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**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 1, 2023
250 NORTH 5TH STREET - CITY HALL AUDITORIUM
[VIRTUAL MEETING](#) - [LIVE STREAMED](#)
BROADCAST ON CABLE CHANNEL 191
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming March 2023 as Women's History Month in the City of Grand Junction

Appointments

To the Urban Trails Committee

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.

Citizens have four options for providing Citizen Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, March 1, 2023 or 4) submitting comments [online](#) until noon on Wednesday, March 1, 2023 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

City Manager Report

Council Reports

CONSENT AGENDA

REVISED

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. Summary of the February 13, 2023 Workshop
- b. Minutes of the February 15, 2023 Special Meeting
- c. Minutes of the February 15, 2023 Regular Meeting

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. Legislative
 - i. Introduction of an Ordinance Creating an Accessory Dwelling Unit Production Program and Setting a Public Hearing for March 15, 2023
 - ii. Introduction of an Ordinance for a Land Exchange Between the City of Grand Junction and Dynamics Investments, Inc. and Setting a Public Hearing for March 15, 2023
- b. Quasi-judicial
 - i. A Resolution of Intent to Annex to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Exercising Land Use Control for the Clear Creek Enclave Annexation of 3.86 Acres, Located in the Brookdale Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023
 - ii. Introduction of an Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road and Setting a Public Hearing for March 15, 2023

3. Resolutions

- a. A Resolution Authorizing the City Manager to Submit Request for Congressionally Directed Spending for the Community Recreation Center
- b. A Resolution Authorizing the City Manager to Submit Request for Congressionally Directed Spending for the I-70 Interchange at 29 Road Project

- c. A Resolution Establishing City Council Support for House Bill 23-1156
Public Airport Authority Act Modernization

4. Other Action Items

- a. Request for 2023 Fireworks Displays at Suplizio Field
- b. Agreement for Palisade Pool Operations
- c. Approval of Federal Aviation Administration Agreement for Transfer of Entitlements

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. A Resolution Accepting the Petition for the Annexation of 17.42 Acres of Land and Ordinances Annexing and Zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac), Located at the Northeast Corner of 31 Road and E ½ Road (**Continued from January 18, 2023 and February 1, 2023**)
 - ii. An Ordinance Leasing City Property to Gray Media Group
 - iii. An Ordinance Amending the Description and Inclusion of Certain Property in the Downtown Development Authority Boundary
- b. Legislative
 - i. An Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Grant Awards

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,** Women's History Month provides an opportunity to honor the generations of trailblazing women and girls who have helped build our Nation, shape our progress, and strengthen our character as a people; and
- Whereas,** women representing all backgrounds have made historic and critical contributions to the growth and strength of our country in countless ways and fields, including economics, arts and culture, science, sports, business, government, and society both inside and outside the home and through the labor force and volunteering; and
- Whereas,** throughout history despite hardship, exclusion, and discrimination, women have strived and sacrificed for equity and equality in communities across the country; and
- Whereas,** women were and continue to be instrumental in the establishment of philanthropic and cultural institutions across our country; and
- Whereas,** women have served our country courageously in all branches of the military with some having given their lives as the ultimate sacrifice; and
- Whereas,** women and girls continue to lead groundbreaking civil rights movements for social justice and freedom, so that everyone can realize the full promise of America; and
- Whereas,** throughout the history of Grand Junction, women have enriched this community and improved the quality of life for many.

NOW, THEREFORE, I, Anna Stout, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March 2023 as

"Women's History Month"

in the City of Grand Junction and urge all community members to reflect on the achievements of women across the centuries and pay tribute to the pioneers who paved the way.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 1st day of March 2023.




Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 1, 2023

Presented By: Amy Phillips, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Urban Trails Committee

RECOMMENDATION:

To appoint the interview committee's recommendation to the Urban Trails Committee.

EXECUTIVE SUMMARY:

There are four full-term vacancies and one partial vacancy on the Urban Trails Committee.

BACKGROUND OR DETAILED INFORMATION:

Andrew Gingerich and Ross Mittelman are now ex-officio members. Diana Rooney, Athena Fouts, and Stephen Meyer have terms expiring June 2023.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendation to the Urban Trails Committee.

Attachments

None

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

February 13, 2023

Meeting Convened: 5:30 p.m. The meeting was held in person at the Fire Department Training Room, 625 Ute Avenue, and live streamed via GoToWebinar.

City Councilmembers Present: Councilmembers Chuck McDaniel, Phil Pe'a, Randall Reitz, Dennis Simpson, Mayor Pro Tem Abe Herman, and Mayor Anna Stout

Staff present: City Manager Greg Caton, City Attorney John Shaver, Assistant to the City Manager Johnny McFarland, Director of Community Development Tamra Allen, Housing Manager Ashley Chambers, Finance Director Jodi Welch, Cannabis Code Enforcement Officer Travis Wright, Fire Marshall Steven Kollar, City Clerk Amy Phillips, and Deputy Clerk Janet Harrell

1. Discussion Topics

a. ARPA

The American Rescue Plan Fund (Fund 114) accounts for the direct distribution of ARPA federal funds to the City of Grand Junction. A total of \$10.4 million was received by the City and in 2022, City Council authorized the distribution of \$1.4 million to Visit Grand Junction, Air Alliance, and Sports Commission for lodging revenue loss, leaving \$9 million available for further distribution. The City Council appointed an Advisory Committee (Committee) to make recommendations about funding.

City Manager Greg Caton reported that the purpose of this item was to continue Council consideration of the ARPA Committee's recommendations.

At the December 20, 2022, workshop, Council heard from six applicants, one of whom has since withdrawn their application. Of the remaining five applicants, Council requested additional information from three, which was subsequently received by staff and provided to Council in a memorandum.

The three applicants that were asked to provide additional documents were Altitude Pediatrics, Housing Resources, and the Counseling and Education Center.

Housing Resources was asked for additional financials and an explanation of how expenses will be handled regarding their proposed revolving loan fund. Council appreciated the additional information. Housing Resources of Western Colorado was recommended for \$1,000,000 in funding.

The Counseling and Education Center (CEC) was asked for various items pertaining to their behavioral health services expansion project including a balance sheet, fundraising plan, breakdown of grant funders, and budget. After receiving the additional information, and further discussion regarding the proposed fundraising goals, pending March 1st decision on an additional grant application, and written

commitment from their bank for financing, Council deferred their final decision until after March 1, 2023. CEC will provide more information regarding a possible fundraising study to help support their goals, letter from bank, and decision on the additional grant application.

Altitude Pediatrics was asked for budget vs actuals in 2022, revised budget projections with an explanation of the assumptions made and year-end financials and balance sheet. The information Council received from Altitude Pediatrics was inconsistent and after discussion they will resubmit explanation of the assumptions, possible grant measurables, 2022 year-end financials and balance sheets.

Grand Valley Catholic Outreach was recommended for \$1,000,000 in funding. There was discussion regarding additional funding to Grand Valley Catholic Outreach. Council will review additional funding after receipt of additional information is received from the applicants above.

Concluding discussion, City Council directed staff to add consideration of a resolution to the February 15, 2023, City Council agenda approving grant awards to Grand Valley Catholic Outreach for \$1,000,000 and Housing Resources of Western Colorado for \$1,000,000.

The Mayor called for a ten-minute break at 6:50 p.m.

b. Discussion on Regulations for Cannabis Product Manufacturers

Community Development Director Tamra Allen presented this topic. She noted that the City has engaged in the topic of regulating retail cannabis businesses since September 2020. City Council approved regulations for ten retail cannabis businesses, including zoning, licensing, and taxation in April and May 2022. A randomized selection process to award the 10 retail cannabis licenses is currently underway.

Council is now considering Cannabis Product Manufacturer licenses. These businesses manufacture cannabis products intended for consumption in concentrated form for smoking, or for consumption other than by smoking, such as edible products, ointments, and tinctures and will be required to have both a state and local license to be a "Product Manufacturer". Businesses may vary in terms of their products and processes and may include hazardous uses which in Grand Junction currently requires a Conditional Use Permit. Medical product manufacturers may transact only with medical cannabis cultivation and sales licenses, and likewise for retail. There is no sales or excise tax on manufactured products.

Regulation Examples

In evaluating reasonable guidelines for the operation of businesses which extract, process, and infuse cannabis products, the first step was to review approaches taken by other jurisdictions.

Palisade

- “Retail Marijuana Free Zone” – no establishments permitted in this area, which is the core downtown.
- Distance requirement (1,000 feet from school or preschool).
- Hours of Operation – shipping and receiving of products and supplies must take place between 4 a.m. and 10 p.m.

Mesa County

- Cannot locate in a building with a residential occupancy (all or in-part).
- Distance requirement (1,000 feet from schools serving 6th grade level and up).

Carbondale

- Distance requirements (500 feet for school or daycare; 500 feet for alcohol/treatment facility).
- Zone Districts – Commercial/Retail/Wholesale or General Industrial.
- Local residency – agent who is a point of contact with primary home in the town.

Denver

- No medical or retail marijuana products manufacturer license shall be issued within any zone district where, at the time of application, "food preparation and sales, commercial," "manufacturing, fabrication, and assembly, general," or "manufacturing, fabrication and assembly, heavy" is not permitted.

Boulder

- May only locate where “manufacturing ≤ 15,000 square feet” is a permitted use. Use is limited to 15,000 square feet.
- Does not allow in a building with residential units or in residential zones.
- Does not allow retail sales in the same building.
- Distance requirement (1,000 feet from any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility).
- Separation requirement (500 feet from 3 other cannabis businesses).
- No use of pesticides.
- Ventilation required.
- Required to offset 100% of energy consumption through renewable energy.
- Cultivation and manufacturing not permitted on the same premises, except for cold-water extraction facilities.
- Minimum of one-hour fire wall separation between any other business.

Land Use

As a component of licensure, as well as a process pertinent to any business operation in the City, land use and its related impacts (e.g. noise, odor, traffic, etc.) is a primary consideration related to cannabis Product Manufacturer businesses. Unlike retail cannabis businesses, cannabis Product Manufacturers are primarily industrial in function.

Within the broad Product Manufacturer category, there are two distinct types of operation – those who extract and process raw material and those who produce a cannabis-infused product. The extraction and processing of raw material presents greater risk factors due largely to the use of volatile materials as well as nuisance issues such as odor. Because of the difference in potential risk and impact, staff recommended that Product Manufacturers be split into two uses as follows:

Cannabis product manufacturing facility shall mean a business licensed as a Product Manufacturer to purchase cannabis; manufacture, prepare and package cannabis products; and wholesale cannabis and cannabis products to other licensed cannabis businesses for wholesale.

Cannabis-infused product manufacturer means a business licensed as a Product Manufacturer that utilizes cannabis previously extracted and/or manufactured off-site to infuse into products, prepare and package products intended for wholesale.

The Cannabis-infused product manufacturer, as defined above, does not have the same concerns regarding hazardous materials. As such, staff recommends defining a separate Use Category for businesses that exclusively infuse instead of extract.

Operational Requirements

In addition to land use regulations, it was noted that aspects of the operation of cannabis product manufacturers should be managed to mitigate potential impacts and ensure quality operators. The following are components of operations frequently regulated in other jurisdictions and are recommended by staff:

- Retail sales are not permitted from a cannabis product manufacturer unless the premises is already licensed as a regulated cannabis store. Only the 10 licensees under GJMC Chapter 5.13 may be permitted to co-locate with a cannabis product manufacturer.
- Cannabis Product Manufacturer Facilities must be in standalone buildings. While the risks of many extraction methods can be mitigated through building design and requirements of the fire code in multi-tenant buildings, a standalone building requirement will further reduce risks to nearby businesses and buildings. Additionally, standalone facilities will help reduce the potential nuisance of odors coming from the use that may negatively impact neighboring tenants/owners. This would not apply to Cannabis-Infused Product Manufacturers.
- A Compliance Report detailing all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, accompanied by a third-party report, prepared by a Certified Industrial Hygienist, certifying that the plan adequately protects the business and adjacent properties and persons and comply with all applicable laws must be provided for each business location.
- Odor management controls, like retail cannabis stores, will be required to ensure that compatibility with neighbors is kept high.

- There are several local amendments to the International Fire Code (IFC) that are being contemplated by the Fire Department. These amendments are intended to clarify regulations, including but not limited to how equipment used in extraction and processing of cannabis can be modified and what inspections may be required.
- Subject to annual, and as needed, inspections.

Licensing Process

The licensing process will be like that of liquor licensing, with no cap proposed for cannabis product manufacturers, so the licensing process and application review would occur on an as needed basis once an application is submitted to the City Clerk's office. A brief outline of the proposed licensing process is as follows:

1. Zoning Verification completed by Community Development
2. Application submitted to State Marijuana Enforcement Division
3. Pre-Application meeting with City Clerk's office: Hand-deliver and review State application and additional local licensing requirements, such as fingerprints, an operation plan, and a compliance report prepared by an industrial hygienist.
4. Application submitted and distributed to City departments for review of local requirements.
5. Recommendation, based on review provided to Cannabis Licensing Authority
6. Public hearing scheduled with 14-day notice and held with the Cannabis Licensing Authority

Discussion resulted in Council direction to continue exploring regulations for Cannabis Product Manufacturer Licenses by adding the topic to the March 15, April 5 and April 19 agendas for consideration and public comment. Cultivation Licenses would be discussed at a later time.

2. City Council Communication

Council discussed that Councilmember Simpson would serve on the interview committee for the Grand Junction Regional Airport Authority, scheduling of the first of two randomized selection events for the issuance of two cannabis licenses in the Horizon Drive Association Business Improvement District and agreed to issue a Letter of Support for Homeward Bound's grant application to the Colorado Department of Local Affairs (DOLA).

3. Next Workshop Topics

City Manager Caton reported the Workshop items for February 27th will be:

- Draft Pedestrian and Bicycle Plan and Draft TEDS Manual
- Council Policies
- Zoning and Development Code Update
- Housing Land Acquisition

Adjournment

There being no further business, the Workshop adjourned at 8:09 p.m.

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

City Hall Administration Conference Room

February 15, 2023

Call to Order

Council President Pro Tem Herman called the Special Meeting of the Grand Junction City Council to order at 4:45 p.m. on the 15th day of February 2023.

Those present were Councilmembers Chuck McDaniel (via phone), Phillip Pe'a, Randall Reitz, Dennis Simpson, Mayor Pro Tem Abe Herman and Council President Anna Stout (via phone).

Also present was City Manager Greg Caton, City Attorney John Shaver, Community Development Director Tamra Allen and Public Works Director Trent Prall.

Executive Session

Councilmember Simpson moved and Councilmember Reitz seconded to convene into ***EXECUTIVE SESSION TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e)(I) AND 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED AT 655 24 ½ ROAD IN THE CITY OF GRAND JUNCTION.***

It was a unanimous vote to convene into Executive Session for the purpose stated.

Upon completion of the Executive Session, Councilmember Reitz moved and Councilmember Pe'a seconded to return to open session in the City Hall Administration Conference Room.

Council President Pro Tem Herman reconvened the Special Meeting at 5:02 p.m.

Adjournment

There being no further business the meeting adjourned at 5:02 p.m.

Amy Phillips

City Clerk



GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

February 15, 2023

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 15th day of February 2023 at 5:30 p.m. Those present were Councilmembers Chuck McDaniel (virtual), Phil Pe'a, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman and Council President Anna Stout (virtual).

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Amy Phillips, Deputy City Clerk Janet Harrell and Senior Planner Daniella Acosta.

Council President Pro Tem Herman called the meeting to order and Councilmember Reitz led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming February 27, 2023 as National TRIO Day in the City of Grand Junction

Councilmember Reitz read the proclamation and Colorado Mesa University TRIO Student Services Director Rafael Orozco and TRIO Upward Bound Director Shelby Burroughs Pryzgoda accepted the proclamation.

Proclaiming February 2023 as Black History Month in the City of Grand Junction

Councilmember Pe'a read the proclamation and Black Citizens and Friends President David Combs accepted the proclamation.

Appointments

Councilmember Simpson moved and Councilmember Pe'a seconded to appoint Kristy Citrola to the Horizon Drive Association Business Improvement District for a four-year term expiring April 2027. Motion carried by unanimous voice vote.

Citizen Comments

Kevin Tinsley spoke about the State's proposed legislation to revoke the rent control moratorium.

Rickie Howie announced a Grand Junction City Council candidate forum will be held at Colorado Mesa University on March 8th and will include a question/answer session.

City Manager Report

City Manager Caton announced he and newly appointed Chief of Police Matt Smith will host the next Coffee with the City Manager on February 16th at 9 a.m. at The Coffee Trader, located at 2566 Patterson Road.

Council Reports

Council President Stout will attend the Colorado Municipal League Legislative Conference on February 16th and asked City Manager Caton to provide an update on the upcoming cannabis licensing randomized selection for the applicants with proposed locations within the Horizon Drive Association Business Improvement District (BID).

Council President Pro Tem Herman announced the City recently hired a Mobility Coordinator and the Western Colorado Economic Summit will be held at Colorado Mesa University on April 27th, and he attended the Grand Junction Economic Partnership and Downtown Grand Junction Development Authority meetings. He also noted the Richmark Development (former 1st Street City Market) encountered a three month delay due to buried debris.

City Manager Caton announced the cannabis licensing randomized selection process for the three applicants with proposed locations within the Horizon Drive Association BID has been scheduled for 11 a.m. on March 2, 2023 in the City Hall Auditorium; two are to be selected.

City Attorney John Shaver explained the randomized selection process for the Horizon Drive Association BID locations is based on the Grand Junction Municipal Code and due to an appeal, the selection for the other applicants has not been scheduled.

CONSENT AGENDA

Council President Pro Tem Herman requested item 2.b.i. be moved to the regular agenda. Councilmember Simpson moved and Councilmember Reitz seconded to adopt Consent Agenda items #1 - #5 excluding item 2.b.i. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the January 30, 2023 Workshop
- b. Minutes of the February 1, 2023 Regular Meeting

2. Set Public Hearings

- a. Quasi-judicial

- i. Introduction of an Ordinance Leasing City Property to Gray Media Group and Setting a Public Hearing for March 1, 2023
 - ii. Introduction of an Ordinance Amending the Description and Inclusion of Certain Property in the DDA Boundary and Setting a Public Hearing for March 1, 2023
- b. Legislative
 - i. Introduction of an Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Grant Awards and Setting a Public Hearing for March 1, 2023 - **Moved to Regular Agenda**

3. Agreements

- a. Spring Cleanup - Clifton Pickup - Intergovernmental Agreement Between the City of Grand Junction and Mesa County

4. Procurements

- a. Authorize Change Order #2 with Burns & McDonnell Engineering Company, Inc. for the Persigo Wastewater Treatment Plant Phase 1 Expansion Project
- b. Contract with Redi Services, LLC for Biosolids Hauling
- c. Contract for Aggregate Road Material for 2023 Chip Seal Program

5. Resolutions

- a. A Resolution Accepting the Source of Sales Tax Study
- b. A Resolution Approving the Election Judges and Compensation for the City of Grand Junction Regular Municipal Election to be Held on April 4, 2023
- c. A Resolution Designating the Plaza Urrutia Fronton (Basque Handball Court) Located in the Southwest Corner of Canyon View Park Located at 728 24 Road in the City Register of Historic Structures, Sites and Districts

REGULAR AGENDA

Authorizing American Rescue Plan Act (ARPA) Grant Awards to Grand Valley Catholic Outreach and Housing Resources of Western Colorado

With the adoption of Resolution No. 32-22, the City Council created and charged a community advisory board to assist the City in how best to expend American Rescue

Plan Act (ARPA) “recovery funds.” The Committee reviewed applications and made recommendations to award the approximately \$9M the City received in Federal funds.

At the December 20, 2022 and February 13, 2023 City Council Workshops, Council deliberated on the amount of funding for the ARPA Committee recommended applications. Two of the applications that aligned with the intent of the ARPA fund purposes and are consistent with the City's housing and homelessness goals were deemed complete at the February 13th Workshop. Council requested these applications be brought forward for final approval and funding which are outlined below:

Grand Valley Catholic Outreach (GVCO) Mother Teresa Place seeks to build a supportive housing development of 40 units for homeless individuals in the community. The request was for a minimum of \$1M to a maximum of \$3M. The ARPA Committee recommended funding of \$1M in their final report to Council.

The Housing Resources of Western Colorado seeks to make homeownership attainable for low-income Grand Junction residents by providing a revolving loan fund. The ARPA Committee recommended funding this project at the requested amount of \$1M.

City Manager Greg Caton presented this item.

Discussion included that additional grant funding for these applicants may be considered after amounts are finalized for the other recommended applicants, GVCO will inform the State of the City's \$1M commitment to help leverage the State grant application, \$2M is estimated to be needed to complete the GVCO project, and GVCO requested City development fees for this project be waived.

The public comment period opened at 6:00 p.m.

Sister Karen Bland of GVCO thanked Council and was encouraged Council will consider additional funding. She then spoke about GVCO's other housing projects and how they contribute to the community.

Housing Resources of Western Colorado Executive Director Emilee Powell thanked Council for their support, the proposed grant funding and explained how these funds can be leveraged when applying to other funding sources.

The public comment period closed at 6:06 p.m.

Councilmember Pe'a moved and Council President Stout seconded to adopt Resolution No. 20-23, authorizing the City Manager to make American Rescue Plan Act (ARPA) grant awards to Grand Valley Catholic Outreach and Housing Resources of Western Colorado. Motion carried by unanimous roll call vote.

Introduction of an Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Grant Awards and Setting a Public Hearing for March 1, 2023 - Moved from Consent Agenda

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. This supplemental appropriation is required for spending authorization to distribute ARPA grant awards to Grand Valley Catholic Outreach and Housing Resources of Western Colorado.

Discussion included that additional grant funding for these applicants may be considered after amounts are finalized for the other recommended applicants and the purpose of this ordinance is to provide the legal authority to expend the funds.

Councilmember McDaniel moved and Councilmember Pe'a seconded to introduce an ordinance authorizing a supplemental appropriation for America Recovery Plan Act funding and set a public hearing for March 1, 2023. Motion carried by unanimous voice vote.

An Ordinance Amending Ordinance No. 4482 for the Casas de Luz Planned Development to Adjust the Maximum Building Height for only Unit 4 from 24 Feet to 34 Feet, Located at 365 W Ridges Boulevard

Applicant Casas Land Partners, LLC requested an amendment to Ordinance No. 4482 for the Casa de Luz Planned Development to adjust the maximum building height for only Unit 4 from 24 feet to 34 feet in anticipation of the next phase of residential development within the Casas de Luz Planned Development.

The Casas de Luz Planned Development (PD) was originally approved in 2011 and allows for development of a total of 20 residential lots and condominium units to be completed over four phases on a total of 1.88-acres located along W Ridges Boulevard. Since 2011, the applicant received two phasing schedule extensions to keep the project active. One extension granted in 2015 had a 2017 deadline to record a subdivision plat and start subdivision infrastructure construction and the other extension was granted in 2019 with a December 2022 and 2024 deadline to start infrastructure construction and record a Phase 2 subdivision plat respectfully. The December 2022 deadline to start subdivision infrastructure construction has been met and the entire project subdivision and building development (Phase 4) is scheduled to be completed by December 2027.

Senior Planner Daniella Acosta and Casas Land Partners, LLC Managing Member Mike Stubbs presented this item.

Discussion included those neighbors opposed to this change attended the Community Development neighborhood meeting, the maximum height limit in the PD is about 40 feet and this change would not negatively interfere with neighbor site lines.

The public comment period opened at 6:36 p.m.

There were no public comments.

The public comment period closed at 6:36 p.m.

Councilmember Simpson moved and Councilmember Pe'a seconded to adopt Ordinance No. 5128, an ordinance amending Ordinance No. 4482 for the Casas de Luz Planned Development for the purposes of adjusting the maximum building height for only Unit 4 from 24 feet to 34 feet, all as described in Ordinance No. 5128, for the property located at 365 W Ridges Boulevard on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

A Resolution Accepting the Petition for the Annexation of 1.45 Acres of Land and Ordinances Annexing and Zoning the Roy's RV Annexation from County RSF-R (Residential Single Family Rural) to I-1 (Light Industrial), Located at 2795 Riverside Parkway

Applicant Roy A. Laplante, III requested annexation of 1.45 acres consisting of one parcel of land located at 2795 Riverside Parkway which has a single-family residence and two open-face structures along the western property line behind the house. The property is annexable per the Persigo Agreement and is being sought in anticipation of a recreational vehicle (RV) and boat storage facility development with the business office to be in the current residence. The annexation does not include a road right-of-way and a zone of I-1 was also requested.

Senior Planner Daniella Acosta presented this item.

The public hearing opened at 6:44 p.m.

There were no public comments.

The public hearing closed at 6:44 p.m.

Councilmember Reitz moved and Councilmember Simpson seconded to adopt Resolution No. 19-23, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Roy's RV Annexation, comprising 1.45 acres, located at 2795 Riverside Parkway, and adopt Ordinance No. 5129 annexing territory to the City of Grand Junction, Colorado, the Roy's RV Annexation, comprising 1.45 acres located at 2795 Riverside Parkway, on final passage and ordered final publication in pamphlet form, and adopt Ordinance No. 5130, an ordinance zoning the Roy's RV Annexation to I-1 (Light Industrial) zone district, from Mesa County RSF-R (Residential Single Family Rural) on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 6:46 p.m.

Amy Phillips, CMC
City Clerk





Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: March 1, 2023
Presented By: Ashley Chambers, Housing Manager
Department: Community Development
Submitted By: Ashley Chambers

Information

SUBJECT:

Introduction of an Ordinance Creating an Accessory Dwelling Unit Production Program and Setting a Public Hearing for March 15, 2023

RECOMMENDATION:

Conduct a public hearing, adopt and approve on second reading and pass for publication in pamphlet form an ordinance creating an ADU Production Program.

EXECUTIVE SUMMARY:

The Accessory Dwelling Unit (ADU) Production Program (APP) is being proposed in response to a generalized shortage of affordable housing in Grand Junction. The proposed purpose of the APP is to increase ADU production as a lower-cost unit to meet the housing needs of Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

Accessory Dwelling Units (ADUs) are smaller independent residences on the same property as a single-family primary home. Typically, an ADU can be attached to the home itself (e.g., basement apartment, attic conversion, etc.) or be a separate structure on the property (e.g., carriage house, mother-in-law unit, etc.). ADUs provide many benefits as they are considered a “naturally occurring affordable housing” (NOAH) unit due to their smaller size and lower rent opportunities. They were also one of the few unit types that received positive support from the Grand Junction Housing Needs Assessment (HNA) whereby survey results indicated that many people found ADUs to be “appropriate in my neighborhood”. Moreover, ADUs may provide extra income and affordability for the homeowner, lower costs than building a larger unit, utilize existing infrastructure, be developed faster, and meet a unique housing need. The Housing Needs Assessment identified that Grand Junction would benefit from smaller and lower-cost units as it is not frequently available or being produced at a measurable volume in

the market.

On the January 30, 2023 City Council Workshop, staff brought forth the creation of an ADU Production Program (APP) that would support the construction or build-out of ADUs within or attached to existing structures containing the principal use of the property, or detached from that structure, that are on a permanent foundation with the intent of increasing the availability of ADUs – a naturally occurring affordable housing unit - within the City. In addition, for properties that are owner-occupied and with the intent of assisting in the creation of generational wealth from homeownership, the City would increase the incentive to help offset actual real construction costs.

Staff has proposed and attached an ordinance that includes the specific guidelines of the ADU Production Program, Administrative Procedures, Covenant Agreement and Annual Certification Form.

FISCAL IMPACT:

In 2022 the Grand Junction City Council allocated \$1,000,000 to support the implementation of the adopted housing strategies. In the 2023 adopted budget, the \$1,000,000 was re-budgeted for the same purposes and was increased by \$502,500 for a total of \$1,502,500. Of those funds, \$750,000 has been earmarked for the match to a Department of Local Affairs housing grant (on behalf of Grand Junction Housing Authority). Out of the remaining \$752,500, staff is proposing that \$250,000 be set aside for the development of an ADU Production Program. Approval of the APP and authorization of \$250,000 for ADU incentives would support the production of an additional 16 to 26 Accessory dwelling units.

SUGGESTED MOTION:

I move to introduce an ordinance creating an ADU Production Program and set a public hearing for March 15, 2023.

Attachments

1. ORD-ADU Production Program 02.23.2023 (3)
2. ADU Production Program Covenant Agreement and Occupancy Certification Form 020623 (003)

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RECITALS:

By and with this Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to establish the *Grand Junction Accessory Dwelling Unit Production Program*.

In May 2021 the City in conjunction with several housing agencies completed a Grand Valley Housing Needs Assessment (HNA). The HNA showed a poverty rate in Grand Junction of 16% which is well above the state average, a rental housing gap of 2,168 units for households earning less than \$25,000 (roughly 30% to 50% Average Monthly Income [AMI]), a need for accessible housing units for the 15% of the City's population that are disabled, and a generalized substandard condition of housing units within the community.

In response to and informed by the HNA, in October 2021, the City Council adopted a Housing Strategy outlining twelve (12) strategies tailored to address certain needs identified in the HNA with two of the top needs being “production and availability gaps including needs for additional affordable rentals and “starter homes and family homes priced near or below \$250,000.”

As demonstrated in the HNA, the City's most acute housing needs are for rental units for households below 30% AMI and up to 60% AMI and for ownership units for households at or below 80% AMI.

The Accessory Dwelling Unit (ADU) Production Program (APP) is intended to respond to, as described above and in detail in the Housing Needs Assessment, a generalized shortage of affordable housing in Grand Junction. The APP will incentivize and support the construction or build-out of ADUs within or attached to existing structures which structures are the principal use on the property, or ADU's that are detached from the principal structure and are on a permanent foundation.

The construction, and in turn increased availability, of ADUs within the City will contribute to alleviating the known shortage of affordable housing. Such dwellings are often referred to as *naturally occurring affordable housing* (NOAH) which, when constructed will benefit the City and promote the health, safety, and welfare of inhabitants of the City.

For properties that are owner-occupied, and with the intent to assist in the creation of generational wealth from homeownership that will be aided by the City's incentive funding, owners will realize a significant offset the costs of constructing ADU's.

Further, GMJC 21.11.010(k) provides "In order to promote the provision of low-moderate income housing in the City, the City Council may agree in writing to pay some, or all of the impact fees imposed on a proposed low or moderate income housing development by this chapter from other unrestricted funds of the City. Payment of impact fees on behalf of a fee payer shall be at the discretion of the City Council and may be made pursuant to goals and objectives adopted by the City Council to promote housing affordability."

On February 15, 2023, the City Council considered this Ordinance and determined that the creation and establishment of the Accessory Dwelling Unit Production Program (APP) is necessary and proper, and does for the foregoing reasons adopt and approve this Ordinance and the amendments of the Code necessary to develop, implement and enforce the Accessory Dwelling Unit Production Program all as follows.

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

Chapter 43 shall be added to Title 43 of the Grand Junction Municipal Code. Amendments are shown in **bold type**, deletions are shown in ~~strikethrough type~~

Chapter 43 Accessory Dwelling Unit Production Program

43.01.010 Definitions (Could cite to ZDC if already defined)

Accessory Dwelling Unit (ADU), as defined in GJMC 21.10.020

Area Median Income (AMI), As defined by Colorado Housing and Finance Authority

Applicant, as defined in GJMC 21.10.020

Application, as defined in GJMC 21.10.020

Additional Incentive is that amount equal to \$15,000 minus Fees.

Developer, See Applicant

Fees mean

- a) "Sewer Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of Persigo Wastewater Treatment Facility.

b) “Water Plant Investment Fee” means a plant investment fee (PIF) collected on behalf of the City of Grand Junction. Does not include any fee collected by any other water provider.

c) “Development Impact Fee or Impact Fee” means certain fees now collected or as may be later applied and collected, also known as Development Impact Fee(s), for the purposes of police, fire, parks, and recreation, transportation capacity and/or other governmental functions and services.

Fee Payment means City payment of *Fees* on behalf of *Developer*.

Owner means and includes a deeded or judicially decreed legal and/or equitable interest in the Property

Owner-Occupied Property(es) is a piece of real estate in which the person who holds the title (owns the Property) also uses the home or an ADU located on the property as the Owner’s primary residence and lives on-site.

Property, as defined in GJMC 21.10.020

Term means the agreed upon term, either five or seven years, limiting the usage of an Accessory Dwelling Unit as a short-term rental.

43.01.020 Purpose and Applicability

The Accessory Dwelling Unit Production Program (APP) is intended to respond to a generalized shortage of affordable housing in Grand Junction as determined to exist by the City’s 2021 Housing Needs Assessment. The APP will, as provided in this Chapter, incentivize, and support the construction or build-out of ADUs on lots with a single family (attached or detached) or two-family use.

The construction, and in turn increased availability, of ADUs within the City will contribute to alleviating the known shortage of affordable housing. Such dwellings are often referred to as naturally occurring affordable housing (NOAH) which, when constructed will benefit the City and promote the health, safety, and welfare of inhabitants of the City.

43.01.030 Documents Incorporated by Reference

The ***ADU Production Program Covenant Agreement and Occupancy Certification Form*** are incorporated by reference and are cited to herein as **Attachment A**. Attachment may also be referred to as the ***APP Covenant and Agreement Documents***.

43.01.040 Permitting, Inspection and Approval

- (a) All ADUs must meet all permitting, building and processes outlined in GJMC 21.04.040(f) Accessory Dwelling Unit codes and applicable Mesa County building codes. .

43.01.050 Enforcement and Oversight

- (a) The City Manager shall be responsible for oversight and implementation of this Chapter including, but not limited to, review, inspection, and enforcement of the GJMC and the ***APP Covenant and Agreement Documents***.
- (b) The City and its contractor the Mesa County Building Department (Building Department) are authorized to perform inspections and take enforcement action(s) to ensure compliance with this Chapter.
- (c) Enforcement of this Chapter shall be in accordance with the duty(ies) set forth in GJMC 21.04.040(f) Accessory Dwelling Unit standards.
- (d) The Applicant shall install and maintain the approved ADU in accordance with this Chapter, the applicable building, fire and life safety codes of the City and the ***APP Covenant and Agreement Documents***.
- (e) The City shall provide an Application for fee payment on forms provided by the City, and when a complete Application is filed the Community Development Director will review the application and approve, approve with conditions, or deny each Application. within 45 days of the City determining the Application to be complete.

43.01.060 Fees

- (a) Fees are as defined Section 43.01.010. Fees do not include amounts paid to, charged or assessed by another special districts, owners association or special, or special assessment made by any public or private entity, or any other governments other than the City of Grand Junction and Persigo Wastewater Treatment Facility Fees do not include monies due for permits or plans including, but not limited to planning clearances, building inspection or permits, fire inspections, etc.

(b) Fee Payment

A Fee Payment under this Chapter is applicable to any ADU Developer (Commercial or Homeowner).

(i) The City will upon satisfaction of the following pay Fees on behalf of the Developer for the construction of an ADU.

(ii)

(iii) To receive payment of Fees, the Developer is required to:

A. Agree to execute and record in the Mesa County land title records a binding restrictive covenant, in a form provided by the City, that no short-term rental be permitted as a use of either the ADU or Principal Structure on the Property for a period of no less than 5 years

B. Certificate of Occupancy “hold” will be placed on any approved ADU Planning Clearance receiving a Fee Payment and/or Additional Incentive to ensure completion of construction within one calendar year from date of the approved application for Fee payment and approved Planning Clearance whichever is later. If a Certificate of Occupancy is not issued within one year, all Fees and a refund of any additional incentive will become due immediately; and

D. Agree to file an annual certification and reporting requirement as provided in 43.01.070.

ADU Production Program			
	ADU developers (amount)	ADU w/ Owner- Occupied Properties (amount)	Terms
City Paid Fees	Amount equal to Fees at time of Planning Clearance Application	Amount equal to Fees at time of Planning Clearance Application	5-year commitment to no short-term rental on property
ADU Additional Incentive (Owner-Occupied & Income Qualified)	Not applicable	Amount of Fees at time of Planning Clearance Application plus an amount that sums to \$15,000.	Additional 2- year commitment to no short--term rental (total of 7 years) on property

ADU Developer of an Owner-Occupied property. The City will pay Fees as provided in (b)(i) and (ii) and will provide an additional incentive in an amount that sums to \$15,000

To receive the Additional Incentive an Owner-Occupied Homeowner shall:

A. Provide Proof of Owner-occupancy of the property (in the form of a deed) and affidavit indicating intent for owner-occupancy as a primary residence for the term of the Program at time of application; and,

B. Agree to execute and record in the Mesa County land title records a binding restrictive covenant (see, attachment A) that no short-term rentals be permitted as a use of either the ADU or Principal Structure on the Property for a period of no less than 7 years from the Certificate of Occupancy;

C. Submit written evidence at the time of application that the property owner does not have a Household Income of more than 140% AMI; using the most recent Colorado Housing Finance Authority (CHFA) standards; must submit 2 forms of verification; including (1) two paycheck stubs from most recent pay periods for all adults living in the household, (2) income tax return from the most recent tax year (3) employer verification certification, (4) income verification certification from the social security administration and/or another government agency, if property owner/applicant receives any assistance or income from other sources;

D. Agree to file an annual certification and reporting requirement as provided in 43.01.070

(b) Early Termination Penalty

Due to the potential for homes to be sold, or title to be involuntarily transferred, or a homeowner wanting to end the APP commitment(s), an early termination of the APP Covenant and Agreement Documents may occur as follows:

A. An Owner may terminate the APP Covenant and Agreement Documents at any time by providing a signed written termination notice within 30 days to the City and pay a termination fee in the following amount: (1) twenty percent (20%) of the Total City paid Fees and/or Additional Incentive; plus,
(2) an additional 20 percent (20%) of the City Paid Fees for each full or incomplete year left in the Term ("Termination Fee"). termination fee + 20% of incentive x remaining term years

If a property is transferred or sold voluntarily or involuntarily, the Owner must either pay early termination fee at time of transfer or sale closing and/or the new owner execute a new Covenant Agreement for the remaining years to fulfill the full extent of the prior owner's commitment. Partial years will be pro-rated.

252
253 **43.01.070 Reporting Requirements and Monitoring**

254 (a) The property owner shall provide copies of lease terms and a completed
255 Occupancy Certification Form for ADU occupants within ten (10) calendar
256 days when new occupancy of ADU occurs and an annual certification on
257 forms provided by the City; and other provisions, as deemed appropriate
258 by the City Attorney.

259 (b) The City shall either directly or through a contractor:

260 Conduct periodic audits at intervals determined necessary or appropriate
261 of the ADU Production Program to ensure compliance with the agreements;
262 including, but not limited to review and inspection of Short-Term Rental
263 audit, lease reviews and Building Permit activity.

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265 **43.01.080 Remedies**

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267 (a) All Fees and Additional Incentive paid by the City pursuant to this
268 Chapter, together with all interest thereon and penalties for early
269 termination/default of any condition of the APP Covenant and
270 Agreement Documents, and all costs of collection, shall constitute a
271 perpetual real estate lien equivalent to general property taxes. No sale
272 or conveyance, whether voluntary or involuntary, of the Property to
273 which the APP Covenant and Agreement Documents apply shall
274 extinguish the perpetual lien created hereby. No delay, mistake, error, or
275 irregularity in any act or proceeding authorized by this Chapter shall
276 prejudice or invalidate the lien, but the same may be remedied by
277 subsequent amending acts or proceedings, as the case may require.
278 When so remedied, the lien shall take effect and have the priority as of
279 the date of the original covenant or agreement by which it was created.
280 If any court of competent jurisdiction declares any such lien made
281 pursuant to this Chapter invalid, then the City Council may, upon notice
282 as required for the making and passing of an ordinance make the lien
283 effective in accordance with the intent of the APP Covenant and
284 Agreement Documents and this article.

285
286 (b) In the event of a default of the terms and conditions of the APP
287 Covenant and Agreement Documents the City Manager shall prepare an
288 assessment against the real estate to be lienied, the amount of the lien
289 and the amount of principal and interest due. No error, failure, or
290 neglect, or default on the part of the City, County Treasurer or County
291 Assessor in complying with recordation, certification or collection of
292 any lien shall invalidate the same.
293

294 (c) Any lien upon real estate made pursuant to the APP Covenant and
295 Agreement Documents and this Chapter shall be due and payable to the
296 Mesa County Treasurer. The Mesa County Treasurer shall receive
297 payment of all liens so made against any real estate, together with
298 interest and other charges and, in case of default in the payment of any
299 payment(s) so owed the City when due, shall advertise and sell any and
300 all real estate concerning which such default is suffered for the payment
301 of the due but unpaid sum of money with interest thereon. Such sales
302 and advertisements shall be made at the same time(s) and in the same
303 manner and under the same conditions and penalties and to the same
304 effect as are provided by the general laws of the State for the sale of real
305 estate in default of payment of general taxes. The holder of a certificate
306 from the County Treasurer, including the City, showing payment of a
307 lien, may have subsequent assessments endorsed thereon under the
308 same terms and conditions as provided by the general laws of the State
309 for the endorsement of subsequent taxes on tax certificates.
310

311 (d) At any sale by the County Treasurer of any real estate in the City for the
312 purpose of paying any lien created by the APP Covenant and Agreement
313 Documents and this Chapter, the City Manager or his designee may
314 purchase any such real estate without paying for the real estate in cash
315 and shall receive certificates of purchase in the name of the City. Such
316 certificates shall be received and credited at face value, with all interest
317 penalties and other charges accrued, to the City Manager on account of
318 the lien(s) in pursuance of which the sale was made. The certificates
319 may thereafter be sold by the City Manager at face value, with all
320 interest and penalties accrued. The City Manager shall assign the
321 certificates and the proceeds shall be credited to the APP fund.
322

323 (e) In case of any violation of any provision of this chapter, or any
324 amendment thereof, the City may, at its discretion, initiate civil
325 proceedings, including perfecting a lien, and/or filing for injunction,
326 mandamus, abatement, declaratory judgment or other appropriate
327 actions or proceedings, to prevent, enjoin, abate, remove, or otherwise
328 correct any violation of the APP Covenant and Agreement Documents or
329 this article. Civil remedies provided for under this section are not
330 exclusive and shall not preclude prosecution for criminal violations
331 under the provisions of this chapter.
332

333 43.01.090 Severable and Contingent

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335 (a) This chapter is necessary to protect the public health, safety, and
336 welfare of the residents of the City and covers matters of local concern
337 or matters of mixed State and local concern. The provisions of this
338 Chapter are severable. If any provision of this chapter is found to be
339 unconstitutional or illegal, such finding shall only invalidate that part or

portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

- (b) The provisions of this Chapter and the offering of any incentive(s) for the Accessory Dwelling Unit Production Program is contingent upon annual funding by the City Council availability. The City Council shall, from time to time and/or necessary, consider effectiveness of the ordinance at achieving its stated purposes.

43.01.100 Administrative regulations

- (a) The City Manager is authorized to promulgate such rules, regulations, and forms as are necessary to effectuate the implementation, administration, and enforcement of this Chapter.

43.01. 110 No City liability; Indemnification.

- (a) By participating in the Accessory Dwelling Unit Production Program and/or accepting an incentive(s) pursuant to this Chapter, the Applicant waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that may result from the construction and/or occupancy of the ADU(s).
- (b) By participating in the Accessory Dwelling Unit Production Program and/or accepting an incentive(s) pursuant to this Chapter, the Applicant agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the construction and/or occupancy of the ADU(s).

Introduced on first reading the ____ day of ____ 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of ____ 2023 and ordered published in pamphlet form.

ATTEST:

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Anna M. Stout
President of City Council

Amy Phillips
City Clerk

DRAFT

Attachment A

Accessory Dwelling Unit (ADU) Production Program (APP)

Administrative Procedures

Application.

1. An application for a Planning Clearance for a new ADU shall be construed as a request for the ADU Production Program (APP). Should a homeowner/developer be seeking the Fee Waiver, the Applicant shall submit an ADU Production Program application, to include:

A. An initial application submitted with an ADU's minor site plan review material shall include the ADU's developers name and contact information, the property owner's name and contract information and any additional requirements as may be determined necessary. For those ADU developers seeking the additional incentive submittal information shall also include:

b. Proof of owner-occupancy of the property (in the form of a deed) and affidavit indicating intent for owner-occupancy for the term of the Program.

c. Submit evidence that the property owner does not have a Household Income more than 120 % AMI, as recognized by CHFA; (must submit 2 forms of verification at the time of application):

(1) Two paycheck stubs from most recent pay periods

(2) Income Tax Return from the most recent year

(3) Employer Verification certification

(4) Income verification certification from the Social Security Administration and/or a Colorado State Agency, if property owner/applicant receives any assistance

Application Review and Granting of Funds

2. City staff shall review the application materials. Upon finding of a complete and accurate application and upon land use approval of the ADU, the developer shall submit

(a) (Fee Payment) Assigned Covenant, agreeing to no short-term rentals operating non the property in either a primary or accessory dwelling unit for no less than 5 years; and

(b) construction of the ADU within one-calendar year of the date of planning clearance approval, and

agreement to annually certify and report; OR

(c) (Additional Incentive) Signed Covenant agreeing to no short-term rentals operating on the property in either a primary or accessory dwelling unit for no less than 7 years; and

(d) construction of the ADU within one-calendar year of the date Planning Clearance approval, and

(e) agreement to annually certify and report

3. Any Fee Payment and Additional Incentive shall be conditioned upon a Certificate of Occupancy being issued by Mesa County within one calendar year from date of approved Planning Clearance. A Certificate of Occupancy "hold" will be placed on any approved ADU Planning Clearance receiving a Fee Payment and/or Additional Incentive to ensure completion of construction. If a Certificate of Occupancy is not issued within one year, all Fees and additional incentive will become due immediately.

a. The value of the Fee Payment is not to exceed the value of the Fees; the value additional incentive shall not exceed a maximum of \$15,000 in sum (for owner-occupied properties) when combined with the Fee Payment

ADU Production Program Agreement

4. Should an application be approved, the City, the developer or homeowner shall execute An ADU Production Program Covenant Agreement prior to the planning clearance being issued. Agreement shall at minimum provide:

a. Terms for the commencement and completion of the ADU project as approved with and by the City Planning Clearance; and,

b. Terms for termination and/or for sale and or transfer of occupancy terms; and,

c. Remedy for default; and,

d. Recording Memorandum.

e. Require property owner to provide copies of lease terms and a completed Occupancy Certification Form for ADU occupants within ten (10) calendar days when new occupancy of ADU occurs and an annual certification on forms provided by the City; and

e. other provisions, as deemed appropriate by the City Attorney.

5. The City shall either directly or through a contractor:

a. Conduct periodic audits at intervals determined necessary or appropriate of the ADU Production Program to ensure compliance with the agreements; including, but not limited to review and inspection of Short-Term Rental audit, lease reviews and Building Permit activity.

Definitions

5. "Fees" means

- a) "Sewer Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of Persigo Wastewater Treatment Facility. Does not include any fee collected by any other wastewater provider.
- b) "Water Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of the City of Grand Junction. Does not include any fee collected by any other water provider.
- c) "Development Impact Fee or Impact Fee" means certain fees now collected or as may be later applied and collected, also known as Development Impact Fee(s), for the purposes of police, fire, parks, and recreation, transportation capacity and/or other governmental functions and services.

ATTACHMENT B

EXAMPLE OF COVENANT AGREEMENT FORM

RECORDING REQUESTED BY:

City of Grand Junction

AFTER
RECORDING,
PLEASE
MAIL THIS
INSTRUMENT
TO:

City Of Grand Junction

250 North
5th Street

Grand
Junction,
CO 81501

ATTN: CITY CLERK

**COVENANT AGREEMENT RESTRICTING OCCUPANCY FOR AN
ACCESSORY DWELLING UNIT AND PROVIDING FOR
ENFORCEMENT CERTAIN TERMS AND CONDITIONS**

This Covenant Agreement Restricting Occupancy for an Accessory Dwelling Unit ("Agreement") is made and entered in to as of _____ ("Reference Date"), by and between the City Of Grand Junction, a Colorado Home Rule municipality ("City"), and _____, the owner of real property ("Owner"), located at _____ ("Property"). Collectively the City and the Owner may be referred to as Parties.

RECITALS

A. Owner owns the Property, which is currently developed with, or will be developed with, a single-family residence. Owner has been approved by the City to construct on the Property an accessory dwelling unit ("ADU") as that term is defined in 21.04.040F of Grand Junction Zoning and Development Code ("Code" or "ADU Code").

B. Ordinarily certain Fees, known as Development Impact Fees, Sewer Plant Investment Fee (PIF) ("Fees") and Transportation Capacity Payment ("TCP") will be paid by Owner as a condition of the development of an ADU under the Code, and pursuant to this agreement, the Owner may be excused from paying t Fees and TCP if the Owner, for a period of five (5) years, agrees to limit occupancy of the ADU per the terms of this Agreement and not use the Property as a short-term rental (either the ADU or the principal structure) and commits the ADU to long term rental (rental periods longer than 30 days) only.

For owner-occupied (living on the Property in either unit) properties, an additional incentive of up to \$15,000 total including Fee waiver may be included for an additional two (2) year commitment (7 years total) to long term rental (30 days or more) and a commitment to not use any structure on the Property (either the ADU or the principal structure) as a short-term rental.

Owner has reviewed and accepted the terms of this Agreement and has by his/her/its signature agreed to comply with this Agreement and to obtain authorization to develop an ADU on the Property without being required to pay the Fees and TCP and/or qualified for the additional incentive.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the Parties agree as follows:

1. The City agrees to pay as consideration for the Owner's commitments, and the Owner agrees that the consideration is adequate to support the making and enforcement of the Agreement.

2. AMOUNT OF PAID IMPACT FEES. The amount of Impact Fees to be waived pursuant to this Agreement, in total, equal \$_____ ("PAID Impact Fees") and/or _____ (additional Incentive, if applicable).

3. EXECUTION AND RECORDATION OF AGREEMENT. Before the City agrees to issue a planning clearance for the ADU without requiring Owner to pay Fees and the TCP, the Owner must execute and notarize this Agreement. Following Owner's execution and notarization of this Agreement, the City will promptly countersign and record the Agreement or a Memorandum of the Agreement at the City's option in the Mesa County, Colorado land title records. The recordation shall touch and concern the Property as described in Exhibit A and shall run with the land until released by the City.

4. The Agreement shall have a term of _____ years commencing on the date the City issues a certificate of occupancy for the ADU ("Commencement Date") and ending on the _____ anniversary of the Commencement Date, unless the Parties hereto mutually terminate the Agreement earlier as provided in Section 8 ("Term").

Commented [JS1]: Some paragraphs use headers some do not.

5. EARLY TERMINATION OF THIS AGREEMENT

(A) Owner may terminate this Agreement at any time by providing a signed written termination notice to the City and pay a termination fee in the following amounts: (1) twenty percent (20%) of the Total Paid Impact Fees and/or additional incentive; plus, (2) an additional 20 percent (20%) of the Paid Impact Fees for each full or incomplete year left in the Term ("Termination Fee").

The following example illustrates the operation of the preceding paragraph where the paid Impact Fees total \$10,000, and Owner terminates the Agreement with two years left in the original five-year term. In this example, the Termination Fee would be \$6,000. The \$6,000 is computed as follows: (1) \$2,000 representing 20% of the Waived Impact Fees; and (2) \$4,000 representing: (i) 20% of the paid Impact Fees; multiplied by two full or incomplete years left on the original five-year term.

5. SALE OR TRANSFER OF TITLE

If the Property is voluntarily or involuntarily transferred or sold, the Owner must pay an early termination fee at time of transfer or sale closing or the successor to the Owner must execute and record to the City's satisfaction a new Covenant Agreement for the remaining years must be submitted for the new owner. In accordance with Code §§ the City has a right to be paid all Fees, the TCP and Extra Incentive disbursed, committed or paid by the City for or on behalf of the Owner for the ADU, together with all interest thereon and penalties for early termination/default of any condition of this Covenant Agreement. In the event of default, the value of all Fees, TCP, Additional Incentive, Termination Fee and Penalty, together with costs of collection, shall constitute a perpetual real estate lien equivalent to general property taxes.

6. DELIVERY OF OCCUPANCY CERTIFICATION FORMS AND LEASE MATERIALS TO CITY; ADDITIONAL REPORTS

(A) Within ten (10) calendar days of the date of having an initial occupant, the Owner shall provide the City (1) a fully executed long-term lease, and (2) the Occupancy Certification Forms executed by the Owner, along with any documentation provided in conjunction with the forms; and,

(B) Within ten (10) calendar days of an Annual Certification Date following an initial occupancy, the owner shall provide the City with the following (1) if a NEW lease for the ADU has been executed, a copy of that newly executed lease; and (2) the complete Occupancy Certification Forms executed by the Owner, along with any certification documentation provided in conjunction with those forms.

(C) The City shall keep the Occupancy Certification Forms in confidence to the extent permitted by law.

7. VIOLATIONS AND REMEDIES

(A) The Parties agree that each remedy allowed by this Agreement and the Code is a cumulative remedy and is not exclusive of any other remedy available pursuant to this Agreement, the Code or other legal authority.

(B) Owner agrees that: (1) a violation of this Agreement also constitutes both a permit violation and a Code violation for purposes of the Grand Junction Municipal Code; and (2) any violation of this Agreement may also be enforced through the issuance of administrative citation(s) in accordance with the Grand Junction Municipal Code.

(C) For purposes of this paragraph an "Event of Default" occurs if the City notifies the Owner of a violation of this Agreement and the Owner does not fully cure the violation within ten (10) calendar days following the date of the notice, or if such a cure cannot be accomplished with diligent action within ten (10) days, within no more than sixty (60) days. If an Event of Default occurs, the City may provide written notice to the Owner that the City is terminating the Agreement and requiring the Owner to pay the City the full termination fee provided in Section ____, with a penalty of twenty percent (20%) of the paid Impact Fees ("Termination Fee and Penalty"). Until the Termination Fee and Penalty are fully paid, no use of the ADU may occur. Each day on which a use of the ADU is made, prior to payment of the Termination Fee and Penalty shall also constitute both a permit violation and a code violation.

8. ADDITIONAL TERMS

(A) The Owner shall not permit a household to occupy the ADU in a manner not compliant with Grand Junction or Mesa County zoning and development and/or building codes.

(B) The Owner shall assure that any occupancy of the ADU occurs in a manner that satisfies all applicable laws.

9. NOTICES Any notices pursuant to this Agreement shall be in writing and sent (i) by an established express delivery service which maintains delivery records, (ii) by hand delivery, by United States Post first class mail, postage prepaid; or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the following addresses:

To City: City of Grand Junction
 Attn: Housing Manager
 250 N 5th Street
 Grand Junction, Co. 81501

To Owner: _____

City and Owner hereby declare their express intent that the covenants and restrictions set forth in this Agreement shall run with the land and shall bind all successors in title to the property. Each and every contract, deed, or other instrument hereafter executed covering or conveying the Property or any covenants or restrictions contained in this Agreement whether such covenants or restrictions are set forth in such contract, or deed.

() No waiver of any nature, whether by conduct or otherwise, in any one or more instances, shall be deemed to be, or construed as, a further or continuing waiver of such condition or of any breach, or a waiver of any other condition or breach of any other term of this Agreement.

() The following Exhibits are attached and incorporated herein by this reference:

Exhibit A

Legal Description of Property

"CITY"

"OWNER"

City of Grand Junction _____

By: _____

Greg Caton, City Manager

BY: _____

NOTE: A COLORADO ALL PURPOSE NOTARY ACKNOWLEDGEMENT MUST BE ATTACHED FOR ALL SIGNATURES ABOVE THIS LINE OF TEXT.

ATTEST:

Amy Phillips, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THE LAND REFERRED TO HEREIN IS SITUATED IN THE City of Grand Junction COUNTY OF, Mesa
AND IS DESCRIBED AS FOLLOWS:

DRAFT



ATTACHMENT B

OCCUPANCY CERTIFICATION FORM

ACCESSORY DWELLING UNIT

This form will need to be completed on an annual basis or within ten (10) days of occupancy of ADU/property for _____ years from the date of occupancy. For additional information regarding criteria or ADU Production Program, please contact the City of Grand Junction Housing Division at housing@gjcity.org or 970.256.4120.

Please Check the Appropriate Boxes:

- ☐ Initial Certification
- ☐ Annual Recertification (Year) _____
- ☐ New Tenant

ADU Address: _____ Number of Bedrooms in ADU: _____

Owner Name(s): _____

Owner Email Address: _____

Property Owner Phone #: _____

- ☐ Property owner lives on-site
- ☐ Property owner lives off-site

ADU Tenant Name: _____

Household Size: _____ (number of people)

Tenant Email Address: _____

Lease Term: _____

- ☐ **Please attach a copy of the tenant/landlord lease agreement**

Submit all documents via mail or email to:

City of Grand Junction
c/o: Housing Division
250 North 5th St
Grand Junction, CO 81501
housing@gjcity.org



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: March 1, 2023
Presented By: Daniella Acosta, Senior Planner
Department: Community Development
Submitted By: Dani Acosta, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance for a Land Exchange Between the City of Grand Junction and Dynamics Investments, Inc. and Setting a Public Hearing for March 15, 2023

RECOMMENDATION:

Staff recommends approval of the petition.

EXECUTIVE SUMMARY:

The Camelback Gardens Planned Development is a proposed residential development in the Ridges to be located at 381 and 409 High Desert Road. The proposed development site is surrounded by approximately 14 acres of City Open Space. The Applicant, Mr. Robert M Stubbs, is petitioning to exchange approximately 12,336 square feet of existing City Open Space and, in return, build and dedicate a 9,200-square foot public park as City Open Space, as well as construct 3,900 square feet of hard-surface trail connections to the surrounding City Open Space for public use.

BACKGROUND OR DETAILED INFORMATION:

A 1976 Resolution concerning disposition of City-owned real estate, grants City Council the authority to consider a land swap between City-owned land and private property, and allowing such exchanges so long as the land exchange is of equal value or greater value (both actual and potential) to the public and to the City. In exchange for two pieces of City Open Space abutting the parcels' boundaries, totaling approximately 5,211 square feet and 7,125 square feet, the Applicant is proposing to build and dedicate to the City a 10,149-square foot (Tract MM) landscaped park for public use, along with constructing public trail access points totaling 5,795 square feet (Tract NN and Tract OO) to provide dedicated public access to the Ridge open space. Tract NN is 4,182 SF, and Tract OO is 1,613 SF (Exhibit 7).

The proposed public park and improvements formalize the trail network for both future residents of the Camelback Gardens and existing residents in the surrounding neighborhoods. The Applicant has expressed that he intends to frontload the public trail infrastructure to preserve access to the open space for the adjacent neighborhoods during subdivision construction. The details of construction obligations, formal development agreement regarding trail infrastructure, or a plan detailing the trail connections has yet to be laid out.

Parks and Recreation staff participated in a site visit with the Applicant, who provided an overview of the proposed trails layout and open space configuration based on the new parcel boundaries resulting from the land exchange. As explained in the petition, the Applicant cites that the land exchange will create improved contiguity of the public open space by creating a more predictable boundary. Parks and Recreation staff communicated to Community Development staff that the proposed land swap would have no negative impact on the existing open space system, and that no trail improvements are projected for the two pieces of land included in the proposed swap. The land exchange petition was presented to the Parks and Recreation Parks Advisory Board (PRAB) on February 2nd. The PRAB voted to forward a recommendation of approval to the City Council.

FISCAL IMPACT:

There is no direct fiscal impact from this action. Future costs associated with maintenance of the park and trail connections will be budgeted accordingly.

SUGGESTED MOTION:

I move to introduce an ordinance approving the land swap between the City of Grand Junction and Dynamics Investments, Inc. and set a public hearing for March 15, 2023.

Attachments

1. Exhibit 1. Land Exchange Map Camelback Gardens ODP with Trails
2. Exhibit 2. Land Exchange Petition
3. Exhibit 3. Staff Annotated Exhibit
4. Exhibit 4. 1976 Resolution - City Council Policy on Disposal of City-Owned Real Estate
5. Exhibit 5. PRAB Minutes 2023 - February 2
6. Exhibit 6. Land Exchange Camelback Gardens Exhibit Map
7. Exhibit 7. ODP Sheet 3 Camelback Gardens showing Lands to be Exchanged
8. Exhibit 8. Parks and Recreation Staff Opinion
9. Exhibit 9. Plat Camelback Gardens Land Exchange
10. ORD-Ridges Exchange Camelback 20230224

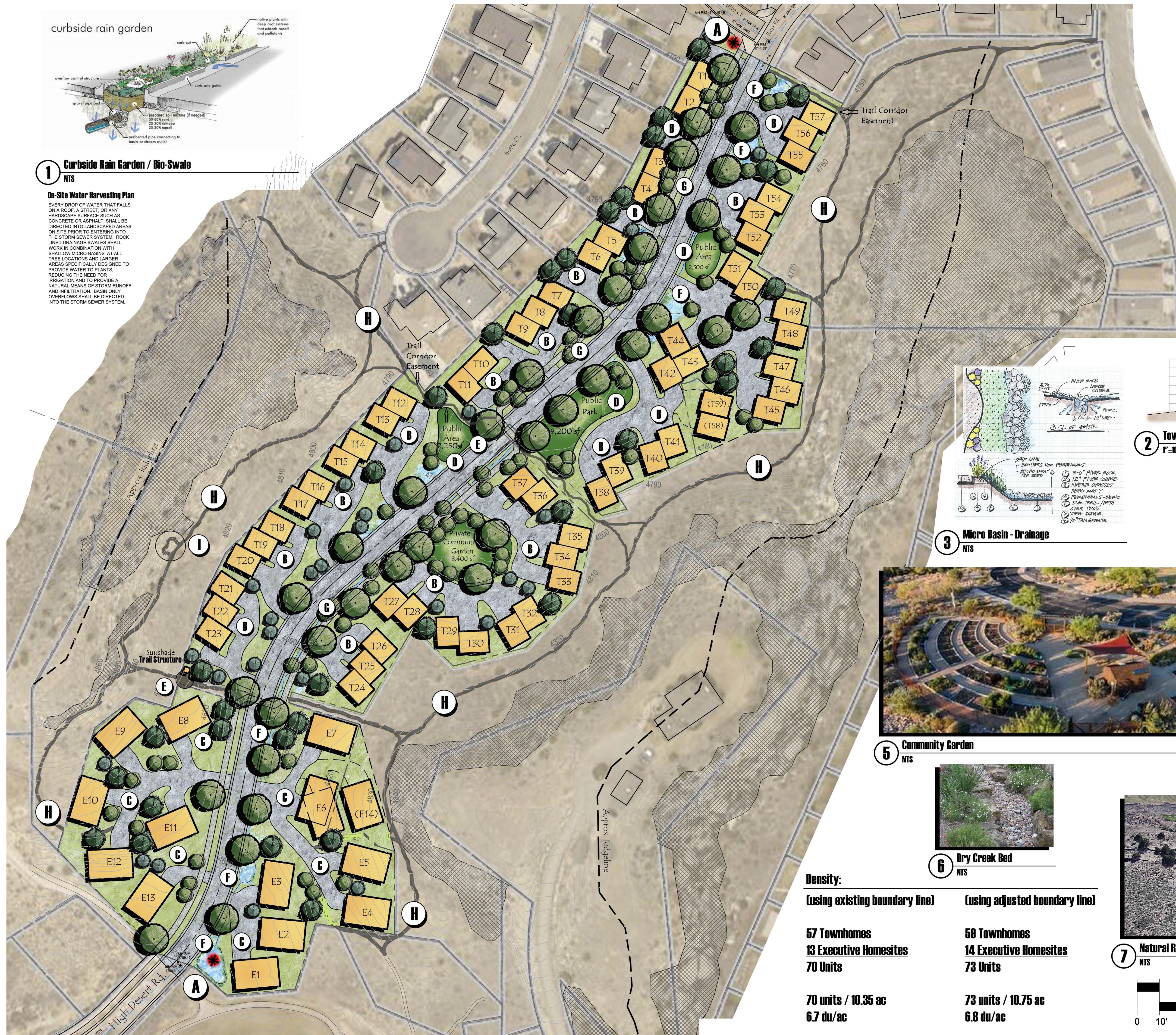
curbside rain garden



1 Curbside Rain Garden / Bio-Swale NTS

On-Site Water Harvesting Plan

EVERY DROP OF WATER THAT FALLS ON A ROOF, A STREET, OR ANY HARDSCAPE SURFACE SUCH AS CONCRETE OR ASPHALT, SHALL BE DIRECTED INTO LANDSCAPED AREAS ON SITE PRIOR TO ENTERING INTO THE STORM SEWER SYSTEM. ROCK LINED DRAINAGE SWALES SHALL WORK IN COMBINATION WITH SHALLOW MICRO-BASINS AT ALL TREE LOCATIONS AND LARGER AREAS SPECIFICALLY DESIGNED TO PROVIDE WATER TO PLANTS, REDUCING THE NEED FOR IRRIGATION AND TO PROVIDE A NATURAL MEANS OF STORM RUNOFF AND INFILTRATION. BASIN ONLY OVERFLOWS SHALL BE DIRECTED INTO THE STORM SEWER SYSTEM.



Legend

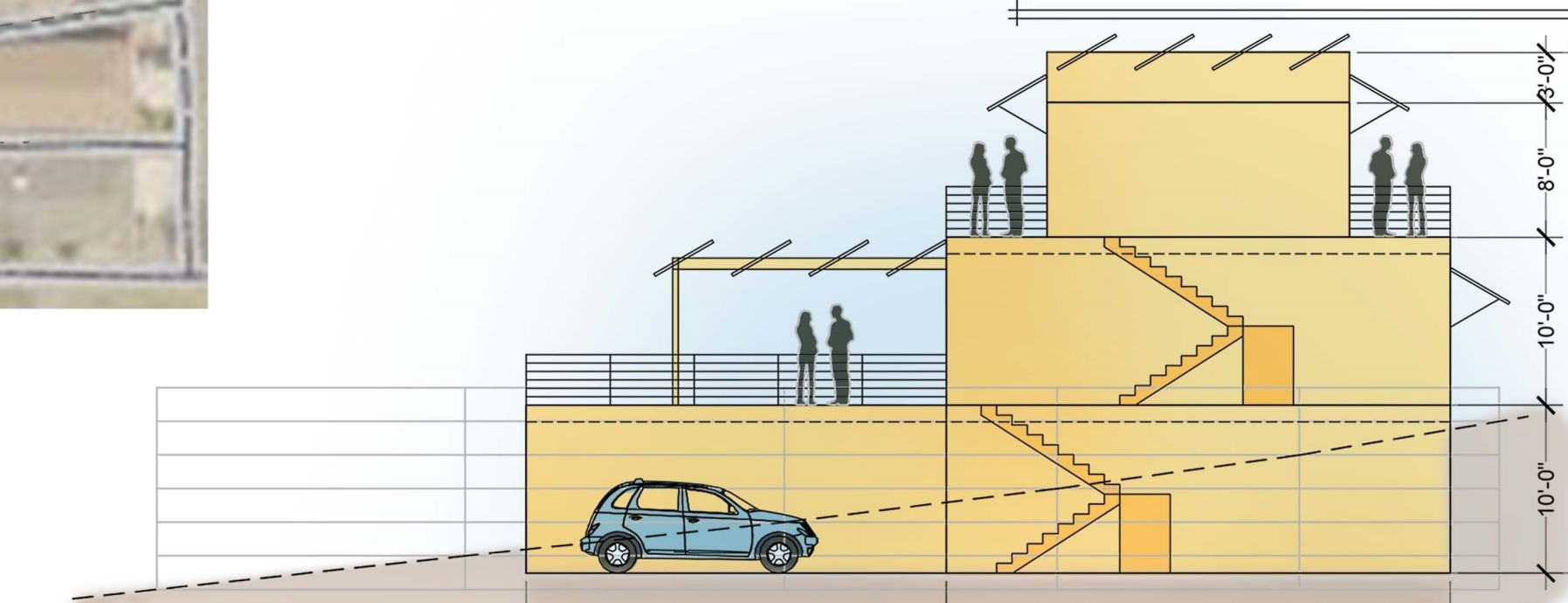
- A. Water Feature / I.D. Sign
- B. 30'x40' Townhome Units
- C. 40'x60' Executive Home Sites
- D. Park / Community Garden
- E. Bike Station / Outdoor Seating
- F. Micro-Basins
- G. Tree Lined Street / Sidewalk & Water Feature
- H. Hiking / Biking Trails
- I. Natural Amphitheater

Project Name :
Camelback Gardens
Grand Junction, Colorado

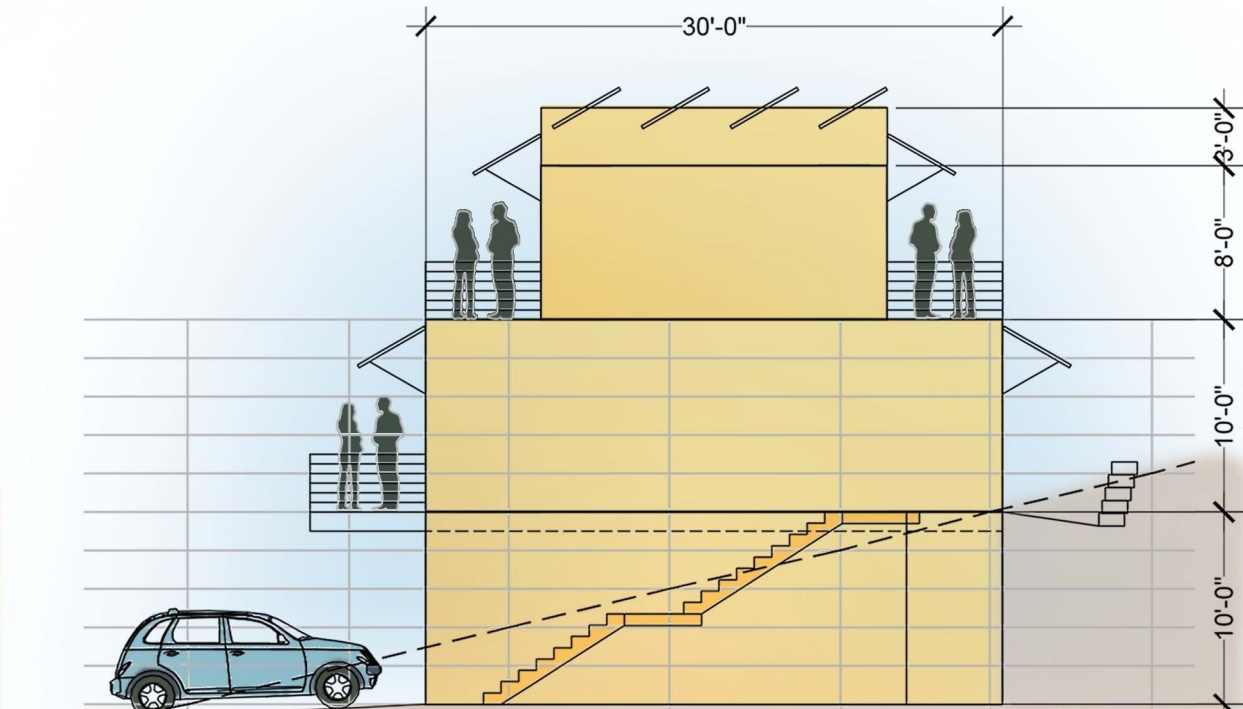
Client:
Mike Stubbs
rmstubbs@icloud.com

Landscape Architect:
NIVISION DESIGN STUDIO, INC.
677 25 Road Grand Junction, CO 81505
Phone: 970.210.2155 Email: info@viz.biz
Web: www.viz.biz
Landscape Architecture | Visual Simulation | Graphic Design

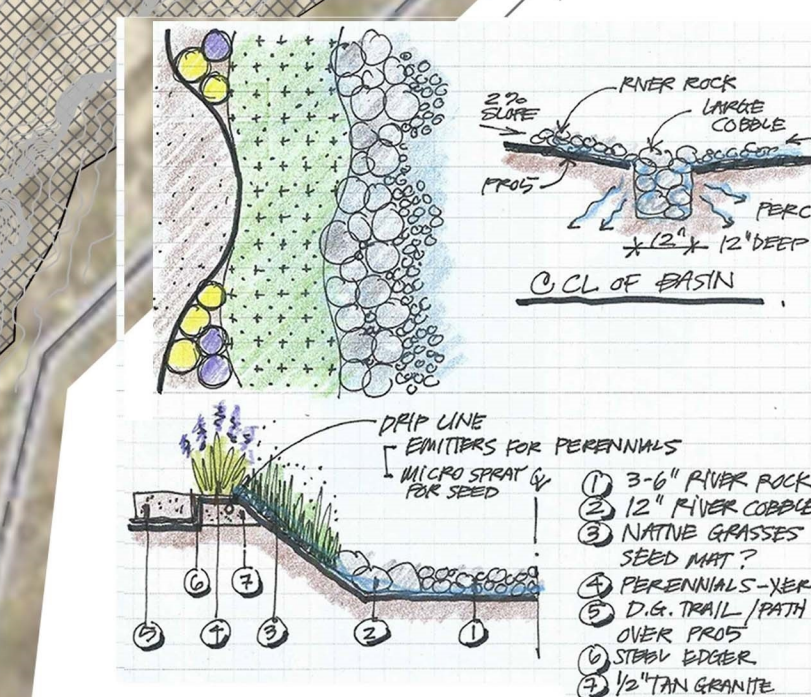
Planning & Design
Colorado Land Advisor, Ltd.
388 West Street | Suite 301 | Grand Junction, CO 81501 | 970.210.2200
Housing Colorado's Best Places | ColoradoLandAdvisor.com



2 Townhome Suites Section - 12% Slope 1"=10'



4 Cottages Section - 25% Slope 1"=10'



3 Micro Basin - Drainage NTS



5 Community Garden NTS



6 Dry Creek Bed NTS



7 Natural Rock Amphitheater NTS

Density:

(using existing boundary line)

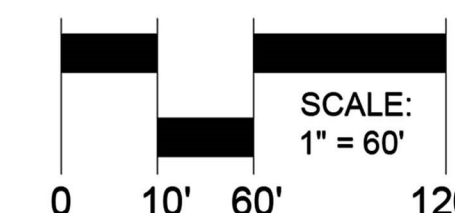
57 Townhomes
13 Executive Homesites
70 Units

70 units / 10.35 ac
6.7 du/ac

(using adjusted boundary line)

59 Townhomes
14 Executive Homesites
73 Units

73 units / 10.75 ac
6.8 du/ac



SCALE:
1" = 60'

Preliminary
Not For Construction

Registration:

Revisions:
This ODP is not Final & is subject to change

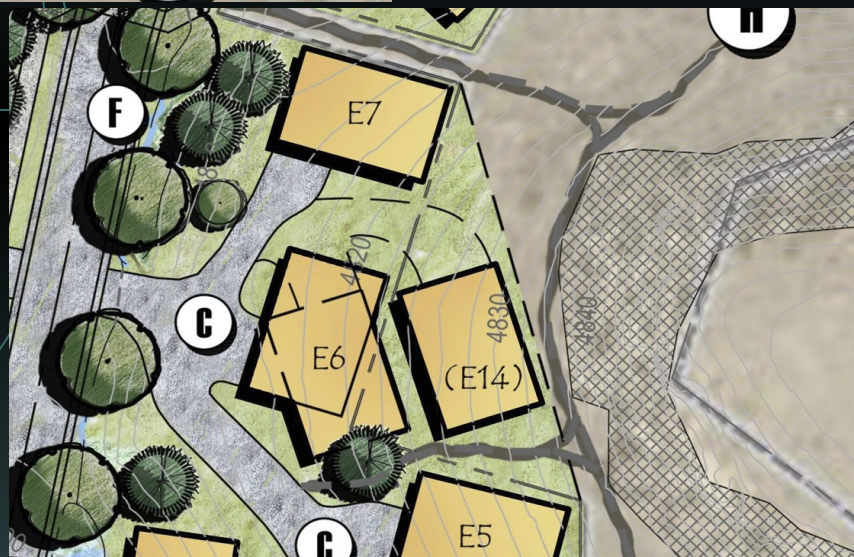
Sheet Title:

Concept

Project:
Camelback Gardens
Date:
12-12-22
Scale:
1" = 60'

Sheet:
North
CP
of 1 Sheet

Petition for Land Exchange



Colorado Land Advisor, Ltd.

Planning + Design + Land Advisor + Stormwater Management
300 Main Street | Suite 302 | Grand Junction, CO. 81501 | 970.812.3288
Designing Colorado's Best PLACES | coloradolandadvisor.com

Executive Summary

Petition for Land Exchange Of Ridges Open Space

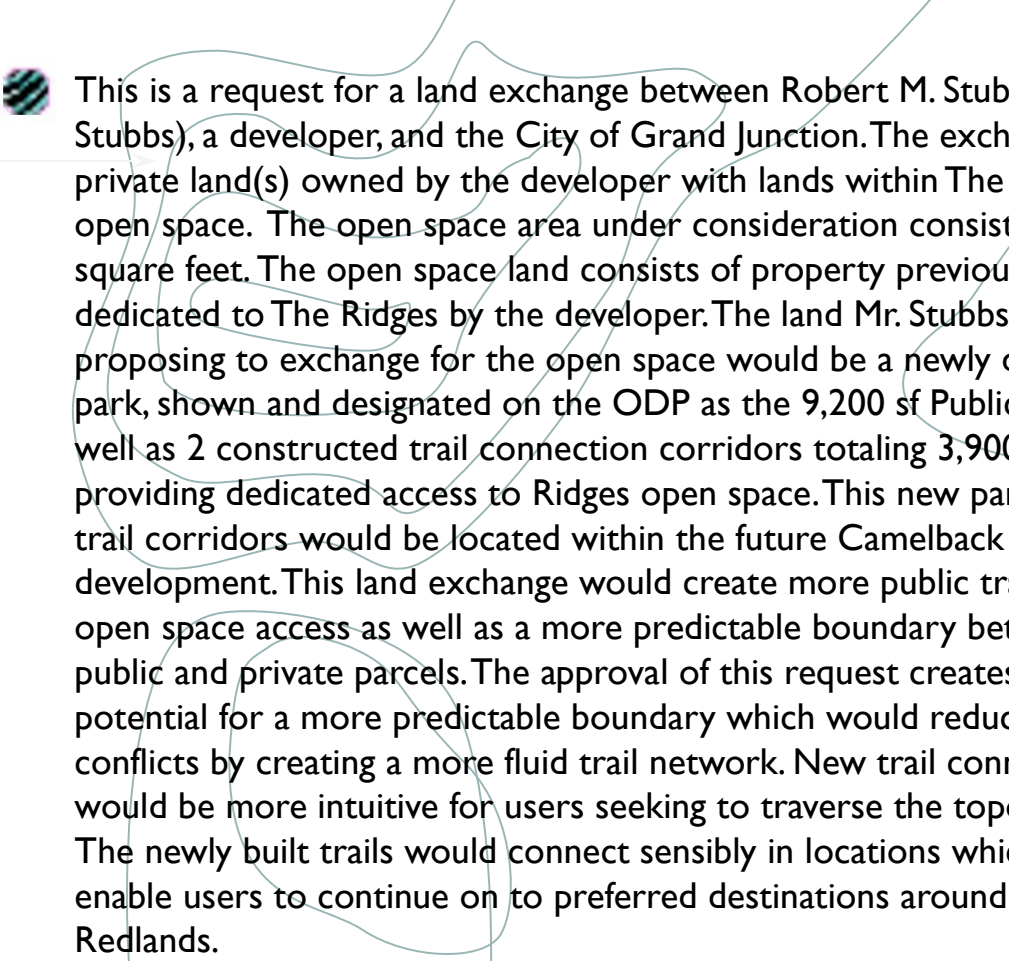
The City of Grand Junction is hereby petitioned to approve and execute an exchange of unimproved and unmaintained Ridges Open Space owned by the City for land owned by Robert M. Stubbs in the Camelback Gardens Subdivision (Camelback) to be designated as public park space improved by the developer and maintained by the Camelback Gardens Home Owners Association.

Mr. Stubbs is in the process of pursuing an ODP for the development of Camelback Gardens. The current boundaries of Camelback are very irregular and are the result of prior platting of the area and dedication of open space based on the original plat. The land was previously platted for residential lots from a parcel of approximately 25 acres. The original site plan and plat for the area utilized a number of cul-de-sacs. The dedication of approximately 15 acres of open space was the result of clustering of the residential lots. The original plat was vacated, however, the open space dedications remained in effect. Open Space access areas that were reserved under the prior plat will be maintained and improved. The Open Space areas proposed for exchange are those adjacent to prior cul-de-sacs and were not dedicated with the intent of providing access to or maintenance of open space but rather to keep the lot sizes uniform.

The planning concepts currently employed for developing the ODP for Camelback Gardens utilize a number of shared private drives with small lots/building envelopes and significant amounts of improved and maintained private open space. The small areas of Ridges open space proposed for this exchange provide for better planning and utilization of infrastructure. Please refer to the enclosed concept plan and project report for more detailed information.

This exchange would provide the City with an improved and maintained public park as well as facilitate other significant public improvements. The Camelback ODP will include development of a formalized and established trail network through existing open space in cooperation with the City. We feel the tangible benefits to the City as well as the intangible benefits of facilitating superior site planning easily justify the exchange proposed.

Introduction



● This is a request for a land exchange between Robert M. Stubbs (Mike Stubbs), a developer, and the City of Grand Junction. The exchange is of private land(s) owned by the developer with lands within The Ridges open space. The open space area under consideration consists of 12,336 square feet. The open space land consists of property previously dedicated to The Ridges by the developer. The land Mr. Stubbs is proposing to exchange for the open space would be a newly developed park, shown and designated on the ODP as the 9,200 sf Public Area D, as well as 2 constructed trail connection corridors totaling 3,900 sf providing dedicated access to Ridges open space. This new park land and trail corridors would be located within the future Camelback Gardens development. This land exchange would create more public trails and open space access as well as a more predictable boundary between the public and private parcels. The approval of this request creates the potential for a more predictable boundary which would reduce user conflicts by creating a more fluid trail network. New trail connections would be more intuitive for users seeking to traverse the topography. The newly built trails would connect sensibly in locations which will enable users to continue on to preferred destinations around the Redlands.

● Approval of this request would allow for the development of open space trail connectivity prior to starting construction of Camelback Gardens. Public access would then be continuous and uninterrupted. An approval of this land exchange would create a pattern of development which would be improved through a more predictable boundary, a more predictable and enjoyable trail network. Many users of the Ridges open space access it across private land, land which will in the future be under construction as it is developed with new streets, utilities and infrastructure. By creating a more fluid definition of the relationship between public open space and private lands user conflicts would be reduced.

Introduction

Approval of the exchange would create better connectivity in The Ridges trail network. There would be more constructed trails built and more connection points established with public access easements.

The adjacent open space area experiences moderate use even though no formal development plan for, or maintenance of, the area exists. The Camelback Gardens development will form a home owners association to manage all of it's common areas. Part of the proposal for the Camelback Gardens ODP will be to partner with the City Parks and Open Space department to formalize and develop the open space to a level which increases user satisfaction.

Adventure seekers are appreciative of the land that surrounds them. In areas around Camelback Gardens many braided trails exist which were apparently created by locals without any plan for sustainability in mind. Right now many of these trails lead down into private land, the future Camelback Gardens. By creating more predictability in the area trail users will likely increase their use of open space area on trails that connect to other areas, other trails thus, increasing the healthy lifestyle opportunities which exist in the Grand Valley. This also increases community engagement and satisfaction.

By making small exchanges the overall site will function better in relationship to The Ridges open space. This concept is noted as one of the benefits to consider in our future ODP application for the site. In the City's Code at 21.02.150 *Planned development (PD)*. (1) *More efficient infrastructure;* (3) *More usable public and/or private open space(.)* We will be striving to meet this criteria. This land exchange will allow us to further develop these community benefits.

The land exchange will enable a more sustainable plan in the layout of the future development. The development could achieve the same density without the land exchange. However, the exchange opens the opportunity for a mutually beneficial design enabling new park areas and further connectivity to area trails.

Introduction

Any such park lands to be dedicated would be maintained by the Camelback Gardens HOA so that no further burden for maintenance would fall upon the City.

One of the purposes of this request is to encourage the preservation of environmentally sensitive areas for open spaces, while encouraging the ability to develop the most suitable lands at a density range supported by the Comprehensive Plan. Those densities which are consistent with the property's zoning designation will be proposed with the future ODP application.

Some of the open space land to be exchanged would become building envelopes, driveways, and sidewalks while nearly half of the land would be conveyed to, owned, and maintained by, the Camelback Gardens HOA as open space for the development. If approved it would also allow 2 buildings (up to 4 units) to be built on the exchanged lands.

The newly created open space of Camelback Gardens will abut or provide easy access to Ridges open space. The public will benefit in numerous ways as open space design and developer constructed improvements will:

- (1) Be linked to existing and planned public open spaces, constructed areas, and trails as much as possible while reducing user conflicts with landowners; and
- (2) Maximize access and use by residents of Camelback Gardens, city residents, as well as general trail users; and
- (3) Provide trails, paths and walkways to recreation areas, and other public facilities such as Pine Ridge Park and Mesa County open space; and
- (4) Provide a greater quality and quantity of public and private open space; and
- (5) This open space will be integrated with the subdivision and adjacent property to create attractive areas for active and passive use. This request will reduce peripheral strips of land and isolated corners, thus reducing user conflicts; and
- (6) The future ODP layout will interconnect streets, open spaces, and existing trails through the proposed pedestrian and bicycle trails. This land exchange will further enable the future development to create better continuity.

Site Analysis for Land Exchange

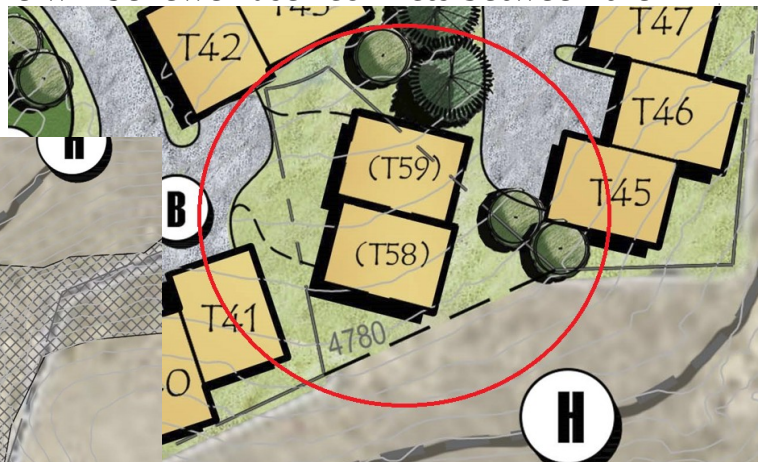
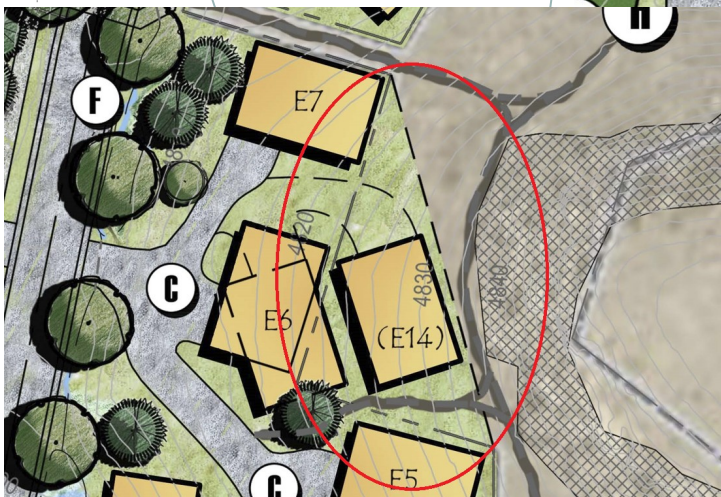
In identifying the physical and technical characteristics of the property for the Camelback Gardens land exchange in relationship to the surrounding area several factors were considered. Each areas assets and constraints were reviewed.

The private parcels are undeveloped vacant land. The Ridges open space parcel was previously held by the developer as private parcels. Current ground cover on all parcels is native plants with grasses, a few small trees, and numerous cactus. The open spaces surrounding the site has lots of topography with rock outcroppings with unconstructed T2 Wilderness trails (www.TrailTransect.com) running through it.

The sites under consideration consist of lands that are irregularly shaped with mild to moderate slopes similar to the adjacent land to be developed. In order to create a more natural shape to the project and increase the ultimate connectivity of utilities these two areas represent an opportunity to create a more rational property line while affording more opportunity for utility connections across the future Camelback Gardens HOA maintained open space.

By making the boundary more consistent and having natural connection points to the open space there will be fewer user conflicts between the HOA and area trail users.

Parcel 14 to be exchanged

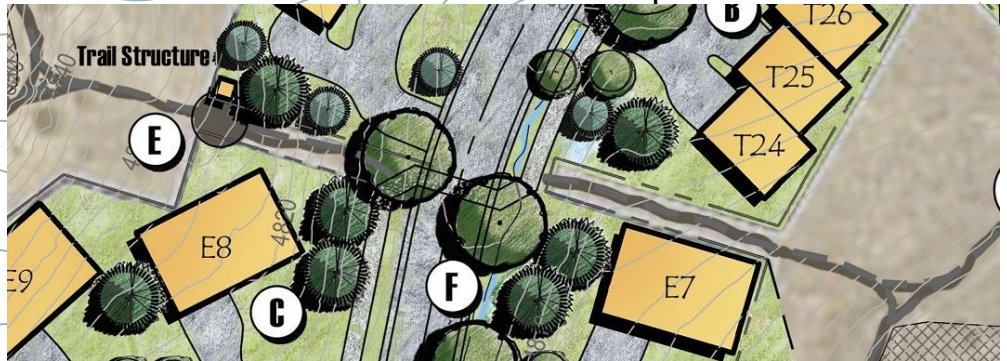


Parcel 58/59 to be exchanged
Please see the ODP map for
Better context of the area

Private Lands for Land Exchange

The trail connection points shown here are currently undeveloped on vacant private land. This would be similar in character with the 'Lunch Loop' trails.

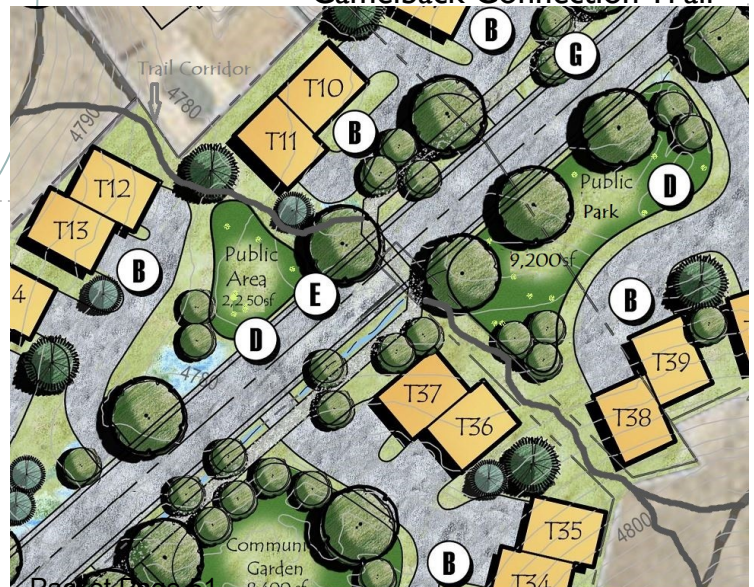
Watertower Loop Connection Trail



Rock Garden Connection Trail



Camelback Connection Trail



Private lands
trail corridors
to be considered
in the exchange

Note: This ODP map is not yet finalized
and is subject to change.

Trails to be realigned onto public lands or easements



Site Analysis

The two areas under consideration are uniquely shaped parcels which were formed by the previously platted subdivision boundary. The parcels were left undeveloped and left as open space due to the street layout of the previous plat. The two parcels are identified as T58/T59, consisting of 5211 square feet and E14, consisting of 7125 square feet.

Under the current ODP Camelback Gardens would create numerous connection points from the development into the open space. The proposed plan includes using the benefit of an approved Land Exchange to double the trail connections to at least 6 locations within The Ridges open space. These connections will allow connectivity through Camelback Gardens to and from popular recreational areas such as 'the watertower loop'. Currently all trail users are trespassing on this private land. This proposal creates a significant opportunity to at least double the existing connectivity to the trail system by funneling users to smart connection points as they travel in, out, and through the development via foot and bike.

As the project moves to the ODP phase an audit of the open space will be completed in order to make modifications to the site as needed to further improve upon human powered transportation in The Ridges and around Redlands Mesa, as well as the future Redlands 360 project. The development team has met with City Parks and Open Space staff a few times to walk the open space area around Camelback Gardens. General trail alignments have been discussed along with developing a general process for detailing the plan further. The open spaces surrounding the site has lots of topography with rock outcroppings with unconstructed T2 Wilderness trails running through it, a location which is more suitable for open space trails.

Approval of this request will have a net positive impact on the health of trail users. Through the creation of more trails, more interesting trails, users will have a more positive experience and this is more likely to reinforce their healthy behaviors.

Summary of Planning Concepts

In developing the concept plans for this project we have gone through numerous iterations in order to refine the plan and maximize the value for each of the future home sites. We have attached the townhome units on one or two sides in order to create some architectural distinction from the typical Grand Junction development. This makes the site more efficient as well. This creates some spacing between the multiple unit buildings that will be HOA open space. It is anticipated that future buyers will be outdoorsy people who will want to connect to the local trail system. Designing in more trail corridors and connection points will benefit the future development. It will also benefit all users of The Ridges open space as they will have more options, more trails to explore. It is possible to fit the same number of units without incorporating the proposed land exchange. In order to do that we have to move several units in order to maintain code separation. This closes the spacing which allows for several of the trail corridors. This is less desirable. We see a greater benefit to the future home owners as well as the public by spacing the units out and creating connection points to and from the existing trails in the area enabling adjacent homeowners to enjoy the interconnected trail system immediately outside their door, they will be able to 'Bike-In/Bike-Out'.TM

The ultimate public benefits are

- New 9,200 square feet of developed park land
- New 1,650 square foot Trail Corridor Easement
- New 2,250 square foot Trail Corridor Easement
- Partnership with City Parks and Open Space to construct Trails in Ridges Open Space
- Increase recreational opportunities within the Redlands area

Camelback Gardens Proposed Land Exchange

This report is the property of Colorado Land Advisor, Ltd.,
it's successors, and assigns.



Planning + Design + Land Advisor + Stormwater Management
300 Main Street | Suite 302 | Grand Junction, CO. 81501 | 970.812.3288
Designing Colorado's Best PLACES | ColoradoLandAdvisor.com

Jeffery Fleming QLIDI, Urban Planner
Colorado Land Advisor, Ltd.
300 Main Street | Suite 302
Grand Junction, CO 81501
970.812.3288
LandAdvisor@ColoradoLandAdvisor.com

As an urban planner much experience and research has gone into compiling data for this report. Information was collected from various sources and every attempt has been made to acknowledge the contributing sources. Any errors or omissions are unintentional and should be brought to the attention of the author as soon as possible.



1 Curbside Rain Garden / Bio-Swale NTS

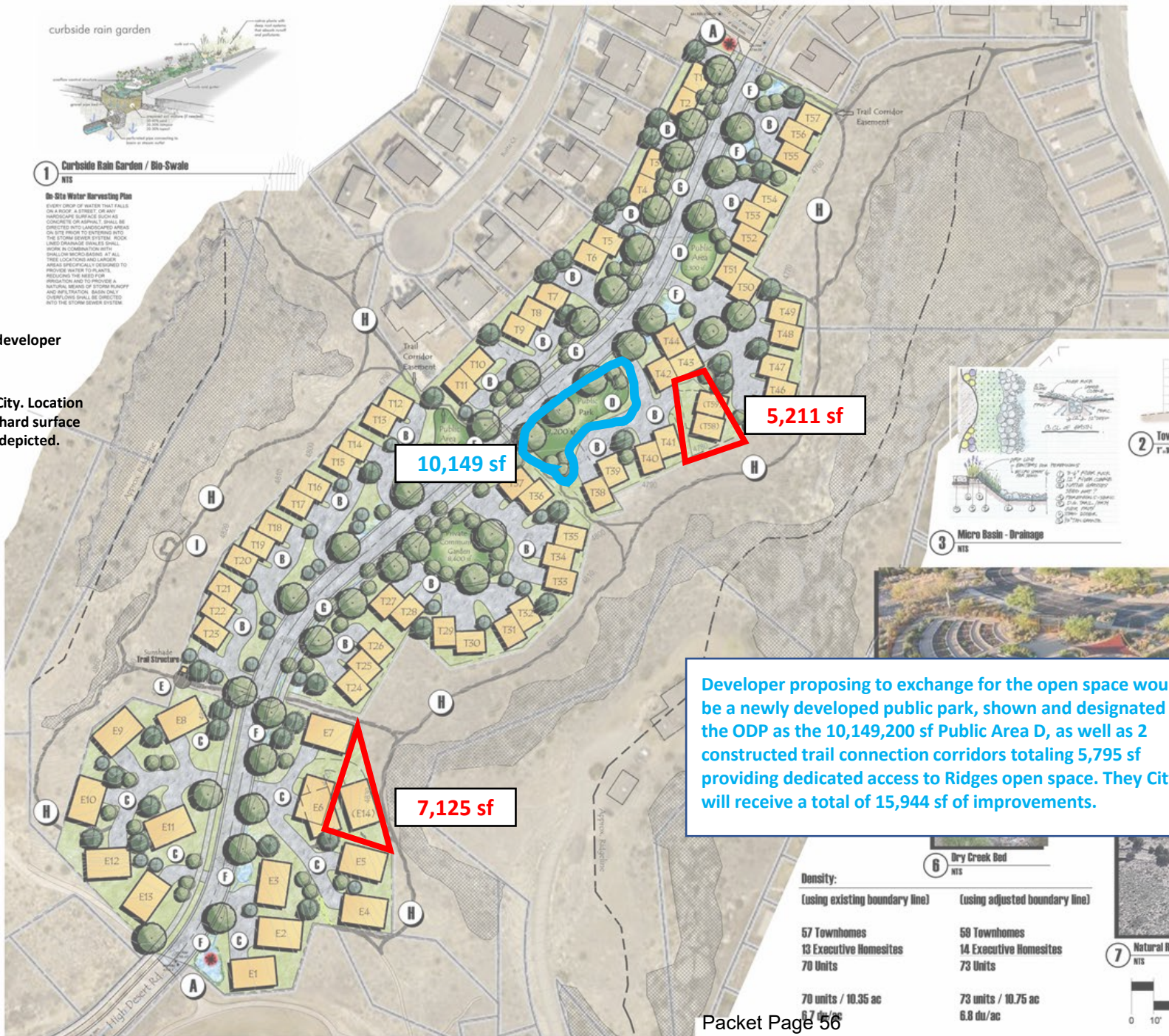
On Site Water Harvesting Plan

EVERY DROP OF WATER THAT FALLS ON A ROOF, A STREET, OR ANY HARDSCAPE SURFACE SUCH AS CONCRETE OR ASPHALT, SHOULD BE DIRECTED INTO LANDSCAPE AREAS ON SITE PRIOR TO ENTERING INTO THE STORM SEWER SYSTEM. MICRO-BASIN DRAINAGE SWALES SHALL WORK IN COMBINATION WITH SHALLOW MICROBASINS AT ALL TREE LOCATIONS AND LANDSCAPE AREAS SPECIFICALLY DESIGNED TO PROVIDE WATER TO PLANTS.

REDUCING THE NEED FOR IRRIGATION AND TO PROVIDE A NATURAL MEANS OF STORM RUNOFF AND INFILTRATION. BASIN ONLY SYSTEMS SHALL BE CONNECTED INTO THE STORM SEWER SYSTEM.

Exchange to developer

Exchange to City. Location of improved hard surface trails not depicted.



10,149 sf

5,211 sf

7,125 sf

Developer proposing to exchange for the open space would be a newly developed public park, shown and designated on the ODP as the 10,149,200 sf Public Area D, as well as 2 constructed trail connection corridors totaling 5,795 sf providing dedicated access to Ridges open space. They City will receive a total of 15,944 sf of improvements.

Density:	
(using existing boundary line)	(using adjusted boundary line)
57 Townhomes	58 Townhomes
13 Executive Homesites	14 Executive Homesites
70 Units	73 Units
70 units / 10.35 ac	73 units / 10.75 ac
6.7 du/ac	6.8 du/ac

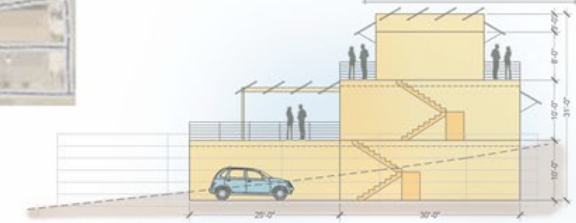
- Legend**
- A. Water Feature / L.D. Sign
 - B. 30'x40' Townhome Units
 - C. 40'x60' Executive Home Sites
 - D. Park / Community Garden
 - E. Bike Station / Outdoor Seating
 - F. Micro-Basins
 - G. Tree Lined Street / Sidewalk & Water Feature
 - H. Hiking / Biking Trails
 - I. Natural Amphitheater

Project Name:
Camelback Gardens
Grand Junction, Colorado

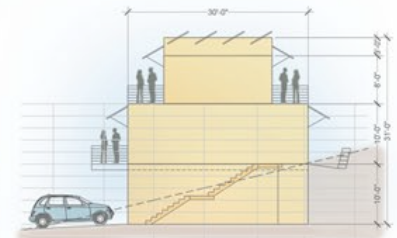
Client:
Mike Stubbs
rmstubs@icloud.com

Landscape Architect:
VISION DESIGN STUDIO, INC.
477 25 Road Grand Junction, CO 81505
Phone: 970.240.2155 Email: info@vdsi.com
Website: www.vdsi.com

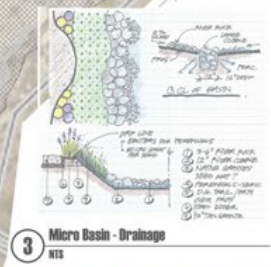
Planning & Design:
Colorado Land Adviser, Ltd.
44 West 1st Street, Suite 100, Grand Junction, CO 81505
Phone: 970.240.2155 Email: info@cladviser.com



2 Townhome Suites Section - 12% Slope
1"=6'



4 Cottages Section - 25% Slope
1"=6'

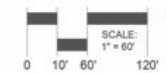


3 Micro Basin - Drainage
NTS



6 Dry Creek Bed
NTS

7 Natural Rock Amphitheater
NTS



SCALE:
1" = 60'

Preliminary
Not For Construction

Registration:

Revision:
This ODP is not Final & is subject to change

Sheet Title:
Concept

Project:
Camelback Gardens

Date:
12-12-22

Scale:
1" = 60'

Sheet:
CP

The following Resolution was presented and read:

RESOLUTION CONCERNING DISPOSITION OF CITY-OWNED REAL ESTATE

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

That it is the policy of the City Council to dispose of City-owned real estate in exchange for real estate that better suits the City's needs whenever possible.

PASSED AND ADOPTED this 21st day of July, 1976.

Parks and Recreation Advisory Board Minutes Regular Meeting – February 2, 2023

Meeting Location: Hospitality Suite – Lincoln Park Stadium

Roll Call

Board Members Present: William Findlay
Kyle Gardner
Lilly Grisafi
Gary Schroen
Nancy Strippel
Lisa Whalin
Byron Wiehe

Board Members Absent: Cindy Enos-Martinez
Austin Solko
Phil Pe'a
Abe Herman

City Staff Present: Ken Sherbenou, Director of Parks and Recreation
Daniella Acosta, Senior Planner
Lance Gloss, Senior Planner
Rob Davis, City Forester, Supervisor - Open Space
Emily Krause, Recreation Superintendent
Allison Little, Administrative Specialist

Guests Present: Jeffrey Fleming – Colorado Land Advisor
Scott Preisendorf – Upland Homes

Meeting called to order by Lisa Whalin at 12:02 p.m.

The Board noted that Lilly Grisafi's name was misspelled throughout the January minutes. Lilly made a motion to approve the minutes with the correction. The motion was seconded by Byron Wiehe and carried unanimously.

Motion by the Parks and Recreation Advisory Board: Yes 6 No 0

Camelback Gardens

Jeffrey Fleming of Colorado Land Advisor talked with the board about the history of the project and the dedications that have preceded this discussion, some of which was deeded to the county and makes up some of what is known as the Ridges Open Space. This development will be marketed towards folks looking for smaller homes with less maintenance requirements freeing up time for hobbies or other activities. Because the dwellings will have limited yard space, the developer wants to ensure open space and common areas are a high quality amenity for the residents.

The proposal is to swap previously dedicated land for new dedications to accommodate the new development since the plan has changed since the previous design. Daniella Acosta shared with the board that the City Charter prohibits disposing of land, but allows exchanging of land as long as what is received is of higher value than what is given away. The developer would be giving 10,100 sq feet of developed parkland with trees grass and irrigation, a trail corridor in either a tract or easement 1650 and 4182 trail corridor as well as improve the trails around the project. City Staff have met with the developer and walked the property. The swap would ensure access and appropriately diverts traffic from private land to public open space areas. This would allow for formalization of trail connections and would include a neighborhood playground for immediate and surrounding residents. As well as residents of the development, folks in the Ridges would benefit as well as others who drive in to use the social trails. Ken Sherbenou shared with the Board that the pedestrian bicycle plan will help make sure all the trails flow and have connectivity as segments are added.

Board members wondered about the soil supporting a developed park. Developers have found some bentonite soil but not an overwhelming amount. Board members also wondered what would happen if the swap was not approved. The developers do have alternative designs that could still meet density and provide trail access (though it would be less access). Board members asked who would maintain the park. Option 1 would be HOA maintain with City Easement. Option 2 would be to dedicate to the City for maintenance. Option 3 would be to dedicate to the City for maintenance with a payment from the HOA to help with costs.

Gary Schroen made a motion to support the land swap as presented for Camelback Gardens with an eye to full trail connectivity, and recommends the HOA undertake the maintenance of the park. The motion was seconded by Kyle and carried unanimously.

Motion by the Parks and Recreation Advisory Board: Yes 7 No 0

Urban Forestry Management Plan

Ken introduced Lance Gloss, who is currently in North Carolina completing his Masters Degree, and is working on the Urban Forestry Management Plan. Lance shared that he has been working on this plan with Rob Davis and the Forestry Board. Lance has surveyed a wide range of plans from comparable communities, in terms of population, climate, size scale, etc. A public meeting is scheduled for February 23 to continue to gather community input. The plan aims to understand the resource as it exists, threats and limitations, understanding public input and stakeholders, canopy goals, and implementation items for those goals.

The survey was open through the month of January in English and Spanish. 529 responses. More than 5x the responses from Boulder's survey, and almost the same as Austin's response, even though their population is far greater. Though this is not statistically valid its still important response. Lance shared breakdowns on demographic data noting there was a good spread on

geography, but fewer responses from the northwest and Pear Park areas. Additionally, there were few renter responses, though a number of landlord responses. Shade was the most tangible benefit response, and priorities for management were identified as pests and disease, drought, and losing trees from lack of care. There was also support for sustaining trees during construction. Half respondents felt that tree canopy had declined in their neighborhoods over the last decade. Trees are being taken care of by individuals (not professional companies) and about half the respondents were unaware of any tree care regulations.

Lance shared with the board that American Forest sets tree canopy goals at 30% canopy cover, A 20% goal would require a doubling of existing trees (230,000 new trees). The Forestry board would like to implement an 18% canopy coverage average that takes into account a lower coverage goal where appropriate (airport, commercial/industrial areas, rural agricultural areas) and a higher goal in residential, parks and open space areas.

The Board thanked Lance for the presentation. Lance will forward a draft of the plan to the board at the end of March for their review and support as it moves forward for Council Adoption.

Painted Bowl

This item was tabled to a future meeting.

JUCO Food Vendor Selection Meeting Representation

Emily Krause advised the board that historically PRAB has had a representative on the JUCO Food Vendor Selection Committee. Lilly Grisafi will check her schedule and let Emily know.

For the Good of the Community

Board members wondered about the election timeline. Ken Sherbenou advised the board that Election day is April 4. The ballot includes eight city council candidates, the Community Recreation Center question, and extending the lease for CDA on the public land to 99 years.

Board members wondered about the Orchard Mesa Pool. Ken Sherbenou shared with the Board that City Council discussed the pool last night and gave direction for staff to resume work with the consultant working on a renovation plan for the pool. There is an operational agreement in place to 2026, which should give the community a lot more confidence in the continued operation and highlights the City's dedication to the OM Pool.

Adjourn

The board adjourned by acclamation at 1:39 p.m.

Next Meeting

The next regular meeting will be March 2, 2023.

Respectfully submitted,
Allison Little
Administrative Specialist

MESA COUNTY PARCEL
No. 2945-202-53-001

N16° 59' 13"E
150.00'

N73° 00' 47"W
95.00'

TRANSFER PROPERTY
7,125 SQ FT

S15° 21' 38"E
177.55'

MESA COUNTY PARCEL
No. 2945-174-53-002

MESA COUNTY PARCEL
No. 2945-202-06-041

TRANSFER PROPERTY
5,211 SQ FT

N11° 40' 14"W
99.49'

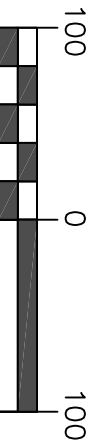
RAD=48.00'
L=23.03'
CHORD=22.81
BRG=N70°48'59"E
Δ=27°29'25"

S65° 32' 57"W
86.53'

S48° 13' 12"E
103.73'



GRAPHIC SCALE:
1"=100'



TRANSFER PROPERTY

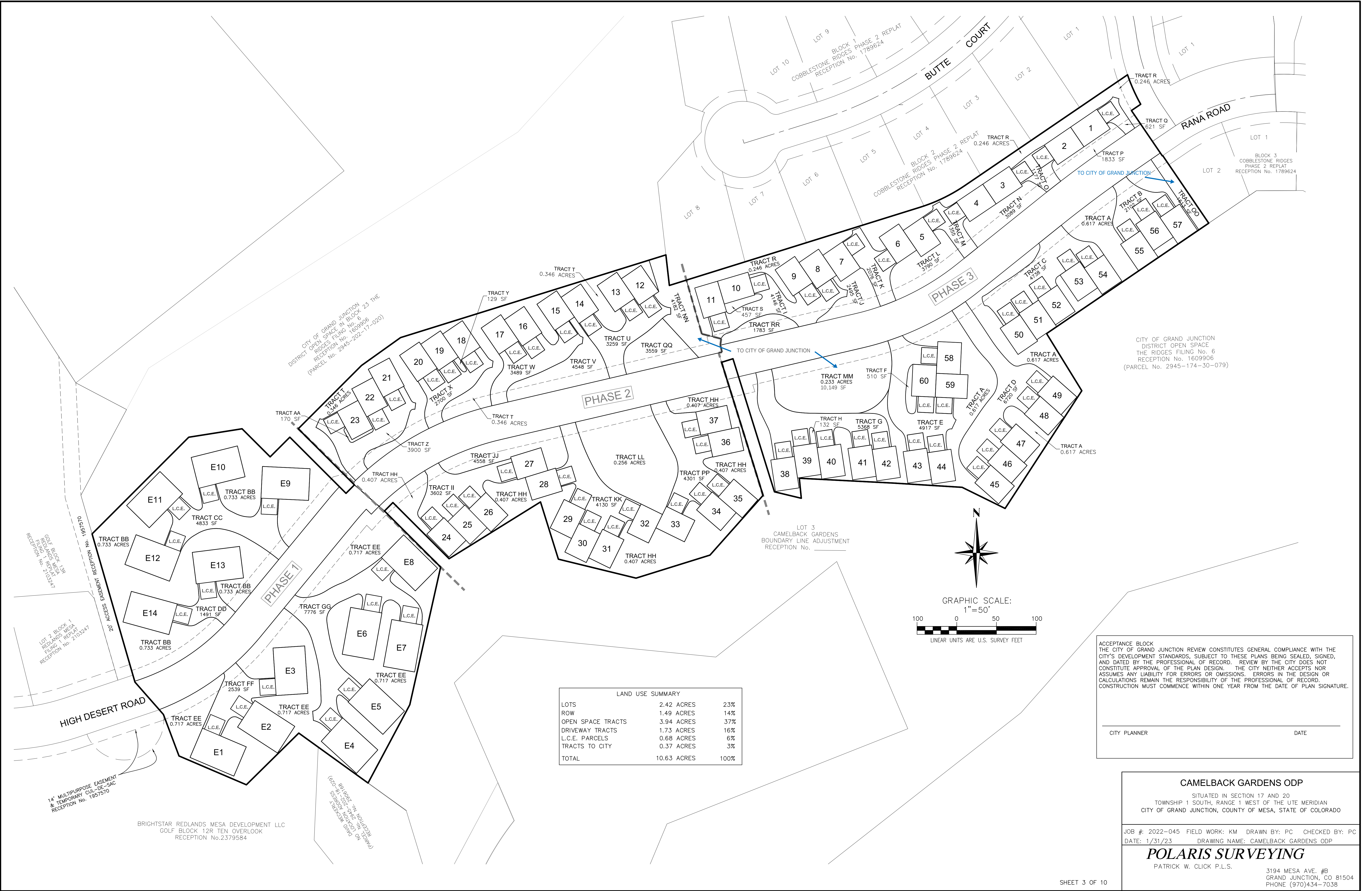
CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT
381 & 409 HIGH DESERT ROAD

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

JOB #: 2022-045
DATE: 11/1/22



From: [Randy Coleman](#)
To: [Daniella Acosta](#)
Subject: Re: Camelback Gardens
Date: Thursday, February 16, 2023 12:04:35 PM
Attachments: [image001.png](#)
[Outlook-5r2mvusl.png](#)

Good Afternoon Dani,

I have visited the site and compared it to the site plan on many occasions, with and without the developer. After many questions and evaluation, we support the proposed land swap and believe there will be no impact on the City's Open Space. There is a perceived benefit to the development, our park users, and the citizens of Grand Junction.

If I can answer any other questions, please reach out.

Regards,
Randy Coleman

Randy Coleman

City of Grand Junction Parks and Recreation
Parks Superintendent
Phone: 970-254-3821 | randyc@gjcity.org
2529 High Country Court
Grand Junction, CO 81501



CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT

Owners' Statement and Dedication:

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Robert M. Stubbs and The City of Grand Junction, are the owners of that real property situate in Section 17 and Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado as evidenced by Quitclaim Deeds, filed in the office of the Mesa County, Colorado, Clerk and Recorder, at Reception No.'s 2916174 and 1609906, known as:

Lots 1 and 2
CAMELBACK GARDENS SUBDIVISION as recorded at Reception No. 2978317
County of Mesa, State of Colorado

AND INCLUDING

A tract of land situate in Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said tract of land being a part of The Ridges Filing No. 6 as shown at Reception No. 1259706 of the Mesa County Records, being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 20, from whence the East Sixteenth Corner on the North line of Section 20 bears S89°46'16"E a distance of 1318.50 feet for a Basis of Bearings, all bearings herein related thereto; thence S89°46'16"E along the North line of the Northwest Quarter of the Northeast Quarter of Section 20 a distance of 272.41 feet to a point on the Easterly line of Camelback Gardens Subdivision as recorded at Reception No. 2978317; thence N5°05'03"E along said Easterly Line a distance of 39.63 feet to the Point of Beginning; thence continuing along said Easterly Line the following (2) courses and distances;
1. N59°36'37"W a distance of 84.55 feet; 2. N27°44'43"E a distance of 247.00 feet to the Northeast Corner of said Camelback Gardens Subdivision; thence along the South and East Lines of Cobblestone Ridges Phase 2 Replat as recorded at Reception No. 1789624, Cobblestone Ridges Subdivision as recorded at Reception No. 1778367 and The Ridges Filing 6 as recorded at Reception No. 1259706 the following 3 courses and distances;
1. N27°44'43"E a distance of 72.63 feet; 2. N61°48'08"E a distance of 58.63 feet 3. N89°54'12"E a distance of 250.05 feet; thence N31°5'39"E a distance of 99.83 feet to a point on the Southern Right of Way for Rana Road as dedicated on said The Ridges Filing 6 and the start of a non-tangent curve to the right; thence 15.19 feet along said non-tangent curve to the right with a radius of 200.00 feet and a central angle of 4°21'05"whose chord bears S84°33'50"E a distance of 15.19 feet to a point on Westerly Line of Rockwood on the Ridges Filing 2 as recorded at Reception No. 2000592; thence along said Westerly Line the following (4) courses and distances;
1. S3°35'38"W a distance of 110.00 feet; 2. S76°53'29"W a distance of 125.00 feet; 3. S27°12'51"E a distance of 303.75 feet; 4. S13°47'09"W a distance of 86.53 feet to a point on the Westerly Line of Sand Cliff Court Subdivision as recorded at Reception No. 1786570; thence along said Westerly Line and the Westerly Line of Block 13 of The Ridges Filing No. 4 as recorded at Reception No. 1184745 the following seven (7) coursed and distances;
1. S89°35'32"W a distance of 57.71; 2. S45°45'27"W a distance of 223.51 feet; 3. S13°30'32"W a distance of 202.99 feet; 4. S23°53'01"W a distance of 585.00 feet; 5. S21°27'09"W a distance of 137.08 feet; 6. S87°09'42"W a distance of 100.10 feet; 7. S5°11'58"W a distance of 99.89 feet to the Northerly line of the Right of Way for Hillview Drive as shown on the Plat of said The Ridges Filing No. 4, and the start of a curve to the right; thence along said Right of Way and curve to the right on arc length of 25.62 feet with a radius of 20.00 feet and a central angle of 73°23'54"whose chord bears N48°17'39"W a distance of 23.90 feet to the start of a curve to the left; thence continuing along said Right of Way and curve to the left on arc length of 31.34 feet with a radius of 50.00 feet and a central angle of 35°54'49"whose chord bears N29°33'07"W a distance of 30.83 feet to the Southeast Corner of Lot 1 of Garrett Minor Subdivision as recorded at Reception No. 1759023; thence along said Garrett Minor Subdivision the following eleven (11) courses and distances
1. 123.48 feet along a non-tangent curve to the left with a radius of 200.00 feet and a central angle of 35°22'25"whose chord bears N5°31'03"W a distance of 121.53 feet to the start of a non-tangent curve to the right; 2. 81.82 feet along said non-tangent curve to the right with a radius of 310.00 feet and a central angle of 15°07'22"whose chord bears N15°25'27"W a distance of 81.58 feet; 3. S40°33'29"E a distance of 143.51 feet; 4. N79°36'11"E a distance of 69.15 feet; 5. N5°18'01"W a distance of 289.59 feet; 6. N40°25'59"E a distance of 326.17 feet; 7. N51°01'38"W a distance of 228.80 feet; 8. S23°41'28"W a distance of 194.09 feet; 9. S67°44'07"W a distance of 269.99 feet; 10. S17°36'28"W a distance of 84.97 feet; 11. S51°35'11"E a distance of 137.05 feet to the District open space of the Ridges Filing No. 5 as described at Reception No. 1609906;
thence S0°06'14"W along said open space a distance of 170.25 feet to the Northerly line of the Parcel described at Reception No. 2906168; thence N44°59'08"W along said Northerly line a distance of 120.16 feet; thence continuing along said Northerly line N82°12'05"W a distance of 59.27 feet to the Easterly line of the aforementioned Camelback Gardens Subdivision; thence along said Easterly line the following twenty two (22) courses and distances;
1. N0°02'42"E a distance of 111.78 feet; 2. N73°00'47"W a distance of 95.00 feet; 3. N16°59'13"E a distance of 150.00 feet; 4. N73°00'47"W a distance of 100.00 feet; 5. N16°59'13"E a distance of 15.00 feet; 6. S73°00'47"E a distance of 100.00 feet; 7. N30°09'31"E a distance of 135.55 feet; 8. S45°19'07"E a distance of 75.53 feet; 9. N75°43'23"E a distance of 100.68 feet; 10. N44°40'53"E a distance of 97.48 feet; 11. N13°38'23"E a distance of 100.68 feet; 12. N45°19'07"W a distance of 175.53 feet; 13. N44°40'53"E a distance of 15.00 feet; 14. S45°19'07"E a distance of 175.53 feet; 15. N75°31'43"E a distance of 34.76 feet; 16. N33°42'00"W a distance of 25.33 feet; 17. N64°55'57"E a distance of 118.78 feet; 18. N11°40'14"W a distance of 99.49 feet to the start of a non-tangent curve to the left; 19. 23.03 feet along said non-tangent curve to the right with a radius of 48.00 feet and a central angle of 27°29'25"whose chord bears N70°48'59"E a distance of 22.81 feet; 20. S48°13'12"E a distance of 103.73 feet; 21. N88°11'24"E a distance of 60.31 feet; 22. N5°05'03"E a distance of 176.95 feet to the Point of Beginning.

County of Mesa, State of Colorado

Said Parcel contains 20.36 Acres

Said Owners have by these presents laid out, platted and subdivided the above described real property, and designated the same as CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, in the City of Grand Junction, County of Mesa, State of Colorado.

Owner states that there are nol lienholders of record.

IN WITNESS WHEREOF, said owners, Robert M. Stubbs and The City of Grand Junction have caused their names to be hereunto subscribed this

_____ day of _____, A. D. 20 ____.

by: _____
Robert M. Stubbs

by: _____
For the City of Grand Junction

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me by: Robert M. Stubbs

this _____ day of _____ A.D. 20 ____.

Witness my hand and official seal _____
Notary Public

My commission expires _____.

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me by: _____ For: The City of Grand Junction

this _____ day of _____ A.D. 20 ____.

Witness my hand and official seal _____
Notary Public

My commission expires _____.

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
BEING A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



VICINITY MAP: NOT TO SCALE

NOTES

1. OWNERSHIP, RECORDED RIGHTS--OF--WAY, AND EASEMENT INFORMATION WAS DONE USING A CURRENT TITLE POLICY BY ADVANCED TITLE COMPANY ORDER No. ATC--22--10425.

2. BEARINGS ARE BASED ON THE NORTH LINE OF NW¼ NE¼ SECTION 20, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN. THE VALUE USED S89°46'16"E, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS OF SAID LINE AS SHOWN HEREON.

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

4. THIS PLAT IS BASED ON THE DEEDS AS RECORDED AT RECEPTION NUMBER 2916174 AND 1609906, OF THE MESA COUNTY RECORDS.

ABBREVIATIONS:

N NORTH
S SOUTH
E EAST
W WEST
T TOWNSHIP
R RANGE
MCSM MESA COUNTY SURVEY MARKER
ROW RIGHT OF WAY
SIMS SURVEY INFORMATION MANAGEMENT SYSTEM
PLS PROFESSIONAL LAND SURVEYOR
No. NUMBER
GPS GLOBAL POSITIONING SYSTEM
ID IDENTIFICATION
SQ SQUARE
FT FEET
AVE. AVENUE
ST. STREET
CT. COURT
LN. LANE
DR. DRIVE
U.S. UNITED STATES
L.C.E. LIMITED COMMON ELEMENT
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.O.L. POINT ON LINE

PATRICK W. CLICK
COLORADO REGISTERED LAND SURVEYOR PLS #37904

CURVE LABEL ABBREVIATIONS:

RAD RAD
L ARC LENGTH
CHORD LONG CHORD DISTANCE
BRG LONG CHORD BEARING
Δ CURVE CENTRAL ANGLE

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO :
COUNTY OF MESA :ss

This plat was accepted for filing in the office of the Clerk and Recorder of Mesa County,

Colorado, at _____ o'clock ____ .m., on this ____ day of _____ 20 ____ and

was recorded at Reception No. _____

Drawer No. _____, and Fees _____.

Clerk and Recorder

Deputy

CITY APPROVAL

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is hereby approved and dedications accepted this _____ day of _____ 2023.

City Manager

President of Council

CITY USE BLOCK

The below listed recording information for Associated Record Documents was not prepared under the professional land surveyor's responsible charge, Board Rule 6.2.1, State of Colorado

The recording information is to be completed by the City of Grand Junction personnel.

1. _____, as recorded at Reception Number _____.

TITLE CERTIFICATION

STATE OF COLORADO }
COUNTY OF MESA }ss
WE, ADVANCED TITLE COMPANY, 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 VESTED TO ROBERT M. STUBBS AND THE CITY OF GRAND JUNCTION; 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

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Final Plat of the CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, as laid out, platted, dedicated and shown hereon, that such Final Plat was made from an accurate survey of said property by me and under my supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.

LAND USE SUMMARY

LOTS	20.36 ACRES	100%
ROW	0.00 ACRES	0%
TRACTS	0.00 ACRES	0%
TOTAL	20.36 ACRES	100%

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT

A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
SITUATED IN SECTIONS 17 AND 20

TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

JOB #: 2022-045 FIELD WORK: KM DRAWN BY: PC CHECKED BY: PC
DATE: 2/14/2023 DRAWING NAME: 381 & 409 HIGH DESERT ROAD

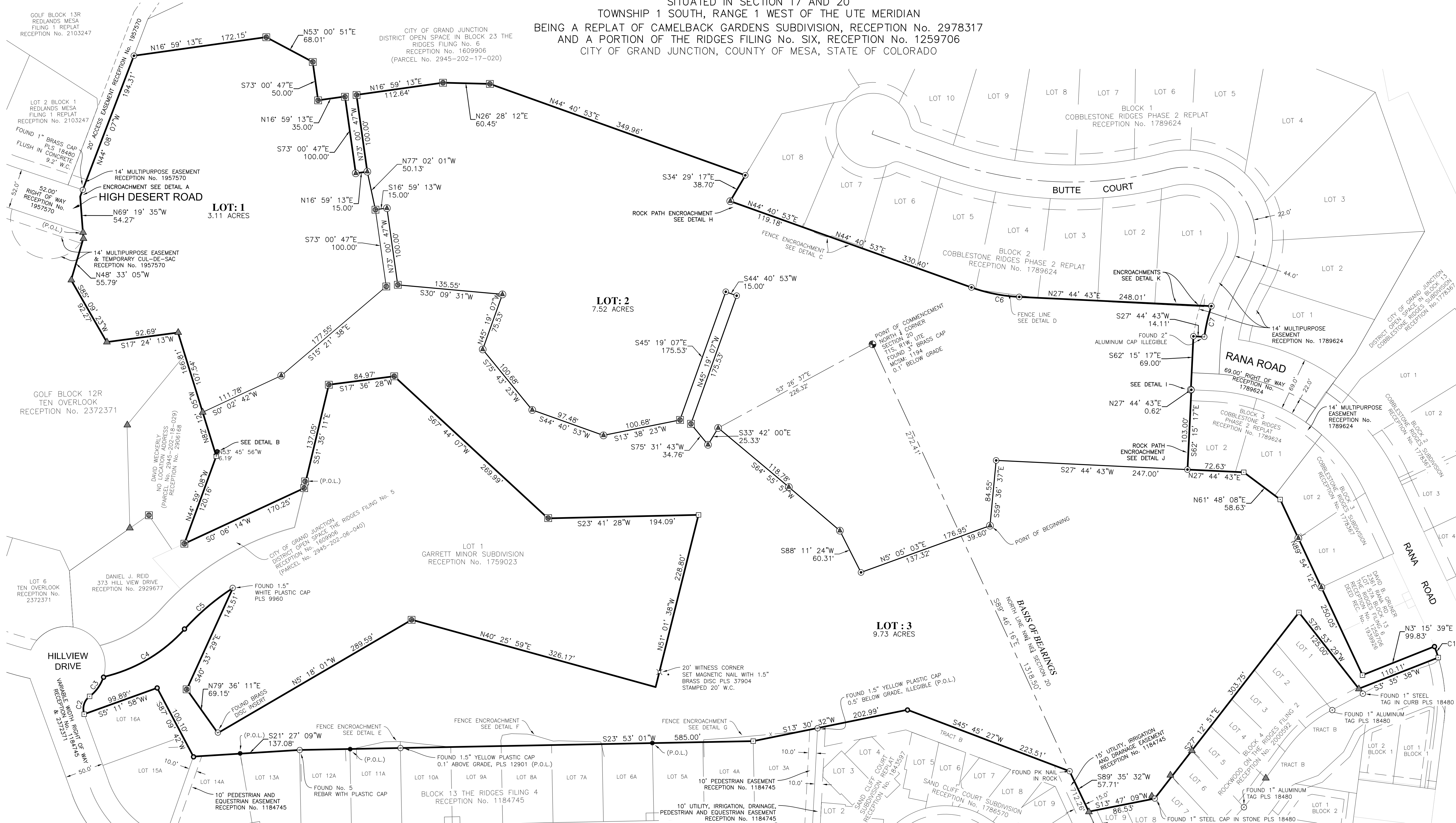
POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
BEING A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
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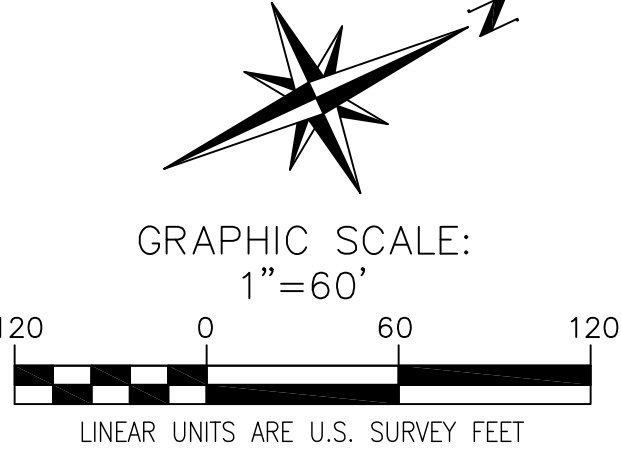
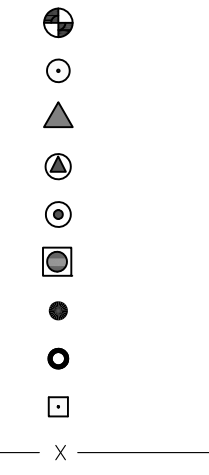


Curve Table					
Curve #	Radius	Length	Delta	Chord Length	Chord Bearing
C1	200.00'	15.19'	004° 21' 05"	15.19'	S84° 33' 50"E
C2	20.00'	25.62'	073° 23' 54"	23.90'	N48° 17' 39"W
C3	50.00'	31.34'	035° 54' 49"	30.83'	N29° 33' 07"W
C4	200.00'	123.48'	035° 22' 25"	121.53'	N05° 31' 03"W
C5	310.00'	81.82'	015° 07' 22"	81.58'	N15° 25' 27"W
C6	213.00'	62.96'	016° 56' 08"	62.73'	N36° 12' 10"E
C7	222.00'	40.70'	010° 30' 12"	40.64'	S52° 06' 33"E

** NON TANGENT CURVE

LEGEND:

FOUND SURVEY MARKER AS DESCRIBED
FOUND CORNER AS DESCRIBED
FOUND 2 INCH ALUMINUM CAP PLS 18480
FOUND 2 INCH ALUMINUM CAP PLS 18478
FOUND 2 INCH ALUMINUM CAP PLS 37049
FOUND 1-1/2 INCH ALUMINUM CAP PLS 12770
FOUND No. 5 REBAR WITH NO CAP
FOUND No. 5 REBAR PLACED 2 INCH ALUMINUM CAP PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
EXISTING FENCE LINE



CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT
A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
SITUATED IN SECTIONS 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

JOB #: 2022-045 FIELD WORK: KM DRAWN BY: PC CHECKED BY: PC
DATE: 2/14/2023 DRAWING NAME: 381 & 409 HIGH DESERT ROAD

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
BEING A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



FOUND SURVEY MARKER AS DESCRIBED
FOUND CORNER AS DESCRIBED
FOUND 2 INCH ALUMINUM CAP PLS 18480
FOUND 2 INCH ALUMINUM CAP PLS 18478
FOUND 2 INCH ALUMINUM CAP PLS 37049
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FOUND No. 5 REBAR PLACED 2 INCH ALUMINUM CAP PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
EXISTING FENCE LINE
EXISTING CONCRETE

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317 AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706 SITUATED IN SECTIONS 17 AND 20 TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO	
JOB #: 2022-045 DATE: 2/14/2023	FIELD WORK: KM DRAWING NAME: 381 & 409 HIGH DESERT ROAD
<i>POLARIS SURVEYING</i> PATRICK W. CLICK P.L.S.	
3194 MESA AVE. #B GRAND JUNCTION, CO 81504 PHONE (970)434-7038	

1 CITY OF GRAND JUNCTION, COLORADO

2 ORDINANCE NO. ____

3 AN ORDINANCE AUTHORIZING AND CONFIRMING THE EXCHANGE OF REAL PROPERTY
4 LOCATED AT 381 HIGH DESERT ROAD AND FOR PROPERTY LOCATED AT 409 HIGH DESERT
5 ROAD IN THE CITY OF GRAND JUNCTION, COLORADO

6 RECITALS:

7 On December 15, 2022 the City received a Petition for Land Exchange ("Petition") from
8 Robert M. Stubbs ("Petitioner") for an exchange of two parcels totaling 12,336 square
9 feet of unimproved open space for 10,149 square feet of improved open space
10 together with 5,795 square feet of constructed trail connections all located in the
11 Ridges (collectively "Exchange" or "the Exchange"). The Petition is attached and
12 incorporated as if fully set forth.

13 The Exchange proposed by the Petition would facilitate the construction of a residential
14 subdivision known as Camelback Gardens ("Development"), which is pending City
15 review and approval. The Petitioner asserts that the Exchange and the Development
16 which would be facilitated by and with the City Council approving the Exchange will
17 result in more beneficial public access and use of the Ridges open space. Together
18 with the Development having more utility. The Petition and the Petitioner's testimony in
19 support thereof is the principal evidence adduced in this matter.

20 While the Petitioner bears both the burden of going forward and the burden of
21 persuasion with respect to the Petition, certain City Community Development and Parks
22 and Recreation Staff on December 9, 2022 inspected the property contemplated for
23 the Exchange and otherwise considered the proposed Exchange. Based on that
24 review the City Staff has determined the Exchange will have no impact on the City's
25 Open Space and accordingly formed an opinion that the Exchange has perceived
26 benefits to park users and citizens of Grand Junction and the City Staff has
27 recommended that the City Council favorably consider the Petition/the Exchange.

28 The City as the successor to the Ridges Metropolitan District owns the Ridges Open
29 Space. While the Ridges Open Space has neither been used for governmental
30 purposes, or is a developed park, it is used for recreational purposes. The City Charter
31 provides that the City Council has the power to sell certain real estate by ordinance or
32 resolution; however, if the real estate is used or held for park purposes before any sale
33 thereof shall be made a question shall be submitted to and ratified by voters. While the
34 Ridges open Space is not a park *per se* it is the City Attorney's opinion that if the
35 property proposed to be exchanged were being sold that the Charter restriction would
36 apply and prior voter approval for a sale or permanent disposal of the property would
37 be necessary; however, given that the Petition seeks a trade not a sale of the real
38 estate and the Exchange may reasonably be found to be equivalent or better based
39 on the City Staff review, the City Attorney has opined that it is within its discretion to City
40 Council to entertain the Exchange without submitting a question to the electorate.

Since adoption in 1976 of a City Council Resolution it has been City policy to “to dispose of City owned real estate in exchange for real estate that better suits the City’s needs whenever possible”. The Proposed Exchange is consistent with long-established City policy.

With this Ordinance the City Council has determined that the real estate to be acquired in the Exchange, as described in the Petition and the exhibit attached hereto, will better serve the needs of the City in general and the users of the Ridges Open Space in particular.

Furthermore, with this Ordinance the City Council confirms the Exchange and settles certain matters related to the history of the property and ratifies that the Exchange as stated in the Petition, is approved with this Ordinance, and is found to be consistent with the City Charter.

With this Ordinance the City Council deems the Exchange proper as stated herein, and additionally allows that the form of conveyance executed, approved, and acknowledged by the proper process and officers of the City for the property shall be held as *prima facie* evidence of compliance with the Charter, the laws of the City and State and the acts hereby and herewith ordained.

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

1. The foregoing Recitals are incorporated and adopted, and in accordance with and pursuant to this Ordinance, the City Council of the City of Grand Junction hereby authorizes, confirms and ratifies the exchange of 7,125 square feet from Lot 3 to Lot 1 and 5,211 square feet from Lot 3 to Lot 2 as identified on Exhibit 9 and Exhibit 7 and on the terms stated in the Petition attached hereto, which terms include but are not limited to dedication and construction of public open space and public improvements and on-going HOA maintenance of said public open space and as fully provided in the Petition, together with any terms, understandings and conditions that are or may be applicable by, with and through the City review and approval of the Development.

2. All actions taken by the officers, employees and agents of the City relating to the Exchange described or referred to herein and which actions are consistent with the provisions hereof are hereby ratified, approved, and confirmed.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions hereof, including, without limitation, the execution and delivery of such document(s) as may be necessary or required to affect the intent and purposes hereof.

INTRODUCED ON FIRST READING, PASSED for publication in pamphlet form and setting a hearing for the __ day of ____ 2023.

Anna M. Stout

80 President of the City Council

81 _____

82 Amy Phillips

83 City Clerk

84 HEARD, PASSED and ADOPTED ON SECOND READING and ordered published in

85 pamphlet form this ____ day of ____ 2023.

86

87 _____

88 Anna M. Stout

89 President of the City Council

90

91

92 _____

93 Amy Phillips

94 City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: March 1, 2023
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

A Resolution of Intent to Annex to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Exercising Land Use Control for the Clear Creek Enclave Annexation of 3.86 Acres, Located in the Brookdale Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The proposed Clear Creek Enclave Annexation includes the Brookdale Subdivision consisting of 19 single family residential lots and two HOA owned parcels is eligible to be annexed as an enclave annexation. The annexation area is located along Clear Creek Drive, Cripple Creek Court and Cascade Creek Court and consists of 3.86 acres including 0.86 acres of Right-of-Way. The 19 properties each have an existing single-family home with lot sizes and density requirements that conform to the R-5 zone district.

Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. Once the five years pass, the City initiates the annexation process and zone of annexation. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Clear Creek Enclave has been enclaved since October 22, 2017. The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

BACKGROUND OR DETAILED INFORMATION:

Enclave Annexation.

The proposed Clear Creek Enclave Annexation includes the Brookdale Subdivision consisting of 19 single family residential lots and two HOA owned parcels located along Clear Creek Drive, Cripple Creek Court and Cascade Creek Court is eligible to be annexed and is proposed as the Clear Creek Enclave Annexation. The enclave area consists of 3.86 acres and includes the following address ranges; 3141 through 3147 Cripple Creek Court and 3141 through 3147 Cascade Creek Court in the Brookdale Subdivision. The road right-of-way for Clear Creek Drive, Cripple Creek Court and Cascade Creek Court are included in the annexation. The 19 residential properties are developed with a single-family residential home on each lot.

The property is Annexable Development. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Clear Creek Enclave has been enclaved since October 22, 2017.

The schedule for the annexation and zoning is as follows:

- Notice of Intent to Annex (30 Day Notice), Exercising Land Use – March 1, 2023.
- Planning Commission considers Zone of Annexation – March 14, 2023.
- Introduction of Proposed Ordinances for Annexation and Zoning by City Council – March 15, 2023.
- Public Hearing on Annexation and Zoning by City Council – April 5, 2023.
- Effective date of Annexation and Zoning – May 7, 2023.

The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action. Zoning requires review and recommendation by the Planning Commission.

FISCAL IMPACT:

This area is already developed. City services are supported by a combination of property taxes and sales/use taxes. The revenue generated from City property taxes will be \$2,225. Sales and use tax revenues will be dependent on consumer spending on City taxable items for residential uses.

Utilities - There are no fiscal impacts. The nineteen homes are already on city sewer and are served by Clifton Water District.

Police Department - There is very little impact expected since the annexation involves only 19 single family homes.

Public Works - The annexation takes in 28,200 square feet of local streets on Clear Creek Drive, Cripple Creek Ct, and Cascade Creek Ct with a pavement condition index (PCI) between 36 and 53 based on Mesa County's 2022 condition survey. A minor reconstruction of the streets will be required in the next 5 years at an estimated expense of \$160,000. 1440 feet of v-pan and vertical curb and gutter are in fair

condition. There is 525 feet of storm drain and associated inlets to be maintained. There are two streetlights. Street sweeping, storm drainage, and street lighting is estimated at \$800/year.

Fire Department - Currently the property is in the Clifton Fire Protection District. The Fire District collects a 11.5520 mill levy that generates \$3,212 per year in Clifton property taxes. If annexed, the property will be excluded from the Clifton Fire Protection District. This area will be served by the new Fire Station 8 at 441 31 Road and response times from the station to this annexation area will be within the National Fire Protection Association response time standards.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 21-23, a resolution of Notice of Intent to Annex, to the City Council for the annexation of lands to the City of Grand Junction, Colorado and exercising land use control for the Clear Creek Enclave Annexation of 3.86 acres, located in the Brookdale Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and set a public hearing for April 5, 2023.

Attachments

1. General Project Report
2. Annexation Schedule - Table - Clear Creek Enclave Annexation
3. Enclave Letter to Affected Property Owners
4. 2017 Letter to Enclaved Property Owners
5. Clear Creek Enclave Annexation Plat-Annexation Plat
6. Enclave Annexation Resolution

General Project Report

Clear Creek Enclave Annexation

In 2017 the Caballero Annexation completed the 100% of surrounding the area proposed as the Clear Creek Enclave by city limits. Five years have past and as required under the 1998 Persigo Agreement, enclaves will be annexed within 3 to 5 years of being completely surrounded by the City.



Annexations surrounding the Clear Creek Enclave Annexation Area



CLEAR CREEK ENCLAVE ANNEXATION SCHEDULE

March 1, 2023	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
March 14, 2023	Planning Commission considers Zone of Annexation
March 15, 2023	Introduction of Ordinance on Annexation and Zoning by City Council
April 5, 2023	Public Hearing on Annexation and Zoning by City Council
May 7, 2023	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2022-834
Location:		3141 thru 3147 Cripple Creek Ct; 3141 thru 3147 Cascade Creek Ct.
Tax ID Numbers:		See Annexation Map
# of Parcels:		20
Existing Population:		44
# of Parcels (owner occupied):		???
# of Dwelling Units:		19
Acres land annexed:		3.86
Developable Acres Remaining:		0
Right-of-way in Annexation:		0.86 acres (Clear Creek Dr, Cripple Creek Ct, Cascade Creek Ct)
Previous County Zoning:		PUD
Proposed City Zoning:		R-5
Current Land Use:		Vacant
Comprehensive Plan Land Use:		Residential Low
Values:	Assessed:	\$264,420
	Actual:	\$3,803,760
Address Ranges:		3141 thru 3147 Cripple Creek Ct; 3141 thru 3147 Cascade Creek Ct.
Special Districts:	Water:	Clifton Water & Ute Water Conservancy District
	Sewer:	City of Grand Junction
	Fire:	Clifton Fire Protection District
	Irrigation/Drainage:	Grand Valley Irrigation Company
	School:	District 51
	Pest:	Grand River Mosquito District & Upper Grand Valley Pest
	Other:	Colorado River Water Conservancy



February 9, 2023

Grand Junction, CO 81504

Tax Parcel: 2945-094-00-142

Dear Property Owner,

In 1998 the Mesa County Board of Commissioners and the Grand Junction City Council adopted the "Persigo Agreement". This agreement established an urban growth boundary and set a policy that before new development could occur within that boundary, the property must be annexed into the City.

As annexation occurs, enclaves of land that remain in the County may be created. Enclaves are defined as areas of unincorporated properties that are entirely surrounded by property that is within the City. The Persigo Agreement requires that all enclaves be annexed within three to five years of creation, in accordance with state annexation laws.

Your property was enclaved October 22, 2017 by the Caballero Annexation.

The City is proposing the following annexation and zoning schedule for the enclave, to be known as the Clear Creek Enclave Annexation:

<i>ANNEXATION and ZONING SCHEDULE</i>	
March 1, 2023	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
March 14, 2023	Planning Commission considers Zone of Annexation – Public Hearing
March 15, 2023	1 st Reading on Annexation and Zoning by City Council
April 5, 2023	Public hearing on Annexation and Zoning by City Council – 2 nd Reading
May 7, 2023	Effective date of Annexation and Zoning

The proposed zoning will be Residential 5 (R-5) with densities between 3 and 5.5 dwelling units per acre. The R-5 zoning implements the City's 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area a Residential Low 2 to 5.5

dwelling units per acre. The annexation area consists of the developed portion of the Brookdale Subdivision with all existing lots sizes conforming to the R-5 zone district and the total number of existing lots falling within the R-5 density range of 3 to 5.5 dwelling units per acre.

If you have any questions about the proposed annexation or the proposed city zoning of R-5 for your property, please contact David Thornton, Principal Planner, at (970) 244-1450 or by e-mail to davidth@gjcity.org

We encourage you to attend both public hearings, currently scheduled for March 14, 2023 with the Grand Junction Planning Commission to consider zoning and April 5, 2023 with the Grand Junction City Council to consider annexation and zoning.

Please visit our website at www.gjcity.org for information about the City of Grand Junction.

Sincerely,

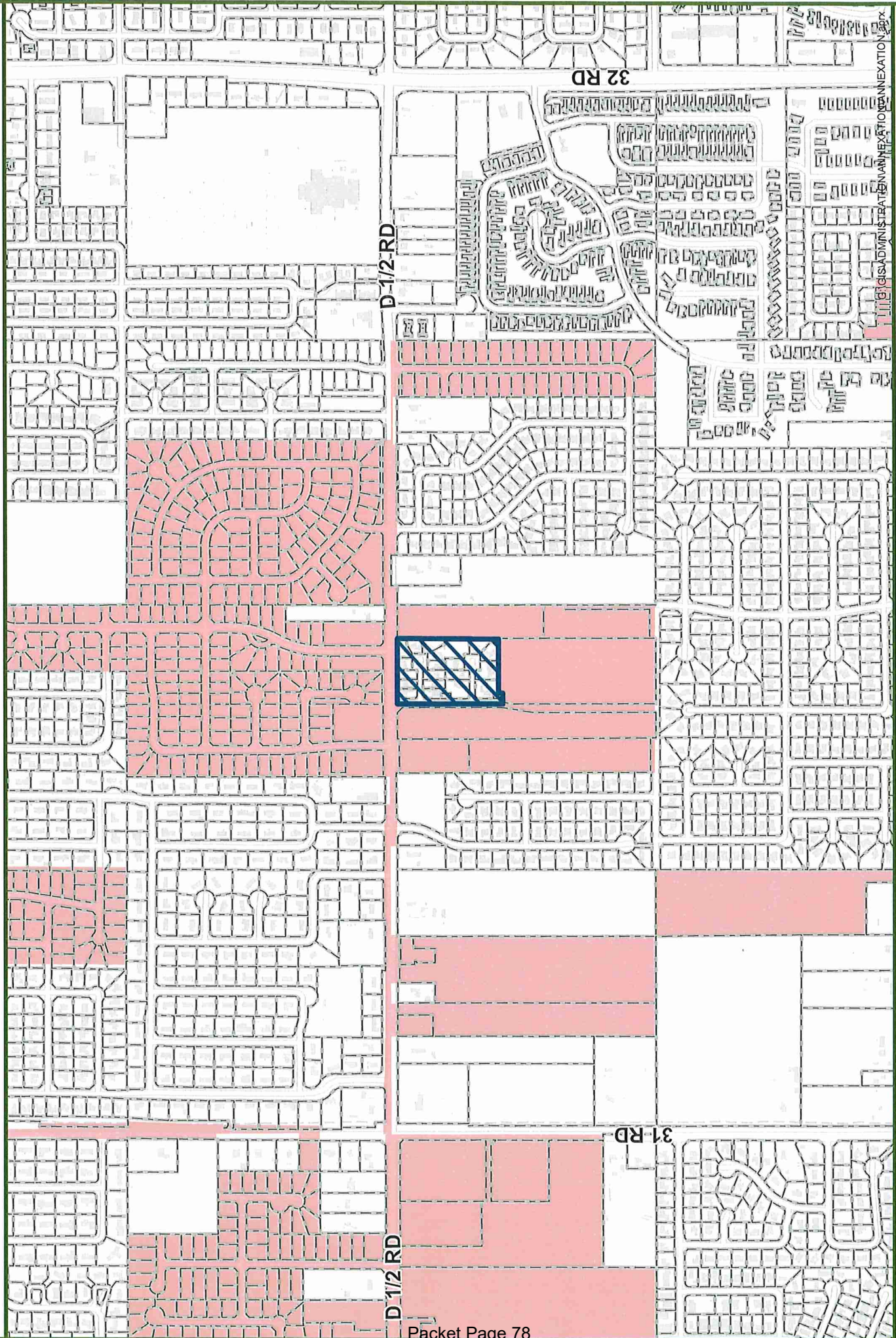


Tamra Allen
Community Development Director

CC: Greg Caton, City Manager
John Shaver, City Attorney

Enclosure (Map)

CLEAR CREEK ENCLAVE ANNEXATION



Owner	Joint Owner	Mailing Address	Mailing City
MORTON VICKI L	MORTON STEVEN C	3141 CASCADE CREEK CT	GRAND JUNCTION
MORTON STEVEN CRAIG	MORTON VICKI LIN	3142 1/2 CASCADE CREEK CT	GRAND JUNCTION
FANTACONE THOMAS A	CUNNINGHAM SARA L; HAYES GLORIA, COLLINS LORRAINE, CUNNINGHAM TROY & KATIE GRANTEE BENEFICIARIES	3143 1/2 CASCADE CREEK CT	GRAND JUNCTION
HARVEY DIEDRA N		3144 1/2 CASCADE CREEK CT	GRAND JUNCTION
ROYBAL BRITTANY LEIGH		3144 CASCADE CREEK CT	GRAND JUNCTION
THURSTON RANDALL D		3145 CASCADE CREEK CT	GRAND JUNCTION
LUCERO ORVEL	LUCERO STACEY L	3147 CASCADE CREEK CT	GRAND JUNCTION
TROXELL ANTHONY S		3141 1/2 CRIPPLE CREEK CT	GRAND JUNCTION
GAASBEEK JESSICA VAN		3141 CRIPPLE CREEK CT	GRAND JUNCTION
WILLIAMS CELESTE		3142 CRIPPLE CREEK CT	GRAND JUNCTION
ROSE MATTHEW W	ROSE ROBIN	3142 1/2 CRIPPLE CREEK CT	GRAND JUNCTION
HERRERA BEBLY C MACHADO	PARRA JUAN C HERRERA	3143 1/2 CRIPPLE CREEK CT	GRAND JUNCTION
BARTON CATHERINE A MCWRIGHT		3143 CRIPPLE CREEK CT	GRAND JUNCTION
MERSMAN MARY D		3144 1/2 CRIPPLE CREEK CT	GRAND JUNCTION
COSTA DEREK		3144 CRIPPLE CREEK CT	GRAND JUNCTION
CRUTHERS JOSEPH P	CRUTHER KRISANN M	3145 CRIPPLE CREEK CT	GRAND JUNCTION
POWELL SANDRA D	GDOVIN BRIAN D & MARTINEZ JAIME L GRANTEE BENEFICIARIES	3146 1/2 CRIPPLE CREEK CT	GRAND JUNCTION
WOOLSEY EDWIN E JR		3146 CRIPPLE CREEK CT	GRAND JUNCTION
BIERMAN SHAUN	GREEN REBECKAH	3147 CRIPPLE CREEK CT	GRAND JUNCTION



September 11, 2017

Grand Junction, CO 81504-8610

Tax Parcel:

Property address: _____

Dear _____,

In 1998 the Mesa County Board of Commissioners and the Grand Junction City Council adopted the "Persigo Agreement". This agreement established an urban growth boundary and set a policy that before new development could occur within that boundary, the property must be annexed into the City.

As annexation occurs, enclaves of land that remain in the County may be created. Enclaves are defined as areas of unincorporated properties that are entirely surrounded by property that is within the City limits. The Persigo Agreement requires that all enclaves be annexed within five years of creation and in accordance with state annexation laws.

On September 20, 2017, the City Council will consider an action to annex a piece of property located at 3140 D ½ Road that is being proposed to be developed called the "Caballero Annexation" (see attached map). Your property is one of twenty-one (21) properties located within two areas of enclave created by this annexation. These properties are located either in the Brookdale Subdivision (Clear Creek Drive, Cripple Creek Ct and Cascade Creek Ct.) or at 3148 D ½ Road. Upon approval of the annexation and in adherence with the Agreement with Mesa County, the City will consider annexation of your property on or before October 22, 2022.

When annexed, there are many benefits for those that own property or live within the City limits. Currently Grand Junction residents enjoy services such as the free annual City pick-up of junk and yard waste each spring, free leaf pick-up in the fall, street sweeping and the opportunity to serve its citizenry as a member of one of its many advisory boards.

Annexation will not affect your water, sewer or electric service. Please visit the City website at www.gjcity.org for more information about the City of Grand Junction.

If you have questions about this correspondence or annexation please contact Lori Bowers, Senior Planner, at (970) 244-4033.

Respectfully,

Tamra Allen
Director of Community Development
City of Grand Junction

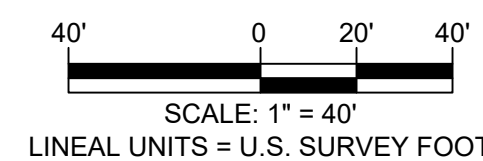
cc: Greg Caton, City Manager
John Shaver, City Attorney

Located in the NE1/4 SW1/4, SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

Located in the NE1/4 SW1/4, SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



DRAWN BY: MJH DATE: 1/11/2023
DESIGNED BY: RBP DATE: 1/11/2023
CHECKED BY: RBP DATE: 1/11/2023



CLEAR CREEK ENCLAVE ANNEXATION

Located in the NE1/4 SW1/4, SECTION 15,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

OF 1

LEGAL DESCRIPTION

A parcel of land being a portion of Brookdale Subdivision Replat same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter, N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W a distance of 55.00 feet to a point on the east line of the *MESA AYN ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58"W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

Said Parcel of land CONTAINING 167,918 Square Feet or 3.86 Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	1,715.64 FT.
CONTIGUOUS PERIMETER	1,715.64 FT.
AREA IN SQUARE FEET	167,918 FT ²
AREA IN ACRES	3.86
AREA WITHIN R.O.W.	37,422 FT ²
	0.86 ACRES
AREA WITHIN DEEDED R.O.W.	37,422 FT ²
	0.86 ACRES

LEGEND

ANNEXATION
BOUNDARY

ANNEXATION
AREA

EXISTING
CITY LIMITS

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	Δ=	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	RAD.	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD.	CHORD LENGTH
TWP.	TOWNSHIP	CHB.	CHORD BEARING
RGE.	RANGE	BLK.	BLOCK
U.M.	UTE MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	BOOK	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM
SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN
THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF
ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT
INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY
BOUNDARY LINES.

PRELIMINARY

RENEE BETH PARENT
STATE OF COLORADO - PL.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
GIVING NOTICE THAT A TRACT OF LAND KNOWN AS**

CLEAR CREEK ENCLAVE ANNEXATION

**LOCATED IN THE BROOKDALE SUBDIVISION INCLUDING
3141 THROUGH 3147 CRIPPLE CREEK COURT AND
3141 THROUGH 3147 CASCADE CREEK COURT**

CONSISTING OF APPROXIMATELY 3.86 ACRES

**WILL BE CONSIDERED FOR ANNEXATION
TO THE CITY OF GRAND JUNCTION, COLORADO,**

AND EXERCISING LAND USE CONTROL

WHEREAS, on the 1st day of March 2023, the Community Development Director filed with the City Clerk of the City of Grand Junction, Colorado, a request that the City Council of the City of Grand Junction commence proceedings to annex to the City of Grand Junction a certain tract of land in the County of Mesa, State of Colorado, commonly known as the Clear Creek Enclave Annexation and more particularly described as follows:

A parcel of land being a portion of Brookdale Subdivision Replat same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter, N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W

a distance of 55.00 to a point on the east line of the *MESA AYR ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

Said Parcel of land CONTAINING **167,918** Square Feet or **3.86** Acres, more or less.

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R S.

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

1. That the City Clerk of the City of Grand Junction is hereby directed to give notice of the City Council's intent to annex the aforementioned area pursuant to the Municipal Annexation Act of 1965.
2. That the ordinance annexing the subject area for introduction and first reading on the 15th day of March, 2023 with second reading of the proposed annexation ordinance on April 5, 2023.
3. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 1st day of March, 2023.

Attest:

President of the Council

City Clerk

<i>PUBLISHED</i>
March 3, 2023
March 10, 2023
March 17, 2023
March 24, 2023



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: March 1, 2023
Presented By: Nicole Galehouse, Principal Planner
Department: Community Development
Submitted By: Nicole Galehouse, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road and Setting a Public Hearing for March 15, 2023

RECOMMENDATION:

The Planning Commission heard this request at the February 14, 2023 meeting and voted (6-1) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Vista 5, LLP, property owner, is requesting a rezone of 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road. The requested R-5 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Low, if approved.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject property is situated along the north side of H Road approximately 1/4 of a mile east of 24 Road. The property is currently vacant. The property was annexed by the City in 2019, at which time the site was zoned R-1 (Residential – 1 du/ac). During the annexation process, the former property owner requested a zone district of R-4 (Residential – 4 du/ac), which implemented the 2010 Comprehensive Plan designation of Residential Medium Low (2 – 4 du/ac). In December 2020, the 2020 One Grand Junction Comprehensive Plan was adopted by the City and the subject property was provided with a future land use designation of Residential Low (2 – 5.5 du/ac). The future land use map, as adopted, does not support the R-1 zone district for either future land use designation. This property is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land

use through redevelopment in this area. The “Residential Low” land use designation within this category is implemented through zone districts which are comprised of varying housing types and lot sizes and are designed to provide a transition between the less-developed edges of the City and the denser urban areas.

The purpose of the R-5 (Residential – 5 du/ac) zone district is to provide for medium-density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available. The R-5 district supports the Comprehensive Plan principles of concentrating on urban growth and reinforcing community centers.

In addition to the R-5 (Residential – 5 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Low:

1. R-4 (Residential – 4 du/ac)
2. CSR (Community Services and Recreation)

The properties adjacent to the subject property to the north, west, and south are still in the County with a zoning of AFT (Agricultural, Forestry, Transitional), which provides for a maximum density of 1 lot per 5 acres. The properties to the west have a City land use designation of Residential Low, while the property to the north is not within the Persigo boundary and is not contemplated for annexation into the City. The properties to the east and south are also still in the County with a zoning of RSF-E (Residential Single Family – Estate) with a City land use of Rural Residential to the east and Residential Low to the south.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held via Zoom on Wednesday, November 9, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The applicant and their representatives were in attendance, along with a representative from City staff and approximately 11 neighbors. The owner’s representative provided an overview of the proposed development and the reason for the rezone. There was significant discussion on the impacts of the project and how these would be managed. Residents in the area had concerns about the traffic, proposed increase in density, development of infrastructure, impacts on Appleton Elementary School, and irrigation rights. General opposition was expressed with regard to the requested rezone.

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 a new application sign on November 23, 2022. The Applicant checked the site on January 24, 2023 and January 31, 2023 and confirmed with staff that the sign was still on the property. 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 February 2, 2023. The notice of this public hearing

was published February 7, 2023 in the Grand Junction Daily Sentinel.

Public comment was also received in an online hearing between February 7, 2023 and February 13, 2023 through the GJSpeaks platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which 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 owners have requested to rezone the property to R-5 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Low (2 – 5.5 du/ac). During the 2020 One Grand Junction process, the land use designation on the property was changed from Residential Medium Low (2 – 4 du/ac) to Residential Low (2 – 5.5 du/ac). The current zoning of R-1 (Residential – 1 du/ac) is not supported by the Comprehensive Plan to implement either the Residential Medium Low or the Residential Low land use. While the property owner could still develop using the R-1 zone district, the requested zoning of R-5 implements the Residential Low future land use designation. Staff finds that this criterion has 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 adoption of the Comprehensive Plan in 2020, designated this property as Residential Low (2 – 5.5 du/ac). The Applicant is requesting an allowable zone district that is consistent with the higher end of the density range allowed by the Residential Low category. The character and/or condition of the area has not changed in recent years as the adjacent residential properties are currently large acreage and have not yet fully developed. However, the requested zone district is compatible with the Comprehensive Plan designation. Staff is unable to identify any apparent change of character and/or condition and therefore, staff finds that this criterion has not 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-5 zone district. Ute Water is presently available to the site along H Road. The property is within the Persigo boundary, with adequate capacity for development and infrastructure that is proximate and can be extended to the property. The property can be served by Xcel Energy natural gas and Grand Valley Power electricity. Appleton Elementary School is about 6/10 miles to the west and Canyon View Park is located approximately a mile to the southwest. Further to the south along Patterson Road are commercial retail centers that include Mesa Mall, offices, convenience stores with gas islands,

restaurants, commercial businesses, and a grocery store. Community Hospital is also nearby on G Road.

The area is served by Fire Station #3. However, response times are estimated to be 6 to 8 minutes from the time of dispatch for an emergency call for service, which is longer than National Fire Protection Association response time standards. The subject property can be reached in approximately the same time from three different stations, increasing the service potential. The City has been working to address the current and future fire and EMS coverage demands of this area and is planning for a new Fire Station at 23 and H Roads.

In general, staff has found public and community facilities are adequate to serve the type and scope of the residential 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

There is minimal property north of I-70 that has been incorporated into the City west of 26 Road. What does exist in this area is commercial in the 24 Road Corridor and a mix of R-4 and R-8 zone districts. Looking further out from this, there are approximately 100 acres of R-5 zoning between 24 ½ Road and 25 ½ Road along G Road. The R-5 zone district is prevalent east of Horizon Drive. Therefore, Staff finds this criterion has not been met.

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

The community and area may benefit from this proposed request. The requested zone provides an opportunity for housing within a range of density that is consistent with the Comprehensive Plan in this area to meet the needs of the growing community. However, Plan Principle 3, along with the Tiered Growth Plan, provides that growth be carefully guided, prioritizing infill & redevelopment. The subject property is located on the periphery of the urban service boundary as well as the Persigo 201 service area & the service area for the nearest fire station. Surrounding properties are outside of the 201 boundary in addition to being outside of the city limits. While the existing R-1 zone district does not implement the Comprehensive Plan, the R-5 request may not be the most appropriate zone district to strike the balance desired by the Comprehensive Plan to achieve appropriate benefits. Therefore, Staff finds that this criterion has not been met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the

proposed rezone to R-5 (Residential – 5 du/ac) against the principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: *Relationship to Existing Zoning*

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.

The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Low. As outlined in the background section of this staff report, the R-5 zone district implements the Residential Low designation.

- Plan Principle 1: *Collective Identity*

Where We are Going – The narrative associated with the future of the City's identity has a strong focus on retaining character as growth continues. An important part of the community's culture comes from its agricultural roots. It's important to respect these and ensure maximum compatibility and appropriate transitions from long-term agricultural zones to more dense urban settings.

The proposed rezone is on the edge of the Urban Development Boundary and isolated in the Persigo 201 service area. The properties to the north are outside of the City's Urban Development Boundary, while the remaining properties on the perimeter are within the boundary, but outside of the Persigo 201 service area. While the request to increase density on the property is one of two implementing zone districts of the Comprehensive Plan, the request for an R-5 zone district may not be the most appropriate zone district to strike the balance between growth and maintaining a sense of place as contemplated by this principle.

- Plan Principle 3: *Responsible and Managed Growth*

Where We are Today (and Where We are Going) – The One Grand Junction Comprehensive Plan raises concerns about a waning supply of attainable housing combined with a limited supply of land that has existing infrastructure available. To move forward effectively and manage growth, priority has been placed on infill and redevelopment projects.

How We Will Get There – The policies in this Principle address the manner in which growth must happen within the City. One such policy is to support a compact pattern of growth and encourage the efficient use of land through the Zoning & Development Code (ZDC). The ZDC is currently undergoing an update to implement the 2020 One Grand Junction Comprehensive Plan and identify ways to prioritize this type of development. An example of this particularly comes into play with the proposed removal of multifamily component of the R-5 zone district while creating new use

categories for duplexes and triplexes. One of the concerns that is typically brought up about the R-5 zone district is the allowance of multifamily, despite the fact that the district is rarely developed as anything other than single-family detached dwellings. The proposed ZDC amendment takes this into account and seeks to create resolution.

- Plan Principle 4: *Strong Neighborhoods and Housing Choices*

Where We are Today (and Where We are Going) – Housing within the City of Grand Junction is in crisis. The majority of the existing stock is single-family homes, with little of other product types. This principle outlines how, in the decade preceding its adoption, the City saw an increase of over 70% in the cost of for-sale housing and more than 50% of renters are cost-burdened. To address these issues, more units are needed, and those units must be diverse. The development should be high quality, focusing on development near amenities and with high levels of walkability and bikeability. Neighborhoods should be strengthened not only through the creation of third places where people can interact, such as cafes, parks, trails, and restaurants, but also through diverse and interspersed housing options.

How We Will Get There – Since the adoption of the Comprehensive Plan approvals for multifamily developments have increased, with hundreds of apartment units being approved. However, the ‘missing middle’ housing type – duplexes, triplexes, townhomes, and other non-traditional multifamily products, have been pursued in insignificant quantities. The R-5 zone district, both as it exists and with proposed changes, allows for those housing options to be built. The 2020 One Grand Junction Comprehensive Plan encourages a variety of housing types, which can assist in increasing density while maintaining neighborhood character. The subject property is close to an elementary school, ¼ mile from the 24 Road Corridor, including access to Canyon View Park and the retail centers near Highway 6 & 50, while also being only ½ mile from I-70, providing ease of access to nearby communities. It is also located less than ¼ mile from an active transportation corridor, providing access to the City’s multimodal facilities despite being in a more remote area of the City.

- Plan Principle 8: *Resource & Stewardship*

How We Will Get There – Part of properly managing the City’s resources and being good stewards of the environment is to promote sustainable development. This can be done by maximizing existing infrastructure. The subject property is located along an improved right-of-way with existing water lines available to the site. Sanitary sewer would need to be brought to the site but is in close proximity.

- Intensification and Tiered Growth Plan

Tier 2: Suburban Infill – Tier 2 is intended to apply to areas of the City that are urbanizing or close to areas that are urbanizing. The area immediately surrounding the subject property is not currently urbanizing. However, the property is very close to the 24 Road Corridor, which is seeing significant growth. Development in this area

is anticipated to “provide development opportunities while minimizing the impact on infrastructure and City services”.

The need for housing in the City of Grand Junction is clearly outlined in the Comprehensive Plan. This need encompasses not only attainable housing but a variety of housing options, including those that could be provided through the requested rezone. The Comprehensive Plan designation of Residential Low for the subject property indicates that any of the implementing zone districts (R-4, R-5, or CSR) will “provide a transition between the open, less dense edges of Grand Junction and the denser urban areas toward the City’s center.”

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Vista Five Rezone request, for a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential 3 – 5.5 du/ac) located at 2428 H Road, the following findings of facts have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals, and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommended approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to introduce an ordinance rezoning approximately 17.37 acres from R-1 (Residential - 1 du/ac) to R-5 (Residential - 5 du/ac), located at 2428 H Road and set a public hearing for March 15, 2023.

Attachments

1. Exhibit 2 - Development Application
2. Exhibit 3 - Site Maps & Pictures of Site
3. Exhibit 5 - Public Comment 02.15.23
4. Exhibit 6 - Draft Planning Commission Minutes
5. ORD-2428 H Road 20230221

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:

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:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

Digitally signed by Tracy States
Date: 2022.10.13 14:57:11 -06'00'

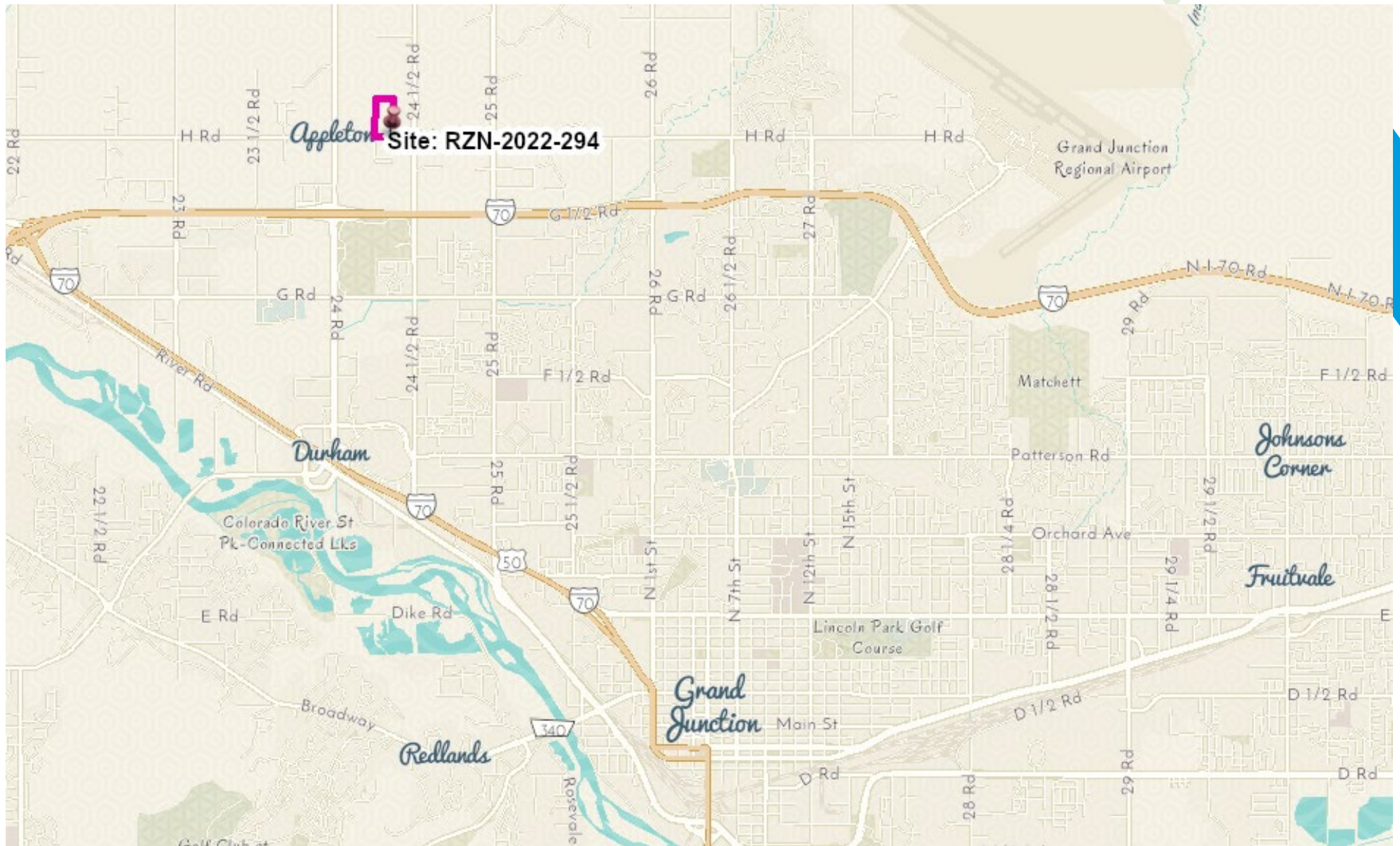
Date

Signature of Legal Property Owner 

Date

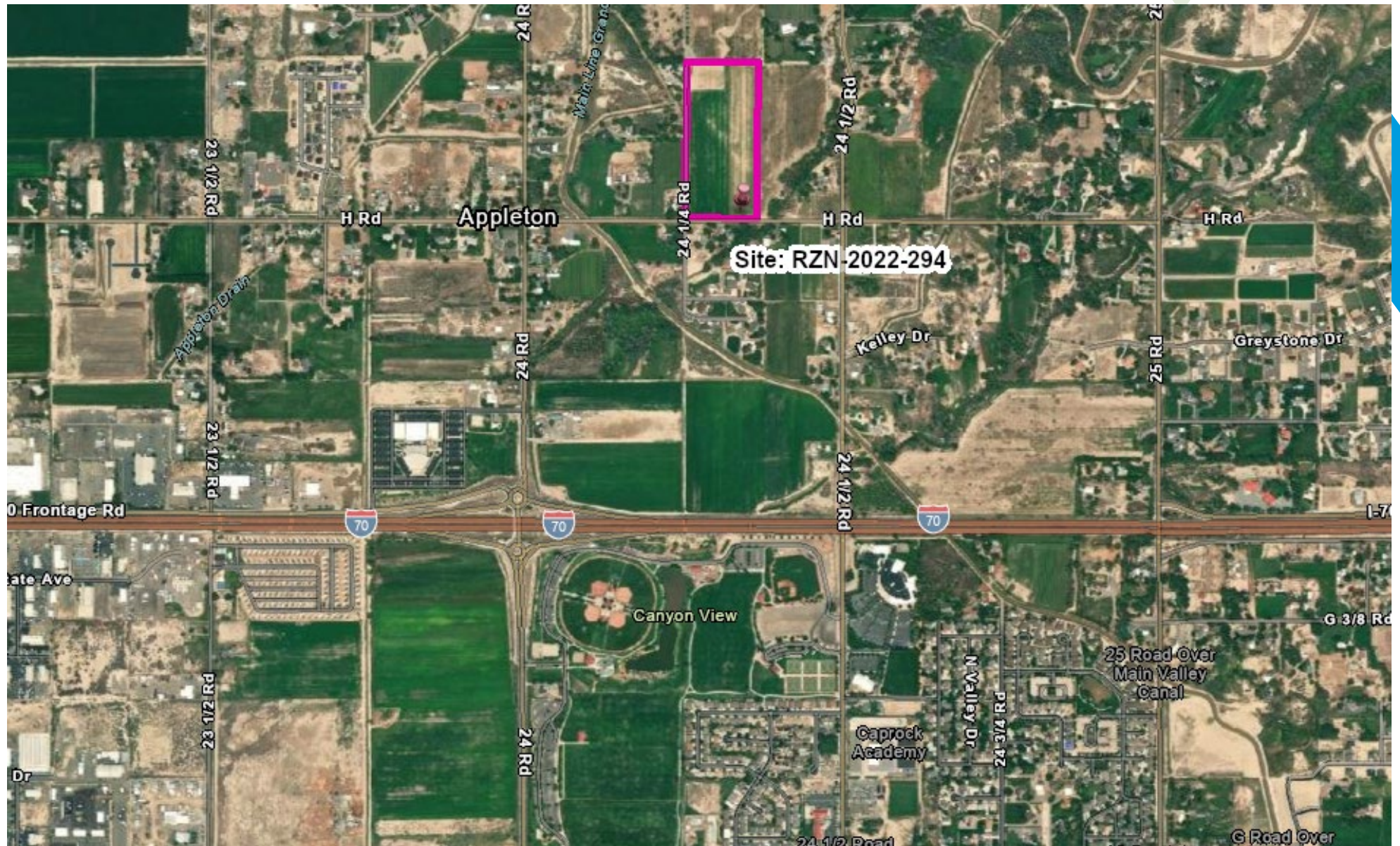
Vista Five Rezone

Vicinity Map



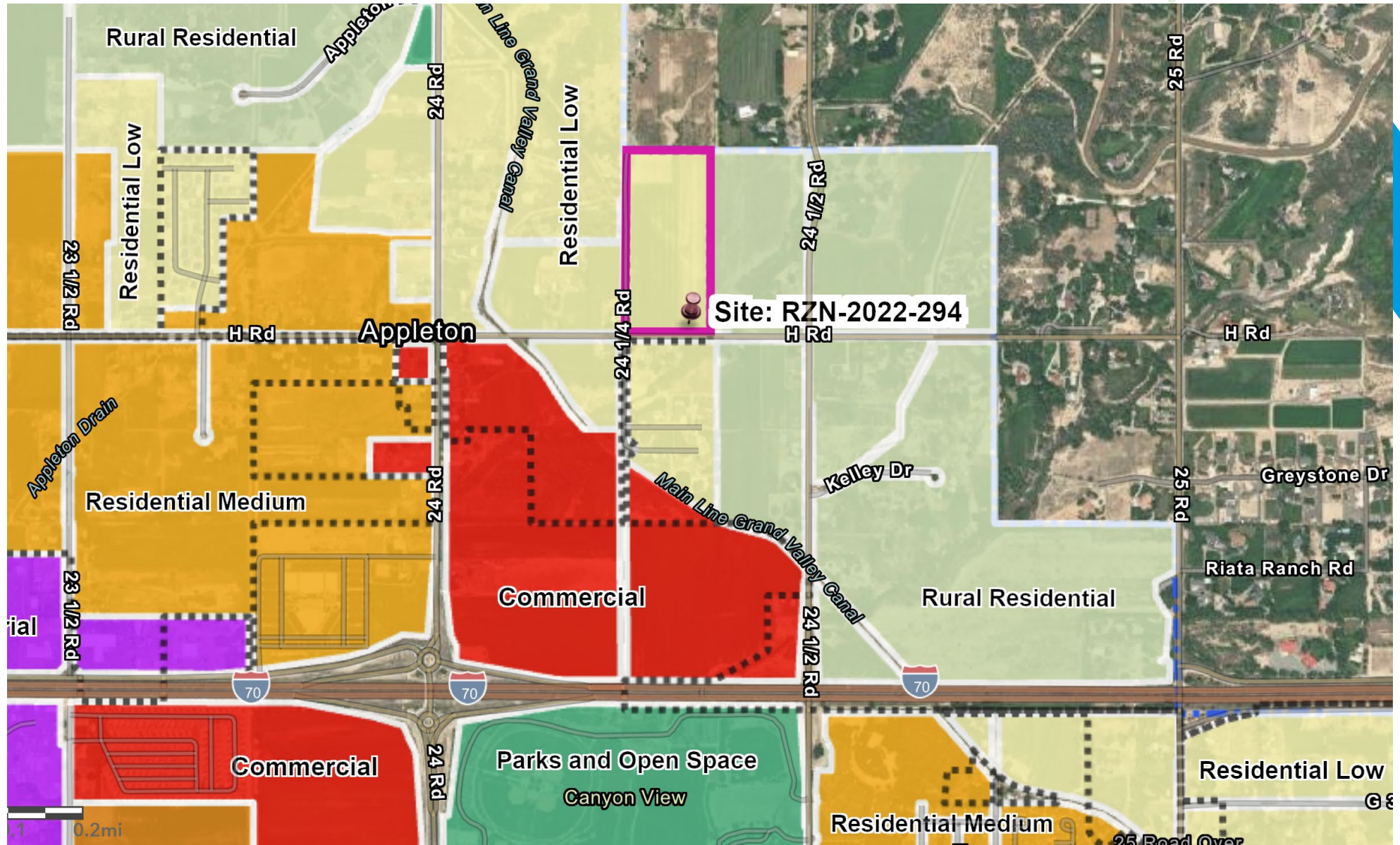
Vista Five Rezone

Site Location Map



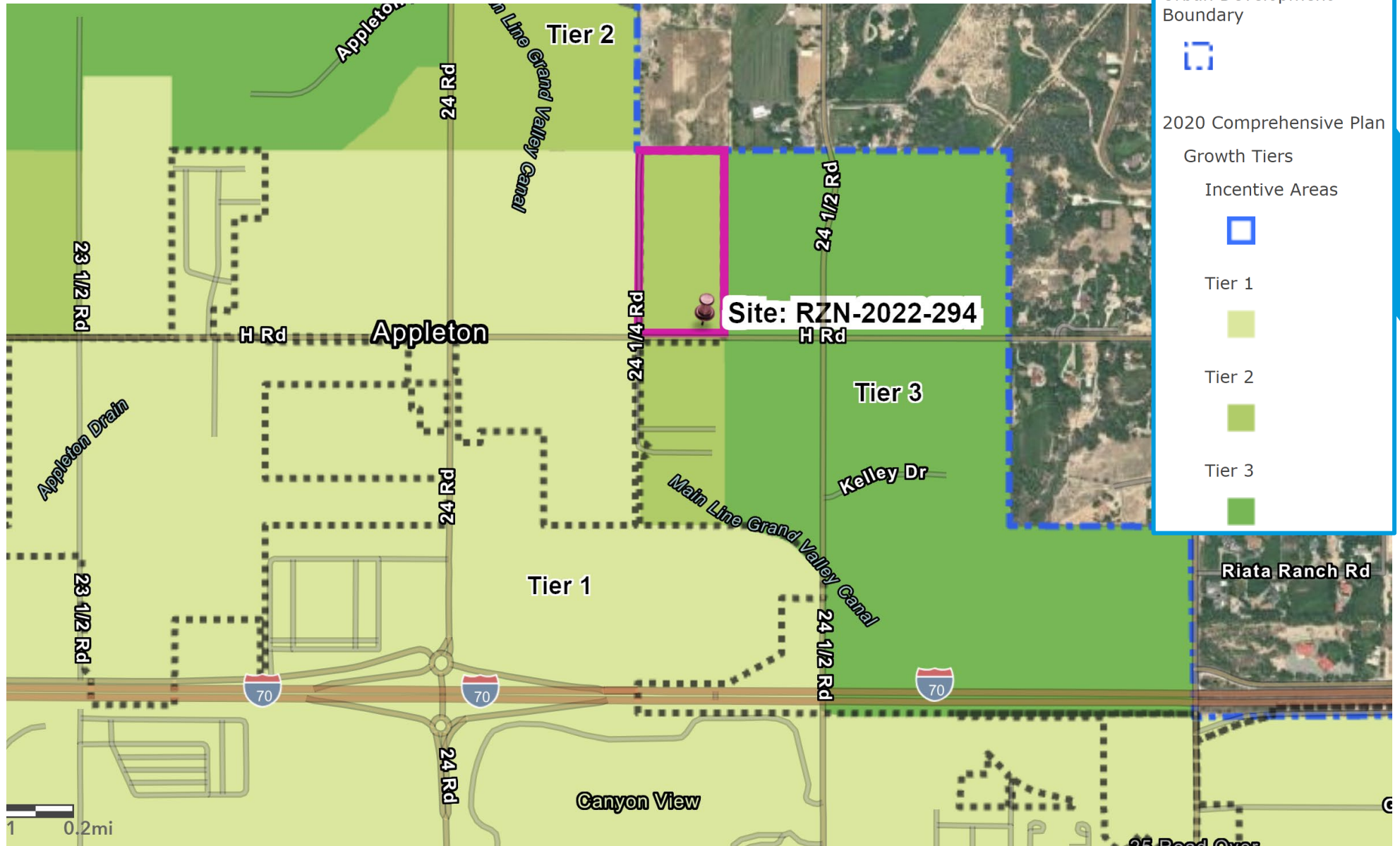
Vista Five Rezone

Land Use Map



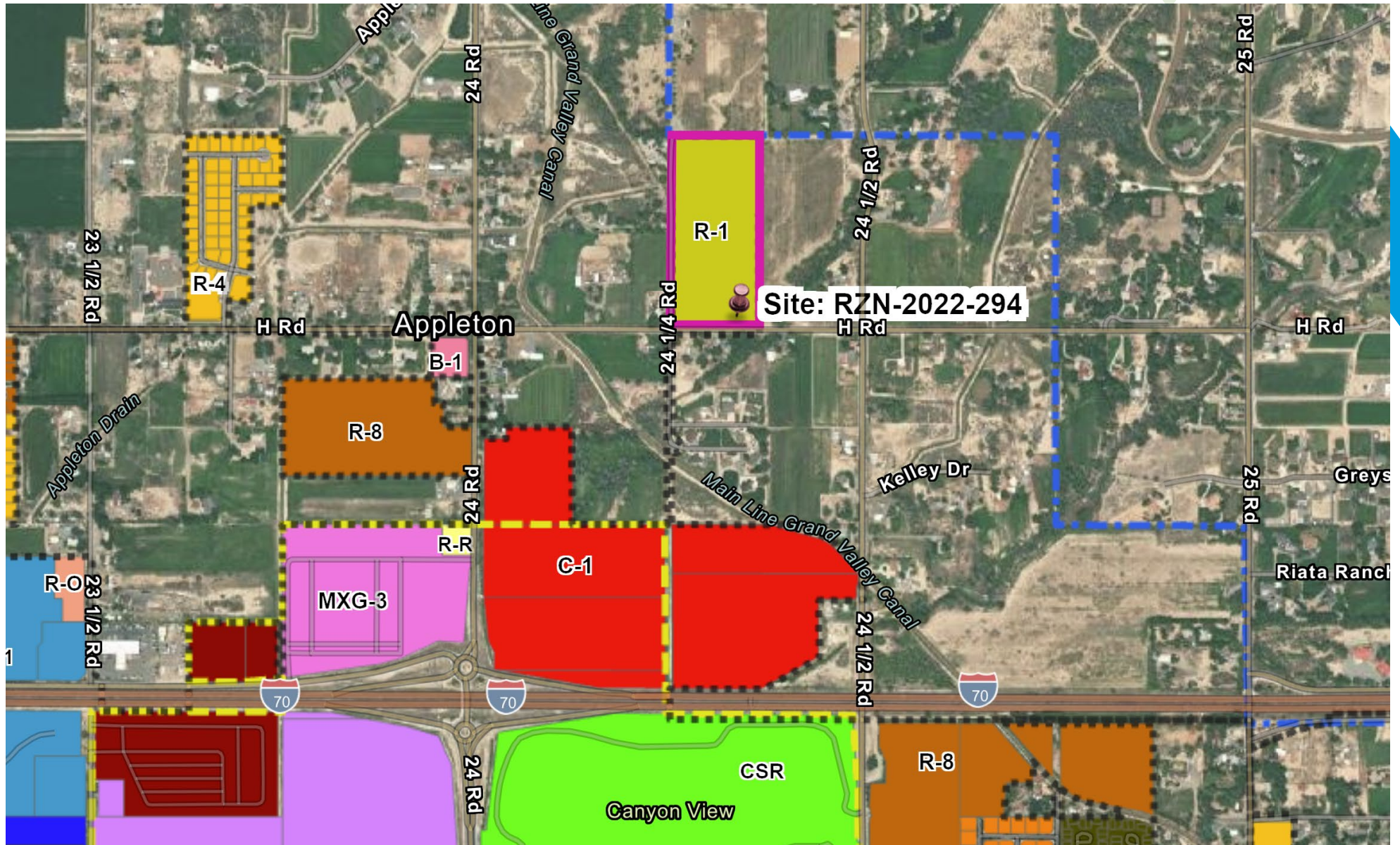
Vista Five Rezone

Tiered Growth Plan



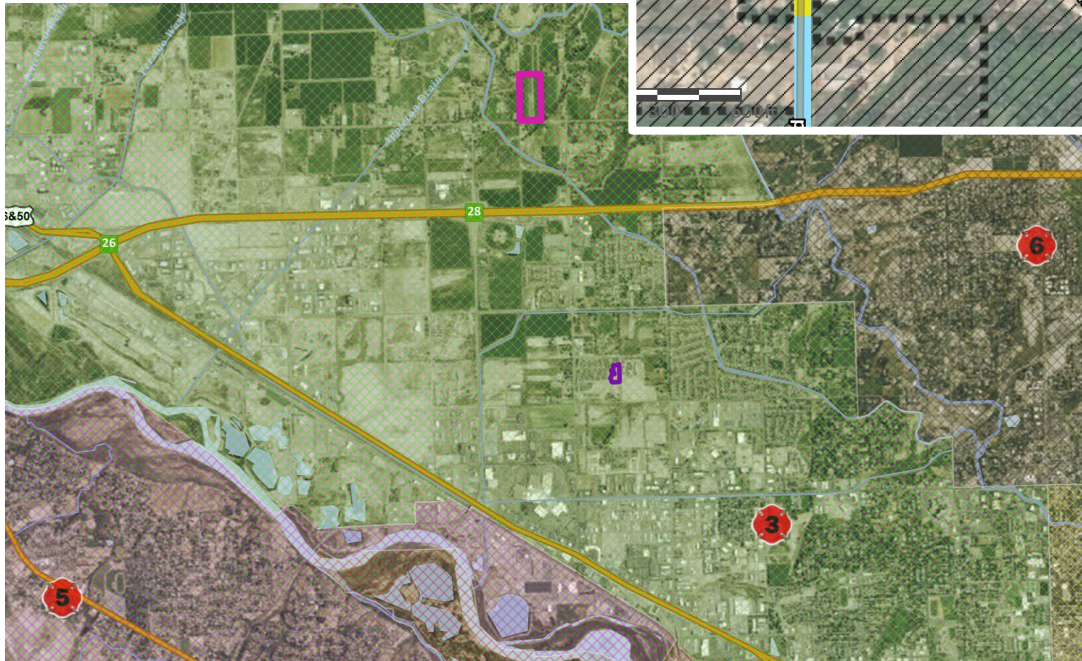
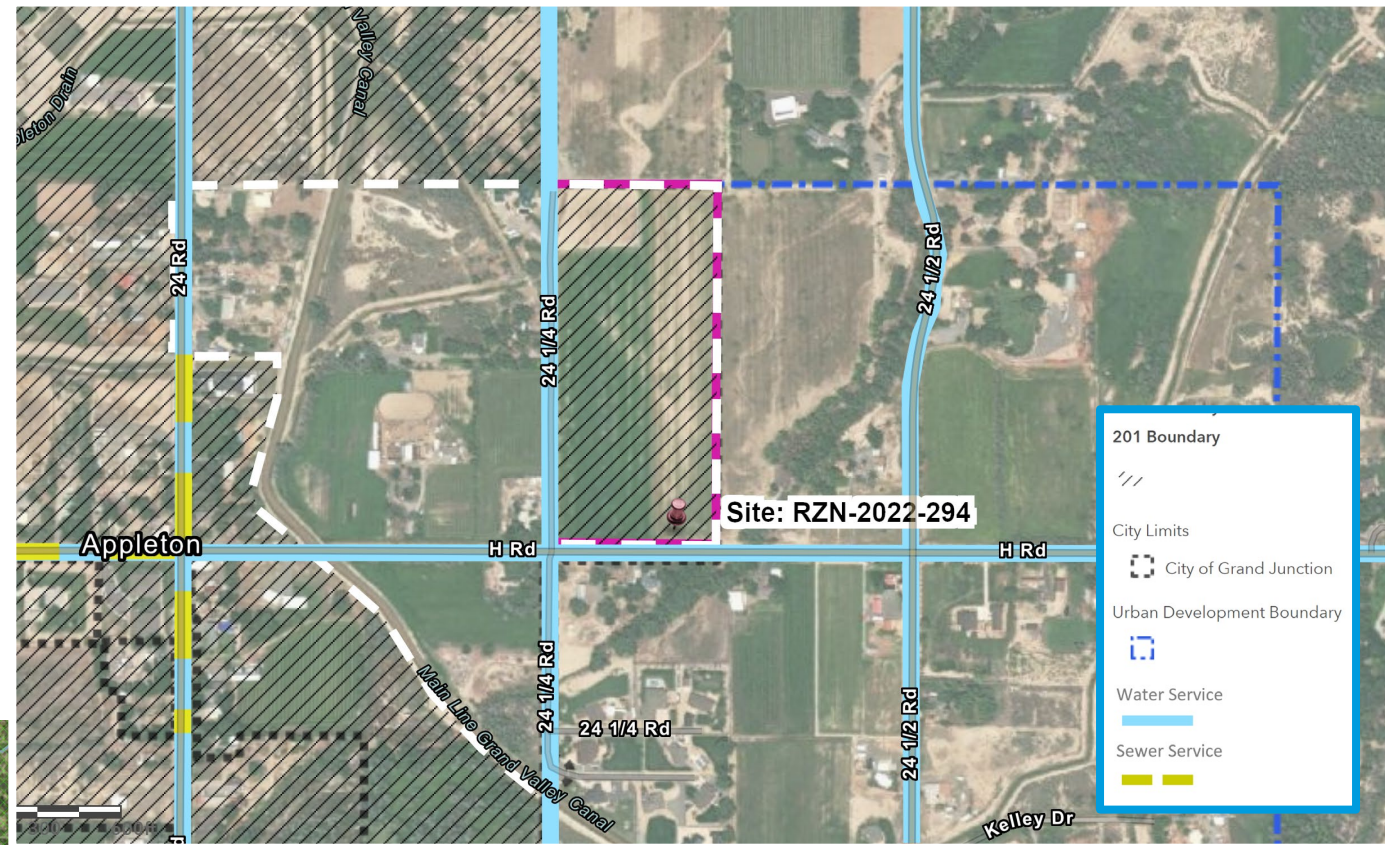
Vista Five Rezone

Zoning Map



Vista Five Rezone

Availability of Services



Fire Station 3 Service Area

Approximately 8-9 minutes
from Stations 3, 5, & 6

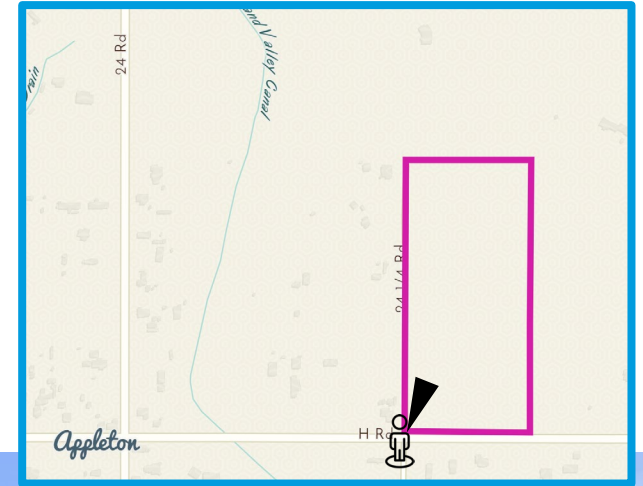
Station 7 planned



Vista Five Rezone

Site Photo

Google Maps street view of property northeast from the intersection of 24 1/4 Road and H Road



Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Friday, December 9, 2022 9:24 AM
To: Nicole Galehouse
Cc: Dan Komlo; shillard@counciltree.com
Subject: 2022-845, 2428 H Rd

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Good morning Nicole,

I understand you are the planner for this project. Just two years ago this property was zoned R-1 because City Council recognized higher density was not compatible with the surrounding area. It also received substantial pushback from the affected neighbors. Many of those Council members are still on Council. I urge you to take into account the prior history of this property when making a decision to recommend R-5 density to planning.

Bob Fuoco
2467 H Rd
970-216-3476

7 Feb 2023

RE: **Vista 5 LLP Rezone**
RZN-2022-845
2428 H Road

The City rezoned this subject parcel to R-1 in late 2019. Why did they do that?

What has changed in 3+ years? Will a different decision blow in the winds of a different developer or Commission or Council ... or is there something more fundamental and important going on here that should influence a decision?

I suggest the primary issue revolves around the **historical use of the neighborhood**. This neighborhood can be reasonably defined as from 24 to 26 Roads North of I-70 [with a notable exception as the NE corner of 24Rd/I-70 as Commercial]. This area has been steadily **built out over the past 60 years as large lots**, as a semi-rural rolling hills area. To date, roughly **75-80% of it has been built** out this way in **lots of 10, 5, 2, and 1 acre parcels**.

This area has **long had that established character** and the City Council recognized this as such in 2019. I submit that nothing has changed.

Do we not want diversity of land use in the City? Do we want everything to look the same? Or will we reasonably respect historical land use, especially that already established with so much effort and heart and soul?

This is not a 'Not-In-My-BackYard' issue. This is about a **reasonable respect for the past** and for a **reasonable diversity of land use** and **vision for the long-term** good of greater Grand Junction.

There is already established higher density West of 24 Road North of I-70 that the City has recognized with many years, with a great supply of land that has not been built out as the subject larger lot area east of 24 Road.

Please don't **introduce a conflicting land use** into this largely built out area that will then spread further as a wildfire in and amongst the existing housing.

Sincerely,

Dave Zollner
2562 H Road
Grand Junction CO 81505

From: [Neil Morris](#)
To: [Nicole Galehouse](#)
Subject: Proposed Development at 2425 H Rd
Date: Saturday, February 4, 2023 2:18:49 PM

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Hello Nicole,

My name is Neil Morris. I live at 818 24 1/2 Rd. The reason I am writing is to express my concerned interest in the proposed development, across the Cochran Creek, from my house at 2425 H Rd. I have been told the developer is asking the City of Grand Junction to designate it as a 5 houses to an acre development.

When I purchased my home in June of 2020, I was assured that the farm areas surrounding my land were designated to be developed at 1 home per acre. I spoke with neighbors and researched the City and Mesa County plans for the area to make sure. As you can imagine, hearing that the City is now considering changing this area to allow for a population dense subdivision with potential condo and apartment complexes has come as a surprise to me. My understanding is that this area North of I-70 between 24 and 26 Roads was part of a long term growth plan since the 1970s and that a mere three years ago the City approved an R-1 designation for this area. When I purchased my home, the conditions stated that I may divide it into 1 acre parcels but no smaller. I accepted those terms- so should the purchaser of the property at 2425 H Rd.

I think that 1 house per 1/2 acre is an acceptable compromise that would allow the area to retain its country feel while allowing for the inevitable growth of the Valley.

Best regards,
Neil Morris
720-788-3197

Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Wednesday, February 1, 2023 2:14 PM
To: Nicole Galehouse
Subject: Re: 2428 H Rd.

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Thank you. It is such an important issue to us and I did not want it to slip through the cracks.

On Wed, Feb 1, 2023 at 1:11 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

I apologize sincerely. I was trying to finalize some information about the item which was only confirmed yesterday morning. I should have acknowledged your email in the interim. You are correct, the item is scheduled for hearing on February 14, 2023 with Planning Commission. It will be on consent to set the public hearing with City Council on March 1 & the public hearing will be held with City Council on March 15.

The item will be posted on our City's website for public input, [GJSpeaks](#), a week prior to the hearing. I will include your email as public input with the agenda item but you can also add public comment to the item through this site.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>

Sent: Wednesday, February 1, 2023 1:04 PM

To: Dan Komlo <dan.komlo26@gmail.com>; Nicole Galehouse <nicoleg@gjcity.org>; Steve Hillard - Council Tree <shillard@counciltree.com>; dzollner@gvii.net

Subject: 2428 H Rd.

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Good morning Nicole,

I am disappointed that you did not respond to my email last week. I just learned that planning commission is meeting on the 14th to discuss the project at 2428 H Rd.

I want to formally record my opposition to the project. Just over two years ago City Council recognized the need to reserve a small portion of our City for larger, nicer homes, much like our forefathers did on North 7th and prior to that Gunnison Avenue. That is why they approved the zoning at one unit per acre.

I don't understand the "Build it and they will come" mentality. Because of that we have experienced increased traffic, homelessness, crime, drugs and deteriorating air quality, not to mention the increased demand on our water supply.

Please urge planning to only consider the lowest possible density for this property.

Bob Fuoco

2467 H Rd.

Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Friday, December 9, 2022 7:38 PM
To: Dan Komlo
Cc: Nicole Galehouse
Subject: Re: RZN-2022-845

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Thank you for your response.

On Fri, Dec 9, 2022, 5:14 PM Dan Komlo <dan.komlo26@gmail.com> wrote:

Hello Nicole,

In March 2020 the former owner of the property at 2428 H Road applied for a land development zoning density to R-4. After the public hearings and review City Council recognized the higher density was not compatible with the existing neighborhood and zoned the property R-1. I urge you to consider the affected neighbors' concerns from 2020 when making a decision to recommend an R-5 density to planning.

Daniel Komlo
852 24 1/2 RD
970 260 2227

From: [Kristin Rau](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Sunday, February 5, 2023 6:58:24 AM

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Please DO NOT REZONE to R5!

City Council barely more than 3 years ago thoughtfully approved R-1 (1 Dwelling per acre) because this area between 24 Road and 26 Road North of I-70 has been methodically and purposely built out this way since about 1970,

This was etched in planning departments codes since 1990, and this area is roughly 75% or more developed already in mostly 10, 5, 2, and one acre lots.

To introduce such a radical change in a substantially developed area is not quality growth and does not respect a diversity and variety of land use, but rather puts pressure to 5 units and greater density throughout Grand Junction.

Please do not allow this to set a new precedent for our beloved North area!

Thank you,

Kristin Rau
2573 I Rd

In regard to RZN-2022-845 Vista 5 LLP Rezone of 2428 H Road

I am La Nona Wyatt and am writing this for the eleven people who have signed below. We own the properties directly west of the proposed zone change and have many concerns. We are agricultural with crops and livestock that would be impacted by the people, traffic, noise, domestic animals and extra ditch water that an urban development would bring to this area.

The area is now and has been for over fifty years agricultural and Estate with one house per five acres. If you rezone, we could see 2000 units on three hundred acres when all is developed. If this area is developed with five units per acre we will need a larger police force and fire department within this area to handle the additional problems. The proposed change could put up to 85 or more units in the area, which could bring 340 more people at a minimum. If there are just four people per unit, with 2 personal cars per unit, the neighborhood would be looking at 170 new vehicles when adding delivery, postman, friends, ext. per day. If there are only two children per unit, that will add 170 more children to an already overburdened school. One pet per unit would be 85 more to deal with, and most people have more than one pet. Then there is the water. Farmers are having problems as it is getting enough water for their crops. We do not need more personal lawns to use our limited ditch water! Also, every year the agricultural lands have to burn the fields in order for new, healthy crops to come in to feed all these new people in the area, and they will not understand the process of burning, shooting varmints, and trapping animals that are not welcome with livestock.

There is no R5 zone west of 25 road and east of 24 road or north of I 70. What has changed in the last three years to warrant such a large increase in density? Does quality of life not matter or is it only if the developer makes money on land they purchased knowing what the zoning was when they purchased it? Developers are in favor of this plan, but they are in the business to make money so of course they are in favor!

Since you incorporated this plot into your City in 2019 no infrastructure has changed. There is only one mile of road that will be affected by this change currently, between 24 and 25 road on H Road. The bridge over I 70 at 24 1/2 road is dangerous to walk or bike over and that is the only access to Caprock school from this neighborhood. There is no way to safely cross the roundabout on 24 road at I 70 on foot or bike and Canyon view park is on the other side of the interstate from H road. H road is in very bad shape. Schools are already overcrowded. The nearest police and fire stations are several miles away. H road between 24 and 25 roads are overburdened now, we have no transit, bike or pedestrian trails.

We respectfully request that you leave the zoning R 1 on this property.

Thank You for your consideration.

La Nona Wyatt

Dr. John Wyatt

Dr. Shalona Mcfarland

Joestes Wyatt

Grant Mcfarland

Grace Hann

Patricia Amrine

Anthony Tailleir

Marya Tailleir

Katie Laitiner

Crista Knoll

La Nona Wyatt
Dr. John Wyatt
Dr. Shalona Mcfarland
Joestes Wyatt
Grant Mcfarland
Grace Hann
Patricia Amrine
Anthony Tailleir
Marya Tailleir
Katie Laitiner
Crista Knoll

From: [Bajorek, Andrew](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Rd (RZN-2022-845)
Date: Monday, February 13, 2023 3:01:21 PM

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To whom it may concern:

I am writing to express my strong opposition to the proposed rezoning of the property located at 2428 H Rd. This land, which is primarily zoned for residential, agricultural operations, and open space, is an essential part of our community's character and should be protected from further development. Please consider the following points for this matter:

1. **Findings remain valid from 2019 attempt for rezoning:** Subsequent events have not invalidated the original premises and findings for the area, which is primarily zoned for residential low and intended to maintain the existing character and stability of the neighborhood.
2. **The character and condition of the area has not changed in a way that would make the proposed amendment consistent with the comprehensive plan:** The area remains primarily zoned for low-density residential development and preserving the natural environment. The proposed rezoning is not in line with the surrounding zoning designations, which prioritize the preservation of agricultural operations, open space, and home-based businesses. Keeping the zoning of 2428 H Rd as rural residential would maintain the consistent and cohesive character of the surrounding area, which is primarily zoned for residential uses.
3. **Public and community facilities are not adequate to serve the type and scope of land use proposed:** The proposed multi-story residential units would require significant investment in infrastructure, including wastewater treatment and transportation, which are currently not available in the area.
4. **There is not an inadequate supply of suitably designated land available in the community to accommodate the proposed land use.** The comprehensive plan prioritizes the preservation of residential neighborhoods and open spaces, and there are alternative locations available for new development that would not have the same negative impact on the character and stability of the community.
5. **The community would not derive benefits from the proposed amendment,** as it would disrupt the existing character of the neighborhood, negatively impact the natural environment, and require significant investments in infrastructure that are currently not available. Residential low zoning can help to protect the property values of surrounding homes by ensuring that new development is consistent with the existing character of the neighborhood.

The 2020 One Grand Junction Comprehensive Plan also outlines the importance of maintaining consistency in land use and zoning designations, which helps to protect property values and ensure that new development is compatible with the existing character of the neighborhood. The proposed rezoning of 2428 H Rd would disrupt this consistency and could have a negative impact on property values in the surrounding area.

In conclusion, I strongly urge the rejection of the proposed rezoning of 2428 H Rd. This property should remain zoned as is, in line with the Grand Junction Comprehensive Plan's goals of preserving the existing character of residential neighborhoods, promoting stability, and protecting the natural environment.

Thank you for considering my perspective on this matter.

Sincerely,
Andrew Bajorek

Andrew D. Bajorek, M.M. Associate Director of Bands
Colorado Mesa University
Department of Music | Moss Performing Arts Center 004
970.248.1163 (text preferred) | abajorek@coloradomesa.edu
[Schedule a Meeting with Mr. Bajorek](#)

Follow @CMUBands on social media:
[Facebook](#) [Instagram](#) [Twitter](#) [TikTok](#)

From: [Sarah Bajorek](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Rd (RZN-2022-845)
Date: Monday, February 13, 2023 2:02:29 PM
Attachments: [Outlook-i1qqi5i3.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-Text Desc.png](#)

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To whom it may concern,

I am writing to express my strong opposition to the proposed rezoning from R1 to R5 of the property located at 2428 H Rd (RZN-2022-845). As you are aware this property rezoning several years ago caused much concern amongst the neighbors. There was a website for the neighbors to try to gather support due to their concerns of changing the zoning from rural to residential. They feared that the property owner would continue to try to increase the allowed density of the zoning to then sell the land and maximize his profit. Several of the neighbors became so concerned and frustrated that they decided to sell their house and move away. We purchased the property across the street from this parcel. We have the same concerns that the prior owners had.

The current zoning of 1.5 units per acre is appropriate and should be maintained, as increasing the density to 4-6 units per acre would have a significant negative impact on the surrounding community. First and foremost, increasing the density of the property would put a strain on already limited resources such as water, sewage (it does not extend to this parcel), and road infrastructure. It is imperative that we consider the long-term impact of this decision and ensure that our infrastructure is able to meet the needs of the community. Furthermore, the increased density would negatively impact the quality of life for residence living in the area. Many of the owners of surrounding houses moved to the area to not live in town and to have a somewhat quieter life. Also, there are livestock including horses, cows, goats, and chickens in surrounding properties. There are already cars that speed down the road at 50 mph and the added traffic, noise, and overcrowding would disrupt the peaceful atmosphere. Appleton school already is one of the schools with the most students in the district and adding this many houses would put significant stress on this school.

I also want to bring to your attention the potential impact on property values. Studies have shown that high-density housing developments can have a detrimental effect on the value of surrounding properties. This could result in a decline in property values, which would have a significant impact on the financial well-being of residents in the area.

While I understand that Grand Junction is growing and the area around the mall is going to be built up, I do not believe the parcel this far North should have 4-6 houses per acre. I am also concerned that the owner of the property is desiring this rezoning to try to maximize his

profit without considering his neighbors and community. In conclusion, I strongly urge the City Council to maintain the current zoning of 1.5 units per acre for the property located at 2428 H Rd. Thank you for your time and consideration.

Best,

Sarah Bajorek, DO FAAP

Neonatologist

St. Mary's Hospital

Intermountain Health, Peaks Region

2635 N 7th Street, Grand Junction, CO, 81501

P: 970.298.2279 | F: 970.298.2694

sarah.bajorek@imail.org



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From: [stephen hillard](#)
To: [Nicole Galehouse](#)
Cc: [stephen hillard](#); [Dave/Corrine Zollner](#); [Bob Fuoco](#); [Dan Komlo](#)
Subject: Opposition to Vista 5, LLP Rezoning Application
Date: Sunday, February 12, 2023 11:04:54 AM
Attachments: [GJN LETTER 21223 copy.pdf](#)

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Nicole, please find attached my opposition to the above rezoning application. Please distribute this to the members of the Planning Commission before the February 14, 2023 meeting.

Sincerely,

Steve Hillard

**Stephen Hillard
887 25 Road
Grand Junction, CO 81505**

To: Grand Junction Planning Commission

Re: Opposition to Vista 5, LLP Rezoning Application

Date: February 11, 2023

The last time this parcel was proposed for dense development, the approval decision of the Planning Commission ended in rejection by the community, the County, and the City Council. In fact, the City Council voted unanimously to limit any development to one unit per acre. See Maverick Subdivision proceedings.

Rather than repeat this process, and all the wasteful use of public and community resources it entails, the Planning Commission should stand by the prior City Council decision and recommend denial of the current application.

As detailed below, the February 14, 2023 study by the Planning Department (the “Study”) is flawed. In fact, it requires denial of the application for the following reasons:

1. Technical Factors. The Study relies on the “one of five” factors position to justify approval. Finding one of the five factors to exist only leads to the result that the rezoning “may” occur. Under the 2020 Comprehensive Plan (the “Plan”), the decision must still be carefully weighed in light of the various factors.

More important, in this case, none of the five factors can be sustained.

The Study has already found that three of the five factors (items 2,4 and 5) were not met. Those factors are real and critically important to correctly conducting the people’s business under the Plan.

Restated in plain English, the Study found:

A. The character of the area has **not** changed, and therefore the rezoning would **not be consistent** with the Plan. (page 3, item 2).

B. An adequate supply of suitably designated land **is available** in the community to accommodate the proposed use. (page 4, item 4).

C. The community will **not derive benefits** from the proposed amendment. (page 4, item 5).

2. Subsequent Events. Having established that the proposed rezoning is inconsistent with the Plan, unnecessary, and not beneficial, the Study then incorrectly suggests that subsequent events have invalidated the original premises and findings. (page 2, item 1). However, the land use map designation only provides for possible consideration of a higher density. It does not establish the substantive requirement that the original premises and findings, which are matters of fact, have been invalidated. To the contrary, the record before the Planning Commission now establishes that the premises and findings for the existing zoning (no change of character, other land available, no benefit to community) have once again been validated.

In short, the Study utterly fails the “Subsequent Events” test.

3. Adequate Facilities. The Study erroneously finds that the public and community facilities are adequate to serve the higher density. (page 5, item 3). There is no basis for this finding, especially in regards to:

- Schools. The fact that Appleton Elementary is 6/10 of a mile away just glosses over the fact that the school is already severely overcrowded. Adding another 80-plus residences nearby will compound this situation. The Analysis fails to even address this key problem. Moreover, the status of the Appleton School is an open question, now pending before the District 51 school board. See Daily Sentinel, February 12, 2023.
- Parks. The location of Canyon View Park is in fact a problem for the rezoning. The park is a magnet for kids walking or taking their bikes to the park, which means that from this proposed subdivision they will typically go over a dangerous, no-walk-way,

highly inadequate bridge on 24 1/2 Road. As pointed out to the City Council previously, this is a disservice to the public and an open invitation for municipal liability.

- Fire Department Response. This is serious, life-or-death business. The Study, however, again glosses over this critical facility. It admits that the response time does not meet the required response time under the National Fire Protection Association standards. Those standards set a required performance limit. See NFPA Section 1710 (2020). That other fire stations could also arrive late doesn't help. Nor does recitation that the City "has been working on it" address this problem of absolute non-compliance of a critical facility.

Accordingly, as to the "Adequate Facilities" test, the proposed rezoning flunks. It is unsafe and invites disaster for the public and the City along the way.

4. Generalizations. Lastly, the Study resorts to a generalized review of "visions, goals and policies" under the Plan. (page 5). The points already admitted in the Study (no change of character, other land available, no benefit to community) already invalidate this approach. Also, glossing things over with reference to "ZDC undergoing an update" again puts speculation before the horse of sound decision-making.

As established above, none of the elements required to even consider a rezoning of this parcel have been established.

The simple truth is that elements within the City have for years sought to disrupt this long-established rural neighborhood. This application is merely *deja vu* all over again and should not be approved.

Sincerely,

Stephen Hillard
shillard@counciltree.com

From: [Dan Komlo](#)
To: [Nicole Galehouse](#)
Cc: [Steve Hillard - Council Tree](#); [Robert Fuoco](#); [Dave/Corrine Zollner](#)
Subject: Opposition to Vista5, LLP Rezone Application
Date: Sunday, February 12, 2023 4:25:09 PM
Attachments: [Vista 5 Planning.docx](#)

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Hello Nicole, please find my attached letter of opposition to RZN-2022-845 rezone application. Thankyou in advance for your assistance in distributing this to the Planning Commission before the Feb. 14, 2023 meeting.

Thank-you,

Dan Komlo

**Dan Komlo
852 24 ½ Rd
Grand, Junction, CO 81505**

To: Grand Junction Planning Commission
Re: Opposition to Vista 5, LLP Rezoning Application
Date: February 11, 2023

I am writing this letter to urge the Planning Commission to limit the allowable dwelling density for the RZN 2022 845 rezone request to no more than R-2 rather than the requested R-5. My wife and I live at 852 24½ Rd. We purchased our property in 1984 and have been involved with the North Grand Junction planning process the entire time.

Once again, as in 2019 most of the local neighbors were not notified about the Nov. 9th neighborhood meeting due to the 500-foot notification process. The meeting notes, as published, reported that only 11 residents joined the call, and it does not appear that any of those residents favored the rezone from R-1 to R-5. I feel that most of the additional neighbors that were not informed of the meeting would echo the sentiment of those that did attend. Because the proposed R-5 would be contrary to the character of the neighborhood.

Just three years ago after much debate the G.J. City Council voted to only allow R-1 for this very same property at 2428 H Rd. citing that the requested R-4 density would not be compatible to the character of the existing neighborhood.

The 2020 Comprehensive Plan states (Page 60) that residential low "...secondary uses are designed in a manner to fit the character of the neighborhood and provide a transition between the open, less developed edges of Grand Junction". I feel that an increased density shift from R-1 to R-5 will not fit the character or provide a proper transition for the areas surrounding this property.

The use of the disfavored "flagpole annexation" in 2019 has resulted in a leap frog, irregular, tentacle-like city limit. The Comp. Plan (Page 56) Tier 2, policy states "the city should promote annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction". Promoting R-5 for this property under these circumstances should be re-evaluated.

Lack of safe neighborhood connections, (Page 26) of the Comprehensive Plan indicates the I-70 overpasses at 23 & 26 Rd as being "Non-Existing Crossings" as "... multimodal grade separated crossings". Both 24½ and 25 road overpasses can also share that designation as they currently do not safely provide pedestrian or bicycle traffic.

Page 29 of the Comp. Plan also states we should "promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide a safe and direct connection to neighborhood and employment centers". CDOT has recently indicated there are no future plans to improve pedestrian access for any of the four overpasses indicated above.

I am not against additional housing in the Appleton area, a subdivision such as Golden Leaf Estates that is currently under planning review located at 26 Rd. and the Frontage rd. north of I-70, if approved will provide 22 dwellings on 9 acres for a density of 2.4 units per acre. It is my opinion that this type of development would enhance our neighborhood and help transition the growth that will undoubtedly follow.

Thank you for your consideration on this matter.

Dan Komlo

Dan.komlo26@gmail.com

From: [Robert Fuoco](#)
To: [Nicole Galehouse](#)
Subject: Re: 2428 H Rd.
Date: Friday, February 10, 2023 2:04:47 PM
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)

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Thank you for the information.

I am very curious as to the total acreage in tier 1.

If I understand correctly all R-1 was eliminated with the 2020 plan so the only options are R-4 or R-5 meaning R-1 is no longer an option. Is that correct?

Bob Fuoco

On Fri, Feb 10, 2023 at 1:41 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

The R-1 and R-2 zone districts are not supported by the One Grand Junction Comprehensive Plan, which was adopted in December 2020. The land development code revision will essentially “retire” these zone districts to be consistent with the Comprehensive Plan. They will remain in the code so the standards can be used for properties that have that zoning, but properties will no longer be allowed to rezone to those districts. The lowest density zone district will be R-R (Residential-Rural), which has a maximum density of 1 unit per 5 acres and implements the Future Land Use designation of *Rural Residential*. The property at 2428 H Road has a Future Land Use designation of *Residential Low*, which can be implemented by the R-4 (Residential – 2-4 du/ac) or the R-5 (Residential – 3-5.5 du/ac).

For the tiers in the comprehensive plan, I’m including a screenshot below from the Comprehensive Plan, which can also be found on the City’s website. Essentially, Tier 1 is urban infill, where services already exist and development is either filling in vacant properties in urban areas or intensifying existing uses/structures. Tier 2 is suburban infill, which extends a little further out but encourages urbanizing of properties where infrastructure is available or proximate. Tier 3 is predominantly rural and not served by infrastructure.

Intensification and Tiered Growth Plan

Intensification of the City should be achieved through infill, redevelopment of underutilized properties, and new development of vacant lots. Further, this should be achieved by offering incentives for infill/redevelopment in specific areas as well as through a Tiered Growth approach. The Growth Tiers focus on intensifying the City's urban and suburban areas, prioritizing areas that have the existing urban infrastructure, and in a manner that will both preserve the City's character and capitalize on its development opportunities while also providing opportunities for greenfield development as the City grows.

Tiered Growth

The Growth Tiers Map are intended to guide the City's long-term planning and reflect locational priorities for which the City should accommodate and prioritize the future population. This starts with the intensification of the City's urban core, which allows the City to support the efficient use of existing public facilities and services by directing development to locations where it can be adequately served by existing water, sewer, police, transportation, schools, fire, stormwater management, and parks. Also, it allows the City to better align capital improvements and infrastructure investments with its financial resources and focus improvements in areas that already provide some level of urban service.

Growth in Grand Junction will continue to recognize the Urban Development Boundary as the area in which urban level development should occur and as such, this Comprehensive Plan focuses on urban intensification and three general tiers of development that fit within, and directly respond to, the established boundary. By adhering to the growth tiers for future development, Grand Junction will be well-positioned to prepare for steady population growth, manage its existing land uses, and achieve its vision of responsible and managed growth.

Tier 1: Urban Infill

Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.

Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction's existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary. Portions of the Redlands, Orchard Mesa, Pear Park, and Northwest areas offer some of the most significant opportunities for Tier 1 infill development and growth within City limits.

Tier 2: Suburban Infill

Description: Areas within the existing UDB and 201 that are urbanizing or proximate to areas that are urbanizing. This Tier also includes areas that were mostly developed in unincorporated Mesa County and infrequently improved with urban infrastructure such as curb, gutter, sidewalks, and parks. Annexation is appropriate for new development and redevelopment in Tier 2 areas, though annexation for existing subdivisions and/or neighborhoods is not generally desirable.

Policy: In Tier 2, the City should promote the annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services. Tier 2 includes western portions of Redlands on the City's west side, as well as Pear Park and Orchard Mesa.

Tier 3: Outward Growth

Description: Areas predominantly characterized as rural and larger acreage properties not currently served by urban infrastructure and that are prioritized to stay rural for the duration of the 20-year planning horizon to promote more focused development activity in Tier 1 and Tier 2.

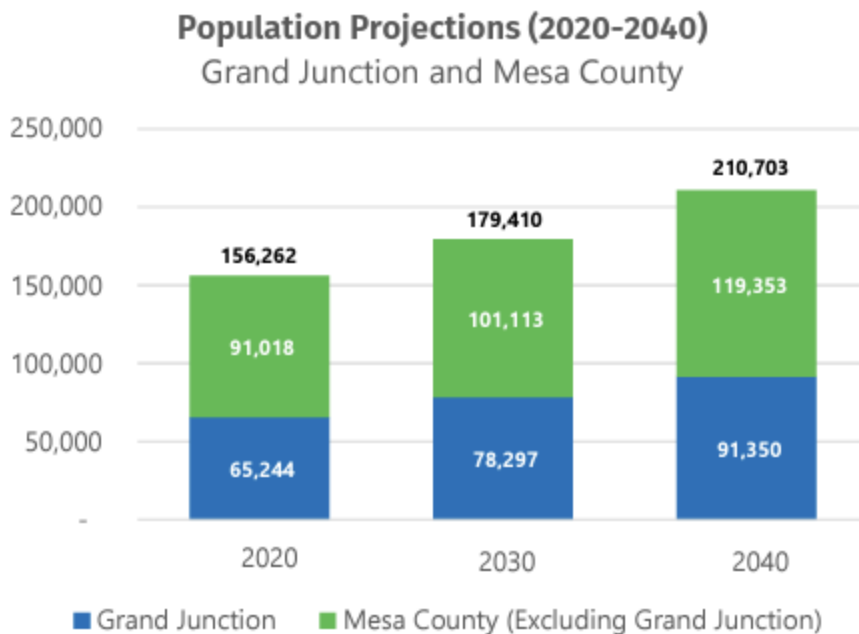
Policy: The priority for Tier 3 is to continue outward growth and annexation into the Urban Growth Boundary after substantial infill and growth in Tier 1 and Tier 2 areas. Tier 3 growth areas include large parcels that provide development potential, can be served by an extension of utilities and urban infrastructure, and are identified as Rural Residential the Future Land Use Map.

Incentive Areas

Description: Areas consistent with past City plans and in general include the Rail River, Downtown, and University Districts as well as the North Avenue Corridor. The State Highway 50 corridor in Orchard Mesa is also included.

Policy: These areas within the City should be considered the highest priority for infill and redevelopment and the City may consider additional incentives for infill and redevelopment in these areas. Over time, other areas may be considered to be included in the incentive area as may be consistent with established City goals.

I don't have the acreage number of vacant land in Tiers 1 and 2, but I can ask our GIS department if that's something they can calculate. For population growth, see the table below from our Comprehensive Plan.



Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Tuesday, February 7, 2023 8:10 AM
To: Nicole Galehouse <nicoleg@gjcity.org>
Subject: Re: 2428 H Rd.

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Good morning Nicole,

In preparation for the planning and council meetings could you provide me with some information.

Is it true R-1 and R-2 designations are going away? If so what will be the lowest density classification and how many units per acre will it allow?

Can you explain the definitions of tier 1, tier 2 and tier 3 properties.

What is the current inventory of un built acreage in tiers 1 and 2?

What is the City's estimated population growth in the next ten years?

Thanks,

Bob Fuoco

On Wed, Feb 1, 2023 at 2:13 PM Robert Fuoco <bfuoco2467@gmail.com> wrote:

Thank you. It is such an important issue to us and I did not want it to slip through the cracks.

On Wed, Feb 1, 2023 at 1:11 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

I apologize sincerely. I was trying to finalize some information about the item which was only confirmed yesterday morning. I should have acknowledged your email in the interim. You are correct, the item is scheduled for hearing on February 14, 2023 with Planning Commission. It will be on consent to set the public hearing with City Council on March 1 & the public hearing will be held with City Council on March 15.

The item will be posted on our City's website for public input, [GJSpeaks](#), a week prior to the hearing. I will include your email as public input with the agenda item but you can also add public comment to the item through this site.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>

Sent: Wednesday, February 1, 2023 1:04 PM

To: Dan Komlo <dan.komlo26@gmail.com>; Nicole Galehouse <nicoleg@gjcity.org>;
Steve Hillard - Council Tree <shillard@counciltree.com>; dzollner@gvii.net

Subject: 2428 H Rd.

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Good morning Nicole,

I am disappointed that you did not respond to my email last week. I just learned that planning commission is meeting on the 14th to discuss the project at 2428 H Rd.

I want to formally record my opposition to the project. Just over two years ago City Council recognized the need to reserve a small portion of our City for larger, nicer homes, much like our forefathers did on North 7th and prior to that Gunnison Avenue. That is why they approved the zoning at one unit per acre.

I don't understand the "Build it and they will come" mentality. Because of that we have experienced increased traffic, homelessness, crime, drugs and deteriorating air quality, not to mention the increased demand on our water supply.

Please urge planning to only consider the lowest possible density for this property.

Bob Fuoco

2467 H Rd.

From: [Cynthia Komlo](#)
To: [Nicole Galehouse](#)
Subject: RZN-2022-845 Rezone Application Comments
Date: Monday, February 13, 2023 3:06:11 PM
Attachments: [RZN 2022 845 REZONE APPLICATION.docx](#)

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Dear Grand Junction Planning Department and City Council,

Forgive me, I forgot to include my attachment in my first email.

For the record I am opposed to RZN-2022-845 Rezone Application that requests the 17.38 acre property, 2428 H Road, to be changed from R-1 to R-5. This high density of 5.5 homes per acre with the possibility of townhomes does not follow the 2020 Comprehensive Plan to maintain the characteristics and integrity of the surrounding area. Please read additional talking points in my husband's attached letter which he gives me permission to submit his "talking points" as my additional "talking points" for the Planning Commission meeting on February 14, 2023 opposing the RZN-2022-845 Rezone Application.

I do suggest R-2 zoning as a more fitting rezone for this lot that can integrate into our North neighborhood IF a quality contractor is used such as Nate Porter.

One of my fears is to have another "Willowbrook" duplicated.

I will be attending the February 14, 2023 meeting remotely.

Thank you for your consideration,

Cynthia Komlo
852 24 1/2 Rd.
Grand Junction, CO 81505
(970) 270-7052
cynthia.komlo@gmail.com

**Dan Komlo
852 24 ½ Rd
Grand, Junction, CO 81505**

To: Grand Junction Planning Commission
Re: Opposition to Vista 5, LLP Rezoning Application
Date: February 11, 2023

I am writing this letter to urge the Planning Commission to limit the allowable dwelling density for the RZN 2022 845 rezone request to no more than R-2 rather than the requested R-5. My wife and I live at 852 24½ Rd. We purchased our property in 1984 and have been involved with the North Grand Junction planning process the entire time.

Once again, as in 2019 most of the local neighbors were not notified about the Nov. 9th neighborhood meeting due to the 500-foot notification process. The meeting notes, as published, reported that only 11 residents joined the call, and it does not appear that any of those residents favored the rezone from R-1 to R-5. I feel that most of the additional neighbors that were not informed of the meeting would echo the sentiment of those that did attend. Because the proposed R-5 would be contrary to the character of the neighborhood.

Just three years ago after much debate the G.J. City Council voted to only allow R-1 for this very same property at 2428 H Rd. citing that the requested R-4 density would not be compatible to the character of the existing neighborhood.

The 2020 Comprehensive Plan states (Page 60) that residential low "...secondary uses are designed in a manner to fit the character of the neighborhood and provide a transition between the open, less developed edges of Grand Junction". I feel that an increased density shift from R-1 to R-5 will not fit the character or provide a proper transition for the areas surrounding this property.

The use of the disfavored "flagpole annexation" in 2019 has resulted in a leap frog, irregular, tentacle-like city limit. The Comp. Plan (Page 56) Tier 2, policy states "the city should promote annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction". Promoting R-5 for this property under these circumstances should be re-evaluated.

Lack of safe neighborhood connections, (Page 26) of the Comprehensive Plan indicates the I-70 overpasses at 23 & 26 Rd as being "Non-Existing Crossings" as "... multimodal grade separated crossings". Both 24½ and 25 road overpasses can also share that designation as they currently do not safely provide pedestrian or bicycle traffic.

Page 29 of the Comp. Plan also states we should "promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide a safe and direct connection to neighborhood and employment centers". CDOT has recently indicated there are no future plans to improve pedestrian access for any of the four overpasses indicated above.

I am not against additional housing in the Appleton area, a subdivision such as Golden Leaf Estates that is currently under planning review located at 26 Rd. and the Frontage rd. north of I-70, if approved will provide 22 dwellings on 9 acres for a density of 2.4 units per acre. It is my opinion that this type of development would enhance our neighborhood and help transition the growth that will undoubtedly follow.

Thank you for your consideration on this matter.

Dan Komlo

Dan.komlo26@gmail.com

From: [Melanie Hylan](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Monday, February 13, 2023 8:04:09 PM

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To Whom It May Concern:

This email is in regards to Vista LLP Rezone RZN-2022-845. It is our understanding that in 2019 the parcel 2701 283 04 001 (2428 H Rd) was approved for one house per acre, which seems reasonable. As homeowners in the area, we are **STRONGLY OPPOSED** to re-zoning this area from R-1 to R-5 as requested by the developer. The area surrounding this parcel is made up of 1-10 acre lots and for decades has been purposely and methodically developed this way. Randomly allowing high density housing in the middle of it is not quality growth. It is a radical change or rather intrusion, that if allowed, will continue to spread through and disrupt the area between 24 Road and 26 Road North of I-70. An area that was meant for and should remain low density. There are plenty of areas in the valley where R-5 zoning is appropriate, this is not one of them. We urge you to keep parcel 2701 283 04 001 zoned R-1. Thank you for your time.

Sincerely,
Chad and Melanie Hylan

Sent from my iPhone

From: brad.m.kiser
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Monday, February 13, 2023 9:56:47 AM

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Subject: Vista 5 LLP Rezone RZN-2022-845

Nicole,

My name is Brad Kiser I live at 794 24 1/4 Road Grand Junction and I'm writing you this morning with my concerns that the city is considering rezoning the 17 acre parcel at 2425 H Road from the current zoning R1 (Residential 1 dwelling unit/ac) to an R5 (Residential 5 dwelling units/ac) . The City voted on this same parcel of land barely 3-years ago and unanimously decided to zone it as R1 which I believe was the right decision then and I believe that it's the right decision now. This is 5 times as many homes as was originally approved by the City in 2019, and has ever been allowed in the area. Of equal concern is that this radical density increase will then spread rapidly in the area between 24 Road and 26 Road North of I-70 and materially change the large lot land use that has been in place for 50 years. To introduce such a radical change in a substantially developed area, I suggest, is not quality growth and does not respect a diversity and variety of land use, but rather puts pressure to 5 units and greater density throughout Grand Junction. I would like to express my concern for the proposal and would like to ask the City Council to stand by the decision that they made back in 2019.

Respectfully,

Brad Kiser

This message (including any attachments) is confidential and intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately and delete this message.

From: [Sue Magee](#)
To: [Nicole Galehouse](#)
Cc: [Dave/Corrine Zollner](#); [Bob Fuoco](#); [Stephen & Sharmaine Hillard](#); [Dan Komlo](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Wednesday, February 8, 2023 11:21:06 AM

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Dear Ms. Galehouse and City Planning Team,

We purchased our property north of I-70 in 1995 under the development plan that had been in place since the 1970's and etched in planning department codes since 1990.

Several times since then, the Planning Commission has considered changing the code from R1 to R5. Most recently R1 was approved in the Development Plan in 2019. **Much** thought and input was given to that plan when it was approved.

Once again, a proposal for high density development in a section of the county where it is not in the development plan is being considered. We have learned that a developer is requesting a change in zoning to R5 for a 17 acre parcel at 2425 H Road which according to the **2019 approved plan is zoned for R1.**

One of the assets of the Grand Junction area is the diversity of development. The Area north of I-70 zoned as R1 that is still relatively close to town is unique to our city and an asset to the City and County.

There is land south of I-70 that is zoned appropriately for the R5 development.

My concerns also consider traffic on small roads but I am most concerned about the Planning Department not following the development plan that was most recently approved in 2019.

Thank you for your time and consideration in this matter.

From: [Jared and Becky](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone
Date: Tuesday, February 14, 2023 11:40:09 AM

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I was writing to voice concern over
Vista 5 LLP Rezone
RZN-2022-845

When discussing growth in this particular area, I have serious concerns. Several years ago we had a similar meeting and City Council agreed that 5 homes per acre was too much for this particular area. Growth is important and planning for that growth is also very important. Please understand I am not suggesting we do not have any building in this area. What I am suggesting is keeping the integrity of this area. It is roughly $\frac{3}{4}$ developed thus far and consists mostly of 2-10 acre lots. That is part of the charm of Grand Junction. There are areas so close to the city that still feel country. One could take a drive and find quiet, serene streets with open space. 24 road is one of the only roads I know that has a twisty bend in it. That along with the huge oak trees that give the bend shade in the summertime and cover it during the autumn, with its yellow leaves, is one of the reasons we bought the home we did. Character is part of a town. I imagine the character of that road would be destroyed if a second road into a neighborhood housing 5 homes per acre was carried out. The way this area was planned was done so on purpose. It adds value to our community with its character, larger lots, open space, wildlife etc. The suggested 5 homes to 1 acre is a radical change that does not support what has been developed in this area. In fact it feels slapped together and stuck into an area without much thought.

Obviously there are the concerns over traffic, bridges, schools etc. However, the greatest concern is this plan is not quality growth. It does not respect the way this particular area of Grand Junction has been purposely built out. Once you start, where do we stop? 3 years ago, you approved R-1. Please do not go back on that decision. Lets continue to grow Grand Junction in a purposeful way. 5 lots per acre are not appropriate for this particular area. Lets talk about a plan that is.

Respectfully,

Jared and Becky Chisholm

From: [Robert Fuoco](#)
To: [Nicole Galehouse](#)
Subject: Vista 5, 2428 H Rd
Date: Monday, February 13, 2023 9:52:23 AM

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Nicole,

Please pass this e:mail onto the Planning Commission. I plan on using it at the Planning meeting on the 16th. I will also bring copies for the Commissioners.

Currently the City of Grand Junction encompasses just over 40 square miles or 25,600 acres. If you deduct 40% for commercial, parks, etc. that leaves 15,360 acres for residential. At just three units per acre and an average of three residents per home that allows for a population of 138,240. This is without any additional annexation. That population is over 50% above the 90,000 estimated by 2040. Obviously the numbers grow exponentially with the higher density the City is requiring. What is the motivation?

Bob Fuoco

From: Brian Swanson <swanzy2223@gmail.com>

Sent: Tuesday, February 14, 2023 2:20 PM

To: Nicole Galehouse <nicoleg@gjcity.org>

Subject: Vista 5 Rezone RZN-2022-845

** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - **

Nicole, I would like to comment on this procedure as I have a vested interest in this area. My wife (Sandra Holloway) and I own the 813, 24 and 1/4 property. The method to get the R1 one zoning in the beginning was in question in the first attempt at rezoning to R5 in 2019. But many in the area decided that R1 was an acceptable outcome to the inevitable. These attempts at rubbing salt in the wound are not. This is a proposal by a few to undermine the many. No one in the area is in favor of this. Again, we are willing to accept the R1 zoning, though not happy with it. We do not believe it should have changed in the first place. As to the criteria for the new application, I don't believe any thing has change from 2019. People still hate this idea, there is no benefit to anyone in the area , and the general composition of the neighborhood and infrastructure remain exactly as they did before. I would sincerely hope that you consider the people who live here (some generationly). This a none too subtle attempt at maximizing profit at someone else's expense.

Sincerely, Brian Swanson

February 12, 2023

The Grand Junction Planning Commission
250 N 5th Street
Grand Junction, CO 81501

RE: RZN-2023-845 Vista 5 LLP Rezone

To Whom It May Concern:

I am writing regarding the above-referenced rezone application. My wife and I live directly across from the property in question. We understand that the property was annexed into the city as a flagpole annexation, under legal but questionable circumstances; adjacent properties on all four sides of this property are not within city limits, and all of these properties are zoned agricultural and are engaged in agricultural activities.

We understand the need for city expansion as our valley grows, but it is also important to maintain our valley's agricultural history, by keeping our agricultural community strong. Expansion from the outer boundaries inward is counter to this.

Locating a high-density neighborhood in the center of agricultural land is not consistent with current land use in the area and will not be embraced.

We strongly urge the Planning Commission to reject this application for rezoning.

Thank you for your consideration in this important decision.

Best regards,

Jim & Sarah Marshall
2439 H RD
Grand Junction, CO 81505
970-260-4131
970-270-7761

From: [pincushion2](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Tuesday, February 14, 2023 3:22:17 PM

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Dear Ms. Galehouse:

We are aware that there is a proposal to rezone 17.37 acres from R-1 to a R-5 zone district and respectfully urge you to keep this area R-1 zone district.

Less than 3 years ago this area between 24 Road and 26 Road North of I-70 was approved R-1. To change this to a R-5 zone district is a major change and does not fall in line with how this area has been developed in the past. This is not quality growth and we respectfully urge you to keep this area an R-1 zone district.

Thank you,
Ron & Roxanna Napier
830 24 ½ Road

Sent with [Proton Mail](#) secure email.

Grand Junction Speaks

Published Comments for February 14, 2023 Planning Commission Meeting

Vista 5 LLP Rezone

Sandra Holloway

• Feb 13, 2023 • 5:16pm

To Whom it may concern: I have the feeling you folks have already decided to rezone the property at 2428 H Road, but I still would like to express my displeasure at you wanting to change the density of this property to 5 dwellings per acre. You already know that the people who own properties around this parcel don't like the idea of 85 units being erected, since we already expressed those ideas back a couple of years ago. Nothing wrong with keeping the 1 house per acre that was decided back then, except that certain people and the city can make a lot more money with that amount of parcels. I also don't appreciate that I just today got the notification about the meeting tomorrow and this website where I can leave a comment that probably won't be read anyway. I can see no benefit to the people of this area or to nature either. Please leave the zoning as it was.

Address:

813 24 1/4 Road

Grand Junction, 81505

Andrew Bajorek

• Feb 13, 2023 • 3:01pm

To whom it may concern: I am writing to express my strong opposition to the proposed rezoning of the property located at 2428 H Rd. This land, which is primarily zoned for residential, agricultural operations, and open space, is an essential part of our community's character and should be protected from further development. Please consider the following points for this matter: Findings remain valid from 2019 attempt for rezoning: Subsequent events have not invalidated the original premises and findings for the area, which is primarily zoned for residential low and intended to maintain the existing character and stability of the neighborhood. The character and condition of the area has not changed in a way that would make the proposed amendment consistent with the comprehensive plan: The area remains primarily zoned for low-density residential development and preserving the natural environment. The proposed rezoning is not in line with the surrounding zoning designations, which prioritize the preservation of agricultural operations, open space, and home-based businesses. Keeping the zoning of 2428 H Rd as rural residential would maintain the consistent and cohesive character of the surrounding area, which is primarily zoned for residential uses. Public and community facilities are not adequate to serve the type and scope of land use proposed: The proposed multi-story residential units would require significant investment in infrastructure, including wastewater treatment and transportation, which are currently not available in the area. There is not an inadequate supply of suitably designated land available in the community to accommodate the proposed land use. The comprehensive plan prioritizes the preservation of residential neighborhoods and open spaces, and there are alternative locations available for new development that would not have the same negative impact on the character and stability of the community. The community would not derive benefits from the proposed amendment, as it would disrupt the existing character of the neighborhood, negatively impact the natural environment, and require significant investments in infrastructure that are currently not available. Residential low zoning can help to protect the property values of surrounding homes by ensuring that new development is consistent with the existing character of the neighborhood. The 2020 One Grand Junction Comprehensive Plan also outlines the importance of maintaining consistency in land use and zoning designations, which helps to protect property values and ensure that new development is compatible with the existing character of the neighborhood. The proposed rezoning of 2428 H Rd would disrupt this consistency and could have a negative impact on property values in the surrounding area. In conclusion, I strongly urge the rejection of the proposed rezoning of 2428 H Rd. This property should remain zoned as is, in line with the Grand Junction Comprehensive Plan's goals of preserving the existing character of residential neighborhoods, promoting stability, and protecting the natural environment. Thank you for considering my perspective on this matter. Sincerely, Andrew Bajorek

Address:

2433 H Rd
Grand Junction, 81505
Sarah Bajorek
• Feb 13, 2023 • 2:09pm

To whom it may concern, I am writing to express my strong opposition to the proposed rezoning from R1 to R5 of the property located at 2428 H Rd (RZN-2022-845). As you are aware this property rezoning several years ago caused much concern amongst the neighbors. There was a website for the neighbors to try to gather support due to their concerns of changing the zoning from rural to residential. They feared that the property owner would continue to try to increase the allowed density of the zoning to then sell the land and maximize his profit. Several of the neighbors became so concerned and frustrated that they decided to sell their house and move away. We purchased the property across the street from this parcel. We have the same concerns that the prior owners had. The current zoning of 1.5 units per acre is appropriate and should be maintained, as increasing the density to 4-6 units per acre would have a significant negative impact on the surrounding community. First and foremost, increasing the density of the property would put a strain on already limited resources such as water, sewage(it does not extend to this parcel), and road infrastructure. It is imperative that we consider the long-term impact of this decision and ensure that our infrastructure is able to meet the needs of the community. Furthermore, the increased density would negatively impact the quality of life for residence living in the area. Many of the owners of surrounding houses moved to the area to not live in town and to have a somewhat quieter life. Also, there are livestock including horses, cows, goats, and chickens in surrounding properties. There are already cars that speed down the road at 50 mph and the added traffic, noise, and overcrowding would disrupt the peaceful atmosphere. Appleton school already is one of the schools with the most students in the district and adding this many houses would put significant stress on this school. I also want to bring to your attention the potential impact on property values. Studies have shown that high-density housing developments can have a detrimental effect on the value of surrounding properties. This could result in a decline in property values, which would have a significant impact on the financial well-being of residents in the area. While I understand that Grand Junction is growing and the area around the mall is going to be built up, I do not believe the parcel this far North should have 4-6 houses per acre. I am also concerned that the owner of the property is desiring this rezoning to try to maximize his profit without considering his neighbors and community. In conclusion, I strongly urge the City Council to maintain the current zoning of 1.5 units per acre for the property located at 2428 H Rd. Thank you for your time and consideration. Best, Sarah Bajorek

Address:
2433 H Rd.
Grand Junction, CO , 81505
Brian how h a u t

• Feb 13, 2023 • 1:57pm
just wondering a comment on the reasoning 24288 Road I reasoning from our 12 our 5 I live my address is just a block south of this particular plot of land everything around here is at minimum one acre or larger I just want to state that are 5 designation which is pretty high density building it doesn't fit in with the agricultural area here it's one of the reasons we build a home out here so I just want express my. comment that I don't like it I think our one designation which is what it was proposed I don't know 2 or 3 years ago when another developer tried to reset it I think the H 1 designation would be more than adequate for this particular area thank you

Address:
30 mailing address is 78824 and one corner of Grand Junction 855
Grand Junction Colorado, hey 1505

GRAND JUNCTION PLANNING COMMISSION
February 14, 2023, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:31 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Ken Scissors, Kimberly Herek, Shanon Secrest, JB Phillips, Keith Ehlers, and Melanie Duyvejonck.

Also present were Jamie Beard (City Attorney), Felix Landry (Planning Supervisor), Nicole Galehouse (Principal Planner), and Jacob Kaplan (Planning Technician).

There were 30 members of the public in attendance, and 4 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from December 13, 2022.

REGULAR AGENDA

1. Vista 5 LLP Rezone

RZN-2022-845

Consider a request by Vista 5, LLP, Property Owner, to rezone 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road.

Staff Presentation

Felix Landry, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Nate Porter was present and available for questions/comments.

Questions for staff

Commissioner Scissors asked what the implications of the proposed changes to the Zoning and Development Code would mean for this rezone to R-5.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, February 7, 2023, via www.GJSpeaks.org.

Bob Fuoco wondered if the increased density was completely necessary in this area. He stated that the City needed to maintain an inventory of lower density housing.

Dan Komlo stated that the proposed R-5 density would not be compatible with the character of the neighborhood. He listed his disagreements with the staff's findings.

Sarah Bajorek commented that the presentation wasn't an accurate representation of the surrounding area. She expressed concerns about neighbors moving away due to the increased density. She proposed an alternative location for the development. She is also concerned about the lack of sidewalks in the area coupled with the increase in foot traffic for children heading to Appleton Elementary. Finally, she stated her concerns about the potential reduction in property values for the surrounding area.

Craig Moulton noted that the character of the area was rural and that this development would impact property values.

Jim Marshall stated that all of the surrounding parcels were agricultural.

Dave Zolner stated that the proposed density would be 5-25x higher than the surrounding area. He listed various sections of the code pertaining to expanding housing options, protecting unique character, and identifying compatible land uses. He expressed concerns about future development on his own property.

Greg Tamburello noted the characteristics of rural communities and stated that the Planning Department should work with residents to preserve this heritage. He stated that the proposed development would increase noise pollution, create a sense of overcrowding, and decrease nearby property values.

Tyler Mundy stated the controversial nature of a "flagpole" annexation. He noted that all of the surrounding roads were County roads and that they were in disrepair. He also stated that 24 1/4 Road is actually on the deed of his grandmother's property and questioned whether it could be classified as a public road. Lastly, he argued that development does not always facilitate infrastructure improvements and gave the 25 Road corridor between Patterson and I-70 as an example.

Shiloh White stated that compatibility with a city planner "wish list" does not constitute an invalidating event. She echoed concerns that the available services are inadequate to properly support a housing development of the proposed size.

Andrew Bajorek stated that the claim that this area was close to urbanizing was not backed by measurable evidence. He echoed other's concerns about poor road conditions and walkability, proximity to amenities, and reduction in property values.

Mike Johnson brought up the poor condition of H Road and the increase in traffic this development would bring.

Nyann Davis expressed concerns with water scarcity in the area. She noted that H Road and Appleton Elementary are not currently in a state to accommodate the increased population this development would bring.

Nate Molse noted the lack of sidewalks in the area and that it was currently unsafe for foot traffic.

Cynthia Komlo asked if the Commissioners had visited the site or had ever tried to walk through the double roundabout on 24 Road and encouraged them to do so.

The public hearing was closed at 6:28 p.m. on February 14, 2023.

Discussion

Representative, Ivan Geer, spoke on the proximity of available amenities to the proposed development. He spoke about the impact fees developers pay to reduce the impact of development. Lastly, he noted that enrollment rates were declining and that D-51 is considering closing schools.

Development Engineer, Rick Dorris, commented on the conditions of the surrounding area.

Commissioner Scissors asked why the applicant was requesting R-5 instead of R-4.

Applicant, Nate Porter, said that the R-5 zoning offered increased flexibility for housing options. He stated that they were not considering duplexes or multi-family development at the moment.

Commissioner Ehlers addressed the questions about what had changed between now and when the property was rezoned in 2019. He spoke about the community benefits of development and noted that compatibility does not mean uniformity when it comes to housing options. Additionally, he noted that this rezone would not have an impact on what current property owners were allowed to do on their land.

Commissioner Herek agreed with Commissioner Ehlers that this rezone met the requirements as outlined in the 2020 Comprehensive Plan.

Commissioner Secrest commented that property values may actually increase as there would be more housing and lot size options in the area. He noted the challenges for developers when designing attainable and desirable homes. Lastly, he wondered where development occur if not here.

Commissioner Scissors stated that the R-5 development did not match the character of the surrounding area and that future road improvements are probably a long way away. He noted the necessity for available and affordable housing, but that there are likely better locations for development closer to town.

Commissioner Duyvejonck noted that R-5 is still considered "low density".

Commissioner Phillips noted that the current roadways did not accommodate foot traffic or walkability.

Commissioner Teske noted the importance of upholding the comprehensive plan. He noted that historically new developments have not matched the increase in population density and that minimum densities had to be introduced.

Motion and Vote

Commissioner Phillips made the following motion “Mr. Chairman, on the Rezone request for the property located at 2428 H Road, City file number RZN-2022-845, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact as listed in the staff report.”

Commissioner Secrest seconded; motion passed 6-1.

OTHER BUSINESS

A good Samaritan had turned in a set of keys.

ADJOURNMENT

Commissioner Scissors moved to adjourn the meeting.
The vote to adjourn was 7-0.

The meeting adjourned at 7:01 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING FROM R-1 (RESIDENTIAL - 1 DU/AC) TO R-5 (RESIDENTIAL – 5 DU/AC) ZONE DISTRICT THE PARCEL OF LAND LOCATED AT 2428 H ROAD, GRAND JUNCTION, COLORADO (Tax Parcel No. 2701-283-04-001)

Recitals:

The property owner, Vista 5, LLP, proposes a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) on a total of 17.37-acres located at 2428 H Road (Property).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended changing the zoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the Property, finding that it conforms to and is consistent with the Land Use Map designation of Residential Low (2 – 5.5 du/ac) of the 2020 One Grand Junction 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 rezoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the Property is consistent with the vision, intent, goals, and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment. The City Council also finds that the R-5 (Residential – 5 du/ac) zone district is consistent and is in conformance with the Comprehensive Plan and 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-5 (Residential – 5 du/ac) on the zoning map:

LOT 1 OF VENEGAS MINOR SUBDIVISION NO. 2, COUNTY OF MESA, STATE OF COLORADO.

Introduced on first reading this ____ day of _____, 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2023 and ordered published in pamphlet form.

ATTEST:

Amy Phillips

City Clerk

Anna M. Stout

President of City Council

DRAFT



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: March 1, 2023
Presented By: Ken Sherbenou, Parks and Recreation Director
Department: Parks and Recreation
Submitted By: Ken Sherbenou, Parks and Recreation Director

Information

SUBJECT:

A Resolution Authorizing the City Manager to Submit Request for Congressionally Directed Spending for the Community Recreation Center

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

The proposed resolution authorizes the City Manager to submit a request to Senator Hickenlooper and Senator Bennet for Congressionally Directed Spending for \$5 million for the Community Recreation Center.

BACKGROUND OR DETAILED INFORMATION:

The offices of Colorado Senator Hickenlooper and Senator Bennet work to secure important federal funding for Colorado communities. Senator Hickenlooper and Senator Bennet are considering Congressionally Directed Spending (CDS) requests for the upcoming fiscal year. Congressionally Directed Spending (CDS) is a mechanism by which members of Congress can request funding for specific projects in their home state that have been submitted for consideration by state and local government entities and nonprofits. Funding for projects, if approved, would be distributed as part of the federal appropriations process during FY24 (October 2023 – September 2024). Requests for 2024 funding are due March 10. Awards will be announced later this summer.

City staff is recommending that \$5 million be requested for the Community Recreation Center project, the top priority for this potential funding source. In case the April 4, 2023 ballot proposal for the CRC does not pass and the CRC does not happen per the 2022 plan, the I-70 Interchange at 29 Road project is recommended as the

alternative. The I-70 Interchange at 29 Road would also be for \$5 million (\$3.5 million of right of way acquisition and \$1.5 million in final engineering design). If the Community Recreation Center Ballot Initiative is successful, the I-70 Interchange at 29 Road request would be withdrawn.

This staff report is for the Community Recreation Center.

Community Recreation Center

The Community Recreation Center (CRC), when constructed, will fill a major gap in the community's infrastructure by being the first multi-purpose indoor recreation center in Grand Junction. A main criteria for the Congressionally Directed Spending is to support longstanding unmet community needs. The financing plan that has fiscal responsibility at its core also describes a strategy for pursuing funding from alternative sources. This includes pursuing grants and partnerships to maximize the success of the project.

Several potential sources have been identified including the Department of Local Affairs, Great Outdoors Colorado (GOCO), several private foundations such as Daniels Fund and this Congressional Directed Spending.

FISCAL IMPACT:

This grant does not require a cash match. Award of grant funds would contribute to the successful delivery of these projects to the community.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 22-23, a resolution authorizing the City Manager to submit a request for Congressionally Directed Spending for a Community Recreation Center.

Attachments

1. Community Recreation Center Request - 03012023

RESOLUTION NO. __-23

A RESOLUTION SUPPORTING A REQUEST FOR CONGRESSIONALLY DIRECTED SPENDING FOR THE COMMUNITY RECREATION CENTER PROJECT

Recitals:

The Community Recreation Center (CRC), when constructed, will fill a major gap in the community's infrastructure with being the first multi-purpose indoor recreation center in Grand Junction. Every other western slope community has a recreation center including Delta, Durango, Montrose, Cortez, Meeker, Fruita and Gunnison.

The 2021 Parks, Recreation and Open Space Master Plan, driven by community input such as a statically valid mail survey, revealed that the highest priority of the community was to build a CRC. This was further confirmed by a statistically valid phone survey conducted by Professors from Colorado Mesa University (CMU) conducted in February 2023. Following this result, the City conducted a feasibility study for a CRC in 2022, which led to an April 4, 2023 ballot proposal asking voters if they approve of the CRC.

The CRC is planned to be the largest on the western slope with a multi-generational aquatic center with a warm water leisure pool consisting of a lazy river, zero depth entry, water playground and slides, a cool water lap pool, and a warm water therapy pool, a multi-sport gymnasium, an indoor walk/job track, a fitness and weights area, multi-purpose meeting rooms and other community gathering and recreation spaces.

The proposal incorporates tax revenue on the sale of cannabis already approved by voters in April 2021 with a 0.14% sales tax increase to build a state-of-the-art CRC at City owned Matchett Park. This is significantly less of a sales tax increase than voters have turned down in the past and it is much less of an increase than the other aforementioned communities have implemented to funds their respective centers. The funds from these two sources will cover the annual debt payment on a \$70,000,000 facility as well as the projected annual operational subsidy. The subsidy is the difference between the annual operational expense and the annual revenue from fees.

The financing plan that has fiscal responsibility at its core also describes a strategy for pursuing funding from alternative sources. This includes pursuing grants and partnerships to maximize the success of the project. Several potential sources have been identified including the Department of Local Affairs, Great Outdoors Colorado (GOCO), several private foundations and this Congressional Directed Spending.

The CRC project is anticipated to provide a broad array of community and individual benefits. For the projected 1,100 people expected to visit each day, these individuals will have improved health and wellness, social connection, longevity and increased work or school performance. The community will also benefit with an improved quality of life that is critical for attracting and retaining businesses and residents. The community will experience the economic impact from the construction of facility, especially since many local firms have the experience and capability to be a contractor on the project.

Additionally, there will be increased economic activity associated with the CRC. Finally, positive engagement reduces crime by providing constructive activity for youth and lowers healthcare costs, especially for seniors.

Colorado Senators John Hickenlooper and Michael Bennet and their staff work tirelessly to secure important federal funding for Colorado, and accordingly the Senators are considering Congressionally Directed Spending (CDS) requests for the 2024 fiscal year. It is the City's desire that Senator Bennet and Senator Hickenlooper utilize Congressionally Directed Spending to secure funding for the CRC in support of the City, Mesa County and the region. With CDS for the Project, the State, the region and especially the greater Grand Junction community will be benefitted, by state and local government entities and nonprofits. Funding for projects, if approved, would be distributed as part of the federal appropriations process during FY24 (October 2023 – September 2024). Requests for 2023 funding are due March 10, 2023.

After due consideration, the City Council of the City of Grand Junction supports the Project and authorized the President of the City Council and staff to submit a request for Congressionally Directed Spending to obtain the necessary funding for the Project, and if awarded, to enter into such further agreements as are necessary and proper to complete the Project.

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

- 1: The City Council of the City of Grand Junction strongly supports a request to Senator Bennet and Senator Hickenlooper for Congressionally Directed Spending for the I-70 Interchange at 29 Road project. The requested \$5.0 million would help ensure the currently planned CRC comes to fruition as promised and also in a way that maximizes success. The City Manager is authorized and directed to work to finalize the City's portion of the request.
- 2: If the funding is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project and authorizes the City Manager to sign appropriate agreements on behalf of the City as a sub-grantee of the Congressionally Directed Spending.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 1st day of March 2023.

Anna Stout
City Council President

ATTEST:

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: March 1, 2023
Presented By: Trenton Prall, Public Works Director
Department: Public Works - Engineering
Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution Authorizing the City Manager to Submit Request for Congressionally Directed Spending for the I-70 Interchange at 29 Road Project

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

The proposed resolution authorizes the City Manager to submit a request to Senator Hickenlooper and Senator Bennet for Congressionally Directed Spending for \$5 million for the I-70 Interchange at 29 Road project (\$3.5 million of right of way acquisition and \$1.5 million in final engineering for the new interchange).

BACKGROUND OR DETAILED INFORMATION:

The offices of Colorado Senator Hickenlooper and Senator Bennet work to secure important federal funding for Colorado communities. Senator Hickenlooper and Senator Bennet are considering Congressionally Directed Spending (CDS) requests for the upcoming fiscal year. Congressionally Directed Spending (CDS) is a mechanism by which members of Congress can request funding for specific projects in their home state that have been submitted for consideration by state and local government entities and nonprofits. Funding for projects, if approved, would be distributed as part of the federal appropriations process during FY24 (October 2023 – September 2024). Requests for 2024 funding are due March 10. Awards will be announced later this summer.

City staff is recommending that \$5 million be requested for the Community Recreation Center project, the top priority for this potential funding source. In case the April 4, 2023 ballot proposal for the CRC does not pass and the CRC does not happen per the

2022 plan, the I-70 Interchange at 29 Road project is recommended as the alternative. The I-70 Interchange at 29 Road would also be for \$5 million (\$3.5 million of right of way acquisition and \$1.5 million in final engineering design). If the Community Recreation Center Ballot Initiative is successful, the I-70 Interchange at 29 Road request would be withdrawn.

I-70 Interchange at 29 Road project

The project will construct a new interchange on Interstate 70 to facilitate much-needed transportation network connectivity and enhanced access to support adjacent land use and existing and planned population and employment growth. An interchange at 29 Road has long been identified in many local and regional plans as a way to enhance local and regional connectivity as part of a larger plan to provide connections in and around Grand Junction. Mesa County and the City of Grand Junction partnered on transportation improvements to support this connectivity for decades, including completion of Riverside Parkway and the project to carry 29 Road over I-70B and the Union Pacific Railroad. The city and county continued their partnership through a planning and environmental linkages (PEL) study to determine the best way to provide enhanced access to I-70 northeast of downtown Grand Junction and the 29 Road interchange is the preferred alternative.

The City is currently working with Mesa County on the environmental documentation for the project which furthers the Planning and Environmental Linkages (PEL) study completed in 2021. Mesa County is splitting the costs of the \$2.4 million study with the City.

This proposed \$5 million request is for the next phase of the project that will include final engineering and right-of-way acquisition, which is estimated at \$1.5 million and \$3.5 million respectively.

FISCAL IMPACT:

This grant does not require a cash match. Award of grant funds would contribute to the successfully delivery of this project to the community.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 23-23, a resolution authorizing the City Manager to submit a request for Congressionally Directed Spending for the I-70 Interchange at 29 Road to fund the preliminary engineering and right-of-way acquisition.

Attachments

1. RES-CDS-I-70 29 Rd Request - 03012023

RESOLUTION NO. __-23

A RESOLUTION SUPPORTING A REQUEST FOR CONGRESSIONALLY DIRECTED SPENDING FOR 29 ROAD AND I-70 INTERCHANGE PROJECT

Recitals:

The 29 Road and I-70 Interchange project (Project) will, when constructed, deliver a new connection to Interstate 70 (Interchange). The Interchange will add needed transportation network connectivity and enhance access to Interstate 70 and the local transportation corridors, including but not limited to 29 Road. The Interchange will support growth and development of adjacent land and serve existing and planned population and employment growth.

Local and regional plans have long identified the need for and benefits from an Interchange at 29 Road. The Interchange will, as part of a component of near term and long-range transportation plans provide connections in and around Grand Junction, Mesa County, and the region. For decades Mesa County and the City of Grand Junction partnered on transportation improvements to support connectivity. Those projects include, but are not limited to, completion of the Riverside Parkway and the 29 Road I-70B Union Pacific Railroad overpass. The City and County continued their partnership through a *Planning and Environmental Linkages* (PEL) study to determine the best way to provide enhanced access to I-70 northeast of Downtown Grand Junction and the Interchange is the alternative the PEL study recommends.

The Project will improve quality of life by modernizing the Grand Valley regional transportation network with local and regional multi-modal connectivity and afford more efficient access to and from I-70 to existing neighborhoods, community resources, planned land use and economic development adjacent to the Grand Junction Regional Airport. The Project also provides an opportunity for transit services to connect to I-70 and anticipates development and new employment centers. The Project will serve planned population and employment growth in the region and the associated economic development will better connect local residents to job opportunities.

The Interchange is important for local and regional connectivity and establishes 29 Road as a key arterial, reducing out-of-direction travel for area residents, reducing congestion at adjacent interchanges and will improve multimodal mobility and safety for the community south of I-70.

Colorado Senators John Hickenlooper and Michael Bennet and their staff work tirelessly to secure important federal funding for Colorado, and accordingly the Senators are considering Congressionally Directed Spending (CDS) requests for the 2024 fiscal year. It is the City's desire that Senator Hickenlooper and Senator Bennet utilize Congressionally Directed Spending to secure funding for the Interchange in support of the City, Mesa County and the region. With CDS for the Project, the State, the region and especially the greater Grand Junction community will be benefitted, by state and local government entities and nonprofits. Funding for projects, if approved, would be

distributed as part of the federal appropriations process during FY24 (October 2023 – September 2024). Requests for 2023 funding are due March 10, 2023.

After due consideration, the City Council of the City of Grand Junction supports the Project and authorized the President of the City Council and staff to submit a request for Congressionally Directed Spending to obtain the necessary funding for the Project, and if awarded, to enter into such further agreements as are necessary and proper to complete the Project.

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

- 1: The City Council of the City of Grand Junction strongly supports a request to Senator Hickenlooper and Senator Bennet for Congressionally Directed Spending for the I-70 Interchange at 29 Road project. The requested \$5.0 million would cover the \$1.5 million in preliminary engineering and \$3.5 million of right of way acquisition for the project. The City Manager is authorized and directed to work to finalize the City's portion of the request.
- 2: If the funding is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project and authorizes the City Manager to sign appropriate agreements on behalf of the City as a sub-grantee of the Congressionally Directed Spending.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 1st day of March 2023.

Anna Stout
City Council President

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #3.c.

Meeting Date: March 1, 2023
Presented By: Greg Caton, City Manager, John Shaver, City Attorney
Department: City Manager's Office
Submitted By: Johnny McFarland, Asst. to the City Manager

Information

SUBJECT:

A Resolution Establishing City Council Support for House Bill 23-1156 *Public Airport Authority Act Modernization*

RECOMMENDATION:

Staff recommends approval of this resolution

EXECUTIVE SUMMARY:

This resolution is to confirm City Council's support position on House Bill 23-1156 (HB23-1156) *Public Airport Authority Act Modernization* which makes various changes to the existing Public Airport Authority Act. The Public Airport Authority Act authorizes a county or municipality to create an airport authority to operate an airport.

BACKGROUND OR DETAILED INFORMATION:

The Public Airport Authority Act authorizes a county or municipality to create an airport authority to operate an airport located within the county or municipality. HB23-1156 proposes several changes to the Act. This includes the following:

- Changes to definitions, clarification of roles and responsibilities if an airport authority is terminated
- Clarification that airport authority board member services are subject to statutory ethics and conflict of interest provisions
- Adds a provision that a board member appointed to fill a vacancy may be appointed to serve a successive term
- Clarifies that board meetings are subject to statutory open meeting requirements
- Provides a process by which a board procures contracts

- Clarifies an airport authority must follow local zoning regulations when erecting structures
- Allows an airport authority to invest surplus money in a local government investment pool
- Allows an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the authority's benefit or amend or adopt zoning regulations

FISCAL IMPACT:

There is no fiscal impact associated with this resolution.

SUGGESTED MOTION:

I move to (approve/not approve) the resolution confirming City Council's support for HB23-1156 Airport Authority Act Modernization

Attachments

1. RES-HB1156 20230227

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF HOUSE BILL 23-1156

RECITALS:

The *Public Airport Authority Act* (Act) authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities. Grand Junction Regional Airport was created by the City of Grand Junction and Mesa County and exists pursuant to the Act which became Colorado law in 1965. House Bill 23-1156 (HB 23-1156) proposes to modernize the Act. The City Council supports that effort.

The changes proposed by HB 23-1156 include changes to definitions, clarification of roles and responsibilities if an airport authority is terminated, clarification that airport authority board member services are subject to the statutory ethics and conflict of interest provisions that apply to local government officials, adds a provision that a board member appointed to fill a vacancy may be appointed to serve a successive term, and that board meetings are subject to statutory open meetings requirements.

House Bill 23-1163 further provides a process by which a board procures contracts, including updating the process for a board to award a contract to the lowest bidder after soliciting an invitation for bids and clarifying that the process to award a contract to the lowest bidder applies only to capital improvement projects and the purchase of new vehicles and equipment;

House Bill 23-1163 clarifies that an airport authority must follow local zoning regulations when erecting structures within an airport authority and that an airport authority may invest surplus money in a local government investment pool.

House Bill 23-1163 allows an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the airport authority's benefit or modify or adopt certain local zoning regulations.

NOW THEREFORE BE IT RESOLVED that the City Council supports House Bill 23-1163 and the various provisions of the Public Airport Authority Act; and,

BE IT FURTHER RESOLVED that the City Council urges HB 23-1163 be approved by the General Assembly and that Governor Polis sign the legislation as a necessary and appropriate modification of the Public Airport Authority Act.

GRAND JUNCTION CITY COUNCIL

Anna M. Stout
President of the City Council

ATTEST

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: March 1, 2023
Presented By: Ken Sherbenou, Parks and Recreation Director
Department: Parks and Recreation
Submitted By: Ken Sherbenou

Information

SUBJECT:

Request for 2023 Fireworks Displays at Suplizio Field

RECOMMENDATION:

Ken Sherbenou

EXECUTIVE SUMMARY:

To be held in conjunction with baseball games and events at Suplizio, fireworks displays are being requested on behalf of Colorado Mesa University, Junior College World Series (JUCO), the Grand Junction Jackalopes and the City of Grand Junction. 2023 dates include a total of five shows: a CMU baseball game, JUCO (on Memorial Day), Independence Day and two Friday evening Jackalopes Games.

The dates for the proposed shows are as follows:

- April 21 (CMU) – This is CMU's participation night.
- May 29 (JUCO) - This is JUCO's salute to veterans on Memorial Day.
- June 9 (Jackalopes) - This is opening Friday for the Grand Junction Jackalopes. It commemorates the start of their summer season at Lincoln Park Stadium.
- July 4 (City/Jackalopes) - The City will host the Fireworks Extravaganza and the Grand Junction Jackalopes will play a game beforehand. Like in 2022, the game will start two hours earlier than 2021, at 4 p.m., to ensure fireworks are shot off around 9:45 p.m. There will also be family-friendly activities between the game's end and the shoot-off of the fireworks to ensure crowd entertainment in the Stadium. This occurred in 2022 and it was successful.
- August 4 (Jackalopes) - This is the last Friday before school goes back into session and the last hurrah celebration for summer. If this show, or the June 9

show, gets canceled due to rain or weather, the GJ Jackalopes would be allowed to host a fireworks show on Saturday August 12 to make up for the lost show.

BACKGROUND OR DETAILED INFORMATION:

Staff requests City Council consider a motion to approve or deny the request to hold five shows this spring and summer. Previous years saw about 10 shows approved each year and significant negative feedback was received from the surrounding neighborhood. In direct response to these concerns, which were also reflected by some members of City Council, staff proposed a dramatic decrease in the number of shows to be held. All the partners who actually put on the shows agreed to this downsized schedule in 2022. The new approach was well received by neighbors of Lincoln Park and staff propose that the 2023 season closely match what occurred in 2022.

The plan for 2023 takes into account a significant public process that occurred in 2021 including a survey with 499 respondents. Revising the plan per this public input was why the 2022 season went so well with minimal complaints. Like 2022, the Jackalopes still have the most shows, albeit far fewer than they have hosted in previous years, with two of the five being on Friday evenings after a GJ Jackalopes game. Staff also recommends approval of a "rain out" date of Saturday August 12 if either of the GJ Jackalopes shows gets canceled due to weather.

The only show the City of Grand Junction is involved in putting on is the 4th of July show. The community has come to expect this fireworks show on the 4th of July to celebrate our nation's independence. For the other four shows, these shows are the responsibility of the organizing entity, either Grand Junction Baseball (JUCO), Colorado Mesa University or the Grand Junction Jackalopes. Game start times for the Jackalopes (formerly the Rockies) have historically been at 6:40 p.m. on those Friday evenings. Given the concern about disruption to the neighborhood, Friday night games were moved up to 6:05 p.m. in 2021. Additional difficulty in 2021 prompted an even earlier game start time of 5:35 p.m. This will be the start time for 2023. This enables the Jackalopes to have an estimated and likely display time of 9:30 p.m. JUCO is also moving up their start times for the first game on Memorial Day, and those games are scheduled at 9 A.M., 1 p.m. and 6 p.m.

All shows at Lincoln Park require a coordinated effort including the event organizer, City staff from Parks, General Services, Fire, Police, and Traffic. Depending on the size of the show, fireworks are staged east of the field from either the practice field or the golf course driving range. Weather conditions are monitored closely with final approval being granted each night by the Grand Junction Fire Department. The proposed schedule for 2023 is included in the Executive Summary above. If approved, a direct mailing will be sent to all adjacent neighbors highlighting the dates of the shows this season as well as a post on social media with the fireworks show dates. This draft letter from all four entities involved is included in the agenda documentation.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (approve/deny) the request to host five public fireworks displays at Lincoln Park Stadium as presented by Colorado Mesa University, Grand Junction Baseball (JUCO), Grand Junction Jackalopes, and the City of Grand Junction.

Attachments

1. Draft Fireworks Letter 2023 4 1 23



April 1, 2023

Dear Neighbor,

We would like to take this opportunity to share some important information regarding special events in Lincoln Park that will involve fireworks presentations. For 2023, there are five approved shows compared with the 10 or so that typically happen. In 2021, the City put out a survey and offered a listening session to gather community feedback about firework shows at Lincoln Park. Based on that feedback, the City reduced the number of shows in 2022, and this revised plan seemed to go well for everyone. So, we plan to do the same thing for 2023. Five shows are planned throughout the summer to celebrate major events such as Memorial Day (put on by JUCO), the Fourth of July (put on by the City), the start of the GJ Jackalopes baseball season, the Jackalopes final summer game before kids return to school and Colorado Mesa University's participation night.

We realize that the park is adjacent to a residential neighborhood and that noise levels are a concern of many who live nearby. Several modifications have been made to the events that are intended to lessen the impacts to adjacent neighbors in addition to a drastic reduction in the number of shows. Also, firework shows should happen between 9:00pm and 10:00pm.

On the Fourth of July, the GJ Jackalopes game will begin at 4:05pm and family friendly activities will fill the time between the conclusion of the game and the beginning of the fireworks at 9:45 p.m. This will ensure that game delays do not cause the fireworks to be shot off late and the tens of thousands of residents not in the Stadium waiting to see the show will be able to enjoy the fireworks. The Fourth of July fireworks show will begin about 9:45pm, as soon as it is dark enough to start the show.

2023 Schedule of Special Fireworks Events

- Friday, April 21 CMU Baseball Game
- Monday, May 29 JUCO Tournament Memorial Day Fireworks
- Friday, June 9 GJ Jackalopes Fireworks Night
- Tuesday, July 4 City Fireworks Extravaganza; Fireworks Begin about 9:45 p.m.
- Friday, August 4 GJ Jackalopes Fireworks Night

Note: If either the June 9 or August 4 GJ Jackalopes Fireworks Night are unable to happen due to weather, Saturday August 12 will be the make-up date.

We thank you for your support of these events in and around Lincoln Park. If you have any questions, please contact the Parks & Recreation Office at 254-3866. We hope you have a great spring and summer in Grand Junction.

Sincerely,

City of Grand Junction Parks and Recreation Department
Grand Junction Jackalopes
Colorado Mesa University
Junior College World Series (JUCO)



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: March 1, 2023
Presented By: Ken Sherbenou, Parks and Recreation Director
Department: Parks and Recreation
Submitted By: Ken Sherbenou

Information

SUBJECT:

Agreement for Palisade Pool Operations

RECOMMENDATION:

Staff recommends approval of the agreement as proposed.

EXECUTIVE SUMMARY:

The Grand Junction Parks and Recreation's Aquatics Division was asked to manage the aquatics operations at the Town of Palisade's municipal swimming pool in exchange for reimbursement. This includes covering all direct and indirect costs of providing this service. The City and the Town of Palisade first entered into this agreement in 2009. Each year, it is updated and costs are increased to reflect current staffing and operational needs. For 2023, the increase was 3%. If approved by City Council, the City will provide another year of staffing, scheduling, minor maintenance, concessions, and overall operations of public swim and swim lessons. The expertise of the Grand Junction Parks and Recreation's Aquatics Division enables a safe and quality operation of the Town of Palisade Pool and the costs of providing this service are paid by the Town of Palisade.

BACKGROUND OR DETAILED INFORMATION:

Based on the terms of the agreement, the City agrees to provide all required labor for the Palisade Pool. Labor includes lifeguards, swim instructors, swim coaches, guest service representatives, and pool managers. The City pays all wages, salaries, benefits, and workers' compensation insurance premiums for the required labor for the Palisade Pool. There are operational efficiencies and economies of scale since the City also hires, trains, and staffs the Orchard Mesa Pool and the Lincoln Park Pool.

Ellis and Associates Comprehensive Aquatic Risk Management Program, employed at

Orchard Mesa Pool and Lincoln Park Pool, is applied to the Palisade Pool. This, and all other operational decisions are made by the Grand Junction Parks and Recreation team. Furthermore, City staff provide basic daily maintenance, including but not limited to lawn mowing, cleaning of the facility, and pool vacuuming. This is reflected in the enclosed proposed agreement, as is the Town of Palisade's obligations. These include larger-scale maintenance of the Pool. Per the agreement, the Town of Palisade shall repair and/or replace all mechanical and chemical systems. The Town of Palisade will also repair and/or replace all sprinklers, fences, lights, restroom facilities, shelters, tables, benches, sign(s), trash receptacles and any other feature, facility, or installation of the Pool.

The cost to maintain the Pool, including repairs, upkeep and utilities shall be the sole expense and liability of the Town of Palisade. All supplies and equipment required by the City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be purchased by the Town of Palisade. A detailed list of supplies and equipment is provided in Exhibit D of the Memorandum of Understanding.

FISCAL IMPACT:

The City has included expenses and offsetting revenues of \$114,495 in the 2023 Adopted Budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) the execution of the Palisade Pool Agreement as proposed between the City of Grand Junction and the Town of Palisade from April 7, 2023 to September 31, 2023.

Attachments

1. AGR- Palisade Pool IGA - 2023

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2023, by and between THE TOWN OF PALISADE, hereinafter called “Town” and THE CITY OF GRAND JUNCTION, a Colorado Home Rule City, hereinafter called “City,” collectively the “Parties.”

R E C I T A L S

The Town is the owner of real property situated at 571 West 5th Street, in Palisade, Colorado, known as Palisade Swimming Pool, hereinafter called “Pool”.

The City and the Town agree that the provision of recreation programs is important to the public in general and specifically to those persons utilizing Palisade Swimming Pool.

In support of the Pool, the City and Town agree that the City will provide all lifeguards, guest service representatives, swim instructors, and pool managers at Palisade Swimming Pool.

An intergovernmental agreement for such purpose is authorized pursuant to Section 18, Article XIV of the Colorado Constitution and Section 29-1-203, C.R.S., and other applicable laws.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

1. The term of this Agreement will be for six months, commencing April 1, 2023, and ending September 31, 2023, and may be extended for an additional term upon mutual agreement.

2. The City agrees to provide all required labor for the Pool. Labor for purposes of this Agreement is lifeguards, swim instructors, swim coach, guest service representatives, and pool managers. The City will pay all wages, salaries, benefits, and workers’ compensation insurance premiums for the required labor for the Pool. The Town agrees that the standard and customary City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be applied to the Pool. City staff will provide basic daily maintenance including but not limited to lawn mowing, cleaning of facility, and pool vacuuming.

3. As owner of the Pool, Town agrees to be responsible for maintenance of the Pool. Without limiting the generality of that responsibility, the Town shall repair and/or replace all mechanical, filtration, and chemical systems. The Town will also repair and/or replace all sprinklers, fences, lights, restrooms facilities, shelters, tables, benches, sign(s), trash receptacles and any other feature, facility or installation of the Pool. The cost to maintain the Pool, including repairs, upkeep and utilities shall be the sole expense and liability of the Town. All facility compliance as it refers to Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001) is the responsibility of the Town of Palisade, as well as all 2010 ADA requirements.

All supplies and equipment required by the City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be purchased by the Town. A detailed list of supplies and equipment is provided in Exhibit D of the Memorandum of Understanding, which is attached hereto as Exhibit 1 and incorporated herein by reference.

4. The Town and City agree to promptly notify each other should the physical condition of the Pool not be conducive to the safe conduct of any programmed activity in the Pool and/or if maintenance practices may impact in any way, the scheduling of activities in the Pool.

5. The City will register all swim lesson and special event participants as well as manage all public swim entries, swim lessons, and community swim team. The City staff will collect the revenues generated by public swim, swim lessons, private parties, and special events but the Town will retain all revenues.

The Town agrees to give management of all concession operations, including staff and supply expenses, to the City with all revenues being retained by the City.

6. The City and Town agree that for purposes of this Agreement the City's annual expenses to cover all public swim and swim lessons are estimated to be \$114,495. This includes all direct staff costs, indirect staff costs with a Recreation Supervisor and Recreation Coordinator, hiring costs incurred by the City, Ellis and Associates audit fees, mileage, special equipment, and uniform costs. The City shall bill the Town a lump sum of \$114,495 in September 2023. Direct labor costs for all mutually agreed upon special events and private parties shall be charged to the Town above and beyond the \$114,495.

In the event the City's annual expense exceeds the annual amount for some unforeseen circumstances, the City and Town may renegotiate the base amount based on the City's actual cost.

7. The Town understands and agrees that it will not reserve, schedule or hold any activity at the Pool, for itself or for any other person or entity, without first communicating and coordinating with the City's Parks and Recreation designee. The final determination regarding the scheduling of such activities at the pool will be made jointly by the Town and the City.

8. The Town will set the fees and charges for Pool usage and programming in accordance with the prevailing Town rates in effect as of the date of this Agreement. All fees collected by the City shall be retained by the Town per the provisions of Paragraph 5 herein. Exhibit C of the attached Memorandum of Understanding provides the fee schedule for the Palisade Pool. In addition, it is agreed that the Town and City will allow season pass holders of the respective swimming pool facilities to utilize the pool facilities of the other jurisdiction upon presentation of the other's season pass for an additional \$1.00 charge.

9. The Parties understand and agree that both the City and the Town may be protected by and will rely on and do not waive or intend to waive by any provision of this Agreement the monetary insurance limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, 24-1-101 *et. seq.*, 10 C.R.S., as from time to time amended, or otherwise available.

10. The Town agrees to indemnify and hold harmless the City and its officers and its employees, from and against all liability, claims, demands and expenses, including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the maintenance work to be performed by the Town under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission or other fault of the Town or any officer or employee of the Town.

The City agrees to indemnify and hold harmless the Town and its officers and its employees, from and against all liability, claims, demands and expenses including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the programming work to be performed by the City under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of the City or any officer or employee of the City.

11. Any persons employed by either the City or the Town for the performance of work hereunder shall be employees of the respective party and not agents or employees of the other.

12. Neither party may assign or delegate this Agreement or any portion thereof without the prior written consent of the other Party.

13. Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either Party should fail or refuse to perform according to the terms of this Agreement; such party may be declared in default.

14. This Agreement may be terminated by either party for material breach, default of the Agreement by the other party not caused by any action or omission of the other party, or for no reason, by giving the other party written notice of at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

15. The Parties shall reasonably comply with the applicable provisions of the American with Disabilities Act of 1990 and any and all other applicable federal, state or local laws and regulations.

16. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. Only an instrument in writing signed by the parties may amend this Agreement.

17. The traditional rule that ambiguities shall be construed against the drafter is waived.

18. Venue for any action arising out of or occurring under this Agreement shall be Palisade, Colorado. The agreement shall be controlled by, construed and interpreted in accordance with the law of Town of Palisade and State of Colorado.

TOWN OF PALISADE, COLORADO CITY OF GRAND JUNCTION, COLORADO

Janet Hawkins	Date
Town Administrator	

Greg Caton	Date
City Manager	

RATIFIED

TOWN OF PALISADE, COLORADO
BOARD OF TRUSTEES

CITY OF GRAND JUNCTION CITY COUNCIL

Date

Anna Stout, Mayor

Date _____

ATTEST:

ATTEST:

Amy Phillips, City Clerk

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING
Regarding
Cooperative Operation and Provision of Lifeguards
For the Palisade Swimming Pool
2023

DATE: April 1, 2023

WHEREAS, City of Grand Junction (City) and Town of Palisade (Town) have a history of cooperation; and,

WHEREAS, there are opportunities for cooperation in the area of recreation services to the benefit of citizens of both jurisdictions and the Grand Valley; and,

WHEREAS, both municipalities are desirous of cooperating and contracting for certain services associated with the provision of life guards and operation of the Palisade Swimming Pool;

NOW THEREFORE BE IT AGREED as follows:

The City of Grand Junction will:

- 1) Hire, employ, supervise and provide Ellis and Associates trained and certified Lifeguards for the Palisade Swimming Pool for the 2022 summer swimming season.
- 2) Pay all wages, benefits, pursuant to Grand Junction personnel policies and pay all workers' compensation insurance premiums for all Life Guards utilized at the Palisade Swimming Pool.
- 3) Provide uniforms for Palisade Swimming Pool staff pursuant to Exhibit A - Uniforms attached hereto.
- 4) Provide sufficient staffing to operate the Palisade Swimming Pool seven days per week from May 20, 2023 through and including September 4, 2023, with a minimum of one Pool Manager, one Guest Services Representative, and adequate number of Lifeguards during agreed operating hours.
- 5) Provide, provision, open, and staff a concession located on site and keep and retain all revenues generated from the sale of concessions at the Palisade Pool.
- 6) Answer inquires and schedule lessons and special events utilizing employees at the Palisade Pool
- 7) Plan, staff, and manage special events and lessons at the Palisade Pool.
- 8) Collect all admission and fees for pool programs at the Palisade Swimming Pool pursuant to Exhibit C – Palisade Pool Fee Schedule.
- 9) Provide sufficient on and off-site supervision of the Palisade Swimming Pool operation and personnel by the Grand Junction Aquatics Coordinator, Recreation Supervision and other Grand Junction Recreation Office Management staff.

The Town of Palisade will:

- 1) Pay \$114,495 to the City of Grand Junction in September 2023 for direct and indirect staffing costs associated with regular pool operations.
- 2) Pay the additional costs of direct staffing associated with lessons and special events at the hourly rates specified in Exhibit B.
- 3) Equip the Palisade Pool with all supplies and equipment as specified in Exhibit D – Supplies attached hereto.
- 4) Provide space at the Palisade Pool for a concession operation to be operated by the City of Grand Junction.
- 5) Pay all costs of pool repairs, maintenance, and utilities.

IT IS FURTHER AGREED AS FOLLOWS:

- 1) All admission, lesson, special events, or other fees associated with use of the Palisade Swimming Pool will be retained by the Town of Palisade.
- 2) All revenues from concessions will be retained by the City of Grand Junction.
- 3) Grand Junction and Palisade will honor each other's season pass with a \$1 additional charge at their respective pools as follows:
 - Patrons of the Palisade pool with a Grand Junction pool season pass will be allowed admission to the Palisade Pool for \$1.
 - Patrons of the Orchard Mesa and Lincoln Park pools with a Palisade pool season pass will be allowed admission to the Orchard Mesa and Lincoln Park pools for \$1.

City of Grand Junction Authorized Signature

Town of Palisade Authorized Signature

Exhibit A – Uniforms

<u>Item</u>	<u>Cost</u>
Men's Shorts	\$26.50
Women's Shorts	\$19.00
*Women's Suits	\$30.00
T-shirts	\$7.50
Whistles	\$2.90
Lanyards	\$1.85
Fanny packs	\$6.75
Hats	\$ 12.00
Visors	\$10.00

Women purchase suits. Employees choose a hat or visor. Grand Junction Parks and Recreation purchases and provides all other uniforms.

Exhibit B Staffing & Budget

Direct Staffing Cost

	<u>Managers</u>	<u>Guards</u>	<u>Instructors</u>	<u>GSR</u>
Hours Per Season	840	2703	1331	873
Rate	\$19.04	\$16.66	\$16.66	\$16.06
Cost for 15 weeks	\$15,995	\$45,032	\$22,175	\$14,020

Total Direct Staffing Cost \$97,221
*Does not include special events or private parties, these are billed separately bases on mutual agreement.

Indirect Staffing

Aquatics Coordinator Time	80 hours @ \$34.25	\$2,740
Recreation Supervisor Time	25 hours @ \$46.72	\$1,168
Management Staff Preseason	50 hours @ \$20.20	\$1010
Administration Cost	5% of direct labor	\$4,861
Mileage		\$250
Total indirect staffing cost		\$10,029

Direct Operational Cost

Uniform cost	11 guards @ 63.75 each	\$701.25
Lifeguarding audit fee	3 @ 333.75	\$1,001.25
Risk Mgt retainer fee		\$316.75
Staff hiring/training	11 @ \$475	\$5,225
Total direct operational cost		\$7244.25

Exhibit C – Palisade Pool Fee Schedule

Daily Admission

Child (0-2 years):	Free with Paid Adult limit 2 per adult
Youth (3-17 years) & seniors (55+):	\$3
Adult (18-55):	\$4
Senior:	\$2.50
Wednesday all ages:	\$1
Twilight:	\$2.50
Sunday:	\$2.00

Season Passes

Youth:	\$70
Adult:	\$80
Senior:	\$65
Family Pass (up to 6 members):	\$185

*Pass are discounted 50% on July 1

Punch Card

20 visits, all ages:	\$55
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Group Admissions

10 or more by same group, single day: \$2.50 each

Daycare Swim	\$2.50
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Special Events/Parties

0 – 20 people:	\$80
21 to 50 people:	\$180
51 to 100 people:	\$230
101 to 125 people	\$280

Exhibit D – Required Equipment and Supplies

Supply Needs

AED
AED Case
AED Rechargeable Battery
AED Trainer
AED Trainer Battery
AED Pads (Adult & Pediatric)x2
Scissors/Deodorant/Razors
Supplemental O2
Rescue Tubes
V-Vac suction
BVM (Adult/Child/Infant)x2
Chamois Cloth Towel
Non-rebreathers
Trauma Bag
Gloves Latex
Gloves Nitride
Bandages
Band-Aids
Gauze pads
Cotton Balls
Tape
Hydrogen Peroxide
CPR/AR Training Mannequins
Vigilance Training Manikin
Life Jackets
CJ Wood Backboard



Grand Junction City Council

Regular Session

Item #4.c.

Meeting Date: March 1, 2023
Presented By: Angela Padalecki
Department: City Manager's Office
Submitted By: Johnny McFarland, Asst. to the City Manager

Information

SUBJECT:

Approval of Federal Aviation Administration Agreement for Transfer of Entitlements

RECOMMENDATION:

Staff recommends approval of this item

EXECUTIVE SUMMARY:

This request from the Grand Junction Regional Airport Authority (GJRAA) would approve an FAA Agreement For Transfer of Entitlements to transfer \$1,000,000 of FY 2023 federal funds from the Grand Junction Regional Airport to Aspen-Pitkin County Airport to reimburse Pitkin County for \$1,000,000 of FY 2021 federal funds they transferred to the GJRAA.

BACKGROUND OR DETAILED INFORMATION:

In 2021, the FAA helped Grand Junction Regional Airport secure \$1,000,000 in Airport Improvement Program (AIP) funding for the Airport Development Plan. The FAA worked with Aspen-Pitkin County Airport to transfer \$1,000,000 of FY 2021 AIP Entitlement Funds they would be unable to use that year to Grand Junction Regional Airport.

As creators and co-sponsors of the Airport Authority, both the County Commissioners and the City Council must also approve FAA Airport Improvement Program Agreements for the Airport Authority. The Airport Board of Commissioners took approval action on the grant offer at the February 21, 2023 meeting. The item was reviewed by the County Board of Commissioners on February 28, 2023.

FISCAL IMPACT:

This item will not have a fiscal impact on the City but will be recorded by the Airport Authority.

SUGGESTED MOTION:

I move to (approve/not approve) the FAA Agreement For Transfer of Entitlements to transfer \$1,000,000 of FY 2023 federal funds from Grand Junction Regional Airport to Aspen-Pitkin County Airport.

Attachments

1. FAA Form 5100-110 Agreement for Transfer of Entitlements Signed 1.25.2023

Request for FAA Approval of Agreement for Transfer of Entitlements

In accordance with 49 USC § 47117(c)(2),

Name of Transferring Sponsor: Grand Junction Regional Airport Authority, City of Grand Junction and County of Mesa, Colorado

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47114(c) for

the: Name of Transferring Airport (and LOCID): Grand Junction Regional Airport (GJT)

for each fiscal year listed below:

Entitlement Type (Passenger, Cargo or Nonprimary)	Fiscal Year	Amount
Passenger	2023	\$ 1,000,000.00
Total		\$ 1,000,000.00

The Federal Aviation Administration has determined that the waived amount will be made available to:

Name of Airport (and LOCID) Receiving Transferred Entitlements:

Aspen-Pitkin County Airport (ASE)

Name of Receiving Airport's Sponsor: Pitkin County, Colorado

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of 09/30/2023 (date) or when the availability of apportioned funds lapses under 49 USC § 47117(b).

For the United States of America, Federal Aviation Administration:

Signature: JOHN P BAUER Digitally signed by JOHN P BAUER
Date: 2023.01.25 09:09:40 -05'00'

Name: John P. Bauer

Title: Manager, Denver Airports District Office

Date: 01/25/2023

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Signature of Sponsor's Authorized Official: _____

I, _____, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of _____ Colorado _____. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Signature of Sponsor's Attorney: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Signature of Sponsor's Authorized Official: _____

I, _____, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of _____ Colorado _____. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Signature of Sponsor's Attorney: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Signature of Sponsor's Authorized Official: _____

I, _____, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of _____ Colorado _____. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Signature of Sponsor's Attorney: _____



Grand Junction City Council

Regular Session

Item #5.a.i.

Meeting Date: March 1, 2023
Presented By: Nicole Galehouse, Principal Planner
Department: Community Development
Submitted By: Nicole Galehouse, Principal Planner

Information

SUBJECT:

A Resolution Accepting the Petition for the Annexation of 17.42 Acres of Land and Ordinances Annexing and Zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac), Located at the Northeast Corner of 31 Road and E ½ Road
(Continued from January 18, 2023 and February 1, 2023)

RECOMMENDATION:

Staff recommends adoption of a resolution accepting the petition for the Grand Valley Estates Annexation, and approval of the annexation and zone of annexation ordinances. The Planning Commission heard the zoning request at its January 10, 2023 meeting and voted (1-6) to approve the request. The motion failed (recommended for denial). Section 21.02.210(e) provides "An affirmative vote of five members of the City Council shall be required to approve rezones and Comprehensive Plan amendments recommended for denial by the Planning Commission."

EXECUTIVE SUMMARY:

The Applicant, Grand Junction Venture LLC is requesting annexation of land and a zone of annexation to R-12 (Residential – 12 du/ac) for the Grand Valley Estates Annexation. The approximately 17.42-acre annexation is located at the northeast corner of 31 Rd and E ½ Rd. The subject property is undeveloped.

The property is Annexable Development per the Persigo Agreement. The Applicants are requesting annexation into the City limits. Annexation is being sought in anticipation of developing this property. The proposed zone district of R-12 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan. The request for annexation is being considered concurrently by City Council with the zone of annexation request. Both are included in this staff report.

At the Planning Commission's January 10, 2023, meeting, there was significant

discussion on safety and traffic along E 1/2 Rd., deteriorating roadway conditions, capacity of schools as well as the impact of the new charter school, and compatibility with the Comprehensive Plan.

This item was scheduled for the January 18, City Council meeting and was continued to the February 1, 2023 meeting to ensure sufficient notice. At the February 1, 2023 meeting, the applicant requested a continuance due to the absence of all Councilmembers and the need for five affirmative votes.

BACKGROUND OR DETAILED INFORMATION:

Annexation Request:

The Applicant, Grand Junction Venture LLC is requesting annexation of approximately 17.42 acres of land located at the northeast corner of 31 Rd and E ½ Rd. The subject property borders on three sides a property owned by Mesa County that contains portions of the Lewis Wash; this property is not under consideration for annexation at this time. The subject property is located west of Long Park and is undeveloped.

The property is Annexable Development per the Persigo Agreement. The Applicant is requesting annexation into the city limits. Annexation is being sought in anticipation of developing this property. The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – December 7, 2022.
- Planning Commission considers Zone of Annexation – December 13, 2022.
- Introduction of a Proposed Ordinance on Zoning by City Council – January 4, 2023.
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – February 1, 2023.
- Effective date of Annexation and Zoning – March 5, 2023.

Zone of Annexation Request:

The Applicants are requesting a zone district of R-12 (Residential – 12 du/ac). The property is currently zoned in the County as Residential Single Family – 4 (RSF-4). The proposed zone district of R-12 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan.

Development to the west and north of the subject property in the County are zoned RSF-4 and consist mostly of single-family residential lots averaging a density close to 2.6 dwelling units per acre. The property to the east is Long Park. Property to the south is split between County zoned RSF-4 and City zoned Light Commercial (C-1); all of the properties to the south have a Future Land Use designation of Commercial. Zoning will

be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The annexation area has sewer service and all other urban amenities to the property. It is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan. The goal to “encourage infill and redevelopment to leverage existing infrastructure” supports the Applicant’s request of a zone of annexation of R-12.

The R-12 zoning establishes densities between 8 and 12 dwelling units per acre. The R-12 requested zoning implements the Comprehensive Plan’s Residential Medium Land Use category. This land use designation was amended during the 2020 One Grand Junction Comprehensive Plan process, when the subject property was identified as being a location where increased density would be desired.

The purpose of the R-12 (Residential – 12 du/ac) zone district is to provide for high density development allowing several types of residential units within specified densities. R-12 may serve as a transitional district between single-family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. This zone may be appropriate as part of a mixed use center. This property is located in a transitional location between the commercial uses along the I-70B corridor and the residential neighborhoods on the west side of the Lewis Wash and 31 Road. The increased separation provided by the wash adds to the compatibility with surrounding zone districts.

In addition to the R-12 zoning requested by the petitioner, the following zone districts would also be consistent with the proposed Comprehensive Plan designation of Residential Medium (5.5 to 12 du/ac).

- a. R-8 (Residential – 8 du/ac)
- b. CSR (Community Services and Recreation)
- c. Mixed Use Residential (MXR-3)
- d. Mixed Use General (MXG)
- e. Mixed Use Shopfront (MXS)

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed Annexation and Zoning was held on Zoom on June 8, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant’s representative and City staff were in attendance, along with approximately 13 participants.

An official development application was submitted to the City of Grand Junction for review on July 7, 2022. After submitting the application, the Applicant modified the request for zoning and held a second neighborhood meeting to ensure compliance with notification requirements. That meeting was held on September 12, 2022 via

Zoom. The Applicant's representative and City staff were in attendance, along with approximately 7 participants.

During the June neighborhood meeting, concerns on the project were raised about traffic, access, and what is permitted in the R-8 zone district, specifically about height restrictions. In September, the neighborhood concerns were again primarily focused on traffic impacts on E ½ Rd along with access to the site. Additional concerns raised at this meeting were about the presence of floodplain, the lack of a development plan at the annexation stage, impacts on emergency services, and the increase in density.

Notice was completed consistent with the provisions in Section 21.02.080(g) of the City's Zoning and Development Code. The subject property was posted with an application sign on November 22, 2022. 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 December 2, 2022. The notice of the Planning Commission public hearing was published December 6, 2022 in the Grand Junction Daily Sentinel.

It was brought to the attention of staff that the property posting had come down at an unknown date prior to the December 13, 2022 Planning Commission hearing. In addition, there was a flaw on the notification cards that listed the proposed zoning at the original request of R-8 instead of the revised request of R-12. The item was requested to be rescheduled so that notice could be redone to ensure absolute compliance with Section 21.02.080(g).

Revised notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on December 13, 2022. 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 December 29, 2022. The notice of the Planning Commission public hearing was published January 3, 2023 in the Grand Junction Daily Sentinel.

Following the January 10, 2023 public hearing with the Planning Commission, staff was notified that the Grand Junction Daily Sentinel did not publish the legal notice for the Planning Commission hearing on January 3, 2023; it was run on January 4, 2023. This did not meet the provision of Section 21.02.080(g) for published notice to be provided 7 days in advance of the hearing. As a result, the scheduled public hearing was continued from the January 18, 2023 City Council agenda to the February 1, 2023 City Council agenda to allow for the item to be published again. A new notice of a public hearing was printed in the Grand Junction Daily Sentinel on January 25, 2023.

Following the request for continuance at the January 18, 2023 City Council meeting, a new mailed notice of the public hearings in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on February 13, 2023.

An online public hearing was conducted on the GJSpeaks platform.

ANALYSIS

Annexation Analysis

The property is currently adjacent to existing city limits to the south. The necessary one sixth contiguity requirements of State Statutes for annexation is met through a serial annexation. The property owner has signed a petition for annexation.

Staff has found, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Grand Valley Estates Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described. The petition has been signed by the owners of all properties or 100% of the owners and includes 100% of the property described excluding right-of-way.
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits. The Grand Valley Estates Annexation meets the 1/6 contiguity requirements for annexation through a serial annexation process. Annexation No. 1 has 16.7% contiguity; Annexation No. 2 has 16.7% contiguity; Annexation No. 3 has 17.9% contiguity.
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks, and other urban facilities.
- d) The area is or will be urbanized in the near future. The property has existing urban utilities available is located near major developments along the I-70B corridor and established residential neighborhoods. The Applicant has stated that the requested annexation is anticipation of residential development.
- e) The area is capable of being integrated with the City. The proposed annexation area is adjacent to the city limits on the south side and is currently interconnected with existing urban services. Utilities and City services are available and currently serve the existing urban area adjacent to this site.
- f) No land held in identical ownership is being divided by the proposed annexation. The entire property owned by the applicant is being annexed.
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the

owner's consent. The entire property owned by the applicant is being annexed.

The annexation petition was prepared by the City.

Zone of Annexation Analysis

The criteria for review are set forth in Section 21.02.140 (a) and includes 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 owners have petitioned for annexation into the City limits and requested zoning of R-12 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Medium (5.5 to 12 du/ac). Since the Applicant's properties are currently in the County, the annexation of the property is a subsequent event that will invalidate one of these original premises, a county zoning designation. In addition, during the 2020 One Grand Junction process, the land use designation on the property was changed from Residential Medium Low (2 – 4 du/ac) to Residential Medium (5.5 – 12 du/ac). Annexations into the City must be zoned in compliance with the adopted Comprehensive Plan. The requested zoning of R-12 both implements the Residential Medium future land use designation and is consistent with the intent of the land use change to increase density. Staff finds this criterion has 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 character or condition of the area has not changed much over the past several decades. The majority of the residential neighborhoods in the vicinity were established between the mid-1980s and the early 2000s. Long Park was built in 2007 and the first commercial development to the south was constructed in 2009. Staff finds that there have not been significant changes and this criterion has not been met.

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

Existing public and community facilities and services are available to the annexation and are sufficient to serve land uses associated with the proposed R-12 zone district when developed. The property has access from E ½ Road and will construct additional improvements with any further development on the site. Sanitary sewer located within the right-of-way is already available to the site. Domestic water service is available through a Clifton Water District water line to the site in E ½ Road and the area can be served by Xcel Energy for electricity and natural gas.

To the west, just over one mile, is Fruitvale Elementary School. Both Grand Mesa Middle School and Central High School are under 1/3-mile east of the site. The site is

located just north of the I-70B corridor, with shopping available in the Clifton commercial district under a mile away. The property is located within the Clifton Fire District, with the closest station located at 3254 F Road, approximately 1.5 miles from the property. Staff has found the public and community facilities are adequate to serve the type and scope of the residential land use proposed at the R-12 densities. Therefore, staff have found 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 subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential medium (5.5 to 12 du/ac). The proposed zoning designation of R-12 meets the intent of achieving the minimum and desired density for the property with this request, to develop at the high end of the Residential Medium land use category. The closest properties within City limits are across E ½ Road, which are zoned C-1, and to the west of those are properties zoned R-4. For unincorporated areas of the neighborhood, Mesa County has zoned the majority of the area Residential Single Family – 4 (RSF-4) with a few properties having a Residential Office (R-O) or (Planned Unit Development (PUD) zone. The County portions of the neighborhood are largely built out as low density residential, park, and educational facilities. The Land Use Map defines the immediate properties to the north of the site, between the Lewis Wash, F Rd, and Long Park, as Residential Medium and the area south of E 1/2 Road as Commercial. With most of the area already being developed at lower densities or reserved for commercial, civic, and institutional uses, there is a need for the middle-density housing that the R-12 zone district provides. Staff finds that this criterion has been met.

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

Annexation and zoning of the property will create additional land within the City limits for growth and help fill in the patchwork of unincorporated and/or urban area that is adjacent to the City limits. The annexation is also consistent with the City and County 1998 Persigo Agreement. The requested zone district provides housing within a range of density that has been defined as urban densities in the 2020 One Grand Junction Comprehensive Plan and is consistent with the needs of the community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though the R-8 zone district as well the CSR and Mixed Use zone districts could be considered in a Residential Medium Land Use area, the R-12 zone district is consistent with the recommendations of the Plan's Land Use Map and provides a much-needed missing housing type to benefit the

community.

Consistency with Comprehensive Plan

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of the relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The proposed rezone to R-12 (Residential – 12 du/ac) implements the following Plan principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: *Relationship to Existing Zoning*
 - Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.
 - The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Medium. As outlined in the background section of this staff report, the R-12 zone district is a permissible district to implement the Residential Medium designation.

- Plan Principle 3: *Responsible and Managed Growth*
 - Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth...and encourage the efficient use of land.
 - Goal: Encourage infill and redevelopment to leverage existing infrastructure.
 - The proposed rezone will provide for a higher density of development in an area of the City where infrastructure is readily available. The higher density implements a more compact pattern of growth, utilizing a smaller footprint for a greater number of residential units.

- Plan Principle 5: *Strong Neighborhoods and Housing Choices*
 - Goal: Promote more opportunities for housing choices that meets the needs of people of all ages, abilities, and incomes.
 - The R-12 (Residential – 12 du/ac) zone district is an important zone district to provide the 'missing middle' housing product types. The provision of this zone district in this area can help to fill in gaps in available housing for the community.

- Plan Principle 6: *Efficient and Connected Transportation*
 - Goal: Encourage the use of transit, bicycling, walking, and other forms of transportation.
 - The subject property is located at the intersection of 31 Road, which is part of the City's Active Transportation Corridor that connects to the Colorado Riverfront Trail. This is a safe pedestrian and cyclist east-west route through this part of the City and can connect to other trails into the more central areas. In addition, this infill project is located within an easy walking distance to both a middle and high school, as well as a County park.

- Chapter 3 – *Land Use and Growth: Intensification and Tiered Growth Plan*
 - Subject property is located within Tier 2 (Suburban Infill) – In Tier 2, the City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services.
 - This property is a prime example of suburban infill, with much of the area around it having already been developed or in the process of urbanizing. Annexing and zoning this property to R-12 will allow for maximization of existing infrastructure

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Grand Valley Estates Zone of Annexation, ANX-2022-478 request for the property located at northeast corner of 31 Rd and E ½ Rd from County Residential Single Family – 4 (RSF-4) to a City R-12 (Residential – 12 du/ac), the following findings of facts have been made:

Annexation

1. Based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, staff finds the Grand Valley Estates Annexation is eligible to be annexed because of compliance with the seven (7) criteria (a through g) found in the Statutes.

Zone of Annexation

2. The request conforms with Section 21.02.140 of the Zoning and Development Code.

3. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

This item was presented to the Planning Commission at the January 10, 2023 regular meeting. There was significant discussion on safety and traffic along E 1/2 Rd, deteriorating roadway conditions, capacity of schools as well as the impact of the new charter school, and compatibility with the Comprehensive Plan. A motion was made to recommend approval of the request, which failed 1 to 6.

FISCAL IMPACT:

As the property is developed, property tax levies and municipal sales and use tax will be collected, as applicable. For every \$1,000,000 of actual value, City property tax revenue on residential property at the current assessment rate would be approximately \$620 annually. If the property develops at the estimated 137-205 dwelling units with an estimated value of \$375,000 each, the estimated annual property tax revenue (at the current residential assessment rate) would be approximately \$26,660 - \$39,893 per year based on the estimated units built. Sales and use tax revenues will be dependent on construction activity and consumer spending on City taxable items for residential and commercial uses. City services are supported by a combination of property taxes and sales/use taxes.

Fiscal Impacts by City Departments

Police

Based on the proposed annexation, the expected impact on the need for additional officers is an expected increase of .9 (rounded) additional officers to maintain our current ratio of .0021 officers (authorized)/city resident (67,000 residents).

The annexation takes into account the effects of increased calls for service, routine patrol, traffic enforcement, response time impact and reported civil issues such as neighbor disputes, runaways and other non-criminal and non-traffic related calls for service.

This impact is assuming an increase of 171 residences (the middle of the potential increase) with an average of 445 (rounded) people residing in all of that housing. These numbers reflect using 10.6 residences per acre (R-12 proposed zoning of 137-205 units on 16.14 acres) and the Colorado average occupancy per residence of 2.6 people). The proposed buildup of this property does reflect the same density that is currently in the surrounding area.

NOTE:

The daytime population of Grand Junction is much higher than the residential population. Grand Junction is the main transportation hub, shopping hub and medical hub for the entire 155,000 residents of Mesa County and the majority of Northwestern Colorado, Southeastern Utah and is a major vacation travel spot. It is therefore imperative that we maintain the current staffing levels of the police department to meet the demands of city residents, county residents and visitors to the city. mperative that we maintain the current staffing levels of the police department to meet the demands of city residents, county residents and visitors to the city.

Public Works

Public Works - The annexation takes in 555 feet of frontage of E ½ Road (Orchard Ave) that is designated as a collector road on the Grand Valley Circulation Plan. Mesa County is currently under design for the reconstruction of E ½ Road to a full collector at no capital expense to the City. Construction is slated for 2023.

The City will be responsible for maintenance costs associated with the E ½ Road frontage. Street sweeping, snow removal, striping, and street lighting is estimated at \$420/year. Chip seal is anticipated in 2027 at an expense of \$3600.

The developer will also be constructing the east half of 31 Road along the west side of the development. The City will reimburse the developer for constructing the western 16 feet of 31 Road with Transportation Impact Fees. The City has \$200,000 in the 2023 budget under the transportation impact fee fund.

Fire

Currently, the property is in the Clifton Fire Protection District. The Fire District collects a 11.5520 mill levy that generates \$64.81 per year in property taxes for the 17 acres. If annexed, the property will be excluded from the Clifton Fire Protection District and the City's 8 mills will generate \$44.88 per year.

This area will be served by the new Fire Station 8 at 441 31 Road. This station is planned to open in January 2023 and response times from the station to this annexation area will be within the National Fire Protection Association response time standards.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 11-23, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 Road and E ½ Road and adopt Ordinance No. 5123 annexing territory to the City of Grand Junction, Colorado, Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 Road and E ½ Road, on final passage and order final publication in pamphlet form.

I move to (adopt/deny) Ordinance No. 5124, an ordinance zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac) zone district on final passage and order final publication in pamphlet form.

Attachments

1. Grand Valley Estates Development Application
2. Site Maps and Photo
3. Annexation Schedule - Table - Grand Valley Estates Annexation_Revised
4. Neighborhood Meeting Information
5. Public Correspondence

6. Grand Valley Estates Annexation Plat
7. Sign Posting Summary
8. Planning Commission Minutes - 2022 - December 13 - Draft
9. Planning Commission Minutes - 2023 - January 10 - Draft
10. GVE Annexation Ordinance
11. RES-Grand Valley Estates Annexation 20230221
12. ORD-Grand Valley Estates Zone of Annexation 20230221

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: Annexation/Zone of Annexation

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

Existing Land Use Designation: Residential Medium

Existing Zoning: RSF-4

Proposed Land Use Designation: Residential Medium

Proposed Zoning: R-8

Property Information

Site Location: NE Corner of E 1/2 Road and 31 Road

Site Acreage: 16.14 AC

Site Tax No(s): 2943-102-00-020

Site Zoning: RSF-4 (County)

Project Description: Annex into City of Grand Junction with R-8 Zone

Property Owner Information

Name: Grand Junction Venture LLC

Street Address: 18 Biltmore Estates

City/State/Zip: Phoenix, AZ 85016

Business Phone #: 847-502-3966

E-Mail: joe@metrowestdevelopment.

Fax #: n/a

Contact Person: Joe Gannett

Contact Phone #: 847-502-3966

Applicant Information

Name: _____

Street Address: _____

City/State/Zip: _____

Business Phone #: _____

E-Mail: _____

Fax #: _____

Contact Person: _____

Contact Phone #: _____

Representative Information

Name: Clearwell, PLLC

Street Address: 2135 Blake Blvd SE

City/State/Zip: Cedar Rapids, IA 52403

Business Phone #: 319-654-4911

E-Mail: jmailander@clearwelleng.com

Fax #: n/a

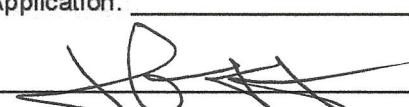
Contact Person: Joseph W Mailander

Contact Phone #: 319-654-4911

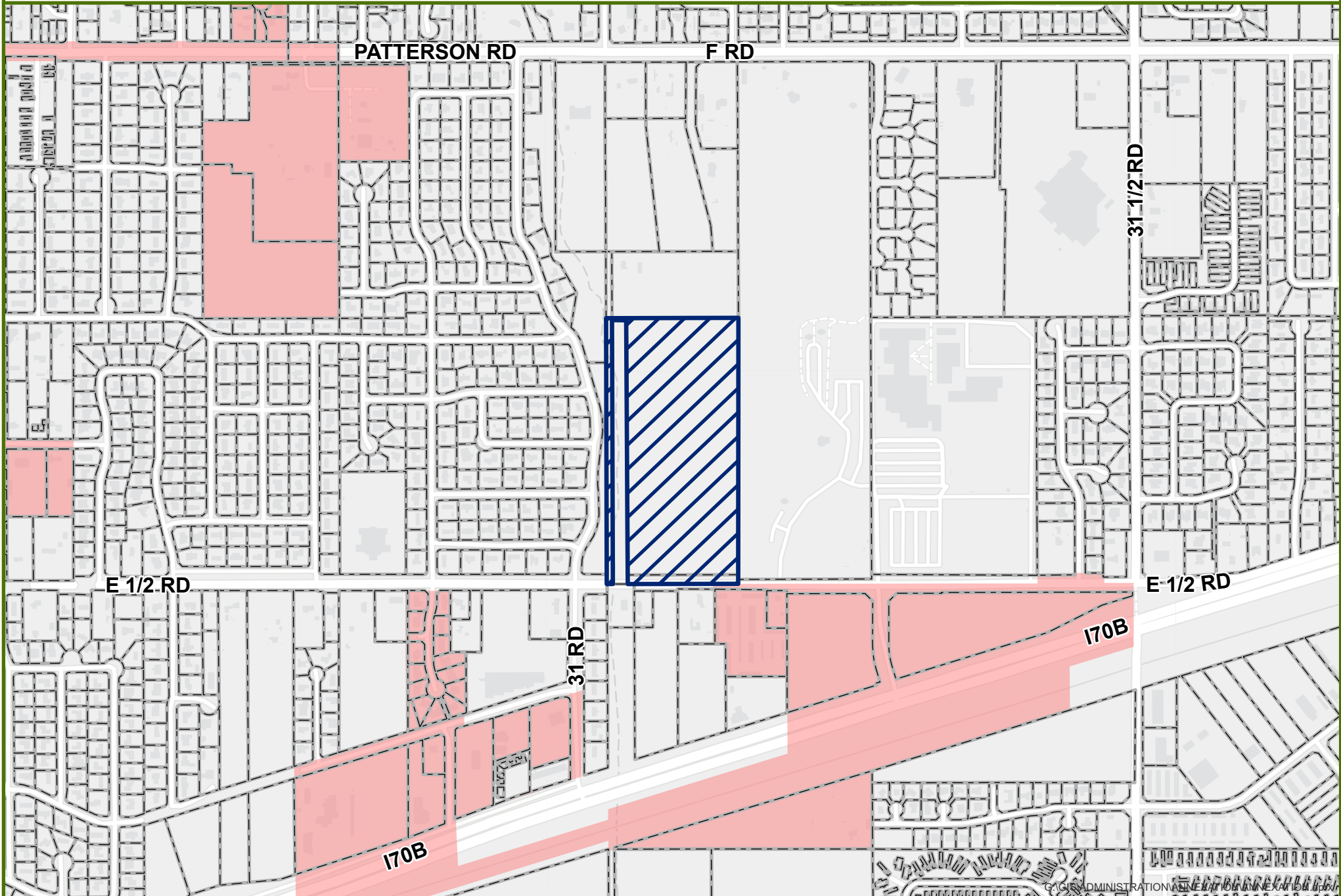
NOTE: Legal property owner is owner of record on date of submittal.

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: _____

Signature of Legal Property Owner:  _____ Date: 5/13/22

GRAND VALLEY ESTATES ANNEXATION

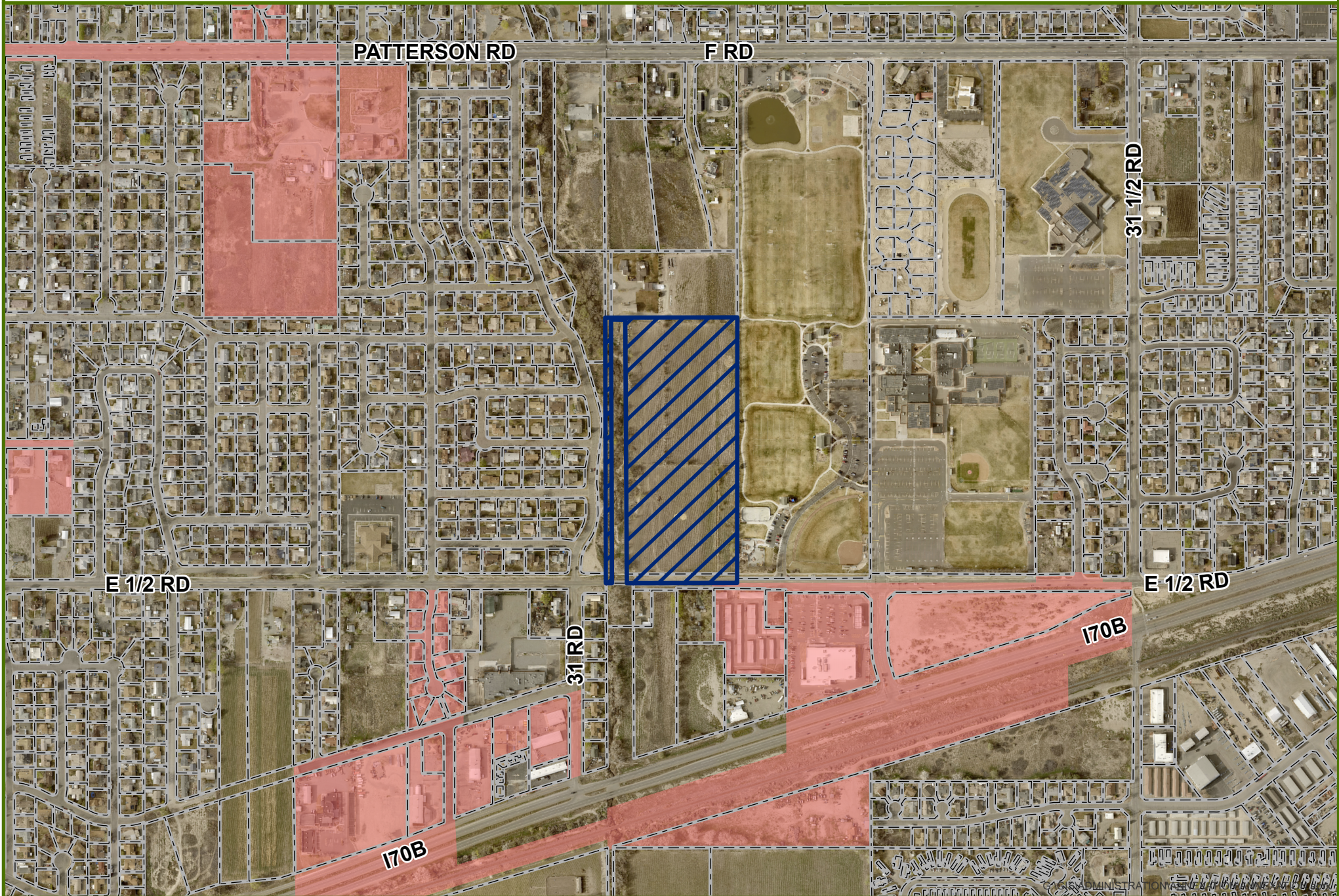


0 0.1 0.2 Miles

 Annexation

 City Limits

GRAND VALLEY ESTATES ANNEXATION

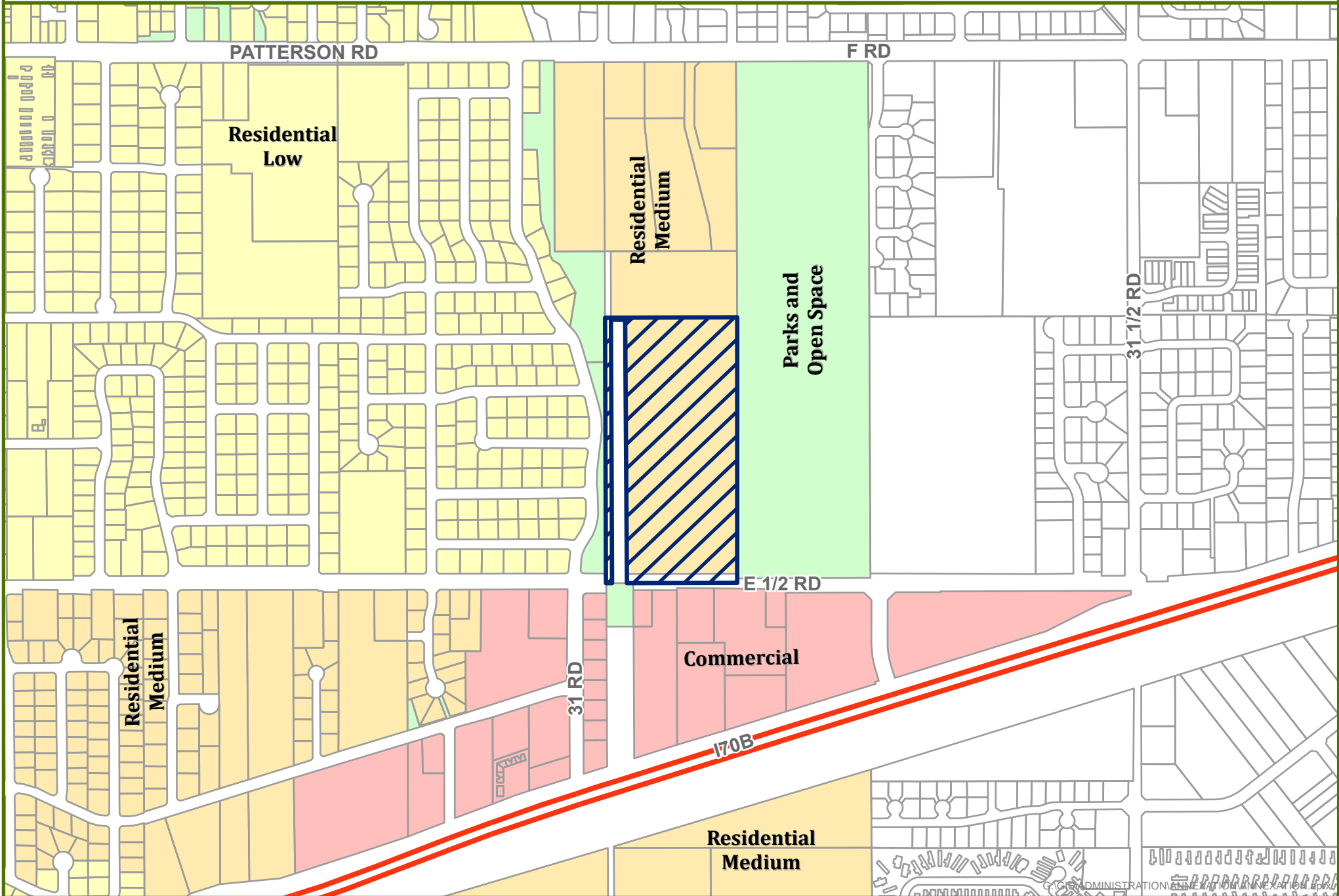


0 0.1 0.2 Miles

 Annexation

 City Limits

GRAND VALLEY ESTATES ANNEXATION - LAND USE



0 0.1 0.2 Miles

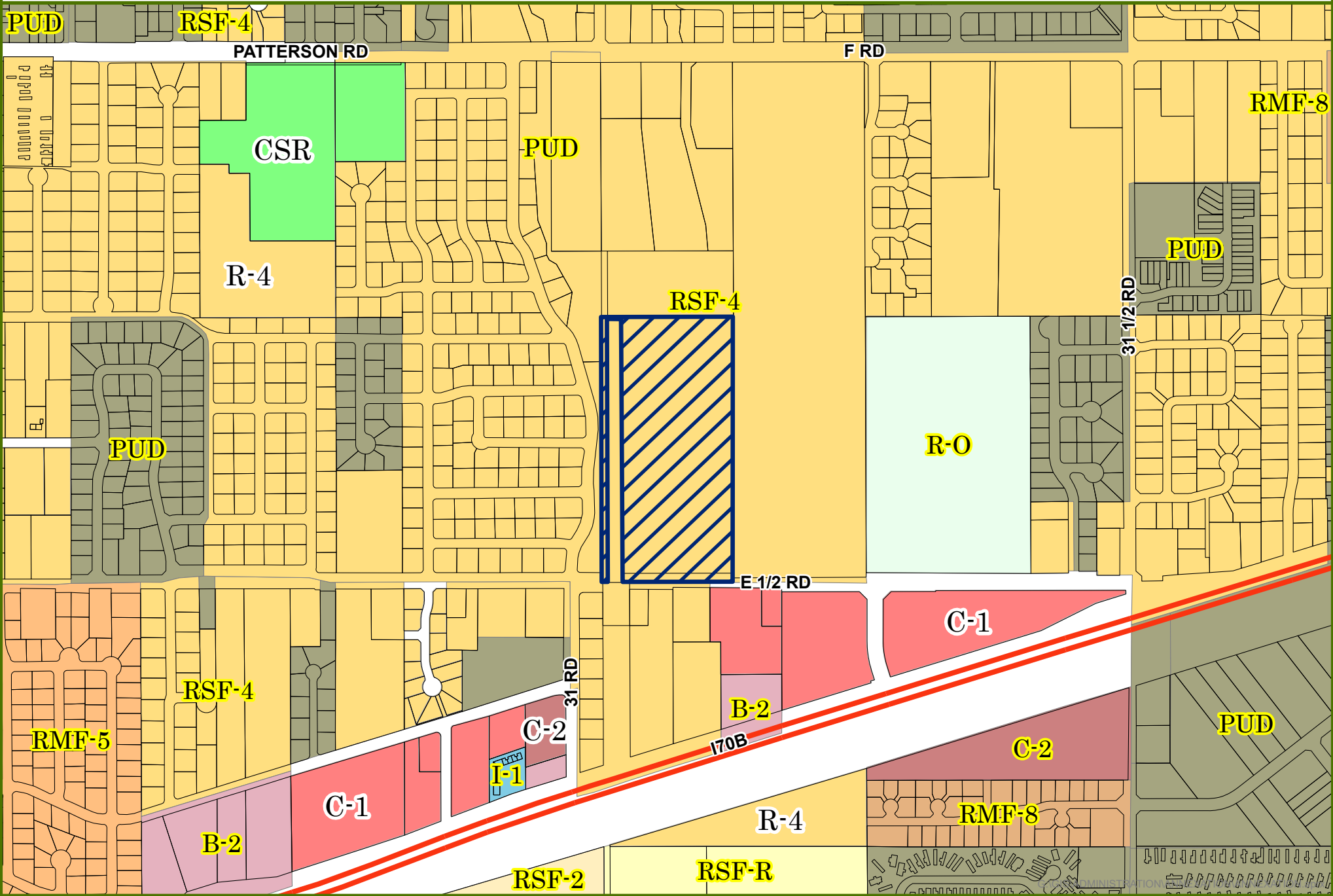


Annexation Boundary

Packet Page 191

Date Created: 11/22/2022

GRAND VALLEY ESTATES ANNEXATION - ZONING



0 0.1 0.2 Miles

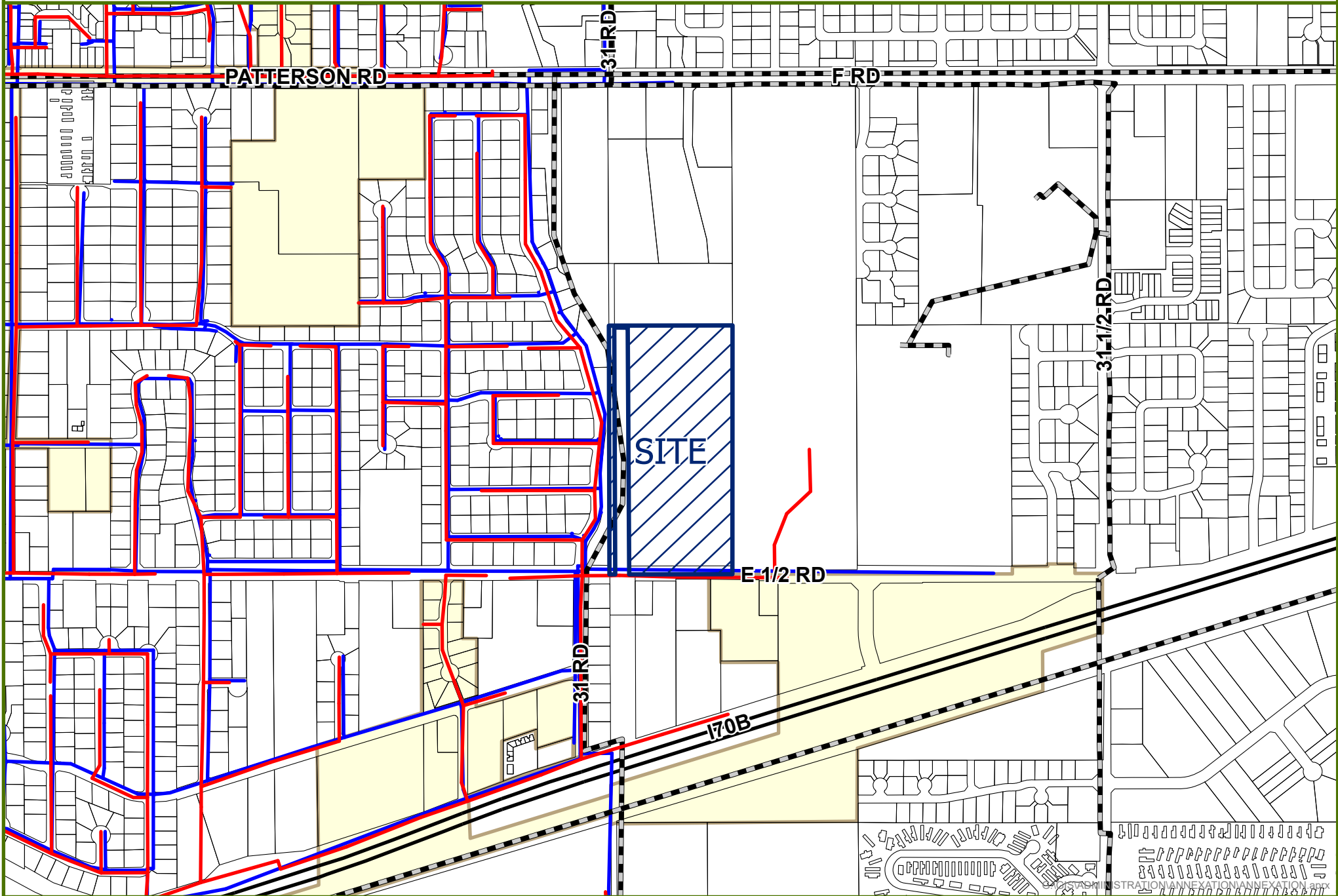


Annexation

City Zoning

County Zoning

GRAND VALLEY ESTATES ANNEXATION - UTILITIES



0 0.1 0.2 Miles

NON-CITY FIBER

SEWER

CLIFTON WATER

CITY LIMITS

Date Created: 11/22/2022



View of the subject property
looking north from E ½ Road

February 1, 2023
March 4, 2023

ANNEXATION SCHEDULE				
December 7, 2022		Referral of Petition, Intro Proposed Ordinance, Exercise Land Use		
December 13, 2022		Planning Commission Considers Zone of Annexation		
January 4, 2023		City Council Intro Proposed Zoning Ordinance		
January 11, 2023	January 18, 2023	City Council Accept Petition/Annex and Zoning Public Hearing		
January 18, 2023	February 19, 2023	Effective date of Annexation and Zoning		
ANNEXATION SUMMARY				
File Number		ANX-2022-478		
Location		NE Corner of 31 Rd and E ½ Rd		
Tax ID Number(s)		2943-102-00-020		
Number of Parcel(s)		1		
Existing Population		0		
No. of Parcels Owner Occupied		0		
Number of Dwelling Units		0		
Acres Land Annexed		17.13		
Developable Acres Remaining		17.13		
Right-of-way in Annexation		E ½ Rd		
Previous County Zoning		RSF-4		
Proposed City Zoning		R-12		
Surrounding Zoning:	North:	County RSF-4		
	South:	County RSF-4/City C-1		
	East:	County RSF-4 (Long’s Park)		
	West:	County RSF-4		
Current Land Use		Vacant Land		
Proposed Land Use		Residential Medium		
Surrounding Land Use:	North:	Residential Medium		
	South:	Commercial		
	East:	Parks & Open Space		
	West:	Parks & Open Space/Residential Low		
Comprehensive Plan Designation:		Residential Medium		
Zoning within Comprehensive Plan Designation:		Yes:	X	No:
Values:	Assessed	\$5,610		
	Actual	\$21,240		
Address Ranges		3100 to 3116 E ½ Rd, even only		
Special Districts:	Water	Clifton		
	Sewer	Persigo		
	Fire	Clifton		
	Irrigation/Drainage	Palisade Irrigation/GVDD		
	School	D51		
	Pest	Grand River Mosquito Control District		

Neighborhood Meeting Summary

A neighborhood meeting was held on Monday, June 12th on zoom to inform neighbors about the intent to submit an annexation and zone of annexation application for a property located at the NE corner of E ½ Rd. and 31 Rd. There were 7 participants and the meeting lasted approximately 40 minutes from 5:30–6:10 pm.

Ty Johnson, with Kaart Planning, presented an overview of the annexation and zone of annexation request including an overview of the timeline of events and opportunities for public comment in the future. After the presentation, questions were answered from meeting participants. Nicole Galehouse, Principal Planner with the City of Grand Junction, was in attendance and answered questions from participants regarding the City's regulations and development processes.

The following topics were addressed during the discussion portion of the meeting:

- Impacts to traffic in the area, and more specifically on E ½ Rd.
- Future access locations for development on the site.
- Questions regarding annexation and whether other properties in the area would be forced to annex.
- Questions about the presence of floodplain and how development will occur in the presence of floodplain.
- Requests for the property to be vacant and exist as a buffer between Clifton and Grand Junction.
- Questions about the plan for development. Complaints that there is no plan presented with the annexation request.
- Questions about how this property can go from RSF4 zoning in the County to R12.
- Concerns about the impact this development will have on emergency services and whether police and fire will be able to protect additional residents.
- Questions about when public hearings will be scheduled.
- Questions about who was sent a letter about the neighborhood meeting.
- Concerns that nearby residents are losing the country life they once had.
- Questions about why the developer has re-submitted the application with an R12 request, from a previous R8 request.

AREC 12 LLC
PO BOX 29046
PHOENIX AZ 85083-9046

BELLOTTI AARON FRANCIS
BELLOTTI HANNAH KATHLEEN
3094 WALNUT PL
GRAND JUNCTION CO 81504-5638

BERCHDORF STEVEN DONALD
3096 CEDAR DR
GRAND JUNCTION CO 81504-5624

BONINE ROSEMARY
BONINE RICHARD W
3109 E 1/2 RD
GRAND JUNCTION CO 81504-6013

BOWMAN FRANK LEROY
BOWMAN GLENICE K
PO BOX 23939
SILVERTHORNE CO 80498-3939

BROUGHTON ROCHELLE LEA
3098 CEDAR DR
GRAND JUNCTION CO 81504-5624

CASE BARBARA L
CASE DOUGLAS R
3093 EVANSTON AVE
GRAND JUNCTION CO 81504-4309

CASTER CECIL D
CASTER AMY C
3094 PINYON PL
GRAND JUNCTION CO 81504-5634

CENTRO DE LA FAMILIA DE UTAH
525 S 300 W
SALT LAKE CITY UT 84101-2503

CITY OF GRAND JUNCTION
NICOLE GALEHOUSE
250 N 5TH ST
GRAND JUNCTION CO 81501-2628

CLEARWELL PLLC
JOSEPH W MAILANDER
2135 BLAKE BLVD SE
CEDAR RAPIDS IA 52403-2823

CLOTE ELISE NICOLE
BISBEE THOMAS CHARLES
580 31 RD
GRAND JUNCTION CO 81504-5667

DEARBORN DAVID H
DEARBORN JEANETTE E
3093 WALNUT PL
GRAND JUNCTION CO 81504-5637

DEFRAK MATTHEW JOHN
1926 RUDDY CT
JOHNSTOWN CO 80534-9248

ESPINOZA FRANCISCO
ESPINOZA CLAUDIA A
3658 RIDGE DR
GRAND JUNCTION CO 81506-8497

FRUITVALE ESTATES
REX NYE
542 HOOVER CT
GRAND JUNCTION CO 81504-5896

GALLEGOS KARLA LILIANA MARTINEZ
GALLEGOS VALERIA MARTINEZ
3095 WALNUT PL
GRAND JUNCTION CO 81504-5637

GIBSON EDWARD R
3092 WALNUT PL
GRAND JUNCTION CO 81504-5638

GIDEON KEN
GIDEON TUESDAY
3091 EVANSTON AVE
GRAND JUNCTION CO 81504-4309

GRAND JUNCTION VENTURE LLC
18 BILTMORE ESTATES
PHOENIX AZ 85016-2822

HOOVER MELVIN L ESTATE
HOOVER RODNEY WAYNE
3095 E 1/2 RD
GRAND JUNCTION CO 81504-5608

HUFF ROBERT WADE II
HUFF ROSEMARY PEARSON
3094 CEDAR DR
GRAND JUNCTION CO 81504-5624

KAART PLANNING & LANDSCAPE
ARCHITECTURE
TY JOHNSON
734 MAIN ST
GRAND JUNCTION CO 81501-3598

KILPATRICK OXFORD HOLDINGS LLC
3357 SOPHIA CT
LOVELAND CO 80537-8811

KNEZ PAUL M
KNEZ SHERRIE R
3094 BOOKCLIFF AVE
GRAND JUNCTION CO 81504-4326

LAVEN JOSHUA D
3096 EVANSTON AVE
GRAND JUNCTION CO 81504-5630

LAWS DAVID
LAWS ELISA
3093 BOOKCLIFF AVE
GRAND JUNCTION CO 81504-4323

LINDEMANN GEORGE M
3094 EVANSTON AVE
GRAND JUNCTION CO 81504-5630

MADDALONE RICHARD L
MADDELONE CATHERINE I
3097 CEDAR DR
GRAND JUNCTION CO 81504-5623

MARQUEZ NORMAN G
MARQUEZ CONNIE F
544 31 RD
GRAND JUNCTION CO 81504-5733

MCDANIEL DILLON
3097 EVANSTON AVE
GRAND JUNCTION CO 81504-4309

MCELWAIN BLAKE E
MCELWAIN SHERI A
542 31 RD
GRAND JUNCTION CO 81504-5733

MENDOZA LARISA GUADALUPE
RUBALCABA
548 31 RD
GRAND JUNCTION CO 81504-5733

MESA COUNTY
PUBLIC SITE
PO BOX 20000
GRAND JUNCTION CO 81502-5024

MIRELES SAMANTHA N
MIRELES MELITON M JR
3096 WALNUT PL
GRAND JUNCTION CO 81504-5638

MONTOYA SAMUEL
MONTOYA MARGARITA
3095 CEDAR DR
GRAND JUNCTION CO 81504-5623

MORELLI CARLA A
MORELLI MICHAEL E
8459 S 1275 E
SANDY UT 84094-1363

OGLESBY CAROL A
3095 EVANSTON AVE
GRAND JUNCTION CO 81504-4309

OTT ADAM C
OTT JENNIFER L
5131 WIGHTMAN CT
HOUSTON TX 77069-2036

PEARCE FAMILY REV TRST DTD JAN
30 2004
3093 PINYON PL
GRAND JUNCTION CO 81504-5633

PERIMAN KENNETH DOUGLAS
582 31 RD
GRAND JUNCTION CO 81504-5667

POTTER CORY LEE
2277 L RD
GRAND JUNCTION CO 81505-9352

ROBERT & VIVIAN MARTINEZ 2004
TRUST
MARTINEZ ROBERT T, VIVIAN J, & RAY
12061 MARBEL AVE
DOWNEY CA 90242-2657

ROBERT CHARLES BUCKLEY REV LIV
TRST
3096 PINYON PL
GRAND JUNCTION CO 81504-5634

ROCKY MOUNTAIN GUN CLUB LLC
545 31 RD
GRAND JUNCTION CO 81504-5772

RUPE BRANDON C
3097 WALNUT PL
GRAND JUNCTION CO 81504-5637

SCOTT MARIA GUADALUPE NARVAEZ
12716 ROSS AVE
CHINO CA 91710-3655

SHARPE FREDERICK M
BROSIG MARIAN RUTH
3097 BOOKCLIFF AVE
GRAND JUNCTION CO 81504-4323

SKARE DOUGLAS D
SKARE MARGARET F
3093 HOISINGTON AVE
GRAND JUNCTION CO 81504-4312

STEWART JARED ODELL
3099 CEDAR DR
GRAND JUNCTION CO 81504-5623

TOLLE GREGORY G
TOLLE DIANE L
3101 F RD
GRAND JUNCTION CO 81504-5915

WALDSCHMIDT CHARLES D
WALDSCHMIDT SHELLA MARIE
3092 PINYON PL
GRAND JUNCTION CO 81504-5634

WAL-MART REAL ESTATE BUSINESS
TRUST
2001 S E 10TH ST
BENTONVILLE AR 72716-0550

WATSON MARY L
3095 BOOKCLIFF AVE
GRAND JUNCTION CO 81504-4323

WEBER JOEL C
WEBER LACEY
3092 CEDAR DR
GRAND JUNCTION CO 81504-5624

WELSH EMERY H
WELSH DEBORAH G
3109 F RD
GRAND JUNCTION CO 81504-5915

WOOD THOMAS J
25 ORANGE ST
WEST SPRINGFIELD MA 01089-1129



734 Main Street
Grand Junction
CO 81501
970.241.0745
planning@kaart.com

Note: This is a revised neighborhood meeting update. Please disregard any previous notice you received.

Dear Property Owner,

You are invited to attend a virtual neighborhood meeting on Monday, September 12th at 5:30 pm for a development application for annexation and zone of annexation for a property located at the NE corner of E ½ Rd. and 31 Rd. The subject property is approximately 16.14 acres in size.

A development application for annexation into the city limits of Grand Junction and zone of annexation for the subject property will be submitted to the City of Grand Junction Community Development Department following this neighborhood meeting. The applicant must request a City zone district for the property as a part of the Annexation process. The applicant is requesting a City of Grand Junction zone district of R12 (Residential - 8-12 dwelling units an acre) for the subject property.

An overview of the development application will be presented at the neighborhood meeting and you will have an opportunity to ask questions about the application. The neighborhood meeting will be held on Zoom at 5:30 pm on Monday, September 12th. Please use the link below and then enter the meeting ID and passcode to log into the meeting.

<https://zoom.us/join> or dial in at +1 719 359 4580

Meeting ID: 870 6826 4382

Passcode: 088213

Please reach out directly to me with any questions about attending the meeting, or if you would like me to email you a link for the meeting.

Ty Johnson

Planning Manager

ty.johnson@kaart.com



Subject Property

Public Comment
Received via Email

Nicole Galehouse

From: 1spanishlanguagegirl <broughtonrochelle86@gmail.com>
Sent: Wednesday, January 11, 2023 2:32 PM
To: Nicole Galehouse
Cc: Jackie Broughton
Subject: Re: Concerns with project ANX-2022-478 Grand Valley Estates Annexation

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Thank you for your response. I'm just wondering also - did the project get denied or are there still meetings tonight? I noticed on your page online that it said "Denied"

Also, the homeowners don't want a bridge going across the ditch to meet up with Bookcliff. Putting a bridge across the ditch would make it very dangerous for traffic on 31 Road and the increased traffic congestion would make it very difficult for anyone to get out as well as being dangerous. If they put any driveways in, then they need to put it off of E 1/2 or another location closer to the complex - we don't want a bridge over the ditch. Thank you.

On Wed, Jan 11, 2023 at 11:58 AM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Rochelle and Jackie,

Thank you for sending in these concerns. I will make sure they are added to the record.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: 1spanishlanguagegirl <broughtonrochelle86@gmail.com>
Sent: Wednesday, January 11, 2023 10:44 AM
To: Nicole Galehouse <nicoleg@gjcity.org>

Cc: Jackie Broughton <jackieb@sopris.net>

Subject: Concerns with project ANX-2022-478 Grand Valley Estates Annexation

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Hi Nicole,

I am reaching out to you regarding the proposed annexation and building you want to do at 31 Rd and E ½ with the Grand Valley Estates. My grandmother and myself are homeowners in the area and we have some concerns that we would like to voice. We tried calling in by phone on 1-10-23 by 5:30 but the line was already closed. I was going to register online to join virtually but was not sure if registration was already closed because I didn't know we had to register.

Having said that, our concerns are as follows:

Issue 1: The traffic on 31 Road is already bad and people already use our road like it's a racetrack to speed on. Our fear is that putting an apartment complex in will only make traffic on 31 Road a lot worse not to mention cause numerous accidents. We have already had to put speed monitors on 31 Road on several occasions. We also have the traffic from Central High School and people going to Walmart Neighborhood to shop. Putting at least 200 more cars and people on the road in this area would be just asking for more accidents to happen.

Issue 2: Emergency vehicles need to be able to get in and out of the area in case of Fire and/or a medical emergency. We have had numerous fires in our ditch which the Fire Department has to be able to access to put out. More traffic also creates a hazard for the Fire Department and makes their job harder when everyone wants to stop and look at what is going on with the fire. This also puts more of the public lives in danger if the fire department is hindered while trying to put the fire out by increased traffic. It is better for emergency vehicles to have 2 access points for entry and exit to a building or a fire lane. Keep in mind they would also need access to a hydrant or some water source. With increased congestion and traffic this would also be a concern. We have had situations in which some homeowners have had to evacuate due to a fire.

Issue 3: Trees – The trees in the ditch do provide privacy to the homeowners on our side of 31 Road. Removal of the trees would reduce fires with the reduction of dead and dried timber; however, it would also mean that our privacy is now reduced also if not taken entirely away. Homeowners have the right to peaceful enjoyment of their property. The lack of trees would mean privacy is gone as well as the noise of construction and building being bothersome to a lot of people.

Like I said, we tried to voice our concerns, but were not able to join the meeting by phone as the line was already closed and we don't drive so we can't attend meetings in-person to voice concerns like the above. If you have any questions for us, please feel free to reach out. Thank you.

Rochelle and Jackie B. 970-434-8004

Nicole Galehouse

From: Jamie Snodgrass <jamied0169@q.com>
Sent: Monday, January 9, 2023 4:45 PM
To: Nicole Galehouse
Subject: ANX-2022-478 Grand Valley Estates Annexation

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To Whom It May Concern:

I recently was informed by a neighbor of a proposed subdivision going in on [17.42](#) acres East of 31 Road and North of E ½ Rd. It was stated that the proposal is for 205 units.

My family which includes my husband and two sons live on Bookcliff Ave just east of 31 Road, 5 houses in and we were not given any information about this proposal. It was mentioned to me that you only had to contact people/homeowners within 500 feet of the proposed site. With the location of my home I am not sure how fair that is knowing the large amount of vacant land between the site and the established homes so that we would not have to be formally informed.

From the information I was given, the developer is asking to have this area approved for RSF-12, stating it would fit within the current area. From the information I have found the zoning is RSF-4 with a few RSF-8 so I am not sure how that would fit into the surrounding neighborhoods. This also will be additional traffic to our area and with both a High School and a Middle School in close proximity and a new Charter School slated to begin in the old Rocky Mountain Gun Club location our traffic is very high during start and finish times of schools. If they did approve the entrance with a bridge to enter into our subdivision this would add so much traffic to our quiet neighborhood where the kids feel safe to play outside and ride their bikes. I am hoping a traffic and facility/store study was done and could be provided for all of us who are concerned about the proposal.

I am not opposed to development, I know this is going to happen, but please take into consideration the safety of the families and children in the neighborhoods close by. The children want to be able to be kids and be able to play outside and ride their bikes and not have to worry about so many additional cars driving by their front doors. If you would consider it truly being a like development with staying with the RSF-4 zoning I believe we would be more receptive to this.

So please hear my voice for my family. As I stated if you would keep it RSF-4 then I feel you would have less opposition and more support.

Sincerely,

Jamie Snodgrass

Nicole Galehouse

From: Bill and Cheryl Conrod <bcconrod@yahoo.com>
Sent: Sunday, January 8, 2023 10:06 PM
To: Nicole Galehouse
Subject: comment, ANX-2022-478, January 10 planning hearing

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I am a home owner near the proposed Grand Valley Estates Annexation north of E 1/2 road and east of 31 Road. My wife and I protest rezoning from 4(RSF-4) to much higher density R-12 during a planning hearing on January 10. The road infrastructure won't handle this and it will impact the neighboring neighborhood quality. High density housing away from jobs just results in more traffic and resulting problems of congestion, pollution, etc. That is bad city planning, or lack of planning.

In general, the process of re-zoning at the request of developer's money is offensive. A plan was made for various reasons, people made decisions based on that, so stick with the original plan of R-4 zoning.

(signed)
William F. and Cheryl M. Conrod
3091 Walnut Place
Grand Junction, CO 81504

970-712-8684
bcconrod@yahoo.com

Nicole Galehouse

From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Sunday, January 8, 2023 6:14 PM
To: Nicole Galehouse
Cc: stuart@cqlawfirm.net; rcbuckley@ymail.com; Rod Hoover; Rose Bonine; ewelsh@bresnan.net; Janet Rowland; comdev
Subject: Grand Valley Estates Annexation
Attachments: Oppose R-12 Zoning for NE Corner 31 & E.5 Rds.pdf; 205 Units with Notice.pdf

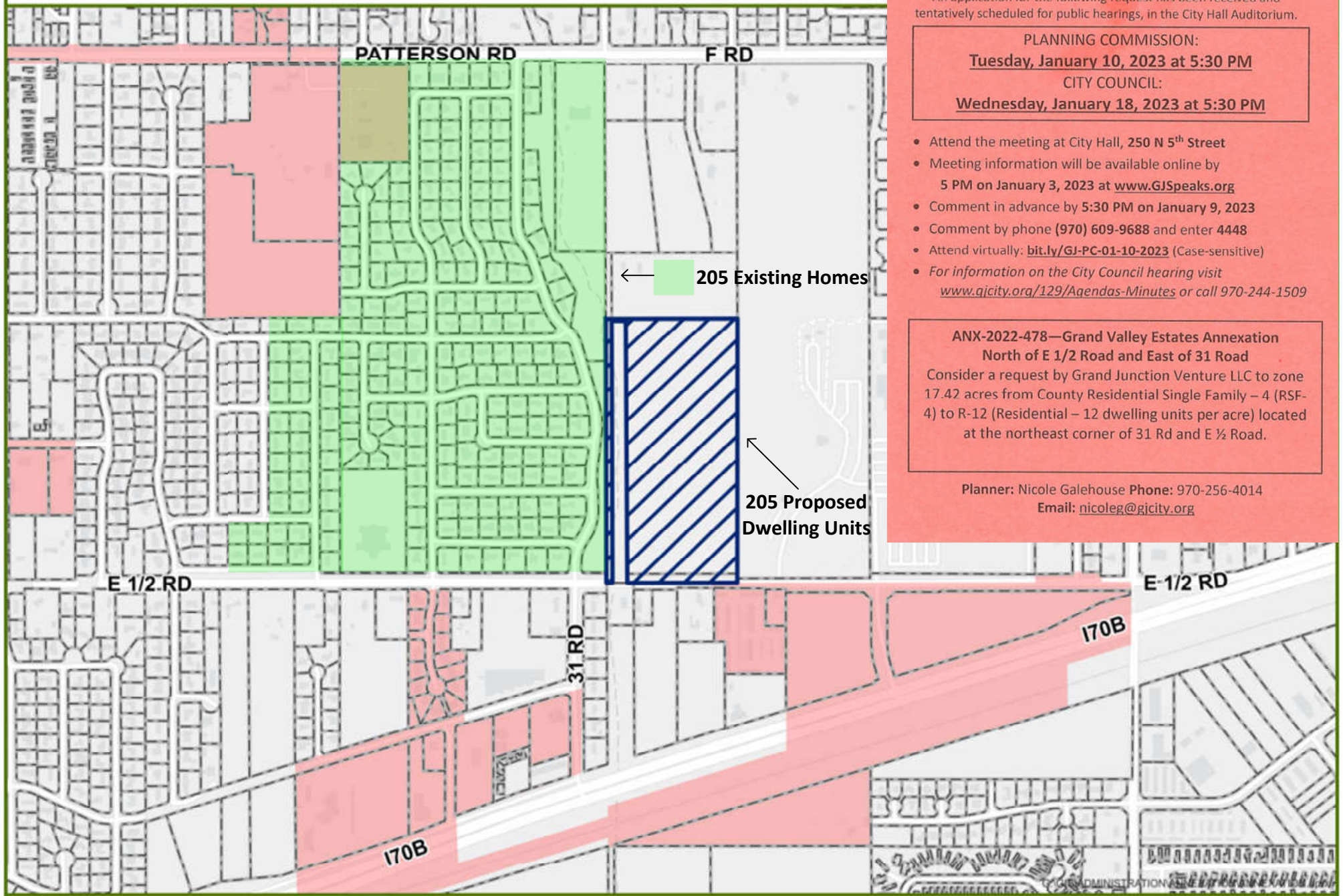
**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Nicole,

Attached is the petition of neighbors that were contacted regarding the proposed rezoning. Everyone that we had the opportunity to speak with were opposed to this proposal. I scanned these into a pdf that I posted on GJSpeaks. We will submit the originals to the Planning Commission on the 10th unless these need to be delivered to the Planning Department prior to the meeting. Please let me know the proper procedure to submit the originals.

Respectfully,
Greg Tolle
3101 F Road
970-433-9182

GRAND VALLEY ESTATES ANNEXA



NOTICE OF PUBLIC HEARING

An application for the following request has been received and tentatively scheduled for public hearings, in the City Hall Auditorium.

PLANNING COMMISSION:

Tuesday, January 10, 2023 at 5:30 PM

CITY COUNCIL:

Wednesday, January 18, 2023 at 5:30 PM

- Attend the meeting at City Hall, 250 N 5th Street
- Meeting information will be available online by 5 PM on January 3, 2023 at www.GJSpeaks.org
- Comment in advance by 5:30 PM on January 9, 2023
- Comment by phone (970) 609-9688 and enter 4448
- Attend virtually: bit.ly/GJ-PC-01-10-2023 (Case-sensitive)
- For information on the City Council hearing visit www.gjcity.org/129/Agendas-Minutes or call 970-244-1509

ANX-2022-478—Grand Valley Estates Annexation North of E 1/2 Road and East of 31 Road

Consider a request by Grand Junction Venture LLC to zone 17.42 acres from County Residential Single Family – 4 (RSF-4) to R-12 (Residential – 12 dwelling units per acre) located at the northeast corner of 31 Rd and E 1/2 Road.

Planner: Nicole Galehouse Phone: 970-256-4014
Email: nicoleg@gjcity.org

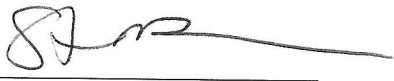
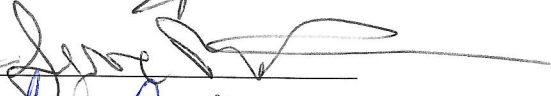
Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence of Eastbrook Subdivision oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Elisa Laws	3093 Bookcliff Ave	970-433-9004	Elisa Laws
CAROL JONES	3092 Bookcliff Ave	253-4282	Carol Jones
Shelby Laird	3091 Bookcliff Ave	970-691-4716	Shelby Laird
Matt Harris	3090 Bookcliff Ave	970-730-9540	Matt Harris
Carol Oglesby	3095 Evanston Ave	970-260-8303	Carol Oglesby
Jamie Snodgrass	3089 Bookcliff Ave	970-234-9423	Jamie Snodgrass
Joseph Burck	3088 Bookcliff Ave	970-712-7482	Joseph Burck
William F. Hahn	3085 Bookcliff	970 314-9277	William F. Hahn
Nicholas	" "	" "	Nicholas
Jeff	3082 Bookcliff Ave	970-220-6542	Jeff

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Name	Address	Phone Number	Signature
Stephanie Pomrenke	564 Eastbrook	(970) 434-3022	
Maureen Beam	564 Eastbrook	(970) 434-3022	Maureen Beam
R. Staats	3089 HEATHERTON AVE	970-778-1719	R. Staats
Patrick Heerick	583 31 RD	970-379-5876	
Matt Hayden	583 31 Rd	720 234 5800	
Lynne Andrews	586 31 rd	970-250-7878	
Lisa Cothran	588 31 Rd	970-640-0631	Lisa Cothran
Sharon Jones	590- 31 Rd	970-549-1460	Sharon Jones
Joe Jones	590- 31 Rd	970-549-1460	Joe Jones
Tressa Jones	590 31 Rd	970-433-8740	Tressa Jones

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Name	Address	Phone Number	Signature
Jaqueline Broughton	3098 Cedar Dr. Grand Jct. CO 81504	970-434-8004	Jaqueline Broughton
Robb + Rosemary Huff	3094 Cedar Dr. JJ CO 81504	970-986-9194	
Joel + Lacey Weber	3092 Cedar Dr Grand Jct 81504	970-216-9166	Joel Weber
Pete + Wanda McAd	3087 Cedar Dr. GJC 81504		Wanda McAd
Sandy Peers	3085 Cedar Dr. GJ. CO 81504		Sandy Peers
Tom Peers	3085 Cedar Dr GJ. CO 81504		
Aaron Belmont	3094 WALNUT PL 81504		Aaron Belmont
BRANDON RUPE	3097 WALNUT PL 970-250-6812		

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Name	Address	Phone Number	Signature
Hannah Bellotti	3094 Walnut Pl	970-216-1258	Hannah Bellotti
Samantha Niveles	3096 Walnut Pl.	303-513-2925	Samantha Niveles
Karla Martinez	3095 Walnut Place	970-312-6104	Karla Martinez
BOB GIBSON	3092 WALNUT PLACE	970-270-5009	Bob Gibson
Jeanette Dearborn	3093 Walnut Place	970-434-8751	Jeanette Dearborn
David Dearborn	3093 Walnut Place	970-434-8751	David Dearborn
WILLIAM F. CONROD	3091 WALNUT Pl.	970-712-8684	William F. Conrod
Cheryl McConrod	3091 Walnut Place	970-712-8686	Cheryl M. Conrod
Kelly Robb	3089 Walnut Pl.	808-639-9567	Kelly Robb
Rochelle Broughton	3098 Cedar Dr.	970-434-8004	Rochelle Broughton

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Name	Address	Phone Number	Signature
LYLE WEBB	3089 Pinion Pl.	970-462-8669	Lyle Webb
Charlotte Pearce	3093 Pinyon Pl.	970-646-0402	Charlotte Pearce
Amy Caster	3094 Pinyon Pl.	970-773-8426	Amy Caster
Shella Waldschmidt	3092 Pinyon Pl.	970-243-2313	Shella Waldschmidt
R.C. Buckley	3096 Pinyon Pl.	970-261-6000	R.C. Buckley
Diane Arocha	3088 Pinyon Pl.	918-902-5867	Diane Arocha
PAUL AROCHA	3088 Pinyon Pl.	918-313-3634	Paul Arocha
Sandra Kaufmanis	3091 Pinyon Pl.	970-434-8492	Sandra J. Kaufmanis
Judy Mantzoff	3090 Heather Ave	970-523-1357	Judy Mantzoff
Naomi Garcia	3082 Heather Ave	970-434-9498	Naomi Garcia

Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Jackie Watters	538 Hoover Ct.	970-697-9113	Jackie Watters
Crystal Meyer	536 Hoover Ct	970-314-0551	Crystal Meyer
Laura Smith	539 Hoover CT	513-309-5005	Laura Smith
Patricia Williams	541 Hoover Ct	970-261-2721	Patricia Williams
DENIS & CRIS RYKE	543 HOOVER CT	847-983-1182	Den Ryke
Bob Cress	534 Hoover Court	970-985-9670	Bob Cress
Kathy Rossmann	547 Hoover Ct	970-640-2421	Kathy Rossmann
Fredrick M. Ambulett	549 Hoover CT	970-773-3824	Fredrick M. Ambulett
Blake McElwan	542 31 Rd	970-216-6025	Blake McElwan
Louis DeRose, Jr.	3046 E ½ Rd. N.	970-434-1105	Louis C. DeRose Jr.

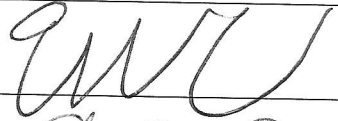
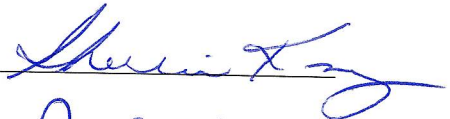
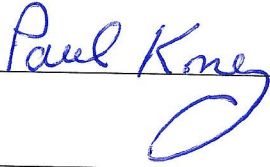
Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Jean Humble	534 31 RD	970 250 1925	<i>Jean Humble</i>
Jane Humble	534 31 Rd	970 250 6301	<i>Jane Humble</i>
Jared Oaks	536 31 RD	970 589 1532	<i>Jared Oaks</i>
Michelle CRAVER	536 31 Rd	970-366-0934	<i>Michelle Craver</i>
Mark Baker	538 31 Rd	970-640-8064	<i>Mark Baker</i>
Malcolm Sanderson	540 31 RD	970 434 0109	<i>Malcolm Sanderson</i>
Norithy J. Sanderson			
Ray Tafaza	548 Hoover		
Doug Alber	546 Hoover Ct.	970-712-7111	<i>Doug Alber</i>
HOWARD CARPENTER	540	970-644-2618	<i>Howard M. Carpenter</i>

Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence of Eastbrook Subdivision oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Elise N Clark	5803 Rd	314-458-4139	
Chris Cote	5803 Rd	314-683-4815	
Sharon Knez			
Sharon Knez	3094 Brookcliff Ave.	970-629-2186	
Paul Knez	3094 Brookcliff Ave.	970-629-2186	

Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Cheryl Fiegel	562 Grand Valley Dr 81504	910-523-1599	Cheryl Fiegel
William R. Fiegel	562 Grand Valley Dr, 81504	970-523-1599-	William R. Fiegel
Michael Pottorff	551 Grand Valley Dr.	970-712-8864	Michael Pottorff

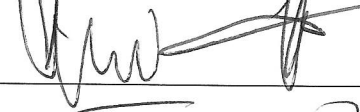
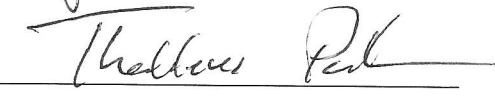
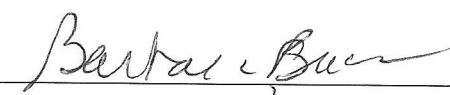
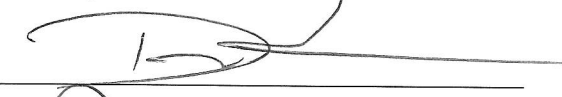
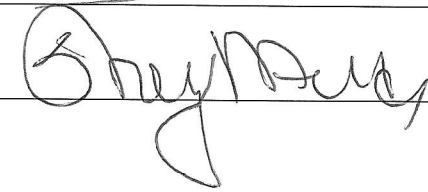
Oppose R-12 Zoning for Development at the Corner of 31 Road and E ½ Road

We the following residence oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Craig Hendee	3074 Bookcliff Ave	970-215- 6056	Craig Hendee
Susan Henley	3076 Bookcliff Ave	970-274-4046	Susan Henley
Russell R. Dink	3076 Bookcliff	970-274-9983	Russell R. Dink
Tom Hurda	578 So. Asbury Ct	970 640.1207	Tom Hurda
Kari Perez	576 S. Asbury Ct.	(562)544-9865	Kari Perez
Patricia Silvers	577 S. Asbury Ct	970 200-1400	Patricia A. Silvers
Genie Boese	575 S. Asbury Ct.	523-2023 970- 523 20	Genie Boese
Janet Huff	574 S. Asbury Ct	303 944 1359	Janet Huff
Melvin L. Stoltenberg	573 S. Asbury Ct.	970-434-9067	Melvin L. Stoltenberg
Cheryl A. Brown	571 S. Asbury Ct	970-434-3956	Cheryl A. Brown

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We the following residence oppose the rezoning from RSF-4 to R-12 of the proposed development at the Northeast corner of 31 Road and E ½. We feel the appropriate rezoning would be R-4 or R-5 for the proper infill of our community.

Name	Address	Phone Number	Signature
Erin Bryman	565 Sun Valley St 81504	707 246 5627	
Travis Winters	566 Sun Valley St 81504	770 216 4045	
John Lavery	568 Sun Valley	81504	
John Bohl	567 Sun Valley	81504	
NINA HAWKS	569 SUN VALLEY	81504	
CHRISTOPHER HAWKS	569 SUN VALLEY	81504	
Theodore Paddal	570 Sun Valley	81504	
Barbara Brown	572 Sun Valley St	81504	
Donna Meeder	3072 Bookcliff	81504	
Donna Meeder	3072 Bookcliff	81504	

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Name	Address	Phone Number	Signature
Rosemary Bonine	3109 E ½ Road	970-314-2686	Rosemary Bonine
Roy Joe Steed	3073 E ½ Road	651-492-9173	Roy Joe Steed
MICHAEL SEARSO	552 SUN VALLEY	970 812 6485	Michael Searso
William Vance	555 Sun Valley St.	720-505-1087	William Vance
David Raff	556 sun valley	970 985-0491	David Raff
Darrell Adderley	557 Sun Valley	970 208 5598	Darrell Adderley
Patrick Hutchinson	558 Sun Valley St	970-623-1672	Patrick Hutchinson
Tyler Roberts	559 sun valley st	435-557-6545	Tyler Roberts
James Hurst	562 Sun Valley St	970 208 5344	James Hurst
DIANA HURST	562 Sun Valley St	970 640 2161	Diana Hurst

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Name	Address	Phone Number	Signature
Myra O'Day	567 S. Asbury Ct.	970-260-6516	Myra O'Day
Dan Olfert	564 S. Asbury Ct	970 523 1106	Dan Olfert
Bronwyn Beckstead	566 S Asbury Ct.	970-270-1393	Bronwyn Beckstead
Charles Yost	528 S Asbury Ct	719 641- ²⁵⁸¹ 5561	Charles Yost
Byron Brooks	570 S. Asbury Ct	720-934-8827	Byron Brooks
Phil Hobart	563 Eastbrook St	970-773-4379	Phil Hobart
Ronald Dennis	559 Eastbrook St	Grandpa 51584	Ronald Dennis
Sandy Campbell	553 Eastbrook St	970-523-0670	Sandy Campbell
Josh Rabin	551 Eastbrook St	970 712 2248	Josh Rabin

Nicole Galehouse

From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Wednesday, January 4, 2023 1:50 PM
To: Nicole Galehouse; stuart@cqlawfirm.net
Cc: Janet Rowland; MCcomdev@mesacounty.us; Kevin.Holderness@mesacounty.us; Pam.Hawkins@mesacounty.us; Rose Bonine; Rod Hoover; comdev
Subject: FW: Grand Valley Estates Property Signs
Attachments: 205 Units.pdf

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Nicole,

The sign that was reposted on December 13 was taken down on the 14th and there has not been any signage until yesterday. With this scheduled for the Planning Commission Meeting on January 10th it still doesn't comply with provisions of Section 21.02.080 (g) (4) of the City's Zoning and Development Code. With the annexation and rezoning extending west to 31 Road, shouldn't there be signage on 31 Road so the residence of Eastbrook Subdivision be notified of this annexation and rezoning?

In your December 7th Staff Report to the City Council under Fiscal Impacts to City Departments you state that ***the proposed buildup of this property does reflect the same density that is in the surrounding area***. Can you please provide examples to justify that statement?

Respectfully,
Greg Tolle
3101 F Road
970-433-9182

From: Greg Tolle
Sent: Tuesday, December 13, 2022 3:29 PM
To: Nicole Galehouse <nicoleg@gjcity.org>
Subject: RE: Grand Valley Estates Property Signs

Good afternoon Nicole,

The sign was just posted between 1:45 – 3:00 this afternoon. There have not been any signs up since 11/23 and doesn't comply with provisions of Section 21.02.080 (g) (4) of the City's Zoning and Development Code.

(4) Property Sign.

(i) When required below, the applicant shall post approved signs giving notice of the application. The applicant shall post at least one sign on each street frontage of the property at least 10 calendar days before the initial public hearing and remain posted until the day after the final hearing. The applicant shall maintain the sign on the property until the day after the final public hearing.

(ii) One sign per street frontage is required.

This proposed annexation and zoning will affect a lot of people in this area and they deserve to be notified. I'm not opposed to development but everything in this area is RSF-4 and this zoning doesn't blend with the existing neighborhoods.

Greg

From: Nicole Galehouse <nicoleg@gjcity.org>
Sent: Monday, December 12, 2022 12:07 PM
To: Greg Tolle <gtolle@currentsolutionsgj.com>
Subject: Grand Valley Estates Property Signs

Good morning Greg,

Thank you for reaching out on GJ Speaks about the application signs for the Grand Valley Estates annexation/zoning item. The applicant did post the property on November 22, 2022 (see attached photo). I have asked them to confirm if it's still there & replace if necessary. Let me know if you have any questions.

Nicole Galehouse, AICP

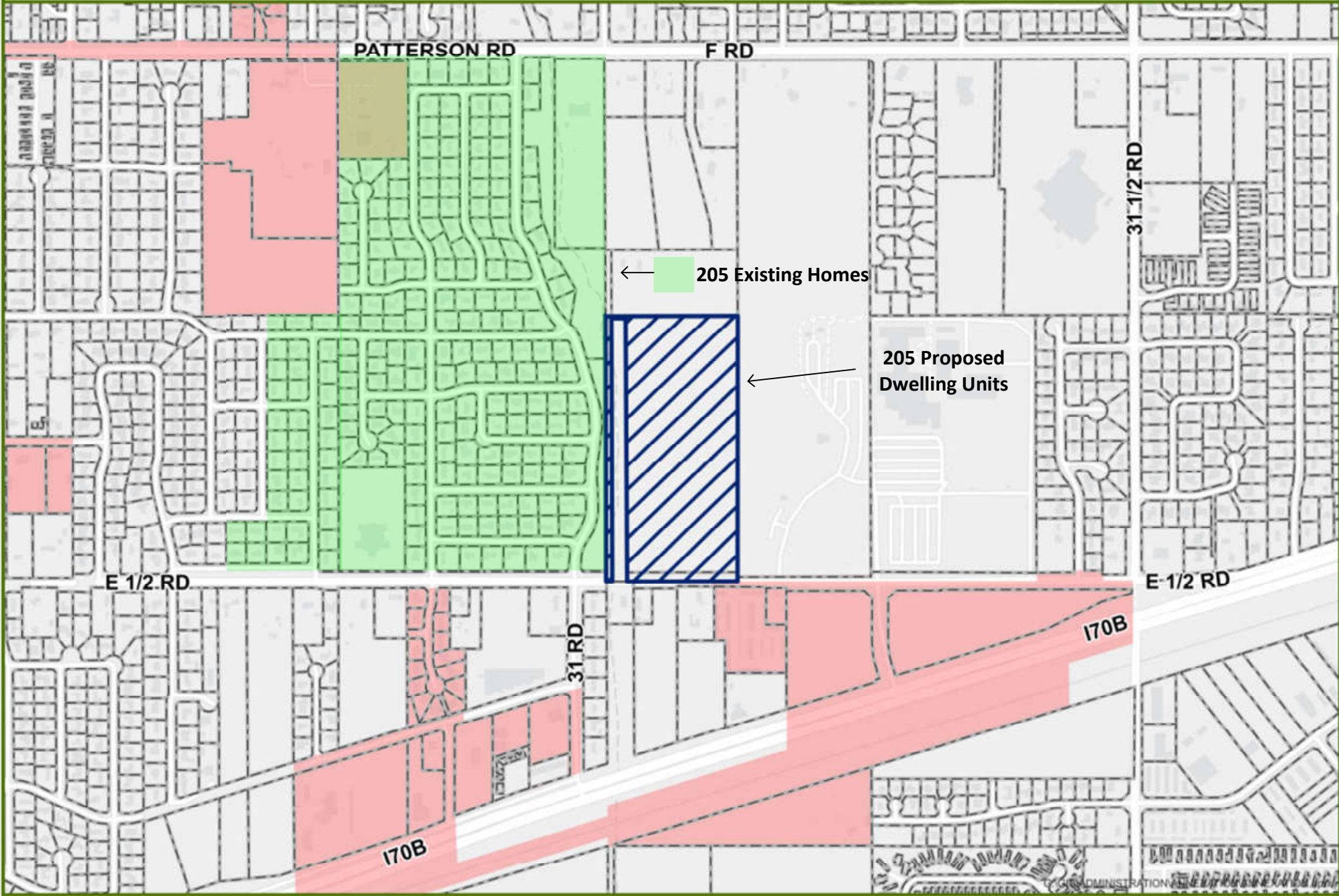
Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



GRAND VALLEY ESTATES ANNEXATION



0 0.1 0.2 Miles

 Annexation

 City Limits

Date Created: 11/22/2022



Nicole Galehouse

From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Tuesday, January 3, 2023 1:13 PM
To: Nicole Galehouse
Subject: RE: Mailing List

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Will do, thanks

From: Nicole Galehouse <nicoleg@gjcity.org>
Sent: Tuesday, January 3, 2023 11:59 AM
To: Greg Tolle <gtolle@currentsolutionsgj.com>
Cc: Rod Hoover <hoovrod@gmail.com>; richardbonine127@gmail.com
Subject: RE: Mailing List

Greg,

You should have just received an email from Jake, one of our Planning Techs, with the list. It seems like the email for Richard Bonine bounced back, so if you could forward the list to him I would appreciate it. Thank you,

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Tuesday, January 3, 2023 11:09 AM
To: Nicole Galehouse <nicoleg@gjcity.org>
Cc: Rod Hoover <hoovrod@gmail.com>; richardbonine127@gmail.com
Subject: Mailing List

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Nicole,

Hope your holidays were enjoyable, could you please send us a copy of the mailing list for the last Notice of Public Hearing?

Nicole Galehouse

From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Monday, December 12, 2022 8:06 PM
To: Nicole Galehouse
Subject: RE: Grand Valley Estates Property Signs

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

My wife did see the sign on 11/22 on the way to the store and on the way back it wasn't there

From: Nicole Galehouse <nicoleg@gjcity.org>
Sent: Monday, December 12, 2022 12:07 PM
To: Greg Tolle <gtolle@currentsolutionsgj.com>
Subject: Grand Valley Estates Property Signs

Good morning Greg,

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Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



Nicole Galehouse

From: Greg Tolle <gtolle@currentsolutionsgj.com>
Sent: Monday, December 12, 2022 1:24 PM
To: Nicole Galehouse
Subject: RE: Grand Valley Estates Property Signs

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Nicole

Thanks for the response, it might have been there for a day or two but that's all, I drive E ½ Road every day.

Greg

From: Nicole Galehouse <nicoleg@gjcity.org>
Sent: Monday, December 12, 2022 12:07 PM
To: Greg Tolle <gtolle@currentsolutionsgj.com>
Subject: Grand Valley Estates Property Signs

Good morning Greg,

Thank you for reaching out on GJ Speaks about the application signs for the Grand Valley Estates annexation/zoning item. The applicant did post the property on November 22, 2022 (see attached photo). I have asked them to confirm if it's still there & replace if necessary. Let me know if you have any questions.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



Public Comment
Received via GJ Speaks

Grand Junction Speaks

Published Comments for January 10, 2023 Planning Commission Meeting

Grand Valley Estates Annexation

Caryn Romeo

• Jan 9, 2023 • 5:04pm

I just heard about this yesterday for the first time and have not had time to adequately research it, but want to voice a couple of requests before the closing of comments. I live one more block to the West than was notified. First, 205 dwelling units is too high of density for this area. It is too close to Central High School. The character of a multistory structure does not fit in this neighborhood. The greatest complaint though has to do with the traffic on E 1/2. It is very difficult to get out on the street right now when School begins and ends. It is in a highly congested place with Wall Mart Neighborhood Market, Central High, Longs Park, and new commercial development across Warrior Way. Please reduce the density to be compatible with the existing size lots in the neighborhood to the West and East of Central. Also, I am totally against being annexed to the City. It looks as if this approved, enclaving of our Fruitvale area will be nearly complete. I want to see maps to see why Patterson North of us City Limits already. Thank you for your consideration of my comments, Caryn Romeo 560 Sol Ln

Address:

560 Sol Ln

Grand Junction, 81504

Jamie Snodgrass

• Jan 9, 2023 • 4:54pm

To Whom It May Concern: I recently was informed by a neighbor of a proposed subdivision going in on 17.42 acres East of 31 Road and North of E 1/2 Rd. It was stated that the proposal is for 205 units. My family which includes my husband and two sons live on Bookcliff Ave just east of 31 Road, 5 houses in and we were not given any information about this proposal. It was mentioned to me that you only had to contact people/homeowners within 500 feet of the proposed site. With the location of my home I am not sure how fair that is knowing the large amount of vacant land between the site and the established homes so that we would not have to be formally informed. From the information I was given, the developer is asking to have this area approved for RSF-12, stating it would fit within the current area. From the information I have found the zoning is RSF-4 with a few RSF-8 so I am not sure how that would fit into the surrounding neighborhoods. This also will be additional traffic to our area and with both a High School and a Middle School in close proximity and a new Charter School slated to begin in the old Rocky Mountain Gun Club location our traffic is very high during start and finish times of schools. If they did approve the entrance with a bridge to enter into our subdivision this would add so much traffic to our quiet neighborhood where the kids feel safe to play outside and ride their bikes. I am hoping a traffic and facility/store study was done and could be provided for all of us who are concerned about the proposal. I am not opposed to development, I know this is going to happen, but please take into consideration the safety of the families and children in the neighborhoods close by. The children want to be able to be kids and be able to play outside and ride their bikes and not have to worry about so many additional cars driving by their front doors. If you would consider it truly being a like development with staying with the RSF-4 zoning I believe we would be more receptive to this. So please hear my voice for my family. As I stated if you would keep it RSF-4 then I feel you would have less opposition and more support. Jamie Snodgrass

Address:

3089 Bookcliff Avenue

Grand Junction, 81504

Robert Huff

• Jan 9, 2023 • 4:36pm

The increased traffic, the character of our neighborhood, the ingress and egress to the site at E 1/2 Rd all are very troubling to me. I do not think this is an appropriate plan for that site. It is way too dense for this area. A single family home development would likely have my support as it is in keeping with the fit and tone of our neighborhood. I have lived in Eastbrook for 20 years. We do have a very nice vibe here in spite of the occasional traffic jams during peak school and going to

work hours. I have seen some very close calls between pedestrians-mostly school kids at our intersection of E 1/2 and 31 Road. It defies logic to think that this little intersection could handle all that increased traffic. Safety alone is enough to cause me to wonder about such a radical change in zoning. I am against this re-zoning to R-12.

Address:

3094 Cedar Drive
Grand Junction, 81504
Russell Old Wire

• Jan 9, 2023 • 1:06pm

Google Dwyer my living right next to the to that Annex Station and I think that's it should stay like this instead of being. okay well it starts at 4 but I'm going to change while I think it out and maybe not be that big and go to 8 or something like that where it's not as many people live there so.

thank you

Address:

567 South Asbury ASP why are why Court
Grand Junction, 81504

Tressa Jones

• Jan 9, 2023 • 12:55pm

I join my neighbors in expressing concern regarding the rezoning of this area. While I am normally in support of low-income housing, I do not feel that this neighborhood and roads, etc. can support such a large increase in population and traffic. I take E 1/2 to work daily and already find the 31 Rd/ E Rd intersection to be perilous, with students biking to and from the high school without checking both ways before crossing 31 Road. Adding to this traffic is only asking for trouble, unless the County plans to put in an adequate bike path and traffic light at this intersection. This change promises to lower the quality of life of 31 Road residents in numerous ways: road traffic, safety of residents, taxing of the school system, danger to the eco-system, etc. We already have issues with vandalism and crime along the road and would expect the issues to increase if said changes were to move forward. I implore the board to consider other options.

Address:

590 31 Rd
Grand Junction, 81504
Blake McElwain

• Jan 9, 2023 • 5:05am

This area will not find balance by adding R12 zoning. The majority of homeowners prefer the lower population density here. The roads cannot handle more traffic, they are already in disrepair and crossing E 1/2 road or accessing Patterson is already a challenge. Drivers speed up and down an already narrow and busy 31 road. Stoplights and speed bumps will be required in addition to widening the existing streets to accommodate such an influx of people. I can only imagine that the crime rate will grow as well.

Address:

542 31 road
Grand Junction, 81504
Labecca J Jones

• Jan 8, 2023 • 5:19pm

The proposed annexation is poor planning on the part of anyone who would consider establishing apartments or condos in this area. Doing so is deeply concerning in many ways. To add to the concerns of so many well-spoken neighbors and the surrounding community, I am compelled to add my voice. It is such a shock for this peaceful community to think of such a dramatic and long-term change to a piece of land that serves so many purposes which may go unseen to those who are not part of this much-beloved and needed place of refuge for the county, the people, and also wildlife that is dependent on the land for sustainability. I implore the board and county commission to reconsider this agenda for numerous reasons. One of the many pressing concerns is that 31 road has more traffic than one might expect as many non-residential commuters use it as "cut through" between Orchard Avenue and Patterson. Many drivers are careless regarding speed which has led to numerous accidents that are costly to residents whose vehicles are parked in their driveway or safely on the street. Additional traffic would only add to this already-existing issue which is costly to the homeowners, commuters, and the county. Please keep in mind that this area, though small, offers a much-needed refuge for a variety of wildlife including red-tail fox, raccoons, beavers, doves, ducks, geese, two-horned owls, and the endangered screech owl which is under the watchful eye of the Audubon Society. Reducing their much-needed habitat and access to nesting resources would only increase the risk of extinction to a raptor whose population is already

at great risk. In relation to this is the concern about the irrigation ditch in the area. It is a fast-moving, deep irrigation ditch that is not safe for small children or pets. If there is a significant increase in the population of the area that will have access to a bridge of some kind over the ditch, it will be necessary to build and maintain a barrier to keep innocent lives from falling in or exploring the area around the banks which are a sharp 90-degree angle and filled with soft, thick mud. The hazard for slipping and falling in and getting stuck or being swept downstream is significant and concerning as it is difficult (nearly impossible) to climb out. There is also concern that a significant increase in the population of the area will be a burden on the district 51 school zone. The high school and middle school are already struggling to maintain faculty, staff, and administration. Any increase in the student body would only further increase the stress on the local education system which only adds stress to the students body who is already attending and also those who will be admitted. Another point for consideration is the reduction in property values for homeowners who enjoy a wonderful view of the Mesa from their back porch. If an apartment building obstructs this highly desirable view, the value of the homes will decrease which is unfair to the homeowners who will lose money in property values. I ask the board to consider alternatives. The land under discussion is large and there's certainly potential. Has there been a discussion about extending the park which might include a community garden? Given the opportunity, many local people will benefit from coming together for a collective purpose of feeding, not just their own families, but others who may not have access or resources in terms of fresh produce. This open land is an opportunity. There are many options that have possibly gone without consideration. My question is how do we make this land useful for our community? An apartment building or condos will simply limit the potential for this area and hinder those who are already deeply invested financially and otherwise. Again, I ask the board and county commission to reconsider how best to put this land to use and do so setting aside brick and mortar offers coming from far outside our community with no regard for quality of life for those who live and dwell here.

Address:

2949 East Erika Court
Grand Junction, 81504
Greg Tolle

• Jan 8, 2023 • 4:47pm

Please see the attached signed petitions with over 120 of our neighbors opposed to this rezoning. This petition was taken by volunteers, knocking on doors to bring attention to our neighbors of this planned rezoning. Very few of our neighbors were aware of this, and were astonished as to what is being proposed and the impacts it will have on our community and our quality of life. Everyone that we had the opportunity to speak with, signed the petition and will be sharing this information with those we didn't have the opportunity to contact.

Address:

3101 F Road
Grand Junction, 81504
Blake McElwain

• Jan 8, 2023 • 4:34pm

The addition of R12 zoning does not bring balance to our community. This and the surrounding areas should remain R4 or R5. The majority of the people who live here prefer low density populated areas. The streets in this area cannot support more people. They are in disrepair and E 1/2 road is nearly impossible to cross on a school day. I foresee many accidents on E1/2 as well as Patterson. Hopefully someone will have foresight to install stoplights as needed. Speed bumps on 31 road between the highway and Patterson would be great as well, I am surprised someone has not been hit with the number of cars currently speeding on our streets. Has anyone thought about the possibility of crime in the area increasing?

Address:

542 31 road
Grand Junction, 81504
Joe and Sharon Jones

• Jan 8, 2023 • 3:11pm

We are against changing the zone from R4 to R12. We are concerned about the quality of life from over population in our neighborhood. We live on 31 Road and it is a busy street already and have had two car accidents occur in front of our home in the last few months. We have a land license with the county for land next to our home. We have had deer, foxes, owls and other wild life that is a part of the benefit of living on 31 Road. These things could very well change the ascetics and beauty of this area if the land in our back yard is zoned from R4 to R12 to inhabit multifamily dwellings. I would hope that the quality of life of people in our neighborhood and city would be of a

greater importance to our officials making the decisions for their constituency than for business interest of investors that live out of our state. Dear Public Officials, if this project was proposed in your backyard would you change the zoning from R4 to R12? Sincerely, Joe and Sharon Jones
Address:

590 31 Road
Grand Junction, 81504
Richard Bonine

• Jan 8, 2023 • 8:10am

You zoned in Cross Orchard's as an R-4, please reconsider Grand Valley Estates for an R-4 not R-12.
Address:

3109 E 1/2 Road
Grand Junction, 81504
Denis Ryle

• Jan 7, 2023 • 4:37pm

Why so many units on such a small parcel of land ? Were else has the city changed its zoning from RSF4 to R12?? Why not continue to build single family homes. This is a single family community. Who maintains E1/2 road? City or country ? The traffic you will be adding to E1/2 road a two lane road . At 205 units lets say 300 cars daily that's 2100 cars a week 8400 a month that's 100,800 a year !!!!! Do you think E1/2 road can handle that kind of traffic ?????This is a stupid idea !!!!! What does this due to the value of the homeowners adding apartment buildings and not new homes. I thought part of this land is a flood plain . Why would you build on a flood plain ? Looks like the city has little or no concern for the home owners around this parcel of land .Another question who pays for inner structure water sewer gas electric ? What tax breaks are you giving and for how many years . What about the additional students to our school system who pays for that ? Looks like the home owners will get stuck with these bills !! The right think to do is not change the zoning and build single family homes and respect the wishes of the home owners around this land. Denis

Address:

543 Hoover Ct, ,
Grand Junction, 81504
hi Lee Robert

• Jan 7, 2023 • 10:44am

hi I just wanted to say that I do support Urban growth in the area however I do want to specify that I think the gross should come in the form of single family housing in the area rather than low income apartments my understanding is that low income apartments do not actually a long term benefit Residence Inn areas they pulled back the ability for people to be able to purchase her own single family homes and that is ultimately the goal to help resolve the housing crisis that we are currently dealing with him this climate long term housing Solutions such as single family homes can also be rented out short term which I think is going to be more beneficial option for the county and the area as well as it's residence rather than low income short term rental apartments. I would like to recommend that we use the space in that manner rather than building additional short term housing thank you

Address:

5597 Valley Street
Grand Junction, 1504
Tylee Roberts

• Jan 7, 2023 • 10:32am

My husband and I just bought a home in this area. I support the idea of building single family homes but do not want to see low income housing rental apartments developed in the neighborhood. Building more rental apartments does not help the ongoing housing crisis. It continues it. We need more affordable housing that encourages people to own their homes. Even if the owner of the homes rents out their house this is still more beneficial to the neighborhood and those who live in Grand Junction than another apartment complex.

Address:

559 Sun Valley Street
Grand Junction, 81504
Emery Welsh

• Jan 6, 2023 • 5:18pm

My wife Debbie and I have lived here since 1988. We have enjoyed the semi country atmosphere but we are not anti growth. We were blessed to have a great neighbor in Bill Long. He loved his small farm so much that he donated his land in lieu of development. We have a beautiful family park that was his wish that he didn't live to see. We have a beautiful housing development going in

on the east side of the park and We feel that this would fit in on the subject property instead of high density housing. Thank you Emery and Debbie Welsh

Address:

3109 f rd

Grand Junction , 81504

Vanessa Santos

• Jan 6, 2023 • 4:38pm

The application from the developer to Grand Junction specifies R-8. There is continued inconsistencies w regard to this proposal.

Address:

1524 Crest View Way

Grand Junction, 81506

Vanessa Santos

• Jan 6, 2023 • 4:32pm

A density change from R-4 to R-12 for ~17 acres for this neighbourhood is too much. If one considers the areas that would need to be excluded as unsuitable for building including, Army Corp designated flood zone, irrigation canal and right-of-way and hardscape for parking, driveway, bridges and access roads, that packs alot of density in a much smaller acreage. The result, it would seem would be 3+ storied apartment blocks rather than the touted "mixed use" of single family, and condos and light retail. The goal of infill and utilizing existing infrastructure, while admirable, must also acheve the balance for the quality of life for the existing owners/residents which is R-4. In no case, should a high-rise be considered to "balance" this developers plan. Thier goal to maximize the profit on this land purchase should balance the character of this neighbourhood to much less than R-12. Further I see in the planning maps, which seem inconsistent to change properties along E1/2 to "medium" density as well as change some R-4 to Commiecial. As another commenter pointed out, the addition of another school at the former RMGC property will further impact the density of this area.

Address:

1524 Crest View Way

Grand Junction, 81506

Rosemary Bonine

• Jan 6, 2023 • 4:00pm

Has a planner come out to the proposed annexation property to see the existing subdivisions and how it is all R-4? Or are they just going by paperwork being filled out by the developer and what they feel fits the area? R-4, R-5 fits the area come out and see.

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rosemary Bonine

• Jan 6, 2023 • 3:13pm

Meeting Date December 13, 2022 The Zone district R-5 is also consistent with the residential medium land use category of the comprehensive plan. How do you recommend approval without our input?

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rosemary Bonine

• Jan 6, 2023 • 1:23pm

E 1/2 Road is the overflow road today for Patterson and I-70B. It is one of the three main east-west roads in the area now. What will be done to address the expected increase in traffic? How are you planning on incorporating bike paths, turn off lanes and sidewalks?

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rod Hoover

• Jan 6, 2023 • 8:14am

The impacts that are going to be made by these proposals ,are being grossly underestimated in my opinion. I live on the corner of E 1/2 and 31 road. My family has owned the property for over 90 years. The traffic situation that the planner seems to be downplaying is indeed Dire. If anyone doubts that situation, please come down and observe 31 and Orchard Avenue when school is letting out, or around 5:00. I cringe to think how bad it will be if the proposed Charter school,

(grades 1- 12) is passed. 31 Road has always been slated for realignment to the other side of Lewis wash and now all of that is off the table? What about the park and walking path promised for the curvy 31 Road ,north of E 1/2 Road ? Now there is talk of a bridge off of Bookcliff Ave ? At what cost ? Have those Homeowners been contacted? We all understand the need for infill,and progress is inevitable .But to change from R4 to R 12? Perhaps,R5 might be more appropriate?

Address:

3095 E 1/2 Road

Grand Junction, 81504

Greg Tolle

• Jan 5, 2023 • 10:11pm

How were the concerns from the required Neighborhood Meetings from June 8th and September 12th addressed by the Planning Department? Are these just requirements that you need to check off your list, how do we get any answers to what your doing to forever change our neighborhood.

Address:

3101 F Road

Grand Junction, 81504

Rosemary Bonine

• Jan 5, 2023 • 1:33pm

Is there anyway we can consider a subdivision like Country Place on 29 1/2 and D 1/4 roads? 105 homes on 15.5 acers? That size fits into the area quite well.

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rosemary Bonine

• Jan 5, 2023 • 11:50am

Looking at the map associated with this proposal. It looks like the surrounding area is mainly RSF-4. I am apposed to changing from the counties RSF-4 to the extreme R-12. R-4 or R-5 is more consistent to the surrounding area.

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rosemary Bonine

• Jan 5, 2023 • 11:29am

I am concerned that the R-12 proposed annexation does not fit the same density as the surrounding area. I am unable to find any other R-12 subdivisions in the city limits except by Colorado Mesa University. Can you advise as to other subdivisions that have been developed in the city limits zoned R-12?

Address:

3109 E 1/2 Road

Grand Junction, 81504

Greg Tolle

• Jan 5, 2023 • 10:50am

In the presentation to City Council on December 7th under Fiscal Impact the following was stated. The developer will also be constructing the east half of 31 Road along the west side of the development. The City will reimburse the developer to construct the 16 feet of 31 Road with Transportation Impact Fees. The City has \$200,000.00 in the proposed 2023 budget under the transportation impact fee fund. What are the plans to access 31 Road from this development?

Address:

3101 F Road

Grand Junction, 81504

Greg Tolle

• Jan 5, 2023 • 10:31am

Will the proposed annexation and rezoning of 545 31 Road (Rocky Mountain Gun Club) to establish a school on 4.5 acres (MTG-2022-858) have any effect on your calculations that the current infrastructure is sufficient for this rezoning to R-12?

Address:

3101 F Road

Grand Junction, 81504

Rosemary Bonine

• Jan 5, 2023 • 8:01am

How do you compare 83.9 Acres with 205 homes to a proposed 205 dwelling units on only 17

Acres?

Address:

3109 E 1/2 Road

Grand Junction, 81504

Rosemary Bonine

• Jan 5, 2023 • 7:55am

I would like to know how you plan on accommodating a minimum of 400 cars onto E 1/2 Road safely?

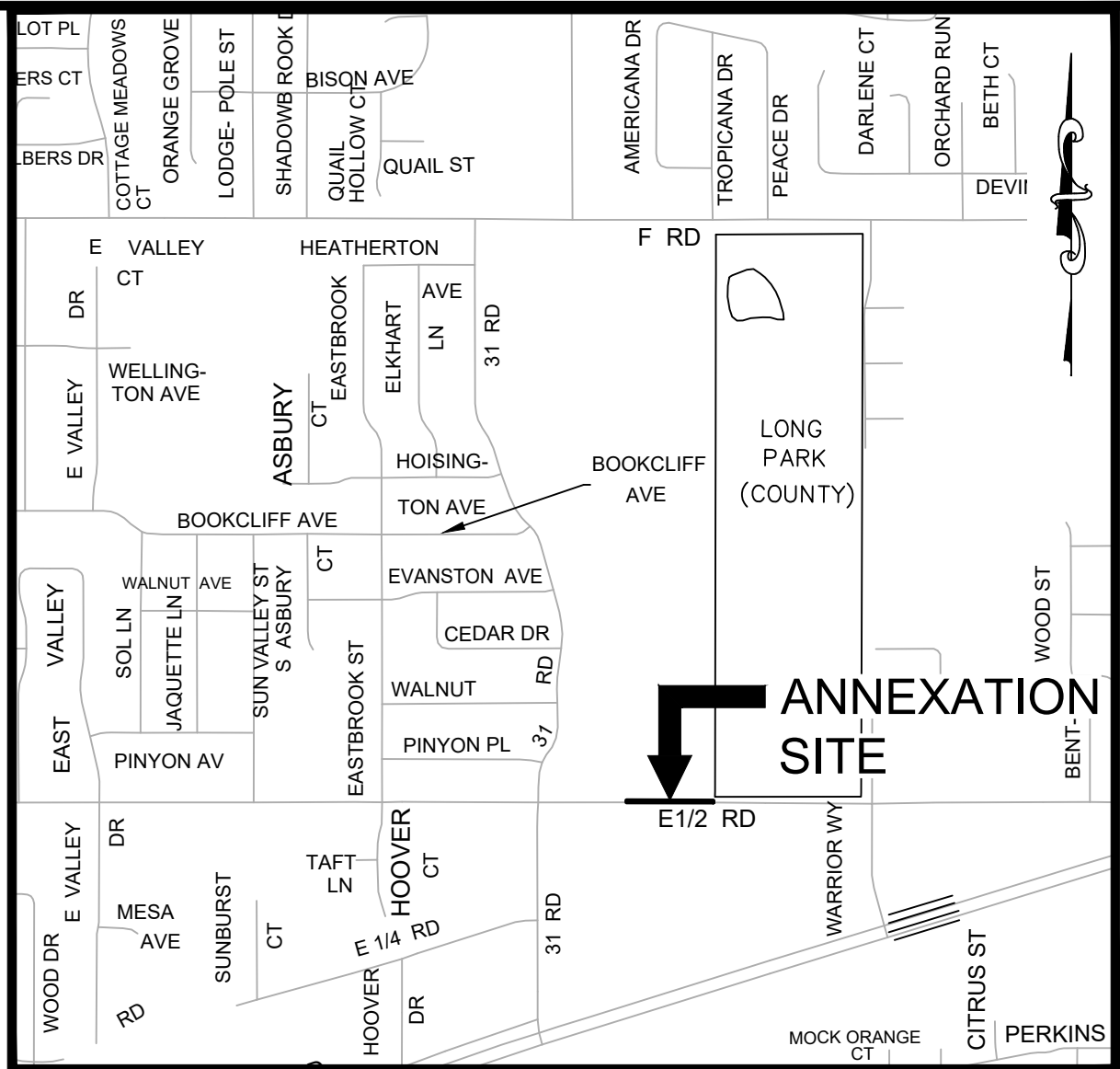
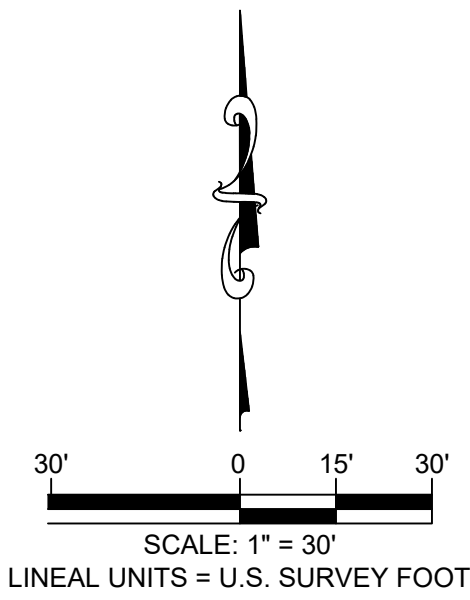
Address:

3109 E 1/2 Road

Grand Junction, 81504

GRAND VALLEY ESTATES ANNEXATION NO. 1

Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP SCALE: 1" = 800'

LEGAL DESCRIPTION

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of said Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860 being the Point of Beginning; thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Northwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860; thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 260.60'; thence the following three (3) courses: 1) N00°06'52"W a distance of 1.00 feet 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°07'01"E a distance of 1.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	786.00 FT.
CONTIGUOUS PERIMETER	131.40 FT.
AREA IN SQUARE FEET	392.00 FT ²
AREA IN ACRES	0.009
AREA WITHIN R.O.W.	392.00 FT ²
AREA WITHIN DEEDED R.O.W.	0.009 ACRES
	0.00 FT ²
	0.00 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN
NO.	NUMBER
REC.	RECEPTION

SQ. FT.	SQUARE FEET
Δ=	CENTRAL ANGLE
RAD.	RADIUS
ARC	ARC LENGTH
CHD.	CHORD LENGTH
CHB.	CHORD BEARING
BLK.	BLOCK
P.B.	PLAT BOOK
BK.	BOOK
PG.	PAGE
HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

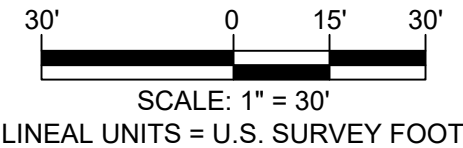
PRELIMINARY

RENEE BETH PARENT DATE
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: MJH DATE: 10/24/2022
DESIGNED BY: RBP DATE: 10/14/2022
CHECKED BY: RBP DATE: 10/26/2022



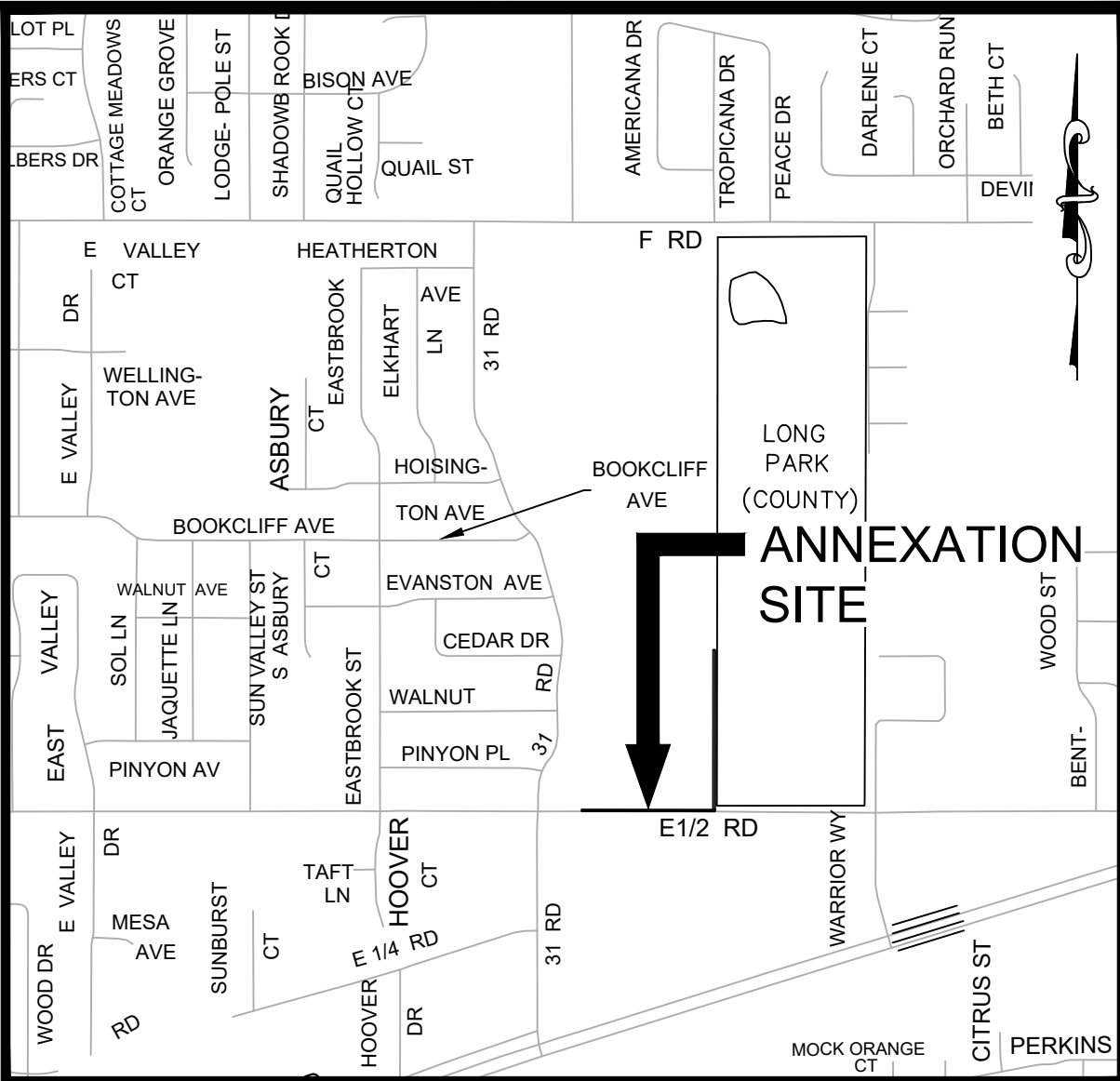
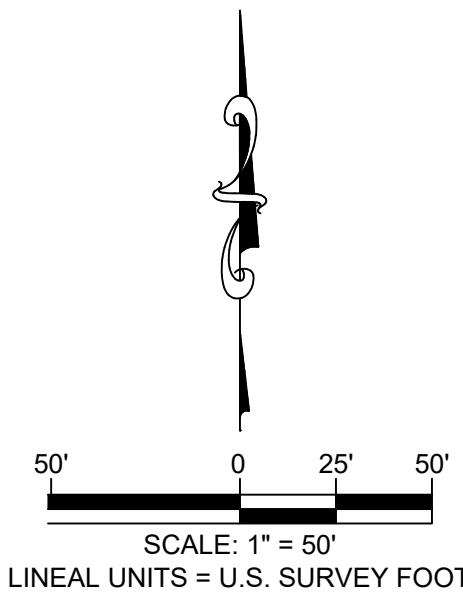
PUBLIC WORKS
ENGINEERING DIVISION

GRAND VALLEY ESTATES ANNEXATION NO. 1

Located in the W1/2 SW1/4 NW1/4 SECTION 10,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

GRAND VALLEY ESTATES ANNEXATION NO. 2

Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

LEGAL DESCRIPTION

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 being the Point of Beginning; thence S89° 59'24"W along the North line of said Annexation NO. 1 a distance of 392.00 feet to the Northwest Corner of said Annexation NO. 1; thence along the West line of said Annexation NO. 1 S00°06'52"E a distance of 1.00 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10, said point is also the Southwest Corner of said Annexation NO. 1; thence along said South line of the Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 163.77 feet to a point on the West line of Reception No. 3027832; thence the following five (5) courses 1) along said West line N00°06'52"W a distance of 2.00 feet 2) N89°59'24"E a distance of 554.77 feet 3) N00°07'01"W a distance of 618.00 feet 4) N89°59'24"E a distance of 1.00 feet to a point on the East line of said Reception No. 3027832 5) along said East line S00°07'01"E a distance of 619.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING **1,337** Square Feet or **0.031** Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	2,351.54 FT.
CONTIGUOUS PERIMETER	393.00 FT.
AREA IN SQUARE FEET	1,337 FT ²
AREA IN ACRES	0.031
AREA WITHIN R.O.W.	768 FT ²
AREA WITHIN DEEDED R.O.W.	0.018 ACRES
	25 FT ²
	0.001 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
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NO.	NUMBER
REC.	RECEPTION

SQ. FT.	SQUARE FEET
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HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

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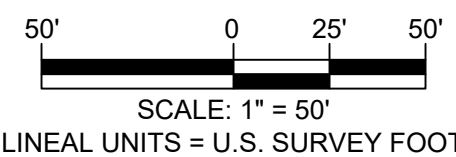
PRELIMINARY

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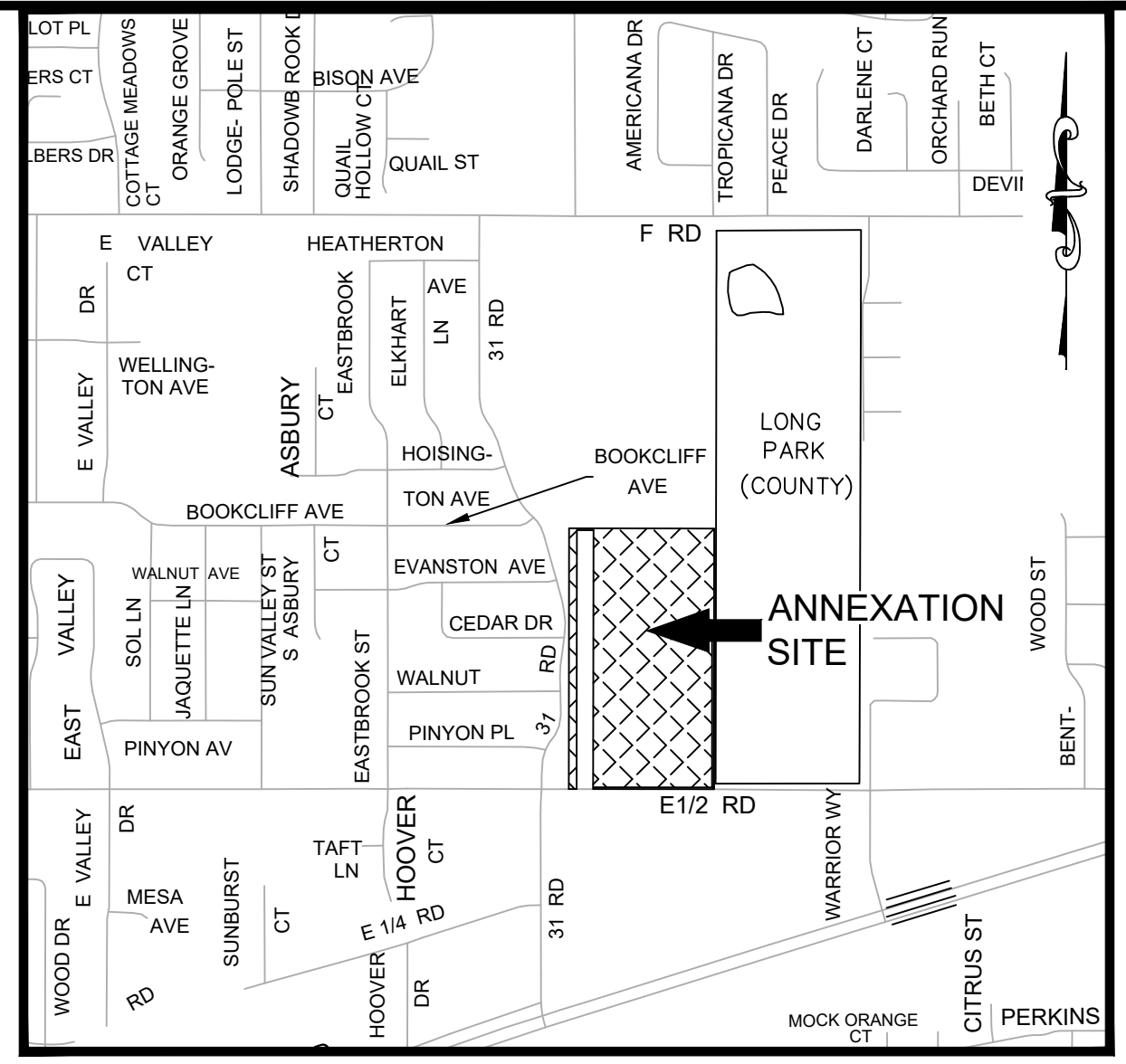
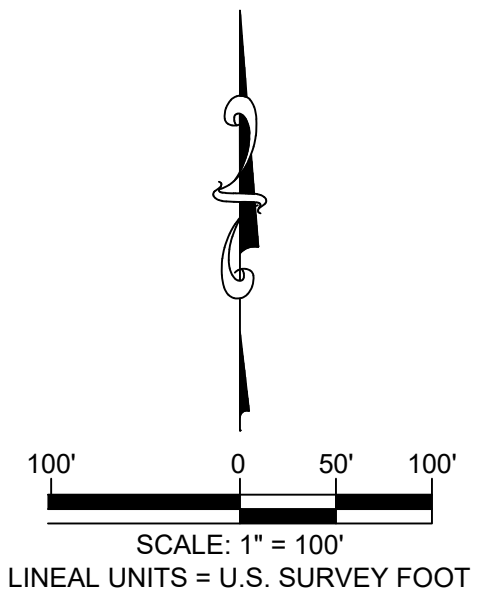
PUBLIC WORKS
ENGINEERING DIVISION

GRAND VALLEY ESTATES ANNEXATION NO. 2

Located in the W1/2 SW1/4 NW1/4 SECTION 10,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

GRAND VALLEY ESTATES ANNEXATION NO. 3

Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP SCALE: 1" = 800'

LEGAL DESCRIPTION

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southwest Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2; thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"W a distance of 619.00 feet to the Northeast Corner of said Annexation NO. 2 being the Point of Beginning; thence along the Northern boundary line of said Annexation NO. 2 for the following three (3) courses: 1) S89°59'24"W a distance of 1.00 feet 2) S00°07'01"E a distance of 618.00 feet 3) S89°59'24"W a distance of 554.77 feet to the Northwest Corner of said Annexation NO. 2; thence, the following three (3) courses along the boundary of Reception Number 188299, 1) N00°06'53"W a distance of 1306.00 feet 2) S89°59'24"W a distance of 70.00 feet 3) S00°06'52"E a distance of 1308.00 to a point on said south line of the Southwest Quarter of the Northwest Quarter, thence S89°59'24"W a distance of 30.00 feet to the West Quarter Corner of said Section 10; thence along the West Line of said Section 10, N00°06'51"W a distance of 1318.07 feet to the North 1/16th Corner of Section 9 & said Section 10; thence along the North line of said Southwest Quarter of the Northwest Quarter, N89°58'25"E a distance of 655.71 feet to the northeast corner of Reception 3027832; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771,084 Square Feet or 17.702 Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	6,559.81 FT.
CONTIGUOUS PERIMETER	1,173.77 FT.
AREA IN SQUARE FEET	771,084 FT ²
AREA IN ACRES	17.702
AREA WITHIN R.O.W.	66,168 FT ²
	1.519 ACRES
AREA WITHIN DEEDED R.O.W.	13,869 FT ²
	0.318 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
REC.	RECEPTION
U.M.	UTE MERIDIAN
NO.	NUMBER
REC.	RECEPTION

SQ. FT.	SQUARE FEET
Δ=	CENTRAL ANGLE
RAD.	RADIUS
ARC	ARC LENGTH
CHD.	CHORD LENGTH
CHB.	CHORD BEARING
BLK.	BLOCK
P.B.	PLAT BOOK
BK.	BOOK
PG.	PAGE
HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

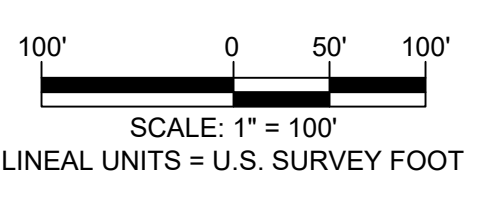
PRELIMINARY

RENEE BETH PARENT DATE
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: MJH DATE: 10/24/2022
DESIGNED BY: RBP DATE: 10/14/2022
CHECKED BY: RBP DATE: 10/26/2022



PUBLIC WORKS
ENGINEERING DIVISION

GRAND VALLEY ESTATES ANNEXATION NO. 3
Located in the W1/2 SW1/4 NW1/4 SECTION 10,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



734 Main Street
Grand Junction
CO 81501
970.241.0745
planning@kaart.com

January 5, 2023

Nicole Galehouse
Principal Planner
Grand Junction Community Development

Re: ANX-2022-478 Public Notice Sign on Property

Dear Nicole,

The intent of this letter is to provide a summary of the posting of the public notice sign on the property subject to land use application ANX-2022-478. It is my understanding that there have been public comments related to this matter, and this summary of events will provide clarity on the public notice sign posting that has occurred to this date.

The public notice sign was posted on the subject property's E ½ Rd. frontage on November 22, 2022. Nicole Galehouse reached out to me via email on December 12, 2022 to inform me that she had received two public comments stating that there was no sign posted on the property. I visited the property on December 13, 2023 to investigate the status of the sign. When I arrived, the sign's frame was still in place where it had been originally posted but the sign had been removed and was located on the ground approximately 50 feet away. I reattached the sign to its frame and secured it firmly in the ground that day.

I returned to the site on January 4, 2023 to check the status of the sign. Once again, the metal frame was still in its original place but the yellow sign was not there and could not be located. I immediately informed Nicole and she had a new sign prepared that day. I picked up the new sign and posted it on the afternoon of January 4, 2023. This time I nailed the sign to the wooden fence post using four (4) framing nails. Please see the images on the following pages that correspond to the above descriptions.

Sincerely,

Ty Johnson, AICP



Picture of the sign originally posted on 11/22/22



The sign frame without sign as it was found on 12/13/22



The sign reposted on 12/13/22 after finding the sign approximately 50' away from the frame



New sign nailed to the fence post on 1/4/23 (the original sign frame can be seen still intact to the left of the fence post)

GRAND JUNCTION PLANNING COMMISSION
December 13, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Commissioner Ehlers.

Those present were Planning Commissioners; Keith Ehlers, Kimberly Herek, Sandra Weckerly, Shanon Secrest, JB Phillips, and Melanie Duyvejonck.

Also present were Jamie Beard (City Attorney), Felix Landry (Planning Supervisor), Dave Thornton (Principal Planner), Nicole Galehouse (Principal Planner) and Jacob Kaplan (Planning Technician).

There were 11 members of the public in attendance, and 2 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from November 8th, 2022.

2. Brookwillow Village Filing Six-Vacation of Public ROW **VAC-2022-673**

Consider a request by Senergy Builders, Darin Carei, to vacate a portion of Brookwillow Drive Right of Way totaling 660 square feet in a PD (Planned Development) zone district.

3. Brookwillow Village Filing Six-Vacation of Easement **VAC-2022-674**

Consider a request by Senergy Builders, Darin Carei, to vacate two sections of multi-purpose easement paralleling Brookwillow Drive totaling 1332 square feet in a PD (Planned Development) zone district.

4. Horizon Cache-Vacation of Slope Easement **VAC-2022-771**

Consider a request by Bray Commercial LLC - Sid Squirrell to vacate a slope easement on 2.4634 acres in a C-1 (Light Commercial) zone district.

REGULAR AGENDA

1. Grand Valley Estates Annexation **ANX-2022-478**

Consider a request by Grand Junction Venture LLC to zone 17.42 acres from County Residential Single Family – 4 (RSF-4) to R-12 (Residential – 12 du/ac) located at the northeast corner of 31 Rd and E ½ Rd.

Discussion

Nicole Galehouse, Principal Planner, noted a discrepancy in the proposed zoning between the agenda item and the mailed notices. She proposed continuing the item to the next public hearing.

Motion and Vote

Commissioner Duyvejonck made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at the northeast corner of 31 Rd and E ½ Rd, City file number ANX-2022-478, I move that the Planning Commission reschedule the item to the next public hearing.”

Commissioner Weckerly seconded; motion passed 7-0.

2. Lucky You Rezone

RZN-2022-

570

Consider a request by Lucky You Properties, LLC, to rezone 2.11 acres from PD (Planned Development) to C-1 (Light Commercial) located at 2992 Patterson Road.

Staff Presentation

Nicole Galehouse, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Representative Tom Logue was present and available for questions

Questions for staff

Commissioner Ehlers asked if the site conforms to the C-1 zone.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, December 6, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:50 p.m. on December 13, 2022

Discussion

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the Rezone request for the property located at 2992 Patterson Road, City file number RZN-2022-570, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Weckerly seconded; motion passed 7-0.

3. Zoning & Development Code Amendment-Landscaping Standards

ZCA-2022-170

Consider an amendment to the Zoning and Development Code Section 21.06.040 Landscape, Buffering, and Screening Standards; Section 21.10.020 Terms Defined; Section 21.03.030 Measurements; Section 21.03.080 Mixed Use and Industrial Bulk Standards Summary Table; and Section 21.04.030 Use-Specific Standards of the Grand Junction Municipal Code.

Staff Presentation

Felix Landry, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Commissioner Duyvejonck inquired about the specific requirements for developers seeking to obtain irrigation certification.

Commissioner Weckerly asked what language specifically would be changing with adoption of the proposed code amendment.

Commissioner Ehlers argued that the proposed amendment did not completely align with the goals of the Comprehensive Plan. He asked if there were any code requirements for the location of trees in the city. He inquired about how significant trees would impact private homeowners wanting to develop on their property. He asked if the significant trees are specifically required when designing a landscape plan. He remarked on the potential inequity that preserving significant trees posed for developers and wondered if the punitive measures of the amendment should be removed.

Commissioner Secrest gave an example of preserving significant trees having a potentially adverse impact on the value of a property, and how landowners might be incentivized to clearcut in order to maximize the space available to a developer. He inquired as to who were the most vocal stakeholders in discussions about the proposed amendment.

Staff responded to commissioner questions and comments.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, December 6, 2022, via www.GJSpeaks.org.

Kamie Long commented that these significant trees mainly grow in high-water areas which are typically seen as undesirable for development. She argued that the ordinance was equitable because there would be a measurable metric instead of evaluating each site on a case-by-case basis.

Kelly Maves argued that the canopy exists because of development. She requested that the commission remove the language on significant trees from the proposed amendment.

Don Pedigro remarked on the increased cost incurred by developers if they need to work around the significant trees.

Ron Abeloe added to the comments about development being the dominant driver of canopy creation in the Valley. He also argued that Cottonwoods were not worth consideration because they require too much water to maintain.

Greg Dahl echoed the concerns about increased cost of development. He commented that there should be incentives for developers who choose to preserve trees.

Kamie Long spoke again on behalf of the Forestry Board and addressed some of the comments made by the other attendants.

The public hearing was closed at 7:22 p.m. on December 13, 2022

Discussion

Staff spoke about the existing incentives for developers who choose to preserve significant trees and noted that the existing regulations protect significant trees, but it is up to the discretion of the Community Development director.

Commissioner Weckerly reiterated that the strike and underline of the existing code was unclear as to the actual proposals of this amendment. She added that the significant tree proposal might be especially detrimental to development in areas with limited water availability and would be counterintuitive to water conservation efforts.

Commissioner Herek voiced her support for keeping the language about significant trees in the amendment.

Commissioner Phillips commented that it would be good to identify who was speaking on behalf of the city prior to opening a public hearing. He wondered if the significant trees would hamper development and who should incur the costs of preserving trees.

Commissioner Duyvejonck argued in favor of preserving existing mature trees and that there should be costs and permits in order to remove trees from a site.

Commissioner Secrest outlined the reasons he both supported and was opposed to the amendment.

Commissioner Ehlers spoke briefly on his own desire to maintain tree canopy. He further argued his opposition to penalties against developers who are removing trees to maximize habitable space.

Motion and Vote

Commissioner Weckerly made the following motion "Mr. Chairman, on the request to amend the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code, file number ZCA-2022-170, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report, with the elimination of all reference to the proposed significant trees language."

Commissioner Ehlers seconded; motion failed 1-5.

Commissioner Duyvejonck made the following motion “Mr. Chairman, On the request to amend the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code, file number ZCA-2022-170, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

Commissioner Herek seconded; motion failed 3-3.

OTHER BUSINESS

ADJOURNMENT

Commissioner Weckerly moved to adjourn the meeting; Commissioner Ehlers seconded.
The vote to adjourn was 7-0.

The meeting adjourned at 8:12 p.m.

GRAND JUNCTION PLANNING COMMISSION
January 10, 2023, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Andrew Teske, Ken Scissors, Kimberly Herek, Sandra Weckerly, Shanon Secrest, JB Phillips, and Melanie Duyvejonck.

Also present were Jamie Beard (City Attorney), Felix Landry (Planning Supervisor), Dave Thornton (Principal Planner), Nicole Galehouse (Principal Planner), Scott Peterson (Senior Planner), Dani Acosta (Senior Planner), and Jacob Kaplan (Planning Technician).

There were 28 members of the public in attendance, and 2 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from December 13, 2022.

2. Eagle Estates Extension Request

SUB-2017-605

Consider a Request by Normal Brothers, LLC to Extend for One-Year until January 11, 2024 the Conditional Administrative Approval to Record the Plat for Eagle Estates, 10 Lots on 5.44 acres in an R-2 (Residential-2 du/ac) zone district.

REGULAR AGENDA

1. Grand Valley Estates Annexation

ANX-2022-478

Consider a request by Grand Junction Venture LLC to zone 17.42 acres from County Residential Single Family – 4 (RSF-4) to R-12 (Residential – 12 du/ac) located at the northeast corner of 31 Road and E ½ Road.

Staff Presentation

Nicole Galehouse, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request. Additionally, she gave a brief history of the public notice activities for this item.

Applicant Ty Johnson was present and available for questions/comments.

Commissioner Secrest made the following motion “I’ll make a motion to approve that the proper notification was provided.”

Commissioner Scissors seconded; motion passed 7-0.

Questions for staff

Commissioner Weckerly asked staff to elaborate on the portion of the presentation pertaining to road improvements.

Commissioner Scissors asked the applicant what the advantages of zoning R-12 are.

Commissioner Teske asked the applicant why they were requesting R-12 instead of the previously requested R-8 zoning.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, January 3, 2023, via www.GJSpeaks.org.

Carroll Aamold remarked on the downsides of the site for development. Specifically, he noted the potential flooding issues from Lewis Wash, the increased traffic/parking issues, and safety for pedestrians trying to cross on E ½ Road.

Stuart Foster commented that the R-12 zone designation would be incompatible with the existing surrounding land uses. He also spoke about the current safety and traffic issues on E ½ Road that may be exacerbated by development. He mentioned the neighborhoods near Colorado Mesa University and noted the differences in character between those neighborhoods and the one in question.

R. C. Buckley introduced a petition opposing the development and spoke about the lack of notification. He noted that the nearest development that matched the size of the one proposed was 3 miles away. He wondered why the acreage of the parcel was increasing over time and compared the proposed number of units for the site with that of the Eastbrook subdivision.

Rosemary Bonine requested that the property be annexed to R-5. She stated that E ½ Road is currently the 3rd largest route for east-west bound traffic and that it is not currently wide enough for turn lanes, sidewalks, and paths. She said the existing infrastructure and amenities are overwhelmed and wondered if police/fire would be able to keep up with the potential rise in crime. She pointed to "East States Garden Orchards" as reason to change the zoning to R-5.

Rod Hoover commented that 31 Road had been planned to be relocated on the East side of Lewis Wash. He said that he had not heard anything about a roundabout at 31 Road and E ½ Road and expressed that he would like to be better informed in the future. He brought up that the owner of the property across E1/2 Road was waiting to see what the plan was for the property in question, and worried that another large development might follow suit.

Lisa Cothrun requested that the planning commissioners visit Long's Park. She mentioned that there was wildlife inhabiting Lewis Wash and asked that the developer factor that into their plans.

Marc Baker commented that he wasn't particularly concerned about an R-8 zoning but was worried about the impact and R-12 zoning might have. He remarked on the size and location of the public notice sign.

Joe Jones brought up the importance of the quality of life in Grand Junction and the impact this subdivision would have. He also spoke about the existing traffic problems in the area.

Dave Dearborn questioned the noticing distance for properties adjacent to the proposed subdivision. He echoed concerns of car accidents at 31 and E ½ Road due to increased traffic.

Labecca Jones spoke with the Audobahn society on the endangered wildlife in the area. She also expressed concerns about the proximity of the new development to Lewis Wash and the dangers it could pose to children and pets.

Scott Rafferty listed a number of accidents he has seen along 31 Road and at the intersection with E ½ Road. He expressed that he would like to see development of single-family homes instead of apartments.

Miles Cothrun noted that 31 Road is the main thoroughfare for traffic moving from Patterson to E ½ Road. He commented on the noise and crime at Long's Park. He also commented on the views from his property.

The public hearing was closed at 7:10 p.m. on January 10, 2023.

Discussion

Applicant Ty Johnson noted that there are pending improvements to 31 Road and E ½ Road. He also noted that there would be an in-depth site plan review prior to any development. He reiterated that the R-12 zone is more desirable than R-8 given the relaxed lot requirements and the site's proximity to amenities. He noted that there is a housing shortage in Grand Junction, and this development would provide many new units for residents.

Commissioner Weckerly inquired about the "sliver" of the parcel as shown on the staff presentation. She requested confirmation that the 31 Road improvements would occur through development of the adjacent properties. She wondered whether the City or County would be responsible for completion of 31 Road improvements. She reiterated that the R-12 zone does not allow for Single-Family detached homes. She listed the approval criteria and elaborated on the ways in which the development met or did not meet them.

Commissioner Duyvejonck asked about the proposed 31 Road extension. She said she the "efficient and connective transportation" would be worth more consideration if the improvements to 31 Road continued all the way to Patterson. She expressed agreement with the community that the new development would not be compatible with the surrounding area. She noted that the existing infrastructure didn't necessarily support development of this kind.

Commissioner Scissors asked what the West boundary of the property is. He spoke to the abundance of public input about the R-12 zoning and their arguments that it would not be compatible with the existing development. He asked what the specific difference in max building

height was between R-8 and R-12. He expressed agreement with the community that the new development would not be compatible with the surrounding area.

Commissioner Phillips asked if the plan was to build 31 Road on top of Lewis Wash. He mentioned that there are many new drivers on 31 Road and E ½ Road due to the proximity to Central High School. He talked about the high crime rate at Long's Park and the surrounding area. He was skeptical that this development would provide people a reason to take alternative forms of transportation. He wondered if the site did not meet the "efficient and connective transportation" standards as stated in the staff presentation. He brought up safety concerns for children crossing E ½ Road to attend the proposed charter school to the South.

Commissioner Herek inquired as to how the City/County ensured that the proposed 31 Road improvements continued beyond the Northern lot line of the property in question. She echoed Commissioner Weckerly's concerns about accountability between the City and County over 31 Road improvements. She said one of the main reasons she did not support the annex to R-12 was its inability to allow single-family homes.

Commissioner Secrest reiterated some of the concerns stated by the other Commissioners and expressed agreement with the community that the new development would not be compatible with the surrounding area.

Development Engineer Rick Dorris spoke about the current plan for improvements to 31 Road. He stated that improvements to 31 Road would likely occur via the Traffic Impact studies/fees as a result of development.

Commissioner Teske mentioned that many of the issues brought up by the public would be addressed during site plan review. He noted that the 2020 One Grand Junction Plan was drafted with community input and one of the main considerations was combatting the housing shortage.

Assistant City Attorney Jamie Beard responded to Commissioner questions.

Felix Landry explained some of the planning considerations around crime and traffic.

Motion and Vote

Commissioner Scissors made the following motion "Mr. Chairman, on the Zone of Annexation request for the property located at the northeast corner of 31 Road and E ½ Road, City file number ANX-2022-478, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Secrest seconded; motion failed 1-6.

2. Roy's RV Annexation

ANX-2021-770

Consider a request by Roy A. Laplante, III, to zone 1.45 acres from County RSF-R (Residential Single Family Rural - one dwelling per five acres) to City I-1 (Light Industrial) located at 2795 Riverside Parkway.

Staff Presentation

Dani Acosta, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Representative Eric Slivon was present and available for questions.

Questions for staff

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, January 3, 2023, via www.GJSpeaks.org.

The public hearing was closed at 8:06 p.m. on January 10, 2023.

Discussion

Commissioner Teske inquired why the preceding annexation (Grand Valley Estates) met the criteria whereas the current item did not.

Motion and Vote

Commissioner Scissors made the following motion "Mr. Chairman, on the Zone of Annexation for the Roy's RV Annexation to I-1 (Light Industrial) zone district, file number ANX-2021-770, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Secrest seconded; motion passed 7-0.

3. Casas de Luz Unit 4 Building Height Amendment PLD-2022-824

Consider a request by Casas Land Partners LLC, to Amend Ordinance 4482 for the Casa de Luz Planned Development to adjust the maximum building height for only Unit 4 from 24' to 34', located at 365 W. Ridges Boulevard.

Staff Presentation

Due to a potential conflict of interest, Commissioner Teske recused himself from deliberating on the item.

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Representative Mike Stubbs was present and available for questions.

Questions for staff

Commissioner Weckerly asked where max building elevation is measured from. She also asked for confirmation that the building heights would not be further increased in the future.

Commissioner Scissors reaffirmed that the proposed building height amendment would not increase the overall building height. He inquired as to the topography of the site and the impact of this amendment on the solar efficiency of the sites to the North.

Representative Mike Stubbs elaborated on the request and responded to the commissioner's questions and comments.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, January 3, 2023, via www.GJSpeaks.org.

Ulrike Magdalenski expressed the challenges that the current Casas de Luz development has brought about and her concern about future building height increases.

Christine Tuthill mentioned the previous covenants restrictions on building heights and viewsheds to maintain aesthetics. She also noted the status of projects under construction in the surrounding area.

Russ Carson requested better methods for indicating to residents what the proposed developments will look like prior to construction.

Kendra Samart spoke about the passive solar heating for the properties to the North of the proposed development and how the new buildings could block sunlight from reaching their homes.

Representative Mike Stubbs remarked that the public comments did not pertain to the amendment in question.

The public hearing was closed at 8:44 p.m. on January 10, 2023.

Discussion

Commissioner Weckerly agreed that the buildings do look larger from the road given the drastic slope of the site. She also agreed that the buildings did have a negative impact on the aesthetic of the area, however the buildings were already approved and to deny the proposed amendment would seem like a punishment to the developer.

Commissioner Secrest echoed the comments of Commissioner Weckerly.

Motion and Vote

Commissioner Phillips made the following motion "Mr. Chairman, on the request to Amend Ordinance 4482 for the Casa de Luz Planned Development to adjust the maximum building height for only Unit 4 from 24' to 34', I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Herek seconded; motion passed 6-0.

OTHER BUSINESS

Felix Landry noted that this would be Scott Peterson's last Planning Commission Hearing before his retirement.

ADJOURNMENT

Commissioner Scissors moved to adjourn the meeting.

The vote to adjourn was 7-0.

The meeting adjourned at 8:52 p.m.

DRAFT

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
GRAND VALLEY ESTATES ANNEXATION**

**APPROXIMATELY 17.42 ACRES
LOCATED AT THE NORTHEAST CORNER OF 31 ROAD AND E ½ ROAD**

WHEREAS, on the 7th day of December, 2022, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the ___ day of _____, 2023; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**GRAND VALLEY ESTATES ANNEXATION
EXHIBITS A, B, & C**

PERIMETER BOUNDARY LEGAL DESCRIPTION

A Serial Annexation comprising the Grand Valley Estates Annexation No. 1, Grand Valley Estates Annexation No. 2, and Grand Valley Estates Annexation No. 3

Grand Valley Estates Annexation No. 1

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of said Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860

being the Point of Beginning; thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Northwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860; thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 260.60'; thence the following three (3) courses: 1) N00°06'52"W a distance of 1.00 feet 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°07'01"E a distance of 1.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

Grand Valley Estates Annexation No. 2

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 being the Point of Beginning; thence S89° 59'24"W along the North line of said Annexation NO. 1 a distance of 392.00 feet to the Northwest Corner of said Annexation NO. 1; thence along the West line of said Annexation NO. 1 S00°06'52"E a distance of 1.00 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10, said point is also the Southwest Corner of said Annexation NO. 1; thence along said South line of the Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 163.77 feet to a point on the West line of Reception No. 3027832 ; thence the following five (5) courses 1) along said West line N00°06'52"W a distance of 2.00 feet 2) N89°59'24"E a distance of 554.77.00 feet 3) N00°07'01"W a distance of 618.00 feet 4) N89°59'24"E a distance of 1.00 feet to a point on the East line of said Reception No. 3027832 5) along said East line S00°07'01"E a distance of 619.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 1,337 Square Feet or 0.031 Acres, more or less.

Grand Valley Estates Annexation No. 3

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other

bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southwest Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1 , thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2; thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"W a distance of 619.00 feet to the Northeast Corner of said Annexation NO. 2 being the Point of Beginning; thence along the Northern boundary line of said Annexation NO. 2 for the following three (3) courses 1) S89°59'24"W a distance of 1.00 feet 2) S00°07'01"E a distance of 618.00 feet 3) S89°59'24"W a distance of 554.77 feet to the Northwest Corner of said Annexation NO. 2; thence, the following three (3) courses along the boundary of Reception Number 188299, 1) N00°06'53"W a distance of 1306.00 feet 2) S89°59'24"W a distance of 70.00 feet 3) S00°06'52"E a distance of 1308.00 to a point on said south line of the Southwest Quarter of the Northwest Quarter, thence S89°59'24"W a distance of 30.00 feet to the West Quarter Corner of said Section 10; thence along the West Line of said Section 10, N00°06'51"W a distance of 1318.07 feet to the North 1/16th Corner of Section 9 & said Section 10; thence along the North line of said Southwest Quarter of the Northwest Quarter, N89°58'25"E a distance of 655.71 feet to the northeast corner of Reception 3027832; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771,084 Square Feet or 17.702 Acres, more or less as described herein is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 7th day of December 2022 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____ 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the Council

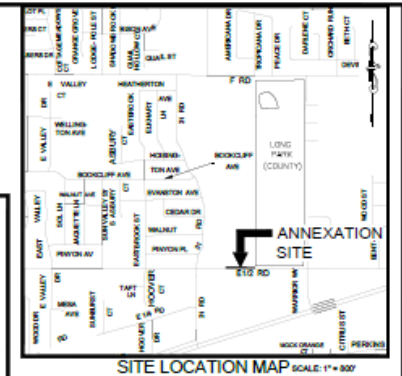
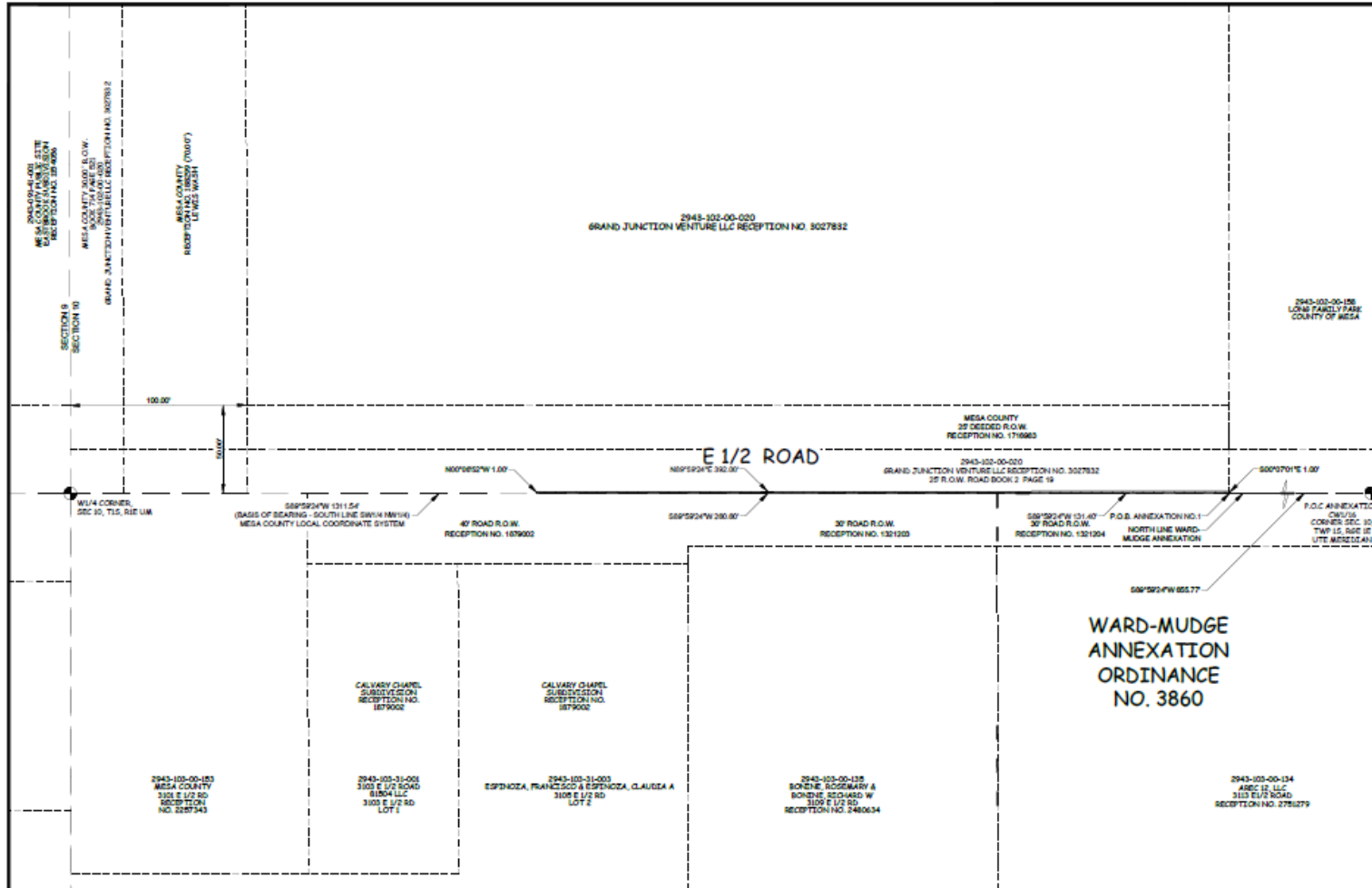
Attest:

Amy Phillips
City Clerk

EXHIBIT A

GRAND VALLEY ESTATES ANNEXATION NO. 1

Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



LEGAL DESCRIPTION

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 where the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto, thence S89°59'24"W a distance of 655.77 feet along the South line of said Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860 being the Point of Beginning, thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Southwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 200.00 feet, thence the following three (3) corners: 1) N00°00'00"W a distance of 1.00 foot 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°00'00"E a distance of 1.00 foot to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	706.00 FT.
CONTIGUOUS PERIMETER	131.40 FT.
AREA IN SQUARE FEET	392.00 FT ²
AREA IN ACRES	0.009
AREA WITHIN R.O.W.	392.00 FT ²
AREA WITHIN DEEDED R.O.W.	0.00 FT ²
	0.00 ACRES

LEGEND

ANNEXATION	ANNEXATION
BOUNDARY	BOUNDARY
EXISTING	EXISTING
CITY LIMITS	CITY LIMITS

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING	RA.	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	1.00	CHORD LENGTH
TWP.	TOWNSHIP	CHL	CHORD BEARING
RNG.	RANGE	BLK.	BLOCK
UTM.	UTE MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	SK.	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO. PRELIMINARY

EFFECTIVE DATE PRELIMINARY

NOTES:

THE DESCRIPTIONS CONTAINED HEREIN HAVE BEEN DERIVED FROM THE SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

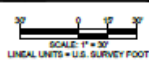
PRELIMINARY

RENEE BETH PARENT DATE
STATE OF COLORADO - PLS. NO. 38386
FOR THE CITY OF GRAND JUNCTION
303 WEST AVENUE - BLOCK C
GRAND JUNCTION, CO. 81501

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: M.H. DATE: 10/2/2022
DESIGNED BY: RSP DATE: 10/2/2022
CHECKED BY: RSP DATE: 10/09/2022



CITY OF Grand Junction
COLORADO
303 WEST AVENUE - BLOCK C
GRAND JUNCTION, CO. 81501

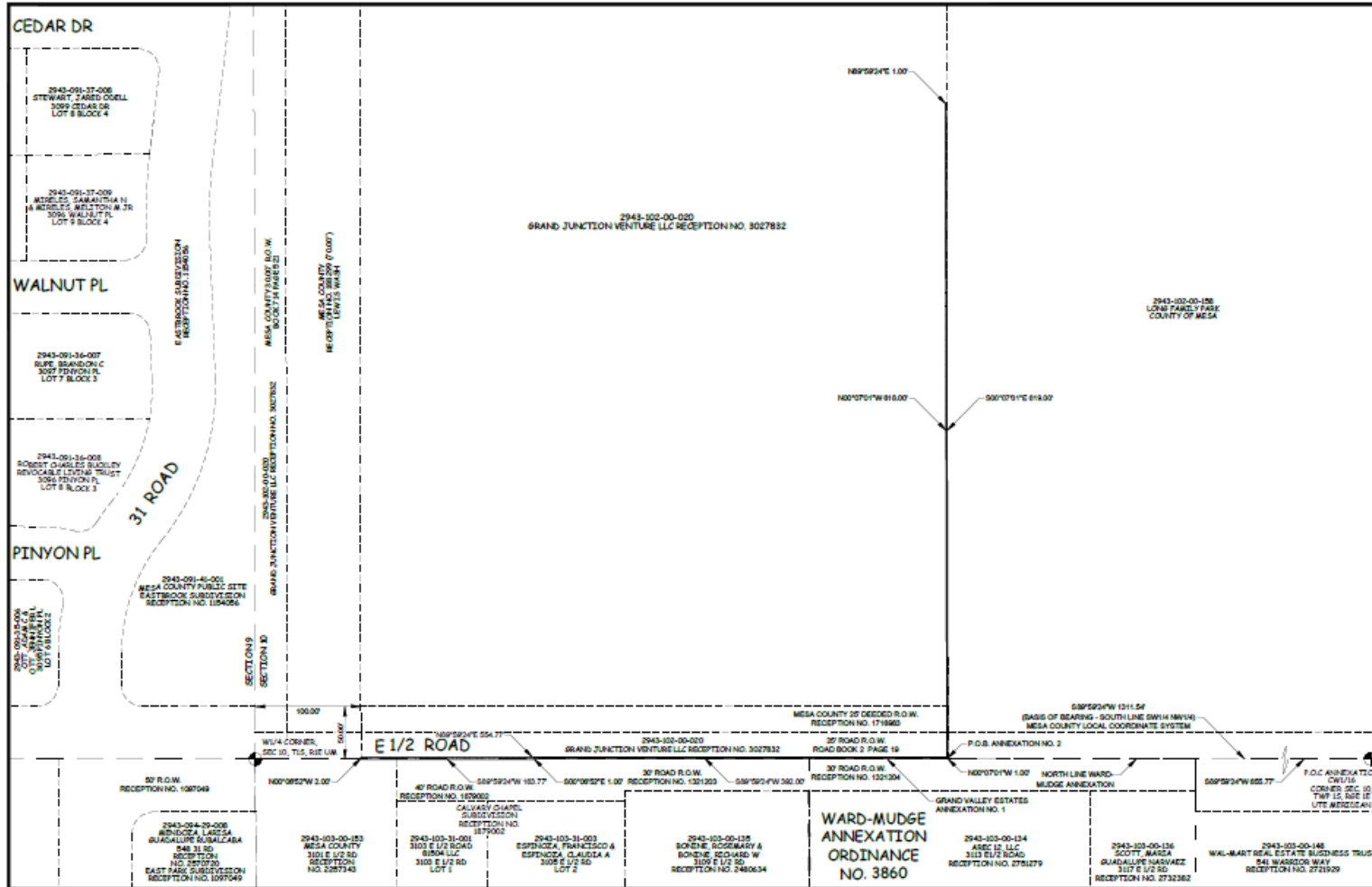
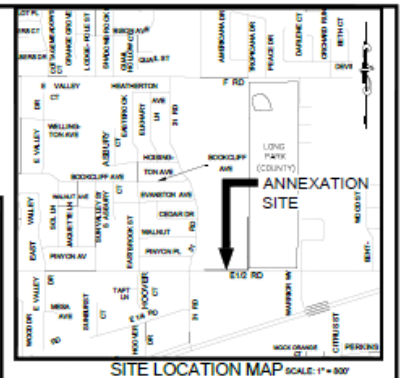
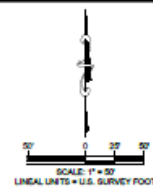
PUBLIC WORKS ENGINEERING DIVISION

GRAND VALLEY ESTATES ANNEXATION NO. 1
Located in the W1/2 SW1/4 NW1/4 SECTION 10,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

EXHIBIT B

GRAND VALLEY ESTATES ANNEXATION NO. 2

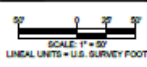
Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



THIS IS NOT A BOUNDARY SURVEY

NOTICE: ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: MJM DATE: 10/4/2022
DESIGNED BY: RBP DATE: 10/4/2022
CHECKED BY: RBP DATE: 10/26/2022



CITY OF
Grand Junction
COLORADO
303 WEST AVENUE • BLDG. C
GRAND JUNCTION, CO. 81501

PUBLIC WORKS
ENGINEERING DIVISION

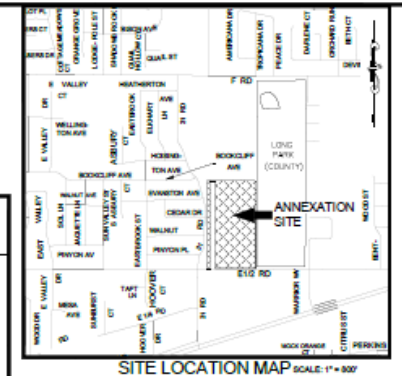
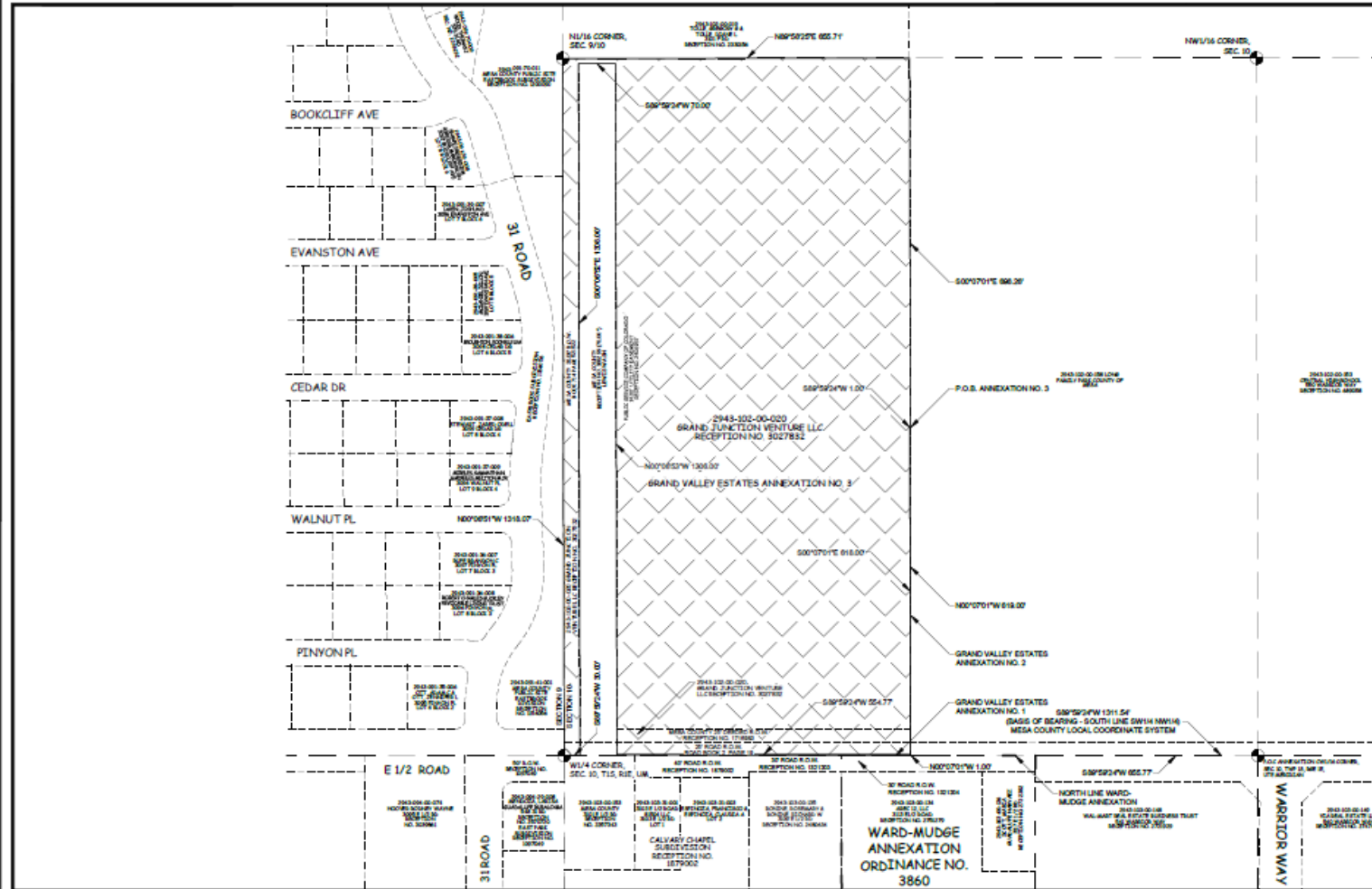
GRAND VALLEY ESTATES ANNEXATION NO. 2
 Located in the W1/2 SW1/4 NW1/4 SECTION 10,
 TOWNSHIP 1 SOUTH, RANGE 1 EAST,
 UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

2 of 3

EXHIBIT C

GRAND VALLEY ESTATES ANNEXATION NO. 3

Located in the W1/2 SW1/4 NW1/4 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



LEGAL DESCRIPTION

A parcel of land being a part of the West Half of the Southeast Quarter of the Northwest Quarter (NW1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 where the West Quarter Corner of said Section 10 bears S89°52'24"W 1,311.54 feet with all other bearings relative thereto, thence S89°52'24"W a distance of 655.77 feet along the South line of the Southeast Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, and thence along the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"E a distance of 1.00 to the Northeast Corner of said Annexation NO. 1, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2, thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"E a distance of 618.00 feet to the Northeast Corner of said Annexation NO. 2, being the Point of Beginning, thence along the Northern Boundary line of said Annexation NO. 2 the following three (3) courses: (1) S89°52'24"W a distance of 1.00 feet; (2) S00°07'01"E a distance of 618.00 feet; (3) S89°52'24"W a distance of 254.77 feet to the Northwest Corner of said Annexation NO. 2, thence the following three (3) courses along the boundary of Township Number 1820N: (1) S00°07'01"E a distance of 1566.00 feet; (2) S89°52'24"W a distance of 79.36 feet; (3) S00°07'01"E a distance of 1508.00 feet to a point on said south line of the Southeast Quarter of the Northwest Quarter, thence S89°52'24"W a distance of 39.00 feet to the West Quarter Corner of said Section 10, thence along the West line of said Section 10, S00°07'01"E a distance of 1318.07 feet to the North 1/16th Corner of Section 9 and Section 10, thence along the North line of said Southeast Quarter of the Northwest Quarter, S89°52'24"W a distance of 655.77 feet to the northeast corner of Township 1820N; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771.066 Square Feet or 17.762 Acres, more or less.

AREAS OF ANNEXATION		LEGEND	
ANNEXATION PERIMETER	0,559.81 FT.	ANNEXATION BOUNDARY	
CONTIGUOUS PERIMETER	1,173.77 FT.	ANNEXATION AREA	
AREA IN SQUARE FEET	771.066 FT ²	EXISTING CITY LIMITS	
AREA IN ACRES	17.762		
AREA WITHIN R.O.W.	66.146 FT ²		
AREA WITHIN DEEDED R.O.W.	1,518 ACRES		
	13,889 FT ²		
	0.318 ACRES		

SURVEY ABBREVIATIONS		SQ. FT. SQUARE FEET	
P.O.C.	POINT OF COMMENCEMENT	sq.	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	sq.	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD.	CHORD LENGTH
TWP.	TOWNSHIP	CHB.	CHORD BEARING
RNG.	RANGE	BLK.	BLOCK
U.M.	UTE MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	SK.	BOOK
REC.	RECEPTION	P.G.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.	EFFECTIVE DATE
PRELIMINARY	PRELIMINARY

PRELIMINARY

RENEE BETH PARENT DATE
STATE OF COLORADO - P.L.S. NO. 3836
FOR THE CITY OF GRAND JUNCTION
303 WEST AVENUE, SUITE C
GRAND JUNCTION, CO. 81501

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A PETITION
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
MAKING CERTAIN FINDINGS,
AND DETERMINING THAT PROPERTY KNOWN AS THE
GRAND VALLEY ESTATES ANNEXATION**

**APPROXIMATELY 17.42 ACRES
LOCATED AT THE NORTHEAST CORNER OF 31 ROAD AND E ½ ROAD
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 7th day of December 2022, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

GRAND VALLEY ESTATES ANNEXATION

PERIMETER BOUNDARY LEGAL DESCRIPTION

A Serial Annexation comprising the Grand Valley Estates Annexation No. 1, Grand Valley Estates Annexation No. 2, and Grand Valley Estates Annexation No. 3

Grand Valley Estates Annexation No. 1

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of said Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860 being the Point of Beginning; thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Northwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860; thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 260.60'; thence the following three (3) courses: 1) N00°06'52"W a distance of 1.00 feet 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°07'01"E a distance of 1.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

Grand Valley Estates Annexation No. 2

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 being the Point of Beginning; thence S89° 59'24"W along the North line of said Annexation NO. 1 a distance of 392.00 feet to the Northwest Corner of said Annexation NO. 1; thence along the West line of said Annexation NO. 1 S00°06'52"E a distance of 1.00 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10, said point is also the Southwest Corner of said Annexation NO. 1; thence along said South line of the Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 163.77 feet to a point on the West line of Reception No. 3027832 ; thence the following five (5) courses 1) along said West line N00°06'52"W a distance of 2.00 feet 2) N89°59'24"E a distance of 554.77.00 feet 3) N00°07'01"W a distance of 618.00 feet 4) N89°59'24"E a distance of 1.00 feet to a point on the East line of said Reception No. 3027832 5) along said East line S00°07'01"E a distance of 619.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 1,337 Square Feet or 0.031 Acres, more or less.

Grand Valley Estates Annexation No. 3

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southwest Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1 , thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2; thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"W a distance of 619.00 feet to the Northeast Corner of said Annexation NO. 2 being the Point of Beginning; thence along the Northern boundary line of said Annexation NO. 2 for the following three (3) courses 1) S89°59'24"W a distance

of 1.00 feet 2) S00°07'01"E a distance of 618.00 feet 3) S89°59'24"W a distance of 554.77 feet to the Northwest Corner of said Annexation NO. 2; thence, the following three (3) courses along the boundary of Reception Number 188299, 1) N00°06'53"W a distance of 1306.00 feet 2) S89°59'24"W a distance of 70.00 feet 3) S00°06'52"E a distance of 1308.00 to a point on said south line of the Southwest Quarter of the Northwest Quarter, thence S89°59'24"W a distance of 30.00 feet to the West Quarter Corner of said Section 10; thence along the West Line of said Section 10, N00°06'51"W a distance of 1318.07 feet to the North 1/16th Corner of Section 9 & said Section 10; thence along the North line of said Southwest Quarter of the Northwest Quarter, N89°58'25"E a distance of 655.71 feet to the northeast corner of Reception 3027832; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771,084 Square Feet or 17.702 Acres, more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of March, 2023; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the 1st day of March 2023.

Anna M. Stout
President of the Council

ATTEST:

Amy Phillips
City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING GRAND VALLEY ESTATES ANNEXATION
TO R-12 (RESIDENTIAL – 12 DU/AC) ZONE DISTRICT**

LOCATED ON PROPERTIES AT THE NORTHEAST CORNER OF 31 ROAD & E ½ ROAD

Recitals:

The property owner has petitioned to annex their 17.42 acres into the City limits. The annexation is referred to as the “Grand Valley Estates Annexation.”

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the Grand Valley Estates Annexation consisting of 17.42 acres from County RSF-4 (Residential Single Family - 4) to R-12 (Residential – 12 du/ac) finding that both the R-12 zone district conforms with the designation of Residential Medium as shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with 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-12 (Residential – 12 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code for the parcel as designated.

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

ZONING FOR THE GRAND VALLEY ESTATES ANNEXATION

The following parcel in the City of Grand Junction, County of Mesa, State of Colorado is hereby described as follows is hereby zoned R-12 (Residential – 12 du/ac) the City Council finding that the R-12 zone district conforms with the designation of Residential Medium as shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with the Comprehensive Plan's goals and policies:

PERIMETER BOUNDARY LEGAL DESCRIPTION

Grand Valley Estates Annexation

A Serial Annexation comprising the Grand Valley Estates Annexation No. 1, Grand Valley Estates Annexation No. 2, and Grand Valley Estates Annexation No. 3

Grand Valley Estates Annexation No. 1

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of said Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860 being the Point of Beginning; thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Northwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860; thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 260.60'; thence the following three (3) courses: 1) N00°06'52"W a distance of 1.00 feet 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°07'01"E a distance of 1.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

Grand Valley Estates Annexation No. 2

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 being the Point of Beginning; thence S89° 59'24"W along the North line of said Annexation NO. 1 a distance of 392.00 feet to the Northwest Corner of said Annexation NO. 1; thence along the West line of said Annexation NO. 1 S00°06'52"E a distance of 1.00 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10, said point is also the Southwest Corner of said Annexation NO. 1; thence along said South line of the Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 163.77 feet to a point on the West line of Reception No. 3027832 ; thence the following five (5) courses 1) along said West line N00°06'52"W a distance of 2.00 feet 2) N89°59'24"E a distance of 554.77.00 feet 3) N00°07'01"W a distance of 618.00 feet 4) N89°59'24"E a distance of 1.00 feet to a point on the East line of said Reception No. 3027832 5) along said East line S00°07'01"E a distance of 619.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 1,337 Square Feet or 0.031 Acres, more or less.

Grand Valley Estates Annexation No. 3

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southwest Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2; thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"W a distance of 619.00 feet to the Northeast Corner of said Annexation NO. 2 being the Point of Beginning; thence along the Northern boundary line of said Annexation NO. 2 for the following three (3) courses 1) S89°59'24"W a distance of 1.00 feet 2) S00°07'01"E a distance of 618.00 feet 3) S89°59'24"W a distance of 554.77 feet to the Northwest Corner of said Annexation NO. 2; thence, the following three (3) courses along the boundary of Reception Number 188299, 1) N00°06'53"W a distance of 1306.00 feet 2) S89°59'24"W a distance of 70.00 feet 3) S00°06'52"E a distance of 1308.00 to a point on said south line of the Southwest Quarter of the Northwest Quarter, thence S89°59'24"W a distance of 30.00 feet to the West Quarter Corner of said Section 10; thence along the West Line of said Section 10, N00°06'51"W a distance of 1318.07 feet to the North 1/16th Corner of Section 9 & said Section 10; thence along the North line of said Southwest Quarter of the Northwest Quarter, N89°58'25"E a distance of 655.71 feet to the northeast corner of Reception 3027832; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771,084 Square Feet or 17.702 Acres, more or less.

INTRODUCED on first reading this _____ day of _____, 2023 and ordered published in pamphlet form.

ADOPTED on second reading this _____ day of _____, 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the Council

ATTEST:

Amy Phillips

City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #5.a.ii.

Meeting Date: March 1, 2023
Presented By: John Shaver, City Attorney
Department: City Attorney
Submitted By: John Shaver

Information

SUBJECT:

An Ordinance Leasing City Property to Gray Media Group

RECOMMENDATION:

Approve proposed ordinance authorizing assignment of a lease of certain City-owned land to Gray Media Group.

EXECUTIVE SUMMARY:

This action is consideration of an Ordinance to approve an assignment of a lease of certain City-owned land to Gray Media Group.

BACKGROUND OR DETAILED INFORMATION:

The City of Grand Junction (City) owns property on Grand Mesa and has for many years leased a portion of the land for use as a television and radio transmitting site. The City has had a long-standing relationship with Pikes Peak Television Inc. In late 2008 the City and Pikes Peak Television entered a 10-year lease ("Lease"). In 2019, with the City's consent, Pikes Peak assigned a portion of the leased premises to Chang Media Group. That assignment was part of an initiative to support female and minority-owned broadcasters. At the time of the partial assignment, Pikes Peak's records show that it sent a letter to the City notifying it that Gray Media was a successor in interest to Pikes Peak Television Inc. and that Gray intended to exercise an option provided in the Lease for another 10-year term. The City did not receive that letter. Gray paid the annual Lease payments and, notwithstanding the Lease not being in its name, Gray performed consistent with the City's expectations as provided in the Lease.

By and with this Ordinance, the City Council acknowledges the Lease and transfers the same to Gray Media Group Inc. and substitutes Gray Media Group Inc. for Pikes Peak Television Inc.

FISCAL IMPACT:

Lease revenue is \$5,101.70 annually for five years and then is inflated 10% for the next five years.

SUGGESTED MOTION:

I move to (adopt and approve/deny and not approve) Ordinance No. 5132, an ordinance transferring, authorizing and substituting the lease agreement by and between the City of Grand Junction and Pikes Peak Television, Inc. to Gray Media Group, Inc. for use of certain City land and ratifying all actions heretofore taken and in connection therewith on final passage and order final publication in pamphlet form.

Attachments

1. ORD-KJCT Lease Novation 020323
2. Lease Agreement

ORDINANCE NO. _____

**AN ORDINANCE TRANSFERRING, AUTHORIZING AND SUBSTITUTING THE
LEASE AGREEMENT BY AND BETWEEN THE CITY OF GRAND JUNCTION AND
PIKES PEAK TELEVISION INC. TO GRAY MEDIA GROUP INC. FOR USE OF
CERTAIN CITY LAND AND RATIFYING ALL ACTIONS HERETOFORE TAKEN AND
IN CONNECTION THEREWITH**

Recitals:

The City of Grand Junction (City) owns property on Grand Mesa and has for many years leased a portion of the land for use as a television and radio transmitting site. The City has had a long-standing relationship with Pikes Peak Television Inc. In late 2008 the City and Pikes Peak Television entered a ten-year lease ("Lease"). In 2019, with the City's consent, Pikes Peak assigned a portion of the leased premises to Chang Media Group. That assignment was part of an initiative to support female and minority owned broadcasters.

At the time of the partial assignment Pikes Peak's records show that it sent a letter to the City notifying it that Gray Media was a successor in interest to Pikes Peak Television Inc. and that Gray intended to exercise an option provided in the Lease for another ten-year term. The City did not receive that letter. Gray has paid the annual Lease payments and notwithstanding the Lease not being in its name Gray performed consistent with the City's expectations as provided in the Lease.

By and with this Ordinance the City Council acknowledges the Lease and transfers the same to Gray Media Group Inc. and substitutes Gray Media Group Inc. for Pikes Peak Television Inc.

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

1. The foregoing Recitals are incorporated and adopted and in accordance with and pursuant to this Ordinance the City Council of the City of Grand Junction, Colorado hereby transfers, authorizes, substitutes and confirms the Lease, and the making of, and amendment(s) to the same, including naming Gray Television Group Inc. as the tenant and to the extent necessary or required confirming the use by Chang Media of approximately 200 square feet of the leased premises; and,
2. All actions heretofore taken by the officers, employees and agents of the City relating to the Lease described or referred to herein and which actions are consistent with the provisions hereof are hereby ratified, approved, and confirmed; and,
3. The Pikes Peak Television Inc. Lease in the form attached hereto is hereby approved. The City Manager and the officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions thereof, to affect the intent and purposes hereof.

4. If any part or provision of this Ordinance or the application thereof to any person or circumstance(s) is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

5. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the lawful objectives sought to be obtained.

INTRODUCED ON FIRST READING, PASSED for publication in pamphlet form and setting a hearing for ____ 2023, this 15th day of February 2023 by the City Council of the City of Grand Junction, Colorado.

HEARD, PASSED and ADOPTED ON SECOND READING and ordered published in pamphlet form this ____ day of ____ 2023.

Anna M. Stout
President of the City Council

Attest:

Amy Phillips
City Clerk

LEASE AGREEMENT

THIS Lease Agreement ("Lease") is made and entered into as of this 12th day of ~~November~~, 2008, by and between the **City of Grand Junction**, a Colorado home rule municipality, 250 N. 5th Street, Grand Junction, CO, 81501 ("Landlord" or "City") and **Pikes Peak Television, Inc.**, 8 Foresight Circle, Grand Junction, CO 81505 ("Tenant").

Recitals

A. The City is the owner of certain real property in the County of Mesa, State of Colorado, as described on **Exhibit A**, attached hereto and incorporated herein by reference. Said real property, together with the access road for ingress, egress and utilities purposes described on said **Exhibit A**, are hereinafter collectively referred to as "the Property".

B. The Property has been used, leased and occupied without cessation by various entities since 1978 as a television and radio broadcast transmitting site. Tenant presently owns and operates the television and radio transmitting tower, transmission building and associated equipment, cable and facilities (collectively, "Tenant's Property") located on, along, over and upon the Property and desires to lease the Property from the City for the sole purposes of operating, maintaining and repairing Tenant's Property and related appurtenances.

C. The City has agreed to lease the Property to Tenant and Tenant has agreed to lease the Property from the City, pursuant to the terms, covenants and conditions of this Lease.

NOW, THEREFORE, in consideration of the recitals above and the terms, covenants, conditions and restrictions contained herein, the parties agree as follows:

1. Grant of Lease. The City hereby leases the Property to Tenant and Tenant hereby accepts and leases the Property from the City, for the term stated in Section 3 and subject to each and every other term, covenant, condition and restriction stated in this Lease.

2. Reservations from Lease. The City retains and reserves unto itself:

a. all oil, gas, coal and other minerals and mineral rights underlying and/or appurtenant to the Property;

b. all water and water rights, ditches and ditch rights, appurtenant to and/or connected with the Property, including, but not limited to, any water and/or water rights which may have been previously used on or in connection with the Property, for whatever purposes;

c. all rights to grant, sell, bargain and convey ownership interest(s) in and to the Property, or any division thereof, to any other party, including the conveyance of easements; and

d. the proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, or for any conveyance in lieu of condemnation. Tenant hereby assigns and transfers to the City any claim it may have to compensation for damages as a result of any condemnation, except for compensation for damages of Tenant's Property actually so taken.

The City may exercise its rights with respect to the property interests so reserved so long as the exercise of those rights does not unreasonably interfere with Tenant's use and quiet enjoyment of the Property for the purposes set forth in this Lease.

3. Term of Lease. The term of this Lease shall be for a period of ten (10) years (the "Basic Term"), commencing on January 1, 2009 (the "Commencement Date") and continuing through December 31, 2019, on which date this Lease shall expire unless this Lease is extended pursuant to the provisions of Section 4 or unless this Lease is otherwise terminated as herein provided. The term "Lease Year" shall mean a period of twelve (12) successive calendar months following each anniversary of the Commencement Date.

4. Option to Extend Lease. If Tenant performs as required pursuant to this Lease, the City hereby gives and grants to Tenant an option to extend this Lease for four (4) additional ten (10) year period(s) (each, an "Extension Term"). If this Lease is extended for an Extension Term, the Extension Term shall be upon the same terms and conditions of this Lease or upon other terms and conditions which may hereafter be negotiated between the parties. In order to exercise Tenant's option for an Extension Term, Tenant shall give written notice to the City of Tenant's desire and intention to exercise Tenant's option to extend not less than ninety (90) days prior to the expiration of the Basic Term or the then existing Extension Term, as appropriate.

5. Lease Amount. Tenant agrees to pay to the City, at the address of the City as set forth in Section 16.2 or at such other address as the City may from time to time designate in writing, an annual Lease payment for the use of the Property as set forth herein.

5.1 The annual Lease payment for the first five (5) Lease Years during the Basic Term shall be in the amount of Four Thousand Two Hundred Sixteen and 28/100 Dollars (\$4,216.28), and for each of the next five (5) Lease Years of the Basic Term the annual Lease payment shall be in the amount of Four Thousand Six Hundred Thirty-Seven and 91/100 Dollars (\$4,637.91). The annual Lease payment for the first five (5) Lease Years during an Extension Term shall be ten percent (10%) greater than the annual Lease payment during the immediately preceding five Lease Years and the annual Lease payment during the last five (5) years of an Extension Term shall be ten percent (10%) greater than the annual Lease payment during the first five (5) years of such Extension Term.

5.2 All Lease payments shall be due and payable on or before January 1 of each Lease Year without demand by the City. In the event Lease payments are not received on or before January 10 of each Lease Year, Tenant agrees to pay a late charge of \$100.00 for each and every day following January 1 of each Lease Year, which late charge shall be added to the amount of lease payment due. This Lease, at the option of the City, shall automatically terminate, and the City may immediately retake possession of the Property, if the specified Lease payments are not received by the City on or before January 30 of each Lease Year.

6. Use and Condition of Property.

6.1 During the Basic Term and any Extension Term of this Lease, Tenant agrees to use the Property solely for the purpose of installing, constructing, operating and maintaining television, radio, cable, microwave, telephone and cellular broadcast, transmission and retrieval equipment and appurtenances related thereto. Tenant's use and occupancy of the Property shall be subject to the rules, rulings and regulations of any governmental authority having jurisdiction over Tenant or the Property, either now in effect or hereinafter enacted, including, but not limited

to, the Federal Communications Commission ("FCC"), the State of Colorado and the County of Mesa. Tenant shall not use or permit the Property to be used for any other purpose or in any manner contrary to the laws, ordinances or regulations of any such governmental authority.

- 6.2** Prior to the installation or construction of additional facilities and/or improvements upon the Property, Tenant shall obtain the City's written approval of all plans for additional facilities and/or improvements to be constructed upon the Property by Tenant, which approval shall not be unreasonably withheld, conditioned or delayed. Such additional facilities and/or improvements shall become part of Tenant's Property. It is the City's desire that the Property and the improvements to be installed thereon by Tenant will be reasonably compatible with the landscape of the City's adjacent property. To this end, Tenant agrees to comply with all reasonable requirements with the City may impose on Tenant, including, but not limited to, colorings and aesthetics for equipment and facilities (except as required by the FCC or the FAA), transmitters, landscape improvements, building materials and fencing materials. If, for whatever reason, the City does not approve of Tenant's plans, Tenant may terminate this Lease. In such event, Tenant shall vacate the Property in accordance with the provisions of Section 19 of this Lease.
- 6.3** Tenant shall not commit nor permit waste, damage or injury to the Property.
- 6.4** Tenant's use of the access road is non-exclusive. The City shall have the joint right to use said access road and the City may further authorize third parties to use said access road. Should Tenant ever be denied access to the Property by any person or entity holding rights to the access roads and such denial of access continues for more than ten (10) consecutive days, Tenant shall have the right to terminate this Lease upon written notice to the City.
- 6.5** Subject to Section 6.6. below, Tenant shall maintain and repair all aspects of the Property at Tenant's sole cost and expenses, including but not limited to, fences, security devices, the appearance and structural integrity of any improvements and landscaping, in good order, good appearance, condition and repair and in a clean, sanitary, orderly and safe condition. The City shall not be obligated nor required to repair damages to any portion or aspect of the Property, nor to provide access, even if such damages are caused by or result from operations occurring on adjacent lands owned by the City, unless such damages are caused by the City and not covered by insurance maintained by Tenant. Subject to Force Majeure Events (as defined in Section 19 below), if Tenant refuses or neglects to commence repairs or perform maintenance work required under the terms hereof to be performed or paid for by the Tenant within thirty (30) days after written demand by the City or any other governmental authority, or fails to complete such repairs or perform such maintenance within a reasonable time thereafter, the City may enter upon the Property and make such repairs or perform such maintenance without liability to the Tenant's operations by reasons thereof, and if the City makes such repairs or performs such maintenance, Tenant shall pay to the City, on demand, as additional rent, the cost thereof with interest at the rate of fifteen percent (15%) per annum from the date of payment by the City for such repairs or maintenance work until paid in full by the Tenant. Any repairs made or maintenance performed by Tenant or the City, subject to Force Majeure Events, shall be completed expeditiously.

6.6 Tenant has inspected the Property and accepts the Property in its present condition. Tenant agrees that the condition of the Property is sufficient for the purposes of the Tenant. If the Property deteriorates or is damaged due to fire, flood, or other casualty not caused by the City, to the extent where it is no longer functional for the purposes of the Tenant, the City shall have no obligation to repair the Property nor to otherwise make the Property usable or occupiable; damages shall be at the Tenant's own risk, provided, however, that in the event the Property is damaged or deteriorates to the extent where it is no longer functional for the purposes of the Tenant, the Tenant may, at its option, terminate this Lease by giving notice to the City that this Lease is to be terminated. Termination shall be effective thirty (30) days following the date of the notice of termination.

6.7 The City makes no representations or warranties regarding any hazardous, toxic or regulated substances on, under or about the Property, except to the extent that the City states that it has not deposited or cause to be deposited on, under or about the Property any hazardous, toxic or regulated substances.

7. Additional Fees and Charges. In addition to making Lease payments, Tenant shall arrange and pay for, when due:

7.1 all costs and expenses, including but not limited to, deposits, user fees, interest and penalties, for utilities furnished to the Property, including but not limited to, all electricity, natural gas, water, sewer, cable and telephone services, trash and recyclables disposal;

7.2 all general real property and personal property taxes and all special assessments of any kind levied against the Property during the term of this Lease.

8. Insurance. Tenant shall purchase and at all times maintain in effect commercial general liability which will protect the City, its officers, employees and agents from liability in the event of loss of life, personal injury or property damage, suffered by any person or persons on, about or using the Property, including Tenant and employees, agents, licensees and guests of Tenant. Such insurance policy shall have terms and amounts approved by the Risk Manager of the City. Such insurance shall not be cancellable without thirty (30) days prior written notice to the City and shall be written for at least a minimum of One Million Dollars (\$1,000,000.00), combined single limit. The certificate of insurance must be deposited with the City and must designate "the City of Grand Junction, its officers, employees and agents" as additional insureds. If a policy approved by the Risk Manager of the City is not at all times in full force and effect, this Lease shall automatically terminate.

9. Nonliability of the City for Damage.

9.1 The City shall not be liable for liability or damage claims for injury to persons or property, including property of Tenant, from any cause relating to the occupancy and use of the Property by Tenant, including those arising out of damages or losses occurring on areas adjacent to the Property or easements used for the benefit of the Property during the term of this Lease or any extension thereof nor for any injury or damage to any property of Tenant, unless such liability or damage is caused by the willful misconduct of the City and is not covered by the insurance to be maintained by Tenant under this Lease or any insurance maintained by Tenant. Tenant shall indemnify the City, its officers, employees and agents, and hold the City, its officers, employees and agents, from all

liability, loss or other damage claims or obligations resulting from any injuries, including death, or losses of any nature caused by Tenant or its employees and agents.

- 9.2 The City shall not be liable to Tenant for any damages or any loss of profits or loss of opportunities claimed by Tenant or for interruption of Tenant's business or operations resulting from fire, the elements, casualty of any kind or the temporary closure of any public highway providing access to and from the Property.

10. Modifications, Alterations or Additions. No modifications, alterations or additions of improvements upon the Property, shall be performed by Tenant without the express written consent of the City first being obtained, which consent shall not be unreasonably withheld, conditioned or delayed.

11. Pledges. Tenant shall not pledge or attempt to pledge or grant or attempt to grant as collateral or security its interest in any of the Property, without the express written consent of the City first being obtained, which consent shall not be unreasonably withheld, conditioned or delayed.

12. Hazardous Substances.

- 12.1 The term "Hazardous Substances", as used in this Agreement, shall mean any substance which is:

- a. defined as a hazardous substance, hazardous material, hazardous waste, pollutant or contaminant under any Environmental Law enacted by any federal, state and local governmental agency or other governmental authority;
- b. a petroleum hydrocarbon, including but not limited to, crude oil or any fraction thereof, hazardous, toxic or reproductive toxicant;
- c. regulated pursuant to any law;
- d. any pesticide or herbicide regulated under state or federal law.

The term "Environmental Law", as used in this Lease Agreement, shall mean each and every federal, state and local law, statute, ordinance, regulation, rule, judicial or administrative order or decree, permit, license, approval, authorization or similar requirement of each and every federal, state and local governmental agency or other governmental authority, applicable to Tenant or the Property and pertaining to the protection of human health and safety of the environment, either now in force or hereafter enacted.

- 12.2 Tenant shall not cause or permit to occur by Tenant and/or Tenant's agents, guests, invitees, contractors, licensees or employees:

- a. any violation of any Environmental Law on, under or about the Property or arising from Tenant's use and occupancy of the Property, including but not limited to, air, soil and groundwater conditions; or
- b. the use, generation, release, manufacture, refining, production, processing, storage or disposal of any Hazardous Substance on, under or about the Property, or the transportation to or from the Property of any Hazardous

Substance, in violation of any Environmental Law, either now in force or hereinafter enacted.

13. Environmental Clean-Up.

13.1 The following provisions shall be applicable to Tenant and to Tenant's agents, guests, invitees, contractors, licensees and employees with respect to the Property:

- a. Tenant shall, at Tenant's sole cost and expense, comply with all Environmental Laws and laws regulating the use, generation, storage, transportation or disposal of Hazardous Substances;
- b. Tenant shall, at Tenant's sole cost and expense, make all submissions to provide all information required by and/or comply with all requirements of all governmental authorities ("the Authorities") under Environmental Laws and other applicable laws.
- c. Should any Authority or the City demand that a clean-up be prepared and that a clean-up be undertaken because of any deposit, spill, discharge or other release of Hazardous Substances by Tenant on, under or about the Property, Tenant shall, at Tenant's sole cost and expense, prepare and submit the required plan(s) and all related bonds and other financial assurances, and Tenant shall carry out all such clean-up plan(s) in compliance with the Authorities and all Environmental Laws and other applicable laws.
- d. Tenant shall promptly provide all information regarding the use, generation, storage, transportation or disposal of Hazardous Substances requested by any Authority. If Tenant fails to fulfill any duty imposed hereunder within a reasonable time, the City may do so on Tenant's behalf and in such case, Tenant shall cooperate with the City in the preparation of all documents the City or any Authority deems necessary or appropriate to determine the applicability of Environmental Laws to the Property and Tenant's use thereof, and for compliance therewith, and Tenant shall execute all documents promptly upon the City's request. No such action by the City and no attempt made by the City to mitigate damages under any Environmental Law or other applicable law shall constitute a waiver of any of Tenant's obligations hereunder.
- e. Tenant's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

13.2 Tenant shall indemnify, defend and hold the City, its officers, employees and agents harmless from all fines, suits, procedures, claims and actions of every kind, and all costs associated therewith (including the costs and fees of attorneys, consultants and experts) arising out of or in any way connected with any deposit, spill, discharge or other release of Hazardous Substances on or from the Property and the violation of any Environmental Law and other applicable law by Tenant and/or Tenant's agents, guests, invitees, contractors, licensees and employees that occur with respect to the Property during the term of this Lease or any extension thereof, or from Tenant's failure to provide all information, make all submissions, and take all actions required by all Authorities

under the Environmental Laws and other applicable laws. Tenant's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

14. Default, Sublet, Termination, Assignment.

14.1 Should Tenant:

- a. default in the performance of its agreements or obligations herein and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to Tenant; or
- b. abandon or vacate the Property; or
- c. be declared bankrupt, insolvent, make a general assignment for the benefit of creditors, or if a receiver is appointed, for all or substantially all of Tenant's assets;

the City, at the City's option, may cancel and annul this Lease at once and enter and take possession of the Property immediately without any previous notice of intention to reenter, and such reentry shall not operate as a waiver or satisfaction in whole or in part of any claim or demand arising out of or connected with any breach or violation by Tenant of any covenant or agreement to be performed by Tenant. Upon reentry, the City may remove the property and personnel of Tenant and store Tenant's property in a warehouse or at a place selected by the City, at the expense of Tenant and without liability to the City. Any such reentry shall not work as forfeiture of nor shall it terminate the rent(s) to be paid or the covenants and agreements to be performed by Tenant for the full term of this Lease; and upon such reentry, the City may thereafter lease or sublease the Property for such rent as the City may reasonably obtain, crediting Tenant with the rent obtained after deducting the costs reasonably incurred in such reentry, leasing or subleasing, including the costs of necessary repairs, alterations and modifications to the Property. Nothing herein shall prejudice or be to the exclusion or any other rights or remedies which the City may have against Tenant, including but not limited to, the right of the City to obtain injunctive relief based on the irreparable harm caused to the City's reversionary rights.

- 14.2** Except as otherwise provided for (automatic and immediate termination), if Tenant is in default in the performance of any term or condition of this Lease Agreement, the City may, at its option, terminate this Lease upon giving ninety (90) days written notice. If the Tenant fails within any such ninety (90) day period to remedy each and every default specified in the City's notice, this Lease shall terminate. If Tenant remedies such default, Tenant shall not thereafter have the right of ninety (90) days (to remedy) with respect to a similar subsequent default, but rather, Tenant's rights shall, with respect to a subsequent similar default, terminate upon the giving of notice by the City.

- 14.3** Tenant shall not assign or sublease the Property, or any right or privilege connected therewith, or allow any other person, except officers, employees and agents of Tenant, to occupy the Property or any part thereof without first obtaining the written consent of the City, which consent must be approved and ratified by the City Council of the City, which consent shall not be unreasonably withheld, conditioned or delayed. In the event of an assignment of this Lease or

sublease, Tenant shall not be released from its obligations and duties under this Lease and this Lease shall remain in full force and effect. Any consent by the City shall not be a consent to a subsequent assignment, sublease or occupation by any other party. Any unauthorized assignment, sublease or permission to occupy by Tenant shall be void and shall, at the option of the City, provide reasonable cause for the City to terminate this Lease. The interest of Tenant in this Lease is not assignable by operation of law without the formal approval and ratification by the City Council of the City. Notwithstanding anything in this Section to the contrary, Tenant shall have the right, without the City's consent, to assign this Lease or sublet the Property or portions thereof to any entity that is controlled by Tenant, is under common control with Tenant or which controls Tenant. Upon written consent from the City, which consent shall not be unreasonably withheld or delayed, Tenant may lease space on the tower and in the transmitter building for the receiving and/or transmitting of radio, television, cable, microwave and cellular signals.

- 14.4** This Lease is not intended to and shall in no way preclude the City from actively marketing the Property for sale or exchange, whether through the efforts of the City, a real estate broker or any other person, nor shall this Lease prevent the City from selling, exchanging or conveying the Property to any other party; provided, however, that in the event any such sale, exchange or conveyance is made during the term of this Lease, such sale, exchange or conveyance shall be made subject to Tenant's leasehold interest in the Property. In the event of the voluntary or involuntary transfer of the City's interest in the Property, Tenant will attorn to the transferee of, or successor to, the City's interest in the Property, and recognize such transferee or successor as Landlord under this Lease if such transferee agrees to assume and perform the City's obligations under this Lease that accrue from and after the date of the transfer.

15. Fees or Commissions. The parties to this Lease Agreement warrant that no person or selling agency has been employed or retained to solicit or secure this Lease upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. The City and Tenant agree to defend, indemnify and hold the other harmless from any claim for real estate brokerage commissions or finder's fees asserted by any other party claiming to be entitled to brokerage commissions or finder's fees arising out of this Lease.

16. Notices.

- 16.1** All notices to be given with respect to this Lease shall be writing delivered either by United States mail or Express mail, postage prepaid, or by facsimile transmission, personally by hand or courier service, as follows:

To the City: City of Grand Junction
Attn: John Shaver, City Attorney
250 N. 5th Street
Grand Junction, CO 81501-2668
Fax: 970-244-1456

To Tenant: KJCT News 8
c/o Kristy Santiago, General Manager
8 Foresight Circle
Grand Junction, CO 81505
Fax: 970-245-8249

All notices shall be deemed given:

- a. if sent by mail, when deposited in the mail;
- b. if delivered by hand or courier service, when delivered; or
- c. if transmitted by facsimile, when transmitted.

The parties may, by notice as provided above, designate a different address to which notice shall be given.

- 16.2** All Lease payments paid by Tenant to the City shall be delivered by mail or by personal delivery to:

City of Grand Junction Finance Department
Accounts Receivable Department
250 North 5th Street
Grand Junction, CO 81501-2668

All rental payments deposited by Tenant shall be clearly marked "Pikes Peak Television Broadcasting Lease."

17. Not a Partnership. It is expressly agreed between the parties that this Agreement is one of lease and not of partnership and that the City shall not be or become responsible for any debts contracted or incurred by Tenant. Tenant shall save, indemnify and hold the City, its officers, employees and agents harmless against all liability and loss, and against all claims or actions based upon or arising out of any claim, lien, damage or injury (including death), to persons or property caused by Tenant or sustained in connection with Tenant's performance of the terms and conditions of this Agreement or the conditions created thereby, or based upon any violation by Tenant, any statute, ordinance, code or regulation, either now in force or hereafter enacted, and the defense of any such claims or actions, including the costs and fees of attorneys, consultants and experts. Tenant shall also save, indemnify and hold the City, its officers, employees and agents harmless from and against all liability and loss in connection with, and shall assume full responsibility for the payment of, all federal, state and local taxes, fees or contributions imposed or required under unemployment insurance, social security and income tax laws with respect to employees engaged by Tenant.

18. Enforcement, Partial Invalidity, Governing Law.

- 18.1** In the event either party files any action to enforce any agreement contained in this Lease, or for breach of any covenant or condition herein contained, the party prevailing shall be entitled to receive, by judgment of the court from the other party, reasonable attorney's fees, plus the costs or fees of any experts, incurred in such action.
- 18.2** The invalidity of any portion of this Lease Agreement shall not affect the validity of any other provision contained herein. In the event any provision of this Lease Agreement is held to be invalid, the remaining provisions shall be deemed in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provisions.
- 18.3** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action to enforce any covenant or agreement contained in this Agreement shall be in Mesa County, Colorado.

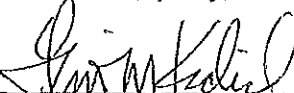
19. **Surrender, Holding Over.** Tenant shall, upon the expiration or termination of this Lease, surrender the Property to the City in good order, condition and state of repair, reasonable wear and use excepted. Upon the expiration or termination of this Lease, Tenant shall remove within thirty (30) days after the last day of the Lease Term, any or all of Tenant's Property, as Tenant elects in a notice to the City. Upon the removal of any of Tenant's Property, Tenant shall restore and re-seed that part of the Property disturbed by such removal as soon as possible. It is agreed that the 30-day period for the removal of Tenant's Property shall be extended by any period that the Property is inaccessible for such purpose due to snow, adverse weather conditions, fire and other matters beyond Tenant's reasonable control (each, a "Force Majeure Event"). In the event Tenant fails to vacate and surrender the Property as provided in this Section, Tenant agrees that Tenant shall pay to the City the sum of \$100.00 per day for each and every day thereafter until Tenant has effectively vacated and surrendered the Property. The parties agree that it would be difficult to establish the actual damages to the City in the event Tenant fails to vacate and surrender the Property upon the expiration or termination of this Lease and that said \$100.00 daily fee is an appropriate liquidated damages amount.

20. **Total Agreement; Applicable to Successors.** This Lease contains the entire agreement between the parties and, except for automatic expiration or termination, cannot be changed or modified except by a written instrument subsequently executed by the parties hereto. This Lease and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

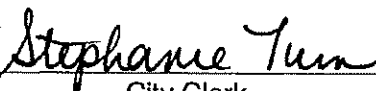
IN WITNESS WHEREOF, the parties have each executed this Lease Agreement dated the day and year first above written.

LANDLORD:

CITY OF GRAND JUNCTION, a Colorado home rule municipality,

By: 
Laurie M. Kadrach, City Manager

ATTEST:

By: 
City Clerk

Date: 11/10/08

TENANT:

PIKES PEAK TELEVISION, INC., a Missouri corporation

By: 
Lyle Leimkuhler, Vice President

ATTEST:

By: 

Date: 11/12/08



EXHIBIT A

A 5 acre parcel of land surrounding the following described latitude and longitude point situate in the Northeast quarter of Section 32, Township 11 South, in Range 97 West of the Sixth Principal Meridian, Mesa County, Colorado:

North Latitude - $39^{\circ} 02' 55''$
West Longitude - $108^{\circ} 15' 06''$

Said 5 acre parcel of land is specifically described as follows:

Beginning at the Northeast corner of said parcel from when U.S.G.L.O. Monument set for East quarter corner of said Section 32 bears South $48^{\circ} 28' 02''$ East 720.01 feet, with all bearings herein being relative to a solar observation of true North; thence North $90^{\circ} 00' 00''$ West 466.69 feet; thence South $00^{\circ} 00' 00''$ East 466.69 feet; thence South $90^{\circ} 00' 00''$ East 466.69 feet; thence North $00^{\circ} 00' 00''$ East 466.69 feet, containing 5.00 acres, more or less.

Said 5 acre parcel above described is located in Section 32 as shown on U.S. Department of the Interior Geological Survey Map – Palisade, Colo. N3900 – W10815/7.5 – 1962 – AMS 4362 111SE – Series V877.

The transmitting tower is located at the above referenced North latitude and West longitude point.



Grand Junction City Council

Regular Session

Item #5.a.iii.

Meeting Date: March 1, 2023
Presented By: John Shaver, City Attorney
Department: City Attorney
Submitted By: John Shaver

Information

SUBJECT:

An Ordinance Amending the Description and Inclusion of Certain Property in the Downtown Development Authority Boundary

RECOMMENDATION:

Conduct a public hearing on the proposed ordinance, adopt and publish it in pamphlet form on second reading.

EXECUTIVE SUMMARY:

The Mesa County Assessor has recently determined that certain portions of certain alleys, streets and rights of way ("Property" as described in the Ordinance) were not fully described in the legal descriptions of the land when it was included in the DDA. The discrepancies in the legal descriptions are insubstantial; however, it is important that the legal descriptions be amended by and with this Ordinance so that the Property is, and shall be, fully described and included in the DDA area.

BACKGROUND OR DETAILED INFORMATION:

In 2011 and 2017, specified land areas were by ordinance duly and lawfully included in the DDA area. Recently, the Mesa County Assessor determined that certain portions of certain alleys, streets and rights of way ("Property") were not fully described in the legal descriptions of the included land. The discrepancies in the legal descriptions are insubstantial. However, it is important that the legal descriptions be amended by and with this Ordinance so that the Property is, and shall be, fully described and included in the DDA area. Since the inclusions in 2011 and 2017 the Property has been sold and pursuant to C.R.S. 31-25-822 and the Authority's Plan, the Property owner, DR Land LLC, and DR Townhomes LLC ("Owners") have assented to inclusion of the Property into the Authority's boundary.

FISCAL IMPACT:

The adoption of the Ordinance will assure the full and proper assessment and collection of the DDA mill levy and Tax Increment Financing on the described property.

SUGGESTED MOTION:

I move to (adopt and approve/deny and not approve) Ordinance No. 5133, an ordinance amending Ordinance Nos. 3008, 4461 and 4756 expanding the boundary of the Grand Junction, Colorado Downtown Development Authority to include certain property formerly known as Hale, Lawrence and Lila Avenues and certain now vacated rights of way all as legally described herein located in the Dos Rios Subdivision on final passage and order final publication in pamphlet form.

Attachments

1. DDA Legal & Exhibit signed (1)
2. ORD-DDA Inclusion Correction 020223

DDA Parcel Description

A Parcel of land located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows.

That portion of Lots 1 and 2, RIVERFRONT AT DOS RIOS FILING 5 same as recorded at Reception Number 3034050, Lot 8, RIVERFRONT AT DOS RIOS FILING 3 same as recorded at Reception Number 2942736, Hale Avenue as dedicated on O'BOYLES SUB-DIVISION same as recorded at Reception Number 61369 and said RIVERFRONT AT DOES RIOS FILING 3 and Lawrence Avenue as dedicated on said O'BOYLES SUB-DIVISION, said RIVERFRONT AT DOS RIOS FILING 3 and RIVERFRONT AT DOS RIOS FILING 4 same as recorded at Reception Number 2982694 not included in the parcels described in the following: Ordinance 3008 same as recorded at Reception Number 2567457, Ordinance 4756 same as recorded at Reception Number 2803505 and Ordinance 4461 same as recorded at Reception Number 2569961.

Containing 68,176 Square Feet more or less.

Legal Description & Exhibit prepared by
Renee B. Parent
City Surveyor, City of Grand Junction
333 West Avenue, Building C
City of Grand Junction, CO
970256-4003

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

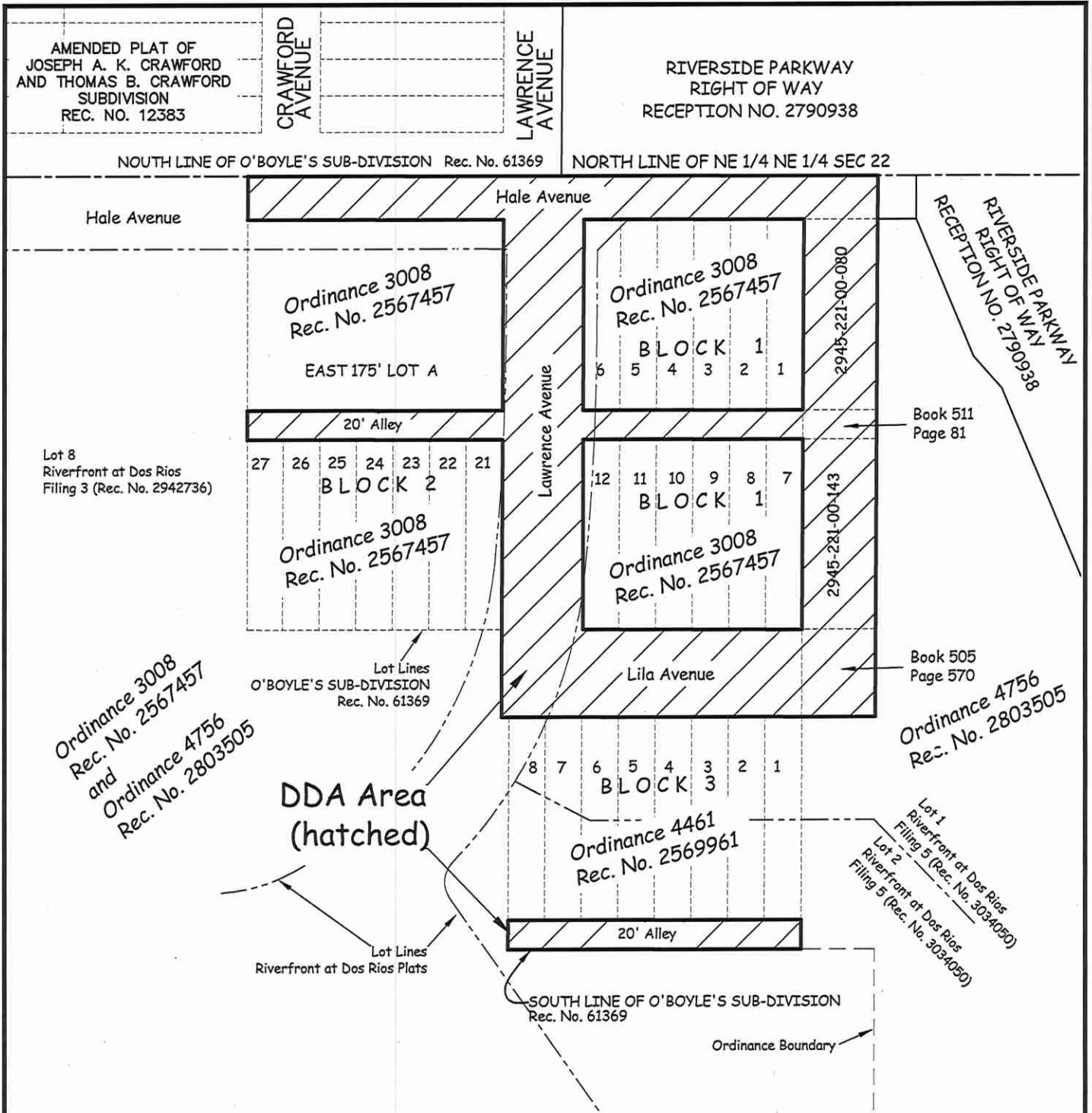


DRAWN BY: R. B. P.
DATE: 02-01-2023
SCALE: N/A

Located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22
Township 1 South, Range 1 West
Ute Meridian, City of Grand Junction
Mesa County, Colorado



Exhibit A, Page 2 of 2



ABBREVIATIONS

R.O.W. RIGHT OF WAY
SEC. SECTION
T. TOWNSHIP
R. RANGE
Rec. Reception
No. Number

Legal Description & Exhibit prepared by
Renee B. Parent
City Surveyor, City of Grand Junction
333 West Avenue, Building C
City of Grand Junction, CO
970256-4003

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



1 inch = 100 ft.

Lineal Units = U.S. Survey Foot



DRAWN BY: R.B.P.
DATE: 2-01-2023
SCALE: 1" = 100'
APPR. BY: D.T. & J.S.

Located in the NE 1/4 of Sec. 22, T. 1S., R. 1W.
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCES 3008, 4461 and 4756 EXPANDING THE BOUNDARY OF THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY TO INCLUDE CERTAIN PROPERTY FORMERLY KNOWN AS HALE, LAWRENCE AND LILA AVENUES AND CERTAIN NOW VACATED RIGHTS OF WAY ALL AS LEGALLY DESCRIBED HEREIN LOCATED IN THE DOS RIOS SUBDIVISION

The Grand Junction, Colorado, Downtown Development Authority ("the Authority" or "DDA") has adopted a Plan of Development ("Plan") for the boundaries of the Authority. The Plan and boundaries were initially approved by the Grand Junction, Colorado, City Council ("the Council") on in 1981 and subsequently updated and amended in 2019 and 2020 ("Plan.")

In 2011 and 2017 specified land areas were by ordinance duly and lawfully included in the DDA area. Recently, the Mesa County Assessor determined that certain portions of certain alleys, streets and rights of way ("Property") were not fully described in the legal descriptions of the included land. The discrepancies in the legal descriptions are insubstantial; however, it important that the legal descriptions be amended by and with this Ordinance so that the Property is, and shall be, fully described and included in the DDA area. Since the inclusions in 2011 and 2017 the Property has been sold and pursuant to C.R.S. 31-25-822 and the Authority's Plan, the Property owner, DR Land LLC, and DR Townhomes LLC ("Owners") have assented to inclusion of the Property into the Authority's boundary.

The Board of the Authority reviewed the proposed inclusion and has determined that the boundary of the DDA should be expanded. With the expansion, the Tax Increment Financing ("TIF") district will be coterminous with the Authority boundary.

The Property Owners and the Authority Board have considered the matter and request the Council's approval to expand the Authority's boundary to include the Property, a description of which is included by reference in this ordinance and to expand the Authority to receive a portion or increment of *ad valorem* and sales taxes collected within the Plan area in accordance with State law, the Plan and other applicable law, rules, or regulations.

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

1. The Council finds the existence of blight within the boundary of the Authority, within the meaning of C.R.S. 31-25-802(1.5).
2. The Council hereby finds and determines that the approval of the expansion of the boundary for the Authority and the Plan, as shown on the attached Exhibit A, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted area; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundary of the Authority and the TIF district.
3. The expansion of the Authority's boundary, as shown on the attached Exhibit A describing the Property is hereby approved by the Council and incorporated into the Plan for TIF, both sales tax and *ad valorem* tax, purposes. The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with the Plan

including, but not necessarily limited to, receiving, and expending for development and redevelopment efforts a portion or increment of *ad valorem* and sales taxes generated in the area in accordance with C.R.S. 31-25-801 *et. seq.* and other applicable law.

4. The City Council hereby requests that the County Assessor certify the valuation for the assessment of the Property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification.

5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the TIF District, does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite compliance with the Plan and other applicable law.

6. If any provision of this Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

INTRODUCED on first reading the 15th day of February 2023 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ st day of ____ 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

Exhibit A



Grand Junction City Council

Regular Session

Item #5.b.i.

Meeting Date: March 1, 2023
Presented By: Jodi Welch, Finance Director
Department: Finance
Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

An Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Grant Awards

RECOMMENDATION:

Staff recommends approving the ordinance making supplemental appropriations and amending the 2023 City of Grand Junction Budget for ARPA grant awards.

EXECUTIVE SUMMARY:

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to reappropriate funds for capital projects that began in one year and need to be carried forward to the current year to complete. Supplemental appropriations are also required to approve new projects or expenditures.

This supplemental appropriation is required for spending authorization to distribute ARPA grant awards to Grand Valley Catholic Outreach and Housing Resources of Western Colorado.

BACKGROUND OR DETAILED INFORMATION:

The American Rescue Plan Fund (Fund 114) accounts for the direct distribution of ARPA federal funds to the City of Grand Junction. A total of \$10.4 million has been received by the City and in 2022, City Council authorized the distribution of \$1.4 million to Visit Grand Junction, Air Alliance, and Sports Commission for lodging revenue loss, leaving a remaining \$9 million available for distribution. Grand Junction City Council appointed an Advisory Committee (Committee) to make recommendations about how the funds will be spent. City Council has now considered recommendations from the

Advisory Committee and, through the consideration of the resolution on this same agenda may approve grant awards to two of the applicants; Grand Valley Catholic Outreach for \$1,000,000 and Housing Resources of Western Colorado for \$1,000,000.

At the time of the adoption of the 2023 budget, City Council had not heard the recommendations from the Committee, nor made any decisions on grant awards. Therefore, distribution of monies from the American Rescue Plan Fund was not budgeted or appropriated. As such, supplemental appropriation is required in the American Rescue Plan Fund (Fund 114) of \$2,000,000 for the two grant awards.

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5131, an ordinance making supplemental appropriations to the 2023 Budget of the City of Grand Junction for the year beginning January 1, 2023 and ending December 31, 2023 for American Recovery Plan Act funding for Housing Resources and Grand Valley Catholic Outreach on final passage and order final publication in pamphlet form.

Attachments

1. 2023 ARPA Funding Supplemental Appropriation February 14, 2023

ORDINANCE NO. ____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2023 BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023 FOR AMERICAN RECOVERY PLAN ACT FUNDING FOR HOUSING RESOURCES AND GRAND VALLEY CATHOLIC OUTREACH.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2023 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
American Rescue Plan Fund	114	\$ 2,000,000

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this 15th day of February, 2023.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2023.

President of the Council

Attest:

City Clerk