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**CITY COUNCIL AGENDA
WEDNESDAY, MAY 16, 2012
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order
(7:00 p.m.)

Pledge of Allegiance – Fire Department Honor Guard to Post the Colors

Invocation – Earle Mullen, Unaffiliated

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

Presentation

Presentation of Appreciation Plaque to Outgoing President of the Council Tom Kenyon

Proclamations

Proclaiming the Week of June 2 through June 9, 2012, as "National Neighborworks[®] Week" and the Month of June 2012 to be "National Homeownership Month" in the City of Grand Junction

Proclaiming the Week of May 20 through May 26, 2012 as "Emergency Medical Services Week" in the City of Grand Junction

Revised May 15, 2012

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

- 1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Minutes of the April 30, 2012 Special Meeting and the May 2, 2012 Regular Meeting

- ** 2. **Setting a Hearing on Amending the Comprehensive Plan and Rezoning the Property Located at 3000 Patterson Road** [File #RZN-2012-193] [Attach 2](#)

Request to amend Comprehensive Plan future land use designation from Residential Medium to Commercial and rezone property located at 3000 Patterson Road from R-O (Residential Office) to B-1 (Neighborhood Business).

Proposed Ordinance Amending the Comprehensive Plan Designation on One Parcel from Residential Medium to Commercial Located at 3000 Patterson Road

Proposed Ordinance Rezoning One Parcel from R-O (Residential Office) to B-1 (Neighborhood Business) Located at 3000 Patterson Road

Action: Introduction of Proposed Ordinances and Set a Hearing for June 6, 2012

Staff Presentation: Tim Moore, Public Works and Planning Director
 Senta Costello, Senior Planner

- 3. **Outdoor Dining Leases for Boomers, LLC dba Boomers, Located at 436 Main Street, and Weside Delicatessen Inc., dba The Winery Restaurant, Located at 642 Main Street** [Attach 3](#)

Both Boomers, LLC, and Weside Delicatessen Inc., are requesting first-time Outdoor Dining Leases for areas of the public way immediately adjoining their business premises.

Boomers, LLC, dba Boomers, located at 436 Main Street, is requesting an Outdoor Dining Lease for an area measuring 288 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a

revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Weside Delicatessen, Inc., dba The Winery Restaurant, located at 642 Main Street, is requesting an Outdoor Dining Lease for an area measuring 320 square feet that abuts their building along the pedestrian breezeway located immediately west of the restaurant. The design and placement of the outdoor dining area will leave a 4 foot clear pedestrian path through the breezeway that complies with ADA standards. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be on a raised platform.

Resolution No. 16-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Boomers, LLC dba Boomers

Resolution No. 17-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Weside Delicatessen, Inc. dba The Winery

®Action: Adopt Resolution Nos. 16-12 and 17-12

Staff presentation: Harry M. Weiss, DDA Executive Director

4. **North River Subdivision Easement Vacation, Located Between Noland Avenue and Riverside Parkway** [File #VAC-2012-248] [Attach 4](#)

The City is requesting the vacation of a portion of a multi-purpose easement in order to divest certain properties adjacent to the Riverside Parkway.

Resolution No. 18-12— A Resolution Vacating Portions of Multipurpose Easements Reserved and Retained by the City of Grand Junction in Ordinances No. 4412, 4413, and 4414

®Action: Adopt Resolution No. 18-12

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

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

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

5. **Downtown Development Authority Update**

The Grand Junction Downtown Development Authority (DDA) is requesting interim financing for the purchase of First Assembly of God property, 402 Grand Avenue. The DDA is also interested in participating in the acquisition of White Hall after the building has been demolished and the property remediated.

Staff presentation: Harry Weiss, DDA Executive Director

6. **Public Hearing—Consider 2012 Funding Recommendations and Adoption of CDBG 2012 One Year Action Plan** [File #2012-CDBG] [Attach 6](#)

City Council will consider which activities and programs to fund for the Community Development Block Grant (CDBG) 2012 Program Year. The City will receive \$371,526 for the 2012 Program Year which begins September 1, 2012. With the \$34,824 remaining from the 2011 allocation, the total amount to be allocated for 2012 is \$406,350.

At this meeting, the City Council will receive public input on the use of the 2012 CDBG allocation.

Action: Approve the CDBG City Council Workshop Recommendations of Funding for the 2012 Program Year and Set a Public Hearing for Adoption of the 2012 One-Year Action Plan for June 20, 2012

Staff presentation: Tim Moore, Public Works and Planning Director
Kristen Ashbeck, Senior Planner/CDBG Administrator

7. **Public Hearing—Rezoning Two Parcels Located at 2173 and 2175 River Road** [File #RZN-2012-11] [Attach 7](#)

A City initiated request to rezone two parcels totaling 11.515 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

Ordinance No. 4529—An Ordinance Rezoning Properties at 2173 and 2175 River Road from C-2 (General Commercial) to an I-1 (Light Industrial) Zone District

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4529

Staff Presentation: Brian Rusche, Senior Planner

8. **Public Hearing—Rezoning Property Located at 763 23 ½ Road** [File #RZN-2012-28] [Attach 8](#)

A City initiated request to rezone one property totaling 1.89 +/- acres located at 763 23 ½ Road from R-E (Residential-Estate) to R-O (Residential Office).

Ordinance No. 4530—An Ordinance Rezoning One Property from R-E (Residential Estate) to R-O (Residential Office) Located at 763 23 ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4530

Staff Presentation: Scott D. Peterson, Senior Planner

9. **Public Hearing—Rezoning Property Located at 483 30 Road** [File #RZN-2012-29] [Attach 9](#)

A City initiated request to rezone one property totaling 6.22 +/- acres located at 483 30 Road from C-1 (Light Commercial) to C-2 (General Commercial).

Ordinance No. 4531—An Ordinance Rezoning One Property from C-1 (Light Commercial) to C-2 (General Commercial) Located at 483 30 Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4531

Staff Presentation: Scott D. Peterson, Senior Planner

10. **Public Hearing—Rezoning One Property Located at 510 29 ½ Road** [File #RZN-2012-8] [Attach 10](#)

A City initiated request to rezone one property totaling 6.36 +/- acres, located at 510 29 ½ Road, from C-2 (General Commercial) to C-1 (Light Commercial) zone district. This property is currently the Mesa County Community Services site.

Ordinance No. 4532—An Ordinance Rezoning One Property from C-2 (General Commercial) to C-1 (Light Commercial) Located at 510 29 ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4532

Staff Presentation: Dave Thornton, Principal Planner

11. **Public Hearing—Rezoning Two Properties Located East of the Monument Little League Ball Fields, Southeast of the 25 ½ Road and Patterson Road Intersection** [File #RZN-2012-26] [Attach 11](#)

A City initiated request to rezone 4.18 acres from R-12 (Residential 12 du/ac) to CSR (Community Services and Recreation) and 1.87 acres from CSR (Community Services and Recreation) to R-4 (Residential 4 du/ac), located east of the Monument Little League ball fields, southeast of the 25 ½ Road and Patterson Road intersection.

Ordinance No. 4533—An Ordinance Rezoning 4.18 Acres from R-12 (Residential 12 Du/Ac) to CSR (Community Services and Recreation) and 1.87 Acres from CSR (Community Services and Recreation) to R-4 (Residential 4 Du/Ac) Located East of the Monument Little League Ball Fields, Southeast of the 25 ½ Road and Patterson Road Intersection

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4533

Staff Presentation: Senta Costello, Senior Planner

12. **Non-Scheduled Citizens & Visitors**

13. **Other Business**

14. **Adjournment**

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

APRIL 30, 2012

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, April 30, 2012 at 1:20 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and President of the Council Tom Kenyon. Absent was Councilmember Teresa Coons. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and Public Works and Planning Director Tim Moore.

Council President Kenyon called the meeting to order.

Councilmember Susuras moved to go into Executive Session to Discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or Other Property Interest Relative to the Lamplight and the White Hall Properties under Section 402(4)(a) of the Open Meetings Law and City Council will not return to open session. Councilmember Pitts seconded the motion. Motion Carried.

The City Council convened into executive session at 1:22 p.m.

Stephanie Tuin, MMC
City Clerk

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

May 2, 2012

The City Council of the City of Grand Junction convened into regular session on the 2nd day of May, 2012 at 7:00 p.m. in the Mesa County Public Hearing Room. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Absent was Councilmember Teresa Coons. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Grand Junction Police Department and the Mesa County Sheriff Combined Honor Guard posted the Colors and Council President Tom Kenyon led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming May 3, 2012 as "Ralph W. Smith Day" in the City of Grand Junction

Councilmember Laura Luke read the proclamation. Mr. Smith was present for the reading of the proclamation. His companion Verda spoke on behalf of Mr. Smith.

Proclaiming May 12, 2012 as "Grand Junction Letter Carriers Stamp Out Hunger Day" in the City of Grand Junction

Councilmember Jim Doody read the proclamation. Postman Pancho Carrillo and co-worker Connie Vance were present to receive the proclamation. Mr. Carrillo said it is the 20th anniversary of the event. Food will be distributed valley-wide.

Proclaiming May 12, 2012 as "National Train Day" in the City of Grand Junction

Councilmember Bennett Boeschstein read the proclamation. Paul Brown was present to receive the proclamation. Councilmember Boeschstein recognized the passing of Kathy Jordan who was a strong supporter of the proclamation as well as historical preservation. She led the adoption of guidelines to protect the 7th Street Historical District. Councilmember Boeschstein then listed many of her projects, interests, and occupations.

Mr. Brown recalled his first contact with Kathy Jordan and the formation of the Save the Depot Committee. He said he will get the proclamation to Kathy's husband Teddy.

Proclaiming May 13 through 19, 2012 as "Police Week" in the City of Grand Junction

Councilmember Bill Pitts read the proclamation. Police Chief John Camper was present to receive the proclamation. He was accompanied by Captain Ed Clark and Corporal Ed Jones from the Colorado State Patrol. Chief Camper said 163 officers were killed in 2011, sadly breaking the previous record.

Certificates of Appointment

To the Commission on Arts and Culture

Dr. Gisela Flanigan and Miranda Ashman were present to receive their certificates of appointment.

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Council President Kenyon thanked the City Council and said it has been his privilege and honor to serve as Mayor. He thanked Acting City Manager Englehart and City Attorney Shaver for their assistance.

Council President Kenyon nominated Councilmember Pitts for President of the Council/Mayor of the City of Grand Junction for 2012/2013. Councilmember Doody seconded the nomination.

There were no other nominations.

A vote was called. Councilmember Bill Pitts was elected as President of the Council/Ex Officio Mayor for 2012/2013 by roll call vote with Councilmember Susuras voting NO.

Councilmember Doody nominated Councilmember Luke as President of the Council Pro Tem/Mayor Pro Tem for the City of Grand Junction for 2012/2013. Council President Kenyon seconded the nomination.

Councilmember Laura Luke was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem for 2012/2013 by roll call vote with Councilmember Susuras voting NO.

City Clerk Stephanie Tuin administered the oath of office to both incoming Council President Pitts and incoming Council President Pro Tem Luke.

New seats were taken and the meeting continued.

Councilmember Doody thanked outgoing Mayor Tom Kenyon for his insight and wisdom during his term.

Mayor Pro Tem Luke also thanked Mayor Kenyon and said she was grateful for his wisdom and leadership.

Councilmember Boeschstein thanked outgoing Council President Kenyon for his level of expertise he brought to the Council.

Councilmember Susuras thanked outgoing Council President Kenyon and said he enjoyed working with him this last year.

Outgoing Council President Kenyon thanked the Council and advised Incoming Council President Pitts there will be a lot of meetings.

Council President Pitts expressed appreciation to outgoing Council President Kenyon and thanked him for his service.

Council Comments

There were no additional comments.

Citizen Comments

There was none.

CONSENT CALENDAR

Councilmember Susuras moved to approve the Consent Calendar and then read the Consent Calendar items #1-6. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the April 18, 2012 Regular Meeting

2. Setting a Hearing on Rezoning One Parcel Located at 140 Power Road [File # RZN-2012-69]

A City initiated request to rezone one parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district.

Proposed Ordinance Rezoning Properties at 140 Power Road from an I-1 (Light Industrial) to a C-2 (General Commercial) Zone District

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

3. **Setting a Hearing on Rezoning One Parcel Located at 681 23 Road** [File # RZN-2012-82]

A City initiated request to rezone 0.99 acres, located at 681 23 Road, from I-2 (General Industrial) zone district to I-1 (Light Industrial) zone district and bring it into conformance with the Comprehensive Plan. This area is referred to as the "Yellow Area 3" rezone.

Proposed Ordinance Rezoning One Parcel from I-2 (General Industrial) to I-1 (Light Industrial), Located At 681 23 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

4. **Setting a Hearing on Rezoning Nine Properties Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels** [File # RZN-2012-85]

A City initiated request to rezone nine properties totaling 3.02 +/- acres located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, plus two other un-addressed parcels, from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial).

Proposed Ordinance Rezoning Nine Properties from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial), Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

5. **Purchase Crack-fill Material to Finish Maintenance Area #2 for the 2012 Chip-Seal Program and Start Crack-Filling Next Year's Maintenance Area #3**

This request is to ratify a contract to purchase 227,272 pounds of NUVO 500 crack-fill material in the amount of \$.55 per pound. Since this is a petroleum based product, prices are escalating daily. In an effort to secure prices, the Purchasing Division negotiated a price, which now reflects savings compared to the current market. The NUVO 500 crack-fill material was competitively bid in 2011 and found to be a superior material compared with other products previously tested.

Action: Ratify a Contract with Maxwell Products, Inc. to Provide 227,272 Pounds of NUVO 500 Crack-Fill Material, for an Amount of \$.55 per Pound for a Total of \$124,999.60

6. **Grant Award for the Auto Theft Task Force**

For the third year in a row, the Grand Junction Police Department has been awarded a grant from the Colorado Department of Public Safety. This grant award, in the amount of \$89,376, will support the continuation of a joint Auto Theft Task Force for the Grand Valley. Participating agencies include: the Grand Junction Police Department, the Mesa County Sheriff's Office, the Fruita Police Department, and the Colorado State Patrol. The award is for the purchase of equipment vital to the mission of the Task Force, as well as overtime for participants. If approved, the City of Grand Junction will serve as the fiscal agent for the grant.

Action: Authorize the Acting City Manager to Accept a Grant Award for the Auto Theft Task Force in the Amount of \$89,376

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Hernandez Enclave Annexation and Zoning, Located at 2956 D Road [File #ANX-2012-188]

A request to annex 0.527 acres of enclaved property, located at 2956 D Road, and to zone the annexation, consisting of one parcel, to an R-8 (Residential 8 du/ac) zone district.

The public hearing was opened at 7:40 p.m.

Greg Moberg, Planning Supervisor, introduced this item.

Brian Rusche, Senior Planner, presented this item. He described the request, the location, the current zoning, and the current use as well as the structure on the property. The Comprehensive Plan designates this property as R-8. The proposal is in compliance with the annexation requirement in State law and the zoning being requested is in compliance with the Zoning and Development Code and the Comprehensive Plan. The Planning Commission recommends approval. The findings include that the property has been contained within the boundaries of the City of Grand Junction for more than five years. The request also meets the annexation law and the Code of the City of Grand Junction.

Councilmember Susuras asked if the City initiated the request. Mr. Rusche said it is City initiated.

Councilmember Doody asked if the property owner was notified. Mr. Rusche said when the properties become enclaved, the owner is notified. After five years have passed another notice is sent.

Councilmember Susuras asked if all the property surrounding this property is currently in the City limits. Mr. Rusche responded affirmatively.

There were no public comments.

The public hearing was closed at 7:44 p.m.

a. Annexation Ordinance

Ordinance No. 4523—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hernandez Enclave Annexation, Located at 2956 D Road, Consisting of Approximately 0.527 Acres

b. Zoning Ordinance

Ordinance No. 4524—An Ordinance Zoning the Hernandez Enclave Annexation to R-8 (Residential 8 DU/Ac), Located at 2956 D Road

Councilmember Kenyon moved to adopt Ordinance Nos. 4523 and 4524 and ordered them published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating Alley Right-of-Way for St. Joseph Church, Located in the 300 Block of White Avenue [File #VAC-2012-203]

This is a request by St. Joseph Catholic Church to vacate the remaining alley right-of-way in the 300 Block of White Avenue for the proposed new chapel, parish hall, and future ancillary additions.

The public hearing was opened at 7:44 p.m.

Greg Moberg, Planning Supervisor, introduced this item.

Councilmember Susuras asked if US Bank still owns the property on the corner. Mr. Moberg said that it is now owned by the Church.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. The Church acquired the property adjacent to the existing Church property resulting in the Church now owning the entire block. Expansion of the Church will allow the Church to grow and allow the downtown to continue to grow. The existing zoning is B-2 and it will remain as such. The existing sewer line has been confirmed to be in good condition and the vacation of the alley will turn responsibility of the sewer line and the alley to the Church. The requested right-of-way vacation is consistent with the Comprehensive Plan and the review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met. The Planning Commission forwards a

recommendation of approval from their meeting of March 27, 2012. A representative of the Church was present to answer questions.

Councilmember Doody confirmed that the sewer line will become the obligation of the property owner. Ms. Bowers said that is correct.

Councilmember Boeschstein asked if there are any other utilities. Ms. Bowers said there is electrical but the Church is working with Xcel to relocate those lines. At that time, new easements will be dedicated.

There were no public comments.

The public hearing was closed at 7:52 p.m.

Ordinance No. 4525—An Ordinance Vacating Right-of-Way for St. Joseph Church, Located in the 300 Block of White Avenue

Councilmember Susuras moved to adopt Ordinance No. 4525 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. The motion carried by roll call vote.

Public Hearing—Rezoning Fourteen Properties on the South Side of I-70B Between S. 17th Street and 28 Road Along E. Main Street [File #RZN-2011-1322]

A City initiated request to rezone fourteen parcels totaling 17.268 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

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

Greg Moberg, Planning Services Supervisor, introduced this item and the following two items on the agenda. These three items deal with City initiated rezonings to bring the zoning and the Comprehensive Plan in conformance with each other. They all come forward with a recommendation for approval from the Planning Commission. The Planning Division is about $\frac{2}{3}$ of the way through all the properties that will be brought forward for rezoning to comply with the Comprehensive Plan.

Councilmember Susuras noted that the Staff Report indicated that the current uses will be able to continue. Mr. Moberg said that is correct.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He also described the current use and ownership. Mr. Rusche described the surrounding uses and zone districts. The 1996 Growth Plan designated these properties as Industrial. In 2010, the Comprehensive Plan was adopted maintaining the existing Industrial designation for these properties. The request is to modify the existing C-2 zoning. The character of the area is industrial when looking at

the type of uses and the size of buildings. The Planning Commission forwarded a recommendation of approval. There is direct access onto the Frontage Road. The properties would not be conducive to general retail use. The rezone will restrict general retail use. The request does meet the criteria of the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan.

Councilmember Boeschstein asked if there are any retail sales occurring. Mr. Rusche said there are wholesale/contractors sales, there is no general retail. Councilmember Boeschstein said he was aware of a company in that area that sells filaments like fishing lines via the internet. Mr. Rusche was not aware of that. Councilmember Boeschstein said that there was a letter in the Staff Report stating the author thought it was too restrictive. Councilmember Boeschstein asked about internet sales. Mr. Rusche said the Code restricts the amount of floor space that is dedicated to retail sales. It does allow contractors to sell parts when they make a repair. Businesses would be able to continue any pre-existing uses.

Councilmember Susuras asked for confirmation that 10% of sales even in Industrial zoning can be retail sales. Mr. Rusche said that is correct, retail sales have different parking requirements.

Councilmember Luke asked about the difference between C-2 and I-1. Mr. Rusche said the primary difference is the 10% of retail sales. The amount of improvements that are necessary is different. I-1 has a lower standard. Both zone districts are similar in setbacks and other bulk requirements.

Councilmember Kenyon asked if Mr. Rusche found any violations with Mr. Dopkin, the author of the letter. Mr. Rusche said Mr. Dopkin's business is a warehouse but he did detail the history of the property and at one time it was considered for a shopping center. Mr. Dopkin has space available and the rezone would restrict that from retail in the future.

Councilmember Kenyon said City Council has no intention of zoning people out of business.

Council President Pitts asked about the window business, is that not retail? Mr. Rusche said he believes it is a contractor.

City Attorney Shaver added that typically the sale occurs at the home. The business could be a warehouse.

Councilmember Boeschstein said he did buy a storm door at Bratton and they did pay for it at the store. City Attorney Shaver said that may fall under the 10% of retail sales allowed.

Council President Pitts agreed that he does not want to put any business out of business.

Planning Supervisor Moberg added that internet sales would be considered warehouse. Also, the City would be very flexible with occasional store sales.

There were no public comments.

The public hearing was closed at 8:13 p.m.

Ordinance No. 4526—An Ordinance Rezoning Properties Located on the South Side of I-70B Between S. 17th Street and 28 Road Along E. Main Street from a C-2 (General Commercial) to an I-1 (Light Industrial) Zone District

Councilmember Doody said he has heard for years that there is not enough industrial zoned property in the City. Therefore he moved to adopt Ordinance No. 4526 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Two Properties Located at 637/681 Railroad Boulevard and 2225 River Road [File #RZN-2011-1331]

A City initiated request to rezone 6.769 acres, located at 637/681 Railroad Boulevard and 2225 River Road from I-2 (General Industrial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 8:15 p.m.

Senta Costello, Senior Planner, presented this item. It is a City initiated rezone request. She described the sites, the location, and the request. The property is a moving company and a truck and trailer repair company. She described the surrounding uses as well as other uses in the vicinity. The request will bring the zoning into conformance with the Future Land Use designations which is Commercial/Industrial. The current zonings do not meet those designations. She spoke to the existing uses and how they will align with the proposed zoning. The Planning Commission forwarded a recommendation of approval at its March 13, 2012 meeting.

There were no public comments.

The public hearing closed at 8:19 p.m.

Ordinance No. 4527—An Ordinance Rezoning Two Properties Located at 637/681 Railroad Boulevard and 2225 River Road, from I-2 (General Industrial) to I-1 (Light Industrial)

Councilmember Boeschstein moved to adopt Ordinance No. 4527 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning One Property Located at 2189 River Road [File #_RZN-2011-1326]

A City initiated request to rezone one property located at 2189 River Road from I-2 (General Industrial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 8:21 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request which is a request from the City. The Planning Commission recommended approval at their March 13, 2012 meeting. The City adopted the Comprehensive Plan in 2010 and that resulted in this property not being in conformance with the Future Land Use Designation. The change will not impact the current uses. The request will bring the zoning into conformance with the Zoning Code and the Future Land Use designation. Notification of owner and surrounding property owners were accomplished. The property owner did not have any concerns with the proposed rezone. No one else has contacted Mr. Peterson on the proposal. Mr. Peterson described why the current zoning is incompatible and listed additional uses that will be allowed under the proposed zoning. The requested rezone meets goals 3, 6, and 12 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code. The proposed rezone will resolve the current conflict with the

Comprehensive Plan allowing the property to be redeveloped in the future.

Councilmember Boeschstein asked about the current use. Mr. Peterson said it is a company called Energy Services that is leasing the facilities and it is an allowed use with the proposed zoning.

There were no public comments.

The public hearing was closed at 8:25 p.m.

Ordinance No. 4528—An Ordinance Rezoning One Property from I-2 (General Industrial) to I-1 (Light Industrial), Located at 2189 River Road

Councilmember Susuras noted the request meets the Comprehensive Plan Goals 3, 6, and 12, the Planning Commission approved it on March 13th, the user would have more uses available for the property, and no objections were filed. Therefore, he moved to adopt Ordinance No. 4528 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Susuras asked City Attorney Shaver to explain why it is necessary to read in final publication in pamphlet form. City Attorney Shaver explained that the exact wording is not critical but having it read provides confirmation of the authority to not publish the ordinance in full in the newspaper resulting in significant savings.

Councilmember Doody congratulated Mayor Pitts and Mayor Pro Tem Luke.

Adjournment

The meeting was adjourned at 8:30 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2



Date: May 2, 2012

Author: Senta Costello

Title/ Phone Ext: Senior Planner
x1442

Proposed Schedule: 1st Reading
May 16, 2012

2nd Reading (if applicable): June
6, 2012

File # (if applicable): RZN-2012-
193

CITY COUNCIL AGENDA ITEM

Subject: Amend the Comprehensive Plan and Rezone the Property Located at 3000 Patterson Road

Action Requested/Recommendation: Introduce the Proposed Ordinances and Set a Hearing for June 6, 2012

Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director
Senta Costello, Senior Planner

Executive Summary:

Request to amend Comprehensive Plan future land use designation from Residential Medium to Commercial and rezone property located at 3000 Patterson Road from R-O (Residential Office) to B-1 (Neighborhood Business).

Background, Analysis and Options:

The property was annexed in 2006. At that time, a Growth Plan Amendment changed the Future Land Use designation from Residential Medium Low to Residential Medium High and the property was zoned R-O.

When the Comprehensive Plan was adopted in 2010, the Future Land Use designation was changed to Residential Medium.

A neighborhood meeting was held December 15, 2011 at Fruitvale Elementary. At that time the proposal was to rezone to the MXG-3 zone district. Six neighbors attended the meeting and voiced concerns regarding the potential uses and site layout that the MXG-3 zone district could generate. The neighbors present preferred a zone that would limit the hours of operation and the size and placement of building(s) for any commercial development of the property. Other zone districts were discussed and the neighbors preferred either the existing R-O or the B-1 zone districts to the MXG-3.

The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the

automobile. Staff has discussed the mixed use form district in relation to this area. Initially it seemed that this area was an appropriate one for the form district; however, upon closer analysis the area is too suburban in nature to lend itself well to redevelopment as a form district. Although some pedestrian traffic can be expected along Patterson and 30 Road, it is not likely to generate the high level of pedestrian traffic envisioned for the form based district neighborhoods. Following further discussions with staff and the applicant, it has been decided the B-1 zone district is a more appropriate request for this property. It allows for development of the property for commercial purposes, meeting the needs of the applicant and help mitigate the potential negative impacts of a commercial development to the residential neighborhood by limiting the hours of operation and allowing for building placement that will help buffer the use from the residential area.

Although B-1 is not one of the zones that implements the current future land use designation, the adjacency rule allows an amendment to a commercial designation. Therefore the applicant seeks to amend the Comprehensive Plan from Residential Medium to Commercial, which allows a B-1 zone district, using the adjacency rule.

Municipal Code Section 21.02.130(d) (Zoning and Development Code) allows for the processing of a rezone application without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.

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

This project is consistent with the following Goals and Policies of the Comprehensive Plan:

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

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

The request creates the opportunity for neighborhood businesses thus reducing the amount of trips generated for shopping and decreasing vehicle miles traveled.

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

Policy A: In making land use and development decisions, the City and County will balance the needs of the community.

The B-1 zone district allows for development of the property for commercial purposes, meeting the needs of the applicant and helps mitigate the potential negative impacts of a commercial development to the residential neighborhood

by limiting the hours of operation and allowing for building placement that will help buffer the use from the residential area.

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

Policy A: In making land use and development decisions, the City and County will balance the needs of the community.

Traffic volumes along Patterson Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 30 Road and the neighborhood to the east. The B-1 zone district furthers the compatibility with the neighborhood by reducing the hours of operation which minimizes commercial impacts (i.e. noise, light, odors) on the residential neighborhood.

Board or Committee Recommendation:

Planning Commission recommended approval of the requested Comprehensive Plan Amendment and Rezone at their April 10, 2012 Planning Commission with a vote of 6-1.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Comprehensive Plan Amendment Ordinance
Rezone Ordinance

BACKGROUND INFORMATION					
Location:		3000 Patterson Road			
Applicants:		Owner: Pamela Fox Representative: Rolland Consulting Engineers – Kent Shaffer Applicant: JDH Capital – Jason Mathis			
Existing Land Use:		2 single family houses			
Proposed Land Use:		Construction of an approximately 8000 sf retail building			
Surrounding Land Use:	North	Single Family residences			
	South	Single Family residences			
	East	Single Family residences			
	West	Rite-Aid			
Existing Zoning:		R-O (Residential Office)			
Proposed Zoning:		B-1 (Neighborhood Business)			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-4			
	West	PD – Commercial/County RSF-4			
Future Land Use Designation:		Residential Medium			
Zoning within density range?		X	Yes		No

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

In order for the zoning to occur, one or more of the following criteria must be met and a finding of consistency with the Grand Junction Municipal Code must be made per Section 21.02.140(a).

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

The property is designated Residential Medium (4 – 8 du/ac) on the Comprehensive Plan Future Land Use Map. The B-1 district is not a permitted zone district within the Residential Medium category of the Comprehensive Plan. However, the applicant may request the B-1 zone since the adjacent property to the west (2992 Patterson Road) is presently zoned PD (Planned Development). Pursuant to Section 21.02.130(d)(Adjacency Rule), the Director has the authority to process Comprehensive Plan amendments with rezone applications.

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

Traffic volumes along Patterson Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 30 Road and the neighborhood to the east. The B-1 zone district furthers the compatibility with the neighborhood by reducing the hours of operation which minimizes commercial impacts (i.e. noise, light, odors) on the residential neighborhood.

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

A 4" Clifton water line and 8" sanitary sewer line exists in Patterson Road and an 8" Clifton water line and 8" sanitary sewer line exists in 30 Road adjacent the subject property. With development, it will be determined if upgrades are necessary and the applicant at that time will be responsible for making the required improvements.

(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;

There is an adequate supply of land in the community to accommodate the proposed use.

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

Traffic volumes along Patterson Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 30 Road and the neighborhood to the east. The B-1 zone district furthers the compatibility with the neighborhood by reducing the hours of operation which minimizes commercial impacts (i.e. noise, light, odors) on the residential neighborhood.

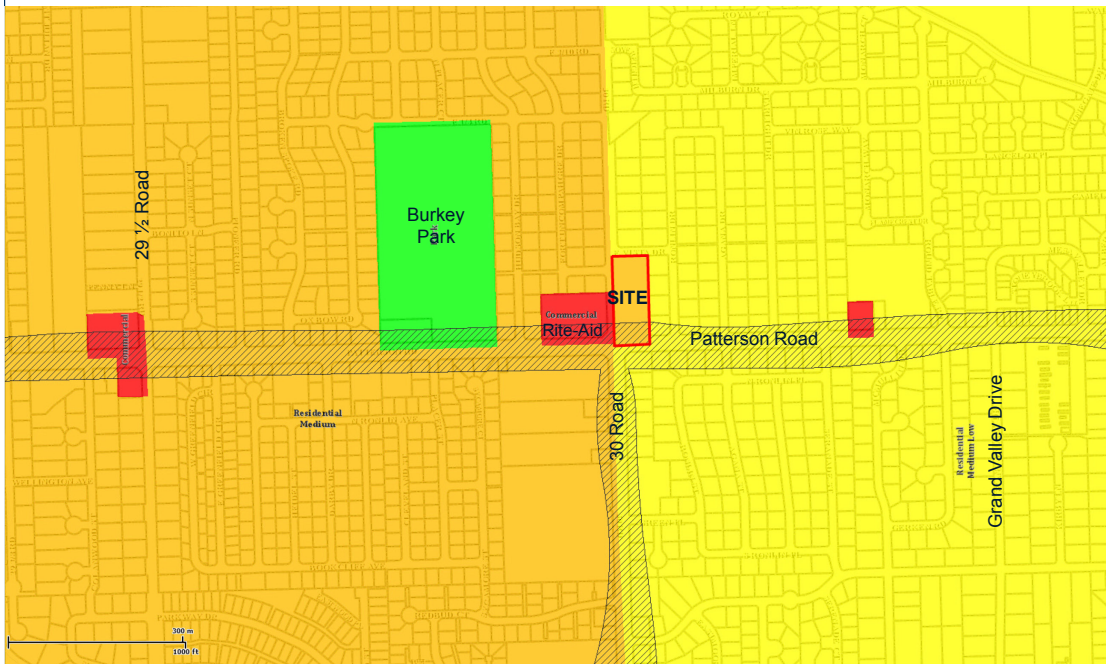
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the 3000 Patterson Road Rezone, RZN-2012-193, a request to amend the comprehensive plan future land use designation from Residential Medium to

Commercial and rezone the property from R-O (Residential Office) to B-1 (Neighborhood Business), the following findings of fact and conclusions have been determined:

1. The requested comprehensive plan future land use designation and rezone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Sections 21.02.130(e)(1) and 21.02.140 of the Grand Junction Municipal Code have all been met.

Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN DESIGNATION
ON ONE PARCEL FROM RESIDENTIAL MEDIUM TO COMMERCIAL**

LOCATED AT 3000 PATTERSON ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation from Residential Medium to Commercial located at 3000 Patterson Road for the following reasons:

The Comprehensive Plan Future Land Use designation for the property is Residential Medium which allows for the R-4, R-5, R-8, R-12, R-16, and R-O zone districts. The property is also located within a Mixed Use Opportunity Corridor along Patterson Road which adds the Form Based MX zone districts as zoning options.

The form based districts in the Zoning and Development Code are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. Staff has discussed the mixed use form district in relation to this area. Initially it seemed that this area was an appropriate one for the form district; however, upon closer analysis the area is too suburban in nature to lend itself well to redevelopment as a form district. Although some pedestrian traffic can be expected along Patterson and 30 Road, it is not likely to generate the high level of pedestrian traffic envisioned for the form based district neighborhoods. Following further discussions with staff and the applicant, it has been decided the B-1 zone district is a more appropriate request for this property. It allows for development of the property for commercial purposes, meeting the needs of the applicant and help mitigate the potential negative impacts of a commercial development to the residential neighborhood by limiting the hours of operation and allowing for building placement that will help buffer the use from the residential area.

Although B-1 is not one of the zones that implements the current future land use designation, the adjacency rule allows an amendment to a commercial designation. Therefore the applicant seeks to amend the Comprehensive Plan from Residential Medium to Commercial, which allows a B-1 zone district, using the adjacency rule.

Municipal Code Section 21.02.130(d) (Zoning and Development Code) allows for the processing of a rezone application without a plan amendment when the proposed

zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.

With the amendment of the Future Land Use designation of the Comprehensive Plan to Commercial via the adjacency rule, the B-1 (Neighborhood Business) zone district meets the recommended land use category, and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

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

The Comprehensive Plan Future Land Use Designation shall be changed for the following property from Residential Medium to Commercial:

3000 Patterson Road, more particularly described as

All that certain part of the SW1/4 of Section 4, Township One South, Range One East of the Ute Meridian in Mesa County, Colorado, being more particularly described as follows:

Commencing at a standard Mesa County Survey Marker for the S.W. Corner of said Section 4, from which corner a Mesa County Survey Marker for the S1116 Corner on the west line of said Section 4 bears N00°09'07"W for a distance of 1312.75 feet; thence N00°09'07"W, on said west line, for a distance of 500.00 feet; thence S89°55'14"E for a distance of 40.00 feet to the easterly right-of-way of 30 Road and the Point of Beginning; thence S89°55'14"E, parallel with the southerly line of said Section 4, for a distance of 160.00 feet; thence S00°09'07", parallel with the westerly line of said Section 4, for a distance of 450.00 feet to the northerly right-of-way line of Patterson Road; thence N89°55'14"W, on said right-of-way line, for a distance of 135.00 feet; thence N45d02'11"W, on said right-of-way line, for a distance of 35.43 feet to the easterly right-of-way line of said 30 Road; thence N00°09'07"W, on said easterly right-of-way line, for a distance of 425.00 feet to the Point of Beginning.

Containing 1.65 acres, more or less.

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

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

ATTEST:

City Clerk

Mayor

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING ONE PARCEL
FROM R-O (RESIDENTIAL OFFICE) TO
B-1 (NEIGHBORHOOD BUSINESS)**

LOCATED AT 3000 PATTERSON ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning property located at 3000 Patterson Road from R-O (Residential Office) to the B-1 (Neighborhood Business) zone district for the following reasons:

The Comprehensive Plan Future Land Use designation for the property is Commercial which allows for the R-O, B-1, C-1, C-2, and MU zone districts. The property is also located within a Mixed Use Opportunity Corridor along Patterson Road which adds the Form Based MX zone districts as zoning options.

The form based districts in the Zoning and Development Code are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. Staff has discussed the mixed use form district in relation to this area. Initially it seemed that this area was an appropriate one for the form district; however, upon closer analysis the area is too suburban in nature to lend itself well to redevelopment as a form district. Although some pedestrian traffic can be expected along Patterson and 30 Road, it is not likely to generate the high level of pedestrian traffic envisioned for the form based district neighborhoods. Following further discussions with staff and the applicant, it has been decided the B-1 zone district is a more appropriate request for this property. It allows for development of the property for commercial purposes, meeting the needs of the applicant and help mitigate the potential negative impacts of a commercial development to the residential neighborhood by limiting the hours of operation and allowing for building placement that will help buffer the use from the residential area.

Although B-1 is not one of the zones that implements the current future land use designation, the adjacency rule allows an amendment to a commercial designation. Therefore the applicant seeks to amend the Comprehensive Plan from Residential Medium to Commercial, which allows a B-1 zone district, using the adjacency rule.

Municipal Code Section 21.02.130(d) (Zoning and Development Code) allows for the processing of a rezone application without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.

With the amendment of the Future Land Use designation of the Comprehensive Plan to Commercial via the adjacency rule, the B-1 (Neighborhood Business) zone district meets the recommended land use category, and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the B-1 (Neighborhood Business) zone district shall be established.

The Planning Commission and City Council find that the B-1 (Neighborhood Business) zoning is in conformance with the criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned B-1 (Neighborhood Business):

3000 Patterson Road, more particularly described as

All that certain part of the SW1/4 of Section 4, Township One South, Range One East of the Ute Meridian in Mesa County, Colorado, being more particularly described as follows:

Commencing at a standard Mesa County Survey Marker for the S.W. Corner of said Section 4, from which corner a Mesa County Survey Marker for the S1116 Corner on the west line of said Section 4 bears N00°09'07"W for a distance of 1312.75 feet; thence N00°09'07"W, on said west line, for a distance of 500.00 feet; thence S89°55'14"E for a distance of 40.00 feet to the easterly right-of-way of 30 Road and the Point of Beginning; thence S89°55'14"E, parallel with the southerly line of said Section 4, for a distance of 160.00 feet; thence S00°09'07", parallel with the westerly line of said Section 4, for a distance of 450.00 feet to the northerly right-of-way line of Patterson Road; thence N89°55'14"W, on said right-of-way line, for a distance of 135.00 feet; thence N45d02°11"W, on said right-of-way line, for a distance of 35.43 feet to the easterly right-of-way line of said 30 Road; thence N00°09'07"W, on said easterly right-of-way line, for a distance of 425.00 feet to the Point of Beginning.

Containing 1.65 acres, more or less.

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

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

ATTEST:

City Clerk

Mayor

Attach 3



CITY COUNCIL AGENDA ITEM

Date: May 2, 2012
Author: Harry M. Weiss
Title/ Phone Ext: DDA Exec
Director / 256-4134
Proposed Schedule: May 16, 2012
2nd Reading: _____
File # _____

Subject: Outdoor Dining Leases for Boomers, LLC dba Boomers, Located at 436 Main Street, and Weside Delicatessen Inc., dba The Winery Restaurant, Located at 642 Main Street

Action Requested/Recommendation: Adopt Proposed Resolutions Leasing Outdoor Dining Areas to Boomers and the Winery

Presenter(s) Name & Title: Harry M. Weiss, DDA Executive Director

Executive Summary:

Both Boomers, LLC, and Weside Delicatessen Inc., are requesting first-time Outdoor Dining Leases for areas of the public way immediately adjoining their business premises.

Boomers, LLC, dba Boomers, located at 436 Main Street, is requesting an Outdoor Dining Lease for an area measuring 288 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Weside Delicatessen, Inc., dba The Winery Restaurant, located at 642 Main Street, is requesting an Outdoor Dining Lease for an area measuring 320 square feet that abuts their building along the pedestrian breezeway located immediately west of the restaurant. The design and placement of the outdoor dining area will leave a 4 foot clear pedestrian path through the breezeway that complies with ADA standards. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be on a raised platform.

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor license. Earlier this year Council approved a newly revised standard Lease Agreement that is being used in these instances. Approval of these leases will allow for the applicants to apply for expansion of their premises through the proper State and City agencies. The initial term of each lease is coordinated with the existing renewal date of each businesses liquor permit to facilitate future renewals.

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

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

The addition of outdoor dining areas continues to support the vibrant atmosphere of the downtown area, and offers a significant business opportunity for increased sales and greater customer satisfaction.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

There is no financial impact to the City other than the annual lease payments.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Boomers, LLC with supporting documents

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Weside Delicatessen, Inc., with supporting documents

RESOLUTION NO. __-12

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO BOOMERS, LLC DBA BOOMERS**

Recitals:

The City has negotiated an agreement for Boomers, LLC to lease a portion of the sidewalk right-of-way located in front of 436 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Boomers, LLC.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for an initial term of period of 17 ½ months at \$ 420.00, to Boomers, LLC.

PASSED and ADOPTED this ____ day of _____, 2012.

President of the Council

Attest:

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT (“Agreement”) is made and entered into as of this ____ day of _____ 20____, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter “City”) and, BOOMERS, LLC, dba Boomers, as Lessee, (hereinafter “Lessee”), and the Grand Junction Downtown Development Authority as Lessor’s Administrative Agent, (hereinafter “DDA”).

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option A: The City does hereby lease to Lessee the Premises (hereinafter “Premises”) comprising approximately _____ square feet of the public way located in front of and immediately across the sidewalk from _____. The City does hereby grant an easement across the sidewalk situated between the Lessee’s business and the Premises for the purpose of transporting alcohol beverages and food to and from the Premises. Said easement runs concurrently with this Agreement. The Premises, the easement area, and the location of Lessee’s primary business facility are more particularly described in the attached Exhibit A.

Option B: The City does hereby lease to Lessee the Premises (hereinafter “Premises”) comprising approximately 288 square feet of the public way located in front of and immediately abutting the Lessee’s business. The Premises and the location of Lessee’s primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee’s business is attached as Exhibit B.

2. Term.

The term of this Agreement shall be for a period of 17.5 months to commence on May 15, 2012. Upon signature by all parties this Agreement supersedes all prior leases, and terminates on October 30, 2013.

3. Rental.

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year and in the total sum of \$ 420.00, which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

- a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.
- b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.
- c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.
- d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessee's business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.
- e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.
- f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and

result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;

ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;

iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;

iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;

v) if Lessee vacates or abandons the Premises;

vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;

vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or

ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or

vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: BOOMERS, LLC
458 Snow Mesa Court
Grand Junction, CO 81507

To Agent: Downtown Development Authority, c/o Executive Director
248 South 4th Street
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same s addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.

25. Administrative Agent.

In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor: City of Grand Junction

Lessee:

By: Richard Englehart, Acting City Manager

BOOMERS, LLC
By: Chester Allen, Member-Manager

Agent: Downtown Development Authority

By: Harry M. Weiss, Executive Director

Exhibit A: Proposed Lease Area (include dimensions and a sketch)

The area of sidewalk immediately in front of and abutting
436 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-143-16-017)
more particularly described in the dimensioned sketch below:

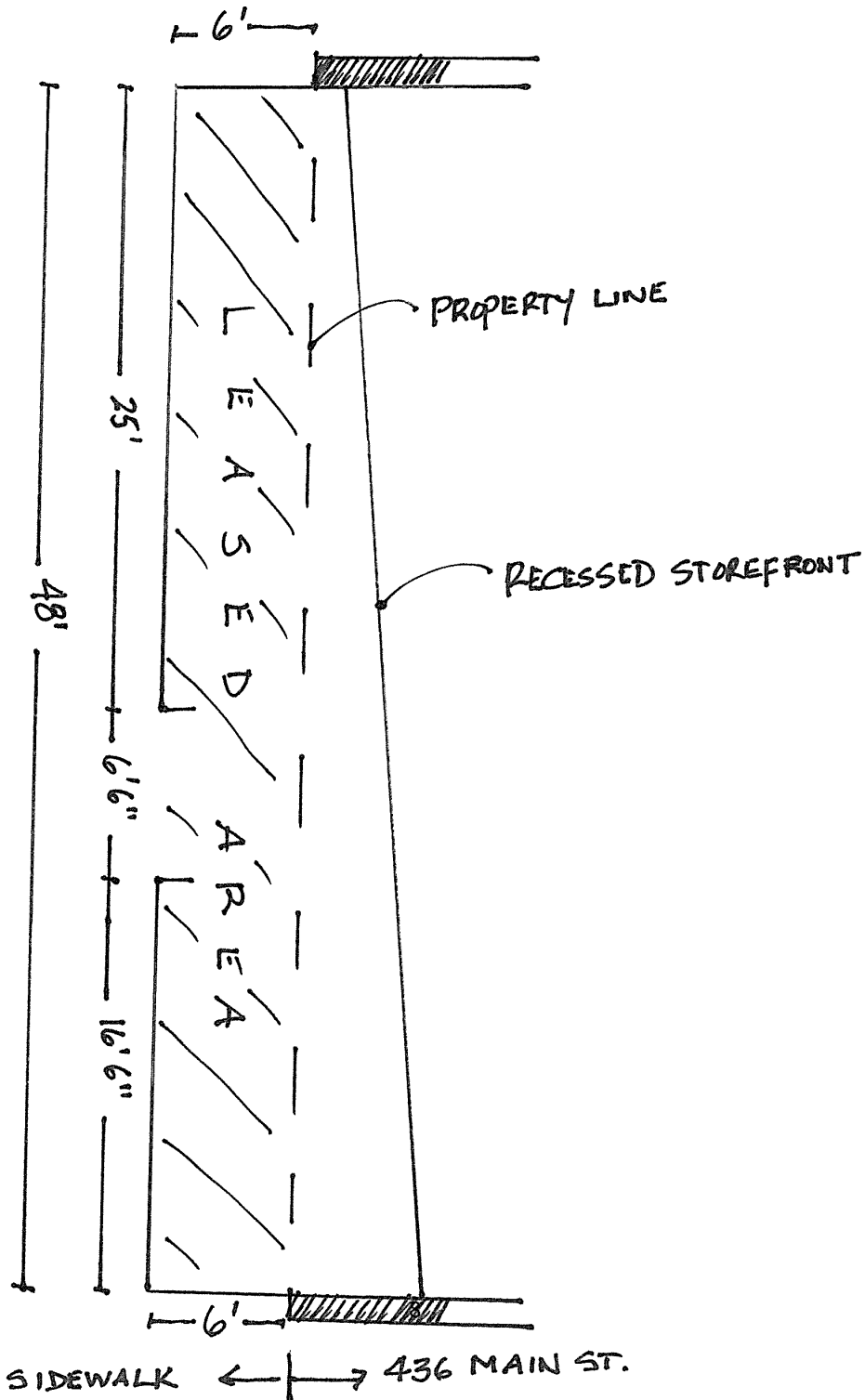


Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): _____

DBA (if needed): _____

Applicant / Relationship to Business: _____

Contact Phone and Email: _____

Type of Food/Beverage to be served in leased area: _____

Days of Operation / Operating Hours: _____

How this operation will benefit Downtown Grand Junction:

Number of tables to be used in the leased area: _____

Number of chairs to be used in the leased area: _____

Semi-permanent or movable structures including carts, stands, signs, etc: _____

Describe any musical or vocal presentations or effects to be used in the leased area:

Copies of Current

Permits & Licenses Obtained: State Sales Tax _____

City Sales Tax _____

Liquor License _____

Restaurant/Food Service _____

Proof of Liability Insurance Coverage Provided? _____

DDA Certification: The Downtown Development Authority hereby finds that this application is proper, that all applicable permits have been obtained or will be obtained, that it is in compliance and will further the goals and objectives of the Plan of Development for Downtown Grand Junction, and that no current application exists for this location.

Signed: _____

Date: _____

If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, _____, applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

(a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and

(b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this ____ day of _____, 20__.

Signed: _____

RESOLUTION NO. __-12

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO WESIDE DELICATESSEN, INC., DBA THE WINERY
RESTAURANT**

Recitals:

The City has negotiated an agreement for Weside Delicatessen, Inc., dba The Winery Restaurant, to lease a portion of the pedestrian breezeway right-of-way located immediately west of 642 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Weside Delicatessen, Inc.,

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned right-of-way for an initial term of May 1, 2012 to September 7, 2013, at the rate of \$434.00 for the initial term, to Weside Delicatessen, Inc.

PASSED and ADOPTED this ____ day of _____, 2012.

President of the Council

Attest:

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT (“Agreement”) is made and entered into as of this ____ day of _____ 20____, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter “City”) and, Weside Delicatessen, Inc., dba The Winery Restaurant, as Lessee, (hereinafter “Lessee”), and the Grand Junction Downtown Development Authority as Lessor’s Administrative Agent, (hereinafter “DDA”).

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option A: The City does hereby lease to Lessee the Premises (hereinafter “Premises”) comprising approximately _____ square feet of the public way located in front of and immediately across the sidewalk from _____. The City does hereby grant an easement across the sidewalk situated between the Lessee’s business and the Premises for the purpose of transporting alcohol beverages and food to and from the Premises. Said easement runs concurrently with this Agreement. The Premises, the easement area, and the location of Lessee’s primary business facility are more particularly described in the attached Exhibit A.

Option B: The City does hereby lease to Lessee the Premises (hereinafter “Premises”) comprising approximately 320 square feet of the public way located in front of and immediately abutting the Lessee’s business. The Premises and the location of Lessee’s primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee’s business is attached as Exhibit B.

2. Term.

The term of this Agreement shall be for a period to commence on May 15, 2012. Upon signature by all parties this Agreement supersedes all prior leases, and terminates on September 7, 2013.

3. Rental.

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year and in the total sum of \$ 434.00 , which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

- a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.
- b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.
- c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.
- d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessee's business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.
- e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.
- f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and

result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;

ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;

iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;

iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;

v) if Lessee vacates or abandons the Premises;

vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;

vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or

ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or

vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: Weside Delicatessen, Inc.
642 Main Street
Grand Junction, CO 81501

To Agent: Downtown Development Authority, c/o Executive Director
248 South 4th Street
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same s addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.

25. Administrative Agent.

In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor: City of Grand Junction

Lessee:

By: Richard Englehart, Acting City Manager

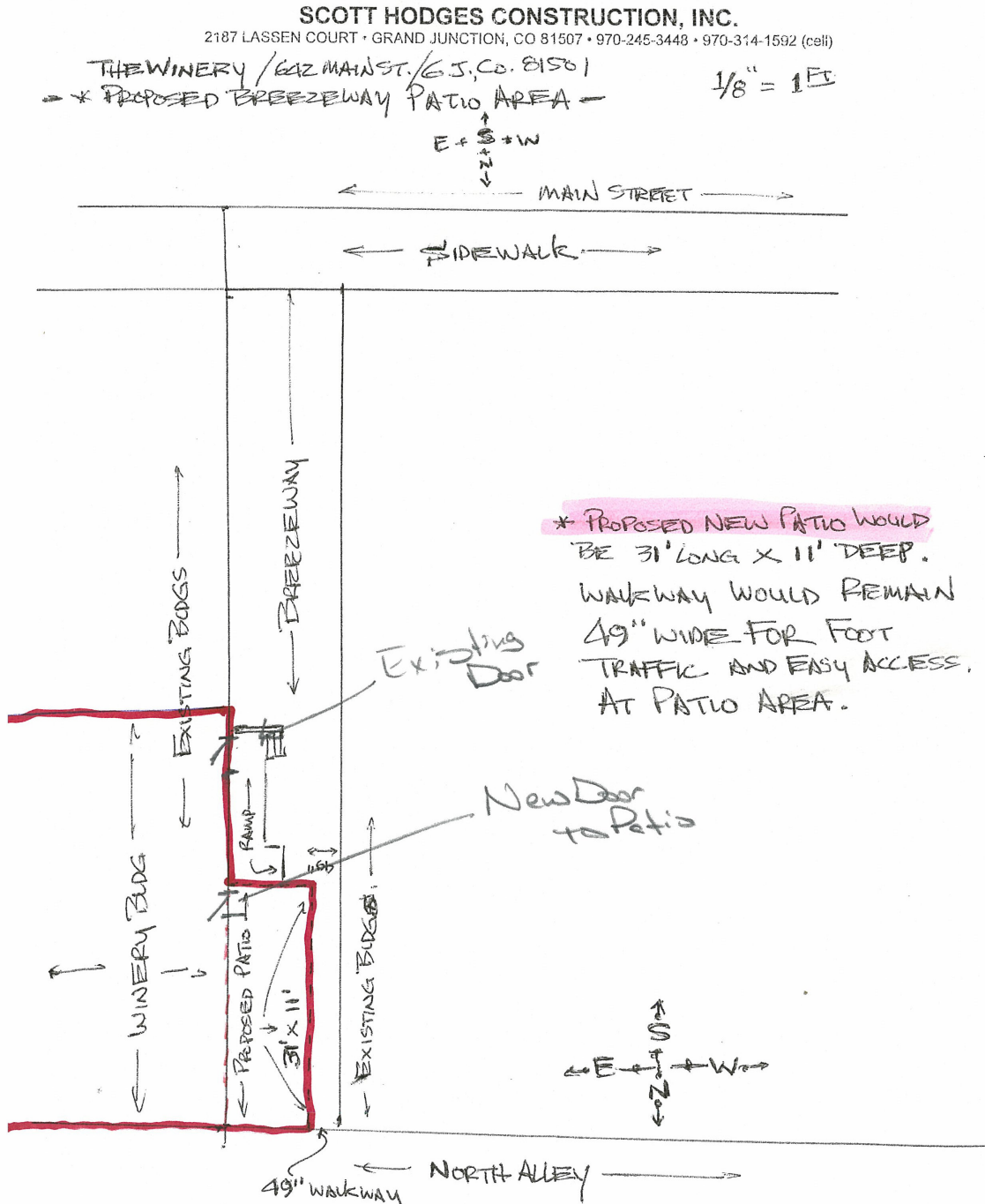
Weside Delicatessen, Inc.
By: Stephen F. Thoms, President

Agent: Downtown Development Authority

By: Harry M. Weiss, Executive Director

Exhibit A: Proposed Lease Area (include dimensions and a sketch)

The area of the pedestrian alleyway immediately west of and abutting 642 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-144-18-006) more particularly described in the dimensioned sketch below:



If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, Stephen F. Thoms, applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

(a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and

(b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this ____ day of _____, 20__.

Signed: _____

Attach 4



CITY COUNCIL AGENDA ITEM

Date: April 18, 2012
Author: Brian Rusche
Title/ Phone Ext:
Senior Planner x.4058
Proposed Schedule:
May 16, 2012
2nd Reading (if applicable): N/A
File # : VAC-2012-248

Subject: North River Subdivision Easement Vacation, Located Between Noland Avenue and Riverside Parkway
Action Requested/Recommendation: Approve a Resolution Vacating Part of a Public Multi-purpose Easement
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Brian Rusche, Senior Planner

Executive Summary:

The City is requesting the vacation of a portion of a multi-purpose easement in order to divest certain properties adjacent to the Riverside Parkway.

Background, Analysis and Options:

The City of Grand Junction owns several parcels at the southeast corner of S. 5th Street (US Highway 50) and the Riverside Parkway. These parcels were acquired for the construction of the Riverside Parkway. The parcels were originally platted in 1946 as part of the South Fifth Street Subdivision. This plat included right-of-way (ROW) for Noland Avenue as well as north-south alleys.

During the construction of the Riverside Parkway, the acquired properties were cleared. Completion of the Parkway has left surplus right-of-way and property in this location. In 2010 the City Council vacated surplus right-of-way from the original South Fifth Street Subdivision and another parcel acquired for right-of-way purposes while retaining multipurpose easements for utilities, including electric, gas, cable, water, sewer, and storm sewer (reference Ordinances No. 4412, 4413, and 4414).

The City has been preparing to divest additional surplus property from the Parkway project. As part of this process, a subdivision plat known as North River Subdivision has been prepared to consolidate the parcels and delineate right-of-way corresponding to the built location of the Parkway. In preparing this plat, City Staff determined that portions of the multi-purpose easement retained in 2010 are not needed for utilities. Therefore Staff is proposing to vacate the unneeded portions of the multipurpose easements in order to create a marketable and usable piece of property.

See attached staff report.

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

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

The vacation of unnecessary easements will create a marketable piece of property for future development within the Greater Downtown Planning Area. The property, though presently designated as Park, is anticipated to be designated as Commercial/Industrial with the Greater Downtown Plan, providing a wide range of potential uses.

- 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.

This vacation will facilitate the sale and future use or development of the property, and create an opportunity for Commercial/Industrial development in the area.

Board or Committee Recommendation:

The Planning Commission considered the request on May 8, 2012 and forwards a recommendation of approval.

Financial Impact/Budget: N/A

Legal issues:

Legal has reviewed the attached staff report.

Other issues: None.

Previously presented or discussed: No.

Attachments:

Staff Report
Site Location Map
Aerial Photo Map
Comprehensive Plan Map
Existing City Zoning Map
Ordinances 4412, 4413, and 4414
Resolution

BACKGROUND INFORMATION				
Location:		Between S. 5th Street (US Highway 50) and the Riverside Parkway		
Applicants:		City of Grand Junction		
Existing Land Use:		Vacant		
Proposed Land Use:		TBD		
Surrounding Land Use:	North	Riverside Parkway		
	South	Vacant Elam Construction		
	East	Riverside Parkway		
	West	S. 5 th Street (US Highway 50)		
Existing Zoning:		C-2 (General Commercial)		
Proposed Zoning:		C-2 (General Commercial)		
Surrounding Zoning:	North	C-2 (General Commercial) I-1 (Light Industrial)		
	South	C-2 (General Commercial) I-1 (Light Industrial)		
	East	C-2 (General Commercial)		
	West	C-2 (General Commercial)		
Future Land Use Designation:		Park		
Zoning within density range?		Yes	X	No

The vacation of the easement shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.
- Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

The vacation of unnecessary easements will create a marketable piece of property for future development within the Greater Downtown Planning Area. The property, though presently designated as Park, is anticipated to be designated as Commercial/Industrial with the Greater Downtown Plan, providing a wide range of potential uses.

- 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 provided appropriate commercial and industrial development opportunities.

This vacation will facilitate the sale and future use or development of the property, and create an opportunity for Commercial/Industrial development in the area.

- b. No parcel shall be landlocked as a result of the vacation.
 - Access to Struthers Avenue will be retained and no property will be landlocked as a result of the easement vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
 - The construction of the Riverside Parkway removed access along former streets and alleys, which were subsequently vacated. The vacation of a multipurpose easement will not impact the existing access configuration.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
 - There are no utilities within the portion of the easement to be vacated nor is the area to be vacated needed for future utilities to serve the area. The easement vacation will cause no negative impact on the health, safety or welfare of the general community.
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.
 - There are no utilities within the portion of the easement to be vacated. All existing utilities will be served by existing or proposed easements.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
 - The divesture of the property will create an opportunity for beneficial use of the now vacant property in the area of the Parkway and provide the potential for sale and reuse of the property and the associated tax revenues this may provide. This property is no longer necessary for City purposes, as the Parkway construction is complete.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the North River Subdivision easement vacation application, VAC-2012-248 for the vacation of a multipurpose easement, I make the following findings of fact, conclusions and conditions:

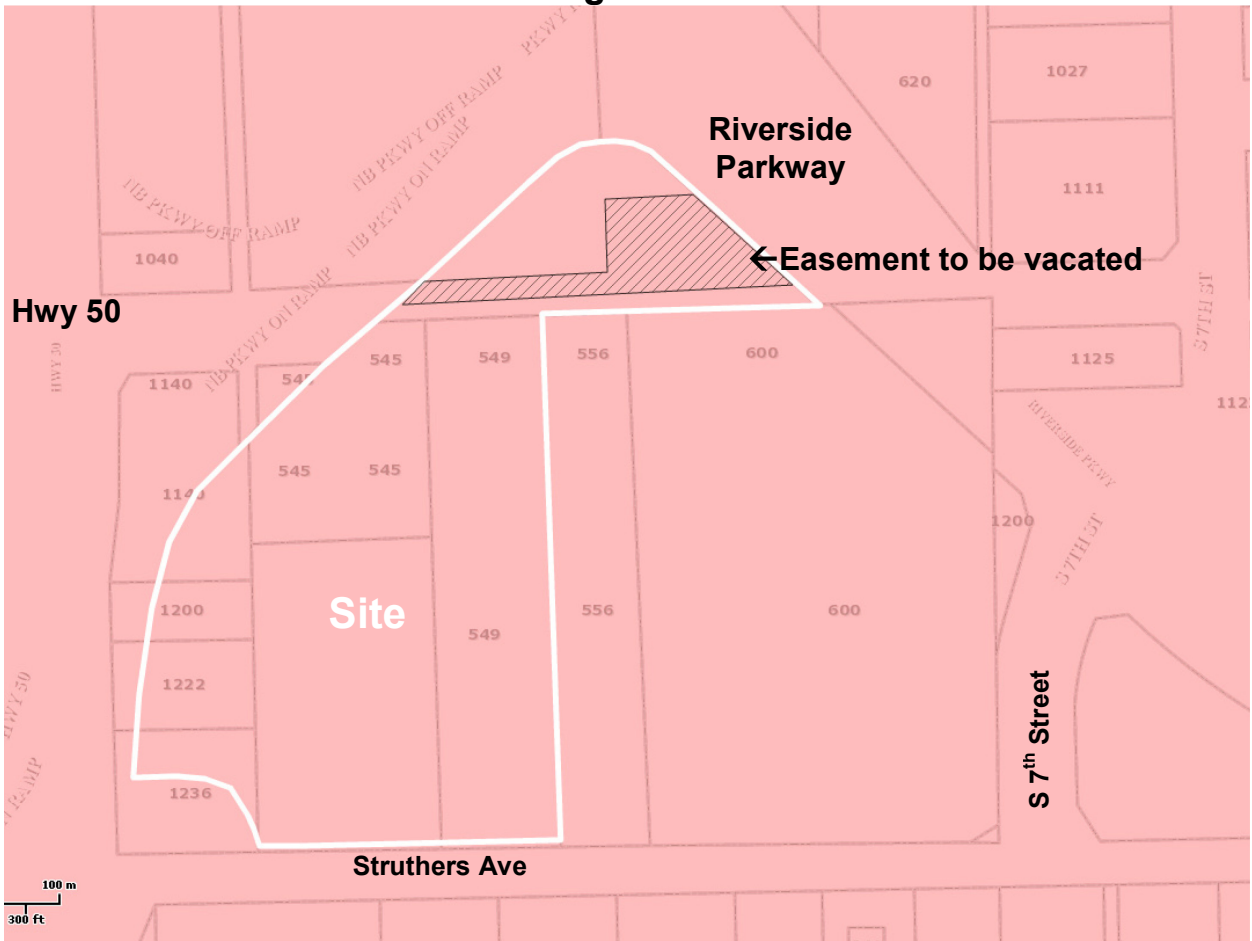
1. Vacation of the easement is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have been met.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommends approval of the requested easement vacation, VAC-2012-248 to the City Council with the findings and conclusions listed above.

Site Location Map

Figure 1



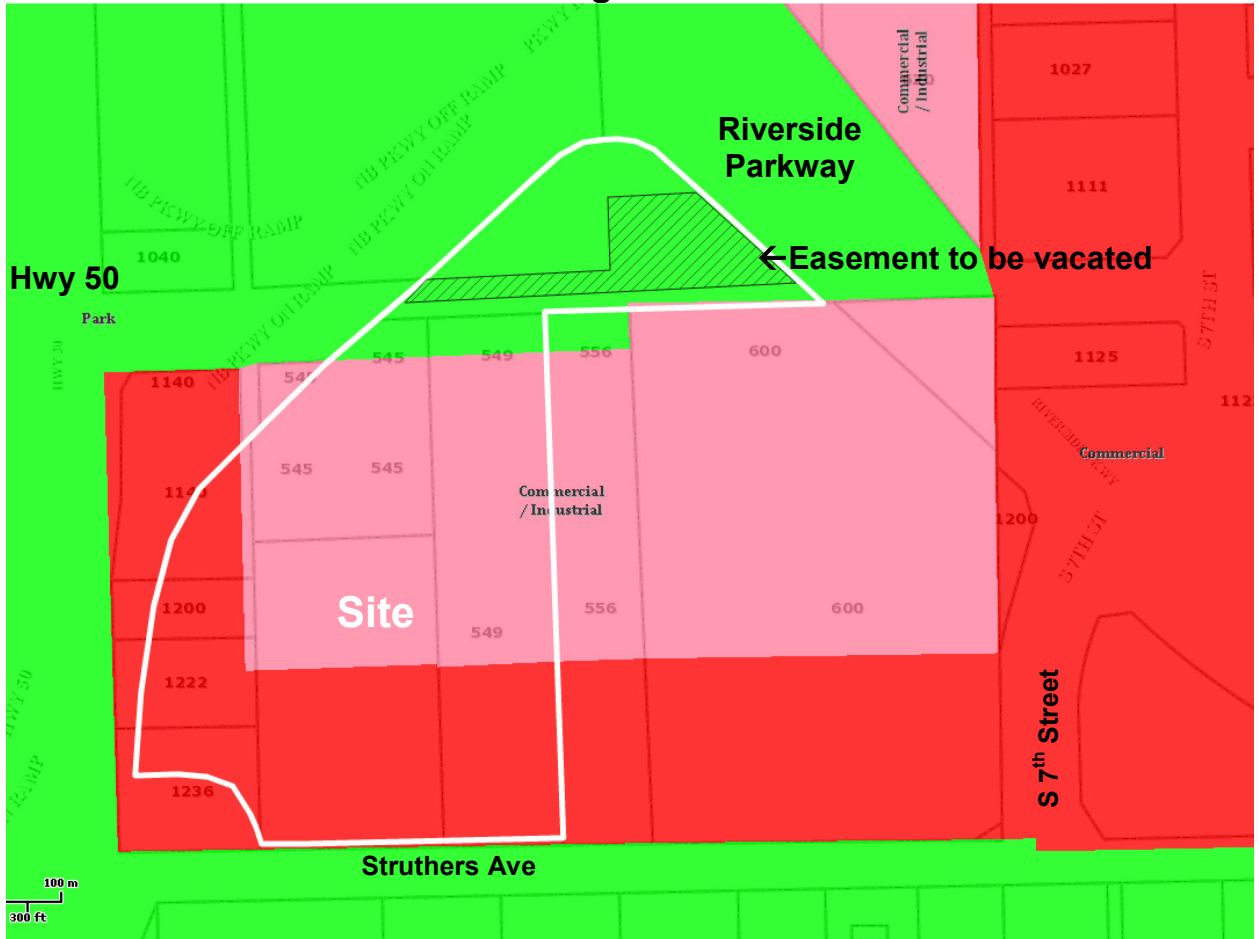
Aerial Photo Map

Figure 2



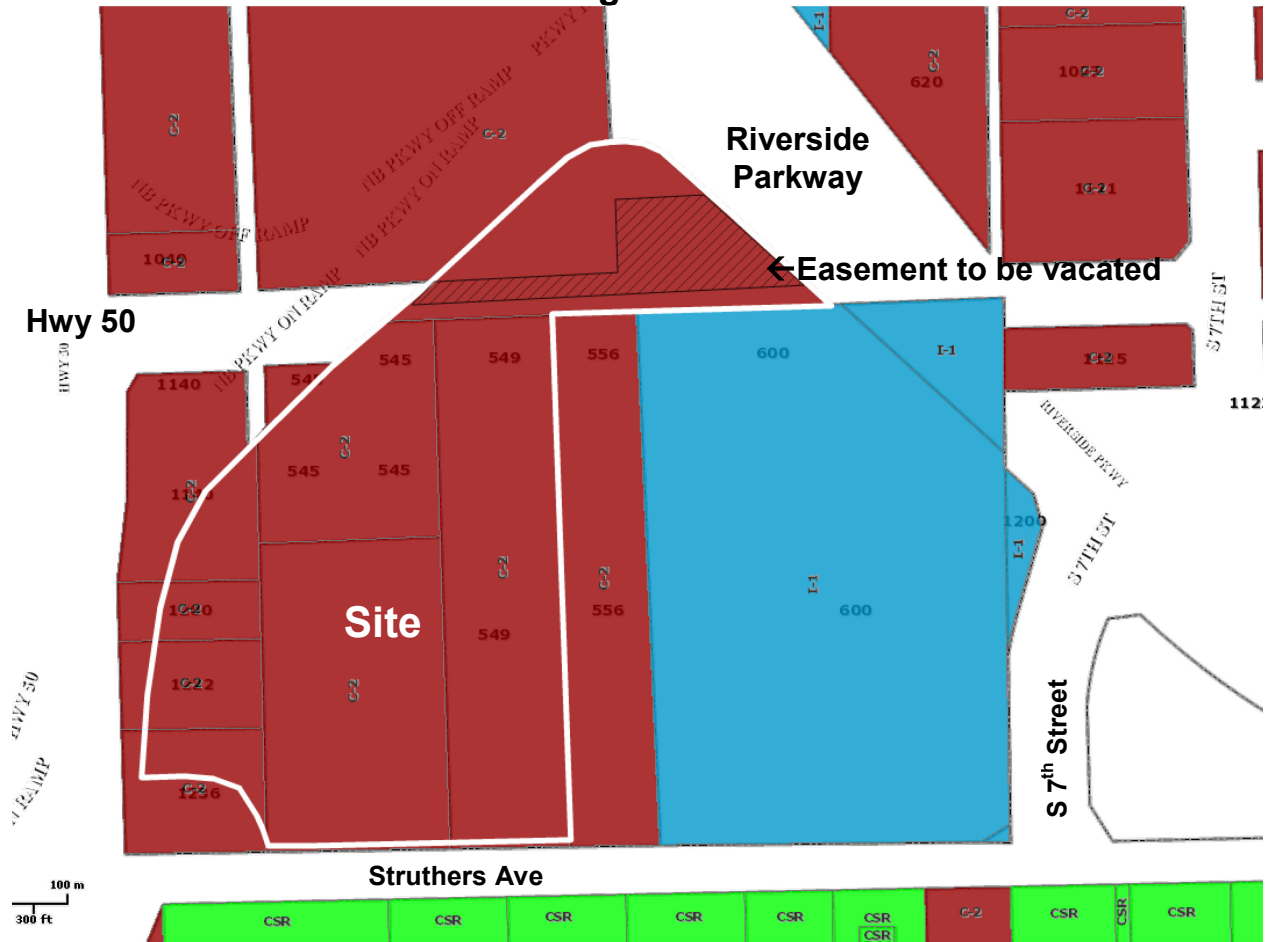
Comprehensive Plan Map

Figure 3



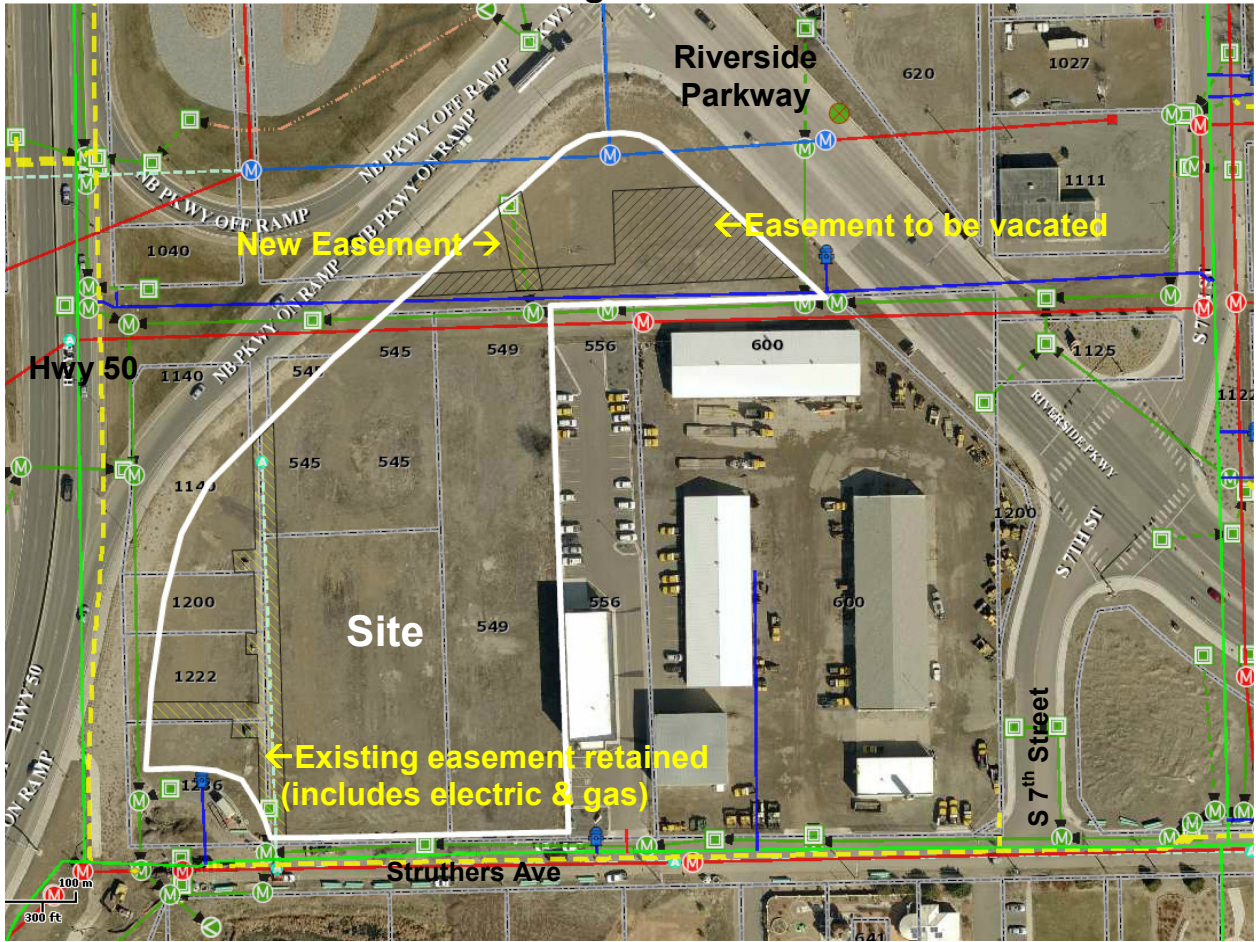
Existing City Zoning Map

Figure 4



Utility Map

Figure 5



3 PAGE DOCUMENT*

CITY OF GRAND JUNCTION

ORDINANCE NO. 4412

AN ORDINANCE VACATING ALLEY RIGHT-OF-WAY LOCATED WITHIN BLOCK ONE OF THE SOUTH FIFTH STREET SUBDIVISION NORTH OF NOLAND AVENUE AND SOUTH OF THE RIVERSIDE PARKWAY

RECITALS:

A request to vacate an alley right-of-way located within Block One of the South Fifth Street Subdivision north of Noland Avenue and south of the Riverside Parkway, has been made by the City. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-ways to be vacated.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

Vacation # 1

A parcel of land lying in the Northwest Quarter (NW1/4) of Section 23, Township One South, Range One West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

ALL of that certain alley right of way, lying north of the line formed between the Southeast corner of Lot 19 and the southwest corner of Lot 20, Block 1, South Fifth Street Subdivision, as same is recorded in Plat Book 7, Page 19, Public records of Mesa County, Colorado, AND South of the following described curve:

Commencing at the Southeast Corner of said Lot 19, and considering the South line of said Lot 20 to bear N89°06'45"W, with all bearings herein relative thereto; thence N00°52'27"W, along the East line of said Lot 19, a distance of 108.75 feet to the POINT OF BEGINNING; thence 17.09 feet along the arc of a 50.00 foot radius curve, concave South, through a central angle of 19°34'53", and which chord bears N87°46'43"E a distance of 17.00 feet to the West line of said Lot 20.

Containing 1,861 square feet, more or less, as described.

Introduced for first reading on this 1st day of February, 2010.

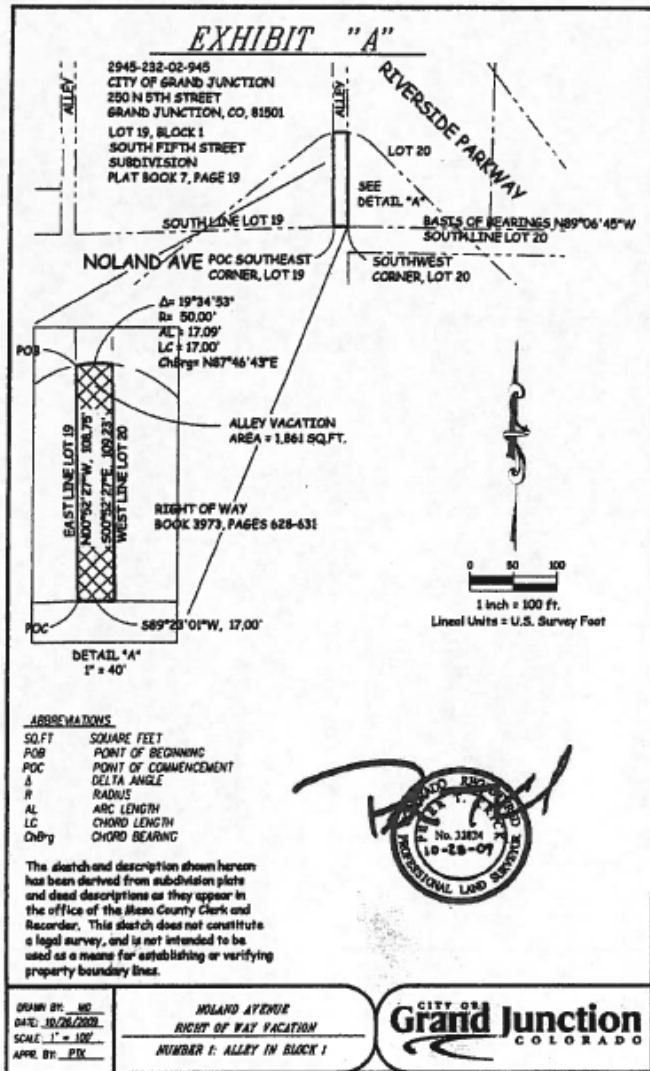
PASSED and ADOPTED this 1st day of March, 2010.





President of City Council

Vacation #1 Exhibit A



3 PAGE DOCUMENT

CITY OF GRAND JUNCTION

ORDINANCE NO. 4413

**AN ORDINANCE VACATING RIGHT-OF-WAY
LOCATED WITHIN LOT 20 OF THE SOUTH FIFTH STREET SUBDIVISION
NORTH OF NOLAND AVENUE ACQUIRED FOR THE RIVERSIDE PARKWAY IN
BOOK 3973, PAGES 628-631**

RECITALS:

A request to vacate a portion of right-of-way located within Lot 20 of the South Fifth Street Subdivision, north of Noland Avenue acquired for the Riverside Parkway in Book 3973, Pages 628-631, has been made by the City. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-ways to be vacated.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

Vacation # 2

A parcel of land lying in the Northwest Quarter (NW1/4) of Section 23, Township One South, Range One West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

A portion of that certain right of way, as described in Book 3973, Pages 628-631, as same is recorded in the Public records of Mesa County, Colorado, being that portion of said right of way within Lot 20, Block 1, South Fifth Street Subdivision, recorded in Plat

Book 7, Page 19 in said Public records, lying south and west of the following described line:

Commencing at the Southwest corner of Lot 20, Block 1, South Fifth Street Subdivision, and considering the South line of said Lot 20 to bear N89°06'45"W, with all bearings herein relative thereto; thence N00°52'27"W, along the West line of said Lot 20, a distance of 109.23 feet to the POINT OF BEGINNING; thence 31.71 feet along the arc of a 50.00 foot radius curve, concave southwest, through a central angle of 36°20'05", and which chord bears S64°15'49"E a distance of 31.18 feet to a point of tangency; thence S46°05'46"E a distance of 140.83 feet to the South line of said Lot 20.

Containing 7,718 square feet, more or less, as described.

Introduced for first reading on this 1st day of February, 2010.

PASSED and ADOPTED this 1st day of March, 2010.

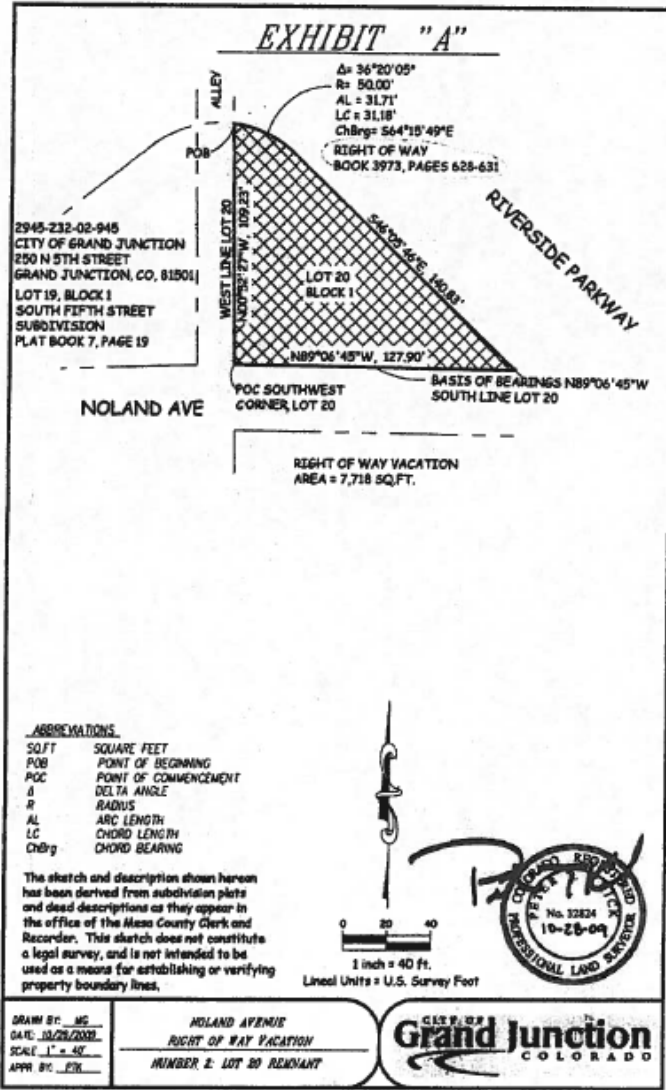
ATTEST:





President of City Council

Vacation #2 Exhibit A



3

PAGE DOCUMENT

CITY OF GRAND JUNCTION

ORDINANCE NO. 4414

AN ORDINANCE VACATING A PORTION OF THE NOLAND AVENUE RIGHT-OF-WAY LOCATED BETWEEN 5TH STREET AND 7TH STREET SOUTH OF THE RIVERSIDE PARKWAY AND AN ALLEY RIGHT-OF-WAY LOCATED WITHIN BLOCK 2 OF THE SOUTH FIFTH STREET SUBDIVISION BETWEEN STRUTHERS AND THE RIVERSIDE PARKWAY

RECITALS:

A request to vacate a portion of Noland Avenue right-of-way located between 5th Street and 7th Street south of the Riverside Parkway and an alley right-of-way within Block 2 of the South Fifth Street Subdivision between Struthers and the Riverside Parkway, has been made by the City. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-ways to be vacated.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

Vacation # 3

Two parcels of land lying in the Northwest Quarter (NW1/4) of Section 23, Township One South, Range One West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

That portion of Noland Avenue right of way, as depicted in the South Fifth Street Subdivision, recorded in Plat Book 7, Page 19 in the Public records of the Mesa County Clerk and Recorder, lying east of the following described line:

Commencing at the Northwest corner of Lot 14, Block 2, said South Fifth Street Subdivision, and considering the North line of said Lot 14 to bear N89°18'40"E, with all bearings herein relative thereto, thence N89°18'40"E, along the North line of said Lot 14, a distance of 58.65 feet to the POINT OF BEGINNING; thence N51°29'00"E a distance of 108.74 feet to the North line of said Noland Avenue,
AND west of the following described line:

Commencing at the Southwest corner of Lot 20, Block 1, said South Fifth Street Subdivision; thence S89°06'45"E, along the South line of said Lot 20, a distance of 127.90 feet to the POINT OF BEGINNING; thence S46°05'46"E a distance of 43.97 feet to the South line of said Noland Avenue, TOGETHER WITH

That portion of that sixteen foot wide alley right of way within Block 2 said South Fifth Street Subdivision, lying North of the North line of Struthers Avenue as extended between Lot 5 and lot 6, said Block 2, and South of the following described curve;
Commencing at the Northwest corner of Lot 14, Block 2, said South Fifth Street Subdivision; thence S00°14'02"W, along the West line of said Lot 14, a distance of 51.44 feet to the POINT OF BEGINNING; thence 24.27 feet along the arc of a 400.00 foot radius curve, concave Southeast, through a central angle of 03°28'35" and which chord bears S41°29'10"W a distance of 24.27 feet to the west line of said alley right of way.

Containing 24,395 square feet, or 0.560 acres, more or less, as described.

Introduced for first reading on this 1st day of February, 2010.

PASSED and ADOPTED this 1st day of March, 2010.

ATTEST:



President of City Council



CITY OF GRAND JUNCTION

RESOLUTION NO. _____

**A RESOLUTION VACATING PORTIONS OF MULTIPURPOSE EASEMENTS
RESERVED AND RETAINED BY THE CITY OF GRAND JUNCTION IN ORDINANCES
NO. 4412, 4413, AND 4414**

RECITALS:

Staff has brought the application forward on behalf of the City to vacate portions of the multipurpose easements reserved and retained in Ordinances No. 4412, 4413, and 4414. These multipurpose easements were reserved and retained when the rights-of-way in which the easements lie were vacated. Since the vacation, staff has determined that not all of the area reserved and retained is necessary to properly maintain and/or install utilities and the like in the multipurpose easements. As not all of the area is needed staff is recommending the vacation of the excess easement areas to allow more opportunities for use of the land.

At its May 8, 2012 hearing the Grand Junction Planning Commission found that the request to vacate the portions of the multipurpose easements that are unnecessary satisfies the review criteria set forth in Section 21.02.100(c) of the Zoning and Development Code and recommended approval.

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

The City Council finds that the vacation meets the criteria set forth in Section 21.02.100(c) of the Grand Junction Zoning and Development Code and is accordance therewith the following described multipurpose easement area is hereby vacated:

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, being a portion of former rights-of-way vacated by the City of Grand Junction, as described and graphically depicted in Ordinance No. 4412 as recorded in Book 4986, Page 945, Ordinance No. 4413 as recorded in Book 4986, Page 948 and Ordinance No. 4414 as recorded in Book 4986, Page 951, all in the Public Records of Mesa County, Colorado, the vacated rights-of-way were retained by said Ordinances as Multipurpose Easements and said portion being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 19, Block 1 of South Fifth Street Subdivision, as same is recorded in Plat Book 7, Page 19, Public Records of Mesa County, Colorado and considering the South line of said Lot 19 bears N 88°08'43"

E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°52'27" W a distance of 73.57 feet; thence N 88°16'17" E a distance of 65.68 feet; thence S 46°05'46" E a distance of 133.52 feet; thence N 89°06'45" W a distance of 143.61 feet; thence S 00°30'56" E a distance of 8.00 feet; thence S 89°18'39" W a distance of 195.57 feet; thence N 51°29'00" E a distance of 32.47 feet; thence N 88°08'43" E along the South line of said Lot 19, a distance of 153.02 feet, more or less, to the Point of Beginning.

CONTAINING 13,885 Square Feet or 0.319 Acres, more or less, as described.

Attached is Exhibit "A" incorporated herein depicting the area to be vacated.

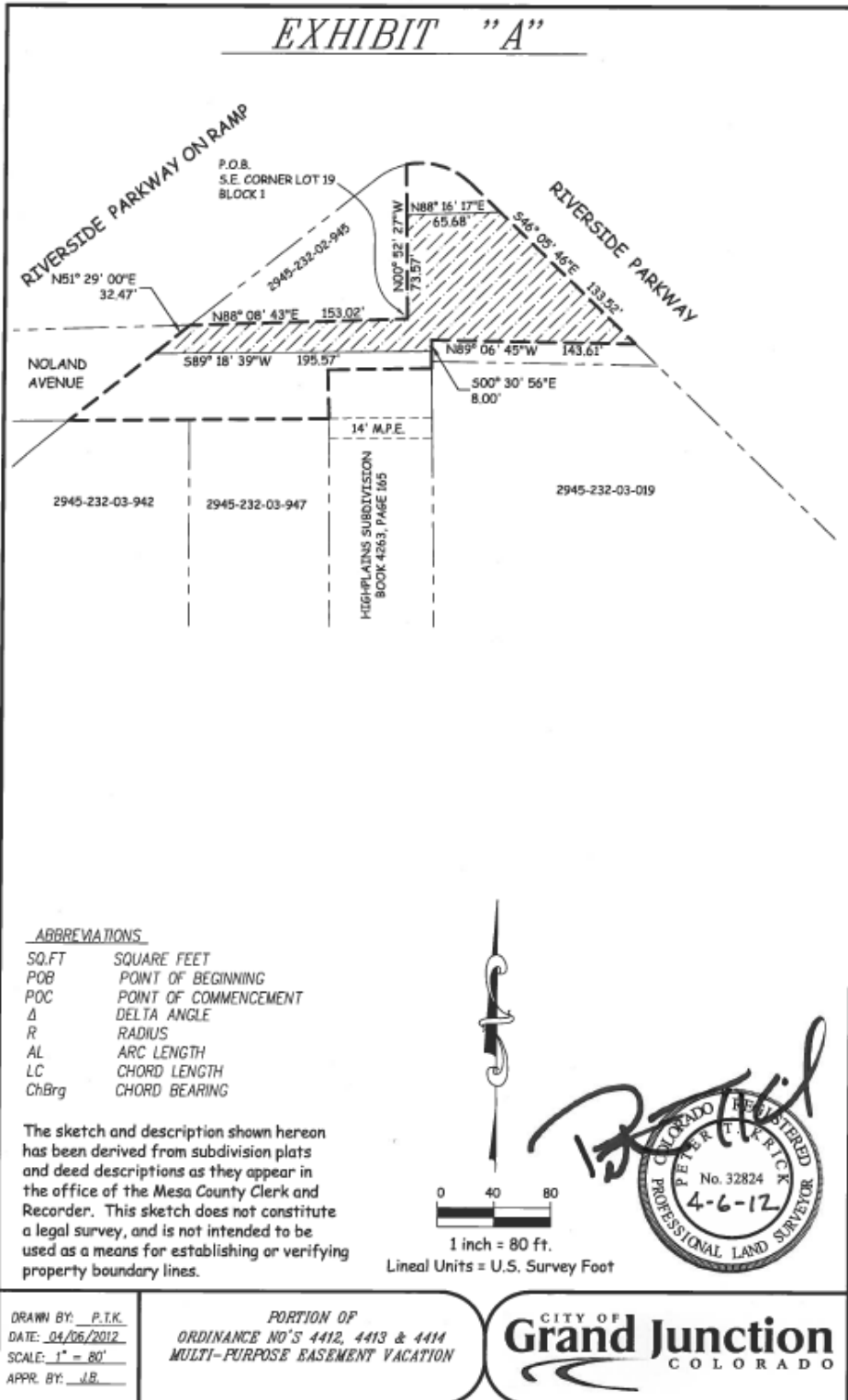
PASSED and ADOPTED this _____ day of _____, 2012.

ATTEST:

City Clerk

President of City Council

EXHIBIT "A"



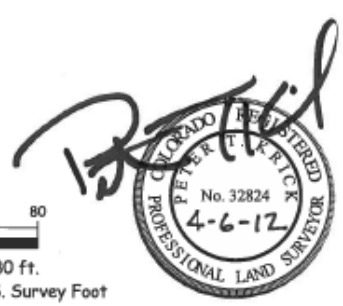
ABBREVIATIONS

- SQ.FT SQUARE FEET
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- Δ DELTA ANGLE
- R RADIUS
- AL ARC LENGTH
- LC CHORD LENGTH
- ChBrg CHORD BEARING

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



1 inch = 80 ft.
Lineal Units = U.S. Survey Foot



DRAWN BY: P.T.K.
DATE: 04/06/2012
SCALE: 1" = 80'
APPR. BY: J.B.

PORTION OF
ORDINANCE NO'S 4412, 4413 & 4414
MULTI-PURPOSE BASEMENT VACATION



Attach 6



CITY COUNCIL AGENDA ITEM

Date: April 18, 2012

Author: Kristen Ashbeck

Title/ Phone Ext: Senior Planner x1491

Proposed Schedule:

1st Meeting : May 16, 2012

2nd Meeting with Action Plan: June 20, 2012

File # (if applicable): _____ 2012 CDBG

Subject: CDBG 2012 Program Year Funding Requests

Action Requested/Recommendation: Approve the CDBG City Council Workshop Recommendations of Funding for the 2012 Program Year and Set a Public Hearing for Adoption of the 2012 One-Year Action Plan for June 20, 2012

Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director
Kristen Ashbeck, Senior Planner/CDBG Administrator

Executive Summary: City Council will consider which activities and programs to fund for the Community Development Block Grant (CDBG) 2012 Program Year. The City will receive \$371,526 for the 2012 Program Year which begins September 1, 2012. With the \$34,824 remaining from the 2011 allocation, the total amount to be allocated for 2012 is \$406,350.

At this meeting, the City Council will receive public input on the use of the 2012 CDBG allocation.

Background, Analysis and Options: CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City's 2012 Program Year will begin September 1, 2012. Applications for funding were solicited and received by the City in March. The City has received approximately \$675,000 in grant requests. This City will receive \$371,526 for the 2012 Program Year. Attached is a summary of the applications for 2012 funding.

How this item relates to the Comprehensive Plan Goals and Policies:
The projects proposed for CDBG funding meet the following goals of the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. Projects to be funded through the CDBG program will provide facilities and services that enhance our community, particularly for the benefit of low and moderate income citizens and special needs populations.

Board or Committee Recommendation: N/A

Financial Impact/Budget:

2012 CDBG Appropriation	\$371,526
Funds Remaining from Previous Years	\$34,824
Total Funds Available for 2012 Allocation	\$406,350

Summary of Recommended Funding: On April 16 and 30, 2012 City Council met in workshops to discuss the funding requests and recommended funding fourteen projects as shown in the summary below and on the attached spreadsheet of funding requests.

	PROPOSED PROJECT	RECOMMENDED FUNDING	FUNDS LEVERAGED
1	Program Administration	\$5,000	N/A
2	Foster Grandparent Program	\$10,000	\$246,333
3	Senior Companion Program	\$8,000	\$201,589
4	Gray Gourmet Services	\$11,125	\$46,112
5	Counseling and Education Center	\$7,000	\$12,000
6	Karis	\$85,000	\$94,000
7	HomewardBound	\$109,971	\$790,029
8	GVCO T-House Remodel	\$12,638	\$7,105
9	Mesa Developmental Services Remodel	\$25,000	\$160,000
10	Parenting Place Remodel	\$14,080	\$9,920
11	Gray Gourmet Kitchen Remodel	\$5,092	\$40,612
12	6 th Street Pedestrian and Parking Improvements	\$60,536	N/A
13	6 th Street Sewer Line Relocation	\$27,500	N/A
14	North Avenue Accessibility Improvements	\$25,000	N/A

Total Allocation: \$406,350

Total Funds Leveraged: \$1,607,700

Legal issues: N/A

Other issues: N/A

Previously presented or discussed: City Council discussed this item at its April 16 and 30, 2012 workshops.

Attachments:

- A. Summary of 2012 Funding Requests
- B. CDBG Evaluation Criteria
- C. 2012 CDBG Program Year Schedule
- D. History of CDBG Projects 1996-2011
- E. Spreadsheet of 2012 Funding Requests

ATTACHMENT A: SUMMARY OF 2012 FUNDING REQUESTS

1 Program Administration

The City allocated CDBG funds for general administration of the program and a portion of staff salary in 2009 (\$30,000), 2010 (\$60,000) and 2011 (\$30,000). All program administration funds will be expended by September 2012. Prior to 2009, staff salary was not funded by CDBG. Council can consider what level of CDBG funding they would like to use for Program Administration.

Recommended Funding: \$5,000

2 St. Mary's Hospital Foster Grandparent Program

This program places low income senior volunteers in school, day care, Head Start, preschool, and safe house facilities to help children with special needs. Funding would reimburse 55 volunteers for gas and mileage to serve 1,650 children. The Foster Grandparent Program has received CDBG funding for this same purpose in 2003, 2004, 2007, 2010 and 2011. All funds have been expended and projects closed out except for the 2011 grant which has a 60% balance remaining.

Total Project Cost: \$256,333

Funds Requested: \$10,000

Recommended Funding: \$10,000

FUNDING CONCERNS: None

3 St. Mary's Hospital Senior Companion Program

The Senior Companion Program enables low to moderate income active seniors to assist other low income frail, elderly persons so that these persons can continue to live at home rather than in an assisted living facility. In 2011, services were provided to 308 clients, using 50 senior volunteers. CDBG funds would be used to reimburse volunteers for mileage expenses incurred for traveling to and from their client's home and for travel to provide other services to the client. The Senior Companion Program has received CDBG funding for this same purpose in 2003, 2004, 2007, 2009 and 2011. All funds have been expended and projects closed out.

Total Project Cost: \$209,589

Funds Requested: \$12,000

Recommended Funding: \$8,000

FUNDING CONCERNS: None

4 St. Mary's Hospital Gray Gourmet Program

This program delivers meals to homebound elderly residents. Funding is requested for both 1) travel reimbursement for delivery to over 100 low to moderate income, frail, homebound elderly residents within the City limits

(services request); and 2) capital improvements to the meal preparation kitchen (refer to project 15). The program served a total of 1,419 persons in 2010-2011 and expects to serve 1,450 persons in the next year. CDBG funds were provided for the purchase of food in 2003 (\$5,050), 2004 (\$10,000), 2007 (\$20,500) and 2010 (\$20,500). All funds have been expended and projects closed out.

Total Project Cost: \$57,237
Services Funds Requested: \$11,125
Recommended Services Funding: \$11,125

FUNDING CONCERNS: While not a concern, note that the St. Mary's Gray Gourmet Program is requesting both a services grant (project 4) and a capital improvements grant (project 15).

5 Riverside Educational Center (REC) After School Programming Expansion

The general purpose of the REC program is to provide qualifying K-12th grade students facing academic and financial challenges an after-school tutoring and enrichment program. REC currently operates in the old Riverside School located at 552 West Main Street in Grand Junction. CDBG funds would be used to expand opportunities for youth that participate in the REC mentor-mentee program. REC received \$5,000 CDBG funding in 2008 to pay for 2 Americorps volunteers to assist with the program.

Total Project Cost: \$8,850
Funds Requested: \$8,850
Recommended Funding: \$0

FUNDING CONCERNS: None

6 Counseling and Education Center (CEC)

This program provides counseling services for low income citizens. Funds are requested to help pay for 140 counseling sessions for an estimated 28 more persons. The number of persons served is directly related to the amount of funding received. In 2010-2011, CEC served 410 low income clients and expects to provide services to 430 low income clients in the next year. CEC received CDBG funding in 2007 (\$7,181) and 2010 (\$6,682). All funds have been expended and the projects closed out.

Total Project Cost: \$19,000
Funds Requested: \$7,000
Recommended Funding: \$7,000

FUNDING CONCERNS: None

7 Audio Information Network of Colorado (AIN)

Funds would support audio information services that provide access to ink print materials not otherwise available to Grand Junction's blind, visually impaired, and print-handicapped citizens. The number of people served is directly related

to the amount of funding received. AIN has 37 listeners in the Grand Junction area is proposing to add 10 more listeners in the coming year. AIN has received CDBG funding in 2004 (\$4,500) and in 2007 (\$4,500). All funds have been expended and the projects closed out.

Total Program Cost: \$64,669
Funds Requested: \$12,300
Recommended Funding: \$0

FUNDING CONCERNS: The majority of the requested grant is to fund broadcasting hours which may or may not directly serve City residents.

8 Grand Junction Housing Authority (GJHA) Next Step Housing Program

The Next Step Housing program is a unique collaborative effort between Mesa County Valley School District 51, GJHA, the Mesa County Workforce Center and other local homeless services providers. The program provides assistance payments (e.g. security deposits) for 30-40 families during each two year grant cycle. In the last grant cycle, Next Step served 41 families with 108 children. The GJHA has successfully operated the program for four years and is requesting funding for an additional two year cycle.

GJHA has received CDBG funding in the past: 1998 - \$330,000 purchase Lincoln Apartments; 1999 – \$205,000 purchase homeless shelter; 2002 – \$41,720 Linden Pointe Apartments pre-development costs; 2003 - \$335,450 Linden Pointe infrastructure; 2005 - \$127,500 Bookcliff property acquisition; 2006 - \$178,630 Village Park property acquisition and \$14,712 for the Next Step Program; 2009 - \$100,000 Walnut Park Apartments infrastructure, landscaping and parking; and 2011 - \$101,205 Courtyard Apartments Rehabilitation. All funds have been expended and the projects closed out except for Courtyard Apartments which has a small balance that will be expended in May 2012.

Total Project Cost: \$681,441
Funds Requested: \$25,000
Recommended Funding: \$0

FUNDING CONCERNS: None

9 Karis Acquisition of The House – Shelter for Homeless Youth

Karis is in the process of establishing a homeless youth shelter in the St. Mary's Hospital area of the City. The facility is a former single family residence that will be remodeled to serve as a homeless shelter for youth to be known as The House. Hilltop Community Resources, Inc. acquired the facility and Karis is now raising funds to purchase it from Hilltop. This is a new organization in Grand Junction and has not received CDBG funding.

Total Project Cost: \$179,000
Funds Requested: \$85,000
Recommended Funding: \$85,000

FUNDING CONCERNS: None

10 HomewardBound of the Grand Valley Homeless Shelter Acquisition

Homeward Bound operates the Community Homeless Shelter at 2853 North Avenue. Since plans to expand the shelter at this location were withdrawn, HomewardBound has been looking for an appropriate building and location in order to relocate the facility. CDBG funds are requested to provide a portion of the funding to acquire the property/building located at 2727 Grand Avenue. HomewardBound has received CDGB funding in the past: 2002 - \$10,000 purchase bunk beds; 2007 - \$40,000 screen wall; 2009 - \$21,071 purchase van; 2010 - \$6,000 for health and safety repairs and improvements; and 2011 - \$30,000 bathroom remodel. All funds have been expended and projects closed out with the exception of the 2011 grant. Since HomewardBound decided to acquire a new facility, there was no need to upgrade the existing building. HomewardBound has relinquished the 2011 grant.

Total Project Cost: \$900,000
Funds Requested: \$130,000
Recommended Funding: \$109,971

FUNDING CONCERNS: None

11 Grand Valley Catholic Outreach (GVCO) Repair/Remodel T-House

The GVCO Emergency Housing project provides emergency, short-term housing for up to two homeless families with children at a time. The duplex gets heavy usage because families often number from 4 to 6 members living in a very small space. The purpose of emergency housing is to provide a safe and decent place for families to stay while at least one adult earns what is necessary to acquire their own permanent housing. Families stay from one three months. CDBG funds are requested to repair and remodel the duplex including purchase of bathroom fixtures and kitchen appliances, new flooring, electrical work, construction of carports and new plaster/paint and flooring. GVCO has received CDBG funding in the past: 1996-1999 - \$73,131 lease assistance for the Day Center; 2000 – purchase of Day Center; 2001 – transitional housing services; 2002 – soup kitchen equipment; 2010 - \$88,725 new roof for soup kitchen; and 2011 – \$50,000 purchase appliances and site furnishings for St. Martin Place. All funds have been expended and the projects closed out.

Total Project Cost: \$19,749
Funds Requested: \$13,911
Recommended Funding: \$12,638

FUNDING CONCERNS: Washers and dryers are not eligible CDBG expenses. The CDBG request for these appliances is \$1,246.

12 Mesa Developmental Services (MDS) Program Building HVAC

MDS operates five buildings that provide day program services to people with developmental disabilities that range from job training, supervised contract work crews, life skills and therapy programs for those with significant physical disabilities and medical issues. Many of these services are conducted at the main program office located at 950 Grand Avenue. MDS is requesting funds to replace the heating and cooling systems at the main program office. MDS has received CDBG funding in the past: 1998 - \$200,000 for group home rehabilitation; 2001 – \$40,000 accessibility features for a new group home; 2009 - \$40,000 energy efficiencies and upgrades for group homes; 2011 – \$9,924 additional energy upgrades for group homes. All funds have been expended and projects closed out.

**Total Project Cost: \$185,000 Funds Requested: \$50,000
Recommended Funding: \$25,000**

FUNDING CONCERNS: None

13 Strong Families, Safe Kids (SFSK) Parenting Place Energy Improvements

SFSK provides programs that serve low-income families with special needs, with prenatal education, parenting classes and information, and child abuse prevention. SFSK recently purchased the property at 1505 Chipeta Avenue for its program office. CDBG funds are requested for a new roof and siding on one of the buildings. SFSK received \$9,371 CDBG funds in 2011 for energy upgrades including a new heater, insulation and to replace windows. The project is underway and is expected to be completed by June 1st.

**Total Project Cost: \$22,000
Funds Requested: \$15,884
Recommended Funding: \$14,080**

FUNDING CONCERNS: Project will need approval by the Colorado Historical Society to replace roof and siding materials since it could be considered historic. Since only 64% of families served live in the City limits, only 64% of the project costs can be funded with CDBG (maximum \$14,080).

14 Center for Independence (CFI) Technology for Human Services

CFI operates programs for disabled persons in our community at its main program office located at 740 Gunnison Avenue. For many years, CFI has provided computer training for both vocational skill building and assistive technology. CDBG funds would be used to relocate and expand the computer lab within the facility, including the purchase of new computers and associated equipment. CFI has received CDBG funding in the past: 2003 - \$20,000 purchase a van; 2008 - \$9,500 to upgrade electrical service in the kitchen; 2010 - \$34,100 energy improvements; and 2011 - \$30,475 kitchen remodel. All funds have been expended and projects closed out with the exception of the 2011 grant which has not been started.

Total Project Cost: \$9,885
Funds Requested: \$5,092
Recommended Funding: \$0

FUNDING CONCERNS: Purchase of this type of equipment is not an eligible CDBG expenditure. Previous program year funds have not been expended.

15 St. Mary's Hospital Gray Gourmet Program

This program delivers meals to homebound elderly residents. Funding is requested for both 1) travel reimbursement for delivery to over 100 low to moderate income, frail, homebound elderly residents within the City limits of Grand Junction (refer to project 4); and 2) capital improvements to the meal preparation kitchen. CDBG funds for the capital improvements will be used towards the purchase of a food processor, electric tilt skillet and electric tilt kettle.

Total Project Cost: \$46,112
Capital Funds Requested: \$5,500
Recommended Capital Funds: \$5,500

FUNDING CONCERNS: While not a concern, note that the St. Mary's Gray Gourmet Program is requesting both a services grant (project 4) and a capital improvements grant (project 15).

16 City of Grand Junction 6th Street Sewer Realignment

The existing sanitary sewer line in the 500 block of Grand Avenue will need to be realigned to allow for future development of the library property. The line currently runs under the library. If the line is relocated the library will have more design flexibility for a proposed building expansion and site redevelopment without having to design around the sanitary sewer line.

Total Project Cost: \$27,500
Recommended Funding: \$27,500

FUNDING CONCERNS: None

17 City of Grand Junction 6th Street Improvements

As part of the library expansion/redevelopment project, improvements in the 6th Street right-of-way adjacent to the 500 block of Grand Avenue are proposed to improve pedestrian safety and access, provide additional on-street parking and improve aesthetics with additional landscaping.

Total Project Cost: \$60,536
Recommended Funding: \$60,536

FUNDING CONCERNS: None

18 City of Grand Junction North Avenue Accessibility Improvements

There are several intersection locations along North Avenue where either the existing accessible ramps do not meet ADA standards or they do not exist. This project would provide for replacement or construction of accessible ramps to improve pedestrian safety along North Avenue.

Total Project Cost: \$25,000
Recommended Funding: \$25,000

FUNDING CONCERNS: None

19 City of Grand Junction Emerson Park Restroom Replacement

This project would replace the restroom at the downtown Emerson Park with a new combined restroom/shelter facility. The Emerson Park neighborhood is CDBG-eligible. The existing restroom was constructed in 1950 and is dated, dilapidated and requires significant ongoing maintenance. Cost savings can be realized on the project through City Parks employees doing some of the initial site preparation and reusing the architectural plans from the shelter/restroom facility constructed in Rocket (Melrose) Park in 2009.

Total Project Cost: \$160,000
Recommended Funding: \$0

FUNDING CONCERNS: None

ATTACHMENT B CDBG EVALUATION CRITERIA

Applications for CDBG funding will be judged by the following criteria:

- Proposed project meets national Objectives, is an eligible project and meets Consolidated Plan goals
- Ability of the applicant to complete the project
- Agency capacity – history of performance, staff level and experience, financial stability
- Amount requested
- Request by applicant is consistent with agency needs

CDBG NATIONAL OBJECTIVES

The mission of the CDBG program is the “development of viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.” Therefore, projects funded must address one or more of the following national objectives:

- Benefits low and moderate income persons
- Eliminates or prevents slum or blight
- Address an urgent community need (usually a natural disaster)

GRAND JUNCTION PRIORITIES 2011 FIVE YEAR CONSOLIDATED PLAN

The Grand Junction City Council maintains a commitment to use CDBG funds for facilities, services, and infrastructure that directly benefits low-income households in Grand Junction. The 5-Year Consolidated Plan outlines the following five priorities for the expenditure of CDBG funds.

- Need for non-housing community development infrastructure
- Need for affordable housing
- Needs of the homeless
- Needs of special needs populations and other human services

**ATTACHMENT C
CITY OF GRAND JUNCTION
2012 CDBG PROGRAM YEAR SCHEDULE**

Thursday February 9	PUBLIC MEETING 2012 CDBG Program Year Grant Applications Available
Monday March 12	DEADLINE for Grant Applications
March 13-23	STAFF REVIEW of Applications
By April 6	STAFF REPORT for Council Workshop
Monday, April 16 & 30	CITY COUNCIL WORKSHOP Make recommendations on which projects to fund for 2012
Wednesday May 16	CITY COUNCIL PUBLIC HEARING City Council reviews workshop recommendations and makes decision on which projects to fund for 2012 Program Year
June 4 – July 6	30-Day PUBLIC REVIEW of 2012 Annual Action Plan
Wednesday June 20	CITY COUNCIL PUBLIC HEARING Adoption of 2012 Annual Action Plan
By July 13	SUBMIT 2012 Annual Action Plan to HUD 45-day review period required
August 31	RECEIVE HUD APPROVAL
September 1	BEGIN 2012 Program Year BEGIN CONTRACTS WITH SUBRECIPIENTS

ATTACHMENT D: CDBG PROJECTS BY PROGRAM YEAR 1996-2011

1996 PROGRAM YEAR – All Projects Completed

- Habitat for Humanity Property Acquisition - \$80,000
- Catholic Outreach Homeless Day Center - \$30,000
- Program Administration - \$44,000
- GJHA Lincoln Apartments Property Acquisition - \$330,000

1997 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Homeless Day Center - \$10,000
- Marillac Clinic Elevator and Program Costs - \$90,000
- South Avenue Reconstruction - \$330,000
- Program Administration - \$47,000

1998 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Homeless Day Center - \$17,131
- Colorado West Mental Health Transitional Living Center - \$25,000
- Salvation Army Hope House Shelter - \$25,000
- Mesa Developmental Services Group Home Rehabilitation - \$200,000
- Elm Avenue Sidewalk - \$157,869
- Program Administration - \$44,000

1999 PROGRAM YEAR – All Projects Completed

- GJHA Homeless Shelter Acquisition - \$205,000
- Catholic Outreach Homeless Day Center - \$16,000
- Salvation Army Hope House Shelter - \$25,000
- Riverside Drainage Improvements - \$200,000
- Program Administration - \$26,000

2000 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Day Center Acquisition - \$130,000
- Energy Office Linden Building Rehabilitation - \$55,000
- Riverside Drainage Improvements - \$200,000
- Head Start Classroom/Family Center - \$104,000

2001 PROGRAM YEAR – All Projects Completed

- The Energy Office – Housing Acquisition - \$200,000
- Catholic Outreach Transitional Housing services - \$10,000
- Marillac Clinic Dental Expansion - \$200,000
- Mesa County Partners Activity Center Parking/Landscaping - \$15,000
- Mesa Developmental Services Group Home Improvements - \$40,000

2002 Program Year – All Projects Completed

- Catholic Outreach Soup Kitchen Remodel - \$50,000
- Western Region Alternative to Placement Program Costs - \$10,000
- Homeward Bound Bunk Beds for Homeless Shelter - \$10,000
- Western Slope Center For Children Remodel - \$101,280
- GJHA Affordable Housing Pre-development/ costs - \$41,720

- Bass Street Drainage Improvements \$205,833
- Program Administration - \$50,000

2003 Program Year – All Projects Completed

- Riverside School Historic Structure Assessment - \$4,000
- Riverside School Roof Repair - \$15,000
- Center For Independence Purchase 4-passenger Accessible Van - \$20,000
- Western Region Alternative to Placement Program Costs - \$7,500
- The Tree House Teen Bistro Rehabilitation and Americorp Volunteer - \$20,000
- Gray Gourmet Program - \$5,050
- Foster Grand Parents Program - \$5,000
- Senior Companion Program - \$5,000
- GJHA Linden Pointe Infrastructure - \$335,450

2004 Program Year – All Projects Completed

- Program Administration - \$20,000
- Five-Year Analysis of Impediments to Fair Housing Study - \$15,000
- Gray Gourmet Program - \$10,000
- Foster Grand Parents Program - \$7,000
- Senior Companion Program - \$8,000
- Radio Reading Services of the Rockies - \$4,500
- Mesa County Health Dept Purchase Equipment - \$5,000
- Riverside School Roof Repair/Rehabilitation - \$47,650
- Senior Center Masterplan Study – \$20,000
- Hilltop Community Resources Energy Improvements - \$50,000
- Housing Resources Permanent Supportive Housing - \$50,000
- Hope Haven Roof Replacement - \$7,500
- Riverside Sidewalk Improvements - \$50,000
- Grand Avenue Sidewalk Improvements - \$60,000

2005 Program Year – All Projects Completed

- Program Administration \$25,000
- Salvation Army Adult Rehab Program - \$25,000
- Mesa County Partners Purchase 12-passenger Van - \$15,000
- GJHA Bookcliff Property Acquisition - \$127,500
- Housing Resources Install Handicap Lift at 8-plex for Homeless Veterans - \$30,000
- Ouray Avenue Storm Drain Enlargement - \$172,644

2006 Program Year – All Projects Completed

- Program Administration - \$69,656
- GJHA Village Park Property Acquisition - \$178,630
- Orchard Mesa Drainage Improvements - \$100,000

2007 Program Year – All Projects Completed

- Program Administration - \$4,808
- Audio Information Network of Colorado - \$4,500
- Center for Enriched Communication - \$7,181
- Gray Gourmet Program - \$20,500

- Foster Grandparent Program - \$10,000
- Senior Companion Program - \$10,000
- Hilltop Daycare/Family Center Remodel - \$24,547
- Homeless Shelter Screen Wall - \$40,000

2008 Program Year – All Projects Completed

- Senior Multiuse Campus Study - \$80,000
- Riverside Educational Center – Americorps Personnel - \$5,000
- Gray Gourmet Program - \$20,500
- Riverside Task Force Acquisition - \$220,900
- Partners W CO Conservation Corps Acquisition - \$100,000
- Center for Independence Vocational Center Remodel - \$9,500
- Melrose Park Restroom Replacement - \$108,201
-

2009 Program Year – All Projects Completed

- CDBG Program Administration - \$30,000
- HomewardBound Van Purchase - \$21,071
- Senior Companion Program - \$12,000
- GJHA Walnut Park Apartments - \$100,000
- Riverside Task Force Acquisition/Clearance - \$105,574
- MDS Group Home Remodel - \$40,000
- HRWC Garden Village Learning Center - \$120,000
- W Slope Center for Children Main Program Building Remodel - \$65,000
- Dual Immersion Academy Slope Stabilization/Landscaping - \$56,714

2010 Program Year – All Projects Completed

- CDBG Program Administration - \$60,000
- Gray Gourmet Program - \$20,500
- Foster Grandparent Program - \$12,000
- Partners Western CO Conservation Corps Van Purchase - \$17,000
- Counseling and Education Center - \$6,682
- Hawthorne Park Restroom Replacement - \$140,000
- HomewardBound Shelter Repairs and Improvements - \$6,000
- Center for Independence Energy Improvements - \$34,100
- Grand Valley Catholic Outreach Soup Kitchen Remodel - \$88,725

2011 Program Year

- CDBG Program Administration - \$30,000 (50% completed)
- Grand Valley Catholic Outreach St. Martin Place - \$50,000 (completed)
- BIC Downtown Economic Gardening - \$50,000
- GJHA Courtyard Apartments Remodel - \$101,205 (98% completed)
- MDS Group Home Remodel - \$9,924 (completed)
- Homeless Shelter Bathroom Remodel - \$30,000 (not completed – returned funds)
- Center for Independence Kitchen Remodel - \$30,475
- Strong Families, Safe Kids Parenting Place Remodel - \$9,371
- St. Mary's Senior Companion Program - \$8,000 (completed)
- St. Mary's Foster Grandparent Program - \$10,000 (25% completed)

ATTACHMENT E: 2012 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS

	2012 FUNDING	\$371,526			
	Unexpended Previous Years	\$34,824			
	Total Funding Available	\$406,350			
	AGENCY	PROJECT TITLE	GRANT REQUEST	PROJECT INFORMATION AND STAFF REVIEW	
1	City of Grand Junction	Program Administration	\$5,000	To cover 1/3 staff salary, general program administration expended by August 31, 2102	
	Balance for Projects				
2	Services	St. Marys Foundation	Foster Grandparent Program	\$10,000	Funds to reimburse senior volunteers for travel expenses to various locations. Outstanding balance of \$6,200 on 2011 grant as of December 2012.
3	Services	St. Marys Foundation	Senior Companion Program	\$12,000	Funds to reimburse senior volunteers for travel expenses to various locations. All 2011 funds have been expended.
4	Services	St. Marys Foundation	Gray Gourmet	\$11,125	Funds to reimburse volunteers for travel expenses to various locations. Did not apply for CDBG funds in 2011.
5	Services	Riverside Educational Center	Mentor-Mentee Program	\$8,850	Funds will be used to provide additional services to 15 participants in the program.
6	Services	Counseling and Education Center	Low Income Counseling Services	\$7,000	Funds will be used to provide approximately 140 additional sessions for approximately 28 low income persons residing in Grand Junction City limits. Applied but did not receive 2011 funds.
7	Services	Audio Information Network of Colorado	Grand Junction Audio Information Services	\$12,000	Currently serve 7 Grand Junction residents with a total of 10 hours of audio broadcasting. Propose to add 10 more. Concern that funds are to be used for audio broadcasting - difficult to track service to city vs. non-city residents but did not receive 2011 funds.

8 Services	Grand Junction Housing Authority	Next Step Housing Program	\$25,000	Funds will be used for one-time assistance to households for deposits for housing. 2011 grant has only a small amount to be expended by May 2012.
	SUB-TOTAL SERVICES REQUESTS		\$85,975	Service
9 Facility	Karis	Purchase The House - Shelter for Youth	\$85,000	Funds used to acquire The House, shelter for homeless organization that has not applied for CDBG funds.
10 Facility	HomewardBound of the Grand Valley	Purchase Building for Homeless Shelter Relocation	\$130,000	Funds will be used to acquire a building to be used as HomewardBound is requesting a letter of support for additional funds.
11 Facility	Grand Valley Catholic Outreach	Repair/Remodel of T-House	\$13,911	Funds to remodel the emergency housing duplex. CD used for clothes washer/dryer (\$1,273). All 2011 funds and the project closed out.
	AGENCY	PROJECT TITLE	GRANT REQUEST	PROJECT INFORMATION AND STAFF REVIEW
12 Facility	Mesa Developmental Services	Program Office HVAC Replacement	\$50,000	Funds to replace heating and cooling systems in main services building. All 2011 funds have been expended out.
13 Facility	Strong Families, Safe Kids	Parenting Place Energy Improvements	\$21,500	Funds to replace siding and roof on the Parenting Place. 2011 project is underway, expect funds to be expended only 64% of families served live in Grand Junction, CD the project (\$14,080).
14 Facility	Center for Independence	Technology for Human Services	\$5,092	Create an updated computer lab at the main program. Purchase of computer equipment is not an eligible CD project has not been started.
15 Facility	St. Marys Foundation	Gray Gourmet	\$5,500	Funds to make capital improvements to meal preparation

16 Public	City of Grand Junction	6th Street Sewer Line Relocation	\$27,500	Staff requests applications for eligible City projects for... The City did not fund a public project with 2011 CDBG... would provide for a sewer line that presently runs un... relocated to continue to serve the adjacent 6th Street... allow for expansion of the library.
17 Public	City of Grand Junction	6th Street Pedestrian Safety and Parking Improvements	\$60,536	In support of the library's proposed expansion, this pr... pedestrian safety and provide additional parking along... the library site.
18 Public	City of Grand Junction	North Avenue Accessibility Improvements	\$25,000	This project would provide for construction of 11 acco... North Avenue that do not currently exist or the design... requirements.
19 Public	City of Grand Junction	Emerson Park Restroom	\$160,000	This project would provide for construction of a new... replace the existing restroom in Emerson Park.
TOTAL PROJECT REQUESTS			\$675,014	

TOTAL FUNDI

Attach 7



CITY COUNCIL AGENDA ITEM

Date: April 24, 2012

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner / 4058

Proposed Schedule:

1st Reading – April 18, 2012

2nd Reading (if applicable):

2nd Reading – May 16, 2012

File # (if applicable): RZN-2012-11

Subject: Rezone Two Parcels Located at 2173 and 2175 River Road

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance

Presenter(s) Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A City initiated request to rezone two parcels totaling 11.515 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

Background, Analysis and Options:

Sandwiched between the railroad, I-70, and Persigo Wash are approximately 24 acres in three parcels fronting on River Road. These parcels were included in the Persigo No. 2 Annexation in 1992. The easternmost parcel (2175 River Road) is a metes and bounds description and has never been developed. The two western parcels were created through the Murdock Minor Subdivision in 1996. A shop and office were built on Lot 1 in 1997 (SPR-1996-238) for "farm implement sales" at 2173 River Road. Both properties were zoned I-1 at that time. Lot 2 remains vacant and is presently zoned I-1.

In 2010, the Comprehensive Plan was adopted, establishing an Industrial designation for these properties. The purpose of the Comprehensive Plan is to outline the vision that the community has developed for its future. After adoption of the Comprehensive Plan, it became apparent that the zoning of several areas around the City were in conflict with the Future Land Use Map. Each area was evaluated to determine what the best course of action would be to remedy the discrepancy. This was necessary to provide clear direction to property owners on what the community envisioned for the areas. It is also important to eliminate conflicts between the Comprehensive Plan Future Land Use Map and the zone district applied to a given property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan. Eliminating the conflict will therefore create the greatest opportunity for landowners to use and develop their property.

The current C-2 zoning is in conflict with the Future Land Use designation of Industrial. Upon evaluation, it was determined that rezoning these properties from C-2 to I-1 would be the best course of action to bring them into conformance with the existing Future Land Use designation.

The only existing land use is Murdock Trailer Sales, which was approved as “farm implement sales” in 1996 when the property was previously zoned I-1. Farm implement/Equipment Sales/Service is allowed in the I-1 zone district per Section 21.04.010 of the Grand Junction Municipal Code (GJMC).

The property owners were notified of the proposed zone change via a mailed letter and invited to an open house to discuss any issues, concerns, suggestions or support. The open house was held on January 25, 2012. No comment sheets were received regarding the Area 1 proposal.

The owner of the Murdock Trailer Sales, Scott Murdock, expressed concern about future uses of his property. He stated that the land has interstate frontage which is more valuable if the property was zoned commercial than if it were zoned industrial. The commercial zoning would also give a broader range of options, according to Mr. Murdock. With all due respect to this concern, the character of the area has been and remains industrial and in Staff’s opinion, commercial redevelopment is unlikely and would not fit successfully in the area. The area is well suited for industrial uses, as it is sandwiched between two major transportation corridors and the Persigo plant. Despite visibility from I-70, there is neither direct access to the Interstate nor to US Highway 6 & 50, which is separated by a railroad, with the nearest crossing $\frac{3}{4}$ of a mile away at G Road. As noted earlier, the property was previously zoned I-1 and the current land use was approved and remains consistent with an I-1 zone district. There was discussion at the Planning Commission hearing regarding the potential for vehicle sales at this location; it was determined that the proposed I-1 zone would permit vehicle sales with a Conditional Use Permit (CUP).

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

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

This area is along a corridor of industrial uses accessed from River Road and is presently designated as Industrial. The proposed zone change to I-1 would provide the opportunity for future light industrial uses and also match the current zoning of I-1 of the third parcel to the west.

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

Rezoning the property to I-1 (Light Industrial) will maintain and potentially help spur the industrial development identified for this area of the City, for the creation of jobs and maintaining a healthy and diverse economy.

Board or Committee Recommendation:

The Grand Junction Planning Commission met on March 27, 2012 and forwarded a unanimous recommendation of approval to the City Council.

Financial Impact/Budget: N/A

Legal issues: None.

Other issues: None.

Previously presented or discussed: Consideration and First Reading of the Rezone Ordinance was April 18, 2012.

Attachments:

Background information
Rezone criteria
Site Location Map
Aerial Photo Map
Future Land Use Map
Existing City and County Zoning Map
Ordinance

BACKGROUND INFORMATION					
Location:		2173 and 2175 River Road			
Applicants:		City of Grand Junction			
Existing Land Use:		Trailer Sales and Vacant			
Proposed Land Use:		No changes to land use(s) proposed			
Surrounding Land Use:	North	Railroad / Vacant			
	South	I-70			
	East	I-70			
	West	Vacant			
Existing Zoning:		C-2 (General Commercial)			
Proposed Zoning:		I-1 (Light Industrial)			
Surrounding Zoning:	North	C-2 (General Commercial)			
	South	County PUD			
	East	I-1 (Light Industrial) County PUD			
	West	I-1 (Light Industrial)			
Future Land Use Designation:		Industrial			
Zoning within density range?		X	Yes		No

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

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

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

The 2010 adoption of the Comprehensive Plan designated the Future Land Use for this area as Industrial, rendering the existing C-2 (General Commercial) zoning inconsistent with the Plan. The proposed rezone to I-1 (Light Industrial) will resolve this inconsistency.

This criterion is met.

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

These two properties were zoned I-1 in 1996, though they were subsequently rezoned to C-2. Despite their visibility from the Interstate, they do not have direct access to either I-70 or US Highway 6 & 50, rendering them difficult to attract commercial development. Rezoning the area to I-1 is consistent with the existing character of the area as well as with the Comprehensive Plan.

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

Infrastructure necessary for industrial uses is available and is adequate to accommodate the existing uses.

This criterion is met.

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

The Comprehensive Plan anticipated the need for additional industrial uses throughout the community. The location of these properties between I-70 and the Union Pacific railroad, with access to River Road, an existing industrial corridor, make them ideally located for industrial use.

As stated in Goal 12 of the Comprehensive Plan, the City desires to be a regional provider of goods and services. To meet this Goal, the Future Land Use Map identified several areas that were deemed appropriate for industrial uses. This is such an area. The proposed rezone to I-1 will create consistency with the Comprehensive Plan as well as additional land for light industrial uses.

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

The proposed zoning amendment will bring the zoning into conformance with the Comprehensive Plan, consistent with the Goals of the Comprehensive Plan.

This criterion is met.

FINDINGS OF FACT/CONCLUSIONS:

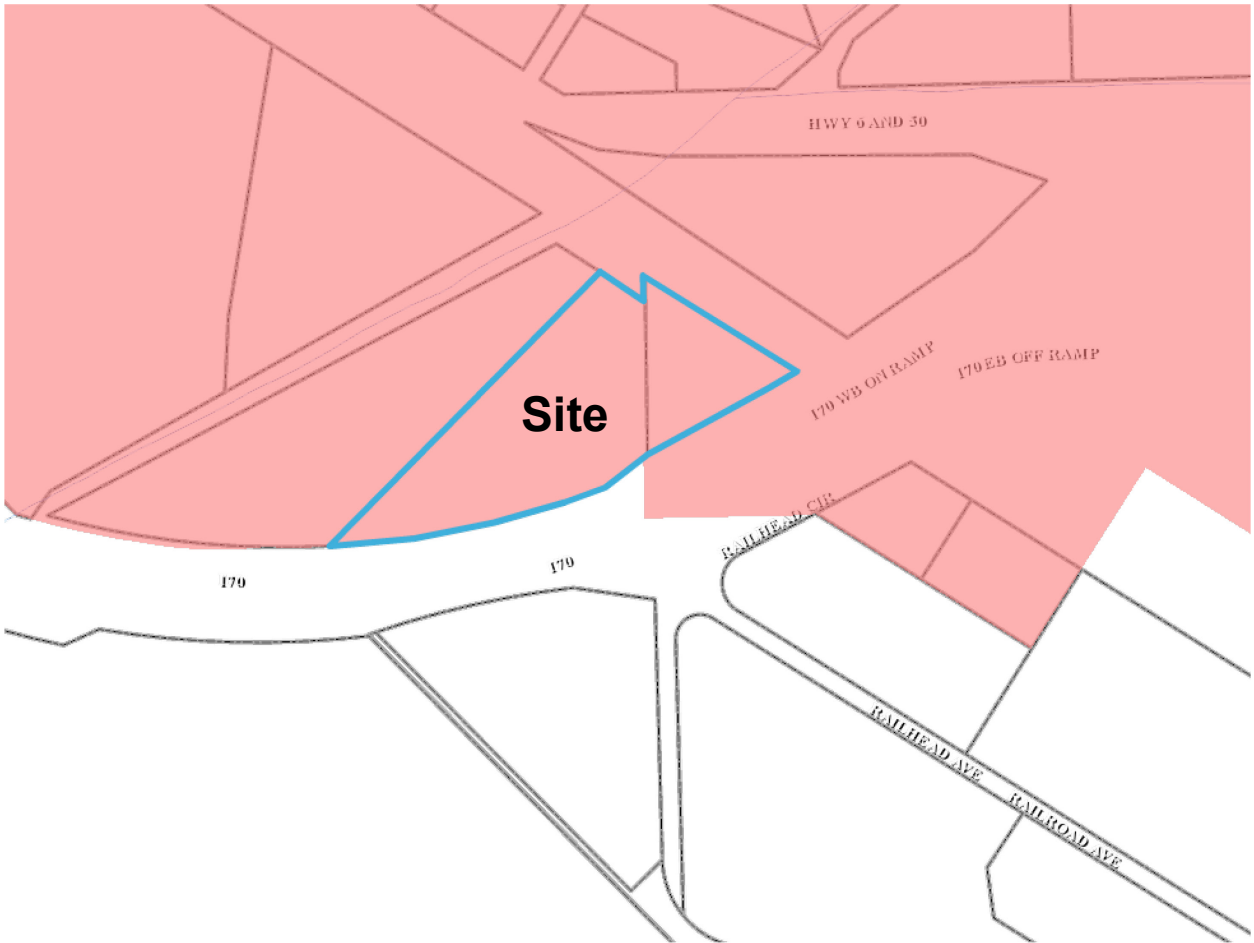
After reviewing the Area 1 Rezone, RZN-2012-11, a request to rezone two parcels totaling 11.515 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district, the following findings of fact and conclusions have been determined:

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

4. Review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

Site Location Map

Figure 1



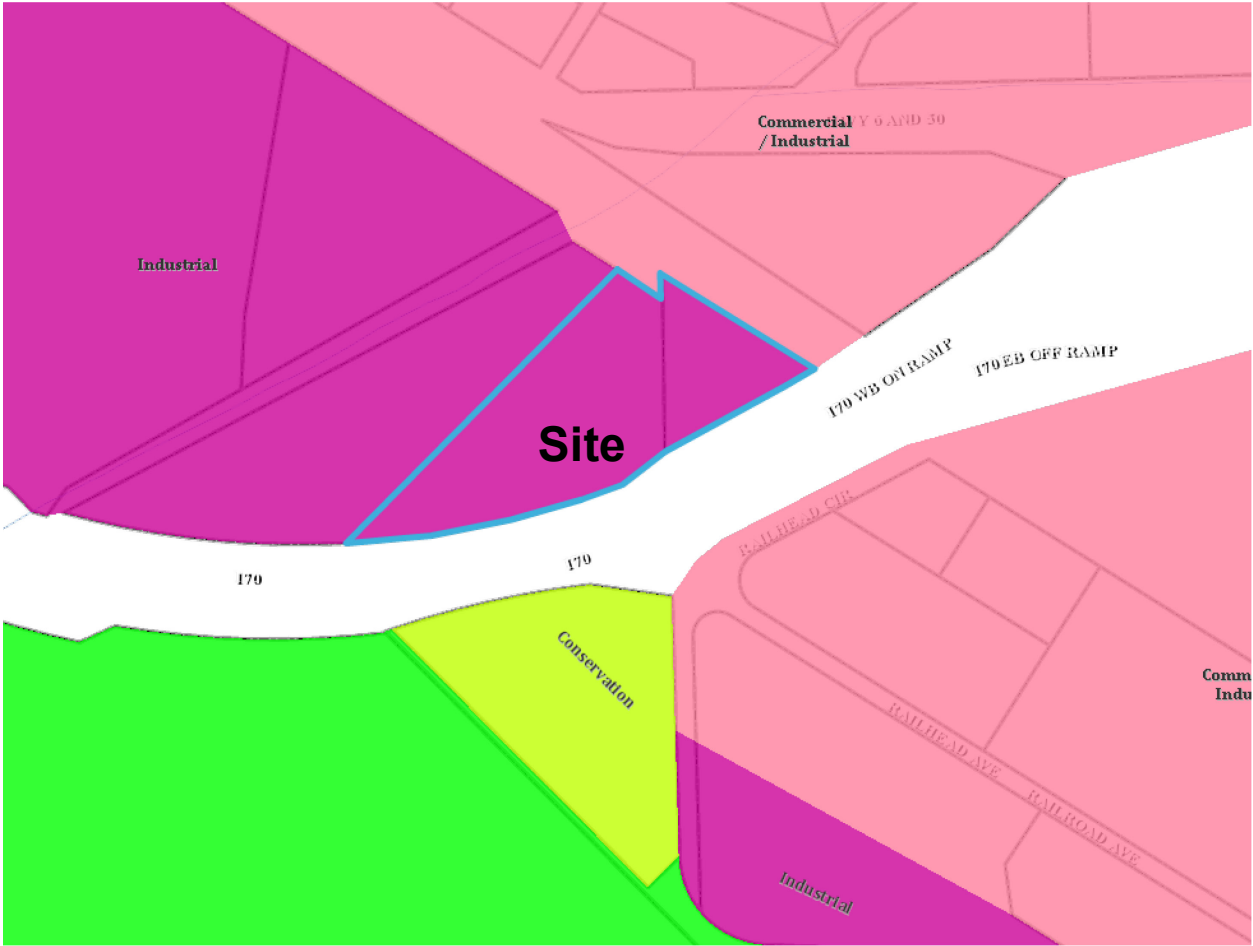
Aerial Photo Map

Figure 2



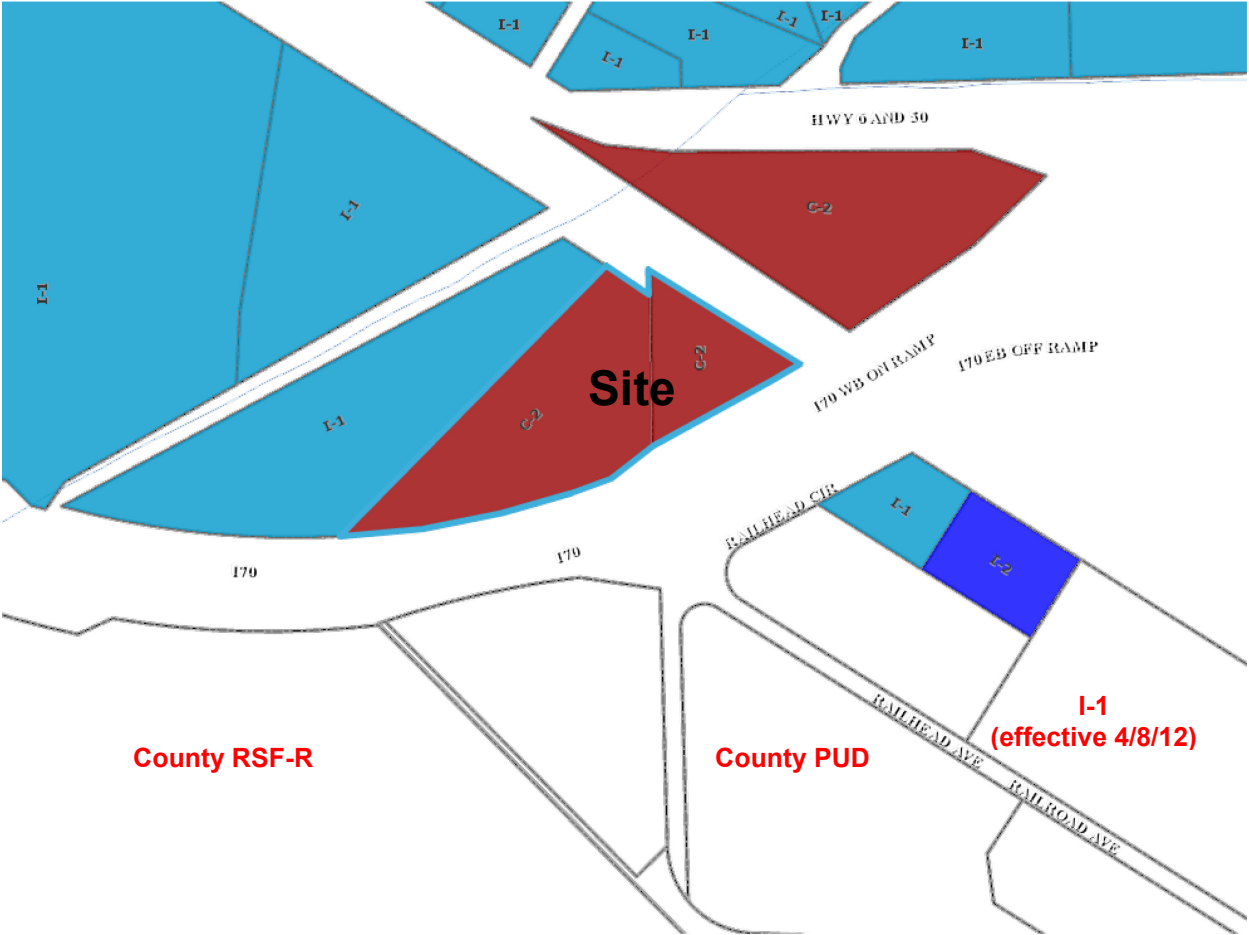
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING PROPERTIES AT
2173 AND 2175 RIVER ROAD
FROM A C-2 (GENERAL COMMERCIAL)
TO AN I-1 (LIGHT INDUSTRIAL) ZONE DISTRICT**

Recitals.

On February 17, 2010 the Grand Junction City Council adopted the Grand Junction Comprehensive Plan which includes the Future Land Use Map, also known as Title 31 of the Grand Junction Municipal Code of Ordinances.

The Comprehensive Plan established or assigned new land use designations to implement the vision of the Plan and guide how development should occur. The Comprehensive Plan anticipated the need for additional commercial, office and industrial uses throughout the community and included land use designations that encouraged more intense development in some urban areas of the City.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property. City Staff analyzed these areas to consider how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis of this area, Staff has determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of these properties and to allow maximum use of the property in the area consistent with the Comprehensive Plan.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial to maximizing opportunity for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

The I-1 zone district implements the Future Land Use designation of Industrial, furthers the Comprehensive Plan's goals and policies and is generally compatible with land uses in the surrounding area.

An Open House was held on January 25, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A display ad noticing the Open House ran in the Daily Sentinel newspaper to encourage public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed zoning map amendment for the following reasons:

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

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed zoning map amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The following property shall be rezoned I-1 (Light Industrial):

SEE ATTACHED MAP.

INTRODUCED on first reading the 18th day of April, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

Rezone - Area 1



2 Parcels

Rezone from
C-2 (General Commercial) to
I-1 (Light Industrial)

VALLEY CT

22 RD

HWY 6 AND 50

RIVER RD

170 170 WB ON RAMP
170 EB OFF RAMP

170

RAILHEAD CIR

RAILROAD AVE RAILHEAD AVE



Attach 8

CITY COUNCIL AGENDA ITEM

Date: May 4, 2012

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: April 18,
2012 (1st Reading)

2nd Reading: May 16, 2012

File #: RZN-2012-28

Subject: Rezone Property Located at 763 23 ½ Road

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance

Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A City initiated request to rezone one property totaling 1.89 +/- acres located at 763 23 ½ Road from R-E (Residential-Estate) to R-O (Residential Office).

Background, Analysis and Options:

In 2010, the Comprehensive Plan was adopted by the City designating this property as Residential Medium (4 – 8 du/ac) on the Future Land Use Map. The property is presently zoned R-E, (Residential – Estate) which is inconsistent with the Comprehensive Plan Future Land Use Map designation. The Comprehensive Plan was adopted by the City to help guide how future development should occur.

When the City adopted the Comprehensive Plan, properties were not rezoned at that time to be consistent with the land use designations. This means that in certain areas there is a conflict between the land use designation and the zoning of the properties. This property is in one of these areas. It is important to eliminate conflicts between the Comprehensive Plan Future Land Use Map and the zone district applied to a given property, because the Zoning and Development Code, in Sections 21.02.070 (a) (6) (i) and 21.02.080 (d) (1), requires that all development projects comply with the Comprehensive Plan. Eliminating the conflict will therefore create the greatest opportunity for landowners to use and develop their property.

In order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, City Staff recommends a change of zoning for this property. The City is proposing to rezone this property from R-E, (Residential – Estate) to R-O, (Residential Office) to support the vision and goals of the Comprehensive Plan and to implement the Future Land Use designation of Residential Medium. Changing the zoning will not impact the existing single-family detached residence as this is an allowed land use in the R-O district and will also potentially allow the maximum opportunity to

utilize or redevelop the property in the future, perhaps to an office and/or multi-family residential land use.

The proposed R-O zone district will allow more uses than what is allowed in the R-E zone district. Examples of such uses include: two-family and multi-family development, group living facility, medical clinic, general office, health club, etc. No outside storage of materials is allowed in the R-O zone district. The R-O zone district will also still provide the necessary transition between the existing light industrial development to the south and west from the existing large lot single-family detached residences to the north and east.

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

The proposed rezone to R-O, (Residential Office) implements the future land use designation of Residential Medium and meets the following goals from the Comprehensive Plan.

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

The proposed rezone to R-O, (Residential Office) would allow the existing or future property owner to utilize or redevelop the property in the future, perhaps to an office and/or multi-family residential land use to serve the adjacent light industrial developments, while maintaining the buffer and transition area between the existing light industrial and single-family residential land uses.

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

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

The R-O zone district allows multi-family development and two-family dwellings both of which would provide increased density and a broader mix of housing types that would meet the needs of a variety of incomes, family types and life stages.

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

The proposed R-O zone district provides a transition zone between the existing light industrial development to the west and south and the existing single-family residential development to the north and east. One of the purposes of the R-O zone district is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

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

The R-O zone district would create the opportunity for future office and/or residential mixed use development, enhancing the health and diversity of the City's economy. Therefore, the R-O zone district implements the Residential Medium designation of the Comprehensive Plan Future Land Use Map.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their March 27, 2012 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

Consideration and First Reading of the Rezone Ordinance was April 18, 2012.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City and County Zoning Map
Open House Comments Received
Ordinance

BACKGROUND INFORMATION			
Location:	763 23 ½ Road		
Applicant:	City of Grand Junction		
Existing Land Use:	Single-family detached house		
Proposed Land Use:	N/A		
Surrounding Land Use:	North	Single-family detached	
	South	Commercial/Industrial (Power Motive Company)	
	East	Single-family detached	
	West	Commercial/Industrial (Hanson International)	
Existing Zoning:	R-E, (Residential – Estate)		
Proposed Zoning:	R-O, (Residential Office)		
Surrounding Zoning:	North	County - RSF-R, (Residential Single Family – Rural)	
	South	I-1, (Light Industrial)	
	East	County – RSF-R, (Residential Single Family – Rural)	
	West	I-1, (Light Industrial)	
Future Land Use Designation:	Residential Medium (4 – 8 du/ac)		
Zoning within density range?	X	Yes	No

Additional Background:

This property has a complicated history. It has undergone two previous Growth Plan Amendments. In 2000, the City changed the designation from Estate to Commercial/Industrial to accommodate a proposed light industrial use expansion by then owner, Webb Crane. At that time, the subject land was part of a larger 20 acre parcel. The land was then zoned PD, (Planned Development) with the condition that Webb Crane provide two additional housing units along 23 ½ Road to serve as employee rental housing. The purpose of this was, among other things, to maintain a buffer of residential use between Webb Crane's industrial use and the established residential neighborhood on the east side of 23 ½ Road. Webb Crane never implemented the planned development and subsequently went out of business.

Hanson International then relocated to the site. Because Hanson did not need all the acreage and did not want to be in the housing business, rather than amending the existing PD ordinance, Staff recommended, and the City Council approved, a change to a straight zone in 2005. Because Hanson's goal was to sell off the existing property (Hanson Subdivision), it requested a reversion to the original zoning designation of Residential Estate (R-E) so the house could be sold as a conforming use. The second

Growth Plan Amendment from Commercial/Industrial to Estate was approved, and the parcel was subsequently rezoned R-E, its present zoning designation.

In 2008, Power Motive, the new property owner to the south, desired to obtain the property to expand their business and remove the existing home. To allow this the Future Land Use Map was requested to be changed back to the Commercial/Industrial designation, however, this application was ultimately denied by the Planning Commission and City Council (City file #GPA-2008-011) based on neighborhood input to maintain the buffer and transition area between the existing light industrial and single-family residential land uses.

The current property owner was notified of the proposed rezone change via mail and invited, along with other property owners in the area, to attend an Open House held on January 25, 2012 to discuss any issues, concerns, suggestions or support for the rezone request. To date, Project Manager has not heard from the property owner, but the adjacent residential neighbors would still like to see the buffer between light industrial and the existing residential maintained, which is one of the purposes of the R-O zone district, to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

Section 21.02.140(a) of the Grand Junction Zoning and Development Code:

In order to rezone property in the City, one or more of the following criteria must be met:

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

The existing property is currently zoned R-E, (Residential – Estate), however the Comprehensive Plan Future Land Use Map identifies this property as Residential Medium (4 – 8 du/ac). The existing zoning of R-E (max density of 1 unit per acre) is not in compliance with the Future Land Use Map designation, therefore the proposed rezone to R-O, (Residential Office) will bring this property into compliance with the Future Land Use Map.

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

The character and/or condition of the area has changed little over the years as the area has developed as light industrial to the south and west, with large lot single-family residential to the north and east. The proposed rezone will bring the zoning of the property into compliance with the Comprehensive Plan Future Land Use Map and still maintain the transition and buffer between the light industrial and single-family residential development, which the neighborhood is requesting. No outside storage of materials is allowed in the R-O zone district.

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

City sewer and Ute Water are currently available in 23 ½ Road, therefore public and community facilities are adequate, or can be made available, to serve the property at the time when future development would occur.

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

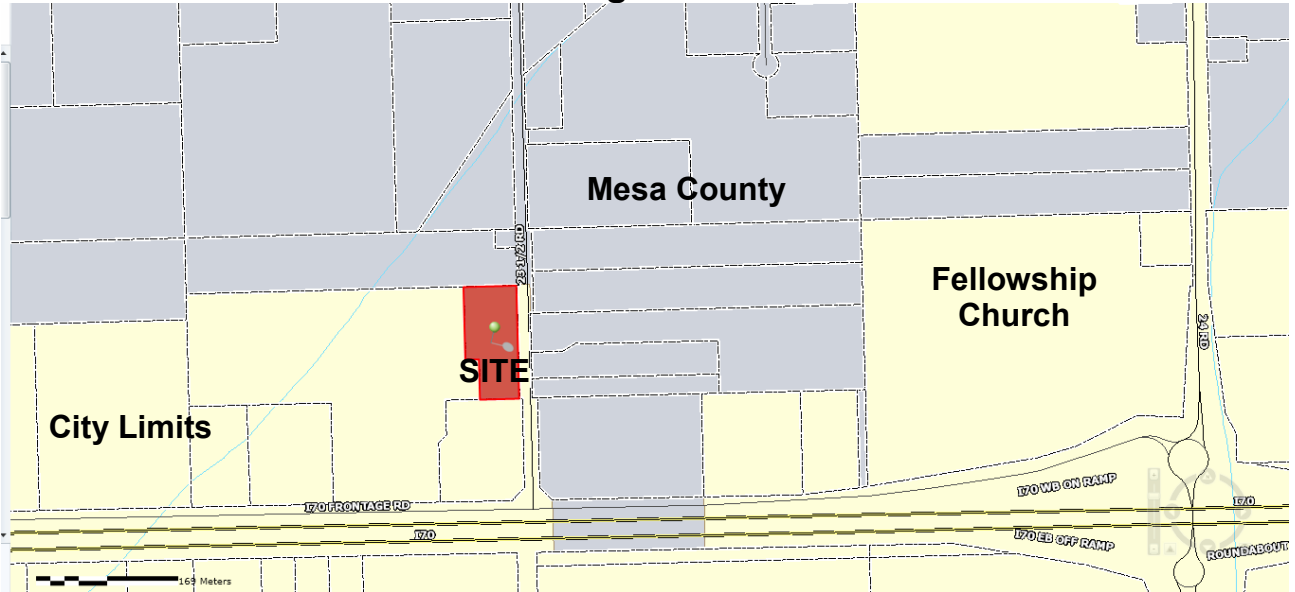
The proposed rezone is in conjunction with a City wide initiated rezone to remove conflicts that were created when the Comprehensive Plan was adopted.

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

The proposed rezone to R-O from R-E will provide the opportunity for future multi-family and/or general office development and also continue to provide the opportunity to transition and buffer future development from the existing industrial land uses to the south and west to the existing residential properties to the north and east.

Site Location Map – 763 23 ½ Road

Figure 1



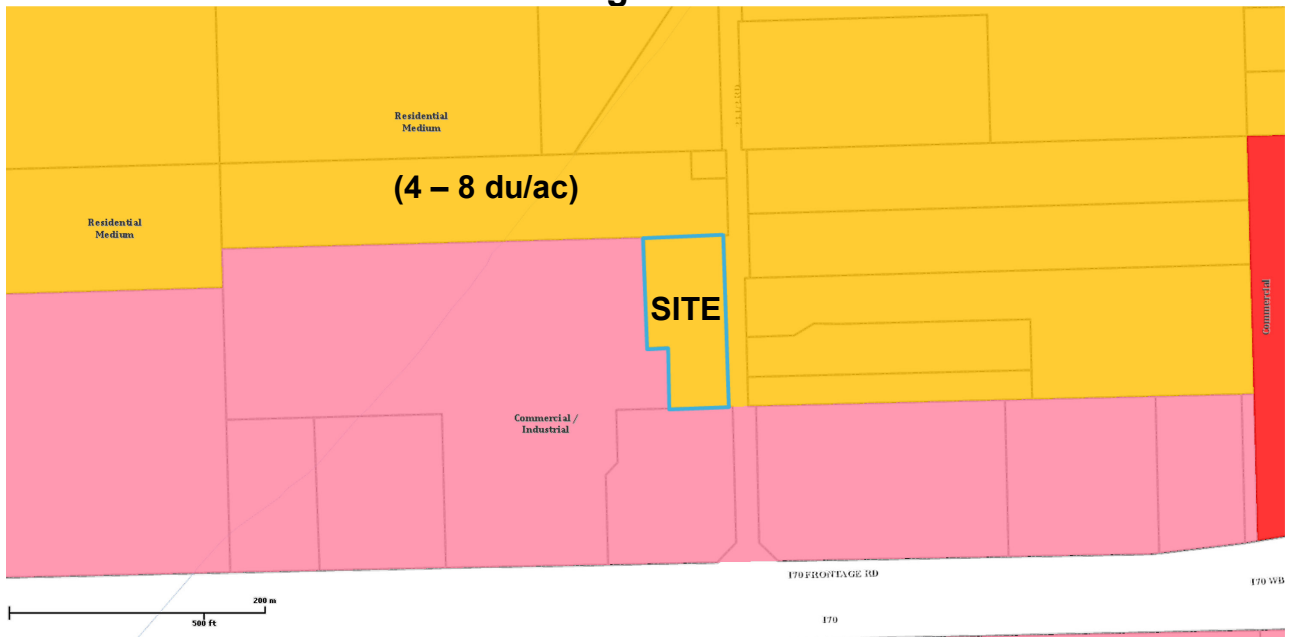
Aerial Photo Map – 763 23 ½ Road

Figure 2



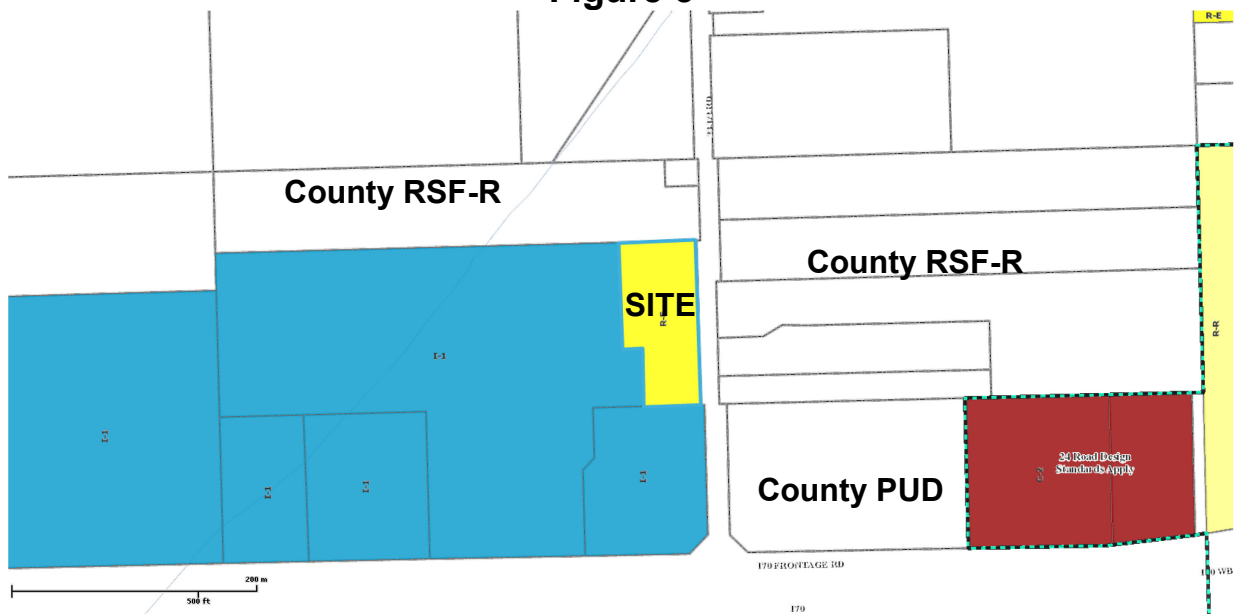
Comprehensive Plan – 763 23 ½ Road

Figure 3



Existing City and County Zoning

Figure 5





OPEN HOUSE
January 25, 2012
4-6:00 p.m.
Grand Junction City Hall

Zoning Change Open House

Areas Areas 1, 2, 4, 5, 7, 8, 13, 14

Comment Sheet

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

23 1/2 R0A AREA 2

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

I think any rezone should originate with the property owners applying. Not the city trying to rezone.

Name Dick Pennington
Address 780-23 7/10 Rd
Grand Jct, Co 81505
Phone 342-6318
Email _____

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



OPEN HOUSE ✓
January 25, 2012
4-6:00 p.m.
Grand Junction City Hall

Zoning Change Open House

Areas Areas 1, 2, 4, 5, 7, 8, 13, 14

Comment Sheet

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

763 23 1/2 Rd

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

I would like to see the zone be either left like it is or just Residential so it can remain as the buffer

Name Paul Early
Address 776 23 1/2 Rd
Phone 243-0452
Email _____

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING ONE PROPERTY FROM
R-E (RESIDENTIAL - ESTATE) TO R-O (RESIDENTIAL OFFICE)**

LOCATED AT 763 23 1/2 ROAD

Recitals.

On February 17, 2010 the Grand Junction City Council adopted the Grand Junction Comprehensive Plan which includes the Future Land Use Map, also known as Title 31 of the Grand Junction Municipal Code of Ordinances.

The Comprehensive Plan established or assigned new land use designations to implement the vision of the Plan and guide how development should occur. In many cases the new land use designation encouraged higher density or more intense development in some urban areas of the City. The Comprehensive Plan anticipated the need for additional commercial, office and industrial uses throughout the community.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property. City Staff analyzed these areas to consider how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis of this area, City Staff determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of this property and to allow for maximum use of the property consistent with the Comprehensive Plan.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial to maximizing opportunity for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

The R-O zone district implements the Future Land Use Designation of Residential Medium, is consistent with the Comprehensive Plan's goals and policies and is generally compatible with land uses in the surrounding area.

An Open House was held on January 25, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A display ad noticing the Open House ran in the Daily Sentinel newspaper to encourage public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed zoning map amendment for the following reasons:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The applicable review criteria in Section 21.02.140 of the Grand Junction Zoning and Development Code are met.

After public notice and a public hearing, the City Council hereby finds and determines that the proposed zoning map amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The following property shall be rezoned R-O, (Residential Office).

Lot 1, Hanson Subdivision. See attached map.

763 23 1/2 Road (Parcel # 2701-322-19-001)

Introduced on first reading this 18th day of April, 2012 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor

Rezone - Area 2



Attach 9



CITY COUNCIL AGENDA ITEM

Date: May 4, 2012

Author: Scott D. Peterson

Title/ Phone Ext: Senior
Planner/1447

Proposed Schedule: April 18,
2012 (1st Reading)

2nd Reading: May 16, 2012

File #: RZN-2012-29

Subject: Rezone Property Located at 483 30 Road

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance

Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A City initiated request to rezone one property totaling 6.22 +/- acres located at 483 30 Road from C-1 (Light Commercial) to C-2 (General Commercial).

Background, Analysis and Options:

In 2010, the Comprehensive Plan was adopted by the City designating this property as Commercial/Industrial on the Future Land Use Map. The property is presently zoned C-1, (Light Commercial) which is inconsistent with the Comprehensive Plan Future Land Use Map designation of Commercial/Industrial. The Comprehensive Plan was adopted by the City to help guide how future development should occur. The property was annexed into the City in 1999.

When the City adopted the Comprehensive Plan, properties were not rezoned at that time to be consistent with the land use designations. This means that in certain areas there is a conflict between the land use designation and the zoning of the property. This property is in one of these areas. It is important to eliminate conflicts between the Comprehensive Plan Future Land Use Map and the zone district applied to a given property, because the Zoning and Development Code, in Sections 21.02.070 (a) (6) (i) and 21.02.080 (d) (1), requires that all development projects comply with the Comprehensive Plan. Eliminating the conflict will therefore create the greatest opportunity for landowners to use and develop their property.

In order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, City Staff recommends a change of zoning for this area. The City is proposing to rezone this property from C-1, (Light Commercial) to C-2, (General Commercial) to support the vision and goals of the Comprehensive Plan and to implement the future land use designation of Commercial/Industrial. Changing the zoning will not impact the existing church and will allow the maximum opportunity to

utilize or redevelop the property in the future. Religious Assembly is an allowed land use within all zone districts with the exception of the I-O, (Industrial Office) and I-2, (Heavy Industrial) zones.

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

The proposed rezone to C-2, (General Commercial) implements the future land use designation of Commercial/Industrial and meets the following goals from the Comprehensive Plan:

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

This existing property is located within an area designated as Commercial/Industrial on the Future Land Use Map. The proposed zone change to C-2 would provide the opportunity for future heavy commercial and light industrial development.

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

The existing church is an allowed land use in the C-2 zone district. Changing the zoning will not impact the existing land use and may allow greater opportunity to utilize or redevelop the property at some point in the future.

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

Rezoning the property to C-2, (General Commercial) will maintain and potentially help spur the current and anticipated heavy commercial and light industrial development identified for this area of the City, for the creation of jobs and maintaining a healthy and diverse economy.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their March 27, 2012 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

Consideration and First Reading of the Rezone Ordinance was April 18, 2012.

Attachments:

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

BACKGROUND INFORMATION				
Location:		483 30 Road		
Applicants:		City of Grand Junction		
Existing Land Use:		Church (Jubilee Family Church)		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Industrial - Cal-Frac		
	South	Single-family residential detached (non-conforming)		
	East	Single-family residential detached		
	West	Industrial – Cal-Frac		
Existing Zoning:		C-1, (Light Commercial)		
Proposed Zoning:		C-2, (General Commercial)		
Surrounding Zoning:	North	I-1, (Light Industrial)		
	South	County – I-2 (General Industrial)		
	East	County – RSF-4, (Residential Single Family – 4 du/ac)		
	West	I-1, (Light Industrial)		
Future Land Use Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

Additional Background:

The proposed rezone to C-2, (General Commercial) will allow more opportunity to redevelop the property in the future to allow for more heavy commercial and light industrial land uses such as; manufacturing/processing indoor operations with outdoor storage, industrial services, contractors and trade shops, oil and gas support, warehouse and freight movement, etc., and manufacturing/production with outdoor operations and storage with a Conditional Use Permit, as examples that would not be allowed in the present C-1 zone district.

The property owner was notified of the proposed rezone change via mail and invited, along with other property owners in the area, to attend an Open House held on January 25, 2012 to discuss any issues, concerns, suggestions or support for the rezone request. To date, the property owner and neighbors have not submitted any concerns regarding the proposed rezone.

Section 21.02.140(a) of the Grand Junction Zoning and Development Code:

In order to rezone property in the City, one or more of the following criteria must be met:

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

The existing property is currently zoned C-1, (Light Commercial), however the Comprehensive Plan Future Land Use Map identifies this property as Commercial/Industrial. The existing zoning of C-1 is not in compliance with the Future Land Use Map designation, therefore the proposed rezone to C-2, (General Commercial) will bring this property into compliance with the Future Land Use Map.

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

The character and/or condition of the area have changed little over the years as the area has developed as commercial/industrial with some non-conforming single-family detached housing. The proposed rezone will bring the zoning of this property into compliance with the Comprehensive Plan Future Land Use Map.

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

The property is located at the intersection of 30 Road and Teller Court with access to I-70 B. Ute Water and Central Grand Valley sanitary sewer service is also available adjacent to the property.

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

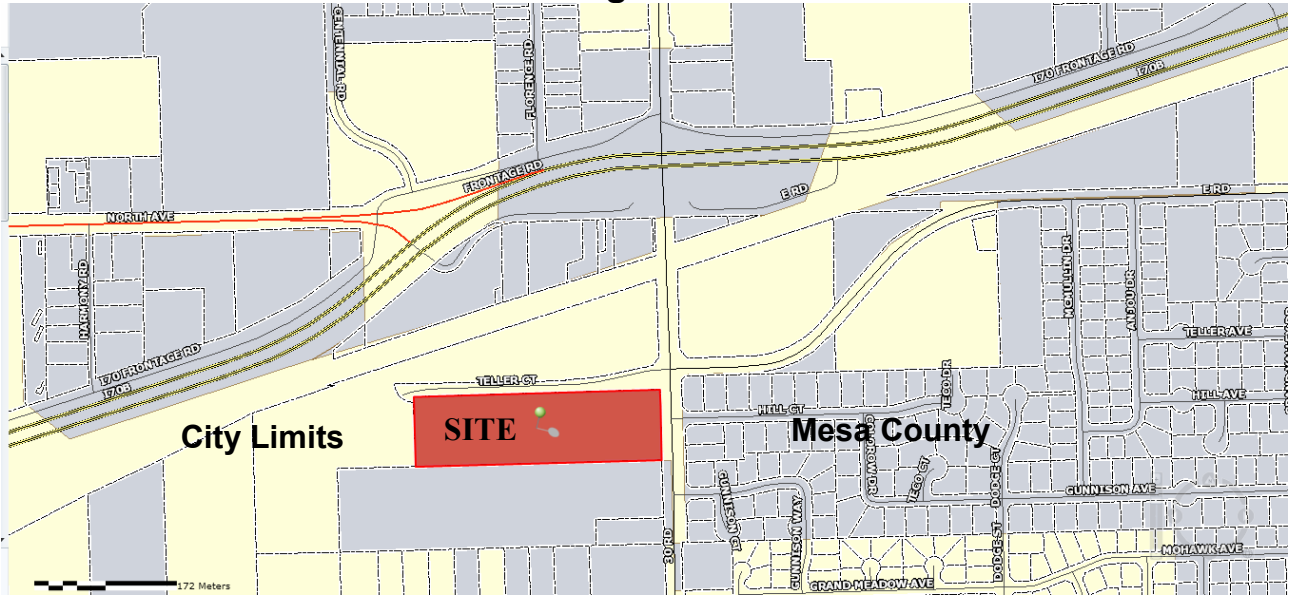
As stated in Goal 12 of the Comprehensive Plan, the City desires to be a regional provider of goods and services. To meet this Goal, the Future Land Use Map identified several areas that were deemed appropriate for heavy commercial and light industrial uses. The property that is the subject of this rezone is in such an area. Therefore the proposed rezone, being consistent with the Comprehensive Plan, will possibly create additional land zoned for heavy commercial and light industrial uses.

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

The proposed rezone to C-2 from C-1 will provide the opportunity for future heavy commercial and light industrial development. The proposed rezone will also alleviate and resolve the current conflict between the zoning designation and the Comprehensive Plan Future Land Use Map classification, thereby creating a greater opportunity for the land to be redeveloped or the use expanded or changed in the future.

Site Location Map – 483 30 Road

Figure 1



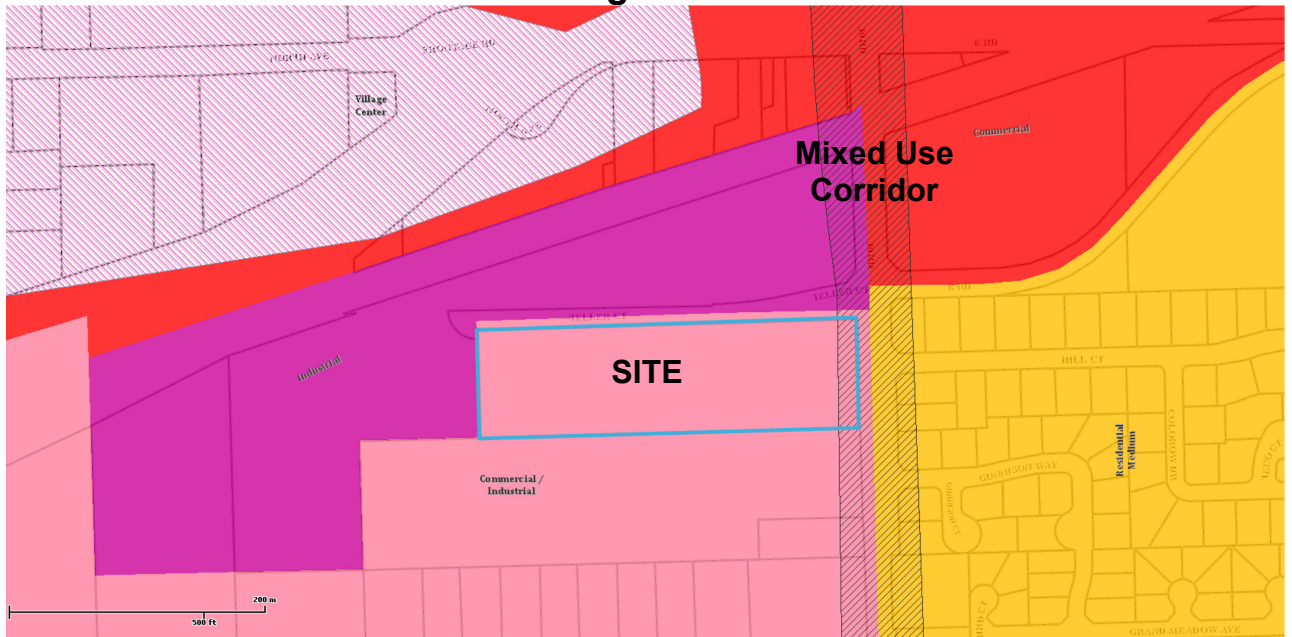
Aerial Photo Map – 483 30 Road

Figure 2



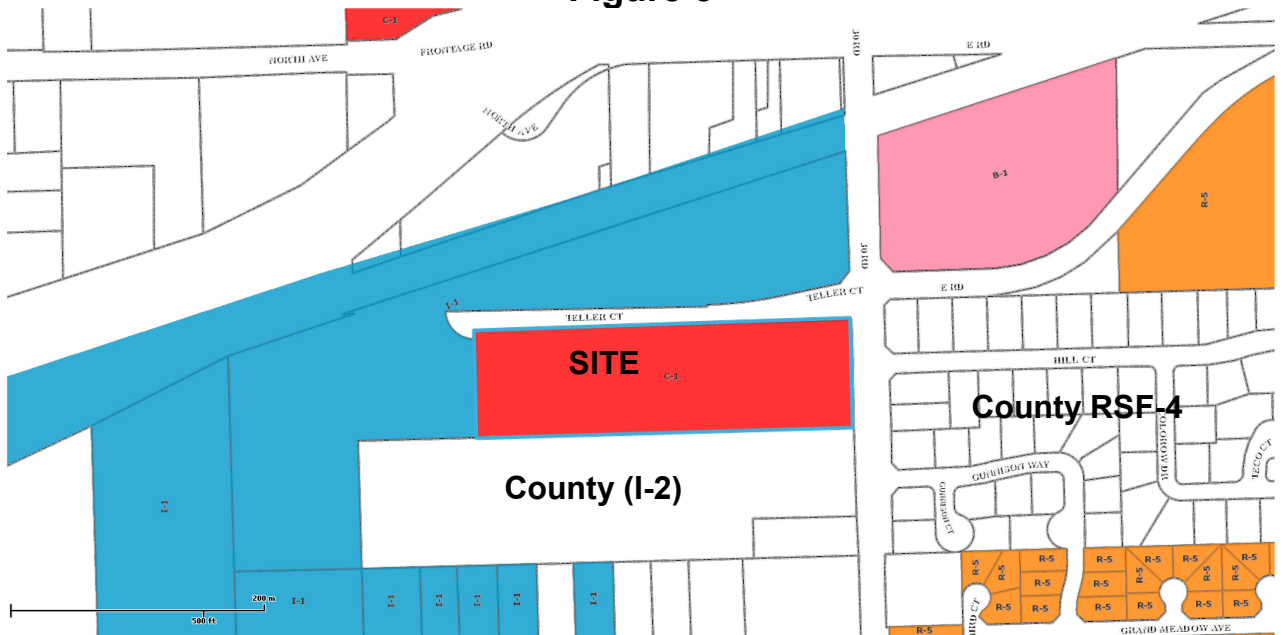
Comprehensive Plan – 483 30 Road

Figure 3



Existing City and County Zoning

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING ONE PROPERTY
FROM C-1 (LIGHT COMMERCIAL) TO C-2 (GENERAL COMMERCIAL)**

LOCATED AT 483 30 ROAD

Recitals.

On February 17, 2010 the Grand Junction City Council adopted the Grand Junction Comprehensive Plan which includes the Future Land Use Map, also known as Title 31 of the Grand Junction Municipal Code of Ordinances.

The Comprehensive Plan established or assigned new land use designations to implement the vision of the Plan and guide how development should occur. In many cases the new land use designation encouraged higher density or more intense development in some urban areas of the City. The Comprehensive Plan anticipated the need for additional commercial, office and industrial uses throughout the community.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property. City Staff analyzed these areas to consider how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis of this area, City Staff determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of this property and to allow for maximum use of the property consistent with the Comprehensive Plan.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial to maximizing opportunity for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

The C-2 zone district implements the Future Land Use Designation of Commercial/Industrial, is consistent with the Comprehensive Plan's goals and policies and is generally compatible with land uses in the surrounding area.

An Open House was held on January 25, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A

display ad noticing the Open House ran in the Daily Sentinel newspaper to encourage public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed zoning map amendment for the following reasons:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The applicable review criteria in Section 21.02.140 of the Grand Junction Zoning and Development Code are met.

After public notice and a public hearing, the City Council hereby finds and determines that the proposed zoning map amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The following property shall be rezoned C-2, (General Commercial).

See attached map.

483 30 Road (Parcel # 2943-171-00-953)

Introduced on first reading this 18th day of April, 2012 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor

Rezone - Area 14



Attach 10



CITY COUNCIL AGENDA ITEM

Date: April 18, 2012

Author: Dave Thornton, AICP

Title/ Phone Ext: Principal Planner
x1450

Proposed Schedule:

1st Reading : April 18, 2012

2nd Reading : May 16, 2012

File # (if applicable): RZN-2012-8

Subject: Rezone One Property Located at 510 29 ½ Road

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance

Presenter(s) Name & Title: Dave Thornton, Principal Planner

Executive Summary:

A City initiated request to rezone one property totaling 6.36 +/- acres, located at 510 29 ½ Road, from C-2 (General Commercial) to C-1 (Light Commercial) zone district. This property is currently the Mesa County Community Services site.

Background, Analysis and Options:

In 2010, the Comprehensive Plan was adopted by the City designating this property as Village Center on the Future Land Use Map. The property is presently zoned C-2, (General Commercial) which is inconsistent with the Comprehensive Plan Future Land Use Map designation of Village Center Mixed Use. The Comprehensive Plan was adopted by the City to help guide how future development should occur.

When the City adopted the Comprehensive Plan, properties were not rezoned at that time to be consistent with the land use designations. This means that in certain areas there is a conflict between the land use designation and the zoning of the property. This property is in one of these areas. It is important to eliminate conflicts between the Comprehensive Plan Future Land Use Map and the zone district applied to a given property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan. Eliminating the conflict will therefore create the greatest opportunity for landowners to use and/or develop their property.

In order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, City Staff recommends a change of zoning for this area. The City is proposing to rezone this property from C-2, (General Commercial) to C-1, (Light Commercial) to support the vision and goals of the Comprehensive Plan and to

implement the future land use designation of Village Center Mixed Use. Changing the zoning will not impact the existing land uses and will allow the maximum opportunity to utilize or redevelop the property in the future.

Generally the differences between C-1 and C-2 include the following. The C-2 zone district provides for some outdoor operations and storage for manufacturing uses, warehouse and freight movement with outdoor storage and loading, and wholesale businesses that sell to commercial, institutional and industrial businesses. The C-1 zone district permits multifamily and group living facilities as land uses that are appropriate. Please see table below.

	<u>C-2 Zone</u>	<u>C-1 Zone</u>
Multi-family Residential	Not Allowed	Allowed Use
Group Living Facilities	Not Allowed	Allowed Use
Outdoor Manufacturing	Allowed Use	Not Allowed
Warehouse/Freight w/ outdoor storage/loading	Allowed Use	Not Allowed
Wholesale business sell to Commercial/ Institutional/Industrial	Allowed Use	Not Allowed

The proposed C-1 zone district will allow mixed use opportunities with the allowance of multi-family densities of up to 24 units per acre. The existing C-2 zoning does not allow mixed use and therefore does not implement the vision the Comprehensive Plan has for this area as a mixed use center located along the North Avenue Corridor. The existing use of professional office, housing the County’s Community Services is allowed in the C-1 zone district, therefore there are no nonconforming issues being created by this change in zoning.

The property owner is Mesa County and Staff notified them of the proposed rezone by telephone and email as well as via regular mail. They were invited, along with other property owners in the area, to attend an Open House held on January 25, 2012 to discuss any issues, concerns, suggestions or support for the rezone request. Three property owners/representatives have contacted staff by phone and one email was received by a fourth person. To date, no one has objected to the change in zoning including the property owner, Mesa County.

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

The proposed rezone to C-1, (Light Commercial) implements the future land use designation of Village Center Mixed Use and meets the following goals from the Comprehensive Plan:

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

This property is located on the North Avenue corridor identified as a mixed use Village Center Mixed Use. A portion of the property is split and has a Residential Medium density land use designation. Anytime a property has two or more land use designations, either designation can be established as the primary designation. For this site the Village Center has been selected and is appropriate in that it allows for both commercial and residential zoning.

The 2007 North Avenue Corridor Plan also established a vision for North Avenue that encourages office, retail and residential land uses up and down the corridor with this area of the corridor emphasizing regional services and retail. Employment centers such as the existing Mesa County Community Services building is encouraged by the corridor plan. The proposed zone change to C-1 will sustain the existing use of the land and maintain neighborhood stability limiting more intense outdoor manufacturing, freight movement and outdoor storage land uses from occurring on this site in the future.

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

The current land use as an office building (Mesa County Community Services) is an allowed land use in the C-1 zone district. Changing the zoning from C-2 will not impact the existing operations by the County and may allow greater opportunity to utilize or redevelop the property at some point in the future such as adding retail commercial uses adjacent to North Avenue and/or adding residential uses on the site.

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

Rezoning the property to C-1, (Light Commercial) will maintain and potentially help spur the current and anticipated type of development identified for this area of the City, for the creation of jobs and maintaining a healthy and diverse economy.

Board or Committee Recommendation:

The Planning Commission forwards a recommendation of approval of the proposed rezone to C-1 from their meeting of March 27, 2012.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

Presented on the Consent Agenda on April 18, 2012.

Attachments:

Staff Report Additional Background Information
Public Comments/Correspondence
Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Ordinance

Staff Report Additional Background Information

BACKGROUND INFORMATION				
Location:		510 29 ½ Road		
Applicants:		City of Grand Junction		
Existing Land Use:		Office Building – Mesa County Community Services		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Vacant property owned by Mesa County		
	South	North Avenue and Office /Retail		
	East	Cemetery		
	West	Residential and Retail		
Existing Zoning:		C-2 (General Commercial)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County Residential Rural (RSF-R)		
	South	City C-1 and County C-2		
	East	County Residential Rural (RSF-R)		
	West	County Residential (RMF-8) and County C-2		
Future Land Use Designation:		Village Center Mixed Use		
Zoning within density / Intensity range?		X	Yes	No

Section 21.02.140(a) of the Grand Junction Zoning and Development Code:

In order to rezone property in the City, one or more of the following criteria must be met:

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

The existing property is currently zoned C-2 (General Commercial) which is the zoning that was placed on the property at the time of annexation because it was the same zoning the County had originally zoned it. The Comprehensive Plan Future Land Use Map identifies this property as Village Center Mixed Use and the vision of the Comprehensive Plan is to transform the North Avenue Corridor from what has been a heavy commercial district with outdoor operations and a heavy commercial/industrial blend to a mixed use commercial retail, office and residential blend of land uses. The existing zoning of C-2 is not in compliance with the Future Land Use Map designation because it does not adequately

promote mixed use opportunities; therefore the City is proposing a rezone to C-1 (Light Commercial). The C-1 zone district will bring this property into compliance with the Future Land Use Map.

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

The character of the surrounding area will continue to change under the vision of the Comprehensive Plan. This change will include a mix of uses that complement each other and sustain the area as part of the growth and development of the City. The proposed rezone will bring the zoning of the property into compliance with the Comprehensive Plan Future Land Use Map.

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

The site has direct access to 29 ½ Road, an improved road that provides direct access to North Avenue with a traffic signal. All utilities are present and available for future development. GVT bus service provides a drop off and pick up of passengers directly in front of the site. Public and community facilities are adequate to realize the mixed use vision of the Comprehensive Plan.

(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;

As stated in Goal 12 of the Comprehensive Plan, the City desires to be a regional provider of goods and services and residential neighborhoods. To meet this Goal, the Future Land Use Map identified several areas that were deemed appropriate for mixed use centers, areas of higher density and commercial intensity to accommodate the future growth of the community and create a livable community to live in. The property that is the subject of this rezone is in such an area. Therefore the proposed rezone, being consistent with the Comprehensive Plan, will create additional land zoned for mixed land uses and support the vision for North Avenue.

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

The proposed rezone to C-1 from C-2 will help limit land uses that are less compatible with surrounding residential uses and help create a North Avenue corridor that encourages mixed use where people can live, shop, and work in close proximity.

The proposed rezone will also alleviate and resolve the current conflict between the zoning designation and the Comprehensive Plan Future Land Use Map classification, thereby creating a greater opportunity for the land to be redeveloped or the use expanded or changed in the future.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Area 13 Rezone, RZN-2012-8, a request to rezone one property from C-2, (General Commercial) to C-1, (Light Commercial), the following findings of fact and conclusions have been determined:

5. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
6. The review criteria in Section 21.02.140 of the Grand Junction Zoning and Development Code have all been met.

Public Comments/Correspondence

PHONE LOG

Week of January 16, 2012

1. Bob Armantrout - I explained that it was only affecting the property across the street owned by Mesa County with zoning going from C-2 to C-1.
2. Jackelyn Rodriguez - Left message to her that it only affected Mesa County Dept of Human Services property going from C-2 zoning to C-1 Zoning.

Week of Jan 23, 2012

1. Evelyn Saxton - lives across the street - I explained to her what the request was. She stated that she would not be at the open house.

EMAIL

From: David Thornton
To: Beckstead, Todd
Date: 1/19/2012 8:41 AM
Subject: Re: Proposed Re-zoning RZN-2012-8 - Yellow Area 13 - 510 29 1/2 Rd

Todd,

Thanks for your inquiry. The proposed rezone is for the Mesa County Health and Human Services property at 2952 North Avenue to go from a General Commercial (C-2 zoning) to a Light Commercial (C-1 zoning). This rezone proposal is City initiated because the C-2 zoning is in conflict with the City's Comprehensive Plan for the North Avenue area. The existing County buildings/facility is allowed under the proposed C-1 zoning and supports the vision of the Comprehensive Plan. Effectively this proposal is more of a housekeeping measure and no change is proposed for the site.

I hope that answers your questions and any concerns you may have. Please let me know if you have further questions.

Thanks again for your interest.

Dave

Dave Thornton, AICP
Principal Planner
(970)244-1450
davidt@gjcity.org

>>> Todd Beckstead <becksteadt@gmail.com> 1/18/2012 5:42 PM >>>

Hello Dave,

I received a Notice of Application today for the above proposed re-zoning. Can you tell me who owns this property and what their plans are for it that have caused them to file the application?

Thanks,

Todd Beckstead (Grand Valley Properties LLC)

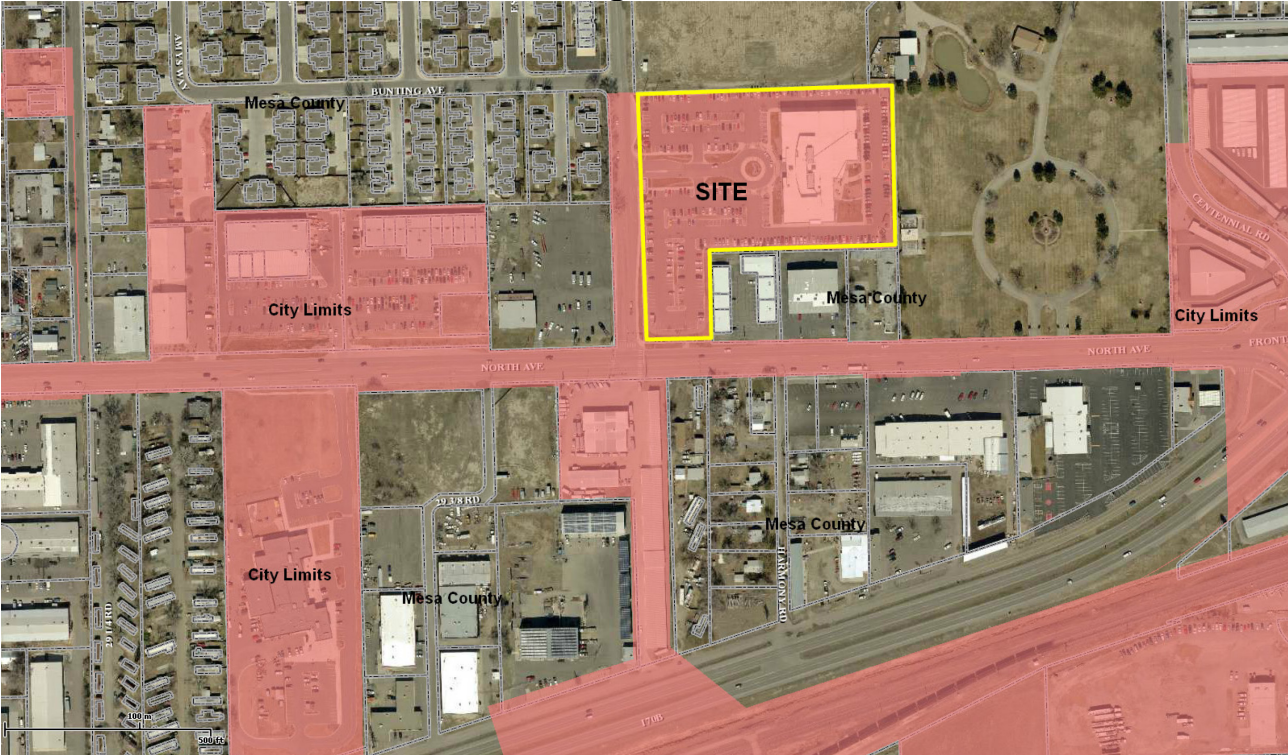
Site Location Map – 510 29 ½ Road

Figure 1



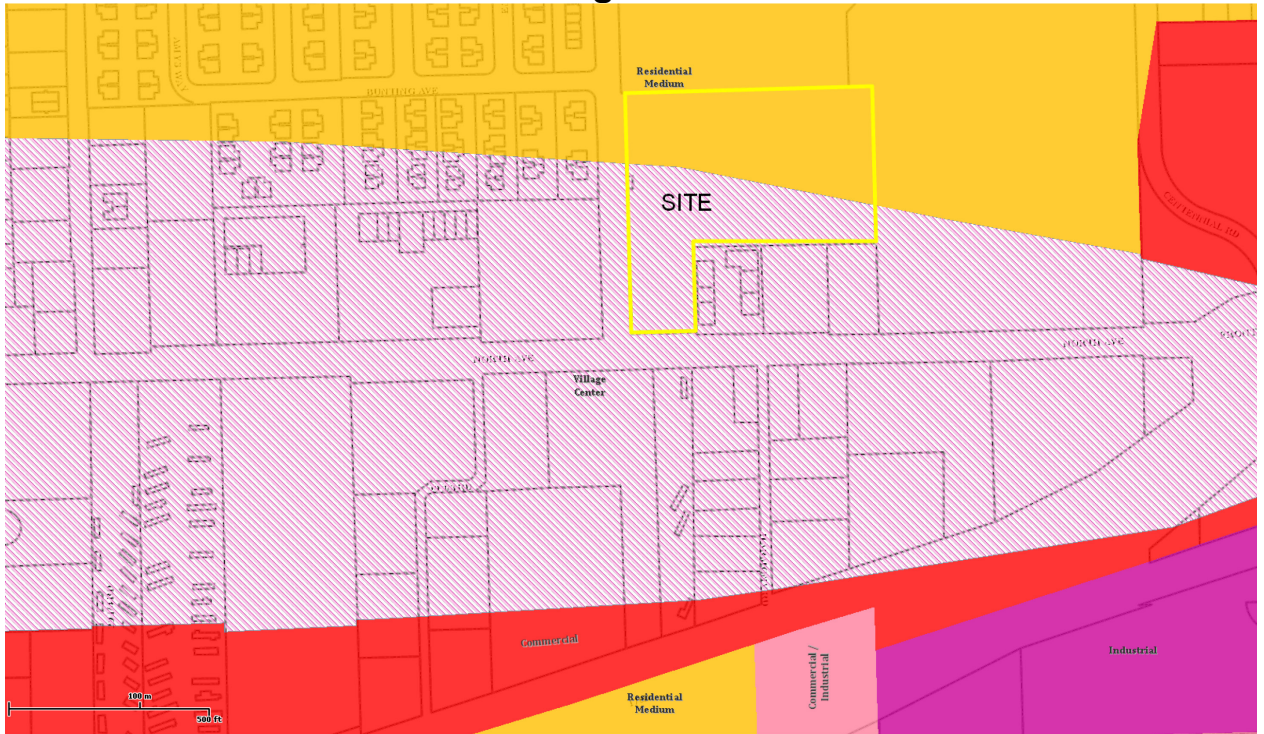
Aerial Photo Map – 510 29 ½ Road

Figure 2



Comprehensive Plan

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING ONE PROPERTY
FROM C-2 (GENERAL COMMERCIAL) TO C-1 (LIGHT COMMERCIAL)**

LOCATED AT 510 29 ½ ROAD

Recitals.

On February 17, 2010 the Grand Junction City Council adopted the Grand Junction Comprehensive Plan which includes the Future Land Use Map, also known as Title 31 of the Grand Junction Municipal Code of Ordinances.

The Comprehensive Plan established or assigned new land use designations to implement the vision of the Plan and guide how development should occur. In many cases the new land use designation encouraged higher density or more intense development in some urban areas of the City.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property. City Staff analyzed these areas to consider how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis of this area, City Staff determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of this property and to allow for maximum use of the property consistent with the Comprehensive Plan.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial to maximizing opportunity for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

The C-1 zone district implements the Future Land Use Designation of Village Center Mixed use, is consistent with the Comprehensive Plan's goals and policies and is generally compatible with land uses in the surrounding area.

An Open House was held on January 25, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A display ad noticing the Open House ran in the Daily Sentinel newspaper to encourage

public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed zoning map amendment for the following reasons:

3. The requested zone(s) are consistent with the goals and policies of the Comprehensive Plan.
4. The applicable review criteria in Section 21.02.140 of the Grand Junction Zoning and Development Code are met.

After public notice and a public hearing, the City Council hereby finds and determines that the proposed zoning map amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The following property shall be rezoned C-1 (Light Commercial).

See attached map, Exhibit A.

510 29 ½ Road (Parcel # 2943-084-21-931)

Introduced on first reading this 18th day of April, 2012 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor

Rezone - Area 13

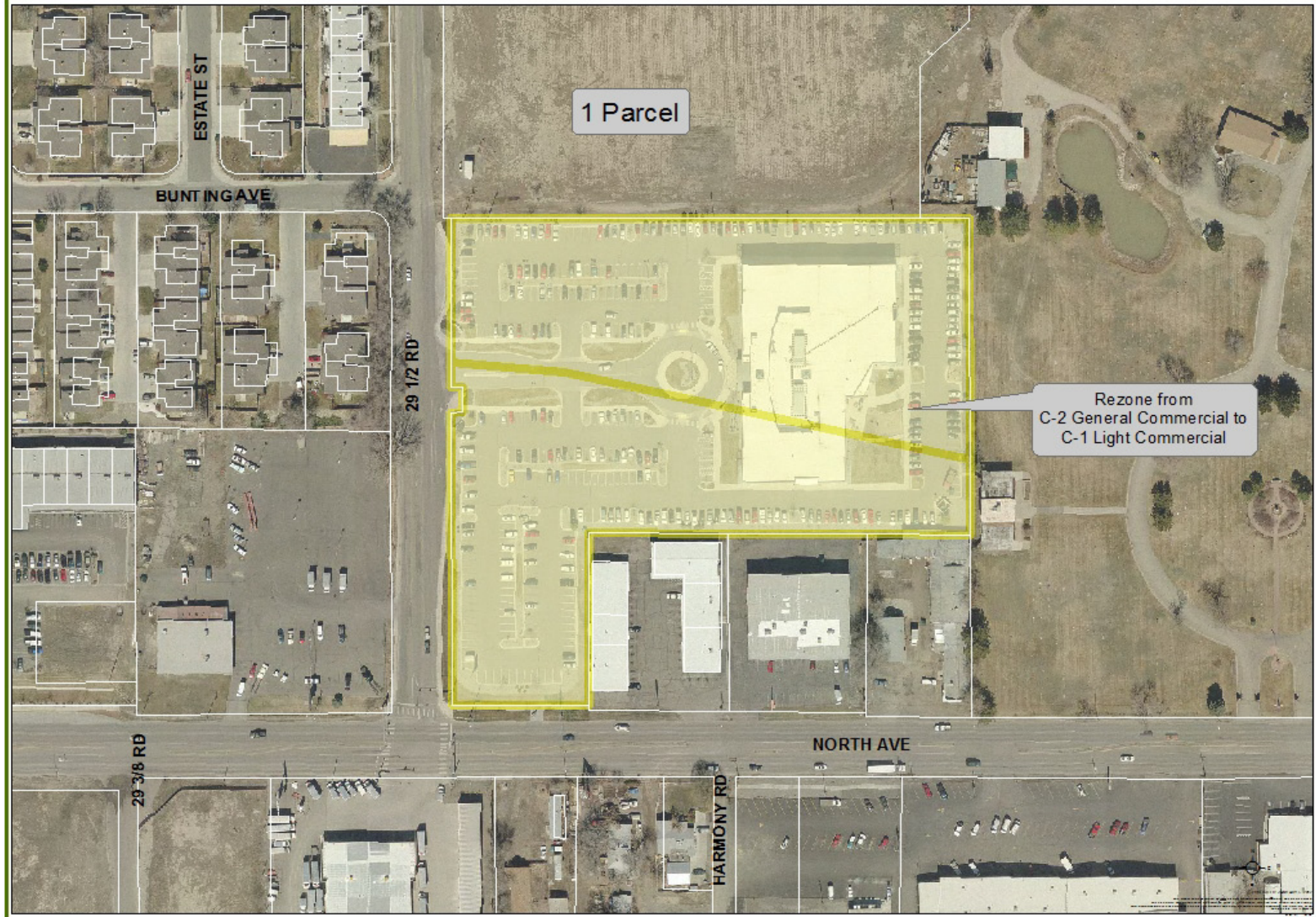


Exhibit A



Date: March 29, 2012
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner/
x1442
 Proposed Schedule: 1st
Reading April 18, 2012
 2nd Reading (if applicable): May
16, 2012
 File #: RZN-2012-26

CITY COUNCIL AGENDA ITEM

Subject: Rezone Two Properties Located East of the Monument Little League Ball Fields, Southeast of the 25 ½ Road and Patterson Road Intersection
Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

A City initiated request to rezone 4.18 acres from R-12 (Residential 12 du/ac) to CSR (Community Services and Recreation) and 1.87 acres from CSR (Community Services and Recreation) to R-4 (Residential 4 du/ac), located east of the Monument Little League ball fields, southeast of the 25 ½ Road and Patterson Road intersection.

Background, Analysis and Options:

The property was annexed in 1987 and zoned PR-10. In the city wide rezone conducted in 2000 the property was changed to RMF-12. A boundary line adjustment to move the west boundary line eastward and a rezone to change the zoning on the new eastern piece to CSR was approved in July 2000 in order to limit development of the eastern site as it is landlocked and has significant topographic considerations.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the land use designations. As a result, certain areas now carry a land use designation that calls for a different type of development than the current zoning of the property allows. City Staff analyzed these areas, considering how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis, Staff has determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of these properties.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

It was determined that the western property was more appropriately designated "Park" on the Future Land Use map of the Comprehensive Plan and be rezoned to the CSR zone district due to its physical relationship to the Monument Little League ball fields and ownership by Monument Little League. The property is currently undeveloped, however the CSR zone district would allow the Little League park to expand in the future if they desired.

The eastern piece has development challenges with a canal on one side, a significant drainage channel on another and has steep grades on much of the property. The R-4 zone district would allow for development of the property, but takes into account the limitations of the properties geographic features.

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

The Comprehensive Plan Future Land Use Designation for this area is Park and Residential Medium. The proposed rezone is consistent with that designation and with 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 A: City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map.

The zone districts currently applied to these properties do not match the Comprehensive Plan Future Land Use designations. The proposed rezone will eliminate the conflict, because the CSR and R-4 zone districts implement the Comprehensive Plan Future Land Use Designation of Park and Residential Medium.

Board or Committee Recommendation:

The Grand Junction Planning Commission heard this request at its March 27, 2012 meeting. A recommendation of approval was forwarded to City Council with a vote of 7-0.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Rezone criteria

Site Location Map / Aerial Photo Map

Future Land Use Map / Existing City Zoning Map

Ordinance

BACKGROUND INFORMATION					
Location:		Located east of the Monument Little League ball fields south east of the 25 ½ Road and Patterson Road intersection			
Applicants:		City of Grand Junction			
Existing Land Use:		Vacant			
Proposed Land Use:		No changes proposed			
Surrounding Land Use:	North	Agricultural			
	South	Agricultural / Single Family Residential			
	East	Single Family Residential			
	West	Monument Little League ball fields			
Existing Zoning:		R-12 (Residential 12 du/ac) and CSR (Community Services and Recreation)			
Proposed Zoning:		CSR (Community Services and Recreation) and R-4 (Residential 4 du/ac)			
Surrounding Zoning:	North	R-12 (Residential 12 du/ac)			
	South	R-12 (Residential 12 du/ac)			
	East	R-4 (Residential 4 du/ac)			
	West	CSR (Community Services and Recreation)			
Future Land Use Designation:		Park and Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

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

In order for the zoning to occur, a finding of consistency with the Comprehensive Plan and one or more of the following findings must be made per Section 21.02.140(a):

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

The western property has been in conflict since the Growth Plan Future Land Use map was established in 1996 with a designation of Park. The conflict between the zoning and Future Land Use designation was corrected with the adoption of the Comprehensive Plan in 2010; however, it has been determined that the Park designation and CSR zone district are more appropriate for this piece as it is owned by Monument Little League who also owns the property to the west. This will allow for future expansion of the park in future.

The eastern property was in compliance with the 1996 Growth Plan designation of Park; however, a conflict was created with the adoption of the Comprehensive Plan in 2010. After review, staff has determined that the CSR zone district is not

appropriate for the property. It does not meet the purpose of the CSR designation to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The R-4 zone district would allow for development of the property, but takes into account the limitations of the properties geographic features.

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

The western property has been in conflict since the Growth Plan Future Land Use map was established in 1996 with a designation of Park. The conflict between the zoning and Future Land Use designation was corrected with the adoption of the Comprehensive Plan in 2010; however, it has been determined that the Park designation and CSR zone district are more appropriate for this piece as it is owned by Monument Little League who also owns the property to the west. This will allow for future expansion of the park in future.

The eastern property was in compliance with the 1996 Growth Plan designation of Park; however, a conflict was created with the adoption of the Comprehensive Plan in 2010. After review, staff has determined that the CSR zone district is not appropriate for the property. It does not meet the purpose of the CSR designation to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The R-4 zone district would allow for development of the property, but takes into account the limitations of the properties geographic features.

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

The properties are located near schools, shopping and restaurants that can serve the potential uses for these properties.

(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

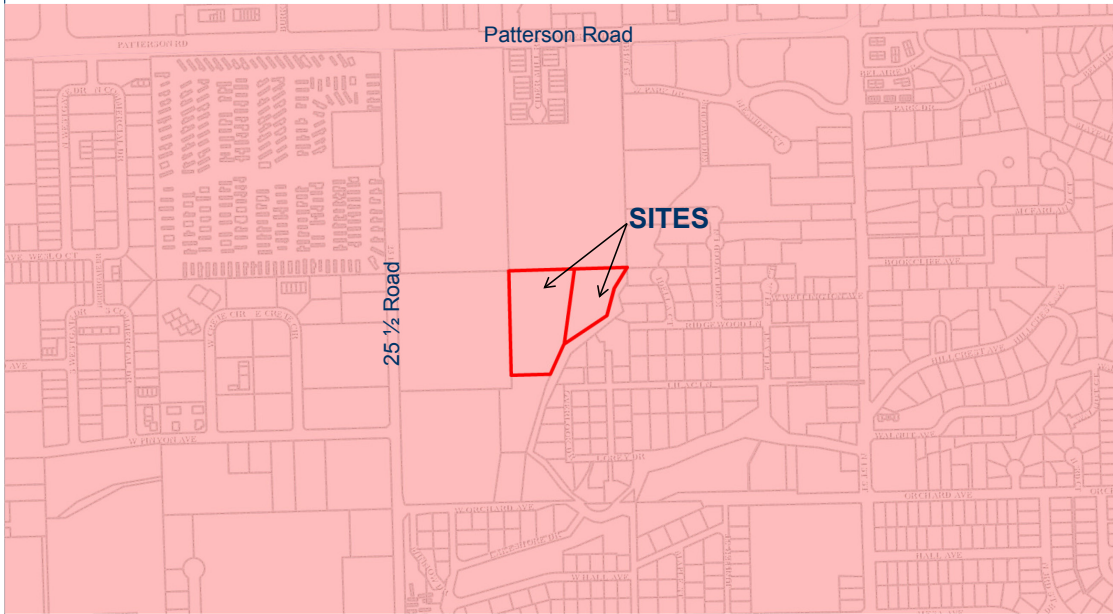
This criterion does not apply to the properties as there is adequate supply of CSR zoned property. The proposal for these properties is to rezone to the CSR and R-4 to eliminate the conflict between the Future Land Use designation of the Comprehensive Plan and the zoning on the properties. Approximately 2128 acres within the city limits are currently zoned CSR and 1652 acres are zoned R-4. This equates to 10% and 8% respectively of the total acreage of zoned parcels within the city limits (21,200 acres).

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

The western property has been in conflict since the Growth Plan Future Land Use map was established in 1996 with a designation of Park. The conflict between the zoning and Future Land Use designation was corrected with the adoption of the Comprehensive Plan in 2010; however, it has been determined that the Park designation and CSR zone district are more appropriate for this piece as it is owned by Monument Little League who also owns the property to the west. This will allow for future expansion of the park in future.

The eastern property was in compliance with the 1996 Growth Plan designation of Park; however, a conflict was created with the adoption of the Comprehensive Plan in 2010. After review, staff has determined that the CSR zone district is not appropriate for the property. It does not meet the purpose of the CSR designation to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The R-4 zone district would allow for development of the property, but takes into account the limitations of the properties geographic features.

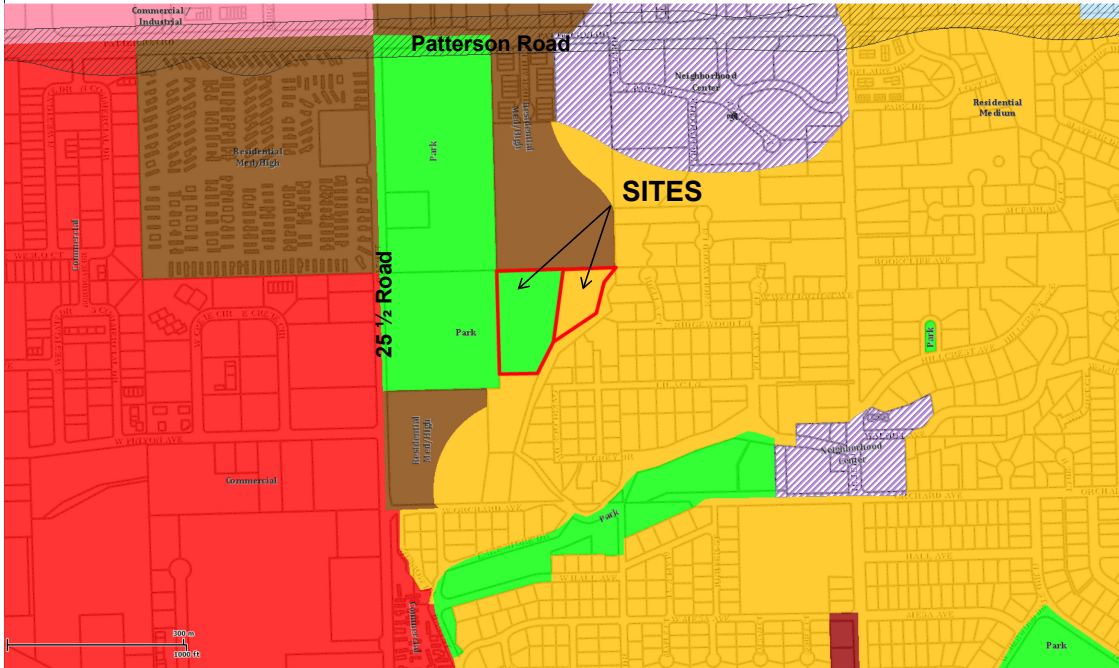
Site Location Map



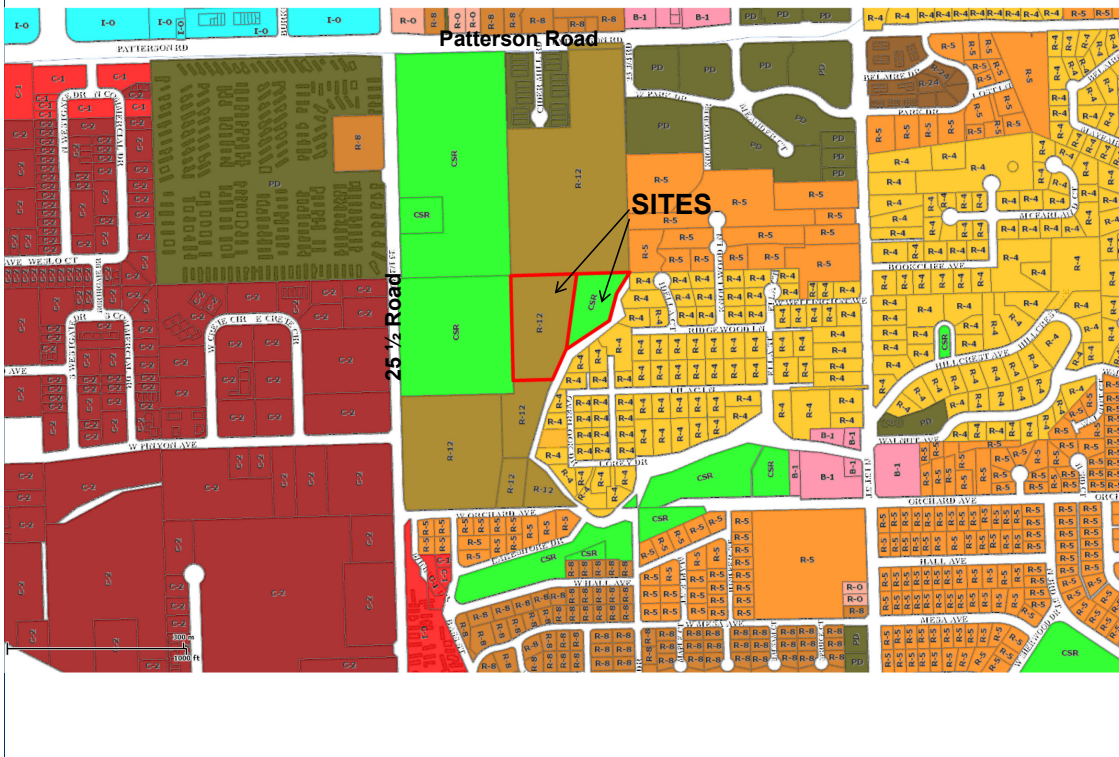
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING 4.18 ACRES FROM R-12 (RESIDENTIAL 12 DU/AC) TO CSR (COMMUNITY SERVICES AND RECREATION) AND 1.87 ACRES FROM CSR (COMMUNITY SERVICES AND RECREATION) TO R-4 (RESIDENTIAL 4 DU/AC)

**LOCATED EAST OF THE MONUMENT LITTLE LEAGUE BALL FIELDS
SOUTHEAST OF THE 25 ½ ROAD AND PATTERSON ROAD INTERSECTION**

Recitals.

On February 17, 2010 the Grand Junction City Council adopted the Grand Junction Comprehensive Plan which includes the Future Land Use Map, also known as Title 31 of the Grand Junction Municipal Code of Ordinances.

The Comprehensive Plan established or assigned new land use designations to implement the vision of the Plan and guide how development should occur. In many cases the new land use designations encouraged higher density or more intense development in some urban areas of the City.

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property allows. City Staff analyzed these areas, considering how best to implement the vision, goals and policies of the Comprehensive Plan.

Upon analysis of each area, Staff has determined that the current Comprehensive Plan Future Land Use Map designation is appropriate, and that a proposed rezone is the most appropriate way to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of these properties.

Consistency between the Comprehensive Plan's future land use designation and the zone district of a given area is crucial to maximizing opportunity for landowners to make use of their property, because the Zoning and Development Code, in Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1), requires that all development projects comply with the Comprehensive Plan.

The CSR zone district meets the Future Land Use designation of the Comprehensive Plan, Park, and the R-4 meets the Future Land Use designation of the Comprehensive Plan, Residential Medium. Rezoning this area to CSR and R-4 is also consistent with the goals and policies of the Comprehensive Plan and is generally compatible with land uses in the surrounding area.

An Open House was held on January 25, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A display ad noticing the Open House was run in the Daily Sentinel newspaper to encourage public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed zoning map amendment for the following reasons:

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

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed zoning map amendment implements the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The following properties shall be rezoned CSR (Community Services and Recreation) and R-4 (Residential 4 du/ac).

See map.

Introduced on first reading this 18th day of April, 2012 and ordered published in pamphlet form.

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ATTEST:

City Clerk

Mayo

Rezone - Area 4

