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

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

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

Pledge of Allegiance  
Moment of Silence

**Presentation**

Fruita Monument High School Students to present information on Play Back Sports Program

**Proclamation**

Proclaiming June 2012 as "Adult Protection Awareness Month" in the City of Grand Junction

**Council Comments**

Opposition to Ballot Initiatives 3 and 45 – Councilmember Sam Susuras

*Revised June 5, 2012*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Citizen Comments****\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meeting** [Attach 1](#)  
*Action: Approve the Minutes of the May 16, 2012 Regular Meeting*
  
2. **Setting a Hearing on Rezoning 9.629 acres Located at 714 and 720 24 ½ Road** [File #RZN-2012-70] [Attach 2](#)  

A City initiated request to rezone two parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district.

Proposed Ordinance Rezoning Properties at 714 and 720 24 ½ Road from an R-R (Residential Rural) to an R-5 (Residential 5 DU/Ac) Zone District

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Brian Rusche, Senior Planner
  
3. **Setting a Hearing on Rezoning 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Directly South of 487 Sparn Street** [File #RZN-2012-126] [Attach 3](#)  

A City initiated request to rezone seven parcels, totaling 1.67 acres, located at 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, directly South of 487 Sparn Street, from C-2 (General Commercial) to C-1 (Light Commercial) to bring them into conformance with the Comprehensive Plan.

Proposed Ordinance Rezoning Properties from C-2 (General Commercial) to C-1 (Light Commercial), located at 488, 490, and 492 Melody Lane, 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Located Directly South of 487 Sparn Street

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012*

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

4. **Setting a Hearing on Amendment to the Future Land Use Designation for Four Properties Located at 2886 and 2898 I-70 B and 2892 and 2896 Highway 6 and 24** [File #RZN-2012-74] [Attach 4](#)

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Commercial to Commercial/Industrial.

Proposed Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Four Properties Located at 2886 and 2898 I-70 B and 2892 and 2896 Highway 6 and 24

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012*

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

5. **Vacation of a Portion of a 15' Waterline Easement, Fuoco Motors, Located at 2582 Highway 6 and 50** [File #VAC-2012-272] [Attach 5](#)

The applicant is requesting to vacate a portion of a 15' waterline easement in order to accommodate a new building across the easement area. A new waterline and easement has been constructed at another location on the property that is not encumbered with existing or proposed structures.

Resolution No. 19-12—A Resolution Vacating a Portion of a 15' Waterline Easement Located at 2582 Highway 6 and 50 (Fuoco)

*®Action: Adopt Resolution No. 19-12*

Staff presentation: Senta Costello, Senior Planner

6. **Purchase of Road Oil for Chip Seal Program 2012** [Attach 6](#)

Request the purchase of approximately 202,000 gallons of road oil for the Streets Division Annual Chip Seal Program for 2012.

*Action: Authorize the City Purchasing Division to Purchase Approximately 202,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of \$549,440*

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director  
Darren Starr, Streets, Storm Water, and Solid Waste Manager  
Jay Valentine, Financial Operations Manager

7. **Outdoor Dining Lease for Fins Grill, LLC, dba Fins Grill, Located at 420 Main Street** [Attach 7](#)

Fins Grill, LLC, dba Fins Grill, located at 420 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 164.5 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. The dining area will be at grade on the sidewalk.

Resolution No. 20-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Fins Grill, LLC, dba Fins Grill

®Action: Adopt Resolution No. 20-12

Staff presentation: Harry M. Weiss, DDA Executive Director

8. **Council Assignments for 2012 – 2013** [Attach 8](#)

City Council considers the appointments and assignments for its members to various boards, committees, commissions, and organizations.

Resolution No. 21-12—A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, and Organizations

®Action: Adopt Resolution No. 21-12

Presentation: City Council

9. **Contract for Design/Build Fleet CNG Maintenance Facility and Retrofit Existing Fleet Service Bays** [Attach 9](#)

Request to enter into a contract with FCI Constructors, Inc., Grand Junction, CO to design and construct a new CNG Maintenance Facility for the Fleet Division, and to retrofit the recent fleet addition to provide CNG maintenance facilities.

*Action: Authorize the City Purchasing Division to Enter into a Contract with FCI Constructors, Inc., Grand Junction, CO in an Amount of Approximately \$490,849*

Staff presentation: Tim Moore, Public Works and Planning Director  
Jay Valentine, Financial Operations Manager

\*\* 10. **Resolution Opposing Ballot Initiatives 3 and 45 Regarding Changes to Water Law** [Attach 10](#)

The measures put forward, instead of the prior appropriation doctrine, an undefined doctrine of certain public mandates, control and trust. Colorado’s prior appropriation structure has proven itself to be successful; it is flexible and reliable in meeting the needs of the users and protecting the water resources and the values attached to those resources.

Resolution No. 22-12—A Resolution Opposing Initiatives 3 and 45

®Action: Adopt Resolution No. 22-12

Presentation: Councilmember Sam Susuras

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

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

11. **Public Hearing—Amending the Comprehensive Plan and Rezoning the Property Located at 3000 Patterson Road** [File #RZN-2012-193] [Attach 11](#)

Property owner request to amend the 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).

Ordinance No. 4534—An Ordinance Amending the Comprehensive Plan Designation on One Parcel from Residential Medium to Commercial, Located at 3000 Patterson Road

Ordinance No. 4535—An Ordinance Rezoning One Parcel from R-O (Residential Office) to B-1 (Neighborhood Business), Located at 3000 Patterson Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4534 and 4535*

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

12. **Public Hearing—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] [Attach 12](#)

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).

Ordinance No. 4536—An 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: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4536*

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

13. **Public Hearing—Rezoning One Property Located on the West Side of Bass Street between W. Hall Avenue and W. Mesa Avenue** [File #RZN-2012-27] [Attach 13](#)

A City initiated request to rezone 0.275 acres, located on the west side of Bass Street between W. Hall Avenue and W. Mesa Avenue from R-8 (Residential 8 du/ac) to CSR (Community Services and Recreation).

Ordinance No. 4537—An Ordinance Rezoning 0.275 Acres from R-8 (Residential 8 DU/Ac) to CSR (Community Services and Recreation), Located on the West Side of Bass Street Between W. Hall Avenue and W. Mesa Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4537*

Staff presentation: Senta Costello, Senior Planner

14. **Public Hearing—Rezoning One Parcel Located at 140 Power Road** [File #RZN-2012-69] [Attach 14](#)

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.

Ordinance No. 4538—An Ordinance Rezoning Properties at 140 Power Road from an I-1 (Light Industrial) to a C-2 (General Commercial) Zone District

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4538*

Staff presentation: Brian Rusche, Senior Planner

15. **Public Hearing—Rezoning One Parcel Located at 681 23 Road** [File #RZN-2012-82] [Attach 15](#)

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.

Ordinance No. 4539—An Ordinance Rezoning One Parcel from I-2 (General Industrial) to I-1 (Light Industrial), Located at 681 23 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4539*

Staff presentation: Senta Costello, Senior Planner

**16. Ratify the Acquisition of the Three Sisters Property**[Attach 16](#)

The presenters request and recommend that the City Council consider and adopt a resolution ratifying the acquisition of the Three Sisters property located south and west of Monument Road and the conveyance of the North River subdivision as partial consideration for the acquisition of the Three Sisters parcel.

Resolution No. 23-12—A Resolution Ratifying the Acquisition of the Property Known as the Three Sisters Located South and West of Monument Road and Authorizing the Conveyance of the North River Subdivision as Partial Consideration for the Acquisition

®Action: *Adopt Resolution No. 23-12*

Staff presentation: Rich Englehart, Acting City Manager  
Rob Schoeber, Parks and Recreation Director  
Tim Moore, Public Works and Planning Director  
John Shaver, City Attorney

**17. Non-Scheduled Citizens & Visitors****18. Other Business****19. Adjournment**



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

**May 16, 2012**

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

Council President Pitts called the meeting to order. He explained the changes to auditorium, the configuration, and set up. He explained that with the new podiums, one for Staff, and one for public speaking, set up on either side of the room, it eliminates the presenter having their back to the audience. Administration Staff sits by the Staff podium and no longer has their backs to the audience. The auditorium will also allow set up for meetings that were previously held in the Administration Conference Room and will allow more room for the public to sit.

Grand Junction Fire Department Honor Guard posted the Colors and led the Pledge of Allegiance, followed by an invocation by Earle Mullen, Unaffiliated. Mr. Mullen asked that his unaffiliated listing on the agenda be changed to being affiliated with the Western Colorado Atheists and Free Thinkers Organization. The organization supports a number of local initiatives and charities that promote improvements to life and economic well-being for all citizens in the community. They are pleased that Council no longer restricts the invocation to members of the clergy. Instead of asking a divine being to help Council during the meeting, he asked Council to provide greater help to the citizens of Grand Junction. All citizens of Grand Junction should feel treated equally by their fellow citizens and any employees of the City government. Mr. Mullen recited some sections of the City Charter that deals with human relations. He believes that the construction on Highway 6 and 50 should have been planned better so that it wouldn't have to be torn up again in such a short time frame, wasting taxpayer's dollars. He hoped that this invocation would be useful in encouraging Council to think anew about the responsibilities to the citizens of Grand Junction and to go about their duties with new dedication.

**Presentation**

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

Council President Pitts presented Outgoing President of the Council Tom Kenyon with a plaque in appreciation of his service as President of the Council from May 2, 2011 to May 2, 2012. He thanked him for his extremely well organized service to the City as Mayor.

Council President Kenyon thanked the Council and the citizens for the honor to serve and said he looks forward to the upcoming year.

Councilmember Doody thanked Councilmember Kenyon for his service and experience as Mayor.

### **Proclamations**

#### **Proclaiming the Week of June 2 through June 9, 2012, as "National Neighborworks<sup>®</sup> Week" and the Month of June 2012 to be "National Homeownership Month" in the City of Grand Junction**

Councilmember Luke read the proclamation. Dan Whalen, Executive Director of Housing Resources of Western Colorado was present to receive the proclamation. Mr. Whalen advised that there are about 40 of the Energy Star self-help homes in the City of Grand Junction. He then invited the City Council to come to a cleanup event on Saturday, June 2, 2012 at 9:00 a.m. at the Big Salt Wash Trail in Fruita. They will be cleaning up the trail and also Hollow Creek which is a subdivision they will be building self-help housing in. That will be followed by a barbeque. The general public was also invited.

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

Councilmember Doody read the proclamation. Ken Watkins, Grand Junction Fire Chief, was present to receive the proclamation along with a number of his crew. Chief Watkins thanked the Council for recognizing EMS Week. He also thanked the Fire Department Honor Guard and the other department members present to recognize the week. He introduced the crew with him. He provided statistics for the number of calls the Fire Department responds to.

### **Council Comments**

There were none.

### **Citizen Comments**

There were none.

## CONSENT CALENDAR

Councilmember Kenyon moved to adopt the Consent Calendar and then read the Consent Calendar items #1-4. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*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]

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*

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**

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*

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

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*

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

### **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.

Harry Weiss, DDA Executive Director, presented this item. He stated the two items are completely separate and not related, they are just coming forward at the same time.

The first request relates to the Assembly of God Church property. He described the plan that they are calling the Catalyst Plan which described how the area from 4<sup>th</sup> Street to 6<sup>th</sup> Street, Grand Avenue to Ouray Avenue might be developed in a mixed use development. It was put together but then the economic downturn stopped any progress. The City Council did not adopt the Catalyst Plan but the DDA is still using it as a guideline. The DDA would like to purchase the property in order to preserve it for the Catalyst Plan; the closing is set for June. The DDA will be issuing some bonds later in the year and can pay

for the property out of those proceeds. However, they won't be able to issue those bonds until later so he asked the Council for a bridge loan of \$1 million to be repaid later in the year. The term will likely be 60 to 90 days.

Councilmember Kenyon thanked Mr. Weiss and noted DDA's outstanding work. He said this is a good project.

Councilmember Luke asked if there is a short term interest rate that would be tied to that loan.

Acting City Manager Englehart said typically on the longer term, interest is applied. However, he did not suggest it for a short term loan.

City Attorney Shaver said Council adopted a resolution several years that established a policy specifically for participating with the DDA for making loans. He believes that there would be little or no interest for this type of a short term loan.

Financial Operations Manager Valentine explained that the interest rate is whatever the pooled funds make in interest in order to keep the fund whole.

Councilmember Kenyon asked how that would be done. Is there a requirement that interest be charged and if so, must a written agreement be executed?

City Attorney Shaver explained that an agreement would be put in place, it would include the avoided interest.

Councilmember Doody asked about the current tenant. Mr. Weiss said the sale would include a lease back to the Assembly of God so that they could continue to lease it out. It helps with the use of the Tax Increment Financing (TIF) and helps the Church with cash flow.

Councilmember Doody asked if there is a time limit that the property can be held. Mr. Weiss said the TIF funds have to be applied within a three year period. The purchase does comply with that. The purchase will be for the full block including the vacated alley.

City Attorney Shaver noted that 85% of the TIF proceeds must be used for capital expenses. This purchase, being a cash purchase for property, is 100% capital expense.

Mr. Weiss described some of the discussions that have taken place regarding development noting DDA has been contacted by a couple of developers interested in housing. A decision on how that will be rolled out has not been made by the DDA Board.

The next issue is White Hall. Mr. Weiss said the DDA shares the Council's concern with the property. It is a poster child for blight. The DDA is ready to participate with the City Council to resolve the issue. They are open to suggestions as to how. If the eastern

wing can be preserved it would make the property more attractive as that section was undamaged. Once cleaned up it could be an attractive property to a purchaser.

Councilmember Kenyon noted that some conversations are difficult to have as some parts are confidential. The City Council does want to get it cleaned up and the sooner the better. One possibility is to give the owner a time frame and if the property is not cleaned up the City does the work and places a lien on the property. That means the taxpayers pay. So he is looking for other alternatives. He would look for a commitment from DDA as to their seriousness so they can go forward.

Mr. Weiss said the DDA board voted unanimously in favor of being a part of the solution as it makes sense for the City and the DDA.

Councilmember Doody added that it is not only blight, it is a health and safety issue. He would like it to come down before it falls down and damages the wing that is still intact. He appreciated DDA coming forward to help get that block cleaned up and something else going there like workforce housing.

Councilmember Luke said Councilmember Kenyon brings up a good point. A lien might render it useless for a number of years but then somebody will come forward later wanting that lien reduced. She supported a different solution.

Council President Pitts said the property has been an issue for some time and he is pleased DDA is stepping up.

Councilmember Doody addressed another issue; the intersection of 7<sup>th</sup> and Grand. It does not function well. Mr. Weiss said he has spoken with the traffic engineers about the priority of that intersection so he would defer to them. There have been some discussions on what would be done with Grand Avenue on the entire length with the library project and any project that happens at the Assembly of God Church property.

Councilmember Kenyon asked about the procedure for approving a bridge loan and about proceeding quickly on White Hall.

City Attorney Shaver responded to the White Hall issue. An agreement has been structured with the owners and they are prepared to execute the agreement. It will authorize the exchange of the property for remediation and payment of back taxes. Once that agreement is signed, Staff would bring a contract back to the City Council for ratification. That should happen in the next couple of weeks.

Acting City Manager Englehart asked when the DDA needs the loan. Mr. Weiss said the closing is not until the end of July. He asked for a commitment so the boxes can be checked on the closing documents that the money is in hand. Acting City Manager Englehart said the negotiations will be worked out and then brought back based on the Council's direction.

Councilmember Kenyon said he would be supportive of the bridge loan and is supportive of moving forward on the White Hall project.

City Attorney Shaver asked if each Councilmember could offer that same affirmation.

Councilmember Doody asked if a motion is needed. City Attorney Shaver replied that only general direction is needed, however, if Council prefers to make a motion, that would be fine.

Councilmember Kenyon moved to approve a \$1 million dollar cash bridge loan to DDA, term to be determined and ratified at a later date for a closing on 402 Grand Avenue and also to approve a working relationship with DDA given their vote regarding the acquisition and cleanup of White Hall. Councilmember Doody seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 7:56 p.m.

Tim Moore, Public Works and Planning Director, introduced this item and Kristen Ashbeck, Senior Planner/CDBG Administrator.

Kristen Ashbeck, Senior Planner/CDBG Administrator, presented this item. She reviewed the history of the program which the City has been an entitlement community for seventeen years. She detailed the funds available for distribution to the various projects. Nineteen applications were received and the recommendation is to fund fourteen of those projects.

The 2012 One Year Action Plan is proposed for adoption on June 20, 2012 with a public hearing.

Ms. Ashbeck then listed the programs recommended for funding:

**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. **Recommended Funding: \$10,000**

## **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. **Recommended Funding: \$8,000**

## **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. **Recommended Services Funding: \$11,125**

## **5. 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. **Recommended Funding: \$7,000**

## **6. 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. **Recommended Funding: \$85,000**

#### **7. 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 CDBG 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. **Recommended Funding: \$109,971**

#### **8. 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 to 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. **Recommended Funding: \$12,638**

#### **9. 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. **Recommended Funding: \$25,000**

#### **10. 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 1<sup>st</sup>.

**Recommended Funding: \$14,080**

#### **11. 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. **Recommended Capital Funds: \$5,500**

#### **12. City of Grand Junction 6<sup>th</sup> 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. **Recommended Funding: \$27,500**

#### **13. City of Grand Junction 6<sup>th</sup> Street Improvements**

As part of the library expansion/redevelopment project, improvements in the 6<sup>th</sup> 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. **Recommended Funding: \$60,536**

#### **14. 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. **Recommended Funding: \$25,000**

The total allocation is \$406,350. Ms. Ashbeck listed the schedule for adoption.

Gi Moon with Homeward Bound came forward to thank the City Council for supporting their request. She talked about the goal to end homelessness in the valley.

Barbara Mahoney, Catholic Outreach, came forward to thank the City Council for supporting the T-House project. She said the funds will be put to very good use.

No one else came forward to speak.

The public hearing was closed at 8:12 p.m.

Councilmember Doody said the CDBG is a great opportunity for a lot of non-profits to leverage money in the community and interest in their charter. He said about a year ago one of the big issues was the homeless issue but he sees over \$200,000 in projects that help that population in this year's allocation. He listed other ways the City has participated in trying to address the homeless issue.

Councilmember Kenyon agreed with Councilmember Doody that they have made a lot of progress and he wished Mr. Mullen had stayed as he would have seen an example of how the Council is helping those less fortunate.

Councilmember Doody moved to 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. Councilmember Luke seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 8:16 p.m.

Public Works and Planning Director Tm Moore introduced this item and the following four items on the agenda. All five projects come forward with a recommendation of approval from the Planning Commission. He introduced Senior Planner Brian Rusche.

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 area is designated as industrial. The current zoning is in conflict with the Comprehensive Plan. The owner did address the Planning Commission and had some concerns about removing the commercial designation, however, the property does not have access to I-70. The change will not affect the current operation. The request does meet the criteria of the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan. The Planning Commission forwarded a recommendation of approval.

Councilmember Doody said the Council was briefed on the diverging diamond access to the highway. He asked if that configuration will then provide access. Mr. Moore said that is the plan long term, they are looking at a signalized at grade crossing but it has to go through Rio Grande Railroad approval.

There were no public comments.

The public hearing was closed at 8:23 p.m.

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

Councilmember Doody moved to adopt Ordinance No. 4529. Councilmember Luke seconded the motion.

Councilmember Kenyon asked if final publication in pamphlet form should be included in the motion.

City Attorney Shaver said that is preferred. It could be considered amended if the motion maker and the Councilmember who seconded the motion approves.

Councilmember Doody amended his motion to include publication in pamphlet form. Councilmember Luke seconded. Motion carried by roll call vote.

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

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).

The public hearing was opened at 8:25 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 27, 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 request will bring the zoning into conformance with the Zoning Code and the Future Land Use designation. The rezone will not affect the existing residential uses and will allow future development. The property has a complicated history. It has had two land use designations changes in the past. There were conditions placed on the property to establish a transition between the industrial use and the residential uses. Another tenant then came in and used the property slightly different so the zoning was changed from Planned Development to the straight zone. Notification to the owner and surrounding property owners were accomplished and an open house was held. Mr. Peterson did not hear from the property owner. The neighbors would like the transition from the industrial uses to the residential area to be maintained. Two comments were received to that affect and those were included in the materials provided to Council. The proposed R-E zone district will allow more uses than the current R-O zone district. The requested rezone meets goals 3, 5, 7, and 12 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code. The rezone will allow multifamily and office use.

Council President Pitts asked if multifamily could be placed on the property without a lot split. Mr. Peterson said multifamily could be built as long as parking requirements are met. Council President Pitts asked if the structure would have to be taken down for multifamily. Mr. Peterson stated that technically, the property could have both.

There were no public comments.

The public hearing was closed at 8:34 p.m.

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

Councilmember Kenyon moved to adopt Ordinance No. 4530 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rezoning Property Located at 483 30 Road** [File #RZN-2012-29]

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).

The public hearing was opened at 8:35 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 27, 2012 meeting. He showed a map of the rezones being processed in this round of rezones. 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 recommendation is to change the zoning for it to be in conformance. The change will not affect the current use of the property. Spiritual Assemblies would be an allowed use. Mr. Peterson listed other uses that would not be allowed in the current C-1 zone district. 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 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 conflict between the zone district and the land use designation of the Comprehensive Plan.

Councilmember Luke asked about the changes that will be allowed with the change. Mr. Peterson said C-2 allows more light industrial uses like oil and gas support services with outdoor storage. Councilmember Luke asked if anyone in the neighborhood objected. Mr. Peterson said no one attended the Open House. One person attended the Planning Commission just for information about the church ownership.

There were no public comments.

The public hearing was closed at 8:40 p.m.

Councilmember Doody asked about enclaves. Mr. Peterson said the property is currently in City limits. Councilmember Doody was curious about other nearby properties. Mr. Peterson said for it to be enclaved, the area would have to be completely surrounded by City limits.

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

Councilmember Doody moved to adopt Ordinance No. 4531 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 8:44 p.m.

Dave Thornton, Principal Planner, presented this item. He described the site, the location, and the request, which is a request from the City. The property is located in Area 13. An open house was held in March. The property is owned by Mesa County and houses the Mesa County Community Services facility. There is a cemetery to the east. There are two designations on the property, a Village Center Mixed Use and Residential Medium. Either is valid but with a Village Center Mixed Use, it accommodates the Commercial zoning. Mr. Thornton described the uses that would be allowed in the C-2. The 2007 North Avenue Corridor Plan supports the mixed use. The Planning Commission recommended approval at their March 27, 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 request will bring the zoning into conformance with the Zoning Code and the Future Land Use designation. He entered the Staff Report into the record which details how the proposal meets goals 3, 6, and 12 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code.

Councilmember Luke asked about the zoning of the parcel to the north. Mr. Thornton said it is zoned Rural in Mesa County. It is compared to the City's residential rural. It is vacant and owned by the County for possible future expansion of the Mesa County campus.

There were no public comments.

The public hearing was closed at 8:50 p.m.

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

Councilmember Doody moved to adopt Ordinance No. 4532 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**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]

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.

The public hearing was opened at 8:52 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. She described the surrounding uses as well as other uses in the vicinity. The property to the east had the Comprehensive Plan designation changed last year. The request will bring the zoning into conformance with the Future Land Use designations. The current zonings do not meet those designations. The Monument Little League property is R-12 and the eastern property is CSR. There are issues with the topography. There is also a deed restriction to limit any future buyers on that property because there are development issues due to topography and there is no legal access to the property. There was an open house on January 25, 2012. The property owners were notified. The calls she received were mostly curious. They had no concerns. No one attended the neighborhood meeting. The Planning Commission forwarded a recommendation of approval at its March 27, 2012 meeting.

Councilmember Luke asked why rezone the smaller property with the topography issue from CSR to R-4? Ms. Costello said the proposal is more for eliminating the conflict and to comply with the Comprehensive Plan and would allow any future buyer to develop the property with a single family house, which currently would not be allowed.

Councilmember Doody asked if the property on the north is owned by the Baughmans. Ms. Costello said yes.

Councilmember Luke asked why the zoning is not just kept as CSR. Ms. Costello said that R-4 would allow some development and, with creative design, would allow more than one home. CSR is designed for parks and open space and the property does not lend itself for that as it cannot be accessed. Councilmember Luke asked if it is a sloped parcel. Ms. Costello said yes, the west side has a significant slope. There is a flat area that could be developed. The owner would have to gain legal access.

There were no public comments.

The public hearing was closed at 9:02 p.m.

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

Councilmember Luke moved to adopt Ordinance No. 4533 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

Councilmember Doody said the Staff did a great job on the Auditorium renovations. He asked that the Council chairs be replaced. Acting City Manager Englehart said that is in process.

### **Adjournment**

The meeting was adjourned at 9:05 p.m.

Stephanie Tuin, MMC  
City Clerk





Attach 2

**CITY COUNCIL AGENDA ITEM**

Date: May 11, 2012  
Author: Brian Rusche  
Title/ Phone Ext:  
Senior Planner / 4058  
Proposed Schedule:  
1<sup>st</sup> Reading – June 6, 2012  
2nd Reading (if applicable):  
2<sup>nd</sup> Reading – July 18, 2012  
File # (if applicable): RZN-2012-70

<b>Subject:</b> Rezone 9.629 acres Located at 714 and 720 24 ½ Road
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Hearing for July 18, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Brian Rusche, Senior Planner

**Executive Summary:**

A City initiated request to rezone two parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district.

**Background, Analysis and Options:**

The subject properties were annexed in 2000 as the Chamblee/Boydston Enclave Annexation. A Residential Rural (R-R) zone was assigned to the property at the time of annexation.

In 2010, the Comprehensive Plan was adopted, establishing a Residential Medium 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/or develop their property.

The current R-R zoning is in conflict with the Future Land Use designation of Residential Medium (4-8 du/ac). The conflict is because the maximum density for the R-R zone is one dwelling unit per five acres and the minimum density for the Residential Medium designation is four dwelling units per acre. Upon evaluation, it was determined that rezoning these properties from R-R to R-5 would be the best course of action to bring them into conformance with the existing Future Land Use designation.

The smaller parcel at 720 24 ½ Road is a single-family residence owned by the Canyon View Vineyard Church. The larger parcel, approximately 7.683 acres, is home to Caprock Academy, a public charter school constructed in 2011 and serving grades K-8. This use is classified as an elementary school under 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 March 7, 2012. No comment sheets were received regarding the Area 15 proposal.

Several contacts have been made with adjacent property owners who, upon explanation for the proposed rezone, expressed no objections. Most of the owners inquired about the process for construction of the Caprock Academy, which began in 2011. As a public charter school the construction was exempt from city review, in accordance with local practice and state law, though some consultation with City staff did take place.

**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.

Rezoning the property to R-5 (Residential 5 du/ac) will be consistent with the surrounding neighborhood and will augment the existing amenities provided to this neighborhood.

**Board or Committee Recommendation:**

The Grand Junction Planning Commission met on April 20, 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:** No.

**Attachments:**

Background information  
Rezone criteria  
Site Location Map  
Aerial Photo Map  
Comprehensive Plan Map  
Existing City Zoning Map  
E-mail correspondence  
Ordinance

BACKGROUND INFORMATION					
Location:		720 24 ½ Road 714 24 ½ Road			
Applicants:		City of Grand Junction			
Existing Land Use:		Single-Family Residential Caprock Academy			
Proposed Land Use:		No changes to land use(s) proposed			
Surrounding Land Use:	North	Church			
	South	Caprock Academy (playgrounds)			
	East	Single-Family Residential			
	West	Single-Family Residential			
Existing Zoning:		R-R (Residential Rural)			
Proposed Zoning:		R-5 (Residential 5 du/ac)			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-5 (Residential 5 du/ac)			
	East	R-5 (Residential 5 du/ac)			
	West	PD (Planned Development) R-4 (Residential 4 du/ac)			
Future Land Use Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

Section 21.02.140(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 Area 15 as Residential Medium (4-8 du/ac), rendering the existing R-R (Residential Rural) zoning inconsistent. The proposed rezone to R-5 (Residential 5 du/ac) 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

The most recent development has been the construction of Caprock Academy on one of the subject parcels. This construction has altered the previous rural character of the subject parcels.

This criterion is met.

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

24 ½ Road and G Road are designated as minor arterials; future improvements to these roadways would be funded and constructed through the capital improvement process developed by the City. Adequate infrastructure exists in 24 ½ Road right-of-way to accommodate, with upgrades as necessary, additional development.

The construction on one of the properties of Caprock Academy will serve to augment the existing community facilities provided to this neighborhood, including Canyon View Park and two churches.

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 surrounding subdivisions of North Valley and Spanish Trails were developed beginning in 1994 and 2001, respectively and are fully built out. Along G Road are eight (8) properties greater than one acre between Canyon View Park and 25 Road on the north side of the road, but all have at least one single-family dwelling already established. The two subject properties are the last remaining properties with a rural zoning between 24 and 25 Road north of G Road within the city limits. The property adjacent to Caprock on the south, approximately 10 acres, is presently zoned R-5 but a portion is being utilized for recreation fields for Caprock pupils.

This criterion is met.

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

The Comprehensive Plan anticipated the need for additional residential development based on historical patterns of growth. The proposed R-5 zone district will provide the opportunity for additional development as an extension of established and emerging neighborhoods. Additional development within or adjacent to established neighborhoods allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

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.

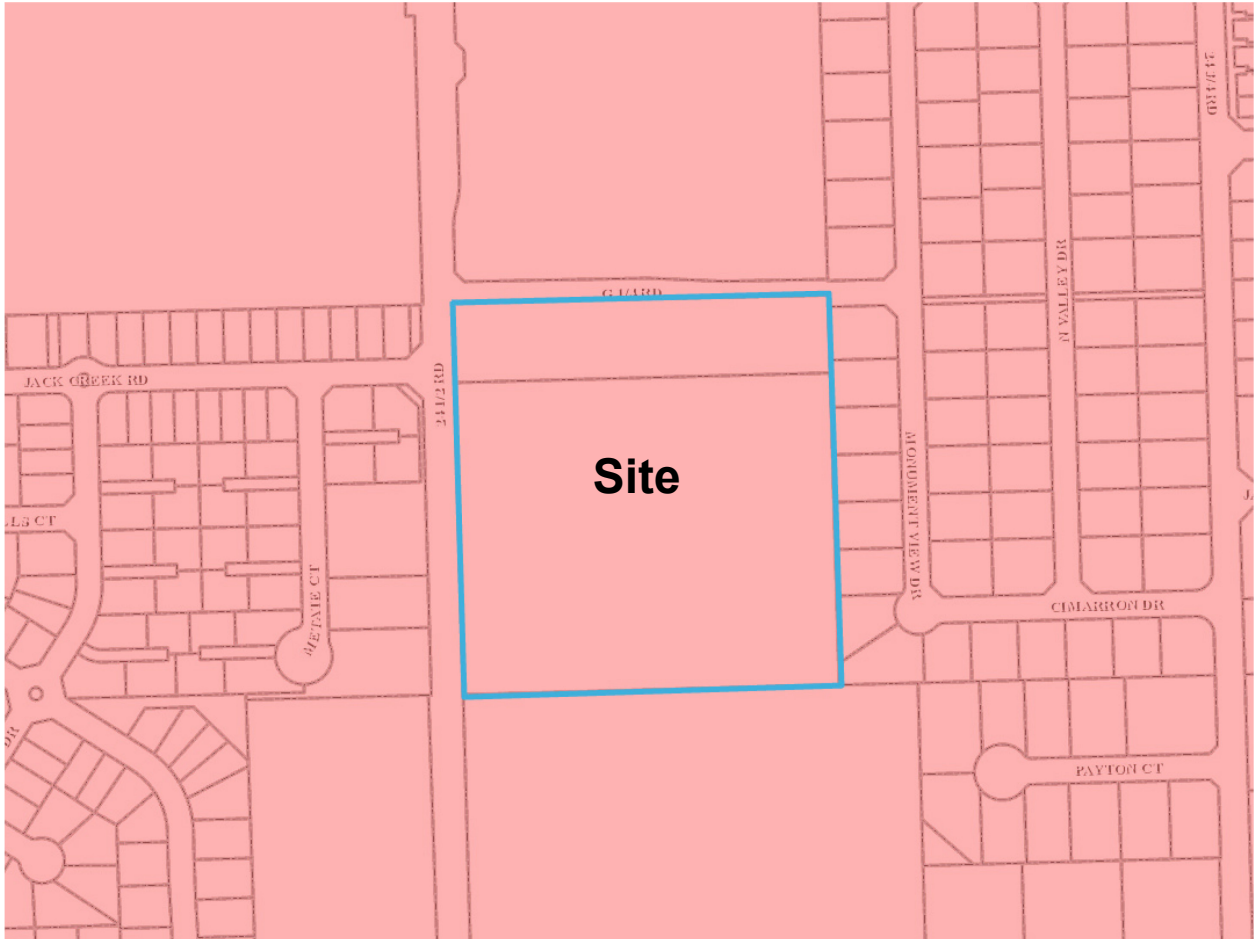
#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Area 15 Rezone, RZN-2012-70, a request to rezone two (2) parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district, the following findings of fact and conclusions have been determined:

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

# Site Location Map

Figure 1



# Aerial Photo Map

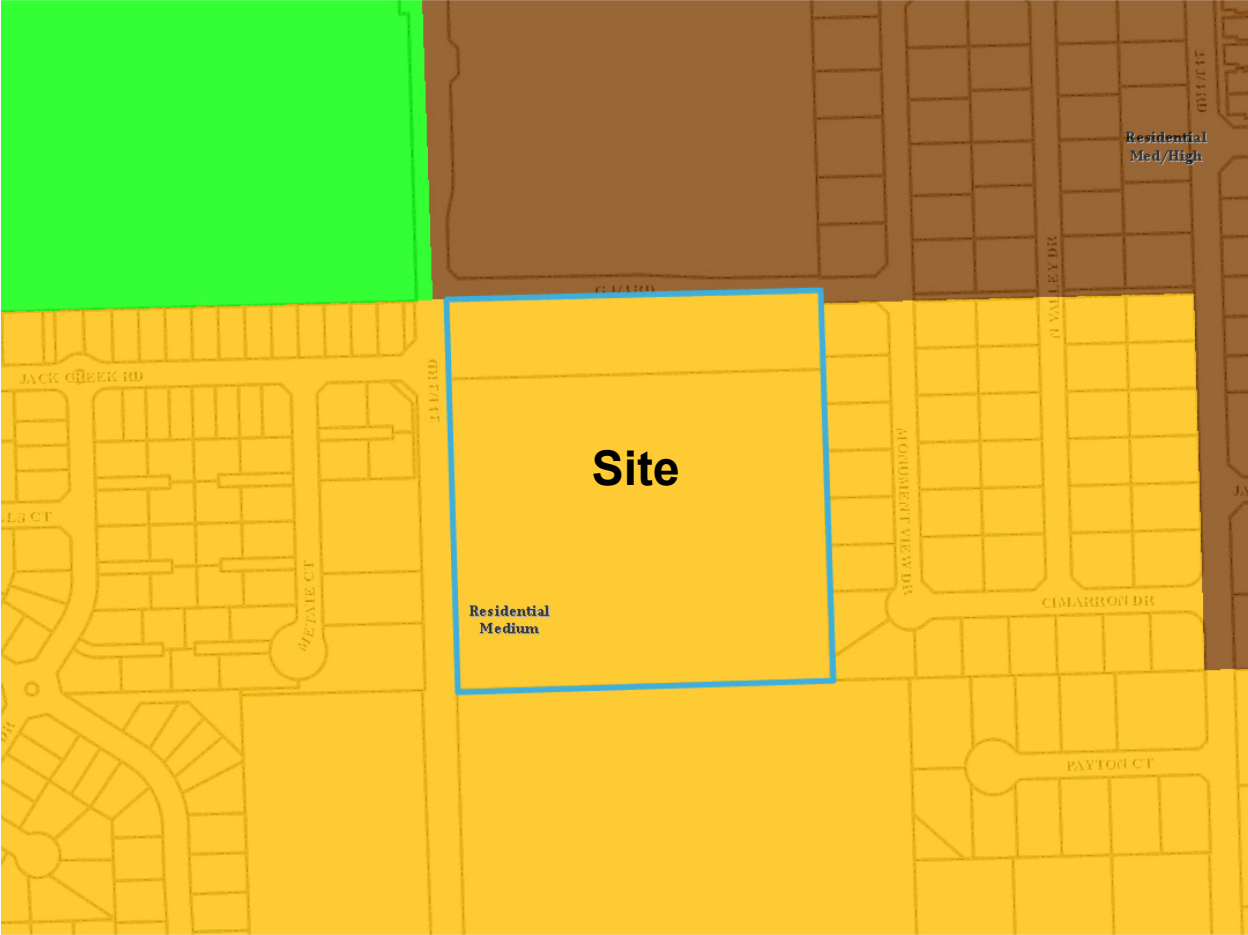
Figure 2





# Comprehensive Plan Map

Figure 3



# Existing City Zoning Map

Figure 4



**From:** Brian Rusche  
**To:** Peter Larkowski  
**Date:** 2/27/2012 1:47 PM  
**Subject:** Re: 720 24 1/2 Rd.  
**Attachments:** Mailing\_Area15.pdf

Suzanne and Pete,

Thank you for your interest in the above referenced project.

The proposed rezone (RZN-2012-70) under consideration includes two parcels. The parcel (2701-334-00-048) at 720 24 1/2 Road is currently owned by the Canyon View Vineyard Church and appears to be used for residential purposes. The other parcel is the Caprock site.

These parcels are proposed to be zoned R-5 (Residential 5 dwelling units per acre) in order to be consistent with the Comprehensive Plan designation of Residential Medium, which anticipates a density in the range of 4-8 dwelling units per acre (du/ac). The R-5 zone is also consistent with the adjacent subdivision (North Valley) as well as additional property owned by the church and used by Caprock at the corner of 24 1/2 and G Roads.

This is a City initiated rezone and no additional development is proposed at this time. All of the existing uses (religious assembly, single-family residential, school) are permitted in the proposed R-5 zone.

The construction of Caprock did not require a public hearing. There are no plans that I am aware of to construct housing on the site. Also, while there may be access road(s) to service the school building(s) there are no public streets on the Caprock property.

I have attached a map of this request, which is also available at the following website: <http://www.gjcity.org/Administration-Dept.aspx?pageid=2147528127>

The schedule for this request is also posted. An Open House is scheduled for March 7, 2012 from 4-6 pm at City Hall. Public comments may be accepted prior to the Planning Commission hearing, scheduled for May 8, 2012.

If you have any further questions, please let me know.

Sincerely,

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

>>> Peter Larkowski <jucogjct@hotmail.com> 2/26/2012 5:44 AM >>>  
Good Morning,

I would like some info. on this rezoning. I pulled up the map and it shows the land where Caprock Academy is located and the land south of it that I thought was Caprock's property.

What is Caprock going to do here? Do they plan on building student housing? Can you send me more information on this?

I was never informed of the rezoning of the current Caprock property until they started building it. When did they rezone that property? They have a street running directly behind my property and I would have liked to have had that info before it started.

Thank you,

Suzanne and Pete Larkowski

**From:** Brian Rusche  
**To:** Mike Piechota  
**Date:** 2/28/2012 1:58 PM  
**Subject:** Re: RZN-2012-70  
**Attachments:** Mailing\_Area15.pdf

Mr. Piechota,

Thank you for your interest in the above referenced project !

The proposed rezone under consideration includes two parcels. The parcel (2701-334-00-048) at 720 24 1/2 Road is currently owned by the Canyon View Vineyard Church and appears to be used for residential purposes. The other parcel is the Caprock site.

These parcels are proposed to be zoned R-5 (Residential 5 dwelling units per acre) in order to be consistent with the Comprehensive Plan designation of Residential Medium, which anticipates a density in the range of 4-8 dwelling units per acre (du/ac). The R-5 zone is also consistent with the adjacent subdivision (North Valley) as well as additional property owned by the church and used by Caprock at the corner of 24 1/2 and G Roads.

This is a City initiated rezone and no additional development is proposed at this time. All of the existing uses (religious assembly, single-family residential, school) are permitted in the proposed R-5 zone.

I have attached a map of this request, which is also available at the following website: <http://www.gjcity.org/Administration-Dept.aspx?pageid=2147528127>

The schedule for this request is also posted. If you cannot make the Open House scheduled for March 7, 2012, you may still submit public comments prior to the Planning Commission hearing, scheduled for May 8, 2012.

If you have any further questions, please let me know.

Sincerely,

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

>>> "Mike Piechota" <mike.piechota@bresnan.net> 2/27/2012 6:52 PM >>>

Mr. Rusche

I recently received a notice reference a meeting about RZN-2012-70 at 720 24 1/2 Road. I live nearby but cannot make the meeting. What exactly is being proposed? What does Residential 5 du/ac mean?

Thank you for your time.

Mike Piechota

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PROPERTIES AT  
714 AND 720 24 ½ ROAD  
FROM AN R-R (RESIDENTIAL RURAL)  
TO AN R-5 (RESIDENTIAL 5 DU/AC) 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 R-5 zone district implements the Future Land Use designation of Residential Medium, 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 March 7, 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 R-5 (Residential 5 du/ac):

714 24 ½ ROAD AND 720 24 ½ ROAD

SEE ATTACHED MAP.

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

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

ATTEST:

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

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

# Rezone - Area 15



2 Parcels

Rezone from  
R-R Residential Rural (1 unit/5 acres)  
to R-5 (3-5 units/acre)



Date: May 29, 2012  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule:  
Wednesday, June 6, 2012  
 2nd Reading: Wednesday, July 18, 2012  
 File #: RZN-2012-126

Attach 3

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rezone 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Directly South of 487 Sparn Street
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Public Hearing for July 18, 2012.
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

A City initiated request to rezone seven parcels, totaling 1.67 acres, located at 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, directly South of 487 Sparn Street, from C-2 (General Commercial) to C-1 (Light Commercial) to bring them into conformance with the Comprehensive Plan.

**Background, Analysis and Options:**

The subject parcels of this City initiated rezone, referred to as Area 11, were platted in 1946 as part of the Ernest T Sparn Subdivision. The area was annexed into the City in 1961 as part of the Central Fruitvale Annexation. In 2010, the Comprehensive Plan was adopted by the City designating this area as a Village Center on the Future Land Use Map. The Comprehensive Plan was adopted by the City to help guide how future development should occur. The property is presently zoned C-2, (General Commercial) which is inconsistent with the Comprehensive Plan’s Future Land Use Map designation of Village Center.

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. Changing the zoning will not impact the existing businesses or business residences, but will maximize the opportunity to utilize or redevelop the property in the future.

Generally, the difference in purpose between C-1 and C-2 zone districts are: C-1 is to provide indoor retail, service and office uses requiring direct or indirect arterial street access. This may include or provide for some outdoor operations and storage. The C-1 zone district further permits multifamily residential and group living facilities as land



uses where appropriate. C-2 zoning is to provide for activities such as repair shops wholesale businesses and warehousing. Only a business residence is allowed as a housing opportunity under the C-2 zone.

### Comparison of Uses

A - Allowed / C - Conditional / X – Not Allowed

C-1		C-2	
Business Residence	A	Business Residence	A
Rooming/Boarding House	A	Rooming/Boarding House	X
Multifamily	A	Multifamily	X
Home Occupation	A	Home Occupation	X
Group Living Facilities	C	Group Living Facilities	X
Indoor Entertainment Facilities	A	Indoor Entertainment Facilities	C
Outdoor Entertainment	X	Outdoor Entertainment	C
Auto/Light Truck Mechanical Repair	A	Auto/Light Truck Mechanical Repair	A
Landscaping Materials Sale	A	Landscaping Materials Sale	A
All Other Vehicle Repair	X	All Other Vehicle Repair	C

There is an existing landscaping business on the southeast corner of the subject area. Landscaping materials, sales, greenhouses and nurseries are allowed uses in both C-1 and C-2 zoning districts. The properties are currently zoned C-2, and with one exception they are listed by the County Assessor as “residential;” the exception is 491 Sparn Street, which is a church, and is listed by the Assessor as “commercial exempt”. (The Assessor bases the taxing assessment on the current use of the property and not on the zoning of the property.) All existing uses are allowed under the C-1 zone. Rezoning the properties to C-1 will also allow more opportunities for redevelopment in line with the Village Center concept which encourages employment, residential, service oriented and retail uses.

All property owners were notified of the proposed rezone by mail. They were invited along with other property owners in the area to attend an Open House held on March 7, 2012 to discuss any issues, concerns, suggestions or support for the rezone request. Three property owners/representatives contacted staff by phone and at their request a separate meeting was held to explain the differences between C-1 and C-2 zoning designations and what it would mean to their property. After the meeting, two of those three citizens sent an email (attached) stating that they adamantly opposed and did not want their property rezoned.

One neighboring property owner (adjacent to but not part of the rezone area) phoned to discuss the rezones and how they may impact her. Because her property is already zoned C-1, she did not object to rezoning the neighboring area.

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

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

The proposed rezone to C-1, (Light Commercial) implements the future land use designation of Village Center creating consistency with the Future Land Use Map which has been adopted by the City and Mesa County.

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

The immediate area has benefitted from the completion of 29 Road with a new street configuration and sidewalks for this area being provided. When the economy rebounds this should help to stimulate new growth and redevelopment in this area of the community.

**Board or Committee Recommendation:**

The Planning Commission did not recommend approval of this item from their meeting held on May 8, 2012. Based on input from the property owners that spoke at the meeting, the Planning Commission by a vote of 1 to 4 denied the request. The minutes from the meeting will be provided prior to the Public Hearing scheduled for July 18, 2012.

**Financial Impact/Budget:**

N/A

**Legal issues:**

None

**Other issues:**

N/A

**Previously presented or discussed:**

This item has not been previously presented.

**Attachments:**

- Site Location Map / Aerial Photo Map
- Comprehensive Plan Map / Existing City and County Zoning Map
- Comparison of Zoning to Comprehensive Plan
- Minutes from Planning Commission (will be attached after they are approved)
- Email attachments
- Ordinance

BACKGROUND INFORMATION					
<b>Location:</b>		488, 490 and 492 Melody Lane; 487, 489 ½ and 491 Sparn Street and Tax Parcel 2943-181-05-026, directly South of 487 Sparn Street			
<b>Applicants:</b>		City of Grand Junction			
<b>Existing Land Use:</b>		Residential and Business			
<b>Proposed Land Use:</b>		N/A			
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial and Residential			
	<b>South</b>	Residential and Industrial			
	<b>East</b>	Hilltop Health Services			
	<b>West</b>	Wal-Mart			
<b>Existing Zoning:</b>		C-2 (General Commercial)			
<b>Proposed Zoning:</b>		C-1 (Light Commercial)			
<b>Surrounding Zoning:</b>	<b>North</b>	C-1(Light Commercial)			
	<b>South</b>	C-2 (General Commercial)			
	<b>East</b>	C-1(Light Commercial)			
	<b>West</b>	C-1(Light Commercial)			
<b>Future Land Use Designation:</b>		Village Center			
<b>Existing Zoning within density range?</b>			Yes	X	No

**Section 21.02.140 of the Grand Junction Municipal Code**

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

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

Response: The proposed rezones will alleviate the conflict between the current zoning and the Comprehensive Plan Future Land Use Map designation of Village Center.

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

Response: New road construction has occurred around the subject parcels. The rezone will allow for future development and redevelopment of the subject properties and be consistent with the Comprehensive Plan.

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

Response: Adequate public facilities and services currently exist and may be extended for future development in this redevelopment area.

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

Response: City water and sewer are currently available in the adjacent right-of-ways, therefore public and community facilities are adequate, or can be made available, to serve the properties at the time when future development would occur. The properties are also located within an area with access to transportation, shopping and medical facilities.

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

Response: The proposed amendment will bring the zoning into conformance with the Comprehensive Plan. The property owners will be allowed to continue their existing uses and will have the opportunity for more uses in possible future redevelopment.

#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Area 11 Rezone, RZN-2012-126, a request to rezone the property from C-2 (General Commercial) to C-1 (Light Commercial), the following findings of fact and conclusions have been determined:

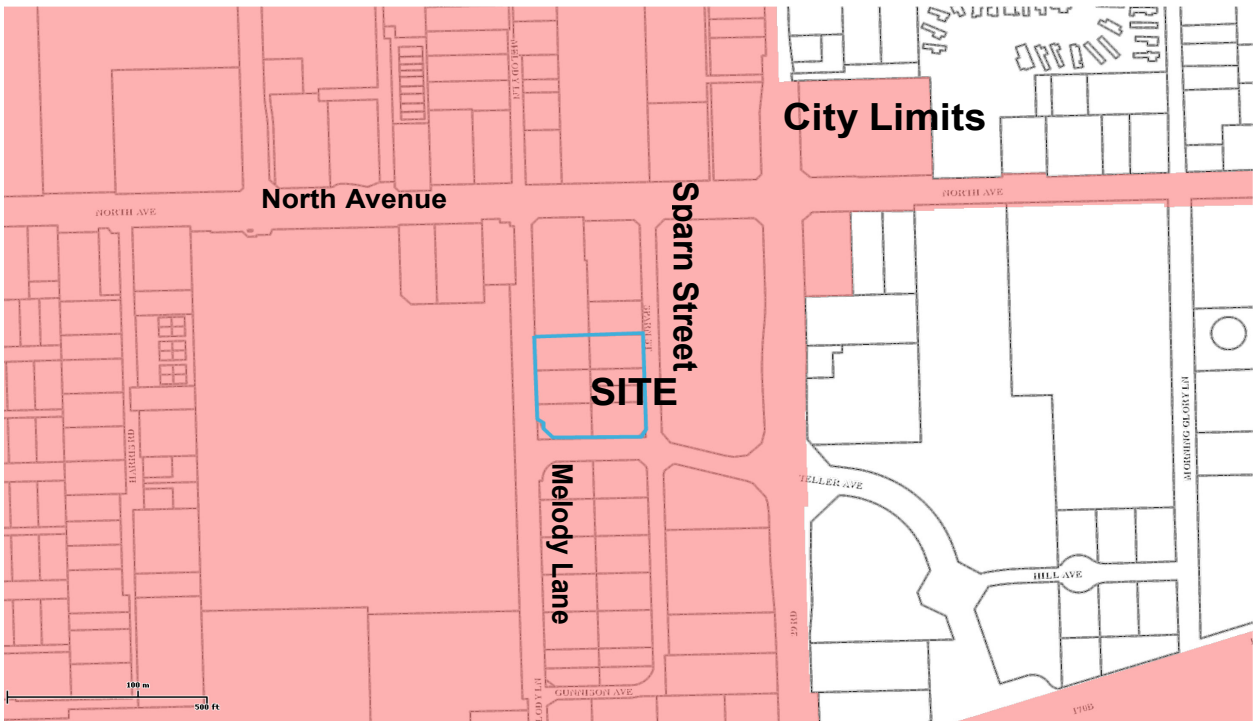
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

#### **RECOMMENDATION FROM PLANNING COMMISSION:**

The Planning Commission does not forward a recommendation of approval.

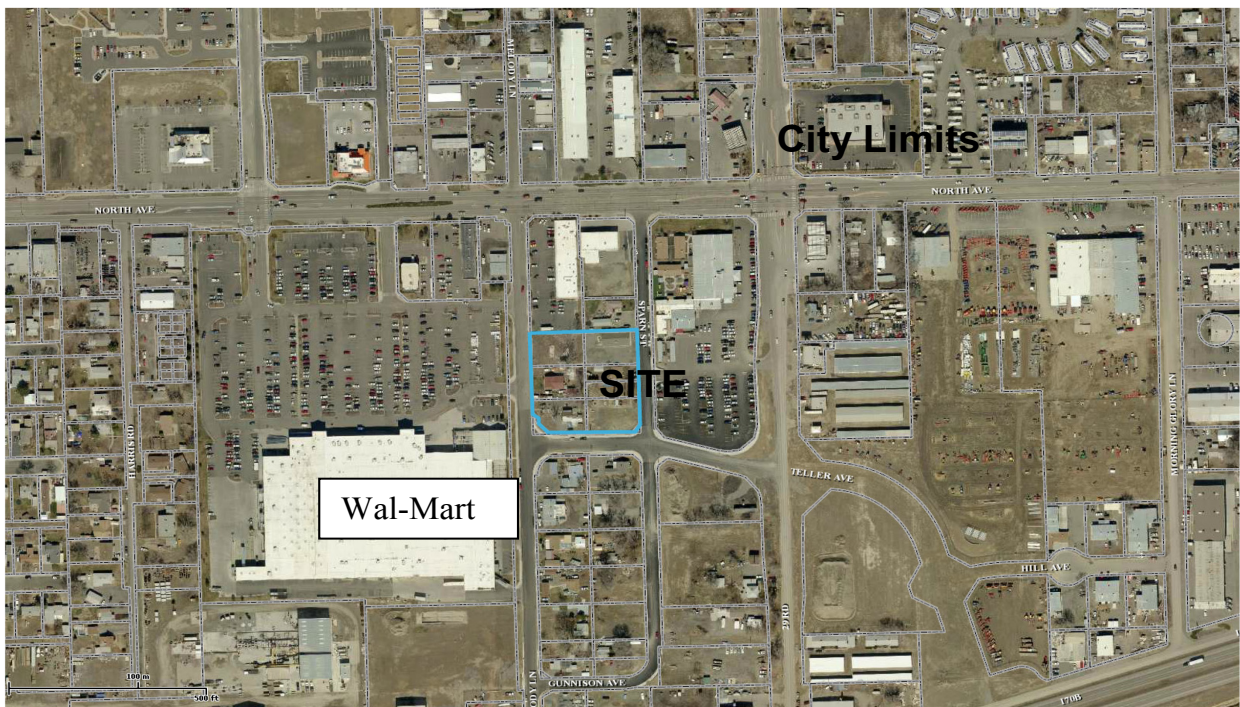
# Site Location Map

Area 11



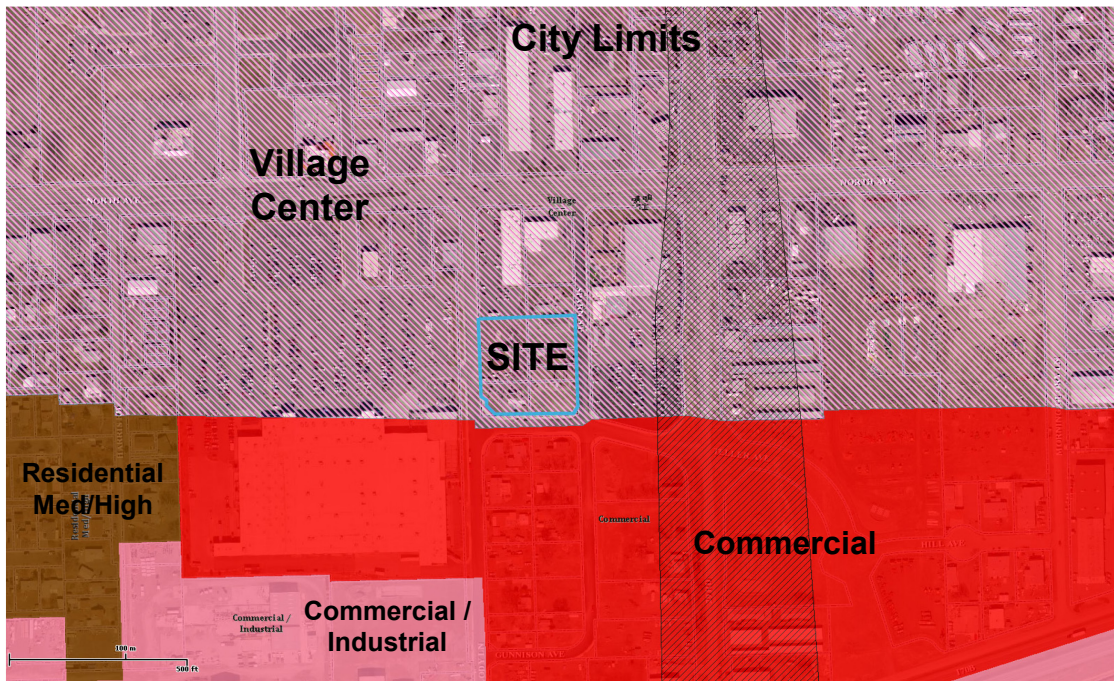
# Aerial Photo Map

Area 11



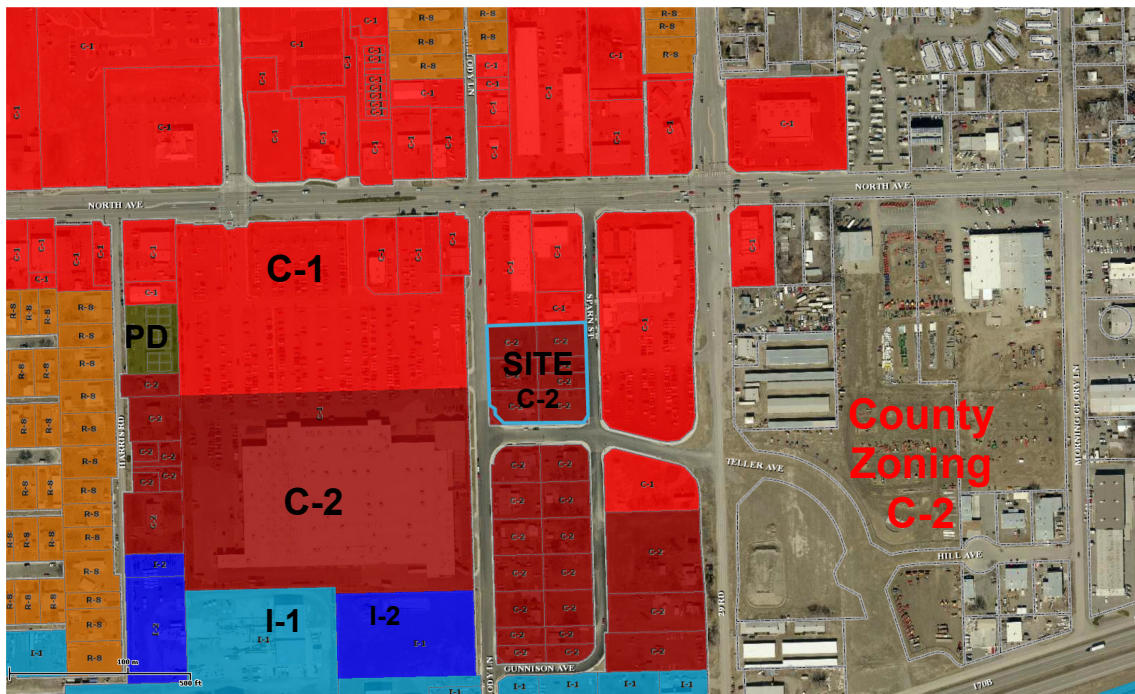
# Comprehensive Plan Map

## Area 11



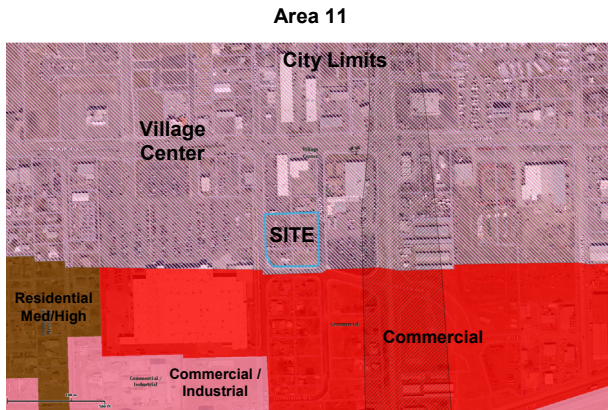
# Existing City and County Zoning Map

## Area 11

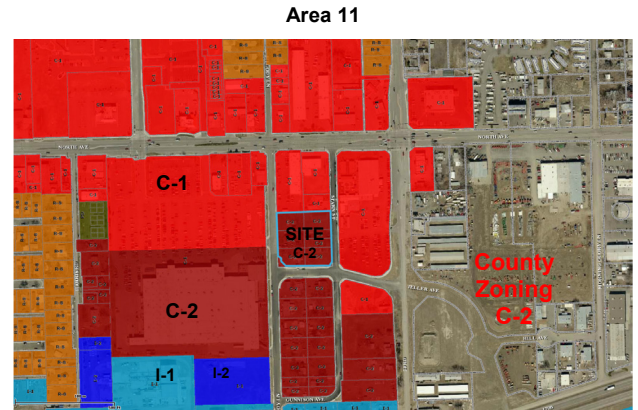


# Comparison of Zoning to Comprehensive Plan

**Comprehensive Plan Map**



**Existing City and County Zoning Map**



**From:** maria a serafino <mariaaserafino@gmail.com>  
**To:** <lorib@gjcity.org>  
**Date:** 3/7/2012 12:45 PM  
**Subject:** Fwd: proposed rezone melody ln /parcel information

Dear ms. Bowers,  
here is the address of my property : 492 Melody Lane - Grand Junction - CO  
- 81501

----- Forwarded message -----

From: maria a serafino <mariaaserafino@gmail.com>  
Date: Wed, Mar 7, 2012 at 12:25 PM  
Subject: proposed rezone melody ln  
To: lorib@gjcity.org

Dear ms. Bowers,  
in regard to the rezoning of 7 parcels on Melody Ln. from C-2 ( general

commercial ) to C-1 ( light commercial ) after the pre-meeting on march 6-2012 with you and some of the other owners, I have decided to vote against such change.I believe that the proposed change would down grade the value of my property.It appears that several other owners fills the same. Please consider this e-mail as my official vote to go on record.

Respectfully

Maria A. Serafino

**From:** Marie Ramstetter <ramstet@gmail.com>  
**To:** <lorib@gjcity.org>  
**Date:** 3/6/2012 8:46 PM  
**Subject:** Downzone

Please note that I adamantly oppose your proposed down zone of parcels owned by JVR LLC, parcel numbers 2943-181-05-018 and 026.

I request that you DO NOT go forward with this proposal.



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LOCATED AT 488, 490, AND 492 MELODY LANE,  
487, 489 ½, AND 491 SPARN STREET,  
AND  
TAX PARCEL 2943-181-05-026,  
LOCATED DIRECTLY SOUTH OF 487 SPARN STREET**

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, 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 March 7, 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 public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission did not recommend approval of rezoning the subject properties shown as Area 11 from C-2 (General Commercial) to the C-1 (Light Commercial) zone district.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the rezoning of the property described herein is in conformance with the criteria of Section 21.02.140 of the Zoning and Development Code and that the C-1 zone district complies with and implements the goals and vision of the Comprehensive Plan and shall be established.

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

The following properties shall be rezoned C-1 (Light Commercial):

488 Melody Lane

490 Melody Lane

492 Melody Lane

487 Sparn Street

489 ½ Sparn Street

491 Sparn Street

And Tax Parcel 2943-181-05-026, located directly South of 487 Sparn Street

And as shown on Exhibit "A" attached.

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

Rezone - Area 11

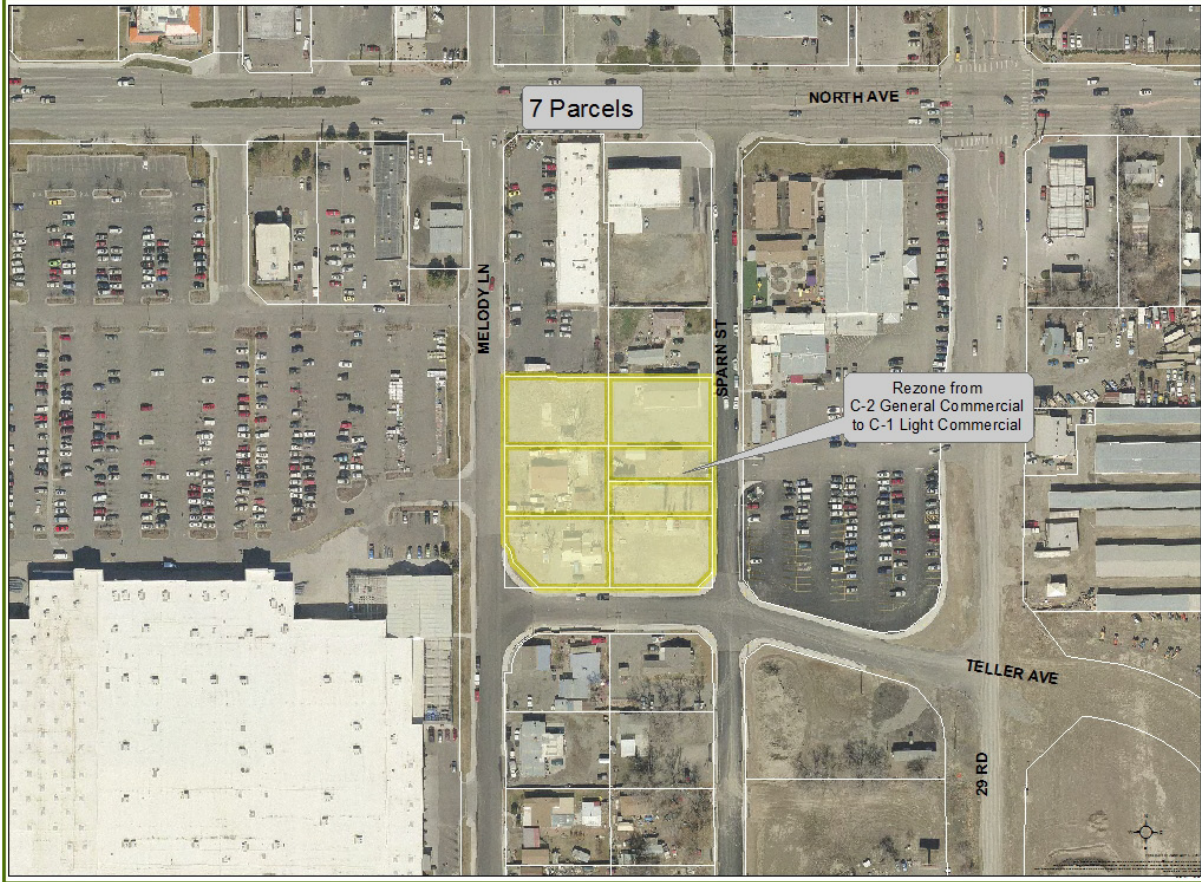


Exhibit "A"



Attach 4

## CITY COUNCIL AGENDA ITEM

Date: May 18, 2012

Author: Senta Costello

Title/ Phone Ext: Senior Planner/  
x1442

Proposed Schedule: 1<sup>st</sup> Reading  
June 6, 2012

2nd Reading (if applicable): July  
18, 2012

File #: RZN-2012-74

**Subject:** Amendment to the Future Land Use Designation for Four Properties Located at 2886 and 2898 I-70 B, 2892 and 2896 Highway 6 and 24

**Action Requested/Recommendation:** Introduce the Proposed Ordinance and Set a Hearing for July 18, 2012

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

### Executive Summary:

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Commercial to Commercial/Industrial.

### Background, Analysis and Options:

The City of Grand Junction and Mesa County jointly adopted a Comprehensive Plan in February, 2010. The 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 had a land use designation that called for a change of the current zoning of the property. In several cases the zoning was to be upgraded to allow for more residential density or commercial/industrial intensity. In other cases the zoning was to be downgraded to reduce commercial/industrial intensity. The City began the process of rezoning areas where a conflict existed between the zoning and the Future Land Use Map designation last October, sending out letters and notification cards, holding open houses and attending neighborhood meetings. It was during this time that Staff began relooking at some of the areas and determined that the current zoning was appropriate and did not need to be modified. However, in order to remove the inconsistency between the Comprehensive Plan's Future Land Use Map and the zoning of these properties, the Comprehensive Plan Future Land Use Map needs to be amended.

Staff has identified four (4) properties of the City with a conflict of this nature, which are shown on the map attached to this staff report.

To eliminate the conflict between the current land use designation and zoning of these four properties, Staff recommends and proposes to change to the future land use designation. The attached map and description shows the changes proposed for each of the affected areas.

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

The proposed amendments are consistent 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 1A:** City and County land use decisions will be consistent with the Future Land Use Map. Mesa County considers the Comprehensive Plan an advisory document.

By amending the Comprehensive Plan designation, the conflict between the current land use designation and zoning of these four properties will be eliminated.

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

**Policy 6A.** In making land use and development decisions, the City and County will balance the needs of the community.

The types of uses allowed in the zones that would implement the Commercial/Industrial Future Land Use designation would serve as a transition between the industrial uses to the south and less intensive commercial uses to the north. This transition would create a buffer encouraging the preservation of the existing buildings and uses in both areas.

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

**Policy 12B.** The City and County will provide appropriate commercial and industrial development opportunities.

By designating this area as Commercial/Industrial, the City would be providing additional opportunities for a mix of commercial and light industrial development.

**Board or Committee Recommendation:**

The Grand Junction Planning Commission heard this request at its May 8, 2012 meeting. A unanimous recommendation of approval was forwarded to City Council.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Amendment criteria

Site Location Map / Aerial Photo Map

Future Land Use Map / Existing City Zoning Map

Ordinance

BACKGROUND INFORMATION		
<b>Location:</b>		2886/2898 I-70 B, 2892/2896 Hwy 6 & 24
<b>Applicants:</b>		Applicant: City of Grand Junction
<b>Existing Land Use:</b>		J&S Fence, Integrity Auto Repair, Lucas Industrial Repair, E&E Door and Window,
<b>Proposed Land Use:</b>		No change proposed
<b>Surrounding Land Use:</b>	<b>North</b>	Residential/Outdoor storage
	<b>South</b>	I-70 B/Railroad
	<b>East</b>	29 Rd overpass, storage units
	<b>West</b>	Office/Shop/Outdoor storage
<b>Existing Zoning:</b>		I-1 (Light Industrial)
<b>Proposed Zoning:</b>		I-1 (Light Industrial)
<b>Surrounding Zoning:</b>	<b>North</b>	C-2 (General Commercial)
	<b>South</b>	I-1 (Light Industrial)
	<b>East</b>	County C-2
	<b>West</b>	I-1 (Light Industrial)
<b>Existing Future Land Use Designation:</b>		Commercial
<b>Proposed Future Land Use Designation:</b>		Commercial/Industrial

Chapter One, Amendments to the Comprehensive Plan (document), states that “An amendment is required when a requested change significantly alters the land use or the Comprehensive Plan document.”

The following Criteria for Plan Amendments are found in Chapter One of the Comprehensive Plan document:

#### Criteria for Plan Amendments

The City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

1. Subsequent events have invalidated the original premises and findings; and/or
2. The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or
3. Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

4. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
5. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

When the Comprehensive Plan was adopted, the City did not rezone properties which had zoning that was inconsistent with the new land use designations. This meant that in many areas there was a conflict between the new land use designation and the existing zoning of the property.

The City recognizes that, in several areas, the existing zoning is appropriate and is consistent with the vision of the Comprehensive Plan. Furthermore, by removing the conflicts between the zoning and the Future Land Use designations, a community benefit is derived. Under the current situation, the ability of a property owner or lessee may be unable to develop, redevelop or expand an existing use. By processing the proposed amendment, the City has removed a step that would have to be accomplished thus facilitating development, redevelopment, or expansion of property when the market is ready. Therefore criterion 5 listed under Criteria of Plan Amendments has been met.

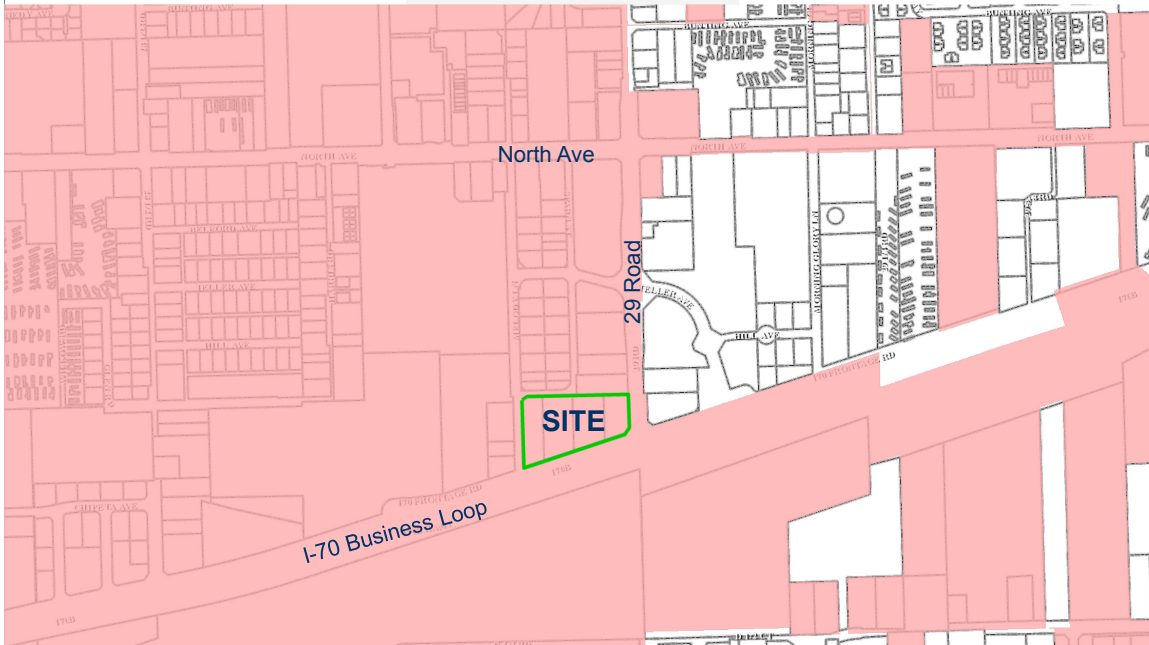
#### **REVIEW AND COMMENT PROCESS:**

Because the City is requesting to amend the Comprehensive Plan Future Land Use Map, written notice was provided to each property owner to inform them of the City's intention to change the land use designation of property that they owned. Individual letters were mailed to each property owner which informed them of the proposed Future Land Use Map amendments and how they could review the proposed amendments and provide comments.

An Open House was held on March 7, 2012 to allow property owners and interested citizens to review the proposed amendment, 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 amendment was also posted on the City and Mesa County websites with information about how to submit comments or concerns. Public review and comments were accepted from through March 7, 2012. Citizen comments were received by phone and email. No written comments were submitted during the Open House. Comments received are attached to this staff report.



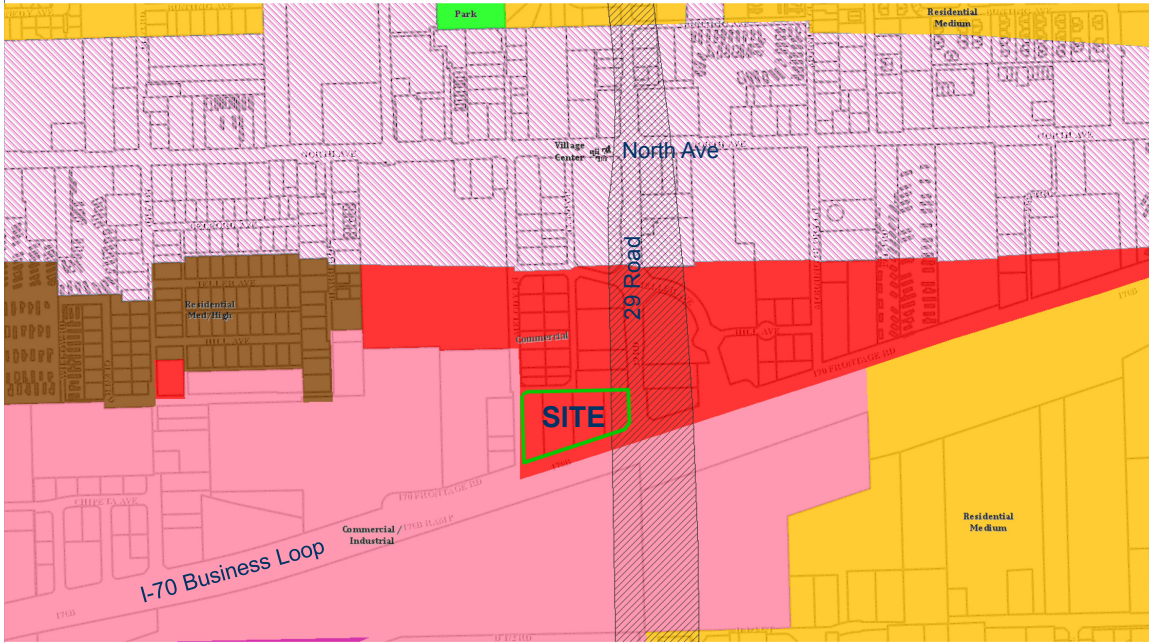
## Site Location Map



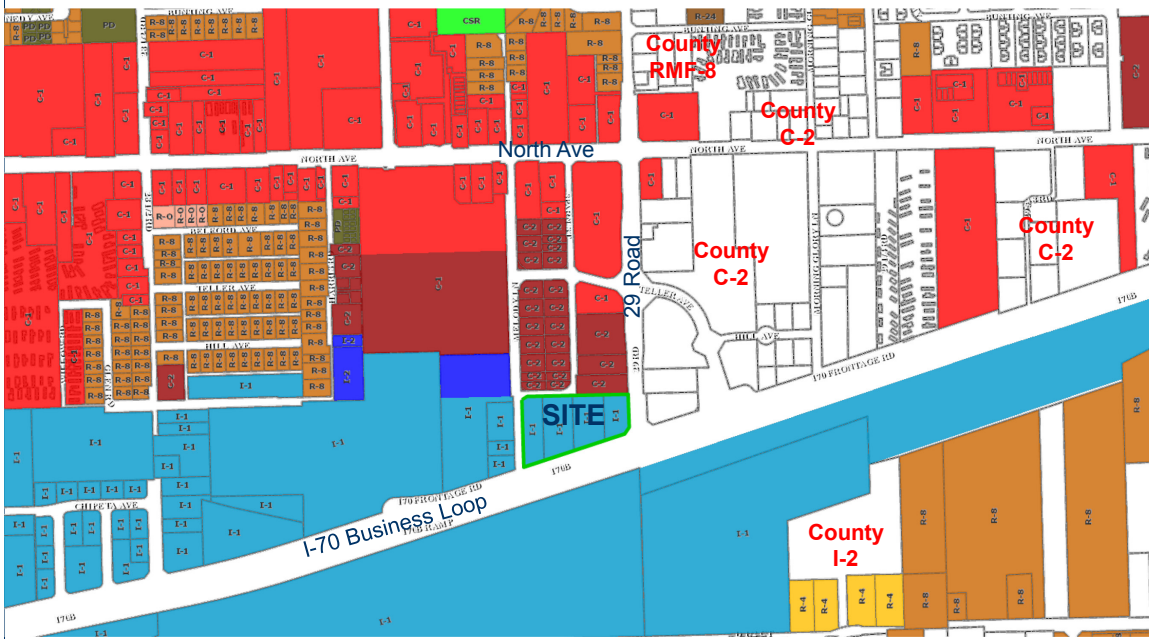
## Aerial Photo Map



# Comprehensive Plan Future Land Use Map



# Existing Zoning Map



## Area 22

**Location:** 2886/2898 I-70 B, 2892/2896 Hwy 6 & 24

**Parcels:** 4

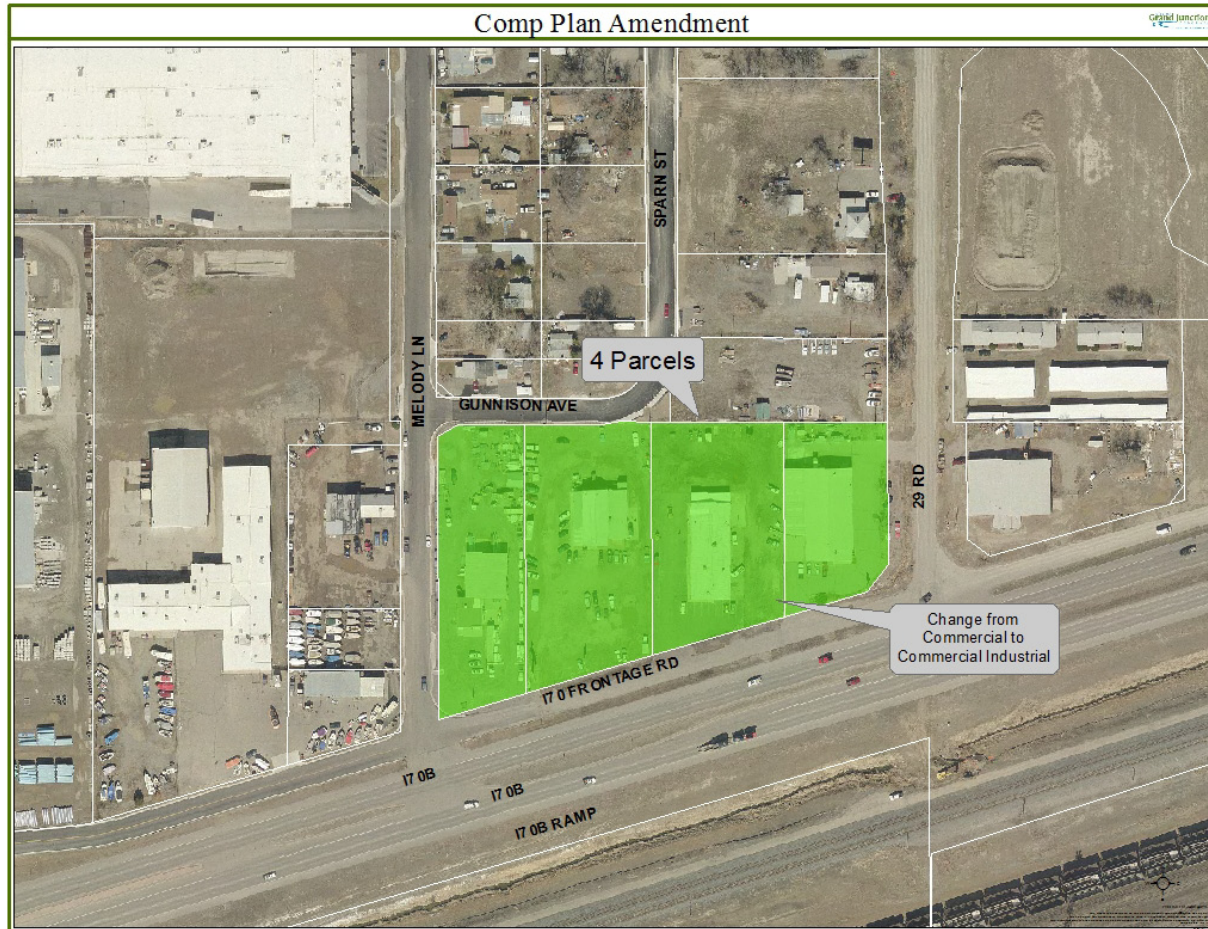
**Existing zoning:** I-1

**Recommended change to future land use designation:**

**From:** Commercial

**To:** Commercial/Industrial

Recommend changing future land use designation with no change to current zoning.



## Citizen Comments

**From:** "Tom Skubic" <tom@eedw.net>  
**To:** <sentac@gjcity.org>  
**Date:** 3/5/2012 1:00 PM  
**Subject:** FW:

---

From: Tom Skubic [mailto:tom@eedw.net]  
Sent: Monday, March 05, 2012 9:41 AM  
To: 'Carol Skubic'  
Subject:

Concerning your comprehensive plan from February 2010. There are no plans for the four properties listed. Who made this decisions and why were these properties picked for de-zoning?

The properties listed are in an industrial area on the I-70 business loop with nothing but train tracks across from all four properties

When i purchased this property it was zoned as I-1, To de-zone is to de-value, how will I be compensated from the city for the decrease in value and the new hardships in selling this property?

When i was negotiating with the city on the purchase of some of my property in regards to the 29 road project i was asked to gift a part of my back lot to make Sparn a commercial street. De-zoning never came up in the negotiations and if it had it may have impacted my decision to gift the property.

I feel that i have cooperated with all entities in the building of the new bridge and have not complained of the hardships incurred. I hope that you will take this into consideration on your decision of the de-zoning.

Please call me with any questions or concerns that you may have.

Tom Skubic  
Owner  
E & E Door & Window  
2898 I-70 Business Loop  
Grand Junction, CO 81501  
970-242-0208  
970-242-1328 Fax  
970-985-5231 Cell  
www.eedw.net

**From:** <lucasdiesel@aol.com>  
**To:** <sentac@gjcity.org>  
**Date:** 3/6/2012 11:41 AM  
**Subject:** Lucas 2896 I-70 B

When I purchased 2896 I-70 Business loop in 1986 and 2892 in 1996 both properties were zoned (I-1). If the zoning on these properties is changed to (C-2) it will decrease the value of the properties. I would like to see all four of the addresses above remain zoned (I-1).

Thank you for your consideration

Thank You  
Dennis R Lucas Sr.  
970-241-5011

**J & S Fence Co., Inc.**  
2886 I-70 Business Loop  
Grand Junction, CO 81501  
(970) 243-2723 FAX: (970) 243-2735

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City Of Grand Junction  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

Comment and questions regarding proposed zoning changes - 2886 I-70 Business Loop, Grand Junction, CO.

1. Who decided the change was necessary?
2. What is the reason for the zoning change?
3. Why are the properties west of Melody Lane remaining in the I-1 zoning?
4. Who is going to pay for the devaluation of said property?

J & S Fence Co., Inc. has been at this location since the early 1960's. When the property was purchased, the desired I-1 zoning was in place. We have endured 3 years of hardship due to the construction of the 29 Rd. Project. Now you wish to change the zoning. Is this part of some master plan?

The neighboring properties to the west are zoned I-1. We are blocked on the east by the overpass. To the south are railroad tracks. We are in an industrial area. We hope that you will rethink this zoning change as we do not believe the change is in any way beneficial.

Doris Downey  
970 243-2723  
ddowney@jsfenceco.com

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE GRAND JUNCTION COMPREHENSIVE PLAN  
FUTURE LAND USE MAP FOR FOUR PROPERTIES LOCATED AT  
2886 AND 2898 I-70 B, 2892 AND 2896 HIGHWAY 6 AND 24**

**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. Staff analyzed these areas to consider whether the land use designation was appropriate, or if the zoning was more appropriate, to implement the vision, goals and policies of the Comprehensive Plan.

In many instances it was determined that the current zoning is appropriate and consistent with the vision of the Comprehensive Plan. In several areas, it was determined the current land use designation called for a change in residential density or commercial or industrial intensity that did not fit the neighborhood.

In order to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of these properties, Staff recommends amending the Comprehensive Plan Future Land Use Map to be consistent with the existing zoning.

The proposed Future Land Use Map amendment was distributed to the Mesa County Planning Division and various external review agencies for their review and comment. The City did not receive any comments from Mesa County or external review agencies regarding the proposed Future Land Use Map amendments.

An Open House was held on March 7, 2012 to allow property owners and interested citizens an opportunity to review the proposed map amendment, 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 amendment was also posted on the City and Mesa County websites with information about how to submit comments or concerns. Several citizen comments were received during the review process.

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

1. The proposed amendment to the Comprehensive Plan Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

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

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

The Grand Junction Comprehensive Plan Future Land Use Map is hereby amended as shown on the attached area map changing the four properties located at 2886 and 2898 I-70 B, 2892 and 2896 Highway 6 and 24 from Commercial to Commercial/Industrial.

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

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

ATTEST:

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

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



# Comp Plan Amendment





Attach 5

**CITY COUNCIL AGENDA ITEM**

Date: May 7, 2012  
Author: Senta Costello  
Title/ Phone Ext: Senior Planner  
x1442  
Proposed Schedule: June 6, 2012  
2nd Reading (if applicable): N/A  
File # (if applicable): VAC-2012-272

<b>Subject:</b> Vacation of a Portion of a 15' Waterline Easement, Fuoco Motors, Located at 2582 Highway 6 and 50
<b>Action Requested/Recommendation:</b> Adopt Resolution Vacating the 15' Waterline Easement
<b>Presenter(s) Name &amp; Title:</b> Senta Costello, Senior Planner

**Executive Summary:**

The applicant is requesting to vacate a portion of a 15' waterline easement in order to accommodate a new building across the easement area. A new waterline and easement has been constructed at another location on the property that is not encumbered with existing or proposed structures.

**Background, Analysis and Options:**

The eastern portion of the property has been used as a car dealership since the mid 60's. The eastern building was built in 1984 and the western buildings were constructed in 1991. A 15' waterline easement was dedicated in 1991 to give the City access to a waterline that crosses the property.

The applicant has demolished one of the smaller western buildings and built a new showroom in its place. Through the site plan review for the new showroom, the applicant proposed to relocate the waterline, dedicate a new easement, abandon the old waterline and vacate the existing easement. The new waterline has been installed and accepted by the City, a new easement has been dedicated and the old waterline abandoned. The applicant requested vacation of the portion of the easement believed needed and the request was approved in October of 2011. The approval was contingent upon the new waterline installation and acceptance and the new easement being dedicated. Through the finalization of the documents for the new easement, it became apparent that the original vacation area was not adequate to remove the new building from the original easement area.

This request is to correct the area of the easement to be vacated.

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

- **Goal 6:** Land use decisions will encourage preservation and appropriate reuse.
- **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 continued use of this property by the property owner and allow the owner's proposed upgrades to the site, so that the owner will not need to relocate.

**Board or Committee Recommendation:**

The Planning Commission recommended approval at its May 22, 2012 hearing.

**Financial Impact/Budget:**

N/A.

**Legal issues:**

Legal has reviewed the attached staff report.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Staff Report  
Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Vacation Area Comparison (previous area to new area)  
New Easement  
Resolution

BACKGROUND INFORMATION				
Location:		2582 Hwy 6 & 50		
Applicants:		Owner/Applicant: Fuoco Investments LLC – Bob Fuoco Representative: River City Consultants – Tracy States		
Existing Land Use:		Car dealership		
Proposed Land Use:		Car dealership		
Surrounding Land Use:	North	Car dealership		
	South	Vacant retail		
	East	Retail/Office/Car dealership		
	West	Retail/Gym		
Existing Zoning:		C-1 (Light Commercial)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)		
	West	C-1 (Light Commercial)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

1. Section 21.02.100 of the Grand Junction Municipal Code

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 6: Land use decisions will encourage preservation and appropriate reuse.
- 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 continued use of this property by the property owner and allow the owner’s proposed upgrades to the site, so that the owner will not need to relocate.

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

- No other parcels are affected by the relocation of the waterline or by the vacation of the water easement.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
  - Access will not be affected by the relocation of the waterline or the vacation of the water easement.
- 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).
  - Vacation of the easement is conditioned upon relocation of the waterline and acceptance of the waterline by the City, and granting of a new easement in a form acceptable to the City Attorney.
- 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.
  - The provision of services to any property will not be inhibited. The waterline will be relocated by the applicant at the applicant's expense and installed in its new location in compliance with City standards. Water service will continue as before to all affected properties.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
  - The vacation of the easement will allow the owner to continue to operate on this property using existing infrastructure rather than relocating which would potentially increasing demands on infrastructure or creating a need for new/additional infrastructure.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Fuoco waterline easement vacation application, VAC-2011-1099 for the vacation of a public waterline easement, I make the following findings of fact, conclusions and conditions:

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

PLANNING COMMISSION RECOMMENDATION:

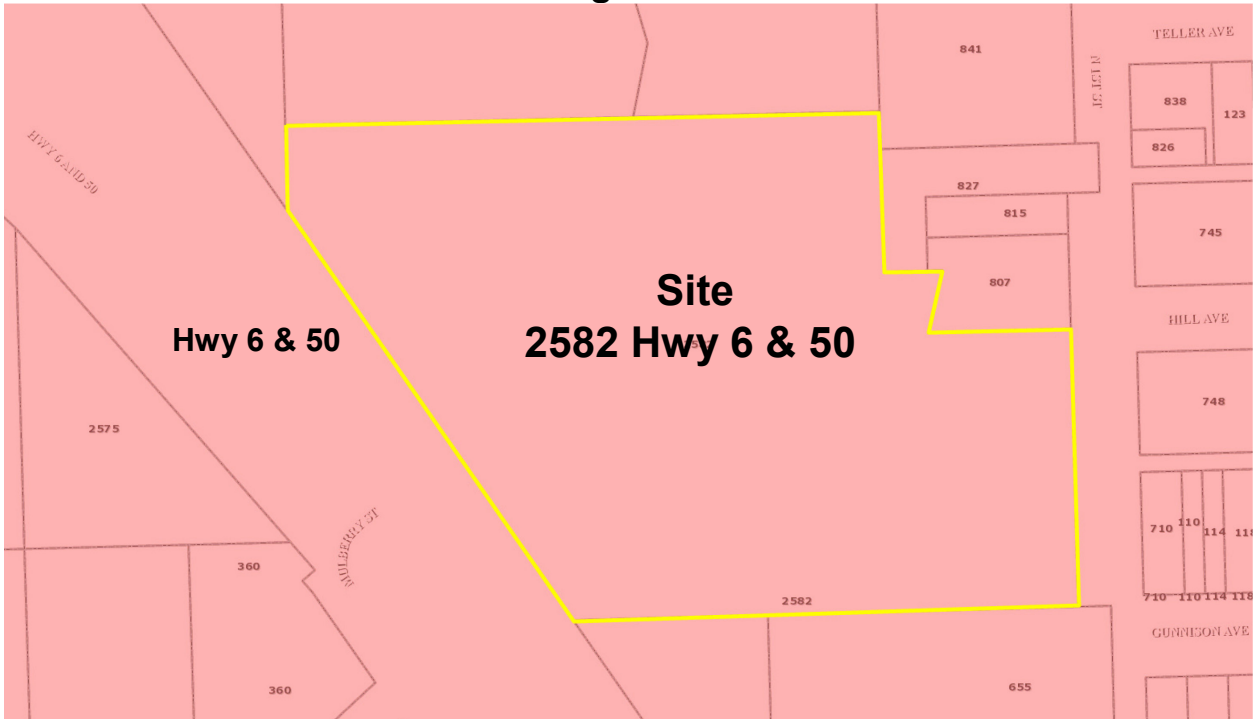
Planning Commission recommended approval of the requested waterline easement vacation, VAC-2012-272 to the City Council with the findings, conclusions and conditions listed above.

Attachments:

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Vacation Area Comparison (previous area to new area)  
New Easement  
Resolution

# Site Location Map

Figure 1



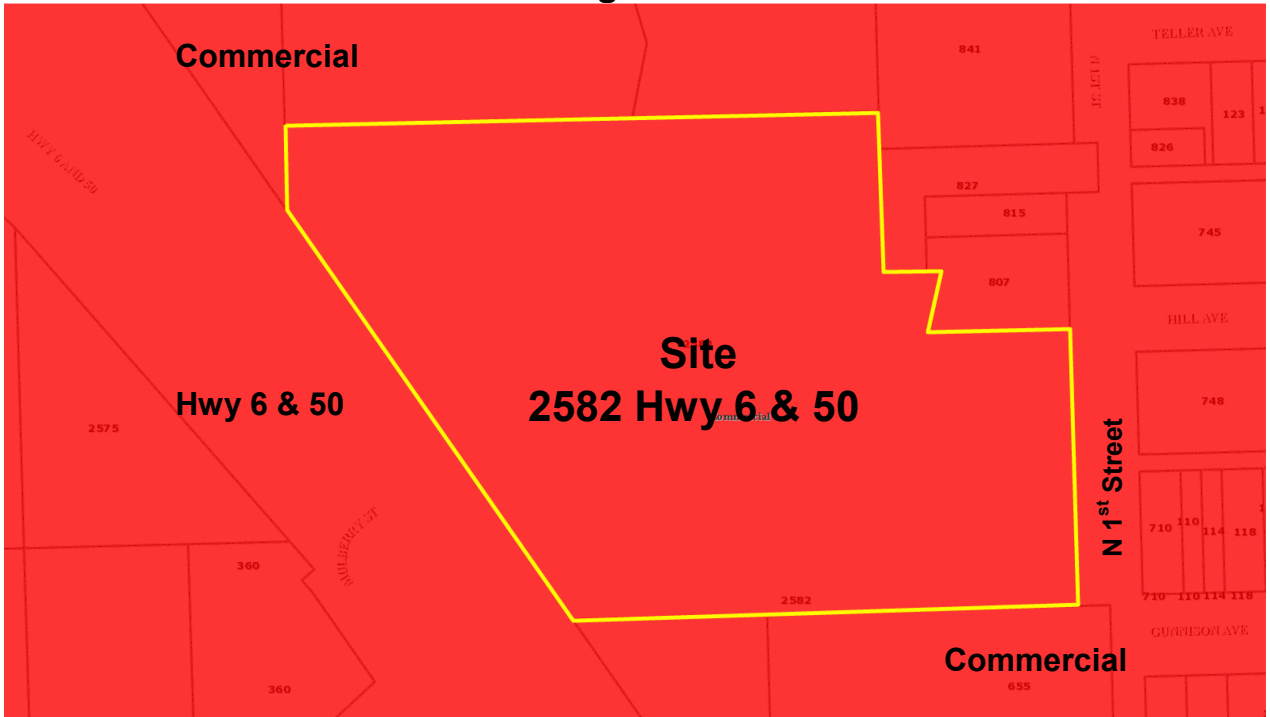
# Aerial Photo Map

Figure 2



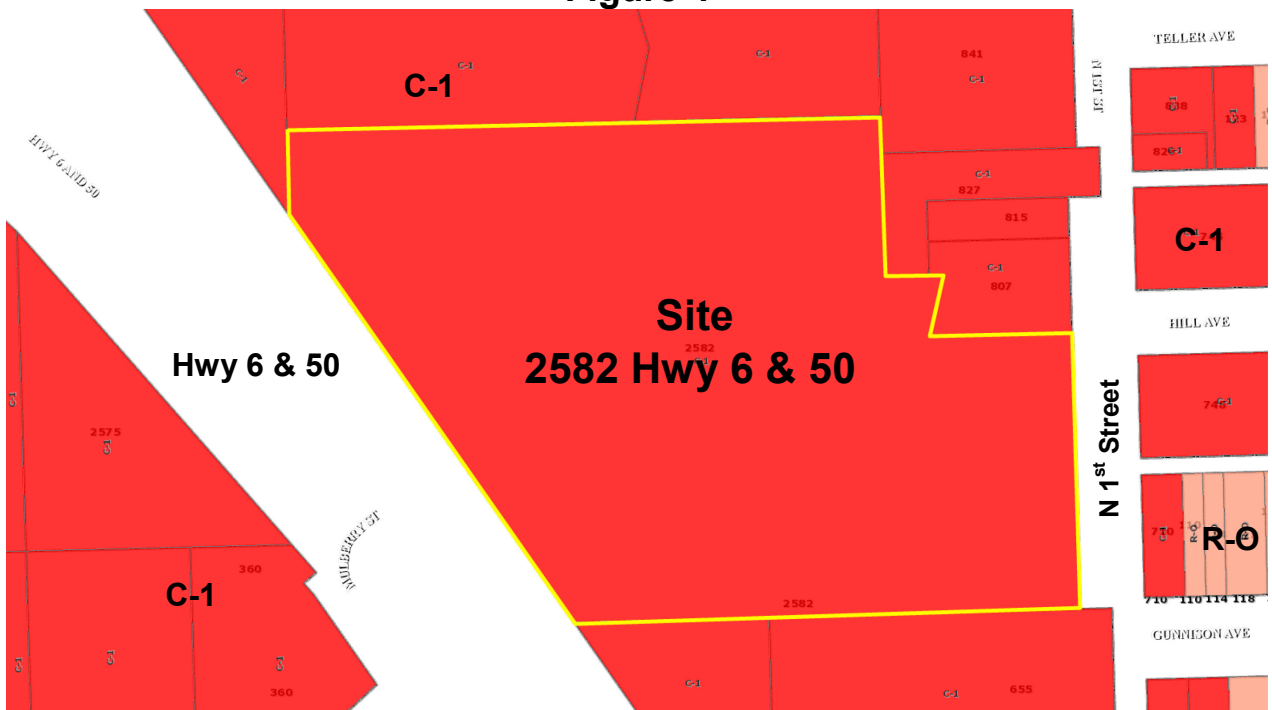
# Comprehensive Plan Map

Figure 3



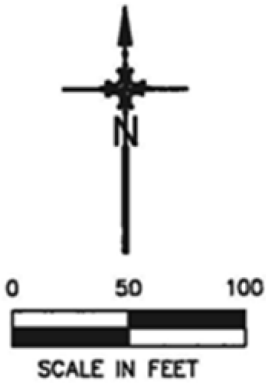
# Existing City Zoning Map

Figure 4

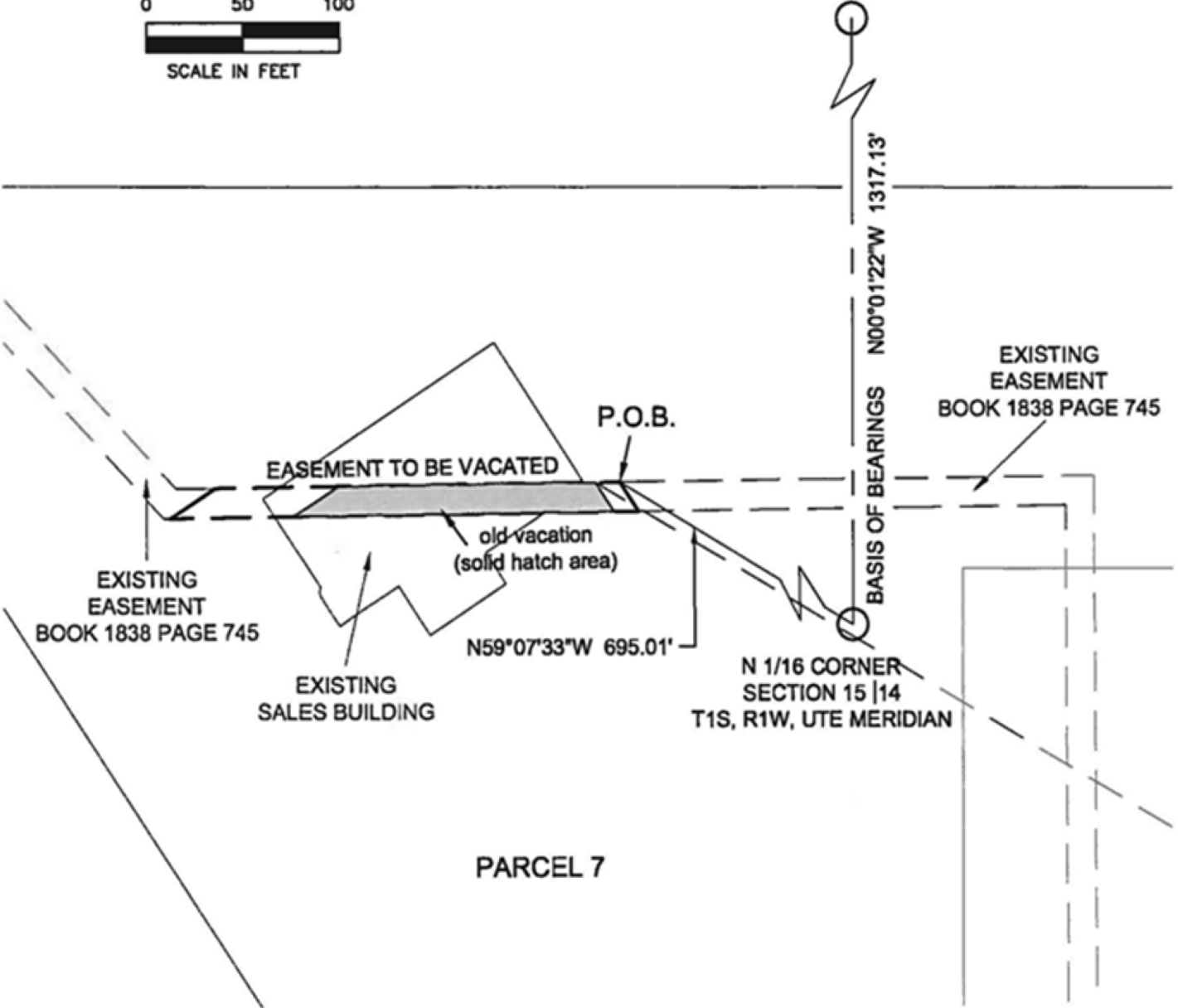




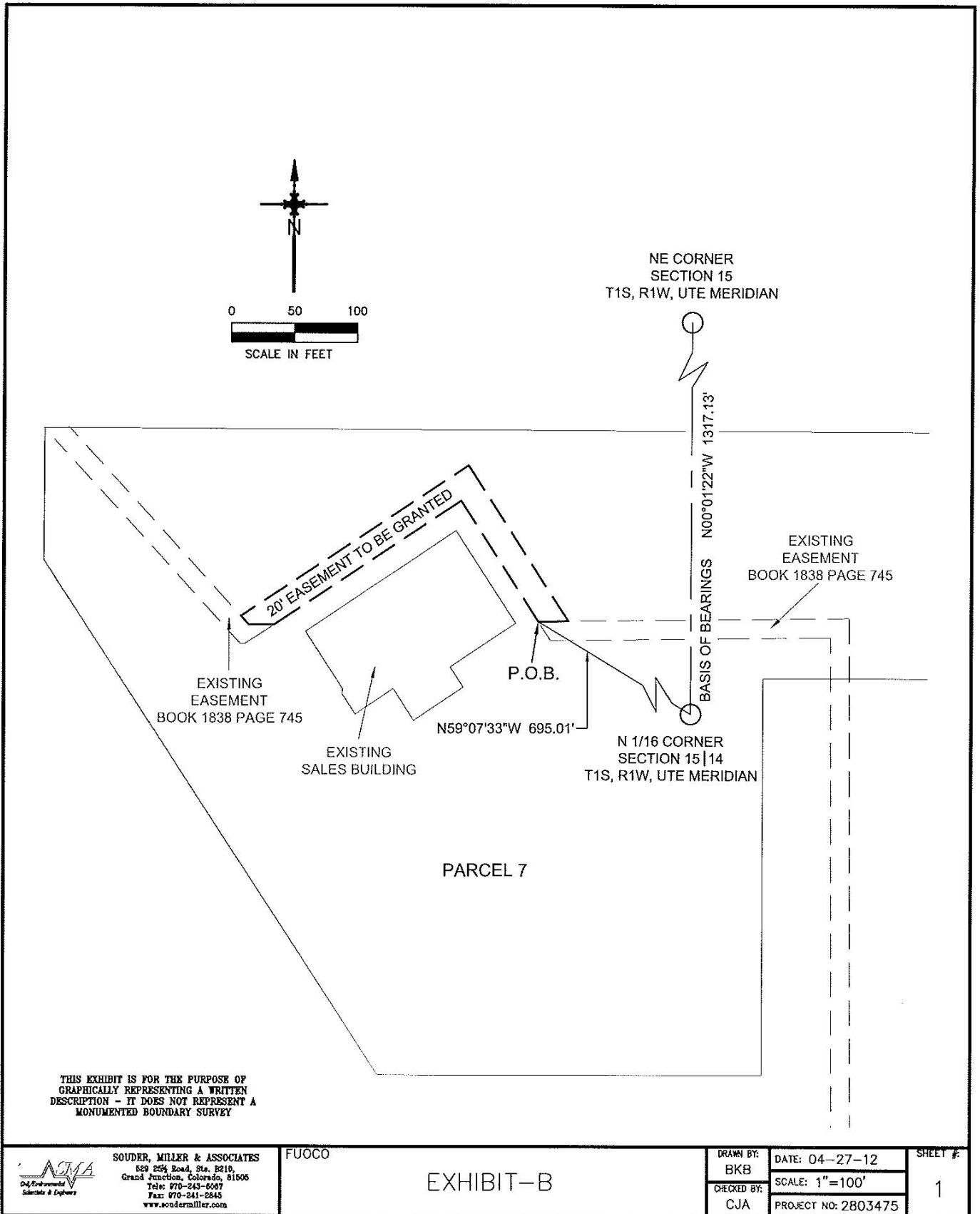
# VACATION AREA COMPARISON



NE CORNER  
SECTION 15  
T1S, R1W, UTE MERIDIAN



# New Waterline Easement



**CITY OF GRAND JUNCTION**

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

**A RESOLUTION VACATING A PORTION OF A 15' WATERLINE EASEMENT  
LOCATED AT 2582 HIGHWAY 6 AND 50 (FUOCO)**

**RECITALS:**

The applicant proposes to vacate a portion of a 15' waterline easement identified at Book 1838 Page 745 located at 2582 Highway 6 & 50.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 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 conditionally approved.

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

The following described dedicated waterline easement 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 easement to be vacated:

A parcel of land across Parcel 7, recorded in Mesa County records in Book 2591 at Page 991, situated in the northeast quarter of Section 15, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; said easement being more particularly described as follows:

Commencing at a Mesa County Survey Marker #630 in a monument box for the north sixteenth comer on the east line of said Section 15, whence an aluminum cap PLS 18480 in a monument box for the northeast comer of said Section 15 bears North 00°01'22" West, a distance of 1317.13 feet, with all bearings herein relative thereto; Thence North 59°07'33" West, a distance of 695.01 feet to the true POINT OF BEGINNING on the north line of an existing easement recorded in Mesa County records in Book 1838 at Page 745;

Thence South 33°04'39" East, a distance of 17.77 feet to a point on the south line of said easement;

Thence along said south line South 89°19'28" West, a distance of 243.23 feet;

Thence North 56°53'44" East, a distance of 27.97 feet to a point on the north line of said easement; Thence along said north line North 89°19'28" East, a distance of 210.10 feet to the point of beginning;

Containing 0.078 acres more or less.

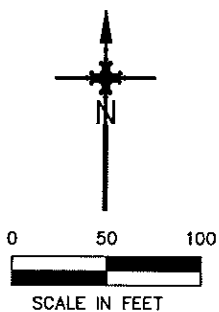
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

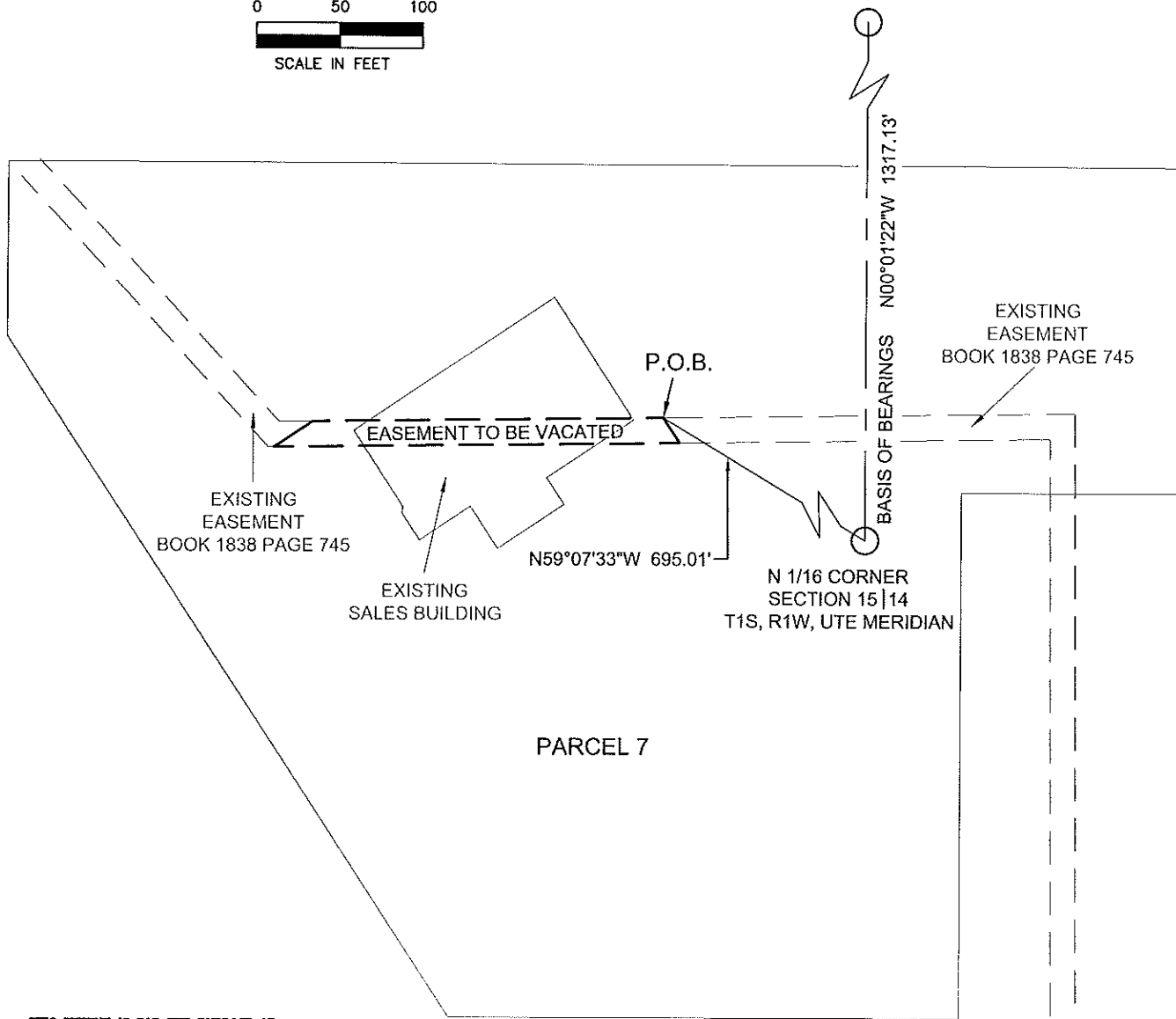
\_\_\_\_\_  
President of City Council

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

# Exhibit A



NE CORNER  
SECTION 15  
T1S, R1W, UTE MERIDIAN



THIS EXHIBIT IS FOR THE PURPOSE OF  
GRAPHICALLY REPRESENTING A WRITTEN  
DESCRIPTION - IT DOES NOT REPRESENT A  
MONUMENTED BOUNDARY SURVEY

**ASMA**  
Souders, Miller & Associates  
529 25<sup>th</sup> Road, Ste. B210  
Grand Junction, Colorado, 81505  
Tele: 970-243-0087  
Fax: 970-241-2845  
www.soudermiller.com

FUOCO  
**EXHIBIT-B**

DRAWN BY: BKB	DATE: 04-27-12	SHEET #  1
CHECKED BY: CJA	SCALE: 1"=100'	
	PROJECT NO: 2803475	



Date: 05-22-2012  
 Author: Darren Starr  
 Title/ Phone Ext: Streets, Storm Water, and Solid Waste Manager/ #1493  
 Proposed Schedule: June 6, 2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 6**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Purchase of Road Oil for Chip Seal Program 2012
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Purchase Approximately 202,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of \$549,440
<b>Presenter(s) Name &amp; Title:</b> Greg Trainor, Utilities, Streets, and Facilities Director Darren Starr, Streets, Storm Water, and Solid Waste Manager Jay Valentine, Financial Operations Manager

**Executive Summary:** Request the purchase of approximately 202,000 gallons of road oil for the Streets Division Annual Chip Seal Program for 2012.

**Background, Analysis and Options:** Since 2005, the Streets Division has performed quality tests of road oil for the City’s Chip Seal program. They found that between the two types of Cationic Rapid Setting Emulsified Asphalt Polymer Modified oils available, which are the CRS-2P and the CRS-2R, that the CRS-2R was deemed a better product for our needs. It is a quicker- setting oil that allows normal traffic flows to resume within minutes instead of hours, has better chip retention, allows for night fogging and has shown to be very durable.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), sent to a source list of companies, advertised in The Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA).

No bids were received for this solicitation. Thus, the Purchasing Division made contact with Cobitco, Inc., of Denver, CO who has provided the specified oil for the past several years, and is still the only know manufacturer of the CRS-2R in the region. Therefore, this purchase is being requested as a sole source. A negotiated purchase price of \$2.72 per gallon has been established. This price compares to \$2.63 per gallon paid in 2011.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

There is \$555,500 budgeted in the Materials Asphalt account in the Sales Tax CIP Fund for this expenditure.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: May 24, 2012

Author: Harry M. Weiss

Title/ Phone Ext: DDA Exec

Director / 256-4134

Proposed Schedule: June 6, 2012

2nd Reading: \_\_\_\_\_

File # \_\_\_\_\_

Attach 7

## CITY COUNCIL AGENDA ITEM

**Subject:** Outdoor Dining Lease for Fins Grill, LLC, dba Fins Grill, Located at 420 Main Street

**Action Requested/Recommendation:** Adopt Proposed Resolution

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

### Executive Summary:

Fins Grill, LLC, dba Fins Grill, located at 420 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 164.5 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. The dining area will be at grade on the sidewalk.

### 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 this instance. Approval of this lease will allow for the applicant to apply for expansion of their premises through the proper State and City agencies. The initial term of the lease is coordinated with the existing renewal date of the business’s 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.

**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 Fins Grill, LLC with supporting documents

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

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

Recitals:

The City has negotiated an agreement for Fins Grill, LLC to lease a portion of the sidewalk right-of-way located in front of 420 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 Fins Grill, 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 commencing June 7, 2012, and terminating March 8, 2013, for the rental sum of \$123.94, to Fins Grill, 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, Fins Grill, LLC, dba Fins Grill, 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 B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 164.50 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 initial term of this Agreement shall be for the period commencing on June 7, 2012. Upon signature by all parties this Agreement supersedes all prior leases, and terminates on March 8, 2013.

### **3. Rental.**

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year pro rated for the initial term, and in the total sum of \$ 123.94, 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 Lessees 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: Fins Grill, LLC  
2654 Dahlia Court  
Grand Junction, CO 81506

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

Notices shall be deemed served upon posting the same 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, City Manager

\_\_\_\_\_  
Fins Grill, LLC  
By: Ronald Hegge, Member-Mgr

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 420 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-143-16-010) more particularly described in the dimensioned sketch below:

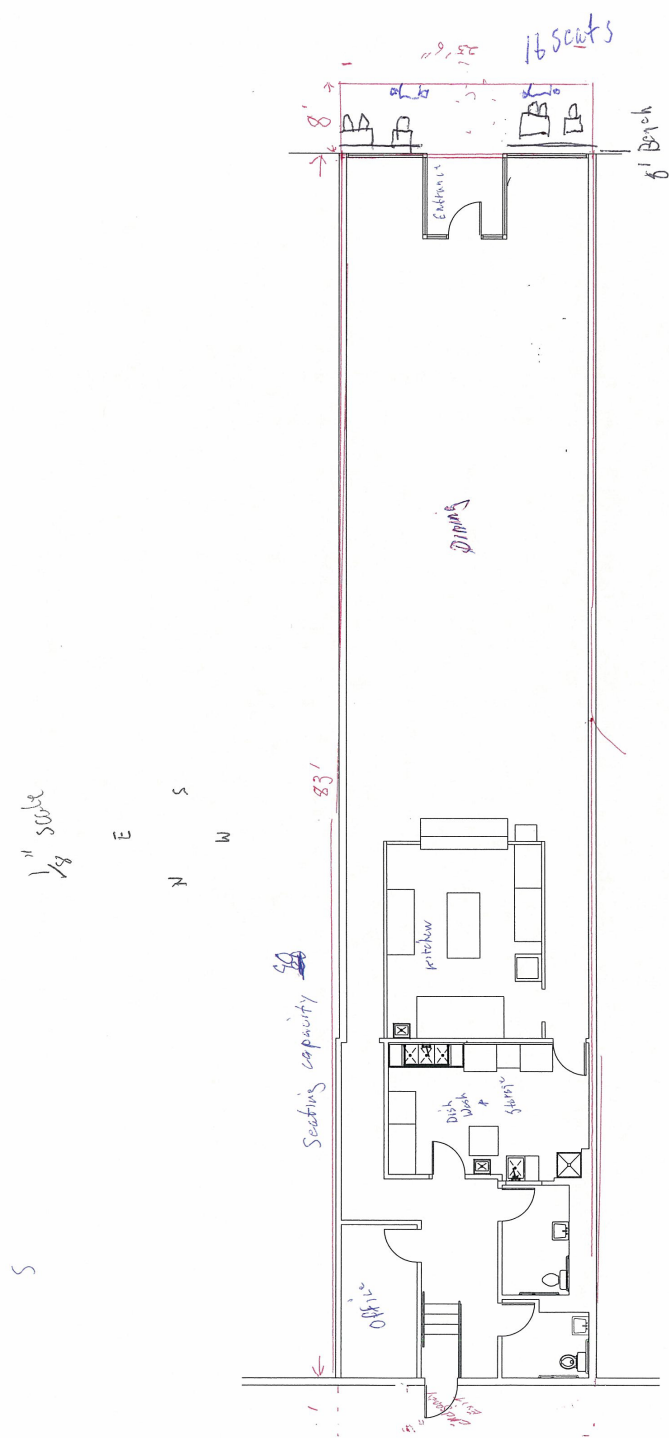


Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): Fins Grill, LLC

DBA (if needed): Fins Grill

Applicant / Relationship to Business: Ronald Hegge, Member-Manager

Contact Phone and Email: (970) 986-9765 cell; reh601@aol.com

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

Days of Operation / Operating Hours: \_\_\_\_\_

How this operation will benefit Downtown Grand Junction:

Additional outdoor dining option for downtown patrons

Number of tables to be used in the leased area: 5-10

Number of chairs to be used in the leased area: 10-20

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

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

NA

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: \_\_\_\_\_



Date: April 19, 2012

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk,  
x 1511

Proposed Schedule: June 6,  
2012

2nd Reading

(if applicable): \_\_\_\_\_

File # (if applicable): \_\_\_\_\_

Attach 8

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Council Assignments for 2012 - 2013
<b>Action Requested/Recommendation:</b> Adopt Proposed Resolution
<b>Presenter(s) Name &amp; Title:</b> City Council

**Executive Summary:**

City Council considers the appointments and assignments for its members to various boards, committees, commissions, and organizations.

**Background, Analysis and Options:**

The City Council assigns its members to represent the governing body on a variety on Council appointed boards, committees and commissions as well as a number of outside organizations.

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

NA

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

NA

**Legal issues:**

NA

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Proposed Resolution

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

**A RESOLUTION APPOINTING AND ASSIGNING  
CITY COUNCILMEMBERS TO REPRESENT THE CITY  
ON VARIOUS BOARDS, COMMITTEES, COMMISSIONS, AND ORGANIZATIONS**

**Recitals:**

Through various boards, committees, commissions and organizations the citizens of the City have a longstanding tradition of service to the community. The City Council by and through its creation of many of those boards and its participation there on and there with is no exception. The City is regularly and genuinely benefitted by the service performed by its boards, committees, commissions and organizations.

In order to continue that service the City Council annually or at convenient intervals designates certain Council members to serve on various boards, committees and commissions.

At its meeting on June 6, 2012 the City Council appointed its members to serve, in accordance with the bylaws of the board and/or applicable law, on the following boards, commissions, committees and organizations.

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

Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

## **CITY COUNCIL FORMAL ASSIGNMENTS**

Individual Members are assigned for each of the following:

<b>Board/Organization</b>	<b>Meeting Day/Time/Place</b>	<b>2012 Assignments</b>
Downtown Development Authority	2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays @ 7:30 am @ Whitman Educational Center	Bennett Boeschstein
Grand Junction Housing Authority	4 <sup>th</sup> Monday @ 11:30 am @ 1011 N. 10 <sup>th</sup>	Teresa Coons
Grand Junction Regional Airport Authority	1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday @ 5:15 pm @ Airport (3 <sup>rd</sup> Floor)	Tom Kenyon
Parks Improvement Advisory Board (PIAB)	Quarterly, 1 <sup>st</sup> Tuesday @ various locations	Tom Kenyon
Parks & Recreation Advisory Committee	1 <sup>st</sup> Thursday @ noon @ various locations	Jim Doody
Mesa County Separator Project Board (PDR)	Quarterly @ Mesa Land Trust	Bennett Boeschstein
Grand Valley Regional Transportation Committee (GVRTC)	4 <sup>th</sup> Monday @ 3:00 pm @ GVT Offices, 525 S. 6 <sup>th</sup> St., 2 <sup>nd</sup> Floor	Laura Luke
Grand Junction Economic Partnership	4 <sup>th</sup> Wednesday of every month @ 7:30 am @ GJEP office	Bill Pitts
Colorado Water Congress	Meets 3-4 times a year in Denver	Sam Susuras
Chamber Governmental Affairs (Legislative) Committee	Meets biweekly during the legislative session and monthly during the rest of the year	City Manager & open to any and all
5-2-1 Drainage Authority	Meets quarterly, generally the 4 <sup>th</sup> Wednesday of month at 3:00 p.m. in the Old Courthouse in Training Room B	Sam Susuras
Criminal Justice Leadership 21 <sup>st</sup> Judicial District	Meets 3rd Thursday of each month, at 11:30 at S.O. Training Room at 215 Rice Street.	As of 2-14-12 vacant
Club 20	The board of directors meet at least annually. The time and place for board meetings are determined by the Executive Committee.	Tom Kenyon





Date: 05-24-2012  
 Author: Jay Valentine  
 Title/ Phone Ext: Financial  
Operations Manager  
 Proposed Schedule: June 6,  
2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable):

Attach 9

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Contract for Design/Build Fleet CNG Maintenance Facility and Retrofit Existing Fleet Service Bays
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with FCI Constructors, Inc., Grand Junction, CO in an Amount of Approximately \$490,849
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Jay Valentine, Financial Operations Manager

**Executive Summary:** Request to enter into a contract with FCI Constructors, Inc., Grand Junction, CO to design and construct a new CNG Maintenance Facility for the Fleet Division and to retrofit the recent addition to provide CNG maintenance facilities.

**Background, Analysis and Options:** In 2011 the City constructed the first municipal CNG fueling station in western Colorado. The fueling station is currently operated as a public/private enterprise through a fueling contract with a local vendor. The City also purchased four CNG fueled solid waste trucks and planned for the purchase of future CNG fueled fleet vehicles. The fueling station was designed around future fueling needs for City vehicles and the Grand Valley Transit Authority that, in 2011, also purchased CNG fueled buses. With the award of this contract, the City will provide maintenance space for City vehicles and the GVT buses. This project is partially funded by a grant from the US Department of Transportation through the Colorado Department of Transportation FASTER program.

A CNG maintenance building will be added to the Fleet Services area of the campus, and six existing maintenance bays will be retrofitted to allow for maintenance of CNG fueled vehicles.

A formal Request for Proposal was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City’s website, sent to the Grand Junction Chamber of Commerce, advertised in The Daily Sentinel and was sent to the Western Colorado Contractors Association (WCCA).

Five proposals were received for this solicitation, of which four were found to be responsive and responsible. Of the four, an evaluation committee found that FCI Constructors, Inc, of Grand Junction, CO was the best fit and value for this project. The

FCI response was professionally presented with considerable detail describing the necessary project components and approach. The FCI proposal included a number of necessary components that the other proposals did not. That fact resulted in added/missed costs in the other, lower proposals. FCI's very good working history with the City includes the Fleet building addition completed in 2008.

The following firms proposed on the project:

<b>Company</b>	<b>City &amp; State</b>
FCI Constructors	Grand Junction, CO
Merrit & Associates	Grand Junction, CO
Vostatek Construction	Clifton, CO
PNCI Construction	Grand Junction, CO
MW Golden Construction	Castle Rock, CO

### Recommended Award

#### Board or Committee Recommendation:

N/A

#### Financial Impact/Budget:

The City received a FASTER-Transit Grant from the State of Colorado, acting through the Colorado Department of Transportation in the amount of \$300,000.00. Local matching contributions will be made by Grand Valley Transit and the City's Solid Waste Fund and Fleet Replacement Fund. The fund budgets and appropriations will be revised to reflect the contribution amounts.

#### Project Costs

<b>Construction Amount</b>	<b>\$490,849</b>
Utility Connections	\$ 25,000
Landscaping	\$ 4,243
1% for the Arts	\$ 4,908
<b>Total Estimated Project Cost -</b>	<b>\$525,000</b>

#### Project Funding

FASTER-Transit Grant	\$300,000
GVT Contribution	\$ 60,000
Solid Waste Fund Contribution	\$ 82,500
Fleet Fund Contribution	\$ 82,500
<b>Total Funding</b>	<b>\$525,000</b>

**Legal issues:**

N/A at this time. The contract will be reviewed and executed following favorable Council action on this item.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: May 31, 2012  
 Author: Stephanie Tuin  
 Title/ Phone Ext: City Clerk, 1511  
 Proposed Schedule: June 6,  
2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

Attach 10

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Resolution Opposing Ballot Initiatives 3 and 45 Regarding Changes to Water Law
<b>Action Requested/Recommendation:</b> Adopt Resolution
<b>Presenter(s) Name &amp; Title:</b> Councilmember Sam Susuras

**Executive Summary:**

The measures put forward, instead of the prior appropriation doctrine, an undefined doctrine of certain public mandates, control and trust. Colorado’s prior appropriation structure has proven itself to be successful; it is flexible and reliable in meeting the needs of the users and protecting the water resources and the values attached to those resources.

**Background, Analysis and Options:**

The passage of either or both of the initiatives would undermine the constitutional foundation of the prior appropriation system and result in a taking of private and public water rights that currently serve the agricultural, municipal, industrial and commercial needs of the State.

The passage of either or both of the initiatives would create great uncertainty among the users and providers of water and would create conflict over what is in the public’s interest. That uncertainty and the resulting conflict would inevitably become a matter of time consuming and expensive litigation. That litigation would be unnecessary if the prior appropriation doctrine remains unchanged.

See attached Summary of Points and Issues.

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

NA

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

NA

**Legal issues:**

See resolution and summary.

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Summary of Points and Issues  
Proposed Resolution

### Initiatives 3 and 45 - Summary of points and issues

Greg Trainor, Utility and Street Systems Director

#### Background: Prior Appropriation Doctrine.

The prior appropriation doctrine is Colorado's current method of allocating and administering the use of water/water rights.

Article 16, Sections 5 and 6, of the Colorado Constitution, provide

that the water of every natural stream ... within the State of Colorado is declared to be the property of the public ... and dedicated to the use of the people of the State, subject to appropriation.

The right to divert the unappropriated water of any natural stream to beneficial uses shall never be denied. When the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, there are certain priorities for use of water: domestic use has priority over agricultural use which has priority over manufacturing uses.

Additionally, the first person to use a quantity of water from a source for a beneficial use has the right to continue to use that quantity, provided they do not impinge on the rights of previous users and, in certain cases, junior appropriator's water rights are protected. That is, those that use *return flows* as part of their appropriation.

#### Initiative #3-TheAdoption of the Public Trust Doctrine.

Ballot Initiative 3 proposes to amend the Colorado Constitution to establish a different method of allocating and administering water/the use of water in Colorado.

The proposed public trust doctrine provides that the public's dominant estate in water is defined as "the well being of the natural stream" and "public health" and that that use is superior to all other uses.

Additionally, the proposed definition of public trust describes the right of the public to use the water in the natural stream and includes the lands of the banks of the streams.

Initiative #3 would allow the state government to manage water rights and allow any Colorado citizen to sue to enforce the amendment.

#### Initiative #45-The Public's rights in Water of Streams.

Initiative# 45 further explains that the right to divert any waters within the State shall never be denied but may be limited or curtailed so as to protect the natural elements of the public's dominate water estate.

#### Supreme Court Justice Hobbs dissenting opinion.

Colorado Supreme Court Justice Greg Hobbs, wrote a dissenting opinion to the Court's review of the balloting of Initiatives #3 and 45. Justice Hobbs is a renowned jurist and scholar in Colorado water law. His opinion, fashioned from years of study, is worth considering.

Justice Hobbs summarized that the title and the initiative are very broad and complex, not giving the public the information it needed to make a balanced judgment and that the

Initiative was confusing and misleading and does not sufficiently inform the voters on the important aspects thereof.

According to Justice Hobbs Initiative #3 is consistent with 150 years of Colorado constitutional law. The Constitution and the Doctrine of Prior Appropriation does not need to be changed. Natural streams are already a "public resource." The Courts already adjudicate water rights and their priorities and the State Engineer and his Division Engineers and Water Commissioners already administer the waters of the natural streams.

Justice Hobbs writes of the Initiative that "all existing water rights in Colorado created over the last 150 years would be subordinated to a newly created dominant water estate, the purpose of which is "to protect the natural environment and to protect the public's enjoyment and use of water."

How such a newly created water estate would be administered is not identified in the Initiatives and creates what Justice Hobbs calls a "nuclear bomb" destroying 150 years of water rights administration and "stripping the public, cities, farms, and families of their most valuable economic interests."

Justice Hobbs further describes that Initiative #3 vests in the public the rights to the beds and banks of the streams now owned by public and private landowners. The Initiatives also create a new property right of "access by the public for recreation" and "abrogates the right of private property owners to prohibit trespass onto and across their land."

The Doctrine of Prior Appropriation is a "property rights-based allocation and administration system, suited for use in an arid region that promotes multiple beneficial uses including benefits to natural streams."

In conclusion, Justice Hobbs says that the Initiatives will confuse voters as to what is already in Colorado water law, that the public has always owned the water in the natural streams and that there is an existing process of administration that can protect the non-consumptive uses of the State's natural streams. Colorado's In-stream Flow program is an example. Water for a Recreational In-Channel Diversions (RICDs) is another example, and identification of flow requirements for non-consumptive uses is a third example.

In my experience as a participant in and observer of the seven river basin roundtables our charge to identify, in each basin, the amount of water necessary for non-consumptive uses, such as recreation, in-stream flows, aesthetics, endangered fish species, *etc.* has served the rivers, streams and drainage basins of the State very well. Our system known and respected: prior appropriation is flexible in responding to public policy changes as it relates to traditional and non-traditional uses of our water resources.

**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION OPPOSING INITIATIVES 3 AND 45**

**RECITALS.**

Initiated ballot measures 3 and 45 propose to amend the Colorado Constitution to repudiate Colorado's historic reliance on the prior appropriation doctrine for the allocation of water/water rights in Colorado.

The measures put forward, instead of the prior appropriation doctrine, an undefined doctrine of certain public mandates, control and trust. Colorado's prior appropriation structure has proven itself to be successful; it is flexible and reliable in meeting the needs of the users and protecting the water resources and the values attached to those resources. Prior appropriation has been a fair and systematic means of allocating our water resources since 1876.

The passage of either or both of the initiatives would undermine the constitutional foundation of the prior appropriation system and result in a taking of private and public water rights that currently serve the agricultural, municipal, industrial and commercial needs of the State.

The passage of either or both of the initiatives would create great uncertainty among the users and providers of water and would create conflict over what is in the public's interest. That uncertainty and the resulting conflict would inevitably become a matter of time consuming and expensive litigation. That litigation would be unnecessary if the prior appropriation doctrine remains unchanged.

The preeminent jurist and Colorado water legal scholar Justice Gregory Hobbs stated in his dissenting opinion in *In re title, Ballot Title and Submission Clause for 2011-12 #3* that the measure's provisions "*propose to drop what amounts to a nuclear bomb on Colorado water rights and land rights.*"

Justice Hobbs also stated in his dissenting opinion in *In re title, Ballot Title and Submission Clause for 2011-12 #45* that "*masquerading as a measure to protect the public's control of water, it would prevent farmers, cities, families and businesses from making beneficial use of water rights that have vested in them over the past 150 years under Colorado's statutes and constitution.*"

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Grand Junction does hereby oppose Initiative 3 and Initiative 45 as an unnecessary, unwise and needless intervention into Colorado's fair and responsible administration of our precious water resources and urges the defeat of such measure for the reasons stated.



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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





Attach 11

### CITY COUNCIL AGENDA ITEM

Date: May 15, 2012  
 Author: Senta Costello  
 Title/ Phone Ext: Senior Planner  
x1442  
 Proposed Schedule: 1<sup>st</sup> Reading  
May 16, 2012  
 2nd Reading (if applicable): June  
6, 2012  
 File # (if applicable): RZN-2012-  
193

<b>Subject:</b> Amend the Comprehensive Plan and Rezone the Property Located at 3000 Patterson Road
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Comprehensive Plan Amendment and Rezone Ordinances
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Senta Costello, Senior Planner

#### Executive Summary:

Property owner request to amend the 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					
<b>Location:</b>		3000 Patterson Road			
<b>Applicants:</b>		Owner: Pamela Fox Representative: Rolland Consulting Engineers – Kent Shaffer Applicant: JDH Capital – Jason Mathis			
<b>Existing Land Use:</b>		2 single family houses			
<b>Proposed Land Use:</b>		Construction of an approximately 8000 sf retail building			
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family residences			
	<b>South</b>	Single Family residences			
	<b>East</b>	Single Family residences			
	<b>West</b>	Rite-Aid			
<b>Existing Zoning:</b>		R-O (Residential Office)			
<b>Proposed Zoning:</b>		B-1 (Neighborhood Business)			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4			
	<b>South</b>	County RSF-4			
	<b>East</b>	County RSF-4			
	<b>West</b>	PD – Commercial/County RSF-4			
<b>Future Land Use Designation:</b>		Residential Medium			
<b>Zoning within density range?</b>		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.

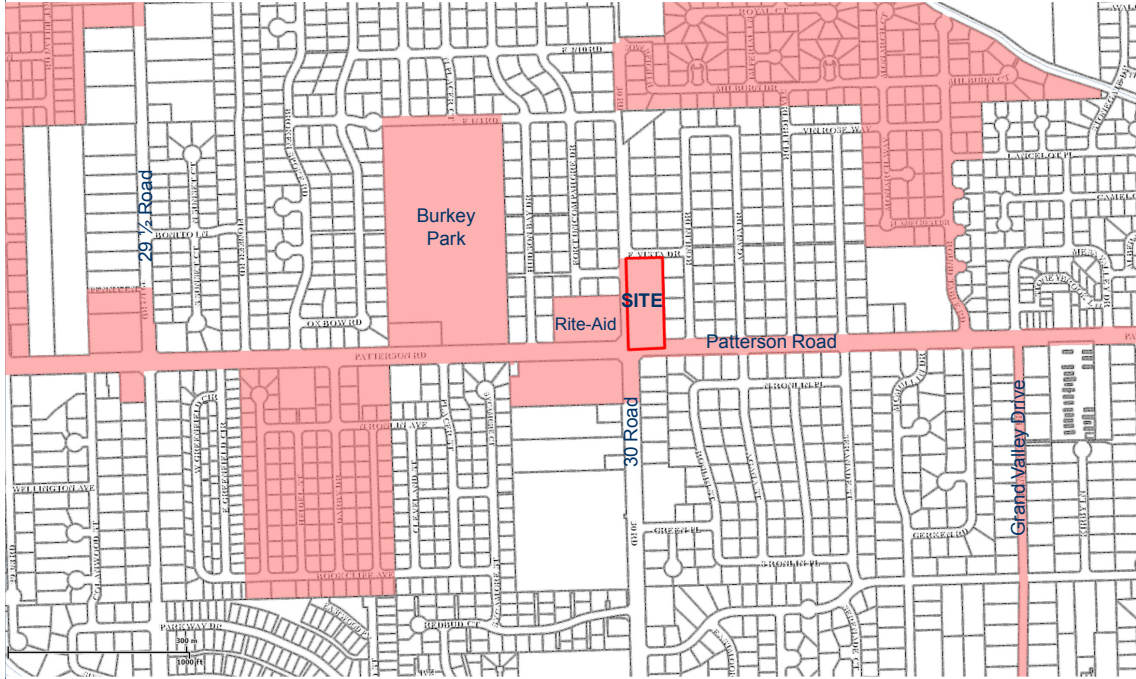
## **FINDINGS OF FACT/CONCLUSIONS:**

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.



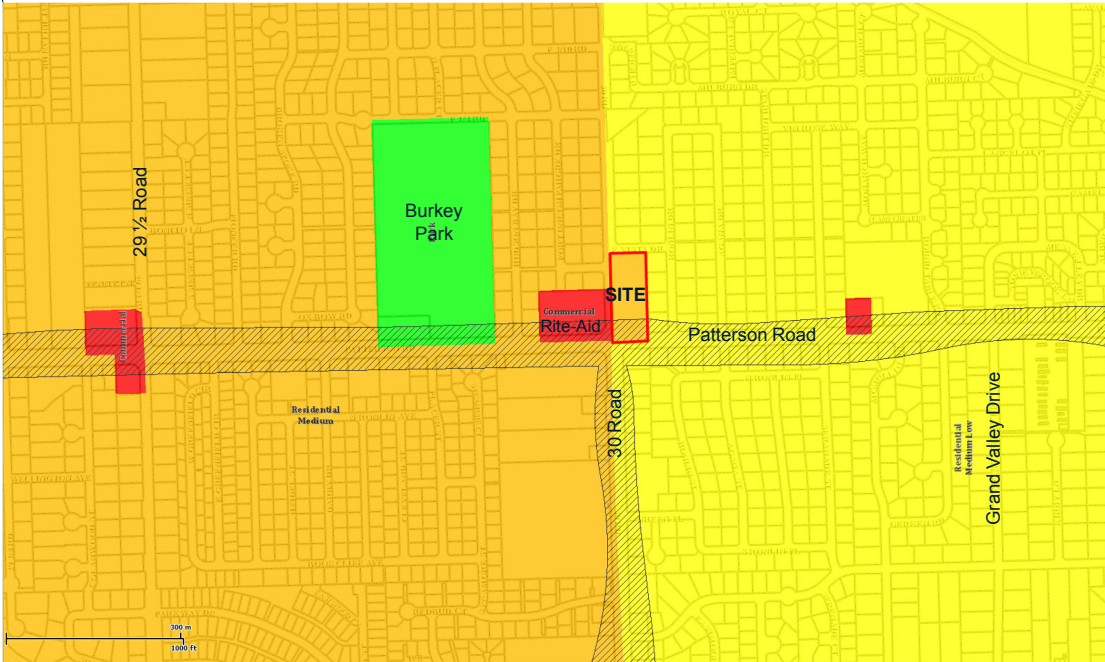
## Site Location Map



## Aerial Photo Map



# 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 16<sup>th</sup> day of May, 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 16<sup>th</sup> day of May, 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



Date: May 25, 2012  
 Author: Scott D. Peterson  
 Title/ Phone Ext: Senior  
Planner/1447  
 Proposed Schedule: May 2, 2012  
(1<sup>st</sup> Reading)  
 2nd Reading: June 6, 2012  
 File #: RZN-2012-85

Attach 12

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rezone Nine Properties Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Scott D. Peterson, Senior Planner

**Executive Summary:**

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).

**Background, Analysis and Options:**

In 2010, the Comprehensive Plan was adopted by the City designating these properties as Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial on the Future Land Use Map. The properties are presently zoned C-2 (General Commercial) and I-2 (General Industrial) which are inconsistent with the Comprehensive Plan Future Land Use Map designations. 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 designations and the zoning(s) of the properties. These nine properties are 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 existing and future 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 these properties from C-2 (General Commercial) and I-2



(General Industrial) to R-O (Residential Office) and I-1 (Light Industrial) to support the vision and goals of the Comprehensive Plan and to implement the future land use designation of Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial. Presently, single-family residential detached is not an allowed land use in the C-2 zone district and thus some of the nine properties are considered a legal non-conforming land use. However, single-family residential detached is allowed under the R-O zone district. The southern two parcels of land to be considered in this rezone request are owned by Grand Junction Pipe and Supply and are utilized for outside storage of materials. Outside storage of materials is an allowed land use in both the I-1 and I-2 zone districts.

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

The proposed rezone(s) implements the respective future land use designations 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 existing properties are located within an area designated as Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial on the Future Land Use Map. The proposed zone changes to R-O and I-1 would provide the opportunity for future multi-family residential, general office and light industrial land uses etc., for this area of the community.

**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.

The proposed R-0 zone district allows multi-family development 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 C-1, Light Commercial zoning to the east and the existing single-family residential development to the west. 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 and I-1 zone districts could possibly create the opportunity for future general office, multi-family residential and light industrial development, enhancing the health and diversity of the City's economy. Therefore, the R-O and I-1 zone districts implements the Village Center Residential Medium High (8 – 16 du/ac) and Commercial/Industrial designations of the Comprehensive Plan Future Land Use Map.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the requested rezone(s) at their April 10, 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 May 2, 2012.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Email from Current Property Owner of 490 Harris Road  
Ordinance

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>	492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, plus two other un-addressed parcels		
<b>Applicants:</b>	City of Grand Junction		
<b>Existing Land Use:</b>	Single-family residential detached, multi-family residential and outside storage areas for GJ Pipe and Supply		
<b>Proposed Land Use:</b>	N/A		
<b>Surrounding Land Use:</b>	<b>North</b>	Multi-family residential – 12 units	
	<b>South</b>	Grand Junction Pipe and Supply	
	<b>East</b>	Wal-Mart	
	<b>West</b>	Single-family residential detached	
<b>Existing Zoning:</b>	C-2 (General Commercial) and I-2 (General Industrial)		
<b>Proposed Zoning:</b>	R-O (Residential Office) and I-1 (Light Industrial)		
<b>Surrounding Zoning:</b>	<b>North</b>	PD (Planned Development) – (Multi-family residential 23 du/ac existing)	
	<b>South</b>	I-1 (Light Industrial)	
	<b>East</b>	C-1 (Light Industrial) and I-1 (Light Industrial)	
	<b>West</b>	R-8 (Residential – 8 du/ac)	
<b>Future Land Use Designation:</b>	Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial		
<b>Zoning within density range?</b>	X	Yes	No

**Additional Background:**

The proposed rezone to R-O (Residential Office) and I-1 (Light Industrial) will allow additional opportunity to redevelop these properties in the future to allow for more multi-family residential, general office and light industrial land uses, etc. See Section 21.04.010, Use Table, of the Zoning and Development Code for applicable land uses within each specified zoning district.

The property owners were notified of the proposed rezone change via mail and invited, along with other property owners in the area, to attend an Open House that was held on February 8, 2012 to discuss any issues, concerns, suggestions or support for the rezone request. To date, Project Manager has heard from only one property owner (see attached email) while several other adjacent property owners have contacted staff

inquiring with questions about any potential land use changes or development proposals at this time. No opposition to the proposed rezone(s) has been recorded from adjacent property owners.

At the time of the Open House, the northern two properties in this rezone request (492 and 490 Harris Road) were identified to be rezoned from C-2 to C-1, however, upon further analysis by City Staff, it was determined that the R-O zone district would be a better fit for these properties since they are already developed as single-family residential detached.

**Section 21.02.140 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 properties are currently zoned C-2 (General Commercial) and I-2 (General Industrial), however the Comprehensive Plan Future Land Use Map identifies these properties as Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial. The existing zoning(s) are not in compliance with the Future Land Use Map designations, therefore the proposed rezone(s) to R-O and I-1 will bring these nine properties into compliance with the Future Land Use Map.

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

The character and/or condition of the area has changed little over the years as the area has developed as single-family residential detached, multi-family residential and light industrial. The proposed rezone(s) will bring the zoning of the properties into compliance with the Comprehensive Plan Future Land Use Map and still maintain the transition and buffer between the existing light commercial to the east and the single-family residential development to west.

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

General access to the area is somewhat limited as Harris Road is currently a dead-end street with the only access provided from North Avenue. However, future street connection possibilities could include Gunnison and/or Hill Avenues upon redevelopment in the area. City water and sewer are currently available in Harris Road, therefore public and community facilities are adequate, or can be made available, to serve the properties at the time when future development would occur. The properties are also located within the City Center area with access to transportation, shopping and medical facilities.

(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 rezones are 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 and I-1 from C-2 and I-2 will provide the opportunity for future multi-family, general office and light industrial development and also continue to provide the opportunity to transition and buffer future development from the existing light commercial land use to the east to the existing residential properties to the west.

# Site Location Map – Harris Road

Figure 1



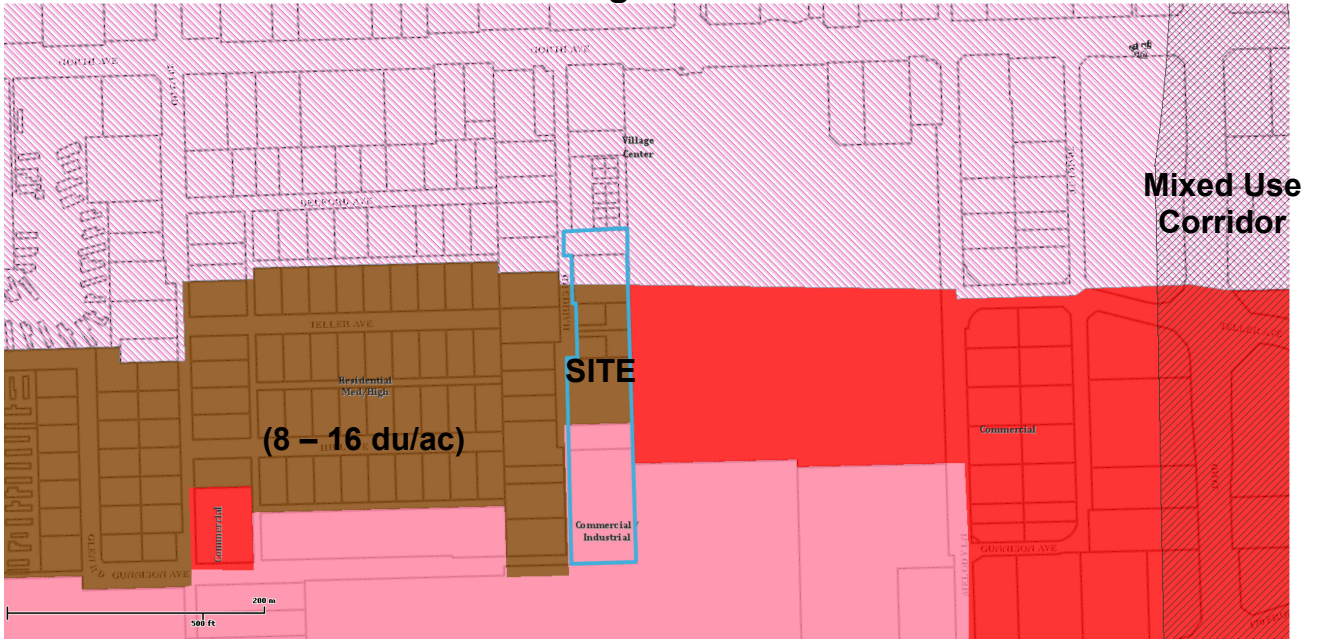
# Aerial Photo Map – Harris Road

Figure 2



# Comprehensive Plan – Harris Road

Figure 3



# Existing City Zoning – Harris Road

Figure 4



**From:** "nathan bionaz" <nathanb@bresnan.net>  
**To:** <scottp@gjcity.org>  
**Date:** 4/1/2012 6:21 PM  
**Subject:** Zoning 490 Harris Rd.

RZN-2012-85

I have recieved notice of a proposed rezoning of my home, 490 Harris Rd. Grand Junction 81501. I do not fully understand the implications of this or why it is happening. Could you help me to understand? Read this and please write back to me telling me in plain English just what these rezonings are supposed to accomplish. Just look at the comercial properties we already have around here like City Market and the shops on North Ave.. There is a vacancy once a month in the comercial neighborhood now. There is already enough C1 and C2 real estate sitting empty around here. Comercial enterprize is a fancy way of saying "Trying to get something for nothing." It is the fat that we should be trimming from our societies, not nourshing the cancer with more vacant comercial buildings. I have been farming my property here since day one, raising crops and livestock (chickens). I have planted orchard trees here and kept my ditch running. The old Black Walnut tree out back is a great resource for tanning leather and I have planted another Walnut tree to pollinate the nuts and make good food for dry storage. This is farm country, fertile ground with plenty of water. Have you seen The Corn grow here on my land? It is ten feet tall and Red Corn too, not Sweet Corn which is worthless for dry storage and, for that reason, as food. I rotate my crops every year and do not deplete my soils. This ground is fertile. Every where I look, every where I go I see good farm land being plowed under and paved, burried forever and lost to us to make fast food chain resteraunts and comercial rental buildings where tennants turn over on a monthly basis. They build apartment complexes that are soon filled with crime and drugs and prostitution. It will take centuries to reverse the damage and make the land fertile again, like trying to breath life back into a corpse. Most of us do not know where the food we eat comes from, or what chemist wrote the recepie. In near memory it came from our neighbors down the street, or from our own lands. I am dug in here, I could live off of this small piece of land and have surplus to sell to my neighbors if I had 40 hours a week to work it. I could employ two or three hands here working the small farm and we could feed our neighbors. I honestly believed that the neighbors would recognize me as someone who could bring food to their tables and who could farm this little piece of land. I believe that you people really are fighting for a war by building unsustainable communities devoid of agriculture. In my lifetime I believe that the cities will burn. I think that my place should be zoned Agricultural. Do not close another ditch and burry another farm here.



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN 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 1/2, 486, 486 1/2, 482 HARRIS ROAD, PLUS TWO OTHER UN-ADDRESSED PARCELS**

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 designations are 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 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 and I-1 zone districts implement the Future Land Use Designation of Village Center, Residential Medium High (8 – 16 du/ac) and Commercial/Industrial and are consistent with the Comprehensive Plan's goals and policies and are generally compatible with land uses in the surrounding area.

An Open House was held on February 8, 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 amendments for the following reasons:

1. The requested zones are 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 amendments 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 properties shall be rezoned R-O (Residential Office)

492, 490, 488, 488 1/2, 486, 486 1/2, 482 Harris Road  
(Parcel #'s: 2943-181-00-025, 2943-181-08-001, 2943-181-08-008, 2943-181-08-005, 2943-181-08-006, 2943-181-08-007 and 2943-181-08-027)  
(See attached map)

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

Un-addressed parcels adjacent to Harris Road  
(Parcel #'s: 2943-181-00-079 and 2943-181-00-096)  
(See attached map)

Introduced on first reading this 2<sup>nd</sup> day of May, 2012 and ordered published in pamphlet form.

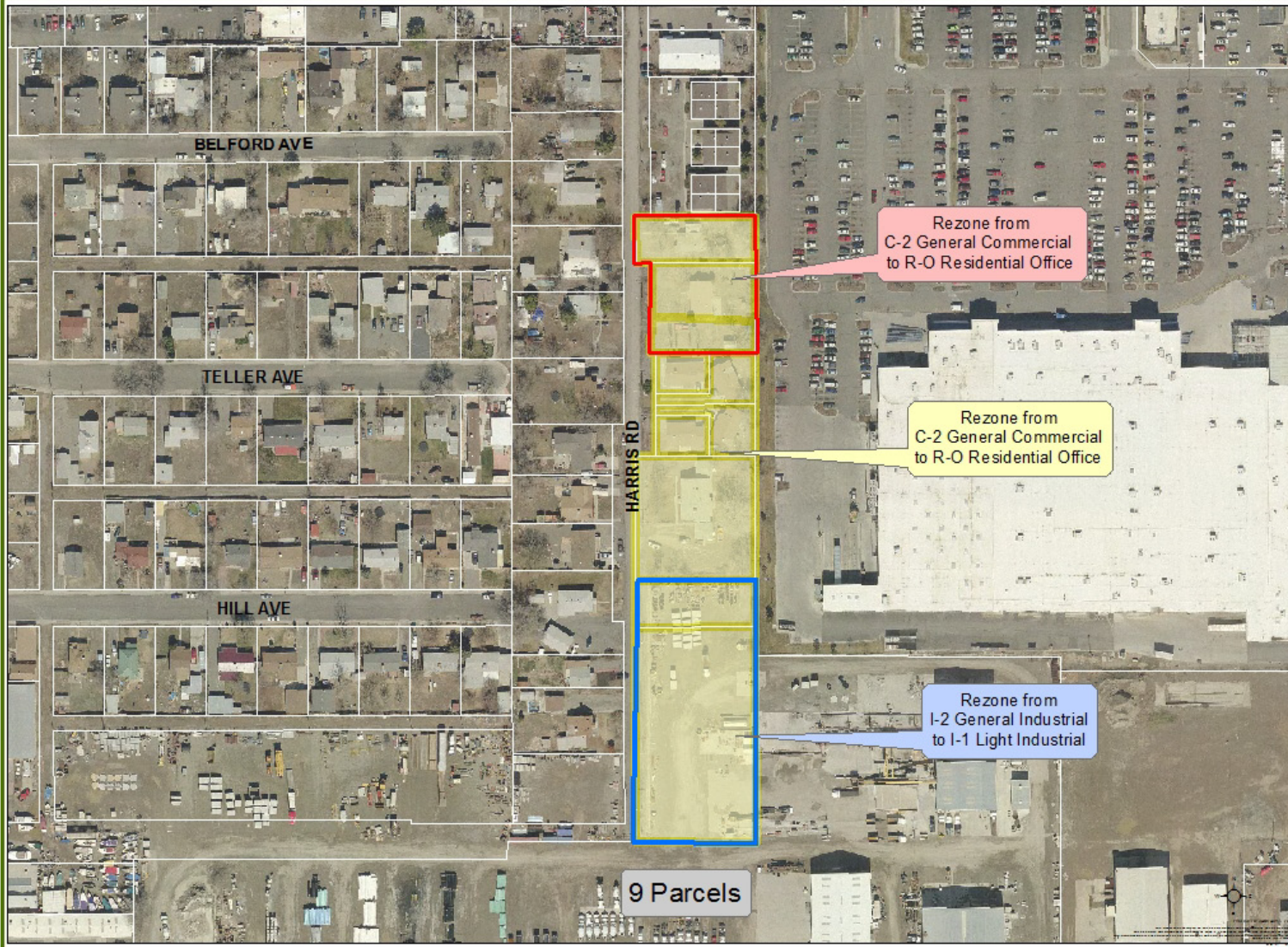
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor

# Rezone - Area 10





Attach 13

**CITY COUNCIL AGENDA ITEM**

Date: March 29, 2012  
Author: Senta Costello  
Title/ Phone Ext: Senior Planner/  
x1442  
Proposed Schedule: 1<sup>st</sup> Reading  
April 18, 2012  
2nd Reading (if applicable): June  
6, 2012  
File #: RZN-2012-27

<b>Subject:</b> Rezone One Property Located on the West Side of Bass Street between W. Hall Avenue and W. Mesa Avenue
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance
<b>Presenter(s) Name &amp; Title:</b> Senta Costello, Senior Planner

**Executive Summary:**

A City initiated request to rezone 0.275 acres, located on the west side of Bass Street between W. Hall Avenue and W. Mesa Avenue from R-8 (Residential 8 du/ac) to CSR (Community Services and Recreation).

**Background, Analysis and Options:**

The property was annexed in 1959 and zoned R-1-C (single family). The R-8 zone district is the current equivalent. The City of Grand Junction acquired the property in 1960.

The property is not developed most likely due to the steep grade change and at this time there are no plans for improvements to the property.

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 R-8, (Residential 8 du/ac) which is inconsistent with the Comprehensive Plan Future Land Use Map designation of Park. 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 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-8, (Residential 8 du/ac) to CSR (Community Services and Recreation) to support the vision and goals of the Comprehensive Plan and to implement the future land use designation of Park.

An open house was held on January 25, 2012. Two neighbors attended, but did not submit comments.

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

The Comprehensive Plan Future Land Use Designation for this area is Park. 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 district currently applied to this property is inconsistent with the Comprehensive Plan Future Land Use designation. The proposed rezone will eliminate the conflict, because the CSR zone district implements the Comprehensive Plan Future Land Use Designation of Park.

**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:**

The rezone went before the City Council for first reading on April 18, 2012.

**Attachments:**

Rezone criteria

Site Location Map / Aerial Photo Map

Future Land Use Map / Existing City Zoning Map

Ordinance

BACKGROUND INFORMATION					
<b>Location:</b>		Located on the west side of Bass Street between W Hall Avenue and W Mesa Avenue			
<b>Applicants:</b>		City of Grand Junction			
<b>Existing Land Use:</b>		Vacant			
<b>Proposed Land Use:</b>		No changes to land use proposed			
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant Publicly Owned Land			
	<b>South</b>	Single Family Residential			
	<b>East</b>	Single Family Residential			
	<b>West</b>	West Lake Mobile Home Park			
<b>Existing Zoning:</b>		R-8 (Residential 8 du/ac)			
<b>Proposed Zoning:</b>		CSR (Community Services & Recreation)			
<b>Surrounding Zoning:</b>	<b>North</b>	CSR (Community Services & Recreation)			
	<b>South</b>	R-8 (Residential 8 du/ac)			
	<b>East</b>	R-8 (Residential 8 du/ac)			
	<b>West</b>	C-1 (Light Commercial)			
<b>Future Land Use Designation:</b>		Park			
<b>Zoning within density range?</b>		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*

When the property was originally zoned, a zone district did not exist for parks or publicly owned land; so the zoning of the rest of the subdivision was applied. The CSR zone district in the current Zoning and Development Code is a more appropriate zone district for the City owned property and will eliminate the conflict between the Comprehensive Plan future land use designation of Park and the current zoning of R-8.

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

There has not been any change in the character or condition of the area.



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

The property is not developed most likely due to the steep grade change and at this time there are no plans for improvements to the property.

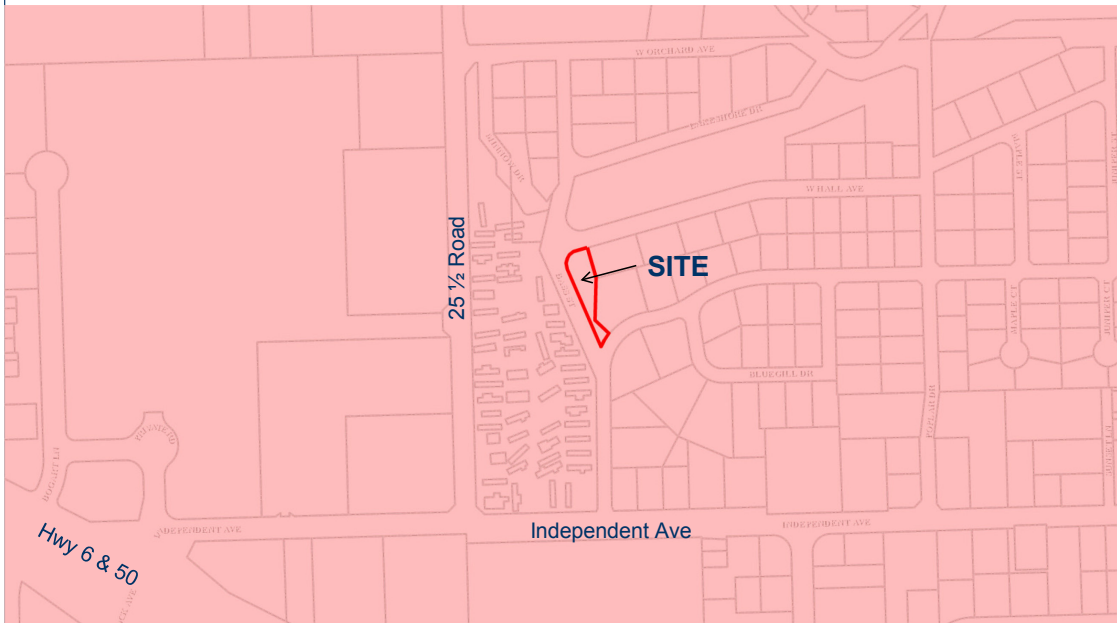
*(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

This criterion does not apply to this property as there is adequate supply of CSR zoned property. The proposal for this property is to rezone to CSR 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. This equates to 10% 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 zoning of this property has been in conflict with the Future Land Use designation since 1996 when the original Growth Plan was adopted. When the Comprehensive Plan was adopted in 2010, the Future Land Use designations were updated, but the conflict still exists. The rezone to the CSR zone district will eliminate the conflict. It is important to eliminate such conflict because the Zoning and Development Code requires that all development projects comply with the Comprehensive Plan. (Sections 21.02.070 (a)(6)(i) and 21.02.080(d)(1)). Eliminating the conflict thus creates the greatest opportunity for landowners to use and develop their property.

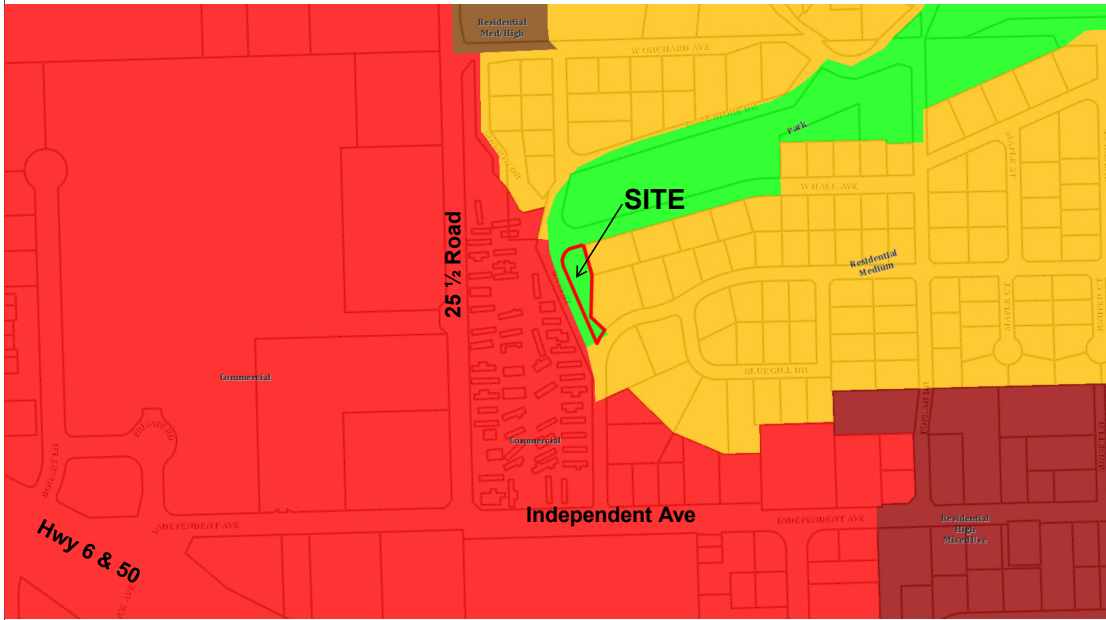
## Site Location Map



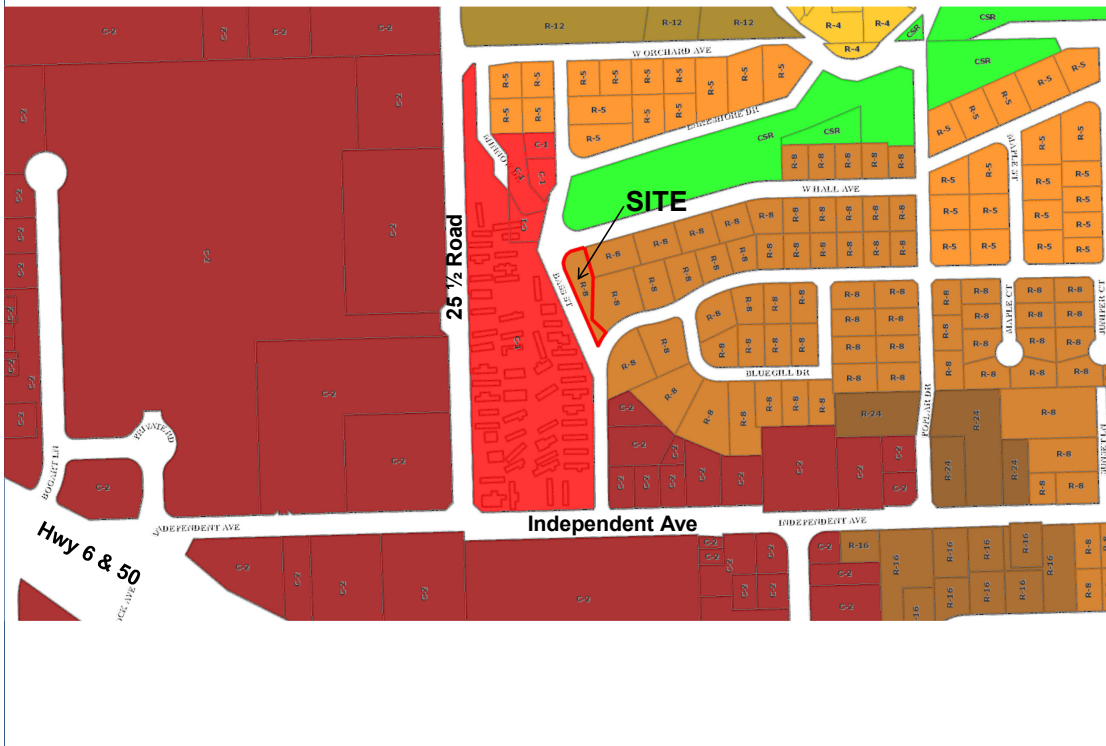
## Aerial Photo Map



# Comprehensive Plan Future Land Use Map



# Existing Zoning Map



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING 0.275 ACRES  
FROM R-8 (RESIDENTIAL 8 DU/AC) TO  
CSR (COMMUNITY SERVICES AND RECREATION)**

**LOCATED ON THE WEST SIDE OF BASS STREET BETWEEN W. HALL AVENUE  
AND W. MESA AVENUE**

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. Rezoning this area to CSR 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 property shall be rezoned CSR (Community Services and Recreation).

See map.

Introduced on first reading this 18<sup>th</sup> 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 8



1 Parcel

Rezone from  
R-8 (5.5-8 unit/acre)  
to CSR Community Services & Recreation

W HALL AVE

BASS ST

W MESA AVE

BLUEGILL DR



Attach 14

**CITY COUNCIL AGENDA ITEM**

Date: April 27, 2012

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner / 4058

Proposed Schedule:

1<sup>st</sup> Reading – May 2, 2012

2nd Reading (if applicable):

2<sup>nd</sup> Reading – June 6, 2012

File # (if applicable): RZN-2012-69

**Subject:** Rezone One Parcel Located at 140 Power 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 one parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district.

**Background, Analysis and Options:**

The property at 140 Power Road was annexed in 1967 as Western Meat Packers, which, based on aerial photography, appears to be one of the original uses of the property. Approximately 1980, according to Assessor records, a warehouse was added to the original building. The current owner operates a Pepsi distribution business at the facility. No soda bottling takes place at this location.

In 2010, the Comprehensive Plan was adopted, establishing a Commercial 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/or develop their property.

The current I-1 zoning is in conflict with the Future Land Use designation of Commercial. Upon evaluation, it was determined that rezoning these properties from I-

1 to C-2 would be the best course of action to bring them into conformance with the existing Future Land Use designation.

The existing land use is classified as “Warehouse and Freight Movement – Indoor Storage with Outdoor Loading Docks” and is allowed in the C-2 zone district per Section 21.04.010 of the Grand Junction Municipal Code (GJMC).

The property owner was 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 February 8, 2012. No comment sheets were received regarding the Area 9 proposal.

The local manager of the Pepsi facility, Chris Gillespie, was contacted and informed about the proposed change. It was discussed that no bottling currently takes place on the site, but that the proposed C-2 (General Commercial) zone district would permit “Food Products Manufacturing – Indoor Operations with Outdoor Storage” should bottling resume on the site.

Several contacts have been made with adjacent property owners who, upon explanation for the proposed rezone, expressed no objections. Most of the owners wished to discuss further development of their properties, including one citizen who spoke at the Planning Commission hearing on April 10, 2012.

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

**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 the existing warehouse use on the site and provide additional commercial opportunities 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 April 10, 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:** The Council introduced the proposed Ordinance on May 2, 2012.



**Attachments:**

Background information

Rezone criteria

Site Location Map

Aerial Photo Map

Future Land Use Map

Existing City and County Zoning Map

E-mail Correspondence

Ordinance

BACKGROUND INFORMATION				
Location:		140 Power Road		
Applicants:		City of Grand Junction		
Existing Land Use:		Beverage Distribution		
Proposed Land Use:		No changes to land use(s) proposed		
Surrounding Land Use:	North	Single-Family Residential Undeveloped		
	South	Commercial		
	East	Single-Family Residential Undeveloped		
	West	Single-Family Residential Undeveloped		
Existing Zoning:		I-1 (Light Industrial)		
Proposed Zoning:		C-2 (General Commercial)		
Surrounding Zoning:	North	County RSF-R CSR (Community Services and Recreation)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)		
	West	County RSF-R		
Future Land Use Designation:		Commercial		
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 Commercial, rendering the existing I-1 (Light Industrial) zoning inconsistent with the Plan. The proposed rezone to C-2 (General Commercial) 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

The 1996 Growth Plan designated this property as Commercial. Since 2000 the area between Broadway and Power Road to the south of the subject property has developed into the Redlands Marketplace, which is anchored by an Albertsons grocery store. Therefore, the condition of the area has changed to a commercial “node” and rezoning the subject property to C-2 is consistent with the character of the area as well as with the Comprehensive Plan.

This criterion is met.

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

Infrastructure necessary for commercial 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 commercial uses throughout the community. The location of this property, across from a shopping center, with signalized access to Broadway, also known as Colorado Highway 340, makes it ideally located for commercial 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 commercial uses. This is such an area. The proposed rezone to C-2 will create consistency with the Comprehensive Plan as well as additional land for commercial uses.

This criterion is met.

(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.

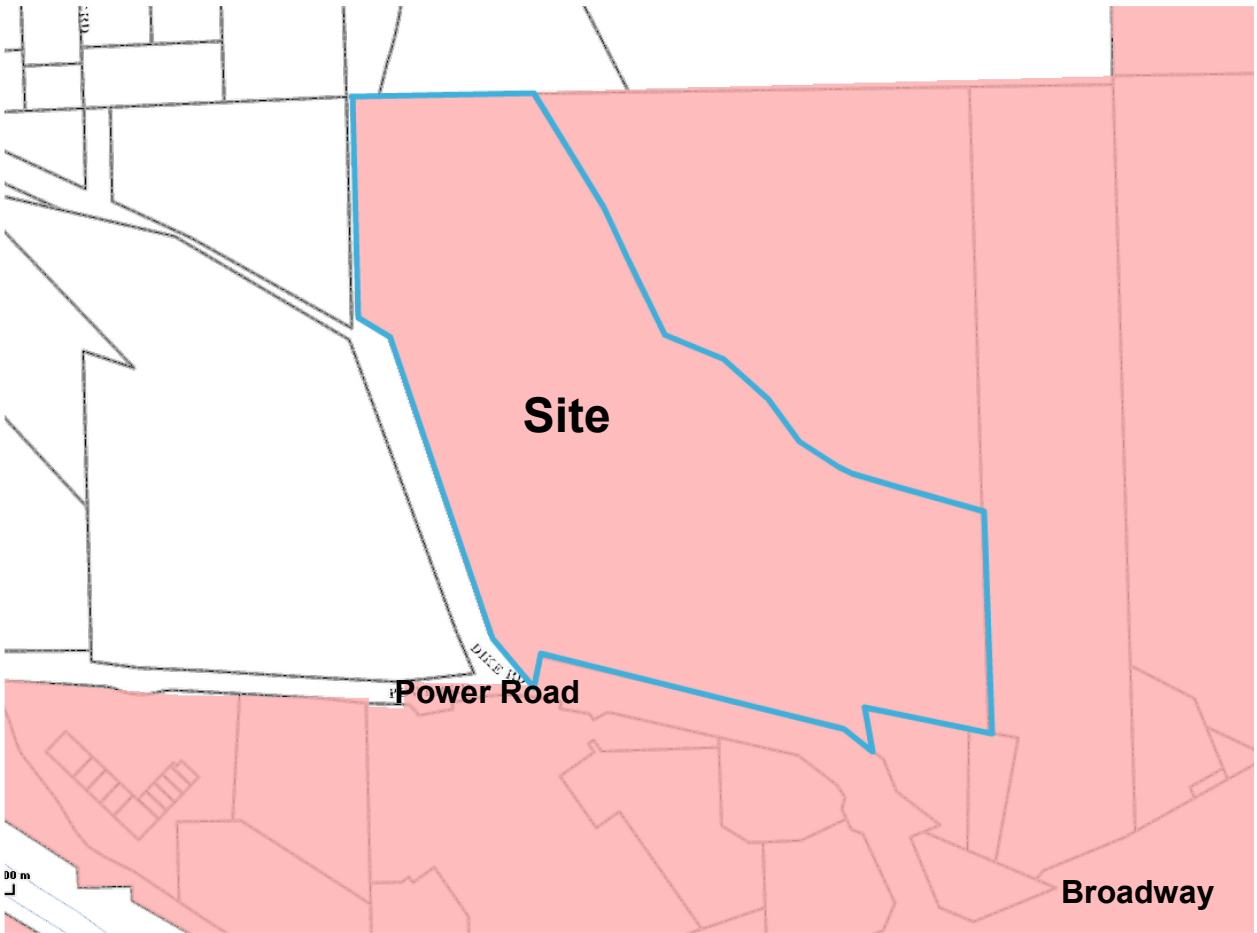
#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Area 9 Rezone, RZN-2012-69, a request to rezone one parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) 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



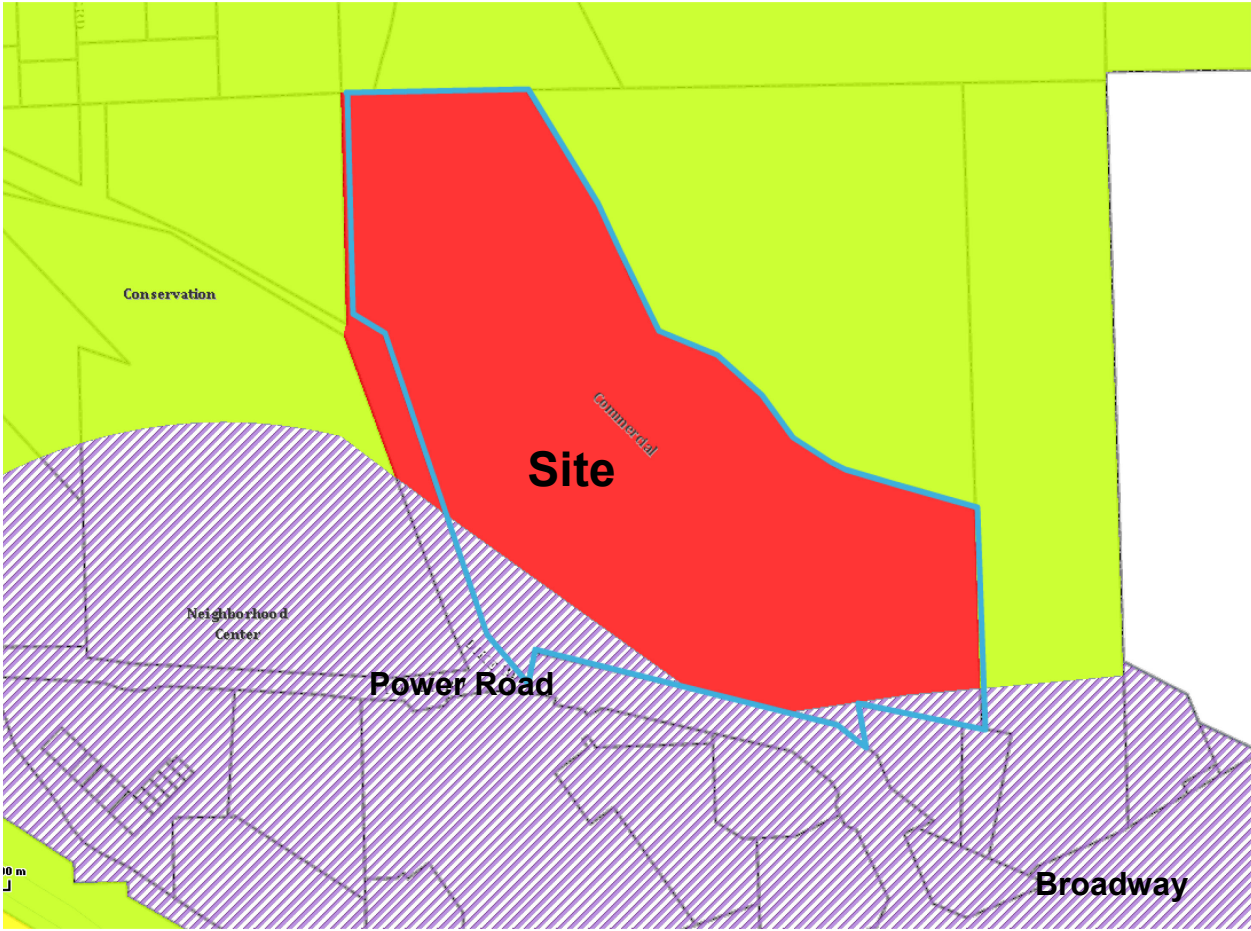
# Aerial Photo Map

Figure 2



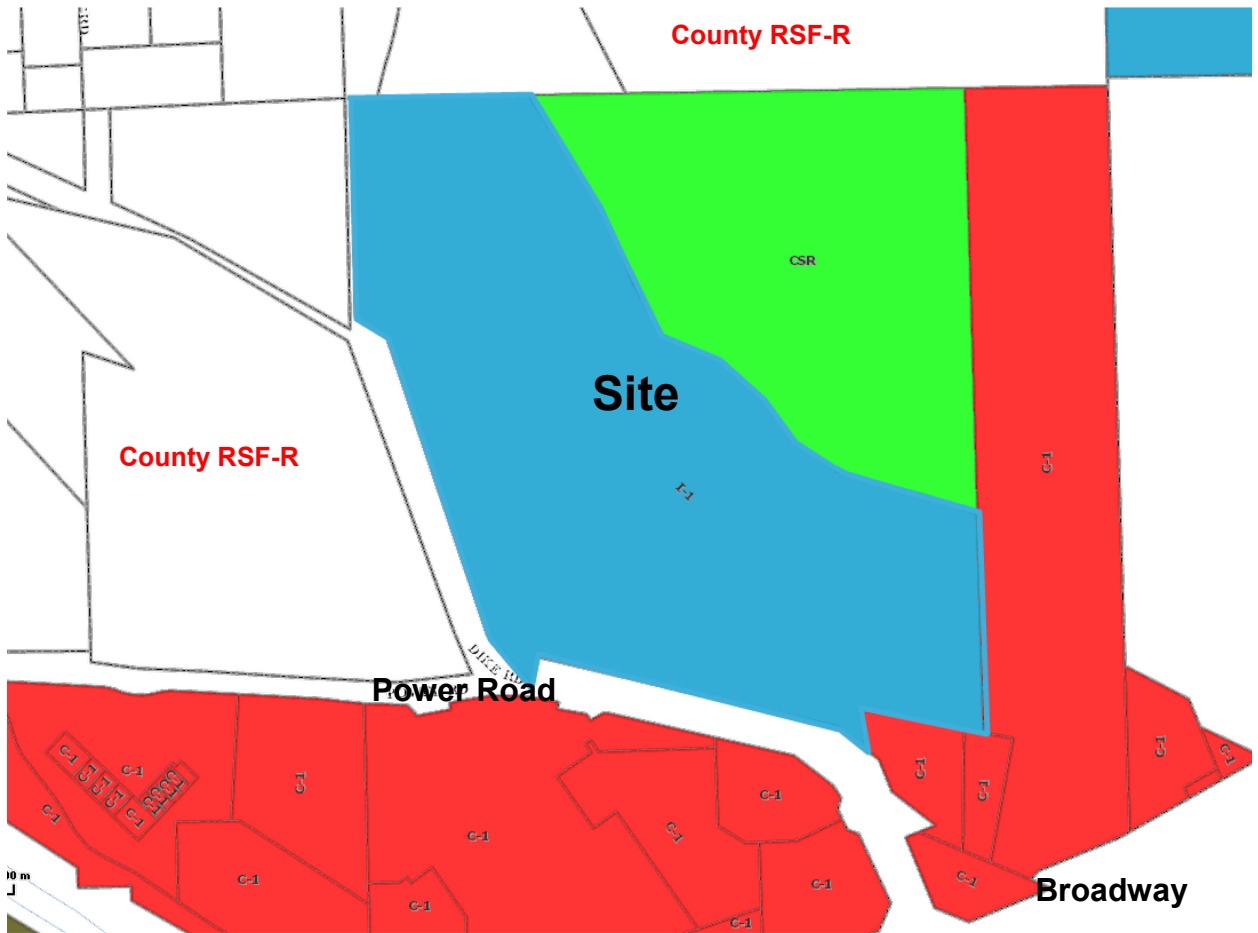
# Comprehensive Plan Map

Figure 3



# Existing City and County Zoning Map

Figure 4





**From:** Brian Rusche  
**To:** chris.gillaspie@pepsico.com  
**Date:** 2/27/2012 2:37 PM  
**Subject:** Grand Junction Facility - zone change  
**Attachments:** Mailing\_Area9.pdf; YellowArea9RezoneMergedMailing2012Jan25.docx

Chris,

Thank you for visiting with me several days ago about the Grand Junction Pepsi facility, located at 140 Power Road.

As you know, the City of Grand Junction is initiating a rezone of the subject property from I-1 (Light Industrial) to C-2 (General Commercial). The purpose of this change is to make the zoning consistent with the Comprehensive Plan, which designates the property as Commercial.

Attached is the letter which was sent to the registered owner of the property, according to the records of the Mesa County Assessor. I have also attached the map which was sent with the letter. This map, along with the proposed public hearing schedule, is available at [http://www.gjcity.org/Proposed\\_Yellow\\_Rezone\\_No.\\_2.aspx](http://www.gjcity.org/Proposed_Yellow_Rezone_No._2.aspx). The Planning Commission will consider this request on April 10, 2012.

The proposed rezone will not require any change to the existing use(s) of the property. As I understood our conversation, the plant is for warehouse and distribution only, with no bottling at this location. The Grand Junction Municipal Code (GJMC) permits warehouse and freight movement, indoors or outdoors, in the C-2 zone (GJMC Section 21.04.010) along with indoor food manufacturing and associated outdoor storage. The entire Municipal Code may be viewed at <http://www.codepublishing.com/co/grandjunction/>

If you have any questions about the impact of this proposal, please contact me.

Sincerely,

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

**From:** Brian Rusche  
**To:** lanzbpn@aol.com  
**Date:** 3/5/2012 8:47 AM  
**Subject:** Re: Development proposal  
**Attachments:** Mailing\_Area9.pdf

Thank you for your interest in the proposed rezone !

The City of Grand Junction is initiating a rezone of the property at 140 Power Road from I-1 (Light Industrial) to C-2 (General Commercial). The purpose of this change is to make the zoning consistent with the adopted Grand Junction Comprehensive Plan, which designates the property as Commercial. The Comprehensive Plan may be found at <http://www.gjcity.org/ComprehensivePlan.aspx>

I have attached a map of the property. This map, along with the proposed public hearing schedule, is available at [http://www.gjcity.org/Proposed\\_Yellow\\_Rezone\\_No.\\_2.aspx](http://www.gjcity.org/Proposed_Yellow_Rezone_No._2.aspx). The Planning Commission will consider this request on April 10, 2012.

The proposed rezone does not require any change to the existing use of the property, which is owned by a subsidiary of Pepsi. I have visited with the manager of the plant, which is presently used for warehouse and distribution only, with no bottling at this location. The Grand Junction Municipal Code (GJMC) permits warehouse and freight movement, indoors or outdoors, in the C-2 zone (GJMC Section 21.04.010) along with indoor food manufacturing and associated outdoor storage. The entire Municipal Code may be viewed at <http://www.codepublishing.com/co/grandjunction/>

Your property, known as Parcel # 2945-152-00-097, is not a part of this rezone. The property is currently outside the city limits. The Comprehensive Plan designates your property as Conservation. If you would like to discuss your property further, please contact me.

Thank you again for your interest. If you have any questions, please contact me.

Sincerely,

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

>>> <lanzbpn@aol.com> 3/4/2012 2:21 PM >>>

Dear Brian,

We apologize for making this inquiry at such a late date. We received a notice in the mail regarding an application for the development proposal titled RZN-2012-69-Yellow Area 9 Rezone-140 Power Rd. This request of approval to rezone 14.81 acres from an I-1 to a C-2 zone district is near property we own. All three of us are siblings who no longer live in the Grand Junction area. It would be most helpful, and appreciated, if you would kindly forward any information in regards to what is happening with the above said proposal.

We will be grateful for any assistance you can offer us in this matter.

Sincerely,

Neila R. Dial  
Becky G. Lanzisera  
Scott J. Hammond

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PROPERTIES AT  
140 POWER ROAD  
FROM AN I-1 (LIGHT INDUSTRIAL)  
TO A C-2 (GENERAL COMMERCIAL) 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 C-2 zone district implements the Future Land Use designation of Commercial, 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 February 8, 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 is consistent with the goals and policies of the Comprehensive Plan.
4. 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 C-2 (General Commercial):

140 POWER ROAD

SEE ATTACHED MAP.

**INTRODUCED** on first reading the 2<sup>nd</sup> day of May, 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 9





Attach 15

**CITY COUNCIL AGENDA ITEM**

Date: May 4, 2012  
Author: Lori V. Bowers  
Title/ Phone Ext: Senior Planner / 4033  
Proposed Schedule: Wednesday, May 2, 2012  
2nd Reading: Wednesday, June 6, 2012  
File #: RZN-2012-82

<b>Subject:</b> Rezone One Parcel Located at 681 23 Road
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> Senta Costello, Senior Planner

**Executive Summary:**

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.

**Background, Analysis and Options:**

In 2010, the Comprehensive Plan was adopted. The Comprehensive Plan anticipated the need for additional commercial, office and industrial uses throughout the community. The adopted Comprehensive Plan – Future Land Use Map shows the designation of the subject area as Commercial/Industrial. Please refer to the Comprehensive Plan maps included in this report.

After the Comprehensive Plan was adopted it became apparent that some properties were in conflict with the new Future Land Use designations because the zoning did not match. Some of these properties were grouped together in specific areas of the City. However, isolated properties were also in conflict with the Future Land Use designation. Each area or property has been or is being evaluated to determine what the best course of action would be to remedy the conflict. For the subject property of this report, Staff recommends the zoning designation of I-1 (Light Industrial) to meet the Comprehensive Plan’s Future Land Use designation of Commercial Industrial. I-1 zoning allows the use of the property to continue since outdoor operations and outdoor storage are an allowed use in this zoning district along with wholesale sales.

An Open House was held on February 8, 2012. No one at the Open House spoke about the proposed rezone. The owner of the property contacted the Planning Department on April 4, 2012, until that time there were no inquires regarding the subject parcel. The parcel has a single Quonset hut on the property placed in 1964. No other improvements, other than fencing exist on site. Outside storage is an allowed use in the I-1 zone district and the property currently provides for that use.

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

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

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

The proposed rezone will bring the subject parcel into conformance with the Comprehensive Plan. The proposed rezone will allow the existing use to continue on the property and will be zoned appropriately for any possible future reuse.

**Board or Committee Recommendation:**

The Planning Commission forwards a recommendation of approval from their meeting of April 10, 2012. The item was considered non-controversial and was placed on the Consent Agenda.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

This information was on the City Council Consent Agenda, May 2, 1012.

**Attachments:**

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

BACKGROUND INFORMATION				
<b>Location:</b>		681 23 Road		
<b>Applicants:</b>		City of Grand Junction		
<b>Existing Land Use:</b>		Commercial warehouse with outdoor storage		
<b>Proposed Land Use:</b>		No change		
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial condominiums		
	<b>South</b>	Vacant land		
	<b>East</b>	Sand and gravel operations		
	<b>West</b>	Vacant land		
<b>Existing Zoning:</b>		I-2 (General Industrial)		
<b>Proposed Zoning:</b>		I-1(Light Industrial)		
<b>Surrounding Zoning:</b>	<b>North</b>	C-2		
	<b>South</b>	C-2		
	<b>East</b>	I-1(Light Industrial)		
	<b>West</b>	C-2		
<b>Future Land Use Designation:</b>		Commercial / Industrial		
<b>Zoning within density range?</b>			Yes	X No

**Section 21.02.140 of the Grand Junction Municipal Code**

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

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

The proposed rezone will alleviate the conflict between the current zoning and the Future Land Use Map of the Comprehensive Plan.

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

The proposed rezone will bring the subject parcel into conformance with the Comprehensive Plan. The area is slowly changing as evidenced by the commercial condominiums constructed directly north in 2009.

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



Adequate public facilities and services currently exist and are adequate to serve the existing use and any future re-development of this 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; and/or

Response: N/A

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

Response: The proposed amendment will bring the zoning into conformance with the Comprehensive Plan.

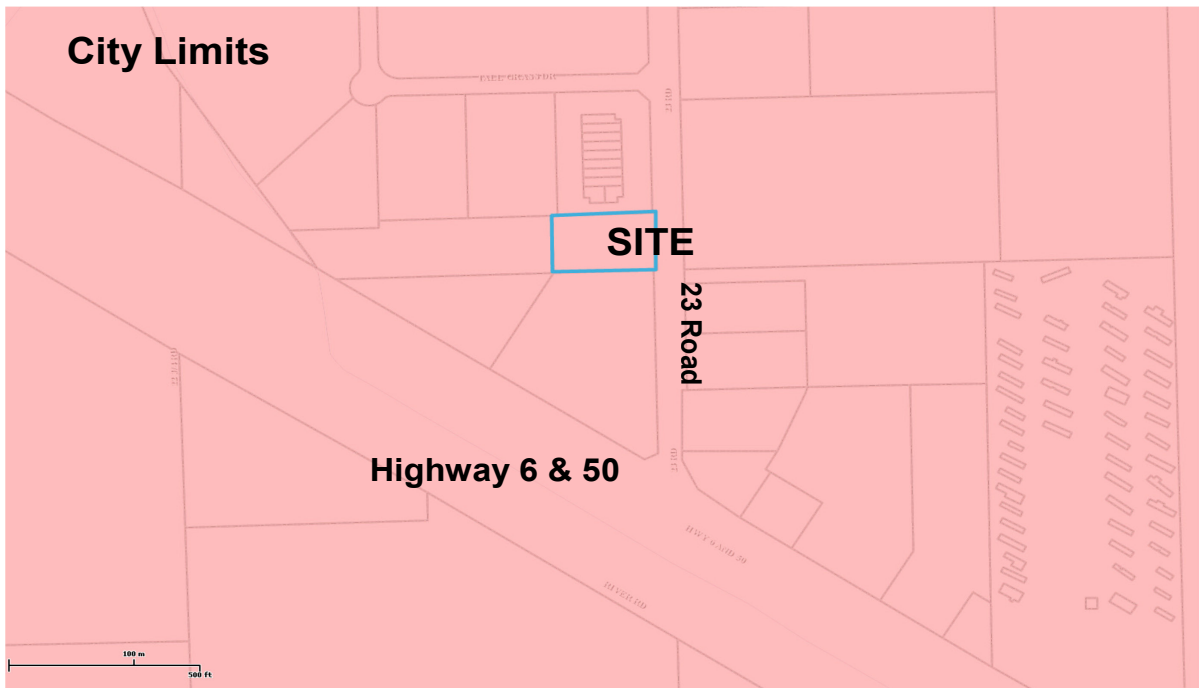
#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Yellow Area 3 Rezone, RZN-2012-82, a request to rezone the property from I-2 (General Industrial) to I-1 (Light Industrial), the following findings of fact and conclusions have been determined:

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

# Site Location Map

681 23 Road



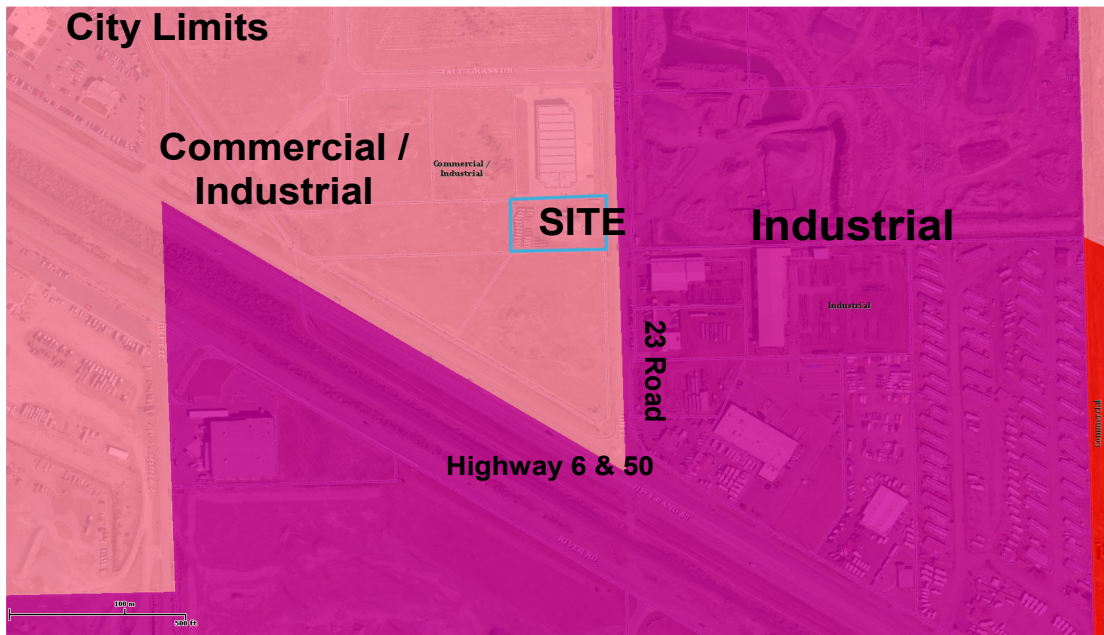
# Aerial Photo Map

681 23 Road



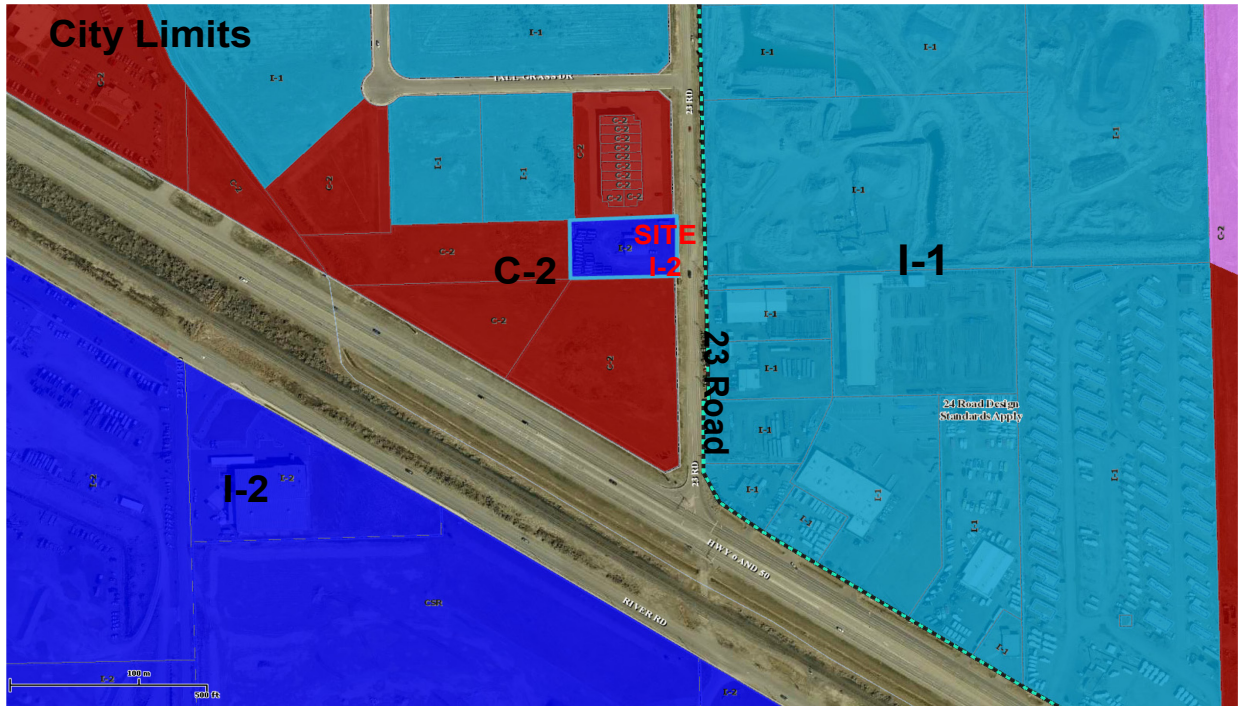
# Comprehensive Plan Map

681 23 Road



# Existing City Zoning Map

681 23 Road



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING ONE PARCEL  
FROM I-2 (GENERAL INDUSTRIAL) TO  
I-1 (LIGHT INDUSTRIAL)**

**LOCATED AT 681 23 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 I-1 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 February 8, 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 public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the subject property shown as Area 3 from I-2 (General Industrial) to the I-1 (Light Industrial) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Commercial / Industrial 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 I-1 zone district to be established.

The Planning Commission and City Council find that the I-1 zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned I-1 (Light Industrial) and as shown on Exhibit "A" attached.

681 23 Road

Introduced on first reading this 2<sup>nd</sup> day of May, 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



Exhibit "A"



Date: June 1, 2012  
 Author: John Shaver  
 Title/ Phone Ext: City Attorney,  
1506  
 Proposed Schedule: June  
6, 2012  
 2nd Reading  
 (if applicable):       
 File # (if applicable):     

Attach 16

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Ratify the Acquisition of the Three Sisters Property
<b>Action Requested/Recommendation:</b> Adopt Resolution
<b>Presenter(s) Name &amp; Title:</b> Rich Englehart, Acting City Manager Rob Schoeber, Parks and Recreation Director Tim Moore, Public Works and Planning Director John Shaver, City Attorney

**Executive Summary:**

The presenters request and recommend that the City Council consider and adopt a resolution ratifying the acquisition of the Three Sisters property located south and west of Monument Road and the conveyance of the North River subdivision as partial consideration for the acquisition of the Three Sisters parcel.

**Background, Analysis and Options:**

On October 17, 2011 the City Council authorized the City Manager and staff to facilitate a transaction with the Mesa Land Trust, Great Outdoors Colorado (GOCO), Conquest Development and the City for the acquisition of a 137 acre parcel of land located south and west of Grand Junction known as the Three Sisters property. The property is shown on the map attached hereto as Exhibit 1 and is incorporated herein by this reference as if fully set forth.

The City agreed to exchange an approximately 3.5 acre parcel of land near Struthers and the Riverside Parkway (platted into 3 lots and known legally as the North River Subdivision) as partial consideration for the Three Sisters property. In addition to the value of the exchange parcel a GOCO grant was awarded and Mesa Land Trust secured and contributed private financing.

The Three Sisters property will provide additional recreational opportunities near the City. Its acquisition and public ownership will protect the view corridor approaching the Colorado National Monument and will provide a unique opportunity for the public use of the public's lands. The Three Sisters property is bounded on BLM and City ownership on three sides.

The parties have come to terms and on June 5, 2012 the necessary agreements for the attainment of the property and the preservation of it through a perpetual conservation easement were executed. The City has received a deed to the property and given a deed for the exchange parcel.

The execution of the documents by the City Manager and the City's obligation to proceed under the terms and conditions of the transaction was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

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

Acquisition of the property directly supports Goal 10 – The development of a system of regional and neighborhood and community parks protecting open space corridors for recreation, trails and environmental purposes. As well other Goals of the Plan are supported and promoted indirectly by this action.

**Board or Committee Recommendation:**

On October 17, 2011 the Council considered the proposal and authorized the staff to facilitate the transaction. Based on that direction the transaction was completed.

**Financial Impact/Budget:**

There is no direct financial impact because of or as a result of the acquisition; the indirect cost of the acquisition has been staff time and associated salaries. After acquisition the City will be responsible for operation and maintenance of the property as a public amenity. The cost of that effort is undetermined at this time.

**Legal issues:**

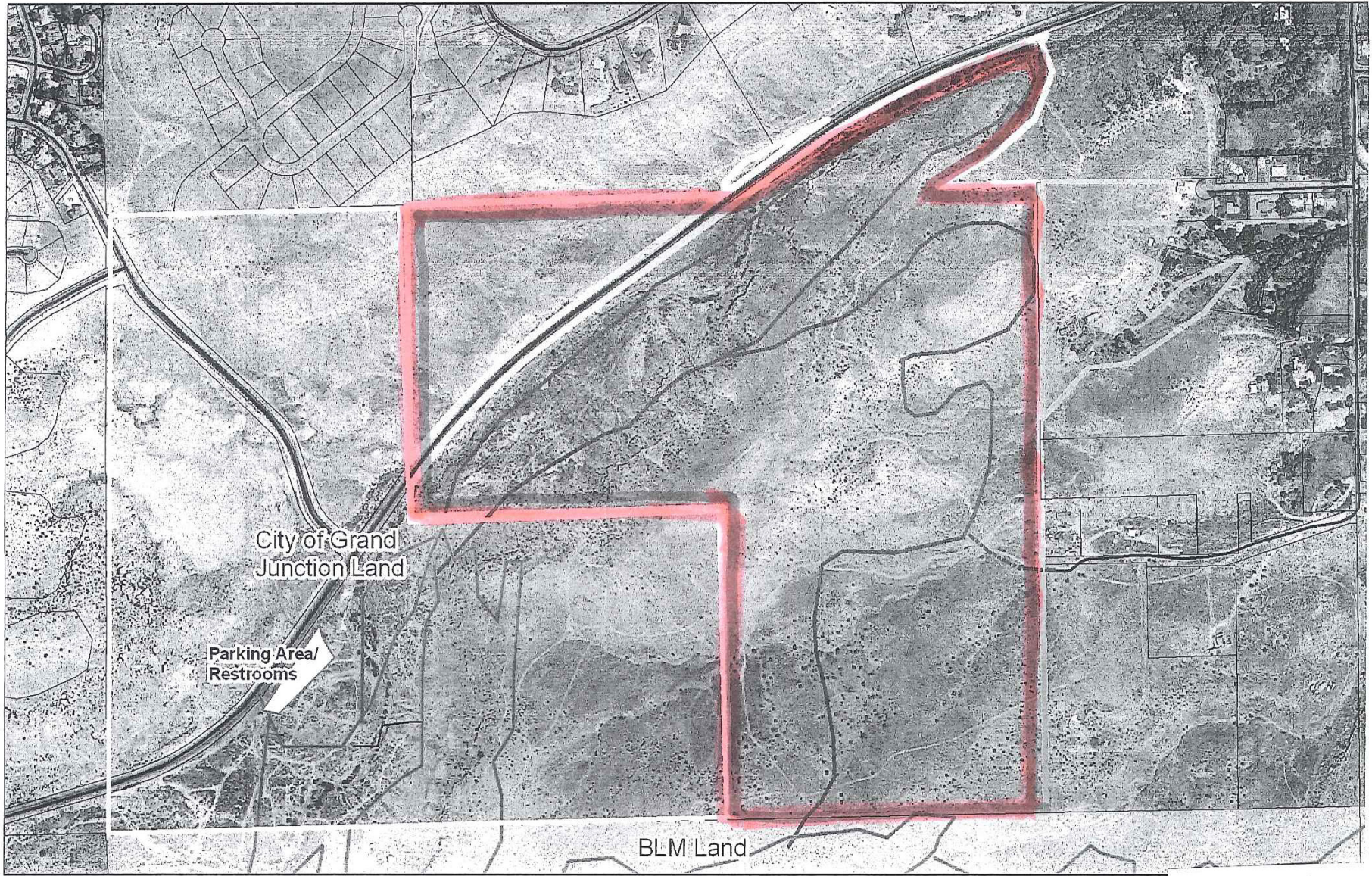
The City has entered into and is obligated to follow a perpetual conservation easement agreement. The City has received a deed to the property and given a deed for the exchange parcel and if this resolution is approved by the City Council the actions taken by the staff heretofore will be ratified, confirmed and deemed legally conclusive.

The execution of the documents by the City Manager and the City's obligation to proceed under the terms and conditions of the transaction was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.



**Attachments:**





- Map of Three Sisters property
- Map of North River Subdivision
- Proposed Resolution



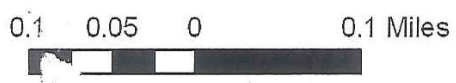


**Three Sisters Property**

-  Three Sisters Property
-  Little Sister Property

-  Parcel Lines
-  Roads
-  Existing Trails
-  Potential Trails

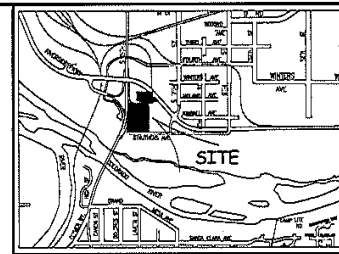
City of Grand Junction Property



# NORTH RIVER SUBDIVISION

A REPLAT OF PORTIONS OF LOTS 1 AND 2, ALL OF LOTS 3 THROUGH 8, INCLUSIVE, AND ALL OF LOTS 12 THROUGH 14, INCLUSIVE, BLOCK 2, AND LOTS 14 AND 19, BLOCK 1, SOUTH FIFTH STREET SUBDIVISION, PLAT BOOK 7, PAGE 19, AND VACATED RIGHTS OF WAY PER CITY OF GRAND JUNCTION ORDINANCES 4412, 4413 & 4414, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE 1/4 NW 1/4) SECTION 23, TOWNSHIP ONE SOUTH, RANGE ONE WEST, UTE PRINCIPAL MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.

SHEET 1 OF 2



VICINITY MAP (NOT-TO-SCALE)

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, The City of Grand Junction, owner of that certain real property located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

**BEGINNING** at the Southeast corner of Lot 8, Block 2 South Fifth Street Subdivision, as recorded in Plat Book 7, Page 19, Public Records of Mesa County, Colorado, and considering the South line of the Northeast Quarter (SE 1/4) of said Section 23 to bear N 89°22'16" W, with all other bearings contained herein being relative thereto; thence N 89°22'16" W, along the South line of said Block 2, a distance of 374.58 feet to the Southwest corner of Lot 5, said Block 2; thence N 00°09'38" W, along the West line of said Block 2, a distance of 229.43 feet to the Southwest corner of Lot 2, said Block 2; thence N 08°07'07" E a distance of 68.44 feet; thence N 01°45'03" E a distance of 92.62 feet; thence N 31°40'02" E a distance of 17.71 feet to the North line of said Block 2; thence N 89°55'27" E, along the North line of said Block 2, a distance of 91.28 feet to the Northeast corner of Lot 1, said Block 2; thence S 00°14'02" W, along the East line of said Lot 1, a distance of 45.67 feet to a point of non-tangent curvature; thence 24.27 feet along the arc of a 400.00 foot radius curve, concave Southeast, whose central angle is 03°28'35", the long chord of which bears N 41°29'10" E a distance of 24.27 feet to a point of non-tangency, said point on the West line of Lot 14, said Block 2; thence N 00°14'02" E, along the west line of said Lot 14, a distance of 31.44 feet to the Northwest Corner of said Lot 14; thence N 89°18'40" E, along the North line of said Block 2, a distance of 58.65 feet; thence N 51°29'00" E a distance of 108.74 feet to the South line of Block 1, said plat; thence S 88°08'43" W, along the South line of said Block 1, a distance of 146.90 feet to the Southwest Corner of Lot 14, said Block 1; thence N 00°39'32" W, along the West line of said Lot 14, a distance of 259.97 feet to the Northeast corner of said Lot 14; thence N 89°20'28" E, along the North line of Lots 14 and 19, said Block 1, a distance of 298.90 feet to the Northeast corner of said Lot 19; thence S 00°52'27" E, along the East line of said Lot 19, a distance of 144.96 feet to a point of non-tangent curvature; thence 48.80 feet along the arc of a 50.00 foot radius curve, concave South, whose central angle is 55°54'58", the long chord of which bears S 74°03'19" E a distance of 46.88 feet to a point of tangency; thence S 46°03'46" E a distance of 162.81 feet; thence N 89°06'45" W a distance of 143.61 feet; thence S00°30'56" E a distance of 15.00 feet to the Northwest corner Lot 10, said Block 2; thence S 00°56'03" E, along the West line of said Lot 10, a distance of 4.88 feet; thence S 88°52'00" W a distance of 73.06 feet; thence S 01°51'17" E a distance of 34.33 feet to the Northwest corner of High Plains Subdivision, as recorded in Book 4263, Page 165, Public Records of Mesa County, Colorado; thence S 00°31'58" E, along the West line of said High Plains Subdivision, a distance of 415.98 feet, more or less, to the Point of Beginning.

CONTAINING 5.7644 acres, more or less, as described.

SAID OWNER has by these presents laid out, platted and subdivided the above-described real property, as shown hereon and designated the same as NORTH RIVER SUBDIVISION in the City of Grand Junction, County of Mesa, State of Colorado, and does hereby offer the following Dedication and Grants:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

All Multipurpose Easements are dedicated to the City of Grand Junction as perpetual easements for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

All Utility Easements are dedicated to the City of Grand Junction as perpetual easements for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities.

All easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors or assigns, together with the right to trim or remove interfering trees and brush; provided, however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement(s).

Said owner further certifies that there are no lienholders of record.

IN WITNESS WHEREOF, said owner has caused their name to be hereunto subscribed this \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

By: Bill Pitts, Mayor  
For the City of Grand Junction

### GENERAL NOTES

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

The Basis of Bearings is the South line of the Northeast Quarter (NE 1/4) of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian and is assumed to bear N 89°25'59" W with a distance of 2,638.72 feet. The SW corner of the NE 1/4 of said Section 23 being a 2-3/4" Mesa County Brass Cap and the SE corner of the NE 1/4 of said Section 23 being a 3" Aluminum cap, PLS No. 24306.

Note: Property corners located during this survey that were within 0.25 a feet of the calculated point were accepted as being "in position" and noted hereon as "found".

Easement and Title Information a result of record deed research from the Mesa County Clerk and Recorder's Office.

This document has been deemed to be of sufficient clarity for recording purposes. It may bear the stamp "POOR QUALITY ORIGINAL DOCUMENT PROVIDED FOR REPRODUCTION" from the Mesa County Clerk and Recorder's Office. This stamp, if it appears hereon, is an indication of the inability of said Office to create a scanned image which is of comparable quality to the original document.

### NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO  
COUNTY OF MESA

The foregoing instrument was acknowledged before me by Bill Pitts, Mayor, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

Witness my hand and Official Seal:

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

### CITY APPROVAL

This Plat of NORTH RIVER SUBDIVISION, a subdivision of a portion of the City of Grand Junction, County of Mesa, State of Colorado, is hereby approved and dedications accepted this \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

City Manager \_\_\_\_\_ City Mayor \_\_\_\_\_

### FOR CITY USE

Book \_\_\_\_\_ Page(s) \_\_\_\_\_ Document \_\_\_\_\_  
Book \_\_\_\_\_ Page(s) \_\_\_\_\_ Document \_\_\_\_\_  
Book \_\_\_\_\_ Page(s) \_\_\_\_\_ Document \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY that this instrument was filed for recording in my office at \_\_\_\_\_ o'clock \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2012, and is duly recorded in Book \_\_\_\_\_ Pages \_\_\_\_\_ through \_\_\_\_\_, Reception No. \_\_\_\_\_, Drawer No. \_\_\_\_\_, Fees: \$ \_\_\_\_\_.

Clerk and Recorder \_\_\_\_\_ Deputy Clerk \_\_\_\_\_

### SURVEYOR'S CERTIFICATION

I, Peter T. Krick, a Professional Land Surveyor licensed in the State of Colorado, Certificate No. 32824, do hereby certify that the accompanying plat of NORTH RIVER SUBDIVISION, a subdivision of a portion of the City of Grand Junction, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified by the City of Grand Junction and the applicable laws of the State of Colorado. This statement does not represent a warranty as to ownership, lienholders, or quality of title, either expressed or implied.

By: \_\_\_\_\_  
Peter T. Krick, PLS No. 32824



Date: \_\_\_\_\_

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.	DRAWN BY: <u>ME</u> DATE: <u>3/20/12</u>	SCALE NOT-TO-SCALE
	CHECKED BY: <u>ETK</u> DATE: <u>3/20/12</u>	
	APPROVED BY: _____ DATE: _____	



**NORTH RIVER SUBDIVISION**  
SEC 1/4 NW 1/4 SEC 23, TWP 1S, R.1E, UTM, U.S.M.

SHEET NO. 1  
OF 2



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

**A RESOLUTION RATIFYING THE ACQUISITION OF THE PROPERTY KNOWN AS THE THREE SISTERS LOCATED SOUTH AND WEST OF MONUMENT ROAD AND AUTHORIZING THE CONVEYANCE OF THE NORTH RIVER SUBDIVISION AS PARTIAL CONSIDERATION FOR THE ACQUISITION**

**RECITALS:**

On October 17, 2011 the City Council authorized the City Manager and staff to facilitate a transaction with the Mesa Land Trust, Great Outdoors Colorado (GOCO), Conquest Development and the City for the acquisition of a 137 acre parcel of land located south and west of Grand Junction known as the Three Sisters property. The City agreed to exchange an approximately 4 acre parcel of land near Struthers and the Riverside Parkway (platted into 3 lots and known legally as the North River Subdivision) as partial consideration for the Three Sisters property. In addition, a GOCO grant was awarded and Mesa Land Trust secured and contributed private financing. Conquest Development generously donated a portion of the value of the property.

The Three Sisters property will provide an easily accessible addition to the public lands that are popular for biking and hiking; the property is bounded on three sides by City and BLM land that is currently well used and loved by many for its unparalleled recreational opportunities.

The parties have worked diligently and highly cooperatively to make the acquisition a reality and on June 5, 2012 the necessary agreements for the attainment of the property and the preservation of it through a perpetual conservation easement were executed. The City has received a deed to the property and given a deed for the exchange parcel.

The execution of the documents by the City Manager and the City's obligation to proceed under the terms and conditions of the transaction was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT the City, by and through the City Council and the signature of its President, does hereby ratify the actions taken by the City staff in furtherance of the acquisition of the property and

FURTHERMORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO THAT the City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contracts and conservation easement and directs the City staff to perform in accordance therewith.

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

\_\_\_\_\_  
President of the Council Pro Tem

ATTEST:

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