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

TUESDAY, OCTOBER 27, 2020 @ 6:00 PM

Call to Order - 6:00 PM

Consent Agenda

1. Minutes of Previous Meeting(s) from September 22, 2020.

Regular Agenda

1. Consider a request by Doria Herek for an amendment to an existing Conditional Use Permit (CUP) for Volley's; an outdoor recreation facility on 0.797 acres in a C-2 (General Commercial) zone district, located at 1130 N 3rd Street and 330 North Avenue.
2. Consider a request by Maverick Place, LLC to rezone 0.144 acres from C-1 (Light Commercial) to R-O (Residential Office).
3. Consider a Request by David Forenza to Rezone Two Parcels Totaling 2.97 acres from I-O (Industrial Office) to BP (Business Park Mixed Use) Located at the Southwest Corner of Fracture Lane and 25 ½ Road.

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
September 22, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Bill Wade, George Gatseos, Keith Ehlers, Ken Scissors and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), David Thornton (Principal Planner), and Lance Gloss (Senior Planner).

There were 3 members of the public in attendance.

CONSENT AGENDA

Commissioner Wade moved to adopt Consent Agenda Item #1. Commissioner Susuras seconded the motion. The motion carried 6-0.

1. Minutes of Previous Meeting(s)

The Planning Commission reviewed the meeting minutes from the September 8, 2020 meeting.

REGULAR AGENDA

1. Glacier Ice Arena – Comprehensive Plan Amendment and Rezone

File # CPA-2020-419; RZN-2020-418 | [Item can be viewed at 15:30](#)

Consider a request by STGC Holdings, LLC to amend the Comprehensive Plan Future Land Use designation for a property of 4.52 acres located at 2515 Riverside Parkway from Business Park Mixed Use to Commercial and to rezone said property from CSR (Community Services and Recreation) to C-2 (General Commercial).

Staff Presentation

Lance Gloss, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Wade asked a question regarding the DIA versus the promissory note.

Applicant's Presentation

The Applicant's representative, Ted Ciavonne, was present was available for questions.

Questions for Applicant

Commissioner Ehlers asked a question regarding uses in the proposed zone district.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 15, 2020 via www.GJSpeaks.org.

None.

The public hearing was closed at 6:20 p.m. on September 22, 2020.

Applicant's Response

None.

Questions for Applicant or Staff

None.

Discussion

None.

Motion and Vote

Commissioner Susuras made the following motion, "Chairman, on the Glacier Ice Arena Comprehensive Plan Amendment from a Business Park Mixed Use Future Land Use designation to a Commercial Future Land Use designation for a 4.55-acre parcel located at 2515 Riverside Parkway, City file no. CPA-2020-419, 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 Wade seconded the motion. The motion carried 6-0.

Commissioner Scissors made the following motion, "Chairman, on the Glacier Ice Arena Rezone request from a CSR (Community Services & Recreation) zone district to a C-2 (General Commercial) zone district for a 4.55-acre parcel located at 2515 Riverside Parkway, City file number RZN-2020-418, 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 Susuras seconded the motion. The motion carried 6-0.

2. Elvsiium Studios – Planned Development Amendment File # PLD-2020-440

Item can be viewed at 35:46

Consider a Request by Arlo Dicristina to Approve an Amendment to the Planned Development (PD) Zoning Ordinance and Development Plan for the North Seventh Street Historic Residential District to Add Allowed Uses on the Property Located at 535 North 7th Street.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Susuras asked a question regarding objections to the request.

Applicant's Presentation

The Applicants, Arlo and Ryan DiCristina, were present and available for questions. The Applicant's representative, Shelly Dackonish, was also present and available for questions.

Questions for Applicant

Commissioner Ehlers regarding what exactly is body art and how it falls into the personal services category.

Commissioner Gatseos asked a question regarding the business and its success.

Commissioner Wade asked a question regarding the building layout.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 15, 2020 via www.GJSpeaks.org.

One comment was submitted via GJSpeaks in support of the request from Mr. Abram Herman.

The public hearing was closed at 6:43 p.m. on September 22, 2020.

Applicant's Response

None.

Questions for Applicant or Staff

None.

Discussion

Commissioner Ehlers made a comment in support of the request.

Motion and Vote

Commissioner Scissors made the following motion, "Chairman, on the Amendment to the Planned Development (PD) and Development Plan established in Ordinance 4508 for the North Seventh Street Historic Residential District to establish the R-O district as the underlying zone and add allowed uses for the property located at 535 North 7th Street, file number PLD-2020-440, 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 Susuras seconded the motion. The motion carried 6-0.

The Planning Commission took a break at 6:46 p.m.

The Planning Commission meeting resumed at 6:51 p.m.

3. Airport North Boundary – Zone of Annexation **File # ANX-2020-283**

[Item can be viewed at 1:04:10](#)

Consider a request to zone approximately 187.69-acres from Mesa County AFT (Agricultural, Forestry, Transitional) to a City Planned Development - PAD (Planned Airport Development) and amend the Outline Development Plan (ODP) for the Airport North Boundary Annexation, located generally at the northern edge of the Grand Junction Regional Airport and property recently deeded to the Airport from the BLM , Parcels 2701-113-00-002 And 2705-154-00-003.

Staff Presentation

David Thomson, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Gatseos asked a question regarding the proposed commercial area in the proposed PD district.

Applicant's Presentation

The Applicant, Dylan Heberlein, Director of Operations at Grand Junction Regional Airport, was available and answered Commissioner Gatseos' question regarding noise concerns in the commercial area in the proposed PD District.

Questions for Applicant

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 15, 2020 via www.GJSpeaks.org.

None.

The public hearing was closed at 7:09 p.m. on September 22, 2020.

Applicant's Response

None.

Questions for Applicant or Staff

None.

Discussion

None.

Motion and Vote

Commissioner Wade made the following motion, "Chairman, on the request by Grand Junction Regional Airport for a zone of annexation for the 187.69 acre Airport North Boundary Annexation from County AFT to City PAD, a PD zone district per Ordinance No. 4834; and an amendment to the Grand Junction Regional Airport ODP to include the annexation area within the Aeronautical PD Zone/District area, City file number ANX-2020-283, 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 Susuras seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

Commissioner Wade moved to adjourn the meeting. Commissioner Scissors seconded the motion. The meeting adjourned at 7:12 p.m.



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: October 27, 2020
Presented By: Senta Costello, Planner
Department: Community Development
Submitted By: Senta Costello, Associate Planner

Information

SUBJECT:

Consider a request by Doria Herek for an amendment to an existing Conditional Use Permit (CUP) for Volley's; an outdoor recreation facility on 0.797 acres in a C-2 (General Commercial) zone district, located at 1130 N 3rd Street and 330 North Avenue.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Doria Herek, is requesting an amendment to an existing Conditional Use Permit (CUP) issued in 2014 for an Outdoor Recreation Facility, currently known as Volley's, located on Parcel No. 2945-113-19-002 and Parcel No. 2945-113-19-001 addressed as 304 North Avenue, 330 North Avenue, and 1130 N 3rd Street in a C-2 (General Commercial) zone district. The request includes amending the parking requirements and hours of operation for the Outdoor Recreation Facility. Volley's has been subject to complaints and subsequent code enforcement action due to parking encroachment on neighboring properties.

BACKGROUND OR DETAILED INFORMATION:

The property identified by Parcel No. 2945-113-19-002 addressed as both 1130 N 3rd Street and 330 North Avenue is home to a fireplace retailer; Parcel No. 2945-113-19-001 addressed as 304 North Avenue houses several businesses including a restaurant and a barber shop. The north half of the parcel addressed as 1130 N 3rd, is home to the Outdoor Recreation Facility ("Facility") currently operated as Volley's, an outdoor

area offering sand volleyball, food service and a small bar. A portion of the property at 304 North Ave provides 27 on-site parking spaces utilized by the Outdoor Recreation Facility.

In 2013, Paul Herek requested approval for an Outdoor Recreation Facility, including an outdoor sand volleyball area and bar comprised of approximately 9,000 square feet of court/sand (4 courts) space and an existing 960 square foot concrete block building. The CUP was approved in 2014 (CUP-2013-491) and the approval included the associated parking on the property located at 304 North Avenue. The Facility proposed to utilize all the facilities previously occupied for an in-line skating facility that operated on the site through 1996. See attached the General Project Report for information regarding the original CUP request. The City of Grand Junction Planning Commission approved the original CUP at a public hearing February 11, 2014 to operate the facility, as proposed.

The approved CUP allowed for hours of operation from 5:00 pm – 10:30 pm, Monday – Saturday, closed on Sundays. It was represented at that time that the courts would be available for league play during the season, March to November, weather permitting. The Applicant continues to operate league play during these hours, but in 2013, did not include the hours of operation outside of times dedicated for league play – thus Volley’s has not been operating within the previously approved hours. The amendment is requesting amendment permitted hours to reflect their full range of hours of operation, as follows:

Monday through Friday from 3:00 p.m. to 2:00 a.m.
Saturday and Sunday from 12:00 p.m. to 2:00 a.m.

The Applicant is also requesting amendment related to their parking requirements. The approved CUP provided there would be 79 spaces available for Volley’s patrons provided via shared parking leases, on-site spaces and on-street spaces. The CUP was conditioned upon executed leases being submitted that documented the 45 spaces off-site spaces could be utilized on neighboring properties. One lease for the 34 spaces on the old Harbert Lumber property located at 240 North Avenue was provided, however it expired after one year.

The Applicant is now requesting amendment to the previous parking requirement and is requesting the provision of 60 spaces in total instead of the previous 79 spaces. There is no specific requirement in the Code for the number of spaces required for Outdoor Recreation Facility as the Code provides spaces will be provided “as required by the Director.” As such, Staff requested the Applicant conduct an analysis of their parking usage. The Applicant conducted an analysis of their parking needs during the 2019 season. The analysis consisted of a base comparison to other similar uses within the Zoning and Development Code, finding the closest similarity to be with a health or

fitness center, calculated at 1 space/500 square feet; the Volley's site required parking would be 30 spaces using this calculation. The two uses are not fully akin in that the Volley's use is a team-based use, not individual – though many recreation facilities offer organized league play. Volley's organizes their league play by eight teams of six players each on the four courts totaling 48 players with overlap of some teams between matches; however, team members often ride together. For additional information, the Applicant conducted a parking count during the busiest summer league week during the 2019 season. Through their review, they found that the Facility creates a demand of approximately 60 parking spaces which provides adequate parking during their business hours as well as peak events for both customers and staff. The Applicant is proposing to meet their parking needs by providing 27 spaces on-site (304 North Avenue), leasing 12 spaces from the property owner at 340 North Avenue, E & E Enterprises 22 LLC, and utilizing 21 on-street spaces that are currently available along North 3rd Avenue and on Glenwood Avenue; for a total of 60 spaces. The Zoning and Development Code allows for use of on-street parking within 500 feet of the subject property for customers and within 1000 feet for employees.

The City has received numerous complaints regarding parking that occurs off-site, primarily coming from the property owner located at 1251 N. 3rd Street. The issue appears largely the use of convenience versus volume of available and proximate parking. The property at 1251 N. 3rd Street is convenient and directly across the street from the entry to Volley's. To assist in remedying patron's parking at 1251 N. 3rd, the Applicant has represented that they actively notify patrons of where available parking is located as they enter the Facility. The Applicant also has a sign posted at the primary entrance of the subject site to deter patrons from parking on the property at 1251 N. 3rd Street.

No other amendments to the previously approved CUP are proposed.

Planning Commission heard the request to amend the CUP at its July 28, 2020 meeting. It was determined that further analysis and information on required and available parking was necessary. It was also determined that additional work from the applicant in cooperation with the neighbors to educate and police customers parking on neighboring properties without permission.

Since the July Planning Commission, Volley's has had two large, 16-team tournaments in addition to their regular league play schedule. Volley's has provided information to staff that they have been checking in players at the gate, especially during tournaments, and as part of that process asking where they are parked, giving directions to where permitted overflow parking is available and letting them know that, if parked outside of the permitted areas, they need to move their vehicles. They noted that they did not have to ask anyone to relocate a vehicle since the last Planning Commission date. Mr. Sitz, of Holiday Cleaners, has also provided information that he

has installed a sign at the entrance to his parking lot that lets drivers know that Volley's parking is not permitted in the lot (picture attached).

Staff has also done additional research on what an acceptable parking count would be. Other communities with specific or similar uses to Volley's in their Codes were looked at and evaluated in addition to the analysis provided by the Applicant.

Listed below are other communities' requirements and what requirements for the Volley's site would be using each of those standards:

Subject Site: Total bar size: 960 square feet; Four volleyball courts with a total recreation/outdoor seating area: ±15,500 square feet.

City of Phoenix, Arizona: Requires nine spaces per volleyball court. This would equate to 36 spaces for subject site for the volleyball/recreational use of the subject site. Per the City of Grand Junction parking standards for bars/taverns, one space per 100 square feet is required. In conclusion, if these parking requirements are added up, the Applicant would have a parking requirement of 46 spaces.

City of Long Beach, California: Requires five spaces per volleyball court. This would equate to 20 spaces for the volleyball/recreational use of the subject site. Per the City of Grand Junction parking standards for bars/taverns, one space per 100 square feet is required. In conclusion, if these parking requirements are added up, the Applicant would have a parking requirement of 30 spaces.

City of Dallas, Texas: While the City of Dallas does not have specific language regarding volleyball courts, they have a comparable category of "commercial amusement". This use requires one space per 200 square feet of floor area, plus one space per 400 square feet of site area. For the subject site, this would equate to five spaces for bar area and 38 spaces for volleyball/recreational/outdoor seating area, for a total of 43 spaces.

City of Fruita, Colorado: Similar to the City of Dallas, the City of Fruita does not have a specific use category for volleyball courts. Fruita does have a comparable category of "outdoor commercial recreation use/major event entertainment". This use requires one space for 500 square feet of site area, indicating 35 spaces for the volleyball/recreational/outdoor seating area of the subject site. Per the City of Grand Junction parking standards for bars/taverns, one space per 100 square feet is required. In conclusion, if these parking requirements are added up, the Applicant would have a parking requirement of 45 spaces.

Another similar outdoor recreation use of similar size and operation would likely have an approximate parking requirement of 45 spaces, utilizing similar calculations as

shown in these other communities; however, when combined with the information above and the historical parking needs provided by the Applicant specific to the needs of Volley's, the 60-space requirement is appropriate to provide adequate parking for Volley's business.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed amended Conditional Use Permit request was held on December 2, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The meeting was held on site and lasted approximately 30 minutes. There was one (1) neighbor in attendance, the owner of Holiday Cleaners located at 1251 N 3rd Street. The discussion during the meeting centered around the off-site parking generated by the Volley's customers and the impacts to surrounding properties.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on July 14, 2020. 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, as well as neighborhood associations within 1000 feet, on July 17, 2020. The notice of this public hearing was published on July 21, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

(d) General Approval Criteria. No permit may be approved unless all of the following criteria are satisfied:

(1) Compliance with the Comprehensive Plan and any applicable adopted plan.

The North Avenue West Corridor Plan was adopted on November 2, 2011 as a subarea Plan. The North Avenue West Corridor Plan's vision is "for people and places, a crossroads of Grand Junction, a corridor to the City Center. A place where higher education facilities connect with medical facilities, downtown, sports facilities, historic neighborhoods, existing and future residential neighborhoods, regional retail and employment opportunities." It also included strategies to achieve the vision. Strategies included – create services at the neighborhood level and for the student population; create a significant "neighborhood" of residential, retail, commercial, entertainment, educational and public activity areas.

The Plan identified the subject property as part of the Sherwood Park Mixed Use District. "The Sherwood Park Mixed-Use District comprising that area from 1st Street to 5th Street has many existing multifamily, office, retail and service businesses already. The Comprehensive Plan identifies this area as a Neighborhood Center and encourages infill and redevelopment, providing additional density and intensity. This

plan recommends that the core area of the Neighborhood Center be established along 3rd Street from North Avenue to Sherwood Park. This location is ideal with its proximity to North Avenue, a major arterial street providing access to the core area and the park a couple of blocks to the north. Sherwood Park provides open space opportunities and public facilities for the Neighborhood Center. Parking for businesses should occur to the rear or side of businesses, and shared parking facilities are encouraged.”

“Neighborhood Centers will also have a grocery store focus that will be surrounded by smaller ancillary commercial uses, smaller discount stores, craft stores, restaurants, and specialty stores. In many cases they are merely modest extensions of centers that already exist. They consist of three to ten buildings, one to three stories in height. They will be drive-to destinations, but also have medium-to-high density residential and office uses mixed in vertically or horizontally adjacent in order to provide a close-by clientele that will help sustain the retail. They will have store fronts connected and facing along public streets or around plazas and other gathering areas.”

Prior to its use as some form of outdoor recreational use, the area was used for outdoor storage by the property at 330 North Avenue. The rear half of the site was redeveloped in 1996 and established for a hockey rink and now volleyball courts. The Volley’s use provides an outdoor activity/sports facility opportunity for the local area students that’s within walking distance to campuses as well as being centrally located within the community as a whole. Parking areas are located internal to the site, beside or behind buildings.

Subsequently, a North Avenue Overlay Zone was adopted on February 20, 2013 to implement the North Avenue Corridor Plan. This overlay includes all properties with North Avenue frontage, regardless of their size or configuration. While the subject properties are included within this overlay, the site of the Conditional Use Permit does not have frontage on, nor gains direct access (vehicular or pedestrian) to or from, North Avenue. Therefore, the North Avenue Overlay standards, such as public street dedications, improvements on North Avenue, building setbacks and façade standards, do not apply to this request.

The proposed land use furthers Goal 6 of the Comprehensive Plan: “Land use decisions will encourage preservation of existing buildings and their appropriate reuse”. The continued use of the property, specifically the courts, a feature unique to this property, for recreational use is appropriate and works to help implement the Comprehensive Plan. Staff therefore finds that this criterion has been met.

(2) Compliance with the Zoning and Development Code.

The property where Volley’s is located has developed over time beginning in the 1940’s, prior to any Codes being in place for development. The most recent

improvements were constructed in 1996 under a Zoning and Development Code that has been entirely re-written twice since then along with multiple amendments along the way. Under the current Zoning and Development Code, principally adopted in 2010, the site is considered a "legal non-conforming site". As the Applicant proposes no changes to the site, this status remains intact. Further, the use is allowed by the Code as a conditional use and compliance with the Code would occur with the issuance of an amendment to the existing CUP. Staff therefore finds that this criterion has been met.

(3) Conditions of any prior approvals.

The site has not been maintained in accordance with the approvals issued for the original CUP. The requirement for active off-site parking leases has not been adhered to. The Applicant does not believe the 79 spaces as previously represented can either be provided nor are necessary. As a part of this application, the applicant has provided documentation of leased spaces that, when combined with available on-site and on-street parking, will bring the use within the number of spaces that they have determined through their parking analysis, and staff supports, are adequate to provide parking for their customers and staff.

The Applicant has presented that the hours listed in the 2013 General Project Report were intended to be understood as hours for league play, not the hours of operation of the business as a whole; however, hours of operation were not specifically called out in the staff report or final approval letter. The business hours have been significantly different than the hours as presented with the 2013 CUP, and as the hours of operation can affect the potential impacts a use has on the surrounding neighborhood, the Applicant is also proposing an amendment that clarifies the hours and days the business is in operation. Currently, staff has found that conditions of prior approvals are not being met. However, should these amendments be approved, the prior conditions will be modified.

(4) Public facilities and utilities shall be available concurrent with the development.

No changes are proposed to the site and/or operations. Utility services to the site are adequate for the existing outdoor recreational use, Public safety facilities are adequate in this location, and site access and circulation have also been found to be adequate. Staff therefore finds that this criterion has been met.

(5) Received all applicable local, State and federal permits.

The Applicant maintains a liquor license issued by the City of Grand Junction and is currently in compliance with the license. The Applicant does not propose any physical changes to the site or changes to the operation of the business other than the refined parking information and stated hours of operation. As such, there are no new or

amended permits required. Staff therefore finds this criterion has been met.

Further criteria must be met by the proposal in order to be granted a CUP Amendment. Pursuant to GJMC Section 21.02.110 (a), a Conditional Use is meant to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. A Conditional Use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A Conditional Use is not a use by right; it is one that is otherwise prohibited within a given zone district without approval of a CUP. The application shall therefore demonstrate that the proposed development will comply with the following:

(1) District Standards. The underlying zoning districts standards established in Chapter 21.03 of the Grand Junction Municipal Code, except density when the application is pursuant to GJMC 21.08.020(c);

The properties are zoned C-2 (General Commercial). The performance standards for the C-2 zone district specify "Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted." Though most of the operations are outdoors, including the volleyball activities and the drinking and dining, no outdoor storage or display is proposed. The building meets the bulk standards of the C-2 zone and there are no proposed physical changes to the site. Staff therefore finds this criterion has been met.

(2) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

No use specific standards are established for the Outdoor Recreation Facility use. Staff therefore finds this criterion is not applicable.

(3) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The site is in the heart of the Neighborhood Center identified by the Comprehensive Plan. It is located two blocks from Sherwood Park and Grand Junction High School and a little over one-half mile to Colorado Mesa University. The close proximity of North Avenue provides access to transit options, hospitals and fire protection, along with complimentary retail and entertainment businesses. Staff therefore finds this criterion has been met.

(4) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The sand court area is surrounded on the north by a hanging mesh fabric 20 feet above grade that provides a “net” to catch errant volleyballs. The cinder block building forms the southern border of the site, along with the back of the principle structure. A storage building located on 304 North Avenue blocks the view of the facility from N. 3rd Street, except through the parking lot. The Facility is not visible from North Avenue. The entrance to the facility is through a gate accessible through the parking lot. The entrance is gated, which allows for control of patrons and fencing requirements for compliance with liquor laws. The northern border of the site is the existing alley. Further north and east is the Salvation Army building, which is oriented toward N. 4th Street. Staff therefore finds this criterion has been met.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The site is largely hidden from the public and is adjacent to the back or service entrances of the adjoining businesses. The majority of the other businesses in the area have hours of operation that are either offset from Volley’s or have limited overlap in the late afternoon and/or early evening. There are no other adjoining uses that operate as late as the Volley’s site. The physical buffering by buildings and offset hours minimizes the potential negative visual and noise impacts created by the use. Staff therefore finds this criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The site is located in a primarily commercial neighborhood with Sherwood Park and the surrounding residential neighborhood further north and is largely hidden from public view and is adjacent to the back or service entrances of the adjoining businesses. The four sand volleyball courts are confined by netting on the north. The cinder block building forms the southern border of the site, along with the back of the principle structure. A storage building located on 304 North Avenue blocks the view of the

facility from N. 3rd Street, except through the parking lot. The entrance to the facility is through a gate accessible through this parking lot, limiting access, allowing for control of patrons and alcoholic beverages. The northern border is the existing alley.

Landscaping has been added to the three planting beds located on the west side of the 304 North Avenue property. The City did receive complaints about noise prior to the 2019 season, however, the Applicant addressed the noise related issues at that time. No further complaints were received during the 2019 or 2020 season. The physical buffering by buildings and offset hours minimizes the potential negative visual and noise impacts created by the use. Staff therefore finds that this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Conditional Use Permit Amendment request, CUP-2020-147, for the property located at 1130 N 3rd Street, 304 North Avenue and 330 North Avenue, the following findings of fact and condition have been made:

1. The request conforms with Sections 21.02.070(6) and 21.02.110(c) of the Zoning and Development Code.

Condition 1: A minimum of 60 parking spaces must be provided, subject to Section 21.06.050 parking standards of the Code.

Therefore, Staff recommends approval of the request with the findings of fact and conditions as provide in the staff report.

SUGGESTED MOTION:

Mr. Chairman, on the Conditional Use Permit Amendment for the property located at 1130 N 3rd Street, 304 North Avenue and 330 North Avenue, City file number CUP-2020-147, I move that the Planning Commission approve the request with the findings of fact and condition as listed in the staff report.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps & Locations
3. Exhibit 3 - Original approval documents

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	<input type="text" value="N/A"/>	Existing Zoning	<input type="text" value="N/A"/>
Proposed Land Use Designation	<input type="text" value="N/A"/>	Proposed Zoning	<input type="text" value="N/A"/>

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

Date

Signature of Legal Property Owner

Date

From: Doria Herek <dlh0595@gmail.com>
Sent: Wednesday, December 18, 2019 1:16 PM
To: Senta Costello
Subject: Volleys neighborhood meeting

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Projects

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

A neighborhood meeting was held on December 2, 2019 at 5:30 p.m. at Volleys 1130 N. 3rd St., Grand Junction, CO 81501. The purpose of the meeting is to amend volleys conditional use permit hours of operation. In attendance were Mike Sitz from Holiday Cleaners 1251 N 3rd St., Grand Junction, CO; Linda Manchester 304 North Ave, Fabricare Corner, Grand Junction, CO; Senta Costello City Planning Department, Grand Junction, CO; David Herek Volleys owner, and Doria Herek Volleys owner. The meeting started with Mr. Sitz asking about Volleys patron parking. He has concerns about the Volleys customers parking in his business parking lot. We discussed getting parking agreements with other neighboring businesses and posting signs at Volleys telling customers not to park at Holiday Cleaners. Mr. Sitz noted that the 2019 season was much better (re: parking issues) than in past years. There were no other concerns from those in attendance and the meeting adjourned at 6:00 p.m.

Thank you,
Doria L Herek

OWNERSHIP STATEMENT - LIMITED LIABILITY COMPANY

(a) Manchester Family Rentals ("LLC") is the owner of the following property:

(b) 930 North Ave / 1130 N. 3rd St.

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

I am the (c) Larry Manchester for the Limited Liability Company. I have the legal authority to bind the LLC regarding financial obligations and this property. I have attached the most recent recorded Statement of Authority of the LLC.

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

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

LLC is the sole owner of the property.

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

On behalf of LLC, I have reviewed the application for the (d) conditional use permit

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

(e) _____

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

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

Signature of corporation representative: *Larry Manchester*

Printed name of person signing: Larry Manchester

State of _____)

County of _____) ss.

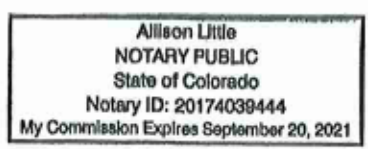
Subscribed and sworn to before me on this _____ day of _____, 20____

by _____

Witness my hand and seal.

My Notary Commission expires on September 20, 2021

Allison Little
Notary Public Signature



Instructions

An ownership statement must be provided for each and every owner of the property.

- (a) Insert complete name of owner LLC as it appears on deed by which it took title.
- (b) Insert legally sufficient description of land for which application has been made to the City for development. Include the Reception number or Book and Page for recorded information. Assessor's records and tax parcel numbers are not legally sufficient description. Attach additional sheet(s) as necessary, and reference attachment(s) here. If the legal description or boundaries do not match those on the plat, provide an explanation.
- (c) Insert title/capacity within the LLC of person who is signing.
- (d) Insert the type of development application request that has been made. Include all pending applications affecting the property.
- (e) Insert name of all other owners, if applicable.
- (f) Insert the type of development application request(s) that has/have been made. Include all pending development applications affecting the property.
- (g) Explain the conflict and/or possible conflict and describe the information and/or evidence available concerning the conflict and/or possible conflict. Attach copies of written evidence.

**GENERAL PROJECT REPORT
VOLLEYS, LLC CONDITIONAL USE PERMIT AMENDMENT**

A. PROJECT DESCRIPTION

LOCATION: 330 and 304 North Avenue, Grand Junction, Colorado, 81501
LOT SIZE: _____
PROPOSED USE: Outdoor recreation, sand volleyball courts, with 940 s.f. bar
PROPERTY OWNER: Manchester Family Rentals, LLC
PROPERTY LESSEE: Volleys, LLC
PRIOR APPROVALS: CUP-2013-491, issued February 12, 2014
ZONE DISTRICT: C-2, General Commercial.
FUTURE LAND USE: No change in zoning proposed or requested.
Neighborhood Center

B. PUBLIC BENEFIT

Volleys provides a venue for recreational team outdoor sports in the North Avenue Overlay area, near Colorado Mesa University, and makes use of property in an area of older, underutilized properties and buildings, bringing vibrancy to the area. Volleys' primary hours of activity are in the evenings when the surrounding commercial properties are closed, enhancing the vibrancy and neighborhood center character of the area.

C. NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday, December 2, 2019 at 5:30 pm at Volleys (1130 N. 3rd, located on the back of lots 304/330 North Avenue).

D. PROJECT COMPLIANCE, COMPATIBILITY, AND IMPACT

1. Adopted plans and policies.

- (a) **Comprehensive Plan.** Volleys is consistent with the Comprehensive Plan because outdoor recreation and a bar are allowed with a CUP in zone districts which implement the Neighborhood Center future land use designation. Volleys furthers Goal 6 of the Comprehensive Plan ("Land use decisions will encourage preservation of existing buildings and their appropriate reuse") by re-using a former ice-rink area.
- (b) **North Avenue Overlay.** The requirements of the North Avenue Overlay Zone do not apply because the site does not have frontage on, nor take direct access from, North Avenue.
- (c) **Dedicated alley right-of-way.** The owner dedicated alley right of way in connection with the CUP approval in 2014 and executed an alley Power of Attorney for future alley improvements as a condition of the 2014 CUP.

2. Circumstances that justify the request.

(a) **Conditional use permit.** A conditional use permit (CUP) is required for the use because the use includes a bar, which requires a CUP in the C-2 zone district, and because the use is classified as *Recreation and Entertainment, Outdoor, Other*, which requires a CUP in the C-2 zone district, pursuant to the following:

21.04.020(q) **Recreation and Entertainment, Outdoor.**

- (1) *Characteristics. Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.*
- (2) *Accessory Uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.*
- (3) *Examples. Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities and zoos.*
- (4) *Exceptions.*
 - (i) *Golf courses are classified as parks and open space.*
 - (ii) *Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.*

The Site Plan and CUP were reviewed and approved in 2014. No changes to the approved Site Plan are proposed, other than the contingent demolition of part of the existing metal building on the Site, which is discussed below. The amendment to the CUP requested by the applicant is limited to the following:

(i) **Parking.** The number of required parking spaces was not specified in the CUP or staff report accompanying the CUP; rather, the staff report merely referenced the number of parking spaces that would be available to the applicant based on on-site parking, street parking, and shared parking with neighbors by agreement. Applicant proposes that 60 spaces are sufficient to support the use, based on the parking analysis and Alternative Parking Plan attached as Exhibit 1. Therefore the applicant proposes an amendment to the Conditional Use Permit specifying that 60 spaces are required for the use, to be provided as follows:

On-site parking:	27 spaces
Street parking:	21 spaces (N. 3 rd & Glenwood)
Shared parking by agreement:	<u>12 spaces</u>
TOTAL:	60 spaces

Applicant has secured a commitment from the following for shared parking:

E and E Enterprises 22 LLC	12 spaces
340 North Avenue	

Shared parking agreements will be submitted.

(ii) **Hours of operation.** Hours of operation during the 2019 season were 3:00 pm to midnight Monday through Friday and 12:00 pm to midnight Saturday and Sunday. Applicant received notice from the City that the hours of operation are not in compliance with the CUP; however hours of operation were not made a condition of approval under CUP-2013-491, so the applicant disputes that they are a condition of the CUP or could be made the basis for a revocation of the CUP or other code enforcement action. However, the applicant is willing for the amended CUP to specify the hours of operation, as follows:

Monday through Friday from 3:00 p.m. to 2:00 a.m.

Saturday and Sunday from 12:00 p.m. to 2:00 a.m.

3. Land use in the surrounding area. Volleys is surrounded by commercial uses and commercially zoned properties.
4. Site access and traffic patterns. There is no change in the site access or traffic patterns that were considered in approving the existing conditional use permit.
5. Special or unusual demands on utilities. There are no special or unusual demands on utilities.
6. Effects on public facilities. There are no negative impacts on public facilities or services.
7. Hours of operation. During the outdoor volleyball season, which is approximately May through October, with occasional games in November as weather permits. Hours of operation will be from 3:00 p.m. to 2 a.m Monday through Friday and from 12:00 p.m. to 2:00 am Saturday and Sunday. Although hours of operation were not made a condition of the CUP-2013-491 approval, the general project report provided for the CUP-2013-491 application mentioned the hours of 5:30 – 10:30 p.m. daily.
8. Number of employees. There are 3 full time and 2 part time employees at Volleys.
9. Signage plans. Signage was established in accordance with that which was approved under CUP-2013-491; no change to signage is proposed.
10. Site soils and geology. There are no unusual soil or geologic conditions. No change to the site is proposed at this time.
11. Impact of project on site soils and geology. The land use does not impact site soils or geology. No change to the site is proposed at this time.

E. REVIEW CRITERIA

1. *21.02.110(h). Substantial change in circumstances has occurred since the approval of the permit which would justify a change in the permit.*

Circumstances have changed as follows:

- a. The Zoning and Development Code does not prescribe specific off-site parking for the use. No parking requirement was established with the CUP-2014-491 approval. Therefore the applicant requests that the parking requirement be established by the Director in accordance with Section §21.06.050(a)(1) of the Grand Junction Municipal Code and that the CUP be amended to establish a parking requirement of 60 spaces, to be provided as specified above.
- b. Volleys received a notice from the City of Grand Junction that the parking agreements were not in a form acceptable to the City Attorney. Volleys will provide a parking agreement to be reviewed as to form by the City Attorney.
- c. Volleys received a notice of violation from the City of Grand Junction regarding the hours of operation. Hours of operation were not made a condition of the approval of the CUP, and applicant therefore disputes that its conditional use permit can be revoked or terminated based on hours of operation. However, resolution of this dispute between the applicant and the City justifies a change in the permit to clarify Volleys' hours of operation, if hours of operation are determined to be a necessary condition of approval. Applicant's hours of operation are consistent with Volleys' liquor license, as follows: Monday through Friday 3:00 pm to 2:00 am; Saturday and Sunday 12:00 p.m. to 2:00 a.m. during the outdoor volleyball season, which is approximately from May through October. If hours of operation are a required condition of approval for the CUP, applicant requests those hours be specified.

2. **21.02.110(c). Underlying zoning district standards.**

21.03.070(e) C-2: General Commercial.

(1) Purpose. To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards. Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

Bulk standards:

Lot area: 20,000 s.f.

Lot width: 50ft

Frontage: n/a

Front setback: 15 ft

Side setback: 0

Rear setback: 10 ft

Height: 40 ft

This criterion has been met. The site is currently zoned C-2 (General Commercial). Though most of the operations are outdoors, including the volleyball activities and the drinking and dining, no outdoor storage or display is proposed. The building meets the bulk standards of the

C-2 zone.

Use-specific standards.

This criterion is met. There are no use-specific standards that apply to either outdoor recreation or a bar. Section 21.04.040 addresses accessory uses and includes standards for fencing. Section 21.04.040(i)(1)(iv) permits fences to vary from the standards if approved on a site as part of a conditional use permit. The proposed mesh enclosure is technically defined as a fence and exceeds the maximum height of six (6) feet for a commercial property. This enclosure is necessary to provide safety for the general public and privacy for the facility and was approved with CUP-2013-491. No changes in fencing or accessory uses are proposed.

Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, businesses and commercial facilities and transportation facilities.

The site is in the heart of the Neighborhood Center identified by the Comprehensive Plan. It is located two blocks from Sherwood Park and Grand Junction High School and a little over one-half mile to Colorado Mesa University. The close proximity of North Avenue provides access to transit options, hospitals and fire protection, along with complimentary retail and entertainment businesses. This criterion is met.

Compatibility with and protection of neighboring properties through measures such as:

Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers, and/or vegetations shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

The mesh fabric net that was approved with CUP-2013-491 remains in place and screens of the facility (and volleyballs) adequately from neighboring properties. The cinder block building screens the at the southern border of the site as well as the back of another building on the site that is not used by Volleys. A storage building located on 304 North Avenue blocks the view of the facility from N. 3rd Street, except through the parking lot. The entrance to the facility is through a gate accessible through this parking lot; this limited entrance allows for control of patrons and alcoholic beverages. No change in the screening and other privacy measures is proposed, so this criterion is still met.

Protection of use and enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property

This criterion is met. The site is largely hidden from the public and is adjacent to the back or service entrances of the adjoining businesses, as described above. Most of

Volleys' activity takes place on weekday evenings and weekends when the majority of adjacent businesses were closed, with some youth and training camps held during the day in the summer (when schools are out). Neighboring businesses have agreed to share parking during off-peak hours. Applicant has reviewed the parking needs of the use at the busiest times (Friday night league play), and found that 60 spaces are sufficient for peak activity. The 60 needed parking spaces will be provided through a mix of exclusive on-site (22 spaces), available street parking (29 spaces on N. 3rd and on the south side of Glenwood Ave at the intersection of N. 3rd – see Exhibit 2), and shared parking (38 spaces). The applicant has a commitment from The Salvation Army for the use of its parking lot located at 1155 N. 4th, which can accommodate 38 vehicles, during Volleys' peak times, which are after-hours for the businesses located there (a food bank and a warehouse). This makes a total of 89 spaces available during Volleys' peak times, and 51 spaces available during non-peak hours when all courts are not typically being used.

Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The site is largely hidden from the public and is adjacent to the back or service entrances of the adjoining businesses. In addition, the busiest times for Volleys are during off-peak hours when the surrounding businesses are closed. There are four (4) sand volleyball courts, confined and screened by the "net" discussed above, and other buildings on site provide additional screening. This criterion was met with CUP-2013-491, and no changes to the site are proposed, so this criterion continues to be met.

Conditions of prior approvals.

The CUP-2013-491 had the following conditions of approval:

Landowner shall dedicate public right of way for that portion of the existing alley adjacent to the site. This condition has been met.

Execution of a power of attorney for future alley improvements shall be recorded prior to July 11, 2014. This condition has been met.

Parking agreement, lease or easement shall be provided as described in Staff Report in a form acceptable to the City Attorney prior to establishment of the use on the site. The applicant requests an amendment to the CUP specifying the number of parking spaces required for applicant's use. (The parking requirement was not clearly established with the prior approval; rather, the number of spaces designated in the Staff Report was the number that the applicant has on site plus the number that the applicant was able to negotiate use of with neighboring property owners at the time.) Applicant received notice from the City that parking agreements were not in

a form acceptable to the City Attorney. Applicant has submitted a parking agreement to the City Attorney's office for review as to form.

While the shared parking agreement is terminable by the property owner, notice is required to the City of Grand Junction 90 days prior to termination. This will give the applicant time to acquire other shared parking and the City will be timely informed. In addition, while the parking agreement is for a term of only five years, the applicant plans to demolish two of three sides of the U-shaped metal building on applicant's site and convert that space into parking for Volleys. This is likely to occur within the next 24 months, and would give Volleys enough parking, counting all the on-site and available street parking, to meet a 60-space requirement, in which event the shared parking would no longer be needed.

F. DEVELOPMENT SCHEDULE OR PHASING

This criterion is not applicable. There is no further development of the site planned or proposed.

G. SITE SKETCH

The site configuration approved under CUP-2013-491 on February 12, 2014 has not undergone any changes and none are proposed with this application.

All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Zoning and Development Code and conformance with the SSID, TEDS and SWMM Manuals.

This criterion continues to be met; no changes are proposed to the site. The site is classified as nonconforming because it does not meet current landscaping requirements. However, no increase in gross building square footage is proposed, so no site upgrades are required according to Section 21.08.040 of the Zoning and Development Code. The site was approved in 2014 and no changes to the site plan are needed or proposed with this request to amend the CUP regarding parking and hours of operation.

The site abuts the east/west alley between N. 3rd and N. 4th Street. Applicant dedicated right of way for the abutting portion of the alley and executed a Power of Attorney for future alley improvements with the approval of the CUP in 2014.

The proposal was evaluated by a City Development Engineer and found to meet the requirements of the SSID, TEDS and the SWMM manuals.

Contingent partial demolition of metal building. The applicant plans to demolish two of three sides of the U-shaped metal building on applicant's site and convert that space into parking for Volleys. This is likely to occur within the next 24 months, and would give Volleys enough parking, counting all the on-site and available street parking, to meet a 60-space requirement, in which event the shared parking would no longer be needed. Applicant requests that the Amended Conditional Use Permit allow for (but not require) such demolition in the future.

EXHIBIT 1

PARKING ANALYSIS AND ALTERNATIVE PARKING PLAN

21.06.050 Off-street parking, loading and bicycle storage.

(a) Off-Street Parking Standards.

(1) *Uses Not Identified.* The Director shall determine the parking requirement for a use which is not listed in subsection (c) of this section. The applicant shall provide adequate information so that the Director can make such decision by including:

(i) *Type of uses;* **Outdoor recreation – 4 sand volleyball courts – and bar**

(ii) *Number of employees;* **3 FT, 2 PT**

(iii) *Building design capacity;* **960 Square Feet**

(iv) *Square feet of sales area, service area, etc.;*

- 4 volleyball courts totaling approximately 10,000 s.f.,
- 8 picnic tables and 7 small patio tables over approximately 3500 s.f. of area for outdoor seating for the kitchen and bar services (dining/bar is accessory to the volleyball use)

(v) *On-site parking spaces* **22 onsite parking spaces**

(vi) *Proposed off-site parking spaces;*

17 on-street parking spaces (Exhibit 2)

21 shared parking spaces with neighbors

Volleys currently has the following shared parking agreement commitments:

38 spaces at 1155 N. 4th

15 spaces at 340 North Avenue

(vii) *Hours of operation.* **3:00 p.m. to 2:00 a.m. Monday through Friday; 12:00 p.m. to 2:00 a.m. Saturday and Sunday**

(2) *Multiple Uses.* If there are accessory or multiple uses within one or more structures, these standards shall apply to each use and structure, resulting in a total parking requirement for the complex or property except as provided in subsection (e) of this section (*Alternative Parking Plan*).

(3) *General.*

- (i) *Each parking space must be accessible independently of others. YES*
- (ii) *All square feet is gross floor area unless otherwise indicated. YES*
- (iii) *Spaces for seats or persons is designed capacity. YES*
- (iv) *A minimum of three spaces required for all uses requiring bicycle spaces.*
- (v) *ADA requirements are listed in GJMC [21.06.090\(b\)](#).*

(c) **Off-Street Required Parking.** *The table below shows the number of parking spaces required for the uses indicated. The number of spaces required may be modified through the alternative parking plan described.*

<i>Recreation and Entertainment, Outdoor</i>	<i>Driving Range</i>	<i>1 per 20 feet of driving area</i>
	<i>Miniature Golf</i>	<i>2 per hole</i>
	<i>All Other Outdoor Recreation</i>	<i>As determined by Director</i>

A parking standard for the use by Volleys is not provided in the parking table or elsewhere in the Code. Therefore pursuant to GJMC §21.06.050(a)(1) and (c), the Director shall determine the required parking based on the criteria described therein.

The parking requirement for the use that most closely resembles this use is that for a health or fitness center, which requires parking at a ratio of 1 per 500 s.f., That ratio results in a parking requirement of 30 spaces. The parking requirement for the accessory use of bar/kitchen services is 10 parking spaces (making a total of 40 spaces, if based on the most similar uses).

Volleys differs from a health or fitness center, however, in that Volleys outdoor recreation is based on use by teams rather than individuals. At Volley's busiest time, which is Friday night, there are 8 teams of 6 players each on the four sand volleyball courts (48 players). There is some overlap as team members arrive and other team members depart; however team members often ride together.

The bar/food is an accessory use to the volleyball activities and is used primarily by players and volleyball patrons. Volleys is not advertised as a bar or restaurant and typically is used by the volleyball players and league participants, so there is little, if any, general public use of the bar/food service. There are generally very few, if any, spectators.

The applicant did a parking count during its busiest summer league week in 2019 and the highest number of parking spaces used at any given time, including those for employees, was 60. Based on that analysis, applicant requests the Director to approve and establish a parking requirement of 60 spaces for Volleys, and to approve an alternative parking plan for Volleys in accordance with Exhibit 1.

21.06.050 (e) **Alternative Parking Plan.** Unless an alternative parking plan is approved at the time of site plan approval, the parking ratios above shall apply.

(1) *Applicant-Submitted Parking Data.* The required parking ratios may be modified where applicant-submitted parking data illustrates that required parking ratios do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

The applicant did a parking count during its busiest summer league week in 2019 and the highest number of parking spaces used at any given time, including those for employees, was 60.

(2) *Credit for On-Street Parking.* Credit may be provided by the Director for any on-street parking spaces abutting the subject property. Such spaces must not be located within a clear sight triangle. No fractional spaces shall be credited.

Applicant request credit for on-street parking including 29 spaces located on N. 3rd and on Glenwood Avenue at the intersection with N. 3rd, as shown in Exhibit 2.

(3) *Off-Site Parking.* Required off-street parking spaces may be permitted on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

(i) *Ineligible Activities.* Off-site parking may not be used to satisfy the required parking ratios for residential uses (except for guest parking), as well as convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off site.

(ii) *Location.*

(A) *Off-site parking spaces shall be located within 500 feet (1,000 for employee spaces) from the primary entrance of the use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building or structure served by such parking lot). Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a designated pedestrian crosswalk or walkway is provided.*

(B) *The off-site parking shall be located wholly within a district that allows commercial parking as principal use, except in the B-2 district.*

Applicant has use of a parking lot located at 1155 N. 4th (The Salvation Army property) during its peak hours, from 5:30 p.m. through 2:00 a.m. The parking lot can accommodate

approximately 38 parked vehicles at any given time. Applicant also has use of shared parking on the lot next door at 340 North Avenue which can accommodate 15 parked vehicles at any given time.

(iii) Agreement.

(A) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.

(B) An off-site parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with required ratios above.

(4) Shared Parking. Shared parking facilities may be permitted if the shared parking complies with all of the following standards:

(i) Ineligible Activities. Required parking spaces reserved for persons with disabilities may be located off-site with permission of the Director.

(ii) Location. Shared parking spaces shall be located within 500 feet of the primary entrance of all uses served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot) unless shuttle bus service is provided to the parking area.

(iii) Shared Parking Study. Applicants wishing to use shared parking as a means of reducing the total number of required spaces shall submit a shared parking analysis using the latest edition of Urban Land Institute's Shared Parking. The study shall be provided in a form established by the Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.

(iv) Agreement.

(A) A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the Director.

(B) A shared parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with an approved alternative parking plan. See subsection (e) of this section.

An agreement for off-site shared parking will be executed by and between applicant and the owner of the property located at 1155 N. 4th (the Salvation Army). An agreement for off-site shared parking will also be executed by the applicant and the tenant of the property next door at 340 North Avenue.

The applicant plans to demolish two of three sides of the U-shaped metal building on applicant's site and convert that space into parking for Volleys. This is likely to occur within the next 24 months, and would give Volleys enough parking, counting all the on-site and available street parking, to meet a 60-space requirement, in which event the shared parking would no longer be needed.

Shared Parking Agreement

This Shared Parking Agreement (Agreement) is entered into this 12th day of January, 2020 (Effective Date), by and between the following:

E and E Enterprises 22 LLC, a Colorado limited liability company, whose principal business address is 640 Silver Oak Dr., Grand Junction, Colorado 81505, and **Jevne R. Edwards**, whose address is 14633 W. Saint Moritz Lane, Surprise, Arizona, 85379, (collectively, **Property Owner 1**), and

Manchester Family Rentals, LLC, a Colorado limited liability company, whose address is 2698 Lanai Court, Grand Junction Colorado 81506 (**Property Owner 2**); and

Volleys, LLC, a Colorado limited liability company, whose address is 1130 N. 3rd Street, Grand Junction, Colorado 81501 (**Tenant 2**),

collectively referred to as the Parties.

RECITALS:

- A. Property Owner 1 is the owner of the real property situated in the City of Grand Junction, County of Mesa, Colorado described in the attached Exhibit A, as evidenced by that certain Special Warranty Deed recorded under Reception No. 2676903 (in Mesa County official records), and addressed as 340 North Avenue, Grand Junction, Colorado 81501, Assessor's Parcel No.2945-113-19-007 (Property 1).
- B. Property 1 includes a parking lot consisting of space for approximately 15 parked vehicles. The businesses conducted on Property 1 are primarily conducted during regular daytime business hours (with a closing time of 5:00 pm).
- C. Property Owner 2 is the owner of that real property situated in the City of Grand Junction, County of Mesa, Colorado described in the attached Exhibit B, as evidenced by that certain Warranty Deed recorded under Reception No. 2751064 (Mesa County), and addressed as 304 North Avenue, and known by Mesa County Assessor's Parcel No. 2945-113-19-001, and that real property described in Exhibit C, as evidenced by that certain Warranty Deed recorded under Reception No. 2751063 (Mesa County), and addressed as 330 North Avenue, and known by Mesa County Assessor's Parcel No. 2945-113-19-002 (together, Property 2).
- D. Property 2 is directly next door to Property 1 and shares a boundary with Property 1.
- E. Tenant 2 is leasing Property 2 from Property Owner 2 for use as a seasonal outdoor team volleyball recreation facility ("Volleys"). The season runs from approximately April 1 through October 31, with possible use in November as weather permits. Volleys' facilities consist of four outdoor sand volleyball courts and a bar. The volleyball courts are used primarily for league play but during the summer may be

used for volleyball camp activities for students. The bar is available to the volleyball patrons of Volleys but not open to the general public.

- F. Volleys' overall hours of operation are from noon to 2:00 am daily, with the busiest times from 5:00 to 10:30 pm. During those times the on-site and street parking available to Volleys may be insufficient for Volleys' patrons, and therefore the City of Grand Junction requires that Volleys acquire rights for additional parking.
- G. The Parties agree that Volleys brings activity and vibrancy to the commercial neighborhood during the off-hours, which benefits all the Parties, and that there is mutual benefit to each Party to this Agreement of the rights and obligations granted and imposed hereby.

THEREFORE, in consideration of the covenants and mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. **License.** Property Owner 1 hereby grants a non-exclusive license to Property Owner 2 and to and for the use and benefit of Tenant 2 and its employees, agents and business invitees (hereinafter referred to collectively as "Volleys") to use the parking lot on Property 1 between the hours of 5:00 pm and 2:00 am (the "Parking Facilities"). This license shall run with the land and be binding upon the heirs and assigns of the Property Owners and their tenants until cancelled or terminated pursuant to the terms hereof.
2. **Consent.** Property Owner 1 represents that its tenants do not object to this grant of license for shared parking.
3. **Term.** The term of this license is five years. The license is renewable thereafter upon agreement of the parties for any additional term, which can be less than one year. In any renewal period, the license can be terminated by Property Owner 1 upon 30 days' notice to Property Owner 2, Tenant 2 and the City of Grand Junction Community Development Department.
4. **Use of Facilities.** Property Owner 2 and Tenant 2 and the business invitees thereof are hereby granted a license to use the Parking Facilities seven days a week between the hours of 5:00 p.m. and 2:00 a.m. Property Owner 1 may also grant Tenant 2 license to use the Parking Facilities on other days and at other times in its sole discretion (Extra Use). Tenant 2 will seek permission from Property Owner at least ten days in advance of such Extra Use. Permission for Extra Use shall not affect the other terms of this Agreement / License.
5. **Maintenance.** Tenant 2 agrees to share maintenance costs and responsibilities with Property Owner 1 based upon a reasonable percentage of use, including relative number of vehicles and amount of time. Property Owner 1 shall document maintenance expenses to the satisfaction of Tenant 2 and provide advance notice of not less than 10 days of maintenance activities for which it expects participation, partial cost reimbursement or cost sharing. Maintenance activities can include, but are not necessarily limited to, lot sweeping, line painting

and asphalt repair. Tenant 2 agrees to be responsible for any damage to the Parking Facilities above normal wear and tear caused by patrons of Tenant 2 of the Parking Facilities.

6. **Termination.** The license may be terminated by Property Owner 1 if a change of use on the premises leased by Tenant 2 (Volleys) substantially increases the burdens on the Parking Facilities or unreasonably interferes with the business of Property Owner 1's tenants, provided that 90 days written notice is given of such termination to Property Owner 2, Tenant 2, and the City of Grand Junction Community Development Department.

7. **Utilities and Taxes.** Each Property Owners and Tenant shall not be responsible for payment of any taxes or utilities related to the property of the other.

8. **Signage.** Volleys will be responsible for parking signage, if any is needed on the Property, to designate parking areas available or restricted to Volleys.

9. **Enforcement.** Property Owner 1 and Tenant 2 reserve the right to tow, at owner's expense, vehicles improperly parked or abandoned, subject to approval by both Parties. Any Party may conduct surveillance of the Parking Facilities for safety purposes if it is deemed necessary in the discretion of any Party, subject to the consent of Property Owner 1.

10. **Cooperation.** The Parties agree to cooperate to the best of their abilities to mutually use the Parking Facilities without disrupting the lawful business and land use activities of the other parties. The Parties agree to meet on occasion in good faith to work out any problems that may arise due to the shared use.

11. **Insurance.** At their own expense, the Parties agree to maintain liability insurance for their respective properties and business activities as is standard for their own business usage.

12. **Waiver of Liability.** No party hereto will be held responsible for any damage to vehicles of the patrons using the Parking Facilities including without limitation as a result of break-ins, vandalism, stolen items, broken or damaged property, or conditions upon Property 1. Each party will assist in any investigation into such circumstances that relate to their own customer's property, if any such problem may occur.

13. **Removal of Signage.** Upon termination of this Agreement, Tenant 2 agrees to remove any signage on Property 1 or designating parking for its patrons on Property 1.

14. **Recording.** The Parties agree that this Agreement may be recorded in the real estate records of the Mesa County Clerk and Recorder.

By signing below the Parties execute this Agreement as of the Effective Date.

PROPERTY OWNERS:


Jevne R. Edwards

STATE OF Arizona)
COUNTY OF Maricopa) ss.

Subscribed and sworn to before me this 3 day of January, 2020, by
Jevne R. Edwards.

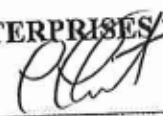
Witness my hand and official seal.

My commission expires: 7.20.23



Notary Public

E AND E ENTERPRISES 22, LLC


Lee Emmerton, Member

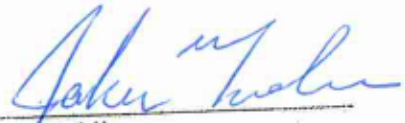


STATE OF COLORADO)
COUNTY OF MESA) ss.

Subscribed and sworn to before me this 15th day of January, 2020, by Lee
Emmerton as member of E and E Enterprises 22, LLC.

Witness my hand and official seal.

My commission expires: 01-25-2020



Notary Public



MANCHESTER FAMILY RENTALS, LLC, a Colorado limited liability company

Larry Manchester, Member

STATE OF COLORADO)
COUNTY OF MESA) ss.

Subscribed and sworn to before me this ___ day of _____, 20___, by Larry
Manchester as member of Manchester Family Rentals, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

TENANTS:
Volleys, LLC:

David Allen Herek, as member of Volleys, LLC

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this ____ day of _____, 20____, by David Allen Herek as Member of Volleys, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT "A"

To Shared Parking Agreement

Legal Description of Property on Which Shared Parking is Situated

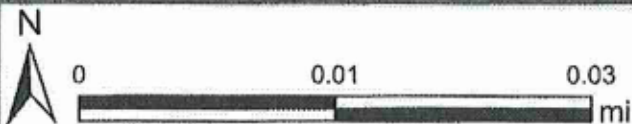
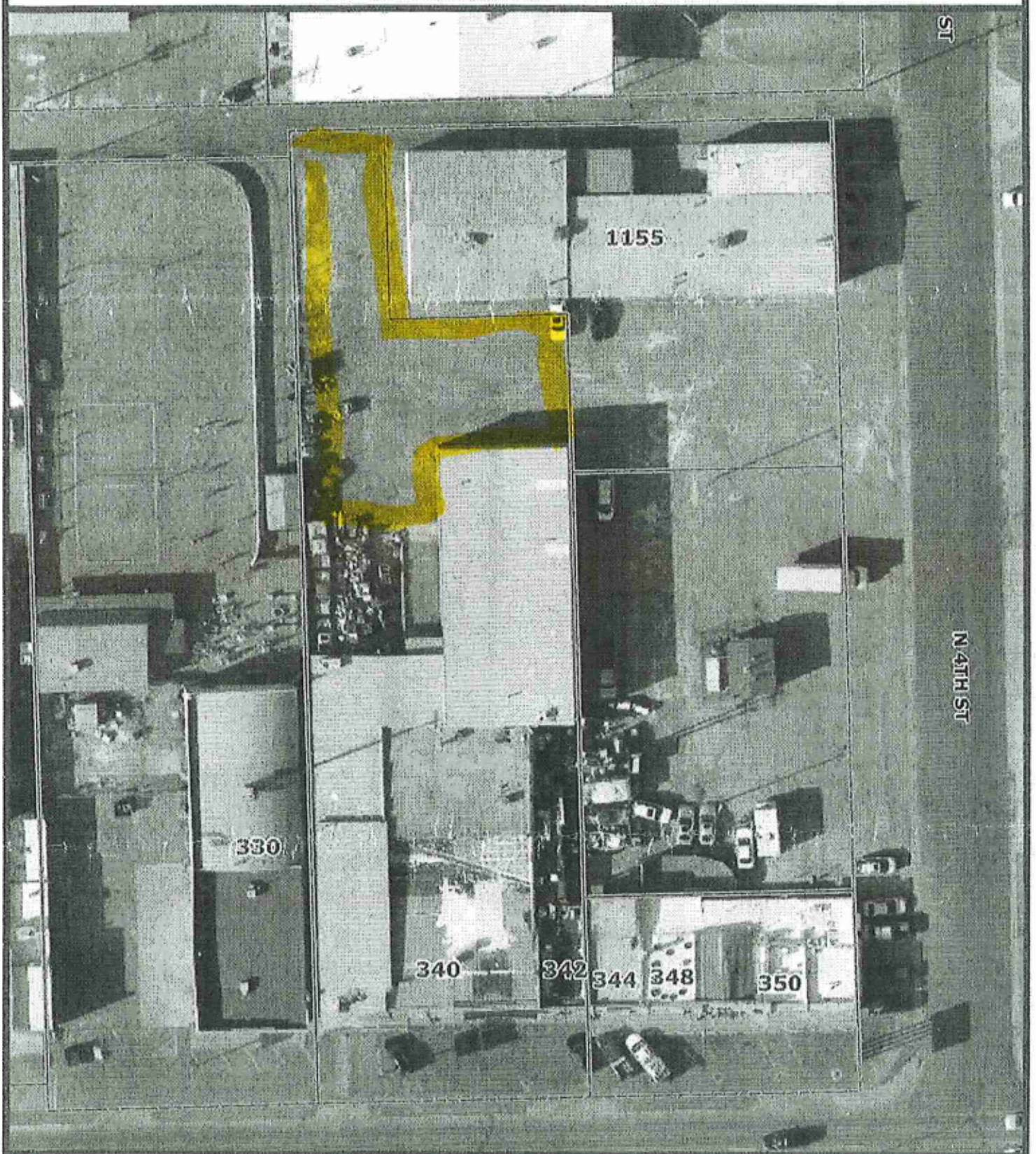
LOT 3 IN BLOCK 5 OF SHAFROTH-ROGERS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN PLAT OBOK NO. 6 AT PAGE 2 AT RECEPTION NO. 338683, OFFICIAL RECORDS OF MESA COUNTY, COLORADO; EXCEPT THE NORTH 70 FEET OF THE EAST 65 FEET THEREOF AS CONVEYED IN DEED RECORDED DECEMBER 30, 1971 IN BOOK 970 AT PAGE 65; AND EXCEPT THE SOUTH 10 FEET THEREOF AS CONVEYED TO THE CITY OF GRAND JUNCTION, A MUNICIPAL CORPRATOIN, IN DEED RECORDED JUNE 9, 1978 IN BOOK 1152 AT PAGE 868, COUNTY OF MESA, STATE OF COLORADO

EXHIBIT "B"

To Shared Parking Agreement

DEPICTION OF PARKING SPACES TO BE SHARED

340 NORTH AVE SHARED PARKING



Printed: 12/16/2019
1 inch equals 47 feet
Scale: 1:564

CITY OF
Grand Junction
COLORADO
APPROVED: ENCLOSURE WITHIN



N 4TH ST

N 4TH ST

1155

7 spaces

61.0 Feet

47.0 Feet

18.6 Feet

5 spaces



1155

30

340

342

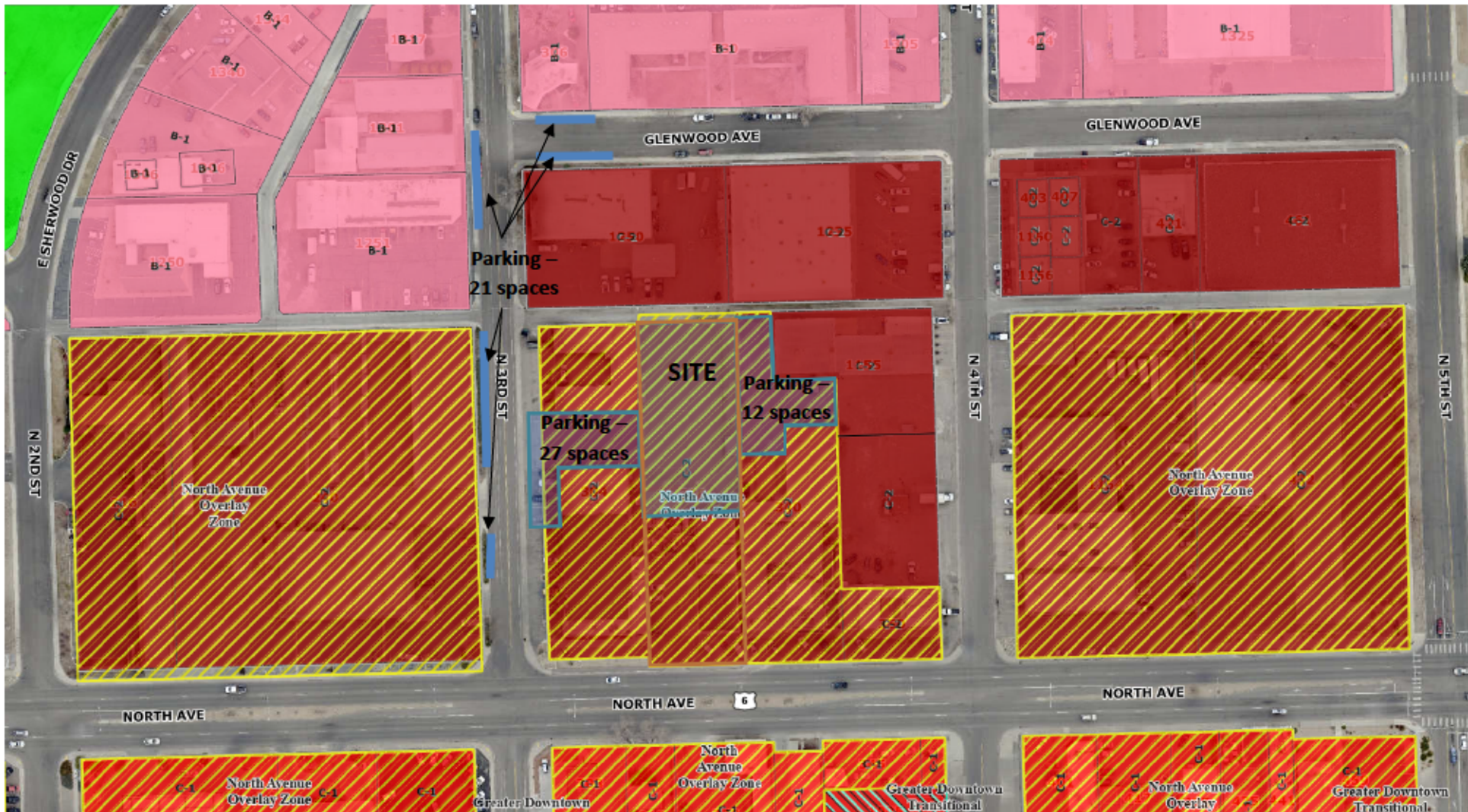
344

348

350

N 4TH ST







The map above reflects public parking in the area and current leased spaces. It reflects a total of 72 public spaces within this 1,000-foot radius. While 500 feet is the radius we look at for public parking, it can be argued that the abnormally busy tournaments can accommodate plenty of parking available within a very short walk without parking on private (non-leased) property.

AGENDA TOPIC: Volleys - CUP-2013-491

ACTION REQUESTED: Consider a request for a Conditional Use Permit (CUP)

BACKGROUND INFORMATION			
Location:		Portions of 304 and 330 North Avenue	
Applicants:		Paul Herek	
Existing Land Use:		Vacant outdoor rink and storage building	
Proposed Land Use:		Outdoor volleyball facility with bar	
Surrounding Land Use:	North	Commercial / Salvation Army	
	South	Commercial	
	East	Commercial	
	West	Commercial	
Existing Zoning:		C-2 (General Commercial) North Avenue Overlay zone	
Proposed Zoning:		C-2 (General Commercial) North Avenue Overlay zone	
Surrounding Zoning:	North	C-2 (General Commercial)	
	South	C-1 (Light Commercial) North Avenue Overlay zone	
	East	C-2 (General Commercial) North Avenue Overlay zone	
	West	C-2 (General Commercial) North Avenue Overlay zone	
Future Land Use Designation:		Neighborhood Center	
Zoning within intensity/density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: Consider a request for a Conditional Use Permit to operate a bar in conjunction with an outdoor volleyball facility in a C-2 (General Commercial) zone district.

STAFF RECOMMENDATION: Approval of the Conditional Use Permit.

ANALYSIS:

Background

The property at 304 North Avenue was previously the location of the Fabricare dry cleaner, located in a building built in 1946. That building has subsequently been converted into retail space that is home to a restaurant and barber shop. The property as 330 North Avenue is home to Malibu Pool and Spa, located in a building built in 1940. Both 304 and 330 North Avenue ("subject property") are owned by Linda Manchester.

The rear portion of the property at 330 North Avenue is the location of an outdoor hard surfaced track originally constructed in 1996 for an in-line skating facility that was in use until approximately 2006. When this facility was closed, the area was used for storage until 2011 when the track was refurbished and used as an outdoor hockey/skating rink by Ice Skating Inc. for two seasons (November – March) during the closure of the Glacier Ice Arena.



The applicant is seeking approval for an outdoor volleyball facility and bar, utilizing the same track/rink area, 960 square foot concrete block building, and associated parking on 304 North Avenue, all built for the in-line skating facility in 1996 ("the site"). According to the applicant, there will be four (4) volleyball courts available for league play on weekday evenings and open play and/or tournaments on Saturday during the season, which will be March to November, weather permitting. See attached General Project Report for details.

A Conditional Use Permit (CUP) is required from the City of Grand Junction for the establishment of a "Bar" if more than 25% of the gross receipts of the business are from

alcoholic beverages within the C-2 (General Commercial) zone district. A CUP runs with the land once the use is established and remains valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

The applicant was approved on January 15, 2014 for a liquor license (tavern), which will not be issued unless the CUP is approved.

An outdoor volleyball facility is not specifically identified as a use within the "Recreation and Entertainment, Outdoor" use category of Section 21.04.010, so a Conditional Use Permit is required for the use under the category of "All Other Outdoor Recreation."

The applicant also proposes a 20' mesh enclosure around the volleyball courts. The proposed mesh enclosure is technically defined as a fence and exceeds the maximum height of six (6) feet for a commercial property, but Section 21.04.040(i)(1)(iv) states that fences may vary from the standards if approved on a site as part of a conditional use permit.

Site Plan

The applicant is leasing the site from Linda Manchester. The site includes the former rink, a cinder block building previously used for storage and/or concessions, a parking lot accessible from N. 3rd Street and additional parking along the side of the building(s) on 304 North Avenue. See Site Plan below. No portion of the other buildings will be used in conjunction with this use.



The rink will be converted into four (4) sand volleyball courts. The existing poles around the rink, installed during the second season of the ice rink, will be used to hang a mesh fabric 20 feet above grade in order to provide a “net” for volleyballs as well as to provide privacy for the facility.

While the project report indicates that it will be black mesh, the applicant is considering a translucent earth-tone fabric instead.



The cinder block building will be converted into a commercial kitchen and bar with a service counter and restrooms. A new pergola and other shade structures are proposed adjacent to the bar. Patio seating will be available along the outside of the volleyball courts. The entrance to the facility will be through a gate accessible through the N. 3rd Street parking lot; this limited entrance will allow for control of patrons and alcoholic beverages, though two other gates will remain for emergency exit(s).

Parking

There is no specific parking standard required by the Zoning Code for this type of outdoor recreational use, because it is geared primarily for teams/leagues and the bar is for the benefit of the participants and/or spectators as opposed to the general public. Section 21.06.050(c) provides that All Other Outdoor Recreation parking is determined by the Director.

The four volleyball courts could accommodate up to 48 players (6 per team x 8 teams) at one time. There may be some overlap as one league finishes and another begins. The bar is used by the patrons of the facility and is only 960 square feet, which would require 10 parking spaces. The entire facility, if it were indoors, would be classified as a health or fitness center, with parking at a ratio of 1 per 500 square feet, which would equate to 30 spaces.

The parking lot included in the lease (which is also part of the site) has 15 spaces. There are 7 off-street spaces on the east side of N. 3rd Street adjacent to the buildings at 304 North Avenue for exclusive use of this facility, according to the lease (also included in the site). There are 10 on-street spaces on the west side of N. 3rd Street. The former Harbert Lumber site, located across N. 3rd Street from the site, has agreed to share its parking lot with the applicant, making 34 additional parking spaces available for the volleyball patrons. The Laundromat located at 1251 N. 5th Street has also agreed

to share one row of parking, a total of 13 spaces, adjacent to the east/west alley. The City Attorney has requested that the applicant provide written leases, easements or shared parking agreements in an acceptable form and requests that the provision of such be a condition of the CUP. With the shared parking arrangements, on-site parking, and on-street parking, there will be 79 spaces available for the proposed use, based on current configurations of the parking lots.



5 stalls reserved
for Pollo Azado

The utilization of existing parking lots within the neighborhood by businesses with different peak hours is consistent with the concept of a neighborhood center, a goal outlined by the Comprehensive Plan and subsequent North Avenue corridor plans.

A bike rack is provided inside the facility and the applicant indicates that some of the players will be drawn from nearby schools, such as Colorado Mesa University. In addition, a bus stop is available on North Avenue west of N. 3rd Street.

Neighborhood Meeting

A Neighborhood Meeting was held on September 19, 2013. No adjacent property owners or citizens attended the meeting, only the applicant and building owner. The Grand Junction Police Department did express concerns about the operation of the facility, to which the applicant has provided a response and no further comment was received from the Police Department. The applicant was approved on January 15, 2014 for a liquor license (tavern). A summary of the neighborhood "needs and desires" survey conducted for the liquor license process is attached to this report. The Salvation Army initially expressed concern about the visibility of the facility to its alcohol rehabilitation clients. The applicant has met with the Salvation Army about their concerns and they have indicated that the screening, along with the operational aspects of the facility, have satisfied their concerns (see email attached to this report).

Sign Package

The Zoning and Development Code requires that a sign package be prepared as part of the site development plan and approved as part of a conditional use permit (GJMC Section 21.06.070(g)(5)). The applicant has provided a plan that is attached to this staff report. He proposes using the existing signage along N. 3rd Street, with only the business name changing. The total square footage is within the parameters of the sign code (GJMC Section 21.06.070).

Consistency with the Comprehensive Plan:

The site is currently zoned C-2 (General Commercial). Although the C-2 zone does not implement the Comprehensive Plan Future Land Use designation of Neighborhood Center, the proposed use is consistent with the Comprehensive Plan because a bar and "All Other Outdoor Recreation" are allowed (with a CUP) in other zones which implement the Neighborhood Center designation.

The North Avenue West Corridor Plan was adopted on November 2, 2011 as a follow up to the Comprehensive Plan. The Corridor Plan identified the subject property as part of the Sherwood Park Mixed Use District; it further recommended the two block area of N. 3rd Street between North Avenue and Sherwood Park as the neighborhood core area for the Neighborhood Center established with the Comprehensive Plan.

Subsequently, a North Avenue Overlay Zone was adopted on February 20, 2013 to implement the North Avenue Corridor Plan. This overlay includes all properties with North Avenue frontage, regardless of their size or configuration. While the subject properties are included within this overlay, the site of the Conditional Use Permit does not have frontage on, nor gain direct access (vehicular or pedestrian) to or from, North Avenue. Therefore, the North Avenue Overlay standards, such as public street dedications, improvements on North Avenue, building setbacks and façade standards, do not apply to this request.

The proposed land use furthers Goal 6 of the Comprehensive Plan: "Land use decisions will encourage preservation of existing buildings and their appropriate reuse".

The reuse of the outdoor rink, a feature unique to this property, for another recreational venture is appropriate and further supports the Comprehensive Plan.

Section 21.02.110 of the Grand Junction Municipal Code:

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

(1) All applicable site plan review criteria in Section 21.02.070 (g) of the Grand Junction Zoning and Development Code and conformance with the SSID, TEDS and SWMM Manuals.

The site is classified as nonconforming because it does not meet current landscaping requirements. However, since no increase in gross building square footage is proposed, no site upgrades are required according to Section 21.08.040 of the Zoning and Development Code.

The site abuts the east/west alley between N. 3rd and N. 4th Street. Though an alley has been in use there for decades, it does not appear to have been formally dedicated for public use. The property owner has agreed to dedicate right-of-way for the abutting portion of the alley and to execute a Power of Attorney (POA) for future alley improvements as a condition of approval of the CUP.

The proposal was evaluated by a City Development Engineer and found to meet the requirements of the SSID, TEDS and the SWMM manuals.

This criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 Grand Junction Zoning and Development Code;

The site is currently zoned C-2 (General Commercial). Though most of the operations will be outdoors, including the volleyball activities and the drinking and dining, no outdoor storage or display is proposed. The building meets the bulk standards of the C-2 zone.

This criterion has been met.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 Grand Junction Zoning and Development Code

An outdoor volleyball facility is not specifically identified as a use within the Recreation and Entertainment, Outdoor use category of Section 21.04.010, therefore a Conditional Use Permit is required for a use identified as All Other Outdoor Recreation.

An establishment that serves both food and alcoholic beverages shall be categorized as a bar if the sale of said beverages comprises more than 25 percent of the gross receipts (Section 21.10.020 – Terms defined). A Conditional Use Permit is required for a bar, per Section 21.04.010.

There are no use-specific standards for either outdoor recreation or a bar.

Section 21.04.040 addresses accessory uses and includes standards for fencing. Specifically, Section 21.04.040(i)(1)(iv) permits fences to vary from the standards if approved on a site as part of a conditional use permit. The proposed mesh enclosure is technically defined as a fence and exceeds the maximum height of six (6) feet for a commercial property. This enclosure is necessary to provide safety for the general public and privacy for the facility and is incorporated into the conditional use permit request.

This criterion has been met.

4. Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The site is in the heart of the Neighborhood Center identified by the Comprehensive Plan. It is located two blocks from Sherwood Park and Grand Junction High School and a little over one-half mile to Colorado Mesa University. The close proximity of North Avenue provides access to transit options, hospitals and fire protection, along with complimentary retail and entertainment businesses.

This criterion has been met.

5. Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The existing poles around the rink will be used to hang a mesh fabric 20 feet above grade in order to provide a “net” for volleyballs as well as screening of the facility. While the project report indicates that it will be black mesh, the applicant is considering a translucent earth-tone fabric instead. Either of these options will provide adequate screening of the facility, though the earth-tone is preferred for compatibility.

The cinder block building forms the southern border of the site, along with the back of the Malibu Pool & Spa building. A storage building located on 304 North Avenue blocks the view of the facility from N. 3rd Street, except through the parking lot. The entrance to the facility will be through a gate accessible through this parking lot; this limited entrance will allow for control of patrons and alcoholic beverages. The northern border of the site is the existing alley. Further north and east is the Salvation Army building, which is oriented toward N. 4th Street. The Salvation Army initially expressed concern about the visibility of the facility by their clients who are involved in alcohol rehabilitation programs. The applicant has met with the Salvation Army about their concerns and they have indicated that the screening, along with the operational aspects of the facility, have satisfied their concerns.

This criterion has been met.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The site is largely hidden from the public and is adjacent to the back or service entrances of the adjoining businesses, as visible via aerial photo.



The previous use as an outdoor ice rink operated on roughly the same schedule proposed by the applicant, with play on weekday evenings and weekends when the majority of adjacent businesses were closed. In addition, the previous business operated for two winter seasons with no known complaints. The applicant has approached the neighboring businesses who have agreed to share parking during off-peak hours. While the applicant anticipates starting with evening league sessions, he would like to reserve the opportunity to host youth and/or training camps during the summer months (during traditional school hours). The provision of parking, as discussed earlier, is a mix of exclusive (22 spaces), available (10 on-street), and shared parking (47 spaces). Use during daytime hours when school is not in session would not, in my opinion, significantly impact the parking arrangement as the adjacent businesses will serve primarily as overflow parking.

This criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The site is largely hidden from the public and is adjacent to the back or service entrances of the adjoining businesses. The rink will be converted into four (4) sand volleyball courts and will be confined by the "net" discussed earlier. The cinder block building forms the southern border of the site, along with the back of the Malibu Pool & Spa building. A storage building located on 304 North Avenue blocks the view of the facility from N. 3rd Street, except through the parking lot. The entrance to the facility will be through a gate accessible through this parking lot; this limited entrance will allow for control of patrons and alcoholic beverages. The northern border is the existing alley.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Volleys application, CUP-2013-491 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan, specifically Goal 6.

2. The review criteria in Section 21.02.110 of the Grand Junction Municipal Code have all been met.
3. The Sign Plan meets the sign requirements as specified in Section 21.02.110(d) of the Grand Junction Municipal Code.
4. The following conditions of approval are applicable to this CUP:
 - a. Landowner shall dedicate public right of way for that portion of the existing alley adjacent to the site;
 - b. Execution of a power of attorney for future alley improvements shall be recorded prior to July 11, 2014.
 - c. Parking agreement, lease or easement shall be provided as described in this Staff Report in a form acceptable to the City Attorney prior to establishment of the use on the site.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2013-491 with the findings, conclusions and conditions of approval listed above.

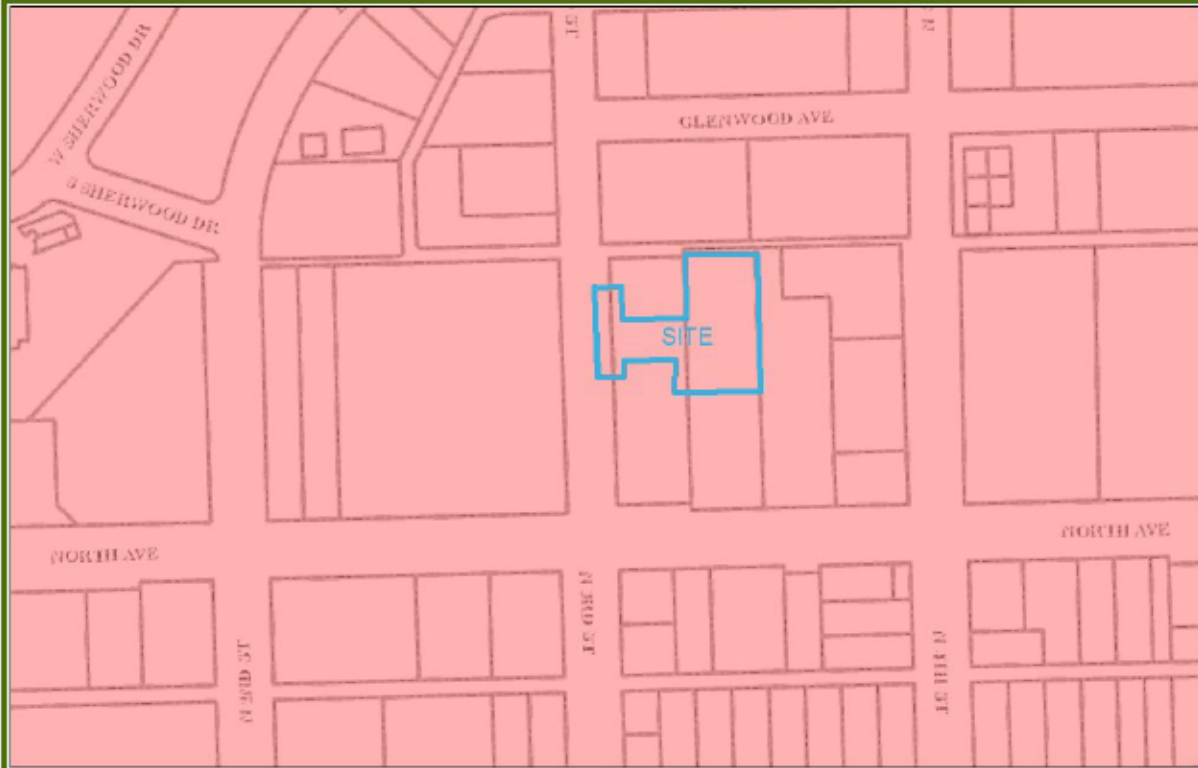
RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit for Volleys, file number CUP-2013-491, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

Site Location Map
Aerial Photo Map
Comprehensive Plan Map
Existing City Zoning Map
General Project Report
Site Plan
Floor Plan
Sign Plan
Screening
Neighborhood Meeting summary
Letters of Support
Liquor License survey

SITE LOCATION MAP



Printed: 1/22/2014

1 inch = 156 feet



AERIAL PHOTO MAP



Printed: 1/22/2014

1 inch = 156 feet



ZONING MAP



Printed: 1/22/2014

1 inch = 156 feet



Volleys General Project Report

Overview of the Project:

The property being leased by David, Doria, and Paul Herek at 330 North Ave. Grand Junction, CO 81501 has been used as a seasonal outdoor Ice Skating Rink in the past. The 980 sq/ft. building on location was used as a restroom and basically a locker room, and concession stand in the past.

We propose to turn the existing location of the Ice Skating Rink into 4, outdoor sand Volleyball courts. We also propose to turn the existing building into a commercial kitchen with the ability to serve alcohol.

The way the Volleyball will be organized is as follows:

There will be 4 courts available and league play will rotate on the hour, every hour, from 5:30pm-9:30pm, Monday-Friday. We plan to be open on Saturdays for open play and occasional 1 day tournaments. As of now we plan to be closed on Sundays.

-League Play will consist of Co-Ed leagues, all Male leagues, and all Female leagues. As well as different competitive levels.

-Recreational, will be the most popular. This will be for anyone looking to just have a fun evening with friends, some good food, and some mild competition. During recreational play there will not be referees, it will be based off the honor system, teams will play a best of 3 matches, rally scoring to 25, best 2 out of 3 wins. All these rules and more will be explained to team captains in the meeting prior to the start of each league.

-Competitive play, will be for some more advanced players looking to have some fun but more concerned about winning. Rules will be more strict during competitive play and we will have experienced referees on hand.

-Must be 16 or older to participate (ID Required).

-Each team will be required to have a team captain, who will be required to attend the rules and regulations meeting that will take place before the start of each league. Team captains will also be required to fill out a waiver before each league and have the signatures of each player on their team sign it before they can begin playing.

-Leagues will be 8 week sessions.

-With 4 courts, there can be up to 48 people rotating in and out of Volleys between the hours of about 5:00-10:30. Matches generally take an hour.

-Leagues will start mid-March and could run into early November, weather permitting.

Commercial Kitchen w/ ability to serve alcohol will be as follows:

-Food and alcohol will be ready to order each night.

-ID will be required to order alcohol and everyone on the premises must be able to show ID at anytime they are asked.

-It will be a limited bar.

-There will be a 6x4 foot serving window and all food can be ordered outside of the building. Place your order and we will announce when it is ready over the PA system.

-We will be serving BBQ and BBQ side dishes (menu attached). There will be absolutely zero fried foods of any kind being made at Volleys.

-All BBQ will be cooked on a smoker on the premises but outside of the building. (All details regarding food prep, heating, cooling and storage will be explained in detail later on).

Availability of Complementary Uses

We plan to make Volleys as Community Friendly as we possibly can, we have several plans to do so.

-Since the main league play for Volleys will take place in the evenings we would like to have youth programs in the afternoons, mainly in the summer months when kids are not in school. We believe this will be a great way to keep kids active and out of trouble. We will have discounted rates for youth programs and of course alcohol will not be served during these times. With schools and parks within a few miles of Volleys we want the main focus to be on the sport at Volleys. We have actually already made some connections to some surrounding sites (Delta, Montrose, Glenwood Springs) that have trouble finding a facility to play volleyball in the summer months. Most available leagues now are only ran in the winter months when school gymnasiums are available to use.

-We also plan to help local businesses and charities as much as possible. Volleys will be a great place to host fundraisers of any kind. As well as company 'Team Building' events. With leaving weekends open from league play, this frees up Saturdays and Sundays for companies to privately use the facility for such events as well as us to host fundraisers for local causes.

Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

Protection of Privacy:

Volleys will be taking measures to respect our neighboring properties privacy, as well as our own. There will be a 20 foot, black mesh fence hung around the outside of the property. This will serve multiple purposes.

- Will help keep volleyballs inside the facility.
- This will help keep noise and lighting contained.
- Will serve as a privacy fence as well.

Another benefit that we have with the location of Volleys is that we do not have residential neighbors on any side of the property. All of our neighbors are local businesses, that, for the most part, are closed during our open hours.

- North: Best Tops Counter Tops. They close at 4:30pm
- East: Salvation Army, closed at 6:00pm
Quality Meats, closed at 5:30pm
- South: Malibu Pool & Spa, closed at 4:00pm
Fellas Barber Shop, closed at 6:00pm
Polla Asado Mexican Restaurant 8:00pm
- West: Harbert Lumber Co. (this establishment is closed)

There are also a number of unoccupied establishments in a close area around Volleys, leading me to believe that noise, lighting and anything else will not be an issue especially with the measures we will be taking to protect everyones privacy.

Protection of Use and Enjoyment:

With the information I have listed above, I do not see there being an issue with Volleys having a negative impact on any of our neighboring businesses. If anything I see there being a positive impact on neighboring businesses. I have spoken to a few business owners in the area and they are excited for us to be coming in. There will be more exposure to our neighbors and our high traffic times will not affect their higher traffic times. We actually hope to use our neighbor, Quality Meats & Co., to supply the meat we serve at Volleys. Also, the Laundry Mat/Dry Cleaner Owner has agreed to share her parking lot with our overflow parking (which I will address later in this proposal) she is also excited to have another place to grab some food in the area. All in all I do not see Volleys having a negative impact on the area what so ever, and there are several upsides to having Volley in this location.

Compatible Design and Integration:

As I mentioned earlier, we will be taking action to protect our neighbors privacy in every way. The actions we plan to take are as follows:

- We will not be adding any structures or buildings to the property. We will simply be remodeling the existing structure on the property.
- We will not be adding any paving to the area as there is currently a parking lot and infrastructure from the properties previous use as a Hockey Arena.
- We will be adding some landscaping to the area where there are currently some planting beds. We will also be maintaining the area by pulling weeds, keeping the outside area free of littering and keeping our parking lot safe and clean.
- The two buildings on either side of our parking lot also look pretty run down. These are owned by the same property owner as Volleys. We plan to dress these areas up by painting them and helping the area not look as if it hasn't been used in years.
- We will have outdoor lights on while league play is going on at night. The black mesh tarp I mentioned earlier will extend above the lights and help keep the lighting central to Volleys so there will be very limited, if any, light pollution.
- The black mesh tarp will also help to keep noise pollution inside the area of Volleys.
- We plan to use the dumpsters provided and shared with neighboring businesses on site. So there should not be any additional odors due to Volleys.

Signage:

We will be replacing the old 'Ice Skating' sign with our own 'Volleys' sign not he west end of the property. We will also be placing a 'A frame' sign on the corner of 3rd and North as provided to the previous establishment. The 'A Frame' sign will be taken down at night.

As far as some additional signage, we would like to help local businesses advertise on site at Volleys and hang banner around the outside fence, inside the property. Similar to a baseball field fence. I do not see us placing any additional signage at this time.

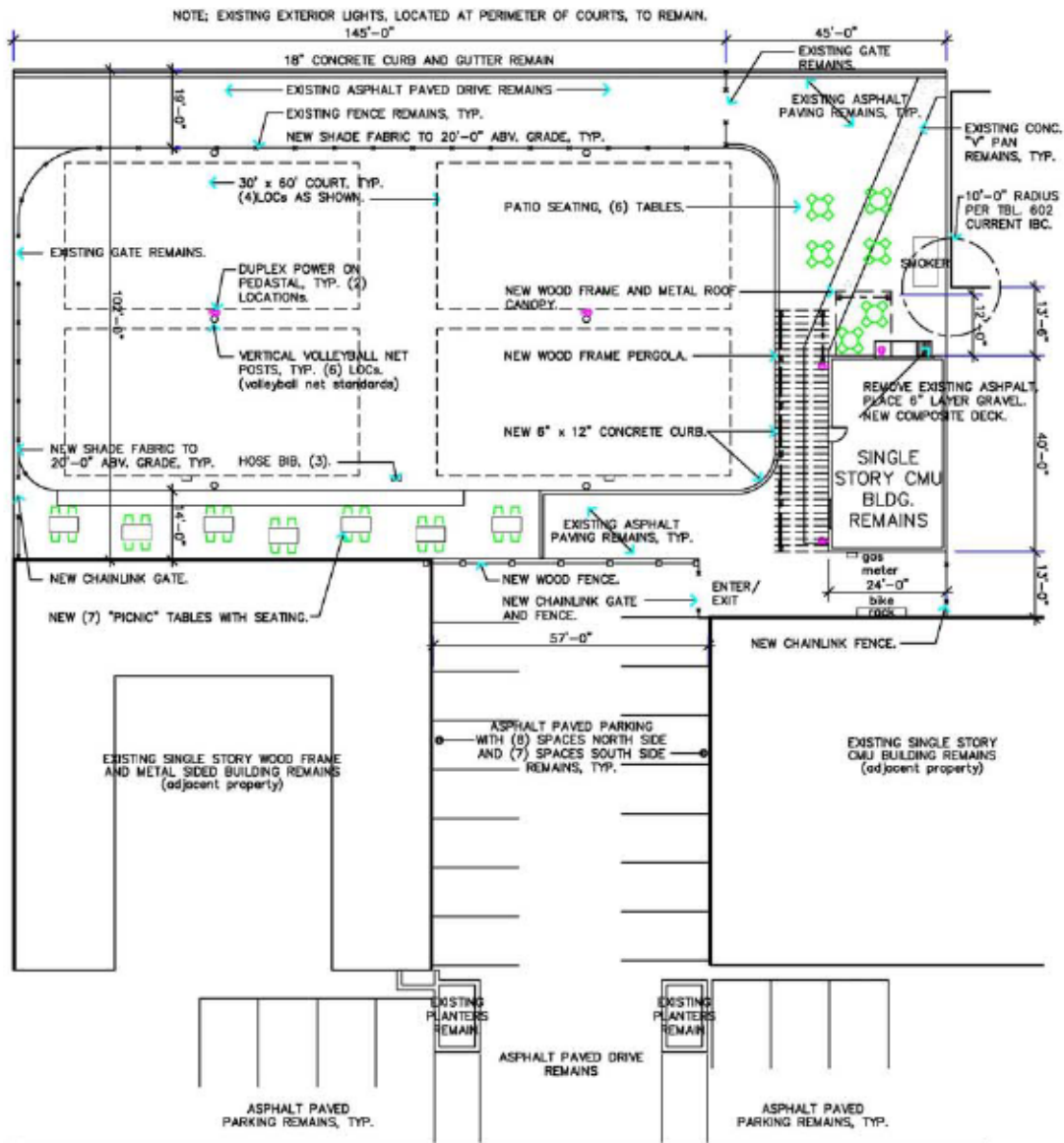
Parking:

Parking has been one of our main concerns from the beginning with this project, mainly because we don't have another business in town to compare it to. We have taken some steps to ensure that parking will not be a problem.

During a regular business day, with leagues full, we predict to have about 48 people playing and rotating each hour. Generally this will be a place that people travel together too since mostly friends/family will be participating together. So we are estimating there to be about 30-40 cars rotating each hour, from about 5:00pm-10:00pm. During this time almost all of the businesses around us will all be closed. We have worked out an agreement with the Laundry Mat/ Dry Cleaners to the North West of Volleys (see attached agreement and Site Plan). So with the parking agreement from the Laundry Mat/ Dry Cleaners, we can account for at least 63 parking stalls. Which we predict to be almost double what we are expecting.

- 12 off street parking stalls running along the East side of 3rd Street.
- Approx. 10 on street parking along the west side of 3rd Street. (Next to Herberts Lumber, which is now closed)
- 15 stalls in out parking lot.
- 26 available parking stalls with the Laundry Mat/Dry Cleaners shared parking.

I believe that this will accommodate all the parking that we need and more. We will also be within walking/biking/boarding distance from the college which we expect to be a majority of our customers given our location to the school. We also plan to provide a bike rack and a long board rack for customers to use, to promote them not driving from such a short distance to the college.



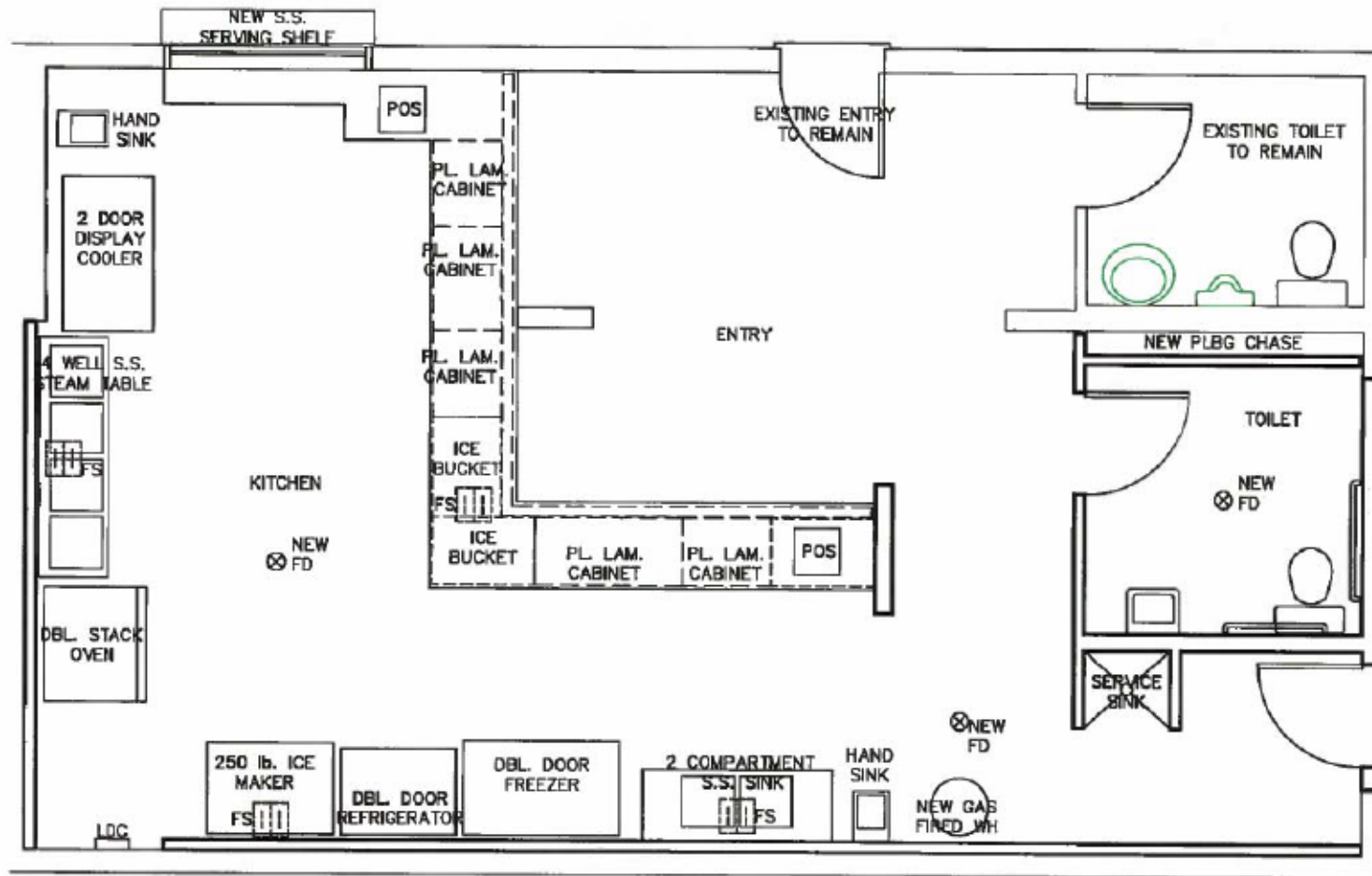
NORTH 3rd STREET

SITE PLAN – PROPOSED MODIFICATIONS TO EXISTING

no scale

VOLLEYS 330 NORTH AVENUE, GRAND JUNCTION, CO





EQUIPMENT/FIXTURES PLAN

1/4" = 1'-0"

VOLLEYS 1130 NORTH THIRD STREET, GRAND JUNCTION, CO





To see all the details that are visible on the screen, use the "Print" link next to the map.



SIGN LOCATION



EXISTING SIGN POSTS



VIEW OF SIGN FROM N. 3RD STREET



POLES AND TARP FOR ENCLOSURE

Neighborhood Meeting

Proposed Conditional Use Permit for Bar

Located at 304 and 330 North Avenue

Existing Zoning is C-2 w/ North Avenue Overlay

Future land Use Designation is Neighborhood Center Mixed Use

Please Sign In

Name	Address	Contact info
Brian Buscua	250 N. 5TH ST.	256-4058
Paul Henck	355 1/2 School Bridge Rd.	(402)850-1921
Linda Manchester	2698 Lanai Ct.	970 242-3505
Brittany Moses	2444 Brookwillow loop	(970)361-5441

From: Dawn Kemena <Dawn.Kemena@usw.salvationarmy.org>
To: <brianr@gjcity.org>
Date: 1/9/2014 9:56 AM
Subject: Volleys-330 and 304 North Avenue

Brian,

Major Dan Wilson and I spoke with Paul about his intentions with the new Volleys facility; we have come to a mutual agreement and a better understanding of the future business. We support this this business at this time and they seem very open and willing to help promote our mission with recovery and community support.

Respectfully,

Dawn Kemena
Administrative Assistant
1235 N. 4th Street
Grand Junction, CO. 81501
(970)242-7513 Ext. 314 office
(719)291-9860 Cell

E-MAIL FROM THE SALVATION ARMY

22 January 2014

2698 Lanai Court
Grand Junction, CO 81506

Grand Junction Planning Commission
250 North 5th St.
Grand Junction, CO 81501

Dear Commission Members;

I am the owner of two city parcels, 304 North Avenue and 330 North Avenue. I am writing to support the application of Volley, LLC. I have owned this property for over 30 years. In the past this property has successfully supported similar athletic activities. I believe that the proposed activity by Volley, LLC will be an asset to the city by providing quality recreational activities for the community. In the past when there has been this type of activity in the area, there has been a decrease in vandalism and an increase in positive energy shared throughout the neighborhood on the west North Avenue corridor.

I encourage you to approve Volley, LLC's special use application for the property. If you have any further questions, please feel free to contact me. My business phone number is 970 260-9521.

Sincerely,




Linda Manchester



LETTER OF SUPPORT FROM PROPERTY OWNER



MEMO: Local Licensing Authority
 FROM: Debbie Kemp, Deputy City Clerk 
 DATE: January 7, 2014
 SUBJECT: Application for a new tavern liquor license by Volleys, LLC dba Volleys

Volleys, LLC filed an application with the Local Licensing Authority on November 27, 2013 for a new tavern liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 304/330 North Avenue under the trade name of Volleys. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for January 15, 2014. The Notice of Hearing was given by posting a sign on the property on or before January 5, 2014 and by publishing a display ad in the Daily Sentinel on January 3, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Texas Avenue, Gunnison Avenue on the South, 7th Street on the East, and Balsam Street on the West, and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	42
	OPPOSE:	0
Residential Results:	FAVOR:	57
	OPPOSE:	0

There were eight responses disqualified for: three respondents did not list an address, three respondents were out of the survey boundary area, and two respondents didn't answer yes or no.

There were three "exhibit to survey petition" included that indicated one person was not 21 years of age, one person refused to sign, 41 with no answers, six with no solicitor signs, and five were marked as other.

No letters of opposition or counterpetitions have been filed to date.

NEEDS AND DESIRES SURVEY

RECORD OF DECISION / FINDINGS OF FACT

DATE: February 12, 2014

FILE: CUP-2013-491

LOCATION: **Portions of 304 and 330 North Avenue**

PETITIONER: Paul Herek

PROPERTY OWNER: Linda Manchester

PROJECT IS: **APPROVED w/ Conditions**

On February 11, 2014, the Grand Junction Planning Commission **approved** the requested Conditional Use Permit (CUP) to operate a bar in conjunction with an outdoor volleyball facility in a C-2 (General Commercial) zone district. The project is located on portions of 304 and 330 North Avenue, as illustrated in the staff report.

The Planning Commission found that the request was consistent with the goals and policies of the Comprehensive Plan, specifically Goal 6; that review criteria of Section 21.02.110 of the Grand Junction Municipal Code (GJMC) have all been met; and finding that submitted Sign Plan meets with the sign requirements as specified in GJMC Section 21.02.110(d).

The Conditional Use Permit approval is **subject to the following conditions:**


- Landowner shall dedicate public right of way for that portion of the existing alley adjacent to the site;
- Execution of a power of attorney for future alley improvements shall be recorded prior to July 11, 2014.
- Parking agreement, lease or easement shall be provided as described in Staff Report in a form acceptable to the City Attorney prior to establishment of the use on the site.

A recording fee of \$11, plus \$5 for each page in addition to the first, will be required for each of the above documents, payable to the Mesa County Clerk & Recorder.

Once established the conditional use approval runs with the land unless the property changes use or the use is abandoned for a period of 12 consecutive months, pursuant to GJMC Section 21.02.110(g). The applicant must develop or establish such use within one (1) year from the date of approval pursuant to GJMC Section 21.02.080(n)(1)(ii). Failure to satisfy any condition of approval shall constitute sufficient basis to revoke this approval, as described in GJMC Section 21.02.110(h)(iii) and (iv). Please note that any expansion and/or modification of the use will necessitate a new review and conditional use approval.

Before issuing a planning clearance, a Transportation Capacity Payment (TCP), is due for \$1930, payable to the City of Grand Junction. The Planning Clearance (PCN-2014-113) for the interior remodel and site improvements, once issued, is valid for 180 days, pursuant to Section 31.02.070(a)(8)(i).

Sincerely,



Brian Rusche, Senior Planner
brusche@ajcity.org
(970) 256-4058

18" CONCRETE CURB AND GUTTER REMAIN

EXISTING ASPHALT PAVED DRIVE REMAINS

RELOCATED MTL STORAGE BLDG

30' x 60' COURT, TYP.
(4) LOCs AS SHOWN.

NEW WOOD FRAME AND METAL ROOF CANOPY. SET COLUMNS ON MIN. 12" dia. x 16" CONC. PADS, TYP. AS SHOWN.

NEW DUPLEX POWER AT 8'-0" A.F.F. TYP. (3) LOCATIONS.

DUPLEX POWER ON PEDASTAL TYP. (2) LOCATIONS.

NEW WOOD FRAME PERGOLA. (5) COLS SET ON 12" diam. x 16" CONC. PADS, (2) #4 EA. WAY.

VERTICAL PIPE STANDARDS BY OWNER, TYP. (8) LOCs. (volleyball net standards)

NEW CONC/CMU RETAINING WALL.

HOSE BIB IN BOX WITH COMMERCIAL KEY, TYP (3).

EXISTING ASPHALT PAVING REMAINS, TYP.

EXISTING SINGLE STORY WOOD FRAME AND METAL SIDED BUILDING REMAINS (adjacent property)

ASPHALT PAVED PARKING WITH (8) SPACES NORTH SIDE AND (7) SPACES SOUTH SIDE REMAINS, TYP.

EXISTING SINGLE STORY CMU BUILDING REMAINS (adjacent property)

EXISTING SINGLE STORY CMU BUILDING REMAINS

EXISTING CONC. REMAINS, TYP.

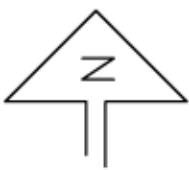
"V" PAN

gas meter

SITE PLAN - PROPOSED MODIFICATIONS TO EXISTING

no scale

VOLLEYS 1130 NORTH THIRD STREET, GRAND JUNCTION, CO





Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: October 27, 2020

Presented By: Senta Costello, Planner

Department: Community Development

Submitted By: Senta Costello, Associate Planner

Information

SUBJECT:

Consider a request by Maverick Place, LLC to rezone 0.144 acres from C-1 (Light Commercial) to R-O (Residential Office).

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Maverick Place, LLC represented by Dave Kimbrough, is requesting a Rezone for a 0.144-acre property located at 1032 Belford Avenue. The request to Rezone the property from a C-1 (Light Commercial) zone district to a R-O (Residential Office) zone district is in anticipation of future multi-family development. The requested R-O zone district works to implement the Future Land Use designation of Neighborhood Center.

BACKGROUND OR DETAILED INFORMATION:

The subject property is located mid-block between North 10th Street and North 11th Street on the north side of Belford Avenue and consists of 0.144 acres (6,273 square feet). There is currently a single-family house located on the property that was built in 1939.

The property was originally zoned for residential use (single and multi-family) along with a majority of the surrounding neighborhood in 1928 when zoning was originally established in the City of Grand Junction. Zoning designations have changed but remained a residential zone until 2000. At that time, a new Zoning and Development

Code was adopted along with a Citywide rezone and zoning of this property was changed to C-1 along with all properties on the north side of Belford Avenue between North 7th Street and North 12th Street.

The current C-1 (Light Commercial) zone district is intended to provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. The C-1 zone district has a minimum lot size of 0.459 acres (20,000 square feet) and allows for buildings up to 65 feet in height. Additional standards include an allowed residential density range of between 12 and 24 dwelling units per acre (du/ac) and no maximum lot coverage. Allowed uses include, in addition to multi-family residential, office, retail, restaurants and other similar uses.

The proposed zone district of R-O (Residential Office) is intended to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. The R-O zone district's minimum lot size is 5,000 square feet and allows for buildings up to 40 feet in height. Additional standards include a maximum building size of 10,000 square feet, a residential density range of 4 du/ac to unlimited, a maximum lot coverage of 70% by structures and specific architectural standards. Allowed uses include, in addition to single family and multi-family residential, office, personal service uses, and other similar low intensity uses.

Other zone districts that implement the Neighborhood Center designation include:

- R-8 (Residential 8 du/ac)
- R-12 (Residential 12 du/ac)
- R-16 (Residential 16 du/ac)
- B-1 (Neighborhood Business)
- MXR-3 (Mixed Use Residential)
- MXG-3 (Mixed Use General)
- MXS-3 (Mixed Use Shopfront)

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on July 23, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. One (1) neighbor attended the meeting and expressed concerns regarding the height and parking. They would prefer a lower density if developed residentially.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the

Zoning and Development Code. The subject property was posted with an application sign on August 28, 2020. 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, as well as neighborhood associations within 1000 feet, on October 16, 2020. The notice of this public hearing was published on October 20, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

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

(1) Subsequent events have invalidated the original premises and findings; and/or There have been events that have changed the original premise that lead to the designation of C-1. The North Avenue Corridor Plan and Greater Downtown Plan have both been adopted since the C-1 zone district was adopted for the property. The North Avenue Plan specifically identified a need for multifamily housing to support the growing population of Colorado Mesa University. Located within walking distance of shopping, restaurants, bus service, and employment opportunities and campus, the site is a desirable location for multifamily development. The Greater Downtown Plan specifically established this area as part of the Transitional Overlay area which included a goal to “Promote downtown living by providing a wide range of housing opportunities”.

Staff thus finds that this criterion is met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
The character of the area has changed over time from a traditionally single-family area to a mix of single family, multi-family, commercial and Colorado Mesa University campus and population expansion. An R-O zone district will provide further opportunity for multi-family development, maintaining potential for non-residential development while minimizing the potential intensity impact the current C-1 zone district could bring.

Staff therefore finds that this criterion is met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-O zone district. The subject property is advantaged by its position in the City’s historical and present-day core,

where services and utilities exist and where new development poses fewer demands for upgrades to primary utilities. City Sanitary Sewer, City Storm Sewer, and City Water lines are located adjacent the property either in the Belford Avenue right-of-way, the alley to the north and/or within North Avenue located half a block to the north. The property is also served by Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also well served by both multimodal and automobile transportation facilities. In general, staff finds that public and community facilities are adequate to serve the type and scope of the land use(s) 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 are three (3) zone districts which allow for residential development without a density cap. Maximizing the density potential of a property in this area of the City also maximizes the use of existing infrastructure, minimizing sprawl into outer areas of the City. The B-2 is only allowed within the central core of the City, so isn't an option outside of that area of the City. The other two are the R-24 and R-O. These zone districts account for approximately 1.5% of the land within the City limits. The Future Land Use Map categorizes this property as Neighborhood Center which is not implemented by the R-24 zone. The R-O zone district consists of less than 1% of the lands within the City. An R-O zone district for this property creates an opportunity to increase the potential development in the downtown area.

Generally, staff thus finds this criterion is met.

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

The community and area will benefit by the development of property at a higher density than allowed by the current C-1 zone district by maximizing the use of existing infrastructure, providing additional diversity of housing type and additional buffer/transition of use between the higher intensity non-residential uses to the north and the residential to the south.

Therefore, Staff finds that this criterion is met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

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

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

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

The Comprehensive Plan specifically identifies values and vision that include:

- Increasing density and intensity in core areas, especially in the City Center;
- Creating a broader mix of housing opportunities;
- “Transitioning”, a concept where the intensity of land uses are decreased from higher intensity;
- Channeling growth inward

Maximizing residential development of this property at a density higher than allowed by the current C-1 zone district will make efficient use existing infrastructure, provide additional diversity of housing type and additional buffer/transition of use between the higher intensity non-residential uses to the north and the residential to the south.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Maverick Place, LLC – Dave Kimbrough rezone request, RZN-2020-434, for the property located at 1032 Belford Avenue, the following findings of fact have been made:

1. The request conforms with 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, Staff recommends approval of the request.

SUGGESTED MOTION:

Mr. Chairman, on the rezone request for the property located at 1032 Belford Avenue, City file number RZN-2020-434, 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.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps
3. Exhibit 3 - Public Comment
4. Proposed Zoning Ordinance



Development Application

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

Petition For: Rezone

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

Existing Land Use Designation: Single family Residence Existing Zoning: C-1

Proposed Land Use Designation: Multi-family Residence Proposed Zoning: R-O

Property Information

Site Location: 1032 Belford Ave. G.J. CO 81501 Site Acreage: 0.14

Site Tax No(s): 2945-141-05-014 Site Zoning: C-1

Project Description: Rezone from C-1 to R-O with the anticipation of a Site Plan submittal for (4) attached units.

Property Owner Information	Applicant Information	Representative Information
Name: <u>Maverick Place LLC</u>	Name: <u>Maverick Place LLC</u>	Name: <u>Ciavonne, Roberts & Ass.</u>
Street Address: <u>2310 E 1/2 Rd</u>	Street Address: <u>2310 E 1/2 Rd</u>	Street Address: <u>222 W 7th St</u>
City/State/Zip: <u>GJ CO 81507</u>	City/State/Zip: <u>GJ CO 81507</u>	City/State/Zip: <u>G.J. CO 81501</u>
Business Phone #: <u>683-2506</u>	Business Phone #: <u>683-2506</u>	Business Phone #: <u>241-0745</u>
E-Mail: <u>dave@thekimbroughteam.com</u>	E-Mail: <u>dave@thekimbroughteam.com</u>	E-Mail: <u>ted@ciavonne.com</u>
Fax #: <u>—</u>	Fax #: <u>—</u>	Fax #: <u>—</u>
Contact Person: <u>Dave Kimbrough</u>	Contact Person: <u>Dave Kimbrough</u>	Contact Person: <u>Ted Ciavonne</u>
Contact Phone #: <u>683-2506</u> <u>261-3266</u>	Contact Phone #: <u>683-2506</u>	Contact Phone #: <u>241-0745</u>

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: 7-24-20

Signature of Legal Property Owner: Date: 7-17-20

1032 Belford Avenue
Rezone
July 24, 2020
General Project Report

Project Overview

Maverick Place LLC presently owns the 0.144 acre parcel located at 1032 Belford Avenue. This parcel is currently zoned C-1 (in the Greater Downtown Transitional Overlay). We are pursuing a rezone to R-O (Residential Office).

There is an existing single family home on site that is intended to be removed after Site Plan approval with intentions of constructing four attached units potentially platted as townhomes (the Rezone must be secured first). The property is abutting single family residential to the east, commercial development to the north, single family residential to the west and south.

The Future Land Use Plan promotes Neighborhood Center on this property.

A. Project Description

Location and Site Features

- The parcel is located at 1032 Belford Avenue.
- There is a water main in Belford Ave and a sewer main in Belford Ave and in the back alley.
- Surrounding land use /zoning is single family residential to the west zoned Commercial (also in Greater Downtown Transitional Overlay); multi-family and single family residence to the south zoned R-24 (also in Greater Downtown Residential Overlay); single family and duplex-family residence (C-1) to the east (also in Greater Downtown Transitional Overlay); and commercial/retail development (C-1) to the north (also in North Avenue Overlay Zone).
- There is currently one access to the property from Belford Avenue.
- The site is very flat, currently sloping south with a grade variation of +/-2 feet.

Existing Zoning

- This parcel is currently zoned C-1.
- As noted there is C-1 to the east; to the south is R-24; to the north is C-1; and to the west is C-1.
- The proposed plan rezones the property to R-O.

B. Public Benefit:

- Redevelopment that utilizes existing infrastructure;
- Redevelopment aiming for better use of the properties that provide an economic return to the community;
- The efficient development of property adjacent to existing City services;

C. Neighborhood Meeting

A Neighborhood Meeting was held on Thursday, July 23rd at CMU. Sign-in sheet and Neighborhood Meeting notes are included with this submittal.

D. Project Compliance, Compatibility, and Impact

1. Adopted Plans and/or Policies

The Future Land Use Plan; the Land Development Code.

2. Surrounding Land Use

Surrounding land use /zoning is single family residential to the west zoned Commercial (also in Greater Downtown Transitional Overlay); multi-family and single family residence to the south zoned R-24 (also in Greater Downtown Residential Overlay); single family and duplex-family residence (C-1) to the east (also in Greater Downtown Transitional Overlay); and commercial/retail development (C-1) to the north (also in North Avenue Overlay Zone)

3. Site Access and Traffic

There is currently one access to the property from Belford Avenue. The plan is to have two accesses, one from Belford Avenue and one from the back alley.

4 & 5. Availability of Utilities and Unusual Demands

There is a water main in Belford Ave and a sewer main in Belford Ave and in the back alley.

6. Effects On Public Facilities

This will have expected, but not unusual impacts on the fire department, police department, and the public school system.

7. Site Soils N/A

8. Site Geology and Geologic Hazards N/A

9. Hours of Operation N/A

10. Number of Employees N/A

11. Signage Plans N/A

12. Irrigation No irrigation. Will be domestic.

E. Development Schedule and Phasing

- Submit rezone - July 2020
- Submit Major Site Plan review Fall 2020

LEGAL DESCRIPTION

LOT 25 AND 26 IN BLOCK 2, CITY OF GRAND JUNCTION, AS SHOWN ON THE PLAT OF RESURVEY OF SECOND DIVISION CITY OF GRAND JUNCTION AT RECEPTION NUMBER 54332.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

Print Form

(a) Maverick Place LLC ("Entity") is the owner of the following property:

(b) 1032 Belford Ave. G.J. Co (2945-141-05-014)

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

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

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

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

[Empty box for limited authority details]

The Entity is the sole owner of the property.

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

[Empty box for other owners]

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

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

(e) none

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

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

Signature of Entity representative: [Signature]

Printed name of person signing: DAVID G. KIMBROUGH

State of Colorado)

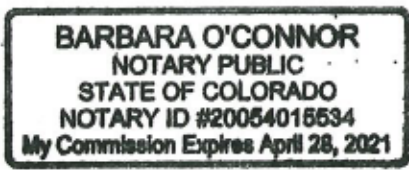
County of Mesa) ss.

Subscribed and sworn to before me on this 17th day of July, 20 20

by David G. Kimbrough

Witness my hand and seal.

My Notary Commission expires on 4.28.21



[Signature]
Notary Public Signature

WARRANTY DEED

Kimbrough Real Estate, LLC, a Colorado limited liability company, for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sells, assigns, transfers and conveys to Maverick Place, LLC, a Colorado limited liability company, whose address is 2310 E-1/2 Road, Grand Junction, Colorado 81507, all right, title and interest of Grantor in and to the following-described real property in the County of Mesa and State of Colorado, to wit:

Lots 25 and 26 in Block 2,
City of Grand Junction according to the resurvey of Second Division;

Together with any and all water, water rights, ditch and ditch rights-of-way appurtenant thereto or used in connection therewith;

Also together with all right, title and interest of Grantor in, to and under any leases covering the property;

Also known as 1032 Belford Avenue, Grand Junction, Colorado 81501;
Mesa County Assessor's parcel number: 2945-141-05-014.

With all its appurtenances, and warrants the title to the same, subject to current year's real property taxes and leases, rights-of-way, easements, reservations, and restrictions of record.

Dated June 22, 2020.

Kimbrough Real Estate, LLC

David G. Kimbrough, Manager

Nancy L. Kimbrough, Manager

STATE OF COLORADO)
)
COUNTY OF MESA)

The foregoing instrument was acknowledged before me on July 7, 2020, by David G. Kimbrough and Nancy L. Kimbrough, as Managers of Kimbrough Real Estate, LLC.

TRAVIS H. PERRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054042274
My Commission Expires October 31, 2021

Notary Public

My commission expires: October 31, 2021

STATEMENT OF AUTHORITY
(Section 38-30-172, C.R.S.)

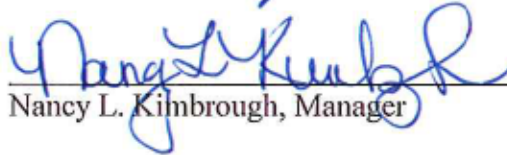
1. This Statement of Authority relates to an entity named Maverick Place, LLC.
2. This type of entity is a limited liability company.
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is 2310 E-1/2 Road, Grand Junction, Colorado 81507.
5. The name and position of the person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity are David G. Kimbrough and Nancy L. Kimbrough, Managers.
6. The authority of the foregoing person to bind the entity is not limited.
7. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Sections 38-30-172, C.R.S.
8. This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

Executed July 7, 2020.

Maverick Place, LLC




David G. Kimbrough, Manager



Nancy L. Kimbrough, Manager

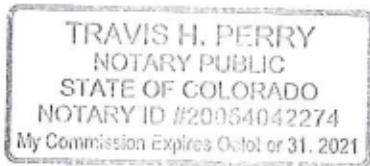
STATE OF COLORADO)
)
COUNTY OF MESA)

The foregoing instrument was acknowledged before me on July 7, 2020, by David G. Kimbrough and Nancy L. Kimbrough, as Managers of Maverick Place, LLC.



Notary Public

My commission expires: October 31, 2021



Neighborhood Meeting Notice Letter

Mailing Date: July 10, 2020

RE: A Neighborhood Meeting for 1032 Belford Avenue.

Dear Property Owner:

This letter is to notify you that on **Thursday (July 23th), starting at 5:30 pm**, a neighborhood meeting will be held to update you on a proposed **Rezone** at 1032 Belford Avenue, Grand Junction, Colorado. This meeting will be held at **Colorado Mesa University, in the University Center Ballroom**, 1455 N 12th Street Grand Junction, Colorado 81501.

The neighborhood meeting is an opportunity for adjacent property owners to learn more about the project, ask questions, and submit written statements to the developer and the City of Grand Junction staff.

The applicant will be submitting a Rezone application for this project to the City of Grand Junction. The proposal is to rezone the property from a C-1 (Light Commercial) to an R-O (Residential Office). As a neighbor of this property you will be notified of pending development applications and public hearings (if any) by mail.

The list of property owners being notified for this neighborhood meeting was supplied by the City of Grand Junction and derived from current records of the Mesa County Assessors. As those records are not always current, please feel free to notify your neighbors of this meeting date so all may have the opportunity to participate.

If you decide to attend this meeting in person, you are required to **wear a mask** during the entirety of the meeting to be consistent with Mesa County Public Health Phase 2 order for COVID-19.

If you are unable or uncomfortable attending the meeting in person, there will be an online presentation of the project available at GJ Speaks (<https://www.gjspeaks.org>). It will be available to view on Thursday, July 16, 2020. The GJSpeaks.org site allows you to submit comments viewable by all, as well as to submit questions you may have directly to either the project representative or City Staff. Should you want to speak directly to a project representative, we invite you to contact us directly using the contact information provided below.

If you are not available to attend this meeting, you can provide written comment to the City of Grand Junction Community Development, Senta Costello (sentac@gjcity.org) or to Ted Ciavonne (ted@ciavonne.com)

We look forward to seeing you at this meeting.

Sincerely,



Ted Ciavonne, PLA
Clavonne, Roberts and Associates, Inc

1032 BELFORD NEIGHBORHOOD MEETING
Thursday July 23rd, 2020 @ 5:30pm
NOTES

A Neighborhood Meeting was held on July 23rd, 2020 regarding a proposed Rezone at 1032 Belford.

In Attendance:

Representatives: Ted Ciavonne & Mallory Reams (Ciavonne, Roberts & Associates Inc.)
Lance Gloss (sitting in for Senta Costello) (City of Grand Junction)

Due to COVID-19, there was also a virtual presentation on GJ Speaks. The presentation had 4 views and no comments. Only 1 neighbor attended the "in person" meeting and had the following comments and concerns:

- How many units per acre for an R-O? – **No Limit.**
- So it is going to be like the 4-plex on Colorado? – **Yes. Will be different architecture and floor plan, but close to the same idea.**
- 2 bedrooms? – **We think so.**
- 3 stories? – **We think 2 stories, but not sure. Will ask developer.**
- What's the height limit? – **72'**
- Why isolate that one lot to R-O? – **Only rezoning to get the extra unit.**
- Concerned it will look out of place and stick out like a sore thumb, but is that the goal of the neighborhood? To eventually change all lots to R-O and redevelop to this type of look? – **C-1 and R-O are very similar zones. Other lots won't necessarily have to rezone, but they are in the transitional overlay so the city does anticipate this area moving towards a more density rather than single family homes.**
- Does the owner think he can't make more money if he builds a tri-plex vs a 4-plex? It seems like a rezone is a lot of work just for one more unit.
- So it will be townhomes and not apartments? – **Yes**
- Does R-O change the parking requirements? Parking is already an issue in this area and brining in high density is a concern – **No, parking is calculate by the use. These will have a garage.**
- Can you put an office in there? – **Technically yes, but that would be a change of use and would increase the parking requirement which is unrealistic on this site.**
- My only two issues are the height of the buildings and the parking. The apartments on 8th and White look so out of place. So please be careful with the height of these as well as the architecture/look of the units. I would be more comfortable with a 2-story tri-plex. However, in 10 years this whole block might get re-developed, so maybe it will match eventually. It's only a matter of time before this area is re-developed. – **Noted.**

SIGN-IN SHEET

1032 BELFORD NEIGHBORHOOD MEETING

Thursday July 23rd, 2020 @ 5:30pm

FOR: Rezone

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE # OR EMAIL</u>
Linda Lynch	1005 Belford	virtualcheshire@yahoo
Tom McCloskey	1011 Belford	
Ted + Mallory	Ciavonne + Roberts	
Lance Gloss	250 N 5th St.	970 244 1422

1043 NORTH AVE LLC
PO BOX 1473
GRAND JUNCTION CO 81502-1473

ABACUS LTD
2121 BUFFALO DR
GRAND JUNCTION CO 81507-2544

ADAMS JOEL D
1012 BELFORD AVE
GRAND JUNCTION CO 81501-3135

AHKEAH ROSALIE
1021 TELLER AVE
GRAND JUNCTION CO 81501-3244

ALPHA OMEGA INSTITUTE
1011 N 10TH ST
GRAND JUNCTION CO 81501-3166

ASHMAN MARK
ASHMAN AMY
1112 BELFORD AVE
GRAND JUNCTION CO 81501-3137

BELLIO GRAND JUNCTION HOLDINGS
LLLP
PO BOX 21
SILT CO 81652-0021

BOLGER TOM
6419 CAMINITO BLYTHEFIELD
LA JOLLA CA 92037-5804

BUZZELL CYNTHIA J
AYCOCK CORNELIA ANN
PO BOX 690110
SAN ANTONIO TX 78269-0110

CAREI DARIN J
1111 S 7TH ST
GRAND JUNCTION CO 81501-7744

CIAVONNE ROBERTS & ASSOCIATES
TED CIAVONNE
222 N 7TH ST
GRAND JUNCTION CO 81501-3403

CITY OF GRAND JUNCTION
SENTA COSTELLO
250 N 5TH ST
GRAND JUNCTION CO 81501-2628

COLE EDWARD G
15649 HARVEST MILE RD
BRIGHTON CO 80603-3889

COLE KEVIN
PO 3358
GRAND JUNCTION CO 81502-3358

COLE KEVIN L
684 ROUNDUP DR
GRAND JUNCTION CO 81507-8773

DAVIS DEBRA PATTON
1101 BELFORD AVE
GRAND JUNCTION CO 81501-3136

EMB INVESTMENTS LLC
PO BOX 3139
GRAND JUNCTION CO 81502-3139

FAST LION LLLP
805 KESTREL CT
BASALT CO 81621-9294

FJELD PER
FJELD SHAUNA
3580 PARFET ST
WHEAT RIDGE CO 80033-5426

FURNITURE ROW COLO LLC
5651 BROADWAY
DENVER CO 80216-1021

GERALDS ROBIN S
942 TELLER AVE
GRAND JUNCTION CO 81501-3243

GJ HOUSEBUYERS LLC
PO BOX 1473
GRAND JUNCTION CO 81502-1473

GOOD MARY JO
1123 BELFORD AVE
GRAND JUNCTION CO 81501-3136

GREER LORA E
567 NORMANDY DR
GRAND JUNCTION CO 81501-8918

HANSEN DOUGLAS RAY
13022 NE 26TH ST
VANCOUVER WA 98684-4304

HARTMAN OLIVIA
826 N 10TH ST
GRAND JUNCTION CO 81501-3214

JOHNSON ROBERT L
JOHNSON JACQUELINE V
1611 CREST VIEW DR
GRAND JUNCTION CO 81506-5235

JOYCE VINCENT W
963 TELLER AVE
GRAND JUNCTION CO 81501-3242

LANS RICHARD L
LANS TRUDY I
10885 RAYGOR RD
COLORADO SPRINGS CO 80908-4434

LUCAS ROBERT G LIVING TRUST
2000 N 8TH ST
GRAND JUNCTION CO 81501-2900

M & M PROPERTIES
2355 TELLER CT APT 9
GRAND JUNCTION CO 81501-5151

MAVERICK PLACE LLC
DAVE KIMBROUGH
2310 E 1/2 RD
GRAND JUNCTION CO 81507-4405

MESA STATE COLLEGE
PO BOX 2647
GRAND JUNCTION CO 81501-2647

NORTH AVENUE DUBOIS LLC
PO BOX 783
NEW CASTLE CO 81647-0783

NORTH AVENUE OWNERS
ASSOCIATION
POPPY WOODY
1708 NORTH AVE
GRAND JUNCTION CO 81501-6423

OLIVER LINDA KAY
945 BELFORD AVE
GRAND JUNCTION CO 81501-3132

ON TRACK INVESTMENTS LLC
901 E OTTLEY AVE
FRUITA CO 81521-2421

OSKEY PROPERTIES LLC
3325 STAR CT
GRAND JUNCTION CO 81506-1944

POIRIER PAUL
3251 E RD LOT 74
CLIFTON CO 81520-7976

PRIDY DAVID L
PRIDY CYNTHIA G
31392 ABANITA WAY
LAGUNA NIGEL CA 92677-2725

RANSIER CHRISTOPHER C
717 CENTAURI DR
GRAND JUNCTION CO 81506-1818

SISAC ROYCE
2152 BUFFALO DR
GRAND JUNCTION CO 81507-2544

STANCYN ENTERPRISES LLLP
231 RED SAND RD
GRAND JUNCTION CO 81507-1156

STATE OF COLORADO
FOR MESA STATE COLLEGE
1100 NORTH AVE
GRAND JUNCTION CO 81501-3122

THOMPSON MARILYN A
443 MONTERO ST
GRAND JUNCTION CO 81507-4518

THOMSON JAMES M
931 BELFORD AVE
GRAND JUNCTION CO 81501-3132

TONY B TRUST
CHESHIRE TRUST
1160 ROOD AVE
GRAND JUNCTION CO 81501-3440

TORNARE FELIX
SARAH TORNARE
5000 COUNTY ROAD 100
CARBONDALE CO 81623-8862

TRUONG BICH KIM
6736 CARLISLE GROVE AVE
LAS VEGAS NV 89139-6450

UNIVERSITY CHALET LLC
5 PURPLE PLUM
LITTLETON CO 80127-2628

UNIVERSITY POINT LLC
2310 E 1/2 RD
GRAND JUNCTION CO 81507-4405

VOYTILLA STEVE C
VOYTILLA MARNIE
925 BELFORD AVE
GRAND JUNCTION CO 81501-3132

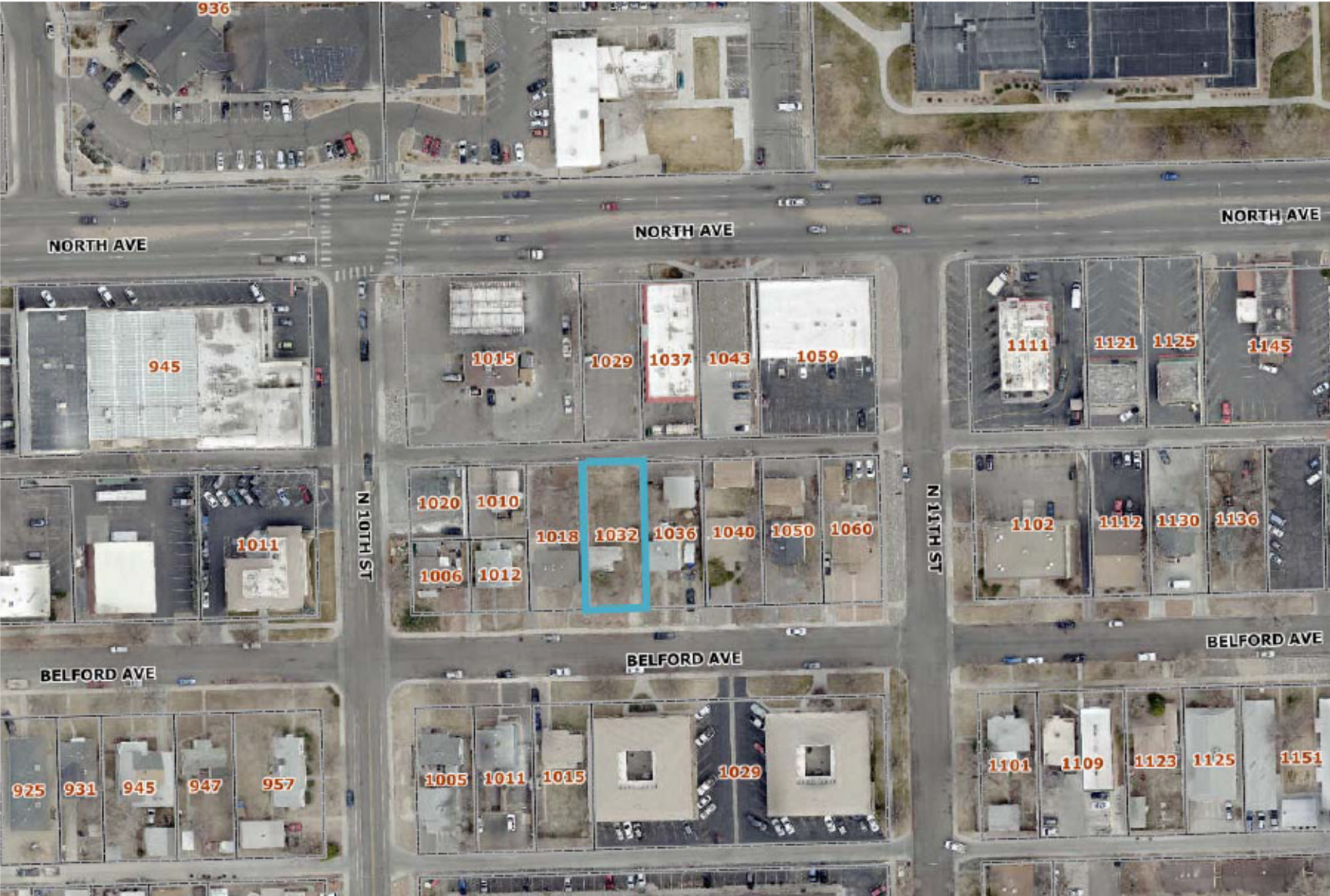
WARD FAMILY TRUST
2609 GARDI ST
DUARTE CA 91010-1331

WESTWOOD RENTAL LLC
3548 G RD
PALISADE CO 81526-9788

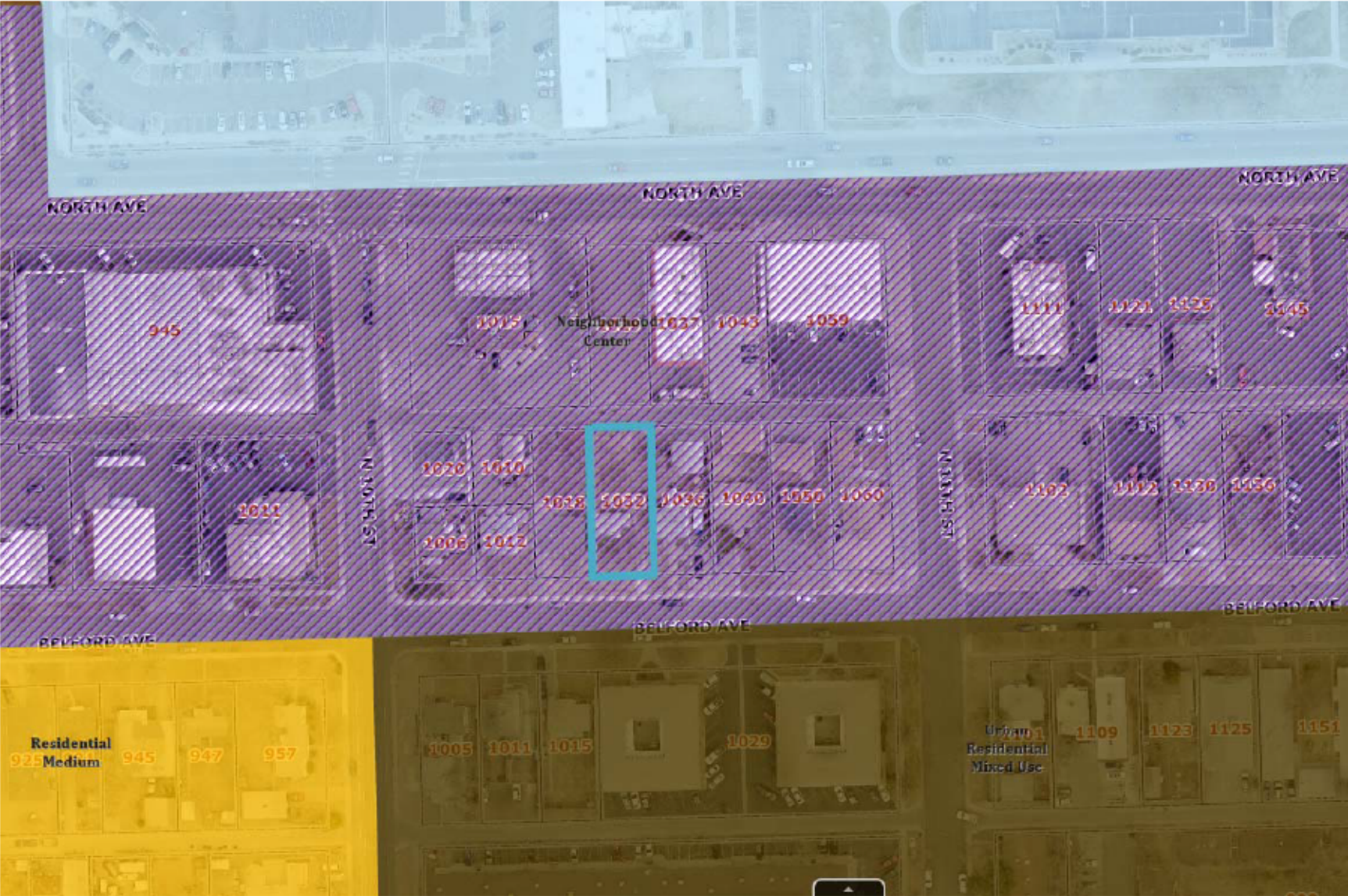
WILKINSON DANIEL A
936 TELLER AVE
GRAND JUNCTION CO 81501-3243

WOOD CHRISTINE
1150 SUNFLOWER AVE
FRUITA CO 81521-9602

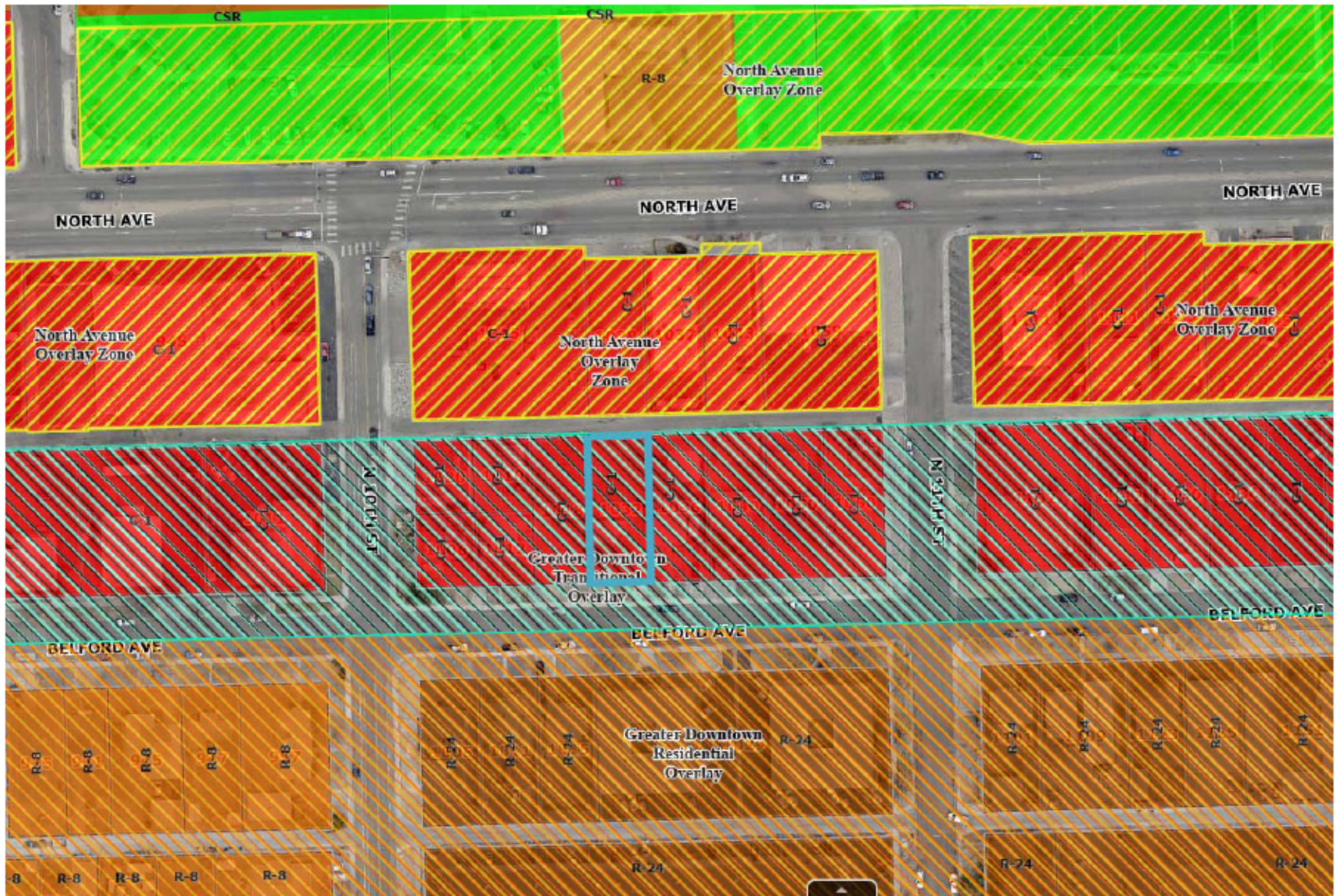
SITE LOCATION



FUTURE LAND USE MAP



ZONING MAP



From: Lance Gloss
Sent: Friday, July 24, 2020 12:24 PM
To: Linda Lynch
Cc: Senta Costello
Subject: RE: 1032 Belford

Hello Ms. Lynch,

I will be happy to send this on to Senta Costello, the planner who will be reviewing this project. She will add the email you have written here to the public record; if you would like to elaborate, she can take an updated comment, too. That information will be part of the application packet that goes to Planning Commission and City Council if and when this reaches the public hearing stage.

Thank you for your engagement.

Best,
Lance

From: Linda Lynch [REDACTED]
Sent: Friday, July 24, 2020 12:17 PM
To: Lance Gloss <lanceg@gjcity.org>
Subject: 1032 Belford

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

Hi Lance,

Linda Lynch here. I was the only attendee at the presentation last night. Thinking through this request all night I've decided I want to contest the rezoning. Once it's rezoned the developer can do whatever, even though he showed us "plans". I'm just not comfortable with that kind of change in the historic downtown square. I think the developer can make money with a triplex, make it look compatible with the existing neighborhood and not put more burdens on the existing parking situation on Belford.

Should I make a formal statement with the city, or can you send my email to whomever so they know how I feel.

Thank you, Linda Lynch

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE REZONING PROPERTY
FROM C-1 (LIGHT COMMERCIAL)
TO R-O (RESIDENTIAL – OFFICE)**

LOCATED AT 1032 BELFORD AVENUE

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning 1032 Belford Avenue to the R-O (Residential Office) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Neighborhood Center of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

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

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

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

LOT 25 AND 26 IN BLOCK 2, CITY OF GRAND JUNCTION, AS SHOWN ON THE PLAT OF RESURVEY OF SECOND DIVISION CITY OF GRAND JUNCTION AT RECEPTION NUMBER 54332.

Introduced on first reading this 18th day of November, 2020 and ordered published in pamphlet form.

Adopted on second reading this __ day of December, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #3.

Meeting Date: October 27, 2020

Presented By: Jace Hochwalt, Senior Planner

Department: Community Development

Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

Consider a Request by David Forenza to Rezone Two Parcels Totaling 2.97 acres from I-O (Industrial Office) to BP (Business Park Mixed Use) Located at the Southwest Corner of Fracture Lane and 25 ½ Road.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, David Forenza, is requesting a rezone of two parcels totaling approximately 2.97 acres located at the southwest corner of Fracture Lane and 25 ½ Road from I-O (Industrial Office) to BP (Business Park Mixed Use). The requested BP zone district conforms with the existing Comprehensive Plan Future Land Use Map designation of Commercial/Industrial.

BACKGROUND OR DETAILED INFORMATION:

The 2.97-acre property comprises two parcels located at the eastern boundary of the Foresight Park Development originally subdivided in the 1970's and early 1980's. Much of the construction within this park took place in the 1980's and 1990's. The subject property was replatted in 2001 as the RMO Office Development, but has remained vacant. While the property does not have a designated address at this time, it is situated at the southwest corner of Fracture Lane and 25 ½ Road, approximately 500 feet northwest of the Patterson Road and 25 ½ Road intersection.

Directly adjacent to the north is a medical office, adjacent to the south is the US Postal

Service Distribution Center, to the east is a two-story multi-family development, and to the west is vacant land and a manufacturing center. The subject property is currently zoned I-O (Industrial Office), as is much of the larger Foresight Park development. Adjacent zoning to the north, south, and west is I-O, while adjacent zoning to the east is R-24 (Residential 24 units/acre).

The Applicant is seeking a rezone of the subject property from I-O to BP (Business Park Mixed Use). While the I-O and BP zoning designations are very similar, there is one key difference, being that BP allows for multi-family residential uses with a density between 8 units and 24 units/acre. While there have been no applications for a Major Site Plan Review for a multi-family development on the subject property to date, the Applicant has expressed interest in developing the property for multi-family use in the future, which is the primary reason for the rezone request.

The Comprehensive Plan Future Land Use Map identifies the property as Commercial/Industrial. Zone districts that implement the Commercial/Industrial future land use category includes the C-2 (General Commercial), MU (Mixed Use), BP (Business Park Mixed Use), I-O (Industrial Office), and I-1 (Light Industrial) zone districts. As such, the proposal is supported by the Future Land Use Map.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting was held on July 6, 2020 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. The meeting took place in-person, with a virtual option via Skype for those who did not feel comfortable attending in-person. There were seven attendees of the meeting, including the Applicant team and City planning staff. Concerns at the meeting generally revolved around the potential of increased traffic and potential parking issues if a multi-family use is developed.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on September 17, 2020. 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, as well as neighborhood associations within 1000 feet, on October 16, 2020. The notice of this public hearing was published on October 20, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, 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 criteria:

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

The Comprehensive Plan includes a Future Land Use Map which identifies the subject parcels as having a Commercial/Industrial designation. Both the proposed zoning of BP, as well as the existing zoning designation of I-O are supported by the Future Land Use Map designation of Commercial/Industrial. The Applicant's General Project Report states that the site has been vacant for decades, and that in light of the COVID-19 pandemic, the demand for commercial properties has greatly diminished, while residential demand is still high. While this may be true in the short-term, the long-term outlook for commercial properties is still unknown. As such, staff has been unable to identify any subsequent event that has invalidated the original premises of the existing I-O zoning.

Therefore, staff finds that this criterion has not been met.

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

As previously indicated, the subject property is situated on the eastern edge of the Foresight Business Park, which was originally subdivided in the 1970's and early 1980's. Much of the construction within this park took place in the 1980's and 1990's, with the newest development in the park being the medical office building adjacent to the north of the subject property (constructed in 2001). There are still a few properties within the park that remain vacant, including the subject parcels. Notably, outside of the Foresight Business Park, but adjacent to the east of the subject site is a multi-family apartment complex that was constructed in 1998. While there has been fairly limited new development within a half mile radius of the subject site over the last decade, there is a commercial development under construction approximately 750 feet to the southeast of the site, known as Rivertown Center. This is a proposed mixed-use development inclusive of retail, office, and medical office space situated along Patterson Road. This development is in the early stages of construction. Plans have been approved for a 21,150 square foot medical office, and plans are under review for a 3,800 square foot retail building.

While there is development occurring close to the subject site, Staff believes it is premature to conclude that the character or condition of the area has changed. 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

The subject property is within an urbanized area of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to

serve uses associated with BP zone district. The type and scope of land-use allowed within the BP zone district is similar in character and extent to the existing land-use of nearby properties, which contain a mix of office, light industrial and multi-family uses. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Commercial and employment opportunities such as retail, offices, and restaurants are found nearby along Patterson Road. Additionally, multi-modal access to the site is sufficient, with 25 ½ Road having dedicated bike lanes, and multiple Grand Valley Transit (GVT) bus stops in close proximity, the closest being about 100 feet southwest of the subject property. The application packet was sent out to applicable utility companies for this proposal, and there were no comments or objections expressed during the review process.

Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that this criterion has been met.

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

As previously indicated, the primary difference between the I-O zone district and BP zone district is the allowance for multi-family residential (which requires a density range between 8 units and 24 units per acre). BP zoning is very limited, only accounting for 0.3% of all property within the Grand Junction city limits, a majority of which is already built out. BP is a unique zoning district, that allows for a range of light to moderate industrial uses, commercial uses, and multi-family residential uses. While the BP zone district is very limited within the City, other zone districts can accommodate most of the land uses allowed within the BP zone district, specifically the M-U (Mixed Use) zone district. While the M-U zone district is also somewhat limited (accounting for 1.2% of all property within the Grand Junction City limits), there is over 150 acres of vacant M-U zoned land approximately 1.5 miles northwest of the subject site.

Additionally, if the Applicant's primary intention is the construction of multi-family, there are several zoning districts that can accommodate this use in other locations within Grand Junction. The R-O, B-2, C-1, M-U, and R-24 zone districts all allow for multi-family residential with a maximum density of 24 units/acre and greater (24 units/acre is the maximum density in the BP zone district). This suggests that there is not an inadequate supply of land available that can accommodate the proposed land use.

Based on these considerations, staff finds that 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 Future Land Use designation of Commercial/Industrial contemplates mix of

commercial, office, and light industrial uses, with residential uses being limited to the business park mixed use development. The community and area will benefit from this proposed rezone request by allowing a variety of uses, inclusive of multi-family residential, at a location north of the City Center already well-served by transportation infrastructure and utilities. As such, staff finds this criteria has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

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

Policy A: City and County land use decisions will be consistent with the Future Land Use Map.

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

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

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

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

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

Policy C: Increasing the capacity of housing developers to meet housing demand.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Fracture Lane Rezone, RZN-2020-521, rezoning 2.97 acres from I-O (Industrial-Office) to an BP (Business Park Mixed Use) for the property located at the southwest corner of Fracture Lane and 25 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;

2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Chairman, on the Fracture Lane Rezone request from an I-O (Industrial Office) zone district to a BP (Business Park Mixed Use) zone district for a 2.97-acre property located at the southwest corner of Fracture Lane and 25 ½ Road, City file number RZN-2020-521, 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.

Attachments

1. Application Packet
2. Neighborhood Meeting Documentation
3. Maps & Exhibits
4. Proposed Zoning Ordinance

Development Application

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

Petition For: Rezone

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

Existing Land Use Designation	<u>Commercial/Industrial</u>	Existing Zoning	<u>I-O</u>
Proposed Land Use Designation	<u>Commercial/Industrial</u>	Proposed Zoning	<u>BP</u>

Property Information

Site Location: <u>Fracture Ln 25 1/2 RD.</u>	Site Acreage: <u>1.782</u>
Site Tax No(s): <u>2945-033-85-001</u>	Site Zoning: <u>I-O</u>
Project Description: <u>Rezone</u>	

Property Owner Information

Applicant Information

Representative Information

Name: <u>Fracture Lane Development LLC</u>	Name: <u>Same as owner</u>	Name: <u>RAL ARCHITECTS</u>
Street Address: <u>PO Box 2882</u>	Street Address: 	Street Address: <u>PO Box 133</u>
City/State/Zip: <u>EDWARDS, CO 81632</u>	City/State/Zip: 	City/State/Zip: <u>EAGLE, CO 81631</u>
Business Phone #: <u>970-390-2332</u>	Business Phone #: 	Business Phone #: <u>970-376-4227</u>
E-Mail: <u>DFOREATZA@COMADEV.COM</u>	E-Mail: 	E-Mail: <u>BOBBY@RALARCH.COM</u>
Fax #: 	Fax #: 	Fax #:
Contact Person: <u>DALE FOREATZA</u>	Contact Person: 	Contact Person: <u>BOBBY LANN</u>
Contact Phone #: <u>970-390-2332</u>	Contact Phone #: 	Contact Phone #: <u>970-376-4227</u>

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 10-19-20

Signature of Legal Property Owner

Date 10-19-20

Development Application

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

Petition For: Rezone

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

Existing Land Use Designation	<u>Commercial/Industrial</u>	Existing Zoning	<u>I-O</u>
Proposed Land Use Designation	<u>Commercial/Industrial</u>	Proposed Zoning	<u>PS</u>

Property Information

Site Location: Fracture Ln + 25 1/2 RD. Site Acreage: 1.194

Site Tax No(s): 2945-033-85-602 Site Zoning: I-O

Project Description: Rezone

Property Owner Information

Applicant Information

Representative Information

Name: <u>Fracture Land Development LLC</u>	Name: <u>SAME AS OWNER</u>	Name: <u>KAL ARCHITECTS</u>
Street Address: <u>PO BOX 2882</u>	Street Address: <u></u>	Street Address: <u>PO BOX 133</u>
City/State/Zip: <u>ENGLETON, CO 81632</u>	City/State/Zip: <u></u>	City/State/Zip: <u>EAGLE, CO 81631</u>
Business Phone #: <u>970-390-2332</u>	Business Phone #: <u></u>	Business Phone #: <u>970-376-4227</u>
E-Mail: <u>DFORZTA@GMAIL.COM</u>	E-Mail: <u></u>	E-Mail: <u>BOBBYL@KALARCH.COM</u>
Fax #: <u>-</u>	Fax #: <u></u>	Fax #: <u>-</u>
Contact Person: <u>DANE FORZTA</u>	Contact Person: <u></u>	Contact Person: <u>BOBBY LAM</u>
Contact Phone #: <u>970-390-2332</u>	Contact Phone #: <u></u>	Contact Phone #: <u>970-376-4227</u>

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

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

Signature of Person Completing the Application [Signature] Date 10-19-20

Signature of Legal Property Owner [Signature] Date 10-19-20

General Project Report

**Rezone Application
Fracture Lane and 25-1/2 Road
Grand Junction, Colorado**

August 16, 2020



PO Box 133 - Eagle, CO 81632 - 970.376.4227 -
bobbyl@ralarch.com

Property

Lot 1, Block 2, RMO Office Development, SEC 3 1S 1W
Parcel 2945-033-85-001
1.77acres

Lot 2, Block 2, RMO Office Development, SEC 3 1S 1W
Parcel 2945-033-85-002
1.19acres

Address

TBD Fracture Lane and 25-1/2 Road

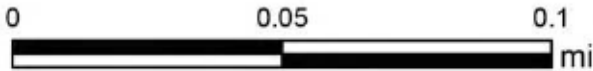
Property Description

Both properties are vacant lots located within the RMO Office Development Park immediately to the North of the US Post Office on the corner of Patterson Road and 25-1/2 Road. The properties are surrounded on the other three sides by streets:

25-1/2 Road to the East
Fracture Land to the North
Eisenhauer Street to the West

The lots are generally flat with little to no existing vegetation. A vicinity map and ALTA survey of the properties are included as follows:

Vicinity Map



Printed: 8/14/2020
1 inch equals 188 feet
Scale: 1:2,257

ALTA/NSPS LAND TITLE SURVEY

SE1/4 SW1/4 SECTION 3, T.1S., R.1W. UTE MERIDIAN
 LOTS 1 & 2, RMO OFFICE DEVELOPMENT

TITLE POLICY SCHEDULE # EXCEPTIONS

- STANDARD EXCEPTIONS OMITTED AS THEY ARE STANDARD EXCEPTIONS
- RIGHT OF PROPRIETOR OF A VEN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 23, 1891 IN BOOK 11 AT PAGE 120 UNDER RECEIPTION NUMBER 12468. - Original Patent, not platable.
- ALL THE RIGHT, TITLE AND INTEREST OF THE GRANTOR BY VIRTUE OF ANY CONTRACTS OR DEEDS HERETOFORE MADE WITH AND TO SAID GRANTOR OR ITS GRANTORS BY THE GRAND RIVER DITCH COMPANY, THE MEZA COUNTY DITCH COMPANY, THE PRINCE EXTENSION DITCH COMPANY, THE INDEPENDENT RANCHMEN'S DITCH ASSOCIATION, OR THE GRAND VALLEY CANAL COMPANY, TO CLAIM, OBTAIN OR USE WATER, FROM THE CANAL OR CANALS OF SAID COMPANIES, FOR THE PURPOSE OF IRRIGATING OR USING WATER ON THE SUBJECT PROPERTIES TOGETHER WITH ALL THE WATER RIGHTS, PRIVILEGES OR EASEMENTS CONVEYED BY SAID CONTRACTS OR DEEDS TO SAID GRANTOR OR ITS GRANTORS, AS OWNED BY E. J. CURRIER TO THE GRAND VALLEY IRRIGATION COMPANY, ITS SUCCESSORS OR ASSIGNS, IN INSTRUMENT RECORDED FEBRUARY 16, 1894 IN BOOK 48 AT PAGE 4 UNDER RECEIPTION NO. 17840. - Not a survey matter.
- RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORTIFITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED OCTOBER 19, 1976 UNDER RECEIPTION NO. 1174311 IN BOOK 1170 AT PAGE 388. - not platable.
- EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF FORESTED PARK FOR INDUSTRY FILING NO. THREE RECORDED AUGUST 11, 1981 UNDER RECEIPTION NO. 1289286. - Platted hereon.
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF CORPORATE EASEMENT, GRANTED TO U S NEST COMMUNICATIONS, INC., A COLORADO CORPORATION, RECORDED FEBRUARY 12, 1996 IN BOOK 2207 AT PAGE 241 UNDER RECEIPTION NO. 1748207. - Platted hereon.
- EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF RMO OFFICE DEVELOPMENT RECORDED MAY 19, 2021 UNDER RECEIPTION NO. 1996387. - Platted hereon.
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF UNRECORDED RIGHT OF FIRST REFUSAL AGREEMENT DATED AUGUST 30, 2018, BY AND BETWEEN PBM GRAND JUNCTION LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS BUYER, AND P.M.D. LAND CO., A COLORADO LIMITED LIABILITY COMPANY, AS SELLER, COMMENCING ON SEPTEMBER 1, 2018 AND EXPIRING ON SEPTEMBER 1, 2041, AS EVIDENCED IN MEMORANDUM OF AGREEMENT RECORDED SEPTEMBER 04, 2018 UNDER RECEIPTION NO. 2853295. - Not a survey matter.

ALTA TABLE A

ITEM	OPTIONAL SURVEYOR RESPONSIBILITIES & SPECIFICATIONS
1	MONUMENTS PLACED (OR A RETURNED MONUMENT ON WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER. - SHOWY HEREON
2	ADDRESS: 160 25 1/2 GRAND JUNCTION, CO 80516
3	FLOOD ZONE CLASSIFICATION: SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" - OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN FROM PANEL # 0807702802
4	GROSS LAND AREA: 125253.02 S.F. OR 2.87 ACRES AS SURVEYED
5	VERTICAL CURVE: FROM SURVEYED SURVEY: CURVE INTERVAL 15 FT., BENCHMARK: NOS "WEST", ELEVATION = 4773.09 (MAY 04 04:34)
6a	CURRENT ZONING CLASSIFICATION, SETBACK REQUIREMENTS, HEIGHT AND FLOOR SPACE AREA RESTRICTIONS AND PARKING REQUIREMENTS SET FORTH IN A ZONING REPORT OR LETTER PROVIDED BY CLIENT, IF NONE, SO STATE. - SEE TABLE HEREON
6b	GRAPHICALLY DEPICT THE BUILDING SETBACK REQUIREMENTS. - SHOWY HEREON
7	SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY, IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED UNDER SECTION 5 ABOVE, SUCH AS PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED AREAS, ETC. - SHOWY HEREON
8	STRENGTH, NUMBER AND TYPE OF PARKING SPACES SHOWN HEREON, IN PARKING AREAS, LOTS AND STRUCTURES (E.G. HANDICAPPED, MOTORCYCLE, REGULAR, ETC.), NO PARKING SPACES CONSTRUCTED AS OF DATE SURVEY
10a	DETERMINATION OF THE RELATIONSHIP AND LOCATION OF CERTAIN DIVISION OR PARTY WALLS DESIGNATED BY THE CLIENT WITH RESPECT TO ADJOINING PROPERTIES (CLIENT TO OBTAIN NECESSARY PERMISSIONS). - SHOWY HEREON
10b	DETERMINATION OF WHETHER CERTAIN WALLS DESIGNATED BY THE CLIENT ARE PLUMB (CLIENT TO OBTAIN NECESSARY PERMISSIONS). - SHOWY HEREON
11	LOCATION OF UTILITIES (REPRESENTATIVE EXAMPLES OF WHICH ARE SHOWN BELOW) EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVATION TOGETHER WITH EVIDENCE FROM PLANS OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT, AND MARKINGS BY UTILITY COMPANIES AND OTHER APPROPRIATE SOURCES. SOURCE INFORMATION FROM PLANS AND MARKINGS HAVE BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. (UNDERGROUND UTILITY CONNECTIONS FOR WHICH THERE ARE NO PUBLIC RECORDS READILY AVAILABLE ARE NOT SHOWN FOR SPECIFIC LOCATIONS DURING CONSTRUCTION CALL THE UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-922-1987. - SHOWY HEREON
13	NAMES OF ADJOINING OWNERS OF PLATTED LANDS ACCORDING TO CURRENT PUBLIC RECORDS. - SHOWY HEREON
14	DISTANCE TO THE NEAREST INTERSECTING STREET AS SPECIFIED BY THE CLIENT. - SHOWY HEREON
16	OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS. - NO EVIDENCE WAS OBSERVED AT THE TIME OF SURVEY
18	LOCATION OF WETLAND AREAS AS DETERMINED BY QUALIFIED SPECIALIST

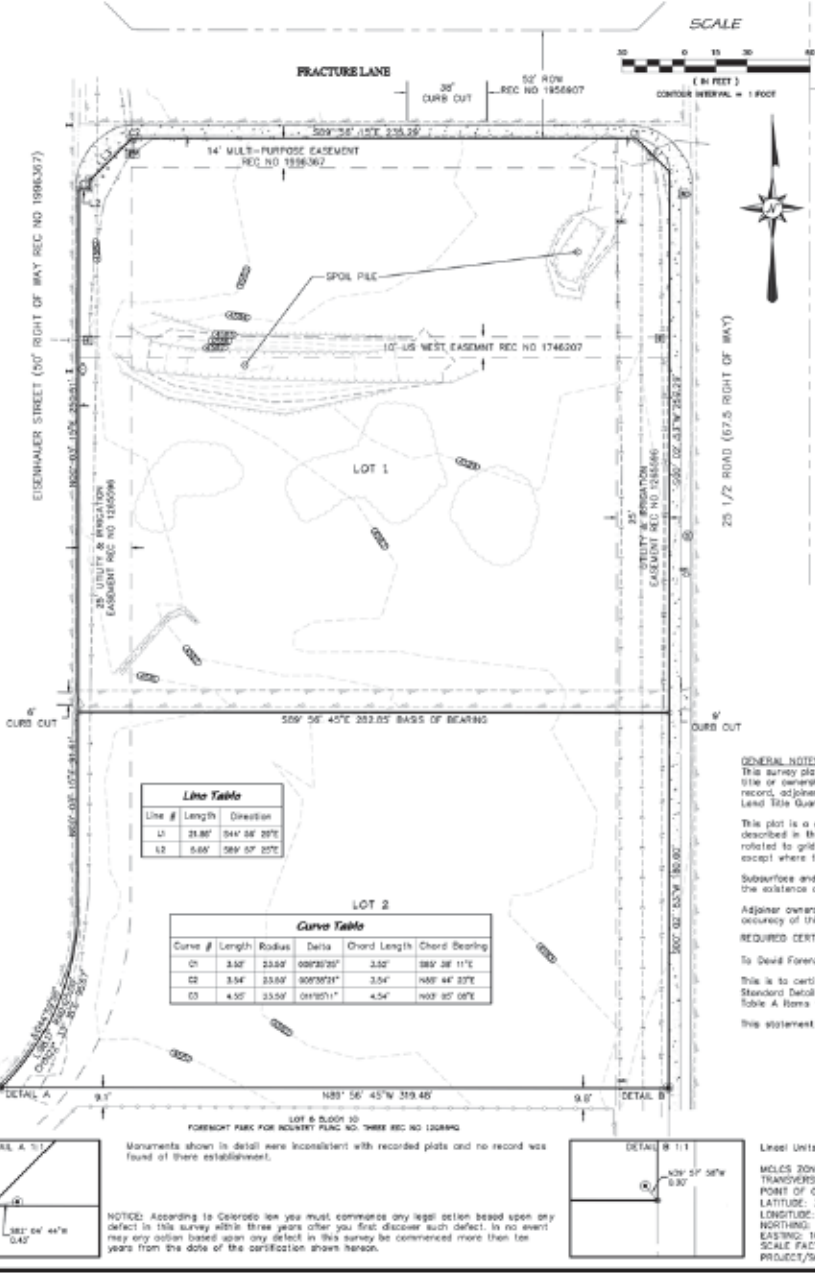
LAND SURVEY DEPOSITS

Identical/Office Plat	Source: https://forms-go-qjg1yng	Principal	Accessory
Front	10'	25'	
Side	0'	15'	
Side abutting Residential	10'	5'	
Rear	10'	10'	
Height Max Feet	65		

MEZA COUNTY SURVEYOR'S OFFICE

Date: _____
 Deposit No. _____

BASES OF BEARINGS
 The bearings herein are grid bearings of the Meza County Local Coordinate System, DTM, as defined at https://meza.mecounty.co.us/apps_survey/DATA/DATA.DTM.
 Bearings based on north line of Lot 2 of Block 2, RMO Office Development, Reception Number 1996387, County of Mesa (S 89°54'40"E) northwesterly corner is a 2" aluminum cap marked LS 18489, ROLLAND ENG; Northwestern corner is a 2" aluminum cap marked LS 18489, ROLLAND ENG.

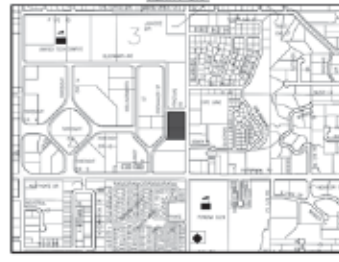


SCALE



LEGEND

- FO- FIBEROPTIC LINE
- G- GAS LINE
- W- WATER LINE
- E- UNDERGROUND ELECTRIC LINE
- C- CHAIN LINK/WOOD FENCE
- - - - - EASEMENT LINE
- - - - - PARCEL LINE
- - - - - ROW LINE
- - - - - ALIQUOT LINE
- - - - - SETBACK LINE
- - - - - EDGE OF ASPHALT
- - - - - EDGE OF CONCRETE
- - - - - FLOW LINE
- SKW SKW
- BOLLARD BOLLARD



Description of Surveyed Property:
 Lot 1 and Lot 2 of Block 2, RMO Office Development (Reception Number 1996387)
 (2.867 ACRES MORE OR LESS)

GENERAL NOTES
 This survey plat does not constitute a title search by the undersigned surveyor or River City Consultants, Inc., and no certification as to title or ownership of any parcel shown herein is made by either. All information regarding ownership, rights-of-way easements of record, adjoiners, and other documents that may affect the quality of title to this property is from a title commitment prepared by Lead Title Guarantee Company, GUR5040274-2, dated June 10, 2020. Other documents may exist which could affect the property.

This plat is a graphical representation of the professional opinion of the undersigned surveyor of the location of the property or described in the title documents referenced herein. The bearings of the boundary lines on the drawing represent the title description related to grid north of the Meza County Local Coordinate System (MCLCS). The geometric integrity of the lines has been preserved except where they yield to record monuments and/or senior or controlling lines.

Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of underground or above ground contamination results that may affect the use or development of this land.

Adjacent ownership information was obtained from the City of Grand Junction GIS City Map on June 10, 2020. No certification to the accuracy of this data is made by this surveyor.

REQUIRED CERTIFICATION
 To David Fernald, and Land Title Guarantee Company and each of their respective successors and/or assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes no Table A items thereof. The field work was completed on 18 June 2020.

This statement is not a warranty, either expressed or implied.



Lineal Units of Measurement are U.S. Survey Foot.

MOLDS ZONE "01K"
 TRANSVERSE MERCATOR PROJECTION
 POINT OF ORIGIN (2603) AND CENTRAL MERIDIAN:
 LATITUDE: 39°02' 72" N
 LONGITUDE: 108°32' 01.45552" W
 NORTHING: 50,000 FT
 EASTING: 100,000 FT
 SCALE FACTOR: 1.000218101798
 PROJECT/SCALE FACTOR HDGHT: 454473(NAD83)

ALTA/NSPS LAND TITLE SURVEY
 SE1/4 SW1/4 SECTION 3, T.1S., R.1W. UTE MERIDIAN
 LOTS 1 & 2, RMO OFFICE DEVELOPMENT

Sheet 1 of 1 | Date: 6/22/2020 | Job No: 1930-022
 Drawn: AKT | Checked: TPJ

215 Main Avenue, 10th Fl. | Grand Junction, CO 81501 | www.rivercity.com | Phone: 970.241.4722 | Fax: 970.241.8844

Monuments shown in detail were inconsistent with recorded plats and no record was found of these establishments.

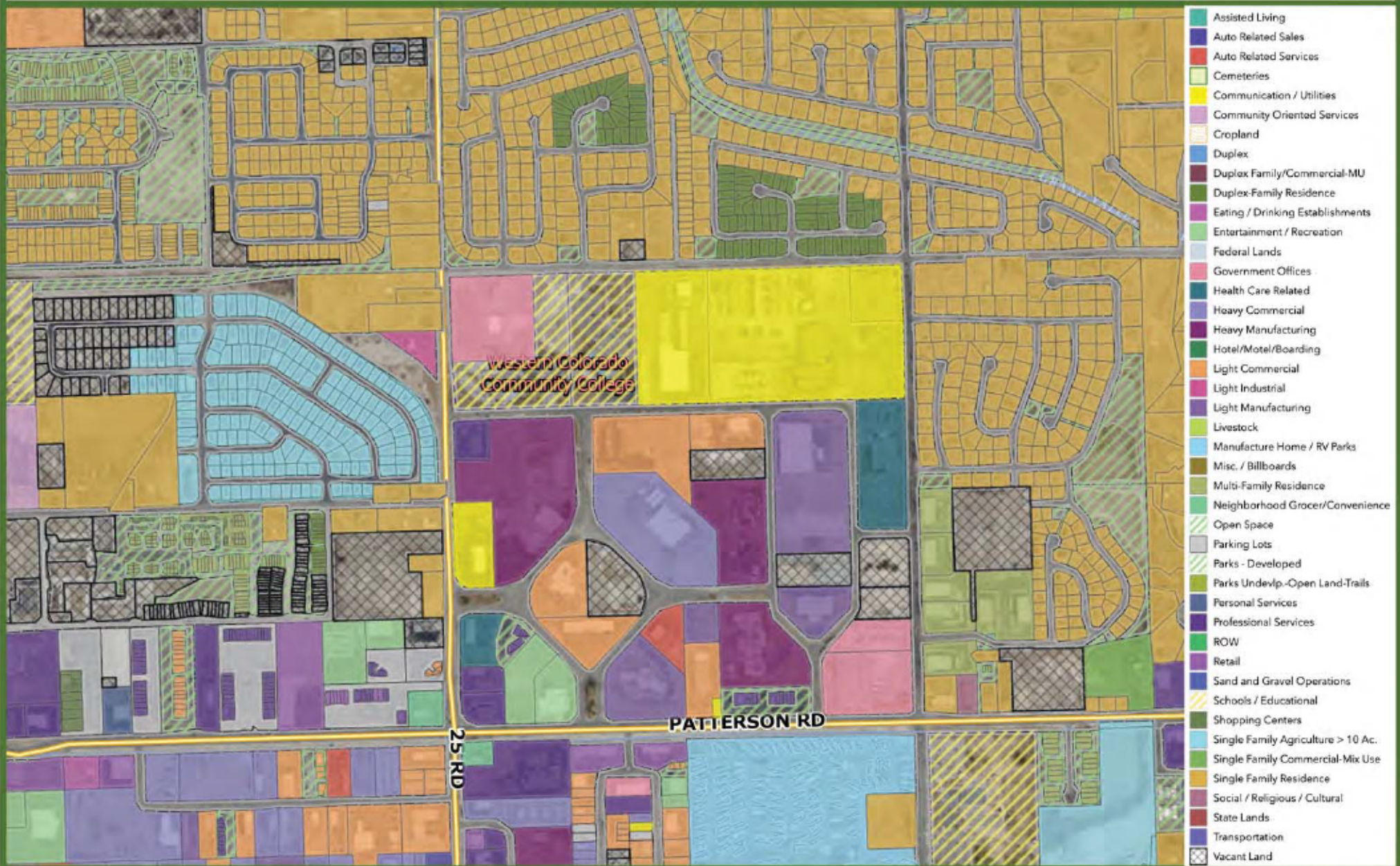
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than five years from the date of the certification shown hereon.

Surrounding Area

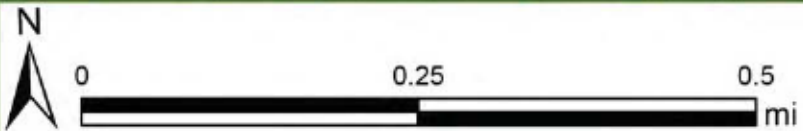
The surrounding area is very diverse ranging from residential to government to medical to manufacturing. There is a significant residential component in this entire general area including immediately across the street to the east from the subject property.

All surrounding uses and planning zones are demonstrated on the following maps, including future land use.

Current Surrounding Uses

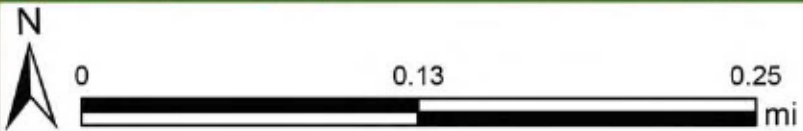


- Assisted Living
- Auto Related Sales
- Auto Related Services
- Cemeteries
- Communication / Utilities
- Community Oriented Services
- Cropland
- Duplex
- Duplex Family/Commercial-MU
- Duplex-Family Residence
- Eating / Drinking Establishments
- Entertainment / Recreation
- Federal Lands
- Government Offices
- Health Care Related
- Heavy Commercial
- Heavy Manufacturing
- Hotel/Motel/Boarding
- Light Commercial
- Light Industrial
- Light Manufacturing
- Livestock
- Manufacture Home / RV Parks
- Misc. / Billboards
- Multi-Family Residence
- Neighborhood Grocer/Convenience
- Open Space
- Parking Lots
- Parks - Developed
- Parks Undeveloped-Open Land-Trails
- Personal Services
- Professional Services
- Retail
- Sand and Gravel Operations
- Schools / Educational
- Shopping Centers
- Single Family Agriculture > 10 Ac.
- Single Family Commercial-Mix Use
- Single Family Residence
- Social / Religious / Cultural
- State Lands
- Transportation
- Vacant Land



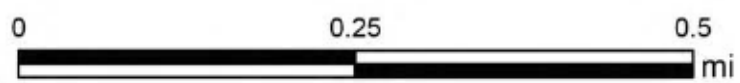
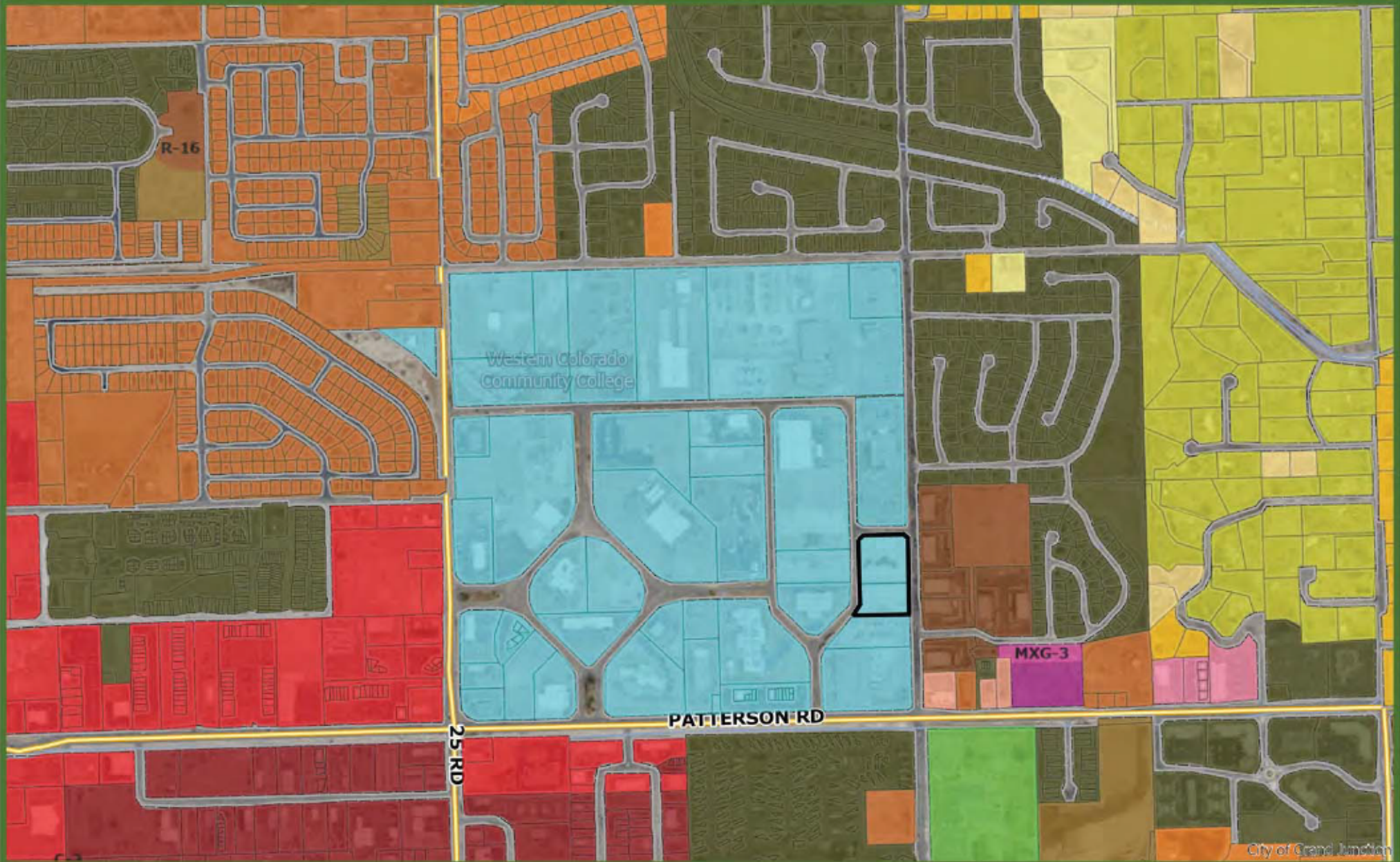
Printed: 8/14/2020
 1 inch equals 752 feet
 Scale: 1:9,028

Zoning Map 01



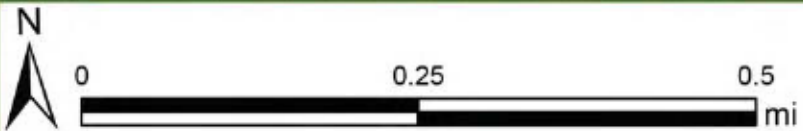
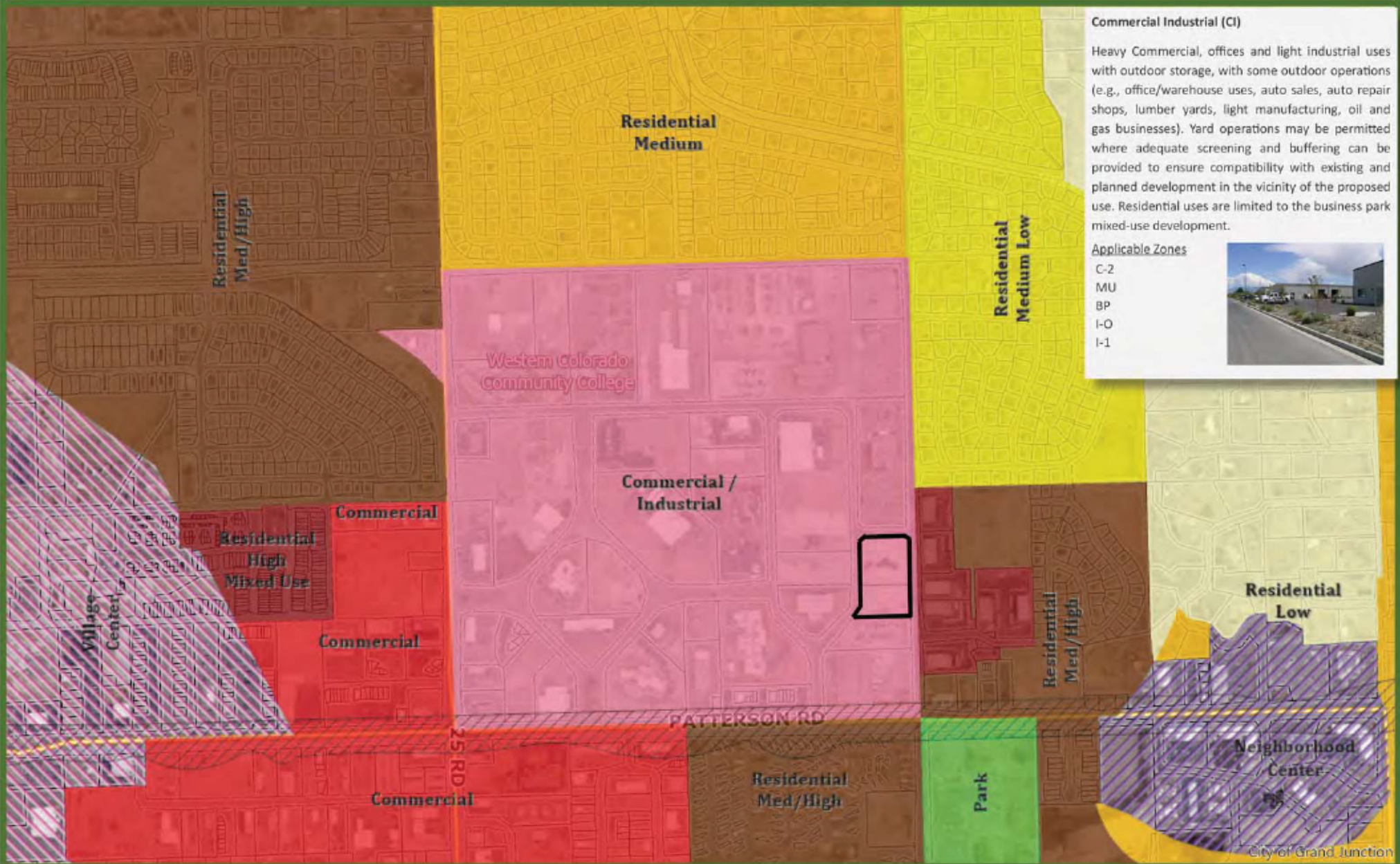
Printed: 8/14/2020
1 inch equals 376 feet
Scale: 1:4,514

Zoning Map 02



Printed: 8/14/2020
1 inch equals 752 feet
Scale: 1:9,028

Future Land Use Map



Printed: 8/14/2020
 1 inch equals 752 feet
 Scale: 1:9,028

Zoning Comparison

Current zoning - I-O Industrial/Office Park

Proposed zoning - BP Business Park Mixed use

A side by side comparison of these two zoning districts is as follows:

	I-O	BP
Lot Area	1ac	1ac
Width	100'	100'
Frontage	n/a	n/a
Principal Structure Setbacks		
Front	15'	15'
Side	0'	0'
Side abutting residential	10'	10'
Rear	10'	10'
Accessory Structure Setbacks		
Front	25'	25'
Side	0'	0'
Side abutting residential	5'	5'
Rear	10'	10'
Lot coverage	n/a	n/a
Height	65'	65'
Density (min per ac)	n/a	8
Density (max per ac)	n/a	24
Building size (max)	n/a	n/a

The main difference in the zoning designation is that BP opens up the opportunity for a residential component to be constructed on the property.

Zone Change Criteria

21.02.140 Code amendment and rezoning.

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

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

These properties have been vacant for decades. With current changes in business practices, especially in light of the COVID pandemic, the need for commercial properties has greatly diminished. Residential property needs have been in increasingly greater demand.

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

This property is located immediately adjacent to existing residential properties and the surrounding greater neighborhood is primarily residential. While several areas of the I-O zoned property remain vacant, the adjacent residential zoned areas have been completely built out. The Comprehensive Land Use plan identifies a residential component in the designated future land use (Commercial Industrial CI) for this property.

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

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

The proposed zone change opens up the opportunity for residential construction on the property at a density between 8-24 units per acre. The current housing demand within the community demonstrates that there is a shortage of residential product, especially given a current influx of new residents to the community and socio-economic shifts occurring with the COVID pandemic.

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

Description of Property

Property: Lot 1, Block 2, RMO Office Development
Site Location: Fracture Ln and 25-1/2 Rd
Site Tax No: 2945-033-85-001

Property: Lot 2, Block 2, RMO Office Development
Site Location: Fracture Ln and 25-1/2 Rd
Site Tax No: 2945-033-85-002

STATEMENT OF AUTHORITY
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named **Fracture Lane Development LLC**
2. The type of entity is a:
 - corporation
 - nonprofit corporation
 - limited liability company
 - general partnership
 - limited partnership
 -
 - registered limited liability partnership
 - registered limited liability limited partnership
 - limited partnership association
 - government or governmental subdivision or agency
 - trust
3. The entity is formed under the laws of the **State of Colorado**
4. The mailing address for the entity is **PO Box 7790 Avon, CO 81620**
5. The name position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **Robert Stewardson, Manager**
6. The authority of the foregoing person(s) to bind the entity: is²not limited is limited as follows:
7. Other matters concerning the manner in which the entity deals with interests in real property:
n/a
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.³
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 19th day of October 2020

[Signature]

State of Colorado)
County of Mesa) ss
)

The foregoing instrument was acknowledged before me this 19th day of October 2020
by

Witness my hand and official seal.
My commission expires: 11/22/2021

CHRISTINA R BECKER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074012146
MY COMMISSION EXPIRES 11/22/2021

WHEN RECORDED RETURN TO:

n/a

[Signature]
Notary Public

¹ This form should not be used unless the entity is capable of holding title to real property.
² The absence of any limitation shall be prima facie evidence that no such limitation exists.
³ The statement of authority must be recorded to obtain the benefits of the statute.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Fracture Lane Development, LLC ("Entity") is the owner of the following property:

(b) LOTS 1 & 2, Block 2, RMO Office Development - TBD 25 1/2 Road

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

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

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

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

The Entity is the sole owner of the property.

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

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

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

(e) None

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

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

Signature of Entity representative: [Signature]

Printed name of person signing: ROBERT STEWARDSON

State of Colorado)

County of Mesa) ss.

Subscribed and sworn to before me on this 19 day of October, 20 20

by Robert Stewardson

Witness my hand and seal.

My Notary Commission expires on 11/22/2021

[Signature]
Notary Public Signature

CHRISTINA R BECKER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074012146
MY COMMISSION EXPIRES 11/22/2021



State Documentary Fee
Date: October 16, 2020
\$43.50

Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

Grantor(s), **R.M.O. LAND CO., LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **627 25 1/2 RD, Grand Junction, CO 81505**, City or Town of **Grand Junction**, County of **Mesa** and State of **Colorado**, for the consideration of **(\$435,000.00) ***Four Hundred Thirty Five Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **FRACTURE LANE DEVELOPMENT LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **PO BOX 2882, Edwards, CO 81632**, City or Town of **Edwards**, County of **Eagle** and State of **Colorado**, the following real property in the County of **Mesa** and State of **Colorado**, to wit:

LOTS 1 AND 2 IN BLOCK 2 OF RMO OFFICE DEVELOPMENT, COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as: **TBD 25 1/2 ROAD, GRAND JUNCTION, CO 81505**

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

Signed this day of **October 16, 2020**.

R.M.O. LAND CO., LLC, A COLORADO LIMITED LIABILITY COMPANY

By: 
ROBERT FRAZHO, AS MANAGING MEMBER

State of **Colorado**)
)ss.
County of **MESA**)

The foregoing instrument was acknowledged before me on this day of **October 16th, 2020** by **ROBERT FRAZHO AS MANAGING MEMBER OF R.M.O. LAND CO., LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: 1-10-2024 
Notary Public

KIMBERLY ANN FERRANS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204001258
My Commission Expires January 10, 2024

When recorded return to: **FRACTURE LANE DEVELOPMENT LLC, A COLORADO LIMITED LIABILITY COMPANY**
PO BOX 2882, Edwards, CO 81632



Site Meeting Summary

Meeting both on site and via advertised Zoom meeting

Meeting Date: July 6, 2020

Attendance: Dave Forenza, Developer
Robbie Stewardson, Developer
Bobby Ladd, Architect
Jace Hochwalt, GJ Planning
Rex Nelson
Sean Hazell
Sven Wedekin

All attendance was in person with no Zoom meeting participation.

Discussion points:

General discussion

The neighbors were generally supportive of development on the property with some practical concerns. Their main concerns centered around traffic mitigation and on street parking. The Developer has no plans to utilize any of the surrounding streets for parking which appears to be an unapproved use of the right-of-way in the first place. All of the project parking will be accommodated on site and the Developer will work with City of Grand Junction planning to locate site accesses to best work with the existing traffic flow.

Traffic along Fracture Ln and Eisenhower St.

The neighbors shared that there were various traffic peaks throughout the day timed with work shift hours for the neighboring businesses and school traffic moving through the neighborhood from Western Colorado Community College. Additionally, they stated that there was steady traffic throughout the day generated by the post office.

On street parking

The neighbors stated that on street parking for Eisenhower St. was an issue as the roads aren't wide enough to accommodate it.

Overnight truck parking from adjacent properties on Eisenhower St.

The neighbors stated that most of the on street parking was from tractor-trailers associated with the Post Office and that most of those were parked there overnight. They stated that the street becomes almost non-traversable by two way traffic when the trucks are parked along the street like that. The discussion shifted towards whether or not the trucks were allowed to park there at all, let alone overnight and that the on-street parking could instead be an enforcement issue with the City of Grand Junction.

RAL ARCHITECTS, INC.

PO Box 1805
EDWARDS, CO 81632
PHONE: 970.376.4227
EMAIL: BOBBYL@RALARCH.COM

Foresite Park Owners and Tenants Association

The neighbors stated that there was an active HOA for the Foresite Park development, but in the title work forwarded to the developer there was no documentation that the HOA was still in existence and applied to the subject properties.

Submitted by:



RAL Architects, Inc.
Bobby Ladd, RA

Mailing Date: June 26, 2020

RE: Proposed Rezoning
Lot 1 and Lot 2, Block 2
RMO Office Development
Fracture Ln and 25 1/2 Rd

Dear Property Owner:

We are hosting a required neighborhood meeting to discuss a proposed rezoning on the above referenced parcels. The current zoning is I-O (Industrial/Office Park) and we are proposing a rezone to BP (Business Park Mixed Use). This proposed rezoning specifically opens the opportunity to construct multifamily dwelling units on the property in a density ranging from 8-24 units per acre.

The meeting will be held on the subject property located at the intersection of Fracture Ln and 25 1/2 Rd on July 6, 2020 at 5:30 pm. In recognition of current COVID concerns, the meeting will also be accessible online via Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/2363713238?pwd=N0kyWkFiUkVEcStrZVEvT3hSazdGQT09>

Meeting ID: 236 371 3238

Password: 1gs2Qm

Dial by your location

Meeting ID: 236 371 3238

Password: 775231

Find your local number: <https://zoom.us/u/abRnuHm5c>

The list of property owners being notified for this neighborhood meeting was supplied by the City of Grand Junction and derived from current records of Mesa County Assessors. As those records are not always current, please feel free to notify your neighbors of this meeting date so all may have the opportunity to participate.

Sincerely,
RAL Architects, Inc.



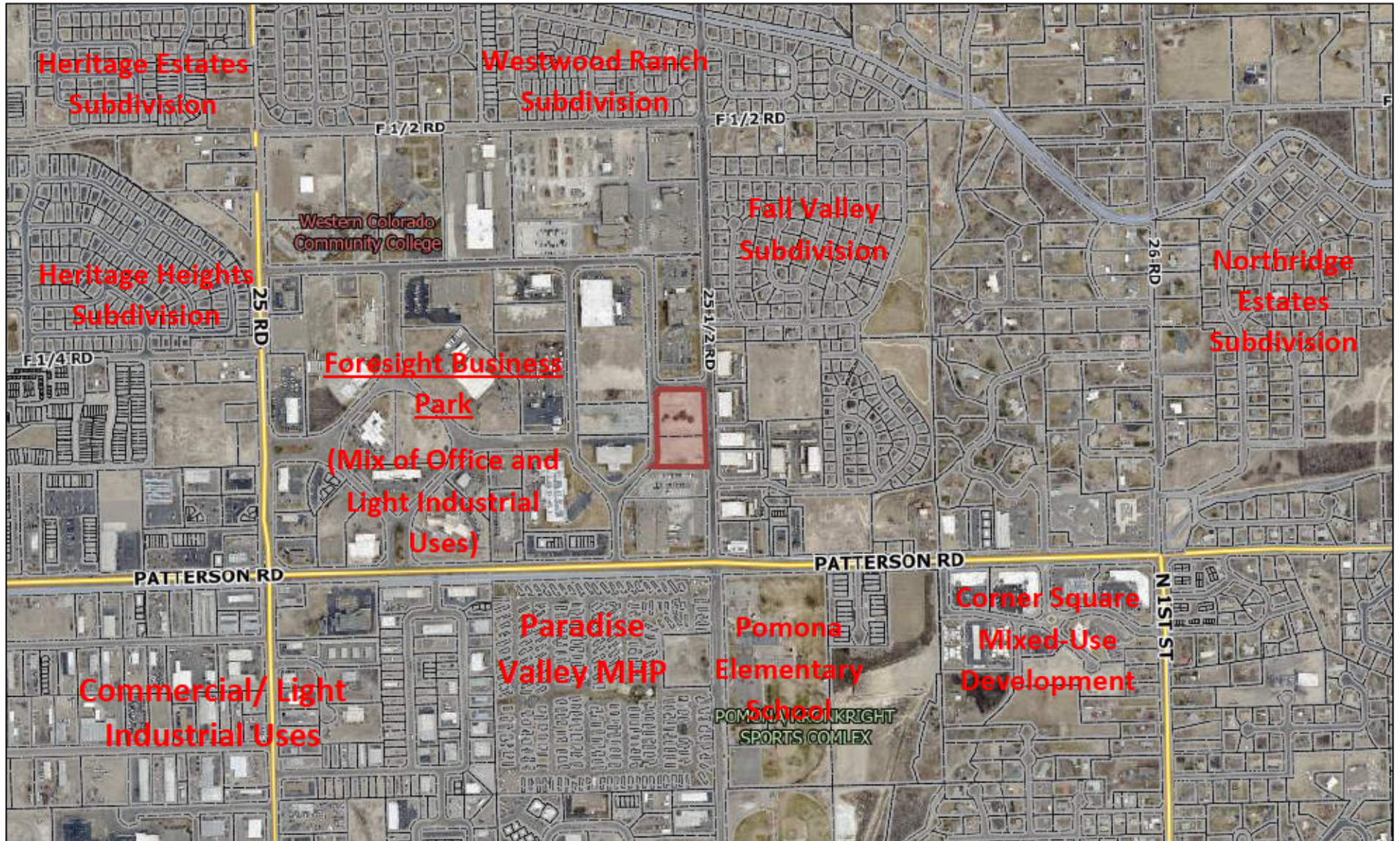
Bobby Ladd, RA
President



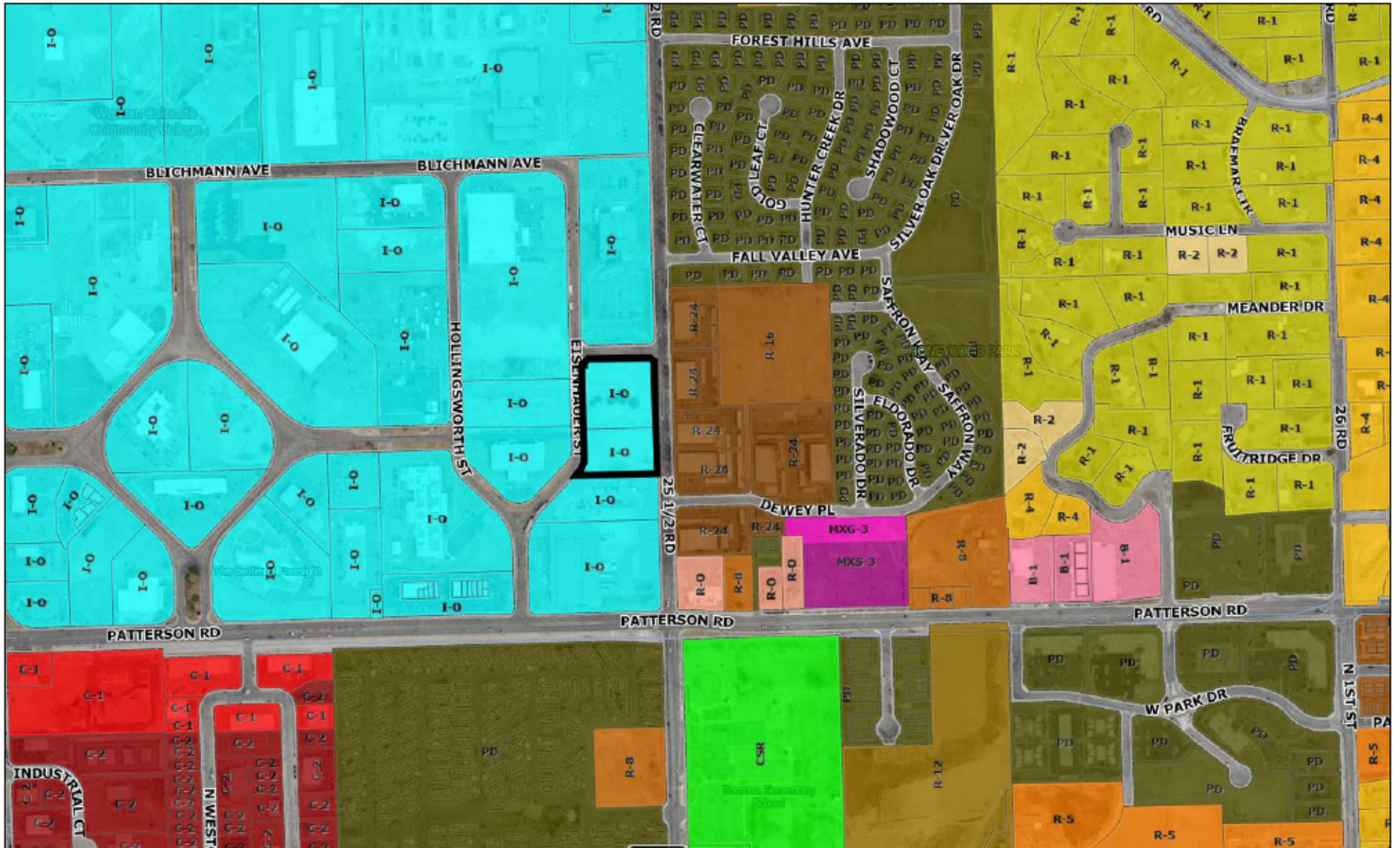
Vicinity Map (Immediate Area)



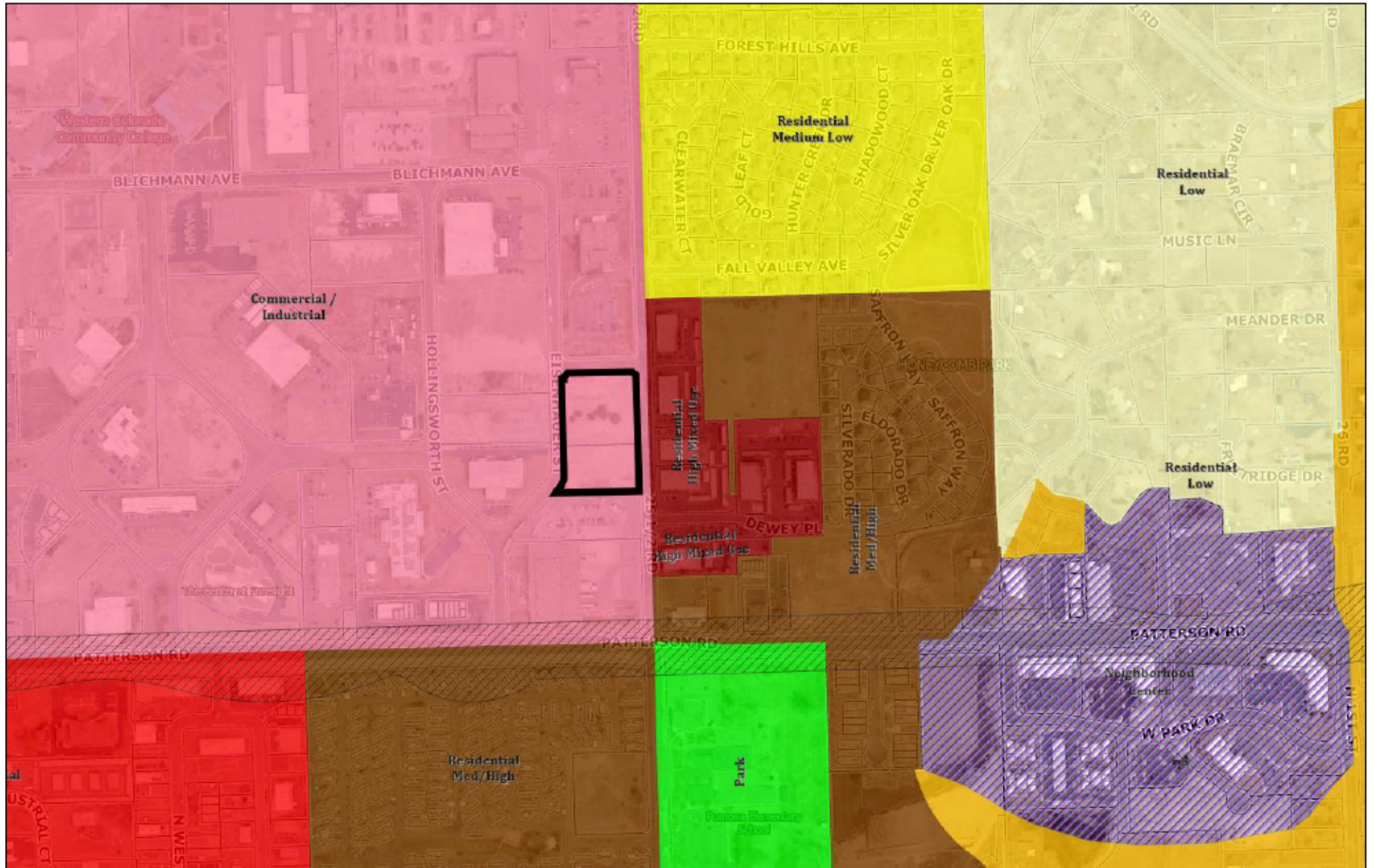
Vicinity Map (Expanded View)



Zoning Map



Future Land Use Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING TWO PARCELS TOTALING 2.97 ACRES FROM I-O
(INDUSTRIAL OFFICE) TO BP (BUSINESS PARK MIXED USE)**

LOCATED AT THE SOUTHWEST CORNER OF FRACTURE LANE AND 25 ½ ROAD

Recitals:

The Applicant, David Forenza of Fracture Lane Development, LLC owns two parcels totaling approximately 2.97 acres of land at the southwest corner of the Fracture Lane and 25 ½ Road intersection (referred to herein and more fully described below as the "Property"). The Property is designated by the Comprehensive Plan Future Land Use Map as having a Commercial/Industrial Future Land Use. The Applicant proposes that the property be rezoned from I-O (Industrial Office) to BP (Business Park Mixed Use).

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

After public notice and public hearing, the Grand Junction City Council finds that the BP (Business Park Mixed Use) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned BP (Business Park Mixed Use):

LOTS 1 AND 2, BLOCK 2, RMO OFFICE DEVELOPMENT

Introduced on first reading this _____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor