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**CITY COUNCIL AGENDA
WEDNESDAY, AUGUST 1, 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 – Pastor Rex Townsley, Victory Life Church

[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.]

Presentations/Recognitions

Ron Youngman, Chapter President, American Concrete Pavement Association (ACPA) – Colorado/Wyoming Chapter, to Present an Award of Excellence in Concrete Pavement to the City of Grand Junction for the Downtown Uplift Project

Grand Junction Lion's Club President Jefferson Baker to make a Presentation to Recognize the Two Rivers Convention Center Staff for their Commitment to the Lion's Club Annual Carnival in February

Revised August 1, 2012
*** Indicates Changed Item*
**** Indicates New Item*
® Requires Roll Call Vote

REVISED

Proclamation

Proclamation to Commemorate the "Sesquicentennial of the Historic Morrill Act" in the City of Grand Junction

Ratify Appointments

To the Mesa County Building Code Board of Appeals

Certificates of Appointment

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

To the Historic Preservation Board

To the Riverfront Commission

Council Comments

Citizen Comments

*** CONSENT CALENDAR ***®

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

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

2. **Setting a Hearing on Repealing Title 22 of the Grand Junction Municipal Code Concerning Submittal Standards for Improvements and Development** [Attach 2](#)
[File #ZCA-2012-333]

Staff recommends removal of Title 22, Submittal Standards for Improvements and Development (SSID) Manual from the Zoning and Development Code. The SSID Manual will be retained as a technical procedures manual.

Proposed Ordinance Repealing Title 22, Submittal Standards for Improvements and Development (SSID), of the Grand Junction Municipal Code

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for August 15, 2012

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

3. **Revocable Permit for a Sign to Home Loan State Bank Located on the Corner of 4th Street and Rood Avenue** [File #RVP-2012-314] [Attach 3](#)

Home Loan State Bank is requesting a Revocable Permit to install an unlit monument sign (with the option to light the sign in the future) within the Rood Avenue right-of-way, west of N. 4th Street. The proposed sign is meant to replace the previous monument sign that was located in front of the building on private property.

Resolution No. 31-12—A Resolution Concerning the Issuance of a Revocable Permit to Home Loan State Bank

®Action: Adopt Resolution No. 31-12

Staff presentation: Senta Costello, Senior Planner

4. **CDBG Subrecipient Contract with the Business Incubator Center for Previously Allocated Funds within the 2011 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2011-03] [Attach 4](#)

The Subrecipient Contract formalizes the City's award of \$50,000 to the Business Incubator Center allocated from the City's 2011 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Business Incubator Center for the City's 2011 Program Year Funds

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

5. **Restoration of 1.5% of Wages and the Expenditure of Budgeted Funds for Employee Compensation** [Attach 5](#)

Approval of this resolution represents the formal authorization to restore employee wages to 2009 levels. If approved the resolution will be effective July 22, 2012. The funds are included in the original 2012 Adopted Budget and actual revenues are exceeding budgeted expectations.

Resolution No. 32-12—A Resolution Ratifying and Directing the Expenditure of Money Budgeted for the Compensation of Employees of the City of Grand Junction and Authorizing Action in Accordance Therewith

®Action: *Adopt Resolution No. 32-12*

Staff presentation: Rich Englehart, City Manager

*** 6. **City's Tax Increment Financing (TIF) Allocation to Downtown Development Authority and Certification of TIF Allocations to County Assessor** [Attach 11](#)

The proposed Resolution confirms that the City of Grand Junction has committed 100% of both the ad valorem real property tax increment and the district sales tax increment to the DDA special revenue, and directs the City Manager to certify to the County Assessor the property tax distribution percentages of all taxing authorities contributing to the DDA special fund.

Resolution No. 34-12—A Resolution for Allocation of Certain Property Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor

®Action: *Adopt Resolution No. 34-12*

Staff presentation: Harry Weiss, Downtown Development Authority Director
John Shaver, City Attorney

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

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

7. **Outdoor Dining Lease for Mesa Theater & Lounge, LLC, Located at 538 Main Street** [Attach 6](#)

Mesa Theater & Lounge, LLC, located at 538 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be at grade on the sidewalk.

Resolution No. 33-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater & Lounge, LLC

®Action: Adopt Resolution No. 33-12

Staff presentation: Harry M. Weiss, DDA Executive Director

8. **Purchase of Dump Trucks – 4X2 5 Yard Single Axle and 4X2 10 Yard Tandem Axle** [Attach 7](#)

This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck.

Action: Authorize the City Purchasing Division to Purchase a Single Axle 5 Yard Diesel Dump Truck and a Tandem Axle 10 Yard Diesel Dump Truck from Transwest Trucks in the Amount of \$241,508.00

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director
Jay Valentine, Financial Operations Manager

9. **Public Hearing—Amending the Future Land Use Map of the Comprehensive Plan for Property Located at 2259 River Road** [File #CPA-2012-210] [Attach 8](#)

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.

Ordinance No. 4542—An Ordinance Amending the Future Land Use Map of the Grand Junction Comprehensive Plan, Located at 2259 River Road

®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

10. **Public Hearing—Amending 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 9](#)

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Downtown Mixed Use to Commercial. The proposal affects eleven properties between 12th Street and 14th Street, south of Ute Avenue.

Ordinance No. 4548—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4548

Staff presentation: Senta Costello, Senior Planner

11. **Public Hearing—Rezoning Property Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street** [File #RZN-2012-332] [Attach 10](#)

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.

Ordinance No. 4549—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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4549

Staff presentation: Senta Costello, Senior Planner

12. **Non-Scheduled Citizens & Visitors**
13. **Other Business**
14. **Adjournment**

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

July 18, 2012

The City Council of the City of Grand Junction convened into regular session on the 18th day of July, 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, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Kenyon led the Pledge of Allegiance, followed by an Invocation by Visitation Minister Hunt Zumwalt, Church of Christ of Grand Junction.

Presentation

June Yard of the Month

Tom Ziola, Forestry Supervisor, introduced Teddy Hildebrandt, member of the Grand Junction Forestry Board, who presented the award for June Yard of the Month to Cleo Cochran, 1105 Grand Avenue. Ms. Cochran said her yard was a labor of love and thanked the City for the recognition.

Proclamation

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

Janet "Pickles" Timony was present to receive the proclamation. She thanked the City Council for the Proclamation and said that it is an honor and she accepts it on behalf of Clowns of America International and herself, Pickles the Clown. She then thanked her friends and family for being there. She stated that President Nixon declared and wrote the first Proclamation in 1971 to recognize all the clowns for all their effort in community service. She advised that there will be classes starting in August and it will be a seven week course.

Certificates of Appointment

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

Les Miller and Jason Farrington were present to receive their certificates of appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

To the Parks and Recreation Advisory Board

Kristy Emerson and Marc Litzen were present to receive their certificates of appointment to the Parks and Recreation Advisory Board.

Appointments

To the Riverfront Commission

Councilmember Boeschstein moved to reappoint Stacy Kolegas Beaugh and Brian Meinhart for three year terms expiring July 2015, appoint Jason Bailey for a three year term expiring July 2015, appoint Cliff Sprinkle for a partial term expiring July 2014, and appoint Claudette Konola for a partial term expiring July 2013, all to the Riverfront Commission. Councilmember Doody seconded the motion. Motion carried.

To the Historic Preservation Board

Councilmember Doody moved to appoint Joseph Hatfield for a one year term expiring December 2013 and ratify the Downtown Development Authority's appointment for Jodi Coleman-Niernberg to be the DDA representative to the Historic Preservation Board. Councilmember Coons seconded the motion. Motion carried.

Council Comments

Councilmember Boeschstein said he attended the Riverfront Commission meeting the previous evening and there are a lot of things going on including the trail from Grand Junction to Fruita. Also the Tamarisk Coalition is doing a huge amount of work at the Las Colonias site. They are planting new species as well as removing tamarisk.

Citizen Comments

Eric Rechel, 2890 Seely Road, asked how the eviction of homeless is going. He said the homeless are our sisters and brothers but they are treated like third class citizens. He objected to the clean-up of the camps along the river.

CONSENT CALENDAR

Councilmember Coons noted there have been some changes to the Consent Calendar. She read the Consent Calendar and then moved to adopt the Consent Calendar items #1-8 with items #6 and #8 being moved to individual consideration. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

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]

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

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]

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

4. **Grant Acceptance and Purchase of Cardiac Monitor**

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

5. **Grant Acceptance and Re-chassis of a Type III Ambulance**

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

6. **Amending Resolution No. 44-89 Concerning Membership on the Grand Junction Commission on Arts and Culture – MOVED TO INDIVIDUAL CONSIDERATION**

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.

7. **Easement Agreement with the State of Colorado Allowing Public Access to the Purdy Mesa and Juniata Reservoirs**

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

8. **First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC - MOVED TO INDIVIDUAL CONSIDERATION**

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.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for Purchase and Installation of Fire Station Alerting System

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.

Ken Watkins, Fire Chief, presented this item. He explained the different components of alerting the firefighters for an emergency notification. The current system is not functioning properly and they are unable to find parts for repairs. There is difficulty communicating with Dispatch. The request is for the new system in Fire Station #1 currently with the remodeling being completed and the second piece will be for Fire Station #2 when that gets remodeled later this year. The new system includes both audible and visual alerts. The Communication Center board has voted and approved the purchase. As other agencies want to come onto to the system, they will purchase the components for their stations.

Jay Valentine, Financial Operations Manager, stated this had been budgeted in the past but when budgeted in 2010, there was not a suitable solution available. It was then going to be budgeted again in 2013 when the Fire Station #1 remodel was to take place. However, that remodel was moved up to 2012 and the station is ready for occupancy so the alerting system needs to be purchased. There will be an amendment to the 2012 budget for the purchase.

Councilmember Kenyon noted the benefits to the community for more efficient and dependable alerting for emergency services. It is important that this same system be utilized throughout the County.

Chief Watkins agreed that having the same system county-wide would be beneficial. The automated voice and the modular construction of the system are also benefits.

Councilmember Kenyon moved to authorize the City Purchasing Division to negotiate a contract with Low Voltage Installations, Inc., Golden, CO in an initial amount of approximately \$287,995. Councilmember Susuras seconded the motion. Motion carried.

Contract for the 24 Road Sewer Interceptor Replacement Project

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.

Tim Moore, Public Works and Planning Director, presented this item. He explained the location of the project. The existing line is plastic but it is undersized, so the plan is to increase the capacity and align the wastewater system in that area with the growth and possible density as anticipated in the Comprehensive Plan.

Jay Valentine, Financial Operations Manager, explained that a portion of the cost is unfunded, therefore a supplemental appropriation will come before the City Council. The additional \$117,000 will come from the fund balance for the sewer fund.

Councilmember Kenyon asked how large the area is for the additional capacity. Mr. Moore provided the history of the last sewer extension in that area. There is about a half mile area along 24 Road that is the additional basin that this will help serve.

Councilmember Boeschstein asked if the expansion will take some residences off septic systems. Mr. Moore said if there are septic systems being used, then that will be pursued.

Councilmember Boeschstein asked if the cost of the project includes reconnecting the existing lines into the new line. Mr. Moore said that is the case.

Councilmember Susuras moved to 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. Councilmember Coons seconded the motion. Motion carried.

Public Hearing—Amending the Sales and Use Tax Code Exempting from Sales and Use Tax Wood from Beetle Killed Trees

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.

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

Jodi Romero, Financial Operations Director, presented this item. She noted that Doug Jones of Doug Jones Sawmill was present, is the local industry expert, and can answer questions from the City Council after the presentation. Ms. Romero explained that the State put the exemption in place in 2008 and the recent legislative session extended that exemption until July 1, 2020. She explained that this amendment will use tax policy to work with industry partners and will positively impact the local economy.

Doug Jones of Doug Jones Sawmill was then asked to come to the podium.

Councilmember Coons asked how much beetle killed wood is coming into the area. Mr. Jones said, at the present time, they are bringing in approximately 150 loads of beetle killed wood per year.

Councilmember Kenyon noted that beetles have devastated the forests in Colorado leaving a lot of dead wood standing. He asked if this amendment will help stimulate the use of this beetle killed wood. Mr. Jones said the sales tax exemption will be an incentive for the consumer to use the beetle killed wood.

Councilmember Doody said he and Representative Ray Rose were flown over to Buckley Air Force Base a few years ago and from there were in some Black Hawk helicopters and flew over the beetle killed area. It was devastating to see how much timber was lost. It was estimated the beetle kill may take as much as 85% to 90% of the forests in Colorado.

Councilmember Boeschstein said he and his wife were just up in Rocky Mountain National Park and there are many acres of killed trees that could be subject to fires. He asked Ms. Romero what the cost impact of the tax exemption will be. Ms. Romero said that the State has estimated that it is around 1% of the sales tax revenue, so for the City, that could range from about \$5,000 to \$20,000.

Councilmember Coons noted that a lot of beetle killed wood has been burned which impacts the air quality so the use of the wood for building will benefit air quality.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

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

Councilmember Susuras moved to adopt Ordinance No. 4546 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried with roll call vote.

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]

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.

The public hearing was opened at 7:48 p.m.

Tim Moore, Public Works and Planning Director, introduced this item and two of the remaining planning items as part of the process they have undertaken to bring the zoning and the Comprehensive Plan into alignment. He then referred to Lori Bowers, Senior Planner.

Lori V. Bowers, Senior Planner, presented this item. She described the sites, the locations, and the request which is City initiated. She asked that her Staff Report and attachments be entered into the record. Ms. Bowers reviewed the history of the area. 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. The property owners were notified by mail and an open house was held. 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. Two of those three citizens sent an email stating that they adamantly opposed and did not want their property rezoned. Ms. Bowers explained how the tax assessment was determined on use and not on the zoning.

The proposal meets Goals 1 and 3 of the Comprehensive Plan. The request will bring the zoning into conformance with the Future Land Use designation. The requested zone is consistent with the goals and policies of the Comprehensive Plan and it meets the criteria of the Grand Junction Municipal Code. 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.

Councilmember Coons asked about the individual's objections regarding downzones. Ms. Bowers said one individual had a pending sale that might not happen with a downzone.

Michael Alvarez, 514 32 Road, said he owns two rentals in the subject area. He had one property pending a sale and the buyer may walk away without the current zoning. Another interested buyer wanted to install a billboard. That will not be allowed under the new zoning. He said more people are objecting than those that are in favor.

Marie Ramstetter, 929 Main Street, owns the southeast three lots and has a letter from the owner of the property on the west side who couldn't be here. She noted that the City says there very few changes. She disagrees; it precludes them from doing several things. No animal care facility would be allowed. She has an animal rescue operation and the rezone would preclude veterinary care on her property. A flea market would not be allowed. There would be only a very limited automotive uses allowed, there is a lot more leeway in the C-2 zone district. No manufacturing or processing is allowed in the proposed zone. She said over 50% property owners are totally against the rezone. She said it doesn't seem to make a big difference to the City. She felt it would be an encroachment on her rights.

There were no other public comments.

Council President Pitts said it appears there has been quite a bit of controversy on this item. He asked about the Planning Commission's recommendation. Ms. Bowers said they did not forward a recommendation of approval. This is just over 6 acres. In C-2, the minimum lot size is 20,000 square feet. Lots would have to be combined for any development to occur. She suggested everything be left as is but there should be a plan in place to make the change if development were to occur. She added that the proposed zone would allow automotive fuels, just not heavy fuels.

Council President Pitts asked if a supermajority would be required to override the Planning Commission's recommendation. City Attorney Shaver said that if there had been denial, which that is not quite clear, then a supermajority would be required.

Councilmember Boeschstein said there are more uses allowed in C-1 than in C-2. He listed many examples. He said it makes sense to go forward with the rezone as it emphasizes the Village Center idea and allows more uses. Making the change now would speed up any redevelopment in the future.

Councilmember Doody asked if the rezone would affect current uses. City Attorney Shaver said it will not affect the current uses but will affect any new uses.

Councilmember Susuras said he will listen to the majority of the property owners and not support the rezone.

Councilmember Coons noted the small size of the area. Planning Commission has some concerns even though any additional development under C-2 would require some consolidation of parcels. She said it may be wise to wait for a plan to come forward and see if it is even possible to develop C-2 uses. She would like to wait and see what happens.

Councilmember Kenyon noted this is a very small area and insignificant in the overall Comprehensive Plan. The City Council has made effort not to force any changes on the property owners. Several owners are not convinced this is good for them so he sees no reason to force a zoning change in respect to the owners and their concerns. He noted that Councilmember Boeschstein is right and the owners may be back for a change.

Councilmember Luke requested clarification in the motion and the voting. City Attorney Shaver recommended a motion in the affirmative so a no vote would be to deny the rezone.

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

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

Councilmember Susuras moved to adopt Ordinance No. 4542 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion failed by roll call vote with Councilmembers Luke, Susuras, Coons, Doody, Kenyon, and President of the Council Pitts voting NO (Councilmember Boeschstein voted yes).

Public Hearing— 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.

The public hearing was opened at 8:18 p.m.

Tim Moore, Public Works and Planning Director, introduced this item noting it is a citizen initiated request. He then referred the matter to Senior Planner Scott Peterson.

Referring back to the previous item, Councilmember Susuras asked if the Council will now see a Comprehensive Plan Amendment on the previous properties. Mr. Moore said based on the dialogue that would probably not be the case. The two (Zoning and Development Code and Comprehensive Plan) don't have to be in sync.

Scott D. Peterson, Senior Planner, presented this next item. He described the site, the location, and the request. He presented the original Outline Development Plan and indicated where the amendments will be. The applicant would 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 that, the applicant has asked for change in the bulk standards such as setbacks and lot size. However, the lot sizes and setbacks will still be bigger than in straight R-8 zone districts. The Preliminary Plan was amended previously and did not address how many detached versus attached units were allowed. The popularity of the attached units has decreased in the current market and detached units are more popular. The amendment will also include an extension until 2018 for the Preliminary Plan to be in effect. The amendment will reduce the side yard setbacks to five feet which leaves ten feet between structures. The applicant did solicit input from the residents and held a neighborhood meeting. Five owners supported the change, five were opposed, and one had no opinion. One owner did not provide feedback. Two letters of opposition were received, one from outside of the subdivision and one from with the subdivision in another filing.

Mr. Peterson said the amendment is consistent with goals and policies of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code have been met. The Planning Commission recommended approval of the requested Planned Development Amendment at their June 12, 2012 meeting. The proposed amendment also meets Goal 5 of the Comprehensive Plan.

Councilmember Coons asked if the underlying zoning is R-8 or R-4. Mr. Peterson said it would be R-8, some language in the Plan needs to be adjusted but the future development would reflect R-8.

Councilmember Luke asked, with regard to Filing 6, how might that affect their funding, and is the bank interested in funding Filings 6, 7, and 8 or only Filing 6. Mr. Peterson said a loan would be required for two units under the current scenario but if they change to detached units then funding could be acquired for a single unit.

Councilmember Luke asked if there are covenants. Mr. Peterson said there are and any construction would have to be approved by the Architectural Review Committee.

Councilmember Boeschstein asked if all lots will have to sign avigation easements. Mr. Peterson said they would as it is close to the airport. Councilmember Boeschstein asked if a floodplain has been identified for the large drainage that runs through the property. Mr. Peterson said that he believes so. The Plan was originally approved in 2009 so that would have been reviewed then.

Kevin Bray, Bray Real Estate, 1015 N. 7th Street, representing the applicant, provided some history. He said the development activity has slowed down and there is more activity on single family detached units. He noted that the last attached lot they sold was in 2008. Financing is easier to obtain for one house. Building two units can affect a

builder's risk tolerance. The request is not so much a shift from the market, but more of an improvement.

Mr. Bray then addressed the floodplain issue and stated that there was a study, he believes, in 2003 or even more recent. It does affect Filings 6 and 7, but it does not affect any of the existing filings.

Councilmember Kenyon said there haven't been very many developers coming forward recently and for developers to see a way to stimulate some building when they haven't sold that particular type of housing since 2008, he would like to encourage plan amendments such as these. The improvements of the lot size are still well within the City's guidelines.

Councilmember Susuras said there is little demand for attached units and little financing available. This request meets Goal 5 of the Comprehensive Plan and the request is consistent with Grand Junction Zoning and Development Code.

Councilmember Coons said she agreed with Councilmember Kenyon's comments and supported the developer taking a fresh look at the options. She felt at least one of those opposed misunderstood the impact.

There were no public comments.

The public hearing was closed at 8:41 p.m.

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

Councilmember Kenyon moved to adopt Ordinance No. 4543 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Council President Pitts called a recess at 8:42 p.m.

The meeting reconvened at 8:49 p.m.

Public Hearing—Rezoning 9.629 Acres Located at 714 and 720 24 ½ Road [File #RZN-2012-70]

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.

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

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request, which is a request from the City. The City adopted the Comprehensive Plan in 2010 and that resulted in this property not being in conformance with the Future Land Use Designation. The property is the site of the Caprock Academy. The property owners were notified of the proposed rezone and an open house was held on March 7, 2012 and no comment sheets were received regarding the proposal. No objections were expressed by adjacent property owners. Rezoning the properties was determined the best action to bring the property into conformance with the Comprehensive Plan. Mr. Peterson described the surrounding zoning. The request will bring the zoning into conformance with the Zoning and Development Code and the Future Land Use designation. The Planning Commission recommended approval at their April 20, 2012 meeting. The requested rezone meets Goal 3 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code have been met.

Councilmember Boeschstein asked if the rezone will bring the use into conformity. Mr. Peterson responded affirmatively.

Councilmember Susuras asked if the R-5 would allow Caprock Academy to expand without any restrictions. Mr. Peterson said that is correct. Councilmember Susuras asked when that property was annexed. Mr. Peterson said it was an enclave annexation in 2000. Councilmember Susuras asked what the County zoning was then. Mr. Peterson advised that it was probably R-R. Councilmember Susuras asked what other public schools are zoned. Mr. Peterson said that it depends on the residential neighborhoods, so they would be zoned whatever the Comprehensive Plan indicates for that area.

Councilmember Coons asked if high schools were allowed in all residential areas. Mr. Peterson said secondary schools are allowed in all residential zone districts.

There were no public comments.

The public hearing was closed at 8:57 p.m.

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

Councilmember Coons moved to adopt Ordinance No. 4544 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

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]

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

The public hearing was opened at 8:58 p.m.

Senta Costello, Senior Planner, presented this item. She described the sites, the location, and the request. With the 29 Road overpass, the intersection at this location no longer exists which is part of the reason for the Comprehensive Plan amendment. The zoning on this property is I-1. She described the surrounding zoning and uses as well as other uses in the vicinity. The three property owners met with the Planner and were concerned about any change in zoning because of their current uses. She assured them their current uses would be allowed. They wanted to know why there needed to be change. Most of the uses are destination businesses. Because of the restricted access and the type of businesses, the property owners requested that they be allowed to keep the I-1 zoning and the Comprehensive Plan be changed. The Planning Department agreed after further investigation. A C-2 zone district would be allowed in the future. The property owners are in agreement with the current proposal.

There were no public comments.

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

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

Councilmember Luke moved to adopt Ordinance No. 4545 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

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]

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.

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

Greg Moberg, Planning Services Supervisor, presented this item. He described the proposed changes and the history of why such amendments are coming forward. These two amendments are remedying some confusion in the 2010 Zoning and Development Code. The first amendment changes a Code section at the request of Code Enforcement Division, it helps to clarify the presence of a violation. The second amendment clarifies some confusing wording on classifying land uses and change of use. The amendments do not alter the development standards. The Planning Commission voted to recommend approval of the proposed amendments at its May 22, 2012 meeting.

There were no public comments.

The public hearing was closed at 9:11 p.m.

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)

Councilmember Coons moved to adopt Ordinance No. 4546 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

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

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.

City Attorney Shaver presented this item. This was a request from the Commission on Arts and Culture to amend the requirements for membership. Staff did not see any reason for not bringing it forward.

Councilmember Susuras asked if there is any history of the reasoning behind the original provision. City Attorney Shaver said he did not know the specific reason but read from the resolution that a statement from member Dave Davis thought it best to avoid any possibility of a conflict of interest. City Attorney Shaver added that if any conflict or perceived conflict of interest arises under the new requirements that will be addressed at the time.

Councilmember Susuras asked City Clerk Tuin the number of applications she has received for the Commission on Arts and Culture. Ms. Tuin advised that they have advertised three times and have not been able to fill all the seats on the board due to the lack of applicants.

Councilmember Coons said she is aware that there have been conflicts with applicants being eligible. By having a restriction in place that a member or perspective member of the Commission on Arts and Culture cannot serve on other various arts boards limits the applicants that can serve on this board. It eliminates much of the arts community as the other requirement for service on the board is the majority must be professional artists. Many times there are conflicts with others on other boards and as long as those conflicts are divulged and dealt with it shouldn't be problem.

Councilmember Susuras was worried that newcomers would not be able to break into this crowd but they evidently have not been applying so he didn't have a problem supporting the change.

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

Councilmember Boeschstein moved to adopt Resolution No. 28-12. Councilmember Luke seconded the motion. Motion carried by roll call vote.

First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC

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.

City Manager Englehart presented this item. He presented some history of the existing lease. Jamie Hamilton, Chairman of the JUCO Board, had been engaged in conversation with a number of minor baseball leagues to try to get a league in Grand Junction and was successful in bringing in the Rockies. The original lease agreement was originated in November of 2011. Among other things, the Rockies were inadvertently obligated to pay the City \$25,000 annually for fifteen years. This amendment corrects the actual contract language as the intent was to pay the payment to Grand Junction Baseball, Inc. Minor league baseball has a history of moving from location to location, so it is in the City's best interest to have a letter of agreement from JUCO (an organization that has been here over 50 years) to commit to pay \$300,000 to the City over the next twenty five years to defray the cost of the renovation of the Stadium.

Councilmember Kenyon asked if the City Manager at the time changed the original intent. He recalled the former City Manager promising the payment without it being in writing. He felt a mistake was made. It also adversely affects the City to receive the money as that affects the bond funding. He supported the amendment.

City Manager Englehart said that part of the Certificates of Participation (COP) is the tax exempt status that restricts the amount of revenue that can be received. City Attorney

Shaver concurred. City Manager Englehart said the \$25,000 was originally to be a consulting fee with Grand Junction Baseball, Inc.

Councilmember Susuras asked if collecting that payment would be a violation of the COP tax exempt status. City Manager Englehart said it has the potential to place the City in violation.

City Attorney Shaver added that there is a limit to the private use of the facility. The City is receiving a "per game fee" and a percentage of the concessions. With this money, the calculation is less likely to violate the IRS provisions and the belief is that the threshold will not be reached. When adding in the \$25,000, there is a concern.

Councilmember Luke thanked Jamie Hamilton for sticking with the City through the process and she recognized JUCO's contribution. She is grateful for the agreement they put forward. This change is a better way to go, not jeopardizing the tax status and helping Grand Junction Baseball, Inc.

City Attorney Shaver said neither he nor City Manager Englehart were involved in the negotiations. Those were conducted by former City Manager Kadrach. Additionally, the attorney for the Rockies has some non substantive changes and he asked that the City Manager be authorized to sign the agreement as slightly amended.

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" Councilmember Susuras moved to adopt Resolution No. 30-12 and authorize the City Manager to sign the amendment with the minor changes proposed by the City Attorney. Councilmember Kenyon 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 9:31 p.m.

Stephanie Tuin, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

Attach 2

Date: July 13, 2012

Author: Senta Costello

Title/ Phone Ext: Senior Planner /

Ext. 1442

Proposed Schedule:

1st Reading: August 1, 2012

2nd Reading: August 15, 2012

File Number: ZCA-2012-333

Subject: Repeal of Title 22 of the Grand Junction Municipal Code Concerning Submittal Standards for Improvements and Development

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for August 15, 2012

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

Executive Summary:

Staff recommends removal of Title 22, Submittal Standards for Improvements and Development (SSID) Manual from the Zoning and Development Code. The SSID Manual will be retained as a technical procedures manual.

(<http://www.codepublishing.com/co/grandjunction/?html2/GrandJunction22/GrandJunction22.html>)

Background, Analysis and Options:

SSID is intended to describe the type and form of information and documentation that is required for various types of development applications in order for the various review agencies to complete their review of the applications. SSID provides these requirements in a "user-friendly" format, so that applicants can readily determine what documentation and information to submit with their application.

City staff developed submittal checklists, the precursor to the SSID manual, in 1992 in an attempt to avoid confusion and misunderstanding about which drawings, reports, or other information were necessary for proper review of applications. Those checklists identified items to be submitted as part of various applications by name only. City staff then developed SSID in order to clarify not only what items should be submitted for review, but to also establish standards for those items. SSID was developed with input from developers, home builders, realtors, architects, landscape architects, materials testing companies, surveyors, engineers, utility companies, special districts, and County representatives. The adoption and use of the SSID manual has greatly enhanced the development review process, removing ambiguities, encouraging consistent and quality submittals and reducing review time.

SSID was adopted as part of the Zoning and Development Code on June 2, 1993 by Ordinance No. 2679. Staff has found, however, that with the advent of electronic review processes and changing software technology there is a need for the submittal standards to be more flexible. Therefore Staff requests and recommends that the SSID manual be

removed from the Zoning and Development Code. While the Zoning and Development Code provides substantive and legally binding standards for development and land use, the SSID manual is intended to be an operational manual to aid the development community and the various review agencies by ensuring relatively well-defined and consistent application components. To remain an effective tool for the development community and the various review agencies, SSID must be a more flexible document, subject to frequent review and revision in a relatively simple manner, as subtle changes in submittal standards are introduced.

The proposed repeal of the SSID sections of the Zoning and Development Code will not eliminate SSID as an operational tool, but will mean that SSID will no longer have the force of law.

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

The proposed amendment is 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 6A: In making land use and development decisions, the City and County will balance the needs of the community.

The above goal and policy are furthered by the repeal of SSID, making SSID a flexible, operational document rather than a substantive part of the Zoning and Development Code. This will promote consistent review of development applications while maintaining flexibility as software and other technology changes (Goal 1). By making SSID a more flexible document, City staff can be more responsive to the needs of the development community and the review agencies (Policy 6A).

Board or Committee Recommendation:

The SSID Manual is a technical manual. The Planning Commission did not forward a recommendation.

Financial Impact/Budget:

N/A

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law. Legal staff advises that by repealing SSID, the provisions of the SSID manual will not have the force of law. The SSID manual can still be used as an operational tool, however, to encourage consistent submittals.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Email of Support from land use/development consultant
Proposed Ordinance

7/24/2012 3:23:13 PM

Senta,

I was heading out of town in early July when you sent the Draft SSID document. I applaud you/Staff for cleaning up this document as over the last many years it has become close to useless as a 'reference' due to the streamlining of submittal processes (a good thing) and the totally messed up cross-referencing of SSID page numbers (a bad thing).

As I understand it the SSID manual resides within City Code. I assume much of the reason it is now so messed up is that all 'house cleaning' type changes must go to Council ... and they understandably have much bigger items to deal with. This document should not reside within the City Code as current and future changes should be handled Administratively. We know that technology alone is changing the way staff, review agencies, and consultants do business, and the SSID manual needs to be able to adapt at the same pace. I would suggest that an 'appeal-like' process be in place so that if at some point the development community had good reason to add or omit something substantial to SSIDs, and staff was uncomfortable in doing so, that component could be taken to Council. I do not have a good example of what might trigger this, but you never know.

Thanks for the forum to provide input.
Ted Ciavonne, RLA

Ciavonne Roberts & Associates
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222 N. 7th
Grand Junction, CO 81501
Ph (970) 241-0745
Fx (970) 241-0765
ted@ciavonne.com

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REPEALING TITLE 22, SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENT (SSID), OF THE GRAND JUNCTION MUNICIPAL CODE

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.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment repealing the SSID manual will implement the vision, goals and policies of the Comprehensive Plan and should be adopted, and will still allow the SSID manual to be used as an operational tool to encourage consistent development applications and consistent review of development applications.

The intent of this amendment is not to eliminate SSID, but to render it an operational manual, rather than a substantive part of the Zoning and Development Code.

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

Title 22, Submittal Standards for Improvements and Development (SSID), of the Grand Junction Municipal Code is hereby repealed in its entirety.

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



Date: June 25, 2012
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner,
x1442
 Proposed Schedule: _____
August 1, 2012
 File # RVP-2012-314

CITY COUNCIL AGENDA ITEM

Attach 3

Subject: Revocable Permit for a Sign to Home Loan State Bank Located on the Corner of 4 th Street and Rood Avenue
Action Requested/Recommendation: Adopt Resolution Granting a Revocable Permit to Home Loan State Bank for a Monument Sign in the Rood Avenue Right-of-way, West of North 4 th Street for the Building Located at 205 North 4 th Street
Presenters Name & Title: Senta Costello, Senior Planner

Executive Summary:

Home Loan State Bank is requesting a Revocable Permit to install an unlit monument sign (with the option to light the sign in the future) within the Rood Avenue right-of-way, west of N. 4th Street. The proposed sign is meant to replace the previous monument sign that was located in front of the building on private property.

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

The request implements the following Goals & Policies of the Comprehensive Plan:

- 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.
- Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.
- Policy B:** The City and County will provide appropriate commercial and industrial development opportunities.

Granting the Revocable Permit allows the applicant the opportunity to easily direct existing and potential pedestrian customers of the bank and other tenants of their building.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

Revocable permits are needed to ensure that any appropriate private development on public land is safely conducted in a manner that does not pose potential burdens on the

public and documents to the public, applicant and future owners that the City may remove the private improvements, if necessary.

The applicant's property is located within the original square mile of the City of Grand Junction. The current building was constructed in 2002 which included a directional sign outside the building near the entrance. The islands and planters were constructed in the mid 2000's in order to create and protect angled on-street parking along the north side of Rood Avenue. In approximately 2008, the main entrance to the building was remodeled to add a revolving door. The new entrance conflicted with the location of the directional sign and a location on the property could not be found that did not create an issue with pedestrian circulation.

The proposed location within the planter allows the public to easily and conveniently determine what businesses are located within the building, does not interfere with pedestrian circulation and does not create a site distance problem. The applicant does not plan to light the sign at this time; however, electrical is available in the planter and they may want to have it lit in the future.

Examples of previous Revocable Permits granted by City Council are geo-thermal wells within the east-west alley north of the Federal Building, installation of a walk-in cooler and storage shed for the adjacent restaurant, sign for office building at 24 ½ Road and Patterson Road.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Future Land Use Map / Zoning Map
4. Resolution
5. Revocable Permit
6. Agreement.

1.

BACKGROUND INFORMATION			
Location:		Rood Avenue right-of-way, west of N. 4 th Street	
Applicant:		Owner: Home Loan State Bank – Jamie Hamilton Applicant: Home Loan State Bank – Craig Springer Representative: Sun King – Jake Barboza	
Existing Land Use:		Planter	
Proposed Land Use:		Planter/monument sign	
Surrounding Land Use:	North	Bank/Post Office	
	South	Offices	
	East	Federal Building	
	West	Parking lot	
Existing Zoning:		B-2 (Downtown Business)	
Proposed Zoning:		B-2 (Downtown Business)	
Surrounding Zoning:	North	B-2 (Downtown Business)	
	South	B-2 (Downtown Business)	
	East	B-2 (Downtown Business)	
	West	B-2 (Downtown Business)	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		X	Yes
			No

2. **Section 21.02.180 of the Grand Junction Municipal Code:**

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

Granting the Revocable Permit allows the applicant the opportunity to easily direct existing and potential pedestrian customers of the bank and other tenants of their building.

- b. There is a community need for the private development use proposed for the City property.

Granting the Revocable Permit allows the applicant the opportunity to easily direct existing and potential pedestrian customers of the bank and other tenants of their building.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The area proposed for the sign currently has a raised brick planter. The sign is proposed to be located in a small section on the western end of the planter.

The sign does not eliminate any landscaping within the planter or create a site distance problem for pedestrian or vehicular traffic.

- d. The proposed use shall be compatible with the adjacent land uses.

The area proposed for the sign currently has a raised brick planter. The sign is proposed to be located in a small section on the western end of the planter.

The sign does not eliminate any landscaping within the planter or create a site distance problem for pedestrian or vehicular traffic.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

The area proposed for the sign currently has a raised brick planter. The sign is proposed to be located in a small section on the western end of the planter.

The sign does not eliminate any landscaping within the planter or create a site distance problem for pedestrian or vehicular traffic.

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The proposal conforms to all standards, codes and regulations. See previous section regarding Comprehensive Plan compliance.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

The application complies with all submittal requirements.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Home Loan State Bank application, RVP-2012-314 for the issuance of a revocable permit for a monument sign, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 21.02.180 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the requested revocable permit for Home Loan State Bank, RVP-2012-314.

Attachments:

Site Location Map / Aerial Map
Comprehensive Plan Map / Existing Zoning Map
Resolution
Revocable Permit
Agreement

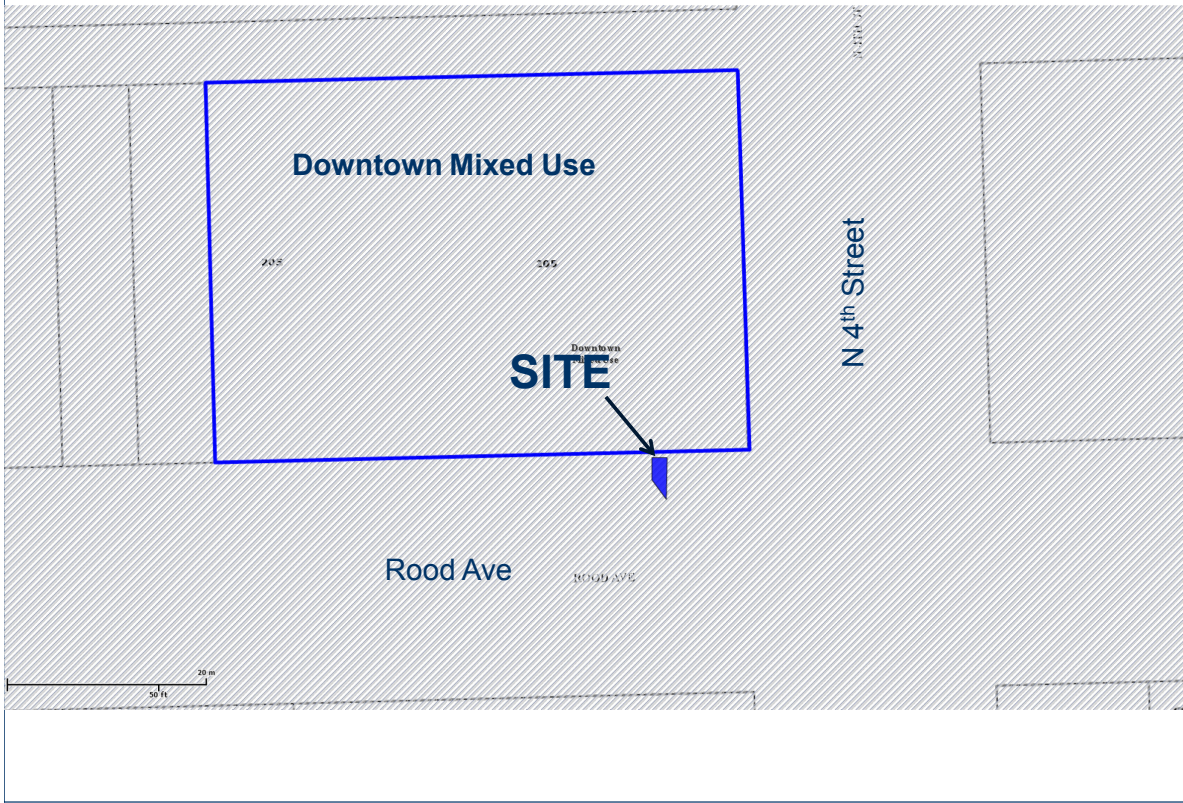
Site Location Map



Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



RESOLUTION NO. __-12

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
HOME LOAN STATE BANK**

Recitals.

A. Home Loan State Bank, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 17 to 23 INC Blk 97 Grand Junction and identified by Mesa County Tax Schedule Number 2945-143-10-007.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a monument sign within the following described public right-of-way:

A parcel of land situated in the southwest quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at the City of Grand Junction monument for the southeast corner of Block 97 of the First Division, Resurvey, Town of Grand Junction, being at the intersection of range lines offset 20 feet southerly and 20 feet easterly of the actual block corner whence a similar range line monument referencing the southwest corner of Block 97 bears South 89°59'54" West, a distance of 481.94 feet with all bearings herein relative thereto;

Thence along said range line South 89°59'54" West, a distance of 42.81 feet to the Point of Beginning; Thence departing said range line North 46°52'11" West, a distance of 2.88 feet;

Thence 4.91 feet along the arc of a curve to the right, having a radius of 6.00 feet, a central angle of 46°52'00", and a chord bearing North 23°26'10" West a distance of 4.77 feet;

Thence North 00°00'10" West, a distance of 6.50 feet;

Thence North 89°59'50" East, a distance of 4.00 feet;

Thence South 00°00'10" East, a distance of 12.85 feet to the Point of Beginning.

Containing 43 square feet, more or less. Also see attached Site Sketch.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2012-314 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

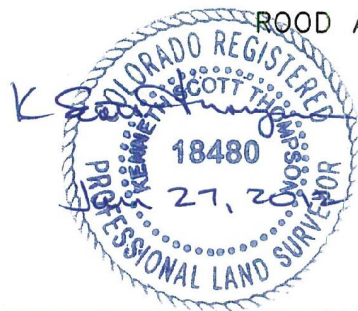
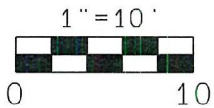
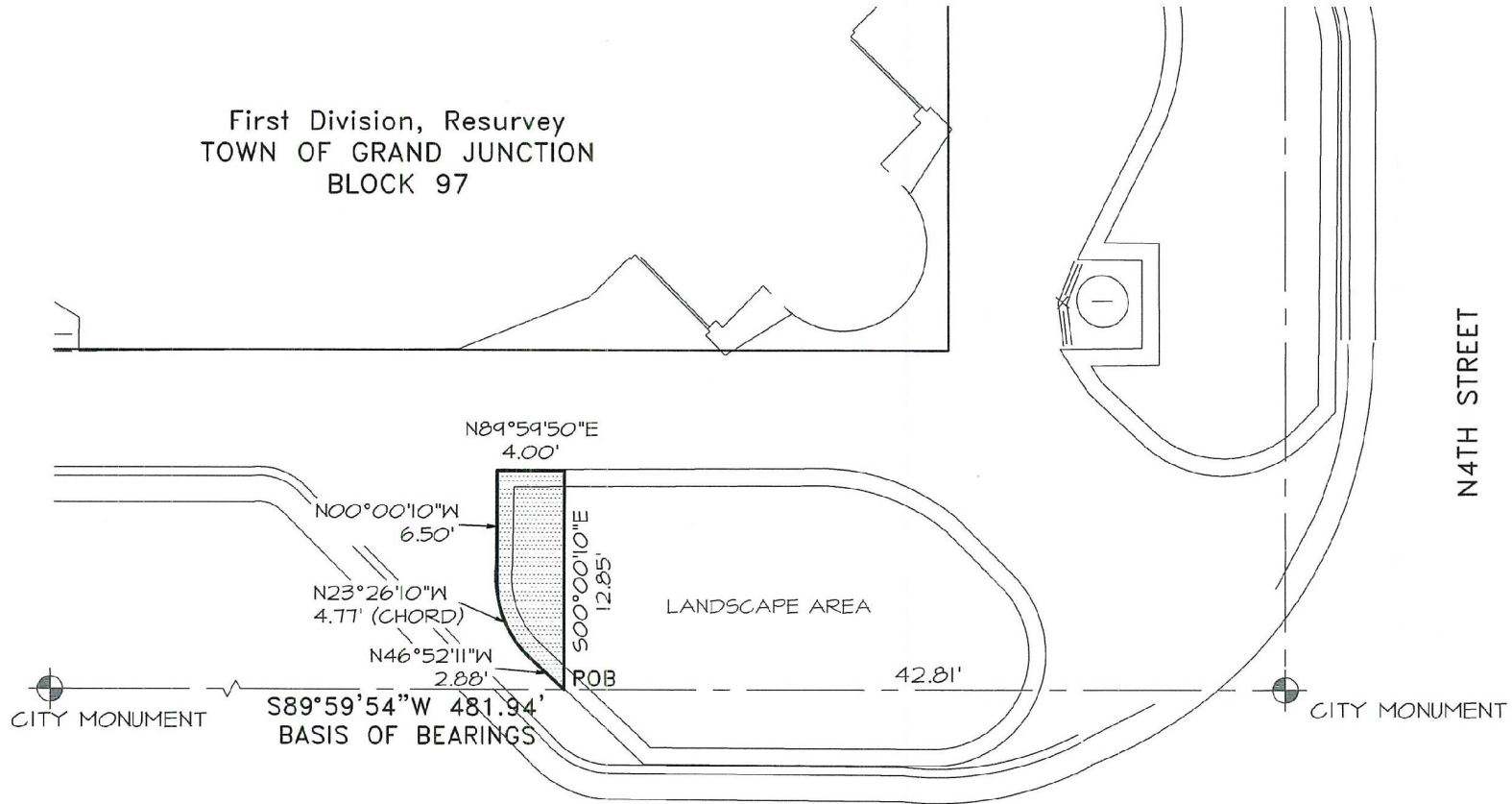
PASSED and ADOPTED this _____ day of _____, 2012.

Attest:

President of the City Council

City Clerk

First Division, Resurvey
TOWN OF GRAND JUNCTION
BLOCK 97



ROOD AVENUE

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

RIVERCITY CONSULTANTS

744 Horizon Ct.
Suite 110
Grand Junction
CO 81506
970-241-4722

Drawn: DRS Checked: KST Jan 27, 2012

S:\PROJECTS\0268 Sun King\078 HLSB Entry\RevPermit.pro

REVOCABLE PERMIT

Recitals.

A. Home Loan State Bank, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 17 to 23 INC Blk 97 Grand Junction and identified by Mesa County Tax Schedule Number 2945-143-10-007.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a monument sign within the following described public right-of-way:

A parcel of land situated in the southwest quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at the City of Grand Junction monument for the southeast corner of Block 97 of the First Division, Resurvey, Town of Grand Junction, being at the intersection of range lines offset 20 feet southerly and 20 feet easterly of the actual block corner whence a similar range line monument referencing the southwest corner of Block 97 bears South 89°59'54" West, a distance of 481.94 feet with all bearings herein relative thereto;

Thence along said range line South 89°59'54" West, a distance of 42.81 feet to the Point of Beginning; Thence departing said range line North 46°52'11" West, a distance of 2.88 feet;

Thence 4.91 feet along the arc of a curve to the right, having a radius of 6.00 feet, a central angle of 46°52'00", and a chord bearing North 23°26'10" West a distance of 4.77 feet;

Thence North 00°00'10" West, a distance of 6.50 feet;

Thence North 89°59'50" East, a distance of 4.00 feet;

Thence South 00°00'10" East, a distance of 12.85 feet to the Point of Beginning.

Containing 43 square feet, more or less. Also see attached Site Sketch.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2012-314 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way

aforedescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforedescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforedescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2012.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

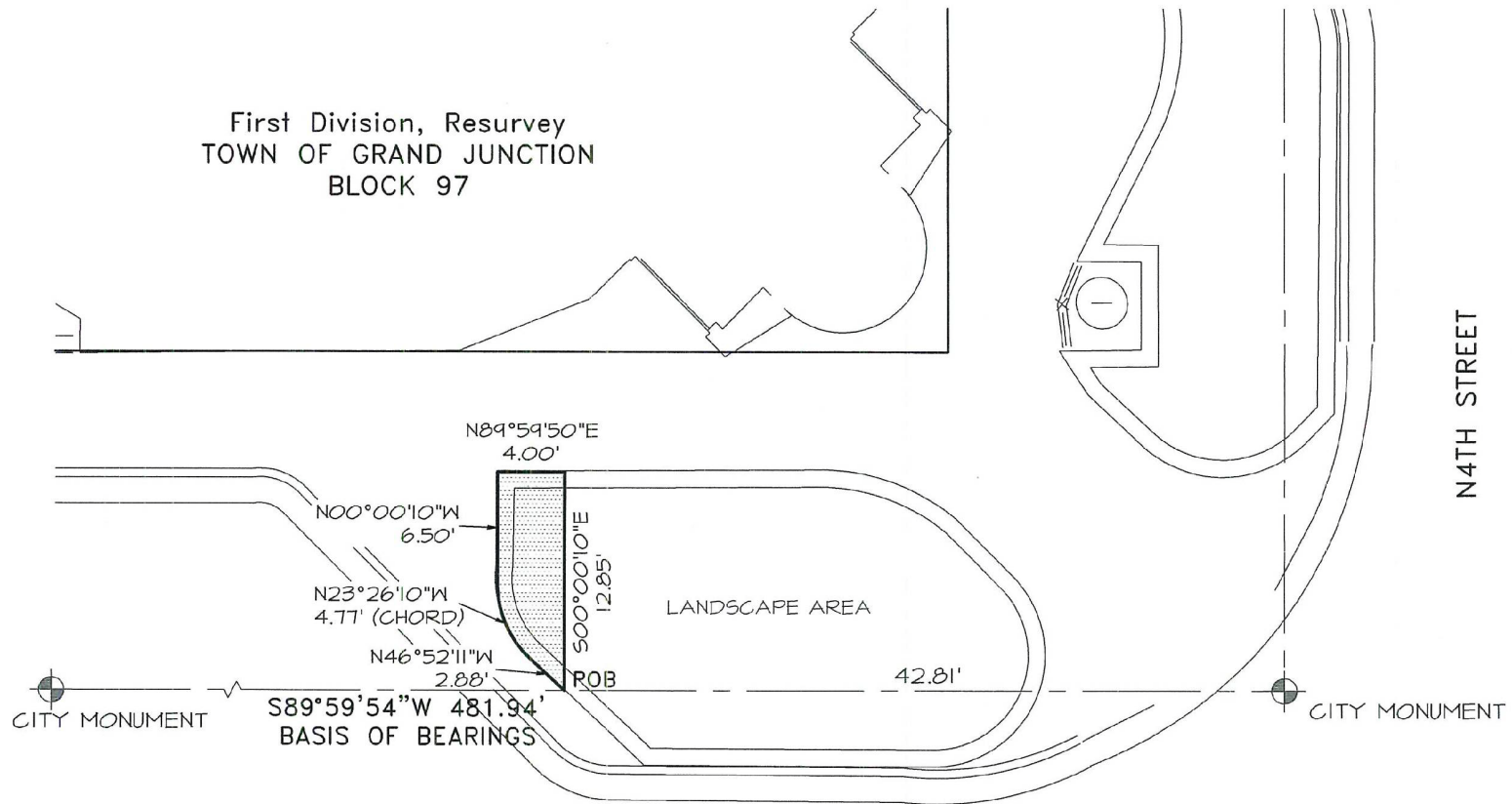
City Clerk

City Manager

Acceptance by the Petitioner:

Home Loan State Bank

First Division, Resurvey
TOWN OF GRAND JUNCTION
BLOCK 97

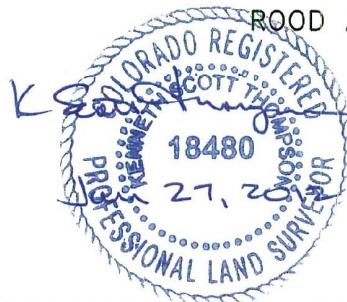
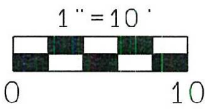


CITY MONUMENT

CITY MONUMENT

N4TH STREET

ROOD AVENUE



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

	RIVERCITY CONSULTANTS		744 Horizon Ct. Suite 110 Grand Junction CO 81506 970-241-4722
	Drawn: DRS	Checked: KST	Jan 27, 2012

S:\PROJECTS\0268 Sun King\078 HLSB Entry\RevPermit.pro

AGREEMENT

Home Loan State Bank, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2012.

Home Loan State Bank

By: _____
Craig N Springer - President

State of Colorado)

)ss.

County of Mesa)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2012, by Craig N Springer - President of Home Loan State Bank

My Commission expires: _____

Witness my hand and official seal.

Notary Public



Date: July 10, 2012
 Author: Kristen Ashbeck
 Title/ Phone Ext: Sr Planner/1491
 Proposed Schedule: Approval
8/1/2012; Execute agreement
following approval
 File # (if applicable): CDBG
2011-03

CITY COUNCIL AGENDA ITEM

Attach 4

<p>Subject: CDBG Subrecipient Contract with the Business Incubator Center for Previously Allocated Funds within the 2011 Community Development Block Grant (CDBG) Program Year</p>
<p>Action Requested/Recommendation: Authorize the City Manager to Sign the Subrecipient Contract with the Business Incubator Center for the City’s 2011 Program Year Funds</p>
<p>Presenter(s) Name & Title: Kristen Ashbeck, Senior Planner/CDBG Administrator</p>

Executive Summary:

The Subrecipient Contract formalizes the City’s award of \$50,000 to the Business Incubator Center allocated from the City’s 2011 CDBG Program as previously approved by Council.

Background, Analysis and Options:

In May 2011, City Council approved allocation of its 2011 CDBG funding. The Business Incubator Center was awarded \$50,000 to be used towards a revolving loan fund. The loans will be available to small businesses that operate within the City limits.

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

The BIC project funded through the 2011 CDBG grant year allocation will include steps towards the City’s Comprehensive Plan Goals as listed below:

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: The BIC provides services that enhance our community including the fostering and support of local new and expanding small businesses.

Board or Committee Recommendation: NA

Financial Impact/Budget: 2011 CDBG Program Year Funds

Legal issues: NA

Other issues: None

Previously presented or discussed:

City Council discussed and approved the allocation of CDBG funding to this project at its May 16, 2011 meeting.

Attachments:

1. Exhibit A, Subrecipient Contract – The Business Incubator Center

**2011 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
THE BUSINESS INCUBATOR CENTER**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement The Business Incubator Center or BIC \$50,000 to fund its revolving loan fund for the use and benefit of for-profit small business enterprises within the Grand Junction City limits from its 2011 Program Year CDBG Entitlement Funds. The general purpose of the loan program is to assist small businesses that operate within the Grand Junction City limits that meet CDBG and HUD criteria with start-up or existing business expenses, including capital expenditure and working capital.
2. The Business Incubator Center certifies that it will meet the CDBG National Objective of economic development activity (570.203). It shall meet this objective by providing the loan services contemplated in the Subrecipient Agreement to small businesses in the Grand Junction city limits.
3. The purpose of The Business Incubator Center's program is to assist new, expanding, or fledgling small businesses by providing affordable space, shared administrative/office services and equipment, along with management assistance services, thus helping businesses succeed, creating new jobs and bringing new dollars into the area economy. It is understood that the City's grant of \$50,000 in CDBG funds shall be used towards the small business loan fund/economic development activity 570.203.
4. This project shall commence upon the full and proper execution of the 2011 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review and approval and compliance. The project shall be completed on or before May 31, 2014.
5. The City of Grand Junction shall monitor and evaluate the progress and performance of The Business Incubator Center loan program to assure that the terms of this agreement are being satisfactorily met in accordance with the City's and other applicable monitoring and evaluating criteria and standards. The Business Incubator Center shall fully cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ The Business Incubator Center
_____ City of Grand Junction

6. The Business Incubator Center shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
7. The Business Incubator Center understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. The Business Incubator Center shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Business Incubator Center shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
8. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
9. A formal project notice will be sent to The Business Incubator Center once all funds are expended and a final report is received.

The Business Incubator Center
City of Grand Junction



CITY COUNCIL AGENDA ITEM

Attach 5

Date: 7/26/12

Author: Jodi Romero

Title/ Phone Ext: Financial

Operations Director/1515

Proposed Schedule: August 1st,

2012

2nd Reading

(if applicable): _____

File # (if applicable): _____

Subject: Restoration of 1.5% of Wages and the Expenditure of Budgeted Funds for Employee Compensation.

Action Requested/Recommendation: Approval of Resolution Ratifying and Directing the Expenditure of Money Budgeted for the Compensation of Employees of the City of Grand Junction and Authorizing Action in Accordance Therewith

Presenter(s) Name & Title: Rich Englehart, City Manager

Executive Summary:

Approval of this resolution represents the formal authorization to restore employee wages to 2009 levels. If approved the resolution will be effective July 22, 2012.

The funds are included in the original 2012 Adopted Budget and actual revenues are exceeding budgeted expectations.

Background, Analysis and Options:

In 2009, when the City was implementing significant budget reductions in response to an unprecedented decline in revenues, the employees voluntarily opted for a 3% across the board reduction of wages in lieu of furloughs.

On December 19, 2011 the City Council adopted the 2012 budget that included the funds for restoration of wages to 2009 levels, which was equal to a 3% increase over the 2011 labor budget.

At the time of adoption of the 2012 budget the City Council delayed one-half (1.5%) of the approved 3.0% increase and committed to reviewing that decision at mid-year 2012. Part of the Council's review was to be the condition of the economy and the status of tax collections.

On July 20, 2012 the City Council met and received a mid-year economic report. That report disclosed that the City is experiencing growth in sales tax revenues over 2011 and 2012 budget. The trend shows stability and is projected to remain that way.

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

NA

Board or Committee Recommendation:

NA

Financial Impact/Budget:

The \$306,000 for all funds (\$214,000 general fund) that is required to restore the employee wages to 2009 levels effective July 22, 2012 is in the 2012 original budget.

Legal issues:

The City Attorney has reviewed and approved the form and content of the resolution and finds it to be legally sufficient.

Other issues:

NA

Previously presented or discussed:

Previously discussed by City Council on Friday, July 20, 2012.

Attachments:

Proposed Resolution

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____-12

A RESOLUTION RATIFYING AND DIRECTING THE EXPENDITURE OF MONEY BUDGETED FOR THE COMPENSATION OF EMPLOYEES OF THE CITY OF GRAND JUNCTION AND AUTHORIZING ACTION IN ACCORDANCE THEREWITH

RECITALS

On December 19, 2011 the City Council heard and approved following due and proper notice and a public hearing, Ordinance No. 4492, an ordinance approving the 2012 budget and appropriating money to defray the expenses associated therewith. Included in that budget was the restoration of a 3% voluntary wage reduction taken by City employees in lieu of furloughs. This wage reduction began in January 2010. For the 2012 budget employee compensation was established at 2009 levels, an increase of 3% over budgets for 2010 and 2011.

At the time of adoption of Ordinance No. 4492 the City Council delayed one-half (1.5%) of the approved 3.0% increase until mid-year 2012 by directing the City Manager to withhold paying wages at the budgeted and approved 2012 rate. Beginning in January of 2012 the City Manager implemented the Council's direction.

When the 2012 budget was adopted the City Council committed to reviewing mid-year its direction regarding employee compensation. Part of the Council's consideration was to be the condition of the economy and the status of tax collections.

On July 20, 2012 the City Council met and received a mid-year economic report. That report disclosed that the City is experiencing moderate and consistent growth with an appreciable increase of year to date (June 30th) tax revenue over 2011. The trend shows stability and is projected to remain that way.

While the recession is not over, the growth in the economy as well as the commitment of City employees, first to propose wage cuts and then to continue the commitment to work at reduced wages over several years, afforded the City Council the good reasons that it needed to consider directing the City Manager to expend the budgeted sums for compensation of City employees beginning and effective July 22, 2012.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Grand Junction that:

1. Ordinance No. 4492, by and through the actions of the City Manager shall be given its full effect; to wit, the expenditure in the general and enterprise funds of the fully budgeted 3% salary reinstatement for 2012.
2. This Resolution shall be in full force and effect upon its passage and approval and shall be effective *nunc pro tunc* to July 22, 2012.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary and appropriate to effectuate this resolution and Ordinance No. 4492.

PASSED, ADOPTED AND APPROVED this ____ day of _____ 2012.

President of the Council

ATTEST:

City Clerk



CITY COUNCIL AGENDA ITEM

Attach 6

Date: July 20, 2012
Author: Harry M. Weiss
Title/ Phone Ext: DDA Exec
Director / 256-4134
Proposed Schedule: Aug 1, 2012
2nd Reading: _____
File # _____

Subject: Outdoor Dining Lease for Mesa Theater & Lounge, LLC, Located at 538 Main Street
Action Requested/Recommendation: Adopt Proposed Resolution
Presenter(s) Name & Title: Harry M. Weiss, DDA Executive Director

Executive Summary:

Mesa Theater & Lounge, LLC, located at 538 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be at grade on the sidewalk.

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under the business’s individual liquor license. In Spring 2012 Council approved a newly revised standard Lease Agreement that is being used in this instance. Approval of this lease will allow the applicant to apply for expansion of its premises through the proper State and City agencies.

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

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

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

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

There is no financial impact to the City.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater & Lounge, LLC, with supporting documents

RESOLUTION NO. __-12

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO MESA THEATER & LOUNGE, LLC**

Recitals:

The City has negotiated an agreement for Mesa Theater & Lounge, LLC, to lease a portion of the sidewalk right-of-way located in front of 538 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Mesa Theater & Lounge, LLC.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for an initial term commencing August 1, 2012, and terminating July 31, 2013, for the rental sum of \$350.00, to Mesa Theater & Lounge, LLC.

PASSED and ADOPTED this ____ day of _____, 2012.

President of the Council

Attest:

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of this ____ day of _____ 20____, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter "City") and, Mesa Theater & Lounge, LLC, as Lessee, (hereinafter "Lessee"), and the Grand Junction Downtown Development Authority as Lessor's Administrative Agent, (hereinafter "DDA").

RECITALS:

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

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

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

1. Demise of Premises.

Option B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 350 square feet of the public way located in front of and immediately abutting the Lessee's business. The Premises and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

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

2. Term.

The term of this Agreement shall be for a period of one (1) year to commence on August 1, 2012. Upon signature by all parties this Agreement supersedes all prior leases, and terminates on July 31, 2013.

3. Rental.

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year and in the total sum of \$350.00, which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

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

5. Assignment or Subletting Prohibited.

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

6. Compliance with Legal Requirements.

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

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

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

7. Taxes.

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

8. Utilities.

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

9. Improvements and Personal Property.

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

a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.

b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less



than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.

c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.

d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessees business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.

e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.

f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

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

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

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

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy,

maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

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

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

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

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

15. Limitation of Rights Demised.

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

16. Sale or Transfer of Lessee's Business Interest

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

17. Attorney's Fees.

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

18. Waiver.

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



breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

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

- i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;
- ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;
- iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;
- iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;
- v) if Lessee vacates or abandons the Premises;
- vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;
- vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

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

- i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or
- ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or
- iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or
- vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.



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

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

20. Notices and Written Consents.

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

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

To Lessee: Mesa Theater & Lounge, LLC
538 Main Street
Grand Junction, CO 81501

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

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

21. Binding Effect and Complete Terms.

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

22. Construction of Lease.

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

23. Performance Standards.

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

24. Authorization of Parties.

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

25. Administrative Agent.

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

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

Lessor: City of Grand Junction

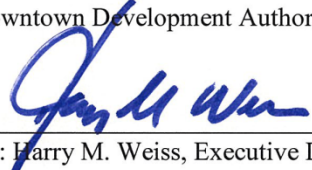
Lessee:

By: Richard Englehart, City Manager



By: Andrew Pittman

Agent: Downtown Development Authority



By: Harry M. Weiss, Executive Director

AP

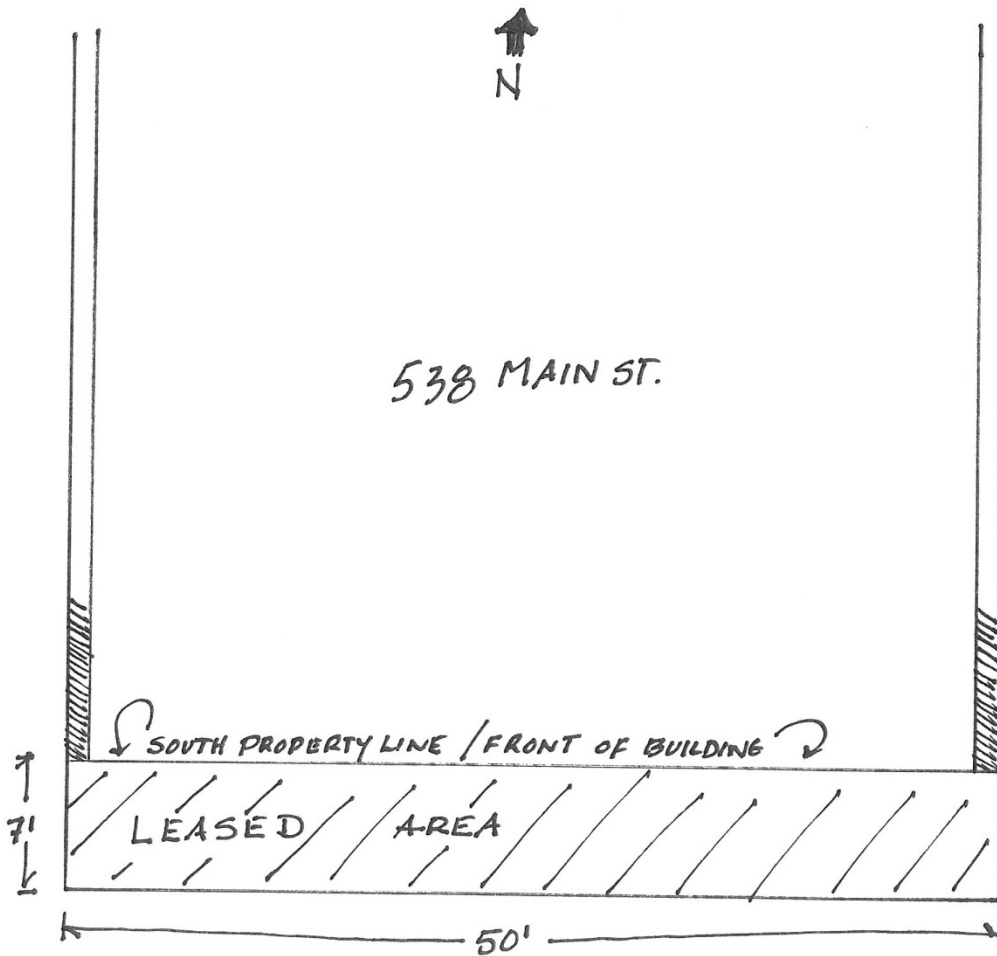
EXHIBIT A

Proposed Lease Area:

The area of sidewalk immediately in front of and abutting

538 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-143-17-011)

more particularly described in the dimensioned sketch below:



A7
Thum

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

Business Name (name of insured): Mesa Theater & Lounge, LLC

DBA (if needed): NA

Applicant / Relationship to Business: Andrew Pottman, Member

Contact Phone and Email: (208) 440-9881

Type of Food/Beverage to be served in leased area: Alcoholic Beverages, Sandwiches

Days of Operation / Operating Hours: Mon-Fri 1:00pm-7

How this operation will benefit Downtown Grand Junction:

Provide a lively, fun outdoor eating and socializing space.

Number of tables to be used in the leased area: 8

Number of chairs to be used in the leased area: 28

Semi-permanent or movable structures including carts, stands, signs, etc: 0

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

MUSIC for atmosphere.

Copies of Current

Permits & Licenses Obtained:	State Sales Tax	04303894-0000
	City Sales Tax	4804
	Liquor License	NO 4021137
	Restaurant/Food Service	43-03894-0000
Proof of Liability Insurance Coverage Provided?	ACORD	Attached

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

Signed: 7/26/12

Date: [Signature]

If denied, state reason:

check to City of GJ \$350-

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

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

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

- (a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and
- (b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

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

Executed this 25 day of July, 2012.

Signed: Andrew Pittman

AP
Pittman



CITY COUNCIL AGENDA ITEM

Attach 7

Date: 07-17-2012
 Author: Darren Starr
 Title/ Phone Ext: Streets, Storm Water, and Solid Waste Manager/ #1493
 Proposed Schedule: August 1, 2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Subject: Purchase of Dump Trucks – 4X2 5 Yard Single Axle and 4X2 10 Yard Tandem Axle
Action Requested/Recommendation: Authorize the City Purchasing Division to Purchase a Single Axle 5 Yard Diesel Dump Truck and a Tandem Axle 10 Yard Diesel Dump Truck from Transwest Trucks in the Amount of \$241,508.00
Presenter(s) Name & Title: Greg Trainor, Utilities, Streets, and Facilities Director Jay Valentine, Financial Operations Manager

Executive Summary: This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck.

Background, Analysis and Options: Both dump trucks are a part of the resources needed to provide ongoing maintenance in the Streets and Storm Water divisions. This equipment will be used for digging, trenching, patching, placing pipe, and other departmental functions. This equipment is a scheduled replacement for the department and has gone through the equipment replacement committee.

Two formal Invitation for Bids were issued via BidNet (an on-line site for government agencies to post solicitations) and advertised in The Daily Sentinel. All companies who submitted formal bids were found to be responsive and responsible. All vendors offered a trade-in allowance for the trucks currently in the City’s fleet. The following amounts reflect pricing after the trade-in is taken:

FIRM (Single Axle 5-Yard)	LOCATION	DIESEL	CNG
Transwest Trucks (2013 Freightliner)	Grand Junction, CO	\$116,957.00	\$170,880.00
Hanson International (2012 International)	Grand Junction, CO	\$119,433.00	\$163,235.00
GJ Peterbilt (2013 Peterbilt)	Grand Junction, CO	\$131,173.00	N/A
Western Colo Truck Co (2013 Mack)	Grand Junction, CO	\$148,000.00	N/A

FIRM (Tandem Axle 10-Yard)	LOCATION	DIESEL	CNG
Transwest Trucks (2013 Freightliner)	Grand Junction, CO	\$124,551.00	\$178,474.00
Hanson International (2013 International)	Grand Junction, CO	\$129,282.00	\$173,074.00
GJ Peterbilt (2013 Peterbilt)	Grand Junction, CO	\$142,821.00	N/A

All offerors were asked to bid a CNG option for the dump trucks. The price difference on the single axle is \$46,278 and the difference on the tandem axle is \$48,523. Using the current differential between the cost of diesel and the cost of CNG, it is not anticipated that the City could recoup the incremental cost of truck over the life of the vehicle.

Board or Committee Recommendation:

This equipment replacement was approved by the equipment committee and Fleet Services.

Financial Impact/Budget:

Budgeted funds for the diesel option on both purchases have been accrued in the Fleet Replacement Internal Service Fund. Additional sums of money would have to be appropriated in the supplemental budget process to cover the incremental cost of the CNG option.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

In 2007, City Council passed Resolution No. 112-07 supporting the efforts of GJ CORE to promote conservation and reuse of our resources. The resolution in part states:

Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use by influencing land use, transportation, building construction, waste management and management of City facilities and operations. Local government actions taken to conserve resources and increase energy efficiency provide multiple local benefits by decreasing pollution, creating jobs, reducing energy expenditures, enhancing urban livability and sustainability, and saving money for the City government, its businesses and its citizens.

Attachments:

N/A



CITY COUNCIL AGENDA ITEM

Attach 8

Date: July 23, 2012
 Author: Lori V. Bowers
 Title/ Phone Ext: Senior Planner / 4033
 Proposed Schedule:
Wednesday, June 20, 2012
 2nd Reading: Wednesday, August 1, 2012
 File #: CPA-2012-210

Subject: Amend the Future Land Use Map of the Comprehensive Plan for Property Located at 2259 River Road
Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage of the Proposed Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map, Title 31 of the Grand Junction Municipal Code (GJMC)
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

Executive Summary:

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.

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 zoning designations that did not implement the future land use designations of the Comprehensive Plan.

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 determined that in some areas the existing zoning is appropriate, and the best way to resolve the conflict between the Comprehensive Plan's Future Land Use Map and the zoning of these properties is to amend the Comprehensive Plan Future Land Use Map. This is one such area.

The subject area is owned by United Companies of Mesa County, Inc. United Companies established their business at this location in 1997 through the City's site plan review process. It was a phased project with an office area constructed in 1999. The entire parcel encompasses a total of 44.9 acres and is currently zoned I-2, General Industrial, with an existing CUP (Conditional Use Permit) for Sand and Gravel Extraction and Processing. The property has been used for sand and gravel extraction

as well as processing and a batch plant since 1999. It is anticipated, as United Companies expands their growing business, that basic yard operations and processing of aggregate for off-site use will continue.

The land use designation in the Comprehensive Plan of *Industrial* is described as:

“Heavy commercial and industrial operations are prominent in industrial areas. Batch plants and manufacturing uses with outdoor operations are appropriate if developed consistently with zoning regulations. Residential uses are not appropriate”.

United Companies has a batch plant on site, and anticipates future growth which may include another batch plant.

The land use designation in the Comprehensive Plan for *Commercial Industrial* is described as:

“Heavy Commercial, offices and light industrial uses with outdoor storage, with some outdoor operations (e.g., office/warehouse uses, auto sales, auto repair shops, lumber yards, light manufacturing, oil and gas businesses). Yard operations may be permitted where adequate screening and buffering can be provided to ensure compatibility with existing and planned development in the vicinity of the proposed use. Residential uses are limited to the business park mixed use development”.

Sand and gravel extraction and/or processing are allowed in both I-1 and I-2 zone districts with a Conditional Use Permit. The Future Land Use Designation of “Industrial” specifically allows batch plants. The I-2 zone implements the Industrial future land use designation, but does not implement the Commercial Industrial future land use designation. The existing batch plant and the potential for a second batch plant at this site present significant economic benefit to the community, and the future land use designation of Industrial best captures the existing and proposed expanded use of the property.

An Open House was held on January 18, 2012 to present for discussion a proposal to downzone the property to I-1 in order to bring the zoning into compliance with the Comprehensive Plan future land use designation of Commercial Industrial. Two representatives from United Companies attended the Open House. They asked about how the down zoning would constrain the future development of their property. Given the situation Staff has concluded it makes sense to leave the property zoned I-2 and change the Comprehensive Plan to Industrial.

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.

Retaining the existing zoning and amending the Comprehensive Plan on the property to Industrial will provide the best opportunity for the landowner to maintain and expand a

business that is a regional provider of needed building aggregate. This helps to sustain the economy by having local processing of product that will be available for paving, construction and other purposes.

Board or Committee Recommendation:

At their regularly scheduled meeting of May 8, 2012 the Planning Commission forwards a recommendation of approval to City Council. The item was considered non-controversial and was placed on the Consent Agenda.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

This item was presented on the Consent Agenda of June 20, 2012.

Attachments:

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

BACKGROUND INFORMATION		
Location:		2259 River Road
Applicants:		City of Grand Junction
Existing Land Use:		United Companies offices and batch plant
Proposed Land Use:		No change
Surrounding Land Use:	North	Western Slope Ford
	South	Colorado River
	East	Allen Unique Auto car museum
	West	Suncor Energy
Existing Zoning:		I-2 (General Industrial)
Proposed Zoning:		N/A
Surrounding Zoning:	North	C-2 (General Commercial)
	South	I-2 (General Industrial) and CSR (Community Service and Recreation)
	East	I-2 (General Industrial) and CSR (Community Service and Recreation)
	West	County PUD (Planned Unit Development)
Existing Future Land Use Designation:		Commercial / Industrial
Proposed Future Land Use Designation		Industrial

APPROVAL CRITERIA:

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.

In this area the existing zoning is appropriate and is consistent with the overall vision of the Comprehensive Plan. The community will derive benefits from the proposed comprehensive plan future land use map amendment by affording the maximum opportunity for use and development of the property (Criterion 5). The plan amendment also creates an opportunity for heavy industrial uses, for which land is in relatively short supply in the community (Criterion 4). Given the area's proximity to transportation corridors (I-70 and the I-70 the business loop), it is adequately supported by public infrastructure for heavy industrial use. Furthermore, by removing the conflicts between the zoning and the Future Land Use designations, the City facilitates development, redevelopment, and expansion of property when the market is ready. Therefore criterion 3, 4 and 5 listed under Criteria of Plan Amendments have been met.

FINDINGS OF FACT/CONCLUSIONS:

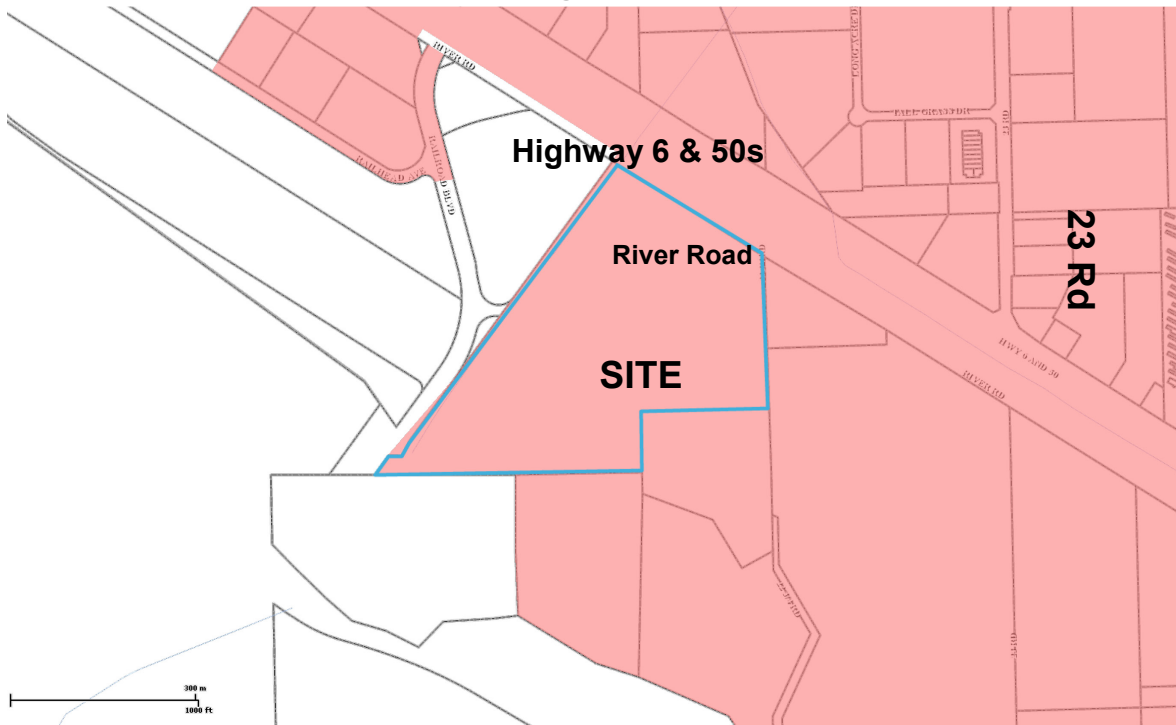
After reviewing CPA-2012-210, map amendment to the Future Land Use Map of the Comprehensive Plan, Title 31, of the Grand Junction Municipal Code, the following findings of fact and conclusions have been determined:

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

Site Location Map

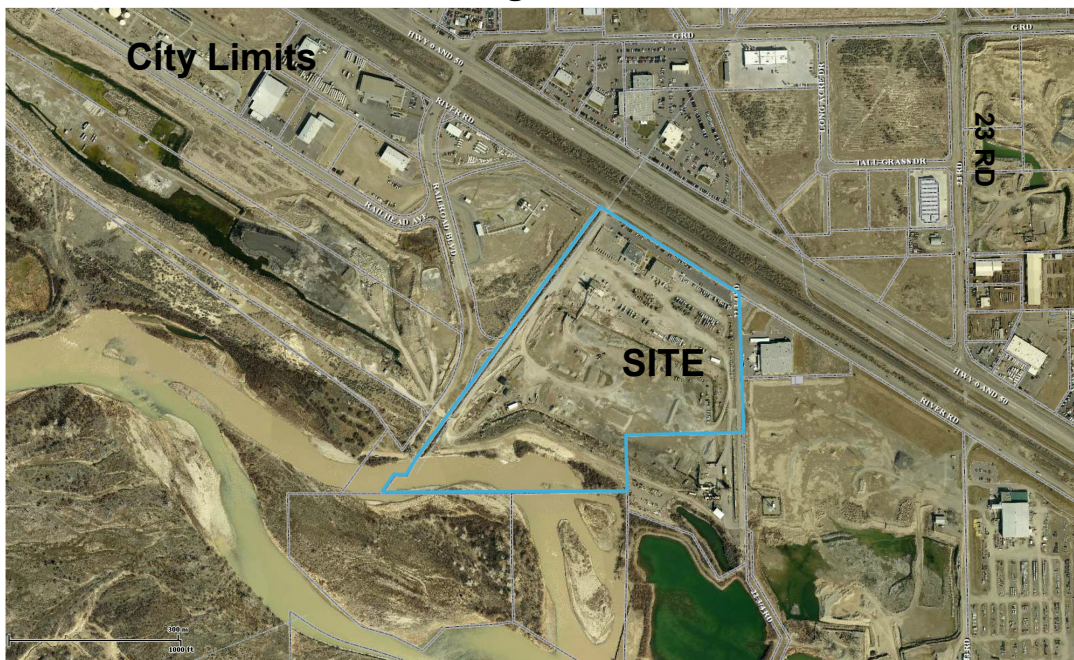
City Limits

Figure 1



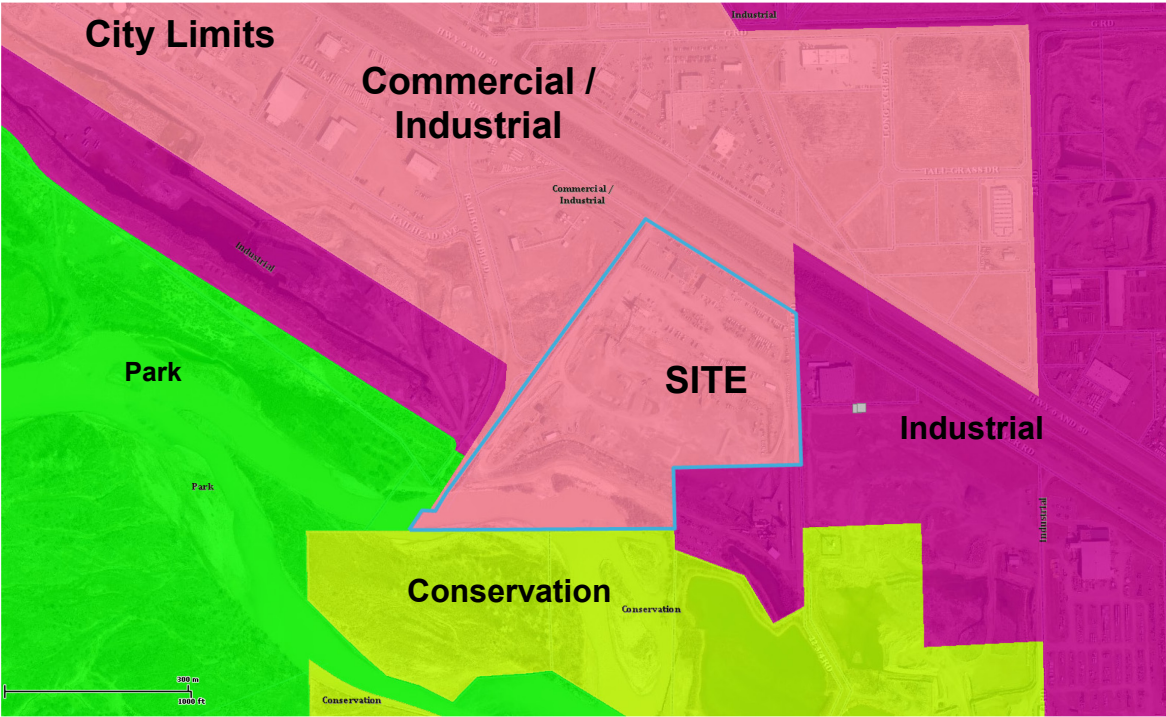
Aerial Photo Map

Figure 2



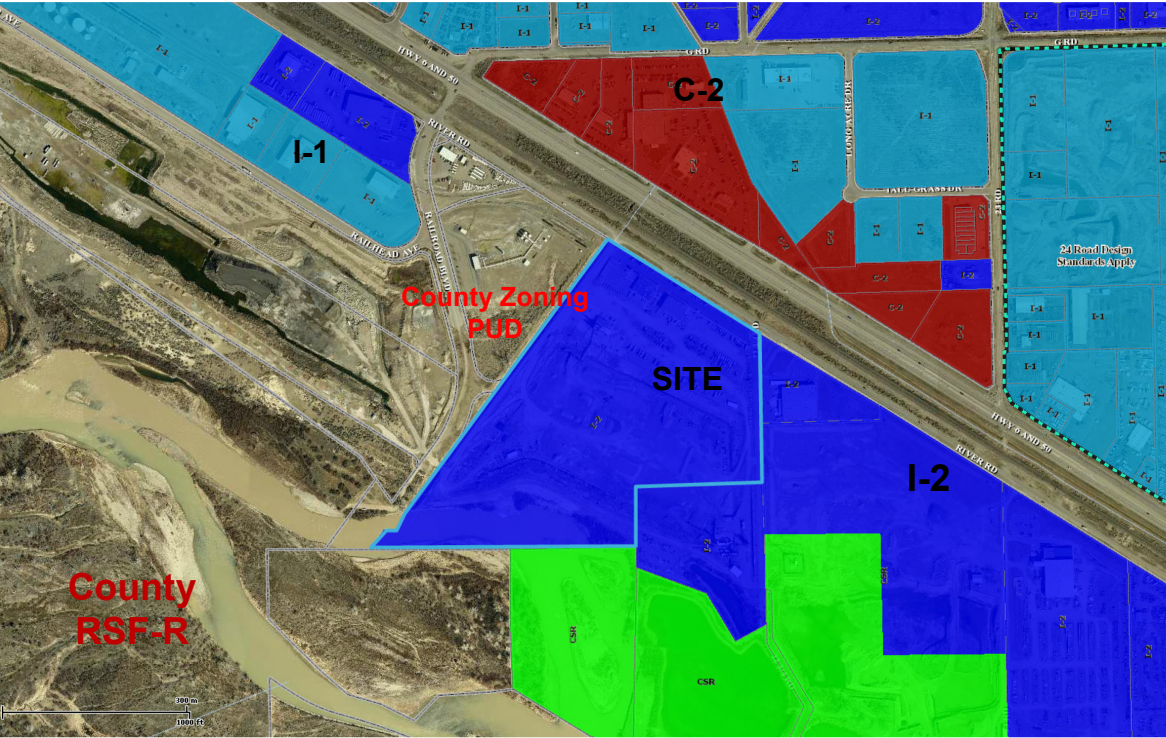
Comprehensive Plan Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE
GRAND JUNCTION COMPREHENSIVE PLAN**

LOCATED AT 2259 RIVER ROAD

Recitals.

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

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

When the City adopted the Comprehensive Plan, it did not rezone property to be consistent with the new land use designations. As a result, certain urban areas now carry a land use designation that calls for a different type of development than the current zoning of the property. 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 Comprehensive Plan Future Land Use Map designation is inappropriate, and that the existing rezoning should remain. It is justified in order to create consistency between the Comprehensive Plan's Future Land Use Map and the zoning of this property that the Future Land Use Map be amended.

The proposed map amendment to Industrial meets the goals and policies of the Comprehensive Plan and the current zoning of I-2, as an applicable zone and is compatible with the existing land uses located in the surrounding area.

An Open House was held on January 18, 2012 to allow property owners and interested citizens an opportunity to review the proposed zoning map amendments, to make comments and to meet with staff to discuss any concerns that they might have. A display ad noticing the Open House was run in the Daily Sentinel newspaper to encourage public review and comment. The proposed amendments were also posted on the City website with information about how to submit comments or concerns. After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed Future Land Use map amendment for the following reasons:

1. The proposed amendments to 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 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 Future Land Use Map of the Comprehensive Plan, Title 31, is amended to Industrial for the property located at 2259 River Road and as shown on Exhibit "A" attached below.

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:

City Clerk

Mayor

Area 3

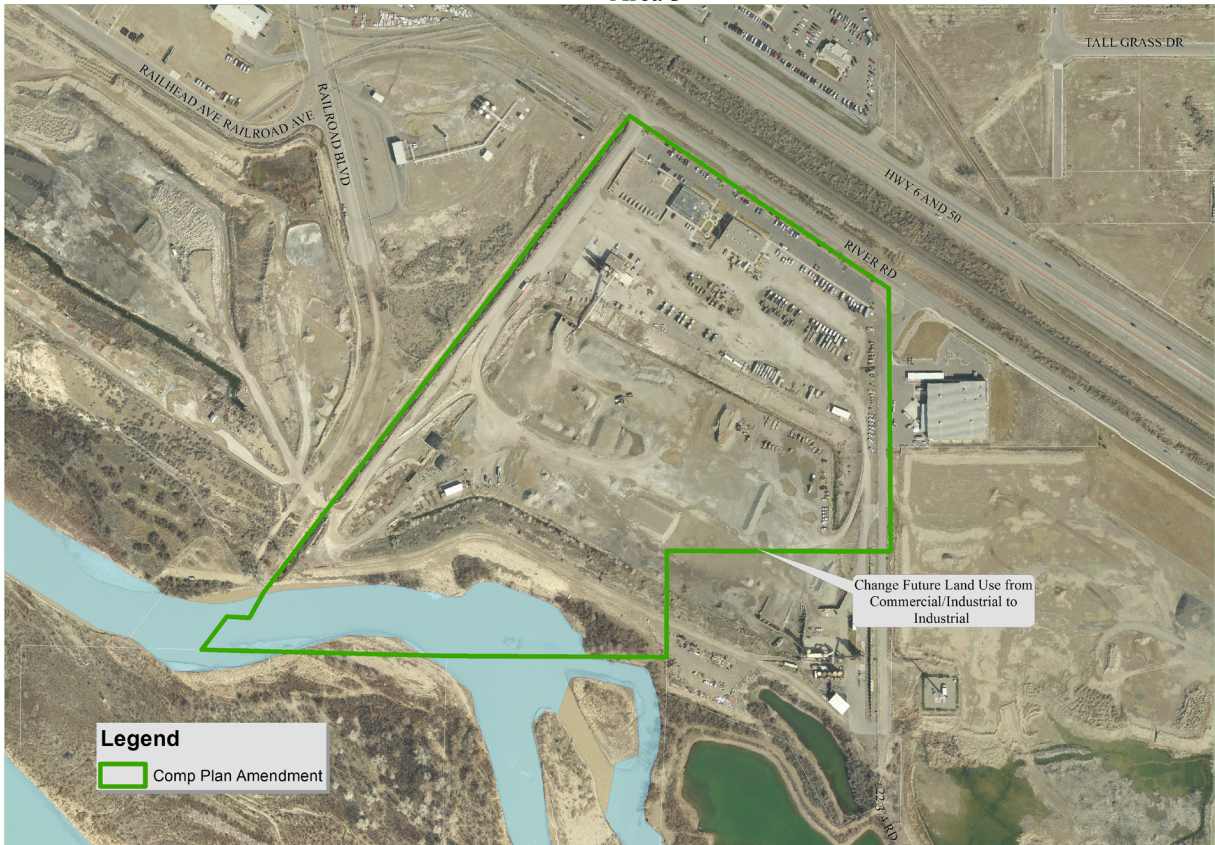


Exhibit A



CITY COUNCIL AGENDA ITEM

Attach 9

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

Subject: 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

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Amendment to the Grand Junction Comprehensive Plan Future Land Use Map, Title 31 of the Grand Junction Municipal Code (GJMC)

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 Downtown Mixed Use to Commercial. The proposal affects eleven properties between 12th Street and 14th Street, South of Ute Avenue.

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:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendment has been reviewed and is supported by the Legal Division.

Other issues:

The Amendment Process and Criteria

The Grand Junction Comprehensive Plan is a joint collaboration between the City of Grand Junction and Mesa County to coordinate planning decisions in the immediate region around Grand Junction. When deciding changes to the Plan, the City has jurisdiction inside the Persigo 201 Boundary. The County may, if it deems appropriate, provide comments on the change prior to adoption.

Previously presented or discussed:

First reading of this ordinance was July 18, 2012.

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:

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.

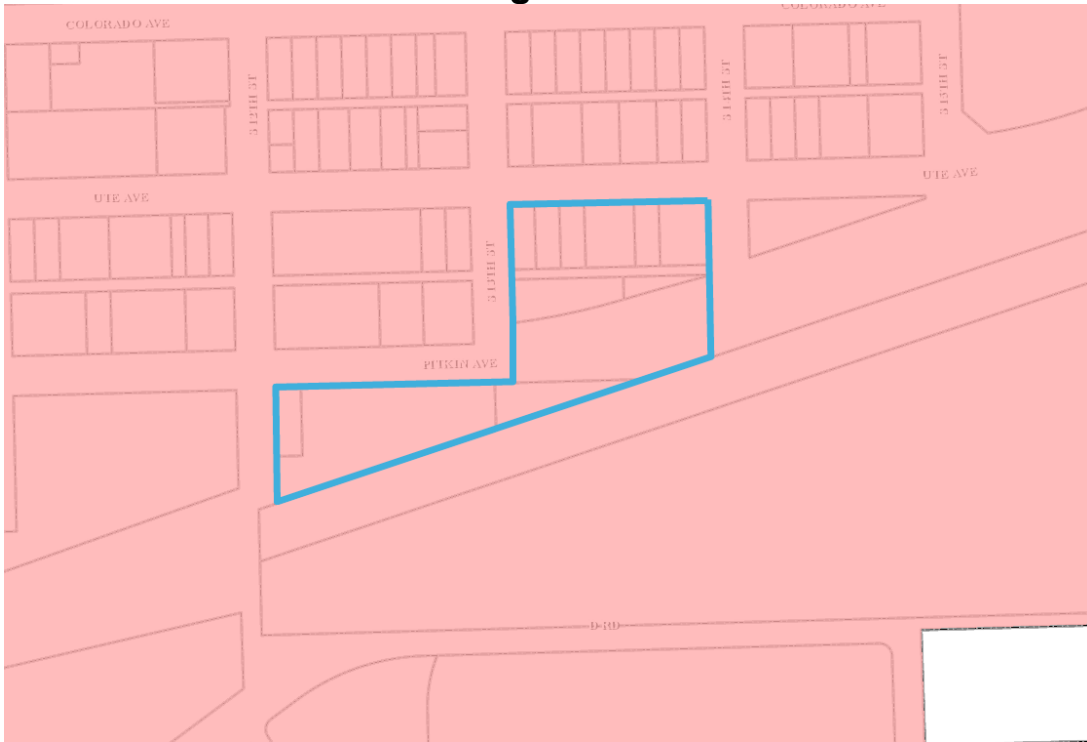
The City recognizes that, in several areas, the existing zoning is appropriate and is consistent with the overall vision of the Comprehensive Plan. Furthermore, by removing the conflicts between the zoning and the Future Land Use designations, a community benefit is derived. Under the current situation,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



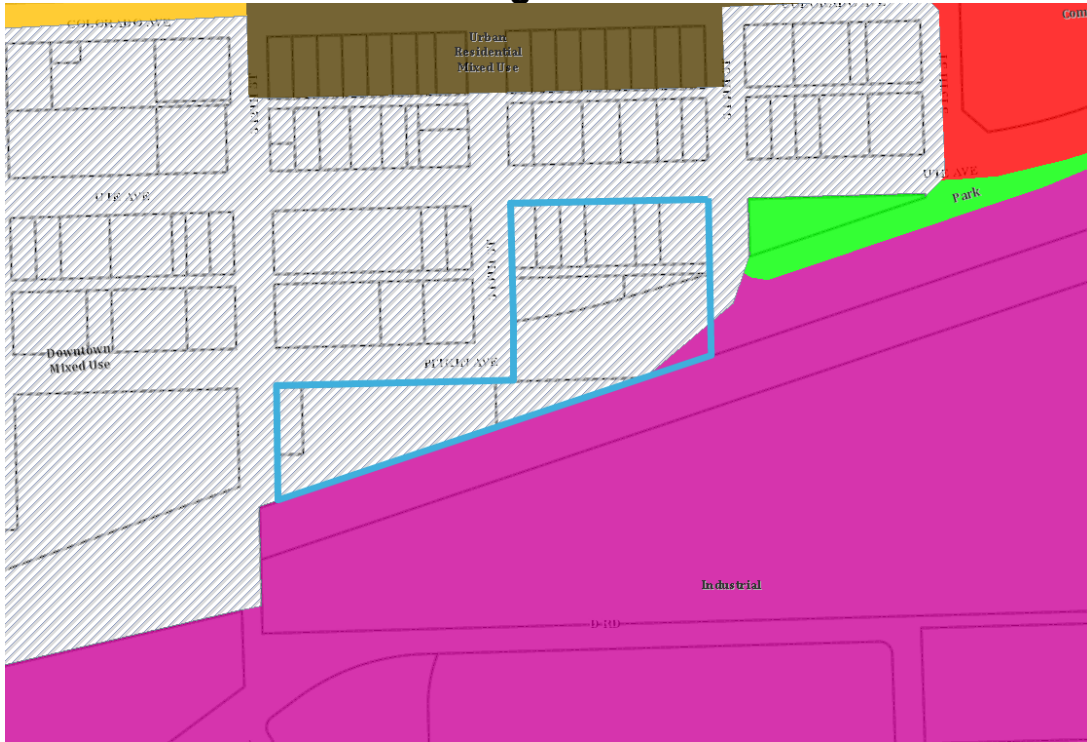
Aerial Photo Map

Figure 2



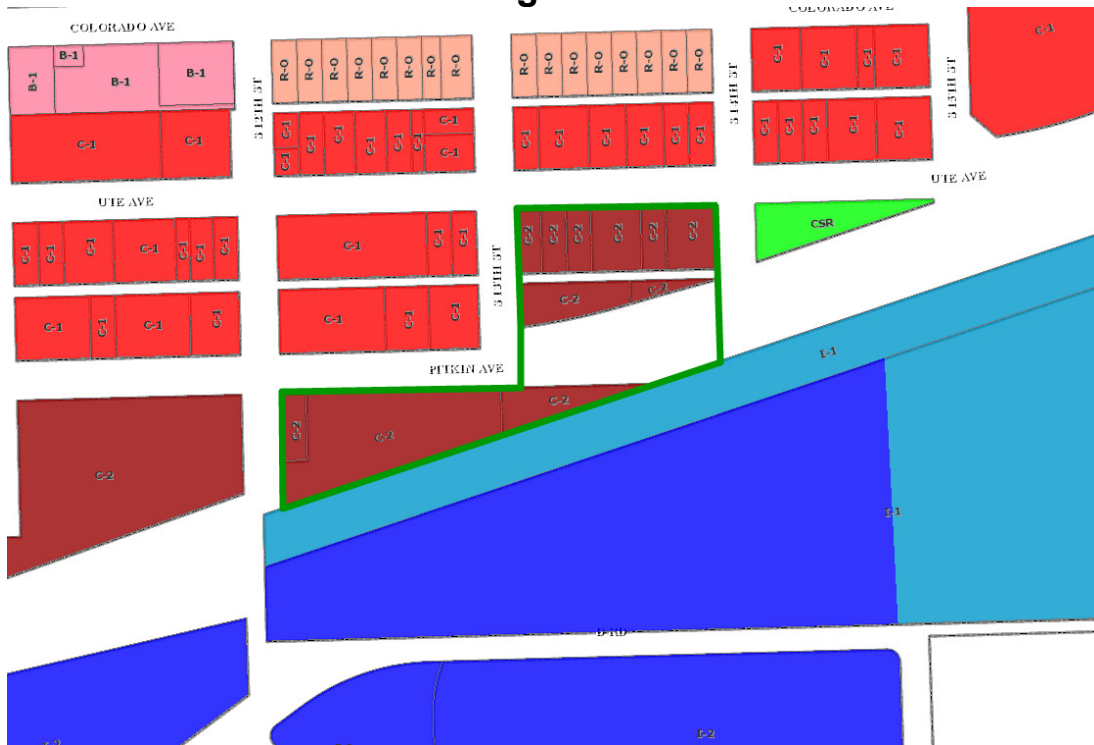
Comprehensive Plan Future Land Use Map

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 18th day of July, 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)



CITY COUNCIL AGENDA ITEM

Attach 10

Date: July 16, 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
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 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:

First reading of this ordinance was July 18, 2012.

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:

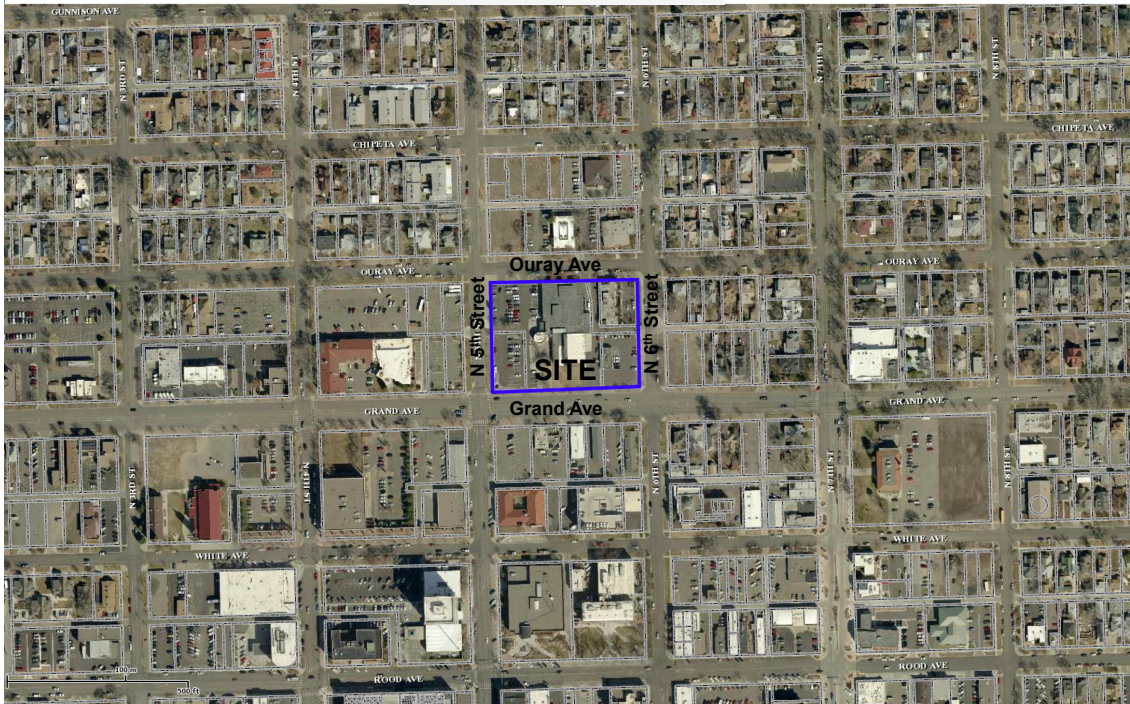
After reviewing the Mesa County Public Library Rezone – RZN-2012-332, a request to rezone the property from B-1 (Neighborhood Business) to B-2 (Downtown Business), the following findings of fact and conclusions have been determined:

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



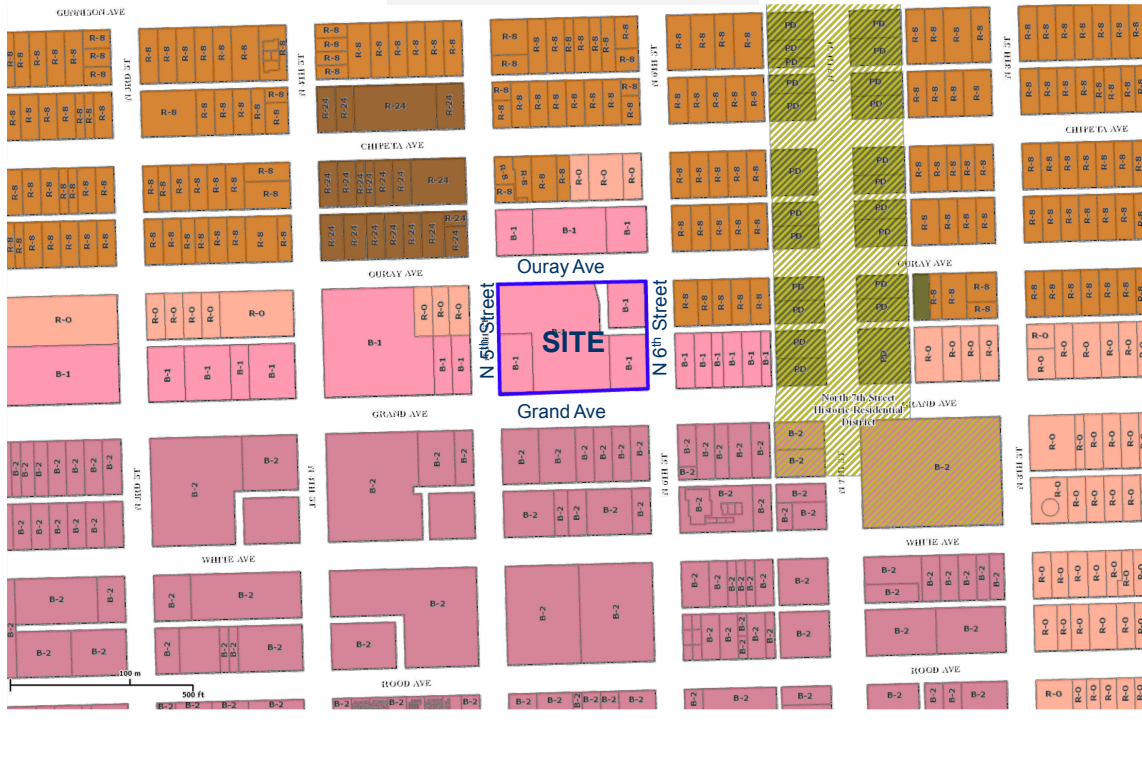
Aerial Photo Map



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 18th day of July, 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 11

CITY COUNCIL AGENDA ITEM

Date: July 31, 2012
 Author: Harry Weiss
 Title/ Phone Ext: Exec. Director,
GJDDA, ext. 4134
 Proposed Schedule: August 1, 2012
 2nd Reading
 (if applicable): N/A
 File # (if applicable): N/A

Subject: City's TIF Allocation to DDA & Certification of TIF Allocations to County Assessor
Action Requested/Recommendation: Adopt Resolution
Presenter(s) Name & Title: Harry Weiss, Downtown Development Authority Director John Shaver, City Attorney

Executive Summary:

The proposed Resolution confirms that the City of Grand Junction has committed 100% of both the ad valorem real property tax increment and the district sales tax increment to the DDA special revenue, and directs the City Manager to certify to the County Assessor the property tax distribution percentages of all taxing authorities contributing to the DDA special fund.

Background, Analysis and Options:

The DDA was formally established in 1981 and operated under the provisions of the original state enabling legislation for its first thirty years. Ad valorem real property tax revenues attributable to the growth in the taxable assessed basis of property within the DDA boundary (the "increment") are the primary source of capital funds for DDA projects. Tax revenues derived from the increment are held in a special revenue fund used exclusively for debt service for DDA undertakings.

Historically the DDA has received 100% of the property tax revenues attributable to the increment. The local taxing authorities subject to the increment allocation are the City of Grand Junction, Mesa County (General Fund and Human Services levies), School District 51, Mesa County Public Library District, Colorado River Water District, Grand Valley Drainage District, and the Mosquito Control District. In addition to the property tax allocation, the City of Grand Junction has committed 100% of the DDA district sales tax increment to the special revenue fund.

In 2008 the Colorado legislature modified 31-25-807, C.R.S., to allow the extension of Downtown Development Authorities for an additional twenty year term, subject to new provisions regarding the increment. During the twenty-year extension the DDA shall receive 50% of the property tax revenues attributable to the increment in property assessments as measured from a new base year of 1991, unless a taxing entity agrees to allocate a greater percentage.

This year marks the start of the new protocol for the increment. During the process extending the authorization of the DDA, School District 51 agreed to allocate 100% of the increment revenues to the DDA during the extension period (Board of Education Resolution 10/11: 90). The City of Grand Junction has committed to 100% of both the ad valorem property tax and the district sales tax increment to the DDA special revenue fund going forward. The remainder of taxing entities have not allocated any additional revenues beyond the base 50% mandated by state law, including most recently, the Mesa County Public Library District Board which voted in June 2012 to allow only the base 50% allocation.

The proposed Resolution memorializes the City of Grand Junction's commitment of 100% of the ad valorem real property taxes and district sales tax increment to the DDA special revenue fund.

Additionally, 31-25-807, C.R.S., requires that the governing body (the City of Grand Junction) annually certify and itemize to the County Assessor the property tax distribution percentages from each of the taxing entities that contribute to the special revenue fund. The proposed Resolution directs the City Manager to provide such certification to the County Assessor.

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.*

***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.*

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

The DDA special revenue fund is the ultimate funding source for capital improvements undertaken by the DDA in pursuit of its mission of downtown revitalization. The special fund is used exclusively for debt service, and thus, is the bedrock mechanism for tax increment financing and the DDA's ability to issue bonds. The new statutory provisions reducing the mandatory property tax revenue increment allocation to 50% represents a significant change in the financial capacity of the DDA necessary to achieve its mission. The City's continuing commitment of 100% of the ad valorem and sales tax increments will strengthen the DDA's ability to expand upon the efforts of the past thirty years and support new initiatives, particularly strategies that will increase diverse downtown housing options.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Under the new provisions of 31-25-807, C.R.S., local taxing entities including the City of Grand Junction are not required to provide any additional TIF allocation beyond the

statutory requirement of 50%. In agreeing to a 100% allocation of property tax and sales tax increment revenues, the City is foregoing tax revenues that would otherwise accrue to the City's general fund.

Legal issues:

Under the revised DDA state statute, the allocation of the City's property tax revenues for the DDA special fund will automatically default to 50% without an agreement specifying a greater percentage.

The City of Grand Junction is required to certify annually the property tax distribution percentages to the County Assessor.

Other issues:

N/A

Previously presented or discussed:

The City Council discussed this at a workshop last year.

Attachments:

Proposed Resolution

RESOLUTION NO. _____-12

**A RESOLUTION FOR ALLOCATION OF CERTAIN PROPERTY TAX REVENUES
FOR THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY AND FOR
CERTIFICATION OF PROPERTY TAX DISTRIBUTION PERCENTAGES TO THE
COUNTY ASSESSOR**

Recitals:

WHEREAS, the Grand Junction Downtown Development Authority (“DDA”) was established and exists to enhance the built environment of the public spaces, buildings, and property by the expenditure of money to prevent and remedy slum and blight within the boundaries of the DDA; and,

WHEREAS, the DDA strives to create a more pleasing urban environment and expand the opportunities for residents and visitors to experience a quality urban landscape, streets, buildings and design in public places; and,

WHEREAS, in 2008 the Colorado Legislature changed section 31-25-807, C.R.S., providing that fifty percent (50%) of the property taxes levied, or such greater amount as may be set forth in an agreement negotiated by the municipality and the respective public bodies, shall be paid into the special fund of the municipality (which portion of the taxes is also and may for the purpose of this resolution be known as and referred to as the “increment” of the “TIF”); and,

WHEREAS, section 31-25-807, C.R.S., further requires that the governing body annually certify to the county assessor an itemized list of the property tax distribution percentages attributable to the special fund of the municipality from the mill levies of each public body; and,

WHEREAS, the City of Grand Junction has committed to allocate one hundred percent (100%) of both the ad valorem property tax and the district sales tax increment to the DDA special revenue fund; and,

WHEREAS, the purpose of the allocation shall be for the continued construction of capital improvement projects as provided by state law in the City of Grand Junction’s downtown area; and,

WHEREAS, such allocation is in the best interests of the community of the City of Grand Junction;

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

1. The City of Grand Junction agrees that one hundred percent (100%) of the ad valorem property taxes attributable to the increment of assessed values of properties located within the DDA boundaries and subject to the City of Grand Junction mill levy, and one hundred percent (100%) of the DDA district sales taxes attributable to the

increment of sales tax growth shall be paid into the special fund of the municipality for the benefit and use of the DDA. This agreement shall continue until such time the City of Grand Junction affirmatively alters this allocation in a new resolution. Funds shall be approved for expenditure in accordance with City financial policies but shall not constitute funds of the City for any purpose, including but not limited to the application of Article X, Section 20 of the Colorado Constitution.

2. The City Manager is hereby authorized and directed to certify to the county assessor the property tax distribution percentages attributable to the special fund of the municipality from the mill levies of each participating public body.

PASSED and ADOPTED this ____ day of _____, 2012.

President of the Council

Attest:

City Clerk