

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
WEDNESDAY, MAY 15, 2019
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order, Grand Junction Fire Department Color Guard and Posting of the Colors, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming May 19 - 25, 2019 as Emergency Medical Services Week in the City of Grand Junction

Proclaiming May 18, 2019 as Kids to Park Day in the City of Grand Junction

Proclaiming May 18, 2019 as Colorado Public Lands Day in the City of Grand Junction

Appointments

Election of Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem

Oath of Office for Municipal Judge

Certificates of Appointment

To the Grand Junction Regional Airport Authority Board

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

City Manager Report**Council Reports****CONSENT AGENDA**

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Minutes of the May 1, 2019 Regular Meeting
- b. Summary of the May 6, 2019 Workshop

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Quasi-judicial
 - i. Introduction of an Ordinance Rezoning a Property from I-2 (Heavy Industrial) to I-1 (Light Industrial), Located at 2285 River Road and Set a Public Hearing for June 5, 2019
 - ii. Introduction of an Ordinance Amending Section 21.04.030(e), Recreational Campgrounds, and Other Related Sections of the Grand Junction Municipal Code and Set a Public Hearing for June 5, 2019
 - iii. Introduction of an Ordinance Rezoning the Sixbey Investments, LLC Property from R-4 (Residential - 4 du/ac) to R-O (Residential Office) Located at 2670 Patterson Road and Set a Public Hearing for June 5, 2019

3. Contracts

- a. Purchase of Street Sweeper

- b. Contract for 2019 7th Street Reconstruction - Orchard Avenue to Patterson Road
- c. Construction Contract for the Riverside Park Improvements
- d. 2018 Subrecipient Agreement between the Grand Junction Housing Authority and the City of Grand Junction

4. Resolutions

- a. Resolution Assigning City Councilmembers to Various Boards, Commissions, and Authorities
- b. Resolution Vacating a Portion of a 20-Foot Wide Public Storm Sewer Easement Located at 649 Market Street

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

5. Public Hearings

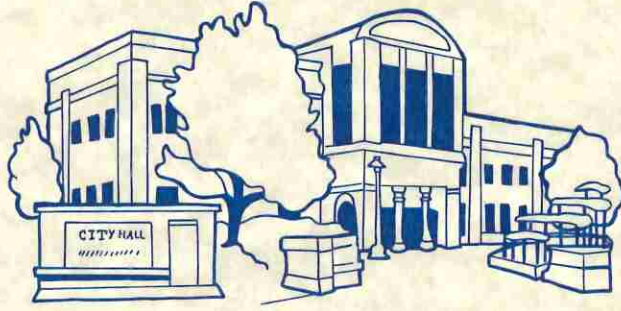
- a. Quasi-judicial
 - i. An Ordinance Amending Planned Development Zoning Ordinance No. 4676 and Amending the Outline Development Plan for "One West Development", Now Known as "The Community" Planned Development, Located at 2350 Highway 6 & 50 Between 23 1/4 Road and 23 3/4 Roads, from G Road to Highway 6 & 50

6. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

7. Other Business

8. Adjournment



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** emergency medical services are a vital public service; and
- Whereas,** the members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- Whereas,** access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- Whereas,** emergency medical service providers have traditionally served as the safety net of America's health care systems; and
- Whereas,** emergency medical service teams consist of emergency medical technicians, paramedics, firefighters, emergency nurses, emergency physicians, administrators and others; and
- Whereas,** the members of emergency medical service teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- Whereas,** the citizens of Grand Junction benefit daily from the knowledge and skills of these highly trained individuals; and
- Whereas,** it is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor Pro Tem of the City of Grand Junction, do hereby proclaim the week of May 19 – May 25, 2019 as

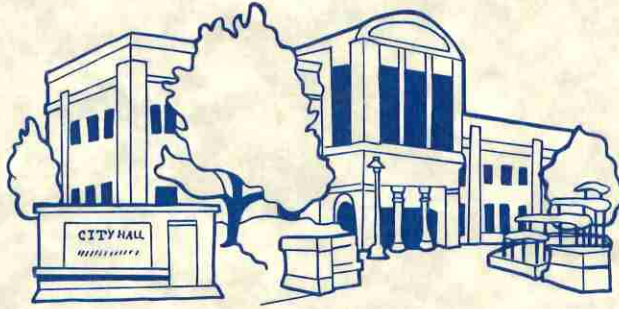
"Emergency Medical Services Week"

in the City of Grand Junction, and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of May, 2019.



Phyllis Norris
Mayor



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** May 18th, 2019 is the eighth Kids to Parks Day organized and launched by the National Park Trust, held annually on the third Saturday of May; and
- Whereas,** Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and
- Whereas,** it is important to introduce a new generation to our nation's parks; and
- Whereas,** we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and
- Whereas,** Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and
- Whereas,** Kids to Parks Day will broaden children's appreciation for nature and outdoors; and
- Whereas,** Summer youth programs commence in Grand Junction at pools, summer camps and golf courses on June 3rd.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor Pro Tem of the City of Grand Junction, do hereby proclaim May 18, 2019 as

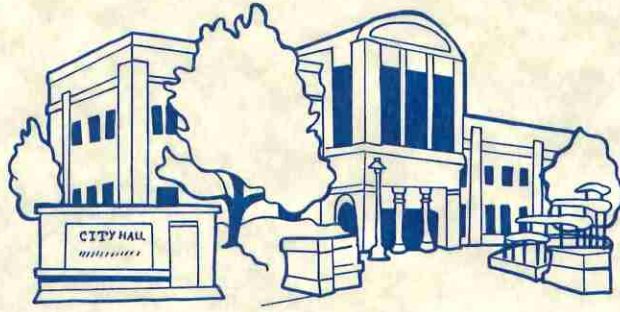
"Kids to Park Day"

in the City of Grand Junction and urge residents to make time on this day to take the children in their lives to a neighborhood, state or national park.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of May, 2019.



Phyllis Norris
Mayor



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** Colorado established the nation's first state-based Public Lands Day; and
- Whereas,** the Grand Valley and City of Grand Junction has a compelling story to share of communities embracing and connecting to surrounding public lands; and
- Whereas,** the Grand Valley's public lands are diverse and provide many benefits to our residents from recreational pursuits to other multiple uses. Public lands play a significant role in economic development, clean water supplies, and wildlife; and
- Whereas,** citizens and visitors to the City of Grand Junction enjoy the recreational, health, scenic, and economic benefits from nearby public lands, including the Colorado National Monument, McInnis Canyons National Conservation Area, the Lunch Loops, the Tabeguache Trail System, and the Bookcliffs; and
- Whereas,** Colorado Public Lands Day recognizes the significant and positive contributions that public lands within Colorado and the Grand Valley make to our quality and way of life. This day will encourage Coloradans to celebrate our public lands that support the vitality of our communities; and

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor Pro Tem of the City of Grand Junction, do hereby proclaim May 18, 2019 as

"Colorado Public Lands Day"

in the City of Grand Junction and call upon all citizens to help recognize the Grand Valley's public lands and enjoy the diverse benefits to our citizens.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of May, 2019.

Phyllis Norris
Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: May 15, 2019

Presented By: City Council

Department: City Manager's Office

Submitted By: John Shaver, City Attorney, and Wanda Winkelmann, City Clerk

Information

SUBJECT:

Election of Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem

RECOMMENDATION:

Nominate and elect a Council President/Ex-Officio Mayor and a Council President Pro Tem/Ex-Officio Mayor Pro Tem.

EXECUTIVE SUMMARY:

The Charter sets forth the process for selecting a President of the Council and a President of the Council Pro Tem. Article V, Section 39 provides that during the first regular City Council Meeting in May of each year, a Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem are nominated and voted on to fulfill the obligations of those duties through April of the following year.

BACKGROUND OR DETAILED INFORMATION:

Article V (President of the Council), Section 39 (Term-Duties) of the Grand Junction Municipal Charter states that "each Council, at its first regular meeting and thereafter when a vacancy occurs, shall elect from its membership a president of the council. He shall serve for a term of one year and until his successor is elected and qualified. During such term he shall be a member of the council with the same right to speak and vote therein as any other member, but without the right of veto. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In case of his absence or disability, his duties shall be performed by a president pro tempore, chosen

by the council from among its own members."

Paragraph 39 specifies that the Council "elects" a president; historically the Council has also elected a president *pro tempore* on the same date. The process for those elections has been the same for president and president *pro tempore* with the Council generally establishing the procedure with each election.

By law, secret ballots are not allowed, as such all of the election proceedings, other than the City Clerk's written tallies, are spoken. The City Clerk will report her tallies as part of the selection process and will keep those in her records. Of course you may during the process ask for assistance from the City Clerk and/or City Attorney;

Nominations and seconds are required; self-nominations are allowed. Typically, a short statement is made by each member making a nomination and by the nominee when accepting a nomination. A nominee may decline a nomination and withdraw her/his name either at the time of nomination or later (but preferably before being elected). The president of the council is chosen first but Council may order the process as a majority determines. After discussion, the sitting Mayor begins the process by announcing that the nominations are open and will be entertained. At the conclusion of the nominations and seconds, a motion to close nominations should be made, seconded and voted on before the voting begins.

It may be that there are multiple nominations and multiple rounds of voting. If that happens the nominees with the highest number of votes (without achieving a majority of four) have been advanced to subsequent rounds of voting. Typically, the Council has required at least three votes to advance but in the event of two nominees receiving two votes a "run-off" is held between those nominees with the highest number of votes advancing to a ballot with the nominee previously receiving 3 votes.

Votes from round to round are non-binding.

The same process is used for president and president *pro tempore*.

With the exception of the law specifying no secret ballots, the Council may establish the selection process as a majority prefers.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Nominations can be entertained by the President of the Council. Nominations that are seconded will be voted upon voice vote; no secret ballots are allowed. Detailed procedures are described above.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: May 15, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Grand Junction Regional Airport Authority Board

RECOMMENDATION:

Present new board member with Certificate of Reappointment.

EXECUTIVE SUMMARY:

There is one new member being reappointed to Grand Junction Regional Airport Authority Board.

BACKGROUND OR DETAILED INFORMATION:

Reappointment is due to a term expiring.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None

GRAND JUNCTION CITY COUNCIL

MINUTES OF THE REGULAR MEETING

May 1, 2019

The City Council of the City of Grand Junction convened into regular session on the 1st day of May, 2019 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Phyllis Norris, Duke Wortmann, Rick Taggart and Council President Barbara Traylor Smith. Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann, and Deputy City Clerk Selestina Sandoval.

Council President Traylor Smith called the meeting to order. The Grand Junction Police Department Honor Guard presented the Posting of the Colors and led the Pledge of Allegiance which was followed by an invocation by Michael B. Shannon of Fruita Seventh-Day Adventist Church.

Presentations

Recognition of Outgoing Councilmembers

Parks and Recreation Director Rob Schoeber presented a slideshow displaying the type of tree, benches and markers that were made and will be placed at Las Colonias Park in appreciation of the outgoing councilmembers' service to the City of Grand Junction.

City Manager Caton thanked the outgoing councilmembers for their leadership.

Maria Keenan, resident of Grand Junction, presented the outgoing councilmembers with flowers.

Councilmember Norris presented outgoing Council President Traylor Smith with a plaque of appreciation.

Proclamations

Proclaiming May 12 - 18, 2019 as Police Week in the City of Grand Junction

Councilmember Norris read the proclamation. Deputy Chief Mike Nordine accepted the proclamation.

Proclaiming May as Bike Month and May 8, 2019 as Bike to Work and School Day in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Urban Trails Committee Members Sarah Johnson and Steven Meyer accepted the proclamation.

Proclaiming May 5 - 11, 2019 as Drinking Water Week in the City of Grand Junction

Councilmember Wortmann read the proclamation. Utilities Director Randi Kim and Lead Water Treatment Plant Operator Andy Thatcher accepted the proclamation.

Appointments

To the Grand Junction Regional Airport Authority Board

Councilmember Taggart moved to reappoint Erling Brabaek to the Grand Junction Regional Airport Authority Board for a four-year term to expire May 31, 2023. Councilmember Kennedy seconded the motion. Motion carried by unanimous voice vote.

Citizen Comments

Rebecca Scarrow thanked Council for moving the Transportation Capacity Payments (TCP) discussion to a later time.

City Manager Report

City Manager Caton spoke about the neighborhood meeting in regards to Fire Station #6 and gave an update of what was shared during this meeting.

Council Reports

Councilmember Kennedy thanked Council for the last four years. He took time to speak about his term and the accomplishments including: Completion of Las Colonias Ampitheater, the business park and other brick and mortar additions to the City, the continuing development of the Riverfront, and the ongoing process of delivering more transparency of the operations of the City. He noted he is most proud of moving forward the conversations about tolerance and inclusivity through Pride Week Proclamations and the Inclusivity Proclamation, and urged people to continue to speak against intolerance and bigotry. Councilmember Kennedy urged current and future councilmembers to speak against discrimination and to continue advancing the goals of Grand Junction. He spoke about his disappointment that efforts to bring broadband to the City were abandoned. He thanked residents for the opportunity to serve and ended with a poem.

Councilmember Boeschstein thanked Council, staff, and the residents of Grand Junction for their support and referred to the list of accomplishments during his term noted at the previous City Council Meeting.

Council President Traylor Smith thanked staff for helping lead policy in the City. She took time to address the continuance of the Transportation Capacity Payments fee increase as an example of how municipal government works towards addressing the needs of the community and the impacts of growth. She urged the new Council to address these fees to establish the future infrastructure of the City.

CONSENT AGENDA

Councilmember Kennedy moved to adopt the Consent Agenda items #1 - #5 with an amendment to the minutes to include the list of accomplishments as stated by Councilmember Boeschstein at the April 17th meeting. Councilmember Boeschstein seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the April 17, 2019 Regular Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of an Ordinance Amending Planned Development Zoning Ordinance No. 4676 and Amending the Outline Development Plan for "One West Development", Now Known as "The Community" Planned Development, Located at 2350 Highway 6 & 50 Between 23 ¼ Road and 23 ¾ Roads, from G Road to Highway 6 & 50, and Set a Public Hearing for May 15, 2019

3. Continue Public Hearings

- a. A Resolution Accepting the Petition for Annexation of 19.608 Acres of Land and Ordinances Annexing and Zoning the Maverick Estates Annexation to R-4 (Residential - 4 du/ac), Located at 2428 H Road - **Continued to a Date to be Determined**
- b. Consider a request by the City of Grand Junction for a Group of Actions Including 1) An Ordinance Amending Ordinance No. 3641, 2) An Ordinance Amending Section 21.06.010 of the Zoning and Development Code Concerning Infrastructure Standards, Transportation Capacity Payments Including Calculations Thereof, Credit and Approving Consumption Based Calculation Methodologies and 3) A Resolution Amending Transportation Impact Fees and Establishing the Implementation Schedule - **Continued to a Date to be Determined**

4. Contracts

- a. Contract for 2019 Monument Road Bicycle Path (Lunch Loop Connector) Trail
- b. Memorandum of Understanding Between the United States Department of Interior, Bureau of Land Management, the Town of Palisade, and the City of Grand Junction to Establish a Framework of Cooperation in Support of the Palisade Watershed Fire Mitigation Plan

5. Resolutions

- a. A Resolution Authorizing a City Council Acting President Pro Tem
- b. A Resolution Appointing a Municipal Court Judge

REGULAR AGENDA

Public Hearing - An Ordinance Making Supplemental Appropriations for the 2019 Budget for the City of Grand Junction and the Downtown Development Authority

This request is to appropriate funds and authorize spending to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction and the Downtown Development Authority (DDA) based on proposed 2019 budget amendments. Supplemental appropriations are required to ensure adequate appropriations by fund and often are needed to carry forward capital projects that regularly span more than one year. This action re-appropriates the funds for projects approved and started in the prior budget year but not completed in that year. Because these capital projects have already been planned for and the expenditure approved by Council in the 2018 budget, they do not decrease the budgeted fund balances. Supplemental appropriations are also required to authorize spending of unbudgeted revenues which are a result of successful grant applications, as well as new spending from available resources because of project or economic development opportunities that arise during the year, all subject to City Council approval.

Finance Director Jodi Romero presented this item.

The public hearing was opened at 6:48 p.m.

There were no public comments.

The public hearing was closed 6:48 at p.m.

Conversation ensued about the progress for the pedestrian access for the Bookcliff Middle School area project, clarification of what supplemental appropriation is (reappropriation of a budget from a previous year requiring Council approval), the clarification of the DDA portion of the ordinance being DDA funds, and the process explaining why there is carry over into other years.

Councilmember Kennedy moved to adopt Ordinance No. 4850, an ordinance making Supplemental Appropriations to the 2019 budget of the City of Grand Junction, Colorado and the Downtown Development Authority for the year beginning January 1, 2019 and ending December 31, 2019 on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by unanimous roll call vote.

Public Hearing - An Ordinance Amending the Comprehensive Plan to Include the Horizon Drive Business Improvement District (BID) Trail Network Plan as a Part of the Grand Junction Circulation Plan

The Horizon Drive BID Trail Network Plan identifies a series of proposed multi-modal trail connections within the Horizon Drive corridor area to provide safe, convenient and functional non-motorized linkages to amenities within the District and to the surrounding area. The need for this sub-area plan was identified as an implementation strategy in the adopted 2018 Grand Junction Circulation Plan. Both the Horizon Drive BID and the Grand Junction Urban Trails Committee have reviewed and unanimously recommended approval of the trails plan.

Community Services Manager Kathy Portner presented this item.

Vara Kusal Executive Director for the Horizon Drive Association BID, was present to answer questions.

Conversation ensued about Phase I of the proposed trail plan and the impact on pedestrians on Horizon Drive, whether the easements have been secured, projection of time for the Army Corps of Engineer study on the project, and budget restraints.

The public hearing was opened at 7:04 p.m.

There were no public comments.

The public hearing was closed at 7:04 p.m.

Councilmember Kennedy moved to adopt Ordinance No. 4851, an ordinance amending the Comprehensive Plan to include the Horizon Drive Business Improvement District (BID) Trail Network Plan as a Part of the Grand Junction Circulation Plan on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by unanimous roll call vote.

Public Hearing - An Ordinance Authorizing the Refunding (Refinancing) of \$30,000,000 Certificates of Participation, Series 2010B

The City has an opportunity to refund its \$30,000,000 Certificates of Participation, Series 2010B (the "Series 2010B COPs") in order to accomplish debt service savings of

\$205,000 each year. In addition, because of the City's credit rating improving from A+ to AA- which is a move from medium to high grade, an additional \$200,000 in costs are saved on the refunding.

As of March 25, 2019, the City can advance refund the \$28,320,000 portion of the Series 2010B COPs callable on December 1, 2020 at an expected interest rate of 3.2% to 3.3%, for a total estimated savings of \$4.26 million over the next 22 years. Savings would be approximately \$50,000 in 2019, \$105,000 in 2020 and \$205,000 in each year from 2021 to 2040. The term of the new COPs is the same as the original which mature in 2040. Debt Service payments for the Series 2010B COPs and for the preliminary Series 2019 COPs are subject to annual appropriation by City Council.

Director of General Services Jay Valentine presented this item.

Conversation ensued about debt service reserve, debt service due from the federal government and sequestration on that.

The public hearing opened at 7:17 p.m.

Ron Perez addressed Council about his questions on the proposed ordinance and staff answered those questions.

The public hearing closed at 7:25 p.m.

Clarification was made on the intent for the refunding, which was to reduce the debt service and not to finance more debt and whether this opportunity was available for other City debt.

Councilmember Kennedy moved to adopt Ordinance No. 4854, and ordinance authorizing the refunding of certain outstanding certificates of participation; authorizing the execution and delivery of an amendment to a ground lease and lease purchase agreement and approval of certain other documents and matters related thereto; and authorizing officials of the City to take all action necessary thereto on final passage and ordered final publication in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

Ron Avalo thanked staff for their attention to industry concerns about the TCP Fee Increase.

Other Business

There was none.

Adjournment

The Meeting was adjourned at 7:33 p.m.

Wanda Winkelmann, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

May 6, 2019

Meeting Convened: 6:01 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:02 p.m.

City Councilmembers present: Councilmembers Duncan McArthur, Chuck McDaniel, Phillip Pe'a, Anna Stout, Rick Taggart, Duke Wortmann, and Mayor Pro Tem Phyllis Norris.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Public Works Director Trent Prall, Community Development Director Tamra Allen, Assistant to the City Manager Greg LeBlanc, and City Clerk Wanda Winkelmann.

Agenda Topic 1. Discussion Topics

a. Interstate 70 Business Loop Update

Mr. Caton introduced the topic and noted tonight's workshop is a follow-up to the March 4th discussion with Colorado Department of Transportation (CDOT) representatives. Mr. Prall introduced the State Transportation Commissioner Kathy Hall, CDOT Region 3 Director Michael Goolsby, CDOT Region 3 Program Manager Jason Smith, CDOT Resident Engineer Rob Beck, CDOT Project Engineer Matt Casey, and CDOT Traffic Engineer Mark Bunnell.

CDOT has been working on the expansion of the I-70B corridor from 24 Road to 15th Street since 2008. The first four phases of improvements have been completed from 24 Road to American Way.

Mr. Beck reviewed the concerns they heard during their community outreach. An Environmental Assessment (EA) was conducted that includes the environmental, safety, traffic, economic, demographic, and multimodal concerns. Mr. Beck reviewed traffic congestion vs. traffic calming.

Phase 5 is proposed to improve the intersection of 1st and Grand, west to Mulberry Street, east to 2nd Street, and south to White Ave. Funding for this phase appears to be in place for 2021 construction start. CDOT will be scheduling public meetings to discuss the project later this year.

Options for the design of 2nd street were presented and CDOT would like to be at the table when the City designs/builds 2nd street. Other multimodal options were discussed including the options for pedestrians.

Phase 6 would reconstruct the corridor from White Ave south to 5th Street and while CDOT has not secured funding for this phase, staff will discuss the design to date.

Discussion ensued about the timing/funding of Phase 6 (ten plus years), design time for 2nd street, improvements to the Conference Center and the new hotel being built downtown, the Downtown Development Authority's (DDA's) Plan of Development (POD), new use of the train depot, and location of the bus station.

Next steps are for the City to budget and plan for the design of 2nd street.

b. Board and Commission Assignments for City Council

Each year, the City Council reviews and determines who on the City Council will represent the City Council on various boards, committees, commissions, authorities, and organizations. Discussion ensued about the specific assignments and a resolution will be brought forward at the regular Council meeting on May 15 for formal appointment.

Agenda Topic 2. Next Workshop Topics

City Manager Caton reported that the May 13 workshop topic will be Community Development Block Grant (CDBG) Funding Requests.

3. Other Business

There was no other business.

Adjournment

The Workshop adjourned at 8:02 p.m.



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: May 15, 2019

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Introduction of an Ordinance Rezoning a Property from I-2 (Heavy Industrial) to I-1 (Light Industrial), Located at 2285 River Road and Set a Public Hearing for June 5, 2019

RECOMMENDATION:

Planning Commission will hear this request at its May 28, 2019 meeting and will provide a recommendation to City Council at that time.

EXECUTIVE SUMMARY:

The Applicant, Bensley-Bristol LLC, is requesting a rezone of a 4.12-acre parcel of land located at 2285 River Road from I-2 (Heavy Industrial) to I-1 (Light Industrial) in anticipation of converting the existing structure on the property from its previous use as an automotive museum to a gymnastics academy (formerly the gymnastics component of Kidzplex, to be known as Legacy Gymnastics). The requested I-1 zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Industrial.

BACKGROUND OR DETAILED INFORMATION:

The subject property is situated at the southeast corner of the intersection of 22-3/4 and River Roads. The property currently has an existing 33,113-square foot building that was constructed in 2002 for purposes of use as an automotive museum (Allen Unique Auto Museum) which closed at the end of 2015. The building is a 2-story office building on the east end and a large warehouse structure on the west end. The property is currently vacant except for the storage of remaining vehicles to be moved

and/or auctioned in the near future. The Applicant has the property under contract for purchase subject to approval of this rezone request as well as the subsequent approval of the administrative Change of Use application.

The Applicant seeks the I-1 zone district to allow for its use as a gymnastics academy which has been categorized as a health club in the Zoning and Development Code. Such use is not allowed in the I-2 zone district but is an allowed use in the I-1 zone district.

The purpose of the I-1 (Light Industrial) zone district is to provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. Development regulations and performance standards are intended to focus use on non-retail establishments, minimize impacts of any associated outdoor storage and minimize nuisance conditions such as excessive vibration, noise, glare, waste and debris and hazardous materials. While the proposed use does not intend to provide such uses, it is allowed in the zone district and the proposed I-1 zone would still allow for other, industrially-oriented uses in the future

Parcels adjacent to the east and west of the subject property are zoned I-2 (Heavy Industrial) with I-1 (Light Industrial) and C-2 (General Commercial) on the north side of the River Road, railroad and Highway 6 & 50 rights-of-way. Generally, properties further from the site have a mix of the I-1, I-2 and C-2 zone districts which implement the Commercial/Industrial and Industrial land use categories of the area depicted on the Comprehensive Plan Future Land Use Map.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on March 27, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, Applicant's Representative, Applicant's Contractor and City staff were in attendance with no citizens present. Applications for the Rezone and a Change of Use were submitted concurrently to the City on April 12, 2019.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 22, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 17, 2019.

ANALYSIS

The criteria for review is set forth in Section 21.02.140 (a). The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following

rezone criteria as identified:

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

The property is within an area that has held stable land use since construction of the building and establishment of the prior business in 2002. While there has been both infill and expansion of surrounding uses, the general character of the immediate vicinity has remained a mix of heavy commercial and both light and heavy industrial uses. Therefore, staff has not found that subsequent events have invalidated the original premise and findings and thus this criterion has not been met.

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

As summarized above, the overall character and/or condition of the area has not changed. However, the proposed rezone request of I-1 (Light Industrial) is still consistent with the Comprehensive Plan Future Land Use category of Industrial in that I-1 is a zone district option to implement the Industrial land use. Thus, staff has found this criterion has been met in terms of consistency.

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

Due to its previous development and use, adequate public and community facilities and services are available to the property and are sufficient to serve the proposed use as well as any other future uses allowed within the I-1 zone district. Ute water and Persigo sanitary sewer exist at the site and it is currently served with Xcel Energy electric and natural gas. Utilities and the City Fire and Engineering Departments were provided application materials for review and there were no concerns with either utility or emergency services available to the site.

The site is adequately served with access from a single driveway off 22-3/4 Road and River Road is easily accessed from the east or west via Highway 6 & 50 or Redlands Parkway. The Applicant believes this central location is advantageous to their clients that travel to the business from across the valley. The City Development and Traffic Engineers discussed the traffic aspects of the proposed gymnastics use. While it isn't expected, because of low River Road traffic volumes, the only potential issue is westbound left turn traffic from River Road to southbound 22 3/4 Road. Traffic will be monitored. If left turns become an issue, the solution is a left turn lane which will take some asphalt widening and restriping. Under current City policy this would be the City's responsibility.

In general, staff has found public and community facilities are adequate to serve the

proposed specific land use as well as other potential future uses in the proposed I-1 zone district. As such, staff finds this criterion has been met.

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

There is a limited amount of land in the City that is designated or zoned for industrial uses. The Applicant provides in their General Project Report that: "Changing the zoning from I-2 to I-1 would not remove the property from industrial zoning, but it would expand the permitted uses to include both the previous use as an auto museum and the proposed use as a gymnastics facility as well as potential future Light Industrial uses." Bensley-Bristol LLC, the prospective buyer of the property, has been searching for suitable properties for its gymnastics facility for some time and has been unable to locate a property of sufficient size and ceiling height to meet its needs."

Staff concurs with this analysis that it is desirable to retain industrial designated and zoned land within the community plan and specifically in this location. The request to change the zoning from I-2 to I-1 does not detrimentally impact the site's availability for industrial uses. Staff therefore finds that the criterion has been met.

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

The Applicant provides in the General Project Report that "The community benefit from the change is that no property is removed from industrial zoning, yet a building which currently has very limited use can be used for more expansive uses, including the need for a gymnastics facility." Staff concurs with this analysis, and would add that the zone change will allow for an existing, viable and successful business (currently known as Kidzplex) to continue to grow and contribute to much-needed activities provided in the community for youth. The use will occupy a site that is currently underutilized and will allow for this business as well as potential leased space to other businesses (e.g. lease of second floor offices or indoor storage space). Therefore, Staff finds that this criterion has been met.

In addition to the I-1 (Light Industrial) zoning requested by the Applicant and the existing I-2 zone district, the following zone districts would also be consistent with the Comprehensive Plan designation of Industrial for the subject property.

- a. MU (Mixed Use)
- b. I-O (Industrial Office)

In reviewing the other zoning district options for the Industrial designation, all zoning districts allow the gymnastics academy use (categorized as a health club) with the

exception of the existing I-2 zone district. However, Staff believes the proposed I-1 zone district best preserves the intent of the Industrial use without compromising the potential future uses on the site.

Further, the rezoning request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

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

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

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

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

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

FISCAL IMPACT:

This land use decision does not have fiscal impact to the City of Grand Junction.

SUGGESTED MOTION:

I move to introduce an ordinance Rezoning a property from I-2 (Heavy Industrial) to I-1 (Light Industrial), located at 2285 River Road, and set a public hearing for June 5, 2019.

Attachments

1. Attachment 1 - Site Maps and Photographs
2. Attachment 2 - Development Application
3. Attachment 3 - Legacy Gymnastics Zoning Ordinance

Legacy Gymnastics Vicinity Map



Printed: 4/25/2019

1 inch = 1,505 feet

Legacy Gymnastics Aerial Photo Map



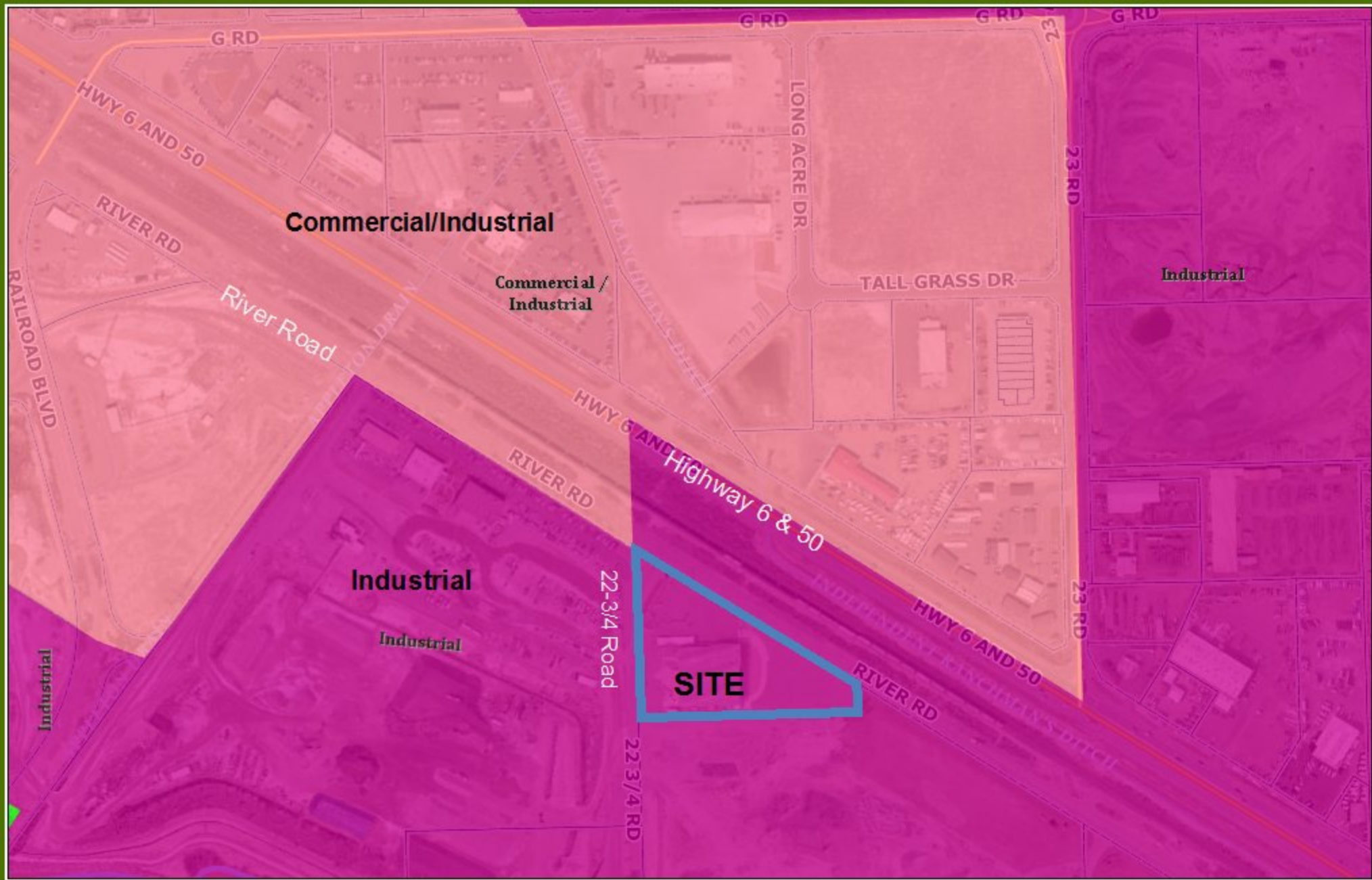
0 0.05 0.1
mi

Printed: 4/25/2019

1 inch = 188 feet

CITY OF
Grand Junction
COLORADO
GRAND JUNCTION INFORMATION SYSTEM

Legacy Gymnastics Future Land Use Map

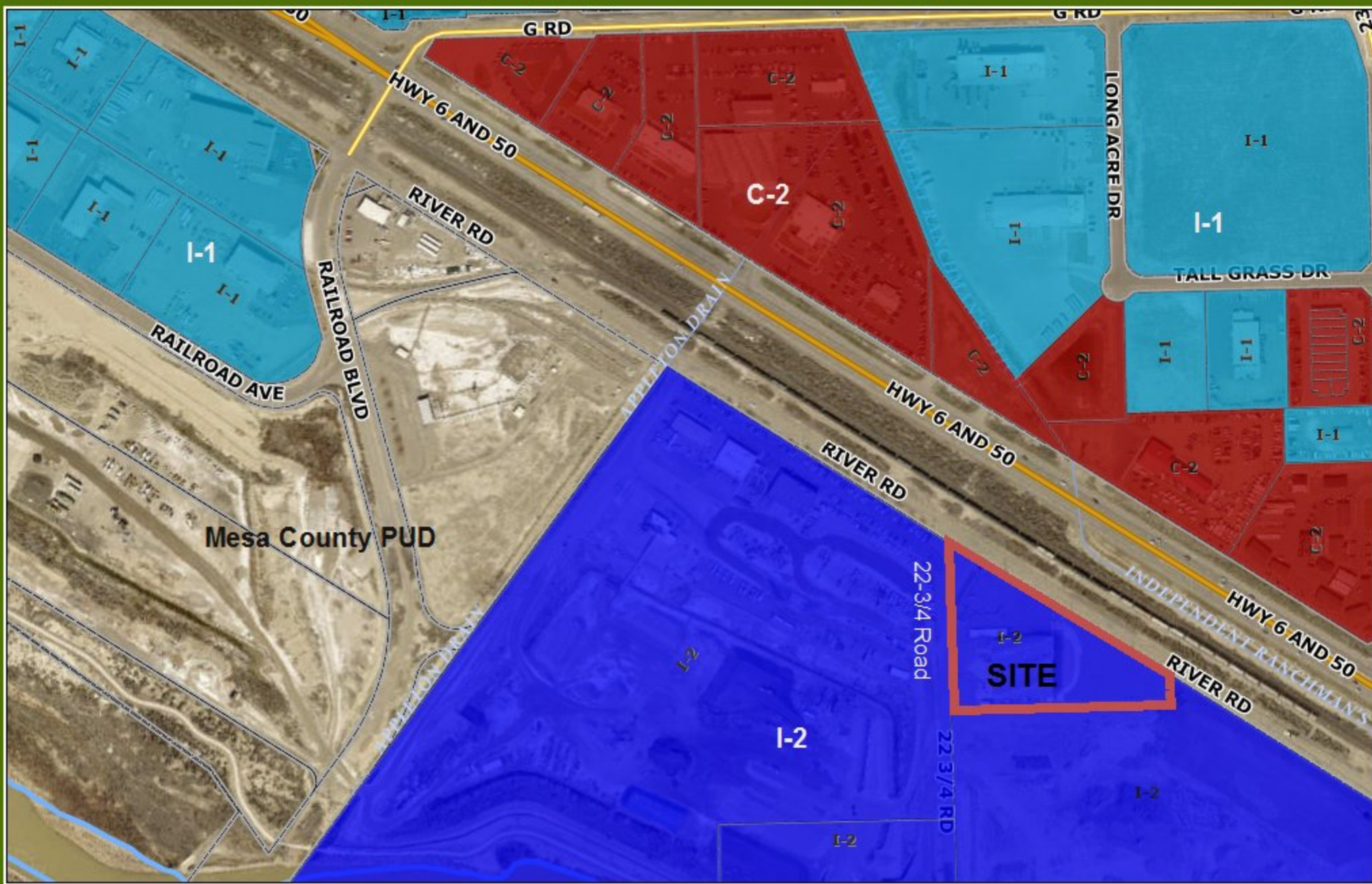


0 0.1 0.2
mi

Printed: 4/25/2019

1 inch = 376 feet

Legacy Gymnastics Zoning Map



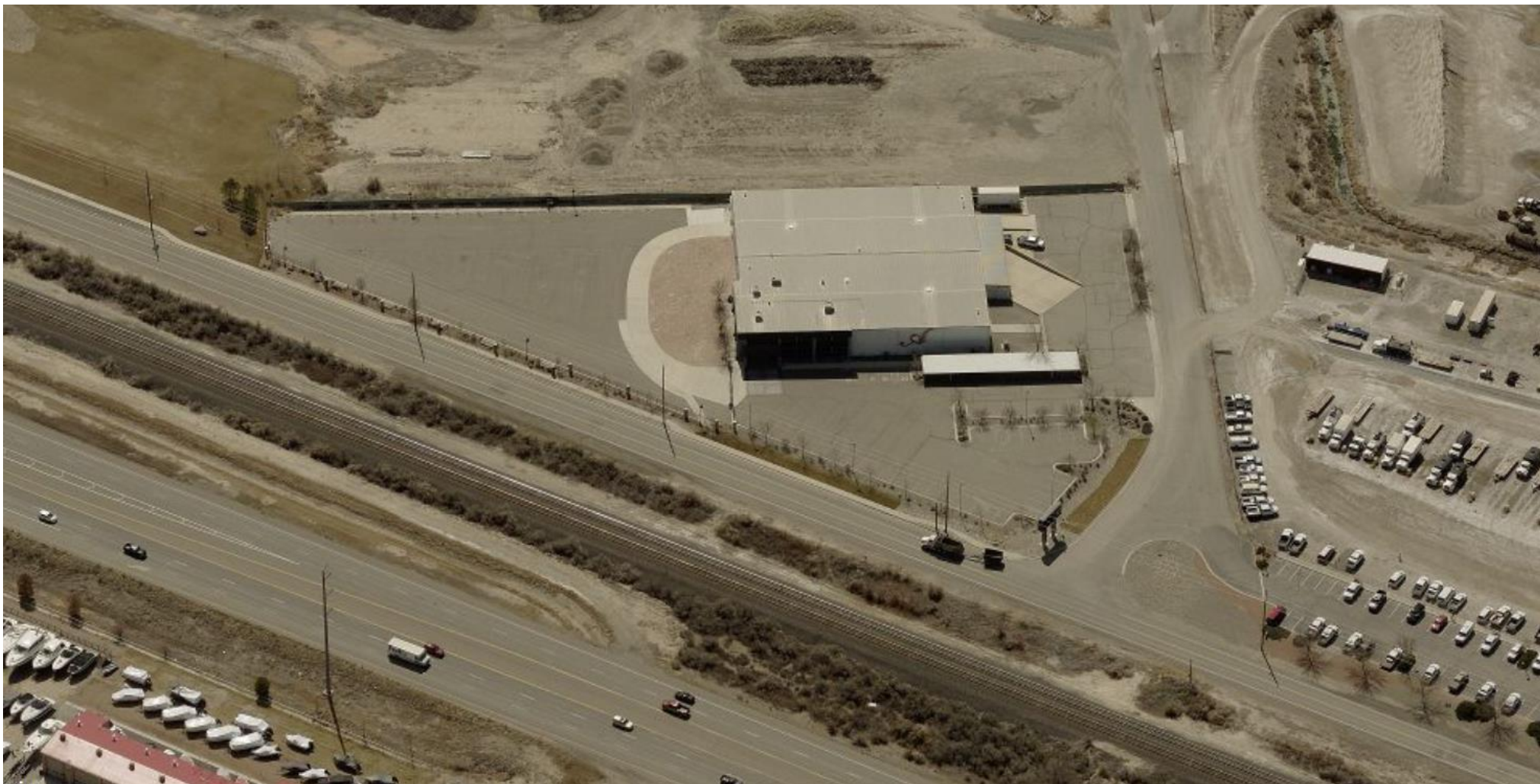
0 0.1 0.2 mi

Printed: 4/25/2019

1 inch = 376 feet

CITY OF
Grand Junction
COLORADO
GRAND JUNCTION INFORMATION SYSTEM

2285 River Road – View Across Site Looking South



2285 River Road – Existing Building Looking South from River Road



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: REZONE

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation MUSEUM

Existing Zoning I-2

Proposed Land Use Designation HEALTH CLUBS

Proposed Zoning I-1

Property Information

Site Location: 2285 RIVER RD GJ, CO 81505

Site Acreage: 4.12

Site Tax No(s): 3112 3212

Site Zoning: I-2

Project Description: REZONE to I-1 for HEALTH CLUB USE (GYMNASIUMS TRAINING)

Property Owner Information

Name: 2285 River Road, LLC

Street Address: 2285 River Road

City/State/Zip: Gr Jctn, CO 81505

Business Phone #: 242-7322

E-Mail: jrl@lmgjlaw.com

Fax #: 242-0698

Contact Person: Rich Livingston

Contact Phone #: 242-7322

Applicant Information

Name: BENSLEY-BRISTOL LLC

Street Address: 2017 ROSETTE CT

City/State/Zip: GJ CO 81507

Business Phone #: 970.234.9596

E-Mail: BRIANBENSLEY@YAHOO.COM

Fax #: 970.256.7825

Contact Person: BRIAN BENSLEY

Contact Phone #: 970.234.9596

Representative Information

Name: BRIAN BENSLEY

Street Address: 2017 ROSETTE CT

City/State/Zip: GJ CO 81507

Business Phone #: 970.234.9596

E-Mail: BRIANBENSLEY@YAHOO.COM

Fax #: 970.256.7825

Contact Person: BRIAN BENSLEY

Contact Phone #: 970.234.9596

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application



Date 4-1-19

Signature of Legal Property Owner



Date 4-3-19

Tammy Todd Allen, Manager of 2285 River Road, LLC

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) 2285 River Road, LLC ("Entity") is the owner of the following property:

(b) Lot II (2) of Orchard Grove Subdivision

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Rezone

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None.

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

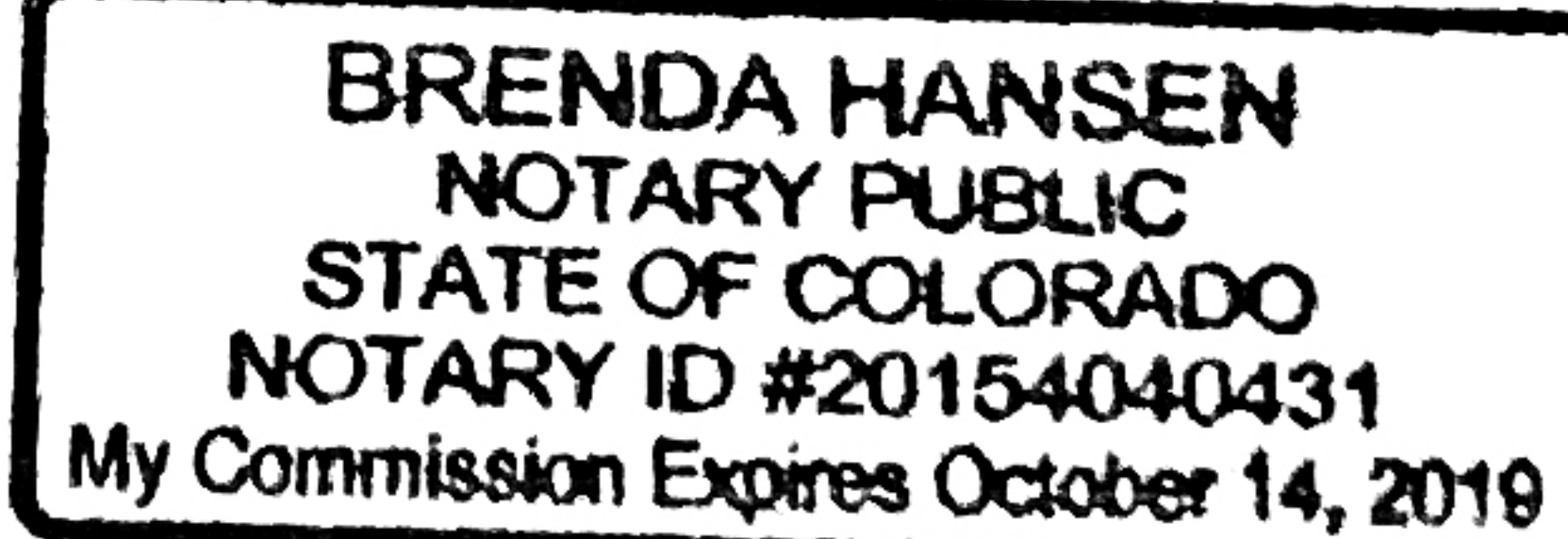
Signature of Entity representative: [Signature]

Printed name of person signing: Tammy Todd Allen

State of Colorado

County of Mesa

) ss.



Subscribed and sworn to before me on this 10 day of April, 2019

by Tammy Todd Allen, the Manager of 2285 River Road, LLC

Witness my hand and seal.

My Notary Commission expires on 10.14.19

[Signature]
Notary Public Signature

General Project Report

RE: Rezone / Change of Use for 2285 River Road - Kidzplex

A. Project Description: To rezone/repurpose existing business building.

1. Location - 2285 River Road, GJ - 81505
2. Acreage - 4.12 acres
3. Proposed use- Gymnastics Training Facility

B. Public Benefit: The proposed facility is an established GJ business, important to many local families and their children. The facility provides professional training in the scope of gymnastics and encourages healthy lifestyles.

C. "Neighborhood Meeting" invitations were mailed out on 3/15/19 and the meeting was held on 3/27/19, 6:00 P.M. at the site location of 2285 River Road. There were 3 in attendance: Bryan Bensley (proposed owner); Chad Wolfe (project assistant); Kris Ashbeck (City of GJ Planning Dept rep).

D. Project Compliance, Compatibility, and Impact

1. Adopted plans and/or policies: N/A based on no changes proposed for existing building - only repurposing to a different business model.
2. Land use in the surrounding areas: Industrial business area only
3. Site access and traffic patterns: Same as previous tenants with no changes expected
4. Availabilities of utilities, including proximity of fire hydrants: No changes required for existing building use
5. Special or unusual demands on utilities: Same usages expected for commercial business
6. Effects on public facilities: No adverse or unusual effects or demands on any public facilities
7. Hours of operation: Mon-Fri 10am-8:30pm; Sat 10am-5pm; Sun-Closed
8. Number of employees: 7-10
9. Signage plans: Sign to be changed to reflect new business name, but same size & location as existing signage
10. Site soils and geology: N/A - existing building with no changes
11. Impact of project on site geology and geological hazards: None

F. Anticipated Move in Date: approx Sept 2019

General Project Report

PUBLIC MEETING MINUTES

RE: Rezone / Change of Use for 2285 River Road - Kidzplex

A "Neighborhood/Public Meeting" was arranged to discuss the proposed rezone/repurpose of the above listed property. The official invitations were mailed out on 3/15/19.

The meeting was held on 3/27/19 from 6:00 P.M to approximately 7:00 P.M. at the site location of 2285 River Road. There were 3 in attendance at the scheduled meeting: Bryan Bensley (proposed owner); Chad Wolfe (project assistant); Kris Ashbeck (City of GJ Planning Dept rep). None of the invitees attended.

City of Grand Junction

Review Comments – Combined for Rezone and Change of Use

Date: April 23, 2019 **Comment Round No.** 1
Project Name: Legacy Gymnastics **File No:** 2019-199/202
Project Location: 2285 River Road

Check appropriate ☒ if comments were mailed, emailed, and/or picked up.
Property Owner(s): 2285 River Road LLC – Rich Livingston
☐ **Mailing Address:** 2285 River Road, Grand Junction, Co, 81505
☐ **Email:** jrl@imgjlaw.com **Telephone:** (970)-242-0698
☐ **Date Picked Up:** _____ **Signature:** _____

Representative(s): Bensley-Bristol LLC – Brian Bensley
☐ **Mailing Address:** 2017 Rosette Court Grand Junction, CO, 81507
☒ **Email:** brianbensley@yahoo.com **Telephone:** (970)-256-7825
☐ **Date Picked Up:** _____ **Signature:** _____

Developer(s): Same as Representative
☐ **Mailing Address:** _____
☐ **Email:** _____ **Telephone:** _____
☐ **Date Picked Up:** _____ **Signature:** _____

CITY CONTACTS

Project Manager: Kristen Ashbeck, Principal Planner
Email: kristena@gjcity.org **Telephone:** (970) 244-1491
Dev. Engineer: Rick Dorris
Email: rickdo@gjcity.org **Telephone:** (970) 256-4034

City of Grand Junction Comments

CITY PLANNING – Kristen Ashbeck

1. Please revise the General Project Report to address each review criteria below (1-5):

21.02.140 Code amendment and rezoning.

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

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Applicant's Response: The proposed change in zoning meets both the criteria set forth in paragraphs (4) and (5). Changing the zoning from I-2 to I-1 would not remove the property from industrial zoning, but it would expand the permitted uses to include both the current use as an auto museum and the proposed use as a gymnastics facility as well as potential future Light Industrial uses. Bristol-Bensley, LLC, the prospective buyer of the property, has been searching for suitable properties for a gymnastics facility for months and has been unable to locate a property of sufficient size and ceiling height to meet its needs. The community benefit from the change is that no property is removed from industrial zoning, yet a building which currently has very limited use can be used for more expansive uses, including the need for a gymnastics facility.

Document Reference:

2. If a timely response is received by the end of the day April 30th, the item can be scheduled for the May 28th Planning Commission meeting with City Council meetings in May. Otherwise, the next available date is June 25th with City Council to follow in July or early August.

3. No comments on Change of Use

CITY DEVELOPMENT ENGINEER – Rick Dorris – rickdo@gjcity.org – 970-256-4034

The City Development Engineer and the City Transportation Engineer discussed the traffic aspects of the proposed gymnastics use. While it isn't expected, because of low River Road traffic volumes, the only potential issue is westbound left turn traffic from River Road to southbound 22 3/4 Road. Traffic will be monitored. If left turns become an issue, the solution is a left turn lane which will take some asphalt widening and restriping. Under current City policy this would be the City's responsibility.

Applicant's Response: **Comment Noted.**

Document Reference:

CITY FIRE DEPARTMENT – Mike Gazdak – **Comments may be forthcoming on Change of Use**

- 1. The fire department has no objections to the request for a REZONE.
- 2. This will be a Change of Use for the building from a Group S occupancy to a Group A-3 Assembly occupancy (as determined by the Mesa County Building Department).

No Response Required

PERSIGO WASTEWATER TREATMENT FACILITY – Stephen Stortz – stephens@gjcity.org

Based on the information that has been provided there will not be any Industrial Pretreatment requirements for this project. The building has an existing interior trench drain system and exterior sand/oil interceptor.

No Response Required

Non-City Review Agency Comments

Review Agency: Xcel Energy

Contact Name: Brenda Boes

Email / Telephone Number: brenda.k.boes@xcelenergy.com

Xcel has no objections at this time.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement.

No Response Required

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: darrel.bay@mesacounty.us - (970) 244-1655

MCBD has no objections to this project.

A building permit will be required.

Any building code related issues will be addressed during plan review

No response Required

Review Agency: Grand Valley Drainage District

Contact Name: Tim Ryan

Email / Telephone Number: tim.admin@gvdd.org

GVDD has no comments or objections.

No Response Required

Review Agency: Ute Water District

Contact Name: Jim Daugherty

Email / Telephone Number: jdaugherty@utewater.org

- No objection.
 - ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
 - If you have any questions concerning any of this, please feel free to contact Ute Water.
- No Response Required

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

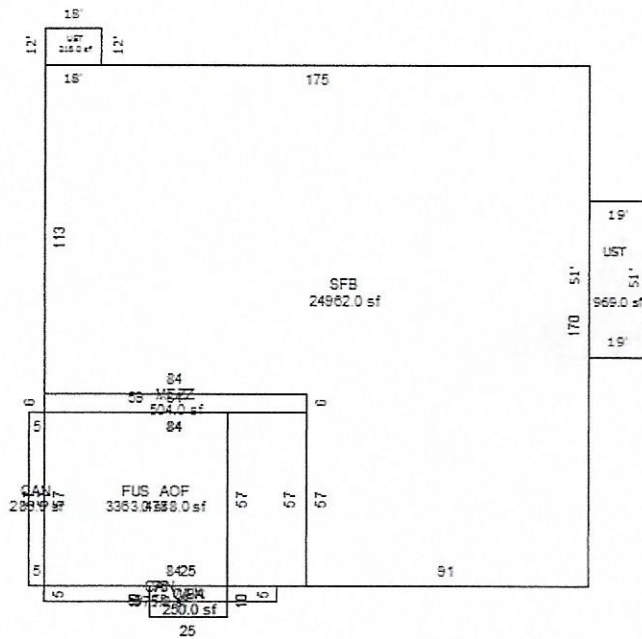
Date due: April 30, 2019 to make May 28th Planning Commission Meeting

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

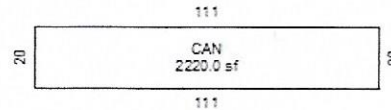
Applicant's Signature

Date

Building Sketch 1



4.12 acres



Sketch by April Nielsen

- Office Average(AOF) = 4788 sq.ft.
- Canopy(CAN) = 3130 sq.ft.
- Finished Upper Story(FUS) = 3363 sq.ft.
- Mezzanine(MEZZ) = 504 sq.ft.
- Semi-Finished Base(SFB) = 24962 sq.ft.
- Wood Deck,Balcony(WBA) = 250 sq.ft.
- Unfinished Storage(UST) = 1185 sq.ft.

Building ID R055366COM1.1546326000009
 Model Description: Commercial
 Building Use: SPECIAL PURPOSE (2230)
 Units: 1
 Arch Desc: EX LG SHOP/OFF
 Quality: Average
 Actual Year Built: 2002
 Effective Year Built: 2005
 Rooms: N/A
 Bedrooms: N/A
 Bathrooms: Commercial-No Bath
 Heat Type: FORCED AIR HEAT

Heat Fuel: GAS
 Heated SQ. FT.: 33113
 Air Conditioning: ROOF TOP AIR
 Frame: STEEL
 Interior Wall: MINIMUM FINISH
 Exterior Wall: MODULAR METAL
 Roof Cover: MODULAR METAL
 Roof Structure: GABLE OR HIP
 Style: COMMERCIAL INDUSTRIAL
 Stories: 1.5
 Comm. Wall Height: 24
 Comm. Fixtures: 27

Miscellaneous Building Information

Year Built	Miscellaneous Description	Length (ft.)	Width (ft.)	Units or Sq. Ft.
2002	CONCRETE, COMMERCIAL	0	0	9678.00
2002	ASPHALT, COMMERCIAL, 0-499 SF	0	0	45013.00
2002	LIGHTS & POLES	0	0	4.00
2002	FIRE SPRINKLER, <10,000 SF			33000

**FIRE DEPARTMENT SURVEY
BUSINESS VERIFICATION APPLICATION PROCESS**

All commercial, industrial and residential occupancies within the City of Grand Junction must be compliant with the locally adopted Fire Code prior to using the facility. This survey is a screening tool used to determine if the proposed project is compliant with existing regulations or if additional Fire Code requirements are required.

Please complete the following sections below:

Gymnastics Training Facility

Business Name: *Kidplex Bensley - Bristol LLC*

Business Location: *2285 River Rd. GJ, CO 81505*

Mailing Address: *2017 Rosette Ct, GJ, CO 81507*

Business Owner: *Brian Bensley Bensley - Bristol, LLC*

Title: *Owner / President* Phone #: *970-234-9596*

Business Contact: *Same Brian Bensley*

Title: *Owner* Phone #: *970-234-9596*

E-mail Address: *brianbensley@yahoo.com*

Project Contact: *Brian Bensley*

E-Mail Address: *brianbensley@yahoo.com* Phone #: *970-234-9596*

1. Provide a detailed description of all operations at the new business location including primary uses, products, services and storage arrangements (i.e. Restaurant, church, office, warehouse, retail, factory, etc.)

Provide gymnastics training

2. Provide a detailed description of any construction related improvements planned at the new business (i.e. Structural addition, interior remodel, installation of large appliances, construction of mezzanine, minor finish work, etc.)**

Install a 40'X40'X6' deep training pit cut out and poured in concrete for gymnastics training.

****Note:** The addition of any interior or exterior fire area to the structure in the form of square footage such as an interior mezzanine or exterior addition will require the petitioner to complete a Grand Junction Fire Department **Fire Flow Form**. Ask your City Planner for a copy of the form or download one from the Fire Department's website at www.gjcity.org. Complete form and return to City Planning.

3. Please answer the following questions either "Yes" or "No" depending on the applicability to your business. This will help you determine what information you will need to provide to the fire department for a proper assessment of your business/location to ensure fire code compliance. You may have more than one use type. The use type/number of people occupying the building must be accepted by the Mesa County Building Official. Please contact the City of Grand Junction Fire Department at the number listed above if there are any questions regarding this form.

****All Questions Must Be Answered****

Use Type (Select "Yes" or "No" for all sections below that apply)	
Yes ☒ No ☐	Will the new facility be used as an assembly use such as a restaurant, bar, theater, concert hall, church, or other similar use involving the gathering of large numbers of people? <i>See electronic blue print provided</i> If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Seating arrangement (fixed seating, tables & chairs, chairs only or standing) 4. Travel path locations, widths and lengths 5. All emergency egress systems (exit signs, emergency lighting, etc.) 6. All fire protection systems (fire sprinkler, fire alarm, kitchen hood suppression, etc.) 7. Number of fire extinguishers and their locations 8. Entertainment areas, stages, etc. 9. Listings and flammability ratings for any proposed interior finishes (curtains, stage decorations, etc.)
Yes ☐ No ☒	Will the new facility be used as a residential use such as a hotel, motel, boarding house, apartment, dorm, or other areas where people will be living and sleeping? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Sleeping rooms 4. Travel path locations, widths and lengths 5. All emergency egress systems (exit signs, emergency lighting, etc.) 6. All fire protection systems (fire sprinkler, fire alarm, smoke detectors, CO Detectors, etc.) 7. Number of fire extinguishers and their locations
Yes ☒ No ☐	Will the new facility be used as a business or professional use such as administration, architecture, attorney, physician, electronic data processing, college, or similar office use type? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Travel path/aisle locations, widths and lengths 4. All emergency egress systems (exit signs, emergency lighting, etc.) 5. All fire protection systems (fire sprinkler, fire alarm, smoke detectors, CO Detectors, etc.) 6. Number of fire extinguishers and their locations.
Yes ☐ No ☒	Will the new facility be used as an institutional or educational use such as a drug/alcohol center, assisted living center, group home, nursing home, hospital, day care, education (below 12th grade) or similar use type? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Sleeping rooms 4. Travel path locations, widths and lengths 5. All emergency egress systems (exit signs, emergency lighting, etc.) 6. All fire protection systems (fire sprinkler, fire alarm, smoke detectors, CO Detectors, kitchen hood extinguishing systems, etc.) 7. Number of fire extinguishers and their locations 8. Listings and flammability ratings for any proposed interior finishes (curtains, decorations, etc.)

Yes ☐ No ☒	Will any portion of the new facility be used as a storage use such as a warehouse, parking structure, motor vehicle repair shop or similar use type? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Description of stored materials and arrangement of those materials including rack types, storage heights and the amount of square footage of those arrangement. 4. Travel path/aisle locations, widths and lengths 5. All emergency egress systems (exit signs, emergency lighting, etc.) 6. All fire protection systems (fire sprinkler, fire alarm, etc.) 7. Number of fire extinguishers and their locations 8. Description, location, quantities and classifications (types) of all potentially hazardous materials. Please include all Material Safety Data Sheets (MSDS).
Yes ☐ No ☒	Will the new facility be used as a factory use involving the assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing of materials such as a bakery, dry cleaner, machine shop, mill working plant, wood shop, metal fabrication shop or similar use? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Description of stored materials and arrangement of those materials including rack types, storage heights and the amount of square footage of those arrangement. 4. Description and layout of factory equipment used. 5. Travel path/aisle locations, widths and lengths 6. All emergency egress systems (exit signs, emergency lighting, etc.) 7. All fire protection systems (fire sprinkler, fire alarm, alternative fire suppression, etc.) 8. Number of fire extinguishers and their locations 9. Description, location, quantities and classifications (types) of all potentially hazardous materials. Please include all Material Safety Data Sheets (MSDS).
Yes ☐ No ☒	Will the new facility be used as a mercantile use such as retail store, wholesale store, gas station, market, drug store or similar use? If yes, provide a detailed project description and site/floor plan indicating the following items: 1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Description of retail display and layout of those materials including rack types, storage heights and the amount of square footage of those arrangement. 4. Travel path/aisle locations, widths and lengths 5. All emergency egress systems (exit signs, emergency lighting, etc.) 6. All fire protection systems (fire sprinkler, fire alarm, etc.) 7. Number of fire extinguishers and their locations 8. Description, location, quantities and classifications (types) of all potentially hazardous materials. Please include all Material Safety Data Sheets (MSDS).

Yes ☐	No ☒	Will the new facility be used as a high-hazard use involving the manufacturing, processing, generation, use, handling or storage of materials that would be deemed a physical or health hazard such as explosives, chemicals, flammable liquids or similar items?
If yes, provide a detailed project description and site/floor plan indicating the following items:		
1. What is the maximum number of people you anticipate having in the building at any given time? 2. Number of exits 3. Description of stored materials and arraignment of those materials including rack types, storage heights and the amount of square footage of those arraignments. 4. Description and layout of factory equipment used. 5. Travel path/aisle locations, widths and lengths 6. All emergency egress systems (exit signs, emergency lighting, etc.) 7. All fire protection systems (fire sprinkler, fire alarm, alternative fire suppression, etc.) 8. Number of fire extinguishers and their locations 9. Description, location, quantities and classifications (types) of all potentially hazardous materials. Please include all Material Safety Data Sheets (MSDS). 10. Description and location of any above-ground or underground storage tanks.		

CERTIFICATION STATEMENT

By submitting this survey, I certify that I am the owner/officer/manager of the property or that I have the authority to submit this survey on behalf of the owner. I acknowledge that I have read this survey. I acknowledge that the above information as well as any submitted supplemental project information is a correct and an accurate representation of the project's scope.

Printed Name & Title:

Brian Bensley, Manager

Signature Field



Date:

4-1-19

INDUSTRIAL PRETREATMENT SURVEY
FOR ALL INDUSTRIAL and COMMERCIAL (Non-Residential) BUSINESSES

The United States Environmental Protection Agency (USEPA) requires the City of Grand Junction (City) Industrial Pretreatment Program to regulate industrial and commercial facilities in our service area that generate wastewater that may be significant to the Persigo Wastewater Treatment Facility. To support this requirement, the City performs business and facility surveys and inspections to obtain information regarding facility operations and chemical usage, and to evaluate the significance of a facility's wastewater discharge to the publicly owned sewer system. This survey is a screening tool to determine if additional City requirements are required and to add local commercial and industrial businesses to the City's Industrial Pretreatment database.

Facility Name: Gymnastics Training Facility - Allen unique auto's

Facility Location: 2285 River Rd GT, CO 81505

Mailing Address: 2017 Rosette Ct. GT, CO 81507

Facility Owner: Brian Bensley Owner 970-234-9596
Name Title Phone #

Facility Contact: Brian Bensley Owner 970-234-9596
Name Title Phone #

e-mail address: brian.bensley@yahoo.com

Contractor Contact: Brian Bensley 970-234-9596 brian.bensley@yahoo.com
Name Phone # e-mail

1. Provide a brief description of new project (ex: new building construction, painting, roofing, remodel, etc.)

Install in floor a 40'x40'x6' deep training pit.
Install new Company Sign.

2. Provide a brief description of the operations at this facility including primary products and services (ex: restaurant, retail, garage, office, medical, etc.) Gymnastics Training Facility.

3. Please answer the following questions to determine if other Pretreatment applications may be required to be completed for your project or facility. ****All Questions Must Be Answered****

Yes	No	Industrial Pretreatment Survey Form
☒	☐	Is this facility an office or retail store?
☒	☐	Will this facility discharge only domestic wastewater or sewage that is typically only found in a residential home? (Note: Domestic wastewater is wastewater generated only from typical bathroom and breakroom facilities, such as toilets and breakroom sinks, hand sinks and showers. All other industrial or commercial wastewater is considered process wastewater.)

☒	☒	Will there be any changes to the existing plumbing? If Yes, briefly describe the change: _____
☒	☒	Is this facility under new ownership or lease agreement?
☒	☒	Has this facility stopped operation or been closed for a period of 12 months or longer?

Yes	No	Food Service
☐	☒	Is this a food service or food processing facility (ex: restaurant, coffee shop, fast food, catering, etc.) or has any of the following: bar, bistro, bakery, butcher shop, cannery, etc?
☐	☒	Does this facility have a commercial kitchen?

Yes	No	Vehicle/Equipment
☐	☒	Does this facility service or clean any vehicles or equipment (ex: engines, parts, valves)?
☐	☒	Does this facility do any materials or metal fabrication (ex: grinding, polishing, cutting, welding, forging, tumbling, etc.)?
☐	☒	Are there any floor drains in the shop area?

Yes	No	Medical
☐	☒	Does this facility provide medical services?
☐	☒	Does this facility provide dental services?
☐	☒	Does this facility operate a laboratory?

Yes	No	Recreational Vehicle Dump Station
☐	☒	Does this facility provide a Recreational Vehicle Septage Dump Station?

Yes	No	Other Industrial Discharge
☐	☒	Does this facility discharge or produce any processed industrial or commercial wastewater other than the types listed above?

CERTIFICATION STATEMENT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. *By submitting this survey, I certify that I am the owner/officer/manager of the property or that I have the authority to submit this survey on behalf of the owner.*

Printed Name & Title: Brian Bensley, Manager

Signature:  Date: 4-1-19

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING LEGACY GYMNASTICS PROPERTY
FROM I-2 (HEAVY INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 2285 RIVER ROAD

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Legacy Gymnastics Property to the I-1 (Light Industrial) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Industrial of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the I-1 (Light Industrial) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

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

Lot 2 Orchard Grove Subdivision

Introduced on first reading this _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: May 15, 2019

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance Amending Section 21.04.030(e), Recreational Campgrounds, and Other Related Sections of the Grand Junction Municipal Code and Set a Public Hearing for June 5, 2019

RECOMMENDATION:

Planning Commission will hear and make recommendation to City Council on this item at its May 28, 2019 meeting.

EXECUTIVE SUMMARY:

The Director of Community Development on behalf of the City is requesting amendments to Section 21.04.030(e), Recreational Campgrounds and other related sections regarding the site design and construction standards for campgrounds.

In general, these revisions are a re-write of the entire Code section in order to modernize and update the regulations, resulting in greater clarity and flexibility in design and construction of campground accommodations.

BACKGROUND OR DETAILED INFORMATION:

The Community Development Department has received several potential development inquiries pertaining to the development of new campgrounds/recreational vehicle (RV) parks over the past year. While discussing the Code relevant to such development, it has been recognized by both Staff and potential developers that the existing Use Specific Standards are out of date and do not adequately address the changes that have or will occur in this changing industry.

Thus, Community Development Staff developed new regulations largely based on new guidance and comment from those in the industry. At first, it was suggested the City review State statute to bring the Code into compliance with that guidance. However, State statute was adopted in 1975 and many standards in the current Code were adopted from those regulations which were antiquated in terms of current trends and envisioned changes in the industry.

Consequently, Staff sought other, more recent guidance in order to update the regulations. This has included the following:

- The existing standards were provided to the Executive Director of the Colorado Campground & Lodging Owners Association (CCLOA) who reviewed them and provided specific written guidance and suggestions in order to update the Code.
- The owners/operators of the local Junction West RV Park also reached out to Staff and provided a publication that is a nationally-recognized standard for development of campgrounds/recreational vehicle parks: NFPA (National Fire Protection Association) 1194, Standard for Recreational Vehicle Parks and Campgrounds published in 2018. The owner of the local business is a member of the National Association of RV Parks and Campgrounds Board of Directors and is former President of the CCLOA.
- United States Access Board guidance: Camping Facilities and Camp Shelters which pertain to inclusion of mobility features in the development of campgrounds
- Discussion with the City Fire Marshall regarding site access as well as the Grand Junction Burn Ordinance and its application to the provision/allowance for recreational, wood-burning fires in a campground.
- Discussion with City Development Engineer regarding minimum requirements for site access, utilities and drainage within a campground.

Based on this guidance, Staff developed a draft of proposed campground regulations that were provided back to the CCLOA, the owners/operators of Junction West RV park, developers and representatives of two of the proposed new campgrounds as well as two additional owners/operators of existing campgrounds (Grand Junction KOA Holiday and Palisade Basecamp). In addition, the Planning Commission has discussed the draft regulations at workshops in March and April 2019. Comments were then incorporated into the regulations that are included in the attached proposed ordinance.

ANALYSIS

In accordance with Section 21.02.140(c), an Application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment. No

further criteria for review are provided. Reasons for the proposed amendments are described in the background section of this staff report.

FISCAL IMPACT:

This Code amendment does not have fiscal impact to the City of Grand Junction

SUGGESTED MOTION:

I move to introduce an ordinance amending Section 21.04.030(e), Recreational Campgrounds and other related sections of the Zoning and Development Code, and set a hearing for June 5, 2019.

Attachments

1. Campground Regs - Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING GRAND JUNCTION MUNICIPAL CODE (GJMC)
SECTION 21.04.030(e), RECREATIONAL CAMPGROUNDS AND OTHER RELATED
SECTIONS REGARDING THE SITE DESIGN AND CONSTRUCTION STANDARDS
FOR CAMPGROUNDS**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan and provide appropriate and current regulation for development proposals and has directed that the Code be reviewed and amended as necessary.

The proposed amendment to GJMC Section 21.04.030(e), Recreational Campgrounds regarding the site design and construction standards for campgrounds. In general, these revisions are a re-write of the entire Code section in order to modernize and update the regulations, resulting in greater clarity and flexibility in design and construction of campground accommodations.

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

After public notice and public hearing, the Grand Junction City Council finds that the proposed amendments to Section 21.04.030(e), Recreational Campgrounds and other associated sections accomplish an update to the Code that meets the desire to modernize the Code as well as provide improved guidance and responsive to industry needs in the development of campgrounds.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT THE CODE IS AMENDED AS FOLLOWS:**

1. Amend Section 21.04.010, Use Table as below:

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	
Parks and Open Space	Campground, Primitive	A															A						21.04.020(h)
COMMERCIAL																							
Recreation and Entertainment, Outdoor – large, generally commercial uses that provide continuous recreation or entertainment-oriented activities	Campgrounds and Camps (Nonprimitive)	C													A	A	A						21.04.030(e) & 21.04.020(g) <u>h)</u>

2. Amend Section 21.10 to add the following definitions:

Campsite. Any defined area which is used for overnight stays by an individual, a single camping family, group, or other similar entity.

Camping Guest. One or more persons assigned to a single campsite.

Camping Unit. A self-propelled or towed recreational vehicle, other vehicle used for temporary human occupancy, or a cabin, tent or other type of shelter intended, designed or used for temporary human occupancy.

Dependent Camping Unit. A camping unit that has no toilet, sink or bathing facilities and is dependent upon a common building for these services.

Independent Camping Unit. A camping unit that has toilet, sink and bathing facilities requiring connection to a water and/or sanitary sewer system at the individual campsite.

3. Existing Section 21.04.030(e), Recreational campgrounds is stricken in its entirety and replaced with the following regulations.

21.04.030 (e) Campgrounds.

(1) Length of Stay

(a) The occupant of a camping unit (camping guest) shall not use the site as a permanent residence or domicile irrespective of the length of stay.

(b) The length of stay by a camping guest shall be market-driven and determined by the owner/operator of a campground.

(2) Campground Design and Site Layout

(a) General Location. The campground shall not be located in a floodway. Camp sites that do not have utility services may be located in a floodplain but shall be vacated when flooding is expected.

(b) Access and Circulation

(i) Entries, access drives, and parking areas shall meet City dimensional and Fire standards and grading, drainage and dust control requirements as applicable.

(ii) The surface of entries and access drive aisles shall be paved with asphalt or concrete with a pavement section to support an 80,000 pound fire truck.

(iii) Pedestrian walkways shall be surfaced with a firm and stable, ADA accessible material and designed to provide safe pedestrian circulation within the campground.

(c) Parking

(i) Parking or unit pull-in spaces shall be finished with a firm and stable material. At campsites designated as ADA-accessible, surfaces shall meet appropriate standards per the United States Access Board Guidelines and Standards for Camping Facilities.

(ii) A minimum of one parking space for a full-sized vehicle per intended camping unit on a campsite shall be provided at or in proximity to each campsite. A minimum of two additional parking spaces shall be provided at each common service building or campground office.

(d) Entries, access drive aisles and walkways shall be lighted every 500 feet, consistent with the overall design of the campground. Low-level, pedestrian lighting fixtures are encouraged.

(e) Site Design and Planning

(i) At least one camping unit with accessible/mobility features shall be provided for each 25 campsites within the campground and shall be located throughout the campground, not grouped into one location. The United States Access Board Guidelines and Standards for Camping Facilities provides specific design considerations.

(ii) All areas shall be well drained and so designed and used as to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.

(iii) Common service buildings including restroom and shower facilities shall be located at a distance of not less than 20 feet or more than 500 feet from any campsite that may be used by a dependent camping unit.

(iv) Entryways to common service buildings shall be lighted during all operational hours between dusk and dawn.

(v) Areas of campgrounds that abut residential properties shall be screened by a 6-foot solid fence or year-round vegetation measuring six feet in height. Fences must comply with GJMC [21.04.040\(i\)](#), any design guidelines and other conditions of approval.

(vi) Landscaping. All areas shall be covered with either the natural vegetation and/or an acceptable form of ground cover so as to facilitate drainage, reduce dust, prevent erosion and reduce fire hazards.

- One tree per 2500 square feet of the total net area used as campsites (e.g. exclude drive aisles, common areas or areas with common buildings) is required and trees may be distributed throughout the campground.
- Existing vegetation retained during construction of the campground may be counted towards the landscape requirement.
- Any new landscape areas/plants shall have an underground, pressurized irrigation system and/or drip system.

(vii) Each campground shall provide an active recreational area(s) such as a tot lot or playground, horseshoe pits or lawn game area consisting of a minimum of 100 square feet per campsite.

(f) Campsite Design

(i) Any campsite shall be set back a minimum of 20 feet from a public right-of-way.

(ii) Each campsite shall provide an average of 750 square feet of space per intended camping unit, and have a minimum width of 25 feet. If a site may be used for multiple units (e.g. group campsites), the campsite shall provide at least another 400 square feet per each additional intended unit.

(iii) A camping unit in full set-up mode (all extensions/pull-outs in place) or placed or built on a site shall not occupy more than 75 percent of the area of the campsite. Thus, campsite size shall be larger than the stated minimum if larger units are intended.

(iv) Camping units or attachments thereto (e.g. slideouts, awnings) shall be set back a minimum of three feet from individual campsite boundary lines or five feet from campground property boundary lines.

(v) Campgrounds shall provide minimum utility services at individual campsites as follows:

- For campsites intended for use by independent camping units, potable water, sewer inlet and electrical power shall be provided. All water and sewer services provided for individual sites shall be connected to a public system.
- For campsites intended for use by independent or dependent camping units requiring only partial hook-up, potable water and electrical power shall be provided.
- For campsites intended for use by dependent camping units or in an overflow area not to exceed 5 campsites/parking areas per 100 in the campground, no utilities are required.

(vi) The maximum number of camping guests allowed on an individual campsite shall be prescribed on the approved Site Plan.

(vii) Each site shall be marked and/or numbered for identification in a conspicuous location, be legible from the campground access drives, and a site map depicting all sites posted at the entrance to the campground.

(viii) No permanent or semi-permanent structures, such as cabins, lean-tos, accessory structures, sheds or habitable buildings, whether placed on a permanent foundation or not, shall be erected on a campsite except by the owner/operator of the property. Such structures shall be erected in accordance with applicable state or local building construction requirements.

(g) Water Services

(i) The campground water supply system shall be designed, constructed and maintained in compliance with all applicable codes and connected to a public water supply system.

(ii) Common water faucets shall be conveniently accessible from any campsite intended for dependent camping units. Spillage, overflow, drainage or wastewater from common faucets shall be discharged to approved drains or otherwise properly grade and constructed, to prevent impoundment of water, creation of mud holes or other nuisance conditions.

(iii) A water station for filling water storage tanks shall be provided at the rate of one station for every 100 campsites or part thereof that are designed for independent camping units. The water station shall be posted with a sign indicating it is potable water.

(h) Sanitary Sewer

(i) In larger campgrounds (e.g. one in which the number of campsites provided for independent camping units with no sanitary sewer hook-up exceeds 100) it is recommended that one sanitary waste station connected to a public sewer system be provided.

(ii) When a sanitary waste station is provided, it shall be located on a level site with a concrete slab sloped to a center drain and be easily accessible from the access drive.

(iii) When a sanitary waste station is provided, a means for flushing camping unit holding tanks and the immediate area shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, valved outlet and attached hose and be posted with a sign indicating non-potable water.

(iv) A flushing sink or other means of disposal connected to the public sewer system shall be provided for disposal of liquid wastes from dependent camping units unless a sanitary waste station is provided and is conveniently located to these campsites.

(i) Restroom and Shower Facilities

(i) All common restroom facilities shall be connected to public water and sewer systems. Privies or are not allowed within campgrounds within the City limits.

(ii) Required toilet, sink and shower facilities shall be provided in the following minimum numbers:

- Where a campground is designed and operated for exclusive use by independent camping units, at least one toilet and one sink shall be provided for each 50 campsites or fractional part thereof.
- Where a campground accepts or accommodates dependent camping units, at least one toilet and one sink shall be provided for every 10

campsites not provided with sewer connections or fractional part thereof and one shower shall be provided for every 10 campsites or fractional part thereof. Sinks shall be provided at each building containing toilet facilities at a rate of one sink per toilet for up to 6 toilets and 1 sink for every 2 toilets after that.

- Additional toilets and sinks shall be provided at the rate of one for every 15 picnic spaces, and one for each 50 persons in a recreational area having concentrated numbers of people.

(j) Health, Safety and Maintenance

(i) Emergency and fire safety rules and regulations shall be conspicuously posted by campground management and shall include the following information in addition to any other information required by the fire and or police department.

- Information needed for summoning the fire and police departments
- Campground location information needed to provide to responding emergency services
- Location of common water faucets
- Location of fire suppression hydrant(s)
- Location of sanitary waste station(s)
- Map of campground, identifying all buildings and campsites by number

(ii) All areas, including the storage, collection and disposal of refuse shall be maintained to minimize health and accidents, fire, air quality and other nuisance conditions.

(iii) Durable, water-tight, easily cleanable refuse containers, sufficient to contain all the refuse shall be provided at each service building, and sanitary waste station or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual sites. Provision of recycling containers for separation of plastic, glass, metal and aluminum containers is strongly recommended.

(iv) All trash collection areas shall be contained with a 6-foot privacy fence or wall on three sides of the area. A 6-foot fence shall be provided around hazardous areas.

(v) A fire ring shall be provided at any campsite at which burning of wood or other combustible material is proposed. All burning is prohibited during times of sustained winds, no burn days, and Red Flag Warnings.

(k) Site Plan Requirements. A proposed campground will be reviewed per GJMC Title 21 as required for campgrounds where allowed within a zoning district.

Development and Engineering Plans will be included in the development application that shall specifically illustrate the following elements of the campground:

- Campground entry and access drives with dimensions
- Individual campsites and intended placement of camping units with dimensions and site numbering
- Identification of type of campsite and intended camping unit e.g. dependent, independent, or camping equipment and anticipated number of maximum camping guests on each campsite.
- Other proposed structures and facilities such as common bathhouse, office, recreation room
- Common open space areas including any proposed permanent, propane-powered fire pit(s)
- Landscaping, screening and fencing
- Utility services – common and/or at individual campsites
- Location of emergency service information
- Refuse collection areas
- Locations of Fire Rings, Permanent Fire Pits or Fireplaces

Introduced on first reading this 15th day of May, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #2.a.iii.

Meeting Date: May 15, 2019

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Rezoning the Sixbey Investments, LLC Property from R-4 (Residential - 4 du/ac) to R-O (Residential Office) Located at 2670 Patterson Road and Set a Public Hearing for June 5, 2019

RECOMMENDATION:

The Planning Commission heard this item at their April 23, 2019 meeting and recommended approval (6-0).

EXECUTIVE SUMMARY:

The Applicant, Sixbey Investments LLC, is requesting a rezone of a 0.31-acre parcel of land located at 2670 Patterson Road from R-4 (Residential – 4 du/ac) to R-O (Residential Office) in anticipation of future development. The requested R-O zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac).

BACKGROUND OR DETAILED INFORMATION:

The subject property is situated at the northeast corner of Patterson Road and View Point Drive. The property currently contains a single-family detached home which was constructed in 1916 and is anticipated to be removed along with the existing detached garage if the proposed rezone request to R-O (Residential Office) would be approved. The Applicant purchased the property in 2018 and is interested in developing the subject property along with the adjacent property located at 2674 Patterson Road (0.63-acres) which is presently zoned R-O (Residential Office) and also owned by the Applicant in anticipation of future development. The Applicant seeks the R-O zone

district due to the allowable uses, as well as the associated performance and bulk standards that are allowed in this district. The property located at 2674 Patterson Road (shares the eastern border) was previously rezoned in 2012 from R-4 to R-O (City file # RZN-2012-408).

The purpose of the R-O (Residential Office) zone district is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make building(s) compatible and complementary in scale and appearance to a residential environment. New construction, including additions and rehabilitations, in the R-O district are required to be designed with residential architectural elements in mind and shall be consistent with existing buildings along the street.

Properties adjacent to the subject property to the east are zoned R-O (Residential Office) with R-4 (Residential – 4 du/ac) to the north and west. To the south, across Patterson Road are medical office buildings zoned B-1 (Neighborhood Business). Further to the east along Patterson Road is a parking lot owned by St. Mary's Hospital which contains a Wells Fargo ATM machine, zoned PD (Planned Development) with a B-1 (Neighborhood Business) default zone and further to the west along Patterson Road is The Lodge at Grand Junction, senior living facility which is currently under construction (2656 Patterson Road) and zoned PD (Planned Development) with a default zone district of MXOC (Mixed Use Opportunity Corridor) (City file # PLD-2016-501).

Traffic Discussion

Traffic is a major consideration, and typically the most common complaint from neighbors, when evaluating a rezone application. The proposal is to rezone to R-O. Although we don't know right now, the likely development of this parcel and the adjacent parcel at 2674 Patterson will be office and/or medical office. The primary question regarding traffic for this type of development on this site is the need for a right turn lane on Patterson.

To avoid requiring the applicant to perform a traffic study, the City did a right turn lane analysis (this was a quick analysis for City Staff) using trip generation for a medical office building (worst case) and information from the Traffic Study performed for the recent Lodge at 8th Court and Patterson. When evaluating the warrants for traffic improvements, the 20-year traffic horizon is used, i.e. the expected traffic volume on Patterson 20 years out. Even if Patterson has medians installed making View Point a right-in/right-out intersection (the worst case scenario), the developed traffic turning onto View Point doesn't come close to warranting a right turn lane.

The problem maneuver for this intersection is the southbound left turn to travel

eastbound on Patterson. It can have a delay now, depending on Patterson volumes, and will have more delay in the future. However, this is the case all along Patterson and the option to turn right is always present. Consequently, increasing delay for the maneuver is not concerning.

Traffic for the office building is not expected to travel through the neighborhood to exit on 26 3/4 Road because it is 3/8 of a mile out of the way. Certainly some will go through the neighborhood but probably not much. The access for the office building is required to come off of View Point because it is the lower order street and uses an existing street intersection.

The City Transportation and Development Engineers are comfortable with rezoning this parcel to R-O.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed rezone request was held on February 21, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, Applicant's Representative and City staff were in attendance along with nine citizens. Main comments and concerns expressed by the attendees centered on the anticipated increase in traffic to the existing residential neighborhood that the proposed development would bring along with the additional encroachment of non-residential zoning into the neighborhood. Comments expressed and received have generally been in opposition of the proposed rezone with one neighbor expressing support for the request. The application for the rezone was submitted to the City on February 25, 2019.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on March 13, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on April 12, 2019. The notice of the Planning Commission public hearing was published April 16, 2019 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review is set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

The property is adjacent to Patterson Road which has become more heavily traveled as a major traffic corridor over the years, which impacts both the desirability and compatibility of the property as currently used as a single family detached residential land use. However, the existing zoning of R-4 remains a zone district that works to implement the current Comprehensive Plan designation of Residential Medium (4 – 8 du/ac), therefore staff has not found that subsequent events have invalidated the original premise and findings and thus this criterion has not been met.

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

The Comprehensive Plan designation of Residential Medium (4 – 8 du/ac) encourages the proposed R-O zoning. The proposed rezone to R-O will provide an appropriate transition between the heavily traveled Patterson Road which is classified as a Principal Arterial and the existing single-family residential neighborhood to the north and west. The character and/or condition of the area has changed in recent years with the additional R-O and Planned Development zoning that has taken place along the Patterson Road corridor between N. 7th Street and N. 12th Street, with the most recent approvals occurring in 2011 with the property located at the northeast corner of Patterson Road and N. 7th Street. This property was rezoned from R-4 to R-O (602 26 ½ Road – City file number RZN-2011-483) and contains an office building for Columbine Caregivers. In 2012, the directly adjacent property to the east located at 2674 Patterson Road was also rezoned from R-4 to R-O (City file # RZN-2012-408). Finally, in 2016, The Lodge at Grand Junction, senior living facility, 2656 Patterson Road was rezoned from R-4 to PD (Planned Development) with a default zone district of MXOC (Mixed Use Opportunity Corridor) (City file # PLD-2016-501).

Nearby, St. Mary's Hospital also continues to expand their medical services and their campus. The proposed R-O zone district is an allowed zone district within the Residential Medium category of the Comprehensive Plan and with additional changes in character and condition, staff has found this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-O zone district. City water and sanitary sewer are presently available within the Patterson Road and View Point Drive rights-of-way. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the west is St. Mary's Hospital. To the east at N. 12th Street are commercial centers that includes retail stores, restaurants, banks and a

grocery store with gas islands. Grand Valley Transit also has several bus stops located along Patterson Road.

In general, staff has found public and community facilities are adequate to serve the type and scope of the residential/office land use proposed. As such, staff finds this criterion has been met.

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

The R-O zone district allows for commercial uses that are less intensive than other commercial uses and is intended to “provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.”

This area of Patterson Road is transitioning from residential uses to commercial uses and despite there being a concentration of parcels zoned R-O directly to the east of this proposed rezone, staff finds that additional R-O zoned property is appropriate and desirable in this area as it works to provide a transition between Patterson Road and existing neighborhoods. Staff therefore finds that the criterion has been met.

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

The community and area will benefit from this proposed rezone request by creating the potential for medical or general office land uses that are compatible with the surrounding residential, commercial and health care services currently being offered in the immediate area. The community and area also benefit from the potential for an attractive and useful re-development of a parcel of land that will include new and upgraded landscaping and on-site improvements offered through the bulk and performance requirements of the R-O zone district such as additional architectural considerations for new buildings. Therefore, Staff finds that this criterion has been met.

In addition to the R-O (Residential Office) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium (4 – 8 du/ac) for the subject property.

R-4 (Residential – 4 du/ac)

R-5 (Residential – 5 du/ac)

R-8 (Residential – 8 du/ac)

R-12 (Residential – 12 du/ac)

R-16 (Residential – 16 du/ac)

MXOC (Mixed Use Opportunity Corridor)

In reviewing the other zoning district options for the Residential Medium designation, all zoning districts allow single-family detached residential development as an allowed land use with the exception of the R-12 and R-16 zone districts. Multi-family residential development would also be allowed in the R-5 through R-16 zone districts. However, the proposed zone district of R-O is the only zone district within the Residential Medium category of the Comprehensive Plan that would permit a medical or general office land use, therefore the requested R-O zone is the preferred zoning designation.

Further, the rezoning request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

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

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

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

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

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

PLANNING COMMISSION RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Sixbey Investments LLC rezone request, from R-4 (Residential – 4 du/ac) to R-O (Residential Office) for the property located at 2670 Patterson Road, the following findings of fact have been made:

In accordance with Section 21.02.140 (a) of the Zoning & Development Code, the application meets one or more of the rezone criteria.

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

Therefore, Planning Commission recommends approval of the requested rezone to R-

O (Residential Office).

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on type of use.

SUGGESTED MOTION:

I move to introduce an ordinance rezoning 0.31-acres of land located at 2670 Patterson Road from R-4 (Residential - 4 du/ac) to R-O (Residential Office) and set a public hearing for June 5, 2019.

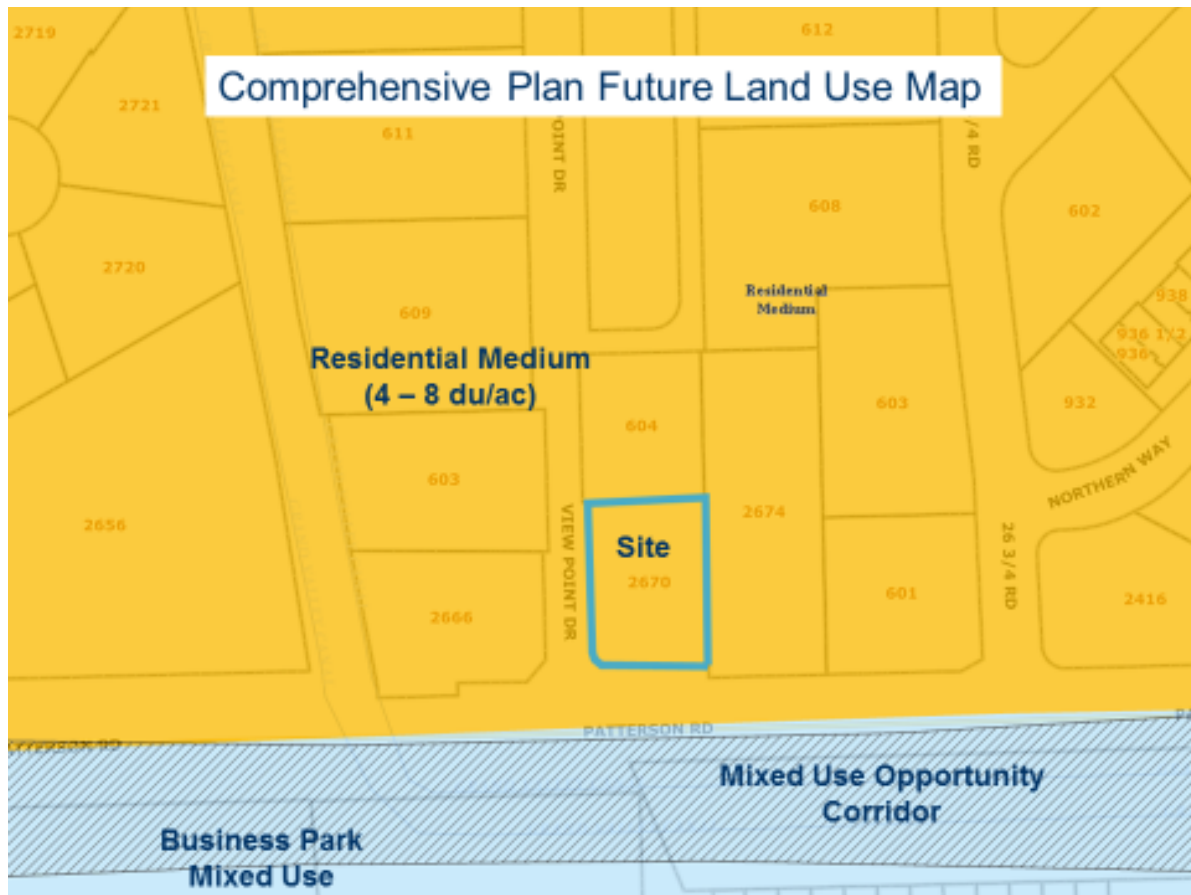
Attachments

1. Site Location & Zoning Maps, etc
2. Neighborhood Meeting Minutes & Public Comments Received
3. Zoning Ordinance





Comprehensive Plan Future Land Use Map







View of property at the intersection of Patterson Road & View Point Drive

2670/2674 PATTERSON ROAD NEIGHBORHOOD MEETING

February 21, 2019 @ 5:30pm

NOTES

A Neighborhood Meeting was held on February 21, 2019 regarding a proposed rezone at 2670 Patterson Road, Grand Junction CO 81506. We also shared with the neighbors a concept plan for both 2670/2674 Patterson Road as the next step if the rezone gets approved.

In Attendance:

Representatives: Merritt Sixbey (Sixbey Investments LLC)

Ted Ciavonne (Ciavonne, Roberts & Associates Inc.)

Scott Peterson (City of Grand Junction)

About 9 Neighbors attended the meeting and had the following comments and concerns:

- We can't get out of View Point Drive as it is. – **Noted. Traffic will be addressed.**
- Why not one level instead of two levels for the building? – **have to keep up with efficiency of site constraints.**
- What is the height of two stories? – **28-32'.**
- Is it possible to put a traffic light on View Point? – **Probably not. Patterson keeps a certain distance between lights and one here would be too close.**
- Will there be a brick wall surrounding the site to break off the residential subdivision? – **It's doubtful it will be a wall, but for sure a solid fence.**
- Did Rico Ct. get notified? – **Not if the 500' radius did not touch them. Feel free to fill them in.**
- Rico Ct. and View Point Drive have established a certain way of life. Would like to keep it that way and not add offices nearby. There is open space that is owned and maintained by the neighbors and they are worried this would ruin their sense of place as well as decrease their property value.
- Neighbors feel like their voices are not being heard or respected. They brought up the surrounding development that they tried to vote down, but it got passed anyway. They feel like their voices do not make a difference.
- So many empty buildings around town. Why not use those buildings instead of using land like this in a residential neighborhood?
- A neighbor on Nth 8th Ct. is trying to sell their house, but can't because of the new assisted living going up. They identify that as an example of property values going down as they think no one wants to live next to offices.
- Back to traffic, they have seen so many accidents already, some personally involved. They say turning left on Patterson is basically impossible.
- The neighbors are afraid of losing their neighborhood.
- Greenhouse apartments is an eye sore (they would be in favor of that going down), St. Mary's Life Center slowly closing, the building across the green house apartments has been a revolving door with businesses. Neighbors are worried this could happen to this project one day.

- Ted Ciavonne went over uses for R-O so the neighbors could get a better understanding.
- There are empty medical offices already, why build new ones?
- What about a hospitality house for the hospital?
- Is this property for sale? – yes it could be
- Is traffic development different than planning? – Yes, different departments. However, engineering will be at these meetings
- You're assuming the buildings will be busy with the amount of parking? – It is designed for medical use which=45 parking but we would be over parked if it went office.
- Right now, the intersection is about the depth of 3 car lengths to your entrance. That's a problem for neighbors as that's not enough depth and it will cause a stack up problem.
- Ted let the neighbors know that this project would have to widen the street to 44' up to their entrance. He explained it might help with more room for lanes.
- A median should be on Patterson to not allow left turns. – Noted.
- Neighbors are threatening to move. They feel like fighting this is pointless.
- Can the parking buffer increase? Centralize it more so it's an even buffer on both sides? – Definitely
- What's with the PD zone on the ATM property? – Unknown about that. All of St. Mary's property is under a PD zone and every PD zone is unique.
- Fence height? – max 6' but it could be from 4-6'
- Will there have to be a fence surrounding the property? -Yes
- Did the city propose the assisted living? – No, it is property owner driven, but the city approved the zoning.

City of Grand Junction Planning Department
Attention: Scott Peterson and Ted Ciavonne
Regarding the rezoning of 2670 and 2674 Patterson Road

My name is Amy Johnson Lambert and I have lived at 609 View Point Drive since February, 1997.

I am vehemently opposed to the prospect of rezoning 2670 and 2674 Patterson Road from R-4 to R-O.

This re-zone would negatively impact property values of the View Point neighborhood and the neighborhood of Rico Ct. Both are well established family oriented neighborhoods with large lots, mature landscaping and open spaces. The re-zone would change the feel of both neighborhoods by bringing more traffic through the neighborhoods, more street lights and disturb the quiet tranquility of these wonderful neighborhoods.

Turning left out of View Point Drive is difficult at most and nearly impossible at times. Adding in an office type structure would make the entrance into and exit out of View Point Drive and 26 1/2 road even worse.

The View Point neighborhood has a large, open park which is owned by each of the nine houses surrounding the park. It is maintained entirely by the owners of the houses with no cost to the city or county. Bringing in an office to that area (that lot is directly adjacent to one of the park's owners) would greatly disturb the tranquility of that shared open space. In order put some sort of office on that parcel, what would happen to all of the trees and green space? Would it turn into a big parking lot? How is that beneficial to the neighborhood or the environment?

We have already had to go through the build out/up of St Mary's & the Pavilion as well as the newly constructed Elder-care development. ENOUGH IS ENOUGH!! Little by little, piece by piece the city is encroaching on our neighborhoods, stealing our peaceful area and making our property values decline.

We deserve better....would you put this is YOUR back yard??

Respectfully,



Amy Johnson Lambert
609 View Point Drive
GJ CO
alambert6280@gmail.com
970-270-7647

Scott Peterson

From: Christopher Hallock <christopher.hallock321@gmail.com>
Sent: Friday, February 22, 2019 8:48 AM
To: Scott Peterson
Cc: Jillian Hallock
Subject: Comments on Rezoning 2670 Patterson Road

Hi Scott,

My name is Christopher Hallock. My wife Jillian and I live at 603 26 3/4 Rd Grand Junction, CO 81506 which is just north of the Wells Fargo ATM and parking lot and directly east of the project site at 2674 Patterson Rd.

We were at the meeting on 02/21/2019 for the development project including 2674 and 2670 Patterson Road. We just wanted to provide feedback as public record that we are in favor of this zoning change. We are new to this entire process and think that it's unfortunate the exact plans and computer generated model for the proposed 2 story buildings for professional offices and parking lot are not included in the initial submission, as this is specifically what we have comments on.

Here are our comments regarding the attached photo of the proposed construction and layout of the site that was shown to us on 02/21/2019:

- 1) We disagree about having the proposed 45 parking spaces when 38 is all that is required. We would like to see only the required 38 parking spaces when the time comes to address that.
- 2) The northern section of the parking lot is not centered in the available space and provides a wider section of landscaping on the west side than it does on the east side. Our property is directly to the east of Parcel 2 and runs virtually the entire length of the proposed new parking lot. We think it is only fair to have the parking lot centered within the available area, with the same amount of landscaping space on both the east and west sides of the parking lot.
- 3) In addition to equal landscaping area, we hope the landscaping and trees that are put in are fuller than what is indicated in the drawing, to provide more privacy for our home. The drawing shows a lot of tree coverage on the northern borders, but has fairly large gaps on the east/west borders.
- 4) We are in favor of having a fence/wall around this for privacy and reduced noise in our house, as again, our house is extremely close to the east side of this parking lot.
- 5) We are in favor of these offices being only 2 stories high at 28-32 feet as described during the meeting, not 3 stories and the maximum 40 feet allowed under the new zoning, if approved.

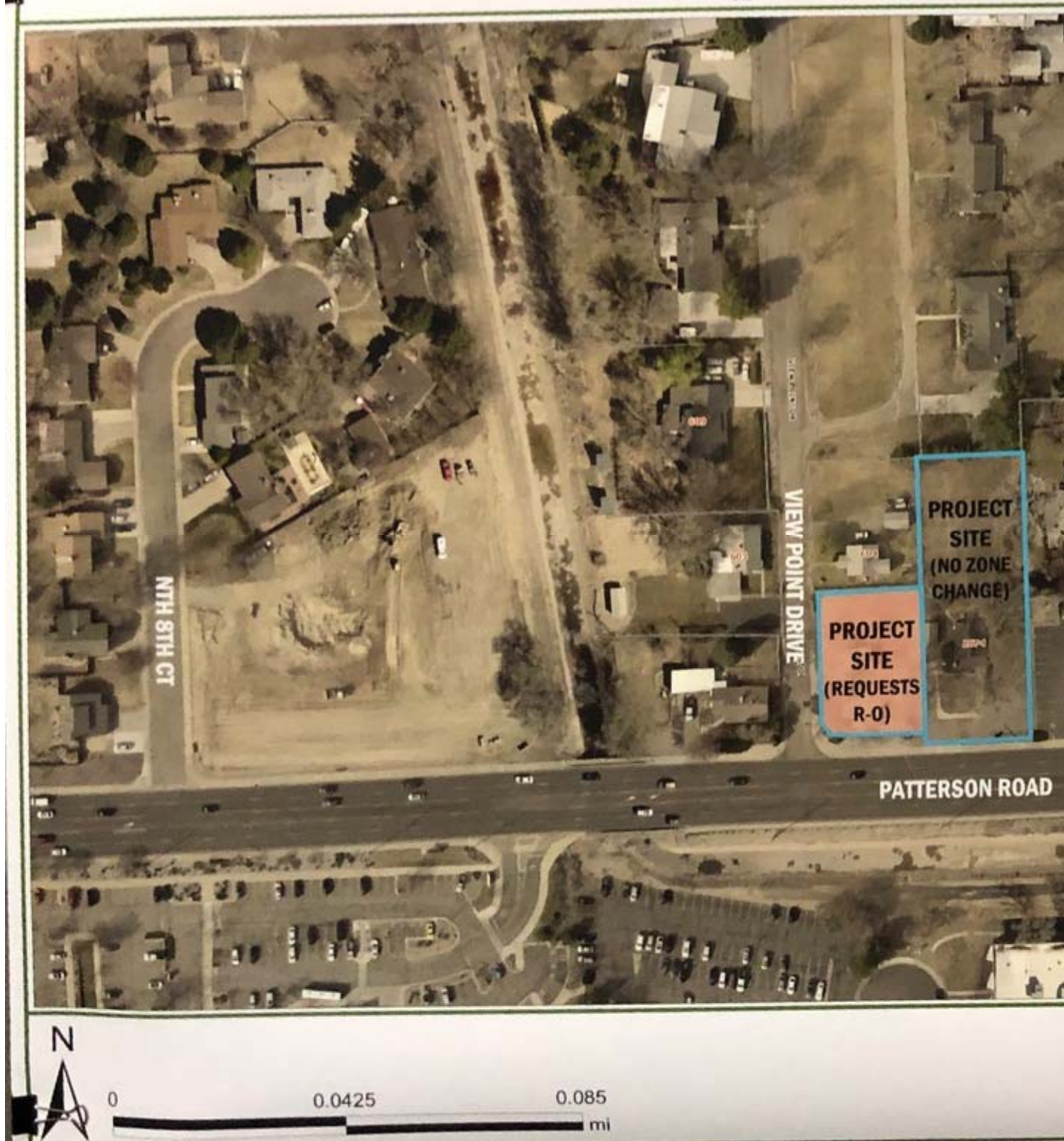
Thanks kindly, and we look forward to hearing more updates on the project.

Christopher and Jillian Hallock
603 26 3/4 Rd
Grand Junction, CO 81506

Christopher cell: 816-223-1932
Jillian cell: 720-271-6249



Proposed Zoning



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING SIXBEY INVESTMENTS LLC PROPERTY
FROM R-4 (RESIDENTIAL – 4 DU/AC)
TO R-O (RESIDENTIAL OFFICE)**

LOCATED AT 2670 PATTERSON ROAD

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Sixbey Investments LLC Property to the R-O (Residential Office) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Residential Medium (4 – 8 du/ac) of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-O (Residential Office) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-O (Residential Office):

BEGINNING AT A POINT 1080.4 FEET EAST OF THE SW CORNER OF THE SE ¼ SE ¼ OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE NORTH 196 FEET, THENCE WEST 103 FEET, THENCE SOUTH 196 FEET, THENCE EAST 103 FEET TO THE POINT OF BEGINNING, COUNTY OF MESA, STATE OF COLORADO.
EXCEPTING THAT PORTION DESCRIBED IN THE DEED RECORDED JUNE 20, 1985 AT RECEPTION NO. 1392993 AND ALSO EXCEPTING THE NORTH 5 FEET THEREOF AS DESCRIBED IN THE QUITCLAIM DEED RECORDED DECEMBER 12, 1979 AT RECEPTION NO. 1210459.

Introduced on first reading this _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: May 15, 2019

Presented By: Jay Valentine, General Services Director

Department: General Services

Submitted By: Jay Valentine, General Services Director

Information

SUBJECT:

Purchase of Street Sweeper

RECOMMENDATION:

Staff recommends the purchase of a Global M4 Compressed Natural Gas Street Sweeper from Equipment Company of the Rockies in the amount of \$342,601.00.

EXECUTIVE SUMMARY:

The purchase of the Global Street Sweeper will be a replacement for a unit that has reached the end of its useful life.

BACKGROUND OR DETAILED INFORMATION:

This unit was competitively bid through Sourcewell (Formerly NJPA) which is a government purchasing cooperative that the City is a member of. The purchase of this truck will enable the city to maintain a consistent fleet of like equipment, and will be sold and warrantied by a Colorado vendor. The City of Grand Junction currently owns two (2) like units and is Authorized to perform Warranty repairs on behalf of Global. Invoices for in house warranty repairs are sent to the manufacture for reimbursement. Being a warranty shop eliminated the need to send the unit to Denver for Warranty repair.

FISCAL IMPACT:

This unit is included in the 2019 fleet replacement budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to enter into a contract with Equipment Company of the Rockies for the purchase of a Global M4 CNG powered street sweeper in the amount of \$342,601.00.

Attachments

None



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: May 15, 2019

Presented By: Trent Prall, Public Works Director, Jay Valentine, General Services Director

Department: Public Works - Streets

Submitted By: Eric Mocko, Project Engineer

Information

SUBJECT:

Contract for 2019 7th Street Reconstruction - Orchard Avenue to Patterson Road

RECOMMENDATION:

Authorize the City Purchasing Division to enter into a Contract with Oldcastle SW Group, Inc. dba United Companies (United Companies) of Grand Junction, CO for the 2019 7th Street Reconstruction - Orchard Avenue to Patterson Road Project in the amount of \$1,471,091.00.

EXECUTIVE SUMMARY:

This construction contract includes the reconstruction of 7th Street from Orchard Avenue to Patterson Road. This contract with United Companies, if approved, will reconstruct a half mile segment of 7th Street, which consists of a total of five lanes.

BACKGROUND OR DETAILED INFORMATION:

This year's total street maintenance program is funded at \$6.184 million, including \$5.384 million for outsourced contract work and \$800,000 for the materials necessary for the annual chipseal program applied by City street department crews.

Roads throughout the City have been rated for condition and an assessment management program is used to determine the road and the treatment list for the annual program. This contract consists of the reconstruction of the existing pavement section with a minimum of 15 inches of new base course and 7 inches of new asphalt pavement. Work items associated with the reconstruction in this contract include the

removal of the existing pavement section by milling and excavation, widening the roadway as necessary, construction of new concrete driveways as needed for the adjacent properties, placement of new base course and asphalt, replacement and upgrading of storm sewer, and adjusting manhole lids and valve covers to grade.

This contract includes 455 linear feet of storm sewer, 2 manholes, 1 inlet, 18,240 square yards of asphalt milling, 7,847 cubic yards of excavated and removed materials, 13,999 tons of new aggregate base course, 5,387 tons of hot mix asphalt placement, 80 linear feet of curb and gutter, 260 square yards of concrete sidewalk, 431 square yards of concrete curb ramps, and 212 square yards of concrete driveway construction.

PCI ratings for this segment of 7th Street from a 2014 survey indicate that the average PCI was approximately 45 and based on current visual observations has degraded significantly since then. This reconstruction will reset the PCI rating to 100.

A formal Invitation for bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Three companies submitted formal bids, which were found to be responsive and responsible in the following amounts.

Firm	Location	Bid Amount
MA Concrete Construction, Inc	Grand Junction, CO	\$1,629,291.00
Sorter Construction	Grand Junction, CO	\$1,501,108.00
Oldcastle SW Group, Inc. dba United Companies	Grand Junction, CO	\$1,471,091.00

This project is scheduled to begin in early June with an expected final completion date of mid August.

FISCAL IMPACT:

The funding for this project is budgeted in the .75% Sales Tax Capital Improvement Fund and the voter approved use of TABOR excess for street maintenance is detailed below.

Sources

.75% Sales Tax	\$2,984,000
Voter Approved TABOR	\$3,200,000
Total Sources	\$6,184,000

Expenditures

<i>Construction Contract United Companies (this item)</i>	<i>\$1,471,091.00</i>
2019 Contract Street Maintenance - United Companies (Incl Alternates) previously awarded	\$2,182,380.25
Remaining Budget	\$2,530,528.75

The remaining budget will fund the City's chip seal program as well as separate contracts for alternative pavement preservation road treatments including high density mineral bond, smaller rehabilitation projects, and additional equipment including a distributor truck for the City's in-house chip seal program.

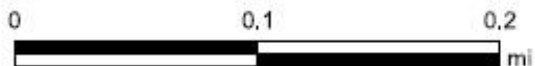
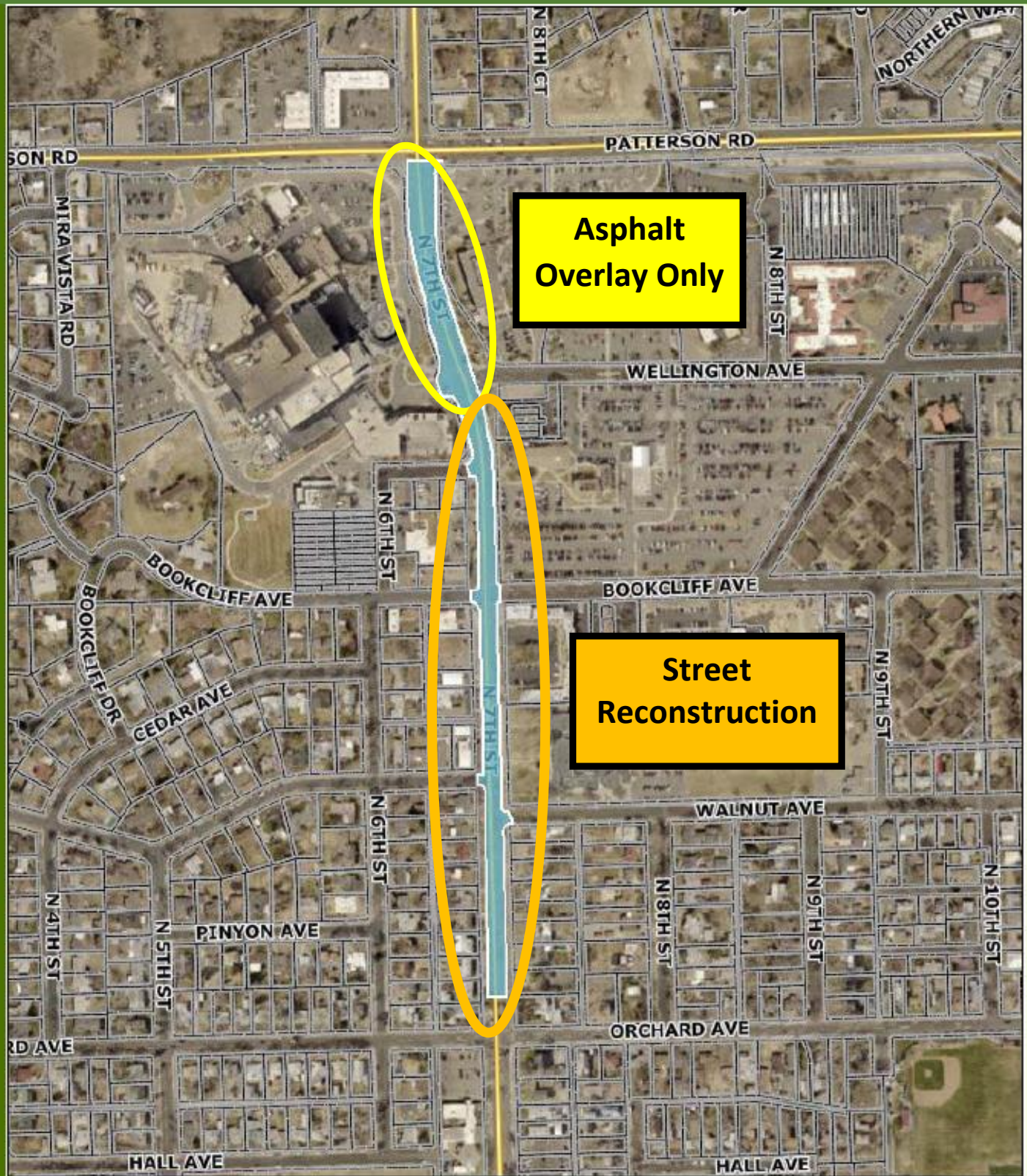
SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to enter into a contract with United Companies of Grand Junction, CO for the 2019 7th Street reconstruction - Orchard Avenue to Patterson Road Project in the amount of \$1,471,091.00.

Attachments

1. 2019 7th Street Reconstruction Project Limits

2019 7th Street Reconstruction – Project Limits



Printed: 4/30/2019

1 inch = 376 feet



Grand Junction City Council

Regular Session

Item #3.c.

Meeting Date: May 15, 2019

Presented By: Trent Prall, Public Works Director, Traci Wieland, Recreation Superintendent

Department: Public Works - Engineering

Submitted By: Brendan Hines, Project Engineer for Public Works.

Information

SUBJECT:

Construction Contract for the Riverside Park Improvements

RECOMMENDATION:

To authorize the City of Grand Junction Purchasing Division to execute a construction contract with Sorter Construction, Inc., for the construction of the Riverside Park Improvements IFB-4621-19-DH, in the amount of \$787,257.00.

EXECUTIVE SUMMARY:

The Riverside Park improvements are the outcome of a local planning effort Recreation Inspired by the Outdoors (RIO) and will upgrade many components of the park including a larger basketball court, larger picnic shelter, closure of Riverside Drive and construction of new concrete Riverfront Trail connecting from the existing concrete on the north side of Riverside Park south to Hale Ave. The proposed contract is with Sorter Construction in the amount of \$787,257.00. Project is scheduled to be completed by late summer.

BACKGROUND OR DETAILED INFORMATION:

RIO (Recreation Inspired by the Outdoors) is a local planning effort funded by the Great Outdoors Colorado (GOCO) Inspire Initiative. The Inspire Initiative aimed to influence Coloradans, particularly children, enjoy, and take care of our great outdoors. RIO targeted the Riverside youth, families, and service providers to develop plans to improve recreational opportunities at Riverside Park and the Dos Rios property. The following components were identified as priority from the Riverside community and are

included in the project: closure of Riverside Park Drive to allow realignment of the Riverfront Trail, a larger picnic shelter, a larger basketball court, parking in the alley, curb, gutter, and sidewalks around the park and along the trail, split rail fencing, and a bicycle playground located on the Riverfront at Dos Rios property. The bid process for the bicycle playground feature on the Riverfront at Dos Rios property and the remaining components will follow Council approval for this construction project.

The Riverside Park Improvements & Bike Playground primarily consists of the removal and re-route of approximately 1,500 lineal feet of existing asphalt roadway from Riverside Park Drive, and the removal and reconfiguration of approximately 275 lineal feet of existing asphalt roadway of Park Avenue, which includes additional parking. Improvements include the removal of approximately 300 lineal feet of existing asphalt roadway along the existing alley on the east side of Riverside Park, which will be replaced with a new concrete alleyway for southbound traffic only. Improvements also include the reconfiguration and expansion to Riverside Park, with the addition of new concrete curb, gutter, alleyway parking and updates to the internal sidewalks within the park and a larger basketball court. Additionally, approximately 1,600 lineal feet of a new 12-foot, multi-use concrete path will replace existing Riverside Park Drive, on the west side of the park, adjacent to the river, which creates continuity to the riverfront trail. Following the alignment of the new 12-foot concrete path, there will also be new pedestrian lighting installed, which will terminate at the intersection with Hale Avenue.

This construction contract is the first step in the project. Additional bid processes will be initiated in May for the bicycle playground component and the additional shelter structure. Parks and Recreation will be performing some final work to complete the project including installation of signs and fitness stations. All components of the project are scheduled to be completed by October of 2019.

Pending Council approval, this project is anticipated to take approximately three months. Assuming a late May construction start date, the project should be completed by late August.

A formal invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitation), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association (WCCA), and advertised in the Daily Sentinel. Three companies submitted formal bids, which were found to be responsive and responsible in the following amounts:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID SCHED. COST</u>
Sorter Construction, Inc.	Grand Junction, CO	\$787,257.00
Mountain Valley Contracting, Inc.	Grand Junction, CO	\$863,661.82
Old Castle SW Group Inc., dba United Companies	Grand Junction, CO	\$1,006,200.00

FISCAL IMPACT:

This portion of the project is budgeted in the .75% Sales Tax Fund (201) with funding derived from a multiple year process culminating in a large grant from the Colorado Health Foundation, a donation from One Riverfront, and a two-year contribution from Community Development Block Grant funds. An additional \$120,000 of street maintenance funds will be used to assist with the alley improvements as part of the project, and an additional \$60,000 from savings in 2019 Conservation Trust Fund. Projects budgeted in Parks and Recreation will be used to bring total project budget to \$980,000.

Project Costs:

Construction Contract Amount – Sorter Construction, Inc. = \$787,257.00
City Construction Inspection and Testing (est.) = \$10,000.00
Total Project Costs = \$797,257.00

SUGGESTED MOTION:

I move to (authorize/not authorize) the Purchasing Division to Enter into a Contract with Sorter Construction, Inc., for the construction of the Riverside Park Improvements and Bike Playground Project in the amount of \$787,257.00.

Attachments

1. Project Overview
2. Riverside Park Detail
3. Bicycle Playground Concept



RIVERSIDE PARK AND BICYCLE PLAYGROUND IMPROVEMENTS





Grand Junction, CO
pbr0219



WWW.PROGRESSIVEBIKERAMPS.COM

- LASER-CUT STEEL FRAMEWORK
- STAINLESS STEEL HARDWARE
- FASTENER FREE RIDING SURFACE
- 10 YEAR WARRANTY

Gateway to Nature



Bike
Playground/Monument
Corridor



Grand Junction City Council

Regular Session

Item #3.d.

Meeting Date: May 15, 2019

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Principal Planner

Information

SUBJECT:

2018 Subrecipient Agreement between the Grand Junction Housing Authority and the City of Grand Junction

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Subrecipient Contract formalizes the City's award of CDBG funds to various agencies allocated from the City's 2018 CDBG Program Year as approved by City Council at its May 16, 2018 meeting. The allocation included a grant to the Grand Junction Housing Authority for administration funds for pre-development costs on a project identified as Bookcliff Squire. GJHA was unable to continue with that project so is revising the CDBG project to utilize the funds for pre-development costs for their current project to construct affordable workforce housing located at 2814 Patterson Road to be known as 2814. The contract outlines the duties and responsibilities of the agency and ensures that the subrecipient complies with all Federal rules and regulations governing use of the funds.

BACKGROUND OR DETAILED INFORMATION:

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City has received \$457,189 for the 2018 Program Year and Council approved amendments to Action Plans of previous program years to utilize a total of \$7,839 remaining funds to be allocated with the 2018 funds for a total allocation of \$465,029.

The final funding decision of 20 projects was made by City Council at its hearing on May 16, 2018. The City's 2018 Program Year began on September 1, 2018 therefore, contracts between the City and the agencies may be executed however GJHA has not yet requested approval of theirs.

Grand Junction Housing Authority 2814 Apartments

The Grand Junction Housing Authority is in the process of developing a 60-unit affordable apartment complex at its property located at 2814 Patterson Road. All residents of the units will be of low and moderate income, at or below 60 percent of the average low-moderate income limits set by HUD. CDBG funds will be used for pre-development costs including but not limited to those association with development of applications for funding commitments and obtaining necessary risk insurance.

GJHA is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2018 Program Year CDBG funds to the agency but the City remains responsible for the use of these funds. The contract outlines the duties and responsibilities of the agency and ensures that the subrecipient complies with all Federal rules and regulations governing the use of the funds. The contract must be approved before the subrecipient may obligate or spend any of the Federal funds. The Subrecipient Agreement with GJHA contains the specifics of the project and how the money will be used by the subrecipient.

FISCAL IMPACT:

The City will "pass through" \$20,000 of its 2018 Program Year CDBG allocation to The Grand Junction Housing Authority.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Manager to sign the Subrecipient Contract between the City of Grand Junction and the Grand Junction Housing Authority for funding through the City's 2018 Community Development Block Grant Program Year.

Attachments

1. Subrecipient Agreement GJHA PreDev Costs

**2018 SUBRECIPIENT CONTRACT
CITY OF GRAND JUNCTION, COLORADO AS GRANTEE
UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Date Approved: May 15, 2019

Amount of Grant: \$20,000

Subrecipient: Grand Junction Housing Authority

I. AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 2019 by and between the CITY OF GRAND JUNCTION, COLORADO (hereinafter referred to as "*City*"), and the Grand Junction Housing Authority, a body corporate and politic (hereinafter referred to as "*Subrecipient*").

Recitals:

The *City* as an entitlement recipient and grantee of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program does hereby enter this Agreement with the *Subrecipient* for the expenditure of CDBG funds in accordance with Title 24, Part 570 of the Code of Federal Regulations (24 CFR 570.000 *et. seq.* hereinafter referred to as *CDBG Regs* and the *Uniform Requirements* in accordance with Title 2 Part 200 of the Code of Federal Regulations (2 CFR 200 *et. seq.*)

Pursuant to such Agreement the City has awarded the Subrecipient CDBG funds to undertake certain activities necessary for the execution of certain projects the City deems necessary, desirable and in furtherance of the purposes of the program. To accomplish those goals the City does agree to disburse funds to the Subrecipient to execute its project in accordance with the CDBG Regs and this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals which are a substantive part of this Agreement and the following provisions which are approved by the City and the Subrecipient, they mutually agree as follows:

II. SUBRECIPIENT OBLIGATIONS AND SCOPE OF SERVICES

A. Activities

The sub-granting of CDBG funds to and the scope of services to be rendered by the Subrecipient shall be for the provision of the services described in Exhibit A attached hereto and made a part of this Agreement. Subrecipient agrees to perform the work described in Exhibit A in compliance with all provisions of this Agreement and it agrees to conduct all activities of the Subrecipient, whether funded in whole or in part by CDBG funds from the City in accordance with the provisions contained in 24 CFR 85 and 570 *et. seq.* and *inter alia*. Subrecipient warrants and represents that it has the requisite authority and capacity to perform all terms and conditions to be performed hereunder as required by this Agreement or by law and that there is adequate consideration to support the making and enforcement of this Agreement.

B. National Objectives

Subrecipient certifies that the activities carried out with funds provided under this Agreement

meet one or more of the CDBG program's National Objectives. The specific National Objective to be met and how it will be met by the Subrecipient is described in Exhibit A attached to and incorporated by reference into this Agreement.

C. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility and description of service provided. Such information shall be made available to the City or its designees for review upon request.

III. RESPONSIBILITY OF THE CITY

The City shall designate representative(s) of the City who will be authorized to make all necessary decisions required of the City on behalf of the City in connection with the execution of this Agreement and disbursing funds in connection with the program in accordance with the Agreement.

IV. PAYMENT

If Subrecipient is not in default hereunder, and subject to City's receipt of the Department of Housing and Urban Development Community Development Block Grant funds and provided that the Agreement and Scope of Services are eligible expenditures of Community Development Block Grant funds, the City agrees to pay the Subrecipient a total dollar amount that is described on Exhibit A of this Agreement. Payment shall be made upon presentation of invoices which Subrecipient certifies are true and correct copies of payments due on behalf of the Subrecipient, for an activity covered by this Agreement and made in accordance and compliance with the Scope of Services. Payment may be withheld by the City in the event of non-performance by Subrecipient. The City may, at its sole discretion, retain 10% of each disbursement with final payment made upon successful completion of the project including satisfactory compliance with all City, state and federal requirements.

V. GENERAL CONDITIONS

A. General Compliance

The Subrecipient also agrees to comply with all other applicable federal, state and local laws, regulations and policies governing the funds provided under and the obligations imposed by this Agreement. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. Independent Contractor

Nothing contained in this Agreement is intended to or shall be construed in any manner as creating or establishing the relationship of employer/employee or a partnership or joint venture between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance as the Subrecipient is an independent Subrecipient.

C. Hold Harmless

The Subrecipient shall hold harmless, defend and indemnify the City from any and all claims,

suits, charges, damages, costs, fees, expenses and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or other subject matter called for or otherwise provided in this Agreement.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance and Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to the total cash advances from the City.

F. Amendments

The City or Subrecipient may amend this Agreement at any time provided that such amendment(s) make specific reference to this Agreement and are executed in writing, signed by a duly authorized representative of both organizations and approved by the City Council. Such amendment(s) shall not invalidate this Agreement nor relieve or release the City or Subrecipient from its obligations under this Agreement.

The City may, in its discretion, amend this Agreement to conform with federal, state or local governmental law, rules, guidelines, regulations, policies and/or available funding amounts or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both the City and Subrecipient.

G. Suspension or Termination

Either party may terminate this Agreement at any time by giving written notice to the other party of termination and specifying the effective date thereof, at least 30 days before the effective date of such termination. Partial terminations of the Scope of Service may only be undertaken with the prior written approval of the City. In the event of any termination for convenience by either, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall, at the option of the City, become the property of the City and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to termination.

In accordance with 24 CFR 85.43 and 44 the City may suspend or terminate this Agreement, in whole or in part, if the Subrecipient materially fails to comply with any term of this Agreement, or with any of the law, rules, regulations or provisions referred to herein and the City may declare the Subrecipient ineligible for any further participation in the City's contracts, in addition to other remedies as provided by law. In the event there is reason to believe the Subrecipient is in noncompliance with any applicable law, rules or regulations, the City may withhold up to fifteen (15) percent of said contract funds until such time as the Subrecipient is found to be in compliance by the City or is otherwise found by the City to be in compliance.

VI. ADMINISTRATIVE REQUIREMENTS

A. Uniform Administrative Requirements

1. Accounting Standards

The Subrecipient agrees to comply with the *Uniform Requirements* for accounting principles and procedures required therein, to utilize adequate internal controls and maintain necessary source documentation for all costs incurred. Subrecipient shall comply and/or cause compliance with all audit reports required by the City and in conformity with 2 CFR 200.501 *et. seq.* as applicable. (See also B. 7 below)

2. Cost Principles

The Subrecipient shall administer its program in conformance with the *Uniform Requirements* pertaining to cost as applicable. These principles shall be applied for all costs incurred.

B. Documentation and Record-Keeping

1. Records to be Maintained

The Subrecipient shall maintain all required records required specified in 24 CFR Part 570.506. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG Program;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG Program;
- f. Financial records as required by 24 CFR Part 570.502, and 2 CFR Part 200 *et. seq.*

and

- g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The Subrecipient shall retain all required records incurred under this Agreement for a period of three (3) years after the termination of all activities funded under this Agreement. Records for non-expendable property acquired with funds under this Agreement shall be retained for four (4) years after final disposition of such property. Records for any displaced person must be kept for four (4) years after he/she has received final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and the same has started before the expiration of the four-year period, then such records must be retained until completion of the action(s) and resolution of all issues or the expiration of the three year period, whichever occurs later.

3. Disclosure

The Subrecipient understands that client information collected under this Agreement is private and the unauthorized use or disclosure of such information, when not directly connected with the administration of the City's or Subrecipient's responsibilities with respect to services provided under this contract, is prohibited except as allowed or provided by law.

4. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients and/or subcontractors to

furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent or other authorized officials for purposes of investigation to ascertain compliance with the law, rule, regulations and provisions stated herein. The Subrecipient understands that the City, the Comptroller General and the Secretary of HUD shall have access to all records related to this project.

5. Reversion of Assets

The Subrecipient shall describe in writing in a form established by the City, all CDBG Assets to be obtained as a result of the funded activity. CDBG Asset shall mean an asset(s) purchased in whole or in part with CDBG funds or improved in whole or in part with CDBG funds and having a fair market value of NA \$ or greater. This provision does not apply to this activity which is to expend CDBG funds for planning and administration.

The City shall have a security interest in any and all CDBG Assets and after being obtained by the Subrecipient the City's security interest shall be perfected by means of: a) a deed of trust for real estate, encumbering the Subrecipient's equity in the real estate; or b) a lien notation on the certificate of title for a motor vehicle(s); or c) a security agreement and financing statement for personal property; or d) an assignment of accounts receivable for accounts receivable. The deed of trust shall be recorded with the Mesa County Clerk, the lien with the Colorado Department of Revenue and the financing statement and assignment of accounts recorded with the Colorado Secretary of State. The account debtors will be notified in writing of the assignment of accounts receivable. The Subrecipient shall transfer to the City any Community Development Block Grant funds related to this project on hand at the time of expiration of this Agreement and/or any accounts receivable of Community Development Block Grant funds related to this project. The instruments necessary to perfect the security interest will be prepared by the City Attorney. The Subrecipient shall pay all recording fees and mailing costs with other than CDBG funds.

If the Subrecipient ceases to use a CDBG Asset for CDBG purposes, the City may, in its discretion, direct the Subrecipient to convey the CDBG Asset to the City or require the Subrecipient to repay the CDBG funds that were used in whole or in part to acquire the CDBG Asset. The instruments necessary to convey the CDBG Asset will be prepared by the City Attorney.

In accordance with 24 CFR 570.503(b)(7) any real property under the Subrecipient's control that was acquired or improved, in whole or in part, with CDBG Funds (including CDBG funds provided to the Subrecipient in the form of a loan) shall, at the option of the City either a) be used for an eligible CDBG activity, as determined by the City and as provide for in a legal instrument(s) creating the interest, for a period of at least 5 years after the expiration of this Agreement or such longer period as the City may require or b) be disposed of in a manner that results in the City's being reimbursed in the lesser amount of the CDBG funds that were expended on the real property or the current fair market value of the property, less any portion of the value attributable to the expenditure of non-CDBG funds for acquisition or improvement(s) to the property.

The Subrecipient agrees to use all improvements made to the real property, with CDBG funds, as set forth in Exhibit "A."

6. Program Income: This provision does not apply to this activity which is to expend CDBG funds for planning and administration.

The Subrecipient agrees that it shall not use CDBG funds in any manner which shall provide income to the Subrecipient. Any interest income earned on funds generated through the use of investment of funds received from CDBG shall be cause, in the sole discretion of the City, for recapture of such income and/or the full amount of funds granted to the Subrecipient.

The Subrecipient shall report quarterly all program income (as defined by 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this Agreement. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitation, the Subrecipient may use such income during the contract period for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program balance(s) on hand. All unexpended program income shall be returned to the City at the end of the contract period as required by 24 CFR 570.503(b)(7). Any interest earned on cash advances from the US Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the City.

7. Audits and Inspections

All Subrecipient records with respect to any matters covered by the Agreement shall be made available to the City, their designees and/or the federal government, at any time during normal business hours, as often as the City deems necessary, to audit, examine and make excerpts or transcripts of all data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt of notice of deficiency. Failure of the Subrecipient to comply with the above audit requirements constitutes a violation of this Agreement and may result in the withholding of payment(s). The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with City policy and, as applicable, the *Uniform Requirements*.

C. Reporting, Payment and Procurement Procedures

1. Indirect Costs

Indirect costs are not allowed and shall not be charged. The Subrecipient shall not develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of administrative costs and shall not submit such plan to the City for approval, in a form specified by the City.

2. Payment Procedures

The City will pay to the Subrecipient funds available under this agreement based upon information submitted by the Subrecipient and consistent with the approved budget and any City policies concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed the actual grant award. In addition, the City reserves the right to liquidate funds available under this agreement for costs incurred by the City on behalf of the Subrecipient.

3. Progress Reports

The Subrecipient shall submit Progress Reports to the City in the time and manner specified in Exhibit A of this Agreement.

D. Procurement – *Uniform Requirements*

The Subrecipient shall procure all materials, property or services in accordance with the *Uniform Requirements* of 2 CFR Part 200 *et. seq.*

VII. RELOCATION, REAL PROPERTY ACQUISITION, AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient and the City agree that no persons are being displaced. But if they were Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations of 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Antidisplacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in §570.606(d) governing optional relocation policies. The Subrecipient shall provide relocation assistance to persons who are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project.

VIII. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Subrecipient agrees to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

2. Nondiscrimination

The Subrecipient shall not discriminate against any person, employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Subrecipient will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

3. Land Covenants

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the City and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself discriminate. This provision does not apply to this activity which is to expend CDBG funds for planning and administration.

4. Section 504

The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706) which prohibits discrimination against the handicapped in any federally assisted program.

B. Affirmative Action

1. Approved Plan

The Subrecipient agrees that it shall be committed to carry out pursuant to the City's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The Subrecipient shall submit a plan for an Affirmative Action Program for approval by the City.

2. W/MBE

The Subrecipient will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "minority and women-owned business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. EEO/AA Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

4. Subcontractor Provisions

The Subrecipient shall include the provisions of Paragraphs VIII A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions-Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; sectarian or religious activities; lobbying, political patronage and nepotism activities.

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the City; provided, however, that claims for money due to the Subrecipient from the City under this Agreement may be assigned to a bank, trust company or other financial institution without such approval. Notice of assignment or transfer to a bank or other financial institution shall be furnished promptly to the City.

2. Subcontracts

a. The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the City. b. The Subrecipient

understands that the City and/or HUD will monitor the Subrecipient for compliance with this Agreement. c. The Subrecipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement. d. The Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the City along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflicts of interest, and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Subrecipient further covenants that in the performance of this Agreement no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the City, or of any designated public agencies or subrecipients which are receiving funds under the CDBG Entitlement program.

5. Lobbying

The Subrecipient certifies that:

- a. No federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "*Disclosure Form to Report Lobbying*," in accordance with instructions;
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification - Paragraph d - This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into.

Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each failure.

6. Copyright

If this Agreement results in any copyrightable material or inventions, the City and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

7. Religious Organization

The Subrecipient agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

E. "Section 3" Clause

1. Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the federal financial assistance provided under this agreement and binding upon the City, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the City, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this Agreement is a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area and contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for the low- and very low-income persons residing in the metropolitan area in which the project is located."

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation, housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation, housing construction, or other public construction project are given to business

concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns which provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists which would prevent compliance with these requirements.

2. Subcontracts

The Subrecipient shall include the foregoing Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

IX. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Subrecipient agrees to comply with the following insofar as they apply to the performance of this Agreement. (The Subrecipient does not assume the City's environmental responsibilities described in §570.604 nor does it assume the responsibility for initiating the review process under 24 CFR Part 52.) *Clean Air Act*, 42 U.S.C., 7401, et seq.; *Water Pollution Control Act*, as amended, 33 U.S.C. 1251, et seq., as amended, 1319 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder and Environmental Protection Agency (EPA) regulations pursuant to 40 C.F.R., Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the *Flood Disaster Protection Act* of 1973 (42 USC 4001), the Subrecipient shall assure that for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the *National Historic Preservation Act* of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR, Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

X. CONSTRUCTION CONDITIONS

A. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the *Davis-Bacon Act* as amended, the provisions of *Contract Work Hours and Safety Standards Act*, the *Copeland Anti-Kickback Act* (40 USC 276a-276a-5; 40 USC 327 and 40 USC 276 c) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements. Such documentation shall be made available to the City for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000 for construction, renovation or repair work financed in whole or in part with assistance provided under this agreement, shall comply with federal requirements adopted by the City pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

B. Asbestos

The Contractor/Subrecipient where undertaking renovation, rehabilitation, or demolition actions shall follow the notification and strict work practices for asbestos handling, removal, storage and transport as required under 40 CFR Part 61, Subpart m and 40 CFR Part 763 as well as for worker protection standards and exposures as required under 29 CFR 1910.1001 (non-construction), 1926.58 (construction), 40 CFR Part 763, Subpart G, and any applicable local regulations.

C. Energy Efficiency

The Contractor/Subrecipient shall comply with the *1989 Model Energy Code*, incorporated herein by this reference, for all new buildings constructed under this Agreement to address federal energy efficiency requirements found at 24 CFR 85.36 (i) (13) incorporated herein by this reference.

XI. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be

affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

XII. ENTIRE AGREEMENT

The provisions set forth in items I-XI, and all attachments to this Agreement which includes the Subrecipient's lease with the City, constitute the entire Agreement between the parties hereto and no statement, promise, conditions, understanding, inducement or representation, oral or written, express or implied, which is not contained herein shall be binding or valid.

IN WITNESS WHEREOF, the Subrecipient and the City have executed this Agreement as of the date first above written and under the laws of the State of Colorado.

CITY OF GRAND JUNCTION, COLORADO

BY:

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

SUBRECIPIENT:

BY: _____
Signature Title

ATTEST: _____

**2018 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: May 15, 2019

Amount of Grant: \$20,000

Subrecipient: Grand Junction Housing Authority

Completion Date: December 31, 2019

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$20,000 from its 2018 Program Year CDBG Entitlement Funds towards pre-development costs associated with its housing development to be known as 2814, located at 2814 Patterson Road, Grand Junction, Colorado ("Property") Subrecipient provides housing for low and moderate income individuals and families in the community.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.202(a)). It shall meet this objective by completing the above-referenced housing development for low and moderate income households in Grand Junction, Colorado.
3. The ultimate project will consist of the construction of 60 multifamily units for affordable, workforce housing. All residents will be at or below 60 percent of Mesa County AMI at move-in or initial eligibility. CDBG funds will be used for pre-development costs including but not limited to those associated with development of applications for funding commitments and obtaining necessary risk insurance. The Property to be developed is currently owned by Subrecipient which will continue to operate the housing once constructed. It is understood that the Amount of the Grant of City CDBG funds shall be used only for the pre-development costs described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2018 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$60,000.
6. This project will provide assistance to Subrecipient to facilitate construction of new housing for low and moderate income households.

____ Subrecipient

____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient

to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient 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.
9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. 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.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1. Output Measures

A. Total Number of unduplicated clients anticipated to be served by the project: 60 households

B. Number of unduplicated LMI City residents to be served with grant funds: 60 households

C. Of the City residents to be served: i) how many will have new or continued access to the service/benefit: 60 households; ii) how many will have improved access to the service or benefit____? And iii) how many will receive the service or benefit that is improved/no longer substandard____?

2.) Schedule of Performance

Estimate the number of unduplicated City residents to be served during the contract period: NA

3) Payment Schedule

During the contract period funds will be drawn Q1____Q2____Q3 100% Q4____

4) Outcome Measures – NA (Administrative funds)

Activity (select one) __ Senior Service __ Youth Service __ Homeless Service
__ Disabled Service __ LMI Service __ Fair Housing Service

Primary Objective (select one) __ Create a suitable living environment X Provide decent, affordable housing __ Create economic opportunity (ies)

Primary Outcome Measurement (select one) __ Availability/Accessibility X Affordability
__ Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

Not applicable for predevelopment costs but for the ultimate project, the income of each household/person receiving assistance will be individually verified for eligibility. GJHA requires third party verification of all income sources. Acceptable third party verification sources include Social Security award letters, VA benefit letters, bank asset verification statements and employer income verification statements.

_____ Subrecipient

_____ City of Grand Junction



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: May 15, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

Resolution Assigning City Councilmembers to Various Boards, Commissions, and Authorities

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

Annually, the City Council reviews and determines who on the City Council will represent the City Council on various boards, committees, commissions, authorities, and organizations.

BACKGROUND OR DETAILED INFORMATION:

The City Council assigns its members to serve on a variety of Council appointed boards, committees, commissions, and authorities as well as a number of outside organizations.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 31-19, a resolution appointing and assigning City Councilmembers to represent the City on various boards, committees, commissions, authorities, and organizations.

Attachments

1. Council Assignments Resolution 2019

RESOLUTION NO. ____-19

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

Recitals:

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

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

At its meeting on May 15, 2019 the City Council appointed its members to serve, in accordance with the bylaws of the board and/or applicable law, on the following boards, commissions, committees, and organizations.

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

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

PASSED AND ADOPTED THIS _____ day of _____
_____, 2019.

President of the City Council

ATTEST:

City Clerk

CITY COUNCIL FORMAL ASSIGNMENT WORKSHEET 2019/2020

External Agencies

Board/Organization	Meeting Day/Time/Place	2018/2019 Assignments/Number of Years Served	2019/2020 Assignments
Avalon Theatre Committee*	Third Thursday at 8:00 a.m.	Bennett Boeschstein - 6 years	NA
Associated Governments of Northwest Colorado (AGNC)	3rd Wednesday of each month @ 9:00 am different municipalities	Duncan McArthur – 2 years	Duncan McArthur
Business Incubator Center	1 st Wednesday of each month @ 7:30 am, 2591 Legacy Way	Bennett Boeschstein	Phyllis Norris
Colorado Municipal League Legislative Liaison	CML Office	Duncan McArthur – 2 years	Anna Stout
Colorado Water Congress	Meets 3-4 times a year in Denver	Duncan McArthur - 4 years	Anna Stout
Downtown Development Authority/Downtown BID	2 nd and 4 th Thursdays @ 7:30 am @ DDA Offices, 437 Colorado, BID board meets monthly 2 nd Thursday	Phyllis Norris – 2 years	Anna Stout
5-2-1 Drainage Authority	Meets quarterly, generally the 4 th Wednesday of month at 3:00 p.m. in Old Courthouse in Training Rm B	Duncan McArthur – 6 years	Phyllis Norris Duncan McArthur
Grand Junction Economic Partnership	3rd Wednesday of every month @ 7:30 am @ GJEP offices, 122 N. 6 th Street	Chris Kennedy – 2 years	Duke Wortmann
Grand Junction Housing Authority	4 th Monday @ 5:00 pm @ GJHA Offices at 8 Foresight Circle	Phyllis Norris- 2 years	Rick Taggart
Grand Junction Regional Airport Authority	Usually 3 rd Tuesday @ 5:15 pm @ the Airport Terminal Building (workshops held the 1 st Tuesday)	Rick Taggart – 4 years	Chuck McDaniel

Grand Valley Regional Transportation Committee (GVRTC)	4 th Monday every other month @ 3:00 pm @ GVT Offices, 525 S. 6 th St., 2 nd Floor	Bennett Boeschstein – 2 years	Phyllis Norris
Homeless Coalition	Meets on the 3 rd Thursday of the month at 10 a.m. at St. Mary's Hospital, 5 th Floor, Saccomanno Room 3	Duncan McArthur – 3 years Bennett Boeschstein – 3 years	Phyllis Norris Duncan McArthur
Horizon Drive Association Bus. Improvement Dist*	3rd Wednesday of each month at 10:30 a.m.	Bennett Boeschstein – 1 year	NA
Las Colonias Development Corporation	Meets as needed and scheduled	Phyllis Norris – 1+ years	Phyllis Norris
Mesa County Separator Project Board (PDR)	Quarterly @ Mesa Land Trust, 1006 Main Street	Barbara Traylor Smith – 2 years	Mayoral Assignment
One Riverfront	3rd Tuesday of every other month @ 5:30 p.m. in Training Room A, Old Courthouse	Duke Wortmann – 2 years	Rick Taggart

Internal Boards

* = No Council representative required or assigned - City Council either makes or ratifies appointments - may or may not interview dependent on particular board

Board Name	Meeting Day/Time/Place	2018/2019 Assignments/Number of Years Served	2019/2020 Assignments
Commission on Arts and Culture*	4 th Wednesday of each month at 4:00 p.m.	Bennett Boeschstein – 3 years	Anna Stout
Forestry Board*	First Thursday of each month at 8:00 a.m.	NA	NA
Historic Preservation Board*	1 st Tuesday of each month at 4:00 p.m.	Bennett Boeschstein – 3 years	NA
Orchard Mesa Pool Board	Meets twice a year at 8:00 a.m. at a designated location.	Duke Wortmann – 2 years	Duke Wortmann
Parks Improvement Advisory Board (PIAB)	Quarterly, 1 st Tuesday @ noon @ various locations (usually Hospitality Suite)	Barbara Traylor Smith – 2 years as alternate, 4 years as primary Alternate – Duke Wortmann – 2 years	Phillip Pe'a Alternate: Duke Wortmann

Board Name	Meeting Day/Time/Place	2018/2019 Assignments/Number of Years Served	2019/2020 Assignments
Parks & Recreation Advisory Committee	1 st Thursday @ noon @ various locations (usually at Parks Administration Offices)	Duke Wortmann – 2 years	Phillip Pe'a
Persigo Board (All City and County Elected)	Annually and as needed	All	All
Planning Commission*	2 nd and 4 th Tuesday at 6:00 p.m.	NA	NA
Property Committee	Meets as needed and scheduled	Barbara Traylor Smith - 5 years Phyllis Norris – 1 year	Chuck McDaniel Phyllis Norris
Riverview Technology Corporation*	Annual meeting in January	Bennett Boeschenstein – 3 years	NA
Urban Trails Committee*	2 nd Tuesday of each month at 5:30 p.m.	Bennett Boeschenstein – 3 years	NA
Visit Grand Junction*	2 nd Tuesday of each month at 3:00 p.m.	Phyllis Norris – 3 years	NA
Zoning Code Board of Appeals*	As needed	NA	NA



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: May 15, 2019

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Resolution Vacating a Portion of a 20-Foot Wide Public Storm Sewer Easement
Located at 649 Market Street

RECOMMENDATION:

The Planning Commission heard this item at their April 23, 2019 meeting and recommended approval (5-0).

EXECUTIVE SUMMARY:

The Applicant, Timberline Bank, is requesting the vacation of a portion of a public Storm Sewer Easement on the property located at 649 Market Street. The Applicant is currently in the process of a Site Plan Review to construct a new bank building and also a Preliminary/Final Subdivision Plan application to create a commercial subdivision, however during the review process, it was determined that a portion of an existing 20-foot wide Storm Sewer Easement needed to be vacated in order to accommodate a future building location. There is currently a 36-inch storm sewer/drainage pipe located within the easement. Should the existing easement be vacated, a new storm sewer/drainage easement would be required to be dedicated and the existing pipe would be required to be reconstructed within the new easement.

BACKGROUND OR DETAILED INFORMATION:

The subject property (Lot 1, Canyon View Marketplace) currently contains a 20-foot wide Storm Sewer Easement that bisects the property. This existing 20-foot wide Storm Sewer Easement was dedicated by separate instrument to the City of Grand Junction in March, 2012 (Reception # 2604716) in order to carry off-site storm

sewer/drainage water from properties to the east (Regal 14 Theaters, etc.), across the Applicant's property and discharge into Leach Creek adjacent to 24 Road. The property is currently vacant, however the Applicant is currently in the review process for a Site Plan Review to construct a new 35,000 sq. ft. bank building and Preliminary/Final Subdivision Plan application in order to create a platted commercial subdivision of five (5) lots. The Applicant has explained that due to the current location of a portion of this storm sewer/ drainage easement, the easement would interfere with the desired placement of a future commercial building. Therefore, the Applicant is requesting to vacate a portion of the existing drainage easement located on the property and reroute the easement further to the south in order to avoid the anticipated building location. The revised new location for the storm sewer/drainage easement would be dedicated on the proposed new subdivision plat that is currently under review (City file # SUB-2018-755). There is currently a 36-inch storm sewer/drainage pipe located within the easement, however a new storm sewer/drainage easement would need to be dedicated on the new subdivision plat and the existing pipe be required to be reconstructed within the new easement location. Staff is recommending as a condition of approval that the portion of the easement requested to be vacated be contingent on the new pipe being installed and a new storm sewer/drainage easement dedicated either on the subdivision plat or by separate instrument.

The proposed shape of the new easement dedication was determined by the Applicant's engineer wanting to utilize the existing outfall structure into Leach Creek, rather than taking the shorter route (and less pipe) to Leach Creek which would have added additional cost however, by modifying the existing off-street trail and retaining wall in the area. Also, the permitting process with the Army Corps of Engineers to discharge into Leach Creek for a new outfall location would have taken a longer period of time to complete.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting is not required for an easement vacation and no utility companies voiced opposition to the proposed storm sewer/drainage easement vacation as part of the Site Plan Review and Preliminary/Final Subdivision applications (City file #'s SPN-2018-754 & SUB-2018-755).

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning & Development Code. The subject property was posted with an application sign on December 28, 2018. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on April 12, 2019. The notice of the Planning Commission public hearing was published April 16, 2019 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review is set forth in Section 21.02.100 (c) of the Zoning & Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

- (1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The request to vacate a portion of an existing 20-foot wide Storm Sewer Easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan or other adopted plans and policies of the City. Vacation of a portion of this easement will have no impact on public facilities or services provided to the general public since a new easement location will be dedicated and the existing 36-inch storm sewer/drainage pipe will be rerouted and relocated to the new easement location. Therefore, staff has found this criterion has been met.

- (2) No parcel shall be landlocked as a result of the vacation;

This is a request to only vacate a portion of an existing storm sewer easement. As such no parcels will be landlocked as a result of the proposed vacation. Therefore, staff has found this criterion has been met.

- (3) Access to any parcel shall be not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

No adverse comments concerning the proposed vacation was received from the utility review agencies or the adjacent property owners indicating that the requested vacation will restrict access or reduce or devalue any property. This request does not impact access to any parcel and as such, staff finds this criterion has been met.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed vacation as a new storm sewer/drainage easement will be dedicated on the new subdivision plat and the existing pipe reconstructed within the new easement location. Staff does not anticipate any adverse impacts, therefore finding this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

The provision of adequate public facilities and services shall not be inhibited to any property as a result of the proposed vacation request as a new storm sewer/drainage easement will be dedicated on the new subdivision plat and the existing pipe reconstructed within the new easement location. Also, no adverse comments concerning the proposed vacation were received from the utility review agencies or adjacent property owners during the staff review process. Therefore, Staff finds that this criterion has been met.

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

Maintenance requirements for the City will not substantially change as a result of the proposed vacation as new/additional pipe will be rerouted and a new storm sewer/drainage easement will be dedicated. A potential increase in building size can be accommodated with the requested vacation which will benefit the Applicant's overall site development and community. Therefore, Staff finds that this criterion has been met.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy C: The City will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Goal 11 / Policy A: The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

PLANNING COMMISSION RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Timberline Center Storm Sewer Easement Vacation request, VAC-2019-123, located at 649 Market Street, the following findings of fact and condition of approval have been made:

The request conforms with Section 21.02.100 (c) of the Zoning & Development Code.

The requested vacation does not conflict with the goals and policies of the Comprehensive Plan.

Prior to recording of a resolution vacating a portion of the 20-foot Storm Sewer

Easement, a new 36-inch storm sewer/drainage pipe will be reconstructed within a new 20-foot wide storm/sewer/drainage easement, consistent with City standards. Said easement shall be conveyed, either by separate instrument or on a subdivision plat.

Therefore, Planning Commission recommends conditional approval of the requested vacation.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Maintenance requirements for the City will not substantially change as new/additional pipe will be rerouted and a new easement will be dedicated.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 32-19, a Resolution vacating a portion of a 20-foot wide Public Storm Sewer Easement located within Lot 1 Canyon View Marketplace located at 649 Market Street.

Attachments

1. Site Location & Aerial Photo Maps
2. Proposed Subdivision Plat - Timberline Center
3. Vacation Resolution





TIMBERLINE CENTER SUBDIVISION
LOT 1, CANYON VIEW MARKETPLACE, RECEPTION NUMBER 2298114
LESS RIGHT-OF-WAY PER RECEPTION 2532041
LOCATED IN THE
NW1/4 SW1/4 SECTION 4
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
That WTN CoEx RP, LLC, a Colorado limited liability company is the owner of that parcel of land in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 4, Township 1 South, Range 1 West, of the Ute Meridian, Grand Junction, Mesa County, Colorado, being more particularly described as follows: (Original Warranty Deed Reception Number 2348495.)
A Replat of Lot 1, Canyon View Marketplace, as shown on plat recorded in Reception Number 2298114, Mesa County records in the City of Grand Junction, Mesa County, Colorado LESS that right-of-way per Reception Number 2532041 Mesa County records, TOGETHER WITH those non-exclusive easements for ingress, egress, and parking created pursuant to the Reciprocal Easement Agreement filed for record in Book 4106, Page 716, at Reception Number 2305066, Mesa County records.

That said owners have by these presents laid out, platted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as TIMBERLINE CENTER SUBDIVISION, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

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

Tract A is granted by separate document to the Property Owners Association for the association uses as defined in the Covenants, Conditions and Restrictions recorded with this subdivision.

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

20.0' Drainage Easement dedicated to the City of Grand Junction as perpetual easement for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner(s) and/or the property owners' association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

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

Owners hereby declare all lienholders of record to herein described real property are shown hereon.

IN WITNESS WHEREOF, said owners, WTN CoEx RP, LLC, a Colorado limited liability company, has caused their name to be hereunto subscribed this day of A.D. 20.

by: (title)
for: WTN CoEx RP, LLC, a Colorado limited liability company

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO ss
COUNTY OF MESA
The foregoing instrument was acknowledged before me by (title)
(title) for WTN CoEx RP, LLC, a Colorado limited liability company this day of A.D., 20
Witness my hand and official seal:

Notary Public
My Commission Expires



LIENHOLDERS RATIFICATION OF PLAT

THE UNDERSIGNED, hereby certifies that it is a holder of a security interest upon the property described hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof, and agree that its' security interest, as shown in document recorded at Reception Number public records of Mesa County, Colorado, shall be subordinated to the dedications shown hereon.

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its' with the authority of its' Board of Directors, this day of 20.

By: (title)
For:

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO ss
COUNTY OF MESA
The foregoing instrument was acknowledged before me by (title)
for this day of A.D., 20.
Witness my hand and official seal:

Notary Public
My Commission Expires

LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
- SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953
- PER CRS-38-51-105, IN CONCRETE
- FOUND REBAR, AS NOTED
- PK NAIL, SET IN PAVING
- DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
- D DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- C CHORD DISTANCE OF ARC
- B CHORD BEARING OF ARC
- = EQUAL SYMBOL
- % PERCENT SYMBOL
- & AND SYMBOL
- INTERSTATE HIGHWAY SYMBOL
- STATE HIGHWAY SYMBOL
- US UNITED STATES
- NTS NOT TO SCALE
- CRS COLORADO REVISED STATUTES
- ss SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- LLC LIMITED LIABILITY COMPANY
- A.D. ANNO DOMINI
- ± MORE OR LESS
- DEGREES (ANGULAR)
- MINUTES (ANGULAR) OR FEET (LINEAR)
- SECONDS (ANGULAR) OR INCHES (LINEAR)
- MCSM MESA COUNTY SURVEY MARKER
- BLM BUREAU OF LAND MANAGEMENT
- ROW RIGHT-OF-WAY
- CDOT COLORADO DEPARTMENT OF TRANSPORTATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- T TOWNSHIP
- R RADIUS OR RANGE (Context)

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

TITLE CERTIFICATION

STATE OF COLORADO ss
COUNTY OF MESA

We, a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to WTN CoEx RP, a Colorado limited liability company; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: by: Name And Title
for: Name Of Title Company

GENERAL NOTES

Easement and Title Information provided by Land Title Guarantee Company, Commitment No. GJIF65036012-2, dated November 14, 2018.

Basis of bearings is the West line of the NW¼ SW¼ of Section 4 which bears South 00°01'17" East, a distance of 1320.02 feet, established by observation of the MCGPS control network, which is based on the NAD 83 for Horizontal and NAVD 88 for Vertical Information. Both monuments on this line are Aliquot Survey Markers, as shown on the face of this plat.

All lineal units shown hereon in U.S. Survey feet.

FOR CITY USE ONLY

Associated Recorded Documents Reception	Type
	Declaration of Covenants, Conditions and Restrictions
	Tract A to the Property Owners Association

CITY OF GRAND JUNCTION APPROVAL

This plat of TIMBERLINE CENTER SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this day of A.D., 20.

City Manager
Mayor

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO ss
COUNTY OF MESA
I hereby certify that this instrument was filed in my office at o'clock M., A.D., 20, and was duly recorded in Reception No.
Drawer No. Fees:

Clerk and Recorder
By: Deputy

SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of TIMBERLINE CENTER SUBDIVISION, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and rules of the State of Colorado. This survey is not a guaranty or warranty, either expressed or implied.

TIMBERLINE CENTER SUBDIVISION	
LOT 1, CANYON VIEW MARKETPLACE NW1/4 SW1/4, SECTION 4, T1S, R1W, UM GRAND JUNCTION, MESA COUNTY, COLORADO	
High Desert Surveying, LLC 1673 Highway 50 Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8649 Fax 970-241-0451	
PROJ. NO. 18-83	SURVEYED DRAWN CHK'D SHEET OF
DATE: March, 2019	be/dj krr jcf 1 2

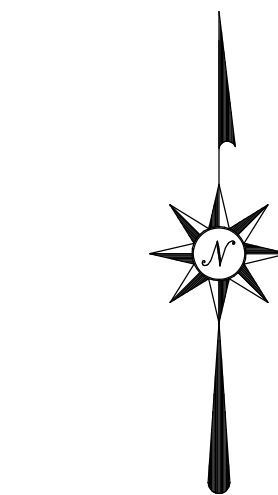
TIMBERLINE CENTER SUBDIVISION

LOT 1, CANYON VIEW MARKETPLACE, RECEPTION NUMBER 2298114

LESS RIGHT-OF-WAY PER RECEPTION 2532041

LOCATED IN THE
NW1/4 SW1/4 SECTION 4

TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO



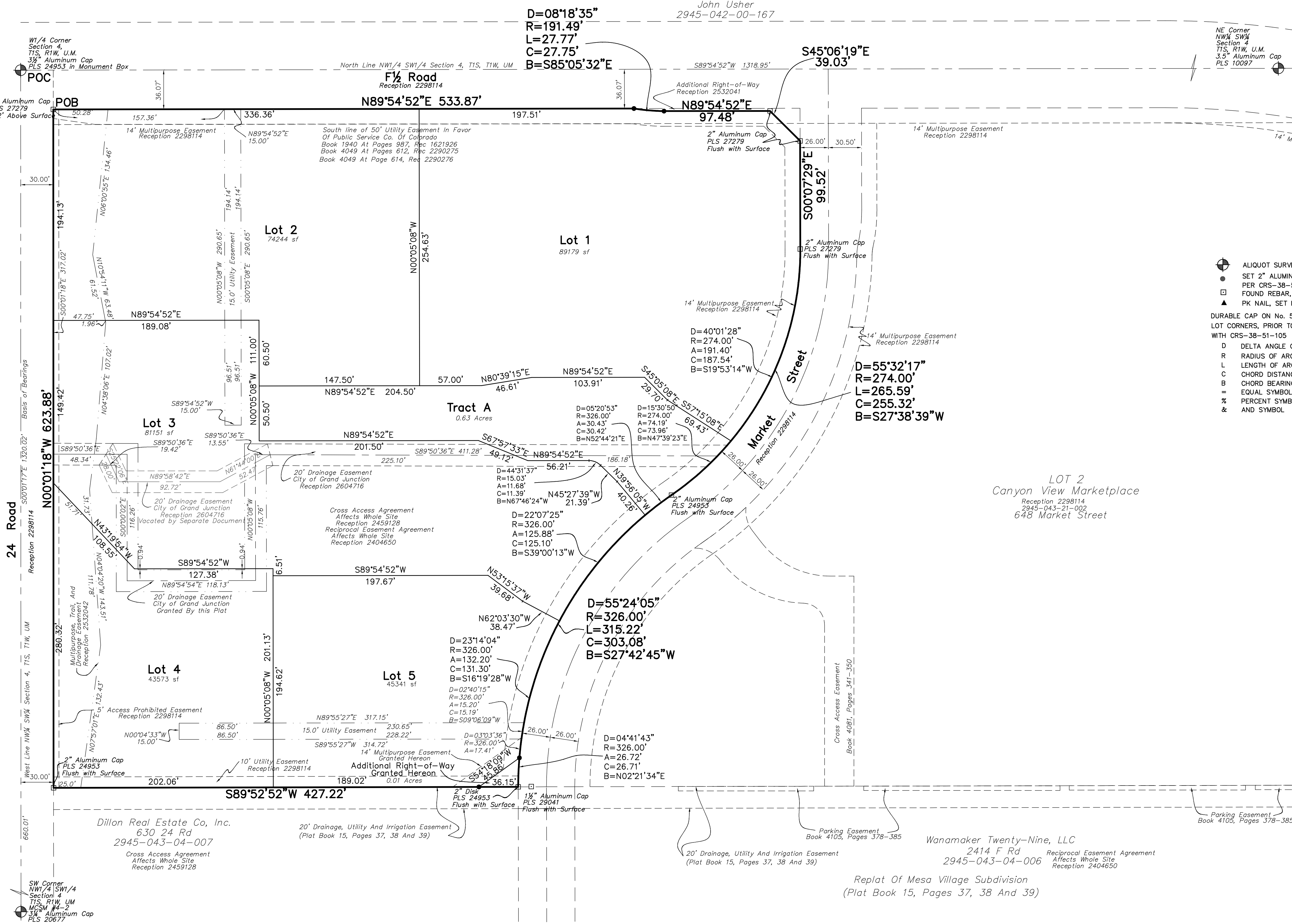
SCALE: 1"=50'

AREA SUMMARY

LOTS	=	7.66 Acres	92.29%
TRACTS	=	0.63 Acres	7.59%
RIGHT-OF-WAY	=	0.01 Acres	0.12%
TOTAL	=	8.30 Acres	100.00%

LEGEND

ALLOT SURVEY MARKER, AS NOTED	INTERSTATE HIGHWAY SYMBOL
SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953	STATE HIGHWAY SYMBOL
PER CRS-38-51-105, IN CONCRETE	US UNITED STATES
FOUND REBAR, AS NOTED	NTS NOT TO SCALE
PK NAIL, SET IN PAVING	CRS COLORADO REVISED STATUTES
DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105	SS SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
	PLS PROFESSIONAL LAND SURVEYOR
	No. NUMBER
	L.L.C. LIMITED LIABILITY COMPANY
	A.D. ANNO DOMINI
	± MORE OR LESS
	° DEGREES (ANGULAR)
	' MINUTES (ANGULAR) OR FEET (LINEAR)
	" SECONDS (ANGULAR) OR INCHES (LINEAR)
	MCSM MESA COUNTY SURVEY MARKER
	BLM BUREAU OF LAND MANAGEMENT
	ROW RIGHT-OF-WAY
	CDOT COLORADO DEPARTMENT OF TRANSPORTATION
	POB POINT OF BEGINNING
	POC POINT OF COMMENCING
	T TOWNSHIP
	R RADIUS OR RANGE (Context)



SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of **TIMBERLINE CENTER SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey. To the best of my knowledge and belief, this plat conforms to the requirements of the subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and laws of the State of Colorado. This survey is not a guaranty or warranty, either express or implied.

		TIMBERLINE CENTER SUBDIVISION	
		LOT 1, CANYON VIEW MARKETPLACE NW1/4 SW1/4, SECTION 4, T1S, R1W, UTM GRAND JUNCTION, MESA COUNTY, COLORADO	
		High Desert Surveying, LLC 1673 Highway 50 Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8649 Fax 970-241-0451	
PROJ. NO. 18-83	SURVEYED	DRAWN	CHK'D
DATE: March, 2019	be/dj	knr	jcf
			2

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A PORTION OF A 20' WIDE STORM SEWER
EASEMENT LOCATED WITHIN
LOT 1 CANYON VIEW MARKETPLACE
LOCATED AT 649 MARKET STREET**

RECITALS:

A vacation of a portion of a publicly dedicated 20' wide Storm Sewer Easement has been requested by the developer, Timberline Bank in anticipation of further subdividing and developing the property for future commercial development for the Timberline Center. The applicant's request is to vacate a portion of the existing 20' wide Storm Sewer Easement and relocate the existing storm sewer/drainage pipe and then dedicate a new Storm Sewer Easement, in order to accommodate a future building location.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of a public 20' wide Storm Sewer Easement is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

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

The following described portion of a publicly dedicated Storm Sewer Easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. Request for vacation is contingent on a new storm sewer/drainage pipe being rerouted and installed and a new storm sewer/drainage easement being dedicated, either by separate instrument or on a subdivision plat.

Portion of Public Storm Sewer Easement to be vacated:

A portion of that twenty feet wide Drainage Easement to the City of Grand Junction to be vacated across that parcel of land known as "A Replat of Lot 1, Canyon View Marketplace, as shown on plat recorded in Reception Number 2298114, Mesa County records in the City of Grand Junction, Mesa County, Colorado LESS that right-of-way per Reception

Number 2532041, Mesa County records, TOGETHER WITH those non-exclusive easements for ingress, egress, and parking created pursuant to the Reciprocal Easement Agreement filed for record in Book 4106, Page 716, at Reception Number 2305066, Mesa County records" located in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 4, Township 1 South, Range 1 West, of the Ute Meridian, Grand Junction, Mesa County, Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of said NW¼ SW¼ of Section 4, whence the Southwest corner of said NW¼ SW¼ of Section 4 bears South 00°01'17" East, a distance of 1320.02 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89°57'43" East, a distance of 30.00 feet, along the North line of said NW¼ SW¼ of Section 4; thence South 00°01'18" East, a distance of 36.09 feet, to the Northwest corner of said Lot 1, Canyon View Marketplace; thence South 00°01'18" East, a distance of 317.02 feet, along the West line of said Lot 1 to the Point of Beginning of that 20.0' Wide Drainage Easement to the City of Grand Junction, as described by centerline in Reception Number 2604716, Mesa County records; thence South 89°50'36" East, a distance of 48.34 feet, along said Easement centerline to the POINT OF BEGINNING; thence along the centerline of said City of Grand Junction 20.0' Wide Drainage Easement to be vacated the following three (3) courses: (1) South 25°22'06" East, a distance of 28.00 feet; (2) thence North 89°58'42" East, a distance of 92.72 feet; (3) North 61°44'00" East, a distance of 52.47 feet to the POINT OF TERMINUS, with all sidelines being lengthened or foreshortened, as necessary.

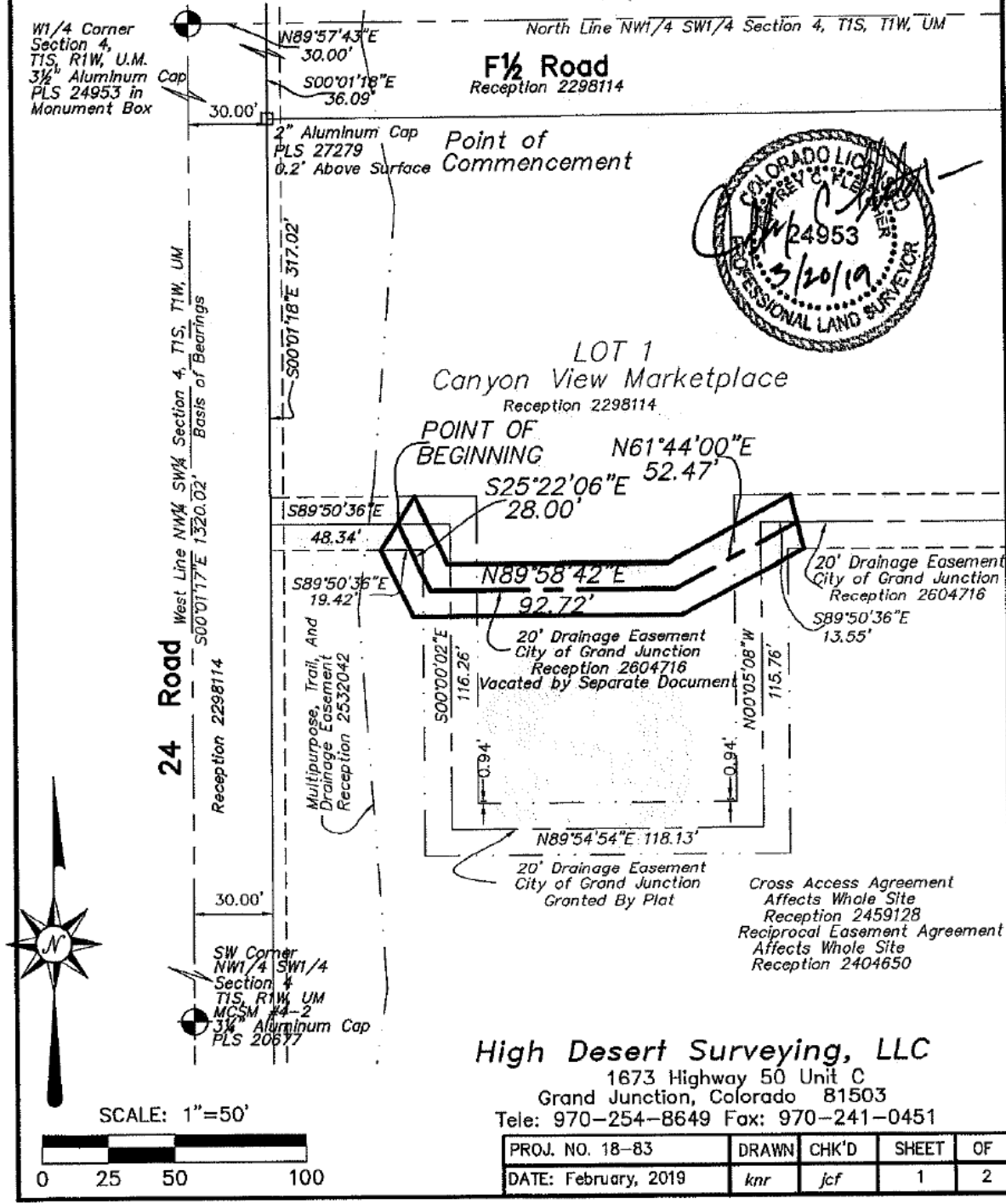
PASSED and ADOPTED this _____ day of _____, 2019

ATTEST:

President of City Council

City Clerk

EXHIBIT A





Grand Junction City Council

Regular Session

Item #5.a.i.

Meeting Date: May 15, 2019

Presented By: David Thornton, Principal Planner

Department: Community Development

Submitted By: David Thornton

Information

SUBJECT:

An Ordinance Amending Planned Development Zoning Ordinance No. 4676 and Amending the Outline Development Plan for "One West Development", Now Known as "The Community" Planned Development, Located at 2350 Highway 6 & 50 Between 23 1/4 Road and 23 3/4 Roads, from G Road to Highway 6 & 50

RECOMMENDATION:

The Planning Commission heard this item at their April 23, 2019 meeting and recommended approval of the request (6-0).

EXECUTIVE SUMMARY:

The Applicant, Taurus Investment Holdings LLC, is requesting approval of an amendment to the existing Outline Development Plan (ODP) for the OneWest Planned Development (Ordinance #4676), located on 177 acres situated between G Road and US Highway 6 & 50 between 23 1/4 Road and 23 3/4 Road. The Applicant is proposing to rename the development, "The Community" and amend the uses to allow for detached and attached single-family units as well as duplexes within certain areas of the PD, to modify allowed land uses and bulk standards, and establish a new phasing schedule.

BACKGROUND OR DETAILED INFORMATION:

Ordinance No. 4676, adopted on August 19, 2015, established the Planned Development (PD) zoning and Outline Development Plan (ODP) for the 177-acre OneWest development, situated between G Road and Highway 6 & 50 between 23 1/4 Road and 23 3/4 Road. To date, no portion of the Plan has been developed and the approved development schedule requires that a Final Development Plan and Plat must

be approved within six years or the ODP will expire and the zoning will revert back to the original Mixed Use (MU) and Heavy Commercial (C-2) zones.

The original PD zoning established a mixed use development consisting of business, commercial, and industrial land uses with a mix of multi-family and group living. This plan was focused on employment uses and less on housing.

Proposed Amendments

The Applicant is proposing to rename the project to “The Community” and to modify the allowed uses, bulk standards and phasing schedule.

The primary change proposed is to add other housing types, in addition to the multifamily already allowed, including Single Family Detached, Single Family Attached (Townhomes) and Duplexes and to limit the amount of that type of housing in each development Pod. Further, several additional non-residential land uses are proposed to provide for a greater range of options for the future development of this property. Specific proposed changes for each pod are as follows:

Pod 1:

1. Add Single Family Detached, Single Family Attached (Townhomes) and Duplex Residential as allowed uses at a minimum density of 5.5 units per acre on no more than 70% of the acreage of Pod 1.
2. Add additional land uses as follows:
 - a. Accessory Dwelling Units,
 - b. Business Residence,
 - c. Government and Public Purpose Facilities,
 - d. Parks and Open Space, and
 - e. Agricultural uses.
3. Reduce the street setback for principal structures from 15 feet to 10 feet (except no change to 30 feet setback for non-residential buildings along Arterial roadways).
4. Reduce minimum lot width for Detached, Attached (Townhomes) and Duplex Residential Uses from 100 feet to 20 feet.
5. Reduce the minimum lot area from 1 acre to 1,800 square feet.
6. Establish a multi-family density of 12 to 24 du/ac.

Pod 2:

1. Add Single Family Detached, Single Family Attached (Townhomes) and Duplex Residential as allowed uses at a minimum density of 5.5 units per acre on no more than 40% of the acreage of Pod 2.
2. Add additional land uses as follows:
 - a. Accessory Dwelling Units,
 - b. Business Residence,

- c. Government and Public Purpose Facilities,
 - d. Parks and Open Space, and
 - e. Agricultural uses.
3. Reduce the street setback for principal structures from 15 feet to 10 feet (except no change to 30 ft. setback for non-residential buildings along Arterial roadways).
 4. Reduce minimum lot width for Detached, Attached (Townhomes) and Duplex Residential Uses from 100 feet to 20 feet.
 5. Reduce the minimum lot area from 1 acre to 1,800 square feet.
 6. Increase the maximum height from 40 feet to 65 feet.
 7. Establish a multi-family density of 12 to 24 du/ac.

Pod 3:

1. Add Single Family Detached, Single Family Attached (Townhomes) and Duplex Residential as allowed uses at a minimum density of 5.5 units per acre and allow these on no more than 55% of the acreage of Pod 3.
2. Add additional land uses as follows:
 - a. Multi-family Residential,
 - b. Accessory Dwelling Units,
 - c. Business Residence,
 - d. Group Living,
 - e. Manufacturing and Production – Indoor Operations and Storage,
 - f. Manufacturing and Production – Indoor Operations with Outside Storage,
 - g. Landscaping Material, Indoor Greenhouse and Outdoor Nursery Plant Growing/Sales,
 - h. Government and Public Purpose Facilities,
 - i. Parks and Open Space, and
 - j. Agricultural uses.
3. Reduce the street setback for principal structures from 15 feet to 10 feet (except no change to 30 ft. setback for non-residential buildings along Arterial roadways).
4. Reduce minimum lot width for Detached, Attached (Townhomes) and Duplex Residential Uses from 50 feet to 20 feet.
5. Reduce the minimum lot area from ½ acre to 1,800 square feet.
6. Increase the maximum height from 40 feet to 65 feet.
7. Establish a multi-family density of 12 to 24 du/ac.
8. Change the Default Zone from C-2 (Heavy Commercial) to BP (Business Park)

Pod 4:

1. Add additional land uses as follows:
 - a. Multi-family Residential,
 - b. Business Residence,
 - c. Retail (small and large box),
 - d. Manufacturing and Production – Indoor Operations and Storage,
 - e. Manufacturing and Production – Indoor Operations with Outside Storage,

- f. Landscaping Material, Indoor Greenhouse and Outdoor Nursery Plant Growing/Sales,
 - g. Industrial Services,
 - h. Contractors and Trade Shops,
 - i. Oil and Gas Support Operations without Hazardous Materials (indoor and/or outdoor Operations and Storage),
 - j. Warehouse and Freight Movement – Indoor Operations, Storage and Loading with Outdoor Loading Docks,
 - k. Government and Public Purpose Facilities,
 - l. Parks and Open Space, and
 - m. Agricultural uses.
 - n. Mini-warehouse
2. Increase the maximum height from 40 feet to 65 feet.
 3. Reduce the street setback for principal structures from 15 feet to 10 feet (except no change to 30 ft. setback for non-residential buildings along Arterial roadways).
 4. Establish a multi-family density of 12 to 24 du/ac.

Additional changes affecting all four (4) Pods

1. Remove redundancy in the PD Performance Standards found in Ordinance 4676 that are already found in the Zoning and Development Code such as loading dock standards, trash area standards, screening standards, vibration, smoke, odor, noise, glare, nuisance standards, and fire hazards and hazardous materials standards.
2. Clarify decision-making authority.

Amendments to the Outline Development Plan Map:

The Pods have been modified slightly due to the anticipated right-of-way widths (including the downgrading of 23 ½ Road from a Principal Arterial to a Minor Arterial approved by City Council in 2016) and straightening the 23 ½ Road corridor through the property.

The following are proposed changes to the ODP Map:

1. Remove list of allowed land uses from map;
2. Eliminate the curve in 23 ½ Road where it intersects with F ½ Road Parkway;
3. Identify access points along 23 ¾ Road south of F ½ Road Parkway;
4. Add a note that right-of-way widths will be determined and dedicated at final plat;
5. Identify the location of a future Pod 5 site located at the NE corner of G Road and 23 ½ Road that is owned by the Applicant. Pod 5 is not part of this development proposal and will be reviewed and considered in the future.

Amendments to the Development Phasing Schedule:

The approved development schedule for the OneWest PD/ODP states a final development plan and plat must be approved within six (6) years of adoption of the PD ordinance, which would be August 19, 2021. In addition, specific detail of what constitutes a final development plan and plat is not spelled out in detail in the PD ordinance and is assumed to mean a final plan and plat for the entire 177 acres. This only gives the developer approximately 2 ½ years to meet this requirement.

The Applicant is requesting an amendment to the development phasing schedule as follows:

Phase 1: Any one Pod—a. Preliminary Development Plan approval within 4 years from date of approved PD ordinance; b. An approved final plat of 25% of the area within 2 years of Preliminary Plan approval.

Phase 2: Any second Pod—a. Preliminary Development Plan approval within 7 years from date of approved PD ordinance; b. An approved final plat of 25% of the area within 2 years of Preliminary Plan approval.

Phase 3: Remaining two Pods—a. Preliminary Development Plan approval within 10 years from the date of approved PD ordinance; b. An approved final plat of 25% of the area within 2 years of Preliminary Plan approval.

The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included in the ODP.

Default Zones and Deviations:

The Applicant is proposing to utilize the dimensional standards of the Business Park (BP) and Heavy Commercial (C-2) zone districts. Proposed deviations are shown in the following table:

Dimensional Standard	BP	C-2	Proposed ODP
Front yard setback (Principal/Accessory)	15'/25'	15'/25'	10'/25' (30' along arterial streets)
Side yard setback (Principal/Accessory)	0'	0'	0'
Rear yard setback (Principal/Accessory)	10'/25'	10'/10'	0'
Maximum building height	65'	40'	65'
Maximum lot coverage	N/A	N/A	N/A
Minimum lot area	1 acre	20,000 s.f.	1,800 s.f. in pods 1,2 & 3; no minimum in pod 4
Minimum lot width	100'	50'	20' in pods 1,2 & 3; no minimum in pod 4

For maximum flexibility in the design of this site, the Applicant is requesting the following deviations:

1. Reduction in minimum lot size to 1,800 square feet and lot width to 20 feet
2. Increase in Maximum height to 65 feet.
3. Reduction of the front (street) yard setback from 15 feet to 10 feet.
4. Reduction of the rear yard setback from 25 feet to 0 feet.

Deviations:

Section 21.05.040 (g) of the Zoning and Development Code allows for the Planning Commission to recommend the City Council deviate from the default district standards subject to the provision of any of the community amenities as identified below. In order for the Planning Commission to recommend and the City Council to approve the deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

1. Transportation amenities including, but not limited to, trails other than required by multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelter;
2. Open space, agricultural land reservation or land dedication of 20% or greater;
3. Community facilities for provision of public services beyond those required for development within the PD;
4. The provision of affordable housing for moderate, low and very low income household pursuant to HUD definitions for no less than 20 years; and
5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

The Applicant is proposing to provide, as shown on the ODP map, a Storm-water Management Irrigation Storage area located at the southern entrance of the development at the intersection of US Hwy 6 & 50 and the F ½ Road Parkway. This facility provides for regional storm-water needs in one area that improves efficiency and effectiveness of the infrastructure. Staff finds that this meets criterion 3 above.

NOTIFICATION REQUIREMENTS

As required by § 21.02.080 (e) of the Zoning and Development Code, a Neighborhood Meeting was held on March 7, 2019. Nine (9) people attended the meeting along with City Staff. Generally, those in attendance were supportive of the proposal.

Notice was provided in accordance with §21.02.080 (g) of the Zoning and Development Code. On April 12, 2019 notice of the application was mailed to property owners within 500 feet of the subject property. An application sign was posted on the property on or before April 12, 2019 and notice of the public hearing was published April 16, 2019 in the Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The request to amend the OneWest Planned Development Outline Development Plan is consistent with the following Goals and Policies of the Comprehensive Plan.

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

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

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

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

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

“The Community” is a mixed use development that provides a large range of land uses including housing, services, retail uses, commercial, manufacturing and employment; thereby providing the opportunity to reduce trips and housing for a variety of life stages. Therefore, staff finds this criterion has been met.

b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code.

(1) Subsequent events have invalidated the original premises and findings; and/or The ordinance establishing the Planned Development zoning and Outline Development

Plan for mixed use was approved in 2015. The plan contemplated a mixed use development with commercial, industrial and multifamily land uses, focusing more on employment uses and less on housing. The applicant is proposing to amend the PD to add additional housing types and densities, as well as modify the bulk standards and extend the phasing schedule.

The area surrounding the PD has continued to develop since 2015 in accordance with the Comprehensive Plan and zoning. The requested amendments to modify the uses and bulk standards will allow for additional flexibility in the development of the property, but are not due to subsequent events that have invalidated the original premises and findings. Therefore, Staff finds that this criterion has not been met.

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

The condition of the Mesa Mall/24 Road area continues to change as new projects, such as Community Hospital, office, retail and lodging have come on-line. Housing demand community-wide has accelerated the past few years and is anticipated to be high in the 24 Road area in close proximity to the growing employment center and supportive services. Providing for a wide range of housing types, as proposed with the amendment, allows for more flexibility in housing type that can meet the future demand in the 24 Road area. Therefore, Staff finds that this criterion has been met.

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

All major utilities are available to the property and are adequate to serve the proposed density and intensity of development as proposed. Staff finds that this criterion has been met.

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

There are limited properties in the Grand Junction city limits that are at the size and scale as this PD development at 177-acres and in a location where it is appropriate to have the range of land uses as already approved for the property. These amendments to the PD zone increase the options of mixed use and will enhance and provide benefit to a new growth area within the city. Therefore, staff finds this criterion has been met.

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

“The Community” Planned Development provides a mixed use neighborhood that meets the intent of the Comprehensive Plan. The proposed amendment to allow for additional housing types will provide for a range of housing opportunity that will appeal

to a larger segment of the community. This provides a public benefit by encouraging development in an area where there is growth opportunity and providing additional housing types for varying life stages. Therefore, Staff finds that this criterion has been met.

c) The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code;

(1) Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone.

Reductions to setbacks were established with Ordinance 4676. These amendments further reduce the setback for principal structure providing flexibility for residential uses in construction and housing style as proposed. The Applicant is proposing to reduce front yard setbacks from 15 feet to 10 feet for principal structures, except for nonresidential structures along arterial streets such as 23 ½ Road. Setbacks for accessory structures will not change and remain at 25 ft. Side and rear setbacks will remain at 0 ft.

(2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone and required in the Zoning and Development Code.

No changes are proposed to open space requirements. Open Space requirements will be determined by the type of use proposed.

(3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

No changes are proposed. Fencing and screening will be as per Code.

(4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

No changes are proposed. Landscaping will be as per Code.

(5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

No changes are proposed. Parking requirements will be as per Code.

(6) Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.

All streets located in “The Community” will be constructed in accordance with City

standards.

d) The applicable corridor guidelines and other overlay districts.

The entire 177-acre PD development is located within the 24 Road Corridor Zoning Overlay. Requirements of this Zoning Overlay will apply.

e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

All major utilities are available to the property and are adequate to serve the density and intensity of development proposed. Staff finds that this criterion has been met.

f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation and access will be provided in accordance with the Grand Junction Circulation Plan and all applicable Codes. Staff finds that this criterion has been met.

g) Appropriate screening and buffering of adjacent property and uses shall be provided;

Screening and buffering will be provided as per Code. Staff finds that this criterion has been met.

h) An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed single family detached, single family attached (townhome), duplex development is proposed with a minimum density of 5.5 du/ac. This is an appropriate minimum density and is the same density found in the City's R-8 zone district. Multi-family uses will be required to have a minimum density of 12 du/ac with no change to the maximum density of 24 du/ac. Pods 1, 2 and 3 will allow for the single family housing options, but have been further constrained with a maximum percentage of acreage that can be developed with single family housing types. This provides assurance that the entire pod will not develop as single family housing, providing for a mixed use development to occur.

i) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

Following are the proposed changes to the dimensional standards approved in Ordinance 4676:

Minimum Lot Area

Pod 1 and 2: decrease from 1 acre to 1,800 s.f.

Pod 3: decrease from 0.5 acre to 1,800 s.f.

Pod 4: No minimum (no change)

Minimum Lot Width

Pod 1 and 2: decrease from 100 feet to 20 feet

Pod 3: decrease from 50 feet to 20 feet

Pod 4: No minimum (no change)

Minimum Street Frontage

Pod 1,2,3 and 4: No minimum (no change)

Minimum Setbacks all Pods

Street (see footnote 1): decrease Principal Structure setback from 15 feet to 10 feet

Accessory Structure setback 25 feet (no change)

Side/Rear: 0 feet (no change)

Density

Pods 1, 2 and 3: modify minimum density from 8 du/ac to 5.5 du/ac for single family attached/detached, townhomes, and duplexes; and 12 du/ac to 24 du/ac for multifamily

Pod 4: modify to add minimum density of 12 du/ac and maximum density of 24 du/ac

Maximum Height

Pod 1: 65 feet (no change)

Pod 2, 3 and 4: increase maximum height from 40 feet to 65 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from “Arterial” designated right-of-ways.

With these proposed amendments there continues to be appropriate “default” or minimum standards for each pod in this PD zoned district.

j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

As noted earlier in this staff report, the proposed ten (10) year development schedule provides for three phases of development of the 177 acres with specific benchmarks and timelines as described in the “Development and Phasing Schedule” table found in Section I of the proposed Ordinance.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request for approval to amend the Planned Development Zone for “The Community”, File number (PLD-2019-132), to include the following proposed amendments:

- allow Detached, Attached (Townhomes) and Duplexes Residential Uses in Pod’s 1, 2 and 3 at a minimum of 5.5 units per acre. These residential uses shall not exceed 70% of the acreage of Pod 1, 40% of the acreage of Pod 2 and 55% of the acreage of Pod 3;
- modify allowed land uses and bulk standards; and
- establish a new phasing schedule.

the following findings of fact have been made:

1. The Outline Development Plan conforms with the requirements of Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code, including meeting more than one of the rezoning criteria provided in Section 21.02.140.
2. With an increase in residential housing options the PD and Plan achieves additional long-term community benefits by providing needed housing types and mix and reducing traffic demands.
3. Pursuant to 21.05.040(g) Deviation from Development Default Standards, it has been found to provide amenities in excess in what would otherwise be required by the code.
4. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact.

SUGGESTED MOTION:

I move to (approve/deny) Ordinance No. 4855 Amending the Planned Development Zone Ordinance No. 4676 and Amending the Outline Development Plan for the "One West Development, now known as “The Community” Planned Development, located at 2350 Highway 6 & 50 between 23 1/4 and 23 3/4 Roads, from G Road to Highway 6 & 50 on final passage and order final publication in pamphlet form.

Attachments

1. Site Maps and Photos
2. Development Submittal

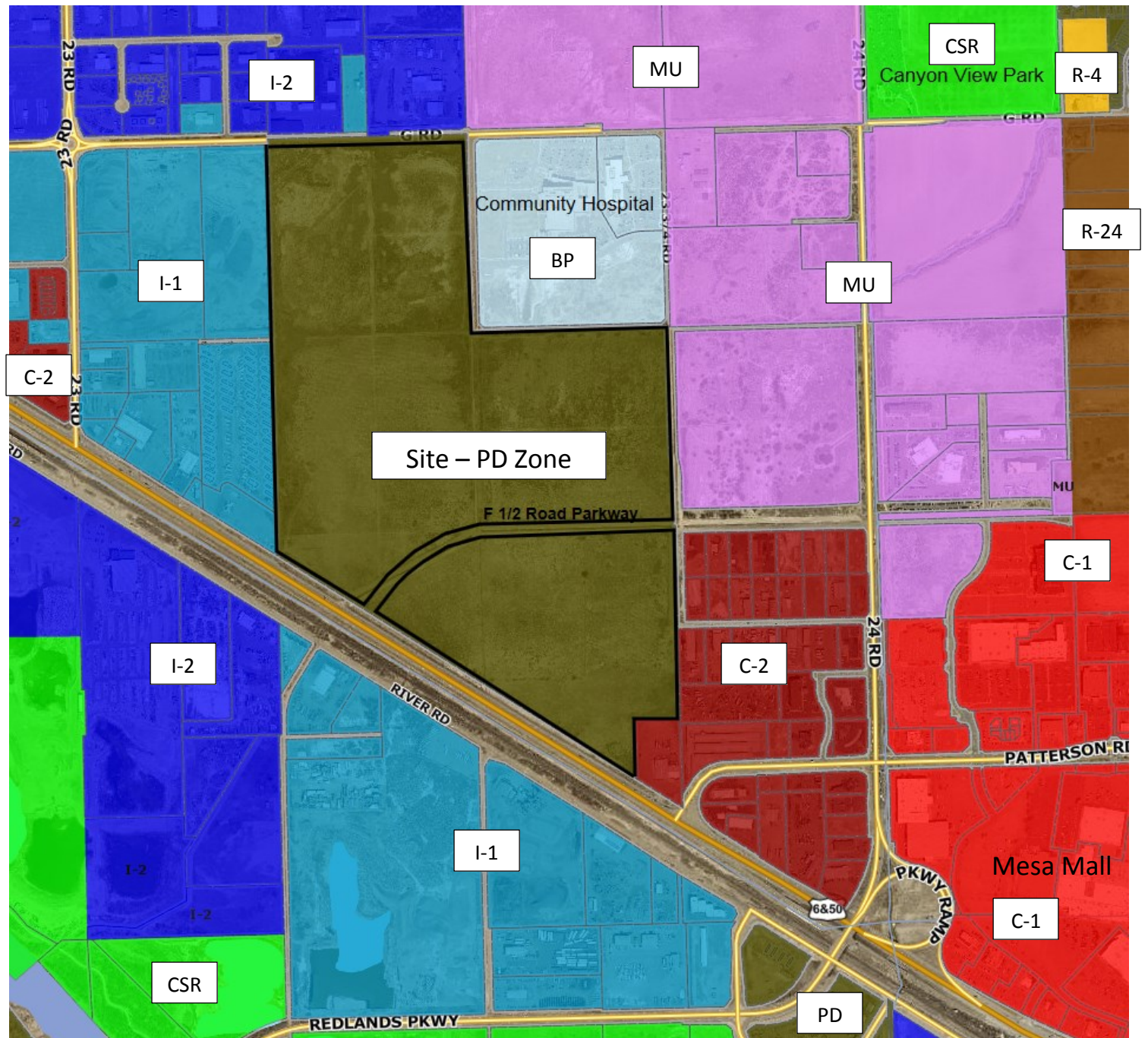
3. Ordinance No 4676 - 2015
4. Proposed Ordinance

Exhibit 1

Site Map of “The Community”



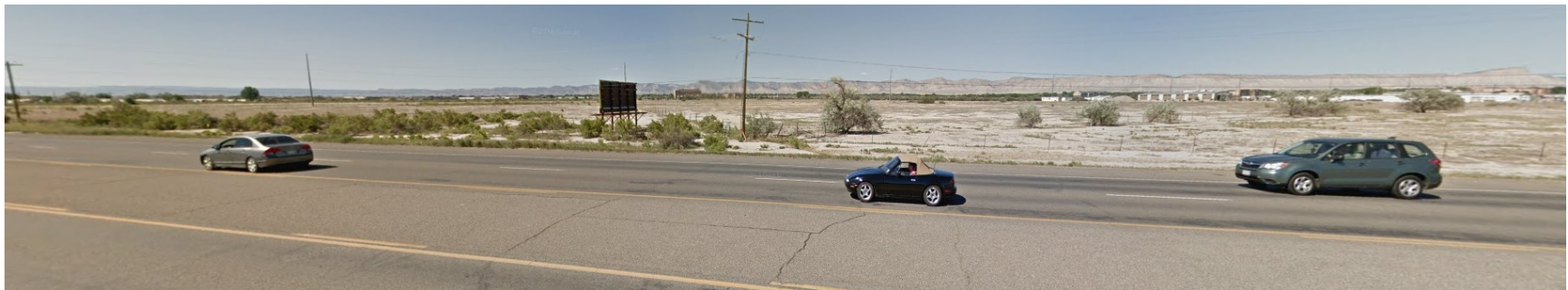
Zoning Map



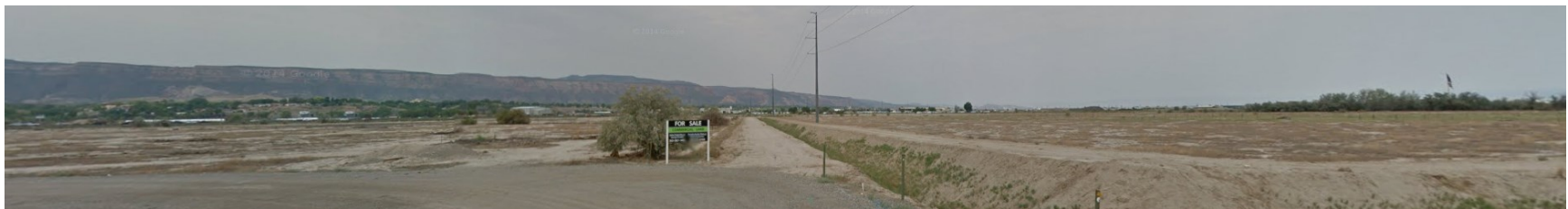
Site Photos



Looking SW from G Road and 23 ½ Road



Looking North from US Hwy 6 & 50



Looking West from F ½ Road and 23 ¾ Road

Outline Development Plan Amendment for The Community Planned Development (fka OneWest Development) General Project Report

Project Overview

The applicant, Taurus / Halandras Development, is requesting approval of an amendment to the existing Outline Development Plan (ODP) for approximately 177 acres property located at 2350 Highway 6 and 50 between 23 $\frac{1}{4}$ and 23 $\frac{3}{4}$ Roads, and from G Road to Highway 6 and 50, Grand Junction, Colorado. The amendment is primarily to include varying density residential as an allowed use within the Planned Development.

The original approved Planned Development Zone, Ordinance No. 4676, included four development POD's; POD's 1, 2, and 3 each having a Default Zone of Business Park (BP), an POD 4 having a Default Zone of Commercial (C-2).

The proposed ODP Amendment requests are:

- To allow Attached and Detached Residential Uses in POD's 1, 2, and 3. The Default Zone for these three POD's continues to be BP, with the remaining deviations noted in the revisions to PD Ordinance #4676.
- That Single Family, Shared Single Family, and/or Duplex uses at a minimum of 5.5 units per acres shall not exceed 70% of the acreage of POD 1, 40% of the acreage of POD 2, and 55% of the acreage of POD 3.
- That a 'Future POD 5' is recognized on the ODP as such.

This request is only for the noted amendments.

A. Project Description

Location

- 2350 Highway 6 and 50 between 23 $\frac{1}{4}$ and 23 $\frac{3}{4}$ Roads, and from G Road to Highway 6 and 50, Grand Junction, Colorado.

Acreage

- Approximately 177 acres included in the four development POD's.

Proposed Use

- Amend ODP to allow Attached and Detached Residential Uses in POD's 1, 2, and 3. The Default Zone for these three POD's continues to be BP, with the remaining deviations noted in the revisions to PD Ordinance #4676.

B. Public Benefit

The development of Community Hospital is a game changer to the potential types of development that will now want to locate in that area, specifically the types of businesses and the residential support to those businesses. In addition, the city needs more clustered density residential to provide housing as Grand Junction grows and adds more jobs. Viable locations for clustered density residential is quickly shrinking and amending the ordinance will help to solve this need. Clustered density residential with a minimum of 5.5 units to the acre along with other types of residential uses such as aging in place, extended stay, memory care facilities, hotels and apartments are needed in this area because of the presence of Community Hospital. These types of diverse residential uses will increase the success of the hospital in

serving the community. In addition, the proximity of major parks like Canyon View Park and the expansion of the community pedestrian connection program from that park and through this land will enhance of the quality of life for the city in this area. Finally, there are significant retail and commercial services nearby along the 24 Road and 6/50 Highway corridor that will benefit from having more residential customers nearby. The residential component is very synergistic with the surrounding existing development and services. Public benefits from this amendment include:

- o The amendments will help facilitate development, which aids in:
 - o the development of property within the City 201 boundary;
 - o the facilitation of business and residential development that will support the communities newest hospital and existing businesses in the area;
 - o the inclusion of uses allowed in the underlying BP and C-2 default zones;
- o The ability to proceed with a destination quality development plan for one of the largest and most strategic vacant parcels in the City;
- o Being the catalyst for new road, drainage, and utility improvements within the City system, in an area that is critical to the growth of the city and has been overlooked for decades.

C. Neighborhood Meeting

A neighborhood meeting was held on March 7, 2019 for the amendments note above, and at which time potential development concepts were presented.

D. Project Compliance, Compatibility, and Impact

Adopted Plans and Policies

The proposed Amendment conforms to the Growth Plan, the City Zoning and Development Code, and known City regulations.

Surrounding Land Use

- o NORTH is Industrial, and Community Hospital
- o EAST is Community Hospital, Vacant, and Light Industry
- o SOUTH is I-70 B, Industry, and Gravel Operations
- o WEST is Mobile Home Park and Vacant

Adjacent zoning:

- o NORTH is I-2 and MU and BP
- o EAST is BP MU, and C-2
- o SOUTH is I-70 B and I-O zoning
- o WEST is I-O zoning

Site Access & Traffic Patterns

Access is not modified by the proposed amendments. Access to the acreage is established and constructed. Access within the property is non-existent for the most part.

Availability of Utilities

Much of the necessary infrastructure and utilities are constructed to the perimeter of the project, and some, like sewer, is constructed within parts of the project area.

- Water – Ute
- Sewer – City
- Drainage – Grand Junction Drainage District
- Irrigation water – Grand Valley Irrigation Company
- Power / gas – Excel, electric split with Grand Valley Power
- Telephone – Qwest
- Cable TV – Bresnan

Special or Unusual Demands on Utilities

There are no known special or unusual demands on the utilities.

Effects on Public Facilities

The proposed amendments will have no unusual impacts on Public Facilities.
Off-site improvements have already been constructed.

Site Soils

NRCS soils was provided with the original submittal.

Impact on Geology and Geological Hazards

No known geological hazards exist on this property.

Hours of Operation

NA to these amendments.

Number of Employees

NA to these amendments.

Signage Plans

NA to these amendments.

E. Development Schedule and Phasing

The proposed amendments restart the timing of the original development schedule.

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Planned Development - ODP

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location: G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd

Site Acreage: 176.82

Site Tax No(s): 2945-051-14-003

Site Zoning: PD

Project Description: Amend current PD Ordinance

Property Owner Information

Name: APP Investments LLC

Street Address: 2947 Pine Ridge Dr.

City/State/Zip: Craig, CO 81625

Business Phone #: 970-326-8614

E-Mail: straff@msn.com

Fax #: n/a

Contact Person: Steve Raftopoulos

Contact Phone #: 970-326-8614

Applicant Information

Name: Taurus Investment Holdings LLC

Street Address: 505 East Rutland Drive Suite 560

City/State/Zip: Austin, TX 78752

Business Phone #: 512-615-8818

E-Mail: dgilliland@tiholdings.com

Fax #: n/a

Contact Person: Douglas Gilliland

Contact Phone #: 512-615-8818

Representative Information

Name: Clavonne, Roberts Assoc

Street Address: 222 Nth 7th St

City/State/Zip: GJ, CO 81501

Business Phone #: 241-0745

E-Mail: ted@clavonne.com

Fax #: n/a

Contact Person: Ted Clavonne

Contact Phone #: 241-0745

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Andy Beronick

Date: 3-11-19

Signature of Legal Property Owner

Andy Beronick

Date: 3-11-19



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Planned Development - ODP

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location: G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd

Site Acreage: 176.82

Site Tax No(s): 2845-051-14-003

Site Zoning: PD

Project Description: Amend current PD Ordinance

Property Owner Information

Name: Chris Halandras

Street Address: 2434 Patterson Rd
Suite 210

City/State/Zip: GJ CO 81505

Business Phone #: 970-242-3311

E-Mail: joe@cqlawfirm.net

Fax #: n/a

Contact Person: Joe Coleman

Contact Phone #: 970-242-3311

Applicant Information

Name: Taurus Investment Holdings LLC

Street Address: 505 East Hummer Drive
Suite 560

City/State/Zip: Austin, TX 78752

Business Phone #: 512-615-8818

E-Mail: dgilliland@tiholdings.com

Fax #: n/a

Contact Person: Douglas Gilliland

Contact Phone #: 512-615-8818

Representative Information

Name: Ciavonne, Roberts Assoc

Street Address: 222 Nth 7th St

City/State/Zip: GJ, CO 81501

Business Phone #: 241-0745

E-Mail: ted@ciavonne.com

Fax #: n/a

Contact Person: Ted Ciavonne

Contact Phone #: 241-0745

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Date

3/15/19

Signature of Legal Property Owner

Date

3-9-19

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Planned Development - ODP

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location: G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd

Site Acreage: 175.82

Site Tax No(s): 2945-051-14-003

Site Zoning: PD

Project Description: Amend current PD Ordinance

Property Owner Information

Name: Gus R Halandras

Street Address: 2434 Patterson Rd
Suite 310

City/State/Zip: GJ CO 81505

Business Phone #: 970-242-3311

E-Mail: joe@cqlawfirm.net

Fax #: n/a

Contact Person: Joe Coleman

Contact Phone #: 970-242-3311

Applicant Information

Name: Taurus Investment Holdings LLC

Street Address: 505 East Highland Ave
Suite 560

City/State/Zip: Austin, TX 78752

Business Phone #: 512-615-8818

E-Mail: dgilliland@tiholdings.com

Fax #: n/a

Contact Person: Douglas Gilliland

Contact Phone #: 512-615-8818

Representative Information

Name: Ciavonne, Roberts Assoc

Street Address: 222 Nth 7th St

City/State/Zip: GJ, CO 81501

Business Phone #: 241-0745

E-Mail: ted@ciavonne.com

Fax #: n/a

Contact Person: Ted Ciavonne

Contact Phone #: 241-0745

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

[Signature]

Date

3/15/19

Signature of Legal Property Owner

[Signature]

Date

3-9-19

LEGAL DESCRIPTION

Lot 2, Centennial Commercial Center, County of Mesa, State of Colorado, being a portion of Section 5, Township 1 South, Range 1 West.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) APP Investments, LLC ("Entity") is the owner of the following property:

(b) G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd (2945-051-14-003)

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☐ The Entity is the sole owner of the property.

☒ The Entity owns the property with other(s). The other owners of the property are:

Gus R Halandras; Chris Halandras

On behalf of Entity, I have reviewed the application for the (d) Amend PD Ordinance

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) none

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Andy Peroulis

Printed name of person signing: Andy Peroulis

State of Colorado)

County of Moffat) ss.

Subscribed and sworn to before me on this 11th day of March, 20 19

by Andy Peroulis

Witness my hand and seal.

My Notary Commission expires on 11/26/2022

DENTON ROY TAYLOR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184045213
MY COMMISSION EXPIRES NOV. 26, 2022

[Signature]
Notary Public Signature

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS, That **Andy Peroulis** (whether one, or more than one), the "Grantor," for the consideration of the sum of TEN DOLLARS, (\$10.00), in hand paid, hereby sells and conveys to **APP Investments, LLC, a Colorado limited liability company** (whether one, or more than one), the "Grantee," whose legal address is PO Box 683, Craig, CO 81626 of the County of Moffat and State of Colorado, the following real property situate in the County of Mesa and State of Colorado, to wit:

An undivided 25% interest in and to: LOT 2 OF CENTENNIAL COMMERCIAL CENTER, COUNTY OF MESA, STATE OF COLORADO, being a portion of Section 5, Township 1 South, Range 1 West of the 6th P.M.

with all its appurtenances.

Signed this 20th day of August, 2018.

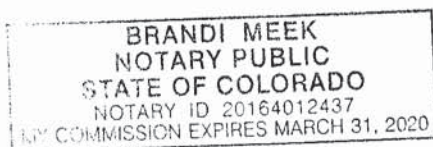


Andy Peroulis

STATE OF COLORADO)
) ss.
County of Moffat)

The foregoing instrument was acknowledged before me this 20th day of August, 2018, by Andy Peroulis.

Witness my hand and official seal.





Notary Public

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Chris Halandras, am the owner of the following real property:

(b) G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd (2945-051-14-003)

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

☐ I am the sole owner of the property.

☒ I own the property with other(s). The other owners of the property are (c):

Gus R Halandras; APP Investments LLC

I have reviewed the application for the (d) Amend PD Ordinance pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) none

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: Chris R Halandras

Printed name of owner: CHRIS R Halandras

State of Colorado)

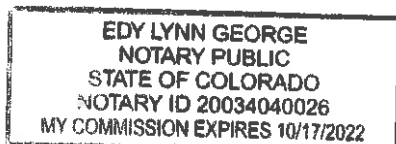
County of Bio Blanco) ss.

Subscribed and sworn to before me on this 9th day of March, 20 19

by Edy Lynn George

Witness my hand and seal.

My Notary Commission expires on 10/17/2022



Edy Lynn George
Notary Public Signature

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 8th day of December, 2017 by and between **Gus R. Halandras** of P. O. Box 225, Meeker, CO 81641, Grantor, for ten dollars (\$10.00) and other valuable consideration, hereby sells and quitclaims to **Chris Halandras**, whose address is 64224 Highway 64, Meeker, CO 81641, the following real property interests located in the County of Mesa and State of Colorado.

An undivided 0.0039 co-tenancy interest in LOT 2, Centennial Commercial Center, Count of Mesa, State of Colorado, being a portion of Section 5, Township 1 South, Range 1 West.

In light of the above quitclaim conveyance, Grantor now owns a 24.61% undivided interest in Lot 2 of Commercial Center and Grantee, Chris Halandras, is now the owner of a 50.39% undivided interest in Lot 2 of Commercial Center;

SIGNED this 8th day of December, 2017

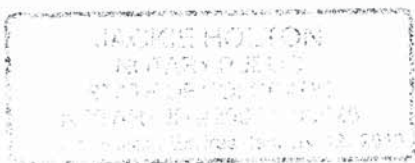


Gus R. Halandras, Grantor

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 8th day of December, 2017, by Gus Halandras.

My Commission expires: January 12, 2019
Witness my hand and official seal.


Notary Public

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Gus R Halandras, am the owner of the following real property:

(b) G Rd to I-70 B; 23 3/4 Rd to 23 1/4 Rd (2945-051-14-003)

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

☐ I am the sole owner of the property.

☒ I own the property with other(s). The other owners of the property are (c):

Chris Halandras; APP Investments LLC

I have reviewed the application for the (d) Amend PD Ordinance pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) none

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: Gus R. Halandras

Printed name of owner: Gus R HALANDRAS

State of Colo)

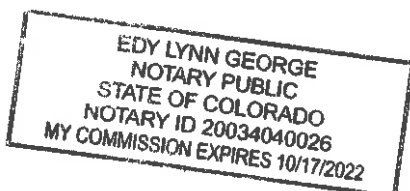
County of Rio Blanco) ss.

Subscribed and sworn to before me on this 9 day of MARCH, 20 19

by Edy Lynn George

Witness my hand and seal.

My Notary Commission expires on 10/17/2022



Edy Lynn George
Notary Public Signature

2 PAGE DOCUMENT

After recording, return to:
Public Service Company of Colorado
1800 Larimer Suite 400
Denver, Colorado 8020
Attn: Michael Diehl

QUIT CLAIM DEED

PUBLIC SERVICE COMPANY OF COLORADO, a Colorado Corporation, whose address is 1800 Larimer, Suite 400, Denver, Colorado 80202 ("Grantor"), for good and valuable consideration of the sum of less than Five Hundred Dollars (\$500.00), in hand paid, hereby sells and quitclaims to:

Gus R. Halandras
P.O. Box 677
Meeker, CO 81641

Chris P. Halandras
67224 Highway 64
Meeker, CO 81641

CFP Estate, LTD.
A Colorado Limited Partnership
9811 Venneford Ranch Road
Highlands Ranch, CO 80126

Andy Peroulis
P.O. Box 683
Craig, CO 881625

(Collectively "Grantees")

the fee ownership interest in the real property in the City of Grand Junction, County of Mesa, State of Colorado described as follows: All that part of a strip of land described in a document recorded in Book 1997 at Page 131 contained within Lot 2 of Centennial Commercial Center, recorded at Reception No. 2438433 of the official records of Mesa County, Colorado, being situated in the S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4 and the NW1/4SE1/4 of Section 5, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, County of Mesa, State of Colorado.

Reserving unto the Grantor a perpetual easement for the transmission, distribution, or both, of electricity and for the transmission of communication signals:

Together with the right and authority to Grantor, its successors, licensees, lessees, contractors, or assigns, and its and their agents and employees to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, patrol, inspect, improve, enlarge, and maintain electric transmission and distribution lines and communication facilities, both overhead and underground, including towers, poles, and other supports of whatever materials; together with braces, guys, anchors, cross-arms, cables, conduits, wires, conductors, manholes, transformers, and other fixtures, devices, and appurtenances used or useful in connection therewith, and full right and authority to cut, remove, trim, or otherwise control all trees, brush, and other growth on or overhanging said premises.

No buildings, structures, signs, or wells shall be placed or permitted to remain on, under, or over said premises. No other objects, shall be erected, placed or permitted to remain on, under or over said premises which will or may be an interference with the facilities constructed on said premises or an interference with the exercise of any of the rights herein granted. Non-use or a limited use of this easement shall not prevent Grantor from thereafter making use of this easement to the full extent herein authorized, by this Quit Claim Deed.

Dated this 1st day of July, 2015

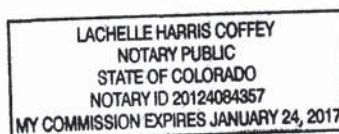
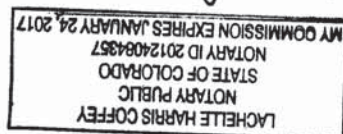
PUBLIC SERVICE COMPANY OF COLORADO,
a Colorado corporation
By: Michael E. Diehl
Michael E. Diehl
Manager, Siting and Land Rights
Public Service Company of Colorado

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 6th day of July, 2015 by
Michael E. Diehl as Authorized Agent of Public Service Company of Colorado, a Colorado corporation.

Witness my hand and official seal.

My commission Expires: January 24, 2017 Lachelle Harris Coffey
Notary Public



**APP INVESTMENTS, LLC
COLORADO STATEMENT OF AUTHORITY
PURSUANT TO §38-30-172, C.R.S.**

1. This Statement of Authority relates to **APP Investments, LLC**, a limited liability company formed under the laws of the State of Colorado (hereinafter the "Entity").
2. The mailing address for the Entity is PO Box 683, Craig, CO 81626.
3. The following persons, together and separately, are hereby authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the Entity:

Name
Andy Peroulis
Steve Raftopoulos

Position
Manager
Manager

4. The foregoing shall not preclude the ability of other persons to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity upon the express written authority of any one of the Members of the Entity.
5. The authority of the foregoing persons to bind the Entity is not limited.
6. The Entity hereby revokes any and all prior Statements of Authority filed and/or recorded on behalf thereof.

EFFECTIVE AS OF this 11th day of October, 2018.

APP Investments, LLC

APP Investments, LLC

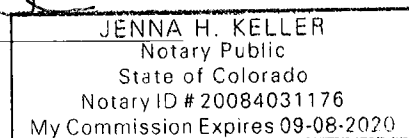
By: Andy Peroulis, Manager

By: Steve Raftopoulos, Manager

STATE OF COLORADO)
COUNTY OF Moffat) ss.

The foregoing Statement of Authority was acknowledged before me this 11th day of October, 2018, by Andy Peroulis, as Managers of APP Investments, LLC, a Colorado limited liability company.
WITNESS my hand and official seal.

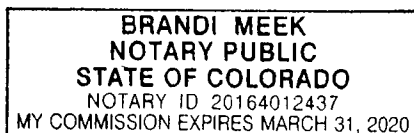
Notary Public



STATE OF COLORADO)
COUNTY OF Moffat) ss.

The foregoing Statement of Authority was acknowledged before me this 19th day of December, 2018, by Steve Raftopoulos, as Manager of APP Investments, LLC, a Colorado limited liability company.
WITNESS my hand and official seal.

Notary Public



HALANDRAS NEIGHBORHOOD MEETING
March 7, 2019 @ 5:15pm
NOTES

A Neighborhood Meeting was held on March 7, 2019 regarding an amendment to the ONEWEST Development PD and ODP on property located at 2350 Highway 6 and 50 between 23¼ and 23¾ Roads, from G Road to Highway 6 and 50, Grand Junction, Colorado

In Attendance:

Representatives: Douglas Gilliland (Taurus Investment Holdings LLC)
Ted Ciavonne (Ciavonne, Roberts & Associates Inc.)
Mallory Reams (Ciavonne, Roberts & Associates Inc.)
Dave Thornton (City of Grand Junction)

About 5 Neighbors attended the meeting and had only one question:

- If all goes as planned, when will development start? – As soon as the process allows. If everything goes smoothly, possibly as early as next year. This is a 10-20 year project from start to finish.

SIGN-IN SHEET

NEIGHBORHOOD MEETING

Thursday March 7, 2019 @ 5:15pm

FOR: PD Amendment @ 2350 Highway 6 and 50 between 23 $\frac{1}{4}$ and 23 $\frac{3}{4}$
Roads, from G Road to Highway 6 and 50

NAME	ADDRESS	PHONE # / EMAIL
TED CAVONNE	222 N. 7 th ST.	tedcavonne.com
Dave Marsh	670 23 Road	dmarsh@wsiron.com
Douglas Gilliland	9285 Huntington Sq. N. Richland Hills TX	dgilliland@tiholdings.com
Joe Clemen	2454 Patterson, G.S CO 76183	joecc@lawfirm.net
RICHARD DAVIS	2377 F $\frac{1}{2}$ Rd. G.T. CO 81505	RICK@MUCGT.COM
Ray Rickard	2415 R.R. 1 G.S CO	ray@gjproperties.com
M-K Singh	2122 Hwy 645	971 245 2175 M.K. Bussell's
DAVID THORNTON	250 N. 5 th ST	244-1450

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4676

**AN ORDINANCE ZONING THE ONEWEST DEVELOPMENT
TO A PD (PLANNED DEVELOPMENT) ZONE,
BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH DEFAULT ZONES OF
BP (BUSINESS PARK MIXED USE) AND C-2 (GENERAL COMMERCIAL)**

**LOCATED AT 2350 HIGHWAY 6 AND 50
BETWEEN 23 ¼ AND 23 ¾ ROADS, FROM G ROAD TO HIGHWAY 6 AND 50**

Recitals:

A request to zone approximately 177 acres to PD (Planned Development) by approval of an Outline Development Plan (Plan) with default zones of BP (Business Park Mixed Use) and C-2 (General Commercial) has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, and adopt the Outline Development Plan for the OneWest Development. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards specified herein.

In public hearings, the Planning Commission and City Council reviewed the request for Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" through the provision of more effective infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

- A. ALL of Lot 2, Centennial Commercial Center, City of Grand Junction, Mesa County, Colorado.
- B. OneWest Outline Development Plan is approved with the Findings of Fact/Conclusions, and Conditions listed in the Staff Report including attachments and Exhibits.
- C. Purpose

The proposed Planned Development will provide for a mix of manufacturing, office park employment centers, health care facilities, retail services and multifamily residential uses with appropriate screening, buffering and open space, enhancement of natural features and other amenities such as shared drainage facilities and common landscape and streetscape character.

D. Unified Development

The project will be developed over time in a phased fashion, but in a unified manner with similar architectural styles and themes throughout. Detached sidewalks along the arterial frontages are intended to provide for safe multi-modal transportation haven and provide access to uses within the development. These detached sidewalks will also provide connectivity from the development to other existing and future points of interest adjacent to the subject property.

E. Default Zones

The default land use zones are as follows:

Pods One and Two: BP (Business Park Mixed Use) with deviations contained within this Ordinance.

Pods Three and Four: C-2 (General Commercial) with deviations contained within this Ordinance.

F. Pod Character

The property will be developed into four distinct areas (Pods) within the development that have a character similar to the following primary uses as more particularly detailed in the Pod Use Table:

Pod 1: Default zone – BP; Medical Office/Clinic, Manufacturing and Production, Group Living

Pod 2: Default zone – BP; Medical Office/Clinic, Group Living, Multi-Family Housing, Retail Sales and Services, Personal Care, General Offices

Pod 3: Default zone – C-2; Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services

Pod 4: Default zone – C-2; Shopping Center (Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices

G. Authorized Uses

1. The list of authorized uses allowed within the BP and C-2 zone is hereby amended to include only the following, which are allowed without the need for approval of a conditional use permit.

a) POD 1 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries
- 8) General Day Care

- 9) Medical and Dental Clinics
- 10) Physical and Mental Rehabilitation (Resident)
- 11) All other Health Care
- 12) Religious Assembly
- 13) Funeral Homes, Mortuaries, Crematories
- 14) Hotels and Motels
- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage
- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 27) Bus/Commuter Stops

b) POD 2 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries
- 8) General Day Care
- 9) Medical and Dental Clinics
- 10) Physical and Mental Rehabilitation (Resident)
- 11) All other Health Care
- 12) Religious Assembly
- 13) Funeral Homes, Mortuaries, Crematories
- 14) Hotels and Motels
- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage
- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage

27) Bus/Commuter Stops

c) POD 3 – C-2 Default Zone

- 1) Colleges and Universities
- 2) Vocational, Technical and Trade Schools
- 3) Community Activity Building
- 4) All other Community Service
- 5) Museums, Art Galleries, Opera Houses, Libraries
- 6) General Day Care
- 7) Medical and Dental Clinics
- 8) Physical and Mental Rehabilitation (Resident)
- 9) All other Health Care
- 10) Religious Assembly
- 11) Funeral Homes, Mortuaries, Crematories
- 12) Public Safety and Emergency Response Services
- 13) Hotels and Motels
- 14) General Offices
- 15) Health Club
- 16) Alcohol Sales, Retail
- 17) Bar/Nightclub
- 18) Drive Through Restaurants
- 19) Drive Through Retail
- 20) Food Service, Catering
- 21) Food Service, Restaurant (including Alcohol Sales)
- 22) Fuel Sales, Automotive/Appliance
- 23) General Retail Sales, Indoor Operations, Display and Storage
- 24) General Retail Sales, Outdoor Operations, Display or Storage
- 25) Repair, Small Appliance
- 26) Personal Services
- 27) All other Retail Sales and Services
- 28) Mini-Warehouse
- 29) Auto and Light Truck Mechanical Repair
- 30) Car Wash, Gasoline Service Station, Quick Lube
- 31) Manufacturing and Production - Indoor Operations and Storage
- 32) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 33) Manufacturing and Production – Outdoor Operations and Storage
- 34) Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials (Indoor and/or Outdoor Operations and Storage)
- 35) Warehouse and Freight Movement – Indoor Operations, Storage and Loading with Outdoor Loading Docks
- 36) Wholesale Business (No Highly Flammable Materials/Liquids)
- 37) Bus/Commuter Stops

d) POD 4 – C-2 Default Zone

- 1) General Day Care
- 2) Medical and Dental Clinics

- 3) Physical and Mental Rehabilitation (Resident)
- 4) All other Health Care
- 5) Religious Assembly
- 6) Funeral Homes, Mortuaries, Crematories
- 7) Public Safety and Emergency Response Services
- 8) Hotels and Motels
- 9) General Offices
- 10) Health Club
- 11) Alcohol Sales, Retail
- 12) Bar/Nightclub
- 13) Drive Through Restaurants
- 14) Drive Through Retail
- 15) Food Service, Catering
- 16) Food Service, Restaurant (including Alcohol Sales)
- 17) Fuel Sales, Automotive/Appliance
- 18) General Retail Sales, Indoor Operations, Display and Storage
- 19) General Retail Sales, Outdoor Operations, Display or Storage
- 20) Repair, Small Appliance
- 21) Personal Services
- 22) All other Retail Sales and Services
- 23) Auto and Light Truck Mechanical Repair
- 24) Car Wash, Gasoline Service Station, Quick Lube
- 25) Wholesale Business (No Highly Flammable Materials/Liquids)
- 26) Bus/Commuter Stops

e) Uses Not Allowed

- 1) To change uses from those specified above, the developer must request that the City Council consider an amendment to allow a use which is not currently an allowed use for a particular pod.

H. Performance Standards

1. Title 25, 24 Road Corridor Standards in the current Zoning and Development Code (Code) shall apply, unless otherwise amended by the City.
2. Loading docks and trash areas or other service areas shall be located only in the side or rear yards and must be screened from adjacent right-of-ways with either a wall or landscaping.
3. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
 - a. Vibration: Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

- b. Noise: The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point along the property line.
- c. Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- d. Solid and Liquid Waste: All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- e. Hazardous Materials: Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director
- f. Outdoor Storage and Display: Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

I. Dimensional and Intensity Standards

Minimum Lot Area	
Pod 1 and 2	1 acre
Pod 3	0.5 acre
Pod 4	No minimum

Minimum Lot Width	
Pod 1 and 2	100 feet
Pod 3	50 feet
Pod 4	No minimum

Minimum Street Frontage	
Pod 1, 2, 3, and 4	No minimum

Minimum Setbacks	Principle Structure / Accessory Structure
Pod 1, 2, 3 and 4	
Street (see footnote 1)	15' / 25'
Side / Rear yard	0' except identified Buffer Area is 15'

Density (Minimum/Maximum)	
Pod 1 and 2	8 du/ac min. / 24 du/ac max.
Pods 3 and 4	N/A

Maximum Height	
Pod 1	65 feet
Pod 2, 3, and 4	40 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from "Arterial" designated right-of-ways.

J. Development Schedule

A Final Development Plan and plat must be approved within six (6) years of the PD Ordinance. If a Final Development Plan and plat is not approved within six (6) years, the ODP will expire and the zoning will revert back to the original MU and C-2. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.

All subsequent plans and/or plats must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance and/or any subsequent amendments thereto.

K. Other Regulations

Development regulations and standards contained within Section 21.06 of the GJMC apply to all Pods, except the following:

One (1) freestanding project identification monument sign shall be allowed at no more than two intersecting corners along all roadways within the development.

A sign package will be required as part of each Final Development Plan and/or Site Plan.

The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four. New billboards within the PD will not be permitted.

Hours of Operation – All Pods - unrestricted

Introduced for first reading on this 5th day of August, 2015 and ordered published in pamphlet form.

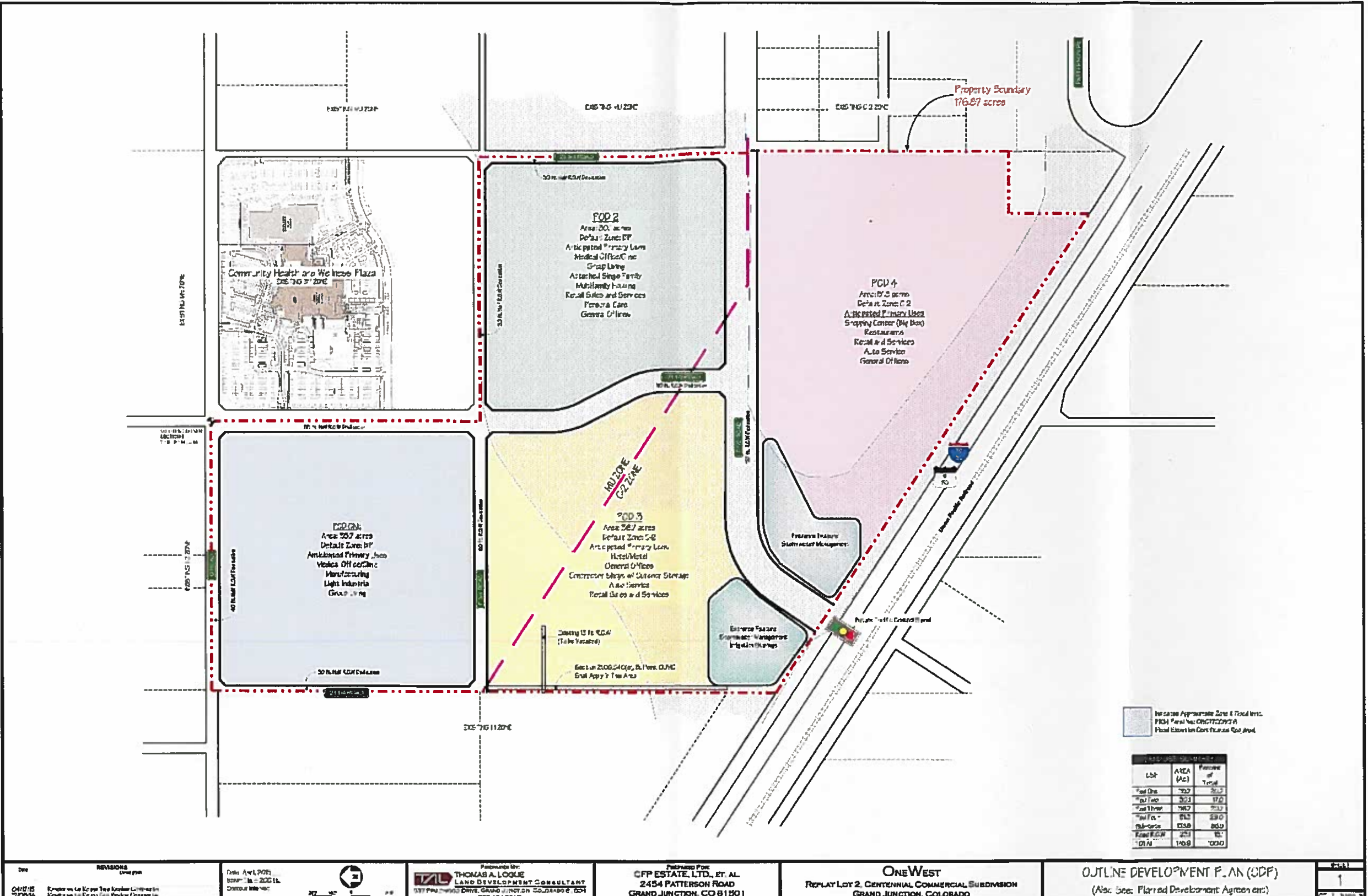
PASSED and ADOPTED this 19th day of August, 2015 and ordered published in pamphlet form.

ATTEST:

Barbara Forrie
President of City Council

Stephanie Turner
City Clerk





I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4676 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 5th day of August, 2015 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 19th day of August, 2015, at which Ordinance No. 4676 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of August, 2015.


Stephanie Tuin, MMC
City Clerk

Published: August 7, 2015
Published: August 21, 2015
Effective: September 20, 2015



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PLANNED DEVELOPMENT ZONING ORDINANCE
NO. 4676 AND AMENDING THE OUTLINE DEVELOPMENT PLAN FOR
“ONEWEST” DEVELOPMENT, NOW KNOWN AS “THE COMMUNITY” PLANNED
DEVELOPMENT, LOCATED AT 2350 HIGHWAY 6 AND 50
BETWEEN 23 ¼ AND 23 ¾ ROADS, FROM G ROAD TO HIGHWAY 6 AND 50**

Recitals:

The owner of approximately 177 acres of property located at 2350 Highway 6 and 50 has requested an amendment to the PD zoning and to the Outline Development Plan (ODP) applicable to the property.

The amendments revise the standards, default zoning and development schedule established by Ordinance No. 4676 and amend the Outline Development Plan as follows:

1. Allows the following additional land uses in Pods in accordance with the table (found in Section G) in this ordinance:
 - a. Single Family detached
 - b. Single Family attached (Townhomes)
 - c. Accessory Dwelling Units
 - d. Duplexes
 - e. Business Residence
 - f. Retail (small and large box
 - g. Landscaping Material, Indoor Greenhouse and Outdoor Nursery Plant Growing/Sales
 - h. Government and Public Purpose Facilities
 - i. Parks and Open Space
 - j. Agricultural Uses
2. Limits the total acreage in each Pod for Single Family detached, Single Family attached, and Duplexes and require a minimum density of 5.5 du/ac for these land uses.
3. Some land uses consistent with the overall PD character that were restricted to certain pods are allowed in other Pods as well.
4. Updates the ODP map showing changes to the default zones by Pod, reconfigures 23 ½ Road and its intersection with F ½ Road, and adjusts Pod acreage.
5. Revises the bulk standards of the PD zone including deviations from the default standards for street setback, lot width, minimum lot area, and maximum height; and establishes a multi-family minimum density.

6. Removes redundancy in the Performance Standards and clarifies decision making by the City.
7. Establishes a new Development and Phasing Schedule.

In recommending and approving Ordinance No. 4676 and the ODP adopted therewith, the Planning Commission and City Council determined that the PD zoning ordinance and ODP satisfied the criteria of the Code, was consistent with the purpose and intent of the Comprehensive Plan, and achieved long-term community benefits through the provision of more effective infrastructure.

The Planning Commission found in a public hearing held on April 23, 2019, and the City Council hereby finds, that the proposed amendments likewise satisfy the applicable criteria of the Zoning and Development Code, are consistent with the purpose and intent of the Comprehensive Plan, and achieve the same long-term community benefits as the previously adopted ODP. In addition, the amended PD and Plan also achieve additional “long-term community benefits” by providing needed housing types and mix and reducing traffic demands.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONES AND STANDARDS:

- A. ALL of Lot 2, Centennial Commercial Center, City of Grand Junction, Mesa County, Colorado.
- B. “The Community” Outline Development Plan (ODP) is approved with the Findings of Fact/Conclusions, and Conditions listed in the Staff Report dated April 23, 2019 and including attachments and Exhibit A and Exhibit B attached to this ordinance.

C. Purpose

The proposed Planned Development will provide for a mix of manufacturing, office park employment centers, health care facilities, retail services, multifamily residential, attached residential, and detached residential uses with appropriate screening, buffering and open space, enhancement of natural features and other amenities such as shared drainage facilities and common landscape and streetscape character.

D. Unified Development

The project will be developed over time in a phased fashion, but in a unified manner with similar architectural styles and themes throughout. Detached sidewalks, where appropriate, along the arterial frontages are intended to provide for a safe multi-modal transportation haven and provide access to uses within the development. These detached sidewalks will also provide connectivity from the

development to other existing and future points of interest adjacent to the subject property.

E. Default Zones

The default land use zones are as follows:

Pods One, Two and Three: BP (Business Park Mixed Use) with deviations contained within this Ordinance.

Pod Four: C-2 (General Commercial) with deviations contained within this Ordinance.

F. Pod Character

The property will be developed into four distinct areas (Pods) within the development that have a character similar to the following primary uses as more particularly detailed in the Pod Use Table:

Pod 1: Default zone – BP; POD 1 will generally consist of Medical Office/Clinic, Group Living, Attached, Detached Residential and Multi-Family Residential land uses. A list of allowed land uses is included under Section G. Authorized Uses in this Ordinance. All Single Family Detached, Single Family Attached, Duplexes land uses will have a minimum density of 5.5 dwelling units per acre and shall not exceed more than 70% of the acreage in POD 1. Multi-Family residential uses shall have a density between 12 and 24 units per acre.

Pod 2: Default zone – BP; POD 2 will generally consist of Medical Office/Clinic, Group Living, Retail Sales and Services, Personal Care, General Offices; Attached, Detached Residential and Multi-Family Residential land uses. A list of allowed land uses is included under Section G. Authorized Uses in this Ordinance. All Single Family Detached, Single Family Attached, Duplexes land uses will have a minimum density of 5.5 dwelling units per acre and shall not exceed more than 40% of the acreage in POD 2. Multi-Family residential uses shall have a density between 12 and 24 units per acre.

Pod 3: Default zone – BP POD 3 will generally consist of Multi-Family Residential, Attached and Detached Residential, Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services. A list of allowed land uses is included under Section G. Authorized Uses in this Ordinance. All Single Family Detached, Single Family Attached, Duplexes land uses will have a minimum density of 5.5 dwelling units per acre and shall not exceed more than 55% of the acreage in POD 3. Multi-Family residential uses shall have a density between 12 and 24 units per acre.

Pod 4: Default zone – C-2, POD 4 will generally consist of Shopping Center (Small and Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices and Manufacturing and Production; Freight Movement and Storage; Mixed-Use Multifamily//Commercial/Retail. Multi-Family residential uses shall have a density between 12 and 24 units per acre.

G. Authorized Uses

1. The list of authorized uses allowed within the BP and C-2 zone is hereby amended to include only the following, which are allowed without the need for approval of a conditional use permit.

Uses	POD 1 BP Default	POD 2 BP Default	POD 3 BP Default	POD 4 C-2 Default
Multi-family	X	X	X	X
Single-family detached	X	X	X	
Single-family attached (Townhomes)	X	X	X	
Accessory Dwelling Units	X	X	X	
Duplexes	X	X	X	
Business Residence	X	X	X	X
Group Living	X	X	X	
Colleges and Universities	X	X	X	
Vocational, Technical and Trade Schools	X	X	X	
Community Activity Building	X	X	X	
All other Community Service	X	X	X	
Museums, Art Galleries, Opera Houses, Libraries	X	X	X	
General Day Care	X	X	X	X
Medical and Dental Clinics	X	X	X	X
Physical and Mental Rehabilitation (Resident)	X	X	X	X
All other Health Care	X	X	X	X
Religious Assembly	X	X	X	X
Funeral Homes, Mortuaries, Crematories	X	X	X	X
Public Safety and Emergency Response Services			X	X
Hotels, Motels and Lodging	X	X	X	X
General Offices	X	X	X	X
Health Club	X	X	X	X
Alcohol Sales, Retail			X	X
Bar/Nightclub			X	X
Drive Through Restaurants	X	X	X	X
Drive Through Retail	X	X	X	X
Retail (small and large box)				X
Food Service, Catering	X	X	X	X
Food Service, Restaurant (Including Alcohol Sales)	X	X	X	X
Fuel Sales, Automotive/Appliance			X	X
General Retail Sales, Indoor	X	X	X	X

Operations, Display and Storage				
General Retail Sales, Outdoor Operations, Display or Storage	X	X	X	X
Repair, Small Appliance				X
Personal Services	X	X	X	X
All other Retail Sales and Services	X	X	X	X
Manufacturing and Production – Indoor Operations and Storage	X	X	X	X
Manufacturing and Production – Indoor Operations with Outdoor Storage	X	X	X	X
Mini-Warehouse			X	X
Auto and Light Truck Mechanical Repair			X	
Car Wash, Gasoline Service Station, Quick Lube			X	X
Landscaping Material, Indoor Greenhouse and Outdoor Nursery Plant Growing/Sales			X	X
Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials (indoor and/or Outdoor Operations and Storage)			X	X
Warehouse and Freight Movement – Indoor Operations, Storage and Loading with Outdoor Loading Docks			X	X
Wholesale Business (excluding highly flammable Materials/Liquids)			X	X
Bus/Commuter Stops	X	X	X	X
Government and Public Purpose Facilities	X	X	X	X
Parks and Open Space	X	X	X	X
Agricultural Uses*	X	X	X	X
* Agricultural Uses including indoor or outdoor activities primarily involving raising, producing or keeping plants or animals but excluding uses such as industrialized agricultural for example feedlots, pig farming, a use of a scale that requires significant structures or accessory structures, or a use that has the propensity to be a significant nuisance such as pig farming or other particularly odiferous. This use is intended to be interim in nature.				

e) Uses Not Mentioned

- 1) To change uses from those specified above, the developer must request an amendment consistent to the Zoning and Development Code as amended, to allow a use which is not currently an allowed use for a particular pod.
- 2) If a question or interpretation arises regarding where, how or whether a proposed use fits into the list of uses found in this section, the Director shall decide if a use not specifically mentioned can reasonably be interpreted to fit into a principal use category or a general use category where similar uses are described as found in the Use Table within the City's Zoning and Development Code.

H. Dimensional and Intensity Standards

Minimum Lot Area	
Pod 1, 2 and 3	1,800 sf
Pod 4	No minimum

Minimum Lot Width	
Pod 1, 2 and 3	20 feet
Pod 4	No minimum

Minimum Street Frontage	
Pod 1, 2, 3, and 4	No minimum

Minimum Setbacks Pod 1, 2, 3 and 4	Principle Structure / Accessory Structure
Street (see footnote 1)	10' / 25'
Side / Rear yard	0'

Density (Minimum/Maximum)	
Pod 1, 2 and 3	5.5 du/ac min. density for Single Family Attached, Single Family Detached, Townhomes, and Duplexes 12 du/ac to 24 du/ac max. for Multi-Family
Pods 4	12 du/ac min./24 du/ac max

Maximum Height	
Pod 1, 2, and 3	65 feet
Pod 4	65 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from "Arterial" designated right-of-ways.

I. Deviations from bulk standards from default zones.

1. To provide for flexibility necessary for the unique, efficient and effective design of the site, the following deviations from the default zone standards shall be applied to the site:

- a. Minimum lot size shall be 1800 sf.
- b. Minimum lot width shall be 20'.
- c. Maximum height shall be 65'.
- d. Front (street) yard setback shall be 10'.
- e. Rear yard setback shall be 0'.

J. Development Schedule, Extensions and Lapse of Plan

1. Development and Phasing Schedule

Phase	Pod	Threshold 1	Threshold 2
1	Any one Pod	Preliminary Development Plan approval within 4 years from date of approved PD ordinance	An approved final plat of 25% of the area within 2 years of Preliminary Plan approval
2	Any second Pod	Preliminary Development Plan approval within 7 years from date of approved PD Ordinance	An approved final plat of 25% of the area within 2 years of Preliminary Plan approval
3	Remaining two Pods	Preliminary Development Plan approval within 10 years from date of approved PD Ordinance	An approved final plat of 25% of the area within 2 years of Preliminary Plan approval
The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.			

2. Should the Development and Phasing Schedule need to be extended, the city shall consider and hear the request consistent with the provisions of the Code in place at that time. A request for extension shall be timely in that the request shall be received by the City prior to the lapse or expiration of one of the established phasing Thresholds.
3. Failure to develop the PD and ODP as shown in the adopted Development and Phasing Schedule will result in the lapse of approval of the PD and ODP. Upon lapse, the zoning of the property will revert back to MU (Mixed-Use) and C-2 (Heavy Commercial) as shown in Exhibits A & B.

K. Other Regulations

- 1, Title 25, 24 Road Corridor Standards of the Zoning and Development Code shall apply, unless otherwise amended by the City.
2. Unless otherwise included in this PD Ordinance, the development regulations, standards and administration contained within Section 21.06 of the Code, as may be amended including any applicable overlay zones apply to this PD and ODP, except the following:

There are no hours of operations limitations for uses in all Pods

3. Signage regulations and standards contained within Section 21.06 of the GJMC shall apply with the following modifications:
 - a. A sign package will be required as part of each Final Development Plan and/or Site Plan.
 - b. The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four.

New Outdoor Advertising Signs (Billboards) within the PD will not be permitted.

L. All applications for the development of the property (subdivision, site plans, etc.) shall be subject to the Code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance as may be amended.

Introduced for first reading on this _____ day of _____, 2019 and ordered published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

The site plan illustrates the layout of 'THE COMMUNITY GRAND JUNCTION, CO'. It features five distinct development areas labeled POD 1 through POD 5. POD 1 (Area=37.1 acres, Default Zone: BP) is located in the upper left. POD 2 (Area=34.4 acres, Default Zone: BP) is in the center right. POD 3 (Area=42.2 acres, Default Zone: BP) is in the lower left. POD 4 (Area=51.2 acres, Default Zone: C-2) is at the bottom. POD 5 (Future) is at the top. The plan includes major roads such as G ROAD, P 3/4 ROAD, P 1/2 ROAD, and F 3/4 ROAD. A railroad runs along the bottom edge. Various boundary types are shown: Project Property Line (dashed), Proposed B-1 (diagonal lines), Proposed C-2 (horizontal lines), and Future (cross-hatch). Access points are indicated by double-headed arrows. Distances from features like 'Distance Feature Stormwater Management' and 'Ingraham Storage' are noted. A legend titled 'ODP LEGEND' defines the symbols used. A table titled 'LAND USE' provides area and percentage data for each pod and road. Notes specify that the list of uses for default zones is complete, row widths are noted, right-of-way dedication widths are to be determined at final plat, and future pod 5 is not part of this phase.

LAND USE	AREA	% OF SITE
TOTAL AREA	± 176.8 ACRES GROSS	100 %
POD 1	± 37.1 ACRES	21%
POD 2	± 34.4 ACRES	20%
POD 3	± 35.4 ACRES	20%
POD 4	± 51.2 ACRES	29%
ROAD R.O.W	± 15.9 ACRES	10%
STORMWATER MANAGEMENT	INCLUDED WITH PODS	

NOTES

- SEE COMPLETE LIST OF USES FOR THE DEFAULT ZONES OF BP AND C-2 IN THE PD ORDINANCE.
- NOTED ROW WIDTHS ARE IN ADDITION TO EXISTING ROW WIDTHS.
- RIGHT-OF-WAY DEDICATION WIDTHS TO BE DETERMINED AT FINAL PLAT.
- FUTURE POD 5 IS NOT PART OF THIS PD AMENDMENT.

SCALE 1"=200'

THE COMMUNITY GRAND JUNCTION, CO

DRAWN BY: MRS. T. JOSEPH
DATE: 03/10/19
JOB NO.: 100-1019
SHEET NO.: 1

PD AMENDMENT
OUTLINE DEVELOPMENT PLAN

OWNER: THE COMMUNITY GRAND JUNCTION, CO
DESIGNED BY: THE COMMUNITY GRAND JUNCTION, CO
DRAWN BY: MRS. T. JOSEPH
CHECKED BY: [Signature]
DATE: 03/10/19

EXHIBIT B
Default Zones

