



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, JUNE 24, 2014, 6:00 PM**

Call to Order

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

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

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

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

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

1. Minutes of Previous Meetings

None available at this time.

[Attach 1](#)

2. Sabrosa - Conditional Use Permit

Consider a request for a Conditional Use Permit for approval of a bar/night club, including an outside patio area along the east property line on 0.09 +/- acres in a B-2 (Downtown Business) zone district.

FILE #: CUP-2014-202
APPLICANT: Kari Boukhalifa - Vegas Momma LLC
LOCATION: 122 and 124 S 5th Street
STAFF: Scott Peterson

[Attach 2](#)

3. Portion of Hacienda Street - Vacation

[Attach 3](#)

Forward a recommendation to City Council to vacate a small portion of public right-of-way, located adjacent to 2312 Hacienda Street, which is no longer needed.

FILE #: VAC-2014-175

APPLICANT: Clifton Anson - Redlands Investment Properties LLC

LOCATION: 2312 Hacienda Street

STAFF: Scott Peterson

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

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

Public Hearing Items

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

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

Attach 1
Minutes of Previous Meetings

None available at this time.

Attach 2

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 24, 2014
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Sabrosa - CUP-2014-202

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

BACKGROUND INFORMATION			
Location:		122 and 124 S. 5 th Street	
Applicant:		Martinez Family Corporation, Property Owner Vegas Momma LLC - Kari Boukhalifa, Applicant/Tenant	
Existing Land Use:		Bar	
Proposed Land Use:		Bar with the ability to serve alcohol within an outside patio area	
Surrounding Land Use:	North	Downtown commercial properties	
	South	Downtown commercial properties	
	East	Downtown commercial properties	
	West	Parking lot	
Existing Zoning:		B-2 (Downtown Business)	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	B-2 (Downtown Business)	
	South	B-2 (Downtown Business)	
	East	B-2 (Downtown Business)	
	West	B-2 (Downtown Business)	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Consider a request for a Conditional Use Permit to operate a bar/nightclub which will include an outside patio area along the east property line for property located at 122 & 124 S. 5th Street on 0.09 +/- acres in a B-2 (Downtown Business) zone district.

STAFF RECOMMENDATION: Approval of the Conditional Use Permit

ANALYSIS:

Background:

The existing property contains a 3,744 +/- sq. ft. building that is currently divided in half with a solid wall with only an existing interior door providing a connection between the two halves. The current Sabrosa bar is located on the north half of the building and the property(s) have been utilized in the past as numerous bar/nightclub establishments. According to the Mesa County Assessor's Office, the building was constructed in 1910 and remodeled in 1980. A Conditional Use Permit is required from the City of Grand Junction for establishment of a "Bar/Nightclub" if more than 25% of the gross receipts of the business are for alcoholic beverages within the B-2 (Downtown Business) zone district. The applicant and current tenant, Kari Boukhalfa, wishes to expand the bar area to both sides of the building and to include an outside patio area for smokers along the east property line and to serve alcoholic beverages. As a housekeeping item, both sides of the current building are included in the CUP request since the current bar has never had a CUP issued and is considered "grandfathered", which will bring the entire bar into compliance with the current Zoning and Development Code.

The applicant received conditional approval from the Liquor Licensing Authority to obtain a Liquor License at their June 6, 2014 meeting for the expansion of premises to include the outside patio area. The conditions of approval were that the applicant must obtain a Conditional Use Permit, resolve issues of access for all adjacent property owners/tenants and correct the current drainage situation regarding roof runoff water (see attached letter from Sari Raso).

A Conditional Use Permit runs with the land and remains valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

Neighborhood Comments:

The City has received two comments (one letter and one phone call) concerning the proposed Conditional Use Permit application. See attached letter from Shari Raso, owner of the two properties directly to the south. According to her letter (and also verified by the City Surveyor), there is a recorded easement over the eastern 10' of property for all adjacent properties to access the existing alley to the north (access for trash removal, etc.). According to the applicant, this issue has been resolved since the letter was written and Mrs. Raso's tenants will be given keys to get through any gate locks the fenced area may have. The property owner, Martinez Family Corporation has also signed an agreement that explains that the gate access will continue to be granted to her (and her lessees) regardless of who the 122 - 124 S. 5th Street tenants are, which will be a recorded document.

One phone call was also received from the property owner located at 449 Colorado Avenue stating that he is against the granting of a Liquor License.

Consistency with the Comprehensive Plan:

The site is currently zoned B-2 (Downtown Business) with the Comprehensive Plan Future Land Use Map identifying this area as Downtown Mixed Use.

The proposed Conditional Use Permit meets with Goals 4 & 6 of the Comprehensive Plan by supporting the development of the downtown area by creating more jobs and by encouraging preservation and the reuse of existing buildings.

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

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

Section 21.02.110 of the Grand Junction Zoning and Development 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 existing properties are located within the downtown area. In the B-2 zone district, there is no off-street parking or landscaping requirements for the reuse, remodel, or reconstruction of an existing structure. Off-street parking is available across the street to the west in the public parking lot. The proposed use also meets the requirements of SSID (Submittal Standards from Improvements and Development), TEDS (Transportation Engineering Design Standards) and the SWMM (Stormwater Management Manual) manuals.

Therefore, 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 property is currently zoned B-2 (Downtown Business). A Conditional Use Permit is required from the City of Grand Junction for the establishment of "Bar/Nightclub" if more than 25% of the gross receipts of the business are for alcoholic beverages.

Therefore, upon approval this criterion will be met.

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

The proposed land use falls under the Retail Sales and Service use category of the Zoning and Development Code. There are no use-specific standards required for a bar/nightclub. However, a Conditional Use Permit is required for a restaurant, bar or tavern where alcohol sales may exceed 25% of the gross receipts which the applicant is requesting with this application.

Therefore, 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 property is located downtown, just a half block south of Main Street. Properties located to the north, south and east are all of a commercial nature. Off-street parking is available to the west. Adequate transit (bus and taxi), hospitals, fire and police protection are all available in the area and in close proximity to serve this site. Water, sewer, electricity and gas infrastructure are already serving the property(s).

Therefore, 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 property(s) are located in the heart of downtown, just a half block south of Main Street. The proposed outside patio area is buffered on two sides by existing building walls and is located adjacent to the alley, away from the public sidewalk of S. 5th Street. The applicant is proposing to construct a fenced in area for her patrons to utilize for outside smoking and to serve alcoholic beverages.

Therefore, 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 applicant has worked with the adjacent property owner so that the proposed fenced outside patio area will have minimum impact on the use and enjoyment of the adjoining properties. Mrs. Raso's tenants will be given keys to get through any gate locks the fenced area may have so they may have access to the existing alley for garbage removal, etc. The property owner, Martinez Family Corporation has also signed an agreement that explains that the gate access will continue to be granted to her (and her lessees) regardless of who the 122 - 124 S. 5th Street tenants are, which will be a recorded document.

The existing property(s) are located in the heart of downtown, just a half block south of Main Street. The proposed outside patio area is buffered on two sides by existing building walls and is located adjacent to the alley, away from the public sidewalk of S. 5th Street. The applicant is proposing to remodel the existing interior of the building to help improve the establishment.

Therefore, 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 proposed outside patio area should not adversely impact the adjacent commercial properties due to the existing building walls on two sides and the location of the area in the back of the building, away from the public sidewalk. The applicant is proposing to construct a fenced in area for smokers but still be able to serve alcoholic beverages in accordance with her Liquor License and all applicable liquor laws. The applicant is proposing to remodel the existing interior of the building to help improve the establishment for the benefit of the area, including another bar area and stage for live music and dancing.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Sabrosa application, CUP-2014-202 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 goals of the Comprehensive Plan, specifically, Goals 4 & 6.
2. The review criteria in Section 21.02.110 of the Grand Junction Zoning and Development Code have all been met, specifically items 1 through 5.
3. Approval of the application being conditioned upon the following requirements:
 - Resolution of access issues to the existing alley to the north for all adjacent property owners/tenants. Provide document to the satisfaction of the City Attorney for recording in the office of the Mesa County Clerk and Recorder that will run with the land.
 - Correction of the existing downspout at the southeast corner of the building must be modified to convey all roof runoff directly to the alley on the north side of the building to the satisfaction of the City Development Engineer.
 - All applicable Mesa County Building Department and Fire Department permits must be obtained and approved.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2014-202 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 Sabrosa, file number CUP-2014-202, located at 122 and 124 S. 5th Street, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

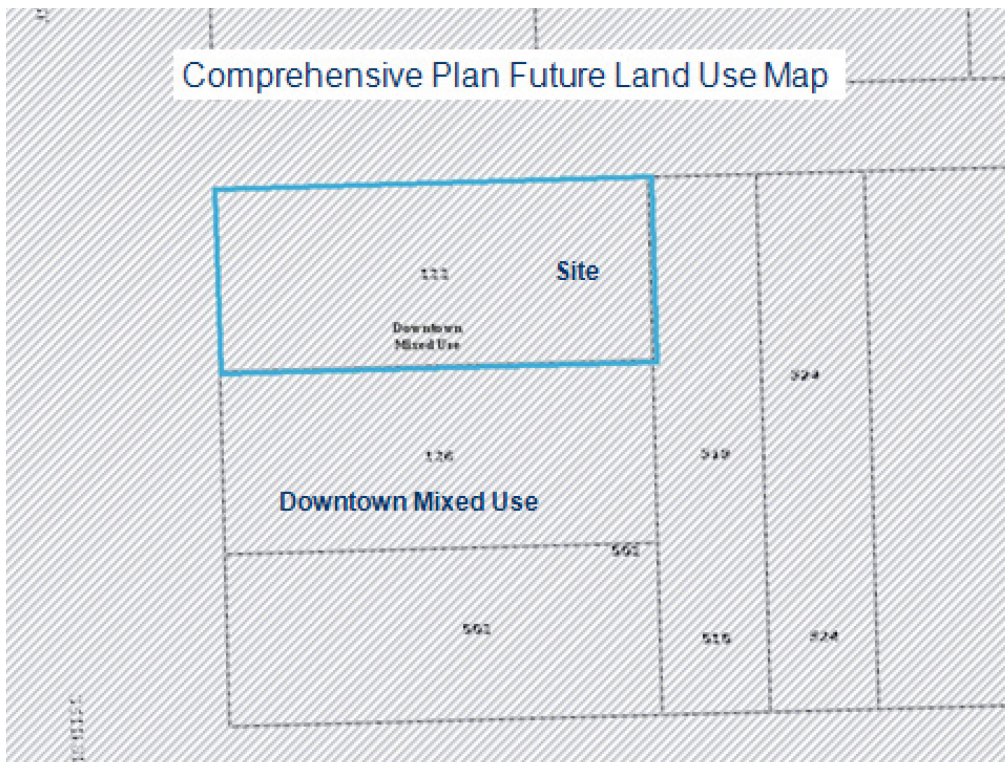
Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map

Existing Building Floor Plan (124 S. 5th Street)
Proposed Building Floor Plan (124 S. 5th Street)
Proposed Outside Patio Area Plan
Letter from Adjacent Property Owner (Shari Raso)
Email between Applicant and Shari Raso
Corrected Gutter and Downspout to Alley Photos
Proposed Signed Agreement Document



Comprehensive Plan Future Land Use Map

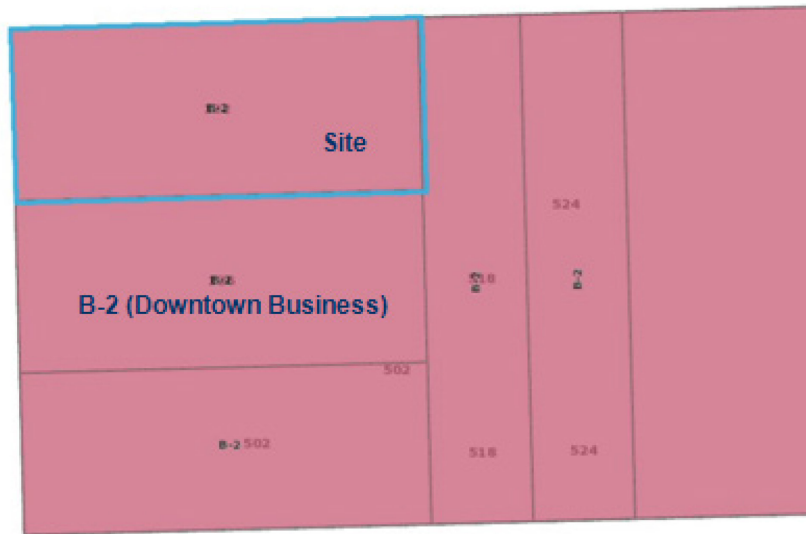


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Existing Zoning Map

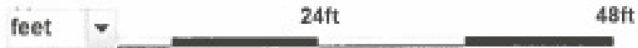
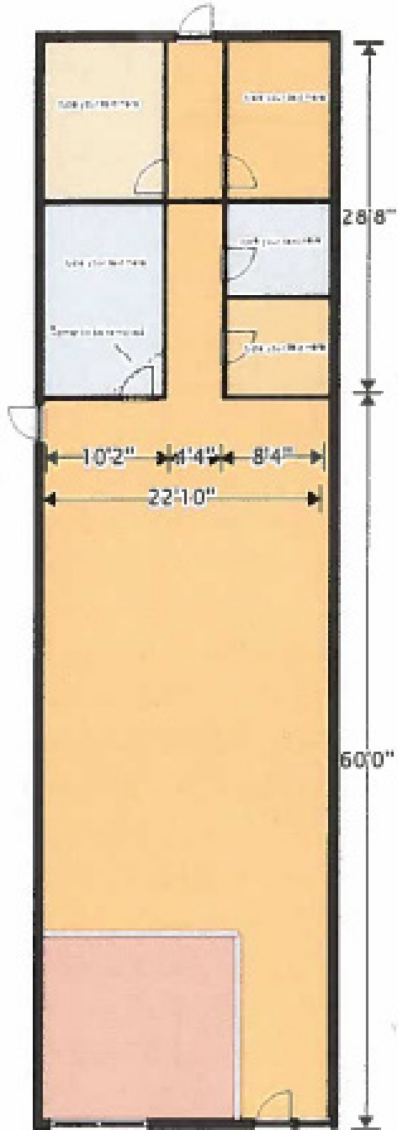


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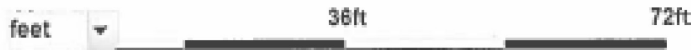
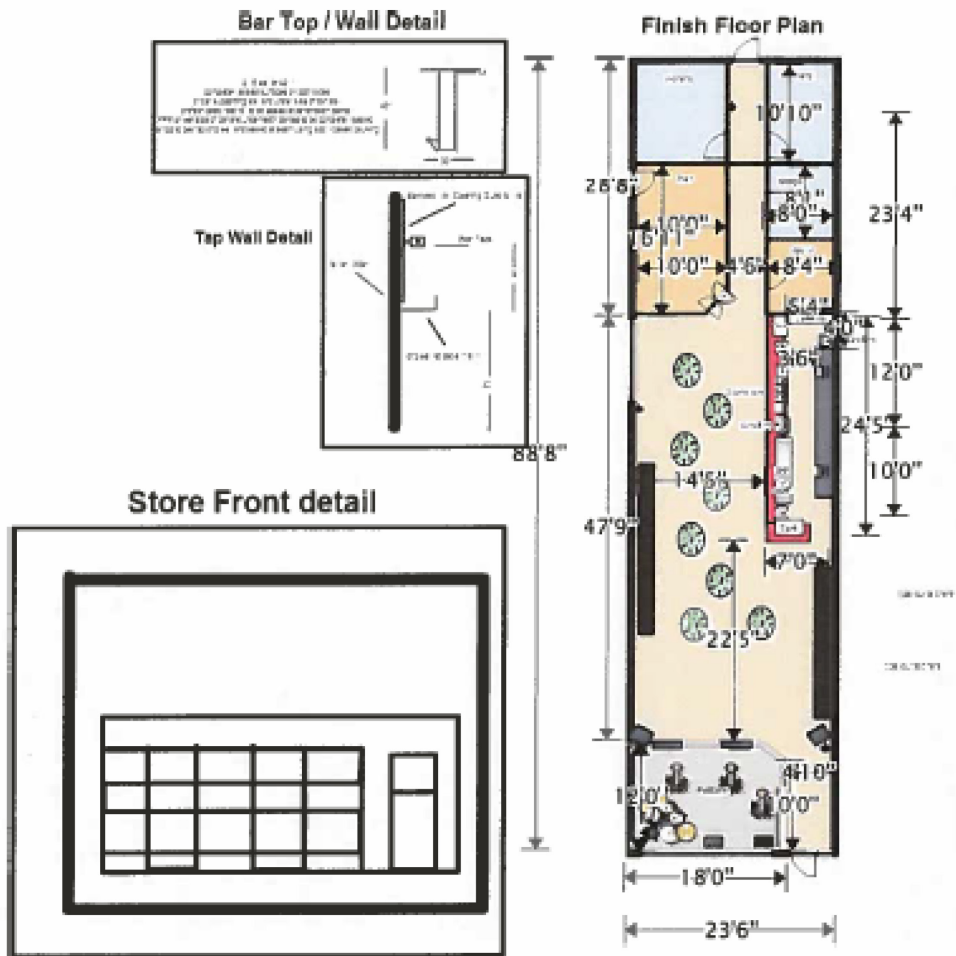


Existing Building Floor Plan - 124 S. 5th Street

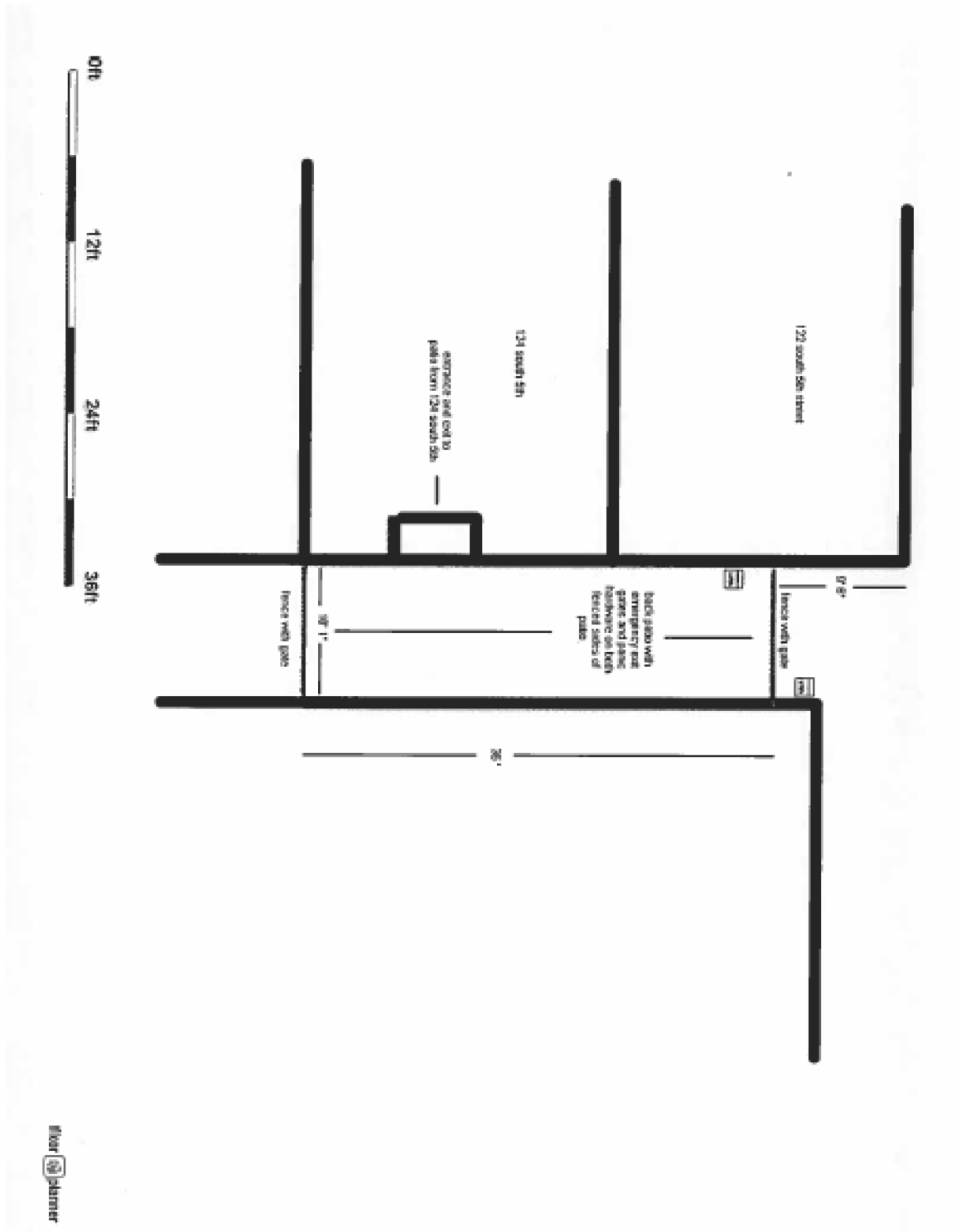
existing floor plan



Proposed Building Floor Plan - 124 S. 5th Street



Proposed Outside Patio Area Plan



Letter from Adjacent Property Owner (Shari Raso)

RASO PROPERTIES
751 HORIZON COURT, SUITE 102
GRAND JUNCTION, CO 81506
PHONE (970) 523-4880
RSPTSN@YAHOO.COM

May 30, 2014

Scott Peterson
Grand Junction Planning Division
250 N. Fifth Street
Grand Junction, CO 81501

Re: CUP-2014-202

Dear Scott:

I am writing to express two concerns I have with the application to utilize the east 10 feet of the property known as 122 -124 S. Fifth Street. I own the immediately adjacent property to the south, as well as the next property south of that (502 Colorado Avenue). The parcel seeking a CUP and both my parcels to the south of it make up Lots 29, 30, 31 and 32 in Block 117 in the City of Grand Junction.

I have been examining the abstracts for my two properties and I discovered the grant of a perpetual right of way over the east 10 feet of Lot 29.

By August, 1890, one Albert A. Miller owned all of Lots 29-32. On August 20, 1890, he executed a warranty deed conveying the S. 40 feet of Lots 29-32 (502 Colorado Avenue) to the Grand Junction Street Car Company. This deed, recorded at Book 29, Page 566 in the records of the Mesa County Clerk and Recorder, reserved and granted a perpetual right of way over the E 10 feet of both the conveyed and non-conveyed parts of Lot 29.

This 1890 deed and its "rights, privileges and burdens" is referred to numerous times in subsequent deeds, particularly concerning my property at 126-132 S. Fifth Street. (See Bk 89 Pg 8; Bk 93 Pg 93; Bk 349 Pg 340; Bk351 Pg 452.)

It is clear that the intention was always to maintain access via this right of way to the City's east-west alley for garbage pickup, loading and unloading, etc. My

building at 126-132 S. Fifth has three rear doors exiting directly onto the right of way. Occupants of that building and the property at 502 Colorado have always used the right of way to haul their garbage cans to the alley for City pickup.

I am concerned that the approval of the CUP may result in the right of way being blocked or significantly impaired, which would hugely inconvenience my lessees and would consequently devalue my properties.

My second concern is that there is a significant drainage problem on the right of way. This primarily results from the fact that the gutter and downspout system for the roof of 122-124 S. Fifth is oriented so that all the water ends up in the right of way very near my building, instead of being directed into the City alley, which is immediately adjacent to 122-124 S. Fifth Street. This rainwater and melting snow water inevitably ends up in my basement, where it is damaging the concrete and possibly the foundation.

I would ask that any approval of the CUP in its ultimate form would require the reorientation of the gutter and downspout on 122-124 S. Fifth so that it would drain into the alley instead of my basement.

Sincerely yours,



Shari A. Raso

Email between Applicant and Shari Raso:

----- Forwarded message -----

From: Shari <rspsn@yahoo.com>
Date: Wed, Jun 4, 2014 at 4:32 PM
Subject: Re: CUP 2014-202/ Sabrosa
To: Karima Boukhalifa <kariboukhalifa@gmail.com>

Thank you for your note, Karima.

Starting with the second issue of the gutter drainage, I appreciate your willingness to remedy it. Is there any way it could be taken care of immediately? I would think that this could be accomplished in a single day and then this issue would no longer exist.

Concerning your plan to fence off the east 10 feet of 122-124 S. Fifth St., I have a question. How wide will the gate openings be at either end? Right now, the right of way is an unencumbered 10 feet wide. Providing the gate openings are wide enough, I will not object to your fencing off 122-124 S. Fifth's section of the right of way, as long as I am not viewed as forfeiting my S. Fifth properties' continuing right of access across it to the city alley. This would require that I have keys to the gates at both ends at all times so that I can issue them to any of my S. Fifth St. lessees that may have need of them now or in the future. I would also need some sort of recordable written acknowledgement from your landlord that, despite the fencing, the right of way continues to exist. This would be important if some future occupant of 122-124 S. Fifth decided to permanently lock the gates for some reason.

Shari Raso
Raso Properties
751 Horizon Ct. Ste. 102
Grand Junction CO 81506
(970) 423-4880

On Tuesday, June 3, 2014 11:26 AM, Karima Boukhalifa <kariboukhalifa@gmail.com> wrote:

Good morning Shari,

I am the business owner of Sabrosa on 5th St. I spoke with Scott Peterson yesterday after his receipt of your letter regarding our CUP application. I would like to address your concerns with urgency and priority.

1. The alley for our combined lots is still and will remain to be a main thoroughfare for garbage disposal for all tenants in lots 29-32. Alex Mackey and I have always worked together on this. (I cc'd both Alex and his manager Greg Indivero on this email) I also have recycling bins in the alley north of 122 S. 5th that Roasted and Sabrosa share for both space conservation and cost control. This is something I am more than willing to continue to do for any other future tenant/ business neighbor that occupies 126-132 S. 5th Street. Alex and I discussed that he and his team will have any keys to gates and can store all cans in our patio area overnight/after business hours if they would like. We also hope that the fence will deter people from vandalizing/defacing our shared alley space.

2. I was unaware of the gutter drainage coming into your basement. I apologize for any resulting inconvenience, and I would be absolutely willing to make sure that all gutter drainage is directed into city alley. I will make sure this adjustment is made to all plans and my contractor is aware that this is a priority

I hope that these are explanations/ solutions that are acceptable and would love to move forward with your cooperation. If this is something that sounds good to you, Scott Peterson will need your consent asap, as my liquor hearing is scheduled for later this week and consent is requested from you to proceed. I love the potential 5th street and all of downtown GJ has right now. I am excited to offer my guests a safe place to be that is away from traffic/ street and an enclosed back patio is what they need. Thank you in advance for your consideration. Feel free to respond here or call me at 720-933-1637.

Corrected Gutter and Downspout to Alley Photos





Proposed Signed Agreement Document:

sabrosa

June 4, 2014

To whom it may concern,

The proposed fenced patio addition to 122-24 S 5th St., east alley will remain accessible at all times to Shari Raso (property owner of 126-132 S. 5th St. and 502 Colorado Ave.) and her lessee's/ tenants in addition to The Martinez Family Corporation (property owner 122-24 S 5th St) and all current and future tenants of 122-24 S 5th St). Occupants of Lots 29-32 will continue to have right of way in aforementioned alley with full accessibility.

x  _____

Attach 3

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 24, 2014
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Portion of Hacienda Street Right-of-Way Vacation - VAC-2014-175

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

BACKGROUND INFORMATION					
Location:		Adjacent to 2312 Hacienda Street			
Applicant:		Redlands Investment Properties, LLC - Cliff Anson			
Existing Land Use:		Hacienda street right-of-way			
Proposed Land Use:		Residential subdivision to be known as South Rim Hollow			
Surrounding Land Use:	North	Single-family residential			
	South	Single-family residential			
	East	Vacant land			
	West	Single-family residential			
Existing Zoning:		R-4 (Residential - 4 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-4 (Residential - 4 du/ac)			
	South	R-5 (Residential - 5 du/ac)			
	East	PD (Planned Development)			
	West	R-4 (Residential - 4 du/ac) and R-5 (Residential - 5 du/ac)			
Future Land Use Designation:		Residential Medium Low (2 - 4 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The applicant is requesting to vacate a portion of Hacienda Street.

RECOMMENDATION: Recommend conditional approval of the vacation request.

ANALYSIS

Background:

The applicant, Redlands Investment Properties LLC, wishes to vacate a small portion (945 +/- sq. ft. - see attached vacation exhibit) of Hacienda Street. This portion of Hacienda Street will no longer be necessary due to the proposed development of a single-family detached residential subdivision located at 2312 Hacienda Street (14 lots on 3.72 +/- acres). The proposed subdivision is currently under review (City file number SUB-2014-174).

The proposed vacation will not impede traffic, pedestrian movement or access along Hacienda Street. There are no public utilities located within the vacation area. As proposed, Hacienda Street will be extended into the proposed subdivision as a 38' wide right-of-way in accordance with City's Alternative Residential Street Standards of the TEDS (Transportation Engineering Design Standards) Manual. Current width of the existing right-of-way for Hacienda Street is 50'.

Consistency with the Comprehensive Plan:

The vacation of a portion of Hacienda Street implements and meets the following goal and policies from the Comprehensive Plan.

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

Section 21.02.100 of the Grand Junction Zoning and Development Code:

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

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

Granting the request to vacate a small portion of the existing right-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The requested vacation of right-of-way is in anticipation of a future residential subdivision.

Therefore, this criterion has been met.

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

No parcels will be landlocked as a result of this vacation request. The adjacent property (3.72 +/- acres) is proposed to be developed by the applicant into a residential subdivision that will include 14 lots.

Therefore, this criterion has been met.

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

Access will not be restricted to any parcel.

Therefore, this criterion has been met.

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

No adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land will not be reduced by the result of this vacation request. There are no utilities located within this requested vacation area and there were no objections provided from the applicable utility review agencies during the review process.

Therefore, this criterion has been met.

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

Adequate public facilities and services will not be inhibited to any property as a result of this proposed vacation request. The applicant is requesting to vacate this portion of Hacienda Drive in order to incorporate the area within their proposed subdivision design which is currently under review.

Therefore, this criterion has been met.

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

Maintenance requirements for the City will not change as a result of the proposed right-of-way vacation. There are no public utilities located within

the proposed vacation area and no negative comments were received from the Utility review agencies during the review process.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Hacienda Street right-of-way vacation application, VAC-2014-175 for the vacation of a portion of public right-of-way, I as Project Manager make the following findings of fact, conclusions and conditions:

4. The requested right-of-way vacation is consistent with the Comprehensive Plan.
5. The review criteria in Section 21.02.100 (c) of the Grand Junction Zoning and Development Code have all been met.
6. Approval of the right-of-way vacation is conditioned upon the approval and recording of a subdivision plat for the proposed residential development for the subject property currently under review by the Community and Economic Development Division (File # SUB-2014-174).

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of conditional approval of the requested right-of-way vacation, VAC-2014-175 to the City Council with the findings, conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

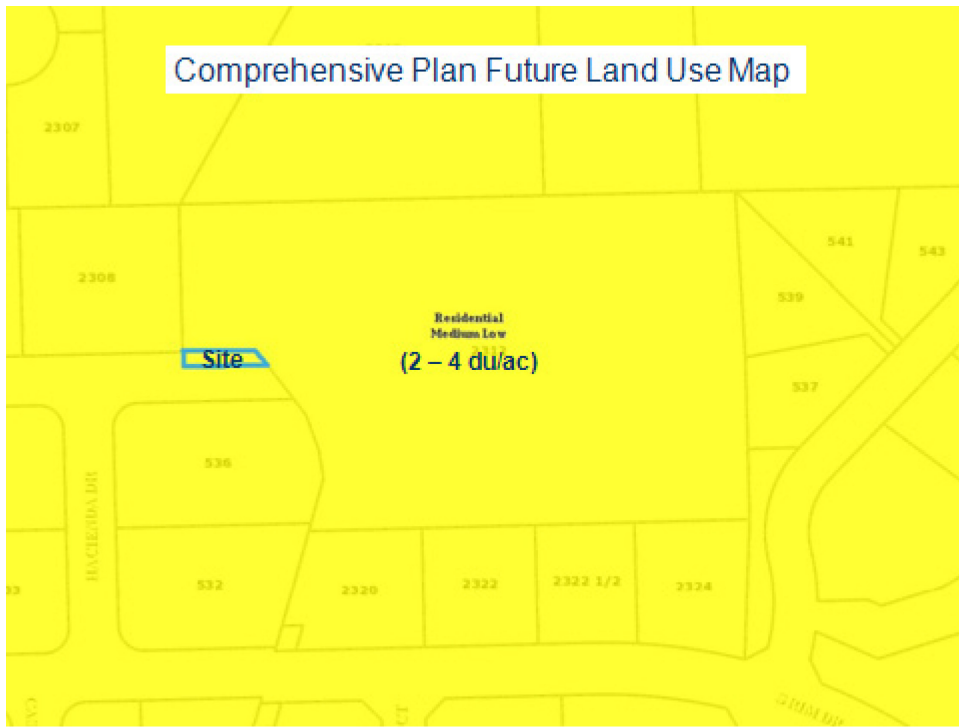
Madam Chairman, on item VAC-2014-175, I move we forward a recommendation of conditional approval to the City Council on the request to vacate portion of the Hacienda Street right-of-way, with the findings of fact, conclusions and conditions in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Proposed Ordinance



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF THE HACIENDA STREET RIGHT-OF-WAY FOR THE PROPOSED SOUTH RIM HOLLOW SUBDIVISION

LOCATED AT 2312 HACIENDA STREET

RECITALS:

The applicant, Redlands Investment Properties LLC, wishes to vacate a small portion (945 +/- sq. ft. – see attached Exhibit A) of Hacienda Street which is no longer necessary in-lieu of anticipation of developing a future single-family detached residential subdivision located on the property of 2312 Hacienda Street (14 lots on 3.72 +/- acres) which is currently under review (City file number SUB-2014-174).

The proposed vacation of a portion of this right-of-way will not impede traffic, pedestrian movement or access along Hacienda Street. There are also no public utilities located within the vacation area. As proposed, Hacienda Street will be extended into the proposed property and be dedicated as a 38' wide right-of-way in accordance with City's Alternative Residential Street Standards of the TEDS (Transportation Engineering Design Standards) Manual. Current width of the existing right-of-way for Hacienda Street is 50'.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

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

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Approval of the right-of-way vacation is conditioned upon the approval and recording of a subdivision plat for the proposed residential development for the subject property currently under review by the Community and Economic Development Division (File # SUB-2014-174).

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

Dedicated right-of-way to be vacated:

A TRACT OF LAND SITUATED IN SECTION 8, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO RECORDED IN BOOK 11, PAGE 66, RECEPTION #1033226 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER ON THE WEST LINE OF SECTION 8, AND CONSIDERING THE WEST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 8 BEARS N 00° 03' 12" E AS THE BASIS OF BEARINGS AND ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE N 37° 56' 16" E A DISTANCE OF 833.24 FEET TO THE TRUE POINT OF BEGINNING OF THE VACATION OF PORTION OF HACIENDA STREET RIGHT OF WAY, SAID POINT BEING THE NORTHWEST CORNER OF THE OF THE VACATION OF SAID RIGHT OF WAY, THENCE N 89° 58' 35" E A DISTANCE OF 73.09 FEET TO THE EAST LINE OF SAID RIGHT OF WAY, THENCE S 36° 01' 18" E ALONG THE EAST LINE OF SAID RIGHT OF WAY A DISTANCE OF 15.08 FEET, THENCE S 89° 58' 40" W A DISTANCE OF 81.85 FEET, THENCE N 00° 31' 03" W A DISTANCE OF 12.20 FEET TO THE POINT OF BEGINNING.

THE AREA OF THE VACATION IS 945.0 SQ. FT.

Introduced for first reading on this day of , 2014 and ordered published in pamphlet form.

PASSED and ADOPTED this day of , 2014 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT 'A'

RIGHT OF WAY VACATION

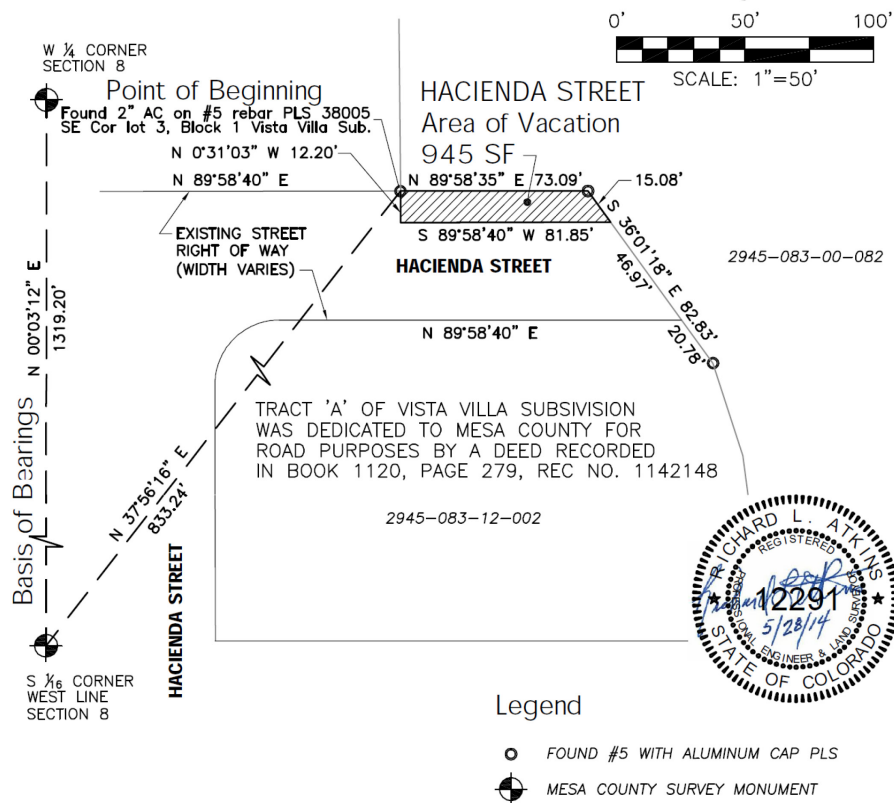
VACATION OF A PORTION OF HACIENDA STREET RIGHT OF WAY

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 8, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO RECORDED IN BOOK 11, PAGE 66, RECEIPTION #1033226 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH $\frac{1}{8}$ CORNER ON THE WEST LINE OF SECTION 8, AND CONSIDERING THE WEST LINE OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 8 BEARS N 00° 03' 12" E AS THE BASIS OF BEARINGS AND ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE N 37° 56' 16" E A DISTANCE OF 833.24 FEET TO THE TRUE POINT OF BEGINNING OF THE VACATION OF PORTION OF HACIENDA STREET RIGHT OF WAY, SAID POINT BEING THE NORTHWEST CORNER OF THE OF THE VACATION OF SAID RIGHT OF WAY, THENCE N 89° 58' 35" E A DISTANCE OF 73.09 FEET TO THE EAST LINE OF SAID RIGHT OF WAY, THENCE S 36° 01' 18" E ALONG THE EAST LINE OF SAID RIGHT OF WAY A DISTANCE OF 15.08 FEET, THENCE S 89° 58' 40" W A DISTANCE OF 81.85 FEET, THENCE N 00° 31' 03" W A DISTANCE OF 12.20 FEET TO THE POINT OF BEGINNING.

THE AREA OF THE VACATION IS 945.0 SQ FT



DRAWING NUMBER 1 OF 1	SURVEYOR	RLA	RIGHT OF WAY VACATION HACIENDA STREET SOUTH RIM HOLLOW SUBDIVISION GRAND JUNCTION, COLORADO	 ATKINS AND ASSOCIATES, INC. 518 28 Road, Suite B-105 Grand Junction, Colorado 81501 P 970.245.6630 F 970.245.2355
	DRAFTING	SLA		
	DATE	5/28/14		
	JOB NO.	14001E		