



**CITY COUNCIL AGENDA  
WEDNESDAY, FEBRUARY 1, 2012  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION 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**

Pledge of Allegiance

Invocation – Jared Mahoney, Seminary Principal, Church of Jesus Christ of Latter Day Saints

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

**Citizen Comments**

**Council Comments**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

1. **Minutes of Previous Meetings**

**[Attach 1](#)**

*Action: Approve the Minutes of the January 16, 2012 Regular Meeting*

*Revised February 8, 2012*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*<sup>®</sup> Requires Roll Call Vote*

2. **Authorizing an Agreement for Banking Services with Alpine Bank** [Attach 2](#)

Through cooperative procurement, the City is looking to “piggyback” on the County’s award of a banking services contract to Alpine Bank. Cooperative procurement is a process by which two or more jurisdictions cooperate to purchase items or services from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, and encourages the sharing of information.

Resolution No. 05-12—A Resolution Designating a Depository and Approving an Agreement for Banking Services between the City of Grand Junction, Colorado, and Alpine Bank, Grand Junction

®Action: *Adopt Resolution No. 05-12*

Staff presentation: Jodi Romero, Financial Operations Director  
Jay Valentine, Financial Operations Manager

3. **Authorizing an Agreement for Independent Audit Services with Chadwick, Steinkirchner, Davis, and Company, P.C.** [Attach 3](#)

An independent audit of the City’s financial statements is conducted each year by a Certified Public Accounting firm in order to express an opinion as to the compliance of the financial statements with Generally Accepted Accounting Principles that apply to government entities and Governmental Accounting Standards. The independent auditor is engaged by and reports to the City Council. The audit report is issued with the Comprehensive Annual Financial Report.

Resolution No. 06-12—A Resolution Authorizing an Agreement for Audit Services between the City of Grand Junction, Colorado, Chadwick, Steinkirchner, Davis, and Company, PC

®Action: *Adopt Resolution No. 06-12*

Staff presentation: Jodi Romero, Financial Operations Director

4. **Saccomanno Property Farm Lease, Located at the Southwest Corner of 26 ½ Road and H Road** [Attach 4](#)

The City purchased the 30 acre Saccomanno Park property in 1994 as a community park site in accordance with the recommendation of the Parks, Recreation and Open Space Master Plan adopted by City Resolution No. 91-92. A development schedule for the property has not been determined. Meanwhile, the property and its appurtenant water rights have remained productive through successive farm lease agreements. Mr. Frank Fisher is interested in continuing to farm the property and has capably done so in the past. Staff recommends the leasing of the farming rights associated with the Saccomanno Park property to Frank M. Fisher, for a period of one-year, commencing on February 1, 2012 and expiring on January 31, 2013 with an option to renew for an additional year (2013-2014). The terms of the proposed lease requires Mr. Fisher to provide all materials, equipment, and labor necessary to care for the property and to pay any taxes applicable to or arising out of or under the lease. The rent per year is \$1,000.

Resolution No. 07-12—A Resolution Authorizing a One Year Farm Lease of the “Saccomanno Park Property” to Frank M. Fisher

*®Action: Adopt Resolution No. 07-12*

Staff presentation: John Shaver, City Attorney

5. **Setting a Hearing on the Rezone of 2 Parcels, Located at 355 29 Road and 2892 River Street** [File #RZN-2011-1148] [Attach 5](#)

A City initiated request to rezone approximately 5.939 acres, located at 355 29 Road and 2892 River Street, from R-2 (Residential 2 dwelling units/acre) zone district to R-4 (Residential 4 dwelling units/acre) zone district.

Proposed Ordinance Rezoning Properties, Located at 355 29 Road and 2892 River Street, from an R-2 (Residential 2 Dwelling Units/Acre) to an R-4 (Residential 4 Dwelling Units/Acre) Zone District

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Brian Rusche, Senior Planner

6. **Setting a Hearing on a Request to Rezone Approximately 4.753 Acres, Located at 3032 N. 15<sup>th</sup> Street** [File #RZN-2011-1157] [Attach 6](#)

A City initiated request to rezone 4.753 acres, located at 3032 N 15<sup>th</sup> Street, also known as the Nellie Bechtel Apartments, from R-8 (Residential – 8 units per acre) to R-24 (Residential – 24 units per acre). The rezone will bring into conformance what is actually built on the ground to an appropriate zoning district; and the proposed rezone will bring the zoning into conformance with the City's Comprehensive Plan.

Proposed Ordinance Rezoning the Nellie Bechtel Apartments from R-8 (Residential – 8 Units per Acre) to R-24 (Residential – 24 Units per Acre), Located at 3032 N. 15<sup>th</sup> Street

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lori V. Bowers, Senior Planner

7. **Setting a Hearing for the Area 3 Rezone, Located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road** [File #RZN-2011-1188] [Attach 7](#)

Request to rezone three properties located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road from R-R, (Residential – Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac).

Proposed Ordinance Rezoning Three Properties from R-R, (Residential Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac), Located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Scott Peterson, Senior Planner

8. **Setting a Hearing on the Rezone of 281 Properties, Located South and East of North 12<sup>th</sup> Street and Orchard Avenue** [File# RZN-2011-1156] [Attach 8](#)

A City initiated request to rezone approximately 65 acres, located south and east of North 12<sup>th</sup> Street and Orchard Avenue from R-8 (Residential 8 dwellings/acre) to R-12 (Residential 12 dwellings/acre).

Proposed Ordinance Rezoning 281 Properties from R-8 (Residential 8 Dwellings/Acre) to R-12 (Residential 12 Dwellings/Acre), Located South and East of N. 12<sup>th</sup> Street and Orchard Avenue

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Senta L. Costello, Senior Planner

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

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

9. **911 Phone System Purchase for the Communication Center in the New Public Safety Facility** [Attach 9](#)

This phone system purchase is part of a significant regional collaborative effort by five 911 Centers in North West Colorado, serving 101 emergency response agencies and 330,000 citizens. The resulting systems will dynamically balance regional 911 call volumes, modernize services and prepare for Next Generation 911 (NextGen 911) communication capabilities. When fully implemented, the connected regional systems will ensure that 911 calls (and eventually other types of communications) from anywhere in the region are always answered and help dispatched – even when one 911 center is overwhelmed by a major incident or taken off line by a local disaster or technical failure. This approval request is for the purchase of the equipment, implementation services, and network infrastructure for the Grand Junction Regional Communication Center's (GJRCC) share of the regional system. It will be installed in the new public safety facility and is critical to the GJRCC's transition to that building.

*Action: Authorize the City Purchasing Division to Negotiate Contracts with CenturyLink for the Total Estimated Amount of \$575,000 to Provide and Install a New 911 Phone System and Related Network Infrastructure*

Staff presentation: John Camper, Police Chief  
Troy Smith, Deputy Police Chief

10. **Public Hearing—Rezoning 22 Properties Owned by School District 51, Located throughout the City** [File # RZN-2011-1190] [Attach 10](#)

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2, and C-1 zone districts. The rezones will bring the zoning into conformance with the City's Comprehensive Plan and the zoning of the surrounding neighborhood.

Ordinance No. 4496—An Ordinance Rezoning 22 School District 51 Owned Properties from CSR (Community Service and Recreation) to R-2, R-4, R-5, R-8, B-2, and C-1 Located Throughout the City

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4496*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lori V. Bowers, Senior Planner

11. **Public Hearing—Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses** [File #ZCA-2011-1313] [Attach 11](#)

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

Ordinance No. 4497—An Ordinance Amending Section 21.08.020(b)(1) of the Grand Junction Municipal Code

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4497*

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

12. **Public Hearing—Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities** [File #ZCA-2011-1315] [Attach 12](#)

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

Ordinance No. 4498—An Ordinance Amending Section 21.06.010(f) of the Grand Junction Municipal Code

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4498*

Staff presentation: Tim Moore, Planning and Public Works Director

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

## **Attach 1**

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

**January 16, 2012**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of January, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Laura Luke, Sam Susuras, and Council President Tom Kenyon. Councilmembers Bennett Boeschstein and Bill Pitts were absent. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Kenyon called the meeting to order. Council President Kenyon asked Cub Scout Pack #318 to Post the Colors and lead the Pledge of Allegiance. That was followed by Pastor Jerry Gonzales from Living Stone Christian Center providing the Invocation.

#### **Presentations/Recognitions**

##### **Medals of Merit for Two Fire Employees**

President of the Council Kenyon asked Fire employees Jerome Gardner and Captain Clark Thompson, Deputy Chief Bill Roth, and Fire Chief Ken Watkins to come forward. President of the Council Kenyon read an introduction explaining that the Fire employees were receiving Medals of Merit because they rescued Firefighter/Paramedic Cory Black who fell through the first floor while fighting the fire at White Hall on September 15, 2011. Deputy Chief Roth described the incident and the actions of the two individuals. Ken Watkins, Fire Chief, presented medals of merit and plaques to Firefighter Jerome Gardner and Captain Clark Thompson for their actions rescuing Firefighter/Paramedic Cory Black.

#### **Presentation of the Champion of the Arts Awards**

Councilmember Coons provided the introduction for the Champion of the Arts Award. The Champion of the Arts Award is to recognize outstanding individuals and businesses in the community who go above and beyond to promote and support local cultural endeavors. The Arts Commission awards the winners with original artwork by local artists. She asked Gisela Flanigan, Grand Junction Commission on Arts and Culture Chairperson, to come forward to introduce others that were present and to announce the winners of the Champion of the Arts Awards. Ms. Flanigan introduced the other members who were present from the Arts Commission and thanked the City Council for the opportunity to present the annual Arts Awards. She announced that the winner for the business category is Roper Music and owner John Handley for their long standing



support in donating musical instruments for the Grand Junction Symphony's fund raisers. They provide the community ways to support, sustain, and promote the arts. Mr. Handley was not present to receive the award. Ms. Flanigan then announced that the individual category winners were Chuck and Robbie Breaux for their contributions to The Art Center. Their leadership and financial support has made The Art Center what it is today. They have also supported the Grand Junction Symphony and High Desert Opera. Ms. Flanigan presented artwork to the Breaux's in recognition of all of their support.

Councilmember Coons stated that, as the City motto shows on all of the agendas, "to become the most livable community west of the Rockies by 2012", this presentation was evidence of what the art community brings to the City.

President of the Council Kenyon commented on how important art is and said he is proud of the community for all the developing, rotating, and maintaining new art in the community and looks forward to the future to see what new works may come forward.

### **Appointments**

To the Colorado State Leasing Authority

Councilmember Susarus moved to reappoint Bill Sisson and appoint Rich Englehart for three year terms expiring January 2015 and appoint Kelly Flenniken for a two year term expiring January 2014, all to the Colorado State Leasing Authority. Councilmember Coons seconded the motion. Motion carried.

### **Certificates of Appointment**

Zoning Board of Appeals/Planning Commission

Rob Burnett, Jon Buschhorn, Loren Couch, Keith Leonard, and Gregory Williams were all present to receive their certificates of appointment to the Zoning Board of Appeals/Planning Commission. Joe Carter was not present.

### **Council Comments**

There was none.

### **Citizen Comments**

There was none.

## CONSENT CALENDAR

Councilmember Susuras moved to approve the Consent Calendar and then read items #1-8. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the January 4, 2012 Regular Meeting and the January 11, 2012 Special Session*

2. **Setting a Hearing on an Ordinance Adopting the International Building Codes Including Building, Plumbing, Mechanical, Fuel Gas, Property Maintenance, Residential, Electrical, and Energy Conservation and Amendments Thereto**

The proposed ordinance will adopt the 2012 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance and the 2009 Edition of the International Energy Conservation Code, plus the 2011 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction. Mesa County has or soon will be adopting the same code set.

Proposed Ordinance Adopting and Amending the Latest Edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the 2009 International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of all Buildings or Structures in the City of Grand Junction; and Repealing all other Ordinances and Parts of Ordinances in Conflict Herewith

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 13, 2012*

3. **Setting a Hearing on an Ordinance Adopting the International Fire Code 2012 Edition with Amendments**

The 2012 edition of the International Fire Code ("IFC 2012") is the updated version of the 2006 edition of the International Fire Code which is presently part of the Grand Junction Municipal Code found in Chapter 15.44. The IFC 2012 is part of the 2012 International Code set currently being considered for adoption by the City. Mesa County has or soon will be adopting the same code set.

Proposed Ordinance Adopting the 2012 Edition of the International Fire Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Amending Certain Provisions in the Adopted Code; Amending Chapter 15.44 of the Municipal Code and Amending all Ordinances in Conflict or Inconsistent Herewith

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 13, 2012*

4. **Fire Pumper Truck Purchase**

This purchase request is for a new Fire Pumper Truck to replace an older unit currently in the City's fleet. The current truck has reached the end of its useful life and is in need of replacement.

*Action: Authorize the City Purchasing Division to Piggyback on a Previous Award for the Purchase of a 2012 Smeal Freedom Custom Pumper Truck to Mile Hi Fire Apparatus of Commerce City, Colorado in the Amount of \$408,491*

5. **Setting a Hearing on Rezoning 22 Properties Owned by School District 51, Located throughout the City, from CSR (Community Service and Recreation) to Zones of R-2, R-4, R-5, R-8, B-2, and C-1 Zone Districts** [File #RZN-2011-1190]

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2, and C-1 zone districts. The rezones will bring the zoning into conformance with the City's Comprehensive Plan and the zoning of the surrounding neighborhood.

Proposed Ordinance Rezoning 22 School District #51 Owned Properties From CSR (Community Service and Recreation) to R-2, R-4, R-5, R-8, B-2, and C-1 Located Throughout the City

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 1, 2012*

6. **Setting a Hearing on the Suncor Annexation, Located at 2200 Railroad Avenue** [File #ANX-2011-1328]

Request to annex 45.43 acres, located at 2200 Railroad Avenue. The Suncor Annexation consists of one (1) parcel of approximately 27.56 acres. There are 11.34 acres of public right-of-way, along with 6.53 acres of railroad property contained within this annexation area.

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

Resolution No. 03-12—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Suncor Annexation, Located at 2200 Railroad Avenue and Including a Portion of the Railroad Avenue and US Highway 6 & 50 Right-of-Way

*Action: Adopt Resolution No. 03-12*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Suncor Annexation, Approximately 45.43 Acres, Located at 2200 Railroad Avenue And Including a Portion of the Railroad Avenue, River Road, and Highway 6 & 50 Right-of-Way

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for March 7, 2012*

**7. Setting a Hearing on an Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses [File #ZCA-2011-1313]**

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

Proposed Ordinance Amending Section 21.08.020(b)(1) of the Grand Junction Municipal Code

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for February 1, 2012*

**8. Setting a Hearing on an Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities [File #ZCA-2011-1315]**

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

Proposed Ordinance Amending Section 21.06.010(f) of the Grand Junction Municipal Code

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for February 1, 2012*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Public Hearing – Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule [File #PLD-2011-1183]**

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

The public hearing was opened at 7:23 p.m.

Tim Moore, Public Works and Planning Director, gave a brief overview of the proposed amendment. He advised the Council that the applicant is present to answer any questions. Mr. Moore explained that Redlands Mesa already has a lot of infrastructure in place, i.e., golf course, roads, clubhouse. Only 70 units of the allowed 500 units use are built. The applicant is requesting an alternative phasing plan, changes to housing types in the pods, and a revision to the bulk standards (setbacks and open space). The new Zoning and Development Code allows a lot more flexibility than the previous Code.

Councilmember Susuras asked Mr. Moore to explain, for the public, what a pod is. Mr. Moore explained that a pod is a group of houses. With this development being a golf course, there are clusters or pods of homes.

Lori V. Bowers, Senior Planner, described the site, the location, and the request. She presented the original outline development plan and indicated where the amendments will be. The amendment will not change any of the uses or the character of the development, it will allow more flexibility for the developers to provide single family, detached, multifamily, townhomes, or cluster homes. By granting the amendment, it will allow the developer to develop this challenging piece of property and to utilize what the market is dictating in terms of types of homes. The open space remains unchanged. The project supports the goals and policies of the Comprehensive Plan, the Grand Valley Circulation Plan, and the Zoning and Development Code. The applicant is present but has not prepared a presentation. The amendment is consistent with the Comprehensive Plan, and the review criteria of the Grand Junction Municipal Code have been met.

Councilmember Coons asked if the pods are planned to be developed at this time. Ms. Bowers said that the developer is ready to move forward on one planned project as soon as approval is obtained.

Councilmember Susuras asked if the developer is trying to go to lower priced units. Ms. Bowers said she didn't know. Councilmember Susuras asked if the amendment was to be able to go to a higher density on some of the pods, but still keep the same number of units at 526. Ms. Bowers said that was correct, the density on a pod can go from one unit per acre to 8 units per acre.

Councilmember Susuras asked if the developer can explain how this will reduce the traffic. Tracy States, River City Consultants, said that she is not quite sure where it is referencing less traffic, but they will probably not reach full density and it should not affect traffic.

President of the Council Kenyon asked if this amendment was being brought forward because of the poor economy and asked if this is an opportunity to help Redlands Mesa utilize their property and still develop within the proposal. Ms. States said that it is, the quality of Redlands Mesa will not change. It will allow Redlands Mesa to grab a different part of the market, i.e., duplexes, patio homes, etc.

President of the Council Kenyon said that he is in the Redlands Mesa area often and he does not feel traffic will be an issue because there is not a lot of traffic and the roads are wide and well built.

Councilmember Susuras asked if there will be another entrance. Ms. States said there will be.

There was no public comment.

The public hearing was closed at 7:37 p.m.

Councilmember Coons commented that it makes sense to her especially when the housing market study showed a need for condominiums, townhomes, patio homes, etc.

Councilmember Susuras pointed out that the request does meet goals 3 and 8 of the Comprehensive Plan, the Planning Commission recommended approval, the proposed amendment of the outline development plan does not change the original use or the character of the development, and it still maintains 526 units.

Ordinance No. 4495—An Ordinance Amending the Outline Development Plan for Redlands Mesa

Councilmember Susuras moved to adopt Ordinance No. 4495 and ordered it published in pamphlet form. Councilmember Coons seconded the motion.

President of the Council Kenyon disclosed that he has a client that owns property that he works for at Redlands Mesa and asked City Attorney Shaver for his advice whether he

should recuse himself. City Attorney Shaver said he could if he wishes to but as long as the client is not benefiting directly from this matter, there should be no reason for President of the Council to recuse himself from the vote.

Motion carried by roll call vote.

### **Amending the Purchasing Manual and Authorizing a Contract with Mesa County for Procurement Services**

Purchasing and legal staff have updated the 2009 Purchasing Manual to include changing the policy back to the former (2001) levels of authorization.

A City-County purchasing services agreement will allow the City to provide regular procurement services to the County.

Rich Englehart, Acting City Manager, presented this item. He stated that the Purchasing and the Legal Staff has gone through the 2009 Purchasing Manual and made changes. There are some changes in the level of authority. Rather than trying to explain all of the changes, he asked for any questions or discussion that Council may have about the manual.

President of the Council Kenyon advised that one area that they were interested in was reducing the amount of discretionary authority for the City Manager which was set higher because of an apparent lack of need. Acting City Manager Englehart said they have taken this back to a level of \$50,000 instead of \$100,000; this level could be set at any level Council would like.

President of the Council Kenyon asked for what other changes were made. Jay Valentine, Financial Operations Manager, explained that the main change is the reduction of the purchasing level authority for the City Manager to \$50,000. This would not change the bidding practices. Some of the language regarding change orders has been changed. The wording "If the change order does not exceed 25% of the original contract price" was taken out and added was "any change order that exceeds \$50,000 would be taken to City Council". Some of the day to day language has also been cleaned up. The manual was amended to have the best competitive environment to procure services and products and to have a very efficient means of procuring those. One of those ways of being efficient is the County contract that is being proposed. Mr. Valentine said that the contract will not only benefit the City and the County, but the vendors as well. President of the Council Kenyon asked City Attorney Shaver about the contract being for one year, would it be revisited at the end of the one year? City Attorney Shaver advised the TABOR amendment to the Colorado Constitution which does not allow for a multi-year fiscal obligation which means that the City has to annually appropriate monies for expenditures that will be made, however, the contract can specify that a relationship could continue with the vendor for more terms but the contract will still be for one year.

City Attorney Shaver advised that Council could implement the purchasing policy how they want it implemented and set the purchasing levels at whatever they want.

Councilmember Luke asked about the protocol for selecting the City Auditor. City Attorney Shaver explained that requests for qualifications or proposals go out and once the qualification and expertise is verified, a decision is made, an engagement letter or a contract is established. The fiduciary duty of the Auditor is to the City Council.

Mr. Valentine advised that there is certain language in the purchasing policy regarding policy and professional services. The City does contract with Sales Tax Auditors.

President of the Council Kenyon stated that Council should be informed of the audit and review the executive summary of an audit and asked if that has happened in the past. Mr. Valentine advised that, in the past, an audit report has been provided to Council. He said that if Council would like an auditor to come in and address them regarding the audit that could also be arranged. President of the Council Kenyon would like to have the Council have the opportunity to be more involved with the audit.

Councilmember Coons said that it makes sense to her to have the City and the County work together for purchasing needs, and asked how that would work. Mr. Valentine advised that it would require more meetings with the County; a process would have to be established and combined purchases would be made as often as possible.

Councilmember Susuras stated that he read the entire proposed manual and asked if there is a hardware program that put the manual together. Mr. Valentine advised that City Staff wrote the manual using Microsoft Word. A lot of changes and work has gone into making the proposed manual. Councilmember Susuras said he felt that the proposed manual was very complete.

Councilmember Susuras asked how the \$50,000 fee for the first year was arrived at for the contract with the County. Mr. Valentine explained that they looked at an hourly rate, but that was not a good way to determine a fee. They looked at a fee per item, but that also didn't work to determine a fee. City Attorney Shaver said that it was a negotiation with County Administrator Unfug and County Purchasing Manager Donna Ross, and it was a fee that both parties agreed with. Councilmember Susuras asked what the City will get out of the contract besides the \$50,000. Mr. Valentine said that the City has provided procurement for the Housing Authority and the Library and that always has worked out well. He added that the City might be able to procure items at a reduced fee because of purchasing quantity.

County Administrator Chantal Unfug and Donna Ross, Director of Regional Services and Purchasing, were present. County Administrator Unfug feels like common sense has prevailed. She is proud of the Staff from both the County and the City for what they came up with in the proposed contract. She said that they did look at some cost figures and



feel that the \$50,000 is beneficial because, 1) cost savings, which is the primary driver, and 2) they have reorganized their purchasing department and unfortunately let go of some of the Staff. The bigger picture is doing what is right for the taxpayer. She felt that the successful partnership of the 29 Road project shows how this contract could work. The draft agreement was modeled after the agreement that is in place for annual building services agreement. There is not a stipulation to continue the contract. There is a six month review agreement to come together and work out any glitches. This agreement will provide a core service that the County needs.

Councilmember Susuras stated that looking at the agreement in six months is a good idea. He also thanked County Administrator Unfug for her assistance in resolving the Orchard Mesa Swimming Pool issue.

Councilmember Coons said that she feels this is a good reminder for the community, that not only are citizens members of the City, but also members of Mesa County.

Councilmember Luke commented on how grateful she is to see so many shared projects that benefit the community.

President of the Council Kenyon thanked County Administrator Unfug and Director of Regional Services and Purchasing Ross for being present and commented that it's all about saving the taxpayer dollars.

Resolution No. 04-12—Adopting a Policies and Procedures Manual for Purchasing of Equipment, Materials, Supplies and Expert and Technical Services Including Technical and Expert Personnel by the City of Grand Junction, Colorado

Councilmember Coons moved to adopt Resolution No. 04-12 and authorize the Acting City Manager to sign a contract with Mesa County to provide technical and expert purchasing services. Councilmember Luke 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 8:10 p.m.

Debbie Kemp, MMC  
Deputy City Clerk



Date: January 23, 2012  
 Author: Jodi Romero, Financial Operations Director  
 Title/ Phone Ext: 1515  
 Proposed Schedule:  
February 1<sup>st</sup>, 2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 2**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Authorizing an Agreement for Banking Services with Alpine Bank, Grand Junction
<b>Action Requested/Recommendation:</b> Approve the resolution authorizing Alpine Bank as a depository for City funds and authorize the Financial Operations Director to sign the agreement for banking services.
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director Jay Valentine, Financial Operations Manager

**Executive Summary:**

Through cooperative procurement, the City is looking to “piggyback” on the County’s award of a banking services contract to Alpine Bank. Cooperative procurement is a process by which two or more jurisdictions cooperate to purchase items or services from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, and encourages the sharing of information.

**Background, Analysis and Options:**

In October of 2011, Mesa County purchasing issued a Request for Proposal to potential vendors interested in providing banking services to the County. In December 2011, after proposals were evaluated, Alpine Bank was chosen as the vendor best suited to provide these services, most of which are common to both the City and County. The criteria used in making this award were based on service, key personnel, references and fees.

In accordance with City Purchasing Policy, it is permissible to participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more other public bodies in order to combine requirements, increase efficiency or reduce administrative expenses.

The City is satisfied with Alpine Bank’s services, and it is recommended that the City continue the banking services agreement with Alpine Bank, Grand Junction.

As discussed at the City Council Workshop on Monday, January 16th, 2012; In the last 15 years the City has conducted four Requests For Proposals (RFP) for banking services and the City has used Alpine Bank since 1996. Banking services have changed considerably over this time period and are highly automated and heavily supported by technology today. The range of services we require include ACH capability, direct payroll deposit, wire transactions, on-line inquiry and account management for multiple accounts, the need for strong controls and security.

With the economic recession there have been impacts on the banking industry that have correspondingly changed the environment for procurement of banking services. In the past, competing factors between banks included the amount of compensating balance and the interest rate paid on account balances. Today, the compensating balance is no longer a factor and the interest rates being paid are next to nothing. This leaves service as the only real consideration to evaluate.

This recommendation is to proceed with executing a one year agreement with Alpine Bank, Grand Junction with the option for three, one-year renewals.

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

This item does not directly relate to the Comprehensive Plan.

**Board or Committee Recommendation:**

This item is for Council to review. It has not board or committee recommendation associated with it.

**Financial Impact/Budget:**

There are no fees or charges for the services. The City will earn a nominal interest rate on account balances.

**Legal issues:**

The banking services agreement will be reviewed and approved by the City Attorney.

**Other issues:**

n/a

**Previously presented or discussed:**

Discussed at the January 16<sup>th</sup>, 2012 City Council workshop.

**Attachments:**

Resolution

**RESOLUTION NO. \_\_\_-12**

**A RESOLUTION DESIGNATING A DEPOSITORY AND APPROVING AN AGREEMENT FOR BANKING SERVICES BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND ALPINE BANK, GRAND JUNCTION**

**RECITALS:**

1. The City has an ongoing need for a wide range of banking services including but not limited to; automatic clearing house transactions, electronic funds transfers, direct payroll deposit, wire transactions, security, on-line account inquiry and management of multiple accounts. The City's accounts include; General Operating, Accounts Payable Clearing, Payroll Clearing, Petty Cash Clearing, Workers Compensation Clearing, and Investigative Clearing.
2. In the current economic environment, there are no fees or costs associated with banking services and no requirement for a compensating balance to be maintained at a bank.
3. Mesa County conducted a formal procurement for banking services, most of which are common to the City, and selected Alpine Bank, Grand Junction as the best vendor to provide the services. The City wishes to depend on this process as a cooperative procurement for banking services.
4. The City is satisfied with the services provided by Alpine Bank.
5. Alpine Bank, Grand Junction, a banking corporation, is qualified as a depository for the funds of the City.
6. It is in the City's best interest to continue the banking services contract with Alpine Bank.

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

- a) The agreement for Banking Services between the City of Grand Junction and Alpine Bank, Grand Junction (hereinafter called "Bank") is hereby approved, effective February 2, 2012. The agreement is for a one year term with three optional one-year renewals.
- b) The Financial Operations Director is authorized to finalize and sign the agreement on behalf of the City.
- c) The Bank is thereby authorized, as a depository for City funds, to accept on behalf of the City for credit and/or collection and all bills and notes payable when endorsed in the name of the City in writing and that all transactions in connection therewith shall be governed by the conditions, rules, regulations, customs and practices now or hereafter adopted or practiced by the Bank.

Adopted and Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



Date: January 23, 2012  
 Author: Jodi Romero, Financial Operations Director  
 Title/ Phone Ext: 1515  
 Proposed Schedule:  
February 1<sup>st</sup>, 2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 3**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Authorizing an Agreement for Independent Audit Services with Chadwick, Steinkirchner, Davis and Company, P.C.
<b>Action Requested/Recommendation:</b> Approve the resolution authorizing Chadwick, Steinkirchner, Davis & Co., P.C. to conduct independent audits of the financial statements for the City of Grand Junction.
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

An independent audit of the City’s financial statements is conducted each year by a Certified Public Accounting firm in order to express an opinion as to the compliance of the financial statements with Generally Accepted Accounting Principles that apply to government entities and Governmental Accounting Standards. The independent auditor is engaged by and reports to the City Council. The audit report is issued with the Comprehensive Annual Financial Report.

**Background, Analysis and Options:**

Independent audits are required and once performed the audit adds credibility to the City’s financial statements and reporting by providing an independent and transparent review. The audit is an assurance to City Council, citizens, and other users of the City’s financial report that the City’s financial statements are relevant, accurate, complete and that internal controls are maintained and followed.

In the Fall of 2010, the City conducted a formal solicitation for financial audit services. Four firms responded and were evaluated based on qualifications, prior experience, approach, demonstrated capabilities and fees. The solicitation for audit services included fiscal year 2010 and the option for four, one-year renewals (fiscal years 2011, 2012, 2013, and 2014). The result of the evaluation of proposals was a recommendation to engage Chadwick, Steinkirchner, Davis & Co., P.C. for financial audit services. This recommendation was formally approved by City Council on November 17, 2010 for the audit of the City’s 2010 financial statements for \$27,900.

The attached proposed resolution, authorizes engaging Chadwick, Steinkirchner, Davis & Co., P.C for financial audit for the year ending December 31, 2011 for \$27,900 and

the option to renew three, one-year engagements at the same cost of \$27,900 per year as approved and appropriated by City Council on an annual basis through the budgeting process.

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

This item does not directly relate to the Comprehensive Plan.

**Board or Committee Recommendation:**

This item is for Council to review. It has no Board or Committee recommendation associated with it.

**Financial Impact/Budget:**

The cost of the financial audit is \$27,900 and has been appropriated in the 2012 budget.

**Legal issues:**

The annual engagement letters will be reviewed and approved by the City Attorney.

**Other issues:**

There are no other issues.

**Previously presented or discussed:**

November 17, 2010 City Council meeting; authorization for Chadwick, Steinkirchner, Davis & Co., P.C. to perform the independent audit of the City's 2010 financial statements.

**Attachments:**

Resolution  
Engagement Letter



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR  
AUDIT SERVICES BETWEEN THE  
CITY OF GRAND JUNCTION, COLORADO, CHADWICK, STEINKIRCHNER, DAVIS AND  
COMPANY, P.C.**

**RECITALS:**

1. The City of Grand Junction (hereinafter called "City") contracts for an annual independent audit of their financial statements.
2. The City's independent audit is conducted by a certified public accounting firm in accordance with audit standards generally accepted in the United States and applicable government auditing standards as issued by the Comptroller General of the United States.
3. The independent auditor conducts the audit in order to express an opinion as to the compliance of the financial statements with Generally Accepted Accounting Principles that apply to government entities and Governmental Accounting Standards.
4. The independent auditor is engaged by and reports to the City Council.
5. The audit is an assurance to City Council, citizens and other users of the City's financial report that the City's financial statements are relevant, accurate, complete and that internal controls are maintained and followed.
6. In the fall of 2010, the City conducted a formal solicitation for financial audit services. After review and evaluation of the four proposals received, the firm of Chadwick, Steinkirchner, Davis & Co., P.C. was chosen as the City's independent auditor.

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

- a) The Mayor, on behalf of the City Council, is authorized to sign the engagement letter with Chadwick, Steinkirchner, Davis & Co., P.C. for the audit of the City's financial statements ending in December 31, 2011.
- b) Unless otherwise directed and subject to annual approval and appropriation, it is the City Council's intention to annually renew, one-year engagements with Chadwick, Steinkirchner, Davis & Co., P.C. for the audit of the City's financial statements for the fiscal years 2012, 2013, and 2014.

Adopted and Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



January 25, 2012

Honorable Mayor and Members of the City Council  
City of Grand Junction, Colorado  
Grand Junction, Colorado

We are pleased to confirm our understanding of the services we are to provide the City of Grand Junction, Colorado (the City) for the year ended December 31, 2011. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City of Grand Junction, Colorado as of and for the year ended December 31, 2011. We will also audit the basic financial statements of the City of Grand Junction/Mesa County, Colorado Joint Sewer System ( the System) as of and for the year ended December 31, 2011. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's and System's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's and System's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis for the City and the System.

Supplementary information other than RSI also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal awards for the City.
2. Budgetary comparisons for the City and the System.
3. Nonmajor individual and combining schedules.
4. Local Highway Finance Report.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance:

1. Introductory section.
2. Statistical section.



City of Grand Junction, Colorado  
January 25, 2012  
Page Two

**Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with management in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

**Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for the preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. Management is responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes, and for accepting full responsibility for such decisions. Further, management is required to designate an individual with suitable skill, knowledge, or experience to oversee any non-audit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. Management is also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City and System and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.



City of Grand Junction, Colorado  
January 25, 2012  
Page Three

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Management's responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the City and the System involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Management's responsibilities include informing us of their knowledge of any allegations of fraud or suspected fraud affecting the City and the System received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the City and the System comply with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan, if necessary. The summary schedule of prior audit findings, if any, should be available for our review on January 1, 2011. Management is responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to present the supplementary information with the audited financial statements.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information, if any.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City and the System or to acts by management or employees acting on behalf of the City and the System. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.



City of Grand Junction, Colorado  
January 25, 2012  
Page Four

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement. At the conclusion of our audit, we will also require certain written representations from management about the financial statements and related matters.

#### **Audit Procedures—Internal Controls**

Our audit will include obtaining an understanding of the City and the System and their environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's and the System's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.



City of Grand Junction, Colorado  
January 25, 2012  
Page Five

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of test of transactions and other applicable procedures described in the OMB Circular A-133 *Compliance Supplement* and related addenda for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

**Audit Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any invoices and other supporting documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with management the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package management will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Chadwick, Steinkirchner, Davis & Co., P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a cognizant or oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. General Accounting Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Chadwick, Steinkirchner, Davis & Co. P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a cognizant or oversight agency, or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit April 9, 2012 and to issue our report no later than June 15, 2012 for the City and July 1, 2012 for the System. T. Michael Nelson is the engagement partner and is responsible for supervising the engagement and signing the report. Our fees for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, typing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed the amount provided in our response to your Request for Proposal of \$27,900. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.



City of Grand Junction, Colorado  
January 25, 2012  
Page Six

In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation for your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2008 peer review report accompanied our response to your RFP.

We appreciate the opportunity to be of service to the City of Grand Junction and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Chadwick, Steinkirchner, Davis & Co., P.C.

A handwritten signature in black ink that reads "T. Michael Nelson". The signature is written in a cursive, flowing style.

T. Michael Nelson, CPA

RESPONSE:

This letter correctly sets forth the understanding of the City of Grand Junction, Colorado.

By:

Title:

Date:



Exhibit A  
City of Grand Junction  
List of Supporting Schedules  
December 31, 2011

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The following is a list of supporting schedules and documents to be prepared by City personnel and furnished to Chadwick, Steinkirchner, Davis & Co., P.C. in connection with the audit examinations of the financial statements of the City as of December 31, 2011.

These schedules are to be prepared in the format requested by us. This list is not intended to represent a comprehensive summary of all the schedules to be prepared by the City. Requests for additional assistance may be made during the course of the audit examination.

1. Working trial balances
2. Bank reconciliations of all bank accounts
3. Detail of accounts receivable balances
4. Analysis of amounts due from federal, state or other governments as of year end
5. Summary of County Treasurer's reports for the year
6. Summary of physical inventories as of year-end
7. Schedule of investment activities during the year
8. Summary of investment activity during the year
9. Revenue and expenditure accounts as selected
10. Assistance in providing source documents selected for examination as part of the review of internal control of cash receipts, cash disbursements, payroll, purchase orders, and petty cash.
11. Workpapers showing budget transactions by fund and function with reference to appropriate Council action
12. Summary of interest and bonds during the year and the outstanding matured bonds and interest payable
13. Depreciation schedule of capital assets; schedules showing beginning capital assets, additions, deletions, and ending capital assets
14. Preparation of the "Schedule of Expenditures of Federal Awards" for the compliance audit
15. Reconciliation of wages reported in general ledger to wages reported on the 941's



Date: January 26, 2012  
 Author: John Shaver  
 Title/ Phone Ext: City Attorney  
x1508  
 Proposed Schedule:  
February 4, 2012  
 2nd Reading  
 (if applicable): NA

**Attach 4**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Saccomanno Park Property Farm Lease, located at the southwest corner of 26 ½ Road and H Road
<b>Action Requested/Recommendation:</b> Adopt Resolution and Authorize Acting City Manager to Sign Farm Lease Agreement
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney

**Executive Summary:** The City purchased the 30 acre Saccomanno Park property in 1994 as a community park site in accordance with the recommendation of the *Parks, Recreation and Open Space Master Plan* adopted by City Resolution No. 91-92.

A development schedule for the property has not been determined. Meanwhile, the property and its appurtenant water rights have remained productive through successive farm lease agreements. Mr. Frank Fisher is interested in continuing to farm the property and has capably done so in the past.

Staff recommends the leasing of the farming rights associated with the Saccomanno Park Property to Frank M. Fisher, for a period of one-year, commencing on February 1, 2012 and expiring on January 31, 2013 with an option to renew for an additional year (2013-2014). The terms of the proposed lease requires Mr. Fisher to provide all materials, equipment and labor necessary to care for the property and to pay any taxes applicable to or arising out of or under the lease. The rent per year is \$1,000.

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

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

**Action Requested/Recommendation:**

Adopt resolution authorizing the lease of the Saccomanno Park property to Frank M. Fisher.

**Board or Committee Recommendation:**

This matter has not been referred to a board of committee.

**Background, Analysis and Options:**

The City Council may direct a different use of the property or a different means of soliciting an operator. Because the term is short and the history with Mr. Fisher is good staff would recommend that the City Council approve the lease and resolution as presented.

**Financial Impact/Budget:**

No expense - \$1000.00 per year revenue which has typically been dedicated to the parkland expansion fund.

**Legal issues:**

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

**Other issues:**

None.

**Previously presented or discussed:**

This matter has not been presented previously.

**Attachments:**

Resolution with proposed lease.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING A ONE-YEAR FARM LEASE OF THE  
"SACCOMANNO PARK PROPERTY"  
TO FRANK M. FISHER**

**Recitals.**

The City of Grand Junction is the owner of that certain real property legally described as: Lot 4 of the Replat of Lot 2, Saccomanno Minor Subdivision, situate in the NE ¼ NW ¼ of Section 35, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, as recorded in Plat Book 13 at Page 449 in the office of the Mesa County Clerk and Recorder, commonly known as the Saccomanno Park Property.

The City purchased the Saccomanno Park Property in 1994 as a community park site. While development of the Saccomanno Park Property as a community park is pending, the property and its appurtenant water rights have remained productive through successive farm lease agreements with Robert H. Murphy. Mr. Murphy has notified the City that he will not be renewing the farm lease agreement.

The City Council deems it appropriate to lease the farming rights associated with the Saccomanno Park Property to Frank M. Fisher, for a period of one-year, commencing on March 1, 2010, and expiring on February 28, 2011.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute and enter into the attached Farm Lease Agreement with Frank M. Fisher.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

## **FARM LEASE AGREEMENT**

THIS FARM LEASE AGREEMENT is entered into as of the \_\_\_\_ day of February 2012, by and between the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City", and Frank M. Fisher, hereinafter referred to as "Lessee", whose address for the purpose of this Agreement is 948 26 Road, Grand Junction, Colorado 81506.

### RECITALS

A. The City is the owner of that certain real property in the City of Grand Junction, County of Mesa, State of Colorado, described as Lot 4 of the Replat of Lot 2 of Saccomanno Minor Subdivision, situated at the southwest corner of the intersection of 26½ Road and H Road and hereinafter referred to as "the Property". The City acquired the property for park purposes and intends to develop the Property as a community park; however, timing for development and use of the Property as a community park is uncertain. Until the Property is developed as a community park, the City believes it is in the best interest of the community that the Property continue to be maintained as a productive farm, that the water rights and ditch rights appurtenant to the Property be used to their full and maximum extent, that all aspects of the Property be maintained to the highest practicable standard, and that expenses be kept to a minimum without waste.

B. Lessee desires to lease the farming rights associated with the Property in accordance with the desires and express intent of the City. Lessee has represented to the City that Lessee possesses the knowledge, experience, equipment, personnel and financial resources to maintain the Property to the highest practicable standard and to use the water and water rights and ditches and ditch rights to their full and maximum extent, all in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, In consideration of the payment of rent and the performance of the promises, covenants, conditions, restrictions, duties and obligations set forth herein, the parties agree as follows:

1. Grant and Acceptance of Lease. The City hereby leases the farming rights associated with the Property to Lessee, and Lessee hereby accepts and leases the farming rights associated with the Property from the City, for the term stated in paragraph 2 below and for the specific purposes and duties of maintaining all aspects of the Property, including water and water rights and ditches and ditch rights, all in accordance with the terms and conditions of this Agreement.

2. Term.

2.1 The term of this Lease shall commence on February 1, 2012, and continue through January 31, 2013, at which time this Lease shall expire; provided, however, that in the event Lessee shall fully and completely fulfill each and every covenant, condition, duty and obligation of Lessee as hereinafter set forth and in the event Lessor determines,

at Lessor's sole discretion, to again lease the farming rights associated with the Property in accordance with the provisions of this Lease, Lessee shall have the first right of refusal to lease the farming rights associated with the Property for the term commencing on February 1, 2013, and expiring on January 31, 2014, as more fully set forth in paragraph 12 below. The City may, in its sole discretion, allow Lessee to continue to occupy a designated portion of the Property for a reasonable period of time for the sole purpose of storing crops which have been harvested from the Property pending the sale and/or delivery of said crops to market.

3. Rental. Rental for the farming rights hereby leased during the term hereinabove specified shall be \$1,000.00, which amount shall be due and payable, without demand by the City, on or before February 15, 2012. In the event payment of rent is not received by the City on or before March 1, 2012, Lessee agrees to pay to the City a late charge of \$100.00, which amount shall be added to the amount of rent(s) due. In the event payment of rent and any late charge is not received by the City on or before March 31, 2012, this Lease shall automatically terminate and neither party shall have any further rights, duties or obligations under this Agreement. Lessee shall pay any and all taxes, including but not limited to real estate and/or possessory interest taxes that arise out of or under this lease.

4. Reservations from Lease. The City withholds from this Lease and hereby retains and reserves unto itself:

(a) all oil, gas, coal and other minerals and mineral rights underlying and/or appurtenant to the Property;

(b) all water and water rights, ditches and ditch rights appurtenant to and/or connected with the Property, including, but not limited to, any water and/or water rights which may have been previously used on or in connection with the Property, for whatever purpose;

(c) all rights to grant, sell, bargain and convey ownership interest(s) in and to the Property, or any division thereof, to any other party, including the conveyance of easements, so long as such action will not interfere with Lessee's use and quiet enjoyment of the Property for the purposes set forth in this Agreement; and

(d) the proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, in whole or in part, even if such taking is made by and/or for the purposes of the City, or for any conveyance in lieu of condemnation. Lessee hereby assigns and transfers to the City any claim Lessee may assert to compensation, including claims for damages, as a result of any condemnation.

5. Use and Condition of the Property.

5.1 Lessee agrees that Lessee's use of the Property is strictly limited to the growing and cultivating of the type(s) of crop(s) which are mutually agreed upon between the City and Lessee and for no other purposes. In connection therewith, Lessee agrees to thoroughly plow, irrigate, cultivate, fertilize and farm all farmable lands upon the Property in a responsible and prudent farm-like manner. This Lease does not authorize Lessee to permit stock of any kind to run in any field on the Property.

5.2 Lessee agrees that Lessee's use and occupancy of the Property shall be subject to all applicable laws, rules, rulings, codes, regulations and ordinances of any governmental authority, either now in effect or hereafter enacted, having jurisdiction over the Property and Lessee's use, occupancy and operations thereon. Lessee agrees that Lessee shall not use nor permit the Property to be used for any other purpose or in any other fashion or manner contrary to this Lease or the laws, ordinances, codes or regulations of any governmental unit or agency exercising jurisdiction over the Property or any use thereon.

5.3 Lessee agrees to maintain, clean and repair all aspects of the Property at Lessee's sole cost and expense, including, but not limited to driveways, fences, gates, ditches, headgates, piping and other irrigation facilities located upon the Property, and to not allow irrigation water to overrun any furrows or otherwise cause damage to the Property or to the real or personal property of any other party. Lessee agrees that the City shall not be obligated nor required to repair damages to any portion or aspect of the Property.

5.4 Lessee agrees to make a reasonable effort to keep the Property free from noxious weeds. Lessee further agrees that Lessee shall not commit nor permit waste, damage or injury to the Property.

5.5 Lessee has inspected the Property, the rights and privileges appurtenant thereto, and the rules, regulations, codes and ordinances governing Lessee's use, occupancy and operations thereon. Lessee agrees that the condition of the Property and such rights, privileges, rules, regulations, codes and ordinances are sufficient for the purposes of Lessee. The City makes no warranties, promises or representations, express or implied, that the Property is sufficient for the purposes of Lessee. If the Property is damaged due to fire, flood or other casualty, or if the Property or any aspect thereto is damaged or deteriorates to the extent where it is no longer functional for the purposes of Lessee, the City shall have no obligation to repair the Property nor to otherwise make the Property usable or occupiable; damages shall be at Lessee's own risk.

6. Irrigation of the Property. Irrigation of the Property is an essential duty and obligation to be undertaken by Lessee on behalf of the City. Irrigation of the Property shall be undertaken in accordance with the following provisions:

6.1 The City agrees to pay the base water assessments, when the same become due and payable, which are levied by authorities having jurisdiction and control over the irrigation water appropriated to the Property.

6.2 Lessee agrees to pay for all costs and fees, when the same become due and payable, which are charged for water usage in excess of the base amounts set forth in subparagraph 6.1 above.

6.3 Lessee shall apply the base water and such additional water as is necessary to the Property to irrigate crops during the historical irrigating season. Any failure by Lessee to irrigate the Property as set forth above, or any of the following acts or omissions on the part of Lessee with respect to the water rights appurtenant to the Property, shall be grounds for immediate termination of this Lease:

- a. failure or refusal to cultivate the Property and/or make use of available water upon the Property without the prior written consent of the City; or
- b. failure to maintain and preserve the irrigation structures, ditches, pipes and other irrigation facilities and appurtenances on the Property in such a manner as to allow the full application of water rights to the Property.

7. Fees and Charges. Lessee shall hold the City harmless from and indemnify the City against any and all fees, charges, costs and expenses associated with the Property, excepting the base water assessment which the City shall pay as set forth in paragraph 6.1. If Lessee fails to pay any of the foregoing when the same become due and payable, the City may, without obligation to do so, pay such amount(s) and, in such event, the amount(s) paid by the City, plus interest at the rate of fifteen percent (15%) per annum from the date of such payment by the City, shall be due and payable from Lessee to the City.

8. Nonliability of the City for Damage.

8.1 The City shall not be liable for liability or damage claims for injury to persons or property, including property of Lessee, from any cause relating to the occupancy and use of the Property by Lessee, including those arising out of damages or losses occurring on areas adjacent to the Property or easements used for the benefit of the Property during the term of this Lease or any extension thereof, nor for any injury or damage to any property of Lessee or any other party, from any cause. Lessee shall indemnify the City, its officers, employees and agents, and hold the City, its officers, employees and agents, harmless from all liability, loss or other damage claims or obligations resulting from any injuries, including death, or losses of any nature.

8.2 The City shall not be liable to Lessee for any damages or any loss of profits or loss of opportunities claimed by Lessee or for interruption of Lessee's business or operations resulting from fire, the elements, casualty of any kind or the closure of any public highway providing access to and from the Property.

9. Hazardous Substances.

9.1 The term "Hazardous Substances", as used in this Agreement, shall mean any substance which is: defined as a hazardous substance, hazardous material, hazardous waste, pollutant or contaminant under any Environmental Law enacted by any federal, state and local governmental agency or other governmental authority; a petroleum hydrocarbon, including, but not limited to, crude oil or any fraction thereof;



hazardous, toxic or reproductive toxicant; regulated pursuant to any law; any pesticide or herbicide regulated under state or federal law. The term "Environmental Law", as used in this Lease Agreement, shall mean each and every federal, state and local law, statute, ordinance, regulation, rule, judicial or administrative order or decree, permit, license, approval, authorization or similar requirement of each and every federal state and local governmental agency or other governmental authority, pertaining to the protection of human health and safety of the environment, either now in force or hereafter enacted.

9.2 Lessee shall not cause or permit to occur by Lessee and/or Lessee's agents, guests, invitees, contractors, licensees or employees:

- a. any violation of any Environmental Law on, under or about the Property or arising from Lessee's use and occupancy of the Property, including, but not limited to, air, soil and groundwater conditions; or
- b. the use, generation, accidental or uncontrolled release, manufacture, refining, production, processing, storage or disposal of any Hazardous Substance on, under or about the Property, or the transportation to or from the Property of any Hazardous Substance in violation of any federal state or local law, ordinance or regulation either now in force or hereafter enacted.

#### 10. Environmental Clean-Up.

10.1 The following provisions shall be applicable to Lessee and to Lessee's agents, guests, invitees, contractors, licensees and employees:

- a. Lessee shall, at Lessee's sole cost and expense, comply with all Environmental Laws and laws regulating the use, generation, storage, transportation or disposal of Hazardous Substances;
- b. Lessee shall, at Lessee's sole cost and expense, make all submissions to provide all information required by and/or to comply with all requirements of all governmental authorities ("the Authorities") under Environmental Laws and other applicable laws.
- c. Should any Authority or the City demand that a clean-up plan be prepared and that a clean-up plan be undertaken because of any deposit, spill, discharge or other release of Hazardous Substances on, under or about the Property, Lessee shall, at Lessee's sole cost and expense, prepare and submit the required plan(s) and all related bonds and other financial assurances, and Lessee shall carry out all such clean-up plan(s) in compliance with the Authorities and all Environmental Laws and other applicable laws.
- d. Lessee shall promptly provide all information regarding the use, generation, storage, transportation or disposal of Hazardous

Substances requested by any Authority. If Lessee fails to fulfill any duty imposed hereunder within a reasonable time, the City may do so on Lessee's behalf and, in such case, Lessee shall cooperate with the City in the preparation of all documents the City or any Authority deems necessary or appropriate to determine the applicability of Environmental Laws to the Property and Lessee's use thereof, and for compliance therewith, and Lessee shall execute all documents promptly upon the City's request. No such action by the City and no attempt made by the City to mitigate damages under any Environmental Law or other applicable law shall constitute a waiver of any of Lessee's obligations hereunder.

- e. Lessee's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

10.2 Lessee shall indemnify, defend and hold the City, its officers, employees and agents harmless from all fines, suits, procedures, claims and actions of every kind, and all costs associated therewith (including the costs and fees of attorneys, consultants and experts) arising out of or in any way connected with any deposit, spill, discharge or other release of Hazardous Substances and the violation of any Environmental Law and other applicable law by Lessee and/or Lessee's agents, guests, invitees, contractors, licensees and employees that occur during the term of this Lease or any extension thereof, or from Lessee's failure to provide all information, make all submissions, and take all actions required by all Authorities under the Environmental Laws and other applicable laws. Lessee's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

## 11. Default, Sublet, Termination, Assignment.

### 11.1 Should Lessee:

- (a) default in the performance of its agreements or obligations herein and any such default continue for a period of thirty (30) days after written notice thereof is given by the City to Lessee; or
- (b) abandon or vacate the Property; or
- (c) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed; the City, at the City's option, may cancel and annul this Lease at once and enter and take possession of the Property immediately without any previous notice of intention to reenter, and such reentry shall not operate as a waiver or satisfaction in whole or in part of any claim or demand arising out of or connected with any breach or violation by Lessee of any covenant or agreement to be performed by Lessee. Upon reentry, the City may remove the property and personnel of Lessee and store Lessee's property in a warehouse or at a place selected by the City, at the expense of Lessee and without liability to the City. Any such reentry shall not work a forfeiture of nor shall it terminate the rent(s) to be paid or the covenants and agreements to be performed by Lessee for the full term of this Lease; and, upon such reentry, the City may

thereafter lease or sublease the Property for such rent as the City may reasonably obtain, crediting Lessee with the rent so obtained after deducting the cost reasonably incurred in such reentry, leasing or subleasing, including the costs of necessary repairs, alterations and modifications to the Property. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against Lessee, including, but not limited to, the right of the City to obtain injunctive relief based on the irreparable harm caused to the City's reversionary rights.

11.2 Except as otherwise provided for (automatic and immediate termination), if Lessee is in default in the performance of any term or condition of this Lease Agreement, the City may, at its option, terminate this Lease upon giving thirty (30) days written notice. If Lessee fails within any such thirty (30) day period to remedy each and every default specified in the City's notice, this Lease shall terminate. If Lessee remedies such default, Lessee shall not thereafter have the right of thirty (30) days (to remedy) with respect to a similar subsequent default, but rather, Lessee's rights shall, with respect to a subsequent similar default, terminate upon the giving of notice by the City.

11.3 Lessee shall not assign or sublease the Property, or any right or privilege connected therewith, or allow any other person, except officers, employees, agents and clientele of Lessee, to occupy the Property or any part thereof without first obtaining the written consent of the City, which consent must be approved and ratified by the City Council of the City. Any attempt to sublet, assign or transfer without the prior written consent of the City shall be void *ab initio*. In the event an assignment of this Lease or a sublease is authorized by the City, Lessee shall not be released from Lessee's obligations and duties under this Lease and this Lease shall remain in full force and effect. Any consent by the City shall not be a consent to a subsequent assignment, sublease or occupation by any other party. Any unauthorized assignment, sublease or permission to occupy by Lessee shall be void and shall, at the option of the City, provide reasonable cause for the City to terminate this Lease. The interest of Lessee in this Lease is not to be assignable by operation of law without the formal approval and ratification by the City Council of the City.

11.4 This Lease is not intended to and shall in no way preclude the City from actively marketing the Property for sale or exchange, whether through the efforts of the City, a real estate broker or any other person, nor shall this Lease prevent the City from selling, exchanging or conveying the Property to any other party; provided, however, that in the event any such sale, exchange or conveyance is made during the term of this Lease, such sale, exchange or conveyance shall be made subject to Lessee's leasehold interest in the Property. In the event of the voluntary or involuntary transfer of the City's interest in the Property, Lessee will attorn to the transferee of, or successor to, the City's interest in the Property, and recognize such transferee or successor as Lessor under this Lease.

11.5 Lessee shall not engage or allow any contractor, materialman or supplier to perform any work or supply any materials or other goods or services on any portion of the Property which could be the subject of a mechanic's lien.

12. Option to Extend Lease. If Lessee performs Lessee's duties and obligations pursuant to this Agreement to the satisfaction of Lessor and if Lessor chooses, at its sole option and discretion, to again lease the farming rights associated with the Property, at the expiration of the term as set forth in paragraph 2, Lessor hereby grants to Lessee an option to extend this Farm Lease for one (1) additional one (1) year period, commencing on February 1, 2013, and expiring on January 31, 2014 ("second term"), upon the same terms and conditions of this Agreement or upon other terms and conditions which may hereafter be negotiated between the parties. In order to exercise Lessee's option for a second term, Lessee shall, on or before February 1, 2013, give written notice to Lessor of Lessee's desire and intention to lease the Property for a second term.

13. Fees or Commissions. The parties to this Lease Agreement warrant that no person or selling agency has been employed or retained to solicit or secure this Lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. The City and Lessee agree to defend, indemnify and hold the other harmless from any claim for real estate brokerage commissions or finder's fees asserted by any other party claiming to be entitled to brokerage commissions or finder's fees arising out of this Lease.

14. Notices. All notices to be given with respect to this Lease shall be in writing delivered either by United States mail or Express mail, postage prepaid, or by facsimile transmission, personally by hand or courier service, as follows:

To the City:  
City of Grand Junction  
Parks & Recreation Director  
1340 Gunnison Avenue  
Grand Junction, CO 81501

With Copy to:  
City of Grand Junction  
City Attorney  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

To Lessee:  
Frank M. Fisher  
948 26 Road  
Grand Junction, CO 81506

All notices shall be deemed given:

- (a) if sent by mail, when deposited in the mail;
- (b) if delivered by hand or courier service, when delivered; or
- (c) if transmitted by facsimile, when transmitted.

The parties may, by notice as provided above, designate a different address to which notice shall be given.

15. Not a Partnership.

15.1 The City, by entering into this Lease Agreement, does not part with its entire possession of the Property, but only so far as it is necessary to enable Lessee to farm the Property and carry out the terms and provisions of this Lease. It is expressly agreed between the parties that this Agreement is one of lease and not of partnership and that the City shall not be or become responsible for any debts contracted or incurred by Lessee. Lessee shall save, indemnify and hold the City, its officers, employees and agents harmless against all liability and loss, and against all claims or actions based upon or arising out of any claim, lien, damage or injury (including death), to persons or property caused by Lessee or sustained in connection with Lessee's performance of the terms and conditions of this Agreement or the conditions created thereby, or based upon any violation of any statute, ordinance, code or regulation, either now in force or hereinafter enacted, and the defense of any such claims or actions, including the costs and fees of attorneys, consultants and experts. Lessee shall also save, indemnify and hold the City, its officers, employees and agents harmless from and against all liability and loss in connection with, and shall assume full responsibility for the payment of, all federal, state and local taxes, fees or contributions imposed or required under unemployment insurance, social security and income tax laws with respect to employees engaged by Lessee.

15.2 The City hereby reserves the right to at all times have its officers, employees and agents enter into and upon the demised premises and every part thereof and to do such acts and things as may be deemed necessary for protection of the City's interests therein.

16. Enforcement, Partial Invalidity, Governing Law.

16.1 If the City uses the services of a city attorney, or engages another attorney or attorneys to enforce its rights hereunder, or to terminate this Agreement, or to defend a claim by Lessee or any person claiming through Lessee, and/or to remove Lessee or Lessee's personal property from the Property, Lessee agrees to pay the reasonable attorney's fees of the City in such regard, plus the costs or fees of any experts, incurred in such action.

16.2 The invalidity of any portion of this Lease Agreement shall not affect the validity of any other provision contained herein. In the event any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provisions.

16.3 This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action to enforce any covenant or agreement contained in this Agreement shall be in Mesa County, Colorado.

17. Surrender, Holding Over. Lessee shall, upon the expiration or termination of this Lease, surrender the Property to the City in good order, condition and state of repair, reasonable wear and use excepted. In the event Lessee fails, for whatever reason, to vacate and surrender the Property upon the expiration or termination of this Lease and the parties have not reached an agreement which would allow Lessee to continue to occupy any portion of the Property, Lessee agrees that Lessee shall pay to the City the sum of \$25.00 per day for each and every day thereafter until Lessee has effectively vacated and surrendered the Property. The parties agree that it would be difficult to establish the actual damages to the City in the event Lessee fails to vacate and surrender the Property upon the expiration or termination of this Lease, and that said \$25.00 daily fee is an appropriate liquidated damages amount.

18. Total Agreement; Applicable to Successors. This Lease contains the entire agreement between the parties and, except for automatic expiration or termination, cannot be changed or modified except by a written instrument subsequently executed by the parties hereto. This Lease and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

The parties hereto have each executed and entered into this Lease Agreement as of the day and year first above written.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

\_\_\_\_\_  
Stephanie Tuin, City Clerk

\_\_\_\_\_  
Richard Englehart, Acting City Manager

Lessee:

\_\_\_\_\_  
Frank M. Fisher



Date: January 18, 2012  
 Author: Brian Rusche  
 Title/ Phone Ext:  
Senior Planner / 4058  
 Proposed Schedule:  
1<sup>st</sup> Reading - February 1, 2012  
 2nd Reading (if applicable):  
2<sup>nd</sup> Reading - March 7, 2012  
 File # (if applicable): RZN-  
2011-1148

**Attach 5**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rezone two (2) parcels located at 355 29 Road and 2892 River Street.
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Hearing for March 7, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Brian Rusche, Senior Planner

**Executive Summary:**

A City initiated request to rezone approximately 5.939 acres, located at 355 29 Road and 2892 River Street, from R-2 (Residential 2 dwelling units/acre) zone district to R-4 (Residential 4 dwelling units/acre) zone district.

**Background, Analysis and Options:**

The subject property was annexed into the City of Grand Junction on April 18, 1999 when the Weaver Annexation No. 2 became effective. A subsequent subdivision of the property that same year, known as the Weaver Minor Subdivision, created four lots ranging from 0.5 to 4.56 acres. Lot 1 and Lot 4 of the subdivision are included in the requested rezone.

At the time of their annexation, the property was designated as Residential Medium Low (RML) under the 1996 Growth Plan, which anticipated between 2 and 4 dwelling units per acre. The zoning assigned to the property upon annexation was R-2 (Residential 2 du/ac). The RML designation was reaffirmed in the Pear Park Neighborhood Plan, which was adopted in 2005.

In 2010, the Comprehensive Plan was adopted. The Comprehensive Plan anticipated the need for additional dwelling units based on historic and projected population growth. The adopted Comprehensive Plan – Future Land Use Map changed the designation along the west side of 29 Road to Residential Medium (4-8 du/ac). Refer to the Comprehensive Plan map included in this report.

After adoption of the Comprehensive Plan, it became apparent that there were areas around the City that had conflicts between the Future Land Use designation of the Comprehensive Plan and the respective zone districts associated with the properties.

Each area was evaluated to determine what the best course of action would be to remedy the discrepancy.

The requested rezone of Lot 1 and Lot 4 from R-2 to R-4 will bring these two properties into conformance with the Future Land Use designation of Residential Medium. The proposed R-4 zone is also consistent with the Future Land Use designation of Residential Medium Low, which includes Lot 2 and Lot 3 along the north side of C ½ Road.

Property owners were notified of the proposed zone change via a mailed letter and invited to an open house to discuss any issues, concerns, suggestions or support. The open house was held on November 9, 2011. No comment sheets were received regarding the Area 14 proposal. At the open house, one citizen residing on the east side of 29 Road inquired about future annexation(s) along 29 Road.

A representative of the church who owns Lot 4 inquired about future use of the property. Religious Assembly is permitted in the proposed R-4 zone district. The owner of Lot 3 (2896 River Street) also called about the request.

One e-mail has been received and is attached to this report, expressing concern over future development of the property and the proximity of high-voltage overhead power running through the subdivision.

The Planning Commission heard testimony at their January 10, 2012 meeting questioning the need for additional density, citing existing vacancies of both buildings and land within the community, as well as potential traffic impacts and neighborhood compatibility. It was noted by staff that the Comprehensive Plan was a 25 year plan and that no development was proposed at this time; standards were in place in the code to evaluate the impacts of new development if it were proposed.

#### **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.

The proposed R-4 zone district will provide the opportunity for additional density along an established corridor in an urbanizing area of the valley. Additional density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.



BACKGROUND INFORMATION				
Location:		355 29 Road and 2892 River Street (aka C ½ Road)		
Applicants:		City of Grand Junction		
Existing Land Use:		Single Family, Undeveloped		
Proposed Land Use:		No changes to land use(s) proposed		
Surrounding Land Use:	North	Single Family		
	South	Agricultural		
	East	Single Family and Agricultural		
	West	Single Family and Agricultural		
Existing Zoning:		R-2 (Residential 2 du/ac)		
Proposed Zoning:		R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	County RSF-R (Residential Single-Family Rural)		
	South	R-2 (Residential 2 du/ac) County RSF-R (Residential Single-Family Rural)		
	East	R-2 (Residential 2 du/ac) County RSF-R (Residential Single-Family Rural)		
	West	County RSF-R (Residential Single-Family Rural)		
Future Land Use Designation:		Residential Medium		
Zoning within density range?		X	Yes	No

**Board or Committee Recommendation:**

The Grand Junction Planning Commission met on January 10, 2012 and forwarded a recommendation of approval to the City Council.

**Financial Impact/Budget:** N/A

**Legal issues:** No legal issues have been raised.

**Other issues:** None.

**Previously presented or discussed:** No.

**Attachments:**

- Rezone criteria
- Site Location Map / Aerial Photo Map
- Future Land Use Map / Existing City and County Zoning Map

Blended Residential Map  
Subdivision Plat  
E-mail from adjacent property owner  
Ordinance

Section 21.02.140(a) of the Grand Junction Municipal Code:

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Municipal Code must be made per Section 21.02.140(a) as follows:

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

Response: The 2010 adoption of the Comprehensive Plan designated the Future Land Use for these two properties as Residential Medium (4-8 du/ac), rendering the existing R-2 (Residential 2 du/ac) inconsistent. The proposed rezone to R-4 (Residential 4 du/ac) will resolve this inconsistency.

This criterion has been met.

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

Response: Although the effects have yet to be measured, a new bridge on 29 Road opened in November 2011, connecting North Avenue and points north to the Pear Park area and south to US Highway 50 on Orchard Mesa. It is anticipated that this new bridge will change the predominant north/south traffic pattern and, as a result, bring more vehicles onto 29 Road adjacent to these properties. Future development within this corridor will provide opportunity for additional housing, as anticipated by the 2010 Comprehensive Plan.

This criterion has been met.

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

Response: C ½ Road is a minor collector serving the Pear Park neighborhood west of 29 Road. 29 Road is a principal arterial which provides access to significant east/west corridors including Riverside Parkway/D Road, the I-70 Business Loop, North Avenue and Patterson Road to the north and south to B ½ Road and extending to US Highway 50 on Orchard Mesa.

Adequate infrastructure exists in both 29 Road and C ½ Road to accommodate, with upgrades as necessary, additional residential density.

This criterion can be met.

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

Response: The Pear Park neighborhood has historically seen significant residential development, with an anticipated population of about 22,000 people, according to the Pear Park Plan. There is approximately 47 acres of

undeveloped land on Pear Park (28 Road to 32 Road between the railroad and the Colorado River) within the city limits currently zoned R-4. The majority of residentially zoned property on Pear Park is R-8 (Residential 8 du/ac).

This criterion is met.

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

Response: The proposed R-4 zone district will provide the opportunity for additional density along an established corridor in an urbanizing area of the valley. Additional density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

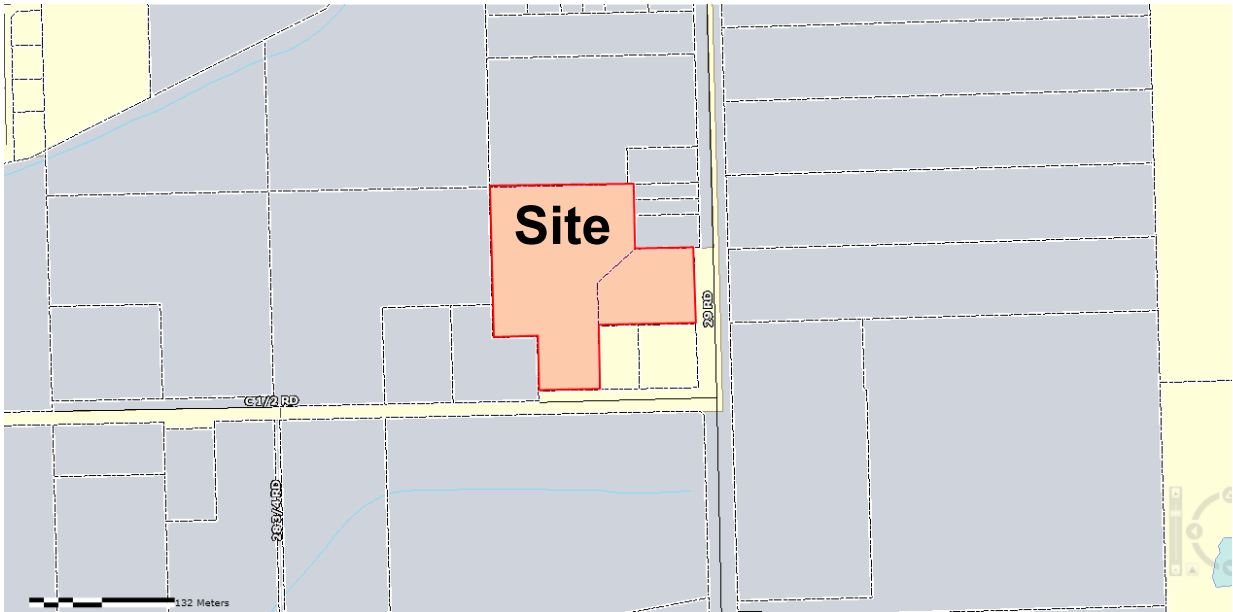
#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Area 14 Rezone, RZN-2011-1148, a request to rezone the properties from an R-2 (Residential 2 dwelling units/acre) zone district to an R-4 (Residential 4 dwelling units/acre) zone district, the following findings of fact and conclusions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

# Site Location Map

Figure 1



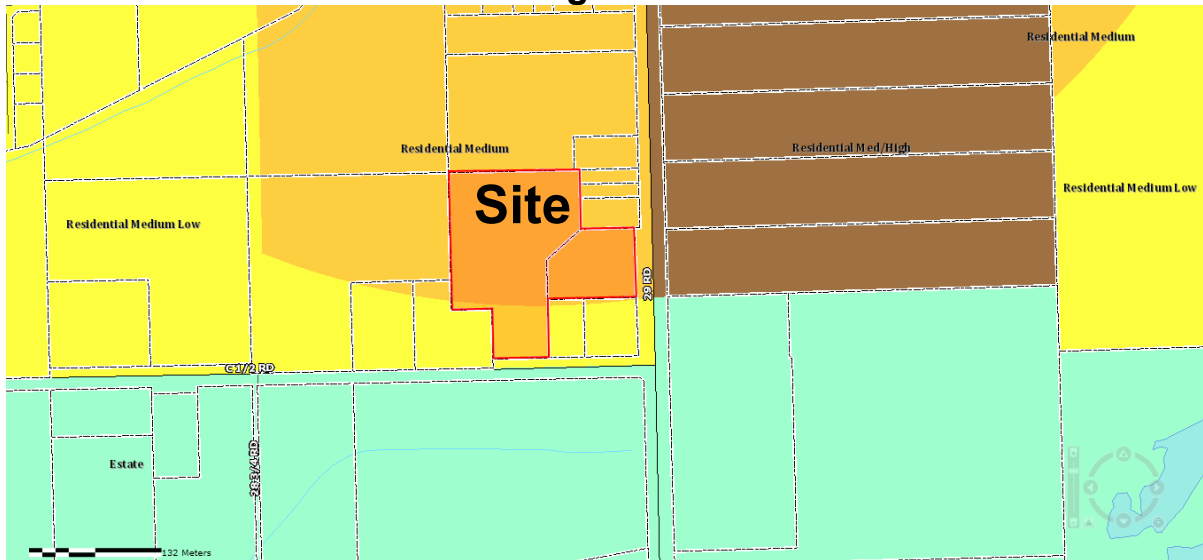
# Aerial Photo Map

Figure 2



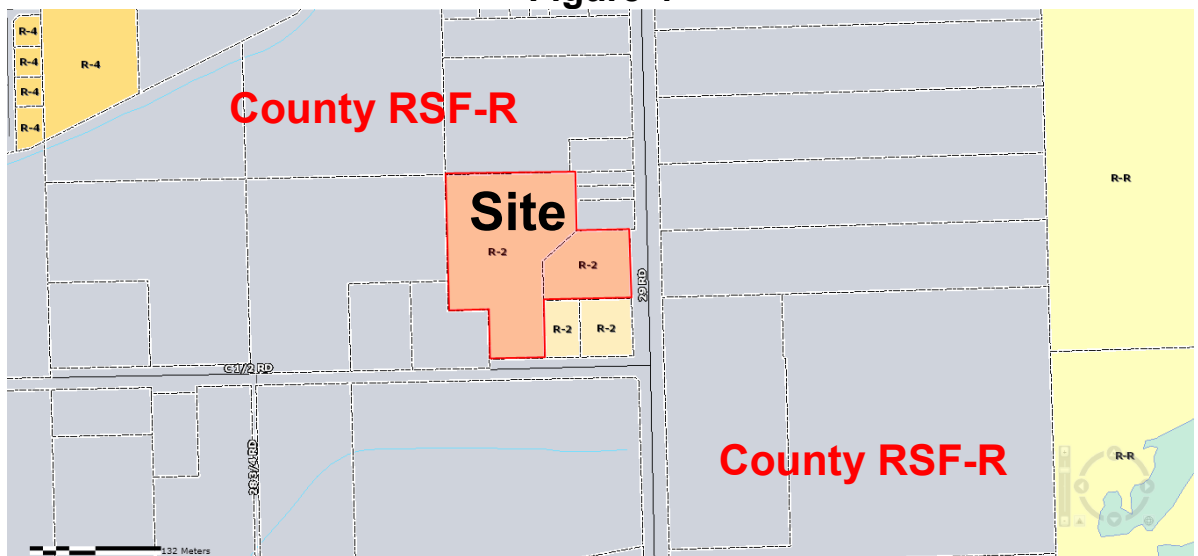
# Comprehensive Plan Map

Figure 3



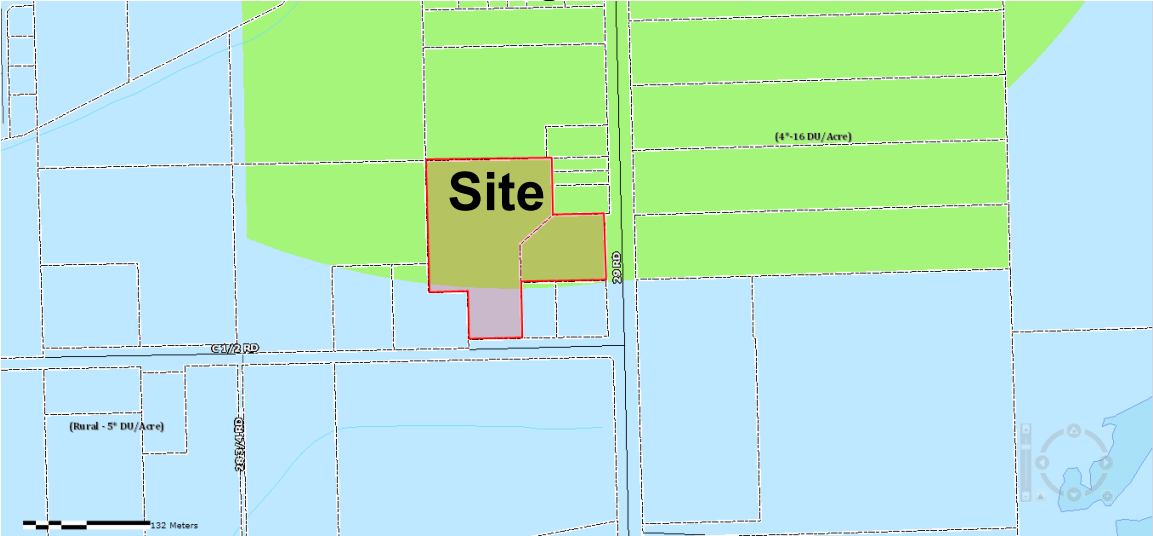
# Existing City and County Zoning Map

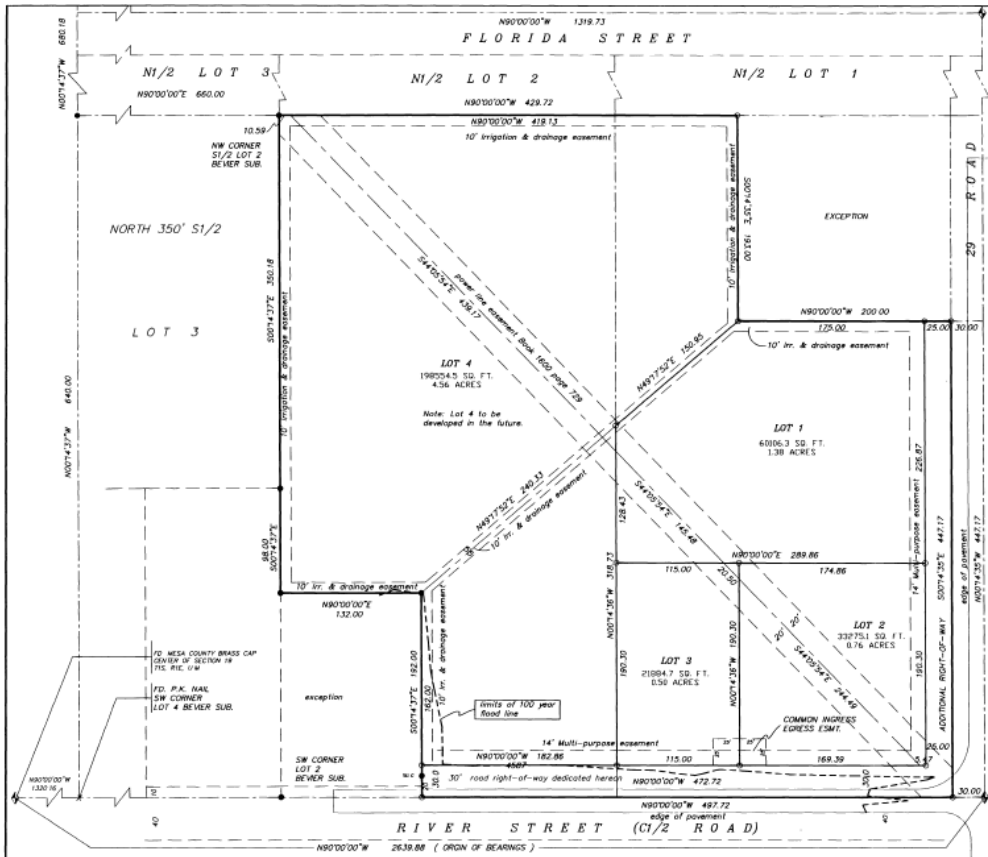
Figure 4



# Blended Map

Figure 5





FOUND 2 1/2" IRON PIPE NO CAP  
NE CORNER SE 1/4 NE 1/4  
SECTION 18, T15, R16, U.M.

WEAVER MINOR SUBDIVISION  
DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Merle W. Weaver, is the owner of that real property situated in the County of Mesa, State of Colorado, and is described in Book 2292 of Pages 223-224 of the Mesa County Clerk and Recorder's Office, and being situated in the SE 1/4 NE 1/4 Section 18, Township 1 South, Range 1 East, Ute Meridian being described as follows:

The S 1/2 of Lots 1 and 2, Weaver's Subdivision, EXCEPT Beginning of the Southwest Corner of Lot 2 of said Weaver's Subdivision; thence North 132 feet, thence East 132 feet thence West 132 feet to the Point of Beginning;

AND EXCEPT Beginning of the Northeast Corner of the S 1/2 of Lot 1 of said Weaver's Subdivision; thence West 200 feet, thence South 193 feet, thence East 200 feet, thence North 193 feet to the Point of Beginning, Mesa County, Colorado.

That said owner has caused the said real property to be laid out and shown as WEAVER MINOR SUBDIVISION, a subdivision of a part of Mesa County, Colorado.

That said owner does hereby dedicate and set apart real property as shown and labeled on the accompanying plat as follows:

All streets and rights-of-way as shown on the accompanying plat to the City of Grand Junction, for the use of the public forever.

All Multi-purpose easements to the City of Grand Junction for the use of the public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances thereto including, but not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, and grade structures.

All Irrigation Easements to the Property owners of the lots and tracts hereby platted as perpetual easements for the installation, operation, maintenance and repair of private irrigation systems.

All Drainage Easements to the Property owners of lots and tracts hereby platted as perpetual easements for the conveyance of runoff water which originates within the area hereby platted or from upstream areas, through natural or man-made facilities above or below ground.

All Ingress/Egress Easements to the owners of lots or tracts specifically identified on the plat as perpetual easements for ingress and egress purposes for the use by said lot or tract owners, their guests, and invitees, and also for use by public services, including but not limited to, postal service, trash collection, fire, police, emergency vehicles, and the City of Grand Junction.

All easements include the right of ingress and egress on, along over, under, and through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements, the right to dredge, provide, however, that the beneficiaries of said easements shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of lots or tracts hereby platted shall not burden nor overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

That all expenses for street paving or improvements shall be furnished by the seller or purchaser, not the City of Grand Junction.

IN WITNESS WHEREOF said owner has caused his name to be hereto subscribed this 25 day of June, A.D., 1992.

*Merle W. Weaver*  
MERLE W. WEAVER

STATE OF COLORADO } S.S.  
COUNTY OF MESA }

The foregoing instrument was acknowledged before me this 25 day of June, A.D., 1992 by Merle W. Weaver.

My commission expires: 9-27-99

*Paul A. Senter*  
Notary Public  
Address: 2505 E 2nd, Grand Junction, CO

ENCUMBRANCEE'S RATIFICATION AND APPROVAL

The undersigned holds a first deed of trust on the herein described real property, and hereby ratifies and approves this plat of WEAVER MINOR SUBDIVISION.

*Bank of Grand Junction*  
by *Clayton E. Hutton, V.P.*

STATE OF COLORADO } S.S.  
COUNTY OF MESA }

The foregoing Encumbrancee's Ratification and Approval was acknowledged before me this 25 day of June, A.D., 1992 by Clayton E. Hutton, V.P. of Bank of Grand Junction.

My commission expires: 9-27-99

*Paul A. Senter*  
Notary Public

STATE OF COLORADO } S.S.  
COUNTY OF MESA }

CLERK AND RECORDERS CERTIFICATE

I hereby certify that this instrument was filed in my office at 11:01 o'clock A.M. this 30th day of June, A.D., 1992, and is duly recorded in Plat Book No. 17, Page 109.

Recordation No. 1909257      Drawer No. GG 178      Fee 10.00 1.00

*Clayton E. Hutton*  
Clerk & Recorder      *Clayton E. Hutton*  
CITY APPROVAL

This plat of WEAVER MINOR SUBDIVISION, a subdivision of the City of Grand Junction, County of Mesa, and State of Colorado was approved and accepted this 25 day of June, A.D., 1992.

*David W. Weaver*  
City Manager

*Paul A. Senter*  
Notary Public

WEAVER MINOR SUBDIVISION

ARRA SUMMARY

LOTS = 7.20 ACRES = 82.54%  
ROAD = 0.53 ACRES = 7.46%  
TOTAL = 7.78 ACRES = 100%

LEGEND & NOTES

- FOUND SURVEY MARKERS SET BY OTHERS NO. 5 RE-BAR NO CAP
- UPGRADED W/PLASTIC CAP L.S.16413
- SET NO. 5 RE-BAR W/CAP L.S. 16413
- MESA COUNTY SURVEY MARKER

Note: No vehicular access allowed from 29 Road to Lot 2. A common access to City Road for Lots 2 and 3 located within the common ingress egress easement is required.

NOTE: Flood plain permit and engineered foundations will be required for Lots 2, 3, & 4. Engineered foundations must comply with the City of Grand Junction's build code.

NOTE: Flood plain permit and engineered foundations will be required for Lots 2, 3, & 4. Engineered foundations must comply with the City of Grand Junction's build code.

NOTE

THIS SUBDIVISION IS LOCATED IN AN AGRICULTURAL AREA. IT IS HEREBY RECOGNIZED THAT AGRICULTURAL OPERATIONS MAY CONTINUE IN THE AREA AND SHALL NOT BE CONSIDERED A NUISANCE UNLESS GROSS NEGLIGENCE IS PROVEN PURSUANT TO C.R.S. 35-3.5-101.

NOTE

1. Max E. Morris, certify that the accompanying plat of WEAVER MINOR SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado has been prepared under my direct supervision and accurately represents a field survey of same. I further certify that this plat conforms to all applicable requirements of the Zoning and Development Code of the City of Grand Junction and all applicable state laws and regulations.

*Max E. Morris*  
Max E. Morris, Q.E.D. Surveying Systems Inc.  
Colorado Registered Professional Land Surveyor L.S. 16413

4/3/99

DATE

FINAL PLAT

SITUATED IN THE SE 1/4 NE 1/4 SECTION 18, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE MERIDIAN

FOR: WEAVER	Q.E.D. SURVEYING SYSTEMS INC. 1078 COLO. AVE. GRAND JUNCTION COLORADO 81501 (970) 241-2370 464-7568	SURVEYED BY: RW
SCALE: 1" = 40' ±		DRAWN BY: MEM
DATE: 4/7/99		ACAD ID: WEAVER
		SHEET NO.
		FILE: 98305

01239401.tif



**From:** Brian Rusche  
**To:** Aspen Hawk  
**Date:** 12/5/2011 11:05 AM  
**Subject:** Re: RZN-2011-1148 Blue Polygon

Lynn,

Thank you for your interest in the above referenced project.

I believe we already spoke about this request, but I wanted to follow-up your e-mail.

I did not have an opportunity to review the study you are referencing, but I did contact Xcel Energy for some information.

It appears that the line you are referencing is a 69 kW line. Easements are created where possible under these high voltage lines, with the size increasing as the voltage increases. This line currently has a 40' easement, according to the Weaver Minor Subdivision plat, which I have attached.

According to Xcel, EMF studies have shown no valid correlation between high voltage and cancer. Furthermore, while the voltage within a building is typically lower, there is usually more EMF, due to proximity. If you have questions about this information, please contact Fred Eggleston with Xcel.

The proposed rezone does not compel the owner(s) of the property to develop and no development is proposed at this time. Should development be considered for these properties, the review of that development would include a referral to Xcel to determine if there are any impacts.

You may still provide comments prior to the Planning Commission hearing on this request, which is scheduled for January 10, 2012.

If you have any further questions, please contact me.

Sincerely,

Brian Rusche  
Senior Planner  
City of Grand Junction  
Public Works and Planning  
(970) 256-4058

>>> "Aspen Hawk" <aspen-hawk@usa.net> 11/3/2011 9:12 AM >>>

I could not copy it but the study shows that living 600 meters from high tension wires is a risk for all. I can mail the study if you would like or go to Google health hazards from high tension wires. It is on the first page; I do not have time to research now because I have to go to work. The Institute of World Health had lots of studies years ago about all types of nasty problems from the wires. Does the City really want to be responsible for setting this up for residents. One would wonder who would be responsible for the health problems if the City knew in advance about the risks.

I received a card last night in the mail giving me today to reply. Rather short notice I would say.

Lynn Vransy  
365 29 Road  
245-6408

Asian Pac J Cancer Prev. 2010;11(2):423-7.  
Living near overhead high voltage transmission power lines as a risk factor for childhood acute lymphoblastic leukemia: a case-control study.  
Sohrabi

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PROPERTIES  
LOCATED AT 355 29 ROAD AND 2892 RIVER STREET  
FROM AN R-2 (RESIDENTIAL 2 DWELLING UNITS/ACRE) TO  
AN R-4 (RESIDENTIAL 4 DWELLING UNITS/ACRE) ZONE DISTRICT**

Recitals.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning the properties located at 355 29 Road and 2892 River Street from an R-2 (Residential 2 dwelling units/acre) to an R-4 (Residential 4 dwelling units/acre) zone district for the following reasons:

The zone district meets the recommended land use category of Residential Medium, as shown on the Future Land Use map of the Comprehensive Plan, and the Comprehensive Plan's goals and policies.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the **R-4** zone district to be established.

The Planning Commission and City Council find that the **R-4** zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-4 (Residential 4 du/ac):

LOT 1 AND LOT 4 OF WEAVER MINOR SUBDIVISION

See attached map.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

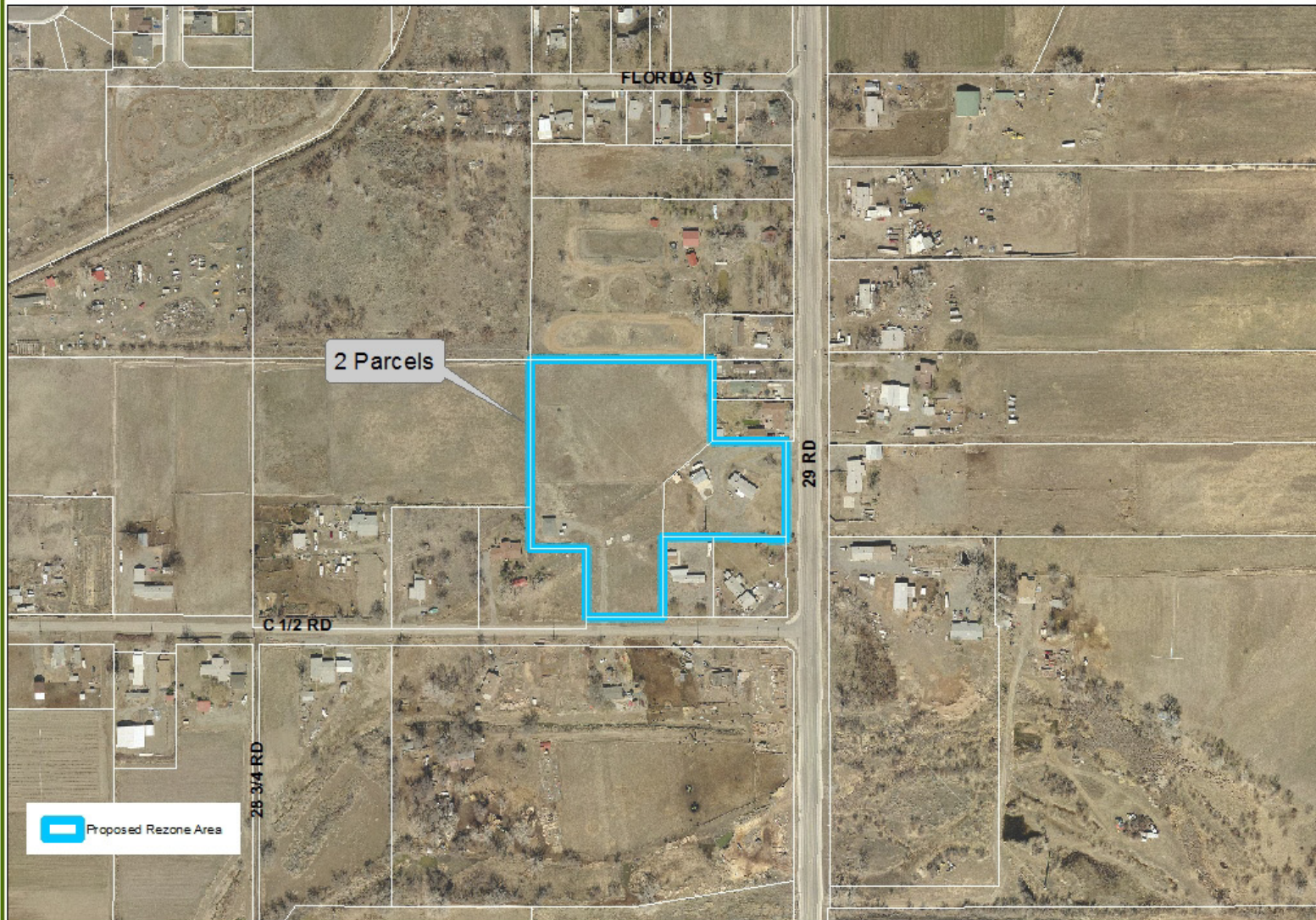
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President of the Council

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City Clerk

# Proposed Rezone - Area 14



Rezone Area from R-2 (2 units/acre) to R-4 (2-4 units/acre)



Date: January 12, 2012  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule:  
Wednesday, February 1, 2012  
 2nd Reading  
Wednesday, March 7, 2012  
 File #: RZN-2011-1157

**Attach 6**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> A request to rezone approximately 4.753 acres, located at 3032 N 15 <sup>th</sup> Street.
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Public Hearing for March 7, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

A City initiated request to rezone 4.753 acres, located at 3032 N 15<sup>th</sup> Street, also known as the Nellie Bechtel Apartments, from R-8 (Residential – 8 units per acre) to R-24 (Residential – 24 units per acre). The rezone will bring into conformance what is actually built on the ground to an appropriate zoning district; and the proposed rezone will bring the zoning into conformance with the City’s Comprehensive Plan.

**Background, Analysis and Options:**

The subject parcel was annexed into the City in 1972 as part of the 250 acre North Peach annexation. The apartments were constructed in 1983. There are 13 buildings on site that contain 96 apartments. This calculates out to a density of 19.35 dwelling units per acre. The current zoning is R-8. The proposed zoning of R-24 will bring the site into conformance with the zone designation and bring the zoning in line with the Comprehensive Plan for this area which is Residential High Mixed Use (16 – 24 units per acre).

The Comprehensive Plan adopted in 2010 took into account the need for additional dwelling units based on historic and projected population growth. The adopted Comprehensive Plan – Future Land Use Map changed the designation for this property to Residential High Mixed Use (16-24 du/ac.). Please refer to the Comprehensive Plan map included in this report.

After the Comprehensive Plan was adopted, it became apparent that the zoning of some properties were in conflict with the new Future Land Use designations. These properties were grouped together in larger areas of the City; however, some conflicting areas were made up of isolated parcels. Each area or property has been or is being evaluated to determine what the best course of action would be to remedy the conflict. The R-8 zone district is not allowed in areas designated as Residential High Mixed Use

on the Comprehensive Plan Future Land Use Map; also, the existing developed density exceeds that allowed in the R-16 zone. To bring the existing density into conformance with the zoning and the Future Land Use designation, it is proposed that the property be rezoned to R-24.

All affected property owners were notified of the proposed change via a mailed letter and invited to an open house to discuss any issues, concerns, suggestions or support. The open house was held on November 9, 2011. There were only a couple of questions relating to this property and those were concerned with increased traffic and the potential for Hilltop to purchase the property and increase the density. A letter of opposition is also attached to this report for review. The Secretary for the Nellie Bechtel Apartments, Inc. sent a letter in support of the rezone as it would eliminate the present nonconformity of the property.

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

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

Goal 1 is met with the adoption of the Comprehensive Plan; the existing zoning is not in compliance with the Future Land Use Map, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent.

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

Goal 6 is met by rezoning to the appropriate zoning which supports the existing built environment will allow for reconstruction of the property if something tragic were to happen. The rezone to R-24 will allow reconstruction of the property to what currently exists on the site today.

**Board or Committee Recommendation:**

The Planning Commission forwards a recommendation of approval from their meeting of January 10, 2012.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

This item has not been previously presented.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Blended Land Use Map  
Letter of opposition  
Letter of support  
Ordinance

BACKGROUND INFORMATION				
Location:		3032 N 15 <sup>th</sup> Street		
Applicant:		City of Grand Junction		
Existing Land Use:		Apartments		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-family residence and Church		
	South	Assisted living		
	East	Assisted living		
	West	Single-family residential		
Existing Zoning:		R-8 (Residential – 8 units per acre)		
Proposed Zoning:		R-24 (Residential – 24 units per acre)		
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)		
	South	PD (Planned Development)		
	East	PD (Planned Development)		
	West	R-8 (Residential – 8 units per acre)		
Future Land Use Designation:		Residential High Mixed Use (16-24 dwelling units per acre)		
Zoning within density range?			Yes	X No

Section 21.02.140 of the Grand Junction Municipal Code

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

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

Response: The 2010 adoption of the Comprehensive Plan designated the Future Land Use for these two properties as Residential High Mixed Use (16-24 du/ac), rendering the existing R-8 (Residential 8 du/ac) in conflict with the Future Land Use designation. The proposed rezone to R-24 (Residential 24 du/ac) will resolve this conflict. Approval of the R-24 zone will also alleviate the conflict between the existing density and the existing zoning.

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

Response: The subject parcel is now under-zoned such that the sites and densities are nonconforming. If the structures were destroyed by fire, for example, they could not be re-built to the present because the current zoning would not allow it. Rezoning the property will relieve the nonconformity.



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

Response: The existing parcel is currently adequately served and there is no change of use proposed at this time.

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

Response: N/A

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

Response: The benefit to the community is consistency between the Zoning Map and the Comprehensive Plan; the property will be zoned to suit the actual density of the existing apartments.

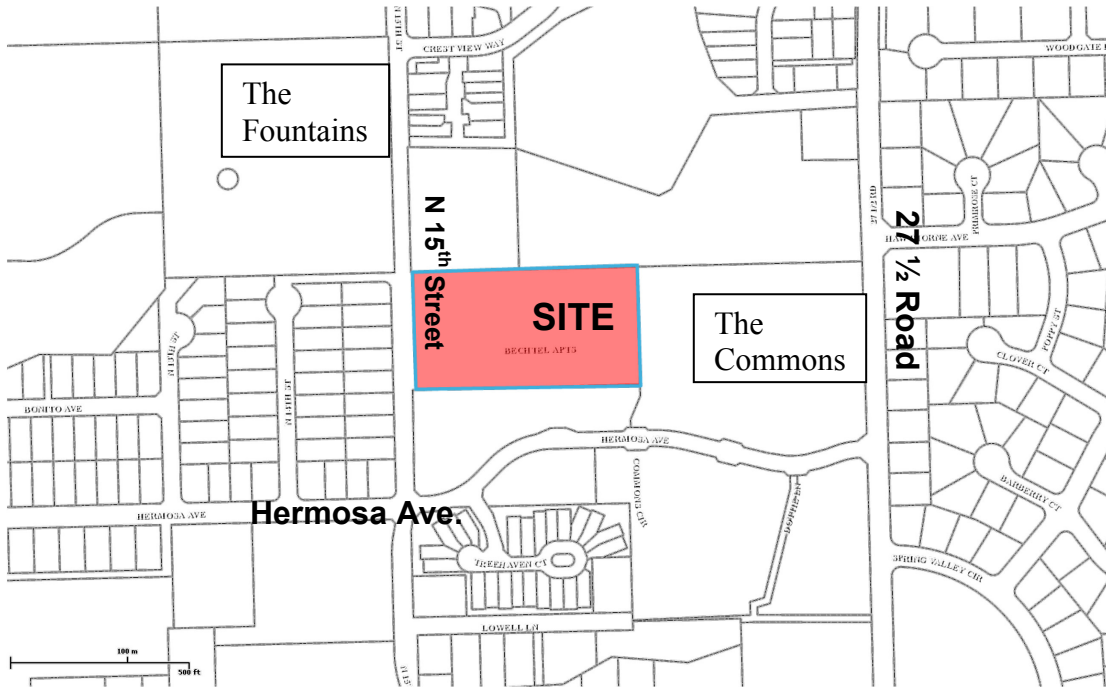
#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Nellie Bechtel Apartments Rezone, RZN-2011-1157, a request to rezone the property from R-8 (Residential -8 units per acre) to R-24 (Residential – 24 units per acre), the following findings of fact and conclusions have been determined:

3. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
4. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

# Site Location Map

3032 N 15<sup>th</sup> Street



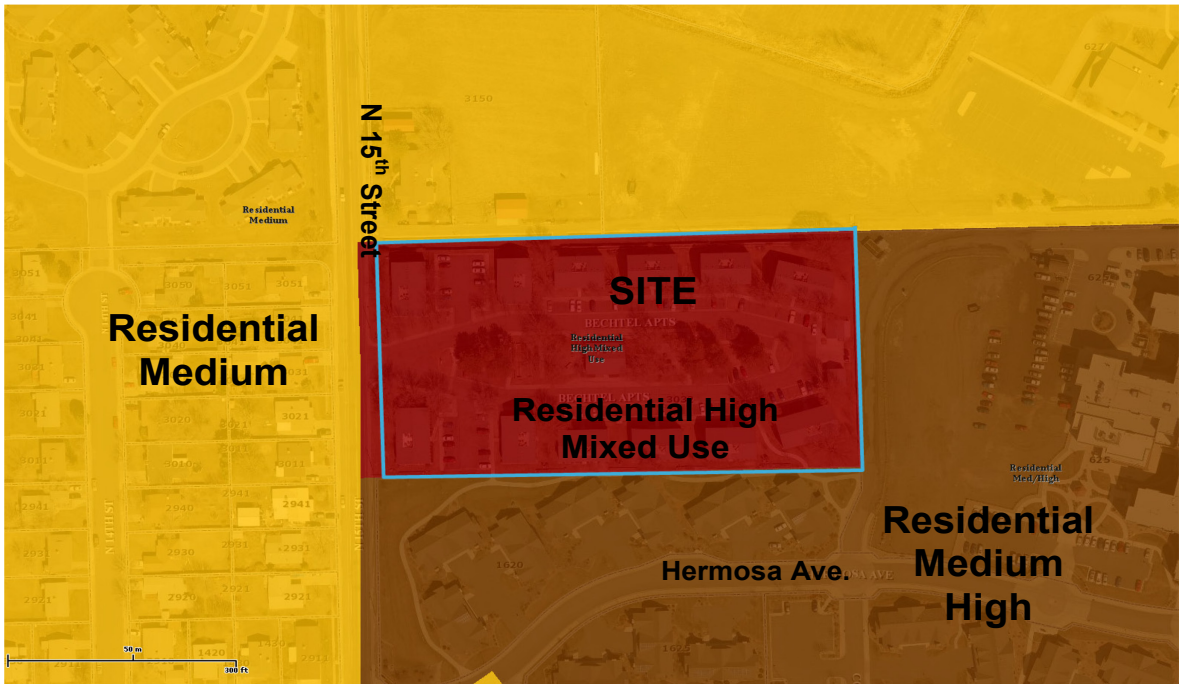
# Aerial Photo Map

3032 N 15<sup>th</sup> Street



# Comprehensive Plan Map

3032 N 15<sup>th</sup> Street



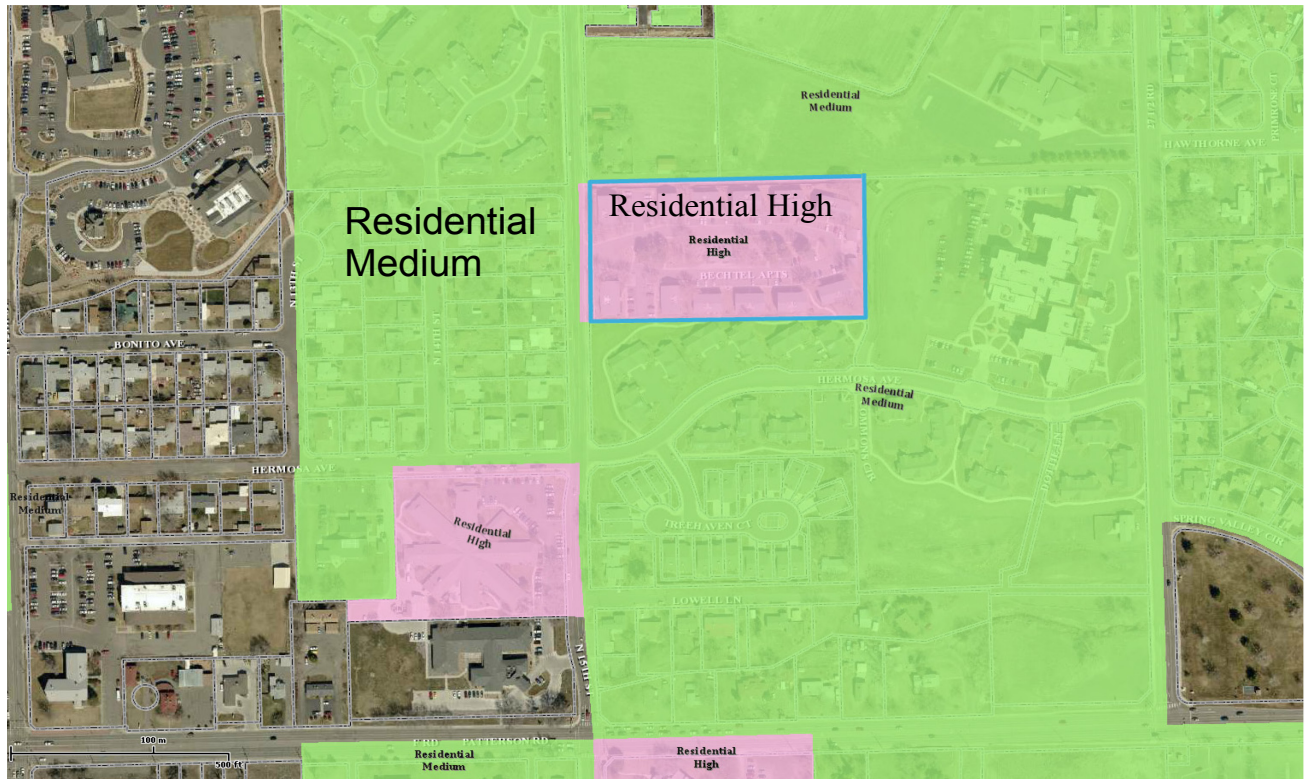
# Existing City Zoning Map

3032 N 15<sup>th</sup> Street



# Blended Land Use Map

3032 N 15th Street



**From:** Mike Rarden <mrarden@qwest.net>  
**To:** <lorib@gjcity.org>  
**Date:** 11/8/2011 3:05 PM  
**Subject:** RZN-2011-1157 -Nellie Bechtel Apartments-Opposed to Rezone  
**Attachments:** IMG\_1175.jpeg; Part.002

City of Grand Junction  
Attn: Lori Bowers and Grand Junction City Council  
Planning Division  
250 N. 5th Street  
Grand Junction, CO 81501

RE: RZN-2011-1157-Nellie Bechtel Apartments Rezone-3032 N. 15th Street from R-8 to R-24 Zone District

We are adamantly opposed to this rezone. We live at 3031 N. 15th Street. Our driveway is directly across the street from the entrance going into and out of Nellie Bechtel, as you can see in the photo below which was taken from the center of our driveway.



November 7, 2011

City of Grand Junction  
Public Works & Planning  
250 North 5th Street  
Grand Junction, CO 81501

Attn: Lori Bowers

Dear Ms. Bowers:

Reference is made to RZN 2011-1157

We, the owners of Nellie Bechtel Apartments support the change of the zoning to R-24.


This brings the zoning to what is currently about 19 units per acre closer to the R-24 zoning that is proposed.

To our knowledge the infrastructure to meet the requirements for the increase in zoning is in place.

This would also reduce or eliminate the present non-conforming status of R-8.

If I can be of further assistance, kindly contact me.

Thank you.

  
George E Wheeler  
Secretary  
Nellie Bechtel Apartments, Inc.  
3032 North 15<sup>th</sup> Street  
Grand Junction, CO 81506  
Phone 245-1712

RECEIVED

NOV 07 2011  
COMMUNITY DEVELOPMENT  
DEPT.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING THE NELLIE BECHTEL APARTMENTS  
FROM R-8 (RESIDENTIAL – 8 UNITS PER ACRE) TO  
R-24 (RESIDENTIAL – 24 UNITS PER ACRE)**

**LOCATED AT 3032 N 15<sup>TH</sup> STREET**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Nellie Bechtel Apartments property from R-8 (Residential – 8 units per acre) to the R-24 (Residential – 24 units per acre) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan as Residential High Mixed Use (16-24 dwelling units per acre), and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-24 zone district to be established.

The Planning Commission and City Council find that the R-24 zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-24 (Residential – 24 units per acre).

LOT 1 NELLIE BECHTEL GARDENS SEC 1 1S 1W INC VAC ROW AS DESC IN B-4810 P-294 RECP NO 2479396 MESA CO RECDS - 4.75AC

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor





Date: January 16, 2012  
 Author: Scott Peterson  
 Title/ Phone Ext: Senior Planner/1447  
 Proposed Schedule: February 1, 2012 (1<sup>st</sup> Reading)  
 2nd Reading: March 7, 2012  
 File #: RZN-2011-1188

**Attach 7**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Area 3 Rezone, Located at 708 25 ½ Road, 2543 G Road and 2522 F ½ Road
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for March 7, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Scott Peterson, Senior Planner

**Executive Summary:**

Request to rezone three properties located at 708 25 ½ Road, 2543 G Road and 2522 F ½ Road from R-R, (Residential – Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac).

**Background, Analysis and Options:**

In 2010, the Comprehensive Plan was adopted. The Comprehensive Plan anticipated the need for additional dwelling units based on historic and projected population growth. The adopted Comprehensive Plan – Future Land Use Map changed the designation in this area to Residential Medium (4-8 du/ac). Refer to the Comprehensive Plan maps included in this report.

After the Comprehensive Plan was adopted it became apparent that the zoning of some properties were in conflict with the new Future Land Use designation. These conflicts were created because the zoning did not match the Future Land Use designation. These properties were grouped together in specific areas of the City. However, isolated properties were also in conflict with the Future Land Use designation. Each area or property has been or is being evaluated to determine what the best course of action would be to remedy the conflict. For the properties which are the subject of this report, the Planning Commission recommends rezoning to R-4 and R-5.

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

The proposed rezone request furthers Goals 3, 5, 6 and 7 of the Comprehensive Plan by;

- \* Facilitating ordered and balanced growth throughout the community,
- \* Providing a broader mix of housing types in the community to meet the needs of

a variety of incomes, family types and life stages.

- \* Encouraging land use decisions that preserve and provide for appropriate reuse and finally creating appropriate buffering between new and existing development.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the requested rezones at their January 10, 2012 meeting.

**Financial Impact/Budget:**

N/A.

**Legal issues:**

N/A.

**Other issues:**

None.

**Previously presented or discussed:**

N/A.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Blended Residential Map  
Existing City Zoning Map  
Adjacent Property Owner Correspondence  
Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Locations:</b>		708 25 ½ Road; 2543 G Road; 2522 F ½ Road		
<b>Applicant:</b>		City of Grand Junction		
<b>Existing Land Use:</b>		Single-Family Residential detached		
<b>Proposed Land Use:</b>		N/A		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Residential detached and Church		
	<b>South</b>	Single-Family Residential detached and Century Link office warehouse/shop facility		
	<b>East</b>	Single-Family Residential detached		
	<b>West</b>	Single-Family Residential detached and Church		
<b>Existing Zoning:</b>		R-R, (Residential – Rural)		
<b>Proposed Zoning:</b>		R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	PD, Planned Development (4.2 +/- du/ac – Diamond Ridge Subdivision) and R-4, (Residential – 4 du/ac)		
	<b>South</b>	R-4, (Residential – 4 du/ac); R-5, (Residential – 5 du/ac); PD, Planned Development (2.3 +/- du/ac – Moonridge Falls Subdivision) and I-O, (Industrial Office)		
	<b>East</b>	PD, Planned Development (4.01 +/- du/ac - Westwood Ranch Subdivision) and R-2, (Residential – 2 du/ac)		
	<b>West</b>	PD, Planned Development (4.2 +/- du/ac – Diamond Ridge Subdivision) and R-4, (Residential – 4 du/ac)		
<b>Future Land Use Designation:</b>		Residential Medium (4 – 8 du/ac)		
<b>Zoning within density range?</b>		X	Yes	No

**Additional Background:**

All three property owners were notified of the proposed rezone change via mail and invited to an Open House which was conducted on November 9, 2011 to discuss any issues, concerns, suggestions or support for the rezone request. All three property owners gave verbal support of the proposed rezone. Two adjacent property owners submitted a letter and an email opposing the proposed rezone (see attached). Several other individuals who contacted planning staff either voiced opposition to the proposed

rezone due to their concerns that the rezone will result in increased traffic and/or density or didn't have an opinion.

Originally, Planning Staff had recommended the R-8, (Residential – 8 du/ac) zone district for the property located at 2522 F ½ Road, however during the Planning Commission Public Hearing on January 10, 2012, the Commissioners felt that since the adjacent subdivisions were at a density of just over 4 du/ac, that the R-5, (Residential – 5 du/ac) would be a more appropriate zoning designation and would also still be in keeping with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac).

**Section 21.02.140 of the Grand Junction Zoning and Development Code:**

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

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

Response: The three parcels are currently zoned R-R, (Residential - Rural), however the Comprehensive Plan Future Land Use Map identifies these properties as Residential Medium (4 – 8 du/ac). The existing zoning is not in compliance with the Future Land Use Map, therefore, the proposed rezone to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac) will bring these properties into compliance with the Future Land Use Map.

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

Response: The character of the area has changed over the years with the development of adjacent higher density residential subdivisions. Therefore, the proposed rezone will bring these properties into compliance with the Future Land Use Map and allow development to occur at a density that would be in character with the area.

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

Response: Adequate public facilities and services are currently available to serve the existing properties. Ute Water and City Sewer are located in all rights-of-way serving the properties. Any future residential subdivision development for the property at 708 25 ½ Road would, however, require additional street improvements to 25 ½ Road, which under the current Zoning and Development Code would be provided by the developer.

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

Response: The Comprehensive Plan process identified the need for more residential density for this area. The proposed zoning requests bring these three properties into conformance with the Comprehensive Plan Future Land Use Map designation.

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

Response: The proposed rezones to R-4 and R-5 from R-R will provide the opportunity to develop these properties at a density that matches the current zoning on adjacent properties. Higher densities allow for more efficient use of City services and infrastructure, minimizing costs to the City and also the community.

The proposed rezones will also alleviate and resolve the current conflict between the zoning designation and the Comprehensive Plan Future Land Use Map classification.

# Site Location Map – 708 25 ½ Road

Figure 1



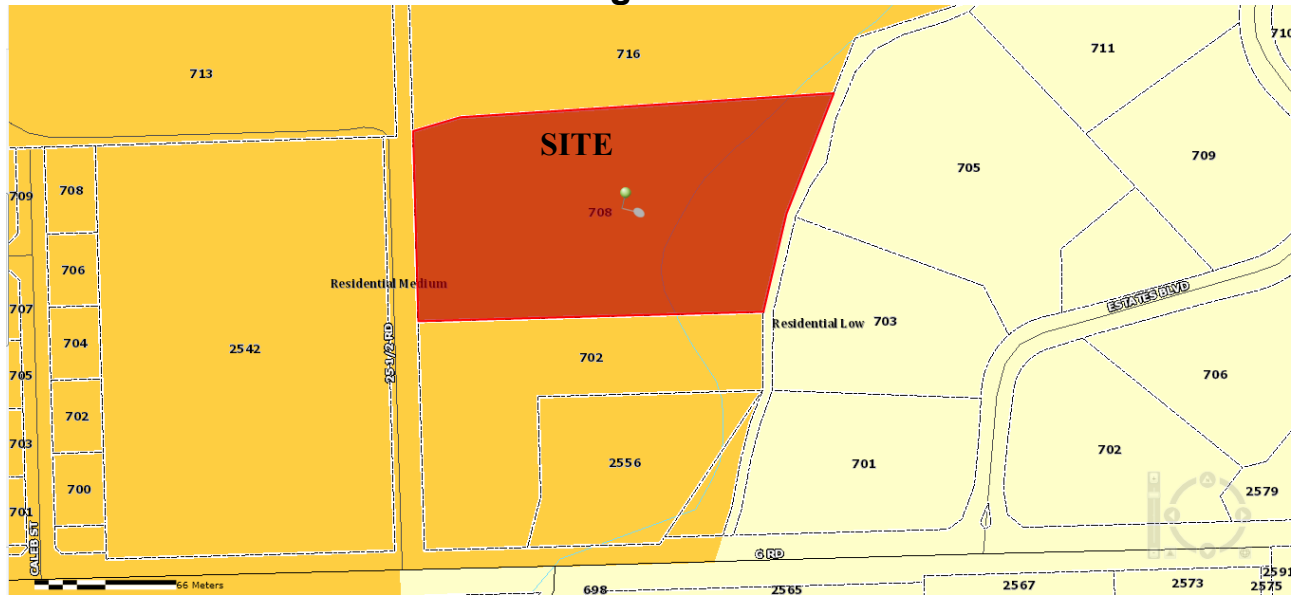
# Aerial Photo Map – 708 25 ½ Road

Figure 2



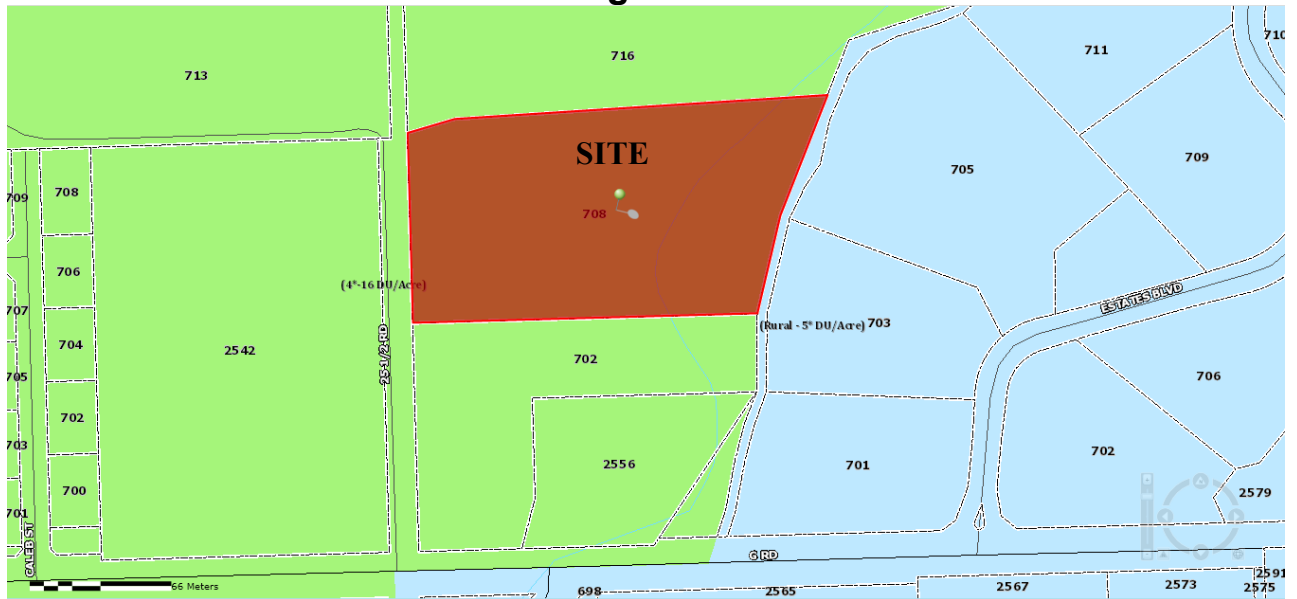
# Comprehensive Plan – 708 25 ½ Road

## Figure 3



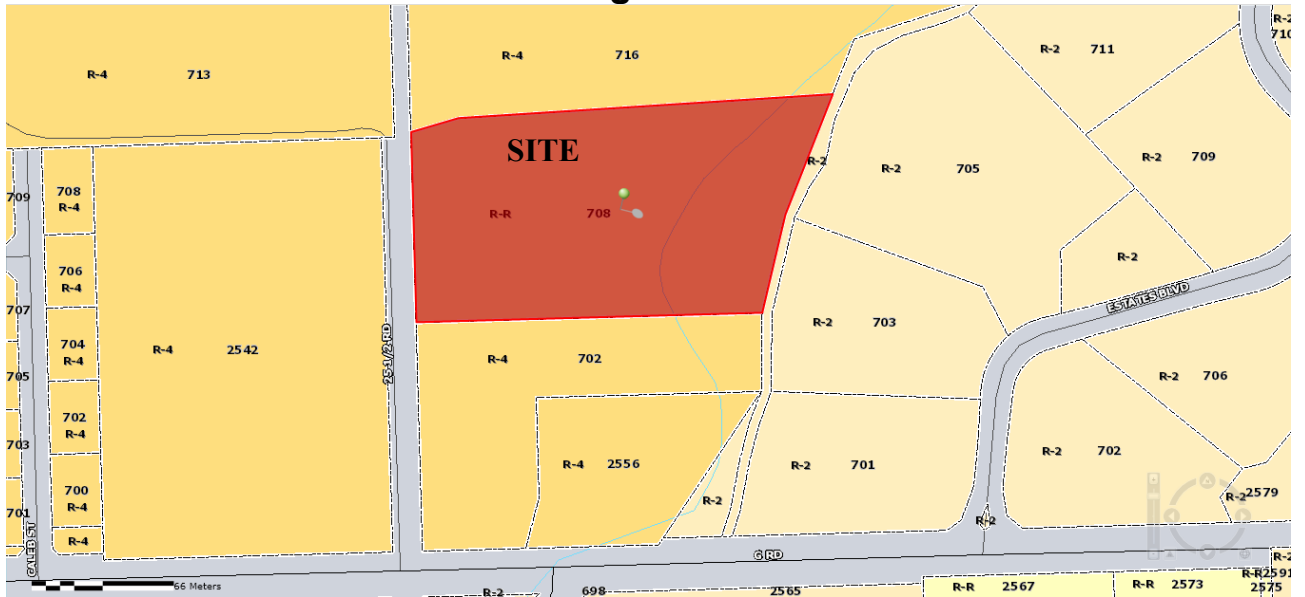
# Blended Residential Map – 708 25 ½ Rd.

## Figure 4



# Existing City Zoning – 708 25 1/2 Rd.

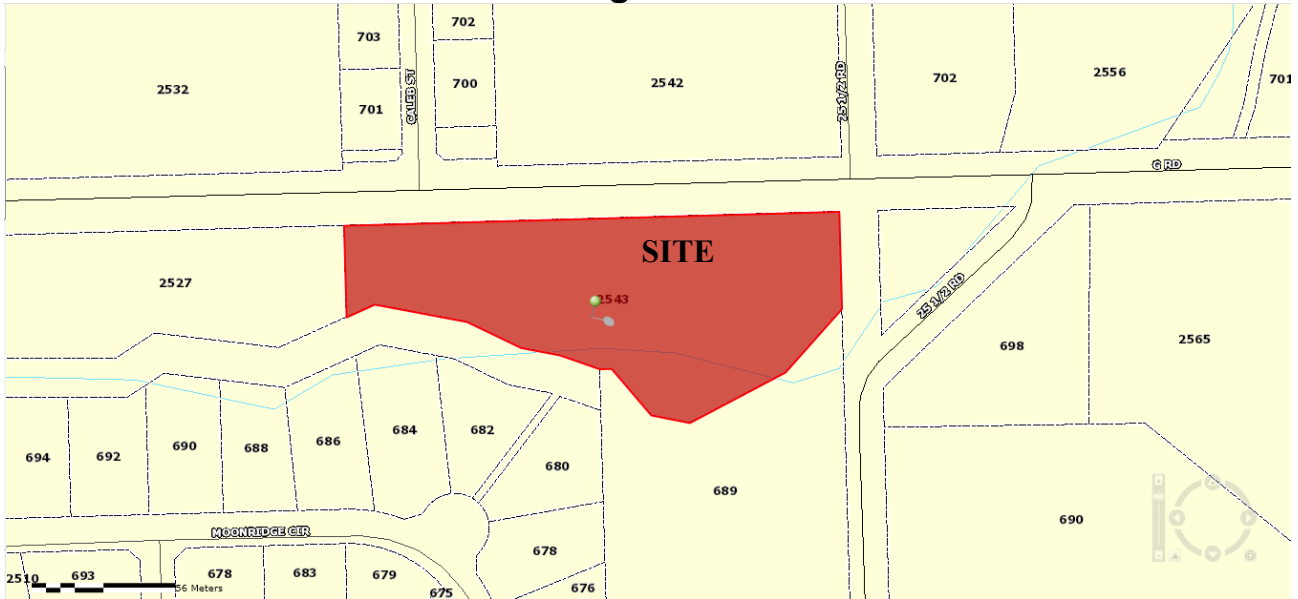
Figure 5





# Site Location Map – 2543 G Road

Figure 1



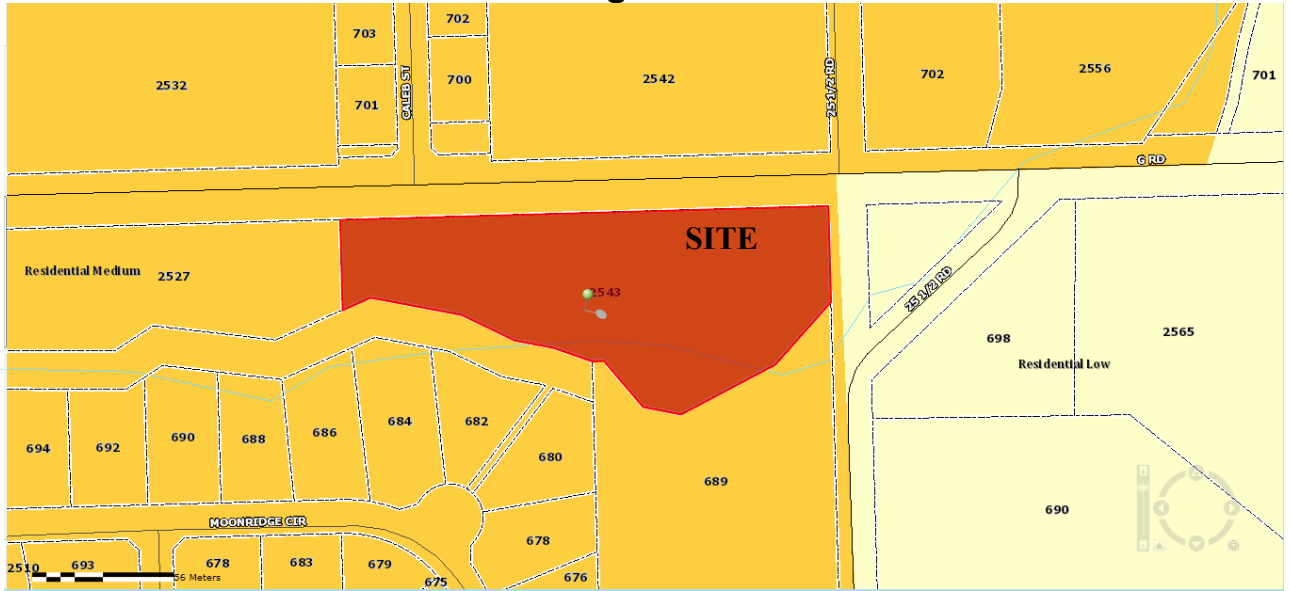
# Aerial Photo Map – 2543 G Road

Figure 2



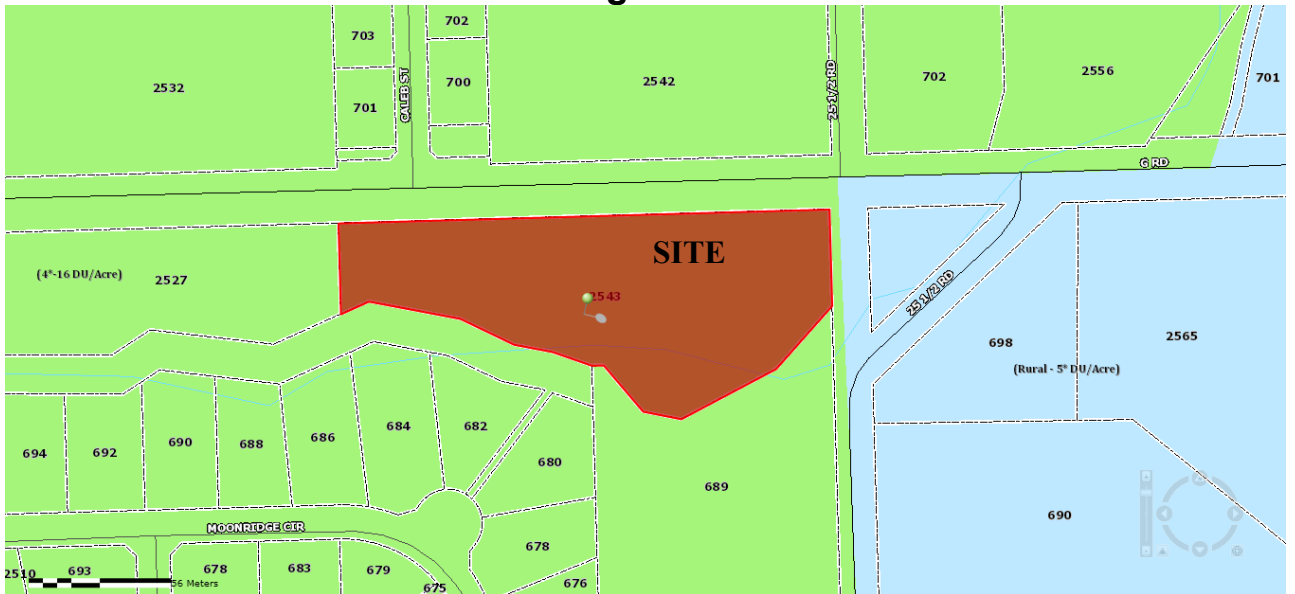
# Comprehensive Plan – 2543 G Road

Figure 3



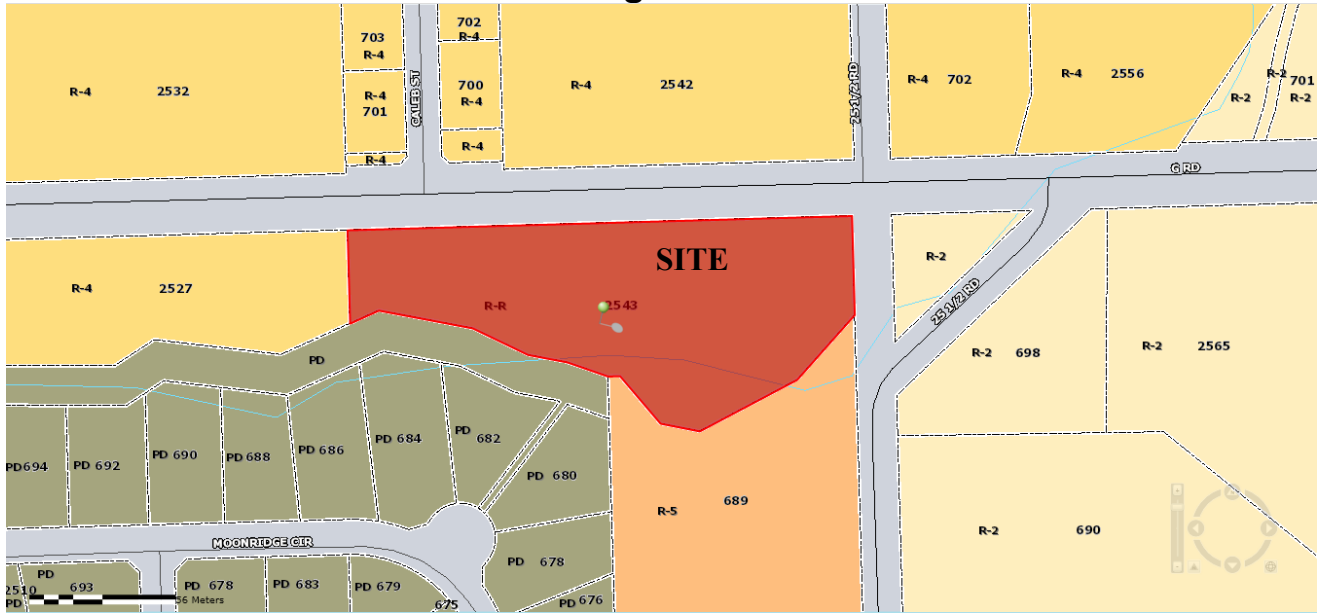
# Blended Residential Map – 2543 G Rd.

Figure 4



# Existing City Zoning – 2543 G Road

## Figure 5



# Site Location Map – 2522 F ½ Road

Figure 1



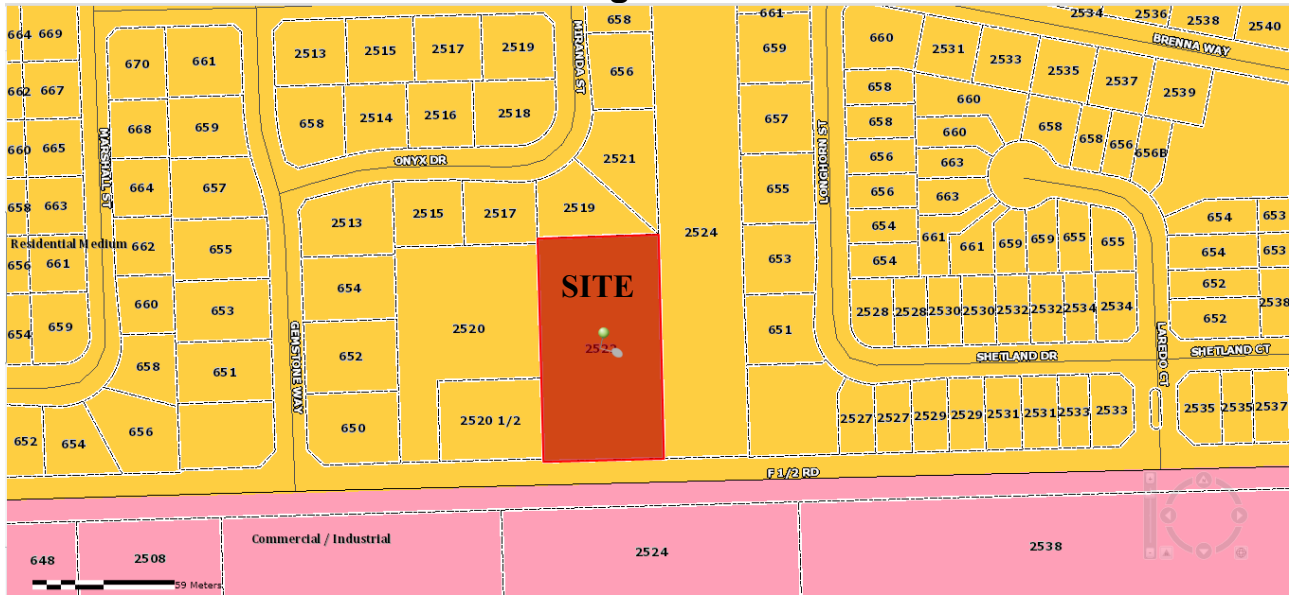
# Aerial Photo Map – 2522 F ½ Road

Figure 2



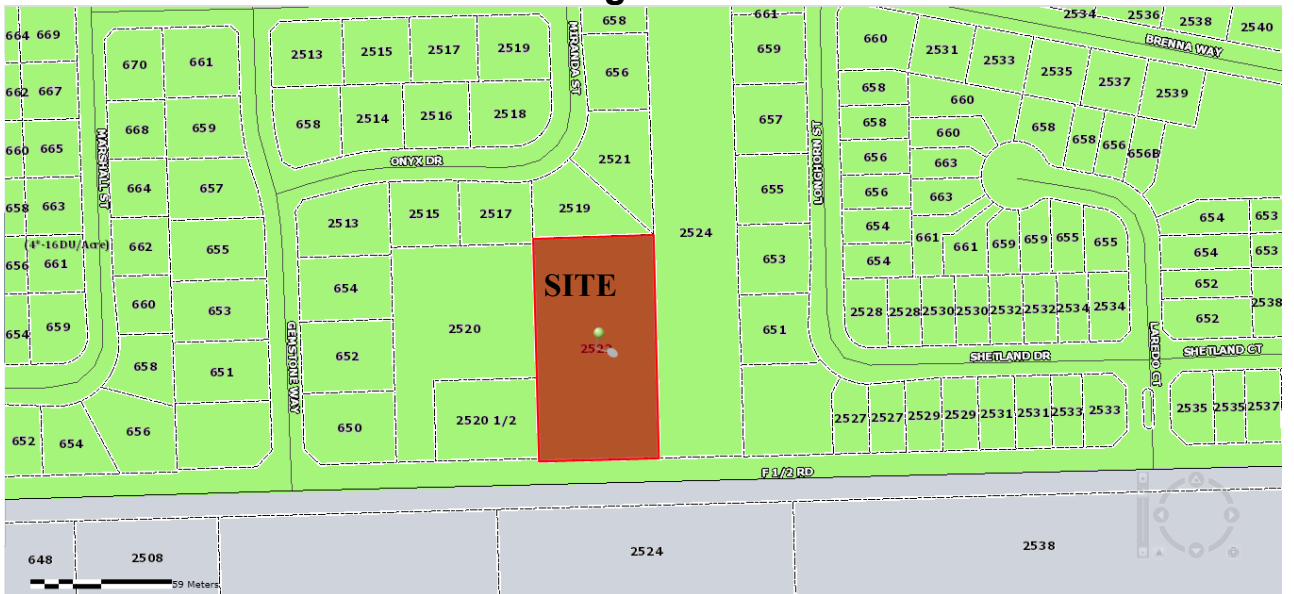
# Comprehensive Plan – 2522 F ½ Road

## Figure 3



# Blended Residential Map – 2522 F ½ Rd.

## Figure 4



# Existing City Zoning – 2522 F 1/2 Rd.

Figure 5



November 8, 2011

Mr. Scott Peterson  
Senior Planner  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

RECEIVED  
NOV 10 2011  
COMMUNITY DEVELOPMENT  
DEPT.

RE: RZN-2011-1188 2522 F ½ Road

Dear Mr. Peterson:

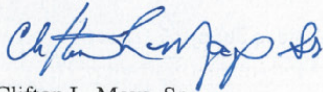
My residence is 2520 F ½ Rd., the first lot to the west of the referenced address. I built the home in 2006 with the expectation that it would be my residence for many years. The reality that my future neighbors may be living in 8-plexes, or large multi-family, multi-story dwellings, is not acceptable.

I'm sure you are aware that the parcel containing my two lots was originally part of the Diamond Ridge Subdivision, and was so described when I purchased the parcel. I then subdivided the parcel into lots 1 & 2, Clifton Mays Subdivision, with the belief that the area would remain a single family neighborhood, or at maximum, a few duplexes, since there are several within Diamond Ridge. If a survey were taken of Diamond Ridge owners, I am reasonable sure there would be a majority of support for this belief.

I am aware the strip of land to the east of Diamond Ridge Subdivision and 2522 F ½ Road has recently reverted to an R-8 zone, after being rezoned to a much lower density for a period of time. That strip of land should not, in and of itself, be sufficient reason to include the parcel in question in the R-8 zoning to accommodate the Cities desire to consolidate and correct spot zoning issues.

I respectfully request that you remove this parcel from your rezoning consideration and allow the market to dictate what may be built there in the future. A rezone of this parcel will further devalue my property, which is already suffering heavily from the general down-turn in real estate values in and around our community.

Sincerely,



Clifton L. Mays, Sr.  
2520 F ½ Road  
Grand Junction, CO 81505  
970-261-1557 (Cell)  
970-242-9575 (Home)

Cc: Members of the City Council  
Laurie Kadrich, City Manager

**From:** Newton Terry <tdnewton@q.com>  
**To:** <scottp@gjcity.org>  
**Date:** 11/4/2011 10:49 AM  
**Subject:** Rezone Blue Polygon

Thank you for letting us know about this proposed rezone.

We are very much opposed to this rezone in light of the Residential 8 - du/ac) This part of G Road is very upscale and we have ALOT of traffic which never seems to bother you planners, but it will just cause more and more problems in this area.

Please state that we are opposed to this request at this time.

Sincerely,

Terry and Debbie Newton  
tdnewton@q.com





OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

## Zoning Change Open House

Blue polygons, Zones 3, 7, 10, 14 and School Districts

### Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

May we hear any comments or any concerns you have about proposed zoning changes?

REZONING PROPERTY OFF G Rd. TO R4 IS FEASIBLE  
BUT MUST CONSIDER TRAFFIC ON Rd. WHICH IS  
SOMETIMES QUITE BUSY

Name PATRICK MORAN  
Address 2454 HANA RANCH Ck  
GRAND JUNCTION, CO 81505  
Phone 243-2076  
Email pmoran2076@yahoo.com

Please turn your comments in tonight or mail them to:

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING THREE PROPERTIES FROM R-R, (RESIDENTIAL - RURAL) TO R-4, (RESIDENTIAL – 4 DU/AC) AND R-5, (RESIDENTIAL – 5 DU/AC)**

**LOCATED AT 708 25 ½ ROAD; 2543 G ROAD AND 2522 F ½ ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the three properties from R-R, (Residential - Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac), zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac) zone districts be established.

The Planning Commission and City Council find that the R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac) zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following properties shall be rezoned R-4, (Residential – 4 du/ac).

708 25 ½ Road and 2543 G Road. See attached map.

The following property shall be rezoned R-5, (Residential – 5 du/ac).

2522 F ½ Road. See attached map.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

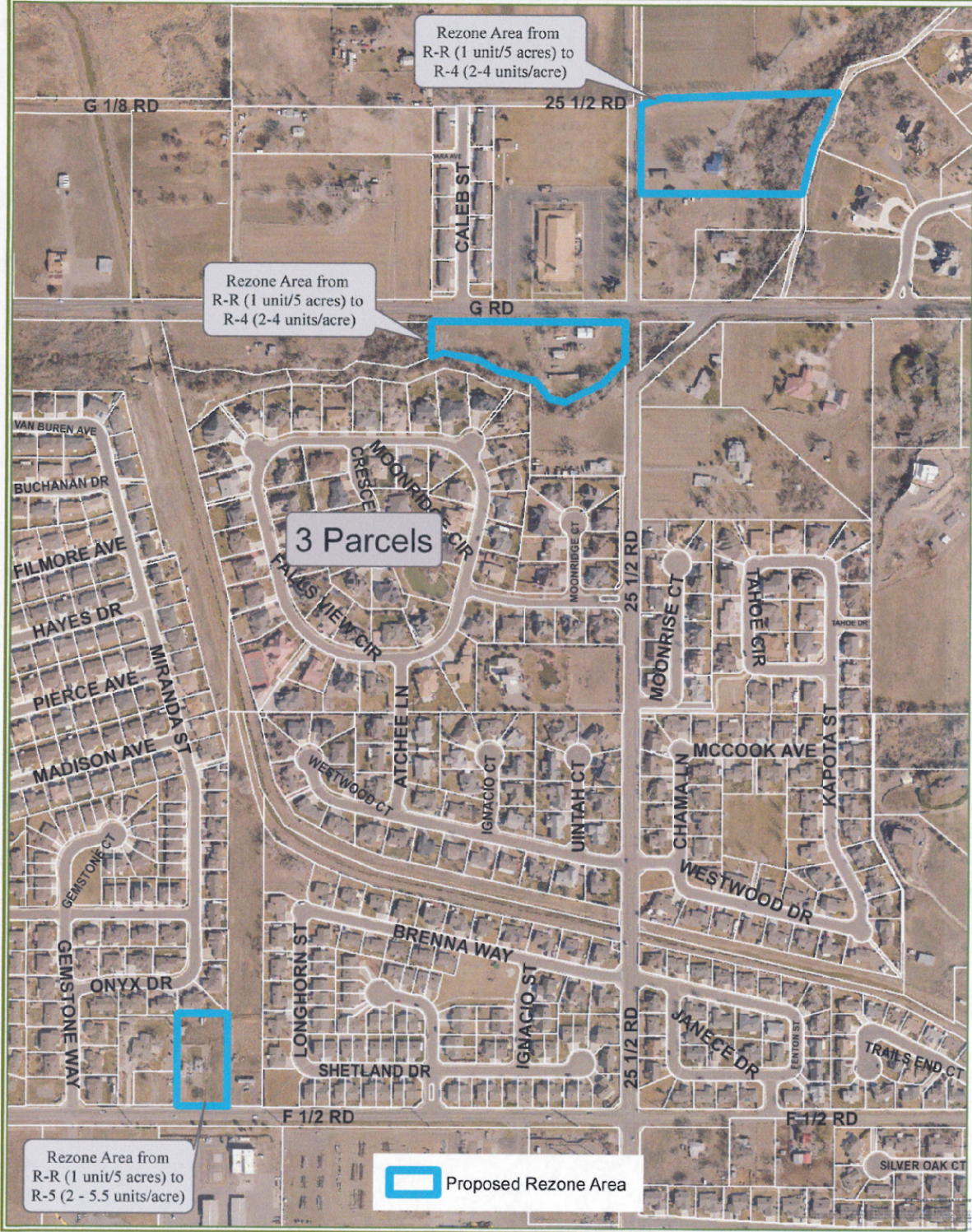
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# Proposed Rezone - Area 3





Date: January 16, 2012  
 Author: Senta L Costello  
 Title/ Phone Ext: Senior Planner  
/ 1442  
 Proposed Schedule: 1<sup>st</sup>  
Reading February 1, 2012  
 2nd Reading (if applicable): 2<sup>nd</sup>  
Reading March 7, 2012  
 File # (if applicable): RZN-  
2011-1156

**Attach 8**

**CITY COUNCIL AGENDA ITEM**

Subject: <b>Rezone 281 Properties, Located South and East of North 12<sup>th</sup> Street and Orchard Avenue.</b>
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Hearing for March 7, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Senta L Costello, Senior Planner

**Executive Summary:**

A City initiated request to rezone approximately 65 acres, located south and east of North 12<sup>th</sup> Street and Orchard Avenue from R-8 (Residential 8 dwellings/acre) to R-12 (Residential 12 dwellings/acre).

**Background, Analysis and Options:**

This neighborhood began developing residentially in the late 1940's and early 1950's. The University at that time was a small community college and did not have a high level of impact on properties surrounding the campus.

The property has been historically zoned for residential uses with a mix of densities ranging from single family to multi-family densities up to 32 dwellings/acre.

In 2000, the neighborhood was rezoned to the R-8 zone district to implement Residential Medium Future Land Use designation adopted with the Growth Plan in 1996.

In 2010, the Comprehensive Plan was adopted and the Future Land Use designation for the neighborhood changed to Residential High Mixed Use. After adoption of the Comprehensive Plan, it became apparent that the zoning designations of some areas around the City conflicted with the Future Land Use designations of the Comprehensive Plan.

Each area has been or is being evaluated to determine the best course of action to remedy the conflicts. In this neighborhood, Staff recommends amending the

Comprehensive Plan Future Land Use designation from Residential High Mixed Use to Residential Medium High and rezoning the properties to the R-12 zone district. The Comprehensive Plan amendment was considered and approved by City Council in October 2011.

Affected property owners were notified of the proposed change via a mailed letter and invited to an open house to discuss any issues, concerns, suggestions or support. The open house was held on November 9, 2011 and 39 citizens attended. Most attendees had questions about the proposed rezones for school district properties. No comments sheets were received regarding the Area 10 proposal. Approximately 6 of the citizens present were there specifically for the Area 10 rezone and voiced a mix of opposition and support. One e-mail has been received and is attached to this report. Overall, a total of 15 property owners have contact me requesting information. Preferences were split: 5 in favor, 5 opposed and 5 either were undecided or did not express a preference.

The area includes one City owned park which is currently zoned CSR; no zoning change is proposed for the City park property.

#### **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.

**Policy B.** Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

The added density that the R-12 zone district could generate would further develop this walkable neighborhood. The area has shopping, restaurants, employment, transit, education and recreation all within easy walking distances.

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

**Policy B.** Encourage mixed-use development and identification of locations for increased density.

This neighborhood has the potential to provide additional density and a mix of housing types, including single family, duplex, triplex, 4-plex, townhomes and apartments.

BACKGROUND INFORMATION					
Location:		South and east of N 12 <sup>th</sup> Street and Orchard Avenue			
Applicants:		City of Grand Junction			
Existing Land Use:		Single Family, Multi-Family, Small warehousing, Church			
Proposed Land Use:		No changes to land uses proposed			
Surrounding Land Use:	North	Single Family, Multi-Family, Elementary School, Retail, Restaurants			
	South	Single Family, Multi-Family, Retail, Restaurants			
	East	Single Family, Multi-Family			
	West	Colorado Mesa University			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		R-12 (Residential 12 du/ac)			
Surrounding Zoning:	North	C-1 (Light Commercial)/R-8 (Residential 8 du/ac)			
	South	R-16 (Residential 16 du/ac)/B-1 (Neighborhood Business)/CSR (Community Services & Recreation)			
	East	R-8 (Residential 8 du/ac)			
	West	C-1 (Light Commercial)/CSR (Community Services & Recreation)			
Future Land Use Designation:		Residential Medium High			
Zoning within density range?		X	Yes		No

**Board or Committee Recommendation:**

The Grand Junction Planning Commission met on January 10, 2012 and forwarded a recommendation of denial of the R-12 zone district to the City Council, citing that the potential negative impact to the neighborhood was higher than the potential gain.

Other zone districts that are options to implement the Residential Medium High future land use are the R-4 (Residential 4 du/ac), R-5 (Residential 5 du/ac), R-8 (Residential 8 du/ac), R-16 (Residential 16 du/ac) and R-O (Residential-Office).

**Financial Impact/Budget:**

N/A

**Legal issues:**

No legal issues have been raised.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Rezone criteria with Staff recommendation  
Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Blended Residential Map  
E-Mail from property owners  
Open House Comments  
Ordinance



Section 21.02.140(a) of the Grand Junction Municipal Code:

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Municipal Code must be made per Section 21.02.140(a) as follows:

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

Response: The R-8 zoning was put in place when the City was rezoned in 2000. With the rapid growth of the University in recent years, a need for more housing close to campus has arisen in the surrounding neighborhoods. The need for higher density in this area was recognized with the adoption of the Comprehensive Plan in 2009.

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

Response: With the growth of the University to the west, a need for more housing close to campus has been seen in the surrounding neighborhoods. This neighborhood has seen an influx of small scale multi-unit housing over the last few decades. The R-12 zone district would enable property owners to provide additional housing with a minimal impact to the existing neighborhood.

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

Response: The area has fully constructed streets, sanitary and storm sewer service, City water service, and trash and recycle pick-up. The area is centrally located for ease of access for emergency and delivery services.

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

Response: There is approximately 108 acres within the city limits currently zoned R-12. This equates to less than 1% of the total acreage of zoned parcels within the city limits (21,200 acres). The Comprehensive Plan process also identified the need for increased housing and density in this area.

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

Response: The proposed R-12 zone district will provide the opportunity for additional density within the central core of the urbanized area of the valley, consistent with Comprehensive Plan. Higher densities allow for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Area 10 Rezone, RZN-2011-1156, a request to rezone the property from R-8 (Residential 8 dwellings/acre) to R-12 (Residential 12 dwellings/acre), the following findings of fact and conclusions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.

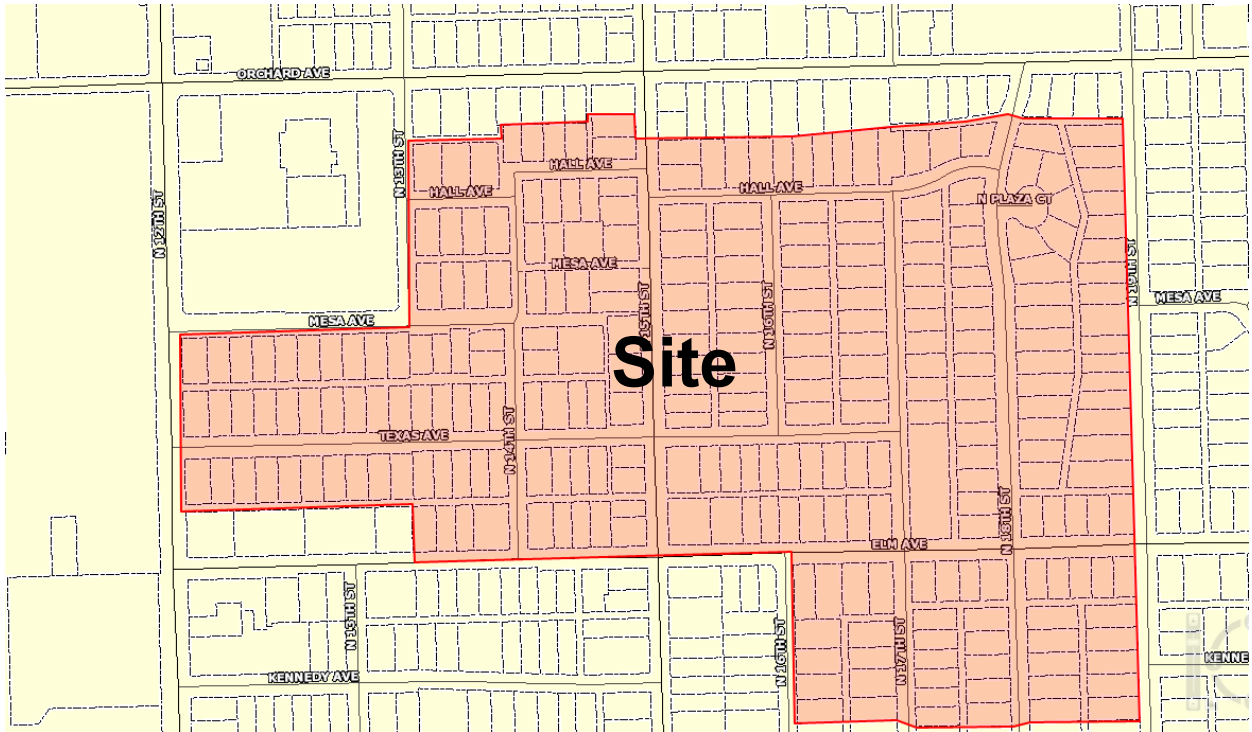
The review criteria in Section 02.140 of the Grand Junction Municipal Code have been met.

#### STAFF RECOMMENDATION:

I recommend that City Council approve the requested rezone, RZN-2011-1156, to the R-12 (Residential 12 du/ac) with the findings and conclusions listed above.

# Site Location Map

Figure 1



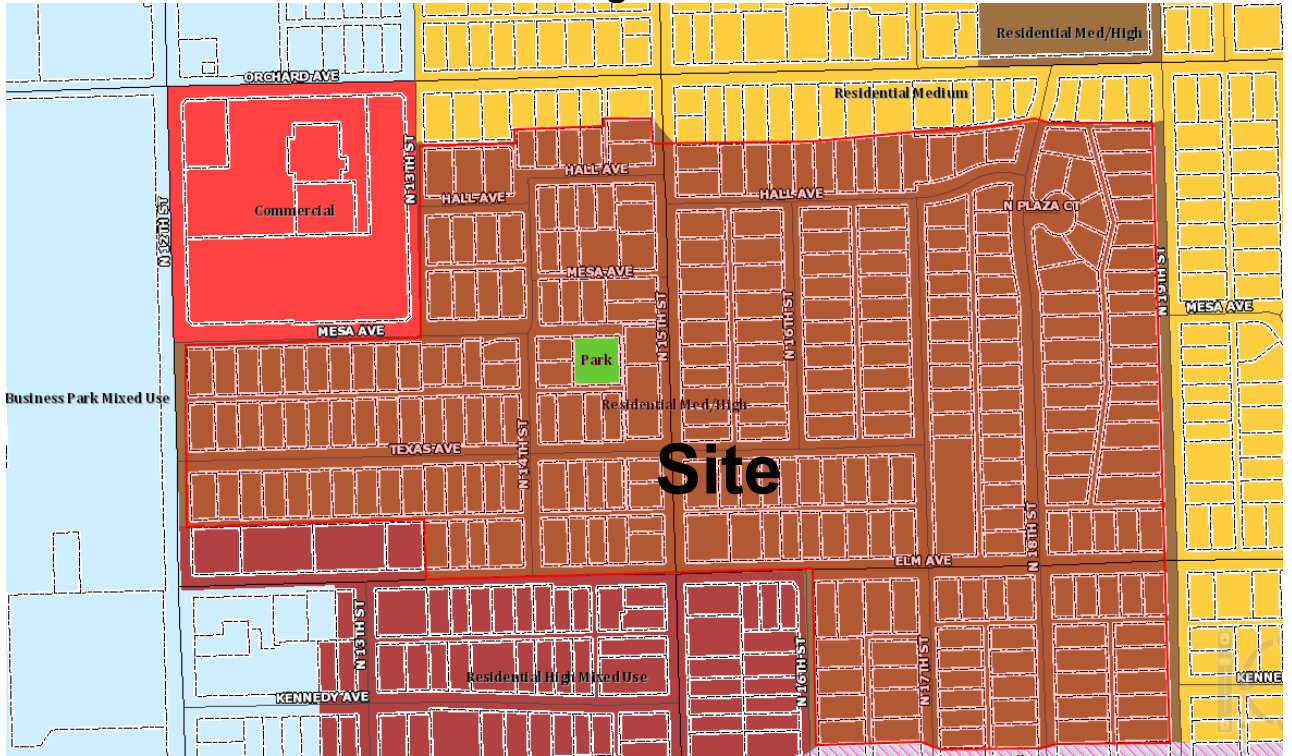
# Aerial Photo Map

Figure 2



# Comprehensive Plan Map

Figure 3



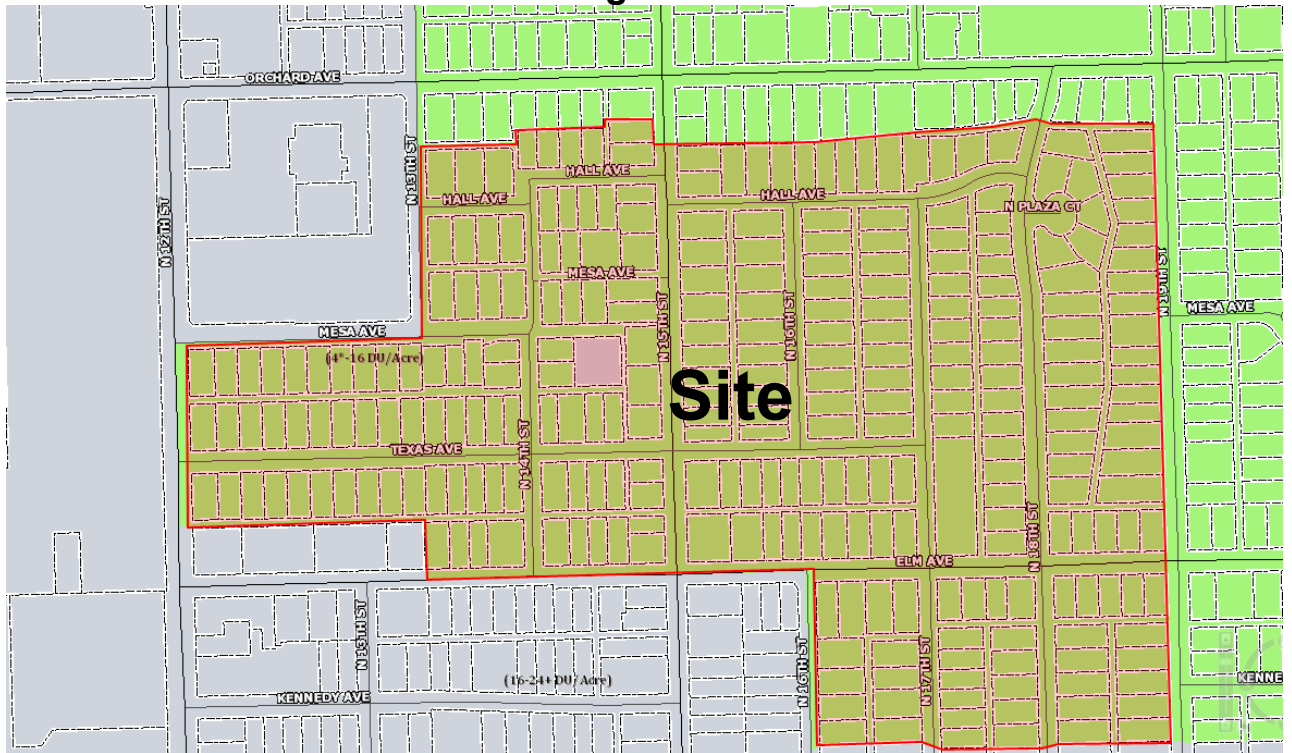
# Existing City Zoning Map

Figure 4



# Blended Map

Figure 5



**From:** Senta Costello  
**To:** Jack Harbottle  
**Date:** 11/2/2011 1:47 PM  
**Subject:** Re: proposed rezone  
**Attachments:** Zone Districts - R-12 2010.doc; Zone Districts - R-8 2010.doc; Senta Costello.vcf

Good afternoon, Mr Harbottle.

Thank you for your e-mail. I appreciate the input from residents & property owners.

First I'll give you a little background on the why's of what is being proposed. In early 2010, City Council adopted a new Comprehensive Plan that lays out the long term vision for the City and how it should grow (or not). With the adoption of the new Plan, the zone districts for many properties around the City no longer matched what the Comprehensive Plan's designations showed. Due to this conflict, many properties were rendered "Non-Conforming". City Council has given our office the direction to correct the inconsistencies.

Your neighborhood is one of the areas where an inconsistency has been identified. The current Comprehensive Plan designation (FLU designation) is Residential High Mixed Use and the Zone District is R-8 (Residential not to exceed 8 dwellings/acre). The direction for your neighborhood was to lower the FLU to Residential Medium High and rezone the properties to R-12 (Residential not to exceed 12 dwellings/acre). The change to the FLU designation was approved at the October 17, 2011 City Council meeting. The change to the zoning is what is proposed at this time.

I've attached a couple documents which summarize the R-8 and R-12 standards. The major difference in the uses is the R-8 allows single-family detached homes and the R-12 does not; both allow multi-family with the density being the difference. Your single-family homes would not become non-conforming and can remain, but new single family houses could not be built if the R-12 zone district is approved.

I've spoken with the Assessor's office and the property taxes would not change unless the use of the property were to change.

I hope this helps answer your questions. If not, or if others come up, please don't hesitate to contact me either by e-mail, letter or phone.

Sincerely,  
Senta

Senta L. Costello  
Senior Planner  
Public Works & Planning Dept  
City of Grand Junction  
Phone - 970.244.1442  
Fax - 970.256.4031  
sentac@gjcity.org

>>> On 11/2/2011 at 12:33 PM, in message <4EB138A3.4A24.0007.1@coloradomesa.edu>, "Jack Harbottle" <jharbott@coloradomesa.edu> wrote:

My neighbors and I are concerned about the potential rezoning of the area near 17th street.  
What would be the difference in property taxes on our single family houses?  
What is the definition and laws of our current classification and the proposed classification and the differences spelled out so we can understand?  
Why is the rezoning so large and including so many small single family houses?

Sincerely,  
Jack Harbottle



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

### Zoning Change Open House

Blue polygons, Zones 3, 7, 10, 14 and School Districts

### Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

1245 Mesa Ave

May we hear any comments or any concerns you have about proposed zoning changes?

I am not in favor of higher density,  
I have already been impacted by CMU,

Name Marlene Brantley  
Address 1245 Mesa Ave.  
Grand Jct., CO. 81501  
Phone 243-7964  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:  
Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506

**From:** Poppy Woody <poppywoody@earthlink.net>  
**To:** <sentac@gjcity.org>  
**Date:** 1/13/2012 9:16 AM  
**Subject:** rezoning

Senta, This is in regards to the consideration of rezoning the area just to the East of the University. I will not be able to attend the City Council meeting where this will be presented, so I would like you to convey my comments.

I am not in favor of changing the zoning. The area is too congested as it is. When the University is in session, there are cars parked in every empty space. You can hardly drive down the street. Now that there is no employee parking from Community Hospital, it is worse. It is true that in a few years the Community Hospital will be moving, and reducing that parking need, but by then the University will have grown and we will still have a large parking problem.

Thank You,

Poppy Woody  
970-434-9097



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING 281 PROPERTIES FROM R-8 (RESIDENTIAL 8 DWELLINGS/ACRE) TO R-12 (RESIDENTIAL 12 DWELLINGS/ACRE)**

**LOCATED SOUTH AND EAST OF N 12<sup>TH</sup> STREET AND ORCHARD AVENUE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning 281 properties from R-8 (Residential 8 dwellings/acre) to the R-12 (Residential 12 dwellings/acre) zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the **R-12** zone district to be established.

The Planning Commission and City Council find that the **R-12** zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-12 (Residential 12 du/ac).

See attached map.

Introduced on first reading this \_\_\_ day of \_\_\_\_\_, 2012 and ordered published.

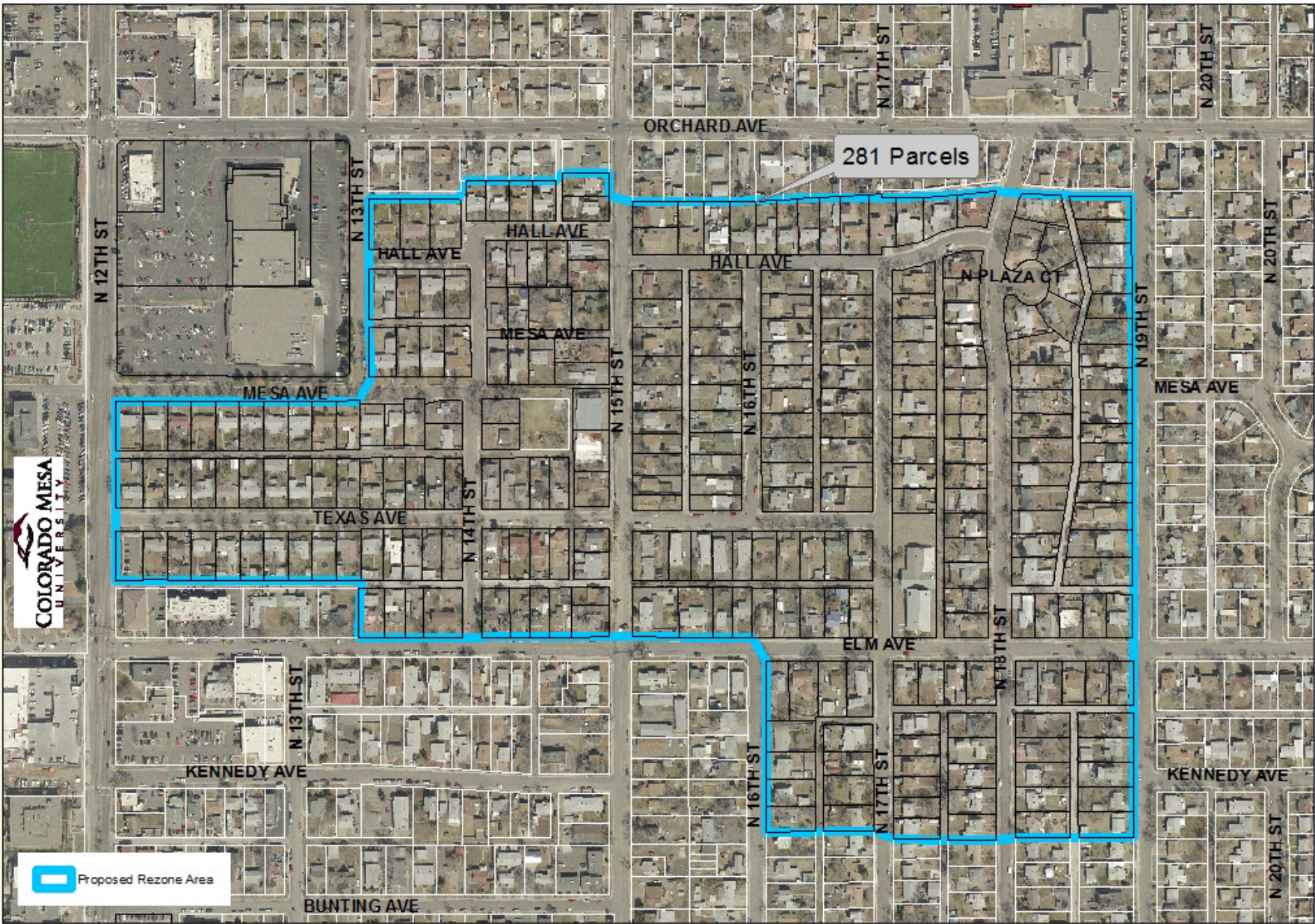
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# Proposed Rezone - Area 10



Rezone Area from R-8 (4-8 units/acre) to R-12 (8-12 units/acre)

PREPARED BY: GEOTEK JUNCTION, INC. DATE: 10/20/2023



Date: January 19, 2012  
 Author: Troy Smith  
 Title/ Phone Ext: Deputy Police Chief, 3563  
 Proposed Schedule: February 1, 2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 9**

**CITY COUNCIL AGENDA ITEM**

<p><b>Subject:</b> 911 Phone System Purchase for the Communication Center in the New Public Safety Facility</p>
<p><b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Negotiate Contracts with CenturyLink for the Total Estimated Amount of \$575,000 to Provide and Install a New 911 Phone System and related Network Infrastructure.</p>
<p><b>Presenter(s) Name &amp; Title:</b> John Camper, Police Chief          Troy Smith, Deputy Police Chief</p>

**Executive Summary:**

This phone system purchase is part of a significant regional collaborative effort by five 911 Centers in North West Colorado, serving 101 emergency response agencies and 330,000 citizens. The resulting systems will dynamically balance regional 911 call volumes, modernize services and prepare for Next Generation 911 (NextGen 911) communication capabilities. When fully implemented, the connected regional systems will ensure that 911 calls (and eventually other types of communications) from anywhere in the region are always answered and help dispatched – even when one 911 center is overwhelmed by a major incident or taken off line by a local disaster or technical failure. This approval request is for the purchase of the equipment, implementation services, and network infrastructure for the Grand Junction Regional Communication Center’s (GJRCC) share of the regional system. It will be installed in the new public safety facility and is critical to the GJRCC’s transition to that building.

**Background, Analysis and Options:**

Over the past several years, North West Region Communications Center managers and directors have sought for ways to improve their ability to handle increasing call volumes, and enhance the survivability and resiliency of their separate 911 services by finding ways to connect their Centers using communication technology. But, until recently, they have been frustrated by their twenty year old phone systems and the limits of slowly evolving 911 technologies. Most of the 911 systems in the North West Region Centers have now reached the end of their vendor supported service lives and replacement parts are becoming difficult to find – making system replacement a necessary and immediate need.

With the recent development of NextGen 911 standards and technologies, these specialized phone systems have evolved to a point where a regional approach to 911 service delivery is possible. NextGen 911 uses the latest Geographical Information System (GIS), Global Position System (GPS), database and network technologies to enable the efficient acquisition and transfer of information between citizens, communication carriers and 911Centers, including support for enhanced text, video, and voice emergency communications. By joining together and purchasing the same NextGen 911 capable systems, the five centers collaborating on this project will realize significant cost savings while improving the service capabilities and reliability of their Centers.

When fully implemented, this project will use an emergency services information network that will allow 911 calls, texts and other data to seamlessly transfer from communication carriers to 911 Centers and from one 911 Center to another. On a day-to-day basis, this means that calls for service from a large incident that would overwhelm one Center in the region can be spread to other Centers on the network that have capacity to help. In the event of a catastrophic failure of one Center, all of the other Centers on the network could pick up calls from the failed Center to ensure that each and every 911 call is answered quickly and emergency services dispatched, regardless of where the caller is located in the region.

To select a vendor for this advanced shared system, The GJRCC, and Garfield, Summit, Pitkin and Vail Communication Centers provided representatives for a selection committee that worked with the support of City Information Technology and Purchasing staff on the project. A formal Statement of Qualifications (SOQ) was developed and issued by the team that solicited cost and technical information from vendors specializing in the manufacture and installation of the advanced phone systems used by 911 Centers. The field was further limited to vendors capable of connecting multiple 911 Centers together.

Eight responses were received from interested vendors that included technical proposals describing system functionality, configuration options, software, equipment, supplies and implementation services. To help determine long term support viability, the firms provided background, reference, and basic financial information. A comprehensive six month, multiple phase evaluation process was used to make a thorough review of the proposals, perform an analysis of vendor financial statements and capabilities, participate in interactive system demonstrations, refine final system designs, and finally, to tour active system user Centers for the finalists.

At the end of the evaluation process, CenturyLink was unanimously chosen as the vendor offering the best value. The selection was made based on the resiliency of their proposed system architecture, their ability to maximize the use of the available communications network infrastructure, a superior interface between phone and radio systems, and a seamless integration potential with other 911PSAPs on the Western Slope.

**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.

The new Grand Junction Regional Communication Center with a new regional 911 phone system will allow telecommunications staff to more efficiently evaluate, route, and dispatch 911 calls for greater public safety now and provide enhanced 911 communication support in the future.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

This expenditure was planned for and included in the overall \$32.7 million Public Safety Project budget.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: January 20, 2012  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule: 1<sup>st</sup>  
Reading, January 16, 2012  
 2nd Reading: February 1, 2012  
 File #: RZN-2011-1190

**Attach 10**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rezone 22 Properties owned by School District 51, Located throughout the City
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage of the Proposed Rezone Ordinance.
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2 and C-1 zone districts. The rezones will bring the zoning into conformance with the City’s Comprehensive Plan and the zoning of the surrounding neighborhood.

**Background, Analysis and Options:**

The Comprehensive Plan adopted in February, 2010 was adopted knowing there would be some areas of the City where a zoning conflict or a lack of consistency in some areas, between the current Zoning Map and the Future Land Use Map, of the Plan would occur. To help reconcile these areas, City Staff initiated a rezone to bring the existing zoning of the School District 51 parcels that are currently zoned CSR (Community Service and Recreation) into conformance with the Comprehensive Plan. These changes would zone School District owned parcels the same as the surrounding neighborhood. Within the City limits there are 39 properties owned by the School District. The proposed rezone affects approximately 22 School District owned sites. Those properties are:

543 28 ¾ Road – Nisley Elementary

540 29 ¼ Road – Bookcliff Middle School

432 30 ¼ Road – Pear Park Elementary

2927 D ½ Road – Vacant Land in Pear Park  
D ¼ and 29 ¼ Roads – Vacant Land Pear Park, tax parcel 2943-173-34-941  
123 W Orchard Avenue – West Middle School  
2220 N 7<sup>th</sup> Street – Tope Elementary  
1800 Orchard Avenue – Orchard Avenue Elementary  
600 N 14<sup>th</sup> Street – Lincoln Park Elementary  
830 Gunnison Avenue – East Middle School  
950 Chipeta Avenue – Chipeta Elementary  
410 Hill Avenue – Administration Annex Building  
552 W Main Street – Riverside Elementary, 2 parcels  
2660 UnawEEP Avenue – Columbus Elementary  
2736 UnawEEP Avenue – Orchard Mesa Middle School  
1400 N 5<sup>th</sup> Street – Grand Junction High School  
2967 B Road – Mesa View Elementary  
351 S Camp Road – Wingate Elementary  
310 N 7<sup>th</sup> Street – R-5 High School -  
930 Ute Avenue – Emerson School  
2935 North Avenue – Vocational Center

City Planners met with Melissa DeVita, the Executive Director of Support Services for District 51, to discuss the conflict between the current zoning and the Comprehensive Plan and the City's proposal for rezoning School District lands. Since school districts are not subject to local zoning laws, the proposed rezone will not negatively impact District 51 properties. The benefit the District may see would be if the District were to sell a school site, the property would already be zoned appropriately for redevelopment.

The Comprehensive Plan only allows CSR zoning in Rural, Conservation/Mineral Extraction and Business Park Mixed Use land use designations. The majority of the school sites are located in the Residential Medium designation, allowing 4 to 8 dwelling units per acre. The majority of the rezones are proposed to be R-8 (Residential – 8 dwelling units per acre) however there are also sites proposed for R-2 (Residential – 2 units per acre), R-4 (Residential – 4 units per acre), R-5 (Residential 5 - units per acre), B-2 (Downtown Business) and C-1 (Light Commercial).

An Open House was held on Wednesday, November 9, 2011. Over 37 people attended the Open House. Notice cards (2,581 cards) were mailed to property owners within 500 feet of the subject parcels. Over 100 phone calls and emails were fielded by the Planning Division with questions and comments about the proposed rezones. A "Frequently Asked Questions" form was distributed at the Open House and to interested citizens via email. A copy is attached to this report.

Each parcel to be rezoned is detailed below in the Staff report. Each map shows the School District parcel outlined in blue and the existing zoning surrounding the school site.

During the Open House many people expressed their displeasure with the proposed rezones, because they thought the proposed zones do not accurately reflect the character of their neighborhood. Some citizens, once the entire process and theory was explained, did not have a problem with the rezones. The same could be said about the numerous phone calls that were returned or answered during this time. The Planning Division continued to receive phone calls about the proposed rezones even after the Open House. The emails received and comment sheets from the Open House are attached for your review.

After the Open House an article in the Daily Sentinel newspaper appeared reassuring residents that the School District was not bulldozing the existing schools because the bond issue did not pass. The residents of Mesa County voted down a tax hike that would have infused millions of dollars into School District 51. The ballot question asked voters to increase property taxes in order to pay for new schools, repairs and land. The timing of the City initiated rezones and the election was purely coincidental.

At the Planning Commission meeting of December 13, 2011, it was determined that the proposed zoning for West Middle School could also be R-5 (Residential – 5 units per acre) at the lower end of the allowed spectrum, rather than what Staff had proposed as R-8 (Residential – 8 units per acre). This Staff report reflects that change brought about by the testimony of a property owner at the Public Hearing.

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

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

Goal 1 is met with the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent.

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



Goal 6 is met by encouraging appropriate reuse, should the School District decide to sell a school site, the property would already be zoned appropriately for redevelopment.

**Board or Committee Recommendation:**

The Planning Commission forwarded a recommendation of approval at their meeting of December 13, 2011. The minutes of that meeting are attached.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

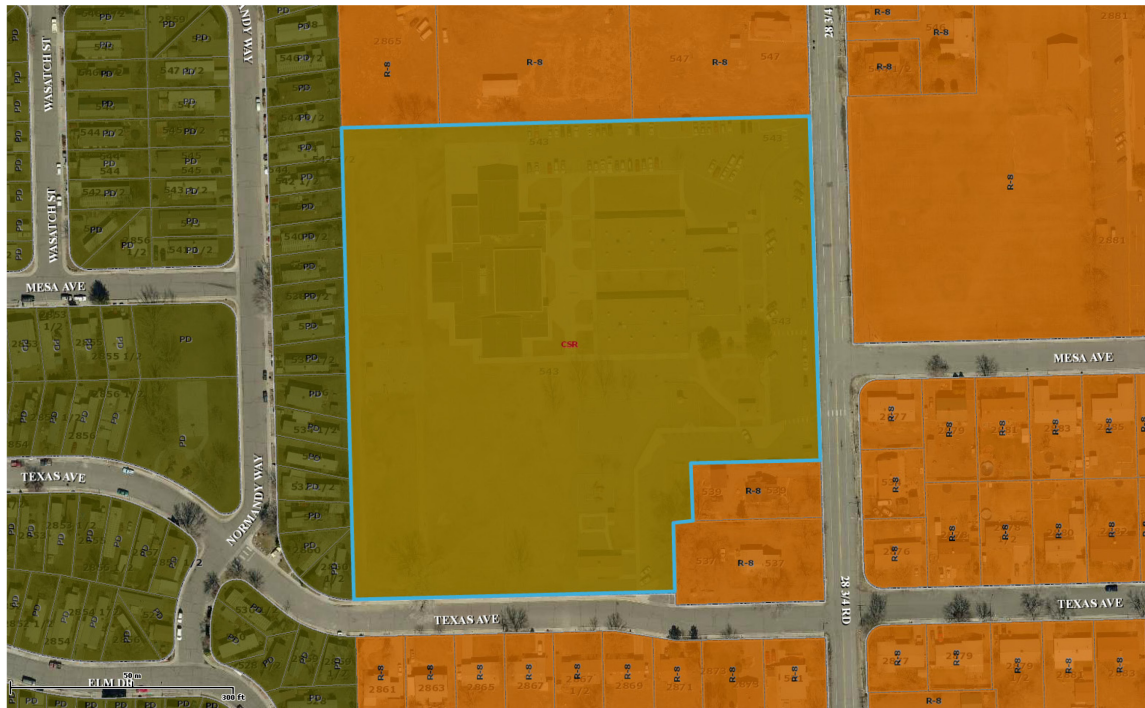
Consideration and First Reading of the Rezoning Ordinance was January 16, 2012.

**Attachments:**

Planning Commission Meeting Minutes  
Overall Site Location Map  
FAQ sheet  
Correspondence from the Public  
Ordinance

## Background Information and Maps

BACKGROUND INFORMATION					
Location:		543 28 <sup>3</sup> / <sub>4</sub> Road			
Applicant:		City of Grand Junction			
Existing Land Use:		<b>Nisley Elementary</b>			
Proposed Land Use:		No change			
Surrounding Land Use:	North	Church and Single-Family Residences			
	South	Single-Family Residences			
	East	Church and Single Family Residences			
	West	Manufactured Home Park			
Existing Zoning:		CSR (Community Service and Recreation)			
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>			
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)			
	South	R-8 (Residential – 8 units per acre)			
	East	R-8 (Residential – 8 units per acre)			
	West	PD (Planned Development)			
Future Land Use Designation:		Residential Medium (4-8 DU/AC)			
Zoning within density range?		X	Yes		No



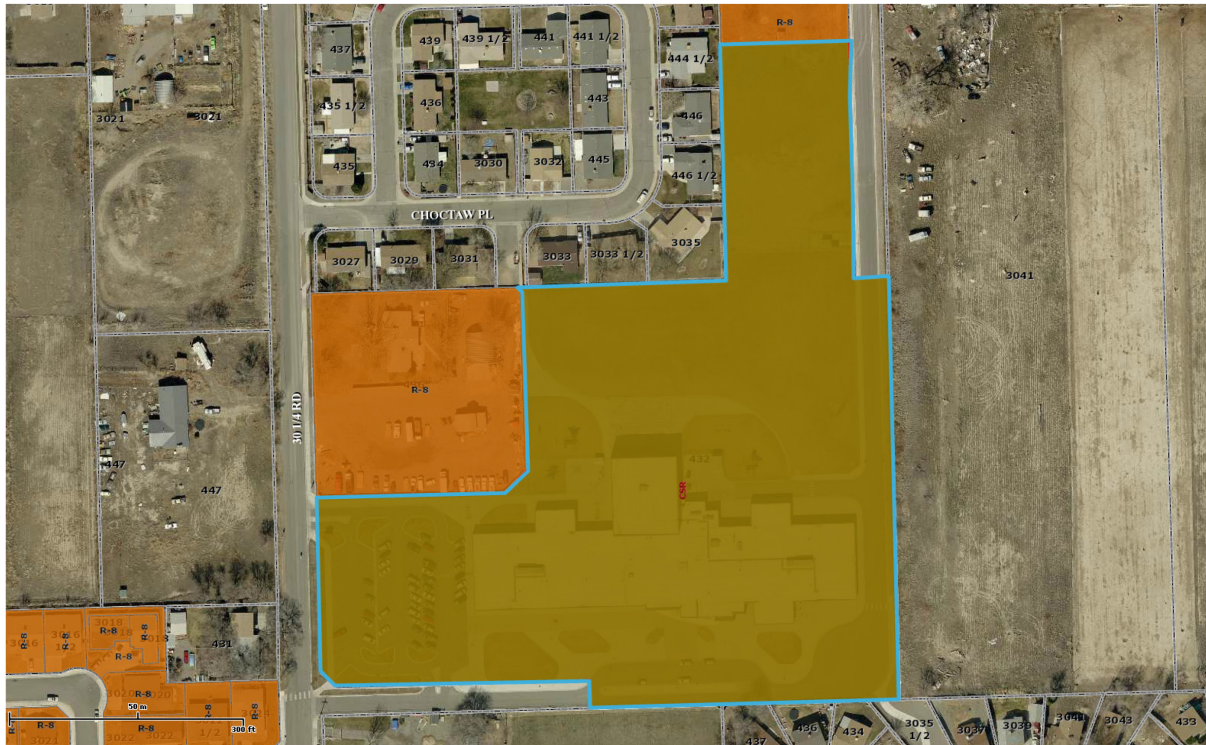
Nisley Elementary School Map

BACKGROUND INFORMATION				
Location:		540 29 ¼ Road		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Bookcliff Middle School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family and Multi-Family Residential		
	South	Single-Family Attached Residential		
	East	Church and Single-Family Attached Residential		
	West	Single-Family and Multi-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-family -8du/ac)		
	South	County RMF-8 (Residential Multi-family -8du/ac)		
	East	County RMF-8 (Residential Multi-family -8du/ac)		
	West	County RMF-8 (Residential Multi-family -8du/ac)		
Future Land Use Designation:		Residential Medium (4-8 DU/AC)		
Zoning within density range?		X	Yes	No



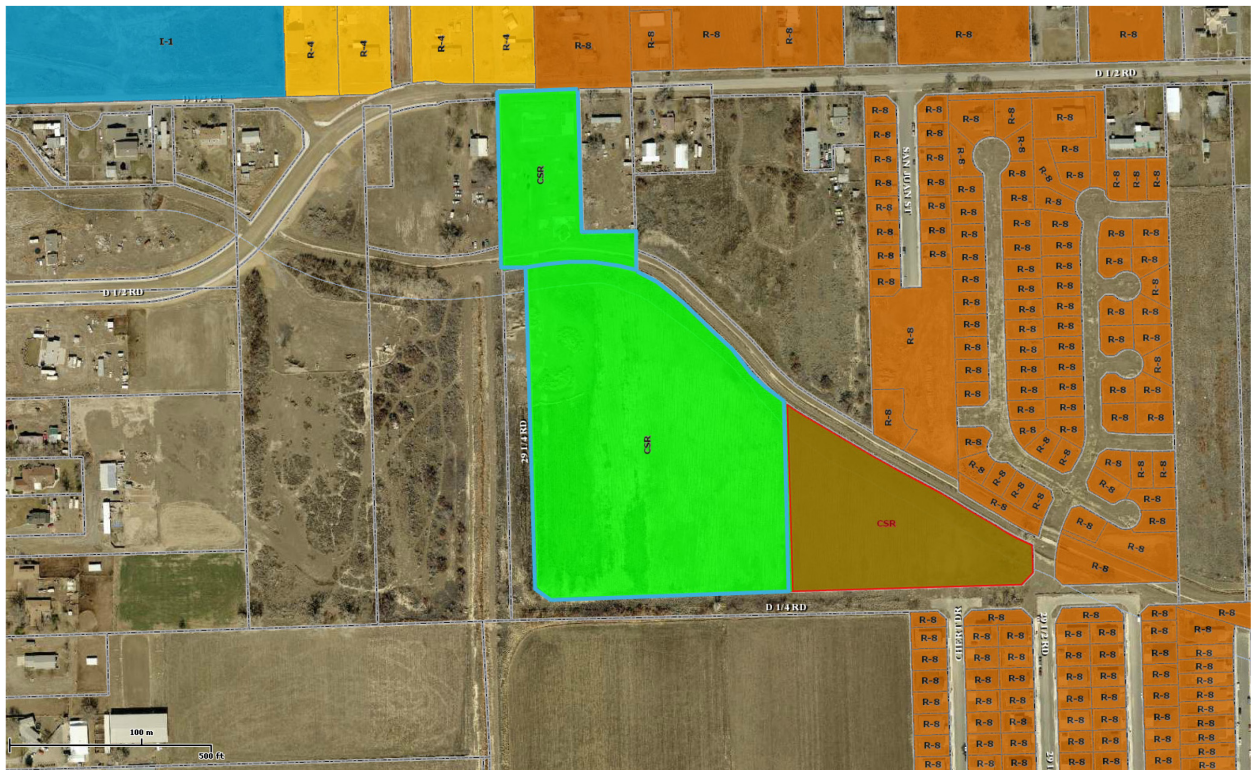
Bookcliff Middle School Map

BACKGROUND INFORMATION				
Location:		432 30 1/4 Road		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Pear Park Elementary</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family Residential		
	South	Single-Family Residential		
	East	Large Lot Residential		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	County PUD (Planned Unit Development)		
	South	County PUD (Planned Unit Development)		
	East	County PUD (Planned Unit Development)		
	West	County PUD and City R-8 (Residential-8 DU/AC)		
Future Land Use Designation:		Residential Medium (4-8 DU/AC)		
Zoning within density range?		X	Yes	No



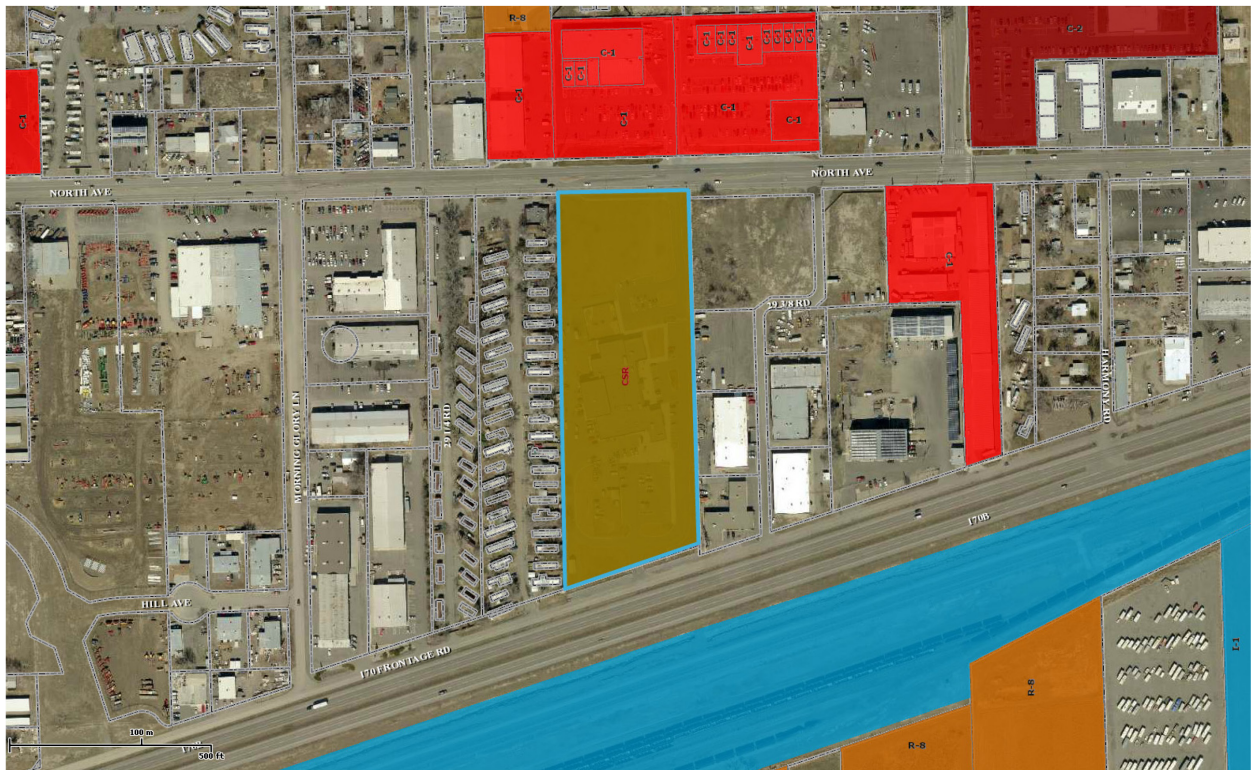
Pear Park Elementary School Map

BACKGROUND INFORMATION			
Location:		2927 D ½ Road and D ¼ and 29 ¼ Roads	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>2 Vacant Land Parcels in Pear Park Area</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residences	
	South	Undeveloped Park and Open Land - Trails	
	East	Large Lot Single Family	
	West	Large Lot Single Family	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-4 and R-8 (Residential – 4 and 8 units per acre)	
	South	CSR (Community Service and Recreation)	
	East	County RSF-R (Residential Single-Family Rural)	
	West	County RSF-R (Residential Single-Family Rural)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



Pear Park Vacant Parcels Map

BACKGROUND INFORMATION				
Location:		2935 North Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Vocational Center</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Retail		
	South	I-70B and Rail Road		
	East	Vacant Land and Contractor Shops		
	West	Mobile Home Park		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>C-1 (Light Commercial)</b>		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	I-1 (Light Industrial)		
	East	County C-2 (Heavy Commercial)		
	West	County C-2 (Heavy Commercial)		
Future Land Use Designation:		Village Center-Mixed Use		
Zoning within density range?		X	Yes	No



Vocational Center Map

BACKGROUND INFORMATION			
Location:		123 W Orchard Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>West Middle School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Grocery Store, Convenience Store, Skateboard Park	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-5 (Residential – 5 units per acre)</b>	
Surrounding Zoning:	North	B-1 (Neighborhood Business) and CSR	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8, R-5 (Residential- 8 & 5 DU/AC) and RO (Residential Office)	
	West	R-5 (Residential-5 DU/AC)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



West Middle School Map

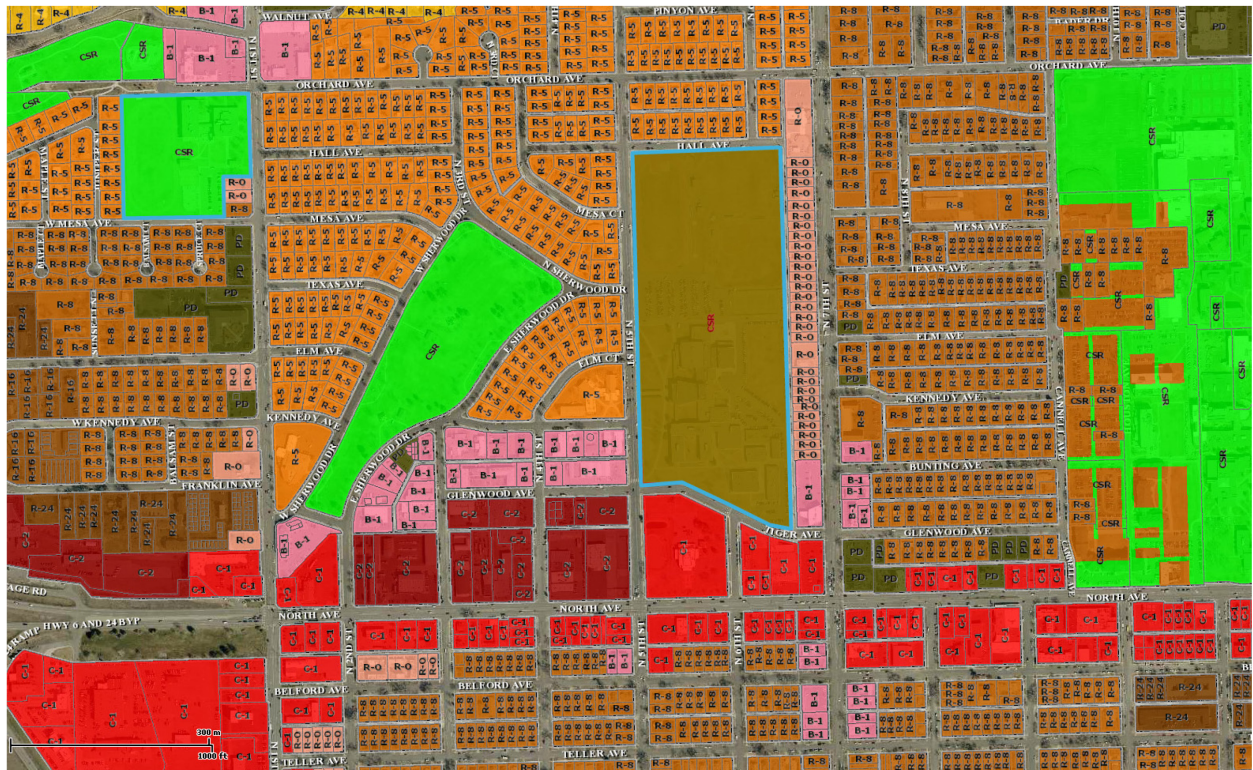
BACKGROUND INFORMATION			
Location:		2220 N 7 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Tope Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Offices and Vacant Land	
	South	Single-Family Residences	
	East	Single-Family Residence and Assisted Living	
	West	Offices	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-16 (Residential-16 DU/AC) and B-1 (Neighborhood Business)	
	South	R-8 (residential-8 DU/AC)	
	East	R-8 (residential-8 DU/AC) and R-16 (Residential-16 DU/AC)	
	West	B-1 (Neighborhood Business)	
Future Land Use Designation:		Residential Medium High (8-16 DU/AC)	
Zoning within density range?		X	Yes
			No



Tope Elementary School Map



BACKGROUND INFORMATION			
Location:	1400 N 5 <sup>th</sup> Street		
Applicant:	City of Grand Junction		
Existing Land Use:	Grand Junction High School		
Proposed Land Use:	No change		
Surrounding Land Use:	North	Single-Family Residential	
	South	Offices, Retail, Professional Services	
	East	Single-Family Residential and Professional Services	
	West	Church, Single-Family Residences	
Existing Zoning:	CSR (Community Service and Recreation)		
Proposed Zoning:	R-5 (Residential – 5 units per acre)		
Surrounding Zoning:	North	R-5 (Residential – 5 units per acre)	
	South	C-1 (Light Commercial)	
	East	R-O (Residential-Office)	
	West	R-5 (Residential – 5 units per acre)	
Future Land Use Designation:	Residential Medium High (8 – 16 DU/AC)		
Zoning within density range?	X	Yes	No



Grand Junction High School Map

BACKGROUND INFORMATION				
Location:		1800 Orchard Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Orchard Avenue Elementary</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Multi-Family Residential		
	South	Single-Family Residential		
	East	Single-Family Residential		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	R-24 (Residential – 24 DU/AC)		
	South	R-8 (Residential - 8 DU/AC)		
	East	R-8 (Residential - 8 DU/AC)		
	West	R-8 (Residential - 8 DU/AC)		
Future Land Use Designation:		Residential Medium High (8-16 DU/AC)		
Zoning within density range?		X	Yes	No



Orchard Avenue Elementary School Map

BACKGROUND INFORMATION			
Location:		600 N 14 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Lincoln Park Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Lincoln Park	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	CSR (Community Service and Recreation)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-5 (Residential – 5 DU/AC)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes



Lincoln Park Elementary School Map

## BACKGROUND INFORMATION

Location:		830 Gunnison Avenue / 950 Chipeta Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>East Middle School &amp; Chipeta Elementary</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family Residential		
	South	Single-Family Residential		
	East	CSR (Community Service and Recreation)		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)		
	South	R-8 (Residential – 8 units per acre)		
	East	CSR (Community Service and Recreation)		
	West	R-8 (Residential – 8 units per acre)		
Future Land Use Designation:		Residential Medium (4-8 DU/AC)		
Zoning within density range?		X	Yes	No



East Middle School Map

and

Chipeta Elementary School Map

BACKGROUND INFORMATION			
Location:		410 Hill Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Administration Annex Building</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Hawthorne Park	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)	
	South	CSR (Community Service and Recreation)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-8 (Residential – 8 units per acre)	
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)	
Zoning within density range?		X	Yes
			No



Administration Annex Building

BACKGROUND INFORMATION			
Location:		310 N 7 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>R-5 High School (7<sup>th</sup> Street Historic District)</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Church and Multi-Family Residential	
	South	Professional Services and Single-Family Residences	
	East	Professional Services and Multi-Family	
	West	Retail and Professional Services	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>B-2 (Downtown Business)</b>	
Surrounding Zoning:	North	R-O (Residential Office) and PD (planned Development)	
	South	B-2 (Downtown Business)	
	East	R-O (Residential Office)	
	West	B-2 (Downtown Business)	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		X	Yes
			No



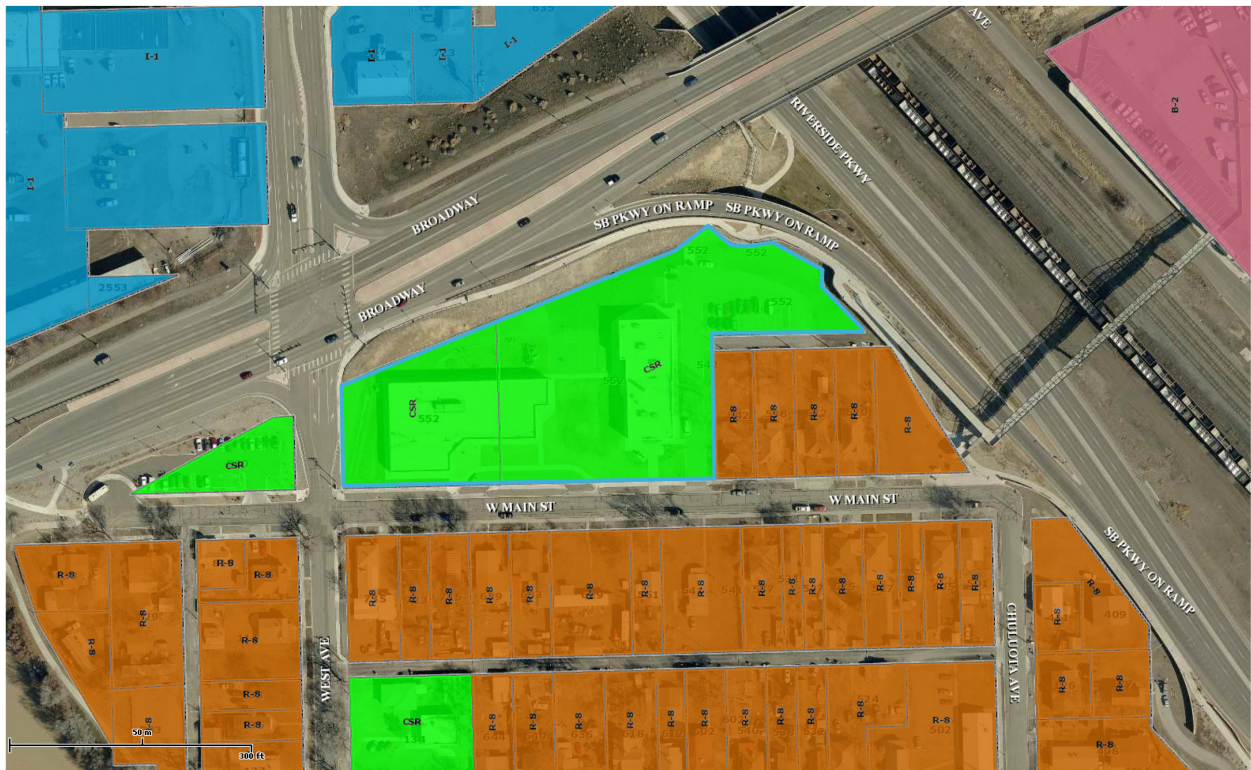
R-5 High School Map

BACKGROUND INFORMATION				
Location:		930 Ute Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Emerson School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family Attached and Detached		
	South	Emerson Park		
	East	Single-Family Residence		
	West	Retail		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>C-1 (Light Commercial)</b>		
Surrounding Zoning:	North	R-O (Residential Office)		
	South	CSR (Community Service and Recreation)		
	East	C-1 (Light Commercial)		
	West	C-1 (Light Commercial)		
Future Land Use Designation:		Downtown Mixed Use		
Zoning within density range?		X	Yes	No



Emerson School Map

BACKGROUND INFORMATION			
Location:		552 W Main Street (2 parcels)	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Riverside Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Broadway (Highway 340)	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Parking Lot	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	I-1 (Light Commercial)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	CSR (Community Service and Recreation)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



Riverside Elementary School

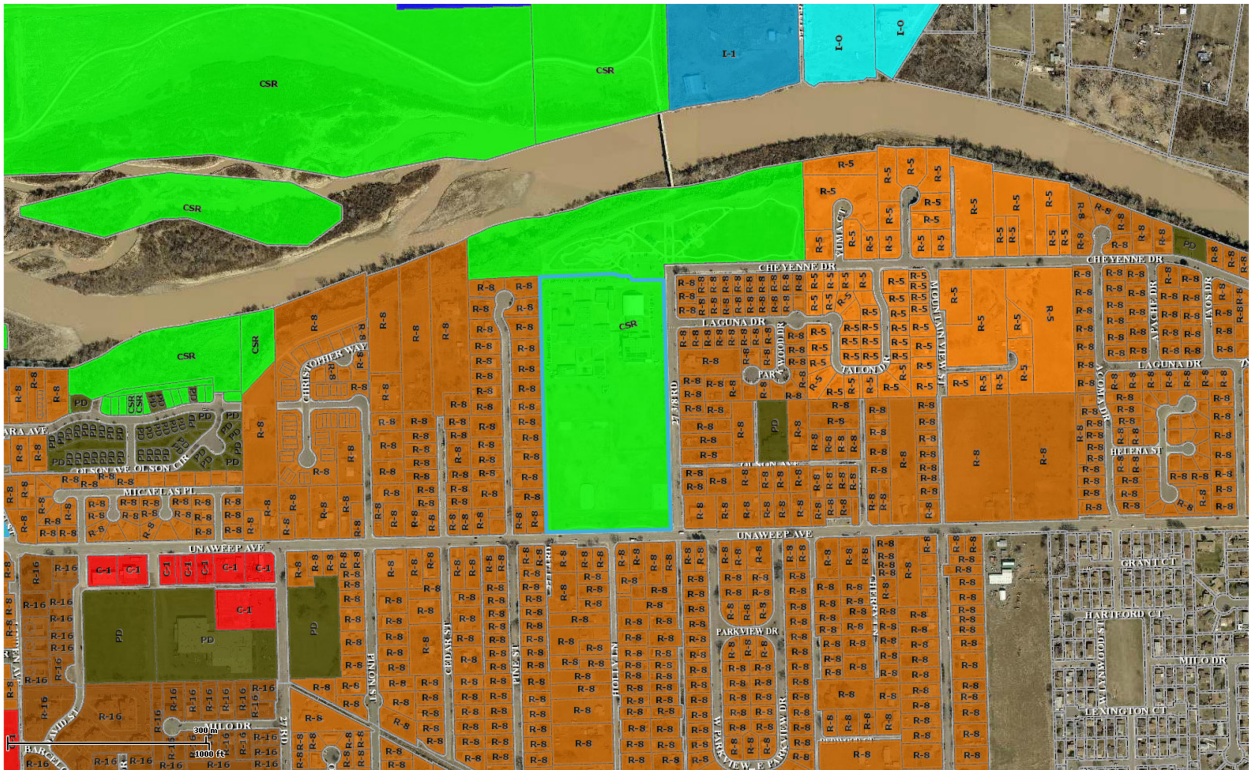


BACKGROUND INFORMATION			
Location:		2660 UnawEEP Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Columbus Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family and Multi-Family Residential	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-8 (Residential – 8 units per acre)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes



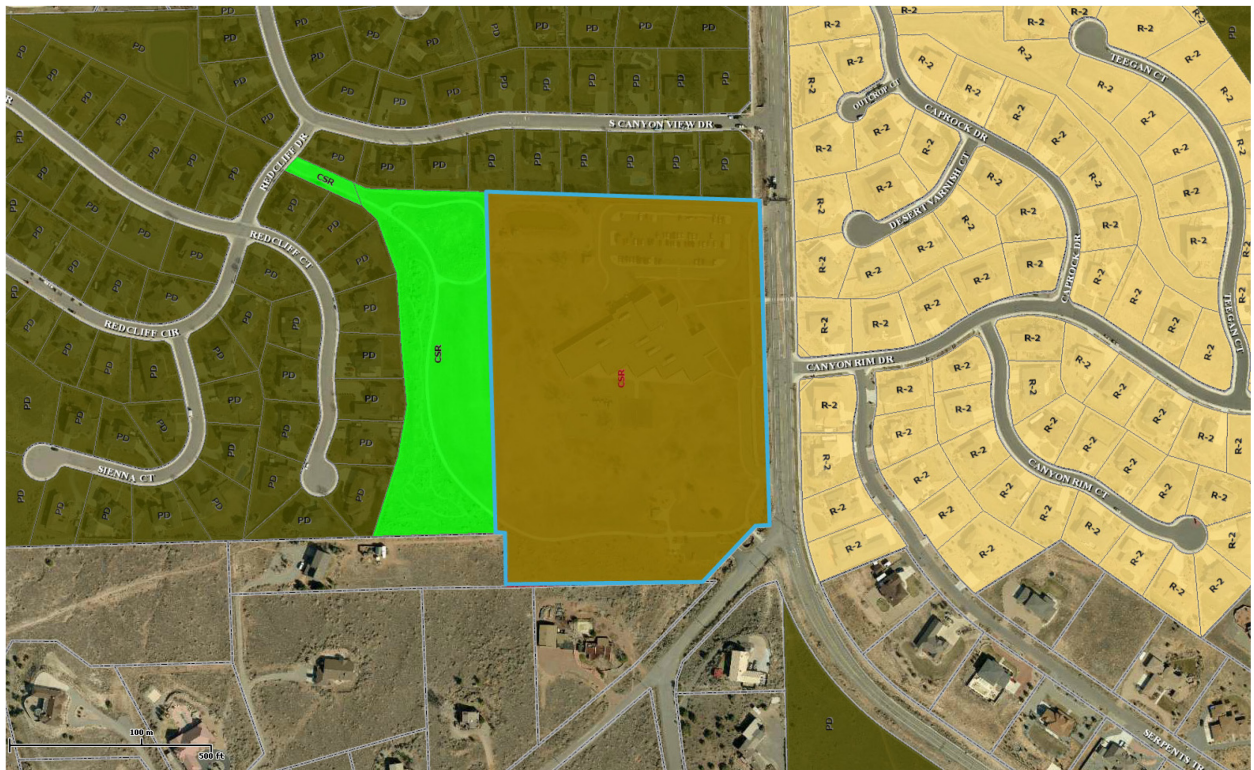
Columbus Elementary School Map

BACKGROUND INFORMATION				
Location:		2736 UnawEEP Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Orchard Mesa Middle School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Eagle Rim Park		
	South	Single-Family Residential		
	East	Single-Family Residential		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	CSR (Community Service and Recreation)		
	South	R-8 (Residential – 8 units per acre)		
	East	R-8 (Residential – 8 units per acre)		
	West	R-8 (Residential – 8 units per acre)		
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)		
Zoning within density range?		X	Yes	No



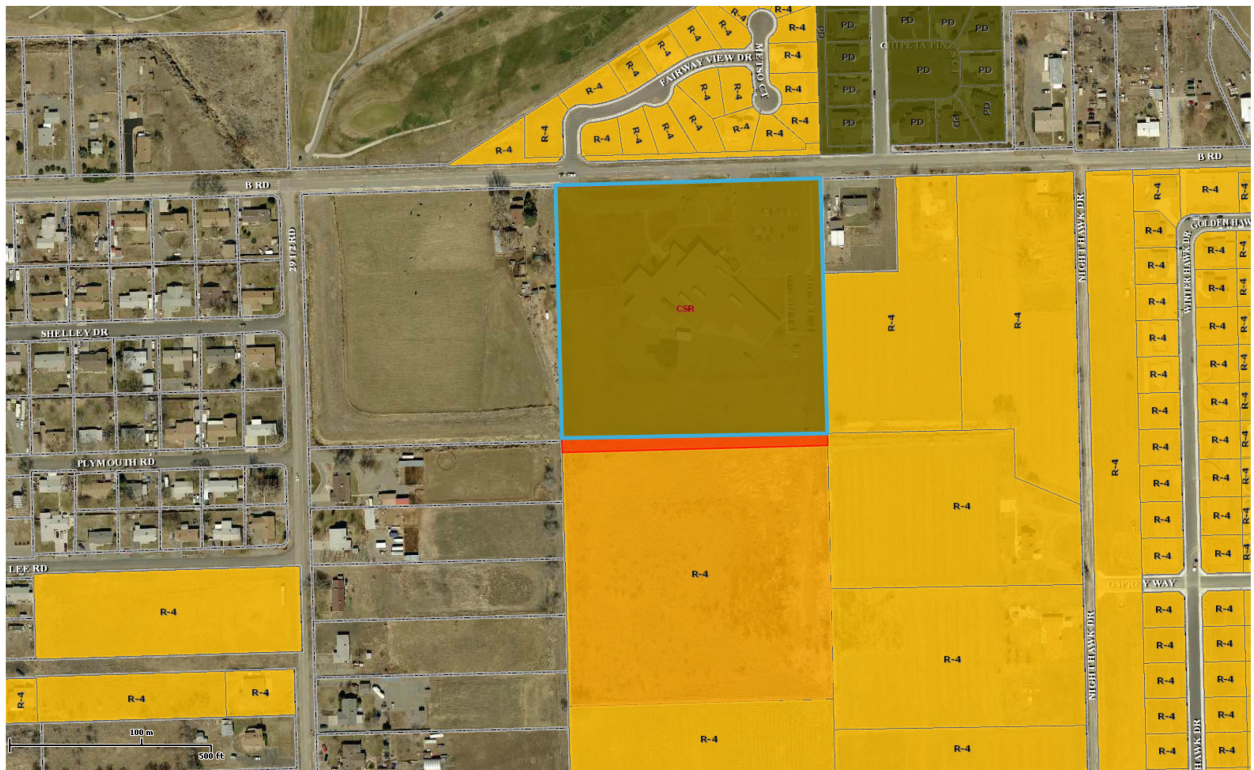
Orchard Mesa Middle School Map

BACKGROUND INFORMATION			
Location:		351 S Camp Road	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Wingate Elementary School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Large Lot Residential	
	East	Single-Family Residential	
	West	Park	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-2 (Residential – 2 units per acre)</b>	
Surrounding Zoning:	North	PD (planned Development)	
	South	County RSF-4 (Residential Single-Family 4 du/ac)	
	East	R-2 (Residential – 2 units per acre)	
	West	CSR (Community Service and Recreation)	
Future Land Use Designation:		Residential Low (.5 – 2 DU/AC)	
Zoning within density range?		X	Yes
			No



Wingate Elementary School Map

BACKGROUND INFORMATION			
Location:		2967 B Road	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Mesa View Elementary School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Vacant Land	
	East	Large Lot Residential	
	West	Large Lot Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-4 (Residential – 4 units per acre)</b>	
Surrounding Zoning:	North	R-4 (Residential – 4 units per acre)	
	South	R-4 (Residential – 4 units per acre)	
	East	R-4 (Residential – 4 units per acre)	
	West	County RSF-R (Residential Single-Family – Rural)	
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)	
Zoning within density range?		X	Yes
			No



Mesa View Elementary School Map

1. Section 21.02.140 of the Grand Junction Municipal Code

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

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

Response: With the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent.

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

Response: The proposed rezones are to bring consistency between the Zoning map and the Comprehensive Plan. Neither the character nor the condition of the area has changed or is anticipated to change since we expect the schools to remain schools for quite some time.

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

Response: Adequate facilities currently exist since the majority of the parcels are currently developed.

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

Response: N/A

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

Response: The benefit to the community is consistency between the Zoning Map and the Comprehensive Plan.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the School District 51 rezones, file number RZN-2011-1190, a request to rezone the properties listed below from CSR (Community Service and Recreation) to R-8 (Residential – 8 units per acre): Nisley Elementary, Bookcliff Middle School, Pear Park Elementary, two parcels of vacant land in Pear Park, Tope Elementary, Orchard Avenue Elementary, Lincoln Park Elementary, East Middle School, Chipeta Elementary, the Administration Annex building, Riverside Elementary, Columbus Elementary, and Orchard Mesa Middle School to R-8 (Residential – 8 units per acre); Grand Junction

High School, and West Middle School, to R-5 (Residential – 5 units per acre); Wingate Elementary to R-2 (Residential – 2 units per acre); Mesa View Elementary School to R-4 (Residential – 4 units per acre); the Vocational Center and Emerson School to C-1 (Light Commercial); and R-5 High School to B-2 (Downtown Business); the following findings of fact and conclusions have been determined:

1. The requested zones are consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a recommendation of approval of the requested rezones, file number RZN-2011-1190, to the City Council with the findings and conclusions listed above. The minutes of the meeting are attached below.

### **GRAND JUNCTION PLANNING COMMISSION DECEMBER 13, 2011 MINUTES 6:00 p.m. to 6:28 p.m.**

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

In attendance, representing the City Planning Commission, were Reggie Wall (Chair), Lynn Pavelka (Vice Chair), Ebe Eslami, Lyn Benoit, Pat Carlow, Greg Williams, and Keith Leonard.

In attendance, representing the City's Public Works and Planning Department – Planning Division were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), and Lori Bowers (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Pat Dunlap was present to record the minutes.

There were 4 interested citizens present during the course of the hearing.

#### **Announcements, Presentations, and/or Prescheduled Visitors**

Chairman Wall announced that a change in the Commission had been made – Rob Burnett and Mark Abbott have resigned. Chairman Wall thanked them for their time on the Commission. He next stated that Keith Leonard and Greg Williams were now full-

time Commissioners and welcomed both of them.

Lisa Cox (Planning Manager) said that there would not be a second meeting on December 27, 2011 and thus this would be the only Planning Commission hearing held this month.

### **Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the October 25 and November 8, 2011 Regular Meetings.

**2. Redlands Mesa Amended ODP – Planned Development**

Request a recommendation of approval to City Council to amend the Outline Development Plan for Redlands Mesa PD (Planned Development) zone district, and bring the remainder of the undeveloped parcels under the current 2010 Grand Junction Municipal Code. Included in the recommendation is a request for a ten year extension of the phasing schedule.

<b>FILE #:</b>	PLD-2011-1183
<b>PETITIONER:</b>	Bill Keogh – BrightStar Redlands Mesa Development LLC
<b>LOCATION:</b>	2299 West Ridges Blvd
<b>STAFF:</b>	Lori Bowers

Chairman Wall briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on either of the Consent Agenda items.

**MOTION: (Commissioner Pavelka) “I move we approve the Consent Agenda as read.”**

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

### **Public Hearing Items**

**3. School District 51 Rezones - Rezone**

Request a recommendation of approval to City Council to rezone 22 School District 51 parcels from a City CSR (Community Service and Recreation) to comparable City zone districts to be in conformance with the Comprehensive Plan.

<b>FILE #:</b>	RZN-2011-1190
<b>PETITIONER:</b>	City of Grand Junction
<b>LOCATION:</b>	Various

**STAFF:**

Lori Bowers

**STAFF'S PRESENTATION**

Lori Bowers, Senior Planner, addressed the Commission regarding the request to bring several school district properties from CSR zoning into conformance with the Comprehensive Plan that was adopted last year. By way of maps, she showed the school district owned properties and what the proposed zoning would be for each of the school sites. Ms. Bowers stated there were 39 properties owned by the school district and this affected approximately 22 of the sites. Sent out were 2,581 notification cards and over 100 phone calls and e-mails had been received in response to this project. Entered into the record were the written comments received by e-mail.

Ms. Bowers said that the Comprehensive Plan only allowed CSR zoning in Rural, Conservation, Mineral Extraction and Business Park Mixed Use land designations. The majority of the school sites were located in Residential Medium designations which allowed 4 to 8 units per acre. Ms. Bowers went on to state that the majority of the rezones were proposed to be R-8; however, sites were proposed for R-2, R-4, R-5 and one site to B-2 (Downtown Business) and C-1 (Light Commercial).

An open house was held on November 9, 2011 with a turnout of approximately 37 people. During the open house many people expressed their displeasure with the proposed rezones because they thought the proposed zones did not accurately reflect the character of their neighborhood. However, after the process and theory were explained, the majority did not have a problem with the rezones. Also, many phone calls were received requesting more information.

Ms. Bowers went through each of the rezones and outlined how the rezones would fit into the neighborhoods. She concluded that she found the rezones consistent with the goals and policies of the Comprehensive Plan and the pertinent review criteria of the Grand Junction Municipal Code had been met.

**QUESTIONS**

Commissioner Benoit asked for some background for the reason for the zoning changes. Ms. Bowers answered that when the Comprehensive Plan was adopted it was adopted knowing that there would be some properties that would not be in conformance with the Comprehensive Plan. Consistency would be needed for the Future Land Use Map for someone to come in and develop accordingly. The School District parcels were one part of a broader City-wide rezone that would be coming forward. She added that schools were exempt from local zoning regulations and were allowed in any zoning district with their own set of building codes and requirements from the state.

Commissioner Leonard noticed that on several of the rezonings, there were multiple zonings surrounding the properties. In those cases, he asked if the highest density or the most intensive use was used. Ms. Bowers said they went with the lowest zoning designation possible.



Commissioner Carlow asked why only 22 out of the 39 parcels were affected. Ms. Bowers said that some of the schools were already zoned with the zoning of the neighborhood.

### **PUBLIC COMMENT**

Lorentz Haugseth said that he owned property directly east of West Middle School. He asked if there would be any development on either school vacant property or the park vacant property. Chairman Wall stated that what was being proposed was to have the zoning match the surrounding area. The School District owned the property and the least intensive zoning was used to match the properties. Commissioner Carlow confirmed that this was initiated by the City and not by the School District. Lisa Cox, Planning Manager, confirmed that the City had undertaken an effort to bring consistency between the Comprehensive Plan and a series of parcels where the zoning was in conflict with the Comprehensive Plan. The Comprehensive Plan gave the overall development guidance for how they would like to see property developed over the next 25 years. Certain zone districts implemented the Land Use designation.

### **QUESTIONS**

Commissioner Eslami asked if the School District would be able to subdivide and sell the property. Ms. Cox stated that in some cases there were schools that had surplus property and if the School District decided they wanted to sell surplus property, they would be able to. However, the application now before the Commission had no impact or bearing on that. The School District could subdivide their property or sell it at any time they thought it was appropriate. If the School District was to subdivide the property and the zoning was not consistent, the purchaser would have to bring a separate rezone application to the Planning Commission and City Council.

Commissioner Carlow asked if this would make that process easier. Ms. Cox said that it would be a potential benefit to someone who might want to develop property in the future but it had no bearing on the School District subdividing their property.

Commissioner Carlow asked if he was correct in that the new owner would have to apply for a zone. Ms. Cox said that if nothing was done, then the zoning would be inconsistent with the Comprehensive Plan and the new owner would then have to bring an application to the Planning Commission and City Council to request a rezone.

Chairman Wall asked for some clarification regarding the West Middle School property. Ms. Bowers showed the park area referred to by Mr. Haugseth and stated that would remain park.

### **DISCUSSION**

Commissioner Pavelka said she believed the application would clean up some of the inconsistencies and the request was consistent with what was in the area and, accordingly, would support passing it through.

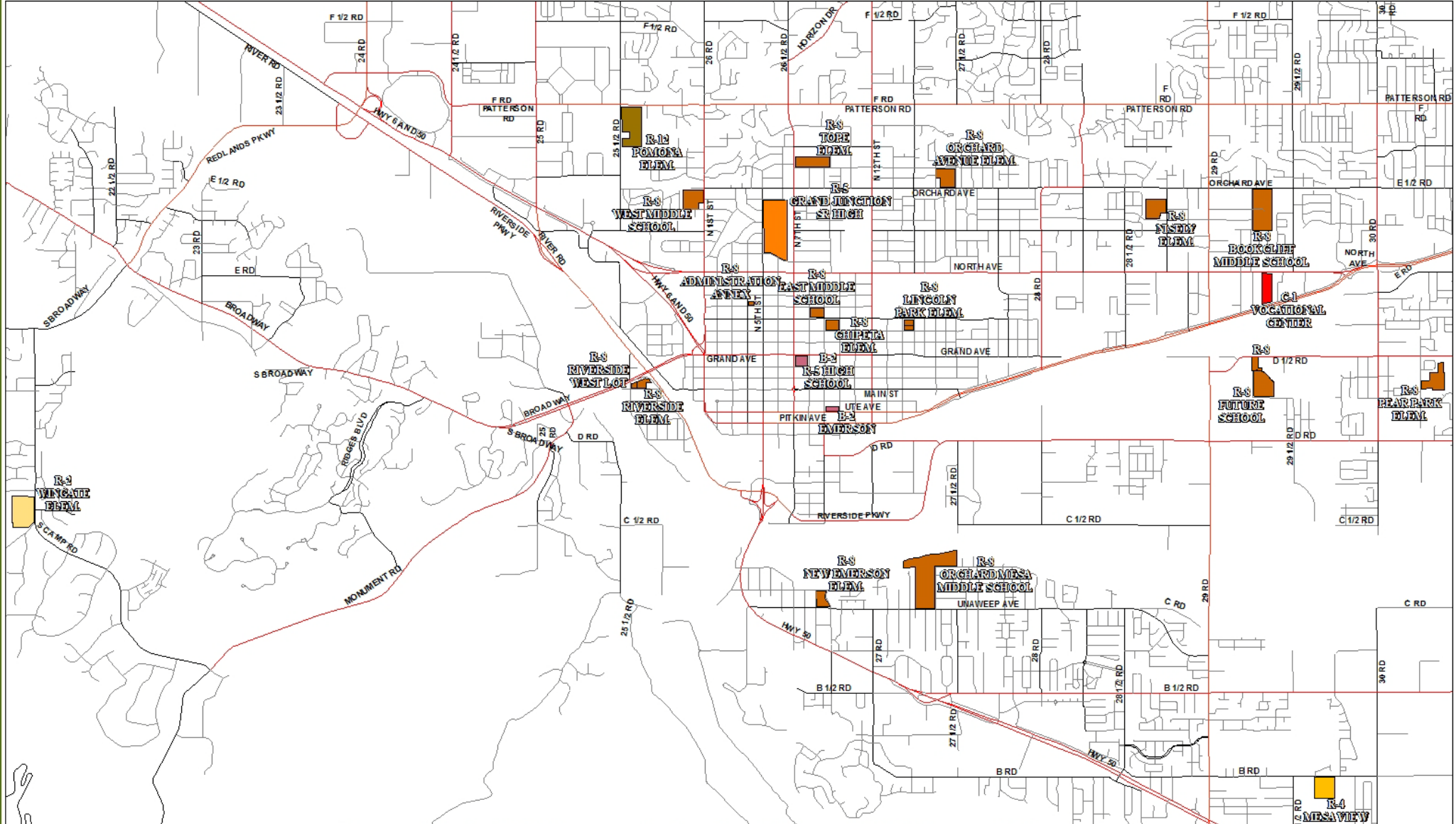
Chairman Wall said that it made sense to make the zoning consistent with what was in the area. He was glad that the zoning chosen was the least invasive of the zoning in the area. He thought it made sense to continue and improve this project.

**MOTION: (Commissioner Pavelka) “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval of the requested rezones, File No. RZN-2011-1190, to the City Council with the findings and conclusions listed above.”**

Commissioner Williams seconded the motion. Commissioner Pavelka requested she be allowed to re-read the motion.

**MOTION: (Commissioner Pavelka) “Mr. Chairman, on Rezone RZN-2011-1190, I move the Planning Commission forward a recommendation of approval for the School District rezone from CSR to the aforementioned applicable zones with the findings of fact, conclusions and the conditions listed in the staff report.”**

# School District 51 Properties that are Proposed for Rezone



**Current Zoning CSR (Community Services & Recreation) - Proposed Rezone**

<span style="color: red;">■</span>	<span style="color: purple;">■</span>	<span style="color: yellow;">■</span>	<span style="color: orange;">■</span>	<span style="color: brown;">■</span>	<span style="color: olive;">■</span>
C-1	B-2	R-2	R-4	R-5	R-8

## **School District Rezones**

There are approximately 24 properties, within the City limits, owned by the School District that are currently zoned CSR (Community Service and Recreation). The City is attempting to rezone all school properties, within the City limits, currently zoned CSR, to a zoning designation that matches or is similar to the zoning of the surrounding neighborhood. This will bring the school properties into conformance with the Comprehensive Plan that was adopted last year. Schools are allowed in any zone district, so this has no affect on the schools for their use or operation.

### ***Frequently Asked Questions***

#### **Who initiated the rezone?**

The City of Grand Junction initiated the rezones (not the School District) in order to bring the existing zoning into conformance with the City's Comprehensive Plan that was adopted last year.

#### **Is the School District going to build houses on the school sites?**

No, no application has been made by the School District to build or change anything on the school owned properties.

#### **Is the School District going to sell my neighborhood school?**

There has been no discussion with the City regarding the sale of existing schools.

#### **What does du/ac mean? Does that mean duplex?**

"du" stands for dwelling unit; "ac" stands for acres. R-8 means, Residential- 8 dwelling units per acre. R-5 means Residential – 5 dwelling units per acre, etc.

#### **Why change from CSR?**

The Comprehensive Plan only recognizes CSR zoning for Parks and Open Space, in Rural, Conservation/Mineral Extraction and Business Park Mixed Use areas.



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

### Zoning Change Open House Blue polygons, Zones 3, 7, 10, 14 and School Districts Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

Orchard Mesa

May we hear any comments or any concerns you have about proposed zoning changes?

① The R8 level of density is way to dense, makes roads too narrow & lots small.

② I don't like having school zones taken from non-residential properties & re-zoned for residential - this should be a zoning request that is totally NOT near schools & school properties and community.

Name [Signature]  
Address 331 Adams Ct  
5700 81503  
Phone 243-2777  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:  
Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

### Zoning Change Open House Blue polygons, Zones 3, 7, 10, 14 and School Districts Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

*In part - (Topo school area)*

May we hear any comments or any concerns you have about proposed zoning changes?

*Concerned that we are changing any of the school properties from Community, Precinct to residential designation. It would seem that schools should be classified the same as public parks. These spaces belong to the public, for public use and ownership. (Schools are not residential) and should not be classified as such for convenience or appearance on a map.*

Name *Mrs Margaret Beckner*  
Address *113 26 1/2 Rd.  
G. Jct.*  
Phone *242-2541*  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:  
Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



**Zoning Change Open House**  
Blue polygons, Zones 3, 7, 10, 14 and School Districts  
**Comment Sheet**

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

Orchard mesa Middle School.

May we hear any comments or any concerns you have about proposed zoning changes?

Zoning change to R-8 is inappropriate. That is too high <sup>development,</sup> density. The higher the denser, often the less quality lower-income sort of ~~development~~ residence population happens - let's face it. This is not beneficial to promote next to a middle school.

As Orchard mesa develops, if it is not for the school to expand, offices would be a better use. Open space is best. It is used for football, Basketball, Softball etc.

Name Janet Mason  
Address 2752 Cheyenne Dr  
GJ  
Phone 243-6213  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

## Zoning Change Open House

Blue polygons, Zones 3, 7, 10, 14 and School Districts

### Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

My comments are regarding East Middle School. 830 Gunnison.

May we hear any comments or any concerns you have about proposed zoning changes?

My biggest concern is that recently Washington Park was, I believe <sup>it was</sup> leased to the school district. I am worried that Washington Park would then get changed to R-8 along w/ the school. The school use of Washington Park seems to be a "grey" area as far as ownership. I understand the Comp. Plan I just want to make sure the Park stays a park. If you could please figure out the owenship of the park that would be great.

Name Jeff Warner

Address 830 HILL AVE  
G.J. CO 81501

Phone 970-485-0631

Email jeffjwarner@gmail.com

Please turn your comments in tonight or mail them to:

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



## Email Comments Received

**From:** Carrie Hinds <carriehinds@hotmail.com>

**To:** <lorib@gjcity.org>

**Date:** 11/6/2011 1:31 PM

**Subject:** East Middle School Rezone Comment

After researching and learning about the specifics of the RZN-2011-1171-East Middle School Rezone, I would like to take this opportunity to say I am 100% AGAINST this development proposal. Passing this proposal would potentially mean changing the dynamics of neighborhoods, in my opinion, in a disastrously negative way. Thanks for the chance to express my opinion on this matter. Carrie Hinds926 Hill Avenue, Grand Junction, CO 81501, 970.256.0359.

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**From:** <RWells2000@aol.com>

**To:** <lorib@gjcity.org>

**Date:** 11/8/2011 11:04 AM

**Subject:** RZN-2011-1168-Orchard Ave. Elementary Rezone-1800 Orchard Ave

We are the owners of property at 2135 N. 20th St. and received a notice concerning the above-referenced proposal to change the zoning for the subject property from City CSR (Community Services and Recreation) to City R-8 (Residential-8 du/ac). In a telephone conversation with Rex Wells on November 7, you indicated this proposal was initiated by the City of Grand Junction (City) to "clean up the maps" relative to the City's comprehensive plan and that there was no development or change to the subject property currently being proposed. You also indicated the intent of the City CSR zoning designation is primarily (but not always) for City-owned properties.

We strongly oppose the proposed zoning change and believe the zoning designation for the subject property should remain as is. In fact, if the City's comprehensive plan includes provisions that the zoning of such properties should be changed to the same designation as surrounding properties, we believe the comprehensive plan should be changed.

The closest City park to this neighborhood is Rocket Park which is some distance away. Publicly-owned properties such as the Orchard Avenue Elementary School are important as open space for local neighborhoods and the zoning of such properties

should reflect that importance, as the current zoning designation for the property does. Under the current zoning designation, if the school district should ever decide to sell the property to a private individual or a developer, a change of zoning request would be required to change the use of the property and would likely be a condition of the sale. Such a request would require notice to nearby residents of the potential change of ownership and use of the property and provide an opportunity for comment by those residents. Changing the zoning at this time would eliminate such notice and opportunity for comment, and the first time that nearby residents might be informed of changes to the property might be when a new owner submitted a subdivision plat. However, any subdivision plat that would conform to the City R-8 zoning would likely be approved.

We do not believe the rationale for "cleaning up the maps" is a compelling reason for this action. Whenever a comprehensive plan is adopted, there are generally properties that are anomalous to the plan because of previous zoning designations and/or have "grandfathered" property rights that must be accounted for in future actions. Thus, the current zoning designation does not appear to place an undue burden on the City, and as stated above, actually serves to highlight the public ownership and importance of the property.

We received the notice for this proposed action on November 3, 2011, and the notice states that comments should be received by November 8, 2011. We believe this is an unreasonably short time for research into the proposal and the submission of comments. In addition, the mailed notice had very little information on the proposal and a search of the City's website on November 7 indicated that no information on the proposal (even its existence) had been posted to the website. If the City wishes to receive meaningful comment on such proposals, information should be readily available and sufficient time should be provided for residents to research and comment. Even though you indicated there would be future opportunities for public involvement in this matter, the public should be provided ample time at all comment opportunities. However, we do appreciate you returning a telephone call and for the information you provided over the telephone.

Sincerely,  
Rex Wells  
Judy Wells  
Kathleen Carlson

---

John Thomas  
321 Quail Drive  
Grand Junction, Co 81507  
970.245.1195  
juano@bresnan.net

Ladies and Gentlemen of the Planning Commission and City Council In the matter of rezoning District 51 properties:

My general comment is that a blanket rezone of school properties from CSR to the zone of surrounding developed properties, such as an R2 zone, is inappropriate. The lands owned by the District are quite diverse and some of them include parks and other valuable public recreation facilities. Instead of a blanket rezone I would suggest that the District propose a list of properties that they consider "surplus" and request the rezone of those properties. The remaining properties should remain under the CSR zone for its increased protection.

And now a comment on a specific property to emphasize its value and to support my comment above. The Wingate School parcel includes a five acre piece that has been developed into a neighborhood park. Wingate park is considered by the neighbors to be a real gem, beautifully landscaped and maintained by the City. It is very popular and its uses include active play for all of the after school sports activities of the kids, as a popular walking spot for a great many of the adult population, and the Pavilions are well used for family and neighborhood gatherings. I believe you will find strong support for this land to remain a park.

The park land was given to the District as a condition for development of neighboring Canyon View Subdivision expressly for use as a neighborhood park facility. This five acre piece is contiguous to the Canyon View development and as such has available to it the access and all utilities needed for redevelopment. At some time in the future this School Board or another being strapped for cash may be tempted to detach and develop this parcel, as the original school land could stand alone as a school ground. In this era of financially stressed school districts and municipalities, I don't think that suggesting this possibility is a stretch, but rather a prudent assessment of current and future conditions. Understanding that a review would have to take place for development to occur, I still maintain that a future request for a rezone from CSR to R2 poses a much higher hurdle for the District to overcome than if a development zone is in place. Lori Bowers commented to me that there are several other school parcels that include property acquired by gift. I don't think it places an unreasonable burden on the District to request a rezone for parcels such as Wingate. The covenant between giver and receiver is an abiding promise that requires special recognition and the utmost support and protection from the City in these matters.

Sincerely,

John Thomas  
Developer, Canyon View Subdivision, Neighborhood resident

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**From:** EP Heuscher <efh0205@tds.net>  
**To:** <lorib@gjcity.org>  
**Date:** 11/8/2011 3:21 PM  
**Subject:** OMMS area should be zoned to reflect all of the nearby properties.

Dear Lori Bowen,

City of GJ Planning Dept.

Thank you so much for your reply it is much appreciated.

Regarding the zoning, I was the representative from the City portion of OM on the OM Master Plan. The nearby zoning for the Laguna area subdivision, immediately adjacent to the school, the Cheyenne Drive homes directly across from the Eagle Rim Park are not built out to RSF8 but rather 4 or 5. I do not know what the zoning was when the homes were built but they have been there more than 30 years! The Eagle Subdivision adjacent to Laguna and Cheyenne were probably built 4U/acre but the zoning was officially for 5 because neighbors did not want RSF 8 and they successfully had it rezoned.

Also, there are many areas built out to 2U/ acre very close to the school and some very large properties with one house on several acres immediately adjacent to Eagle Rim Park. Therefore considering all of the areas very close to the school, the zoning should be 4 or perhaps 5 U/ an acre definitely not at the 8u/acre density. In other words it should reflect the whole area. Please adhere to this request and the request of others who own property in the area and feel that 4 or 5 U/ an acre most closely matches the area not only when the Master Plan was adopted but after the building of an entirely new subdivision next to Laguna and next to the 30 year old lower density homes of Cheyenne Drive.

Sincerely,

Penny Heuscher

Representative to the OM Master Plan

330 Mountain View Ct

---

**From:** "ALLEN B SMITH" <absjcs@msn.com>  
**To:** "Lori Bowers" <lorib@ci.grandjct.co.us>  
**Date:** 11/7/2011 4:30 PM  
**Subject:** Re: Lincoln Park Elementary Rezone

Lori--

Thank you so much for the information. This certainly makes sense. Sounds like a good idea.

Janet Smith 622 N. 16th St. 245-2019

----- Original Message -----

From: Lori Bowers<mailto:lorib@ci.grandjct.co.us>

To: ALLEN B SMITH<mailto:absjcs@msn.com>  
Sent: Monday, November 07, 2011 2:48 PM  
Subject: Re: Lincoln Park Elementary Rezone

Janet,

The rezoning is a City initiated rezone (not a request by the School District). The City is attempting to rezone all school properties currently zoned CSR and bring them into conformance with what the surrounding neighborhood zoning is. Schools are allowed in any zone district. By rezoning these properties it cleans up the City's zoning map and brings it into conformance with the City's Comprehensive Plan, which was adopted last year. R-8 means Residential, 8 dwelling units per acre. Nothing is happening with the school, nor are there any plans at this point in time. This affects 24 school owned properties in the City limits, as I mentioned above the only thing changing is the zoning map, nothing on the ground.

Lori V. Bowers, Senior Planner  
Public Works, Planning Division  
970-256-4033  
lorib@gjcity.org<mailto:lorib@gjcity.org>

>>> On 11/6/2011 at 6:21 PM, in message  
<BAY153-ds541D002CCB6B5C292597CCFD90@phx.gbl>, "ALLEN B SMITH"  
<absjcs@msn.com> wrote:

Hi Lori--

Since my work schedule will not allow me to come to city hall to examine the above rezone documents and even coming to the hearing on Nov. 9 may be difficult, I have a couple of questions.

1. I believe this is where the school is located. What is whoever asking for the rezone planning on doing? Are they going to tear the school down and use the property for housing? If the school is going to stay, what is the point?

2. What does the residential code R-8 mean exactly. Does this mean single family homes or apartments or something else?

Answers to these two questions will determine if I have other comments.

Thank you for your time.  
Janet Smith  
622 N. 16th St. 245-2019

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**From:** Nancy Kendrick <nakendrick@hotmail.com>  
**To:** <lorib@gjcity.org>  
**Date:** 11/7/2011 10:25 AM  
**Subject:** Chipeta Elementary & East Middle Schools Rezone

Hello Lori.

Thank you for returning my call and providing additional information about the rezone. I apologize I missed it.

As the rezoning may help in cleaning up the maps to be consistent with the master plan, I do have concerns. If the properties are rezoned to City R-8 then there is potential for Two-Family and Multifamily dwellings. I do not feel this is consistent with the current zoning of the neighborhood and does not fit with the neighborhood. The current CSR zoning fits well with the existing neighborhood.

I would be against the rezone.

Thank you for allowing comment on this issue.

Nancy Kendrick  
926 Hill Ave

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING 22 SCHOOL DISTRICT 51 OWNED PROPERTIES FROM CSR (COMMUNITY SERVICE AND RECREATION) TO R-2, R-4, R-5, R-8, B-2 AND C-1 LOCATED THROUGHOUT THE CITY**

Recitals.

With the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent. To encourage appropriate reuse, should the School District decide to sell a school site, the property would already be zoned appropriately for redevelopment.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the 22 properties from CSR (Community Service and Recreation) to the R-8 (Residential – 8 units per acre); R-5 (Residential – 5 units per acre); R-4 (Residential – 4 units per acre); - R-2 (Residential – 2 units per acre); B-2 (Downtown Business); and C-1 (Light Commercial) zone districts for the following reasons:

The zone districts meet the recommended land use categories as shown on the Future Land Use Map of the Comprehensive Plan, and the Comprehensive Plan's goals and policies and are generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the aforementioned zone districts be established.

The Planning Commission and City Council find that the zonings are in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following properties shall be rezoned:

543 28  $\frac{3}{4}$  Road – Nisley Elementary - R-8 (Residential – 8 units per acre)

540 29  $\frac{1}{4}$  Road – Bookcliff Middle School - R-8 (Residential – 8 units per acre)

432 30 ¼ Road – Pear Park Elementary - R-8 (Residential – 8 units per acre)

2927 D ½ Road – Vacant Land in Pear Park - R-8 (Residential – 8 units per acre)

D ¼ and 29 ¼ Roads – Vacant Land Pear Park, tax parcel 2943-173-34-941 - R-8 (Residential – 8 units per acre)

123 W Orchard Avenue – West Middle School - R-8 (Residential – 8 units per acre)

2220 N 7<sup>th</sup> Street – Tope Elementary – R-8 (Residential – 8 units per acre)

1800 Orchard Avenue – Orchard Avenue Elementary - R-8 (Residential – 8 units per acre)

600 N 14<sup>th</sup> Street – Lincoln Park Elementary - R-8 (Residential – 8 units per acre)

830 Gunnison Avenue – East Middle School - R-8 (Residential – 8 units per acre)

950 Chipeta Avenue – Chipeta Elementary - R-8 (Residential – 8 units per acre)

410 Hill Avenue – Administration Annex Building - R-8 (Residential – 8 units per acre)

552 W Main Street – Riverside Elementary, 2 parcels - R-8 (Residential – 8 units per acre)

2660 UnawEEP Avenue – Columbus Elementary - R-8 (Residential – 8 units per acre)

2736 UnawEEP Avenue – Orchard Mesa Middle School - R-8 (Residential – 8 units per acre)

1400 N 5<sup>th</sup> Street – Grand Junction High School - R-5 (Residential – 5 units per acre)

2967 B Road – Mesa View Elementary - R-4 (Residential – 4 units per acre)

351 S Camp Road – Wingate Elementary - R-2 (Residential – 2 units per acre)

310 N 7<sup>th</sup> Street – R-5 High School - B-2 (Downtown Business)

930 Ute Avenue – Emerson School - C-1 (Light Commercial)

2935 North Avenue – Vocational Center - C-1 (Light Commercial)

**INTRODUCED** on first reading the 16<sup>th</sup> day of January, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.



ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



Date: January 13, 2012  
Author: Shelly Dackonish  
Title/ Phone Ext: Senior Staff  
Attorney/ Ext: 4042  
Proposed Schedule:  
1<sup>st</sup> Reading: January 16, 2012  
2nd Reading: February 1, 2012  
File Number: ZCA-2011-1313

**Attach 11**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet form of the Proposed Ordinance.
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lisa Cox, Planning Manager

**Executive Summary:**

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

**Background, Analysis and Options:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development and business communities, as well as enhance its effectiveness.

The proposed amendment to Section 21.08.020(b)(1) eliminates a provision that allows no more than a 20% (based on floor or ground area) expansion of a nonconforming, nonresidential use of land. That limitation was imposed to encourage use of land in accordance with what is allowed in the applicable zone district. Staff has found, however, that the ability to expand a nonconforming use where site limitations themselves do not constrain such expansion provides a valuable tool for citizens who are not in a position to relocate and, under the current economic constraints, may also support the highest and best use of a given piece of property. With this amendment, nonconforming uses will still be required to otherwise meet the standards of the Code when they are expanded.

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

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

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

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing to property and business owners flexibility and the opportunity to maximize use of lands containing a lawful nonconforming use.

**Board or Committee Recommendation:**

The Planning Commission voted to recommend approval of the proposed amendment at its January 10, 2012 meeting with the following findings of fact and conclusions:

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

**Financial Impact/Budget:**

There are no anticipated financial or budget impacts.

**Legal issues:**

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.08.020(b)(1)  
OF THE GRAND JUNCTION MUNICIPAL CODE**

**Recitals:**

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

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.08.020(b)(1) currently limits expansion of otherwise lawful nonconforming, nonresidential uses to 20% of the floor or ground area.

The Grand Junction City Council desires to encourage the highest and best use of the land within its boundaries in accordance with applicable law, and finds that allowing expansion of otherwise lawful nonconforming, nonresidential, uses without imposing an arbitrary limitation thereon, furthers that goal.

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

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

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment eliminating the 20% limitation on expansion of otherwise lawful nonconforming, nonresidential uses will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.08.020(b)(1) is amended as follows (deletions shown by strikethrough, additions are underlined):

(b) Nonresidential Uses.

(1) Expansion. In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded up to 20 percent of ~~the existing gross floor area as it existed on April 5, 2010,~~ provided all other provisions of this code are met. ~~An outdoor operations/storage/display area may be expanded by up to 20 percent beyond the area of the square footage of the operations/storage/display area as it existed on April 5, 2010, provided all other provisions of this code are met.~~ Nonconforming use shall not be expanded in any residential zoning district.

All other provisions of Section 21.08.020 shall remain in full force and effect.

INTRODUCED on first reading the 16th day of January, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

21.08.020(b)(1) [clean text]

(b) Nonresidential Uses.

(1) Expansion. In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this code are met. Nonconforming use shall not be expanded in any residential zoning district.



Date: January 13, 2012  
 Author: Shelly Dackonish  
 Title/ Phone Ext: Senior Staff  
 Attorney/ Ext: 4042  
 Proposed Schedule:  
 1<sup>st</sup> Reading: January 16, 2012  
 2nd Reading: February 1, 2012  
 File Number: ZCA-2011-1315

**Attach 12**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet form of the Proposed Ordinance.
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director

**Executive Summary:**

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

**Background, Analysis and Options:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development and business communities, as well as enhance its effectiveness.

The proposed amendment to Section 21.06.010(f) eliminates a requirement for a developer to remove overhead utilities along alleys abutting the development and install them underground, and also clarifies when underground utilities are required and when payment of a fee in lieu may be acceptable.

City Staff has determined that overhead utilities have less visual impact along alleys than they do along streets, and that it is in many instances more costly to underground utilities in or along alleys than along streets, due to the numerous local connection points of utilities along alleys.

The proposed change is also more consistent with the practice of not requiring undergrounding of utilities in the context of alley improvement districts.

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

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

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

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

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

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by reducing the cost to developers for infill development and thereby encouraging appropriate reuse of land and revitalization of existing commercial areas, and helping to develop and enhance a healthy, diverse economy.

### **Board or Committee Recommendation:**

The Planning Commission voted to recommend approval of the proposed amendment at its January 10, 2012 meeting with the following findings of fact and conclusions:

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

### **Financial Impact/Budget:**

This will result in collection of fewer fees in lieu of undergrounding, especially in infill areas where alleys are most common. Because the fees collected were designated for undergrounding utilities, however, and the utilities along alleys will not be installed underground such that associated costs will not be incurred, the impact is expected to be negligible.

### **Legal issues:**

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

### **Other issues:**

N/A

### **Previously presented or discussed:**



N/A

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.06.010(f)  
OF THE GRAND JUNCTION MUNICIPAL CODE**

**Recitals:**

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

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.06.010(f) currently requires a developer to underground existing overhead utilities along streets and alleys that are contiguous with the development, and allows payment of a fee in lieu of undergrounding under certain circumstances.

The Grand Junction City Council finds that it is in the best interest of the community to allow overhead utilities along alleys to remain overhead.

The Grand Junction City Council desires the Zoning and Development Code's infrastructure standards to be clear so that a developer can anticipate with as much accuracy as possible costs associated with a development, and finds that the proposed amendment clarifies the requirement to install utilities underground.

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

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

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment eliminating the requirement for undergrounding overhead utilities along alleys will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.06.010(f) is amended as follows (deletions shown by strikethrough, additions underlined):

(f) Utilities. Utilities, including, but not limited to, telephone, cable, television, electric, and natural gas, shall be provided ~~by, and paid for, by the developer.~~ All utilities and shall be installed underground. ~~All existing overhead utilities along streets contiguous with the development shall be installed underground prior to street or alley surfacing or construction, except when~~ When the development has less than 700 feet of frontage along a street and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the ~~Public Works and Planning Director~~ has discretion to accept a payment of cash in lieu of requiring the developer to underground the existing overhead utilities ~~construction may be accepted.~~ The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (e.g., pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the ~~City Engineer~~ Director.

All other provisions of Section 21.06.010 shall remain in full force and effect.

INTRODUCED on first reading the 16th day of January, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

Section 21.06.010(f) [clean text]

(f) Utilities. Utilities, including, but not limited to, telephone, cable, television, electric, and natural gas, shall be provided and paid for by the developer and shall be installed underground. All existing overhead utilities along streets contiguous with the development shall be installed underground prior to street construction. When the development has less than 700 feet of frontage along a street the Director has discretion to accept a payment of cash in lieu of requiring the developer to underground the existing overhead utilities. The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (e.g., pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the Director.