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**CITY COUNCIL AGENDA  
WEDNESDAY, FEBRUARY 3, 2016  
250 NORTH 5<sup>TH</sup> STREET  
6:15 P.M. – ADMINISTRATION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

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

Pledge of Allegiance  
A Moment of Silence

**Proclamation**

Proclaiming Friday, February 5, 2016 as “Grand Junction **Denver Broncos** Day” in the City of Grand Junction [Attachment](#)

**Appointments**

To the Parks and Recreation Advisory Board

To the Forestry Board

**Citizen Comments**

[Supplemental Documents](#)

**Council Comments**

*Revised February 4, 2016*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

\* \* \* CONSENT CALENDAR \* \* \*

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

*Action: Approve the Summary of the January 18, 2016 Workshop, the Minutes of the January 20, 2016 Regular Meeting, and the Minutes of the January 20, 2016 and January 25, 2016 Special Sessions*

2. **Setting a Hearing on Zoning the Fox Meadows #2 Annexation and the Fox Meadows Access Plan Amendment, Located at 3175 D ½ Road** [Attach 2](#)

A request to zone 8.309 acres from County RSF-R (Residential Single-Family Rural) to a City R-5 (Residential 5 du/ac) zone district.

Includes a request for an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point to D ½ Road from property known as Fox Meadows, located at 3175 D ½ Road.

Proposed Ordinance Zoning the Fox Meadows Annexation No. 2 to R-5 (Residential 5 du/ac), located at 3175 D ½ Road

Proposed Ordinance Amending the Comprehensive Plan, Specifically the Pear Park Neighborhood Plan, more Specifically the Transportation Access Management Plan, a Part of the Grand Valley Circulation Plan, to Revise the Access Point on D ½ Road to Allow Direct Access into Property Known as Fox Meadows, Located at 3175 D ½ Road

*Action: Introduce Proposed Ordinances and Set a Public Hearing for February 17, 2016*

Staff presentation: Brian Rusche, Senior Planner

3. **Setting a Hearing Amending Sections of the Zoning and Development Code to Allow the Planning Commission to Approve a Conditional Use Permit (CUP) Prior to Site Plan Review** [Attach 3](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by allowing the Planning Commission to approve the conditional use of a property, prior to site plan approval. Through the use of a site sketch the Planning Commission may make findings to determine that necessary site design features or mitigation measures will be taken to enhance or deter certain impacts to the neighborhood.

Proposed Ordinance Amending Sections 21.02.110 Conditional Use Permit (CUP) and Section 21.06.070 (G)(5) Planned Development and Conditional Uses

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 17, 2016*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

4. **Sole Source Approval to Use Underground Solutions 18” Diameter Fusible PVC Plastic Water Pipe for the City’s 2016 Waterline Replacement Project** [Attach 4](#)

This request is to authorize the City Purchasing Division to sole source purchase 3,650 lineal feet of 18” diameter Fusible C-905 PVC plastic water pipe from Underground Solutions for the 2016 Waterline Replacement Project. Underground Solutions is the sole vendor and distributor in the USA of Fusible PVC pipe and also has a patent on Fusible PVC pipe.

*Action: Authorize the City Purchasing Division to Sole Source the Purchase of Underground Solutions Fusible PVC Plastic Water Pipe in the Amount of \$205,155 for the 2016 Waterline Replacement Project*

Staff presentation: Greg Lanning, Public Works Director  
Jay Valentine, Internal Services Manager

5. **Amending Provisions for Avalon Theatre Naming Rights** [Attach 5](#)

This request is to review and approve the amended monetary and term levels for naming rights at the Avalon Theatre as stated in Resolution No. 68-13.

Resolution No. 05-16—A Resolution Amending Resolution No. 68-13 which Authorized the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre

*Action: Adopt Resolution No. 05-16*

Staff presentation: Debbie Kovalik, Convention and Visitor Services Director

6. **Non-Scheduled Citizens & Visitors**
7. **Other Business**
8. **Adjournment**





# Grand Junction

State of Colorado

## PROCLAMATION

*WHEREAS, the Grand Junction community has shown undying support of the Denver Broncos over the course of the team's existence; and*

*WHEREAS, the team had a successful 12 and 4 season; and*

*WHEREAS, the team recently won the AFC Division Championship over the New England Patriots; and*

*WHEREAS, the team will be representing the AFC in Super Bowl 50 against the Carolina Panthers on Sunday, February 7<sup>th</sup>; and*

*WHEREAS, the citizens of Grand Junction are proud of the team and are excited to watch the Broncos represent Colorado on the international stage; and*

*WHEREAS, the citizens of Grand Junction look forward to a Super Bowl victory for the Denver Broncos; and*

*NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim Friday, February 5, 2016 as*

***“GRAND JUNCTION DENVER BRONCOS DAY”***

*in the City of Grand Junction, and encourage the entire community to show their support for our victorious professional football team.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 3<sup>rd</sup> day of February, 2016.*

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Mayor



**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY**  
**January 18, 2016 – Noticed Agenda Attached**

Meeting Convened: 5:00 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:50 p.m.

City Council Members present: All, Councilmember Traylor Smith arrived at 5:03 p.m.

Staff present: Moore, Shaver, Romero, Valentine, Finlayson, Hockins, Prall, Dackonish, Thornton, Portner, Lanning, Schoeber, Watkins, Vensel, Rice, Camper (arrived at 6:03 p.m.), and Tuin

Also: Richard Swingle, Allison Blevins, Diane Kruse (NEOfiber Consultant), Les Miller, and Amy Hamilton

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Interim City Manager (ICM) Tim Moore opened the meeting and introduced NEOfiber Consultant, Diane Kruse.

Agenda Topic 1. Wireless and Broadband Master Plan Update

Broadband Update

Ms. Kruse highlighted the following points included in the Staff Report: industry context, why existing networks (broadband and cellular) are overloaded, the importance of business/home use and needs, examples of economic development due to broadband expansion/improvement, challenges/costs of improving broadband (fiber to the premise), options/strategies to solve service gaps, and current efforts.

Ms. Kruse detailed options the City could take to encourage providers to increase local Broadband services: incorporate incentives to build infrastructure into policies, ordinances, and RFP's (requests for proposal), provide infrastructure for private providers, create public/private service partnerships, leverage grant funding, and fully provide service. She noted there is a huge gap between the costs and services available in the Valley compared to other areas and said the worldwide average cost per megabit is \$1.39. Communities like Chattanooga, TN (currently ranked in the top 25 of the most cost effective US cities to live in) that have "fiber to the premise" are as low as \$.07 per megabit. Local geography and population density contributes in part to the Valley's higher costs.

Ms. Kruse also reviewed efforts currently underway that would facilitate a more Broadband friendly environment and encourage its deployment: Community Outreach Meetings are scheduled in February, an RFP was sent out for the Downtown Development Authority Pilot Broadband Project, GIS (Geographic Information System) mapping of existing assets, three surveys have been sent out, and City policies and ordinances are being reviewed to include the implementation of Broadband infrastructure. The Broadband Committee and Staff Attorney Shelly Dackonish recommend incorporating the following into City policies and ordinances: installing shadow conduit when there is an open trench (to date, this has been done through partnerships), creating land development initiatives (have developers install conduit along with utilities), establishing a GIS database of existing utility assets, and implementing set-a-side funding for future infrastructure.

Concerns were raised that public perception may be that the City is moving toward public (rather than private) ownership of broadband services. Information Technology Director Jim Finlayson said it has been made clear during meetings that the City's preference is to ensure the service is provided by private sector entities.

Council President Norris said citizens indicated by their vote they want the City to do something to improve services. There was discussion regarding advertising options for the Business and Residential Survey on the City's website in order to get the best results possible and how to inform the citizens on the steps the City has and is taking. The Outreach and Public meetings will also be advertised.

That concluded the Broadband update.

### Wireless Update

The Wireless Master Plan consultant is CityScape Consultants. Information Technology Director Jim Finlayson updated the Council on CityScape's progress since May 2015. He detailed the tower infrastructure Coverage and Gap (current and theoretical) Maps (the Persigo 201 Boundary was used as the "city limit"). CityScape has recommended the City fill coverage gaps by: maximizing existing towers through colocation, building 11 to 18 more towers within the next 15 years (preferably on public property), and revising Development Codes to reflect new FCC (Federal Communications Commission) regulations and establishing construction preference options. Currently, most local tower use is commercial (microwave and radio). He noted a tower builder invited to a City Wireless meeting praised the City's initiative to design an ordinance addressing the wireless industry and expressed interest in working with the City (towers are typically owned by the builder).

Mr. Finlayson listed some recent changes in the wireless industry: there is increased holiday shopping and media use on wireless networks, Verizon implemented network upgrades to XLTE (available in some local areas) and is moving toward 5G in 2017. 5G will shrink coverage areas while providing a higher level of service so more towers will be needed. He stressed both wireless and broadband improvements are essential and go hand in hand.

Mr. Finlayson also reviewed the Wireless Master Plan survey results. Respondents preferred maximizing existing cell tower capacity, preferred towers to be concealed, and be placed in non-residential and non-park areas. He said 32 City sites have been identified as possible tower locations and he cited reasons City property would be preferred: there would be more control regarding the tower locations, construction, and maintenance; there would be expedited permitting for prescreened properties (also available for private property); and there would be lease revenue.

Concerns were raised regarding the preference to build on public property (public safety towers will be exempted and only be constructed on public property sites), how public property prescreening could compete with interested private landowners (private properties could also be prescreened), tower heights (dependent on coverage area), and ensuring enough notice would be given to the public regarding tower construction locations.

SBA Communications Corporation, a tower builder, has asked the City to locate a tower at Fire Station #2. Council would like Staff to move forward with the tower request at Fire Station #2 and an ordinance outlining construction preferences.

Mr. Finlayson reviewed the next steps for the Wireless Master Plan and noted a goal is to have the other local municipalities adopt the same philosophy on their Wireless Plans as the City; the County is also interested in what revisions the City makes to the Code.

### Agenda Topic 2. First Street Design Concepts

Trent Prall, Public Works Engineering Manager, provided an update on the North Avenue Complete Streets Project. He explained the contract was not awarded because none of the businesses bidding were disadvantaged (minority owned and staffed) to the extent required by the Colorado Department of Transportation so none were able to meet the initial rebidding requirements. Now bidding

requirements have been lowered and a pre-bid meeting is scheduled on held January 20<sup>th</sup> with construction anticipated to begin in early April. The City was not successful regarding the TIGER Grant.

Mr. Prall then reviewed the 1<sup>st</sup> Street (from North Avenue to Ouray Avenue) Design Plan, noting the safety factors that will be addressed, and listing the “road diet” design goals: improved mobility and access for all modes of traffic, elimination of dangerous left turns, creation of a center turn lane, parallel parking, and the addition of sidewalks and bike lanes (it is hoped this concept can be extended north to Patterson Road). He said transitioning from four lanes to the proposed three lanes with medians will improve safety by reducing conflict points; he detailed the design safety statistics and explained it could be expanded to five lanes if needed, although traffic estimates through 2040 would not warrant expansion. The project cost estimate is \$2.8 million and will include the installation of fiber conduit with access boxes along 1<sup>st</sup> Street and shadow conduit to provide fiber access to the alleys, and require right-of-way clean-up with six properties. Underground utility installation will be funded through the Xcel Energy Undergrounding Fund; however most utilities have already been installed.

Councilmember Traylor Smith suggested expanding the North Avenue Revitalization Grant Program to this area with the hope businesses would be encouraged to keep their properties looking nice.

Councilmember Taggart expressed concern regarding possible conflicts between bicyclists in the bike lanes and the use of the parallel parking spaces. Mr. Prall said the demand for parallel parking is not anticipated to be high and will provide drivers with increased visibility. Mr. Prall said they will next meet with property owners and then move forward with the design and right-of-way acquisitions; construction is anticipated to begin late fall of 2016 and is budgeted over 2016 and 2017.

### Agenda Topic 3. Retreat Topics

ICM Moore said Department Heads proposed four core topics for the Council Retreat: chronic homelessness, sustainable funding for the Grand Junction Regional Communications Center, Valley wide EMS (emergency medical services)/Fire District Authority, and new revenue sources including TABOR (taxpayer bill of rights) discussions.

Councilmember Traylor Smith proposed a comprehensive review of the Economic Development (ED) Budget; she would like to know from where the ED funds come, how it is currently spent, and how funding can be sustained for future growth. Council President Norris said some of North Star Destination Strategies suggestions could be handed over to other entities lessening the City’s financial responsibilities to ED.

Councilmember Taggart would like to identify services (along with EMS/Fire) that could be consolidated between the City and County. This topic is on the agenda for the City County Meeting scheduled for January 25<sup>th</sup>. Discussion ensued regarding possible conflicts between entities, loss of autonomy, service delivery to citizens, how best to determine which services could be combined, and budget constraints specifically for emergency services and the transit system, both of who’s funding is unsustainable.

Councilmember Boeschstein suggested creating metropolitan districts for some of the issues and wanted to look at valley-wide solutions. He also mentioned the 2030 Comprehensive Plan should be reviewed.

Councilmember Kennedy asked for additional information for the upcoming Executive Session. City Attorney Shaver said information will be provided at the Retreat.

#### Agenda Topic 4. Other Business

Council President Norris said Staff appraisals will be conducted at the end of February; 360 degree reviews were suggested in order to provide more comprehensive reviews. ICM Moore will discuss this option with Human Resources Director Claudia Hazelhurst.

Councilmember Taggart asked for the ED spreadsheet to be updated to include contributions from the other local municipalities on some of the items.

ICM Moore handed out the updated ED Budget, which now includes the City contributions to USA Pro Cycling Challenge (\$50,000) and the Homeless Shelter (\$43,495), and the City/County Partnership spreadsheets. He noted the TABOR calculation has also been sent out.

With no further business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL  
MONDAY, JANUARY 18, 2016**

**WORKSHOP, 5:00 P.M.  
CITY HALL AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

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

**1. Wireless and Broadband Master Plan Update:**

For the City's broadband master plan, Diane Kruse with NEOfiber will give a presentation to update City Council on the work to-date, and will discuss next steps for expanding and enhancing the broadband capacity in the City. For the City's wireless master plan, Staff will provide an update and seek Council direction.

**2. First Street Design Concepts:**

The City's 2016-2017 Capital Improvement Program includes the reconstruction of 1st Street from Ouray Avenue to North Avenue. Staff has developed a concept that not only reconstructs the street, but also meets future capacity needs, maintains current on-street parking, improves safety, accommodates bikes/pedestrians, and constructs aesthetic improvements that should help set the stage for private redevelopment/reinvestment in the corridor. Staff is looking for Council feedback on the proposed improvements prior to public outreach/public participation.

**3. Retreat Topics**

**4. Other Business**

**5. Board Reports**



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

**January 20, 2016**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of January, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and Council President Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Traylor Smith led the Pledge of Allegiance which was followed by a moment of silence.

**Presentations**

**Champion of the Arts Award**

Rob Schoeber, Parks and Recreation Director, introduced Darcy Johnson, Chair of the Arts and Culture Commission. Ms. Johnson provided background on the Champion of the Arts Award program since 1996, and advised that they annually invite the community to nominate local businesses, organizations, and individuals for the Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to the cultural community, and/or promotion of area artists. Original artwork from premier local artists are presented as the award.

The Grand Junction Commission on Arts and Culture chose Tillie Bishop as the Champion of the Arts in the Individual Category for his service as Chairman of the Legends of the Grand Valley Committee since 2007. Ms. Johnson detailed all of his contributions to the arts in Grand Junction. The original artwork presented was painted by David Mosher. Mr. Bishop thanked the selected artist and Jacquie Chappell Reid for her nomination. He noted that history is traced through the arts.

**Jump Start Businesses**

Kristi Pollard, Executive Director of Grand Junction Economic Partnership, advised that this community opted into the new Jump Start program and local elected officials went above and beyond on incentives to be provided under the program. She thanked them for their support. She introduced two of the companies and described them and their plans. Atlasta Solar will be manufacturing solar thermal panels. They will create a minimum of five jobs over the next two years. They are currently located at 1111 S. 7<sup>th</sup> Street and will expand their existing site. She introduced the owner, Lou Villaire. Mr.

Villaire said they were grateful for being able to join this program and wanted to expand their company. He thanked Colorado Mesa University (CMU) for their partnership too.

Ms. Pollard then introduced ProStar Geocorp who has been developing a software solution that is the next generation of geospatial data. Page Tucker is the Chief Executive Officer (CEO) and President and intends to use this incentive for commercialization of the product and to add another five employees. David McGee, a local graduate and Vice President of Operations, was present to represent the company. Mr. McGee thanked everyone for their support and said it was a unique opportunity to go to work with this company and for him to be back home.

Ms. Pollard then described two other companies that could not be present. First is TSW Analytics from Australia. They are a forensics based technology company and plan to locate their headquarters in Grand Junction. They will be moving a number of Australian residents to Grand Junction. They anticipate 10 to 12 jobs here.

The last company is a Palisade based company that manufactures a new biodegradable plastic. Their first deployment is for water bottles. They plan to lease space at the new Palisade Cameo Sports Shooting and Education Complex. The Governor has been talking about these companies and Mesa County in numerous speeches.

Council President Norris thanked Ms. Pollard and expressed how excited she is about the Jump Start Business Program.

### **Certificate of Appointments**

To the Visitors and Convention Bureau Board of Directors (VCB)

Brad Taylor was present for his certificate of reappointment and Josh Niernberg, Jamie Lummis, and Julie Shafer were there to receive their certificates of appointment all for three year terms. Councilmember Taggart went to the public podium to distribute the certificates. He presented the certificates to the new and reappointed VCB Board members.

### **Citizens Comments**

Richard Swingle, 443 Mediterranean Way, addressed the City Council and reviewed his involvement with the City business. He addressed the topic from the last workshop, the Broadband Master Plan and Fiber to the Premise (FTTP). He attended the Business Showcase hosted by the Chamber. He spoke with a company called Unite Communications which has 1 GB commercial availability in Grand Junction. He then discussed Google fiber and it's cost and what the market could bear price-wise. He



then announced the Mountain Connect Conference June 5 through 7 in Keystone, Colorado. He encouraged attendance by the broadband team and the City Council.

Bruce Lohmiller, 536 29 Road, addressed the Council on comments regarding Citizens Comments, funding for HomewardBound, and night patrols. He also mentioned working with the schools on sex education classes, education with being human, global warming conference, air compression power, and alternative fuel prototypes. He said speaking to City Council is a good way to deal with things that might not get the attention they need.

Ed Kowalski, 2871 Orchard Avenue, spoke regarding the City and County boundary near his residence. He has been at the City Council meetings seven times and would like to give credit where credit is due. He now sees more police patrols along Orchard Avenue noting State Police are more aggressive; they stop eight out of ten cars. Chief John Camper spent 45 minutes with him a year ago and he wrote a letter that helped initiate the sidewalk repair in front of his house. In the spring that was addressed. He is concerned about not having sidewalks for kids walking to school. He admonished the City and the County for not working together. Also, regarding the sidewalk along his street, the City part does not line up with the County piece, and the drainage does not work there. He referred to Ordinance No. 3203 (1999) (Noise ordinance), and said it is not being enforced. He wants Grand Junction to be safe.

### **Council Comments**

Councilmember McArthur had nothing to report.

Councilmember Boeschstein listed the events he attended.

Councilmember Chazen said he was out of town visiting family.

Councilmember Kennedy congratulated the Broncos for winning.

Councilmember Traylor Smith said there have been some great presentations and it is exciting to see the Jump Start program getting started. She encouraged networking because that is how these things happen.

Councilmember Taggart recognized Kathy Portner and presented the exciting news from the Governor's Office about the "16 Trails in 16 Program". This community won the two trails that the Council endorsed: the Riverfront Trail and the Palisade Plunge.

Council President Norris participated in the Martin Luther King Jr. events all day and attended the CMU Library opening.

## **Consent Agenda**

Councilmember McArthur read the Consent Calendar items #1 and #2 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### 1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the January 4, 2016 Workshop and the Minutes of the January 6, 2016 Regular Meeting*

### 2. **Request for Fireworks Displays at Suplizio Field**

Fireworks displays are being requested on behalf of the Grand Junction Rockies, City of Grand Junction, Grand Junction Baseball, Inc. (JUCO) and Colorado Mesa University (CMU). These dates also include community displays on Memorial Day and Independence Day, a Friday evening CMU game (April 22<sup>nd</sup>), and 5 regular season Grand Junction Rockies games.

*Action: Consider Approval of a Request to Sponsor Fireworks at Suplizio Field on April 22, May 30, June 17, June 24, July 4, July 8, July 22, and August 5, 2016*

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **North Avenue Catalyst Grant Application for 2880 North Avenue**

The Sports Vortex has submitted an application for consideration for \$10,000 of the North Avenue Catalyst Grant Program. This is the seventh application for this program to come before the City Council.

Lori V. Bowers, Senior Planner, presented this item. Ms. Bowers gave the background of the grant program since it began in November 2014. She explained the location as the previous site of Hooters Restaurant, which closed in 2015 and described the proposed upgrade. The North Avenue Catalyst Grant Committee forwards a recommendation of approval from their January 7, 2016 meeting for a grant in the amount of \$10,000.

Councilmember Traylor Smith mentioned a discussion at the workshop about First Street improvements and she inquired how the North Avenue Catalyst Program can be expanded to include First Street. The majority of Council was in favor of Staff pursuing putting that in place.

Councilmember Boeschstein asked if there is landscaping proposed for the project. Ms. Bowers said no, there is existing landscaping in place.

Councilmember Kennedy asked if this is the true color scheme. Ms. Bowers was not sure how bright the green will be. Councilmember Kennedy thought the purpose was to upgrade dilapidated buildings and he does not believe this project holds true to the original plan.

Interim City Manager (ICM) Moore advised a new building is not eligible for the program, but there are no requirements on age of building. Councilmember Kennedy said if there was a lot of competing interest that would perhaps challenge his support of this project, but he is glad something is going into this building.

Councilmember Chazen asked about the remaining funds in the allocation and asked if there are other applications in the pipeline. Ms. Bowers said although she has met with 26 possible applicants, there is only one possible applicant at this time. Councilmember Chazen said he is glad this building is being used and would hope the location was encouraged by the availability of the grant funding.

Councilmember Taggart asked if this is a sports bar and grill. Ms. Bowers said it is a restaurant with a sports theme.

Councilmember Chazen made a motion to approve the North Avenue Catalyst Grant Application in the amount of \$10,000. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### **Revocable Permit for Existing Building Encroachment for the Former StarTek Building, Located at 630 S. 7<sup>th</sup> Street**

LOJO Partnership, LLP is requesting a Revocable Permit to officially document an existing one foot building encroachment for the former StarTek building within the S. 7<sup>th</sup> Street right-of-way that was discovered by the recent land survey and subdivision of the property.

Scott D. Peterson, Senior Planner, presented this item. The applicant recently received approval from the City Council to vacate north/south, east/west alley rights-of-way located between S. 7<sup>th</sup> Street and S. 8<sup>th</sup> Street on the south side of South Avenue and also an administrative approval for a Simple Subdivision to consolidate all seven properties into one 5.26 acre lot. As part of the review for the Simple Subdivision application, it was discovered that the existing building, the former StarTek building, encroaches into the S. 7<sup>th</sup> Street right-of-way by one foot. In order to permit and document this encroachment, City Staff is recommending that a Revocable Permit be issued rather than a vacation of right-of-way. The proposed Revocable Permit would only apply to this existing building. If, in the future, this building is demolished, the new building would be required to meet all applicable building setbacks and zoning codes.

The existing building does not interfere with existing traffic patterns or pedestrians as the right-of-way width in this area of S. 7<sup>th</sup> Street is 100 feet. City Staff could not find

any additional information on how this encroachment occurred or if any Revocable Permit was ever issued at this site. Mr. Peterson said Staff recommends approval stating it meets the criteria of the Zoning and Development Code. He reiterated that it only applies to the existing building.

Councilmember Chazen asked if there was no board or committee recommendation, did it not go to Planning Commission. Mr. Peterson said Revocable Permits do not go to Planning Commission, only to City Council.

Councilmember McArthur inquired what business is currently located in that building. Mr. Peterson said the building is currently vacant.

Resolution No. 03-16—A Resolution Concerning the Issuance of a Revocable Permit to LOJO Partnership, LLP, Located at 630 S. 7<sup>th</sup> Street

Councilmember Chazen moved to adopt Resolution No. 03-16. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Assignment of the City's 2016 Private Activity Bond Allocation to the Grand Junction Housing Authority**

The Grand Junction Housing Authority (GJHA) is requesting assignment of the City's 2016 Private Activity Bond allocation to the Housing Authority to be used for partial financing of Phase 2 of The Highlands affordable senior housing apartments, located at 825 Bookcliff Avenue.

Tim Moore, Interim City Manager, presented this item. The request comes from the Grand Junction Housing Authority for private activity bonds to be used for their new senior housing project. This year's allocation is just over \$3 million. The applicants are present and can talk about the project. He noted the issuance of these bonds does not obligate the City to any debt nor is there any liability for the City.

Councilmember Chazen asked if there was any obligation for the City to incur this debt. City Attorney Shaver said there is none.

Councilmember Kennedy said this opportunity from the State has not been used in the last six years which is unfortunate. He asked that the Council be advised about the availability of these bonds so they can spread the word. ICM Moore said the possibility of advertising next year will be discussed.

Council President Norris asked the GJHA Director to come forward.

Jody Kole, CEO, Grand Junction Housing Authority, 1011 N. 10<sup>th</sup> Street, said she has known about these activity bonds for over 25 years due to her experience in local government. They last asked for Private Activity Bonds in 2001. The GJHA has a rare opportunity for a 4% tax credit coupled with a State credit; they must be used together. Colorado Housing and Finance Authority (CHFA) received over 50 letters for this funding.

She explained how the opportunity is due to the housing situation in Denver. There are 450 eligible households on their waiting list which would benefit from affordable quality housing. She is a member of the Colorado Housing Authority Board; every jurisdiction can bank their credits with CHFA if they do not have a project to use them on. CHFA has been banking them for Grand Junction for many years and has \$674 million banked. Any other applicants can apply to CHFA so the resource is still available for use of those funds.

Councilmember McArthur asked about the 2<sup>nd</sup> phase of the 28 and Patterson Roads Project. Ms. Kole said this is not for that project but she provided an update of where they are on that project.

Resolution No. 04-16—A Resolution Authorizing Assignment to the Grand Junction Housing Authority of a Private Activity Bond Allocation of Grand Junction, Colorado Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Councilmember Traylor Smith moved to adopt Resolution No. 04-16. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 8:25 p.m.

Stephanie Tuin, MMC  
City Clerk

## **GRAND JUNCTION CITY COUNCIL**

### **SPECIAL SESSION MINUTES**

**JANUARY 20, 2016**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 20, 2016 at 8:32 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and President of the Council Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and Parks and Recreation Director Rob Schoeber.

Councilmember Traylor Smith moved to go into Executive Session to Discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or Other Property Interest under Colorado Revised Statutes Section 24-6-402 (4)(a) of the Open Meetings Law and will not return to open meeting. Councilmember Chazen seconded the motion. Motion carried.

The City Council convened into executive session at 8:32 p.m.

Stephanie Tuin, MMC  
City Clerk

## **GRAND JUNCTION CITY COUNCIL**

### **SPECIAL SESSION MINUTES**

**JANUARY 25, 2016**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 25, 2016 at 3:00 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, and President of the Council Phyllis Norris. Absent was Councilmember Rick Taggart. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, Human Resources Director Claudia Hazelhurst, Public Works Director Greg Lanning.

Councilmember Boeschstein moved to go into Executive Session for the Purposes of Consideration of Documents Protected by the Mandatory Nondisclosure Provisions of the Colorado Open Records Act, Part 2, Article 72, Title 24 [Such Records are Subject to Non Disclosure Under 24-72-204(3) (A)XI] as Provided by C.R.S. Section 24-6-402(4)(G) of the Open Meetings Law and will not return to open meeting. Councilmember Kennedy seconded the motion. Motion carried.

The City Council convened into executive session at 3:02 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: January 26, 2016  
 Author: Brian Rusche  
 Title/Phone Ext:  
Senior Planner/4058  
 Proposed Schedule: 1<sup>st</sup> Reading:  
Wednesday, February 3, 2016  
2<sup>nd</sup> Reading:  
Wednesday, February 17, 2016  
 File #: ANX-2015-455 and CPA-2015-456

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Zoning the Fox Meadows #2 Annexation and the Fox Meadows Access Plan Amendment, Located at 3175 D 1/2 Road
<b>Action Requested/Recommendation:</b> Introduce Proposed Ordinances and Set a Public Hearing for February 17, 2016
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

A request to zone 8.309 acres from County RSF-R (Residential Single-Family Rural) to a City R-5 (Residential 5 du/ac) zone district.

Includes a request for an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point to D 1/2 Road from property known as Fox Meadows, located at 3175 D 1/2 Road.

**Background, Analysis and Options:**

The property owner has requested annexation into the City and a zoning of R-5 (Residential 5 du/ac) to facilitate the development of a residential subdivision. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City.

The property owner has also requested an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point to D 1/2 Road.

The Pear Park Plan was adopted in December of 2004 and contained a "Transportation and Access Management Plan" (TAMP) as Figure 5. The purpose of the TAMP was to identify intersections and access onto the major streets. The entire Pear Park area was analyzed and specific street connection points were shown on the map. Access spacing was more stringent than the Transportation Engineering Design Standards (TEDS), which is the normal guiding document. The goal was to maintain street capacity, by limiting access, so a three lane street section would handle traffic into the foreseeable future. The assumption was that, in some cases, several parcels might need to be assembled to provide the desired access. The TAMP became part of the Grand Valley Circulation Plan (GVCP) at adoption.



Along this particular segment of D ½ Road, several of the anticipated subdivisions shown on the TAMP have been completed, establishing the overall transportation network on either side of the corridor. The subject property is now being proposed for development, but the access plan would necessitate acquisition of the neighboring property in order to connect into D ½ Road. Upon further review of the proposed plan, the Development Engineer noted “The current proposed access configuration in the TAMP will work (i.e. meets Minimum TEDS intersection spacing requirements) but creates potential overlapping left turn movements in the two way center left turn lane on D 1/2 Road. Moving the proposed access on the south side to approximately the center of the 3175 D 1/2 Road property ultimately creates a safer driving situation and allows development now without having to partner with the 3169 D 1/2 property.”

### **Neighborhood Meeting:**

A Neighborhood Meeting was held on October 5, 2015. A summary of the meeting is attached.

### **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.

Annexation of the property will create an opportunity to develop the subject property in a manner consistent with adjacent residential development.

**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.

Annexation of the property will create an opportunity for additional housing units to be brought to market.

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

Approval of this amendment will provide direct access into a future residential subdivision, while eliminating potential overlapping left turn movements on D ½ Road, ultimately creating a safer driving situation.

### **How this item relates to the Economic Development Plan:**

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

Annexation of the property provides the developer with consistent development standards as other residential subdivisions under development in the City and is

consistent with the Future Land Use Designation of Residential Medium identified in the Comprehensive Plan.

The purpose of the TAMP was to identify intersections and access onto major streets within Pear Park, with the goal of maintaining street capacity, resulting in a more efficient use of infrastructure. The proposed amendment would provide an opportunity for additional residential development now that will ultimately create a safer driving situation in the future.

**Board or Committee Recommendation:**

The Planning Commission reviewed both applications at their January 12, 2016 meeting and recommended approval to the City Council.

**Financial Impact/Budget:**

The provision of municipal services will be consistent with properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

All costs associated with constructing a new local street intersection with D ½ Road will be borne by the developer as part of the overall subdivision construction.

**Legal issues:** The City Attorney's office has reviewed the requests.

**Other issues:**

None

**Previously presented or discussed:**

Referral of the Annexation Petition went before the City Council on January 6, 2016.

**Attachments:**

1. Background information
2. Staff report
3. Fox Meadows Annexation Map
4. Fox Meadows - Aerial Photo
5. Fox Meadows – Comprehensive Plan Future Land Use Map
6. Fox Meadows - Zoning Map
7. Pear Park Plan Transportation Access Management Plan
8. Proposed Amendment to the Transportation Access Management Plan
9. Neighborhood Meeting Summary
10. Citizen Comments
11. Proposed Ordinances

BACKGROUND INFORMATION				
<b>Location:</b>		3175 D ½ Road		
<b>Applicant:</b>		Grand Junction Real Estate Investments LLC		
<b>Existing Land Use:</b>		Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Single-Family Residential		
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family Rural)		
<b>Proposed Zoning:</b>		R-5 (Residential 5 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	County RMF-5 (Residential Multi-Family District)		
	<b>South</b>	County PUD (Planned Unit Development)		
	<b>East</b>	County RMF-8 (Residential Multi-Family District) County PUD (Planned Unit Development)		
	<b>West</b>	County RSF-R (Residential Single-Family Rural) County RMF-5 (Residential Multi-Family District)		
<b>Future Land Use Designation:</b>		Residential Medium		
<b>Zoning within density/intensity range?</b>		X	Yes	No

**ANALYSIS:**

**CITY JURISDICTION:** The City’s home rule powers and Section 212 of Article 23 of Title 31 of the Colorado Revised Statutes grants authority to the City to make and adopt a plan for the physical development of streets and roads located within the legal boundaries of the municipality and all lands lying within three (3) miles of the municipal boundary. The location of the proposed amendment is presently within unincorporated Mesa County but portions of the right-of-way (ROW) are including in the proposed annexation (File # ANX-2015-455).

**STAFF ANALYSIS:** The Pear Park Plan was adopted in December of 2004 and contained a “Transportation and Access Management Plan” (TAMP) as Figure 5. The purpose of the TAMP was to identify intersections and access onto the major streets. The entire Pear Park area was analyzed and specific street connection points were shown on the map. Access spacing was more stringent than the Transportation Engineering Design Standards (TEDS), which is the normal guiding document. The goal was to maintain street capacity, by limiting access, so a three lane street section would handle traffic into the foreseeable future. The assumption was that, in some cases, several parcels might need to be assembled to provide the desired access. The TAMP became part of the Grand Valley Circulation Plan (GVCP) at adoption.

Along this particular segment of D ½ Road, several of the anticipated subdivisions shown on the TAMP have been completed, establishing the overall transportation network on either side of the corridor. The subject property is now being proposed for development, but the access plan would necessitate acquisition of the neighboring property in order to connect into D ½ Road. Upon further review of the proposed plan, the Development Engineer noted “The current proposed access configuration in the TAMP will work (i.e. meets Minimum TEDS intersection spacing requirements) but creates potential overlapping left turn movements in the two way center left turn lane on D 1/2 Road. Moving the proposed access on the south side to approximately the center of the 3175 D 1/2 Road property ultimately creates a safer driving situation and allows development now without having to partner with the 3169 D 1/2 property.”

### **Sections 21.02.140 - Grand Junction Zoning and Development Code:**

Section 21.02.160 of the Grand Junction Municipal Code (GJMC) states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use Map designates the property as Residential Medium (4-8 du/ac). The request for an R-5 (Residential 5 du/ac) zone district is consistent with this designation.

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

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

The requested annexation and zoning is being triggered by the Persigo Agreement (1998) between Mesa County and the City of Grand Junction in anticipation of development. The Persigo Agreement defines Residential Annexable Development to include any proposed development that requires approval of a subdivision plat resulting in the creation of more than one additional lot or parcel (GJMC Section 45.02.020.e.1.xi). The property owner wishes to develop the property in the near future for a residential subdivision of single-family detached dwelling units. Because of the requirement for annexation found within the Persigo agreement, the property cannot be developed as a subdivision creating additional lots in unincorporated Mesa County.

The Comprehensive Plan Future Land Use Map, adopted in 2010, has designated the property as Residential Medium (4-8 du/ac). The zoning in unincorporated Mesa County is RSF-R (Residential Single Family Rural), which is inconsistent with the Future Land Use Map designation. Therefore, the adoption of the Plan has invalidated the original premises of the rural zoning and the pending annexation will remedy 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;*

The existing residence was built in 1928. Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s up through the mid-1980s, to incremental residential expansion from the mid-1990s through the mid-2000s.

The majority of the development described above has been within unincorporated Mesa County, including the adjacent Dove Creek Subdivision, which was platted in 2005 at a density of 4.7 du/ac. The Chatfield III Subdivision, on the north side of D ½ Road, is within the city limits and was platted in 2006 at a density of 4.2 du/ac. Other residential development east of the subject property, including the Midlands Village Manufactured Home Park, is within the Clifton Sanitation District and therefore is not subject to annexation by the City of Grand Junction under the Persigo Agreement.

Until residential development occurs, agricultural use of the property can continue as a legal nonconforming use, including the keeping of agricultural animals pursuant to Section 21.04.030(a) of the Grand Junction Municipal Code. There is sufficient evidence of existing agricultural use prior to annexation.

This criterion has been met.

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

There are public utilities available in D ½ Road, including potable water provided by the Clifton Water District, sanitary sewer service maintained by the City and/or the Clifton Sanitation District, and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of future development of the parcel(s).

The property is within the Chatfield Elementary school attendance boundary; the school itself is less than one-quarter (1/4) mile east on D ½ Road. Mesa County recently completed improvements to D ½ Road, including sidewalks and crosswalks to Chatfield.

The property will remain served by the Clifton Fire Protection District, under an agreement with the City of Grand Junction. The Clifton Fire Station is just over two (2) miles northeast on F Road.

Commercial uses, primarily convenience oriented, are located along 32 Road, with the nearest facility, a C & F Foods convenience store and gas station, about one-half (1/2) mile from the annexation area.

This criterion has been met.

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

The R-5 zone district is the predominant zoning designation on either side of D ½ Road between 30 and 32 Road.

Undeveloped property with R-5 zoning, approximately 35 acres, does exist between 31 and 32 Road south of D ½ Road and north of D Road. All of these properties were annexed in anticipation of subdivision(s) that have not yet been developed. These properties remain as agricultural or single-family residential uses.

Only three (3) vacant lots remain in the Chatfield III Subdivision.

Since there are currently other properties that are developable at a density of 5 dwelling units per acre (R-5), there is not an inadequate supply of suitably designated land available in this part of the community and therefore this criterion has not been met.

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

The proposed R-5 zone would implement Goals 3 and 5 of the Comprehensive Plan by creating an opportunity for future residential development which will bring additional housing units to the market in a manner consistent with adjacent residential development.

This criterion has been met.

Alternatives: The following zone districts would also be consistent with the Future Land Use designation of Residential Medium for the subject property:

- a. R-4 (Residential 4 du/ac)
- b. R-8 (Residential 8 du/ac)
- c. R-12 (Residential 12 du/ac)

The purpose of the R-5 (Residential 5 du/ac) zone is to provide for medium density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available.

The R-5 zone district is virtually identical to the adjacent zoning of RMF-5 in unincorporated Mesa County for the Dove Creek Subdivision. A zoning of R-4 would allow larger lots, while a zoning of R-8 would allow smaller lots. While both of these zones are consistent with the overall vision for this section of Pear Park, the R-5 zone is most compatible with the immediately adjacent neighborhood. In contrast, the R-12 zone would not permit single-family detached residences, which is what the developer desires to build.

Staff recommends the R-5 (Residential 5 du/ac) zone district in order to prepare the property for future subdivision, consistent with City standards, and for implementing the goals and policies of the Comprehensive Plan and the Economic Development Plan.

## **Sections 21.02.130 - Grand Junction Zoning and Development Code:**

Since the Pear Park Transportation and Access Management Plan (TAMP) is considered a part of the Grand Valley Circulation Plan, an amendment to the TAMP must meet one or more of the following criteria set forth in Section 21.02.130 (c)(2) of the Code:

*(i) There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or*

There was no error in the TAMP as there was no development proposed for either parcel at that time.

*(ii) Subsequent events have invalidated the original premise and findings;*

The request is being made in anticipation of development. The City has held meetings with the developer and reviewed the preliminary subdivision layout. As noted by the Development Engineer during the review:

“The current proposed access configuration in the TAMP will work (i.e. meets Minimum TEDS intersection spacing requirements) but creates potential overlapping left turn movements in the two way center left turn lane on D 1/2 Road. Moving the proposed access on the south side to approximately the center of the 3175 D 1/2 Road property ultimately creates a safer driving situation and allows development now without having to partner with the 3169 D 1/2 property.”

This criterion has been met.

*(iii) The character and/or condition of the area have changed enough that the amendment is acceptable;*

The existing residence was built in 1928. Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s up through the mid-1980s, to incremental residential expansion from the mid-1990s through the mid-2000s. These development patterns are the precursor to the TAMP, which was adopted in 2005.

The adjacent Dove Creek Subdivision was platted in 2005 and is consistent with layout shown on the TAMP. The Chatfield III Subdivision, on the north side of D 1/2 Road, was platted in 2006 and is also consistent with the access point shown on the TAMP.

The existing access point shown for the south side of D 1/2 Road stubs into the property at 3169 D 1/2 Road. The owner of this property has not expressed interest in development at this time. The preliminary subdivision layout for Fox Meadows includes a stub street to the west to allow for access from 3169 D 1/2 Road at such time as development is proposed. Until residential development occurs, the existing access to D 1/2 Road for 3169 D 1/2 Road can remain.

This criterion has been met.

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

The purpose of the TAMP was to identify intersections and access onto major streets within Pear Park, with the goal of maintaining street capacity, resulting in a more efficient use of infrastructure. The proposed amendment would provide an opportunity for additional residential development now that will ultimately create a safer driving situation in the future.

This criterion has been met.

*(v) The change will facilitate safe and efficient access for all modes of transportation; and*

Approval of this amendment will provide direct access into a future residential subdivision, while eliminating potential overlapping left turn movements on D 1/2 Road, ultimately creating a safer driving situation.

This criterion has been met.

*(vi) The change furthers the goals for circulation and interconnectivity;*

See responses to Criterion iii, iv, and v above.

This criterion has been met.

## **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the Fox Meadows Zone of Annexation, ANX-2015-455, a request to zone 8.309 acres from County RSF-R (Residential Single-Family Rural) to a City R-5 (Residential 5 du/ac) zone district, the following findings of fact and conclusions have been determined:

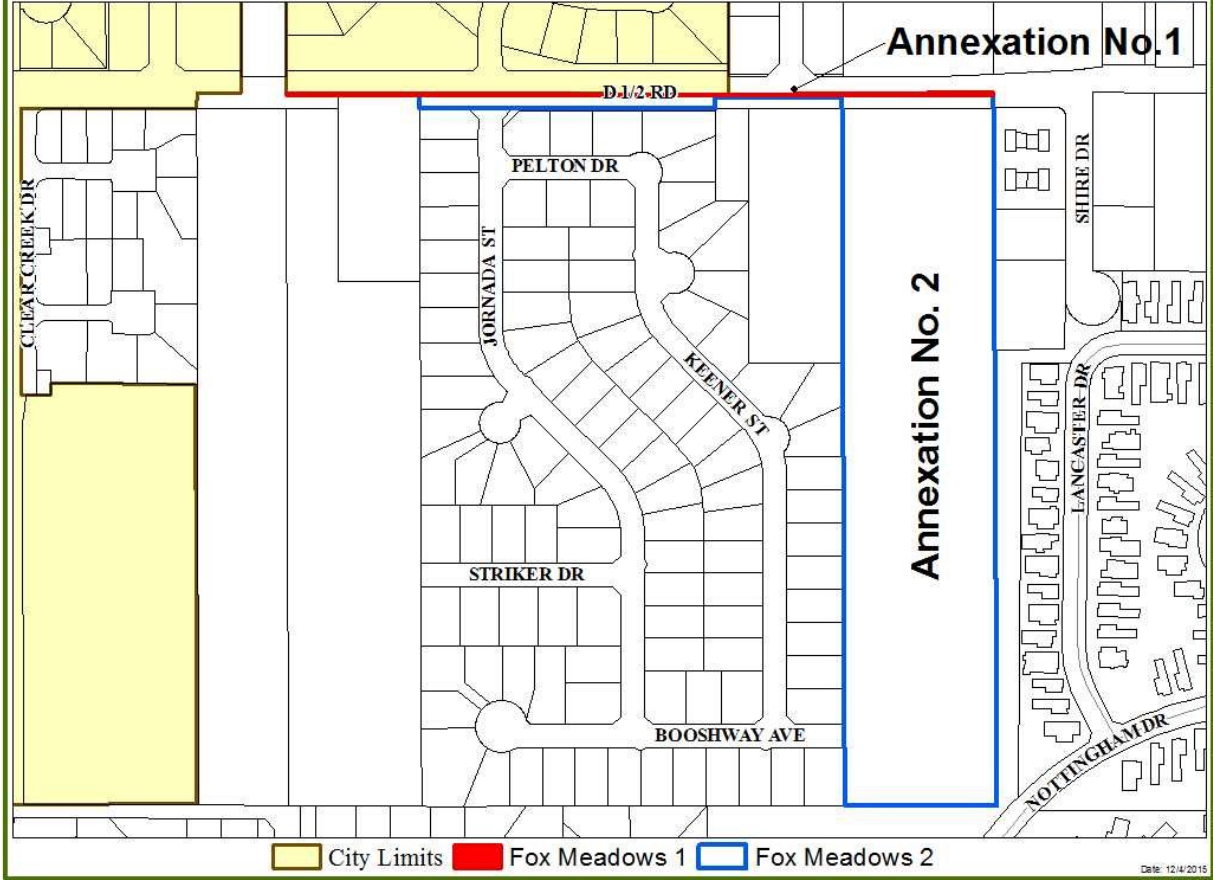
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. All review criteria Section 21.02.140 of the Grand Junction Municipal Code, except for criterion 4, have been met.

After reviewing the Fox Meadows Access Plan Amendment, CPA-2015-456, a request to amend the Pear Park Neighborhood Plan, an element of the Comprehensive Plan, to revise the access point to D 1/2 Road from property known as Fox Meadows, consisting of 8.309 acres, in a County RSF-R (Residential Single-Family Rural) zone district, the following findings of fact and conclusions have been determined:



1. The requested amendment is consistent with the goals and policies of the Comprehensive Plan;
2. The review criteria (ii) through (vi) in Section 21.02.130(c)(2) of the Grand Junction Municipal Code have been met.

Fox Meadows Annexation No. 1 & 2

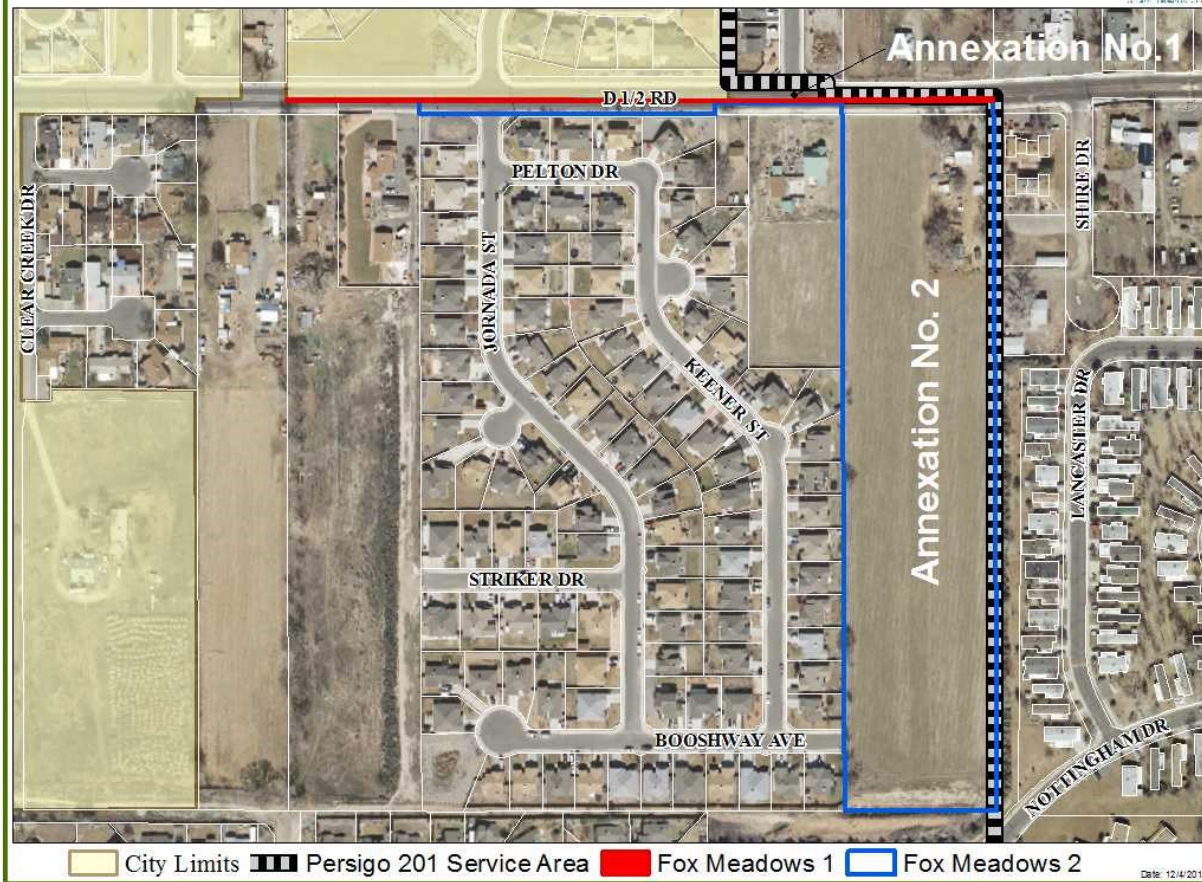


Annexation No. 1

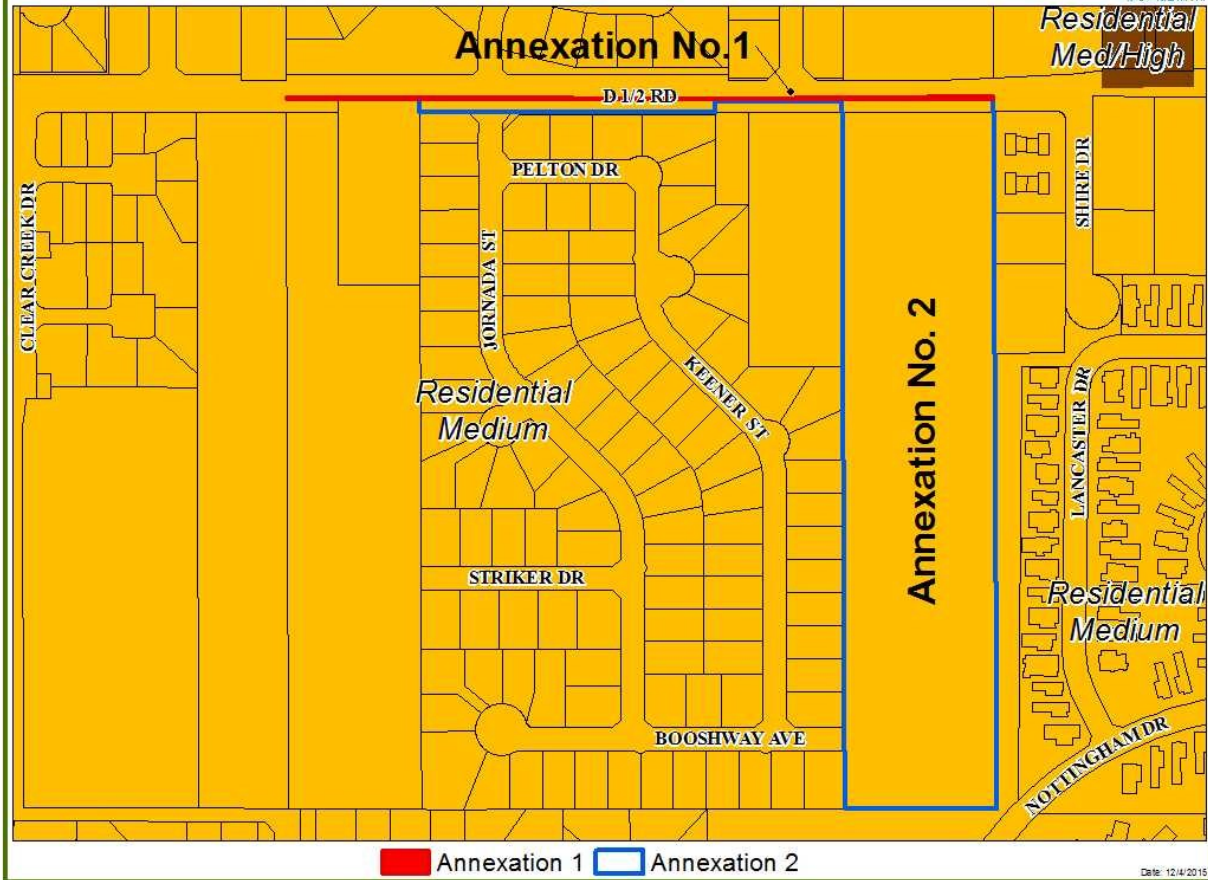
Annexation No. 2

City Limits Fox Meadows 1 Fox Meadows 2

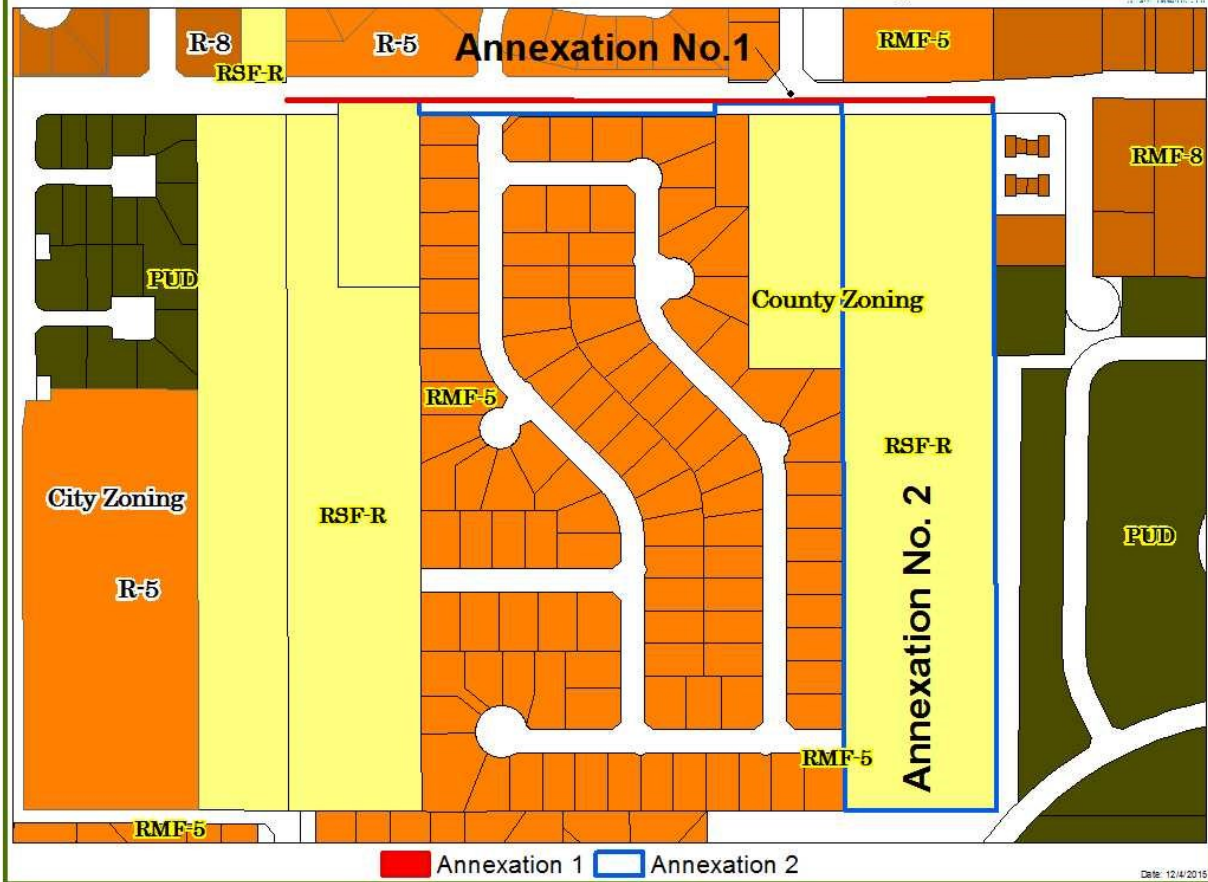
# Fox Meadows Annexation No. 1 & 2



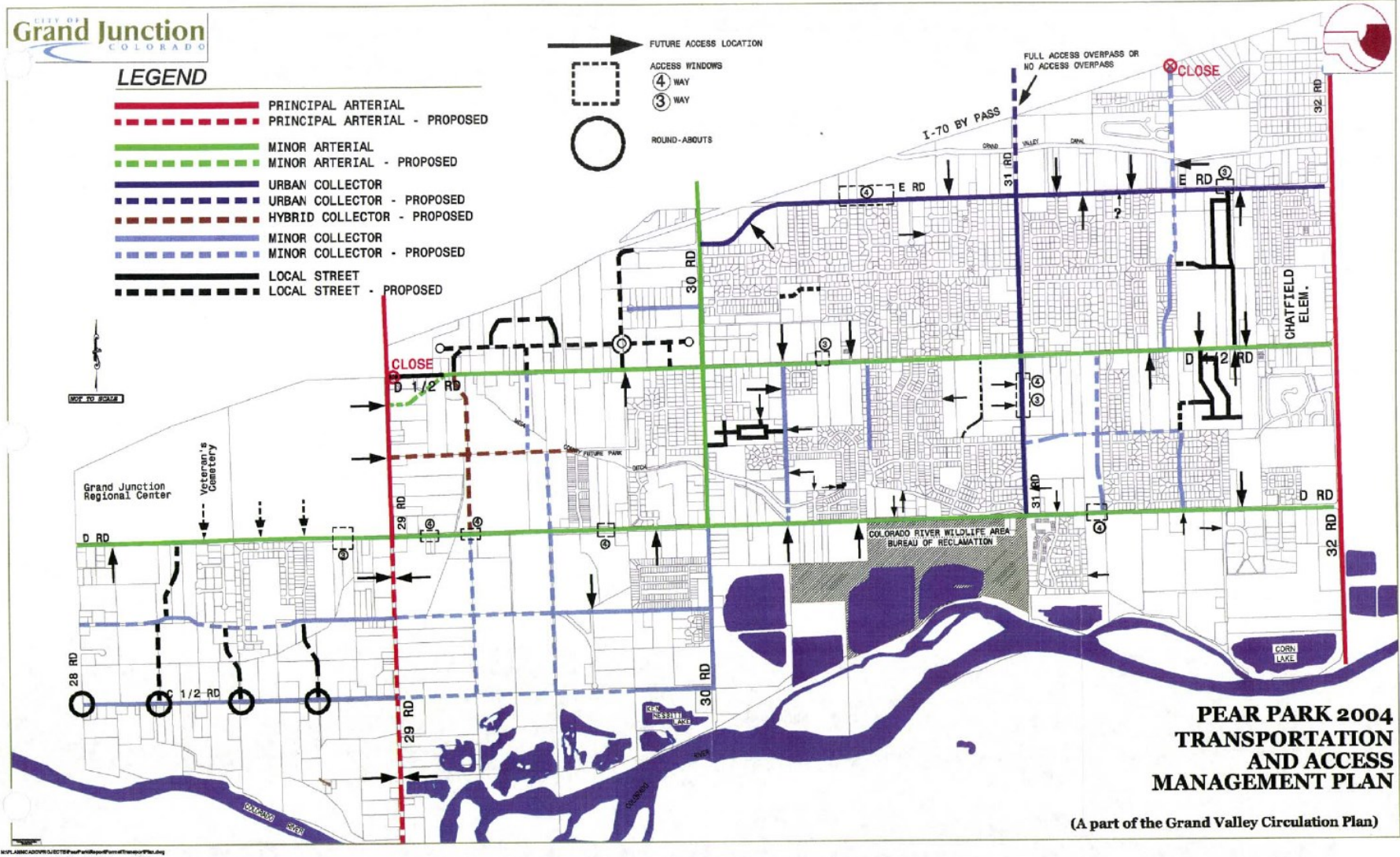
Fox Meadows Annexation No. 1 & 2 - Future Land Use



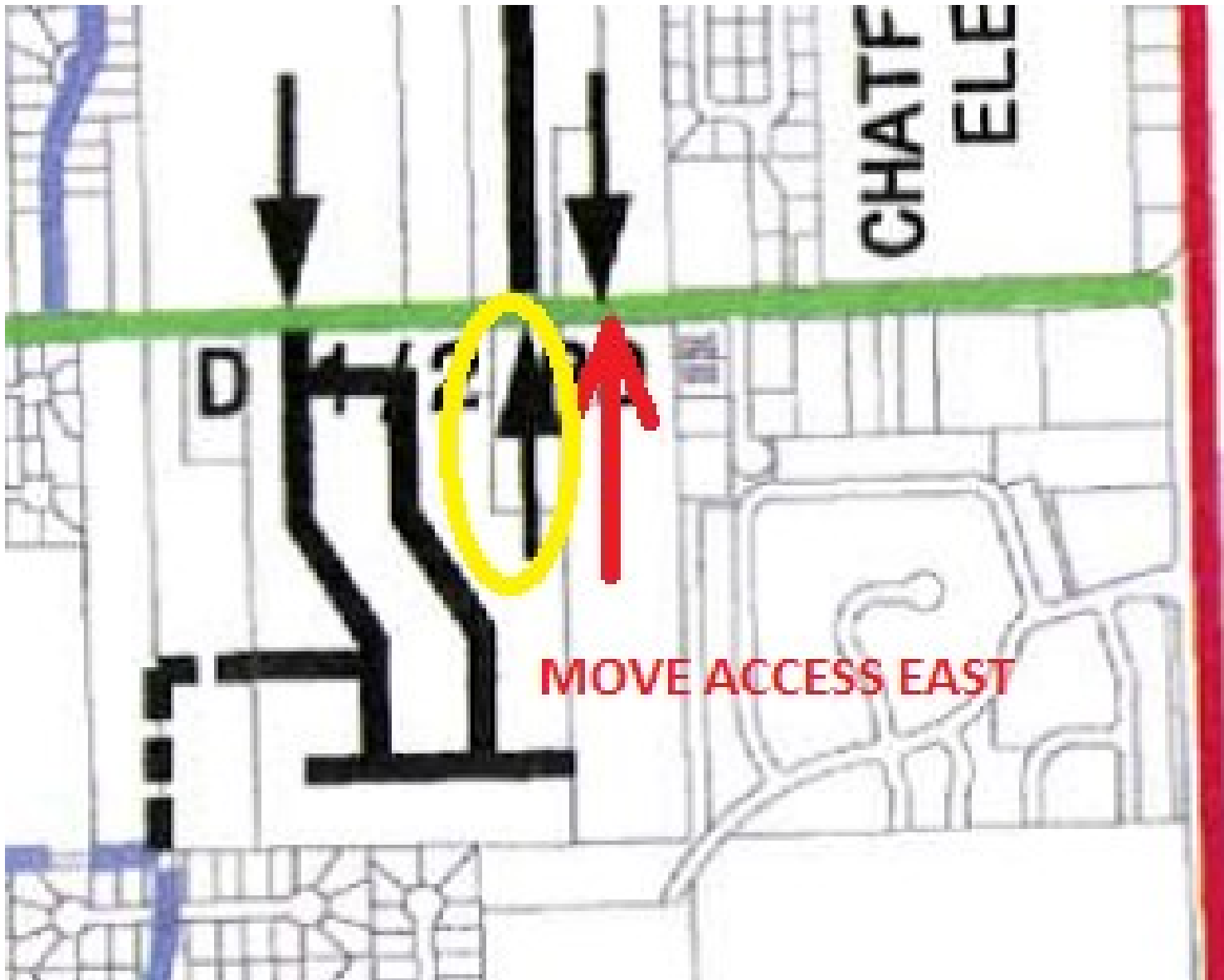
Fox Meadows Annexation No. 1 & 2 - Zoning







Pear Park Plan Transportation Access Management Plan



Proposed Amendment to the Transportation Access Management Plan – Yellow = remove access. Red = new access

FOX MEADOWS SUBDIVISION  
Annexation and Preliminary/Final Plan Applications  
**NEIGHBORHOOD MEETING**  
October 7, 2015

A neighborhood meeting to discuss the pending Annexation and Preliminary/Final Plan applications was held at 5:30 p.m. on October 5, 2015 at the Christian Church of God, 3198 E Road.

In addition to Brian Rusche, Community Development Department staff planner, the land owner and his representative, six neighbors out of the approximately 240 that were notified of the Neighborhood Meeting attended. An attendance roster is attached.

An overview of the proposed development and the City's approval process was presented by the owner's representative and the staff planner. The meeting lasted about 60 minutes. Topics specific to the annexation and development proposal discussed included:

*Comment: Size and type of construction for the dwellings.*

Applicants Response: The houses will have three bedrooms, two baths a two car garage and will be a minimum of 1,500 square feet. The exterior of the mainly one story dwellings will be stucco and stone accents. The estimated price point will be \$180,000 to \$220,000.

*Comment: The lack of Parks in this area of Pear Park.*

Applicants Response: The City Staff planner explained the position on the size and location of public park lands. Fox Meadow will pay a Park Impact Fee equal to ten percent of the properties raw land value. This money is used for acquiring future public park land.

*Comment: Traffic congestion at the Chatfield Elementary School drop-off and pick-up area along D ½ Road.*

Applicants Response: D ½ Road is fully improved with sidewalks along each side and a cross walk nearby. If it is the School District's desire, the City would be will to offer its resources to review the situation and offer recommendations.

*Comment: The owner of the property at 3169 D ½ Road stated that the irrigation return water discharges onto the Fox Meadows property and travels south in an earthen ditch to an existing drain ditch.*

Applicants Response: Colorado Law does not allow an adjacent property to impede historic drainage patterns. During the next phase of the development process, an appropriate sized pipeline will be designed and constructed.

*Comment: The plan stub street to the property at 3169 D ½ Road.*

Applicants Response: The City requires stub streets to adjoining parcels that have the potential for future subdivision. Two sketches showing that the planned stub street is in a



proper location for the future development were presented to the land owner in attendance.

*Comment: Will there be a HOA and Covenants for the subdivision?*

Applicants Response: A HOA will be form in accordance with Colorado Statutes for the ongoing maintenance of the Landscaped Buffers along D ½ Road and the Stormwater Management Facility. Covenants will be adopted to insure ongoing protection to the future residents of the development, and surrounding property owners.

*Comment: What will be the affect of the Fox Meadows property annexation to the Dove Creek Subdivision?*

Applicants Response: The City's Staff Planner explained that annexation of the Dove Creek Subdivision would require a request to the City by more than 50 percent of the land owners with the development and this current request would not trigger annexation at this time. The planner also explained some of the benefits that is provided by the City to their residents. Property taxes would not be affected. However, the City does have its own sales tax in addition the State and County.

*Comment: View preservation.*

Applicants Response: The City Development Code does not require any view preservation measures be under taken in the surrounding area. A majority of the planned dwellings will be one story in height and placed approximately 20 feet from the planned street right-of-way. Because of the depth of the planned lots, the rear of the house would be in the range of 50 feet east of the west subdivision boundary, thus reducing some of the visual impact.

*Comment: Construction schedule and phasing.*

Applicants Response: The project will be developed in a single phase. The entitlement process will occur this winter; site development will be completed before the end of the summer in 2016 with construction of the first dwelling at approximately the same time.

Respectfully submitted,

Steve Voytilla, Owner  
Grand Junction Real Estate, LLC.



I Karl Antunes Received This Rushed mailing on Tues. Nov 10,  
Today is 11-13-15. **NOTICE OF APPLICATION** 2015

It WASNT mailed until Monday November 9th 2015.

An application for the development proposal described below, located near property you own, has been received by the Grand Junction Community Development Division. The public can review proposed development plans prior to final decisions or public hearings. Copies of the application, plans, reports, staff comments, public correspondence and other supporting documentation may be requested during normal business hours (7:30 a.m. to 5:00 p.m. Monday through Friday) at City Hall, 250 North 5th Street; printing, copying and administrative fees may apply. City Planning staff is also available to answer questions and explain the development review process.

Comments should be received before: November 13, 2015

**CPA-2015-456 – Fox Meadows Access Plan Amendment – 3175 D 1/2 ROAD**

Forward a recommendation to City Council of a Comprehensive Plan Amendment to amend the Pear Park Neighborhood Plan, an element of the Comprehensive Plan, to revise the access point to D 1/2 Road from property known as Fox Meadows, consisting of 8.307 acres, in a County RSF-R (Residential Single-Family Rural) zone district. The property is being considered for annexation under File # ANX-2015-455.

Planner: Brian Rusche; Phone: 970-256-4058; Email: [brjanr@gjcity.org](mailto:brjanr@gjcity.org)

I was away for Veterans Day wed. Nov. 11, 2015 Got this notice on Thursday Nov. 12, 2015. I request a Delay in this annexation until proper Notification and enough time is allowed to respond.



Dear City Council member,

My Name is Karl Antunes and my property is located at 3169 D $\frac{1}{2}$  rd 81504. The property that abutts mine to the East is the proposed Fox Meadow Annexation Anx-2015-455 (3175 D $\frac{1}{2}$  rd). I feel that me and the other 239 property owners have not recieved enough time to review all of the info on this Annexation proposal and I did not recieve a reasonable amount of time to gather it. Brian Rusche, at planning, gave no credible way to voice my concerns and had told me there was know way to record my concerns or the council. He said that the deadline on the notice is at a final and he knows that the mailings were rushed. I came to the planning desk to get a statement in writing and signed by him at approximately 3:10pm on Nov. 13, 2015 as to his statement that this notice was not the real final date to complain and gather info but e had already left for the day I was told. Please do not proceed with any Annexation plans until proper time and a new notification is sent out.

I will be contacting each council person to explain further.

Thank-you,  
Karl Antunes

**From:** Alejandrina Romero <alejandrina.2009@yahoo.com>  
**To:** "brianr@gjcity.org" <brianr@gjcity.org>  
**Date:** 11/10/2015 6:33 PM  
**Subject:** Re.: CPA-2015-456 FOX MEADOWS ACCESS PLAN AMENDMENT-3175 D 1/2 ROAD

In reference to above annexation and development is absolutely infuriating...I purchased my new and forever home just one year ago, and now I receive the VERY UNWELCOME news that the City of Grand Junction is allowing the lot just behind my property to be developed, which means noise, MORE TRAFFIC and a lot of undesirable new neighbors...which I did not check, prior to owning this property I planned and checked this new property to be my last home and honestly, the brains at city of grand junction will be making it very difficult to live with the new development going on.

Being an honest, hard working single person, that pays VERY high taxes to this town, find it very disheartening that you are just looking for another dollar to come for benefits that I have yet to ever see in the way of infrastructure, more safety and so forth....

I WHOLEHEARTELY OPPOSE THIS PROJECT and hope someone has the guts to tell you, alive, that this is an idiotic plan....

ALEJANDRINA ROMERO425 1/2 keener StGrand Junction, CO 81504

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE FOX MEADOWS ANNEXATION NO. 2  
TO R-5 (RESIDENTIAL 5 DU/AC)**

**LOCATED AT 3175 D 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 zoning the Fox Meadows Annexation No. 2 to the R-5 (Residential 5 du/ac) zone district, finding that it conforms with the designation of Residential Medium as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-5 (Residential 5 du/ac) zone district is in conformance with at least one of 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 property shall be zoned R-5 (Residential 5 du/ac):

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 SE 1/4 of said Section 15 and assuming the North line of the NW 1/4 SE 1/4 of said Section 15 bears S 89°54'16" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°07'43" E along the East line of the NW 1/4 SE 1/4 of said Section 15, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'43" E along the East line of the NW 1/4 SE 1/4 of said Section 15, a distance of 1,315.21 feet, more or less, to a point being the Southeast corner of the NW 1/4 SE 1/4 of said Section 15; thence N 89°52'41" W, along the South line of the NW 1/4 SE 1/4 of said Section 15, a distance of 280.44 feet, more or less, to a point being the Southeast corner of Dove Creek Subdivision, as same is recorded in Book 3925, Pages 704 and 705, Public Records of Mesa County, Colorado; thence N 00°07'50" W, along the East line and the Northerly projection thereof, of the East line of said Dove Creek Subdivision, a distance of 1,310.08 feet; thence N 89°54'16" W, along a line 10.00 feet South of and parallel with, the North line

of the NW 1/4 SE 1/4 of said Section 15, a distance of 234.24 feet; thence S 00°07'50" E along the Northerly projection of the East line of Lot 4, Block 1 of said Dove Creek Subdivision, a distance of 20.00 feet to a point being the Northeast corner of said Dove Creek Subdivision; thence N 89°54'16" W, along the North line of said Dove Creek Subdivision, a distance of 547.96 feet, more or less, to a point being the Northwest corner of said Dove Creek Subdivision; thence N 00°04'29" E, along a line being the Northerly projection of the West line of said Dove Creek Subdivision, a distance of 25.00 feet; thence S 89°54'16" E, along a line 5.00 feet South of and parallel with, the North line of the NW 1/4 SE 1/4 of said Section 15, a distance of 1,062.62 feet, more or less, to the Point of Beginning.

LESS HOWEVER, any portion of the Chatfield Subdivision, as same is recorded in Plat Book 12, page 75, Public Records of Mesa County, Colorado that may exist within the limits of the NW 1/4 SE 1/4 of said Section 15 due to a conflict with the Easterly boundary of said Chatfield Subdivision.

CONTAINING 383,707 Square Feet or 8.809 Acres, more or less, as described hereon.

LESS 0.50 Acres of D ½ Road Right-of-Way.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN,  
SPECIFICALLY THE PEAR PARK NEIGHBORHOOD PLAN,  
MORE SPECIFICALLY THE TRANSPORTATION ACCESS MANAGEMENT PLAN,  
A PART OF THE GRAND VALLEY CIRCULATION PLAN,  
TO REVISE THE ACCESS POINT ON D 1/2 ROAD  
TO ALLOW DIRECT ACCESS INTO PROPERTY KNOWN AS FOX MEADOWS**

**LOCATED AT 3175 D 1/2 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 a request to amend the Pear Park Neighborhood Plan, an element of the Comprehensive Plan, to revise the access point to D 1/2 Road from property known as Fox Meadows, consisting of 8.309 acres, in a County RSF-R (Residential Single-Family Rural) zone district, finding that it conforms with the goals and policies of the Comprehensive Plan and that the review criteria (ii) through (vi) in Section 21.02.130(c)(2) of the Grand Junction Municipal Code have been met.

After public notice and public hearing, the Grand Junction City Council finds that the requested amendment conforms with the goals and policies of the Comprehensive Plan and that the review criteria (ii) through (vi) in Section 21.02.130(c)(2) of the Grand Junction Municipal Code have been met.

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

The 2004 Pear Park Transportation and Access Management Plan (TAMP) be revised move the access point onto D 1/2 Road from property at 3169 D 1/2 Road to property known as Fox Meadows, located at 3175 D 1/2 Road, as shown on the attached exhibit.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor



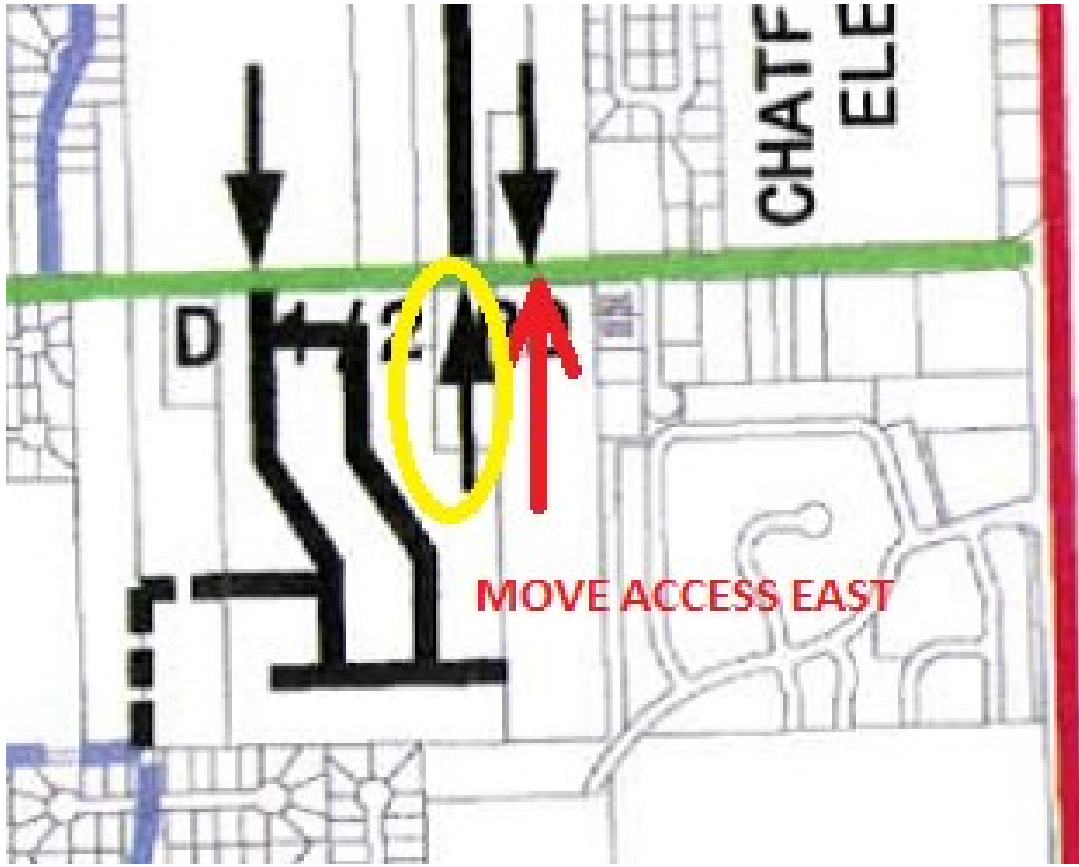


EXHIBIT  
AMENDING THE PEAR PARK TRANSPORTATION ACCESS MANAGEMENT PLAN  
AS SHOWN

Yellow = remove access. Red = new access



Date: January 13, 2016  
Author: Lori V. Bowers  
Title/ Phone Ext: Sr. Planner /X 4033  
Proposed Schedule: Feb. 3, 2016, 1<sup>st</sup>  
reading  
2nd Reading: Feb. 17, 2016  
File #: ZCA-2015-421

## CITY COUNCIL AGENDA ITEM

<b>Subject:</b> Amending Sections of the Zoning and Development Code to Allow the Planning Commission to Approve a Conditional Use Permit (CUP) Prior to Site Plan Review.
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for February 17, 2016
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner

### Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by allowing the Planning Commission to approve the conditional use of a property, prior to site plan approval. Through the use of a site sketch the Planning Commission may make findings to determine that necessary site design features or mitigation measures will be taken to enhance or deter certain impacts to the neighborhood.

### Background, Analysis and Options:

Currently the Conditional Use process requires a full site plan review along with complete construction drawings that are in conformance with the submittal standards of SSIDs (Submittal Standards for Improvement and Development, TEDS (Transportation and Engineering Design Standards) and SWMM (Storm Water Management Manual) as part of the application. This can be costly and time consuming to the applicant prior to knowing if the CUP will be approved or not. It is proposed that a site sketch showing sufficient detail to enable the Planning Commission to make a determination of the use in the subject location and zone district be all that is required for approval of the subject use. The Planning Commission can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a determination on the criteria found in Section 21.02.110. In any subsequent site plan review, the Director shall ensure and determine that all mitigating / enhancing site features approved or made conditions of approval by the Planning Commission are depicted on the approved site plan.

The proposed Ordinance further provides if the applicant changes or expands a structure or other feature of a site that is subject to a Conditional Use Permit, the Director shall determine whether the expansion/change is "major" or "minor." A major

expansion/change shall be reviewed by the Planning Commission in accordance with the criteria for a Conditional Use Permit. A minor expansion/change shall be reviewed administratively in accordance with the applicable site plan review criteria and conditions of the Conditional Use Permit.

Section 21.06.070(g)(5) Planned Developments and Conditional Uses. This section of the Code requires that any signs for a conditional use site be made part of the development plan. There are sufficient Code requirements within the Sign Code to address signs for a property that has received a Conditional Use Permit. The reference to Conditional Uses in this section is redundant and it is suggested that it be removed.

**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.

By allowing an applicant to submit a site sketch for a use that is not considered a use by right, and may have limitations and requirements placed on it if it is determined, the applicant may be saved considerable time and money with this type of use review rather than a full site plan review prior to approval of the use.

**How this item relates to the Economic Development Plan:**

These amendments to the Conditional Use Permit process will provide assurance to an applicant that the proposed use will be permitted prior to spending time and money on a completely designed set of drawings. This supports the City's 2014 Economic Development Plan, specifically Section 1.5 Supporting Existing Business: Streamline processes...while working within the protections that have been put in place through the Comprehensive Plan. Action Step: Be proactive and business friendly and review development standards and policies to ensure that they are complimentary and support the common mission.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the Code amendment to the City Council on January 12, 2016. This item was considered non-controversial and was placed on the Consent Agenda.

**Financial Impact/Budget:**

No financial impacts have been identified.

**Legal issues:**

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

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

This item has not been previously discussed.

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 21.02.110 CONDITIONAL USE PERMIT (CUP) AND SECTION 21.06.070(G)(5) PLANNED DEVELOPMENTS AND CONDITIONAL USES**

Recitals:

This ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by allowing a site sketch to determine a conditional use of a property, prior to site plan approval. Through the use of a site sketch the Planning Commission may make findings to determine that necessary site design features or mitigation measures will be taken to enhance or deter certain impacts to the neighborhood.

The proposed Ordinance further provides if the applicant changes or expands a structure or other feature of a site that is subject to a Conditional Use Permit, the Director shall determine whether the expansion/change is “major” or “minor.” A major expansion/change shall be reviewed by the Planning Commission in accordance with the criteria for a Conditional Use Permit. A minor expansion/change shall be reviewed administratively in accordance with the applicable site plan review criteria and conditions of the Conditional Use Permit.

Section 21.06.070(g)(5) Planned Developments and Conditional Uses. This section of the Code requires that any signs for a conditional use site be made part of the development plan. There are sufficient Code requirements within the Sign Code to address signs for a property that has received a Conditional Use Permit. The reference to Conditional Uses in this section is redundant and should be removed.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 21.02.110 Conditional Use Permit (CUP) and Section 21.06.070(g)(5) Planned Developments and Conditional Uses.

The Planning Commission and City Council find that the amendment 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:**

**1. Section 21.02.110 shall be amended to read:**

## 21.02.110 Conditional use permit (CUP).

(a) **Purpose.** The purpose of a conditional use review is to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by right; it is one that is otherwise prohibited within a given zone district without approval of a conditional use permit.

(b) **Applicability.** A conditional use permit shall be required prior to the establishment of any conditional use identified in Chapter [21.04](#) GJMC or elsewhere in this code.

(c) **Approval Criteria.** The application shall demonstrate that the proposed development will comply with the following:

- ~~(1) Site Plan Review Standards. All applicable site plan review criteria in GJMC [21.02.070\(g\)](#) and conformance with Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title [29](#)), and Stormwater Management Manual (GJMC Title [28](#)) manuals;~~
- ~~(2) (1) District Standards. The underlying zoning districts standards established in Chapter [21.03](#) GJMC, except density when the application is pursuant to GJMC [21.08.020\(c\)](#);~~
- ~~(3) (2) Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC;~~
- ~~(4) (3) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities;~~
- ~~(5) (4) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:
  - (i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;~~

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

~~(d) **Signage.** No sign shall be allowed on properties on a conditional use site unless the sign has been approved as part of the site development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed. See GJMC [21.06.070](#) for sign regulations.~~

(e) (d) **Decision-Maker.**

(1) The Director shall make recommendations to the Planning Commission.

(2) The Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.

(f) (e) **Application and Review Procedures.** Application requirements and processing procedures are described in GJMC [21.02.080](#). Site plan review and approval (pursuant to Section 21.02.070(f) or (g)) can occur either before or after the approval of a Conditional Use Permit by the Planning Commission. In either case, the applicant shall submit a site sketch showing sufficient detail to enable the Planning Commission to make findings on the Conditional Use Permit criteria (21.02.110(c)) and showing all site design features which are proposed or necessary to mitigate neighborhood impacts and/or enhance neighborhood compatibility. The Planning Commission can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a determination on the criteria. In any subsequent site plan review, the Director shall ensure and determine that all mitigating / enhancing site features approved or made conditions of approval by the Planning Commission are depicted on the approved site plan.

(f) **Site expansion or changes.** If the applicant changes or expands a structure or other feature of a site that is subject to a Conditional Use Permit, the Director shall determine whether the expansion/change is “major” or “minor.” A major expansion/change shall be reviewed by the Planning Commission in accordance with the criteria for a Conditional Use Permit. A minor expansion/change shall be reviewed

administratively in accordance with the applicable site plan review criteria and conditions of the Conditional Use Permit. A major expansion or change is one which:

(1) affects, changes, removes or eliminates a site feature or condition which was approved or imposed for the purpose of mitigating neighborhood impacts or enhancing neighborhood compatibility as described in Section 21.02.110(c)(4);

(2) increases the intensity of the use, the off-site impacts such as noise, light or odor, or the hours of operation;

(3) results in a substantial change to the features shown on the site sketch which formed the basis of the Planning Commission's approval of the Conditional Use Permit;

All other expansion/changes shall be considered minor.

(g) **Validity.** A conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

(h) **Amendment or Revocation of Conditional Use Permit.**

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

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

(ii) The City;

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

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

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

(i) Grounds for Amendment – Permit Holder. A conditional use permit may be amended at the request of the holder of the permit (the holder of



the permit being the original applicant or successor in interest or the current owner or lessee of the land subject to the conditional use permit) upon a showing that a substantial change in circumstance has occurred since the approval of the permit which would justify a change in the permit.

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

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

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

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

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

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

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

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

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

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

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

**2. Section 21.06.070 (g) (5) be amended to read:**

Section 21.06.070(g)

(5) ~~Planned Developments, and Conditional Uses.~~ No sign shall be allowed on properties in a planned development zone ~~or on a conditional use site~~ unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

**All other parts of Section 21.02.110 and Section 21.06.070(g)(5) shall remain in full force and effect.**

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor



## CITY COUNCIL AGENDA ITEM

Date: January 22, 2016  
 Author: Lee Cooper  
 Title/ Phone Ext: Project Engineer  
 Proposed Schedule: February 3, 2016  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

<b>Subject:</b> Sole Source Approval to Use Underground Solutions 18” Diameter Fusible PVC Plastic Water Pipe for the City’s 2016 Waterline Replacement Project
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Sole Source the Purchase of Underground Solutions Fusible PVC Plastic Water Pipe in the Amount of \$205,155 for the 2016 Waterline Replacement Project
<b>Presenter(s) Name &amp; Title:</b> Greg Lanning, Public Works Director Jay Valentine, Internal Services Manager

### Executive Summary:

This request is to authorize the City Purchasing Division to sole source purchase 3,650 lineal feet of 18” diameter Fusible C-905 PVC plastic water pipe from Underground Solutions for the 2016 Waterline Replacement Project. Underground Solutions is the sole vendor and distributor in the USA of Fusible PVC pipe and also has a patent on Fusible PVC pipe.

### Background, Analysis and Options:

The City of Grand Junction is providing the engineering design, procurement and construction management for the 2016 Waterline Replacement Project. This waterline replacement project is located along the following sections of City streets:

- Orchard Avenue: 24<sup>th</sup> Street to 28 Road
- 28 Road: Orchard Avenue to North Avenue

The uniqueness of this waterline replacement project is that the City plans to use the existing 24” diameter steel waterline currently in Orchard Avenue and 28 Road as a conduit to house the proposed new 18” diameter Fusible C-905 PVC plastic water pipe. Sections of the existing 24” steel waterline were installed in 1959 and are 57 years old and nearing the end of its service life. In the past, this 24” steel waterline has been prone to break.

The advantages of installing the new 18” diameter water pipe within the existing 24” diameter steel pipe are:

- Cost savings (minimal asphalt patching and trenching costs)
- Construction timeline is anticipated to be shorter than typical installation methods
- Less disruptive impact to adjacent residents and businesses

- Reliability (long, continuous sections of 18” pipe with minimal pipe joint connections)
- Help keep new waterline separated from other existing underground utilities by staying in the same alignment as the current waterline

A City water modeling study completed by Black and Veatch in 2009, analyzed the City’s water distribution system and determined that the existing 24” steel waterline is unnecessarily oversized for the service area it serves. The modeling recommended the City reduce the size of the waterline to an 18” diameter pipe. Reducing the waterline size to 18” diameter will result in continuing to meet the service areas demands, fire flow requirements, and improve water quality.

In order for the new 18” diameter pipe to fit inside the existing 24” diameter steel pipe, the 18” pipe needs to be free of large bell/spigot type joints and restrained pipe joints. The solution is using Fusible PVC pipe where the pipe joints are fused together to form long continuous sections of pipe with no bulging pipe joints. The fused pipe will be hydraulically pulled through the existing 24” pipe.

The City Engineering Division has been working with Underground Solutions on design and cost estimates with using Fusible PVC on this project. Fusible PVC pipe has the same dimensions as standard PVC pipe the City uses within the water distribution system. As a result, any repairs and/or modifications made in the future will use standard dimension PVC fittings which the City keeps inventory on. The 2016 Waterline Replacement Project is scheduled to begin March 28, 2016 with an expected completion date of May 27, 2016. Construction will take place during the daytime hours.

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

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

The City of Grand Junction has the responsibility of providing safe and reliable domestic water service to the citizens and businesses of Grand Junction. As a result of yearly replacements of old City waterlines that are prone to corrosion and breaks with new PVC waterline pipe; the City will have a waterline infrastructure that is reliable; delivering safe and clean water for many years to come.

**How this item relates to the Economic Development Plan:**

*Infrastructure:* This project promotes the proactive nature the City maintains on replacing existing City infrastructure that is at or near the end of its service life. Being proactive in replacing old infrastructure helps ensure that the customers have reliable high quality water service with minimal disruptions due to waterline maintenance and breaks.

*Providing infrastructure that fosters and supports private investment:* This particular waterline replacement project is located within a fully developed area of Grand Junction. Nonetheless, the City needs to continue maintaining reliable water

distribution system infrastructure that provides clean domestic water to ensure private investment is continued.

**Board or Committee Recommendation:**

No Board or Committee Recommendation.

**Financial Impact/Budget:**

**Water Line Replacement Budget**

**\$762,450**

**Project Costs**

<i>Underground Solutions 18" Fusible PVC Pipe -</i>	<b>\$205,155</b>
Other Project Materials -	20,000
City Const. Inspection and Contract Admin. (Estimate)	<u>15,000</u>
Total Project Costs	<b>\$240,155</b>

**Remaining Water Line Replacement Budget**

**\$522,295**

**Legal issues:**

All waterline work is being completed within existing City Right-of-Way.

**Other issues:**

No other issues.

**Previously presented or discussed:**

This project was previously planned for construction in 2015. However, the City Engineering Division decided after the 2015 mandatory pre-bid meeting to postpone the project until 2016. The reason for postponing the project to 2016 was that only one bidder showed up to the mandatory pre-bid meeting. With the lack of bidders, getting a fair competitive bid was thought to be unlikely.

**Attachments:**

No attachments.



## CITY COUNCIL AGENDA ITEM

Date: January 21, 2016  
 Author: Debbie Kovalik  
 Title/ Phone Ext: CVS Director, Ext. 4052  
 Proposed Schedule: February 3, 2016  
 2nd Reading (if applicable):     
 File # (if applicable):   

<b>Subject:</b> Amending Provisions for Avalon Theatre Naming Rights
<b>Action Requested/Recommendation:</b> Adopt Proposed Resolution Amending the Monetary and Term Levels for Naming Opportunities for the Theatre
<b>Presenter(s) Name &amp; Title:</b> Debbie Kovalik, Convention and Visitor Services Director

### Executive Summary:

This request is to review and approve the amended monetary and term levels for naming rights at the Avalon Theatre as stated in Resolution No. 68-13.

### Background, Analysis and Options:

The Avalon Theatre Foundation was organized for the purpose of supporting the development of the Avalon Theatre through fundraising and the solicitation of financial commitments for the project. At the June 19, 2013 City Council meeting, the City Council directed that the City move forward with the \$7.6 million Option B Avalon Theatre renovation with additional direction to pursue other funding for the project.

City Staff and the Avalon Theatre Foundation Naming Rights Committee researched the parameters of selling naming rights. Colorado Mesa University prepared a study for purposes of exploring naming rights at the University and graciously shared their study with the committee. The CMU study defines the levels of sponsorships that CMU currently receives as well as, the feasibility for potential giving and methodologies to determine the values for naming rights at different levels. CMU’s study shows an average donation in the \$200,000 range. Members of the Naming Rights Committee also reached out for additional information from St. Mary’s Hospital, Hope West of Western Colorado, Western Colorado Community Foundation, and Community Hospital Foundation. In all cases, the Committee’s recommended dollar amounts for naming rights at the Avalon Theatre are supported by the research.

City Staff and members of the Avalon Theatre Foundation presented their recommendations to City Council at a workshop on October 28, 2013. Council reviewed the recommendations and requested that it be forwarded for formal consideration at the November 6, 2013 City Council meeting. On November 6, 2013, City Council adopted

Resolution No. 68-13, A Resolution Authorizing the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre. The Resolution states that the City will be properly notified of any expressions of interest in the purchase of rights.

At the July 6, 2015 workshop, the Avalon Theatre Foundation Board provided information regarding the two major sponsors who had expressed interest in the purchase of naming rights for the Mezzanine Lobby and Main Lobby of the Avalon Theatre. The requestors qualified based on the general terms stated in Resolution No. 68-13 (attached). Some of the Councilmembers had questions related to the notification of naming rights. The Foundation Board defined the limited number of donors at \$30,000 and above, most of whom have not asked for naming rights. They spoke with the two major donors that were discussed at the July 6<sup>th</sup> meeting and updated Council with this information.

At the August 17, 2015 workshop, Council considered approving three requests from donors for the purchasing of naming rights and determined that the minimum term for these requests would be 15 years. Council also reviewed the general terms and funding levels as stated in Resolution No. 68-13 and requested that the Naming Rights Committee research other entities with similar naming rights and amend the Resolution to include appropriate monetary and term levels.

The Naming Rights Committee met and reviewed the CMU study as well as information received from the community foundations listed above. Committee members spoke with potential donors about their perceived funding amounts. In addition, Committee members who are involved with other organizations, such as the Grand Junction Symphony, shared their fund raising activities so as to better understand funding levels. With this information, the Naming Rights Committee amended the monetary levels that were approved in the original resolution. In addition, term levels have been added.

The Avalon Theatre Foundation will use the proceeds from the naming rights towards the purchase of soft cost items that were not completed during Phase I of the construction project. Some of these items include a digital projector, retractable stadium seating, and a hearing loop system for the Multi-Purpose room (Encore Hall), a marque sign, a ticketing system, point of sale and LCD menu boards for the concession areas, and follow spotlights. A complete list is attached.

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

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

The Avalon Theatre renovation project represents a long-standing objective to leverage an iconic historic property as a fuller functioning performing arts facility expanding the entertainment uses in Downtown Grand Junction and further anchoring the east end of Main Street.

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

A. Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

**How this item relates to the Economic Development Plan:**

*Investing in and Developing Public Amenities.* The selling of Naming Rights of the Avalon Theatre supports the investment in and development of the Avalon Theatre. As a public amenity, the Avalon Theatre promotes our community as an attractive place to live and may serve to attract new and retain existing businesses.

**Board or Committee Recommendation:**

The Avalon Theatre Foundation Board of Directors recommends approval of the amended monetary and term levels of naming rights included in the amended resolution.

**Financial Impact/Budget:**

The amended funding and term levels as proposed in the amended resolution will be more in line with other Naming Rights Programs and will allow the Avalon Theatre Foundation to pursue additional opportunities to cover the costs of the remaining items in Phase I of the project.

**Legal issues:**

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

**Other issues:**

There are no other issues.

**Previously presented or discussed:**

This topic was initially discussed at the July 6, 2015 and August 17, 2015 City Council workshops.

**Attachments:**

Resolution No. 68-13 – A Resolution Authorizing the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre  
Proposed Resolution Amending Provisions in Resolution No. 68-13  
Avalon – Phase I Elements not completed



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. 68-13**

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF THE NAMING AND SPONSORSHIP RIGHTS FOR THE AVALON THEATRE**

RECITALS.

At the June 19, 2013 City Council meeting, the City Council directed that the City move forward with the \$7.6 million Option B Avalon renovation with additional direction to pursue other funding for the project. The City staff and the Avalon Theatre Foundation (ATF) have been exploring, pursuing and securing other funding sources as directed by the City Council. Those sources of funding have included but are not limited to grants, private and public philanthropy and the sale of naming and sponsorship rights of and for the Theatre. Subsequent to that direction the ATF, the DDA Executive Director and City staff has researched the parameters of selling naming rights.

On October 28, 2013 the City Council reviewed the research and recommendations and asked that the question be forwarded to the Council for formal consideration. Consistent with that direction this resolution focuses the fund raising effort on the possible sale of naming and sponsorship by authorizing the same on the conditions stated herein.

The ATF was organized for the purpose of supporting the development of the Avalon through fund raising and the solicitation of financial commitments for the project. As part of the on-going campaign for the project and as an element of that work the ATF is by and with this resolution specifically authorized to offer the sale of naming rights.

Furthermore, because the funding of the project is a cooperative venture by and between the City, the DDA and the ATF, the DDA is authorized to when and if appropriate, provide notice to possible purchasers that the naming rights are available and as proper notify the ATF and/or the City of any expressions of interest in the purchase of rights.

Additionally, the City does authorize and direct the City Manager or his designee to publically offer the sale of naming rights including but not limited to the issuance of a Request for Proposal(s) RFP.

The foregoing authorization and direction is specifically conditioned on the final decision on the terms of sale, if any, being determined by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the offering for sale of the naming and sponsorship rights for the Avalon Theatre in accordance with and pursuant to the recitals stated above and the general terms stated below:

- 1) Cash purchasers/contributors will get first right and consideration;

- 2) Current donors will receive recognition on the donor wall in the Main lobby; those persons and/or entities may secure naming rights for additional contributions;
- 3) “Avalon” or “the Avalon” shall be included in the name/naming/rights/sponsorship in perpetuity;
- 4) All offers to buy/sell or other proposals to sell naming or sponsorship rights received by the ATF, City or DDA will require formal approval by the City Council and a legally binding contract specific to the transaction will be developed;
- 5) The presumed value of naming rights will be derived in accordance with the following table. The term and element(s) of the building or project will be negotiated. Some elements have more than one naming opportunity and where available those shall be separately offered.

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Major building components for which naming/sponsorship rights may be purchased:

Avalon Performing Arts Complex	The City shall issue a Request for Proposal
Historical Theatre Building	The City shall issue a Request for Proposal
The Multi-Purpose Room	\$600,000 to \$1 Million
The Rooftop Terrace	\$500,000 to \$750,000
Lobby – Main Floor	\$200,000 to \$500,000
Lobby – Mezzanine	\$100,000 to \$200,000
Orchestra – Main Floor	\$100,000 to \$250,000
Mezzanine	\$100,000 to \$250,000
Balcony	\$100,000 to \$250,000
Elevator	\$50,000 to \$75,000
Hearing Loop	\$30,000 to \$50,000
Concessions	\$50,000 to \$100,000

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Dated this 6<sup>th</sup> day of November 2013.

/s/ Sam Susuras  
President of the Council

ATTEST:

/s/ Stephanie Tuin  
City Clerk

## Avalon - Phase I Elements not completed

		2/26/2013	2015 Cost Estimate	
Soft Cost Items				5% annual inflation for soft cost items
- Concessions point of sale	\$	27,000	\$	29,768
- Concessions LCD menu boards - 6 boards	\$	15,000	\$	16,538
- Follow Spotlights - (2)	\$	13,000	\$	14,333
- Tables/chairs/pipe&drape - 150 people	\$	16,750	\$	18,467
- Monitors 5 x 1000	\$	5,000	\$	5,513
- Ticketing system	\$	20,000	\$	22,050
- Multi-purpose room / Digital Projector - based on 2014 estimate from local supplier			\$	35,000
- Retractable Stadium Seating for Multipurpose Room (from 2012 - Design Development Estimate)			\$	84,507 Inflated 3 years to 2015 (orig \$73,000)
- Marquee Sign			\$	60,000
<b>Total Soft Costs items remaining</b>			<b>\$</b>	<b>286,174</b>

Alternates from Original Bid		2013 FCI	2015 Budget	
				15% annual inflation for construction items
1. Company Switch	\$	10,000	\$	13,225
2. Donor Wall	\$	26,000	\$	34,385
3. Owner occupied site (deleted)		Completed		N/A
4A. Duct Liner at Multipurpose Room		Completed		N/A
4B. Fabric-wrapped panels at Multipurpose Room	\$	36,000	\$	47,610
5. Fabric Scrim at Multipurpose Room	\$	51,000	\$	67,448
6. Angled Walls at Multipurpose Room	\$	2,000	\$	2,645
7. Main Theater Hearing Loop System		Completed		N/A
8. Multipurpose Room Hearing Loop System	\$	11,000	\$	14,548
9. Wood Bench on Mezzanine (deleted)		Deleted		N/A
10. Metal Bar Grating Panel Ceiling at Upper Mezzanine		Alt design developed/completed		N/A
11. Infill West and East Doors of Auditorium		Completed		N/A
12. Gypsum Board Enclosure at New Catwalk		Deleted		N/A
13. Rooftop Screen Wall		Completed		N/A
14. Tile Flooring at Mezzanine Lobby 200.		Deleted		N/A
15. Platforms at Upper Mezzanine 219	\$	15,000	\$	19,838
16A. Fixed Seating Upgrades		Completed		N/A
16B. Auditorium Side Wall Paneling		Deleted		N/A
17. Roof Terrace Steel Canopy	\$	41,000	\$	70,000
18. Entry Doors at Vestibule and Lobby		Completed		N/A
19. Door 106 at Multipurpose Room		Alternative		N/A
20. Aluminum Feeders		Completed		N/A
21. Duct Velocity Increase		Completed		N/A
22. Expand Carpet at Upper and Lower Mezzanine in Audience Chamber		Completed		N/A
23. Expand Carpet Tile at Lobbies 102 and 200.		Completed		N/A
24. Painted Gyp Board Wall at Lobbies 102 and 200.		Completed		N/A
25. Painted Gyp Board Ceiling at Lobby 200.		Completed		N/A
26. Stainless Steel Cable Rail System		Deleted		N/A
27. Shell space at Upper Mezzanine of Addition		Deleted		N/A
<b>Total Alternates Remaining</b>			<b>\$</b>	<b>269,698</b>

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_ - 16**

**A RESOLUTION AMENDING RESOLUTION NO. 68-13 WHICH AUTHORIZED THE OFFERING FOR SALE OF THE NAMING AND SPONSORSHIP RIGHTS FOR THE AVALON THEATRE**

RECITALS.

At the June 19, 2013 City Council meeting, the City Council directed that the City move forward with the \$7.6 million Option B Avalon renovation with additional direction to pursue other funding for the project. The City Staff and the Avalon Theatre Foundation (ATF) have been exploring, pursuing and securing other funding sources as directed by the City Council. Those sources of funding have included but are not limited to grants, private and public philanthropy and the sale of naming and sponsorship rights of and for the Theatre. Subsequent to that direction the ATF, the DDA Executive Director and City staff has researched the parameters of selling naming rights.

On October 28, 2013 the City Council reviewed the research and recommendations and asked that the question be forwarded to the Council for formal consideration. Consistent with that direction this resolution focuses the fund raising effort on the possible sale of naming and sponsorship by authorizing the same on the conditions stated herein.

On November 6, 2013, the City Council adopted Resolution No. 68-13 which authorized the sale of naming and sponsorship rights.

On August 17, 2015, the City Council directed City Staff to make amendments to Resolution No. 68-13 adjusting the sponsorship levels and specifying the term of naming and sponsorship rights.

The ATF was organized for the purpose of supporting the development of the Avalon through fund raising and the solicitation of financial commitments for the project. As part of the on-going campaign for the project and as an element of that work the ATF is by and with this resolution specifically authorized to offer the sale of naming rights.

Furthermore, because the funding of the project is a cooperative venture by and between the City, the DDA and the ATF, the DDA is authorized to when and if appropriate, provide notice to possible purchasers that the naming rights are available and as proper notify the ATF and/or the City of any expressions of interest in the purchase of rights.

Additionally, the City does authorize and direct the City Manager or his designee to publically offer the sale of naming rights including but not limited to the issuance of a Request for Proposal(s) RFP.

The foregoing authorization and direction is specifically conditioned on the final decision on the terms of sale, if any, being determined by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the offering for sale of the naming and sponsorship rights for the Avalon Theatre in accordance with and pursuant to the recitals stated above and the general terms stated below:

- 1) Cash purchasers/contributors will get first right and consideration;
- 2) Donations made prior to this Resolution will receive recognition on the donor wall in the lobby; those persons and/or entities may secure naming rights for additional contributions in accordance with the following schedule;
- 3) "Avalon" or "the Avalon" shall be included in the name/naming/rights/sponsorship in perpetuity;
- 4) All offers to buy/sell or other proposals to sell naming or sponsorship rights received by the ATF, City or DDA will require formal approval by the City Council and a legally binding contract specific to the transaction will be developed;
- 5) The presumed value of naming rights will be derived in accordance with the following schedule; the term and specific element(s) of the right(s) will be negotiated. Some components have more than one naming opportunity and where available those shall be separately offered.

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Major building components for which naming/sponsorship rights may be purchased:

Avalon Performing Arts Complex	The City shall issue a Request for Proposal	
Historical Theatre Building	The City shall issue a Request for Proposal	
Encore Hall	\$350,000 to \$500,000	Term: 15 – 25 years
The Rooftop Terrace	\$350,000 to \$500,000	Term: 15 – 25 years
East Lobby Main Floor	\$100,000 to \$250,000	Term: 15 – 25 years
West Lobby Main Floor	\$100,000 to \$250,000	Term: 15 – 25 years
Lobby – Mezzanine	\$100,000 to \$250,000	Term: 15 – 25 years
Orchestra – Main Floor	\$100,000 to \$200,000	Term: 15 – 25 years
Mezzanine –Main Theatre	\$100,000 to \$200,000	Term: 15 – 25 years

Balcony –Main Theatre

\$75,000 to \$200,000

Term: 15 – 25 years

Dated this \_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

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

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

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: FEB 3 2016

Citizen's Name: Bruce L. Lemoine

Address: 536 BARK

Phone Number: \_\_\_\_\_

Subject: "Citizens Comments"

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



CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 02/03/16

Citizen's Name: Richard Swingle

Address: 443 Mediterranean Way  
Grand Junction, CO 81507-4525

Phone Number: \_\_\_\_\_

Subject: SB16-067 Financial Impact to 65

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

# City of Grand Junction City Council Meeting February 3, 2016

## SB 16-067 Financial Impact to GJ

Prepared by: Richard Swingle

## SB 16-067 Financial Impact to GJ SB 16-067 Overview

- Creates a property tax exemption for any locally assessed personal property that:
  - A Broadband provider acquires on or after January 1, 2016
  - Is directly used by the broadband provider or any other person to provide broadband service
  - "any personal property, such as electronics, equipment, transmission facilities, and fiber optic or copper cables ... is exempt from levy and collection of property tax."
  - "Broadband service means any communications ... voice, data, graphics ... at speeds of at least 10 Megabits per second for download and 1 Megabit upload"
  - Century Link is primary proponent

## SB 16-067 Financial Impact to GJ SB 05-152 Overview

- Colorado Senate Bill 05-152 was passed in 2005
- SB 05-152 prevents the state's municipalities from creating their own broadband networks without a local election being held for an exemption
- Comcast and Quest (Century Link) primary proponents
- Grand Junction voters overwhelmingly approved (71%) SB 05-152 exemption, April 7, 2015

Grand Junction City Council--November 4, 2015

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## SB 16-067 Financial Impact to GJ Broadband defined

- Federal Communications Commission – January 29, 2015
  - “Updates broadband speed benchmark to 25Mbps download and 3Mbps upload”
- Only Charter via coaxial (coax) delivers broadband (25Mb+) in the City of Grand Junction
- SB 16-067 requires minimum of 10Mbps download and 1Mbps upload

Grand Junction City Council--November 4, 2015

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## **SB 16-067 Financial Impact to GJ** Request for analysis

Request that the City of Grand Junction analyze the financial impact if SB 16-067 becomes law?



CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 2/3/16

Citizen's Name: John Miller

Address: 1885 Venetian Dr.

Phone Number:           

Subject: neighborhood concern - request of Council

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

Remarks prepared for Grand Junction City Council meeting      February 3, 2016

Last summer, Grand Junction residents in The Knolls, Tuscany Village, and Crest View became aware of a proposed land use change for a property located in the middle of our residential neighborhoods. The application was made by The Daisy Center owner Jenny Brinton, who wants to change a residence currently zoned "Duplex/Triplex" into a Large Group Home for 16 "at-risk" girls. Several neighbors decided to hire licensed Land Planner Jeffery Fleming and attorney Dan Wilson to investigate. The result was a compilation of 200+ pages of letters and emails, reports, crime statistics, photos, and related documents that were delivered to the City Planning Department. These documents revealed numerous "Zoning and Development" Code violations, as well as an incomplete Daisy Center application. More than 150 neighbors signed petitions opposed to the application. An overwhelming majority of the individuals who were contacted in the three neighborhoods signed the petitions.

The reason I am here tonight is because the Planning Department recently recommended the approval of the Daisy Center's application. Director Greg Moberg has ignored the City "Zoning and Development" Code requirements for a Large Group Home, insisting the Daisy Center is "just a residence." But this for-profit, Limited Liability Corporation will be operating Daisy as a business, not a residence. No one will permanently live at the Center. The only people who will be at this address are paid employees and the "at-risk" girls.

Director Moberg's decision also has ominous implications in regard to fire safety regulations and security issues for both the "at-risk" girls and the surrounding neighbors. The Daisy Center plans to house 16 "at-risk" girls in an old duplex, with no fire sprinkler protection or camera security system, very limited outdoor lighting and fencing, etc., etc. There are just too many problems to mention.

The Daisy Center will not merely house local girls. Daisy will be allowed to recruit girls statewide for their facility, and "at-risk" girls could even come from Denver gang members.

In late December, 43 concerned opponents of the Daisy Center application filed an appeal of Director Moberg's decision, and that appeal will be heard next week by the Planning Commission. We have learned, however, that the Planning Commissioners were supplied with pro-Daisy material, but only a small amount of the more than 200 pages of documents previously submitted by the opponents. After attorney Dan Wilson intervened, Senior Planner Senta Costello added a limited amount of our material, but there are still no signed petitions, photos, crime reports, or any of our written "letters of concern." Senta Costello also emailed that none of the petitioners will be allowed to speak at the Planning Commission hearing. How can a hearing be held to determine fairness and proper City Code procedures, if we can't speak or present evidence?

To conclude, I am asking City Councilors to let opponents speak at the appeal, and please examine for yourselves Jeffery Fleming's highly detailed analysis of the Zoning and Development Code violations in his September and December letters to the Planning Department.

Thank you,      John W. Miller      [jwmiller14@charter.net](mailto:jwmiller14@charter.net)

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 2-3-16

Citizen's Name: SETH WATKINS

Address: 570 DAWN COURT #4 GRAND JUNCTION, CO 81501

Phone Number: \_\_\_\_\_

Subject: LGBT RIGHTS, HIV/AIDS, MENTAL HEALTH, RECOVERY

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



SETH WATKINS

Your Honorable Mayor and Esteemed City Council Members, Good Evening. My name's Seth Watkins and I was born and raised in Grand Junction and I'm a gay HIV+ man in Recovery and I'm living with Mental Illness. I came out in 1995 when I was 17 at Palisade High School and then I went into the Army and was discharged for being gay. I left Grand Junction to see the world and to escape. I wound up in San Francisco for 18 years and contracted HIV when I was 23. I've been living with HIV for 15 years. My dream was to find a man and get married. I can do that now in Grand Junction. I came home after a horrible relapse on crystal meth after having 6 years Clean. I overdosed and ended up in the hospital where not even a Nurse would hold my hand while I was dying. Most of my family lives in the Valley and could never come to me, so I came to them and got Clean again.

I arrived back in Grand Junction in December of 2015 homeless and without care. I found and became a client of Western Colorado AIDS Project and St. Mary's Family Clinic with Dr. Amy Davis. For my Mental Health care I went through an intake with Mind Springs and am waiting 6 weeks to see a Psychiatrist. A long time to go without a Mental Health Provider, but they referred me out to Behavioral Clinical Services with Carl Willoughby who has over 40 years providing Counseling services and 20 years with CMU. Carl has been an awesome provider with my Medicare and is helping me start a HIV+ support group called MBrace starting in March of 2016 because none exists on the Western Slope. Last year WestCAP saw 250 clients from the Western Slope, 50 new HIV cases and St. Mary's provided services to over 1700 clients from all over the Western Slope because Amy Davis is the only HIV Specialist in over 100 miles. This has got to change. We need more services for people living with HIV. We need an HIV Prevention Planning Council and Care Council to head up efforts to get to 0 new HIV Infections by 2030 in Grand Junction.

Also the LGBT community has been putting on Western Colorado PRIDE for 4 years now and last year Council Member Kennedy was the Grand Marshall. Thank you Councilman Kennedy. I've been told that other Members were invited, but have never shown up to these events and so we don't feel represented by our elected officials. I'm asking you to issue a Proclamation in May 2016 honoring PRIDE in Grand Junction and to attend the Parade and Family Activities. I'm asking you to let the local LGBT to form a volunteer LGBT Task Force to advise this body on our local LGBT issues and that you hear us. That you see us! We're here. We're law-abiding citizens and we work and live in Grand Junction. We bring economic growth and a tourism campaign should be created to put Grand Junction on the MAP with the Human Rights Campaign Municipal Equality Index where we'll finally be listed and acknowledged. Grand Junction is a beautiful City and the largest Municipality between 2 State Capitals. Salt Lake City and Denver. The LGBT Community spends money. Why not bring that to our fair City to boost the economy?



SETH WATKINS

I'm also heavily involved in Recovery here in Grand Junction and do a lot of Service to our Recovery Fellowships. Our way of life has been working for over 8 decades and we're Anonymous for a reason. However, people are dying here from Overdoses and costing the City a lot of money. The only Needle Exchange site in the Valley is WestCAP and Congress recently relaxed restrictions in 2015 on Needle Exchange Programs. Police Officers and Paramedics should be trained and equipped with Narcan to save lives. Recovery Programs should be allowed into the jails to bring Recovery to those suffering who may be rehabilitated and become outstanding citizens within our Community instead of going to Prison. There should be more Recovery Programs in Grand Junction that are affordable and a tax credit should be issued to encourage organizations to open up and operate Sober Living Houses in the City for Alcoholics and Addicts who finish a 90-day Program so they can continue to live and stay Clean. Those efforts should be encouraged and outstanding programs should be recognized for saving and rehabilitating lives and reuniting families.

If you'll take the time to hear us and show up at our events, that would go a long way in building our support. On February 12, 2016 from 7-10pm we'll be having a Rainbow Prom at the Mesa Theater. It would be nice if you at least made an appearance. I'll email you the flyer.

Thank you for listening.