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

TUESDAY, JANUARY 27, 2009, 6:00 P.M.

Call to Order

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

In an effort to give everyone who would like to speak an opportunity to provide their testimony, we ask that you try to limit your comments to 3-5 minutes. If someone else has already stated your comments, you may simply state that you agree with the previous statements made. Please do not repeat testimony that has already been provided. Inappropriate behavior, such as booing, cheering, personal attacks, applause, verbal outbursts or other inappropriate behavior, will not be permitted.

Copies of the agenda and staff reports are available on the table located at the back of the Auditorium.

Announcements, Presentations, and/or Prescheduled Visitors

Consent Agenda

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

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

1. Minutes of Previous Meetings

Not available at this time.

2. **Hall's Estates Subdivision – Preliminary Subdivision Plan** [Attach 2](#)
Request approval of the Preliminary Subdivision Plan to develop 49 dwelling units on 6.87 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2007-296
PETITIONER: Hall's Estates, LLC
LOCATION: 652 24 1/2 Road
STAFF: Lori Bowers

3. **St. Mary's Rose Hill Hospitality House – Vacation of Easements and Vacation of Right-of-Way** [Attach 3](#)

Vacation of Ingress, Egress and Utility Easement and Vacation of Right-of-Way.

FILE #: RZ-2008-227
PETITIONER: Keith Estridge – St. Mary's Hospital & Medical Center
LOCATION: 605 26 1/2 Road
STAFF: Scott Peterson

4. **Fast Eddy's Relocation – Conditional Use Permit** [Attach 4](#)

Request approval of the Conditional Use Permit to allow a bar/nightclub on 1.04 acres in a C-1 (Light Commercial) zone district.

FILE #: CUP-2008-361
PETITIONER: William Lloyd – L & B, Inc.
LOCATION: 1224 N 25th Street
STAFF: Michelle Hoshide

5. **Two Rivers Condominiums – Preliminary Subdivision Plan** [Attach 5](#)

Request approval of a Preliminary Subdivision Plan to condominiumize a 10,069 sq ft commercial/residential building into 4 units on .145 acres in a B-2 (Downtown Business) zone district.

FILE #: CDP-2008-330
PETITIONER: Shane Burton – Two Rivers Condo LLC
LOCATION: 201 Colorado Avenue
STAFF: Greg Moberg

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

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

Public Hearing Items

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

6. **Nellie Bechtel Right-of-Way Vacation – Vacation of Right-of-Way** [Attach 6](#)

Request a recommendation of approval to City Council to vacate .209 acres of unimproved F 1/4 Road right-of-way located north of 3032 North 15th Street.

FILE #: VR-2008-202
PETITIONER: Mike Grizenko – City of Grand Junction
LOCATION: 3032 North 15th Street
STAFF: Judith Rice

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

REVISED

Attach 2

Hall's Estates Subdivision

CITY OF GRAND JUNCTION
PLANNING COMMISSIONMEETING DATE: January 27, 2009
PRESENTER: Lori V. Bowers

AGENDA TOPIC: Hall's Estates Subdivision; PP-2007-296

ACTION REQUESTED: Preliminary Subdivision Plan Approval

BACKGROUND INFORMATION					
Location:		652 24½ Road			
Applicants:		Hall's Estates, LLC, owner; Darter, LLC, developer; Design Specialists, PC, representative.			
Existing Land Use:		Single family residence, large lot			
Proposed Land Use:		Residential subdivision			
Surrounding Land Use:	North	Brookwillow Village Subdivision			
	South	F 1/2 Road / large lot single-family residential			
	East	Large lot single family residential / vacant land			
	West	24 1/2 Road / large lot single family residential			
Existing Zoning:		R-8 (Residential – 8 units per acre)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	PD (Planned Development)			
	South	R-8 (Residential – 8 units per acre)			
	East	R-8 (Residential – 8 units per acre)			
	West	R-12 (Residential – 12 units per acre)			
Growth Plan Designation:		Residential Medium High, 8 to 12			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request for approval of the Preliminary Subdivision Plan to develop 49 dwelling units on 6.87 acres in an R-8 (Residential - 8 units per acre) zone district.

RECOMMENDATION: Approval of the proposed Preliminary Subdivision Plan.

ANALYSIS

1. Background: The property was annexed into the City in 1995 as part of the Northwest Enclave. It is about 9 acres in size and currently has a vacant home on the site. The house will be removed prior to the final platting of the property. The subject parcel is zoned R-8 (Residential – 8 units per acre). To the north is Brookwillow Village, a Planned Development Subdivision (PD); to the south is the future F 1/2 Road right-of-way and large vacant parcels of land. To the east is more vacant land and to the west there are single-family residences on large lots, zoned R-12 (Residential – 12 units per acre).

The future alignment of F 1/2 Road requires dedication of approximately 2.25 acres of land. Additional right-of-way is needed for the proposed round-about to be located at F 1/2 Road and 24 1/2 Road. Due to the large amount of acreage required for these road improvements, the applicant and the Public Works Department have agreed on reduced widths for the right-of-way. Since this should be a low volume traffic area sidewalks are required only on one side of the street in some instances. Meetings regarding this project were held with City Staff starting in February, 2008 and continuing through December. The result of these numerous meetings has yielded certain considerations and concessions for this project to move forward. These are contained in a letter marked as “Exhibit A” and were made part of the second round of the response to the City’s review comments dated January 31, 2008.

The resulting subdivision will contain 22 attached units in the form of tri-plexes, four-plexes and one five-plex. The remainder of the housing types will be 27 single-family detached lots. All streets will be dedicated to the public. Trinity Way connects to a parking lot in Brookwillow Village. A cross access easement agreement has been drafted between Brookwillow Village and Hall’s Estates and will need to be recorded with the Final Plat. A temporary turn-around may be required at Final Plat if the parking lot in Brookwillow Village is not paved by that time.

Density: The overall density of the project is 7.1 dwelling units per acre. Proposed are 22 attached units and 27 single-family detached, for a total of 49 dwelling units on 6.87 acres.

Access: The primary access is off of 24 1/2 Road, on to Ajay Avenue. Internal to the site are two connections to Ajay Avenue, which bounds the site on the north and Barela Lane on the south. Connections from Ajay Avenue to Barela Lane are Tamera Lane and Serenity Lane. Barela Lane ends in a cul-de-sac on the eastern end of the subdivision. 24 3/4 Road will be constructed by the City, paid for by TCP funds, when warranted. Trinity Way connects to Brookwillow Village, Filing 2, on the north.

Road Design: After the required right-of-way dedications for F 1/2 Road, 23 3/4 Road and a round-about at 24 1/2 Road, the resulting parcel is 6.87 acres in size. The street widths along with the placement and amount of sidewalks, utilizing the Alternate Street Standards found in TEDS (Transportation Engineering Design Standards) has been

negotiated with the Public Works department. These are outlined in Exhibit A, as mentioned above. There will be no sidewalk along the south side of Barela Lane, but one will begin around the end of the cul-de-sac. There will be sidewalks along the north side of Barela Lane and will continue up the west side of Trinity Way; along Tamera Lane and the east side Serenity Lane. Sidewalk will be completed along the entire south side of Ajay Avenue.

Open Space / Park: Due to the multi-family portion of this subdivision, Section 6.B.3.7 requires that six hundred (600) square feet per unit of outdoor living area be provided. The applicants have demonstrated that this can be attained upon final platting of the project.

Lot Layout: The subdivision's layout is linear, running east and west. Block Two, and half of Block Three, located in the center of the subdivision will contain 27 single-family detached lots. On the western end, Block One, which is closest to 24 1/2 Road, is designed to accommodate a four-plex. A detention pond will also be located in this area. The water quality feature is recognized as acceptable for Preliminary Plan approval but will need refinement prior to the Final Plat being recorded, in order to meet the Storm Water Management Manual (SWMM) requirements.

Block Four and the other half of Block Three is designed to accommodate three tri-plexes, one four-plex and one five-plex.

Landscaping: A landscaping plan will be required with the application for Final Plat. All open space Tracts will need to be landscaped and irrigation systems provided. Buffer fencing will be installed by the City as part of the F 1/2 Road project along the southern most boundary. Tract A, on the north side of the City's fence will be approximately four feet that has been approved for cobble ground cover, and will be the responsibility of the Home Owners Association (HOA) for maintenance.

Phasing: The applicant states that the project will be constructed in one phase over a period of two years. Recent changes to the Zoning and Development Code now allows up to two years for the approval of the preliminary subdivision plan.

2. Section 2.8.B.2 of the Zoning and Development Code

A preliminary subdivision plan can only be approved when it is in compliance with the purpose portion of Section 2.8 and with all of the following criteria:

- a. The Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans.

The project meets the requirements of the Growth Plan by complying with the Future Land Use Map. The project meets the requirements of the Grand Valley Circulation Plan by providing over two acres of land in dedication for F 1/2 Road, 24 1/2 Road and 24 3/4 Roads. The Urban Trails Plan shows an

off-street trail along the future F 1/2 Road; adequate right-of-way has been dedicated to accommodate this future trail.

b. The Subdivision standards of Chapter Six.

The proposed plan shows the subdivision standards found in Chapter Six are being met by providing adequate infrastructure that can meet the City's minimum standards. Storm water management will need further work prior to the Final Plat being recorded, but adequate information has been provided that shows that it may be met. Landscaping and buffering requirements can be met along with the caveat that cobble ground cover may be used in Tract A, shown on the Plan.

c. The Zoning standards contained in Chapter Three.

The bulk standards of the R-8 zone in Chapter Three are met with the proposed plan. Minimum lot size for single family detached housing in this zone district is 4,000 square feet. The proposed plan shows lots ranging in size from 5,278 square feet to 4,827 square feet. The gross density shall not exceed 8 units per acre; the minimum density is 4 units per acre. The proposed density of this subdivision is 7.1 dwelling units per acre. The minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. They have also shown that they can meet the outdoor living area requirements of Chapter Six.

d. Other standards and requirements of this Code and all other City policies and regulations.

The proposed road way dedications, approved street layout and traffic circulation have been reviewed and discussed at length with the City's Public Works Department and the City Attorney's office. This has been summarized in the letter labeled "Exhibit A".

e. Adequate public facilities and services will be available concurrent with the subdivision.

All public facilities and services are currently available and will be upgraded with this subdivision.

f. The project will have little or no adverse or negative impacts upon the natural or social environment.

The project should have little or no adverse impacts upon the natural or social environment. This project is located in a steadily growing area. Similar subdivisions have been created surrounding this infill subdivision.

- g. Compatibility with existing and proposed development on adjacent properties.

Compatibility is obtained by providing needed housing next to existing residential housing. The developer of this project is also the developer of the property to the north.

- h. Adjacent agricultural property and land uses will not be harmed.

There are no apparent adjacent agricultural properties or land uses that will be harmed by this development.

- i. Is neither piecemeal development nor premature development of agricultural land or other unique areas.

This project is neither piecemeal nor premature.

- j. There is adequate land to dedicate for provision of public services.

The proposed public streets and adjacent easements will contain all the public utilities necessary for the required services to each lot. The constructed and approved streets will be dedicated to the public.

- k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

All public improvements and facilities shall be constructed to City standards and upon acceptance by the City will be maintained by the City. All Tracts within the subdivision will be maintained by the HOA. The Covenants, Conditions and Restrictions shall be reviewed to insure that the maintenance of these tracts will be by the home owners association, for Hall's Estates Subdivision.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hall's Estates Subdivision application, file number PP-2007-296, for Preliminary Subdivision Plan approval, I make the following findings of fact and conclusions:

1. The proposed Preliminary Subdivision Plan is consistent with the Growth Plan.

2. The Preliminary Subdivision Plan is consistent with the purpose of Section 2.8 and meets the review criteria in Section 2.8.B.2 of the Zoning and Development Code.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the proposed Preliminary Subdivision Plan, file number PP-2007-296 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Hall's Estates, file number PP-2007-296, with the findings and conclusions listed in the staff report.

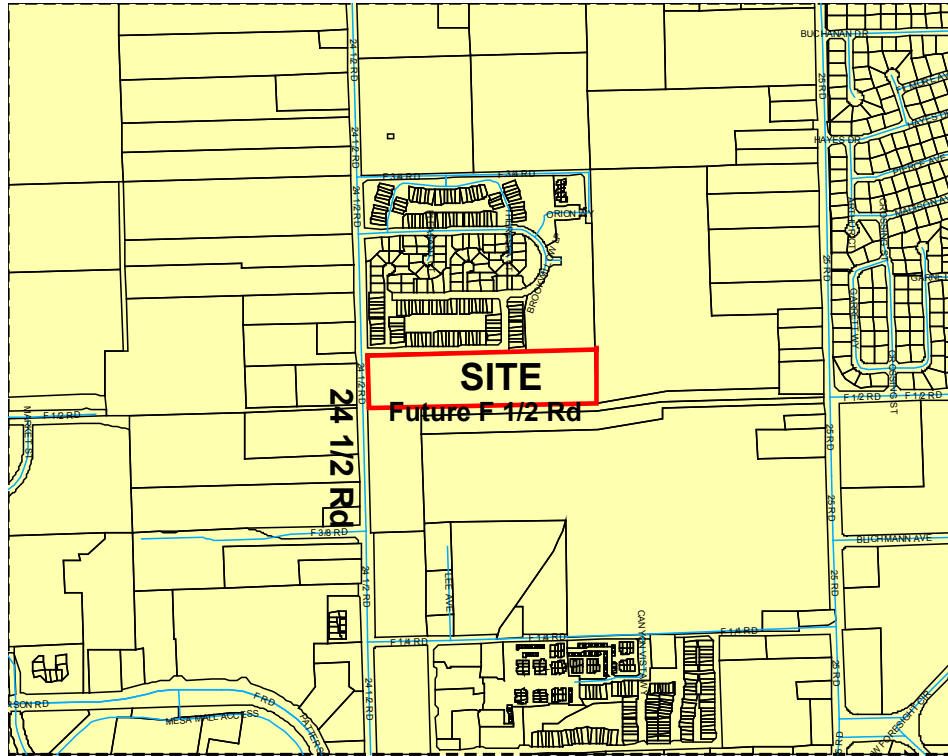
Attachments:

Site Location Map / Aerial Photo
Future Land Use Map / Existing City Zoning Map
Exhibit "A"
Preliminary Subdivision Plan

Site Location Map

City Limits

652 24 1/2 Road



Aerial Photo Map

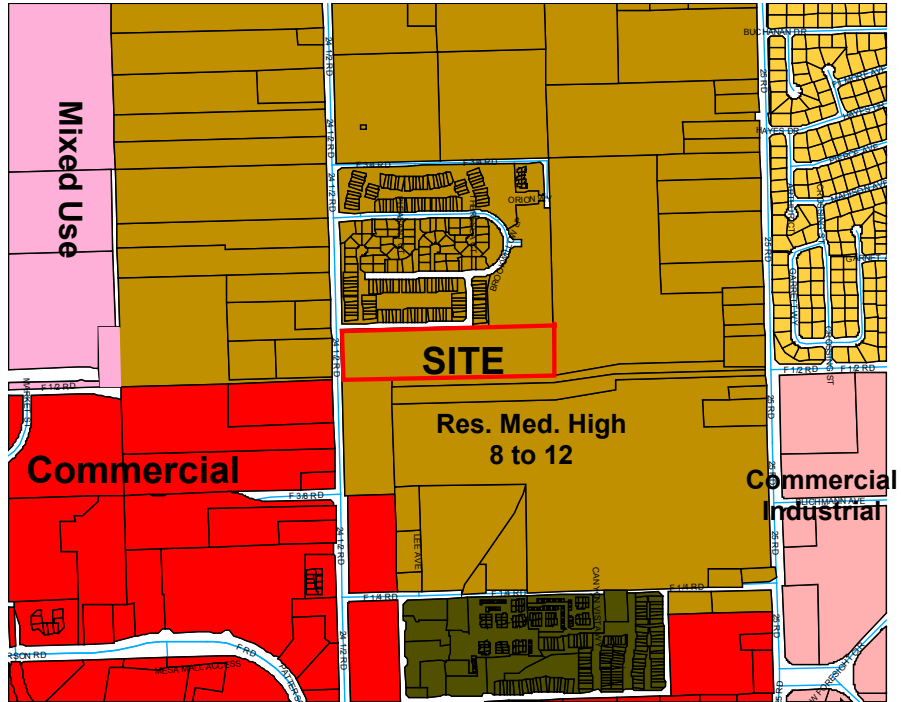
652 24 1/2 Road



Future Land Use Map

City Limits

652 24 1/2 Road



Existing City Zoning Map

652 24 1/2 Road

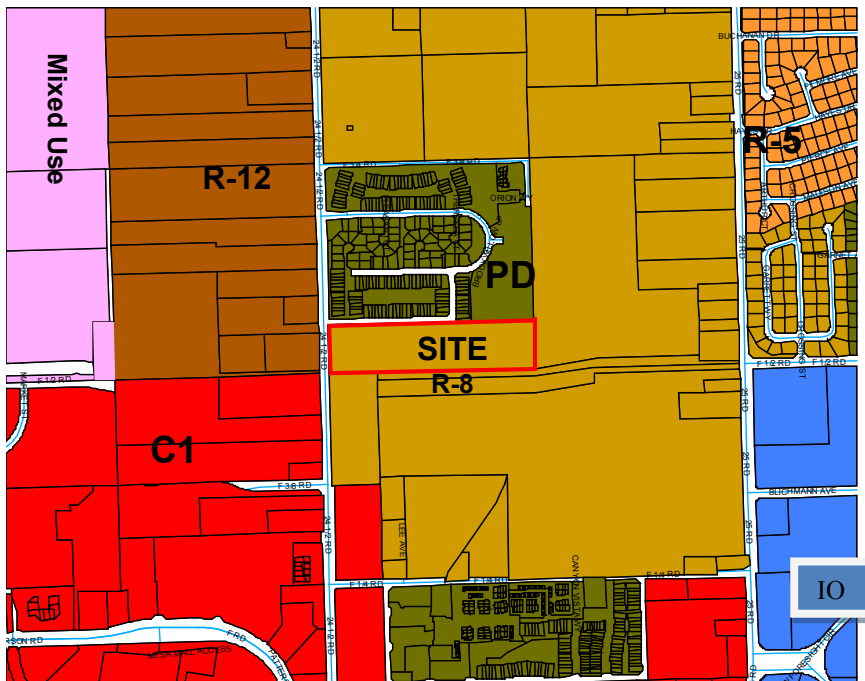


EXHIBIT 'A'

Re: Response 2nd Round
Grace Homes/ Halls Estates

COLEMAN WILLIAMS & WILSON
ATTORNEYS AT LAW
2454 Patterson Road, Suite 210
Grand Junction, CO 81505

Joseph Coleman
Dan E. Wilson

Of Counsel
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Whitman Robinson

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* Meetings with City Officials on 2/15/08 and 5/15/08 have yielded the answers shown in 'italic'.
February 15, 2008

John Shaver
City of Grand Junction
P.O. Box 20,000
Grand Junction, CO 81502

RE: Hall's Estates

Dear John:

This letter is Grace Home's attempt to resolve the existing issues that arises out of the City's desire to exact some 100 extra feet of right-of-way for the F ½ Parkway project. As you and I have discussed previously, the Hall's Estates property is on the north side of the proposed F ½ Parkway, just south of Brookwillow Subdivision.

I believe that the City has already conceded that it should give some form of consideration for the extra right-of-way required for the F ½ Parkway.

The values of the land used for right-of-way being lost can be measured in one of two ways: (a) pre-development cost of about \$125,000/acre times 2 acres equals approximately \$250,000; or (b) the more appropriate measure, if such mattered, of the value of developed land, being something in excess of \$500,000. Instead of being concerned about value now, we would like to instead focus on finding mutually acceptable solutions to allow the Parkway to be built which could benefit both the City and the Developer.

With that preface, we see the following as the considerations that the City can provide in lieu of any payment for the approximately 1.7 acres of real estate:

(a) Waive, or otherwise see that the developer does not have to pay park impact fees for park dedication. We estimate this to have a value of approximately \$35,000 for this project.

Not accepted.

(b) The southern street parallel to the Parkway (to be called Barela Street) is already contemplated to not require a sidewalk on the south side, however there will remain a strip south of

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the south curb line that would need to be landscaped. A 6 foot vinyl fence along the boundary between the south boundary of the Hall's Estates property and the north F ½ property line would be acceptable. Thus, we propose that the City would, as part of the F ½ Parkway construction, whenever that occurs: build the fence and install the landscaping in the "strip" up to the southern curb of Barela Street. We understand that once the City constructs that landscaping and fence, both would be deeded to the Hall's Estate Homeowners Association for perpetual maintenance. A sub issue would be how to provide irrigation water: We propose that the City install a meter as part of its Parkway construction (to pay for the electricity) which would also be transferred to the Homeowners Association upon completion. For the irrigation water necessary to supply this landscaping strip, we estimate a share of GVIC water would be sufficient. The City would transfer this share to the HOA upon completion of the construction, and, of course, "acceptance" by the Association – to make sure that City standards have been met. As-built drawing will no doubt be appropriately supplied by the City as well.

The City will take responsibility for the fence. A buffer of approximately 4 feet is accepted on the South side of Barela Street with cobble ground cover.

(c) The six foot white vinyl fence to be built by the City would be along the southern boundary of Barela and then "wrap around" the west boundary parallel to 24 ½ Road. We estimate those costs to be about \$20/foot times roughly 1450 feet, for a total value of about \$28,700.

The City will take responsibility for the fencing in area noted.

(d) The City would build, as part of its F ½ Parkway construction, 24 ¾ Road on the east boundary of Hall's Estate, holding the developer and HOA harmless from those costs and expenses. *Half-street improvements are required at Developer's expense (typical).*

(e) Barela, Serenity, and the other internal streets would be accepted by the City to be owned and maintained by the City once constructed with a reduced/modified ROW. We know that the City has approved 31 foot ROW streets in similar circumstances with low traffic volumes.

A 36.5 foot R.O.W. is requested. Barela serves a total for 15 single family lots, see PI.

(f) The Transportation Capacity Payment (TCP) is expected to be increased to \$2554 as of July, 2008. We will likely not have the final plat approved by that date. In any event, the City would agree to either pay the TCP or waive the requirement for the lots and buildings in Hall's Estate to pay it. This has a value (today) of roughly \$71,500 and a value as of this July of \$114,900. These numbers reflect multi-family units in this project as well as detached dwellings.

Pre-July '08 rates will be used to calculate fees (to be determined).

(g) The review process has already dealt with some related issues which have tentative approval. Just to confirm, there would only be sidewalk on the east side of Serenity and sidewalk on the north side of Barela Street.

Agreed to by City, plan revised, see paragraph (b).

(h) Once the developer's documents have been completely submitted, the City agrees to return or complete its review comments within three weeks. This is of value to the developer because the current review processing time can be six to eight weeks.

(i) The reality of the low traffic is that there is no negative impact on the City taking over the

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public street that we are now terming Barela Street when the asphalt mat width is approved at 2 feet less if it is coupled with no parking on the south side, which is readily agreed to. Barela Street and Serenity only serve a total of 15 units, and that traffic would be split for a net of 7.5 dwelling units. ***Reduced traffic results in reduced R.O.W. Parking is possible both sides of street with reduced R.O.W. Note: over flow parking area added at West end of Barel with intersection of serenity.***

(j) Lastly, the City would approve to direct discharge of the subdivision's storm water into the City's storm system. We estimate this is worth approximately \$30,000 to the developer.

Agreed to by City, Engineer calculations submitted with Response.

This project was initially presented for review almost 15 months ago. The Developer has been both patient and accommodating with the communication from Community Development for an extended period. It is time to reach agreement on how to solve this issue to the mutual benefit of the City and the Developer. Please let me know your reaction on these items in order that we may incorporate them into the plans for the subdivision. I will advise the Planner to proceed accordingly to complete the application process and approval required to satisfy Community Development as soon as possible.

Very truly yours,

COLEMAN, WILLIAMS & WILSON

Dan Wilson
dan@cwvlaw.com

DW/jh

cc: Terry Lawrence
Doyle Koehn
Bryan Sims
Richard Atkins

Attach 3

St. Mary's Rose Hill Hospitality House

**CITY OF GRAND JUNCTION
PLANNING COMMISSION****MEETING DATE:** January 27, 2009
STAFF PRESENTATION: Scott D. Peterson**AGENDA TOPIC:** Vacation of Ingress, Egress and Utility Easement and Vacation of Right-of-Way located at 605 and 609 26 ½ Road - St. Mary's Rose Hill Hospitality House – RZ-2008-227.**ACTION REQUESTED:** Recommendation to City Council on the Vacation of Ingress, Egress and Utility Easement and Vacation of Right-of-Way.

BACKGROUND INFORMATION					
Location:		605 & 609 26 ½ Road			
Applicant:		Sisters of Charity of Leavenworth Health Services Corp. (St. Mary's Hospital), Owner			
Existing Land Use:		St. Mary's Rose Hill Hospitality House			
Proposed Land Use:		St. Mary's Rose Hill Hospitality House building expansion			
Surrounding Land Use:	North	Single-family residential			
	South	Commercial retail/office development			
	East	Single-family residential			
	West	Commercial retail/office development and Single-family residential			
Existing Zoning:		PD, Planned Development			
Proposed Zoning:		N/A.			
Surrounding Zoning:	North	R-5, (Residential – 5 du/ac.)			
	South	B-1, (Neighborhood Business)			
	East	R-4, (Residential – 4 du/ac.)			
	West	B-1, (Neighborhood Business) and R-5, (Residential – 5 du/ac.)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to vacate an existing Ingress, Egress and Utility Easement for the benefit of the proposed Rose Hill Hospitality House building expansion and also a request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854. The applicant is currently in the Site Plan Review process for the proposed Rose Hill Hospitality House building expansion and is requesting that the

Planning Commission review these vacation requests prior to site plan approval by City Staff.

RECOMMENDATION: Recommendation of approval of the requested Ingress, Egress and Utility Easement and Right-of-Way vacations to the City Council finding the requests to be consistent with the Growth Plan and Section 2.11.C of the Zoning and Development Code.

ANALYSIS:

1. Background:

The applicant, St. Mary's Hospital, wishes to vacate an existing Ingress, Egress and Utility Easement ("Easement") and 15 feet of right-of-way on the east edge of the property at 609 26 ½ Road in anticipation of a proposed building expansion for the Rose Hill Hospitality House that is currently in the Site Plan Review process. The existing Easement does not contain any utilities and was dedicated as part of the P.D.C. Subdivision Filing No. Two plat in 1983. Presently, there are portions of the existing Rose Hill Hospitality House building that encroach into the Easement. The request to officially vacate this easement is necessary so that the existing building is not encumbered by this easement and to allow for further building expansion.

The right-of-way being vacated is from a road petition that has some question as to its validity against the present applicant. The road petition was done years ago in the County, but had not been recorded in the grantor-grantee index in the Mesa County Clerk and Recorder's office until January 2007. Mesa County recorded numerous road petitions at that time. The recorded road petitions included right-of-way in the City and particularly that area requested to be vacated. As the recording occurred approximately six years after the applicant purchased the property, the applicant may dispute that the road petition applies to its property as the applicant may claim it purchased the property without notice of the road petition.

The City Engineers have determined that the City does not need the western 12 feet of the right-of-way at this time. It is excess right-of-way. The applicant understands that the remaining three feet is needed by the City and the applicant will dedicate that three feet with its subdivision plat for the project presently under review for expansion of the Rose Hill Hospitality House. The 12 feet of right-of-way must be vacated for the expansion to be approved as the area is needed to meet landscaping requirements.

2. Consistency with the Growth Plan:

The properties are currently zoned PD, (Planned Development) with a default zoning district of B-1, (Neighborhood Business) with the Growth Plan Future Land Use Map indicating these properties as Commercial. The City Council recently approved the Growth Plan Amendment request and Rezone for the property located at 609 26 ½ Road to Commercial and PD, Planned Development respectfully so that the entire Rose

Hill Hospitality House properties are under one Zoning District and Growth Plan Future Land Use map designation. The easement and right-of-way vacation requests are also consistent with the following Goals and Policies of the Growth Plan:

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities. Policy 5.2 states that the City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 8: To support the long-term vitality of existing centers of community activity as shown in the Hospital Environs. Policy 8.10 states that the City should encourage the growth and development of retail, office and service uses related to hospital operations.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

3. Section 2.11 C. of the Zoning and Development Code:

The vacation of the easement shall conform to the following:

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

Granting this request to vacate an existing Ingress, Egress and Utility Easement does not conflict with Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City of Grand Junction. The Utility Easement does not contain any utilities.

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

No parcel will be landlocked as a result of this Ingress, Egress and Utility Easement vacation.

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

Access will not be restricted.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation request.

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning and Development Code as there are no utilities located within the requested utility easement vacation. No adverse comments were received from the utility review agencies.

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

The proposed Ingress, Egress and Utility Easement vacation will remove an unneeded easement from the property. In fact, the existing Rose Hill Hospitality House building already encroaches into this easement.

4. Section 2.11 C. of the Zoning and Development Code:

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

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

Granting the request to vacate the west 15.00 feet of that certain 50.00 foot Road Petition, recorded in Book 4336, Page 854, Public Records of Mesa County, Colorado, and lying in the property located at 609 26 ½ Road does not conflict with the Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

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

No parcel will be landlocked as a result of this public right-of-way vacation.

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

Access will not be restricted to any parcel.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation request.

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

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

Maintenance requirements to the City will not change as a result of the proposed public right-of-way vacation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the St. Mary's Rose Hill Hospitality House application, RZ-2008-227 for the Vacation of an Ingress, Egress and Utility Easement and Vacation of Right-of-Way, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested easement and right-of-way vacation requests are consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met for the proposed easement and right-of-way vacations.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested Ingress, Egress and Utility Easement and Right-of-Way Vacation, RZ-2008-227 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

First Motion:

Mr. Chairman, on the vacation of an Ingress, Egress and Utility Easement located at 605 26 ½ Road, I move that we recommend approval to the City Council for the vacation request making the findings of fact/conclusions as listed in the City Staff report.

Second Motion:

Mr. Chairman, on the vacation of the west 15.00 feet of the 50.00 foot road right-of-way included in the Road Petition recorded in Book 4336, Page 854, of the Public Records of Mesa County, Colorado, located at 609 26 ½ Road, I move that we recommend approval to the City Council for the vacation request making the findings of fact/conclusions as listed in the City Staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / City Zoning Map
Easement Vacation Resolution
Right-of-Way Vacation Ordinance

CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING AN INGRESS, EGRESS AND UTILITY EASEMENT
LOCATED 605 26 ½ ROAD**

RECITALS:

The applicant proposes to vacate an Ingress, Egress and Utility Easement located at 605 26 ½ Road.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described ingress, egress and utility easement is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution.

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

An easement on over and across Lot One and Lot Two of P.D.C. Subdivision, Filing No. Two, according to the plat recorded on February 9, 1983, at Reception No. 1316021 in the Office of the Mesa County Clerk and Recorder, said subdivision being a part of the SW1/4 of Section 2 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, said easement being more particularly described as follows:

Beginning at a point as shown on said plat which is on the southerly line of said Lot One, whence the S.E. Corner of said Lot One bears S49°57'59"E a distance of 40.89 feet; thence, according to said plat, the following courses and distances:

1. N49°57'59"W for a distance of 21.06 feet
2. N89°25'00"W for a distance of 187.80 feet
3. Northeasterly for a distance of 44.63 feet on the arc of a fifty-foot radius curve to the right, the central angle of which is 51°08'14" and the chord of which is N25°34'07"E for a distance of 43.16 feet
4. N00°00'00"E for a distance of 23.79 feet
5. S90°00'00"E for a distance of 27.00 feet;

6. N00°00'00"E for a distance of 36.00 feet;
7. S90°00'00"E for a distance of 19.00 feet
8. N00°00'00"E for a distance of 8.00 feet
9. S90°00'00"E for a distance of 7.50 feet
10. N00°00'00"E for a distance of 4.60 feet to the northerly line of said Lot Two
11. N66°31'31"E for a distance of 10.90 feet
12. Departing said line, S00°00'00"W for a distance of 8.96 feet
13. S90°00'00"E for a distance of 26.50 feet
14. S00°00'00"W for a distance of 63.00 feet
15. S90°00'00"E for a distance of 40.00 feet
16. N00°00'00"E for a distance of 19.00 feet
17. S90°00'00"E for a distance of 36.00 feet
18. S00°00'00"W for a distance of 20.37 feet
19. S18°27'14"E for a distance of 60.95 feet to the point of beginning.

This description was derived from the dimensions of said easement according to the record plat and was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

CITY OF GRAND JUNCTION

Ordinance No.

**AN ORDINANCE VACATING A PORTION OF THE 50' WIDE ROAD PETITION
RUNNING ALONG THE CENTERLINE OF 7TH STREET AND RECORDED IN
BOOK 4336, PAGE 854**

RECITALS:

A vacation of the west 15.00 feet of the 50.00 foot road right-of-way included in the Road Petition recorded in Book 4336, Page 854 of the Public Records of Mesa County, Colorado, has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

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

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

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

Right-of-way to be vacated:

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The West 15.00 feet of that certain 50.00 foot Road Petition, as recorded in Book 4336, Page 854, Public Records of Mesa County, Colorado, that lies within the lands described in Book 2853, Page 41, Public Records of Mesa County, Colorado. It is intended that no part of this description shall be within the existing 35.00 foot right of way for North 7th Street.

Introduced for first reading on this _____ day of _____, 2009.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

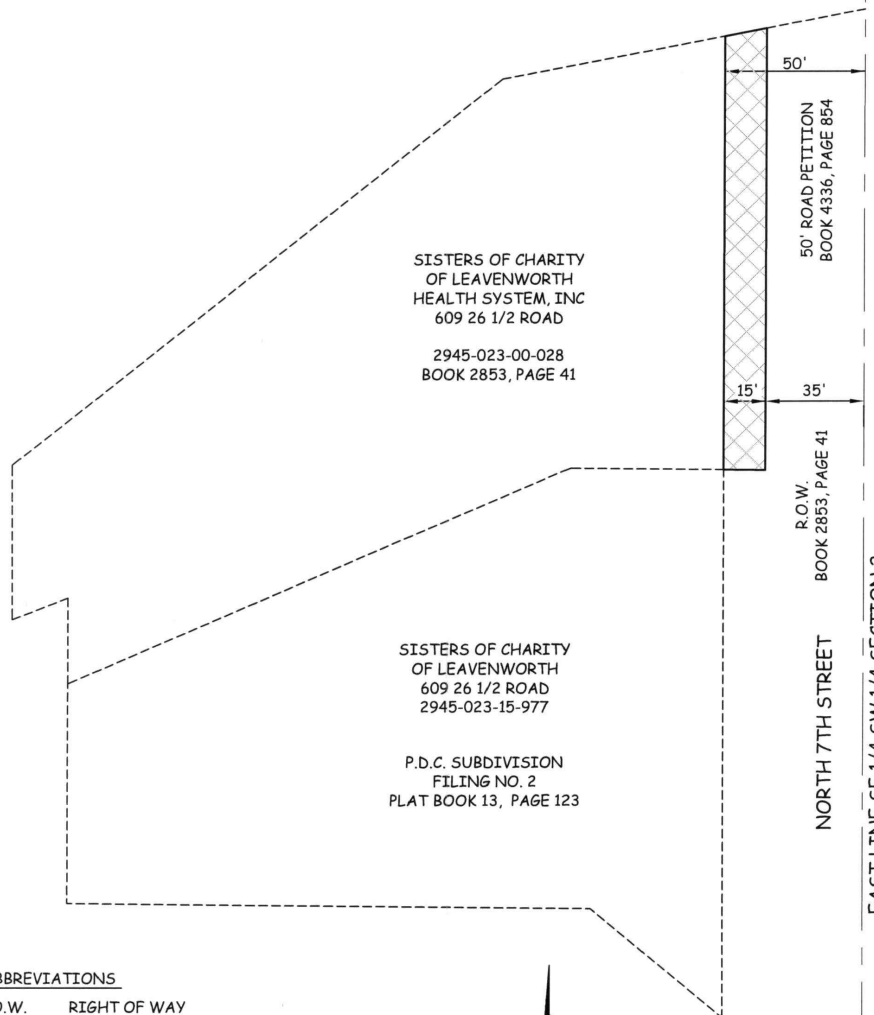
President of City Council

City Clerk

EXHIBIT "A"

NE CORNER
SE 1/4 SW 1/4
SECTION 2
TWP. 1S, R6E 1W U.M.

2945-023-00-029



SISTERS OF CHARITY
OF LEAVENWORTH
HEALTH SYSTEM, INC
609 26 1/2 ROAD

2945-023-00-028
BOOK 2853, PAGE 41

SISTERS OF CHARITY
OF LEAVENWORTH
609 26 1/2 ROAD
2945-023-15-977

P.D.C. SUBDIVISION
FILING NO. 2
PLAT BOOK 13, PAGE 123

50' ROAD PETITION
BOOK 4336, PAGE 854

R.O.W.
BOOK 2853, PAGE 41

NORTH 7TH STREET

EAST LINE SE 1/4 SW 1/4 SECTION 2

ABBREVIATIONS

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



LINEAL UNITS = US SURVEY FOOT



C:\Land Projects 2009\Sketch\Patterson_N 7TH.dwg, 1/13/2009 3:49:15 PM

DRAWN BY: JKT
DATE: 1-13-09
SCALE: 1" = 50'
APPR. BY: PTK

THE CITY OF GRAND JUNCTION

2945-023-00-028



Attach 4

Fast Eddy's Relocation

**CITY OF GRAND JUNCTION
PLANNING COMMISSION****MEETING DATE: January 27, 2009
STAFF PRESENTATION: Michelle Hoshide****AGENDA TOPIC:** Fast Eddy's Relocation Conditional Use Permit - CUP-2008-361**ACTION REQUESTED:** Approval of a Conditional Use Permit (CUP)

BACKGROUND INFORMATION					
Location:		1224 North 25 th Street			
Applicants:		Property Owner: L & B Inc. DBA Fast Eddy's Representative and Developer: William Lloyd			
Existing Land Use:		Vacant Building			
Proposed Land Use:		Fast Eddy's Bar and Grill			
Surrounding Land Use:	North	Multi-Family Residential Use Zoned Commercial			
	South	Commercial			
	East	Commercial			
	West	Single Family Residential			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		C-1(Light Commercial)			
Surrounding Zoning:	North	C-1(Light Commercial)			
	South	C-1(Light Commercial)			
	East	C-1(Light Commercial)			
	West	R-8 (Residential 8du/ac)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request for approval of a Conditional Use Permit to allow a bar and entertainment in a C-1 (Light Commercial) zone district.**RECOMMENDATION:** It is recommended that the Planning Commission approve the Conditional Use Permit.

ANALYSIS:

1. Background

The applicant, L&B Inc., has requested to serve alcohol in their bar, Fast Eddy's Sports Bar and Grill located at 1224 North 25th Street. The code defines a bar as an establishment in which the said beverages comprises more than twenty-five percent (25%) of the gross receipts. Proposed entertainment is limited to be only on special occasions. In accordance with Table 3.5 of the Zoning and Development Code, all bars/nightclubs require a Conditional Use Permit in all districts where they may be allowed. These districts include B-1, B-2, C-1, C-2, I-O, and I-1. The restaurant is in compliance with Table 3.5.

This property is 1.04 acres and includes an existing 5,218 sq. ft. building that previously housed a theatre (most recently known as the Metro Theatre Playhouse). The property will be served by two (2) existing entrances from North 25th Street.

2. Section 2.13.C of the Zoning and Development Code

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SSID, TEDS and SWMM Manuals.

Section 2.2.D.4

1. Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plans

The site is currently zoned C-1 (Light Commercial). The Future Land Use Map identifies this area as Commercial. The request for this Conditional Use Permit is in compliance with the goals and policies of the Growth Plan.

2. Conditions of any prior approvals

No prior conditions were imposed.

3. Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code

Upon review of the application and Site Plan (see attached) it has been found that the proposed Conditional Use Permit is in

compliance with the standards and requirements of Chapter Three and Four of the Zoning and Development Code.

4. Quality site design practices

Upon review of the application and Site Plan, the Planner and the Development Engineer find the request for a Conditional Use Permit in compliance with all applicable requirements of the Zoning and Development Code regarding quality site design practices.

SSID, TEDS, and SWMM Manuals

Upon review of the application and Site Plan, the Planner and the Development Engineer find the request for a Conditional Use Permit in compliance with the SSID, TEDS and SWMM requirements.

b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code

Bars/nightclubs are a permitted land use in the C-1, Light Commercial District, with a Conditional Use Permit. Hours of operation for the Sports Bar facility are to be from 11:00 AM to 2:00 AM in accordance with the performance standards for the C-1 Zoning District.

c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code

The performance standards of Section 3.4.D.5 have been met, including signage and existing service entrances. There will be no outdoor storage or display. The applicant's proposed site plan demonstrates that the proposed fence and signage meet the requirements of Section 4.1.J and Section 4.2 of Zoning and Development Code.

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

The property is adjacent to North 25th Street. Properties located to the south and east of the property are of commercial nature. The property to the north is zoned C-1 and is used as multi-family residential. Single family residential is located to the west. Adequate transit, hospital, fire protection and postal facilities are available.

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

1. Protection of privacy

A 6' privacy fence is to be built on the north property line to protect the privacy of the residents of the adjacent multi-family residence

2. Protection of use and enjoyment

This property is currently unoccupied. Fast Eddy's Sports Bar and Grill will bring the property up to compliance with the Code by providing additional landscaping in the parking lot with landscape islands and perimeter landscaping. Fast Eddy's Sports Bar and Grill will also provide added safety benefits such as parking lot lighting.

3. Compatible design and integration

The applicant has proposed 16 additional trees and 66 additional shrubs to be added to the property so that the property meets code and to make the property more esthetically pleasing to the surrounding areas.

FINDINGS OF FACT AND CONCLUSIONS:

After reviewing the Fast Eddy's Sports Bar and Grill application, CUP-2008-361 for a Conditional Use Permit, I make the following findings of fact, conclusions:

1. The requested Conditional Use Permit is consistent with the Growth Plan.
2. The review criteria in Section 2.13.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2008-361 with the findings, and conclusions of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

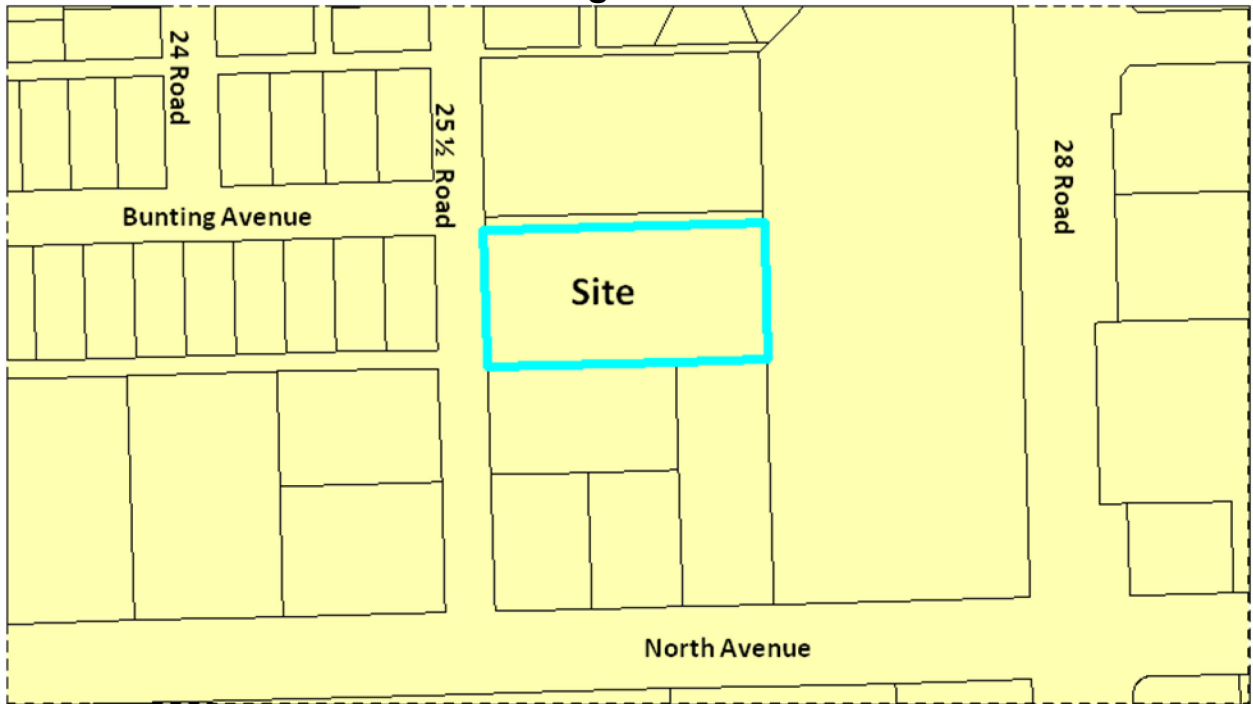
Mr. Chairman, on the request for a Conditional Use Permit for Fast Eddy's Sports Bar and Grill application, number CUP-2008-361 to be located at 1224 North 25th Street, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

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

Site Location Map

Figure 1



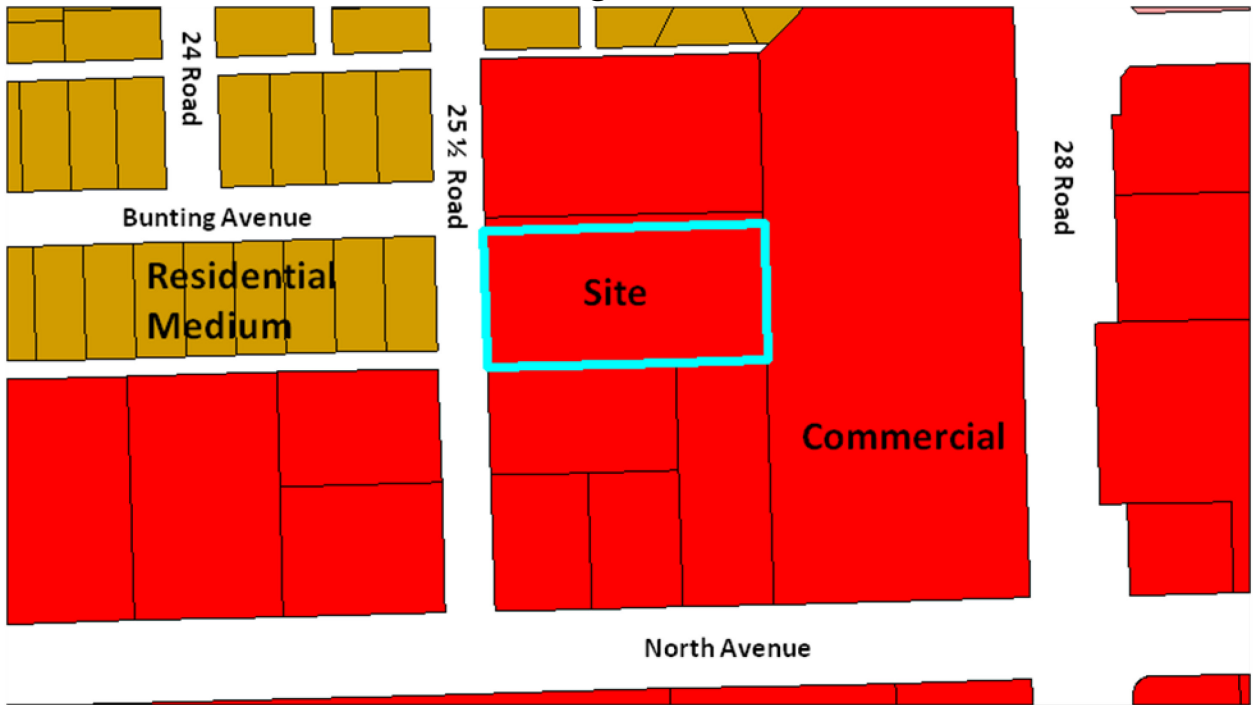
Aerial Photo Map

Figure 2



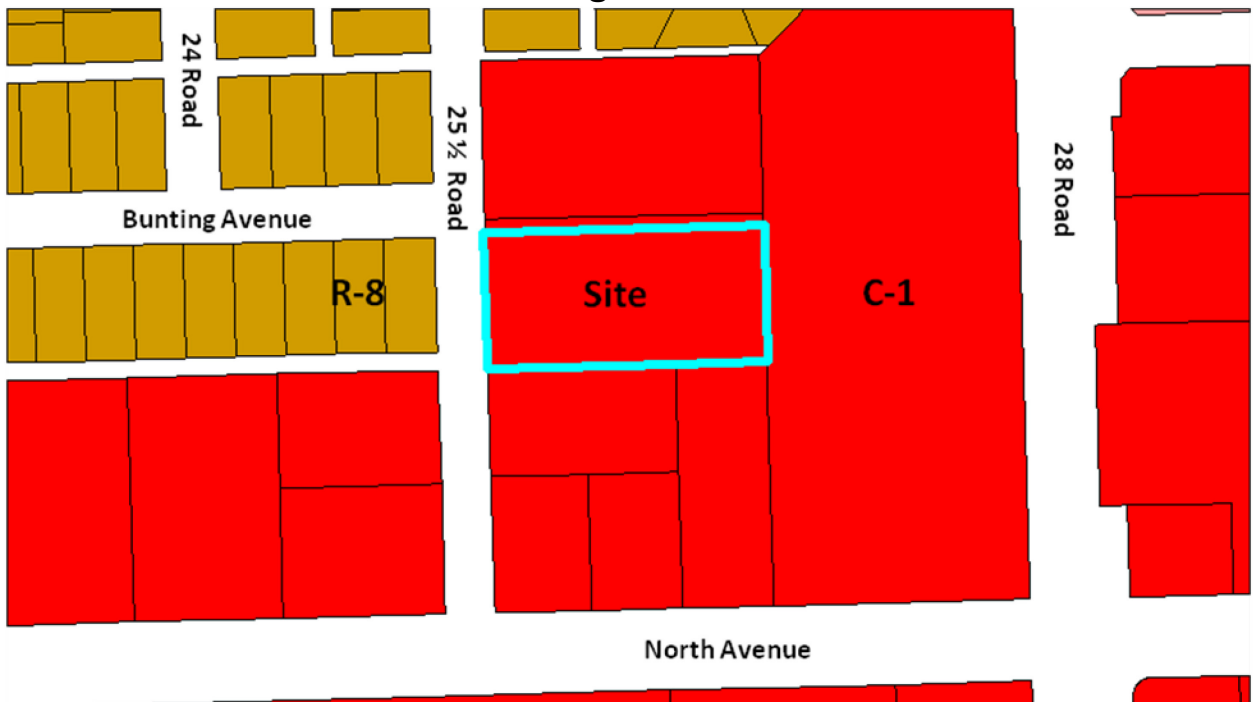
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



Attach 5

Two Rivers condominiums

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: January 27, 2009
STAFF PRESENTATION: Greg Moberg

AGENDA TOPIC: Two Rivers Condominiums (CDP-2008-330)

ACTION REQUESTED: Preliminary Subdivision Plan approval.

BACKGROUND INFORMATION					
Location:		201 Colorado Avenue			
Applicants:		Two Rivers Condominiums, LLC. – Shane Burton			
Existing Land Use:		Vacant Building			
Proposed Land Use:		Residential/Office			
Surrounding Land Use:	North	Commercial Retail (Hotel)			
	South	Commercial Retail			
	East	Commercial Retail			
	West	Commercial Retail (Two Rivers Parking)			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		B-2 (Downtown Business)			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	B-2 (Downtown Business)			
	East	B-2 (Downtown Business)			
	West	B-2 (Downtown Business)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request for approval of a Preliminary Subdivision Plan to condominiumize three residential units in a B-2 (Downtown Business) zoning district.

RECOMMENDATION: Approval of a Preliminary Subdivision Plan.

ANALYSIS

1. Background

201 Colorado Avenue was a part of the original Crawford square mile. Although a commercial business of some sort has always existed on the premises, its most notable uses were a hotel for its first sixty-two years and then a nightclub for approximately thirty years. The last business, known as Cheer's, was closed in 2002 and the building remained vacant until the current refurbishment of three residential and four commercial units. The zoning for the building was re-established as a commercial use, B-2 (Downtown Business), in 2000. A B-2 zoning designation allows a mixed use of residential and commercial uses within the same structure.

2. Consistency with the Growth Plan

The Plan is consistent with the following policies of the Growth Plan:

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Policy 10.2: The City will consider the needs of the community and individual neighborhoods when making development decisions.

3. Section 2.9.C of the Zoning and Development Code

The condominiumization of a structure must comply with all of the following criteria for approval:

- a. Sections 38-33-105, 38-33-106 and 38-33.3-106 of the Colorado Revised Statutes (C.R.S.) (Attached)

The project meets the criteria of the Colorado Revised Statutes in the following ways:

1. C.R.S. 38-33-105 (Recording of the Declaration)

The Preliminary Subdivision Plan will be recorded once the deciding body approves the Preliminary Subdivision Plan. The applicant is required by the City to record both plat and covenants in order to establish units for sale and ownership.

2. C.R.S. 38-33-106 (Condominium bylaws – contents – exemptions)

The applicant has filed with the City, in conjunction with the Preliminary Subdivision Plan, Declaration of Covenants and Restrictions, which have been reviewed by City staff for accuracy.

3. C.R.S. 38-33.3-106 (Applicability of local ordinances, regulations, and building codes)

The Mesa County Building Department has reviewed the Preliminary Subdivision Plan and determined all Building Codes compliance. The development also meets the one hour firewall requirement set forth in this C.R.S.

- b. The approval criteria for a Major Subdivision Preliminary Plan (Section 2.8.B) which require that the project be found in compliance with:

1. The Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans.

The Future Land Use classification of the property is Commercial; a designation that has been unchanged since the original adoption of the Future Land Use Map. This classification is supported by the existing zoning of B-2. The proposed density of 20.98 dwelling units per acre (which is the equivalent of 3 dwelling units on .144 acres) complies with the B-2 zone district is and consistent with the Future Land Use classification. Therefore, by reference of this Section, the proposed development is consistent with the goals and policies of the Growth Plan, the Future Land Use Map. This project has also been reviewed by the Downtown Development Association (DDA) during the development review process and comment phase.

The public roads adjacent the subdivision are constructed according to standards set forth in the Transportation Engineering Design Standards (TEDS).

The downtown area has been designed, (especially through the reconstruction of Colorado Avenue) to be pedestrian and bike friendly. No trails are adjacent to the property, according to the Urban Trails Master Plan (UTMP).

2. The Subdivision standards of Chapter 6.

The proposed subdivision is in compliance with Sections 6.7.D - Lot Layout and Design and 6.7.E - Circulation. No stormwater detention is needed and landscaping has been provided at the rear of the building, as well as the public landscaping on Colorado Avenue. An open space fee equal to 10% of the value of the property will be required, pursuant to Section 6.3.

3. The Zoning standards contained in Chapter 3.

The property is zoned B-2 (Downtown Business). The density of the proposed subdivision will be approximately 20.98 dwelling units per acre, which conforms to the minimum density requirements of the B-2 zone district. B-2 has no current maximum zone density.

All units within the proposed subdivision are in compliance with the residential zoning district standards of Section 3.4.B (B-2 Standards) and Table 3.2 of the Zoning and Development Code.

4. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations.

The proposed subdivision has been reviewed by the Development Engineer and will meet the requirements of the Transportation Engineering Design Standards (TEDS) and Stormwater Management Manual (SWMM). All residential streets are constructed according to the Urban Residential street standards. Colorado Avenue will provide for adequate sidewalk traffic and an appropriate transition for the subdivision.

5. Adequate public facilities and services will be available concurrent with the subdivision.

Public and community facilities are adequate to serve the proposed development. An 8" City Water line is located within Colorado Avenue. An 8" Sanitary Sewer line is located within the alley behind the subdivision.

6. The project will have little or no adverse or negative impacts upon the natural or social environment.

The project is located within the established downtown urban area. The project will have no impact in any way on the natural environment of the downtown area, as it is already fully developed. The project will improve the social environment of the area. It will provide residential units and retail services in a part of downtown, which has been the goal of the DDA and the City for improvement.

7. Compatibility with existing and proposed development on adjacent properties.

The entire downtown neighborhood is zoned B-2 (Downtown Business) and designated Commercial by the Growth Plan. Existing subdivisions by condominium have been approved in the Reed Building on 4th and Main Street and the 500 block of Main Street.

The current streets will serve this development and provide access to the development for commercial uses and the residential portion will be served by covered parking behind the condominium subdivision.

Therefore, the proposed development is compatible with existing developments within the downtown area.

8. Adjacent agricultural property and land uses will not be harmed.

There is no agricultural property adjacent to the proposed development.

9. Is neither piecemeal development nor premature development of agricultural land or other unique areas.

The proposed subdivision is located within the Urban Growth Boundary and within the Future Land Use designation of Commercial. The property will have only three dwelling units, and four commercial units. The proposed subdivision is neither piecemeal development nor a premature development of agricultural land or unique areas.

10. There is adequate land to dedicate for provision of public services.

The proposed subdivision design provides appropriate residential density and the needed public infrastructure exists around it for utilization.

11. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The proposed project, as planned, will not cause undue burden on the City for maintenance or improvements of land and/or facilities. The tracts and easements for drainage and irrigation are already maintained by the City as this subdivision falls within the original urban downtown square mile area.

- c. The Condominium individual air space units and limited common elements, as defined in C.R.S. 38-33-103 and general common elements, as defined in C.R.S. 38-33-106 shall be constructed or retrofitted with a minimum one-hour fire wall, pursuant to C.R.S. 38-33.3-106.

The development meets this criteria by providing a one hour firewall between units and has been retrofitted to meet C.R.S. requirements of individual airspace, limited common elements and general common elements.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Two Rivers Condominium application, CDP-2008-330 for subdivision of a structure into condominium ownership, I make the following findings of fact and conclusions:

1. The requested subdivision of a structure into condominium ownership is consistent with the Growth Plan.
2. The review criteria in Section 2.9.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend the Planning Commission approve the requested subdivision of a structure into condominium ownership, CDP-2008-330, with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION: I move we approve the Preliminary Subdivision Plan for Two Rivers Condominiums file number CDP-2008-330, with the findings of fact and conclusions listed in the staff report.

Attachments:

Colorado Revised State Statues
Site Location Map
Aerial Photo
Future Land Use Map
Existing City Zoning Map
Floor Plan
Building Elevations

38-33-105. Recording of declaration - certain rules and laws to apply.

(1) The declaration shall be recorded in the county where the condominium property is located. Such declaration shall provide for the filing for record of a map properly locating condominium units. Any instrument affecting the condominium unit may legally describe it by the identifying condominium unit number or symbol as shown on such map. If such declaration provides for the disposition of condominium units in the event of the destruction or obsolescence of buildings in which such units are situate and restricts partition of the common elements, the rules or laws known as the rule against perpetuities and the rule prohibiting unlawful restraints on alienation shall not be applied to defeat or limit any such provisions.

(2) To the extent that any such declaration contains a mandatory requirement that all condominium unit owners be members of an association or corporation or provides for the payment of charges assessed by the association upon condominium units or the appointment of an attorney-in-fact to deal with the property upon its destruction or obsolescence, any rule of law to the contrary notwithstanding, the same shall be considered as covenants running with the land binding upon all condominium owners and their successors in interest. Any common law rule terminating agency upon death or disability of a principal shall not be applied to defeat or limit any such provisions.

38-33-106. Condominium bylaws - contents - exemptions.

(1) Unless exempted, the administration and operation of multi-unit condominiums shall be governed by the declaration.

(2) At or before the execution of a contract for sale and, if none, before closing, every initial bona fide condominium unit buyer shall be provided by the seller with a copy of the bylaws, with amendments, if any, of the unit owners' association or corporation, and such bylaws and amendments shall be of a size print or type to be clearly legible.

(3) The bylaws shall contain or provide for at least the following:

(a) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually; the powers and duties of the board; the compensation, if any, of the members of the board; the method of removal from office of members of the board; and whether or not the board may engage the services of a manager or managing agent, or both, and specifying which of the powers and duties granted to the board may be delegated by the board to either or both of them; however, the board when so delegating shall not be relieved of its responsibility under the declaration;

(b) The method of calling meetings of the unit owners; the method of allocating votes to unit owners; what percentage of the unit owners, if other than a majority, constitutes a quorum; and what percentage is necessary to adopt decisions binding on all unit owners;

(c) The election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners;

(d) The election of a secretary, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who, in general, shall perform all the duties incident to the office of secretary;

(e) The election of a treasurer, who shall keep the financial records and books of account. The treasurer may also serve as the secretary.

(f) The authorization to the board of managers to designate and remove personnel necessary for the operation, maintenance, repair, and replacement of the common elements;

(g) A statement that the unit owners and their mortgagees, if applicable, may inspect the records of receipts and expenditures of the board of managers pursuant to section [38-33-107](#) at convenient weekday business hours, and that, upon ten days' notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner;

(h) A statement as to whether or not the condominium association is a not for profit corporation, an unincorporated association, or a corporation;

(i) The method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements;

(j) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws;

(k) The maintenance, repair, replacement, and improvement of the general and limited common elements and payments therefore, including a statement of whether or not such work requires prior approval of the unit owners' association or corporation when it would involve a large expense or exceed a certain amount;

(l) The method of estimating the amount of the budget; the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses and of any other expenses lawfully agreed upon; and a statement concerning the division, if any, of the assessment charge between general and limited common elements and the amount or percent of such division;

(m) A list of the services provided by the unit owners' association or corporation which are paid for out of the regular assessment;

(n) A statement clearly and separately indicating what assessments, debts, or other obligations are assumed by the unit owner on his condominium unit;

(o) A statement as to whether or not additional liens, other than mechanics' liens, assessment liens, or tax liens, may be obtained against the general or limited common elements then existing in which the unit owner has a percentage ownership;

(p) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the general and limited common elements as are designed to prevent unreasonable interference with the use of their respective units and said common elements by the several unit owners;

(q) Such restrictions on and requirements concerning the sale or lease of a unit including rights of first refusal on sale and any other restraints on the free alienability of the unit;

(r) A statement listing all major recreational facilities and to whom they are available and clearly indicating whether or not fees or charges, if any, in conjunction therewith, are in addition to the regular assessment;

(s) A statement relating to new additions of general and limited common elements to be constructed, including but not limited to:

(I) The effect on a unit owner in reference to his obligation for payment of the common expenses, including new recreational facilities, costs, and fees, if any;

(II) The effect on a unit owner in reference to his ownership interest in the existing general and limited common elements and new general and limited common elements;

(III) The effect on a unit owner in reference to his voting power in the association.

(4) Any declaration recorded on or after January 1, 1976, shall not conflict with the provisions of this section or bylaws made in accordance with this section. The requirements contained in paragraphs (k) to (s) of subsection (3) of this section need not be included in the bylaws if they are set forth in the declaration.

(5) This section shall not apply to:

(a) Commercial or industrial condominiums or any other condominiums not used for residential use;

(b) Condominiums of ten units or less;

(c) Condominiums established by a declaration recorded prior to January 1, 1976.

38-33-103. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Condominium unit" means an individual air space unit together with the interest in the common elements appurtenant to such unit.

(2) "Declaration" is an instrument recorded pursuant to section [38-33-105](#) and which defines the character, duration, rights, obligations, and limitations of condominium ownership.

(3) Unless otherwise provided in the declaration or by written consent of all the condominium owners, "general common elements" means: The land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of such building or buildings; the basements, yards, gardens, parking areas, and storage spaces; the premises for the lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning, and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

(4) "Individual air space unit" consists of any enclosed room or rooms occupying all or part of a floor or floors in a building of one or more floors to be used for residential, professional, commercial, or industrial purposes which has access to a public street.

(5) "Limited common elements" means those common elements designated in the declaration as reserved for use by fewer than all the owners of the individual air space units.

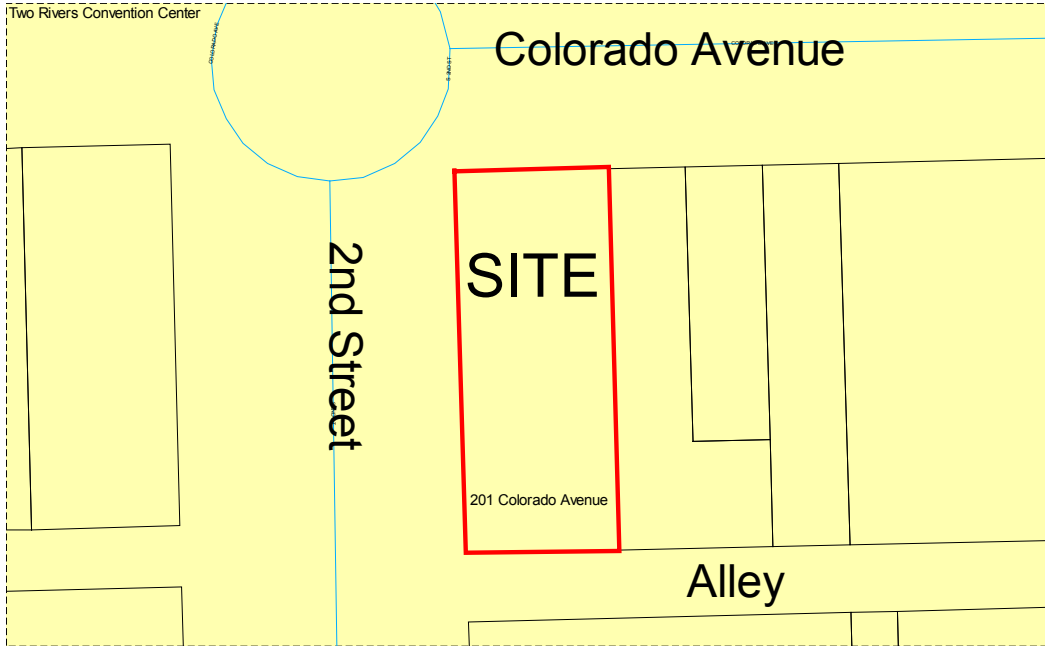
38-33.3-106. Applicability of local ordinances, regulations, and building codes.

(1) A building code may not impose any requirement upon any structure in a common interest community which it would not impose upon a physically identical development under a different form of ownership; except that a minimum one hour fire wall may be required between units.

(2) In condominiums and cooperatives, no zoning, subdivision, or other real estate use law, ordinance, or regulation may prohibit the condominium or cooperative form of ownership or impose any requirement upon a condominium or cooperative which it would not impose upon a physically identical development under a different form of ownership.

SITE LOCATION MAP

Figure 1



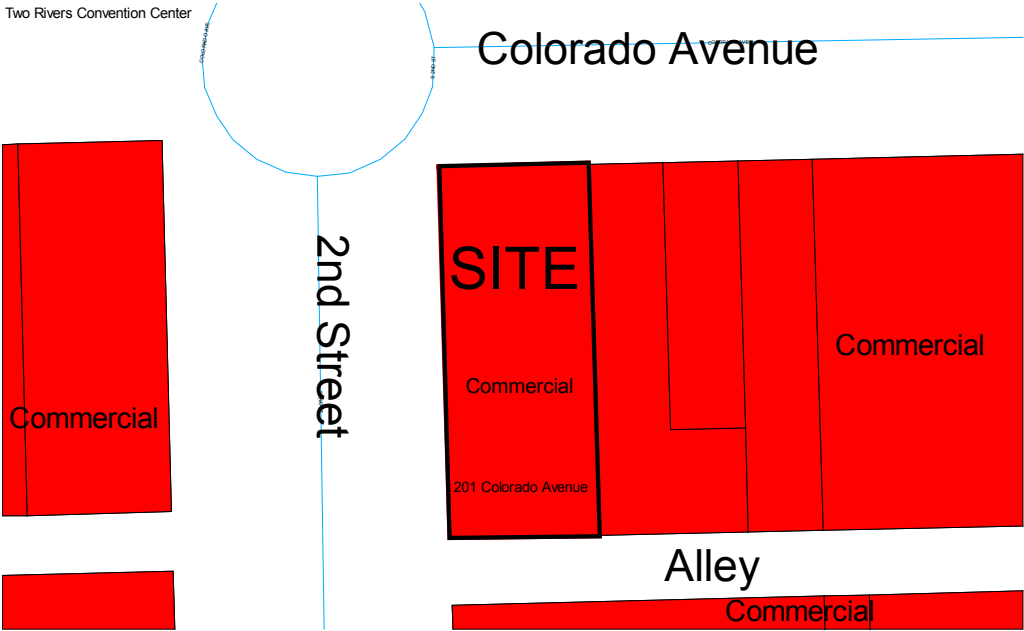
AERIAL PHOTO MAP

Figure 2



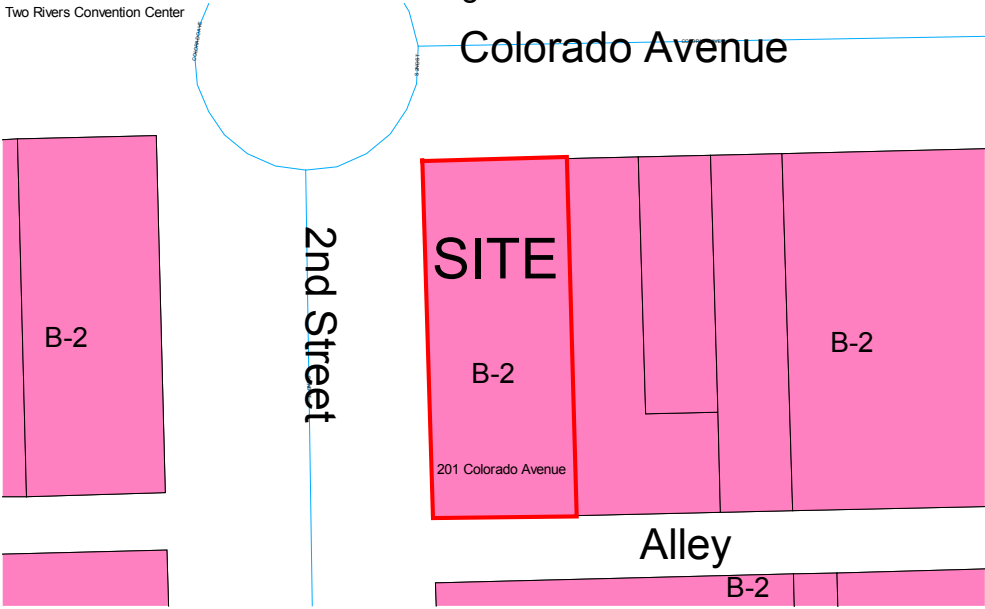
FUTURE LAND USE MAP

Figure 3

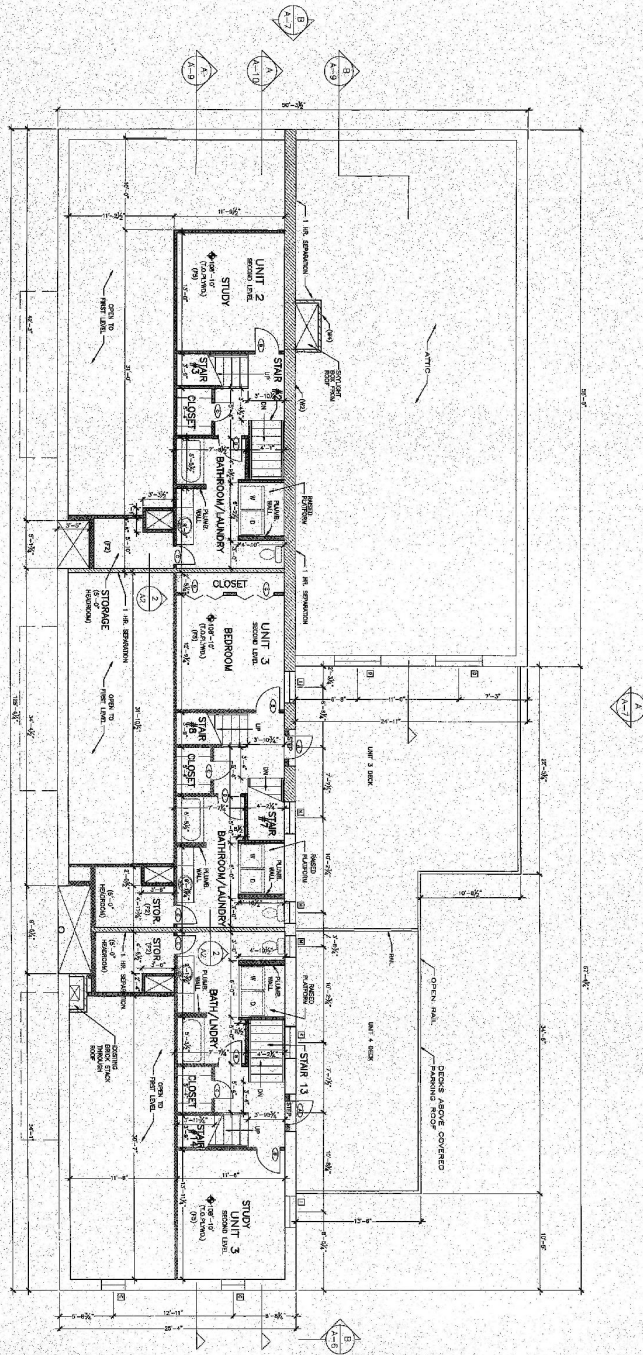


EXISTING CITY ZONING MAP

Figure 4



SECOND LEVEL FLOOR PLAN
SCALE: 3/16" = 1'-0"



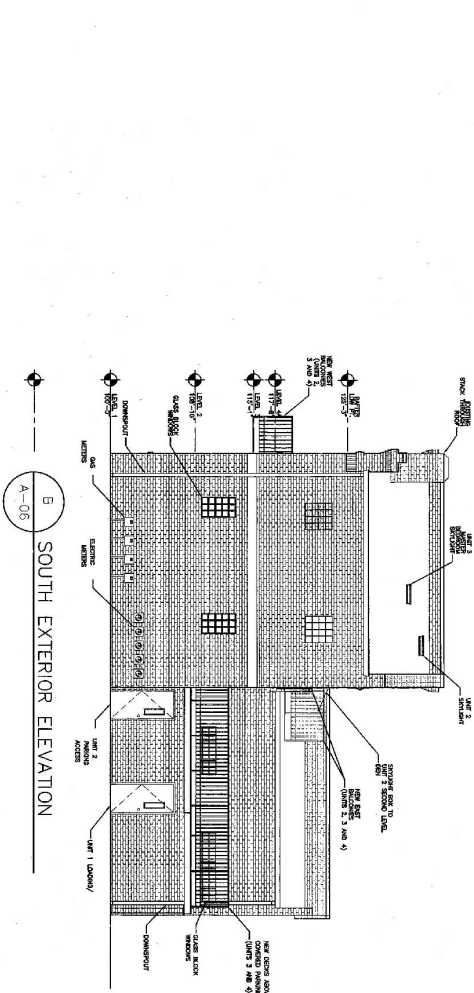
PROJECT TITLE: Renovation of 201 Colorado Ave.
Two Rivers Condominiums
201 Colorado Ave., Grand Junction, CO

SHEET TITLE: SECOND LEVEL FLOOR PLAN

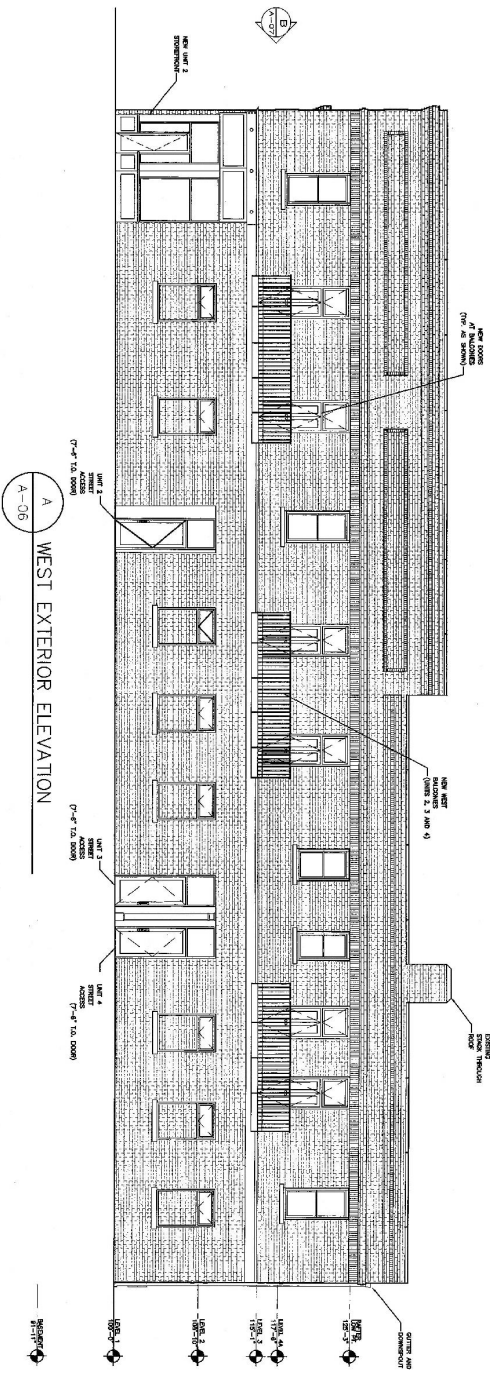


NO.	DATE	REVISIONS
1	1/17/07	NR. NO. 06678
2		DRAMA
3		ENGINEER

DATE: 1/17/07
NR. NO. 06678
DRAMA
ENGINEER: G-872



SOUTH EXTERIOR ELEVATION



WEST EXTERIOR ELEVATION

PROJECT TITLE: Renovation of 201 Colorado Ave.
 Two Rivers Condominiums
 201 Colorado Ave., Grand Junction, CO

SHEET TITLE: SOUTH & WEST ELEVATIONS

ARCHITECTS AND PLANNERS
 917 MAIN STREET
 GRAND JUNCTION, COLORADO 81501
 (970) 241-1903

NO.	DATE	REVISIONS
1	1/17/07	DATE
2		DESIGNER
3		ENGINEER

JOB NO. 0676
 CHECK

A-6
 SHEET 6 OF 11

Attach 6

Nellie Bechtel ROW

CITY OF GRAND JUNCTION
PLANNING COMMISSIONMEETING DATE: January 27, 2009
STAFF PRESENTATION: Judith Rice

AGENDA TOPIC: Vacation of Public Right-of-Way, Nellie Bechtel ROW Vacation (VR-2008-202)

ACTION REQUESTED: Vacation of Public Right-of-Way (ROW)

BACKGROUND INFORMATION					
Location:		The 14.5 foot wide 627 foot long F ¼ Road right-of-way north of 3032 N 15 th Street			
Applicant:		City of Grand Junction			
Existing Land Use:		Unimproved right-of-way			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Single Family Residential and Church			
	South	Multi-Family Residential			
	East	Hilltop Health Services			
	West	Single Family Residential			
Existing Zoning:		n.a.			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-8 (Residential 8 du/ac)			
	East	R-8 (Residential 8 du/ac)			
	West	PD (Planned Development)			
Growth Plan Designation:		n.a.			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to vacate the unimproved 14.5 foot wide, 627 foot long, F ¼ Road right-of-way adjacent to the north property line of 3052 15th Street.

RECOMMENDATION: Recommendation of approval to City Council

ANALYSIS

1. Background

This section of unimproved F ¼ Road right-of-way is 14.5 foot wide and 627 feet long lying directly north and adjacent to the Nellie Bechtel Gardens apartment complex. The right-of-way was annexed in 1972 as part of the 250 acre North Peach Annexation which included the Nellie Bechtel Gardens parcel. Nellie Bechtel Gardens apartments will be the beneficiary of the vacation.

Nellie Bechtel Gardens would like to incorporate this 14 foot wide strip of land into its open space area allowing landscaping and accessibility for maintenance.

There have been no previous applications for vacation of this right-of-way.

A Grand Valley Water User's Association (GVWUA) open concrete irrigation ditch, approximately 3 feet wide and 2 feet deep, lies just north and adjacent to the right-of-way. A 20 foot wide foot bridge has been built across the ditch approximately 232 feet east from North 15th Street. Pedestrians occasionally use the 232 foot portion of the 627 foot right-of-way to access private property to the north and northeast (Figure 6).

A nearby citizen has raised the question of establishing a pedestrian easement in the vacated right-of-way area with this vacation process (Exhibit A). While a pedestrian trail connection between 27 ½ Road and North 15th Street should be pursued, it is recommended that it not be included in this vacation process because:

- (1) If a pedestrian easement is warranted, it should be pursued separate from this vacation process as an easement across the whole of the presumed trail, from North 15th Street to 27 ½ Road, so that trespass on private land is not encouraged (Figure 6).
- (2) Only a small portion of the right-of-way is occasionally used to access the informal trail located on private properties to the north, where most of the foot traffic occurs (Figure 6).
- (3) As the area develops, other locations may prove to be more appropriate (Figure 7).
- (4) Hermosa Avenue currently provides a nearby connection between North 15th Street and 27 ½ Road.

2. Section 2.11.C of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to all of the following:

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

Vacation the F ¼ Road unimproved right-of-way does not impact the Grand Valley Circulation Plan or policies adopted by the City of Grand Junction. Current traffic and street patterns in this area provide adequate circulation and connectivity. Vacating the ROW will facilitate improvement of the land with landscaping provided by the beneficiary and will eliminate access to private land.

This undeveloped portion of F ¼ Road is not currently shown on the Urban Trails Map. The Urban Trail Plan will not be affected by this vacation.

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

No parcel will be landlocked as a result of the vacation. All parcels abutting this right-of-way have other access to public streets.

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

Access will not be restricted to any parcel as a result of the vacation.

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

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if this part of the right-of-way is vacated.

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

Adequate public facilities and services will not be inhibited to any property. Appropriate utility easements will be dedicated.

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

Vacation eliminates all existing and future maintenance of the area by the City.

FINDINGS OF FACTS/CONCLUSION

After reviewing the City of Grand Junction application, VR-2008-202 for the vacation of a public right-of-way, the following finding of facts and conclusion has been determined:

- 1.) The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VR-2008-202, to the City Council with the findings and conclusion listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

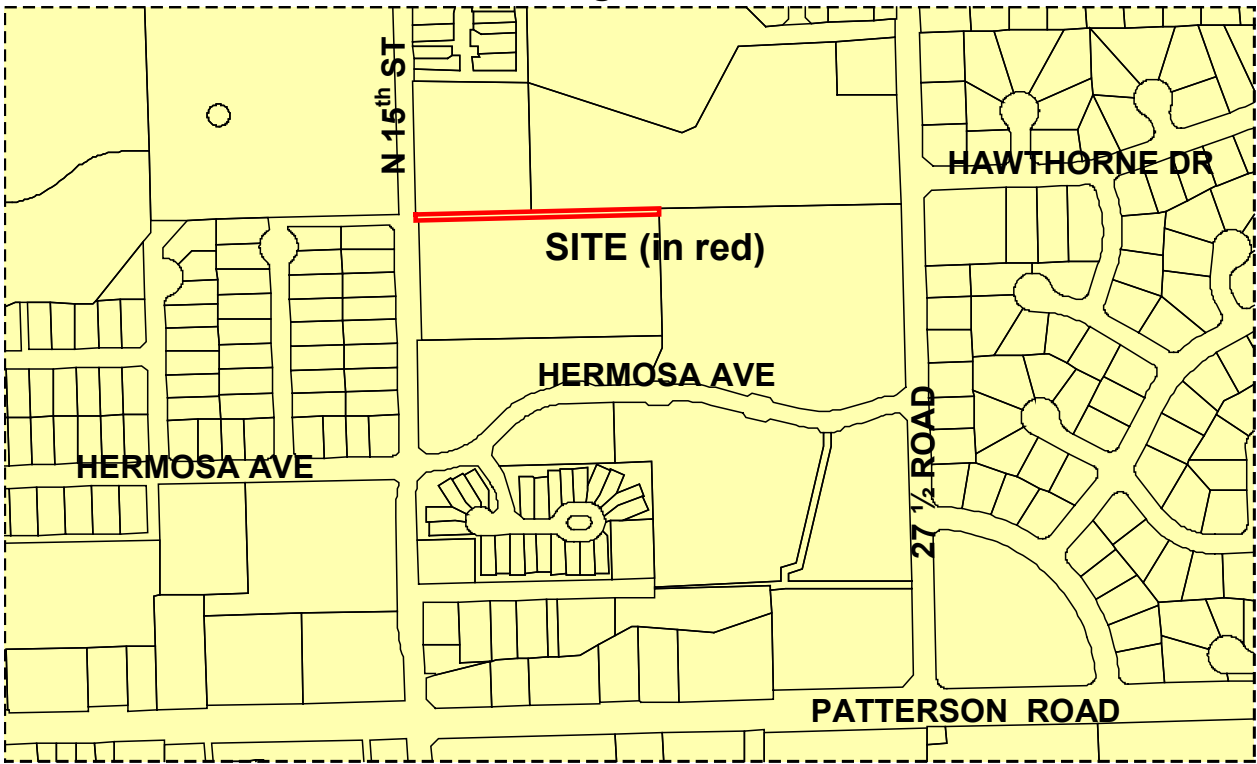
Mr. Chairman, on the vacation of the 14.5 foot wide, 627 foot long undeveloped F $\frac{1}{4}$ Road right-of-way, VR-2008-202, I move that the Planning Commission forward a recommendation of approval to City Council with the facts and conclusions listed in the staff report.

Attachments:

- Figure 1: Site Location Map
- Figure 2: Aerial Photo
- Figure 3: Aerial Photo Close Up
- Figure 4: Future Land Use
- Figure 5: City Zoning
- Figure 6: Pedestrian Use
- Figure 7: Existing Trail Easements Ordinance

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



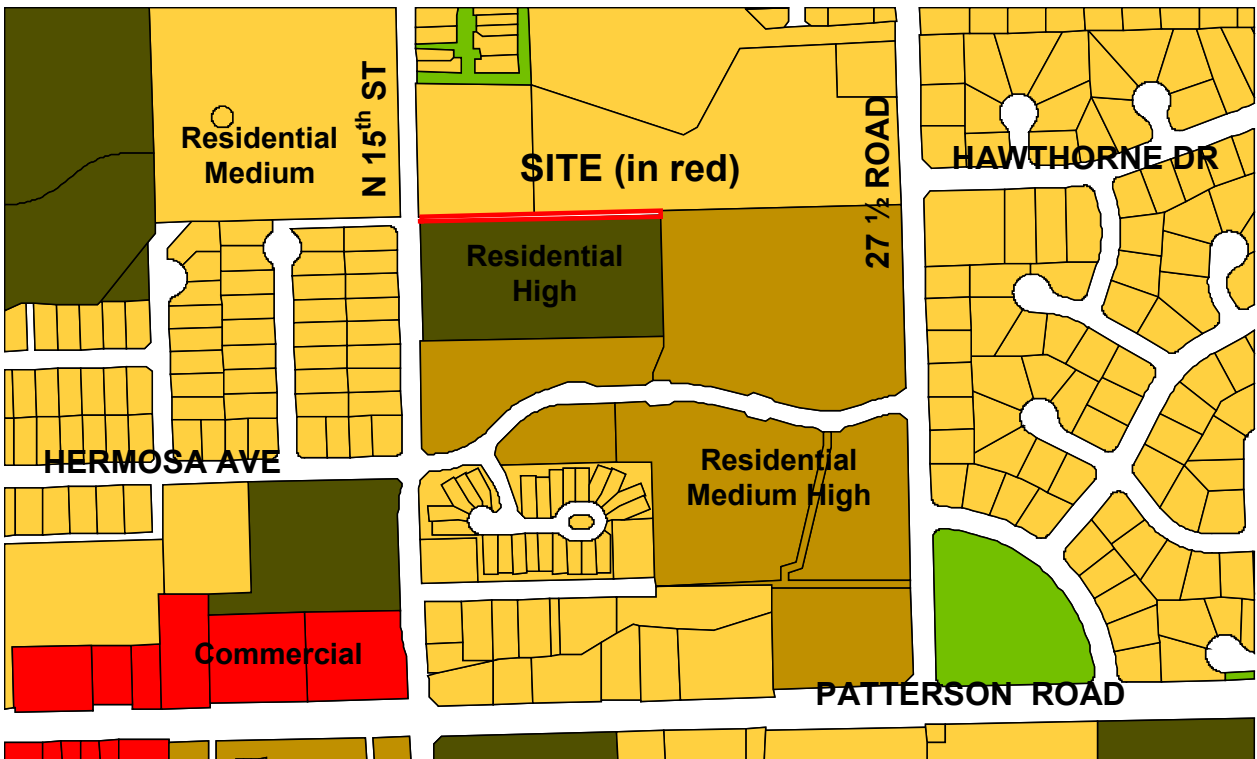
Aerial Photo Close Up

Figure 3



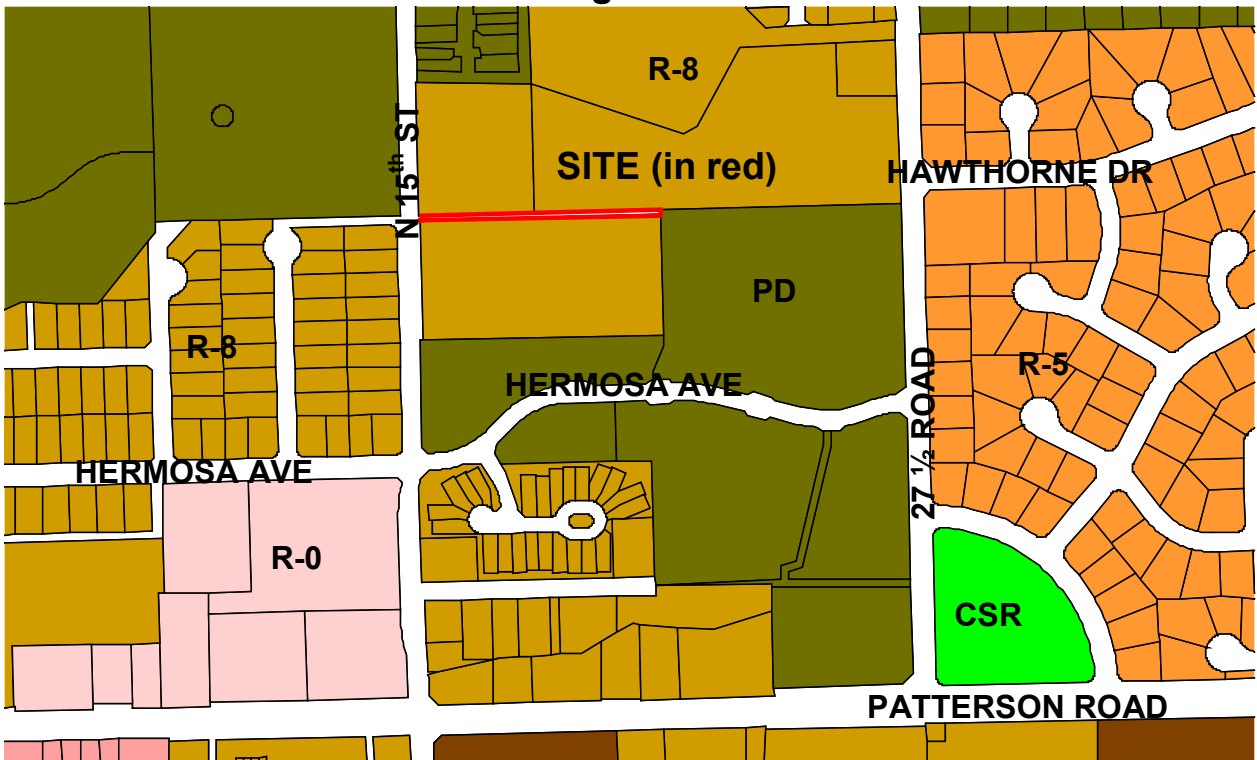
Future Land Use

Figure 4



City Zoning

Figure 5



Pedestrian Use

Figure 6



Existing Trail Easements

Figure 7



Exhibit A

Steven Acquafresca
637 27 ½ Road
Grand Junction, CO 81506

August 6, 2008

Judith Rice
Public Works & Planning Department
Planning Division
250 North 5th Street
Grand Junction, CO 81501

Re: VR-2008-202 – Neilie Bechtel Right Of Way Vacation – 3032 North 15th Street

Thank you for notifying me regarding the above referenced Right of Way vacation proposal. With this letter, I wish to enter the following comments into any public hearing process on this item.

The .209 acre Right of Way north of 3032 North 15th Street that is proposed to be vacated appears to be the exact same corridor that is a long established urban pedestrian trail. I recommend, under the strongest of terms, that the City of Grand Junction legally retain an urban trail pedestrian Right of Way along this constantly used corridor.

My residence is two properties removed to the north of the subject Right of Way and I routinely observe a constant flow of pedestrian traffic on the long established and well designated footpath that occupies this corridor. This trail corridor is the major pedestrian linkage between 15th Street on the west and 27 ½ Road on the east. It is utilized daily by scores, if not hundreds, of walkers and joggers from sunup to sundown on a year around basis. The trail's existence is a major asset to Grand Junction's urban trail vision today and will be even more so in the future.

Please take the necessary legal action to protect this important and well used urban trail corridor for citizens to continue to enjoy in perpetuity. If compensation to the underlying landowner is needed to complete the trail protection – it would be defensible and I would be in support of it. Such compensation would be a good public investment into our city's urban trail system.

Thank you for the opportunity to comment on the 3032 North 15th Street Right of Way vacation proposal. Please advise if I may provide any additional observations or be of assistance in any other way.

Sincerely,



Steven Acquafresca

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF F ¼ ROAD RIGHT-OF-WAY
ADJACENT TO 3032 N 15TH STREET**

RECITALS:

A request to vacate a portion of the F ¼ Road dedicated right-of-way, located north of 3032 N 15th Street has been made by the City. The City shall reserve and retain a perpetual Utility Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated.

The City Council finds that the request to vacate the herein described right-of-way with the reservation to retain the easement is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request on January 27, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Utility Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-way.

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

The described right-of-way in the attached Exhibit A which is incorporated herein as if fully rewritten is hereby vacated and a perpetual Multipurpose Easement is hereby reserved and retained on, along, over, under, through and across the entire area of the described right-of-way for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines, equivalent other public utility providers and appurtenant facilities.

Introduced for first reading on this _____ day of _____, 2009

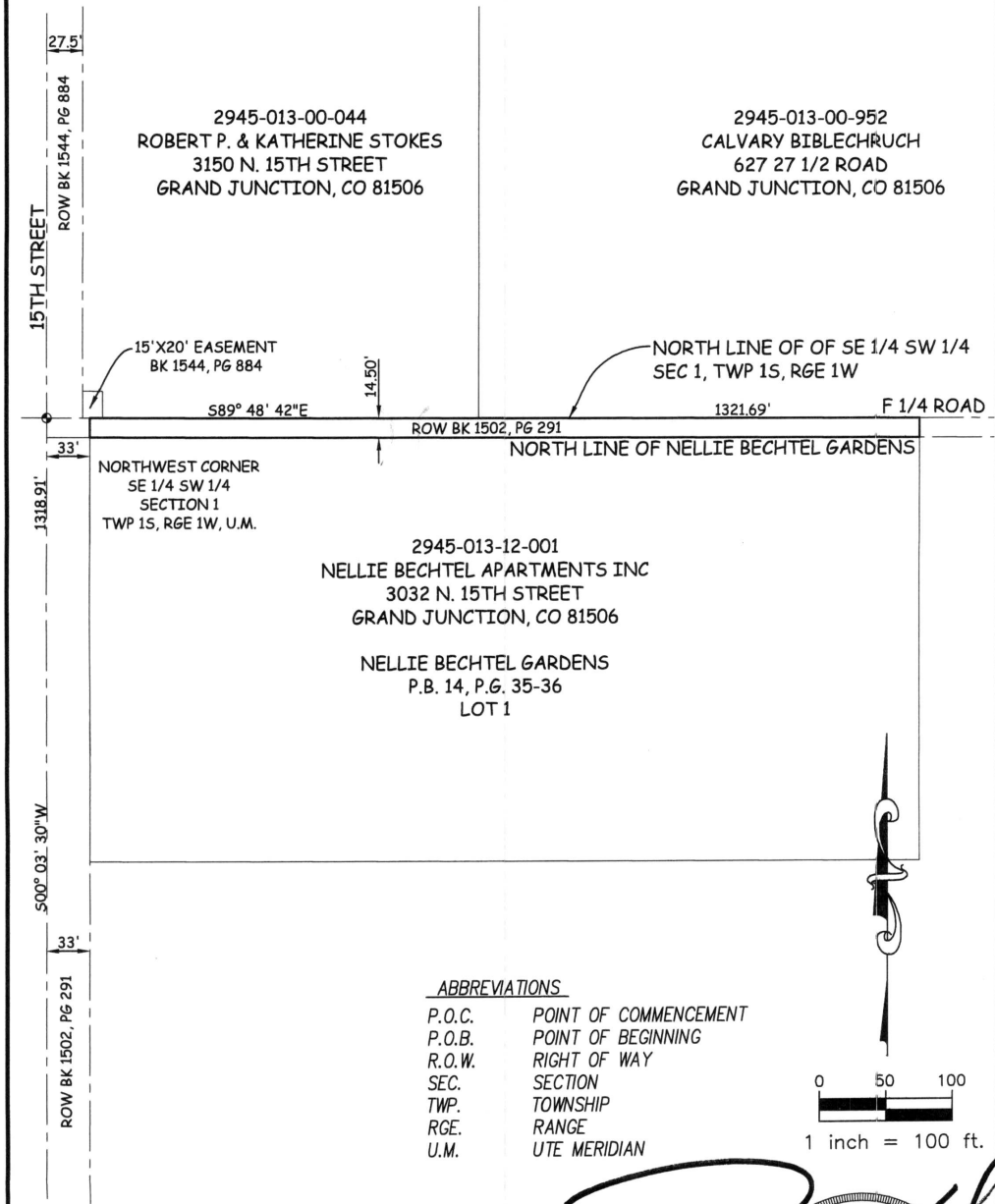
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



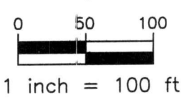
2945-013-00-044
 ROBERT P. & KATHERINE STOKES
 3150 N. 15TH STREET
 GRAND JUNCTION, CO 81506

2945-013-00-952
 CALVARY BIBLECHRUCH
 627 27 1/2 ROAD
 GRAND JUNCTION, CO 81506

2945-013-12-001
 NELLIE BECHTEL APARTMENTS INC
 3032 N. 15TH STREET
 GRAND JUNCTION, CO 81506
 NELLIE BECHTEL GARDENS
 P.B. 14, P.G. 35-36
 LOT 1

ABBREVIATIONS

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: JKT
 DATE: 05-27-2008
 SCALE: 1" = 100'
 APPR. BY: PTK

NELLIE BECHTEL GARDENS
 2945-013-12-001

