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**CITY COUNCIL AGENDA
WEDNESDAY, JULY 18, 2012
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

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

Pledge of Allegiance

Invocation – Visitation Minister Hunt Zumwalt, Church of Christ of Grand Junction

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

Presentation

June Yard of the Month

Proclamation

Proclaiming August 1 – 7, 2012 as "National Clown Week" in the City of Grand Junction

*Revised July 18, 2012
** Indicates Changed Item
*** Indicates New Item
® Requires Roll Call Vote*

REVISED

**** Appointments**

To the Riverfront Commission

To the Historic Preservation Board

Certificates of Appointment

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

To the Parks and Recreation Advisory Board

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the June 20, 2012 Regular Meeting and the June 29, 2012 Special Session

2. **Setting a Hearing on an Amendment to the Future Land Use Designation for Eleven Properties Located between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks** [File #CPA-2012-178] [Attach 2](#)

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

Proposed Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Eleven Properties Located Between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks from Downtown Mixed Use to Commercial

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

Staff presentation: Tim Moore, Public Works and Planning Director
Greg Moberg, Planning Supervisor

3. **Setting a Hearing on Rezoning Property Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street from B-1 (Neighborhood Business) to B-2 (Downtown Business)** [File #RZN-2012-332] [Attach 3](#)

A request to rezone approximately 2.69 acres, encompassing the entire block between N. 5th Street and N. 6th Street, Grand Avenue and Ouray Avenue (502, 530 and 550 Grand Avenue and 446 N. 6th Street), from B-1 (Neighborhood Business) to B-2 (Downtown Business) zone district.

Proposed Ordinance Rezoning Mesa County Public Library Block from B-1 (Neighborhood Business) to B-2 (Downtown Business), Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street

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

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

4. **Grant Acceptance and Purchase of Cardiac Monitor** [Attach 4](#)

The Fire Department has been awarded a state EMS grant to assist with the purchase of a Zoll cardiac monitor that will replace an existing monitor. The Colorado Department of Public Health and Environment provides agencies within the state an opportunity to apply for the Colorado Emergency Medical and Trauma Services section provider grant. The grant will reimburse agencies approximately 50% of the cost for the item.

Action: *Authorize the Purchasing Division to Award a Contract to Zoll Medical Corporation in the Amount of \$28,769.10 for a Zoll Cardiac Monitor and Authorize the City Manager to Accept a Grant Award from the Colorado Department of Public Health and Environment for \$14,391.00 for this Purchase*

Staff presentation: Ken Watkins, Fire Chief
John Hall, Health and Safety Chief

5. **Grant Acceptance and Re-chassis of a Type III Ambulance** [Attach 5](#)

The Fire Department has been awarded a state EMS grant to assist with the re-chassis of a Lifeline Type III Ambulance currently in the City's ambulance fleet. The Colorado Department of Public Health and Environment provides agencies within the state an opportunity to apply for the Colorado Emergency Medical and Trauma Services section provider grant. The grant will reimburse agencies up to 50% of the cost for the item. The cost to re-chassis this ambulance is approximately 66% of the cost of a new ambulance – making this a very cost effective way to provide a virtually new ambulance.

Action: Authorize the Purchasing Division to Award a Contract to Lifeline Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$126,592 for the Re-chassis of a Lifeline Type III Ambulance and Authorize the City Manager to Accept a Grant Award from Colorado Department of Public Health and Environment for \$63,296 for this Purchase

Staff presentation: Ken Watkins, Fire Chief
Jay Valentine, Financial Operations Manager

6. **Amending Resolution No. 44-89 Concerning Membership on the Grand Junction Commission on Arts and Culture** [Attach 7](#)

The Grand Junction Commission on Arts and Culture is seeking approval of an amendment to Resolution No. 44-89. Currently the Resolution is written in a way that restricts recruitment of members to the Commission. The Commission is recommending lifting the restriction to enable more qualified candidates to serve on the Commission.

Resolution No. 28-12—A Resolution of the City Council of the City of Grand Junction Amending Resolution No. 44-89 Concerning the Commission on Arts and Culture

®Action: Adopt Resolution No. 28-12

Staff presentation: John Shaver, City Attorney

7. **Easement Agreement with the State of Colorado Allowing Public Access to the Purdy Mesa and Juniata Reservoirs** [Attach 8](#)

The State of Colorado ("State") through the Department of Natural Resources has granted the City of Grand Junction ("City") a Sewer Easement across the Walker

State Wildlife area for twenty-five (25) years conditioned upon the City granting an easement to the State for the use and benefit of the Division of Parks and Wildlife and the Wildlife Board for public access to the Purdy Mesa Reservoir and Juniata Reservoir.

Resolution No. 29-12—A Resolution Authorizing the City Manager to Execute an Easement to the State of Colorado Through the Department of Natural Resources for the Use and Benefit of the Division of Parks and Wildlife and Wildlife Board

®Action: *Adopt Resolution No. 29-12*

Staff presentation: John Shaver, City Attorney

8. **First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC** [Attach 9](#)

The first amendment to the lease agreement between the City and GJR, LLC, a Colorado limited liability company owning and operating the Grand Junction Rockies minor league baseball club (also known as "the Club" or "Club"), provides that GJR annually pay \$25,000.00 to Grand Junction Baseball, Inc. in lieu of making the payment to the City.

Resolution No. 30-12—A Resolution Approving the First Amendment to the Lease Agreement with GJR, LLC which Owns and Operates the Grand Junction Rockies, a Minor League Baseball Team for Use of the Baseball Field Known as “Suplizio Field”

®Action: *Adopt Resolution No. 30-12*

Staff presentation: Rich Englehart, City Manager
John Shaver, City Attorney

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION ********* 9. Contract for Purchase and Installation of Fire Station Alerting System [Attach 6](#)**

Request to enter into a contract with Low Voltage Installations, Inc., Golden, CO to provide and install fire station alerting systems to the City's existing and future fire department locations, beginning with Fire Station #1 and Fire Station #2.

Action: Authorize the City Purchasing Division to Negotiate a Contract with Low Voltage Installations, Inc., Golden, CO in an Initial Amount of Approximately \$287,995

Staff presentation: Ken Watkins, Fire Chief
Jay Valentine, Financial Operations Manager

****10. Contract for the 24 Road Sewer Interceptor Replacement Project [Attach 10](#)**

This request is to award a construction contract for the 24 Road Interceptor Replacement Project. The section of interceptor line that will be replaced is located west of 24 Road. This line goes under Highway 6 and 50 and the Union Pacific Railroad and continues north to F ½ Road. In all, 3,520 lineal feet of interceptor line will be replaced as part of this project.

Action: Authorize the City Purchasing Division to Enter into a Contract with MA Concrete Construction, Inc. of Grand Junction, CO for the 24 Road Sewer Interceptor Replacement in the Amount of \$720,021

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

****11. Public Hearing—Amending the Sales and Use Tax Code Exempting from Sales and Use Tax Wood from Beetle Killed Trees [Attach 16](#)**

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales and use tax the sale, storage, and use of wood and timber products made from Colorado trees killed by Spruce Beetles or Mountain Pine Beetles. This proposed ordinance amending the Code has an eight year sunset clause at which time the City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Ordinance No. 4547—An Ordinance Amending Chapter 3 of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Wood from Trees Harvested in Colorado Damaged by Beetles

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4547

Staff presentation: Jodi Romero, Financial Operations Director
John Shaver, City Attorney

12. **Public Hearing—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 11](#)

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.

Ordinance No. 4542—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4542

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

13. **Public Hearing— Amending the Planned Development for Summer Hill Subdivision** [File #PLD-2012-247] [Attach 12](#)

Request to amend Ordinance Nos. 3136 and 3647 to amend the bulk standards for Filing 6 and future filings within the PD for small lots (less than 14,000 square feet) and revise the Preliminary Plan in accordance with the amendment for Summer Hill Planned Development.

Ordinance No. 4543—An Ordinance Amending the Summer Hill Planned Development Including Ordinance Nos. 3136 and 3647 and the Adopted Preliminary Plan for the Summer Hill Subdivision Planned Development to Modify

Bulk Standards in Filing 6 and Future Filings and Providing a Revised Development Schedule

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4543

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

14. **Public Hearing—Rezoning 9.629 Acres Located at 714 and 720 24 ½ Road**
[File #RZN-2012-70] [Attach 13](#)

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.

Ordinance No. 4544—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4544

Staff presentation: Scott D. Peterson, Senior Planner

15. **Public Hearing—Amending the Future Land Use Designation for Four Properties Located at 2886 and 2898 I-70 B, 2892 and 2896 Highway 6 and 24**
[File #RZN-2012-74] [Attach 14](#)

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

Ordinance No. 4545—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4545

Staff presentation: Senta Costello, Senior Planner

16. **Public Hearing—Amendments to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) Regarding Establishing and Changing a Land Use within the City** [File #ZCA-2012-249] [Attach 15](#)

The 2010 Code inadvertently omitted a general provision requiring a landowner to obtain an appropriate permit or approval from the City before establishing or changing a land use. The proposed amendments are intended to clarify the requirements and to ensure consistency in application of the Code's provisions to specific situations involving a change of land use.

Ordinance No. 4546—An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Sections 21.01.030 (Application), 21.02.070(e) (Change of Use Permit), 21.04.010 (Use Table), 21.04.020 (Use Categories), and 21.10.020 (Terms Defined – Change in Use)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4546

Staff presentation: Lisa Cox, Planning Manager

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

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

June 20, 2012

The City Council of the City of Grand Junction convened into regular session on the 20th day of June, 2012 at 7:00 p.m. in the in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, and Council President Bill Pitts. Absent was Councilmember 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. Councilmember Luke led the Pledge of Allegiance, followed by an Invocation by Pastor Bob Labig, Orchard Mesa Christian Church.

Presentation

May Yard of the Month

Tom Ziola, Forestry Supervisor, said that this award is the first for 2012. He introduced Cliff Sprinkle, Forestry Board member. Mr. Sprinkle announced that the Yard of the Month winner is Georgann Jouflas, 743 Wedge Drive, and applauded her for her work and enthusiasm.

Appointments

To the Parks and Recreation Advisory Board

Councilmember Coons moved to appoint Kristy Emerson and Marc Litzen for three year terms expiring June 2015 to the Parks and Recreation Advisory Board. Councilmember Doody seconded the motion. Motion carried.

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board

Councilmember Boeschstein moved to reappoint Les Miller and appoint Stephan Schweissing for four year terms expiring June 2016 and appoint Jason Farrington for a three year term expiring June 2015, all to the Downtown Development Authority/Downtown Grand Junction Business Improvement District. Councilmember Luke seconded the motion. Motion carried.

Proclamations

Proclaiming June 23, 2012 as "Olympic Day" in the City of Grand Junction

Nick and Kristy Adams, representing Olympic Day, were present to receive the proclamation. Mr. Adams said they are excited it is an Olympic Year and the BMX is a big part of that. The cycling coach at CMU was also present. They have BMX participants from age 2 to 64. He said he appreciates the proclamation.

Proclaiming June 24, 2012 as "St. Baldrick's Foundation Week" in the City of Grand Junction

Jim Hamlin and daughter Robyn Carmine, volunteer event organizers, were present to receive the proclamation. Mr. Hamlin said it is a well-established foundation but is the first time for an event in Grand Junction. He also introduced parents Jennifer and Chad Kutts who are the parents of Lizzy who is battling cancer. They have also organized a blood drive on Friday June 29th at St. Mary's Hospital.

Proclaiming June 27, 2012 as "Bike to Work Day" in the City of Grand Junction

Jen Moore, Urban Trails Committee member, and Rick Crawford, Colorado Mesa University cycling coach, were present to receive the proclamation. They were accompanied by folks from CMU. Ms. Moore listed the many events and sponsors that are participating in Bike to Work Day. A representative from CMU said there will be a Lunch and Learn program open to the community. There is also a community Ride to Work from different locations. Mr. Rick Crawford thanked the City for its support to the biking community.

Council Comments

Councilmember Doody thanked City staff for the Readiness meetings and said he is looking forward to completing those on July 9th.

Councilmember Boeschstein attended the awarding of a GOCO grant to Mesa County that will complete the trail from Grand Junction to Fruita. He said it is a great day to celebrate biking and trails.

Citizen Comments

Julie Mamo, Grand Valley Peace and Justice, spoke to the Council about the homeless issue. She asked the Council to imagine the individual people that live by the river by the Pepsi Plant. There is Bob who suffers from a lot of back pain and he enjoys alcohol because of that. He lies on a cot all day long. She can't imagine him having to move. Then there is Liz and Bill. Liz has a degree in early childhood education and fell on hard times and lives along the river. She is engaged to Bill, another homeless person. He can't be in enclosed places so they live on the river. Then there is Steve whose child drown in the canal. His wife blamed him so he left his job and his life and is trying to heal.

She invited the Council to come and meet some of these people. She understands the challenge. There is no easy solution. Not all the wonderful services that are available meet the needs of those out there. She urged the Council to step back and talk to the Police and put a hold on the plan to remove the camps.

Financial Report

Financial Report by Jodi Romero, Financial Operations Director

Jodi Romero, Financial Operations Director, presented the financial report. She began with economic indicators including natural gas prices which are at \$2.29 per gallon currently. Next she displayed a graph on drilling rigs, noting there are more rigs in Denver than in Piceance Basin. Next was the Manufacturing Report on Business. Ms. Romero addressed the Real Estate and Construction Industry. First was a graph on foreclosures, showing that Mesa County is still the highest in Colorado. However, the median home price has increased. Construction activity continues to be down but there is new residential construction beginning. The next indicator was employment. The unemployment rate has decreased, with Mesa County having gained 1,800 jobs. Included in the retail and revenue report, she reported retail sales are up 14% including untaxable sales. Historically collections are up but are 18% below 2008 (the highest). Ms. Romero displayed a breakdown of sales tax by category.

New to her report there is now, in collaboration with GIS, data that focuses on retail and industrial districts. She then highlighted the top five sales tax generating districts. The Mall and 24 Road corridor is the highest generator. The next group is the Highway 6 & 50 group from 1st Street to Fruita. This is the 2nd highest sales tax generator. The next group is the North Avenue Corridor, the third largest revenue generator. The fourth largest sales tax generator is the Downtown District. The last area addressed is area wide and collected in multiple locations, and includes retailers like utilities.

Ms. Romero stated that the Colorado revenue forecast shows higher than expected revenues. The 2011-2012 budget is balanced with a small excess, predicting flat revenues for 2012 and 2013 and lower severance tax revenues.

Council President Pitts thanked Ms. Romero and asked Council for any questions or comments.

Councilmember Boeschstein asked if Horizon Drive has been split out as a separate tax district area. Ms. Romero said it is not in this report but yes it is split out and tracked as a separate area.

CONSENT CALENDAR

Councilmember Coons read the Consent Calendar and then moved to adopt the Consent Calendar items #1-7. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the June 6, 2012 Regular Meeting and the June 11, 2012 Special Session

2. **Setting a Hearing on Amendments to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) Regarding Establishing and Changing a Land Use within the City** [File #ZCA-2012-249]

The 2010 Code inadvertently omitted a general provision requiring a landowner to obtain an appropriate permit or approval from the City before establishing or changing a land use. The proposed amendments are intended to clarify the requirements and to ensure consistency in application of the Code's provisions to specific situations involving a change of land use.

Proposed Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Sections 21.01.030 (Application), 21.02.070(e) (Change of Use Permit), 21.04.010 (Use Table), 21.04.020 (Use Categories), and 21.10.020 (Terms Defined – Change in Use)

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

3. **Setting a Hearing on Amending the Future Land Use Map of the Comprehensive Plan for Property Located at 2259 River Road** [File #CPA-2012-210]

A City initiated request to amend an area of the Comprehensive Plan Future Land Use Map, located at 2259 River Road, from Commercial/Industrial to Industrial.

Proposed Ordinance Amending the Future Land Use Map of the Grand Junction Comprehensive Plan, Located at 2259 River Road

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

4. **Setting a Hearing on Amending the Planned Development for Summer Hill Subdivision** [File #PLD-2012-247]

Request to amend Ordinance Nos. 3136 and 3647 to amend the bulk standards for Filing 6 and future filings within the PD for small lots (less than 14,000 square feet) and revise the Preliminary Plan in accordance with the amendment for Summer Hill Planned Development.

Proposed Ordinance Amending the Summer Hill Planned Development Including Ordinance Nos. 3136 and 3647 and the Adopted Preliminary Plan for the Summer Hill Subdivision Planned Development to Modify Bulk Standards in Filing 6 and Future Filings and Providing a Revised Development Schedule

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

5. **Special Permit for Joan Raser, LLC for Properties Located at 2476 and 2476 ½ W. Independent Avenue** [File #SPT-2012-265]

Joan Raser, LLC is requesting approval of a Special Permit to allow the interim use of the properties located at 2476 and 2476 ½ W. Independent Avenue for RV storage, including a fence within the front yard setback, and without any additional site improvements such as landscaping or screening, in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

Special Permit No. 2012-01—A Special Permit Pursuant to Section 21.02.120 of the Grand Junction Municipal Code (Zoning And Development Code) for an Interim Use on Property Located at 2476 And 2476 ½ W. Independent Avenue in Grand Junction, Colorado

Action: Approve Special Permit No. 2012-01

6. **Grand Valley Regional Water Conservation Plan**

The City of Grand Junction, Clifton Water District, and Ute Water Conservancy District have developed a Grand Valley Regional Water Conservation Plan. The public review period has now been completed, with no public comments received. The Grand Valley Regional Water Conservation Plan is now ready to be adopted by the Grand Junction City Council, Ute Water Conservancy District Board, and Clifton Water District Board. After adoption by the Council and aforementioned boards, the plan will be submitted to the Colorado Water Conservation Board for final approval.

Resolution No. 24-12—A Resolution Adopting the Grand Valley Regional Water Conservation Plan

Action: Adopt Resolution No. 24-12

7. **Setting a Hearing on an Amendment to the Sales and Use Tax Code Exempting from Sales and Use Tax Wood from Beetle Killed Trees**

The proposed ordinance is an amendment to the Grand Junction Municipal Code concerning the exemption from sales and use tax for the sale, storage and use of wood and timber products made from Colorado trees killed by Spruce Beetles or Mountain Pine Beetles.

The proposed ordinance has an eight year sunset clause at which time the City Council will evaluate the effectiveness and may or may not extend the exemption. The sunset is consistent with State law.

Proposed Ordinance Amending Chapter 3 of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Wood from Trees Harvested in Colorado Damaged by Beetles

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Appointment of Rich Englehart as City Manager for the City of Grand Junction

Resolution No. 26 -12—A Resolution Appointing Richard B. Englehart as City Manager

Councilmember Doody read the proposed resolution which appoints Mr. Rich Englehart as City Manager for the City of Grand Junction.

Councilmember Coons said she looks forward to serving with Mr. Englehart.

Councilmember Kenyon said the Council has attended many meetings throughout the community and Mr. Englehart has also attended many of those. Much community feedback has been received that Mr. Englehart has done a good job at those meetings.

Councilmember Boeschstein said he has known Mr. Englehart since his Delta days and really respects him; he is a qualified professional and he has worked hard in the last several months to get Council ready with the Readiness meetings.

Councilmember Luke said the City was fortunate that Mr. Englehart was able to step into the shoes of not an easy job and he has done an exceptional job.

Councilmember Doody said Mr. Englehart has done a great job. He noted the great project at the stadium. He is doing a great job at the Public Safety Facility. He has done these things with a great team behind him.

Council President Pitts echoed the comments. Mr. Englehart stepped forward in difficult times. In the six month trial period he did not disappoint.

Councilmember Luke moved to appoint Rich Englehart as City Manager and adopt Resolution No. 26-12. Councilmember Doody seconded the motion. Motion carried by roll call vote.

City Manager Englehart thanked the City Council noting how honored and humbled he is. He recognized his great staff. He looks forward to the opportunity.

Avalon Theatre Renovation and Expansion Project

On Monday, June 18, 2012, City Council met jointly with the Downtown Development Authority (DDA) Board in work session to review the DDA's projected capital projects and planning initiatives for the continued revitalization of downtown, including the proposed renovation and expansion of the Avalon Theater. Chief among the Avalon discussion items was the City's financial participation in the project, and the identification of those project components that are the most appropriate targets for the City's support.

Rich Englehart, City Manager, introduced the item and noted there are two resolutions to select from with the two funding options.

Debbie Kovalik, Economic, Convention and Visitor Services Director, provided a history of the building and described the opportunity with the proposed improvements. She described the variety of events that are going on and even more possibilities with the improvements. The existing liabilities were listed by Ms. Kovalik. She then described the current limitations of the facility.

She displayed the conceptual graphic of the Theatre with the addition along with the two phases of the floor plan improvements. The schedule includes a kickoff of a capital campaign, award of construction documents by March 2013, construction starting in April 2013, and the opening anticipated for the core improvement is April, 2014.

Harry M. Weiss, Executive Director, DDA, then added to the presentation. He thanked the DDA board and all past members who have served that have advocated for this project. He then talked about the nature of the project. He explained the two phases and the genesis of those phases. The DDA commitment of \$3 million is tax dollars and is public money. So the DDA wants to assure the public that their dollars will go toward appropriate projects. The core improvements are just such things. The intent is to move forward with the entire project but they want the public dollars to be spent

appropriately. The public money being put in will leverage the other private dollars that will be raised. He described what has been committed and raised thus far.

Councilmember Luke asked about meeting a certain threshold which then grants will be applied for. At what point will that be and how big will those grants be. Mr. Weiss said Two Rivers Staff knows that better mentioning Boettcher and Altamar cultural arts grants. Altamar is by invitation and both are possible grant opportunities.

Ms. Kovalik said many of the grant application periods aren't open until January, 2013. They do want to make sure that the owner of the building is part of the partnership. So the Council and the community contributions will leverage those grants. There are other historical based grants that are also available.

Council President Pitts said the City is a primary stakeholder. He asked the City Council for comments.

Councilmember Doody thanked the Foundation Board for being present. He challenged the Foundation Board to press forward hard with fund raising if the Council allocates some funding. He agreed the project is an economic driver. It is a legacy project and will stimulate other development. It is a City property that has been neglected. This is a great opportunity to do something. DDA is willing to commit \$3 million. He believes that \$1 million has already been earmarked and he would like to see the Council identify another \$2 million through the budget process and make it a shovel ready project come January, 2013.

Resolution No. 27-12—A Resolution Concerning the Allocation of Funding for the Avalon Theatre Renovation Project at the level of \$3,000,000

Councilmember Doody moved to adopt Resolution No. 27-12 to commit funding in the amount of \$ 3,000,000. Councilmember Coons seconded the motion.

Councilmember Kenyon said he is ok with the City allocation being \$1 million and then the Council looking for the additional \$2 million but he is not comfortable in allocating \$3 million. He asked for clarification on the motion.

Councilmember Doody said he believes the core phase can be done and would like to turn loose the Foundation to close the gap and raise the rest of the \$7 million. He wants it to be shovel-ready at the first of the year.

Councilmember Coons supported Councilmember Doody's comments and she appreciated Mr. Weiss's clarification of the public funds and the private funds. She feels it is appropriate for the public funds to do the bulk of the project. It is important to bring the community together and call to action. Improving the quality of life is also an important function of city government. The beautiful natural environment is not always enough. Support of the arts and cultural life is also important. She recognizes that there is still a constrained budget but supporting the quality of life is important.

Councilmember Boeschstein said he enthusiastically supports Councilmember Doody's resolution as the City's DDA representative. It will bring enormous economic benefits. There are great resources in the community. He read an email from Wanda Putnam which due an injury she was not able to attend this meeting but wanted to comment. She asked for the commitment of \$1,000,000. The business plan for the Avalon will bring an estimated 20,000 to 30,000 people to downtown which will generate sales tax revenue for the City before and after performances. Not having a performing arts center makes it difficult for not only local but national touring companies. He agrees with the letter. He thinks arts have been neglected so he supports the motion.

Councilmember Luke said she is torn. This is something the community needs. The Performing Arts Center at the University is dedicated to the students. She has a lot of faith in the community and in grants but she does not have the comfort level to commit \$3 million to the project. She sits in on the quarterly reviews of the City's budget. She would be more comfortable with a \$1 million match. However, she would understand if it goes forward as is.

Council President Pitts noted the commitment is a great cooperation yet he is a bean counter. However, he believes one has to spend money to make some money. He recognized Pat Gormley in the audience. He is in favor of making a commitment that is in line with the proposal when the funds are available. He said the City will step up.

Councilmember Doody said that is correct and his motion is a commitment of \$3 million.

Councilmember Kenyon said that is different from what was talked about on Monday. Leaving only \$500,000 to raise leaves little incentive for the Foundation Board. He doesn't mind revisiting it later. It doesn't make sense to sign the City up for \$3 million when the budget process is coming up and there are a lot of other priorities. He would like to have the discussion first. He is fine with \$1 million. He won't be able to vote for it at \$3 million.

Motion carried by roll call vote with Councilmembers Kenyon and Luke voting NO.

Construction Contract for Persigo Wastewater Treatment Plant Aeration Basin Improvements Project

This request is for the construction of the Aeration Basin Improvements Project at the Persigo Wastewater Treatment Plant (WWTP). Based on previous process improvement evaluation studies at the WWTP, Staff has identified the need to conduct a full-scale pilot testing program for a nitrification and denitrification system in the existing east aeration basin. This pilot project will modify half of the existing aeration basins to allow for mandated ammonia removal. Once the modifications are complete and the basin's ammonia removal capability has been verified, a request to modify the other half of the process will be presented to Council (2014).

Greg Trainor, Utilities, Streets, and Facilities Director, introduced and presented this item. He advised the treatment plant has been in operation for twenty years and the City has modified and upgraded the plant in order to maintain the capacity for the benefit of the community. The request is to authorize the construction of the modification of the aeration basins. He described the bid process and the recommended award. They are seeking a budget adjustment to complete the project and an award to Velocity Constructors.

Councilmember Coons asked about the request to adjust the budget. Mr. Trainor explained the difference in the budget and the construction contract.

Councilmember Doody asked about the different efficiencies in summer and winter. Mr. Trainor said the ammonia has less detrimental effect in the winter due to the temperature but is also harder to remove so the allowed levels are greater in the winter.

Councilmember Coons moved to authorize the Purchasing Division to execute a construction contract with Velocity Constructors, Inc. for the construction of the Aeration Basin Improvements Project at the Persigo WWTP in the amount of \$565,553. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—2012 Community Development Block Grant (CDBG) Program Year Action Plan

The City will receive \$371,526 CDBG funding for the 2012 Program Year which begins September 1st. With the \$34,824 remaining from previous years, the total amount to be allocated for 2012 is \$406,350. The purpose of this hearing is to adopt the 2012 Annual Action Plan which includes allocation of funding for 14 projects as a part of the Five-Year Consolidated Plan.

The public hearing was opened at 8:49 p.m.

Kathy Portner, Neighborhood Services Manager, presented this item. She explained this was the last step in the process. She reviewed the steps that have already occurred. She briefly described the projects awarded, grouping them by type.

First is Project 1 – Program Administration— \$5,000

Non-Housing Community Development Infrastructure – 6th Street Pedestrian and Parking Improvements—\$60,536; 6th Street Sewer Line Relocation—\$27,500; North Avenue Accessibility Improvements—\$25,000

Special Needs Populations and Human Services – Foster Grandparent Program— \$10,000; Senior Companion Program—\$8,000; Gray Gourmet Services—\$11,125; Counseling and Education Center—\$7,000

Homeless – Karis—\$85,000; HomewardBound—\$109,971

Public Facilities – Grand Valley Catholic Outreach T-House Remodel—\$12,638; Mesa Developmental Services Remodel—\$25,000; Strong Families, Safe Kids Parenting Place Remodel—\$14,080; Gray Gourmet Kitchen Remodel—\$5,500

Ms. Portner said the Action Plan had an incorrect amount for the Strong Families, Safe Kids in the amount of \$9,371 instead of \$14,080. The St. Mary's Gray Gourmet amount in the Staff Report shows \$5,092 but the correct amount, as shown in the Action Plan, is \$5,500.

Councilmember Luke asked about the corrected figures. Ms. Portner corrected the amounts for the record being \$14,080 for Strong Families, Safe Kids and \$5,500 for the Gray Gourmet Kitchen Remodel.

Councilmember Boeschstein asked about the landscaping for the 6th Street project.

Ms. Portner said the final rendition for this area is not complete but it would include landscaping.

There were no public comments.

The public hearing was closed at 8:55 p.m.

Councilmember Doody said this is a great program and it is great to see so many good projects that help the community. He is impressed with the City's efforts regarding the homeless community; over \$200,000 from CDBG is going toward those issues. He would like more data on what this Council has done in that regard.

Resolution No. 25-12—A Resolution Adopting the 2012 Program Year Action Plan as a Part of the City of Grand Junction Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Kenyon moved to adopt Resolution No. 25-12. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Three Properties, Located at 1801 and 1815 Bass Street and 1810 Minnow Drive [File #RZN-2012-32]

A City initiated request to rezone three properties totaling approximately 0.66 acres, located at 1801 and 1815 Bass Street and 1810 Minnow Drive, from C-1 (Light Commercial) zone district to R-5 (Residential – 5 dwelling units per acre) zone district, referred to as the Area 7 Rezone.

The public hearing was opened at 8:59 p.m.

Lori V. Bowers, Senior Planner, presented this item. It is a City initiated request. She described the sites, the locations, and the request. The area has three houses on it. In 2000 the zoning was changed to C-1. This property is in conflict between the land use designation and the zoning of the property. Changing the zoning will not impact the existing single family residences and will bring the zoning into compliance with the Comprehensive Plan's Future Land Use Map designation and the use in conformance with the Zoning and Development Code. C-2 was the zoning on the property until 1998. It was then changed to C-1 to make the trailer park in conformance and somehow these three houses were included. The proposal is to change the zoning to R-5 to support the residential use. The Planning Commission forward a recommendation of approval at their March 27, 2012 meeting.

Councilmember Doody said Minnow Drive looks like a private drive. Ms. Bowers said that it is public right-of-way but has never been improved.

Councilmember Coons asked if there were any comments from the property owners. Ms. Bowers said the property owners were notified by mail and an open house was held. Neighbors made comments, but the property owners did not attend. To date, the property owners and neighbors have not submitted any concerns regarding the proposed rezone.

Ordinance No. 4540—An Ordinance Rezoning Three Parcels from C-1 (Light Commercial) to R-5 (Residential – 5 Units per Acre), Located at 1801 and 1815 Bass Street and 1810 Minnow Drive

There were no public comments.

The public hearing was closed at 9:04 p.m.

Councilmember Doody moved to adopt Ordinance No. 4540 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning 42 Parcels Located East of N. 1st Street, South of Patterson Road, North and West of Park Drive [File #RZN-2012-24]

A City initiated request to rezone 42 parcels from an R-24 (Residential 24 du/ac) to an R-16 (Residential 16 du/ac) zone district.

The public hearing was opened at 9:05 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He also described the current use, which consists of fifteen four-plexes on various sized lots, some of which have been condominiumized. The

proposed zoning will be allowed under the land use designation under the Comprehensive Plan. The lots are irregularly shaped; they have been formed into condominium associations. There are 60 units, all in four unit buildings. The Comprehensive Plan does allow for zoning of up to 16 units per acre. That is why the proposal is to take the zoning down from R-24 to R-16. R-24 exceeds the Comprehensive Plan. There is little difference between the two zonings and the new zoning will not impact the plans for the property. 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 on March 27, 2012.

Councilmember Coons asked if any of the property owners commented at the Open House. Mr. Rusche said he heard from two property owners via email; one said they might add an additional dwelling unit in the future and the other talked about downzoning of the property.

There were no public comments.

The public hearing was closed at 9:10 p.m.

Ordinance No. 4541—An Ordinance Rezoning 42 Parcels Located Generally Between North 1st Street on the West, Patterson Road on the North, and Park Drive on the South and East from an R-24 (Residential 24 DU/Ac) to an R-16 (Residential 16 DU/Ac) Zone District

Councilmember Coons moved to adopt Ordinance No. 4541 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:12 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JUNE 29, 2012

The City Council of the City of Grand Junction, Colorado met in Emergency Special Session on Friday, June 29, 2012 at 5:32 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Tom Kenyon, Laura Luke, and President of the Council Bill Pitts. Absent were Councilmembers Teresa Coons, Jim Doody, and Sam Susuras. Also present were Fire Chief Ken Watkins, Assistant City Attorney Jamie Beard, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order.

Fire Chief Ken Watkins stated that the option of banning the sale of fireworks has been evaluated over the last several weeks and that day it had been discussed in detail with the County going to Stage 2 Restrictions. The possibility of a ban has become more urgent as things progressed with the nearby fire (Pine Ridge Fire in the DeBeque area). The area Fire Chiefs have participated in a briefing and felt it to be a good idea to ban the sale of fireworks. The Fire Department has had a lot of communication with the community, especially with the Governor's ban on the use of fireworks in the State. The Fire Department has fielded a lot of questions on banning the sales of fireworks. Although a few fireworks vendors have applied for permits, only one had the inspection conducted for the issuance of a permit.

Council President Pitts stated he was at the meeting and based on the reports given, he felt it was not prudent to go forward with allowing the sale of fireworks. The County is in concurrence with the ban.

Councilmember Luke asked for confirmation that the County will also be banning the sale of fireworks. Assistant City Attorney Beard said that was her understanding.

Chief Watkins advised the County Administrator was working on getting in contact with the County Commissioners.

Councilmember Boeschstein inquired if the City of Fruita will also be banning the sale. Chief Watkins was not sure if they would be.

Councilmember Kenyon referred to the outpouring of emotion with the fires across the State and that it made no sense to go forward with the sale of fireworks. The City's firework display would have been safe; it was more about providing leadership in not setting off fireworks and being sensitive to the fire issues around the State. Both Councilmember Bennett and Luke were in agreement.

Chief Watkins stated that the Type II Incident Command Unit is appreciative of the City imposing the ban what with the already stretched resources.

Councilmember Kenyon inquired as to how long the ban will be in effect. Assistant City Attorney Beard said it will be in effect until lifted. At that time, the City Council can vote to extend the ban but the Fire Chief does have the authority to lift the ban without Council action.

Council President Pitts noted that the Lightning Strike Team put out three or four fires the day before.

Councilmember Kenyon moved to ban the sale of fireworks and to support the order of the Fire Chief which states "The Fire Chief of the City of Grand Junction Ken Watkins pursuant to the Grand Junction Municipal Code and the 2012 International Fire Code is authorized to take necessary action in the reasonable performance of his duty in emergencies to protect life and property. Due to the continuing high to extreme high fire hazard conditions and the stretching of resources around the State for combating of fires, the Fire Chief with the exercise of his authority by this order directs that all sale of fireworks CEASE AND DESIST. No permits shall issue for the same and any previously issued permits are void. Violators are subject to penalties as provided by law. This order is effective immediately". (June 29, 2012). Councilmember Luke seconded the motion. Motion carried.

Councilmember Kenyon asked if some of the lightning fires are being allowed to burn. Chief Watkins advised that sometimes fires are used as a management tool and the areas where that would happen are identified in advanced. However, due to the extreme conditions, there is less of that this year.

Councilmember Kenyon noted how the fires are moving amazingly fast. Chief Watkins said in the Pine Ridge Fire it is due to the topography and the wind. The Chief explained that the fire is along the interstate starting at the Powderhorn exit and north along the river. The firefighters did do a back burn to keep the fire from spreading to the Town of DeBeque. There is a concern if the fire were to jump the river as there are some high powered transmission lines that feed Grand Junction. The utility companies have indicated that they would de-energize those lines to prevent any damage and eliminate additional safety hazard. Without those feeds, Grand Junction would have widespread power outages.

There being no further business the meeting adjourned with a motion from Councilmember Kenyon, seconded by Councilmember Boeschstein.

The meeting adjourned at 5:50 p.m.

Stephanie Tuin, MMC
City Clerk



Attach 2

Date: July 2, 2012
 Author: Greg Moberg
 Title/ Phone Ext: Planning
 Supervisor/ x4023 _____
 Proposed Schedule: 1st Reading
July 18, 2012
 2nd Reading (if applicable):
August 1, 2012
 File #: CPA-2012-178

CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Amendment to the Future Land Use Designation for Eleven Properties Located between S. 12 th and S. 14 th Streets, South of Ute Avenue and North of the Railroad Tracks |
| Action Requested/Recommendation: Introduce the Proposed Ordinance and Set a Hearing for August 1, 2012 |
| Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Greg Moberg, Planning Supervisor |

Executive Summary:

A City initiated request to amend an area of the Comprehensive Plan’s Future Land Use Map from Downtown Mixed Use to Commercial.

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 eleven (11) 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 eleven (11) properties, Staff recommends and proposes to change to the future land use designation. The attached map and description shows the change proposed for the affected area.

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

The types of uses allowed in the zones that would implement the Commercial 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 designated as Downtown Mixed Use and Industrial.

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, the City would be providing additional opportunities for commercial development.

Board or Committee Recommendation:

The Grand Junction Planning Commission heard this request at its April 11, 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

Comprehensive Future Land Use Map / Existing City Zoning Map

Citizen contacts

Ordinance

| BACKGROUND INFORMATION | | |
|--|--------------|---|
| Location: | | Several properties between 12 th Street and 14 th Street, south of Ute Avenue |
| Applicants: | | City of Grand Junction |
| Existing Land Use: | | Various Commercial |
| Proposed Land Use: | | N/A |
| Surrounding Land Use: | North | Various Commercial |
| | South | Various Commercial and Industrial |
| | East | Various Commercial and Industrial and Park |
| | West | Various Commercial |
| Existing Zoning: | | C-2 (General Commercial) |
| Proposed Zoning: | | N/A |
| Surrounding Zoning: | North | C-1 (Light Commercial) |
| | South | I-1 (Light Industrial) and I-2 (General Industrial) |
| | East | Park |
| | West | C-1 (Light Commercial) and C-2 (General Commercial) |
| Existing Future Land Use Designation: | | Downtown Mixed Use |
| Proposed Future Land Use Designation: | | Commercial |

BACKGROUND:

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.

In October 2011, the City began the process of rezoning areas where a conflict existed between the zoning and the Future Land Use Map designation. The City mailed notification letters and cards, held open houses and attended neighborhood meetings. Based on input from citizens and property owners, Staff began relooking at some of the areas and determined that the current zoning was appropriate and did not need to be modified. However, because a conflict between the Comprehensive Plan's Future Land Use Map and the zoning of these properties continued to exist, amendments to the Comprehensive Plan Future Land Use Map are now required to remove the conflict. The properties contained within this proposal are eleven such properties where Staff has determined that the zoning is appropriate and the Future Land Use designation needs to be changed.

The current Future Land Use designation for this area is Downtown Mixed Use and the properties to the south have a Future Land Use designation of Industrial. The purpose of the Downtown Mixed Use is to create areas that include residential, retail, and uses associated with office/business parks. In contrast, the Industrial designation is to create areas of heavy commercial and industrial operations that may conflict with the uses anticipated with Downtown Mixed Use.

One of the key concepts and values identified by citizens during the Comprehensive Plan process is the need to create transitions between uses of higher density and intensity and lower density and intensity. In attempt to meet this concept, it is recommended that the Future Land Use Map be amended for this area from a Downtown Mixed Use designation to a Commercial designation. The Commercial designation permits a wide range of commercial development (including but not limited to office, retail, service, lodging, and entertainment in addition to allowing outdoor storage and operations). These types of uses would serve the area as a transition between the industrial uses to the south and less intensive commercial uses to the north.

APPROVAL CRITERIA:

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.

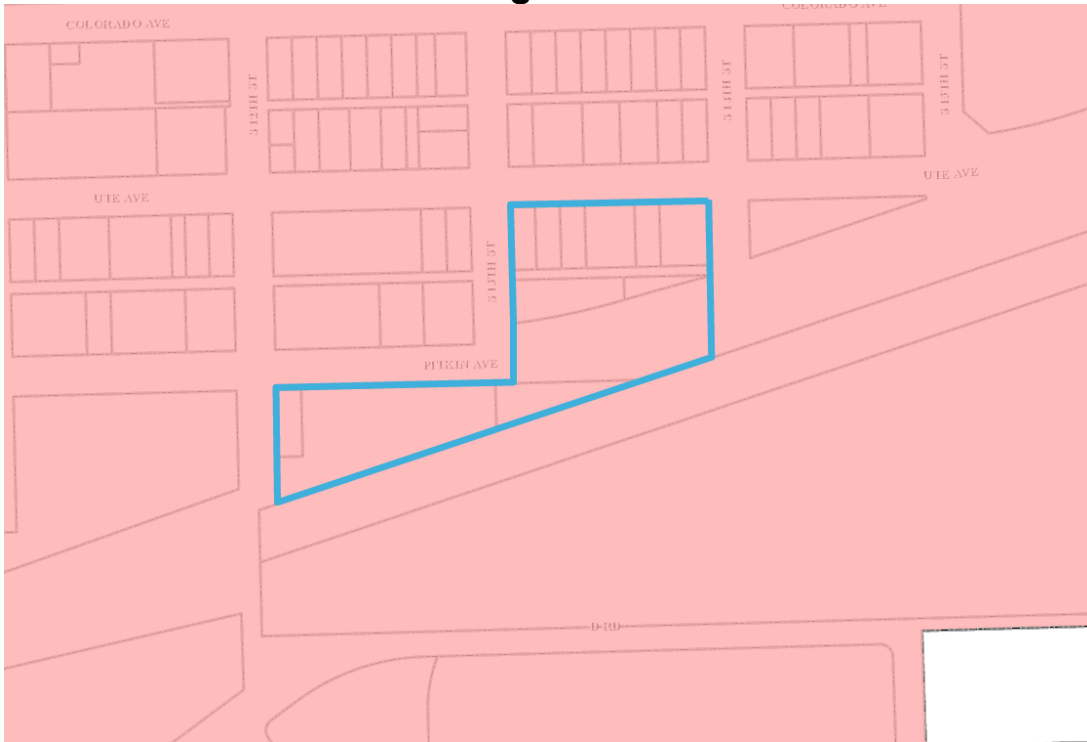
The City recognizes that, in several areas, the existing zoning is appropriate and is consistent with the overall vision of the Comprehensive Plan. Furthermore, by removing the conflicts between the zoning and the Future Land Use designations, a community benefit is derived. Under the current situation, the ability of a property owner or lessee may be prohibited 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:

The City provided written notice to each property owner informing them of the City's intention to change the Future Land Use designation of property that they owned. An Open House was held on March 7, 2012 to allow property owners and interested citizens to review the proposed 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 and Mesa County websites with information about how to submit comments or concerns. Public review and comments were accepted from February 22, 2012 through April 13, 2012. Several citizen inquires were received by phone, however no written comments were submitted.

Site Location Map

Figure 1



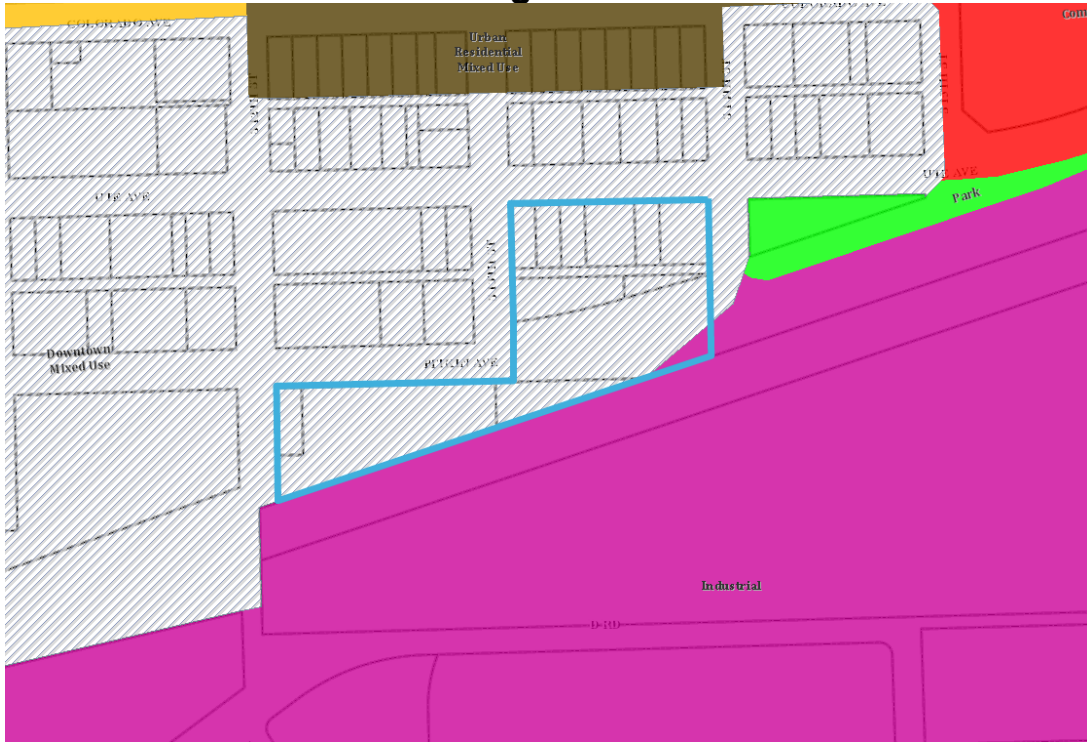
Aerial Photo Map

Figure 2



Comprehensive Plan Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



Citizen Contacts by Phone:

Elizabeth Williams
Sunshine Taxi
1321 & 1331 Ute

Shannon
Hendricks Commercial Properties Llc.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE GRAND JUNCTION COMPREHENSIVE PLAN
FUTURE LAND USE MAP FOR ELEVEN PROPERTIES LOCATED BETWEEN S.
12TH AND S. 14TH STREETS, SOUTH OF UTE AVENUE AND NORTH OF THE
RAILROAD TRACKS FROM DOWNTOWN MIXED USE TO COMMERCIAL**

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.

Upon analysis of this area, Staff has determined that the current zoning is appropriate and consistent with the vision of the Comprehensive Plan and that the current Future Land Use designation does not allow enough commercial intensity.

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 amendments were 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 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 and Mesa County websites with information about how to submit comments or concerns. Several citizen inquiries were received, by phone, 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 amendments to the Comprehensive Plan Future Land Use Map are 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 amendments 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 and Blended Residential Land Use Categories Map are hereby amended as shown on the attached area map for eleven properties located between S. 12th and S. 14th Streets, south of Ute Avenue and north of the railroad tracks from Downtown Mixed Use to Commercial.

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

Comprehensive Plan Amendment - Area 21



11 Parcels

 Area #21 (11 Parcels)



Attach 3

CITY COUNCIL AGENDA ITEM

Date: July 10, 2012
Author: Senta Costello
Title/ Phone Ext: Senior Planner
x1442
Proposed Schedule: 1st
Reading July 18, 2012
2nd Reading (if applicable):
August 1, 2012
File # (if applicable): RZN-2012-
332

| |
|--|
| Subject: Rezone Property Located at 502, 530, 550 Grand Avenue, and 443 N. 6 th Street from B-1 (Neighborhood Business) to B-2 (Downtown Business) |
| Action Requested/Recommendation: Introduce the Proposed Ordinances and Set a Hearing for August 1, 2012 |
| Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Senta Costello, Senior Planner |

Executive Summary:

A request to rezone approximately 2.69 acres, encompassing the entire block between N. 5th Street and N. 6th Street, Grand Avenue and Ouray Avenue (502, 530 and 550 Grand Avenue and 446 N. 6th Street), from B-1 (Neighborhood Business) to B-2 (Downtown Business) zone district.

Background, Analysis and Options:

The property sits within the original square mile of the City of Grand Junction. The main library building was constructed as a grocery store and converted to the library in the mid 70's. The zoning for the property has ranged from "Residence E" in the original 1928 zoning ordinance to the 2000 City wide rezone which changed it to B-1.

With the adoption of the Comprehensive Plan in 2010, the property was changed from Commercial to Downtown Mixed Use which the B-1 zone district does not implement. This creates a conflict and any development on the property requires resolution of the conflict before redevelopment can occur. The Library is planning on remodeling and expanding the existing building in the near future and therefore wishes to eliminate the conflict at this time.

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

The Comprehensive Plan Future Land Use Designation for this area is Commercial Industrial. 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 B-1 zoning of this property is in conflict with the Comprehensive Plan Future Land Use designation. The proposed rezone will eliminate the conflict, because the B-2 zone district implements the Comprehensive Plan Future Land Use Designation of Downtown Business.

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

The area is centrally located for ease of access for residents and customers, delivery services, transit, shopping, restaurants and other service business. The B-2 zone district allows for future expansion and/or redevelopment of the property due to the elimination of the conflict of the zoning and the Comprehensive Plan designation.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at its July 10, 2012 meeting.

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
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Proposed Ordinance

1.

| BACKGROUND INFORMATION | | | |
|------------------------------|-------|---|-----|
| Location: | | Entire block between N. 5 th Street and N. 6 th Street, Grand Avenue and Ouray Avenue (502, 530, 550 Grand Avenue, and 446 N. 6 th Street) | |
| Applicants: | | Owner/Applicant: Mesa Co Public Library – Eve Tallman Representative: Mesa Co Facil & Parks – Dave Detwiler | |
| Existing Land Use: | | Library | |
| Proposed Land Use: | | Library | |
| Surrounding Land Use: | North | Community garden/Offices/Grey Gourmet/Senior Center | |
| | South | Offices/Parking lot | |
| | East | Vacant residential | |
| | West | Church | |
| Existing Zoning: | | B-1 (Neighborhood Business) | |
| Proposed Zoning: | | B-2 (Downtown Business) | |
| Surrounding Zoning: | North | B-1 (Neighborhood Business) | |
| | South | B-2 (Downtown Business) | |
| | East | B-1 (Neighborhood Business)/R-8 (Residential 8 du/ac) | |
| | West | B-1 (Neighborhood Business)/R-O (Residential Office) | |
| Future Land Use Designation: | | Downtown Mixed Use | |
| Zoning within density range? | | X | Yes |
| | | | No |

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

Zone requests must meet one or more of the following criteria for approval:

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

With the adoption of the Comprehensive Plan in 2010, the current zone district is no longer in compliance with the future land use designation. Rezoning the properties to B-2 would bring them into compliance with the Comprehensive Plan.

(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 not changed.

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

There are existing water lines in Grand Avenue (8”) and Ouray Avenue (6”) and the area is served by 2 bus stops (one on N. 5th St and one on Grand Avenue).

The existing sewer line currently runs through a historic alley; it will be relocated as part of the remodel/expansion.

(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;

This criterion is not applicable. The applicant wants to rezone the property to bring it into compliance with the Comprehensive Plan.

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

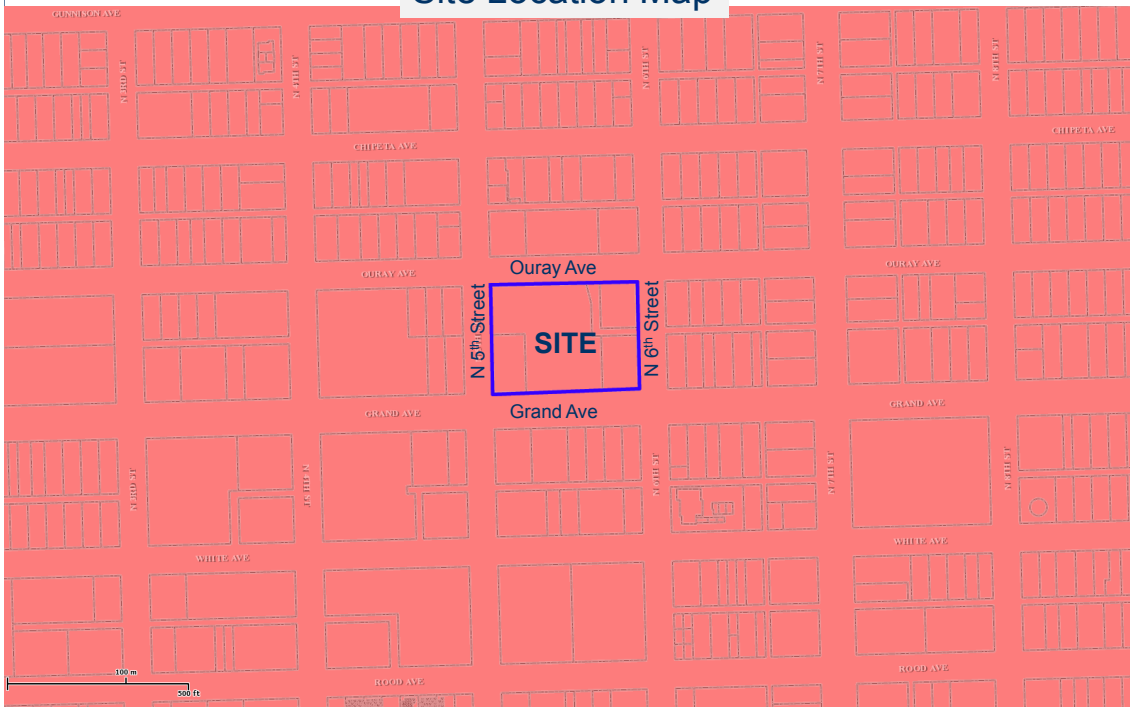
Rezoning the properties to B-2 would bring them into compliance with the Comprehensive Plan. If the property is out of compliance with the Comprehensive Plan, future expansions and/or development may not be permitted. If the rezone is approved, it will allow the library to continue with expansion plans. The community will benefit from the expanded library and the related increase in the level of services the library will be able to provide to the community.

FINDINGS OF FACT/CONCLUSIONS:

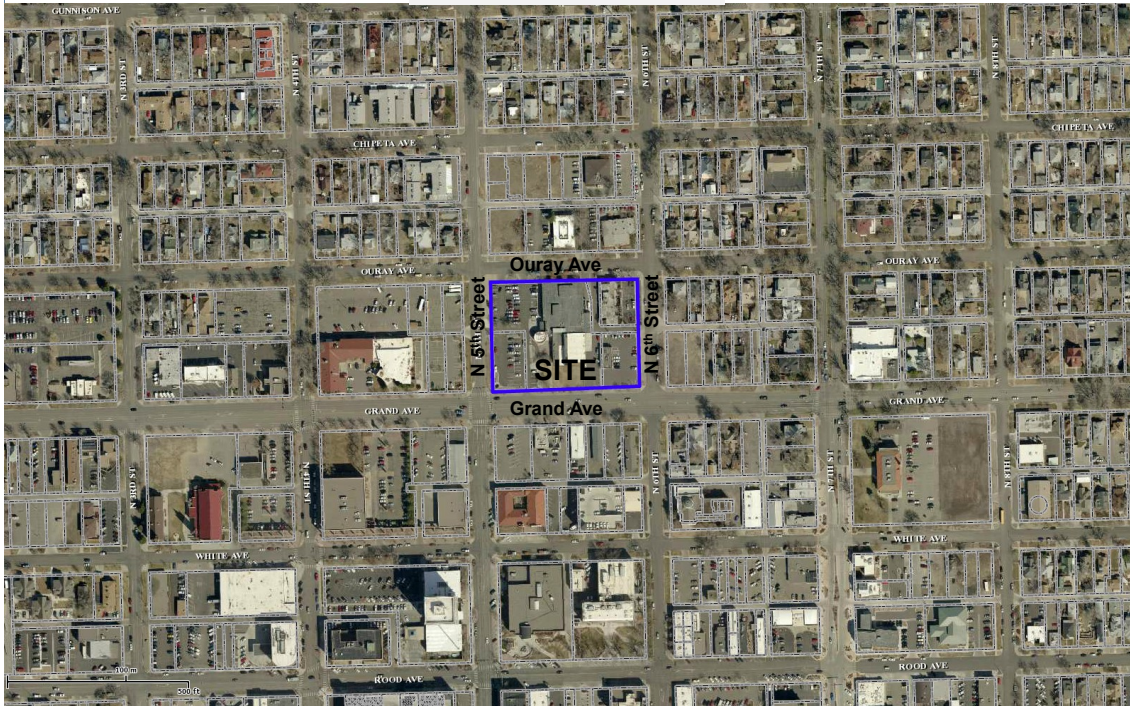
After reviewing the Mesa County Public Library Rezone – RZN-2012-332, a request to rezone the property from B-1 (Neighborhood Business) to B-2 (Downtown Business), the following findings of fact and conclusions have been determined:

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 been met.

Site Location Map



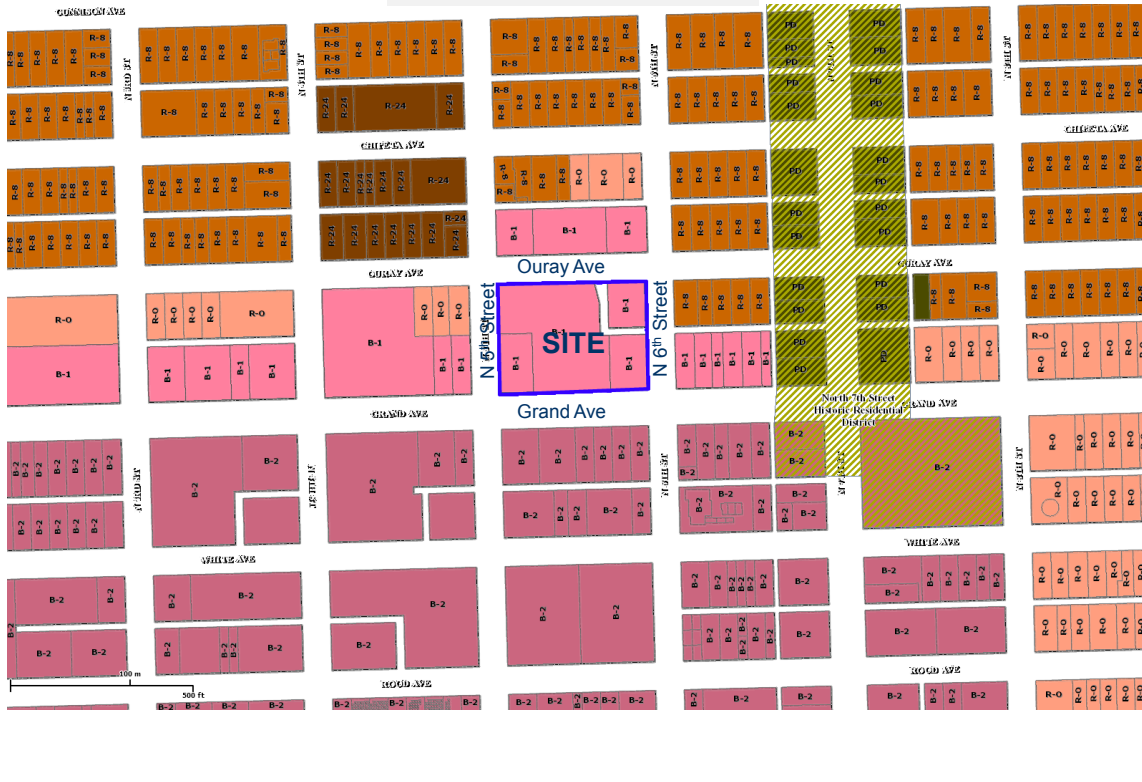
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING MESA COUNTY PUBLIC LIBRARY BLOCK
FROM B-1 (NEIGHBORHOOD BUSINESS) TO
B-2 (DOWNTOWN BUSINESS)**

LOCATED AT 502, 530, 550 GRAND AVENUE, AND 443 N. 6TH STREET

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Mesa County Public Library property from B-1 (Neighborhood Business) to the B-2 (Downtown Business) 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, Downtown Mixed Use 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-2 zone district to be established.

The Planning Commission and City Council find that the B-2 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 B-2 (Downtown Business).

A parcel of land located in Section 14, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:

All of Lots 1 through 32, inclusive, of Block 73, Town of Grand Junction 2nd Resurvey, as recorded in Plat Book 2, Page 37, Mesa County records, along with those alley rights-of-way vacations as shown in Book 1003, Page 161, and in Book 2815, Page 552, Mesa County records and subject to those Alley Right-of-Way as shown in Book 1003, Page 162, Mesa County records.

Book 1891, Page 810 - Lots 1-11, inclusive, and Lots 21-29, inclusive, Block 73
2945-142-41-991

Book 2759, Page 487 - Lots 30-32, inclusive, Block 73
2945-142-41-992

Book 2821, Page 967 - Lots 13-16, inclusive, Block 73

2945-142-41-993

Book 3193, Page 416 - Lots 17-20, inclusive, Block 73
2945-142-41-990

ALL being in the City of Grand Junction, Mesa County Colorado.

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

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

ATTEST:

City Clerk

Mayor



Attach 4

CITY COUNCIL AGENDA ITEM

Date: June 12, 2012
 Author: John Hall
 Title/ Phone Ext: H&S Chief,
1412
 Proposed Schedule: _____
July 18, 2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

| |
|--|
| Subject: Grant Acceptance and Purchase of Cardiac Monitor |
| Action Requested/Recommendation: Authorize the Purchasing Division to Award a Contract to Zoll Medical Corporation in the amount of \$28,769.10 for a Zoll Cardiac Monitor and Authorize the City Manager to Accept a Grant Award from the Colorado Department of Public Health and Environment for \$14,391.00 for this Purchase |
| Presenter(s) Name & Title: Ken Watkins, Fire Chief John Hall, Health and Safety Chief |

Executive Summary:

The Fire Department has been awarded a state EMS grant to assist with the purchase of a Zoll cardiac monitor that will replace an existing monitor. The Colorado Department of Public Health and Environment provides agencies within the state an opportunity to apply for the Colorado Emergency Medical and Trauma Services Section Provider Grant. The grant will reimburse agencies approximately 50% of the cost for the item.

Background, Analysis and Options:

Representatives from the Fire Department and Purchasing have evaluated several cardiac monitors in the past and found that Zoll met the specifications. The purchase of this brand of cardiac monitor is consistent with the monitors on Fire Department vehicles.

| Company | City/State | Dollar Amount |
|--------------------------|-------------------|---------------|
| Zoll Medical Corporation | Chelmsford, Mass. | \$28,769.10 |

Zoll has been determined to be the best overall value for the Fire Department and is also the manufacturer of 15 of the Fire Department’s current cardiac monitors.

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

- Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Acceptance of this award and purchase authorization will replace a Zoll 1600 cardiac monitor. The 1600 series monitor does not provide the options needed to meet current American Heart Association Standards.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

There is \$24,000 budgeted in the General Fund for this Expenditure. The financial impact to the General Fund is as follows:

| | |
|---------------------------------------|----------------------|
| Contract to Zoll Medical Corp. | \$28,769.10 |
| <u>Grant Award</u> | <u>(\$14,391.00)</u> |
| Net Impact to the General Fund | \$14,378.10 |

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

N/A



Attach 5

CITY COUNCIL AGENDA ITEM

Date: June 12, 2012
 Author: John Hall
 Title/ Phone Ext: H&S Chief,
1412
 Proposed Schedule: July 18,
2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

| |
|---|
| Subject: Grant Acceptance and Re-chassis of a Type III Ambulance |
| Action Requested/Recommendation: Authorize the Purchasing Division to Award a Contract to Lifeline Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$126,592 for the Re-chassis of a Lifeline Type III Ambulance and Authorize the City Manager to Accept a Grant Award from Colorado Department of Public Health and Environment for \$63,296 for this Purchase |
| Presenter(s) Name & Title: Ken Watkins, Fire Chief Jay Valentine, Financial Operations Manager |

Executive Summary:

The Fire Department has been awarded a state EMS grant to assist with the re-chassis of a Lifeline Type III Ambulance currently in the City’s ambulance fleet. The Colorado Department of Public Health and Environment provides agencies within the state an opportunity to apply for the Colorado Emergency Medical and Trauma Services section provider grant. The grant will reimburse agencies up to 50% of the cost for the item. The cost to re-chassis this ambulance is approximately 66% of the cost of a new ambulance – making this a very cost effective way to provide a virtually new ambulance.

Background, Analysis and Options:

Representatives from the Fire Department, Fleet, and Purchasing have evaluated several ambulances in the past and found that the Lifeline Ambulance met the specifications. Lifeline has successfully replaced the chassis on three department ambulances and warranties the re-chassis ambulance as if it is a new ambulance. A Lifeline ambulance “box” comes with lifetime warranty allowing for this type re-chassis.

| Company | City/State | Dollar Amount |
|--|------------|---------------|
| Lifeline/Rocky Mountain Emergency Vehicles | Denver, CO | \$126,592.00 |

LifeLine has been determined to be the best overall value for the Fire Department and is also the manufacturer of this unit and six other current department ambulances.

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

- Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Acceptance of this award and purchase authorization replaces a Ford diesel chassis that has had major mechanical and electrical issues and maintains the number of ambulances currently in service.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The Fleet Replacement Fund has sufficient funds necessary for this re-chassis. The financial impact is as follows:

| | |
|--|-----------------------|
| Contract to Rocky Mountain Emergency Vehicles | \$126,592.00 |
| <u>Grant Award</u> | <u>(\$ 63,296.00)</u> |
| Net Impact to the Fleet Replacement Fund | \$ 63,296.00 |

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

The City Council has authorized the re-chassis of three other ambulances. This has been a cost effective way to provide a virtually new ambulance.

Attachments:

N/A



Date: July 2, 2012
 Author: Jim Finlayson
 Title/ Phone Ext: Information Technology Director/x-1525
 Proposed Schedule: July 18, 2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 6
CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Contract for Purchase and Installation of Fire Station Alerting System |
| Action Requested/Recommendation: Authorize the City Purchasing Division to Negotiate a Contract with Low Voltage Installations, Inc., Golden, CO in an Initial Amount of Approximately \$287,995 |
| Presenter(s) Name & Title: Ken Watkins, Fire Chief Jay Valentine, Financial Operations Manager |

Executive Summary: Request to enter into a contract with Low Voltage Installations, Inc., Golden, CO to provide and install fire station alerting systems to the City’s existing and future fire department locations, beginning with Fire Station #1 and Fire Station #2.

Background, Analysis and Options:

In a medical emergency or structure fire one of the most critical components for a successful outcome is reliable communications and rapid response times. The first link of the cycle to get help is most often a telephone call to the communications center. The speed and efficiency of the call handling from receipt, to dispatch, to response is vital. The success of this first link is directly related to both the quality of professional personnel and the technology systems in place.

Currently, the City utilizes a radio based system to notify all fire stations. The system does not meet national standards for station alerting systems and has multiple components that may (and have) malfunctioned without warning. This purchase is necessary to provide alerting capability for the newly remodeled Fire Station #1 and Fire Station #2 and will also provide greatly improved alerting capabilities for all fire stations.

The Fire Department, Communications, Information Technology, and Purchasing have been working hand in hand in evaluating solutions for station alerting for the past several years. After looking at a variety of different systems and going through a formal RFP process, we are recommending that the City contract with Low Voltage Installations, Inc. to design and install the First-In Automated Voice Dispatch system manufactured by Westnet, Inc.

Utilizing this new system, the Grand Junction Regional Communication Center (GJRCC) will be able to efficiently dispatch critical emergencies by managing the assets of multiple fire stations simultaneously. The seamless integration of this system to our existing dispatch system provides familiar front-end usability with integrated back-up systems for our dispatchers. Alerts at the fire station are both visual and audio. In the event of a failure of any kind in the communications link, the backup systems will automatically dispatch personnel and alert the console operator with a clear indication that an issue has occurred.

The proposed purchase includes a fully installed alerting system for Fire Station #1, Fire Station #2 and the centralized components and interface at the 911 Communication Center that will allow the system to be expanded to all fire stations dispatched by the GJRCC. The system is modular so that it can be configured to meet the needs of the smallest station and grow to meet the needs of the largest station.

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, the Western Colorado Contractors Association (WCCA), a source list of vendors, and advertised in The Daily Sentinel

Two proposals were received for this solicitation, both of which were found to be responsive and responsible. Of the two, an evaluation committee found that Low Voltage Installations, Inc., Golden, CO was the best fit and value for this project.

The following firms proposed the project. The prices below reflect the cost to do all five Grand Junction Fire Department Stations as well as Clifton, Lower Valley (Fruita) and Palisade.

| Company | City & State | Proposed Cost for 8 Fire Stations |
|---------------------------------|-------------------------|--|
| Low Voltage Installations, Inc. | Golden, CO | \$661,507 |
| Locution Systems, Inc. | Golden, CO | \$747,907 |

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

This purchase is will provide rapid, reliable dispatching of fire stations, facilitating quicker response of equipment to emergency incidents.

- Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Response time is a key factor in successfully mitigating fire and medical emergencies and keeping the community safe.

Board or Committee Recommendation:

This recommendation has been discussed by the Grand Junction Regional Communication Center Board. Approval is pending a vote of the board scheduled this week.

Financial Impact/Budget:

This project was originally budgeted in 2010 and then again in 2011 for a partial project. Each of these years the budget was amended to \$0 when no suitable solution was found to accomplish the goals of the alerting system. The project was not re-budgeted in 2012 because the original construction scheduled for Fire Station #1 and #2 was due to be completed in 2013, however, to take advantage of pricing and economies of scale, these projects were moved up to be completed in 2012.

Since this system is now ready to be installed, and there is no appropriation in the 2012 budget, appropriations will be revised to reflect the General Fund portion of the project at \$179,995 for Fire Stations #1 and #2 and \$108,000 from the Communication Center fund. The total 2012 expenditure is \$287,995. The remaining Grand Junction Fire Stations #3, #4, and #5 will be planned and budgeted in 2013.

Legal issues:

N/A

Other issues:

This system is modular and expandable to allow any fire department dispatched by the Grand Junction Regional Communication Center use of this system. Other fire agencies such as Clifton, Lower Valley and Palisade would pay for the cost of equipment and installation in their facilities.

Previously presented or discussed:

N/A

Attachments:

N/A



Attach 7

CITY COUNCIL AGENDA ITEM

Date: July 9, 2012

Author: Lorie Gregor

Title/ Phone Ext: Recreation

Coordinator 254-3876

Proposed Schedule: July 18,
2012

2nd Reading

(if applicable): _____

File # (if applicable): _____

Subject: Amending Resolution No. 44-89 Concerning Membership on the Grand Junction Commission on Arts and Culture

Action Requested/Recommendation: Approval of Resolution Amending Resolution No. 44-89

Presenter(s) Name & Title: John Shaver, City Attorney

Executive Summary:

The Grand Junction Commission on Arts and Culture is seeking approval of an amendment to Resolution No. 44-89. Currently the Resolution is written in a way that restricts recruitment of members to the Commission. The Commission is recommending lifting the restriction to enable more qualified candidates to serve on the Commission.

Background, Analysis and Options:

In September of 1989 the City Council of the City of Grand Junction created the Grand Junction Commission on Arts and Culture by the adoption of Resolution No. 44-89.

Persons serving on the board(s) of other local arts organizations and the spouses of any persons so serving were excluded from service on the Commission. Because many of the same people are interested in and devote their time and talent to other arts and culture organizations a strict application of the Resolution has limited the number of applicants for the Commission.

In anticipation of filling vacancies on the Commission, the membership recommended that the Resolution be amended to lift the restriction on service to other boards. The Commission made the recommendation with the expectation that a benefit would be realized by having persons serve that had demonstrated interest in arts and culture.

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.

Enabling the Grand Junction Commission on Arts and Culture to broaden their recruiting policies will allow the Commission to fill their vacancies and increase collaboration with arts and cultural organizations.

Board or Committee Recommendation:

The Grand Junction Commission on Arts and Culture recommends this amendment.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Resolution No. 44-89

**CITY OF GRAND JUNCTION
RESOLUTION NO. _____-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
AMENDING RESOLUTION NO. 44-89
CONCERNING THE COMMISSION ON ARTS AND CULTURE**

Recitals:

In September of 1989 the City Council of the City of Grand Junction created the Grand Junction Arts Commission by the adoption of Resolution No. 44-89. The Commission was formed as an independent, coordinating body for the advancement and support of arts and culture in the community.

As established by the Resolution, persons serving on the board(s) of other local arts organizations and the spouses of any persons so serving were excluded from service on the Commission. Because many of the same people are interested in and devote their time and talent to other arts and culture organizations a strict application of the Resolution has limited the number of applicants for the Commission.

In anticipation of filling vacancies on the Commission the membership recommended that the Resolution be amended to lift the restriction on service to other boards. The Commission made the recommendation with the expectation that a benefit would be realized by having persons serve that had demonstrated interest in the arts and culture.

The Commission further determined that it would apply general conflict of interest provisions and recuse member(s) if and when a conflict arose between service/obligations to competing organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that Resolution No. 44-89, paragraph 5 is amended as follows: (ADDITIONS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~) The balance of the resolution remains unchanged.

5. The Commission will consist of nine members appointed by and serving at the pleasure of the Grand Junction City Council. Initial terms of Commission members will be as follows: three members to be appointed to two year terms; three members to be appointed to three year terms; and three members to be appointed to four year terms. Upon expiration of the initial terms, all subsequent tenures will be three years. Vacancies will be filled by the City Council for the duration of an unexpired term. ~~No member of the Commission shall be a member or a spouse of a member of the governing boards or employees of any local arts organization.~~ COMMISSION MEMBERS MAY BE GOVERNING AND/OR ADVISORY BOARD MEMBER(S), GENERAL MEMBER(S) AND/OR PATRON(S) OF ANY LOCAL ARTS AND CULTURAL ORGANIZATION(S); HOWEVER, COMMISSION MEMBERS SHALL NOT BE EMPLOYED BY ANY LOCAL CULTURAL OR ARTS ORGANIZATION. COMMISSION MEMBERS MAY BE APPOINTED AND SERVE WITHOUT CONSIDERATION OF THEIR SPOUSES SERVICE ON ANY ARTS AND CULTURAL ORGANIZATION BOARD.

Passed and adopted this _____ day of _____ 2012.

ATTEST:

President of the Council

City Clerk



Attach 8

CITY COUNCIL AGENDA ITEM

Date: July 9, 2012
Author: Jamie B. Beard
Title/ Phone Ext: Assistant City Attorney, x 4032
Proposed Schedule: July 18, 2012
2nd Reading
(if applicable): _____
File # (if applicable): _____

| |
|--|
| Subject: Easement Agreement with the State of Colorado Allowing Public Access to the Purdy Mesa and Juniata Reservoirs |
| Action Requested/Recommendation: Adopt Proposed Resolution Authorizing City Manager to Execute Easement Agreement with the State of Colorado through the Department of Natural Resources for the Use and Benefit of the Division of Parks and Wildlife and Wildlife Board |
| Presenter(s) Name & Title: John Shaver, City Attorney |

Executive Summary:

The State of Colorado ("State") through the Department of Natural Resources has granted the City of Grand Junction ("City") a Sewer Easement across the Walker State Wildlife area for twenty-five (25) years conditioned upon the City granting an easement to the State for the use and benefit of the Division of Parks and Wildlife and the Wildlife Board for public access to the Purdy Mesa Reservoir and Juniata Reservoir.

Background, Analysis and Options:

In December 1981, the City entered into an agreement with the State for a thirty (30) year sewer easement across the Walker State Wildlife area and in return the City granted the State a thirty (30) year easement for public access to the Mesa Purdy and Juniata Reservoirs for fishing purposes. The thirty year period has now expired and both parties wish to continue the arrangement.

The City continues to have sewer easement lines and a lift station in the easement area in the Walker State Wildlife area and does not intend to relocate the lines or the lift station in the near future. The State is agreeable to continue the arrangement for the benefit of the public for the next twenty-five (25) years. (The period is reduced from 30 to 25 years, simply because State requirements are more stringent, more detailed, and more time consuming for approval of a longer period.) The terms of the easements uses are not otherwise significantly changed from the original agreement.

Board or Committee Recommendation:

None

Financial Impact/Budget:

Nominal costs for printed materials and recording of easements.

Legal issues:

The City Attorney has reviewed and approved the proposed easement agreements.

Other issues:

NA

Previously presented or discussed:

NA

Attachments:

Proposed Resolution

RESOLUTION NO. __-12

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
EASEMENT TO THE STATE OF COLORADO THROUGH THE DEPARTMENT OF
NATURAL RESOURCES FOR THE USE AND BENEFIT OF THE DIVISION OF
PARKS AND WILDLIFE AND WILDLIFE BOARD**

Recitals:

In 1981 the City and the State entered into an agreement where the City received an easement for sewer lines and a lift station to be located in the Walker State Wildlife Area and the State received a public access easement to the Purdy Mesa and Juniata Reservoirs for fishing purposes. The easements have expired. Both the City and the State want to continue the benefits of the easements and agree to extend to each other rights for the next 25 years.

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

The City Manager is hereby authorized to execute the Easement for Public Access for the Hallenbeck Reservoir #1 (Purdy Mesa Reservoir) and Juniata Reservoir with the State of Colorado in return for the Sewer Easement granted by the State to the City.

Dated this _____ day of _____, 2012.

President of the Council

Attest:

City Clerk



Attach 9

CITY COUNCIL AGENDA ITEM

Date: July 11, 2012
Author: John Shaver
Title/ Phone Ext: City Attorney
x1506
Proposed Schedule: _____
July 18, 2012
File # (if applicable): NA

| |
|--|
| Subject: First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC |
| Action Requested/Recommendation: Adopt the Resolution Approving the Lease Amendment |
| Presenter(s) Name & Title: Rich Englehart, City Manager John Shaver, City Attorney |

Executive Summary: The first amendment to the lease agreement between the City and GJR, LLC, a Colorado limited liability company owning and operating the Grand Junction Rockies minor league baseball club (also known as “the Club” or “Club”), provides that GJR annually pay \$25,000.00 to Grand Junction Baseball, Inc. in lieu of making the payment to the City.

Background, Analysis and Options:

The City and GJR, LLC are parties to a lease agreement dated November 15, 2011 (“Lease Agreement”). Under that lease GJR is obligated to among other things pay the City \$25,000.00 annually for 15 years.

The City and GJR have benefitted greatly from the financial commitment made by Grand Junction Baseball Inc., the parent organization of the annual Junior College World Series “JUCO”, to the renovation of Suplizio Field. Specifically, Grand Junction Baseball Inc. has committed to pay \$300,000.00 per year for the next 25 years to defray the cost of the \$8.3 million dollar renovation.

Because of Grand Junction Baseball, Inc.’s commitment and because without that commitment the facilities would not have been renovated, the City and GJR have agreed to amend the Lease Agreement to provide that the annual payment to the City called for in the Lease Agreement be made to Grand Junction Baseball, Inc.

With the adoption of the proposed resolution the Lease Agreement will be amended as follows:

- 1) Section 3. b. regarding Annual Rent will be deleted.
- 2) Section 3.e. will be amended as follows: (Amendments are shown in ALL CAPS, deletions are shown in strikethrough.)

“The initial payment, ANNUAL FACILITY PAYMENT, ~~annual rent~~, field usage fees and Spectator Fees payable by the Club TO GRAND JUNCTION BASEBALL, INC. AND to the City AS PROVIDED IN THIS AGREEMENT, THE LEASE AGREEMENT AND ANY AMENDMENT(S) THERETO are in full consideration of the Club’s use of the Leased Premises under this Lease Agreement.”

3) Section 3. f. will be added as follows: Amendments are shown in ALL CAPS, ~~deletions are shown in strikethrough.~~)

“SECTION 3.F. ANNUAL FACILITY PAYMENT. CLUB SHALL PAY TO GRAND JUNCTION BASEBALL, INC. TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) ANNUALLY ON OR BEFORE JULY 1ST OF EACH YEAR OF THE LEASE TERM. THE CITY AND/OR GRAND JUNCTION BASEBALL INC. SHALL HAVE THE REMEDIES PROVIDED IN THE LEASE AGREEMENT IN THE EVENT OF THE CLUB’S DEFAULT ON ITS OBLIGATION TO PAY THE ANNUAL FACILITY PAYMENT TO GRAND JUNCTION BASEBALL INC.”

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

The proposed amendment to the Lease Agreement does not directly relate to or further the Comprehensive Plan; however, the Plan supports (and is supported by) the continued vibrancy that JUCO, minor league baseball and the facility improvements at Suplizio Field bring to the community.

Board or Committee Recommendation: NA

Financial Impact/Budget: The proposed amendment to the Lease Agreement serves to benefit the City by committing additional dollars in support of JUCO. The proposed amendment is consistent with the Internal Revenue Code and the various regulations regarding private use and the tax exempt financing used to fund the Suplizio Field renovation.

City financial and legal staff have reviewed the proposed amendment and recommend approval of the same.

Legal issues: The Lease Agreement will be prepared and executed in a form and manner acceptable to the City Attorney.

Other issues: None

Previously presented or discussed: NA

Attachments: Resolution approving the proposed Lease Amendment

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH GJR, LLC WHICH OWNS AND OPERATES THE GRAND JUNCTION ROCKIES, A MINOR LEAGUE BASEBALL TEAM FOR USE OF THE BASEBALL FIELD KNOWN AS “SUPLIZIO FIELD”

RECITALS.

The City entered into a lease agreement with GJR, LLC on November 15, 2011 which provided in part a payment for the use of the baseball field known as Suplizio Field. Under that lease GJR is obligated to among other things pay the City \$25,000.00 annually for 15 years.

The City and GJR have benefitted greatly from the financial commitment made by Grand Junction Baseball Inc., the parent organization of the annual Junior College World Series “JUCO”, to the renovation of Suplizio Field. Specifically, Grand Junction Baseball, Inc. has committed to pay \$300,000.00 per year for the next 25 years to defray the cost of the \$8.3 million dollar renovation.

Because of Grand Junction Baseball, Inc.’s commitment and because without that commitment the facilities would not have been renovated, the City and GJR have agreed to amend the Lease Agreement to provide that the annual payment to the City called for in the Lease Agreement be made to Grand Junction Baseball, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that the lease agreement is hereby amended as follows:

- 1) Section 3. b. regarding Annual Rent will be deleted.
- 2) Section 3.e. will be amended as follows: (Amendments are shown in ALL CAPS, ~~deletions are shown in strikethrough.~~)

“The initial payment, ANNUAL FACILITY PAYMENT, ~~annual rent~~, field usage fees and Spectator Fees payable by the Club TO GRAND JUNCTION BASEBALL, INC. AND to the City AS PROVIDED IN THIS AGREEMENT, THE LEASE AGREEMENT AND ANY AMENDMENT(S) THERETO are in full consideration of the Club’s use of the Leased Premises under this Lease Agreement.”

- 3) Section 3. f. will be added as follows: Amendments are shown in ALL CAPS, ~~deletions are shown in strikethrough.~~)

“SECTION 3.F. ANNUAL FACILITY PAYMENT. CLUB SHALL PAY TO GRAND JUNCTION BASEBALL, INC. TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) ANNUALLY ON OR BEFORE JULY 1ST OF EACH YEAR OF THE LEASE TERM. THE CITY AND/OR GRAND JUNCTION BASEBALL INC. SHALL HAVE THE REMEDIES PROVIDED IN THE LEASE AGREEMENT IN THE EVENT OF THE CLUB’S DEFAULT

ON ITS OBLIGATION TO PAY THE ANNUAL FACILITY PAYMENT TO GRAND
JUNCTION BASEBALL, INC.”

All other provisions contained within the lease remain in full force and effect.

Adopted this _____ day of _____, 2012.

City Clerk

President of City Council



Attach 10

CITY COUNCIL AGENDA ITEM

Date: June 29, 2012

Author: Justin Vensel

Title/ Phone Ext: Project Engineer, 4017

Proposed Schedule: July 18, 2012

2nd Reading
(if applicable): _____

File # (if applicable): _____

| |
|--|
| Subject: Contract for the 24 Road Sewer Interceptor Replacement Project |
| Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with MA Concrete Construction, Inc. of Grand Junction, CO for the 24 Road Sewer Interceptor Replacement in the Amount of \$720,021 |
| Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Financial Operations Manager |

Executive Summary:

This request is to award a construction contract for the 24 Road Interceptor Replacement Project. The section of interceptor line that will be replaced is located west of 24 Road. This line goes under Highway 6 and 50 and the Union Pacific Railroad and continues north to F 1/2 Road. In all, 3,520 lineal feet of interceptor line will be replaced as part of this project.

Background, Analysis and Options:

The existing 10" Poly Vinyl Chloride (PVC) Pipe will be upsized to an 18" PVC and a 24" CIPP. The system is undersized for the projected growth in this area. A portion of the upsizing for the 24 Road interceptor was completed in 1999 in conjunction with the reconstruction of 24 Road from G Road to Patterson Road. This project will complete the capacity improvement for this sewer service basin.

This interceptor project was identified during the 2008 Comprehensive Wastewater Basin Study completed in conjunction with the Comprehensive Plan. Completion of this project will allow for adequate capacity in the 24 Road interceptor to provide service to the 24 Road sewer basin at build out of the basin assuming development based on the 2008 Comprehensive Plan.

A formal solicitation was advertised in the Daily Sentinel, posted on the City's website and sent to the Western Colorado Contractors Association (WCCA). Two responsive bids were received from the following firms:

| Firm | Location | Amount |
|--------------------------------|--------------------|---------------|
| MA Concrete Construction, Inc. | Grand Junction, CO | \$ 720,021.00 |
| Sorter Construction, Inc. | Grand Junction, CO | \$ 822,695.00 |

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

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

This repair and maintenance will guard against failure and ensure longevity for the wastewater collection system.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

There is \$650,000 budgeted in the Joint Sewer System Fund for this project. The bids that were received came in higher than what was anticipated so the fund budget and appropriations will be revised to reflect the remaining \$117,521. The revised amount will be moved from the fund balance allocation of \$6.1 million set aside for capacity expansion.

The cost breakdown is as follows:

Project Costs:

| | |
|--|---------------------|
| Project Construction | \$720,021.00 |
| Design | \$ 17,500.00 |
| <u>City Inspection & Contract Administration</u> | <u>\$ 30,000.00</u> |
| Total Estimated Project Cost | \$767,521.00 |

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

N/A



Date: June 12, 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 11

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: 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 |
| 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: 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 draft minutes from the meeting are attached to this report.

Financial Impact/Budget:

N/A

Legal issues:

None

Other issues:

N/A

Previously presented or discussed:

This item was presented on the Consent Agenda June 6, 2012.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City and County Zoning Map
Comparison of Zoning to Comprehensive Plan
Minutes from May 8, 2012 Planning Commission (Draft)
Email attachments
Ordinance

| BACKGROUND INFORMATION | | | | |
|--|--------------|--|-------------------------------------|--------------------------|
| Location: | | 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 | | |
| Applicants: | | City of Grand Junction | | |
| Existing Land Use: | | Residential and Business | | |
| Proposed Land Use: | | N/A | | |
| Surrounding Land Use: | North | Commercial and Residential | | |
| | South | Residential and Industrial | | |
| | East | Hilltop Health Services | | |
| | West | Wal-Mart | | |
| Existing Zoning: | | C-2 (General Commercial) | | |
| Proposed Zoning: | | C-1 (Light Commercial) | | |
| Surrounding Zoning: | North | C-1(Light Commercial) | | |
| | South | C-2 (General Commercial) | | |
| | East | C-1(Light Commercial) | | |
| | West | C-1(Light Commercial) | | |
| Future Land Use Designation: | | Village Center | | |
| Existing Zoning within density range? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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:

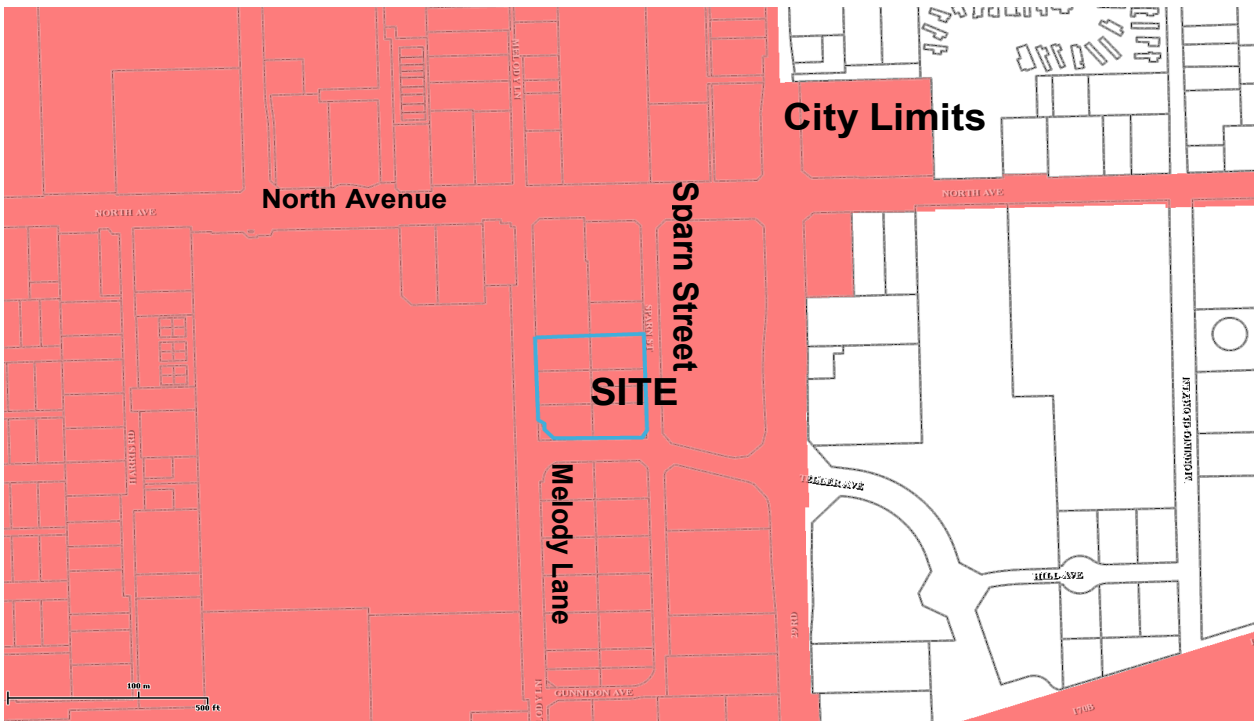
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

RECOMMENDATION FROM PLANNING COMMISSION:

The Planning Commission does not forward a recommendation of approval.

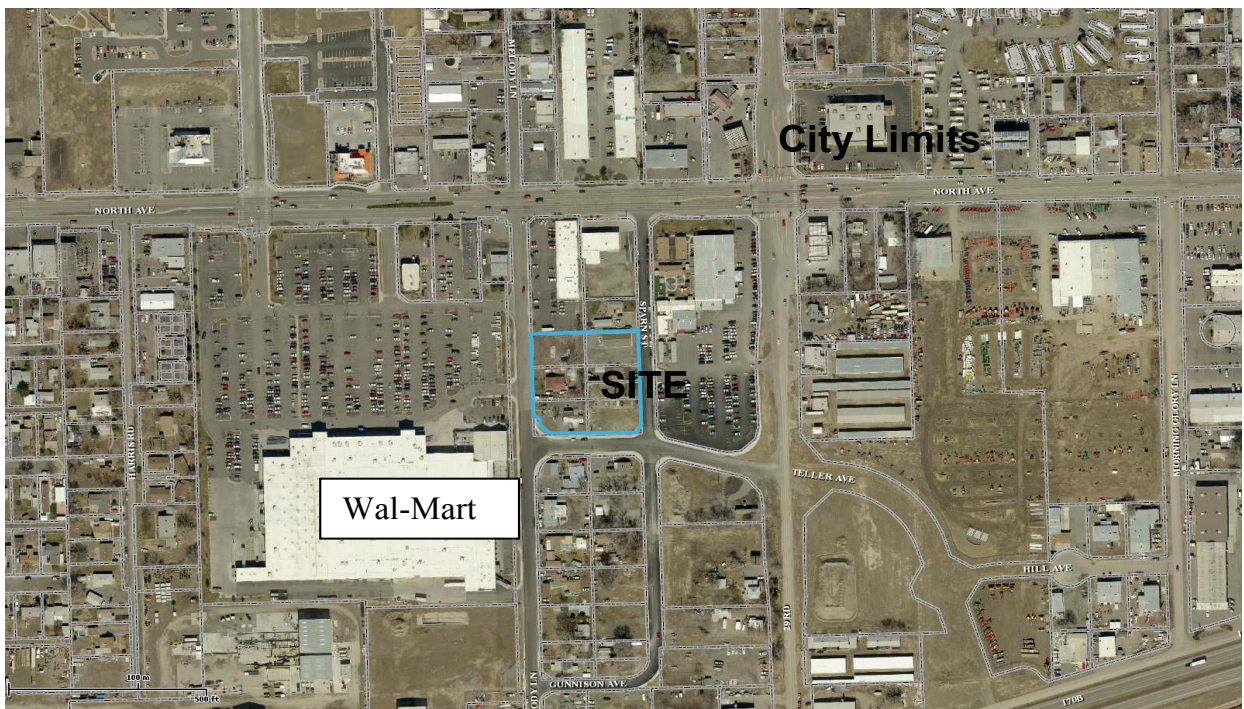
Site Location Map

Area 11



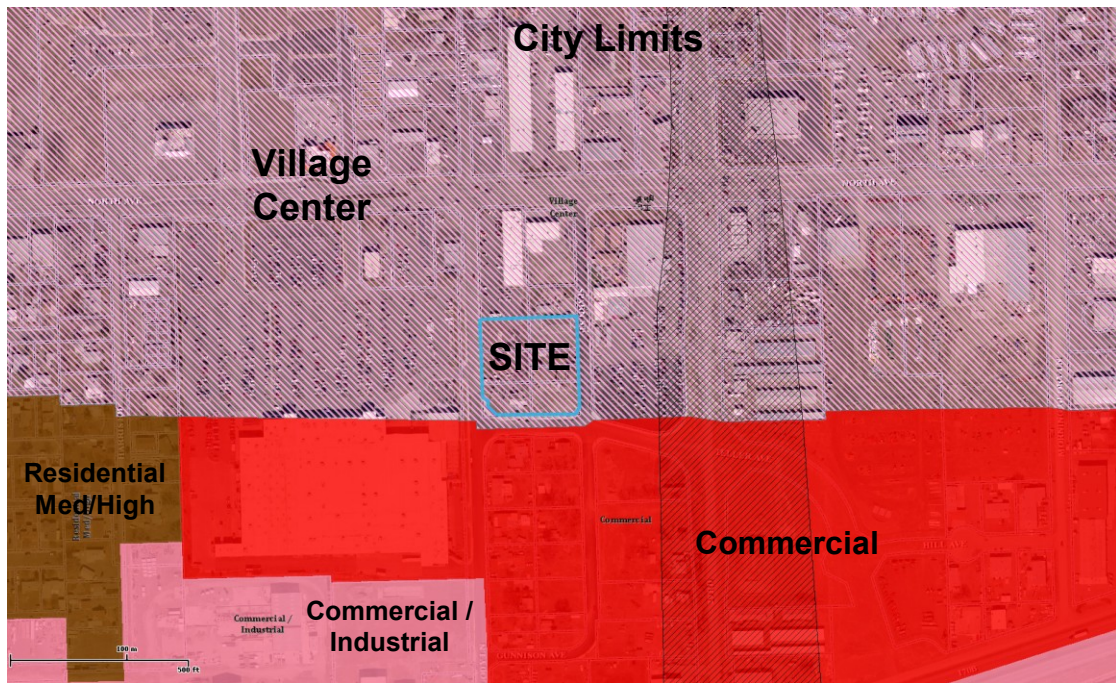
Aerial Photo Map

Area 11



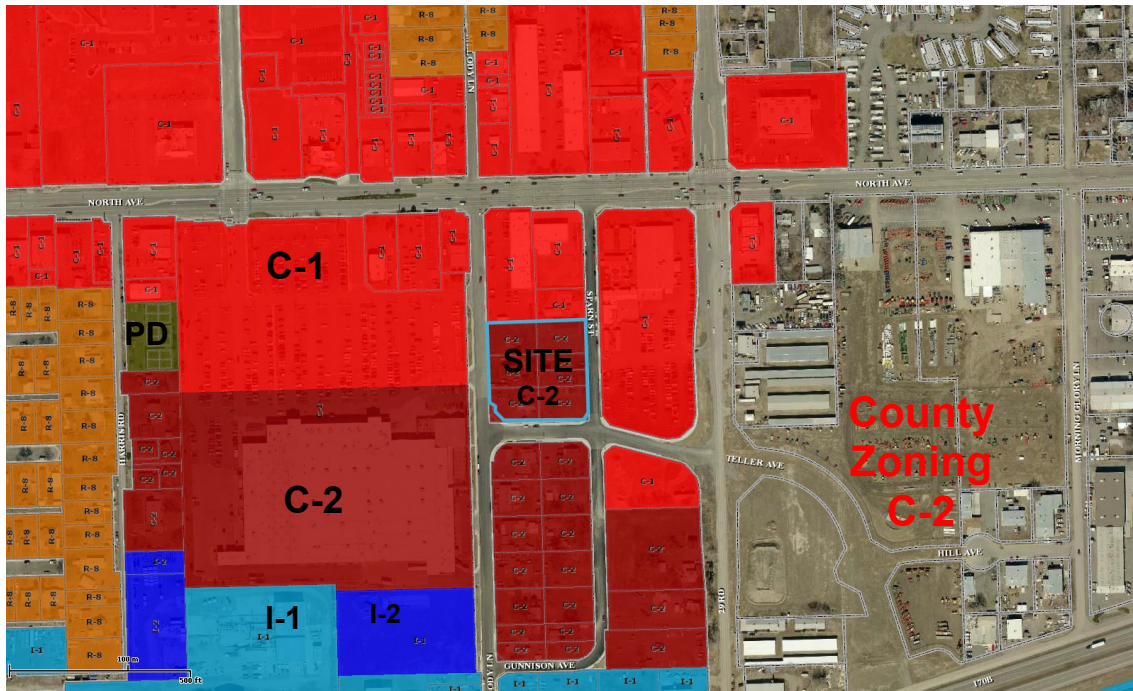
Comprehensive Plan Map

Area 11



Existing City and County Zoning Map

Area 11



GRAND JUNCTION PLANNING COMMISSION
MAY 8, 2012 MINUTES (DRAFT)
6:00 p.m. to 7:25 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by (Acting) Chairman Eslami. The public hearing was held in the Mesa County Public Hearing Room.

In attendance, representing the City Planning Commission, were Pat Carlow, Ebe Eslami, Lyn Benoit, Keith Leonard, Loren Couch (Alternate) and Jon Buschhorn (Alternate). Commissioners Reginald Wall (Chairman), Lynn Pavelka (Vice-Chairman) and Gregory Williams were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Brian Rusche (Senior Planner), Senta Costello (Senior Planner) and Lori Bowers (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 10 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

Chairman Eslami asked if items listed for Public Hearing could be put on the Consent Agenda so that all items would be on the Consent Agenda. Acting Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion. At public request, Item 3 was pulled for a Public Hearing. In addition, Commissioner Leonard requested Item 8 remain on the Public Hearing agenda. After discussion, it was clarified that Items 3, 4, 6 and 8 would be Public Hearings items and the Consent Agenda would consist of Items 1, 2 and 7.

MOTION: (Commissioner Couch) “I make a motion that we move Items 5 and 7 to the Consent Agenda and move 3 from the Consent to the Public Hearing.”

Commissioner Benoit seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Jamie Beard, Assistant City Attorney, interjected that the motion had been made and passed to move items to the Consent Agenda, however, there hadn't been a motion to approve the Consent Agenda.

MOTION: (Commissioner Benoit) “Mr. Chairman, I make a motion that we approve the Consent Agenda as amended.”

Commissioner Carlow seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

1. Minutes of Previous Meetings

Approve the minutes of the February 28 and March 13, 2012 regular meetings.

2. North River MPE Vacation – Vacation of Easement

Request a recommendation of approval to City Council to vacate a portion of a multipurpose easement between South 5th Street (US Highway 50) and the Riverside Parkway, which is no longer needed.

FILE #: VAC-2012-248

PETITIONER: City of Grand Junction

LOCATION: North Bound 5th Street off-ramp to Riverside Parkway

STAFF: Brian Rusche

3. Mountain View Estates – Subdivision – Extension Request – PULLED FOR PUBLIC HEARING

4. Area 15 Rezone – Rezone – PULLED FOR PUBLIC HEARING

5. Area 21 – Comprehensive Plan Amendment – MOVED TO CONSENT AGENDA

Request a recommendation of approval to City Council of a Comprehensive Plan Amendment to change the Future Land Use Designation from Downtown Mixed Use to Commercial on 3.5 acres.

FILE #: CPA-2012-178

PETITIONER: City of Grand Junction

LOCATION: 1301, 1315, 1321, 1331, 1345, 1351 Ute Avenue; 340 South 13th Street; 1203, 1227, 1315, 1346 Pitkin Avenue

STAFF: Greg Moberg

7. Area 23 – Comprehensive Plan Amendment – MOVED TO CONSENT AGENDA

Request a recommendation of approval to City Council for a Comprehensive Plan Amendment to change the Future Land Use Designation from Commercial/Industrial to Industrial on 44.308 acres.

FILE #: CPA-2012-210

PETITIONER: City of Grand Junction

LOCATION: 2259 River Road

STAFF: Lori Bowers

Public Hearing Items

3. Mountain View Estates – Subdivision – Extension Request – PULLED FOR PUBLIC HEARING

Request approval of a two-year extension to the Preliminary Subdivision Plan for Mountain View Subdivision, a 61 single-family lot subdivision, on 19.17 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: PP-2008-212
PETITIONER: Bill Ogle – Level III LLC
LOCATION: 2922 B 1/2 Road
STAFF: Senta Costello

STAFF'S PRESENTATION

Senta Costello, Senior Planner, Public Works and Planning Department, addressed the Commission regarding Petitioner's request for a two year extension to the Preliminary Plan approval for Mountain View Estates. The property, located north and east of 29 and B-1/2 Roads, currently had a single-family house and was largely used for agricultural purposes. The subject property was surrounded by other agricultural properties as well as single-family subdivisions.

Ms. Costello stated that the Comprehensive Plan designation was Residential Medium Low as were all of the surrounding properties and the zoning was R-4. The surrounding properties were either City R-4 or County RSF-4 designations with some RSF-R County properties further to the east. She pointed out that the Blended Map for this property was Residential Low which allowed up to a maximum of 5 dwelling units per acre.

Ms. Costello affirmed that the subdivision originally came before the Planning Commission in May 2009, was approved on May 26, 2009 by the Planning Commission but the developer did not turn in a final plan for approval by the end of the two-year allowance. Ms. Costello advised that the Code allowed for one administrative extension which the developer had taken advantage of and which extended their deadline to May 2012. The petitioner did submit this two-year extension request in April due in large part to the economics in the valley which had prohibited actual submission of the final plan and development of the subdivision.

QUESTIONS

Commissioner Carlow asked if it was still petitioner's intention to complete it all in one phase. Ms. Costello confirmed that was correct at this point.

Commissioner Couch asked if staff was recommending approval of this extension. Ms. Costello said they were given the economic situation and she clarified that if things were to turn around, they were not limited to waiting until the end of the two years to turn something in but they could turn it in anytime within that two-year time period.

PUBLIC COMMENT

David Crow said that he owned the property at 2932 B-1/2 Road and asked if the original plat would still hold which was a preliminary plat or would it go back before the Planning Commission. Chairman Eslami stated that it would hold the way it was. Mr. Crow next asked if he was correct that the map showed one road entering into his 80 acres which would eventually be developed. Chairman Eslami confirmed that he was correct and that it would stay that way until he developed his property. Mr. Crow asked for clarification of who the developer of the property was.

Ms. Costello said that all of their records indicated that the property was owned by Level III Development LLC with the primary contact being William Ogle. She stated that the petitioner had a representative present at the hearing this evening.

PETITIONER'S PRESENTATION

Jim Joslyn, an employee of Austin Civil Group, confirmed that William Ogle was the owner of Sorter Construction, and together with several others were a part of the Level III Group.

DISCUSSION

Commissioner Couch stated that it seemed to him to be a straightforward request and extension of an existing request that was approved in 2009.

Chairman Eslami concurred with Commissioner Couch.

MOTION: (Commissioner Leonard): "Mr. Chairman, I move we approve a two-year extension of the Preliminary Subdivision Plan approval for Mountain View Subdivision, file number PP-2008-212, with the findings of fact and conclusions listed in the staff report."

Commissioner Benoit seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

4. Area 15 Rezone – Rezone – PULLED FOR PUBLIC HEARING

Request a recommendation of approval to City Council 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.

FILE #: RZN-2012-70
PETITIONER: City of Grand Junction
LOCATION: 720 24 1/2 Road and the parcel directly to the south
STAFF: Brian Rusche

STAFF'S PRESENTATION

Brian Rusche, Senior Planner, with the Public Works and Planning Department made a PowerPoint presentation on a City-initiated rezone for two parcels from Residential Rural to Residential 5 dwelling units per acre. The property was annexed into the City in 2000. An aerial photograph showed a single-family residence owned by Canyon View Vineyard Church and the larger parcel was the Caprock Academy.

The Comprehensive Plan adopted in 2010 designated the property as Residential Medium and Mr. Rusche advised that the City-initiated rezone requests were meant to create conformance with the Comprehensive Plan. He said that the existing Residential Rural zoning was inconsistent with the Residential Medium land use designation and an R-5 zone would bring the property into conformance with the plan and would also be consistent with adjacent subdivisions. Mr. Rusche said the rezone would not affect the location of Caprock Academy.

He next addressed questions raised regarding construction at Caprock and advised that Caprock, as a school, was exempt from normal planning review. Mr. Rusche recommended that the Planning Commission consider and recommend to the City Council the requested rezone as they were consistent with the goals and policies of the Comprehensive Plan as well as the Municipal Code review criteria.

QUESTIONS

None

PUBLIC COMMENT

An unidentified male speaker from the audience stated that their questions had been answered.

DISCUSSION

Chairman Eslami stated that it seemed very easy and straightforward.

MOTION: (Commissioner Benoit): “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval of the request to zone RZN-2012-70 to the City Council with the findings and conclusions listed in the staff report.”

Commissioner Couch seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Jamie Beard, Assistant City Attorney, said that it had been indicated to her by one of the Commissioners that he would prefer to not sit as a Commission member on the next Item as there may be an appearance of a conflict. Commissioner Benoit was excused.

6. Area 11 Rezone – Rezone

Request a recommendation of approval to City Council to rezone seven (7) parcels totaling 1.676 acres from a C-2 (General Commercial) to a C-1(Light Commercial) zone district.

FILE #: RZN-2012-126

PETITIONER: City of Grand Junction

LOCATION: 488, 490, 492 Melody Ln & 487, 489 1/2, 491 Sparn St + 1 other

STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, with the Public Works and Planning Department spoke to the Commission regarding the City-initiated request to rezone 7 parcels from C-2 to C-1 to bring them into conformance with the Comprehensive Plan. She said the 7 parcels were surrounded by Melody Lane on the west; Sparn Street on the east; Teller Avenue on the south; and North Avenue to the north. The area was annexed into the City in 1961 as part of the Central Fruitvale Annexation.

She went on to say that the Comprehensive Plan designated the area as Village Center on the Future Land Use Map. The property was presently zoned General Commercial which was inconsistent with the Comprehensive Plan’s Future Land Use Map designation of Village Center. Ms. Bowers said that in order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, a change of the zoning was recommended. A zoning of Light Commercial would support the vision and the goals of the Comprehensive Plan and would implement the Future Land Use designation of Village Center. The zoning change would not impact existing businesses

or business residences but would provide maximum opportunity to utilize the redevelopment of the properties in the future.

Ms. Bowers identified the difference in purpose between the C-2 and the C-1 zone districts as the C-1 would provide indoor retail and service and office uses which required direct or indirect arterial street access. In addition, the C-1 zone district would permit multi-family residential and group living facilities as land uses where appropriate. C-2 zonings would provide for activities such as repair shops, wholesale businesses and warehousing and only a business residence was allowed as a housing opportunity under the C-2 zone. She identified certain land uses allowed in both zone districts. She advised that all existing uses were allowed under the C-1 zone and rezoning the properties would allow more opportunities for the redevelopment in line with the Village Center concept which encouraged employment, residential, service-oriented and retail uses.

According to Ms. Bowers, all property owners had been notified of the proposed rezone by mail and invited along with other property owners in the area to attend an open house that was held on March 7, 2012. Three property owners or their representatives had contacted the Planning staff prior to this meeting to request a separate meeting to explain the differences between the C-1 and the C-2 zoning designations and how that may impact their property. After the meeting, two citizens responded by e-mail that they were adamantly opposed and did not want the property rezoned. In addition, one neighboring property owner called to discuss the rezone and how it may impact their property.

Ms. Bowers concluded that the requested rezone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Grand Junction Municipal Code had been met regarding Code amendments and rezoning.

QUESTIONS

Commissioner Couch asked what the result of the private meeting was. Ms. Bowers confirmed that she had met with three citizens and explained to them the reason for the rezone and the differences between C-1 and C-2 zoning.

PUBLIC COMMENT

Marie Ramstetter, 929 Main Street, said she was the managing partner of JVR – the southeast corner. She said she did not see any need for the rezone and cited some reasons for that – everything to the south was the same.

QUESTIONS

Commissioner Leonard asked Ms. Ramstetter if the adjacency rule had been explained to her. Ms. Ramstetter said that she did not recall that it was.

Commissioner Leonard asked City staff to explain the adjacency rule and wondered whether or not the adjacency rule would apply to this property. Ms. Bowers said the possibility could exist; however, they were trying to bring the zoning into conformance with the Comprehensive Plan. It would only be on further redevelopment of the property that the adjacency rule could be applied and she did not think it was appropriate at this time because there was no development planned. She added that

they were only trying to prepare the properties for possible development in accordance with the Comprehensive Plan. Greg Moberg, Planning Supervisor, added that the adjacency rule was not being used to rezone this property and this property was already zoned C-2. He went on to say that if the zoning remained C-2, a Comprehensive Plan Amendment would have to occur because the C-2 zone is not consistent with the Village Center Future Land Use designation.

Commissioner Leonard asked that if by chance the Planning Commission approved the rezone, could the property owner come back to request a rezone at the same time as a Comprehensive Plan Amendment under the premise of the adjacency rule. Mr. Moberg said they certainly could. In addition, if City Council made the decision to rezone it, then the owners could use that rule to try to rezone it the other way.

Commissioner Leonard asked why this was being done if the property owners didn't want it. Mr. Moberg explained that currently the Comprehensive Plan designated this area as Village Center and the Land Use designation was in conflict with the C-2 zone. He pointed out that the allowed uses would be more limited because only the uses allowed in a C-1 and not the C-2 zone would be allowed unless there was a Comprehensive Plan Amendment. He added that one of two things needed to happen – the area needed to either be rezoned to conform with the Comprehensive Plan or the Comprehensive Plan needed to be amended. He pointed out that staff had recommended that the property be rezoned to C-1 rather than a Comprehensive Plan amendment.

Commissioner Leonard said that he viewed this as a very analogous situation to the rezone in which a property was recently rezoned whereby the Comprehensive Plan designation was ignored and he did not see much of a difference except the rezoning was being pushed by the City in compliance with the Comprehensive Plan. Mr. Moberg pointed out that the adjacency rule only applied to those properties that were directly adjacent to a zone.

Commissioner Couch asked if there was something about the C-1 zone that may negatively affect Ms. Ramstetter's use of the property. Ms. Ramstetter advised that it was the future use that she was worried about. She further stated that it was her experience with the City that was driving her desire for the property to stay just the way it was. She said that in this case she could see that it could possibly damage her position.

Commissioner Carlow asked for an explanation of a portion of the document that said that it would maximize the opportunity to utilize or redevelop the property in the future.

PUBLIC COMMENT

Michael Melgares said that he had two properties and could not see a reason at the present time that this needed to be changed to a different zone. He added that he had some interest in his property as C-2; however, the potential buyer's spirit had been dampened when he found out it may be changed to C-1. He said that he saw no reason a future owner could not change it to the desired or acceptable zoning in the area and objected to this rezone.

QUESTIONS

Chairman Eslami asked for clarification if they came to do something now with the C-2 zoning, could they do that now or would they have to apply for a zoning change. Mr. Moberg said that because of the conflict, any C-2 use that is not allowed under the C-1 zone would not be allowed on that property.

Commissioner Couch asked if the person interested in the Melgares' property had withdrawn his offer as a result of this change. Mr. Melgares said that as of now he had not because he had wanted to use it as a residence and as a business

Commissioner Buschhorn asked for clarification of the difference between a business residence and home occupation. Ms. Bowers said that a single-family residence was not allowed in C-2 zoning. There could be home occupations in most of the residential zone districts. In C-2, single-family residences were not allowed; business residences were appropriate. Mr. Moberg clarified that in a home occupation, the primary use of the property was single-family residential; in a business residence, the primary use of the property was the business and the secondary use would be the residence.

Commissioner Leonard asked if the list shown was an exhaustive list of the differences between the C-1 and the C-2. Ms. Bowers said that it was not but she had provided the complete zoning matrix to those people she had met with.

PUBLIC COMMENT

Maria Serafino said that she owned 492 Melody Lane and agreed with her neighbors and did not see the need for such a change.

QUESTIONS

Commissioner Carlow asked if there was a discrepancy in the operating hours. Jamie Beard, Assistant City Attorney, said the main difference between a business residence and a home occupation was that a home occupation was extremely limited as far as any type of clients going to the residence or deliveries. For a business residence, one could operate a business there. If you also resided on the property, the one who resided there would have to be specifically connected to the business. She added that uses allowed in a home occupation were very limited as far as clientele so it would appear that it was still a residence.

Commissioner Leonard asked for the definition of adjacent. Ms. Beard said that adjacency was normally based on the Code talking about something that was within 100 feet of a property; however, she understood that when the adjacency rule was connected to the Comprehensive Plan, it was really abutting properties whereby the properties that were next to that particular property and would still include properties just across the street.

Commissioner Leonard asked the property owner who owned property that abutted Teller Avenue could use the adjacency rule if the Planning Commission determined that they wanted to rezone the property tonight. Ms. Beard confirmed that it could be looked at. She added that a Village Center was a special area with the idea to create places where people could live and also work.

Commissioner Leonard asked if the lines on the Comprehensive Plan were set in stone or was there some variation where a different designation could be looked at. Ms. Beard said that in different areas there were different possibilities and that was one of the advantages of Village Centers. However, under special circumstances, they could be more specific to an actual parcel and what they wanted to do, so long as it still met the goals and purposes of the Comprehensive Plan. Without that additional information, it was difficult to make those decisions at this time. This rezone was trying to get them into compliance for the most uses possible at this particular time.

DISCUSSION

Commissioner Leonard said that he was not in favor of this rezoning.

Commissioner Couch said that he thought the Village Centers were a very good idea and he was not swayed by the vague objections but commented on Mr. Melgares' objection as it could complicate commerce.

Commissioner Buschhorn said that he was not comfortable changing the zoning to bring it in line with the Comprehensive Plan. He said that he did not feel it was the Commission's place to push the rezone on them.

Chairman Eslami said that this made sense to him to rezone.

MOTION: (Commissioner Couch): "This is the Area 11 Rezone, I make a motion that we approve the requested recommendation for 7 parcels totaling 1.676 acres from C-2 (General Commercial) to C-1 (Light Commercial), File No. RZN-2012-126 – the Petitioner is the City of Grand Junction."

Commissioner Buschhorn seconded the motion. A vote was called and the motion failed by a vote of 4 – 1 with Chairman Eslami in favor.

Commissioner Leonard asked if City staff could inform the audience when the City Council would hear this matter. Ms. Bowers announced that currently this was scheduled for first reading on June 6th – on the Consent Agenda; the second reading on July 18th – which would be the Public Hearing. Ms. Beard advised that on some occasions some items do get continued or set for different dates so they do have the opportunity to check in with the Planning Department or the City Clerk as well as the schedules and calendars on the City website.

Commissioner Buschhorn asked if it was appropriate to make the recommendation to change the Comprehensive Plan to align with the zoning. Mr. Moberg said that he would have requested that it was part of why the Commission voted against it but thought there had been enough discussion that it was clear that was what was wanted. Ms. Beard said it had been made clear what the Commission wanted and if the City Council did not approve the zone changes, then the expectation would be that staff would look at a change in the Comprehensive Plan.

End of Draft Minutes pertaining to Rezone

Emails Received From Property Owners Opposed to the Rezone

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 6th day of June, 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 12

CITY COUNCIL AGENDA ITEM

Date: July 3, 2012
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner/1447
Proposed Schedule - 1st Reading:
June 20, 2012
2nd Reading: July 18, 2012
File #: PLD-2012-247

| |
|---|
| Subject: Summer Hill Subdivision, Planned Development Amendment |
| Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Planned Development Amendment Ordinance |
| Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Scott D. Peterson, Senior Planner |

Executive Summary:

Request to amend Ordinance Nos. 3136 and 3647 to amend the bulk standards for Filing 6 and future filings within the PD for small lots (less than 14,000 square feet) and revise the Preliminary Plan in accordance with the amendment for Summer Hill Planned Development.

Background, Analysis and Options:

Summer Hill is zoned PD (Planned Development) with an underlying default zone of R-4 and R-8 depending on lot sizes within the applicable filings. A Preliminary Plan was approved in 1999 and amended in 2009 authorizing development of a maximum of 201 dwelling units on approximately 86.7 +/- acres in eight filings, with a mixture of detached and attached single-family dwelling units. Six filings have been approved and recorded to date.

The Preliminary Plan adopted in 2009 and the PD Ordinance adopted in 2004 specified a 7' side yard setback for principle structures and a lot coverage maximum of 50% for "single-family attached filings." The developer, Paradise Hills Properties, now wishes to modify these two bulk requirements and amend the Plan to authorize construction of either attached or detached dwelling types in Filing 6 and future filings on the lots smaller than 14,000 square feet (small lots) approved originally for attached units.

The applicant asserts that due to present market conditions and banking restrictions on lending for construction of single-family attached units, it is unable to build and market attached units. The applicant would therefore like to construct additional single family detached units with larger square footage in Filing 6 and future filings on the small lots. In order to do so while maintaining the approved lot configuration and density, the applicant requests a decrease in the minimum side yard setback from 7' to 5' and an

increase in maximum lot coverage from 50% to 70%. No change to the minimum side yard setback for accessory structures is requested; that will remain the same at 3'.

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

The proposal to amend the bulk requirements for the existing PD, (Planned Development) for Summer Hill is consistent with the following goal of the Comprehensive Plan:

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 PD amendment to modify on those lots with the required minimum side yard setback from 7' to 5' for a principal structure and the maximum lot coverage from 50% to 70% and to allow a mix of detached and attached housing types will provide a broader mix of housing types in the community as both single-family detached and attached dwelling units will be allowed in the small lot filings. These changes will also allow greater flexibility in the design of residential dwelling units while working with bulk requirements consistent with an R-8 zoning district.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested Planned Development Amendment at their June 12, 2012 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

Consideration and First Reading of the Planned Development Amendment Ordinance was June 20, 2012.

Attachments:

Site Location Map / Aerial Photo Map

Comprehensive Plan / Existing City Zoning

Revised Preliminary Plan Summer Hill Subdivision

Summer Hill Filing No. 6 Setback Exhibit

Summer Hill Filing No. 6 Owner Survey

Correspondence from Citizens/Neighborhood Meeting Minutes

Planned Development Rezone Ordinance

| BACKGROUND INFORMATION | | | | | |
|-------------------------------------|--------------|---|-----|--------------------------|----|
| Location: | | Summer Hill Court | | | |
| Applicant: | | Paradise Hills Properties | | | |
| Existing Land Use: | | Residential subdivision comprising of single-family attached/detached units and vacant land | | | |
| Proposed Land Use: | | N/A. Application is to amend bulk requirements on the previously adopted Preliminary Plan and Ordinance Nos. 3136 and 3647. | | | |
| Surrounding Land Use: | North | Grand Junction Regional Airport | | | |
| | South | Residential (Summer Hill Filings 3 and 5) | | | |
| | East | Grand Junction Regional Airport | | | |
| | West | Residential (Grand Vista Subdivision Filings 1 and 2) | | | |
| Existing Zoning: | | PD, (Planned Development) | | | |
| Proposed Zoning: | | N/A | | | |
| Surrounding Zoning: | North | PAD, (Planned Airport Development) | | | |
| | South | PD, (Planned Development) | | | |
| | East | PAD, (Planned Airport Development) | | | |
| | West | R-4, (Residential – 4 du/ac) | | | |
| Future Land Use Designation: | | Residential Medium Low (2 – 4 du/ac) | | | |
| Zoning within density range? | | X | Yes | <input type="checkbox"/> | No |

Additional Background:

I support the request for the following reasons. In 2010 with the adoption of the revised Zoning and Development Code, the City approved changes to the R-8 default standards. The changes that are requested (a 5' side yard setback and 70% maximum lot coverage) are consistent with the default standards now in place for an R-8 zone. The land area in the PD to be subject to these new underlying standards is not particularly different from any other R-8 zone. In fact, the minimum lot size will be larger than that in a normal R-8 zone which will continue to provide more openness to the development. Therefore, the applicant is not requesting a side yard setback that is different from what other property owners in an R-8 zoning district in the City limits are required to meet. Also, a 5' side yard setback increases the amount of functional square footage space available for construction while still maintaining adequate spacing between structures. The attached drawings illustrate that for the existing principal

structures there is a 7' side yard setback on one side of each unit. The proposed amendment will have 5' on either side, for a total of 10' of spacing per principal structure. This spacing does preserve the character of the neighborhood while allowing construction of a different housing type on already configured lots. I have not independently verified the applicant's claims about the market or the banking restrictions, but from a planning perspective the proposed change is consistent with the overall character of the PD and the underlying R-8 zoning district standards.

The applicant did contact the residents within Filing 6 for input concerning the proposed changes through a letter to the residents followed later by a neighborhood meeting. Filing No. 6 has 26 platted lots, nine of these lots are presently owned by someone other than the applicant. The applicant has found that five owners supported the proposed change to the 5' side yard setback for the principle structure; two owner's were against the change with another owner having no opinion. One property owner did not provide feedback (See attached Owner Survey).

I also support the request to allow a choice of either detached or attached dwelling units within Filing 6 and future filings. When originally approved in 1999, the preliminary plan for Summer Hill specified a certain number of attached and a certain number of detached units. When it was amended in 2009, the preliminary plan was described as permitting 201 single family dwellings, without reference to how many of those would be attached and how many would be detached. Over time the maximum number of detached units specified in the 1999 Plan has been increased in Summer Hill. The applicant represents that attached units have declined in popularity and it is difficult to obtain construction financing for attached units. (My experience as a Planner in Grand Junction would support that the market tends to prefer single family detached, however, due to the increase in need for rental units and smaller living units there have been times when attached units were in more demand. The approval of this request will allow for the market to help dictate what the buyers are looking for while providing a nice diverse community where both opportunities exist and where both already exist.) Summer Hill as a whole already offers a good mix of housing types. Allowing construction of more single family detached houses will not negatively affect the character of the neighborhood, the planned development or its public benefits.

With this plan amendment request, the applicant also wishes to add a phasing schedule which would allow until December 31, 2018, for approval and recording of any future filings. (It is anticipated that there will be two more filings but not required that the Plan be completed in two filings.) The applicant anticipates that given present market conditions this is a reasonable period of time. The Zoning and Development Code for validity of Preliminary Subdivision Plans gives an applicant two years, plus another one year administrative extension or a total three years from the Preliminary Plan approval date in order to receive approval and record a Final Plat, so technically the applicant would have a total of six years to complete the project. This proposed schedule allows that it all be completed within six years without requiring an intermediate filing. In considering the time it has taken for this Planned Development to build out and other development approvals pending within the City based on the

present economic and market conditions, I recommend the schedule as being reasonable and feasible for development under the remainder of the Plan and also because all future development under the Plan will conform with the requirements of the City's present Zoning and Development Code.

The Summer Hill PD was originally approved under the 1998 Zoning and Development Code, however, with this amendment any future filings (Filings 7 & 8) will be reviewed under and must comply with the 2010 Zoning and Development Code.

Consistency with Section 21.02.150 (e) of the Grand Junction Zoning and Development Code:

The use, density, bulk performance and default standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:

a. No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP provided the overall density for the entire PD is not exceeded;

Summer Hill is a residential PD and the use will continue to be residential. No use is being established that is not permitted in the PD for Summer Hill. Request is to amend the minimum side yard setback for principal structures for Filing 6 through future filings from 7' to 5' and change the maximum lot coverage from 50% to 70%, plus additional clarification as to allowed housing types in the Preliminary Plan.

b. The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process; and

Summer Hill was approved in 1999 to have a maximum of 201 dwelling units; that density will not change with this amendment.

c. The bulk, performance and default standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.

Bulk, performance and default standards are being amended through the rezoning process. See the following which specifically addresses the rezone review criteria.

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

Rezone requests must meet one or more of the following criteria for approval:

- a. *Subsequent events have invalidated the original premises and findings;*

When the PD was enacted and the Preliminary Plan approved, the market was much more active and lending institutions had more relaxed standards and/or construction lending was more readily available for a wide variety of housing types, including attached units. Market changes have occurred over the years resulting in different needs for different residential products at different times. The setback and maximum lot coverage modification will facilitate the ability of the Plan to adapt to those needs without continually requesting modifications to the Plan. The flexibility of the Plan is consistent with a plan development and the public benefit of providing the appropriate housing type that is needed. Also, the proposed 5' side yard setback for principal structures and maximum lot coverage percentage will comport with the standards of the default R-8 zoning district.

- b. *The character and/or condition of the area has changed such that the amendment is consistent with the Plan;*

N/A. The character of the area has not changed and will not be affected by the requested amendments.

- c. *Public and community facilities are adequate to serve the type and scope of the land use proposed;*

Public and community facilities are adequate to serve the type and scope of the land use proposed. As referenced above, the overall density of Summer Hill will not be affected by the proposed changes. The residential development will continue to derive benefits from the options and square footage of housing that can be developed which will make more efficient and effective use of the land and the infrastructure.

- d. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land uses;*

N/A.

- e. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The Summer Hill planned residential development will continue to derive benefits from the proposed amendments by providing additional building design options for housing which will make more efficient and effective use of the land and the infrastructure.

Consistency with Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code:

An Outline Development Plan (ODP) application shall demonstrate conformance with all of the following:

- (i) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;*
- (ii) The rezoning criteria provided in GJMC 21.02.140;*
- (iii) The planned development requirements of Chapter 21.05 GJMC;*
- (iv) The applicable corridor guidelines and other overlay districts in Chapter 21.07 GJMC;*
- (v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;*
- (vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed;*
- (vii) Appropriate screening and buffering of adjacent property and uses shall be provided;*
- (viii) An appropriate range of density for the entire property or for each development pod/area to be developed;*
- (ix) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;*
- (x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and*

When the PD was originally approved in 1999 the criteria were found for approving the outline development plan (ODP) and later the preliminary plan. The current Zoning and Development Code no longer requires a preliminary plan, so the amendment to the preliminary plan shall be addressed as an amendment to the ODP. The current Code requires a finding that a public benefit is derived from a planned development. Though this was not a specific requirement under the Code in effect in 1999, a public benefit

was provided with the Summer Hill Planned Development with the efficient infrastructure, usable open space, and the versatile housing choices. It is this Planner's opinion that all criteria for the ODP have been met with the original approved planned development and the previous amendments to the planned development complying with the criteria and the requested amendments with this application only affecting minimal changes to the plan with the proposed bulk standards and the proposed development schedule.

Site Location Map – Summer Hill No. 6

Figure 1



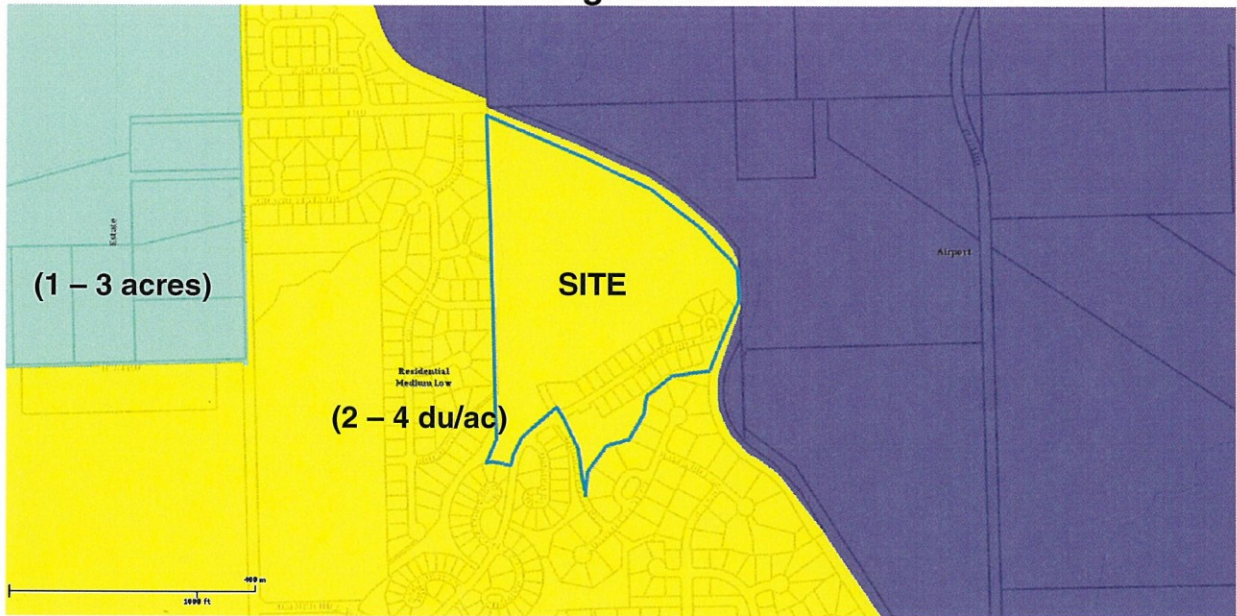
Aerial Photo Map – Summer Hill No. 6

Figure 2



Comprehensive Plan

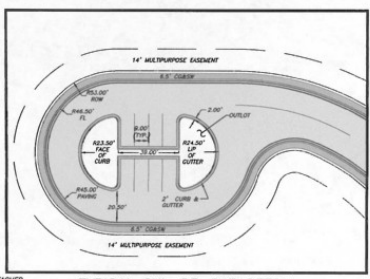
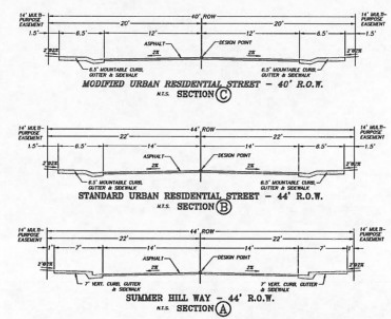
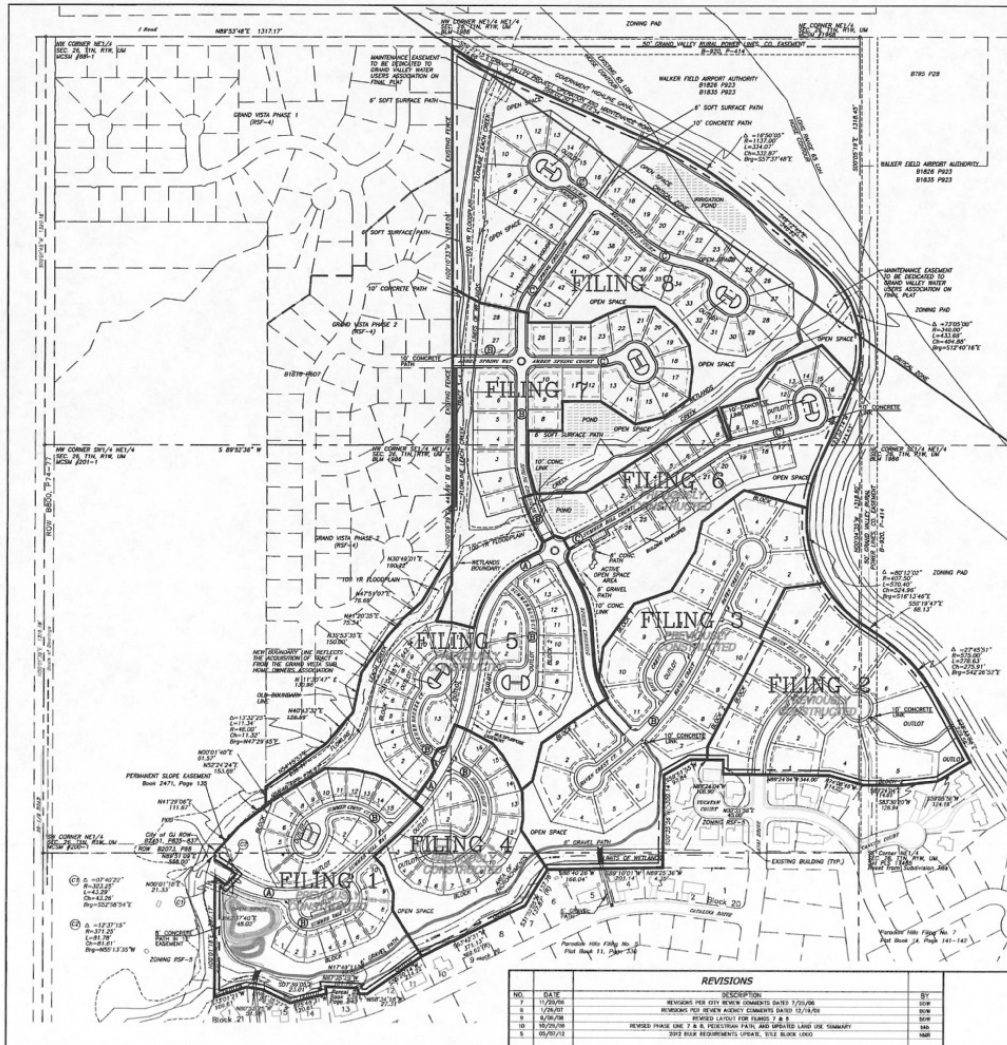
Figure 3



Existing City Zoning

Figure 4





BULK REQUIREMENTS

LARGE LOT - SINGLE FAMILY DETACHED
 MINIMUM LOT AREA: 14,000 SF
 MINIMUM STREET FRONTAGE: 40'
 MAXIMUM BUILDING HEIGHT: 32'
 MINIMUM SIDE YARD (PRINCIPAL STRUCTURE): 10'
 MINIMUM SIDE YARD (ACCESSORY STRUCTURE): 3'
 MINIMUM REAR YARD (PRINCIPAL STRUCTURE): 30'
 MINIMUM REAR YARD (ACCESSORY STRUCTURE): 10'
 MINIMUM REAR YARD (DECK): 0'
 MINIMUM FRONT YARD: 25'
 MAXIMUM BUILDING COVERAGE: 30%

SMALL LOT - SINGLE FAMILY ATTACHED AND DETACHED
 MINIMUM LOT AREA: 4,500 SF
 MINIMUM STREET FRONTAGE: 20'
 MAXIMUM BUILDING HEIGHT: 32'
 MINIMUM LOT WIDTH: 30'
 MINIMUM SIDE YARD (PRINCIPAL STRUCTURE): 5'
 MINIMUM SIDE YARD (WHERE ATTACHED): 0'
 MINIMUM SIDE YARD (ACCESSORY STRUCTURE): 3'
 MINIMUM REAR YARD (PRINCIPAL STRUCTURE): 15'
 MINIMUM REAR YARD (ACCESSORY STRUCTURE): 10'
 MINIMUM REAR YARD (OPEN & UNCOVERED DECK): 0'
 (TRUCKS 1, 4 & 2-8 ONLY)
 MINIMUM FRONT YARD: 20'
 MAXIMUM BUILDING COVERAGE: 70%

IN THE REAR YARD BEGINNING TWENTY FEET BACK FROM THE FRONT OF THE HOUSE: 1) OPEN AND UNCOVERED DECKS AND CONCRETE SLAB PAVED AREAS LOCATED ON THE GROUND LEVEL OF THE HOME SHALL HAVE A REAR AND SIDE YARD (INCLUDING COMMON WALL PROPERTY LINE) SETBACK OF ZERO FEET; 2) OPEN AND COVERED (INCLUDING OVERHANG) DECKS AND CONCRETE SLAB PAVED AREAS LOCATED ON THE GROUND LEVEL OF THE HOME SHALL HAVE A REAR AND SIDE YARD (INCLUDING COMMON WALL PROPERTY LINE) SETBACKS OF ZERO FEET FOR THE DECK OR CONCRETE SLAB, THREE FEET FOR ALL SUPPORT COLUMNS AND ONE FOOT FOR THE OVERHANG.

TYPICAL CUL-DE-SAC DETAIL

- NOTES:**
- EXISTING AND LONG RANGE 65 DB HNOISE CONTOUR OBTAINED FROM "SUPPORT MASTER PLAN FOR WALKER FIELD AIRPORT" PREPARED BY COFFMAN ASSOCIATES, INC. JUNE 1997.
 - LOTS THAT HAVE FRONTAGE ON SUMMER HILL WAY, BUT ALSO HAVE FRONTAGE ON ANOTHER RESIDENTIAL STREET, WILL BE REQUIRED TO TAKE ACCESS OFF OF THAT RESIDENTIAL STREET.
 - OUTLOTS IDENTIFIED WITHIN CUL-DE-SACS AND PARKING AREAS WILL BE DEDICATED TO THE HOMEOWNERS ASSOCIATION ON THE FINAL PLAN.
 - LOT 13, BLK 1/FILING 4 SHALL GAIN ACCESS FROM THE "EYEBROW" PORTION OF WALKER CREEK CIRCLE.
 - FENCING-LOT 11, BLOCK 1, FILING 3, FENCING WITHIN THE 20 FT. SETBACK FROM THE PROPERTY LINE ADJACENT TO SPRING CROSSING ROAD WILL BE LIMITED TO 30" IN HEIGHT FOR A SOLID FENCE, OR 48" FOR AN OPEN FENCE. ALL OTHER FENCING REQUIREMENTS AS STATED IN THE APPLICABLE CITY CODE WILL APPLY.

| LAND USE SUMMARY | | |
|------------------|---------|---------|
| ACRES | PERCENT | |
| LOTS | 80.56 | 46.3% |
| UNCOVERED DECK | 15.74 | 90.6% |
| STREETS | 11.81 | 13.1% |
| TOTAL | 86.71 | 100% |
| TOTAL LOTS | 201 | MAXIMUM |
| CRESTLINE | 2.2 | 86.6% |

CURRENT ZONING, PD 2.5 ALLOWS FOR A MAXIMUM OF 201 RESIDENTIAL LOTS.

REVISIONS

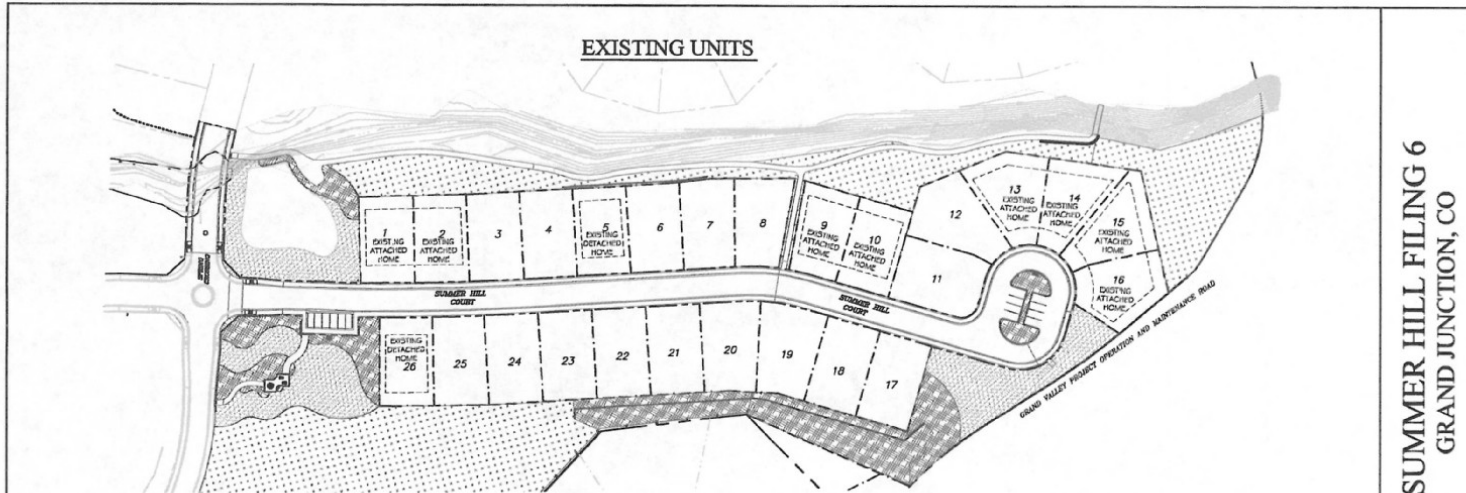
| NO. | DATE | DESCRIPTION | BY |
|-----|----------|---|----|
| 1 | 12/15/16 | REVISION FOR CITY REVIEW COMMENTS DATED 12/15/16 | BT |
| 2 | 1/26/17 | REVISION FOR REVIEW AGENCY COMMENTS DATED 12/15/16 | BT |
| 3 | 3/1/17 | REVISED LOTS FOR LOTS 2 & 3 | BT |
| 4 | 3/27/17 | REVISED PHASE LINE 7 & 8 PER ZONING PLAN AND UPDATED LAND USE SUMMARY | BT |
| 5 | 05/20/17 | 2015 YEAR REQUIREMENTS UPDATE, TITLE BLOCK UPDATE | BT |

RIVER CITY CONSULTANTS
 241 W. HARRISON BLVD. SUITE 100
 GREEN ANCHORAGE, CO. 81609
 PHONE 970.424.4778
 FAX 970.424.8881

SUMMER HILL SUBDIVISION
 REVISED PRELIMINARY PLAN

| | | |
|--------------------|---------------------------------|-------------------------|
| PROJECT: 16422-017 | SCALE: DATE: 10/05/16, 16/04/16 | SHEET NO. 1 OF 1 SHEETS |
| DRAWN BY: BT | FORN: 17-157 | |
| CHECKED BY: BT | DATE: | 1 |

**SUMMER HILL FILING 6
GRAND JUNCTION, CO**

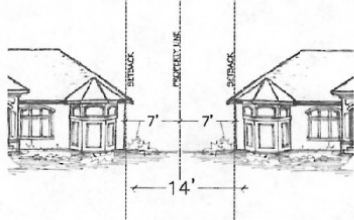


SUMMER HILL FILING 6 SETBACK REQUIREMENTS:

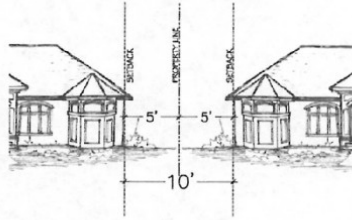
EXISTING HOMES:
FRONT = 20'
SIDE = 7'
REAR = 15'

PROPOSED UNITS:
FRONT = 20'
SIDE = 5'
REAR = 15'

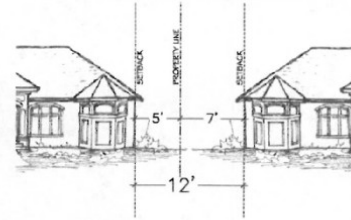
EXISTING SETBACKS



PROPOSED SETBACKS



PROPOSED / EXISTING



SUMMER HILL FILING 6 - SETBACK EXHIBIT

DRAWN BY: JSE
CHECKED: JAL
JOB NO.: 000000
DATE: 01.03.12
REVISIONS:
DRAWING NO.: 0574-10-0007

SHEET NO.:
STATUS:
0000 DRAFT
0000 PRELIMINARY
0000 NO
0000 CONSTRUCTION
0000 AS BUILT

CLAVONNE ROBERTS & ASSOC., INC.
LANDSCAPE AND PLANNING ARCHITECTS
844 GRAND AVENUE
GRAND JUNCTION, CO 81501
PHONE: 970.241.1100
FAX: 970.241.0775
EMAIL: CLAVONNE@CRA.COM

Summer Hill Filing # 6 Owner Survey

January 31, 2012

Dear Owner,

As we continue to look for ways to offer a quality and marketable product in the subdivision in this difficult economy we are looking to amend our side yard setbacks in Filing 6 and future filings.

The current side yard setback is 7' and we are proposing to amend this to 5'. The reason is straightforward. We believe that the additional 2' on either side of the home could be useful in the design of the house and increasing the total square footage.

Most of the units in the subdivision were built as an ATTACHED product, with a **7' side yard setback PER home**. Although attached homes continue to be an attractive option to buyers, securing the financing to build two units at a time has become very restrictive as well as the additional risk a builder must be willing to take on to put two homes on the market as opposed to one. The single family DETACHED units have a side yard setback on both sides of the home totaling **14' side yard setback PER home**. This means that the "building envelope" for DETACHED units is much narrower making it difficult to build product that is comparable in square footage and design as other existing units in the subdivision.

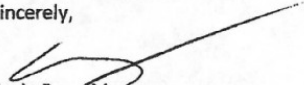
We have met with the City of Grand Junction as well as the fire department about the proposed changes. The fire department does not have a concern as the set-backs are compatible with fire code. The underlying zoning that was established for the Summer Hill Planned Unit Development of RMF-5 supports a 5' side yard setback as the standard.

In order to implement this change we will need to amend the original ordinance which is a formal public process which can take 2-3 months to complete.

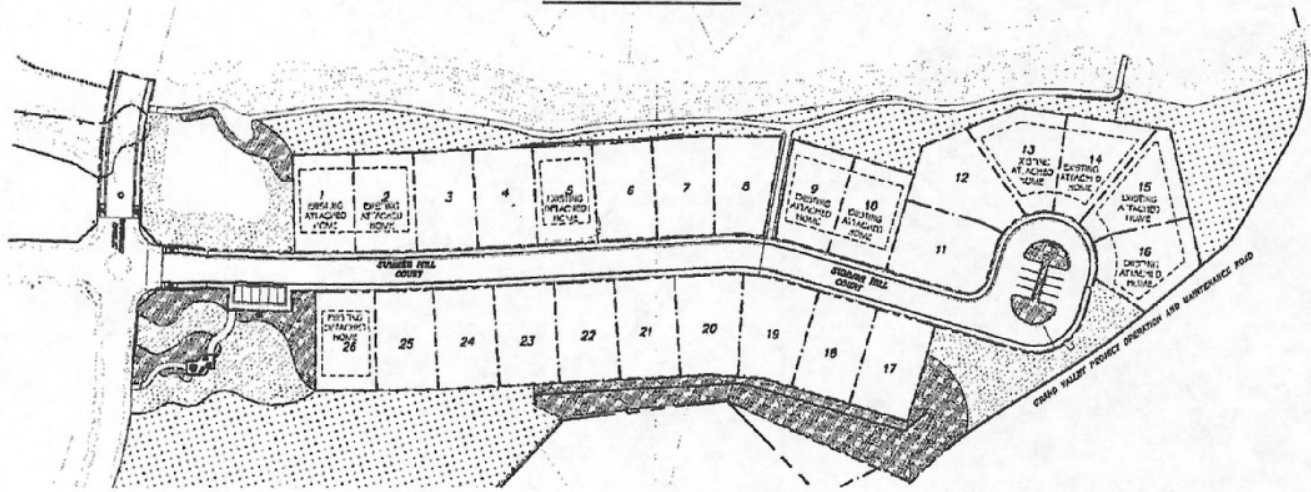
Before moving forward with this process we would like to garner feedback and support from the existing owners in Filing # 6. Attached is an exhibit showing the existing homes in Filing #6 including a visual of the proposed setback change. In addition, a Summer Hill Filing 6 Setback Survey feedback form is provided. Please take the time to fill this out and return it.

We appreciate your feedback and your support!

Sincerely,


Kevin Bray, Manager
Paradise Hills Properties, LLC

EXISTING UNITS

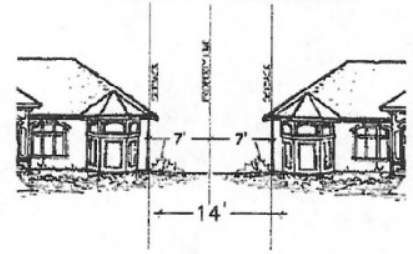


**SUMMER HILL FILING 6
GRAND JUNCTION, CO**

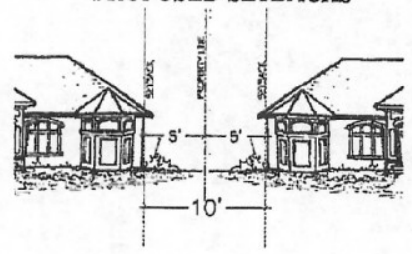
SUMMER HILL FILING 6 SETBACK REQUIREMENTS:

| | |
|------------------------|------------------------|
| EXISTING HOMES: | PROPOSED UNITS: |
| FRONT = 20' | FRONT = 20' |
| SIDE = 7' | SIDE = 5' |
| REAR = 15' | REAR = 15' |

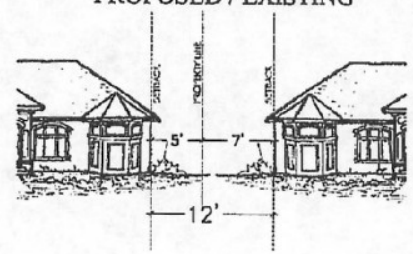
EXISTING SETBACKS



PROPOSED SETBACKS



PROPOSED / EXISTING



SUMMER HILL FILING 6 - SETBACK EXHIBIT

| | |
|-----------------------------|----------|
| DRAWN BY | RL |
| CHECKED | RL |
| JOB NO. | 8100 |
| DATE | 11-28-12 |
| REVISIONS | |
| DRAWING NO. 8100_1C-0201 | |

| | |
|-----------|--------------|
| SHEET NO. | |
| STATUS | DRIFT |
| | PRELIMINARY |
| | CONSTRUCTION |
| | AS BUILT |

CLAVONNE ROBERTS & ASSOC., INC.
LANDSCAPE AND PLANNING ARCHITECTS
644 GRAND AVENUE
GRAND JUNCTION, CO 81505
PHONE: 970-241-1114
FAX: 970-241-1115
E-MAIL: clrobert@clavonne.com



To: Kevin Gray

040-0436

Summer Hill Filing 6 Setback Survey

As owner(s) of 21680 Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit", In response to the proposed setback change I/we:

Oppose: _____

Support: _____

Neutral:

Comments

I would like for there to be more
plexes in Summer Hill Court some
look more consistent with what was
started in the west section.

Kevin Gray

Owner

3-20-12

Date

Carol Gray

Owner

3-20-12

Date

Summer Hill Filing 6 Setback Survey

As owner(s) of 2666 Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback change I/we:

Oppose: _____

Support: with DCA

Neutral: _____

Comments _____

William A. Small

Owner

6 Mar 2012

Date

James Starnell

Owner

3/8/2012

Date

Kevin Bray

From: heidilacy@comcast.net
Sent: Saturday, March 10, 2012 8:30 AM
To: Kevin Bray
Subject: Re: Emailing: Letter to Filing 6 Owners.pdf

Kevin,
thanks for the e-mail. We don't have any objections to the narrower side set-back of 5 feet, instead of 7 feet. If you need me to fill something out let me know.
Heidi Lacy

From: "Kevin Bray" <kevinbray@brayandco.com>
To: heidilacy@comcast.net
Sent: Thursday, March 8, 2012 4:00:15 PM
Subject: Emailing: Letter to Filing 6 Owners.pdf

Heidi,

Thanks for the call back. Attached is a letter describing the change, the purpose of the change, and an exhibit showing the effect of the change on existing homes. Mainly I am hoping to gain support from Filing 6 owners to help facilitate a smooth process when I make the request to Planning Commission and City Council. Please give me a call if you have any questions. Don't feel like you need to fill it out and send the form but if you could reply to this email with your feedback that would be sufficient.

Thanks again!

Sincerely,

Kevin Bray

The message is ready to be sent with the following file or link attachments:

Letter to Filing 6 Owners.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Summer Hill Filing 6 Setback Survey

As owner(s) of 2664 Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback change I/we:

Oppose:

Support:

Neutral:

Comments _____

James E. Boylan
Owner

Mar 1, 2012
Date

Charlotte Boylan
Owner

Mar. 1, 2012
Date

Summer Hill Filing 6 Setback Survey

As owner(s) of 2680 Summer Hill Ct we have reviewed the material in the attached
(Address)


letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback change I/we:

Oppose:

Support:

Neutral:

Comments _____


Owner

2-6-12
Date

Owner

Date

Summer Hill Filing 6 Setback Survey

As owner(s) of 21665 Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback change I/we:

Oppose: _____

Support: _____

Neutral: _____

Comments _____

Joseph A. Huff
Owner

2/3/12
Date

Shelley J. Huff
Owner

2/3/12
Date

Summer Hill Filing 6 Setback Survey

2682 Summer Hill Ct.

As owner(s) of _____ Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback
change I/we:

Oppose:

Support:

Neutral:

Comments: I AM Absolutely
OPPOSED
to this change.

Susan K. Cox 3/8/12
Owner Date

no other owner
Owner Date

Summer Hill Filing 6 Setback Survey

As owner(s) of See below* Summer Hill Ct we have reviewed the material in the attached
(Address)

letter and exhibit titled "Summer Hill Filing 6-Setback Exhibit". In response to the proposed setback
change I/we:

Oppose: _____

Support: _____

Neutral: _____

Comments much more efficient use of lots

Parvinder Hill's Property 1/31/12
Owner [Signature] Date

Owner Date

* lots 3-8, 11-12, 17-25 = 17 lots

Thursday, May 03, 2012

to: SCOTT PETERSON SR PLANNER - CITY OF GRAND JUNCTION, CO -- 250 N 5TH STREET - 970-244-1447

reference notice of application: PLD -2012-247 SUMMER HILL FILING 6 PLAN AMENDMENT - 2664 SUMMER HILL COURT -- Request approval to amend the existing PD Planned Development Ordinance for Summer hill filing 6 and future fillings to modify the minimum side yard building setback requirements from seven (7) feet to five (5) feet.

The reference which is made to the address "2664 Summer Hill Ct." I do not understand! This property is presently developed and tax information for 2011 & 2012 is listed. The property is shown to have been built in 2010. The listing shows it to have 2050 square feet of heated floor space.

Although I do not live in Summer Hill Development I do not agree with Bray Developments request to change the setback requirement. The original hearing on this development required the setbacks to be the same as most homes in " above average " single family home developments, which is the case in Grand Vista Subdivision of seven (7) feet from the property line. As was previously approved by Grand Junction planning department these single and duplex structures were to be single level and setbacks of seven (7) feet from each property line. Although Bray Development may wish to build larger homes on the lots which are being developed the result will be homes that are only ten (10) feet from each structure. A larger structure may also change the number of individuals living in this subdivision home. Are we to be like California with houses almost on top of each other and thirty or more feet in height? I would believe the Grand Junction City fire department would have some serious problems within a large house located only ten feet from the next structure. Does not the fire department require a fire wall in the structure when it is built only ten (10) feet from the adjacent structure?

If Bray Development desires to build larger homes in this development then he should redesign the subdivision for larger lots rather than decrease the distance between structures.

This present development is a good addition of attractive homes which are presently well cared for and a great tax base for Mesa County. Do not turn it into a mass cluttered housing development just for additional tax money or profits for the developer.

D. Krogh 9709-245-5312 -- 892 overview Road - Grand Junction CO 81506

From: Sue Cox <suecox@juno.com>
To: <scottp@gjcity.org>
CC: <suecox@juno.com>
Date: 4/27/2012 5:53 PM
Subject: Summer Hill Filing 6 Plan Admendment COMMENTS

April 27, 2012

Dear Mr Peterson,

I live on Summer Hill Ct aka Filing 6 of Summer Hill Subdivision.

I was the third homeowner to build and move onto Summer Hill Ct. When my house was built in 2008 ALL homes were built as double patio homes ie two separate homes shared a common wall. Overall the whole subdivision had a spacious and open feeling about it. This was because of the double home format as well as the set back requirements. I had seen the overall plans for Filing 6, Summer Hill Ct, on numerous occasions. No where was it represented the format of the subdivision was going to change. Summer Hill subdivision had been building shared wall patio homes since the late 90s and early 2000s.

But over the last three years Kevin Bray has led the charge to change the remaining subdivision lots to a totally different format. Summer Hill subdivision's patin homes had ONE builder since the beginning. Dennis Lucero with LGD Construction had built consistently high quality homes throughout the first five filings. The homes were mostly the double patio home style with a few stand alone homes on the lots which would not accomodate two patio homes. None of them were "cookie cutter" homes. Every home was different both inside and out. But they provided a pleasing uniformity of design and a feel of spaciousness and openness to the area. The concept was well thought out and quite successful. The homes were very high quality.

And then the recession came along and building of new homes and selling of older homes ceased for a year and a half. Bray and Co was struggling as a real estate company. Kevin Bray came up with the bright idea to bring in a new builder and build a new style home. After numerous trips to the architectural control committee it looks sort of like the other homes on the street. It took this house a year to sell after it was completed. In the meantime LGD built and sold a duplex style patio home. Both home sold before the newly built home.

Now ANOTHER new builder has completed ANOTHER new single family home on the street. Due to our architectural control committe it also looks SORT of like the other houses but again it is different in many ways.

Now Bray wants to decrease the set backs for more houses. So the builders can build bigger homes that will sit closer together. My home has already lost probably 35% of its value. Summer Hill Court will NO LONGER have the OPEN, SPACIOUS feel that the rest of subdivision has. When completely built out it is going to have many big houses sitting on SMALL lots close together; a lot of roof tops very close together. It will look like Phoenix! And it will be too late to change things.

I have said all along that if Bray and Co wants to develop Filings 7 and

8 with different standards and set backs they can do it. BUT why ruin MY street in the meantime?

I am very much opposed to changing the set back requirements. It's not what I signed up for. It continues to decrease the value of my home. I don't want to live on a street that is packed full with roof tops. I loved the spacious feel of Summer Hill. But I am only one person and as I have been told many times Bray and Co is in charge and owns the rest of the unsold lots on Summer Hill Ct.

Sincerely yours,

Susan K Cox
2682 Summer Hill Ct
Grand Junction, CO 81506

970-241-3778

Deal Of The Day
57-Year-Old Woman Has Free Trick to Look 20+ Years Younger
<http://thirdpartyoffers.juno.com/TGL3141/4f9b31592027c23c3am04vuc>

From: Richard Witwer <RPWitwer@DirectWireUSA.Com>
To: "scottp@gjcity.org" <scottp@gjcity.org>
Date: 6/7/2012 10:02 PM
Subject: summer hill subdivision plan amendment

Scott Peterson

I am writing this e mail to record my objection to the setback and side yard changes in the Filing 6 section of Summer Hill Court. I live at 2688 Summer Hill Court and unfortunately , I can not be at the meeting. I purchased my home because of the overall appearance of the original development and expected Summer Hill Court to maintain it's overall consist appearance. We were sold the property with the understanding that there would be a consistency in the entire development. Reducing the side yard minimum by two feet on each side will drastically change that appearance.

I have no objection to filing 7 and 8 since from the beginning the homes will have consistency but it is not in he best interest for the homeowners in section 6. I encourage you to deny the petition for a change in the plan.

Yours Truly

Richard and Nancy Witwer
2688 Summer Hill Court.

Sent from my iPad

>>> Craig Robillard <c42skipper@gmail.com> 7/13/2012 9:58 AM >>>

Scott,

We are writing to ask that the request to amend the Summer Hill PUD to allow lesser setbacks and higher percentage of lot coverage be denied on Summer Hill Court. We believe that this change will drastically impact the appearance of Summer Hill Court and impact real estate values. When we purchased our Summer Hill home we also looked at properties with the spacing and lot coverage the developer is now asking for and we rejected that type of development from consideration. Changing Summer Hill Court will only confuse the look of the neighborhood.

We have no problem with amending the PUD to accommodate future filings, but to make these changes on Summer Hill Court is not in keeping with the original intent of the development.

--

Elizabeth & Craig Robillard
848 Summer Sage Court
433-7141

Neighborhood Meeting Summary

Date: May 17th, 2012

Location: 640 Belford Avenue

Time: 5:00pm

The meeting began at 5:00 with Kevin Bray representative of the developer, Paradise Hills Properties, Scott Petersen, with City of Grand Junction Planning department, and two homeowners who reside in Summer Hill Filing # 6.

Kevin gave a brief overview of the changes proposed in regards to the amendment to a 5' side-yard setback and the changes to the language on the bulk standards section of the revised preliminary plan.

Scott Petersen described the purpose of the neighborhood meeting as a process where the City solicits feedback from the neighborhood to include in the staff report to Planning Commission and City Council. Scott also explained the neighborhood meeting will be followed by a Planning Commission Hearing and two City Council hearings as well as the planned dates for these meetings.

There were comments for and against the proposed changes summarized below:

Against

Houses too close together

Rooftops too close together

Neighborhood experienced little change for the first 3 [patio home] filings, why make changes now

Would prefer to stay with attached townhouse product

Open space is part of the draw of the subdivision, shouldn't look like Phoenix

Change would be better in future filings instead of in the middle of current filing

For

If single family detached can be built bigger than current restrictions allow, that can be better for the values in the neighborhood

The developer has shown a commitment to quality and continues to be a good neighbor in the development

Meeting adjourned at approximately 5:40

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE AMENDING THE SUMMER HILL PLANNED DEVELOPMENT INCLUDING ORDINANCE NOS. 3136 AND 3647 AND THE ADOPTED PRELIMINARY PLAN FOR THE SUMMER HILL SUBDIVISION PLANNED DEVELOPMENT TO MODIFY BULK STANDARDS IN FILING 6 AND FUTURE FILINGS AND PROVIDING A REVISED DEVELOPMENT SCHEDULE

Recitals:

Summer Hill was zoned PD, (Planned Development) in 1999 and amended in 2009 for a maximum of 201 dwelling units in eight filings. Filings one through six have been approved and recorded. The developer is now requesting an amendment to the Plan to modify the bulk standards for lots under 14,000 square feet (small lots) as identified below for Filing 6 and future filings, to allow either/both attached and detached dwellings in any given filing, and to establish a development schedule. The underlying default zoning district standards of R-4, (Residential – 4 du/ac) are not being modified and will still apply to the large lots. The amendments affect Filing 6 and the future filings for small lots.

This Ordinance amends Ordinance Nos. 3136 and 3647 for Summer Hill. It reduces the minimum side yard setback for principal structures for the small lots from 7' to 5' and increases the maximum lot coverage from 50% to 70%. These changes are consistent with the current R-8 zone district standards. This Ordinance also expressly allows detached and/or attached units on the small lots.

The plan amendment will allow a broader mix of housing types in the community and allow additional flexibility in the design of the residential dwelling units, while working within a side yard setback and maximum lot coverage that is consistent with the current R-8 zoning district.

The Planning Commission and City Council find that the amendments are in compliance with the Zoning and Development Code and Comprehensive Plan.

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

That Summer Hill Planned Development is amended including Ordinance Nos. 3136 and 3647 and the Plan for Summer Hill Subdivision are hereby amended and the following bulk standards are established for Summer Hill, Filing 6 and future filings:

LARGE LOT – SINGLE FAMILY DETACHED

Minimum Lot Area: 14,000 SF

Minimum Street Frontage: 40 FT

Maximum Building Height: 32 FT
Minimum Side Yard (Principal Structure): 10 FT
Minimum Side Yard (Accessory Structure): 3 FT
Minimum Rear Yard (Principal Structure): 30 FT
Minimum Rear Yard (Accessory Structure): 10 FT
Minimum Rear Yard (Deck): 0 FT
Minimum Front Yard: 20 FT
Maximum Building Coverage: 30%

SMALL LOT – SINGLE FAMILY ATTACHED AND DETACHED

Minimum Lot Area: 4,500 SF
Minimum Street Frontage: 20 FT
Minimum Building Height: 32 FT
Minimum Lot Width: 30 FT
Minimum Side Yard (Principal Structure): 5 FT
Minimum Side Yard (Where Attached): 0 FT
Minimum Side Yard (Accessory Structure): 3 FT
Minimum Rear Yard (Principal Structure): 15 FT
Minimum Rear Yard (Accessory Structure): 10 FT
Minimum Rear Yard (Open and Uncovered Deck): 0 FT
(Filings 1, 4 and 5 through 8 only)
Minimum Front Yard: 20 FT
Maximum Building Coverage: 70%

In the Rear Yard beginning Twenty Feet back from the front of the house: 1) Open and uncovered decks and concrete slab patio areas located on the ground level of the home shall have a Rear and Side Yard (Including common wall property line) setback of Zero Feet. 2) Open and covered (Including Overhang) decks and concrete slab patio areas located on the ground level of the home shall have a Rear and Side Yard (Including common wall property line) setbacks of Zero Feet for the deck or concrete slab, Three Feet for all support columns and One Foot for the Overhang.

Phasing schedule and applicable Code: future filings shall be reviewed and approved in accordance with the 2010 Zoning and Development Code, and final plats for the filings shall be recorded with the Mesa County Clerk and Recorder on or before December 31, 2018.

See also attached Exhibit showing the approved amended Plan for Filing 6 and future filings.

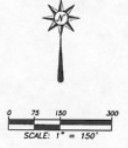
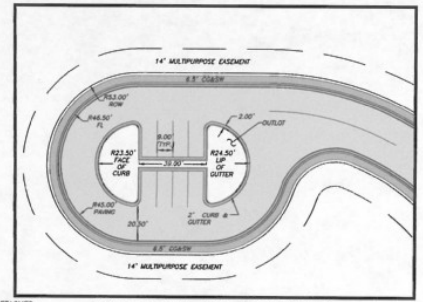
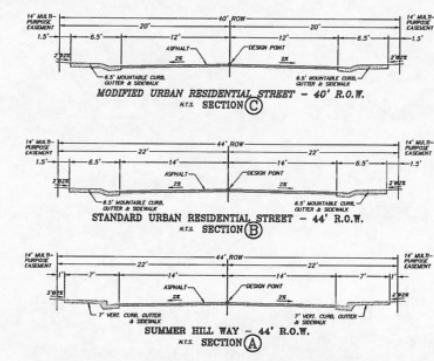
Introduced on first reading this 20th day of June, 2012 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor



BULK REQUIREMENTS

LARGE LOT - SINGLE FAMILY DETACHED
 MINIMUM LOT AREA: 14,000SQ'
 MINIMUM STREET FRONTAGE: 40'
 MAXIMUM BUILDING HEIGHT: 32'
 MINIMUM SIDE YARD (PRINCIPAL STRUCTURE): 10'
 MINIMUM REAR YARD (ACCESSORY STRUCTURE): 30'
 MINIMUM REAR YARD (DECK): 0'
 MINIMUM FRONT YARD: 20'
 MAXIMUM BUILDING COVERAGE: 30%

SMALL LOT - SINGLE FAMILY ATTACHED AND DETACHED
 MINIMUM LOT AREA: 4,500SQ'
 MINIMUM STREET FRONTAGE: 20'
 MAXIMUM BUILDING HEIGHT: 32'
 MINIMUM LOT WIDTH: 30'
 MINIMUM SIDE YARD (PRINCIPAL STRUCTURE): 5'
 MINIMUM SIDE YARD (WHERE ATTACHED): 0'
 MINIMUM SIDE YARD (ACCESSORY STRUCTURE): 3'
 MINIMUM REAR YARD (PRINCIPAL STRUCTURE): 15'
 MINIMUM REAR YARD (ACCESSORY STRUCTURE): 10'
 MINIMUM REAR YARD (OPEN UNCOVERED DECK): 0'
 (FILINGS 1, 4 & 5-8 ONLY)

MINIMUM FRONT YARD: 20'
 MAXIMUM BUILDING COVERAGE: 70%

IN THE REAR YARD BEGINNING TWENTY FEET BACK FROM THE FRONT OF THE HOUSE: 1) OPEN AND UNCOVERED DECKS AND CONCRETE SLAB PAVED AREAS LOCATED ON THE GROUND LEVEL OF THE HOME SHALL HAVE A REAR AND SIDE YARD (INCLUDING COMMON WALL PROPERTY INCLUDING OVERHANG) DECKS AND COVERED (INCLUDING OVERHANG) DECKS AND CONCRETE SLAB PAVED AREAS LOCATED ON THE GROUND LEVEL OF THE HOME SHALL HAVE A REAR AND SIDE YARD (INCLUDING COMMON WALL PROPERTY LINE) SETBACKS OF ZERO FEET FOR THE DECK OR CONCRETE SLAB, THREE FEET FOR ALL SUPPORT COLUMNS AND ONE FOOT FOR THE OVERHANG.

TYPICAL CUL-DE-SAC DETAIL

- NOTES**
- EXISTING AND LONG RANGE 65 LDN NOISE CONTOUR OBTAINED FROM "AIRPORT ACOUSTIC PLAN FOR WALKER FIELD AIRPORT", PREPARED BY COFFMAN ASSOCIATES, INC., JUNE 1997.
 - LOTS THAT HAVE FRONTAGE ON SUMMER HILL WAY, BUT ALSO HAVE FRONTAGE ON ANOTHER RESIDENTIAL STREET, WILL BE REQUIRED TO TAKE ACCESS OFF OF THAT RESIDENTIAL STREET.
 - CUL-DE-SACS IDENTIFIED WITH CUL-DE-SACS AND PARKING AREAS WILL BE DEDICATED TO THE HOMEOWNERS ASSOCIATION ON THE FINAL PLAN.
 - LOT 11, BULK 1, FILING 4 SHALL GAIN ACCESS FROM THE "EYEBROW" PORTION OF WHEEN CREST CIRCLE.
 - FENCING-LOT 11, BLOCK 1, FILING 3, FENCING WITHIN THE 20 FT. SETBACK FROM THE PROPERTY LINE ADJACENT TO SPRING CROSSING ROAD WILL BE LIMITED TO 30" IN HEIGHT FOR A SOLID FENCE, OR 48" FOR AN OPEN FENCE. ALL OTHER FENCING REQUIREMENTS AS STATED IN THE APPLICABLE CITY CODE WILL APPLY.

| LAND USE SUMMARY | | |
|-------------------|--------------|----------------|
| | ACRES | PERCENT |
| LOTS | 40.16 | 46.8% |
| UNCOVERED SPACE | 35.74 | 43.8% |
| STREETS | 11.31 | 13.5% |
| TOTAL | 86.71 | 100% |
| TOTAL LOTS | 201 | MAXIMUM |
| DENSITY | 2.2 | MAXIMUM |

CURRENT ZONING PD 3.5 ALLOWS FOR A MAXIMUM OF 201 RESIDENTIAL LOTS.

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|-----|----------|---|-----|
| 1 | 11/20/06 | REVISIONS FOR CITY REVIEW COMMENTS DATED 11/20/06 | BYM |
| 2 | 1/16/07 | REVISIONS FOR REVIEW AGENCY COMMENTS DATED 11/16/06 | BYM |
| 3 | 1/16/07 | REVISED LAYOUT FOR PARCELS 1 & 8 | BYM |
| 4 | 10/26/06 | REVISED PHASE LINE 7 & 8, PRELIMINARY PAINT AND UPGRADED LAND USE SUMMARY | BYM |
| 5 | 10/26/06 | 2002 BULK REQUIREMENTS CHANGE, BULK BLOCK 1400 | BYM |

RIVER CITY CONSULTANTS
 144 NEWBORN CIRCLE, SUITE 110
 GREEN VALLEY, ARIZONA 85608
 PHONE: 931.241.6222
 FAX: 931.241.8641

SUMMER HILL SUBDIVISION
 REVISED PRELIMINARY PLAN
 FOR FILINGS 6 AND FUTURE FILINGS

PROJECT #2006-011 SCALE: DATE ISSUED 06/26/08
 DRAWN BY: BYM CHECKED BY: BYM SHEET NO. 1 OF 1 SHEETS
 CHECKED BY: BYM



Attach 13

CITY COUNCIL AGENDA ITEM

Date: May 11, 2012

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner / 4058

Proposed Schedule:

1st Reading – June 6, 2012

2nd Reading (if applicable):

2nd Reading – July 18, 2012

File # (if applicable): RZN-2012-70

Subject: Rezone 9.629 acres Located at 714 and 720 24 ½ Road

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

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

Executive Summary:

A City initiated request to rezone 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: Consideration and First Reading of the Rezone Ordinance was June 6, 2012.

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.

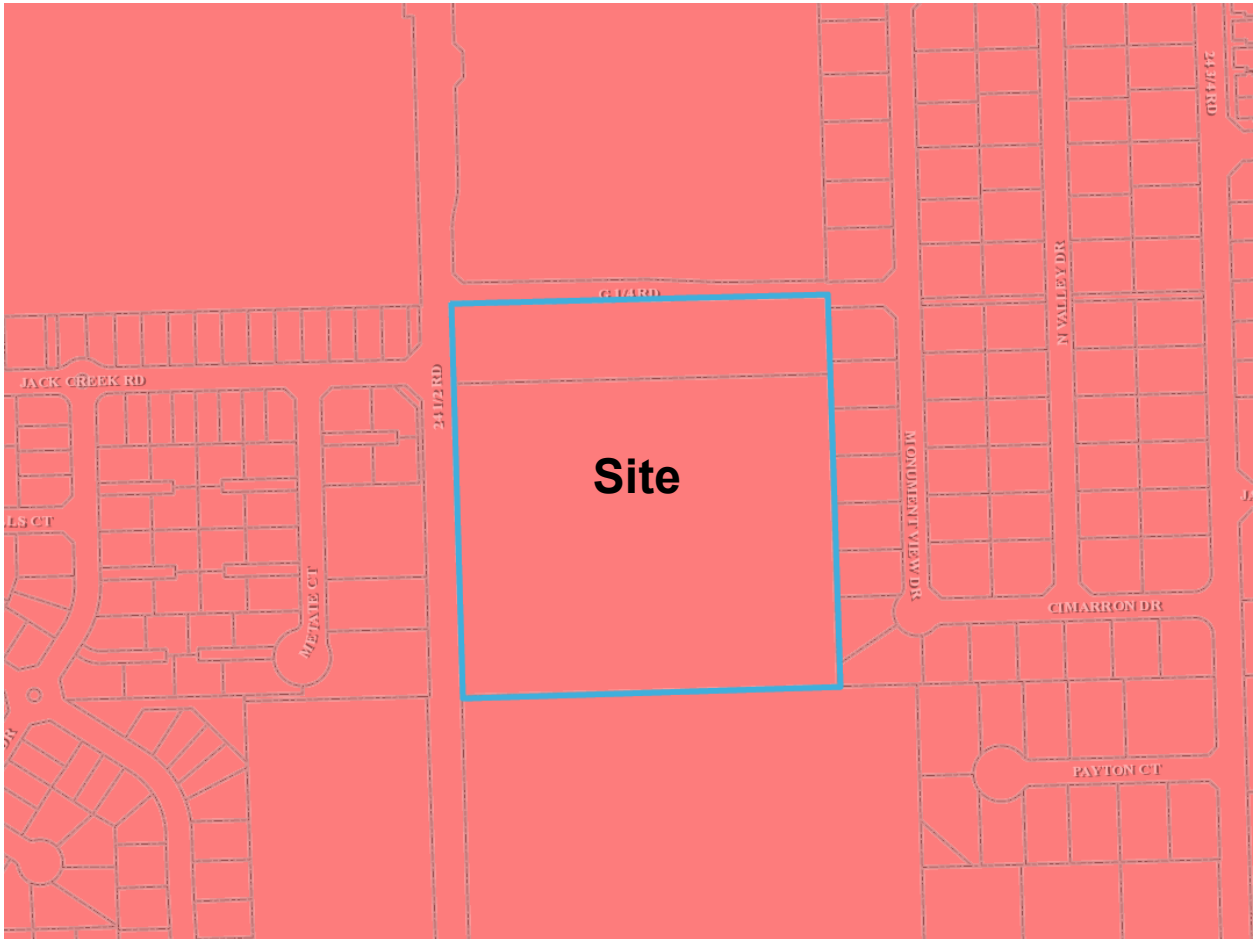
FINDINGS OF FACT/CONCLUSIONS:

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:

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



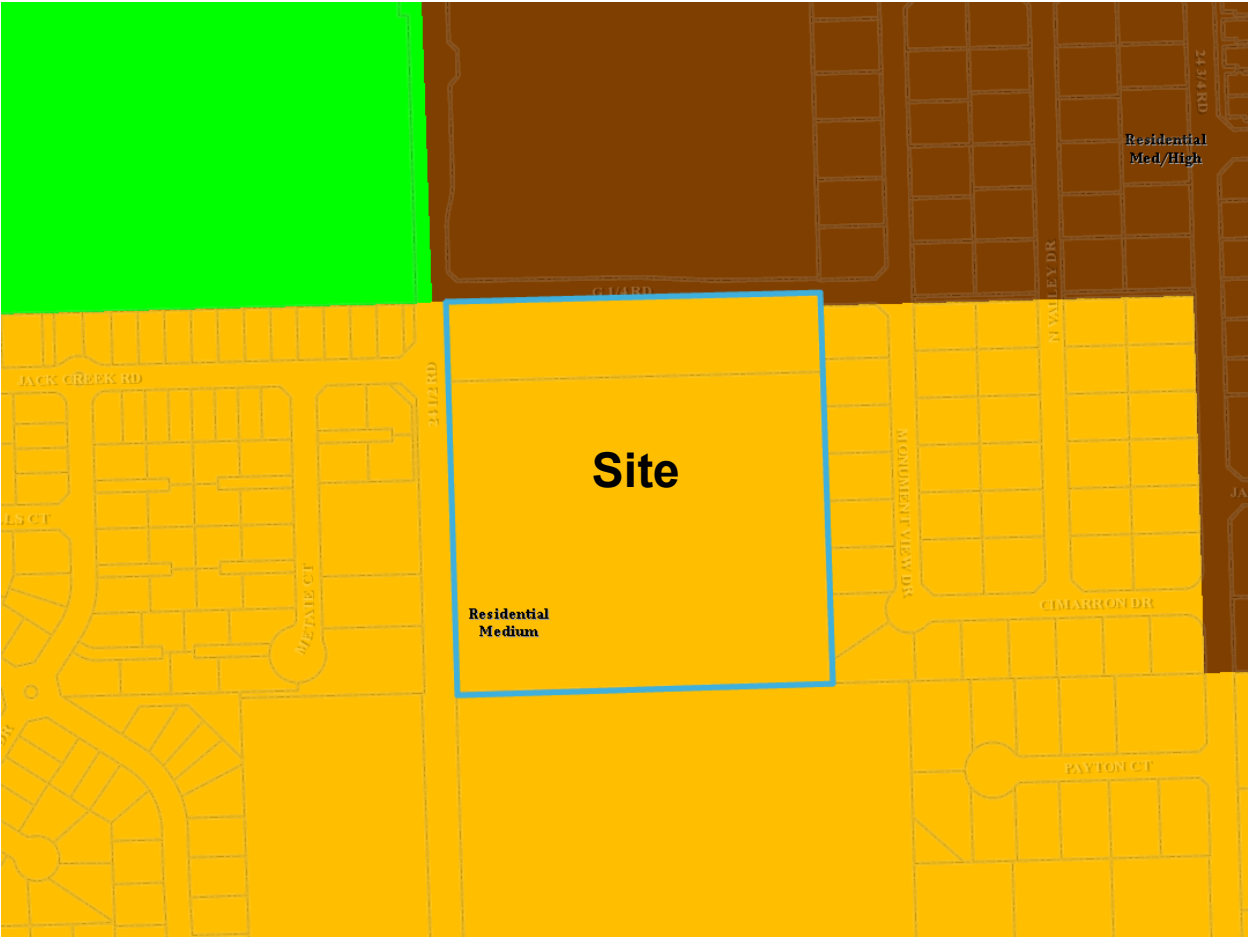
Aerial Photo Map

Figure 2



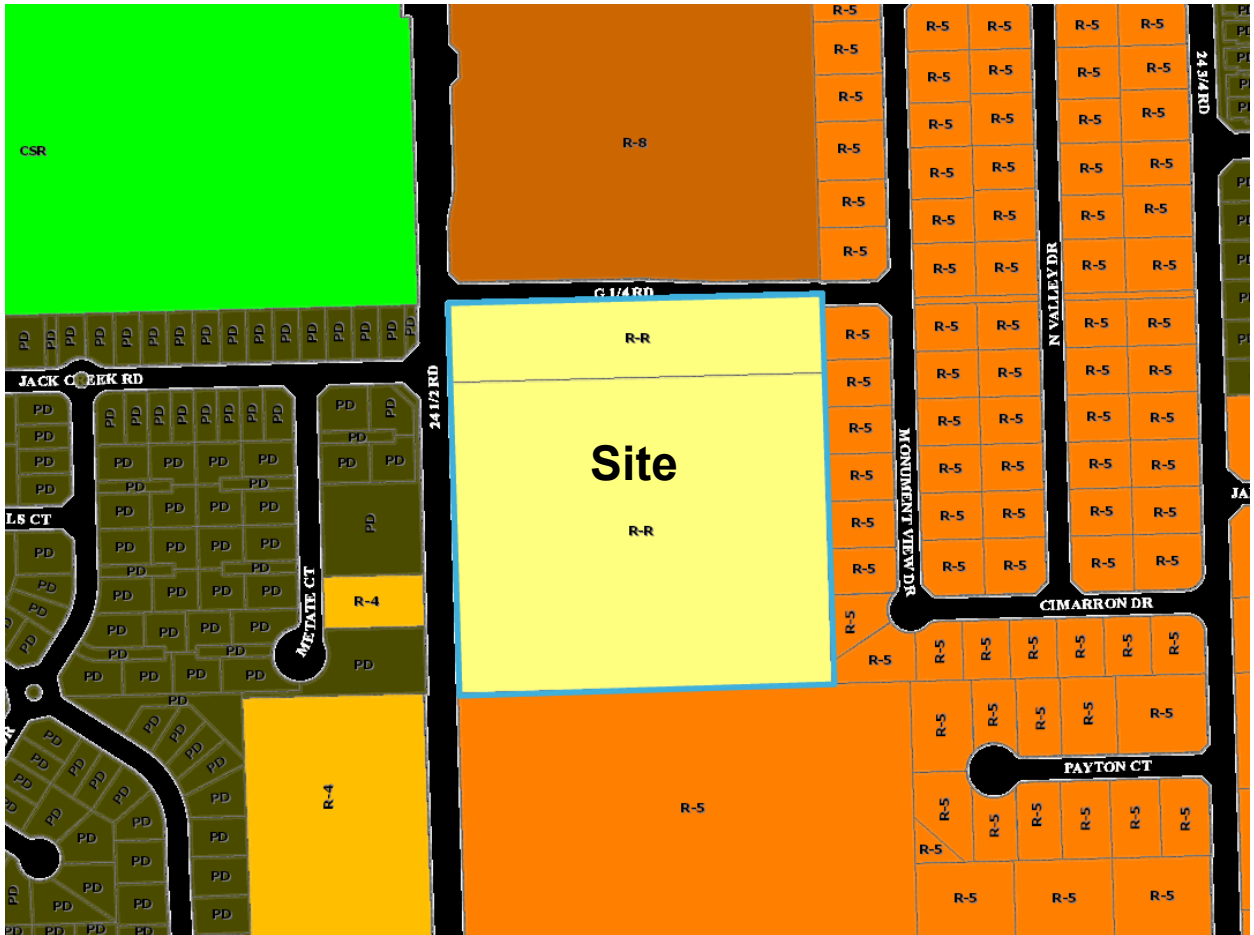
Comprehensive Plan Map

Figure 3



Existing City 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 6th day of June, 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





Attach 14

CITY COUNCIL AGENDA ITEM

Date: May 18, 2012
Author: Senta Costello
Title/ Phone Ext: Senior Planner/
x1442
Proposed Schedule: 1st
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: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Rezone Ordinance |
| Presenter(s) Name & Title: Senta Costello, Senior Planner |

Executive Summary:

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

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

9. 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
10. 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.

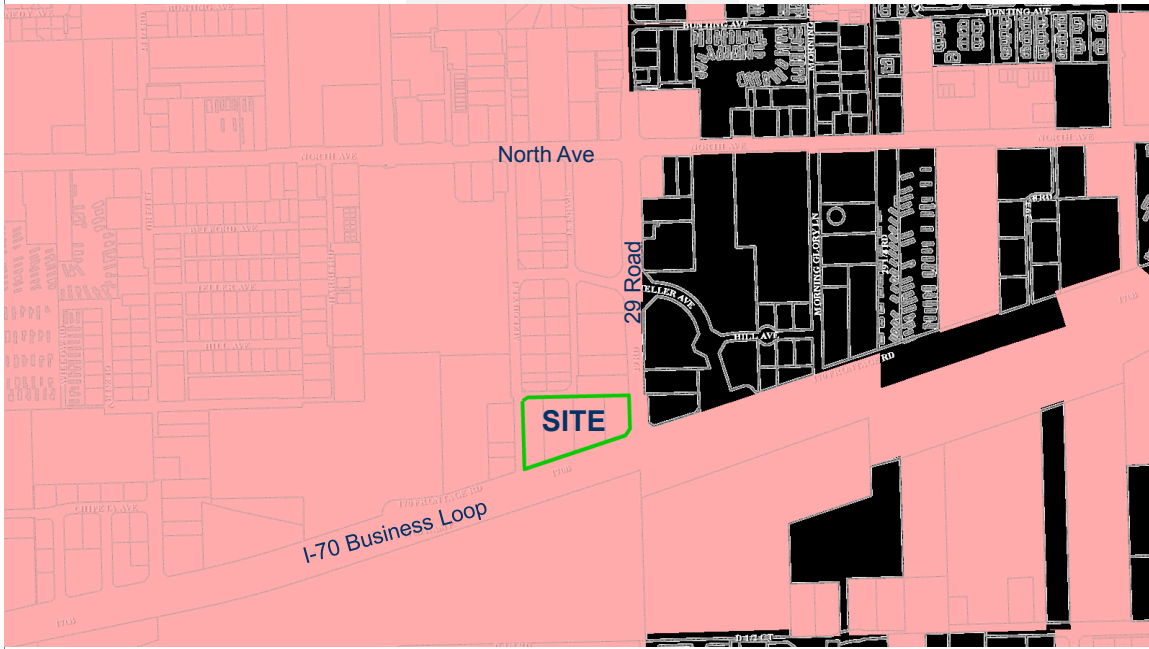
The City recognizes that, in several areas, the existing zoning is appropriate and is consistent with the vision of the Comprehensive Plan. Furthermore, by removing the conflicts between the zoning and the Future Land Use designations, a community benefit is derived. Under the current situation, the 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.

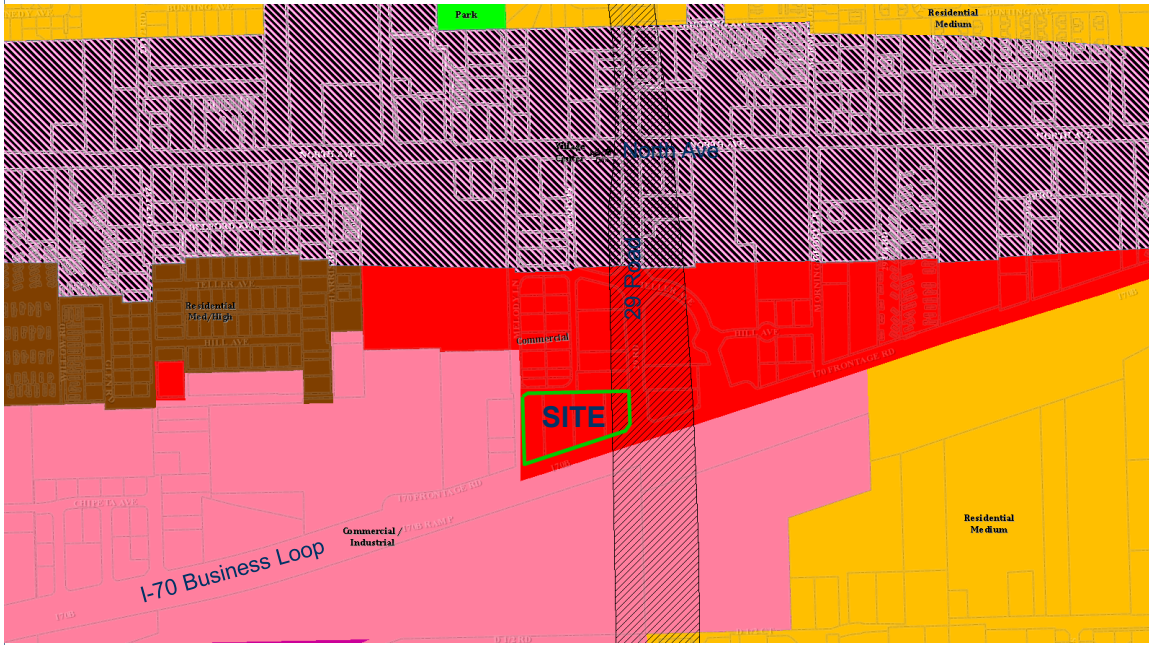
Site Location Map



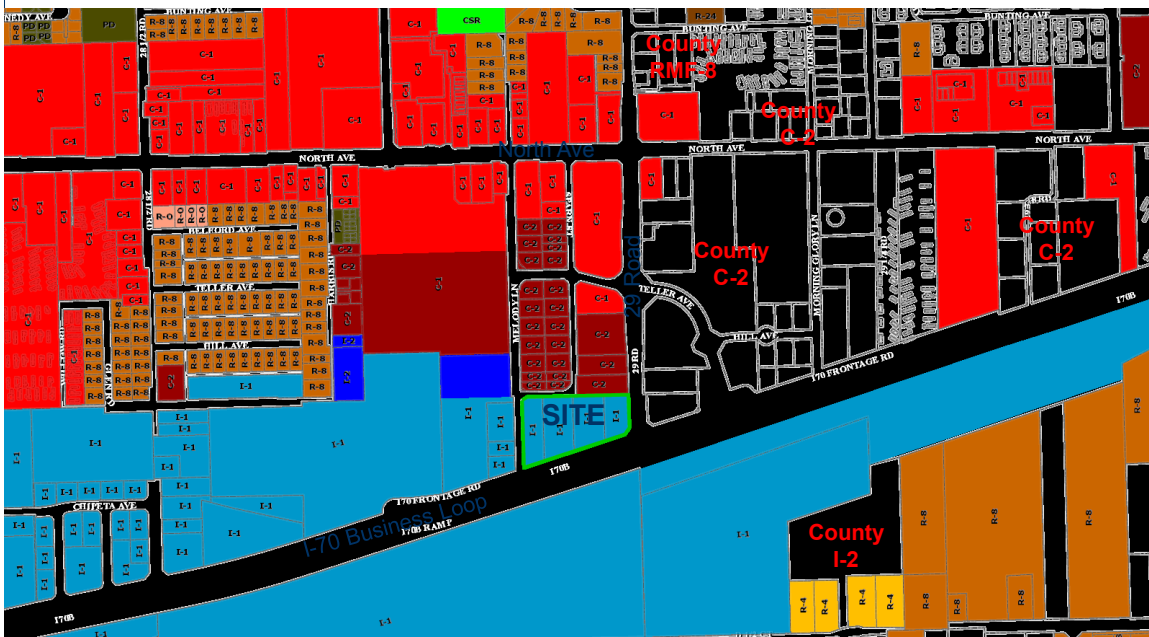
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



Area 22

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

Parcels: 4

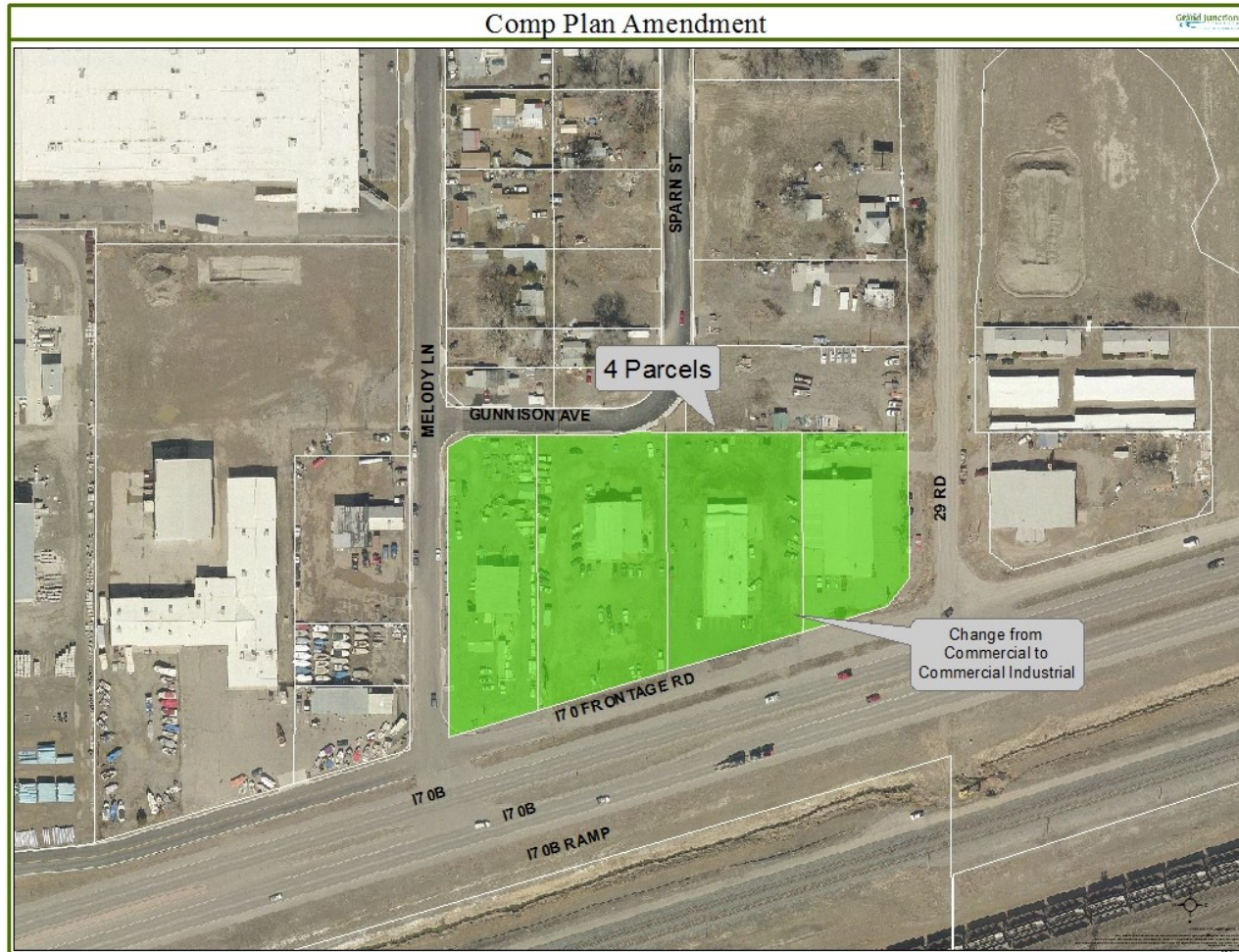
Existing zoning: I-1

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. 5th 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:

3. The proposed amendment to the Comprehensive Plan Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan.
4. 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 6th day of June, 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





Date: [July 2, 2012](#)
Author: [Lisa Cox, AICP](#)
Title/ Phone Ext: [Planning Manager / 244-1448](#)
Proposed Schedule:
1st Reading: [June 20, 2012](#)
2nd Reading: [July 18, 2012](#)
File Number: [ZCA-2012-249](#)

Attach 15

CITY COUNCIL AGENDA ITEM

Subject: Amendments to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) Regarding Establishing and Changing a Land Use within the City

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

Presenter(s) Name & Title: Lisa Cox, AICP, Planning Manager

Executive Summary:

The 2010 Code inadvertently omitted a general provision requiring a landowner to obtain an appropriate permit or approval from the City before establishing or changing a land use. The proposed amendments are intended to clarify the requirements and to ensure consistency in application of the Code's provisions to specific situations involving a change of land use.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code (codified as Title 21 of the Grand Junction Municipal Code). City Council has requested that Staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. Staff makes the following proposals to amend the Code in an effort to maintain its effectiveness and to remedy confusion that has arisen in the interpretation and application of certain 2010 code changes.

The 2010 Code omitted a general provision requiring a landowner to obtain an appropriate permit or approval from the City before establishing or changing a use of land. The proposed amendment reinstates this general provision. The Code Enforcement Division has found that it is more difficult to document potential violations to individuals without the general provision, which states the requirement simply and clearly.

The Code also contains potentially conflicting and confusing wording regarding changing and classifying uses of land. The language has resulted in difficulty and inconsistency in applying the Code to specific changes in land use. It also presents a significant and unnecessary hurdle to establishing a record of prior approved uses of land. Most importantly the language does not clearly establish the City's expectations with respect to changing a use of land.

The amendments are intended to clarify the requirements in a way that most accurately reflects the land use policies generally established by the Code and the Comprehensive Plan, and to ensure consistency in application of the Code to specific situations involving a change of use on land. They do so in the following specific ways.

The proposed amendments expand upon and clarify how the City classifies land uses to better inform those who read and apply the Code. The nature of the “principal use” column of the use table (Section 21.04.010) and the listings therein are better explained, so as to make it easier for the public to understand how land uses are classified. For example, applicants have recently argued, based on the wording of the Code, that because two uses are in the same use category, they are similar enough that no development review by the City is required. Clarity in this is important because how a land use activity is classified will determine in what zones it is allowed to occur and what, if any, use-specific standards apply. This will help people who do business or who would like to do business in the City to better plan their selection, purchase and modifications of land and structures.

The proposed amendments clarify when a change of use permit is automatically required and when it depends upon the site-driven factors involving parking, traffic circulation and storm water. For example, a principal use from the zone use matrix is entitled “General Retail Sales, Outdoor Operations, Display or Storage.” There are many types of specific land uses which fall in that principle use category, such as automobile sales, recreational vehicle sales, sales of utility trailers, sales of outdoor equipment. Whether or not changing from one of these uses to another requires a change of use permit depends upon the applicability of any one of three factors included in the Code (1) increase in parking, (2) increase in stormwater runoff due to impervious surface or (3) increase in daily traffic to, from and on the site.

As it is written now, the Code seems to contradict itself as to when the three criteria are applicable and when they are not. As a result landowners in the community are confused as to what they must do when changing a land use, and some have taken the position, based on the wording, that the Code prohibits development review by the City of all changes of use if none of the three factors referenced above apply.

Staff has taken the position that any change from one principal use of land or structure to another requires review by planning to see if site changes or upgrades are required. The proposed amendments support that requirement and state it more clearly.

The proposed amendments also clarify that a change of use can occur even within a given principal use category in the use table. For example, see the section of the use table below:

Section 21.04.010, Use Table:

| Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------------------------------------|-----|-----|-----|-----|-----|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|----|-----|-----|-----|-----|------|
| USE CATEGORY | PRINCIPAL USE | R-R | R-E | R-1 | R-2 | R-4 | R-5 | R-8 | R-12 | R-16 | R-24 | R-O | B-1 | B-2 | C-1 | C-2 | CSR | M-U | BP | I-O | I-1 | I-2 | MX- | Std. |
| COMMERCIAL | | | | | | | | | | | | | | | | | | | | | | | | |
| Recreation and Entertainment, Indoor – large, generally commercial uses that provide indoor recreation or entertainment-oriented activities including health clubs, movie theaters, skating rinks, arcades | Health Club | | | | | | | | | | | | A | A | A | A | A | A | A | A | A | | | |
| | Movie Theater, Skating Rink, Arcade | | | | | | | | | | | | | A | A | A | A | A | A | | A | | | |
| | Shooting Ranges, Indoor | | | | | | | | | | | | | | | C | C | C | | | | C | C | |
| | All Other Indoor Recreation | | | | | | | | | | | | | C | A | A | A | A | C | A | A | C | | |

Under the use category “Recreation and Entertainment, Indoor” are four principal use groups. The four principal use groups are similar enough to be included in the broader use category of Recreations and Entertainment, Indoor but different enough that they are separated into four distinctive groups. Each group is allowed, not allowed or conditionally allowed in certain zone districts.

The four groups are similar enough that changing from one to another does not automatically require a change of use permit unless one of the three factors referenced above applies. For example, changing from a movie theater to an arcade would not require a change of use permit.

However, there are enough differences between the four groups that in some cases a change of use permit would be required. For example, changing from a movie theater to an indoor shooting range. The movie theater is an allowed use in certain zone districts but the indoor shooting range requires a Conditional Use Permit and may be subject to other development standards. Because the indoor shooting range is not within the same principal use listing, a change of use review is required.

The proposed amendments also clarify if there are other applicable Code requirements (for example, the need for a fence or a building permit). Nothing in the change of use section is intended to prevent such requirements.

One goal of Code writing is to ensure that landowners can readily know what is expected of them as they attempt to make the highest and best use of their land. These amendments will further that goal.

These amendments do not alter the development standards applicable to a given land use. For example, whether or not site upgrades would be required for a nonconforming site will still require application of the nonconforming section of the code, which is not modified by the proposed amendments. Likewise the development standards and use-specific standards are not proposed to be modified.

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

The proposed amendments will ensure that changes of use of land are reviewed and processed regularly and consistently, promoting ordered growth.

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

The proposed amendments will create consistency in application and clarity of expectations for changes in use of land, fulfilling the needs of Staff in applying and enforcing the Code and the community, which is entitled to land use regulation that is reasonable and clear.

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 amendments will ensure that changes of land use are recognized and reviewed so that adjacent existing developments can enjoy the Code's protections of their use and enjoyment, including buffering standards.

Goal 8: *Create attractive public spaces and enhance the visual appeal of the community through quality development.*

The proposed amendments will help to ensure that changes of land use in the community are reviewed so as to ensure quality development that will enhance the visual appeal of the community.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendments at its May 22, 2012 meeting with the following findings of fact and conclusions:

1. The proposed amendments are 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.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendments have been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

N/A

Previously presented or discussed:

Consideration and First Reading of the proposed Ordinance was held on June 20, 2012.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE, GRAND JUNCTION MUNICIPAL CODE SECTIONS 21.01.030 (APPLICATION), 21.02.070(e) (CHANGE OF USE PERMIT), 21.04.010 (USE TABLE), 21.04.020 (USE CATEGORIES), AND 21.10.020 (TERMS DEFINED – CHANGE IN USE)

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

These amendments to the Zoning and Development Code serve to maintain the effectiveness of the Code and eliminate confusion from potentially conflicting or ambiguous wording in the Code regarding classifying and changing land uses.

The amendments also restore language omitted from the 2010 Code which clearly states the general requirement that a review and approval from the Planning Division is required when a use of land is established or changed within the City.

The amendments will serve to clarify the requirements for all who read and apply the Code, promoting clarity of expectation and consistency in application of the Code's provisions to specific land use situations.

The amendments are consistent with the goals and policies of the Comprehensive Plan and implement the vision, goals and policies of the Comprehensive Plan.

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 amendments, finding that:

1. The proposed amendments are 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 amendments will implement the vision, goals and policies of the Comprehensive Plan and promote the health, safety and welfare of the community, and should be adopted.

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

Section 21.01.030 is amended as follows (additions underlined):

21.01.030 Application.

This code shall apply to all territory, uses and facilities within the City's limits, and to public and private lands, all uses thereon, and all structures and buildings over which the City has jurisdiction under the constitution and laws of the State of Colorado of the United States or pursuant to the City's powers. No person shall begin or change a land use or development in the City without first obtaining a permit or approval from the Director. Uses not allowed or permitted are prohibited (see Use Table, Section 21.04.010).

Section 21.02.070(e) is amended as follows (additions underlined, deletions shown in strikethrough):

(e) Change of Use Permit.

(1) Applicability. No person shall change the use of a structure or property to ~~another principal use~~ unless and until the Director has issued a change of use permit. Other permits (such as a CUP), review (such as a major or minor site plan review) or approvals may also be required when use of a land or structure has changed; this subsection does not limit or supplant other requirements of the Code. A change of use from any use in the "Household living" use category residential to any other use requires, at a minimum, a minor site plan review. For a change of use within the same "principal use" listing in the Use Table, Section 21.04.010 (for example, a change from one General Retail Sales, Indoor Operations use to another General Retail Sales, Indoor Operations use, or a change from a "movie theater" to a "skating rink"), A a change of use does permit is not required occur unless:

- (i) The code requires more off-street parking for the new use than is available on the property;
- (ii) There is any increase in traffic, actual or projected; or
- (iii) The amount of stormwater runoff or impervious area is increased.

Section 21.04.010 is amended as follows (additions underlined, deletions shown in strikethrough):

21.04.010 Use table.

(a) **Use Categories and Principal Uses.** The only uses allowed in any zone or district are those listed or described in the use table below. Uses are permitted subject to the requirements of the rest of the Code. The use categories listed in the first

column are described in GJMC [21.04.020](#). The second column of the use table contains ~~an abbreviated definition of the~~ a listing of principal uses associated with the use category in the first column. Each listing in the “principal use” column of the table may include more than one principle use. (For example, “General Retail Sales, Outdoor Operations, Display or Storage” contains several different retail uses, each of which may, for example, generate more traffic trips per day than another. Their inclusion in one listing means only that they are allowed in the same zone districts, but does not mean that they are treated identically with respect to other Code requirements.) ~~In some cases, use specific standards are referred to in the~~ The last column of the use table contains cross-references to use-specific standards or other Code provisions associated with the principal use(s). ~~These uses are permitted subject to particular requirements listed under each zone or district.~~

(b) **Allowed Uses.** An “A” indicates the listed use is allowed by right within the respective zoning district ~~without the need for a public hearing.~~ If compliance with all City, State and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this code, applicable State and other City regulations and federal requirements supplement the Use Table and control if inconsistent or ambiguous. ~~See the maximum building size indicated for each zone district.~~ No person shall begin any use without a written approval of the Director.

(c) **Conditional Uses.** A “C” indicates the ~~listed~~ use is allowed within the respective zoning district only ~~after review and approval of~~ with a conditional use permit granted in accordance with the limitations, requirements and criteria of Section 21.02.110 and in accordance with the review procedures of GJMC [21.02.080](#). A conditional use is not a use by right; it is one that is prohibited within a given zone district unless a conditional use permit for the specific use has been granted. Conditional uses are subject to all other applicable standards of this code.

(d) **Prohibited Uses.** A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this code.

(e) **Uses Not Mentioned.** No building, use or development permit shall be issued for a use not specifically mentioned or described ~~by category~~ in the use table. If a question or interpretation arises regarding where, how or whether a proposed use fits into the use table, the Director shall decide if a use not specifically mentioned can reasonably be interpreted to fit into a principle use category or a general use category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.

All other parts of Section 21.04.010, including the entire zone/use table, shall remain in full force and effect.

Subsections 21.04.020(a)(2) and (3) are amended as follows (additions underlined, deletions shown in strikethrough):

21.04.020 Use categories.

(a) General.

(2) Principal Use Characteristics. Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics subsection of each use category describes the common characteristics of ~~each~~ the associated principal ~~use~~ uses.

(3) Considerations Used in Categorizing ~~Principal~~ Uses. The following considerations shall be used to determine ~~what category~~ whether and where a use ~~is~~ belongs in the use table and whether the ~~activities are~~ activity is to be considered a principal or accessory use uses:

- (i) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
- (ii) The relative amount of site area or floor space and equipment devoted to the activity;
- (iii) Relative amounts of sales from each activity;
- (iv) The customer type for each activity;
- (v) The relative number of employees in each activity;
- (vi) Hours of operation;
- (vii) Building and site arrangement;
- (viii) Vehicles used with the activity;
- (ix) The relative number of vehicle trips generated by the use;
- (x) Signs;
- (xi) How the use advertises itself; and
- (xii) Whether the activity is likely to be found independent of the other activities on the site.

All other subsections of Section 21.04.020 shall remain in full force and effect.

Section 21.10.020 shall be amended as follows (additions underlined, deletions struck through):

21.10.020 Terms defined

Change in use or change of use means a change from one principal use of a building or land to another principal use of the building or land, ~~when there is no increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use:~~

- ~~(1) The new use has an off-street parking requirement per the City Zoning and Development Code which is greater than parking available and necessary per the code;~~
- ~~(2) The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers' Trip Generation, latest edition, and a building permit is required; or~~
- ~~(3) The amount of stormwater runoff or impervious (to drainage) surface area will be increased with the new use.~~

~~[Note: If there is a change from one principal use of a building or land to another principal use of a building or land, but there is no increase in the size of the existing building or extent of the use of the land and none of the three previous factors apply, a change of use shall not have occurred.]~~

All other definitions in Section 21.10.020 shall remain in full force and effect.

INTRODUCED on first reading the 20th day of June, 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



Date: June 18, 2012
 Author: E. Tice
 Title/ Phone Ext: Auditor, 1598
 Proposed Schedule: First
Reading, 6/20/2012
 2nd Reading
 (if applicable): 7/18/12

Attach 16

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Amendment to the Sales and Use Tax Code Exempting from Sales and Use Tax Wood from Beetle Killed Trees |
| Action Requested/Recommendation: Hold a Public Hearing and Consider final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance |
| Presenter(s) Name & Title: Jodi Romero, Financial Operations Director John Shaver, City Attorney |

Executive Summary:

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales and use tax the sale, storage, and use of wood and timber products made from Colorado trees killed by Spruce Beetles or Mountain Pine Beetles. This proposed ordinance amending the Code has an eight year sunset clause at which time the City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Background, Analysis and Options:

During the 2012 General Assembly, Colorado Legislators enacted House Bill 12-1045 which extended and broadened the State sales tax exemption on timber and wood products made from trees killed by beetles. Specifically, the bill extended the exemption to July 1, 2020 and broadened the type of timber to include both Mountain Pine Beetles and Spruce Beetles. The City of Grand Junction currently does not have an exemption for these products.

Outbreaks of Mountain Pine Beetles and Spruce Beetles have devastating impacts on trees in the Rocky Mountains. More than 6 million trees in Colorado have been affected since the outbreak began in 1996. The beetles attack directly under the bark, killing the tree by preventing the flow of water and nutrients. The wood from the affected trees retains its commercial value and may be used for building materials and wood products. Infested trees left un-harvested in the forests can create fire dangers.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time that adjustments must be made to it

for the betterment of the community, including in certain circumstances conforming the City tax code with that of the State to meet specific demands.

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.

This exemption would promote consistency between the State and City's sales tax ordinances.

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

This exemption also encourages the commercial sale of beetle-killed wood and promotes the economic competitiveness local industry.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The annual loss of sales tax revenue from beetle killed wood and wood products is estimated to be between \$5,000 and \$20,000.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING SALES AND USE TAX EXEMPTIONS FOR THE SALE AND USE OF WOOD FROM TREES HARVESTED IN COLORADO DAMAGED BY BEETLES

RECITALS:

This ordinance creates an exemption from the application of sales and use tax to beetle killed wood products.

The Colorado legislature adopted HB12-1045 which bill expanded the State sales and use tax exemption for timber products made from trees in Colorado killed by *spruce beetles* and for the sale, storage, and use of wood from salvaged trees killed or infested in Colorado by *mountain pine beetles*.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time that adjustments must be made to it for the betterment of the community, including in certain circumstances conforming the City tax code with that of the State to meet specific demands.

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

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

That Section 3.12.070 of the Grand Junction Municipal Code is amended as follows:

3.12.070 Exemptions from sales tax.

The tax levied by GJMC 3.12.030 (a) shall not apply to the following:

(NN) THE SALE, STORAGE AND USE OF WOOD AND TIMBER PRODUCTS MADE FROM COLORADO TREES KILLED BY *SPRUCE BEETLES* OR *MOUNTAIN PINE BEETLES*.

That Section 3.12.080 of the Grand Junction Municipal Code is amended as follows:

3.12.080 Exemptions from use tax

The tax levied by GJMC 3.12.030 (b) shall not apply to the following:

(H) THE SALE, STORAGE AND USE OF WOOD AND TIMBER PRODUCTS MADE FROM COLORADO TREES KILLED BY *SPRUCE BEETLES* OR *MOUNTAIN PINE BEETLES*.

Sunset Clause. Within sixty days of the eighth anniversary of the adoption

of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the eighth anniversary of the effective date hereof.

Introduced on first reading this 6th day of June 2012 and ordered published in pamphlet form.

Passed and adopted on second reading this _____ day of _____ 2012 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk