



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

TUESDAY, JUNE 11, 2013, 6:00 PM

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

Copies of the agenda and staff reports are located at the back of the auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

[Attach 1](#)

Approve the minutes of the March 12 and May 28, 2013 regular meetings.

2. Portion of Texas and Cannell Avenue ROW Vacation – Vacation

[Attach 2](#)

Forward a recommendation to City Council to vacate a portion of public right-of-way (1,048 sq. ft.) at the intersection (eastern portion) of Cannell and Texas Avenues, which is no longer needed.

FILE #: VAC-2013-114

APPLICANT: Colorado Mesa University - Kent Marsh

LOCATION: 901 Texas Avenue

STAFF: Scott Peterson

3. Library Utility Easement Vacation – Vacation

[Attach 3](#)

Forward a recommendation to City Council to vacate a utility easement retained as part of the east/west alley vacation approved with Ordinance 1467.

FILE #: VAC-2013-29
APPLICANT: Eve Tallman - Mesa County Public Library
LOCATION: 530 Grand Avenue
STAFF: Senta Costello

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

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

Public Hearing Items

On the following items the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

4. None

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous meetings**

**GRAND JUNCTION PLANNING COMMISSION
MARCH 12, 2013 MINUTES
6:00 p.m. to 8:11 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Ebe Eslami (Vice-Chairman), Gregory Williams, Keith Leonard, Jon Buschhorn, Loren Couch and Christian Reece.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Senta Costello (Senior Planner). Representing the Economic Development and Sustainability Division of the Administration Department were Kathy Portner (Neighborhood Services Manager) and Kristen Ashbeck (Senior Planner). Also present was Harry Weiss, Director of the Downtown Development Authority.

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

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

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Lisa Cox, Planning Manager, announced that some adjustments to all of the microphones had been made. She next advised that Wednesday, June 12th, was the scheduled date for the Planning Commission Board of Appeals annual training. In addition, there would be a joint meeting between the Mesa County Planning Commission and the City of Grand Junction Planning Commission on Thursday, April 18th at 5:30 p.m. to launch the planning process for the Orchard Mesa Neighborhood Plan.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the January 22, 2013 Regular Meeting.

2. Premier Tire Warehouse Special Permit – Special Permit

Forward a recommendation to City Council for a Special Permit on 0.504 acres in a C-2 (General Commercial) zone district.

FILE #: SPT-2013-66

PETITIONER: John Perschbacher – Premier Tire

LOCATION: 461 Glenwood Avenue

STAFF: Senta Costello

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Lisa Cox requested that, at the request of the applicant, amendments to the provisions be made for Item Number 2 and, if agreed to by the Commission, this item would remain on the Consent Agenda. She read into the record the following regarding numbers 4 and 12, respectively:

- 4) Operations include use of two pickup trucks and a box truck not to exceed 24' and inventory deliveries that arrive on a 16'-24' box truck. All such trucks shall use the alley for primary access to the site. The Glenwood Avenue door may be used as a secondary access with the exception of the hours of 10:30 a.m. – 12:30 p.m., during the time periods Grand Junction High School is in session (excluding summer school). When leaving the site, trucks shall use the alley and turn south on 5th Street. Trucks are not authorized to turn north on 5th Street, for the safety of high school students who must cross 5th Street at Glenwood in order to access classrooms.
- 12) This Special Permit runs with the land but is valid only for the specific use as described herein. The Special Permit shall terminate if indoor operations/storage with an outside loading warehouse (by non-use) for twelve months or longer or if the property is redeveloped into any other use.

As there was no objection from the Commission, Chairman Wall confirmed that this item would remain on the Consent Agenda. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda.

MOTION:(Commissioner Eslami) “Mr. Chairman, I move to approve the Consent Agenda as read and with the changes that Lisa Cox pointed out.”

Commissioner Reece seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

Public Hearing Items

3. Greater Downtown Plan and Zone District Overlay – Comprehensive Plan Future Land Use Map Amendments, Comprehensive Plan Text Amendment, Rezoning Properties within the Greater Downtown Plan area, Zoning Overlays for Corridors and the Downtown District

a. Comprehensive Plan and Future Land Use Map Amendments

Forward a recommendation to City Council for the Greater Downtown Plan as an amendment to the Comprehensive Plan which includes Future Land Use Map amendments.

FILE #: CPA-2011-1067
APPLICANT: City of Grand Junction
LOCATION: Citywide
STAFF: Kristen Ashbeck

b. Comprehensive Plan Text Amendment

Forward a recommendation to City Council to amend the text of the Comprehensive Plan to allow the R-O (Residential Office) zone district in the Downtown Mixed Use land use designation.

FILE #:CPA-2012-216

APPLICANT:City of Grand Junction

LOCATION:Citywide

STAFF:Kristen Ashbeck

c. Rezone

Forward a recommendation to City Council for City-initiated rezoning of properties within the Greater Downtown Plan area.

FILE #: RZN-2012-217

APPLICANT: City of Grand Junction

LOCATION: Citywide

STAFF: Kristen Ashbeck

d. Text amendments to Section 21.07 and Section 21.03.020(d) – Zoning Code Amendments

Forward a recommendation to City Council to amend Section 21.07 of the Zoning and Development Code to add the Greater Downtown Plan; and to amend Section 21.03.020(d) to include the R-O (Residential Office) zone district as a district that implements the Downtown MU (Mixed Use) land use classification.

FILE #:ZCA-2012-363

APPLICANT:City of Grand Junction

LOCATION: Citywide

STAFF:Kristen Ashbeck

Staff's Presentation

Kathy Portner, City's Division of Economic Development and Sustainability, made a PowerPoint presentation on the Greater Downtown Plan. She advised that there would be three presenters on various sections of the plan. She would present the first section which dealt specifically with an overview of the planned document; Harry Weiss, the Executive Director of the Downtown Development Authority, would address the importance of downtown and its role in that, as well as its leading role in the creation of a strategic downtown plan that was put together 4 or 5 years ago; and Kristen Ashbeck would provide an overview of what was being proposed for the overlay zone.

Ms. Portner said that the Greater Downtown Plan recognized and celebrated the roots of the community established over 100 years ago and its ties to the railroad and the river. The Comprehensive Plan referred to the City center as the heart and soul of the community and as such maintaining and expanding a strong downtown was a high priority of the plan and essential for the area's regional economy. The Comprehensive Plan further emphasized the importance of downtown with the key concept that future growth should be focused inward with an emphasis on infill and redevelopment of underutilized land especially in the City center. This would take advantage of land with existing services, reduce sprawl, reinvest and revitalize the City center area. She went on to say that the Greater Downtown Plan combined the Strategic Downtown Master Plan and the South Downtown Neighborhood Plan – both of which were developed in 2007 and 2008.

The planning area was divided into three districts – the Downtown District; the Rail District; and the River District. She advised that an extensive planning process had been established which included, among other things, a review of the work that had previously been done; meetings and individual discussions and questionnaires; two well-attended public open houses; as well as numerous individual meetings with property owners, business owners, interested citizens and with 15 separate community focus group meetings. Additionally, two special meetings were held with property owners which targeted those with property or businesses and those within the central business district.

Ms. Portner went on to say that the Comprehensive Plan set the vision to become the most livable city west of the Rockies and identified ways to achieve that vision which included the support of continued development of the downtown area of the city center into a vibrant and growing area with jobs, housing and tourist attractions. The Comprehensive Plan acknowledged the City center was differentiated by the variety of uses, the critical mass of workers and residents and a variety of activities and attractions that gave life, vibrancy and vitality to those areas. The Comprehensive Plan further stated that a community's downtown was a barometer of its overall quality of life. Benefits of a strong downtown were multi-faceted as it was a good recruitment tool for industry; stimulated the economy and added jobs; increased tourism and was a good investment. Ms. Portner said that the goals of the Greater Downtown Plan were a further refinement of how the Comprehensive Plan vision could be achieved within the plan boundaries.

In addition, the Comprehensive Plan played an important role in the long-term growth and brought vitality and vibrancy to the City center with a key goal to protect and enhance existing historic neighborhoods and promote additional downtown living opportunities. She identified strategies identified in the Comprehensive Plan and further refined in the Downtown District goals that included promotion of pedestrian-oriented retail activity and preservation of character that distinguished unique areas. The Rail District recognized the importance of the industrial area of the city and the role rail access had played in this development so the plan anticipated leaving the heart of the industrial area intact and differentiated between public streets from the industrial streets and identified South 7th Street as that connection between the Downtown and the River District. The majority of the properties in the River District are publicly owned and include the Las Colonias park site, Botanic Gardens and the Jarvis property. Privately owned properties and portions of the City-owned Jarvis property provide opportunities for reinvestment and redevelopment that would complement and enhance the public investment in the Riverfront trail system and the park development.

She pointed out that one of the items for consideration was a text amendment to the Comprehensive Plan that would allow for the Residential Office zone district to be applied within the Downtown Mixed Use land use category. There were also some future land use designation amendments that were proposed. With the adoption of the Comprehensive Plan, there were 237 parcels within the Greater Downtown planning area where the existing zoning was in conflict with the future land use category established with the Comprehensive Plan. Most of the inconsistencies were proposed

to be resolved by changing the future land use designation rather than a change in the zoning.

There were 139 conflicts in the Downtown District – the majority of which would be resolved with future land use changes, including the expansion of the North Avenue Neighborhood Center designation to provide a transition from the Commercial corridor to the residential areas (along the North 1st Street corridor); a revision from Downtown Mixed Use to an urban residential mixed use (500 block of Ouray and Chipeta) to better reflect an intended lower intensity of land use and to better reflect the current zoning; a revision from residential high mixed use to residential medium high (eastern periphery of the Central Business District) as a better transition between the Central Business District and the residential uses.

She advised that within the Rail District there were 69 parcels that were in conflict with the majority being resolved by the proposed change of future land use designation, including a proposed change from Industrial to Business Park Mixed Use (southwest of the railroad tracks to the Riverside Parkway on the west side of 5th Street) to be consistent with existing land uses and to encourage future redevelopment with a mix of employment oriented business and light industrial uses and which would allow for potential multi-family development; a proposed change from Downtown Mixed Use to Industrial, Commercial Industrial and Commercial (the “wedge”) to be consistent with existing zoning.

She next discussed the 29 parcels within the River District that were in conflict and their resolution by future land use changes such as from industrial and commercial industrial to Business Park Mixed Use (southwest of the Riverside Parkway to the trail on the west side of 5th Street) to be consistent with existing land uses and also to encourage the future redevelopment of the area with a mix of employment-oriented business and light industrial uses and to allow for the potential of multi-family; a revision from Park and Commercial to Commercial and Commercial Industrial (areas on the east and west side of 5th Street between the Riverside Parkway ramp and Struthers Avenue) to be consistent with existing zoning and better conformance to parcel boundaries; a revision from Park designation and a conservation area along the river for completion of the Riverfront Trail (areas east of 27½ Road between C½ Road and the Colorado River) to be consistent with other properties owned by Colorado State Parks.

Alternately, proper notification to property owners was given with regard to any areas that had been proposed for rezoning. The rezonings along Grand Avenue included a revision from R-O zoning and B-1 zoning to B-2 to be more consistent with existing land uses and the extension of the Central Business District. Other proposed rezones include a revision from R-8 to R-O (the southeast corner of Chipeta and 5th Street) to be consistent with the Urban Residential Mixed Use land use category and to revise from B-1 and B-2 (1100 block of Colorado) to be more consistent with the Downtown Mixed Use land use category.

Within the Rail District, Ms. Portner identified the following proposed revisions: from I-2 to I-1 and I-O (parcels west of 5th Street) to be consistent with the Commercial Industrial and Business Park Mixed Use future land use categories; from C-1 to CSR (City-owned parcels – Riverside Parkway, 5th Street interchange) to be consistent with the zoning of

similar City-owned properties that would not be developed in the future; from CSR and I-2 to C-2 and I-2 (the sugar beet factory and remnants of the Las Colonias Park along the Riverside Parkway) to reflect existing and potential lease to the adjacent property owners and future redevelopment opportunities.

The River District areas proposed for rezoning included: from I-O and I-1 to Business Park and I-O (Industrial Office) (areas southwest of Riverside Parkway to the trail on the west side of 5th Street) to be consistent with existing uses and encouragement of future redevelopment with a mix of employment-oriented business and light industrial uses and the allowance for multi-family development; from I-O to CSR (areas along the Colorado River near the Riverside neighborhood) to reflect existing Riverfront Trail use on the City-owned property; from C-1 to CSR (City-owned parcels at the interchange of 5th Street and the Riverside Parkway) to be consistent with zoning of similar City-owned properties; from C-2 to CSR (City-owned parcels near the Botanic Gardens) to be consistent with zoning of similar City-owned properties. Kathy Portner next announced Harry Weiss, the executive director of the Downtown Development Authority (DDA) to provide some insights on the importance of the downtown and the DDA's role.

Questions

Chairman Wall asked how the changes in zoning and the future land use map would affect current landowners. Ms. Portner said that the proposed changes to the Future Land Use designation was simply their existing zoning consistent with the land use designations so there would be no change to their zoning and for those properties with a proposed rezoning, it would not create any non-conformities and all of those property owners were informed by letter and in most cases, it would actually broaden their opportunities of the types of uses that they might be able to put on their property.

Staff's Presentation

Harry Weiss, Executive Director of the Downtown Development Authority, expressed his appreciation to the planning staff who worked diligently in bringing forward this complex and comprehensive document. The DDA had a unique relationship with the City when it came to planning issues. By statute, the DDA served in an advisory way to the City that involved the downtown. He said that one of the greatest shifts that had occurred in urban policies in the last 15 years was the rise of cities as crucibles for innovation and crucibles for competitiveness. Building a competitive city was one of the best strategies a community could commit to in order to ensure long-term success and sustainability.

Mr. Weiss said that one of the things that all communities labored under was that often there were city regulatory structures - city codes, zoning codes, planning documents - that were still viewed with concepts of the mid-20th century that ignored the inherent strengths and assets that mixed use density provided. He added that the Strategic Downtown Master Plan was a document funded and produced by the DDA in 2008 and presented to the City Council for adoption in 2009. At that time, City Council chose to table the Downtown Strategic Master Plan pending the adoption of the Comprehensive Plan in order to bring all the plans into alignment with an overarching guiding document.

Emphasis on centers, infill and redevelopment of existing areas of the city in order to leverage their infrastructure needed to be cultivated in order to produce a better fiscal

return for the community at large and provide fiscal sustainability. Within the context of downtown specifically, the DDA's interest was to leverage what was unique about the downtown and what distinguished the downtown from other parts of the city. Mr. Weiss pointed out that the unique thing about downtown was that it was inherently about mixed use and greater density. The downtown also played a unique role in that it was the heart and soul of the community – a social, cultural institution. He pointed out that another distinguishing characteristic was the emphasis on pedestrianism.

He discussed how infrastructure was a key investment and part of what they had looked at in terms of leveraging infrastructure investments was to produce a better return to improve performance of those assets which were the basic capital assets of the community. Mr. Weiss said that the sales tax revenues had declined from 67% in 2007 to 56% today which was a very dramatic economic shift in the way the City had to make decisions about the allocation of capital and smart and productive decisions needed to be made about the utilization of infrastructure. The key points were support of fiscal sustainability; leveraging the unique assets that formed the downtown; and provide direction for how to shape investments and capture growth in the downtown.

Mr. Weiss discussed the DDA's goal in going forward if this plan was adopted and because of its unique relationship with the City as a source of capital funding, the DDA was a critical partner with the City in terms of some of the economic tools that could further implement this program. This would give them a more structured way to engage the development community in the life and future of downtown.

He next discussed the use of overlay districts which he perceived as a very strategic way of making it more purposeful and more intentional in terms of directing outcomes according to the plan concepts. He thought the overlay was an extremely important implementation tool for getting these concepts on the ground to help shape the way development occurred in the future. According to Mr. Weiss, they also served to make clear that they were very intentional what would happen in the three sub-districts of the downtown and believed the overlay was a critical piece in accomplishing that. He emphasized that the plan provided a tremendous amount of safety and protection for existing property owners and existing businesses to expand and which would promote the benefits of greater density, greater fiscal return and would make better utilization of land resources. He concluded that he thought this plan helped get to the larger vision articulated in the Comprehensive Plan.

Questions

Chairman Wall asked if this plan would change the DDA's role or would it give the DDA any more influence than what it had previous to this plan. Mr. Weiss said that it provided more deliberate structure to the DDA's participation in the development process.

Staff's Presentation

Kristen Ashbeck, Senior Planner with the Economic Development and Sustainability Division, said that the zoning overlay district was proposed to achieve the strategies for the downtown set forth in the Comprehensive Plan. The City had the opportunity to ensure development in the future maintained the downtown's unique character and attractive environment. The Comprehensive Plan also set forth specific strategies for

downtown which promoted pedestrian activity, integration of existing historic and cultural amenities into the downtown core, encouraged mixed use and developed guidelines that allowed redevelopment and enhanced the downtown character by the promotion and improvement of streetscapes.

The zoning overlay district was a tool that provided the guidance and criteria for planning, design and implementation of public and private development in the Greater Downtown area. She stated that the overlay district was organized in two sections – key corridors and a specific overlay for the Downtown District. The overlay district includes standards and guidelines for the primary corridors in both the River and Rail Districts and implements the goals and strategies of the overall plan to improve the visual impact of development along the corridors and to promote higher quality architectural treatment and site design as new development and redevelopment occurs.

Two types of corridors are defined – commercial and industrial. Ms. Ashbeck went on to say that the goals of the zoning overlay corridors are to define a vision by use of examples of what was on the ground already, provide design flexibility on a site-by-site basis, provide menus of design options, and clearly define what was required for new construction versus building remodels. In addition, streetscapes would help establish the visual character of the corridors.

The Commercial Corridor Standards and Guidelines apply to the south side of Pitkin Avenue, South Avenue, South 7th Street and the Struthers Avenue - Riverside Parkway area from approximately 7th Street to 12th Street. The Industrial Corridor zoning overlay includes area between the 5th Street / Riverside Parkway intersection south to the river and the Riverside Parkway corridor includes the area from approximately 12th Street along the Parkway east to 28 Road. In the 5th Street Industrial Corridor the proposed standards include that there would be no new outdoor uses and operations on parcels that had frontage on the corridor right-of-way; an allowed maximum expansion of an existing use of 25%; screening would be required along the 5th Street Bridge over the railroad tracks; and no new billboards allowed along South 5th Street.

Discussion/Outline of Commercial Corridor Guidelines/Standards

Ms. Ashbeck next discussed the Riverside Parkway industrial corridor standards that include such things as the architecture should include some visual interest; loading areas to be in the rear or the side; no new billboards would be allowed; and reduced front yard setbacks.

Ms. Ashbeck said that the proposed overlay district for the Downtown District did not cover the existing commercial subarea of downtown. She also advised that the Seventh Street Residential Historic District had already adopted guidelines and that area was not addressed in this proposed overlay. The proposed overlay tried to outline very clearly where in the Downtown District the standards and guidelines would apply and where they would not. The proposed standards would only apply for additions that increased square footage by more than 100% or a substantial exterior remodel. Alternately, the guidelines would not apply if an addition was less than 100% of the existing square footage or the exterior remodel was valued at less than 65% of its value. It also would not apply to any interior remodel of an existing building.

Because of the constraints of downtown properties, the Planning Director can make reasonable exceptions to the standards for properties within the Downtown District. She reiterated a point made earlier by Mr. Weiss that the Downtown District encouraged high density and mixed use development and discouraged single-use surface parking lots. A menu of options is provided for architectural and site design features that the developer or property owner could choose from.

Ms. Ashbeck also discussed the residential guidelines and standards allowed for new development which was consistent with the architectural character and design of existing residences. Accessory structures must be subordinate to the primary structures on a site. The proposed overlay district would not preclude multi-family development where there was already existing zoning that allowed for such.

Ms. Ashbeck concluded that it was staff's findings that the Greater Downtown Plan and the zoning overlay districts were consistent with the Comprehensive Plan, the pertinent review criteria had been met and recommended approval with the clarification and visions as shown in the staff report and the clarifications proposed in staff's response to the comments from the Chamber of Commerce which should be included in the motion.

Questions

Commissioner Leonard asked Ms. Ashbeck to explain the difference between standards and guidelines in this document. She said that guidelines were recommended and standards were required.

Commissioner Williams raised a question regarding publicly assisted development and tax increments and incentive-based programs that may come from either the DDA or City Council. Harry Weiss said this was a planning document and was not to be construed as an economic development policy. He added that the DDA worked with private developers and there were no incentives recommended in this document for adoption by the City Council.

A brief recess was taken at 7:23 p.m. and the hearing was reconvened at 7:33 p.m.

Public Comment

Jim Jeffryes said that he had been dealing with the City's Planning Department for approximately 13 years. He had a project on the riverfront that he was developing and he commended the Planning Department for working with him over the years. When he bought the property in 1998 it was zoned industrial; however, in the purchase process he found out that it had transitioned to community park and because the notification was incomplete, the then seller was able to work with the city to change the zoning to C-2. So this piece of property went through three different zonings in a two-month time period. He felt that the area surrounding his property needed a facelift and by doing it the right way, was a good thing to do. Mr. Jeffryes stated that it was, however, expensive and to be able to attract people to go there and put in a commercial enterprise believed that there needed to be more partnership. He suggested some incentives, such as variances on zoning or some leeway on projects, may be helpful in order to accomplish that. He concluded that he felt that the City should be cognizant of the partnership between itself and developers.

Darin Carei said that he had recently moved his business to 1111 South 7th Street and felt that having a consistent message to businesses and developers to identify what the City wanted to see in the area would be great. For a number of years the zoning had been the same with little growth there. They were looking forward to possibly adding on to their building with additional office space and potentially taking advantage of moving the setback closer to 7th Street with a new façade and with this change, they would be able to do that. He would also like to see new neighbors there who had the same vision for the future as his business for the Riverfront Trail and the connectivity. He thanked everyone for their efforts.

Sandra Alexander, 838 White Avenue, said that when they first moved into the property it was B-1 with four of the fifteen properties not owner occupied. They had worked with the neighborhood to try to improve the neighborhood and since then there had been an increase to eight of the fifteen properties now being owner occupied. The owner of the high intensity residential unit near had been very responsible and conscientious of the neighborhood and had improved their property significantly. She said that in 2008 a group of about thirty people held a meeting to discuss residential issues and alternatives meeting after which some ideas about what downtown could be were conceptualized. Ms. Alexander voiced her appreciation for the stick to-it-ness by those who had retained an interest in preserving what they had and staying true to the character of the neighborhood. She added that they are continuing to make every effort to maintain that and appreciated what the City and the DDA had brought to the Commission.

Questions

Commissioner Leonard asked who the director would be as much of this document called for approval by the director. Kathy Portner said that it would be the same as within the general provisions of the Zoning and Development Code – the Director of Public Works and Planning.

Commissioner Leonard then asked what the director's background was in terms of architecture. Ms. Portner said that the director would have input from staff as well as the DDA. She added that there was specific criteria to be considered as well for the various exceptions that may be requested.

Commissioner Leonard asked if there were people who had experience reviewing architectural aspects throughout the city. Ms. Portner said that there were people on staff who had that experience.

Commissioner Leonard asked for confirmation that it was for urban design. Ms. Portner confirmed that was correct. She added that the exceptions truly had to be something that was thought through and there were no other options available for what was being proposed.

Commissioner Leonard suggested so that there was not a single person who had the final say that there should be a committee formed to include a Planning Commissioner, a City Council member, the DDA if applicable and at least one local architect. He opined that buildings last a long time, whereby landscaping was only temporary, and

would like to see the formation of an architectural review committee to look at some of the elevation drawings and the way the site would function, if at all possible.

Commissioner Leonard asked what the follow up was regarding landscaping, or was it merely on a complaint basis. Ms. Portner said that with the current staffing levels for Code conformance, it had been on a complaint basis. She added that it was the same as other requirements of the Code so it would be dealt with as it became apparent but they did not have the staff to go out looking for non-compliance nor was there regular follow-ups on properties to determine whether or not they were still in compliance. Commissioner Leonard said in that event, landscaping should take more of a backseat with architecture being looked at more closely. He reiterated that he wanted architecture looked at more closely and he thought it would be appropriate to have a committee involved at some level rather than one individual who made the calls.

Discussion

Chairman Wall advised that he would ask for comment on each of the four items.

a. Comprehensive Plan and Future Land Use Map Amendments

FILE #: CPA-2011-1067

Commissioner Couch commented that the document spoke a lot to density and cost in addition to appearance and he was not sure that this was the part of town that density should be focused on. He went on to say the plan was pretty restrictive and full of regulations. He added that there were many additional costs that would be incurred by property owners as well as taxpayers generally and as a result had some serious misgivings about some of the aspects of the plan, particularly the density piece and the idea that everyone wanted to go downtown and everyone wanted to use downtown. He believed the same people used downtown over and over again. So between density and cost and scope of government, he wanted to mention to City Council these concerns of not only himself but others he had spoken to in the community.

Commissioner Eslami commented that he believed density brought more money and utilized existing infrastructure more efficiently which in turn may save taxpayers money. He said that this mechanism may bring people to the downtown area. He said that it had been his experience that density saved money to taxpayers and generated revenue.

Commissioner Couch said that it was a question of density versus quality of life and he observed that was one perspective or point of view because he believed there were many people in Grand Junction who felt density was a threat.

Commissioner Williams concurred with Commissioner Eslami's statements regarding density in that it was more efficient and it was better for us to grow up rather than out. In addition, he said that criterion 2 and 5 were very important to him and the overlay created a tool by which the goals of the Comprehensive Plan could be accomplished. He agreed with Mr. Weiss' comment that we wanted to continue to make a diverse and competitive marketplace which he believed this plan supported. He concluded that he would be in support of all four proposals.

Chairman Wall said he thought it made a lot of sense to have documents which gave structure for guidelines to work within. As such, he thought the guidelines were forgiving and would give the business owner an opportunity to choose for a menu.

Commissioner Eslami asked if Ms. Ashbeck requested the motion be changed in order to add some additional language. Ms. Portner confirmed that for the planned document and the overlay document, the version in the Commissioners' packets contained the strikeouts and the underlining so they would like it reflected that that was the version for consideration and for the overlay document there were two or three different clarifications that were within the comments given by the Chamber of Commerce. Chairman Wall stated that the motions should mention all current documents.

MOTION:On item CPA-2011-1067, a Comprehensive Plan Amendment to adopt the Greater Downtown Plan and Future Land Use Map Amendments included within the plan and repeal the Westside Downtown Redevelopment Plan I move that we forward them to City Council with the recommendation of Approval with the findings of facts and conclusions included within the staff report and the current documents.

MOTION:(Commissioner Williams) “Mr. Chairman, on item CPA-2011-1067, a Comprehensive Plan Amendment to adopt the Greater Downtown Plan and Future Land Use Map Amendments included within the plan and repeal the Westside Downtown Redevelopment Plan, I move that we forward them to City Council with the recommendation of approval with the findings of facts and conclusions included within the staff report and the current documents.”

Commissioner Eslami seconded the motion. A vote was called and the motion passed by a vote of 6 – 1, with Commissioner Couch opposed.

b. Comprehensive Plan Text Amendment

FILE #: CPA-2012-216

Discussion

Commissioner Williams stated that he agreed with staff and he thought it went well with the rest of the plan.

Chairman Wall said that he believed the R-O zone in this district made complete sense and believed it would work well there and, therefore, he would support this amendment.

MOTION:(Commissioner Williams) “Mr. Chairman, on item CPA-2012-216, a Comprehensive Plan Text Amendment and Zoning and Development Code Text Amendment to include the RO (Residential Office) zoning district as one of the zone districts that implements the Downtown Mixed Use land use designation, I move that we forward them to City Council with the recommendation of approval with the findings of facts and conclusions included within the current staff reports.”

Commissioner Reece seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

c. Rezone

FILE #: RZN-2012-217

Discussion

Chairman Wall said he thought by rezoning these properties made it more compatible with the Comprehensive Plan and thought it would enhance the ability to reach the goals and enforce the policies.

MOTION:(Commissioner Reece) “Mr. Chairman, on item RZN-2012-217, rezoning properties within the Greater Downtown Plan area as set forth in the current staff report and in the current proposed ordinance, I move that we forward it to City Council with the recommendation of approval with the findings of facts and conclusions included within the current staff report.

Commissioner Eslami seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

d. Text amendments to Section 21.07 and Section 21.03.020(d) – Zoning Code Amendments

FILE #: ZCA-2012-363

Discussion

Commissioner Leonard suggested that there be something added that there was some consideration given for assembling an architectural review committee.

Commissioner Williams said that while he was in favor of this recommendation of approval, he did not share the feelings of Commissioner Leonard.

Chairman Wall said that he would like to see a change in the wording and thought it important that it be clear and would give more comfort regarding the architecture and who actually would review the architecture. He reiterated that he thought these proposals made sense and thought this did more to help businesses as it provided more options to reduce costs.

Commissioner Leonard would like to see some description of the makeup of the committee to include at least one architect, a member of the planning commission, a member of the City Council, a member from a neighborhood and DDA, if applicable.

Kathy Portner clarified that this was only when someone had asked for an exception to the standards and guidelines and not for a review of their proposal in total. She said that they convene a staff committee when deciding on transportation exceptions so they would bring in the appropriate people to help advise the director and so it could be a policy that staff may be allowed to develop what that advisory group might be. She suggested that it did not have to be as formal as specifying individuals and felt that it was important that the director had a list of criteria that would be followed and met and suggested that it be at a policy level rather than through ordinance.

Commissioner Leonard, by way of example of various colors, window size and choice of awning, questioned Ms. Portner whether it would meet the guidelines of the overlay district. Ms. Portner stated that generally it would as staff did not determine what colors would be appropriate but rather they would look at variation and if the decision was made by the director that something was not appropriate, that decision could be appealed to another board.

Commissioner Leonard asked for clarification that at the first stage, the decision would ultimately be made by one person. Ms. Portner confirmed that that was how all of the wording was in the Code for those types of decisions and that that individual was not making those decisions in a vacuum.

Chairman Wall agreed that it could be simply a policy and believed this additional wording was important.

Commissioner Leonard reiterated that he agreed with the staff aspect and the more formal process was not necessary.

Chairman Wall said that in this particular instance, it was important for him that the additional words be included.

Jamie Beard, Assistant City Attorney, said that it was her understanding that others, not only the director, would actually review it as part of the process. She assured that it would be a part of any review process when someone came in with a development application. This would include that it would be sent out to the review agencies for comment that appeared to be appropriate based on its location among other things, as well as staff members for comment and recommendations to the director. In the end, however, it was the director who would make the final decision but all of the information would come from staff and any outside agencies included within the review process. That was already provided for in the Zoning and Development Code.

Chairman Wall said that it was mainly for the comfort of the public based on comments he had seen. Ms. Beard said that Chapter 2 of the Zoning and Development Code explained the review process and that information was set forth to include review by staff and outside agencies. She pointed out that when one was just looking at the overlay corridor, the review process as set forth in Chapter 2 would not be changed and the entire Code would have to be considered not just a portion of it.

MOTION:(Commissioner Reece) Mr. Chairman, on item ZCA-2012-363, a Zoning and Development Code Text Amendment by adopting the Greater Downtown Overlay District, I move that we forward it to the City Council with the recommendation of approval with the findings of facts and conclusion as stated in the staff report.

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 8:11 p.m.

**GRAND JUNCTION PLANNING COMMISSION
MAY 28, 2013 MINUTES
6:04 p.m. to 6:31 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:04 p.m. The public hearing was held in the City Hall Auditorium. In the absence of Chairman Reece, the Commission unanimously agreed that Commissioner Eslami would act as Chairman.

In attendance representing the City Planning Commission were Ebe Eslami (Acting Chairman), Reggie Wall, Bill Wade, Jon Buschhorn, Loren Couch, Keith Leonard and Steve Tolle (First Alternate). Commissioner Christian Reece (Chairman) was absent.

In attendance representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Brian Rusche (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lisa Cox was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

Announcements, Presentations And/or Visitors

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes from the April 9 and April 23, 2013 regular meetings.

2. Perry Annexation – Zone of Annexation

Forward a recommendation to City Council to zone 4.712 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2013-104

APPLICANT: Eric Perry – E Perry Construction Inc.

LOCATION: 2884 B Road

STAFF: Brian Rusche

Acting Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion.

Commissioner Buschhorn noted two items that he wished to clarify and revise in the April 23, 2013 minutes. The first item pertained to the term “roadies” on page 16 of the minutes. Commissioner Buschhorn wasn't sure what the term “roadies” meant and wanted the record to be clear. He thought that the term was possibly meant to refer to

“doughnuts” or that the property was being used as a road, but wanted clarification of the record either way.

The second item was on page 17 under the Applicant’s Rebuttal that referenced “the wall or fence less than 8 inches in height” that was a scrivener’s error that should reflect “the wall or fence less than 8 feet in height.”

Jamie Beard, Assistant City Attorney, noted that the actual term that was used during the testimony was “roadies” and therefore she preferred that that specific term remain in the minutes since no one asked for a distinction or clarification during the meeting. She suggested putting the term in quotation marks since it was the term specifically used by the citizen. Commissioner Buschhorn agreed that the specific term “roadies” would be used in the minutes.

Lisa Cox, Planning Manager, noted that the changes would be made to the minutes when they were included as part of the record for the project to be considered on appeal by City Council.

There were no objections or other revisions received from the audience or Planning Commissioners on the Consent Agenda.

MOTION:(Commissioner Wall) “Mr. Chairman, I move that we approve the Consent Agenda along with the clarification for the 8 inch fence in the minutes.”

Commissioner Wade seconded the motion. A vote was called and the motion passed unanimously by a vote of 7- 0.

Full Hearing Items

3. Heritage Church Annexation – Zone of Annexation

Forward a recommendation to City Council to zone 0.68 acres from County RSF-4 (Residential Single Family- 4 du/ac) to a City R-O (Residential Office) zone district.

FILE #: ANX-2013-105

APPLICANT: Vaughn Park – Heritage Church of Grand Junction

LOCATION: 2935 Patterson Road

STAFF: Brian Rusche

Applicant’s Presentation

Mr. Vaughn Park, Senior Pastor of Heritage Church, was joined by David Younger, an Elder in the Church, and by 3 members of the Building Committee, Tim Moore, Dave Kitzman and Bob Weaver. Pastor Park noted that the church has been located in the Patterson Road building for approximately 15 years, has seen considerable growth and has outgrown their current building. In anticipation of future growth, the church has purchased property intended for a future new church building. However, as an intermediate step prior to construction of the future church building, the church purchased a building on North 12th Street last year to accommodate their current service needs.

The property located on Patterson Road is now vacant and the church would like to sell the property. In order to provide a wider range of use options for the new owner, the church felt that the property should be annexed into the City and rezoned. This would help market the property which is currently for sale.

Pastor Park stated that the R-O zone district was being requested because of the location of the property on Patterson Road which is a high traffic corridor that also has good access on 29 3/8 Road. The property is surrounded by homes with limited services nearby. Having been a part of the neighborhood for many years, the church wants to respect the residential nature of the area and that is why they have not requested a commercial zoning for the property.

Pastor Park stated that the R-O was a good choice for the church and the neighborhood and was consistent with the Comprehensive Plan. The R-O would provide flexibility of uses and would help with marketing the property.

Questions for the Applicant

Commissioner Leonard asked for clarification regarding Tim Moore being a City employee and Director of the Public Works and Planning Department. Mr. Moore was referred to as a member of the church's team and Commissioner Leonard wondered what his involvement was.

Pastor Park noted that Mr. Moore has been a member of the church for a number of years and has helped lead the church's Building Committee. Two other members of the Building Committee were also present, Mr. Weaver and Mr. Kitzman. The governance of the church is through Elders and decisions on how to run the church are made by the Elder Board, not by the subservient committees like the Building Committee. Mr. Moore serves in an advisory role like everyone else on the Building Committee.

Commissioner Leonard then asked the Assistant City Attorney if she saw any conflict of interest.

Jamie Beard, Assistant City Attorney, asked if Commissioner Leonard was asking if there was a conflict of interest for any of the Planning Commissioners to hear the matter. Commissioner Leonard clarified his concern was that simply because Mr. Moore was involved in the applicant's project. Ms. Beard asked if Commissioner Leonard's concern was if it was somehow going to affect the Commissioners ability to make their decision that evening and if it would be a conflict of interest for any of the Commissioner, or if it was regarding Mr. Moore's involvement in the planning process.

Commissioner Leonard stated that from his perspective when you're involved in City government, you step away from any application no matter if you're involved in the church or anything. He asked if Ms. Beard saw any conflict of interest with Tim Moore being the Director of Public Works and also with him being involved with the applicant and sitting in the room with the Planning Commission.

Ms. Beard asked if Commissioner Leonard felt that he now had a conflict of interest as a Commissioner in being able to make a decision. The decision being made that

evening was by the Planning Commission and the question is whether a Commissioner would not feel comfortable in regards to making a decision on the project. The Commission is relying on the criteria within the Zoning and Development Code and the information provided through testimony and the staff report. Since the Planning Commission was making the decision she did not see a problem. Ms. Beard also clarified that Tim Moore is no longer the Director of Public Works, Utilities and Planning, that is now Greg Trainor. Commissioner Leonard responded that he was not aware of that.

Acting Chairman Eslami stated that he believed Commissioner's Leonard's point was that if Mr. Moore's presence had any influence on staff recommending the request. Commissioner Leonard agreed and stated that in his experience if you're involved in City government and you show up as part of an applicant's team that that makes him uncomfortable, but if City staff was fine with it he was fine with it.

Ms. Beard confirmed that the Planning Commission was making the decision that evening, so if there were questions about staff's recommendation the Commission could delve further and inquiring of staff, as well as anyone who was in the audience that was going to testify. Commissioner Leonard responded that he wasn't bothered and that Mr. Moore wouldn't influence him one bit.

Acting Chairman Eslami asked if there were any other questions from the Commission. Hearing none he then asked for the staff presentation.

Staff's Presentation

Brian Rusche, Senior Planner, made a PowerPoint presentation regarding the Heritage Church Annexation which was located at 2935 Patterson Road. He noted that this was a zone of annexation which represented only one step in a series of steps for annexation. The request before the Commission was for R-O, Residential Office, zoning. Mr. Rusche showed a map with the location of the property and stated that although the property was adjacent to City limits, the annexation would not create an enclave.

The church has relocated and the property is vacant and currently being marketed for sale. The current County RSF-4 zoning does allow religious activity, as do most City and County residential zones, however that is the limit of most nonresidential type uses. That is why the applicant is before the Commission with the rezone request.

The Comprehensive Plan added a Mixed Use Opportunity Corridor along Patterson Road to encourage balanced growth throughout the community in the form of centers and to continue the City's position as a regional provider of goods and services. The underlying Residential Medium land use designation allows the R-O zone district to be considered for areas that are transitional between single family and more intensive uses. The applicant had previously described what their goals were in requesting the R-O zone district. Mr. Rusche stated that a good example of R-O zoning was in the 700 and 800 blocks of Grand Avenue where a number of large homes had been converted into either multifamily or professional offices.

Mr. Rusche then explained that the R-O zone provides an opportunity for low intensity, nonretail and neighborhood and office uses that are compatible with surrounding residential uses. Compatibility is achieved through limited uses, architectural standards and hours of operation. Recent development in the neighborhood includes the Maverik Convenience Store which is a good example of properties that are transitioning along Patterson Road. There are no other small scale office developments within a mile of this property despite the high traffic counts on Patterson Road.

The requested zone must meet the criteria of the Zoning and Development Code. Staff felt that criteria 3, 4 and 5 were met and described the community benefit that would be achieved with the rezone to R-O. Mr. Rusche described other zone districts that were allowed and the limitations of those districts. Mr. Rusche stated that he felt that the R-O was the most compatible zone district.

Staff has received calls from neighbors asking about who would be moving into the property. Mr. Rusche explained that the applicant had requested the R-O zoning. He explained what the limitations of the zone district were as well as the allowed uses. The citizen's questions appeared to have been answered.

Mr. Rusche stated he would answer any questions that the Commission had for him. Commissioner Leonard asked what the most intensive use that would be placed on the property and what would the impact on surrounding properties be. Mr. Rusche responded that the most intensive use permitted in the R-O would likely be multifamily. There are separate development standards for multifamily but it is an allowed use for up to 16 dwelling units per acre. The overall development of the site however would be limited by the size of the property and the development standards of the Zoning Code.

Commissioner Leonard asked if an office use moved in would there be a limitation on the hours. Mr. Rusche confirmed that the hours of operation in the R-O zone district are limited to 8:00 pm at night. The R-O zone district also contained architectural standards so that if someone wanted to construct a new building they would have to comply with the architectural standards.

Acting Chairman Eslami asked if there were any other questions. Hearing none, the hearing was open to the public for comments or questions. Acting Chairman Eslami asked for those in favor of the request to step forward and then asked for those opposed to step forward.

Public Comment

There were no public comments.

Planning Commission Discussion

Commissioner Wall stated that he liked the Residential-Office selection and liked having it in the Code for this very reason. It works very well for neighborhoods that are matured and going to have some change. He stated that he felt that this would fit well in the neighborhood. He also agreed with staff that the request meets the goals that were stated and it will limit the type of business that could go in the property which

would not be retail or entertainment. With the limitation on hours it made perfect sense.

Commissioner Wade asked Mr. Rusche if there were neighborhood meetings held. Mr. Rusche responded that the applicant did conduct the required neighborhood meeting and that there was not anyone in attendance other than church members. Commissioner Wade then asked when Mr. Rusche spoke with the neighbors who called, did they understand the uses that could go in under the R-O zoning or were they principally asking who has bought the property. Mr. Rusche responded that the first questions were asking about what was going into the building. Mr. Rusche explained that there is currently no known occupant and then explained what the allowed or possible uses could be with the R-O zoning. One person asked if a gas station could move in and Mr. Rusche replied that they could not. Another person asked about housing and Mr. Rusche explained what the standards are regarding housing in the R-O zone district.

Mr. Rusche also explained that there is an administrative review required to change the use of the building. Public notice to adjacent properties is provided with the administrative review. He also indicated that information concerning the R-O zone district could be found on the City's website online.

Acting Chairman Eslami asked if there were any other questions or comments. As there was no further comment, he asked for a motion.

MOTION:(Commissioner Wall) "Mr. Chairman, on the Heritage Church Zone of Annexation, ANX-2013-105, I move that the Planning Commission forward to the City Council a recommendation of the approval of the R-O, Residential Office zone district, for the Heritage Church Annexation, with the findings of facts and conclusions listed in the staff report."

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 6:31 p.m.

Attach 2
Texas and Cannell Avenue Vacation

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: June 11, 2013
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Colorado Mesa University Right-of-Way Vacation – VAC-2013-114

ACTION REQUESTED: Recommendation to City Council on the Requested Right-of-Way Vacation.

| BACKGROUND INFORMATION | | | | | |
|-------------------------------------|--------------|---|-----|--|----|
| Location: | | Texas and Cannell Avenue, portion of intersection (1,048 +/- sq. ft.) | | | |
| Applicant: | | Colorado Mesa University | | | |
| Existing Land Use: | | City street right-of-way | | | |
| Proposed Land Use: | | Colorado Mesa University dormitory building expansion | | | |
| Surrounding Land Use: | North | Colorado Mesa University properties | | | |
| | South | Colorado Mesa University properties | | | |
| | East | Colorado Mesa University properties | | | |
| | West | Colorado Mesa University properties | | | |
| Existing Zoning: | | R-8 (Residential – 8 du/ac) | | | |
| Proposed Zoning: | | N/A | | | |
| Surrounding Zoning: | North | R-8 (Residential – 8 du/ac) | | | |
| | South | R-8 (Residential – 8 du/ac) | | | |
| | East | R-8 (Residential – 8 du/ac) | | | |
| | West | R-8 (Residential – 8 du/ac) | | | |
| Future Land Use Designation: | | Business Park Mixed Use | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION: Colorado Mesa University is requesting to vacate a portion of the intersection of Texas and Cannell Avenue.

RECOMMENDATION: Recommend approval of the vacation request, with retention of a utility easement.

ANALYSIS

1. Background:

The applicant, Colorado Mesa University, wishes to vacate a portion of the Texas and Cannell Avenue intersection (1,048 sq. ft. – see attached vacation exhibit) in order to accommodate a new dormitory building for the campus which has been constructed within the existing right-of-way.

The surrounding properties are all owned by Colorado Mesa University and the proposed vacation of a portion of this intersection will not impede traffic, pedestrian movement or access along Cannell Avenue.

With the vacation, the City of Grand Junction (“City”) shall retain a Utility Easement to cover the existing water line, sanitary sewer and storm drain infrastructure that bisects the northern 25’ portion of the requested right-of-way vacation.

2. Consistency with the Comprehensive Plan:

Vacating this excess right-of-way supports the University in their building expansion development, provides additional housing for college students, enhances a healthy, diverse economy and supports a vibrant City Center, therefore, the proposed right-of-way vacation implements and meets the following goals from the Comprehensive Plan:

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

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

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

3. Section 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of a portion of the existing right-of-way shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

Granting the request to vacate a portion of the existing right-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The proposed vacation would not impede traffic movement along Cannell Avenue. A Utility Easement will be retained to allow for the continuation and access of existing utilities as a condition of approval.

Therefore, this criterion has been met.

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

No parcels will be landlocked as a result of this vacation request. Texas Avenue right-of-way immediately to the east of the requested vacation area has been previously vacated (City Ordinance #4431) and easements granted for the existing utility infrastructure. A new Utility Easement will be retained with this application to allow for the continuation and access of existing utilities.

Therefore this criterion has been met.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Access will not be restricted to any parcel. All adjacent properties are owned by Colorado Mesa University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation.

Therefore this criterion has been met.

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

There will be no adverse impacts on the health, safety and/or welfare of the general community. All adjacent properties are owned by Colorado Mesa University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation. The area is part of the larger existing CMU campus with future changes or modifications to access, right-of-way and utility location changes anticipated. With the current and future expansion of the University campus, additional educational services and opportunities will be available to the community.

Therefore this criterion has been met.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code.*

The provision of adequate public facilities and services will not be inhibited to any property. All adjacent properties are owned by Colorado Mesa University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation. No

adverse comments concerning the proposed right-of-way vacation were received from the utility review agencies during the staff review process.

Therefore this criterion has been met.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

Maintenance requirements for the City will not change as a result of the proposed partial right-of-way vacation. A Utility Easement will be retained to allow for the continuation and access of existing utilities. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The right-of-way is already encumbered by CMU's new dormitory building, so vacation is needed by CMU as part of this campus expansion.

Therefore this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITION:

After reviewing the Colorado Mesa University application, VAC-2013-114 for the vacation of a portion of public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have all been met, specifically items a through f.
3. With the vacation, the City retains a utility easement over the northern 25' to allow for the continuation and access of existing utility infrastructure.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VAC-2013-114 to the City Council with the findings and conclusions stated in the staff report and with retention of a utility easement for the existing water line, sanitary sewer and storm drain infrastructure that bisect the northern 25' portion of the area to be vacated.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2013-114, I move we forward a recommendation of conditional approval to the City Council on the request to vacate a portion of right-of-way located at the intersection of Texas and Cannell Avenues with the findings

of fact and conclusions in the staff report and with retention of a utility easement for the existing water line, sanitary sewer and storm drain facilities that bisect the northern 25' of the area to be vacated.

Attachments:

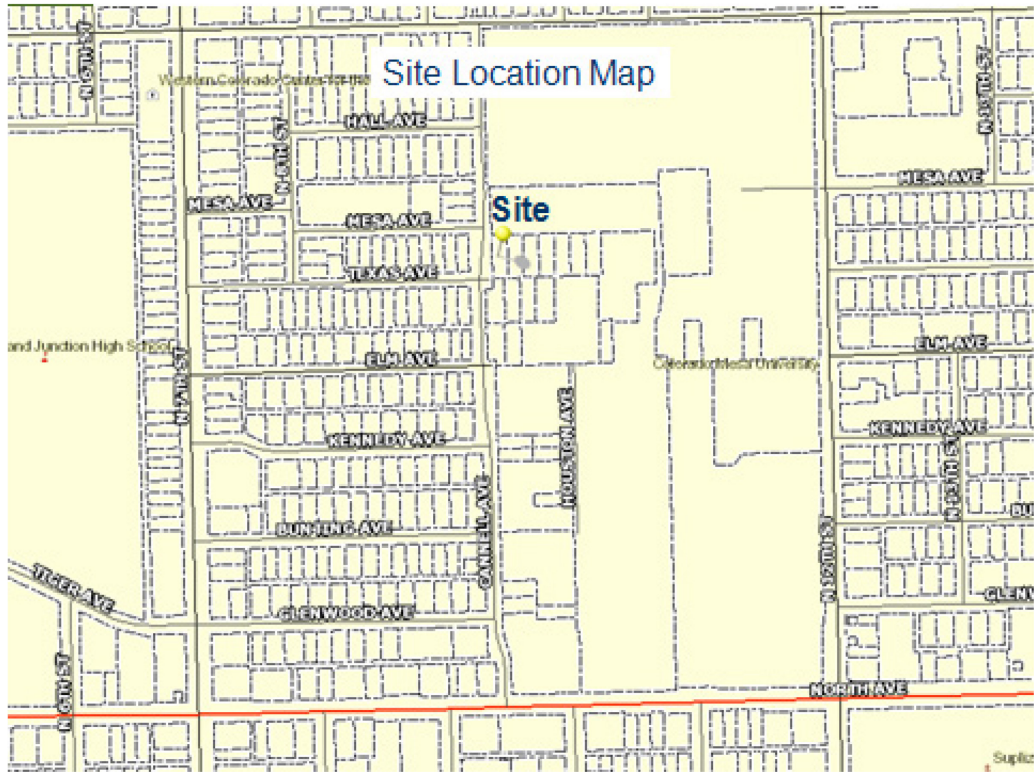
Site Location Map / Aerial Photo Map

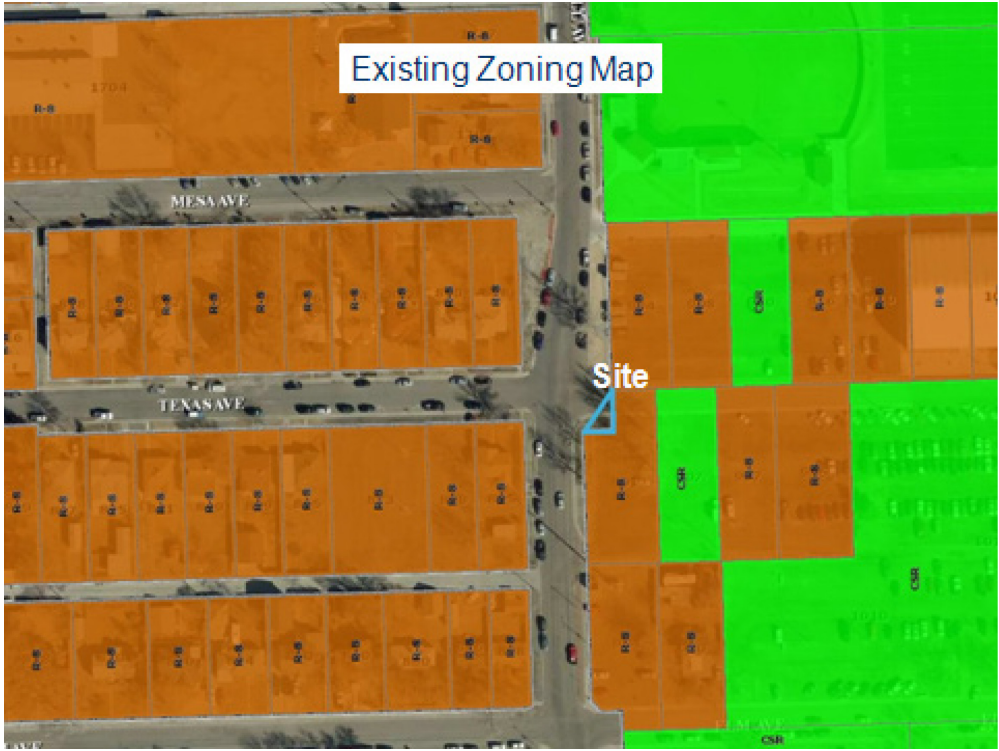
Comprehensive Plan Future Land Use Map / Existing Zoning Map

Right-of-Way Vacation Exhibit

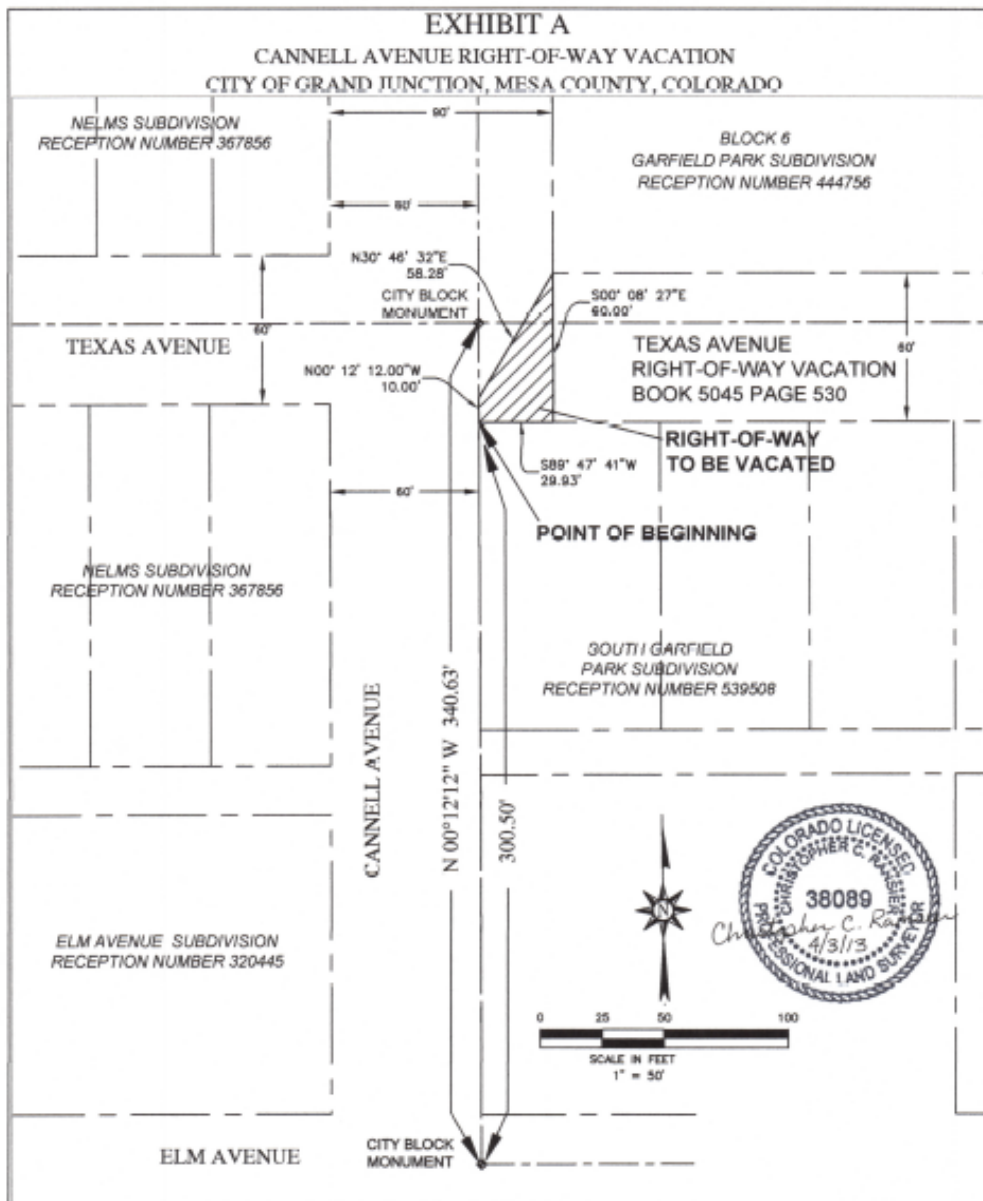
Right-of-Way and Building Encroachment Exhibit

Ordinance

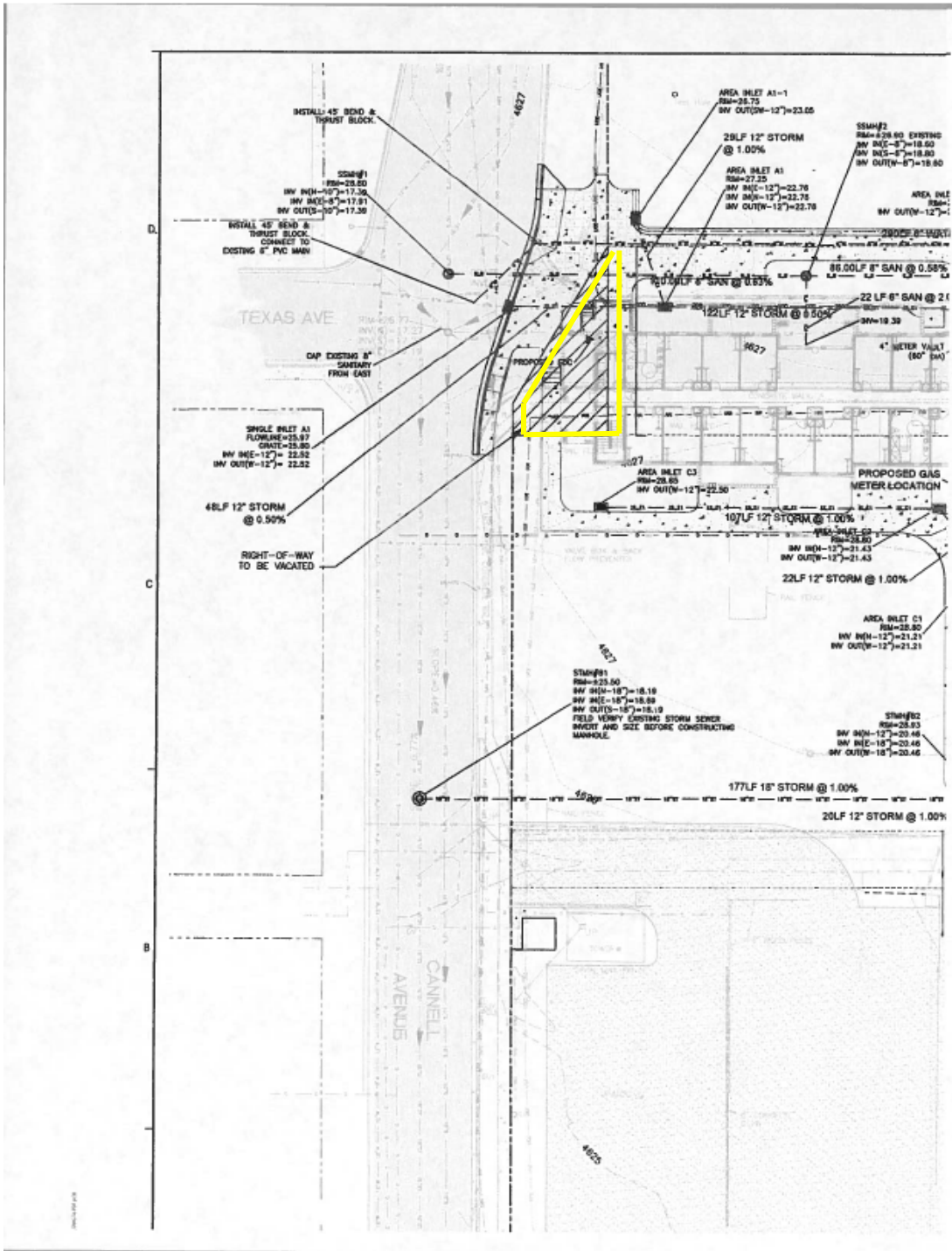




Right-of-Way Vacation Exhibit:



Right-of-Way Vacation and Building Encroachment Exhibit:



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF THE TEXAS AND CANNELL AVENUE RIGHT-OF-WAY AND RETAINING A UTILITY EASEMENT OVER THE NORTHERN 25' LOCATED IN THE COLORADO MESA UNIVERSITY AREA

RECITALS:

Colorado Mesa University has requested the vacation of a portion of the Texas and Cannell Avenue intersection (1,048 sq. ft.) in order to accommodate a new dormitory building for the campus which has been constructed within the existing right-of-way.

The surrounding properties are all owned by Colorado Mesa University and the proposed vacation of a portion of this intersection will not impede traffic or public access along Cannell Avenue.

With the vacation, the City of Grand Junction ("City") reserves a utility easement over the northern 25' of the area for the existing water, sanitary sewer and storm drain infrastructure that bisects the northern portion of the requested right-of-way vacation.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code with the reservation of the utility easement as described within this ordinance.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved with the retention of an easement for the utilities.

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

The following described dedicated right-of-way for is hereby vacated with an easement for utilities retained as described below:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A Portion of the Cannell Avenue Road Right-of-Way dedicated on the plat Garfield Park Subdivision as recorded in Plat Book 6 Page 23 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Elm Avenue and Cannell Avenue whence the City Block Monument at the intersection of Texas Avenue and Cannell Avenue bears North 0 degrees 12 minutes 12 seconds West, a distance of 340.63 feet, with all bearings herein being relative thereto; thence along the East Right-of-Way line of Cannell Avenue North 0 degrees 12 minutes 12 seconds West, a distance of 300.50 feet to the POINT OF BEGINNING; thence North 0 degrees 12 minutes 12 seconds West, a distance of 10.00 feet; thence North 30 degrees 46 minutes 32 seconds East, a distance of 58.28 feet, to the Southwest corner Block 6 of Garfield Park Subdivision; thence South 0 degrees 08 minutes 27 seconds East, a distance of 60.00 feet, to the North line of South Garfield Park Subdivision; thence South 89 degrees 47 minutes 41 seconds West, a distance of 29.93 feet to the POINT OF BEGINNING.

And retaining an easement over the northerly 25' of this description for the purpose of installing, maintaining and repairing water, sanitary sewer and storm drainage structures and facilities.

Said parcel containing an area of 1,048 square feet more or less, as described herein and depicted on "EXHIBIT A"

Introduced for first reading on this day of , 2013 and ordered published in pamphlet form.

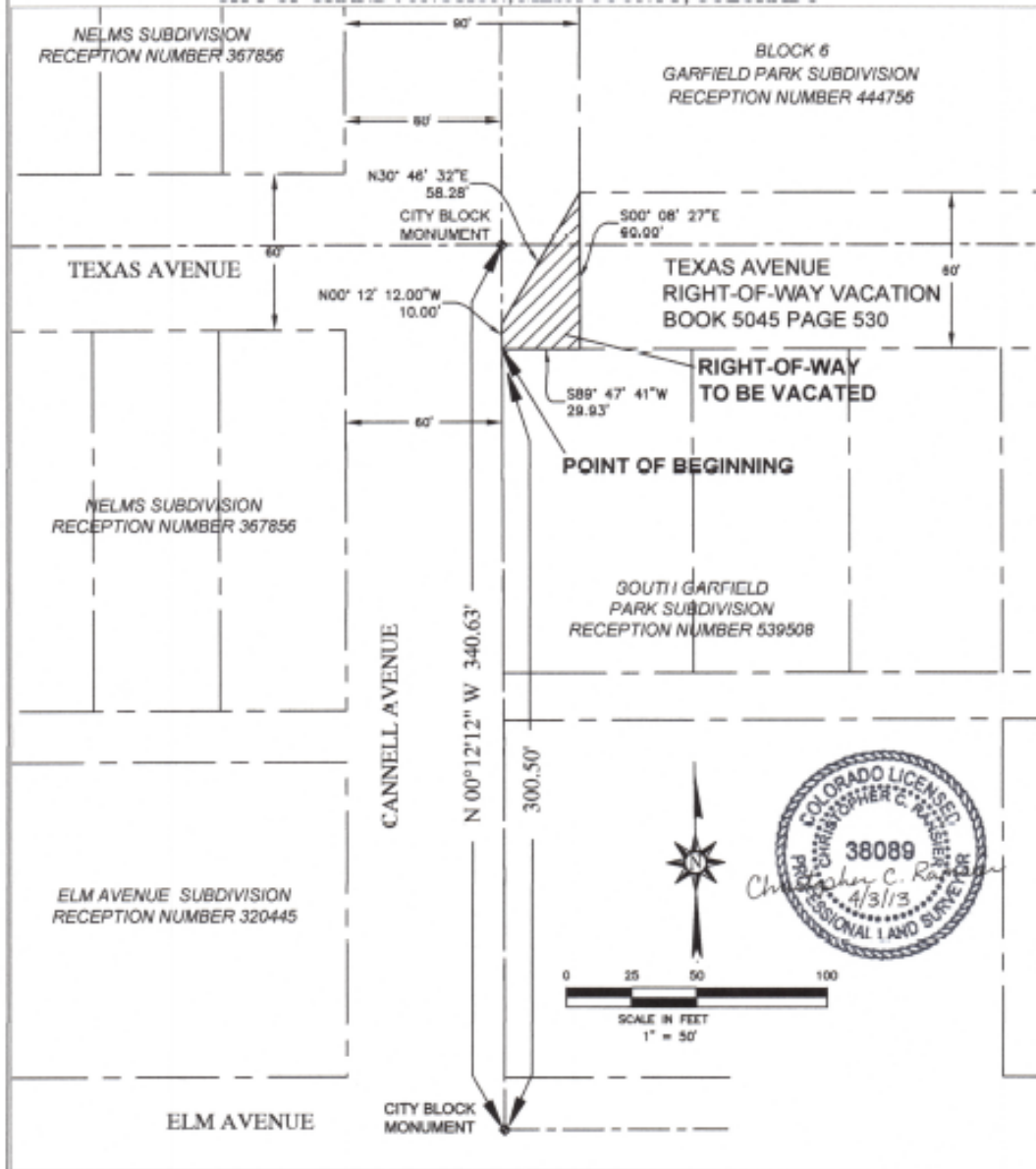
PASSED and ADOPTED this day of , 2013 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A
CANNELL AVENUE RIGHT-OF-WAY VACATION
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



Attach 3
Library Utility Easement Vacation

CITY OF GRAND JUNCTION
 PLANNING COMMISSION

MEETING DATE: June 11, 2013
 PRESENTER: Senta Costello

AGENDA TOPIC: Library Utility Easement Vacation - File # VAC-2013-29.

ACTION REQUESTED: Recommendation to City Council on the Requested Utility Easement Vacation.

| BACKGROUND INFORMATION | | | |
|------------------------------|--|---|----|
| Location: | 502/530/550 Grand Ave | | |
| Applicants: | Owner: Mesa County Public Library – Eve Tallman Representative: Dave Detwiler | | |
| Existing Land Use: | Library | | |
| Proposed Land Use: | Library | | |
| Surrounding Land Use: | North | Vacant/Senior Center/Offices | |
| | South | Parking Lot/Offices | |
| | East | Vacant | |
| | West | Church | |
| Existing Zoning: | B-2 (Downtown Business) | | |
| Proposed Zoning: | B-2 (Downtown Business) | | |
| Surrounding Zoning: | North | B-1 (Neighborhood Business) | |
| | South | B-2 (Downtown Business) | |
| | East | B-1 (Neighborhood Business)/R-8 (Residential 8 du/ac) | |
| | West | B-1 (Neighborhood Business)/R-O (Residential Office) | |
| Future Land Use Designation: | Downtown Mixed Use | | |
| Zoning within density range? | X | Yes | No |

PROJECT DESCRIPTION: Request a recommendation of approval to City Council to vacate a utility easement retained as part of the east/west alley vacation approved with Ordinance 1467.

RECOMMENDATION: Recommendation of approval.

ANALYSIS

1. Background

The east/west alley located in Block 73, City of Grand Junction contained a public sewer line and XCEL power lines. A utility easement was retained as part of the vacation of a portion of the east/west alley located south of Lots 5-11 and north of Lots 22-28 in 1973. Subsequently, the building was expanded over the top of the easement with the utilities still in place. With the current expansion/remodel of the library, all utilities have been relocated, eliminating the need for the easement. The XCel Energy lines have been relocated on the site with a new easement provided and the sewer line rerouted within the N 6th Street right-of-way.

2. Section 21.02.100.c of the Zoning and Development Code

The vacation of the easement shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The following Goals and Policies of the Comprehensive Plan will be implemented:

- Goal 6: Land use decisions will encourage preservation and appropriate reuse.
- Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.
 - Policy B – The City and County will provided appropriate commercial and industrial development opportunities.

The relocation of the utilities eliminates the need for the easement and facilitates the continued use of this property by the property owner, allowing the owner's proposed upgrades to the site, so that the owner will not need to relocate.

- b. No parcel shall be landlocked as a result of the vacation.
 - No other parcels are affected by the relocation of the utilities or the vacation of the easement.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
 - Access will not be affected by the relocation of the utilities or the vacation of the easement.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services

provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

- The provision of public facilities and services to any property will not be reduced. The easement has existed under the building for many years with problematic access; the relocation of the utilities and vacation of the easement will eliminate the problem. The applicant has worked with the City of Grand Junction and XCEL Energy on the relocation of the utility lines located within the easement to ensure proper relocation. The sewer line has been relocated and installed in its new location in compliance with City standards. Sewer service will continue as before to all affected properties.
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
- The provision of services to any property will not be inhibited. The applicant has worked with the City of Grand Junction and XCEL Energy on the relocation of the utility lines located within the easement to ensure proper relocation. The sewer line has been relocated and installed in its new location in compliance with City standards. Sewer service will continue as before to all affected properties.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
- The vacation of the easement will allow the owner to continue to operate on this property using existing infrastructure rather than relocating which would potentially increasing demands on infrastructure or creating a need for new/additional infrastructure.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Library Utility Easement Vacation application, VAC-2013-29 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

1. The requested utility easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100.c of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacation, VAC-2013-29 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item VAC-2013-29, I move we forward a recommendation of approval to the City Council on the request to vacate a public utility easement with the findings of fact and conclusions in the staff report.

Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
City Zoning Map
Resolution

Site Location Map



Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION

Resolution No.

A RESOLUTION VACATING A PUBLIC UTILITY EASEMENT

LOCATED AT 502/530/550 GRAND AVENUE

RECITALS:

A vacation of the dedicated public utility easement has been requested by the property owners.

The east/west alley located in Block 73, City of Grand Junction contained a public sewer line and XCEL power lines. A utility easement was retained as part of the vacation of a portion of the east/west alley located south of Lots 5-11 and north of Lots 22-28 in 1973. Subsequently, the building was expanded over the top of the easement with the utilities still in place. With the current expansion/remodel of the library, all utilities will be relocated, eliminating the need for the easement. The XCEL Energy lines will be relocated on the site and the sewer line rerouted within the N 6th Street right-of-way.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100.c of the Zoning and Development Code, as long as the conditions described below are met.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated public utility easement is hereby vacated subject to the listed conditions:

2. Applicants shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and dedication documents.

The following public utility easement is shown on "Exhibit A" as part of this vacation of description.

Dedicated public utility easement to be vacated:

As parcel of land being part of the vacated alley, Ordinance No. 1467, Book 1003, Page 161, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 11, Block 73, City of Grand Junction; thence North 00°02'28" East, a distance of 10.00 feet; thence North 89°56'02" West, a distance of 157.61 feet; thence South 00°02'28" West, a distance of 20.00 feet; thence South

89°56'02" East, a distance of 157.61 feet; thence North 00°02'28" East, a distance of 10.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 3152 square feet, as described.

Introduced for first reading on this day of , 2013.

PASSED and ADOPTED this day of , 2013.

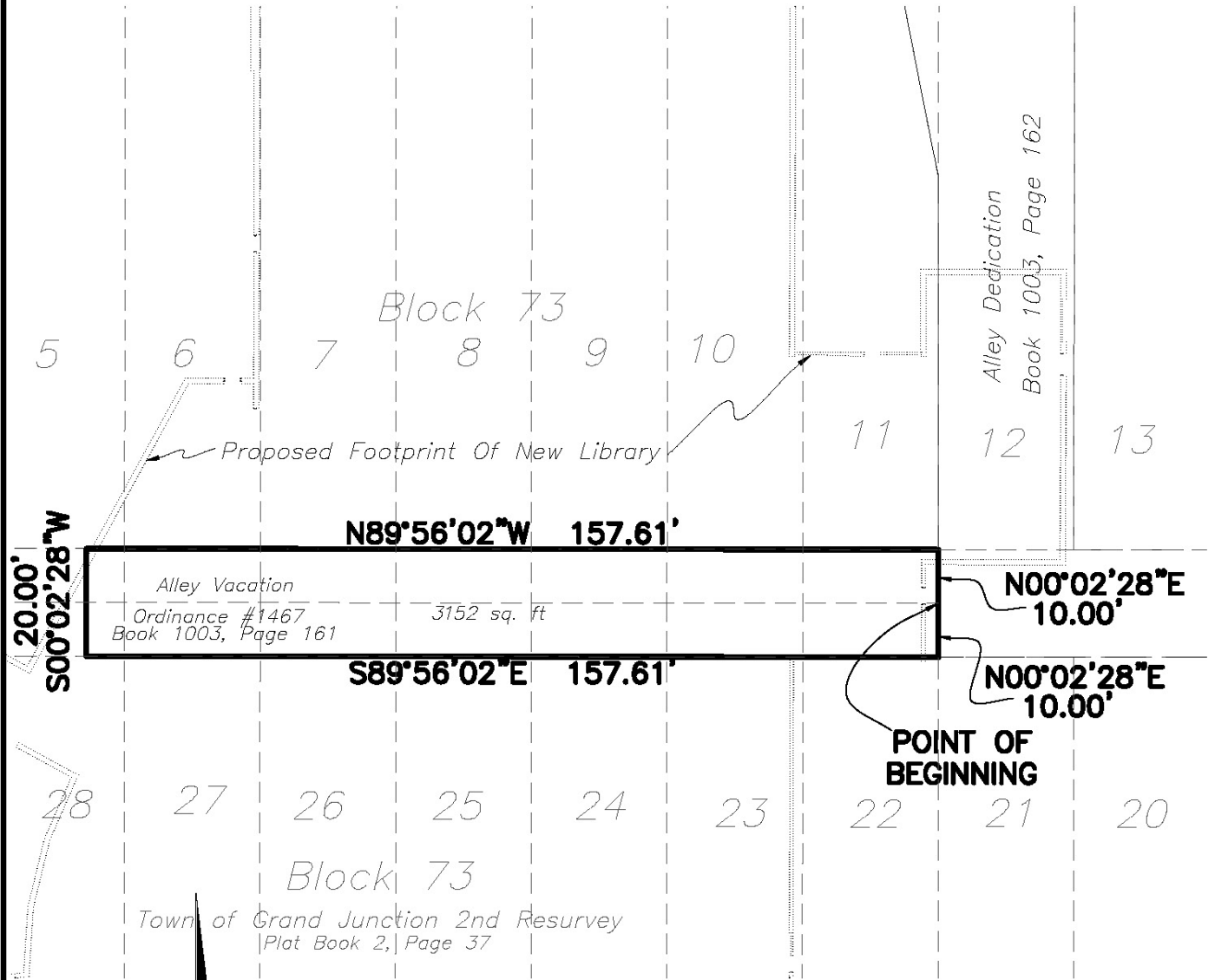
ATTEST:

President of City Council

City Clerk

EXHIBIT A

20.00' EASEMENT VACATION



SCALE: 1" = 30'



High Desert Surveying, LLC

1673 Highway 50 Unit C

Grand Junction, Colorado 81503

Tele: 970-254-8649 Fax: 970-241-0451

| | | | | |
|-----------------|-------|-------|-------|----|
| PROJ. NO. 12-15 | Drawn | APP'D | SHEET | OF |
| DATE: Nov, 2012 | rsk | skw | 1 | 1 |