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**CITY COUNCIL AGENDA
WEDNESDAY, JANUARY 3, 2018
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamation

Proclaiming January 15, 2018 as "Martin Luther King, Jr. Day" in the City of Grand Junction

Citizen Comments

Council Reports

Consent Agenda

1. Approval of Minutes

- a. Summary of the December 18, 2017 Workshop
- b. Minutes of the December 20, 2017 Executive Session
- c. Minutes of the December 20, 2017 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of Ordinance Amending Ordinance 4772 Concerning the Downtown Development Authority Tax Increment Debt Financing and Setting a Public Hearing for January 17, 2018
- b. Quasi-judicial

- i. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Taurus Park Plaza Annexation of 40.414 Acres, Located at 789 23 Road, and Setting a Hearing for February 7, 2018
- ii. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Adams Annexation, Approximately 13.159 Acres Located South of B $\frac{1}{4}$ Road, west of 27 $\frac{1}{2}$ Road and just west of the County Fairgrounds, and Setting a Hearing for February 21, 2018

3. Resolutions

- a. Resolution Authorizing the City Manager to Submit a Grant Request to Great Outdoors Colorado (GOCO) for the School Yard Initiative grant program for Mesa View Elementary School
- b. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2018 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Regular Agenda

If any item is removed from the Consent Agenda, it will be heard here

4. Public Hearings

- a. Legislative
 - i. An Ordinance Amending Chapter 2 of the Grand Junction Municipal Code Concerning Fees, Costs and Surcharges in Municipal Court
 - ii. An Ordinance Amending Various Sections of the Zoning and Development Code Regarding Administration and Procedures, Setbacks, Cluster Development, Fences and Flood Damage Prevention
- b. Quasi-judicial

- i. An Ordinance Rezoning Property Located at 2802 Patterson Road from R-4 (Residential, 4 DU/AC) to MXOC (Mixed Use Opportunity Corridor)
- ii. An Ordinance Vacating the East-West Alley right-of-way of Block 123 of the original city plat between 2nd and 3rd Streets and between Colorado Avenue and Ute Avenue
- iii. A Resolution to amend the Comprehensive Plan Future Land Use Map from "Neighborhood Center Mixed Use" to "BPMP (Business Park Mixed Use)" and an Ordinance Zoning Properties to I-O (Industrial/Office Park), Located at 2202 and 2202 ½ H Road

5. Other Action Item

- a. Change in Use Incentive Grant Request in the Amount of \$2,746.21 from Thai Number Nine, LLC, Located at 539 N. 1st Street

6. Non-Scheduled Citizens & Visitors

7. Other Business

8. Adjournment



Grand Junction City Council

Regular Session

Item #

Meeting Date: January 3, 2018

Presented By: City Council

Department: City Clerk

Submitted By: Wanda Winkelmann, City Clerk

Information

SUBJECT:

Proclaiming January 15, 2018 as "Martin Luther King, Jr. Day" in the City of Grand Junction

RECOMMENDATION:

Read and present proclamation.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

1. Proclamation - MLK Day

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, that all people, regardless of the color of their skin, the persuasion of their theology, or the level of their intelligence, were built by one Creator with one blood, designed and fashioned to live on one earth with one another; and

WHEREAS, Martin Luther King, Jr. was a minister who dedicated his life for this purpose so we may, as Americans, truly live out the Declaration of Independence as we hold these truths to be self-evident, that all people are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; and

WHEREAS, the third Monday of each January be acknowledged as Martin Luther King, Jr. Day in Grand Junction, not as a city holiday but as a day to acknowledge a great American who awakened a nation's conscience to not judge a person by the color of their skin but by the content of their heart; and

WHEREAS, in cooperation with the City of Grand Junction, the Avalon Theatre will commemorate Martin Luther King, Jr. Day by showing the movies Hidden Figures and Selma on January 13th.

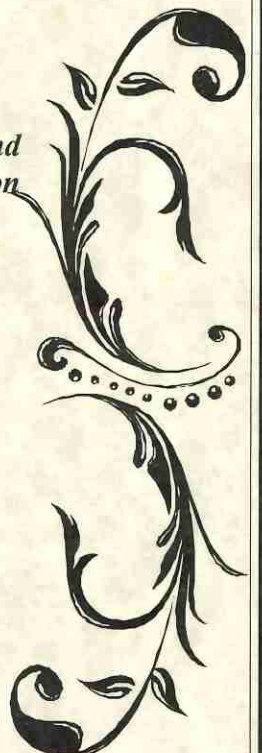
NOW, THEREFORE, I, J. Merrick Taggart, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim January 15, 2018 as

"MARTIN LUTHER KING, JR DAY"

in the City of Grand Junction and encourage the citizens of Grand Junction to observe this day with appropriate activities and programs that honor the memory and legacy of Dr. King.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 3rd day of January, 2018.

Mayor



GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

December 18, 2017 – Noticed Agenda Attached

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 7:06 p.m.

City Council Members present: Councilmembers McArthur, Norris, Traylor Smith, Wortmann, and Mayor Pro Tem Boeschstein.

Staff present: Caton, Shaver, LeBlanc, Romero, Watkins, Nordine, Hazelhurst, Williams, Valentine, and Winkelmann.

Mayor Pro Tem Boeschstein called the meeting to order.

Agenda Topic 1. Discussion Topics

Fire and Police Pension Association of Colorado (FPPA) Presentation on Defined Benefit Pension Plan for Sworn Fire and Police Employees

City Manager Caton introduced the item. Fire and Police employees are currently in the City's money purchase retirement plan administered through the International City Manager's Association Retirement Corporation (ICMA-RC). Fire and Police Department employees have expressed an interest in evaluating retirement options provided by FPPA.

Chief Watkins noted the purposes of tonight's Workshop are to review the request to evaluate retirement options and receive direction from City Council. He noted that the primary motives to evaluate the FPPA Partial Entry plan are:

1. Existing employees can have a choice between one of three FPPA plans or elect to stay in the current ICMA-RC plan;
2. a number of employees believe that the FPPA plan better represents the interest of public safety employees over the City's retirement plan; and
3. a defined benefit plan may help in recruiting and retention of public safety employees.

Field Education and Outreach Managers from FPPA Beth Hemenway and Phil Borgman were present for this discussion. The Fire and Police Pension Association (FPPA) was established January 1, 1980, and administers a statewide multiple employer public employee retirement system, providing defined benefit plan coverage for firefighters and police officers throughout the State of Colorado. At this time, FPPA is permitting employers to partially affiliate where existing firefighters and police officers individually choose to either: remain covered by their local employer's money purchase pension plan or join the FPPA system.

Ms. Hemenway reviewed the differences between FPPA and the Public Employees' Retirement Association (PERA) defined benefit plan. With FPPA, adjustments are ad hoc (not fixed or guaranteed), and the Board of Directors must approve adjustments. The FPPA is highly regarded by the Pension Reform Commission.

Ms. Hemenway provided the following reasons for joining FPPA:

1. FPPA offers a stable, well designed system.
2. Secure and sound pension system.
3. High satisfaction reported by current members.
4. Secure retirement for members.
5. Affordable and valuable plan options.
6. Well-funded defined benefit plans.
7. Statutory safeguards.
8. Helps with retention and succession planning.
9. Defined benefit income supports local economies.

Three alternative plans are available upon affiliation for current employees (sworn personnel only): 1) Statewide Defined Benefit Plan; 2) Statewide Hybrid Plan consisting of both a defined benefit and defined contribution component; and 3) Statewide Hybrid Plan with only a defined contribution plan component. The selection of one of these plans is irrevocable once an election is made.

Ms. Hemenway reviewed 29 statewide departments (police and fire) that have re-entered FPPA programs since 2004.

Discussion ensued about possible next steps, which include:

- Submittal of a non-binding resolution approved by City Council as pension plan provider requesting coverage under FPPA. This begins the conversion planning process where education and individual sessions are provided by FPPA.
- General education sessions are provided by FPPA to eligible employees.
- Completion of individual pension comparisons by FPPA for each employee.
- Final approval by City Council to affiliate and file certification of compliance. Once the certification of compliance is approved by the City, the remaining necessary steps must be completed to affiliate with FPPA.

Ms. Hemenway responded to questions regarding the governance of FPPA and the desire to have a representative from the Western Slope on the board. Board members are appointed by the Governor and confirmed by the Senate.

Discussion ensued about the need for comprehensive retirement planning to ensure retirees have adequate income into their 70's, 80's and 90's. Retirement counseling is offered through Fidelity and all individuals can visit the IRS website to learn about their benefits through social security.

Mr. Borgman stated that FPPA's administration fees are approximately one percent, which is much lower than other plans.

Ms. Hemenway reviewed the safeguards built into the plan if it was determined that the plan was unsound from an actuarial perspective:

1. Review any plan enhancements to determine their impact on the plan's solvency.
2. Increase normal retirement age.
3. Base Supplemental Retirement Accounts (SRAs) could be rolled back.

Council expressed support for the non-binding resolution to be considered in January.

Agenda Topic 2. Next Workshop Topic

Next Workshop Topics February 5, 2018:

- a. Jarvis Property Update
- b. Connect Initiative

The Council took a break at 6:54 p.m. The Workshop resumed at 6:59 p.m.

Other Business

City Manager Caton stated City Attorney Shaver drafted a letter upon Mayor Taggart's request addressed to Senators Bennet and Gardner to state the City's position of support of the Dream Act of 2017. Councilmembers noted they will take time to review the letter.

Councilmember Norris attended the DDA meeting and discussed the annual EPIC Ride event. In 2018, it is estimated that 850 riders will participate.

It was reported that Enstrom Candies shipped about 70,000 orders this holiday season.

Councilmember McArthur reported the area is expected to grow by 60% by 2060.

Adjournment

With no further business the meeting was adjourned.



**GRAND JUNCTION CITY COUNCIL
MONDAY, DECEMBER 18, 2017**

**PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

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

1. Discussion Topics

- a. Fire and Police Pension Association of Colorado (FPPA) Presentation on Defined Benefit Pension Plan for Sworn Fire and Police Employees

2. Next Workshop Topics - February 5, 2018

- a. Jarvis Property Update
- b. Connect Initiative

3. Other Business

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

DECEMBER 20, 2017

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, December 20, 2017 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, Duke Wortmann, and Mayor Pro Tem Bennett Boeschstein.

Staff present for the Executive Session were City Manager Greg Caton, City Attorney John Shaver, and Community Development Director Tamra Allen.

Councilmember McArthur moved to go into Executive Session to discuss matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) and/or to discuss the purchase, acquisition, lease, transfer or sale of real property pursuant to C.R.S. 24-6-402(4)(a) of Colorado's Open Meetings Law all concerning real property for economic development prospect Sunshine Polishing Technology Inc. and will not be returning to open session. Councilmember Norris seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 5:01 p.m.

Mayor Pro Tem Boeschstein moved to adjourn. By unanimous Council affirmation the motion carried.

The meeting adjourned at 5:35 p.m.

Wanda Winkelmann
City Clerk

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

December 20, 2017

The City Council of the City of Grand Junction convened into regular session on the 20th day of December 2017 at 6:00 p.m. Those present were Councilmembers Phyllis Norris, Duncan McArthur, Barbara Traylor Smith, Duke Wortmann, and Council President Pro Tem Bennett Boeschstein. Councilmember Chris Kennedy and Council President Rick Taggart were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Wanda Winkelmann.

Council President Pro Tem Boeschstein called the meeting to order and led the Pledge of Alliance which was followed by the invocation by Sherry Cole, Global Heart Spiritual Center.

Appointment

Councilmember Wortmann moved to appoint Jeffery Fleming to the Riverfront Commission for a partial term ending July 2018. Councilmember Traylor Smith seconded. Motion carried unanimously.

Certificate of Appointments

To the Historic Preservation Board

Greg Gnesios was present to receive his certificate of appointment to the Historic Preservation Board. He thanked Council for his appointment and mentioned he spent most of his career in historic preservation.

To the Horizon Drive Association Business Improvement District Board

Fonda Delcamp was present to receive her certificate of appointment to the Horizon Drive Association Business Improvement District Board. She thanked Council for her appointment and looks forward to working on the Board.

To the Visit Grand Junction Board

Susan Kiger, Tammy Anderson, Elizabeth Hallgren, and Paul Petersen were present to receive their certificates of appointment to the Visit Grand Junction Board. They thanked Council for their appointments and all are looking forward to serving on the Board.

Citizens Comments

Bruce Lohmiller spoke on the recent bullying video involving two Grand Junction High School students and encouraged citizens to call 911 regarding violence reports and M-1 holds. He asked for assistance for Cindy Steele through night patrols. He spoke about sex education classes and how the district said they are lawful. He spoke about appropriate action for assault cases.

Council Reports

Councilmember Norris attended the Colorado Mesa University graduation that had 600 graduates in the ceremony, which included her grandson. It was a very nice presentation and she hopes the students will stay in Grand Junction.

Councilmember Traylor Smith said the Parks & Recreation Board had a long meeting regarding park opportunities and she looks forward to the outcomes.

Councilmember McArthur went to the Colorado Municipal League policy meeting in Denver on December 8th and discussed the legislative session that starts in January. On December 18th he attended the Chamber of Commerce quarterly luncheon which featured a speaker from the Leeds School of Business who gave a business outlook on 2018. On December 20th Councilmember McArthur attended a presentation by Senators Scott and Senator Donovan regarding the 811 location legislation and the amendments to adhere to federal statues to make it a one-call system.

Councilmember Wortmann attended the Chamber of Commerce's presentation regarding the Foreign Trade Zone.

Mayor Pro Tem Boeschstein attended the Regional Transportation meeting on December 18th, The Creative District meeting on December 13th, the Urban Trails Committee meeting on December 12th, the Museum of Western Colorado meeting on December 8th, the Historic Preservation Board meeting on December 5th, and Save the Bears Ears meeting on December 3rd.

Consent Agenda

Councilmember Wortmann moved to approve adoption of the Consent Agenda items #1 through #4. Councilmember Traylor Smith seconded. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the December 4, 2017 Workshop
- b. Minutes of the December 6, 2017 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. An Ordinance Amending Various Sections of the Zoning and Development Code Regarding Administration and Procedures, Setbacks, Cluster Development, Fences and Flood Damage Prevention and Set a Public Hearing for January 3, 2018
- b. Quasi-judicial
 - i. An Ordinance Rezoning Property Located at 2802 Patterson Road From R-4 (Residential, 4 DU/AC) to MXOC (Mixed Use Opportunity Corridor) and Set a Public Hearing for January 3, 2018
 - ii. An Ordinance Zoning Properties to I-O (Industrial/Office Park), Located at 2202 and 2202 ½ H Road, and Set a Public Hearing for January 3, 2018
 - iii. An Ordinance Vacating the East-West Alley Right-of-Way Between 2nd and 3rd Streets, South of Colorado Avenue, and Set a Public Hearing for January 3, 2018

3. Contracts

- a. Purchase of Three Medium-Duty Ambulance Vehicles from Braun Northwest
- b. Contracts for Visit Grand Junction Advertising Services and Website Development/Internet Marketing Services
- c. 2018 Agreement with Mesa County for Animal Control Services

4. Other Action Items

- a. Sole Source Purchase of a Portable X-Ray System

Regular Agenda**Public Hearing - An Ordinance Amending Chapter 12 of the Grand Junction Municipal Code Concerning Riverfront and Other Trail Regulations Concerning the Operation of Electrical Assisted Bicycles**

During a City Council workshop on June 5, 2017, this topic was discussed with members of the Riverfront Commission. The Commission stated that they continue to support the ban of motorized equipment on the Riverfront Trail, with the exception of ADA (Americans with Disabilities Act) compliant devices. They also stated that while they support the ban, they would not oppose the exception of E-bikes if the City chose to allow them.

Parks and Recreation Director Rob Schoeber said he hopes this change will enable more people to enjoy the trails. He briefly described the City's public trail systems and then described what E-bikes are, how they look, and the differences between E-bikes according to how they are legally classified.

Class I Electrical Assisted Bicycle - An electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

Class II Electrical Assisted Bicycle - An electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

Class III Electrical Assisted Bicycle – Provide assistance up to 28 mph

Mr. Shoeber said the discussion before City Council focused on Class I and II only. Great Outdoors Colorado (GOCO) also supports the ban, but allows municipalities to make their own decisions.

The proposed ordinance revision would continue to ban all OPDMDs (Other Power Driven Mobility Devices) on City trails with the exception of ADA approved devices, but would allow Class I and Class II E-bikes as they would be excluded from the definition of motorized devices.

Councilmember Traylor Smith asked if pedaling is necessary to go up to 20 mph on an E-bike. Mr. Schoeber said, in his experience, he had to pedal to engage the motor.

City Attorney Shaver said the legal requirement is that it be an assist, and not have a throttle.

Scott Manuppella, owner of Colorado Electric Bikes, explained that a Class I E-bike is a pedal assisted electric bike; it has to be pedaled for it to work because it is only

designed to provide help. A Class II E-Bike has a throttle, but still has to be pedaled and it can't go over 20 mph either. These are intended for more difficult trails where individuals need a little more assistance. Both Class I and Class II E-bikes can be used without the motor.

Councilmember Wortmann asked if they can go faster than 20 mph. Mr. Manuppella said no, the motor will shut off automatically over that speed. Councilmember Wortmann asked if this is a bike to get people riding. Mr. Manuppella said people would like to be more "green" and not use their cars as much while staying fit; this option provides them with something to fill this need. Councilmember Wortmann asked how long the engine charge will last. Mr. Manuppella said about 25 to 30 miles, although there are bikes that will last 100 miles. The E-Bikes have to be plugged in after they are utilized.

Mayor Pro Tem Boeschenstein asked which local governments allow E-bikes in the Grand Valley. Mr. Manuppella said the reason why the discussion was before Council was because not a lot of places have addressed the allowance of E-bikes. The State decided to deal with E-bikes by classifying them and then allowing local municipalities to decide.

Councilmember Traylor Smith asked what the most common age demographic is that buys E-bikes. Mr. Manuppella said there is a wide age range who buy them and for different reasons: baby boomers for health, younger generations for sport, and commuters to help get more cars off the road. Councilmember Traylor Smith asked if Mr. Manuppella rides one and if the E-bike riders are passing or having a different experience than non-motorized bike riders. He responded that he did ride an E-bike and in his opinion, there are no problems or conflicts with traditional bike riders and E-bike riders.

Councilmember McArthur asked if this is something seniors could use to ride trails. Mr. Manuppella said absolutely.

Councilmember Norris asked City Attorney Shaver if people can ride the E-Bikes legally on County roads and highways. City Attorney Shaver said they are not illegal since the State passed House Bill 17-1151, and therefore what the City of Grand Junction is proposing is to take away any questions relative to the use of E-Bikes. Councilmember Norris said other municipalities could said no. City Attorney Shaver said that was correct and clarified that previously GOCO would not grant funds if E-bikes were allowed, but that has changed. Councilmember Norris noted the Mayor's comments that E-Bikes allow his wife to ride with him because otherwise she would not be able to keep up with him as he is an avid bike rider. She likes this option because it allows many to ride the trails.

Mr. Schoeber noted the City has partnerships with the other four municipalities that are tied into the Riverfront Trail and most are moving forward in favor of E-bikes. Palisade is the exception.

The public hearing opened at 6:39 p.m.

Marion Brosig said E-Bikes changed her husband's life because he could not ride as far as she could, but with the assistance of the E-Bike he is able to ride longer and see more things which allows him better exercise.

Ryan Cranston, Ruby Canyon Cycles, said he supports E-Bikes because they help those with disabilities and couples to ride together. He pointed out that since last year his sales of E-bikes has tripled.

Diane Manuppella, co-owner of Colorado Electric Bikes, said she has heard so many stories from customers who ride them and are pleased with them. Many of them had preconceived misunderstandings, but once they rode them, they enjoyed them. She told of a woman in Palisade who has used one and lost over 100 pounds. She said the motor backup allows riders to challenge themselves and try more trails.

The public hearing closed at 6:43 p.m.

Mayor Pro Tem Boeschenstein said he is one of the people who started the Riverfront Commission. He called the President of the Audubon Society to see if they would allow E-Bikes on the Audubon Trail and they are opposed to it. He loves cycling and rides all over town because it keeps him healthy. He is concerned for the slower riders on the trails and is worried about possible conflicts. The Riverfront Commission and the Town of Palisade are in opposition. Mayor Pro Tem Boeschenstein feels that all in the valley should be on the same page and will therefore not support this item.

Councilmember McArthur used to ride bikes and said he sees this as a way for seniors to maintain an active lifestyle. Most will not go 20 mph, but rather will have the ability to get out. This will open the trails to all ages and abilities and for this reason he will support it.

Councilmember Norris moved to adopt Ordinance No. 4778 - An ordinance amending Chapter 12 of the Grand Junction Municipal Code concerning Riverfront and other trail regulations concerning the operation of electrical assisted bicycles on final passage and order publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion did not pass. Mayor Pro Tem Boeschenstein and Councilmember Wortmann voted NO.

Public Hearing - A Resolution Regarding the Las Colonias Park Plan of Development Amendment

In order to confirm the direction of the POD (Plan of Development) amendment, and to ensure that the public and the City Council has had every opportunity to understand the POD amendment and the general scope of the project under consideration for development, prior to the closing of the financing for the project, the

City Council is considering this resolution. If adopted, the resolution will affirm, confirm, and ratify the POD amendment and all actions taken in support of and conformance, including but not limited to the direction to the City staff to execute the financing agreements.

City Attorney Shaver introduced the item and Brandon Stam, Executive Director of the Downtown Development Authority and pointed out that the closing and financing was scheduled the next day.

Mr. Stam briefly stated the purpose of the Downtown Development Authority (DDA) and detailed Section V of the Plan of Development adopted in 1981:

- Prevent the decline of property values
- Prevent the deterioration of existing structures
- Promote the efficient and economical use of costly land
- Maintain an intensity of activity at a pedestrian scale
- Conserve the historical character of the City of Grand Junction
- Promote appropriate development
- Maximize the return on public investments made in the downtown over the year
- Prevent the social problems associated with declining commercial assets

He went on to explain that Section VII of the POD identifies public facilities and improvements that can be used to support and encourage private redevelopment activities. This includes a list of 18 projects of varying specificity. This amendment would add the Las Colonias Business and Recreation Park as a project under this section of the POD. The Las Colonias Business and Recreation Park will provide public improvements to the Riverfront Corridor and help spur private investment in the area which aligns with the goals and objectives of the POD. The Las Colonias Business Park will be added to page 38 of Section VII of the POD as project number 19.

Councilmember Norris said the DDA has really stepped up to finance this and the park would not be able to be completed this quickly without their support.

Councilmember Traylor Smith thanked the DDA for their creative and innovative ideas. She is very excited about the project.

Councilmember McArthur asked City Attorney Shaver about the agreement between the City and the DDA. City Attorney Shaver said it had been a function of the approved 2018 budget and annual appropriation.

The public hearing opened at 6:54 p.m.

Harry Griff, resident, has been heavily involved in the Las Colonias development for the last 20 years. He said he has concerns with current plan, but believes that anything is better than what is available now. He doesn't think this plan is the best use of the park. He spoke of the dog leg area in the far east end of park, where it is planned to place three irrigation ponds and will have the same water as Butterfly Lake. These ponds will not be swimmable, but able to be used for paddle boarding. Mr. Griff asked if this development of the Butterfly Lake is the best use of that ground if it is not swimmable. His concern is that there would no longer be a green belt in the park, which was one of the original intentions, and too many elements are being added to Las Colonias that it will no longer be a park. Mr. Griff asked Council to give thought to eliminating Butterfly Lake. He then said a restaurant in the park takes away from the park greenbelt. There are so many other things that could be developed for recreation. Mr. Griff believes the restaurant and other retail developments would be better at the edge of park and not in it. He noted the park is the only place that Grand Junction could maintain a greenbelt on the river and making the noted developments would not allow for it to be a greenbelt any longer.

Councilmember Norris asked City Manager Caton how many acres are in Las Colonias Park and what percent will be used for this development. City Manager Caton responded that 15 acres in the business park (out of 147 acres total) would be developed. Councilmember Norris noted there is a restaurant near the park now on private property, and asked if there are other areas that such developments could go. City Manager Caton said residential developments are going in as well as some other private development to the west and the City owns property on the far east that could potentially allow for developments in the future.

City Attorney Shaver said Mr. Griff's history and comments are appreciated, but this item is to confirm the Plan of Development and the DDA's authority with respect to the POD for purposes of financing.

Mayor Pro Tem Boeschenstein said he asked the same questions as Mr. Griff and learned that 90% of the park will be green and developed as a park.

Mr. Griff clarified that his question is how much green space will be developed, not how much of the total acreage.

Mr. Stam said although the lake will not be swimmable, it is still a park element that could be used for recreation.

Mayor Pro Tem Boeschenstein listed other park elements.

The public hearing closed at 7:06 p.m.

Councilmember Wortmann moved to adopt Resolution No. 77- 17 - A resolution

confirming the amendment of the Downtown Development Authority Plan of Development to include the Las Colonias Business Park as the area covered by the Plan amendment and describing the general scope of the development project under consideration all as more particularly described in Ordinance 4765 and this Resolution. Councilmember Traylor Smith seconded. Motion carried unanimously by roll call vote.

Public Hearing - Consider a Request to Vacate Alley Right-of-way in Block 84, Original City Plat, also known as the R-5 High School Block

Kris Ashbeck, Senior Planner, stated the Applicant, and the Grand Junction Downtown Development Authority (DDA), are requesting a vacation of a portion of the east-west alley of Block 84, Original City Plat, on the southeast corner of 7th Street and Grand Avenue. The DDA currently owns the entire Block 84 of the Original City Plat known as the R-5 High School Block and is in the process of working with a developer to redevelop this site. The existing historic high school building sits on top of a portion of the platted east-west alley right-of-way. The proposed vacation will vacate a portion approximately 143.49 feet long by 20 feet wide (2,870 square feet) of the right-of-way that currently runs through the middle of the building. The alley rights-of-way on the remainder of the block are not being vacated at this time because the developer will retain them for circulation within the proposed development.

The vacation of this segment of the alley right-of-way will remove encumbrances from the historic school site, thereby making the property more attractive for redevelopment. This request conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City. Staff therefore finds this request conforms with this criterion, and Planning Commission concurred with this finding.

Councilmember McArthur asked if the alley Right-Of-Way will be used on the East side. Ms. Ashbeck say it will be used as driveways by the developer.

The public hearing opened at 7:10 p.m.

There were no comments.

The public hearing closed at 7:11 p.m.

Councilmember Traylor Smith moved to adopt Ordinance No. 4779 - An ordinance vacating right-of-way within Block 84 City of Grand Junction located at 310 North 7th Street on final passage and order final publication in pamphlet form. Councilmember McArthur seconded. Motion carried unanimously by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:12 p.m.

Wanda Winkelmann, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: January 3, 2018

Presented By: Jay Valentine, Deputy Finance Director

Department: Finance

Submitted By: Jay Valentine, Deputy Finance Director

Information

SUBJECT:

Introduction of Ordinance Amending Ordinance 4772 Concerning the Downtown Development Authority Tax Increment Debt Financing and Setting a Public Hearing for January 17, 2018

RECOMMENDATION:

Staff recommends approval of proposed Ordinance.

EXECUTIVE SUMMARY:

With Ordinance 4772 City Council authorized the issuance of Downtown Development Authority (DDA) Tax Increment and Refunding Bonds, Series 2017 and Series 2018. Ordinance 4772 approved a total of \$19.12 million; \$10 million to be issued in 2017 and \$9.12 million in 2018; however, to keep both bonds bank-qualified the order of the issuances was reversed and \$9.12 million was issued in 2017 and the \$10 million issuance will occur in 2018.

BACKGROUND OR DETAILED INFORMATION:

Bank-qualified bonds were created in 1986 to encourage banks to invest in tax-exempt bonds from smaller, less-frequent municipal bond issuers and to also provide municipalities with access to the lower borrowing costs. Governments issuing \$10 million or less in bonds per calendar year can designate those bonds as bank-qualified, which allow them to by-pass the traditional underwriting system and sell tax-exempt bonds directly to local banks.

Because a current (2017) one-year lease with Dell Financial Services (for computer

equipment) was considered by the City's bond counsel as a bank-qualified transaction, the DDA issuances, as initially provided for in Ordinance 4772 were adjusted within the authority of the Ordinance to maintain the overall bank qualification of the DDA financings (\$9.12 million in 2017 and the \$10 million in 2018.) With adoption of this ordinance, Ordinance 4772 will be formally amended to confirm the reordering of the issuances.

FISCAL IMPACT:

Selling bank-qualified bonds directly to banks decreases debt issuance costs by an estimated 25-40 basis points which over the life of this debt issuance will save \$442,000 to \$710,000.

SUGGESTED MOTION:

I move to introduce a proposed ordinance amending Ordinance No. 4772 concerning the issuance of Downtown Development Authority Tax Increment and Refunding Bonds and set a public hearing for January 17, 2018.

Attachments

1. ORD-Amending4772.docx

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE 4772 CONCERNING THE ISSUANCE OF DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT AND REFUNDING BONDS

Recitals:

Ordinance 4772 authorized the issuance of Downtown Development Authority Tax Increment and Refunding Bonds, Series 2017 and Series 2018. That Ordinance approved a total of \$19.12 million, \$10 million to be issued in 2017 and \$9.12 million in 2018. In order to keep both bonds bank-qualified the sequence of the issuances was reversed and \$9.12 million was issued in 2017 and the \$10 million issuance will occur in 2018.

After the passage of Ordinance 4772, it was determined that a one-year lease with Dell Financial Services for computer equipment qualified as a bank-qualified transaction. Because of this, in order to keep both DDA issuances bank-qualified, \$9.12 million of the \$19.12 authorized by Ordinance 4772 was issued in 2017 and the balance (\$10 million) will issue in 2018.

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

That Ordinance 4772 is and shall be amended by the adoption of Ordinance ____ and that the actions taken heretofore concerning the issuance of Downtown Development Authority Tax Increment and Refunding bonds Series 2017 and 2018 are confirmed, ratified and adopted and that all other matters provided for by and pursuant to Ordinance 4772 are and remain unchanged.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 3rd day of January 2018.

PASSED, ADOPTED, and ordered published in pamphlet form this 17th day of January 2018.

J. Merrick Taggart
Mayor and President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: January 3, 2018

Presented By: David Thornton, Principal Planner

Department: Community Development

Submitted By: David Thornton

Information

SUBJECT:

A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Taurus Park Plaza Annexation of 40.414 Acres, Located at 789 23 Road, and Setting a Hearing for February 7, 2018

RECOMMENDATION:

Staff recommends adoption of a resolution referring the petition for the Taurus Park Plaza Annexation, introducing the proposed Ordinance and setting a hearing for February 7, 2018.

EXECUTIVE SUMMARY:

The Applicants, Club Deal 113/114 Park Plaza and Grand Junction Limited partnership have requested annexation of their 40.414 acres located on 23 Road just north of I-70 with a specific address of 789 23 Road. The proposed annexation also includes the south half of H road of 1,318 lineal feet as well as the west half of 23 Road, including 1,298 lineal feet of road. These sections of roadway are currently not dedicated rights-of-way. The Applicant seeks to combine this property with the 30 acres they own to the south for a future residential, mixed use development known as Mosaic Planned Development. The proposed development constitutes "annexable development" and as such is required to annex in accordance with the Persigo Agreement. Consideration for zoning of this annexation will be heard in a future action.

BACKGROUND OR DETAILED INFORMATION:

The Taurus Park Plaza annexation consists of one 40.414 acre parcel of land located at 789 23 Road. The property is currently vacant and is adjacent to existing city limits, within the Persigo 201 boundary and is annexable development as defined in the Persigo Agreement. The property owners have signed a petition for annexation and have recently submitted an application for the zoning and development of this property along with the adjacent 30 acres to the south that are already within the City limits for a residential, mixed use development to be known as the Mosaic Planned Development. The review related to the development will be processed subsequently to the annexation process. The annexation includes 1,318 feet of the south half of the undedicated H Road Right-of-Way and 1,298 feet of the west half of the undedicated 23 Road Right-of-Way.

Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation by the City.

Staff has found, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Taurus Park Plaza Annexation is eligible to be annexed because of compliance with the following:

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

The proposed annexation and zoning schedule with a summary is attached.

FISCAL IMPACT:

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

Annual maintenance costs for the 2,616 feet of frontage road on H Road and 23 Road is estimated at approximately \$575/year. Future overlay and chipseal costs for this road are estimated at \$79,600 with a chipseal in the next four years and an overlay within thirteen years.

The cost to improve the road frontage to a major collector standard according to the Grand Valley Circulation Plan is estimated at \$1.15 million. No immediate plans are in place for this major improvement.

SUGGESTED MOTION:

I move to approve Resolution No. 01-18 - A Resolution referring a petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, setting a hearing on such annexation, and exercising Land Use Control, Taurus Park Plaza Annexation, Approximately 40.414 Acres, Located at 789 23 Road, introduce proposed ordinance annexing territory to the City of Grand Junction, Colorado, Taurus Park Plaza Annexation, Approximately 40.414 acres, located at 789 23 Road, and set a public hearing for February 7, 2018.

Attachments

1. Annexation Background Information Schedule and Summary
2. Maps
3. Proposed Resolution
4. Proposed Ordinance

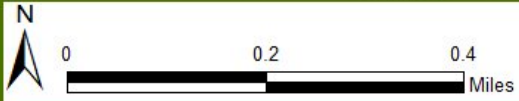
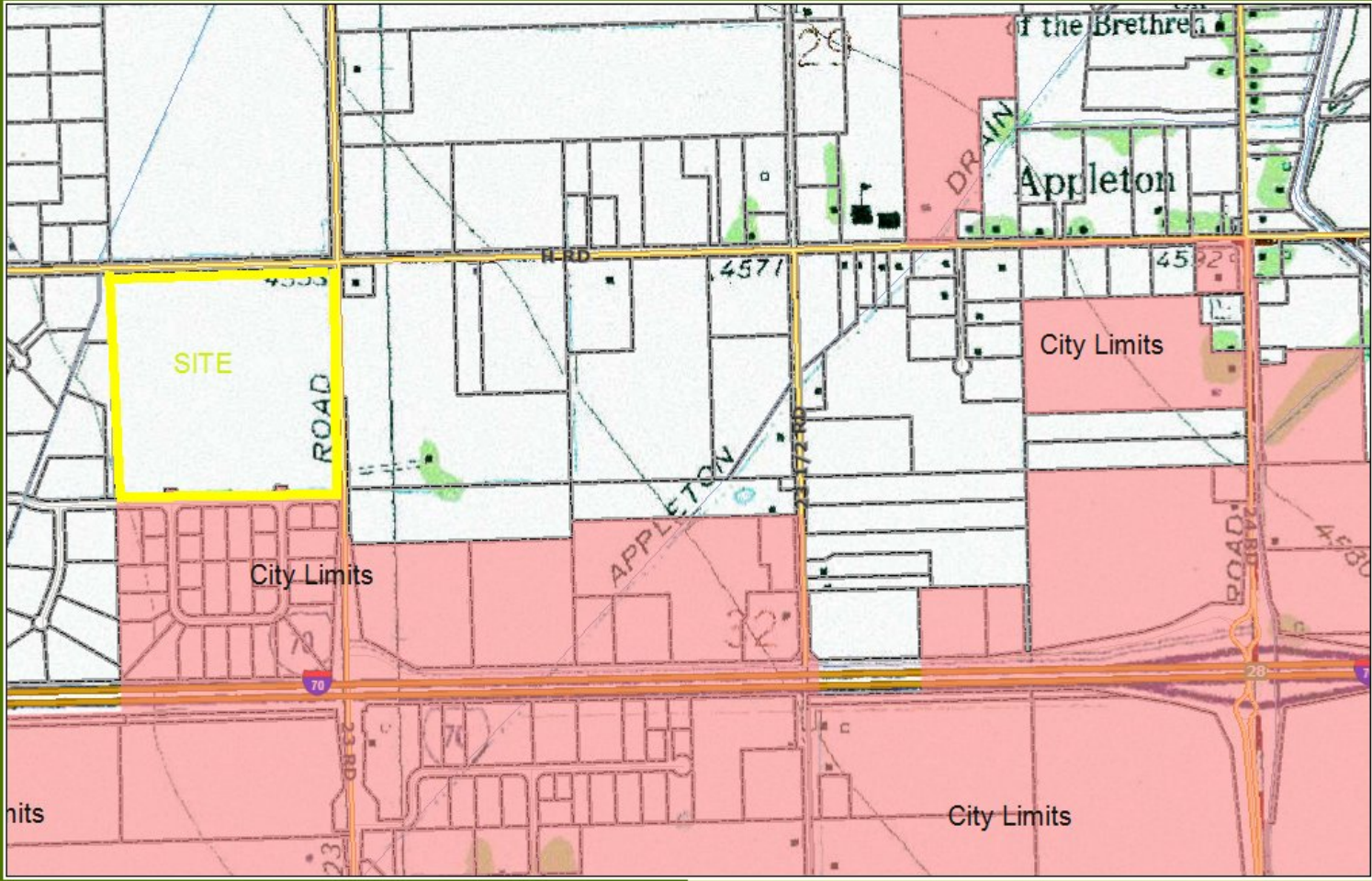
TAURUS PARK PLAZA ANNEXATION SCHEDULE

| | |
|---------------------------------------|---|
| January 3, 2018 | Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use |
| To be scheduled with Mosaic PD | Planning Commission considers Zone of Annexation |
| To be scheduled with Mosaic PD | Introduction of a Proposed Ordinance on Zoning by City Council |
| February 7, 2018 | Acceptance of Petition and Public Hearing on Annexation by City Council |
| March 11, 2018 | Effective date of Annexation |
| To be scheduled with Mosaic PD | City Council considers Zone of Annexation |

ANNEXATION SUMMARY

| | | |
|---------------------------------------|-----------------------------|---|
| File Number: | | ANX-2017-560 |
| Location: | | 789 23 Road |
| Tax ID Numbers: | | 2701-311-00-518 |
| # of Parcels: | | 1 |
| Existing Population: | | 0 |
| # of Parcels (owner occupied): | | 0 |
| # of Dwelling Units: | | 0 |
| Acres land annexed: | | 40.414 |
| Developable Acres Remaining: | | 40.414 |
| Right-of-way in Annexation: | | 0 |
| Previous County Zoning: | | Planned Development |
| Proposed City Zoning: | | PD – (mixed use) |
| Current Land Use: | | Vacant |
| Future Land Use: | | Mixed use residential/neighborhood commercial |
| Values: | Assessed: | \$111,340 |
| | Actual: | \$383,920 |
| Address Ranges: | | Odd numbers between 775 and 799 23 Rd / 2275 to 2299 H Rd |
| Special Districts: | Water: | Ute |
| | Sewer: | City |
| | Fire: | GJ Rural |
| | Irrigation/Drainage: | Grand Valley Irrigation / Grand Valley Drainage |
| | School: | Fruita Monument HS / Fruita Middle / Appleton Ele |
| | Pest: | Grand River Mosquito Control District |

Expanded City Limits Location Map



Printed: 12/8/2017

1 inch = 752 feet



TAURUS PARK PLAZA ANNEXATION

SITUATE IN THE NE 1/4 NE 1/4 AND THE SE 1/4 NE 1/4 OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 1 WEST
UTE PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

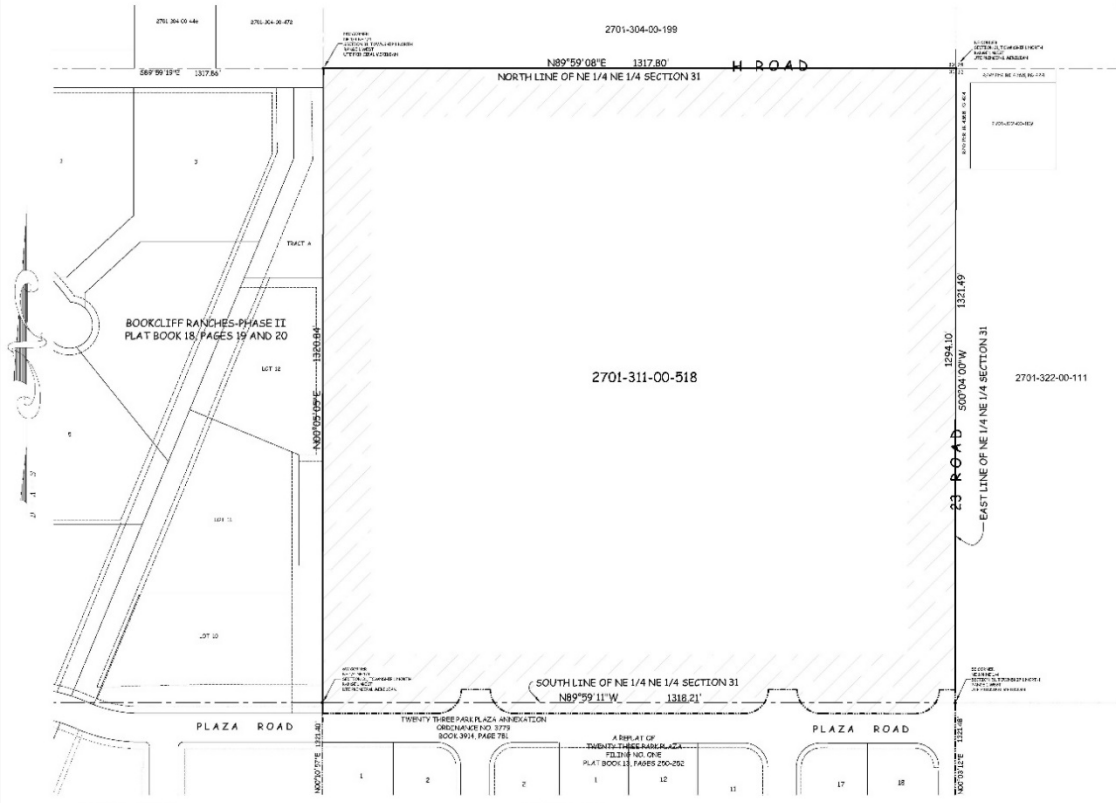


DESCRIPTION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 31, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land, bounded on the North by the North line of the NE 1/4 NE 1/4 of said Section 31; bounded on the East by the East line of the NE 1/4 NE 1/4 of said Section 31; bounded on the West by the West line of the NE 1/4 NE 1/4 of said Section 31 and bounded on the South by the North line of the Twenty Three Park Plaza Annexation, City of Grand Junction Ordinance No. 3779, as same is recorded in Book 3914, Page 781, Public Records of Mesa County, Colorado.

CONTAINING 1.760,453 Square Feet or 40.414 Acres, more or less, as described



- PLA 1: PLANNING
- PL 2: PUBLIC WORKS
- PL 3: PUBLIC UTILITIES
- PL 4: PLANNING
- PL 5: PLANNING
- PL 6: PLANNING
- PL 7: PLANNING
- PL 8: PLANNING
- PL 9: PLANNING
- PL 10: PLANNING
- PL 11: PLANNING
- PL 12: PLANNING
- PL 13: PLANNING
- PL 14: PLANNING
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- PL 25: PLANNING
- PL 26: PLANNING
- PL 27: PLANNING
- PL 28: PLANNING
- PL 29: PLANNING
- PL 30: PLANNING
- PL 31: PLANNING
- PL 32: PLANNING
- PL 33: PLANNING
- PL 34: PLANNING
- PL 35: PLANNING
- PL 36: PLANNING
- PL 37: PLANNING
- PL 38: PLANNING
- PL 39: PLANNING
- PL 40: PLANNING

The South and Southeast corners of this tract have been marked with iron pins and are located on the line of the annexation. The area shown is subject to a right of way and is not intended to be used as a means for subdividing or changing property boundaries.



AREA OF ANNEXATION

| | |
|-------------------------------|----|
| ANNEXATION DISTRICT | 17 |
| ANNEXATION DISTRICT NO. | 17 |
| ANNEXATION DISTRICT NAME | 17 |
| ANNEXATION DISTRICT ADDRESS | 17 |
| ANNEXATION DISTRICT PHONE NO. | 17 |

LEGEND

| | |
|-------------------------------|----|
| ANNEXATION DISTRICT | 17 |
| ANNEXATION DISTRICT NO. | 17 |
| ANNEXATION DISTRICT NAME | 17 |
| ANNEXATION DISTRICT ADDRESS | 17 |
| ANNEXATION DISTRICT PHONE NO. | 17 |



ORDINANCE NO.
9999

EFFECTIVE DATE
99999999

THIS IS NOT A BOUNDARY SURVEY

NOTICE: This is a preliminary map and does not constitute a final survey. It is not intended to be used as a basis for any legal action or to establish any boundary lines. The surveyor's responsibility is limited to the information provided by the client and the data shown on this map. The surveyor does not warrant the accuracy of the information shown on this map.

| | | | |
|--------------------|---------------|-------------|------------|
| DRAWN BY | P.T.C. | DATE | 11-28-2017 |
| DESIGNED BY | P.T.C. | DATE | |
| CHECKED BY | P.T.C. | DATE | |
| APPROVED BY | P.T.C. | DATE | |

| | |
|--------------|-----------|
| SCALE | 1" = 100' |
|--------------|-----------|

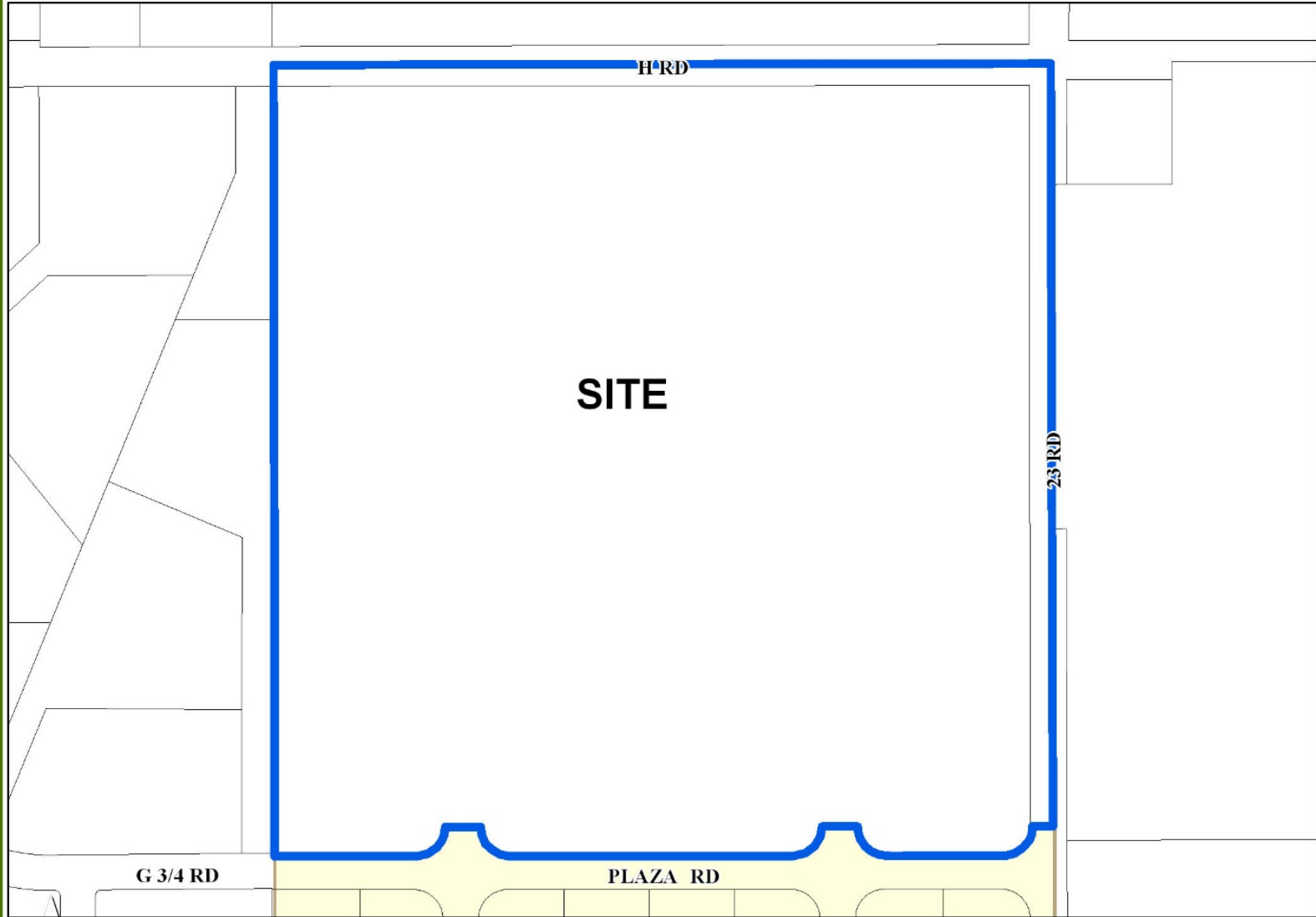



PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION SURVEY DEPARTMENT

TAURUS PARK PLAZA ANNEXATION

1 OF 1

Taurus Park Plaza Annexation



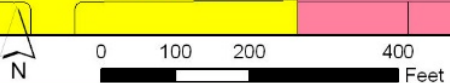
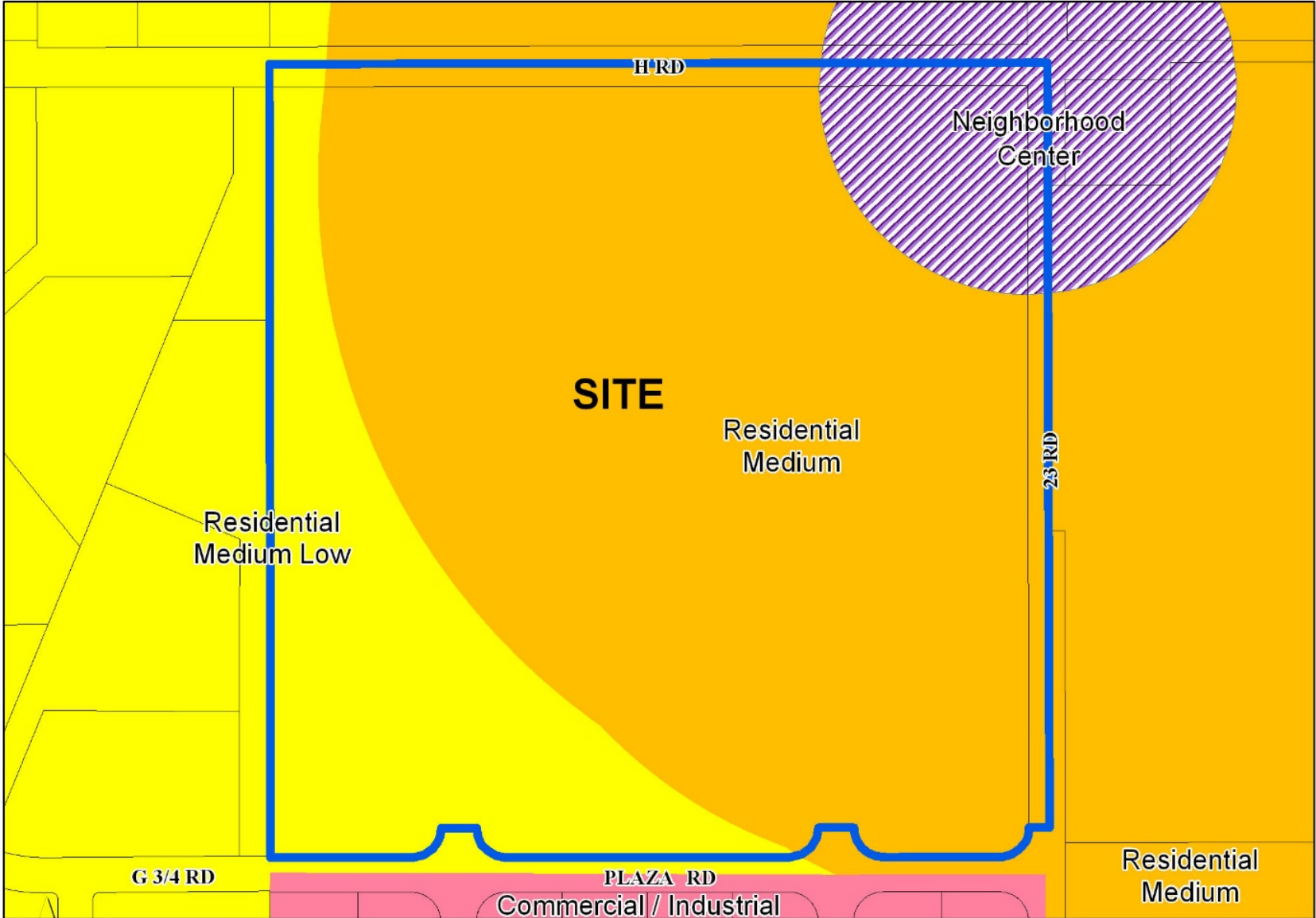
 Annexation Boundary

 City Limits

Taurus Park Plaza Annexation

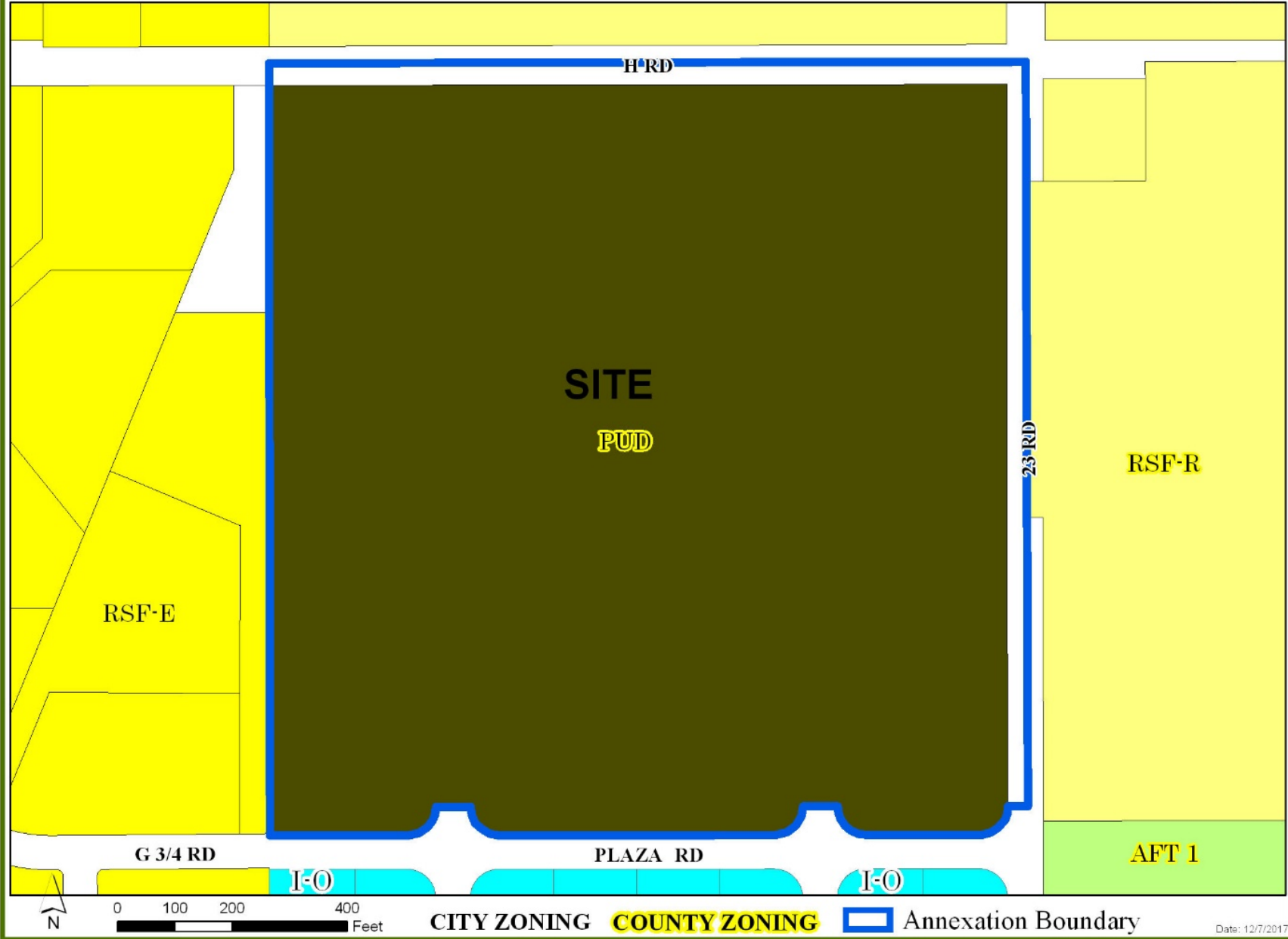


Taurus Park Plaza Annexation - Future Land Use



Annexation Boundary

Taurus Park Plaza Annexation - Zoning



**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 3rd day of January 2018, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

TAURUS PARK PLAZA ANNEXATION

APPROXIMATELY 40.414 ACRES LOCATED AT 789 23 ROAD

WHEREAS, on the 3rd day of January 2018, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

TAURUS PARK PLAZA ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 31, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land, bounded on the North by the North line of the NE 1/4 NE 1/4 of said Section 31; bounded on the East by the East line of the NE 1/4 NE 1/4 of said Section 31; bounded on the West by the West line of the NE 1/4 NE 1/4 of said Section 31 and Bounded on the South by the North line of the Twenty Three Park Plaza Annexation, City of Grand Junction Ordinance No. 3779, as same is recorded in Book 3914, Page 781, Public Records of Mesa County, Colorado, LESS HOWEVER, any portion of the NE 1/4 NE 1/4 of said Section 31 lying within said Twenty Tree Park Plaza Annexation.

CONTAINING 1,760,453 Square Feet or 40.414 Acres, more or less, as described

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 7th day of February, 2018, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at

6:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2018.

President of the Council

Attest:

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

| <i>DATES PUBLISHED</i> |
|-------------------------------|
| January 5, 2018 |
| January 12, 2018 |
| January 19, 2018 |
| January 26, 2018 |

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

TAURUS PARK PLAZA ANNEXATION

APPROXIMATELY 40.414 ACRES LOCATED AT 789 23 ROAD

WHEREAS, on the 3rd day of January 2018, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of February 2018; and

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

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

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

TAURUS PARK PLAZA ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 31, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land, bounded on the North by the North line of the NE 1/4 NE 1/4 of said Section 31; bounded on the East by the East line of the NE 1/4 NE 1/4 of said Section 31; bounded on the West by the West line of the NE 1/4 NE 1/4 of said Section 31 and Bounded on the South by the North line of the Twenty Three Park Plaza Annexation, City of Grand Junction Ordinance No. 3779, as same is recorded in Book 3914, Page 781, Public Records of Mesa County, Colorado, LESS HOWEVER, any portion of the NE 1/4 NE 1/4 of said Section 31 lying within said Twenty Tree Park Plaza Annexation.

CONTAINING 1,760,453 Square Feet or 40.414 Acres, more or less, as described

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

INTRODUCED on first reading on the _____ day of _____, 2018 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2018 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: January 3, 2018

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Adams Annexation, Approximately 13.159 Acres Located South of B ¼ Road, west of 27 ½ Road and just west of the County Fairgrounds, and Setting a Hearing for February 21, 2018

RECOMMENDATION:

Staff recommends adoption of a resolution referring the petition for the Adams Annexation, introducing the proposed Ordinance and setting a hearing for February 21, 2018.

EXECUTIVE SUMMARY:

The Applicant, Paul Adams, is requesting to annex 13.159 acres located south of B ¼ Road, west of 27 ½ Road and just west of the County Fairgrounds. This property does not have an assigned address. The requested annexation consists of a currently vacant single parcel of land and includes no dedicated right-of-way, however the Applicant's property does extend to the centerline of B ¼ Road through the use of a road easement. As part of this annexation, the City would take ownership and maintenance responsibilities of this 95 lineal feet section of roadway. The Applicant is requesting to annex the currently vacant property into the City limits in order to market and sell in anticipation of future residential subdivision development. Development or zoning of the property requires annexation under the Persigo agreement. Consideration for zoning of this annexation will be heard in a future action.

BACKGROUND OR DETAILED INFORMATION:

The proposed annexation area consists of 13.159 acres of currently undeveloped land. The Applicant wishes to annex the unplatted parcel of land into the City limits in order to market and sell in anticipation of future residential subdivision development. There is no dedicated right-of-way included in the annexation however, the Applicant's property extends to the centerline of B ¼ Road through the use of a road easement which means the City will take ownership and maintenance obligations for this 95 lineal feet section of roadway. While the subject parcel's frontage is 875 feet, all of the pavement in this area has previously been annexed with the exception of 95 linear feet (LF), or 250 square yards (SY) of pavement on the B 1/4 Road. All road pavement appears fairly worn and there is no curb, gutter, sidewalk present.

Staff has found, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Adams Annexation is eligible to be annexed because of compliance with the following:

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

The proposed annexation and zoning schedule with a summary is attached.

FISCAL IMPACT:

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

applicable, upon annexation.

Annual maintenance costs for the 95 linear feet of pavement on B 1/4 Road is estimated at approximately \$42/year. Future overlay and chipseal costs for this road are estimated at \$4,000 and would be planned in the next six years.

The cost to improve the road frontage to a minor collector standard according to the Grand Valley Circulation Plan is estimated at \$488,000. No immediate plans are in place for this major improvement.

SUGGESTED MOTION:

I move to approve Resolution No. 02-18 - A Resolution referring a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, setting a hearing on such annexation, and exercising Land Use Control, Adams Annexation, approximately 13.159 acres located south of B ¼ Road, introduce proposed ordinance annexing territory to the City of Grand Junction, Colorado, Adams Annexation, approximately 13.159 acres, located south of B 1/4 Road, and set a hearing for February 21, 2018.

Attachments

1. Annexation Background Information Schedule and Summary
2. Maps and Annexation Plat
3. Resolution
4. Ordinance

ADAMS ANNEXATION SCHEDULE

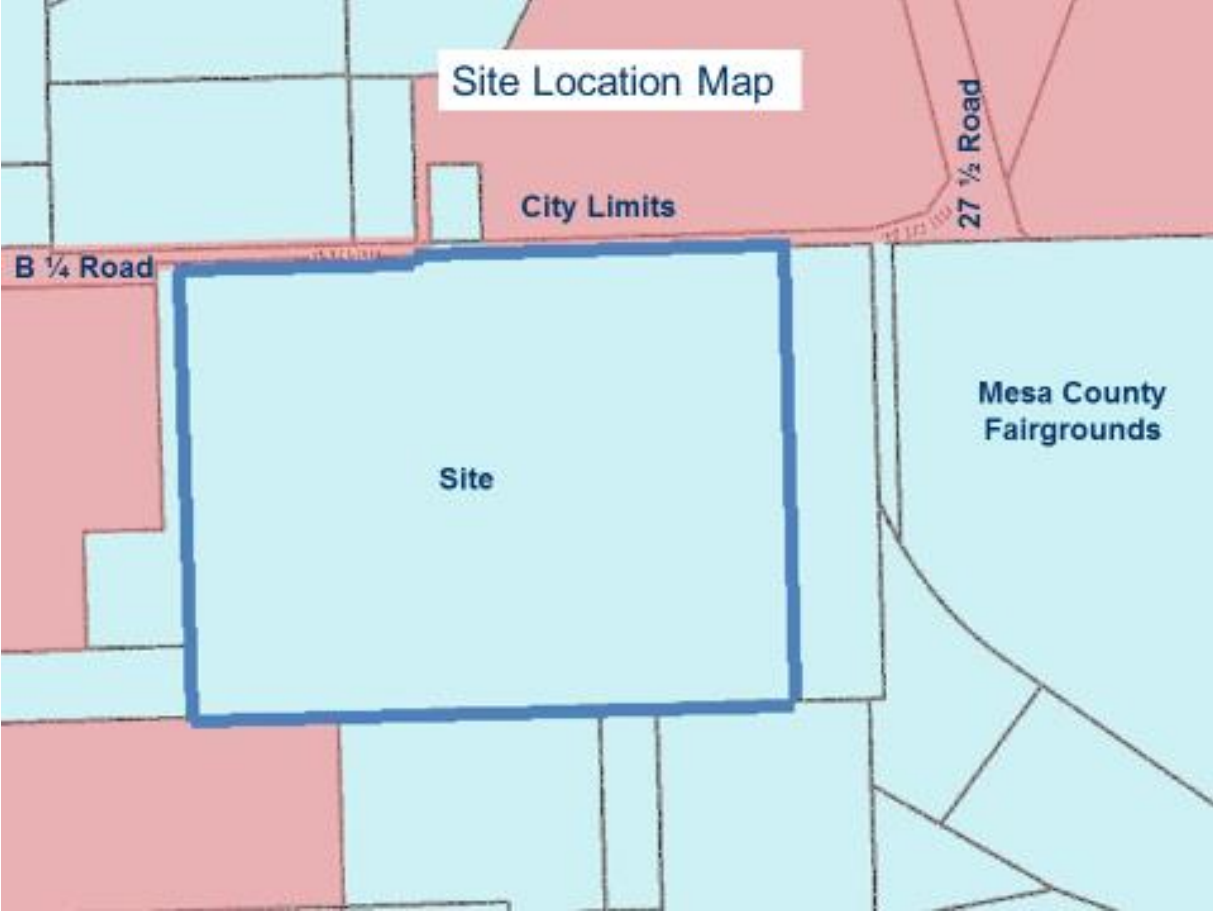
| | |
|--------------------------|---|
| January 3, 2018 | Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use |
| January 23, 2018 | Planning Commission considers Zone of Annexation |
| February 7, 2018 | Introduction of a Proposed Ordinance on Zoning by City Council |
| February 21, 2018 | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council |
| March 25, 2018 | Effective date of Annexation |
| | |

ANNEXATION SUMMARY

| | | |
|---------------------------------------|---|---|
| File Number: | ANX-2017-451 | |
| Location: | South of B ¼ Road | |
| Tax ID Numbers: | 2945-253-00-047 | |
| # of Parcels: | 1 | |
| Existing Population: | 0 | |
| # of Parcels (owner occupied): | 0 | |
| # of Dwelling Units: | 0 | |
| Acres land annexed: | 13.159 | |
| Developable Acres Remaining: | 13.159 | |
| Right-of-way in Annexation: | 0 | |
| Previous County Zoning: | RSF-4 (Residential Single Family – 4 du/ac) | |
| Proposed City Zoning: | R-8 (Residential – 8 du/ac) | |
| Current Land Use: | Vacant land | |
| Future Land Use: | Residential Medium (4 – 8 du/ac) | |
| Values: | Assessed: | \$4,940 |
| | Actual: | \$17,020 |
| Address Ranges: | 2735 – 2797 B ¼ Road (Odd Numbers) | |
| Special Districts: | Water: | Ute Water Conservancy District |
| | Sewer: | City of Grand Junction |
| | Fire: | GJ Rural Fire District |
| | Irrigation/Drainage: | Orchard Mesa Irrigation District |
| | School: | Grand Junction HS / Orchard Mesa Middle / Dos Rios Elementary |
| | Pest: | Grand River Mosquito Control District |

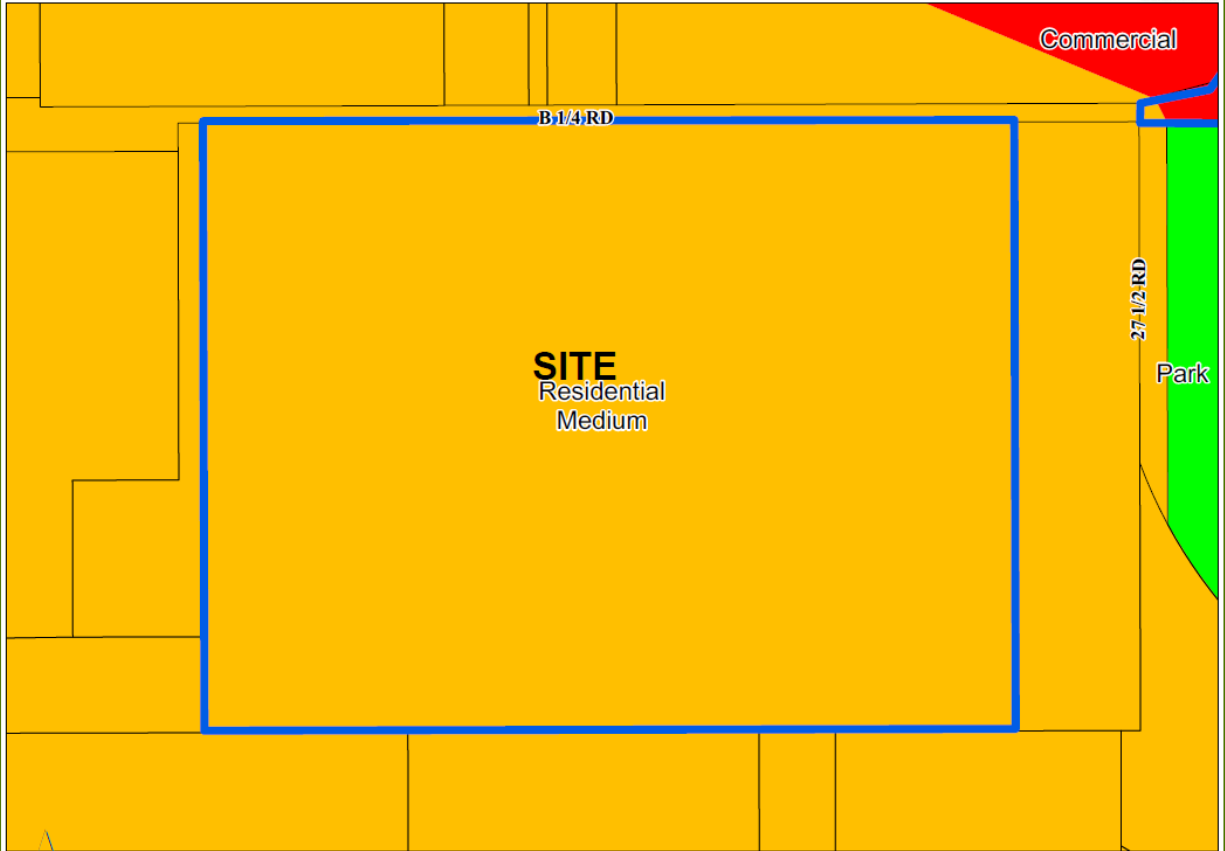
Site Location Map







Adams Annexation - Future Land Use

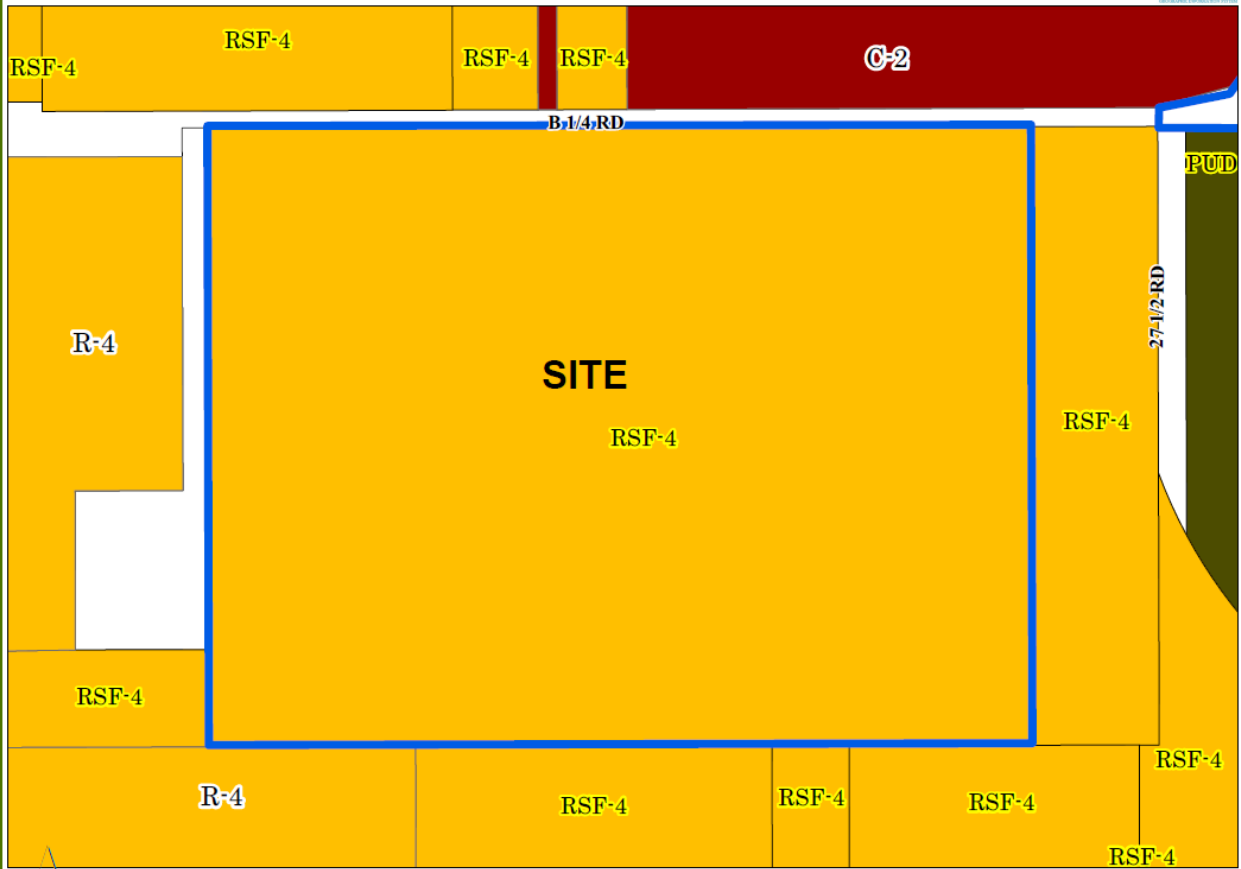


0 50 100 200 Feet

 Annexation Boundary

Date: 11/21/2017

Adams Annexation - Zoning



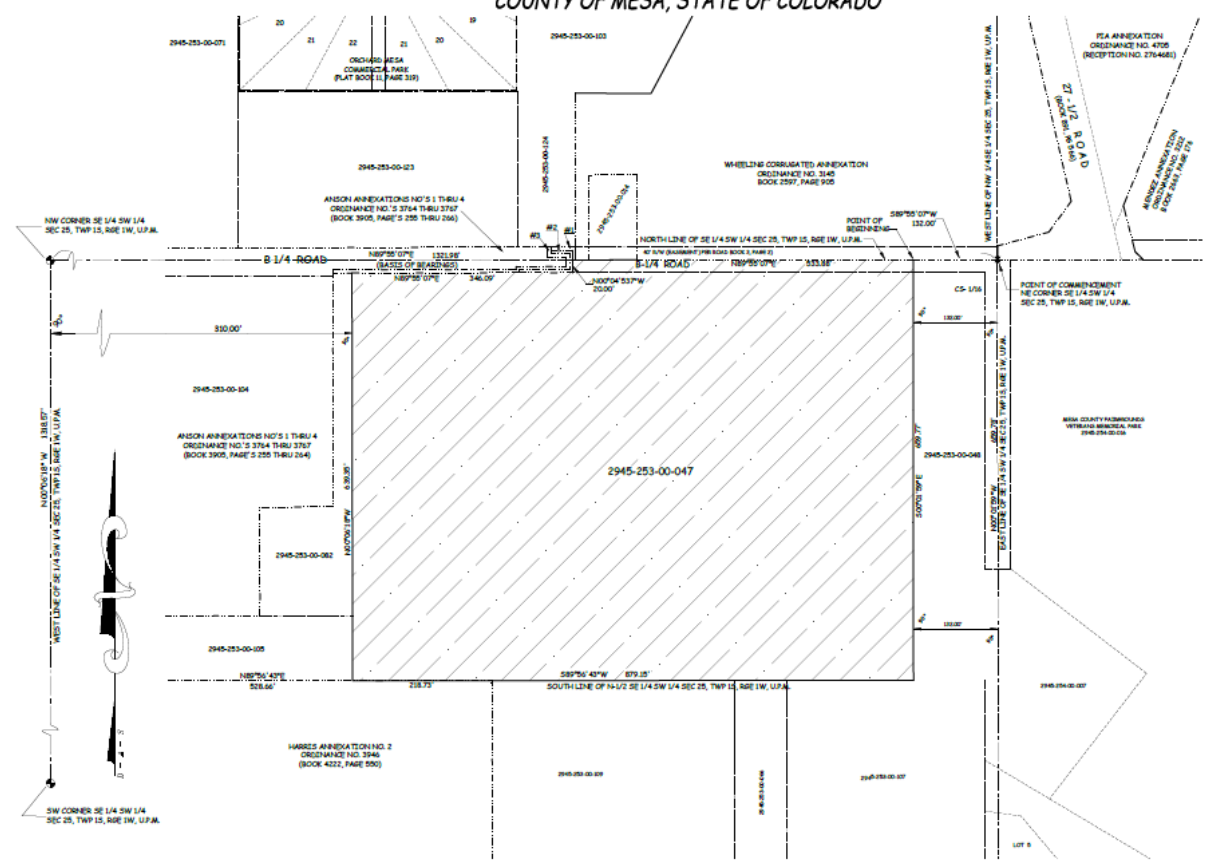
0 50 100 200 Feet

CITY ZONING COUNTY ZONING  Annexation Boundary

Date: 11/21/2017

ADAMS ANNEXATION

SITUATE IN THE SE 1/4 OF THE SW 1/4 OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST
UTE PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO



DESCRIPTION

A certain parcel of land lying in the North-Half (N 1/2) of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 SW 1/4 of said Section 25 and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears N 89°55'07" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°55'07" W, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 132.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°01'59" E along a line 132.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 25, a distance of 659.77 feet; thence S 89°56'43" W along the South line of the N-1/2 of the SE 1/4 SW 1/4 of said Section 25, a distance of 879.15 feet; thence N 00°06'18" W along a line 310.00 feet East of and parallel with, the West line of the SE 1/4 SW 1/4 of said Section 25, a distance of 639.35 feet; thence N 89°55'07" E along the South line of Anson Annexation No's 2 and 3, Ordinance No's 3764 and 3766, as recorded in Book 3905, Page 258 thru 263, inclusive, being a line 20.00 feet South of and parallel with, the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 346.09 feet; thence N 00°04'53" W, a distance of 20.00 feet; thence N 89°55'07" E, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 533.88 feet, more or less, to the Point of Beginning.

CONTAINING 573,208 Square Feet or 13.159 Acres, more or less, as described

| ABBREVIATIONS | |
|---------------|------------------------|
| P.O.B. | POINT OF COMMENCEMENT |
| P.O.B. | POINT OF BEGINNING |
| R.O.S.W. | RIGHT-OF-WAY |
| SEC. | SECTION |
| TWP. | TOWNSHIP |
| R.1E. | RANGE |
| U.P.M. | UTE PRINCIPAL MERIDIAN |
| NO. | NUMBER |
| SQ. FT. | SQUARE FEET |
| ∠ | ANGULAR MEASURE |
| RAD. | RADIUS |
| A. | ARC LENGTH |
| CH. | CHORD LENGTH |
| CHORD BEARING | |
| BLK. | BLOCK |
| PLAT BOOK | |
| BOOK | |
| PG. | PAGE |

The Sketch and Description contained herein have been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This plat does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

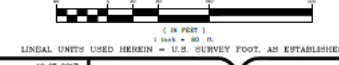
AREA OF ANNEXATION

| | |
|--|-----------|
| ANNEXATION (SECTION) | 13.159 AC |
| CONTIGUOUS (TOWNSHIP) | 13.159 AC |
| AREA IN SQUARE FEET | 573,208 |
| AREA IN ACRES | 13.159 |
| REMARKS: INCLUDE NO PUBLIC HIGHWAY (H) | |

ANNEXATION JURISDICTION

| | |
|-------------------------|-------|
| ANNEXATION JURISDICTION | CANON |
| ANNEXATION CITY LIMITS | |

GRAPHIC SCALE



ORDINANCE NO. 9999

EFFECTIVE DATE 9999999999

THIS IS NOT A BOUNDARY SURVEY



JEFFREY T. KNOX, P.L.S. No. 32824
Professional Land Surveyor for the
City of Grand Junction

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you were advised that defects in the survey may exist, or within the prescribed period after the date that the plat of this survey is recorded in the public records.

| | | | |
|-------------|--------|------|------------|
| DRAWN BY | P.T.K. | DATE | 10-25-2007 |
| DESIGNED BY | | DATE | |
| CHECKED BY | P.T.K. | DATE | |
| APPROVED BY | | DATE | |

SCALE
1" = 80'



PUBLIC WORKS
AND UTILITIES
ENGINEERING DIVISION
SURVEY DEPARTMENT

ADAMS ANNEXATION

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 3rd day of January, 2018, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

ADAMS ANNEXATION

**APPROXIMATELY 13.159 ACRES
LOCATED SOUTH OF B 1/4 ROAD**

WHEREAS, on the 3rd day of January, 2018, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

ADAMS ANNEXATION

A certain parcel of land lying in the North-Half (N 1/2) of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 SW 1/4 of said Section 25 and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears N 89°55'07" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°55'07" W, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 132.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°01'59" E along a line 132.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 25, a distance of 659.77 feet; thence S 89°56'43" W along the South line of the N-1/2 of the SE 1/4 SW 1/4 of said Section 25, a distance of 879.15 feet; thence N 00°06'18" W along a line 310.00 feet East of and parallel with, the West line of the SE 1/4 SW 1/4 of said Section 25, a distance of 639.35 feet; thence N 89°55'07" E along the South line of Anson Annexation No's 2 and 3, Ordinance No's 3765 and 3766, as recorded in Book 3905, Pages 258 thru 263, inclusive, being a line 20.00 feet South of and parallel with, the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 346.09 feet; thence N 00°04'53" W, a distance of 20.00 feet; thence N 89°55'07" E, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 533.88 feet, more or less, to the Point of Beginning.

CONTAINING 573,208 Square Feet or 13.159 Acres, more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 21st day of February, 2018, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 6:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Division of the City.

ADOPTED the _____ day of _____, 2018.

President of the Council

Attest:

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

| <i>DATES PUBLISHED</i> |
|-------------------------|
| January 5, 2018 |
| January 12, 2018 |
| January 19, 2018 |
| January 26, 2018 |

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ADAMS ANNEXATION

**APPROXIMATELY 13.159 ACRES
LOCATED SOUTH OF B 1/4 ROAD**

WHEREAS, on the 3rd day of January, 2018, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2018; and

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

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

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

ADAMS ANNEXATION

A certain parcel of land lying in the North-Half (N 1/2) of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 SW 1/4 of said Section 25 and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears N 89°55'07" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°55'07" W, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 132.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°01'59" E along a line 132.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 25, a distance of 659.77 feet; thence S 89°56'43" W along the South line of the N-1/2 of the SE 1/4 SW 1/4 of said Section 25, a distance of 879.15 feet; thence N 00°06'18" W along a line 310.00 feet East of and parallel with, the West line of the SE 1/4 SW 1/4 of said Section 25, a distance of 639.35 feet; thence N

89°55'07" E along the South line of Anson Annexation No's 2 and 3, Ordinance No's 3765 and 3766, as recorded in Book 3905, Pages 258 thru 263, inclusive, being a line 20.00 feet South of and parallel with, the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 346.09 feet; thence N 00°04'53" W, a distance of 20.00 feet; thence N 89°55'07" E, along the North line of the SE 1/4 SW 1/4 of said Section 25, a distance of 533.88 feet, more or less, to the Point of Beginning.

CONTAINING 573,208 Square Feet or 13.159 Acres, more or less, as described.

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

INTRODUCED on first reading on the _____ day of _____, 2018 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2018 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: January 3, 2018

Presented By: Traci Wieland, Recreation Superintendent

Department: Parks and Recreation

Submitted By: Rob Schoeber, Parks & Recreation Director

Information

SUBJECT:

Resolution Authorizing the City Manager to Submit a Grant Request to Great Outdoors Colorado (GOCO) for the School Yard Initiative grant program for Mesa View Elementary School

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

GOCO's 2015 strategic planning process identified connecting youth with the outdoors as one of Coloradan's greatest concerns. Though Colorado's outdoor assets are vast, youth focus group participants shared that their families often aren't able to access even relatively nearby outdoor places, and that their home communities frequently lack safe outdoor areas to play in and explore. By improving school grounds, GOCO aims to bring nature and opportunities to play and learn to the spaces youth and families access most often.

The GOCO School Yard Initiative is a once a year funding opportunity to revitalize school playgrounds and outdoor learning environments across the state with an emphasis on nature-based play. Per the constitutional amendment that created GOCO, a school must partner with an eligible entity, such as a local government. Those eligible entities may sponsor projects on behalf of entities that are not eligible for GOCO funding; allowing schools the opportunity to construct projects on school grounds. For the purposes of this initiative, the local government will serve as the applicant, and the school will serve as the partner. The School Yard Initiative is one of a dozen funding programs available through GOCO, and this initiative does not compete with or inhibit

the City of Grand Junction from submitting for any other initiative. Furthermore, the request to serve as applicant does not require any matching funds from the City of Grand Junction, operational responsibility, or maintenance of the improvements.

BACKGROUND OR DETAILED INFORMATION:

Stacey Morton-Cohen, Principal, and Stephanie Walker and Max Robinson, teachers, from Mesa View Elementary School attended the November 2, 2017 Parks and Recreation Advisory Board meeting to request approval for the City of Grand Junction to serve as the applicant for a 2018 School Yard Initiative grant request to GOCO. The Advisory Board approved the request unanimously.

Over the course of the fall and early winter, the school has been conducting a student-led design process to determine the specific developments that will be added to the five-acre plot of land adjacent to the school. The Student Design Team has been working to develop conceptual plans and options for a nature based outdoor classroom. The Design Team is made up of 13 students from 2nd, 3rd, 4th, and 5th grades who have been researching and listening to their classmates about what they would like the school's outdoor classroom to be. From this feedback, the Design Team determined that many students wanted to have more active learning time outdoors with meaningful hands-on projects. The entire student body, parents of students, and the surrounding community then voted on the components they wanted to see most. These items include, but are not limited to star gazing, butterfly gardens, subject-area supply sheds, community gardens, music and art opportunities, a 1K perimeter track, and nature trails. The Design Team is securing a landscape architect to assist in the conceptual design development process that will be submitted to GOCO as part of the application process.

GOCO requires an intergovernmental agreement (IGA) between the City of Grand Junction and the school. A draft will be in place at the time of application and then completed as part of the grant agreement process.

The School District is responsible for all project planning, community outreach, construction, and grant writing. In addition, the School District will retain ownership of the property and will be responsible for maintaining the project in a high quality condition for its useful life. The City's role would be to:

- Designate a primary contact for the grant
- Sign the application
- Adopt a Council resolution
- Work with the school to establish an IGA
- Sign the grant agreement
- Serve as the fiscal agent
 - o Finance signs reports
 - o Receives grant funds from GOCO

- o Distributes funds to school

FISCAL IMPACT:

There is no fiscal impact to the City of Grand Junction. The City will serve as fiscal agent receiving the grant funds from GOCO, then distributing them to Mesa View Elementary School for all design and construction services associated with the project.

The school will be required to provide a 25% overall project match with 10% of that being cash.

SUGGESTED MOTION:

I move to approve Resolution No. 03-17 – A resolution supporting the grant application for a School Yard Grant from the State Board of the Great Outdoors Colorado Trust Fund for Mesa View Elementary School.

Attachments

1. Resolution
2. Mesa View Elementary

RESOLUTION NO. __-18

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A SCHOOL YARD GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR MESA VIEW ELEMENTARY SCHOOL

Recitals:

On November 2, 2017 faculty from Mesa View Elementary School, a school operated by Mesa County Valley School District No. 51 ("District"), presented their plan to the Parks and Recreation Advisory Board to improve the school yard at Mesa View Elementary School ("Project").

The Project plan depends in significant part on receipt of funding in the amount up to \$110,000 from a Great Outdoors Colorado ("GOCO") grant, and in order for the grant application to be made the City must agree to sign the grant application and serve as the grantee of the grant.

After due consideration the City Council of the City of Grand Junction supports the Project and desires the City to assist the District's efforts to submit a GOCO grant application to obtain the necessary funding for the Project, and if the grant is awarded, to enter into such further agreements as are necessary and proper to obtain and pass through the grant funds to the District and complete the Project.

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

- 1: The City Council of the City of Grand Junction strongly supports the application to GOCO to obtain funds needed to complete the Project. The City Manager is authorized and directed to work with the District to review, finalize and timely submit such GOCO grant application.
- 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project, and authorizes the City Manager to sign an appropriate grant agreement on behalf of the City as grantee of the GOCO grant.
- 3: If the grant is awarded, the City Council of the City of Grand Junction further authorizes the City Manager to negotiate and sign an intergovernmental agreement between the City and the District regarding the GOCO grant. Such agreement shall provide for, but may not be limited to—
 - a. Pass-through to the District of GOCO grant funds received by the City for the Project;

- b. The District's assumption of the City's obligations under the GOCO grant agreement,
 - c. Confirmation that the District has raised and set aside sufficient funds to satisfy GOCO's matching funds requirement(s) for the Project;
 - d. The District's payment of Project construction costs as they come due; and
 - e. The District's agreement to maintain the Project in high quality condition once it is complete and during its useful life, subject to annual appropriation.
- 6: This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this ____ day of _____, 2018.

Rick Taggart
President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk

Mesa View Elementary School – School Yard Initiative





Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: January 3, 2018

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2018 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Municipal Code, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

BACKGROUND OR DETAILED INFORMATION:

In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (§24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5th Street.

Since 1994, the City Municipal Code has included a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

This resolution will determine the dates of the regular City Council meetings for 2018. Additional meetings may be scheduled from time to time and adequate notice will be posted prior to the holding of any additional regular meetings. The City Council also has the authority to change, reschedule, or cancel any of the listed regular meetings with proper notice.

FISCAL IMPACT:

There are no financial impacts or budget implications.

SUGGESTED MOTION:

I move to approve Resolution No. 04-18 – A resolution designating the location for the posting of the Notice of Meetings, establishing the 2018 City Council Meeting Schedule, and establishing the Procedure for Calling of Special Meetings for the City Council.

Attachments

1. Resolution Designating Posting Location

CITY OF GRAND JUNCTION

RESOLUTION NO. 04-18

**A RESOLUTION DESIGNATING THE LOCATION FOR THE POSTING
OF THE NOTICE OF MEETINGS, ESTABLISHING THE 2018 CITY COUNCIL
MEETING SCHEDULE, AND ESTABLISHING THE PROCEDURE FOR
CALLING OF SPECIAL MEETINGS FOR THE CITY COUNCIL**

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Municipal Code, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5th Street, City Hall.

2. The meeting schedule for the regular meetings of the City Council in 2018 is:

| Month | Dates |
|--------------|----------------------|
| January | 03,17 |
| February | 07, 21 |
| March | 07, 21 |
| April | 04, 18 |
| May | 02, 16 |
| June | 06, 20 |
| July | (04 is canceled), 18 |
| August | 01, 15 |
| September | 05, 19 |
| October | 03, 17 |
| November | 07, 21 |
| December | 05, 19 |

3. Additional meetings may be scheduled or cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any change in the meeting schedule will be provided.

4. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this 3rd day of January, 2018.

/s/ J. Merrick Taggart
President of the Council

ATTEST:

/s/ Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #4.a.i.

Meeting Date: January 3, 2018

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: City Attorney John Shaver

Information

SUBJECT:

An Ordinance Amending Chapter 2 of the Grand Junction Municipal Code Concerning Fees, Costs and Surcharges in Municipal Court

RECOMMENDATION:

Staff recommends City Council adopt the Ordinance.

EXECUTIVE SUMMARY:

This ordinance establishes the fees and costs that may be charged in Grand Junction Municipal Court and for those to be changed over time by Resolution of the City Council.

If the ordinance is adopted, the Presiding Judge of the Municipal Court shall prepare a schedule of Court Costs and when Court Costs are assessed the assessment shall be in accordance with that schedule. Certain 2018 costs and fees are shown but are not part of the Ordinance/are not the schedule as many of the costs will be discretionary.

BACKGROUND OR DETAILED INFORMATION:

Colorado law (C.R.S. 13-10-113(3)) provides that the municipal judge is empowered in his discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial is found guilty of an ordinance violation.

While the law provides that costs, including the costs of prosecution, may be imposed by ordinance, no method is established for how those costs, which may also be known

as fees, may be changed.

With this ordinance the City Council authorizes the costs the Municipal Court judges to impose those costs and fees, as well as surcharges that may be a function of an ordinance or other action of the City Council, in the Judges sound discretion in the interest of just and proper administration of justice.

Furthermore, the City Council authorizes that the costs and fees may change from time to time by subsequent action of City Council acting by resolution of the then seated City Council.

FISCAL IMPACT:

There is no direct fiscal impact to the consideration or adoption of the ordinance. If adopted various fees and court costs will be assessed and collected by the Municipal Court.

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4775 - An ordinance amending Chapter 2 of the Grand Junction Municipal Code concerning fees, costs and surcharges in Municipal Court on final passage and order final publication in pamphlet form.

Attachments

1. Ordinance - Court Costs Fees

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 2 OF THE GRAND JUNCTION
MUNICIPAL CODE CONCERNING FEES, COSTS AND SURCHARGES IN
MUNICIPAL COURT**

RECITALS:

This ordinance establishes the fees and costs that may be charged in Grand Junction Municipal Court and a process for those to be changed over time.

Colorado law (C.R.S. 13-10-113(3)) provides that *the municipal judge is empowered in his discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial is found guilty of an ordinance violation.* While the law provides that costs, including the costs of prosecution, may be imposed by ordinance, no method is established for how those costs, which may also be known as fees, may be changed. With this ordinance the City Council adopts the costs specified herein and authorizes that the Municipal Court judges may impose those, as well as surcharges that may be a function of an ordinance or other action of the City Council, in the Judges sound discretion in the interest of just and proper administration of justice and furthermore, that the costs may change from time to time by subsequent action of City Council acting by resolution of the then seated City Council.

The City Council finds that this ordinance is consistent with and is protective of the City's health and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: (Additions are shown in ALL CAPS)

That Section 2.28.020 of the Grand Junction Municipal Code is amended by the addition of subparagraph (d) as follows:

2.28.020(d) IN ANY MATTER AS TO WHICH THE MUNICIPAL COURT HAS JURISDICTION, THE MUNICIPAL JUDGE AND ANY ASSOCIATE OR SUBSTITUTE JUDGE(S) IS (ARE) AUTHORIZED TO ASSESS, IMPOSE AND LEVY AGAINST ANY DEFENDANT WHO PLEADS GUILTY OR NOLO CONTENDERE OR WHO ENTERS INTO A PLEA AGREEMENT OR WHO, AFTER TRIAL IS FOUND GUILTY OF AN ORDINANCE VIOLATION THE FOLLOWING COSTS, FEES AND SURCHARGES (COLLECTIVELY REFERRED TO AS "COURT COSTS" OR "COSTS") AS APPROPRIATE AND IN THE INTEREST OF JUSTICE.

THE PRESIDING JUDGE OF THE MUNICIPAL COURT SHALL PREPARE AND MAINTAIN A SCHEDULE OF COURT COSTS. IF COURT COSTS ARE ASSESSED, THE COSTS SHALL BE ASSESSED ACCORDING TO THE SCHEDULE. (Certain 2018 fees and

costs are shown below. The amounts are illustrative of the content of the schedule but are not part of the Ordinance/are not the schedule.)

- (1) THE COURT MAY ASSESS COSTS AS FOLLOWS AGAINST ANY DEFENDANT:
 - (A) WHO IS CONVICTED OF AN OFFENSE;
 - (B) WHO FAILS TO APPEAR FOR A SCHEDULED ARRAIGNMENT, HEARING OR TRIAL;
 - (C) WHO IS HELD IN CONTEMPT OF COURT;
 - (D) WHO ACCEPTS A DEFERRED JUDGMENT OR DEFERRED PROSECUTION.
- (2) THE COURT MAY ASSESS COSTS AGAINST ANY PROPERLY SUBPOENAED WITNESS WHOSE FAILURE TO APPEAR AT TRIAL NECESSITATES A CONTINUANCE OF THE TRIAL OR A DISMISSAL OF THE CHARGE(S).
- (3) THE MUNICIPAL JUDGES SHALL BE EMPOWERED TO ASSESS COURT COSTS, COSTS OF PROSECUTION, JURY FEES, WITNESS FEES, AND ANY OTHER COSTS REASONABLY ASSOCIATED WITH A MATTER. THE COURT ADMINISTRATOR SHALL ALSO SUPERVISE THE PAYMENT OF THE FEES TO THE JURORS AND WITNESSES BY THE CLERK OF THE MUNICIPAL COURT. SUCH COSTS, FEES, AND SURCHARGES MAY BE SET BY CITY COUNCIL BY RESOLUTION OR BY ORDINANCE.
- (4) WHERE ANY PERSON, ASSOCIATION, OR CORPORATION IS CONVICTED OF AN OFFENSE, THE COURT SHALL GIVE JUDGMENT IN FAVOR OF THE CITY OF GRAND JUNCTION AND AGAINST THE DEFENDANT AND IF THE DEFENDANT IS A JUVENILE AGAINST THE JUVENILE'S CUSTODIAL PARENT FOR THE AMOUNT OF THE COSTS OF PROSECUTION, THE AMOUNT OF THE COST OF CARE, AND ANY FINE IMPOSED. SUCH JUDGMENTS SHALL BE ENFORCEABLE IN THE SAME MANNER AS ARE CIVIL JUDGMENTS.
- (5) THE COURT COSTS MAY INCLUDE, BUT ARE NOT LIMITED TO:
 - (A) ANY DOCKET FEE, SURCHARGE OR ASSESSMENT ESTABLISHED BY STANDING ORDER OF THE COURT;
 - (B) ALL JURY FEES, INCLUDING JUROR FEES. IF APPLICABLE;
 - (C) ANY COSTS INCURRED OF A LAW ENFORCEMENT AGENCY;

(D) ANY FEES OF THE COURT REPORTER FOR ALL OR ANY PART OF A TRANSCRIPT NECESSARILY OBTAINED FOR USE IN THE CASE;

(E) THE ACTUAL COSTS PAID TO ANY EXPERT WITNESS FOR THE CITY;

(F) THE WITNESS FEES AND MILEAGE PAID BY THE CITY:

(I) FOR ANY PERSON REQUIRED TO TRAVEL MORE THAN FIFTY MILES FROM THE PERSON'S PLACE OF RESIDENCE TO THE PLACE SPECIFIED IN THE SUBPOENA:

(II) ACTUAL LODGING EXPENSES INCURRED; AND

(III) ACTUAL RENTAL CAR, TAXI, OR OTHER TRANSPORTATION COSTS INCURRED.

(6) IF A MINOR (PERSON UNDER EIGHTEEN YEARS OF AGE) IS REQUIRED TO APPEAR, THE AMOUNT THAT A PARENT OR GUARDIAN OF THE MINOR PAID FOR TRANSPORTATION AND LODGING EXPENSES INCURRED WHILE ACCOMPANYING THE MINOR TO COURT.

(7) ANY FEES FOR EXEMPLIFICATION AND COPIES OF PAPERS OR OTHER RECORDS NECESSARILY OBTAINED FOR USE IN THE CASE.

(8) ANY FEES FOR INTERPRETERS REQUIRED DURING COURT APPEARANCES AND/OR HEARINGS, TRIALS STATUS CONFERENCES AND RELATED PROCEEDINGS.

(9) ON WRITTEN MOTION OF THE PROSECUTING ATTORNEY AND AT THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY COSTS INCURRED BY THE PROSECUTING ATTORNEY AND/OR THE GRAND JUNCTION POLICE DEPARTMENT THAT ARE DIRECTLY THE RESULT OF THE SUCCESSFUL PROSECUTION OF THE DEFENDANT INCLUDING THE COSTS RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY LABORATORY OR CHEMICAL TEST.

(10) ANY COSTS INCURRED BY A LAW ENFORCEMENT AGENCY IN PHOTOCOPYING REPORTS, DOCUMENTS AND PRINTING AND/OR PROCESSING AUDIO AND/OR VIDEO RECORDINGS, MESSAGE(S) ETC. NECESSARY FOR USE IN THE CASE.

(11) ANY COSTS OF PARTICIPATION IN A DIVERSION PROGRAM IF THE OFFENDER UNSUCCESSFULLY PARTICIPATED IN A DIVERSION PROGRAM PRIOR TO CONVICTION/ADJUDICATION.

(12) WHERE ANY PERSON IS SENTENCED TO A TERM OF INCARCERATION, THE COURT SHALL ORDER SUCH PERSON TO MAKE SUCH PAYMENTS TOWARD THE COST OF CARE AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES. "COST OF CARE" MEANS THE COST INCURRED BY THE DEPARTMENT AND/OR CITY FOR PROVIDING ROOM, BOARD, CLOTHING, MEDICAL CARE AND OTHER NORMAL LIVING EXPENSES FOR AN OFFENDER CONFINED TO A JAIL OR CORRECTIONAL FACILITY, OR ANY COSTS ASSOCIATED WITH MAINTAINING AN OFFENDER IN A HOME DETENTION PROGRAM.

(13) COST OF INSURANCE FOR USEFUL PUBLIC SERVICE. THE CITY SHALL DETERMINE WHETHER SEPARATELY OR BY OR THROUGH A SEPARATE AGENCY AND THE DEFENDANT SHALL PAY FOR THE COST OF INSURANCE WHEN ORDERED AS REQUIRED AS PART OF SENTENCING BY A MUNICIPAL JUDGE TO PERFORM USEFUL PUBLIC SERVICE.

(14) SURCHARGES ESTABLISHED BY RESOLUTION OR ORDINANCE OF THE CITY COUNCIL.

(15) THE FEES AND COSTS AUTHORIZED HEREBY MAY BE INCREASED BY ADOPTION OF A RESOLUTION BY A MAJORITY OF THE CITY COUNCIL THEN CONSIDERING THE SAME. INCREASES MAY BE AT SUCH RATE AND FREQUENCY AS DETERMINED PROPER BY THE CITY COUNCIL CONSIDERING THE SAME.

Introduced on first reading this 6th day of December 2017.

Passed and adopted on second reading this __ day of January 2018.

J. Merrick Taggart
President of the City
Council

ATTEST:

Wanda Winkelmann
City Clerk

2018 COURT COSTS

DEFERRED JUDGMENT OR DEFERRED PROSECUTION (\$35);

FOLLOWING CONVICTION FOR VIOLATING AN ORDINANCE(S) AT TRIAL (\$50);

FOLLOWING CONVICTION FOR VIOLATING AN ORDINANCE(S) WITHOUT TRIAL (\$35);

OUTSTANDING JUDGMENT WARRANT FEE (TRAFFIC) (\$30);

PAYMENT PLAN FEE (\$25);

TRAFFIC SCHOOL FEE (\$65);

USEFUL PUBLIC SERVICE FEE (\$35);

FAILURE TO APPEAR FOR A PROPERLY NOTICED COURT DATE (\$50);

DEFAULT FEE (\$35)

DEFAULT PROCESS FEE (\$50)

MOTOR VEHICLE BOOT FEE (\$50)



Grand Junction City Council

Regular Session

Item #4.a.ii.

Meeting Date: January 3, 2018

Presented By: Kathy Portner, Community Services Manager

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

An Ordinance Amending Various Sections of the Zoning and Development Code Regarding Administration and Procedures, Setbacks, Cluster Development, Fences and Flood Damage Prevention

RECOMMENDATION:

The Planning Commission recommended approval at their December 12, 2017 hearing.

EXECUTIVE SUMMARY:

The Community Development Director is requesting amendments to various sections of the Zoning and Development Code to address issues of relevancy, clarity, organizational changes and other minor corrections. The proposed changes include changes to Chapters 2, 3, 4 and 7 of the Zoning and Development Code.

BACKGROUND OR DETAILED INFORMATION:

General descriptions of the proposed amendments are proposed as follows. The specific proposed redlines of these Code sections are provided in Attachment A.

GENERAL

Since the original adoption of the Zoning and Development Code, the structure of the Department has changed from the Public Works and Planning Department to the Community Development Department. The proposed amendment would replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director.

21.02 Administration and Procedures

Section 21.02.070(a)

Proposed changes to Section 21.02.070(a) include formatting changes and the deletion of “Building Permits” from Section 21.02.070(a)(8)(i) showing expiration of permits, since Building Permits are issued by the Mesa County Building Department and can often times be extended for periods greater than 180 days.

Section 21.02.070(l)

Proposed changes to Section 21.02.070(l) Administrative Adjustment clarifies the criteria to be used in considering a request for a 10% deviation from bulk standards, including setbacks for additions and construction errors. It also modifies the existing provision allowing the Director to permit an accessory structure in a front yard or side yard of a corner lot to allow an accessory structure in any setback, including fences and retaining walls, subject to specific criteria. The revision to this section is to allow for flexibility in the location of accessory structures, including fences and retaining walls that require a building permit, where the Director finds there are unique or unusual conditions pertaining to the property and the granting of an adjustment would not be materially detrimental to property owners in the vicinity. This modification would be consistent with the intent of the current code that allows for the Director to approve accessory structures in the front and rear setback when there are unique or unusual property features and the placement would not be detrimental to adjacent property owners. By replacing the existing provision, for those wanting to place an accessory structure in the front or side yard setback, the applicant would no longer have to meet the criteria for a variance which is a set of standards that are very high and unlikely to be met.

Section 21.02.200

Proposed revisions to Section 21.02.200, Variances, consolidates the criteria and deletes redundancy and clarifies that all of the criteria must be met for a variance to be granted.

21.03 Zoning Districts

Section 21.03.030(d)(2)(xiii)

The proposed change to section 21.03.030(d)(2)(xiii) is to correct an error to one of the allowed encroachments into a required setback. This section allows for uncovered terraces, patios and porches to extend into a required setback up to 6 feet, but no closer than 3 feet to a property line. The proposed amendment clarifies that the allowed 6 feet encroachment is into the setback and it corrects the inconsistency in the text that states “uncovered, unenclosed terraces, patio ‘covers’ or porches...” by deleting the term “covers”.

Section 21.03.060.

The proposed changes to 21.03.060 Cluster Provisions include corrections to the table showing examples of lot size modifications allowed based on percentage of open space provided. The specific equation used to calculate lot size is also added and is the example of the formula already provided and maintained in the Code.

21.04 Uses

Section 21.04.040(i)

This proposed amendment deletes the section allowing the Director to increase the allowable fence height, with or without a retaining wall, and places that provision in Section 21.02.070(l) as an Administrative Adjustment.

21.07 Special Regulations

Section 21.07.010

In 2012, the City adopted floodplain management regulations in accordance with minimum standards established by the National Flood Insurance Program (NFIP) and the State of Colorado. Guidance was provided by the Colorado Water Conservation Board with a model ordinance. In a side-by-side comparison, staff found the section specific to Recreational Vehicles includes two significant deviations. One is a prohibition of Recreational Vehicles being located in a special flood hazard area between April 1st and June 30th of each year. Since that prohibition is not in the model ordinance staff are proposing to delete it, finding that all the other regulations in place provide adequate protection. The other proposed amendment appears to be a scrivener's error where "and" was used rather than "or" between sections that detail requirements as a temporary structure versus a permanent structure.

ANALYSIS

In accordance with Section 21.02.140(c), an Application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment. No further criteria for review is provided. Staff has provided reasoning for the proposed amendments in Section III. Background of this staff report.

FISCAL IMPACT:

These amendments to the Zoning and Development Code do not have any direct fiscal impact.

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4778 - An ordinance amending various sections of the Zoning and Development Code (Title 21 of the Grand Junction

Municipal Code) Regarding Administration and Procedures, Setbacks, Cluster Development, Flood Damage Prevention and Fences on final passage and order final publication in pamphlet form.

Attachments

1. Attachment A--Proposed Amendments
2. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING ADMINISTRATION AND PROCEDURES, SETBACKS, CLUSTER DEVELOPMENT, FLOOD DAMAGE PREVENTION AND FENCES

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

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

After public notice and public hearing, the Grand Junction City Council finds that the proposed Zoning and Development Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

The Zoning and Development Code is amended as follows (additions underlined, deletions struck through):

General

Find and replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director.

21.02 Administration and Procedures

21.02.070 Administrative development permits.

(a) Common Elements of Administrative Development Permits.

~~(7) Appeals and Amendments. The Director's decision is final unless the Director receives written appeal within 10 working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.~~

~~(7) Appeals and Amendments. The Director's decision is final unless the Director receives written appeal within 10 working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.~~

(7) Amendments. A permit shall be amended through the process it was originally approved.

(8) Appeals. An aggrieved party may appeal the Director's decision by submitting a written appeal within 10 working days of the Director's decision.

21.02.070 Administrative development permits.

(a) Common Elements of Administrative Development Permits.

(8) Validity.

(i) Administrative permits shall expire after the issue date according to the following table:

| Permit Type | Expiration |
|---|-------------------|
| Administrative Permits (except below) | One year |
| Planning Clearance and Building Permit | 180 days |
| Fence Permit | 180 days |
| Home Occupations | n/a |
| Preliminary Subdivision | Two years |
| Final Plat (unrecorded) | Two years |
| Minor and Major Site Plans | Two years |

21.02.070 Administrative development permits.

(l) Administrative Adjustment.

(1) The Director may permit ~~up to a 10 percent~~ deviation from any bulk standard, ~~including maximum building size,~~ upon a finding of compliance with the ~~goals and policies of the Comprehensive Plan criteria as set forth in this section.~~ The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards where deviation(s) are desirable but cannot be accommodated through a strict application of the bulk standards.

~~(2) The Director may permit an accessory structure in a required front yard or the side yard of a corner lot upon a finding of compliance with the criteria of GJMC 21.02.200, Variance.~~

~~(3) An administrative adjustment shall be granted only when the applicant establishes that all of the following criteria are satisfied.~~

(i) Additions. Requests for an administrative adjustment to accommodate an addition to an existing structure shall comply with all of the following:

(A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;

(B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;

(C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;

(D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;

(E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:

a. Height of the addition relative to neighboring structures;

b. The location, number and size of windows, doors, porches, balconies and outdoor lights;

c. The location of patios and walkways;

d. The location, size and types of hedges, walls and fences; and

e. The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;

(F) ~~The addition complies with all building, fire and other adopted codes and policies;~~

(G) The requested deviation is only 10 percent or less; and

(H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.

(ii) Construction Errors. Requests for an administrative adjustment to accommodate a construction error shall comply with all of the following:

(A) ~~All of the criteria applicable to additions~~ Complies with all building, fire and other adopted codes and policies;

(B) The requested deviation is only 10 percent or less;

(C) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property;

~~(B)~~(D) The error shall have been inadvertent; and

~~(C)~~(E) The contractor responsible for the error shall not have been the recipient of another approved administrative adjustment in the past three years.

(2) The Director may permit an accessory structure, including a fence or retaining wall that are considered structures, in a required setback upon the finding that:

(a) There are unique or unusual conditions pertaining to the specific building or property; and

(b) The granting of an adjustment would not be materially detrimental to the property owners in the vicinity.

(c) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.

~~(4) (3) Decision-Maker.~~

(i) The Director shall approve, approve with conditions or deny all requests for an administrative adjustment.

~~(ii) Appeals from the Director shall be processed as a variance using the procedures provided in GJMC 21.02.200, but with the review criteria provided herein.~~

~~(5) (4) Application and Review Procedure. Application requirements and processing procedures are described in subsection (a) of this section. In addition, the applicant shall provide proof that the requested administrative adjustment does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested administrative adjustment does not conform to the covenants, the applicant shall provide a written statement acknowledging the inconsistency and that he/she shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the administrative adjustment is approved.~~

21.02.200 Variance.

(a) **Purpose.** The purpose of this section is to provide a process for consideration of variances from the certain standards of the Code.

(b) **Applicability.**

(1) A variance may be requested for a departure from The Director may approve variances of up to 10 percent of any bulk requirement. Requests for variance to the bulk standards, that are greater than 10 percent and variances to the performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.

(2) Variances shall not be ~~heard or granted~~ requested for:

- (i) The establishment or expansion of a use in a district in which such use is not permitted by this code;
- (ii) Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
- (iii) Changes or modifications to any definition contained in this code.

(c) **Approval Criteria.**

~~(1) Variance Requests from Bulk, Performance, Use-Specific and Other Standards. A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter 21.04 GJMC.~~

A variance may be granted only if the applicant establishes that all of the following criteria have been met:

- (i) ~~Hardship Unique to Property, Not Self Inflicted.~~ There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (ii) ~~Special Privilege.~~ The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (iii) ~~Literal Interpretation.~~ The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (iv) ~~Reasonable Use.~~ The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (v) ~~Minimum Necessary.~~ The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (vi) ~~Conformance with the Purposes of this Code.~~ The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and

(vii) ~~Conformance with Comprehensive Plan.~~ The granting of a variance shall not conflict with the goals, policies and guiding principles of in the City's Comprehensive Plan.

(d) Decision-Making

(1) A variance from bulk standards, performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC shall be heard and decided by the Zoning Board of Appeals.

(2) Variances to all other standards, unless otherwise specified, shall be heard and decided by the Planning Commission.

21.03 Zoning Districts

21.03.030(d) Setbacks.

(2) Exceptions and Permitted Encroachments. The following features may encroach into required setbacks:

(xiii) Uncovered, unenclosed terraces, patios ~~covers~~ or porches, not to exceed six feet into the setback, but in no case closer than three feet to any property line;

21.03.060 Cluster Development

(c) Unless provided otherwise by the subdivision approval, cluster subdivisions must meet the following standards:

(1) Twenty percent of the gross acreage must be open space.

(2) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5. The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. Minimum lot size shall also be subject to other provisions, such as GJMC [21.07.020\(f\)](#), Hillside Development, which might further restrict lot size. The following table provides example lot sizes based on various open space reservations.

$$\text{Minimum Lot Size} = (\text{existing min. lot size}) - (\% \text{ open space} \times 1.5 \times \text{existing min. lot size})$$

(3) In no event shall any lot be less than 3,000 square feet.

(4) Bulk standard requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2 district is developed with 30 percent open space then the bulk requirements of the R-4 district apply.

(5) The bulk standards of the R-8 district apply to every lot of less than 4,500 square feet.

| | Min. Req. Lot Size | 20 Percent Open Space | 30 Percent Open Space | 50 Percent Open Space | 66 Percent Open Space |
|-----|---------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| R-R | 5 acres | 3.5 acres | 2.75 acres | 1.25 acres | 3,000 sq. ft. |
| R-E | 1 acre | 30,492 sq. ft. | 23,958 sq. ft. | 16,890 sq. ft. | 3,000 sq. ft. |
| R-1 | 30,000 sq. ft. | 21,000 sq. ft. | 16,500 sq. ft. | 7,500 sq. ft. | 3,000 sq. ft. |
| R-2 | 15,000 sq. ft. | 10,500 sq. ft. | 8,250 sq. ft. | 3,750 sq. ft. | 3,000 sq. ft. |
| R-4 | 7,000 sq. ft. | 4,900 sq. ft. | 3,850 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. |
| R-5 | 4,000 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. |

21.04 Uses

21.04.040(i) Fences.

(1) General Standards.

- (i) The Director shall review fences proposed under this subsection in accordance with special permit criteria. See GJMC 21.02.120(c).
- (ii) All fences shall meet all TEDS (GJMC Title 29) requirements.
- (iii) A fence or wall that exceeds six feet in height and retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.

(2) Fence Height Measurement.

- (i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.
- (ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.
- (iii) ~~The Director may approve an increase in fence height with or without a retaining wall, where the unique feature of a property would warrant such an increase and the increase would not be detrimental to surrounding public or private properties.~~

21.07 Special Regulations

21.07.010 Flood damage prevention.

(d) **Provisions for Flood Hazard Reduction.**

(2) Specific Standards. The following provisions, as determined from BFE data, are required for all special flood hazard areas:

(v) Recreational Vehicles. Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall meet all of the following requirements or meet permit requirements, elevation and anchoring requirements for manufactured homes:

~~(A) Be permitted only where allowed in appropriate zone districts according to GJMC 21.04.010;~~

~~(B) Be authorized by an appropriate land use approval(s) from the City in accordance with the balance of this code (if no appropriate land use approval has been granted, the use is not allowed);~~

~~(D)~~(A) Be on the site for fewer than 180 consecutive days

~~(C) Not be on the site between April 1st and June 30th of each year;~~

~~(E)~~(B) Be fully licensed and ready for highway use;

~~(F)~~(C) Be attached to the site only by quick disconnect type utilities and security devices; and

~~(G)~~(D) Include no permanently attached additions; and

~~(H)~~(G) Meet the permit requirements, elevation and anchoring requirements for resisting wind forces as required for manufactured homes.

Introduced on first reading this 20th day of December, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2018 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #4.b.i.

Meeting Date: January 3, 2018

Presented By: Kathy Portner, Community Services Manager

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

An Ordinance Rezoning Property Located at 2802 Patterson Road from R-4 (Residential, 4 DU/AC) to MXOC (Mixed Use Opportunity Corridor)

RECOMMENDATION:

The Planning Commission recommended approval of this rezone request at the December 12, 2017 meeting.

EXECUTIVE SUMMARY:

The Applicant, 1st Church of the Nazarene, requests a rezone of 6.2 acres, located at 2802 Patterson Road, from R-4 (Residential-4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district. The purpose of the rezone request is to enable the Applicant to erect signage consistent with a non-residential zone district. The MXOC zone district is consistent with the Future Land Use designation of Mixed Use Opportunity Corridor along this section of Patterson Road. The MXOC zone district allows for mixed use development and has specific site design and architectural standards to provide for a compatible transition to the surrounding residential neighborhoods. The signage standards require monument style signs not exceeding 15 feet in height and 300 square feet in size (based on the property's street frontage) and allow for digital displays, as desired by the Applicant.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The 1st Church of the Nazarene, inclusive of Heaven's Little Steps Child Care Center, is located on 6.2 acres at the northeast corner of Patterson Road and 28 Road. The

property has over 590 linear feet along Patterson Road and 440 linear feet along 28 Road and is currently zoned R-4 (Residential, 4 du/ac).

Adjacent properties to the east are zoned Planned Development with commercial development at the northwest corner of Patterson Road and 28 ¼ Road and multifamily and assisted living proposed on the remainder of the property; properties to the south across Patterson Road are zoned R-5 (Residential, 5 du/ac) with single family and assisted living development; to the west across 28 Road properties are zoned PD (Planned Development) with townhomes; and the property to the north is zoned R-4 (Residential, 4 du/ac) and contains a stormwater detention facility owned by the City.

Currently the property has a 24 square foot internally illuminated sign along the Patterson Road frontage. The Applicant would like to replace the sign with a larger, more visible sign with digital display. However, Section 21.06.070(h)(1) of the Zoning and Development Code restricts permanent signs in a residential zone district to 24 square feet in size and does not allow digital display. The Applicant requested a Variance to that provision from the Zoning Board of Appeals, but was denied in a unanimous decision due to the lack of ability to demonstrate compliance with the required criteria.

The Applicant is now requesting a rezone to MXOC (Mixed Use Opportunity Corridor) to accommodate the proposed sign. The MXOC zone district is consistent with the Future Land Use designation of Mixed Use Opportunity Corridor along this section of Patterson Road. The MXOC zone district allows for mixed use development and has specific site design and architectural standards to provide for a compatible transition to the surrounding residential neighborhoods. The signage standards require monument style signs not exceeding 15 feet in height and 300 square feet in size (based on the property's street frontage). Digital display is allowed, but must adhere to brightness standards found in the Code. These signage parameters meet the desire of the Applicant for new signage for their facilities.

A neighborhood meeting was held on November 14, 2017. There was nobody from the general public that attended.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria, which are addressed below.

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

The R-4 zoning on this property predates the 2010 Comprehensive Plan that

designated this section of Patterson Road as a Mixed Use Opportunity Corridor. The adoption of the Comprehensive plan with the expressed vision for this corridor to be mixed use, invalidates the original premise that resulted in the residential zoning (R-4) that is the current zone district designation. Because the City's Comprehensive Plan has been update, providing for this property to be considered for an MXOC zone district, staff has found this criterion has been met. The Planning Commission concurred with this finding.

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

This property has operated as a church and daycare for approximately 20 years. The property directly to the east is zoned PD (Planned Development) and is a mixed use development with commercial and multifamily uses. East of 28 ¼ Road is another large church and the 200+ acres Matchett Park property, planned for a Regional Park. In addition, a property located approximately ½ mile east of the church was rezoned MXOC for future development. In general, existing uses fall within a mixed use category and the Comprehensive Plan recognized that Patterson is now a major arterial street for the City, where lower density residential development is both unlikely and undesirable.

The Comprehensive Plan designation in 2010 of Mixed Use Opportunity Corridor recognized the change in character that has occurred along this section of Patterson Road and, as such, staff finds the requested rezone is consistent with the Plan due to changes in the character and condition of the area. The Planning Commission concurred with this finding.

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

Access to the subject property is provided directly from the adjacent 28 Road and the site is adequately served by other public and community facilities including fire stations, hospitals, schools and public transit. Staff finds adequate public and community facilities and services are available to the property and are sufficient to serve the existing use of the property as well as the additional uses that would be allowed under the MXOC zoning. The Planning Commission concurred with this finding.

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

The existing land use as a church and daycare facility is allowed in a wide variety of zone districts. Though there is a significant supply of land available in the community for use by a church, there is only one property currently zoned MXOC along Patterson

Road, located approximately ½ mile east of this property at 2872 Patterson Road. Because supply of suitably designated land is available in the community for this use, Staff finds this criterion has not been met. The Planning Commission concurred with this finding.

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

The proposed MXOC zoning would create an opportunity at this key location along Patterson Road to provide for additional uses that could serve the community and will provide for an appropriate scale of signage along this important transportation corridor. MXOC allows for all types of household living, institutional and civic uses and limited commercial uses, including entertainment, lodging, office, recreation, and retail sales and service. The zone district also has design and architectural standards to address compatibility with surrounding residential areas. The implementation of this Plan-supported zone district will provide future options to this property for reuse and/or redevelopment that aligns with the vision of the Comprehensive Plan and will therefore further the goals of the community and will provide community benefit. Staff therefore finds this criterion has been met. The Planning Commission concurred with this finding.

Section 21.02.140(c)(2) of the Zoning and Development Code further requires: Residentially zoned property within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned to the Mixed Use Opportunity Corridor form district so long as the depth of the lot measured perpendicular to the corridor is at least 150 feet.

The depth of the property measured perpendicular to Patterson Road is 440 feet.

When considering a form district, the City Council shall consider the following:

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

The rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan, as described in discussion regarding Section 21.02.140, below.

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

The MXOC zone district allows service, retail and office commercial uses, as well as a variety of housing types and density. It is intended to create mixed use development

opportunities along arterial corridors in a pedestrian friendly environment while providing for compatibility with surrounding neighborhoods through design and architectural standards.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

Future Land Use Map: The Comprehensive Plan Future Land Use Map for the area is Mixed Use Opportunity Corridor, allowing for a rezone to MXOC, which allows service, retail and office commercial uses. The MXOC zone district is intended to create mixed use development along the corridor in a pedestrian-friendly environment while accommodating the more automobile-centric nature of the area. Further, the MXOC district provides a transition from nonresidential to existing neighborhood residential uses.

The proposed rezone is also compatible with the surrounding zone districts, as well as the surrounding mix of residential and commercial land uses.

After review of the Comprehensive Plan, Staff believes that the proposed rezone meets the following Comprehensive Plan goals and policies. The Planning Commission concurred with these findings.

Goal 3: Create ordered and balanced growth and spread future growth throughout the community.

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

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

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

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as further development may have direct fiscal impact.

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4780 - An ordinance rezoning property located at 2802 Patterson Road from R-4 (Residential, 4 du/ac) to MXOC (Mixed Use

Opportunity Corridor) on final passage and order final publication in pamphlet form.

Attachments

1. Applicant's Project Report
2. Site Maps and Photos
3. Proposed Ordinance

Applicant's Submittal General Project Report

Grand Junction 1st Church of the Nazarene 2802 Patterson Road, G.J., CO

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

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

(2) The character and/or condition of the area has changed especially to the East of our property along Patterson Rd. On the North side of Patterson this development includes the following: the Medical/Dental and other offices at 28 ¼ Rd plus the future development of the property immediately to the East of us with a planned Senior Citizens housing facility. The future development along the North side of Patterson Road also includes the Matchett Park. On the South side of Patterson Rd to the East of our property is Grand Valley Child Care center, the Mantey Heights Rehabilitation and Care complex, Grand Junction Fire Station #2 and the Retreat at the Cove Seniors complex.

(3) Being that the change of zoning is not to impact the use of our property which is planned to continue as a Church and Child Care center, the public and community facilities will continue to meet the needs.

A. Project Description

- 1. 2802 Patterson Road, Grand Junction, CO 81506**
2. 6.1 acres
3. Church & Child Care Center

B. Public Benefit: The request for mixed use zoning is to permit a larger more visible sign to enable the neighborhood and those who utilize our facilities to better locate and be aware of functions both of the Church, Child Care center, as well as the greater community. These usages include a number of Home Owners Associations, Grand Junction High School choirs and a number of children and youth soccer teams which all use our facilities every year.

C. Neighborhood Meeting: Held Thursday, November 15, 2017 at 6:15 pm. Representation of the Planning Board and Pastor Larry were present to witness that zero (0) additional individuals attended the meeting.

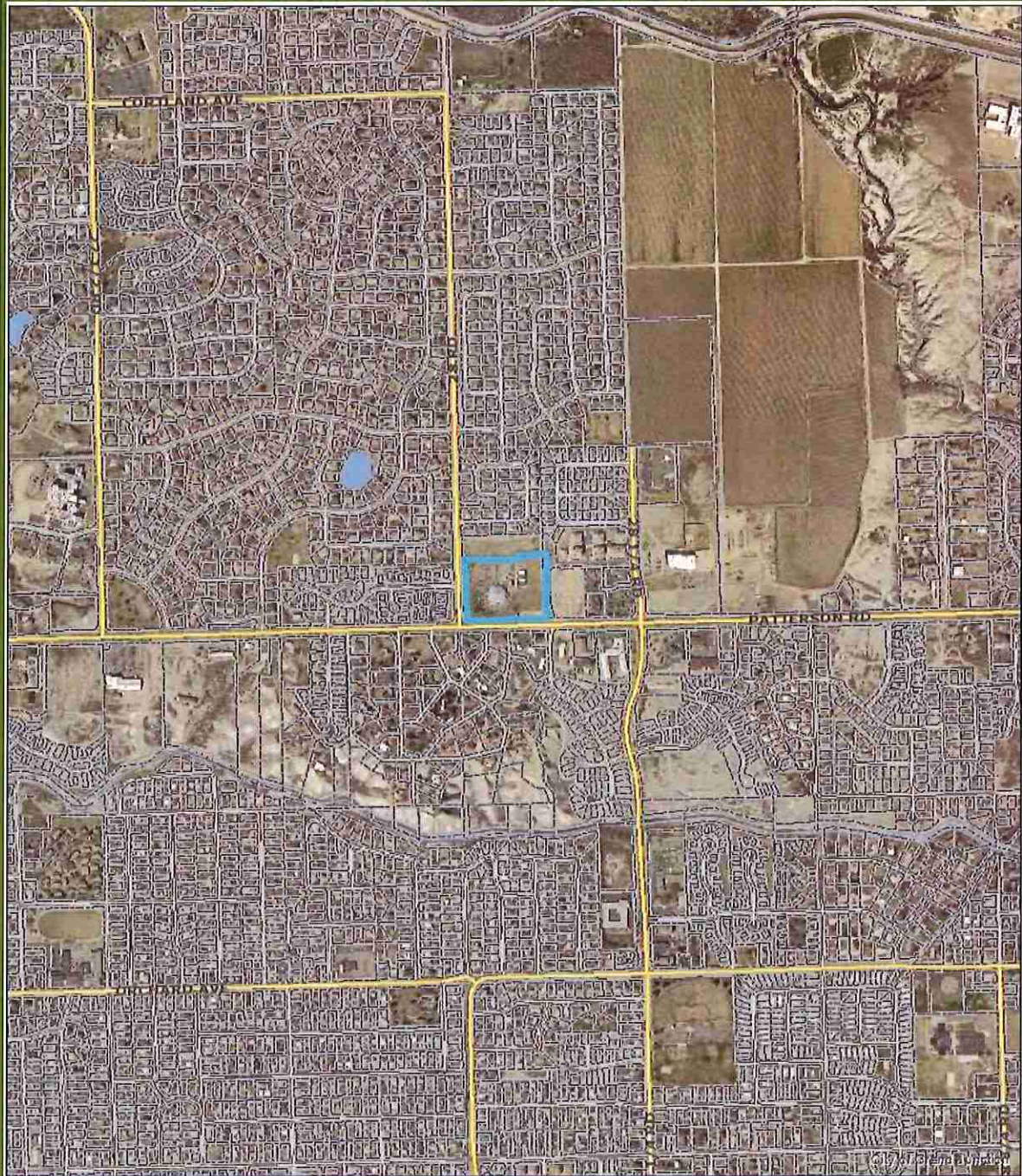
D. Project Compliance, Compatibility and Impact

1. Plans for the property will not change. The present use is for a Church and Child Care Center. The rezoning is to solely permit the installation of a sign that is larger than the present R4 zoning permits.
2. Land use around us is mixed use including the following commercial uses. (a) Although not yet constructed the plan for the property immediately to the east of us is for a senior's residence facility. (b) The property further east includes a number of doctors and dentist's offices as well as other mixed-use offices. (c) Immediately to the west of our property across 28 Road is a subdivision including single housing units as well as a link home structure. (d) On the south side of Patterson Road are a few single-family homes.
3. Site Access and Traffic. Our property is only accessible from 28 Road, which intersects, with Patterson Road at the south-west corner of our property.
4. Utilities. All utilities including: water, electric, and sewer, presently serve our property. We also have a fire hydrant located on our property.
5. Special demands. There are no special or unusual demands on utilities, now or planned.
6. Effects on Public Facilities. Due to no planned change of the use of the facilities there are no unusual demands on fire, police, sanitation, roads, parks, schools, irrigation etc.
7. Hours of Operation: The Child Care Center is open 7:00 am to 6:00 pm, Monday –Friday. The Church has services mainly on Sunday mornings and evenings as well as throughout the week for children, teens, adult and seniors.
8. The Child Care Center presently has sixteen (16) employees and the Church has five (5).
9. The plan is to replace the twenty-year-old sign with a new, larger and higher, dual faced, static and electronic sign on the same footprint.
10. Sight soils and geology remain the same as when the original Church building was constructed twenty years ago.
11. No impact is seen to affect the site geology and or geological hazards.

E. Zoning and Development Code: Changing to a Mixed Use is in compliance with the city approved plans for the Patterson Road Corridor.

F. Development Schedule: Plan is to have the new sign installed and operational by April 2018.

Vicinity Map



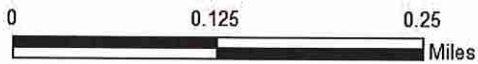
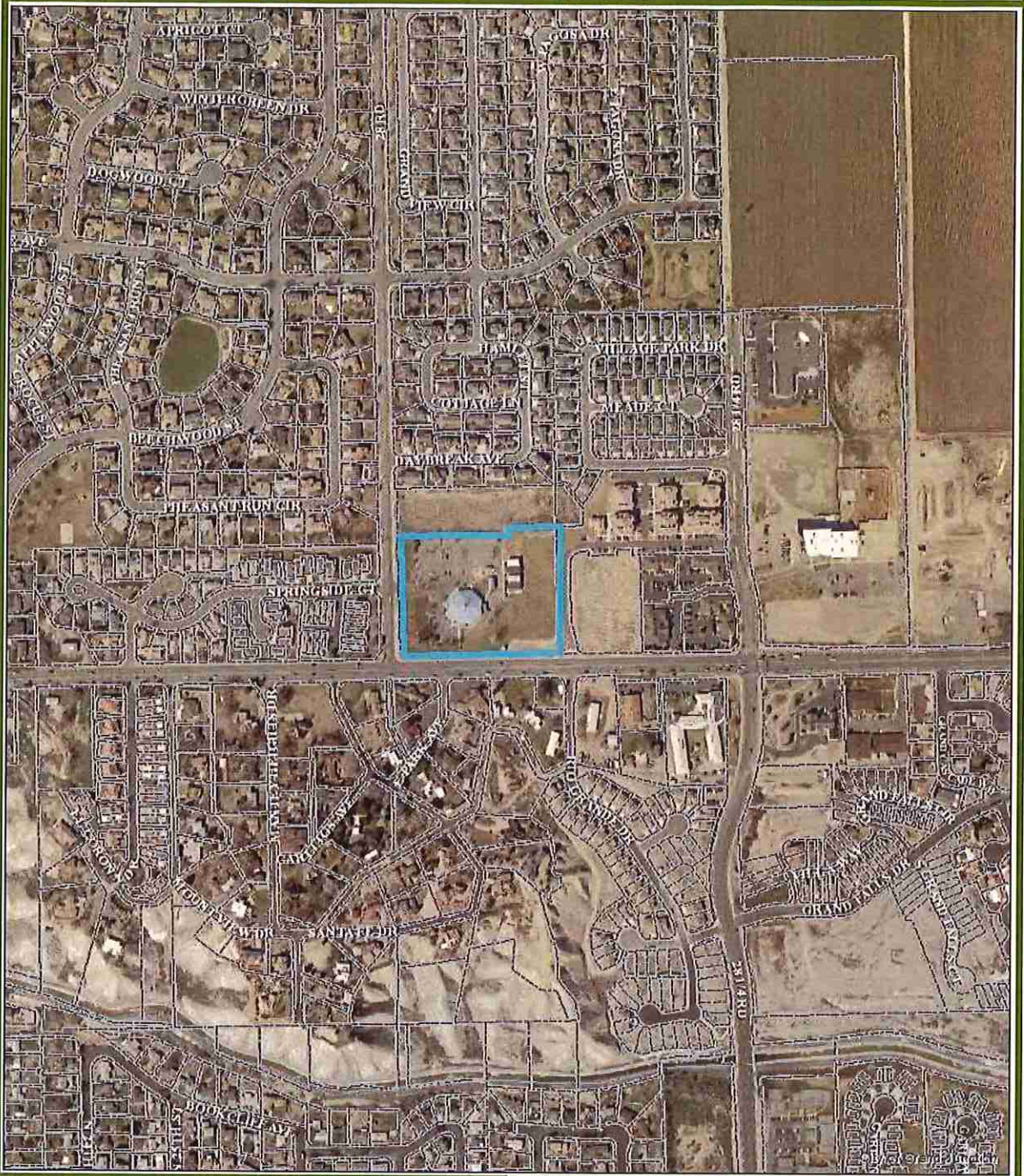
0 0.275 0.55 Miles

Printed: 10/18/2017

1 inch = 943 feet



Site Map

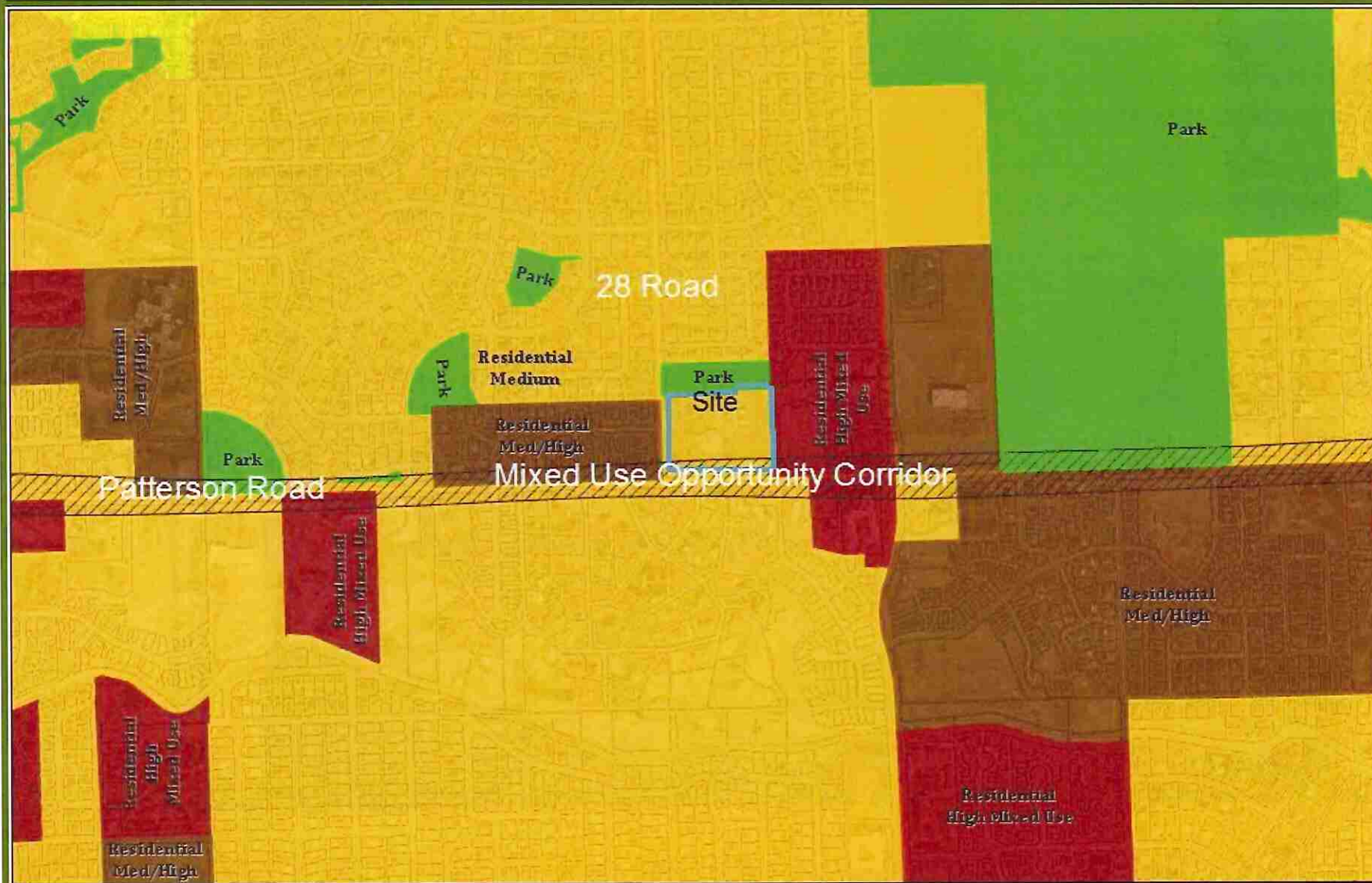


Printed: 10/18/2017

1 inch = 471 feet



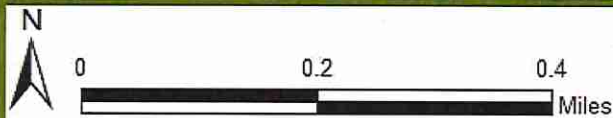
Future Land Use Designation



Printed: 11/21/2017

1 inch = 752 feet

Existing Zoning



Printed: 11/21/2017

1 inch = 752 feet

SITE PHOTOS



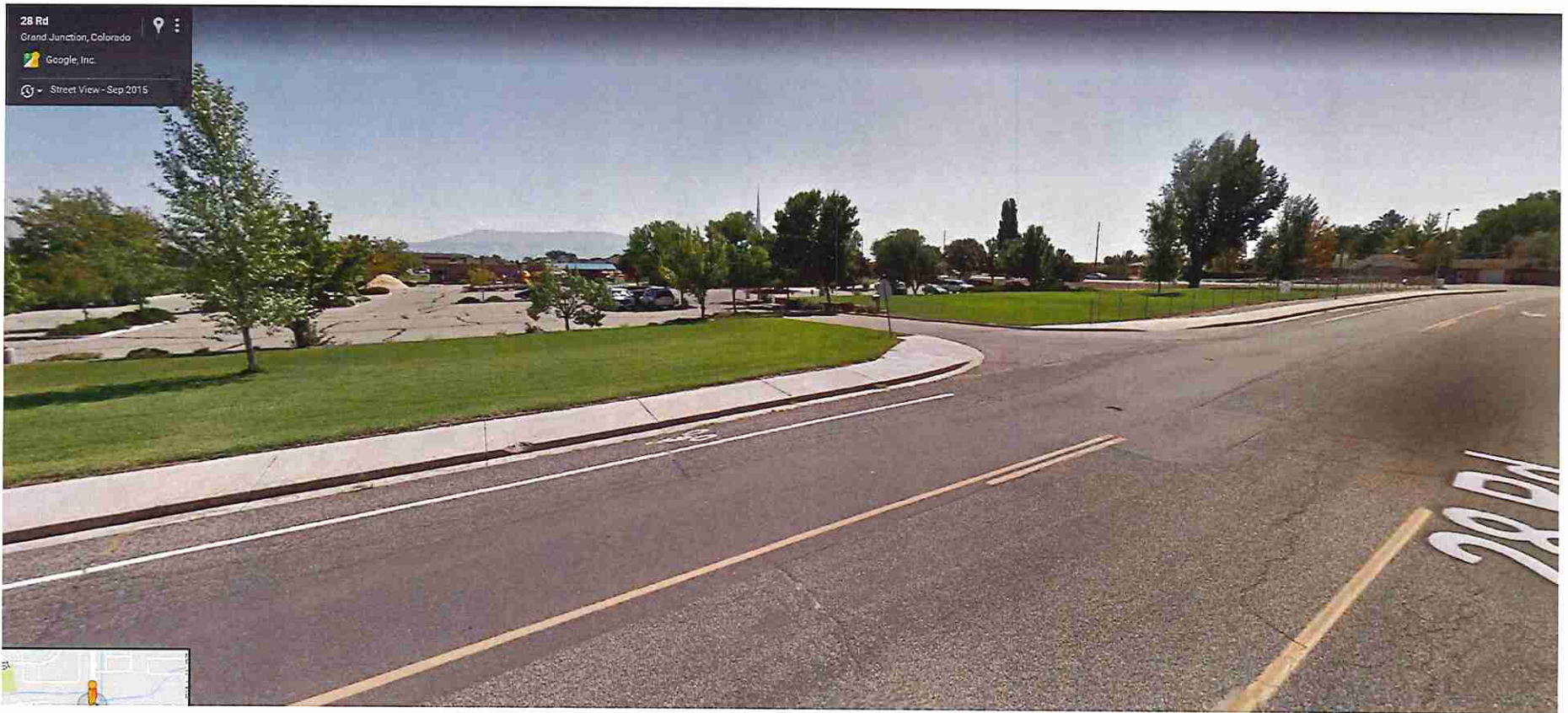
1st Church of Nazarene Looking Northwest from Patterson Road



1st Church of Nazarene Looking Northeast from Intersection of 28th and Patterson Road



1st Church of Nazarene Looking Northwest from Patterson Road



1st Church of Nazarene Looking southeast from 28th Road

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING PROPERTY LOCATED AT
2802 PATTERSON ROAD
FROM R-4 (RESIDENTIAL, 4 DU/AC) TO MXOC (MIXED USE OPPORTUNITY
CORRIDOR)**

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 the rezoning proposed for the 1st Church of the Nazarene from an R-4 (Residential 4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Mixed Use Opportunity Corridor, the goals and policies of the Comprehensive Plan, 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 MXOC (Mixed Use Opportunity Corridor) 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY, LOCATED AT 2802 PATTERSON ROAD, SHALL BE ZONED MXOC (MIXED USE OPPORTUNITY CORRIDOR):

BEG N 0DEG03'19SEC E 686.19FT & S 89DEG59'07SEC E 40FT FR SW COR SEC 6 1S 1E S 89DEG59'07SEC E 596.09FT S 0DEG01'54SEC W 636.03FT W 588.33FT N 45DEG W 11.33FT N 0DEG03'19SEC E 628.17FT TO BEG EXC NLY 2.49A TO CITY OF GJ IN B-2158 P-221/222 & EXC ROAD

Introduced on first reading this 20th day of December, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2018 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #4.b.ii.

Meeting Date: January 3, 2018

Presented By: Lori Bowers, Senior Planner

Department: Community Development

Submitted By: Lori Bowers

Information

SUBJECT:

An Ordinance Vacating the East-West Alley right-of-way of Block 123 of the original city plat between 2nd and 3rd Streets and between Colorado Avenue and Ute Avenue

RECOMMENDATION:

The Planning Commission recommended approval of this request at their December 12, 2017 meeting.

EXECUTIVE SUMMARY:

The Applicant, Western Hospitality, LLC is requesting to vacate the entire alley right-of-way of Block 123 of the original city plat between 2nd and 3rd Streets, between Colorado Avenue and Ute Avenue. The proposed vacation would vacate the public access but would require retaining it as a utility easement for the full length of the alley as well as providing access easements on the east and west ends of the alley for areas that have adjoining properties under different ownership. This request has been brought forth to be able to help facilitate the implementation of the Applicant's preferred site plan for a new hotel (Hilton Tru) at 243 Colorado Avenue.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Applicant has assembled approximately 1.2 acres of currently vacant land between 2nd and 3rd streets and Colorado and Ute Avenues to develop a new hotel. The properties combined form a reverse "L" shape, with the southernmost property line bounding Ute Avenue, and the western most property line bounding 2nd Street. The

proposed alley vacation will facilitate the Applicant's desired traffic flow for the new hotel parking lot. The Applicant plans on fencing the parking lot to increase security and safety for hotel guests and their vehicles. Currently there is significant transient foot traffic through this area which is a concern for the Applicant and by allowing a vacation of the alley, the site could be developed with security fencing to address the Applicant's concerns regarding the safety of their customers and their property. Utilities currently exists in the alleyway. As such, utility easements will need to be provided. Additionally, because properties on both the east and west ends of the alley are adjoined by properties under different ownership, access easement will be provided to ensure these properties maintain adequate access to their properties.

A Neighborhood Meeting was held on September 20, 2017. Three neighbors (adjacent property owners) were present at the meeting. The Applicant also indicated that they had spoken in person, by phone, and by email with other property owners adjacent to the alley regarding the proposal. All comments were supportive of the proposal and did not object to the alley vacation.

ANALYSIS

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way shall conform to the following:

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

The proposed alley vacation is supported by the following Goals and Policies of the Comprehensive Plan.

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

Policy C: The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

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.

Policy A: The City and County will support the vision and implement the goals and actions of the Downtown Strategic Plan.

The Grand Valley Circulation Plan does not address alley right-of-ways, but neither of the adjacent streets will be impacted by the alley vacation.

This request conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City. Staff therefore finds this request conforms with this criterion. The Planning Commission concurred with this finding.

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

The request to vacate the entire Alley in Block 123, will not leave any parcel landlocked. Properties will continue to have access from Colorado Avenue and Ute Avenue, and access easements will be provided on both the east and west ends of the alley where properties abut the alley but have different ownership. Staff therefore staff finds this request conforms with this criterion. The Planning Commission concurred with this finding.

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

No access to any parcel will be restricted as all properties will continue to have access from Colorado Avenue and Ute Avenue. However, as Ute Avenue is a State Highway, it is unlikely that access to lots fronting this street will be granted direct access in the future. Additionally, currently developed properties on the corner of 2nd and Colorado Avenue use the alley for access to parking and trash services. Therefore, the east and west ends of the alley will be retained as an access easement to ensure reasonable access to these lots. With these easements, Staff has found this request conforms with this criterion. The Planning Commission concurred with this finding.

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

This request was sent as a referral to both the Fire Department and Police Department for review and comment. The Fire Department provided they do not object to the alley vacation and noted that they will be able to continue to provide adequate emergency access to the properties within this block. The Police Department had no comments on the alley vacation. Considering these responses, staff has not found there to be adverse impacts on the health, safety, and/or welfare of the general community. The quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request; therefore, this request conforms with this criterion. The Planning Commission concurred with this finding.

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

All services located within the right-of-way shall be retained, and/or provided as necessary. As conditioned, access easements are provided on both ends of the alley to adjacent property owners and a utility easement will be created for the existing utilities to be maintained within the vacated alleyway. As a result, staff has been able to find this request conforms with this criterion. The Planning Commission concurred with this finding.

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

Should the City choose to vacate the alleyway, the City will be relieved of any future maintenance of this alley. The abutting property owners will each be provided fee simple ownership to one half of the alleyway. This alley will function similarly to a private street and will be maintained by the adjacent property owners. Currently there is limited circulation in this alley due to the Block being significantly underdeveloped. Though not directly related to the request to vacate the alley, the proposed hotel will provide significant benefit to the City and, as part of their development, will be required to underground the overhead utilities will improve the appearance of the area. Staff finds this request conforms with this criterion. The Planning Commission concurred with this finding.

FISCAL IMPACT:

Currently the City grades the alley twice per year at a cost of approximately \$200 per year. The City also provides street lighting along the alley and payment for electricity at a cost of \$420 per year. It is assumed the street lighting will become the responsibility of the private property owners as a result of this request. The projected annual reduction in expenses realized by the vacation of this alley is estimated at \$620.

The market value of right-of-way property is estimated at between \$5 and \$6 per square foot. At approximately 8,000 square feet, the value of this right-of-way is estimated to be between \$40,000 and \$48,000.

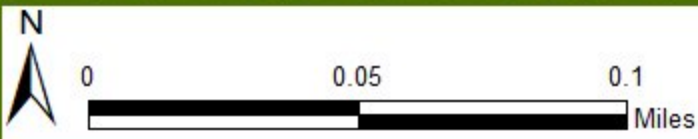
SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4781 - An ordinance vacating the east-west alley right-of-way between 2nd and 3rd Streets, south of Colorado Avenue on final passage and order final publication in pamphlet form.

Attachments

1. Maps
2. Ordinance

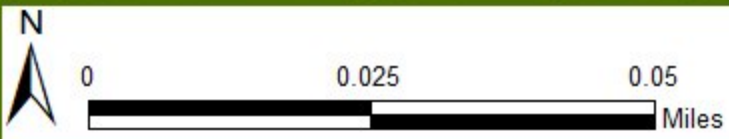
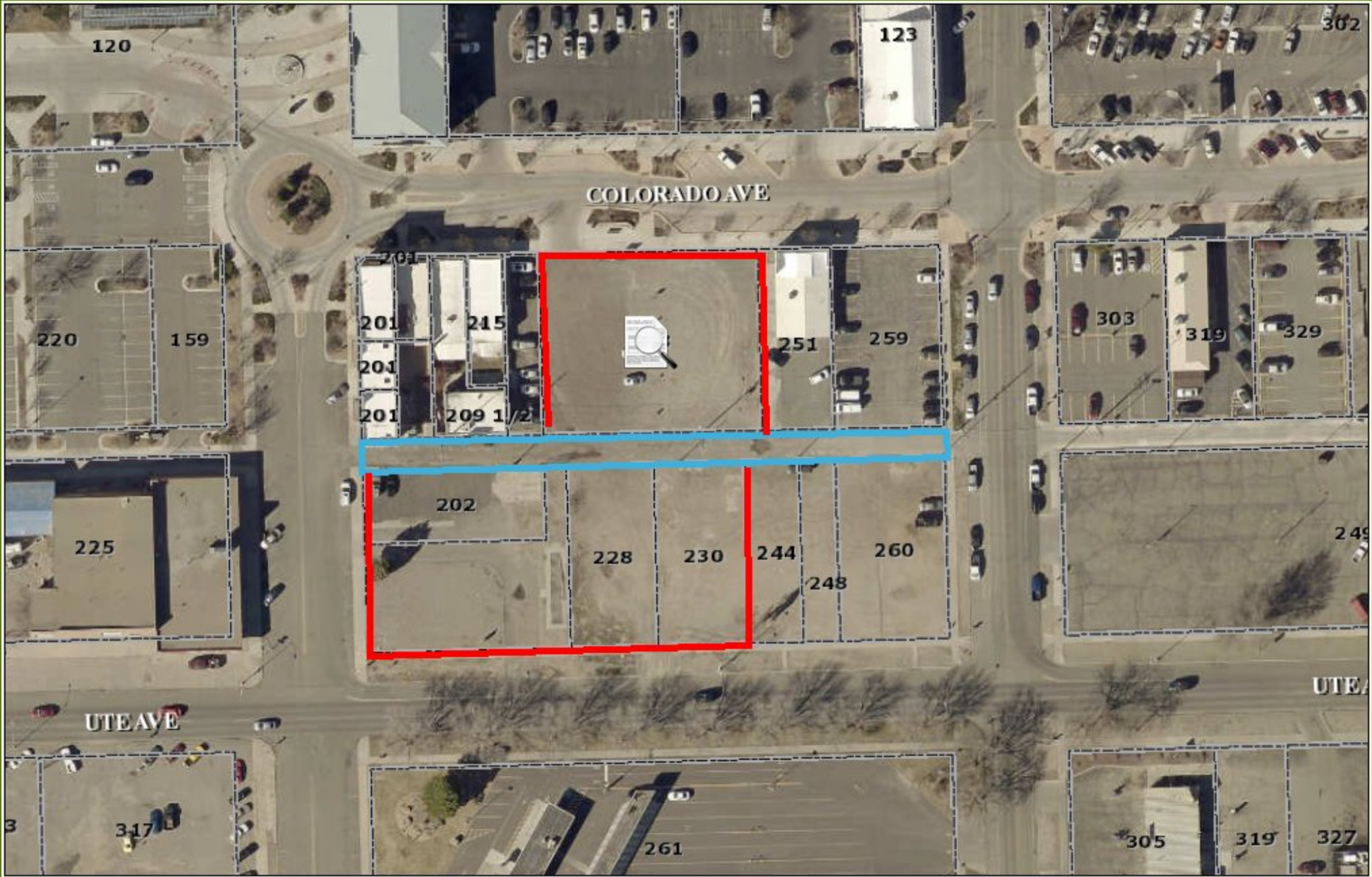
Vicinity Map



Printed: 11/28/2017

1 inch = 188 feet

Site Location Map (red site) Alley to be Vacated (blue)



Printed: 11/22/2017

1 inch = 90 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING THE EAST-WEST ALLEY RIGHT-OF-WAY
BETWEEN 2ND AND 3RD STREETS, SOUTH OF COLORADO AVENUE**

Recitals:

Having assembled approximately 1.2 acres of undeveloped land, the combined properties form a reverse “L” shape, with the southernmost property line bounding Ute Avenue, and the western most property line bounding 2nd Street. The eastern portion ends mid-block. These properties abut the subject alley right-of-way. The proposed alley vacation will facilitate better traffic flow for the new hotel parking lot. The parking lot will be fenced to increase security and safety for hotel guests and their vehicles. Utility easements will be retained and access for utility and public safety providers will be provided. The ability to consolidate the number of trash dumpsters in the alley will help the overall appearance and functionality of the alley. Access easements for both east and west ends is provided as shown on the attached Exhibit A.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate the alley right-of-way and retain the easements and provide access easements on the east and west ends of the subject alley, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS VACATED AND THE VACATED ALLEY IS RETAINED AS A UTILITY EASEMENT AND ACCESS EASEMENTS FOR THE EAST AND WEST END IS PROVIDED:

ALLEY VACATION

ALL of that certain East-West alley lying within Block 123, First Division, Resurvey, Town of Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado, lying West of South 3rd Street and East of South 2nd Street.

ACCESS EASEMENT(S)

That portion of the East-West alley lying within Block 123, First Division, Resurvey, Town of Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado, lying East of South 2nd Street and West of the East line of Lot 28 projected Northerly, TOGETHER WITH, that portion of said East-West alley lying West of South 3rd Street and East of the West line of the East-half of Lot 22 projected Northerly.

Introduced on first reading this 20th day of December, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2018 and ordered published in pamphlet form.

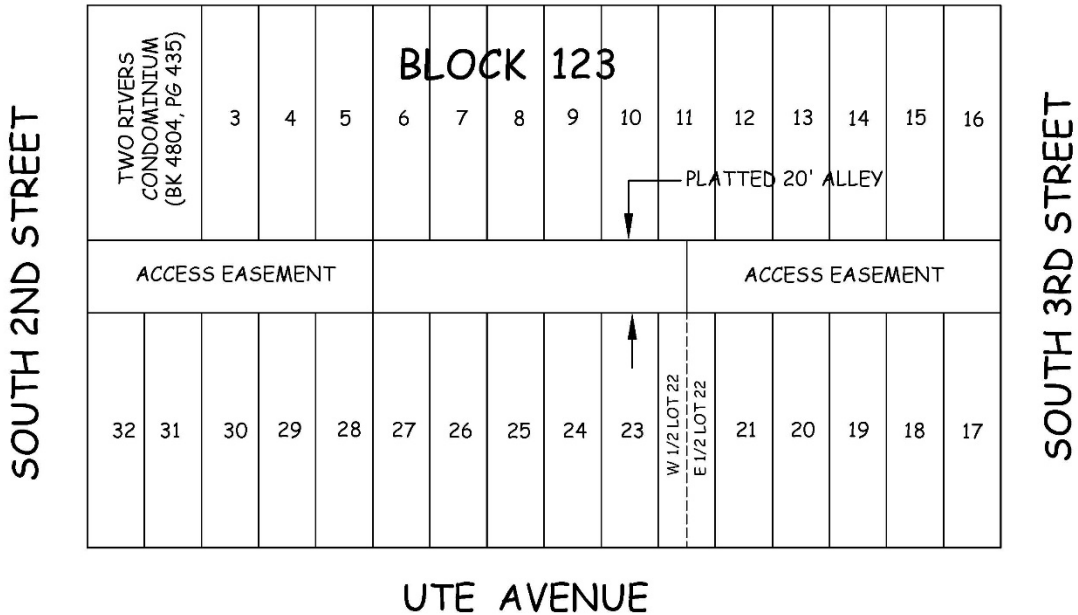
ATTEST:

City Clerk

Mayor

EXHIBIT "A"

COLORADO AVENUE



ALLEY VACATION

ALL of that certain East-West alley lying within Block 123, First Division, Resurvey, Town of Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado, lying West of South 3rd Street and East of South 2nd Street.

ACCESS EASEMENT(S)

That portion of the East-West alley lying within Block 123, First Division, Resurvey, Town of Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado, lying East of South 2nd Street and West of the East line of Lot 28 projected Northerly, TOGETHER WITH, that portion of said East-West alley lying West of South 3rd Street and East of the West line of the East-half of Lot 22 projected Northerly.



Grand Junction City Council

Regular Session

Item #4.b.iii.

Meeting Date: January 3, 2018

Presented By: Lori Bowers, Senior Planner

Department: Community Development

Submitted By: Lori Bowers

Information

SUBJECT:

A Resolution to amend the Comprehensive Plan Future Land Use Map from "Neighborhood Center Mixed Use" to "BPMP (Business Park Mixed Use)" and an Ordinance Zoning Properties to I-O (Industrial/Office Park), Located at 2202 and 2202 ½ H Road

RECOMMENDATION:

The Planning Commission recommended approval of this request at their December 12, 2017 meeting.

EXECUTIVE SUMMARY:

The Applicants, Jerry Patterson and TEK Leasing, LLC, are requesting an amendment to the Comprehensive Plan Future Land Use Map designation for properties located at 2202 and 2202 ½ H Road from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and to rezone the properties from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) zone district on 8.59 acres in anticipation of future development. The allowed uses in the MXG-3 zone district do not allow for outdoor storage which the properties owners would like to develop however the I-O zone district does support this desired use. The requested rezone to I-O is currently not supported by the underlying Comprehensive Plan designation of Neighborhood Center which has resulted in a two-part request to first amend the current Comprehensive Plan designation to Business Park Mixed Use followed by a request to rezone the property to I-O.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Applicants, Jerry Patterson and TEK Leasing, LLC, are requesting an amendment to the Comprehensive Plan Future Land Use Map designation for properties located at 2202 and 2202 ½ H Road from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and to rezone the properties from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) zone district on 8.59 acres, in anticipation of future development. The allowed uses in the MXG-3 zone district do not allow for outdoor storage which the properties owners would like to develop and the I-O zone district does support. The requested rezone to I-O is currently not supported by the underlying Comprehensive Plan designation of Neighborhood Center which has resulted in a two-part request to first amend the current Comprehensive Plan designation to Business Park Mixed Use followed by a request to rezone the property to I-O.

Neighborhood Meeting. The Applicants held a Neighborhood Meeting on October 18, 2017 at Appleton Elementary School. Four citizens attended the meeting. There were a few general questions about the description of the proposed Comprehensive Plan Amendment /Rezone to (BPMU Business Park Mixed Use/ I-O Industrial/Office Park). There was one objection to the requested rezone. The attendee in opposition expressed concerns about the sale of his own property having to compete with the rezoned properties, which he felt would make their property more attractive to potential buyers than his.

ANALYSIS – COMPREHENSIVE PLAN AMENDMENT

Pursuant to Section 21.02.130 (Comprehensive Plan amendment) the City may amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

The subject properties are currently all within the Future Land Use category of Neighborhood Mixed use. Neighborhood Mixed Use contemplates limited employment, residential, open space and limited retail, focused on uses that provide convenience items for the immediate neighborhood. Residential uses are encouraged to integrate with commercial uses. The land that has developed around this pod of Neighborhood Mixed Use is much higher in intensity and currently supports a variety of light and heavier industrial types of uses that are inconsistent with the intent of the neighborhood mixed use designation. The Applicant's request is to amend the Comprehensive Plan to Business Park Mixed Use, is in keeping with the current and growing heavier industrial uses in this area. There will be approximately 23 +- acres that will remain designated as a Neighborhood Center, surrounding the subject parcels on the north

and the east Staff finds this criterion has been met. The Planning Commission concurred with this finding.

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

The character and condition of the area has changed considerably. 22 Road from Highway 6 & 50 north to H ½ Road has seen a growth in businesses including the addition of Grand Valley Rural Power and Ute Water Conservancy District. This request to amend the Comprehensive Plan is compatible with the existing uses in the vicinity. The request is not consistent with the current future land use plan, however, other elements of the plan, including those cited in Goal 3, Policy A, Goal 12 and Policy B (below) that support such concepts as ordered and balanced growth, being a regional provider of services and provision of appropriate commercial and industrial opportunities. Staff believes the character and condition of the area has changed and the amendment would further the written policies of the Plan. Staff therefore finds this criterion has been met. The Planning Commission concurred with this finding.

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

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

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

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

Adequate public and community facilities and services are available to the properties and are sufficient to serve the future use as allowed with the BPMU future land use map category. There exists a 12-inch water line in 22 Road and 24-inch line in H Road. Sanitary Sewer is available at 22 and H Road, but would need to be extended between 70 feet up to 300 feet to the individual properties for service. Grand Valley Power is the electrical service provider for this area. Staff finds this criterion has been met. The Planning Commission concurred with this finding.

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

There is an inadequate supply of the BPMU designated properties in this area. The closest area designated BPMU is adjacent to the Riverside Parkway, over five miles away, southeast of the subject parcels. By amending the Plan to BPMU there would be an additional area for this designation. Staff therefore finds that this criterion has been met. The Planning Commission concurred with this finding.

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

The proposed amendment to Comprehensive Plan Future Land Use Map to Business Park Mixed Use will allow for the implementation of the plan through the rezone of the property to I-O (Industrial/Office) zone district. This zone district designation would in turn create an opportunity for storage or other commercial uses that are both consistent with the goals and policies of the plan as well as provides purportedly more immediate development potential. Some of the other possible uses allowed within the I-O zone district range from business residence, medical and dental clinics, hotels and motels, general offices, auto repair, warehousing, contractor and trade shops, oil and gas support, outdoor storage and operations. The purpose of this zone is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses. The ability to provide a land use designation that has a range of realistic development potential that is consistent with surrounding development provide both a community and area benefit, therefore Staff finds this criterion has been met. The Planning Commission concurred with this finding.

This Comprehensive Plan amendment request is consistent with the following vision, goals and/or policies of the Comprehensive Plan

Future Land Use Map: Granting the amendment to the Comprehensive Plan Future Land Use Map and rezoning the parcels to I-O will allow the applicants to sell their land to potential buyers who were turned away for their proposed use as it was not consistent with what is allowed in an MXG-3 Zoning District. The proposed Comprehensive Plan amendment and the rezone supports the following goals and policies from the Comprehensive Plan.

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

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

Goal 12: Being a regional provider of goods and services the City and County will

sustain, develop and enhance a healthy, diverse economy.

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

ANALYSIS – REZONE

Pursuant to Section 21.02.140, Code Amendment and Rezoning the City may rezone and amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

The Applicants' request to amend the Comprehensive Plan to Business Park Mixed Use will allow for the rezone to I-O. I-O zoning allows uses that are complementary and consistent to the existing uses to the west and south. I-O zoning also supports light manufacturing uses, office park, limited retail and outdoor storage with proper screening and buffering. MXG-3 zoning is intended to be a mix of apartments, townhomes, multi-family uses with small neighborhood businesses. These are much less intense uses than what is in the area currently. This area currently serves as a base for businesses with large trucks and is not very pedestrian friendly as originally envisioned by the MXG zoning designation and as such works to invalidate the original premise that an MXB zone district category is an appropriate zone district for these properties. Staff finds this criterion has been met. The Planning Commission concurred with this finding.

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

The character and condition of the area has changed since 2010. 22 Road from Highway 6 & 50 north to H ½ Road has seen a growth in businesses including the addition of Grand Valley Rural Power and Ute Water Conservancy District. This rezone request is compatible with the existing uses in the vicinity. Assuming there is favorable consideration of the amendment of the plan to BPMU, this request will be consistent with Plan and reflective of the changing condition and character of the area, therefore, staff finds this criterion has been met. The Planning Commission concurred with this finding.

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

Adequate public and community facilities and services are available to the properties and are sufficient to serve the future use of these properties. There exists a 12-inch

water line in 22 Road and 24-inch line in H Road. Sanitary Sewer is available at 22 and H Road, but would need to be extended anywhere from 70 to 300 feet, to the individual properties for service. Grand Valley Power is the electrical service provider for this area. Staff finds this criterion has been met. The Planning Commission concurred with this finding.

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

Most of the surrounding land in this area is still in unincorporated Mesa County. Of lands within the City limits, zoned I-O there are 458.19 acres, or 2% of the total zoned lands. There are 172.36 acres that remain vacant or 30% of the zoned land.

Underutilized land, meaning that there may be a single-family residence on an I-O property make up about 28% of that land. Staff believes that because there is such a limited supply of available I-O zoned land that approximately 30% of it is vacant that there is an inadequate supply of this designated land. In further support, staff has heard anecdotally that I-O is a sought-after zoning designation as it provides for a range of uses that are currently in demand for development. Staff therefore find this criterion has been met. The Planning Commission concurred with this finding.

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

The proposed I-O zone district would create an opportunity for storage or other commercial uses that the owners have been approached by potential buyers to develop. Examples of other possible uses within the I-O zone district range from business residence, medical and dental clinics, hotels and motels, general offices, auto repair, warehousing, contractor and trade shops, oil and gas support, outdoor storage and operations. The purpose of this zone is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting. In addition, I-O zoning has performance standards that require appropriate screening and buffering to adjacent properties. These performance standards help to transition the uses to possible residential and neighborhood type uses that will remain unchanged adjacent to the subject parcels.

In general, Staff believes the area will derive benefit from this proposed rezoning due to the type and variety of uses that are allowed within the I-O zone district as well as these uses being generally consistent and compatible with existing proximate uses to these properties. Staff therefore finds this criterion has been met. The Planning Commission concurred with this finding.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

I-O zonings performance standards will require adequate screening and buffering for the adjacent properties that will remain MXG-3.

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development may have direct fiscal impact.

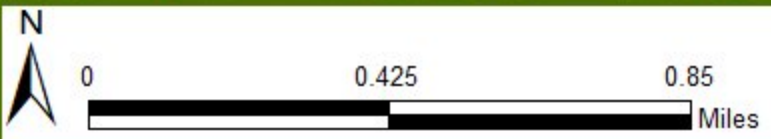
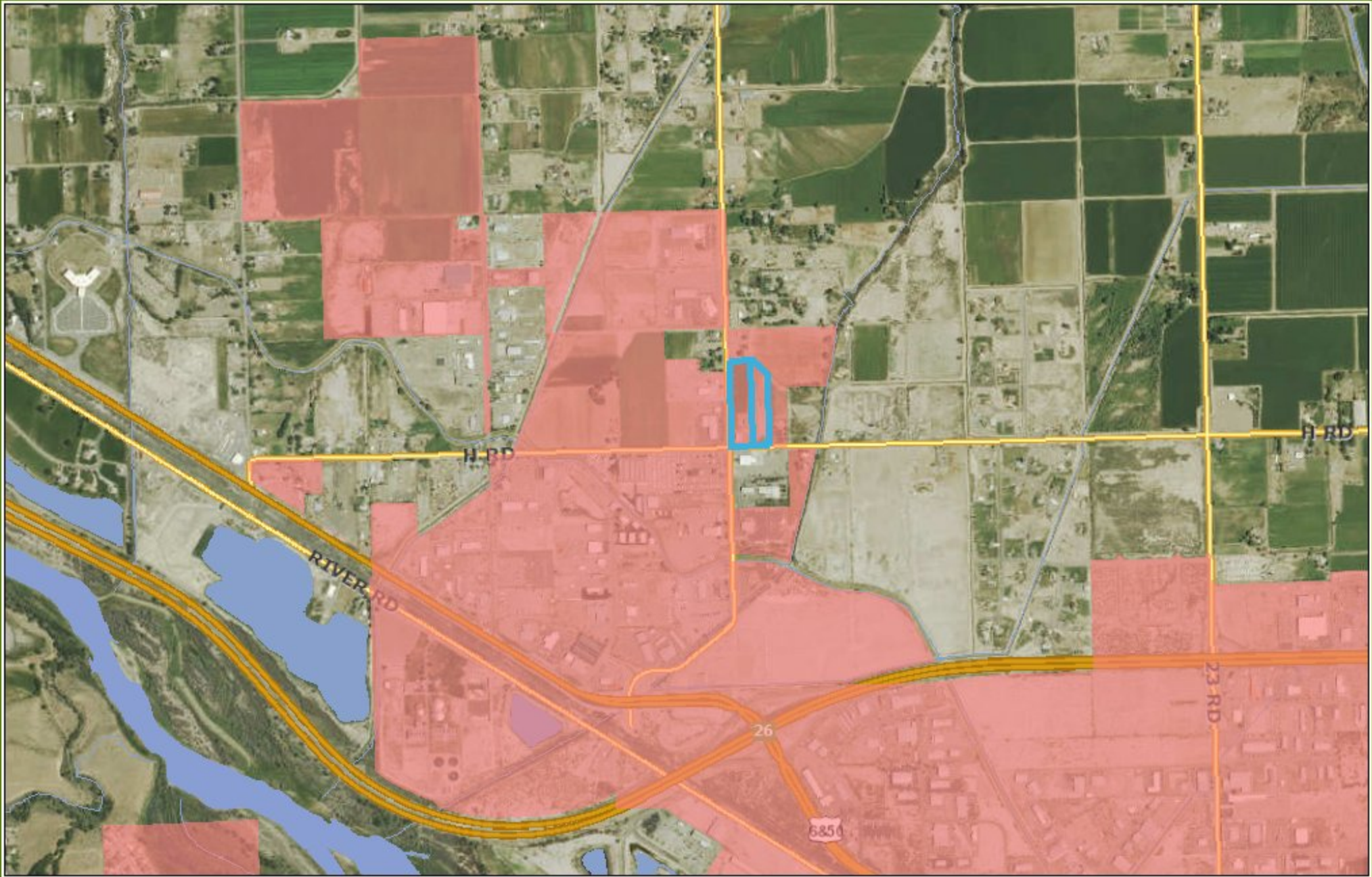
SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 05-18 - A resolution amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Neighborhood Center Mixed Use to Business Park Mixed Use, located at 2202 and 2202 1/2 H Road and Ordinance No. 4782 - An ordinance zoning properties located at 2202 and 2202 1/2 H Road to I-O (Industrial/Office Park) on final passage and order final publication in pamphlet form.

Attachments

1. Site Maps and Photos
2. Resolution
3. Proposed Ordinance

2202 and 2202 1/2 H Road Vicinity Map with City Limits (pink)

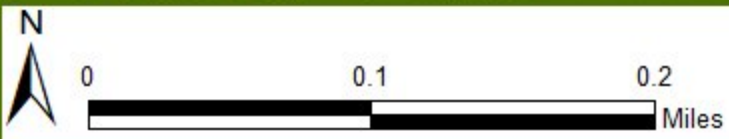


Printed: 11/22/2017

1 inch = 1,433 feet



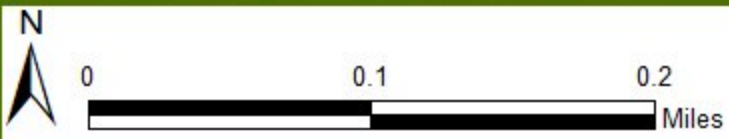
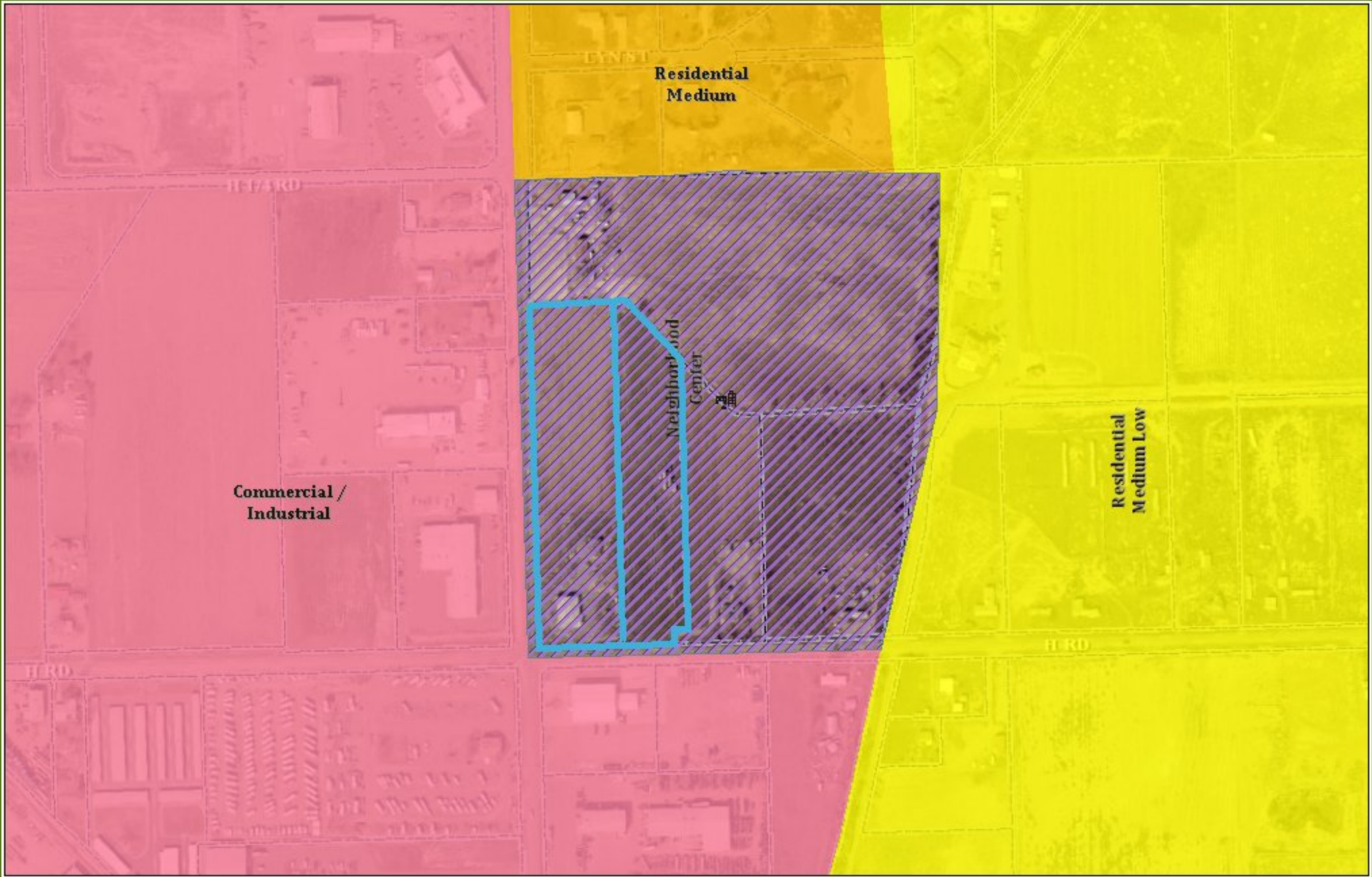
Site Location Map



Printed: 11/22/2017

1 inch = 358 feet

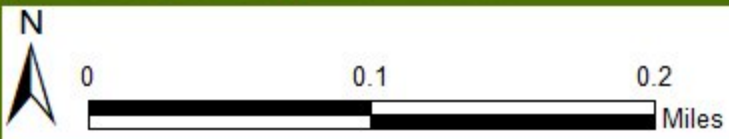
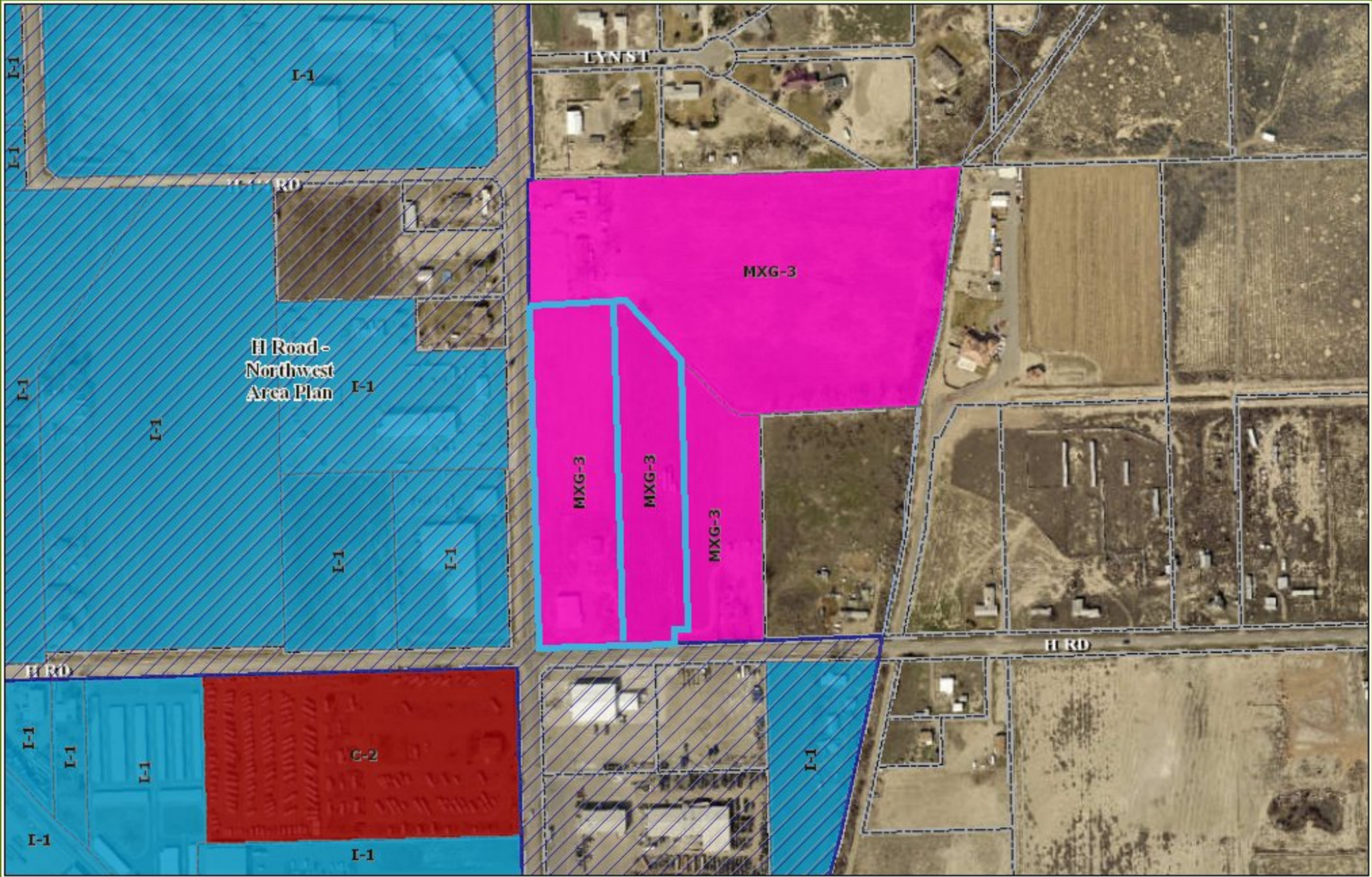
Future Land Use Map



Printed: 11/22/2017

1 inch = 358 feet

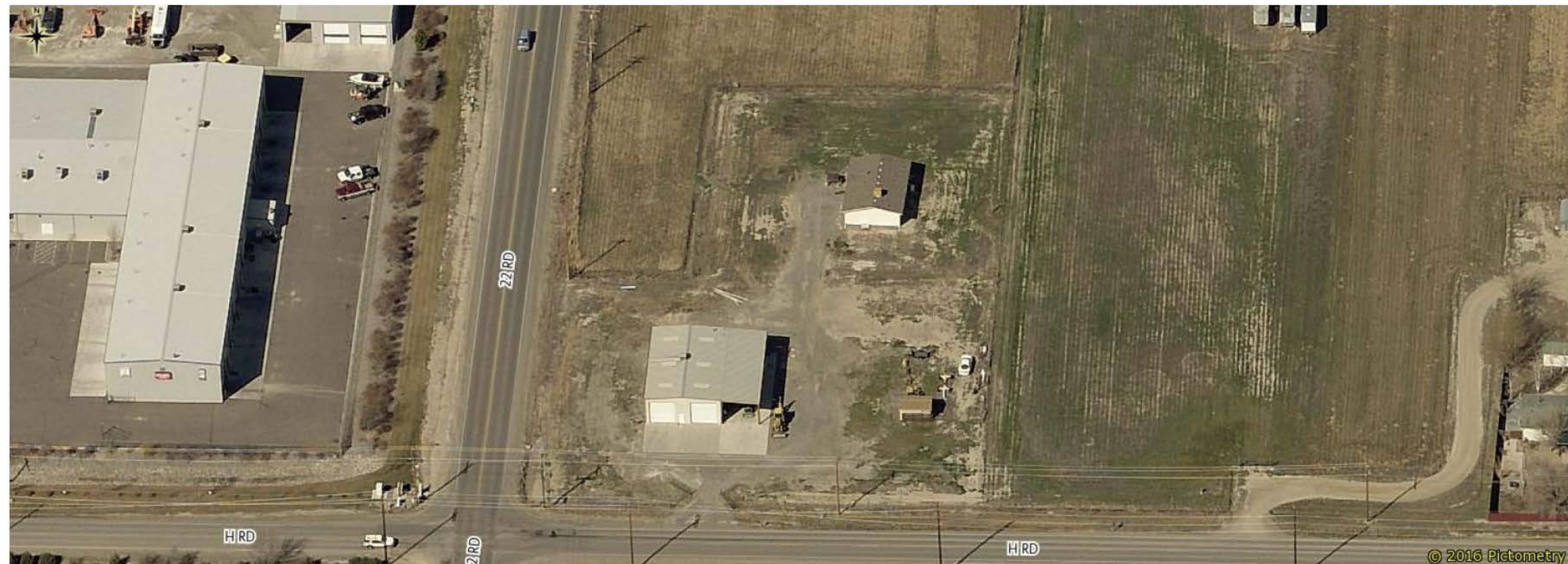
Existing Zoning Map



Printed: 11/22/2017

1 inch = 358 feet

picture of site









HARD





22 Rd X



RESOLUTION NO. ____

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP OF THE CITY OF GRAND JUNCTION FROM
NEIGHBORHOOD CENTER MIXED USE TO BUSINESS PARK MIXED USE**

LOCATED AT 2202 AND 2202 1/2 H ROAD

Recitals:

A request for a Comprehensive Plan Future Land Use Map Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 8.59 +/- acres, located at 2202 and 2202 1/2 Road be redesignated from Neighborhood Center Mixed Use to Business Park Mixed Use on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Future Land Use Map Amendment and determined that it satisfied the criteria as set forth and established in Section 21.02.130 of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM NEIGHBORHOOD CENTER MIXED USE TO BUSINESS PARK MIXED USE ON THE FUTURE LAND USE MAP.

PARCEL A REIGAN SIMPLE LAND DIVISION SEC 30 1N 1W - 5.00AC AND LOT 1
RAM'S SUBDIVISION SEC 30 1N 1W - 3.6AC.

Said parcels contain 8.6 +/- acres, more or less, as described.

PASSED on this _____ day of _____, 2018.

ATTEST:

City Clerk

President of Council



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: January 3, 2018

Presented By: Kathy Portner, Community Services Manager

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

Change in Use Incentive Grant Request in the Amount of \$2,746.21 from Thai Number Nine, LLC, Located at 539 N. 1st Street

RECOMMENDATION:

Staff recommends approval of the grant request.

EXECUTIVE SUMMARY:

Thai Number Nine, a proposed restaurant to be located at 539 N. 1st Street, has submitted an application for consideration of a grant for \$2,746.21 from the Change in Use Incentive Grant program. The amount requested is for 25% of the sewer wastewater Plant Investment Fee (PIF) required for the conversion of the existing building to a restaurant use. The request is consistent with the purpose of the Change in Use Incentive Grant Pilot Program as established by the City Council in January 2017.

BACKGROUND OR DETAILED INFORMATION:

On January 4, 2017 the City Council established the Change in Use Incentive Grant Pilot Program to fund 25% of the sewer wastewater Plant Investment Fee (PIF), up to \$10,000 for the conversion of an existing building in the Greater Downtown Planning Area to a restaurant use. The purpose of the program is to maintain and enhance the viability of downtown and encourage the reuse of existing buildings as restaurants.

Thai Number Nine was previously approved for a Change in Use Incentive Grant for the reuse of a building located at 126 N. 7th Street. However, the water line size serving

the building was inadequate to serve the required fire suppression system and the cost to upgrade the line was prohibitive. The restaurant is now proposed to be located in the building located at 539 N. 1st Street, a building previously used as a retail establishment (formerly eBricks). The estimated maximum Plant Investment Fee (PIF) for the conversion is \$10,984.84, based on the additional impact to the sewer system of a restaurant use. However, the PIF might be able to be reduced based on the monitoring of water consumption for the first six months of operation. If approved, the grant amount would not exceed 25% of the final PIF or a maximum of \$2,746.21. The request meets the purpose and requirements of the Change in Use Incentive Grant program.

Existing buildings within the Greater Downtown Planning area are eligible for the grant program, which includes the River, Rail and Downtown Districts. The location of this restaurant is within the Downtown District of the planning area which qualifies it for the City's 25% grant. However, this building is outside of the Downtown Development Authority's boundary which means they do not qualify to seek an additional 25% grant from the DDA for assistance with the Plant Investment Fees.

FISCAL IMPACT:

\$30,000 has been budgeted in 2018 for the Change in Use Incentive Grant program and the North Avenue Catalyst Grant program. The maximum amount of this grant allocation would be \$2,746.21 leaving a remainder of \$27,253.79 for other projects.

SUGGESTED MOTION:

I move to (approve or deny) the Change in Use Incentive Grant request from Thai Number Nine, LLC, located at 539 N. 1st Street, in the amount not to exceed \$2,746.21.

Attachments

1. Application
2. Map

DOWNTOWN GRAND JUNCTION CHANGE IN USE INCENTIVE GRANT PILOT PROGRAM



April 7, 2017

INTRODUCTION TO THE PROGRAM

Purpose: To maintain and enhance the vitality of downtown and encourage the reuse of existing buildings as restaurants.

Background: A goal of the City's 2014 Economic Development Plan ("Plan") is to support existing businesses with and through business improvement and/or expansion initiatives. The creation of a Change in Use Incentive Grant Pilot Program is one such initiative.

The Comprehensive Plan recognizes the importance of maintaining and enhancing a strong downtown as being essential for the area's regional economy. Goal 4 of the Plan support "the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions." In addition, Goal 6 encourages "preservation of historic buildings and their appropriate reuse.

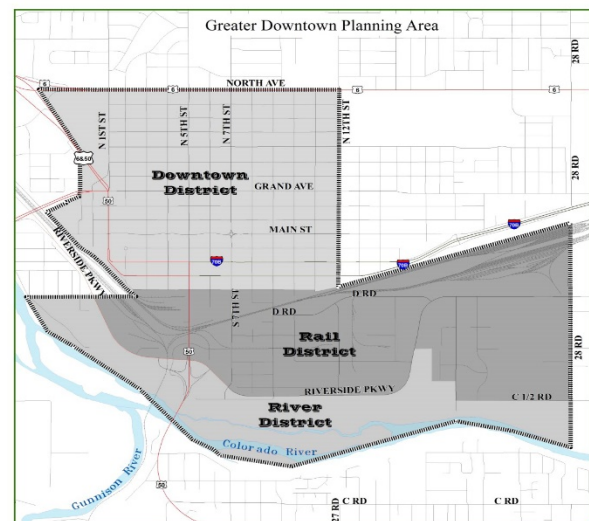
The Greater Downtown Plan, adopted in 2013, provides a more detailed vision for the downtown area, recognizing it as the City's center and a regional destination and the importance of maintaining and enhancing public amenities and services for the area to remain economically viable. The Central Business District, in particular, has an historic building stock that establishes the unique character of the downtown area.

The DDA is operating under the 1981 Plan of Development (POD), which has been amended periodically to include additional properties and projects. The POD created the framework for meeting the mission of the DDA and set forth recommendations for achieving the goals, including funding mechanisms, planning process, design, parking, transportation circulation, infrastructure, public improvements, housing, street vendors, landscaping, property assemblage, retail mix and anchor facilities.

Due to changing market conditions, downtown Grand Junction is following the trends of downtowns throughout the country from a predominantly retail business environment to an entertainment district, with more of a mix of restaurants, bars and other entertainment venues. As that change occurs, it's important to be able to reuse the historic building stock for new uses. A significant cost to change the use of a building from office or retail to restaurant is the sewer service plant investment fee.

ELIGIBILITY

- The City and DDA will each fund 25% of the sewer wastewater Plant Investment Fee, up to a maximum \$10,000 each, for the conversion of an existing building to a restaurant use located within the Greater Downtown Planning area. To be eligible for DDA funding must be in DDA Boundary, click [HERE](#) for link.
- The City and DDA's share of the PIF will be paid directly to the sewer fund upon issuance of the Final Certificate of Occupancy for the building.
- Application must be made by the property owner, or a business owner who has the owner's express written authorization.
- Award of the Change of Use Incentive Grant shall be valid for one year.
- New building construction is not eligible.



**Downtown Grand Junction Change in Use Incentive Grant
Pilot Program APPLICATION**

Completed application to be submitted to the City Community Development Division, 250 N. 5th Street, Grand Junction, CO 81501, or scan and email to planning@gjcity.org or Downtown Development Authority, 437 Colorado Ave, Grand Junction, CO 81501, or scan and email brandon@downtowngj.org.

Name of Applicant(s): Kenneth Risky (Tjo Barnes)

Mailing Address: 1950 Barcelona Way, 81503

Phone Number(s): 970-986-2664

Email: rarintipbarnes@gmail.com

Property Owner(s): Kenneth Risky

Mailing Address: 124 N 7th St, 81501

Phone Number(s): 970-985-2169

Email: ~~rarintipbarnes@gmail.com~~ Kenneth.Risky@gmail.com

Project Address: 539 N 1st, 81501

Business Name: Thai Number Nine

Parcel Number: 2945-151-17-002

Projected Start/Finish Dates for Project: 9/30/17 (or sooner if allowed)

Total Calculated Sewer Plant Investment Fees: \$10,984.84

Applicant's Signature: Kenneth Risky Date: 9/23/17

Attest: _____ Date: _____

(If LLC, Corporation or Legal Entity other than Sole Proprietorship)

Owner's Signature (if different): _____ Date: _____

(If LLC, Corporation or Legal Entity other than Sole Proprietorship)

Attest: _____ Date: _____

(If LLC, Corporation or Legal Entity other than Sole Proprietorship)

City of Grand Junction



Greater Downtown Plan Boundary

Site

1st Street

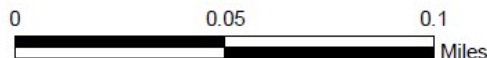


Printed: 12/18/2017

1 inch = 188 feet



City of Grand Junction



Printed: 12/20/2017

1 inch = 188 feet



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|--|------------------------------|---|
| CITY COUNCIL MEETING CITIZEN PRESENTATION | | Date Jan. 3, 2018 |
| Citizen's Name | Kimberly Langston | |
| Subject | PLACE & community mtg update | |
| Phone Number (optional) | | Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you! |

| | | |
|--|-------------------|---|
| CITY COUNCIL MEETING CITIZEN PRESENTATION | | Date Jan 3 2018 |
| Citizen's Name | Bruce Lomenelly | |
| Subject | Night Patrols Ect | |
| Phone Number (optional) | | Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you! |