



**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET**

**TUESDAY, JUNE 9, 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** [Attach 1](#)  
Approve the minutes of the May 12, 2009 Regular Meeting
2. **Melrose Park Right-of-Way Vacation – Vacation of Right-of-Way** [Attach 2](#)  
Request a recommendation of approval to City Council to vacate a portion of undeveloped alley right-of way located through the center of Melrose Park at 1827 North 26<sup>th</sup> Street.

**FILE #:** SPR-2009-064  
**PETITIONERS:** Mike Best – City of Grand Junction  
**LOCATION:** 1827 North 26<sup>th</sup> Street  
**STAFF:** Michelle Hoshide

**3. Proposed Text Amendments – Zoning and Development Code [Attach 3](#)**

Request a recommendation of approval to City Council on a proposed ordinance amending Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

**FILE #:** TAC-2009-105  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Citywide  
**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.*

**4. R & L Subdivision – Simple Subdivision R & L Subdivision – Simple Subdivision - Continued from May 12, 2009 Planning Commission Meeting [Attach 4](#)**

An appeal of the Director’s Final Action on an administrative Development Permit to approve the combination of two (2) residential lots located at 2670 and 2672 Lookout Lane.

**FILE #:** SS-2009-015  
**PETITIONER:** Richard Overholt  
**LOCATION:** 2670 Lookout Lane  
**STAFF:** Ronnie Edwards

**General Discussion/Other Business**

**Nonscheduled Citizens and/or Visitors**

**Adjournment**

**Attach 1  
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION  
MAY 12, 2009 MINUTES  
6:00 p.m. to 6:17 p.m.**

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

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Ebe Eslami, Mark Abbott, Rob Burnett and Richard Schoenrad (Alternate). Commissioners Reggie Wall and Patrick Carlow were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Scott Peterson (Senior Planner), Ronnie Edwards (Associate Planner), and Michelle Hoshide (Associate Planner).

Also present was Jamie Beard (Assistant City Attorney).

Wendy Spurr was present to record the minutes.

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

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the March 10, 2009, March 24, 2009 and April 14, 2009 Regular Meetings.

**2. Hampton Inn Easement Vacation – Vacation of Easement**

Request a recommendation of approval to City Council to vacate a 20' wide drainage easement in order to construct a 71,333 sq ft hotel in a C-1 (Light Commercial) zone district.

**FILE #:** SPR-2008-210  
**PETITIONERS:** Michael Terry – National Lodging & Leisure, LLC  
**LOCATION:** 2770 Crossroads Blvd  
**STAFF:** Ronnie Edwards

**3. Bella Dimora Subdivision – Preliminary Development Plan**

Request a recommendation of approval to City Council to zone 13.87 acres to PD (Planned Development) with a default zone of R-8 (Residential 8 du/ac) and a

recommendation of approval to City Council of a PDP (Preliminary Development Plan).

**FILE #:** PP-2007-304  
**PETITIONER:** Ron Abeloe – Legend Partners LLC  
**LOCATION:** Patterson Road & Legends Way  
**STAFF:** Scott Peterson

**4. Lang Industrial Park Annexation – Zone of Annexation**

Request a recommendation of approval to City Council to zone 4.9 acres from County R-R (Residential Rural) to a City I-2 (General Industrial) zone district.

**FILE #:** ANX-2009-072  
**PETITIONER:** Darren Davidson – Precision Construction  
**LOCATION:** 2764 C-3/4 Road, 2765 & 2767 Riverside Parkway  
**STAFF:** Michelle Hoshide

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Lisa Cox, Planning Manager, clarified item number 4, Lang Industrial Park Annexation, should read City I-1 (Light Industrial) zone district rather than I-2 (General Industrial). After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

**MOTION: (Commissioner Putnam) “Mr. Chairman, I move that the Planning Commission approve the Consent Agenda as presented and amended by Ms. Cox.”**

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

**Public Hearing Items**

**5. R & L Subdivision – Simple Subdivision**

An appeal of the Director’s Final Action on an administrative Development Permit to approve the combination of two (2) residential lots located at 2670 and 2672 Lookout Lane.

**FILE #:** SS-2009-015  
**PETITIONER:** Alan N. Hassler – Spyglass Ridge HOA  
**LOCATION:** 2670 Lookout Lane  
**STAFF:** Ronnie Edwards

Chairman Cole announced that a request for a continuation had been received from the appellant and asked the Commission to consider the continuation. Ronnie Edwards, Associate Planner, advised that she had been notified by the Planning Manager that the applicant had requested a continuance to June 23, 2009. Commissioner Abbott asked for the reason for the requested continuance.

**MOTION: (Commissioner Putnam): “Mr. Chairman, I move that we continue this item to the hearing on the 23<sup>rd</sup> of June.”**

Jamie Beard, Assistant City Attorney, stated that an evidentiary hearing was necessary for this type of an appeal before the Planning Commission; however, that evidentiary hearing may be limited for testimony and evidence to be presented to include only that information that was on the record. It was the position of the appellant that even if it was limited, they wanted the opportunity to point out that information that was included within the record as to why they believed that the decision made by the Director was the incorrect decision or that the appeal should be granted.

Chairman Cole pointed out that the Commission had also received a letter requesting that this item not be continued. Commissioner Pavelka-Zarkesh seconded the motion for a continuance to June 23, 2009.

After discussion regarding hearing dates, Commissioner Putnam withdrew the motion and Commissioner Pavelka-Zarkesh withdrew the second for a continuance to the June 23, 2009 meeting. Commissioner Putnam asked for more specific legal advice as to whether or not it was at the Commission’s discretion to hear more testimony. Assistant City Attorney Beard stated that an evidentiary hearing was required so testimony and evidence was necessary but that could be limited to just the information that was included within the record and as this was an administrative approval process, the record was basically the information that the planner had within the file. Chairman Cole stated that in order to be fair to both sides a continuance would give both sides sufficient time to prepare and make their appeal.

**MOTION: (Commissioner Pavelka-Zarkesh): “Mr. Chairman, I move we continue the item to June 9<sup>th</sup>.”**

Commissioner Eslami seconded the motion. Commissioner Schoenradt asked if this was moved to June 9<sup>th</sup> and the parties failed to appear, would this item then be continued again. Chairman Cole stated that would be up to the Commission.

Commissioner Richard Schoenradt would like to have the motion modified to include that the hearing would occur on June 9, 2009. Ms. Beard stated that provision could be included in the motion; however, the difficulty would be that if something happened on the 9<sup>th</sup> and the Commission chose to change that, there could be a new motion at that time. She suggested that the motion to continue this item to June 9<sup>th</sup> be voted on. She said that she believed that it was clear that the Commission would prefer not to continue it past June 9<sup>th</sup>. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Abbott opposed.

### **General Discussion/Other Business**

Lisa Cox, Planning Manager, mentioned that there would be no Board of Appeals meeting next week.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:17 p.m.

**Attach 2**

**Melrose Park Right-of-Way Vacation – Vacation of Right-of-Way**

CITY OF GRAND JUNCTION  
 PLANNING COMMISSION

MEETING DATE: June 9, 2009  
 STAFF PRESENTATION: Michelle Hoshide

AGENDA TOPIC: Melrose Park Right-Of-Way Vacation (SPR-2009-064)

ACTION REQUESTED: Vacate an alley right-of-way

BACKGROUND INFORMATION				
Location:		Melrose Park located at 1827 North 26 <sup>th</sup> Street		
Applicant:		City of Grand Junction		
Existing Land Use:		Public Park		
Proposed Land Use:		Public Park		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		N/A		
Proposed Zoning:		CSR (Community Services and Recreation)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-8 (Residential 8 du/ac)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Growth Plan Designation:		N/A		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request to vacate the alley right-of-way located through the center of Melrose Park at 1827 North 26<sup>th</sup> Street.

RECOMMENDATION: Recommendation of approval to City Council

ANALYSIS

1. Background

The City of Grand Junction has made a request to vacate the alley right-of-way located through the center of Melrose Park at 1827 North 26<sup>th</sup> Street. The vacation will facilitate optimal use of Melrose Park. The alley right-of-way to be vacated has never been developed or used as a right-of-way; instead it has been used as part of Melrose Park since the park was built over 50 years ago.

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

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

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

The vacation of the right-of-way will not impact the Grand Valley Circulation Plan, Growth Plan or policies adopted by the City of Grand Junction.

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

No parcel will be landlocked as a result of the vacation because the existing street pattern in this area provides adequate connectivity and access to surrounding parcels.

- 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 this vacation because all surrounding parcels currently access existing developed right-of-way.

- 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 alley 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. All adjacent parcels have access to public facilities and services through existing right-of-way.

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

The vacation will facilitate optimal use of Melrose Park.

**FINDINGS OF FACTS/CONCLUSION**

After reviewing the City of Grand Junction application, SPR-2009-064 for the vacation of an undeveloped portion of alley right-of-way, the following finding of facts and conclusion has been determined:

- 1.) The request is consistent with the goals and polices of the Growth Plan
- 2.) 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 right-of-way vacation, SPR-2009-064, to the City Council with the findings and conclusion listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

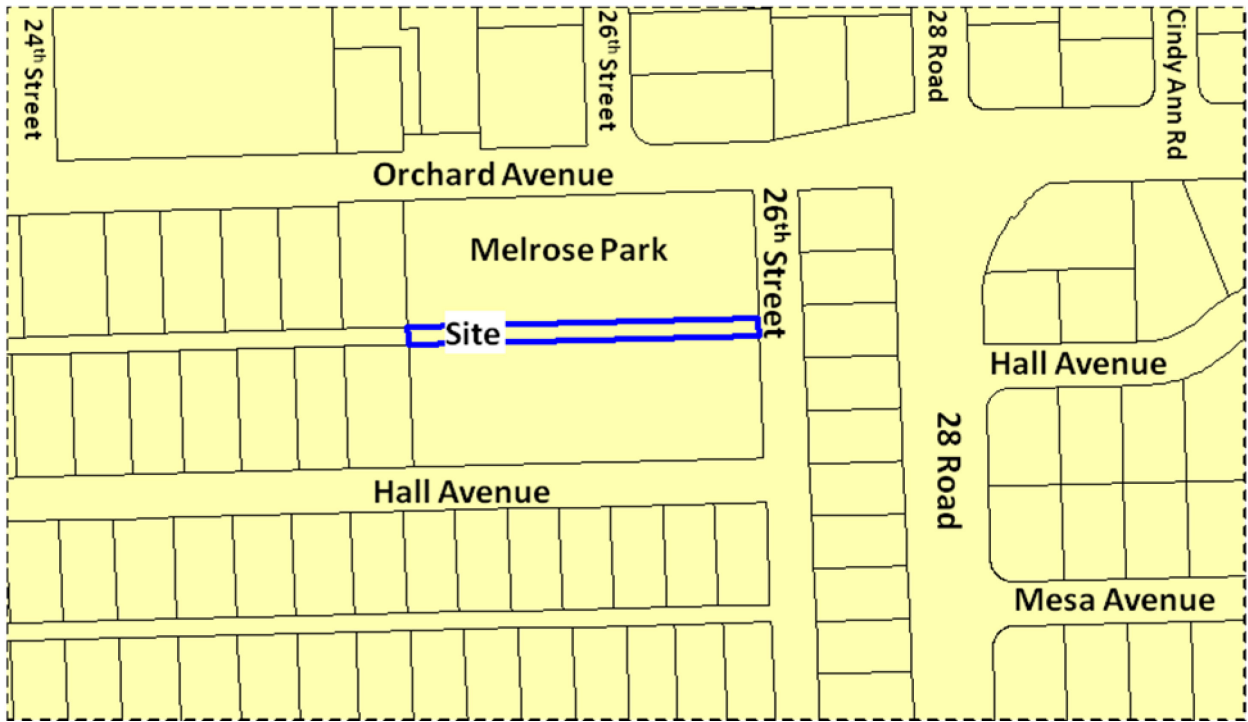
Mr. Chairman, on the vacation of an undeveloped portion of alley right-of-way located through the center of Melrose Park at 1827 North 26<sup>th</sup> Street, SPR-2009-064, I move that the Planning Commission forward a recommendation of approval to City Council with the facts and conclusions listed in the staff report.

**Attachments:**

- Figure 1: Site Location Map
- Figure 2: Aerial Photo
- Figure 3: Future Land Use
- Figure 4: Existing City and County Zoning Ordinance

# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2



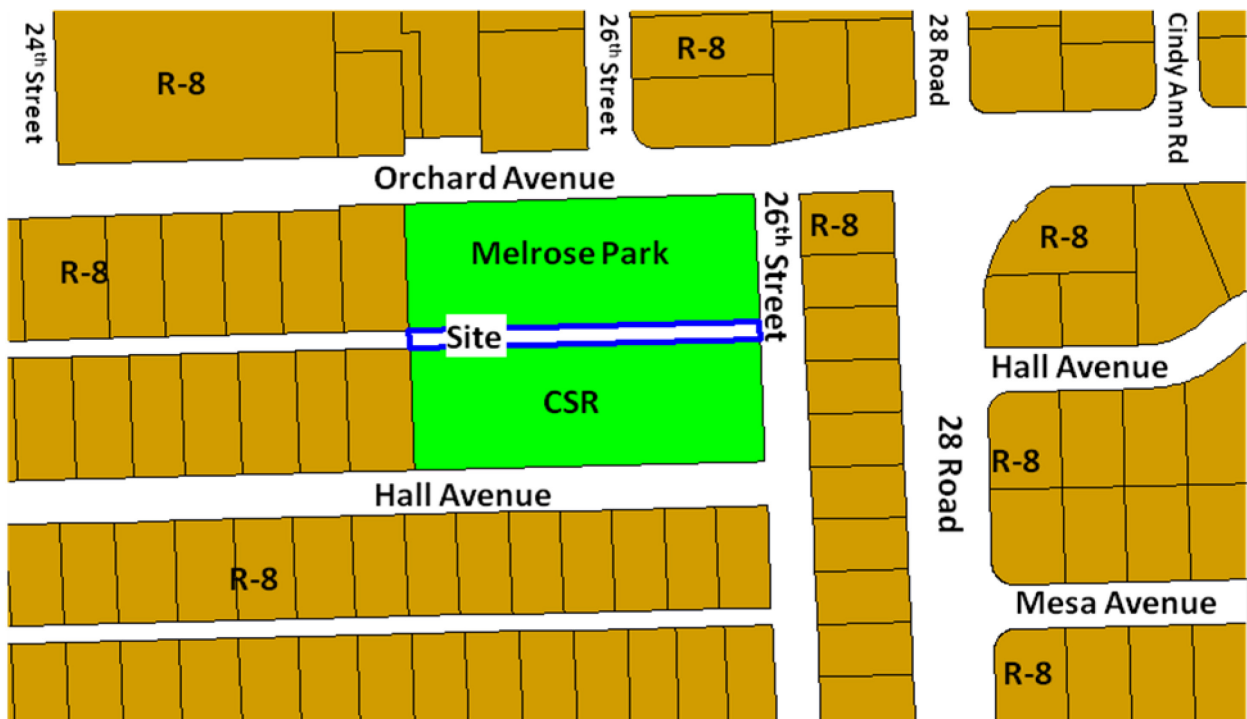
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING THE ALLEY RIGHT-OF-WAY LOCATED THROUGH THE CENTER OF MELROSE PARK AT 1827 NORTH 26<sup>TH</sup> STREET

RECITALS:

A request to vacate the alley right-of-way located through the center of Melrose Park at 1827 North 26<sup>th</sup> Street. This request has been made by the City of Grand Junction.

The City Council finds that the request to vacate the herein described portion of undeveloped alley right-of-way 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 June 9, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested.

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.

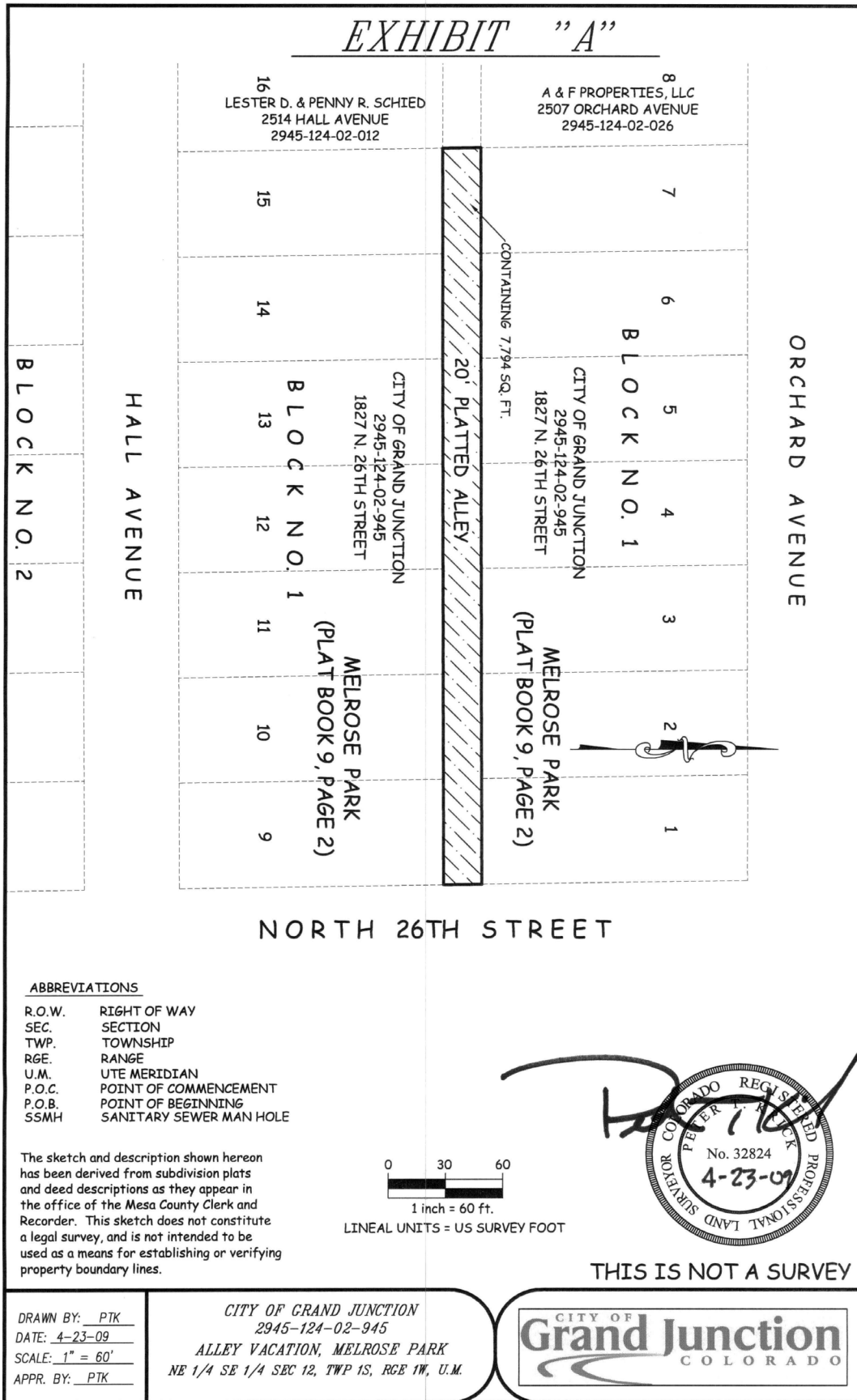
Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2009

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk



G: SHARE/SURVEYS BY PTK/MELROSE PARK

**Attach 3**

**Proposed Text Amendments – Zoning and Development Code**

**CITY OF GRAND JUNCTION  
PLANNING COMMISSION**

**MEETING DATE: June 9, 2009  
STAFF PRESENTATION: Greg Moberg**

**AGENDA TOPIC:** Zoning and Development Code Amendment (TAC-2009-105)

**ACTION REQUESTED:** The City of Grand Junction requests approval to amend Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

**RECOMMENDATION:** Recommendation of approval to City Council of the proposed amendments to the Zoning and Development Code.

**ANALYSIS:**

**Background**

Over the last six months the Planning Division has had several requests to allow temporary low-traffic storage yards, on properties within the City, for more than four (4) months. The requests have been in the C-2 and I-1 zone districts and were for storage associated with the oil and gas industry. As the economy began to weaken, drilling within the area began to diminish and the number of new gas wells began to shrink. With the creation of fewer gas wells, the need to store surplus equipment has become an issue for the industry. The proposed storage sites will generate less than thirty (30) average daily trips (the City’s definition of a “low-traffic storage yard), however each request needed to occupy a site for more than four (4) months. Currently the Code limits a temporary use permit to a maximum of four (4) months. The Planning Division did approve two temporary use permits that allowed both uses to move onto properties while applications to approve the uses permanently were processed.

**Currently Permitted**

Temporary uses are allowed to locate within the City providing the use meets the regulations outlined in Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code . These regulations include standards and restrictions that ensure safety and minimize adverse impacts that the use may have on City infrastructure and neighboring properties. These regulations include the following:

1. An authorized use (i.e. an allowed use listed in Table 3.5 and not a use allowed by conditional use permit) is allowed on property located within any nonresidential zone.
2. Multiple temporary uses are not allowed on a single property and the temporary use cannot be detrimental to the public health, safety and general welfare.

3. The temporary use must be compatible with existing land uses, cannot cause traffic to exceed the capacity of affected streets and must have adequate off-street parking.
4. Access to public right-of-way must comply with City requirements, required setbacks must be adhered to and signage is limited to a maximum of thirty-two (32) square feet.
5. Prior to allowing a temporary use at least thirty (30) calendar days must have passed since any previous temporary use was located on the property and the use is limited to a maximum of four (4) months.

**Proposed Amendments**

The amendments being proposed permits temporary low-traffic storage yards in the C-2, I-1, and I-2 zone districts. The proposal would allow temporary low-traffic storage yards in these zone districts for up to one (1) year with the opportunity to request an additional one (1) year extension. All other allowed temporary uses would remain limited to the existing 120 and 30 day requirements.

**CONSISTENCY WITH GROWTH PLAN:**

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

**Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.**

Policy 1.9: The City and County will direct the location of heavy commercial and industrial uses with outdoor storage and operations in parts of the community that are screened from view from arterial streets. Where these uses are adjacent to arterial streets, they should be designed to minimize views of outdoor storage loading and operations areas.

**Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.**

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

**Goal 17: To promote a healthy, sustainable, diverse economy.**

Policy 17.1: The City and County will support efforts to attract and retain moderate-sized, clean and stable industries that provide appropriate and diverse employment opportunities for community residents.

Policy 17.2: The City and County may consider incentives to attract prospective industrial employers and encourage expansions of existing industries that are consistent with the goals and policies of the Urban Area Plan.

**FINDINGS OF FACT/CONCLUSIONS:**

In reviewing the proposed amendments in the ordinance attached to this report, I find that the requested Code amendments and corrections further the intent of the Growth Plan by ensuring that the Zoning and Development Code is maintained in a manner that addresses development issues in an efficient and effective manner.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Text Amendments, TAC-2009-105, which include amendments and corrections to Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on Text Amendments, TAC-2009-105, amendments and corrections to Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code, I move that the Planning Commission forward the Text Amendments to City Council with the recommendation of approval.

Attachment: Proposed Text Amendment Ordinance



## CITY OF GRAND JUNCTION

## ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 2.2 D.2. AND SECTION 4.3 L. OF THE ZONING AND DEVELOPMENT CODE**

## RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

The City of Grand Junction wishes to amend and update Section 2.2 D.2. and Section 4.3 L. of the Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial) and I-2 (Heavy Industrial) zone districts.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further the goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

**Amend Section 2.2 D.2. as follows [beginning with subsection (12)]:**

- (12) ~~At least thirty (30) calendar days have passed since any temporary use on the parcel or lot;~~ **A temporary low-traffic storage yard may be permitted in a C-2, I-1, or I-2 zone district for up to one (1) year from the date of issuance. One (1) extension of one (1) year may be granted by the Director upon showing of good cause. Any additional extensions may be granted by the Planning Commission. The Planning Commission must find good cause for granting an extension(s).**
- (13) ~~The~~ **All other temporary uses will shall not exceed four (4) months 120 calendar days and shall not be allowed until a minimum of thirty (30) calendar days have passed since any previous temporary use on the parcel or lot.**

- (14) **Prior to the issuance of a temporary use permit, the Director may require the applicant to post security with the City as required to cover expected costs of enforcement, monitoring, clean-up and site restoration.**

**Amend Section 4.3 L. as follows:**

**L. Temporary Uses and Structures.**

- 1. The temporary use permit is a mechanism by which the City may allow a use to locate within the City on a ~~short-term~~ **temporary** basis and by which seasonal or transient uses ~~can~~ **may also** be allowed.
- 2. Prior to conducting or establishing a temporary use or temporary structure, approval of a temporary use permit by the ~~Community Development Department~~ **Public Works and Planning Department** is required.
- 3. Any allowed use **or structure** in nonresidential zones may be **approved for a temporary use permit**, provided that: ~~to facilitate~~
  - a. ~~Compatibility with Surrounding Area.~~ The allowance of a temporary use and/or temporary structure shall not be detrimental to the public health, safety and general welfare. ~~and~~ The use shall be consistent with the purpose and intent of this Code and the specific zoning district in which it will be located and the use shall be compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use. ~~The use, value and qualities of the neighborhood surrounding the temporary use shall not be adversely affected by the use or activities associated with it;~~
  - b. Factors such as location, noise, odor, light, dust control and hours of operation may be **specifically** considered ~~in addition to any others~~ when determining compatibility;
  - c. The location and/or intensity of the temporary use and/or temporary structure is such that adverse effects on adjacent parcels will be minimized, as determined by the Director; and
  - d. **Erosion, sedimentation, and other pollution of surface and subsurface water is adequately controlled; and**
  - de. Particular attention shall be ~~paid~~ **given** to the type and volume of traffic generated and/or ~~the impacted by that~~ the temporary use/temporary structure **will have** and its effect on traffic circulation in the neighborhood. **The Director shall determine that increased traffic does not unduly impact the neighborhood. A finding that traffic does unduly impact the neighborhood shall be a basis for denial of a permit.**

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Bruce Hill  
President of City Council

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 4**  
**R & L Subdivision – Simple Subdivision**

CITY OF GRAND JUNCTION  
 PLANNING COMMISSION

MEETING DATE: June 9, 2009  
 STAFF PRESENTATION: Ronnie Edwards

AGENDA TOPIC: Appeal the Director’s Final Action on an Administrative Development Permit for R & L Simple Subdivision, File #SS-2009-015

ACTION REQUESTED: Review and decide on the appeal.

BACKGROUND INFORMATION			
Location:		2670 and 2672 Lookout Lane	
Representative:		Alan N. Hassler on behalf of the Spyglass Ridge Homeowners Association	
Existing Land Use:		Vacant and Residential Single Family	
Proposed Land Use:		Residential Single Family	
Surrounding Land Use:	North	Tract K Open Space	
	South	Vacant	
	East	Vacant	
	West	Vacant	
Existing Zoning:		R-2 (Residential, 2 du/ac)/Cluster	
Proposed Zoning:		R-2 (Residential, 2 du/ac)/Cluster	
Surrounding Zoning:	North	R-2 (Residential, 2 du/ac)/Cluster	
	South	R-2 (Residential, 2 du/ac)/Cluster	
	East	R-2 (Residential, 2 du/ac)/Cluster	
	West	R-2 (Residential, 2 du/ac)/Cluster	
Growth Plan Designation:		Residential Medium-Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Conduct a hearing to appeal the Director’s Final Action on an Administrative Development Permit to approve the consolidation of Lots 173 and 174, Spyglass Ridge Filing No. 2, located at 2670 and 2672 Lookout Lane.

**Background Information:**

On March 18, 2009, the Public Works & Planning Director approved the combination of two residential lots originally platted as part of Spyglass Ridge Filing Two. Staff received the appeal letter March 27, 2009 from Alan N. Hassler, the attorney representing the Spyglass Ridge Homeowners Association, Inc. This appeal is per Section 2.18.C of the Zoning & Development Code, which specifies that the Planning Commission is the appellate body for administrative decisions.

The applicants submitted a proposal to consolidate two residential lots, which they purchased in 2006. They constructed their single family residence on one lot and the second lot is proposed to be used for outdoor living area for their personal use. The applicants combined their lots into one for tax purposes in 2008, but had not platted them as one lot through the City review process. The property is zoned R-2 (Residential, 2 du/ac) under the cluster provisions of the Zoning and Development Code.

Section 2.2.E.4.b of the Zoning and Development Code requires anyone wishing to combine two adjacent lots within the City to submit a proposal for a "simple subdivision" administrative review (Section 2.2 E.4). The Code requires the Director to approve a lot consolidation if the applicant demonstrates that:

- (1) All lots comply with this Code, including the density/intensity provisions in section 3.6 B;
- (2) Any change to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
- (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
- (4) The character of the plat and the neighborhood will not be negatively impacted;
- (5) If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision creating a new lot within the preceding ten (10) years; and
- (6) The final approval shall be the recording of the plat.

The Director found that each of these criteria were met, as follows:

- (1) The proposed lot, containing 20,895 square feet, is a typical lot size for the R-2 zone district, which is how Spyglass Ridge is zoned. Spyglass Ridge used the clustering provisions of the Code to allow for smaller lots with open space tracts throughout, given the natural features of the land such as topography, soils and slope stability, ridgeline / view corridors, no disturbance areas, among others and in order to maximize the number of lots in the subdivision.
- (2) Easements and rights-of-way are not affected.
- (3) Rights-of-way remain unaltered.

(4) The character of the plat and neighborhood are established in the clustered layout of lots interspersed with larger open space tracts, and also through the covenants, conditions and restrictions running with the land. We carefully considered these, and made the following findings:

- No additional lots were created (overall density of subdivision was not increased).
- No additional building sites were created.
- The lots combined by the applicant back up to open space in such a way that open area of the new larger lot creates a nice view corridor for the neighborhood in general.
- One of the lots combined by the applicant was heavily encumbered/restricted by a large slope / no disturbance area and view shed adjacent to the open space tract to the north and east of the property, creating a very small buildable area.
- Combining the lots will decrease the impact from traffic and utilities.
- The applicant has preserved the utility financing structure for the neighborhood by paying two utility tap fees rather than just one.
- The covenants, conditions and restrictions do not specifically prohibit lot combinations.
- Not less than one lot as conveyed would be used as a building site.

(5) No additional lot is being created and no simple subdivision has occurred within the time period stated.

(6) Final approval is the recording of the plat for the R&L Subdivision.

During the review process, the developer and the Homeowners Association submitted written protest to the proposal stating that this was in violation of the subdivision covenants. As stated in the Staff Attorney letter dated March 5, 2009, the City of Grand Junction enforces only City ordinances and does not enforce private subdivision covenants or regulations.

This appeal hearing is in accordance with Section 2.18.C.3.e of the Zoning & Development Code, which states that the appellate body shall hold a evidentiary hearing to determine whether the Director's action is in accordance with the criteria provided in Section 2.18.C.1. The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action, or place other limits on testimony and evidence as it deems appropriate. The appellant has standing to appeal and has timely filed the appeal.

In hearing an appeal of an administrative development permit, the Planning Commission shall consider whether the Director:

- (1) Acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
- (2) Made erroneous findings of fact based on the evidence and testimony on the record; or
- (3) Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (4) Acted arbitrarily, acted capriciously, and/or abused his discretion.

Planning Commission received copies of the appeal, and a copy of the pertinent information of the project file was made available for both Planning Commission and public review on April 30, 2009.

**PLANNING COMMISSION MOTION:**

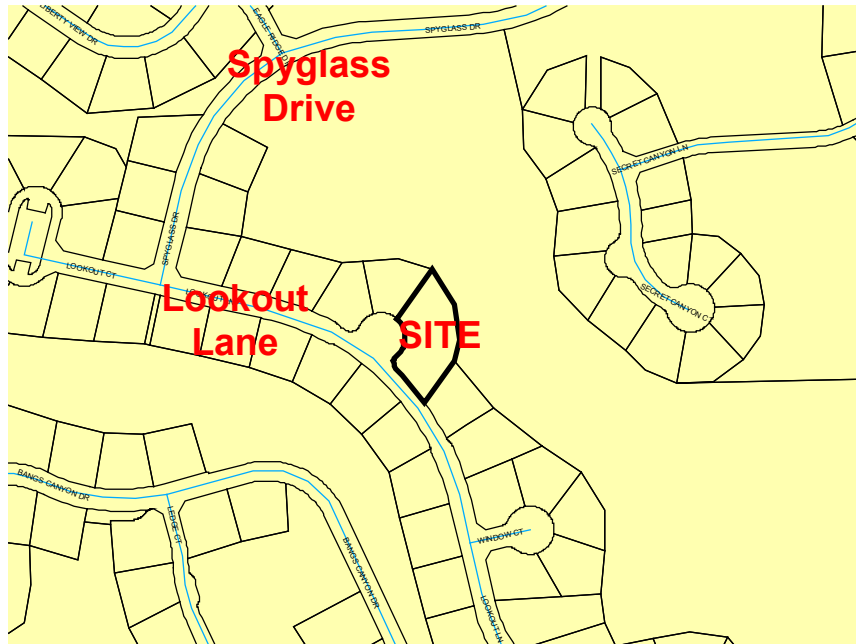
Mr. Chairman, I move that we grant the Appellant's appeal of the Director's Final Action in approving the R & L Simple Subdivision, SS-2009-015.

**Attachments:**

- Site Location Map/Aerial Photo Map
- Future Land Use Map/Existing City Zoning
- City Staff Attorney Response to Appeal Letter
- Applicant's Response to Appeal Letter
- Appeal Letter from Spyglass Ridge Homeowners Association Representative
- Approval Letter
- 1st Round of Review Comments with Response
- 2nd Round of Review Comments with Response
- City Staff Attorney Response to Opposition Letters
- Opposition Letters
- Development Application with project report and proposed plat

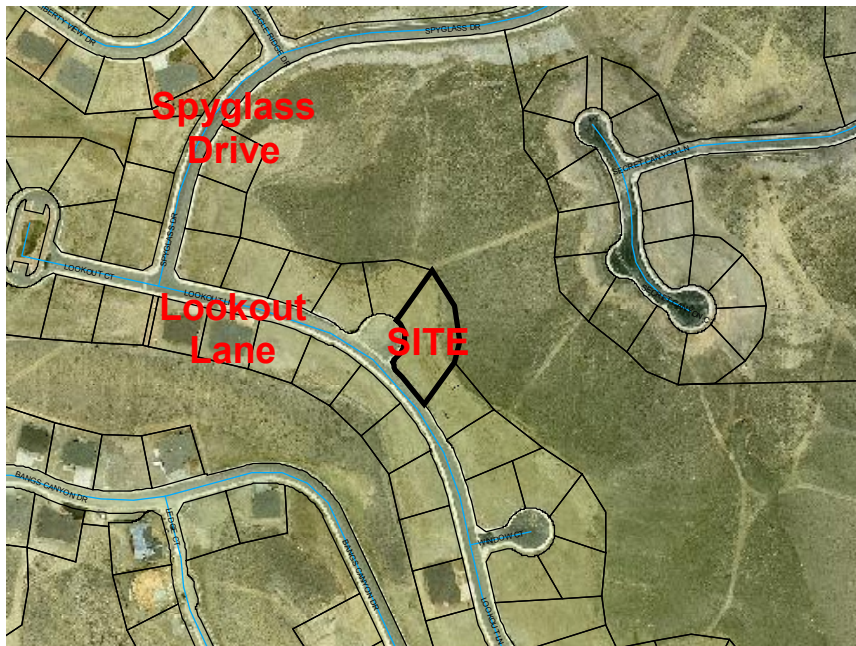
# Site Location Map

Figure 1



# Aerial Photo Map

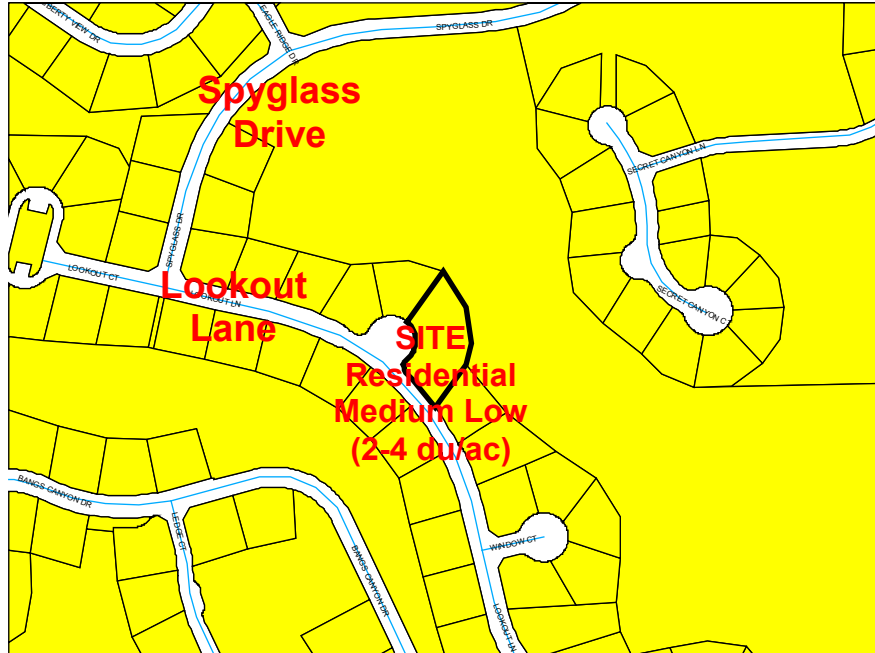
Figure 2





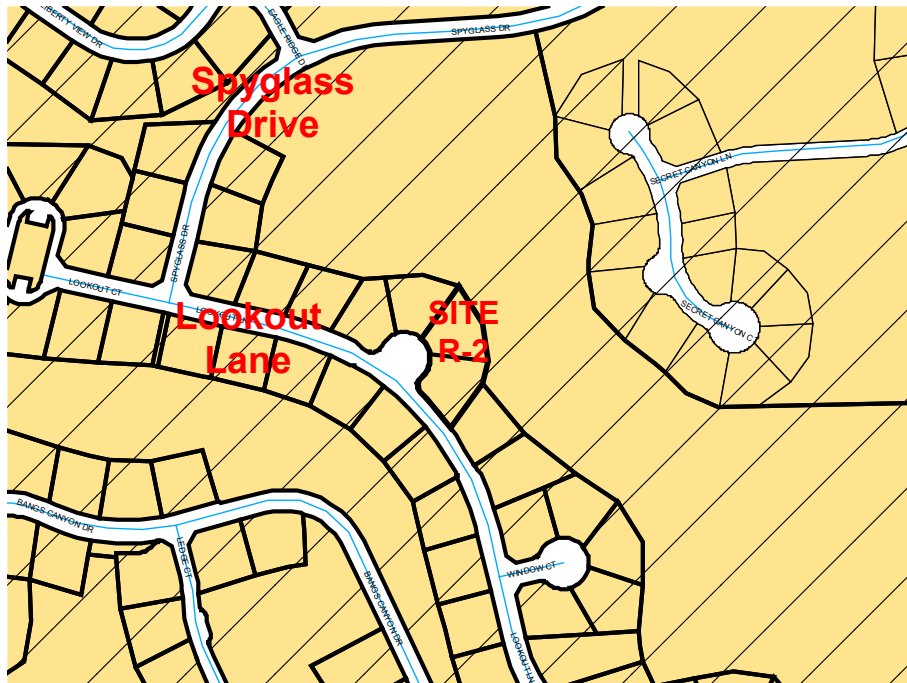
# Future Land Use Map

City Limits **Figure 3**



# Existing City Zoning Map

**Figure 4**



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



CITY ATTORNEY

*Memorandum*

**TO:** City of Grand Junction Planning Commission  
**FROM:** Shelly Dackonish, Senior Staff Attorney  
**DATE:** April 22, 2009  
**SUBJECT:** Response to Appeal of Spyglass Ridge Homeowners Association Inc. And Memorandum of Law in support of the Director’s Decision  
**FILE #:** SS-2009-015 (“R&L Subdivision”)

I am providing this memorandum to you for the appeal and in support of the decision of the Director of Public Works and Planning (“Director”) approving a lot consolidation known as “R&L Subdivision.”

Standard of Review

The applicable legal standard for this appeal requires the Planning Commission to consider whether the Director, in granting approval of the applicant’s request to combine two lots in Spyglass Ridge Subdivision, (1) acted inconsistently with the Zoning and Development Code of the City of Grand Junction or other applicable law, or (2) made erroneous findings of fact based on the evidence in the record, or (3) failed to consider mitigating measures, or (4) acted arbitrarily, capriciously or abused his discretion.

The Appellant bears the burden to show that one of these four has occurred. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002). If you find the Director did any one of these four things, or more than one of them, you can overrule the Director, or remand for further findings. Otherwise, the Director’s decision must be upheld.

“Arbitrary” means that the Director’s decision is not supported by any reasonable basis. See *Lieb v. Trimble*, 183 P.3d 702 (Colo. App. 2008). In other words, arbitrary and capricious action has occurred only when a reasonable person, considering all of the evidence in the record, would fairly and honestly be compelled to reach a different conclusion; if not, the administrative decision must be upheld. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002).

Standard of review under the rule providing for review of the decision of a governmental body or officer claimed to have exceeded its jurisdiction or abused its discretion is whether, on the basis of the whole record, the findings of the agency are supported by any competent evidence; “no competent evidence” means the record is devoid of evidentiary support for the decision. *Puckett v. City of County of Denver*, 12 P.3d 313 (Colo. App. 2000),

Administrative decisions are accorded a presumption of validity and regularity and all reasonable doubts as to the correctness of administrative rulings must be resolved in favor of the agency. So the Director’s decision, including findings of fact and legal conclusions, must be affirmed if supported by a reasonable basis. *Lieb v. Trimble*, supra, at p. 704.

The Director concluded that the character of the neighborhood/plat is not negatively impacted, and in fact that it is enhanced by, the lot combination. The bases for this conclusion are set forth in Ms. Edwards’ Staff Report, to which I refer you here.

The City does not enforce private covenants, conditions and restrictions on land.

It is important to understand that the City does not, and has no obligation to, enforce this, or any, neighborhood's private covenants, conditions and restrictions (CCRs) upon land. The only extent to which you should consider the CCRs is the extent to which they may help define the character of the plat and the neighborhood for the purpose of determining whether the Director erred in finding that proposed lot combination will not negatively affect that character.

Ambiguities in covenants, conditions and restrictions on land must be resolved in favor of the free use of land by the landowner.

Furthermore, in so doing, you must resolve any doubt as to the meaning and application of a covenant in favor of the unrestricted use of property, which in this case means in favor of the owner's right to combine his adjacent lots. See C.R.S. Sect. 38-34-103, *Dunne v. Shenandoah Homeowners Association, Inc.*, 12 P.3d 340 (Colo. App. 2000). In other words, if CCR provisions are not completely clear, any ambiguity must be resolved in favor of the free use of land by the landowner.

The Spyglass Ridge CCRs do NOT expressly prohibit combining lots. They prohibit further "subdivision" of lots which, in its plain and common meaning, means dividing a lot into smaller lots. See also Moscowitz and Lindbloom, Illustrated Book of Development Definitions, which defines subdivision as follows: "The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease." While it is true that lot consolidations go through the same City planning review process as subdivisions, that does not change the common and dictionary definition of the word "subdivision."

The Appellant argues that "combining portions" of lots means "boundary line adjustments." The law requires restrictions on use of land to be specific and strictly construed so that future owners of property subject to the restrictions have reasonable notice of how their potential use of the property may be limited.

The Director did not act inconsistently with the Code or applicable law.

The Director clearly applied all the relevant criteria in the decision making process (see Staff Report of Ms. Edwards). The Zoning and Development Code states, "[t]he Director **will approve** a simple subdivision if the applicant demonstrates that [the approval criteria are met]." ZDC Section 2.2 E.4. The Director considered all six applicable criteria and found them to be met. Finding no basis to deny the lot consolidation, the Director followed the applicable law and approved it.

With respect to the criteria dealing with the character of the neighborhood and plat, the Director has given several grounds supporting the determination that the character is not negatively affected. See Staff Report.

The Director did not make erroneous findings of fact.

The Director's findings are amply supported by evidence in the record. See Staff Report of Ms. Edwards.

The Director did not fail to consider mitigating measures.

Mitigating measures, including but not limited to requesting the Applicant to pay two sewer tap fees (one for each lot before the consolidation) in order to preserve the financing scheme for the sewer lift station, were considered and imposed. These are referenced in the Staff Report.

The Director was not arbitrary or capricious and did not abuse discretion.

The Director applied the relevant criteria, made sufficient findings of fact to support the decision, and exercised discretion in a reasonable manner.

Therefore, there is no basis for overturning the Director's decision.

March 31, 2009

Ms Rhonda Edwards-Project Manager  
 Planning Department  
 250 N 5<sup>th</sup> St  
 Grand Junction, CO 81504

**RECEIVED**  
 APR 3 2009  
 COMMUNITY DEVELOPMENT  
 DEPT.

Re: R&L Subdivision, #SS2009-015

Dear Ronnie,

Thank you for notifying us and providing us with a copy of the request to appeal our simple subdivision. We appreciate the time you have devoted to making sure this project is successful and meets all of the City of Grand Junction zoning codes.

Based on those zoning codes, we support the decision of the Director and the process that was followed in making the decision. In support of the approval we would like to provide comments on each specific section of the code.

***Code 2.2E.4 Simple Subdivisions  
 (lot consolidations, lot splits, boundary adjustments and plat corrections)***

Our two lots in Spyglass Ridge meet the definition of a simple subdivision by being a lot consolidation.

***a. Purpose The simple subdivision process allows the Director to approve a minor lot adjustment and a lot split and to correct a minor error in the plat***

Not applicable to our situation.

***b. Applicability. If requested in writing by every owner and every lienor, the Director may allow a simple subdivision process to be used to:***

***(1) Consolidate one or more lots***

By combining 2670 & 2672 Lookout Lane, we meet this criteria.

***c. The Director will approve a simple subdivision if the applicant demonstrates that:***

***(1) All lots comply with this Code, including density/intensity provisions in Section 3.6.B;***

In combining our lots we do not effect the density. We actually cause less density by removing a single family home from the subdivision.

- (2) *Any change to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law.*

We did not change any existing easement or right-of-way.

- (3) *The right-of-way shown on the Grand Valley Circulation Plan is not changed:*

The right-of-way on the Circulation Plan is not changed.

- (4) *The character of the plat and neighborhood will not be negatively impacted:*

There is not any negative impact on the neighborhood. We have paid the lift station impact fee for both lots. The character of the neighborhood will continue to remain the same, while we will have adequate room for outdoor living space.

- (5) *If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision creating a new lot within the preceding ten years.*

Neither lot has been involved in any prior simple subdivision proceedings.

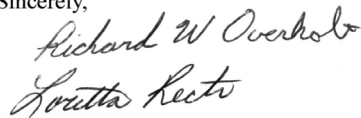
- (6) *The final approval shall be the recording of the plat.*

This will be done after the appeal process.

Based on the facts listed above, we have shown that the appeal is without grounds in the Code, and does not warrant a hearing. We sincerely hope, after careful review, that the Director will agree with us.

Please feel free to contact us should you have further questions, or require any additional information. Again, we appreciate all of your hard work on this project.

Sincerely,



Richard W Overholt  
 Loretta Rector  
 2670 Lookout Ln  
 970.270.2334

THE HASSLER  
LAW  
FIRM, P.C.

RECEIVED  
MAR 27 2009  
COMMUNITY DEVELOPMENT  
DEPT.

ALAN N. HASSLER, ATTORNEY AT LAW

March 27, 2009

*Hand Delivered  
3/30/09  
Richard Duhol  
3/30/09*

VIA HAND DELIVERY

Planning and Zoning Commission  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

Re: File: SS-2009-015  
2670 Lookout Lane

Dear Commission:

Enclosed is a "Notice of Appeal of Decision/Finding of Fact," with referenced attachments, for filing on behalf of the Board of Directors of Spyglass Ridge Homeowners Association, Inc.

Should you have questions, please contact me.

Thank you.

Yours truly,

THE HASSLER LAW FIRM, P.C.

*Alan N. Hassler*  
Alan N. Hassler

CITY OF  
**Grand Junction**  
COLORADO

250 N 5<sup>th</sup> Street  
PO Box 1809  
Grand Junction, CO 81502-1809  
(970) 244-1579 www.gjcity.org

ANH:kkh

Enclosure

cc: Spyglass Ridge Homeowners Association, Inc.

2829 NORTH AVENUE, SUITE 205 (81501)  
POST OFFICE BOX 40386  
GRAND JUNCTION, COLORADO 81504

TELEPHONE (970) 243-2952  
TELECOPIER (970) 243-2990

THE HASSLER  
LAW  
FIRM, PC



RECEIVED  
MAR 27 2009  
COMMUNITY DEVELOPMENT  
DEPT.

ALAN N. HASSLER, ATTORNEY AT LAW

March 27, 2009

VIA HAND DELIVERY

Planning and Zoning Commission  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

Re: File: SS-2009-015  
2670 Lookout Lane

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Thank you.

Yours truly,

THE HASSLER LAW FIRM, P.C.

Alan N. Hassler

ANH:kkh  
Enclosure  
cc: Spyglass Ridge Homeowners Association, Inc.

2829 NORTH AVENUE, SUITE 205 (81501)  
POST OFFICE BOX 40386  
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TELEPHONE (970) 243-2952  
TELECOPIER (970) 243-2990

THE HASSLER  
LAW  
FIRM, PC



**NOTICE OF APPEAL OF DECISION/FINDINGS OF FACT**

TO: Planning and Zoning Commission  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

DATE: March 27, 2009

FILE: SS-2009-015

LOCATION: 2670 Lookout Lane, Grand Junction, Colorado 81503

PETITIONER: Richard Overholt and Loretta Rector  
2670 Lookout Lane  
Grand Junction, Colorado 81503  
270-2344

APPELLANT: Board of Directors  
Spyglass Ridge Homeowners Association, Inc.  
2694 Lookout Lane  
Grand Junction, Colorado 81503

APPELLANT REPRESENTATIVE: Alan N. Hassler  
The Hassler Law Firm, P.C.  
Post Office Box 40386  
Grand Junction, Colorado 81504  
(970) 243-2952

PLANNER: Ronnie Edwards

**RECEIVED**  
**MAR 27 2009**  
**COMMUNITY DEVELOPMENT**  
**DEPT.**

---

The Board of Directors, on behalf of the Spyglass Ridge Homeowners Association, Inc. ("Spyglass HOA" herein), by and through its attorneys, The Hassler Law Firm, P.C., Alan N. Hassler appearing, hereby gives Notice of Appeal of the Decision of the Director, which granted an application by Richard Overholt and Loretta Rector, to combine Spyglass Ridge Lots 173 and 174, as a simple resubdivision. The grounds for the appeal are that (1) the Decision misconstrues the legal definition of "lot" and the covenant prohibiting combining lots and applicable law; and (2) there is no evidence in the record that the character of the plat and the neighborhood will not be negatively affected.

Notice of Appeal of Decision/Findings of Fact  
March 27, 2009  
Page 2

## I. BACKGROUND

Spyglass HOA filed its timely objection to the application to combine two adjacent lots in Spyglass Ridge, into a single lot. A copy of that letter is attached hereto as Exhibit 1.

The Developer of Spyglass Ridge, SGH Company, LLC, filed a timely objection to the application. Spyglass HOA incorporated the SGH Company, LLC objection into its own objection. A copy of the SGH Company, LLC objection is attached as Exhibit 2.

By letter dated March 5, 2009 (attached hereto as Exhibit 3), the City Attorney's Office indicated that the application would be approved, on the grounds that,

"[a]lthough the covenants provide that lots may not be further subdivided, they expressly allow 'combining portions with an adjoining Lot, provided that no additional building site is created thereby' and that '[n]ot less than one entire Lot, as conveyed, shall be used as a building site.'"

The Record of Decision was issued on March 18, 2009. A copy of that document is attached hereto as Exhibit 4.

The Director's Decision is inconsistent with the provisions of the City of Grand Junction Zoning and Development Code and with state law, in interpreting the Covenants to allow combination of entire lots.

The Director's Decision is based upon erroneous findings of fact, on the evidence made available to him about the character of the neighborhood and the intent of the Covenants.

The Director's Decision constitutes an abuse of discretion, by failing to properly apply the approval criteria set forth in the Zoning and Development Code ("Code" herein), Section 2.2.E.4.

## II. LEGAL BASIS OF REQUESTS TO OVERTURN DIRECTOR'S DECISION

A decision is arbitrary and capricious if there is no competent evidence in the record to support it. *Lieb v. Trimble*, 183 P.3d 702, 704 (Colo. App. 2008). Without competent evidentiary support, the decision must be set aside. *State Board, Med. Exam. v. Johnson*, 68 P.3d 500, 502 (Colo. App. 2002), sets out the standard by which the decision is measured:

"In determining whether an administrative agency's decision is arbitrary or capricious, the court must determine whether a reasonable person, considering all

Notice of Appeal of Decision/Findings of Fact  
March 27, 2009  
Page 3

of the evidence in the record, would fairly and honestly be compelled to reach a different conclusion. If not, no abuse of discretion has occurred and the agency decision must be upheld. Wildwood Child & Adult Care Program, Inc. v. Colo. Dep't of Pub. Health & Env't, 985 P.2d 654, 658 (Colo. App. 1999)."

Similarly, a decision that applies an erroneous legal standard cannot be sustained. *Puckett v. City & County of Denver*, 12 P.3d 313, 314 (Colo. App. 2000).

### III. SPYGLASS RIDGE COVENANTS DO NOT PERMIT COMBINING ENTIRE LOTS

In its letter, Spyglass HOA incorporated the objections submitted by SGH Company, LLC (Exhibit 2), the Developer of the Spyglass Ridge Subdivision. As set forth in the SGH Company, LLC letter, Article IX, Section 12 of the Declaration of Covenants, Conditions and Restrictions of Spyglass Ridge ("CC&Rs" herein) prohibits subdivision of a lot. The specific wording of that restriction is:

"Section 12. Lots Not to be Subdivided. No Lot shall be subdivided, except for the purpose of *combining portions* with an adjoining Lot, provided that no additional building site is created thereby. No less than one entire Lot, as conveyed, shall be used as a building site." [*emphasis added*]

The application approved does not combine any *portion* of a lot. Instead, it allows combining of two entire lots, an action not permitted in the CC&Rs. The obvious reason for the reference in the CC&Rs, Article IX, Section 12, to "combining portions" is to allow simple boundary adjustment matters, and not the total elimination of separate lots. Had total lot combination been contemplated in the Covenants, the word "portions" would not be included and would be superfluous.

The City Attorney's explanation of the decision also refers to another portion of the CC&Rs, "that '[n]ot less than one entire Lot, as conveyed, shall be used as a building site.'" This phrase does not contemplate combining lots; it does contemplate the possibility of using more than one lot in common, where a person purchases two lots.

In *Estate of McIntyre v. Lion's Ridge No. 4 Home*, 124 P.3d 860, 862 (Colo. App. 2005), the court considered the question of what constituted a "lot," between the original subdivision plat and future uses, with the restriction, "only one single family dwelling for private residence purposes shall be erected on each lot." The court relied upon *Belleview Construction Co. v. Rugby Hall Comty. Ass'n.*, 320 MD 152, 582 A.2d 493 (1990), for its decision, quoting,

Notice of Appeal of Decision/Findings of Fact  
 March 27, 2009  
 Page 4

“The court concluded that ‘each lot’ meant each lot as conveyed by the developer, and not each lot that thereafter might be created by any resubdivision. The court reasoned that ‘it almost defies common sense to suggest that although ‘lot’ obvious means a lot as conveyed by the developer virtually everywhere it is used in the deed of restrictions, it should somehow be afforded a different meaning . . . when it is used in this restriction . . .”

*Belleview Construction Co.*, 321 MD @ 159, 582 A.2d at 496.

While *Estate of McIntyre* deals with the question of resubdivision into multiple lots, and no consolidation, the principle is the same – a lot is a lot, as determined by the developer.

IV. THE DIRECTOR’S DECISION DOES NOT PROPERLY APPLY THE DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION

The application was brought under Code Section 2.2.E.4, Simple Subdivisions. The regulation specifically allows consolidation of more than one lot, and further requires the application to demonstrate, *inter alia*, (c)(4): the character of the plat and the neighborhood will not be negatively impacted.

The Director’s determination that consolidation should be allowed is a determination that the character of the plat and the neighborhood will not be negatively impacted. This is incorrect. As set forth in the Spyglass HOA objection to the application asserted that the application alters the character of the plat and the neighborhood, as follows:

“Spyglass Ridge is a comprehensively planned community. Design goals and the appeal to our members include overall appearance, and the special ambience created by that appearance. These goals are achieved by, among other things, a certain level of uniformity that was to be created by the spacing of houses. If the application is approved, the likelihood and potential of ever achieving the appearance is foreclosed, probably permanently. If combination is allowed, there will be a ‘biggest lot in the neighborhood,’ further detracting from the overall appearance of Spyglass Ridge.

The amenities provided by the Association, and the Association’s budget and future plans are premised on the number of lots platted not being reduced. Allowing the combination of two lots will impact these plans. Eventually, granting the application will lead to expenditures of time and money to demonstrate that the owner of the combined lots is obligated to pay two annual dues, and is obligated to pay two of any future assessment that might be made.”

Notice of Appeal of Decision/Findings of Fact  
March 27, 2009  
Page 5

SGH Company, LLC, also submitted character of the neighborhood evidence. The SGH Company, LLC letter described the Developer's purpose in creating the lots, and the Covenants, as well. (*See Exhibit 2, second and third paragraphs.*) The Decision destroys the purpose and intent of the overall subdivision.

Under the Code, the Director must consider the character of the neighborhood. The Director did not consider the impact on the character of the neighborhood that would result from granting the application.

V. THE DIRECTOR'S DECISION CONSTITUTES ERRONEOUS FINDINGS OF FACT BASED UPON THE EVIDENCE IN THE RECORD

The record contains no evidence that combining lots would not negatively impact the plat and neighborhood. The only record as to the character of the neighborhood are those submitted in the objections, demonstrating both the plat and the neighborhood will be negatively impacted. *See, Section IV, above, quotation from Spyglass HOA objection and citation to SGH Company, LLC objection.* There is no evidence that granting the application would not affect the character of the neighborhood. As such, the Director's Decision is wholly unsupported by fact. The finding implied by approval that the character of the neighborhood will not be impacted, is erroneous, so the Decision must be overturned.

VI. THE DIRECTOR'S DECISION IS ARBITRARY, CAPRICIOUS, AND/OR AN ABUSE OF DISCRETION


As set forth in Part V, there is no evidence in the record supporting a determination that the character of the neighborhood will not be negatively impacted. Where a decision is not supported by any competent evidence, the decision is arbitrary, capricious, and/or an abuse of discretion.

WHEREFORE, the Appellant respectfully requests that the Commission overturn the Decision of the Director, and deny the application for combination of lots, and prohibit any further approval and the filing of the proposed plat.

Notice of Appeal of Decision/Findings of Fact  
March 27, 2009  
Page 6

RESPECTFULLY SUBMITTED this 27th day of March, 2009.

SPYGLASS RIDGE HOMEOWNERS  
ASSOCIATION, INC. BOARD OF DIRECTORS  
By THE HASSLER LAW FIRM, P.C.

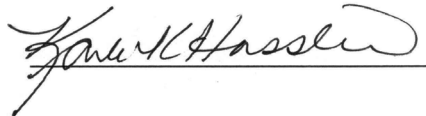
By   
Alan N. Hassler, Attorney for the  
Board of Directors

CERTIFICATE OF SERVICE

I certify that on this 27th day of March, 2009, I deposited a true and correct copy of the foregoing NOTICE OF APPEAL OF DECISION/FINDING OF FACT, with referenced exhibits, in the United States mail, with sufficient first class postage prepaid, addressed to:

Shelly S. Dackonish, Esq.  
Senior Staff Attorney  
City of Grand Junction, City Attorney  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

Rob Martindale  
190 Desert Vista Court  
Whitewater, Colorado 81527





**RECORD OF DECISION / FINDINGS OF FACT**

DATE: March 18, 2009  
 FILE: SS-2009-015  
 LOCATION: 2670 Lookout Lane

PETITIONER: Richard Overholt and Loretta Rector  
 2670 Lookout Lane  
 Grand Junction, CO 81503  
 270-2334

REPRESENTATIVE: Rob Martindale  
 190 Desert Vista Court  
 Whitewater, CO 81527  
 256-0687

PLANNER: Ronnie Edwards

PROJECT IS: **Approved**

The Grand Junction Community Development Department, in accordance with Section 2.2.E.4.c of the Zoning and Development Code, approves the subdivision plat for the R & L Subdivision. Final recordation of the plat will need the following fees:

- \$ 15.50 to City of Grand Junction for copy fees
- \$ 11.00 to Mesa County Clerk and Recorder for recording the mylar plat

An electronic copy of the final plat shall be provided to Virginia Breckon of our GIS Department at [virginib@gjcity.org](mailto:virginib@gjcity.org) along with the mylar, surveyor checklist and current title work for staff review and signatures.

All development projects are subject to a ten day waiting period to allow for any appeal actions per Section 2.18 of the Zoning and Development Code. Staff has supplied a copy of this section with this letter. Concerned neighbors will also be notified of this approval should they wish to request an appeal of this action per the approval criteria in Section 2.18.C.1 of the Zoning and Development Code.

Respectfully,

Ronnie Edwards – [rhondae@gjcity.org](mailto:rhondae@gjcity.org) – 256-4038

City of Grand Junction Review Comments			
<b>Date:</b> February 17, 2009	<b>Comment Round No.</b> One	<b>Page No.</b> 1	<b>of 3</b>
<b>Project Name:</b> R & L Subdivision		<b>File No:</b> SS-2009-015	
<b>Project Location:</b> 2670 Lookout Lane (Spyglass #2)			
<b>Check appropriate</b> <input checked="" type="checkbox"/> <b>if comments were mailed, emailed, and/or picked up.</b>			
<b>Property Owner(s):</b> Richard Overholt and Loretta Rector			
<b>Mailing Address:</b> 2670 Lookout Lane 81503			
<b>Email:</b>		<b>Telephone:</b> 270-2334	
<b>Date Picked Up:</b>		<b>Signature:</b>	
<b>Representative(s):</b> Surveyor – Rob Martindale			
<b>Mailing Address:</b> 190 Desert Vista Ct, Whitewater, 81527			
<b>Email:</b> rcm27@msn.com		<b>Telephone:</b> 256-0687	
<b>Date Picked Up:</b>		<b>Signature:</b>	
<b>Developer(s):</b>			
<b>Mailing Address:</b>			
<b>Email:</b>		<b>Telephone:</b>	
<b>Date Picked Up:</b>		<b>Signature:</b>	
<b>CITY CONTACTS</b>			
<b>Project Manager:</b> Ronnie Edwards			
<b>Email:</b> rhondae@gjcity.org		<b>Telephone:</b> 256-4038	
<b>Back up Planner:</b>			
<b>Email:</b>		<b>Telephone:</b>	
<b>Development Engineer:</b> Ken Fischer		<b>Telephone:</b> 244-1451	

## City of Grand Junction REQUIREMENTS (with appropriate Code citations)

### COMMUNITY DEVELOPMENT

Requirement: 1. In this particular instance, there will be two drawings to record. The regular plat, which will show the one lot as proposed with appropriate dedication language, etc. The second drawing may be an 8 1/2 X 11 or 11 X 17 and labeled Special Building Lot Considerations and must show the "view shed" and "slope setback/no disturbance" areas. The City Surveyor does not feel it appropriate to put that information on the regular subdivision plat.

2. Per the City Utility Engineer, a \$1,104.00 lift station impact fee is required to be paid with final approval and plat recordation, as the impact fee was based on a set number of lots within the original subdivision. All other recordation fees will be calculated upon final approval.

Note: Within the Architectural Standards and Guidelines are specific notes concerning Fencing as to height, material and location, besides requiring approval sign-off from the ACC. The City Planning department can only make you aware of these requirements as the ACC must enforce their own regulations.



Note: Applicants need to be aware that Planning Staff has received letters from David Behrhorst of SGH Company, LLC and Spyglass Ridges Homeowners Association, Inc. requesting that staff deny this application as it is in violation of the Subdivision Covenants. As previously stated, Staff cannot enforce private subdivision regulations, but must review all projects with the review criteria as stated in the Zoning and Development Code. A copy of these letters are included.

Code Reference:

Applicant's Response:

Document Reference:

Item 1. I am not sure that it would necessary to re-record a document that is already recorded in the Mesa County Clerk and Recorder's Office. I have referenced the Book and Page of the Special Building Lot Considerations that is currently of record within item 2 of the notes located in the lower left corner of the plat.

Item 2. The applicant agrees to pay the \$1,104.00 lift station impact fee.

**CITY DEVELOPMENT ENGINEER**

Requirement: Round 1

Review Comment: Provide the size of the sanitary sewer and water lines. Also provide the location of the water and sewer services for both lots.

Code Reference: Submittal Standards for Improvements and Development (SSID), page V-02, item J.

Review Comment: Provide contours

Code Reference: SSID, page V-02, item Q.

Review Comment: The requirement for the Professional Engineer stamp will be waived with the use of a Professional Land Surveyor stamp

Code Reference: SSID, page V-02, item J.

Applicant's Response:

Applicant's Response:

Document Reference:

The size of the sanitary sewer and water lines has been added to the Composite Plan. Also the location of the water and sewer services has been added based on As-built locations provided by Orchard Mesa Sanitation District.

**CITY SURVEYOR**

Requirement: REVIEW COMMENTS:

Within the descriptive reference at the top center of the sheet, beneath the title, include the recording information for the noted subdivision plat name. (K)

Within the descriptive reference at the top center of the sheet, the abbreviations T and R appear but are not included in the Legend. The letter R is currently used for Radius. (N)

Additional 'ties' shall be shown to other existing points within the subdivision so that the location of this replat can be verified. (11b)

A boundary monument shall be indicated at the Northerly end of the 41.26 foot dimension.

Within the Dedication and Notary Certification, there are several instances of not using the correct plural nouns within the paragraphs.

Code Reference:

Applicant's Response:

Document Reference:

The recording information has been added to the information under the title on the Plat.  
The abbreviations T and R have been spelled out as 'Township' and 'Range' on the Plat.  
Additional ties have been shown to verify the location of this re-plat.  
The boundary monument has been added at the Northerly end of the 41.26' dimension.  
The dedication was reviewed and corrected in several locations.

**REVIEW AGENCIES**

(Responding with "No Comment" or have not responded as of the due date)

**The following Review Agencies have responded with "No Comment."**


1. Mesa County Building Dept.

The Petitioner is required to submit Packets, labeled as "**Response to Comments**" for the following agencies: Project Manager, Project Engineer, and City Surveyor

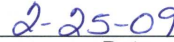
Date due: May 17, 2009

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**



Applicant's Signature



Date



Customer Service Division  
250 N 5th Street, Grand Junction, CO 81501

TREASURER'S RECEIPT

DATE: 2-19-09		DOCUMENT #: J		129425						
RECEIVED OF: Overholt / Rector										
YR	INDEX	FUND	ORGN	ACCT	PRG	ACTVTY	AMOUNT	CK	CS	CC
DESCR: sunglasses lot 174 lift station fee										
							1104-			✓
DESCR: 900 615 090 4340 13										
DESCR:										
DESCR:										
DESCR:										
DESCR:										
CITY STAFF: [Signature]										
GRAND TOTAL..							1104			✓

**PAID**  
FEB 19 2009  
**RB**

City of Grand Junction Review Comments	
<b>Date:</b> March 19, 2009	<b>Comment Round No.</b> Two <b>Page No.</b> 1 of 2
<b>Project Name:</b> R & L Subdivision	<b>File No:</b> SS-2009-015
<b>Project Location:</b> 2670 Lookout Lane (Spyglass #2)	
<b>Check appropriate</b> <input checked="" type="checkbox"/> <b>if comments were mailed, emailed, and/or picked up.</b>	
<b>Property Owner(s):</b> Richard Overholt and Loretta Rector	
<input type="checkbox"/> <b>Mailing Address:</b> 2670 Lookout Lane 81503	<b>Telephone:</b> 270-2334
<input type="checkbox"/> <b>Email:</b>	<b>Signature:</b>
<input type="checkbox"/> <b>Date Picked Up:</b>	
<b>Representative(s):</b> Surveyor – Rob Martindale	
<input type="checkbox"/> <b>Mailing Address:</b> 190 Desert Vista Ct, Whitewater, 81527	<b>Telephone:</b> 256-0687
<input type="checkbox"/> <b>Email:</b> rcm27@msn.com	<b>Signature:</b>
<input type="checkbox"/> <b>Date Picked Up:</b>	
<b>Developer(s):</b>	
<input type="checkbox"/> <b>Mailing Address:</b>	<b>Telephone:</b>
<input type="checkbox"/> <b>Email:</b>	<b>Signature:</b>
<input type="checkbox"/> <b>Date Picked Up:</b>	
<b>CITY CONTACTS</b>	
<b>Project Manager:</b> Ronnie Edwards	
<b>Email:</b> rhondae@gjcity.org	<b>Telephone:</b> 256-4038
<b>Back up Planner:</b>	
<b>Email:</b>	<b>Telephone:</b>
<b>Development Engineer:</b> Ken Fischer	
	<b>Telephone:</b> 244-1451

Responded by  
durg / wtk  
2/27/09

## City of Grand Junction REQUIREMENTS (with appropriate Code citations)

### COMMUNITY DEVELOPMENT

- Requirement: 1. In lieu of recording a second document demonstrating the restrictive areas, the planner will put a note on our copy of the recorded document once received to make our front counter staff aware should existing or future property owners wish to construct any fencing or accessory structures on the site.
2. Applicant needs to be aware that all Administrative Decisions can be appealed by adjacent property owners and the public. Any appeal must be in writing and provided to the Planning Department within 10 days of the decision date by Staff. Section 2.18 of the Zoning and Development Code contains the procedures.

Note: Applicants need to be aware that Planning Staff has received letters from David Behrhorst of SGH Company, LLC and Spyglass Ridges Homeowners Association, Inc. requesting that staff deny this application as it is in violation of the Subdivision Covenants. As previously stated, Staff cannot enforce private subdivision regulations, but must review all projects with the review criteria as stated in the Zoning and Development Code.

Applicant's Response:  
Document Reference:

**CITY DEVELOPMENT ENGINEER**

Requirement: No further comments.

Applicant's Response:  
Document Reference:

**CITY SURVEYOR**

Requirement: There are no additional suggestions or comments regarding this submittal.

A field inspection will be performed immediately upon receipt of the mylar and prior to recordation of the plat to confirm that exterior boundary monuments are in place, embedded in concrete and marked as depicted on the map.

Applicant's Response:  
Document Reference:

The Petitioner is required to submit Packets, labeled as "Response to Comments" for the following agencies: Project Manager  
Date due: June 19, 2009  
Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



March 5, 2009

David G. Behrhorst, Manager  
 SGH Company, LLC  
 1280 Ute Avenue, #32  
 Aspen, CO 81611

Kody Zubrod, Earl Nicholson, David Behrhorst, Megal Litten, Kenneth Rosenblatt, Joshua Starr and Rebekah Zeck, Board of Directors  
 Spyglass Ridge Homeowners Association, Inc.  
 2694 Lookout Lane  
 Grand Junction, CO 81503

Re: R&L Subdivision, #SS-2009-015

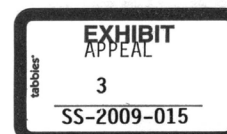
Dear Skip and Spyglass Ridge Homeowners Association Board of Directors:

This letter is a response to your letters to Tim Moore dated January 29, 2009 and January 31, 2009 objecting to the R & L Subdivision, which involves a replat combining two lots within the Spyglass Ridge Subdivision. Although the City has previously responded verbally, you have requested a response in writing. The purpose of this letter is to satisfy that request.

You have argued that the covenants for Spyglass Ridge Subdivision, the lift station agreement between SGH Company, LLC and the City, and the Colorado Common Interest Ownership Act prohibit the lot combination requested by Richard Overholt. In fact, although the covenants provide that lots may not be further subdivided, they expressly allow "combining portions with an adjoining Lot, provided that no additional building site is created thereby" and that "[n]ot less than one entire Lot, as conveyed, shall be used as a building site." Regarding the lift station issues, Mr. Overholt, has paid a lift station impact fee for both lots, and I am unaware of any terms of the lift station agreement which would prohibit lot combinations in Spyglass Ridge Subdivision. I am likewise unaware of any provisions of CCIOA that prohibit a lot combination in this situation.

Regarding the matter of the fence, the City of Grand Junction enforces only City ordinances; it does not enforce the architectural standards of the covenants, conditions and restrictions.

While I appreciate your concerns, those concerns do not provide a sound legal basis for the City to deny Mr. Overholt's request to combine the two adjacent lots he owns. Thank you for your comments and please feel free to contact me if you would like to discuss this further.





CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

A handwritten signature in black ink, appearing to read "Shelly S. Dackonish", written over a horizontal line.

Shelly S. Dackonish, Senior Staff Attorney

cc: Ronnie Edwards, Associate Planner  
Tim Moore, Director of Public Works and Planning  
Richard Overholt



January 31, 2009

Hand Delivered

City of Grand Junction  
Planning Division  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: R & L Subdivision  
SS-2009-015

Dear Sirs:

The Board of Directors of the Spyglass Ridge Homeowners Association objects to the proposal to combine two (2) single family Spyglass Ridge lots into one (1) lot. The Association asks that you find the application alters the character of the plat and of the neighborhood, and to deny the application as required by the City's regulations.

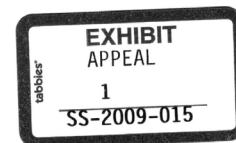
Spyglass Ridge is a comprehensively planned community. Design goals and the appeal to our members include overall appearance, and the special ambience created by that appearance. These goals are achieved by, among other things, a certain level of uniformity that was to be created by the spacing of houses. If the application is approved, the likelihood and potential of ever achieving the appearance is foreclosed, probably permanently. If combination is allowed, there will be a "biggest lot in the neighborhood," further detracting from the overall appearance of Spyglass Ridge.

The amenities provided by the Association, and the Association's budget and future plans are premised on the number of lots platted not being reduced. Allowing the combination of two lots will impact these plans. Eventually, granting the application will lead to expenditures of time and money to demonstrate that the owner of the combined lots is obligated to pay two annual dues, and is obligated to pay two of any future assessment that might be made.

The Application includes a plan to fence a portion of the new lot. The fence permit was granted, conditioned on approval of the subdivision and upon ACC approval of the fence. There has been no application or approval of the fence described in the permit. Previously, the ACC and Applicant arrived at a mutual verbal agreement for a two rail fence along the front setback line and the western boundary of Lot 174. The permit for use of a six and four foot cedar fence is outside the agreement and would violate the fencing restrictions for the lot.

The Association is aware of the letter presented on behalf of SGH Company, LLC, and joins in the objections and reasons set forth in that letter. It is clear that subdivision is prohibited by the covenants, and that subdivision or resubdivision is an effort to revamp a plat as the applicant seeks. The Association asks that you deny the application to preserve the special character of the neighborhood and the plat.


2694 Lookout Lane Grand Junction, CO 81503  
Office: 970.424.5600 Email: spyglassridge@bresnan.net

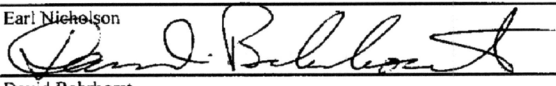


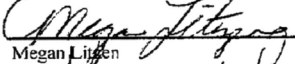


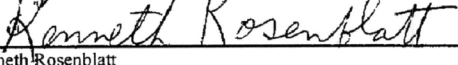
Sincerely,

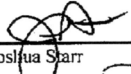
Spyglass Ridge Homeowners Association, Inc.  
Board of Directors


  
\_\_\_\_\_  
Kody Zubrod

Earl Nicholson  
  
\_\_\_\_\_  
David Behrhorst

  
\_\_\_\_\_  
Megan Litten

  
\_\_\_\_\_  
Kenneth Rosenblatt

  
\_\_\_\_\_  
Joshua Starr

  
\_\_\_\_\_  
Rebekah Zeck

City of Grand Junction  
January 31, 2009  
Page 2

resubdivision is any effort to revamp a plat as the applicant seeks. The Association asks that you deny the application to preserve the special character of the neighborhood and the plat.

Sincerely,

Spyglass Ridge Homeowners Association, Inc.  
Board of Directors

Kody Zubrod



Earl Nicholson

David Behrhorst

Megan Litzen

Kenneth Rosenblatt

Joshua Starr

Rebekah Zeck

**SGH COMPANY, LLC  
1280 Ute Avenue, #32  
Aspen, CO 81611**

January 27, 2009

City of Grand Junction  
Planning Division  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: R & L Subdivision  
SS-2009-015

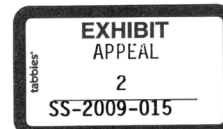
Dear Sir:

As the developer of Spyglass Ridge Subdivision and the owner of a majority of the lots in the Subdivision, SGH Company, LLC objects to the above-referenced request which seeks to combine two (2) single family lots into one (1) lot.

Spyglass Ridge Subdivision was developed after careful planning to address natural issues, such as topography, and market issues, such as view corridors, size and type of housing products, community amenities, etc. Through utilization of a zoning overlay and very comprehensive covenants and design guidelines, the nature and character of the development was created. This nature and character was based upon the total lots in the development and the specific location of each lot.

The covenants for Spyglass Ridge and the Colorado Common Interest Ownership Act ("CCIOA") establish very defined procedures and responsibilities for each lot owner and the homeowner's association ("HOA"). The HOA budget is based upon the number of lots in the Subdivision and pursuant to CCIOA the budget is allocated pro rata as assessments against each lot. This structure does not accommodate a merger of two (2) lots into one (1) lot. Article IX, Section 12 of the covenants prohibits subdivision of a lot. Although the obvious prohibition is against the creation of additional lots, the prohibition is against any re-subdivision.

As part of the infrastructure for Spyglass Ridge the City and SGH Company, LLC entered into an agreement whereby the City acquired ownership of a sewer lift station. This agreement provides for an increased sewer fee based upon the total number of lots in the development. Reduction of the number of lots, the result if this application is approved, is contrary to the terms of the lift station agreement.



City of Grand Junction  
January 29, 2009  
Page 2

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Every owner in Spyglass Ridge receives an extensive package of documents including the subdivision covenants and design guidelines. Further, each purchase agreement contains additional provisions detailing the subdivision review process for new construction and contains an acknowledgement by the purchaser that they have received a copy of the subdivision covenants.

The proposed subdivision application is in violation of the Spyglass Ridge covenants, the lift station agreement with the City and is detrimental to the operational and financial integrity of the homeowners association and should be denied.

Please feel free to contact me if you have any questions.

Sincerely yours,

SGH COMPANY, LLC

By: s/ David G. Behrhorst  
David G. Behrhorst, Manager



DEVELOPMENT APPLICATION

Public Works & Planning 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"/> Annexation/Zone of Annexation	<input type="checkbox"/> Growth Plan Amendment	<input type="checkbox"/> Sign Package Permit
<input type="checkbox"/> Boundary Agreement	<input type="checkbox"/> Historic Designation	<input type="checkbox"/> Site Plan Review-Major
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Site Plan Review-Minor
<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Minor Change	<input type="checkbox"/> Subdivision Plat/Plan-Major Final
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Planned Development-Final	<input type="checkbox"/> Subdivision Plat/Plan-Major Preliminary
<input type="checkbox"/> Condominium Plat	<input type="checkbox"/> Planned Development-ODP	<input checked="" type="checkbox"/> Subdivision Plat/Plan-Simple
<input type="checkbox"/> Extension of Time	<input type="checkbox"/> Planned Development-Preliminary	<input type="checkbox"/> Vacation-ROW/Easement
<input type="checkbox"/> Floodplain Permit	<input type="checkbox"/> Revocable Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Grading Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Other _____

**Please fill in blanks for Zone of Annexations, Rezones, and Growth Plan Amendments:**

Existing Land Use Designation \_\_\_\_\_ Existing Zoning \_\_\_\_\_  
Proposed Land Use Designation \_\_\_\_\_ Proposed Zoning \_\_\_\_\_

Site Location: 2670 Lookout Ln GJ CO 81503

Site Tax No.(s): 2945-204-45-100 Site Acreage/Square footage: \_\_\_\_\_ Site Zoning: R-2 / Cluster

Project Description: Reflecting the information + description on the Mesa County Assessor (Combine 185 173 + 174 in Spyglass Ridge #2 into 1 lot 2670 Lookout Ln)

Richard Overholt/Loretta Rector	Same	Same
Property Owner Name	Developer Name	Representative Name
2670 Lookout Ln GJ CO 81503	_____	_____
Address	Address	Address
GJ CO 81503	_____	_____
City/State/Zip	City/State/Zip	City/State/Zip
970-270-2334	970-216-3914	_____
Business Phone No.	Business Phone No.	Business Phone No.
_____	_____	_____
E-Mail	E-Mail	E-Mail
_____	_____	_____
Fax Number	Fax Number	Fax Number
Same as above	_____	_____
Contact Person	Contact Person	Contact Person
_____	_____	_____
Contact Phone No.	Contact Phone No.	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.

	1-13-09
Signature of Person Completing Application	Date
	1-13-09
Required Signature of Legal Property Owner(s) - attach additional sheets if necessary	Date

GENERAL PROJECT REPORT  
2670 LOOKOUT LN  
GRAND JUNCTION, CO 81503

Location: 2670 Lookout Lane  
Grand Junction, CO 81503

Acreage: .480 acres

Proposed Use: Combine two lots into one lot for the purpose of increasing the size of our yard.

While there will not be a direct benefit to the general public by allowing us to combine our lots, there will not be any negative impact to the public by allowing the lots to be consolidated into one lot. We are requesting the consolidation to allow for a larger yard. We do not have plans to erect outbuildings, or request a change in zoning or usage. Our plans are to landscape the new portion of our lot.

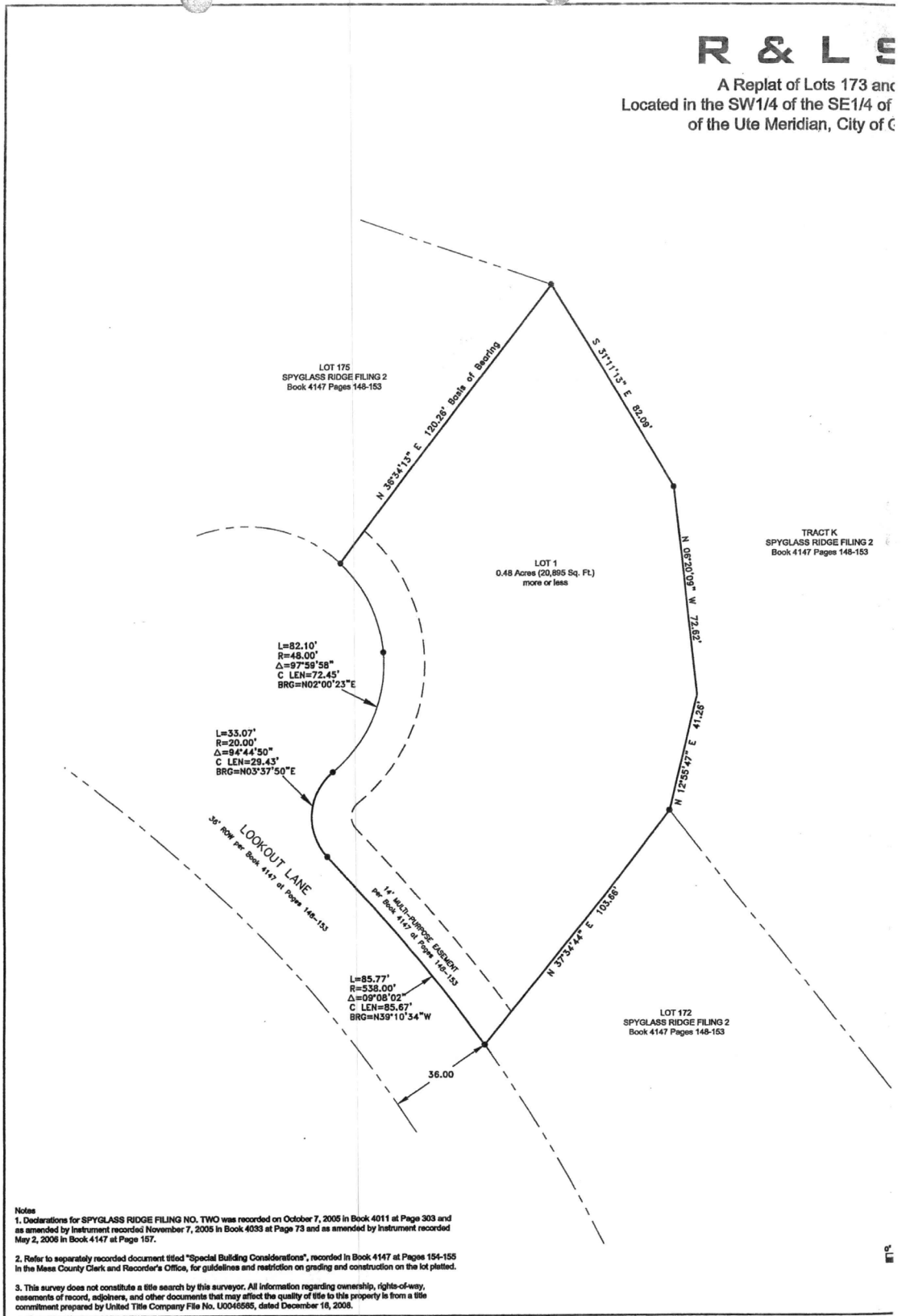
A neighborhood meeting is not required.

The use fits in with the surrounding area. It will continue to be residential, and will not impact site access or traffic patterns. If anything, it will decrease traffic in the cul-de-sac by decreasing the number of single family homes by one home. This will also cause less of an impact on police, fire, sanitation and water facilities.

There will not be any impact on right of ways or existing easements.

# R & L E

A Replat of Lots 173 and  
 Located in the SW1/4 of the SE1/4 of  
 of the Ute Meridian, City of C



**Notes**

1. Declarations for SPYGLASS RIDGE FILING NO. TWO was recorded on October 7, 2005 in Book 4011 at Page 303 and as amended by instrument recorded November 7, 2005 in Book 4033 at Page 73 and as amended by instrument recorded May 2, 2006 in Book 4147 at Page 157.
2. Refer to separately recorded document titled "Special Building Considerations", recorded in Book 4147 at Pages 151-155 in the Mesa County Clerk and Recorder's Office, for guidelines and restriction on grading and construction on the lot platted.
3. This survey does not constitute a title search by this surveyor. All information regarding ownership, rights-of-way, easements of record, adjoiners, and other documents that may affect the quality of title to this property is from a title commitment prepared by United Title Company File No. U0046565, dated December 16, 2005.

