

# RECEIPT OF APPLICATION

DATE BROUGHT IN: 4/25/01  
CHECK #: No fee AMOUNT: N/A  
DATE TO BE CHECKED IN BY: 4/27/01  
PROJECT/LOCATION: 2806 Halloway Ave

If application is found to be complete, the Community Development Department guarantees that the review comments for this application will be available for pick up at our office by the end of the day on \_\_\_\_\_ or we'll refund up to \$100 of your application fee.

This guarantee does not include late comments from outside review agencies. The date that the comments will be ready only applies if the application is accepted as complete. It is possible that additional items and/or fees may be required.

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**Items to be checked for on application form at time of submittal:**

- Application type(s)
- Acreage
- Zoning
- Location
- Tax #(s)
- Project description
- Property owner w/ contact person, address & phone #
- Developer w/ contact person, address & phone #
- Representative w/ contact person, address & phone #
- Signatures of property owner(s) & person completing application

*Penkins Floral*



# DEVELOPMENT APPLICATION

Community Development Dept  
250 North 5th Street  
Grand Junction CO 81501  
(970) 244-1430

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 hereby petition this:

Petition for (check all appropriate boxes):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Subdivision Plat/Plan - Simple            | <input type="checkbox"/> Site Plan Review - Major          | <input type="checkbox"/> Concept Plan          |
| <input type="checkbox"/> Subdivision Plat/Plan - Major Preliminary | <input type="checkbox"/> Site Plan Review - Minor          | <input type="checkbox"/> Minor Change          |
| <input type="checkbox"/> Subdivision Plat/Plan - Major Final       | <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Change of Use         |
| <input type="checkbox"/> Planned Development - ODP                 | <input type="checkbox"/> Vacation, Right-of-Way            | <input type="checkbox"/> Revocable Permit      |
| <input type="checkbox"/> Planned Development - Preliminary         | <input type="checkbox"/> Vacation, Easement                | <input type="checkbox"/> Variance              |
| <input type="checkbox"/> Planned Development - Final               | <input type="checkbox"/> Extension of Time                 |  |
| <input type="checkbox"/> Annexation/Zone of Annexation             | <input type="checkbox"/> Rezone                            | <input type="checkbox"/> Growth Plan Amendment |

From: \_\_\_\_\_

From: \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

To: \_\_\_\_\_

To: \_\_\_\_\_

Site Location:

2806 Unawoop Ave

Site Tax No.(s):

2943 - 193.13.002

Site Acreage/Square footage:

± 1900

Project Description:

C.U.P. REVISION

Mary Jenkins

Property Owner Name

Ted Munkres

Developer Name

Rich Jenkins

Representative Name

2806 C Rd

Address

121 Chipeta Ave

Address

2806 C Rd

Address

Grand Jct, CO, 81503

City/State/Zip

Grand Jct CO 81501

City/State/Zip

Grand Jct CO, 81503

City/State/Zip

242-4735

Business Phone No.

243-0929

Business Phone No.

242-4735

Business Phone No.

jenkins@gj.net

E-Mail

E-Mail

jenkins@gj.net

E-Mail

Fax Number

Fax Number

Fax Number

Mary Jenkins

Contact Person

Ted Munkres

Contact Person

Rich Jenkins

Contact Person

242-4735

Contact Phone No.

243-0929

Contact Phone No.

242-4735

Contact Phone No.

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 charged to cover rescheduling expenses before it can again be placed on the agenda.

Rich Jenkins  
Signature of Person Completing Application

2-26-01  
Date

Mary L Jenkins  
Required Signature of Legal Property Owner(s) - attach additional sheets if necessary

2-26-01  
Date

# April 2001

NOTES GIVEN TO RICH JENKINS 02/28/01

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 7:00 PM CCWS	3 8:00 AM EA Meeting	4 7:30 PM CC Meeting	5 12:00 PM PCWS/Lunch	6 8:30 AM Staff Mtg, 9:00 AM Code Review \$\$\$ PAYDAY	7
8	9 4:00 PM HPB Mtg @ CD Smith	10 7:00 PM PC Mtg 7:30 PM Urban Trails Mtg CUP.	11 9:00 AM Dept Head Mtg 12:00 PM BOA Mtg 1:30 PM UCC Mtg Variance	12 8:30 AM Staff Mtg - Faye	13 9:00 AM Timesheets Due	14
15	16 7:00 PM CCWS	17 7:00 PM PC Mtg 7:30 PM Riverfront Mtg	18 7:30 PM CC Meeting	19 8:30 AM Staff Mtg, 9:00 AM Code Review	20 \$\$\$ PAYDAY	21
22	23	24	25 9:00 AM Dept Head Mtg	26 8:30 AM Staff Mtg-Eric	27 9:00 AM Timesheets Due Dave T's Birthday - "The Big 40"	28
29	30 7:00 PM CCWS					

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Variance deadline

9 CONDITIONAL USE PERMIT W/ VARIANCE

VARIANCE - 2ND WED OF MONTH

Simple Subdivision - Moving Boundary Line  
DUE AT ANY TIME - NO SUBMITTAL DEADLINE

# SUBMITTAL CHECKLIST

## CONDITIONAL USE PERMIT

Location: 2806 UNDERWEEP AVE

Project Name: JENKINS FLOPAL

ITEMS	DISTRIBUTION												
DESCRIPTION	SSID REFERENCE	● City Community Development	● City Dev. Eng.	● City Utility Eng.	○ City Property Agent	● City Attorney	● City G.J.P.C. (8 sets)	○ City Downtown Dev. Auth.	○ City Parks/Recreation	○ County Planning	○ Walker-Field	● CODE ENFORCEMENT	TOTAL REQ'D.
Date Received	3/2/01												
Receipt #	13651												
File #	CUP-2001-054												
● Application Fee <del>\$390</del>	VII-1	1											
● Submittal Checklist *	VII-3	1											
● Review Agency Cover Sheet *	VII-3	1	1	1	1	1	1	1	1	1	1	1	
● Application Form *	VII-1	1	1	1	1	1	8	1	1	1	1	1	
● Reduction of Assessor's Map ?	VII-1	1	1	1	1	1	8	1	1	1	1	1	
● Evidence of Title <sup>1st</sup> ✓	VII-2	1				1							
○ Appraisal of Raw Land	VII-1	X				1		1					
● Names and Addresses* <del>1st</del>	VII-2	X											
● Legal Description* ?	VII-2	1				1							
○ Deed	VII-1	X				1		X					
○ Easement	VII-2	X	X	X		1		X					
○ Avigation Easement	VII-1	X				1		X			1		
○ ROW	VII-3	X	X	X		1		X					
● General Project Report ✓	X-7	1	1	1	1	1	8	1	1	1	1	1	
● Location Map	IX-21	1											
● Vicinity Sketch	IX-33	1	1	1	1	1	8	1	1	1	1	1	
<del>○ Traffic Study</del>													
○ AMENDED SITE PLAN		1	1	1	1	1	8	1	1	1	1	1	

NOTES: \* An asterisk in the item description column indicates that a form is supplied by the City.

# SUBMITTAL CHECKLIST

①

## VARIANCE

Location: 2800 UNADDER DUE

Project Name: JENKINS FLORAL

ITEMS	DISTRIBUTION												TOTAL REQ'D.		
DESCRIPTION	SSID REFERENCE	<input checked="" type="checkbox"/> City Community Development	<input checked="" type="checkbox"/> City Dev. Eng.	<input checked="" type="checkbox"/> City Utility Eng.	<input checked="" type="checkbox"/> City Property Agent	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Board of Appeals (7 seats)	<input type="checkbox"/> City Downtown Dev. Auth.	<input type="checkbox"/> City Parks and Rec.	<input type="checkbox"/> County Planning	<input checked="" type="checkbox"/> Code Enforcement	<input type="checkbox"/> Sign Consultant			
Date Received	<u>4/25/01</u>														
Receipt #	<u>N/A</u>														
File #	<u>VAR-2001-054</u>														
Application Fee	<u>0</u>	VII-1	1												1
Submittal Checklist *	✓	VII-3	1												1
Review Agency Cover Sheet *	✓	VII-3	1	1	1	1	1	1	1	1	1	2			6
Application Form *	✓	VII-1	1	1	1	1	1	1	1	1	1	2			6
Reduction of Assessor's Map	✓	VII-1	1	1	1	1	1	1	1	1	1	2			6
Evidence of Title		VII-2	1		1	1									3
Names and Addresses *		VII-2	1												1
Legal Description *		VII-2	1		1										2
General Project Report	✓	X-7	1	1	1	1	1	1	1	1	1	2			6
Location Map		IX-21	1												1
Vicinity Sketch		IX-33	1	1	1	1	1	1	1	1	1	2			6
Petition for Variance	✓		1												1

NOTES: \* An asterisk in the item description column indicates that a form is supplied by the City.



# General Meeting/Pre-Application Conference Checklist

Date 04/17/01

Applicant MARY JENKINS Phone 242-4735 Tax Parcel # 2943-193-13-002

Location 2806 UNWIND AVE Proposal VARIANCE FOR BUSH SCREEN IN REAR YARD SETBACK

Meeting Attendees [initials]

While all factors in a development proposal require careful thought, preparation and design, the following circled items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process. General meetings and pre-application conference notes/standards are only valid for six months following the meeting/conference date.

## ZONING & LAND USE

- a. Zoning: RMF-8
- b. Growth Plan Land Use Designation:
- c. Growth Plan (Goals & Policies) Applicability:
- d. Corridor Guidelines or other Plan applicability:
- e. Land Use Compatibility:

## OFF-SITE IMPRACTS

- a. access/right-of-way required
- b. traffic impact
- c. street improvements
- d. drainage/stormwater management
- e. availability of utilities
- f. noise

## SITE DEVELOPMENT

- a. bulk requirements
- b. access, traffic circulation
- c. parking (off-street: handicap, bicycle, lighting)
- d. landscaping (street frontages, parking areas)
- e. screening & buffering
- f. lighting
- g. signage

## MISCELLANEOUS

- a. revocable permit
- b. State Highway Access Permit
- c. floodplain, wetlands
- d. proximity to airport (clear or critical zone)
- e. geologic hazard, soils

## OTHER

- a. related files \_\_\_\_\_
- b. other concerns \_\_\_\_\_

## FEEES

- a. application fee: 0 - paid online of CUP.  
Fee is due at the time of submittal. Make check payable to the City of Grand Junction.
- b. Transportation Capacity Payment (TCP):
- c. Drainage fee:
- d. Parks Impact Fee:
- e. School Impact Fee:
- f. Recording Fee:
- g. Plant Investment Fee (PIF) (Sewer Impact):
- h. Open Space Fee or Dedication:

## PROCESSING REQUIREMENTS

- a. Reference Documents - ZDC, SSID, TEDS, SWMM
- b. Submittal Requirements
- c. Review Process
- d. Annexation (Persigo Agreement)

## PLANNER'S NOTES

\* ADDRESS ALL APPEAL FOR VARIANCE CRITERIA IN GENERAL PROJECT REPORT

\* RETURN VARIANCE INFO TO COMMUNITY DEV. DEPT BY APRIL 25<sup>TH</sup>.

\* COMPLETE PETITION FOR VARIANCE FORM AND RETURN ORIGINAL BY APRIL 25, 2001.

\* VARIANCE WILL BE HEARD BY PLANNING COMMISSION w/ C.U.P. NOT ZONING BOARD OF APPEALS.

APPLICANT IS RESPONSIBLE TO JUSTIFY ALL VARIANCE CRITERIA.





# APPEAL FOR VARIANCE

## BULK, PERFORMANCE, USE-SPECIFIC & OTHER STANDARDS

4. **Variance Requests from Bulk, Performance, Use-Specific and Other Standards.** A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter Four, and any other standard in this Code for which specific variance criteria is not provided. Such variances shall be granted only when the applicant establishes that all of the following criteria are satisfied:
- a. **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
  - b. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
  - c. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
  - d. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
  - e. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures;
  - f. **Compatible with Adjacent Properties.** The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the Board may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Code. The Board may consider prospective financial loss or gain to applicant but consideration thereof shall not be sole reason for granting a variance;
  - g. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code; and
  - h. **Conformance with the Growth Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.

# CITY OF GRAND JUNCTION PETITION FOR VARIANCE

DATE RECEIVED: \_\_\_\_\_

FILE NO. \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

I (We), the undersigned, hereby petition for a variance on the property located at:

ADDRESS: \_\_\_\_\_

TAX SCHEDULE #: \_\_\_\_\_ ZONE CLASSIFICATION: \_\_\_\_\_

1. Section(s) of the City of Grand Junction Zoning and Development Code which are requested to be varied:

\_\_\_\_\_  
\_\_\_\_\_

I (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 RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION. WE RECOGNIZE THAT WE, OURSELVES, OR OUR REPRESENTATIVE MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Joint Property Owner (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# RECEIPT OF APPLICATION

DATE BROUGHT IN: 2-28-01  
CHECK #: 5986 AMOUNT: 390.00  
DATE TO BE CHECKED IN BY: 3-2-01  
PROJECT/LOCATION: 2806 Unawkep AVE

If application is found to be complete, the Community Development Department guarantees that the review comments for this application will be available for pick up at our office by the end of the day on 3-2-01 or we'll refund up to \$100 of your application fee.

This guarantee does not include late comments from outside review agencies. The date that the comments will be ready only applies if the application is accepted as complete. It is possible that additional items and/or fees may be required.

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**Items to be checked for on application form at time of submittal:**

- Application type(s)
- Acreage
- Zoning
- Location
- Tax #(s)
- Project description
- Property owner w/ contact person, address & phone #
- Developer w/ contact person, address & phone #
- Representative w/ contact person, address & phone #
- Signatures of property owner(s) & person completing application



# APPLICATION COMPLETENESS REVIEW

Use "N/A" for items which are not applicable.

Date: 3/1/01

Project Name: Senkins Floral (if applicable)

Project Location: 2806 Unaweep Ave (address or cross-streets)

Check-In Staff Community Development: PC initials of check-in  
Development Engineer: \_\_\_\_\_ staff members

APPLICATION TYPE(S): Amend CUP  
(e.g. Site Plan Review)

FEE PAID: Application: 390<sup>00</sup> BALANCE DUE:  
Acreage: \_\_\_\_\_ o yes, amount \$ \_\_\_\_\_  
Public Works: \_\_\_\_\_ o  no  
TOTAL: 390<sup>00</sup>

## COMPLETENESS REVIEW:

Originals of all forms received w/signatures?  yes o no, list missing items below  
• \_\_\_\_\_  
• \_\_\_\_\_  
• \_\_\_\_\_

Missing drawings, reports, other materials?  no o yes, list missing items below  
Note: use SSID checklist  
• \_\_\_\_\_  
• \_\_\_\_\_  
• \_\_\_\_\_

Incomplete drawings, reports, other materials?  no o yes, list missing items below  
Note: Attach SSID checklist(s) w/incomplete information identified  
• \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_

Professional stamp/seal missing from drawings/reports?

no     yes, list missing items below

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Other *Please list below*

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**PROJECT ASSIGNMENT AND PROCESSING**

Project Manager:           Joe          

Special Processing Instructions:

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# APPLICATION COMPLETENESS REVIEW

Use "N/A" for items which are not applicable

Date: 3/1/01

Project Name: Jenkins Floral (if applicable)

Project Location: 2806 Unaweep Ave (address or cross-streets)

Check-In Staff Community Development: PC initials of check-in  
Development Engineer: \_\_\_\_\_ staff members

APPLICATION TYPE(S): Amend CUP  
(e.g. Site Plan Review)

FEE PAID: Application: 390<sup>00</sup> BALANCE DUE:  
Acreage: \_\_\_\_\_  yes, amount \$ \_\_\_\_\_  
Public Works: \_\_\_\_\_  no  
TOTAL: 390<sup>00</sup>

## COMPLETENESS REVIEW:

Originals of all forms received w/signatures?  yes  no, list missing items below

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Missing drawings, reports, other materials?  no  yes, list missing items below

Note: use SSID checklist

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Incomplete drawings, reports, other materials?  no  yes, list missing items below

Note: Attach SSID checklist(s) w/incomplete information identified

- \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_

Professional stamp/seal missing from drawings/reports?

no     yes, list missing items below

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Other *Please list below*

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**PROJECT ASSIGNMENT AND PROCESSING**

Project Manager:           Joe          

Special Processing Instructions:

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# REVIEW COMMENTS

Page 1 of 1

FILE # CUP-2001-054

TITLE HEADING: Jenkins Floral Amended

LOCATION: 2806 Unawweep Ave

PETITIONER: Freestyle – Ted Munkres

PETITIONER'S ADDRESS/TELEPHONE: 121 Chipeta Ave  
Grand Junction, CO 81501  
243-0929

PETITIONER'S REPRESENTATIVE: Jenkins Floral – Rich Jenkins  
242-4735

STAFF REPRESENTATIVE: Joe Carter

**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT AND LABEL A RESPONSE TO COMMENT FOR EACH AGENCY OR INDIVIDUAL WHO HAS REQUESTED ADDITIONAL INFORMATION OR REVISED PLANS ON OR BEFORE 5:00 P.M., MARCH 30, 2001.**

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**CITY COMMUNITY DEVELOPMENT**

3/14/01

Joe Carter

244-1442

1. Applicant needs to revise Site Plan to show the exact location of the bug screen, modify the size of the green house and eliminate the eastern wing of the structure. Additionally, please show dimensions of greenhouse from all fence lines.
2. How does the project provide reasonable visual and auditory privacy for all of the houses adjacent to this greenhouse?
3. The bug screen currently exists in the rear yard setback. How does the applicant intend on addressing this problem?
4. Why was bug screen constructed in the rear yard setback?
5. Why was the bug screen not shown on the approved CUP site plan?
6. Please provide a written response to these comments within 5 days.
7. Applicant needs to refer to letter dated 03/09/01 referencing deadlines and options. Please state which option you choose to follow.

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**CITY DEVELOPMENT ENGINEER**

3/9/01

Eric Hahn

244-1443

No comments.

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**CITY UTILITY ENGINEER**

3/14/01

Trent Prall

244-1590

No comment.

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**CITY CODE ENFORCEMENT**

3/14/01

Randy Keller

244-1593

No comments.

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**CITY ATTORNEY**

3/16/01

Stephanie Rubinstein

244-1501

1. Please provide evidence of title.
2. Please address Conditional Use Permit Review Criteria in the Zoning and Development Code.

## **Review Comments**

- 1. Eastern wing of structure is eliminated.**
- 2. This is a glass structure. The fans are on the South side where the only house is ours.**
- 3. We are trying to buy the setback footage of land to eliminate the problem.**
- 4. The out of town contractor .**
- 5. It was on the original documents submitted.**
- 7. We are trying to buy the intended property, as for a simple subdivision. We are waiting on Dick Atkinson at 309 West Highland dr. to get back with us on the final say so.**

**RECEIVED**

**APR 03 2001**

**COMMUNITY DEVELOPMENT  
DEPT.**

# REVIEW COMMENTS

Page 1 of 1

FILE # VAR-2001-054

TITLE HEADING: Jenkins Floral Amended

LOCATION: 2806 UnawEEP Ave

PETITIONER: Freestyle – Ted Munkres

PETITIONER'S ADDRESS/TELEPHONE: 121 Chipeta Ave  
Grand Junction, CO 81501  
243-0929

PETITIONER'S REPRESENTATIVE: Jenkins Floral – Rich Jenkins  
242-4735

STAFF REPRESENTATIVE: Joe Carter

**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT AND LABEL A RESPONSE TO COMMENT FOR EACH AGENCY OR INDIVIDUAL WHO HAS REQUESTED ADDITIONAL INFORMATION OR REVISED PLANS, AND A COPY FOR THE CITY, ON OR BEFORE 5:00 P.M., MAY 21, 2001.**

**CITY COMMUNITY DEVELOPMENT**

4/4/01

Joe Carter

244-1442

No comment

**CITY CODE ENFORCEMENT**

4/4/01

Randy Keller

256-4102

No comment

**CITY UTILITY ENGINEER**

4/4/01

Trent Prall

244-1590

No comment

# REVIEW COMMENTS

## 2ND ROUND

Page 1 of 1

FILE # CUP-2001-054

TITLE HEADING: Jenkins Floral Amended

LOCATION: 2806 UnawEEP Ave

PETITIONER: Freestyle – Ted Munkres

PETITIONER'S ADDRESS/TELEPHONE: 121 Chipeta Ave  
Grand Junction, CO 81501  
243-0929

PETITIONER'S REPRESENTATIVE: Jenkins Floral – Rich Jenkins  
242-4735

STAFF REPRESENTATIVE: Joe Carter

**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT AND LABEL A RESPONSE TO COMMENT FOR EACH AGENCY OR INDIVIDUAL WHO HAS REQUESTED ADDITIONAL INFORMATION OR REVISED PLANS, AND A COPY FOR THE CITY, ON OR BEFORE 5:00 P.M., APRIL 20, 2001.**

### CITY COMMUNITY DEVELOPMENT

4/4/01

Joe Carter

244-1442

1. Applicant did not fully address the first set of review comments. Please address all comments from all review agencies and return two copies to the Community Development Department by April 20, 2001 at 5:00 pm. Review comment # 2, 3 and 4 are comments from the original set of review comments.
2. Applicant needs to revise Site Plan to show the exact location of the bug screen, modify the size of the green house and eliminate the eastern wing of the structure. Additionally, please show dimensions of greenhouse from all fence lines.
3. How does the project provide reasonable visual and auditory privacy for all of the houses adjacent to this greenhouse?
4. The bug screen was not shown on the originally submitted site plan. Why?
5. The applicant did not submit the response to comments to the Community Development Department within the specified time frame as shown on the Review Comment form. The project will not go to hearing until all Review Comments are addressed.
6. Please refer to the letter from the Community Development Department dated 03/09/01 referencing deadlines and options.
7. As per the Assistant City Attorney, the applicant can apply for a variance with the Conditional Use Permit application. The variance and the conditional use permit would be heard by the planning commission at the same hearing. A variance checklist would need to be completed by the Community Development Staff.
8. If the applicant would like to apply for a variance at this time, please contact this office by April 13, 2001.
9. The City Attorney made comment on the 1st set of Review Comments. Please respond to those comments.



Colorado Secretary of State  
 Date and Time: 08/01/2008 10:35 AM  
 ID Number: 14481069012

Document must be filed electronically  
 Paper documents will not be accepted.

Document processing fee  
 Fees & forms/cover sheets  
 are subject to change.

\$1.00

Document number: 20081411498  
 Amount Paid: \$1.00

To access other information or print  
 copies of filed documents,  
 visit [www.sos.state.co.us](http://www.sos.state.co.us) and  
 select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

**Statement of Trade Name Renewal of a Person other than a Reporting Entity, a Domestic Limited Partnership or a Dissolved or Delinquent Reporting Entity, or a Converted Entity**  
 filed pursuant to §7-71-105 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. The ID number of the statement of trade name to be renewed and the true name of the person transacting business in this state under the trade name are

ID number 14481069012  
*(Colorado Secretary of State ID number)*

True name  
 (if an individual) JENKINS RICH L.  
*(Last) (First) (Middle) (Suffix)*

OR

(other) \_\_\_\_\_  
*(Caution: Do not provide both an individual and an entity name.)*

2. The trade name under which such person transacts business in this state, as stated in such statement of trade name is

JENKINS LANDSCAPING

3. The street address of such person's usual place of business and, if different, such person's mailing address are

Street address 2806 C ROAD  
*(Street number and name)*

GRAND JUNCTION CO 81503-3169  
*(City) (State) (Postal/Zip Code)*

United States  
*(Province - if applicable) (Country - if not US)*

Mailing address  
 (leave blank if same as street address) \_\_\_\_\_  
*(Street number and name or Post Office Box information)*

\_\_\_\_\_  
*(City) (State) (Postal Zip Code)*

\_\_\_\_\_  
*(Province - if applicable) (Country - if not US)*

*(If the following statement applies, adopt the statement by marking the box.)*

- The mailing address in the records of the Secretary of State is no longer different than the street address and is no longer required.

4. (Caution: *Leave blank if the description has not changed.*)

A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

\_\_\_\_\_

5. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

**Notice:**

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

Jenkins	Rich	I	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
2806 C Road			
<i>(Street number and name or Post Office Box information)</i>			
Grand Junction	CO	81503	
<i>(City)</i>	<i>(State)</i>	<i>(Postal Zip Code)</i>	
United States			
<i>(Province - if applicable)</i>		<i>(Country - if not US)</i>	

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Colorado Secretary of State  
 Date and Time: 07/24/2009 11:48 AM  
 ID Number: 14481069012

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\$1.00

Document number: 20091393250  
 Amount Paid: \$1.00

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 select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

**Statement of Trade Name Renewal of a Person other than a Reporting Entity, a Domestic Limited Partnership or a Dissolved or Delinquent Reporting Entity, or a Converted Entity**  
 filed pursuant to §7-71-105 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. The ID number of the statement of trade name to be renewed and the true name of the person transacting business in this state under the trade name are

ID number 14481069012  
*(Colorado Secretary of State ID number)*

True name  
 (if an individual) JENKINS RICH L.  
*(Last) (First) (Middle) (Suffix)*

OR

(other) \_\_\_\_\_  
*(Caution: Do not provide both an individual and an entity name.)*

2. The trade name under which such person transacts business in this state, as stated in such statement of trade name is

JENKINS LANDSCAPING

3. The principal address of such person is

Street address 2806 C ROAD  
*(Street number and name)*

GRAND JUNCTION CO 81503-3169  
*(City) (State) (Postal Zip Code)*

United States  
*(Province - if applicable) (Country - if not US)*

Mailing address  
 (leave blank if same as street address) \_\_\_\_\_  
*(Street number and name or Post Office Box information)*

\_\_\_\_\_  
*(City) (State) (Postal Zip Code)*

\_\_\_\_\_  
*(Province - if applicable) (Country - if not US)*

*(If the following statement applies, adopt the statement by marking the box.)*

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Landscaping

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Jenkins	Rich	L	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<u>2806 C Rd</u>			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
Grand Junction	CO	81503	
<i>(City)</i>	<i>(State)</i>	<i>(Postal Zip Code)</i>	
<u>United States</u>			
<i>(Province - if applicable)</i>		<i>(Country - if not US)</i>	

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Colorado Secretary of State  
 Date and Time: 08/05/2010 02:48 PM  
 ID Number: 14481069012

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Document number: 20101437572  
 Amount Paid: \$1.00

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United States  
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Mailing address  
 (leave blank if same as street address) \_\_\_\_\_  
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<u>Jenkins</u>	<u>Rich</u>		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>2806 C Road</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Grand Junction</u>	<u>CO</u>	<u>81503</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal Zip Code)</small>	
<u>United States</u>			
<small>(Province - if applicable)</small>	<small>(Country - if not US)</small>		

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 ID Number: 14481069012  
 Document number: 20111396052  
 Amount Paid: \$1.00

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\$1.00

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2806 C Road			
<i>(Street number and name or Post Office Box information)</i>			
Grand Jct		CO	81503
<i>(City)</i>		<i>(State)</i>	<i>(Postal Zip Code)</i>
		United States	
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Date 02/22/01

Applicant Mary Jenkins

Phone 242-4735

Location 2806 Unaweeep Ave Tax Parcel # 2943-193-13-002.

Proposal C.U.P. petition

Preapp Staff Joe C / Lisa G.

Related Files CUP-2000-138

Please read the following carefully and sign below. This original signed checklist must be returned with your submittal package.

It is recommended that the applicant inform the neighboring property owners/tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

**WE RECOGNIZE** that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are. In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fees must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

**WE UNDERSTAND** that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

**WE FURTHER UNDERSTAND** that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

→ \*\*\*\*\*This original signed checklist must be returned with your submittal package.\*\*\*\*\*

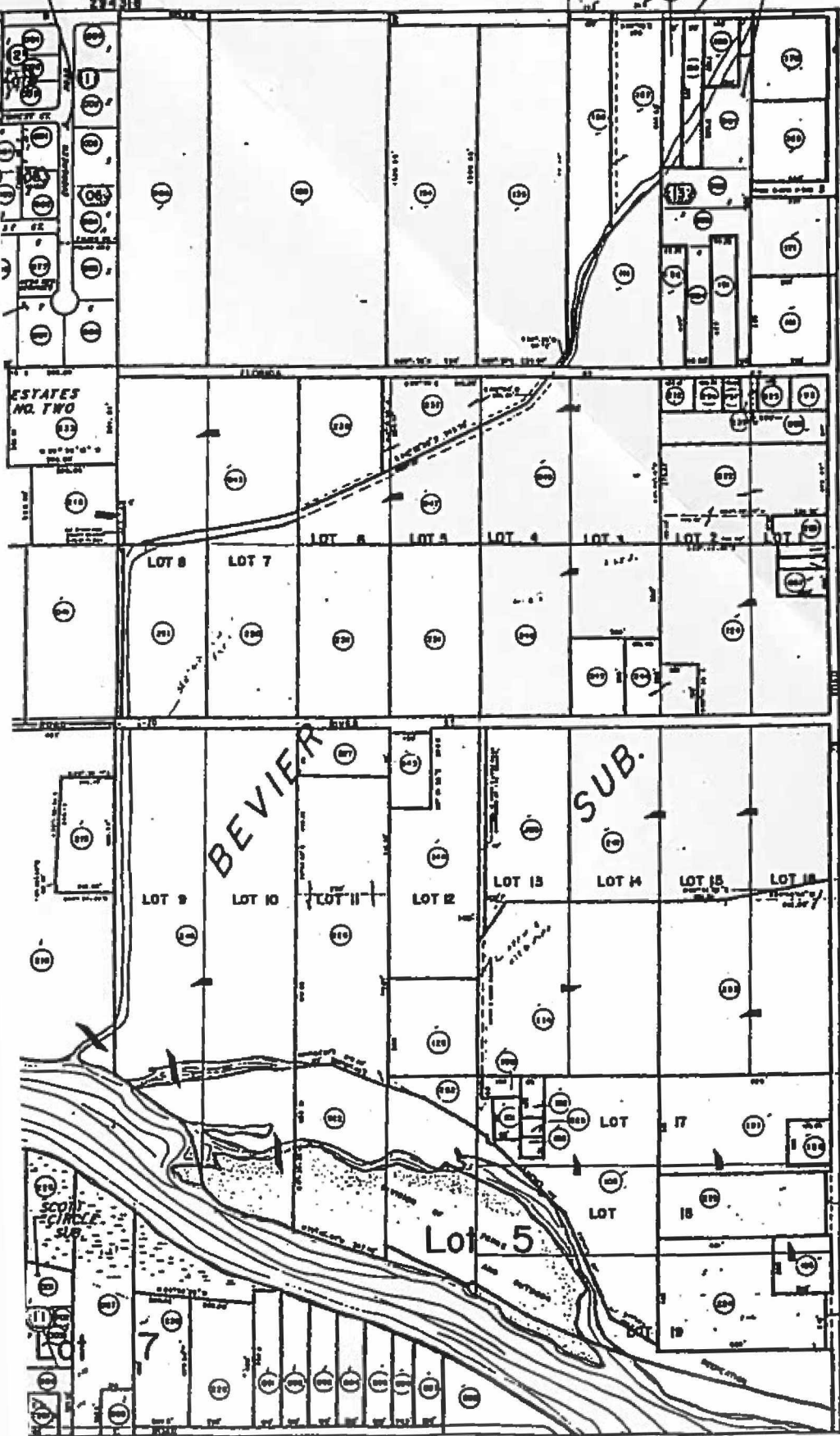
Mary L Jenkins  
Signature(s) of Petitioner(s)

[Signature]  
Signature(s) of Representative(s)



VE ESTATES  
ING No. ONE  
Adj. by  
T.18.R.I.E.  
294318

WALLACE MINOR  
SUBDIVISION



ESTATES  
NO. TWO

Adj. by  
T.18.R.I.E.  
294320

BEVIER

SUB.

LOT 9 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16

LOT 5

SCOTT'S  
CIRCLE  
SUB.

Area of 2.18  
is not shown here  
as it is not in  
this map  
Survey of 1880  
shown on page 47 of

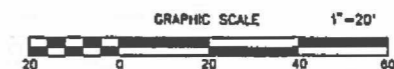
Adj. by  
T.18.R.I.E.  
294330

T.18.R.I.E. SEC. 19

294319



NORTH



SITE PLAN / UTILITY COMPOSITE

JENKINS MINOR SUBMISSION  
CURRENT ZONING - PB  
PROPOSED ZONING - RSF B WITH CUP FOR NURSERY

UTILITY VENDORS

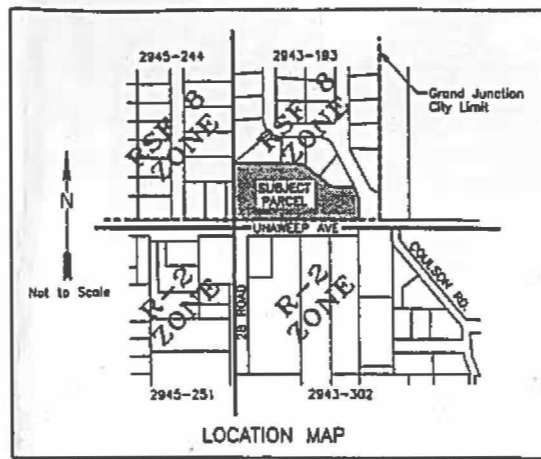
WATER	UTE WATER COMPANY
SEWER	CITY OF GRAND JUNCTION
ELECTRIC	PUBLIC SERVICE
TELEPHONE	US WEST COMMUNICATIONS
GAS	PUBLIC SERVICE

NOTE: NO CHANGES ARE CURRENTLY PROPOSED TO EXISTING STRUCTURES, PARKING, ACCESS OR OTHER SITE FEATURES. THE ONLY PROPOSED CHANGES ARE ZONING AND LOT DIVISION.

NOTE: CURBSIDE TRASH COLLECTION USING ROLL-ARAY CONTAINERS

LEGEND

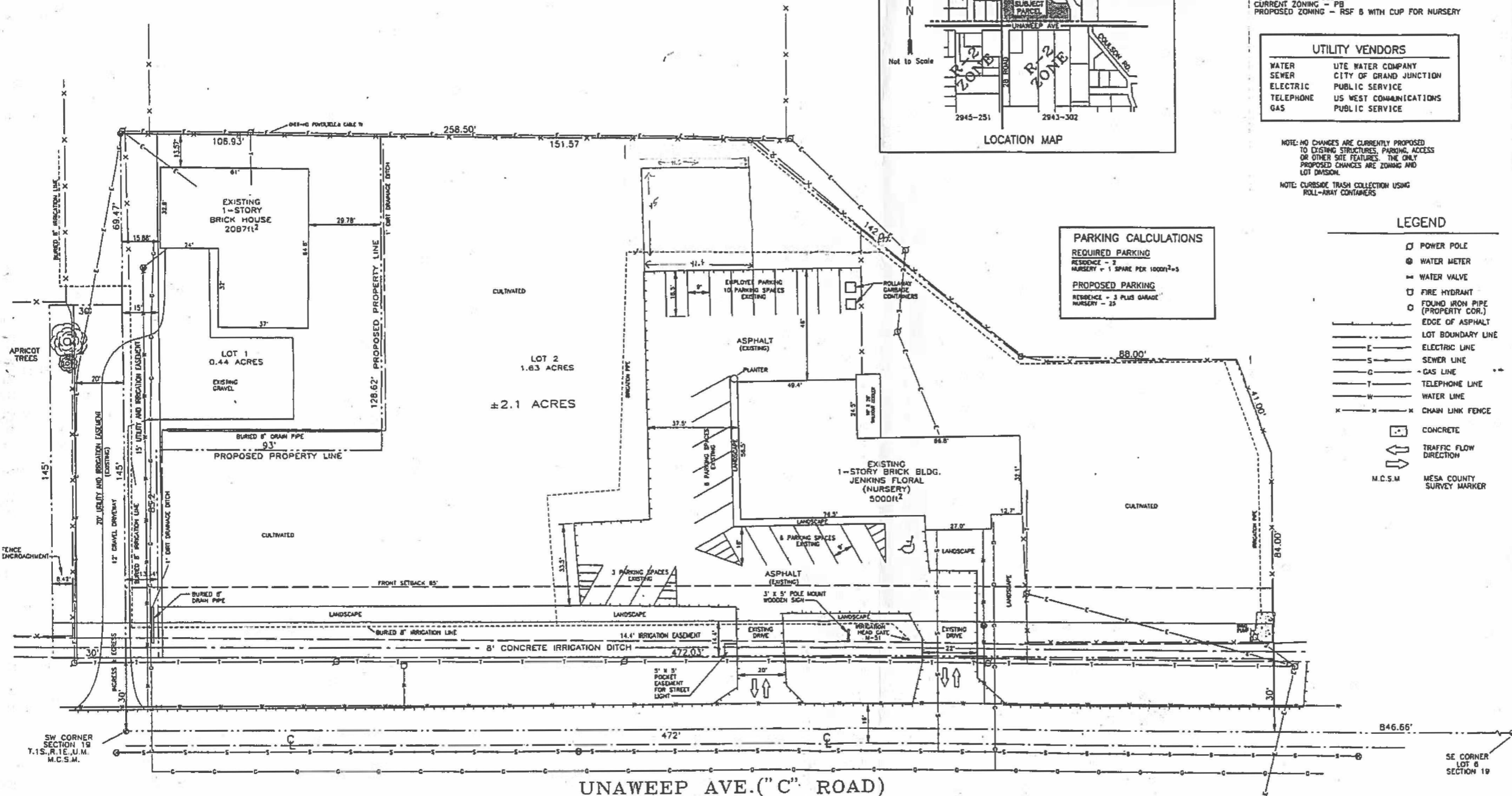
- POWER POLE
- ⊙ WATER METER
- WATER VALVE
- FIRE HYDRANT
- FOUND IRON PIPE (PROPERTY COR.)
- EDGE OF ASPHALT
- LOT BOUNDARY LINE
- E — ELECTRIC LINE
- S — SEWER LINE
- G — GAS LINE
- T — TELEPHONE LINE
- W — WATER LINE
- X — CHAIN LINK FENCE
- CONCRETE
- ⇨ TRAFFIC FLOW DIRECTION
- M.C.S.M. MESA COUNTY SURVEY MARKER



**PARKING CALCULATIONS**

**REQUIRED PARKING**  
RESIDENCE - 2  
NURSERY = 1 SPACE PER 1000ft<sup>2</sup>-3

**PROPOSED PARKING**  
RESIDENCE - 3 PLUS GARAGE  
NURSERY - 25



**1 SITE PLAN**  
SP-1  
1" = 20'  
JENKINS MINOR SUBMISSION  
CURRENT ZONING - PB  
PROPOSED ZONING - RSF B WITH CUP FOR NURSERY

**LAND USE BREAKDOWN**

LOT 1 - 0.44 ACRES (19,365ft <sup>2</sup> )	LOT 2 - 1.83 ACRES (80,000ft <sup>2</sup> )
HOUSE - (2,087ft <sup>2</sup> )	NURSERY BUSINESS - (5,000ft <sup>2</sup> )
LANDSCAPE AND DRIVEWAY - (15,037ft <sup>2</sup> )	ASPHALT DRIVE & PARKING - (12,500ft <sup>2</sup> )
(PROPOSED REZONE TO RSF-B)	LANDSCAPE & PLANTING BEDS - (53,510ft <sup>2</sup> )
	(CONDITIONAL USE PERMIT)

ACCEPTED AS CONSTRUCTED  
Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with City of Grand Junction Standards and Specifications.

City of Grand Junction Community Development Representative Date

\*All details, construction, inspections, and testing shall conform to City of Grand Junction Standards and Specifications. The contractor shall have a copy of the accepted plans and the current City of Grand Junction Standards and Specifications on-site and available at all times during construction.

REVISIONS	DATE	REMARKS

**SITE PLAN AND UTILITY COMPOSITE**  
Jenkins Minor Sub  
2802 and 2806 UnawEEP Ave.  
Grand Junction, Co. 81503

Mary Jenkins  
2806 UnawEEP Ave.  
Grand Junction, Co. 81503-3169  
970 242-4815

**HydroTerra, Inc.**  
4721 Pearly Mesa Road  
Windsor, Colorado 80527  
Telephone: (970) 242-4454

PROJECT SITE PLAN/ UTILITY COMPOSITE  
SCALE: AS SHOWN  
DATE DRAWN: November 11, 1997  
LATEST REVISION: November 11, 1997

SHEET NUMBER  
**SP-1**  
RECEIVED



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Rich Jenkins  
 Jenkins Floral  
 2806 Unawweep Ave  
 Grand Jct CO 81503

## 2. Article Number (Copy from service label)

7099 3400 0017 1654 2945

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X *Jerrie Wilson*

 Agent Addressee

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

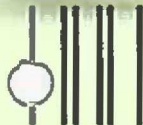
3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

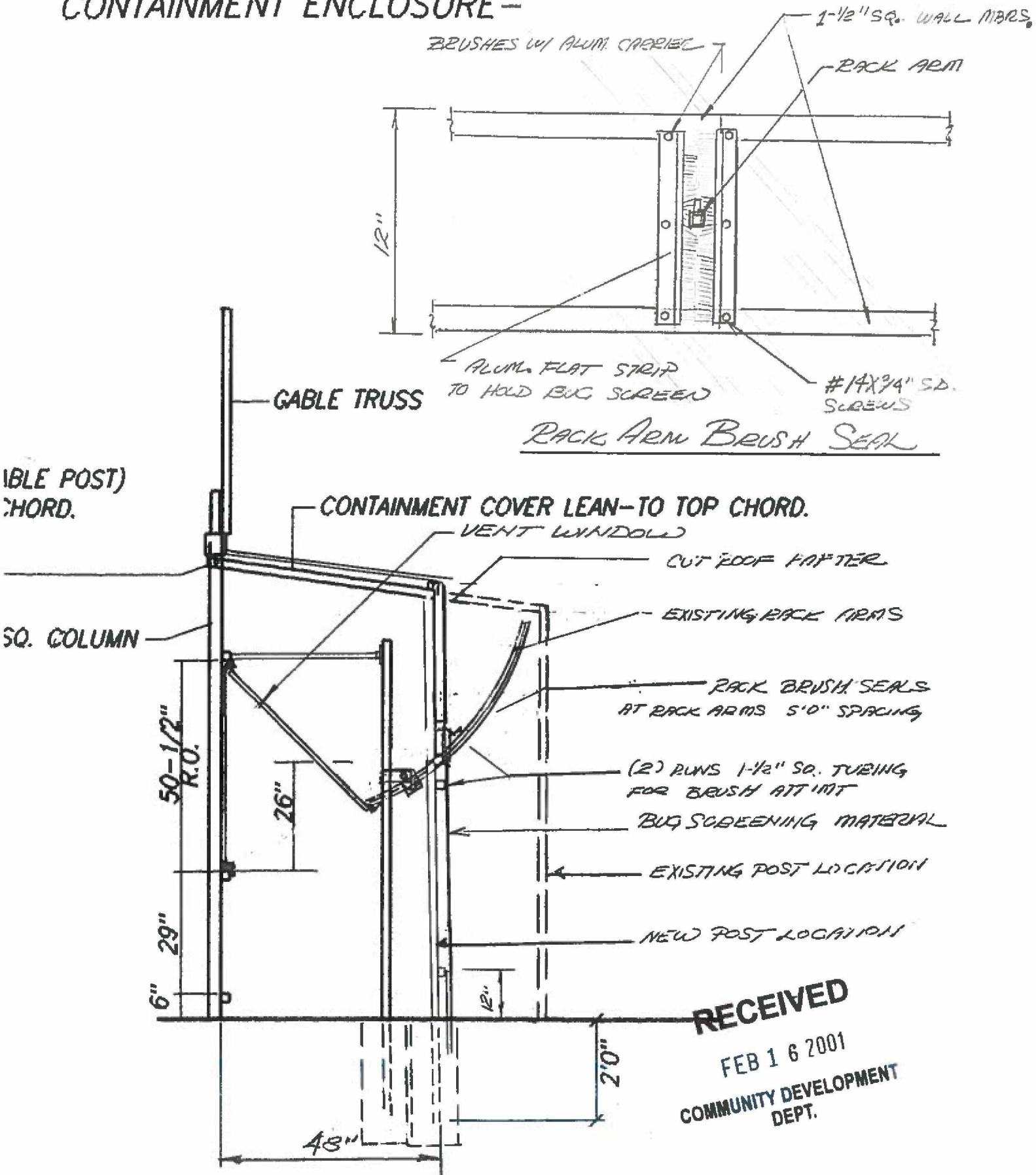
- Sender: Please print your name, address, and ZIP+4 in this box •

City of Grand Junction  
Community Development Dept.  
Attn: Joe Carter  
250 N 5th St  
Grand Junction CO

RECEIVED  
JUN 19 2001  
COMMUNITY DEVELOPMENT  
DEPT.

RECEIVED 02/16/01

# CONTAINMENT ENCLOSURE-



**RECEIVED**  
 FEB 16 2001  
 COMMUNITY DEVELOPMENT  
 DEPT.

## SIDE VIEW

# CERTIFIED MAIL RECEIPT

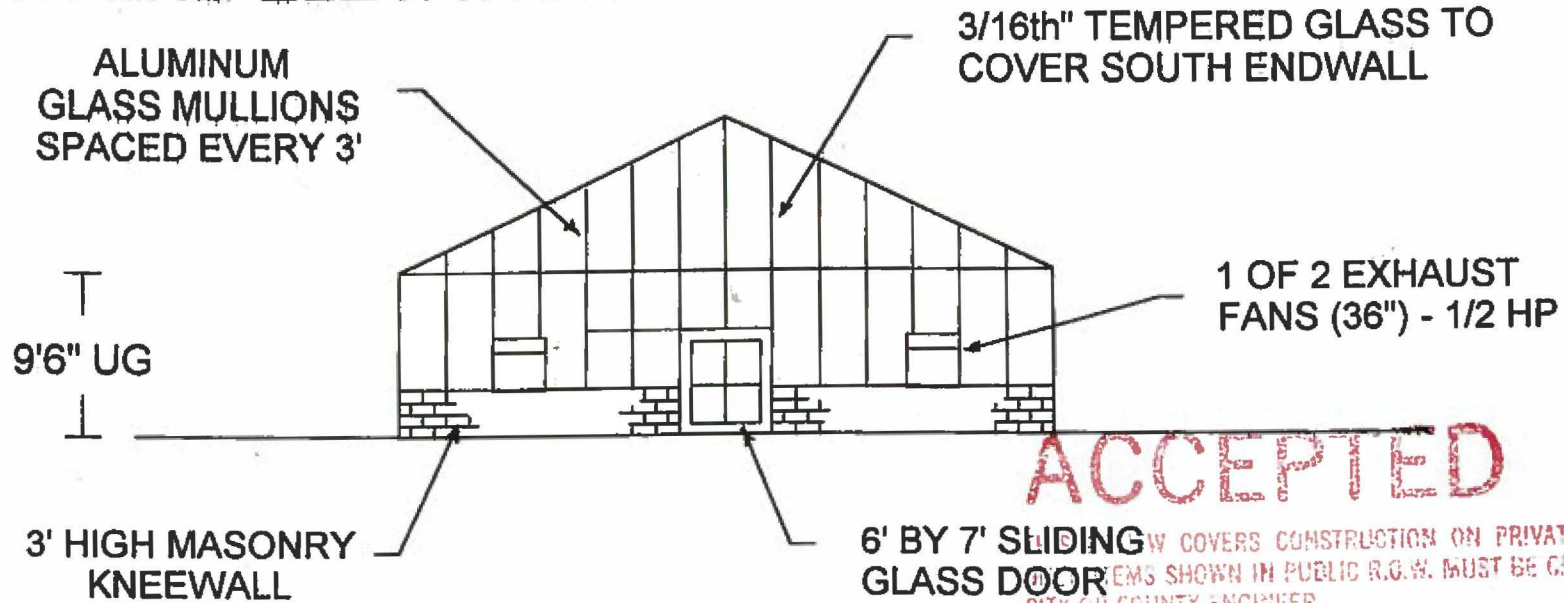
(Domestic Mail Only; No Insurance Coverage Provided)

7992 3400 0017 1654 2723  
E222 459T 2100 004E 6602

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
Mary Jenkins  
Street, Apt. No. or P.O. Box No.  
2806 C Rd. D J. CO: 81503  
City, State, ZIP+4

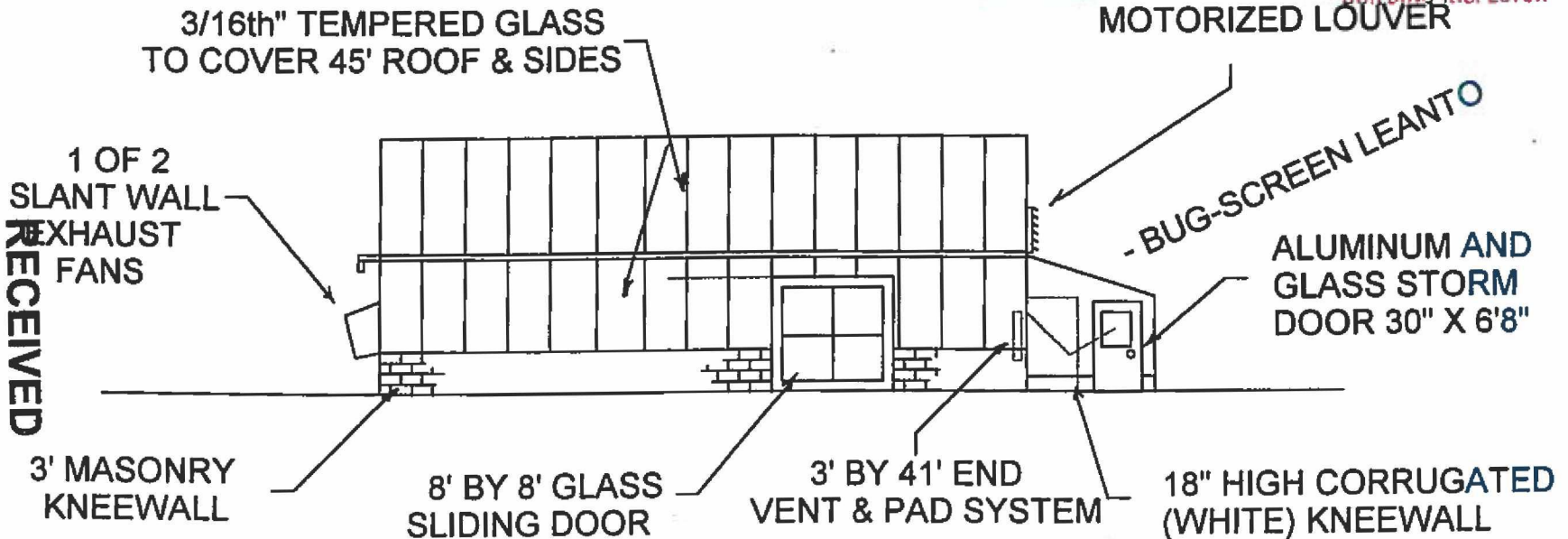
# SOUTH END ELEVATION



**ACCEPTED**

MAKE NO UNAUTHORIZED CHANGES  
 KEEP THESE PLANS ON THE JOB  
 CALL FOR INSPECTIONS 10-31-02  
 ONE 39" TRUSS MOUNTED MOTORIZED LOUVER  
 BUILDING INSPECTOR

# EAST SIDE ELEVATION

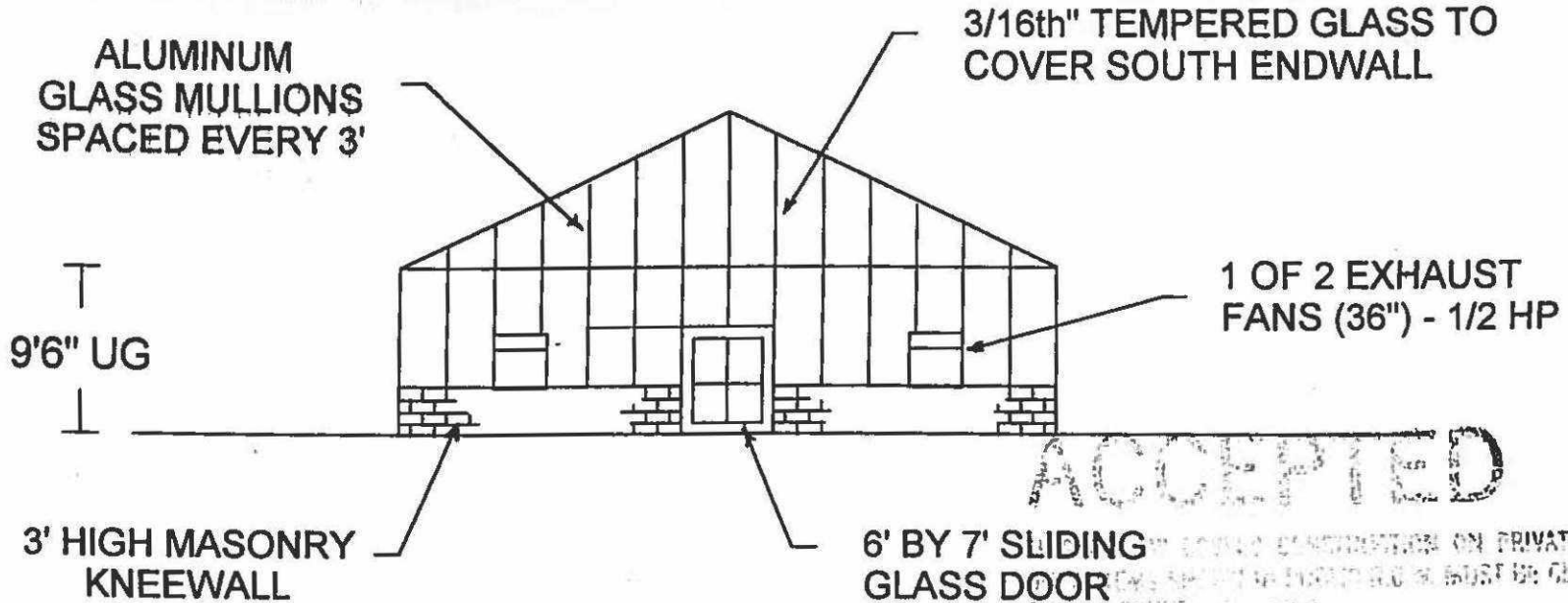


COMMUNITY DEVELOPMENT DEPT.

APR 03 2001

RECEIVED

# SOUTH END ELEVATION



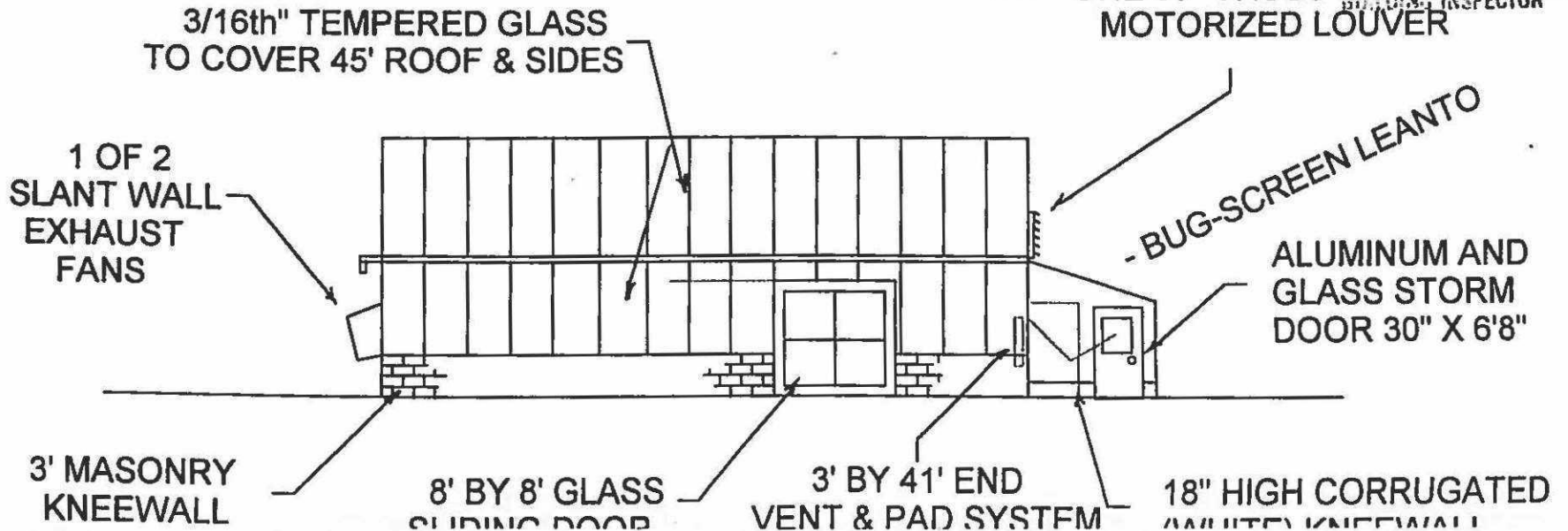
**ACCEPTED**

NO LIABILITY FOR DAMAGE TO PRIVATE PROPERTY  
 MUST BE CLEARED WITH  
 CITY OF SANTA ANA

KEEP THESE PLANS ON THE JOB  
 CALL FOR INSPECTIONS 10-31-00

ONE 39"-TRUSS MOUNTED  
 MOTORIZED LOUVER  
 BUILDING INSPECTOR

# EAST SIDE ELEVATION



↑  
NORTH

PROPERTY LINE

REBAR 36" x 12"

45"

28"

24"

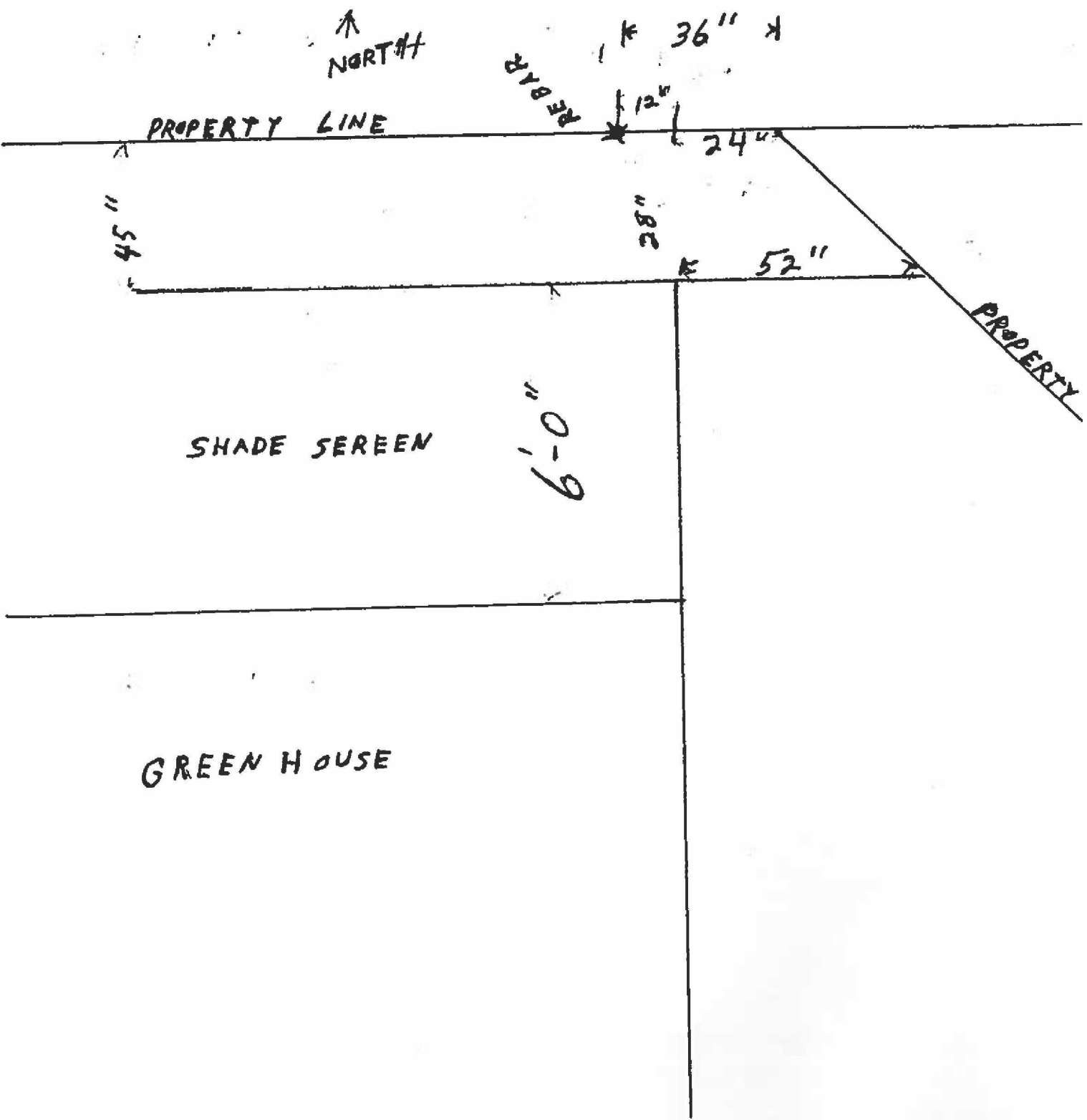
52"

PROPERTY

SHADE SCREEN

6'-0"

GREEN HOUSE

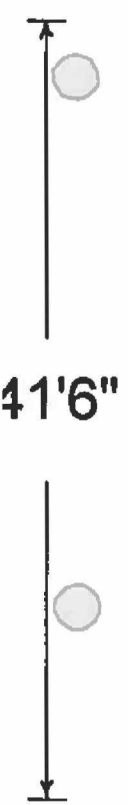


# Jenkin's Floral

## Thirteen Nexus 6' by 18' Aisle Eliminator Rolling Benches

30" Bench Height --- 3" High Aluminum Bench Perimeter --- Legs in Caissons

5



1 OF 2 ROLLING AISLES 2' WIDE

1 OF 13 ROLLING BENCHES 6' BY 18'

8' BY 7' GLASS SLIDER -

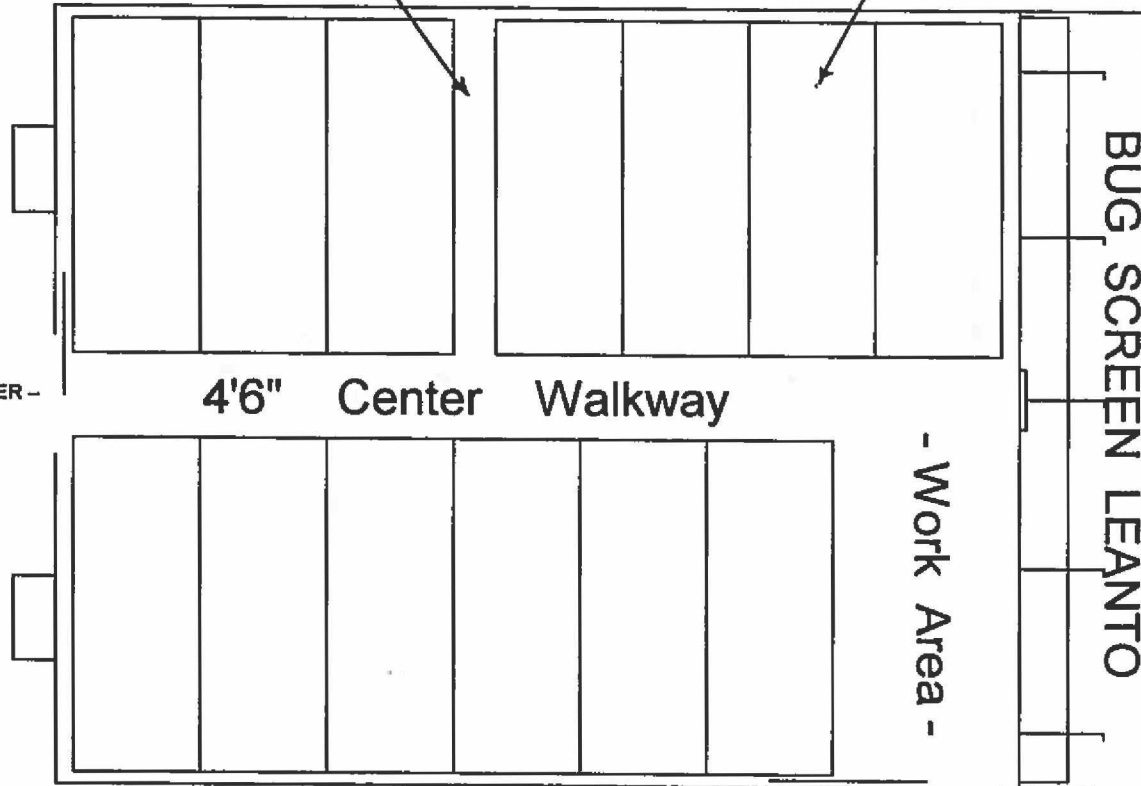
4'6" Center Walkway

- Work Area -

BUG SCREEN LEANTO

8' BY 8' GLASS SLIDER

30' BY 6'8" WALK DOOR





JENKINS FLORAL  
GENERAL PROJECT REPORT

I. PROJECT DESCRIPTION:

**A. Overview:**

This is a request for a minor revision to a previously granted conditional use permit which authorized adding a greenhouse building to an existing floral/nursery business, Jenkins Floral, as well as a variance from bulk standards for a rear yard setback in an RMF8 zone.

Jenkins Floral has been operating as a floral/nursery business at its present location for over 35 years now. In 1997, Jenkins Floral underwent the minor subdivision approval process for a 2 lot subdivision in which a residence was split off from the business property. As part of the subdivision approval process, Jenkins Floral's zoning was changed from Planned Business to RSF8 (now RMF8) along with a conditional use permit for the existing floral/nursery business.

In September, 2000, Jenkins Floral received a separate conditional use permit so it could add a greenhouse behind the existing single-story business structure. (A copy of the approval is enclosed as Exhibit A). The rear portion of the greenhouse consists of a 6' wide "bug screen lean-to". The bug screen is necessary to serve as a filter for the greenhouse ventilation system. Although the "bug screen lean-to" is depicted on the project elevation and specifications maps, the screen was not depicted on one of the site plan maps.

After receiving approval for the conditional use permit, Jenkins Floral spent approximately \$100,000.00 for the purchase of materials and construction of the greenhouse. It has now been determined that the bug screen lean-to extends between 1 to 3 feet into the rear yard setback.

Dick Atkinson is the neighbor who's rear property is directly adjacent to the rear of Jenkins Floral. An existing 6' high solid-wood fence divides the two properties and a small, irrigation ditch runs along the fence on the Atkinson property. Although he initially expressed some concern when

the greenhouse was first proposed, Mr. Atkinson indicates he now has no objection to the greenhouse as it is presently situated even with the small encroachment of the lean-to into the setback.

Because of the confusion over depiction of the bug screen lean-to attachment on the various project and site plan maps, a minor revision to the previously granted conditional use permit is being requested to add the 6' screen to the rear of the greenhouse. Because the bug screen lean-to will intrude into the rear-yard setback, a variance is being requested from the bulk standards applicable to rear yard setbacks in an RMF8 zone.

**B. Location:** 2806 Unawep Avenue (a/k/a "C" Road).

**C. Acreage:** The entire lot encompassing the business is 1.63 acres. As presently constructed, the greenhouse itself is 45' x 41½'. The 6' bug screen lean-to will add 6' to the length of the greenhouse for a new measurement of 51' x 41½'.

**D. Site Zoning:** Jenkins Floral was formerly zoned as Planned Business. It is now zoned as RMF8 with a conditional use permit for the floral/nursery business. A conditional use permit has also been approved for construction of the greenhouse. The rear-yard setback is 5 feet for an accessory building in an RMF8 zone.

**E. Surrounding Zoning:** Properties to the north, west and east of Jenkins Floral are zoned RMF8. Property to the south is zoned R-2

**F. Proposed Use:** The proposed use is the addition of a bug screen to the back of the greenhouse, which is as an accessory building to the existing floral/nursery business.

## II. PUBLIC BENEFIT:

Jenkins Floral has been owned and operated by Mary Jenkins at this same location for over 35 years now. The addition of the greenhouse allows customers of Jenkins Floral to be provided with a greater variety of the type and number of floral/nursery products being offered by the business. The greenhouse likewise allows Jenkins Floral to diversify its

business in an ever increasingly competitive floral/nursery market. The public benefits by having multiple businesses offering floral/nursery products at competitive prices.

### III. PROJECT COMPLIANCE, COMPATIBILITY AND IMPACT.

As is reflected by the RMF8 zoning designation, Jenkins Floral is bordered by residential properties. However, Jenkins Floral has been operating as a floral/nursery business among residential development at this same location for over 35 years now.

The addition of a 6' bug screen to the greenhouse on the rear of the property, which is an accessory building to the existing floral/nursery business, will not impact site access or traffic patterns, nor will it impact public facilities such as fire, police, etc.... The greenhouse is not open to the public and is only utilized by the employees of the business. It therefore does not create a need for additional parking or other site adjustments. All utilities are presently in place for the existing business and are available for extending to the greenhouse. No special or unusual demands on utilities will be made for operating the greenhouse. Operating the greenhouse will not necessitate an increase in employees and it will be included as part of the existing business's normal operations. This request does not include any proposal for an increase or other modification in signage. No development schedule or phasing is necessary as the building is constructed as a single unit.

#### **A. Conditional Use Permit.**

When Jenkins Floral underwent the minor subdivision process in 1997, the then applicable zoning and development code allowed for a nursery to be located in an RSF8 zone upon approval of a conditional use permit. As part of its application for a minor subdivision, Jenkins Floral requested and was granted a conditional use permit for its already existing floral/nursery operation.

The addition of the greenhouse as an accessory building was designed to be incorporated into and compliment the existing business. As stated previously, Jenkins Floral has been in business at its present location for over 35 years now, so the addition of the greenhouse does not change

existing uses nor does it alter the character of the neighborhood.

Approval for construction of an 1867 square foot (45' x 41½') greenhouse building under the existing conditional use permit has already been given. (See Exhibit A). The addition of 6' to the rear of the greenhouse for the bug screen lean-to will only result in an increase of 249 square feet, and will result in building dimensions of 51' x 41½'.

The bug screen lean-to is designed to protect the ventilation and filtration system for the greenhouse and the 6' area is necessary for its proper operation. However, no foundation is required for the lean-to. The lean-to simply entails placing some aluminum poles along the back of the greenhouse and then placing the bug screen over the poles. (See attached photographs).

The greenhouse is approximately 19' high. The lean-to is less than half of that height. As was noted in the staff report for the September 2000 CUP application proposal, a residential structure 35' in height placed 10' away from the rear of the property line is allowed in this RMF8 zone. Thus, the greenhouse and lean-to are substantially less intrusive than is allowed by the Code. As was also noted in the staff report in September 2000, the adjacent neighbor's privacy is protected by an existing 6' high wood fence. The comparatively small size of the greenhouse and lean-to along with the privacy fence serve to protect the neighbor's use and enjoyment of their property. The greenhouse was designed for and integrated into the property to compliment the existing building and uses. Mitigation of possible nuisances have been undertaken by the placement of fans at the furthest point away from adjacent residences, not having nighttime lighting, and restricting the hours of operation to that of the main building (8:00a.m. to 6:00 p.m.).

Based on the foregoing, the bug screen lean-to does not substantially alter the dimensions of the building, nor does it alter either the character or the intent of the project which previously was applied for and approved. Therefore, approval of this minor revision to the conditional use permit is warranted on the same basis upon which the permit was previously granted.

## B. Variance.

The rear of the greenhouse is not completely parallel to the fence located on the rear property line. The distance between the lean-to and the rear property line varies from being slightly more than 2' (28") away at the east corner of the lean-to, up to almost 4' (45") away at the west corner of the lean-to. The portion of the rear of the property along which the greenhouse is situated is 151.58'. The width of the greenhouse is 41½' and so only a relatively small portion of the common property line is encroached upon. The variance being requested is 32" at the east corner and reduces down to 13" at the west corner over a total distance of 41½'.

The greenhouse is situated on the property at a location which takes into account existing parking and other improvements for the business. The location chosen for the greenhouse is the only viable location for its placement on the property. The variance being requested is the minimum necessary to allow for the continued reasonable use of the property as a floral/nursery business and to remain competitive in that industry.

For over 35 years Jenkins Floral has been a bit of an anomaly in an otherwise residential neighborhood. Because the business was formerly part of a Planned Business zone and is now conducted pursuant to a conditional use permit, the rights and obligations of Jenkins Floral pursuant to that permit are different than that of a basic residence in a RMF8 zone. Reasonable expansion of a business is often required to remain competitive. The City's previous grant of approval of a conditional use permit for the addition of the greenhouse recognized the legitimacy of this need. Because of its unique position of operating a business in an otherwise residential district, strict enforcement of the bulk requirements imposes a greater hardship upon Jenkins Floral than it otherwise would impose on a residence. Conversely, because the use of the property by Jenkins Floral already varies from the residential uses in that area and always has, granting the variance will not confer upon Jenkins Floral a special privilege not provided to others.

An existing 6' high solid wood fence divides Jenkins Floral's property from the rear neighbor. As is depicted in the attached photographs, the bug screen lean-to is

substantially lower than the roof of the main part of the greenhouse. Construction of the main part of the greenhouse has already been approved. Because the lean-to is physically much smaller and even less intrusive than the main greenhouse building, the addition of the lean-to will not be injurious to the neighbor nor will it reduce the value of adjacent properties.

The purpose of the Code and Growth Plan is, in part, to provide for fair and uniform standards for development within particular zoning districts. However, the Code and Growth Plan are not inflexible documents. The granting of this variance request does not denigrate or otherwise demean that purpose. The Code and Growth Plan specifically contemplate deviations from basic zone requirements by providing for unique or different uses through the conditional use permit and variance application and approval process. This proposal satisfies the intent of the Code to provide some flexibility in adhering to the Code's standards.

Jenkins Floral has been a good neighbor for over 35 years. Mary Jenkins respectfully requests that her business be allowed to make a minor revision to her previously approved conditional use permit for the addition of the bug screen lean-to onto the greenhouse, and, to be allowed to erect the screen between 13 and 32 inches into the rear yard setback.

## General Project Report

Jenkins Floral  
2806 C Rd.  
Grand Jct. CO. 81503  
970-242-4735

Acreage 2.1 acres

Proposed use, Greenhouse with bug screen for growing plants and flowers for use in the flower shop for income.

Public benefit, A selection of plants, trees and flowers on a year round basis.

Land use around is R-2 zone on the south side and RSF-8 zone on the north side.

South side of site access, Fire hydrants is about 150 ft from building.

Water, Gas and Electrical are the only utilities needed, no drainage.

No effect on public facilities.

No geological hazards on site.

Greenhouse is in 24 hour operation.

Hours for employees are from 8 a.m. to 6 p.m.

There are 6 to 10 employees that will service the floral shop and greenhouse both.

Signs are existing. There are no plans for new signs.

For privacy there is a 6 ft privacy fence.

Protection of use and enjoyment. There is no negative impact to the adjoining properties.

This greenhouse is compatible with the adjoining lots as to sight, ( they will see trees and flowers, not weeds.) This greenhouse is not interfering with the existing fences such as they go along with them but does not interfere with the fence line. The fans are on the south side there for minimal noise. The glare would be up. There would be no order and no signage necessary. The only lighting after dark would be motion sensor security lights. There will be NO noxious admissions nor orders.

CUSTOM QUALITY HOMES INC  
1392 2600 RD  
HOTCHKISS, CO 81419

COLUMBIA BUILDING SUPPLY  
PO BOX 4972  
GRAND JUNCTION, CO 81502-4972

DAVID HATCH  
KATHLEEN L HATCH  
303 1/2 KAVA WAY  
GRAND JUNCTION, CO 81503

MICHAEL B QUEALLY  
BARBARA L M QUEALLY  
305 KAVA WAY  
GRAND JUNCTION, CO 81503

CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT  
250 N 5TH ST  
GRAND JUNCTION, CO 81501

MICHAEL B QUEALLY  
305 1/2 KAVA WAY  
GRAND JUNCTION, CO 81504

MINA O HIGGINSON  
306 KAVA WAY  
GRAND JUNCTION, CO 81503

RED HAT CONSTRUCTION INC  
2320 E 1/2 RD  
GRAND JUNCTION, CO 81503-4405

CASAS DEL TIERRA INC  
PO BOX 2561  
GRAND JUNCTION, CO 81502-2561

JOHN MORRIS  
ANN MORRIS  
PO BOX 446  
BASALT, CO 81621-0446

JENKINS FAMILY REVOCABLE  
LIVIN  
2806 UNA WEEP AVE  
GRAND JUNCTION, CO 81503-3169

JAMES PAUL BAUMAN  
TANYA J BAUMAN  
314 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3128

SHIRLEY M KLUTH  
312 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3128

DONN K MILTON  
MELODY ANN  
310 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3128

REED RARDEN  
P  
308 HIGHLAND DR  
GRAND JUNCTION, CO 81503

OTIS L SPURGIN  
306 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3128

JAMES P SHEETZ  
DEENA L SHEETZ  
304 HIGHLAND DR  
GRAND JUNCTION, CO 81503

MATTHEW J MONROE  
DONNA M MONROE  
322 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2142

GARY JOHNSON  
1721 ODIN DR  
SILT, CO 81652-9552

ERMA ANN WEAVER  
313 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3129

MICHAEL L BOLICK  
LAURA F BOLICK  
311 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3129

GEORGE BARRY RICHARDS  
CAROL ANN RICHARDS  
318 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2142

JOSEPH GUZMAN  
LISA M  
316 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2142

RUBY E FRESHOUR  
NORMA J JONES  
309 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3129

MELVIN R STEVENS  
EDNA M  
307 HIGHLAND DR  
GRAND JUNCTION, CO 81503

JENNIFER D SMITH  
314 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2142

JEFFREY W NACHTMAN  
CHONG S NACHTMAN  
315 E HIGHLAND DR  
GRAND JUNCTION, CO 81503-3129

PAUL ARBOGAST  
NINA  
321 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

RAYMOND H COSBY  
D J  
319 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

TERRY D KELLERBY  
317 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141



CARL R WILSON  
O L  
315 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

WALTER F KOICHEVAR  
CHARLA RAE  
313 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

RALPH ADAIR  
D  
311 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

DICK E ATKINSON  
ROBERTA A ATKINSON  
309 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

WM D GATES  
D M  
307 W HIGHLAND DR  
GRAND JUNCTION, CO 81503-2141

DEAN EDWARD FICKLIN  
305 HIGHLAND DR  
GRAND JUNCTION, CO 81503

UPPER LIMIT INVESTMENTS LLC  
PO BOX 952  
GRAND JUNCTION, CO 81502-0952

MESA DEVELOPMENTAL  
SERVICES IN  
950 GRAND AVE  
GRAND JUNCTION, CO 81501-3451

R & Q LLC  
1204 N 7TH ST  
GRAND JUNCTION, CO 81501-3074

BRIAN CARVER  
4131 S QUEBEC ST  
GRAND JUNCTION, CO 80237

MC CONSTRUCTION  
2397 BROADWAY  
GRAND JUNCTION, CO 81503-1490

T & M CONSTRUCTION INC  
1249 COUNTY ROAD 250  
SILT, CO 81652-9520

MARY K SITTON  
EUGENE O SITTON  
2808 CARTER LN  
GRAND JUNCTION, CO 81503-2134

DAWN RENEE KIER  
2811 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-2187

YVONNE M MATSON  
2805 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-2187

EDWARD B MATSON  
LINDA L MATSON  
2807 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-2187

DARRELL M COX  
MARY L  
3538 GORDON AVE  
SAINT LOUIS, MO 63114-4212

JERRY L RANDOLPH  
VICKI E  
299 COULSON DR  
GRAND JUNCTION, CO 81503-3136

CHRISTOPHER G BOWSER  
VICKIE S BOWSER  
2801 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-2187

KEITH W RAMEY  
2812 CARTER LN  
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CHERYL UMBERGER  
2814 CARTER LN  
GRAND JUNCTION, CO 81503-2134

WELDEN F SCHNEIDER  
2816 CARTER LN  
GRAND JUNCTION, CO 81503-2134

RUSSELL R ROHR  
PAULA M  
2809 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-2187

HELEN G HAYS  
2817 UNAWEEP AVE  
GRAND JUNCTION, CO 81503-3170

GEORGE KLAICH  
J M  
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CARRIE G SPELL  
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CYNTHIA L  
314 HOPI DR  
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ROBERT L CUNIO  
HELEN E  
316 HOPI DR  
GRAND JUNCTION, CO 81503-2811

TERRY L WHEELER  
PATRICIA J  
308 HOPI DR  
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PHILLIP JOHN AMBROSE  
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GRAND JUNCTION, CO 81503-2811

ROBERT W SANCHEZ  
 TILLIE M  
 304 HOPI DR  
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JILL FLAHERTY  
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 GRAND JUNCTION, CO 81503-2811

WAYNE H DARLING  
 MARIE B  
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 GRAND JUNCTION, CO 81503-2811

JOE D WADDELL  
 E L  
 300 ZUNI DR  
 GRAND JUNCTION, CO 81503-2823

CHERRY HINTON  
 302 ZUNI DR  
 GRAND JUNCTION, CO 81503-2823

DEBORAH K MARTIN  
 304 ZUNI DR  
 GRAND JUNCTION, CO 81503-2823

ROBERT E CAVANAUGH  
 MURIEL J CAVANAUGH -  
 TRUSTEES  
 306 ZUNI DR  
 GRAND JUNCTION, CO 81503-2823

BENTO L OWENS  
 ANNETTE C OWENS  
 308 ZUNI DR  
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BRYAN E SNYDER  
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 G P  
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 KATHERINE M O'LEARY  
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 JOE D WADDELL  
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LAURA L VENABLE  
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SUENOS CORPORATION  
 PO BOX 4216  
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SHAWNA N ALTENHOFEN  
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 GRAND JUNCTION, CO 81503-2102

DON L BALERIO  
 EVA L BALERIO  
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KRISTI A ROGERS  
 293 28 RD  
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CLAIR E PEACOCK  
 E M  
 291 28 RD  
 GRAND JUNCTION, CO 81503-2102

RAYMOND J GARCIA  
 CARLA M  
 299 HUFFER LN  
 GRAND JUNCTION, CO 81503-2877

JAMES S HILLER  
 RITA J HILLER  
 2797 UNAWEEP AVE  
 GRAND JUNCTION, CO 81503-2843

RONALD A HOUSE  
 TERRY  
 2795 1/2 UNAWEEP AVE  
 GRAND JUNCTION, CO 81503-2843

JERRY R RIGGLE  
 RHONDA L RIGGLE  
 2795 UNAWEEP AVE  
 GRAND JUNCTION, CO 81503-2843

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary Jenkins  
 2806 C Rd  
 H.H., CO. 81503

2. Article Number (Copy from service label)

7099 3400 0017 1654 2723

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

QC. CUP-2001-054

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *WILBUR A PRUMM* B. Date of Delivery *3/08/01*

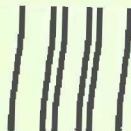
C. Signature *Wilbur A Prumm*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

UNITED STATES POSTAL SERVICE

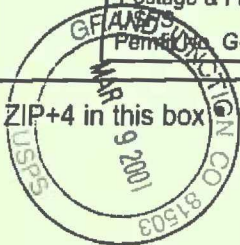


First-Class Mail  
Postage & Fees Paid

Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box

Community Development Dept.  
250 North 5th Street  
Grand Junction, CO 81501



RECEIVED  
MAR 12 2001  
COMMUNITY DEVELOPMENT  
DEPT.

TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE

\*\*\*\*\*

We would like to build a Greenhouse to help us raise more of the flowers and plants to be used in the flower shop. We have about 1 1/2 acres in flowers and plants. We need to help out income. 41.6 x 45 and 30 x 6 1/2 bug screen.

↑ NORTH

PROPERTY LINE

REAR 36" 12"

45"

28"

24"

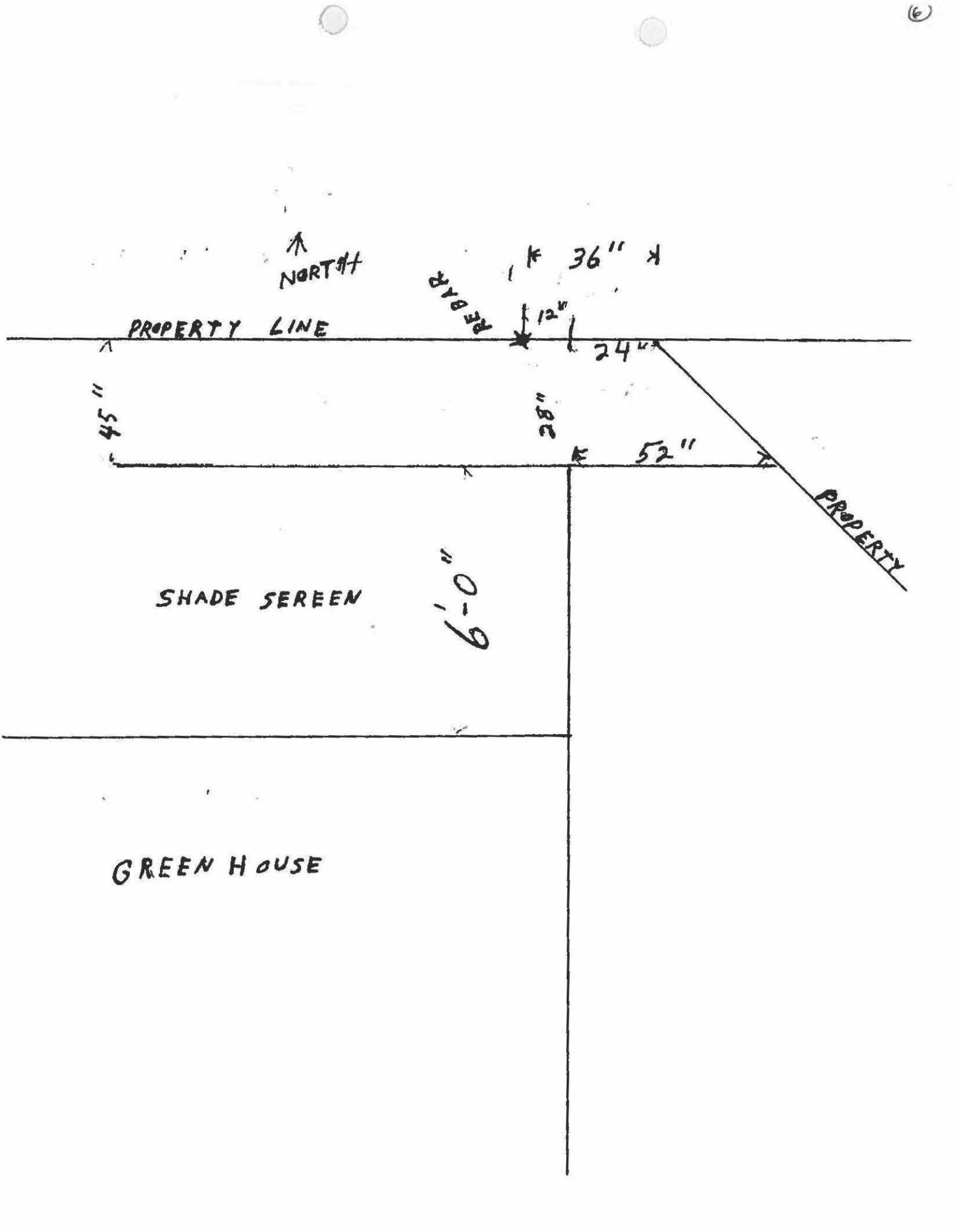
52"

PROPERTY

SHADE SEREEN

6'-0"

GREEN HOUSE



Date: 03/01/2001  
Time: 10:26:19

MESA COUNTY  
REAL PROPERTY MAINTENANCE

Page: 1  
REV 1.16

Parcel Number 2943-193-13-002 Yr 2001 Ty C Serial 826338919

Owner Name: Last  
First  
Mid TAC 18100  
Suf

Company Owner JENKINS FAMILY REVOCABLE LIVING TRUST

Joint Owner

Location: Number 02806  
Street UNAWEEP AVE

Dir  
Unit  
Mailing: Street 2806 UNAWEEP AVE Prior Parcel 2943-193-00-249  
City GRAND JUNCTION Assoc Parcel

State CO Mob Home Title  
Zip Code 81503-3169

Year Built 1956 Adjust Year 1975  
Number of Rooms 10 Number of Baths 1.60  
Year Created 1998 Record Status  
Land Dimensions 1.63AC Heated Sq Ft 0

Market Assessed Milllevy 76.170  
Current Land Val 71000 20590 Special Asmt  
Imp Val 182680 40740 86.80  
Total 253680 61330 Estimated Taxes  
Previous Land Val 35500 10300 4758.29  
Imp Val 199250 44090

Abstract Units Class  
Land 2112 1.630 L Desc MERCHANDISING - LAND Unit Type A  
Imp 1212 1442.000 I Desc SINGLE FAMILY IMP Unit Type  
Imp 2212 3728.000 I Desc MERCHANDISING - IMP Unit Type

Date Previous Owner Receipt# Deed Book & Page Doc Sale Price  
02/23/98 JENKINS FAMILY REVOCABLE LIVING TRU 1833517 16 91 PLAT

Legal Desc  
LOT 2 JENKINS MINOR SUBDIVISION SEC 19 1S 1E - 1.63AC

2943-193-00-249      18100      WATER:      OM01      1  
 PARCEL NUMBER      T.A.C.      UNITS:      2.60 L

~~JENKINS MARY L~~  
~~TRUSTEE ETAL~~  
 2806 UNAWEEP AV  
 GRAND JUNCTION CO 81503  
 LOCATION: 00000 00

BEG SW COR SEC 19 1S 1E E 472FT N 114FT N 20DEG54' W 41FT N 88DEG36' W 88F  
 N 51DEG35' W 142FT W 238.5FT S 245FT TO BEG & VAC ROW ON W AS DESC IN  
 B-1655 P-396 & B-1864 P-475 MESA CO RECDS

AKA MARY L. JENKINS TRUSTEE  
 MARY JENKINS-DRUMM  
 D.C. SHOULD BE LOUIS J. VELTRIE

GRANTEE	BOOK	Coming PAGE	FOR LOUIS DATE	VELTRIE KIND OF DEED INSTRUMENT	REMARKS L.O. J. VELTRIE
JENKINS FAMILY REV LIVING TRUST	1942	654	2/17/93	WD	NF
4-14-98 (PLAT) JENKINS MINOR SUB	16	91	2/23/98	RECP. NO: 18	335/7
"NEW SCHEDULE NO.'S"					
2943-193-13-001 ✓ JENKINS FAMILY REVOCABLE LIVING TRUST					0.44 AC.
-13-002 ✓ " "					1.63 AC.



DEVELOPMENT: JENKINS FLORAL AMENDED C.U.P. - 01-054

LOCATION: 28006 UNWEEP AVE

Notes to file:

01/26/01 - LISA G. & MYSELF VISIT SITE AFTER NEIGHBOR DICK ATKINSON NOTIFIES CITY OF POSSIBLE VIOLATION - (BUILDING TOO CLOSE TO FENCE).

AT SITE VISIT - LISA & I REALIZE APPLICANT (JENKINS FLORAL) HAS ERECTED GREENHOUSE IN CORRECT LOCATION BUT A BUG SCREEN THAT WAS NOT BEEN SHOWN ON SITE PLAN - IS CONSTRUCTED (ATTACHED TO REAR OF GREENHOUSE).

02/06/01 - SEND LETTER TO JENKINS FLORAL

02/08/01 - PHONE CONVERSATION W/ RICH JENKINS - SET UP MEETING TO DISCUSS SITUATION & DO GEN MEETING / SUBMITTAL CHECKLIST. MEETING IS SET UP (VERBALLY) FOR 02/15/01 @ 10am.

02/15/01 - APPLICANT (RICH JENKINS) DOES NOT SHOW UP FOR MEETING OR CALL TO RESCHEDULE.

02/16/01 - APPLICANT DROPS OFF SKETCH TO SHOW HOW GREENHOUSE BUG SCREEN CAN BE MOVED OUT OF REAR YARD SETBACK - RICH JENKINS ALSO CALLS - I ASKED HIM WHERE HE WAS @ 10am ON 02/15/01 - HE STATED HE WAS TOO BUSY TO ATTEND THE SCHEDULED MEETING ON 02/15/01 @ 10am. - SAYS HE IS JUST READING LETTER FROM 02/06/01 - WOULD LIKE TO SCHEDULE MEETING. WE SET UP A MEETING FOR 02/22/01 @ 10am

02/22/01 LISA G & I HAVE MEETING W/ MR & MRS. JENKINS & RICH JENKINS - WE EXPLAIN CONDITIONAL USE PERMIT PROCESS AND VARIANCE PROCESS. I TELL MR JENKINS THAT I WILL HAVE INFO READY FOR THE FRIDAY 02/23/01

02/23/01 - MARY JENKINS CALLS - SAYS IT WOULD BE EASIER TO MOVE GREENHOUSE BUG SCREEN - STAFF SAYS THAT VARIANCES ARE DIFFICULT TO ACHIEVE FROM PAST EXPERIENCE BUT APPLICANT CAN APPLY FOR ONE. MRS. JENKINS DECIDES (STATES) SHE IS NOT GOING TO APPLY FOR A VARIANCE. STAFF ONLY COMPLETES SUBMITTAL CHECKLIST FOR A C.U.P. BASED ON THIS CONVERSATION.

02/24/01 PHOR ROB K @ LANDSEIGN CALLS - THINKS APPLICANT SHOULD APPLY FOR A VARIANCE & STATES "LOOK AT MRS. JENKINS WHO WOULDN'T GRANT HER A VARIANCE" - STAFF DOES NOT AGREE WITH ROB K'S ASSESSMENT OF THE SITUATION BASED ON PAST EXPERIENCE - ROB K TELLS RICH JENKINS HE CAN DO A QUIT CLAIM DEED FOR NEIGHBORS PROPERTY - STAFF DISAGREES - A SIMPLE SUB IS REQUIRED



DEVELOPMENT: JENKINS Floral Amended CUP-2001 54

LOCATION: 2806 UNAWEEP AVE

Notes to file:

- 02/28/01 - BILL JENKINS SUBMITS APPLICATION FOR C.U.P.  
STAFF (I) EXPLAIN THAT EITHER THE BUG SCREEN SHOULD BE MOVED, THEY SHOULD APPLY FOR A VARIANCE OR THEY SHOULD APPLY FOR A SIMPLE SUBDIVISION.
- STAFF (I) TELL APPLICANT THAT C.U.P. IS NOT GOING TO HEARINGS W/O ONE OF 3 OPTIONS FULFILLED. (ATTACHED CALENDAR)
- 03/09/01 - SEND CERTIFIED MAIL LETTER TO JENKINS FLORAL TO ASK AGAIN STATE OPTIONS
- 03/30/01 - RESPONSE TO COMMENTS DUE
- 04/02/01 - STAFF CONTACTED MARY JENKINS TO ASK APPLICANT TO SUBMIT THEIR RESPONSE TO COMMENTS.



An application for the development proposal described below, located near property you own, has been received by the Grand Junction Community Development Department. The Department encourages public review of proposed development prior to public hearings. The application, including plans, reports and supporting documentation, is available for review during normal business hours (7:30 a.m. - 5:30 p.m. Monday-Friday) at City Hall, 250 North 5<sup>th</sup> Street. City Planning staff is also available to answer questions and explain the development review process.

**CUP-2001-054 CONDITIONAL USE PERMIT - JENKINS  
FLORAL AMENDED- 2806 Unawweep Ave**

Request to amend the existing Conditional Use Permit to allow a screened in portion of the Greenhouse for growing plants and flowers.

Planner: Joe Carter

Courtesy notification cards will be mailed to adjoining property owners prior to a public hearing on this item. However, we encourage you to also verify scheduling in one of the following ways:

- ◆ call the Community Development Department at (970) 244-1430
- ◆ look for a display ad in the Daily Sentinel one day prior to the public hearing (held on the second and sometimes the third Tuesday of each month)
- ◆ You may receive a FAX copy of the Planning Commission agendas by calling CITY DIAL at (970) 244-1500 ext. 211.
- ◆ Agendas for Planning Commission, City Council, and Board of Appeals items are available prior to the hearing at City Hall, 250 North 5<sup>th</sup> Street.

Please do not hesitate to contact the Community Development Department at (970) 244-1430 if you have any questions.

# NOTICE OF DEVELOPMENT APPLICATION

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CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT DEPARTMENT  
250 N 5TH STREET  
GRAND JUNCTION, CO 81501



CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT  
250 N 5TH ST  
GRAND JUNCTION, CO 81501

## NOTICE OF DEVELOPMENT APPLICATION

81501X262A



# PLANNING COMMISSION NOTICE OF PUBLIC HEARING

DATE:

**MAY 15 2001**

TIME: 7:00 p.m.

PLACE: City Hall Auditorium, 250 North 5<sup>th</sup> Street

A petition for the following request has been received and tentatively scheduled for a public hearing on the date indicated above.

If you have any questions regarding this request or to confirm the hearing date, please contact the Grand Junction Community Development Department at (970) 244-1430 or stop in our office at 250 North 5<sup>th</sup> Street.

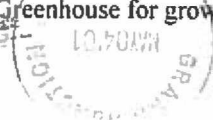
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**CUP-2001-054 CONDITIONAL USE PERMIT - JENKINS**

**FLORAL AMENDED- 2806 Unawweep Ave**

Request to amend the existing Conditional Use Permit to allow a screened in portion of the Greenhouse for growing plants and flowers.

Planner: Joe Carter

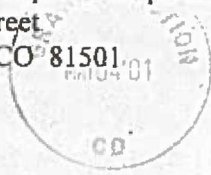


GRAND JUNCTION  
PLANNING COMMISSION





City of Grand Junction  
 Community Development Department  
 250 North 5th Street  
 Grand Junction, CO 81501



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H METER 502530

CITY OF GRAND JUNCTION  
 COMMUNITY DEVELOPMENT  
 250 N 5TH ST  
 GRAND JUNCTION, CO 81501

RECEIVED  
 MAY 11 7 11/11  
 COMMUNITY DEVELOPMENT  
 DEPT.

AUM5 81501



City of Grand Junction  
 Community Development Department  
 250 North 5th Street  
 Grand Junction, CO 81501



MARY K SITTON  
 EUGENE O SITTON  
 2808 CARTER LN  
 GRAND JUNCTION, CO 81503-2134

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 FORWARD TIME EXP RTN TO SEND  
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 RETURN TO SENDER

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City of Grand Junction  
 Community Development Department  
 250 North 5th Street  
 Grand Junction, CO 81501



CITY OF GRAND JUNCTION  
 COMMUNITY DEVELOPMENT  
 250 N 5TH ST  
 GRAND JUNCTION, CO 81501

81501X2626



City of Grand Junction  
 Community Development Department  
 250 North 5th Street  
 Grand Junction, CO 81501



**RECEIVED**  
 APR 3 2001  
 COMMUNITY DEVELOPMENT  
 DEPT.

CHERYL UMBERGER  
 2814 CARTER LN  
 GRAND JUNCTION, CO 81503-2134

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 FORWARD TIME EXP RTN TO SEND  
 UMBERGER, CHERYL  
 132 COLUMBINE DR  
 GRAND JUNCTION CO 81503-1336

RETURN TO SENDER

81503X2134



**AGENDA TOPIC:** Conditional Use Permit, CUP-2001-054, Jenkins Floral Greenhouse, located at 2806 UnawEEP Avenue.

**SUMMARY:** The petitioner is requesting approval of a Variance to the rear yard setback in an RMF-8 zone and to amend their previously approved Conditional Use Permit (#CUP-2000-138) to add a bug screen on the rear of their greenhouse.

**ACTION REQUESTED:** Approval of a Variance and Conditional Use Permit

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		2806 UnawEEP Avenue	
<b>Applicants:</b>		Mary Jenkins, Petitioner Jeff Driscoll, Representative	
<b>Existing Land Use:</b>		Retail Garden Center and Florist	
<b>Proposed Land Use:</b>		Same	
<b>Surrounding Land Use:</b>	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
<b>Existing Zoning:</b>		RMF-8, (City)	
<b>Proposed Zoning:</b>		RMF-8, (City)	
<b>Surrounding Zoning:</b>	North	RMF-8, (City)	
	South	RMF-8, (City)	
	East	RMF-8, (City)	
	West	RMF-8, (County)	
<b>Growth Plan Designation:</b>		Residential Medium 4 to 8 du/acre	
<b>Zoning within density range?</b>		N/A	Yes
			No

## PROJECT HISTORY

The project is located at 2806 Unawweep Avenue. There is an existing nursery and floral shop at this location that has been owned and operated by the Jenkins family for over 30 years. In 1997, the applicant rezoned this property from a Planned Zone to an RMF-8 zone, created a 2 lot minor subdivision and the Planning Commission approved a Conditional Use Permit for this nursery in a RMF-8 zone.

The applicant received a Conditional Use Permit approval from the Planning Commission to construct a greenhouse on the florist parcel on September 12, 2000. The greenhouse is proposed to be used for growing purposes and would be accessible to employees only. The greenhouse is located north of the existing parking lot at the rear of the existing nursery structure.

## PROJECT ANALYSIS

• SITE PLAN DID NOT SHOW BUG SCREEN

The petitioners are requesting approval of a Variance and a Conditional Use Permit. The Variance request is to allow a bug screen that has been attached to the greenhouse to remain in the rear yard setback. The Conditional Use Permit is to allow the bug screen to remain as an addition to the greenhouse footprint. The project is located at 2806 Unawweep Avenue and is zoned RMF-8.

Typically, the Zoning Board of Appeals hears a Variance request. Under the current Conditional Use Permit application, the Planning Commission can hear a Variance request along with the Conditional Use Permit application hearing.

*complaint basis* { During the recent construction of the greenhouse this winter, the City of Grand Junction Community Development Department staff was notified that the structure of the approved greenhouse was closer to the rear property line than depicted on the approved Site Plan. Upon further investigation by staff, the footprint of the greenhouse had increased from the approved Site Plan due to the addition of a bug screen attached to the rear of the structure. The structure is approximately 6' closer to the rear yard property line with the addition of the bug screen.

The bug screen is designed to "protect the ventilation and filtration system for the greenhouse and the 6' area is necessary for its proper operation. However, no foundation is required for the lean-to. The lean-to simply entails placing some aluminum pole along the back of the greenhouse and then placing the bug screen over the poles." These statements were taken from the applicant's General Project Report.

The current Conditional Use Permit application is a result of the bug screen being added to the greenhouse that was not depicted on the approved Site Plan.

In addition to the Conditional Use Permit, the existing bug screen is located in the rear yard setback. To retain the bug screen in the rear yard setback the applicant was required to also apply for a Variance. The rear yard setback for accessory structures in an RMF-8 zone is 5' or 60". As per the applicant's General Project Report, the east corner of the bug screen is approximately 28" from the property line and the west corner is approximately 45" from the property line. The approved Site Plan shows the greenhouse being approximately 8.5 feet from the property line at its most narrow point.

LOCATION FROM PROP LINE.

The applicant has the option to pursue a boundary line adjustment with the property owner to the north.

### PUBLIC COMMENT

The neighbor located directly north of the existing greenhouse sent a letter to the applicant regarding the location of the greenhouse.

Please see the attached letter.

### VARIANCE CRITERIA

#### **Hardship Unique to Property, Not Self-inflicted**

The bug screen was not noted on the Site Plan the applicant submitted for review under the original Conditional Use Permit or was it listed in the General Project Report. The General Project Report of the original Conditional Use Permit also listed the dimensions of the greenhouse structure excluding the bug screen. The addition of the bug screen, although essential to the function of the greenhouse, is a self-inflicted hardship. (BECAUSE IT WAS NOT SHOWN ON SITE PLAN)

#### **Special Privilege**

The business is located in an RMF-8 residential zone and has the potential for permanently impacting the residents to the north of this structure. If the bug screen is considered an essential component to the function of the greenhouse, staff considers the bug screen a permanent structure. Staff has no knowledge of other permanent structures in the rear yard setback in this area of Grand Junction. By granting this variance, a special privilege would be granted by the Planning Commission since no other permanent structures exist in the rear yard setbacks of similarly zoned parcels in this area.

#### **Literal Interpretation**

The rear yard setback is 5' for accessory structures within all RMF-8 zones. By granting the variance, an exception would be made for this business. To staff's knowledge, no other properties in this zoning district have rear yard setback

variances. The literal interpretation of this requirement does not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Staff maintains that since the bug screen was not shown on the approved Site Plan in file number CUP-2000-138 and the dimensions of the bug screen were not indicated in the General Project Report, the location of this bug screen in the rear yard setback is a self-inflicted hardship.

#### **Reasonable Use without Variance**

The bug screen's function is to protect the ventilation and filtration system from insects. Other means of controlling insects exist. Reasonable use of the greenhouse may be possible with other means of insect control.

#### **Minimum Necessary**

Reasonable use of the greenhouse may be possible with other means of insect control. Based on this statement, the minimum necessary reasonable use of this structure is not dependent on a bug screen located in the rear yard setback.

#### **Compatible with Adjacent Properties**

The location of the bug screen structure encroaches in the rear yard setback in a residential zone. From staff's knowledge, there is no other structure in the immediate area that encroaches in the rear yard setback. This encroachment may directly affect the resale value of the residential property to the north due to the visual impact of the structure and its proximity to the property line.

#### **Conformance with the Purposes of this Code**

Setbacks exist to provide a minimum distance between structures located on separate parcels. Granting this variance will decrease this minimum distance by the depth of existing encroachment. The decrease of the minimum setback distance between two separately owned parcels of land is not in conformance with the purposes of the Zoning and Development Code.

#### **Conformance with the Growth Plan**

The Growth Plan designation for this parcel is Residential Medium, 4 to 8 dwelling units per acre. This is a Conditional Use in a RMF-8 zone and does not relate to the Growth Plan.

### **CONDITIONAL USE PERMIT CRITERIA**

Section 2.13 of the Zoning and Development Code, subsection C.5., "Compatibility with Adjoining Properties" requires that uses approved through the CUP process be compatible with adjacent uses, specifically; "Compatibility with and protection of neighboring properties through measures such as:

- a. **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 greenhouse was determined to be have reasonable visual and auditory privacy at time of Conditional Use Permit approval in September 2000. The greenhouse, as proposed, did not encroach into the rear yard setback. By the construction of the encroachment into the rear yard setback, the visual privacy has been eliminated. This structure does not respect the visual privacy of the neighboring residence to the north.

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

By definition of a setback, this structure has more than a minimal negative impact on the adjoining property because it is approximately 6' closer to the property line and to the neighbor's house.

- c. **Compatible Design and Integration.** All elements of a plan shall co-exist 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 structure is located in the rear yard setback and therefore does not exist in a harmonious manner with nearby existing development.

**STAFF RECOMMENDATION:**

That the Planning Commission deny Conditional Use Permit and Variance, CUP-2001-054, finding that the project is not consistent with Section 2.13 or Section 2.16 of the Zoning and Development Code.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on Conditional Use Permit and Variance, CUP-2000-054, I move that we find the project consistent with the Growth Plan and Section 2.13 and 2.16 of the Zoning and Development Code and that we approve Conditional Use Permit, CUP-2000-054.

**Attachments:**

- a. Location map
- b. Site Plan
- c. Location of bug screen from fence – detail drawing
- d. Citizen Letter
- e. General Project Report for Conditional Use Permit
- f. Review Comments
- g. Response to Comments
- h. Review Comments – 2<sup>nd</sup> Round
- i. General Project Report for Variance
- j. Record of Decision
- k. Planning Clearance for CUP-2000-138
- l. 9/12/00 Planning Commission Minutes
- m. Mesa County Building Department Approved and Signed Elevation Drawing



**GRAND JUNCTION PLANNING COMMISSION  
APRIL 17, 2001 MINUTES  
7:05 P.M. to 8:40 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Terri Binder, James Nall, Mike Denner and Nick Prinster. William Putnam and Paul Dibble were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor) and Lori Bowers (Associate Planner).

Also present were John Shaver (Asst. City Attorney), Rick Dorris and Eric Hahn (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 19 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Item CUP-2001-054 (Conditional Use Permit - Jenkins Floral Amended) was pulled from the agenda.

**III. CONSENT AGENDA**

Available for placement on the Consent Agenda was item ANX-2001-043 (Zoning the Annexation-Sage Properties Subdivision). No objection or comment was expressed by the audience, Planning Commissioners or staff.

**MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the Consent Agenda as read."**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**IV. FULL PUBLIC HEARING**

**ANX-2001-062 ANNEX/REZONE/PRELIMINARY PLAN—PIPE TRADES COMMERCIAL PARK**

**A request for approval of: 1) Zone of Annexation from County AFT to City C-2 (General Commercial) zoning district; and 2) a Preliminary Plan to subdivide 16.594 acres into 11 commercial lots. Snidow Annexation.**

**Petitioner: Pipe Trades Education Center, Inc., Matthew Burtis**

**Location: 3165 D Road**

**Representative: LANDesign, Robert Katzenson**

**PETITIONER’S PRESENTATION**

Matthew Burtis, representing the petitioner, introduced Mr. Robert Katzenson. Mr. Katzenson offered an amendment to the agenda, which listed the C-2 as “heavy” commercial rather than its true designation of “general” commercial. His powerpoint presentation included and outlined the following: 1) project location; 2) existing conditions; 3) adjacent property zoning; 4) surrounding land uses; 5) annexation detail (petition for annexation currently submitted to the City for its consideration); 6) rezoning outline (consistent with both Growth Plan recommendations and Code criteria); 7) traffic/road improvements; 8) road standards; and 9) landscaping standards.

An overhead visual of the Preliminary Plan was also presented; lot layout and access points were noted. Staff had requested extension of half-street improvements all along the entire 31 5/8 Road frontage; a CDOT permit for construction of D Road improvements has already been secured. Mr. Katzenson noted the narrowing of Pipe Court as it approached an internal cul-de-sac. While acknowledging that there would be some restriction in turning movements, he pointed out that the 52-foot street width would still meet City standards. He concurred with staff’s requiring individual lots owners to provide their own on-site turnarounds and to require a plat note putting lot buyers on notice.

Mr. Katzenson said that a gravel extraction survey had been performed. Findings indicated that extraction would not be economically viable given the limited quality and quantity of gravel located on the site. Both a traffic study and a Phase I environmental study had also been performed. Mr. Katzenson said that no undue impacts or hazardous contaminants would be generated by the project.

No issue was taken with any of staff’s conditions, and he recommended that approval also be contingent upon adherence to the Colorado Geological Survey’s (CGS’s) four conditions as outlined in its letter to the City dated April 4, 2001.

**QUESTIONS**

Commissioner Prinster asked if the petitioner took issue with staff’s requirement to extend sidewalk along 31 5/8 Road, to which Mr. Katzenson replied negatively.

**STAFF’S PRESENTATION**

Pat Cecil confirmed that the project met the Code’s rezoning and Preliminary Plan requirements, and that the petitioner would not be obligated to remove on-site gravel deposits prior to development. He requested that a plat note be added alerting potential lot buyers that they would be obligated to comply with CGS criteria. Having found that the request met both Growth Plan recommendations and Code criteria, staff recommended approval subject to the following conditions:

1. The area identified as “Outlot A” on the Preliminary Plan shall be changed to a “Tract,” which shall be owned and maintained by a duly formed property owners association. An easement within this tract shall be granted to the Central Grand Valley Sanitation District for sewer transmission lines and maintenance.
2. The area containing the buffer wall and associated landscaping along D Road and 31 5/8 Road shall be placed in “tracts,” to be owned and maintained by the property owners association.
3. A landscaping and irrigation plan shall be submitted with the Final Plat for the landscaping on the road side of the buffer walls and for the strip between the back of curb and the detached sidewalk along D Road.
4. A lighting plan shall be submitted with the Final Plat.

5. Details of the subdivision identification sign shall be submitted with the Final Plat.
6. The Preliminary Plan shows construction of paved roadway, curb, gutter and walk along 31 5/8 Road as far south as Pipe Court. Half-street improvements will be required from the end of pavement as currently shown to the southern boundary of the parcel.
7. For the final submittal, please identify the existing D Road centerline, the section or monument line, and the proposed center of pavement for the improved roadway. Please provide a 7-foot landscape strip on the south side of the curb and gutter, if possible. Note that the asphalt mat width for the D Road standard calls for a 44-foot pavement width as opposed to the 45-foot width shown on the Preliminary Plan.
8. The MCSM benchmark used for vertical control is noted. However, given the proposed installation of wet utilities, vertical control must originate at a USGS vertical control benchmark as per the SSID manual. This requirement can be satisfied at the final submittal stage.
9. The current cul-de-sac design on the Preliminary Plan will not allow turnaround of WB-50 vehicles. This will result in site development restrictions on each parcel, in which each site utilizing such vehicles will be required to provide on-site turnaround capability for said vehicles. A plat note shall be provided on the Final Plat to this effect.

#### **PUBLIC COMMENTS**

There were no comments either for or against the request.

#### **PETITIONER'S REBUTTAL**

Mr. Katzenson clarified that the most important and applicable criterion outlined by the CGS was condition 3, which read, "That the proponent retain a qualified soils and foundation engineer and drainage engineer prior to selection of building foundation designs and earthwork." He proposed the following plat note verbiage: "Prior to the issuance of a building permit, a qualified, registered Colorado professional engineer do a foundation design." When asked for staff response, Mr. Cecil agreed to the proposed plat note verbiage.

#### **DISCUSSION**

John Shaver asked for clarification of CGS conditions 1, 2, and 4. Mr. Cecil read these conditions into the record as contained in the CGS April 4, 2001 letter. Mr. Shaver suggested revision of Mr. Katzenson's proposed verbiage to state, "Review of on-site geologic conditions is required in accordance with recommendations from the Colorado Geologic Survey. Prior to foundation design and/or construction, a Colorado-registered professional engineer shall be retained." This met with staff, petitioner, and Planning Commission approval.

Chairman Elmer noted the petitioner's compliance with City standards, Code criteria and Growth Plan recommendations and expressed support for the project.

Commissioner Binder felt the proposal to be straightforward and added her support.

Commissioner Prinster agreed, adding that the property was appropriate for commercial uses. Given the petitioner's compliance with street standards and staff's conditions, he extended his support for the project as well.

**MOTION: (Commissioner Binder) "Mr. Chairman, on item ANX-2001-062, the rezoning of the Pipe Trades Commercial Park Subdivision, consisting of 16.59 acres, I move that we find the**

**rezoning consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code, adjacent property zoning and usage and recommend adoption of the rezoning from the AFT zone district to the C-2 zone district to the City Council.”**

Commissioner Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**MOTION: (Commissioner Binder) “Mr. Chairman, on the Preliminary Plan for the Pipe Trades Commercial Park Subdivision, I move that we find the project consistent with the Growth Plan, Section 2.8 of the Zoning and Development Code, and adjacent property usage, and approve the Preliminary Plan subject to the conditions as recommended by staff, including #10 as read by Mr. Shaver [requiring a plat note to read, ‘Refer to on-site geologic conditions. Prior to foundation design and/or construction, a Colorado-registered professional engineer shall be retained.’]”**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**CUP-2000-235 CONDITIONAL USE PERMIT—CRUISERS BAR**

**A request for a Conditional Use Permit for a bar in a C-1 (Light Commercial) zone district.**

**Petitioner: Chris Joufflas  
Location: 748 North Avenue  
Representative: Rebecca Hadrath**

**PETITIONER’S PRESENTATION**

Chris McAnany, representing the petitioner, said that Cruisers’ food service business had been declining; the restaurant’s owner wanted to convert the existing restaurant use to a bar with limited food service. Approval of the CUP request would resolve several issues with the business’s current liquor license. Staff’s primary concern had been over the amount of available parking. Mr. McAnany said that agreements had just been reached with several surrounding businesses and lot owners (720 Belford Avenue just south of the Dairy Queen, American Furniture, Russ Vacuum, North Avenue Liquor, and a tattoo shop, all of which agreed to allow their parking lots to be utilized to handle “overflow” parking needs. The number of spaces made available through these agreements is 122, greatly exceeding the 54 spaces required by staff. Copies of these agreements, labeled Exhibits A-E, were submitted to Mr. Shaver for his review and were accepted as part of the record. Mr. McAnany understood that the agreements would require staff review and verification, but he asked that approval be recommended contingent upon a satisfactory outcome. All additional parking was located within 300 feet of the bar, as conditioned by the Code. The use, he felt, would change little from what it had been for many years.

**QUESTIONS**

Commissioner Binder asked if the 720 Belford Avenue property was owned by the owners of Dairy Queen, to which Mr. McAnany responded affirmatively.

Commissioner Nall wondered if there would be any mechanism in place to discourage patrons from jay-walking across North Avenue from the off-site parking areas to/from the bar. Mr. McAnany said that if this became a problem, signage could be added to direct patrons to appropriate crosswalks.

Jim Hadrath, petitioner, felt that, while required by the Code, off-site parking areas would probably never be used. He said that the restaurant currently had parking agreements in place; however, at no time in the years he’d had the business had his parking lot exceeded capacity. Most patrons were nearby residents who walked to the restaurant. He stressed that he and his staff took a very proactive position against drinking and driving. Mr. Hadrath reiterated that even if one or two of the businesses were to back out of

their agreements, there would still be sufficient parking spaces available to comply with the Code's requirement.

Chairman Elmer expressed the greatest concern about patrons crossing North Avenue from the American Furniture property. Mr. Hadrath said that the American Furniture lot was both paved and striped, which met City requirements for off-site parking. He doubted that any of the off-site parking lots would ever be used.

Commissioner Denner wondered if the petitioner had engaged in any discussions with the owners of the REI building across 7<sup>th</sup> Street. Mr. Hadrath replied affirmatively. The owner of that building, he said, had indicated a willingness to discuss the off-site parking option only if sufficient parking options could not be found elsewhere. Commissioner Denner expressed discomfort with the American Furniture/North Avenue Liquor parking agreements because patrons would likely jaywalk across North Avenue, putting themselves at risk. Mr. Hadrath stated that the 94 spaces currently shared by both Cruisers and Fiesta Guadalajara were never filled to capacity. He felt it unlikely that there would ever be a need for additional parking.

Commissioner Nall remarked that adding pedestrian controls would help prevent dangerous crossings of North Avenue.

When asked by Chairman Elmer how much pedestrian traffic the restaurant currently received, Mr. Hadrath estimated 70 percent.

#### **STAFF'S PRESENTATION**

Pat Cecil said that he had not had a chance to review the agreements mentioned by the petitioner and his representative. While originally intending to recommend denial of the request due to non-compliance with the Code's parking requirement, he expressed a willingness to change that recommendation to one of approval, provided that the off-site parking agreements met Code requirements. He noted that if the 720 Belford Avenue site was included as part of the off-site parking package, the petitioner would be required to bring it up to City standards, which meant paving and striping. The petitioner would also be subject to a drainage fee and landscaping improvements. If the site were included, Mr. Cecil recommended affixing a timeline for completion of landscaping improvements. A preferred alternative, he said, would be to eliminate the Belford lot and include the REI parking lot, which was already improved.

#### **QUESTIONS**

Commissioner Binder asked for confirmation that the petitioner would be responsible for improvements to the Belford lot, which was given.

Mr. Shaver noted that there could be a potential discrepancy between the definition of "space" as contained in the parking lot agreements and the Code's definition of "space."

Commissioner Nall asked if the Code would allow the petitioner to retain the services of a traffic engineer to determine if the site would truly require the additional off-site spaces, especially if the petitioner's estimate of 70 percent walk-in traffic was proven accurate. Mr. Cecil said that it would then become an enforcement issue for the City. Further, if patronage increased or if the area's dynamics changed, those figures would no longer be applicable. When asked if staff would have any latitude in this area, Mr. Cecil acknowledged the difficulty in answering the question without prior review of submitted agreements.

Commissioner Denner asked if the CUP stayed with the building. Mr. Shaver said that a CUP was generally both site- and use-specific; however, he briefly explained the exception process.

Commissioner Binder wondered how off-site parking was, or could be, signed so that patrons knew that additional parking areas were available. Mr. Cecil was unsure if any off-site parking areas were signed by other businesses with agreements in place, nor was he sure if any of those overflow parking areas had been used. Chairman Elmer suggested checking with downtown churches for this information, since they would probably be the most likely to use additional off-site parking.

Commissioner Denner commented that businesses more often installed signage to prevent after-hours parking. Mr. Shaver suggested that if there was a demonstrated need for off-site parking with the proposed use, the petitioner be required to provide signage alerting patrons to its availability.

Chairman Elmer recommended that any approval recommendation include a Development Improvements Agreement (DIA) for landscaping improvements to the 720 Belford site and that all off-site parking agreements be subject to staff review and approval.

Commissioner Nall observed that even if the Belford site were eliminated from the off-site parking package, the total number of available parking spaces would still exceed the City's requirement. He asked why not eliminate this site from the package altogether? Mr. Cecil agreed that this was an option which could be considered; however, if included in the package, improvements would be required.

Commissioner Nall asked if the CUP would be terminated if one or more of the parking agreements were rescinded. Mr. Shaver explained that if by terminating the agreements, parking requirements were no longer met, the CUP could be revoked. He added that in that case, such a scenario would put the bar owner's liquor license in jeopardy as well.

## **PUBLIC COMMENTS**

### **FOR:**

Chris Jouflas (738 Golfmore Drive, Grand Junction) said that he'd owned the property on which both Cruisers and Fiesta Guadalajara existed since the 1940s. He'd found Mr. Hadrath to be both reputable and conscientious. Mr. Jouflas said that never, in all the years of his ownership, had there ever been a problem with too many vehicles and too few parking spaces to accommodate them for either business. Even if an agreement could be reached with REI's owner, patrons would still be expected to cross 7<sup>th</sup> Street, an equally busy and dangerous proposition.

Doug Conant (800 Chipeta Avenue, Grand Junction) noted his background in both community planning and design. Having assisted with the current project, he'd found the petitioner especially conscientious and the business well run. He felt that Mr. Hadrath represented the neighborhood well and that he would do whatever was necessary to ensure the safety of his patrons.

Kevin MacQuod (2957 North Avenue, Grand Junction) agreed with statements made by Messrs. Jouflas and Conant.

### **AGAINST:**

There were no comments against the request.

## **PETITIONER'S REBUTTAL**

Mr. McAnany expressed agreement with conditioning approval to allow for staff review of submitted agreements. If required to leave the Belford site in the parking package, he asked for staff and planning commissioner latitude in not being forced to improve a property not even belonging to him.

Discussion ensued over improvement of off-site parking areas and the Code's definition of "overflow" parking area. Given the Code's definition, if the parking requirement could be met without inclusion of

the Belford site, that site would be deemed “overflow” and would not be subject to the improvements outlined previously by staff. In that case, the site would only require graveling.

Mr. McAnany continued that, if the need were there, signage within the business and/or maps could be developed alerting patrons to the availability of additional parking.

**DISCUSSION**

Chairman Elmer said that except for the parking issue all CUP requirements had been met. The petitioner seemed to have met the literal intent of the Code in the submission of off-site parking agreements. He agreed that the probability of off-site parking areas being used was low. He did not feel it necessary to impose additional pedestrian requirements, and he supported the request provided that the Code’s parking requirements were met.

Commissioner Denner agreed. He’d never known there to be a parking problem at the Cruisers site and didn’t feel that the change in use would create a noticeable impact to the neighborhood or a need for much additional parking. He agreed that the deficit of 54 parking spaces must be provided, but it appeared the petitioner had more than enough off-site spaces to meet this requirement.

Commissioner Prinster concurred. He said that the petitioner had only to ensure that the Code’s requirement was satisfied and that any other related conditions or improvements associated with that requirement were addressed.

Commissioner Nall agreed but hoped that the City was not creating an “active nuisance” by encouraging people to jaywalk across North Avenue to access off-site parking lots.

Commissioner Binder agreed with Commissioner Nall’s concern. She hoped that patrons would be encouraged by the petitioner to use existing crosswalks. If this proved to be a problem, REI’s owner should again be approached.

Chairman Elmer asked staff if there had been any complaints by the neighbors about off-site parking thusfar, to which both Mr. Shaver and Mr. Cecil replied negatively.

Chairman Elmer expressed reservation over including the Belford site in the petitioner’s parking package. Mr. Shaver said that if the site met the Code’s definition of “overflow,” the City would not require a lease. This would afford greater flexibility for the petitioner.

Chairman Elmer reiterated conditioning the motion to include a DIA for landscaping improvements. If the Belford site is used, improvements will be required; that the petitioner submit off-site parking agreements for review, which will provide for the 54 additional parking spaces required by the Code; and that the petitioner be required to provide patrons with some form of signage identifying additional parking areas.

**MOTION: (Commissioner Binder) “Mr. Chairman, on Conditional Use Permit 2000-235, I move that we approve the CUP with the following conditions: 1) the approval is subject to the verification of the 54 off-site parking spaces as defined by Code, to be verified by staff; 2) that a Development Improvement Agreement for the landscaping improvements be submitted and approved by staff; and 3) the applicant will provide signage to the patrons as to where the additional off-site parking exists.”**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by 5-0.

With no further business to discuss, the meeting was adjourned at 8:40 P.M.



**GRAND JUNCTION PLANNING COMMISSION  
MAY 15, 2001 MINUTES  
7:05 P.M. to 10:00 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 P.M. by Acting Chairman Terri Binder. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Terri Binder (Acting Chairman), James Nall, Mike Denner, William Putnam and Nick Prinster. John Elmer and Paul Dibble were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor), Trisha Parish (Associate Planner), Joe Carter (Associate Planner), Bill Nebeker (Senior Planner) and Lisa Gerstenberger (Senior Planner).

Also present were John Shaver (Asst. City Attorney), Rick Dorris and Eric Hahn (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 13 interested citizens present during the course of the hearing.

#### **I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the April 10 and April 17, 2001 public hearings.

**MOTION: (Commissioner Printer) “Madam Chairman, I move that we accept the minutes [of April 10] as stated.”**

Commissioner Nall seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Commissioner Putnam abstaining.

**MOTION: (Commissioner Denner) “Madam Chairman, I move that we approve the minutes of April 17 as submitted.”**

Commissioner Prinster seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Commissioner abstaining.

#### **II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Items CUP-2001-056 (Conditional Use Permit—Grand Valley Irrigation) and ANX-2001-080 (Annexation/Rezone/Preliminary Plan—Grand Meadows) were pulled from the agenda.

#### **III. CONSENT AGENDA**

Available for placement on the Consent Agenda were items FP-2001-087 (Vacation of Easement—Grand Mesa Center), ANX-2001-092 (Zone of Annexation—C&K Annexation), and PP-2001-036 (Preliminary Plan—Martin Subdivision). No objection or commentary was expressed or given by the audience, planning commissioners or staff.

**MOTION: (Commissioner Prinster) “Madam Chairman, I move that we adopt the Consent Agenda as read.”**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

#### **IV. FULL PUBLIC HEARING**

##### **VR-2001-082 VACATION OF RIGHT-OF-WAY—HIGH SIDE BREWERY**

**A request for approval of 1) a vacation of City right-of-way, 2) a Conditional Use Permit for a brewery/tavern and outdoor entertainment events, and 3) a variance from certain landscaping requirements.**

**Petitioner: James Jeffryes and Kreg Thornburg**  
**Location: 859 Struthers Avenue**  
**Representative: Roy F. Weston, Inc., Dan Brennecke**

##### **PETITIONER'S PRESENTATION**

James Jeffryes, co-petitioner, said that the right-of-way had originally been granted as access for gravel extraction, a use which was no longer being undertaken on the property. Mr. Jeffryes expressed an interest in developing the property and subdividing it into two lots. An overhead aerial photo of the property was presented and the site's location was noted. The brewery would have a tasting room and limited food service would be offered within 1-2 years following the brewery's opening Mr. Jeffryes said. Ultimately, a restaurant would be located onsite. He referenced a proposed garden area, which would be accessible from the river park. To accommodate special events, an outdoor stage and temporary parking area had been requested. Wedding and business receptions, fundraisers and an occasional musical event would be hosted. Hosting the events onsite would also help promote brewery products.

Mr. Jeffryes reiterated his request for a variance from Code Section 6.5. The Code required an 8-foot landscape buffer and 6-foot fence in an area referenced on the aerial photo (as measured from the north property line for approximately 100 feet long, 6 feet wide, within the east property line buffer area). He wanted to construct a paved bike/pedestrian path within that area instead. The Code also required solid wood or a similar-type fencing; however, a chain link fence was currently installed along the east property line. He proposed planting vines along the fenceline to provide a more solid buffer.

##### **QUESTIONS**

Commissioner Putnam asked if there would be any structure other than the brewery located on the property. Mr. Jeffryes noted the expected location of the stage to the rear of the property at the southern setback, which would measure approximately 30 feet x 60 feet, depending on Site Plan approval.

Commissioner Denner asked if the request included all property east of the gate, to which Mr. Jeffryes responded affirmatively. Mr. Jeffryes added that the road would be paved, with both an ingress/egress easement and multi-purpose easement dedicated for utilities.

Commissioner Prinster asked if special events would be held solely during daytime hours. When Mr. Jeffryes explained that evening events would also be hosted, Commissioner Prinster said that evening events generally raised additional neighborhood concerns. Mr. Jeffryes said that special events would be limited to weekends and end by 10 p.m. A maximum capacity of 800 persons had been requested.

Commissioner Prinster asked if the existing chain link fence currently surrounded the property. Mr. Jeffryes clarified that while the chain link fence along Struthers Avenue was only 4 feet high; it was 6 feet high on the other three sides of the property. Most of the fencing was located on the property line; however, some portions of northern fencing were located on the property. Gate locations were noted. Following subdivision, the chain link fence on the north side of what would then be Lot 2 would be

removed to accommodate the bike/pedestrian path. The two lots would be separated by a paved ingress/egress. There were no plans to exclusively fence the brewery.

Acting Chairman Binder asked if the fencing variance applied to the eastern side of the property only, to which Mr. Jeffryes responded affirmatively.

Commissioner Nall asked about the type of lighting proposed in and around the stage area. Mr. Jeffryes expected to install spot lighting aimed southward towards the stage. He didn't expect southern neighbors to be affected since they were located on a bluff; actual stage lighting would be confined to the stage itself. Mr. Jeffryes said that the CUP permit allowed only ten events annually.

Commissioner Prinster asked if planned parking areas were sufficient to accommodate 800 persons. Mr. Jeffryes said that staff had compared the stage to an auditorium in determining parking requirements. Based on that criteria, there would be sufficient temporary parking area on the western two acres to accommodate 200 vehicles. This area had been previously surfaced with road base by the Department of Energy. Screening around the perimeter of the parking area and vehicle bumpers would be provided.

Acting Chairman Binder asked if the road into the brewery itself and brewery parking would be paved, to which Mr. Jeffryes responded affirmatively. When asked how far from the road the stage would be located, Mr. Jeffryes estimated the distance at 80 feet.

### **STAFF'S PRESENTATION**

Tricia Parish presented an overhead of the proposed Site Plan. She said that a formal Site Plan review would come later; however, Planning Commissioners would be able to see the general project layout at this point. Ms. Parish indicated that the stage and temporary parking areas would be included in the formal Site Plan review. The project is proposed for completion in two phases, with the brewery/tavern completed during the first phase and the stage proposed for the second phase. The Code permitted the use of temporary parking for auditorium-type uses. No specific objections had been received from any review agency at this point, but she expected further comment during Site Plan review. Confirmation on the acceptability of the right-of-way vacation had been received by the City's Right-of-Way Agent, Tim Woodmansee. Staff determined that the request met all Code vacation criteria. The brewery/tavern CUP would allow for a 132-seats, with an owner residence constructed at one end of the building. A separate liquor license must be approved prior to the service of any alcoholic beverages. Brewery parking requirements had been based on bar/tavern criteria. Temporary parking area requirements had been calculated using a maximum capacity of 800 persons and/or 200 vehicles. Staff supported limiting the hours of operation for special events to no later than 10 p.m. Ms. Parish reiterated that the existing chain link fencing along the eastern property line did not meet the Code's fencing requirement; however, the addition of vines and other landscaping along the fenceline would solidify the fence and satisfy the Code's intent.

Staff recommended approval of the right-of-way vacation request, approval of the landscaping variance requirements, and approval of the Conditional Use Permit, subject to the following conditions:

1. The seating capacity for the bar and outdoor deck will not exceed 132.
2. Outdoor entertainment events will be limited to 800 patrons and be limited to the hours of 12:00 noon to 10:00 P.M.
3. The temporary parking lot proposed in Lot 1 and the proposed stage in Lot 2 (Phase II) for the outdoor entertainment events, will be limited to a use of two years from the date of approval of the required Minor Site Plan, which will be reviewed at a later date, where it will be brought into compliance with Section 6.6.A.9. of the Zoning and Development Code. If the petitioner would

like to continue these events after that date, then another Conditional Use Permit and Site Plan review shall be required for continuing the outdoor entertainment events and bringing the parking lot up to Code.

4. The outdoor entertainment events will be limited to ten (10) per calendar year.

### **QUESTIONS**

Acting Chairman Binder asked about the type of landscaping proposed along Struthers Avenue. Ms. Parish answered that a 15-foot setback planted with trees and shrubs would be required. Street improvements would also be required, but more specific detail on landscaping and street improvements would be addressed during Site Plan review.

Commissioner Prinster asked for additional staff clarification on dust control measures required for the temporary parking area. Ms. Parish said that some type of road base would be required; however, the petitioner had stated that this was already present. Eric Hahn came forward and added that magnesium chloride or other similar type of treatment may be used to help control dust on the existing road base. He said that parking/access plans would be reviewed in greater detail at a later date.

Acting Chairman Binder asked if Planning Commissioners could require dust control measures as a condition of approval for the CUP, to which Mr. Hahn replied affirmatively.

### **PUBLIC COMMENTS**

#### **FOR:**

Duke Cox (5933 Co Rd 233, Silt, CO) empathized with the concerns of the neighbors but stated that the subject property had been targeted for higher-end uses. He felt the proposed uses would be appropriate for the site.

#### **AGAINST:**

Sarafina Chavez (912 Kimball Avenue, Grand Junction, CO) stressed the family-oriented nature of the neighborhood and felt that proposed uses were entirely inappropriate. A bar, she said, brought drunks and drunk drivers. The neighborhood was filled with children and she feared for their safety. She expressed concern over the special events portion of the CUP and the immense amount of traffic it would bring to the neighborhood. Current streets were ill equipped to handle the onslaught, and she predicted that resident driveways would be blocked by vehicles parking along the street. She questioned the rationale of having 800 patrons arrive in only 200 vehicles and thought this calculation both optimistic and inaccurate.

Ms. Chavez was also concerned about the amount of noise and trash generated by the proposed uses. Who, she asked, would police special events to ensure compliance with noise, lighting and other restrictions? How would the violence that often coincided with drinking be handled? Who would be responsible for traffic control? Who would be responsible if their children were hurt as a result of these uses? She felt that the petitioner should move the uses to a more suitable site. She said that this is a residential area with residential uses. The petitioner, she said, was only concerned about making money, not protecting the interests of the neighborhood.

Elevi E. Cisneros (919 Kimball Avenue, Grand Junction, CO) mirrored the sentiments of Ms. Chavez, expressing the same concerns over traffic impacts, noise, trash, and the problems generally associated with drinking.

Joe Gomez (858 Kimball Avenue, Grand Junction, CO) said that the subject property was located directly across from his home. He expressed concern for the safety of his children and urged the City "...not to bring drunks into the neighborhood."

Terry Roller (850 Kimball Avenue, Grand Junction, CO) felt that the brewery/tavern was more acceptable as a use than the outdoor events. He believed that if a traffic study were undertaken it would highlight a number of existing problems, including speeding. The addition of so many more vehicles for a special event would only exacerbate those problems and create major traffic control and enforcement problems for the City.

Frances Chavez (912 Kimball Avenue, Grand Junction, CO) concurred with previous comments and said that traffic problems were already prevalent in the neighborhood. They would only become worse if the proposed uses were allowed. Noise from special events would be disruptive to the neighborhood in general but to the neighborhoods children in particular, resulting in a loss of needed sleep. Drunks, she said, care little what they do. She wondered who would pick up trash left by people frequenting the business.

### **PETITIONER'S REBUTTAL**

Mr. Jeffryes said that change was always a difficult thing to accept. He expressed his intention to run a responsible business within the parameters of the law and the City's requirements. He disagreed that the business would "create drunks" and said that he would assume responsibility for his patrons. He noted the site's location within an "enterprise zone," which allowed amphitheatres and outside events. There was, after all, a City park planned for the property next to his. The area had been targeted by the Growth Plan for commercial development and the site had had industrial zoning prior to his purchase of it. Even with its current C-2 (Heavy Commercial) zoning, the site was not suitable for residential development. Street improvements would include the widening of Struthers Avenue, curb, gutter, sidewalk and street lighting. He reassured neighbors that he would run his business responsibly.

### **QUESTIONS**

Acting Chairman Binder wondered how crowd control would be provided at special events frequented by large numbers of people. Mr. Jeffryes expected to provide both crowd control and traffic control, probably for 1-2 hours prior to an event and for a limited period after the event.

Acting Chairman Binder asked how the petitioner would ensure that trash generated by patrons would stay on site. Mr. Jeffryes was unsure what type of trash the neighbors were concerned with. Trash, he said, would naturally stay onsite. He offered that a clean site was more conducive to attracting more business.

Commissioner Prinster asked if the petitioner was satisfied with the hours of 12:00 noon to 10:00 P.M. Mr. Jeffryes asked that consideration be given to reducing starting hours to 10 a.m.

Commissioner Putnam asked Mr. Jeffryes to point out the location of nearby Los Colonias Park, which he did.

Acting Commissioner Binder asked about the type of outdoor musical entertainment planned. Mr. Jeffryes predicted that there would be acoustical and jazz, with some electrically-amplified music being offered. The latter, he said, would be considered on a case-by-case basis.

Acting Chairman Binder referenced the proposed bike/pedestrian path and asked if it extended all the way to the riverfront trail. Mr. Jeffryes understood that another City park was planned for development to the south of his property, not associated with the Los Colonias Park. Shawn Cooper of the City's Parks Department had not indicated an interest in extending the path from the business to the riverfront trail since the trail would be accessed through Los Colonias Park.

**DISCUSSION**

Commissioner Nall felt that the property had been zoned correctly. While expressing support for the brewery/tavern portion of the proposal, he felt that outdoor musical events would be loud and disruptive and the lighting intrusive. Traffic generated by 800 people would greatly impact the neighborhood. With so many negative impacts associated with the outdoor stage, he could not support that aspect of the proposal.

Commissioner Denner asked for clarification on the neighborhood's zoning, which was provided by staff. When asked if any residential zoning was evident in the subject area, Ms. Parish responded negatively. The highest and best use for the area did not include residential unless it was high-density. She compared existing residential homes to non-conforming uses.

Commissioner Denner thought that the subject area had been included in the South Downtown Area Plan discussions. Mr. Shaver confirmed that the area had been included in both the South Downtown Area Plan and in Growth Plan discussions.

Commissioner Prinster felt that while the brewery/tavern use was appropriate for a C-2 zone, he agreed with concerns over the stage and its expected patronage of up to 800 people. That, he said, represented a lot of vehicles and a lot of activity in one central area, even if limited to ten events per year. Given expected traffic impacts, he suggested limiting the maximum capacity to no more than 400 patrons.

Commissioner Denner added that the infrastructure needed to accommodate so many people and such an intensive use was not there.

Commissioner Prinster said that the petitioner was responsible for ensuring compatibility with the neighborhood. Neighbors would most likely monitor the petitioner's compliance with CUP criteria and report any discrepancies. He again suggested limiting the maximum capacity initially and raising it later if warranted.

A brief discussion ensued between planning commissioners and legal counsel on CUP timeframe options. Mr. Shaver said that timeframe restrictions were generally left up to the purview of the Planning Commission. He added that any imposed timeframe would be effective on the date of Site Plan approval, as outlined in staff condition 3.

When planning commissioners asked if some accommodation of the CUP submittal could be made, Mr. Shaver cautioned against doing so. He recommended that the Planning Commission either approve, approve with conditions or deny the request as submitted. Mr. Shaver said that guidance could, however, be provided to the petitioner in the form of a recommendation.

Mr. Shaver referenced the CUP criteria in the Code and suggested planning commissioners consider the following (read verbatim from Code section 2.13.C.5.a-c) when making their decision on the CUP:

- "a. 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;
- b. 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; and
- c. 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, buildings 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."

Acting Chairman Binder reiterated that if the CUP were approved, dust control measures could be required as an added condition of approval. Mr. Shaver agreed.

Commissioner Denner supported both the vacation and variance requests; however, he said that there are too many "ifs" and "maybes" associated with the outdoor stage for it to garner his support.

Commissioner Putnam concurred that brewery/tavern use seemed appropriate for the site; however, he felt that the concerns expressed by surrounding residents were valid.

When asked by Acting Chairman Binder if the stage/outside entertainment portion of the CUP could be excluded from the proposal, Mr. Shaver recommended against modifying the CUP request and reiterated his earlier advice concerning Planning Commission authority.

Commissioner Prinster agreed with the majority of neighbor concerns and agreed that the biggest problem was with the stage/outside entertainment portion of the CUP. The petitioner's request for extended brewery/tavern hours of operation (10 a.m. to 10 p.m.) seemed acceptable. He suggested limiting the CUP to a single season, with subsequent review at that time. He reiterated concerns over the petitioner's requested maximum capacity and said that he could not support the CUP request as submitted.

Commissioner Nall said that he would be concerned over any kind of outside musical event proposed for the site given the lighting, noise, traffic, and other impacts to the neighborhood.

Acting Chairman Binder concurred. Impacts would not only be felt by the surrounding neighborhood but also the one located directly across the river from the site since sound carried.

**MOTION: (Commissioner Nall) "Madam Chairman, on item VR-2001-082, I move that we forward a positive recommendation to the City Council for the request to vacate the right-of-way covering the access to the entire property located at 859 Struthers Avenue, due to the fact that it is no longer needed by the discontinuation of the City-owned gravel pit operation to the south and compliance with Section 2.11 of the Zoning and Development Code, the Growth Plan, and the Major Street Plan."**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Mr. Shaver reminded Acting Chairman Binder that, depending on what happened with the vote on the CUP, the variance request could be rendered moot.

**MOTION: (Commissioner Nall) "Madam Chairman, on item VR-2001-082, I move that we approve the Conditional Use Permit, subject to staff recommendations, due to consistency with Section 2.13 of the Zoning and Development Code and the Growth Plan."**

Commissioner Denner seconded the motion. A vote was called and the motion failed by a unanimous vote of 0-5.

A brief recess was called at 8:45 p.m. The public hearing reconvened at 8:50 p.m.

**CUP-2001-054 CONDITIONAL USE PERMIT—JENKINS FLORAL AMENDED**

**A request to amend the existing Conditional Use Permit and a variance to allow the addition of a bug screen to encroach into the north property line setback.**

**Petitioner:** Freestyle, Ted Munkres  
**Location:** 2806 UnawEEP Avenue  
**Representative:** Jenkins Floral, Mary Jenkins and Jeff Driscoll, Attorney at Law

**PETITIONER’S PRESENTATION**

Jeff Driscoll, representing the petitioner, passed out copies of site/greenhouse photographs. The business, he said, had been operating in its current location for approximately 35 years. He briefly outlined the history of the property and its previously approved CUP for a greenhouse expansion. The 6-foot bug screen had been noted on initial elevation drawings; however, the original CUP approval had apparently not included the structure. If the CUP amendment wasn’t approved, the variance would be a moot point. The bug screen was an integral component of the greenhouse, necessary to ensure the integrity of the greenhouse’s filtration system. He noted on the photographs the 6-foot privacy fence installed to buffer adjacent neighbors. The use, he said, continued to be harmonious with the neighborhood, and Ms. Jenkins had invested a great deal of money in the expansion of her business. He noted that the one neighbor originally objecting to the bug screen structure had withdrawn his objection.

Mary Jenkins, petitioner, explained that she’d been a florist for over 40 years. The Grand Valley didn’t have many greenhouses so florists were often forced to buy their products out of town and have them shipped in. The bug screen would not only keep insects out of the filtration system, but it would help keep out dust and unwanted elm seeds.

**QUESTIONS**

Commissioner Prinster asked if it were possible to reduce the size of the bug screen to comply with rear yard setbacks. Ms. Jenkins replied negatively. She said that its current size is necessary to allow for movement of mechanical arms attached to the structure, which brush insects off the screen. She reiterated that the neighbor who was initially concerned was now present to express his support.

Acting Chairman Binder asked if the bug screen could be located elsewhere, to which Ms. Jenkins again replied negatively. She said that to be of any benefit at all to the greenhouse, it must remain where proposed.

**STAFF’S PRESENTATION**

Joe Carter outlined the original CUP process and presented an overhead visual of the former CUP Site Plan. Both the Site Plan and the petitioner’s narrative had excluded the bug screen. Dimensions on both documents included only the main greenhouse structure. Staff felt that other options to the variance were available, including a boundary line adjustment. He confirmed that the neighbor who had originally complained about the bug screen’s encroachment had withdrawn his complaint; however, the violation was a Code issue and still required resolution. Staff recommended denial of the request since the request failed to meet criteria outlined in Code Sections 2.13 and 2.16. Mr. Carter argued that the hardship was self-inflicted. He further stated that as a permanent structure, the bug screen could affect other residents and may be viewed by others as a special privilege; no other properties in the area had rear yard setback variances; other means of controlling insects exist and could be explored by the petitioner; reasonable use of the greenhouse would still exist without the bug screen.

**QUESTIONS**

Commissioner Prinster wondered what other type of bug control methods were available to the petitioner. Mr. Carter was unsure.

Commissioner Nall asked how difficult it would be for the petitioner to undertake a property line adjustment. Mr. Carter answered that from a planning standpoint, it would probably be feasible;



however, he noted the existence of an irrigation ditch directly adjacent to the property which might be affected.

Acting Chairman Binder observed that only two options would be available to the petitioner if the request were denied: 1) to purchase additional property directly to the north; or 2) use alternate bug control measures or devices without benefit of the bug screen.

Commissioner Prinster asked if staff considered the bug screen a permanent structure because it had a foundation. Mr. Carter replied negatively and clarified that it was considered permanent because it was considered essential to the operation of the greenhouse.

Commissioner Prinster said that the Planning Commission had occasionally recommended variances for overhangs into setbacks, even though those overhangs were an essential part of the primary structure. This situation seemed similar. Would there be a way to keep the structure but eliminate the foundation?

Mr. Shaver questioned Mr. Carter on whether the bug screen had been shown on previous drawings. Mr. Carter stated that it had been shown on a previous elevation drawing; however, information had not been transferred to the Site Plan nor had the structure's dimensions been included in the narrative. When asked by Mr. Shaver if any survey had been required with the original CUP request, Mr. Carter replied negatively.

#### **PUBLIC COMMENTS**

Dick Atkinson (309 West Highland, Grand Junction, CO) added only that the posts that held the bug screen structure upright were set in concrete.

#### **PETITIONER'S REBUTTAL**

Ms. Jenkins said that the structure was not set on a foundation; rather, it was supported by poles set in concrete. A wooden strip held the screen in place. Current improvements had already cost her a lot of money and she was not in a position to purchase additional land to the north. She reiterated that the bug screen had been included on the initial elevation drawing; she was unsure why that information had not been transferred to the Site Plan.

#### **QUESTIONS**

Commissioner Prinster asked if there were another way to control insects. Ms. Jenkins knew that other greenhouses existed without bug screens but her extension had been designed specifically with one included. An entire 40-foot side of the greenhouse had been devoted to filtration.

Mr. Driscoll said that the petitioner had always considered the bug screen an integral part of the greenhouse's design. As such, she may not have considered or referenced it as a separate structure during the original CUP review. Approval of the amendment would allow Ms. Jenkins to continue deriving benefit from her property with a use that had already been in place for 35 years. The bug screen was a relatively small structure, and the existing privacy fence would screen it from the neighbor's view. He did not feel that the hardship was self-inflicted, and noted that the original objection by the neighbor had since been withdrawn. He did not view the variance as being unique. The petitioner, he observed, had felt she'd satisfied all CUP criteria during its initial review.

#### **DISCUSSION**

Commissioner Nall reiterated that the initial elevation drawing had shown the bug screen, demonstrating intent, although it was unclear why it had been omitted from the Site Plan. Common sense dictated that the adjacent neighbor would not be impacted whether the bug screen were there or not and the neighbor had since withdrawn his objection. He expressed support for both the amendment and the variance request.

Commissioner Putnam acknowledged a very awkward situation. The only person impacted, he said, was the neighbor to the north and now that person no longer objected to the bug screen's encroachment. Granting the variance would not create a harmful precedent, so he too expressed support.

Acting Chairman Binder remembered discussing the bug screen in conjunction with fan operations during the original CUP review. She asked for a legal opinion if approval was recommended. Mr. Shaver said that no precedent would be set since CUPs and any amendments were addressed on a case-by-case basis. He noted that approval of the variance request effectively amended the CUP. The variance would affect only the bulk standards of the RMF-8 zone as applied to this.

Commissioner Prinster did not believe that there had been any malicious intent by the petitioner to deceive the City with regard to the bug screen. Visually, the greenhouse itself was taller than the bug screen. By comparison, the bug screen would have little or no impact.

When asked to provide planning commissioners with assistance in crafting a motion suitable to address the circumstances of the variance, Mr. Shaver said that the motion should reference testimony or other information in the record. He suggested that an approval motion could include the following: 1) with regard to hardship being unique to the property or self-inflicted, testimony had been provided to show that the bug screen had originally been shown on the elevation drawing submitted with the original CUP; 2) the business had existed on the property for 35 years, which established itself as a unique characteristic of the property; no other property like it existed within the same zone; 3) with regard to special privilege, a CUP is already considered a special privilege; the combination of the zoning and CUP is unique to the property; 4) regarding the literal interpretation criterion, there were no similarly situated properties within the same zone and area with a CUP tied to them and so closely specifying the uses; 5) regarding reasonable use without the variance, he said that there was sufficient testimony to argue that the most reasonable use of the property was the greenhouse, and that based on the petitioner's statements, the bug screen was an essential component of that reasonable use; 6) regarding the minimum necessary criteria, the most reasonable use of the structure was dependent upon the bug screen and therefore, the bug screen became part of the minimum necessary criteria based upon the greenhouse already having been constructed and the CUP already having been approved; 7) the bug screen's compatibility with adjacent properties had already been addressed; the adjacent property owner to the north had withdrawn his objection; any effect on property values would be complete speculation; and 8) regarding conformance with the Code, discussion among planning commissioners recognized that the scale of the bug screen to the greenhouse was viewed as inconsequential; variance into the setback would likely not be a visual or a life, health or safety code problem there having been no testimony to the same.

Commissioner Prinster added that moving a greenhouse 32 inches to comply with setback requirements would itself be an imposed hardship to both the property and the petitioner. He reiterated that since the greenhouse and bug screen had both been included on previous drawings, the later omission of the bug screen seemed to him to be a technicality which had "fallen through the cracks" through no fault of the petitioner.

**MOTION: (Commissioner Putnam) "Madam Chairman, on the Conditional Use Permit and Variance, CUP-2000-054, I move that we find the project consistent with the Growth Plan and Sections 2.13 and 2.16 of the Zoning and Development Code, and in particular, that we find Mr. Shaver's analysis of the variance criteria are accurate and we agree [which states 1) with regard to hardship being unique to the property or self-inflicted, testimony had been provided to show that the bug screen had originally been shown on the elevation drawing submitted with the original CUP; 2) the business had existed on the property for 35 years, which established itself as a unique characteristic of the property; no other property like it existed within the same zone; 3) with regard to special privilege, a CUP is already considered a special privilege; the combination of the**

zoning and CUP is unique to the property; 4) regarding the literal interpretation criterion, there were no similarly situated properties within the same zone and area with a CUP tied to them; 5) regarding reasonable use without the variance, he said that there was sufficient testimony to argue that the most reasonable use of the property was the greenhouse, and that based on the petitioner's statements, the bug screen was an essential component of that reasonable use; 6) regarding the minimum necessary criteria, the most reasonable use of the structure was dependent upon the bug screen and therefore, the bug screen became part of the minimum necessary criteria based upon the greenhouse already having been constructed and the CUP already having been approved; 7) the bug screen's compatibility with adjacent properties had already been addressed; the adjacent property owner to the north had withdrawn his objection; any effect on property values would be complete speculation; and 8) regarding conformance with the Code, discussion among planning commissioners recognized that the scale of the bug screen to the primary greenhouse was viewed as inconsequential; variance into the setback would likely not be a problem.] 9) with regard to hardship being unique to the property or self-inflicted, testimony had been provided to show that the bug screen had originally been shown on the elevation drawing submitted with the original CUP; 10) the business had existed on the property for 35 years, which established itself as a unique characteristic of the property; no other property like it existed within the same zone; 11) with regard to special privilege, a CUP is already considered a special privilege; the combination of the zoning and CUP is unique to the property; 12) regarding the literal interpretation criterion, there were no similarly situated properties within the same zone and area with a CUP tied to them and so closely specifying the uses; 13) regarding reasonable use without the variance, he said that there was sufficient testimony to argue that the most reasonable use of the property was the greenhouse, and that based on the petitioner's statements, the bug screen was an essential component of that reasonable use; 14) regarding the minimum necessary criteria, the most reasonable use of the structure was dependent upon the bug screen and therefore, the bug screen became part of the minimum necessary criteria based upon the greenhouse already having been constructed and the CUP already having been approved; 15) the bug screen's compatibility with adjacent properties had already been addressed; the adjacent property owner to the north had withdrawn his objection; any effect on property values would be complete speculation; and 16) regarding conformance with the Code, discussion among planning commissioners recognized that the scale of the bug screen to the greenhouse was viewed as inconsequential; variance into the setback would likely not be a visual or a life, health or safety code problem there having been no testimony to the same and that we approve the Conditional Use Permit and Variance."

Commissioner Prinster seconded the motion. A vote was called and the motion passed by a vote of 4-0-1, with Commissioner Denner abstaining.

**VR-2000-238 THE LEGENDS RIGHT-OF-WAY VACATION**

**A request to vacate two portions of 28 ½ Road adjacent to the Legends Subdivision.**

**Petitioner: Abell Partners LLC, Ron Abeloe**

**Location: The south intersection of 28 ½ Road and F Rod, and that portion of 28 ½ Road lying north of the Grand Valley Canal.**

**Representative: RG Consulting Engineers, Mark Austin**

**PETITIONER'S PRESENTATION**

Mark Austin, representing the petitioner, asked to defer testimony until staff spoke.

**STAFF'S PRESENTATION**

Pat Cecil said that staff took no issue with the vacation request since the project met vacation criteria as outlined in the Code. Staff did require the petitioner to submit an easement agreement establishing and providing for maintenance and irrigation of landscaping improvements, as outlined in the May 15, 2001 staff report. Approval was recommended, subject to the following conditions:

1. Applicants shall pay all recording/documentary fees for the vacation.
2. Utility easements, acceptable to City utility engineering, for existing water and sewer facilities shall be created in the vacated right-of-ways at the time before the recording of the vacation ordinance.
3. An easement agreement establishing and providing for maintenance and irrigation of landscape improvements shall be recorded concurrently with the vacation ordinance. The easement agreement shall minimally provide that the obligation to maintain the improvements is perpetual; that assessment, if any, shall be mutually determined and established in writing and that petitioner and The Falls Subdivision have determined and agree on the nature and extent of the maintenance obligation with the same being confirmed in writing by the respective presidents of the associations.

**PETITIONER'S PRESENTATION (continued)**

Ron Abeloe, co-petitioner, noted the area to be vacated along with an open space area currently owned by The Falls Subdivision. He'd proposed to The Falls Homeowners Association (HOA) that he'd landscape a portion of their open space (shown), install an irrigation system for The Legends in that area and assume all maintenance responsibilities and associated costs. The Falls HOA had responded favorably to this idea since it would provide a benefit to them. This agreement, however, was more in the form of a letter than a formalized easement. Mr. Abeloe noted the presence of a gully, which he and the adjacent property owner would backfill to level the grade. When the adjacent property developed, landscaping would then be installed. The adjacent property owner was willing to cooperate in that undertaking. Mr. Abeloe took no issue with any of staff's recommendations and felt that The Falls HOA would be willing to enter into an easement agreement, since the end result would benefit them.

**QUESTIONS**

Acting Chairman Binder wondered if backfilling the existing gully would affect historic drainage. Mr. Abeloe said that an existing stormwater drainpipe currently existed in the area which stubbed just short of the canal. He proposed extending the drainpipe all the way to the canal, an idea which the canal company supported.

Commissioner Denner acknowledged the sense of cooperation existing between the petitioner, the adjacent property owner, and The Falls HOA. He asked Mr. Shaver if there were any legal issues; Mr. Shaver reiterated that the City required only the agreement mentioned in staff's condition 3.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Prinster recalled the Planning Commission's directive to close off the subject piece of roadway. The current request represented an effective solution to the problem. He expressed support for the request.

**MOTION: (Commissioner Denner) "Madam Chairman, on item VR-2000-238, I move we make a recommendation of approval based on the findings and conditions listed above to the City Council."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

With no further business to discuss, the meeting was adjourned at 10:00 P.M.

**GRAND JUNCTION PLANNING COMMISSION  
SEPTEMBER 12, 2000 MINUTES  
7:02 P.M. to 9:50 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Dr. Paul Dibble, Terri Binder, Nick Prinster, Vicki Boutilier (alternate), and William Putnam (alternate). Jim Nall and Jerry Ainsworth were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor), Joe Carter (Associate Planner), Kathy Portner (Planning Manager/Acting Community Development Director), and Lisa Gerstenberger (Senior Planner).

Also present were John Shaver (Asst. City Attorney), Kent Marsh and Rick Dorris (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 42 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the August 15, 2000 Planning Commission public hearing.

Commissioner Binder noted that on page 19, second paragraph, the words "...of hers..." should be deleted since the home which burned to the ground did not belong to her. She also noted the omission of a comment she'd made on cul-de-sacs, which should have been added after the third paragraph on page 16. She stated that "Cul-de-sacs funnel traffic out to other streets as this one would going onto G Road, adding to the congestion already on it."

**MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the minutes as revised this evening."**

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Chairman Elmer and Commissioners Prinster and Boutilier abstaining.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Items recommended for continuance included PP-2000-127 Preliminary Plan Desert Trails Condos (to the first public hearing in October) and PP-2000-125 Preliminary Plan Grand Vista Subdivision (to the September 19 public hearing). A brief discussion ensued over whether renofice was required for item PP-2000-127 Preliminary Plan Desert Trails Condos and whether items should be opened for public comment (on the continuances only). No public comment was received for either continuance. Mr. Shaver said that renoficing would be required for PP-2000-127 Preliminary Plan Desert Trails Condos as long as the continuance was to a date certain.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item PP-2000-127, I propose a continuance of this item to the first meeting in October for this Planning Commission, to allow the petitioner to satisfy the rest of the issues outlined by staff with regard to this application.”**

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

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item PP-2000-125, I recommend that we continue the Grand Vista Subdivision request until the September 19 meeting.**

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

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items ANX-2000-144 Annexation/Rezone Elam’s Gravel Pit, CUP-2000-138 Conditional Use Permit Jenkins Floral Greenhouse, FP-2000-128 Final Plat Garrett Estates and PP-2000-140 Preliminary Plan Monument View Ranch. At citizen request item CUP-2000-138 was pulled and placed on the Full Hearing agenda.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the Consent Agenda as revised this evening.”**

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

**IV. FULL PUBLIC HEARING**

**CUP-2000-138 CONDITIONAL USE PERMIT—JENKINS FLORAL GREENHOUSE**

**A request for approval to build a greenhouse for a floral business in an RMF-8 (Residential Multi-Family not to exceed 8 units/acre) zone district.**

**Petitioner: Mary Jenkins  
Location: 2806 Unaweep Avenue  
Representative: Rich Jenkins**

**PETITIONER’S PRESENTATION**

Rich Jenkins, co-petitioner, affirmed his request to construct a 45’ x 41.5’ greenhouse on the property. He stood for questions.

**QUESTIONS**

Commissioner Binder asked if the petitioner owned the property directly to the west of the greenhouse. Mr. Jenkins responded affirmatively. Commissioner Binder wondered why the addition could not be constructed there instead of behind the existing structure. Mr. Jenkins responded that the area to the west was smaller in size and used by the employees. He added that peonies were also grown on this tract and he preferred retaining the area for peony cultivation.

Chairman Elmer asked if it were possible to transfer and raise the flowers in the area behind the existing structure instead. Mr. Jenkins said that the area behind the existing structure was small and would restrict the number of peonies and other flowers which could be grown there; flowers grown on the western tract are cut and sold in the flower shop.

Mary Jenkins, co-petitioner, added that if dug out, the loss of established root growth would be substantial. She explained that it generally took five years of growth before peonies began to produce sellable flowers. A portion of the flowerbed had already been cut down to make room for the greenhouse.

Chairman Elmer asked if noise from the greenhouse fan would be disruptive? He also inquired whether there would be any odor associated with the business? Mr. Jenkins said that the fan would be located on the south side between the flower shop and the greenhouse; no insecticides/herbicides would be used because a bug screen would be installed to keep insects out of the building. Mary Jenkins added that fan noise would be approximately 68 decibels. A written report verifying this information was available but the petitioners stated that they had not brought it with them.

Chairman Elmer asked if additional landscaping was planned to buffer neighbors to the north. Ms. Jenkins said that their neighbors already had shrubs, trees, and fencing which she felt to be sufficient. Ms. Jenkins corrected the agenda to reflect that the project only involved 2806 Unaweep Avenue; it did not include 2802 Unaweep Avenue.

**STAFF'S PRESENTATION**

Joe Carter offered two corrections to the staff report: 1) the fan's location on the south side of the property, not the north; and 2) the size of the greenhouse addition had been reduced from 2,430 square feet to 1,845 square feet. The latter change did not affect the addition's proximity to the property line.

Mr. Carter presented an overhead visual of the Site Plan. Hours of operation would be from 8:00 A.M. to 6:00 P.M. The addition conformed with setback criteria and the height of the proposed structure would be 19'6". No additional parking would be required. A 6-foot wooden fence was already erected behind the greenhouse, with vegetation from a neighboring yard. Letters objecting to the request were received from 12 nearby residents. Objections included obstruction of views, opposition to construction of new commercial structures on the Jenkins' property, fan noise, and shading of backyards. He noted, however, that because complainants also had trees shading their backyards, the latter concern seemed contradictory. The decibel level cited by the petitioners would be at approximately 54 feet from the property line. Mr. Carter stated for comparison that a residential structure could be constructed to within 10 feet of the property line at an allowable height of 35 feet.

Having found that the request met Code criteria, staff recommended approval.

**QUESTIONS**

Commissioner Binder asked if there were any size restrictions associated with accessory structures in an RMF-8 zone. Kathy Portner said that while the Code did not specify size restrictions for accessory structures, it presumed them to be smaller than principal structures.

Chairman Elmer remarked that zoning would allow construction of up to 20 single family residences on the same site. The CUP applied only to the current use. These statements were confirmed by Mr. Carter.

Commissioner Prinster asked if the 6-foot fence along the north extended along the entire property line. Mr. Carter replied negatively, indicating its placement on the Site Plan.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.



**AGAINST:**

Dick Atkinson (309 W. Highland Drive, Grand Junction) expected greenhouse fans to be noisy and disruptive. He said that he'd just received the signature of an additional resident opposing the request.

**PETITIONER'S REBUTTAL**

Neither petitioner offered rebuttal testimony.

**DISCUSSION**

Commissioner Binder wondered if greenhouse fans would be running after 6:00 P.M. Mr. Carter replied affirmatively. He understood that fans were temperature sensitive and started automatically when temperatures warranted.

Commissioner Dibble referenced chain link fencing located along a diagonally-shaped portion of the property and asked if any appreciable benefit would be derived by weaving screening strips throughout the fence. Mr. Carter responded that only one residence existed on the other side of the chain link fence and did not know who owned the fence.

Chairman Elmer wondered if there was any way for staff to measure the expected noise impact of fans. Mr. Carter said that noise abated with distance; how much it dissipated before reaching adjacent residents was not known. He added that noise would be further reduced by the fan's installation on the south side of the greenhouse. The greenhouse itself would serve as a sound buffer.

Commissioner Dibble asked about the "north to south boundaries of the inside of the greenhouse." Mr. Carter replied that the north/south dimension was approximately 45 feet. The distance between the fan and Mr. Atkinson's residence would be approximately 100 feet; again, with the greenhouse present as a buffer.

Commissioner Binder wondered if staff knew how fans were typically installed. She thought that if pads were installed around the fan, vibration noise could be further diminished. Mr. Carter understood that the 36-inch fan was set inside the structure. Metal vents were closed to trap heat. As the fan began to suck air, vents opened to expel the warm air.

Commissioner Boutilier noted that the petitioners had met all Code requirements and Growth Plan recommendations.

Commissioner Binder felt satisfied that noise would be sufficiently abated with the fan's placement on the south side of the greenhouse.

Commissioner Dibble remarked that the height of the greenhouse was far lower than what would be allowed for typical residential structures. Thus, even the shading impact was less with the proposed use.

**MOTION: (Commissioner Grout) "Mr. Chairman, on Conditional Use Permit, CUP-2000-138, I move that we find the project consistent with the Growth Plan, Section 2.13 of the Zoning and Development Code, and that we approve Conditional Use Permit CUP-2000-138."**

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

Due to the potential for conflict of interest, Commissioner Boutilier recused herself from consideration of the following item.

**SPR-2000-131 HEIGHT VARIANCE—MESA STATE COLLEGE FINE ARTS BUILDING**

**A request to allow an increase in building height from 40 feet to 50 feet in a CSR (Community Service and Recreation) zone district adjacent to residential zoning and uses. MSC representatives will also present an overview of the college’s expansion plans.**

**Petitioner: Mesa State College**  
**Location: 1002 Bunting Avenue**  
**Representative: Ron Gray**

**PETITIONER’S PRESENTATION**

John Fitzgibbon, representing the petitioner, noted that this was the 75<sup>th</sup> anniversary of the college. He presented a number of overhead visuals depicting the college’s history, continued growth patterns, and plans for future expansion. He briefly outlined the State’s onsite budgeted projects and projected that an additional 80 staff would be hired to accommodate expected growth. Mr. Fitzgibbon noted both the college’s positive economic impacts on the community and its plans to expand land area, building sizes, and technology base.

**QUESTIONS**

Commissioner Binder observed that the parking problem around the campus was worse than ever with its record enrollment. She asked what did the college plan to do to mitigate that concern? Mr. Fitzgibbon indicated that an increase in the fee for parking permits is in the works to provide funding for parking lots. Mr. Fitzgibbon said that the college had already striped crosswalks and had provided bright day-glow signage warning motorists of pedestrian traffic. Traffic would be monitored, although he acknowledged that pedestrian/vehicle accidents were still occurring. Tunnels and overhead conveyances were too expensive to construct. He added that additional parking had been available on the east side of 12<sup>th</sup> Street for quite some time.

Chairman Elmer asked if the college had formulated design plans for future construction to the west. Mr. Fitzgibbon replied negatively, adding that construction would occur over a 10-year timeframe. It was unclear what uses would be constructed on lands to the west, although additional green space and parking would be provided. The college’s target area would be along Houston Avenue, with parking to be located along its perimeter.

Chairman Elmer asked if additional parking would be required as a result of the request’s added building height, to which Mr. Fitzgibbon responded negatively. He said that most of the added height would be to accommodate the building’s architectural features. Chairman Elmer stated that even if architectural features were minimized, the overall building height would still exceed 40 feet. He remarked that the old Code had allowed for 65-foot building heights in PZ zones. Most residents in the area were already aware of the college’s plans for expansion. He asked if representatives would be willing to submit the college’s overall Master Plan to planning commissioners for review. Mr. Fitzgibbon agreed to provide copies of a two-volume Master Plan set but cautioned that it was subject to changes.

Commissioner Putnam wondered about the height of the Tomlinson Library. Ron Gray, corepresentative for the petitioner, answered that the library was approximately 45 feet in height. Mr. Fitzgibbon added that the height of the existing Sciences Building was approximately 65 feet.

**STAFF’S PRESENTATION**

Kathy Portner said that there were no provisions in the new Code designed to address the currently proposed facility. She concurred that portions of the increased height were to accommodate architectural features. The old PZ (Public Zone) allowed 65-foot building heights; the recently adopted CSR zoning allowed a maximum building height of 65 feet unless adjacent to residential in which case it was 40 feet. As with the old Code, the new Code allowed for a 25% variance if the request otherwise met criteria. Having found that the request complied with other Code criteria, staff recommended approval.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Sid Erickson (no address given) expressed concern about the current and future noise impacts of the college. The college, he said, didn't seem to be in any hurry to purchase surrounding properties, so residents were left dealing with the college's impacts. He urged college representatives and the City to work together to mitigate noise concerns.

Betty Newbauer (922 Bunting Avenue, Grand Junction) wondered why more attention was being given to the college's overall expansion plans than to the current height variance request. She observed that the State's plans seemed to override the City's Code and Growth Plan. She added that officials needed to realize that the residential uses in the area did not stop at Cannell Street. Granting the height variance would negatively impact surrounding residents. She wondered if there were any Code requirements for college parking based on student enrollment. If not, why not she asked?

Karen Peterson (890 Kennedy Avenue, Grand Junction) expressed concern over traffic and parking impacts. She didn't feel that the college was doing enough to mitigate the current parking problem, and it didn't sound as though they had sufficient plans for mitigating future problems either. She averaged nearly 15 calls/week to the Police Department complaining of parking violators who blocked her driveway. Responses from the Police Department suggested that dealing with parking violators in the vicinity of the college were not high on their list of priorities. She wondered why the college seemed exempt from any kind of City-imposed parking requirements.

Ms. Peterson objected to the height variance, saying that the building would be directly adjacent to her property. She wondered when the college would purchase her property and noted that the college let its purchased properties and landscaping deteriorate. This continued to drive down the values of properties whose owners were still there.

Leonard Newbauer (922 Bunting Avenue, Grand Junction) focused on view impacts and said that the building's increased height would impact his enjoyment of the "sun marching across the sky."

**PETITIONER'S REBUTTAL**

Mr. Fitzgibbon said that parking had always been and would always be a problem for the college. While there was ample parking available at Saunders Fieldhouse, he surmised that students chose not to use it because of its distance to the main campus. He agreed that its location was not convenient, but it *was* available. He said that parking fees would be increased from \$28/yr to \$50/yr. Price increases would force more students to park away from the main campus area. He acknowledged that 800-1,000 additional parking spaces would be necessary over the next 10 years, but parking areas are not State funded. At present there are no funds available for construction of additional parking lots.

**QUESTIONS**

Commissioner Binder asked for a college representative to respond to allegations that college properties were left to deteriorate. Mr. Fitzgibbon said that some of the lots were both college and foundation owned. Some homes are rented and situations on those properties were outside the college's control. If the college intended to ultimately tear down the homes on those lots, it didn't make sense to invest a lot in maintenance.

Commissioner Prinster noted the college's purchase of two lots on Houston Avenue. He wondered what the Master Plan envisioned for that area. Mr. Fitzgibbon said that it would be considered "perimeter property." Additional parking for that area was planned along with green space; however, no plans for construction were being considered at the present time. Commissioner Prinster asked for confirmation that no money was available for parking lot development, which was given by Mr. Fitzgibbon.

### **DISCUSSION**

Chairman Elmer asked staff for the City's policy, if any, on parking restrictions along public streets. John Shaver said that options included requirement of parking permits and posting of signs prohibiting parking in certain areas within certain times. Both required increased levels of enforcement, which would expend additional City resources. City Council members are aware of the public's concerns over parking around the college. He briefly outlined a number of legal remedies available to citizens. He said that campus police may also be available to patrol affected areas if college representatives so agreed.

Chairman Elmer asked if "shadow impacts" were considered by staff, to which Ms. Portner replied negatively. Given the amount of setback available from the building to nearby residences, shadow impacts would be negligible. Mr. Shaver said that there is no law requiring the City to enforce "sunlight protection." He mentioned state law concerning access to sunlight for solar collection devices.

Commissioner Binder asked for further details on parking signage posting. Mr. Shaver said that some posting had already been undertaken.

Chairman Elmer reminded planning commissioners that the height variance was the only issue under consideration. Parking issues were not relative to the request.

Commissioner Dibble noted that building heights in the CSR zone generally allowed 65 feet. He felt that college needs should be considered, and he agreed that the college provided a great deal of benefit to the community. He expressed support for the request.

Commissioner Binder expressed concern over the college's continued failure to address the parking problem. She said that continually ignoring the public's complaints "was not a good thing." While the building height variance was the only issue at hand, she appreciated the public's participation in the process and their willingness to voice concerns. The college may be an asset as a whole, she said, but residents in the area still had to live there. While the City has no direct authority over the college, she urged the college and its representatives to be a better neighbor.

Chairman Elmer stated that this was the first time the Planning Commission had heard anything about an overall Master Plan for the college. He expressed his appreciation that additional discussion was warranted.

Commissioner Putnam remarked that the college's expansion was inevitable.

Chairman Elmer said that the college represented a major economic center for the City. This, as well as the college's expansion, were both acknowledged and encouraged in the City's Growth Plan. He noted

that the area surrounding the college was not a recognized view corridor. Transitioning from one use to another was very difficult. He expressed support for the request. He reiterated his request for copies of the Master Plan.

**MOTION: (Commissioner Putnam) “With regards to SPR-2000-131, Mesa State College Fine Arts Building height variance request, I move that we find that the criteria as listed in the staff report have been met and approve the request for a 25 percent increase in height.”**

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

## **V. GENERAL DISCUSSION**

Mr. Shaver offered to prepare a legal overview for presentation to planning commissioners explaining the relationship between the City and State with regard to Mesa College.

Commissioner Elmer stressed his interest in reviewing the college’s Master Plan. Mr. Fitzgibbon reiterated his willingness to not only provide the City with copies of this document but to meet with City representatives and go over it. He said that the Plan was a working document which had already undergone change prior to its printing. To Commissioner Binder, Mr. Fitzgibbon said that her comments would be taken to heart. He expected to have a neighborhood meeting sometime in the near future to solicit further public comment.

With no further business to discuss, the meeting was adjourned at 9:50 P.M.

# CITY OF GRAND JUNCTION PETITION FOR VARIANCE

DATE RECEIVED: 4/25/01

FILE NO. VAR-2001-054

RECEIVED BY: \_\_\_\_\_

RECEIPT NO. N/A

PROPERTY OWNER: MARY LUELLA JENKINS

MAILING ADDRESS: 2806-C-ROAD

PHONE: (HOME) 242-4815 (WORK) 242-4735

I (We), the undersigned, hereby petition for a variance on the property located at:

ADDRESS: 2806-C-RD OR UNA WEEP AVE

TAX SCHEDULE #: \_\_\_\_\_ ZONE CLASSIFICATION: \_\_\_\_\_

1. Section(s) of the City of Grand Junction Zoning and Development Code which are requested to be varied:

\_\_\_\_\_  
\_\_\_\_\_

I (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 RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION. WE RECOGNIZE THAT WE, OURSELVES, OR OUR REPRESENTATIVE MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Joint Property Owner (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# City of Grand Junction

Community Development Department  
Planning • Zoning • Code Enforcement  
250 North 5th Street  
Grand Junction, CO 81501-2668

Phone: (970) 244-1430  
FAX: (970) 256-4031



## RECORD OF DECISION / FINDINGS OF FACT

DATE: May 16, 2001  
FILE: CUP-2001-054  
LOCATION: 2806 UnawEEP Avenue

PETITIONER: Mary Jenkins  
2806 UnawEEP Avenue  
Grand Junction, CO 81503

REPRESENTATIVE: Same

PLANNER: Joe Carter

PROJECT IS: **APPROVAL**

---

The Grand Junction Community Development Department, in accordance with Section 2.13 and 2.16 of the Zoning and Development Code, hereby approves this request for a Conditional Use Permit and a Variance. The project is located at 2806 UnawEEP Avenue. The tax schedule number for this property is a portion 2943-193-13-002.

On May 15, 2001 the Grand Junction Planning Commission granted approval.

As an additional note, you can complete construction on the structure and apply for a final inspection with the Mesa County Building Department.

Thank you,

Joe Carter, Associate Planner  
Community Development Department





#233.00

Joe C.

Planning \$ <u>0</u>	Drainage \$ <del>XXXX</del>
TCP \$ <u>0</u>	School Impact \$ <u>0</u>

BLDG PERMIT NO. <u>77453</u>
FILE # <u>CUP-2000-138</u>

### PLANNING CLEARANCE

(site plan review, multi-family development, non-residential development)  
**Grand Junction Community Development Department**

THIS SECTION TO BE COMPLETED BY APPLICANT

BUILDING ADDRESS 2806 C Rd  
 SUBDIVISION Jenkins Miner Sub  
 FILING - BLK - LOT 2  
 OWNER Mary Luella Jenkins  
 ADDRESS 2806 C Rd  
 TELEPHONE (970) 242-4735  
 APPLICANT Mary Luella Jenkins  
 ADDRESS 2806 C Rd  
 TELEPHONE (970) 242-4735

TAX SCHEDULE NO. 2943-193-13-002  
 SQ. FT. OF PROPOSED BLDG(S)/ADDITION ~~18507~~  
 SQ. FT. OF EXISTING BLDG(S) \_\_\_\_\_  
 NO. OF DWELLING UNITS: BEFORE 1 AFTER 2  
 CONSTRUCTION  
 NO. OF BLDGS ON PARCEL: BEFORE 1 AFTER 2  
 CONSTRUCTION  
 USE OF ALL EXISTING BLDGS agricultural  
 DESCRIPTION OF WORK & INTENDED USE: \_\_\_\_\_  
more grazing

Submittal requirements are outlined in the SSID (Submittal Standards for Improvements and Development) document.

THIS SECTION TO BE COMPLETED BY COMMUNITY DEVELOPMENT DEPARTMENT STAFF

ZONE RMF-8  
 SETBACKS: FRONT: 25 from Property Line (PL) or  
 from center of ROW, whichever is greater  
 SIDE: 3 from PL REAR: 5 from PL  
 MAXIMUM HEIGHT 35'  
 MAXIMUM COVERAGE OF LOT BY STRUCTURES 70%

LANDSCAPING/SCREENING REQUIRED: YES \_\_\_\_\_ NO X  
 PARKING REQUIREMENT: NONE ADDITIONAL PARKING REQ.  
 SPECIAL CONDITIONS: NONE  
Accessory ~~to~~ STRUCTURE  
 CENSUS TRACT 13 TRAFFIC ZONE 80 ANNEX \_\_\_\_\_

Modifications to this Planning Clearance must be approved, in writing, by the Community Development Department Director. The structure authorized by this application cannot be occupied until a final inspection has been completed and a Certificate of Occupancy has been issued by the Building Department (Section 307, Uniform Building Code). Required improvements in the public right-of-way must be guaranteed prior to issuance of a Planning Clearance. All other required site improvements must be completed or guaranteed prior to issuance of a Certificate of Occupancy. Any landscaping required by this permit shall be maintained in an acceptable and healthy condition. The replacement of any vegetation materials that die or are in an unhealthy condition is required by the Grand Junction Zoning and Development Code.

Four (4) sets of final construction drawings must be submitted and stamped by City Engineering prior to issuing the Planning Clearance. One stamped set must be available on the job site at all times.

I hereby acknowledge that I have read this application and the information is correct; I agree to comply with any and all codes, ordinances, laws, regulations, or restrictions which apply to the project. I understand that failure to comply shall result in legal action, which may include but not necessarily be limited to non-use of the building(s).

Applicant's Signature Mary Luella Jenkins  
 Department Approval [Signature]

Date 7-18-2000  
 Date 9/20/06

Additional water and/or sewer tap fee(s) are required:	YES	NO <u>X</u>	W/O No. _____
Utility Accounting <u>Debi Overholt</u>			Date <u>9/20/06</u>

VALID FOR SIX MONTHS FROM DATE OF ISSUANCE (Section 9-3-2C Grand Junction Zoning and Development Code)

(White: Planning) (Yellow: Customer) (Pink: Building Department) (Goldrod: Utility Accounting)

## Profit and Loss for Jenkins Landscaping

Jun-10

### Expences:

Parts	\$	1,807.08
Office	\$	8.80
Utilities	\$	452.37
Gas	\$	285.50
Insurance	\$	318.54
Phones	\$	165.91
bank charges	\$	108.00
Contractors	\$	191.25
Suppliers	\$	4,681.02
Repairs	\$	-
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>8,018.47</b>

### Income:

\$ 3,565.36

profit or loss



Date	Grand Totals	2009-landscaping Total
	Parts	15354.39
	Repairs	16405.6
	Suppliers	22031.22
	Rentals	3051.88
	Contractors	6516.85
	Office	457.48
	Equipment bought	0
	Gas	2863.4
	Insurance	5649.19
	Phones	2906.53
	Due/taxes	361
	Interest	1412.24
	Meals & Entertainment	0
	Bank Charges	732
	Dump	134
	Wages	18010
	Misc	0
	Donations	3400
	Totals	\$ 99,285.78
	Accounts Receivable	\$ 140,526.48
	Profit or Loss	\$ 41,240.70

EIN Number 84-1587954

## Profit and Loss for Jenkins Landscaping

Jul-10

### Expences:

Parts	\$	347.55
Office	\$	23.25
Utilities	\$	318.99
Gas	\$	331.28
Insurance	\$	328.54
Phones	\$	240.83
bank charges		
Contractors	\$	6,712.75
Suppliers	\$	1,873.11
Repairs	\$	228.89
Trade name	\$	2.00
<b>Total</b>	<b>\$</b>	<b>10,407.19</b>

### Income:

\$ 4,821.18

profit or loss



## Profit and Loss for Jenkins Landscaping

Aug-10

### Expences:

Parts	\$	4,633.96
Rental	\$	185.46
Utilities	\$	623.60
Gas	\$	566.60
Insurance	\$	328.54
Phones	\$	299.11
bank charges	\$	27.00
Contractors	\$	326.40
Suppliers	\$	4,394.32
Repairs	\$	658.12
Advertising	\$	150.00
Dump	\$	56.27
<b>Total</b>	<b>\$</b>	<b>12,249.38</b>

### Income:

\$ 250.00

profit or loss



## Profit and Loss for Jenkins Landscaping

Sep-10

### Expences:

Parts	\$	155.61
Office		
Utilities	\$	386.82
Gas	\$	206.51
Insurance	\$	328.54
Phones	\$	269.09
bank charges	\$	54.00
Contractors		
Suppliers	\$	5,909.86
Repairs	\$	55.38
License plates	\$	456.02
<b>Total</b>	<b>\$</b>	<b>7,821.83</b>

### Income:

\$ 5,640.49

profit or loss



# Profit and Loss for Jenkins Landscaping

Oct-10

## Expences:

Parts	\$	832.58
Office		
Utilities	\$	320.00
Gas	\$	203.78
Insurance	\$	328.54
Phones	\$	256.93
bank charges		
Contractors	\$	1,251.00
Suppliers		
Rental	\$	141.13
Accounting	\$	200.00
<b>Total</b>	<b>\$</b>	<b>3,533.96</b>

## Income:

\$ 5,150.00

profit or loss \$ 1,616.04

# Profit and Loss for Jenkins Landscaping

Nov-10

## Expences:

Parts	\$	131.79
Office	\$	287.00
Utilities	\$	320.00
Gas	\$	212.66
Insurance	\$	328.54
Phones	\$	229.98
bank charges		
Contractors	\$	1,973.50
Suppliers		
Repairs	\$	126.27
Accounting		
<b>Total</b>	<b>\$</b>	<b>3,609.74</b>

## Income:

\$ 1,540.00

profit or loss





# Profit and Loss for Jenkins Landscaping

Nov-10

## Expences:

Parts	\$	633.26
Office	\$	84.36
Utilities	\$	469.08
Gas	\$	457.93
Insurance	\$	328.56
Phones	\$	216.95
bank charges	\$	108.00
Contractors	\$	412.50
Suppliers	\$	1,213.02
Repairs	\$	61.90
Accounting		
<b>Total</b>	<b>\$</b>	<b>3,985.56</b>

## Income:

\$ 1,300.00

profit or loss



# Profit and Loss for Jenkins Landscaping

Jan-11

## Expences:

Parts	\$	392.69
Office	\$	26.59
Utilities	\$	861.68
Gas	\$	253.24
Insurance	\$	363.81
Phones	\$	260.41
bank charges	\$	81.00
Repairs	\$	10.47
Suppliers		
Rental	\$	287.05
Accounting		
<b>Total</b>	<b>\$</b>	<b>2,536.94</b>

## Income:

\$ 800.00

profit or loss



## Profit and Loss for Jenkins Landscaping

Feb-11

### Expences:

Parts	\$	453.45
Office	\$	7.75
Utilities	\$	659.83
Gas	\$	276.71
Insurance	\$	363.81
Phones	\$	269.01
bank charges	\$	27.00
Contractors	\$	597.00
Suppliers	\$	1,529.48
Rental		
Repairs	\$	145.99
<b>Total</b>	<b>\$</b>	<b>4,330.03</b>

### Income:

\$ 6,634.00

profit or loss      \$ 2,303.97

# Profit and Loss for Jenkins Landscaping

Mar-11

## Expences:

Parts	\$	222.70
Office	\$	8.80
Utilities	\$	527.83
Gas	\$	240.11
Insurance	\$	263.81
Phones	\$	192.31
bank charges	\$	54.00
Contractors		
Suppliers		
Rental	\$	228.84
Repairs	\$	10.75
<b>Total</b>	<b>\$</b>	<b>1,749.15</b>

## Income:

\$ 640.00

profit or loss



# Profit and Loss for Jenkins Landscaping

Apr-11

## Expences:

Parts	\$	2,888.57
Office	\$	1.07
Utilities	\$	877.16
Gas	\$	457.62
Insurance	\$	358.69
Phones	\$	215.00
bank charges	\$	108.00
Contractors		
Suppliers	\$	406.94
Rental	\$	173.04
Repairs		
<b>Total</b>	<b>\$</b>	<b>5,486.09</b>

## Income:

\$	453.50
----	--------

profit or loss



# Profit and Loss for Jenkins Landscaping

May-11

## Expences:

Parts	\$	7,776.95
Office	\$	27.34
Utilities	\$	361.00
Gas	\$	511.66
Insurance	\$	358.69
Phones	\$	215.00
bank charges	\$	25.00
Contractors	\$	2,353.50
Suppliers	\$	11,266.81
Rental	\$	288.00
Repairs	\$	26.90
<b>Total</b>	<b>\$</b>	<b>23,210.85</b>

## Income:

\$ 21,774.21

profit or loss



## Profit and Loss for Jenkins Landscaping

Jun-12

### Expences:

Parts	\$	428.61
Office	\$	2.91
Utilities	\$	331.73
Gas	\$	329.99
Insurance	\$	412.38
Phones	\$	261.22
bank charges		
Contractors	\$	3,000.00
Suppliers		
Lic Plates	\$	126.37
Repairs	\$	179.08
<b>Total</b>	<b>\$</b>	<b>5,072.29</b>

### Income:

\$ 14,980.39

profit or loss \$ 9,908.10

## Profit and Loss for Jenkins Landscaping

Jul-12

### Expences:

Parts	\$	97.04
Office	\$	8.80
Utilities	\$	517.75
Gas	\$	250.01
Insurance	\$	380.15
Phones	\$	249.00
bank charges		
Contractors		
Suppliers		
Lic plates	\$	61.87
Repairs	\$	163.76
<b>Total</b>	<b>\$</b>	<b>1,728.38</b>

### Income:

\$	86.50
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profit or loss	\$	(1,641.88)
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## Profit and Loss for Jenkins Landscaping

Aug-12

### Expences:

Parts	\$	43.55
Office	\$	8.05
Utilities		
Gas	\$	589.91
insurance	\$	380.15
Phones	\$	481.25
bank charges	\$	28.00
Contractors		
Suppliers		
Rental	\$	68.94
Repairs	\$	189.74
<b>Total</b>	<b>\$</b>	<b>1,789.59</b>

### Income:

\$	125.00
----	--------

profit or loss	\$	(1,664.59)
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# Profit and Loss for Jenkins Landscaping

Sep-12

## Expences:

Parts	\$	73.27
Office		
Utilities	\$	111.09
Gas	\$	431.05
Insurance	\$	380.15
Phones	\$	242.28
bank charges		
Contractors		
Suppliers		
Lic Plates	\$	188.58
Repairs	\$	60.74
<b>Total</b>	<b>\$</b>	<b>1,487.16</b>

## Income:

	\$	3,471.91
--	----	----------

profit or loss	\$	1,984.75
----------------	----	----------

## Profit and Loss for Jenkins Landscaping

Oct-12

### Expences:

Parts	\$	15.53
Office		
Utilities	\$	300.70
Gas	\$	323.00
Insurance	\$	1,261.20
Phones	\$	239.08
bank charges		
Contractors	\$	90.00
Suppliers		
Rental	\$	83.99
Repairs	\$	107.72
<b>Total</b>	<b>\$</b>	<b>2,421.22</b>

### Income:

\$	2,810.38
----	----------

profit or loss	\$	389.16
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## Profit and Loss for Jenkins Landscaping

Nov-12

### Expences:

Parts	\$	1.47
Office		
Utilities	\$	668.67
Gas	\$	189.38
Insurance		
Phones		
bank charges		
Contractors		
Suppliers		
Rental		
Repairs	\$	209.04
<b>Total</b>	<b>\$</b>	<b>1,068.56</b>

### Income:

profit or loss	\$	(1,068.56)
----------------	----	------------

## Profit and Loss for Jenkins Landscaping

Dec-12

### Expences:

Parts	\$	46.10
Office	\$	8.80
Utilities	\$	38.69
Gas	\$	182.02
Insurance		
Phones		
bank charges		
Contractors		
Suppliers		
Rental		
Repairs	\$	213.09
<b>Total</b>	<b>\$</b>	<b>488.70</b>

### Income:

profit or loss	\$	(488.70)
----------------	----	----------

# Profit and Loss for Jenkins Landscaping

Jan-12

## Expences:

Parts	\$	10.92
Office		
Utilities	\$	1,440.86
Gas	\$	314.02
Insurance	\$	332.66
Phones	\$	245.44
bank charges		
Contractors		
Suppliers		
Repairs	\$	7.82
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>2,351.72</b>

## Income:

\$ -

profit or loss



## Profit and Loss for Jenkins Landscaping

Feb-12

### Expences:

Parts	\$	92.67
Office		
Utilities	\$	901.95
Gas		
Insurance	\$	348.66
Phones	\$	245.44
bank charges		
Contractors		
Suppliers	\$	409.50
Repairs	\$	190.24
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>2,188.46</b>

### Income:

	\$	4,000.00
--	----	----------

profit or loss	\$	1,811.54
----------------	----	----------

# Profit and Loss for Jenkins Landscaping

Mar-12

## Expences:

Parts	\$	971.87
Office		
Utilities	\$	889.50
Gas	\$	353.58
Insurance	\$	358.30
Phones	\$	245.44
Dump	\$	30.50
Rental	\$	17.00
Suppliers	\$	124.05
Repairs		
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>2,990.24</b>

## Income:

\$ 300.00

profit or loss





# Profit and Loss for Jenkins Landscaping

Apr-12

## Expences:

Parts	\$	1,014.23
Office	\$	9.46
Utilities	\$	360.34
Gas	\$	567.57
Insurance	\$	358.30
Phones	\$	268.21
Misc	\$	23.57
Contractors	\$	768.00
Suppliers	\$	8,305.71
Repairs	\$	85.76
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>11,761.15</b>

## Income:

profit or loss



# Profit and Loss for Jenkins Landscaping

May-12

## Expences:

Parts	\$	680.24
Office		
Utilities	\$	589.04
Gas	\$	353.51
Insurance	\$	358.30
Phones	\$	269.17
bank charges		
Contractors		
Suppliers	\$	4,561.83
Repairs	\$	65.97
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>6,878.06</b>

## Income:

profit or loss



## Profit and Loss for Jenkins Landscaping

Jun-12

### Expences:

Parts	\$	390.01
Office	\$	9.45
Utilities		
Gas	\$	311.09
Insurance	\$	358.30
Phones	\$	274.54
Plates	\$	160.37
Contractors		
Dump		
Repairs	\$	51.39
Trade name	\$	-
<b>Total</b>	<b>\$</b>	<b>1,555.15</b>

### Income:

profit or loss

██████████

# Profit and Loss for Jenkins Landscaping

Jul-12

## Expences:

Parts	\$	114.84
Office	\$	5.90
Utilities		
Gas	\$	394.03
Insurance	\$	330.00
Phones	\$	322.80
bank charges		
Rental	\$	139.32
Dump	\$	7.00
Repairs	\$	140.25
Trade name		
<b>Total</b>	<b>\$</b>	<b>1,454.14</b>

## Income:

\$ 16,179.50

profit or loss



# Profit and Loss for Jenkins Landscaping

Aug-12

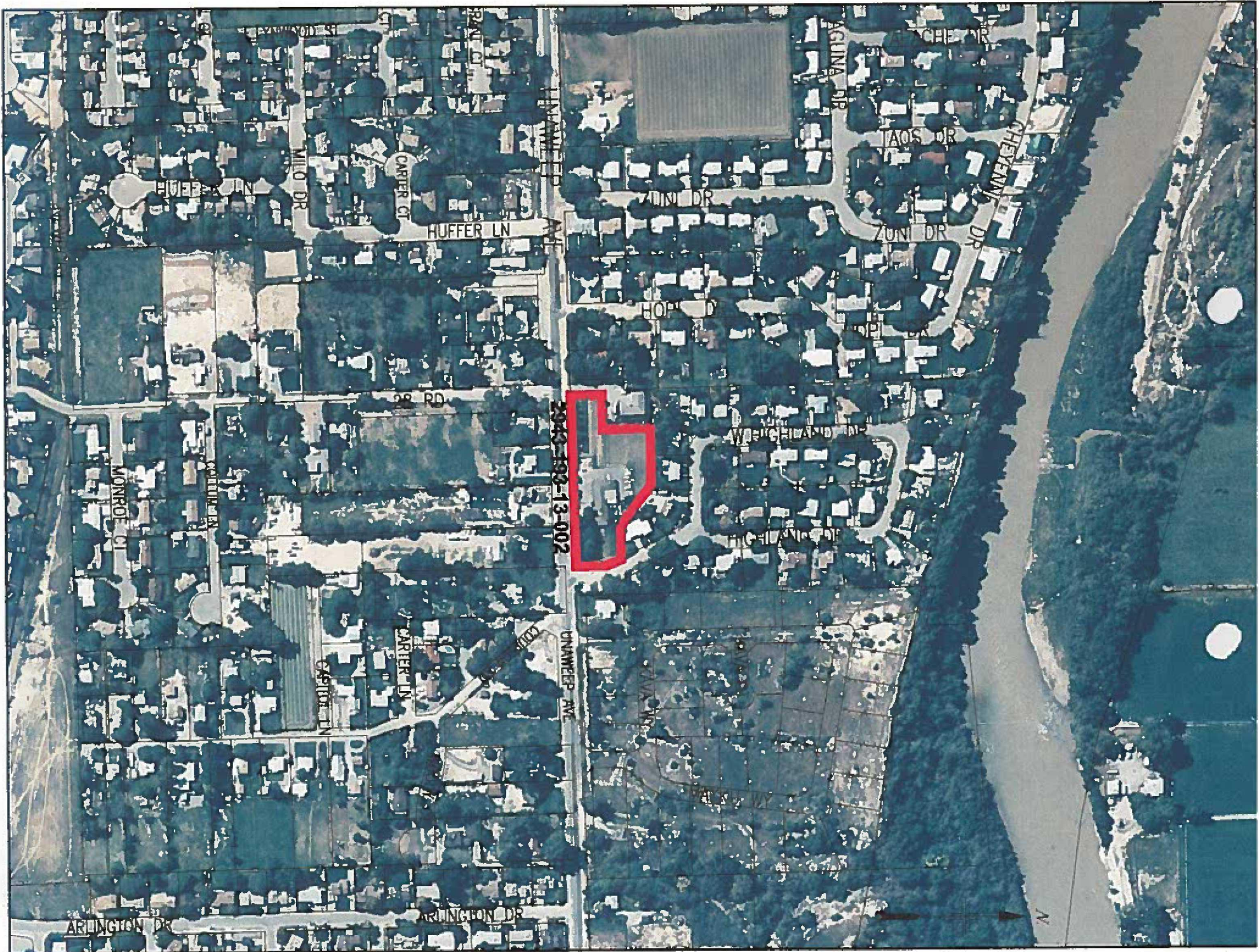
## Expences:

Parts	\$	223.47
Rental		
Utilities		
Gas	\$	202.36
Insurance	\$	330.00
Phones	\$	69.98
bank charges	\$	28.00
Contractors		
Taxes	\$	160.00
Repairs	\$	324.83
Advertising		
Dump		
<b>Total</b>	<b>\$</b>	<b>1,338.64</b>

## Income:

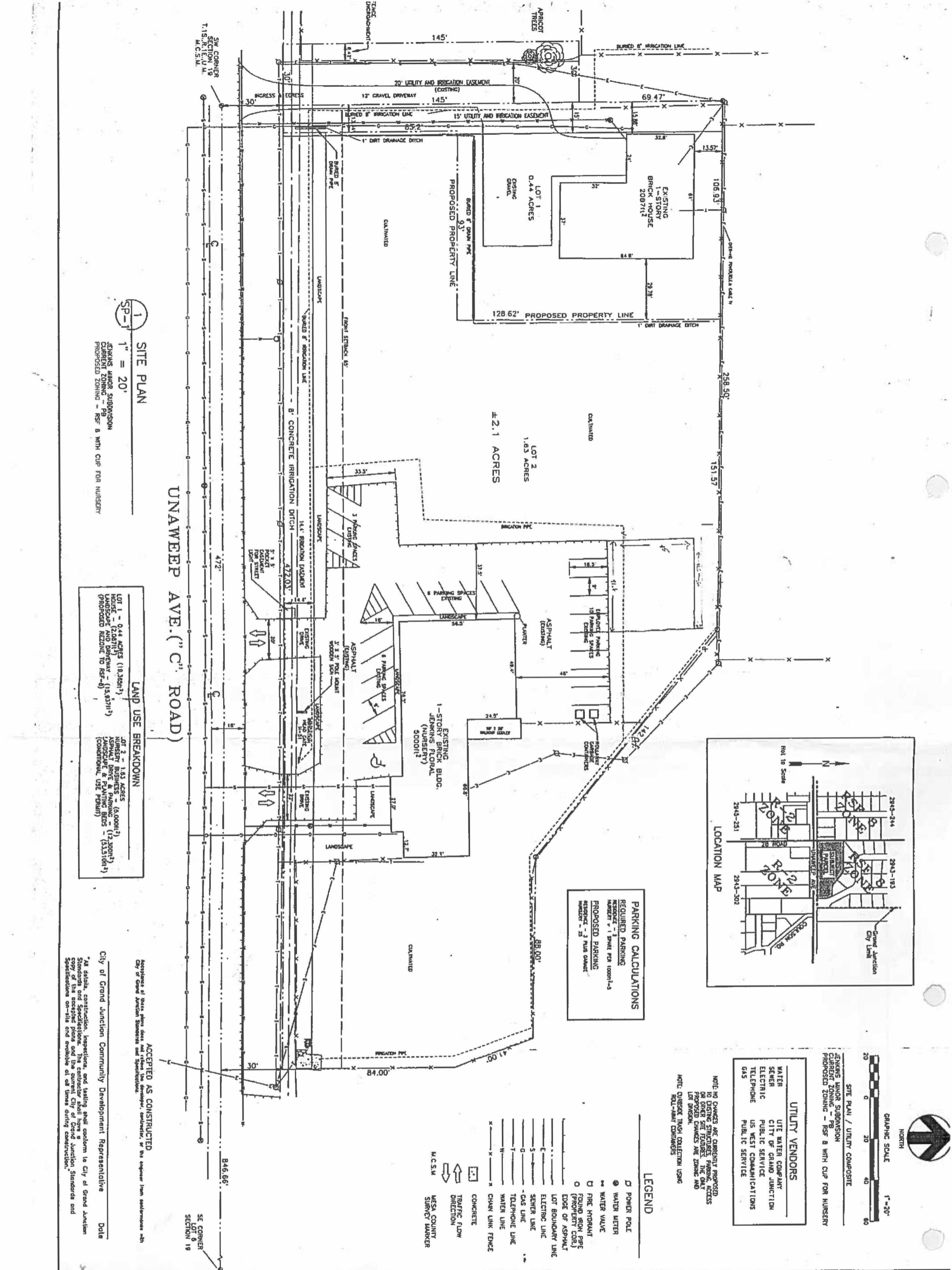
profit or loss





2043-188-13-002

N



**1**  
SP-1  
SITE PLAN  
1" = 20'  
JENKINS MINOR SUBDIVISION  
CURRENT ZONING - R9  
PROPOSED ZONING - RSF B WITH CUP FOR NURSERY

**LAND USE BREAKDOWN**

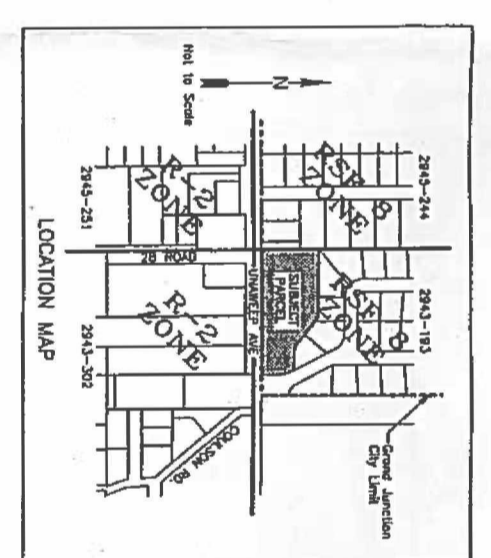
LOT 1 - 0.44 ACRES (18,260<sup>sq</sup>ft)<sup>1</sup>  
HOUSE (2,000<sup>sq</sup>ft)  
LANDSCAPE & PLANNING BEGS - (15,260<sup>sq</sup>ft)<sup>1</sup>  
(PROPOSED RESUME TO RSF-B)

LOT 2 - 1.83 ACRES (80,000<sup>sq</sup>ft)<sup>1</sup>  
NURSERY BUSINESS  
ASPHALT DRIVE & PARKING BEGS - (12,000<sup>sq</sup>ft)<sup>1</sup>  
LANDSCAPE & PLANNING BEGS - (33,510<sup>sq</sup>ft)<sup>1</sup>  
(CONDITIONAL USE PERMITS)

**PARKING CALCULATIONS**

REQUIRED PARKING  
NUMBER = 1 SWMT FOR 1000-1-3

PROPOSED PARKING  
NUMBER = 3 PLUS GARAGE



**UTILITY VENDORS**

WATER	UTE WATER COMPANY
SEWER	CITY OF GRAND JUNCTION
ELECTRIC	PUBLIC SERVICE
TELEPHONE	US WEST COMMUNICATIONS
GAS	PUBLIC SERVICE

NOTE: NO CHANGES ARE CURRENTLY PROPOSED TO EXISTING STRUCTURES, PARKING, ACCESS OR OTHER SITE FEATURES. THE ONLY PROPOSED CHANGES ARE ZONING AND LOT DIVISION.

NOTE: QUOTE: THASH COLLECTION USING ROLL-AWAY CONTAINERS

- LEGEND**
- POWER POLE
  - WATER METER
  - ⊕ WATER VALVE
  - FIRE HYDRANT
  - FOUND IRON PIPE (PROPERTY CORN.)
  - EDGE OF ASPHALT
  - LOT BOUNDARY LINE
  - ELECTRIC LINE
  - SEWER LINE
  - GAS LINE
  - TELEPHONE LINE
  - WATER LINE
  - CHAIN LINK FENCE
  - CONCRETE
  - TRAFFIC FLOW DIRECTION
  - M.C.S.M.
  - MESA COUNTY SURVEY MARKER

ACCEPTED AS CONSTRUCTED

Approval of these plans does not relieve the developer, contractor, or the engineer from compliance with City of Grand Junction Standards and Specifications.

City of Grand Junction Community Development Representative

Date

\*All data, construction, inspections, and testing shall conform to City of Grand Junction Standards and Specifications. The contractor shall have a copy of the applicable standards and specifications on-site and available at all times during construction.

REVISIONS	DATE	REMARKS	BY

**SITE PLAN AND UTILITY COMPOSITE**

Jenkins Minor Sub  
2802 and 2806 UnawEEP Ave.  
Grand Junction, Co. 81503

Mary Jenkins  
2806 UnawEEP Ave.  
Grand Junction, Co. 81503-3169  
970 242-4815

**HydroTerra, Inc.**

4721 Purdy Mesa Road  
Wheatwelder, Colorado 81527  
Telephone: (970) 242-4454

PROJECT: SITE PLAN / UTILITY COMPOSITE

SCALE: AS SHOWN

DATE DRAWN: November 11, 1992

LATEST REVISION: November 11, 1992

SHEET NUMBER  
**SP-1**  
RECEIVED

# City of Grand Junction

Community Development Department  
Planning • Zoning • Code Enforcement  
250 North 5th Street  
Grand Junction, CO 81501-2668

Phone: (970) 244-1430  
FAX: (970) 256-4031



## RECORD OF DECISION / FINDINGS OF FACT

DATE: September 13, 2000  
FILE: CUP-2000-138  
LOCATION: 2806 UnawEEP Avenue

PETITIONER: Mary Jenkins  
2802 UnawEEP Avenue  
Grand Junction, CO 81503

REPRESENTATIVE: Rich Jenkins  
2802 UnawEEP Ave  
Grand Junction, C) 81503

PLANNER: Joe Carter

PROJECT IS: APPROVED

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The Grand Junction Community Development Department, in accordance with Section 2.13 of the Zoning and Development Code, hereby approves this request for a Conditional Use Permit for a greenhouse on the property located at 2806 UnawEEP Avenue (tax schedule 2943-193-13-002)

Applicant will need to pick up a Planning Clearance from the Community Development Department located at City Hall. A completed Planning Clearance is required prior to receipt of a Building Permit. A Building Permit can be acquired from the Building Department located at 750 Main Street.

Please contact me if you have any further questions.

Thank you,

Joe Carter  
Associate Planner





**WARRANTY DEED**

Grantor(s)

MARY L. JENKINS, individually and as Trustee

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whose address is 2806 UnawEEP Avenue, Grand Junction,

\*County of Mesa, State of

Colorado

, for ~~the~~<sup>no</sup> consideration of/

~~debt/s, which is/are~~ hereby sell(s)

1622628 03:41 PM 12/03/92  
MONIKA TODD CLK&REG MESA COUNTY CO  
DOC NO FEE

and convey(s) to THE JENKINS FAMILY REVOCABLE LIVING TRUST

whose legal address is 2806 UnawEEP Avenue, Grand Junction,

County of Mesa, and State of Colorado

the following real property in the County of Mesa, and State of

Colorado, to wit:

(See Attachment)

*No Consideration*

REGISTER NOTE: FOUR QUALITY DOCUMENT PROVIDED FOR REPRODUCTION

also known by street and number as 2806 UnawEEP Avenue, Grand Junction, CO 81501

with all its appurtenances, and warrant(s) the title to the same, subject to 1992 property taxes, payable in 1993.

Signed this 30th day of November, 1992

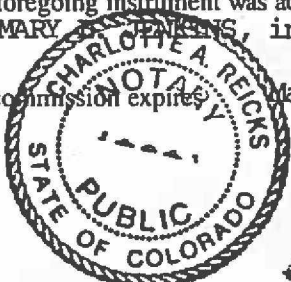
*Mary L. Jenkins*  
Mary L. Jenkins, individually and as Trustee

STATE OF COLORADO,

County of Mesa } ss.

The foregoing instrument was acknowledged before me this 30th day of November, 1992, by MARY L. JENKINS, individually and as Trustee.

My commission expires March 4, 1993. Witness my hand and official seal.



*Charlotte A. Reicks*  
Charlotte A. Reicks, Notary Public

\*If in Denver, insert "City and."

Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)



AFFIDAVIT

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MESA )

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Pursuant to C.R.S. § 38-30-166(2), MARY L. DRUMM, also known as MARY L. JENKINS, being first duly sworn, deposes and states as follows:

1. Name of Trust: THE JENKINS FAMILY REVOCABLE LIVING TRUST  
(pursuant to Last Will and Testament, dated November 30, 1992)
2. Name and address of Trustee: Mary L. Drumm, also known as Mary L. Jenkins  
2806 UnawEEP Avenue  
Grand Junction, CO 81503
3. Name and address of successor Trustee:  
Barbara Anna Wall  
288 - 28 Road  
Grand Junction, CO 81503
4. Name and address of successor Trustee:  
Richard Lee Jenkins  
2806 UnawEEP Avenue  
Grand Junction, CO 81503
5. Name and address of successor Trustee:  
Central Bank of  
Grand Junction, N.A.  
422 White Avenue  
Grand Junction, CO 81501

DATED this 30th day of November, 1992.

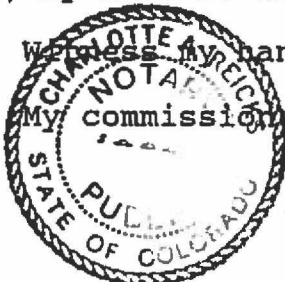
Mary L. Drumm  
MARY L. DRUMM, also known as  
MARY L. JENKINS

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MESA )

Subscribed and sworn to before me this 30th day of November, 1992, by MARY L. DRUMM, also known as MARY L. JENKINS.

Witness my hand and official seal.

My commission expires March 4, 1993.



Charlotte A. Reicks  
Charlotte A. Reicks  
Notary Public

RECORDER NOTE: POOR QUALITY DOCUMENT  
PROVIDED FOR REPRODUCTION

Parcel 1: Beginning at the Southwest corner of Section 19, Township 1 South, Range 1 East of the Ute Meridian, thence South 89°55' East 472.0 feet, thence North 114.0 feet, thence North 20°54' West 41.0 feet, thence North 88°36' West 88.0 feet, thence North 51°35' West 142.0 feet, thence North 89°20' West 258.5 feet, thence South 245.0 feet to the point of beginning;

TOGETHER WITH all ditch and ditch rights, water and water rights belonging thereto; SUBJECT TO ditch rights of way over the North 14.4 feet of the South 44.4 feet thereof and over the West 1.5 feet thereof and also subject to road right of way over the South 30 feet of the above described property.

Parcel 2: A parcel of land situated in the Southeast Quarter of the Southeast Quarter of Section 24, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:

Beginning at a point 30 feet North of the Southeast Corner of said Section 24; thence West 30.0 feet; thence North 145.0 feet; thence East 30.0 feet to the east line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence South along said east line 145.0 feet to the Point of Beginning.

This conveyance is subject, however, to all easements including, but not limited to, an easement over the east 20 feet of said parcel for utilities and irrigation purposes, an easement for the benefit of Oplinger Reservation Irrigation Company for all irrigation purposes including, but not limited to, ingress to, egress from, maintenance of, repair of and all other activities incidental to the operation of an irrigation system and also subject to easements for ingress and egress to all those who have historically used the property, including Grantor. The easements noted herein shall be perpetual and shall inure to the benefit of the parcels that have benefitted therefrom.