis ambulances and to replace computers and other equipment. The consolidated grant is different from traditional grants in that it does not provide funding up front but instead consolidates the purchase for multiple agencies in order to save costs. The individual agencies then are invoiced for the 50% match and responsible to submit payment to the RETAC.

In this case, the State negotiated and purchased cardiac monitors for a number of EMS agencies. Currently, the Department has different brands and models of cardiac monitors, with eight of these units due for replacement and a need for two additional units. Utilizing this grant allows the Department to not only update the cardiac monitors but will reduce the number of brands and models of cardiac monitors to two. One model will be placed on the fire apparatus and the other model on the ambulances allowing greater familiarization for personnel and cost savings for supplies and maintenance.

Without the grant, the full cost to purchase 10 units would be approximately \$350,000.00 instead of the \$170,816.84 required for the match. Without approval, the

Department would continue using the older cardiac monitors with the repairs and maintenance costs increasing as the monitors' age.

Representatives from the Fire Department and Purchasing have evaluated several cardiac monitors in the past and found that the Zoll cardiac monitors met the Department's needs and specifications. Zoll has successfully replaced older monitors in the past and using the same brand will help with the continuity of care for patients.

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

Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Purchasing this equipment will provide the latest technology for EMS providers and help with the continuity of EMS care for the citizens of this community.

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

The Fire Department provides emergency medical services to the City of Grand Junction along with a larger ambulance service area that includes the Grand Junction Rural Fire Protection District and the Glade Park Fire Department service area.

How this item relates to the Economic Development Plan:

Public Safety is one of the Guiding Areas of Emphasis in the Economic Development Plan and this purchase meets the following goal:

Goal: Create and maintain a safe community through professional, responsive and cost effective public safety services.

Accepting this grant award is a responsive and cost effective way to replace expensive and critical equipment such as cardiac monitors. The grant consolidates purchases to create economies of scale that the City would not be able to do on its own and by doing so allows City funds to be available for other purchases within the City.

Board or Committee Recommendation:

An internal EMS equipment committee has recommended the purchase of the Zoll cardiac monitor.

Financial Impact/Budget:

There was \$178,162 budgeted in the 2014 General Fund CIP budget for the matching amount of the 10 cardiac monitors. Since these monitors were received and invoiced in 2014, the funds will go against the 2014 budget appropriation.

Legal issues:

There are no known legal issues arising from this matter.

Other issues:

No other Issues.

Previously presented or discussed:

This purchase and funding has been discussed during City Council Budget Workshops.

Attachments:

No attachments.



Date: 02/04/2015
 Author: E. Tice
 Title/ Phone Ext: 1598
 Proposed Schedule: 2/6/2015
 File # (if applicable): _____

Attach 7

CITY COUNCIL AGENDA ITEM

Subject: Restoring Municipal Authority for Broadband
Action Requested/Recommendation: Adopt Resolution Setting a Ballot Title and Submitting to the Electorate on April 7, 2015 a Measure Regarding Restoring Municipal Authority to Provide Services
Presenter(s) Name & Title: Elizabeth Tice, Management and Legislative Liaison John Shaver, City Attorney

Executive Summary:

Requesting City Council refer a measure to April’s ballot that would ask voter approval to restore municipal authority previously revoked by Colorado Senate Bill 05-152.

Background, Analysis and Options:

The City of Grand Junction has heard concerns from local business, citizens and our Economic Development partners that the current internet speeds being offered are not competitive and are not meeting existing needs.

Until 2005, municipalities throughout Colorado enjoyed the right and authority to use municipal fiber optic and other municipal infrastructure to provide high-speed Internet (including but not limited to wireless and broadband), telecommunications services and/or cable television services to users of those services.

The use of fiber optic infrastructure can substantially increase residential and business Internet speeds and enhance other telecommunications services.

In 2005, the State legislature enacted Senate Bill 05-152, codified at Title 29, Article 27, C.R.S., revoking that authority and denying all Colorado local governments the right to use their facilities or install new facilities to provide high-speed Internet (“advanced service” as defined therein), telecommunications services and/or cable television services.

Staff has prepared a referred measure and resolution for City Council’s consideration that would ask voters authorization to restore municipal authority previously revoked by SB 05-152. The restoration of authority would allow the City to seek grant funding and private sector partnerships.

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.

Broadband is an essential aspect of a healthy and diverse economy. Restoring municipal authority to engage in broadband service delivery and partner with the private sector will facilitate and foster competitive broadband speeds.

How this item relates to the Economic Development Plan:

Goal: Support and facilitate access and expansion of important technological infrastructure in the city.

Goal: Actively seek outside grant funding for projects that would advance economic development opportunities.

Goal: Continue to develop tools that will promote economic gardening.

Requesting voter approval to override the provisions of SB 05-152 and restore municipal authority will allow the City to support and facilitate access and expansion of important technology infrastructure in the City. The City would be allowed to partner with the private sector in deployment of fiber and conduit infrastructure. The City would also be allowed to seek and accept grant funding for fiber and broadband projects. Additionally, voter approval will allow the city to continue to promote economic gardening of start-up and existing businesses by encouraging and fostering competitive broadband service delivery.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

There is no fiscal impact with referring the measure to the ballot. If the voters approve an override, the City would be able to apply for grant funding and identify other sources of funding to provide infrastructure investments.

Legal issues:

Under Colorado law local government, without a ballot question and the approval of a majority of those voting on the question, shall not provide directly or indirectly any telecommunications service, cable television or advanced service (as defined by 29-27-102 C.R.S.). With the proposed question and the approval of the voters, the City's authority to provide or participate in providing service will be restored; however, an affirmative vote will not cause or require the City to provide service(s).

Colorado law also establishes a method for the formation of election questions. In relevant part the law provides that "In fixing the ballot title, the legislative body or its designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear."

The City Attorney has reviewed and approved the form of the proposed ballot title and question concerning this matter and is of the opinion that the title and question correctly and fairly expresses the true intent and meaning of the measure.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This was discussed at the City Council Retreat on January 16, 2015 and the City Council Workshop on February 2, 2015

Attachments:

Proposed Resolution containing the Ballot Question

RESOLUTION ___-15
A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON
APRIL 7, 2015 A MEASURE REGARDING LOCAL AUTHORITY TO PROVIDE
SERVICES RESTRICTED SINCE 2005 BY SENATE BILL 05-152

RECITALS:

Until 2005, municipalities throughout Colorado enjoyed the right and authority to use municipal fiber optic and other municipal infrastructure to provide high-speed Internet (including but not limited to wireless and broadband), telecommunications services and/or cable television services to users of those services.

The use of fiber optic infrastructure can substantially increase residential and business Internet speeds and enhance other telecommunications services.

In 2005, the State legislature enacted Senate Bill 05-152, codified at Title 29, Article 27, C.R.S., revoking that authority and denying all Colorado local governments the right to use their facilities or install new facilities to provide high-speed Internet (“advanced service” as defined therein), telecommunications services and/or cable television services.

High-speed Internet at affordable rates is no longer considered a luxury but a critical infrastructure need for most employers.

Access to high-speed Internet, reliable wireless and wired telecommunications services and cable television services at a reasonable price is crucial to attract and retain business providing high-paying jobs and serves to enhance public safety.

The City Council finds that there is an important and undeniable link between economic growth and access to these services.

The City Council further finds that the community’s current access to these services is inadequate or prohibitively expensive; and that while there is significant fiber infrastructure serving the community, there are gaps in the fiber network that the private sector will only fill if the property owner(s) bear(s) most or all of the installation costs, which are prohibitively expensive, and likely to deter businesses from selecting the City as a site for expansion or relocation.

Fortunately, Senate Bill 05-152 expressly authorizes every local government to submit a ballot question to the local voters to reauthorize and reclaim the local right to use municipal facilities to provide high-speed Internet, advanced services, telecommunications and/or cable television services to residents, businesses and other users of such services. Twelve cities and counties statewide have already done just that.

The City Council finds that the City of Grand Junction should have the right to fully explore a variety of options to make such infrastructure available to serve the community's broadband and wireless needs and should have the right and authority to partner with the private sector in mutually beneficial ways in order to increase access to Internet, telecommunication and cable television services.

The City Council further finds that the City should have local control on critical issues such as the telecommunications and that this important issue should be decided at the local level as a matter of self-determination.

While there is no "one-size-fits-all" model for every community, an override of SB 05-152 is necessary to allow the City to even begin to engage with service providers and develop a local solution that will address the long-term needs of our community.

In addition, without an override of SB 05-152, the City remains ineligible for millions of dollars of state and federal grant funds that are earmarked for expansion of broadband services and access.

The City Council further finds that giving voters the opportunity to override SB 05-152 serves the goals of the Comprehensive Plan and the Economic Development Plan.

The City Council therefore approves a question to be placed on the ballot for the April 7, 2015 municipal election asking the voters to restore the authority precluded and restricted by Senate Bill 05-152, as authorized by C.R.S. §29-27-201 et seq., reauthorizing the City to, directly or indirectly with public or private sector partners, provide high-speed internet, "advanced service" as defined in the Act, telecommunications services, and/or cable television services to residents, businesses, schools, libraries, non-profit entities and other users of such services, without increasing taxes by that measure.

If the ballot question is approved by the voters, the City of Grand Junction would be exempted from a state law that otherwise restricts the City's ability to explore ways in which to improve the community's broadband capabilities.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

The following ballot title and question shall be submitted to the registered electors on Tuesday, April 7, 2015:

City of Grand Junction Referred Measure __

RESTORING AUTHORITY TO THE CITY TO PROVIDE EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERSHIPS HIGH-SPEED INTERNET AND CABLE TELEVISION SERVICE

“SHALL THE CITY OF GRAND JUNCTION, WITHOUT INCREASING TAXES BY THIS MEASURE, BE AUTHORIZED TO PROVIDE, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNER(S), HIGH-SPEED INTERNET SERVICES (ADVANCED SERVICE), TELECOMMUNICATIONS SERVICES AND/OR CABLE TELEVISION SERVICES AS DEFINED BY §§29-27-101 TO 304 OF THE COLORADO REVISED STATUTES, INCLUDING BUT NOT LIMITED TO ANY NEW AND IMPROVED HIGH BANDWIDTH SERVICE(S) BASED ON FUTURE TECHNOLOGIES, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES, WITHOUT LIMITING ITS HOME RULE AUTHORITY?”

YES

NO

INTRODUCED, READ AND APPROVED this 4th day of February 2015.

Phyllis Norris

Mayor and President of the City Council

ATTEST:

Stephanie Tuin

City Clerk



Date: February 3, 2015
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, 1511
 Proposed Schedule: February 4, 2015
 2nd Reading (if applicable):
 File # (if applicable):

Attach 8

CITY COUNCIL AGENDA ITEM

<p>Subject: Authorization to Incur Additional Debt and Retain Excess Revenues for the Construction of the Westside Beltway Projects</p>
<p>Action Requested/Recommendation: Adopt Resolution Setting a Ballot Title and Submitting to the Electorate on April 7, 2015, a Measure to Authorize Additional Debt and Retaining Excess Revenues for the Construction of the Westside Beltway Projects</p>
<p>Presenter(s) Name & Title: Rich Englehart, City Manager John Shaver, City Attorney</p>

Executive Summary:

The request is to set a ballot title asking voters at the April 7, 2015 election if they want to finance the construction of the Westside Beltway, which includes improvements to 25 Road from I-70 B/Highway 6&50 to F 1/2 Road, F 1/2 Road to 24 Road and 24 Road from Patterson Road to the interchange at I-70 in the City. To finance such construction it is necessary to issue bonds and to use funds above limits established by Article X, Section 20 of the Colorado Constitution (“TABOR”) for purposes of the project.

Background, Analysis and Options:

The City of Grand Junction, Colorado is a home rule municipal corporation duly organized and existing under the laws and Constitution of the State of Colorado and the City Charter. The City Council is duly authorized by the Charter and the Constitution to act for and on behalf of the City and the Council does hereby find and determine that it is in the public interest to finance the construction of the Westside Beltway. The Council is seeking voter approval of the project as required by Article X, Section 20 of the Colorado Constitution (“TABOR”).

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

Goal 3:

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

- Policies — Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

The Westside Beltway directly connects existing housing with present and future retail and commercial areas along F ½ Road.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

- Policies — The City and County will work with Mesa County Regional Transportation Planning Office (RTPO) on maintaining and updating the Regional Transportation Plan, which includes planning for all modes of transportation.

The current 2040 Transportation Plan identified improvements to 24 Road as the number one priority for the City to complete. The Westside Beltway Projects are a continuation of the Riverside Parkway project built in 2006 to improve the transportation system within the City.

How this item relates to the Economic Development Plan:

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

- Action Step — Develop a multi-year Capital Improvement Plan that fosters long-term economic competitiveness.
- Action Step — Focus resources on identifying gaps in infrastructure.

Authorization for these projects is part of the City's long-term goals to improve the transportation system. Both 25 Road and 24 Road are shown to be failing in the future traffic models.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Estimated annual debt payments for this bond will be \$1.75 million. The total debt service cost is estimated at \$15,738,332 with an anticipated interest rate of 1.5%.

Legal issues:

Article X, Section 20 of the Colorado Constitution (in particular subsection 3 *Election Provisions*) provides particular form and content for ballot issues arising out of or under TABOR (The Taxpayers Bill of Rights.)

Colorado law also establishes a method for the formation of election questions. In relevant part the law provides that "In fixing the ballot title, the legislative body or its

designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear."

The City Attorney has reviewed and approved the form of the proposed ballot title and question concerning this matter and is of the opinion that the title and question correctly and fairly expresses the true intent and meaning of the measure and is consistent with the parameters of the Constitution.

Other issues:

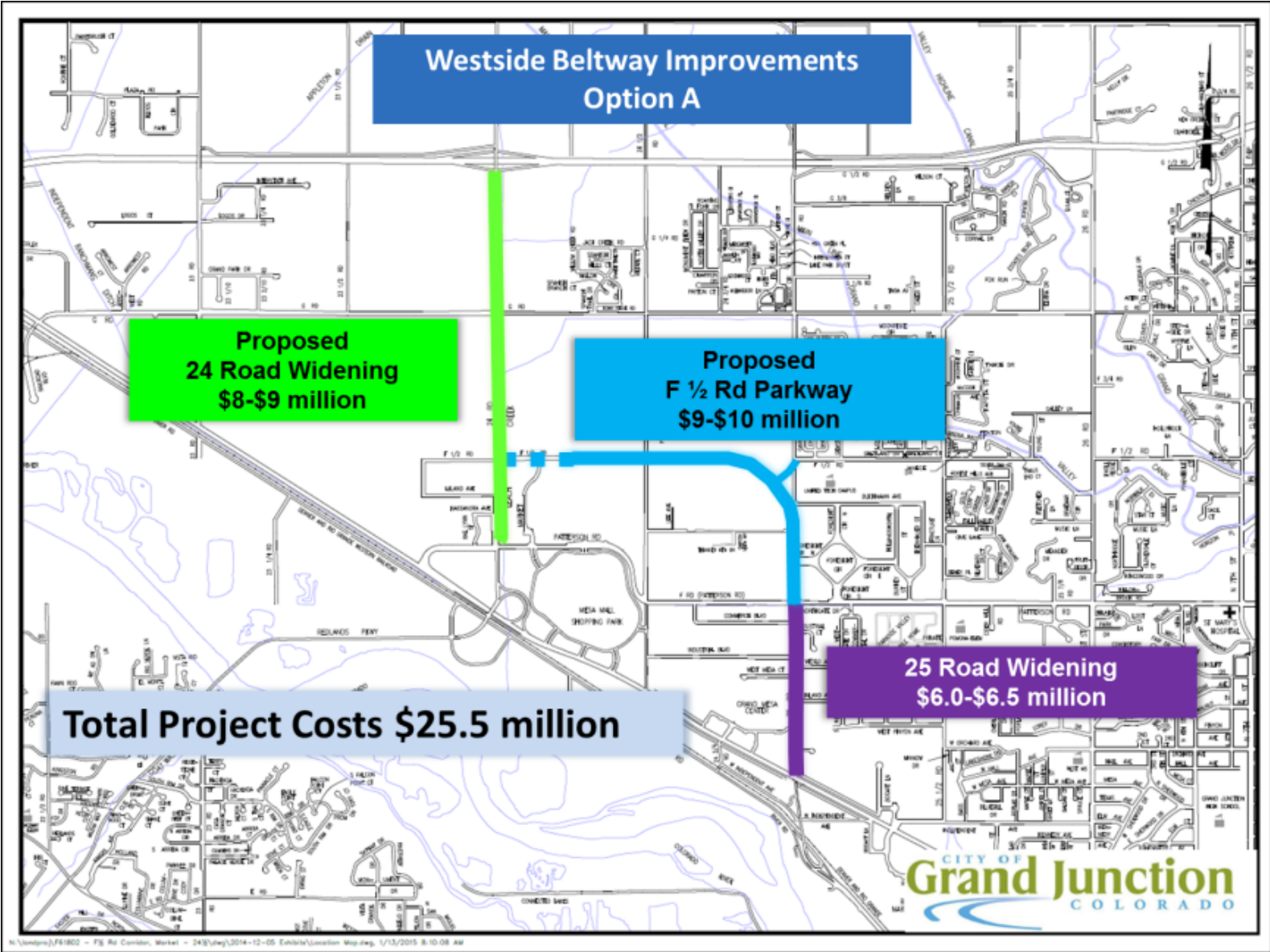
No other issues have been identified.

Previously presented or discussed:

This was discussed at the January 16, 2015 City Council Retreat and at the City Council workshop on February 2, 2015.

Attachments:

Map of Proposed Projects
Proposed Resolution Containing the Ballot Title.



h:\vondra\FR1802 - FS Rd Corridor, Market - 243\dwg\2014-12-05 Exhibit\Location Map.dwg, 1/13/2015 8:10:08 AM

RESOLUTION ___-15
A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON
APRIL 7, 2015 A MEASURE CONCERNING THE ISSUANCE OF BONDS TO
FINANCE THE WESTSIDE BELTWAY AND TO RETAIN AND SPEND REVENUES
AS DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION
FOR THE WESTSIDE BELTWAY AND PROVIDING OTHER DETAILS RELATING
THERE TO

RECITALS:

The City of Grand Junction, Colorado is a home rule municipal corporation duly organized and existing under the laws and Constitution of the State of Colorado and the City Charter. The City Council is duly authorized by the Charter and the Constitution to act for and on behalf of the City and the Council does hereby find and determine that it is in the public interest to finance the construction of the Westside Beltway, which includes improvements to 25 Road from I-70 B/Highway 6&50 to F 1/2 Road, F 1/2 Road to 24 Road and 24 Road from Patterson Road to the interchange at I-70 in the City, and that it is necessary to issue bonds and to use funds above limits established by Article X, Section 20 of the Colorado Constitution ("TABOR") for purposes of the project.

The Council is seeking voter approval of the Westside Beltway project as provided in this resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.
2. Pursuant to the Charter and all other applicable laws of the State of Colorado, the Council hereby determines that an election shall be held on April 7, 2015 at which there shall be submitted to the registered electors of the City the question set forth herein.
3. The Council hereby authorizes and directs the City Clerk to submit the following ballot title and question to the registered electors on Tuesday, April 7, 2015.

City of Grand Junction Referred Measure ___

AUTHORIZING THE CITY TO INCUR ADDITIONAL DEBT FOR TRANSPORTATION PROJECTS (WESTSIDE BELTWAY) AND TO KEEP AMOUNTS IN EXCESS OF AMOUNTS WHICH THE CITY IS PERMITTED TO SPEND UNDER TABOR IN ORDER TO PAY DEBT SERVICE AND FINANCING AND CONSTRUCTION COSTS OF WESTSIDE BELTWAY PROJECTS

"WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT

IMPOSING ANY NEW TAXES SHALL CITY OF GRAND JUNCTION, COLORADO (CITY) DEBT BE INCREASED \$14,500,000.00 WITH A REPAYMENT COST OF \$16,500,000 TO PROVIDE FINANCING FOR THE PURPOSE OF PAYING FOR ALL OR ANY PORTION OF THE COSTS OF THE DESIGN AND CONSTRUCTION OF TRANSPORTATION IMPROVEMENTS KNOWN AND REFERRED TO AS THE WESTSIDE BELTWAY WHICH INCLUDES 25 ROAD FROM I-70 B/HIGHWAY 6&50 TO F 1/2 ROAD, F 1/2 ROAD TO 24 ROAD AND 24 ROAD FROM PATTERSON ROAD TO THE INTERCHANGE AT I-70; SHALL SUCH DEBT BE PAYABLE FROM SUCH CITY REVENUES AS THE CITY COUNCIL MAY DETERMINE AND BE ISSUED WITH SUCH TERMS AS THE CITY COUNCIL DETERMINES TO BE NECESSARY AND IN THE BEST INTERESTS OF THE CITY; AND SHALL THE CITY, WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT IMPOSING ANY NEW TAXES, BE AUTHORIZED TO CONTINUE TO RETAIN ALL REVENUES IN EXCESS OF AMOUNTS WHICH THE CITY IS PERMITTED TO SPEND UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR), INCLUDING THE CURRENT RIVERSIDE PARKWAY DEBT RETIREMENT FUND, FOR 2015 AND SUBSEQUENT YEARS UNTIL 2024, FOR THE PAYMENT OF ALL CITY DEBT ISSUED FOR RIVERSIDE PARKWAY AND THE WESTSIDE BELTWAY UNTIL ALL DEBT IS PAID IN FULL, WITH ALL AMOUNTS RETAINED TO BE USED FOR PAYMENT OF THE COSTS OF THE FINANCING, DEBT, INTEREST AND COSTS OF ISSUANCE AND CONSTRUCTION INCURRED FOR THESE PROJECTS?"

YES

NO

4. If a majority of the votes cast on the question to authorize the bonds and project financing submitted at the election shall be in favor as provided in such question, then the City acting through the Council shall be authorized to proceed with the necessary

action to issue the bonds and finance the project in accordance with such question. Any authority to issue the bonds and finance the project, if conferred by the results of the election, shall be deemed and considered a continuing authority and the partial exercise of the authority so conferred shall not be considered as exhausting or limiting the full authority so conferred.

5. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ AND APPROVED this 4th day of February 2015.

Phyllis Norris
Mayor and President of the City Council

ATTEST:

Stephanie Tuin
City Clerk



New Wellness House to take care of homeless with flu

Posted: Tue 3:01 PM, Jan 27, 2015

GRAND JUNCTION, Colo. A new community partnership and 'Wellness House' will help the homeless in our area suffering from the flu.

In order to prevent the spread of the flu, the homeless population are turned away from shelters in the area.

Caris - the organization that runs 'The House' for homeless teens - began organizing a 'Wellness House' so those who are sick could get the treatment they need.

United Way of Mesa County stepped in with some emergency funds to get the project going.

The money comes from our critical needs fund," said Honora Swanson Bober with the United Way of Mesa County. "That's set aside just for emergencies. This fits that bill so we were able to donate \$1200."

If they're not in the hospital beds, where are they at?" said Leslie Kittel, the program director for the Wellness House. "They're in tents they're on the ground. We need a place so we can get them well."

The Wellness House is in downtown Grand Junction, but the location isn't publicly available..

Those who need help are screened and brought to the facility.

Volunteers are still needed to get the project going. For more information on the Wellness House, contact Leslie at 244-0805



CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 2/4/15

Citizen's Name: Bruce Lohmiller

Address: 445 Chipeta Avenue

Phone Number: _____

Subject: VA National Wellness House Mr Swanson follow-up

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 2-4-15

Citizen's Name: BOBBI ALPHA

Address: 843 25 ROAD

Phone Number: _____

Subject: AVALON

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY OF GRAND JUNCTION MILL LEVY AND PROPERTY TAX HISTORY

LEVY YEAR	ASSESSED VALUATION	BASE MILL LEVY	PROPERTY TAX LEVIED	TEMPORARY MILL LEVY REDUCTION	TEMPORARY CREDIT AMOUNT	LEGAL TAVOR MAXIMUM LEVY	LEGAL TAVOR MAXIMUM ALLOWED
2000	\$382,132,990	8.000	\$3,057,064	-1.570	-\$599,949	6.430	\$2,457,115
2001	\$440,947,146	8.000	\$3,527,577	-0.556	-\$245,167	7.444	\$3,282,410
2002	\$468,909,060	8.000	\$3,751,272	-0.331	-\$155,209	7.669	\$3,596,063
2003	\$507,715,470	8.000	\$4,061,724	-0.631	-\$320,368	7.369	\$3,741,356
2004	\$529,459,570	8.000	\$4,235,677	-0.640	-\$338,854	7.360	\$3,896,823
2005	\$637,918,800	8.000	\$5,103,350	-0.706	-\$451,647	7.294	\$4,651,703
2006	\$659,810,420	8.000	\$5,278,483	-0.696	-\$459,228	7.304	\$4,819,255
					-\$2,570,422		
2007	\$903,464,430	8.000	\$7,227,715	0.000	\$0	8.000	\$7,227,715
2008	\$939,281,030	8.000	\$7,514,248	0.000	\$0	8.000	\$7,514,248
2009	\$1,139,985,540	8.000	\$9,119,884	0.000	\$0	8.000	\$9,119,884
2010	\$1,182,180,290	8.000	\$9,457,442	0.000	\$0	8.000	\$9,457,442
2011	\$1,002,046,980	8.000	\$8,016,376	0.000	\$0	8.000	\$8,016,376
2012	\$1,009,395,420	8.000	\$8,075,163	0.000	\$0	8.000	\$8,075,163
2013	\$953,214,670	8.000	\$7,625,717	0.000	\$0	8.000	\$7,625,717

* As long as the base levy is maintained at the artificially high 8 mills, the temporary reduction becomes, in essence, permanent. All data taken directly from "Summary of Levies" published by the Mesa County Assessor.